

## 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.

### 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 2 (MIXED BUSINESS) ZONE 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 3 (INDUSTRIAL) ZONE 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 1 ZONE - OBJECTIVES AND POLICIES

### Objective 1 – Commercial Focus – Business 1 Zone

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

#### Explanation and 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, other than legally established emergency service facilities, 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.

- Emergency service facilities provide an important function in that they are responsible for the safety and welfare of people and property in the community. For these reasons where emergency service facilities have been legally established, provision is provided for those activities to continue.

### **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.

#### **Explanation and 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.

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### **Policy 2A - Maintenance of Historic Character**

The existing form, Edwardian and Victorian character and heritage values 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.

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### **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.
- Large format retail premises have the potential to create pedestrian safety and convenience issues, particularly where this traffic accesses the property from Queen or High Streets. In addition the building style or layout of large format retail premises and car parking areas is often out of keeping with existing town centres. For these reasons large format retail developments are a restricted discretionary activity in the Business 1 zone with Council having discretion in relation to visual integration, compatibility with the heritage character and values of Queen and High Streets and the design location and layout of car parking and loading areas and vehicle access.

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### Policy 2C – New and Existing Non-Heritage Buildings

To control the location, scale, colour and appearance of new buildings and alterations to these buildings to avoid adversely affecting the historic character and heritage values of the Business 1 and 2 zones and of buildings of historic significance within the Zones.

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#### Explanation and Reasons

- As for Objective 2
- New development within the Business 1 and 2 Zones has the potential to adversely affect the historic character and heritage values of the Zones and the heritage buildings within them. New buildings should be designed to complement and preserve the heritage values and historic character of the Zones. This does not mean that new buildings must be replicas of heritage buildings, but rather that they have design features that are compatible with the heritage character of the Zones. Similarly, some control over design, appearance and colour is required for alterations to non-heritage buildings in the Business 1 and 2 Zone. The purpose of this is to provide a gradual improvement in the compatibility of these buildings with heritage buildings, where this is practicable. Council will also require new buildings and buildings undergoing substantial alterations to be clad or painted in colours contained in Council's Victorian and Edwardian Colour Palette.
- Large format retail premises have the potential to create pedestrian safety and convenience issues, particularly where this traffic accesses the property from Queen or High Streets. In addition the building style of layout of large format retail premises and car parking areas is often out of keeping with existing town centres. For these reasons large format retail developments are a restricted discretionary activity in the Business 1 zone with Council having discretion in relation to visual integration, compatibility with the heritage character and values of Queen and High Streets and the design location and layout of car parking and loading areas and vehicle access

### Objective 3 – Amenity of Residential Areas

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

#### Explanation and 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.

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### 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.

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#### 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.

**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

**Explanation and Reasons**

- As for Rural Objective 8

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**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 8
- Providing information is an effective means of enabling people to avoid the effects associated with natural hazards necessary to achieve Objective 4.

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**Policy 4B – Climate Change**

To acknowledge the impact that climate change may have on natural hazards events when undertaking new development.

**Explanation and Reasons**

- As for Rural Objective 8.
- Climate change has the potential to increase the severity and/or occurrence of natural hazards events. For example the frequency and duration of floods may increase as a result of an increase in the intensity of rainfall. Within the District, climate change and its potential impact on natural hazard events needs to be acknowledged and taken into consideration when new development is undertaken.

## BUSINESS 2 ZONE - OBJECTIVES AND POLICIES

### Objective 1 - Mixed Business Use Area – Business 2 Zone

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.

#### Explanation and 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

### 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.

#### Explanation and 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 2
- 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.

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### **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 2 zone, to ensure there is no detracting from the amenities of residential areas within the vicinity.

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#### **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.
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### **Policy 2C – New and Existing Non-Heritage Buildings**

To control the location, scale, colour and appearance of new buildings and alterations to these buildings to avoid adversely affecting the historic character and heritage values of the Business 1 and 2 zones and of buildings of historic significance within the Zones.

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#### **Explanation and Reasons**

- As for Objective 2
- New development within the Business 1 and 2 Zones has the potential to adversely affect the historic character and heritage values of the Zones and the heritage buildings within them. New buildings should be designed to complement and preserve the heritage values and historic character of the Zones. This does not mean that new buildings must be replicas of heritage buildings, but rather that they have design features that are compatible with the heritage character of the Zones. Similarly, some control over design, appearance and colour is required for alterations to non-heritage buildings in the Business 1 and 2 Zone. The purpose of this is to provide a gradual improvement in the compatibility of these buildings with heritage buildings, where this is practicable. Council will also require new buildings and buildings undergoing substantial alterations to be clad or painted in colours contained in Council's Victorian and Edwardian Colour Palette.

### **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

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### **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.

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#### **Explanation and Reasons**

- As for Rural Objective 8
- Providing information is an effective means of enabling people to avoid the effects associated with natural hazards necessary to achieve Objective 3.

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**Policy 3B – Climate Change**

To acknowledge the impact that climate change may have on natural hazards events when undertaking new development..

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**Explanation and Reasons**

- As for Rural Objective 8.
- Climate change has the potential to increase the severity and/or occurrence of natural hazards events. For example the frequency and duration of floods may increase as a result of an increase in the intensity of rainfall. Within the District, climate change and its potential impact on natural hazard events needs to be acknowledged and taken into consideration when new development is undertaken

## 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.

#### Explanation and 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 detracting 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.

### 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.

#### Explanation and Reasons

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

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**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.

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**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.

**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

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**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.

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**Explanation and Reasons**

- As for Rural Objective 8
- Providing information is an effective means of enabling people to avoid the effects associated with natural hazards necessary to achieve Objective 3.

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**Policy 3B – Climate Change**

To acknowledge the impact that climate change may have on natural hazards events when undertaking new development.

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**Explanation and Reasons**

- As for Rural Objective 8.
- Climate change has the potential to increase the severity and/or occurrence of natural hazards events. For example the frequency and duration of floods may increase as a result of an increase in the intensity of rainfall. Within the District, climate change and its potential impact on natural hazard events needs to be acknowledged and taken into consideration when new development is undertaken.

## 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
- Financial Contributions – Section 10
- 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:

**2.1 Commercial Activities** excluding service stations and brothels

**2.2 Recreation Activities**

**2.3 Residential Activities**

**2.4 Service Activities**

**2.5 Visitor Accommodation**

**2.6 Temporary Activities** that meet Site Standard 7.10. Temporary Activities do not need to meet any other site or zone standard

**2.7 Construction Activities** that meet Site Standard 7.11. Construction activities do not need to meet any other Business 1 site or zone standard. Note other District Wide rules may apply, refer Rule 1.

Note; Refer rules 3.1, 4.2 and 4.3 for controls on buildings and verandahs.

### 3. CONTROLLED ACTIVITIES

**3.1** Building alterations other than those specified in Site Standard 7.7, shall be a Controlled Activity.

This provision does not apply to alterations to, or removal of, verandas.

#### 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.

## 4. RESTRICTED DISCRETIONARY ACTIVITIES

### 4.1 New Buildings

4.1.1 The construction of any new building within the Business 1 Zone shall be a Restricted Discretionary Activity. Any new building will be required to comply with the Site and Zone Standards. Council will restrict the exercise of its discretion to:

- a. the exterior design and appearance of buildings
- b. the colour of all exterior surfaces, so as to ensure the appropriate use of colours;
- c. the materials used;
- d. the effect of the activity on the heritage values and historic character of the Zone;
- e. the extent to which a facade would give the building the appearance of at least a two-storey building;
- f. the extent to which the height and style of the façade would bring the building into harmony with the buildings in the immediate and general vicinity.

### 4.2 Verandas

4.2.1 Alterations that substantially alter the external appearance of verandas, or the removal of verandas, which are visible from Queen Street or High Street. Council's discretion is restricted to:

- a. The external design and appearance of buildings, including adjacent buildings in so far as they may or may not provide verandas;
- b. The design of the veranda and adjoining verandas.

### 4.3 Large Developments

4.3.1 Any development with a gross floor area of 450m<sup>2</sup> or more shall be restricted discretionary activity. Council's discretion shall be restricted to:

- a. visual integration of the development with the surrounding buildings.
- b. compatibility with, and maintenance of, the existing form, Edwardian and Victorian character and heritage values of Queen and High Street,
- c. design, location and layout of car parking, loading areas and vehicle access

4.4 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 Restricted 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. DISCRETIONARY ACTIVITIES

5.1 **Community Activities**, except those associated with legally established emergency service facilities.

## 6. NON-COMPLYING ACTIVITIES

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

6.2 Any activity which does not comply with any Zone Standard in Rule 8 shall be a Non-Complying Activity.

## **7. SITE STANDARDS**

### **7.1 Height of Buildings**

- 7.1.1 Maximum Height - 10m

### **7.2 Setback from Roads**

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

### **7.3 Setback from Neighbours**

- 7.3.1 No buildings shall be set back from side boundaries except where the side boundary is a Residential Zone boundary (Refer Rule 7.9 below).

### **7.4 Shopping Frontage**

- 7.4.1 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.

### **7.5 Windows**

- 7.5.1 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.

### **7.6 Colour Palette**

- 7.6.1 All exterior surfaces, including roofs, of new buildings and substantial alterations to buildings that do not meet Site Standard 7.7 shall be clad or painted using Council's Victorian and Edwardian Colour Palette.

### **7.7 Building Alteration**

- 7.7.1 Alteration to the external appearance of any buildings (other than a Category A, B or C heritage building) shall be restricted to:
- a. Work that is redecoration, restoration or insignificant alteration of any existing fabric or detailing, except that any painting or repainting must comply with Site Standard 7.6.
  - b. Work that is carried out to the same scale as the original, including window scale, and with materials and details similar to or having the same appearance to those originally used, or
  - c. Work that is below the veranda or where there is no veranda, the work is not above 3m from ground level.

### **7.8 Loading and Access**

- 7.8.1 Loading and goods access shall comply with the provisions of Section 9 and shall be undertaken from service lanes where available.
- 7.8.2 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.

## 7.9 Amenities of Residential Zones

- 7.9.1 Where a site adjoins a site zoned Residential the following standards shall apply:
- a. **Setback from zone boundary**  
The minimum setback of buildings from a Residential Zone boundary shall be 4.5m.
  - b. **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.

## 7.10 Temporary Activities

- 7.10.1 Temporary activities provided they do not exceed a period of eight days at any one time, and do not occur more than six times in any one year.

## 7.11 Construction Activities

- 7.11.1 Temporary Construction Buildings established on a construction site for the duration of the project or twelve months whichever is the lesser.
- 7.11.2 Construction noise shall not exceed the recommended limits in and shall be measured and assessed in accordance with the provisions of NZS 6803: *Acoustics - Construction Noise*. Discretionary adjustments provided in clause 6.1 of the Standard shall be mandatory within the District.

# 8. ZONE STANDARDS

## 8.1 Noise

- 8.1.1 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:
- a. Daytime - 60dBA L10
  - b. Nighttime - 55dBA L10
  - c. On any day between 9.00pm and 7.00am - 80dBA Lmax;  
on the following day
- 8.1.2 Provided that: The following noise limits shall not be exceeded at any point within the boundary of any Residential Zone:
- a. Daytime - 55dBA L10
  - b. Nighttime - 45dBA L10
  - c. On any day between 10.00pm and 7.00am - 75dBA Lmax.  
on the following day
- 8.1.3 Noise levels shall be measured in accordance with the provisions of NZS 6801: *Acoustics - Measurement of environmental sound* and assessed in accordance with the provisions of NZS 6802 *Acoustics - Environmental noise*.
- 8.1.4 Noise limits shall not apply to:
- a. activities of a normal recreational nature, such as sporting events, that do not involve powered motorsport, powered aviation, gunfire or amplified music; or
  - b. warning devices used by emergency services.

## 8.2 Hours of Operation

8.2.1 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.

## 8.3 Dust

8.3.1 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.

## 8.4 Offensive Trades

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

## 9. NON-NOTIFIED RESOURCE CONSENTS

Resource Consents in relation to the following matters shall be non-notified and shall not require the written approval of affected parties:

- a. Windows - Site Standard 7.5.1
- b. Building Alteration - Controlled Activity – 3.1
- c. New Buildings, - Restricted Discretionary Activity – 4.1
- d. Verandas - Restricted Discretionary Activity – 4.2

## 10. ENFORCEMENT

10.1 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.



## 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
- Financial Contributions – Section 10
- 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:

**2.1 Commercial Activities**, excluding brothels

**2.2 Community Activities**

**2.3 Recreational Activities**

**2.4 Industrial Activities**

**2.5 Service Activities**

**2.6 Residential Activities**

**2.7 Temporary Activities** that meet Site Standard 7.7. Temporary Activities do not need to meet any other site or zone standard

**2.8 Construction Activities** that meet Site Standard 7.8. Construction activities do not need to meet any other Business 2 site or zone standard. Note other District Wide rules may apply, refer Rule 1.

Note: Refer Rule 4.1 for controls on new buildings

### 3. CONTROLLED ACTIVITIES

**3.1** Any Service Stations and drive in outlets in relation to location of crossing points and site layout.

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

**3.2** Alterations of buildings other than those specified in Site Standard 7.6.

## 4. RESTRICTED DISCRETIONARY ACTIVITIES

### 4.1 New Buildings

4.1.1 The construction of any new building within the Business 2 Zone shall be a Restricted Discretionary Activity. Any new building will be required to comply with the Site and Zone Standards. Council will restrict the exercise of its discretion to:

- a. the exterior design and appearance of buildings
- b. the colour of all exterior surfaces, so as to ensure the appropriate use of colours;
- c. the materials used;
- d. the effect of the activity on the heritage values and historic character of the Zone;
- e. the extent to which a facade would give the building the appearance of at least a two-storey building;
- f. the extent to which the height and style of the façade would bring the building into harmony with the buildings in the immediate and general vicinity.

4.2 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 Restricted Discretionary Activity. The exercise of Council's discretion shall be restricted to the matter(s) specified in the standard which is not complied with.

## 5. DISCRETIONARY ACTIVITIES

5.1 Any Activity which is not listed as a Permitted or Restricted Discretionary Activity and which complies with all of the Zone Standards shall be a Discretionary Activity.

## 6. NON-COMPLYING ACTIVITIES

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

6.2 Any activity which does not comply with any Zone Standard in Rule 8 shall be a Non-Complying Activity.

## 7. SITE STANDARDS

### 7.1 Height of Buildings

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

7.1.2 Maximum height of all other buildings - 10m

### 7.2 Loading and Access

7.2.1 All goods access and loading shall be undertaken from service lanes where available and shall comply with the requirements of Section 9.

### 7.3 Service Station and Drive-in Operations

7.3.1 Minimum width of vehicle crossings - 5.5m

7.3.2 Maximum width of vehicle crossings - 9m

- 7.3.3 Vehicle crossings shall cross the footpath at an angle between 45° and 90°
- 7.3.4 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.
- 7.3.5 Manoeuvre areas for bulk delivery fill points shall accommodate a design articulated truck shown in Appendix C.
- 7.3.6 Manoeuvre areas for fuel pumps and other fuel reselling devices shall accommodate a 99 percentile design motor car shown in Appendix C.
- 7.3.7 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.

#### **7.4 Amenities of Residential Zones and Residential Use**

- 7.4.1 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, there shall be:
  - 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.

#### **7.5 Colour Palette**

- 7.5.1 All exterior surfaces, including roofs, of new buildings shall be clad or painted using Council's Victorian and Edwardian Colour Palette.

#### **7.6 Building Alterations**

- 7.6.1 Alteration to the external appearance of any buildings (other than a Category A, B or C heritage building) shall be restricted to:
  - a. Work that is redecoration, restoration or insignificant alteration of any existing fabric or detailing, except that any painting or repainting must comply with Site Standard 7.5.
  - b. Work that is carried out to the same scale as the original, including window scale, and with materials and details similar to or having the same appearance to those originally used, or
  - c. Work that is below the veranda or where there is no veranda, the work is not above 3m from ground level.

#### **7.7 Temporary Activities**

- 7.7.1 Temporary activities provided they do not exceed a period of eight days at any one time, and do not occur more than six times in any one year.

#### **7.8 Construction Activities**

- 7.8.1 Temporary Construction Buildings established on a construction site for the duration of the project or twelve months whichever is the lesser.

- 7.8.2 Construction noise shall not exceed the recommended limits in and shall be measured and assessed in accordance with the provisions of NZS 6803: *Acoustics - Construction Noise*. Discretionary adjustments provided in clause 6.1 of the Standard shall be mandatory within the District.

## 8. ZONE STANDARDS

### 8.1 Noise

- 8.1.1 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:

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

- 8.1.2 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:

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

- 8.1.3 Noise levels shall be measured in accordance with the provisions of NZS 6801: *Acoustics - Measurement of environmental sound* and assessed in accordance with the provisions of NZS 6802 *Acoustics - Environmental noise*.

- 8.1.4 Noise limits shall not apply to:
- activities of a normal recreational nature, such as sporting events, that do not involve powered motorsport, powered aviation, gunfire or amplified music; or
  - warning devices used by emergency services.

### 8.2 Hours of Operation

- 8.2.1 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.

### 8.3 Dust

- 8.3.1 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.

### 8.4 Lighting

- 8.4.1 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.
- 8.4.2 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.

- 8.4.3 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.

## **8.5 Offensive Trade**

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

## **9. NON-NOTIFIED RESOURCE CONSENTS**

- 9.1 Resource Consents in relation to the following matters shall be non-notified and shall not require the written approval of affected parties:

- a. Controlled Activity: Access and layout of service stations and other drive in outlets – 3.1
- b. Restricted Discretionary Activity: Construction of new buildings – 4.1

## **10. ENFORCEMENT**

- 10.1 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.



## 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
- Financial Contributions – Section 10
- 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:

#### 2.1 Service Activities

#### 2.2 Industrial Activities

#### 2.3 Commercial Activities, excluding brothels

#### 2.4 Temporary Activities that meet Site Standard 6.10. Temporary Activities do not need to meet any other site or zone standard

#### 2.5 Emergency Service Facilities

#### 2.6 Construction Activities that meet Site Standard 6.11. Construction activities do not need to meet any other Business 3 site or zone standard. Note other District Wide rules may apply, refer Rule 1.

### 3. RESTRICTED DISCRETIONARY ACTIVITIES

#### 3.1 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 Restricted Discretionary Activity. The exercise of Council's discretion shall be restricted to the matter(s) specified in the standard which is not complied with.

### 4. DISCRETIONARY ACTIVITIES

#### 4.1 Any 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

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

#### 5.2 Any activity which does not comply with any Zone Standard in Rule 7 shall be a Non-Complying Activity.

## **6. SITE STANDARDS**

### **6.1 Height of Buildings**

- 6.1.1 Maximum height of fires station training and hose drying towers - 15 metres
- 6.1.2 Maximum height of all other buildings - 10m

### **6.2 Setbacks from Roads and Waterways**

- 6.2.1 The minimum building setback from road boundaries shall be:
- a. 10m where the site faces a Residential Zone
  - b. 6m in all other cases
- 6.2.2 Any filling, excavation or buildings shall be at least 15m from any waterway.

### **6.3 Landscaping**

- 6.3.1 The minimum width of landscape areas that shall be established along road boundaries shall be 1m in all cases.

### **6.4 Site Coverage**

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

### **6.5 Amenities of Residential Zones**

- 6.5.1 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 6.6.1.

### **6.6 Landscaping**

- 6.6.1 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

### **6.7 Loading**

- 6.7.1 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.

### **6.8 Offensive Trade**

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

### **6.9 Access**

- 6.9.1 No access shall be obtained from State Highway 1.

## 6.10 Temporary Activities

6.10.1 Temporary activities provided they do not exceed a period of eight days at any one time, and do not occur more than six times in any one year.

## 6.11 Construction Activities

6.11.1 Temporary Construction Buildings established on a construction site for the duration of the project or twelve months whichever is the lesser.

6.11.2 Construction noise shall not exceed the recommended limits in and shall be measured and assessed in accordance with the provisions of NZS 6803: *Acoustics - Construction Noise*. Discretionary adjustments provided in clause 6.1 of the Standard shall be mandatory within the District.

# 7. ZONE STANDARDS

## 7.1 Noise

7.1.1 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:

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

7.1.2 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:

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

7.1.3 Noise levels shall be measured in accordance with the provisions of NZS 6801: *Acoustics - Measurement of environmental sound* and assessed in accordance with the provisions of NZS 6802 *Acoustics - Environmental noise*.

7.1.4 Noise limits shall not apply to:

- activities of a normal recreational nature, such as sporting events, that do not involve powered motorsport, powered aviation, gunfire or amplified music; or
- warning devices used by emergency services.

## 7.2 Hours of Operation

7.2.1 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.

## 7.3 Dust

7.3.1 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.

## **7.4 Lighting**

- 7.4.1 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.
- 7.4.2 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.
- 7.4.3 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. ENFORCEMENT**

- 8.1 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.

# REASONS AND ASSESSMENT MATTERS FOR BUSINESS 1, 2 AND 3 ZONE RULES

## 1. 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.

Reasons: 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.

Assessment Matters:

- a. 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.
- b. 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.
- c. The degree to which the increased building height may result in decreased opportunities for views from properties in the vicinity or from roads.

## 2. Setback from Roads – Business 1 Zone

Form: No setback required.

Purpose: To retain the character of Queen Street.

Reasons: 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.

Assessment Matters:

- a. 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.

## 3. Setback from Roads – Business 3 Zone

Form: Minimum distance (m) from roads.

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

Reasons: 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.

Assessment Matters

- a. The design and appearance of the building and its visual impact from the street or adjoining properties.
- b. The necessity for a reduced setback to enable more efficient or practical use of a site.
- c. 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.

#### 4. **Setback from Neighbours – Business 1 Zone**

Form: No setback permitted.

Purpose: To maintain the continuity of building frontage.

Reasons: 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 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 1 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.

Assessment Matters:

- a. 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.
- b. The design and appearance of the building and its relationship with adjoining buildings in terms of continuity of design, height and scale.
- c. The layout of the site and the options for maximisation of use of the site area.

#### 5. **Verandas – Business 1 Zone**

Form: Restricted Discretionary 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.

Reasons: 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 veranda coverage is continuous.

Assessment Matters:

- a. Where a veranda 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.
- b. The volume of pedestrians using the street and the extent to which they will be exposed to adverse climatic conditions if a veranda is not provided.
- c. 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 veranda will have on the architectural cohesiveness of the street.
- d. The construction of the veranda given the possibility of veranda posts being damaged or destroyed by vehicles or natural hazards.

- e. The height and width of the veranda with respect to its safety for pedestrian and the likelihood of signs being attached underneath the veranda or on its fascia.

## 6. New Buildings and Alterations to Existing Business - Business 1 and 2 Zones

**Form:** Restricted Discretionary Activity status applied to Business 1 and 2 Zones buildings and additions in terms of provision for facades.

**Purpose:** To protect and maintain the heritage character and values of the Queen Street commercial area as viewed from the footpath or road, including the general two/three storey character of the buildings.

**Reasons:** 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. New Buildings should be designed to complement and preserve the heritage values and character of these zones.

**Assessment Matters:**

- a. Those matters listed in Business 1 Zone Rules 4.1
- b. 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.
- c. The degree to which the architectural style and materials of the building is compatible with the adjoining buildings and with the predominant Edwardian/Victorian architecture of buildings in Queen Street.

## 7. Shopping Frontage – Business 1 Zone

**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.

**Reasons:** 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.

**Assessment Matters:**

- a. 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.
- b. The amount of custom or people generated by the proposed activity and its impact on parking space availability.
- c. The inconvenience to disabled or elderly persons of alternative sites outside the shopping frontage areas.

## 8. Windows – Business 1 Zone

**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.

**Reasons:** 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.

**Assessment Matters:**

- a. 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.
- b. 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.
- c. 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.

**9. Paint Colour– Business 1 and 2 Zones**

**Form:** Requirement for buildings to be painted in heritage colours.

**Purpose:** To ensure that the appearance of non-heritage buildings is compatible with the historic character and heritage values of the Business 1 and 2 zones.

**Reasons:** When buildings listed in the Heritage Items Schedule are painted, they are required to be painted in heritage colours that are deemed appropriate to the Edwardian and Victorian character of the Zone. If non-heritage buildings are to be painted, they similarly need to be painted in heritage colours to ensure the buildings are compatible with the heritage character of the Zone.

**10. Loading and Access – Business 1 and 2 Zones**

**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.

**Reasons:** 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.

**Assessment Matters:**

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

**11. Amenity 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.

**Reasons:** 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.

Assessment Matters:

- a. 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.
- b. The extent of any overshadowing created and the impact this may have on any outdoor living spaces or main living areas within a dwelling.
- c. The potential for the development to affect the privacy of the residents.
- d. The potential to mitigate any adverse effects created through options on the layout of buildings, carparking and storage areas on site.
- e. 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.

## 12. Noise

Form: Numerical noise limits in decibels.

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

Reasons: 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.

Assessment Matters:

- a. The degree to which excessive noise generation will affect the enjoyment of any public place or residential area in the vicinity.
- b. The degree to which the noise contrasts with the characteristics of the existing noise environment in terms of level, duration and timing, and the impact of any cumulative increase.
- c. The nature of measures to mitigate excessive noise levels and the degree to which they are successful.

## 13. Dust

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

Purpose: To minimise the creation of dust nuisance.

Reasons: 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.

Assessment Matters:

- a. 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.

## 14. 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.

Reasons: 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.

## 15. Service Stations and Drive in Outlets – Business 2 Zone

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.

Reasons: 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.

Assessment Matters:

- a. 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.
- b. The extent to which road traffic and pedestrians see traffic leaving the site.
- c. The proximity of the access points to other access points.

## 16. 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.

Reasons: 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.

Assessment Matters:

- a. The degree to which light spill and/or glare may affect the enjoyment, character or amenity of any public place or residential area in the vicinity having regard to the time, duration and intensity of the light and the extent to which it illuminates adjoining land areas.

- b. The location of the source of light spill and/or glare and the potential to relocate or redirect the source within the site to mitigate any nuisance, including the safety of vehicles travelling along adjoining road networks and the degree to which this can be achieved successfully.
- c. The extent to which the light source is necessary to enable certain activities to take place.

## 17. 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.

Reasons: 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.

Assessment Matters:

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

## 18. 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.

Reasons: 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 when sites are opposite Residential Zones or sensitive uses such as parks and reserves, 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.

Assessment Matters:

- a. The extent of the visual impact of buildings and outdoor storage areas on sites with a reduced area of landscaping.

- b. The extent to which the site is visible from adjoining sites, particularly from residential areas.
- c. 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.
- d. 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.
- e. The importance of improving the standard of landscape particularly where a low standard of landscaping currently exists.