

Part 29 Business Zone

For the avoidance of doubt, and notwithstanding the rules which follow, all activities (or applications for consent for such activities) must also comply with such other provisions as may affect the activity or site and which are specified in Parts [7](#), [8](#), [10](#), [11](#), [12](#), [15](#), [26](#), [50](#), [51](#), [52](#), [53](#) and [54](#) of this plan. Where the activity involves the use of a SIGN erected on private property, the SIGN shall be consistent with matters set out in Rule [15.4](#).

29.1 Permitted Activities - Business Zone

The following activities are Permitted activities in the Business Zone:

- Any activity which complies with:
 - the development standards of [Rule 29.5](#); and
 - the performance standards of [Rule 29.6](#); and
 - the requirements of [Rule 29.8](#) (relating to hazardous substances)

except where that activity:

- is to have direct vehicular access to State Highway One; or
- is specifically identified in Rules [29.2](#), [29.3](#), [29.4](#) or [29.4A](#).

29.2 Controlled Activities - Business Zone

- (i) Controlled activities require a resource consent, but the consent shall be granted. An application must be submitted in the prescribed format (available from the Council).
- (ii) Applications will be assessed in primarily terms of the matters set out in [Rule 29.7](#), and any conditions of consent will relate to those matters or such other matters as the Act allows.
- (iii) The information submitted with the application must be in terms of [Part 52](#) but only to the extent needed to enable a thorough assessment in terms of [Rule 29.7](#). The application must also clearly demonstrate compliance with the stated standards applicable to the activity.
- (iv) An application for a Controlled activity may be considered without public notification where Council so determines in terms of section 93 of the Act (this is a non-notified application in terms of the Act).
- (v) The activities listed below are Controlled activities in the Business Zone.

(NOTE: Within the list, the words in CAPITALS are defined in [Part 50](#).)

- Any activity on Lot 1 DP 43146 or on Pt Allotments 54 and 54A SO 2194 (Waikato Byproducts Ltd) or on the zoned sites in the Tuakau South 'industrial' area (west side of River Road) and which complies with:
 - the development standards of [Rule 29.5](#) and
 - the performance standards of [Rule 29.6](#) and
 - the requirements of [Rule 29.8](#) (relating to hazardous substances) except where the activity is specifically identified in Rules [29.3](#), [29.4](#) or [29.4A](#).
- Any activity requiring a vehicle crossing wider than 6 metres (i.e. an activity which would otherwise be a Permitted activity).

29.3 Restricted Discretionary Activities - Business Zone

- (i) Restricted Discretionary activities require a resource consent, and the consent may be granted or refused. An application must be submitted in the prescribed format (available from the Council).
- (ii) Applications will be assessed in terms of the matters set out in [Rule 29.7](#), and any conditions of consent will only relate to those matters (or other matters as provided by the Act).
- (iii) The information submitted with the application must be in terms of [Part 52](#) but only to the extent needed to enable a thorough assessment in terms of [Rule 29.7](#). The application must also clearly demonstrate compliance with any stated standards applicable to the activity.
- (iv) An application for a Restricted Discretionary activity may be considered without public notification where Council so determines in terms of section 95 of the Act. (This is a non-notified application in terms of the Act).
- (v) Except as provided for by Section 95A of the Resource Management Act 1991, applications for Restricted Discretionary activities (except where required as a result of non-compliance with [Rules 29.5.1](#), [29.5.10](#), [29.5.11](#), [29.5.15](#)) will be considered without notification or the need to obtain approval of, or serve notice on, affected persons.
- (vi) The activities listed below are Restricted Discretionary activities in the Business Zone.

(NOTE: Within the list, the words in CAPITALS are defined in [Part 50](#).)

1. Any activity which would be a Permitted or Controlled activity except that it:
 - does not comply with [Rule 29.5](#) Development Standards;
 - is to have direct vehicular access to State Highway One;and provided that it is not a Discretionary activity under [Rule 29.4](#) or Non-Complying activity under [Rule 29.4A](#).
2. DWELLING HOUSES, MEDIUM DENSITY HOUSING, RESIDENTIAL BUILDING and MULTI-UNIT HOUSING at GROUND LEVEL (except where not complying with [Rule 29.5.2.1\(i\)](#)).
3. In any identified structure plan area, (including Pokeno Structure Plan Area):
 - (i) The construction of any BUILDING complying with [Rule 29.5](#), except:
 - Minor alterations to BUILDINGS which involve minor cosmetic alterations or repairs and do not change the design and appearance of the existing BUILDING are permitted activities.
4. In the Pokeno Structure Plan Area:
 - (i) SERVICE STATION and YARD-BASED ACTIVITIES unless located on sites with frontage to that part of Great South Road between Church Street and Selby Street;

In respect of Rules 29.3.2, 29.3.3 and 29.3.4 above, except as provided for by Section 95A of the Resource Management Act 1991, applications for Restricted Discretionary Activities will be considered without notification or the need to obtain approval of, or serve notice on affected persons.
5. In Area A of the Pokeno Structure Plan Area (refer to the [planning maps](#))

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- (i) RETAILING ACTIVITIES with a GROSS FLOOR AREA for each tenancy less than 150m² provided that this rule does not apply to SERVICE STATIONS, DAIRIES, CAFÉ, RESTAURANT, TAKEAWAYS or the retailing of motor vehicle accessories.

29.4 Discretionary Activities - Business Zone

- (i) Discretionary activities require a resource consent, and the consent may be granted (conditionally or unconditionally) or refused. An application must be submitted in the prescribed format (available from the Council).
- (ii) Applications will be assessed in terms of the matters set out in [Part 53](#), but the Council will first consider the standards and assessment criteria applicable to Permitted, and Restricted Discretionary activities in the zone.
- (iii) The information submitted with the application must be in terms of [Part 52](#).
- (iv) An application for a Discretionary activity may be considered without public notification where Council so determines in terms of section 95 of the Act. (This is a non-notified application in terms of the Act.)
- (v) The activities listed below are Discretionary activities in the Business Zone.

1. Any activity which does not comply with [Rule 29.6](#) (performance standards) or [Rule 29.8](#) (hazardous substances quantity thresholds).
2. And in any identified structure plan area (including Pokeno Structure Plan Area):
 - (i) The construction of any BUILDING which does not comply with Rule 29.5.
3. In 'Area B' of the Pokeno Structure Plan Area (refer to the planning maps), RETAILING ACTIVITIES with a GROSS FLOOR AREA for each tenancy less than 300m² provided that this rule does not apply to:
 - (i) YARD-BASED ACTIVITY
 - (ii) TRADE SUPPLY OUTLET
 - (iii) GARDEN CENTRES
 - (iv) Hire Centres
 - (v) RETAILING of motor vehicles

29.4A Non-Complying Activities - Business Zone

- (i) Non-complying activities require a resource consent, and the consent may be granted or refused. An application must be submitted in the prescribed format (available from the Council).
- (ii) Applications will be assessed in terms of the matters set out in [Part 53](#), and where consent is granted, conditions of consent may be imposed.
- (iii) The information submitted with the application must be in terms of [Part 52](#).
- (iv) The activities listed below are Non-complying activities in the Business Zone.

(NOTE: Within the list, the words in CAPITALS are defined in [Part 50](#).)

I. In the Pokeno Structure Plan Area:

- SERVICE STATION and YARD-BASED ACTIVITIES not provided for as a Restricted Discretionary Activity or Discretionary Activity.
- DWELLING HOUSES, RESIDENTIAL BUILDING, MEDIUM DENSITY HOUSING and MULTI-UNIT HOUSING not complying with Rule [29.5.2.1\(i\)](#).

29.5 Development Standards for Permitted Activities - Business Zone

- (i) All activities in the Business Zone shall comply with the standards set out below.
- (ii) In order to ascertain compliance, the Council may request such information and plans as may be necessary, including any technical data or expert assessment as is appropriate to the circumstances.

29.5.1 Height

1. BUILDING HEIGHT RELATIVE TO BOUNDARIES

No part of any building or sign shall exceed a height of 3 metres plus the shortest horizontal distance between that part of the building and the nearest boundary of any site not zoned Business, provided that this standard shall not apply where the written consent/s of the owners and occupiers of the abutting site/s that would be directly affected have been obtained.

Explanation:

This standard is intended to reduce any physical impacts arising from building bulk close to a boundary and to ensure adequate daylight or sunlight for adjoining properties.

2. HEIGHT WITHIN 'BUSINESS CENTRES'

In addition to compliance with 29.5.1: 1

- (i) No building or sign within the defined 'Business Centres' shown on the [planning maps](#) shall exceed a height of 12 metres.

Explanation:

The height limits are intended to:

- *ensure that development is generally in character with existing buildings in the centres; and*
- *maintain the 'main street' character of two to three storey façades; and*
- *enable a form of development which is conducive to a variety of building forms and mixed use activities which may typically involve ground floor RETAILING ACTIVITIES and OFFICE or commercial uses or DWELLING HOUSES (flats or apartments) above GROUND LEVEL.*

29.5.2 Building Location

1. MAIN FRONTAGE CONTROL

All buildings on sites which are affected by the 'main frontage control line' shown on the planning maps shall have internal floor space at ground level right up to the front (road) boundary and along the full width of the site, provided that an entrance or stairway lobby or an architectural feature or similar area which is always accessible to the public and which is an integral part of the front wall may be included where it occupies no more than 6 square metres ground area, provided further that for sites having over 8 metres of frontage, a further such 6 square metre (maximum) area is permitted for every additional 8 metre length of front boundary; such areas must be separated by at least 4 metres of frontage (e.g. a 16 metre frontage may have two 6 m² areas, separated by at least 4 metres of 'normal' frontage).

- (i) In any identified area, (including: Pokeno Structure Plan Area) all DWELLING HOUSES,

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MEDIUM DENSITY HOUSING, RESIDENTIAL BUILDING and MULTI-UNIT HOUSING on SITES which are affected by the 'main frontage control line' shown on the planning maps shall not be located or have HABITABLE ROOMS located on the GROUND LEVEL (excluding entrances, stairs, parking and lobbies at GROUND LEVEL).

Explanation:

This standard is intended to maintain continuous building frontage in the prime retailing areas. 'Non-conforming' proposals to set back from the street will be assessed on their design merits and in terms of the impact on the functioning of adjoining properties, and the 'mainstreet' character, and on pedestrian amenities.

2. FRONT YARD [NB See definition of "FRONT YARD" - [Part 50](#)]

6 metres for all buildings on sites which are affected by the 'front yard control line' shown on the planning maps except where a 'building line' designation applies* in which case the FRONT YARD will be the difference between 6 metres and the depth of the 'building line', and except for SERVICE STATION forecourt canopies which need only be one metre back from the front boundary (or 'building line') provided that where the site of the service station has a common (front) boundary with a state highway, then the one metre front yard will only apply where the New Zealand Transport Agency has given written permission, a copy of which shall be given to the Council.

Explanation:

This standard serves three main purposes, which are to:

- *reinforce the 'movement' function of the road by maintaining a visual avenue; and*
- *leave space for parking and manoeuvring (which is safer and more convenient when the availability of spaces can be seen from the road); and*
- *leave space for landscaping so that the amenity of these roads for the travelling public and the community as a whole is maintained.*

Service station forecourt canopies should not detract from the purposes of the front yard.

** For 'building line' designations refer to the planning maps.*

29.5.3 Verandah Cover

1. All buildings on sites which are affected by the 'main frontage control line' shown on the planning maps shall have verandahs built to substantially cover the width of the footpath in front of the site and extending along the full width (frontage) of the site.
2. Verandahs shall be designed so as to achieve continuity with adjoining verandahs.
3. Posts may be utilised with the written approval of the Chief Executive or officer(s) acting under delegated authority where s/he is satisfied that the safety and convenience of drivers and shoppers will not be diminished. Where posts are to be used the verandah shall be designed and constructed to be self-supporting, such that the posts are not necessary to hold the verandah structure up.

Explanation:

Verandahs are an essential item to provide pedestrians with protection from the varied climate conditions. This standard is intended to ensure the convenience of shoppers and a degree of

pleasantness in existing and future prime retailing areas by giving protection from the elements.

29.5.4 Façade Design

All building façades at ground level on sites affected by the 'main frontage control line' shown on the planning maps shall have at least 60 per cent of their front walls in windows or dedicated display space. Reflective or black glass shall not be used.

Explanation:

This standard is intended to maintain a 'retail' looking main frontage irrespective of the nature of the activity located therein. A lack of a fairly continuous 'shopping centre' appearance will have a cumulative adverse effect in terms of the attractiveness and viability of the main centres in the District.

29.5.5 Driveways

No activity on a site affected by the 'main frontage control line' shown on the planning maps shall have vehicular access to that affected street frontage.

Explanation:

Crossings or driveways within the main retailing street frontages affect the safety and convenience of pedestrians because vehicle movements intersect the footpath and driveways are usually uncovered so as to interrupt verandah cover. Narrow driveways between buildings can also act as wind funnels, and up to three kerb-side parking spaces can be lost. Existing crossings will have the protection of section 10 of the Act, and Council recognises that many sites could not be fully utilised without such crossings. Each case will be considered on its merits. Only significant building developments are likely to be 'caught' by this standard, and in these cases alternative access provision will be expected, through the use or extension of service lanes for example.

29.5.6 Parking Spaces

(See also [29.5.7 LOADING](#) and [29.5.8 CROSSINGS/DRIVEWAYS](#))

1. [deleted]
2. (Construction) For SITES within the Business Centres shown on the planning maps: All parking and manoeuvring areas shall be formed, drained and maintained to a tar- or chip-sealed or concreted surface in accordance with accepted practice for 'commercial' loadings, and such that stormwater will in all weathers leave the site in a controlled manner so as to have no potential to cause damage to roads or adjoining properties.
3. (Construction) For SITES outside the Business Centres shown on the planning maps: Subject to [Rule 29.5.8: 2](#), all parking and manoeuvring areas shall be formed, drained and maintained to at least a compacted metal (rock chip) surface, in accordance with accepted practice for 'commercial' loadings, and such that:
 - stormwater will in all circumstances leave the site in a controlled manner so as to have no potential to cause damage to roads, service lanes, or adjoining properties; and
 - metal will not be washed or carried onto any road, service lane or

adjoining property.

29.5.7 Loading Spaces

1. (Number of spaces) Subject to the requirements of [Rule 51](#) all activities shall, on the same site as that activity, have the number of loading spaces as determined in accordance with the following requirements:
 - (i) For SITES within the Business Centres shown on the [planning maps](#):
One space per site
 - (ii) For SITES outside the Business Centres shown on the [planning maps](#):
One space per site, but not less than two spaces for any site having a total building gross floor area of over 1000 square metres.

2. (Design) All loading spaces and associated manoeuvring areas shall comply with the following design requirements:
 - (i) No loading space can be sited in such a way that service vehicles have no option but to reverse onto or off the site. The Council may waive this requirement where a site is small or service access is to a service lane, no-exit road or to a street which carries low traffic volumes.
 - (ii) All loading spaces or areas shall not be less than 8 metres in depth, 4 metres in width, and 4.25 metres in height.
 - (iii) All loading spaces or areas shall be provided with an access path that complies with [Diagram 51.F](#).

3. (Construction) All loading and associated manoeuvring areas shall, depending on the location of the site, comply with Rule 29.5.6: 3 or Rule 29.5.6: 4 as if the reference to 'parking' was to 'loading' spaces.

Explanation:

The provision of loading spaces is essential to the effective operation of the vast majority of businesses. These spaces must be designed and located on site to be able to be used safely and efficiently. Sites in the centres are generally well served with public service lanes or are dealing in smaller goods, and hence the lesser requirement. Consideration will be given to the frequency of deliveries and the effectiveness of alternative loading proposals in considering applications pursuant to this rule.

29.5.8 Vehicle Crossings and Driveways

Except where access is proposed to a state highway:

1. **For sites within the Business Centres** shown on the [planning maps](#).

Vehicle crossings (driveways) between sites and the edge of the formation (kerb-line) of any road or service lane shall comply with Council's current policy.

Council's policy dated 2007 for vehicle crossings applies and the main requirements are

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summarised as follows:

- One crossing per property (contained in one Certificate of Title)
- Any property having a frontage in excess of 15 metres but less than 60 metres shall be permitted a second crossing. Any property with a frontage exceeding 60 metres in length shall be permitted one further crossing (i.e. a maximum of three crossings for sites in excess of 60 metres.)
- The maximum width of any crossing shall be 6 metres at the boundary line with provision for a splay, provided that the length of crossing on the kerb line shall not exceed seven metres. The total width of such crossings shall not exceed 50% of the frontage of front sites. Where two properties combine to form one crossing, the total width at the boundary line shall not exceed six metres.
- A minimum distance of two metres shall be provided between two crossings to act as pedestrian refuge.
- Construction standards are set out in the 2007 policy.

1A. **For sites outside the Business Centres** shown on the planning maps, [Rule 42A.6.12](#) applies to vehicle crossings.

2. (Driveway apron) Notwithstanding any other rule in this plan, the driveway surface on the site which is adjacent to or behind every vehicle crossing shall be tar- or chip-sealed or concreted to a commercial standard for a distance of 6 metres back from the front boundary of the site, for the full width of the crossing, except that for activities that involve the daily movement of large trucks or truck-and-trailer units, this surface shall be extended into the site for a distance of 12 metres. Where a new or altered vehicle crossing is proposed to the State Highway, the approval of the New Zealand Transport Agency is required.

Explanation:

The sealing or concreting of the driveway leading to a vehicle crossing, which might otherwise be permitted to be in gravel, is necessary to avoid the nuisance and potential danger to motorists, pedestrians and cyclists, of loose gravel and dust coming out over the road, particularly from large vehicles. Gravel can also accelerate damage to roads and clog drains.

29.5.9 LPG Storage

Up to and including 6 tonnes of liquified petroleum gas (single vessel storage) may be stored per site provided that between 2 and 6 tonnes may only be stored where the installation is in accordance with the separation distances specified in [Rule 29.9](#).

Explanation:

While mishaps involving LPG would be classified as 'low probability' they have the potential to cause significant adverse environmental effects. The effects of mishaps in relation to installations up to 2 tonnes would be relatively contained and, consequently, such installations are permitted activities in the district plan. These installations are, however, subject to regulation under the Hazardous Substances and New Organisms Act 1996.

Installations between 2 and 6 tonnes are permitted activities subject to compliance with standards for

separation of the installation and the 'people intensive' activities specified in Rule 29.9. Installations over 6 tonnes capacity demand a more extensive assessment of site suitability, including the terrain and drainage systems of the locality, given the propensity of LPG (which is heavier than air) to move to and concentrate in low places which could be a considerable distance from the site of a leakage, depending on drainage patterns. Installations over 6 tonnes are therefore assessed as Restricted Discretionary Activities.

29.5.10 Outdoor Storage Areas

1. **GENERAL SCREENING:** No outdoor storage of materials, car bodies, parts, engines or equipment shall be clearly visible from the road or any site not zoned Business Zone. Such areas shall be substantially screened from sight by walls, fencing, mature vegetation, or other permanent means. This standard does not apply to:
 - finished goods that are on display for sale or hire except if they are used car parts or engines;
 - mechanical equipment and vehicles that are in full working order;
 - landscaping products and plants;
 - products such as concrete tanks which once manufactured benefit from being left outdoors.

2. **RESIDENTIAL:** In addition to compliance with 29.5.10(1) above, all outdoor storage areas containing materials or goods of whatever kind shall be completely screened from view from any site in the Residential Zone which is within 100 metres of that storage area unless the residential site is elevated well above that area such that this standard is not practicable, in which case the screening shall be the best practicable option in the circumstances. The best practicable option in this case can be the planting and maintaining of plants or trees which can reach a maturity height which will achieve at least a 50 per cent screening of the storage area.

Explanation:

Outdoor storage areas can be unsightly and the community deserves to be protected from the visual effects. Properties that are further than 100 metres will often be well elevated above Business sites and cannot (and need not because of the greater distance) have the same protection.

29.5.11 Amenity Planting on certain Properties

All yards which have the 'amenity planting' requirement applied to them as shown on the planning maps shall be subject to their respective amenity planting requirements, and no activity which is otherwise permitted by this plan shall be deemed to be lawfully established unless the required 'planting plan' has been approved by the Chief Executive or officer(s) acting under delegated authority and the planting has been established to his/her satisfaction:

1. **AREA:** The area of land to be planted out must be equivalent to the length of the identified boundary (minus any vehicle crossings/driveways) multiplied by 1.5, provided that no more than 50 per cent of the boundary may be subtracted as 'vehicle crossing'.
2. **LOCATION AND DESIGN:** The area to be planted may be along the boundary, or at the edge of the building/s on the site, or in a combination of the two positions. It may be at ground level or in raised beds or retained areas.

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3. **EFFECT REQUIRED AT ZONE INTERFACE:** The planting must at maturity achieve a significant visual screening effect, particularly where the yard faces non-Business sites or is to remain unsealed or used for outdoor storage of any kind, or be such as complements the design and significantly softens the appearance of the building and any parking/loading/driveway areas.
4. **EFFECT REQUIRED AT FRONT BOUNDARIES:** The planting must at maturity achieve a significant amenity enhancing effect, particularly if the site faces non-Business sites, or be such as complements the design and significantly softens the appearance of the building or front yard and any parking/loading/driveway or service areas when viewed from the road.
5. **SUBMIT PLAN:** A planting/landscaping plan to scale must accompany the building consent, or compliance certificate, or some form of written application to the Council. It must clearly show the location and areas of the amenity planting areas and:
 - the direction of fall of the land and approximate contours;
 - the existing vegetation which may qualify as meeting this standard;
 - any proposed earth filling or cutting;
 - include a list of the plants proposed to be established and their botanical name, and maturity height and width;
 - a statement as to when the plants will be planted, and how they will be nurtured to maturity and maintained thereafter.
6. **SPECIES:** All plants must be pre-grown, long-life, and low maintenance species.
7. **PLANTING:** All required plants must be in the ground not later than August of the planting season following the date of building consent.

A bond may be required to ensure that the work is completed and also maintained for up to two years thereafter.

Explanation:

The Council has targeted its landscaping requirements to protect the amenities of adjoining non-business areas and main roads. The standard is as specific as it can be without completely restricting the options of individual businesses to achieve the plan's amenity objectives. The Council acknowledges that the best looking sites are where planting and landscaping are an integral part of the design of the development and where there is a commitment on the part of the owners/occupiers to achieve a 'smart' appearance for the good of the business as well as the locality.

29.5.11A Riparian Planting

- (a) Any stream identified on a structure plan map as 'perennial stream requiring riparian margin' shall be planted with vegetation to the minimum depth of the Setback from Water identified in [Rule 29.5.14](#) across the entire length of the stream within the SITE.
- (b) For the avoidance of doubt no storage of materials, loading or car parking shall occur within the Setback from Water where it is identified as a perennial stream on a structure plan map.

29.5.12 [Deleted by Plan Change 30]

29.5.13 Standards for Residential Buildings / Dwelling Houses / Multi-Unit Housing and Noise Sensitive Activities

1. Every residential development shall comply with the relevant minimum standards of the Residential

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Zone of this plan (except as modified below) and every specified noise sensitive activity shall comply with clause 2b.

Explanation:

A minimum level of amenity should be achieved for any residential building and noise-sensitive activity (1) located in the Business Zone of the District.

2. RESIDENTIAL BUILDINGS, DWELLING HOUSES, MULTI-UNIT HOUSING and mixed-use BUILDINGS and Noise Sensitive Activities.
 - (a) Any RESIDENTIAL BUILDING, DWELLING HOUSE, MULTI-UNIT HOUSING or mixed-use BUILDING shall be designed in such a manner as to comply with the following internal NOISE limits:
 - (i) 35dBA Leq in bedrooms
 - (ii) 45dBA Leq in all other habitable rooms
 - (b) Any Noise Sensitive Activity shall be designed in such a manner as to comply with the following internal NOISE limits:
 - (i) 35dBA Leq in sleeping areas
 - (ii) 45dBA Leq in all other rooms used for noise-sensitive activities
 - (c) Then internal NOISE levels shall be achieved with ventilating windows open and with mechanical ventilation required to ventilate the rooms in accordance with the Building Code operating.
 - (d) Compliance with Rule 29.5.13 shall be demonstrated by the provision of an acoustic design report from a suitably qualified and experienced acoustic engineer confirming that the building to be constructed is designed to achieve the above noise levels.

(1) Noise sensitive activities are: TRAVELLERS' ACCOMMODATION, SPECIAL HOUSING DEVELOPMENT, SCHOOLS, CHILD CARE AND LEARNING CENTRES, spaces within BUILDINGS used to overnight HOSPITAL care.

Explanation:

A mixture of activities is likely to be established within the Business zone and residential and other noise sensitive activities require and appropriate level of protection. The control seeks to ensure acoustic protection for DWELLING HOUSE(S) and other noise sensitive activities by requiring an appropriate standard of acoustic insulation.

3. OUTDOOR LIVING COURT

- (a) Each GROUND LEVEL dwelling (including those within MULTI-UNIT HOUSING or MEDIUM DENSITY HOUSING DEVELOPMENT) shall be provided with an outdoor living court which:
 - (i) Is not less than 40m² in area.
 - (ii) Contains no dimension less than 4 metres.
 - (iii) Is conveniently accessible from the main living area.
 - (iv) At least 60% of the area of the court must be in the northern, eastern or

western quadrants of the site.

- (b) Each upper floor dwelling (including those within MULTI-UNIT HOUSING or MEDIUM DENSITY HOUSING DEVELOPMENT) shall be provided with a balcony which:
- (i) Is not less than 8m² in area; and
 - (ii) Contains no dimension less than 1.5 metres; and
 - (iii) Is conveniently accessible from the principal living / dining room.

Explanation:

A minimum amount of useable and reasonably private outdoor living space should be provided in connection with every dwelling house, including upper floor dwelling houses (eg. apartment or flat above a shop).

4. OUTLOOK SPACE

The main glazing of each upper floor dwelling (including those within MULTI-UNIT HOUSING or MEDIUM DENSITY HOUSING DEVELOPMENT) shall be provided with an outlook area of open space, unimpeded by buildings on the subject SITE and immediately adjacent to that glazing. Any outlook area must have a minimum dimension of 10 metres, measured at right-angles to the wall of the building within which the glazing is located. The outlook area may comprise the following components:

- (i) An area of on-site space which must be kept free of structures within the SITE.
- (ii) Areas of road reserve.

Explanation:

The purpose of the rule is to ensure that the light, air and amenity of an upper floor dwelling house (eg. apartment or flat above a shop) is protected where the main outlook and glazing of the dwelling house does not front a road or public space and the adjoining land could be developed with a large building or high solid wall on the boundary. The provision for light, air and amenity needs to be provided within the SITE where the main glazing, usually associated with a living room, faces towards a side or rear boundary.

29.5.14 Set Back from Water

Subject to [Rule 29.6 5](#), no building shall be sited closer than 30 metres back from mean high water springs or 10 metres back from the edge of any stream or river, and EARTHWORKS within these set backs shall not exceed a total volume of 25 cubic metres or a total area of 250 square metres.

Explanation:

This set back standard is to protect the land/water interface from the adverse visual impact of structures that in the 'business' context often have a utilitarian appearance. It provides space for planting. Only a small number of sites in the district are close to water. The earthworks standard is intended to avoid the adverse effects on water and the coastal or riparian environment. It may reduce the risk of damage from erosion or flooding.

29.5.15 Hazardous Substances Monitoring

Where any activity is deemed to be permitted in terms of [Rule 29.8](#) and the site of that activity is within 75 metres of a site not zoned Business, then the:

- type/s;
- quantities;
- location/s on site and/or position within the building/s; and
- emergency response plans or procedures which are to be put in place in respect of the substance/s

must be submitted to the Council in writing, with such drawings as may be requested, prior to the activity commencing.

Explanation:

This requirement is to ensure that the Council can fulfil its monitoring responsibilities and so that it could in the light of new information, or new regional rules, or changes in the legislation, discuss ways to ensure that any environmental risks are kept within tolerable limits. Emergency planning is considered an integral component of the responsible use of hazardous substances and a precautionary approach to avoiding or minimising environmental damage.

29.5.16 Location of Fuel Dispensers

Where any activity involves the dispensing of vehicle fuels by retail, the dispensing units or points must be at least 12 metres from the midpoint, on the boundary, of any vehicle crossing provided that for 'truck stops' this distance must be at least 18 metres.

Explanation:

This requirement is to ensure that vehicles can park well clear of entrances, and that in the case of service stations there is space for queuing.

29.5.17 Stormwater Management - Volume Control

All activities shall have a stormwater management system that is deemed to be effective and appropriate by Council. The landowner shall be responsible for the ongoing maintenance of the private on site stormwater system upon its implementation.

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

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

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

OR:

B. An independent connection to a PUBLIC STORMWATER SYSTEM and an on-site soakage system to contain a 20% AEP 10 minute storm event before overflowing to the PUBLIC STORMWATER SYSTEM which is able to collect stormwater from the site equivalent to that

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generated by actual and proposed impervious surfaces, plus 10% of that (maximum of 100% of the site). The soakage system must be able to completely empty via soakage within a 24 hour period.

OR:

C. Where connection to a PUBLIC SYSTEM IS NOT AVAILABLE, the applicant shall provide an on-site soakage system to contain a 5% AEP 10 minute storm event without overflowing, which is able to collect stormwater from the site equivalent to that generated by actual and proposed impervious surfaces, plus 10% of that (maximum of 100% of the site). The soakage system must empty within a 24 hour time period.

OR:

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

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

Provided that where land is subject to instability, stormwater discharges directly to ground occur only where the ground conditions have been identified as being suitable to absorb such discharges without causing, accelerating or contributing to land instability and downstream effects either on the SITE or on neighbouring properties.

29.6 Performance Standards for all Activities - Business Zone

- (i) All activities in the Business Zone shall comply with the standards set out below. In order to ascertain compliance, the Council may request such information and plans as may be necessary, including any technical data or expert assessment as is appropriate to the circumstances.
- (ii) Where a standard is not being achieved the person/s having responsibility for the activity or the generation of the effect shall immediately advise Council of the action to be taken and shall as soon as practicable take all necessary steps to ensure compliance. Nothing herein shall preclude the Council from taking any enforcement action that is deemed necessary and appropriate in the circumstances.

29.6.1 Noise

A. No activity within the zone shall cause the following sound levels to be exceeded, for the stated times, at or within the boundary of any other SITE, where that other SITE is:

1. **NOT ZONED** BUSINESS ZONE:

| Time/hours | “L10” (defined) | “Lmax” (defined) |
|-----------------|-----------------|------------------|
| 0700 to 1900 | 50 dBA | 75 dBA |
| 1900 to 2200 | 45 dBA | 75 dBA |
| All other times | 40 dBA | 65 dBA |

2. ZONED BUSINESS AND IS **WITHIN** THE ‘BUSINESS CENTRES’ shown on the [planning maps](#):

| Time/hours | L10(defined) | Lmax(defined) |
|--------------|--------------|---------------|
| At all times | 55 dBA | 75 dBA |

3. ZONED BUSINESS ZONE BUT IS OUTSIDE THE ‘BUSINESS CENTRES’ shown on [planning maps](#):

| Time/hours | L10(defined) | Lmax(defined) |
|--------------|--------------|---------------|
| At all times | 60 dBA | 75 dBA |

NOISE shall be measured and monitored in accordance with NZS 6801:2008 Acoustics – Measurement of Environmental Sound and NZS 6802:2008 Acoustics – Environmental Noise.

Explanation:

All business activities have a duty to keep noise levels within reasonable limits. Noise levels must not reduce the pleasantness of nearby properties. These levels set a benchmark by which the acceptability of any noise might be considered. Where these levels are not being achieved the influence of many other factors will need to be considered, such as traffic noise and general

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background noise levels due to the range of activities in the locality.

Conversely, where these noise levels are being achieved there may still be a potential nuisance situation due to the frequency, duration or type of noise that is being generated.

OR:

B. In an identified area (including: Pokeno Structure Plan Area)

- (i) No activity within the zone shall cause the following sound levels to be exceeded, for the stated times, at or within the boundary of any other SITE, where that other SITE is:

NOT ZONED BUSINESS

| Area | The noise level measured within the boundary of a site within the area described in column 1 of this table shall not exceed the following limits: | | |
|---|---|------------------|----------|
| | 7.00am – 10.00pm | 10.00pm – 7.00am | |
| | (dBA Leq) | (dBA Leq) | dBA Lmax |
| High Background Noise Area (referto planning maps) | 55 | 45 | 75 |
| All other areas | 50 | 40 | 70 |

ZONED BUSINESS

| 7.00am – 10.00pm | 10.00pm – 7.00am | |
|------------------|------------------|----------|
| (dBA Leq) | (dBA Leq) | dBA Lmax |
| 60 | 50 | 75 |

- (ii) Clause b(i) above does not apply to construction noise.
- (iii) The NOISE levels shall be measured and assessed in accordance with the requirements of NZS 6801:2008 Measurement of Environmental Sound and NZS 6802:2008 Environmental Noise respectively, or any standards that supersede these standards.

29.6.2 Odour

No activity within the zone shall cause any nuisance odour to be experienced beyond the boundary of the site the activity is located on. 'Nuisance' odour shall be any odour that is considered to be intrusive, noxious, objectionable or offensive to two Council enforcement officers, both of whom have healthy olfactory systems (which have been calibrated as to sensitivity) and who experience the odour at the same time, on more than one occasion. The officers will consider the frequency, intensity, duration, offensiveness or hedonic tone and the actual location or flowpath of the odour.

Subject to other relevant considerations (including genuine malfunctioning of machinery which has been independently verified to Council's satisfaction), any 'nuisance' odour which is evident for more than 20 minutes (separately or cumulatively) in any 14 day period will be deemed to have taken the activity out of the Permitted activity status.

Explanation:

Council accepts that the assessment of odour is very much a subjective task in the absence of quantifiable measures. Some tolerance for intermittent odours is considered reasonable. The assessment of odours within the Business Zone is more appropriately dealt with on a case by case basis and in terms of the 'general duty' requirement of this plan and the Act.

29.6.3 Vibration

1. No activity shall be permitted to create vibration levels which affect occupants of adjacent buildings by exceeding the provisions of International Standard ISO 2631–2:1989.
2. Evaluation of human exposure to whole body vibration – Part 2 Continuous and shock induced vibration in buildings (1 to 80 Hz).
3. Annex A and Table 2 of ISO 2631–2:1989 shall be used for the assessment of continuous, intermittent and transient (impulsive) vibrations.
4. Instruments to measure such vibration and methods of measurement shall comply with Australian Standard AS 4273:1987 and AS 2187.2:1993.

Explanation:

This standard is intended to alert business activities to the need to avoid sites, whether inside the zone or not, where vibration is likely to be an issue, or to locate plant and machinery on-site where it is least likely to cause concern for neighbours. It is therefore a reinforcement of the general statutory duty to avoid, mitigate or remedy adverse effects.

29.6.4 Light Spill and Glare

1. No welding activity shall be visible from any road or any site not zoned Business.
2. All outdoor lighting shall be positioned, mounted and directed in such a way that light coming directly or indirectly from it:
 - is not a serious distraction or danger to motorists, and
 - is not a serious distraction or annoyance to occupants of other sites at any time, which shall be deemed to be the case where once an effect is brought to the Council's attention the condition continues for more than 30 minutes in any 24 hour period and the affected person/s have no ready means of relief from it.
3. Compliance with the following standards will be considered the minimum acceptable to ensure that a nuisance situation or adverse effect does not eventuate, provided that for the purposes of these standards, land zoned Recreation is deemed to be zoned Business (and its illumination from business activities will not be controlled by these standards):
 - (i) Where a property is deemed to have "bright" surrounds, all lighting shall be installed and operated such that the direct component of illuminance for the stated hours is less than the stated lux (lumens per square metre) on or at any point inside the closest boundary of every affected site:
 - 0600 hours to 2230 hours: 25 lux
 - 2230 to 0600 hours: 10 lux (A property has 'bright' surrounds where it has any non-Business land abutting it which fits the following description: The land is within 60 metres of a

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road or length of road which is illuminated to the minimum standard set out in NZS 6701 for intermediate and main road streetlighting).

- (ii) Where a property is deemed to have 'dark' surrounds, all lighting shall be installed and operated such that the direct component of illuminance for the stated hours is less than the stated lux (lumens per square metre) on or at any point inside the closest boundary of every affected site:

- 0600 hours to 2230 hours: 10 lux
- 2230 hours to 0600 hours: 5 lux

(A subject property has 'dark' surrounds where non-Business land abutting it does not fit the description above for 'bright' surrounds).

- (iii) All artificial lighting shall be installed and operated such that the luminous intensity of any light source is less than 1000 candelas in the direction of any affected property or road.

Explanation:

This standard is intended to alert business activities to the potential for adverse effects from outdoor lighting and glare. It should give businesses adequate notice of those aspects which may cause the Council to take enforcement action. For comparison, an illuminance of 10 lux is usually bright enough for public amenity lighting, and most local streetlighting produces an average illuminance of 2 to 4 lux.

29.6.5 Contaminants

[Note: This rule must be read subject to the relevant provisions of the Act, which includes section 10 (Certain existing activities allowed); section 15 (Discharge of contaminants into environment); section 17 (Duty to avoid, remedy, or mitigate adverse effects); section 20 (Certain existing lawful activities allowed); section 418 (Certain existing permitted uses may continue); and related Statutory Regulations].

1. Subject to the provisions of the Act, no activity shall cause or contribute to the contamination of any water, soil or air, either directly or indirectly, unless it is permitted in terms of:
 - a regional rule; or
 - a resource consent; or
 - regulations; or
 - some other district or regional approval which is still valid.
2. Subject to 29.6.5:1 above, no water blasting, sand blasting, steam cleaning or other form of cleaning or stripping is to occur other than on, or in, a sealed or bunded area which is formed in such a way that all the waste products can be collected for treatment and/or reuse and/or disposal and in accordance with any instructions or approvals which have been issued by the Council or a Regional Council.
3. Subject to 29.6.5:1 above, no storage of substances or materials (such as treated timber products), equipment or refuse shall occur in such a way that any contaminant could spill or be released into the air, water, or soil through the effects of the weather or any reasonably predictable circumstance or condition.

4. Subject to 29.6.5:1 above, no storage of potentially hazardous liquids shall occur within 100 metres of any natural water body unless such storage is in approved double-skinned containers and, where such storage is above-ground, must be within a bunded area which can accommodate the total quantity or volume of stored liquid.

(Further note: The following methods, or any combination thereof, may be necessary and/or effective towards ensuring that the requirements of 29.6.5:1 to :4 above can be complied with:

- waste minimisation;
- cleaner production methods;
- staff education of site management practices and their environmental responsibilities;
- site management practices including - good house keeping; preventative maintenance; stock inventory and rationalisation; spill prevention systems; spill contingency and response procedures; review of past problems or incidents;
- the use of containment systems that are designed, constructed and managed to ensure that any direct spill or release of potentially contaminating substances, or any stormwater that may become contaminated, is prevented from getting onto land, into groundwater, or into any stormwater system;
- roofing over areas where potentially contaminating substances are stored, used, or may drip, such as from treated timber or vehicles or waste products;
- compliance with recognised industry standards or codes, such as "The Design, Installation and Operation of Underground Storage Systems" and "The Safe Use of Timber Preservatives and Antisapstain Chemicals").

Explanation:

This standard is intended to ensure that contaminants do not enter the environment in an uncontrolled or harmful way. This could occur through activities such as:

- *the manufacture, mixing or blending of substances;*
- *the storage of materials, whether inside or outside;*
- *loading or unloading materials into and out of buildings;*
- *transferring materials between containers whether portable or non portable;*
- *transferring liquids from tankers to storage vessels.*

The management and control of discharges is primarily a regional function but land use activities should not commence or continue other than in accordance with authorised practices. Businesses are encouraged to consult the Councils as to the best practicable options for dealing with these activities.

29.6.6 Maintaining Amenity Plantings

Where any area of planting has been required to be established, it shall be maintained at all times thereafter to ensure that it performs the desired amenity and/or screening function. 'Maintained' shall include cultivating and conditioning the soil, replacing soil that has been contaminated by previous activities on the site, watering, adding fertiliser, replacing dead or damaged plants, weeding and releasing, and pruning in accordance with accepted horticultural practices.

Explanation:

The requirement to establish plantings is of no benefit if it is not reinforced by a requirement to maintain that area.

29.6.7 Hours of Operation for Licensed Premises

Any activity that requires the operation of an 'on-licence' or 'club licence' and which is on a site, any part of which is within 75 metres of a site not zoned Business, shall not operate or occur between the hours of 11 pm one day and 7.00 am the next provided that this standard shall not apply in the case where the site not zoned Business is zoned Recreation.

Explanation:

The amenities of non-business areas, particularly residential areas, can be seriously affected by the general activity noise that accompanies people exiting licensed premises, getting into cars, and driving away from the site. This standard ensures that places that seek to operate at times when background noise levels are usually at their lowest can be individually assessed in terms of the likely impact on the locality. The assessment criteria include consideration of the roading pattern and the characteristics of other activities in the area.

29.6.8 Vehicle Servicing Activities

Notwithstanding the minimum requirements of this plan relating to parking and loading spaces ([Part 51](#)), every activity which involves the servicing of vehicles of any type shall provide on the site sufficient parking and manoeuvring spaces to accommodate all those vehicles which are either being serviced, awaiting service, or awaiting pick up by or delivery to their owners. Vehicles shall not be left on the road, any off-street public parking area, or on any service lane or adjoining property.

Explanation:

In these circumstances vehicles can be an obstruction to the operation of other land use activities and to the safe and efficient movement of vehicles on roads. They can also be unsightly. Activities which cannot comply with this standard should relocate to bigger sites.

29.7 Assessment of Controlled and Restricted Discretionary Activities - Business Zone

In assessing applications for consent to Controlled and Restricted Discretionary activities the Council will, in making a decision, restrict the exercise of its discretion to those matters listed below relevant to the infringement of Rule(s) [29.5](#) and/or [29.6](#):

- The policies of the plan concerning business activities or concerning the particular area or road in which the activity is to be located;
- The relevant aspects contained within the explanations given for each standard in the zone;
- In the case of a residential activity, the standards and matters which would be applied to the development or subdivision;
- The impact on the safe and efficient operation of the road and the extent to which compliance with the access standards for state highways recommended by Transit New Zealand (February 1994) would avoid or minimise any adverse effects;
- The bulk, height, style, finish, colour and texture of buildings and the extent to which these aspects of the development conflict with or detract from activities or buildings on adjacent sites or in the locality; as regards height the effects of concern include shading of private or public areas, and wind funnelling between buildings;
- The extent to which the design or any aspect of the proposal conflicts with or compromises the achievement of any design guideline or design theme that has been developed or accepted for the area;
- The extent to which the design of the proposal or nature of the activity would detract from or diminish the functional coherence of the area or its versatility for a range of business activities, given the activities that already predominate in the area or are likely to be most suited to the area;
- The suitability of the site for the activity given the character of, or activities that predominate in, the area, and given that the area may lack a level of amenity suitable for the residents or occupiers of the proposed activity or development, assuming normal 'resident/occupier' expectations;
- The appropriateness or otherwise of acoustic insulation for houses in order that appropriate internal noise performance standards are achievable in areas likely to be subject to noise;
- The extent to which pedestrians or shoppers would be inconvenienced or discouraged from visiting the area as a result of one or more aspects of the proposal;
- The extent to which pedestrians or shoppers would feel unsafe or be unnecessarily exposed to the weather as a result of one or more aspects of the proposal;
- The extent to which the proposal would affect the availability and convenience of parking and loading spaces in the locality, the safe and efficient movement of vehicles on adjacent roads or in service lanes, or the capacity of the site, once developed, to be used in the future for a wide range of activities;
- The extent to which technological improvements have altered the way the activity interacts with the environment or makes demands on the public resources of the

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district;

- The extent to which people living or working in the area would have to accept unacceptably high risks or potential impacts arising from some aspect of an LPG installation;
- The extent to which some aspect/s of an activity or unusual characteristics of a locality or adjoining sites make it unnecessary or inappropriate to provide amenity planting in full or in part;
- The extent to which the design of the building or the type or layout of the activity does or does not incorporate special features which compensate for the lack of compliance with the standards of the zone.
- The extent to which the Council already has information which can be utilised in terms of complying with the requirements of the zone;
- The extent to which 'emergency planning' has been incorporated into the design, layout or modus operandi of the activity, and the effectiveness of the measures proposed given the nature of the activity and the locality in terms of avoiding or minimising any likely adverse effect;
- The extent to which any earthworks would affect the ecological, landscape or landform values of the area, or the natural character of the coast or of the margins of lakes and rivers; whether they would increase any risk of land instability or erosion; whether the proposed activity includes any proposals to revegetate land disturbed or prevent siltation or other adverse effects of stormwater runoff;
- The extent to which the following factors of the catchment, subdivision and sites within that subdivision influence, inhibit or adversely affect the effective functioning of the stormwater management system, such that the stormwater has an adverse effect on the subdivision and any other site or property:
 - the relationship of the individual site and stormwater system, to the location of other sites and properties within the locality, and the location of the point of discharge into the public stormwater management system or the receiving environment;
 - the change, from the site prior to development to the site once it has been developed, in the position of the point of discharge of the stormwater management system into the public stormwater management system;
 - the change, from the site prior to development to the site once it has been developed, in volume and rate of stormwater discharged;
 - the potential for an increase in impervious surface cover of the site/s;
 - the stability of the site/s;
 - natural drainage conditions of the site/s and locality, such as ground levels, presence of natural watercourses, and soil soakage potential;

The extent to which any modification of natural watercourses including overland flow paths maintains the continuity of water flows and maintains the capacity of the floodplain. Conditions of consent may be utilised to manage the location of fences, buildings and structures to avoid modification of overland flow paths.

29.7A Assessment of Restricted Discretionary Activities - Identified Structure Plan Areas - Business Zone

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Identified structure plan areas include:

- Pokeno Structure Plan

(a) In assessing applications for consent for Restricted Discretionary activities (subject to rules [29.3.2](#), [29.3.3](#) and [29.3.4](#)) the Council will, in making a decision, restrict the exercise of its discretion to the following matters (to the extent that they are relevant), and may impose conditions in relation to these:

- (i) The Design Assessment Criteria contained in [Appendix 29.2](#) as relevant and identified for each structure plan area;
- (ii) Site Planning;
- (iii) BUILDING form, public interface and external appearance;
- (iv) Open spaces, parking areas and landscaping;

Whether the proposal is in accordance with the Design Assessment Criteria ([Appendix 29.2](#))

(b) Servicing

Whether the DEVELOPMENT can be adequately serviced for stormwater (having regard to the recommendations of the adopted Stormwater Catchment Management Plan and/or an approved stormwater discharge consent), wastewater, water supply, water supply for fire fighting purposes and utilities.

(c) Design of DWELLING HOUSE(S), MULTI-UNIT HOUSING and MEDIUM DENSITY HOUSING by reference to the relevant provisions of the MEDIUM DENSITY HOUSING [Design Assessment Criteria in Part 27B](#).

(d) Vehicle access and car parking design

(e) And, in the Pokeno Structure Plan Area:

(i) Site layout for SERVICE STATION and YARD BASED ACTIVITIES.

Whether BUILDING or SITE layout of SERVICE STATION and YARD-BASED ACTIVITIES is designed to ensure that the DEVELOPMENT does not detract from the AMENITIES of the street or those of adjoining business or residential-zoned sites.

(ii) Maintenance of opportunity for the development of a train station and park and ride facility at Lot 1 DP 147726

(f) In relation to RETAILING ACTIVITIES with a GROSS FLOOR AREA for each tenancy less than 150 m² in 'Area A' of the Pokeno Structure Plan Area (refer to the [planning maps](#)):

- Whether the activity would have any adverse effect on the viability, vitality or function of the Pokeno Core area in Great South Road between Market Street and Selby Street.
- The extent to which the activity would fulfil or contribute to a "gateway" function in Area A.

29.7B Assessment of Discretionary Activities - Business Zone

Applications for Discretionary Activity Resource Consent will be assessed with regard to the following matters (to the extent that they are relevant):

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- (a) The assessment criteria for Restricted Discretionary Activities (Rule 29.7A);
- (b) The matters identified in [Part 53](#) of the plan;
- (c) Whether any adverse effects on the environment will be satisfactorily avoided, remedied or mitigated;
- (d) Whether the DEVELOPMENT is consistent with the objectives and policies for a structure plan area;
- (e) Any other relevant matter under section 104 of the Resource Management Act 1991.
- (f) For RETAILING ACTIVITIES within Area B in the Pokeno Structure Plan Area (refer to [planning maps](#)) not being a permitted activity, whether the activity is appropriate in that it:
 - (i) does not compromise by itself, or in combination with other existing, permitted or consented RETAILING ACTIVITIES, the vitality and viability of the Pokeno core area located on Great South Road between Market Street and Selby Street;
 - (ii) does not create by itself, or in combination with other existing, permitted or consented RETAILING ACTIVITIES, a cluster of RETAILING ACTIVITIES located outside the Pokeno core area located on Great South Road between Market Street and Selby Street;
 - (iii) has characteristics (vehicle orientation, outdoor storage, design or scale) that could undermine the pedestrian nature of the Great South Road mainstreet and Pokeno core area.

29.8 Rule 29.8 - Hazardous Substances Quantity Thresholds - Business Zone

For an activity to be Permitted in the Business, Light Industrial or Industrial 2 Zone it must not:

- manufacture, store or use any hazardous substance which is not listed below; or
- make use of, or have in storage at any one time, a greater amount of any of the substances listed below.

[Note: For the avoidance of doubt: Any manufacture, storage or use of any substance must also be in accordance with such other Acts, Regulations or Codes as may for the time being apply to the substance, location, or activity. For instance, the underground storage of petroleum must be in accordance with the “*Code of Practice for Design, Installation and Operation of Underground Petroleum*” Department of Labour (Occupational Safety and Health)].

NOTES EXPLAINING ABBREVIATIONS AND SYMBOLS:

| | |
|---|--|
| 1 Very toxic | * fertiliser grade |
| 2 Toxic | # no radioactive material with a level of activity in excess of 1 peta becquerel |
| 3 Highly reactive | (10 15) shall be permitted |
| 4 Explosive | > greater than |
| 5 Highly flammable | g grams |
| D. dust | kg kilograms |
| E. explosive | t tonne |
| F. flammable | l litre |
| G. gas | bec becquerel |
| L. liquid | H ₂ O water |
| O. strong oxidiser or supporter of combustion | TNT trinitrotoluene |

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S. solid

T. toxic

| SUBSTANCES | PROPERTIES | QUANTITY |
|---|------------|----------------------------------|
| Acetonecyanohydrin | 2, F, L | 1t |
| Acetylene | 3, F, G | 1t |
| Acrolein | 2, F, L | 500 kg |
| Acrylamide | 2, S | 1t |
| Acrylonitrile | 2, L | 500 kg |
| Aldicarb | 1,S | 100 kg |
| Allyl alcohol | 2, F, L | 2t |
| Allyl amine | 2, F, L | 1t |
| Ammonia | 2, L or G | 1t |
| Ammonium nitrate * | 3, O, S | 250t |
| Arsenic (III) compounds | 1, S or L | 50 kg |
| Arsenic (V) compounds | 1, S or L | 250 kg |
| Azide (barium or lead) | 4, S | 100 kg |
| Azinphos ethyl | 1, S | 50 kg |
| Azinphos methyl | 1, S | 50 kg |
| Azocyclotin | 1, S | 50 kg |
| Benzidine | 1, S | 0.1kg |
| Beryllium (powder, Compounds) | 1,S,E,D | 10 kg |
| Bromine | 2,G | 400 kg |
| Cadmium, salts | 2,S | 500 kg |
| Carbofuran | 1,S | 50 kg |
| Carbon disulphide | 2, F, L | 200 kg |
| Carbophenothion | 1, L | 50 kg |
| Cellulose nitrate (containing > 12.6% N) | 4,s | 1t |
| Chlorine | 2,G | 200 kg |
| Class 3a flammable liquid in above ground storage | 5 | 2,000 l |
| Class 3a flammable liquid in underground storage | 5 | 100,000 l |
| Class 3b flammable liquid in above ground storage | 5 | 4,000 l |
| Class 3c flammable liquid in above ground storage | 5 | 10,000 l |
| Class 3c flammable liquid in underground storage | 5 | 50,000 l |
| CNG 5 | 5 | 2,000 l (H ₂ O equiv) |
| Cobalt (powder, compounds) | 1,S | 50 kg |
| Cycloheximide | 1,S | 50 kg |
| Dialifos | 4,S | 50 kg |

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| SUBSTANCES | PROPERTIES | QUANTITY |
|---|-----------------|-------------------|
| Dimethylcarbamoyl chloride | 1,L | 1 kg |
| Dimentylphosphoramidocyanidic acid | 1,L | 50 kg |
| Diphacinone | 1,S | 50 kg |
| Disulphoton | 1,L | 10 kg |
| Ephichlorhydrin | 3, T, F, E, G | 500 kg |
| EPN (O-ethyl-o-p-nitrophenyl phenyl phosphorothioate) | 1, S | 50 kg |
| Ethylene | 3, F, G | 2t |
| Ethyleneimine | 2, F, L | 250 kg |
| Ethylene oxide | 3, T, F, G | 500 kg |
| Ethyl nitrate | 3, T, L | 500 kg |
| Explosive (not listed elsewhere) | 4 | 0.5 t (TNT equiv) |
| Fensulphothion | 1,1 | 10 kg |
| Fluoroacetic acid, salts (1080 poison) | 1, S | 50 kg |
| Fluorine | 1, G | 10 kg |
| Formaldehyde (> 90% concentration) | 2, F, G | 500 kg |
| Formaldehyde (> 45% concentration) | 2, L | 2.5t |
| Glycolonitrile (Hydroxyacetoneitrile) | 1, E, L | 10 kg |
| Hexamethyl phosphoramidate | 1, L | 1 kg |
| Hydrazine | 3, T, F, L | 250 kg |
| Hydrogen | 3, F, G | 250 kg |
| Hydrogen chloride (liquidified) | 2, G | 500 kg |
| Hydrogen cyanide, acid, salts | 1, F, G, L or S | 10 kg (G) |
| Hydrogen fluoride | 2, G | 200 kg |
| Hydrogen peroxide | 3, L | 500 l |
| Hydrogen selenide | 1, F, G | 1 kg |
| Hydrogen sulphide | 2, F, G | 500 kg |
| Mercaptans | 2, F, G or L | 100 kg |
| Mercury, salts | 2, 4, S | 500 kg |
| Methyl bromide (Bromomethane) | 2, G | 500 kg |
| 4, 4' - Methylenebis (2-chloroaniline) | 1, L | 10 kg |
| Methyl isocyanate | 1, F, G | 5 kg |
| Mevinphos | 1, E, or L | 50 kg |
| 2-Napthylamine | 1,S | 1 kg |
| Nickel (powders, compounds) | 1,S | 250 kg |
| Nitrogen dioxide | 2,G | 500 kg |
| Organic peroxides (individually or cumulatively) | 3, O, F, 1 | 50 kg |
| Oxygen (liquid) | 3, O, G | 200 l |
| Parathion | 1, L | 15 kg |
| Parathion methyl | 1, L | 50 kg |
| Pentaborane | 1, F, L | 25 kg |
| Phorate | 1, L | 10 kg |
| Phosgene | 1, G | 5 kg |

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| SUBSTANCES | PROPERTIES | QUANTITY |
|---|------------|----------------------|
| Phosphamidon | 1, L | 50 kg |
| Phosporus | 2, F, S | 100 kg |
| Promurit | 1, S | 10 kg |
| Propylene oxide | 3, T, F, G | 1t |
| Radioactive substances# | | 1 bec/g any activity |
| Selenium hexaflouride | 1, G | 1 kg |
| Sodium chlorate | 3, O, S | 2t |
| Sodium selenate | 2, S | 250 kg |
| Sodium selenite | 1, S | 50 kg |
| Sulphur dioxide | 2, G | 1t |
| Thallium, salts | 2, S | 250 kg |
| Tellurium hexaflouride | 1, G | 1 kg |
| Terbufos | 1, S | 100 kg |
| 2, 3, 7, 8 - Tetrachlorodigenzo-p-dioxin (TCDD) | 1, S | Nil |
| Tetraethyl lead | 1, S | 200 kg |
| Tetramethyl lead | 1, S | 200 kg |
| Tetramethylene disulphotetramine | 1, S | 1 kg |
| Toluene disocyanate, 2, 4-or 2,6- | 1, 1 | 50 1 |
| Trichloromethane sulphenyl chloride | 1, L | 50 kg |
| Triethylenamelamine | 1, S | 1 kg |
| Vanadium, salts | 2, S | 500 kg |
| Warfarin | 1, S | 250 kg |

29.9 Rule 29.9 - Separation Distances for LPG Installations - Business Zone

Separation distances specified in the table below shall be centred on specific items of LPG equipment, and storage facilities shall be located so as to achieve the minimum separation distances from defined uses, as shown in the table. The three types of defined activities are 'sensitive activities', 'residential activities' and 'commercial, community and recreational activities'. These activities are defined in the interpretation section below.

| SEPARATION DISTANCES FROM LPG INSTALLATIONS | | | | |
|---|--|---|---|---|
| LPG Storage Capacity | Item of Equipment | Separation Distance from Sensitive Activities | Separation Distance from Residential Activities | Separation Distance from Commercial and Recreational Activities |
| | | <i>metres</i> | <i>metres</i> | <i>metres</i> |
| 2 tonnes up to 3.5 tonnes | • Dispenser | 15 | 15 | 15 |
| | • Pump | 55 | 15 | 10 |
| | • Tank | 55 | 15 | 10 |
| | • Remote fill point | 55 | 15 | 10 |
| | • LPG road tanker vehicle standing area* | | | |

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| | | | | |
|---|--|----|----|----|
| 3.5 tonnes up to and including 6 tonnes | • Dispenser | 15 | 15 | 15 |
| | • Pump | 55 | 15 | 10 |
| | • Tank | 55 | 15 | 10 |
| | • Remote fill point | 55 | 15 | 10 |
| | • LPG road tanker vehicle standing area* | 55 | 15 | 10 |

* Separation distances are positioned on the tank centre for LPG road tanker vehicle standing areas.

INTERPRETATION (for the purpose of interpreting Rule 29.9 only)

“Sensitive Activities” means establishments such as schools, hospitals, aged persons’ accommodation, child care facilities and other facilities where people who may be difficult to evacuate rapidly are concentrated.

“Residential Activities” means dwellings and “places of regular occupancy” on properties used for residential purposes.

“Commercial, Community and Recreational Activities” means commercial, community and recreational facilities and “places of regular occupancy” on properties used for commercial, community or recreational purposes.

“Places of Regular Occupancy” means an area, not necessarily a building, where people may be present on a regular basis. Places of regular occupancy are typically easily accessible areas such as accessways, gardens, lawns, work sheds, swimming pools and barbecue areas. Areas subject to less frequent access such as private ornamental rockeries, storage sheds and boat or wood storage areas would generally not be classed as places of regular occupancy.

Carparks for commercial or industrial properties are not considered to be places of regular occupancy given the normal hours of operation and limited vehicular use of these areas. However, carparks associated with consumer activities such as supermarkets, restaurants, cafes and similar activities where people are present a significant proportion of the time would normally be classified as places of regular occupancy.

Council officers may need to visit particular areas to assess if they are to be classified as places of regular occupancy.

Note: Rule 29.9 is based on extracts from Australian/New Zealand Standard - Storage and Handling of LP Gas (AS/NZS 1596:1997).

[See [planning maps](#) for the spatial depiction of the special controls referred to in Rule 29.5]

Appendix 29.2 Business Zone (Pokeno) Design Assessment Criteria

Purpose of Appendix 29.2

In the Business Zone at Pokeno the construction of new buildings is a restricted discretionary activity, provided that the development complies with relevant development controls. Such applications are assessed in terms of a series of matters, to which the Council will restrict the exercise of its discretion.

In addition, these criteria will be used as appropriate in the consideration of discretionary and non-complying applications involving buildings.

The Appendix sets out the assessment criteria under several 'Design Elements'. Accompanying illustrations are intended to support the text and represent good design solutions, but are not intended to represent the only design solution. All illustrations are illustrative and indicative only.

Appendix 29.2 Information Requirements

The applicant shall provide a written assessment describing how the criteria for each design element are addressed. Applicants will have to demonstrate that the provisions of the criteria have been acknowledged.

It is recognised that certain proposals will not achieve absolute accord with all criteria. Where necessary, in regard to a criterion demonstrably not met, the applicant shall explain with reference to the explanation for the particular design element:

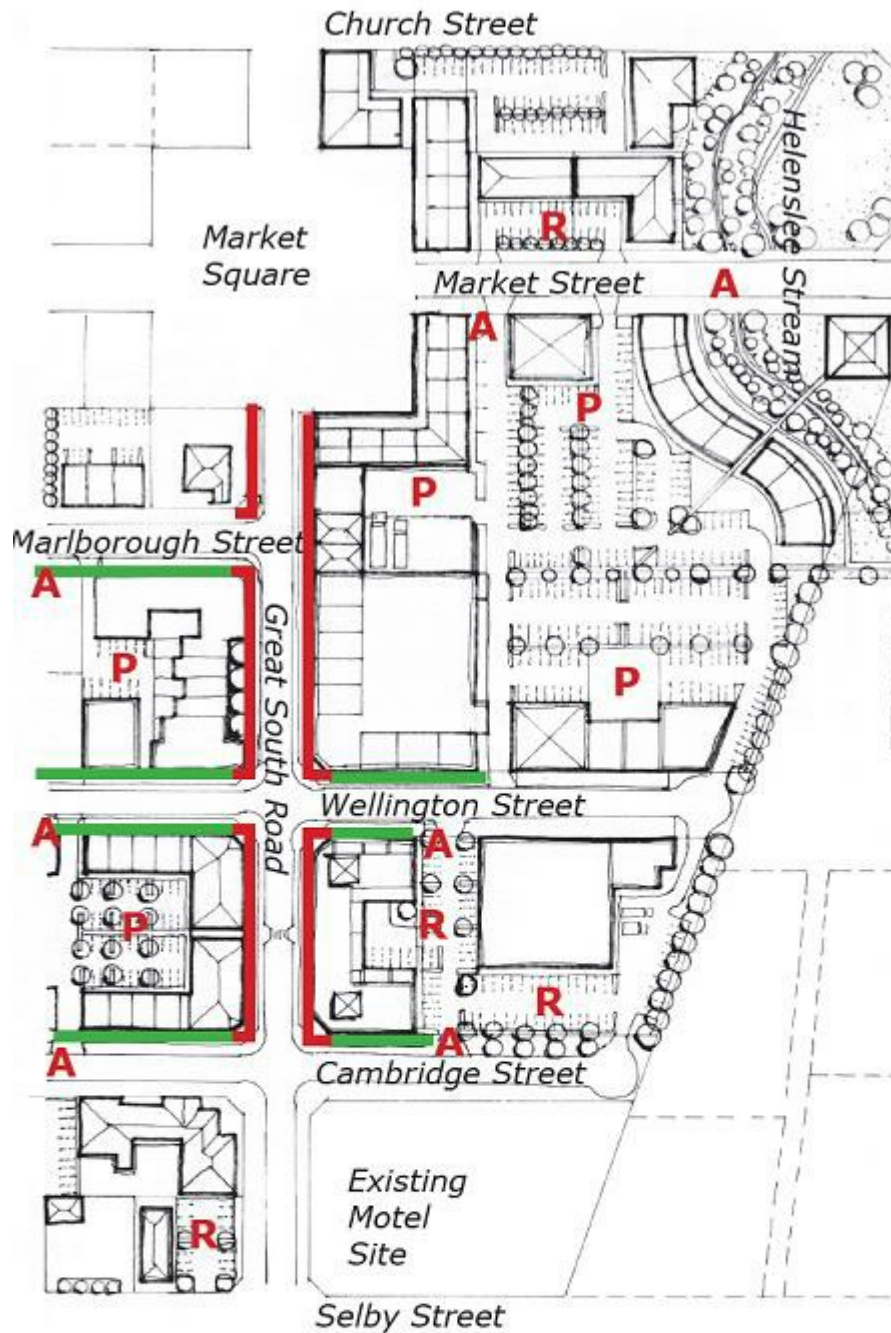
- whether site constraints inhibit the ability to address the criterion, and/or;
- how the intention of the criterion is met by the proposal, and/or;
- whether the proposal represents a better design solution than that suggested by the criterion.

Appendix 29.2 Design Element 1: Site Planning

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1. The Great South Road boundary of any site between Market Square and Cambridge Street should be lined by continuous building frontage to provide pedestrian amenity adjoining the road.

2. Great South Road from Market Square to Cambridge Street should be provided with continuous verandahs built to substantially cover the width of the footpath.



— Verandahs Required (Criterion 2)

3. Verandahs should generally be provided over footpaths on the other road frontages as shown on the plan opposite.



Verandahs Required (Criterion 3)

Perimeter Block Layout (Criterion 4)

Vehicle Accesses from Side Streets (Criterion 5)

Maximum Two Rows Parking between Building and Street (Criterion 7)

4. On sites located between Market Street and Cambridge Street buildings should generally adopt a “perimeter block” layout, and parking and service areas should be accessed from side roads and not Great South Road.

5. *If possible, two vehicle access points on different roads (other than Great South Road between Market Square and Cambridge Street) should be provided for car parking areas.*

6. *The principal pedestrian entries of all buildings and tenancies should face a road and be conveniently located and clearly identifiable.*

7. *If buildings cannot be built to all road boundaries (other than identified parts of Great South Road, where this is expected), attractively landscaped areas should be provided between the building and the open road frontage. If possible, the use of such areas for parking should be limited to not more than two rows of car parking to avoid adverse effects on the streetscape and pedestrian amenity.*

8. *Outdoor storage should be avoided or concealed from view from public roads by internalisation within or by the configuration of the building, (preferred), or by screen fencing.*

9. *Stormwater treatment device should be incorporated into the design, consistent with the adopted Catchment Management Plan, relevant regional technical publications and NZS4404:2010.*

*Advisory Note:
The Hamilton Infrastructure Technical Specifications is Council's current Engineering Code of Practice.*

10. *Where the Helenslee Stream channel is identified as “perennial stream with riparian margin” on the Pokeno Structure Plan (Part 54.15A), it should be retained and a vegetated buffer should be provided on both sides of the channel.*
11. *Vegetated buffers should:*
- *Include native specimen trees on the lower and upper banks of the stream, and*
 - *Provide a minimum of 10 metres of native planting.*

Appendix 29.2 Design Element 1: Explanation

Criteria 1 and 2 relate to an intention that Great South Road be lined with a continuous and sheltered built frontage in the central part of the Business Zone in Pokeno. Minor modulation of, and breaks in, the frontage layout along Great South Road (such as recessed pedestrian entrances and windows, and gaps for pedestrian access ways to the rear) are acceptable. The verandah coverage, however, should be continuous.

Criterion 3 also seeks to ensure that shelter is provided down side streets towards envisaged car parking areas to the rear of the buildings fronting Great South Road. This will generally be required by Council unless the particular development or those developments further along the road are unlikely to generate large pedestrian numbers along the side street in question.

Criterion 4 seeks that development should be built to as much of the road frontage as possible, thus enclosing and concealing car parking and service areas to the rear. This is known as perimeter block development, whereby buildings are built to as much of the length of the site’s road boundaries as possible, and on-site car parking and open space is generally provided behind buildings. This

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creates a vibrant streetscape in the heart of the town while retaining car parking in close proximity.

Criterion 4 applies to the central part of the Business Zone (envisaged as predominantly retail development). Developments that are particularly unlikely to be able to achieve perimeter block development (e.g. service stations and yard based activities) are better suited to peripheral parts of the zone.

The purpose of Criterion 5 is to assist with circulation through parking areas and increase route options for persons arriving or leaving the town centre's car parks.

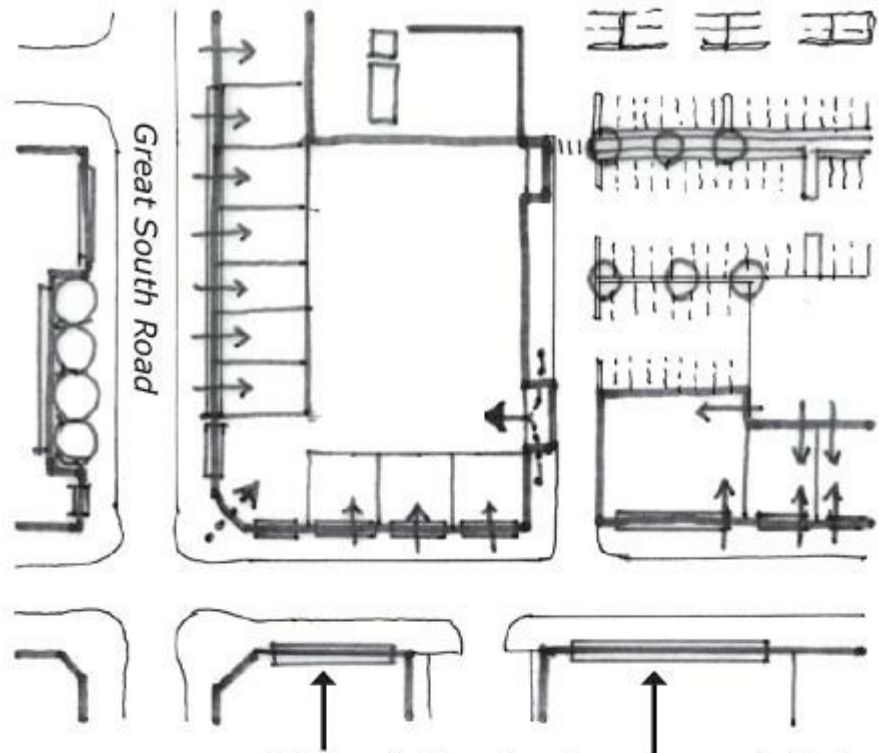
If car parking is exposed to a road frontage, Criterion 7 seeks to reduce the depth of the car parking area as viewed from the road in question.

Criterion 8 provides guidance on outdoor storage, which supplements a development control relating to this matter.

Criteria 9 through 11 provide guidance on treatment of two areas of the Business Zone in Pokeno that are crossed by the Helenslee Stream.

Appendix 29.2 Design Element 2: Building Form, Public Interface and External Appearance

1. When viewed from the road or any public space, buildings should create visual interest through articulation, openings, and variation, and should be in accordance with any design theme that has been developed for the area.



Glazing facing street on shops of all sizes

Visual interest provided by articulation and variation to elevation

2. Solid blank walls on or facing a road frontage should be avoided.



Emphasis provided to corner by three storey element with pitched roof

Entrance doors are obvious from street and positions are articulated by verandah and second storey modulations

3. Large expanses of roof should be broken up and varied to provide visual interest when viewed from elevated public open spaces.



4. *Buildings should front directly onto or face onto roads and concentrate main entries and windows along roads or road-facing frontages.*



Appropriate locations for signs fitting with building include: above doors; below verandahs; on parapets; and where sign continues pattern of architectural features

5. *The principal pedestrian entries of all buildings and tenancies should be articulated in the building elevation.*
6. *Buildings on corners should utilise design features which emphasise and address the corner.*

7. *Large industrial doors (e.g. for loading bays) should be concealed from view from the road. If they are visible they should not dominate the elevation and should generally be set back further than the front face of the building.*

8. *Signage should be designed to fit with the building, be located on the buildings rather than on freestanding signs, and should not extend above the eaves or parapets. (Refer to [Part 15.4](#) of the plan.)*

Appendix 29.2 Design Element 2: Explanation

High standards of urban design including well-designed buildings and spaces that are attractive, comfortable, safe, and accessible are key elements that can contribute to the amenity, vibrancy, vitality and economic potential of the Pokeno Town Centre.

Design Element 2 pertains to the public face of built development in the Business Zone in Pokeno – in particular where it relates to the adjoining roads and/or is visible from publicly accessible areas.

The emphasis for consideration of building form and appearance is on how it affects the streetscape

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and other public places, as expressed in Criterion 1. Matters to consider include how a building is sited and designed to face or address a road, its articulation, and its detailing. Materials, compatibility with surrounding buildings, and legibility (the clarity of the expression of the building's purpose by its design), may also be relevant matters for consideration.

As a guide in respect of Criterion 2, "blank" areas of facade (i.e. without windows, doors, or other penetrations) facing a road should not exceed 4m in any direction. If it is not feasible or practical to include windows and doors, architectural modulation through recesses, rebates, expressed columns etc should be used in preference to "flat" treatments such as applied colour. It is particularly important that this criterion is met for the ground floor frontage to Great South Road (where further requirements apply through development controls).

Roof form is also important and its design should also be considered (Criterion 3), because it will be possible to look down on the Town Centre from publicly accessible places.

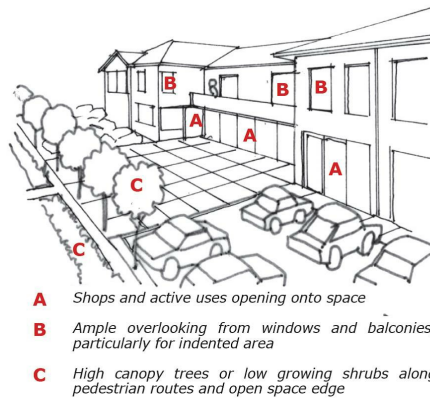
The arrangement of openings in walls is visually important to the quality of the streetscape, especially the placement and proportions of windows and doors. Criteria 4 and 5 recognise this as supporting the intentions of the criteria under Design Element 1 which seeks buildings on road boundaries. This is particularly important for building entrances, and it is desirable that the location of the entrance can be determined from a distance (e.g. by variations in the verandah line above, or by elevational elements that extend up the façade from the entry location.)

Even large stores such as supermarkets (often characterised by blank walls, car parking to the street edge etc) can and should be built to the key street boundary or boundaries and integrated with streetscape through using well-glazed and modulated facades at the frontage. This can be created by including small tenancies with active frontages at the critical street edge.

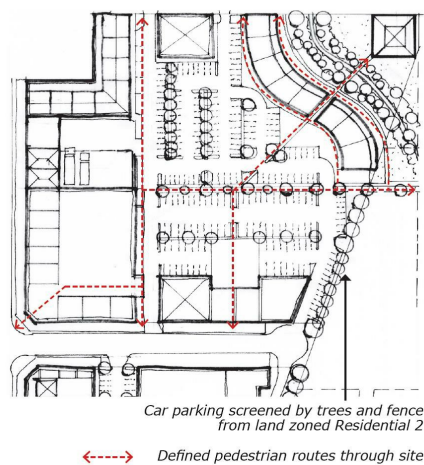
Applicable signage controls are those for the Business zone. Criterion 8 requires that signage applications should be considered with respect to how well signage is integrated with the building form. The locations of future signage should be identified in the initial building design. Excessively large signs, freestanding signs, and signs projecting above eaves, parapets or canopy lines, are unlikely to achieve this integration.

Appendix 29.2 Design Element 3: Open Spaces, Parking Areas and Landscaping

1. Open spaces (particularly those associated with streams), car parks, and their landscaping should be well-designed and accessible.



2. Open spaces should have active edges, should be overlooked by windows from buildings on the same site or other sites in the Business Zone, and should be visible from roads.



3. Open spaces should be safe, with building edges and soft landscaping designed (and species selected) to avoid creating entrapment spots.

4. *Streams should be enhanced with riparian planting and may also provide public walking access.*

5. *Open space design should include provision of safe routes for pedestrians and cyclists, clear of car parking and manoeuvring.*

6. *Parking and movement layouts should be designed for safe and effective movement of vehicles through an easily understood layout with appropriate surface markings and signs.*

7. *Where car parking is provided on a site which abuts land zoned Residential 2, it should be screened by buildings, fencing and/or landscaping.*

Appendix 29.2 Design Element 3: Explanation

Design Element 3 pertains to the design of open spaces on sites in the Pokeno Business Zone, be they for parking, servicing, or amenity.

Well-designed public open spaces (including privately owned but publicly accessible spaces) can make a significant contribution to the amenity and vitality of a town centre, attracting people and new investment. Open spaces such as plazas and squares as part of retail development will be particularly encouraged.

The provision of well-designed landscaping assists in the creation of high levels of amenity. Landscaping can make a positive contribution by creating visual and pedestrian focal points, providing shade and wind shelter, and introducing additional colour and texture in the built environment. Council will require details of hard and soft landscaping proposals for most open spaces in order to be able to consider the criteria of this design element. Factors such as shading, wind exposure, orientation, size, location, adjoining land uses, shelter and appropriate infrastructure, (i.e. lighting, seating, paving and planting) will be considered.

As a guide, for car parking areas one tree should be planted at every fourth car park bay. Mitigation of the appearance of car park areas as viewed from adjoining residentially-zoned land should also be provided by screening and landscaping.

Whatever its use, open space should not be the space leftover after the building position is determined. The design of spaces should be undertaken concurrently with the design of buildings, and the active interface between the building at the edge of the space itself should be carefully considered (refer Criteria 2 and 3) to ensure that the design will give life to the space and surveillance of it.

Appendix 29.2 Design Element 4: Area B

1. Opportunities

exist to reorient the paper roads that dissect Area B to provide for a more coherent pattern of development that responds to topographical and natural features in this part of Pokeno. Irrespective of whether any paper roads are stopped, development should provide for the establishment of a road located adjacent to the Helenslee Stream. This road should enable the establishment of connections from Market Street to Selby Street, and cross the Helenslee Stream to provide for

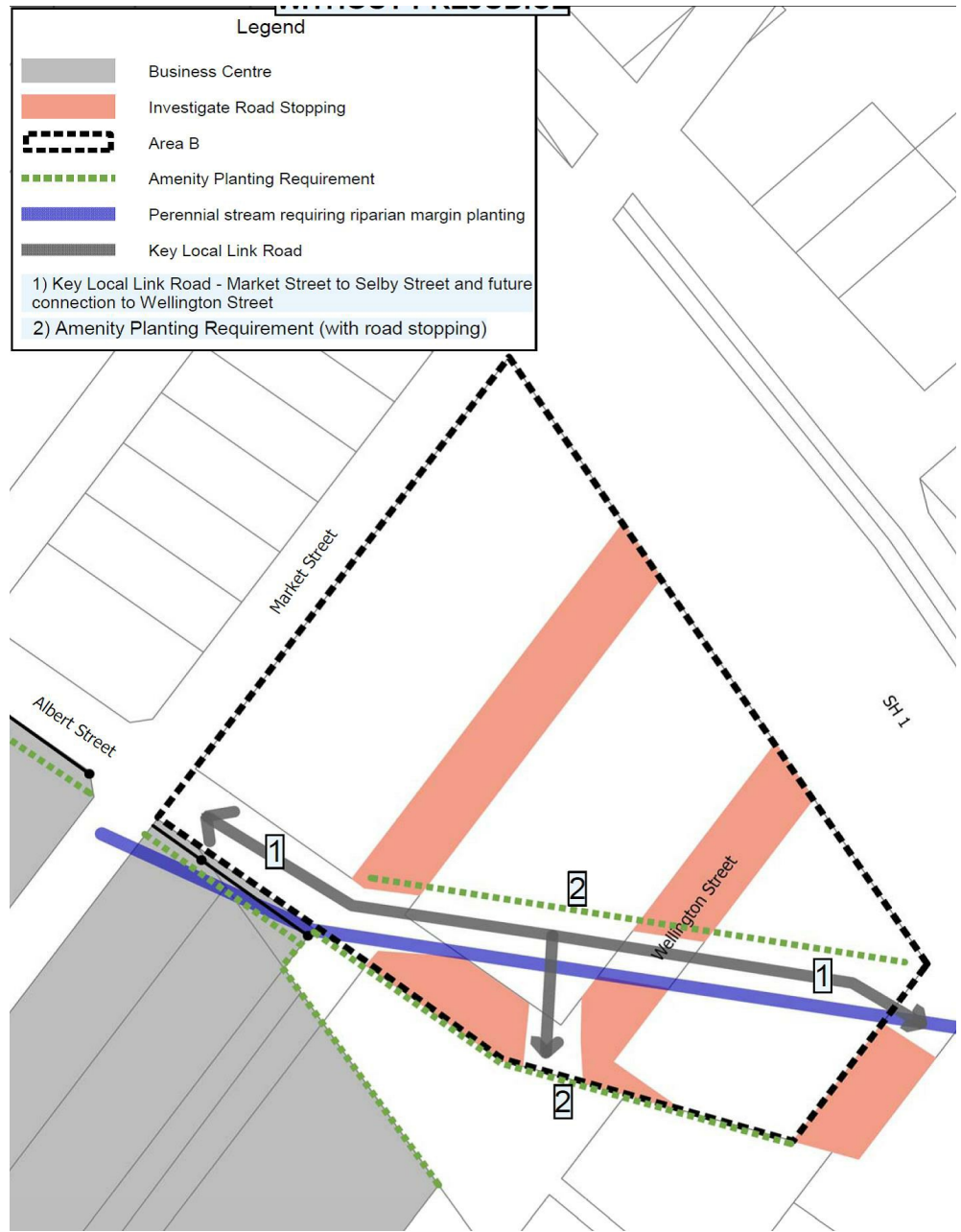


Diagram 1: Area B

future connections to Wellington Street (refer Diagram 1 opposite).

2. *The Helenslee Stream should be enhanced with riparian planting. Public walking access should be provided along with margins of the stream, either through the realigned road network (refer to 1 above) and the integration of the road's pedestrian footpath with the stream margin, and/or through connections with the Key Pedestrian Routes illustrated on the Pokeno Structure Plan (Refer [Part 54.15A](#)).*

3. *Buildings and development, as viewed from the core of the town centre and the surrounding Residential 2 Zone, should be softened by landscaping and set back appropriately from the street.*

4. *A landscape area should be developed along the boundary with the State Highway, and inappropriate signage avoided to limit visual clutter.*

Appendix 29.2 Design Element 4: Explanation

Activities (particularly retailing activities) in Area B will be of a design, type and scale to complement the Great South Road main street and development should establish connections to the town centre. Development should avoid establishing smaller format retail activities as these are encouraged to locate adjacent to the Great South Road main street. The exception to this is the specific retail activities exempted by [Rule 29.4.3](#). These retail activities can have certain characteristics pertaining to their size, vehicle focus and types of merchandise sold, that result in the policies and design assessment criteria creating a preference for these to locate off the Great South Road main street.

Criterion 1 acknowledges that the existing paper road network within and adjoining Area B is unlikely to be developed because of the Helenslee Stream and other topographical features. A more coherent road network should be developed in Area B to allow the more efficient utilisation of the land resource. This would involve a road stopping procedure in accordance with relevant legislative requirements. Whether or not this process is undertaken, criterion 1 seeks the development of a road aligning with the Helenslee Stream, allowing in the medium term for a connection to be

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achieved between Market Street and Selby Street and in the longer term across the Helenslee Stream to Wellington Street (currently a paper road).

The Helenslee Stream is degraded by previous farming practices and the District Plan rules require that it be enhanced with plantings when development occurs on adjacent sites. Opportunities exist to provide public access along the stream, providing amenity to residents, workers and visitors to Pokeno. This access should be integrated with the road network opportunity identified in Criterion 1, and/or the pedestrian network identified on the Pokeno Structure Plan. Criterion 2 seeks to address these matters.

Area B forms the northern foreground of views from the town centre. The design of buildings and landscaping of sites is important to enhance the amenity of the town centre. Criterion 3 clarifies this.

Criterion 4 identifies that amenity planting is required on the property boundary adjoining the State Highway. Care should be taken to avoid signs that create visual clutter within this part of Pokeno as viewed from the State Highway.