

UNDER

the Resource Management Act 1991

IN THE MATTER

of Waikato District Council's Proposed District Plan
Hearing 9 - Business Zone and Business Town Centre
Zone

**SUPPLEMENTARY STATEMENT OF PHILIP JOHN STICKNEY ON BEHALF
OF KAINGA ORA HOMES AND COMMUNITIES (FORMERLY HOUSING
NEW ZEALAND CORPORATION, 749/FS1269)**

PLANNING

24 February 2020

**ELLIS GOULD
LAWYERS
AUCKLAND**

REF: Daniel Sadlier / Alex Devine

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Supplementary Statement

1. My full name is Philip John Stickney. I am a Senior Associate at Beca Limited. I prepared a statement of planning evidence dated 24 January 2020 and a summary statement dated 12 February 2020 on behalf of Kāinga Ora Homes and Communities (“**Kāinga Ora**”) for Hearing 9 – Business and Business Town Centre zones.
2. At the hearing, the Commissioners requested that I prepare marked up copies of Chapter 17 (Business Zone) and Chapter 18 (Business Town Centre Zone) identifying the specific relief sought by Kāinga Ora.
3. Accordingly, set out at **Annexure A** (Chapter 17 (Business Zone)) and **Annexure B** (Chapter 18 (Business Town Centre Zone)) to this supplementary statement is a set of provisions which would address the concerns set out in my evidence and summary statement.
4. In the process of marking up Chapters 17 and 18 it has become apparent that there are a number of consistency and/or alignment issues between the two chapters which require resolution. I have not attempted to undertake that task given the timeframe (and because many of these issues arise in relation to provisions that Kāinga Ora has not sought further change to), however, I have flagged these issues to the Council’s reporting planner, Mr Matheson.

Philip John Stickney

24 February 2020

ANNEUXRE A – Chapter 17 (Business Zone) Relief Sought

Relief sought by Kāinga Ora identified by way of ~~strike through~~ and underline.

H9: Business Zones – Appendix 3 Council Rebuttal Evidence

Chapter 17: Business Zone

Proposed Waikato District Plan Stage 1 (Notified version)

Relief sought by Kāinga Ora identified by way of ~~strike through~~ and underline.



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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.

PR1	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 500m²
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 Papakainga 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	<ul 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: <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 Maori 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									
<p>RDI</p> <ul style="list-style-type: none"> (i) A multi-unit development that meets all of the following conditions: (ii) Land Use – Effects rules in Rule 17.2; (iii) Land Use – Building rules in Rule 17.3, except the following rules do not apply: <ul style="list-style-type: none"> (j) Rule 17.3.8 Dwelling; (k) Rule 17.3.9 Living court; (iv) The multi-unit development must be located above the ground floor level; (v) 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); (vi) Each residential unit must be designed and constructed to achieve the internal design sound levels specified in Chapter [**] Noise Appendix 1 (Acoustic Insulation), Table 14; (vii) 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; (viii) 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: 20px;"> <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>1.5m 2m</td> </tr> <tr> <td>2 or more bedroom</td> <td>15m²</td> <td>1.5m 2m</td> </tr> </tbody> </table>	Residential Unit	Minimum Area	Minimum Dimension	Studio unit or 1 bedroom	10m ²	1.5m 2m	2 or more bedroom	15m ²	1.5m 2m	<ul style="list-style-type: none"> (a) Council's discretion is limited to the following matters: <ul style="list-style-type: none"> (a) The extent to which the development is consistent with the Town-Centre Guidelines contained in Appendix 3.3; (b) The extent to which the development is consistent with the Multi-unit design guidelines contained in Appendix 3.4; (b) Design - the extent to which that portion of the building or site which fronts a road or public space: <ul style="list-style-type: none"> (i) Provides for passive surveillance of the street from habitable rooms at upper floor levels. (ii) Avoids unrelieved and blank facades (iii) Creates visual interest through the use of cladding materials, colour and articulation of the façade; (iv) Utilises soft or hard landscape elements to contribute positively to streetscape amenity (v) Minimises vehicle garaging/parking or manoeuvring areas (vi) Service Courts are screened or obscured.
Residential Unit	Minimum Area	Minimum Dimension								
Studio unit or 1 bedroom	10m ²	1.5m 2m								
2 or more bedroom	15m ²	1.5m 2m								

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 Submission Point 749.127,
 Phil Stickney (Planning) Hearing 9 EIC at 10.1

Commented [AD1]: Kāinga Ora relief
 Submission Point 749.127
 Cam Wallace (Urban Design) Hearing 9 EIC at 5.1-5.9

		<p>(c) On-site Amenity – the extent to which the design:</p> <ul style="list-style-type: none"> (i) Maximises opportunities for accessibility, privacy between units, access to daylight and shelter, including outdoor living courts (ii) Incorporates measures that may be required to mitigate the potential for reverse sensitivity effects (iii) Maximises opportunities for passive solar gain within units. <p>(d) Infrastructure – the extent to which the design:</p> <ul style="list-style-type: none"> (i) Can be efficiently serviced with 3 waters infrastructure <p>(e) Natural hazards – the extent to which the design:</p> <ul style="list-style-type: none"> (i) Avoids or mitigates effects arising from the presence of natural hazards <p>(c) The extent to which the development contributes to and engages with adjacent streets and public open space;</p> <p>(d) 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;</p> <p>(f) The extent to which the design of the development incorporates energy efficiency measures such as passive solar principles;</p> <p>(g) Amenity values for occupants and neighbours in respect of outlook, privacy, noise, light spill, access to sunlight, living court orientation, site design and layout;</p> <p>(f) The extent to which staging is necessary to ensure that development is carried out in a coordinated and timely manner;</p> <p>(h) Avoidance or mitigation of natural hazards;</p> <p>(i) Geotechnical suitability for building;</p>
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		(i) Adequacy of the communal service court for the intended purpose.
	(ix)	(b)

[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 RD1.

[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 generator s and emergency sirens.
P2	(a) Noise measured within any site : <ol style="list-style-type: none"> (i) In the Business Zone must not exceed: <ol style="list-style-type: none"> A. 65dB (LAeq) LAeq(15 min), 7am to 11pm every day; and B. 55dB (LAeq) LAeq(15 min), 11pm to 7am the following day; and

	<p>C. 85dB (L_{Amax}) L_{Amax}, 11pm to 7am the following day;</p> <p>(ii) In the Residential or Village Zone must not exceed:</p> <p>A. 55dB (L_{Aeq}) L_{Aeq(15 min)}, 7am to 7pm;</p> <p>B. 50dB (L_{Aeq}) L_{Aeq(15 min)}, 7pm to 10pm;</p> <p>C. 45dB (L_{Aeq}) L_{Aeq(15 min)} 10pm to 7am the following day and</p> <p>D. 75dB (L_{Amax}) L_{Amax}, 10pm to 7am the following day.</p> <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]
DI	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 PI.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <p>(i) Effects on amenity values;</p> <p>(ii) Hours and days of construction;</p> <p>(iii) Noise levels;</p> <p>(iv) Timing and duration; and</p> <p>(v) Methods of construction.</p>

[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 a residential activity and/or the Residential and Village Zones may must only occur between 6.30 6.00am and 7.30 8.00pm.
RD1	<p>(a) Servicing and operation of a commercial activity that does not comply with Rule 17.2.2 PI.</p> <p>(b) Council's discretion is limited to the following matters:</p> <p>(i) Effects on amenity values on adjoining sites within the Residential Zone and Village Zone;</p> <p>(ii) Timing, duration and frequency of adverse effects;</p> <p>(iii) Location of activity in relation to zone boundary;</p> <p>(iv) Location of activity in relation to dwellings on adjoining sites; and</p>

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Submission Point 749.148

	(v) The means to avoid, remedy or mitigate adverse effects on adjoining sites.
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[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: <ul style="list-style-type: none"> (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: <ul style="list-style-type: none"> (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: <ul style="list-style-type: none"> (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

PI	(a) Earthworks within a site must meet all of the following conditions: <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;
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	<ul style="list-style-type: none"> (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	<ul style="list-style-type: none"> (a) Earthworks for the purpose of creating a building platform within a site (including the use of imported fill material) that is: <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. (b) For the purposes of this rule, the footprint of the building extends 1.8m from the outer edge of the outside wall. (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.
P23	<ul style="list-style-type: none"> (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: <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 height-slope 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.
RDI	<ul style="list-style-type: none"> (a) Earthworks that do not comply with Rule 17.2.4.1 P1 or P2 (b) Council's discretion is limited to the following matters: <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 - Maaori Sites and Maaori Areas of Significance

RDI	<p>(a) Earthworks within a Maaori site of significance as identified in Schedule 30.3 (Maaori site of Significance) as shown on the planning maps..</p> <p>(b) Earthworks within a Maaori area of significance as identified in Schedule 30.4 (Maaori 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.
RDI	<p>(a) Earthworks that do not comply with Rule 17.2.5.3 PI.</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 Act and Regulations 2017
CI	<p>(a) Service station with a maximum storage for retail sale of:</p> <ul style="list-style-type: none"> (i) 100,000 litres of petrol in underground storage tanks; (ii) 50,000 litres of diesel in underground storage tanks; and (iii) 6 tonnes of LPG (single vessel storage). <p>(b) Council's control is limited to the following matters:</p> <ul style="list-style-type: none"> (i) the proposed site design and layout in relation to: <ul style="list-style-type: none"> 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 B. interaction with natural hazards (flooding, instability), as applicable; C. proposed emergency management planning (spills, fire and other relevant hazards); (ii) proposed procedures for the monitoring and reporting of incidents.
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

- (1) 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	<ol style="list-style-type: none"> (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. (b) Council's control is limited to the following matters: <ol style="list-style-type: none"> (i) Timing and manner in which the activity is carried out; (ii) Effects on amenity values; and (iii) Effects on heritage values.

17.2.6.2 Notable tree – trimming

PI	<ol style="list-style-type: none"> (a) The trimming of a notable tree identified in Schedule 30.2 (Notable Trees) is either: <ol style="list-style-type: none"> (i) To remove dead, dying, or diseased branches and the tree work is undertaken by a works arborist; or (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.
RDI	<ol style="list-style-type: none"> (a) The trimming of a notable tree that does not comply with Rule 17.2.6.2 PI. (b) Council's discretion is limited to the following matters: <ol style="list-style-type: none"> (i) Timing and manner in which the activity is carried out; and (ii) Effects on amenity values.

17.2.6.3 Notable tree – activities within the dripline

PI	<ol style="list-style-type: none"> (a) Any activity within the dripline of a notable tree identified in Schedule 30.2 (Notable Trees) must not: <ol 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	<ol 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: <ol 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> <ol 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: <ol 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: <ol style="list-style-type: none"> A. Not extend more than 300mm from the building wall; and B. Not exceed the height of the building; (v) Where the sign is a freestanding sign, it must: <ol style="list-style-type: none"> A. Not exceed an area of 3m² for one sign per site, and 1m² for any other 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: <ol style="list-style-type: none"> A. goods or services available on the site; or B. a property name sign.
P3	<p>(a) A real estate 'for sale' or 'for rent' sign relating to the site on which it is located must comply with all of the following conditions:</p> <ol 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.
RDI	<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> <ol 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 P1(a) does not apply to site identification signs.</p>
DI	Any sign that does not comply with Rule 17.2.7.2 P1.

[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.
RDI	<p>(a) Outdoor storage of materials that does not comply with Rule 17.2.8 P1.</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

P1	<p>(a) Indigenous vegetation clearance in a Significant Natural Area identified on the planning maps or in Schedule 30.5 (Urban Allotment Significant Natural Areas) for any of the following purposes:</p> <ul style="list-style-type: none"> (i) Removing vegetation that endangers human life or existing buildings or structures; (ii) Conservation fencing to exclude stock or pests; (iii) Maintaining existing farm drains; (iv) Maintaining existing tracks and fences; (v) Gathering plants in accordance with Maaori customs and values.
P2	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	<p>(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:</p>

	<ul style="list-style-type: none"> (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 250m².
P4	<p>(a) On Maaori Freehold Land or Maaori Customary Land, indigenous vegetation clearance in a Significant Natural Area identified on the planning maps or in Schedule 30.5 (Urban Allotment Significant Natural Areas) where:</p> <ul style="list-style-type: none"> (i) There is no alternative development area on the site outside the Significant Natural Area; (ii) The following total areas are not exceeded: <ul style="list-style-type: none"> A. 1500m² for a Marae complex, including areas associated with access parking and manoeuvring; and B. 500m² per dwelling, including areas associated with access parking and manoeuvring; and C. 500m² for a papakainga building including areas associated with access parking and manoeuvring.
P5	<p>(a) On Maaori Freehold Land or Maaori Customary Land, indigenous vegetation clearance in a Significant Natural Area identified on the planning maps or in Schedule 30.5 (Urban Allotment Significant Natural Areas) for any of the following purposes:</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; or (v) Gathering plants in accordance with Maaori customs and values.
P6	On Maaori 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.
DI	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	<ul style="list-style-type: none"> (a) The maximum height of any building must not exceed 12.40m. (b) The maximum height of hose drying towers associated with emergency service facilities must not exceed 15m.
DRDI	<ul style="list-style-type: none"> (a) Any building that does not comply Rule 17.3.1.1 P1. (b) The Council's discretion shall be restricted to any of the following matters:

	<p>(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.</p>
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[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	<p>(a) Any building must not protrude through a height control plane rising at an angle of 45 37 degrees commencing at an elevation of 2.5m 3.0m above ground level at the site boundary where it adjoins a:</p> <p>(i) Residential Zone; (ii) Village Zone; (iii) Country Living Zone; or (iv) Reserve Zone.</p>
RDI	<p>(a) Any building that does not comply with Rule 17.3.2 PI.</p> <p>(b) The Council's discretion shall be limited restricted to the following matters:</p> <p>(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.</p>

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

Commented [AD4]: Kāinga Ora relief

Kāinga Ora Submission Point 749.130
Phil Stickney (Planning) Hearing 9 EIC at 11.1

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> <p>(i) 7.5 3.0m from rear and side boundaries adjoining the:</p> <p>A. Residential Zone;</p>
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	<p>B. Village Zone; C. Country Living Zone; or D. Reserve Zone; and</p> <p>(ii) 1.5m from rear and side boundaries adjoining the: A. Rural Zone; or B. Industrial Zone.</p> <p>(iii) 15m from SH23 for any site between Greenslade Road and Hills Road, Raglan.</p>
<p>⊕ RDI</p>	<p>(a) Any building that does not comply with Rule 17.3.4.1 P1. (b) Council's discretion shall be restricted to the following matters: (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.</p>

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

17.3.4.2 Building setbacks - Water bodies

<p>PI</p>	<p>(a) Any building must be setback a minimum of: (i) 23 27.5m from the margin of any: 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 .</p>
<p>P2</p>	<p>A public amenity of up to 25m² or a pump shed (private or public) within building setback identified in Rule 17.3.4.2 P1.</p>
<p>D1</p>	<p>Any building that does not comply with a condition in Rule 17.3.4.2 P1 or P2.</p>

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

17.3.5 Horotiu Acoustic Area

<p>PI</p>	<p>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 1 (Acoustic Insulation) - Table 8 11 .</p>
<p>⊕ RDI</p>	<p>(a) Construction, addition to or alteration of a building that does not comply with Rule 17.3.4.3 5PI. (b) The Council's discretion shall be limited to the following matters: (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.</p>

[s42A Report – Section 62 – Chapter 17: Business Zone – 17.3.5 Horotiu Acoustic Area]

17.3.6 Dwelling

<p>PI</p>	<p>(a) One dwelling on the CFR record of title must comply with all of the following conditions: (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 1 (Acoustic Insulation) – Table 8 14.</p>
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	(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	(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 10m² 15m² and a circle with a diameter of at least 1.5m 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]

Commented [AD5]: Kāinga Ora relief

Submission Point 749.127
Phil Stickney (Planning) Hearing 9 EIC at 10.1

17.3.8 Heritage

- (1) 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	(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 (ii) Alterations or additions are not visible from a public place.
RDI	(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: <ul style="list-style-type: none"> (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: <ul style="list-style-type: none"> (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.
RDI	(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: <ul style="list-style-type: none"> (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: <ul style="list-style-type: none"> (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.
RDI	(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: <ul style="list-style-type: none"> (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	(a) Subdivision of land must comply with all of the following conditions: <ol style="list-style-type: none"> (i) Proposed lots - The record of title must have a minimum size of 200 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. (b) The Council's discretion shall be limited to the following matters: <ol style="list-style-type: none"> (i) amenity values;
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Commented [AD6]: Kāinga Ora relief

Submission Point 749.131

	(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.
RD2	(a) Any subdivision in accordance with an approved landuse resource consent must comply with that resource consent (b) Council's discretion shall be limited to the following matters: (i) The effects of the proposed design and layout of the sites created; (ii) The provision of 3 waters infrastructure
DI	Subdivision that does not comply with Rule 17.4.1 RD1.

Commented [AD7]: Kāinga Ora relief
Submission Point 749.131
Phil Stickney (Planning) Hearing 9 EIC at 12.3

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

17.4.1.1 Subdivision - Multi-unit development

RD1	(a) Subdivision for multi-unit development must comply with all of the following conditions: (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" data-bbox="244 1070 751 1256"> <thead> <tr> <th>Unit of Apartment</th> <th>Minimum Unit Area</th> </tr> </thead> <tbody> <tr> <td>Studio unit or 1 bedroom unit</td> <td>30m² 60m²</td> </tr> <tr> <td>1 or more 2 bedroom unit</td> <td>45m² 80m²</td> </tr> <tr> <td>3 bedroom unit</td> <td>100m²</td> </tr> </tbody> </table> (b) The Council's discretion shall be limited to the following matters: (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	30m ² 60m ²	1 or more 2 bedroom unit	45m ² 80m ²	3 bedroom unit	100m ²
Unit of Apartment	Minimum Unit Area								
Studio unit or 1 bedroom unit	30m ² 60m ²								
1 or more 2 bedroom unit	45m ² 80m ²								
3 bedroom unit	100m ²								
DI	Subdivision that does not comply with Rule 17.4.1.1 RD1.								

Commented [AD8]: Kāinga Ora relief
Submission Point 749.131
Phil Stickney (Planning) Hearing 9 EIC at 12.4-12.7

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

17.4.1.2 Subdivision – Boundary adjustments

CI	<p>(a) Boundary adjustments must comply with the following:</p> <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 includes 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

RDI	<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 RDI

17.4.1.5 Subdivision - land containing heritage items

RDI	<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>
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	<ul style="list-style-type: none"> (i) Effects on heritage values; (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 RD1.

[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> <ul style="list-style-type: none"> (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 (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>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (i) The subdivision layout and design in regard to how this may impact on the operation, maintenance, upgrading and development of the National Grid; (ii) The ability to provide a complying building platform outside of the National Grid Yard; (iii) The risk of electrical hazards affecting public or individual safety, and the risk of property damage; (iv) The nature and location of any vegetation to be planted in the vicinity of National Grid transmission lines.
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> <ul style="list-style-type: none"> (i) A width along the road boundary of at least 15m; and <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> <ul style="list-style-type: none"> (ii) Road efficiency and s Safety and efficiency of vehicle access and road network; (iii) Amenity and streetscape.
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 to:</p> <ul style="list-style-type: none"> (i) less than 4ha and within 20m of any:
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	<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 <p>(ii) 4ha or more and located within 20m of:</p> <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	Subdivision that does not comply with Rule 17.4.1.7 RD1.

[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-P17 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> <p>(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> <p>(b) A CLDC is in accordance with the Lakeside Precinct Plans identified above if:</p> <p>(i) Primary roads are within 50m 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)(b) or a continuous alignment that achieves the same circulation; and</p> <p>(iii) Indicative areas of open space are within 200m of the location shown on Precinct Plan 16.5 (3)(b).</p> <p>(c) 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; 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>(a) Council's discretion is reserved over:</p> <p>(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);</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>

17.5.3 Discretionary Activities

DI	<p>(a) A CLDC that does not comply with Rule 17.5.2 RDI 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>
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	<ul style="list-style-type: none"> (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 (iii) Indicative areas of open space are within 200-400m of the location shown on Precinct Plan 16.5.1 (3)(c). <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 RDI (b) relating to Infrastructure requirements.
NC2	A CLDC that does not meet the conditions for a discretionary activity outlined in Rule 17.5.3 DI.

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	<p>(a) Any building that does not comply with Rule 17.5.5 PI</p> <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.

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	(a) Construction or alteration of a building that complies with the following condition: (i) the building is set back at least 10m from the centerline of an indicative or legal road.
RDI	(a) Construction or alteration of a building that does not comply with 17.5.8 PI. (b) The Council's discretion shall be restricted to the following matters: (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> <p>(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</p> <p>(ii) A CS is in accordance with the Lakeside Precinct Plans identified above if:</p> <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>
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	<p>(ix) provision of the historic lwi 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> <ul style="list-style-type: none"> (i) Primary roads are within 50m-100m of the location shown on Precinct Plan 16.5.1 (3)(b); (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; (iii) Indicative areas of open space are within 200-400m of the location shown on Precinct Plan 16.5.1(3)(b); <p>(b) The matters over which Council reserves discretion shall be used for assessing discretionary activity applications under this rule.</p>
NC1	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.
NC2	A CS that does not meet any of the parameters for a discretionary activity outlined in 17.5.9 DI.

ANNEUXRE B – Chapter 18 (Business Town Centre Zone) Relief Sought

Relief sought by Kāinga Ora identified by way of ~~strike through~~ and underline.

H9: Business Zones – Appendix 4

Council Rebuttal Evidence

Chapter 18: Business Town Centre Zone

Proposed Waikato District Plan Stage I (Notified version)

Relief sought by Kāinga Ora identified by way of ~~strike through~~ and underline.



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Chapter 18: Business Town Centre Zone Rules

- (1) The rules that apply to activities in the Business Town Centre Zone are contained in **Rule 18.1** Land Use – Activities, **Rule 18.2** Land Use – Effects and **Rule 18.3** Land Use – Building.
- (2) The rules that apply to subdivision in the Business Town Centre zone are contained in **Rule 18.4 and the relevant rules in 14 Infrastructure and Energy and 15 Natural Hazards and Climate Change (Placeholder)**.
[s42A Report – Section 73 – Chapter 18: Business Town Centre Zone -Corrections]
- (3) The activity status tables and standards in the following chapters also apply to activities in the Business Town Centre 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.

18.1 Land Use - Activities

18.1.1 Prohibited Activities

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

PR1	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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18.1.2 Permitted Activities

- (a) The **following** activities **listed below** are permitted activities if they meet all the following:
 - (i) **Activity-specific conditions;**
 - (ii) Land Use – Effects rules in **Rule 18.2** (unless the activity-**specific** rule and/or **activity-specific** conditions identify a condition(s) that does not apply);
 - (iii) Land Use – Building rules in **Rule 18.3** (unless the activity-**specific** rule and/or **activity-specific** conditions identify a condition(s) that does not apply);
 - ~~(iv) Activity-specific conditions.~~
- [s42A Report – Section 75 – Chapter 18: Business Town Centre Zone – 18.1.2 Permitted activities]

Activity	Activity-specific conditions
P1	Commercial activity Nil
P2	Residential activity (a) Located above ground floor level where located within a Retail Frontage Control Area (b) The entrance lobby, stairwell or lift may be located on the ground floor level

Commented [AD1]: Kainga Ora Relief Submission Point 749.134

P3	Commercial services	Nil
P4	Retail activity	Nil
P5	Travellers' accommodation	Nil
P6	Community activity	Excluding a cemetery
P7	Health facility	Excluding a hospital
P8	Office	Located above ground floor level within the Verandah Line' notation
P9	Public transport facility	Nil
P10	A temporary event	(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: (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; and (e) The site is returned to its original previous condition no more than 3 days after the end of the event; and (f) There is no direct site access from a national route or regional arterial road.
P11	Emergency services training and management activities	Nil
P12	Community corrections activity	Nil

[s42A Report – Section 75 – Chapter 18: Business Town Centre Zone – 18.1.2 Permitted activities]

18.1.3 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		The Council's discretion shall be limited to the following matters Matters of Discretion:
RDI	<p>A. A multi-unit development that meets all of the following conditions:</p> <p>B. The Land Use – Effects in Rule 18.2;</p> <p>C. The Land Use – Building in Rule 18.3, except the following rules do not apply;</p> <p>D. Rule 18.3.9 (Dwellings) does not apply;</p> <p>E. Rule 18.3.10 (Living court) does not apply;</p> <p>F. Rule 18.3.4 (Display Windows and building facades) does not apply;</p> <p>G. Rule 18.3.5 (Verandahs) does not apply</p>	<p>(a) The extent to which the development is consistent with the Town Centre Guidelines contained in Appendix 3.3;</p> <p>(b) The extent to which the development is consistent with the Multi-unit design guidelines contained in Appendix 3.4;</p> <p>(a) Design - the extent to which that portion of the building or</p>

Commented [PS4]: Kainga Ora relief
Submission Point 749.158
Phil Stickney (Planning) hearing 9, EIC at 13.1-13.6

<p>H. The residential occupancy areas of a multi-unit development do not occupy a retail frontage control area</p> <p>I. The multi-unit development must be located above the ground floor level;</p> <p>J. The entrance lobby, stairwell or lift may be located on the ground floor level;</p> <p>K. A detailed site plan depicting the proposed 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 18.4.2 (Subdivision of multi-unit developments);</p> <p>L. Each residential unit must be designed and constructed to achieve the internal design sound levels specified in Chapter [28] Noise Appendix 1 (Acoustic Insulation), Table 14;</p> <p>M. A communal service court is provided comprising:</p> <p>N. minimum area of 20m²; and</p> <p>O. minimum dimension of 3m.</p> <p>P. Living court areas are provided above ground floor level to meet the following minimum requirements for each residential unit:</p> <table border="1" data-bbox="296 1093 737 1276"> <thead> <tr> <th>Residential Unit</th> <th>Minimum Living Court Area</th> <th>Minimum Dimensions</th> </tr> </thead> <tbody> <tr> <td>Studio unit or 1 bedroom</td> <td>10m²</td> <td>1.5m 2m</td> </tr> <tr> <td>2 or more bedrooms</td> <td>15m²</td> <td>1.5m 2m</td> </tr> </tbody> </table> <p>Q. Each residential unit must meet the following minimum unit size:</p> <table border="1" data-bbox="319 1355 737 1608"> <thead> <tr> <th>Unit of Apartment</th> <th>Minimum Unit Area</th> </tr> </thead> <tbody> <tr> <td>Studio Unit or 1 bedroom unit</td> <td>60m²</td> </tr> <tr> <td>2 bedroom unit</td> <td>80m²</td> </tr> <tr> <td>3 bedroom unit</td> <td>100m²</td> </tr> <tr> <td>Studio Unit</td> <td>30m²</td> </tr> <tr> <td>1 or more bedroom unit</td> <td>45m²</td> </tr> </tbody> </table>	Residential Unit	Minimum Living Court Area	Minimum Dimensions	Studio unit or 1 bedroom	10m ²	1.5m 2m	2 or more bedrooms	15m ²	1.5m 2m	Unit of Apartment	Minimum Unit Area	Studio Unit or 1 bedroom unit	60m ²	2 bedroom unit	80m ²	3 bedroom unit	100m ²	Studio Unit	30m ²	1 or more bedroom unit	45m ²	<p>site which fronts a road or public space:</p> <p>(i) Provides for passive surveillance of the street from habitable rooms at ground and upper floor levels.</p> <p>(ii) Avoids the use of impermeable screens or fencing that obstruct visual connections.</p> <p>(iii) Avoids unrelieved and blank facades</p> <p>(iv) Creates visual interest through the use of cladding materials, colour and articulation of the façade;</p> <p>(v) Utilises soft or hard landscape elements to contribute positively to streetscape amenity</p> <p>(vi) Minimises vehicle garaging/parking or manoeuvring areas</p> <p>(vii) Service Courts are screened or obscured.</p> <p>(b) On-site Amenity – the extent to which the design:</p> <p>(i) Maximises opportunities for accessibility, privacy between units, access to daylight and shelter, including outdoor living courts</p> <p>(ii) Incorporates measures that may be required to mitigate the potential for reverse sensitivity effects</p> <p>(iii) Maximises opportunities for passive solar gain within units.</p> <p>(c) Infrastructure – the extent to which the design:</p> <p>(i) Can be efficiently serviced with 3 waters infrastructure</p> <p>(d) Natural hazards – the extent to which the design:</p> <p>(i) Avoids or mitigates effects arising from the presence of natural hazards</p> <p>(c) The extent to which the development contributes to</p>
Residential Unit	Minimum Living Court Area	Minimum Dimensions																				
Studio unit or 1 bedroom	10m ²	1.5m 2m																				
2 or more bedrooms	15m ²	1.5m 2m																				
Unit of Apartment	Minimum Unit Area																					
Studio Unit or 1 bedroom unit	60m ²																					
2 bedroom unit	80m ²																					
3 bedroom unit	100m ²																					
Studio Unit	30m ²																					
1 or more bedroom unit	45m ²																					

Commented [AD2]: Kāinga Ora relief
 Submission Point 749.144
 Cam Wallace (Urban Design) Hearing 9 EIC at 5.1-5.9
 Phil Stickney (Planning) Hearing 9 EIC at 13.3 -13.4

Commented [AD3]: Kāinga Ora relief
 Submission Point 749.146
 Cam Wallace (Urban Design) Hearing 9 EIC at 4.1-4.13
 Phil Stickney (Planning) Hearing 9 EIC at 12.4-12.7

		<p>and engages with adjacent streets and public open space;</p> <p>(d) 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;</p> <p>(e) The extent to which the design of the development incorporates energy efficiency measures such as passive solar principles;</p> <p>(f) Amenity values for occupants and neighbours in respect of outlook, privacy, noise, light spill, access to sunlight, living court orientation, site design and layout;</p> <p>(g) The extent to which staging is necessary to ensure that development is carried out in a coordinated and timely manner;</p> <p>(h) Avoidance or mitigation of natural hazards;</p> <p>(i) Geotechnical suitability for building;</p> <p>(j) Adequacy of the communal service court for the intended purpose.</p>
RD2	<p>(a) The construction of any new building that meets all of the following conditions:</p> <p>(i) The Land Use – Effects in Rule 18.2;</p> <p>(ii) The Land Use – Building in Rule 18.3 except;</p> <p>A. Rule 18.3.9 (Dwellings) does not apply;</p> <p>B. Rule 18.3.10 (Living court) does not apply;</p>	<p>(a) The Council's discretion shall be limited to the following matters:</p> <p>(i) The extent to which the building is consistent with the following matters listed in Appendix 3.3 (Town Centre Design Guidelines) including:</p> <p>A. A site and contextual analysis that identifies and addresses the matters listed in section 3.3;</p> <p>B. A connectivity and movement network analysis that addresses the matters listed in section 4.3;</p> <p>C. A neighbourhood character assessment that identifies and addresses the elements listed in section 5;</p> <p>D. Detailed design illustrating how the building will promote these character elements of the</p>

Commented [AD5]: Kainga Ora relief
 Submission Point 749.135, 749.152, 749.158
 Cam Wallace (Urban Design) Hearing 9 EIC at 6.1-6.4
 Phil Stickney (Planning) hearing 9, EIC at Part 8 and 13.5-13.6

		<p>respective town, surrounding area to achieve the outcomes sought in section 5.2 of the design guide;</p> <p>(ii) Consistency with the relevant Town Centre Character Statement contained within Appendix 10.1-10.6 (Town Centre Character Statements).</p>
RD3	(a) Offices located at ground floor level within the Verandah Line' notation	<p>(a) The Council's discretion shall be limited to the following matters:</p> <p>(i) Streetscape effects including ways in which to activate visual connection and interest between pedestrians and the office; and</p> <p>(ii) Extent of glazing and length of frontage of the office to the street.</p>

Commented [AD6]: Kainga Ora relief
 Submission Point 749.152, 749.158
 Cam Wallace (Urban Design) Hearing 9 EIC at 6.5-6.8
 Phil Stickney (Planning) hearing 9, EIC at Part 8 and 13.5-13.6

[s42A Report – Section 76 – Chapter 18: Business Town Centre Zone – 18.1.3 Restricted discretionary activities]

18.1.4 Discretionary Activities

(I) The activities listed below are discretionary activities.

D1	Any permitted activity that does not comply with one or more of the activity-specific conditions for a permitted activity (Rule 18.1.2) unless a lesser activity status under Land Use – Effects Rule 18.2 or Land Use – Building Rule 18.3 applies.
D2	Any multi-unit development that does not comply with (Rule 18.1.3) unless a stricter activity status applies under Rule 18.1.5 .
D3	Emergency service facilities

[s42A Report – Section 77 – Chapter 18: Business Town Centre Zone – 18.1.4 Discretionary activities]

18.1.5 Non-Complying Activities

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

NC1	Construction of a building located on an indicative road .
NC2	Residential activity on the ground floor <u>within a Retail Control Frontage Area</u> .
NC3	A multi-unit development located on the ground floor <u>within a Retail Frontage Control Area</u> .
NC4	Any activity that is not listed as Prohibited, Permitted, Restricted Discretionary or Discretionary.

Commented [PS7]: Kainga Ora relief
 Submission Point 749.136
 Philip Stickney (Planning) Hearing 9, EIC at 6.4
 Cam Wallace (Urban Design) Hearing 9 EIC at 3.4-3.7

18.2 Land Use - Effects

18.2.1 Noise

- (1) Rules 18.2.1.1 and 18.2.1.2 provide the permitted noise levels for noise generated by land use activities.
- (2) Rule 18.2.1.1 Noise – General provides permitted noise levels in the Business Town Centre Zone.
- (3) Rule 18.2.1.2 Noise – Construction provides the noise limits for construction activities.

18.2.1.1 Noise – General

P1	Noise generated by emergency generators and emergency sirens.
P2	<p>(a) Noise measured within any site:</p> <p>(i) In the Business Town Centre Zone must not exceed:</p> <p>A. 65dB $L_{Aeq(15min)}$ (L_{Aeq}), 7am to 11pm every day; and</p> <p>B. 55dB $L_{Aeq(15min)}$ (L_{Aeq}); 11pm to 7am the following day; and</p> <p>C. 85dB L_{Amax} (L_{Amax}), 11pm to 7am the following day; or</p> <p>(ii) In the Residential Zone and Village Zone must not exceed:</p> <p>A. 55dB $L_{Aeq(15min)}$ (L_{Aeq}), 7am to 7pm; and</p> <p>B. 50dB $L_{Aeq(15min)}$ (L_{Aeq}), 7pm to 10pm; and</p> <p>C. 40dB $L_{Aeq(15min)}$ (L_{Aeq}), 10pm to 7am the following day; and</p> <p>D. 65dB L_{Amax} (L_{Amax}), 10pm to 7am the following day.</p> <p>(b) Noise measured within any site in any zone other than the Business Town Centre 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.</p>
P3	(a) Noise measured within any site in any zone other than the Business Town Centre 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]
DI	Noise that does not comply with Rules 18.2.1.1 P2, P3 or P4.

18.2.1.2 Noise – Construction

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>
RD1	<p>(a) Construction noise that does not comply with Rule 18.2.1.2 P1.</p> <p>(b) The Council's discretion is limited to the following matters:</p> <p>(i) Effects on amenity values;</p> <p>(ii) Hours of construction;</p>

	<ul style="list-style-type: none"> (iii) Noise levels; (iv) Timing and duration; (v) Methods of construction.
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[s42A Report – Section 79 – Chapter 18: Business Town Centre Zone – 18.2.1 Noise]

18.2.2 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 a residential activity and/or the Residential and Village Zones must only occur between 6.30 6.00am and 7.30 8.00pm .
RDI	<ul style="list-style-type: none"> (a) Servicing and operation of a commercial activity that does not comply with Rule 18.2.2 PI. (b) The Council's discretion is limited to the following matters: <ul style="list-style-type: none"> (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; (v) The means to avoid, remedy or mitigate adverse effects on adjoining sites.

[s42A Report – Section 80 – Chapter 18: Business Town Centre Zone – 18.2.2 Servicing and hours of operation]

Commented [PS8]: Kainga Ora relief

Submission Point 749.138

18.2.3 Glare and artificial light spill

PI	Illumination from glare and artificial light spill must not exceed 10 lux measured horizontally and vertically at any other site zoned Residential, Village or Country Living Zone .
RDI	<ul style="list-style-type: none"> (a) Illumination that does not comply with Rule 18.2.3 PI. (b) The Council's discretion shall be limited to the following matters: <ul style="list-style-type: none"> (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 81 – Chapter 18: Business Town Centre Zone – 18.2.3 Glare and artificial light spill]

18.2.4 Earthworks

- (1) **Rule 18.2.4.1** – Earthworks - General provides the permitted rules for **earthworks** activities within the Business Town Centre Zone. **This rule does not apply in those areas specified in Rules 18.2.4.1 and Rule 18.2.4.2**
- (2) There is a specific standard for **earthworks** within rule:
 - (a) **Rule 18.2.4.2** – Maaori Sites and Maaori Areas of Significance.

18.2.4.1 Earthworks – General

PI	<ul style="list-style-type: none"> (a) Earthworks within a site must meet all of the following conditions: <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 250m³ and an area of more than 1,000m² within a site over any single consecutive 12 month period;
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	<ul style="list-style-type: none"> (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) Earthworks must not divert or change the nature of natural water flows, waterbodies or established drainage paths; (viii) Earthworks must not result in the site being unable to be serviced by gravity sewers.
P2	<ul style="list-style-type: none"> (a) Earthworks for the purpose of creating a building platform within a site (including the use of imported fill material) that is: <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. (b) For the purposes of this rule, the footprint of the building extends 1.8m from the outer edge of the outside wall. (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.
P23	<ul style="list-style-type: none"> (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: <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 height-slope 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.
RDI	<ul style="list-style-type: none"> (a) Earthworks that do not comply with Rules 18.2.4.1 P1 or P2. (b) The Council's discretion shall be limited to <u>any</u> of the following matters: <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.

Commented [PS9]: Kainga Ora relief

Submission Point 749.139

[s42A Report – Section 82 – Chapter 18: Business Town Centre Zone – 18.2.4 Earthworks]

18.2.4.2 Earthworks - Maaori Sites and Maaori Areas of Significance

RD1	<p>(a) Earthworks within a Maaori site of significance as identified in Schedule 30.3 (Maaori Site of Significance) as shown on the planning maps.</p> <p>(b) The 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.
RD2	<p>(a) Earthworks within a Maaori area of significance as identified in Schedule 30.4 (Maaori Area of Significance) as shown on the planning maps.</p> <p>(b) The 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.

18.2.5 Hazardous substances

PI	<p>(a) The use, storage or disposal of any hazardous substances where:</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 Town Centre Zone in Table 5.1 contained within Appendix 5 (Hazardous Substances).
P2	<p>(a) The storage or use of radioactive materials is:</p> <ul style="list-style-type: none"> (i) in approved equipment for medical and diagnostic purposes; or (ii) specified as an exempt activity or article in the Radiation Safety Act and Regulations 2017.
CI	<p>(a) Service station with a maximum storage for retail sale of:</p> <ul style="list-style-type: none"> (i) 100,000 litres of petrol in underground storage tanks; (ii) 50,000 litres of diesel in underground storage tanks; (iii) 6 tonnes of LPG (single vessel storage). <p>(b) The Council reserves its control over the following matters:</p> <ul style="list-style-type: none"> (i) The proposed site design and layout in relation to: <ul style="list-style-type: none"> A. The sensitivity of the surrounding natural, human and physical environment; potential hazards and exposure pathways arising from the proposed facility, including cumulative risks with other facilities; B. Interaction with natural hazards (flooding, instability), as applicable; C. Proposed emergency management planning (spills, fire and other relevant hazards); (ii) Proposed procedures for monitoring and reporting of incidents.
DI	The use, storage or disposal of hazardous substances that do not comply with Rules 18.2.5 PI, P2 or CI.

18.2.6 Notable trees

- (I) Rules 18.2.6.1 – 18.2.6.3 provide permitted rules for works on notable trees, which are identified in Schedule 4 (Notable Trees), as follows:
- (a) Rule 18.2.6.1 - removal or destruction;
 - (b) Rule 18.2.6.2 - trimming;
 - (c) Rule 18.2.6.3 - activities within the dripline.

18.2.6.1 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 by a works arborist that states that the tree is dead, dying, diseased or is unsafe in accordance with Appendix 1.1 Tree Removal Certificate.
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RDI	<p>(a) Removal or destruction of a notable tree identified in Schedule 30.2 (Notable Trees) that does not comply with Rule 18.2.6.1 PI.</p> <p>(b) The 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; (ii) Effects on amenity values; (iii) Effects on heritage values.
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18.2.6.2 Notable tree – trimming

PI	<p>(a) The trimming of a notable tree identified in Schedule 30.2 (Notable Trees) is either:</p> <ul style="list-style-type: none"> (i) To remove dead, dying, or diseased branches and the tree work is undertaken by a works arborist; or (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.
RDI	<p>(a) The trimming of a notable tree that does not comply with Rule 18.2.6.2 PI.</p> <p>(b) The 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 by whom; (ii) Effects on public safety; (iii) Effects on amenity values.

18.2.6.3 Notable tree - activities within the dripline

PI	<p>(a) Any activity within the dripline of a notable tree identified in Schedule 30.2 (Notable Trees) complies with the following conditions:</p> <ul style="list-style-type: none"> (i) No excavation, compaction, sealing or soil disturbance and placement of fill material, except for the sealing of an existing road or footpath; and (ii) No parking or storage of materials, vehicles or machinery; and (iii) No discharge of an eco-toxic substance; and (iv) No structures.
RDI	<p>(a) Any activity that does not comply with Rule 18.2.6.3 PI.</p> <p>(b) The Council's discretion is limited to the following matters:</p> <ul style="list-style-type: none"> (i) Location of 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.

18.2.7 Signs

- (1) **Rule 18.2.7.1** Signs – General provides permitted standards for any sign, including real estate signs, across the entire Business Town Centre Zone.
- (2) **Rule 18.2.7.2** Signs – Effects on traffic apply specific standards for any sign that is directed at road users.

18.2.7.1 Signs – General

PI	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 height does not exceed 10m; (ii) Where the sign is illuminated it must: <ul style="list-style-type: none"> A. Not have a light source that flashes or moves; and B. Not contain moving parts or reflective materials; and C. Be directed to ensure it does not spill light beyond the site; (iii) 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; (iv) Where the sign is attached to a verandah, it must: <ul style="list-style-type: none"> A. Be set back at least 500mm from the road carriageway; and B. Not be more than 500mm high; 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 2.4m above a footpath; (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, 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 must be wholly contained on the site except where it is attached to a verandah; (vii) The sign is not attached to a notable tree identified in Schedule 30.2 (Notable Trees), except for the purpose of identification; (viii) The sign is not attached to for the purpose identification and interpretation of a heritage item listed in Schedule 30.1 (Heritage Items) except for the purpose of identification and interpretation; (ix) 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; (x) 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.
RDI	<p>(a) A sign that does not comply with Rules 18.2.7.1 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) Effects on amenity and town centre character; (ii) Extent to which the sign is consistent with the character of the town centre in which it is located; (iii) Extent to which the sign is consistent with the Urban Design Guidelines, Town Centres; (iv) Effects on traffic safety; (v) Effects of glare and artificial light spill; (vi) Content, colour and location of the sign; (vii) Effects on notable trees; (viii) Effects on the heritage values of any heritage item due to the size, location, design and appearance of the sign; (ix) Effects on cultural values of any Maaori site of significance; (x) Effects on notable architectural features of the building.

[s42A Report – Section 83 – Chapter 18: Business Town Centre Zone – 18.2.5 Signs]

18.2.7.2 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>(i) Rule PI (a) does not apply to site identification signs.</p>
DI	Any sign that does not comply with Rule 18.2.7.2 PI.

[s42A Report – Section 83 – Chapter 18: Business Town Centre Zone – 18.2.5 Signs]

18.2.8 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.
RDI	<p>(a) Outdoor storage of goods or materials that do not comply with Rule 18.2.8 PI.</p> <p>(b) The Council's discretion shall be limited to the following matters:</p> <ul style="list-style-type: none"> (v) Visual amenity; (vi) Effects on loading and parking areas; (vii) Size and location of storage area; (viii) Measures to mitigate adverse effects.

[s42A Report – Section 84 – Chapter 18: Business Town Centre Zone – 18.2.8 Outdoor storage]

18.3 Land Use – Building

18.3.1 Height

- (1) Rule 18.3.1.1 Height – Building general provides permitted height levels across the entire Business Town Centre Zone.
- (2) 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 18.1.1 PRI, may apply.

18.3.1.1 Height – Building general

PI	(a) The maximum height of any building must not exceed 12.40m.
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	(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 85 – Chapter 18: Business Town Centre Zone – 18.3.1 Height]

18.3.2 Daylight admission

PI	(a) Any building must not protrude through a height control plane rising at an angle of 45 37 degrees commencing at an elevation of 3m 2.5m above ground level at the site boundary where it adjoins the: (i) Residential Zone; (ii) Village Zone; (iii) Country Living Zone; (iv) Reserve Zone.
RDI	(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; (i) Amenity values of the locality.

[s42A Report – Section 86 – Chapter 18: Business Town Centre Zone – 18.3.2 Daylight admission]

Commented [PS10]: Kainga Ora relief
Submission Point 749.140
Philip Stickney (Planning) Hearing 9, EIC at 11.1,11.3

18.3.3 Gross leasable floor area

PI	Any Every individual tenancy must have a gross leasable floor area of no more than 350m ² .
DI	Any individual tenancy with a gross leasable floor area over 350m ² and no greater than 500m ² .
NCI	Any individual tenancy with a gross leasable floor area over 500m ² .

[s42A Report – Section 87 – Chapter 18: Business Town Centre Zone – 18.3.3 Gross leasable floor area]

18.3.4 Display windows and building façades

PI	(a) Any new building façade adjoining a road boundary , or alteration of an existing building façade, adjoining a road boundary must comply with the following conditions: (i) Not be set back from the road boundary at ground floor level; and (ii) Provide display windows comprising at least 50% of the building façade at ground floor level. (b) Rule 18.3.4 PI (a) does not apply to the entrance lobby, stairwell or lift located at ground floor level that services an above ground level multi-unit development in a Retail Frontage Control Area.
DI	A building that does not comply with Rule 18.3.4 PI .

[s42A Report – Section 88 – Chapter 18: Business Town Centre Zone – 18.3.4 Display windows and building façades]

Commented [PS11]: Kainga Ora relief
Submission Point 749.142
Philip Stickney (Planning) Hearing 9 at 6.4

18.3.5 Verandahs

PI	<p>(a) Any new building, or alteration to the frontage of an existing building, on land with a verandah line identified on the planning maps, must be provided with a verandah that complies with the following conditions:</p> <ul style="list-style-type: none"> (i) Is attached to the façade of the building; (ii) Has a height above the footpath of at least 2.5m but not more than 3.5m; (iii) Has a minimum width of 3m; (iv) The outer edge of the verandah is set back 0.5m from the kerb; (v) It is attached to any verandahs on adjoining buildings, so as to provide continuous pedestrian shelter; (vi) It is cantilevered from the building. <p>(b) Rule 18.3.5 PI(a) does not apply to a building included in Schedule 30.1 – Historic Heritage Items.</p>
D+RDI	<p>(a) Any verandah that does not comply with Rule 18.3.5 PI.</p> <p>(b) The Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> (i) The effects on the amenity of the streetscape, including providing continuous pedestrian shelter and town centre character; (ii) The character and layout of the building; (iii) The nature, design and location of the verandah; and (iv) The functional requirements of the activities that the buildings are intended to accommodate.

[s42A Report – Section 89 – Chapter 18: Business Town Centre Zone – 18.3.5 Verandahs]

18.3.6 Building setbacks - zone boundaries

PI	<p>(a) A building must be set back a minimum of:</p> <ul style="list-style-type: none"> (i) 7.53m from rear and side boundaries adjoining any: <ul style="list-style-type: none"> A. Residential Zone; B. Village Zone; C. Country Living Zone; D. Reserve Zone; and (ii) 1.5m from rear and side boundaries adjoining any: <ul style="list-style-type: none"> A. Rural Zone; B. Industrial Zone.
D+RDI	<p>(a) A building that does not comply with Rule 18.3.6 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 site(s); and (iv) Landscaping and/or screening.

[s42A Report – Section 90 – Chapter 18: Business Town Centre Zone – 18.3.6 Building setbacks – zone boundaries & 18.3.7 Building setbacks – water bodies]

18.3.7 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 .
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P2	A public amenity of up to 25m ² or pump shed (private or public) within any building setback identified in Rule 18.3.7 P1.
D1	Any building that does not comply with Rules 18.3.7 P1 or P2.

[s42A Report – Section 90 – Chapter 18: Business Town Centre Zone – 18.3.6 Building setbacks – zone boundaries & 18.3.7 Building setbacks – water bodies]

18.3.8 Dwelling

PI	<p>(a) One dwelling within a lot on a record of title.</p> <p>(b) The dwelling must comply with all of the following conditions:</p> <p>(i) The dwelling must not be located at ground level within a Retail Frontage Control Area;</p> <p>(ii) The entrance lobby, stairwell or lift may be located on the ground floor level within a Retail Frontage Control Area;</p> <p>(iii) The dwelling must achieve the internal design sound levels specified in Chapter [**] Noise Appendix 1 (Acoustic Insulation), Table 14.</p> <p>(c) Rule 18.3.8 P1(a) does not apply to multi-unit development (refer to Rule 18.1.3 RDI (Multi-Unit Development)).</p>
D1	Any dwelling that does not comply with Rule 18.3.8(a) (ii).
NCI	Any dwelling that does not comply with Rule 18.3.8(a) (i).

[s42A Report – Section 91 – Chapter 18: Business Town Centre Zone – 18.3.8 Dwelling]

18.3.9 Living court

PI	<p>(a) A living court must be provided for each dwelling that meets all of the following conditions:</p> <p>(i) It is for the exclusive use of the occupants of the dwelling;</p> <p>(ii) It is readily accessible from a living area of the dwelling;</p> <p>(iii) It is located on a balcony containing at least 10m² + 5m² and a circle with a diameter of at least 1.5m + 2.4m.</p>
D1	A living court that does not comply with Rule 18.3.9 P1.
RDI	<p>Council's discretion shall be restricted to the following matters:</p> <p>(i) Design and location of the building;</p> <p>(ii) Provision of outdoor living including access to daylight and open space and the useability and accessibility of the outdoor living space proposed;</p> <p>(iii) Privacy on adjoining sites;</p> <p>(iv) for adjoining living courts; and</p> <p>(v) The proximity of the site to communal or public open space that has the potential to mitigate any lack of private outdoor living space.</p>

18.3.10 Historic Heritage

- (I) The following rules manage heritage items (buildings and monuments) within the Business Town Centre Zone:
- (a) Rule 18.3.10.1 Group A Heritage item – demolition, removal or relocation;
 - (b) Rule 18.3.10.2 Group B Heritage item – demolition, removal or relocation;
 - (c) Rule 18.3.10.3 All heritage items – alteration or addition;
 - (d) Rule 18.3.10.4 All heritage items – maintenance or repair; and
 - (e) Rule 18.3.10.5 All heritage items – all site development.

Commented [PS12]: Kainga Ora relief
Submission Point 749.143
Philip Stickney (Planning) Hearing 9, EIC at 14.1

Commented [PS13]: Kainga Ora relief
Submission Point 749.158
Philip Stickney (Planning) Hearing 9, EIC at 10.5-10.7

Commented [PS14]: Kainga Ora relief
Submission Point 749.144
Philip Stickney (Planning) hearing 9, EIC at 13.3-13.4

18.3.10.1 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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18.3.10.2 Group B heritage item - demolition, removal or relocation

PI	(a) Demolition, removal or relocation of Group B heritage item 104 Ngaruawahia Plunket Rooms listed in Schedule 30.1 (Heritage Items) must comply with all of the following conditions: <ul style="list-style-type: none"> (i) The owner advises the Ngaruawahia Community Board in writing 20 working days prior to the removal or demolition (in whole or part) of the building; (ii) A heritage research report on the building by a qualified heritage researcher as well as a comprehensive photographic record of the interior and exterior of the building is completed and made available in Council records.
D1	Demolition, removal or relocation of any Group B heritage item listed in Schedule 30.1 (Heritage Items).
D2	Demolition, removal and relocation of Group B heritage item 104 Ngaruawahia Plunket Rooms that does not meet Rule 18.3.10.2.

18.3.10.3 All heritage items – alteration or addition

PI	(a) Alteration or addition of a heritage item listed in Schedule 30.1 (Heritage Items) where: <ul style="list-style-type: none"> (i) No significant feature of interest is removed, destroyed or damaged; and (ii) Alterations or additions are not visible from a public place.
RDI	(a) Alteration or addition of a heritage item that does not comply with Rule 18.3.10.3 PI. (b) The Council's discretion shall be limited to the following matters: <ul style="list-style-type: none"> (i) Form, style, materials and appearance; (ii) Effects on heritage values.

18.3.10.4 All heritage items – maintenance or repair

PI	(a) Maintenance or repair of a heritage item listed in Schedule 30.1 (Heritage Items) where: <ul style="list-style-type: none"> (i) No significant feature of interest is destroyed or damaged; and (ii) Replacement materials are the same as, or similar to, the original in terms of form, style and appearance.
RDI	(a) Maintenance or repair of a heritage item that does not comply with Rule 18.3.10.4 PI. (b) The Council's discretion shall be limited to the following matters: <ul style="list-style-type: none"> (i) Form, style, materials and appearance; (ii) Effects on heritage values.

18.3.10.5 All heritage items – all site development

PI	(a) Development on a site containing a heritage item listed in Schedule 30.1 (Heritage Items) must: <ul style="list-style-type: none"> (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
RDI	(a) Any activity that does not comply with Rule 18.3.10.5 PI. (b) The Council's discretion shall be limited to the following matters: <ul style="list-style-type: none"> (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.

18.4 Subdivision Rules

- (1) Rules 18.4.1 and 18.4.2 provide for subdivision density and apply across within the Business Town Centre Zone.
- (a) Rule 18.4.2 (Subdivision – Multi-unit development) supersedes Rule 18.4.1 (General Subdivision).
- (2) Subdivision Controls
- (a) Rules 18.4.1 and 18.4.2 are subject to the following subdivision controls:
- (i) Rule 18.4.3 – subdivision boundary adjustments
 - (ii) Rule 18.4.4 – subdivision amendments and updates to cross lease flats plans
 - (iii) Rule 18.4.5 – subdivision title boundaries, Maaori sites of significance and Maaori areas of significance ~~to Maaori~~
 - (iv) Rule 18.4.6 - subdivision of land containing heritage items
 - (v) Rule 18.4.7 - subdivision esplanade reserves and esplanade strips.

[s42A Report – Section 93 – Chapter 18: Business Town Centre Zone – 18.4 Subdivision]

18.4.1 Subdivision - general

RD1	<p>(a) Subdivision shall must comply with all of the following conditions:</p> <ul style="list-style-type: none"> (i) Proposed lots The record of title shall have a minimum size of 200 225m² net site area, with the exception of access or utility allotments or reserves to vest or a Unit Title subdivision of existing lawfully established buildings; (ii) All Proposed lots shall 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.
RD2	<p>(a) Any subdivision in accordance with an approved landuse resource consent must comply with that resource consent</p> <p>(b) Council's discretion shall be limited to the following matters:</p> <ul style="list-style-type: none"> (i) The effects of the proposed design and layout of the sites created; (ii) The provision of 3 waters infrastructure
D1	Subdivision that does not comply with Rule 18.4.1. RD1 or Rule 18.4.1.RD2.

[s42A Report – Section 94 – Chapter 18: Business Town Centre Zone – 18.4.1 Subdivision - general]

Commented [PS15]: Kainga Ora relief

Submission Point 749.145
Philip Stickney (Planning) hearing 9, EIC at 12.2-12.3

18.4.2 Subdivision - Multi-unit subdivision

RD1	<p>(a) Subdivision for multi-unit development shall comply with all of the following conditions:</p> <ul style="list-style-type: none"> (i) An application for land use consent under Rule 18.1.3 (Multi-Unit Development) must either accompany the subdivision or have been granted resource consent by Council; (ii) Any subdivision relating to an approved landuse consent must comply with that resource consent (iii) Be connected to public wastewater and water reticulation; (iv) 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="margin-left: 40px;"> <thead> <tr> <th>Unit of Apartment</th> <th>Minimum Unit Area</th> </tr> </thead> <tbody> <tr> <td>Studio unit or 1 bedroom unit</td> <td>30m² 60m²</td> </tr> <tr> <td>1 or more 2 bedroom unit</td> <td>45m² 80m²</td> </tr> </tbody> </table>	Unit of Apartment	Minimum Unit Area	Studio unit or 1 bedroom unit	30m ² 60m ²	1 or more 2 bedroom unit	45m ² 80m ²
Unit of Apartment	Minimum Unit Area						
Studio unit or 1 bedroom unit	30m ² 60m ²						
1 or more 2 bedroom unit	45m ² 80m ²						

Commented [PS16]: Kainga Ora relief

Submission Point 749.145
Philip Stickney (Planning) hearing 9, EIC at 12.2-12.3

	<div style="border: 1px dashed black; padding: 2px; display: inline-block;">3 bedroom unit</div> <div style="border: 1px dashed black; padding: 2px; display: inline-block; margin-left: 20px;">100m²</div>
	<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.
DI	Subdivision that does not comply with Rule 18.4.2 RDI .

[s42A Report – Section 95 – Chapter 18: Business Town Centre Zone – 18.4.1.2 Subdivision – multi-unit development]

18.4.3 Subdivision – Boundary adjustments

CI	<p>(a) A Boundary adjustments must comply with the following:</p> <ul style="list-style-type: none"> (i) The conditions specified in either: <ul style="list-style-type: none"> A. Rule 18.4.1 (Subdivision - General); or B. Rule 18.4.2 (Subdivision- multi-unit development); and (b) Proposed R-Ts lots must not generate any additional building infringements to those which legally existed prior to the boundary adjustment. (c) The Council's control shall be limited reserved to the following matters: <ul style="list-style-type: none"> (i) Purpose of the boundary adjustment; (ii) Effects on existing buildings; (iii) Shape of title and variation in lot size.
DI RDI	<p>(a) Boundary adjustment that does not comply with Rule 18.4.3 CI.</p> <p>(b) The Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> (i) Subdivision layout; (ii) Shape of title and variation in title size.

[s42A Report – Section 96 – Chapter 18: Business Town Centre Zone – 18.4.1.31 Subdivision – Boundary adjustments]

18.4.4 Subdivision - Amendments and updates to cross lease or flats plans

CI	<p>(a) An amendment or update to a cross lease or flats plan where:</p> <ul style="list-style-type: none"> (i) The purpose is to convert a cross lease or flats plan to a fee simple title; and (ii) The An amendment or update must identify for additions or alterations to buildings, accessory buildings and areas for exclusive use by an owner or owners. <p>(b) The Council's control is limited to the following matters:</p> <ul style="list-style-type: none"> (i) Purpose of the amendment or update to cross lease or flats plan; (ii) Effects on existing buildings; (iii) Site layout and design of cross lease or flats plan; (iv) Compliance with permitted building rules where the amendment is to convert a cross lease title to fee simple.
DI	Any amendment or update to a cross lease flats plan that does not comply with Rule 18.4.4 CI .

[s42A Report – Section 97 – Chapter 18: Business Town Centre Zone – 18.4.1.31 Subdivision – Amendments and updates to cross lease or flats plans]

18.4.5 Subdivision - Title boundaries – Maaori Sites and Maaori Areas of significance to Maaori

RDI	<p>(a) Subdivision of any lots containing any Significant Natural Areas, Maaori sites of significance or Maaori Areas of significance must not divide any of the following:</p> <ul style="list-style-type: none"> (i) A Maaori Site of Significance as listed in Schedule 30.3; (ii) A Maaori Area of Significance as listed in Schedule 30.4. <p>(b) The Council's discretion is limited to the following matters:</p> <ul style="list-style-type: none"> (i) Effects on Maaori sites of significance; (ii) Effects Maaori areas of significance.
NCI	Subdivision that does not comply with Rule 18.4.5 RDI.

[s42A Report – Section 98 – Chapter 18: Business Town Centre Zone – 18.4.5 Subdivision – Title boundaries – Maaori Sites and Areas of significance to Maaori]

18.4.6 Subdivision - land containing heritage items

RDI	<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 is limited to the following matters:</p> <ul style="list-style-type: none"> (i) Effects on heritage values; (ii) Context and setting of the heritage item; (iii) The extent to which the relationship of the heritage item with its setting is maintained.
DI	Subdivision that does not comply with Rule 18.4.6 RDI.

17.4.1.6A 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> <ul style="list-style-type: none"> (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 (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>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (i) The subdivision layout and design in regard to how this may impact on the operation, maintenance, upgrading and development of the National Grid; (ii) The ability to provide a complying building platform outside of the National Grid Yard; (iii) The risk of electrical hazards affecting public or individual safety, and the risk of property damage; (iv) The nature and location of any vegetation to be planted in the vicinity of National Grid transmission lines.
NCI	Any subdivision of land within the National Grid Corridor that does not comply with one or more of the conditions of Rule 17.4.1.6A RDI.

[s42A Report – Section 93 – Chapter 18: Business Town Centre Zone – 18.4 Subdivision]

18.4.7 Subdivision - Esplanade reserves and esplanade strips

RDI	<p>(a) Subdivision must create an esplanade reserve or esplanade strip 20m wide (or such 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> <p>(i) Less than 4ha and within 20m of any:</p> <p>A. mean high water springs;</p> <p>B. the bank of any river whose bed has an average width of 3m or more;</p> <p>C. a lake whose bed has an area of 8ha or more;</p> <p>(ii) 4ha or more and and located within 20m of any:</p> <p>A. mean high water springs; or</p> <p>B. water body identified in Appendix 4 (Esplanade Priority Areas).</p> <p>(b) The Council's discretion shall be limited to the following matters:</p> <p>(i) The type of esplanade provided - reserve or strip;</p> <p>(ii) Width of the esplanade reserve or strip;</p> <p>(iii) Provision of legal access to the esplanade reserve or strip;</p> <p>(iv) Matters provided for in an instrument creating an esplanade strip or access strip;</p> <p>(v) Works required prior to vesting any reserve in the Council, including pest plant control, boundary fencing and the removal of structures and debris;</p> <p>(vi) Costs and benefits of acquiring the land.</p>
DI	<p>Subdivision that does not comply with Rule 18.4.7 RDI.</p>

[s42A Report – Section 100 – Chapter 18: Business Town Centre Zone – 18.4.5 Esplanade reserves and esplanade strips]