

## 4.3. URBAN RESOURCE AREA

### 4.3.1. OVERVIEW

The wellbeing, safety and health of people and communities is closely linked to urban areas. These areas meet basic human needs such as shelter and warmth, provide a system of mobility and access to services, provide infrastructure for activities, contribute to the community's quality of life, and protect its assets. For these reasons it is essential that urban areas are managed in a sustainable way for current and future generations.

The Act's focus on effects has implications for planning Urban Resource Areas in terms of the type of techniques Council can develop to control the effects generated by activities and development on the natural and physical environment. It is no longer appropriate for Council to direct development or activities to particular land areas by way of a grouping of activities. Property owners are basically free agents as long as environmental protection standards are not breached.

### 4.3.2. ALTERNATIVES CONSIDERED

In developing a management framework Council considered it essential that any standards set for different activities and effects should be compatible with the characteristics of the existing natural and physical environment. To this end Council identified environments within the urban area where the amenity standard differs for one reason or another.

Areas of high amenity standards tend to coincide with areas formerly zoned Residential. Areas of a medium amenity standard coincide with business centres where people work and shop. Areas of lower amenity standard tend to coincide with the more industrial activity type area, where buildings are purpose built.

With this in mind, Council considered the following alternatives:

#### 1. TRADITIONAL ZONING TECHNIQUES

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This technique as discussed above, lists activities that are permitted in each area. The listing of compatible uses was often arbitrary and uses were omitted which could be compatible and without adverse effects if adequate performance standards were imposed. While this technique creates certainty, it tends to direct development and is therefore not compatible with the effects-based approach of the Act.

#### 2. DEFINE ONE URBAN AREA WITH SUB GROUPINGS

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This approach is similar to the traditional zoning techniques except that each sub-grouping would be developed on the basis of a set of performance standards that reflected existing amenity values in each particular area.

While there may be some justification for this approach in Balclutha and Milton, it is difficult to apply this approach to the smaller urban areas of the District as there is often no significant difference in amenity values between the former "residential", "commercial" and "service

commercial” zones of these towns. There would also be a problem with this approach in Balclutha with the area formerly zoned “mixed use” and its transition with the former “residential” zone. Defining a boundary line based on amenity levels in both of these situations would be a rather arbitrary process, and would be construed as directing development. For these reasons Council has not pursued this approach.

However, these problems are not as apparent with areas that are predominantly industrial in nature. These areas are clearly of a lower amenity standard, and identifying these was seen as the most practical solution.

Consequently, Council does not see any merit in the application of this approach to the Clutha District except as noted for industrial areas.

### 3. DEFINE ONE URBAN AREA ONLY

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This technique involves identifying the urban area (generally identified on the basis of servicing capability) without identifying any areas of particular amenity values within that urban resource area.

The difficulty that confronted Council with this approach was at what level should the environmental bottom lines be established? Setting a high environmental bottom line (for example, based on the amenity values of the former Residential Zones) would ensure a high environmental quality but would necessitate numerous resource consent applications for industrial and commercial activities which could not meet the strict performance standards. This approach would be costly for both developers and Council alike.

At the other end of the scale, setting a low environmental bottom line (for example, based on former Industrial Zones) would reduce the need for Resource Consent applications but would have the effect of lowering the amenity standard throughout the entire Urban Resource Area, particularly in traditional residential areas where people seek a quiet and visually pleasant environment.

As it was obvious that the higher amenity standards are associated with residential activities, Council felt the most appropriate approach under this scenario was to look at the effects of activities in terms of residential and non-residential. By defining Industrial areas as suggested under 2. above Council could then develop performance standards to control effects on two levels - those impacting on residential activities and those impacting on non-residential activities. This approach would not direct development but would create a situation whereby the performance standards for an activity would be determined by who its neighbour is.

The result of this analysis is that the District Planning Maps identify only two areas within the District’s towns - the Industrial Resource Area (see Section 4.4) and the Urban Resource Area.

Within the majority of the Urban Resource Area the amenity standard is generally quiet, free from high traffic generating activities, and has, on the whole, a pleasant visual appearance with buildings set back from road frontages and neighbouring properties. Buildings are generally not more than two storeys high, and set on landscaped sites. Few activities that discharge smoke, odour, smell or vibration are located within these areas.

There are, however, some locations where the amenities have been created by activities that are characterised by an orientation towards commerce. These areas are generally located in the central area of town, on the town’s main road. Buildings are generally built right to the street and form a continuous frontage. Signs are displayed to attract people to premises and advertise goods. Being people orientated they have a reasonable amenity standard although they are more intensely developed and noisier than residential areas, as they are the areas where people shop and carry out

business. Noise in the area is generally created by passing traffic. Activities that generate nuisance noise types or discharges are not commonly found in these areas.

Where activities propose to locate in these areas, performance standards would not be as demanding as compared to the activity locating in an area of a predominantly residential nature.

### 4.3.3. THE ISSUES

- **Non-residential activities can adversely affect residential activities through generation of noise, traffic and other nuisances.**

#### Explanation

The urban area generally contains two types of activities - residential and non-residential. As amenity standards for residential activities are generally high, non-residential activities adjoining residential activities can have a significant effect.

- **Structures in these areas can adversely impact on adjoining properties' access to sunlight and privacy due to their bulk and location.**

#### Explanation

People living in these areas seek good access to sunlight and a reasonable level of privacy. The question is how to provide this without unduly restricting the use of the site.

- **Past management controls have often lead to the inefficient use of land and restricted activities where adverse effects are minimal.**

#### Explanation

Controls utilised in the past have often created situations where space has been underutilised or wasted. By the same token choice of location for particular types of activities has often been limited for no good reason.

- **Inappropriate development can lead to unsustainable management of the physical resources contained in the District's town centres.**

#### Explanation

The central areas of the District's main towns are a very significant resource as they contain substantial public and private investment in buildings and physical services. As town centres are not a natural system, they cannot adapt to changing circumstances without human intervention. To maintain these areas as the focal point of a town will therefore require some action from Council.

- **The resources and amenities of the business areas of the district's towns convey that particular towns image and this can be adversely affected by some activities.**

#### Explanation

As these areas are generally the most intensively used areas of the district, environmental quality is particularly important. Town centres are generally the community focal point and convey an image of each town to residents and visitors alike. However, the protection and enhancement of this image

is only partly within the scope of the Resource Management Act and this Plan - it is a matter to be addressed through the Annual Plan and Strategic Plans.

#### 4.3.4. OBJECTIVES AND POLICIES

##### OBJECTIVE URB.1

To manage the development of the urban area in order to;

- a) provide a framework which enables people and communities to provide for their social, economic and cultural wellbeing, and their health and safety, while
- b) maintaining and where possible enhancing the environmental quality of particular environments within the urban area, and
- c) avoiding, remedying or mitigating any adverse effects on the natural and physical resources of the Urban Resource Area.

##### POLICY URB.1

To avoid, remedy or mitigate the adverse effects that activities can have on the existing amenity levels of the District's Urban areas.

##### Explanation

From the results of the consultation process carried out for the preparation of this plan it can be inferred that the public wish to retain (and where possible improve) the existing amenity levels of the neighbourhoods they live in.

*(Refer Rule URB.3 to 6).*

##### POLICY URB.2

To avoid, remedy or mitigate the adverse effects that activities have on neighbouring properties including the adverse effects of the following:

- Loss of privacy
- Loss of sunlight and daylight
- Poor development and maintenance of street frontages
- Untidy buildings and site usage
- Increased street parking and excessive traffic movement, particularly trade vehicles
- Reduction in traffic safety
- Excessive noise, air pollution, glare etc.
- Excessive security provisions: lighting and fencing.

##### Explanation

These effects greatly reduce amenity value in these areas and consequently will be controlled by the rules in the Plan.

*(Refer Rule URB.3, 4 and 5 and Section 3.11)*

POLICY URB.3

**To avoid, remedy or mitigate the adverse effects that non-residential activities can have on residential activities including the adverse effects of**

- noise
- odour
- heavy or intensive traffic generation
- loss of privacy, sun and views
- security provisions
- building design.

Explanation

Non-residential activities often create effects that are not compatible with residential activities.

*(Refer Rule URB.5)*

POLICY URB.4

**To provide for maximum utilisation of sites without compromising amenity value.**

Explanation

Performance standards in the past have often created a situation where space on a site, for example a side yard, is poorly utilised. Council intends to provide a flexible system that will allow maximum utilisation of these areas.

*(Refer Rule URB.4(1) and (3)).*

POLICY URB.5

**To maximise private choice of residential dwelling types and location.**

Explanation

A mixture of housing types and other forms of residential accommodation is desirable in order to promote a more balanced community structure.

With performance standards mitigating any adverse effects, there is little justification for restricting certain types of development (e.g. multi-unit housing) in these areas.

*(Refer Rule URB.2 and 4)*

POLICY URB.6

**To avoid, remedy or mitigate the adverse effects of signs.**

Explanation

Signs and other visual displays can add to the vitality and interest of an area or they can be a serious environmental distraction. Performance standards should minimise the adverse effect of signs.

(Refer Rule URB.4(6) and Rule URB.5(3))

#### POLICY URB.7

**To encourage new buildings and renovations to complement the design of existing neighbouring buildings.**

##### Explanation

The design and appearance of buildings particularly large buildings and buildings on prominent sites can have a significant effect on the surrounding environment. It is difficult to prescribe performance standards for design and appearance without creating interpretation uncertainties and unintentionally restricting innovative design solutions. Consequently, Council considers it more appropriate to encourage design that complements existing development rather than regulate.

(Refer Method URB.1 and Method SIGN.2)

## 4.3.5. RULES

#### RULE URB.1 GENERAL STANDARDS

All activities must conform with the provisions of Section 3 of this Plan.

Note in particular:

- 3.3 Transportation**
- 3.5 Heritage**
- 3.7 Subdivision**
- 3.8 Financial and Reserve Requirements**
- 3.11 Other Environmental Issues**
- 3.12 Signs**
- 3.13 Noise**

#### RULE URB.2 PERMITTED ACTIVITIES

- (i) Residential activities that conform with the rules set out in Rule URB.4, 6 and 7 and the relevant provisions with respect to the servicing and development of sites contained in Sections 3.7 Subdivision and 3.8 Financial and Reserve Requirements are permitted activities except for those activities that fall under Rule URB.3.
- (ii) Non-residential activities that conform with the rules set out in *Rule URB.5*, 6 and 7 and the relevant provisions with respect to servicing and development of sites contained in Sections 3.7 Subdivision and 3.8 Financial and Reserve Requirements are permitted activities, except for those activities that fall under Rule URB.3.
- (iii) Any activity involving the housing or keeping of animals that conforms with the performance standard set out in Rule URB.8 is a permitted activity.

## REASON

Compliance with the performance standards will ensure adverse effects are mitigated or avoided.

RULE URB.3 DISCRETIONARY ACTIVITIES
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- (i) Any activity that has the effect of generating, or the potential to generate the following effects:
- excessive or nuisance noise types,
  - noxious, hazardous, or objectionable waste, or
  - uses or stores commercial quantities of hazardous substance

is a discretionary activity.

## REASON

These effects would have a significant impact on the amenities of the area and status as discretionary activities will ensure full consideration of the effects.

- (ii) Any non-residential activity which does not front a road identified as service retail frontage on the planning maps that has the effect of generating high levels of traffic or is serviced by heavy vehicles (other than activities listed in (iii) below) is a discretionary activity.

### Assessment criteria - not a part of this rule

In assessing any application under this rule, Council in addition to those matters set out in Section 104 of the Act will also consider

- the nature of adjacent activities,
- the effects of traffic generation in that particular locality,
- the alternatives considered by the applicant,
- the effect on the community or any group within the community, and
- the effect on the built resources of the towns centre.

For the purpose of this rule a “high level of traffic” is defined as generating in excess of 30 vehicle movements per day to or from the property.

## REASON

Outside of those streets identified as having service retail frontage (which generally comprise commercial activities) these activities would have a significant adverse effect on amenity values.

- (iii) Any activity that has the effect of attracting vehicles to the site for the purposes of servicing, maintaining and/or storing those vehicles is a discretionary activity.

### Assessment Criteria - not part of this rule

In assessing any application under this rule, Council in addition to those matters set out in Section 104 of the Act will also consider:

- the nature of adjacent activities,
- the effects of traffic generation in the particular locality,
- the alternatives considered by the applicant,

- the effect on the community or any group within the community,
- the effect on the built resources of the towns centre.

#### **REASON**

These activities generate high level of traffic use and inappropriate site design and location can have a significant effect on the safety and efficiency of the roading network, and general amenity values of the area.

- (iv) Any activity that involves the boarding or keeping of animals that does not comply with Rule URB.8 is a discretionary activity.

#### **REASON**

The keeping of animals can have adverse effects such as noise, smell and other nuisances. These effects are exaggerated when animals are kept for commercial purposes.

- (v) The addition to or construction of buildings and structures within 20 metres each side of the centre line of high voltage transmission lines designed to operate at or over 110 kv is a discretionary activity.

#### **PROVIDED THAT**

This rule does not apply to fences or buildings not occupied by human or animals for whatever purpose.

#### **REASON**

This rule will ensure that the public is reasonably protected from live transmission lines in the event of an emergency which results in a line failure. It will also enable ease of operational access by the network utility operator for maintenance and upgrading purposes.

Fences and buildings that are not occupied or used by humans or animals are not subject to this restriction.

<b>RULE URB.4 RESIDENTIAL ACTIVITY PERFORMANCE STANDARDS</b>
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#### **1. YARD REQUIREMENTS**

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- (a) Front Yards - 3.0 metres provided that a garage or carport either freestanding or structurally part of or attached to the principal building on the site may be erected in the front yard where:
- the garage or carport does not occupy more than 50% of the street frontage or 6 metres whichever is the lesser
  - where it is located within any side yard, written consent of the immediate adjoining owner is received and submitted to Council with the building consent application
  - the location of the garage or carport does not adversely affect the safe and efficient operation of the adjoining road.
- (b) Side and rear yards - minimum yard of 1.5 metres provided that an accessory building or a garage or carport structurally part of or attached to the principal building on the site may be erected in the side or rear yards where:

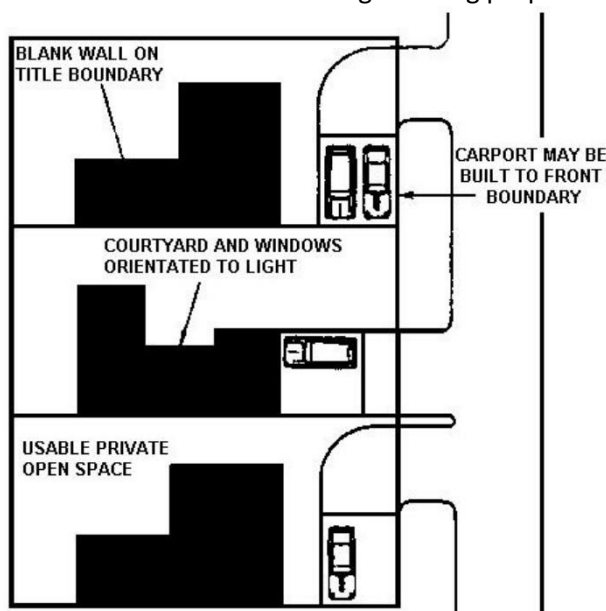


- 1.5 metres unobstructed access to the rear of the site is provided on at least one side yard
- the building within the yards do not exceed 7.5 metres in total length adjacent to any one boundary
- the height of the building within the yard does not exceed a maximum of 2.8 metres provided that in the case of a building with a gable end, the apex of the gable end may be 3.5 metres high on the boundary. The maximum width of the gable and supporting walls beyond the 2.8 metre height control is 4.5 metres
- written consent of adjoining owners is received and submitted to Council with the building consent application.

(c) Non-compliance

- (i) Side and rear yards less than 1.5 metres (up to and including the zero lot line as illustrated in Figure 18) are controlled activities provided the written consent of the affected adjoining owners is received.

Council shall exercise its control in respect of the height of the building, the design and placement of windows and their effect on neighbouring properties.



**FIGURE 18: ZERO LOT LINE TECHNIQUE**

- (ii) Any application for a resource consent to reduce the side or rear yard requirement shall be considered as a restricted discretionary activity where adjoining owners consent is not received. Council shall restrict the exercise of its discretion to the effects on the amenity values of adjoining properties.
- (iii) Any application for a resource consent to reduce the front yard requirement will be considered as a restricted discretionary activity, with Council restricting the exercise of its discretion to the effect on amenity values and the roading network.

**REASON**

A 3.0 metre front yard retains and enhances the amenities of the area without creating a large area of underutilised space. It also reduces the effect on the road carriageway by avoiding possible

shading and protecting visibility. Front yard provisions have been retained in the Plan because of public support for the amenity value provided.

The minimum 1.5 metre side and rear yard is required to ensure access for maintenance, drainage and firefighting purposes on all sides of a building and in conjunction with height control will, reduce the adverse effects buildings may have on neighbouring properties. An open space requirement will provide for outdoor living and will further reduce the effect of shading etc on neighbouring properties.

The "Zero lot line" technique (i.e. reducing the side or rear yard) enables maximum use of a site, with open space on the section being maximised on the side with maximum orientation to the sun allowing flexible, innovative design and reducing the "no mans" land in side yards to a minimum. This approach is controlled, however, due to the effect it may have on a neighbouring property.

## 2. HEIGHT

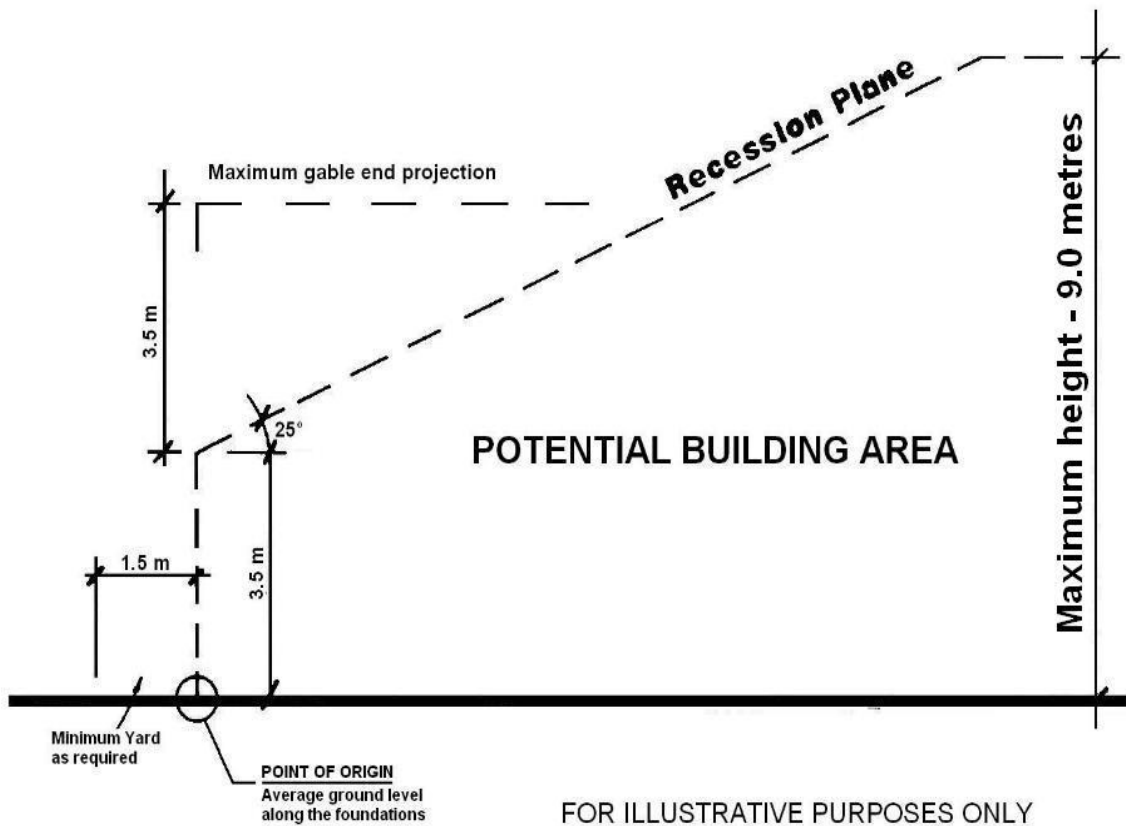
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- (a) Level Sites A level site exists where the ground slope within the buildable areas varies from level to 6° (approx. 1 in 10).

No building shall exceed 9 metres in height, provided that:

- (i) The maximum height along the line of the minimum yard provisions (excluding the front yard) shall be 3.5 metres provided that:
- The measurements shall be taken from the average natural ground level along the foundations nearest to the boundary under consideration, and
  - The measurements shall be taken to the point where the planes of the wall surface and the roof covering would meet if extended, provided that in the case where there is no wall surface (A Frame) then the vertical plane shall be an imaginary vertical line, or
  - In the case of a building with a gable end, the apex of the gable end may protrude to the maximum of 3.5 metres through the inclined slopes defined under (ii) below. The maximum width of the gable and supporting walls which may penetrate through the height control plane is 4.5 metres.
- (ii) Beyond the minimum yard spaces the maximum height shall be determined by an inclined plane which originates from the point determined in (i) above and then slopes upwards at an angle of 25° to the horizontal.

NOTE : To achieve max. height of 9.0 m  
at centre of building Section width  
minimum of 23.0 metres



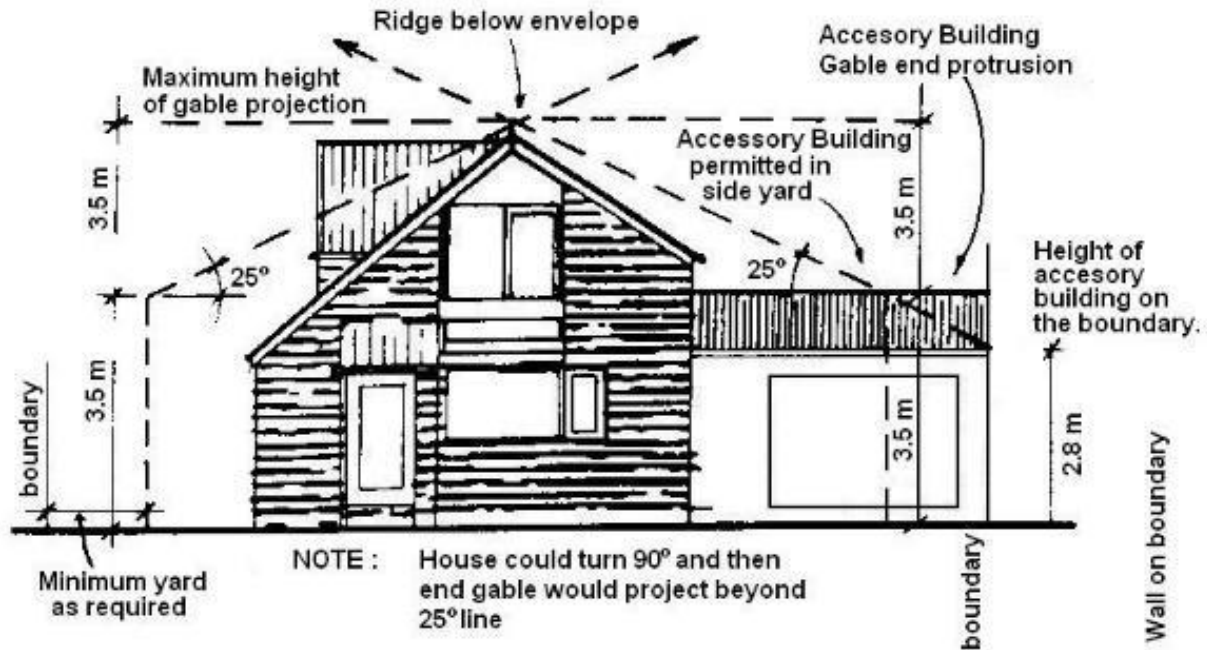
**FIGURE 19: HEIGHT CONTROL ENVELOPE**

- (b) Sloping Sites A sloping site exists where the ground slope within the buildable area exceeds 60 (approx. 1 in 10).

No building shall exceed 6 metres in height, provided that:

- (i) The measurement shall be taken from the average natural ground level along the external wall nearest to the road, and
- The highest point of the parapet or coping in the case of a flat roof; or
  - The mean level between the eaves and the highest point of the roof in the case of a sloping roof, excluding in either case chimneys, ventilator shafts, water tanks, elevators, lofts, steeples, towers, and such finials and similar parts of the building as constitute only decorative features.
- (ii) Where the building is set back from the road line on a site which slopes up from or down from the road level, then the height shall be measured from the mean level of the ground along the external wall on the higher side of the site. Provided that the absolute height of any building to be erected on a sloping site shall not exceed 9 metres.

- (c) Height - Accessory Buildings The maximum height of any accessory building including private garage shall be 3.5 metres.



**FIGURE 20: CONTROL IN OPERATION**

- (d) Any increase in these requirements will require the following:
- (i) Any activity that breaches this rule up to an additional 1 metre is a restricted discretionary activity provided the consent of all adjoining owners affected is received. Council shall restrict the exercise of its discretion to the effect any such reduction may have on the amenity values of the neighbourhood.
  - (ii) Where consent of affected owners is not received in the situation referred to above in (i), the activity shall be considered as discretionary activity.
  - (iii) Any activity that increases height beyond 10 metres or in the case of accessory buildings, 4.5 metres, shall be considered as a non-complying activity.

## REASON

Controls on height have been considered necessary because of the adverse effects, (such as shading and reduction in privacy and views,) that buildings can have on adjoining properties. Height controls in conjunction with yard controls minimise these effects.

Applications relating to height of buildings will generally be considered with regard to the effect on neighbours and the character of the area. Increased height will generally only be allowed where there are exceptional circumstances and the building will not cause any more shadow or more restriction of view of neighbours than if the building was built to the permitted height. The effect on character will, be considered in relation to the existing situation. For example, it will generally be inappropriate for a tall building to establish where the area contains only buildings of a much smaller scale, however if the location is particularly appropriate and the activity is to be encouraged, then an application may be granted.

### 3. OUTDOOR LIVING AND PRIVACY REQUIREMENTS

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#### A. ATTACHED DWELLINGS, TWO BEDROOMED TOWNHOUSES AND MULTI UNIT RESIDENTIAL DEVELOPMENTS

(i) Ground floor

Outdoor living space adjoining the main living area of each unit shall be provided in accordance with the following:

1. Minimum area of 36m<sup>2</sup>
2. Minimum dimension of 4 metres adjacent to the exterior wall of the main living area, orientated east, north or west of the unit to which it relates.
3. Shall be free of driveways, parking spaces and garages but may include an accessory building of not more than 10m<sup>2</sup>.
4. Not less than 60% of the minimum area shall be in permeable surface (i.e. lawn, trees, shrubs, etc.) **PROVIDED THAT** an application for resource consent to reduce the area of permeable surface to a standard less than 60% which allows for Cobblestones or other similar materials shall be considered as a controlled activity. Council shall exercise its control to the mitigation of the effects of run-off.

- (ii) Above Ground Level - for units above ground level, the outdoor living space provided at ground level may be reduced to 25m<sup>2</sup> provided it is supplemented by a balcony which adjoins and is accessible to the living room of each unit above ground floor level. This balcony shall have a minimum area of 8m<sup>2</sup> and a minimum dimension to the east, west or north of 2 metres.

#### REASON

The requirements of (i) to (iii) are seen as appropriate to ensure that some open character within the urban areas is maintained and that provision is made for outdoor living in conjunction with each dwelling unit. The provision of outdoor space also reduces the pressure on reserves and ensures that each dwelling unit has reasonable access to sunlight.

(iii) Visual Privacy Between Dwelling Units

No dwelling units on the same site shall be so sited or designed so that the main glazing of the living areas of one dwelling unit will oppose the main glazing of the living areas of another dwelling unit; unless screening in the form of fencing and/or landscaping is provided at a distance of not less than 3 metres from each unit.

(iv) Screening of Outdoor Living Space

Every outdoor living space shall be required to be visually screened from adjoining sites and outdoor living spaces appurtenant to any other dwelling units. The screening shall be constructed of materials which blend with the natural materials of the site or with those of the building on the site.

## REASON

Intensive residential development can have the effect of impinging on the privacy of people occupying adjoining dwellings and sites. The standards of (iii) and (iv) are aimed at minimising that effect.

### B. DETACHED DWELLINGS (NOT PART OF A MULTI UNIT RESIDENTIAL DEVELOPMENT)

Outdoor living space associated with detached dwellings shall be provided in accordance with the following:

1. minimum area of 100m<sup>2</sup> with a minimum dimension of 5.0m by 10m orientated east, north or west.
2. shall be free of driveways, parking spaces and garages but may include an accessory building of no more than 10m<sup>2</sup>.
3. Not less than 60% of the minimum area shall be in permeable surface (i.e. lawn, trees, shrubs, etc.) **PROVIDED THAT** an application for resource consent to reduce the area of permeable surface to a standard less than 60% which allows for Cobblestones or other similar materials shall be considered as a controlled activity. Council shall exercise its control to the mitigation of the effects of run-off.

## REASON

Detached dwellings that are the only dwelling unit on a site generally require a larger open space area as this type of development provides for family living.

### C. NON-COMPLIANCE

Any reduction in these requirements (other than already provided for in A.(i) 4 and B.3.) shall be considered as restricted discretionary activities. Council shall restrict the exercise of its discretion to the effect on the amenity values of adjoining properties and the effect on reserves in the locality. Any application for resource consents under this rule shall generally be considered without notification but the consent of adjoining owners may be required.

### 4. OUTDOOR STORAGE

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- (a) Any area used or proposed to be used for storage purposes that is not enclosed or partly enclosed by a covered building shall be screened from public spaces and from residential sites by a 2 metre high close boarded fence or other suitable screen and shall not exceed 50m<sup>2</sup> of site area and shall not impede visibility on adjacent roads.
- (b) Storage areas shall not exceed 2 metres in height.
- (c) There shall be no storage in the open of sand or aggregate, or other materials that may be windblown.
- (d) Any activity that fails to comply with this standard is a restricted discretionary activity. Council shall restrict the exercise of its discretion to this matter.

## REASON

Outdoor storage facilities can have a significant visual effect and have the potential to attract vermin and create windblown debris.

### 5. NOISE

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- (a) The provisions of Section 3.13 Noise shall apply unless otherwise stated by these rules.
- (b) Corrected noise level at the boundary of a site shall not exceed the following limits

#### Weekdays and Weekends

7am to 10pm	L10	55dBA
10.00 pm to 7.00 am	L10	45dBA

- (c) Activities not complying with these standards shall be considered as restricted discretionary activities. Council shall restrict the exercise of its discretion to this matter

## REASON

Noise limits have been based on the findings of Council's 1993 Noise Study of the District and are designed to preserve the existing amenity level.

### 6. SIGNS

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- (a) The provisions of Section 3.12 Signs shall apply unless otherwise stated in these rules.
- (b) Subject to (c) below one double sided sign per site, not exceeding 1.2 m<sup>2</sup>, is permitted provided it refers to the site on which it is located.
- (c) Illuminated signs are discretionary activities while flashing signs are prohibited.
- (d) Activities not complying with these rules shall be considered as discretionary activities.

## REASON

Signs can have a significant visual effect in these areas. This performance standard seeks to minimise that effect.

### 7. PARKING

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Provision shall be made for off street parking in accordance with the requirements set out in Rule TRAN.6 and Table 12, Figures 5 and 6.

<b>RULE URB.5 NON-RESIDENTIAL ACTIVITY PERFORMANCE STANDARDS</b>
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#### 1. BULK AND LOCATION

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- (a) No front yards are required except that where a residential activity adjoins both sides of the site a front yard of 3 metres is required.

- (b) No rear or side yards are required except that where a site adjoins a residential activity without the intervention of a road or service lane, side and rear yards of 4.5 metres will be required.
- (c) No building shall exceed 12.0 metres in height provided that where the activity adjoins a site where the principal activity is residential in nature the height provisions of Rule URB.4(2) apply.
- (d) Activities not complying with these standards shall be considered as restricted discretionary activities. Council shall restrict the exercise of its discretion to the effects on amenity values.

## REASON

Yards adjoining residential activities will reduce the adverse effects non-residential activities can have on residential activities in terms of shading, noise and visual impact.

## 2. NOISE

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- (a) The provisions of Section 3.13 shall apply unless otherwise stated by these rules.
- (b) Corrected noise levels shall not exceed the following limits.
  - (i) At the boundary of a residential activity;  
Weekdays and Weekends  
7.00 am to 10.00 pm L10 55 dBA  
10.00 pm to 7.00 am L10 45 dBA
  - (ii) At the boundary of any other non-residential property;  
At all times L10 65dBA
- (c) Activities not complying with these standards shall be considered as restricted discretionary activities. Council shall restrict the exercise of its discretion to this matter.

## REASON

Noise limits have been based on the findings of Council's 1993 Noise Study of the District and are designed to preserve the existing amenity level.

## 3. SIGNS

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### A. PERMITTED ACTIVITIES

Signs that are located on the site to which they relate (excluding those signs provided for in (v) below) are permitted activities (other than provided for in (b) to (c) below) provided they comply with the following performance standards:

- (i) The sign is not erected in a position that is higher than the apex of the roof of the building on the site.
- (ii) Any sign suspended under a verandah shall:
  - have a minimum clearance of 2.5 metres above the footpath, and
  - Have a minimum clearance of 450mm from the kerb line.



- (iii) Freestanding pole signs do not exceed 3m<sup>2</sup> in area or six metres in height provided their specific location is approved by Council.
- (iv) Footpath sandwich board type signs provided that:
- the sign does not exceed 1 m<sup>2</sup> in area
  - the sign is not placed in a position that impedes pedestrian traffic and that there is at least 1.8 metres clearance in the footpath
  - it is not placed within 2 metres of any corner or intersection or so as to interfere with traffic visibility
  - there is no more than 2 signs per shop frontage
  - it must be placed outside the premises to which the sign relates
  - it may only be displayed when the premises are open
- (v) 'Heritage Trail' fingerboard signs provided that they comply with the Heritage Trails Foundation Standards for such signs as set out in the document " Heritage Trail Signs Manual" as held in Council's office and that they are attached to existing fingerboard sign posts. (*Note: the written approval of the existing signpost owner must be received before such a sign be can erected*).

## **B. RESTRICTED DISCRETIONARY ACTIVITIES**

- (i) Signs on a site or building that adjoins a residential activity and signs not conforming with the standards above shall be restricted discretionary activities. Council shall restrict the exercise of its discretion to size, design, and location.

## **C. PROHIBITED SIGNS**

- (i) Flashing signs are prohibited activities.

## **REASON**

Signs can have a significant visual effect in these areas. This performance standard seeks to minimise that effect.

## **4. HOURS OF OPERATION**

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Any non-residential activity that adjoins a residential activity shall limit their hours of operation as follows

### Places of Assembly

7am - 10pm Sunday to Thursday,

7am - midnight Friday and Saturday

### Other Non-residential activities

7am – 10pm every day

**PROVIDED THAT** this rule shall not apply to public works, network utility installations, and any activity for which a licence under the Sale of Liquor Act 1989 is required.

Any activity not complying with this rule shall be considered as a discretionary activity.

## **REASON**

While the noise standards are also aimed at preserving the night time amenity in these areas, it is felt that some limit on hours of operation is also necessary to reduce or avoid the noise and nuisance effects of vehicles and people using non-residential facilities. Activities licensed under the Sale of Liquor Act have been exempt from this clause as the licensing of such facilities go through a public notification process through which the public can have their say with regard to the hours such operations keep. It should be noted that "temporary military training" activities are not considered non-residential activities (see definitions of non-residential activities at).

## **5. OUTDOOR STORAGE**

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The provisions of Rule URB.4 (4) shall apply.

## **6. SERVICING AND FINANCIAL CONTRIBUTIONS**

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The development of any site and the provision of all network utility services to the boundary of the site is the responsibility of the developer, and shall be undertaken in accordance with the relevant provisions of Section 3.7 Subdivision.

## **7. LANDSCAPING**

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The site of any non-residential building that is substantially clad in glass or similar reflective or translucent material; sheet material such as cement fibre panes, corrugated or sheet metal panels; or other similar materials, shall be landscaped and finished in a manner that minimises the adverse visual effect on residential activities in the vicinity of the site.

## **REASON**

Purpose built industrial or commercial buildings can have a significant adverse effect on residential amenity values. The visual impact of these buildings must be minimised.

## **RULE URB.6 UNRETICULATED SITES**

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Any unreticulated site shall be capable of the effective disposal of effluent safely within the site

### **PROVIDED THAT**

for sites less than 4,000m<sup>2</sup>, or where the activity on the site will generate quantities of effluent in excess of three household units or the equivalent thereof regardless of area Council shall require a certificate from Council's Environmental Health Officer or from a person professionally qualified in effluent disposal that effluent can be safely disposed of within the site.

## **REASON**

Effluent can have significant environmental effects in terms of odour, contamination of water supplies, and other health hazards. As no minimum site sizes have been set, the size of any sites in unreticulated areas will be determined by the sites ability to dispose of effluent effectively. Council accepts that sites 4000m<sup>2</sup> and above are generally adequate for this process however sites below this size will need certification from Council's Health Inspector or some other suitably qualified person.

#### RULE URB.7 VERANDAHS

A verandah extending across the entire road frontage, designed in accordance within the limitations set in Figure 22 shall be provided on the erection, reconstruction or alteration of any building on those streets identified as requiring verandahs on the planning maps, except where the reconstruction or alteration is to an historical building upon which a verandah is not appropriate.

Where circumstances of building design or layout or topographical features give rise to a request for relaxation of this requirement the matter shall be dealt with as a discretionary activity and shall be publicly notified.

#### REASON

To maintain the character and amenity values of the District's urban areas (and also to provide protection from the elements) maintenance of existing verandah frontages is considered essential.

#### RULE URB.8 BOARDING AND HOUSING OF ANIMALS

The housing and/or breeding of animals as a domestic activity on the site is a permitted activity provided that

- (i) not more than two pigs are kept and that a piggery building or any area designated for the occupation of pigs is located not less than 50 metres from any of the following:
  - any residential building
  - milking shed
  - any place used for preparation, storage,
  - or sale of food
  - public road
  - adjoining property boundary.
- (ii) Not more than two dogs are kept on a property provided that their progeny may be kept on the site up to the age of 3 months.
- (iii) The number of domestic fowls does not exceed ten.
- (iv) The activity is conducted so that it does not create a nuisance to the occupants of adjoining or nearby properties. Note: It shall be for Council's Enforcement Officers to determine upon reasonable grounds, that a nuisance is being created.

#### REASON

The keeping of animals can have adverse effects such as noise, smell and other nuisances. This performance standard should avoid the effects associated with the keeping of animals for purposes other than domestic needs.

#### RULE URB.9 EARTHWORKS

Earthworks not required for construction of a building for which a building consent has been issued that exceed the following:

- (a) An excavation depth or fill height exceeding 3 metres, or

- (b) the removal or the depositing of material exceeding 250 m<sup>3</sup>, or
- (c) an area of earthworks exceeding 1000 m<sup>2</sup>, or
- (d) involve the use of explosives

are a restricted discretionary activity.”

Council shall restrict the exercise of its discretion to the following matters:

- The effects of noise and dust emission;
- The effects of any blasting required;
- The extent, timing and duration of bare ground;
- The location, timing of construction, design and density of the earthworks;
- The control of run-off;
- The disposal and stabilisation of waste material or fill;
- The effects on waterbodies;
- The effects on slope stability;
- Measures to avoid, remedy or mitigate adverse visual effects;
- The effects of traffic generated by the activity.
- The effects on stormwater flows
- The need to protect survey marks
- The effects on structure supports, including structures on other properties
- The effects on infrastructure and utility services (including stormwater systems, and manhole or service covers) in particular the retention of appropriate cover, the retention of practical access to them and the recognition of loading weights.

This rule does not apply to earthworks associated with the construction of utility services and roads (including works within road reserves for footpaths, drainage systems etc.) authorised by this plan or appropriate resource consents.

Any application under this rule will generally not be notified or served. Where any neighbouring property owners are considered to be affected by any application, the notice of the application will be served on them unless all persons who may adversely affected have given their written approval to the application

## **REASON**

Earthworks in urban areas can have a significant adverse effect on neighbouring properties, stormwater flows, utilities and infrastructure. These effects can include noise, vibration and dust emissions from blasting and traffic generation and potential effects on stability and water quality. Council has developed a tiered approach to the control of earthworks. Only large-scale earthworks exceeding the limits set out above will require assessment through the resource consent process. Small-scale earthworks involving less than an area of 500m<sup>2</sup> and 25m<sup>3</sup> do not require any authorization. Earthworks of a scale greater than this but less than the levels listed above will require an earthwork permit under Councils Bylaw.

## 4.3.6. OTHER METHODS

### METHOD URB.1 SIGN GUIDELINES

Council encourages businesses of the District to consider the Grid Analysis Technique contained in Method SIGN.2, and the following guidelines when erecting signage.

- That signs be designed, and in colours appropriate, to the architecture of the buildings to which they are affixed, and to their adjoining streetscape. Signs should not be placed on the decorative forms or mouldings of buildings, dominate facades, conceal windows or architectural features.
- That where possible and practical, signs on adjacent buildings should be coordinated, particularly in regard to alignment.
- That signs should not project above parapet lines or be constructed so as to obscure views of landforms, vegetation or buildings which contribute to the amenities of the local environment.
- That sign combinations be chosen from the following options as illustrated by Figure 21:

#### A. GROUND FLOOR FACADE

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- (i) awning fascia
- (ii) one suspended under verandah sign or one cantilevered over footpath sign at standard awning level where there is no verandah.
- (iii) above doorhead/above display window tramson.
- (iv) piers.
- (v) below windowsill.
- (vi) on the window glass or the masonry beside a door.

Signage is limited to one of the following combinations, either (i), (ii) or (vi) or (iii), (iv) and (v). This provides for a total of three signs at ground floor facade level.

#### B. UPPER LEVEL SIGNS

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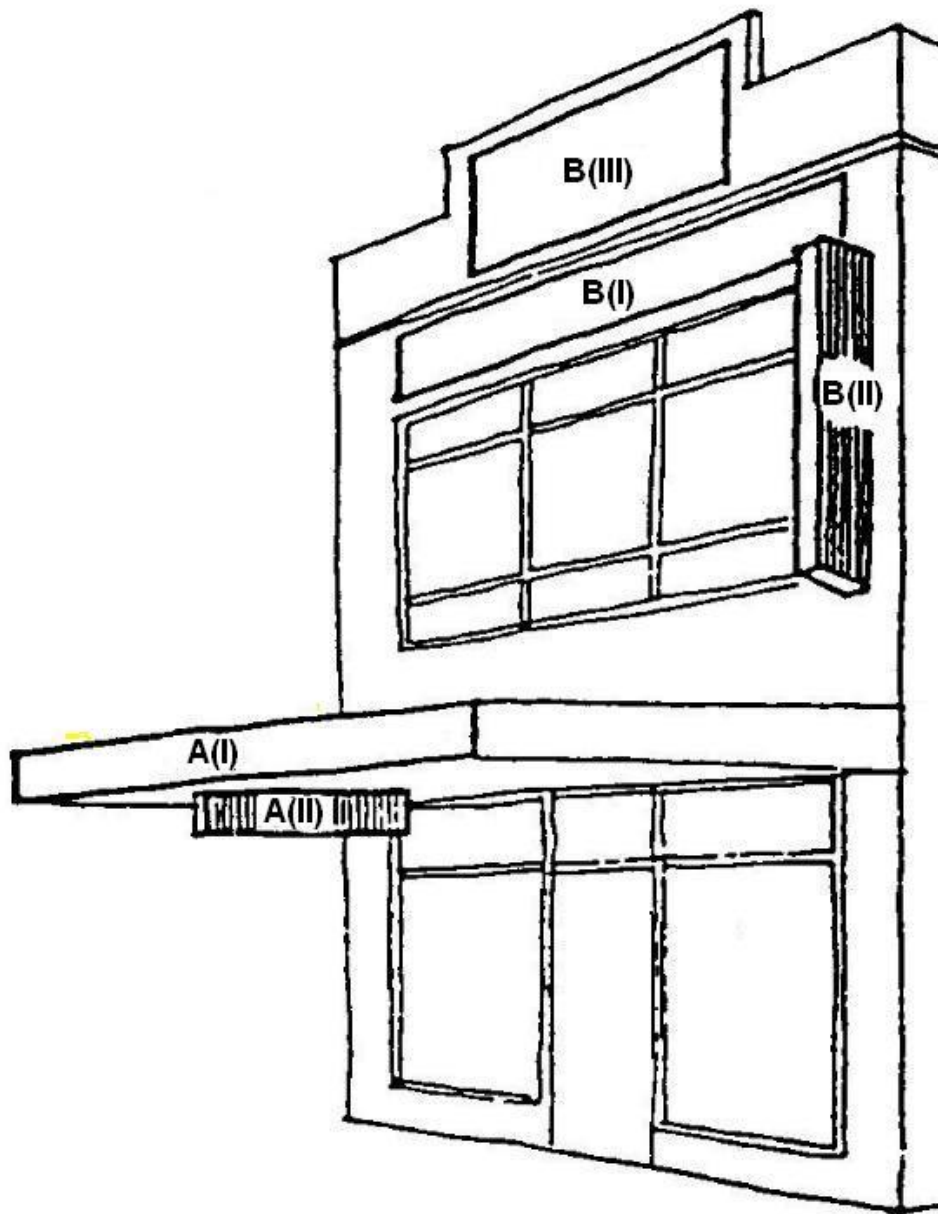
- (i) wall face box or applied sign.
- (ii) one projecting vertical sign.
- (iii) parapet sign.

Signage is limited to one of these options.

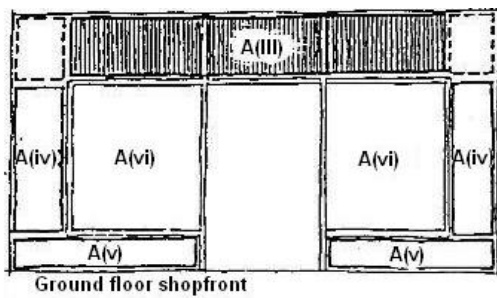
#### REASON

While not wishing to impose strict regulations on businesses in respect of signage location, Council does consider it necessary to promote cohesive and attractive development of signs in the District's urban area. It is hoped that these guidelines will go some way in achieving that.

Figure 21 - Signage Options

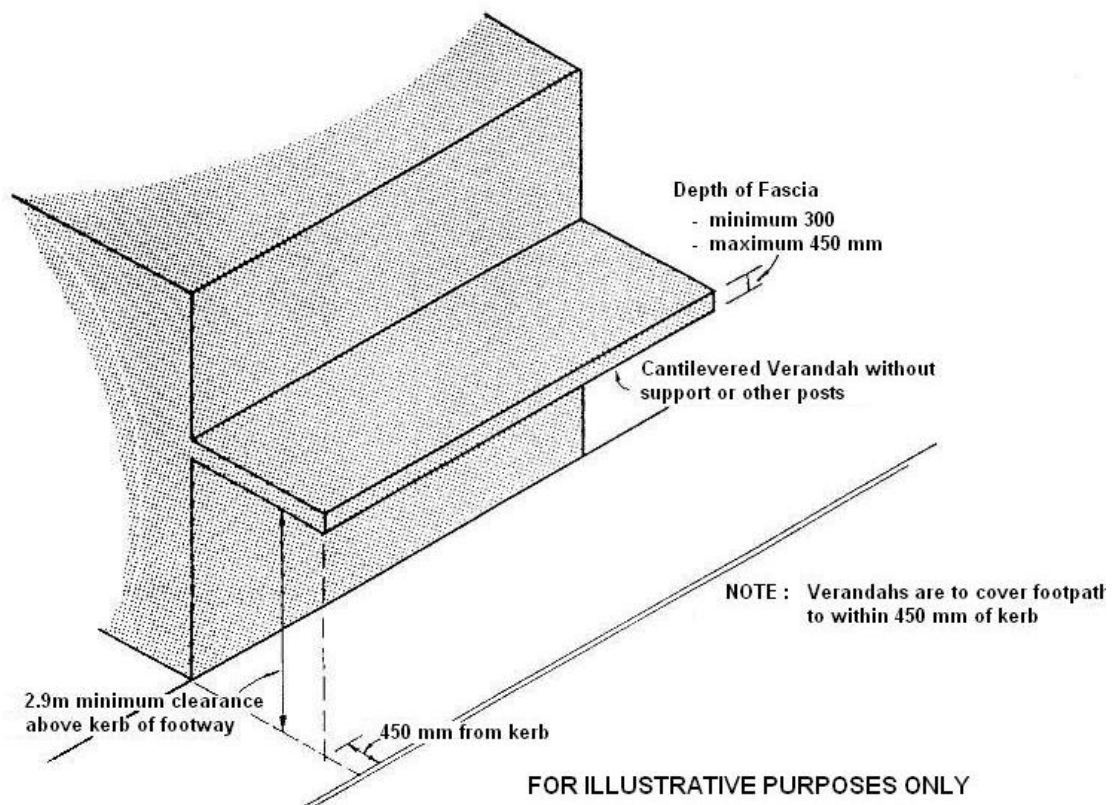


**FIGURE 21: SIGNAGE OPTIONS (CONTINUED)**



 equals illuminated

**FIGURE 22 - VERANDAHS**



**METHOD URB.2 MONITORING**

To assess the effectiveness of these policies and rules Council shall analyse complaints received

**REASON**

Complaints received are a ready guide as to how effective Council's objectives and policies are in maintaining amenity standards.

## METHOD URB.3 NOTIFICATION REQUIREMENTS

Except as otherwise stated, controlled activities and restricted discretionary activities will generally be considered without notification or the need to obtain written approval of affected persons.

## METHOD URB.4 MITIGATING THE EFFECTS OF PLANTING TREES

The Council encourages all prospective tree planters to consider the potential adverse effects that trees can have on neighbours (particularly residential neighbours). Trees can shade neighbouring properties, obscure views, cause soil nutrient depletion and soil disturbance due to root encroachment. Failure to recognise these potential problems could be costly as affected parties (including Council) can utilise the following remedies.

### (I) COMMON LAW NUISANCE

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Common law provides a remedy where private nuisance is involved. If shading, overhanging branches or encroaching roots interrupt reasonable use and enjoyment of the land, they may constitute private nuisance.

If an adverse effect is shown, the Resource Management Act can address these issues through enforcement orders (section 314) or abatement notices (section 322). While only Council may use the abatement notice procedure, any person can use the enforcement order process.

### (II) PROPERTY LAW AMENDMENT ACT

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Section 129 C of the property law Amendment Act provides for a person to apply to the District Court to remove or trim trees growing or standing on land whether or not they constitute a legal nuisance. This provision provides another remedy when trees cause an undue interference with reasonable enjoyment for residential purposes.

### (III) FOREST AND RURAL FIRES ACT 1977

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Under the Forest and Rural Fires Act 1977, trees can be declared "forest areas" (section 17). This identifies that the forest is a fire hazard requiring continuous protection, equivalent to a restricted season. In order to be declared a forest area, exotic forest must, amongst other things, be at least 20 hectares in area and have a fire break of 10 metres to external boundaries of the forest. Fire authorities can also require a land owner of any land on which exotic trees are allowed to grow for the purpose of producing timber, to make fire breaks in such positions as the Fire Officer considers necessary for the purpose of fire control (Section 27).

### (IV) FENCING ACT 1908

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Under section 26A of this Act, the Council has jurisdiction to order the removal or trimming of trees if it can be shown that this is necessary to remove or prevent the recurrence of any undue interference with the reasonable enjoyment of land.

Consideration should also be given to the possibility of wilding tree spread onto vacant sites, areas of open public land, roadsides and riversides. These areas are less intensively managed as a consequence wilding trees can become established. These trees can cause problems for neighbouring property owners. If you have planted trees that have a propensity to spread you should monitor areas of open space for evidence of wilding trees and remove them immediately.



### **4.3.7. ANTICIPATED ENVIRONMENTAL RESULTS**

1. A pleasant environment to live and work in.
2. Minimal adverse effects on neighbouring properties.
3. Safe and efficient transport system.
4. Efficient public services.