

Note the below provisions represent the Section 42A Report Writing Officer's recommended amendments to the provisions of the Proposed District Plan, in response to submissions (with underline used for new text and ~~strikethrough~~ for deleted text). Recommendations made throughout the Reporting Officer's right of reply are shown in red underline for new text and red ~~strikethrough~~ for deleted text.

## Appendix 1.3 – Officer's Recommended Amendments – MUZ (Urban)

### Overview

The district's urban business centres have traditionally been zoned commercial and contain retail activities, commercial services, food and beverage establishments as well as social and educational<sup>4</sup> services, with limited residential activities.

The Mixed Use zone provides a framework in which commercial and residential activities can co-exist and it enables a range of compatible activities. The focus of the zone is to revitalise urban centres and support business owners, residents and visitors, while ensuring that associated effects are appropriately managed. The Mixed Use zone will contribute to the vibrancy, safety and prosperity of the district's urban centres and will be serviced by appropriate development<sup>2</sup> infrastructure.

The Council has a responsibility under the RMA, the National Policy Statement on Urban Development and the RPS to ensure that there is sufficient land for housing and business to meet the future demands of the district, that development occurs in the right location and that it is appropriately serviced.

Objectives	
<b>MUZ-O1<sup>3</sup></b>	The Mixed Use zone is the focal point for the district's commercial, community and civic activities, and provides for <u>compatible</u> residential development <del>where it</del> <u>that</u> complements <del>and is not incompatible with</del> these activities.
<b>MUZ-O2</b>	Development in the Mixed Use zone is of a form, scale, density and design quality that contributes positively to the vibrancy, safety and amenity of the zone.
<b>MUZ-O3</b>	Enable land use and subdivision in the <del>Light Industrial mixed use</del> <sup>4</sup> zone where there is adequacy and capacity of available or programmed development infrastructure to support it.
<b>MUZ-O4</b>	The adverse environmental effects generated by activities within the zone are managed, in particular at zone boundaries.
<b>MUZ-O5</b>	Residential activity in the Mixed Use zone is located above commercial activities to ensure active street frontages, except where the interface is with the Open Space zone.
Policies	
<b>MUZ-P1</b>	Enable a range of commercial <u>(including supermarkets)</u> <sup>5</sup> , community, civic and residential activities in the Mixed Use zone where: <ol style="list-style-type: none"> <li><del>it</del> <u>they</u> supports the function, role, sense of place and amenity of the zone, <u>while recognises</u><sup>6</sup> <u>the</u><sup>7</sup> existing environment; and</li> <li>there is:</li> </ol>

<sup>1</sup> Consequential changes

<sup>2</sup> Consequential changes

<sup>3</sup> S74.007

<sup>4</sup> 74.009 and others

<sup>5</sup> S363.021

<sup>6</sup> Clause 16 correction

<sup>7</sup> S336.014

	<ul style="list-style-type: none"> <li>i. existing infrastructure to support development and intensification, or</li> <li>ii. additional infrastructure capacity can be provided to service the development and intensification.</li> </ul>
<b>MUZ-P2<sup>8</sup></b>	<p>Require all subdivision in the Mixed Use zone to provide <u>wastewater, stormwater and potable water supply</u> <del>the following</del> <u>reticulated services and local electricity distribution network</u> to the boundary of each lot <u>and encourage all subdivision to provide the following reticulated services to the boundary of each lot:</u></p> <ul style="list-style-type: none"> <li>a. telecommunications: <ul style="list-style-type: none"> <li>i. fibre where it is available;</li> <li>ii. copper where fibre is not available;</li> <li>iii. copper where the area is identified for future fibre deployment.</li> </ul> </li> <li>b. <del>local electricity distribution network;</del> <u>and</u></li> <li>c. <del>wastewater, potable water supply and stormwater where they are available.</del></li> </ul>
<b>MUZ-P3</b>	<p>Require development in the Mixed Use zone to contribute positively to:</p> <ul style="list-style-type: none"> <li>a. high quality streetscapes;</li> <li>b. pedestrian amenity;</li> <li>c. safe movement of people of all ages and abilities;</li> <li>d. community well-being, health and safety; and</li> <li>e. traffic, parking and access needs.</li> </ul>
<b>MUZ-P4</b>	<p>Require development in the Mixed Use zone that is adjacent to Residential and Open Space zones to maintain the amenity values of those areas, having specific regard to:</p> <ul style="list-style-type: none"> <li>a. visual dominance;</li> <li>b. privacy;</li> <li>c. shadowing;</li> <li>d. ambient noise; and</li> <li>e. light spill.</li> </ul>
<b>MUZ-P5</b>	<p>Restrict activities that are likely to have an adverse effect on the function, role, sense of place and amenity of the Mixed Use zone, including:</p> <ul style="list-style-type: none"> <li>a. residential activity, <del>retirement facilities</del> <u>Supported residential care and visitor accommodation on the ground floor of buildings, <u>to locations outside of the Pedestrian Frontage Overlay;</u><sup>9</sup> except where a site adjoins an Open Space zone;</u></li> <li>b. <del>light or heavy industrial activity;</del><sup>40</sup></li> <li>c. storage and warehousing;</li> <li>d. large format retail activity <u>and trade suppliers;</u> <del>and</del></li> <li>e. waste management activity;<sup>17</sup></li> <li>f. <u>Retirement villages;</u> <del>and</del></li> <li>g. <u>Education</u><sup>11</sup> <del>al</del> facility</li> </ul>
<b>MUZ-P6</b>	<p>Promote energy efficient design and the use of renewable electricity generation in the construction of mixed use development.</p>
<b>MUZ-P7<sup>12</sup></b>	<p>Consider the following effects when assessing applications to establish residential, <del>early childhood</del><sup>13</sup>, retirement and education facilities:</p> <ul style="list-style-type: none"> <li>a. the level of ambient noise;</li> <li>b. reduced privacy;</li> <li>c. shadowing and visual domination; <del>and</del></li> </ul>

<sup>8</sup> 132.001 and 124.001 plan wide consistency

<sup>9</sup> S341.003

<sup>10</sup> S509.005 consequential amendment

<sup>11</sup> Consequential amendment to align with rule

<sup>12</sup> 336.017

<sup>13</sup> 331.081

	<p>d. <u>light spill-; and</u></p> <p>e. <u>reverse sensitivity.</u></p>
<b>MUZ-PXX</b>	<p>Avoid the establishment of:</p> <ul style="list-style-type: none"> <li>a. <u>residential activity, visitor accommodation or supported residential care on the ground floor of a building within the pedestrian frontage overlay;</u></li> <li>b. <u>Industrial and offensive trade activities and landfill; and</u></li> <li>c. <u>primary production and rural industry<sup>14</sup></u></li> </ul>
<b>MUZ-P8<sup>15</sup></b>	<p><del>Manage land use and subdivision to address the effects of the activity requiring resource consent, including (but not limited to) consideration</del> Consider of the following matters where relevant when assessing and managing the effects of land use and subdivision in the Mixed Use zone: <del>to the application:</del></p> <ul style="list-style-type: none"> <li>a. consistency with the scale, density, design, amenity and character of the <u>planned<sup>16</sup></u> mixed use environment;</li> <li>b. the location, scale and design of buildings or structures, outdoor storage areas, parking and internal roading;</li> <li>c. <u>opportunities for connectivity, within and between developments, public open space, services and facilities<sup>17</sup>;</u></li> <li>d. at zone interfaces: <ul style="list-style-type: none"> <li>i. any setbacks, fencing, screening or landscaping required to address potential conflicts;</li> <li>ii. any adverse effects on the character and amenity of adjacent;</li> </ul> </li> <li>e. the adequacy and capacity of available or programmed development infrastructure to accommodate the proposed activity; including: <ul style="list-style-type: none"> <li>i. opportunities for low impact design principles;</li> <li>ii. management of three waters infrastructure and trade waste;</li> </ul> </li> <li>f. managing natural hazards;</li> <li>g. the adequacy of roading infrastructure to service the proposed activity;</li> <li>h. any adverse effects on historic heritage and cultural values, natural features and landscapes or indigenous biodiversity, and</li> <li>i. any historical, spiritual, or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6.</li> </ul>
<b>Rules</b>	

**Notes:**

1. There may be other rules in Part 2 - District-Wide Matters of the District Plan that apply to a proposed activity, in addition to the rules in this zone chapter. These District-Wide rules may be more stringent than the rules in this chapter. Ensure that relevant District-Wide Matters chapters are also referred to in addition to this chapter, to determine whether resource consent is required under other rules in the District Plan. Refer to the *how the plan works* chapter to determine the activity status of a proposed activity where resource consent is required under multiple rules.
2. The zone chapter does not contain rules relating to setback to waterbodies for building and structures or setbacks to waterbodies for earthworks and indigenous vegetation clearance. The Natural Character chapter contains rules for activities within wetlands, lakes and river margins. The Natural Character chapter should be referred to in addition to this zone chapter.

<b>MUZ-R1</b>	<b>New buildings or structures, <u>relocated buildings<sup>18</sup></u> or extensions or alterations to existing buildings or structures</b>
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<sup>14</sup> Consequential amendment

<sup>15</sup> Clause 16 amendments

<sup>16</sup> S561.090

<sup>17</sup> 271.036 and others

<sup>18</sup> S482.006

Mixed Use zone	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b> The new building or structure, <u>relocated buildings<sup>19</sup></u> or extension or alteration to an existing building or structure will accommodate a permitted, <u>restricted discretionary or discretionary<sup>20</sup></u> activity.</p> <p><b>PER-2</b> <del>The building or structure, or extension or alteration to an existing building or structure on the site, excluding large format retail, does not exceed a GFA of 400m<sup>2</sup></del></p> <p><b>PER-32</b> The new building or structure, <u>relocated buildings</u> or extension or alteration to an existing building or structure <u>that increases the existing building footprint</u> complies with <u>the following standards</u>; <u>except where the building or structure is associated with an electric vehicle charging station</u>:          MUZ-S1 Maximum height;          MUZ-S2 Height in relation to boundary;          MUZ-S3 Setback (excluding from MHWS or wetland, lake and river margins);  <del>MUZ-S4 Setback from MHWS</del>;          MUZ-S5 Pedestrian frontages;          MUZ-S6 Verandahs;          MUZ-S7 Outdoor storage;          MUZ-S8 Landscaping and screening on road boundaries;          MUZ-S9 Landscaping and screening for sites adjoining a site zoned residential, open space or rural residential; and          MUZ-S10 Coverage.</p> <p><b>PER-3<sup>21</sup></b> <u>Extension or alteration to an existing building or structure that does not increase the building footprint, complies with standards:</u>  <u>MUZ-S1 Maximum height; and</u>  <u>MUZ-S2 Height in relation to boundary.</u></p> <p><b><u>PER-4</u></b></p>	<p><b>Activity status where compliance not achieved with PER-2, <u>PER-3</u> and <u>PER-43<sup>23</sup></u>: Restricted Discretionary</b></p> <p><b>Matters of discretion are restricted to:</b></p> <p>a. the matters of discretion of any infringed standard.</p> <p><b>Activity status where compliance not achieved with PER-1, <del>or PER-2</del> Discretionary</b></p>
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<sup>19</sup> S482.006

<sup>20</sup> S368.070

<sup>21</sup> S363.022

<sup>23</sup> S336.019

Buildings or structures associated with electric vehicle charging stations comply with the following standards:

MUZ-S1 Maximum height  
MUZ-S2 Height in relation to boundary; and  
MUZ-S3 Setback (excluding from MHWS or wetland, lake and river margins).<sup>22</sup>

**Note: All buildings or structures in the Mixed Use zone must comply with the maximum GFA outlined in this rule, except where it is specifically provided for by another rule in this table.**

MUZ-R2	Commercial activity (excluding supermarkets) <sup>24</sup>	
Mixed Use zone	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b>  The activity is a not a<sup>25</sup> service station.</p> <p><b>PER-2</b>  Any office does not exceed GFA of 2300m<sup>2</sup>.<sup>26</sup></p> <p><b>PER-3</b>  The activity is a not a drive through<sup>27</sup></p> <p><b>PER-4</b>  The new building or structure, relocated building or extension or alteration to an existing building or structure on the site, does not exceed GFA 450m<sup>2</sup></p>	<p><b>Activity status where compliance not achieved with <u>PER-1</u>, <u>PER-2</u> or <u>PER-3</u>:</b>  <u>Restricted Discretionary</u></p> <p><b><u>PER -2 Matters of discretion are restricted to:</u></b></p> <p>a. <u>Any effects on the transport network.</u></p> <p><b><u>PER-1 and<sup>28</sup> PER-3 Matters of discretion are restricted to:</u></b></p> <p>a. <u>The extent of any effect on the transport network;</u>  b. <u>Any access is designed and located to provide efficient circulation on site and avoid potential adverse effects on adjoining sites, the safety of pedestrians and the safe and efficient functioning of the road network;</u>  c. <u>Minimises building bulk, and signage while having regard to the functional requirements of the activity; and</u>  d. <u>Landscaping is provided especially within surface car parking areas to enhance amenity values</u></p>

<sup>22</sup> S336.019

<sup>24</sup> S363.025

<sup>25</sup> S137.003

<sup>26</sup> S320.014

<sup>27</sup> S385.022

<sup>28</sup> S336.019

		<b>Activity status where compliance not achieved with PER-1 and 4: Discretionary</b>
<b>MUZ-R3<sup>29</sup></b>	<b>Visitor accommodation</b>	
<b>Mixed Use zone</b>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b> The visitor accommodation is within a residential unit that is <u>either:</u></p> <ol style="list-style-type: none"> <li>located above the ground floor level of a building unless the residential unit existed at 27 July 2022; or</li> <li><u>located on the ground floor of a building on a site that is outside the pedestrian frontage overlay identified on the planning maps within the township of Paihia.<sup>30</sup></u></li> </ol> <p><b>PER-2</b> The residential unit complies with standard: NOISE-S5 Noise insulation.</p>	<p><b>Activity status where compliance not achieved with PER-1: <u>Restricted</u> Discretionary</b></p> <p><b>Where:</b></p> <p><b><u>RDIS – 1</u></b> <u>The residential unit is located outside the pedestrian frontage overlay</u></p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li><u>private outdoor living area that is functional and accessible</u></li> <li><u>a reasonable level of privacy and outlook</u></li> <li><u>safe and convenient pedestrian access to residential units from the street</u></li> <li><u>Building design and layout</u></li> <li><u>Effects on the safety, amenity and attractiveness of the street and public open spaces.</u></li> </ol> <p><b>Activity status where compliance not achieved with <u>PER-2</u>: Discretionary</b></p> <p><b>Activity status where compliance not achieved with <u>RDIS-1</u>: <u>Non complying</u></b></p>
<b>MUZ-R4<sup>31</sup></b>	<b>Residential activity</b>	
<b>Mixed Use zone</b>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b> The residential activity is within a residential unit that is <u>either:</u></p>	<p><b>Activity status where compliance not achieved with PER-1: <u>Restricted</u> Discretionary<sup>34</sup></b></p> <p><b>Where:</b></p> <p><b><u>RDIS – 1</u></b> <u>The residential unit is located outside the pedestrian frontage overlay</u></p>

<sup>29</sup> S50.003<sup>30</sup> S341.003<sup>31</sup> S50.003<sup>34</sup> S50.003

	<p>a. located above the ground floor level of a building unless the residential unit existed at 27 July 2022;<sup>32</sup>-or</p> <p>b. <u>located on the ground floor of a building on a site that is outside the pedestrian frontage overlay identified on the planning maps within the township of Paihia.</u> <sup>32</sup></p> <p><b>PER-2</b><sup>33</sup> The minimum net internal floor area, excluding outdoor living space, of a residential unit shall be:</p> <ol style="list-style-type: none"> <li>1 bedroom = 45m<sup>2</sup></li> <li>2 bedroom = 62m<sup>2</sup></li> <li>3 bedroom = 82m<sup>2</sup></li> </ol> <p><b>PER-3</b> Residential units established after 27 July 2022 comply with standard: NOISE-S5 Noise insulation.</p>	<p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>private outdoor living area that is functional and accessible</li> <li>a reasonable level of privacy and outlook</li> <li>safe and convenient pedestrian access to residential units from the street</li> <li>Building design and layout</li> <li>Effects on the safety, amenity and attractiveness of the street and public open spaces.</li> </ol> <p><b>Activity status where compliance not achieved with PER-2 and PER-3: Discretionary</b></p> <p><b>Activity status where compliance not achieved with RIS-1: Non complying</b></p>
<b>MUZ-R5</b> <sup>35</sup>	<b>Residential unit</b>	
<b>Mixed Use zone</b>	<p><del>Activity status: Permitted</del></p> <p><del>Where:</del></p> <p><del>PER-1</del> The residential unit is located above the ground floor level of a building unless it existed at 27 July 2022.</p>	<p><del>Activity status where compliance not achieved with PER-2: Restricted discretionary</del></p> <p><del>Matters of discretion are restricted to:</del></p> <p><del>f. the matters of discretion of the infringed standard.</del></p> <p><del>Activity status where compliance not achieved with PER-1: Discretionary</del></p>
<b>MUZ-R6</b>	<b>Healthcare activity</b>	
<b>Mixed Use zone</b>	<p><b>Activity status: Permitted</b></p> <p><b>PER-1</b> The new building or structure, relocated building or extension or alteration to an existing building or structure on the site, does not exceed GFA 450m<sup>2</sup></p>	<p><b>Activity status where compliance not achieved with PER-1: Discretionary</b></p> <p><b>Not applicable</b></p>
<b>MUZ-R7</b>	<b>Community facility</b>	
<b>Mixed Use zone</b>	<p><b>Activity status: Permitted</b></p> <p><b>PER-1</b> The new building or structure, relocated building or extension or alteration to an existing building</p>	<p><b>Activity status where compliance not achieved with PER-1: Discretionary</b></p> <p><b>Not applicable</b></p>

<sup>32</sup> S341.004<sup>33</sup> S368.006<sup>35</sup> S50.003 and others



	or structure on the site, does not exceed GFA 450m <sup>2</sup>	
<b>MUZ-R8</b>	<b>Emergency service facility</b>	
<b>Mixed Use zone</b>	<b>Activity status: Permitted</b>  <b>PER-1</b> <u>The new building or structure, relocated building or extension or alteration to an existing building or structure on the site, does not exceed GFA 450m<sup>2</sup></u>	<b>Activity status where compliance not achieved <u>with PER-1: Discretionary</u></b> <b>Not applicable</b>
<del><b>MUZ-R9</b></del>	<del><b>Commercial service activity</b></del> <sup>36</sup>	
<del><b>Mixed Use zone</b></del>	<del><b>Activity status: Permitted</b></del>	<del><b>Activity status where compliance not achieved: Not applicable</b></del>
<b>MUZ-R10</b>	<b>Conservation activity</b>	
<b>Mixed Use zone</b>	<b>Activity status: Permitted</b>  <b>PER-1</b> <u>The new building or structure, relocated building or extension or alteration to an existing building or structure on the site, does not exceed GFA 450m<sup>2</sup></u>	<b>Activity status where compliance not achieved <u>with PER-1: Discretionary</u></b> <b>Not applicable</b>
<del><b>MUZ-RXX</b></del> <sup>37</sup>	<del><b>Supported Residential care</b></del>	
<b>Mixed use zone</b>	<b>Activity status: Permitted</b>  <b>Where:</b>  <b>PER-1</b> <u>The supported residential care activity is within a residential unit that is located above the ground floor level of a building unless the residential unit existed at 27 July 2022.</u>  <b>PER -2</b> <u>The number of occupants does not exceed six.</u>  <b>PER-3</b> <u>Residential units established after 27 July 2022 comply with standard: NOISE-S5 Noise insulation.</u>	<b>Activity status where compliance not achieved with PER-1: <u>Restricted Discretionary</u></b>  <b>Where:</b>  <b>RDIS – 1</b> <u>The residential unit is located outside the pedestrian frontage overlay</u>  <b>Matters of discretion are restricted to:</b> <ul style="list-style-type: none"> <li>a. <u>private outdoor living area that is functional and accessible</u></li> <li>g. <u>a reasonable level of privacy and outlook</u></li> <li>h. <u>safe and convenient pedestrian access to residential units from the street</u></li> <li>i. <u>Building design and layout</u></li> <li>j. <u>Effects on the safety, amenity and attractiveness of the street and public open spaces.</u></li> </ul>

<sup>36</sup> Consequential amendment<sup>37</sup> S158.014



		<p><b><u>Activity status where compliance not achieved with PER-2 or PER-3: Discretionary</u></b></p> <p><b><u>Activity status where compliance not achieved with RIS-1: Non complying</u></b></p>
<b><u>MUZ-RXX<sup>38</sup></u></b>	<b><u>Supermarkets</u></b>	
<b><u>Mixed Use zone</u></b>	<p><b><u>Activity status: Permitted</u></b></p> <p><b><u>PER-1</u></b>  <u>The new building or structure, relocated building or extension or alteration to an existing building or structure on the site, does not exceed GFA 450m<sup>2</sup></u></p>	<p><b><u>Activity status where compliance not achieved: Restrict Discretionary</u></b></p> <p><b><u>Matters of discretion are restricted to:</u></b></p> <ul style="list-style-type: none"> <li>a. <u>The extent of any effect on the transport network;</u></li> <li>b. <u>Any access is designed and located to provide efficient circulation on site and avoid potential adverse effects on adjoining sites, the safety of pedestrians and the safe and efficient functioning of the road network;</u></li> <li>c. <u>Minimises building bulk, and signage while having regard to the functional requirements of the activity; and</u></li> <li>d. <u>Landscaping is provided especially within surface car parking areas to enhance amenity values.</u></li> </ul>
<b><u>MUZ-RXX</u></b>	<b><u>Community corrections activity</u></b>	
<b><u>Mixed Use Zone</u></b>	<p><b><u>Activity status: Permitted</u></b></p> <p><b><u>PER-1</u></b>  <u>The new building or structure, relocated building or extension or alteration to an existing building or structure on the site, does not exceed GFA 450m<sup>2</sup>.</u></p> <p><b><u>PER-2</u></b>  <u>The activity does not include trades training.<sup>39</sup></u></p>	<p><b><u>Activity status where compliance not achieved with PER-1 or PER-2: Discretionary</u></b></p>
<b><u>MUZ-R11</u></b>	<b><u>Educational facility</u></b>	

<sup>38</sup> S363.025<sup>39</sup> S158.015

Mixed Use zone	Activity status: Discretionary	Activity status where compliance not achieved: Not applicable
<del>MUZ-R12</del>	<del>Light industrial activity</del>	
<del>Mixed Use zone</del>	<del>Activity status: Discretionary</del>	<del>Activity status where compliance not achieved: Not applicable<sup>40</sup></del>
MUZ-R13	Retirement village	
Mixed Use zone	Activity status: Discretionary	Activity status where compliance not achieved: Not applicable
MUZ-R14	Large format retail <u>(excluding supermarkets)</u> <sup>41</sup>	
Mixed Use zone	Activity status: Discretionary	Activity status where compliance not achieved: Not applicable
<del>MUZ-R15</del>	<del>Drive-through activity<sup>42</sup></del>	
<del>Mixed Use zone</del>	<del>Activity status: Discretionary</del>	<del>Activity status where compliance not achieved: Not applicable</del>
MUZ-R16	Activities not otherwise listed in this chapter	
Mixed Use zone	Activity status: Discretionary	Activity status where compliance not achieved: Not applicable
<u>MUZ-RXX<sup>43</sup></u>	<u>Trade supplier</u>	
<u>Mixed Use zone</u>	<u>Activity status: Discretionary</u>	<u>Activity status where compliance not achieved: Not applicable</u>
<del>MUZ-R17</del>	<del>Residential activity on the ground level of sites with pedestrian frontage identified on the planning maps<sup>44</sup></del>	
<del>Mixed Use zone</del>	<del>Activity status: Non-complying</del>	<del>Activity status where compliance not achieved: Not applicable</del>
MUZ-R18	Heavy Industrial activity <sup>45</sup> <u>(excluding Offensive Trade)</u>	
Mixed use zone	Activity status: Non-complying  <del>Note: This rule does not apply to Light industrial activities assessed under MUZ-R12 Light industrial activities<sup>46</sup></del>	Activity status where compliance not achieved: Not applicable
MUZ-R19	Primary production activity	
Mixed Use zone	Activity status: Non-complying	Activity status where compliance not achieved: Not applicable
MUZ-R20	Rural industry	

<sup>40</sup> S509.005 consequential amendment<sup>41</sup> S363.025<sup>42</sup> S385.022<sup>43</sup> S371.004<sup>44</sup> Consequential changes as a result of change in Ground floor residential rule<sup>45</sup> Consequential changes<sup>46</sup> S509.005 consequential amendment

<b>Mixed Use zone</b>	<b>Activity status: Non-complying</b>	<b>Activity status where compliance not achieved: Not applicable</b>
<b>MUZ-R21</b>	<b>Land fill</b>	
<b>Mixed Use zone</b>	<b>Activity status: Non-complying</b>	<b>Activity status where compliance not achieved: Not applicable</b>
<b>MUZ-RXX</b>	<b>Offensive Trade</b>	
<b><u>Mixed Use zone</u></b>	<b><u>Activity status: Non-complying</u></b>	<b><u>Activity status where compliance not achieved: Not applicable</u></b>

Standards		
<b>MUZ-S1</b>	<b>Maximum height</b>	
<b>Mixed Use zone</b>	<p>The maximum height of a building or structure, or extension or alteration to an existing building or structure, is 12m above ground level, except:</p> <ol style="list-style-type: none"> <li>the maximum height differs within the following areas that are mapped within <u>Paihia and Russell</u>: <ul style="list-style-type: none"> <li><u>Paihia</u> Area A: 8.5m</li> <li><u>Paihia</u> Area B: 10m; and</li> <li><u>Russell</u>: 8.5m<sup>47</sup></li> </ul> </li> <li>that any fence or standalone wall along a side or rear boundary which adjoins a site zoned General Residential, Rural Residential, Rural Lifestyle, Māori Purpose - Urban, Open Space, Natural Open Space, or Sport and <u>Active</u> <sup>48</sup>Recreation does not exceed 2m in height.</li> </ol> <p><b>This standard does not apply to:</b></p> <ol style="list-style-type: none"> <li>solar and water heating components not exceeding 0.5m in height on any elevation;</li> <li>Chimney structures not exceeding 1.2m in width and 1m in height on any elevation;</li> <li>Satellite dishes and aerals not exceeding 1m in height above the building envelope and/or diameter on any elevation;</li> <li>Architectural features (e.g. finials, spires) not exceeding 1m in height on any elevation; or</li> </ol>	<p><b>Where the standard is not met, matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>the character and amenity of the surrounding area;</li> <li>dominance in relation to the road and adjoining sites;</li> <li>loss of privacy to adjoining sites, including potential loss in relation to vacant sites;</li> <li>shading and loss of access to sunlight to adjoining sites;</li> <li>landscaping; and</li> <li>natural hazard mitigation and site constraints.</li> </ol>

<sup>47</sup> 431.109

<sup>48</sup> Clause 16 Plan consistency zone name

	v. lift overruns provided these do not exceed the height by more than 1m on any elevation.	
<b>MUZ-S2</b>	<b>Height in relation to boundary</b>	
<b>Mixed Use zone</b>	<p>Where the building or structure, or extension or alteration to an existing building or structure adjoins a site zoned General Residential, Rural Residential, Rural Lifestyle, Māori Purpose - Urban, Open Space, Natural Open Space, or Sport and <u>Active</u><sup>49</sup> Recreation it must be contained within a building envelope defined by recession planes measured inwards from the respective boundary:</p> <ol style="list-style-type: none"> <li>4. 55 degrees at 2m above ground level at the northern boundary of the site.</li> <li>5. 45 degrees at 2m above ground level at the eastern and western boundaries of the site.</li> <li>6. 35 degrees at 2m above ground level at the southern boundary of the site.</li> </ol> <p><b>This standard does not apply to:</b></p> <ol style="list-style-type: none"> <li>i. solar and water heating components not exceeding 0.5m in height on any elevation;</li> <li>ii. Chimney structures not exceeding 1.2m in width and 1m in height on any elevation;</li> <li>iii. Satellite dishes and aerals not exceeding 1m in height and/or diameter on any elevation;</li> <li>iv. Architectural features (e.g. finials, spires) not exceeding 1m in height on any elevation; or</li> <li>v. lift overruns provided these do not exceed the height by more than 1m on any elevation.</li> </ol>	<p><b>Where the standard is not met, matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>a. loss of privacy to adjoining sites, including potential loss in relation to vacant sites;</li> <li>b. shading and loss of access to sunlight to adjoining sites, including buildings and outdoor areas; and</li> <li>c. natural hazard mitigation and site constraints.</li> </ol>
<b>MUZ-S3</b>	<b>Setback (excluding from MHWS or wetland, lake and river margins)</b>	
<b>Mixed Use zone</b>	<p>The building or structure, or extension or alteration to an existing building or structure must be setback at least 3m from the boundary of any site zoned General Residential, Rural Residential, Rural Lifestyle, Māori Purpose - Urban, Open Space, Natural Open Space, Sport and <u>Active</u><sup>50</sup> Recreation <u>or any KHR designation boundary</u><sup>51</sup></p> <p><b>This standard does not apply to:</b></p> <ol style="list-style-type: none"> <li>i. solar and water heating components not exceeding 0.5m in height above the building envelope on any elevation;</li> </ol>	<p><b>Where the standard is not met, matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>a. the natural character of the coastal environment;</li> <li>b. screening, planting and landscaping on the site;</li> <li>c. the design and siting of the building or structure with respect to privacy and shading;</li> <li>d. natural hazard mitigation and site constraints;</li> </ol>

<sup>49</sup> Clause 16 Plan consistency zone name

<sup>50</sup> Clause 16 – correct zone name

<sup>51</sup> S416.062

	<ul style="list-style-type: none"> <li>ii. fences or walls no more than 2m in height above ground level; or</li> <li>iii. uncovered decks no more than 1m above ground level.</li> </ul>	<ul style="list-style-type: none"> <li>e. the effectiveness of the proposed method for controlling stormwater;</li> <li>f. the safety and efficiency of the current or future roading network; and</li> <li>g. the impacts on existing and planned public walkways;</li> <li>h. <sup>52</sup>The location and design of the building as it relates to the ability to safety use, access and maintain buildings without requiring access on, above or over the rail corridor; and</li> <li>i. <u>The safe and efficient operation of the rail network.</u></li> </ul>
<b>MUZ-S4<sup>53</sup></b>	<b>Setback from MHWS</b>	
<b>Mixed Use zone</b>	The building or structure, or extension or alteration to an existing building or structure must be set back at least 26m from MHWS	<p><b>Where the standard is not met, matters of discretion are restricted to:-</b></p> <ul style="list-style-type: none"> <li>-</li> <li>a. the natural character of the coastal environment;</li> <li>b. screening, planting and landscaping on the site;</li> <li>c. the design and siting of the building or structure with respect to dominance on adjoining public space;</li> <li>d. natural hazard mitigation and site constraints;</li> <li>e. the effectiveness of the proposed method for controlling stormwater; and</li> <li>f. the impacts on existing and planned roads, public walkways, reserves and esplanades.</li> </ul>
<b>MUZ-S5</b>	<b>Pedestrian frontages</b>	
<b>Mixed Use zone</b>	<p>For sites with pedestrian frontage identified on the planning maps:</p> <ol style="list-style-type: none"> <li>1. At least 65% of the building frontage at ground floor must be clear glazing; and</li> <li>2. The principal public entrance to the building must be located on the front <u>road</u><sup>54</sup> boundary.</li> </ol>	<p><b>Where the standard is not met, matters of discretion are restricted to:</b></p> <ul style="list-style-type: none"> <li>a. the character and amenity of the streetscape; and</li> <li>b. the ability to reuse and adapt the building for a variety of activities.</li> <li>c. <u>Functional requirements of particular activities making compliance with this standard impractical.</u><sup>55</sup></li> </ul>

<sup>52</sup> S416.062<sup>53</sup> Update as a result of Hearing 4- coastal environment<sup>54</sup> 368.094<sup>55</sup> S336.020

MUZ-S6	Verandahs	
<b>Mixed Use zone</b>	<p>For sites with pedestrian frontage identified on the planning maps:</p> <ol style="list-style-type: none"> <li>Any new building, or extension or alteration to a building (including alterations to the façade) must be built up to the road boundary; and</li> <li>A verandah must be provided for the full frontage of the road boundary of the site. The verandah shall: <ol style="list-style-type: none"> <li>directly adjoin any adjacent veranda so there is no horizontal gap to provide continuous pedestrian coverage;</li> <li>have a minimum height of 3m and a maximum height of 6m above the footpath immediately below; and</li> <li>be setback a minimum of 300mm and a maximum of 600mm from a vertical line measured up from the face of the kerb.</li> </ol> </li> </ol>	<p><b>Where the standard is not met, matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>pedestrian amenity, including shelter;</li> <li>maintenance of character of the building and street; and</li> <li>whether the provision of a complying verandah would detract from the quality of the streetscape.</li> <li><u>Functional requirements of particular activities making compliance with this standard impractical.</u><sup>56</sup></li> </ol>
MUZ-S7	Outdoor storage	
<b>Mixed Use zone</b>	<p>Any outdoor storage areas, except for the display of goods for retail sale, must be fully screened by a solid fence or wall of a minimum height of 1.8m so that it is not visible from adjoining sites and roads.</p> <p><b>This standard does not apply to</b> construction materials to be used on-site for a maximum period of 12 months.</p>	<p><b>Where the standard is not met, matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>the streetscape and amenity of the surrounding area;</li> <li>the amenity of adjoining properties;</li> <li>screening, planting and landscaping measures proposed;</li> <li>topographical or other site constraints making compliance with the standard impractical;</li> <li>the ability to mitigate any adverse visual effects of reduced, alternative or no screening through the use of alternative methods; and</li> <li>the design, layout and use of the site which may compensate for reduced, alternative or no screening.</li> </ol>
MUZ-S8	Landscaping and screening on a road boundary	
<b>Mixed Use zone</b>	<ol style="list-style-type: none"> <li>Where a site adjoins a road boundary, at least 50% of that road boundary not occupied by buildings or driveways shall be landscaped with plants or trees.</li> </ol>	<p><b>Where the standard is not met, matters of discretion are restricted to:</b></p>

	2. The landscaping shall be a minimum height of 1m at installation and shall achieve a continuous screen of 1.8m in height and 1.5m in width within five years-, <u>except for service stations which are not subject to landscaping height requirements.</u> <sup>57</sup>	<ul style="list-style-type: none"> <li>a. the character and amenity of the streetscape and surrounding area;</li> <li>b. topographical or other site constraints <u>or functional requirements</u> making compliance with this standard impractical; and</li> <li>c. health and safety implications for pedestrians and the transport network</li> </ul>
<b>MUZ-S9</b>	<b>Landscaping for sites that adjoin any sites other than mixed use or light or <u>heavy industrial zone</u></b> <sup>58</sup>	
<b>Mixed Use zone</b>	<p>Side Site<sup>59</sup> boundaries that adjoin any zone other than Mixed Use, Light Industrial or Heavy Industrial must:</p> <ul style="list-style-type: none"> <li>1. be fenced with a solid fence or wall with a minimum height of 1.8m; or</li> <li>2. be landscaped with plants or trees with a minimum height of 1m at installation and shall achieve a continuous screen of 1.8m in height and 1.5m in width within five years; or</li> <li>3. be screened with a combination of (1) and (2) above.</li> </ul>	<p><b>Where the standard is not met, matters of discretion are restricted to:</b></p> <ul style="list-style-type: none"> <li>a. the outlook, character, and amenity of adjoining sites in a residential, rural, open space or Māori purpose zone;</li> <li>b. the scale of the building and its distance from the boundary with residential, rural, open space or Māori purpose zones;</li> <li>c. the ability to mitigate any adverse visual effects of reduced, alternative or no screening through the use of alternative methods; and</li> <li>d. the design, layout and use of the site which may compensate for reduced, alternative or no screening.</li> <li>e. <u>Health and safety implications for pedestrians and the transport network.</u><sup>60</sup></li> </ul>
<b>MUZ-S10</b>	<b>Coverage</b>	
<b>Mixed Use zone</b>	<ul style="list-style-type: none"> <li>1. At least 10% of the site shall be planted in grass, vegetation or landscaped with permeable material; and</li> <li>2. <del>The stormwater collection system is designed in accordance with Far North District Council Engineering Standards April 2022. Where a connection to Council's reticulated stormwater system is not available the stormwater must be disposed of within the site</del><sup>61</sup></li> </ul>	<p><b>Where the standard is not met, matters of discretion are restricted to:</b></p> <ul style="list-style-type: none"> <li>a. the character and amenity of the surrounding area;</li> <li>b. whether the activity is within an existing consented urban stormwater management plan or discharge consent;</li> </ul>

<sup>57</sup> S336.022<sup>58</sup> Clause 16 update<sup>59</sup> S368.095<sup>60</sup> 74.045<sup>61</sup> Plan wide consistency Engineering Standards



	<p><u>An engineering / site suitability report is required to determine compliance with these standards</u></p>	<ul style="list-style-type: none"><li>c. the extent to which building site coverage and impermeable surfaces contribute to total catchment impermeability and the provisions of any catchment or drainage plan for that catchment;</li><li>d. the extent to which low impact design principles have been used to reduce site impermeability;</li><li>e. natural hazard mitigation and site constraints;</li><li>f. the effectiveness of the proposed method for controlling stormwater <u>without adverse effects on adjoining waterbodies ( including groundwater and aquifers) on adjoining or downstream properties<sup>62</sup></u> ;</li><li>g. the extent to which existing grass, vegetation or landscaping provided on site can mitigate the adverse effects resulting from reduced, alternative or no permeable surface; and</li><li>h. extent of potential adverse effects on cultural, spiritual, heritage and/or amenity values of any affected waterbodies.</li></ul>
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<sup>62</sup> S418 for completeness