

## 41 Business 3 Environment Rules

### 41.1 Introduction

This chapter contains rules governing land uses in the Business 3 Environment. The boundaries of this Environment are shown on the Planning Maps. Generally, the Business 3 Environment includes shopping centres outside the CBD and business areas near Living Environments. These areas are envisioned to provide convenience retail, while ensuring that the building form is appropriate to suburban locations. Suburban centres satisfy the frequent requirements of people and communities for goods and services, recreation, and opportunities for interaction.

The rules in the Business 3 Environment take into account, and are sympathetic towards the Living Environments, which have issues of greater sensitivity than the Business Environment. This sensitivity towards the Living Environment is shown by the use of higher environmental performance standards within the rules.

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.

### 41.2 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.

### 41.3 Business 3 Environment - Activity Rule Table

#### 41.3.1 Activities Generally

<p>Any activity is a <b>permitted</b> activity if:</p> <p>a) It does not involve intensive livestock farming, mineral extraction, animal boarding, metal working, motor vehicle manufacturing or dismantling, fibre glassing or laminating; food irradiation; and</p> <p>b) The premises only operate, or open for visitors, clients or deliveries between the hours of 0600 and 2200 if the activity is located within 50.0m of a Living Environment boundary; and</p> <p>c) Religious observances outside the above hours of operation operate on no more than 4 days per year; and</p> <p>d) It is not an activity involving any of the following on a commercial basis: bone boiling or crushing; fish cleaning, curing and processing; flax pulping; flock manufacturing or teasing of textiles;</p>	<p>Any activity that does not comply with a condition for a permitted activity is a <b>discretionary</b> activity if:</p> <p>a) It does not involve intensive livestock farming; and</p> <p>b) It is not an activity involving any of the following on a commercial basis: bone boiling or crushing; fish cleaning, curing and processing; flax pulping; flock manufacturing or teasing of textiles; refuse accumulation; disposal of sewage; storage, drying or preserving of bones, hides, hooves, or skins; tallow melting; tanning; wood pulping; wool scouring; and</p> <p>c) It is not an activity that involves food irradiation; and</p> <p>d) It is not an activity that is classified as an offensive trade in the Health Act 1956.</p>
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<p>refuse accumulation; disposal of sewage; storage, drying or preserving of bones, hides, hooves, or skins; tallow melting; tanning; wood pulping; wool scouring; and</p> <p>e) It is not an activity that is classified as an offensive trade in the Health Act 1956.</p>	<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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**41.3.2 Southdale Business 3 Development Area (See District Planning Map No. 42)**

<p>There is no <b>permitted activity</b> in this Part of the Business 3 Environment.</p>	<p>Development within the Southdale Business 3 Development Area is a <b>restricted discretionary</b> activity provided that:</p> <p>a) Development is for retail activity and associated storage, including medical services; and</p> <p>b) All development within the Southdale Business 3 Development Area is limited to 7500 m<sup>2</sup> gross floor area.</p> <p><b>Discretion is restricted to:</b></p> <ul style="list-style-type: none"> <li>i. Access;</li> <li>ii. The extent to which any development would impact on the local and regional roading network both now and in the foreseeable future;</li> <li>iii. The design and external appearance of buildings;</li> <li>iv. Visual appearance;</li> <li>v. Setbacks to and from boundaries and natural features;</li> <li>vi. Provision for protection of natural features;</li> <li>vii. Landscaping;</li> <li>viii. Provision for infrastructure particularly storm water control;</li> </ul> <p>Any development within the Southdale Business 3 Development Area which exceeds a total gross floor area of 7500 m<sup>2</sup> with respect to the whole of the sub zone shall be a <b>non complying</b> activity.</p>
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**41.3.3 Hazardous Substances**

<p>a) 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</p> <p>b) The movement of hazardous substances between sites is a <b>permitted</b> activity if conducted by means of an underground pipeline.</p>	<p>a) 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</p> <p>b) The movement of hazardous substances between sites is a <b>discretionary</b> activity if conducted by means of an aboveground pipeline.</p>
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#### 41.3.4 Network Utility Operations

<p>The following activities related to network utility operations, excluding electricity infrastructure are a <b>permitted</b> activity:</p> <ol style="list-style-type: none"> <li>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 1.5m and a ground coverage not exceeding 3.0m<sup>2</sup>; and</li> <li>b) 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</li> <li>c) The minor upgrading, replacement, removal and maintenance of existing network utility operations facilities; and</li> <li>d) Minor extensions to an existing overhead line network (including additional service connections and/or 1 additional support structure); and</li> <li>e) The establishment of, or extension to, underground network utility operations, including gas lines with a maximum operating pressure not exceeding 2000 kilopascals.</li> </ol>	<p>Network utility operations that do not comply with a performance standard 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 and bulk and form of the installation(s) above the 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. Public health and safety;</li> <li>x. Issues of reverse sensitivity.</li> </ol>
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#### 41.3.5 Provision of Parking Spaces

<p>Any activity is a <b>permitted</b> activity if:</p> <ol style="list-style-type: none"> <li>a) Parking spaces are provided in accordance with Chapter 47; and</li> <li>b) No formed parking space is constructed or provided within 2.0m of a road boundary.</li> </ol>	<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 41.4.8 (Landscaping).</li> </ol>
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### 41.3.6 Traffic Movements

<p>Any activity is <b>permitted</b> if:</p> <p>a) It does not generate more than 200 traffic movements in any 24-hour period, where the activity gains access to a Local Road; and</p> <p>b) The activity complies with Sheet 4 of the Whangarei District Council's Environmental Engineering Standards 2010 where it gains access to a Collector or Arterial Road, or a State Highway.</p> <p><b>Note:</b> Where access is gained to a Limited Access Section of State Highway, it may be necessary to liaise with Transit New Zealand.</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. Parking, loading and manoeuvring requirements;</li> <li>ii. Need for acceleration and deceleration lanes;</li> <li>iii. Location of activity;</li> <li>iv. Type, frequency and timing of traffic;</li> <li>v. Access design, number and location of vehicle crossings;</li> <li>vi. Safety of pedestrians;</li> <li>vii. Traffic safety and visibility;</li> <li>viii. Effects on the amenity of the locality;</li> <li>ix. Effects of dust;</li> <li>x. Need for forming or upgrading roads in the vicinity of the site;</li> <li>xi. Need for traffic control, including signs, signals and traffic islands.</li> </ol>
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### 41.3.7 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 <b>permitted</b> activity if:</p> <ol 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 control 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 relates to goods and services available on site or is a property name sign, or is a community sign; and</li> <li>iv. The sign does not obscure any official signs or traffic signals; and</li> <li>v. The sign(s) is ancillary to on site signage, such as menu boards, traffic direction signs, height restriction signs, parking signs and drive through signs; and</li> <li>vi. The sign is static and not flashing; and</li> </ol>	<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> <ol style="list-style-type: none"> <li>i. Traffic safety;</li> <li>ii. Whether the proposed sign will have an effect on visual amenity values by: <ul style="list-style-type: none"> <li>• Being visually inappropriate to the neighbourhood. The Council will ensure that general advertising signs do not dominate a site or surrounding area and will limit such signs accordingly.</li> <li>• Being visually obtrusive on Living, Rural or Open Space Environments. In general, the height of freestanding signs should be related to the height of surrounding buildings.</li> <li>• Creating an effect of clutter in the immediate neighbourhood because of poor relationship to other signs or elements. In general, clutter will be determined by the amount of signage in relation to the frontage of the site.</li> <li>• Being sensitive (in terms of scale, form and harmony) to the building on which or place where it is to be</li> </ul> </li> </ol>
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<p>vii. 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</p> <p>viii. If illuminated, the sign is not within 20.0m of any road intersection; and</p> <p>ix. No more than 3 signs are displayed per site; and</p> <p>x. A free standing sign is no higher than 8.5m; and</p> <p>xi. The total area of all signs is no greater than 2.5m<sup>2</sup> on sites with frontage less than 25.0m; and</p> <p>xii. On sites with frontage greater than 25.0m, the total area of all signs shall be 0.10m<sup>2</sup> per metre of frontage, to a maximum of 6.0m<sup>2</sup> ; and</p> <p>xiii. As an alternative to vi. to xii. above, signs complying with the standards set out in Appendix 12 are permitted activities; and</p> <p>xiv. Where the road has a speed limit of 70 kph or greater, the sign is located so as to provide an unrestricted view for the motorist for a minimum distance of 250m; and</p> <p>xv. Where a number of establishments on rear sites share an access way, a sign situated where the access way adjoins the road may include information relating to some or all of the activities located on sites served by the access way.</p> <p><b>Notes:</b></p> <ol 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> </ol>	<p>erected or displayed, to the immediate surroundings, or to the places from which it can be seen.</p> <ul style="list-style-type: none"> <li>• Obscuring or detracting from important visual landmarks of the City, such as visual landmarks, or buildings or areas of architectural or heritage value.</li> <li>• Obscuring or detracting from landscape elements in the front yard of a site.</li> <li>• Being of such construction that its method of support or fixing is not aesthetically incorporated into its design.</li> </ul>
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**41.3.8 Fences**

<p>Construction or alteration of a fence is a <b>permitted</b> activity if:</p> <ol style="list-style-type: none"> <li>a) Fences within 2.0m of a boundary are no higher than 2.0m; and</li> <li>b) Boundary fences are not fortified with barbed wire, broken glass or any form of electrification.</li> </ol>	<p>Construction or alteration of a fence 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. Effects of shading;</li> </ol>
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	<ul style="list-style-type: none"> <li>ii. Effects on amenity values;</li> <li>iii. Effects on health and safety.</li> </ul>
<p>Provided always and notwithstanding the noise requirement in this Rule, if the activity under consideration is a mineral extraction activity and it is located within a Mineral Extraction Area then the noise standards for that activity will be determined in accordance with the rules in Chapter 64.</p>	

### 41.3.9 Artificial Lighting

<p>Artificial lighting is a permitted activity if either:</p> <ul style="list-style-type: none"> <li>a) The lighting is required under health and safety legislation; or</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 40.3.6 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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### 41.3.10 ~~Noise~~ (Deleted – refer to Noise and Vibration Chapter)

**41.3.11 Construction Noise** (Deleted – refer to Noise and Vibration Chapter)**41.3.12 Vibration** (Deleted – refer to Noise and Vibration Chapter)**41.3.13 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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**41.3.14 Electricity Transmission Lines** (Deleted 13/01/2014 - refer to Network Utilities Chapter)**41.3.15 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) Outdoor areas of storage or stockpiles of materials or equipment are screened from view at a Living or Open Space Environment boundary; and</p> <p>d) Materials are stored in a way that does not provide a food source for vermin; and</p> <p>e) The best practicable option is adopted to prevent or minimize 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> <ol 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 the stormwater runoff.</li> </ol>
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**41.3.16 Aerials and Aerial Support Structures**

<p>Aerials and/or aerial support structures are <b>permitted</b> if:</p> <p>a) No dish aerial exceeds a diameter of 2.4m; and</p> <p>b) No aerial and/or aerial support structure exceeds a height of 15.0m except for a dish aerial, the height of which is not to exceed 11.0m; 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; and</p> <p>d) Above a height of 11.0m any aerial and/or aerial support structure is to be</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> <ol 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> </ol>
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## 41.4 Business 3 Environment - Building Rule Table

### 41.4.1 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) The height of the building does not exceed 11.0m; and</li> <li>b) The height of any building on a site adjoining a Living or Open Space Environment does not exceed the daylight angle of the adjoining Environment.</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 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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### 41.4.2 Building Coverage

<p>Construction or alteration of a building is <b>permitted</b> if:</p> <ul style="list-style-type: none"> <li>a) Total building coverage does not exceed 70%; and</li> <li>b) Within the Business 3 Environment at the Town Basin, total building coverage does not exceed 50%.</li> </ul> <p><b>Note:</b></p> <p>In calculating building coverage, the area of any verandah is not included.</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 and the existing built density of the locality;</li> <li>ii. Effect on the open space appearance and access to daylight of sites near Open Space and Living Environments;</li> <li>iii. Control of stormwater.</li> </ul>
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### 41.4.3 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) Nil from road boundaries; or</li> <li>b) To the line of any building line restriction shown on the Planning Maps; and</li> <li>c) 4.5m from the road boundary on Bank Street, on both sides, between Dent Street and Donald Street; and</li> <li>d) 3.0m from Living or Open Space</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 outlook and privacy of adjoining and adjacent properties;</li> <li>ii. Shading of adjoining properties;</li> <li>iii. Effects on natural character;</li> </ul>
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<p>Environment boundaries; and</p> <p>e) Verandahs required by 41.4.7 are exempt from this rule.</p> <p><b>Note:</b> The provisions of Rules 58.2.6 and 59.2.3 also apply to building setbacks.</p>	<p>iv. Effects on landscape values;</p> <p>v. Effects on heritage values;</p> <p>vi. Effects on natural functioning of ecosystems.</p>
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#### 41.4.4 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> <p>a) 27.0m from Mean High Water Springs; or</p> <p>b) From the top of the bank of any river that has a width of less than 3.0m or a lake under 8ha:</p> <ol 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> </ol> <p>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</p> <p>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.</p> <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> <ol 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> </ol>
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#### 41.4.5 Building Daylight Angles

<p>Construction or alteration of a building is a <b>permitted</b> activity if:</p> <p>a) Any building on a site adjacent to any Living or Open Space Environment does not penetrate the building daylight angles defined in Appendix 11, measured from the Environment boundary.</p> <p><b>Note:</b> Building daylight angles are not applied to verandahs required under Rule 41.4.6.</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> <ol 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 values.</li> </ol>
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#### 41.4.6 Outdoor Living Courts

<p>Construction or alteration of a residential unit is a <b>permitted</b> activity if an outdoor living court is provided as follows:</p> <ol style="list-style-type: none"> <li>The court must have a minimum area capable of containing a circle 5.0m in diameter; and</li> <li>If the residential unit does not have a habitable room located on the ground level, a balcony must be provided instead of a court, with a minimum area of 10.0m<sup>2</sup> and a minimum dimension of 2.0m; and</li> <li>The court or balcony must be accessible from a habitable room of the residential unit; and</li> <li>The court must not contain structures which would impede its use as an outdoor living court.</li> </ol>	<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> <ol style="list-style-type: none"> <li>The privacy and amenity of the occupants on-site;</li> <li>The open space nature of the particular environment.</li> </ol>
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#### 41.4.7 Verandahs

<p>Construction or alteration of a building within 2.0m of the road is a <b>permitted</b> activity if:</p> <ol style="list-style-type: none"> <li>A verandah is constructed or altered along the entire frontage (excluding vehicle access), and forms a continuous line of shelter with adjacent verandahs; and</li> <li>The clearance above the footpath is at least 3.0m and no more than 4.0m; and</li> <li>The width of the verandah is:             <ol style="list-style-type: none"> <li>The width of the corresponding footpath less 600.0mm from the kerb; and</li> <li>5.0m maximum.</li> </ol> </li> </ol> <p><b>Note:</b></p> <p>The required verandahs, in terms of this Rule, are exempt from the building setback requirements in Rule 41.4.2 and the building daylight angles required in Rule 41.4.3.</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> <ol style="list-style-type: none"> <li>The comfort of pedestrians;</li> <li>Effect on visual amenity;</li> <li>Traffic effects.</li> </ol>
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#### 41.4.8 Landscaping

<p>Construction of a building is a <b>permitted</b> activity if:</p> <ol style="list-style-type: none"> <li>A vegetation screen, or other physical barrier, which limits visibility, is maintained at a minimum height of 2.0m along Living Environment boundaries; and</li> <li>Where buildings are setback at least 2.0m from a road, all land within 2.0m from the road, other than accesses is to be planted in trees, shrubs or grass; and</li> </ol>	<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> <ol style="list-style-type: none"> <li>The amenity of adjoining residential properties.</li> </ol>
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| c) The planting is completed within 6 months of occupation of the building and is maintained continuously thereafter. |  |
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#### 41.4.9 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> <ol style="list-style-type: none"> <li>i. Construction or alteration of a building or structure in relation to its location;</li> <li>ii. The avoidance, remediation or mitigation of coastal hazards;</li> <li>iii. Floor level in relation to One Tree Point Datum Mean Sea Level 1964.</li> </ol>
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### 41.5 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

This rule names various activities for which a resource consent is required. The listed activities are all associated with effects that are unacceptable in this Environment without careful management. The exception to the hours of operation for religious observances has been included so as not to interfere with traditional services, like midnight mass. The identification of "commercial" activities assumes that there is a greater likelihood of adverse effects arising from activities carried out at a commercial scale than at a non-commercial scale. Effects of these activities are not consistent with the character, aims and values for this Environment. Many of these activities have effects such that they require an offensive trade licence under the Health Act 1956.

#### 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. They are therefore controlled, with limited provision made for signs associated with activities occurring on-site, limited dimensions and a maximum number of signs set.

### **Fences**

High fences detract from amenity and reduce the feeling of open space. Fortified fences detract from the sense of community well-being due to their threatening connotations.

### **Artificial Lighting**

Lighting can interfere with the enjoyment of a property and the sleep of occupants. Direct light spill and glare are consequences of outdoor lighting used to illuminate property. The effect of the rule is to state lighting levels that are compatible with the existing lighting character of the Business Environment. Street lights, navigation lights and traffic signals are exempted from the rule to preserve traffic and personal safety.

### **Electromagnetic Radiation**

Certain utilities and other activities emit electromagnetic radiation or create electric fields, 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 Environments. 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 lower density of this Environment. The rule also ensures that Open Space and Living Environments that border this Environment have reasonable amenities and access to daylight. Higher buildings require further assessment as to their suitability, and a resource consent application is required.

### **Building Coverage**

The amount of building coverage permitted can dramatically affect the open space nature of a neighbourhood, and can change the perception of the intensity of the

Business 3 Environment. Building coverage has an important input into the overall amenity of an area.

### **Building Setbacks**

Building setbacks play an important role in the overall amenity of a neighbourhood. The required front yard setback is optional unless a building line restriction applies. Setbacks maintain the open streetscape and a degree of spaciousness in an area. Where no setback is provided, verandahs are mandatory. Side yard and rear yard setbacks are required 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 water bodies and the coast will preserve future availability of esplanade reserves, providing access space for waterbody maintenance and some flood protection.

### **Building Daylight Angles**

The daylight angles are set to provide a reasonable amount of protection of daylight to a site from buildings on adjacent sites, especially adjoining the Living and Open Space Environments.

### **Outdoor Living Courts**

The courts provide outdoor living space, which is considered desirable for the health and enjoyment of occupants. The courts also serve to preserve the open space nature of a neighbourhood.

### **Verandah**

The provision of a continuous line of verandah along building frontages in this Environment will provide shelter from the elements and thus contribute to a pleasurable environment for pedestrians. Verandahs are not required on buildings setback from the road.

### **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	41.3.5 l	41.3.5 i - Deletion of unnecessary reference to sections of chapters		PW
1 November 2007	FP	41.3.7 ; 41.3.9 and 41.3.2	Additions of Hyperlinks for Plan Changes 41, 42 and 48B.		PW
11 July 2008	FP	41.3.7	Plan Change 41 Signs after Council decision	ES 9 July 2008	PW
11 July 2008	FP	41.3.9	Plan Change 42 Artificial Lighting after Council decision	ES 9 July 2008	PW
14 April 2009	FP	41.3.2	Plan Change 48B w ithdraw n - re transfert of Commercial Centres Southdale Bussiness 3 to Scheduled Activities Chapter 49.	ES 8 April 2009 Operative Date 21 April 2009	PW
11 December 2009	FP	41.4.4	Plan Change 98 Setbacks from Water Bodies	Operative Date 12 January 2010	PW
14 June 2010	FP	38.3.1	Plan Change 97 Consequential changes from PC45 Intensive Livestock Farming	ES 9 June 2010 Operative 22 June 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
12 September 2012	FP	41.3.6	Plan Change 123B Referencing of EES 2010 Consequential Changes	Operative Date 25 September 2012	PW
11 December 2013	LB	41.3.4 41.3.14 41.5	Plan Change 123A consequential changes ' Electricity Infrastructure'	Operative Date 13 January 2014 TRIM 14/4071	PW
28 April 2014	MD	41.3.7 xiii	Minor numbering correction	Operative Date 28 April 2014 TRIM 14/29613	PW
11 May 2016	TB	41.3.10 41.3.11 41.3.12	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	41.3.16 41.5	Plan Change 124 becoming operative.	Operative date 28 September 2016 TRIM 16/106480	MM
6 March 2019	AM	Amendments throughout	Plan Changes 85 A-D, 86A, 102	Operative Date 6 March 2019	MM
6 March 2019	AM	Amendments throughout	Plan change 87 Coastal Area and Plan Change 114 Landscapes  To be treated as Operative in terms of Section 86F of the Resource Management Act 1991.	Consent Order (ENV-2018- AKL-000022, ENV-2018-AKL-000025, ENV-2018-AKL-000029, and ENV-2018-AKL-000032) issued 21 February 2019	MM
12 July 2019	EE	41.3.6	Clause 20A Minor Amendment <a href="#">DSTPLN-659943184-201</a>	12 July 2019	MM

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