

SECTION 6 - BUSINESS

INTRODUCTION

The businesses which serve residents and visitors to Waimate District are in the main either on SH 1 or within the Waimate Urban Area.

Queen Street within the Waimate Urban area is the focus of retail commercial activity within the District containing a range of retail, banking and administrative activities. A wide range of retail, service, entertainment and industrial type activities have established within relatively confined areas east and west of Queen Street. Industrial areas occur beyond the central area particularly in the vicinity of Gorge Road and Williams Street and in the Wilkins, Moorhouse, Studholme Street blocks.

The commercial facilities within the towns of St Andrews, Makikihi and Glenavy on SH 1 are small scale and small in number, and for those reasons tend to be integrated into the township as a whole rather than being a separate entity. They have therefore been included in consideration of the residential areas of the District, rather than part of the business areas.

ISSUES

The following are the resource management issues relevant to the business areas of the Waimate Urban area. The objectives and policies which address these issues and which relate to the business zones are then referred to. Finally where the Council intends to implement the objectives and policies associated with the issues, by means other than by District Plan Rules, these means are listed.

Issue 1 - Providing a Commercial/Community Focus

Description

It is desirable to maintain or create a commercial and community focus for the people of Waimate District and for visitors to the District. The buildings and activities which provide this focus in the Waimate District exist in and around Queen Street in the Waimate Urban area. The effectiveness of this central focus could dissipate if commercial and community facilities were to establish throughout residential areas, and the presence of commercial facilities, particularly retail outlets, could disturb the level of residential amenity experienced in these areas. In addition if shops and other operations providing for day to day business needs were spread apart they could

become less attractive for people to support because patronising these businesses would require a number of trips to be made. In turn business operations could suffer a loss of custom through reduced foot traffic in the vicinity.

It is generally much easier to maintain a convenient, accessible and attractive commercial environment if the activities are concentrated in a single area. This also provides for a more robust commercial environment.

The buildings, infrastructure and car parking areas within the town centre and the industrial areas represent a significant investment and are a physical resource. Business activities provide employment and generate economic activity which enables communities to provide for the economic and social well-being and identity. The District Plan must therefore recognise the importance of the resources of business area and show how these will be managed to promote sustainable development within the District.

Consolidation of the boundaries surrounding business areas will prevent the dispersal of activities into new locations, which could leave existing areas vacant and under-utilised. There is a public investment in roads and services within business areas as well as private investment in buildings and development which should be efficiently and effectively used rather than duplicated in other locations. Consolidation encourages the efficient use of existing public and private resources such as roads and utility services and creates a degree of certainty for future growth and development. This, in turn, assists the viability of business centres.

Given the central and/or convenient location of the business areas within the Waimate Urban Area, maintaining the general location of these areas can ensure convenient access is maintained. The Council can then maintain and provide efficient road networks.

The Waimate town centre which is based on the business activities of the town is a source of identity for the community as it represents a meeting place for many people. Consolidating the area within which these activities take place will reinforce the community's perception of the character and form of its town and its identity.

Relevant Objectives and Policies

- Business 1 Zone: Objective 1 and Policy 1A
- Business 2 Zone: Objective 1 and Policy 1A
- Business 3 Zone: Objective 1 and Policy 1A.

Issue 2 - Maintaining a Consolidated Retail Area**Description**

The concerns that arise in relation to the consolidation of business areas (refer to the Issue above) are particularly relevant for the retail component of the business area which is centred on Queen Street. The attractiveness, accessibility and identity of Queen Street as a shopping centre needs to be maintained to ensure continued use of the retail premises and therefore viability of the centre.

It is desirable for ground level premises within the main business area of Queen Street to be used primarily for retail uses in order to consolidate the retail area. Lack of demand for retail space can however lead to buildings or parts of buildings becoming vacant. Long-term vacancy can result in buildings physically deteriorating. As many of the buildings in Queen Street, Waimate, are heritage buildings, it is important to ensure that they remain in use as much as possible and are well-maintained. To assist in minimising vacancy, some flexibility of use is permitted within the main retail area.

Relevant Objectives and Policies

- Business 1 Zone: Objective 1 and Policy 1B.

Issue 3 - Maintenance of the Amenity of the Business Areas**Description**

In addition to making business areas physically accessible to the public it is also desirable to enhance, or maintain their amenity to make them pleasant and enjoyable to visit or work within. The desired level of amenity will vary between different business areas.

The Business areas in and around Queen Street are characterised by a concentration of people traffic and activity. They therefore have lower standards of amenity than may be found in a residential environment and people have corresponding lower expectation of the level of amenity found within these areas. However it is important to ensure that the environment of business areas is not degraded to the extent that they become visually unattractive to new businesses or

shoppers. Although business activity will be determined by market forces, the Council has the responsibility to establish the environmental parameters within which development may occur.

The visual environment of Queen Street is characterised by two storey buildings built up to all boundaries, often with large display

windows, verandas and advertising signs. Important issues with regard to visual amenity are to:

- retain the existing scale and spatial distribution of buildings
- retain verandas as a feature of the streetscape
- prevent the erection of large blank walls to the street
- prevent creation of large sealed car-parking.

In the areas adjoining Queen Street a greater variety of buildings and layout of sites exist. In these circumstances the main issue relating to visual amenity is the scale of buildings. In the industrial areas the main amenity concerns are the impacts of noise, dust and fumes on people visiting or working in these areas.

Businesses of prostitution may have adverse impacts on the amenity of business areas due to perceived impacts on public safety, enjoyment and security in areas where businesses of prostitution are located and the potential of such businesses to cause offence to some members of the community. No businesses of prostitution exist within the business areas currently and any future proposals to establish businesses of prostitution would need careful consideration to ensure that the amenity of the business areas was not adversely affected.

Relevant Objectives and Policies

- Business 1 Zone: Objective 2 and Policy 2B
- Business 2 Zone: Objective 2 and Policy 2A
- Business 3 Zone: Objective 2 and Policy 2A

Issue 4 - Maintenance of Amenity of Areas in the Vicinity of Business Zones

Description

There is a need to protect the amenity along the interface between business areas and living and recreation areas. The effects of business activity, particularly industrial activity, such as noise, glare,

smell and visual appearance may lower the amenity of adjoining sites and impact upon residential privacy and amenity. In addition because of the intermingling of residential and business uses in the area west of Queen Street there is potential for well established residential uses to be adversely affected by business operations.

Relevant Objectives and Policies

- Business 1 Zone: Objective 3 and Policy 3A
- Business 2 Zone: Objective 2 and Policy 2B
- Business 3 Zone: Objective 1 and Policies 1A and 1B.

Issue 5 - Maintaining the Special Character of Queen Street

Description

It is possible that new buildings or renovations to existing commercial buildings in Queen Street could significantly alter the character of the precinct between Leonard Street and Glasgow Street, which is characterised by two storey Edwardian and Victorian buildings. These buildings have a number of features such as ornamental facades, rectangular windows with semicircular arches, contrast features and their limestone and brick construction, all of which can be readily viewed because of the extensive width of Queen Street.

While the community is unlikely to want impediments to redevelopment within Queen Street the maintenance of the present character by way of design controls could enable redevelopment to occur which maintains the historic architectural identity of the area. This identity is something which is of value to both local residents and visitors to Waimate.

Relevant Objectives and Policies

- Business 1 Zone: Objective 2, Policy 2A.

Issue 6 – Natural Hazards

Description

Communities of the Waimate District are vulnerable to a variety of natural hazards. Some natural hazards have the potential to affect the whole District, such as an earthquake whilst, others such as a Tsunami will affect only coastal areas.

When assessing the “risk” of natural hazards to the communities, two aspects are considered. The first aspect is the nature of the hazard.

For example, an earthquake may occur infrequently but cause widespread damage; whereas, a river flood may be frequent but cause damage to localised area. The second aspect is the vulnerability of the community to a particular hazard. For example, intensive development on a flood plain may increase the number of assets and hence the vulnerability of that community to flooding.

The communities within the Waimate District are at most potential risk from the following natural hazards:

- Flooding
- Severe Climatic Extremes – Drought, Floods, Snowfall, Wind
- Coastal erosion and inundation from the sea
- Earthquakes

The business areas are unlikely to be affected by flooding, coastal erosion, or riverbank erosion. The exception may be localised flooding where the capacity of stormwater disposal systems is exceeded during extreme storm events. Drought is a severe climatic extreme that is likely to be of less importance in the Business Zones than the Rural Zone. However, these areas may still be vulnerable to damage from snow or from other hazards such as fire. Due to the age and methods of construction of many of the buildings in the business areas, an earthquake is a natural hazard that has the potential to lead to a loss of life or cause significant damage in the business area.

Relevant Objectives and Policies

- Business 1 Zone: - Objective 4 and Policy 4A
- Business 2 Zone: - Objective 3 and Policy 3A
- Business 3 Zone: - Objective 3 and Policy 3A
- Subdivision: - Objective 6 - Avoidance of natural hazards

BUSINESS 1 ZONE

Description

The Business 1 Zone encompasses properties either side of Queen Street from four sections north of Leonard Street to two sections south of Glasgow Street on the west side, and from Rugby Street to between the Local Government Centre and Seddon Square on the east side.

BUSINESS 1 ZONE - OBJECTIVES AND POLICIES

Objective 1 – Commercial Focus

An area of concentrated commercial and retail facilities which is accessible, safe, convenient and identifiable.

Reasons

- People using and visiting Queen Street commercial facilities benefit from the convenience of being able to park close to shops, and then walk to all facilities as part of a single trip.
- There is a small saving in fossil fuels if a single vehicle trip can be made to carry out shopping and other commercial business.
- The location of retail operations in close proximity to each other provides potential economic benefits from the custom drawn to the area. The individual viability of business operations contributes in turn to the viability of the centre.
- A commercial concentration on Queen Street provides a social focus for the people of the district, particularly those of the urban area.
- The maintenance of the existing commercial concentration on Queen Street is conducive to retaining the historic character of this precinct.

Policy 1A - Limited Activities

That only commercial, residential, service, visitor accommodation and recreational activities should be permitted as of right with ground floor use limited mainly to commercial and retail activities

Explanation and Reasons

- As for Objective 1
- The retail and commercial only at ground floor control is required to maintain the availability of buildings for retail operations so that a range of retail outlets are available and

accessible to the public in a single area, but also to ensure that the use of ground floor premises is sufficiently flexible so as to minimise the likelihood of premises remaining vacant for long periods of time.

- Other non-retail commercial uses may locate above ground level on Queen Street or on streets to the west of Queen Street where sufficient areas of land are suitably zoned for the purpose.
- Residential, service, visitor accommodation and recreational use is an efficient and appropriate use of upper floors of the Queen Street buildings providing a range of living and working environments and giving some security for commercial premises not occupied at night.

Policy 1B - Community Activities

Activities which have the potential to exclude the establishment of daily retail activities or which could cause adverse traffic effects should not be permitted as of right.

Explanation and Reasons

- As community activities often operate for limited hours during a week their existence can prevent the Queen Street precinct being available for commercial operations which provide a daily service to the public. In addition some community facilities could create adverse effects of noise and traffic.

Anticipated Environmental Results

Objective 1 and its associated policies are anticipated to result in the following outcomes:

- a continuing of retail and other commercial activities at ground floor on Queen Street.
- use of upper floor areas for residential, visitor accommodation, and some limited commercial and recreation activities
- effective public use of the commercial facilities of Queen Street.
- Community activities which complement the primary commercial character of Queen Street.

Methods of Implementation

Objective 1 and its associated policies will be implemented through the following methods:

District Plan Rules

- Permitted Activities - 2
- Community facilities as Discretionary Activities - 4a
- Retail at ground level - 6d

Objective 2 - Amenity of Business Area

An area where physical amenities create a pleasant and safe environment for people shopping, visiting or working in the town centre.

Reasons

- As the viability of commercial areas depends on its ability to attract customers it is important to ensure that the environment has high standards of amenity to encourage people to visit, and to provide for the well being of people working within or visiting the business area.

Policy 2A - Maintenance of Historic Character

The existing form and Edwardian and Victorian character of Queen Street should be maintained and enhanced.

Explanation and Reasons

- As for Objective 2
- The existing form of commercial development on Queen Street which provides continuous shop frontages adjoining the footpath with verandas enables retail facilities to be easily accessed by customers with the convenience of undercover shopping in most areas.
- The Edwardian and Victorian character of the majority of buildings on Queen Street give the precinct a distinct historical identity which can be enjoyed by people working in or visiting the town centre.

Policy 2B - Control of Adverse Effects

Adverse effects of activities in the town centre should be minimised to create an attractive shopping area.

Explanation and Reasons

- As for Objective 2
- Because adverse effects of activities such as noise and dust can reduce the level of amenity of an area and make it less attractive for customers and for people working there, it is important that the extent of these effects is controlled. It is
- also important that the Council be able to consider the impacts of activities that have the potential to compromise the level of amenity agreed upon by the community.

Anticipated Environmental Results

Objective 2 and its associated policies are anticipated to result in following outcomes:

- Retention of the existing scale and form of commercial buildings
- Increased verandah coverage
- Retention of the existing Edwardian and Victorian character of the buildings in Queen Street.
- Minimal noise disturbance within the town centre
- The minimisation of airborne dust nuisance
- Avoidance of vehicle - pedestrian conflict on footpaths
- Minimising conflict between trade vehicles and customers vehicles
- Maintenance or reduction of the level of servicing of shops across footpaths.

Methods of Implementation

Objective 2 and its associated policies will be implemented through the following methods:

Non-Regulatory

- Liaison between the Waimate Historic Society and commercial owners and operators to advise on architectural character.
- Encouraging commercial owners and operators of buildings to use colour that is appropriate to the age of the building when painting or repainting the exterior of buildings. The Historic Places Trust can advise of appropriate colour palettes for Edwardian or Victorian era buildings.
- Development of a "Main Street" programme to achieve co-ordinated design and marketing.

District Plan Rules

- No service stations or brothels - 2
- Verandas - Controlled Activity - 4
- Facades - Controlled Activity - 3
- External Appearance - Controlled Activity - 3
- Height - 6a
- Retail frontage - 6d
- Access - and loading - 6f
- Noise - 7a
- Dust - 7c
- Offensive Trades - 7d

Other Legislation

- Administration of the Health Act, the Health and Safety in Employment Act, Dangerous Goods Regulations, Resource Management Act 1991, Hazardous Substances and New Organisms Act, Building Act and Waimate District Council's Bylaws.

Objective 3 – Amenity of Residential Areas

An area of business activity which does not detract from the standard of amenity of neighbouring residential areas.

Reasons

- While the community benefits from the distinct form and character of the town centre and activities it contains, it is desirable that the buildings and activities in the town centre are such that they do not impinge on the level of amenity expected and enjoyed within residential areas in the vicinity.

Policy 3A - Adverse Impacts

The noise, smell, traffic and visual impacts of activities in the town centre should not adversely impact on the amenities of residential areas in the vicinity.

Explanation and Reasons

- As for Objective 3
- The impacts of noise, smell, traffic and visual effects of commercial activities are the most likely to cause concern for people living in the residential areas in the vicinity of the town

centre. It is appropriate therefore that these matters be subject to controls and standards.

Anticipated Environmental Results

Objective 3 and its policy are anticipated to result in the following outcomes:

- Minimal noise disturbance within areas adjacent to the town centre
- The minimisation of airborne dust nuisance
- An attractive residential/business boundary.

Methods of Implementation

Objective 3 and its policy will be implemented through the following methods:

District Plan Rules

- Setback from Zone Boundary - 6 g i
- Screening - 6 g ii
- Noise - 7a
- Dust - 7c
- Hours of Operation - 7b
- Offensive Trades - 7d

Other Legislation

- Administration of the Health Act, Health and Safety in Employment Act 1992, Dangerous Good Regulations, Resource Management Act 1991 and the Hazardous Substances and New Organisms Act.

Objective 4 – Natural Hazards

Avoid loss of life and avoid or mitigate damage to assets and infrastructure, or disruption to the community of the District, from natural hazards

Policy 4A – Natural Hazard Information

To maintain a high level of community awareness of the risk of natural hazards through the provision of advice and information.

Explanation and Reasons

- As for Rural Objective 7

- Providing information is an effective means of enabling people to avoid the effects associated with natural hazards necessary to achieve Objective 4.

Anticipated Environment Results

Objective 4 and its policy are anticipated to produce the following outcomes:

- Buildings and land use sited in accordance with information on natural hazards that maintains an acceptable level of risk to life and property.

Methods of Implementation

Objective 4 and its policy will be implemented through the following methods:

Non-Regulatory

- Maintain a hazards register to be available for public information.

Other Legislation

- Civil Defence planning and preparedness under the Civil Defence Act, 1983.
- Provide information on natural hazards on LIMs and PIMs in accordance with the Local Government Official Information and Meetings Act, 1987.
- Replacement of alterations of buildings to consider natural hazards under the Building Act 1991.
- Require an Assessment of Environmental Effects with any resource consent application to identify any natural hazards and the methods used to avoid or mitigate a hazard risk for the proposed development in accordance with the requirements of the Fourth Schedule to the Resource Management Act 1991.
- Use of the Building Act and Section 106 of the Resource Management Act 1991 provisions to prevent buildings or subdivisions in hazard areas or to require mitigation of the hazards by building or subdivision design.

REASONS FOR RULES

Height of Buildings

Form: - Maximum height (m) of buildings above ground level.

Purpose: - To achieve a consistency in scale of development which reflects the desired character for an area and to limit the extent of buildings overshadowing other buildings, properties and public spaces.

Reason: - The character of an area is strongly influenced by the scale of buildings. As height is an important component in the scale of buildings, limits have been imposed. The maximum height specified allows some flexibility of design, while providing for the maintenance of the general character of each area.

Setback from Roads

Form: - No setback required.

Purpose: - To retain the character of Queen Street.

Reason: - Within the Business 1 Zone no setback is permitted. This means that all buildings are required to be built up to the street boundary and reflects the Council's desire to maintain the traditional appearance of Queen Street and a continuous vista along this street.

Setback from Neighbours

Form: - No setback permitted.

Purpose: - To maintain the continuity of building frontage.

Reason: - Within the Business 1 Zone no setback from side boundaries is permitted. This standard is one of a number that the Council has combined for these two areas to maintain the traditional form of the main shopping areas and to ensure that there is a visual continuity to building frontage. In Business zones amenity values are often not significant where premises share common walls. In these areas building setback achieves little with regard to amenity and limits the economic use of property.

Verandas

Form: - Controlled Activity status applied to Business 1 Zone buildings or additions in terms of provision of verandas.

Purpose: - To maintain the traditional amenity and character of the main shopping centres, as well as providing shelter for pedestrians and a continuity to building frontage.

Reason: - Verandas are a traditional feature of many New Zealand towns and have a significant role in the visual and architectural integrity of the "main" street of Waimate. They also provide shelter from the weather. The Council wishes to retain this traditional appearance of its main shopping areas and to require in the Business 1 Zone that verandah coverage is continuous.

Facades

Form: - Controlled activity status applied to Business 1 Zone buildings and additions in terms of provision for facades.

Purpose: - To maintain the generally two storey appearance of buildings in the Queen Street commercial area as viewed from the footpath or road.

Reason: - The two to three storey height of buildings viewed from the footpath or road is one of the design features common to the primarily Edwardian and Victorian commercial buildings in Queen Street. While new buildings are unlikely to attain the same look as the older buildings the facade requirement will avoid an obvious physical distinction between old and new buildings.

Shopping Frontage

Form: - Requirement that all sites at ground floor level along specified parts of Queen Street have only specified commercial facilities.

Purpose: - To ensure that premises are available for retail and other commercial uses in the main commercial heart of Queen Street.

Reason: - If the ground floor frontage of the main commercial area provided for uses other than commercial uses then it is likely that retail shops, (which require good foot traffic numbers) and other commercial uses would be unable to locate on the main thoroughfare, but rather be forced into areas with less foot traffic.

Windows

Form: - Minimum % of front wall dedicated to window in specified business zones.

Purpose: - To create shopping and business areas which are attractive to the public and have a consistent and traditional appearance.

Reason: - The Council wishes to retain its traditional main shopping areas as attractive to the public and seeks to avoid the creation of large blank walls which would break the continuity of window displays and have little visual appeal. A minimum percentage length of the wall to be dedicated for window will ensure that large blank walls are not created.

Loading and Access

Form: - Specific requirement for loading and access in the Business 1 and 2 Zones to be from service lanes.

Purpose: - The standard aims to maintain the form and integrity of the continuity of building frontage.

Reason: - The integrity and form of the continuity of building frontage would be undermined if access to sites were provided on an individual basis throughout the main retail shopping area of Waimate.

Amenities of Residential Zones

Form: - Setback from zone boundary or existing residential use - minimum distance (m) from zone boundary. Screening - a landscaped area a minimum width (m) along internal boundaries and a requirement for screening of outdoor storage areas.

Purpose: - To achieve a scale of development which is consistent with the character of the adjoining residential area or use and to ensure that building development does not unduly deprive neighbouring properties of sunlight. These are indirectly a means of affording some degree of privacy to property occupiers and some retention of opportunities for outlook and views.

Reason: - These two standards seek to maintain the scale of development on sites adjoining residential, sections to a level that is more consistent with that within the residential environment as a means of preserving the character and amenity of these areas. The provision for setback and screening will assist in the separation of potentially incompatible activities and affect the standard of visual amenity by reducing the dominance of buildings, and securing levels of privacy and access to sunlight and daylight.

Design and Appearance

Form: - Controlled activity status applied to specified developments in terms of design and appearance.

Purpose: - To maintain and enhance the amenity of specified business areas on a site specific basis.

Reason: - Queen Street, Waimate requires additional consideration in terms of the effect of any future development because they have a distinctive amenity or character created by their Edwardian/Victorian buildings. In these cases the Council may wish to impose additional requirements over the zone and site standards specified in the Plan to ensure compatibility with the existing character.

Noise

Form: - Numerical noise limits in decibels.

Purpose: - To avoid adverse effects of noise on health and amenity values.

Reason: - The noise level standards specified for sites within the Business Zones recognise that people who work and visit a business area accept that there will be increased noise levels in order to enable the carrying out of business within the area. However, a minimum level is required in any zone in order to protect people from nuisance and/or adverse health effects. The noise levels specified within the different Business zones reflect the noise environment anticipated in each zone, the location of the zone and the range of activities likely to establish in the zone. Noise limits for noise received by occupants of other sites within Business zones are intended to ensure there is minimal interference with commercial activities and are based on prevention of speech interference. Noise limits at sites occupied by dwellings within the Business 2 zone or in adjoining Residential zones will be set to avoid adverse effects on health. Noise limits are less restrictive during the day, and become more restrictive at night. The different noise limits for each Business zone provide for varying types of use in each zone and their different amenity values.

Dust

Form: - Requirement for vehicle parking and loading areas to have an all weather surface.

Purpose: - To minimise the creation of dust nuisance.

Reason: - During dry summer months unsealed surfaces which are subjected to vehicle manoeuvring have the potential to create a dust nuisance, particularly in North-westerly wind conditions. The requirement for an all weather surface aims to reduce those areas where dust is generated.

Hours of Operation

As for Residential Zones at the boundary of any site adjoining a Residential Zone.

Offensive Trades

Form: - Restriction on the location of activities which require an offensive trade licence.

Purpose: - To prevent the establishment of noxious or dangerous industries in locations in close proximity to residential areas and business areas which have a high standard of amenity.

Reason: - Activities which require an offensive trade licence involve the handling or processing of products which are dangerous or have the potential to create noxious effects. It is not appropriate that these activities are located in areas close to residential areas where a higher standard of amenity and environment is expected and where people are at risk. In addition, some business areas have a higher level of amenity that would be threatened by these activities. To protect these areas businesses which require an offensive trade licence are not provided for.

RULES - BUSINESS 1 ZONE

1 DISTRICT WIDE RULES

The following General Provisions containing district wide rules shall apply in the Business 1 Zone:

- Signs - Section 7
- Heritage Protection - Section 8
- Transportation - Section 9
- Subdivision - Section 10
- Utilities - Section 11
- Hazardous Substances - Section 12

2 PERMITTED ACTIVITIES

The following shall be Permitted Activities within the Business 1 zone provided they comply with all of the Site Standards and Zone Standards:

- a Commercial Activities excluding service stations and brothels
- b Recreation Activities
- c Residential Activities
- d Service Activities
- e Visitor Accommodation
- f Temporary Activities listed as Permitted Activities in Section 2 Clause 5

3 CONTROLLED ACTIVITIES

- a Any Permitted Activity involving
 - erection or reconstruction, or
 - alteration in a way which substantially changes the exterior appearance, excluding alterations to or removal of verandas.

of buildings which are visible from Queen Street or High Street shall be a Controlled Activity.

Standards and Terms for Controlled Activities

All the Site and Zone Standards in the Business 1 zone.

Matters over which the Consent Authority has Reserved Control to Place Conditions

- The provision and design of facades
 - The provision and design of verandas
 - The external design and appearance of buildings.
- b Temporary Activities listed as Controlled Activities in Section 2, Clause 5.

4 DISCRETIONARY ACTIVITIES

- a Community activities.
- b Any permitted activity involving:
- Alterations that substantially alter the external appearance of verandas, or the removal of verandas, which are visible from Queen Street or High Street shall be a Discretionary Activity, with Council's discretion restricted to:
 - The external design and appearance of buildings, including adjacent buildings in so far as they may or may not provide verandas;
 - The design of the veranda and adjoining verandas.
- c Any activity listed as a Permitted Activity which complies with all of the Zone Standards but which does not comply with one or more of the Site Standards shall be a Discretionary Activity. The exercise of the Council's discretion shall be restricted to the matter(s) specified in the standard which is not complied with.

5 NON-COMPLYING ACTIVITIES

Any activity which is not a Permitted Activity, Controlled Activity, or Discretionary Activity shall be a Non-Complying Activity.

6 SITE STANDARDS

a **Height of Buildings**

Maximum Height - 10m

b **Setback from Roads**

No building shall be setback from the Queen Street road boundary.

c **Setback from Neighbours**

No buildings shall be set back from side boundaries except where the side boundary is a Residential Zone boundary (Refer Rule 6g below).

d **Shopping Frontage**

The use of every ground floor frontage of every building on Queen Street between Glasgow Street and Leonard Street on the north side and between Victoria Terrace and Rugby Street on the south side shall be limited to commercial activities.

e **Windows**

Every building adjoining Queen Street road boundaries shall construct a window which has a minimum length of 70% of the length of the front wall for the purposes of display of goods and services.

f **Loading and Access**

Loading and goods access shall comply with the provisions of Section 9 and shall be undertaken from service lanes where available.

Notwithstanding Section 9, there shall be no vehicle access on to Queen Street between Glasgow Street and Leonard Street on the north side and between Victoria Terrace and Rugby Street on the south side.

g **Amenities of Residential Zones**

Where a site adjoins a site zoned Residential the following standards shall apply:

- i Setback from zone boundary
The minimum setback of buildings from a Residential Zone boundary shall be 4.5m.
- ii Screening

A landscaped area with a minimum width of 2m shall be established and maintained along site boundaries adjoining Residential Zones, and shall be planted with species, which at maturity, will soften the appearance of the buildings from the adjoining sites. A solid wall, close boarded fence or landscaping shall screen any outdoor storage areas.

7 ZONE STANDARDS

a Noise

All activities shall be designed and conducted so as to ensure that the following noise limits are not exceeded at any point within the boundary of any other site within the Business 1 Zone:

Daytime	- 60dBA L10
Nighttime	- 55dBA L10
On any day between 9.00pm and 7.00am on the following day	- 80dBA Lmax;

Provided that: The following noise limits shall not be exceeded at any point within the boundary of any Residential Zone:

Daytime	- 55dBA L10
Nighttime	- 45dBA L10
On any day between 10.00pm and 7.00am on the following day	- 75dBA Lmax.

All activities must comply with the General Noise Controls contained in Section 2 Clause 15.

b Hours of Operation

Where located on a site adjoining or opposite a Residential Zone no business activity shall operate outside the hours of 0700 to 2100 Monday to Friday and 0900 to 1700 Saturday, Sunday and public holidays.

c Dust

All vehicle access, parking and loading areas shall be paved or sealed so as not to create a dust nuisance or permit vehicles to

carry deleterious material such as mud, stone, chip or gravel onto the public street or footpath.

d Offensive Trades

No activity shall be permitted which requires an offensive trade licence under the Health Act 1956, or its equivalent.

Note: Enforcement provisions under the Act will be used by the Council, where any activity produces vibration, smell or dust or manufactures, stores, uses, transports or disposes of hazardous substances in such a way that has or is likely to be either noxious, dangerous, offensive or objectionable, to such an extent that it has or is likely to have an adverse effect on the environment.

8 NON-NOTIFIED RESOURCE CONSENTS

Resource Consents in relation to the following matters shall be non-notified:

Windows - Site Standard 6e
 Design and Appearance - Controlled Activity - 3
 Facades - Controlled Activity 3
 Verandas - Controlled Activity - 3

9 ASSESSMENT MATTERS - RESOURCE CONSENTS

The Council shall have regard to the following in considering whether or not to grant consent or impose conditions on a resource consent application:

a Height of Buildings

- i The extent of any adverse effects on the environment from exceeding a maximum height and in particular the effect of any increased building height on the visual character of the area and compatibility with the scale of adjoining buildings.
- ii The degree to which the increased height may affect the amenity and enjoyment of other sites, roads and public open space through a reduction in view, casting of shadows, visual dominance of outlook by buildings, or

loss of privacy through being overlooked, which is out of character with the local environment.

- iii The degree to which the increased building height may result in decreased opportunities for views from properties in the vicinity or from roads.
- iv The potential for any adverse effects created through increased height to be mitigated through site layout, separation distances or the provision of landscaping

b Setback from Roads

- i The degree to which a setback from the road boundary will affect the visual continuity of building frontage along the street and the character of the area, as a defined business centre of distinctive building style with a sense of enclosure and continuity of business activity.

c Setback From Neighbours

- i Where a setback is not normally required on a site the extent to which this will affect the visual continuity of building frontage and the character of those streets as visually distinctive centres of intensive business activity.
- ii The necessity to provide access to the rear of the site for other business activities as well as activities such as off-street parking, loading and storage.
- iii The design and appearance of the building and its relationship with adjoining buildings in terms of continuity of design, height and scale.
- iv The layout of the site and the options for maximisation of use of the site area.

d Verandas - Discretionary Activity

- i Where a verandah is not to be provided the extent of the effect this will have on the visual continuity of building frontage from the street and the distinctive form and character of buildings in areas of intensive business activity.
- ii The volume of pedestrians using the street and the extent to which they will be exposed to adverse climatic conditions if a verandah is not provided.
- iii The design and appearance of the building and its compatibility with other adjoining buildings in terms of design, height, setback and scale and the extent of the

- impact that non-provision of a verandah will have on the architectural cohesiveness of the street.
- iv The practicality and cost of a verandah given the type of construction of the building, and its purpose.
 - v The practicality of a verandah given the design, architectural character, and location of the building in relation to the footpath.
 - vi The construction of the verandah given the possibility of verandah posts being damaged or destroyed by vehicles.
 - vii The height and width of the verandah with respect to its safety for pedestrian and the likelihood of signs being attached underneath the verandah or on its fascia.

e Windows

- i Where a display window(s) is/are not to be provided, the extent of the effect this will have on the visual continuity of building frontage as viewed from the street and on the form and character of buildings in areas of intensive business activity.
- ii The volume of pedestrians using the street and the potential impact that a blank wall may have on the amenity, interest and attractiveness of the street and the consequential effects this may have on the continued viability of the business centre to attract custom.
- iii The design and appearance of the building and its compatibility with other adjoining buildings in terms of design, height, setback and scale and the extent of the impact that non-provision of a display window will have on the architectural cohesiveness of the street.

f Loading and Access

Refer to relevant Assessment Matters in Section 9 Transportation.

g Loading and Access in Queen Street

- i The extent of any danger or inconvenience to pedestrians and motorists using Queen Street.
- ii The extent to which the proposals will cause fragmentation of the retail area, and in particular the continuous frontage of the retail area.

h Facades - Business 1 Zone - Controlled Activity

- i The extent to which a reduction in height of the facade would create a building which is out of character with buildings in the immediate vicinity.
- ii The practicality and cost of having a facade given the type of construction of the building and/or its purpose
- iii The extent to which the design and appearance of the facade is in sympathy with the predominant Edwardian/Victorian character of commercial buildings on Queen Street.
- iv The extent to which a facade would give the building the appearance of at least a two-storey building.
- v The extent to which the height and style of the facade would bring the building into harmony with the buildings in the immediate and general vicinity.

i Shopping Frontage - Business 1 Zone

- i The extent to which the hours of operation and its accessibility by the general public coincide with other retail and commercial operations in the vicinity.
- ii The amount of custom or people generated by the proposed activity and its impact on parking space availability.
- iii The inconvenience to disabled or elderly persons of alternative sites outside the shopping frontage areas.

j Amenities of Residential Zones and Residential Use

- i The extent of the visual impact of the building from the adjoining residential site and its impact on the amenity and character of the residential environment taking into account its design and appearance, bulk and length of wall.
- ii The extent of any overshadowing created and the impact this may have on any outdoor living spaces or main living areas within a dwelling.
- iii The potential for the development to affect the privacy of the residents.
- iv The potential to mitigate any adverse effects created through options on the layout of buildings, carparking and storage areas on site.
- v The potential for the development to affect the amenity of the adjoining residential environment in terms of such matters as noise, glare, dust, smell and vibration.

k Design and Appearance - Controlled Activity

- i The degree to which the proposed development will impact on the amenity and character of the area having regard to the scale, bulk and setback of buildings and in particular, the extent to which the development can be viewed from public places.
- ii The degree to which the architectural style and materials of the building is compatible with adjoining buildings and with the predominant Edwardian/Victorian architecture of buildings in Queen Street.

10 ZONE RULES AND STANDARDS

Refer to the end of the objectives and policies for the Business 1 Zone for a detailed explanation of the form, purpose and reasons for the rules and standards.

BUSINESS 2 ZONE - (MIXED BUSINESS)

Description

The Business 2 Zone extends outwards from the main retail areas of Queen Street. To the east it generally includes land between Victoria Terrace and Kennedy Crescent east of John Street. To the west of Queen Street the zone extends generally between Glasgow Street and Leonard Street from Graham Street through to midway between Shearman and Innes Streets.

BUSINESS 2 ZONE - OBJECTIVES AND POLICIES

Objective 1 - Mixed Business Use Area

Maintenance of the existing business area in close proximity to Queen Street for the establishment of a mixture of commercial, service, industrial and residential activities.

Reasons

- It is convenient for people to have access to a range of business services in close proximity to the retail services located in Queen Street.
- It is appropriate that a wide range of land use activities be established in this zone because of its location between the retail area and the main residential areas and because of its previous mixed business use without significant adverse effects on neighbouring areas.

Policy 1a - Mixed Business Use

The areas of mixed business use to the east and west of the retail section of Queen Street should be maintained as an area in which commercial, service, industrial and residential users can establish or continue to operate.

Explanation and Reasons

- as for Objective 1

Anticipated Environmental Results

Objective 1 and its policy are anticipated to result in the following outcomes:

- Convenient location of business activities within Waimate Urban area.

Methods of Implementation

Objective 1 and its policy will be implemented through the following methods:

District Plan Rules

- Zoning
- Permitted Activities

Objective 2 - Environmental Amenity

The functioning of business activities in a way which creates an acceptable level of amenity and environmental quality for people visiting and working or living within the zone and which will not detract from the amenities of adjoining residential zones.

Reasons

- It is important that the safety, health and general welfare of people visiting, working or living within the mixed business area is ensured.
- It is important that the amenity of residential areas neighbouring the mixed business areas be maintained to an acceptable level.

Policy 2A - Control Adverse Effects

To control the level of noise, glare, dust, smell, setback, landscaping and vehicle access to ensure that an acceptable level of amenity and environmental quality is maintained for people living or working within or visiting the zone.

Explanation and Reasons

- As for Objective 1
- It is appropriate to set limits on those effects known to have the potential to compromise the environmental quality and amenity of this mixed business area.

Policy 2B - Amenities of Residential Areas

To control the standard of noise, glare, building height, hours of operation, setback and landscaping of activities within the Mixed Business zone, to ensure there is no detractor from the amenities of residential areas within the vicinity.

Explanation and Reasons

- As for Objective 2
- It is appropriate to set limits on those aspects of activities within the Mixed Business Zone which could reduce the level of amenity expected by residents within Residential Zones.

Anticipated Environmental Results

Objective 2 and its associated policies are anticipated to result in the following outcomes:

- Low to Medium noise levels within the business area
- Minimisation of airborne dust nuisance
- Minimisation and levels of glare which do not adversely impact on neighbouring properties
- Minimisation of smell nuisance.
- Use of streets for parking
- Some use of streets, footpaths and accessways for the servicing of properties
- Any adverse effects limited to normal business hours.
- Buildings generally in scale with the current mixed business area.
- A separation between residential and business use partially occupied by landscaping.
- Screening of outdoor storage area from view.

Methods of Implementation

Objective 2 and its associated policies will be implemented through the following methods:

District Plan Rules

- Height - 6a
- Loading and Access - 6b
- Service Stations and other drive in facilities - 6c
- Setback - 6d

- Landscaping - 6d
- Noise - 7a
- Hours of operation - 7b
- Dust - 7c
- Glare - 7d
- Offensive Trades - 7e

Other Legislation

- Administration of the Health Act, the Health and Safety in Employment Act, Dangerous Goods Regulations, Resource Management Act 1991, Hazardous Substances and New Organisms Act, Building Act and Waimate District Council's Bylaws.

Objective 3 – Natural Hazards

Avoid loss of life and avoid or mitigate damage to assets and infrastructure, or disruption to the community of the District, from natural hazards

Policy 3A – Natural Hazard Information

To maintain a high level of community awareness of the risk of natural hazards through the provision of advice and information.

Explanation and Reasons

- As for Rural Objective 7
- Providing information is an effective means of enabling people to avoid the effects associated with natural hazards necessary to achieve Objective 3.

Anticipated Environment Results

Objective 3 and its policy are anticipated to result in the following outcomes:

- Buildings and land use sited in accordance with information on natural hazards that maintains an acceptable level of risk to life and property.

Methods of Implementation

Objective 3 and its policy will be implemented through the following methods:

Non-Regulatory

- Maintain a hazards register to be available for public information.

Other Legislation

- Civil Defence planning and preparedness under the Civil Defence Act, 1983.
- Provide information on natural hazards on LIMs and PIMs in accordance with the Local Government Official Information and Meetings Act, 1987.
- Replacement of alterations of buildings to consider natural hazards under the Building Act 1991.
- Require an Assessment of Environmental Effects with any resource consent application to identify any natural hazards and the methods used to avoid or mitigate a hazard risk for the proposed development in accordance with the requirements of the Fourth Schedule to the Resource Management Act 1991.
- Use of the Building Act and Section 106 of the Resource Management Act 1991 provisions to prevent buildings or subdivisions in hazard areas or to require mitigation of the hazards by building or subdivision design.

REASONS FOR RULES

Height of Buildings

Form: - Maximum height (m) of buildings above ground level.

Purpose: - To achieve a consistency in scale of development which reflects the desired character for an area and to limit the extent of buildings overshadowing other buildings, properties and public spaces.

Reason: - The character of an area is strongly influenced by the scale of buildings. As height is an important component in the scale of buildings, limits have been imposed. The maximum height specified allows some flexibility of design, while providing for the maintenance of the general character of each area.

Service Stations and Drive in Outlets

Form: - Minimum and maximum width of accesses, angle of vehicle crossing, minimum distance of refilling points from access, and minimum manoeuvre areas for cars and tankers.

Purpose: - To ensure that traffic generated by the use can enter, manoeuvre on, and exit from a site in an efficient and safe manner both from the point of view of the site and the adjacent road.

Reason: - Drive in outlets have the potential to generate significant traffic which can cause a traffic hazard, both on and off site, unless certain minimum dimensions are required to enable safe manoeuvring.

Loading and Access

Form: - Specific requirement for loading and access in the Business 1 and 2 Zones to be from service lanes.

Purpose: - The standard aims to maintain the form and integrity of the continuity of building frontage.

Reason: - The integrity and form of the continuity of building frontage would be undermined if access to sites were provided on an individual basis throughout the main retail shopping area of Waimate.

Amenities of Residential Zones

Form: - Setback from zone boundary or existing residential use - minimum distance (m) from zone boundary. Screening - a landscaped area a minimum width (m) along internal boundaries and a requirement for screening of outdoor storage areas.

Purpose: - To achieve a scale of development which is consistent with the character of the adjoining residential area or use and to ensure that building development does not unduly deprive neighbouring properties of sunlight. These are indirectly a means of affording some degree of privacy to property occupiers and some retention of opportunities for outlook and views.

Reason: - These two standards seek to maintain the scale of development on sites adjoining residential, sections to a level that is more consistent with that within the residential environment as a means of preserving the character and amenity of these areas. The provision for setback and screening will assist in the separation of potentially incompatible activities and affect the standard of visual amenity by reducing the dominance of buildings, and securing levels of privacy and access to sunlight and daylight.

Noise

Form: - Numerical noise limits in decibels.

Purpose: - To avoid adverse effects of noise on health and amenity values.

Reason: - As for Residential Zones. The noise level standards specified for sites within the Business Zones recognise that people who work and visit a business area accept that there will be increased noise levels in order to enable the carrying out of business within the area. However, a minimum level is required in any zone in order to protect people from nuisance and/or adverse health effects. The noise levels specified within the different Business zones reflect the noise environment anticipated in each zone, the location of the zone and the range of activities likely to establish in the zone. Noise limits for noise received by occupants of other sites within Business zones are intended to ensure there is minimal interference with commercial activities and are based on prevention of speech interference. Noise limits at sites occupied by dwellings within the Business 2 zone or in adjoining Residential zones will be set to avoid adverse effects on health. Noise limits are less restrictive during the day, and become more restrictive at night. The different noise limits for each Business zone provide for varying types of use in each zone and their different amenity values.

Lighting

Form: - Direction and strength (lux spill of light) of external lighting.

Purpose: - To limit the amount of illumination received on properties from lights on neighbouring properties.

Reason: - As for Residential Zones. Even within Business Zones, illumination from lighting can interfere with the enjoyment of a property and with the sleep of occupiers where residential occupancy is permitted. However, the illumination standard within the Business Zones has been set to reflect the amount of illumination generally anticipated in the business areas, where there is already a significant night-time illumination from street, security, shop window and other neighbourhood lighting.

Residential sites adjoining existing industrial zones are in some instances currently subject to increased illumination. However, the standards for activities within the Business Zones require those activities to meet acceptable residential illumination limits at the boundary of any property zoned residential.

Dust

Form: - Requirement for vehicle parking and loading areas to have an all weather surface.

Purpose: - To minimise the creation of dust nuisance.

Reason: - During dry summer months unsealed surfaces which are subjected to vehicle manoeuvring have the potential to create a dust nuisance, particularly in North-westerly wind conditions. The requirement for an all weather surface aims to reduce those areas where dust is generated.

Hours of Operation

As for Residential Zones at the boundary of any site adjoining a Residential Zone.

Offensive Trades

Form: - Restriction on the location of activities which require an offensive trade licence.

Purpose: - To prevent the establishment of noxious or dangerous industries in locations in close proximity to residential areas and business areas which have a high standard of amenity.

Reason: - Activities which require an offensive trade licence involve the handling or processing of products which are dangerous or have the potential to create noxious effects. It is not appropriate that these activities are located in areas close to residential areas where a higher standard of amenity and environment is expected and where people are at risk. In addition, some business areas have a higher level of amenity that would be threatened by these activities. To protect these areas businesses which require an offensive trade licence are not provided for.

RULES - BUSINESS 2 ZONE (MIXED BUSINESS)

1 DISTRICT WIDE RULES

The following General Provisions containing district wide rules shall apply in the Business 2 Zone:

- Signs - Section 7
- Heritage Protection - Section 8
- Transportation - Section 9
- Subdivision - Section 10
- Utilities - Section 11
- Hazardous Substances - Section 12

2 PERMITTED ACTIVITIES

The following activities shall be Permitted Activities within the Business 2 Zone provided they comply with all Site Standards and Zone Standards:

- a Commercial Activities, excluding brothels
- b Community Activities
- c Recreational Activities
- d Industrial Activities
- e Service Activities
- f Residential Activities
- g Temporary Activities listed as Permitted Activities in Section 2 Clause 5

3 CONTROLLED ACTIVITIES

- a Any activity listed as a Permitted Activity and which complies with all of the Site Standards and Zone Standards, shall be a Controlled Activity in respect of the matter(s) specified below:
 - Service Stations and drive in outlets in relation to location of crossing points and site layout.

Note: Compliance with the Land Safety Transport Authority Guideline for Service Stations March 1996 will generally satisfy this request.

- b Temporary Activities listed as Controlled Activities in Section 2, Clause 5.

4 DISCRETIONARY ACTIVITIES

- a Any activity which is listed as a Permitted Activity or a Controlled Activity and which complies with all of the Zone Standards but does not comply with one or more of the Site Standards shall be a Discretionary Activity. The exercise of Council's discretion shall be restricted to the matter(s) specified in the standard which is not complied with.
- b Any Other Activity which is not listed as a Permitted, or Discretionary Activity and which complies with all of the Zone Standards shall be a Discretionary Activity.

5 NON-COMPLYING ACTIVITIES

Any activity which is not a Permitted Activity, Discretion Activity or Controlled Activity shall be a Non-Complying Activity.

6 SITE STANDARDS

- a Height of Buildings**
Maximum height of fire station training and hose drying towers - 15 metres
Maximum height of all other buildings - 10m
- b Loading and Access**
All goods access and loading shall be undertaken from service lanes where available and shall comply with the requirements of Section 9.
- c Service Station and Drive-in Operations**
 - i Minimum width of vehicle crossings - 5.5m
 - ii Maximum width of vehicle crossings - 8m
 - iii Vehicle crossings shall cross the footpath at an angle between 45° and 90°
 - iv Fuel pumps and other fuel reselling devices shall be sited a minimum of 7 metres from the road boundary edge of any point on a driveway.

- v Manoeuvre areas for bulk delivery fill points shall accommodate a design articulated truck shown in Appendix C.
- vi Manoeuvre areas for fuel pumps and other fuel reselling devices shall accommodate a 99 percentile design motor car shown in Appendix C.
- vii All vehicles loading motor fuels shall be parked entirely on site.

Note: Service stations and drive in outlets shall be Controlled Activities in relation to location of crossing points and site layout. Compliance with the Land Safety Transport Authority Guideline for Service Stations March 1996 will generally satisfy this request.

d Amenities of Residential Zones and Residential Use

There shall be:

- On any Residential zone boundary; or
- On any property boundary of any site which is currently in residential use and was in residential use on 1 November 1994.
 - a) a minimum setback of buildings of 4.5m
 - b) a landscaped area with a minimum width of 2m which shall be planted and maintained with species, which at maturity, will soften the appearance of the buildings from the adjoining sites.
 - c) a solid wall, close boarded fence or landscaping which screens any outdoor storage areas.

7 ZONE STANDARDS

a Noise

All activities shall be designed and conducted so as to ensure that the following noise limits are not exceeded at any point within the boundary of any other site within the Business 2 Zone:

Daytime	- 60dBA L10
Nighttime	- 55dBA L10
On any day between 9.00pm and 7.00am on the following day	- 80dBA Lmax;

Provided that: The following noise limits shall not be exceeded at any point within the boundary of any Residential Zone or within any residential unit within the Business 2 Zone:

Daytime	- 55dBA L10
Nighttime	- 45dBA L10
On any day between 10.00pm and 7.00am on the following day	- 75dBA Lmax.

All activities must comply with the General Noise Controls contained in Section 2 Clause 15.

b Hours of Operation

Where located on a site adjoining or opposite a Residential Zone, no business activity shall operate outside the hours of 0700 to 2100 Monday to Friday and 0900 to 1700 Saturday, Sunday and Public Holidays.

c Dust

All vehicle access, parking and loading areas shall be paved or sealed so as not to create a dust nuisance or permit vehicles to carry deleterious material such as mud, stone, chip or gravel onto the public street or footpath.

d Lighting

- i All exterior lighting shall be directed away from adjacent properties and roads so as to avoid any adverse effects on the neighbourhood and on traffic safety.
- ii No activity shall result in greater than a 10 lux spill (horizontal and vertical) of light on to any adjoining property within the zone, measured 2m inside the boundary of any adjoining property.
- iii No activity shall result in a greater than 3 lux spill (horizontal and vertical) of light onto any adjoining property which is zoned Residential measured at any point more than 2m inside the boundary of the adjoining property.

e Offensive Trade

No activity shall be permitted which requires an offensive trade licence under the Health Act 1956 or its equivalent.

8 NON-NOTIFIED RESOURCE CONSENTS

Resource consents in relation to the following matters shall be non-notified:

Controlled Activity: Access and layout of service stations and other drive in outlets - 3

9 ASSESSMENT MATTERS - RESOURCE CONSENTS

The Council shall have regard to the following in considering whether or not to grant consent or impose conditions on a resource consent application:

a Height of Buildings

- i The extent of any adverse effects on the environment from exceeding a maximum height and in particular the effect of any increased building height on the visual character of the area and compatibility with the scale of adjoining buildings.
- ii The degree to which the increased height may affect the amenity and enjoyment of other sites, roads and public open space through a reduction in view, casting of shadows, visual dominance of outlook by buildings, or loss of privacy through being overlooked, which is out of character with the local environment.
- iii The degree to which the increased building height may result in decreased opportunities for views from properties in the vicinity or from roads.
- iv The potential for any adverse effects created through increased height to be mitigated through site layout, separation distances or the provision of landscaping.

b Loading and Access

Refer to relevant Assessment Matters in Section 9 Transportation.

c Amenities of Residential Zones and Residential Use

- i The extent of the visual impact of the building from the adjoining residential site and its impact on the amenity and character of the residential environment taking into account its design and appearance, bulk and length of wall.

- ii The extent of any overshadowing created and the impact this may have on any outdoor living spaces or main living areas within a dwelling.
- iii The potential for the development to affect the privacy of the residents.
- iv The potential to mitigate any adverse effects created through options on the layout of buildings, carparking and storage areas on site.
- v The potential for the development to affect the amenity of the adjoining residential environment in terms of such matters as noise, glare, dust, smell and vibration.

d Service Stations and Drive In Outlets

- i The extent to which drivers entering or exiting the site can view on coming traffic both on the road and on the site, and pedestrians.
- ii The extent to which road traffic and pedestrians see traffic leaving the site.
- iii The proximity of the access points to other access points.

10 ZONE RULES AND STANDARDS - PURPOSE AND REASONS

Refer to the end of the Objectives and Policies for the Business 2 Zone for a detailed explanation of the form, purpose and reasons for the rules and standards.

BUSINESS 3 ZONE (INDUSTRIAL)

Description

The Business 3 Zone encompasses three areas. One area extends southward down the eastern side of Gorge Road from William Street almost to Massey Street. The second and larger area lies between William and Wilkins Streets and incorporates Studholme, Moorhouse and Michael Streets. A third area is in the settlement of Studholme, to the east of Main South Road (State Highway 1) and incorporating land on the north and south of Packers Road.

BUSINESS 3 ZONE OBJECTIVES AND POLICIES

Objective 1 - Industrial Activity Area

The establishment and maintenance of industrial activities which do not adversely affect the amenities of areas in the vicinity.

Reasons

- It is appropriate that industrial activity can be carried out in locations where that activity is not compromised by its close proximity to other uses, such as residential uses, which expect a reasonable degree of amenity and environmental quality.

Policy 1A - Industrial Activity Area

To maintain areas within which only industrial, service and commercial activities can locate to reduce the possibility of adverse impacts of industrial and service activity on other activities.

Explanation and Reasons

- as for Objective 1
- It is necessary that areas be specified within which industrial, service and commercial activities only locate so that they may be segregated from uses demanding a higher amenity and environmental quality.
- As there are already recognised industrial areas within Waimate urban area it is appropriate that these areas remain set aside for this purpose to permit existing industrial activity to continue and to provide for future industrial activity.

Policy 1B - Amenity Of Residential Areas

To control the standard of noise, glare, building height, hours of operation, on site parking, dust, setback and landscaping to ensure there is no detractor from the amenities of residential areas within the vicinity.

Explanation and Reasons

- as for Objective 1
- It is appropriate to set limits on those aspects of activities within the Industrial zone which could reduce the level of amenity expected by residents within Residential zones in the vicinity.

Anticipated Environmental Results

Objective 1 and its associated policies are anticipated to result in the following outcomes:

- consolidation of industrial and service uses and their associated effects within existing areas used for these purposes.
- minimisation of air-borne dust
- low to medium noise levels
- any adverse effects limited to normal business hours
- buildings generally in scale with the existing industrial areas
- minimisation of glare
- a separation between residential and business use partially occupied by landscaping
- the screening of outdoor storage areas from view.

Methods of Implementation

Objective 1 and its associated policies will be implemented through the following methods:

District Plan Rules

- Maintaining of separate areas (zones for industrial and servicing activities only).
- Setback - 6d
- Parking - 6e
- Landscaping - 6f
- Screening - 6f

- Noise - 7a
- Glare - 7d

Other Legislation

- Administration of the Health Act, Health and Safety in Employment Act 1992, Dangerous Good Regulations, Resource Management Act 1991 and the Hazardous Substances and New Organisms Act.

Objective 2 - Environmental Amenity

The functioning of industrial and service activities in a way which creates an acceptable level of amenity and environmental quality for people visiting and working within or visiting the zone.

Reasons

- It is important that the safety, health and general welfare of people visiting or working within the industrial zone is assured.

Policy 2A - Amenity Control

To control the level of noise, glare and dust to ensure that an acceptable level of amenity and environmental quality is maintained for people working within and visiting the industrial zones.

Explanation and Reasons

- as for Objective 2.
- It is appropriate to set limits on those effects known to have the potential to compromise the environmental quality and amenity experienced by people within the industrial zones.

Anticipated Environmental Results

Objective 2 and its policy are anticipated to result in the following outcomes:

- Minimisation of air-borne dust nuisance
- Levels of glare which do not adversely impact on neighbouring properties
- Medium to high noise levels within the industrial zone.

Methods of Implementation

Objective 2 and its policy will be implemented through the following methods:

District Plan Rules

- Noise - 7a
- Hours of Operation - 7b
- Dust - 7c
- Glare - 7d

Other Legislation

- Administration of the Health Act, the Health and Safety in Employment Act, Dangerous Goods Regulations, Resource Management Act 1991, Hazardous Substances and New Organisms Act, Building Act and Waimate District Council's Bylaws.

Objective 3 – Natural Hazards

Avoid loss of life and avoid or mitigate damage to assets and infrastructure, or disruption to the community of the District, from natural hazards

Policy 3A – Natural Hazard Information

To maintain a high level of community awareness of the risk of natural hazards through the provision of advice and information.

Explanation and Reasons

- As for Rural Objective 7
- Providing information is an effective means of enabling people to avoid the effects associated with natural hazards necessary to achieve Objective 3.

Anticipated Environment Results

Objective 3 and its policy are anticipated to result in the following outcomes:

- Buildings and land use sited in accordance with information on natural hazards that maintains an acceptable level of risk to life and property.

Methods Of Implementation

Objective 3 and its policy will be implemented through the following methods:

Non-Regulatory

- Maintain a hazards register to be available for public information.

Other Legislation

- Civil Defence planning and preparedness under the Civil Defence Act, 1983.
- Provide information on natural hazards on LIMs and PIMs in accordance with the Local Government Official Information and Meetings Act, 1987.
- Replacement of alterations of buildings to consider natural hazards under the Building Act 1991.
- Require an Assessment of Environmental Effects with any resource consent application to identify any natural hazards and the methods used to avoid or mitigate a hazard risk for the proposed development in accordance with the requirements of the Fourth Schedule to the Resource Management Act 1991.
- Use of the Building Act and Section 106 of the Resource Management Act 1991 provisions to prevent buildings or subdivisions in hazard areas or to require mitigation of the hazards by building or subdivision design.

REASONS FOR RULES

Height of Buildings

Form: - Maximum height (m) of buildings above ground level.

Purpose: - To achieve a consistency in scale of development which reflects the desired character for an area and to limit the extent of buildings overshadowing other buildings, properties and public spaces.

Reason: - The character of an area is strongly influenced by the scale of buildings. As height is an important component in the scale of buildings, limits have been imposed. The maximum height specified allows some flexibility of design, while providing for the maintenance of the general character of each area.

Setback from Roads

Form: - Minimum distance (m) from roads.

Purpose: - To provide for an attractive street scene and allow daylight admission to streets.

Reason: - The positioning of buildings up to the front or road boundary of properties is considered acceptable in the context of commercial development, particularly if the Council simultaneously encourages continuity in retail frontage. However in some parts of the business areas a setback also affords the opportunity for landscaping and planting which can assist in giving areas, such as industrial and service areas, a degree of amenity for those viewing or working in them.

In the Business 3 Zone a 6m setback is required to provide a minimum area for the establishment of landscaping and to keep often unsightly business activities away from the direct view of the road.

Site Coverage

Form: - Maximum percentage of the site which is permitted to be covered by buildings.

Purpose: - To control the density of industrial development and to retain a degree of open space on sites, consistent with the potential needs and expectations of occupiers and local amenity values.

Reason: - This standard controls the amount of each section that is retained as open space and is therefore a key factor in determining the visual amenity and spaciousness within business areas.

Maintenance of the existing general scale and character of the business environment requires site coverage and open space levels for new development which are consistent with the prevailing character.

The Business 3 Zone has a standard of site coverage of 70% due to its proximity to residential areas and the need to maintain reasonable levels of open space more characteristic with living standards. It also provides some degree of spaciousness and the ability to comply with standards for landscaping, parking, loading and manoeuvring.

Parking

Form: - Specific standard that there be on-site carparking in the Business 3 Zone.

Purpose: - To limit the potential for on street parking in the vicinity of the Business 3 zones.

Reason: - Refer Section 9.

Loading and Access

Form: - Specific requirement for loading and access in the Business 1 and 2 Zones to be from service lanes.

Purpose: - The standard aims to maintain the form and integrity of the continuity of building frontage.

Reason: - The integrity and form of the continuity of building frontage would be undermined if access to sites were provided on an individual basis throughout the main retail shopping area of Waimate.

Landscaping

Form: - Minimum depth (m) of landscaping along certain boundaries to be landscaped, or number of trees to be planted per length of frontage.

Purpose: - To enhance the street scene and minimise the visual impact of certain development from roads and residential properties.

Reason: - The dominant form of landscaping is the planting of trees and shrubs. Landscaping has the benefits of enhancing the appearance and/or the screening of a site and buildings as viewed from or across streets, or from adjoining properties.

A landscaped area is not required in all Business zones. In the Business 1 and 2 Zones the Council undertakes any street beautification works and this is not a requirement of individual land owners. In the Business 3 Zone a 10m setback has been required which is significantly greater than required in other Business Zones. This is due to the sensitivity of the surrounding environment and the potential incompatibility of heavy industrial activities.

Amenities of Residential Zones

Form: - Setback from zone boundary or existing residential use - minimum distance (m) from zone boundary. Screening - a landscaped area a minimum width (m) along internal boundaries and a requirement for screening of outdoor storage areas.

Purpose: - To achieve a scale of development which is consistent with the character of the adjoining residential area or use and to ensure that building development does not unduly deprive neighbouring properties of sunlight.

These are indirectly a means of affording some degree of privacy to property occupiers and some retention of opportunities for outlook and views.

Reason: - These two standards seek to maintain the scale of development on sites adjoining residential, sections to a level that is more consistent with that within the residential environment as a means of preserving the character and amenity of these areas. The provision for setback and screening will assist in the separation of potentially incompatible activities and affect the standard of visual amenity by reducing the dominance of buildings, and securing levels of privacy and access to sunlight and daylight.

Noise

Form: - Numerical noise limits in decibels.

Purpose: - To avoid adverse effects of noise on health and amenity values.

Reason: - As for Residential Zones. The noise level standards specified for sites within the Business Zones recognise that people who work and visit a business area accept that there will be increased noise levels in order to enable the carrying out of business within the area. However, a minimum level is required in any zone in order to protect people from nuisance and/or adverse health effects. The noise levels specified within the different Business zones reflect the noise environment anticipated in each zone, the location of the zone and the range of activities likely to establish in the zone.

Residential sites adjoining existing industrial zones are in some instances currently subject to increased noise levels. Noise limits for noise received by occupants of other sites within business zones are intended to ensure there is minimal interference with commercial activities and are based on prevention of speech interference. Noise limits at sites occupied by dwellings within the Business 2 Zone, in adjoining Residential zones or at the notional boundary of residential units in the Rural Zone will be set to avoid adverse effects on health. The different noise limits for each business zone provide for varying types of use in each zone and their different amenity values.

Lighting

Form: - Direction and strength (lux spill of light) of external lighting.

Purpose: - To limit the amount of illumination received on properties from lights on neighbouring properties.

Reason: - As for Residential Zones. Even within Business Zones, illumination from lighting can interfere with the enjoyment of a property and with the sleep of occupiers where residential occupancy is permitted.

However, the illumination standard within the Business Zones has been set to reflect the amount of illumination generally anticipated in the business areas, where there is already a significant night-time illumination from street, security, shop window and other neighbourhood lighting.

Residential sites adjoining existing industrial zones are in some instances currently subject to increased illumination. However, the standards for activities within the Business Zones require those activities to meet acceptable residential illumination limits at the boundary of any property zoned residential.

Dust

Form: - Requirement for vehicle parking and loading areas to have an all weather surface.

Purpose: - To minimise the creation of dust nuisance.

Reason: - During dry summer months unsealed surfaces which are subjected to vehicle manoeuvring have the potential to create a dust nuisance, particularly in North-westerly wind conditions. The requirement for an all weather surface aims to reduce those areas where dust is generated.

Hours of Operation

As for Residential Zones at the boundary of any site adjoining a Residential Zone.

Offensive Trades

Form: - Restriction on the location of activities which require an offensive trade licence.

Purpose: - To prevent the establishment of noxious or dangerous industries in locations in close proximity to residential areas and business areas which have a high standard of amenity.

Reason: - Activities which require an offensive trade licence involve the handling or processing of products which are dangerous or have the potential to create noxious effects. It is not appropriate that these activities are located in areas close to residential areas where a higher standard of amenity and environment is expected and where people are at risk. In addition, some business areas have a higher level of amenity that would be threatened by these activities. To protect these areas businesses which require an offensive trade licence are not provided for.

RULES - BUSINESS 3 ZONE (INDUSTRIAL)

1 DISTRICT WIDE RULES

The following General Provisions containing district wide rules shall apply in the Business 3 Zone:

- Signs - Section 7
- Heritage Protection - Section 8
- Transportation - Section 9
- Subdivision - Section 10
- Utilities - Section 11
- Hazardous Substances - Section 12

2 PERMITTED ACTIVITIES

The following activities shall be Permitted Activities within the Business 3 Zone provided they comply with all Site Standards and Zone Standards:

- a Service Activities
- b Industrial Activities
- c Commercial Activities, excluding brothels
- d Temporary Activities listed as Permitted Activities in Section 2 Clause 5
- e Emergency Service Facilities

3 CONTROLLED ACTIVITIES

- a Temporary Activities listed as Controlled Activities in Section 2, Clause 5.

4 DISCRETIONARY ACTIVITIES

- a Any activity listed as a Permitted Activity which complies with all Zone Standards but which does not comply with one or more of the Site Standards shall be a Discretionary Activity. The exercise of Council's discretion shall be restricted to the matter(s) specified in the standard which is not complied with.

- b Any Other Activity which is not listed as a Permitted or Discretionary Activity and which complies with all of the Zone Standards shall be a Discretionary Activity

5 NON-COMPLYING ACTIVITIES

Any activity which is not a Permitted Activity or a Discretionary Activity shall be a Non-Complying Activity.

6 SITE STANDARDS

a **Height of Buildings**

Maximum height of fires station training and hose drying towers - 15 metres

Maximum height of all other buildings - 10m

b **Landscaping and Setback from Roads**

i All buildings shall be set back a minimum of 6m from road boundaries except that where a site faces a Residential Zone across a road buildings shall be set back 10m from boundaries.

ii A landscaped area of a minimum width of 1m shall be established along all road boundaries.

c **Site Coverage**

The maximum percentage of the site area to be covered by buildings shall be 70%.

d **Amenities of Residential Zones**

There shall be a minimum yard, unobstructed by buildings, on any site boundary which adjoins a Residential Zone, of 10 metres of which a strip not less than 3 metres deep shall be landscaped. This landscaping may form part of the 10% required in 5f.

e **Parking**

On site car parking shall be provided at 3 spaces per every 100m² of floor area.

f **Landscaping**

Not less than 10% of each site shall be landscaped to improve the appearance of the site when viewed from the street and to.

screen areas which may appear unsightly. A bond may be required to ensure landscaping is implemented and maintained

g Loading

Provision shall be made for the loading of goods, materials and stock associated with the site. All such loading areas shall be provided on the site, and shall:

- be designed to accommodate vehicles likely to be used in association with the site,
- be designed to ensure that loading vehicles are not required to reverse either on to or off the site.

h Offensive Trade

No activity shall be permitted which requires an offensive trade license under the Health Act 1956 or its equivalent.

i Access

No access shall be obtained from State Highway 1.

7 ZONE STANDARDS

a Noise

All activities shall be designed and conducted so as to ensure that the following noise limits are not exceeded at any point within the boundary of any other site within the Business 3 Zone:

Daytime	- 65dBA L10
Nighttime	- 55dBA L10
On any day between 9.00pm and 7.00am on the following day	- 85dBA Lmax;

Provided that: The following noise limits shall not be exceeded at any point within the boundary of any Residential Zone or within the notional boundary of any residential unit in the Rural Zone:

Daytime	- 55dBA L10
Nighttime	- 45dBA L10
On any day between 10.00pm and 7.00am on the following day	- 75dBA Lmax.

All activities must comply with the General Noise Controls contained in Section 2 Clause 15.

b Hours of Operation

Where located on a site adjoining or opposite a Residential Zone, no business activity shall operate outside the hours of 0700 to 2100 Monday to Friday and 0900 to 1700 Saturday, Sunday and Public Holidays.

c Dust

All vehicles access, parking and loading areas shall be formed and paved or otherwise maintained so as not to create a dust nuisance or permit vehicles to carry deleterious material such as mud, stone, chip or gravel onto the public street or footpath.

d Lighting

i All exterior lighting shall be directed away from adjacent properties and roads so as to avoid any adverse effects on the neighbourhood and on traffic safety.

ii No activity shall result in greater than a 10 lux spill (horizontal and vertical) of light on to any adjoining property within the zone, measured 2m inside the boundary of any adjoining property.

iii No activity shall result in a greater than 3 lux spill (horizontal and vertical) of light onto any adjoining property which is zoned Residential measured at any point more than 2m inside the boundary of the adjoining property.

8 ASSESSMENT MATTERS - RESOURCE CONSENTS

The Council shall have regard to the following in considering whether or not to grant consent or impose conditions on a resource consent application:

a Height of Buildings

i The extent of any adverse effects on the environment from exceeding a maximum height and in particular the effect of any increased building height on the visual character of the area and compatibility with the scale of adjoining buildings.

- ii The degree to which the increased height may affect the amenity and enjoyment of other sites, roads and public open space through a reduction in view, casting of shadows, visual dominance of outlook by buildings, or loss of privacy through being overlooked, which is out of character with the local environment.
- iii The degree to which the increased building height may result in decreased opportunities for views from properties in the vicinity or from roads.
- iv The potential for any adverse effects created through increased height to be mitigated through site layout, separation distances or the provision of landscaping.

b Setback from Roads

Where the performance standard allows no setback to be provided:

- i The degree to which a setback from the road boundary will affect the visual continuity of building frontage along the street and the character of the area, as a defined business centre of distinctive building style with a sense of enclosure and continuity of business activity.

Where the performance standard requires a setback to be provided:

- ii The extent to which the reduced setback will affect the potential of the site to comply with the standards for carparking and/or landscaping.
- iii The design and appearance of the building and its visual impact from the street or adjoining properties.
- iv The necessity for a reduced setback to enable more efficient or practical use of a site.
- v The degree to which a reduced setback will affect the coherence of adjoining site development in terms of appearance, layout and scale and the openness and visual amenity of the street when viewed from adjoining properties.
- vi The potential for the privacy of adjoining residential sites to be affected from buildings built at a reduced setback.
- vii The potential for any landscaping to mitigate any increased visual impact created from a reduced setback.

c Site Coverage

- i The effect on the amenity and character of the local environment of reducing open space and increasing the amount of building over a site.
- ii The extent to which site development will be able to comply with other performance standards such as setback, landscaping, parking, manoeuvring and loading.
- iii The necessity for the increased building coverage in order to undertake the proposed activities on the site.
- iv The ability of any landscaping or screening to mitigate any effects of a reduction in open space.

d Loading and Access

Refer to relevant Assessment Matters in Section 9 Transportation.

e Amenities of Residential Zones and Residential Use

- i The extent of the visual impact of the building from the adjoining residential site and its impact on the amenity and character of the residential environment taking into account its design and appearance, bulk and length of wall.
- ii The extent of any overshadowing created and the impact this may have on any outdoor living spaces or main living areas within a dwelling.
- iii The potential for the development to affect the privacy of the residents.
- iv The potential to mitigate any adverse effects created through options on the layout of buildings, carparking and storage areas on site.
- v The potential for the development to affect the amenity of the adjoining residential environment in terms of such matters as noise, glare, dust, smell and vibration.

f Landscaping

- i The extent of the visual impact of buildings and outdoor storage areas on sites with a reduced area of landscaping.
- ii The extent to which the site is visible from adjoining sites, particularly from residential areas.
- iii The extent to which other factors may compensate for a reduced landscaped area, such as:
 - a higher quality of planting over a smaller area

- a high standard of architectural design that is not visually obtrusive
 - the type of building materials used
 - the location of different activities on site and their relationship to the boundaries of the site and their visibility from the general area.
- iv The visual appearance of the site and the length of boundary open to public view and the impact of buildings and activities on site on the character and amenity of the area.
- v The importance of improving the standard of landscape particularly where a low standard of landscaping currently exists.

9 ZONE RULES AND STANDARDS

Refer to the end of the Objectives and Policies for the Business 3 Zone for a detailed explanation of the form, purpose and reasons for the rules and standards.