

Part 38A Tuakau Industrial Services Zone (TISZ): Subdivision Provisions

Part 38A does not apply to any area identified as 'Agricultural services activities' on any map in [Part 54](#). Such areas shall be subject to the subdivision provisions of the Rural Zone.

38A.1 Controlled Activities

Within the TISZ the activities listed below are Controlled activities.

All controlled activities shall be assessed against the provisions of [Rule 38A.6](#) Assessment Criteria for Controlled Activities and must comply with the [Rule 38A.5](#) Development Standards for Permitted and Controlled Activities.

Subject to the relevant provisions of the Act the Council will grant consent to these activities, but may impose conditions relating to those matters over which the Council has reserved control, which are those matters set out in [Rule 38A.6](#) Assessment Criteria for Controlled Activities.

The information submitted with the application must meet the requirements of [Part 52](#) and be sufficient to enable a thorough assessment in terms of the provisions of [Rule 38A.6](#) Assessment Criteria for Controlled Activities and [Rule 38A.5](#) Development Standards.

The Council may process applications under Rule 38A.1 Controlled Activities on a non-notified basis and it need not serve notice of any application, as provided for under the relevant provisions of the RMA.

1. Subdivision that does not create lots that comprise more than one zone and that gives effect to the intent of the structure plan located in [Part 54](#) creating new and balance lots of 1000m² net area or larger.
2. Subdivision that does not create lots that comprise more than one zone and that is consistent with a landuse consent.
3. Any adjustment or realignment of existing lot boundaries that gives effect to the intent of the relevant structure plan located in [Part 54](#) where no additional allotments are created and the resulting lot sizes will not be less than 1000 square metres.
4. Any adjustment or realignment of existing lot boundaries that gives effect to the intent of the relevant structure plan located in [Part 54](#), where no additional allotments are created and where the land area of both lots will alter by 10% or less and neither allotment has been subject to a previous boundary adjustment or realignment.

38A.2 Restricted Discretionary Activities

The following Restricted Discretionary activities require resource consent. Applications will be assessed in terms of the matters set out in [38A.7](#). Subject to the relevant provisions of the Act, the Council may grant or refuse consent. In the event that Council grants consent, conditions may be imposed. The conditions can only relate to the matters set out in [38A.7](#).

1. Activities within 20 metres of a TRANSMISSION GAS PIPELINE where written approval has not been obtained from the service provider.

38A.3 Discretionary Activities

Waikato District Plan - Waikato Section

Within the TISZ the activities listed below are Discretionary activities.

These activities require resource consent, and, subject to the relevant provisions of the Act, the Council may grant or refuse consent. In the event that Council grants consent, conditions may be imposed in accordance with the relevant subdivision provisions of the Act.

An application must be submitted in the prescribed format (available from the Council). The information to be submitted with the application must meet the requirements of [Rule 52](#) and be sufficient to enable thorough consideration in terms of:

- [Rule 53](#) Assessment Criteria for Resource Consent Applications, and
- [Rule 38A.5](#) Development Standards for Permitted and Controlled Activities, and
- [Rule 38A.8](#) Assessment Criteria for Discretionary Activities, and
- the purpose and character of the TISZ ([Part 37A](#)), and
- the objectives and policies of the District Plan, especially those set out in [Part 37A](#), and
- Part 2 of the RMA

An application for a discretionary activity will be considered under the relevant sections of the Act and may be processed on a notified basis or with notice being served if the Council considers the adverse effect on the environment to be more than minor or if it deems people to be potentially adversely affected.

1. Subdivision that would be a permitted or controlled activity but does not comply with one or more of the development standards set out in [Rule 38A.5](#).

38A.4 Non-Complying Activities

Within the TISZ the activities listed below are Non-complying activities.

Non-complying activities require a resource consent and consent may be granted or refused. In the event resource consent is granted conditions may be imposed in accordance with the relevant subdivision section/s of the Act.

An application for resource consent must be submitted in the prescribed format (available from the Council) and the information submitted must meet the requirements of [Part 52](#) enabling a thorough assessment of the proposal in terms of its affect on the environment, the relevant provisions of the district plan, particularly its objectives and policies, and Part 2 of the Act.

Applications will be assessed in terms of the matters set out in [Part 53](#), the purpose and character of the TISZ ([Part 37A](#)), the Objectives and Policies of the Plan, especially those set out in [Part 37A](#), and where appropriate, [Rule 38A.6](#) Assessment Criteria for Controlled Activities and [Rule 38A.8](#) Assessment Criteria for Discretionary Activities.

An application for a non-complying activity will be considered under the relevant sections of the Act and may be processed on a notified basis or with notice being served if the Council considers the adverse effect on the environment to be more than minor or it deems people to be potentially adversely affected.

1. All subdivision not provided for by the foregoing rules.
2. Any lot less than 1000 square metres in area and for which land use consent for the proposed activity on the lot has not been obtained, except that network utility subdivision is exempt from these provisions.

38A.5 Development Standards for Permitted and Controlled Activities

38A.5.1 FRONTAGE TO ROAD

1. Front sites: A minimum site frontage of 20 metres must be provided.
2. Corner sites: A minimum site frontage of 15 metres along both road frontages must be provided.
3. Rear sites: A minimum site frontage of 7.5 metres must be provided.

Explanation

Minimum site frontages are required to enable comprehensive landscaping to be established on each site, thereby maintaining the amenity of the streetscape.

The reduced frontage required for corner sites is considered appropriate because, in effect, a frontage of 30 metres is being created. A lesser frontage would compromise safe vehicle ingress/egress in relation to the intersection of the roadways.

38A.5.2 VEHICLE CROSSINGS

1. All SITES

No SITE shall have more than one vehicle crossing. The dimensions of the crossing shall be as follows:

Maximum width at SITE boundary	Maximum width at the curb of the road
6 metres	Width at boundary + 3 metres

2. Council's Policy
Unless otherwise stated, vehicle crossings between sites and the edge of the formation (kerb-line) of any road or service lane shall comply with Council's policy, set out in [Rule 29.5.8](#) (1).
3. Vehicle crossings and state highways
Before any access onto a state highway is acquired, the written approval of New Zealand Transport Agency shall be obtained.

Explanation

To enhance the amenity, functioning and safety of the roadway, it is necessary to control the number and width of vehicle crossings.

Vehicle crossings pose potential safety risks to vehicles, pedestrians and cyclists moving along the road; they create points of potential vehicular, pedestrian and cycle conflict. In addition, they reduce the availability of on-road parking.

Increased numbers and widths of vehicle crossings also preclude the establishment of comprehensive, well-designed site frontages and hence a proliferation of vehicle crossings can appreciably detract from the amenity of the streetscape.

The nature of the activities for which the TISZ is intended is such that sites are relatively small and hence only one vehicle crossing is required on each road frontage.

Wider vehicle crossings would compromise the ability to cater for the under-grounding of services. The relationship between minimum frontage and maximum vehicle crossing width enables under grounding of services.

These standards provide for vehicle crossings that are wide enough to enable the efficient movement of large vehicles.

38A.5.3 DRIVEWAYS

1. The gradient of a driveway shall not exceed 12%.

Explanation

Driveways with a gradient in excess of 12% significantly reduce the functionality of lots.

Driveways with a gradient in excess of 12% significantly reduce a lot's versatility for a range of activities.

2. No driveway serving a rear SITE shall have a length exceeding 50 metres.

Explanation

Within the context of the relatively small-scale character of the TISZ (see [Part 37A](#)), driveways in excess of 50 metres significantly reduce the relationship of the rear site to the roadway creating lengthy spaces that may not be readily observed and so are inconsistent with crime prevention by design.

3. All DRIVEWAYS shall have a formed/sealed width of at least 6 metres and shall serve no more than 4 lots or 4 BUSINESS UNITS. Where more than 4 lots or 4 business units are to be served, a road constructed to public standards and in accordance with [Rule 38A.5.7](#) shall be provided.

Explanation

Where no more than 4 lots are served:

The sealed driveway should not be narrower than 6 metres because this width is required to enable the efficient movement of the vehicles that are typically required for SERVICE RETAIL activities.

Where more than 4 lots are served, a road constructed to public standards and in accordance with [Rule 38A.5.7](#) will enhance the amenity, functioning and safety of the roadway.

38A.5.4 PEDESTRIAN WAYS

1. Each front or corner SITE may provide pedestrian ways perpendicular to the front boundary extending through the front YARD and extending through the required area of planting provided that there is no more than 1 pedestrian way for every 30 metres (or part thereof) of frontage.
2. YARDS may contain pedestrian ways.
3. Each REAR SITE may provide one pedestrian way adjacent to the driveway.
4. The width of any pedestrian way shall not exceed 1.5 metres.

Explanation

Pedestrian access is required to the SITE itself and may also be required to an adjacent SITE, e.g. a recreation reserve. It is thus appropriate to provide dedicated pedestrian access. However, pedestrian ways should not be so wide as to compromise the integrity of YARDS and amenity planting requirements. More than one pedestrian way is appropriate where the boundary of a SITE is long.

38A.5.5 YARDS

1. Where a TISZ SITE has a common boundary with any of the following (listed as 1a) – e) below), an amenity YARD with a minimum depth of 5 metres shall be observed along the entire length of that boundary. Pedestrian ways (Rule 38A.5.4) can be located within the amenity YARD.
 - (a) a public road, except in the TISZ along Road J, in which case a YARD with a minimum depth of 7.5 metres shall be observed
 - (b) open space reserve/recreation reserve/covenanted bush
 - (c) any SITE not zoned TISZ or TIZ
 - (d) land designated for motorway/state highway purposes
 - (e) railway reserve
2. All amenity YARDS shall be planted in accordance with [Rule 39A.6.3](#).
3. YARDS shall not be used for storage purposes

Explanation

The separation of business buildings and business activities in the TISZ from transport corridors, open spaces, parks and potentially more sensitive zones, is essential to maintain an acceptable level of amenity along and adjacent to the latter elements.

The separation of business buildings and business activities in the TISZ from zones which have the potential to create adverse effects in the TISZ, is essential to maintain an acceptable level of amenity in the TISZ.

YARDS serve to enhance the amenity of an area by:

- *insulating the effects of various activities*
- *promoting an 'open' and uncluttered perspective*
- *avoiding a 'tunnel view corridor'.*

YARDS also enable comprehensive vegetative planting to occur on SITES. This planting serves to maintain an acceptable level of amenity:

- *along transport corridors, open spaces and parks*
- *in other potentially more sensitive zones*
- *in the TISZ itself.*

With respect to Rule 38A.5.5(1)(a),(b) and (c), the separation of business buildings and business activities in the TISZ from more sensitive land uses, such as residential and reserve land, is essential to maintain an acceptable level of amenity in these more sensitive areas. The separation distance also enables an appropriate degree of landscaping to be provided on SITE to further aid the visual insulation of the business area/SITE and maintain surrounding amenity levels.

With respect to Rule 38A.5.5(1)(c), the separation of business buildings and business activities in the TISZ from activities that potentially have greater adverse effects, is essential to maintain an acceptable level of amenity within the TISZ and to manage potential REVERSE SENSITIVITY effects of the TISZ on those other zones. The separation distance also enables an appropriate degree of landscaping to be provided on SITE to further aid the visual insulation of the business area/SITE and maintain amenity levels in the TISZ.

4. Road widening designations

Where a 'road widening' designation applies, the YARD requirement stipulated in Rule 38A.5.5(d) will apply in addition to the "road widening" designation requirement. For 'road widening' designations refer to the planning maps.

Explanation

The 5 metre YARD required by Rule 38A.5.5(d) should be maintained, even if roads are widened.

38A.5.6 AMENITY PLANTING

All public spaces (e.g. roads, parks) shall be planted with vegetation in accordance with the relevant structure plan. A landscape and planting plan showing the proposed soft (vegetative) and hard (built) planting and landscaping must be provided to the Council as part of all subdivision applications where public space is proposed. Where planting is to occur under or adjacent to overhead electricity lines, all planting shall be undertaken in accordance with the Electricity (Hazards from Trees)

Regulations 2003.

Explanation

Planting and landscaping of public areas greatly enhances the amenity of an area and establishes the character for a locality thereby encouraging commensurate levels of landscaping on adjacent privately owned land.

38A.5.7 ROADING STANDARDS

1. All roads created as part of a subdivision must be in accordance with the Council's current Engineering Code of Practice.
Advisory Note:
The Hamilton Infrastructure Technical Specifications is Council's current Engineering Code of Practice.
2. Where roading provisions are set out in the relevant structure plan, the roading must be in accordance with the locations shown and standards stated in the relevant structure plan.

Explanation

It is acknowledged that roading performs various functions, including the following:

- *Provides for movement of pedestrians, cyclists and motorists*
- *Contributes to the character of an area*
- *Provides for network utility infrastructure*

Roading shall reflect these functions.

38A.5.8 EXISTING BUILDINGS AND ACTIVITIES TO COMPLY

Subdivision shall not result in any existing buildings or activities ceasing to comply with the development and performance standards of the Zone or the terms and conditions of any resource consent under which they were established.

Explanation

This rule seeks to ensure that the existing effects and environmental outcomes arising from any existing land use activity are not worsened by the creation of inappropriate boundary locations.

Subdivision is intended to facilitate existing, approved or permitted land use activities. Where a building or activity has been established it has done so with the approval of the Council in one form or another. To vary the nature of any land use from that which the Council has previously consented, either formerly (land use consent) or informally (permitted activity in the District Plan) could result in unforeseen and unconsidered adverse effects on the environment. These effects may be more than minor, and may also be a significant departure from the intent of the District Plan.

In the event that a subdivision does result in a non-compliance with a land use performance/development standard of the District Plan the non-compliance will be assessed in accordance with the requirements of the land use rules of the Plan, the intent of the subject standard and the adverse effects on the environment.

38A.5.9 FIRE HYDRANTS

The requirements of NZS 4384:1981 (or subsequent amendments) for fire hydrants shall apply.

Explanation

This standard intends to ensure health, safety and well-being of people.

38A.5.10 WATER SUPPLY AND METERING

All lots and notional lots within the subdivision intended for individual ownership or occupation shall be supplied with an independent connection to a public water supply that can be metered at the road frontage in accordance with the Council's requirements.

Explanation

The occupier/s of all sites must have access to water that is of a standard acceptable to Council. Council must be able to ascertain the extent of water usage on a site-by-site basis.

38A.5.11 SEWAGE DISPOSAL

All lots and notional lots within the subdivision intended for individual ownership or occupation shall be supplied with an independent connection to a public sewerage system.

Explanation

Council must be satisfied that the potential adverse effects of wastewater discharge can and will be mitigated, avoided or remedied by the occupier/user of each site.

38A.5.12 ELECTRICITY AND TELEPHONE

All lots and notional lots within the subdivision intended for individual ownership or occupation shall be supplied with underground electricity and telecommunication lines in accordance with the requirements of the relevant supply authority.

Explanation

Council must be satisfied that electricity and telecommunication lines are of an acceptable standard because electricity and telecommunications infrastructure is necessary to maintain the amenity, effective functioning, safety and well-being of occupiers of sites.

38A.5.13 UNDER-GROUNDING

Subject to what is more specifically provided for in terms of [Part 15](#) of the Plan, all electricity and telecommunications lines within the land subject to the subdivision proposal shall be placed underground unless the relevant supply authority confirms in writing that for specified reasons this is not practicable or reasonable.

Explanation

This standard is intended to promote good urban design and consequently to enhance the form and function of the built environment. Its intention is to enhance the visual character of the SITE and surrounding area.

38A.5.14 GAS SUPPLY

Where an existing network gas line is within 100 metres of a proposed subdivision and the subdivider does not intend to reticulate the subdivision with gas the applicant shall demonstrate to the Council that it is not practicable or economically feasible to do so.

Explanation

The availability of gas on a site renders that site more versatile; it broadens the range of business activities that could take place on the site.

38A.5.15 STORMWATER MANAGEMENT - VOLUME CONTROL

All activities shall be served by a stormwater management system that is deemed to be effective and appropriate by Council. The provisions below apply unless otherwise stated in the relevant structure plan in [Part 54](#).

Where the activity involves an alteration or addition to an existing activity, the applicant must show that the standard of stormwater management provided is effective and appropriate.

An effective and appropriate stormwater management system shall be achieved by providing for either A, B, or C following:

A. An independent connection to a PUBLIC STORMWATER SYSTEM and an on-site detention structure to contain a 20% AEP 10 minute storm event before overflowing to the PUBLIC STORMWATER SYSTEM which is able to collect stormwater from the site equivalent to that generated by actual and proposed impervious surfaces, plus 10% of that (maximum of 100% of the site). The detention structure must be able to completely empty via an orifice-controlled outlet over a 24 hour period.

OR:

B. An independent connection to a PUBLIC STORMWATER SYSTEM and an on-site soakage system to contain a 20% AEP 10 minute storm event before overflowing to the PUBLIC STORMWATER SYSTEM which is able to collect stormwater from the site equivalent to that generated by actual and proposed impervious surfaces, plus 10% of that (maximum of 100% of the site). The soakage system must be able to completely empty via soakage within a 24 hour period.

OR:

C. An alternative method of stormwater management of the site/s, which achieves a standard of stormwater management equal to or better than that achieved by compliance with A or B above, such that the adverse effects of stormwater are avoided, remedied or mitigated.

The stormwater management system shall be maintained, to achieve the standard of management provided for under A, B or C.

Where sustainable methods and alternatives are part of the development proposal, annual stormwater drainage fees may be discounted at the discretion of Council.

Explanation

The following factors should not detract from the effective functioning of any stormwater management system. These factors should not have an adverse effect, including any downstream effect, on any SITE.

- (i) *the relationship of the individual SITE and stormwater system, to the location of other SITES and properties within the locality, and the location of the point of discharge into the public stormwater management system or the receiving environment*
- (ii) *the post-development point of discharge into the public stormwater management system*
- (iii) *the post-development volume and rate of stormwater discharged*
- (iv) *the post-development extent of impervious surface cover of the SITE/s*
- (v) *the stability of the SITE/s*
- (vi) *natural drainage conditions of the SITE/s and locality, such as ground levels, presence of natural watercourses, and soil soakage potential*
- (vii) *obstruction of any overland flow-path*

Council must be satisfied that the potential adverse effects of stormwater discharge can and will be mitigated, avoided or remedied. Infrastructure to manage stormwater run-off must serve to maintain amenity, effective functioning, safety and well-being. Low-impact design, in accordance with regional council standards, shall be implemented where practicable.

This standard is intended to promote good urban design and consequently to enhance the form and function of the built environment. Its intention is also to enhance the visual character of the SITE and surrounding area.

38A.5.16 OPEN DRAINS

Unless otherwise indicated in [Part 54](#), any open drain (i.e. a watercourse that is not piped) within the site being subdivided shall be piped to the Council's relevant standards unless it can be demonstrated that leaving it (or them) open, e.g. as part of a rain garden or swale network would produce a more sustainable outcome without compromising safety, health or amenity considerations.

Explanation

While open drains have the potential to be a risk to health and safety, open, vegetated channels, including rain gardens and swales are, in some instances, appropriate stormwater management mechanisms.

38A.5.17 TRANSMISSION GAS PIPELINES

All development activities within 20 metres of a TRANSMISSION GAS PIPELINE shall require the written approval of the relevant service provider prior to commencement of any physical works.

Explanation

A standard that requires written approval before an activity can establish in the vicinity of gas infrastructure is required to ensure:

- *public safety*
- *the safety of property*
- *the safety of the environment*

38A.6 Assessment Criteria for Controlled Activities

Controlled activity subdivisions shall be assessed against the following criteria:

1. **Consistency with the relevant structure plans set out in [Part 54](#)**

All subdivisions shall be consistent with and achieve the intent of the structure plan prepared for that area.

2. **Compliance with all the development standards in [Rule 38A.5](#)**

Compliance with the development standards demonstrates that the subdivision meets the minimum environmental standards considered acceptable in this zone.

3. **Design and layout of subdivision**

All subdivisions shall be designed to:

- provide a high standard of public and private amenity, as required by the structure plan prepared for that area
- provide a high standard of public and private amenity, as contemplated in [Part 37A.1](#) (The Purpose and Character of the TISZ)
- provide a high standard of public and private amenity, as required by the objectives and policies of the Plan, especially those set out in [Part 37A](#)
- create a functional and logical lot and roading layout, achieving the intent of the relevant structure plan and the objectives and policies of the Plan, especially [Part 37A](#)
- create an interconnected transport system, without cul-de-sacs
- be of a regular shape to ensure suitability for occupation by those activities for which the TISZ is intended

4. **Roads, walkways and cycle ways**

Streets have various roles, including:

- a traffic conduit, catering for pedestrians, cyclists and motorists
- providing for network utility operations
- contributing to the character of an area
- contributing to stormwater management

Roads shall reflect these functions, providing sufficient width for stormwater management, one or more network utility corridors, a dual carriage way, on-road parking, a footpath on both sides of the road, cycle ways, a planted or flush median, depending on the function and character of the road, the planting of street trees and the provision of street furnishings.

5. **Recreation reserves**

Recreation reserves shall be suitable for active and/or passive recreation, as determined by Council, and shall be located to optimise the natural features of the area providing connectivity with other potential reserve land on other sites. The location of reserves shall contribute to the creation or retention of view shafts. Where required, recreation reserves shall be used to create a separation between potentially incompatible land-uses.

6. Natural features

Subdivision shall recognise existing natural features (including but not limited to water courses, stands of bush or singular specimen trees worthy of protection, ridgelines) and shall, as far as practicable, retain and incorporate these features in the design of the subdivision. Views and vistas to and from natural features shall be retained and, where practical, enhanced.

7. Hazards

Lots intended for private ownership shall not be located on land subject to natural hazards and subdivision must avoid worsening any known hazard affecting the site or surrounding land and where possible remedy any known hazard.

8. Infrastructure

All infrastructure serving the subdivision, including roading, walkways, cycle ways, water, stormwater, sewerage, electricity, gas and telecommunications shall be designed to have sufficient capacity to serve the subdivision and the wider structure plan area of which it is a part. The infrastructure shall be appropriately designed to fulfil its function while maintaining an appropriate level of amenity as well as mitigating or avoiding any adverse effects on the receiving environment. The subdivision shall not impede the operation or development of the existing infrastructure networks within the area.

9. Transmission Gas Pipeline

Where it is proposed to subdivide land to create new allotments within the vicinity of a TRANSMISSION GAS PIPELINE, the subdivision design should have particular regard to the following matters:

- The extent to which the subdivision design mitigates the effects of the pipeline through the location of roads and reserves. The location of land for reserves, roads, walkways and cycle ways shall be considered as a preferable location over the pipeline.
- The ability for continued maintenance and inspections of the pipeline.
- The outcome of consultation with the affected utility operator.
- The extent to which the construction of any subsequent buildings will comply with the *Health and Safety in Employment (Pipelines) Regulations 1999* and the operating code *Standard NZ/AS2885 Pipelines – Gas and Liquid Petroleum*.

38A.7 Assessment Criteria for Restricted Discretionary Activities

1. Applications for activities within 20 metres of a TRANSMISSION GAS PIPELINE where written approval has not been obtained from the service provider shall be assessed in terms of the extent to which the TRANSMISSION GAS PIPELINE can be safely and efficiently operated to ensure public safety, safety of property and safety of the environment.

38A.8 Assessment Criteria for Discretionary Activities

In addition to the criteria that follow, ALL discretionary activity subdivisions shall also be assessed against:

- the criteria contained in [Rule 38A.6](#) Assessment Criteria for Controlled Activities,
- [Part 37A.1](#) The purpose and character of the TISZ,
- the objectives and policies of the Plan, especially those set out in [Part 37A](#),
- the other matters stated in the relevant sections of the Act.

1. Where compliance is not obtained with one or more development standards set out in [Rule 38A.5](#) Development Standards for Permitted and Controlled Activities, assessment shall have regard to the intent of the standard, as stated in the explanation accompanying the standard.