

## 42 Business 4 Environment Rules

### 42.1 Introduction

This chapter contains rules governing land uses in the Business 4 Environment. The boundaries of this Environment are shown on the Planning Maps. Generally, it includes the heavy industrial areas of the District. In accordance with the nature of the heavy industrial activities within this Environment, the threshold levels are higher than other Business Environments. Special recognition has been given to the Marsden Point Oil Refinery and the Kauri Dairy Factory, in that special overlay maps are applicable to these activities. Relevant provisions are contained in Chapter 49 Scheduled Activities.

Road Transport rules and Resource Area rules also apply in this Environment. The Resource Area rules apply only to the areas indicated on the Planning Maps.

### 42.2 Prohibited Activities

The following activity is a prohibited activity, for which no resource consent shall be granted:

- Use, storage or disposal of radioactive material with an activity exceeding 1000 terabequerels.

### 42.3 Business 4 Environment - Activity Rule Table

#### 42.3.1 Activities Generally

<p>Any activity is a <b>permitted</b> activity provided that:</p> <ol style="list-style-type: none"> <li>It does not involve the construction of a residential unit; and</li> <li>It does not involve the care of the elderly or sick people, or the education or care of children; and</li> <li>It is not a Place of Assembly; and</li> <li>The area for retail activity, including display, does not exceed 100m<sup>2</sup> gross floor area; and</li> <li>It does not involve food irradiation; and</li> <li>It is not an activity that is classified as an offensive trade in the Health Act 1956.</li> </ol>	<p>Any activity that does not comply with a condition for a permitted activity is a <b>discretionary</b> activity if:</p> <ol style="list-style-type: none"> <li>It does not involve the construction of a residential unit; and</li> <li>It does not involve the care of elderly or sick people, or the education or care of children.</li> </ol> <p>Any activity that does not comply with a standard for a discretionary activity is a <b>non-complying</b> activity.</p>
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#### 42.3.2 Hazardous Substances

<ol style="list-style-type: none"> <li>The use, storage or on-site movement of hazardous substances is a permitted activity if it complies with the conditions for <b>permitted</b> activities in Appendix 8; and</li> </ol>	<ol style="list-style-type: none"> <li>The use, storage or on-site movement of hazardous substances is a <b>discretionary</b> activity if it does not comply with a condition for permitted activities in Appendix 8; and</li> </ol>
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b) The movement of hazardous substances between sites is a <b>permitted</b> activity if conducted by means of an underground pipeline.	b) The movement of hazardous substances between sites is a <b>discretionary</b> activity if conducted by means of an aboveground pipeline.
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### 42.3.3 Network Utility Operations

<p>The following activities related to Network Utility Operations excluding electricity infrastructure are a <b>permitted</b> activity:</p> <p>a) The establishment of junction boxes, substations and other equipment cabinets required as part of a utility network that have a height no greater than 2.5m and a ground coverage not exceeding 4.5m<sup>2</sup>; and</p> <p>b) The establishment of, or extension to, overhead telecommunication lines located on single poles and</p> <p>c) The establishment of network utility operations for the purposes of wireless communication, or the measurement, collection and distribution of meteorological information, that comply with the rules for Aerials and Aerial Support Structures; and</p> <p>d) The minor upgrading, replacement, removal and maintenance of existing facilities; and</p> <p>e) The establishment of, or extension to, underground Network utility operations, including gas lines that have a maximum operating pressure not exceeding 2000 kilopascals.</p>	<p>Network utility operations that do not comply with a condition for a permitted activity are a <b>restricted discretionary</b> activity.</p> <p><b>Discretion is restricted to:</b></p> <ol style="list-style-type: none"> <li>i. Scale, bulk and form of the installation(s) above ground;</li> <li>ii. Cumulative effects of additional structures;</li> <li>iii. Shading effects;</li> <li>iv. Effects on amenity values;</li> <li>v. Effects on landscape/ streetscape values;</li> <li>vi. Effects on ecological values;</li> <li>vii. Effects on heritage values;</li> <li>viii. Effects on cultural values;</li> <li>ix. Effects on public health and safety;</li> <li>x. Issues of reverse sensitivity.</li> </ol>
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### 42.3.4 Provision of Parking Spaces

<p>Any activity is a <b>permitted</b> activity if:</p> <p>a) Parking spaces are provided in accordance with Chapter 47; and</p> <p>b) No formed parking space is constructed or provided within 2.0m of a road boundary.</p>	<p>Any activity that does not comply with a condition for a permitted activity is a <b>restricted discretionary</b> activity.</p> <p><b>Discretion is restricted to:</b></p> <ol style="list-style-type: none"> <li>i. Those matters listed in Chapter 47 Road Transport Rules;</li> <li>ii. Those matters listed in Rule 42.4.5 (Landscaping)</li> </ol>
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### 42.3.5 Traffic Movements

<p>Any activity is a <b>permitted</b> activity if:</p> <p>a) It does not generate more than 200 vehicle movements in any 24-hour period, or</p> <p>b) It does generate more than 200 vehicle movements in any 24 hour period and the entrance of its vehicle access onto the public road is in accordance with the following standards, in addition to the general requirements set out in</p>	<p>Any activity that does not comply with a condition for a permitted activity is a <b>controlled</b> activity.</p> <p><b>Control is reserved over:</b></p> <ol style="list-style-type: none"> <li>i. The effects of parking, loading and manoeuvring on existing public roads;</li> <li>ii. Need for acceleration and deceleration lanes;</li> <li>iii. Access design;</li> </ol>
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<p>Chapter 47 and Sheet 4 of the Whangarei District Council's Environmental Engineering Standards 2010:</p> <ul style="list-style-type: none"> <li>i. The access leads onto a public road with a sealed carriageway at least 7.0 metres wide; and</li> <li>ii. All vehicle manoeuvring occurs within the site; and</li> <li>iii. The entrance is designed to accommodate turns (entries and exits) by "B-trains" or larger vehicles such that: <ul style="list-style-type: none"> <li>• there is a minimum 0.5 metre clearance to any obstructions near the entrance; and</li> <li>• at all times during the turn, the vehicle's wheels remain on paved surfaces and do not cross the centreline of either the access or the public road; and</li> </ul> </li> <li>iv. There is a right-turn bay and left-turn deceleration lane for vehicles turning into the entrance, both of which provide complete separation of turning and non-turning vehicles and which are in accordance with the "minimum" standards in the Land Transport Safety Authority and Transit New Zealand's <i>Manual of Traffic Signs and Markings</i>; and</li> <li>v. There is a throat island at the crossing entrance, both ends of which are lit at night to a minimum illumination of 10 lux and have signs in place in accordance with the manual of <i>Traffic Signs and Markings</i>; or</li> </ul> <p>c) It is located within the Portland Cement Works overlay area.</p> <p><b>Notes:</b></p> <ol style="list-style-type: none"> <li>1. Where access is gained to a Limited Access Section of State Highway, it may be necessary to liaise with Transit New Zealand.</li> <li>2. Vehicle tracking curves are given in the Land Transport Safety Authority's <i>New Zealand On-Road Tracking Curves</i> and in various vehicle tracking computer software packages.</li> </ol>	<ul style="list-style-type: none"> <li>iv. Number, location and design of vehicle crossing;</li> <li>v. Safety of pedestrians;</li> <li>vi. Efficiency and safety of roads;</li> <li>vii. Traffic safety and visibility;</li> <li>viii. Effects of dust;</li> <li>ix. The effect on roads in the vicinity of the site and their ability to carry the traffic that the proposal will generate;</li> <li>x. Need for traffic control, including signs, signals and traffic islands.</li> </ul>
<p>Provided Always, and notwithstanding the traffic movements requirements in this Rule, if the activity under consideration is a mineral extraction activity and it is located within a mineral extraction area then the traffic movements requirements for that activity will be determined in accordance with the rules in Chapter 64 of the plan.</p>	

### 42.3.6 Signs

<p>a) The construction or placement of a sign which is not visible from a public place or neighbouring property (s) is a <b>permitted</b> activity;</p> <p>b) The construction or placement of a sign which is visible from a public place or neighbouring property (s) is a permitted activity if:</p> <ul style="list-style-type: none"> <li>i. The sign is required under health and safety legislation; or</li> <li>ii. The sign is erected by a road traffic authority for the purposes of traffic control or public safety and it is located within the legal road reserve; or</li> <li>iii. The sign does not obscure any official signs or traffic signals; and</li> <li>iv. The sign is static, and not flashing; and</li> <li>v. If illuminated, the added illuminance (horizontal or vertical) onto any other site measured at the boundary does not exceed 10 lux at any receiving property boundary or 15 lux at any road reserve boundary; and</li> <li>vi. If illuminated, the sign is not within 20.0m of any road intersection; and</li> <li>vii. Where the road has a speed limit of 70kph or greater, the sign is located so as to provide an unrestricted view for the motorist for a minimum distance of 250.0m.</li> </ul> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>1. Signs within the legal road boundary, or on road verges and road reserves are regulated by Council Bylaws.</li> <li>2. Temporary signs, and signs on vehicles are regulated by Council Bylaws.</li> <li>3. Signs located in public places are regulated by Council Bylaws.</li> </ul>	<p>Construction or placement of a sign that does not comply with a condition for a permitted activity is a <b>restricted discretionary</b> activity.</p> <p><b>Discretion is restricted to:</b></p> <ul style="list-style-type: none"> <li>i. Traffic safety;</li> <li>ii. The visual amenity of the locality.</li> </ul>
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### 42.3.7 Fences

<p>Any activity is a <b>permitted</b> activity if:</p> <p>a) Fences within 4.5m of the road boundary are no higher than 3.0m.</p>	<p>Any activity that does not comply with a condition for a permitted activity is a <b>restricted discretionary</b> activity.</p> <p><b>Discretion is restricted to:</b></p> <ul style="list-style-type: none"> <li>i. Effects on amenity values;</li> <li>ii. Effects on visual amenity;</li> <li>iii. Effects on traffic safety;</li> <li>iv. Effects on health and safety.</li> </ul>
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### 42.3.8 Artificial Lighting

<p>Artificial lighting is a <b>permitted</b> activity if either:</p> <ul style="list-style-type: none"> <li>a) The lighting is required under health and safety legislation;</li> <li>b) The light is a street light, navigation light, or traffic signal; or-</li> <li>c) The following standards are complied with: <ul style="list-style-type: none"> <li>i. The added illuminance onto any other site measured at the boundary does not exceed 10 lux at any receiving property boundary, or 15 lux at any road reserve boundary; and</li> <li>ii. The artificial light is shielded in such a manner that light emitted by the fixture is projected below a horizontal plane running through the lowest point on the fixture; and</li> <li>iii. The lower edge of the shield, as required by ii) above, is to be at or below the centreline of the light source; and</li> </ul> </li> <li>d) The light is static, and is not flashing; (except in the case of lighting on vehicles associated with mineral extraction and related activities, or flashing beacons in accordance with the Land Transport Road Use Rule 2004.</li> <li>e) The artificial lighting complies with AS/NZS 1158/1996.</li> </ul> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>1. If the object or device that contains Artificial Lighting is a sign, then Rule 41.3.6 Signs is solely applicable.</li> <li>2. See Appendix 15 for illustration of c) (ii) and (iii) above.</li> </ul>	<p>Any activity that does not comply with a standard for a permitted activity is a <b>restricted discretionary</b> activity.</p> <p><b>Discretion is limited to:</b></p> <ul style="list-style-type: none"> <li>i. Orientation, strength, intensity, colour, frequency of flashing of the light;</li> <li>ii. Effects on traffic safety;</li> <li>iii. Positive effects on pedestrian safety;</li> <li>iv. Effect on amenity values.</li> </ul>
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**42.3.9 Noise** (Deleted – refer to Noise and Vibration Chapter)

**42.3.10 Construction Noise** (Deleted – refer to Noise and Vibration Chapter)

**42.3.11 Vibration** (Deleted – refer to Noise and Vibration Chapter)

#### 42.3.12 Electromagnetic Radiation

<p>Any activity is a <b>permitted</b> activity if:</p> <p>a) Exposures comply with NZS 2772.1:1999, Radio Frequency Fields Part 1: Maximum Exposure Levels 3 kHz – 300 GHz.</p>	<p>Any activity that does not comply with a condition for a permitted activity is a <b>discretionary</b> activity.</p>
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#### 42.3.13 Outdoor Storage

<p>Any activity is a <b>permitted</b> activity if:</p> <p>a) Outdoor areas of storage or stockpiles of materials or equipment comply with building height, setbacks and daylight angle rules; and</p> <p>b) Outdoor areas of storage or stockpiles of materials or equipment are contained or maintained to prevent the dispersal of dust or airborne contaminants beyond the site; and</p> <p>c) Materials are stored in a way that does not provide a food source for vermin; and</p> <p>d) The best practicable option is adopted to prevent or minimise contaminants from stockpiles entering watercourses or water bodies.</p>	<p>Any activity that does not comply with a condition for a permitted activity is a <b>restricted discretionary</b> activity.</p> <p><b>Discretion is restricted to:</b></p> <ul style="list-style-type: none"> <li>i. Dust effects;</li> <li>ii. Smell effects;</li> <li>iii. Visual effects;</li> <li>iv. Amenity effects;</li> <li>v. Effects on amenity values;</li> <li>vi. Effects on health and safety;</li> <li>vii. Quality of stormwater runoff.</li> </ul>
<p>Provided always and notwithstanding the requirements in this Rule, if the activity under consideration is a mineral extraction activity and it is located within a Mineral Extraction Area then the outdoor storage requirements for that activity will be determined in accordance with the rules in Chapter 64.</p>	

#### 42.3.14 Aerials and Aerial Support Structures

<p>Aerials and/or aerial support structures are a <b>permitted</b> activity if:</p> <p>a) No aerial or aerial support structure exceeds a diameter of 2.4m.</p> <p>b) No aerial and/or aerial support structure exceeds a height of 39.0m and</p> <p>c) All aerials and/or aerial support structures comply with the relevant building setback and daylight angle requirements for the Environment within which they are located.</p>	<p>Any aerial and/or aerial support structure that does not comply with a condition for a permitted activity is a <b>restricted discretionary</b> activity.</p> <p><b>Discretion is restricted to:</b></p> <ul style="list-style-type: none"> <li>i. The design and external appearance of buildings and structures;</li> <li>ii. Landscape treatment and screening;</li> <li>iii. Site location and layout;</li> <li>iv. Amenity effects including visual effect and glare;</li> <li>v. Construction materials.</li> </ul>
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#### 42.3.15 ~~Electricity Transmission Lines~~ (Deleted 13/01/2014 - refer to Network Utilities Chapter)

## 42.4 Business 4 Environment - Building Rule Table

### 42.4.1 Building Height

<p>Construction or alteration of a building is a <b>permitted</b> activity if:</p> <ul style="list-style-type: none"> <li>a) No part of the building exceeds 20.0m in height; but</li> <li>b) A building may exceed a height of 20.0m provided that: <ul style="list-style-type: none"> <li>i. No part of a building exceeds a height of 35.0m; and</li> <li>ii. No more than 25% of the net site area of the site is occupied by buildings that exceed 20.0m in height.</li> </ul> </li> </ul> <p>Provided always and notwithstanding the height requirements in this Rule, if the activity under consideration is a mineral extraction activity and it is located within a Mineral Extraction Area then the building height requirements for that activity will be determined in accordance with the rules in Chapter 64.</p>	<p>Construction or alteration of a building that does not comply with a condition for a permitted activity is a <b>restricted discretionary</b> activity.</p> <p><b>Discretion is restricted to:</b></p> <ul style="list-style-type: none"> <li>i. The scale and bulk of the building in relation to the site;</li> <li>ii. The built characteristic of the neighbourhood;</li> <li>iii. The extent to which the effects of the height can be mitigated by setbacks, planting, design or the topography of the site;</li> <li>iv. Effects on landscape values;</li> <li>v. Effects on availability of daylight;</li> <li>vi. Effects on amenity values.</li> </ul>
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### 42.4.2 Building Setbacks

<p>Construction or alteration of a building is a <b>permitted</b> activity if the building is setback at least:</p> <ul style="list-style-type: none"> <li>a) 4.5m from road boundaries, or any building line restriction shown on the Planning Maps; and</li> <li>b) 3.0m from any boundary of Business 2 or Business 3 Environment; and</li> <li>c) 20.0m from any boundary of a Living, Countryside or Open Space Environment; and</li> <li>d) 35.0m from any boundary of a Living, Countryside or Open Space Environment, where the building is in excess of 20.0m in height;</li> </ul> <p>Provided always that in relation to the property being Lot 1 &amp; Lot 2 DP 478281 construction and alteration of a building is a permitted activity if the building is setback at least 3 meters from any boundary of the property which is within the Business 4 Environment.</p> <p><b>Note:</b></p> <p>The provisions of Rules 58.2.6 and 59.2.3 also apply to building setbacks.</p> <p>Provided always and notwithstanding the setback requirements in this Rule, if the activity under consideration is a mineral extraction activity and it is located within a Mineral Extraction Area then the building setback requirements for that activity will be determined in accordance with the rules in Chapter 64.</p>	<p>Construction or alteration of a building that does not comply with a condition for a permitted activity is a <b>restricted discretionary</b> activity.</p> <p><b>Discretion is restricted to:</b></p> <ul style="list-style-type: none"> <li>i. The outlook and privacy of adjoining and adjacent properties;</li> <li>ii. Shading of adjoining properties;</li> <li>iii. Effects on natural character;</li> <li>iv. Effects on landscape values;</li> <li>v. Effects on heritage values;</li> <li>vi. Effects on natural functioning of ecosystems.</li> </ul>
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#### 42.4.3 Building Setbacks from Water Bodies

<p>Construction or alteration of a building is a <b>permitted</b> activity if the building is setback at least:</p> <ul style="list-style-type: none"> <li>a) 27.0m from Mean High Water Springs, except in the port areas specified in Appendix 5; or</li> <li>b) From the top of the bank of any river that has a width of less than 3.0m or a lake under 8ha: <ul style="list-style-type: none"> <li>i) 5.0m where the dominant slope is less than 8 degrees;</li> <li>ii) 10.0m where the dominant slope is greater than 8 degrees but less than 15 degrees;</li> <li>iii) 20.0m where the dominant slope is more than 15 degrees; or</li> </ul> </li> <li>c) 27.0m from the top of the bank of a river equal to 3.0m or more in width, any lake over 8ha in area or any river identified in Appendix 5 as an Esplanade Priority Area; or</li> <li>d) 5.0m from the top of the bank of all other water bodies, unless an esplanade reserve already exists, in which case a 5.0m setback from the edge of the landward side of the esplanade reserve shall apply.</li> </ul> <p><b>Note:</b> The provisions of Rules 58.2.6 and 59.2.3 also apply to building setbacks.</p>	<p>Construction or alteration of a building that does not comply with a condition for a permitted activity is a <b>restricted discretionary</b> activity.</p> <p><b>Discretion is restricted to:</b></p> <ul style="list-style-type: none"> <li>i. The continued availability of land in Esplanade Priority Areas;</li> <li>ii. Effects on natural character;</li> <li>iii. Effects on natural functioning of an ecosystems;</li> <li>iv. Effects on landscape values;</li> <li>v. Effects on heritage values;</li> <li>vi. Effect on public access;</li> <li>vii. Effect on river maintenance and hazards;</li> <li>viii. The protection of the conservation, ecological, recreation, access and hazard mitigation values of land in Esplanade Priority Areas and existing esplanade reserves or strips;</li> <li>ix. The suitability of the proposed location of the building on the site.</li> </ul>
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#### 42.4.4 Building Daylight Angles

<p>Construction or alteration of a building is a <b>permitted</b> activity if:</p> <ul style="list-style-type: none"> <li>a) Any building on a site adjacent to any Living Countryside or Open Space Environment does not penetrate a 45° building daylight angles, measured from the Environment boundary.</li> </ul>	<p>Construction or alteration of a building that does not comply with a condition for a permitted activity is a <b>restricted discretionary</b> activity.</p> <p><b>Discretion is restricted to:</b></p> <ul style="list-style-type: none"> <li>i. The available daylight to adjoining properties;</li> <li>ii. The privacy of the adjoining properties;</li> <li>iii. Effects on shading;</li> <li>iv. Effects on amenity.</li> </ul>
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#### 42.4.5 Landscaping

<p>Construction of a building, or site redevelopment, is a <b>permitted</b> activity if:</p> <ul style="list-style-type: none"> <li>a) All land within 2.0m of the road boundary, other than accesses, is planted in trees or shrubs sufficient to create a visual screen between the road and the site to a height of at least</li> </ul>	<p>Construction of a building or site redevelopment that does not comply with a condition for a permitted activity is a <b>restricted discretionary</b> activity.</p> <p><b>Discretion is restricted to:</b></p> <ul style="list-style-type: none"> <li>i. Effects on neighbours;</li> </ul>
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<p>2.0m; and</p> <p>b) The planting is completed within 6 months of occupation of the building and is maintained continuously thereafter.</p>	<p>ii. Effects on the amenity of the locality;</p> <p>iii. Alternative means of landscaping or screening.</p>
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#### 42.4.6 Coastal Minimum Floor Level

<p>Construction or alteration of a building or structure is a <b>permitted</b> activity if:</p> <p>a) There is a minimum floor level of 2.5m above One Tree Point Datum Mean Sea Level 1964.</p>	<p>The construction or alteration of a building or structure that does not comply with a condition for a permitted activity is a <b>restricted discretionary</b> activity.</p> <p><b>Discretion is restricted to:</b></p> <p>i. Construction or alteration of a building or structure in relation to its location;</p> <p>ii. The avoidance, remediation or mitigation of coastal hazards;</p> <p>iii. Floor level in relation to One Tree Point Datum Mean Sea Level 1964.</p>
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### 42.5 Principal Reasons for Rules / Explanations

#### Prohibited Activities

The level of radioactivity stated as a prohibited activity allows for use of household smoke detectors and use of radioactive materials in medical laboratories and hospitals, but does not allow large installations such as food irradiation plants or nuclear power stations. Radiation greater than 1000 terabequerels is prohibited. Although the probability of radiation greater than 1000 terabequerels being released into the environment is low, the potential adverse effects, if this occurs, are considered very great.

#### Activities Generally

The Business 4 Environment needs to provide an environment in which heavy industry can function effectively, and which ensures that public health and safety is not compromised by inappropriate location of sensitive uses. Examples of sensitive uses are residential activities, care of elderly or sick people, education or care of children, places of assembly and retail activities. The rule is intended to indicate the activities that require resource consent due to their sensitivity to the effects of heavy industrial activities.

In respect of the Oil Refinery at Marsden Point, (Oil refinery Overlay Area Schedule 13), the rule allows all activities that are associated with the refinery to be permitted. Thus, in addition to the day to day running of the refinery, the rule provides for the needs of staff and visitors, and includes workers' accommodation.

#### Hazardous Substances

See Appendix 8.

#### Provision of Parking Spaces

See Chapter 47.

#### Traffic Movements

While Business Environments tend to be very busy in terms of vehicle movements, significant increases in traffic can result in adverse effects due to loss of amenity, noise, pedestrian safety, road safety and efficiency, dust, odour and parking. This is particularly the case where access is gained directly from an arterial road due to the existing volumes of traffic. This rule seeks to control activities that will result in significant increases in traffic to any area (including traffic that parks on or off the site

or drives through the site), while allowing those activities that will not result in large volumes of traffic.

### **Signs**

Signs may adversely affect the visual amenity and traffic safety in this Environment.

### **Fences**

High fences detract from amenity values and reduce the feeling of open space.

### **Artificial Lighting**

The rule is to prevent unreasonable levels of light spilling onto neighbouring properties. Different levels are specified for light received on-site within the Environment, compared with sites within the Living Environment. This recognises the sensitivity of areas containing dwellings.

### **Electromagnetic Radiation**

Certain utilities and other activities emit electromagnetic radiation, which are a health concern to some people living near them. Radio Frequency Fields (RF) are produced by broadcasting and microwave transmission activity. It is the antennae used for sending the signal that produce the Electromagnetic Radiation (EMR), which is within the 3 kHz to 300 GHz range of non-ionising radiation. This Plan is taking a cautious approach to the location of such activities within the Business 4 Environment. An acceptable public level of exposure for EMR has been adopted from the New Zealand Standard, which has been thoroughly researched and based upon scientific evidence. Setting a minimum distance enables provision for access, maintenance and public safety.

### **Outdoor Storage**

The storage of materials outside can have an adverse visual effect, as well as contributing to air emissions. The rule aims to lessen the effects of this and thus reduce the effect on the amenity of this Environment.

### **Aerials and Aerial Support Structures**

The size and location of aerials and aerial support structures is controlled due to the visual intrusion or dominance that aerials and aerial support structures can have. Chapter HH of the Plan also seeks to control the visual impact that aerials and aerial support structures can have on Built Heritage.

### **Building Height**

Height is limited to a scale generally considered acceptable, given the generally open nature of this Environment. The rule allows for 25% of each site to be developed with buildings having a maximum height of 35.0m. This is to accommodate cooling towers and other equipment necessary for industrial processes. Buildings or structures on the majority of the site (75% of the site area) must not exceed 20.0m. Higher buildings require more assessment as to their suitability, and a resource consent is required.

There are specified maximum height exemptions for the Portland Cement Works, Kauri Dairy Factory and Croft Timber Company Limited overlay Areas (Chapter 49 Scheduled Activities).

### **Building Setbacks**

The required front yard setback is to maintain the existing streetscape, and to maintain a degree of spaciousness in an area. Side yard and rear yard setbacks are to provide adjacent properties with some protection from the bulk of buildings in close proximity, and also to assist in the provision of open space between sites. Setbacks from waterbodies and the coast will preserve future availability of esplanade reserves, providing access space for waterbody maintenance and some flood protection. Increased setbacks between different Environments are key in avoiding reverse sensitivity effects between different land uses.

### **Daylight Angles**

The daylight angles are set to provide a reasonable amount of protection of daylight to a site from buildings on adjacent sites. This rule only applies to those industrial activities that are situated at the boundary of any Living or Open Space Environment.

**Landscaping**

This rule is to ensure activities maintain a high standard of amenity, and to mitigate the adverse visual effects of expanses of tarmac, parking spaces, yards and storage areas.

**Coastal Minimum Floor Level**

Coastal flooding is a hazard that needs to be addressed and this hazard is not restricted to those areas covered by the coastal hazard areas. By ensuring that the floor levels of structures and buildings is at least 2.5m above One Tree Point Datum Mean Sea Level 1964, this risk will be significantly reduced. The 2.5m will take into account a rise in sea level of 0.5m, plus the instances of a spring tide and the surges associated with coastal storms.

## Revision and Sign-off Sheet

Date Approved	Editor	Paragraph	Change Reference	Decision Date	Approved By
27 June 2007	FP	42.3.4 i	Deletion of unnecessary reference to sections of chapters		PW
2 October 2007	FP	42.3.1 g; 42.3.14a; 42.4.1 e; 42.5	Parts of Plan Change 48C. Aerial and Aerial Support Structure	Council decision ES 20 September 2007	PW
1 November 2007	FP	42.3.1; 42.3.6; 42.3.8 42.4.1; 42.5;	Addition of hyperlinks for plan changes 41, 42 and 48 C.		PW
19 February 2008	FP	42.4.1/42.4.2	Rules transferred to Schedule 14; Plan Change 47 Council Decisions	ES 13 February 2008	PW
2 May 2008	FP	42.5	Plan change 48C Addition of reference to Schedule 13	ES 20 September 2008	PW
6 June 2008	FP	42.3.5	42.3.5 Traffic Movement - Controlled Activity: correction of <b>Control is reserved over</b> : ... <i>(not discretionary...)</i>	Consent Memo 9 December 2003.	PW
11 July 2008	FP	42.3.6	Plan Change 41 Signs after Council Decision	ES 9 July 2008	PW
11 July 2008	FP	42.3.8	Plan Change 42 Artificial Lighting after Council decision	ES 9 July 2008	PW
13 October 2008	FP	42.3.1a and 42.5	Plan Change 48C – Caretaker's Facilities - Withdrawn	ES 8 October 2008	PW
12 March 2009	FP	42.1	First Paragraph. Correction of cross reference to Section 48 Scheduled Activities to read Chapter 49 Scheduled Activities		PW
20 April 2009	FP	42.4.2	Part of Plan Change 48C re insertion of an erroneous deletion of the Building Setback Rule in relation to Lot 1 DP 152653 (Mighty River Power)	Clause 20A 16 April 2009 Trim Document 09/23053	PW
11 December 2009	FP	42.4.3	Plan change 98 Setbacks from Water Bodies	Operative Date 12 January 2010	PW
14 September 2010	FP	Reference to Chapter 2.3.3	Plan Change 106 consequential changes, this provision no longer exist.	Record 10/96471	PW
13 July 2011	FP		Minor formatting typos in 42.3.and 42.3		PW
12 September 2012	LB	42.3.5	Plan Change 123B Referencing of EES 2010 Consequential Chagnes	Operative Date 25 September 2012	PW
11 December 2013	MD	42.3.3 42.3.15	Plan Change 123A consequential changes 'Electricity Infrastructure'	Operative Date 13 January 2014 TRIM 14/4071	PW
13 January 2015	TB	42.4.2	Correction due to subdivision.	TRIM 15/2389	PW

Date Approved	Editor	Paragraph	Change Reference	Decision Date	Approved By
11 May 2016	TB	42.3.9 42.3.10 42.3.11	Deletion of Rules as a result of Plan Change 110 becoming operative.	Operative Date 24 May 2016 TRIM 16/52692	MM
14 September 2016	JM	42.3.14 42.5	Plan Change 124 becoming operative.	Operative date 28 September 2016 TRIM 16/106480	MM

**Editor**

**France Prevost (FP)**  
**Lisa Blagrove (LB)**  
**Melanie Donaghy (MD)**  
**Taya Baxter (TB)**  
**Jane Murdoch (JM)**

**Author Position**

Team Administrator Policy Division

**Approved By**

**Paul Waanders (PW)**  
**Melissa McGrath (MM)**

**Approver Position**

Policy and Monitoring Manager (PW)  
 District Plan Team Leader (MM)