

23 Business Zone Rules

23.1 to 23.3 Introduction

Introduction

23.1

The rules in this chapter apply in the Business Zone. This chapter is divided into:

- Introduction
- Prohibited Activities
- Other Activities
 - Land Use Activities rule table
 - Land Use Effects rule table
 - Land Use Building rule table
 - Subdivision rule table.

All activities in the Te Kauwhata Structure Plan area are also subject to rules in [Schedule 23A: Te Kauwhata Structure Plan Business Zone Rules](#).

23.2

Anticipated uses in the Business Zone are shops, offices, professional rooms, hotels, bars, places of assembly, and community centres facilities. Some residential use is expected, for example shop-top flats, but industrial uses are not provided for. Rules seek to manage activities so that any adverse effects (such as noise) do not detract from the amenity values expected for shopping activities. Mitigation of some impacts on surrounding Living Zones areas is provided for, although it is anticipated that adjoining Living Zone areas will receive some cross boundary effects.

23.3

See [Chapter 18](#) for an explanation of activity types, applications and assessment procedures. Principal reasons for rules are in [Chapter 29](#).

Any activity is permitted if it is not listed as prohibited, and it complies with conditions for permitted activities stated in every row of the rule tables.

Any activity requires resource consent if it fails to comply with a permitted activity condition in any row of the rule tables, or the rules directly state that a resource consent category applies.

Rule tables consist of horizontal rows. Each row contains three cells. In each row, the left hand cell indicates the subject matter, the middle cell states conditions that must be satisfied for the relevant activity or effect to be a permitted activity, and the right hand cell states the kind of resource consent application required, if the permitted activity conditions in that row are not complied with.

The rule tables state matters that control is reserved over, and matters to which discretion is restricted, as appropriate. Additional matters of control and discretion, applicable to every rule are stated in [Chapter 20: General Rules](#).

NOTE : All activities in the Te Kauwhata Structure Plan area are also subject to rules in [Schedule 23A: Te Kauwhata Structure Plan Business Zone Rules](#).

NOTE: Activities in the Tamahere Village Business Zone are also subject to rules in [Schedule 23B: Tamahere Village Business Zone Rules](#).

23.5 Prohibited Activities

23.5

The following activities are prohibited activities for which no resource consent shall be granted:

Land use

- (a) deleted
- (b) a refuse landfill
- (c) on-site storage or disposal of solid waste, other than for remediation of contaminated land
- (d) deleted
- (e) any vegetation that obscures the sight lines of the Raglan navigation beacons for vessels entering Raglan Harbour (Whaingaroa)

Building

- (f) construction or alteration of a building or structure that obscures the sight lines of the Raglan navigation beacons for vessels entering Raglan Harbour (Whaingaroa).

23.10 to 23.72 Other Activities

Editorial Note:

For rules for Telecommunication Facilities on Road Reserves see the National Environmental Standards in [Appendix Od](#).

For rules for Electricity Transmission Activities see the National Environmental Standards in [Appendix Oe](#).

For rules for the following activities which are proposed to occur on land where an activity or industry listed in the Ministry for the Environment's Hazardous Activities and Industries List (HAIL) is being or has been undertaken, or where it is more likely than not that a HAIL activity is being or has been undertaken, see the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 in [Appendix Of](#):

- Removing or replacing a fuel storage system;
- Sampling soil;
- Disturbing soil;
- Subdividing land; or
- Changing the use of land.

23.10 to 23.12 Land Use - Activities

23.10 Type of activity

ITEM	PERMITTED	RESOURCE CONSENT
<p>23.10 Type of activity</p>	<p>23.10.1 Any activity that complies with all effects and building rules is a permitted activity except:</p> <ul style="list-style-type: none"> (a) an industrial activity, other than <ul style="list-style-type: none"> (i) deleted (ii) servicing of boats at Raglan Wharf, and (b) hazardous waste storage, reprocessing or disposal, and <ul style="list-style-type: none"> (ba) an extractive industry, and (bb) a wind energy facility. 	<p>23.10.2 Any activity that does not comply with a condition for a permitted activity is a discretionary activity, except:</p> <ul style="list-style-type: none"> (a) an extractive industry. <p>23.10.3 Any activity that does not comply with a condition for a discretionary activity is a non-complying activity.</p>

23.11 Deleted

23.12 Temporary event

ITEM	PERMITTED	RESOURCE CONSENT
<p>23.12 Temporary event</p>	<p>23.12.1 A temporary event is a permitted activity if:</p> <ul style="list-style-type: none"> (a) the event occurs no more than 3 times per year, and (b) it does not involve the assembly of more than 500 people per event, and (c) it does not involve motorised outdoor recreation, or outdoor musical events and concerts, and (d) it operates within the hours of <ul style="list-style-type: none"> (i) 7.30am to 10pm Monday to Saturday, and (ii) 7.30am to 6pm Sunday, and (e) 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, and (f) the site is returned to its original condition no more than 3 days after the end of the event, and (g) there is no direct site access from a national route or regional arterial road. 	<p>23.12.2 A temporary event that does not comply with a condition for a permitted activity is a discretionary activity.</p>

23.13 to 23.42 Land Use - Effects

23.13 On-site services

ITEM	PERMITTED	RESOURCE CONSENT
<p>23.13 On-site services</p>	<p>23.13.1 Any activity is a permitted activity if:</p> <ul style="list-style-type: none"> (a) the site is connected to a telecommunications network and energy supply network or has a stand-alone energy supply, and (b) the site is <ul style="list-style-type: none"> (i) connected to reticulated water supply, stormwater and wastewater disposal networks where available, or (ii) provided with an alternative method of water supply, stormwater and wastewater disposal that complies with Appendix B (Engineering Standards), and (c) services are placed underground where reticulated services are already underground. 	<p>23.13.2 Any activity that does not comply with a condition for a permitted activity is a discretionary activity.</p>

23.14 Network utility (excluding aerials)

ITEM	PERMITTED	RESOURCE CONSENT
<p>23.14 Network utility (excluding aerials)</p>	<p>23.14.1 Any activity is a permitted activity if:</p> <p>(a) it is not a high-pressure gas line with a gauge pressure of 2000 kilopascals or more, and</p> <p>(b) it is not an electricity line of 110kV or more, and</p> <p>(c) either</p> <ul style="list-style-type: none"> (i) pipes and cables are located underground, or (ii) above ground structures for electricity, gas and telecommunications (excluding aerials): <ul style="list-style-type: none"> • do not exceed 10m² in area and no setback is required, and • in road reserves, do not exceed 2.4m in height, and • outside road reserves, do not exceed 2.8m in height, and • deleted • deleted • do not compromise road or pedestrian safety, and <p>(d) construction of a road complies with the conditions in Appendix A (Traffic) and the conditions in Appendix B (Engineering Standards)</p>	<p>23.14.2 Any activity that does not comply with a condition for a permitted activity is a discretionary activity.</p>

23.14A Existing electricity and telecommunications lines

ITEM	PERMITTED	RESOURCE CONSENT
23.14A Existing electricity and telecommunications lines	23.14A.1 Despite rules 23.14.1(b) , 23.44.1(a) , 23.45 and 23.47 , the operation, maintenance, minor upgrading and removal of existing electricity and telecommunications lines is a permitted activity if: (a) the existing voltage is not increased, and (b) the height of support structures (excluding earthwires, earthpeaks and lightning rods) is not increased, and (c) the ground is reinstated on completion of works.	23.14A.2 Any activity that does not comply with a condition for a permitted activity is a discretionary activity.

23.15 Deleted

23.16 Access, vehicle entrance, parking, loading bays, service lanes and manoeuvring space

ITEM	PERMITTED	RESOURCE CONSENT
23.16 Access, vehicle entrance, parking, loading bays, service lanes and manoeuvring space	23.16.1 Any activity is a permitted activity if: (a) access, vehicle entrance crossing, parking, loading bays, service lanes, queuing, and manoeuvring space is provided in accordance with Appendix A (Traffic), and (b) on-site parking spaces and a new vehicle entrance crossing are not provided on properties with sole frontage to: (i) Main St, Huntly (ii) Jesmond St, Ngaruawahia (iii) Bow St, Raglan (James St to Cliff St).	23.16.2 Any activity that does not comply with a condition for a permitted activity requires resource consent as stated in the appendix, or is a discretionary activity if not otherwise specified.

23.17 Vehicle movements

ITEM	PERMITTED	RESOURCE CONSENT
23.17 Vehicle movements	23.17.1 Any activity is a permitted activity if: (a) it does not involve more than 300 vehicle movements per day.	23.17.2 Any activity that does not comply with a condition for a permitted activity is a discretionary activity.

23.18 Servicing hours

ITEM	PERMITTED	RESOURCE CONSENT
23.18 Servicing hours	23.18.1 Any activity adjoining a Living Zone is a permitted activity if: (a) the activity does not load or unload vehicles or receive deliveries before 7.30am or after 8.30pm.	23.18.2 Any activity that does not comply with a condition for a permitted activity is a discretionary activity.

23.19 Landscaping

ITEM	PERMITTED	RESOURCE CONSENT
23.19 Landscaping	23.19.1 Any activity is permitted if: (a) parking areas adjacent to roads are separated from the roads by a 1m planted strip of land, except if the site is in a town centre.	23.19.2 Any activity that does not comply with a condition for a permitted activity is a discretionary activity.

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23.20 Noise

ITEM	PERMITTED	RESOURCE CONSENT
23.20 Noise	<p>23.20.1</p> <p>Any activity is a permitted activity if it is designed and conducted so that noise from the activity measured at any other site:</p> <p>(a) in the Business Zone, does not exceed</p> <ul style="list-style-type: none"> (i) 65dBA (L_{10}), 7am to 11 pm every day, and (ii) 55dBA (L_{10}) Friday and Saturday, 11pm to 1am the next day, and (iii) 45dBA (L_{10}) all other times, and (iv) 85dBA (L_{max}) 11pm to 7am the next day, and <p>(b) in the Living Zone, does not exceed:</p> <ul style="list-style-type: none"> (i) 55dBA (L_{10}), 7am to 7pm, and (ii) 50dBA (L_{10}), 7pm to 10pm, and (iii) 45dBA (L_{10}) and 75dBA (L_{max}) 10pm to 7am the next day. <p>Despite the above, construction noise and emergency sirens are not subject to this rule.</p>	<p>23.20.2</p> <p>Any activity that does not comply with a condition for a permitted activity is a discretionary activity.</p>

23.21 Construction noise

ITEM	PERMITTED	RESOURCE CONSENT
23.21 Construction noise	<p>23.21.1</p> <p>Any activity is a permitted activity if:</p> <p>(a) it is designed and conducted so that construction noise from the activity complies with Appendix N (Construction Noise).</p>	<p>23.21.2</p> <p>Any activity that does not comply with a condition for a permitted activity is a discretionary activity.</p>

23.22 Vibration

ITEM	PERMITTED	RESOURCE CONSENT
23.22 Vibration	<p>23.22.1</p> <p>Any activity is a permitted activity if:</p> <p>(a) vibration arising from the activity complies with Appendix I (Ground Vibration).</p>	<p>23.22.2</p> <p>Any activity that does not comply with a condition for a permitted activity is a discretionary activity.</p>

23.23 Glare and lighting

ITEM	PERMITTED	RESOURCE CONSENT
23.23 Glare and lighting	<p>23.23.1</p> <p>Any activity is a permitted activity if light spill from artificial lighting, other than a streetlight, navigation light or traffic signal:</p> <p>(a) does not exceed 10 lux measured vertically at the zone boundary.</p>	<p>23.23.2</p> <p>Any activity that does not comply with a condition for a permitted activity is a discretionary activity.</p>

23.24 Dust, smoke, fumes, odour or ground level

ITEM	PERMITTED	RESOURCE CONSENT
23.24 Dust, smoke, fumes, odour or ground level	<p>23.24.1</p> <p>Any activity is a permitted activity if:</p> <p>(a) there is no objectionable or offensive dust, smoke, fumes or odour having adverse effects at any other site, and</p> <p>(b) it is maintained to prevent dispersal of material into the air, and</p> <p>(ba) earthworks undertaken within 20m of the centreline of an electricity transmission line with a voltage of 110kV or more do not generate adverse effects of dust on the transmission lines or raise the ground level.</p>	<p>23.24.2</p> <p>Any activity that does not comply with a condition for a permitted activity is a discretionary activity.</p>

23.25 High-frequency electromagnetic field

ITEM	PERMITTED	RESOURCE CONSENT
23.25 High-frequency electromagnetic field	<p>23.25.1</p> <p>Any activity is a permitted activity if:</p> <p>(a) any electromagnetic field does not exceed the maximum exposure level in NZS2772.1:1999 Radiofrequency Fields Part 1: Maximum exposure levels 3kHz - 300GHz when measured in accordance with NZS6609.2:1990.</p>	<p>23.25.2</p> <p>Any activity that does not comply with a condition for a permitted activity is a discretionary activity.</p>

23.26 Earthworks

ITEM	PERMITTED	RESOURCE CONSENT
<p>23.26 Earthworks</p>	<p>23.26.1 Any activity is a permitted activity if earthworks:</p> <ul style="list-style-type: none"> (a) are not in the Flood Risk Area except for filling in accordance with rule 23.28, and <ul style="list-style-type: none"> (aa) are not in the Huntly East Mine Subsidence Area, and (b) comply with Appendix B (Engineering Standards), and (c) including cut and batter faces or filled areas, are revegetated to achieve 80% ground cover within 12 months of the earthworks being commenced, and (d) deleted (e) retain sediment on the site through implementation and maintenance of sediment controls, and (f) do not adversely affect other land through changes in natural water flows or established drainage patterns, and (g) deleted <ul style="list-style-type: none"> (ga) deleted (h) do not disturb or move more than 100m³, within a site in a single calendar year, and (i) in relation to the height of any cut or batter face does not exceed 2m, and (j) do not exceed 1000m² in area. <p>Despite (h) to (j) the following earthworks are permitted if they comply with (a) to (ga):</p> <ul style="list-style-type: none"> (k) the work: <ul style="list-style-type: none"> (i) is part of an approved subdivision, or (ii) complies with the controls for building platform earthworks, or (iii) is a backfilled trench for network utilities, and original ground levels are reinstated, (such trenches are also exempt from (d)), or <ul style="list-style-type: none"> (iiia) is for construction and maintenance of existing public roads. 	<p>23.26.2 Any activity that does not comply with a condition for a permitted activity is a discretionary activity.</p>

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23.27 Earthworks - filling using imported fill

ITEM	PERMITTED	RESOURCE CONSENT
<p>23.27 Earthworks</p> <ul style="list-style-type: none"> • filling using imported fill 	<p>23.27.1 Any activity is a permitted activity if:</p> <p>(a) all material for filling is clean fill, and</p> <p>(b) filling</p> <p style="padding-left: 40px;">(i) that is part of building work approved by a building consent is carried out in accordance with NZS4431:1989 Code of Practice for earth fill for residential development, or</p> <p style="padding-left: 40px;">(ii) that is not part of building work:</p> <ul style="list-style-type: none"> • does not exceed a volume of 20m³ and a depth of 1m in depth, and • does not include a building platform, and • does not include placing fill into an area of significant indigenous vegetation or habitat, or <p style="padding-left: 40px;">(iia) that is for minor upgrading of existing electricity lines does not exceed 50m³.</p>	<p>23.27.2 Any activity that does not comply with a condition for a permitted activity is a discretionary activity.</p>

23.28 Filling - Flood Risk Area

ITEM	PERMITTED	RESOURCE CONSENT
<p>23.28 Filling</p> <ul style="list-style-type: none"> • Flood Risk Area 	<p>23.28.1 Any activity in a Flood Risk Area (excluding Huntly South Assessment Area 1) is a permitted activity if:</p> <p>(a) filling is no more than is necessary to</p> <p style="padding-left: 40px;">(i) provide a foundation for building approved by a building consent, and access to that building, or</p> <p style="padding-left: 40px;">(ia) enable minor upgrading of existing electricity lines and does not exceed 50m³.</p>	<p>23.28.2 Any activity that does not comply with a condition for a permitted activity is a discretionary activity.</p>

23.29 Deleted

23.30 Contaminated land - remediation

ITEM	PERMITTED	RESOURCE CONSENT
<p>23.30 Contaminated land</p> <ul style="list-style-type: none"> • remediation 	<p>23.30.1 Any activity is a permitted activity if:</p> <p>(a) remediation of contaminated land</p> <ul style="list-style-type: none"> (i) does not cause a greater risk to the environment than if the work was not done, and (ii) is not within <ul style="list-style-type: none"> • a significant indigenous vegetation or habitat area, or • the Landscape Policy Area, or • the Flood Risk Area, or • 50m of mean high water springs or a water body, and (iii) disposes of material in a location approved for the receipt of such material, and (iv) is reported to the Council by the landowner at the completion of the work detailing <ul style="list-style-type: none"> • the work done and the results obtained, and • the nature and location of remaining contaminated material on site, and • as-built plans and specifications of any permanent containment structure, and <p>(b) the Resource Management (National Environmental Standard for Assessing and</p>	<p>23.30.2 Any activity that does not comply with a condition for a permitted activity is a discretionary activity except</p> <p>(a) where compliance with 23.30.1(b)(ii) is not achieved the activity status is determined by the NES.</p>

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Human Health) Regulations 2011 in [Appendix
Of](#)

- (i) does not apply to the activity, or
- (ii) does apply and the activity meets the permitted activity requirements set out in Regulation 8.

23.31 Hazardous substances

ITEM	PERMITTED	RESOURCE CONSENT
<p>23.31 Hazardous substances</p>	<p>23.31.1 Any activity is a permitted activity if:</p> <ul style="list-style-type: none"> (a) storage or use of hazardous substances complies with Appendix H (Hazardous Substances), or (b) the hazardous substances stored or used on the site are <ul style="list-style-type: none"> (i) at a refuse transfer station, or trade waste in a wastewater treatment facility that complies with Appendix B (Engineering Standards), or (ii) roading materials within a road reserve, or (iii) domestic storage and use of consumer products for domestic purposes, or (iv) consumer products, held for resale to the public and stored in the manufacturers' packaging, or (v) gas or oil pipelines and ancillary equipment, or (vi) fuel or safety equipment in motor vehicles, aircraft, ships, boats or small engines, or (vii) small fireworks subject to the Hazardous Substances (Fireworks) Regulations 2001, or safety ammunition, in domestic quantities, or (viii) fire-fighting substances on emergency vehicles. 	<p>23.31.2 Any activity that does not comply with a condition for a permitted activity is a discretionary activity.</p>

23.32 Radioactive materials

ITEM	PERMITTED	RESOURCE CONSENT
23.32 Radioactive materials	<p>23.32.1</p> <p>Any activity is a permitted activity if:</p> <p>(a) radioactivity is below that specified as an exempt activity in the Radiation Protection Regulations 1982, or</p> <p>(b) radioactive materials are confined to domestic appliances.</p>	<p>23.32.2</p> <p>Any activity that does not comply with a condition for a permitted activity is a discretionary activity if:</p> <p>(a) radioactivity does not exceed 10 terabecquerels.</p> <p>23.32.3</p> <p>Any activity that does not comply with a condition for a discretionary activity is a non-complying activity.</p>

23.33 Wastewater treatment

ITEM	PERMITTED	RESOURCE CONSENT
23.33 Wastewater treatment	<p>23.33.1</p> <p>Any activity is a permitted activity if:</p> <p>(a) ponds used for processing or storing wastewater are set back at least</p> <p style="padding-left: 40px;">(i) 300m from a dwelling, and</p> <p style="padding-left: 40px;">(ii) 30m from the site boundary, or</p> <p>(b) a wastewater plant serving 3 or more dwellings, where wastewater treatment is fully enclosed, is set back at least</p> <p style="padding-left: 40px;">(i) 30m from a dwelling, and</p> <p style="padding-left: 40px;">(ii) 15m from the site boundary.</p>	<p>23.33.2</p> <p>Any activity that does not comply with a condition for a permitted activity is a discretionary activity.</p>

23.34 Plant or animal effluent disposal

ITEM	PERMITTED	RESOURCE CONSENT
23.34 Plant or animal effluent disposal	23.34.1 Any activity is a permitted activity if: (a) treatment and application of whey or liquid effluent derived from plants or animals (including disposal onto land by spray irrigation) (i) is set back at least 300m from a habitable building, educational facility, marae or community hall, and (ii) is operated at times and in wind conditions so as to mitigate adverse effects.	23.34.2 Any activity that does not comply with a condition for a permitted activity is a discretionary activity.

23.35 Notable tree - removal or destruction

ITEM	PERMITTED	RESOURCE CONSENT
23.35 Notable tree • removal or destruction	23.35.1	23.35.2 Removal or destruction of a tree identified in Appendix F (Notable Trees) is a discretionary activity.

23.36 Notable tree - trimming

ITEM	PERMITTED	RESOURCE CONSENT
<p>23.36 Notable tree</p> <ul style="list-style-type: none"> • trimming 	<p>23.36.1 Any activity is a permitted activity if:</p> <p>(a) trimming of a tree identified in Appendix F (Notable Trees) is</p> <p style="padding-left: 40px;">(i) either</p> <ul style="list-style-type: none"> • to remove dead, dying, diseased, crowded, weakly attached, low-vigour branches and water shoots from a tree crown, or • cutting of a branch or root less than 50mm thick (cross section) and no more than 15% of the foliage of the tree is removed, or • the balanced removal of lower branches of a tree on road reserve, and <p style="padding-left: 40px;">(ii) done in accordance with accepted arboricultural practice, and</p> <p style="padding-left: 40px;">(iii) necessary to protect people's health and safety, or protect structures or utilities.</p>	<p>23.36.2 Any activity that does not comply with a condition for a permitted activity is a discretionary activity.</p>

23.37 Notable tree - activities within the drip line

ITEM	PERMITTED	RESOURCE CONSENT
<p>23.37</p> <p>Notable tree</p> <ul style="list-style-type: none"> activities within the drip line 	<p>23.37.1</p> <p>Any activity within the drip line of a tree identified in Appendix F (Notable Trees) is a permitted activity if:</p> <p>(a) it does not involve compaction, sealing or soil disturbance except for sealing of an existing road or footpath, and</p> <p>(b) it does not involve parking or storage of materials, vehicles or machinery, and</p> <p>(c) there is no discharge of an ecotoxic substance, and</p> <p>(d) there is no construction of structures.</p>	<p>23.37.2</p> <p>Any activity that does not comply with a condition for a permitted activity is a restricted discretionary activity.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> location of activity in relation to the tree timing and manner in which the activity is carried out remedial measures protection of the tree.

23.38 Sale of liquor

ITEM	PERMITTED	RESOURCE CONSENT
<p>23.38</p> <p>Sale of liquor</p>	<p>23.38.1</p> <p>Any activity is a permitted activity if the sale of liquor:</p> <p>(a) is authorised by a special licence, or</p> <p>(b) in the case of any other licence, does not occur:</p> <p>(i) between 10pm and 7am, and</p> <p>(ii) on a site within 50m of land in the Living Zone, or</p> <p>(iii) on a site within 50m of a dwelling in the Pa, Rural, Coastal, Country Living or Recreation Zones.</p>	<p>23.38.2</p> <p>Any activity that does not comply with a condition for a permitted activity is a discretionary activity.</p>

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23.39 Signs - advertising signs

ITEM	PERMITTED	RESOURCE CONSENT
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<p>23.39 Signs</p> <ul style="list-style-type: none"> • advertising signs 	<p>23.39.1</p> <p>Any activity is a permitted activity if an advertising sign visible from a public place:</p> <p>(a) does not exceed 10m in height, and</p> <p>(b) is attached to a building and</p> <ul style="list-style-type: none"> (i) does not extend more than 300mm from the building wall, and (ii) does not exceed the height of the building, and <p>(c) is attached to a verandah and</p> <ul style="list-style-type: none"> (i) is set back at least 500mm from the road carriageway, and (ii) is not more than 500mm high, and (iii) does not obscure any notable architectural feature of the building, and (iv) does not project beyond the roof or fascia of the verandah more than 100mm in any direction, and (v) allows clearance of at least 2.5m above a footpath, and <p>(d) is a free standing sign and</p> <ul style="list-style-type: none"> (i) does not exceed an area of 3m² for one sign per site, and 1m² for any other free standing sign on the site, and (ii) is not on or above road reserve, other than a traffic sign or safety sign erected by a public authority, and (iii) is set back at least 5m from the boundary of the Living Zone, and <p>(e) is an illuminated sign and does not have a light source that flashes or moves, and does not contain moving parts or reflective materials, and is focused to ensure it does not spill light beyond the sign, and</p> <p>(f) is not attached to a heritage item listed in Appendix C I (Historic Heritage Items), site of significance to Maori, or a tree identified in Appendix F (Notable Trees), except for the purpose of identification.</p>	<p>23.39.2</p> <p>Any advertising sign that does not comply with a condition for a permitted activity is a restricted discretionary activity.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> • amenity values, streetscape and character of the locality • traffic safety • glare and light spill • effects on heritage values of any heritage item due to the size, location, design and appearance of a sign.
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23.40 Signs - effects on traffic

ITEM	PERMITTED	RESOURCE CONSENT
23.40 Signs • effects on traffic	23.40.1 Any advertising sign directed at drivers is a permitted activity if the sign: (a) does not imitate the content, colour or appearance of traffic control signs, and (b) contains no more than 40 characters or 6 symbols, and (c) has lettering that is at least 124mm high, and (d) is at least 150m from a site entrance, where the sign directs traffic to an entrance, and (e) does not obscure sight lines of drivers turning into or out of entrances on any site.	23.40.2 Any activity that does not comply with a condition for a permitted activity is a discretionary activity.

23.41 Outdoor storage

ITEM	PERMITTED	RESOURCE CONSENT
23.41 Outdoor storage	23.41.1 Any activity is a permitted activity if outdoor stacks or stockpiles of goods or materials: (a) do not exceed a height of 9m, and (b) do not exceed 30% site coverage, and (c) are screened from view from (i) a public road or reserve, or (ii) an adjoining site in another zone.	23.41.2 Any activity that does not comply with a condition for a permitted activity is a discretionary activity.

23.42 Raglan Wharf - activity setback

ITEM	PERMITTED	RESOURCE CONSENT
23.42 Raglan Wharf • activity setback	23.42.1 Any activity on the Raglan Wharf is a permitted activity if: (a) it is set back at least 3m from the seaward edge of the wharf, or (b) it is set back less than 3m from the seaward edge of the wharf and is for the temporary loading and unloading of boats.	23.42.2 Any activity that does not comply with a condition for a permitted activity is a discretionary activity.

23.43 to 23.62B Land Use - Building

23.43 Deleted

23.44 Building height

ITEM	PERMITTED	RESOURCE CONSENT
23.44 Building height	23.44.1 Construction or alteration of a building or structure is a permitted activity if: (a) height does not exceed 10m, and (b) deleted (c) it does not protrude through the obstacle limitation surfaces defined in Chapter 30, Designation NI (Hamilton Airport), and (d) it does not protrude into the Raglan navigation beacons height restriction plane identified on the planning map and in Appendix J (Raglan Navigation Beacons Height Restriction Plane)	23.44.2 Any activity that does not comply with a condition for a permitted activity is a discretionary activity. Note: Buildings that protrude into the Raglan Beacons Height Restriction Plane are prohibited. See rule 23.5.

23.45 Daylight admission

ITEM	PERMITTED	RESOURCE CONSENT
23.45 Daylight admission	23.45.1 Construction or alteration of a building is a permitted activity if: (a) the building does not protrude through a height control plane rising at an angle of 37 degrees commencing at an elevation of 2.5m above ground level at every point of the zone boundary.	23.45.2 Any activity that does not comply with a condition for a permitted activity is a restricted discretionary activity. Discretion restricted to: <ul style="list-style-type: none"> • height of building • design and location of the building • admission of daylight and sunlight to the site and other sites • privacy on other sites • amenity values of the locality.

23.46 Building coverage

ITEM	PERMITTED	RESOURCE CONSENT
23.46 Building coverage	23.46.1 Construction or alteration of a building is a permitted activity if: (a) building coverage does not exceed 80%	23.46.2 Any activity that does not comply with a condition for a permitted activity is a discretionary activity.

23.47 Building setbacks

ITEM	PERMITTED	RESOURCE CONSENT
23.47 Building setbacks	23.47.1 Construction or alteration of a building is a permitted activity if the building is set back at least: (a) 7.5m from any zone boundary, and (b) 17.5m from the centre line an indicative road, and (c) 15m from a national route or regional arterial road boundary, and (d) 25m from the designated boundary of the Waikato Expressway	23.47.2 Any activity that does not comply with a condition for a permitted activity is a discretionary activity.

23.47A Setbacks - high voltage electricity transmission line

ITEM	PERMITTED	RESOURCE CONSENT
<p>23.47A Setbacks</p> <ul style="list-style-type: none"> high voltage electricity transmission lines 	<p>23.47A.1 Construction or alteration of a building is a permitted activity if:</p> <p>(a) it is set back at least 20m from the centre line of any electricity transmission line designed to operate at 110kV or more.</p>	<p>23.47A.2 Any activity that does not comply with a condition for a permitted activity is a restricted discretionary activity.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> effects of electromagnetic fields extent to which location and orientation of habitable rooms mitigates effects of the lines access to transmission lines for maintenance safety of people and property amenity values of the site effects on integrity of electricity supply including <ul style="list-style-type: none"> - the extent to which compliance will be achieved with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP:34 2001 - the nature and location of any landscaped amenity areas.

23.48 Display windows in town centres

ITEM	PERMITTED	RESOURCE CONSENT
<p>23.48 Display windows in town centres</p>	<p>23.48.1 Construction or alteration of a building in a town centre is a permitted activity if:</p> <p>(a) the building is not set back from the road frontage, and</p> <p>(b) in Huntly, display windows are provided comprising at least 25% of the front walls, and</p> <p>(c) in Raglan and Ngaruawahia, display windows are provided comprising at least 40% of the front walls.</p>	<p>23.48.2 Any activity that does not comply with a condition for a permitted activity is a discretionary activity.</p>

23.49 Verandah

ITEM	PERMITTED	RESOURCE CONSENT
<p>23.49 Verandah</p>	<p>23.49.1 Construction or alteration of a building on land with a verandah line indicated on the planning map is a permitted activity if:</p> <ul style="list-style-type: none"> (a) a verandah is attached to the street frontage of the building with <ul style="list-style-type: none"> (i) a height above the footpath of at least 2.5m and not more than 3.5m, and (ii) a minimum width of 3m, and (b) the outer edge of the verandah is set back 0.5m from the kerb, and (c) it is joined to verandahs of adjoining buildings so as to provide continuous pedestrian shelter, and (d) it is cantilevered from the building. 	<p>23.49.2 Any activity that does not comply with a condition for a permitted activity is a discretionary activity.</p>

23.50 Building near a lake or river

ITEM	PERMITTED	RESOURCE CONSENT
<p>23.50 Building near a lake or river</p>	<p>23.50.1 Construction or alteration of a building is a permitted activity if:</p> <ul style="list-style-type: none"> (a) the building is set back at least 23m from <ul style="list-style-type: none"> (i) the margin of any lake with a bed area of 8ha or more, and (ii) the bank of any river whose bed has an average width of 3m or more and <ul style="list-style-type: none"> (aa) the building is set back at least 28m from the Waikato River and the Waipa River, and (ab) the building is set back at least 50m from the river on sites to which the River Bank Stability Area applies. <p>Despite the above, a public amenity of up to 25m² on an esplanade reserve, a public walkway, or a pump shed are not subject to this rule.</p> <p>Note: Rule 4.2.18.1 Waikato Regional Plan controls building within 10m of artificial watercourses (drains), modified watercourses or rivers within drainage districts and river control scheme areas managed by Waikato Regional Council or Waikato District Council.</p>	<p>23.50.2 Any activity that does not comply with a condition for a permitted activity is a discretionary activity.</p>

23.51 Building near the coast

ITEM	PERMITTED	RESOURCE CONSENT
23.51 Building near the coast	23.51.1 Construction or alteration of a building is a permitted activity if: (a) it is set back at least 23m from mean high water springs, and (b) the floor level of any habitable room is at least 3.7m above Moturiki Datum.	23.51.2 Any activity that does not comply with a condition for a permitted activity is a discretionary activity.

23.52 Building in Flood Risk Area

ITEM	PERMITTED	RESOURCE CONSENT
23.52 Building in Flood Risk Area	23.52.1 Construction or alteration of a building on land shown on the Planning Map as a Flood Risk Area or other land that is subject to flood hazards is a permitted activity if: (a) the floor level of any habitable room is at least 0.3m above the 1% design flood level, and (b) the floor level of any non-habitable room is at or above the 1% design flood level, and (c) wastewater and stormwater disposal systems comply with Appendix B (Engineering Standards).	23.52.2 Any activity that does not comply with a condition for a permitted activity is a non-complying activity.

23.53 Number of dwellings

ITEM	PERMITTED	RESOURCE CONSENT
23.53 Number of dwellings	23.53.1 Construction of a dwelling, other than a dependent person's dwelling, is a permitted activity if, after completion: (a) there is only one dwelling on the land contained in the certificate of title.	23.53.2 Any activity that does not comply with a condition for a permitted activity is a discretionary activity.

23.53A Aerials

ITEM	PERMITTED	RESOURCE CONSENT
23.53A Aerials	23.53A.1 Despite rules 23.44.1(a) , and 23.45 , construction or alteration of an aerial and its support structures is a permitted activity if: (a) the height of aerials or support structures does not exceed 15m, and (b) no dish antenna exceeds 5m diameter, and no panel antenna exceeds 2.5m in any dimension, and (c) it is not attached to an historic heritage item listed in Appendix C I (Historic Heritage Items), except for a domestic television reception aerial.	23.53A.2 Any aerial or support structure that does not comply with a condition for a permitted activity is a restricted discretionary activity. Discretion restricted to: <ul style="list-style-type: none"> • amenity values • effects on landscape and streetscape • height and setback • design, safety and appearance • location within site • admission of daylight and sunlight to the site and other sites • matters mentioned in the conditions that are not complied with • effects on the values, context and setting of a heritage item.

23.54 Dependent person's dwelling

ITEM	PERMITTED	RESOURCE CONSENT
23.54 Dependent person's dwelling	23.54.1 Construction or alteration of a dependent person's dwelling is a permitted activity if: (a) there is only one dependent person's dwelling on the site, and (b) it shares an outdoor living court with the main dwelling on the site.	23.54.2 Construction or alteration of a dependent person's dwelling that does not comply with a condition for a permitted activity is a restricted discretionary activity if: (a) the dwelling is removable. Discretion restricted to: <ul style="list-style-type: none"> • amenity values • on-site services • structural design and foundations • matters referred to in permitted activity conditions. 23.54.3 Any activity that does not comply with a condition for a restricted discretionary activity is a discretionary activity.

23.55 Living court

ITEM	PERMITTED	RESOURCE CONSENT
23.55 Living court	23.55.1 Construction or alteration of a dwelling is a permitted activity if: (a) an outdoor living court is provided, and (b) it is for the exclusive use of the occupants of a dwelling, and (c) the living court is readily accessible from a living area of the dwelling, and (d) either <ul style="list-style-type: none"> (i) on the ground floor the living court has a minimum area of 80m² containing a circle of 6m diameter, exclusive of parking and manoeuvring areas and buildings, or (ii) a balcony is provided containing at least 15m² and a circle with a diameter of at least 2.4m, if the dwelling does not have a habitable room on the ground floor. 	23.55.2 Any activity that does not comply with a condition for a permitted activity is a discretionary activity.

23.56 Comprehensive residential development

ITEM	PERMITTED	RESOURCE CONSENT
23.56 Comprehensive residential development	23.56.1	<p>23.56.2</p> <p>Construction or alteration of a comprehensive residential development is a discretionary activity if:</p> <p>(a) the building height, scale, form and architectural style, and the site layout is consistent with Appendix E (Comprehensive Residential Development Design Guidelines), and</p> <p>(b) there is an average net site area of at least 300m² per dwelling, and</p> <p>(c) the development includes at least 5 dwellings, and</p> <p>(d) total building coverage does not exceed 80%, and</p> <p>(e) the site is connected to a reticulated water supply, stormwater and wastewater disposal system.</p> <p>23.56.3</p> <p>Any activity that does not comply with a condition for a discretionary activity is a non-complying activity.</p>

23.57 Deleted

23.58 Group A heritage item - demolition, removal or relocation

ITEM	PERMITTED	RESOURCE CONSENT
23.58 Group A heritage item • demolition, removal or relocation	23.58.1	<p>23.58.2</p> <p>Demolition, removal or relocation of any group A heritage item listed in Appendix C1 (Historic Heritage Items) is a non-complying activity.</p>

23.59 Group B heritage item - demolition, removal or relocation

ITEM	PERMITTED	RESOURCE CONSENT
23.59 Group B heritage item • demolition, removal or relocation	23.59.1	23.59.2 Demolition, removal or relocation of any group B heritage item listed in Appendix C1 (Historic Heritage Items) is a discretionary activity.

23.60 All heritage items - alteration - addition

ITEM	PERMITTED	RESOURCE CONSENT
23.60 All heritage items • alteration • addition	23.60.1 Alteration of, or addition to, a heritage item listed in Appendix C1 (Historic Heritage Items), is a permitted activity if: (a) no significant feature of interest is removed, destroyed or damaged, and (b) deleted (c) alterations or additions are not visible from a public place, and (ca) alterations or additions are of similar style, bulk and sympathetic to the original structure.	23.60.2 Any activity that does not comply with a condition for a permitted activity is a restricted discretionary activity. Discretion restricted to: • form, style, materials and appearance • effects on heritage values.

23.60A All heritage items - maintenance - repair

ITEM	PERMITTED	RESOURCE CONSENT
23.60A All heritage items • maintenance • repair	23.60A.1 Maintenance or repair to a heritage item listed in Appendix C1 (Historic heritage Items) is a permitted activity if: (a) no significant feature of interest is destroyed or damaged, and (b) replacement materials are the same as, or similar to, the original with the original form, style and appearance.	23.60A.2 Any activity that does not comply with a condition for a permitted activity is a restricted discretionary activity. Discretion restricted to: • form, style, materials and appearance • effects on heritage values.

23.61 All heritage items - site development

ITEM	PERMITTED	RESOURCE CONSENT
<p>23.61 All heritage items</p> <ul style="list-style-type: none"> • site development 	<p>23.61.1 Development on the site of a heritage item listed in Appendix C1 (Historic Heritage Items) is a permitted activity if:</p> <p>(a) deleted</p> <p>(b) it is set back at least 10m from the heritage item, and</p> <p>(c) a building not located between the front of the heritage item and the road.</p>	<p>23.61.2 Any activity that does not comply with a condition for a permitted activity is a restricted discretionary activity.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> • effects on the values, context and setting of the heritage item • location, design, size, materials and finish • landscaping • the relationship of the heritage item with the setting.

23.62 Precincts - construction or alteration of a building

ITEM	PERMITTED	RESOURCE CONSENT
<p>23.62 Precincts</p> <ul style="list-style-type: none"> • construction or alteration of a building 	<p>23.62.1 Construction or alteration of a building in Raglan town centre or Rangiriri heritage precinct identified on the planning map is a permitted activity if:</p> <p>(a) the building height, scale, form, materials and architectural style are consistent with Appendix D (Design Guides).</p>	<p>23.62.2 Any activity that does not comply with a condition for a permitted activity is a restricted discretionary activity.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> • building height, scale, form, materials and architectural style • matters referred to in the relevant design guide • effects on the heritage values of the precinct.

23.62A Relocated building

ITEM	CONTROLLED	RESOURCE CONSENT
23.62A Relocated building	<p>23.62A.1</p> <p>Relocation of a used building to a new site is a controlled activity if:</p> <p>(a) the building is delivered to its final position on the site and connected to its new foundations within 7 days of arrival.</p> <p>Control reserved over:</p> <ul style="list-style-type: none"> • external appearance • effects on amenity values and natural character of locality • visibility from public places and screening • structural integrity and weatherproofing • maintenance, repair, replacement or decoration of cladding, roofing, porches, decks, baseboards, steps, windows, chimney spaces, spouting and stormwater drains • stormwater management on the site • timetable for works • bond to secure compliance • matters referred to in Appendix B (Engineering Standards). 	<p>23.62A.2</p> <p>Any activity that does not comply with conditions for a controlled activity is a restricted discretionary activity.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> • matters referred to in conditions for controlled activities • matters that control is reserved over.

23.62B Acoustic insulation of buildings - Horotiu Acoustic Amenity overlay

ITEM	PERMITTED	RESOURCE CONSENT
23.62B Acoustic insulation of buildings Horotiu Acoustic Amenity overlay	<p>23.62B.1</p> <p>Construction or alteration of a building within the Horotiu Acoustic Amenity Overlay is a permitted activity if:</p> <p>(a) the building is designed and constructed to comply with Table A - Internal Sound Levels in Appendix M6 (Acoustic Insulation)</p>	<p>23.62B.2</p> <p>Any activity that does not comply with a condition for a permitted activity is a discretionary activity.</p>

23.63 to 23.72 Subdivision

Editorial note

Editorial Note:

Any subdivision application relating to land that is contaminated or potentially contaminated, because of its past, present or likely use of the land for an activity or industry described in the Ministry for the Environment's Hazardous Activities and Industries List (HAIL), is required to be assessed under the

Waikato District Plan - Waikato Section

Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 in [Appendix Of](#).

23.63 Allotment size

ITEM	CONTROLLED	RESOURCE CONSENT
23.63 Allotment size	<p>23.63.1</p> <p>Subdivision is a controlled activity if:</p> <p>(a) the net site area of each allotment is at least 225m², excluding access allotments or utility allotments, and</p> <p>(b) utility allotments do not exceed 50m².</p> <p>Control is reserved over:</p> <ul style="list-style-type: none"> amenity values. 	<p>23.63.2</p> <p>Subdivision that does not comply with a condition for a controlled activity is a discretionary activity.</p>

23.64 Allotment boundaries

ITEM	CONTROLLED	RESOURCE CONSENT
23.64 Allotment boundaries	<p>23.64.1</p> <p>Subdivision is a controlled activity if the boundary of every allotment is drawn so that:</p> <p>(a) existing buildings comply with the permitted activity rules relating to building coverage, set backs, and daylight angles, except to the extent of any non-compliance that existed lawfully prior to the subdivision, and</p> <p>(b) no area of significant indigenous vegetation and habitat, hazard area, contaminated land, dune land, heritage item, site of significance to Maori, or wetland is divided between allotments, and</p> <p>(c) boundaries avoid any tree listed in Appendix F (Notable Trees).</p> <p>Control reserved over:</p> <ul style="list-style-type: none"> effects on amenity values of buildings effects on sites of significance to Maori effects on any notable trees effects on heritage items. amenity effects on archaeological sites. 	<p>23.64.2</p> <p>Subdivision that does not comply with a condition for a controlled activity is a restricted discretionary activity.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> matters referred to in conditions for controlled activities matters that control is reserved over.

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23.65 Frontage

ITEM	CONTROLLED	RESOURCE CONSENT
23.65 Frontage	<p>23.65.1</p> <p>Subdivision is a controlled activity if:</p> <p>(a) every allotment with a road boundary, other than an access allotment, access leg or utility allotment, has a width along the road boundary of at least 15m.</p> <p>Control reserved over:</p> <ul style="list-style-type: none"> • road efficiency and safety • amenity and streetscape. 	<p>23.65.2</p> <p>Subdivision that does not comply with a condition for a controlled activity is a discretionary activity.</p>

23.66 Road access

ITEM	CONTROLLED	RESOURCE CONSENT
23.66 Road access	<p>23.66.1</p> <p>Subdivision is a controlled activity if:</p> <p>(a) every allotment is provided with vehicle access to a public road, except for frontages on</p> <ul style="list-style-type: none"> (i) Main St, Huntly (ii) Jesmond St, Ngaruawahia (iii) Bow St, Raglan, (James St to Cliff St), and <p>(b) the vehicle access complies with Appendix A (Traffic) and Appendix B (Engineering Standards).</p> <p>(c) deleted</p> <p>Control is reserved over:</p> <ul style="list-style-type: none"> • adequacy of the access for its intended use • road efficiency and safety • matters referred to in Appendix A (Traffic) and Appendix B (Engineering Standards). 	<p>23.66.2</p> <p>Subdivision that does not comply with a condition for a controlled activity requires resource consent as stated in the relevant appendix, or is a discretionary activity if not otherwise specified.</p>

23.67 Earthworks

ITEM	CONTROLLED	RESOURCE CONSENT
<p>23.67 Earthworks</p>	<p>23.67.1 Subdivision is a controlled activity if:</p> <p>(a) earthworks comply with Appendix B (Engineering Standards).</p> <p>Control reserved over:</p> <ul style="list-style-type: none"> • compliance with Appendix B (Engineering Standards) • amenity and streetscape • nature and source of fill • location of earthworks and fill • compaction of fill • volume and depth of earthworks and fill • identification of future building platforms • water quality • provision of erosion and sediment control plan for the work • notice prior to commencement. 	<p>23.67.2 Subdivision that does not comply with a condition for a controlled activity is a discretionary activity.</p>

23.68 On-site services

ITEM	CONTROLLED	RESOURCE CONSENT
<p>23.68 On-site services</p>	<p>23.68.1 Subdivision is a controlled activity if, for every allotment other than a utility or access allotment:</p> <ul style="list-style-type: none"> (a) provision is made to connect to a telecommunications network and energy supply network, and (b) either <ul style="list-style-type: none"> (i) provision is made to connect to reticulated water supply, stormwater, land drainage and wastewater disposal networks where available, or (ii) an alternative method of water supply, stormwater, land drainage and wastewater disposal that complies with Appendix B (Engineering Standards) is provided, and (iii) deleted (c) services are placed underground where <ul style="list-style-type: none"> (i) a new road is required as part of the subdivision, or (ii) existing services to the site are already placed underground. <p>Control reserved over:</p> <ul style="list-style-type: none"> • health and safety • amenity values • matters referred to in Appendix B (Engineering Standards) • easements to facilitate development beyond the site. 	<p>23.68.2 Subdivision that does not comply with a condition for a controlled activity is a discretionary activity.</p>

23.69 Hazard risks

ITEM	CONTROLLED	RESOURCE CONSENT
<p>23.69 Hazard risks</p>	<p>23.69.1 Subdivision is a controlled activity if:</p> <p>(a) the land is not in the Huntly South Assessment Area, Huntly East Mine Subsidence Area, or Flood Risk Area.</p> <p>Control reserved over:</p> <ul style="list-style-type: none"> • size and area of allotments • mitigation of hazards in other areas. 	<p>23.69.2 Subdivision that does not comply with a condition for a controlled activity is a discretionary activity.</p>

23.70 Esplanade reserves and esplanade strips

ITEM	CONTROLLED	RESOURCE CONSENT
<p>23.70 Esplanade reserves and esplanade strips</p>	<p>23.70.1 Subdivision is a controlled activity if an esplanade reserve or strip 20m wide (or other width stated in Appendix G Esplanade Priority Areas) is created from every allotment:</p> <p>(a) less than 4ha and within 20m of</p> <ul style="list-style-type: none"> (i) mean high water springs, or (ii) the bank of any river whose bed has an average width of 3m or more, or (iii) a lake whose bed has an area of 8ha or more, or <p>(b) 4ha or more within 20m of</p> <ul style="list-style-type: none"> (i) mean high water springs, or (ii) a water body identified in Appendix G (Esplanade Priority Areas). <p>Control reserved over:</p> <ul style="list-style-type: none"> • deleted • the type of esplanade provided - reserve or strip • width of the esplanade reserve or strip • access to the esplanade reserve or strip • matters provided for in an instrument creating an esplanade strip or access strip • works required prior to vesting any reserve in the Council. 	<p>23.70.2 Subdivision that does not comply with a condition for a controlled activity is a restricted discretionary activity.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> • matters that control is reserved over • costs and benefits of acquiring the land.

23.71 Land containing heritage items

ITEM	CONTROLLED	RESOURCE CONSENT
23.71 Land containing heritage items	23.71.1	<p>23.71.2</p> <p>Subdivision of land containing a heritage item listed in Appendix C1 (Historic Heritage Items) is a restricted discretionary activity if:</p> <p>(a) the heritage item is wholly contained on one allotment, and</p> <p>(b) the relationship of the heritage item with its setting is maintained.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> • effects on the values, context and setting of the heritage item. <p>23.71.3</p> <p>Subdivision that does not comply with a condition for a restricted discretionary activity is a discretionary activity.</p>

23.72 Traffic generation

ITEM	CONTROLLED	RESOURCE CONSENT
23.72 Traffic generation	<p>23.72.1</p> <p>Subdivision is a controlled activity if:</p> <p>(a) traffic generated by likely land uses following the subdivision does not alter the status or function of roads in the road hierarchy identified in Appendix A (Traffic).</p> <p>Control reserved over:</p> <ul style="list-style-type: none"> • capacity and quality of the road surface • function of the public road • safety and efficiency of the road network • safety of road users. 	<p>23.72.2</p> <p>Subdivision that does not comply with a condition for a controlled activity is a restricted discretionary activity.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> • function of the public road • safety of road users • capacity and quality of road surface.

Schedule 23A Te Kauwhata Structure Plan Business Zone Rules

23A.1 Application of the Schedule

The rules in this schedule apply to the Business Zone in the Te Kauwhata Structure Plan area as shown on the [Planning Map](#). All rules in [Chapter 23: Business Zone](#) apply in the Te Kauwhata Structure Plan area unless otherwise specified below.

23A.2 Rules applying in the Te Kauwhata Structure Plan Area

In addition to the following rules, all rules in [Chapter 23: Business Zone](#) also apply to the structure plan area except for rule [23.53](#) which does not apply in the Mixed Use Policy Area.

23A.3 Mixed Use Policy Area

The Mixed Use Policy Area is an extension of the existing town centre encompassing the area bounded by Saleyard Rd and Baird Ave to the boundary of the Whangamarino Wetland and has an underlying Business Zone. The type of activity expected in the Mixed Use Policy Area is similar to the activities expected in a standard Business Zone elsewhere in the district, such as retailing, office accommodation, professional rooms as well as medium density residential, travellers accommodation and community facilities. The purpose of the policy area is to ensure that an integrated approach to development is undertaken to establish a range of activities that suit the area and cater for the expected growth of the village. Without this integrated approach each landowner could develop individually and the expected outcome for the area would not be achieved.

It is envisaged that the area will create an attractive and lively extension for business activities that will promote a mix of retail, community facilities, business and residential uses while maintaining views and pedestrian access to the Whangamarino Wetland. Activities should be attractively designed, easily accessible and fully integrated into the surrounding environment. Ecological enhancement and connection of the Whangamarino Wetland to the town centre promotes integration with one of the most important natural features of New Zealand. Community facilities are seen as an integral component of the area and should be provided as and when the community requires them. Space for such facilities needs to be allocated at the outset of development so that the opportunity to develop the facilities is retained. Medium density housing development attractively designed that incorporates public open space will encourage the vibrancy of the area.

23A.4 Land Use – Activities

ITEM	RESTRICTED DISCRETIONARY	DISCRETIONARY
<p>23A.4 Mixed Use Policy Area</p>	<p>23A.4.1 Subdivision, use and development is a restricted discretionary activity in the Mixed Use Policy Area if:</p> <p>(a) a comprehensive development plan is developed in accordance with the Mixed Use Area concept plan at 23A.9.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> • compliance with concept plan • ecological values of the Whangamarino Wetland and linkages • size and location of community facilities • recreation and access linkages • landscaping and visual mitigation • building location, design and orientation • parking capacity and location • acoustic insulation • integration with surrounding environment • residential development density and location • effects on Environmental Protection Policy Area • compliance with Appendix A • compliance with Appendix B • on-site services • use of low impact design principles • compliance with Urban Design Guide • hazard management • earthworks and filling • retaining walls • allotment size and shape • number and location of rear lots • service lanes • roads • effects on archaeological sites or items 	<p>23A.4.2 Any activity that does not comply with a condition for a restricted discretionary activity is a discretionary activity.</p>

23A.5 and 23A.6 Land Use - Effects

23A.5 Fences

ITEM	PERMITTED	RESOURCE CONSENT
23A.5 Fences	<p>23A.5.1</p> <p>Any activity is a permitted activity if:</p> <p>(a) fences along a road frontage, public open space and side boundaries within 3m of the road:</p> <p style="padding-left: 40px;">(i) do not exceed 1m in height, and</p> <p style="padding-left: 40px;">(ii) do not exceed 1m in height where a retaining wall and a fence is combined, or</p> <p style="padding-left: 40px;">(iii) do not exceed 1.8m in height and is of transparent construction.</p>	<p>23A.5.2</p> <p>Any activity that does not comply with a condition for a permitted activity is a restricted discretionary activity.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> • materials and design • height • effects on amenity • public space visibility.

23A.6 Outdoor storage

ITEM	PERMITTED	RESOURCE CONSENT
23A.6 Outdoor storage	<p>23A.6.1</p> <p>Any activity is a permitted activity if outdoor stacks or stockpiles of goods or materials:</p> <p>(a) do not exceed a height of 3m, and</p> <p>(b) do not exceed 10% site coverage, and</p> <p>(c) are screened from view from</p> <p style="padding-left: 40px;">(i) a public road or reserve, or</p> <p style="padding-left: 40px;">(ii) an adjoining site in another zone.</p>	<p>23A.6.2</p> <p>Any activity that does not comply with a condition for a permitted activity is a discretionary activity.</p>

23A.7 and 23A.8 Land Use - Building

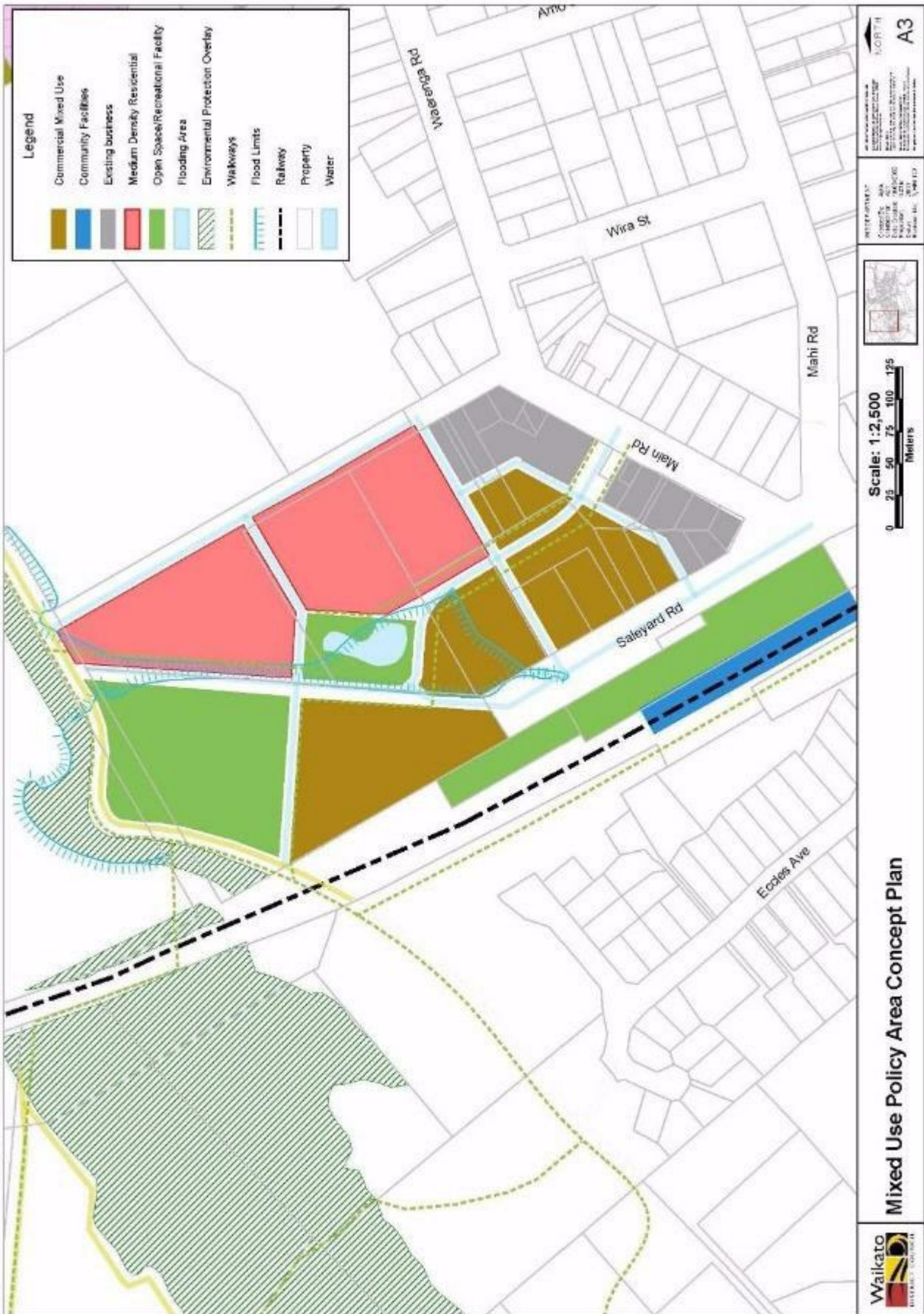
23A.7 Connection to onsite services

ITEM	PERMITTED	RESOURCE CONSENT
23A.7 Connection to onsite services	<p>23A.7.1</p> <p>Construction or alteration of a building is a permitted activity if</p> <p>(a) for a building containing sanitary facilities_it is connected to reticulated water supply, stormwater and wastewater disposal networks that comply with Appendix B (Engineering Standards), and</p> <p>(b) for a building exceeding 10sqm stormwater is managed using low impact design features that comply with Appendix B: (Engineering Standards) prior to connecting to the Council network.</p>	<p>23A.7.2</p> <p>Any activity that does not comply with a condition for a permitted activity is a non-complying activity.</p>

23A.8 Living court position

ITEM	PERMITTED	RESOURCE CONSENT
23A.8 Living court position	<p>23A.8.1</p> <p>Construction or alteration of a dwelling is a permitted activity if an outdoor living court is provided that:</p> <p>(a) is located between 45 degrees north east through north to 90 degrees west of the dwelling measured from the southern-most part of the dwelling.</p>	<p>23A.8.2</p> <p>Any activity that does not comply with a condition for a permitted activity is a discretionary activity.</p>

23A.9 Mixed Use Policy Area Concept Plan



Schedule 23B Tamahere Village Business Zone

23B.1 Application of the Schedule

The rules in this schedule apply to the Tamahere Village Business Zone, which is located within the Tamahere Structure Plan area as shown on the Planning Maps. The schedule also includes design guidelines to facilitate future development.

23B.2 Rules applying in the Tamahere Village Business Zone

In addition to the following rules, all rules in [Chapter 23: Business Zone](#) also apply in the Tamahere Village Business Zone except for rules [23.5 \(e\) and \(f\)](#), [23.10](#), [23.13](#), [23.18](#), [23.19](#), [23.20](#), [23.26](#), [23.39](#), [23.41](#), [23.45](#), [23.46](#), [23.47](#), [23.62A](#) and [23.63](#) to [23.72](#).

23B.3 Tamahere Village Business Zone

The Tamahere Village Business Zone is an area defined to provide for localised commercial opportunities to meet the needs of a diverse community seeking alternative retail options to those provided elsewhere. This area has an underlying Business Zone with the following schedule providing for specific development standards. It is expected that the development of the Tamahere Village Business Zone will provide for a mixture of small boutique retail activities along with offices and professional rooms. As the population increases there is the possibility that some community facilities may need to be established in the future.

It is envisaged that an attractive and lively area will be created while maintaining a village focus which integrates with the adjoining recreation area. The intention of the area is to promote a mixture of retail and professional services. Development should be attractively designed, easily accessible and physically and visually connected to the surrounding environment. Community recreation facilities are provided for on the adjoining recreation reserve and are seen as an important feature for the area. These facilities will be developed as and when the community requires them. Large format retail development and drive through services are not considered compatible with a Country Living village development.

It is important that the Tamahere Village Business Zone is limited in terms of the scale of development, i.e. [Gross Floor Area \(GFA\)](#) of all buildings and the [Gross Leasable Floor Area \(GLFA\)](#) of individual retail units. It should be carefully managed in terms of the range of activities that establish, to ensure that it does not compromise the vitality and viability of existing commercial centres, either in the Waikato District or adjoining districts.

Development in the Tamahere Village Business Zone, the Tamahere Recreation Zone and the Village Green, collectively, the Tamahere Village Centre, are all subject to the Tamahere Village Design Guide and Concept Plan. This will provide for an integrated approach to development across property and zone boundaries and ensure that the best outcome is achieved, thus providing certainty to the Tamahere community. The requirement for a Council approved development plan is a crucial part of a resource consent. An approved development plan will provide comprehensive details of how the site will be developed.

23B.4 Tamahere Village Concept Plan



23B.5 Prohibited Activities

23B.5

The following activities are prohibited activities for which no resource consent shall be granted:

Land use

- (a) a residential activity**
- (b) an overnight health facility**
- (c) travellers accommodation**
- (d) large format retail or warehousing**
- (e) drive through services**

23B.10 and 23B.11 Land Use - Activities

23B.10 Type of activity

ITEM	PERMITTED	RESOURCE CONSENT
<p>23B.10 Type of activity</p>	<p>23B.10.1 Any activity that complies with all effects and building rules is a permitted activity if it is:</p> <ul style="list-style-type: none"> (a) a retail activity, or (b) an office on the first floor level, or (c) a health facility excluding day hospitals, or (d) a restaurant, or (e) a community facility, or (f) a temporary event that meets the conditions for a permitted activity. 	<p>23B.10.2 Any activity that does not comply with a condition for a permitted activity is a discretionary activity.</p>

23B.11 Tamahere Village Development

ITEM	PERMITTED	RESOURCE CONSENT
<p>23B.11 Tamahere Village Development</p>		<p>23B.11.1 Development within the Tamahere Village Business Zone is a restricted discretionary activity if:</p> <p>(a) the application includes a Tamahere Village Business Zone Development Plan prepared in accordance with the Tamahere Village Business Zone Development Plan Guideline set out in 23B.25, and</p> <p>(b) it complies with</p> <p style="padding-left: 40px;">(i) Tamahere Business Zone Performance Standards - Effects, and</p> <p style="padding-left: 40px;">(ii) Tamahere Business Zone Performance Standards - Buildings, and</p> <p>(c) is in accordance with the Tamahere Village Concept Plan, and</p> <p>(d) is in accordance with the Tamahere Village Design Guide.</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> • consistency with the Tamahere Village Design Guide • consistency with the Tamahere Village Concept Plan • matters listed in the Tamahere Village Business Zone Development Plan Guidelines • physical and visual connectivity with the Village Green and adjoining recreation reserve • landscaping • entrance crossings and sight lines • parking capacity and location • access and traffic flow within the site • shape, size and location of individual leasable units • variation in leasable unit sizes • staging of development • use of low impact design principles • storm water and wastewater management and disposal • effects on historic heritage • compliance with Appendix A (Traffic) • compliance with Appendix B (Engineering Standards) <p>23B.11.2 Any activity is a discretionary activity if:</p> <p>(a) it complies with Rule 23B.11.1(a) and Rule 23B.11.1(c); BUT,</p> <p>(b) does not comply with Rule 23B.11.1(b) and / or Rule</p>

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ITEM	PERMITTED	RESOURCE CONSENT 23B.11.1(d). 23B.11.3 Any activity that is not a restricted discretionary or discretionary activity is a non-complying activity.
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23B.12 to 23B.17 Tamahere Business Zone Performance Standards – Effects

23B.12 On-site services

ITEM	PERFORMANCE STANDARD	
23B.12 On-site services	23B.12.1 (a) The site is connected to a telecommunications network and energy supply network or has a stand-alone energy supply, and (b) the site is <ul style="list-style-type: none"> (i) connected to reticulated water supply, and (ii) provided with a comprehensive method for wastewater management and disposal that complies with Appendix B (Engineering Standards), and (iii) provided with an on-site method of stormwater management, and (c) reticulated services are placed underground.	

23B.13 Servicing hours

ITEM	PERFORMANCE STANDARD	
23B.13 Servicing hours	23B.13.1 (a) The activity does not load or unload vehicles or receive deliveries before 7.30am or after 8.30pm.	

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23B.14 Noise

ITEM	PERFORMANCE STANDARD	
<p>23B.14 Noise</p>	<p>23B.14.1</p> <p>(a) The activity is designed and conducted so that noise from the activity measured in the Business Zone, does not exceed</p> <ul style="list-style-type: none"> (i) 65dBA (L_{10}), 7am to 11 pm every day, and (ii) 55dBA (L_{10}) Friday and Saturday, 11pm to 1am the next day, and (iii) 45dBA (L_{10}) all other times, and (iv) 85dBA (L_{max}) 11pm to 7am the next day, and <p>(b) The activity is designed and conducted so that noise from the activity measured on any site within the Country Living Zone containing a dwelling or capable of containing a dwelling as a permitted activity, does not exceed:</p> <ul style="list-style-type: none"> (i) 50 dBA(L_{10}), 7am to 7pm, Monday to Saturday, and (ii) 45 dBA(L^{10}), 7pm to 10pm, Monday to Saturday, and (iii) 40 dBA(L^{10}), and 65 dBA(L_{max}) all other times and Public Holidays. <p>(c) Despite the above, construction noise and emergency sirens are not subject to this rule.</p>	

23B.15 Earthworks

ITEM	PERFORMANCE STANDARD	
<p>23B.15 Earthworks</p>	<p>23B.15.1 The earthworks:</p> <ul style="list-style-type: none"> (a) comply with Appendix B (Engineering Standards), and (b) including cut and batter faces or filled areas, are revegetated to achieve 80% ground cover within 12 months of the earthworks being commenced, and (c) do not remove material from the site, and (d) retain sediment on the site through implementation and maintenance of sediment controls, and (e) do not adversely affect other land through changes in natural water flows or established drainage patterns, and (f) do not disturb or move more than 5000m³, within a site in a single calendar year, and (g) in relation to the height of any cut or batter face do not exceed 1m, and (h) do not exceed 1ha and (i) an earthworks management plan for works on site is provided to Council 	

23B.16 Signs

ITEM	PERFORMANCE STANDARD
<p>23B.16 Signs</p> <ul style="list-style-type: none"> • advertising signs 	<p>23B.16.1 An advertising sign visible from a public place:</p> <ul style="list-style-type: none"> (a) is in accordance with the Tamahere Village Design Guide, and (b) includes no more than two signs per leasable area, and (c) is attached to a building and <ul style="list-style-type: none"> (i) does not exceed an area of 2m², and (ii) does not extend more than 300mm from the building wall, and (iii) does not exceed the height of the building, or (d) is attached to a verandah and <ul style="list-style-type: none"> (i) is no deeper than 400mm, and (ii) does not obscure any notable architectural feature of the building, and (iii) does not project beyond the roof or fascia of the verandah more than 100mm in any direction, and (iv) allows clearance of at least 2.5m above any pedestrian access, or (e) is a free standing sign and <ul style="list-style-type: none"> (i) does not exceed 1.5m in height, and (ii) does not exceed an area of 1m², or (f) is a signage wall and <ul style="list-style-type: none"> (i) does not exceed 1.2m in height, and (ii) does not exceed an area of 4m², and (g) is an illuminated sign and is not a neon sign, does not have a light source that flashes or moves, does not contain moving parts or reflective materials, and is positioned to ensure it does not spill light beyond the sign. (h) Despite (a) and (b) the following advertising signs are permitted if they comply with (c) to (g): <ul style="list-style-type: none"> (i) a real estate sign relating to the sale of the site, if there is no more than one sign per site, and (j) a sign advertising a community event that is a free standing sign on display for no more than 3 months prior to the event.

23B.17 Outdoor storage

ITEM	PERFORMANCE STANDARD	
23B.17 Outdoor storage	23B.17.1 Outdoor stacks or stockpiles of goods or materials: (a) do not exceed a height of 2m, and, (b) are screened from view from: (i) a public road or reserve, and (ii) an adjoining site in another zone, and (c) there is only one 25m ² storage area over the entire Business Zone.	

23B.18 to 23B.22 Tamahere Business Zone Performance Standards – Building

23B.18 Gross Floor Area

ITEM	PERFORMANCE STANDARD	
23B.18 Gross Floor Area	23B.18.1 (a) The total Gross Floor Area of all buildings does not exceed 2000m ² .	

23B.19 Gross Leasable Floor Area

ITEM	PERFORMANCE STANDARD	
23B.19 Gross Leasable Floor Area	23B.19 (a) There is a range of individual leasable retail units with a Gross Leasable Floor Area between 70m ² and 350m ² , and (b) there are no more than two individual leasable units with a Gross Leasable Floor Area between 250m ² and 350m ² .	

23B.20 Daylight admission

ITEM	PERFORMANCE STANDARD	
23B.20 Daylight admission	23B.20 (a) The building does not protrude through a height control plane rising at an angle of 37 degrees commencing at an elevation of 2.5m above ground level at every point of the boundary of a site within the Country Living Zone.	

23B.21 Building setbacks

ITEM	PERFORMANCE STANDARD	
23B.21 Building setbacks	23B.21.1 The building is set back at least: (a) 12m from the Country Living Zone boundary, and (b) 20m from any road boundary, and (c) 2m from the boundary of the Recreation Zone.	

23B.22 Relocated building

ITEM	PERFORMANCE STANDARD	
23B.22 Relocated building	23B.22.1 The building is delivered to its final position on the site, and connected to its new foundations within 7 days of arrival.	

23B.23 Subdivision

ITEM	PERMITTED	RESOURCE CONSENT
23B.23 Subdivision		<p>23B.23.1</p> <p>Subdivision of retail units is a restricted discretionary activity if:</p> <ul style="list-style-type: none"> (a) it is in accordance with a Development Plan which forms part of a land use consent granted pursuant to Rule 23B.11.1, Rule 23B.11.2 or Rule 23B.11.3, and (b) a Code Compliance Certificate has been issued for each of the buildings included in the subdivision, and (c) a Communal Management Structure is created for the ongoing management and maintenance of land, buildings and infrastructure in common ownership. <p>Discretion restricted to:</p> <ul style="list-style-type: none"> • the type and terms of the legal framework for managing and maintaining common facilities • matters referred to in 23B.24 Communal Management Structure • consistency with building design and individual unit layout as shown in the previously approved development plan • continuation of access to common land and infrastructure • consistency with any staged development proposal as shown in the previously approved development plan <p>23.B.23.2</p> <p>Subdivision that does not comply with a condition for a restricted discretionary activity is a discretionary activity.</p>

23B.24 Communal Management Structure (CMS)

23B.24.1 Definition

Communal Management Structure means the scheme that provides for common or shared facilities including, but not limited to, the provision of potable water supply, onsite wastewater treatment and disposal, onsite stormwater management and discharge, community parking, commonly owned access lots, community lighting, reticulation of data and voice communications, electricity, gas or any other commonly owned, used or enjoyed facility or utility within the Tamahere Village Business Zone.

23B.24.2 Development and Use of a Communal Management Structure in Subdivision

- (a) Where common or shared facilities are to be provided, then a CMS is to be created that makes provision for the terms of use, operation, management, maintenance, funding, and when required replacement of any common or shared facility.
- (b) The structure of the CMS is to be to the reasonable satisfaction of the Council.
- (c) The operating rules or constitution of the CMS are to be to the reasonable satisfaction of the Council.
- (d) The structure and rules of the CMS shall ensure that as a minimum:
 - each owner of a unit is a member of the CMS,
 - each owner of a unit has the benefit of the common facilities,
 - the CMS is capable of operating indefinitely,
 - adequate funding is available to fulfil the obligations of the CMS in terms of the consent.
- (e) Each owner of a unit shall be required as a minimum:
 - to become and remain a member of the CMS,
 - to duly and punctually fulfil and observe the obligations of members of the CMS and all decisions of the CMS at all times,
 - to participate fully and effectively in the CMS so as to ensure the good management, performance and operation of the CMS at all times,
 - not to take any action directly or indirectly that could result in the CMS being wound up or liquidated, or the decision making, or decisions of the CMS frustrated,
 - to give right of entry onto the unit by the Council for inspection purposes as to the performance of all conditions relating to the effective functioning of the common facilities.
- (f) The performance of the obligations of the CMS and each owner are to be secured to the Council by such means as the Council requires (“Council Securities”) in each particular circumstance, which may include covenants under the Resource Management Act, consent notices under the Resource Management Act, first ranking encumbrances in favour of the Council, and where required appropriate Property Law Act covenants and/or easements as between each unit and/or in gross in favour of the CMS.
- (g) The Council Securities shall include a consent notice providing that, if the CMS ceases to exist or fails to operate effectively, the owner of each unit is jointly and severally liable for the performance of the consent conditions which would otherwise be fulfilled by the CMS, and for such purposes the unit owners shall be an unincorporated body having the same roles at the CMS.
- (h) All easements or covenants as between the owners of the units, and the structure and rules of the CMS shall be to the approval of the Council at the cost of the consent holder.
- (i) All Council Securities shall be prepared by Council at the cost of the consent holder.

23B.25 Tamahere Village Business Zone Development Plan Guideline

The Tamahere Village Business Zone Development Plan should include relevant plans and explanatory text to thoroughly describe all development aspects of the proposal. The development plan is to be developed in accordance with the Tamahere Village Design Guide, the Tamahere Village Concept Plan and comply with the relevant rules in schedule 23B.

The Site Development Information below provides a general guide of what may be required to be included within the development plan. This list is not necessarily exhaustive and additional information may be required.

23B.25.1 Site development information

Site plan/s illustrating the proposed site development indicating all relevant boundaries, site area and dimensions. In particular, plans should include but not be limited to the following information:

- The location and size of all proposed buildings
- All required boundary setback distances
- Shading
- Pedestrian linkages - including connections between walkways within the development area, walkways under verandahs and connections to adjacent sites
- Cycleways and cycle parking areas
- Vehicular access points, access sight and separation distances, design and safety of access in relation to vehicular, pedestrian and public transport movements
- On-site vehicle manoeuvring, loading and queuing space
- Location, number and dimensions of parking (refer to [Appendix A: Traffic](#))
- Provision for public transport
- Service areas
- Location of stormwater detention ponds, stormwater discharge pipes, the wastewater treatment facility and wastewater disposal areas
- Landscaping (a comprehensive landscaping plan is required as a separate document)
- Topographical features including existing landscape and natural features and how the site is to be modified. Information to be provided must include indicative contours and spot heights; the location and manner in which areas are to be excavated, filled, planted, grassed, sealed or paved.

Note: All plans must be drawn to a commonly used metric scale (for example, 1:250, 1:200, 1:100 or an approved alternative) with a north point, title, reference number, scale and date plans were drawn.

2. Development staging
 - Provide details of any proposed staging including staged plans and timing.
3. Individual building details including elevation plans that include:
 - Building orientation
 - Building scale
 - Building height
 - Building form and shape
 - Roof form

4. External design element details including information on the following:
 - External wall cladding
 - Roof materials
 - Windows
 - Doors
 - Verandahs
 - Detail elements / decoration
 - Colour schemes
 - Shop frontage and signage
 - Glazing and reflectivity
 - External signage
 - Artificial lighting location and design
 - Fences, pergolas, archways (including the Waharoa) and gateways
 - Paving materials and design
 - Street furniture
 - Streetscape character
 - Explanation of how overall design, scale, form and shape of buildings are consistent with local heritage buildings

5. Internal layout of buildings
 - Internal floor plans
 - [Gross leasable floor area](#) of individual buildings including outdoor area available to the lessee
 - Common space
 - Service areas

6. Wastewater System Details
 - Detailed on-site waste water treatment facility specifications, design and location of effluent disposal fields
 - Reference to and consideration of the Tamahere Reserve Wastewater Management Report prepared by Opus International Consultants Ltd, dated 7 March 2012 available at the Waikato District Council

7. Low impact stormwater management including the location and design details of the following:
 - Stormwater detention tanks and/or ponds
 - Rain gardens and/or other soakage devices
 - Decorative ponds with stormwater storage capacity
 - Permeable paving
 - Provision for stormwater treatment
 - Discharge outlet location and dimensions

8. Landscape Plan
 - Site plan illustrating overall landscape design
 - Planting schedule, methodology and planting plan
 - Landscaping materials and design details

9. Earthworks management plan

- Guidelines for managing soil disturbing activities are available from the Waikato Regional Council
- Assessment of historic heritage on the site, and methods as to how historic heritage will be avoided or managed throughout the development process, including any relevant information on New Zealand Historic Places Trust authorities, required and/or obtained or specifically approved, discovery protocols for archaeology.

Schedule 23C: Te Kauwhata Lakeside Business Zone Rules, Precinct Plan and Comprehensive Subdivision

23C.1 Application of the Schedule

The rules in this schedule apply to the Te Kauwhata Lakeside Business Zone as shown on the Planning Map and as shown in the Te Kauwhata Lakeside Precinct Plan that is included in section 21E of this Plan. All rules in Chapter 23: Business Zone Rules apply in the Te Kauwhata Lakeside Precinct Plan Area unless otherwise specified below.

23C.2 Rules applying in the Te Kauwhata Lakeside Precinct Plan Area

In addition to the rules in this Schedule 23C, all rules in Chapter 23: Business Zone also apply to the Te Kauwhata Lakeside Plan Area except for:

Business Rules:

Rule: 23.26, 23.27, 23.28, 23.45, 23.47, 23.49, 23.67 and 23.72.

Chapter 23C: Lakeside Business Zone

ITEM	RESTRICTED DISCRETIONARY ACTIVITY	RESOURCE CONSENT
<p>23C.3 Comprehensive Subdivision Consent</p>	<p>23C.3.1 A Comprehensive Subdivision Consent (CS) is a restricted discretionary activity if:</p> <ul style="list-style-type: none"> (a) it is in accordance with Te Kauwhata Lakeside Precinct Plans 21E.3.1, 21E.3.2 and 21E.3.3 as set out in 23C.3.1A; and (b) meets the infrastructure requirements of 23C.3.1B. <p>A CS can relate to the entire Te Kauwhata Lakeside Precinct Plan Area or may be made for an individual stage or stages.</p> <p>23C.3.1A Precinct Plan Parameters A CS is in accordance with the Precinct Plans identified in 23C.3.1 if:</p> <ul style="list-style-type: none"> (i) it is in Primary roads are within 50m of the location shown on Precinct Plan 21E.3.2; and (ii) Bus route is either on the alignment shown on Precinct Plan 21E.3.2 or a continuous alignment that achieves the same circulation; and (iii) Indicative walkways/cycleways are within 100m of the location shown on Precinct Plan 21E.3.3; and (iv) Retirement village boundaries are within 50m of the location shown on Precinct Plan 21E.3.1. <p>23C.3.1B Infrastructure Requirements A CS must comply with all of the infrastructure requirements below:</p> <ul style="list-style-type: none"> (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>23C.3.3 A CS that does not meet the requirements of Rule 23C.3.1, and does not exceed parameters i) to iv) below, shall be a discretionary activity provided it meets the Infrastructure Requirements Rule 23C.3.1B:</p> <ul style="list-style-type: none"> (i) Primary roads are within 50m-100m of the location shown on Precinct Plan 21E.3.2; and (ii) Bus route is either on the alignment shown on Precinct Plan 21E.3.2 or a continuous alignment that achieves the same circulation; and (iii) Indicative walkways/cycleways are within 100m-200m of the location shown on Precinct Plan 21E.3.3 provided connections are retained between the Lakeside Walkway and the residential development; and (iv) Retirement village boundaries are within 50m-100m of the location shown on Precinct Plan 21E.3.1.

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ITEM	RESTRICTED DISCRETIONARY ACTIVITY	RESOURCE CONSENT
	<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 Appendix B (Engineering Standards).</p> <p>Discretion is reserved over:</p> <ul style="list-style-type: none"> (i) consistency with the Te Kauwhata Lakeside Precinct Plan in 21E.3.1, 21E.3.2 and 21E.3.3, (ii) matters identified in the assessment criteria in 21E.4, (iii) managing the effects of wastewater and stormwater, (iv) roading network (including the Te Kauwhata Road level crossing safety) and compliance with a Council approved roading standard, (v) provision and location of existing and future utilities and connections, (vi) location of roads and their connections, (vii) effects of natural hazards (including flooding), geotechnical and land contamination. <p>23C.3.2 Applications for approval of a Comprehensive Subdivision 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>The matters over which Council reserves discretion shall be used for assessing discretionary activity applications under this rule.</p> <p>23C.3.4 A CS that does not meet the requirements of Rule 23C.3.1B Infrastructure Requirements shall be a non-complying activity.</p> <p>23C.3.5 A CS that does not meet any of the parameters for a discretionary activity outlined in 23C.3.3 i) to iv) is a non-complying activity.</p>

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ITEM	RESTRICTED DISCRETIONARY ACTIVITY	RESOURCE CONSENT
	<p>Note 1: CS 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>Note 2: The definition of CS is contained in Part 3 Appendix P.</p>	

ITEM	RESTRICTED DISCRETIONARY ACTIVITY
<p>23C.4 Comprehensive Land Development Consent</p>	<p>23C.4.1 A comprehensive land development consent (CLDC) is a restricted discretionary activity that:</p> <ul style="list-style-type: none"> (i) is in accordance with the community hub shown on Te Kauwhata Lakeside Precinct Plan and the roading network, walkways and cycleways shown on Precinct Plan 21E.3.3 as set out in 23C.4.1A; and (ii) meets the infrastructure requirements of 23C.4.1B. <p>A CLDC can relate to the entire Te Kauwhata Lakeside Precinct Plan or a part of the Plan at any stage or stages.</p> <p>23C.4.1A Precinct Plan Parameters A CLDC is in accordance with the Lakeside Precinct Plans identified in 21E.3.3 if:</p> <ul style="list-style-type: none"> (i) Primary roads are within 50m of the location shown on Precinct Plan 21E.3.3; (ii) Bus route is either on the alignment shown on 21E.3.2 or a continuation of the same circulation; and (iii) Indicative walkways/cycleways are within 100m of the location shown on Precinct Plan 21E.3.3 and (iv) Retirement village boundaries are within 50m of the location shown on Precinct Plan 21E.3.3. <p>23C.4.1B Infrastructure Requirements A CLDC must comply with all of the infrastructure requirements below:</p> <ul style="list-style-type: none"> (i) Demonstrate that adequate capacity within the water, stormwater and sewerage network will be available to accommodate the proposed subdivision including : to meet water quality, quantity and disposal requirements; and (ii) Every allotment other than a utility allotment, access allotment or other allotment must be able to demonstrate how it will connect to a reticulated water supply network that has adequate capacity as per infrastructure standard (a) above; (iii) Every allotment other than a utility allotment, access allotment or other allotment must be able to demonstrate how it will provide land drainage and stormwater disposal to a reticulated network or in accordance with Appendix B (Engineer's Standard). <p>Discretion is reserved over:</p> <ul style="list-style-type: none"> (i) consistency with the Te Kauwhata Lakeside Precinct Plan in 21E.3.3; (ii) matters identified in the assessment criteria in 21E.4, (iii) managing the effects of wastewater and stormwater, (iv) roading network (including the Te Kauwhata Road level crossing) in accordance with the Council approved roading standard, (v) provision and location of existing and future utilities and connections, (vi) location of roads and their connections, (vii) effects of natural hazards (including flooding), geotechnical and land stability.

23C.4.2

Applications for approval of a CLDC as a restricted discretionary activity public notification and without the need to serve notice on or obtain the views of persons.

Note:

CLDC approval does not constitute authorisation by the Waikato District Council authority in terms of Section 357 of the Local Government Act 1974. Written consent must be obtained from the Waikato District Council prior to any works commencing that a

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ITEM	PERMITTED
23C.5 Grazing and pastoral farming	23C.5.1 Grazing of livestock and pastoral farming is a permitted activity.

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ITEM	PERMITTED
23C.6 Earthworks (other than earthworks approved as part of a CLDC)	23C.6.1 Any activity is a permitted activity if earthworks complies with Rule 23.2

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ITEM	PERMITTED
<p>23C.7 <u>Earthworks</u> filling using imported fill (other than earthworks approved as part of a CLDC)</p>	<p>23C.7.1 Any activity is a permitted activity if earthworks comply with Rule 23.27.1.</p>

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Chapter 23C: Land Use Building

ITEM	PERMITTED
23C.9 Daylight admission	23C.9.1 Construction or alteration of a building is a permitted activity if: (a) the building does not protrude through a height control plane rising at commencing at an elevation of 3.5m above ground level at every point c

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ITEM	PERMITTED
23C.10 Gross floor area	23C.10.1 Construction or alteration of a building is a permitted activity if the total G does not exceed 4000m ² .

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ITEM	PERMITTED
23C.11 Gross Leasable Floor Area	23C.11.1 Construction or alteration of a building is a permitted activity if: (a) individual leasable retail units have a Gross Leasable Floor Area between (b) there are no more than two individual leasable units with a Gross Leasable Floor Area of 650m ² .

Waikato District Plan - Waikato Section

ITEM	PERMITTED
23C.12 Building setbacks	23C.12.1 Construction or alteration of a building is a permitted activity if the buildir from the centre line of an indicative or legal road.

Waikato District Plan - Waikato Section

23C.13

The information requirements for the Comprehensive Subdivision Consent or a Comprehensive Land Development Consent as set out in Rule 21E.5 shall apply to the Business Zone.