

The notified Plan Change 6 amendments are in **green type**. The recommended changes following submissions are in **blue type**.

6 Business 1 to 7 Zones

6.1 Purpose

- a) Business resources commonly group around a series of centres in Hamilton and include activities such as retailing, offices, business and financial services, manufacturing, warehousing and associated parking, storage and display areas. These areas and the infrastructure that serves them are significant public and private resources and influence the urban form and function of all parts of the City.
- b) The grouping of business activities into centres provides an environment that will draw in other business and facilities. This agglomeration results in productivity gains arising from economies of scale and efficiencies of inter-connectedness.
- c) The focus of the business centres' hierarchy is to manage existing centres to ensure they retain and enhance their function, vitality, viability and amenity as focal points for a diverse range of activities needed by the community. Ongoing public investment is a significant element in any centres-based strategy.
- d) A centre is a cohesive or integrated set (cluster) of diverse land-use (business) activities, characterised by high pedestrian levels in a high-amenity public environment and supported by efficient and accessible passenger transport, infrastructure and services.
- e) A business centres' hierarchy has been developed that comprises six tiers. The overall aim being to re-establish the primacy of the Hamilton Central City and define its relationship with the sub-regional centres and suburban centres, in particular, with each centre comprising one or more of the following Business Zones.
 - i. The Central City Zone (refer to Chapter 7: Central City Zone)
 - ii. Sub-regional centres being at The Base and Chartwell that generally comprise some or all the following business zones:
 - Business 3 (sub-regional centre) Zone at The Base, the primary sub-regional centre
 - Business 3 (sub-regional centre) and Business 5 (suburban centre) Zone at Chartwell, the secondary sub-regional centre
 - iii. Suburban centres distributed around the City's residential neighbourhoods that comprise:
 - Business 5 (suburban centre) Zone
 - Business 1 (commercial fringe) Zone
 - iv. Neighbourhood centres serving local residential areas that comprise the Business 6 (neighbourhood centre) Zone
 - v. Localised commercial activity supporting major visitor facilities that comprise the Business 2 (events facilities) Zone

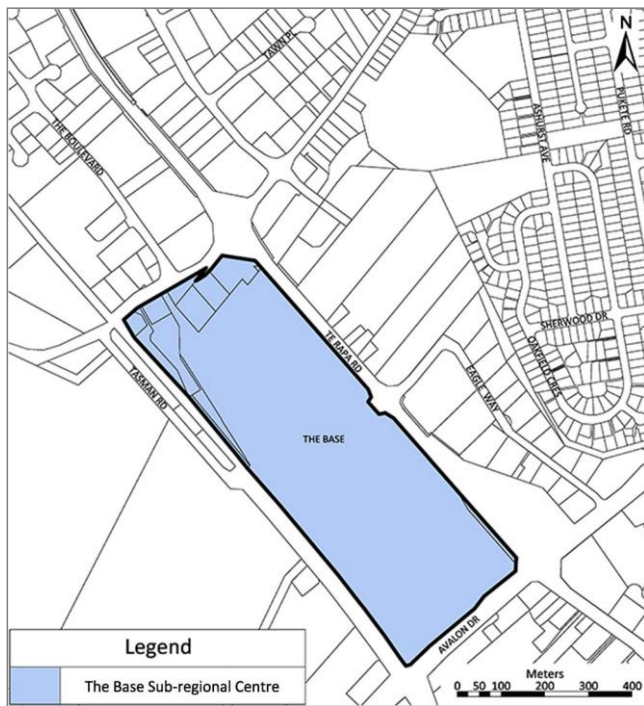
- vi. Commercial fringe areas where specific activities have conglomerated to create a particular enclave or precinct or related uses comprise the Business 1 (Commercial Fringe) and Business 7 (Frankton Commercial Fringe) Zones.
- f) The approach taken in this plan is necessary to ensure that investment in infrastructure and services is programmed and used most efficiently. The approach will also support the primacy of the Central City and manage the range and scale of commercial development outside this area to ensure its function, vitality, viability and amenity is enhanced.
- g) Zoning and rule provisions provide for a range of activities, scales and formats appropriate to managing the effects of development of business centres, the principally retail role of the sub-regional centres, the community, mixed use and pedestrian focus of the suburban centres, the neighbourhood function of local facilities, the supporting role of commercial fringe areas and the peak visitor demands associated with visitor facilities.
- h) The rule provisions reflect seven distinctive business environments, which operate either individually or in combination with each other. In each Business Zone the distribution of office and retail development, outside the Central City Zone, is controlled to ensure that adverse effects on the Central City are avoided. Rules are more permissive in relation to community activities while residential activity above ground floor as part of appropriate mixed use is encouraged in the suburban centre, neighbourhood centre and commercial fringe zones. The intention is to encourage the establishment of retail and office activities back to the Central City. The retention, re-development and return of office activities to the Central City is critically important to maintaining a sizeable day-time population to support retail and other activities.
- i) The approach also aims to consolidate people-focused activities within cohesive and integrated business centres, supported by larger-format vehicle based activities in the fringes of these centres. This is reflected in the sub-regional centres zoning and in particular at Te Rapa North, where a grouping of large format activities has established within and on the edge of The Base retail centre.
- j) It is envisaged that future large format retail growth will be accommodated within existing centres and significant large format retail development beyond the identified out of centre zones is not envisaged for the Plan period. Large format retail zoning provides for out-of-centre development of large format retail activities only in circumstances where their scale/floor area may not be appropriate in centres within the business hierarchy and it can be demonstrated that the primacy, function, vitality, viability and amenity of the Central City, the function, vitality, viability and amenity of the sub-regional centres and the function of lower order centres within the business hierarchy are not undermined.
- The Commercial fringe zoning also provides for those out of centre areas which have developed with a common character such as health care and hospitals, or building, automotive, and other wholesale retail and trade activities. Such common function-based precincts are unique and have been developed over time, outside of the city centre and suburban centre localities.
- k) The Commercial Fringe zone provides for a mix of uses and commercial activities in locations that are adjacent to nearby centres. It is anticipated business activities will complement and support the centres they are adjacent to without undermining the

- primacy, function, vitality and amenity of the Central City, sub-regional centres or suburban centres.
- l) In some limited locations commercial development has occurred outside defined centres on large sites; Home Straight Park is one such example. It can be described as an integrated business park with a unique set of characteristics. These include being reliant on passing motor vehicle custom, shared access and common parking on site, common landscaping themes, and shared services supporting mixed use developments that include offices, small and large format retailing and commercial services.
 - m) Hamilton East is also recognised as having a unique character, being an important residential and employment area situated close to the Central City, readily accessible from a walkable residential catchment, yet well served by public transport. A greater commercial role for Hamilton East is envisaged as an 'overflow' or fringe commercial area to the Central City and as a stand alone suburban centre. There are opportunities for sites on the fringe of the suburban centre to be developed to accommodate a range of residential and commercial activities.
 - n) A defined area within Frankton has developed over time to establish a unique character largely functioning as a wholesale retail and trade commercial area, serving building, automotive and other industries. This area is characterised by smaller sites, showrooms, trade supply and limited general retail and office activity.
 - o) The adoption of the business centres hierarchy is consistent with the commercial development framework promoted in the Regional Policy Statement. This recognises the Hamilton Central City as the primary commercial, civic and social centre in the region ahead of the sub-regional centres of The Base and Chartwell. See Figures 6.1a and 6.1b.

Figure 6.1a: Chartwell Sub-regional Centre



Figure 6.1b: The Base Sub-regional Centre



6.2 Objectives and Policies: Business 1 to 7 Zones

Sub-regional Centres

Objective	Policies
<p>6.2.1 The Base and Chartwell function as sub-regional centres for business activities providing a scale and diversity of retail floorspace, entertainment facilities and limited offices while not undermining the primacy, vitality, viability, function and amenity of the Central City.</p>	<p>6.2.1a The further development of sub-regional centres, the range and trading format of activities and traffic management shall contribute to the development of a cohesive and integrated centre, commensurate with their role in serving an extensive catchment, whilst avoiding adverse effects on the functionality, vitality, viability and amenity of the Central City.</p>
	<p>6.2.1b Development provides for a diverse range of activities but remains predominantly retail and of a scale that will sustain the centres and complement but not undermine the primary role of the Central City.</p>
	<p>6.2.1c The anticipated high levels of travel demand is proactively managed to optimise opportunities for passenger transport, walking and cycling.</p>
	<p>6.2.1d Development maintains and enhances the amenity values of the centre as a destination for sub-regional visitors.</p>
	<p>6.2.1e The scale and nature of activities within sub-regional centres do not generate significant adverse effects on neighbouring amenity values.</p>
	<p>6.2.1f Residential development is discouraged from establishing in sub-regional centres.</p>

Explanation

The Regional Policy Statement acknowledges the primacy of the Central City while noting the role of two sub-regional centres in meeting the needs of large sections of the community living within and beyond the City boundary.

The sub-regional centres provide for an integrated pattern of diverse activities which principally include retail activities in a mix of mall and small scale speciality stores, offices, large format retail, limited offices, community services, entertainment facilities and some visitor accommodation with easy access to the strategic transport network.

The previous planning framework has enabled an unplanned dispersal of retail and

office development which has contributed to the underperformance of some elements of the Central City with consequential effects on its function, amenity and vitality. Therefore, when considering development outside the Central City, it is important to consider the potential for that to result in adverse effects on the role of the Central City. Individual or cumulative establishment of commercial development that may jeopardise the function, vitality and amenity of the Central City should be avoided or managed.

The Base sub-regional centre is significantly larger than the Chartwell sub-regional centre, and with existing consents has greater potential to accommodate additional business activities. Accordingly there is a distinction in rules that apply between the two sub-regional areas.

Assessment criteria related to the establishment of offices, retail activities and community facilities apply to further development of the two sub-regional centres.

Any further development at the two sub-regional centres needs to be carefully managed to safeguard the transport network and ensure consistency with neighbouring activities.

Suburban Centres

Objective	Policies
6.2.2 A distribution of suburban centres that provide a mixed use environment with health-care services, goods, services and employment at a scale appropriate to suburban catchments, while not undermining the primacy, function, vitality, amenity or viability of the Central City.	6.2.2a Suburban centres are to be retained, expanded, and provided at a scale and nature appropriate to the needs of the surrounding residential areas, taking into account the need for any expansion to avoid adverse affects on the functionality, vitality, viability and amenity values of the Central City.
	6.2.2b Suburban centres provide an opportunity to reduce the need for travel, by providing for mixed uses, a diverse range of activities, services and trading formats. Residential activities above ground floor level shall be supported where quality-a high on-site amenity living environment is achieved.
	6.2.2c Suburban centres act as focal points for local community development through the control of size, scale, built form and diversity of activity.
	6.2.2d Expansion of existing suburban centres is integrated with existing activities and transport networks.
	6.2.2e A comprehensive, urban design-led approach is

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	used to determine the form of suburban centres intended to serve new growth areas.
	<p>6.2.2f Recognise Hamilton East as a fringe employment node to the Central City, but ensure potential adverse effects on adjoining areas (including the Central City) and the safety and efficiency of the transport network are avoided.</p>
	<p>6.2.2g Recognise that the expansion of healthcare services and facilities maintain viable and accessible medical services and hospital facilities to the regional and city-wide community.</p>
Explanation	
<p><i>Suburban centres anchor the City's main residential areas and provide a range of activities and services that can reduce reliance on car travel for meeting day-to-day requirements. These centres provide multi-purpose destinations for customers. Parking is provided onsite and these centres are generally well served by passenger transport.</i></p> <p><i>Suburban centres vary in size and character between 10,000-20,000m² gross floor area and generally serve between 10,000-30,000 people. Supermarkets commonly anchor these centres and between 20-30 outlets, comprising a variety of smaller specialist retailers, provide retail, limited office, community and other services to the suburban population on an integrated basis. Often another large format retailer is located in the centre. Service stations may also be a feature.</i></p> <p><i>Opportunities exist for limited expansion and intensification to ensure the centres continue to meet the needs of growing populations and provide a focal point for communities. Residential activity above ground floor level in suburban centres enhances mixed use outcomes.</i></p> <p><i>Recognition has been made for the hospital facilities at Hamilton East.</i></p> <p><i>Carefully planned suburban centres will help to anchor and support residential and community development.</i></p>	

Neighbourhood Centres

Objective	Policies
<p>6.2.3 A distribution of locally based centres that provide services and health-care services capable of meeting the day-to-day needs of their immediate neighbourhoods.</p>	<p>6.2.3a Activities within neighbourhood centres principally serve their immediate neighbourhood.</p>
	<p>6.2.3b The scale and nature of activities within neighbourhood centres shall not generate significant adverse amenity effects on surrounding residential areas and transport networks.</p>
	<p>6.2.3c Residential activities above ground floor</p>

	commercial uses are encouraged as part of mixed use development where a quality on-site high amenity living environment is achieved.
Explanation	
<p><i>Neighbourhood centres provide a limited range of everyday goods and services and essentially serve a walk-in population. Being situated within residential areas it is essential that the range and scale of activities is compatible with neighbouring residential activity and local amenity values. Very limited opportunities exist for expansion of these centres.</i></p> <p><i>Neighbourhood centres are small in land area and shop sizes are between 100-300m² with the overall floorspace for a centre between 500-5,000m². The anchor store is likely to be a superette.</i></p>	

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Major Event Facilities

Objective	Policies
6.2.4 Significant City events destinations are supported by complementary commercial activities.	6.2.4a A limited range of commercial activities can establish outside recognised business centres where they shall directly relate to major events facilities within the City.
	6.2.4b The range and scale of activity and built form do not undermine the role of any business centre and are consistent with the amenity values of neighbouring areas.
Explanation	
<p><i>The provision of support activities in the immediate locality of significant events destinations can enhance the attraction of such facilities and meet community needs without adversely affecting the role of business centres. Such activities will assist in meeting the demands of occasional peak visitor numbers but will require careful management to ensure they will not undermine the amenity values of neighbouring areas. Securing additional commercial development in a limited number of locations aims to bring benefits to, and strengthen the attraction and viability of these stand alone facilities.</i></p>	

Out-of-Centre Development – Large Format Retail Zone

Objective	Policies
6.2.5 Significant large format retail development beyond the out of centre zones identified is not	6.2.5a Large format trading activities may be permitted to locate outside zoned business centres where it can be demonstrated that:

<p>envisaged for the Plan period. These limited zones provide for out-of-centre development comprising a range of moderate to low intensity commercial uses (offices and/or large format retail activities and community services) only in circumstances where the primacy, function, vitality, viability and amenity of the Central City, the function, vitality, viability and amenity of the sub-regional centres and the function of the lower order centres in the business hierarchy are not undermined.</p>	<ul style="list-style-type: none"> i. Appropriately zoned land is not available within the Central City, or sub-regional centres or suburban centres; and ii. There is consistency with the assessment criteria to avoid potential adverse effects on the primacy, function, vitality, viability and amenity of the sub-regional centres and the function of the lower order centres; and iii. The proposal does not add to the continued loss of developable industrial land to retail uses.
Explanation	
<p><i>It is envisaged that future large format retail growth will be accommodated within existing centres for the life of the Plan, however, it is acknowledged that not all business activities are able to locate within the defined zoned boundaries of the centres that comprise the business hierarchy and that there are often physical, historical and commercial relationships and trading patterns that need to be recognised. The Plan provides for these circumstances provided there are no suitable alternatives within the centres and the business hierarchy will not be undermined.</i></p> <p><i>The extent to which the new large format trading activities replicate and challenge the functions as to result in adverse effects that are more than minor on the existing services and facilities and amenity of neighbouring business centres must be carefully considered through the provision of a Centres Assessment Report (refer to 1.2.2.17).</i></p>	

Out-of-Centre Development – Commercial Fringe Zone

Objective	Policies
<p>6.2.6 Provide for a range of business activities that support and complement the Central City, Sub-Regional and Suburban Centres.</p>	<p>6.2.6a Business activities may be permitted to locate in the commercial fringe zone where it can be demonstrated that:</p> <ul style="list-style-type: none"> i. Appropriate land is not available within the Central City, or sub-regional centres or suburban centres; and ii. There is consistency with the assessment criteria to avoid potential adverse effects on the primacy, function, vitality, viability and amenity of the Central City, Sub-Regional Centres and suburban centres

	iii. The role and function of lower order centres are not undermined.
	6.2.6b Development ensures potential adverse effects on adjacent residential areas are avoided, remedied or mitigated.
	6.2.6c The safety and efficiency of the transport network is not adversely affected.

Explanation

It is acknowledged that not all business activities are able to locate within the defined zoned boundaries of the centres that comprise the business hierarchy and that there are often physical, historical and commercial relationships and trading patterns that need to be recognised. The Plan provides for these circumstances, provided there are no suitable alternatives within the existing centres and the business hierarchy will not be undermined.

The extent to which new business activities replicate and challenge the functions of the business hierarchy as to result in adverse effects that are more than minor on the existing services, facilities and amenity of neighbouring business centres must be carefully considered through the provision of a Centre Assessment Report (refer to 1.2.2.17).

Objective	Policies
6.2.7 Provide for a range of community facilities, residential and business activities that may not be appropriate for, or are not able to locate in centres in the business hierarchy.	6.2.7a Enable a range of activities such as hospitals, research and innovation, health care centres, education and training centres to establish outside recognised business centres that are: <ol style="list-style-type: none"> i. difficult to accommodate within centres due to their scale and functional requirements; and ii. more appropriately located outside of the Central City, sub-regional and suburban centre zones.
	6.2.7b Residential activity is encouraged in locations adjacent to centres where it can be shown to support established and future business activity whilst providing a high amenity living environment.

Explanation

The Business 1 Zone provides for a range of activities that may not be appropriate for, or are unable to locate in centres. This includes activities ranging from light industrial, research and innovation activities, hospitals, health care services, education and training centres which whilst preferred in centres is recognised that this is not always possible due to scale and functional requirements. These activities are considered non-threatening to the function, primacy, vitality, viability and amenity of existing centres

within the business hierarchy and so can reasonably be expected to locate in close proximity to existing centres in a fringe location. Retail and office activity may be allowed to establish where it is supportive of and complementary to the Central City, sub-regional centres and adjacent centres. These activities must be considered through the provision of a Centre Assessment Report (refer to 1.2.2.17) to ensure that they do not replicate and challenge the functions of the business hierarchy as to result in adverse effects that are more than minor on the primacy, function, vitality, viability and amenity of the Central City, sub-regional centres and adjacent centres.

Residential activity is encouraged as part of comprehensive mixed use development where any adverse effects of reverse sensitivity are able to be appropriately managed.

Objective	Policies
<p>6.2.8 Enable sites adjacent to the Hamilton East Suburban Centre to be redeveloped for a range of activities that complement and support the established centre.</p>	<p>6.2.8a The built form shall:</p> <ul style="list-style-type: none"> i. Have regard to the character and scale of the Hamilton East Suburban Centre and surrounding area. ii. Respond to the setting, context and opportunities of the site and adjoining areas of open space. iii. Respond to and maintain the amenity of the Waikato River, adjoining open space and surrounding urban area. iv. Provide quality urban design that responds to the form, scale and heritage of the Hamilton East Suburban Centre and the Waikato River.
	<p>6.2.8b Residential activity is encouraged in locations adjacent to the Hamilton East Suburban Centre where it can be shown to support established and future business activity whilst providing a high amenity living environment.</p>
	<p>6.2.8c Mixed use development shall provide a range of uses that complement, and are supportive of, the Hamilton East Suburban Centre which are managed to ensure high levels of amenity for any residential activity and avoid any reverse sensitivity issues.</p>
	<p>6.2.8d Office and retail activity shall provide a range of tenancy sizes that are supportive of, and complementary to, the Hamilton East Suburban Centre and Central City.</p>

Explanation

The unique characteristics of large Business 1 zoned sites adjacent to the Hamilton East Suburban Centre provide an opportunity for high quality development of a range of uses. Development of this nature has the potential to support the economic, cultural, social and environmental sustainability of the Hamilton East area.

It is envisaged that any high quality development will be well integrated into the Hamilton East Suburban Centre by being of appropriate scale and including activities that reflect the strategic position adjacent to the established Suburban Centre. These activities should only be allowed to establish where any adverse effects on the function, primacy, vitality, viability and amenity of the Central City and established centres within the business hierarchy are proven to be no more than minor.

Out-of-Centre Development – Frankton Commercial Fringe Zone

Objective	Policies
<p>6.2.9 Provide for a range of light and service industries, wholesale retail, trade and community activities that may not be appropriate for, or are unable to locate in, the Central City, Sub Regional or Suburban Centres identified in the business hierarchy.</p>	<p>6.2.9a Enable a range of light and service industries, and activities such as cafes and restaurants, healthcare centres, education and training centres, yard based retail and trade and wholesale retail to establish where these activities are:</p> <ol style="list-style-type: none"> i. difficult to accommodate within centres due to their scale and functional requirements; ii. more appropriately located outside of the Central City, Sub-Regional and Suburban Centre zones; and iii. consistent with the established character, or trading pattern of the Frankton Commercial Fringe Zone.
Explanation	
<p><i>The Frankton Commercial Fringe Zone provides for a mix of commercial, light and service industrial and healthcare services that may not be appropriate for, or are unable to locate in, the Central City, the Sub Regional or Suburban centres. This includes activities ranging from light industrial, research and innovation activities, trade and wholesale retail, health care services, education and training facilities which whilst preferred in these centres it is recognised that this is not always possible due to scale and functional requirements. These activities are considered non-threatening to the function, primacy, vitality, viability and amenity of the Central City and the existing centres within the business hierarchy and so can reasonably be expected to locate on the fringe of these existing centres.</i></p>	
Objective	Policies
<p>6.2.10 Recognise lawfully established existing office and retail</p>	<p>6.2.10a The continued operation of existing office and retail activities in Frankton that were lawfully</p>

activities that have located in the Frankton Area.	established as permitted activities under previous planning regimes are recognised and provided for.
	6.2.10b Avoid any increase in, or expansion of, additional standalone office activities.
	6.2.10c Avoid any increase in, or expansion of, standalone retail activities/tenancies in the zone unless it is yard-based, trade or wholesale in nature.
Explanation	
<i>Previous district plan provisions allowed office and retail activity to establish in the Frankton Area. The zone recognises and provides for the continued operation of these lawfully established businesses, however restricts their expansion or the creation of new standalone office and retail activity to protect the primacy, vitality, viability and amenity of the Central City and the existing centres within the business hierarchy.</i>	

6.3 Rules – Activity Status Table

	Character (for information only)						
	Commercial fringe	Major Event Facilities	Sub-Regional centre	Large Format Retail	Suburban Centre	Neighbourhood Centre	Frankton Commercial Fringe
Business Zone	1	2	3	4	5	6	7
Buildings							
a) New buildings	RD*	RD*	RD*	RD*	RD*	RD*	RD*
b) Alterations and additions	P	P	P	P	P	P	P
c) Minor works	P	P	P	P	P	P	P
d) Accessory buildings	RD*	RD*	RD*	RD*	RD*	RD*	RD*
e) Demolition, removal, maintenance or repair of existing buildings (except heritage buildings scheduled in Volume 2, Appendix 8, Schedule 8A: Built Heritage)	P	P	P	P	P	P	P
f) Demolition or removal of existing buildings on Lot 129 DPS 930	-	-	-	-	-	NC	-
Industry							
g) Industrial activity							

	Character (for information only)						
	Commercial fringe	Major Event Facilities	Sub-Regional centre	Large Format Retail	Suburban Centre	Neighbourhood Centre	Frankton Commercial Fringe
Business Zone	1	2	3	4	5	6	7
i. excluding light or service industry	D	NC	NC	D	NC	NC	D
ii. noxious or offensive activities	NC	NC	NC	NC	NC	NC	NC
h) Light industry	RD	D	D	D	D	NC	P
i) Service industry	P	D	P	P	D	D	P
j) Transport depot	RD	D	NC	D	D	NC	RD
k) Emergency service facility	RD*	D	RD*	RD*	RD*	D	RD*
l) Research and innovation activities	P	NC	NC	NC	NC	NC	RD
Offices							
m) Ancillary office	P	P	P	P	P	P	P
n) Offices (excluding offices on land zoned Business 3 on The Base site shown on Figure 6.1b)							
i. <250m ² GFA per site	P	P	P	D	P	D	NC
ii. 250m ² – 500m ² GFA per site	RD*	D	D	NC	D	NC	NC
iii. >500m ² GFA per site	D	NC	NC	NC	NC	NC	NC
whereby site excludes Unit Titles and Cross Leases in i – iii above							
o) Offices							
i. up to 11,350m ² GFA on land zoned Business 3 on The Base site shown on Figure 6.1b	-	-	P	-	-	-	-
ii. >11,350m ² GFA on land zoned Business 3 on The Base site shown on Figure 6.1b	-	-	NC	-	-	-	-
p) Offices on Lot 1 DPS 86312, Lot 1 DPS 1751 and Pt Lot 8 DP1233							
i. <250m ² per existing title	P	-	-	-	-	-	-
ii. 250m ² – 500m ² per existing title	RD*	-	-	-	-	-	-
iii. >500m ² per existing title where an existing title was held as at the date of plan notification (10 December 2012)	D	-	-	-	-	-	-
For clarity, any future titles							

	Character (for information only)						
	Commercial fringe	Major Event Facilities	Sub-Regional centre	Large Format Retail	Suburban Centre	Neighbourhood Centre	Frankton Commercial Fringe
Business Zone	1	2	3	4	5	6	7
created will default to the zone wide activity status (Rule 6.3n).							
q) Offices on Lots 1-7 DP 492238, Lot 1 DP 492571 and Lot 3 DP 492571							
i. <100m ² GFA per site above ground floor	-	-	-	-	-	P	-
r) Office activity where lawfully established at 10 December 2012	-	-	-	-	-	-	P
s) The expansion of existing office activity	-	-	-	-	-	-	NC
t) The establishment of any new office activities	-	-	-	-	-	-	NC
Retail/Commercial							
u) Ancillary retail	P	P	P	P	P	P	P
v) Retail							
i. <150m ² GFA per tenancy	D	P	P	D	P	P	NC
ii. 150m ² – 399m ² GFA per tenancy	D	D	P	D	P	D	NC
Except for Lot 1 DPS 86312, Lot 1 DPS 1751 and Pt Lot 8 DP1233	RD*	-	-	-	-	-	-
iii. 400m ² – 999m ² GFA per tenancy	RD*	D	P	RD*	D	NC	NC
Except for Lot 1 DPS 84445 & Lot 2 DPS 26655	-	-	-	-	RD*	-	-
Except for Hamilton East	NC	-	-	-	-	-	-
iv. >1,000m ² GFA per tenancy	D	NC	P	RD*	NC	NC	NC
Except for Lot 1 DPS 84445 & Lot 2 DPS 26655	-	-	-	-	RD*	-	-
Except for Hamilton East	NC	-	-	-	-	-	-

Business Zone	Character (for information only)						
	Commercial fringe	Major Event Facilities	Sub-Regional centre	Large Format Retail	Suburban Centre	Neighbourhood Centre	Frankton Commercial Fringe
Business Zone	1	2	3	4	5	6	7
w) Total retail floorspace in categories u), v) i. – iv. and cc) to ee)							
i. up to 103,700m ² GFA on land zoned Business 3 on The Base site shown on Fig 6.1b	-	-	P	-	-	-	-
ii. >103,700m ² GFA on land zoned Business 3 on The Base site shown on Fig 6.1b	-	-	RD*	-	-	-	-
iii. Up to 2,500m² GFA on land in the Te Awa Lakes Business 6 Zone						P	
iv. >2,500m² GFA on land in the Te Awa Lakes Business 6 Zone						D	
x) Any retail floorspace described in u), v) i. – iv. and cc) to ee) comprised in tenancies less than 400m ² GFA that exceeds a total of 34,300m ² GFA on land zoned Business 3 on The Base site shown on Fig 6.1b	-	-	RD*	-	-	-	-
y) Retail activity where lawfully established at 10 December 2012	-	-	-	-	-	-	P
z) The expansion of existing retail activity	-	-	-	-	-	-	NC
aa) The establishment of any new retail tenancies	-	-	-	-	-	-	NC
bb) Banks							
i. <200m ² GFA	P	NC	P	NC	P	P	P
ii. >200m ² GFA	NC	NC	P	NC	P	NC	NC
cc) Yard-based retail							
i. <400m ² GFA	NC	NC	D	P	D	D	P
ii. >400m ² GFA	NC	NC	D	P	NC	NC	P
dd) Supermarket	RD*	NC	RD*	RD*	RD*	NC	RD*
ee) Building Improvement Centres	NC	NC	D	P	D	NC	P
ff) Wholesale retail and trade supplies	NC	NC	NC	P	NC	NC	P

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	Character (for information only)						
	Commercial fringe	Major Event Facilities	Sub-Regional centre	Large Format Retail	Suburban Centre	Neighbourhood Centre	Frankton Commercial Fringe
Business Zone	1	2	3	4	5	6	7
gg) Restaurants, cafes and licensed premises							
i. <200m ² GFA	P	P	P	D	P	P	P
ii. >200m ² GFA	P	P	P	NC	P	D	P
hh) Food and beverage outlets							
i. <200m ² GFA	P	P	P	D	P	P	P
ii. >200m ² GFA	P	P	P	NC	P	D	P
ii) Commercial places of assembly							
i. excluding cinemas and bowling alleys	NC	P	P	P	P	NC	P
ii. excluding cinemas and bowling alleys on Lots 1-7 DP 492238, Lot 1 DP 492571 and Lot 3 DP 492571	-	-	-	-	-	P	-
iii. cinemas and bowling alleys only	NC	NC	P	NC	P	NC	NC
iv. In the Te Awa Lakes Business 6 Zone						RD	
jj) Drive-through services							
i. excluding automotive fuel retailing	RD	RD	RD*	RD*	RD*	NC	RD
ii. automotive fuel retailing only	RD	NC	D	RD	D	NC	RD
iii. In the Te Awa Lakes Business 6 Zone						P	
kk) Parking lots and parking buildings							
Except for sites in Hamilton East	P	P	P	P	D	NC	P
	D	-	-	-	-	-	-
ll) Gymnasium	NC	P	P	P	P	NC	P
i. <250m ² GFA (ground floor)	P	P	P	P	P	P	P
ii. >250m ² GFA (ground floor)	RD	P	P	P	P	NC	P
iii. Above ground floor	P	P	P	P	P	P	P
Community							
mm) Passenger transport facility	P	P	P	P	P	P	P

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	Character (for information only)						
	Commercial fringe	Major Event Facilities	Sub-Regional centre	Large Format Retail	Suburban Centre	Neighbourhood Centre	Frankton Commercial Fringe
Business Zone	1	2	3	4	5	6	7
nn) Health-care services							
i. above ground floor	P	NC	P	D	P	P	P
ii. <250m ² GFA	P	NC	P	D	P	P	P
iii. 250m ² – 1,000m ² GFA at ground floor	P	NC	P	D	P	RD	P
iv. >1,000m ² GFA at ground floor	P	NC	P	RD	RD	D	P
oo) Health-care services and hospital including Whanau Ora							
i. up to 10,750m ² GFA on land zoned Business 3 on The Base site shown on Fig 6.1b	-	-	P	-	-	-	-
ii. > 10,750m ² GFA on land zoned Business 3 on The Base site shown on Fig 6.1b	-	-	NC	-	-	-	-
pp) Childcare facility	P	RD	P	P	P	P	RD
qq) Community centres	P	RD	P	P	P	P	P
rr) Tertiary education and specialised training facilities							
i. above ground floor	P	NC	P	D	P	P	P
ii. at ground floor <250m ² GFA	P	RD	P	D	P	P	P
iii. at ground floor 250m ² – 1,000m ² GFA	P	RD	D	D	D	NC	P
iv. at ground floor >1,000m ² GFA	P	RD	D	NC	NC	NC	P
ss) Trade and industry training facilities	-	-	-	-	-	-	P
tt) Public art	P	P	P	P	P	P	P
uu) Hospital	D	NC	NC	NC	NC	NC	D
w) Places of Worship	-	-	-	-	-	-	RD
Residential							
ww) Ancillary residential units	RD*	RD*	RD*	RD*	RD*	RD*	RD*
xx) Single dwellings and duplex dwellings	NC	NC	NC	NC	NC	D	NC

Business Zone	Character (for information only)						
	Commercial fringe	Major Event Facilities	Sub-Regional centre	Large Format Retail	Suburban Centre	Neighbourhood Centre	Frankton Commercial Fringe
Business Zone	1	2	3	4	5	6	7
yy) Apartments							
i. at ground floor	NC	NC	NC	NC	NC	NC	NC
ii. above ground floor	RD*	NC	NC	NC	RD*	RD*	D
iii. above ground floor within the Frankton Living Overlay	-	-	-	-	-	-	RD*
zz) Apartments on Lot 1 DPS 86312, Lot 1 DPS 1751 and Pt Lot 8 DP1233	P	-	-	-	-	-	-
aaa) Home-based business located in the Frankton Living Overlay	-	-	-	-	-	-	P
bbb) Residential centres	D	D	D	D	D	D	D
ccc) Visitor accommodation	RD*	RD*	RD*	D	D	NC	RD*
i. on Lots 1-7 DP 492238, Lot 1 DP 492571 and Lot 3 DP 492571 <u>and in the Te Awa Lakes Business 6 Zone</u>	-	-	-	-	-	D	-
ddd) Subdivision	Refer to Chapter 23: Subdivision and Chapter 24: Financial Contributions						
All Activities and Structures							
eee) Any activity not listed above	NC						

Note

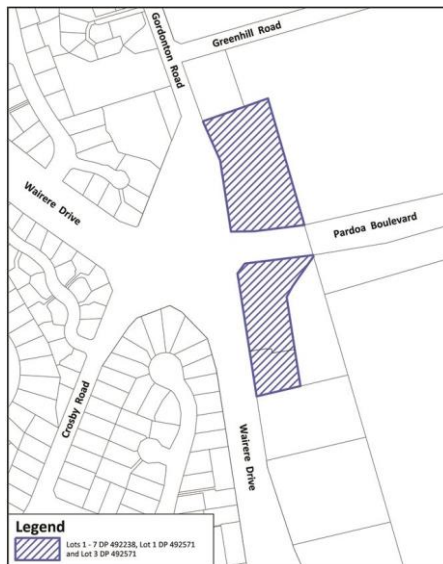
1. Refer to Chapter 1.1.9 for activities marked with an asterisk (*)

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Figure 6.3a: Lot 1 DPS 86312, Lot 1 DPS 1751 and Pt Lot 8 DP1233



Figure 6.3b: Lots 1-7 DP 492238, Lot 1 DP 492571 and Lot 3 DP 492571



6.4 Rules – General Standards

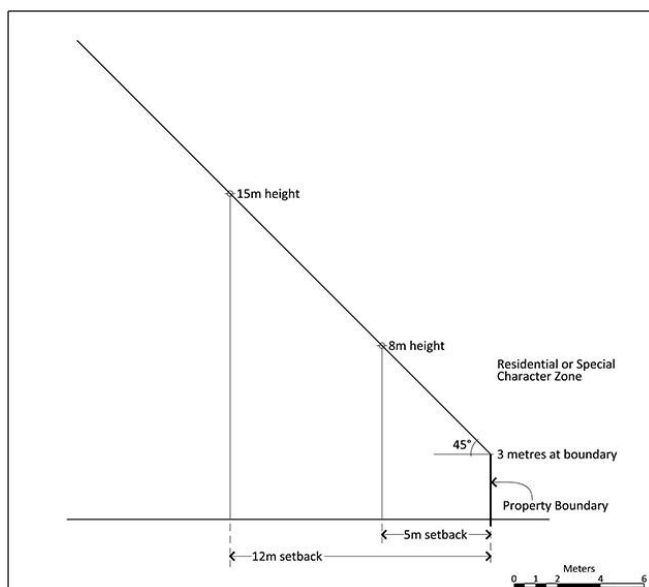
6.4.1 Maximum Building Height

Business Zones	Height of buildings
a) Business 3, 4 (where adjoining Industrial Zone)	20m
b) Business 1, 2, 4, 5, 7	15m
c) Business 6	10m
d) Elements such as flues, flagpoles, open balustrades and aerials shall be exempt from 6.4.1(a), (b) and (c) above	

6.4.2 Height in Relation to Boundary

- Where any boundary adjoins a Residential or Special Character Zone, no part of any building shall penetrate a height control plane rising at an angle of 45 degrees beginning at an elevation of 3m above the boundary.
- Elements such as flues, flagpoles, open balustrades and aerials shall be exempt from 6.4.2(a) above.

Figure 6.4c: Height control plane for boundaries adjoining any residential or special character zone



6.4.3 Building Setbacks

Front boundary	Minimum distance
a) All Business Zones	5m when fronting an arterial transport corridor
Rear and side boundaries	Minimum distance
b) Business 1, 2, 5, 7	5m where the boundary adjoins a Residential or Special Character Zone
c) Business 4	5m (except for any internal site boundary within the Business 4 Zone)
d) Business 6	1.5m where the boundary adjoins a Residential or Special Character Zone
Building setback from	Minimum distance
e) Waikato Riverbank and Gully Hazard Area	6m (applies to buildings and swimming pools)

Note: refer to chapter 21 and 22 for objectives and policies relevant to the setback from the Waikato Riverbank and Gully Hazard Area.

6.4.4 Building Intensity

a) The following maximum building intensities (floor area ratios) shall apply.

Business Zones	Maximum ratio of floor area to net site area
i. Business Zones 1, 3, 5, 7	2:1
ii. Business Zones 2, 4, 6	1:1

b) In determining the floor-area ratio:

- i. Floor space used for parking within Business Zones 3 and 5 shall be excluded when it does not increase the maximum permitted floor area by more than 50%.
- ii. Underground parking is fully excluded.

6.4.5 Service Areas

a) Any building shall provide service areas as follows.

- i. At least one service area of not less than 10m² or 1% of the gross floor area of the building, whichever is the greater.
- ii. Any additional service areas shall not:
 - Be less than 5m²
 - Have a minimum dimension of less than 2.5m
- iii. Any outdoor service area shall be maintained with an all-weather, dust-free surface.
- iv. A service area may be located within a building provided that it is separately partitioned with an exterior door directly accessible by service vehicles.

- v. Any service area shall not encroach on to areas required by this District Plan for other purposes (e.g. parking, loading, landscaping and screening).

6.4.6 Outdoor Storage

- a) Any outdoor storage area used for the storage of goods or materials shall:
- Be laid out and used in a manner that does not conflict with vehicle access.
 - Be maintained with an all-weather, dust-free surface.
 - Be located away from public view or otherwise screened by fencing and landscaping.
 - Not encroach on areas required by this District Plan for other purposes (e.g. parking, loading, landscaping and screening).

6.4.7 Residential Development

- a) Only one ancillary residential unit is allowed per site.
- b) Except for providing an entrance or when located on Lot 1 DPS 86312, Lot 1 DPS 1751 or Pt Lot 8 DP 1233, no residential activities shall be undertaken at ground-floor level.
- c) The following standards shall apply to residential units, including apartments above ground floor, and residential centres and ancillary residential units. Unless specifically noted, they do not apply to visitor accommodation.
- d) Density (Minimum Number of Residential Units Required per Site)

- i. Minimum densities within the Business Zones shall be 30 residential units per hectare based on net site area. This is to be calculated in accordance with the formula below:

- 0.003 residential units per 1m² of site area

Example

For a site which has an area of 4000m², the minimum number of residential units required under this rule would be 12. This is calculated by multiplying the site area (4000m²) by 0.003.

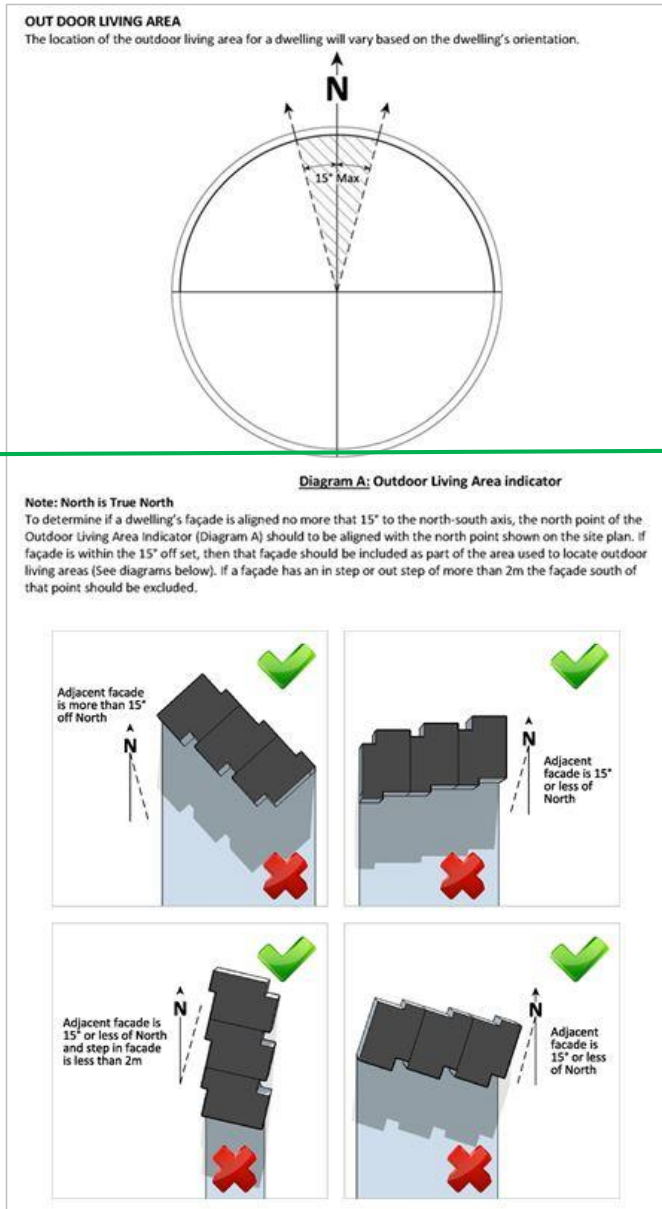
- ii. Where mixed-use is provided for within a development (e.g. office or retail with residential above), the density requirements of Rule 6.4.7 (d) i. shall be applied on a pro rata basis relative to the percentage of gross floor area of the development that is residential (e.g. where a 40% of the gross floor area of a development is comprised made up of 40% residential activities, then a density requirement of 40% of the total minimum number of residential units calculated under Rule 6.4.7(d)(i) is the minimum number of residential units required to be provided. 30 residential units/ha (30 dwellings/ha x 40%) shall be required).

- e) Outdoor Living Areas
- i. Each residential unit, except for when a communal area is provided, shall be provided with an outdoor living area that is:
- For the exclusive use of each residential unit.
 - Readily accessible from a living area inside the residential unit.

- Free of driveways, manoeuvring areas, parking spaces, accessory buildings and service areas.
 - ~~Located on a side of the residential unit which faces north, east or west (refer Figure 6.4d). For the purposes of this standard, a side that faces north, east or west means the area to the:~~
 - ~~West of the westernmost and/or easternmost corners of the dwelling and/or~~
 - ~~West of the west facing façade aligned at no more than 15 degrees to the north-south axis, and/or~~
 - ~~East of the east facing façade aligned at no more than 15 degrees to the north-south axis.~~
- ii. Communal open space for 4 or more residential units and apartment buildings shall comply with 6.4.7e)i., bullet points 3 and 4 as well as being:
- For the shared use of all residents on the site, and
 - Readily accessible from all residential units on site.

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Figure 6.4d: Outdoor living area—north, east or west



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iii. Outdoor living areas for residential units shall have areas and dimensions as follows.

Residential units	Outdoor living area per residential unit ¹	Shape
Ancillary residential units at ground-floor level	12m ²	No dimension less than 2.5m
Apartments and ancillary residential units above ground-floor level	128m ²	No dimension less than 2-51.5m
All other residential units	40m ²	Capable of containing a 5m diameter circle
Communal open space for apartment buildings	Up to 7 residential units — 12m ² 8m ² per unit 8 or more residential units — 8m ² per unit	Capable of containing a circle with the following diameter: 4-7 residential units – 6m 8 or more residential units – 8m No dimension less than 2.5m

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Note

1. Communal open space is an alternative to, and not in addition to, individual outdoor living areas for each residential unit.
2. The outdoor living area for an ancillary residential unit shall be separate from the outdoor living area provided for the principal residential unit.

f) Storage Areas

Each residential unit shall be provided with a storage area:

- Located at or below ground-floor level, readily accessible to that residential unit, secure and weatherproof.
- A minimum of 1.8m long by 1m high by 1m deep.

Note

1. The provision of a private, secure garage accessible only by the occupiers of the residential unit is considered to meet this requirement. (A shared parking garage is not sufficient to meet this standard).

g) Residential Unit Size

i. The minimum floor area required in respect of each residential unit apartment shall be

Form of Residential Unit	Floor Area
Studio unit	Minimum 35m ²
1 bedroom unit	Minimum 45m ²
2 bedroom unit	Minimum 70m ² 55m ²
3 or more bedroom unit	Minimum 90m ²

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- ii. In any one apartment building containing in excess of 20 residential units, the combined number of one-bedroom units and studio units shall not exceed 50% of the total number of residential units within the building.

h) Daylight Standards

Residential units shall be designed to achieve the following minimum daylight standards.

- i. Living rooms and living/dining areas: a total clear-glazed area of exterior wall no less than 20% of the floor area of that space.
- ii. Bedrooms (excluding studio units, and any bedroom that complies with iii. below): a minimum of one bedroom with a total clear-glazed area of exterior wall no less than 20% of the floor area of that space.
- iii. No more than one bedroom in any residential unit may rely on natural light borrowed from another naturally lit room provided:
 - The maximum distance of the bedroom from the natural light source window shall be 6m.
 - The minimum total clear-glazed area of the light source shall be no less than 20% of the floor area of that bedroom.

i) External Outlook Area

Each residential unit shall have an external outlook area that:

- i. Is provided from the face of the building containing windows to **the indoor living area a habitable room**, and
- ii. Has a minimum depth of 6m, measured perpendicular from the face of the window area.
- iii. Where a **habitable room indoor living area** has two or more walls containing windows, the outlook area shall be provided from the face with the greatest window area.

iv. **The external outlook area may be over:**

- a) **The site on which the building is located;**
- b) **The Transport Corridor Zone; or**
- c) **Public Open Space; or**
- d) ~~Another site, only if:~~

- ~~• The external outlook area is secured in perpetuity for the benefit of the building by legal instrument registered on the relevant certificates of title prior to construction commencing; and~~
- ~~• The written approval of the owner of the adjoining site for the external outlook area is provided when the application for resource consent is lodged.~~

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6.4.8 Active Frontages

- a) No roller doors, or similar, which may obscure windows or entranceways may be installed on the front of any building fronting a public space within Business Zone 5 (Suburban Centre) and Business Zone 6 (Neighbourhood Centre).

Note

1. For the purpose of clarification, security grilles which allow views between the street and premises are an acceptable means of compliance with this standard.

6.4.9 Provisions in Other Chapters

The provisions of the following chapters apply to activities within this chapter where relevant.

- Chapter 2: Strategic Framework
- Chapter 3: Structure Plans
- Chapter 19: Historic Heritage
- Chapter 20: Natural Environments
- Chapter 21: Waikato River Corridor and Gullies
- Chapter 22: Natural Hazards
- Chapter 23: Subdivision
- Chapter 24: Financial Contributions
- Chapter 25: City-wide

6.5 Rules – Specific Standards

6.5.1 Alterations and Additions to Existing Buildings

- a) Building alterations and additions shall either:
- i. Not be visible from any public space, or
 - ii. Not result in more than 25m² of additional gross floor area to the existing building.

6.5.2 Rototuna Western Neighbourhood Centre

There shall be:

- a) A maximum individual gross floor area of 250m² for each office activity.
- b) A maximum individual gross floor area of 250m² for each education and training facility.
- c) A front building setback of 10m maximum when fronting an arterial transport corridor.
- d) No service areas within the front building setback or forward of the front building line.
- e) A minimum of 50% of the ground floor wall of any activity facing the road/ transport corridor or public space shall consist of clear glazing and be capable of displaying goods and services.

6.5.3 Rotokauri Suburban Centre Primary Frontage Interface

-
- a) For buildings within the primary frontage as defined in Volume 2, Appendix 2, Figure 2-13 Rotokauri Suburban Centre Concept Plan:
- i. Buildings shall include a minimum of two storeys of usable floor space.
 - ii. The width of any ground floor tenancy shall not exceed a maximum of 1.5 times the height of the building above that tenancy. For the purposes of this standard, tenancy is defined as 'the gross floor area occupied by way of exclusive use by a tenant and includes both freehold and leasehold areas'.
 - iii. A minimum of 75% of the ground floor wall facing the main shopping street, as defined in the Rotokauri Suburban Centre Concept Plan set out in Volume 2, Appendix 2, Figure 2-13, shall be of clear glass and capable of being used for displaying goods and services to passing pedestrians.
 - iv. A continuous veranda not less than 2.5m deep shall be provided which extends along the full street frontage, except that no veranda over a footpath may encroach to within 600mm from the kerb.
- b) There shall be no vehicle access or parking within the primary frontage area.

6.5.4 Ancillary Retail and Office activity in the Frankton Commercial Fringe Zone

- a) When combined, the total area of ancillary office and ancillary retail activity shall not occupy more than the equivalent of 50% of the gross floor area of the principal activity on the site.

6.5.5 Ancillary Office for Yard Based Activities in the Frankton Commercial Fringe Zone

- a) Where the principal activity is wholly or partly yard based in nature the following may apply as an alternative, but not in addition to, 6.5.4
- i. Ancillary office activity shall not occupy more than 250m² or 10% of the Yard Area of the principal yard based activity on the site, whichever is the lesser.

6.5.6 Home-based Business in the Frankton Living Area

- a) If an activity does not comply with all of the standards specified, it is not a home-based business. Home-based businesses shall:
- i. Not employ more than 1 person who does not reside on the site.
 - ii. Not exceed 30% of the total gross floor area of buildings on the site.
 - iii. Not generate any trips by a heavy motor vehicle.
 - iv. Not generate vehicle trips or pedestrian traffic between 2000 to 0800 hours.
 - v. Not display any indication of the activity from outside the site including the display or storage of materials, except for permitted signs.
 - vi. Retail only those goods which have been manufactured, repaired, renovated or otherwise produced on the site.

- vii. Not create electrical interference with television and radio sets or other types of receivers in adjacent residential units.
- viii. Not generate nuisances, including smoke, noise, dust, vibration, glare, and other noxious or dangerous effects – these shall be measured at the boundaries of the site.
- ix. Have only one sign with a maximum area of 0.6m², a maximum dimension of 1m and having no part higher than 2m above the adjacent ground level. The sign must be attached to either a fence, wall or building.

6.5.7 Office and retail activities lawfully established and existing at 10 December 2012 in the Frankton Commercial Fringe Zone

- a) Any office or retail activity permitted under 6.3 r) or y) shall hold sufficient records to prove that the activity was lawfully established and operating at 10 December 2012, including details of the following:
 - i. The gross floor area that was being used for trading at 10 December 2012; and
 - ii. The number of tenancies existing on site at 10 December 2012.

6.6 Restricted Discretionary Activities: Matters of Discretion and Assessment Criteria

- a) In determining any application for resource consent for a restricted discretionary activity, Council shall have regard to the matters referenced below, to which Council has restricted the exercise of its discretion. Assessment Criteria within Volume 2, Appendix 1.3 provide for assessment of applications as will any relevant objectives and policies. In addition, when considering any Restricted Discretionary Activity located within the Natural Open Space Zone, Waikato Riverbank and Gully Hazard Area, or Significant Natural Area, Council will also restrict its discretion to Waikato River Corridor or Gully System Matters (see the objectives and policies of Chapter 21: Waikato River Corridor and Gully Systems).

Activity Specific	Matter of Discretion and Assessment Criteria Reference Number (Refer to Volume 2, Appendix 1.3)
i. New buildings, alterations and additions to buildings, and accessory buildings*	<ul style="list-style-type: none"> • B – Design and Layout
ii. Ancillary residential units*	<ul style="list-style-type: none"> • B – Design and Layout • C – Character and Amenity
iii. Light industry and transport depots (goods)	<ul style="list-style-type: none"> • B – Design and Layout • C – Character and Amenity • F – Hazards and Safety

iv. Emergency service facility*	<ul style="list-style-type: none"> • B – Design and Layout • C – Character and Amenity • F – Hazards and Safety
v. Retail activities*	<ul style="list-style-type: none"> • H1 – Function, Vitality and Amenity of Centres
vi. Offices*	<ul style="list-style-type: none"> • H1 – Function, Vitality and Amenity of Centres
vii. Drive-through services Business 3-5 Zones*	<ul style="list-style-type: none"> • M – Drive-through services
viii. Community centres, tertiary education and specialised training facilities	<ul style="list-style-type: none"> • C – Character and Amenity
ix. Apartments and visitor accommodation*	<ul style="list-style-type: none"> • C – Character and Amenity
x. Health-care services	<ul style="list-style-type: none"> • C – Character and Amenity
xi. Supermarkets*	<ul style="list-style-type: none"> • M – Supermarkets
xii. Supermarkets (Business 1, 4 and 7 – out of centre zones)	<ul style="list-style-type: none"> • M – Supermarkets • H2 – Function, Vitality and Amenity of Centres
xiii. Research and Innovation activities	<ul style="list-style-type: none"> • B – Design and Layout • C – Character and Amenity • F – Hazards and Safety
xiv. Building Improvement centres	<ul style="list-style-type: none"> • M – Building Improvement centres

Note

1. Refer to Chapter 1.1.9 for activities marked with an asterisk (*)

6.7 Other Resource Consent Information

Refer to Chapter 1: Plan Overview for guidance on the following.

- How to Use this District Plan
- Explanation of Activity Status
- Activity Status Defaults
- Notification / Non-notification Rules
- Rules Having Early or Delayed Effect

Refer to Volume 2, Appendix 1: District Plan Administration for the following.

- Definitions and Terms Used in the District Plan
- Information Requirements
- Controlled Activities – Matters of Control
- Restricted Discretionary, Discretionary and Non-Complying Activities Assessment Criteria

- Design Guides
- Other Methods of Implementation