

## SECTION 5 - RESIDENTIAL

### INTRODUCTION

Housing is one of the most fundamental needs of the District's population. People's wellbeing is amongst other things a reflection of their quality of housing and general living environment. Approximately 40% of the District's population live in an urban residential environment, with most of those living in Waimate, the District's principal settlement. The other settlements having a predominantly residential rather than rural form are St Andrews, Makikihi, Morven, Glenavy and Hakataramea.

Waimate District generally exhibits population trends typical of the rural Districts nationally. That is, the average household unit is becoming smaller, moving towards 2.4 persons per household. This reduction in the number of people per household is particularly evident in the urban area. This has resulted in further residential building activity (and subsequently an increase in the number of occupied dwellings) concurrent with an ageing and slightly declining population.

There has also been an upsurge of demand for rural-residential blocks, particularly around Waimate. This has been a nationwide-trend due to a desire by some people to live in a rural environment without necessarily having any employment connection with that rural area. This Section (Section 5) of the District Plan deals with the residential areas of the District and includes provision for rural-residential type development.

### RESIDENTIAL 1, 2 AND 3 ZONES DESCRIPTION

These zones incorporate the Waimate Urban Area, St Andrews, Makikihi, Morven, Glenavy and Hakataramea.

### OBJECTIVES AND POLICIES

#### Objective 1 - Maintenance of Residential Character – Residential 1 Zone

Maintenance of the residential character of the Residential 1 Zone.

#### Explanation and Reasons

- There is a community expectation that the areas in which people live will be fundamentally residential in character.
- There is a community expectation that the character of residential areas will be the same or similar to that which already exists.

#### Policy 1A - Zoning

To create residential areas which enable residential activities or other activities to take place if they meet Site Standards and Zone Standards or can avoid, remedy or mitigate their adverse effects.

#### Explanation and Reasons

- As for Objective 1
- To recognise and maintain the character of existing residential areas to ensure that the effects of activities in these areas are consistent with the character of these residential areas.
- To continue the "residential" character into land rezoned to Residential 1.

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**Policy 1B - Effects Controls**

To control the adverse effects arising from building bulk, density, height and location of buildings, and the external appearance of relocated houses to maintain the current character of residential areas, to extend this character to new Residential 1 areas and to maintain groundwater quality.

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**Explanation and Reasons**

- As for Objective 1
- The size of allotments, the proportion of allotments which are not covered by buildings, the height of buildings, and the setback of buildings from streets in residential areas are factors which give these areas their fundamental visual character. These factors therefore need to be controlled if that character is to be maintained and/or continued into new residential areas.
- The relocation of houses into existing neighbourhoods can have an adverse visual impact if they are in poor condition. It is appropriate therefore that the Council has powers in the District Plan to require the external appearance of buildings to be brought up to an acceptable standard.
- In areas which are not reticulated for sewage disposal and/or water supply it is necessary to ensure the density of dwellings and their respective sewage disposal fields is such that there is minimal risk of groundwater contamination.

**Objective 2 - User Friendly Sites**

Maintaining the practicability of allotments (sites) and building platforms for residential use by their occupiers.

**Explanation and Reasons**

- It is important that any allotments created by subdivision are of such an area that there is some flexibility in the development of that allotment for residential purposes.
- It is important that development of allotments for residential purposes ensures that there is reasonable access to outdoor areas and that there is adequate area on site for carparking.
- Where there is a known flood risk it is appropriate that the floor levels of residential buildings are such as to avoid probable flooding.

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**Policy 2A - Density**

To control the minimum density of development to ensure adequate and practicable areas are available for residential activity including areas for carparking and on-site servicing where reticulated servicing is not available. To require larger minimum densities for Residential 2 and 3 zones to provide for spacious living environments on the edge of Waimate.

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**Explanation and Reasons**

- As for Objective 2
- Residential 2 and 3 Zones have been created with larger minimum densities (3000m<sup>2</sup> for Residential 2 and 5000m<sup>2</sup> for Residential 3) to provide for lifestyle residential development in a semi-rural environment. Subdivision of areas on the western outskirts of Waimate, will be required to be reticulated for water supply and sewerage treatment and disposal

**Objective 3 - Pleasantness**

Maintenance of Residential areas as a pleasant place to live.

**Explanation and Reasons**

- While Objective 1 aims primarily at maintaining the visual character of residential areas, particularly as viewed from the street, this Objective (3) has the purpose of maintaining those aspects of the character of residential areas which contribute to making these areas pleasant places to live in.
- This Objective (3) is concerned with limiting the off-site impacts of activities on other residential activities in the vicinity.

**Policy 3A - Effects Controls**

To control aspects of residential and non-residential activities such as noise, glare, traffic generation, bulk and location of neighbouring buildings to maintain an acceptable living environment.

**Explanation and Reasons**

- As for Objective 3
- Noise, glare, extra vehicle generation and bulky buildings located close to boundaries on adjoining properties are effects of activities which can adversely affect the enjoyment of properties within the residential area and they are also effects which can be readily monitored.
- The range of activities which are part of normal residential use of a property are such that it would be unrealistic to set a maximum noise and traffic generation level on these activities. For example, lawn mowing and house repairs or construction would likely exceed any maximum noise limit set and would therefore require the Council's consent.
- In the townships of Makikihi, St Andrews and Glenavy retailing and service industries, particularly those serving the travelling public, have located sections of those towns fronting State Highway 1. Because of their service to the public and their importance to the viability of these towns it is appropriate that these activities be permitted within these 'residential' areas. Provided the areas in which the retail and service activities are confined are generally that which exist now, it is unlikely that these activities will detract from the amenity of these towns.
- It is important that any allotment created by subdivision and any development of allotments for residential activities is such that a basic level of amenity in terms of access to sunlight and daylight, and privacy is assured.

**Objective 4 - Lower Density Living**

Provision for lower-density residential development adjacent to Waimate to:

- Provide housing choice and diversity in living environments
- Ensure residential expansion occurs in a way that encourages the sustainable expansion of infrastructure, including the requirement to connect to reticulated wastewater and water services
- Encourage people to live in a semi-rural location rather than a rural area and so avoid the adverse cumulative effects of residential use in the rural area

**Explanation and Reasons**

- Council wishes to provide for larger lot, lifestyle development not available anywhere else in the District. This is intended to provide an attractive alternative to houses on small lots in the rural area. Part of this attraction will be the full reticulation of water supply and sewage treatment and disposal and, in the case of the Point Bush Road Residential 3 zone, the views available across Waimate through to the ocean and hills.

- The uptake of lifestyle residential development in a cluster adjoining the town will potentially limit the demand for sporadic residential development in the rural area and the associated cumulative impacts on rural character. In addition potential amenity and reverse sensitivity issues associated with residential use in the rural area will be avoided.

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#### **Policy 4A – Lower Density Residential Zones**

To establish two new low density zones (Residential 2 and Residential 3) to the south- west and north-west of Waimate with specific infrastructure servicing standards

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#### **Explanation and Reasons**

- As for Objective 4
- Two new large lot residential zones have been established on the edge of Waimate to provide a choice of living environments within the District. The Residential 2 (West) zone is immediately north-west of Waimate taking over land previously zoned Residential 1 in the Allan Street area and rural land in the Hunts Road/Manchester area and the Fitzmaurice Road/Courts Road/Barkers Road/Browns Road and High Street area. The minimum lot size in the Rural 2 Zone is 3,000m<sup>2</sup> and the level of servicing required is:
  - Water - Restricted water supply from the Urban water supply
  - Sewerage - Gravity reticulated sewerage with no on-site holding but with some sites needing to pump out to the mains
  - Rooding - Sealed rooding with mountable kerbs and grassed swales
  - Stormwater – to grassed swales on roadsides
- The Residential 3 (Point Bush) zone is based around the area lying between Point Bush Road, Garlands Road and Waimate Creek. The zoning also extends south of Point Bush Road ensuring the economic use of the sewerage infrastructure. The minimum lot size is 5000m<sup>2</sup> and the level of servicing required for the Residential 3 zone is:
  - Water - Restricted water supply from the Urban or Hook water supply
  - Sewerage – Held on site and pumped out to mains
  - Rooding - Sealed rooding with grassed swales
  - Stormwater – to grassed swales on roadsides

#### **Objective 5 - Non Residential Activities**

Non-residential activities in residential areas which meet community needs, but do not detract from the amenities of the area.

#### **Explanation and Reasons**

- Non-residential activities, such as health facilities and churches, are an integral part of residential areas because they provide services to meet community needs, with many aiming principally to meet the needs of local residents.
- Non-residential activities may seek to establish within living areas for a number of reasons, including:
  - When meeting the needs of local residents, a location in close proximity to where people live is desirable;
  - Although not necessarily serving local needs, a residential area location may be desirable given the high level of amenity in such areas, as compared with other locations;
  - Non-residential activity may be closely related to residential activity, such as working from home, and therefore co-location is desirable.
- It is recognised that Non-residential activities have the potential to create adverse effects for neighbouring sites and local communities due to noise, traffic generation, hours of operation, visual detracton, the scale of operation and loss of residential neighbours. A high standard of amenity is sought for residential areas these being particularly sensitive to such adverse effects.

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**Policy 5A - Community Activities**

To protect existing, and to provide for new, community facilities and services to locate within residential areas as long as the adverse effects on the existing amenity values of the area are avoided, remedied or mitigated.

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**Explanation and Reasons**

- As for Objective 5
- By providing for new community facilities as a discretionary activity the Council will be able to ensure these facilities offer services to the community they serve and enjoy a desirable level of amenity without unduly interfering with the general level of amenity in residential areas.
- Specific existing and proposed community facilities (particularly health and emergency services and educational and recreational facilities) within residential areas require specific recognition in the District Plan to enable them to securely continue at the scale and intensity they have operated in the past (e.g. Waimate Hospital and any successor to that facility). The techniques most suited to this are firstly a rule permitting recreational activities, and secondly the use of scheduling for certain health, educational and emergency services facilities.

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**Policy 5B - Home Based Employment**

To enable home based employment opportunities within residential areas consistent with safeguarding the amenity of these areas.

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**Explanation and Reasons**

- As for Objective 5
- Providing residential amenity can be preserved, allowing home based employment opportunities to locate in residential areas will contribute to the economic development of Waimate and the townships of the District.
- Standards can be placed on home based employment which control the effects of traffic generation, visual detracting, hours and scale of operation, noise and outdoor advertising.

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**Policy 5C - Non-Residential Activities**

To ensure that non-residential activities which have, or are likely to have significant adverse effects on the amenity of residential areas are controlled in the Residential zone.

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**Explanation and Reasons**

- As for Objective 5
- As particular activities such as animal breeding, mining, and panel beating can have serious adverse effects on the enjoyment of property within residential areas it is appropriate that they not be provided for either as permitted or discretionary activities.

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**Policy 5D - Visitor Accommodation**

To provide for a scale of visitor accommodation consistent with safeguarding the amenity of the adjoining residential areas.

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**Explanation and Reasons**

- As for Objective 5

- It is appropriate that transient accommodation at a scale the same or similar to permanent housing be permitted throughout the residential area because of the similarity of use and the limited potential adverse effects on these areas.

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#### **Policy 5E - Commercial Activity**

Maintenance of commercial activity within Makikihi, St Andrews and Glenavy within defined areas fronting SH1.

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#### **Explanation and Reasons**

- As for Objective 5
- Because of the physical and economic integration of the businesses in Makikihi, St Andrews and Glenavy with the residential areas it is appropriate that they be provided for within the Residential Zone.
- To provide efficient service to the public and to limit the potential for adverse effects from these businesses on residential activity, it is appropriate to confine general areas already occupied by commercial activities.

#### **Objective 6 - Size of Residential Zone**

Sufficient land area to provide for the residential needs of Waimate's residents up to 2025 consistent with safeguarding the life supporting capacity of the air, water, soil and ecosystems of the District.

#### **Explanation and Reasons**

- It is appropriate that areas which are appropriate for residential use be identified in the District Plan to enable the District Council and residents to efficiently provide for their residential needs and servicing in the future.
- The Resource Management Act 1991 requires that the life supporting capacity of soil be safeguarded in providing for people's economic and social wellbeing. However, if the urban areas of the District are to expand this must be at the cost of the life supporting capacity of soils subject to development. As the Regional Policy Statement (Canterbury Regional Council) particularly promotes the avoidance of the more versatile soils for purposes which limit potential for primary production it is appropriate that expansion of Waimate should avoid such land.

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#### **Policy 6A - Townships**

To maintain the existing town (urban) zone boundaries of Makikihi, St Andrews, Hakataramea, Glenavy and Morven.

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#### **Explanation and Reasons**

- The areas already zoned for residential and urban purposes in the townships of St Andrews, Makikihi, Hakataramea, Glenavy and Morven contain a number of vacant sites which at current rates of new development will be sufficient for the next 10 years.

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#### **Policy 6B - Expansion of Waimate**

To provide expanded areas for residential development to the west and north of the Waimate Urban Area

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#### **Explanation and Reasons**

- As for Objective 6
- The Waimate urban area has been experiencing a slow but steady demand for new houses and it is appropriate that this demand be catered for by an

extension to the existing residential area rather than by creation of a separate urban area.

- The area to the west of Waimate has been subject to Residential and Rural zoning and already has a number of new houses developed within it and is one which can be serviced for water supply and sewage by connection to existing systems. It is also an area which does not contain versatile soils as defined by the Regional Policy Statement.
- The areas to the north on Timaru Road, the Regent/Cashel/Bond/Exeter Street block and Parsonage/High Street area are logical extensions of the urban area which can be economically serviced by extensions to the sewerage and water supply system. In addition the first two areas already have an existing roading layout, which will ensure connectivity with the existing Waimate urban area.

### **Objective 7 – 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**

- The Act requires the Council to have objectives and policies and controls on the actual or potential effects of the use, development, or protection of land for the purpose of mitigation of natural hazards.
- Avoidance of loss and damage to life and property is generally preferable to restoration and compensation for loss where this is possible.
- Natural hazards that may occur within the District include flooding, severe climate events (e.g. snowfall, drought), coastal erosion, seawater inundation, and earthquakes and associated land movement and subsidence.
- Within the District, the Hunter Hills Fault Zone is one of the main areas of potential seismic activity. A map showing the location of the fault zone is contained within the Planning Maps. Long recurrence intervals, means that movement within this fault zone is outside any normal planning horizon, however consideration of the potential earthquake hazard within the District needs to be taken into account when planning major utility projects.

### **Policy 7A – Proximity To Waterways**

To control the proximity of buildings to waterways and stopbanks and to control the location and floor height of habitable buildings and some animal housing which could be subject to flooding, to limit potential loss of life and damage to property.

#### **Explanation and Reasons**

- As for Objective 7
- The adverse effects of flooding are most effectively mitigated by directing new buildings away from hazard areas or by requiring elevations of buildings.

### **Policy 7B - 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 Objective 7
- Providing information is an effective means of enabling people to avoid the effects associated with natural hazards necessary to achieve Objective 7.



**Policy 7C - Effects of Natural Hazard Mitigation Measures**

To avoid, remedy, or mitigate the adverse effects on the environment arising from natural hazard mitigation measures.

**Explanation and Reasons**

- As for Objective 7
- Adverse effects of natural hazard mitigation measures, such as on the natural character of riparian and coastal areas, should be adequately avoided, remedied, or mitigated where such measures are necessary to achieve Objective 7.

**Policy 7D – Climate Change**

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

**Explanation and Reasons**

- As for Objective 7.
- 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.

**Policy 7E – Coastal and Riverbank Erosion**

To encourage the relocation of existing settlements and buildings away from areas that are at risk from coastal or riverbank erosion and to discourage new buildings being sited in these areas, so as to avoid the potential loss of life and damage to property.

**Explanation and Reasons**

- As for Objective 7
- The adverse effects of coastal and riverbank erosion are effectively mitigated by directing new buildings away from these areas or by relocating existing buildings away from these areas.

**Objective 8 – Development of Maori Land**

To enable development on Maori land that:

- Meet the needs of the landowners
- Respects the relationship of takata whenua with their lands, water, sites and waahi tapu

**Policy 8A – Papakāinga Housing**

Enable papakāinga housing and associated activities that are appropriately serviced to be established on ancestral land for the occupation of one or more of the beneficial owners who all are members of the same hapu.



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**Policy 8B – Marae**

Enable marae and associated activities that are appropriately serviced to be established on ancestral land

- (i) in accordance with tikanga Maori; or
  - (ii) for the use of the beneficial owners
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**Explanation and Reasons**

- Papakāinga housing and marae located on ancestral land are integral to the identity and development of tangata whenua. They are one of the essential elements that denote mana whenua.
- Ancestral land for papakāinga housing and marae is a finite resource at (generally) fixed locations. It is predominately located close to natural resources which are highly valued by tangata whenua, such as the coast and waterways, reflecting their strong relationship with these natural resources. Papakāinga housing and marae, together with their associated activities on ancestral land, allow tangata whenua to exercise their relationship, culture and traditions with this land and the surrounding natural resources, including through exercising kaitiakitanga.

**Objective 9 – National Grid**

Facilitate the operation and maintenance of the existing National Grid lines while managing the adverse effects of the network.

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**Policy 9A**

To manage subdivision design and building location to avoid incompatibility between activities and National Grid lines which could interfere with their operation and maintenance and/or endanger people and property.

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**Explanation and Reasons**

- It is important to manage incompatible development and reverse sensitivity effects associated with subdivision and development near the National Grid transmission lines as this has the potential to place individuals and the community at risk, and generate adverse effects on those lines. The National Grid transmission lines form a major asset and may act as a constraint to subdivision and associated development. This asset must be protected from activities that could adversely impact on the ongoing function of the lines (including activities which could cause reverse sensitivity effects).
- It is important that the location, nature, scale and requirements for the operation of regionally significant infrastructure is taken into account at an early stage when changes can be more readily made in response to identified issues. Accordingly, developers of all new subdivisions are advised to contact Transpower New Zealand directly to discuss how the presence of a transmission line can be taken into account.



## RULES – RESIDENTIAL1, 2 AND 3 ZONES

### 1. DISTRICT WIDE RULES

The following General Provisions containing District Wide Rules shall apply in the Residential 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 Residential Zone provided they comply with all Site Standards and Zone Standards:

#### 2.1 Residential Activities

#### 2.2 Papakainga Housing on multiply-owned Maori or ancestral land

#### 2.3 Home Occupations

#### 2.4 Recreational Activities limited to outdoor recreation on public reserves.

#### 2.5 Commercial Activities limited to the areas adjoining "Commercial Frontage" shown on the Planning Maps excluding activities associated with the business of prostitution.

#### 2.6 Visitor Accommodation limited to:

- a. Home stays, accommodating up to a maximum of 8 people, and
- b. units accommodating up to a maximum of 8 people in total.

#### 2.7 Scheduled Activities listed in Rule 9 below which comply with the standards specified for the particular scheduled activity.

#### 2.8 Temporary Activities that meet Site Standard 6.14. Temporary Activities do not need to meet any other site or zone standard.

#### 2.9 Construction Activities that meet Site Standard 6.15. Construction activities do not need to meet any other Residential site or zone standard. Note other District-Wide Rules may apply. Refer to Rule 1.

### 3. RESTRICTED DISCRETIONARY ACTIVITIES

#### 3.1 Any Activity, including a Scheduled Activity, listed as a Permitted Activity which complies with all of the Zone Standards but does not comply with any 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

The following shall be Discretionary Activities:

### 4.1 Community Activities

### 4.2 Farming Activities

- excluding:
- a. factory farming
  - b. breeding, rearing and/or keeping of pigs.

### 4.3 Recreational Activities

not listed as Permitted Activities.

### 4.4 Commercial Activities

- limited to the retail sales of:
- a. food or beverages from a premises having a gross retail floor area, including storage, not exceeding 75m<sup>2</sup> or
  - b. farm and garden produce grown, reared or produced on the site.
  - c. handcrafts produced on the site.
  - d. refreshments served to group visits to sites used for farming or residential activities.

### 4.5 Any Other Activity

which is not listed as a Permitted, Controlled or Discretionary Activity and which complies with all of the Zone Standards.

## 5. NON-COMPLYING ACTIVITIES

### 5.1

Any activity which does not comply with any of the Zone Standards in Rule 7 shall be a Non-Complying Activity.

### 5.2

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

## 6. SITE STANDARDS

### 6.1 Residential Density

6.1.1 Each Residential Unit shall be contained within its own separate site with a minimum net site area as follows:

- a. Residential 1: 360m<sup>2</sup> where public sewage treatment and reticulation is available
- b. Residential 1: 150m<sup>2</sup> for each elderly person housing unit with a gross floor area less than 65m<sup>2</sup> where public sewage treatment and reticulation is available
- c. Residential 1: 850m<sup>2</sup> where public sewage treatment and reticulation is not available
- d. Residential 2: 3000m<sup>2</sup>
- e. Residential 3: 5000m<sup>2</sup>

Note: Refer Site Standard 6.13 Unserved Land for additional requirements for unserved land.

### 6.2 Building Coverage

6.2.1 Maximum % of the net site area to be covered by buildings shall be as follows:

- a. Residential 1: 35% except for Commercial Activities in areas adjoining "Commercial Frontage"
- b. Residential 2: 10%
- c. Residential 3: 10%

### 6.3 Height of Buildings

6.3.1 Maximum height of any building shall be 8m.

### 6.4 Setback from Streets

6.4.1 Minimum building setback from road boundaries shall be as follows:

- a. Residential 1: 4.5m except for Commercial Activities in areas adjoining "Commercial Frontage".
- b. Residential 2: 10m
- c. Residential 3: 10m

### 6.5 Recession Lines

6.5.1 Buildings shall not project beyond a building envelope constructed by recession lines from points 2.5m above internal boundaries as shown in Appendix B except for Commercial Activities in areas adjoining "Commercial Frontage".

### 6.6 Setback from Neighbours

6.6.1 Minimum setback of buildings from internal boundaries in the Residential 1 Zone shall be 1.5m: except that:

- a. accessory buildings may be located within 1.5m of internal boundaries where the total length of walls of accessory buildings facing, and located within 1.5m of, each internal boundary:
  - does not exceed 10m in length, and
  - does not contain any windows; and
- b. where buildings on adjoining sites have a common wall along a site boundary, no setback is required along that part of the boundary covered by such a wall; and
- c. eaves and bay windows and similar parts of buildings may project into the setback by no more than 0.5m i.e. they may locate up to 1.0m from any internal boundary.
- d. porches and windbreaks opposite a doorway, chimneys, and external stairways, landings and enclosed balconies may project into the setback by no more than 0.5m provided they are no longer than 1.8m parallel to the boundary;
- e. buildings shall be setback at least 1m from an accessway on the site which is used as access to another site; and
- f. structures, other than principal residential buildings, designed and/or used for the housing of the following animals shall be setback from internal boundaries, as follows:

Poultry and other birds	5m
Dogs	4.5m

6.6.2 No setback shall be required for buildings to be erected or used for Commercial Activities in areas adjoining "Commercial Frontage".

6.6.3 The minimum setback of buildings from internal boundaries in the Residential 2 and 3 Zones shall be 5m.

### 6.7 Family Flats

6.7.1 Where a family flat does not on its own account separately comply with the Residential Density and Parking Standards for residential units:

- a. the family flat building shall be relocatable; and
- b. the landowner shall enter into a bond with the Council (in a form able to be supported by a caveat) to ensure that the family flat is removed when it is no longer required for the housing of a dependent relative.

## **6.8 Scale and Nature of Home Occupations**

- 6.8.1 No goods, materials or equipment associated with a home occupation, shall be stored outside a building, and
- 6.8.2 All manufacturing, altering, repairing, dismantling or processing of any materials, goods or articles associated with a home occupation shall be carried out within a building.

## **6.9 Visitor Accommodation**

- 6.9.1 Visitor Accommodation and home stays shall be limited to facilities accommodating up to a maximum of 8 persons per site.

## **6.10 State of Buildings**

- 6.10.1 All buildings shall be maintained in a safe and non-derelict state (refer Definitions).

## **6.11 Flooding**

- 6.11.1 Residential buildings within Areas of Flooding Risk identified on the Flood Risk Maps that are assessed to have a Low Flood Risk shall be a Controlled Activity in respect of siting and potential for inundation, riverbank erosion, or coastal erosion, floor heights
- 6.11.2 There shall be no residential buildings within Areas of Flooding Risk identified on the Flood Risk Maps that are assessed to have a High Flood Risk.
- 6.11.3 Rule 6.11.1 and 6.11.2 shall not apply to extensions which do not increase the total floor area of the building as at 1 March 1998 by more than 15%.
- 6.11.4 Rule 6.11.1 and 6.11.2 shall not apply to accessory buildings designed or used for other than human habitation.

Note: A person proposing a residential building in a flood risk area shall supply a flood risk assessment from the Canterbury Regional Council, or any other suitably qualified organisation or person, to establish whether the site is to be in an area with a Low Flood Risk or a High Flood Risk.

Note: Where an on-site assessment indicates that the proposed building or site is not within an actual flood risk area no resource consent shall be required under this rule.

## **6.12 Setback from Coastline, Watercourses and Sewage Ponds**

Notwithstanding Residential Zone Site Standard 6.6:

- 6.12.1 All buildings shall be set back a minimum of 7m from the bank or edge of open watercourses and open drains.
- 6.12.2 All building shall be set back a minimum of 20m from the bank of the Waimate Creek.
- 6.12.3 All residential buildings shall be set back a minimum of 300m from the Waimate Sewage Treatment Pond.
- 6.12.4 All buildings shall be setback a minimum of 100m from the permanent vegetation line along the coast.

## **6.13 Unserved Land**

- 6.13.1 Within Morven, Glenavy, Hakatamea, Makikihi and St Andrews and those parts of Waimate where public sewage treatment and reticulation is not available Residential

Activity shall be a Restricted Discretionary Activity with the Council's discretion restricted to provision of sustainable and effective sewage treatment and disposal and the treatment and disposal of stormwater.

Note: Council will require confirmation that any proposed sewage treatment and disposal system has been approved by Environment Canterbury and/or a Certificate of Compliance provided as part of any application.

#### **6.14 Temporary Activities**

6.14.1 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.

#### **6.15 Construction Activities**

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

6.15.2 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.

#### **6.16 Woodlots and Shelterbelts**

6.16.1 Where the species has a mature height of 5m or more, vegetation, including trees or other vegetation shall not be planted within 15 metres of the boundary of any site under separate Certificate of Title without the prior written permission of the landowner of that site. A copy of the written permission shall be submitted to the Council at least ten working days prior to the planting occurring.

6.16.2 Plants shall not be in such a position that they would:

- damage power or telephone lines if blown over or felled by any other means
- restrict visibility of drivers within 50 metres of an intersection or corner of a road
- shade a dwelling on an adjoining property.
- cause icing of a road pavement as a result of shading of the road between 10am and 2pm on the shortest day of the year.

#### **6.17 Relocated Buildings**

6.17.1 Residential buildings for permitted activities shall comply with the following:

- Any relocated building intended for use as a residential unit shall have previously been designed, and built as a residential unit.
- A building pre-inspection report by a suitably qualified professional shall accompany the application for a building consent for the destination site. That report shall identify all reinstatement works that are required to ensure the exterior of the building is in good order and has a tidy appearance.
- The building shall be located on permanent foundations approved by building consent, no later than two months of the building being moved to the site.
- All other reinstatement work required by (b) above and the building consent to reinstate the exterior of any relocated residential unit shall be completed within six months of the building being delivered to the site. Without limiting (c) (above) reinstatement work is to include connections to all infrastructure services and closing in and ventilation of the foundations.
- The proposed owner of the relocated building must confirm in writing to the Council that the reinstatement work has been completed within the six month period.
- (a) to (e) above shall not apply to accessory buildings designed or used for other than human habitation.



## 7. ZONE STANDARDS

### 7.1 Employment of Persons

- 7.1.1 No more than one full-time equivalent person who permanently resides elsewhere than on the site, may be employed in undertaking any activity on the property, other than commercial activities in areas adjoining "Commercial Frontage" and residential, farming and recreational activities.

### 7.2 Retail Sales

Except for Commercial Activities in areas adjoining "Commercial Frontage":

- 7.2.1 Retail sales shall be limited to:

- a. sales of produce grown, reared or produced on the site;
- b. sales of handcrafts produced on the site; and

- 7.2.2 No goods shall be displayed for sale, which are visible beyond the boundaries of the site.

### 7.3 Visitor Accommodation

- 7.3.1 Visitor Accommodation shall be limited to facilities accommodating up to a maximum of 20 persons per site.

### 7.4 Farming

- 7.4.1 There shall be no intensive farming or free-range pig farming.

### 7.5 Industrial, Service and Mining Activities

- 7.5.1 There shall be no industrial, service and/or mining activities,

### 7.6 Forestry Activities

- 7.6.1 There shall be no forestry activities.

### 7.7 Lighting

- 7.7.1 All exterior lighting shall be directed away from adjacent properties and roads;
- 7.7.2 No activity shall result in a greater than 3 lux spill (horizontal and vertical) of light onto any adjoining property, measured at any point more than 2m inside the boundary of the adjoining property.

### 7.8 Noise

- 7.8.1 On any site, activities, other than residential activities and outdoor recreation activities other than motorsport, powered aviation, or shooting, shall be conducted so as to ensure the following noise levels are not exceeded at any point within the boundary of any other site within the Residential Zone:

- |    |                                  |            |
|----|----------------------------------|------------|
| a. | during daytime                   | 50 dBA L10 |
| b. | during nighttime                 | 40 dBA L10 |
| c. | on any day between 2100 and 0700 | 70 Lmax    |

except that for farming activities this standard shall only apply to noise from stationary motors or equipment.

- 7.8.2 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*.

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

## **7.9 Hours of Operation**

- 7.9.1 Any activity, other than commercial activities in areas adjoining "Commercial Frontage", and residential, farming, visitor accommodation and outdoor recreation, shall be limited to the following hours of operation:

- a maximum total number of hours per week - 50 hours, and
- between 0700 to 2100 Monday to Friday and 0900 to 1700 Saturday, Sunday and public holidays;

except where:

- the entire activity is located within a building; and
- each person engaged in the activity outside the above hours resides permanently on the site, and
- there are no visitors, customers or deliveries to the activity outside the above hours.

## **7.10 Vehicle Generation**

- 7.10.1 The maximum permitted vehicle trips per site from activities, other than commercial activities in areas adjoining "Commercial Frontage", and residential, farming and recreational, shall be:

Heavy Vehicles -	2 per day
Other Vehicles -	20 per day

- 7.10.2 Vehicles, other than heavy vehicles, associated with any residential activity on the site shall be included in determining the maximum number of vehicles trips from any site.

## **7.11 Heavy Vehicle Storage**

- 7.11.1 No more than one heavy vehicle shall be stored on any site, except for farming activities.

## **7.12 Noxious or Unpleasant Activities**

- 7.12.1 No activity, other than residential activities, shall involve the following: panel-beating, spray-painting, motor vehicle repairs or dismantling, fibre glassing, sheet metal work, bottle or scrap storage, rubbish collection service, motor body building, or fish or meat processing.

## **7.13 Fortified Sites**

- 7.13.1 There shall be no placement of barricades, fences or structure, or any part of such structures that are of solid construction which preclude or inhibit entry by the police or any authorised officer.

## **7.14 Home Occupations – Businesses of Prostitution**

- 7.14.1 No business of prostitution that is provided for as a home occupation shall be established or operated in the Residential zone.

## 7.15 National Grid

### 7.15.1 Setback from National Grid Support Structures (Lines are marked as High Voltage Electricity Lines on the Planning Maps):

No building or structure shall be located within 12m (in any direction) of the visible outer edge of a National Grid support structure, with the following exceptions:

- a. Fencing up to 2.5m in height that is at least 5m from the outer edge of any support structure;
- b. Network utilities within a transport corridor or any part of electricity infrastructure that connects to the National Grid.

Note: The NZECP was prepared under the Electricity Act 1992 and sets minimum safe electrical distance requirements primarily to protect persons and property, vehicles and mobile plant from electrical hazards. Compliance with this Code is mandatory. Compliance with these provisions will not necessarily ensure compliance with this Code.

### 7.15.2 Setback from centreline of National Grid lines (Lines are marked as High Voltage Electricity Lines on the Planning Maps):

No building or structure shall be located within 12m (in any direction) of the centreline of an electricity transmission line supported by a tower or pi-pole or 10m of the centreline of an electricity transmission line supported by a single pole, with the following exceptions:

- a. Ancillary buildings and structures associated with residential activities that are less than 10m<sup>2</sup> in area and under 2.5m in height can be located within the above setback distances, provided they are at least 12m from the visible outer edge of any support structures;
- b. Fencing up to 2.5m in height that is at least 5m from the outer visible edge of any support structure;
- c. Alterations to existing buildings that do not increase the building envelope or footprint;
- d. Network utilities within the transport corridor or any part of electricity infrastructure.

### 7.15.3 Community activities shall be at least 12m from a National Grid tower, pole or centreline of a National Grid line shown on the Planning Maps as High Voltage Lines.

*Advice Note:*

*Vegetation to be planted underneath or near the National Grid should be selected and/or managed to ensure that it will not result in that vegetation breaching the Electricity (Hazards from Trees) Regulations 2003. To discuss works, including tree planting, near any electrical line especially works within 20m of those lines, contact the line operator.*

## 8. SCHEDULED ACTIVITIES

### 8.1 General

#### 8.1.1 The activities in Rules 8.2 to 8.7 are Scheduled Activities within the Residential 1 Zone.

#### 8.1.2 The provisions of Rule 8 replace the Residential 1 Zone rules, unless otherwise stated, for the specified activity on the site on which the Scheduled Activity is located.

- 8.1.3 Any activity, other than that for which the site is specifically scheduled, shall be subject to the normal Residential 1 Zone Site and Zone Standards that apply to the site.

## **8.2 Former Waimate Hospital.**

- a. Health care services
- b. Hospital activities
- c. Ambulance facilities
- d. Car-parking
- e. Residential accommodation associated with primary use of the site.

on Res 1861, 2387 and 2968, Naylor, Hillary and Queen Street block is a Permitted Activity, subject to the standards in Rule 8.8.

## **8.3 St Patricks School (State Integrated Primary School)**

- a. Education and ancillary activities

on Cameron Street, Waimate, Lot DP 63638 is a Permitted Activity, subject to the standards in Rule 8.8.

## **8.4 New Criterion Hotel**

- a. Commercial activities
- b. Visitor accommodation

on TS 347-348 PT 346 WAIMATE TN is a Permitted Activity, subject to the standards in Rule 8.8.

## **8.5 Waimate Fire Station**

- a. Fire Station activities,
- b. Car-parking,
- c. Residential Accommodation associated with primary use of the site.

on Lot 4 DP 27796, Paul Street Waimate is a Permitted Activity, subject to the standards in Rule 8.8.

## **8.6 St Andrews Fire Station**

- a. Fire Station activities,
- b. Car and truck parking,
- c. Residential Accommodation associated with primary use of the site.

on Bluecliffs Road, St Andrews, Lot 7 being Pt RS 103, BLK IV Patiti SD is a Permitted Activity, subject to the standards in Rule 8.8.

## **8.7 Glenavy Fire Station**

- a. Fire Station activities,
- b. Car-parking,
- c. Residential Accommodation associated with primary use of the site.

on Pyke Street, Glenavy, Sec 28 Town of Glenavy, BLK XIV Waitaki SD is a Permitted Activity, subject to the standards in Rule 8.8.

## 8.8 Standards

The following Standards shall apply to the above Scheduled Activities.

Any scheduled activity which complies with all of the standards below shall be a permitted activity, but any scheduled activity which does not comply with any one or more of the standards below shall be restricted discretionary activity with the exercise of the Council's discretion limited to the matter(s) subject to that standard.

### 8.8.1 Height of Buildings

Buildings shall not exceed the following maximum heights:

- training and hose drying towers associated with fire stations: 15m
- all other buildings: 10m.

### 8.8.2 Recession Lines

All buildings other than training and hose drying towers associated with fire stations shall comply with the requirements for recession lines applicable to residential buildings along internal boundaries.

### 8.8.3 Setback from Streets and Neighbours

Subject to meeting the recession plane requirement all buildings shall be setback a minimum distance of 3m from internal boundaries.

All buildings shall be setback a minimum distance of 4.5m from road boundaries.

### 8.8.4 Screening

A landscaped area a minimum width of 1.5m shall be established and maintained along internal boundaries adjoining Residential zoned sections. In addition, a solid wall or close boarded fence with a minimum height of 1.8m shall screen any outdoor storage areas.

### 8.8.5 Landscaping

A landscaped area a minimum width of 1.5m shall be established and maintained along all road boundaries.

### 8.8.6 Lighting

All fixed exterior lighting shall be directed away from adjacent properties and roads; No activity shall result in a greater than 3 lux spill (horizontal and vertical) of light onto any adjoining property, measured at any point more than 2m inside the boundary of the adjoining property.

### 8.8.7 Noise

On any site, activities, other than residential activities, shall be conducted such that the noise levels at the boundary of that site do not exceed the standard in Residential Rule 7.8, except where the noise source is a warning device used by emergency services.

## 9. NON-NOTIFIED RESOURCE CONSENTS

**9.1** Resource Consents in relation to Relocated Buildings (6.17) shall be non-notified and shall not require the written approval of affected parties.

**9.2** Resource consents in relation to the following matters shall be non-notified and shall not require the written approval of affected parties other than Transpower New Zealand Limited:

- a National Grid – 7.15

## 10. ENFORCEMENT

- 10.1** Enforcement provisions under the Act will be used by the Council, where any activity, including a scheduled 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.

## 11. REASONS AND ASSESSMENT MATTERS FOR RESIDENTIAL 1, 2 AND 3 ZONE RULES AND STANDARDS

### 11.1 Residential Density and Building Coverage

Form: Minimum area (m<sup>2</sup>) per residential unit. Maximum percentage of the site which is permitted to be covered by buildings.

Purpose: To control the density of residential 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: These two standards are closely related to one another, and are the major determinant of the character of the residential areas of the District. The size of residential sections and the amount of each section that is retained as open space or available for tree and garden plantings are key factors in determining the visual amenity, spaciousness, levels of privacy, access to sunlight and daylight, and pleasantness of residential areas.

Maintenance of the existing general scale and character of the residential areas also requires site density and open space levels for new development which are consistent with the prevailing character. Site density and open space standards have been set which retain a dominance of open space rather than buildings, with opportunities for tree and garden plantings.

This standard ensures that regardless of the type or pattern of land ownership, all residential units have a minimum area of land available to the occupiers of that unit. This gives a particular character and enables normal residential activities to be carried out without being limited by the area available. The degree to which open space or an open appearance of a site is important depends both on the likely use of the property and the community expectations for property within its local environment.

Assessment Matters:

- a. The extent to which any proposed buildings will be compatible with the scale of other buildings in the surrounding area and will not result in visual domination as a result of building coverage which is out of character with the local environment.
- b. The ability to provide adequate vehicle parking and manoeuvring space on site.
- c. The extent to which decreased site size or increased building coverage would have any adverse effects on adjoining properties in terms of dominance by buildings, loss of privacy, access to sunlight and day light and loss of opportunities for views.
- d. Whether the residential units are to be used for elderly persons housing and the extent to which a decreased site size will adequately provide for the outdoor needs of the activities on the site, and retain a dominance of open space over buildings.
- e. In the case of recreational activities the extent to which the additional building coverage will affect the degree to which the land is able to be enjoyed by the general public; will result in a loss of open space which is valuable within the built environment; or will enable the establishment of activities which could adversely affect the surrounding environment by way of noise, glare, traffic generation, loss of privacy or security.
- f. Whether the net area of the site is of a sufficient size to provide for disposal of sewage by an on-site field system.
- g. The operational efficiency and maintenance and legal implications of having part of a field disposal system for sewage beyond the site.

- h. Any commitment to an on-site sewage disposal system, other than a field disposal system, that would provide future owners with an effective long term system of sewage treatment and disposal.

## 11.2 Height of Buildings and Recession Lines

Form: Maximum height (m) of buildings above ground level. A building envelope constructed by recession lines inclined inwards from a specified point above the site boundary.

Purpose: To achieve a scale of development which is consistent with the desired character for an area 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 are closely related to one another in controlling the height and bulk of buildings. Building height is a major determinant of the scale and character of the residential areas. Both standards are key factors in determining the visual amenity, dominance of buildings, levels of privacy, access to sunlight and daylight, and spaciousness of residential areas.

The maximum height of buildings has been set at a level which is in keeping with the existing general scale and character of the residential areas within the zone. The height and sunlight standards are intended to retain outlooks not dominated by buildings, good access to sunlight and daylight and levels of privacy through not being overlooked, consistent with suburban living. The limits are intended to allow flexibility of design while providing for the maintenance of the general character of an area.

People value sunlight for health, warmth and planting. To ensure sunlight is not blocked by buildings on adjacent sites it is necessary to require those buildings to fall within an angle which permits sunlight to penetrate onto site, even in mid-winter. The angle of the recession plane is the critical factor determining the potential sunlight admission while the starting point or height of the recession plane influences how close a building can be erected to the site boundary. The aim in setting recession plane standards is to achieve balance in ensuring reasonable amenity protection while acknowledging reasonable property rights. The key to such provision is acknowledgement that tighter controls are necessary for southern boundaries relative to northern ones. The need to avoid shading effects are greatest in the winter when the sun is at its lowest trajectories.

In the case of scheduled community facilities, the height standard is consistent with the building height in the general vicinity. This is to ensure that development does not physically and visually dominate an environment and is comparable in terms of building bulk with that in the adjoining neighbourhood. The quality and amenity of the environment is therefore retained.

Assessment Matters: The extent to which:

- a. The proposed building is compliant with the character of the local environment.
- b. The proposed building has adverse effects on neighbouring properties including effects on privacy, outlook, sunlight and daylight admission.
- c. Any adverse effects can be mitigated.

## 11.3 Setback from Streets

Form: Minimum distance (m) from street.

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

Reason: The setback of buildings from road boundaries is an important determinant of the visual character of living areas. The degree of setback required affects the visual impact of buildings from across the street, the opportunities for tree and garden planting visible from the street, the location and visual impact of parking areas and the outlook of people on adjoining sites.



A moderate setback has been required in the Residential Zones, in order to maintain the pleasantness and openness of sites as viewed from the streets and neighbouring properties; and to enable opportunities for tree and garden plantings; but also to enable efficient and practical use of sites.

In the case of scheduled community facilities, a setback from roads is intended to maintain the open appearance and character of such areas.

Assessment Matters: The extent to which:

- a. The intrusion allows for more efficient or practical use of the site.
- b. The intrusion is compatible with the appearance, layout and scale of other buildings and site in the surrounding area.
- c. The intrusion has adverse effects on outlook and privacy on adjoining sites.
- d. Adequate parking and manoeuvring can be provided on site.

#### **11.4 Setback from Neighbours**

Form: Minimum distance (m) from internal boundaries.

Purpose: To provide space around buildings for the purposes of:

- ensuring adequate sunlight admission to buildings on the site
- providing access for emergency services, vehicles, etc to the rear of the property
- ensuring a degree of visual and aural privacy and protection from noise from neighbouring properties.

Reason: A standard separation distance of buildings from adjoining neighbours' boundaries has been required, to reduce the visual dominance of buildings on the outlook of adjoining sites; to enable access along all sides of the site and to daylight; and to provide a degree of privacy consistent with suburban living.

The setback is such as to enable efficient and practical use of the remainder of the site, whilst mitigating adverse effects of buildings on adjoining sites. Accessory buildings are permitted within the setback, in order to allow more flexible use of this space. However, the length of such accessory buildings is limited to avoid dominance of adjoining sites by the proximity of a lengthy building. The height of the accessory buildings will also be limited by the recession plane standards. Limited intrusions into the setback are also permitted. These are functional and decorative features which would not adversely affect neighbouring properties.

Additional setbacks have been required for buildings housing animals because of their increased potential to interfere with the enjoyment of a residential property as a result of odour or noise. In the case of scheduled community facilities an increased separation from neighbours has been applied. The reason is to maintain the amenity and quality of environment on adjoining sections, in particular, residential sections from the scale and nature of activities likely on these scheduled sites.

Assessment Matters: The extent to which:

- a. The intrusion allows for more efficient and practical use of the site.
- b. The intrusion adversely affects the adjoining site in terms of outlook, amenity, access, noise, glare and visual dominance.

#### **11.5 Family Flats**

Form: Requirement to be relocatable and necessity of a bond where the flats do not meet the density, parking and outdoor space requirements of residential units.

Purpose:- To enable the placing of non-conforming separate accommodation for dependent relatives on sites with an existing household unit for as long as it is needed by that dependent relative.

**Reason:** Family flats for the care of dependant relatives are seen as a desirable and often necessary addition to any residential unit when required by family circumstances. To protect residential amenity, it is appropriate that all buildings be subject to generally the same standards. However, the Council accepts that in some circumstances the construction and design of family units will be influenced by existing site and building constraints. Rather than prevent such development of family units on this basis, the Council will require measures be undertaken to ensure the family unit can and will be relocated when no longer required by a dependent relative. Additional parking spaces and outdoor living areas are not required for the family flat as the relative occupying the family flat is considered to be an integral part of the family on the site. The requirement for the family flat to be relocatable and for a bond to require relocation when no longer needed is to avoid family flats being used as a separate residential unit without an adequate site area, outdoor space or parking areas.

**Assessment Matters:**

- a. Where the family flat is not to be removed, any likely long-term needs of the residents of the site to house dependant relatives.
- b. Any adverse effects of the family flat on the surrounding neighbourhood, in terms of reduced open space, increased dominance of the site by buildings, lack of opportunity for garden and tree plantings and lack of adequate space for vehicle parking on-site.

## 11.6 Recreational Activities

**Form:** Limitation to outdoor recreational activities on public reserves.

**Purpose:** To ensure that building developments and associated recreational activity and private recreation activities have limited adverse effects on the amenity values in residential areas.

**Reason:** Building developments and associated recreational activities, as well as commercial and club recreational activities, have the potential to adversely affect the amenity of residential areas through noisy activities, late hours of operation, bulky buildings causing visual detracting or overshadowing, on-street parking and congestion, litter, loss of security and privacy. Although these effects are also possible with outdoor recreational activities on reserves, their duration and intensity is likely to be more limited and within level and type of effects anticipated by any resident adjoining a public reserve.

The range and nature of recreational activities is wide. Even small buildings such as toilet facilities or utility buildings have the potential to affect neighbours. On public reserves, the Council is also bound by the provisions of the Reserves Act, which limits the type of activities that can be undertaken to those that are in accordance with the classification of the reserve. That Act also provides a public process for management plans and for leasing of reserve land. These safeguards are not available on private land used for recreational activities. For these reasons, recreational activities within buildings and those that are not undertaken on public reserves will be subject to resource consents to test their suitability within a residential environment.

**Assessment Matters:**

- a. The extent to which the recreational activity will result in levels of traffic and/or pedestrian activity which are incompatible with the character of the surrounding area.
- b. Any adverse effects of the proposed activity in terms of:
  - Loss of privacy
  - Noise and lighting.
  - Any cumulative effect from the activity in conjunction with other activities in the vicinity.
- c. The extent to which any proposed buildings will be compatible with the character of the local environment, including the scale of other buildings in the surrounding area, as for a and b above.

### 11.7 Retail Sales and Commercial Activities

Form: Limit on types of commercial activities and retail sales.

Purpose: To provide for limited retailing outside of commercial areas, but only at a level which will not compromise the local environment and the efficient use of existing commercial or retail areas.

Reason: The frequent visiting of properties by the general public for retail purposes can cause significant annoyance to people living in the vicinity because of the increased noise and fumes and the general loss of privacy. Retail sales from a site are considered to be a significant determinant in the number of vehicle and pedestrian movements to and from a site generated by any non-residential activity. These movements can be controlled through standards directly specifying the number of permitted vehicle or pedestrian movements. However, measuring and enforcing such standards can be difficult and it is considered that additional controls are necessary over those activities known to generate adverse effects as a result of vehicle and pedestrian movements. These adverse effects relate to levels of noise, vibration, glare, fumes, disturbance, loss of privacy, traffic and parking congestion and loss of traffic safety, which are incompatible with the anticipated character and amenity of a suburban residential environment. Not only retail sales, but also the display of goods for sale can attract vehicle and pedestrian movements which are incompatible with a residential area.

By way of applications, goods grown, reared or produced on a site may be able to be sold. Similarly refreshments may be able to be sold to people visiting a site for house and garden tours, for instance. This recognises that sales of such goods may be an integral and necessary part of other activities on the site and may assist in providing home-based employment and income generation for residents or occupiers of a site. By limiting retail sales from home occupations and rural selling places to those items produced on site a limit on the potential number of customers is created. However, applications may be declined or conditions imposed to limit the scale and nature of the sales, if adverse effects on the residential environment are possible.

Dispersal of commercial activities throughout the residential areas could cause a fragmentation of the present business areas which have established in the centres of the towns. Such dispersal will have the effect of decreasing convenience for the community, increasing the cost of interaction and conducting business, and undermining the viability and efficiency of many commercial activities and their associated community centres.

Assessment Matters:

- a. The extent to which the sale of goods or services other than those specified in the rules may adversely affect the amenity of the environment through increased generation of vehicles, noise, fumes or advertising.
- b. The volume and type of traffic which may be generated to the site and the ability of the site to accommodate parking, loading, manoeuvring and access requirements.
- c. The extent to which retail sales or commercial activities on the site are an integral and necessary part of other activities being undertaken on the site and/or assist in providing alternative home-based employment and income-generating opportunities for residents or occupiers of the site.

### 11.8 Visitor Accommodation

Form: Limits on type of visitor accommodation.

Purpose: To ensure that visitor accommodation is kept to a scale that is consistent with the amenity and character of the surrounding residential area.

Reason: This standard recognises that visitor accommodation in residential areas can have adverse effects on the surrounding area as a result of noise, glare, traffic generation, loss of privacy and security and visual dominance of buildings. Visitor accommodation is generally provided for in the Business Zones, where it will be located close to other commercial activities

and services and where the effects of the activities will be compatible with the prevailing environment. However, the Plan recognises that small-scale accommodation and accommodation within a residential unit will have no greater effect on the surrounding area than the residential unit and can be permitted within the residential environment.

Assessment Matters:

- a. The extent to which the visitor accommodation will result in levels of traffic generation or pedestrian activity which are incompatible with the character of the surrounding area or which create safety issues.
- b. The extent to which visitor accommodation on the site is an integral and necessary part of other activities being undertaken on the site; will assist in providing alternative home-based employment and income-generating opportunities for residents or occupiers on the site; or makes a practical and economical use of an existing building and facilities on the site.

## 11.9 Scale and Nature of Home Occupations

Form: Location of material or equipment, and location of activity.

Purpose: To ensure that home occupations avoid adverse effects on the amenity and character of the residential area.

Reason: The Plan recognises that home occupations are a desirable and often necessary part of residential activity, providing an important source of employment and local services within the residential areas. However, large scale home occupations, with large numbers of outside employees, have the potential to impact on neighbours both in terms of traffic generation, parking congestion, noise, vibration, glare, loss of privacy and visual effects. Controls on the location of the activities and associated materials are a means of avoiding the potential adverse effects. These limitations are key factors in ensuring that home occupations are compatible with other buildings and activities in the residential areas; and will remain incidental to residential activities and buildings on the site. These factors are intended to ensure that the residential areas of the District remain as residential environments dominated by residential, rather than non-residential, activity.

Assessment Matters:

- a. The extent to which the character of the site will remain dominated by open space or tree and garden plantings rather than by buildings and areas of hard surfacing.
- b. The extent to which the activity will result in the loss of residential activity on the site.
- c. The extent to which the activities on the site remain dominated by residential or rural activities, rather than by activities which are not associated with or incidental to residential or rural activities on the site.
- d. Any adverse effects of the home occupation in terms of noise, vibration, glare, loss of privacy, traffic and/or parking congestion.
- e. The extent to which the activity provides a local function by meeting the needs of residents principally within the surrounding environment.
- f. The ability to mitigate any adverse effects of the increased scale of activity.
- g. The extent to which materials or equipment associated with a home occupation need to be stored outside the building,
- h. The extent to which all manufacturing, altering, repairing, dismantling or processing of any goods or articles associated with a home occupation need to be carried outside a building, taking account of:
  - The nature, coverage area and height of materials or equipment associated with a home occupation.
  - The intended duration of materials or equipment associated with a home occupations to be outside a building.
  - The extent to which provisions would be needed for:
    - security
    - control of litter and vermin
    - prevention or containment of fire hazard.

- i. The ability to mitigate any adverse effects of the outdoor activity on adjoining roads and sites

#### 11.10 Employment of Persons

Form: Number of fulltime employees other than those residing permanently on-site.

Purpose: To limit the size of businesses and home occupations in residential areas to that which will not compromise the dominant residential amenity of the site or area.

Reason: The amount of non-residential employment on a site is a major determinant of the scale of non-residential activities in the residential areas of the District. It is a key determinant in ensuring that non-residential activities are compatible with the scale and effects of other activities in the residential environment and will remain incidental to residential activities on the site. Restrictions on employment are intended to have a direct impact on the scale of non-residential activities and therefore limit the potential increases in traffic, noise, parking congestion and loss of privacy associated with larger operations.

Assessment Matters:

- a. The extent to which additional employment will result in levels of traffic generation or pedestrian activity which are incompatible with the character of the surrounding area.
- b. The extent to which additional employment is an integral and necessary part of other activities being undertaken on the site and assists in providing alternative home-based employment and income-generating opportunities for residents or occupiers of the site.

#### 11.11 Vehicle Generation

Form: Specification of maximum number of heavy vehicles and other vehicles that may be generated by an activity.

Purpose: To limit the number, and therefore the impact, of vehicles in residential areas where the vehicles are generated by non-residential use.

Reason: The adverse effects of vehicles in a residential area include noise, vibration, fumes, glare, disturbance, loss of privacy, traffic and parking congestion and reduction in traffic safety all of which are incompatible with the anticipated character and amenity of residential environments within the District. Because of the difficulty and inappropriateness of limiting the number of vehicle trips associated with residential or recreational uses in residential areas the control relates only to non-residential or non-recreational use.

Assessment Matters:

- a. The extent to which the additional traffic will adversely effect the safety or efficiency of the roading in the vicinity and access to properties.
- b. Whether the traffic will result in noise, vibration, dust and other amenity impacts.

#### 11.12 Intensive Farming

Form: Exclusion of intensive farming.

Purpose: To avoid the adverse effects of odour, noise, dust, visual detracting and traffic generation from the establishment of intensive farming in a residential environment.

Reasons: The high concentration of animals and the growing of mushrooms in a residential area has the potential to cause significant adverse impacts, such as odour, noise, dust, visual detracting and traffic generation. Such effects are totally incompatible with the amenities anticipated in a residential environment. To avoid these effects, factory farming operations need to be excluded from the Residential Zones.

Assessment Matters:

- a. The extent to which adverse effects of odour, dust, visual detracting and traffic generation will occur and the effectiveness of any proposed mitigation.

**11.13 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: Because illumination from lighting can interfere with the enjoyment of a property and with the sleep of occupiers the standard seeks to limit the amount and intensity of light spillage onto adjacent properties. The standard has been set to reflect the amount of illumination generally anticipated in the residential areas of the District's towns, where there is already a degree of night-time illumination from street and other neighbourhood lighting.

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.

**11.14 Noise**

Form: Numerical noise limits in decibels.

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

Reason: Reaction to noise is determined by not only the sound level of the noise and its characteristics, but also by the expectations people have for the environment in which they live, work or visit. The Plan standards recognise this and vary in accordance with the environmental results anticipated for the different zones. Prevailing noise levels within the existing residential areas are low and the Standards seek to protect these pleasant living conditions. Residential sites adjoining existing business zones are in some instances currently subject to increased noise levels. However, the standards for activities within the business zones require those activities to meet acceptable residential noise limits at the boundary of any property zoned residential.

Noise from residential activities can vary greatly. Although residential noise levels are generally low, on occasions higher levels are generated, such as from raised voices, children's play and garden equipment. These noise levels are an anticipated and accepted part of the residential noise environment and are, therefore, not controlled by the Plan standards. Any particular problems with residential noise, such as from noisy parties, can be dealt with through the excessive noise provisions of the Act.

Within residential areas, people should be able to enjoy the whole of their property without interference or nuisance from excessive noise from neighbouring properties. Therefore, measurement of noise levels in relation to possible impact is most appropriately taken at the property boundary rather than at the house.

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.

### 11.15 Hours of Operation

Form: Maximum number of hours weekly and hours of operation.

Purpose: To preserve the character of residential areas from the adverse effects of non-residential activities.

Reason: The hours over which a non-residential activity operates is a significant determinant in the level of adverse effects likely for neighbours as a result of vehicle and pedestrian movements, noise levels, loss of privacy and security and general disturbance, which are incompatible with residential environments. These effects can be as a result of operations during hours when neighbours can reasonably expect a more peaceful environment; or as a result of the cumulative effects of extended periods of operation from which there is little respite for neighbours. For these reasons, limitations have been placed on the total number of hours of operation and the acceptable hours of operation for each day. Exceptions to these requirements have been included for activities which do not involve visitors, clients or deliveries coming to and from the site and for small-scale home-based activities within buildings, recognising that such activities are less likely to result in disturbance to neighbours.

In the case of scheduled community facilities, the hours of operation have been specified as those which are currently anticipated from the use of the facilities, given their established nature and the limits on the type of permitted activities.

Assessment Matter:

- a. The extent to which additional traffic will result in levels of traffic generation or pedestrian activity which are incompatible with the character of the surrounding area.
- b. The extent to which additional traffic is an integral and necessary part of other activities being undertaken on the site and assists in providing alternative home-based employment and income-generating opportunities for residents or occupiers of the site.

### 11.16 Heavy Vehicle Storage

Form: Maximum number of heavy traffic vehicles to be stored on any site.

Purpose: To protect residential areas from the adverse effects of regular heavy traffic movements. To ensure residential properties retain an appearance not cluttered by heavy vehicles stored on the site.

Reason: Heavy vehicle movements can result in adverse effects, which are significantly greater than those of other vehicle movements, as a result of noise, vibration, fumes, traffic congestion and safety. This standard recognises that the storage of heavy vehicles on a site in a residential area can result in vehicle movements which are at times, or of such a regular nature, that they cause a nuisance to neighbours. At the same time, however, by enabling one heavy vehicle to be stored on a site, the standard also recognises the common need for residents to store their employment-related vehicle at home.

There is also an expectation that residential properties should retain an open appearance. The storage of heavy vehicles because of their bulk and nature compromises this appearance.

Assessment Matters:

- a. The number and type of heavy vehicles to be stored on a site and the extent to which they may detrimentally affect the quality and amenity of the environment.



- b. The degree to which the vehicles being stored can be viewed from adjoining sections, the road and public places and the extent to which screening (either by fences, buildings or landscaping) may mitigate any adverse visual impact.
- c. The degree of noise that may be generated from the starting, manoeuvring and mechanical repair of vehicles on site and the degree to which this will contrast with the existing noise environment.
- d. The frequency and timing of vehicle movements and the impact these may have on the surrounding environment in terms of noise, generation of fumes and the safety and efficiency of the road network.

#### 11.17 Noxious or Unpleasant Activities

Form: Certain operations disallowed.

Purpose: To avoid activities in residential areas likely to detract from public health and safety and environmental qualities enjoyed.

Reason: Certain activities are without exception inappropriate in a residential neighbourhood because of their high potential for significant adverse impacts on local environmental qualities and amenity. People living in and visiting a residential area wish to be assured that such activities will not establish in their vicinity. The effects of such activities can also be very difficult to prescribe as standards, such as odour and vibration levels and lack of visual amenity. Experience has shown that once unacceptable activities establish, even at the level of home occupations, it can be very difficult and time-consuming to remove such activities, with consequent on-going concerns for neighbours. Accordingly, certain activities have been specifically excluded from Residential Zones.

Assessment Matters:

- a. The nature and scale of the activity proposed to be established and the extent to which it will adversely affect the amenity and quality of the surrounding area.
- b. The hours of operation or frequency with which the activity is proposed to be undertaken and the extent to which this will affect the amenity of the area in terms of noise generation, vibration, effect on traffic safety and efficiency, privacy and community identity and character.
- c. The potential for noxious or objectionable smells to be generated and the degree to which mitigation measures are likely to be successful.
- d. The nature of any goods or products, including hazardous substances, that are to be used or stored on the site and the degree to which they may affect the quality or amenity of the locality or public safety.

#### 11.18 Industrial, Service and Mining Activities

Form: Exclusion of industrial, service and mining activities.

Purpose: To avoid the adverse effects of odour, dust, vibration, glare, noise, visual detraction and traffic generation from the establishment of industrial, service and mining activities in a rural residential environment. To avoid the inefficient use of existing industrial and service areas.

Reason: The establishment of industrial, service and mining activities in a residential area has the potential to cause significant adverse impacts, such as odour, dust, vibration, noise, glare, visual detraction and traffic generation. Such effects are incompatible with the amenities anticipated in a rural residential environment. To avoid these effects, industrial, service and mining activities are excluded from the Residential Zones, except where they are small-scale, residential in nature, and provided for as home occupations.

Assessment Matters:

- a. The extent to which adverse effects of noise, dust, vibration, visual intrusion and traffic generation will occur and the effectiveness of proposed mitigation to reduce these effects.

### 11.19 Forestry Activities

Form: Exclusion of forestry activities.

Purpose: To avoid adverse effects of overshadowing, dominance of outlook, loss of security, dust, noise, vibration and traffic generation from the establishment of forestry activities in a residential environment.

Reasons: The establishment of forestry activities in a residential area has the potential to cause significant adverse impacts. These can occur at the harvesting stage, such as noise, dust, vibration and traffic generation; or as a result of the growth of a large dense stand of trees within a residential environment causing overshadowing, dominance of outlook, and feelings of loss of security. Such effects are incompatible with the amenities anticipated in a residential environment.

Assessment Matters:

- a. The extent to which adverse effects of odour, dust, visual detraction and traffic generation will occur and the effectiveness of any proposed mitigation.
- b. The potential effects on the natural environment including waterways and aquatic ecosystems.

### 11.20 Community Activities

Form: Listing of community activities as a Discretionary Activity.

Purpose: To provide for community facilities outside of business areas at a level which will not compromise the amenities of the local environment.

Reason: There are a range of activities which are necessary for the practical, efficient and pleasant functioning of residential areas. These activities include health services, churches, educational and day-care establishments, and fire stations (community activities), which meet the needs of residents principally within the surrounding residential environment. In many instances it is not practical, suitable or necessary for these activities to establish in business areas. Although, the retention of residential activity on sites within the residential areas is an essential determinant of the character, cohesiveness and pleasantness of the residential environment, residents generally accept a loss of residential activity on a site, if the activity is serving an important local function.

The range of these activities, serving an important local function, is wide. Concentrations of such activities may result in residential sites being left without immediate residential neighbours, with consequent adverse effects in terms of loss of security, friendship and fellowship, or loss of visible evidence of residential character. Particular community activities may result in adverse effects to visual character, traffic generation levels, noise levels or the general residential character of areas. Such effects may be cumulative where community activities concentrate in particular vicinities, such as close to business centres.

Because of the variability of community activities in terms of their effects on their surrounding environment; the complex nature of the issues relating to community activities in the way that they are perceived as being acceptable or not in a residential area; and the potential for cumulative effects, this standard requires that each community activity be subject to individual consideration by way of a resource consent.

Assessment Matters:

- a. The nature of the activity, the hours of operation and the frequency with which the activity will take place and the extent to which these factors may affect the amenity and quality of the surrounding residential environment and privacy of adjoining residences.
- b. The extent of traffic that will be attracted to the activity and the ability of the site to accommodate parking, loading, manoeuvring and access requirements without

- adversely affecting the quality and amenity of the residential or rural environment or the safety and efficiency of the road network.
- c. The impact of noise and lighting that will be generated by the community activity, the location of the activity either indoors or outdoors and the extent to which this will affect the quality and amenity of the environment.

#### **11.21 Setbacks from the National Grid**

Form: Requirement in relation to the National Grid for buildings, structures and earthworks to meet setback distances and depths from poles, towers, and lines associated with the national grid.

Purpose: To provide buffer distances between the national grid and activities which could interfere with the operation of the national grid or result in safety risks to people and property.

Reasons: The high voltage transmission (national grid) network is important to district, regional, and national social and economic wellbeing. Buffer distances for earthworks, buildings and structures ensure that these activities do not interfere with the continued safe and efficient operation of the national grid, while also protecting people and property.

Assessment Matters:

- a. Risk to structural integrity of the transmission line
- b. Effects on the operation, maintenance and upgrading of the transmission network
- c. Risk of electrical hazards affecting safety and risk of property damage
- d. Risk of radio interference
- e. Compliance with NZECP
- f. Location and extent of works including site reinstatement
- g. Effects on sensitive land uses