

Appendix 22

Residential and Commercial Provision Table Analysis

Permitted Standards - Comparison Analysis - Residential Zone / Industrial Zone

Activity	Residential Rule	Permitted Standards - Operative District Plan (Residential)	Commercial Rule	Permitted Standards - Operative District Plan (Commercial / Industrial)	Comparative Analysis
Excavation and Fill	13.10.2a	<p>(1) Excavation and fill is a Permitted Activity if:</p> <ul style="list-style-type: none"> a) The site is not within any area known to be erosion prone, subject to instability or flood hazards; and b) Where the site is outside of an Overlay Area the volume is less than 200m³ within a site in any 12 month period and where Overlay apply, the volume is less than 300m³ within a site in any 12 month period; and c) The site is not within any area known to be erosion prone, subject to instability or flood hazards; and d) The volume is less than 300m³ within a site in any 12 month period and is not within 6m of a bank of any water body; and e) The height or depth is less than 1.5m over a continuous distance of less than 50m within a site; and f) Any excavation or fill on land does not have an average slope greater than one in eight, and extend over an area greater than 200m²; and g) All bare earth areas, including, <i>erosion-prone</i> and fill batters faces within a site, are revegetated or stabilised within six months of the earthworks being completed; and h) All revegetated areas within a site are maintained and managed so as to achieve 80% ground cover within 12 months of the earthworks being completed; and i) Provided the site is not located within an Outstanding Natural Landscape as identified in Map Series 2. <p>(2) Except that the following are Permitted Activities throughout the Residential Zone, including Overlay and are excluded from Rule 13.10.1(1):</p> <ul style="list-style-type: none"> a) Network utilities, except where a site or feature is identified in Part C of the Plan; and b) Underground storage tanks except where a site or feature is identified in Part C of the Plan. <p>Note 1: Excavation may require Resource Consent from the Northland Regional Council. The Regional Water and Soil Plan for Northland contain minimum standards for erosion and sediment control resulting from excavation. Applicants should contact the Northland Regional Council to confirm whether or not Resource Consent is required.</p> <p>Note 2: Where parallel Resource Consent for excavation and fill is required from the Northland Regional Council, Kaipara District Council will seek to undertake joint processing of both applications, e.g. via delegated authority from the Northland Regional Council.</p> <p>Note 3: The height or depth of excavation will be based on an average height from existing ground level over the length of the excavation or fill, or over any 50m continuous length (whichever is the lesser length).</p>	14.10.1	<p>(1) All Overlay Areas Only</p> <p>Excavation and Fill is a Permitted Activity if:</p> <ul style="list-style-type: none"> a) The site is not within any area known to be erosion prone, subject to instability or flood hazards; and b) The site is not within any area known to be erosion prone, subject to instability or flood hazards; and c) The volume is less than 300m³ within a site in any 12 month period and is not within 6m of a bank of any water body; and d) The excavation and fill does not involve an excavation or fill face exceeding 1.5m in depth or height; and e) All bare earth areas including excavation and fill batters faces within a site, are revegetated or stabilised within six months of the earthworks being completed; and f) Revegetated areas within a site are maintained and managed so as to achieve 80% ground cover within 12 months of the earthworks being completed. <p>(2) Except that the following are Permitted Activities throughout the Business Industrial and Commercial Zone, including Overlay and are excluded from the Standards of 14.10.1(1):</p> <ul style="list-style-type: none"> a) Network utilities, except where a site or feature is identified in Part C of the Plan; and b) Underground storage tanks except where a site or feature is identified in Part C of the Plan. <p>Note 1: Excavation may require Resource Consent from the Northland Regional Council. The Regional Water and Soil Plan for Northland contain minimum standards for erosion and sediment control resulting from excavation. Applicants should contact the Northland Regional Council to confirm whether or not Resource Consent is required.</p> <p>Note 2: Where parallel Resource Consent for excavation and fill is required from the Northland Regional Council, Kaipara District Council will seek to undertake joint processing of both applications, e.g. via delegated authority from the Northland Regional Council.</p> <p>Note 3: The height or depth of excavation will be based on an average height from existing ground level over the length of the excavation or fill, or over any 50m continuous length (whichever is the lesser length).</p>	<p>Earthworks provisions are similar in nature, however the Commercial / Industrial provisions allow for 300m³ and the residential provisions (in an Overlay) allow for 100m³ over a 12 month period.</p> <p>The residential earthwork provisions are more restrictive in terms of grade and slope.</p>
Excavation and Fill in an Outstanding Natural Landscape	13.10.2b	<p>(1) Subject to the exclusion in (2) below, within an Outstanding Natural Landscape, excavation and fill is a Permitted Activity if:</p> <ul style="list-style-type: none"> a) The volume is less than 300m³ in any 12 month period per site; and b) Any cut and/or filled face does not exceed 1.5m in height; and c) Cut or fill areas that will be visible from a viewing point on a public road, public reserve, coastal marine area and the foreshore shall be stabilised using mulch, hydro seeding, or other rapid effective stabilisation technique. All other cut and fill areas will be revegetated as soon as practicable in the spring or autumn immediately following construction. <p>(2) Except that Normal Rural Practices (as defined in Chapter 24) are Permitted Activities.</p> <p>Note 1: Excavation may require Resource Consent from the Northland Regional Council. The Regional Water and Soil Plan for Northland contain minimum standards for erosion and sediment control resulting from excavation. Applicants should contact the Northland Regional Council to confirm whether or not Resource Consent is required.</p> <p>Note 2: Where parallel Resource Consent for excavation and fill is required from the Northland Regional Council, Kaipara District Council will seek to undertake joint processing of both applications, e.g. via delegated authority from the Northland Regional Council.</p> <p>Note 3: The height or depth of excavation will be based on an average height from existing ground level over the length of the excavation or fill, or over any 50m continuous length (whichever is the lesser length).</p>			<p>Not relevant to the subject site, the site is not in an ONL.</p>
Vegetation Clearance	13.10.2a	<p>Subject to the exceptions provided in (4) below clearance or removal of indigenous vegetation is a Permitted Activity if:</p> <p>(1) Residential Zone</p> <ul style="list-style-type: none"> a) It is not located within an <i>indigenous wetland</i>; b) It is not part of: <ul style="list-style-type: none"> i a continuous area of predominantly indigenous vegetation over 5 hectares in area; or ii a continuous area of predominantly indigenous vegetation greater than 6m in height and greater than 200m² in area; and iii It is not located within an Outstanding Natural Landscape as identified in Map Series 2. <p>(2) East Coast and West Coast and Kaipara Harbour Overlay</p>	14.10.2	<p>Subject to the exceptions provided in (2) below the clearance or removal of indigenous vegetation within Overlay Areas is a Permitted Activity if:</p> <p>(1) All Overlay Areas (excluding Mangawhai Harbour)</p> <ul style="list-style-type: none"> a) It is not located within an <i>indigenous wetland</i>; and b) It is not part of: <ul style="list-style-type: none"> i a continuous area of predominantly indigenous vegetation over 5 hectares in area; or ii a continuous area of predominantly indigenous vegetation greater than 6m in height and greater than 200m² in area <p>(2) Mangawhai Harbour Overlay</p> <ul style="list-style-type: none"> a) It is not located within an <i>indigenous wetland</i>; and 	<p>Not applicable to the subject site.</p>

		<p>a) It is not located within an indigenous wetland.</p> <p>b) It is not part of:</p> <ol style="list-style-type: none"> a continuous area of predominantly indigenous vegetation over 1 hectare in area, or a continuous area of predominantly indigenous vegetation greater than 6m in height and greater than 100m² in area, and It is not located within an Outstanding Natural Landscape as identified in Map Series 2. <p>(2) Mangrove Harbour Overlay</p> <ol style="list-style-type: none"> It is not located within an indigenous wetland; It is not part of: <ol style="list-style-type: none"> a continuous area of predominantly indigenous vegetation over 1 hectare in area, or greater than 50m² in area; and It is not located within an Outstanding Natural Landscape as identified in Map Series 2. <p>(4) Except that the following are Permitted Activities throughout the Residential Zone, including Overlays and are excluded from the Standards of 11.10.2(4), 11.10.3(4) and 11.10.2(4):</p> <ol style="list-style-type: none"> The removal is in accordance with an existing use right (Note this would include activities such as vegetation clearance associated with the maintenance of existing drainage channels); or The total clearance within a site is no more than 200m², where the clearance is for the express purpose of providing a house site and/or access to a house site, or to provide access to existing farming or forestry activities; or The removal is of trees that are a danger to human life or existing structures (including network utility); or The removal is for the formation and maintenance of walking tracks less than 1.5 metres wide; or The clearance is for maintenance of existing fence lines or for a new fence where the purpose of the new fence is to exclude stock and/or access from an area which is to be protected for ecological or soil conservation purposes, provided that the clearance does not exceed a width of 3.5m either side of the fence line, wide using manual methods that do not require the removal of any indigenous tree over 300mm girth; or It is part of the operation and maintenance of network utilities, or is necessary to protect electrical lines required to meet the Electricity (Hazards from Trees) Regulations 2005; The removal is for the construction of a fire break by a fire authority; or It is necessary for the purposes of fencing and excluding livestock from an area which is to be protected permanently for ecological and/or soil conservation purposes; or The vegetation or tree comprises the understorey directly beneath exotic or native plantation forest and the activity is carried out as part of forestry operations; or It is in accordance with the terms of a Queen Elizabeth II National Trust or other covenant or forest silt covenant under the Forests Act 1983, or the trees have been planted specifically for forestry or other purposes in accordance with a forest management plan approved by the Forestry Commission, or the company has Forest Stewardship Council certification or another third party certified environmental management system; or The vegetation clearance is on land which has been previously cleared and where the indigenous vegetation to be cleared is less than 10 years old. <p>Note 1: The Regional Water and Soil Plan for Northland contains minimum Standards for erosion and sediment control resulting from land disturbance. Vegetation clearance activities may require Resource Consent from the Northland Regional Council under these provisions. Applicants should contact the Northland Regional Council to confirm whether or not consent is required.</p> <p>Note 2: Where an applicant requires Consent for vegetation removal it is required from the Northland Regional Council. Kaipara District Council will seek to undertake joint processing of both applications.</p> <p>Note 3: For the purpose of clarity the standards of this Rule for the Residential zone apply to Overlays unless alternative standards are explicitly stated.</p> <p>Note 4: An area of predominantly indigenous vegetation is an area where the vegetation cover is at least 75% indigenous.</p>	<p>b) It is not part of:</p> <ol style="list-style-type: none"> a continuous area of predominantly indigenous vegetation over 1 hectare in area, or a continuous area of predominantly indigenous vegetation greater than 3m in height and 50m² in area. <p>(5) Except that the following are Permitted Activities throughout the Business (Industrial and Commercial) Zone, including Overlays, and are excluded from the Standards of 14.10.2(1) and 14.10.2(2):</p> <ol style="list-style-type: none"> The removal is in accordance with an existing use right (Note this would include activities such as vegetation clearance associated with the maintenance of existing drainage channels); or The removal is of trees that are a danger to human life or existing structures (including network utilities); or The removal is for the construction of a fire break by a fire authority; or The clearance is for maintenance of existing fence lines or for a new fence where the purpose of the new fence is to exclude stock and/or access from an area which is to be protected for ecological or soil conservation purposes, provided that the clearance does not exceed a width of 3.5m either side of the fence line, wide using manual methods that do not require the removal of any indigenous tree over 300mm girth; or It is part of the operation and maintenance of network utilities or is necessary to protect electrical lines required to meet the Electricity (Hazards from Trees) Regulations 2005. <p>Note 1: The Northland Regional Council Regional Water and Soil Plan for Northland contains minimum Standards for erosion and sediment control resulting from land disturbance. Vegetation clearance activities may require Resource Consent from the Northland Regional Council under these provisions. Applicants should contact the Northland Regional Council to confirm whether or not consent is required.</p> <p>Note 2: Where an applicant requires Consent for vegetation removal it is required from the Northland Regional Council. Kaipara District Council will seek to undertake joint processing of both applications, e.g. via delegated authority from the Northland Regional Council.</p> <p>Note 3: An area of predominantly indigenous vegetation is an area where the vegetation cover is at least 75% indigenous.</p>	
<p>Indigenous Vegetation Clearance in an Outstanding Natural Landscape</p>	<p>13.10.2b</p>	<p>a) It is not located in an indigenous wetland; or</p> <p>b) It is not part of:</p> <ol style="list-style-type: none"> a continuous area of predominantly indigenous vegetation over 1 hectare in area; or 	<p>Not applicable to the subject site.</p>	

		<p>ii. a continuous area of predominantly indigenous vegetation greater than 3m in height and greater than 50m² in area.</p> <p>(3) Except that the following are Permitted Activities, and are excluded from the Standards of 13.10.2b:</p> <p>a) The removal is in accordance with an existing use (right); or</p> <p>(Note: this would include activities such as vegetation clearance associated with the maintenance of existing drainage channels)</p> <p>b) The total clearance within a site is no more than 500m² where the clearance is for the express purpose of providing a house site and/or access to a house site, or is to provide access to existing farming or forestry activities; or</p> <p>c) The clearance is for the maintenance of any open or clear space within an area defined by 20m of an existing dwelling or building; or</p> <p>d) The removal is of trees that are a danger to human life or existing structures (including network utilities); or</p> <p>e) The removal is for the formation and maintenance of walking tracks less than 1.5 metres in width;</p> <p>f) The clearance is for maintenance of existing fence lines or for a new fence where the purpose of the new fence is to enclose stock and/or parts from an area which is to be protected for ecological or cultural purposes; or</p> <p>g) The clearance is for the removal of any indigenous tree that does not require the removal of any indigenous tree over 300mm girth; or</p> <p>h) It is part of the operation and maintenance of network utilities, or is necessary to protect electrical lines required to meet the Electricity (Hazards from Trees) Regulations 2005;</p> <p>i) The clearance is for the creation and maintenance of (firebreaks); or</p> <p>j) The vegetation is fire prone, comprises the wilderness directly beneath exotic or native plantation forest and the activity is carried out as part of forestry operations; or</p> <p>k) It is in accordance with the terms of a Queen Elizabeth II National Trust, or forest sink, covenant under the Forests Act 1949, or the trees have been planted specifically for forestry or ecological purposes; or</p> <p>l) The removal is for the purpose of a project that has been approved by the Department of Conservation under the Resource Management Act 1991, but does not include the removal of trees that are subject to a Forest Stewardship Council certification or another third party certified environmental management system; or</p> <p>k) The vegetation clearance is of land which has been previously cleared and where the indigenous vegetation to be cleared is less than 10 years old.</p> <p>Note 1: The Regional Water and Soil Plan for Northland contains minimum Standards for erosion and sediment control resulting from land disturbance. Vegetation clearance activities may require Resource Consent from the Northland Regional Council under those provisions. Applicants should contact the Northland Regional Council to confirm whether or not consent is required.</p> <p>Note 2: Where parallel Resource Consent for vegetation removal is required from the Northland Regional Council, Kaipara District Council will seek to undertake joint processing of both applications.</p> <p>Note 3: An area of predominantly indigenous vegetation is an area where the vegetation cover is at least 75% indigenous.</p>	
Smilike Activities	14.10.3	<p>(1) Industrial Zone Only</p> <p>Any activity is a Permitted Activity if it complies with all of the Performance Standards of the Industrial Zone except the following sensitive activities:</p> <p>a) Places of Assembly;</p> <p>b) Communal dwellings or places of habitation (e.g. retirement facilities); and</p> <p>c) Dwellings (public or private).</p>	Dwellings or places of habitation are not permitted in the Industrial Zone. This does not relate to the subject site.
Dwellings	14.10.4	<p>Construction of a dwelling is a Permitted Activity if:</p> <p>a) After completion, it will be the only dwelling on the site; or</p> <p>b) It will be an additional dwelling on the site, and the minimum net site area associated with each additional dwelling is:</p> <ul style="list-style-type: none"> - 500m² for a serviced site not in an Overlay Area; or - 1,000m² for a serviced site in an Overlay Area; or - 3,000m² for an un-serviced site. <p>d) There is a separation distance of at least 3m from any other detached dwelling; and</p> <p>d) There is a separation distance of at least 6m where there is a private open space area located between two residential dwellings.</p> <p>Note 1: The demolition and/or removal of a dwelling are a Permitted Activity except where the provisions of Chapter 17: Historic Heritage apply.</p>	Dwellings are permitted in the Commercial Zone and the permitted standard requirements in the Residential Zone in relation to Private Open Space are the same in the Commercial Zone outlined under 13.10.11. Dwellings in the Commercial Zone do not have separation distance requirements as provided for in the Residential Zone permitted requirements. The Commercial Zone provides for upper level dwelling requirements for a balcony.

<p>Dwelling Floor Levels</p>	<p>Floor</p>	<p>[1] Construction of a dwelling is a Permitted Activity if:</p> <p>a) Minimum floor levels are designed in accordance with the following standards:</p> <ul style="list-style-type: none"> - Floor levels for habitable building floors are designed with a minimum finished height to floor level of 500mm above the 100 year Average Recurrence Interval flood level; and - In addition to the minimum floor level any new dwelling shall be: <ul style="list-style-type: none"> - 5.0m above mean sea level in the West Coast and East Coast Overlays; or - 3.0m above mean sea level in the Mangawhai Harbour Overlay; or - 3.5m above mean sea level in the Kaipara Harbour Overlay; or - 3.5m above mean sea level in Dargaville as defined by the Drainage District boundary as at 21 October 2009. <p>Rule 1: Minimum floor levels have been determined using One Tree Point 1964 datum</p> <p>Note 2: There may be some variance between Mean Sea Level and the One Tree Point 1964 datum</p>	<p>with a minimum area of 10m² and a minimum dimension of 2m; and</p> <ul style="list-style-type: none"> - Has direct access from the main living area of the dwelling; and - Is adequately screened from adjoining dwellings, and adjacent sites, and Engineering Standards 2011. <p>Note 1: For Permitted Activities, approvals required for the Performer Standard can be provided at the time of Building Consent.</p> <p>Note 2: Council will confirm engineering approval of the vehicle access and driveway by compliance with the Kaipara District Council Engineering Standards 2011, or by review from an independent appropriately qualified engineer approved by Council.</p> <p>Note 3: Engineering drawings for the design, formation and access to parking spaces are outlined in Appendix B/C.</p> <p>Note 4: The demolition and/or removal of a dwelling is a Permitted Activity except where the provisions of Chapter 17: Historic Heritage apply and subject to the Building Act.</p>	<p>Dwelling floor level requirements are the same in the Residential and Commercial Zones.</p>
<p>Erection and alterations of buildings and structures within an Outstanding Natural Landscape</p>	<p>13.10.3k</p>	<p>[1] For Commercial or Industrial Activities in a Residential Zone</p> <p>Any building is a Permitted Activity if:</p> <ul style="list-style-type: none"> a) The building is able to comply with the relevant Performance Standards of Rule 13.10; b) Where no Council reticulated wastewater system is available the on-site treatment and disposal systems shall be designed and constructed in accordance with AS/NZS 1547:2008 'Onsite Wastewater Management Systems'; c) Where a Council reticulated wastewater system is available the development complies with the requirements of Rule 13.13.6(1)(b) (d) inclusive; d) Where no Council wastewater system is available the development shall comply with the requirements of Rule 13.13.6(c)-(d) inclusive; e) Where a Council reticulated stormwater disposal system is available the development shall comply with Rule 13.13.5(2)(a) and 13.13.13(3)(a)-(f) inclusive; and f) Where no Council reticulated stormwater disposal system is available the development shall comply with Rule 13.13.5(2)(b) and Rule 13.13.5(3)(a)-(f) inclusive. <p>Note 1: Any discharge into land, air or water bodies may require Resource Consent from the Northland Regional Council. The Regional Water and Soil Plan for Northland contains minimum standards for wastewater storm water treatment, storage and disposal and the Regional Council Plan controls have been developed to ensure that the development should contact the Northland Regional Council to confirm whether or not Resource Consent is required.</p>	<p>[2] Construction of a dwelling is a Permitted Activity if:</p> <p>8) Minimum floor levels are designed in accordance with the following Standards:</p> <ul style="list-style-type: none"> - Floor levels for habitable building floors are designed with a minimum finished height to floor level of 500mm above the 100 year Average Recurrence Interval flood level; and b) In addition to the minimum floor level any new dwelling shall be: <ul style="list-style-type: none"> - 5.0m above mean sea level in the West Coast and East Coast Overlays; or - 3.0m above mean sea level in the Mangawhai Harbour Overlay; or - 3.5m above mean sea level in the Kaipara Harbour Overlay; or - 3.5m above mean sea level in Dargaville as defined by the Drainage District boundary as at 21 October 2009. <p>Note 1: Minimum floor levels have been determined using One Tree Point 1964 datum</p> <p>Note 2: There may be some variance between Mean Sea Level and the One Tree Point 1964 datum</p>	<p>Not applicable to the subject site.</p>
<p>Commercial and Industrial Buildings</p>	<p>13.10.4</p>	<p>[1] For Commercial or Industrial Activities in a Residential Zone</p> <p>Any building is a Permitted Activity if:</p> <ul style="list-style-type: none"> a) The building is able to comply with the relevant Performance Standards of Rule 13.10; b) Where no Council reticulated wastewater system is available the on-site treatment and disposal systems shall be designed and constructed in accordance with AS/NZS 1547:2008 'Onsite Wastewater Management Systems'; c) Where a Council reticulated wastewater system is available the development complies with the requirements of Rule 13.13.6(1)(b) (d) inclusive; d) Where no Council wastewater system is available the development shall comply with the requirements of Rule 13.13.6(c)-(d) inclusive; e) Where a Council reticulated stormwater disposal system is available the development shall comply with Rule 13.13.5(2)(a) and 13.13.13(3)(a)-(f) inclusive; and f) Where no Council reticulated stormwater disposal system is available the development shall comply with Rule 13.13.5(2)(b) and Rule 13.13.5(3)(a)-(f) inclusive. <p>Note 1: Any discharge into land, air or water bodies may require Resource Consent from the Northland Regional Council. The Regional Water and Soil Plan for Northland contains minimum standards for wastewater storm water treatment, storage and disposal and the Regional Council Plan controls have been developed to ensure that the development should contact the Northland Regional Council to confirm whether or not Resource Consent is required.</p>	<p>Note: this provision relates to 13.14 not 13.13 as outlined in the Plan. These provisions relate to stormwater and wastewater and water services. Where Council Stormwater and Wastewater systems are available any activity is required to connect to the system, and confirmation is required to ensure that the activity be serviced by the current system. Water supply is required to meet the Building Act and NZ Fire Service Code of Practice.</p> <p>These provisions are provided for Commercial and Industrial Buildings in the Residential Zone, these provisions are only provided for in the Commercial Zone for subdivision activity. There are no specific provisions relating to the requirement for infrastructure in the Commercial Zone other than permeable surfaces.</p>	<p>Not applicable to the subject site.</p>

			<p>Note 2: For sites within an Outstanding Natural Landscape, Rule 13.10.3c shall also apply.</p>		
Maximum Height	13.10.5	<p>Any building is a Permitted Activity if:</p> <p>a) The building does not exceed 10m in height, where it is not within an Overlay area; or</p> <p>b) The building does not exceed 8m in height, where it is within an Overlay area</p> <p>Note 1: For sites within an Outstanding Natural Landscape, Rule 13.10.3c shall also apply.</p>		13.10.5	<p>(1) Commercial Zone Only</p> <p>Any building is a Permitted Activity if:</p> <p>a) The building does not exceed 12m in height</p>
Height in relation to Boundary	13.10.6	<p>Any building is a Permitted Activity if:</p> <p>a) The building does not exceed 3m in height plus the shortest horizontal distance between that part of the building and any site boundary adjacent to a Residential Zone, Treaty Settlement Zone or reserve.</p> <p>Note 1: Refer to Chapter 24 – Definitions for the definition of Recession Plane.</p>		13.10.6	<p>Any building is a Permitted Activity if:</p> <p>a) The building does not exceed 3m in height plus the shortest horizontal distance between that part of the building and any site boundary adjacent to a Residential Zone, Treaty Settlement Zone or reserve.</p> <p>Note 1: Refer to Chapter 24 – Definitions for the definition of Recession Plane.</p>
Setbacks	13.10.7	<p>(1) Residential Zone</p> <p>Any building is a Permitted Activity if it is located outside the following setback distances (yards):</p> <p>a) Front yard – 5m;</p> <p>b) Side yards – one of 1.5m and one of 3m (Residential Zone), two of 3m in Overlay Areas;</p> <p>c) Rear yards – 3m except on rear sites where one yard of 1.5m may be provided;</p> <p>d) Coast – 30m from the Coastal Marine Area; and</p> <p>e) Lake / River – 30m from the banks of any lake-like, any other lake whose bed has an area of 3m or more, any other lake whose bed has an area of 3m or more, any other lake whose bed has an average width of 3m or more; and</p> <p>f) Any building is setback 30m from a railway line where there is an intersection of road and rail (level crossing controlled by gateway signals) within 300m; and</p> <p>g) Any building is set back 300m from the intersection of the State Highway and any local road (measured from the centreline of the local road).</p> <p>Provided that an accessory building may be erected in any side or rear yard where:</p> <p>h) Vehicle access is retained to the rear of the site; and</p> <p>i) It is located at least 3m from any habitable room on an adjoining site; and</p> <p>j) It does not exceed 10m in height or 25% of the length of the side or rear yard, whichever is less.</p> <p>In addition to the above Performance Standards</p> <p>(2) Mangawhai Harbour and Kai Iwi Lakes Overlays</p> <p>Any building is a Permitted Activity if it is located outside the following setback distances (yards):</p> <p>a) River – 6m from the banks of any river with an average bed width of between 1 to 3m.</p> <p>Note: For clarification, if the average bed width is less than 1m this rule does not apply and if the average is greater than 3m the Rule 13.10.7(c) above applies.</p> <p>Note 1: The Regional Water and Soil Plan for Northland also requires setbacks from waterways and the coast for excavation activities. Applicants should contact the Northland Regional Council to confirm whether or not Resource Consent is required.</p> <p>Note 2: The 300m radius referred to in relation to State Highways shall be measured from the position where the centreline of the road joins the State Highway.</p> <p>Note 3: Any changes in land use on sites that have access onto Limited Access Roads require approval from the NZ Transport Agency under the Government Roadway Powers Act 1989.</p>	13.10.7	<p>(1) Any building is a Permitted Activity if the building is located outside of the following setback distances (yards):</p> <p>a) Side and Rear yards – 5m where the site adjoins a reserve or Residential Zoned site;</p> <p>b) Coast / Lake / River yards – 30m from the Coastal Marine Area, or the banks of any lake-like; any other lake whose bed has an area of 3m or more, any other lake whose bed has an average width of 3m or more; and</p> <p>c) Any building is setback 30m from a railway line where there is an intersection of road and rail (level crossing controlled by gateway signals) within 300m;</p> <p>(2) Industrial Zone Only</p> <p>Any building is a Permitted Activity if the building is located outside of the following setback distances (yards):</p> <p>a) Front yards – 10m;</p> <p>(3) Except that in the Mangawhai Harbour Overlay the following additional setbacks are required (yards):</p> <p>a) River – 6m from the banks of any river with an average bed width of between 1 to 3m.</p> <p>Note 1: For clarification, if the average bed width is less than 1m this rule does not apply and if the average is greater than 3m the Rule 13.10.7(c) above applies.</p> <p>(4) Except that:</p> <p>a) Setbacks from any lake / river or wetland will not apply to maintenance, alterations or upgrades of any structure associated with a consent water take or discharge structure or consented pump stand/pump out</p> <p>Note 2: The setbacks applying in the Mangawhai Harbour Overlay are additional to the general setbacks of the Business Zones.</p> <p>Note 3: The Regional Water and Soil Plan for Northland also requires setbacks from waterways and the coast for excavation activities. Applicants should contact the Northland Regional Council to confirm whether or not Resource Consent is required.</p> <p>Note 4: Any changes in land use on sites that have access onto Limited Access Roads require approval from the NZ Transport Agency under the Government Roadway Powers Act 1989.</p>	
Screening of Storage Areas				13.10.8	<p>Any activity is permitted if all storage areas are screened from public places and Residential Zoned sites by appropriate planting, fencing, or other suitable screening of at least 1.8m in height. Any landscaping to be provided and maintained in such a manner as to create and preserve a good standard of visual amenity.</p>
Verandahs				13.10.9	<p>The Commercial Zone requires a Verandah to be constructed for any building</p>

<p>Separation Distance for Noise Sensitive Activities</p>	<p>33.10.8</p>	<p>Any Noise Sensitive Activity (as defined in Chapter 24, Definitions) is permitted if:</p> <p>(1) A 300m separation distance is maintained between the noise sensitive activity and activities listed as follows, on a site under separate ownership:</p> <ul style="list-style-type: none"> a) Building or enclosure intended for housing (livestock); b) Wastewater treatment site or other site of plant or animal effluent storage or disposal (excluding domestic disposal systems and land effluent application); c) Building used for an industrial or commercial activity; d) Intensive feed lot or feed storage area; e) Intensive farming; f) Dairying shed; g) Mining or quarrying; and h) Any other activity that has existing use rights or Resource Consent to exceed the General Noise, Use of Explosives and Blasting Standards, or a Discharge Consent, relating to odour from the Northland Regional Council; and <p>(2) The activity is prohibited for Noise Sensitive Activity surrounding the Manungaro Dairy Development located within this Zone will therefore be subject to this Rule in relation to the Manungaro Dairy Factory's existing operations</p> <p>Note 1: This Rule is intended to protect existing, lawfully established activities in adjoining Zones. If a noise sensitive activity develops then it would be required to maintain the appropriate separation distance to avoid future land use conflicts.</p> <p>Note 2: Manungaro Dairy Factory has existing use rights for its current operations, on-site Development located within this Zone will therefore be subject to this Rule in relation to the Manungaro Dairy Factory's existing operations</p> <p>Note 3: For the purposes of this Rule, the term 'noise sensitive activities' is used to describe the types of activities that may be affected by sensibly issues.</p> <p>Note 4: For clarity, any Noise Sensitive Activity within the Noise Contour Boundary of the Manungaro Dairy Factory site will require Resource Consent.</p>	<p>14.10.10</p>	<p>Alteration, the building is provided with a verandah</p> <ul style="list-style-type: none"> a) Each verandah shall have a minimum height of 2.3m measured from the average finished floor level of the footpath to the underside of the verandah, and be so related to adjacent verandahs as to provide continuity of height and cover; b) It shall extend from the supporting building to a point of 0.5m behind the face of the kerb <p>The facade shall have a minimum depth of 0.3m and a maximum depth of 0.45m and be of a uniform level unless otherwise approved by Council</p> <p>Any of the activities listed as follows, are permitted if it complies with all Performance Standards in Section 14.10.10 to 14.10.13, a Resource Consent, or a Discharge Consent, relating to odour from the Regional Council, and is located in a Noise Sensitive Activity, or a 300m distance to any existing noise sensitive activity located in these Zones, whichever is the greater:</p> <ul style="list-style-type: none"> a) Panel beating; b) Motor vehicle manufacturing; c) Animal husbandry; d) Service stations; e) Intensive farming; f) Stock yards; g) Refuse recycling facilities and transfer stations; h) Sewage treatment site or other site of plant or animal effluent storage or disposal; i) Mining or quarrying; and j) Any other activity that has existing use rights or Resource Consent to exceed the General Noise, Use of Explosives and Blasting Standards, or a Discharge Consent, relating to odour from the Regional Council. <p>Note 1: This Rule is intended to protect boundary effects while maintaining reasonable opportunity for a wide range of activities within the Business, Commercial and Industrial Zone. As such, if any of the activities listed in this Rule are proposed, the applicant must demonstrate that the proposed activity will not be a nuisance or annoyance to the surrounding area. The applicant must also demonstrate that the proposed activity will not be a nuisance or annoyance to the surrounding area. The applicant must also demonstrate that the proposed activity will not be a nuisance or annoyance to the surrounding area. The applicant must also demonstrate that the proposed activity will not be a nuisance or annoyance to the surrounding area.</p>	<p>fronting the street frontage.</p> <p>Noise Sensitive Activities include residential use, hospitals, homes for the aged, places of assembly for cultural, entertainment, recreation, leisure, education facilities, conference centres, public halls, child care facility, theatres, motels, hotels, cinemas, display galleries and museums, and other similar uses and activities.</p> <p>A 300 metre separation distance is required between Commercial Activity and Noise Sensitive Activities in the Residential Zone, Residential Use and Museum are classified as a Noise Sensitive Activity.</p>
<p>Buildings and Vegetation near Airfields</p>	<p>33.10.9</p>	<p>(1) Any building, structure or aerial is a Permitted Activity, unless part of it would fall within either:</p> <ul style="list-style-type: none"> a) The runway approach and take-off paths of an airfield identified in Appendix H to the District Plan Maps, being at a gradient of 1:40 (2.5%), or b) The associated transitional surfaces of an airfield identified in Appendix H to the District Plan Maps, being at a gradient of 1:7 (14.3%). <p>(2) All trees and other natural projections shall be maintained so that no part shall fall within either:</p> <ul style="list-style-type: none"> a) The runway approach and take-off paths of an airfield identified in Appendix H to the District Plan Maps, being at a gradient of 1:40 (2.5%); or b) The associated transitional surfaces of an airfield identified in Appendix H to the District Plan Maps, being at a gradient of 1:7 (14.3%). <p>Note 1: This Rule currently applies to the airfields at Otago and Naumai shown in Appendix H to the District Plan Maps.</p>	<p>14.10.11</p>	<p>(1) Any building, structure or aerial is a Permitted Activity, unless part of it would fall within either:</p> <ul style="list-style-type: none"> a) The runway approach and take-off paths of an airfield identified in Appendix H to the District Plan Maps, being at a gradient of 1:40 (2.5%); or b) The associated transitional surfaces of an airfield identified in Appendix H to the District Plan Maps, being at a gradient of 1:7 (14.3%). <p>(2) All trees and other natural projections shall be maintained so that no part shall fall within either:</p> <ul style="list-style-type: none"> a) The runway approach and take-off paths of an airfield identified in Appendix H to the District Plan Maps, being at a gradient of 1:40 (2.5%); or b) The associated transitional surfaces of an airfield identified in Appendix H to the District Plan Maps, being at a gradient of 1:7 (14.3%). 	<p>Not applicable to the subject site, however the provisions are the same.</p>
<p>Relocation of Buildings</p>	<p>33.10.10</p>	<p>Relocated buildings are permitted where the following matters can be satisfied:</p> <ul style="list-style-type: none"> a) Any relocated building can comply with the relevant Standards for Permitted Activities in the District Plan; and b) Any relocated dwelling must have been previously designed built and used as a dwelling; and c) A Building Inspector report shall accompany the Building Consent. The report is to identify all remediation work required to the exterior of the building; and d) All work required to remediate the exterior of any relocated building, including the siting of the building on permanent foundations, shall be completed within 12 months of the building being delivered to the site. <p>Note 1: For clarity, for sites within an Outstanding Natural Landscape, Rule 33.10.10 shall also apply</p>	<p>14.10.13</p>	<p>Relocated buildings are permitted where the following matters can be satisfied:</p> <ul style="list-style-type: none"> a) Any relocated building can comply with the relevant standards for Permitted Activities in the District Plan; b) A Building Inspector report shall accompany the Building Consent. The report is to identify all remediation work required to the exterior of the building; and c) All work required to remediate the exterior of any relocated building, including the siting of the building on permanent foundations, shall be completed within 12 months of the building being delivered to the site. 	<p>Relocated building requirements are similar in both zones, however in the Residential Zone the dwellings must have been previously designed and used as a dwelling.</p>

Private Open Space	<p>13.10.11</p> <p>A dwelling is a Permitted Activity if the private open space meets the following:</p> <ul style="list-style-type: none"> a) is equivalent to 50% of the gross floor area of the dwelling; b) is of a usable shape of no less than 3m dimension, capable of accommodating one circle of no less than 5m in diameter; c) is located on the east, north or west side of the dwelling; d) has direct access from the main living area of the dwelling; e) is unobstructed by vehicle access or parking areas; and f) is adequately screened from adjoining dwellings and adjacent sites, except in the case of residences. 	<p>14.10.12</p> <p>Any activity is permitted if a site which relies on site wastewater and/or storm water disposal has an area of permeable surface:</p> <ul style="list-style-type: none"> a) Of at least 400m² available for wastewater disposal; and/or b) Of at least 100m² available for stormwater disposal. <p>Note 1: There is no maximum building coverage in the Business Zones.</p>	<p>The private open space provision in the Residential Zone are the same as the requirements in Provision 14.10.4 Dwellings in the Commercial Zone.</p>
Permeable Surfaces	<p>13.10.12</p> <p>Any activity is a Permitted Activity if:</p> <ul style="list-style-type: none"> a) The area of any site covered by buildings and other impermeable surfaces is less than 40% of the net site area <p>Note 1: For the purposes of this Rule, any area regularly used by vehicles whether metallic, sealed or unsealed shall be considered an impermeable surface.</p>	<p>14.10.13</p> <p>Any activity is permitted if noise from the site does not exceed the following limits:</p> <ul style="list-style-type: none"> a) 60dB L_{max} as measured within the boundary of any other site in the same Zone; b) 70dB L_{max} – 7:00pm – 5:00pm L_{eq}; c) 70dBpm – 10:00pm – 6:58 L_{max} and d) 10:00pm – 7:00pm: 60dB L_{max} and 70dB L_{max}. <p>Note 1: For clarity, for sites within an Outstanding Natural Landscape, Rule 13.10.13 shall also apply or with in any other site Zoned Residential, or within the national boundary of a dwelling in a Rural or Main Purpose Zoned Site.</p> <ul style="list-style-type: none"> a) 7:00am – 7:00pm: 50 dB L_{max} b) 7:00pm – 10:00pm (Mon-Sat) and 7:00am – 10:00pm Sundays and Public Holidays: 45 dB L_{eq} and c) 10:00pm – 7:00am (any day): 40dB L_{max} and 70dB L_{max}. <p>Note 1: Sound levels shall be measured in accordance with NZS 6801:2008 Acoustics – Measurement of Environmental Sound, and assessed in accordance with NZS 6802:2008 Acoustics – Environmental Noise</p>	<p>Permeable surface provisions differ, Residential Zone provides 40% impermeable surfaces (including building coverage) and the Commercial Zone required a certain area for onsite wastewater and stormwater disposal if it is to be treated on site.</p>
Building Coverage	<p>13.10.13</p> <p>Any activity is a Permitted Activity if:</p> <ul style="list-style-type: none"> a) Building coverage on a site is less than 35% of the net site area <p>Note 1: For clarity, for sites within an Outstanding Natural Landscape, Rule 13.10.13 shall also apply</p>	<p>14.10.14</p> <p>Any activity is permitted if noise from the site does not exceed the following limits:</p> <ul style="list-style-type: none"> a) 60dB L_{max} as measured within the boundary of any other site in the same Zone; b) 70dB L_{max} – 7:00pm – 5:00pm L_{eq}; c) 70dBpm – 10:00pm – 6:58 L_{max} and d) 10:00pm – 7:00pm: 60dB L_{max} and 70dB L_{max}. <p>Note 1: For clarity, for sites within an Outstanding Natural Landscape, Rule 13.10.13 shall also apply or with in any other site Zoned Residential, or within the national boundary of a dwelling in a Rural or Main Purpose Zoned Site.</p> <ul style="list-style-type: none"> a) 7:00am – 7:00pm (Mon-Sat) and 7:00am – 10:00pm (any day): 45dB L_{max} and 75dB L_{max} b) 7:00pm – 10:00pm (Mon-Sat) and 7:00am to 10:00pm (Sunday and Public Holidays) 50dB L_{max} and c) 10:00pm – 7:00am (any day): 40dB L_{max} and 75dB L_{max} <p>Note 1: Sound levels shall be measured in accordance with NZS 6801:2008 Acoustics – Measurement of Environmental Sound, and assessed in accordance with NZS 6802:2008 Acoustics – Environmental Noise</p>	<p>Building coverage is 35% in the Residential Zone and there is no maximum building coverage in the Business Zone.</p>
General Noise	<p>13.10.14</p> <p>Any activity is permitted if noise from the site does not exceed the following limits:</p> <ul style="list-style-type: none"> a) 60dB L_{max} as measured within the boundary of any other site in the same Zone; b) 70dB L_{max} – 7:00pm – 5:00pm L_{eq}; c) 70dBpm – 10:00pm – 6:58 L_{max} and d) 10:00pm – 7:00pm: 60dB L_{max} and 70dB L_{max}. <p>Note 1: For clarity, for sites within an Outstanding Natural Landscape, Rule 13.10.13 shall also apply or with in any other site Zoned Residential, or within the national boundary of a dwelling in a Rural or Main Purpose Zoned Site.</p> <ul style="list-style-type: none"> a) 7:00am – 7:00pm (Mon-Sat) and 7:00am – 10:00pm (any day): 45dB L_{max} and 75dB L_{max} b) 7:00pm – 10:00pm (Mon-Sat) and 7:00am to 10:00pm (Sunday and Public Holidays) 50dB L_{max} and c) 10:00pm – 7:00am (any day): 40dB L_{max} and 75dB L_{max} <p>Note 1: Sound levels shall be measured in accordance with NZS 6801:2008 Acoustics – Measurement of Environmental Sound, and assessed in accordance with NZS 6802:2008 Acoustics – Environmental Noise</p>	<p>14.10.15</p> <p>Any activity is permitted if noise from the site does not exceed the following limits:</p> <ul style="list-style-type: none"> a) 60dB L_{max} as measured within the boundary of any other site in the same Zone; b) 70dB L_{max} – 7:00pm – 5:00pm L_{eq}; c) 70dBpm – 10:00pm – 6:58 L_{max} and d) 10:00pm – 7:00pm: 60dB L_{max} and 70dB L_{max}. <p>Note 1: For clarity, for sites within an Outstanding Natural Landscape, Rule 13.10.13 shall also apply or with in any other site Zoned Residential, or within the national boundary of a dwelling in a Rural or Main Purpose Zoned Site.</p> <ul style="list-style-type: none"> a) 7:00am – 7:00pm (Mon-Sat) and 7:00am – 10:00pm (any day): 45dB L_{max} and 75dB L_{max} b) 7:00pm – 10:00pm (Mon-Sat) and 7:00am to 10:00pm (Sunday and Public Holidays) 50dB L_{max} and c) 10:00pm – 7:00am (any day): 40dB L_{max} and 75dB L_{max} <p>Note 1: Sound levels shall be measured in accordance with NZS 6801:2008 Acoustics – Measurement of Environmental Sound, and assessed in accordance with NZS 6802:2008 Acoustics – Environmental Noise</p>	<p>The noise limits for a Commercial Zone adjoining the boundary of the Residential Zone are the same as the Residential Zone. Noise limits in the Commercial Zone not adjoining the Residential Zone are greater. Noise limits in the Industrial Zone are slightly higher. Therefore in terms of the subject site the Residential noise limits would apply.</p>
Construction Noise and Temporary Activities	<p>13.10.15</p> <p>Construction noise and other temporary activities as defined in Chapter 24. Definitions are permitted if noise from the site does not exceed the limits recommended in, and are measured and assessed in accordance with New Zealand Standard NZS 6803:1999 'Acoustics – Construction Noise'</p>	<p>14.10.15</p> <p>Construction noise and other temporary activities as defined in Chapter 24. Definitions are permitted if noise from the site does not exceed the limits recommended in, and are measured and assessed in accordance with New Zealand Standard NZS 6803:1999 'Acoustics – Construction Noise'</p>	<p>Construction noise and temporary noise provisions are the same in both Residential and Commercial Zones.</p>

<p>Potentially contaminated Land – Removing or replacing a fuel storage system. Sampling the soil, and Change of land use</p>	<p>average daily one-way traffic movements for a particular activity and therefore allows for seasonal variations. Applicants may be required to apply to the Council for a Certificate of Compliance where an activity has the potential to generate 15 or more daily one-way movements.</p> <p>Note 2: As part of an application for Certificate of Compliance or Resource Consent under this Rule, Council may request that a Traffic Impact Assessment prepared by a suitably qualified Traffic Engineer be provided.</p> <p>Note 3: This sub-rule only applies when establishing a new activity on a site. However, the Traffic Intensity Factor for the existing uses on site (apart from those exempted below) will be taken into account when assessing new activities in order to address cumulative effects.</p>	<p>13.10.19</p> <p>Someone or replacing a fuel storage system, sampling the soil, disturbing the soil and changing the use of land where an activity or industry listed in the Ministry for the Environment's Hazardous Activities and Industries List (HAIL) is being or has been undertaken on it, or where it is more likely than not that a HAIL activity is being or has been undertaken on it, is a Permitted Activity if:</p> <p>a) The activity meets the relevant requirements of Regulation 8 of the Resource Management (National Environmental) Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (National Health) Regulations 2011.</p> <p>Note 1: Refer to Appendix 25E for further information concerning the HAIL.</p> <p>Note 2: This rule does not apply to activities on land not covered by the Resource Management (National Environmental) Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (National Health) Regulations 2011. Any activity on land on which an activity identified in Appendix 25E (Potentially Contaminating Activities) has occurred is a Permitted Activity if:</p>	<p>average daily one-way traffic movements for a particular activity and therefore allows for seasonal variations. Applicants may be required to apply to the Council for a Certificate of Compliance where an activity has the potential to generate 15 or more daily one-way movements.</p> <p>Note 2: As part of an application for Certificate of Compliance or Resource Consent under this Rule, Council may request that a Traffic Impact Assessment prepared by a suitably qualified Traffic Engineer be provided.</p> <p>Note 3: This sub-rule only applies when establishing a new activity on a site. However, the Traffic Intensity Factor for the existing uses on site (apart from those exempted below) will be taken into account when assessing new activities in order to address cumulative effects.</p>
<p>Contaminated Land Remediation</p>	<p>13.10.20</p> <p>Any activity is a Permitted Activity if Remediation of contaminated land:</p> <p>a) Does not cause a greater risk to the environment than if the work was not done; and</p> <p>b) Disposes of removed material in a location approved for the receipt of such material; and</p> <p>c) Is reported to the Council by the landowner at the completion of the work detailing:</p> <ul style="list-style-type: none"> - The work done and the results obtained; and - The nature and location of remaining contaminated material on-site; and - As-built plans and specifications of any permanent containment structure <p>d) The Resource Management (National Environmental) Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (National Health) Regulations 2011 do not apply to the activity.</p> <p>Note 1: For the avoidance of doubt, this rule does not address the actual or potential adverse effects of contaminants in soil on human health, which is covered by the Resource Management (National Environmental) Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (National Health) Regulations 2011. Any activity on land for which an activity identified in Appendix 25E (Potentially Contaminating Activities) has occurred is a Permitted Activity if:</p>	<p>14.10.19</p> <p>Removing or replacing a fuel storage system, sampling the soil, disturbing the soil and changing the use of land where an activity or industry listed in the Ministry for the Environment's Hazardous Activities and Industries List (HAIL) is being or has been undertaken on it, or where it is more likely than not that a HAIL activity is being or has been undertaken on it, is a Permitted Activity if:</p> <p>a) The activity meets the relevant requirements of Regulation 8 of the Resource Management (National Environmental) Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (National Health) Regulations 2011.</p> <p>Note 1: Refer to Appendix 25E for further information concerning the HAIL.</p> <p>Note 2: This rule does not apply to activities on land not covered by the Resource Management (National Environmental) Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (National Health) Regulations 2011. Any activity on land on which an activity identified in Appendix 25E (Potentially Contaminating Activities) has occurred is a Permitted Activity if:</p>	<p>Not relevant to the subject site, however the provisions are the same.</p>
<p>Hazardous Substances</p>	<p>13.10.21</p> <p>Any activity is a Permitted Activity if:</p> <p>a) The aggregate quantity of hazardous substances in Appendix 25D (Hazardous Substances – Permitted Quantities Table 1); or</p> <p>b) The hazardous substances stored or used on the site are:</p> <ol style="list-style-type: none"> i) Trade waste in a wastewater or waste treatment facility; or ii) Road materials within a road reserve; or iii) Domestic storage and use of consumer products for domestic purposes; or iv) Consumer products, held for resale to the public and stored in the manufacturers' packaging; or v) Gas or oil pipelines and ancillary equipment; or vi) Fuel or safety equipment in motor vehicles, aircraft, ships, boats or small engines; or vii) Small firework stores subject to the Hazardous Substances (Fireworks) Regulations 2001, or safety ammunition, in domestic quantities; or viii) Fire fighting substances on emergency vehicles; or ix) Electricity transformers, capacitors and switches up to 600 litres; or <p>c) The activity is not a service station; and</p> <p>d) Storage or use of hazardous substances complies with Appendix 25D (Hazardous Substances – Permitted Conditions Table 2).</p>	<p>14.10.20</p> <p>Any activity is a Permitted Activity if remediation of contaminated land:</p> <p>a) Does not cause a greater risk to the environment than if the work was not done; and</p> <p>b) Disposes of removed material in a location approved for the receipt of such material; and</p> <p>c) Is reported to the Council by the landowner at the completion of the work detailing:</p> <ul style="list-style-type: none"> - The work done and the results obtained; and - The nature and location of remaining contaminated material on-site; and - As-built plans and specifications of any permanent containment structure <p>d) The Resource Management (National Environmental) Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (National Health) Regulations 2011 do not apply to the activity.</p> <p>Note 1: For the avoidance of doubt, this rule does not address the actual or potential adverse effects of contaminants in soil on human health, which is covered by the Resource Management (National Environmental) Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (National Health) Regulations 2011. Any activity on land for which an activity identified in Appendix 25E (Potentially Contaminating Activities) has occurred is a Permitted Activity if:</p>	<p>Not relevant to the subject site, however the provisions are the same.</p>
<p>Hazardous Substances</p>	<p>14.10.21</p> <p>Any activity is a Permitted Activity if:</p> <p>a) Storage or use of hazardous substances complies with Table 2 (Permitted Conditions) in Appendix 25D (Hazardous Substances and other (b), (c), (d) or (e) below applies;</p> <p>b) The aggregate quantity of hazardous substances in Appendix 25D (Permitted Quantities) in Appendix 25D (Hazardous Substances); or</p> <p>c) The hazardous substances stored or used on the site are:</p> <ol style="list-style-type: none"> i) Trade waste in a wastewater or waste treatment facility; or ii) Road materials within a road reserve; or iii) Domestic storage and use of consumer products for domestic purposes; or iv) Consumer products, held for resale to the public and stored in the manufacturers' packaging; or v) Gas or oil pipelines and ancillary equipment; or vi) Fuel or safety equipment in motor vehicles, aircraft, ships, boats or small engines; or vii) Small firework stores subject to the Hazardous Substances (Fireworks) Regulations 2001, or safety ammunition, in domestic quantities; or viii) Fire fighting substances on emergency vehicles; or ix) Electricity transformers, capacitors and switches up to 600 litres; or x) Storage and application of agrochemicals and vehicles provided that NZS 8409:2004 Management of Agrochemicals and any applicable Regional Plans) are adhered to; or xi) Fertiliser temporarily stored (note the storage is a temporary use) on-site when stored and applied in accordance with the Fertiliser Code of Practice. 	<p>Any activity is a Permitted Activity if:</p> <p>a) Storage or use of hazardous substances complies with Table 2 (Permitted Conditions) in Appendix 25D (Hazardous Substances and other (b), (c), (d) or (e) below applies;</p> <p>b) The aggregate quantity of hazardous substances in Appendix 25D (Permitted Quantities) in Appendix 25D (Hazardous Substances); or</p> <p>c) The hazardous substances stored or used on the site are:</p> <ol style="list-style-type: none"> i) Trade waste in a wastewater or waste treatment facility; or ii) Road materials within a road reserve; or iii) Domestic storage and use of consumer products for domestic purposes; or iv) Consumer products, held for resale to the public and stored in the manufacturers' packaging; or v) Gas or oil pipelines and ancillary equipment; or vi) Fuel or safety equipment in motor vehicles, aircraft, ships, boats or small engines; or vii) Small firework stores subject to the Hazardous Substances (Fireworks) Regulations 2001, or safety ammunition, in domestic quantities; or viii) Fire fighting substances on emergency vehicles; or ix) Electricity transformers, capacitors and switches up to 600 litres; or x) Storage and application of agrochemicals and vehicles provided that NZS 8409:2004 Management of Agrochemicals and any applicable Regional Plans) are adhered to; or xi) Fertiliser temporarily stored (note the storage is a temporary use) on-site when stored and applied in accordance with the Fertiliser Code of Practice. 	<p>Hazardous substance provisions are more rigorous in the Residential Zone than in the Commercial Zone</p>

			<p>Nutrient Management (2007); or</p> <p>d) The activity is a service station with a maximum storage for retail sale of any or all of: 100,000 litres of petrol in underground storage tanks; 50,000 litres of diesel in underground storage tanks; 6 tonnes of LFO (single vessel storage); or</p> <p>e) It is an activity operating as part of a Dairy Factory that has a third party certified environmental management system in respect of environmental management of hazardous substances for the Activity on this site (for example ISO 14001:2004 Accredited); or</p> <p>f) It is the activity of storage and disposal of animal effluent or the storage and disposal of milk on a farm, provided that the provisions for the Regional Water and Soil Plan, or consent(s) granted pursuant to that Plan.</p> <p>Note 2: For the avoidance of doubt, the risks associated with the storage and disposal of animal effluent and the storage and disposal of milk are considered to be adequately managed through the provisions of the Regional Water and Soil Plan.</p> <p>Note 3: Compliance with the permitted activity criterion above does not remove the need for any necessary resource consents for hazardous substances to be obtained pursuant to any rule in any relevant Regional Plan.</p>	<p>Not relevant to the subject site, however the provisions are the same.</p>
33.10.22	<p>Redeemable materials</p>	<p>Any activity is a Permitted Activity if:</p> <p>e) Radioactivity is below that specified as an exempt activity in the Radiation Protection Regulations 1982; or</p> <p>b) Radioactive materials are confined to domestic appliances.</p>	<p>33.10.22</p>	<p>The provisions are the same.</p>
33.10.23	<p>Lighting and glare</p>	<p>Any activity is permitted if between the hours of 23:00 and 07:00 (any artificial lighting does not exceed 10 lux measured at any point on boundary of any Residential Zoned site or at the eastern boundary of any Rural or Maori Purpose Zoned site.</p>	<p>33.10.23</p>	<p>The provisions are the same.</p>
33.10.24	<p>Signage (including signs for advertising, signs for roads and on buildings)</p>	<p>The following signs are permitted:</p> <p>a) Any business sign not exceeding 1m2 that is not within an Outstanding Natural Landscape or Outstanding Natural Area of the site, or any facilities, goods or services available from it, provided that no more than one such sign shall be erected on the site; and</p> <p>b) Any public sign providing information on facilities and services of public interest, erected by or with the written approval of any heritage protection authority, local authority, Minister of the Crown or any other person or authority having jurisdiction or authority for the purposes of carrying out its statutory functions; and</p> <p>c) Any temporary sign not exceeding 3m2 in area advertising or providing information on central or local government elections, provided that any such sign may be erected for a period of up to two months and shall be removed within seven days of the election, event, sale or auction taking place.</p> <p>Provide the following exceptions are met:</p> <ul style="list-style-type: none"> No sign, other than a public sign or verandah sign, shall be displayed or erected on or over any road reserve unless the consent of Council is obtained; or Where a sign is proposed to be located in a road reserve adjoining the State Highway network or is visible from the State Highway (the approval of the NZ Transport Agency is also required). <p>Note 3: For Network Utilities, the Rule 10.1.1.15 for Signs will take precedence over the standards in this Rule if relevant.</p>	<p>33.10.24</p>	<p>Signage provisions in the Commercial Zone provide for more flexibility in terms of signage and also provides criteria for Verandah signage.</p>
33.10.25	<p>Vehicle Access and Driveways</p>	<p>Any activity is permitted if:</p> <p>a) The owner or occupier of each site shall provide and maintain at all times adequate access for emergency vehicles and vehicles generally associated with activities on site; and</p> <p>b) For new vehicle crossings on to State Highways, all NZ Transport Agency engineering requirements have been satisfied; or for vehicle crossings on to roads controlled by the Kaipara District Council all Council engineering requirements have been satisfied (e.g. Kaipara District Council Engineering Standards 2011).</p>	<p>33.10.25</p>	<p>Provisions are the same in both zones.</p>

			<p>c) Where a loading ramp is required it shall not be located within 25m of the edge of a traffic lane, and</p> <p>d) Each site shall be provided with and maintain a driveway to the following Standard: Formed with an all-weather surface.</p> <ul style="list-style-type: none"> - For driveways of greater than 100m, a passing bay shall be provided no further apart than 1 per 100m. - For an access way or driveway servicing up to 6 dwellings the minimum width of 3.0m and for between 7 and 30 dwellings a minimum width of 5.5m and for more than 30 dwellings a width of 6m. - The maximum gradient shall be 1:5 for sealed and 1:8 for gravel driveway. - Shall include internal manoeuvring area sufficient that vehicles using the driveway do not need to reverse onto a road or highway driveway (in accordance with 8th percentile vehicle manoeuvring figures in Appendix 25C: Parking, Loading and Manoeuvring Standard). - Access and manoeuvring areas shall comply with the New Zealand Building Code Acceptable solutions C/AS1 Part 8, 1 (Fire Service Vehicular Access 2010). - Where a private driveway is gated, the gates shall be located at least 1.5m from the edge of the public road or highway (for 80 or 100km/h speed limit) where the gate opens into the road, and the gate opens into the site or 1.3m plus the gate width where it opens towards the road, (where gate setbacks may be higher and are required to be complied with). - All gated accesses shall be provided with turning provisions, such that a 90th percentile car may enter the driveway and turn around, without blocking the gates or affecting through traffic on the public road, and - Stormwater drainage for at least a 10% AEP (and) event sufficient that surface ponding does not occur and discharge from the driveway does not result in adverse effects to adjoining properties or roads, and <p>e) The site is not within an Outstanding Natural Landscape, as identified in Map Series 2, unless the work is necessary for the maintenance of existing accesses or firebreaks.</p> <p>Note 1: Any alterations to land use on sites that have access over a highway (in accordance with the New Zealand Railways Corporation under the New Zealand Railways Corporation Act 1981).</p> <p>Note 2: Where land adjoins a limited access road under the Government Roadings Powers Act 1989 access to and from that road is subject to restrictions and controlled by the NZ Transport Agency.</p> <p>Note 3: Council will confirm engineering approval for Council controlled roads, as per clause (b) above, of the vehicle access and driveways by compliance with the Kaipara District Council Engineering Standards 2011, or by review from an independent appropriately qualified engineer.</p>	
<p>Fire Safety</p>	<p>13.10.26</p>	<p>Any building is permitted if:</p> <ul style="list-style-type: none"> a) It does not impede the movement of fire service vehicles or equipment or generally restrict access for fire fighting purposes. b) Water supply for fire fighting and access to this supply complies with the New Zealand Fire Service Fire Fighting Water Supplies Code of Practice S/NZ PAS 4599:2008; c) The use of buildings shall at all times be in accordance with the fire safety requirements specified in New Zealand Standard NZS 9331:2017, 'Water Supply for Fire Prevention'; and d) The building is located at least 20m away from naturally occurring or deliberately planted areas of scrub or shrubland, woodland or forest; <p>Note 1: For fire safety, the New Zealand Fire Service advises that buildings should be at least 20m from the drip line of any tree and that these setbacks are also appropriate from scrubland and other similar vegetated areas.</p>	<p>13.10.26</p>	<p>Provisions are the same for both zones</p>
<p>Parking</p>	<p>13.10.27</p>	<p>Any activity is permitted if:</p> <ul style="list-style-type: none"> a) The owner or occupier of each site provides and maintains at all times spaces for the off street parking of cars and other vehicles generally associated with activities on the site; b) The number of parking spaces to be provided shall meet the minimum requirements outlined in Appendix 25C: Parking, Loading and Manoeuvring Standards; and c) Each parking space shall be formed and maintained so that the maximum gradient on any area used for parking and manoeuvring shall be 6%, and d) Parking spaces may be situated within a building provided the Council is satisfied that the spaces can be clearly defined and made available for parking at all times. The area of any parking spaces and associated access within a building shall be excluded from the gross floor area of that building for the purposes of assessing the total number of spaces required; and e) Any parking spaces required under the provisions of the District Plan are to be sealed at least 15m from the banks of any river or stream, whose bed has an average width of 3m or more, any lake with an area greater than 5ha or the Coastal Marine Area or any mapped waterway or wetland in the Valued Natural Environments of Mangawhai, except where appropriate provision is made for the collection treatment and disposal of stormwater from the areas to a Council stormwater system or other approved outlet; and f) Each parking space shall have adequate physical access to a road, street or service lane and the buildings or sites to which it is intended to serve. It shall be provided with such access drives and 	<p>13.10.27</p>	<p>Provisions are the same for both zones, however the Commercial Zone includes a provision for the formation of parking areas</p>

		<p>as well as any necessary for safe and convenient movement of vehicles to and from the street or service lane for the manoeuvring of vehicles within the site in accordance with the figures in Appendix 25C: Parking, Loading and Manoeuvring.</p> <p>g) Control of Access - Any parking area associated with a Commercial or Industrial Activity which adjoins a street shall be provided with a fence, kerb, nib or similar non-mountable barrier not less than 0.75m high above ground level. The barrier shall be used for access purposes. The barrier shall be designed to prevent vehicles entering or leaving the parking area other than by the access drives or aisles provided.</p> <p>h) Control of Reversing - All parking areas shall be designed so that all vehicles can enter and leave the site in a forward gear and do not have to reverse onto or off the adjacent road or street.</p> <p>i) Screening of Parking Areas - Any parking associated with a Commercial or Industrial Activity shall be screened from residential sites by landscaping, fencing or other suitable screening at least 1.8m in height. Any landscaping is to be provided and maintained in such a manner as to create and preserve a good standard of visual amenity, and</p> <p>j) Control of Stormwater - Each parking area shall be provided with a stormwater drainage system that is designed for at least a 10% AEP rainfall event sufficient that surface ponding does not occur and discharge does not result in adverse effects to adjoining properties or roads.</p>	
<p>Provisions are the same for both zones.</p>	<p>any activity is permitted if:</p> <p>a) The owner or occupier of each site provides and maintains spaces for the loading and unloading of all goods generally associated with activities on the site;</p> <p>b) The number of on-site loading spaces to be provided shall meet the minimum requirements outlined in Appendix 25C: Parking, Loading and Manoeuvring Standards;</p> <p>c) Each loading space shall be of a usable size and shape that be designed to accommodate the 90 percentile two axle truck illustrated in Figures of Appendix 25C: Parking, Loading and Manoeuvring Standards;</p> <p>d) Each loading space shall have a minimum width of 3.5m, a minimum depth of 2.2m and a minimum height of 4.20m provided that where articulated trucks are likely to visit the site, each loading space shall have a minimum depth of 3.0m;</p> <p>e) Each loading space shall have adequate physical access to a street or service lane and the building, which it is intended to serve. It shall be provided with such access, drives and aisles as are necessary to ensure the safe and convenient movement of vehicles to and from the street or service lane and the manoeuvring of vehicles within the site. The manoeuvring space required for vehicles using each loading space shall be determined by reference to the 90 percentile two axle truck shown in the Figures in Appendix 25C: Parking, Loading and Manoeuvring Standards; and</p> <p>f) Loading bay pavements shall be designed and constructed so that the maximum gradient on any area used for loading and manoeuvring shall be 6%.</p>	<p>14.10.28</p> <p>(1) For Commercial Activities in a Residential Zone</p> <p>Any activity is permitted if:</p> <p>a) The owner or occupier of each site provides and maintains spaces for the loading and unloading of all goods generally associated with activities on the site; and</p> <p>b) The number of on-site loading spaces to be provided shall meet the minimum requirements outlined in Appendix 25C: Parking, Loading and Manoeuvring Standards; and</p> <p>c) Each loading space shall be of a usable size and shape and be designed to accommodate the 90 percentile two axle truck illustrated in Appendix 25C: Parking, Loading and Manoeuvring Standards; and</p> <p>d) Each loading space shall have a minimum width of 3.5m, a minimum depth of 2.2m and a minimum height of 4.20m provided that where articulated trucks are likely to visit the site, each loading space shall have a minimum depth of 3.0m; and</p> <p>e) Each loading space shall have adequate physical access to a street or service lane and the building, which it is intended to serve. It shall be provided with such access, drives and aisles as are necessary to ensure the safe and convenient movement of vehicles to and from the street or service lane and the manoeuvring of vehicles within the site. The manoeuvring space required for vehicles using each loading space shall be determined by reference to the 90 percentile two axle truck shown in the Figures in Appendix 25C: Parking, Loading and Manoeuvring Standards; and</p> <p>f) Loading bay pavements shall be designed and constructed so that the maximum gradient on any area used for loading and manoeuvring shall be 6%.</p>	<p>13.10.23</p> <p>(1) Land Administered by the Te Ture Whenua Māori Act 1993</p> <p>a) Land administered under the Te Ture Whenua Māori Act 1993, but not identified as being within the Māori Purposes Reservation under the District Plans Maps can be considered under Chapter 13A: Māori Land Zones, without the need for a Part Change to occur on the site.</p> <p>(2) 116, 118, 120, 122, 124, 126 and 126A Gordon Road, 37 Onslow Road and 73 Awakino Road, Dargaville</p> <p>a) Notwithstanding the performance standards in Section 13.10, buildings and structures on 116, 118, 120, 122, 124, 126, 126A Gordon Road, 37 Onslow Road, 73 Awakino Road, and 73 Awakino Road shall comply with the following rules:</p> <ul style="list-style-type: none"> - Rule 13.10.28 (Electricity Transmission Corridor No Build Area, Buildings-and/or Structures; and - Rule 13.10.29 (Electricity Transmission Corridor Assessment Area, Buildings and/or Structures) <p>(3) Chases George Camp, Baylys – General Development</p> <p>a) Any activity on Lot 1 DP 104410, Lot 1, DP 71221, Lot 4 DP 71221, Pt Lot 1, DP 38303, Lot 2, DP 71221 is a permitted activity if it meets Rules 13.10.13 to 13.10.28; and</p> <p>b) Any activity on Lot 1, DP 104410, Lot 1, DP 71221, within the zone identified as Proposed Building Site on the Chases George Camp Urban Development Plan (refer to Appendix 13.1), are exempt from the following rules:</p> <ul style="list-style-type: none"> - Rule 13.10.3(a)(4) – 13.10.3(d) Dwellings; and - Rule 13.10.6 Height in relation to Boundaries; and - Rule 13.10.7 Setbacks; and
<p>Special Provisions</p>	<p>14.10.23</p> <p>(1) Land Administered by the Te Ture Whenua Māori Act 1993</p> <p>a) Land administered under the Te Ture Whenua Māori Act 1993, but not identified as being within the Māori Purposes Reservation under the District Plans Maps can be considered under Chapter 13A: Māori Land Zones, without the need for a Part Change to occur on the site.</p>	<p>14.10.23</p> <p>(1) Land Administered by the Te Ture Whenua Māori Act 1993</p> <p>a) Land administered under the Te Ture Whenua Māori Act 1993, but not identified as being within the Māori Purposes Reservation under the District Plans Maps can be considered under Chapter 13A: Māori Land Zones, without the need for a Part Change to occur on the site.</p>	<p>Not relevant to the subject site.</p>

<p>Parking Spaces Required</p>	<p>25C.1</p>	<p>— Rule 13.10 JA Building Coverage; and — Rule 13.10 JA Traffic Intensity; and c) Any activities on Lot 1, DP 156460, Lot 1, DP 71221, Lot 4, DP 71221, Lot 1, DP 38503, Lot 2, DP 71221 shall be conducted in accordance with the Chous Camp Sub Development Plan (refer to Appendix 13.3). (4) Bayly Town Camp – General Development a) The four dwellings on the lower western portion of Lot 2, DP 71075, identified as A, B, C, and D on the Site Plan, shall be located within the nominated building platform shown on the Cynthia Place Development Plan, and the maximum height of the dwellings is limited to a single-story building, of the same scale, character and intensity of the dwellings is the same as that existing as on 01 December 2011. Note 1: If Rule 13.10.25(4) is not met, any proposal would be assessed against Rule 13.10.3c.</p>	<p>35C.1</p>	<p>Tables in relation to land use activities within any zone.</p>												
<p>25C.2</p>	<p>25C.2</p>	<table border="1"> <thead> <tr> <th>LAND USE ACTIVITY</th> <th>CAR PARKING SPACES REQUIRED</th> </tr> </thead> <tbody> <tr> <td>Residential</td> <td></td> </tr> <tr> <td>Dwellings</td> <td>2 per site</td> </tr> <tr> <td>Home Occupation</td> <td>1 per room residential employee</td> </tr> <tr> <td>Residential Hearing</td> <td>1 per one bedroom unit</td> </tr> <tr> <td>Boarding Houses</td> <td>1 per 2 persons accommodated</td> </tr> </tbody> </table>	LAND USE ACTIVITY	CAR PARKING SPACES REQUIRED	Residential		Dwellings	2 per site	Home Occupation	1 per room residential employee	Residential Hearing	1 per one bedroom unit	Boarding Houses	1 per 2 persons accommodated	<p>35C.2</p>	<p>Tables in relation to land use activities within any zone.</p>
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LAND USE ACTIVITY	CAR PARKING SPACES REQUIRED
Caravans Accommodation	
Home Stay/Bed & Breakfast	1 per unit / camp site, plus 1 per 2 employees
Camping Ground/Motor Camps	1 per unit plus 1 per 2 employees
Mobility	1 per 2 rooms plus 1 per 2 employees
Retail	
Shops (including TAB facilities) / Shopping Centres	1 per 25m ² GFA
Supermarkets	1 per 25m ² GFA
Garden or hire centres	1 per 100m ² space open to public
Building Supply Outlets	4 per 100m ² of GFA
Service Stations with Shop	1 per 35 m ² GFA shop plus 2 for every 3 employees present on site at any one time
Vehicle sales, repair, service	1 per 150m ² vehicle display area plus 4 for each repair / use bay plus 1 per each remaining 20m ² GFA
Office and Commercial	
Commercial / Office	1 per 40m ² GFA
Childcare/Maternity	1 per 10 animals which can be accommodated
Restaurants/Cafes	
Fast Food with Drive-in	1 per 100m ² GFA
Restaurants, Bars, Cafes	1 per 10m ² GFA plus 1 per 15m ² outdoor area or 7 spaces for every 100 seats in restaurant, as appropriate to accommodate the number of spaces

LAND USE ACTIVITY	CAR PARKING SPACES REQUIRED
Commercial or Industrial Activities	
Building with a gross floor area no greater than 200m ²	No loading space shall be required
Building with a gross floor area between 200m ² and 500m ²	One loading space
Building with a gross floor area of between 500m ² and 5,000m ²	Two loading spaces
Building with a gross floor area exceeding 5,000m ²	Three loading spaces
Farming and Forestry Activities	Adequate space shall be provided on site to enable all loading and unloading to take place on site

Traffic Intensity Factor Guidelines	25F	25E	25F	Traffic Intensity Factor (based on average daily one-way street movements)
<p>Land Use Activity</p> <p>Residential Dwelling Home Occupations Permitted Housing Boarding Houses</p>	<p>Traffic Intensity Factor (based on average daily one-way vehicle movements)</p> <p>6 per unit 10 per non-residential employee 2 per unit 2 per 2 persons accommodated</p>	<p>Land Use Activity</p> <p>Service Stations with Shop Vehicle wash, repair, service Office and Commercial Commercial / Office Restaurants/Bars Fast Food with Drive-in Restaurants, Bars, Cafes Industry Industrial Units Distribution Centers Bulk Manufacturing Contractors shops Port/Sea Terminals Health and Education Hospitals Retirement Facility Healthcare Services Educational Facility Child Care Facility Recreation Boat Ramp Gymnasium Tennis, Squash, basketball, badminton Golf course Child, Youth, hobby Places of Assembly Churches, Mosques, Synagogues Cultural Activities Home Based Business Camping/Groundwater Camps Motel Tourist Hotel Retail Shops (including T&E facilities) / Shopping Centers Supermarkets Gas/air or Fire centers Building Supply Outlets</p>	<p>Traffic Intensity Factor (based on average daily one-way street movements)</p> <p>50 per 100 m² GFA 20 per 100 m² GFA 10 per 100 m² GFA 200 per 100 m² GFA 80 per 100 m² GFA 5 per 10 m² GFA 4 per 100 m² GFA 4 per 100 m² GFA 4 per 100 m² GFA 4 per 100 m² GFA 50 per 100 m² GFA 2 per bed 50 per 100 m² GFA 30 per staff member 100 per 100 m² GFA 200 per ramp 50 per 100 m² GFA 50 per court 300 per course 100 per playing field of 60 per 100 spectator seats 2 per every person facility is designed for 2 per every person facility is designed for 7 per every person facility is measured by 3 per 2 persons accommodated 3 per unit and/or 2 per ramp site 2 per unit 2 per rooms 70 per 100 m² GFA 100 per 100 m² GFA 50 per 100 m² space open to public 30 per employee</p>	