



**ATTACHMENTS
UNDER SEPARATE COVER**

Ordinary Council Meeting

24 February 2026

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SECTION 2 - POLICY AND LEGAL FRAMEWORK

1 STATUTORY PURPOSE AND PRINCIPLES

The Waimate District Council is required by the Resource Management Act 1991 to have a District Plan for its District. This Act sets out the Council's resource management functions and the matters which this Plan must and can address. The purpose of this District Plan is to assist the District Council to carry out its functions under the Resource Management Act, in order that it may achieve the purpose of the Act, which is to **"promote the sustainable management of natural and physical resources"**. Section 5 of the Resource Management Act (set out below) sets out in full the purpose of the Act. It is this purpose which provides the overall goal or guide for this District Plan.

Section 5

5. Purpose

- (1) *The purpose of this Act is to promote the sustainable management of natural and physical resources.*
- (2) *In this Act, "sustainable management" means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while-*
 - (a) *Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
 - (b) *Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
 - (c) *Avoiding, remedying, or mitigating any adverse effects on the environment.*

In achieving this purpose the District Plan and its administration must also recognise and provide for the following matters of national importance listed in Section 6 of the Act.

- (a) *The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development;*
- (b) *The protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development;*
- (c) *The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna;*
- (d) *The maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers;*
- (e) *The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga;*
- (f) *the protection of historic heritage from inappropriate subdivision, use, and development.*
- (g) *the protection of protected customary activities.*

Particular regard shall be had in the District Plan to the following matters in Section 7 of the Act.

- (a) *Kaitiakitanga (exercise of guardianship);*
- (aa) *The ethic of stewardship;*
- (b) *The efficient use and development of natural and physical resources;*
- (ba) *the efficiency of the end use of energy;*
- (c) *The maintenance and enhancement of amenity values;*
- (d) *Intrinsic values of ecosystems;*
- (f) *Maintenance and enhancement of the quality of the environment;*
- (g) *Any finite characteristics of natural and physical resources;*
- (h) *The protection of the habitat of trout and salmon;*
- (i) *the effects of climate change;*
- (j) *the benefits to be derived from the use and development of renewable energy.*

In addition the District Plan and its administration shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) (Section 8 of the Act).

It is against this background of the Resource Management Act's purpose and principles that the resources of the District and the wellbeing of its people have been assessed to determine the significant resource management issues of the District.

2 RELATIONSHIP WITH OTHER PLANS AND POLICY DOCUMENTS

In preparing and reviewing the District Plan, the Council is required to consider a range of other plans and policy documents of relevance to the District. The Council is required under Section 55 of the Act, to implement any national policy statement, where directed to do so by the national policy statement. The District Plan must otherwise give effect to:

- any national policy statement or (ss 55 and 75(3)),
- the New Zealand Coastal Policy Statement, and
- any Regional Policy Statement.(s75(3))

The Council must also enforce any relevant National Environment Standard prepared under the Resource Management Act 1991. District Plan rules must not duplicate rules in a National Environment Standard, or be more stringent than them unless stated otherwise in the Standard. A District Plan rule must not be more lenient than a National Environmental Standard, unless the National Environmental Standard enables leniency.

Council is required to, under s 44A, amend its plan to remove any duplication or conflict between the plan and the National Environmental Standard. The following table records amendments made under s44A.

<u>National Environmental Standard</u>	<u>Date amendment made</u>	<u>Brief description of amendment</u>
<u>National Environmental Standards for Detached Minor Residential Units</u>	<u>25 February 2026</u>	<u>Notes inserted by relevant rules, site and zone standards to remove duplication or conflict. Notes are to be read as part of the provision.</u>

The District Plan must not be inconsistent with:

- any water conservation order;
- any regional plan covering its district (s75(4))

The Council will undertake Plan Changes, if necessary, where these plans or policy documents are prepared subsequent to this District Plan.

The Local Government Act 2002 allows the Council to set out its broad policies and objectives through its long-term plan, providing a clear statement of the community outcomes and the activities of the Council. This delivery of goods and services by the Council to achieve community outcomes can also be used to achieve sustainable resource management. To this extent the Council's District and Long-Term Plans can work together to provide a variety of means to achieve the purposes of the Resource Management Act.

3 OBLIGATION TO COMPLY

No person may use land in a manner that contravenes a rule in the District Plan, unless they have existing use rights or a resource consent granted by the Council (Ss 9 and 10). In the context of the Resource Management Act such use includes the use of the surface of lakes and

rivers. No person may subdivide land in the District unless expressly allowed by a rule in the District Plan or a resource consent (S 11).

4 EXISTING USE RIGHTS

Sections 10, 10A and 10B of the Act specify the circumstances when the existing use of land, the continued use of land and the surface of water, and some building works are permitted to continue even though the use or works may contravene a rule in the District Plan.

5 STATUS OF ACTIVITIES

Within the context of this District Plan, "activity" shall be the use and subdivision of land (and the surface of water), and/or the erection and/or use of buildings or structures thereon.

Activities have been grouped according to their common characteristics, based on the premise that there is no need to distinguish between activities of similar environmental effects. For example, "residential activity" includes a range of uses from detached dwellings to apartments.

Within each zone, these activities are further classified according to their status under the Act, being either: permitted; controlled; discretionary; non-complying; or prohibited.

- Permitted activities are allowed by the Plan without a resource consent, providing they comply in all respects with the conditions specified in the Plan. In respect of any particular zone, these conditions include both the relevant site and zone standards.
- Controlled activities require a resource consent. They shall comply with any standards and terms specified in the Plan and will be assessed according to those matters in the District Plan over which the Council has reserved control. The Council must grant its consent to a controlled activity, but in granting its consent the Council may impose conditions relating to those matters specified.
- Restricted Discretionary activities require resource consent and are subject to standards and terms specified in the Plan. Activities that may be listed as Permitted Activities but cannot meet all the site standards for that zone shall be restricted discretionary activities, with Council's discretion limited to the matter of non-compliance. The Council may grant or refuse consent to a restricted discretionary activity and, if granting consent, may impose conditions limited to matters over which they have discretion.
- Discretionary activities require a resource consent, and may be subject to standards and terms specified in the Plan. Activities have been afforded such status where there is potential they may not be suitable in all locations in a zone; or where the effects of the activity on its environment are so variable that it is not possible to prescribe appropriate standards and terms to cover all circumstances in advance of an application. The Council may grant or refuse consent to a discretionary activity and, if granting consent, may impose conditions.
- Non-complying activities are those which contravene a rule in the District Plan. A resource consent is required for a non-complying activity. Activities that may be listed as permitted activities but cannot meet all the zone standards for that zone shall be non-complying activities. The Council may grant or refuse consent to a non-complying activity and, if granting consent, may impose conditions.

6 SITE AND ZONE STANDARDS

This District Plan adopts a two tier system of standards in most of the zones - that is Site Standards and Zone Standards. Some General Rules which apply across the District also contain Site Standards and Zone Standards.

Site Standards are specified in relation to matters which tend to impact on the use of the particular site and adjacent areas. These Site Standards have been derived after consideration of their costs and benefits and in relation to the effects of activities on the surrounding environment. In general they are considered important in achieving a satisfactory environmental standard in the immediate vicinity of an activity. While these standards are important, they are not considered fundamental to the integrity of an area and so are set in a way that if development does not comply with these standards the Council will consider the matter of non-compliance by way of a resource consent for a restricted discretionary activity. This enables the Council to consider the implications of non-compliance on the use and enjoyment of the site being developed and on the surrounding environment.

Zone Standards are standards which are more important to the environmental standard or character which is sought to be attained for a zone, area, or some component of the zone. These standards relate to matters which can have widespread or cumulative effects on the wider zone or area, such as noise and traffic generation or to matters which have effects on significant aspects of the zone environment e.g. impacts on sites of natural significance. Within the Rural Zone there are few zone standards because the effects on the fundamental environmental character of the zone which can be realistically controlled by District Plan rules are limited. Because of their importance, all activities which fail to meet these standards are non-complying activities which face a rigorous test if they are to obtain resource consent.

7 RESOURCE CONSENTS

The District Plan provides for two types of resource consent: land use and subdivision. Discharge, water, coastal and land use consents are issued by the Environment Canterbury

A resource consent from the Waimate District Council is required by any person proposing to undertake an activity classified in the District Plan as:

- a controlled activity;
- a restricted discretionary activity;
- a discretionary activity; or
- a non-complying activity.

An application for resource consent must be made in accordance with the Resource Management Act. Forms for land use and subdivision consent applications are available from the Waimate District Council office, accompanied by an explanation of the information to be submitted with the application. This includes an Assessment of Effects on the Environment prepared in accordance with the 4th Schedule of the Act.

Section 95A of the Resource Management Act prescribes when applications need not be publicly notified. In many situations this requires the written approval of affected persons. The District Plan in the Rules specifies those resource consents which shall be non-notified.

Section 104 sets out those matters to which the Council must have regard, in considering a resource consent application:

- (1) *When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to:*
 - (a) *any actual and potential effects on the environment of allowing the activity; and*
 - (b) *any relevant provisions of—*
 - (i) *a national environmental standard;*
 - (ii) *other regulations;*
 - (iii) *a national policy statement;*

- (iv) a New Zealand coastal policy statement:
 - (v) a regional policy statement or proposed regional policy statement:
 - (vi) a plan or proposed plan; and]]
- (c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.

The District Plan includes assessment matters which the Council will have regard to when considering resource consents. Section 106 specifies circumstances whereby the Council shall not grant subdivision consent, this being for any land, structure on that land or subsequent use of the land subject to or likely to cause or accentuate material damage by erosion, falling debris, subsidence, slippage or inundation from any source.

The Council may impose conditions on consents in accordance with Sections 108 and 220 of the Act, in restricting or prohibiting certain aspects of the proposal to ensure it complies with the Resource Management Act and the District Plan.

8 DESIGNATIONS

A designation is a provision made in the District Plan to give effect to a requirement made by a requiring authority. These requirements apply to a public work or a particular project or utility operation.

Any Minister of the Crown or local authority is automatically a requiring authority. Other network utility operators (as defined in Section 166 of the Resource Management Act) may apply to the Minister for the Environment for approval as a requiring authority. A requiring authority may give notice to the Council in respect of a requirement. Although the Council has called for such notices in preparing the District Plan, the Act makes provision for similar procedures throughout the life of the operative District Plan.

Designations are shown on the Planning Maps, with an indication of the requiring authority which has the benefit of the designation. These designations override the provisions of the Plan and any resource consent. They enable the use of the land by a requiring authority for the designated purpose but they may also limit the use of the land where this would conflict with the designated purpose. The provisions of the Plan for the underlying zone apply in relation to any land that is subject to a designation where the land is used for a purpose other than the designated purpose.

All designations shall have the underlying zoning of the zones in which they are located and for all designations other than those for roads or the railway, this underlying zoning is listed in Appendix A for each designated site. All legal roads are deemed to be designated and shall have the underlying zoning of the zones in which they are located.

Designations are not the only means of providing for public works or utility operations. The District Plan contains general rules for utilities not designated, providing for these in a manner similar to other general activities.

9 HERITAGE PROTECTION ORDERS

A heritage order is a provision in the District Plan to give effect to a requirement made by a heritage protection authority (Section 187). Similar provisions apply as for requiring authorities, except that this authority also extends to the New Zealand Historic Places Trust.

A heritage order is issued to protect features or places of special interest, character, intrinsic or amenity value or visual appeal, or of special significance to the tangata whenua, and such area of land surrounding these places as is necessary to protect and afford reasonable enjoyment of them. No person may undertake work in a manner contrary to the heritage order.

10 INTERPRETATION OF PLANNING MAPS

The Planning Maps, which form part of this District Plan, contain 45 Planning Maps plus two index sheets. Thirty-five of these Planning Maps cover the whole district and contain the following notations:

<u>Zones</u>	Rural Zones (RUR) Residential 1 Zone (RES 1) Residential 2 Zone (RES 2) Residential 3 Zone (RES 3) Business 1 Zone (BUS 1) Business 2 Zone (BUS 2) Business 3 Zone (BUS 3)
<u>Notations</u>	Significant Natural Areas Designations Water Supply Protection Areas Lakeside Protection Areas 1 and 2 Significant Natural Features Outstanding Natural Landscapes and Features Heritage Items Commercial Frontage Flight Protection Surface

There are two further planning maps that identify the Hill and High Country Subzone and the Outstanding Natural Landscapes and Features over topographical maps.

There are seven additional planning maps covering the majority of the District, which identify "Flood Areas". These maps indicate vulnerability regardless of zone and are included to address matters associated with the effects of flooding as a natural hazard. The Plan also contains Objectives and Policies in the Rural, Residential and Business Zones relating to natural hazards.

Refer clause 8 of this section for a description of designations.

11 ENFORCEMENT

The Waimate District Council has powers under Part 12 of the Resource Management Act to require persons to cease or not commence an activity which is or is likely to:

- contravene the Act, any regulations, a rule in the District Plan, or any resource consent; or
- be noxious, dangerous, offensive, or objectionable to such an extent that it has or is likely to have an adverse effect on the environment.

Any person may apply to the Environment Court for a declaration or enforcement order to, among other things, obtain compliance with District Plan provisions or resource consent conditions, or require adverse effects on the environment be remedied or mitigated.

12 CHANGES TO THE PLAN

The Council is committed to a Plan that is current and relevant and which addresses issues and concerns as they arise. Therefore, the provisions of the Plan may be varied as necessary. Such changes may be in response to revised or up-dated National or Regional Policy Statements or Regional Plans. Further, as the development of the District takes place, the Plan will be subject to continuous review by the Council, so that on-going and evolving resource management requirements of the community may be acknowledged and provided for.

Any person may formally request the Council to change the Plan. The procedure is set out in the First Schedule to the Act. Applications must clearly define the proposed change, so that it can be readily understood, and describe the environmental results anticipated from the implementation of the change.

13 REGIONAL RULES

The Council holds copies of the Environment Canterbury's regional rules affecting land within Waimate District. These rules may also be relevant, in addition to the rules in the District Plan, to land use activities undertaken within the boundaries of Waimate District.

In respect to further interpretation and clarification of the regional rules, inquiry should be made to the offices of the Environment Canterbury, in Christchurch or Timaru.

SECTION 4 – RURAL

INTRODUCTION

The Rural area contains all of Waimate District's significant physical resources and features and with this, the productive capacity of the District.

The topography of the rural area is varied, including coastal alluvial plains and river terraces, large inland basins of the Hakataramea and Waitaki Rivers, rolling to hilly downlands, and the higher hills and mountains of the Hunters Hills and Kirkliston and Grampian Mountain Ranges. Soils tend to be fertile, and a lack of moisture is the most common limitation to higher production from land which can be cultivated. The climate is temperate and relatively dry. Summer drought, and winter frosts with snow at higher altitudes are characteristic of the area.

The Rural area of the Waimate District contains some landscapes and areas of cultural significance to Ngāi Tahu Whānui. These landscapes are very important to Ngāi Tahu culture, identity and well-being. The cultural values that make a particular landscape significant include traditional mahinga kai (food and resource gathering sites), ara tawhito (traditional travel routes) and wahi ingoa (traditional Maori place names).

The area is characterised by a variety of farming and forestry activities. Crop and livestock farming are the main activities on the fertile plains and easy hills with more extensive grazing on less fertile or steeper country. Dairying has expanded significantly with dairying now occupying the majority of the areas served by irrigation schemes. Intensive arable farming and horticulture occurs in suitable areas. Shelter trees and forestry are important features of the visual landscape.

A range of recreation activities occurs within the rural area with many of these focusing on the Waitaki Lakes and River and areas of native bush.

RURAL ZONE DESCRIPTION

The Rural Zone encompasses all the non-residential areas of the District including lakes and rivers.

OBJECTIVES AND POLICIES

Objective 1 - Conservation Values

Safeguard the life supporting capacity of indigenous biodiversity and ecosystem functioning of the District through recognition of Ki Uta ki Tai and the protection and enhancement of significant flora and fauna habitat and riparian areas; the maintenance of natural biological and physical processes; and the retention of indigenous vegetation and wetlands generally.

Explanation and Reasons

- Ki Uta ki Tai is the concept used to describe the overall approach to natural resource management by Ngāi Tahu - from the mountains to the sea. It is Ngāi Tahu's way of understanding the natural environment, including how it functions, how people relate to it and how it can be looked after appropriately. It involves not only a planning and policy framework, but the development of monitoring, reporting, geographical information system analysis, information databases, area management and succession tools for natural resource management.
- Safeguarding ecosystems and indigenous biodiversity will enable cultural benefits such as ensuring that mahinga kai sites are protected.
- It is appropriate that the values of areas of particular conservation significance are protected both because of their intrinsic ecological worth and their value to the people of the District. The sustainable management of ecosystems and the protection of remaining areas of indigenous fauna and vegetation in the District is

also important for maintaining the integrity of the District's landscapes, natural character and amenity values.

- Despite the continuing modification of the land, the Waimate District contains many areas of indigenous vegetation. Such areas include the alpine vegetation and extensive tussock and scrubland areas in the High Country; remnant indigenous forest and regenerating areas within the Hunter's Hills; and coastal river mouths, wetlands and lagoons, including the Waihao and Hook rivers. Many of these areas provide specialised habitats for indigenous species, such as the Canterbury mudfish.
- Wainono Lagoon is of particular importance to fisheries and wildlife due to its extensiveness, diversity of habitats and the important link it provides between coastal wetlands. It is a wetland of national importance and represents 20-25% of saline/estuarine wetland area in South Canterbury. The significance of Wainono Lagoon to wetland bird species is demonstrated by the number of species present, being 57.

Policy 1A - Significant Natural Areas

- (a) To achieve more comprehensive identification of significant natural areas within the District by:
- Applying the criteria listed in Appendix 3 of the Operative Canterbury Regional Policy Statement which includes representativeness, rarity, distinctiveness, diversity and patterns and ecological context.
 - Utilising existing and available databases and information;
 - Encouraging and contributing to the survey work and educational role of the Department of Conservation and other agencies and groups.
- (b) To protect identified significant natural areas in Appendix G "List of Significant Natural Areas" from adverse effects and ensure that any reduction in the overall ecological integrity and functioning, viability, habitat values, cultural and amenity values of these areas is avoided.
- (c) To preserve the natural character within wetlands, lakes, rivers, and their margins where located within identified significant natural areas by ensuring any adverse effects are avoided, remedied or mitigated.
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Explanation and Reasons

- As for Objective 1
 - Activities involving vegetation clearance, land disturbance through earthworks and the planting of trees can destroy indigenous plants and animals directly, or indirectly through the modification of habitat. These activities can also destroy or damage geological or geomorphological features.
 - Reductions in the overall ecological integrity and functioning, habitat values, natural character or amenity values of areas of conservation significance are to be avoided.
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Policy 1B - Enhancement of Degraded Areas

To promote the enhancement of areas of conservation significance that exist in a degraded state where it will achieve long term improvement and:

- a) contribute to the indigenous biodiversity of that area, particularly for ecosystem types that are threatened or under-represented in protected areas; or
 - b) improve the life supporting capacity of indigenous ecosystem; or
 - c) improve or establish connections between habitats and create corridors for wildlife dispersal.
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Explanation and Reasons

- As for Objective 1

- Much of the Waimate District now has only scattered remnants of formerly extensive indigenous habitats. Many of these exist in a degraded state and some are at risk of being so diminished as to lose their usefulness as part of a larger whole. Integrated management and recognition of the strategic significance of ecological connections between these scattered habitats, and the processes that maintain them, is essential.

Policy 1C - Enhancement of Conservation Values

To promote protection and enhancement of the district's natural conservation values, and in particular to safeguard indigenous biodiversity and ecosystem function, consistent with the Biodiversity Strategy for the Canterbury Region.

Explanation and Reasons

- As for Objective 1
 - It is important to recognise not only Significant Natural Areas, but also those other areas of natural conservation value within the District that may not have national importance but whose protection is important to the overall indigenous biodiversity and ecosystem functioning within the District, and can be achieved through education and other non-regulatory processes.
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Policy 1D - Adverse Effects of Development and Subdivision

To ensure when considering consent applications, that the adverse effects of any development or subdivision on any area of indigenous vegetation or habitat of indigenous fauna, including culturally significant areas, will be avoided, remedied or mitigated.

Explanation and Reasons

- As for Objective 1
- It is appropriate for the Council to take account of any adverse effects on indigenous vegetation and habitats of indigenous fauna that may occur from any development or subdivision proposed in a consent application, and the methods to be used to avoid, remedy or mitigate such adverse effects.

Objective 2 - High Country Land

That High Country land use be managed to maintain or enhance the life supporting capacity of ecosystems, water and soil.

Explanation and Reasons

- The high country is an important resource for the people who live and work in the area, as well as for many New Zealanders and overseas visitors. Extensive pastoralism in the tussock grasslands of the South Island has, to some extent, become part of the cultural identity of New Zealand.
- Sustainable management of the land resources of the high country has importance for many aspects of the District's well-being. Stable and viable rural communities depend upon the implementation and maintenance of sustainable land use systems which retain soil quantity, fertility and health; protect water and air quality; and are energy efficient. The range of cultural, landscape, recreational and nature conservation values associated with the District's high country is also dependent on the implementation of land use systems which sustain these values.
- It is necessary that future management of high country lands maintains or enhances the life supporting capacity of the high country ecosystems, water and soil in order to meet the reasonably foreseeable needs of future generations.

- In recent decades parts of the High Country in Waimate District have experienced changes in vegetation including the spread of hawkweed, wilding pines and woody species which reduce grazing and in some cases threaten nature and conservation values. In addition there have been periodic surges in rabbits causing a loss of livestock feed and in some cases loss of topsoil through wind erosion.

Policies for Objective 2

- 2A To encourage land use activities which maintain or enhance a robust and intact vegetation cover.
- 2B To encourage the continuation or establishment of local landholder stewardship groups that facilitate land uses and land management practices which are appropriate for the environment.
- 2C To monitor the need and practicality of developing performance standards to facilitate appropriate land management practices.
- 2D Consistent with objectives 1 and 4 and subsequent policies, to maintain or enhance the conservation and landscape values of the high country.

Explanation and Reasons

- As for Objective 2
- Tussock grasslands are the predominant vegetation type in the high country. The health of the tussock grasslands is therefore important. They form the basis of extensive pastoralism, as well as being a significant contributor to the natural and landscape values of the high country. The development of indicators which monitor the health of the tussock grasslands should be a priority. These are likely to include indicators of soil quality and indicators of vegetation cover and composition.
- Other vegetation types that may be considered appropriate in the high country, i.e. woodlot or plantation forestry, will also need to be monitored to ensure they can be managed in the high country in a sustainable manner.
- Activities should ensure that overall ecosystem functioning and natural character of open space values of the High Country are maintained by:
 - retaining, as far as possible, indigenous vegetation and habitat.
 - maintaining unmodified landform and natural processes.
 - avoiding adverse effects on visual amenity.

Objective 3 - Downlands and Plains Soils

Subdivision, cultivation and livestock management of downlands and plains areas which maintains the life-supporting capacity of the soil and avoids fragmentation which may foreclose the ability to use soil for productive purposes.

Explanation and Reasons

- Land comprising of versatile soils is a valued resource throughout the region. The Waimate District contains a large resource of versatile soils and has been identified by the New Zealand Land Resource Inventory as comprising of 108ha of Class I land and 44,031ha of Class II land, which constitutes over 12% of the total land area of the district. Versatile soils support the widest range of productive uses with the least level of inputs and have many inherent qualities, such as soil depth and water holding capacity. These attributes make these soils particularly suitable for primary production.
- There is a concern that some crop rotations can result in soil becoming compacted and structureless over time. There can also be problems with loss of topsoil from cultivated paddocks as a result of high intensity rainfall and/or high winds.
- It is appropriate that management of downlands and plains lands avoid practices which cause soil loss and loss of soil quality.

Policies for Objective 3

- 3A To liaise with Canterbury Regional Council, Government Departments, Crown Research Institutes, Papatipu Rūnanga and Te Rūnanga o Ngāi Tahu to increase knowledge about the degree to which farming practices impact on the long-term sustainability of the soil resource and also encourage research into identifying management practices with the potential to minimise soil erosion.
- 3B To encourage the provision of information that promotes land management practices which do not cause accelerated erosion or depletion of soil quality.
- 3C Ensure that subdivision in the downlands and plains areas safeguards the life supporting capacity of soils and does not foreclose the ability to use the soils which are, or foreseeably could be, valued for rural productive purposes.

Explanation and Reasons

- As for Objective 3
- Fragmentation of land through successive subdivision, and in particular small lot subdivision, has the potential to limit or discourage productive use of land that is subdivided as well as adjoining land in response to reverse sensitivity pressures.

Objective 4 – Outstanding Natural Landscapes and Features

Protection and enhancement of the District's outstanding natural landscapes and natural features from subdivision, use or development that would detract from these landscapes or features or their values

Explanation and Reasons

- Section 6(b) of the Resource Management Act 1991 requires the Council to recognise and provide for the protection of outstanding natural features and landscapes from inappropriate subdivision, use and development.
- The identification of outstanding natural landscapes and features in many cases will include natural character areas associated with wetlands, lakes and rivers and their riparian areas.
- Values associated with Outstanding Natural Landscapes and Features typically include cultural, recreation and amenity values that can be degraded by inappropriate subdivision, use or development either directly or indirectly. See the Waimate Landscape Study for further details.

Policy 4A – Identification and Controls

To identify outstanding natural landscapes and natural features and to control buildings and subdivisions within these to enable full assessment of visual and landscape impacts. Development should be of a type and density that avoids loss of landscape coherence and degradation or modification of landscape values, including the unspoiled openness of hill and high country landscapes.

Explanation and Reasons

- As for Objective 4
- Council has identified outstanding natural landscapes and features within the District, all of which, other than Wainono Lagoon, are in the high country centred on the Hunter Hills, Kirkliston, Big and Little Ranges and the Grampians Mountains.
- To avoid inappropriate subdivision and development additional controls (beyond those in the Rural zone rules) have been placed on outstanding natural landscape areas and features. These controls require larger minimum lot sizes and specify restricted discretionary activity status for farm buildings, discretionary status for other buildings and non-complying status

for buildings at Wainono Lagoon. This provides an opportunity for scrutiny of individual proposals recognising the varying capacity of physical settings and landscapes to absorb further subdivision and development.

- Because most the areas are above 900m and/or contain Significant Natural Areas it has not been necessary to control activities such as earthworks and vegetation clearance as these are already controlled through rules relating to sensitive environments.

Policy 4B – Enabling Continued Productive Use

To retain the character of identified areas and high landscape and natural environment values present, whilst enabling the continued operation of the productive activities undertaken.

Explanation and Reasons

- As for Objective 4
 - To protect outstanding landscaping in a sustainable manner it is considered necessary to provide also for the community's economic, social and environmental viability. In this way, communities can be sustained over time providing a situation where continued pastoral use and extensive runs can be maintained and developed.
 - It is not considered reasonable or appropriate in achieving the Act's purpose to prevent all future development in areas of landscape and natural character value. Sustainable development require a balance to be found that provides for the social, economic and cultural well-being of the community, while sustaining the natural and physical resources and safeguarding the environment from adverse effects.
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Policy 4C – Wainono Lagoon

To retain and enhance the unique landscape, natural character, cultural and ecological values of Wainono Lagoon and its margins and to acknowledge the sensitivity of this lake and wetland environment by restrictions on development and subdivision.

Explanation and Reasons

- As for Objective 4
- The Wainono Lagoon remains as the most significant coastal wetland between Lake Ellesmere and the Karitane Estuary in Otago. In recognition of the significance of the lagoon to takata whenua and its sensitivity as a lake, wetland and as very important habitat for birds, buildings are not provided for within the Lagoon and margins.
- The Lagoon has exceptional natural science and transient values due to its being significant habitat for many importance wildlife species, including waterfowl, migrating birds, coastal birds and native fish. It also supports many threatened bird species and is an internationally important wetland.

Objective 5 - Landscape Character and Natural Features

Maintenance and enhancement of significant landscape values of the District, and of those natural processes and features and cultural values which contribute to the overall character and amenity.

Explanation and Reasons

- Residents and visitors to the District value the natural, unbuilt quality of land in the vicinity of the major waterbodies of the District. These areas are valued both

- because of their visual qualities and their ability to provide for the natural functioning of ecosystems in and adjacent to these areas.
- Significant areas within Waimate contain largely unmodified landscapes, natural features and land forms, particularly in the hill and high country areas. These areas and features, and the natural processes that shape them contribute to the amenity values and quality of the environment generally. Some landscapes and natural features may require protection from inappropriate use, while others may require enhancement.

Policy 5A - Waitaki Lakes

To avoid the adverse visual effect of development on the landscape and visual values of the lakeshore and the hinterland of the Waitaki Lakes by:

- Requiring buildings to be set back from Lakes Aviemore, Benmore and Waitaki.
 - By providing for new buildings as Controlled Activities in the hinterland area (Lakeside Protection Area 2) to achieve development which is sensitive to the landscape character of the area.
-

Explanation and Reasons

- As for Objective 5
 - The shoreline and areas up to the crest of the hills surrounding Lakes Benmore, Aviemore and Waitaki provide a dramatic visual setting for productive and recreation activities in the District.
 - The building setback in the Lakeside Protection Area 1 recognises the high sensitivity of the shoreline areas to buildings and the obvious potential for development of the Lake Aviemore shoreline for residential or recreational use.
 - Control over the appearance and location of buildings in the Lakeside Protection Area 2 will assist in achieving sensitive development while recognising that development pressure in this area is unlikely to be high.
 - Section 6(a) of the Resource Management Act 1991 requires the Council to recognise and provide for the preservation of the natural character of wetlands, lakes and rivers and their margins from inappropriate subdivision, use and development.
-

Policy 5B - Adverse Effects

Avoid, remedy or mitigate the adverse effects of activities which could mask or detract from important landforms and other natural features, or adversely affect areas of the District which have a high degree of naturalness, visibility, aesthetic value, or expressiveness.

Explanation and Reasons

- As for Objective 5
- It is appropriate to recognise the values of natural features which are sensitive to land use change.

Objective 6 - Rural Amenity and Environmental Quality

A level of rural amenity which is consistent with the range of activities anticipated in rural areas, but which does not create unacceptably unpleasant living or working conditions for the District's residents or visitors, nor a significant deterioration of the quality of the rural environment.

Explanation and Reasons

- While a wide range of activities is desirable in the rural area it is important that the effects of these activities do not significantly impact on the enjoyment of the area for residential or recreational use or on the efficient carrying out of productive uses.
- There is considerable potential for activities such as intensive livestock farming and extractive uses to adversely affect the natural environment of the rural area. Because of this potential impact it is desirable that these activities be controlled to ensure an acceptable level of environmental quality is maintained.

Policy 6A – Livestock Farming

To avoid, remedy or mitigate adverse effects of livestock farming in order to protect the amenity of rural areas and the quality of its physical environment.

Explanation and Reasons

- As for Objective 6
- Policy 6A, recognises the potential for livestock farming to impact on the natural environment and amenity of the rural area. A number of means to avoid, remedy or mitigate these impacts have been chosen by the Council including education and general promotion of good management practices. In response to specific concerns relating to dairying, the Council has adopted performance standards for new dairy operations. Council will continue to monitor the environmental impact of all livestock farming, as well as the effectiveness of the various methods chosen to maintain or enhance environmental quality.
- Many problems associated with intensive farming and intensive livestock farms occur as a result of poorly designed buildings and enclosures and poor farm management and waste disposal methods. Given that adverse effects are so dependent on management practices and the sensitivity of the surrounding environment it is appropriate to consider each proposal on its merits and have the necessary standards attached to each operation.
- In response to adverse effects resulting from dairying operations, the Council has adopted a number of controls to reduce or avoid these effects. Stock underpasses are now required where regular stock crossing occurs to overcome the safe and efficient functioning of roads being impeded. Heavy vehicle movements are often focussed on milking sheds, wintering/feeding barns and the like and this can give rise to odour, noise, lighting and safety issues. These buildings are therefore required to be well setback from road and property boundaries and from existing houses on adjoining sites. Carcass disposal can create a health hazard and there is potential for contamination of waterways by physical damage to banks causing sediment deposition and increased run-off effects from pugging. Contamination of both ground and surface waterways by dairy effluent and fertiliser particularly in areas with border dyke irrigation or in areas with high water tables is also of concern. The controls require that irrigation water is applied to avoid waterways being contaminated with effluent and to ensure there is no surface flooding on roads or spray encroachment occurs which create nuisance or safety issues for road users. In addition stock are to be managed to ensure no effluent contamination of waterways and wetlands occurs.

Policy 6B - Setback of Buildings

To require residential dwellings to be setback from property boundaries to reduce the probability of the residents of these dwellings being exposed to significant adverse effects from an activity on a neighbouring property, and to maintain the visual character of the rural area.

Explanation and Reasons

- As for Objective 6
 - It is wise to avoid any nuisances being experienced by rural residents resulting from their proximity to neighbouring properties.
 - The setback gives adjoining land owners greater flexibility in their land management practices.
 - The setback from boundaries, in particular the front boundary assists in maintaining the distinct low density rural character of the District.
 - The additional setback requirement associated with legally established intensive pig farms and forestry is intended to give the consent holders the freedom to exercise their consent without being unreasonably restricted by the potential for complaint by newer residents.
-

Policy 6C - Extractive Industry

To recognise the potential effects of extractive operations, including mineral exploration, on the rural environment, and to require consent for such operations to enable assessment of the sensitivity of an area and the degree to which an operation will minimise any adverse effects on amenity and the environment including impacts on natural features and indigenous vegetation and habitats of indigenous fauna.

To recognise prospecting as an activity with limited environmental impact for any area.

Explanation and Reasons

- As for Objective 6
 - Controls are necessary on individual extractive operations because the scale of the operations, the sensitivity of the area and the management of these can vary considerably. These matters affect amenity values such as privacy, rural outlook, spaciousness and quietness valued by residents, recreationalists and visitors to rural areas.
 - The Plan can place sufficient performance standards on prospecting to maintain rural amenity values as prospecting is essentially a low impact activity.
-

Policy 6D - Forestry and Trees

To control those aspects of forestry and trees which adversely impact on the amenity and environment of the rural area, in particular the more sensitive environments of the hill and high country and Outstanding Natural Landscapes and Features.

Explanation and Reasons

- As for Objective 6
- Forestry and tree planting can have a number of adverse impacts on the rural environment and rural amenity and in particular can cause shading and icing of roads, obscure visibility on roads, and affect production and amenity of adjoining land. In addition disturbance of soil and poor management of tracking and harvest operations can result in sedimentation of waterways and reduced water quality. It is considered prudent to avoid these adverse effects by setting environmental standards in the Plan.

- Forestry has significant potential to detract from the values of Outstanding Natural Landscapes and Features by masking landforms, reducing spaciousness and openness and changing natural character elements.

Policy 6E - General Amenity Controls

To set performance standards, or control by conditions those aspects of activities such as noise, dust, fumes and visual impacts which can adversely impact on the amenity of rural areas. To require the Council's consent for activities which are likely to have impacts on the amenity of rural areas which cannot be anticipated.

Explanation and Reasons

- As for Objective 6
 - Performance standards are required for effects such as building height, noise, traffic generation and lighting to maintain an acceptable level of amenity for people living and working in, or visiting the rural area.
 - Activities such as industries which process rural produce, or which have space requirements which cannot be met within settlements or recreational and accommodation which are based on rural resources may be best located in the Rural Area. However the types of impacts of these non-landbased or non-productive activities cannot be anticipated and it is appropriate therefore that Council assess these activities individually to determine their appropriateness and the need to mitigate adverse impacts.
-

Policy 6F - Pattern of Subdivision

To limit the minimum size of subdivisions in the Rural Zone to provide for flexibility in house siting while limiting the possibility of:

- occupiers of new lots being adversely affected by existing neighbouring activities.
 - cumulative adverse impacts of septic tank disposal systems on the quality of groundwater and surface water
 - adverse impacts (including cumulative impacts) on the lower density character of the rural environment
 - degrading or modifying the important landscape values of identified outstanding natural landscapes and features
 - increasing the exposure of the community to natural hazards;
 - adverse effects on infrastructure;
 - loss of the rural productive capacity of the Rural Zone;
 - uneconomic extensions to, or maintenance of, services;
 - adverse effects on indigenous vegetation and habitats of indigenous fauna (Refer Section 10 Subdivision Objectives and Policies).
-

Explanation and Reasons

- There is a need and expectation by the community that groundwater quality should be maintained and/or enhanced because of the biological needs of natural systems. The retention of cultural values attributed to water and its availability for domestic and stock consumption. Small lot subdivision with its associated residential use which can impact on groundwater quality by seepage from septic tank disposal fields should therefore be avoided where possible.
- It is wise to ensure that lot sizes are of a sufficient size to enable flexibility in house location while being set back from neighbouring properties to reduce the impact of neighbouring farming or forestry activities.
- An essential element of rural character is the low density of buildings and residential use. To maintain this character and to avoid amenity and reverse sensitivity effects, a control is needed on the density of residential development. This control is also required to reduce the demand for

increased or improved services such as roading, water and power which can be costly and uneconomic to supply.

- To avoid inappropriate subdivision and development additional controls (beyond the general Rural Zone rules) have been placed on outstanding natural landscapes and features. These controls require larger minimum lot sizes and limit buildings in order to retain an open, un-built character.
- Natural Hazards – refer Rural Objective 8 and Policies 8A to 8D
- Small lots provide less flexibility in the location of houses and buildings which may limit available setbacks from servicing infrastructure such as high voltage power lines, poles and towers. In addition, the operation of these services has the potential to impact on rural residents which may then result in reverse sensitivity effects.
- While small rural lots have the theoretical potential to retain much of their productive capacity, this capacity can be lost or reduced due to the predominant residential use of the site and the layout of buildings and access on the site. This impact on productive capacity most frequently occurs on the fringe of towns.
- The creation of new rural residential lots has the potential to create a demand for urban standard services and infrastructure including sealed roading, street lighting and extensions of reticulated services. Due to the limited number of properties served (as compared to townships) supplying and maintaining these services can be costly and uneconomic over time.
- It is appropriate at the time subdivision consent is sought to take into account likely impacts on indigenous vegetation and habitats from the resulting small lot rural residential development.

Policy 6G – Recreational Settings And Amenity

To avoid, remedy or mitigate the adverse effects of activities on recreation settings and amenity.

Explanation and Reasons

- As for Objective 6
 - It is the quality of the rural environment that contributes to its recreational value. The enjoyment of recreational settings and activities in the rural environment depends on the maintenance of those settings. Activities on or adjacent to sites used for recreation have the potential to degrade the natural environment which is part of the recreational experience.
-

Policy 6H - Public Access

To identify and retain existing legal public access facilities, where these are required for public access and recreational use and to consider future public access opportunities.

Explanation and Reasons

- As for Objective 6
- Legal unformed roads are a physical resource of the District which provide public and recreational access, however some legal roads serve no particular public access or recreational purpose, therefore it is appropriate that the Council only identify and retain those roads which serve such a purpose.
- Future opportunities for additional public access which enhances the existing network should be considered and taken where practicable.

Policy 6I – Non-Rural Uses

To recognise that the Rural Zone may be the most appropriate environment for some utility, industrial, service or commercial uses to establish, provided the amenity and character of the rural area is maintained.

Explanation and Reasons

- As for Objective 6
- A wide variety and scale of industrial or services activities may want or need to establish in the Rural Zone. These activities often serve the productive use of the Rural zone or they may require large areas of land only available within the rural area. Examples of such activities include a contractors' yard, transport companies, timber mills and dairy processing plants.
- The rural environment may be able to absorb these activities better than other more developed parts of the District. However, there is a need to ensure that the amenity and character of the environment in which such activities may locate is maintained. Given the wide variety and scale of such activities, the Council has reserved its discretion over these activities so they can be assessed on a case-by-case basis.

Objective 7 - Waterbodies and Their Margins

Protection, restoration and enhancement of the coastal environment, waterways and wetlands and their margins to avoid degradation of the natural character, amenity, cultural and recreational values of these areas and their associated waterbodies.

Explanation and Reasons

- The margins of waterbodies have value because of the natural function of filtering runoff prior to water entering waterways. These areas also have considerable value, as a conservation, recreation and access resource.
- Activities such as human and animal effluent disposal, intensive livestock farming, earthworks, clearance of vegetation, inappropriate planting, and erection of structures can interfere with the environment and the quality of waterways.
- Wetland areas have important ecological values which should be retained.

Policy 7A - Effects Controls

To avoid, remedy or mitigate the adverse effects of a range of activities and structures on the natural functioning, natural character and values of the coastal environment, waterways, waterbodies, wetlands and their margins.

Explanation and Reasons

- As for Objective 7
- Earthworks, structures, vegetation clearance and forestry plantings all have the potential to reduce the effectiveness of the natural vegetation and topography of riparian areas to function in a way which assists in maintaining the water quantity and quality of adjacent water bodies and wetlands and which provides habitat for indigenous wildlife

Policy 7B - Livestock Farming

To avoid, remedy or mitigate the adverse effects of livestock farming so as to not cause a deterioration in the environmental quality and natural functioning of riparian areas, their adjacent waterbodies and groundwater.

Explanation and Reasons

- As for Objective 7
 - Animal farming in proximity to waterways has considerable potential to cause contamination of riparian areas and waterways, by discharge of effluent particularly in areas which are flood irrigated or which have a high water table. In addition high rates of organic and inorganic fertiliser can cause contamination of groundwater. A number of means to avoid, remedy or mitigate these impacts have been chosen by the Council including education and general promotion of good management practices. In response to specific concerns relating to dairying, the Council has adopted performance standards for new dairy operations. Council will continue to monitor the environmental impact of all livestock farming, as well as the effectiveness of the various methods chosen to maintain or enhance environmental quality.
-

Policy 7C - Protection of Wetlands

To recognise that wetlands have significant cultural, amenity, recreational and ecological functions and values and provide habitats for indigenous flora and fauna.

To control activities so that the depletion of wetlands which have significant ecological values is avoided.

To have particular regard to the National Policy Statement for Renewable Energy Generation 2011.

Explanation and Reasons

- As for Objective 7
 - Wetlands are relatively scarce and generally under greater pressure for development than waterways. Remaining wetland areas with significant values should be retained and protected.
-

Policy 7D - Maintenance of Wetlands

Council will maintain and enhance wetland areas as part of its management of utilities and public works.

Explanation and Reasons

- As for Objective 7
 - Council considers that as a public body it has a responsibility to design, construct and maintain its works in a way which enhances or at least maintains the intrinsic values of wetland areas.
-

Policy 7E - Riparian Vegetation

To advocate and encourage the establishment and maintenance of riparian vegetation, especially indigenous vegetation typical of the local areas, to reduce the adverse effects of landuse on water quality and to enhance conservation and amenity values.

Explanation and Reasons

- As for Objective 7
-

- The riparian zone is a traditional area between land and water and has the ability to act as a buffer between land and water processes. The management of riparian vegetation is an important part of the buffering capacity and also contributes to conservation and amenity values of riparian areas.

Objective 8 - 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.
- 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.
- Avoidance of loss and damage to life and property is generally preferable to restoration and compensation for loss where this is possible.
- Within the District, the Hunter Hills Fault Zone is one 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 8A - 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 8
- The adverse effects of flooding are most effectively mitigated by directing buildings away from hazard areas or by requiring elevation of buildings.

Policy 8B - 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 8
- The adverse effect 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.

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

Policy 8D - 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 8.
- 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 8.

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

Objective 9 - Surface of Waterways

Recreational activities being undertaken on the District waterways in a manner which minimises potential adverse effects on conservation values, wildlife habitats, public health and safety, recreational values, takata whenua values and general amenity values.

Explanation and Reasons

- There is potential for recreational activities on waterways to have a number of adverse effects including:
 - noise
 - reduction in navigational safety
 - conflict with other recreationalists
 - degradation of river, lake and adjoining wildlife habitats
 - increased bank erosion caused by wave action or activity on the banks
 - water contamination from turbidity, exhaust fumes and human effluent
 - litter and other wastes in the area
- It is appropriate in providing for recreation throughout the District that these adverse effects are minimised to enable environmental and recreational quality to be maintained.

Policy 9A – Moorings

To ensure that the location, design and use of moorings are such that any adverse effects on visual qualities, safety and conflicts with recreational and other activities on the waterways are avoided or mitigated.

Explanation and Reasons

- As for Objective 9
 - Moorings which intrude over or through water which enable greater recreational use of the water can thereby create a potential for conflicts between different recreationalists and cause problems associated with exceeding the carrying capacity of the existing shore vegetation and facilities.
 - Moorings can create safety problems for on-water users.
 - Moorings can significantly alter the character and visual appearance of riparian areas and waterways.
-

Policy 9B - Regulations

To seek the continued administration and control of navigational safety matters principally through regulations or equivalent mechanisms under the Harbour Act and its successor.

Explanation and Reasons

- As for Objective 9
 - Controls placed on water based recreational activities by the Water Recreation Regulations 1979 are considered to enforce suitable controls with respect to navigational safety.
 - Current upliftings of the Water Recreation Regulations within the District are considered appropriate to allow for certain recreational activities on the Districts waterbodies and should therefore be retained.
-

Policy 9C - Cross Boundary Co-Ordination

To co-ordinate with adjoining territorial authorities where activities on the surface of rivers and lakes cross territorial boundaries, including the co-ordination of resource consent processes.

Explanation and Reasons

- Because the Pareora River and the Waitaki River and Lakes form the part of the northern and southern boundaries of the District the Council considers a joint approach should be taken for the control of water based activities in conjunction with Timaru, Waitaki and Mackenzie District Councils.
-

Policy 9D - Wainono Lagoon

To avoid adverse effects on wildlife habitat values by controlling powered vessels and aircraft use on Wainono Lagoon.

Explanation and Reasons

- As for Objective 9
 - Wainono Lagoon is of particular importance to fisheries and wildlife due to its diversity of habitats and the important link it provides between coastal wetlands. The values of the lake are susceptible to activities on the water, therefore it is appropriate that the lake is kept free of mechanical craft.
-

February 2014

Section 4 - Rural Zone

Objective 10 - Protection of Drinking Water

Protection of the quality of drinking water.

Policy 10A - Catchment Protection

To identify the catchments of public water supply schemes and to control the effects of activities within these areas to avoid adverse impacts on the quality of water being taken for drinking purposes.

Explanation and Reasons

- It is appropriate that catchment areas where community water supplies are drawn are protected from adverse effects of land use.

Objective 11 - Rural Infrastructure

Rural infrastructure that enables the District and the wider community to maintain their economic and social well-being

Explanation and Reasons

- Rural infrastructure entails, but is not limited to, power generation and transmission facilities, communication facilities, roads and water supplies. These are of significance to both residents and visitors, as well as to the wider national community. Their significance is based on their ability to facilitate economic and social well-being of the rural and wider communities, as well as being a major component of the rural landscape.

Policy 11A - Rural Infrastructure

To recognise the economic and social importance of transportation, electricity generation and transmission, and rural servicing infrastructure, consistent with other objectives and policies of this Plan.

(Refer Section 11 Utilities Objectives and Policies)

Explanation and Reasons

- As for Objective 11.
- Transportation and communication networks (e.g. telephone lines, cellular phone sites, and radio transmitters) play an important part in the ability of the District to maintain its economic and social well-being.
- Power generation and transmission facilities within the District are an important part of the national electricity generation and supply network. These facilities form part of the Waitaki Hydro Scheme that produces a significant proportion of New Zealand's electricity.

Objective 12 – 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 12A – Papakainga Housing

Enable papakainga 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 12B – Marae and Urupa

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

- (i) in accordance with tikanga Māori; or
- (ii) for the use of the beneficial owners

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 takata 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 takata whenua to exercise their relationship, culture and traditions with this land and the surrounding natural resources, including through exercising kaitiakitanga.

Objective 13 – National Grid

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

Policy 13A

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.

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 - RURAL ZONE

1. DISTRICT WIDE RULES

The following General Provisions containing District-Wide Rules shall apply in the Rural Zone:

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

2. PERMITTED ACTIVITIES

The following activities shall be Permitted Activities provided they comply with each of the Site Standards in Rule 7 and Zone Standards in Rule 8.

- 2.1 Farming Activities** other than intensive farming.
(Refer Zone Standard 8.4.3 for animal housing in Flood Areas and areas close to stopbanks).
- 2.2 Forestry Activities** in the Rural Zone other than in the Hill and High Country Sub Zone identified on the planning map 36.
- 2.3 Residential Activities**
(Refer Zone Standard 8.4.3 for residential buildings in Flood Risk Areas and areas close to stopbanks).
- 2.4 Papakainga housing** on multiply-owned Maori or ancestral land
- 2.5 Home Occupations** provided that
- a. Goods, materials or equipment associated with a home occupation are to be stored inside a building or are to be screened from the view of neighbouring properties and/or the road;
 - b. All manufacturing, altering, repairing, dismantling or processing of any goods or articles associated with a home occupation are carried on within a building; and
 - c. No more than one full-time equivalent person who resides elsewhere than on the site is employed in undertaking any home occupation on the property.
- 2.6 Commercial Activities** limited to retail sales of:
- a. farm and garden produce grown, reared or produced on the site; or
 - b. handcrafts produced on the site; or
 - c. refreshments served to group visits to sites used for farming or residential activities;
- 2.7 Recreational Activities** (other than on the surface of waterways or using aircraft) limited to:
- a. outdoor recreational activities which are not commercial;
 - b. commercial outdoor recreation activities where the scale is limited to no more than 10 people in one group;
 - c. group or individual visits to sites used for farming or residential activities;
 - d. buildings, associated with recreational activities specified under a-c above, which do not exceed 50m² in area and are limited to use for shelter including huts for overnight shelter, toilet facilities and information, except that group visits to sites used for farming or residential activities may use buildings principally used for farming or residential activities;

- e. buildings and structures associated with recreational access.

2.8 Mining and Investigation Activities limited to prospecting

2.9 Visitor Accommodation, limited to

- a. Homestays accommodating no more than 10 guests at any one time; and
- b. a maximum of two units with accommodation for a maximum of 10 guests in total.

2.10 Activities on the Surface of Waterways except moorings

2.11 Scheduled Activities listed as Permitted Activities in Rule 10.

2.12 Temporary Activities that meet Site Standard 7.17. Temporary Activities do not need to meet any other site or zone standard.

2.13 Aviation Activities limited to airstrips associated with:

- a. primary production;
- b. residential activities; or
- c. non-commercial recreation or transportation.

2.14 Clearance of Vegetation (refer Site and Zone Standards)

2.15 Construction Activities that meet Site Standard 7.18. Construction activities do not need to meet any other Rural site or zone standard. Note other District- Wide Rules may apply, Refer to Rule 1.

3. CONTROLLED ACTIVITIES

The following activities shall be Controlled Activities provided they comply with the Rural Zone Site and Zone Standards (Rules 7 and 8) for matters other than those over which the consent authority has reserved discretion.

The matters over which the consent authority has reserved discretion are listed below each Controlled Activity.

3.1 Community Activities in respect of;

- a. car parking provision,
- b. hours of operation,
- c. noise
- d. lighting

3.2 Mineral Exploration in respect of:

- a. terrain disturbance including vegetation clearance and volumes of material to be removed;
- b. rehabilitation of a site;
- c. siting of roads or any buildings
- d. noise, vibration, dust
- e. the number of vehicle movements
- f. impact on Outstanding Natural Landscapes and Features identified on the planning maps.

3.3 Buildings in the Lakeside Protection Area 2 with greater than 25m² floor area in respect of:

- a. External appearance
- b. Location

3.4 Problem Animals

The farming of animals other than commercial livestock within the Hill and High Country subzone identified in Planning Map 36 in respect of:

- a. adequate containment to prevent animal escapes
- b. provision of financial contributions to assist capture or destruction of escaped animals.

3.5 **Schedule Activities** listed as Controlled Activities in Rule 10.

4. RESTRICTED DISCRETIONARY ACTIVITIES

4.1 **Farm Buildings within Outstanding Natural Landscape Areas** as identified on the planning maps in respect of:

- a. external appearance, bulk and scale of building
- b. earthworks and tracking
- c. landscaping and planting (including tree removal)
- d. servicing
- e. effects on landscape and visual amenity values
- f. any cumulative effects of structures within the landscape

4.2 Any Permitted or Controlled Activity which does not comply with any Site Standard in Rule 7, but meets all of the Zone Standards in Rule 8, shall be a Restricted Discretionary Activity. The exercise of Council's discretion shall be restricted to the matter(s) specified in the standard which is not complied with.

5. DISCRETIONARY ACTIVITIES

5.1 Schedule Activities listed as Discretionary Activities in Rule 10

5.2 Non-Farm Buildings within Outstanding Natural Landscape Areas as identified on the planning maps.

5.3 Any activity which is not listed as a Permitted Activity, a Controlled Activity, or a Restricted Discretionary Activity, and which complies with all Zone Standards in Rule 8 shall be a Discretionary Activity.

6. NON-COMPLYING ACTIVITIES

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

7. SITE STANDARDS

7.1 **Height of Buildings, Structures etc**

7.1.1 Maximum height of any building shall be 10m.

Note: Site Standard 7.1.1 does not apply to a DMRU as defined by the NES-DMRU.

~~7.1.1~~7.1.2 No building, mast, structure, tree or other object shall penetrate the following flight protection surface shown on Planning Maps 23 and 33. Flight Protection Surface means a surface extending outwards and upwards from the centre-line of runways 04-22 and 09-27 of the Waimate Aerodrome at a gradient of 1:50 for a horizontal distance of 1200 metres from the edge of the runway.

7.2 Setback from Roads, Neighbours, Forestry and Intensive Pig Farming

- 7.2.1 Minimum setback of residential units from:
- an internal boundary shall be 20m;
 - a road boundary shall be 7.5m;
 - forestry activity under different ownership shall be 50m;
 - a legally established intensive pig farm on a separate site shall be 500m.

Note: If the NES-DRMU applies, Site Standards 7.2.1 (c) and (d), prevail over regulation 6(d)(ii) of the NES-DMRU. The NES-DMRU prevails over Site Standards 7.2.1 (a) and (b).

- 7.2.2 Minimum setback of Papakainga housing from:
- a road boundary shall be 7.5m
 - an internal boundary with a property under different ownership shall be 20m

There shall be no boundary setbacks from internal boundaries for land held in the same ownership.

- 7.2.3 The minimum setback for buildings, designed and/or used for the housing or feeding of commercial livestock, excluding milking sheds or buildings used to house or feed milking stock shall be:
- 50m from an internal boundary;
 - 200m from any public reserve or existing dwelling on a separate site;
 - 50m from a road boundary.

- 7.2.4 The minimum setback for other buildings greater than 10m² in gross floor area, except those referred to in rules 7.2.1 and 7.2.2 shall be:
- 7.5m from road boundaries;
 - a distance from an internal boundary at least equal to the height of the building.

Note: Rule 7.14 lists setbacks for effluent ponds, treatment ponds, storage ponds, carcass disposal, milking sheds and buildings used to house or feed milking stock.

7.3 Access

- 7.3.1 Each residential unit shall have legal access to a legal road.
- 7.3.2 Each site of papakainga housing shall have legal access to a legal road. A separate access for each unit within a papakinga site is not required.

7.4 Retail Sales

- 7.4.1 No retail sales shall be permitted on sites where the public access to the site is from State Highway 1 and 82 (from SH1 to Bathgates Road).
- 7.4.2 Any building used for retail activities shall be at least 25 metres from the road boundary of the site.
- 7.4.3 All accesses shall comply with the Standards in Section 9.
- 7.4.4 All signs shall comply with the Standards in Section 7.

7.5 Riparian Management

On any land within 100m of the bed of any lake or 20m of the bed of any river:

- 7.5.1 No earthworks shall:
- exceed 10m³ (volume) in any one year, or
 - exceed 30m² (area) in any one year, or
 - be located on slopes with an angle greater than 20°
- except that** the following earthworks shall be permitted provided they comply with all other provisions of the Plan:
- earthworks associated with the maintenance and upkeep of existing tracks, roads, drains, culverts, crossings, bridges, stock yards, erosion control works, dykes and sea walls.
- 7.5.2 There shall be no clearance of indigenous vegetation.
- 7.5.3 Cut or cleared berm vegetation shall not be placed in a river or placed in a position that it may enter a river.
- 7.5.4 Topsoil is not to remain exposed longer than it takes to resow or replant the area. This time period shall not exceed twenty-four months from the time of disturbance.
- 7.5.5 All harvesting of trees shall be carried out so as to prevent detritus and soil from entering the bed of any river or lake.
- 7.5.6 No buildings shall be erected.
- 7.5.7 There shall be no forestry activity planting or woodlot planting i.e. planting for timber production.

7.6 Water Supply Protection Areas

Within any Water Supply Protection Areas:

- 7.6.1 No buildings shall be erected which require septic/sewage facilities.
- 7.6.2 All dead stock must be removed and no burials shall be permitted. This rule also applies to the Lower Waihao Water Supply Outer Protection Area.
- 7.6.3 If mob stocking takes place all waterways must be protected to ensure that stock effluent and pugging does not pollute the waterway.
- 7.6.4 The storage of silage or the disposal of silage or similar organic matter is not permitted.
- 7.6.5 No earthworks shall:
- exceed 20m³ (volume) per hectare in any continuous period of 5 years, or
 - exceed 50m² (area) per hectare in any continuous period of 5 years, or
 - be located on slopes with an angle greater than 20 degrees.
- except that** the following earthworks shall be permitted provided they comply with all other provisions of the Plan:
- earthworks associated with the maintenance and upkeep of existing tracks, roads, drains, culverts, crossings, bridges, stock yards, erosion control works, dykes and sea walls.
- 7.6.6 No clearance of vegetation or indigenous vegetation shall exceed 150m² in any one hectare in any continuous period of 5 years.
- 7.6.7 There shall be no exotic tree planting greater than 20ha per Certificate of Title in the Timaru Water Supply Protection Area.

7.7 Forestry Activity - Water Quality, Shading, Visibility, Wilding Trees

- 7.7.1 Cut or cleared berm vegetation shall not be placed into a river or placed in a position that it may enter a river.
- 7.7.2 Topsoil is not to remain exposed longer than it takes to resow or replant the area. This time period shall not exceed twenty-four months from the time of disturbance.
- 7.7.3 All harvesting of trees within 50m of any wetland, 100m of the bed of any lake or 20m of the bed of any river shall be carried out so as to prevent detritus and soil from entering the wetland or the bed of the lake or river.
- 7.7.4 Forestry activity 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 20 working days prior to planting.
- 7.7.5 Forestry activity shall not be located within 50 metres of an existing dwelling on a separate site under different ownership.
- 7.7.6 Trees 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
 - restrict views from SH82 of Significant Nature Feature G12 (The Limestone Cliffs - Waihao Forks/Downs - Planning Map 18)
 - cause icing of a road pavement being perpetrated as a result of shading of the road between 10am and 2pm on the shortest day of the year
- 7.7.7 It shall be the responsibility of forest owners, occupiers, leasees and licensee or other persons responsible for any forestry activity to eliminate tree spread and growth of wilding trees emanating from that forest on all land within 500 metres of the forest edge.
- 7.7.8 There shall be no planting of *Pinus contorta*, *Pinus sylvestris* (Scots Pine), *Pinus uncinata* (Dwarf Mountain Pine) or *Pinus mugo* (Mountain Pine).
- 7.7.9 Earthworks, clearance of indigenous vegetation and tree planting associated with any Forestry Activity shall not exceed the thresholds set in Rural Site Standards 7.5, 7.6.5, 7.6.6, 7.13, 7.16 and Rural Zone Standards 8.1, 8.3, 8.5 and 8.7.

7.8 Surface of Waterways

- 7.8.1 Boating on the Dead Arm upstream from Poingdestres Road Bridge, including Wainono Lagoon and its tributaries shall be restricted solely to craft powered by oars or paddles.

7.9 Noise

- 7.9.1 Activities, other than residential activities shall be conducted such that the following noise levels are not exceeded, neither at, nor within, the notional boundary of any residential unit, other than residential units on the same site as the activity:
- during daytime 55dBA L10
 - during night-time 45dBA L10
 - On any day between 9pm day and 7am on the following 75dBA Lmax
- except that for farming activities these standards shall only apply to noise from stationary motors or equipment.

7.9.2 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*.

7.9.3 Noise limits shall not apply to:

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

(For daytime and night-time refer Section 13 - Definitions)

7.10 Lighting

7.10.1 All fixed exterior lighting shall be directed away from adjacent properties.

Note: Zone Standard 7.10 does not apply to lighting associated with residential activities for a DMRU as defined by the NES-DMRU.

~~7.10.17.10.2~~ All exterior lighting on properties shall be designed, installed and maintained so that the light emitted does not cause a distraction or glare which could create a traffic hazard on any road.

7.11 Relocated Residential Units

7.11.1 Residential units for permitted activities shall comply with the following:

- a. Any relocated building intended for use as a residential unit shall have previously been designed, and built as a residential unit.
- b. 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.
- c. The building shall be located on permanent foundations approved by building consent, no later than three months of the building being moved to the site.
- d. 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.
- e. 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.
- f. (a) to (e) above shall not apply to accessory buildings designed or used for other than human habitation.

Note: Site Standard 7.11 does not apply to a DMRU as defined by the NES-DMRU.

7.12 Flooding

7.12.1 Residential, Commercial, Recreational, Community and Visitor Accommodation Buildings and Buildings for the housing of 6 or more animals on a permanent or seasonal basis 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:

- a. siting and potential for inundation, riverbank erosion, or coastal erosion,
- b. floor heights.

7.12.2 There shall be no Residential, Commercial, Recreational, Community and Visitor Accommodation Buildings and Buildings for the housing of 6 or more animals on a

permanent or seasonal basis within Areas of Flooding Risk identified on the Flood Risk Maps that are assessed to have a High Flood Risk.

(Refer also Zone Standard 8.4 below)

- 7.12.3 Rules 7.12.1 and 7.12.2 shall not apply:
- a. to extensions to buildings where the extension will not increase the total floor area existing at 1 May 1998 by more than 15%.
 - b. to accessory buildings designed or used for purposes other than human habitation or the housing of less than 6 animals on a permanent or seasonal basis.

Note: - A person proposing a building as specified above in a flood risk area shall obtain a flood risk assessment to establish whether the site is within an area with a Low Flood Risk or a High Flood Risk. This assessment shall be undertaken by a suitably qualified person or body, i.e. Canterbury Regional Council.

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.

7.13 Earthworks

- 7.13.1 Earthworks shall not exceed 150m² or 50m³ on slopes of more than 20 degrees in any one hectare in any continuous period of 5 years.

7.14 Dairying

All dairying activity shall comply with the following standards:

- 7.14.1 All effluent holding tanks, treatment ponds, storage ponds and any carcass disposal shall be located at least 300 metres from any public reserve or dwelling on an adjoining property, and 100 metres from an adjoining property boundary or public road.

- 7.14.2 All milking sheds or buildings used to house or feed milking stock shall be located at least 400 metres, or 300 metres with the written consent of the owner and occupier, from any existing dwelling on an adjoining property or public reserve, and 100 metres from an adjoining property boundary or public road.

Advisory Note: The reference to "any existing dwelling" in Rule 7.14.2 acknowledges that people who choose to locate new dwellings within 400m of the buildings referred to in Rule 7.14.2 are not protected by this rule.

- 7.14.3 Stock shall be managed in a way which ensures no waterways or wetlands are contaminated by stock or their effluent.

- 7.14.4 All irrigation shall be applied to ensure that contamination of waterways and wetlands by effluent is avoided, and to ensure that no surface flooding or spray encroaches onto adjacent properties or roads.

- 7.14.5 Movement of milking dairy herds across any of the following roads shall only be by means of an underpass:

- Bathgates Road (Starts: SH82, Ends: Molloy's Road)
- Blue Cliffs Road (Starts: Kane Lane, Ends: Talbot Road)
- Brasells Bridge Road (Starts: Pareora River Road, Ends: District Boundary)
- Browns Road (Starts: High Street, Ends: Parsonage Road)
- Craigmere Valley Road (Starts: Pareora River Road, Ends: Timaunga Road)
- Foleys Road (Starts: SH1, Ends: Hannaton Road)
- Glenavy-Tawai Road (Starts: SH1, Ends: Old Ferry Road)

- Hakataramea Valley Road (Starts: SH82, Ends: Homestead Road)
- Holme Station Road (Starts: Pareora River Road, Ends: Pareora River Bridge)
- Horsnells Road (Starts: SH1, Ends: Morven Road)
- Ikawai Middle Road (Starts: SH82, Ends: Tawai-Ikawai Road)
- Lower Hook Road (Starts: SH1, Ends: Waimate Hunter Road)
- Lucks Road (Starts: SH1, Ends: Fletchers Road)
- Makikihi Hunter Road (Starts: SH1, Ends: Teschemaker Valley Road)
- Manchesters Road (Starts: Molloy's Road, Ends: Mitchell Road)
- Maytown Road (Starts: Timaru Road, Ends: Hannifins Road)
- McNamaras Road (Starts: Molloy's Road, Ends: SH1)
- Mill Road (Starts: Hunts Road, Ends: Kirks Road)
- Molloy's Road (Starts: McNamaras Road, Ends: SH1)
- Morven Road (Starts: Maclean Street, Ends: Horsnells Road)
- Old Ferry Road (Starts: SH1, Ends: Glenavy-Tawai Road)
- Pareora Gorge Road (Starts: Evans Crossing Road, Ends: Pareora River)
- Pareora River Road (Starts: SH1, Ends: Evans Crossing Road)
- Parsonage Road (Starts: Butchers Lane, Ends: Waimate Hunter Road)
- Racecourse Road (Starts: Williams Street, Ends: Park Road)
- Serpentine Valley Road (Starts: SH82, Ends: Zig Zag Road)
- Stokes Road (Starts: Crowes Road, Ends: Morven Beach Road)
- Tawai-Ikawai Road (Starts: Ikawai-Middle Road, Ends: Old Ferry Road)
- Te Akatarawa Road (Starts: Fishermens Bend Road, Ends: Benmore Dam)
- Waihao Back Road (Starts: SH82, Ends SH1)
- Waimate Hunter Road (Starts: Whitneys Road, Ends: Makikihi Hunter Road)
- All other roads within the District Plan zoned Residential

Note: The design and location of the underpass will require approval from the Road Controlling Authority.

7.15 Extensive Pig Farming

All extensive pig farming shall comply with the following standards:

- 7.15.1 All land used as part of an extensive pig farm shall be located at least 500m from any existing habitable dwelling (other than any existing habitable dwelling on the extensive pig farm).
- 7.15.2 Vegetative cover shall be maintained on the property at all times. Any paddocks which become 25% bare ground must be destocked until pasture is re-established.
- 7.15.3 All springs and waterways are to be fenced to exclude pigs from gaining access to them.

7.16 General Indigenous Vegetation Clearance

7.16.1 Clearance of indigenous vegetation shall not exceed the following standards:

- a. Tall tussock of the genus *Chionochloa* - maximum clearance of 100m²
- b. Indigenous vegetation which has an average canopy height greater than 3 metres - maximum clearance of 100m²
- c. Indigenous shrubland which has an average canopy height greater than 1.5 metres – maximum clearance of 100m²
- d. Indigenous vegetation other than that specified in (a) and (b) above - maximum clearance of 0.1 hectare (1000m²) per certificate of title over a 5 year period is cleared

Note: Additional rules relating to clearance of vegetation/indigenous vegetation in Significant Natural Areas, Significant Natural Features, areas over 900m in Altitude, Water

Supply Protection Areas, Riparian Areas and Wetlands are contained in Rural Zone Site Standards 7.5, 7.6 and 7.7 and Zone Standards 8.1 and 8.3.

7.17 Temporary Activities

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

7.18 Construction Activities

7.18.1 Temporary Construction Buildings,(refer Definitions) established on a construction site for the duration of the project or twelve months whichever is the lesser.

7.18.2 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 rule 6.1 of the Standard shall be mandatory within the District.

7.19 Noise associated with helicopter landing areas

7.19.1 Any proposed new activity within the scope of NZS 6807 *Noise Management and Land Use Planning for Helicopter Landing Areas*, shall be a discretionary activity in all Zones.

7.19.2 Noise associated with helicopter landing areas shall not exceed the limits in Table 4.1 below and shall be measured and assessed in accordance with the provisions of NZS 6807 *Noise management and land use planning for helicopter landing areas*, substituting Table 4.1 below for Table 1 in the Standards (NZS6807).

Table 4.1 - Limits of acceptability for helicopter area noise

Zone	Ldn (night*-weighted sound exposure) Pa ² s	Ldn (day-night average sound level) dBA	L _{max} (night-time maximum sound level) dBA
Business 3 Zone (Industrial)	1000	75	n/a
Business 1&2 Zones	100	65	n/a
Residential Zone (at site boundary) Rural Zone (at notional boundary)	3.5	50	70
Residential (internal)	0.3	40	55

* The hours for night time L_{max} shall be 10:00 pm to 7:00 am the following day for the purpose of this section.

7.20 Blasting

7.20.1 Vibration from a site due to blasting shall not exceed a peak practice velocity of 5mm/sec provided this level may be exceeded on up to 5% of the total number of blasts over a period of 12 months. The level should not exceed 10mm/sec at any time.

7.20.2 Airblast overpressure from blasting on any land shall not exceed a peak non-frequency weighted (linear or flat) level of 115dB, provided this level may be

exceeded on up to 5% of the total number of blasts over a period of 12 months. The level should not exceed 120dBA (Ln Peak) at any time.

7.21 Watercraft Noise

7.21.1 Powered watercraft shall be fitted with effective mufflers during all movement on water and shall not exceed the following noise limits at any point within the notional boundary of any residential dwelling:

On any day	
7.00am to 9.00pm - Sound Exposure Level (SEL)	85dBA
9.00pm to 7.00am the following day - Sound Exposure Level (SEL)	78dBA

Providing no motor craft shall emit noise in excess of a Sound Exposure Level of 90dBA in any single drive by measured at any stationary point more than 25m from the line of travel of the craft.

7.21.2 Sound exposure levels shall be measures in accordance with the provisions of NZS 6801: *Acoustics - Measurement of environmental sound*.

Provided further that on four occasions in any 12 month period, the noise limit may be unrestricted for any portion of waterway for the purpose of an approved special event.

7.22 General Tree and Vegetation Planting

7.22.1 Vegetation, including trees, which has a mature height of 5m or more 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.

7.22.2 Vegetation, including trees, which has a mature height of 5m or more shall not be planted within 50 metres of a road intersection.

7.22.3 Trees 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 views from SH82 of Significant Nature Feature G12 (The Limestone Cliffs - Waihao Forks/Downs - Planning Map 18)
- shade a dwelling on an adjoining property.
- cause icing of a road pavement being perpetrated as a result of shading of the road between 10am and 2pm on the shortest day

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.

7.23 Heavy Vehicle Movements

7.23.1 No activity shall exceed 20 heavy vehicle movements per day, per site (averaged over a one week period)

7.23.2 Rule 7.23.1 does not apply to:

- a. vehicle movements between sites within a property or the relocating of premises; or
- b. vehicle movements on states highways; or
- c. activities which have a duration of less than 31 consecutive days.

8. ZONE STANDARDS

8.1 Significant Natural Areas, Significant Natural Features and High Altitude Areas

- 8.1.1 In the areas identified on the Planning Maps and listed in Appendix G as being Significant Natural Areas or Features or land over 900m in altitude.
- a. There shall be no earthworks, except that the following earthworks shall be permitted provided they comply with all other provisions of the Plan:
 - earthworks associated with the maintenance and upkeep of existing tracks, roads, drains, culverts, crossings, bridges, stock yards, erosion control works, dykes and sea walls.
 - b. There shall be no clearance of indigenous vegetation
 - c. There shall be no tree planting except amenity tree planting in Significant Natural Areas or Features
 - d. There shall be no tree planting, except restoration planting, above 900m in altitude.
 - e. No buildings shall be erected.
 - f. There shall be no pastoral intensification within any Significant Natural Area or Significant Natural Feature.
 - g. There shall be no pastoral intensification (except fencing) on land above 900m in altitude.

8.2 Lakeside Protection 1 Area

- 8.2.1 No building with greater than 25m² floor area shall be built within the Lakeside Protection 1 area identified on the Planning Maps.

8.3 Wetlands

- 8.3.1 Within any wetland or within 50m of any wetland, there shall be:
- a. no drainage, earthworks, or reclamation of any wetland
 - b. no clearance of indigenous vegetation or other vegetation, except pest plants as identified in the Canterbury Regional Pest Management Strategy.
 - b. no building shall be erected
 - c. no tree planting, except for planting associated with restoration or enhancement of a wetland.

8.4 Setback from Coastlines, Waterways, Stopbanks, Sewage Ponds and Glenavy Cliffs

- 8.4.1 All buildings shall be setback a minimum of 7 metres from the bank or edge of any open watercourse or open drain.
- 8.4.2 All residential, commercial, recreational and visitor accommodation, community and industrial buildings shall be setback a minimum of 300 metres from the Waimate sewage treatment ponds.
- 8.4.3 All residential, commercial, recreational and visitor accommodation, community and industrial buildings and buildings for the housing of 6 or more animals on a permanent or seasonal basis shall (because of the high velocity of flood waters in these areas) be setback a minimum of 100 metres from stopbanks on the following rivers identified on the Flood Risk Plans.
- Pareora River
 - Waimate Creek
 - Lower Waihao River
 - Dog Kennel Stream
 - Morven Drain
 - Ikawai beside SH 82
 - Penticotico Stream at SH 82
 - Hakataramea River at SH 82

- Waitaki River at SH 82

- 8.4.4 All buildings shall be north (landward) of the 50 year erosion line on the northern side of the Waitaki River mouth. (Refer to Planning Map 24).
- 8.4.5 All buildings shall be setback a minimum of 100m from the permanent vegetation line along the coast.
- 8.4.6 No buildings shall be located on the riverside of stopbanks
- 8.4.7 No buildings shall be located within seawater inundation areas identified in the Regional Coastal Environmental Plan for the Canterbury Region.

8.5 Tree Planting in High Altitude Areas – Protection of Ecological Functions

- 8.5.1 There shall be no tree planting (except restoration planting) above 900m in altitude.

8.6 Businesses of Prostitution provided for as Home Occupations

- 8.6.1 No business of prostitution that is provided for as a home occupation shall be established or operated within 250 metres distance in any direction of a children's day care centre, primary school or secondary school, or a place of worship.
- 8.6.2 No business of prostitution that is provided for as a home occupation shall be established or operated within 75 metres of an existing business of prostitution.

8.7 Wainono Lagoon Outstanding Natural Feature

- 8.7.1 Within the Outstanding Natural Feature identified on the planning maps for Wainono Lagoon:
- a. No building shall be erected
 - b. There shall be no clearance of indigenous vegetation.

8.8 Setback from National Grid

- 8.8.1 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.

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.

Note: The NZCEP34:2001 (and regulations under the Electricity Act) apply to Transpower. If Transpower carries out any new works in the District that cause a

landowner's buildings or structures not to comply with NZCEO34:2001, Transpower must make that building or structure safe/rectify than non-compliance.

Note: These rules are required to give effect to policies 10 and 11 of the National Policy Statement on Electricity Transmission. These rules do not provide a property right to Transpower.

8.8.2 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 any electricity transmission 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 10m² 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 and are not used for habitation;
- 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 provided that they are at least 12m from the visible outer edge of any support structure;
- d. Network utilities within a transport corridor or any part of electricity infrastructure that connects to the National Grid;
- e. Buildings and structures associated with farming or horticultural activities may be located within 10m of the centreline of an electricity transmission line supported by single poles and 12m of any other transmission line provided they are:
 - i) sited at least 12m from the visible outer edge of any support structure;
 - ii) Not a milking shed/dairy shed building (excluding stockyards and ancillary platforms), or a commercial glasshouse/hothouse;
 - iii) No closer than 10m vertically from the lowest point of the conductor associated with a transmission line, or otherwise maintain a safe separation distance as set out in the New Zealand Code of Practice for Electrical Safe Distances (NZCEP34); and
 - iv) Not a dwelling.

8.8.3 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.

9. NON-NOTIFIED RESOURCE CONSENTS

9.1 Resource consents in relation to the following matters shall be non-notified and shall not require the written approval of affected parties, except that in relation to access onto, or shading of a State Highway, the written approval of the NZ Transport Agency shall be required:

- a. Setback from roads – 7.2
- b. Access – 7.3

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 – 8.8

- 9.3 Resource consents in relation to Relocated Residential Units (7.11) shall be non-notified and shall not require the written approval of affected parties.

10. SCHEDULED ACTIVITIES

10.1 General

- 10.1.1 The activities in Rules 10.2, 10.3, 10.4 and 10.5 are Scheduled Activities within the Rural Zone.
- 10.1.2 The provisions of Rule 10 replace the Rural Zone rules and the rules for Utilities in Section 11, unless otherwise stated, for the specified activity on the site on which the Scheduled Activity is located.
- 10.1.3 Any activity, other than that for which the site is specifically scheduled, shall be subject to the normal Rural Zone Site and Zone Standards that apply to the site.

10.2 Timber Mill - Maytown Road – Permitted Activities

Timber mills, sawmills, timber processing, and any undertaking which is ancillary to the sawmilling and timber industries on Lot 2 DP 44861 comprising 4.1730 hectares, situated on Maytown Road, shall be a Permitted Activity, provided that the following standards are met, in addition to the site standards of the Rural Zone:

- 10.2.1 All sawdust, waste, effluent or other waste material shall at all times be disposed of in such a way as to not create a physical or visual detraction from the amenities of the local area or any pollution to any stream, or underground water supply.
- 10.2.2 All activities on the site shall be carried out in such a way as to not cause undue noise, smoke, smell, effluent, vibration, dust, glare or other objectionable element to any nearby residents.
- 10.2.3 The property shall be kept in a tidy condition at all times as seen from any road, street, or neighbouring property.
- 10.2.4 All loading, unloading, turning and parking of vehicles associated with the use of the site shall take place on the site.
- 10.2.5 In order to monitor the ground water conditions in the area with particular reference to Arsenic concentration sampling and testing of 3 wells at 12 monthly intervals is required. This testing is to be carried out or arranged by the company or body operating on the site in which case all results of such tests must be immediately forwarded to Council. If it is inconvenient or unsuitable for the operator to carry out the testing the operator shall inform Council who will then carry out the tests, the costs of which shall be borne by the operator.

If the Arsenic concentration equals or exceeds 0.05mg/litre all activities on the site must immediately cease and shall not recommence until the Council have determined that recommencement would not cause an increase in arsenic concentration.

If the Arsenic concentration increases but does not equal or exceed 0.05mg/litre the Council may require more frequent tests as are necessary to adequately monitor the concentrations.

10.3 Waimate Landfill – Permitted Activity

The collection, recycling, and disposal of waste subject to compliance with the following requirements:

- 10.3.1 The area shall be limited to those parts of RS 41093 not occupied by Knottingly Park.
- 10.3.2 All operations shall comply with the Waimate Landfill Operation Plan.
- 10.3.3 There shall be a landscaping strip of a width of 10m where the site adjoins private property
- 10.3.4 All operations shall be screened from public roads by landscaping.
- 10.3.5 Access to the site shall be limited to that part of Racecourse Road, south east of Park Road.

11. ENFORCEMENT

- 11.1 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.

12. REASONS AND ASSESSMENT MATTERS FOR RURAL ZONE RULES

The Council may have regard to the following form, purpose, reasons and assessment matters in considering whether or not to grant consent or impose conditions on a resource consent application.

12.1 Height of Buildings

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

Purpose: As for Residential Zones.

Reasons: As for Residential Zones; and
The maximum height of buildings has been set at a level which is in keeping with the existing general scale and character of the rural areas within the zones, taking into account the type of rural building and structure likely to be required in the rural areas.

Assessment Matters: The extent to which:

- a. The proposed building is compatible 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.

12.2 Setback from Roads

Form: Minimum distance (m) from road.

Purpose: To provide for an attractive road outlook and allow adequate daylight admission to roads.

Reasons: As for Residential Zones; except that
A greater setback has been required than in the Residential Zones, in order to maintain a greater degree of openness of sites as viewed from the roads and neighbouring properties, with ample opportunities for tree planting of frontages, consistent with the rural character of the zone.

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.

- e. Adverse effects can be mitigated by landscaping, road widths and orientation of existing buildings.

12.3 Setback from Neighbours

Form: Minimum distance (m) from internal boundaries and from existing intensive animal farming.

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

- a. providing access for emergency services, vehicles, etc to the rear of the property
- b. ensuring a degree of visual and aural privacy and protection from noise and odour from neighbouring properties.
- c. ensuring the establishment of residential uses does not jeopardise the operation of legitimate rural activities.

Reasons: As for Residential Zones; except that

The permitted intrusions into the setbacks are more limited and a greater setback from internal boundaries has been required than in the Residential Zones, due to the larger site sizes and greater opportunities to locate buildings efficiently on the site. The setback also reflects the expectations of residents in the Rural Zones for greater privacy and separation from buildings and the need to protect rural activities from encroaching residential activity.

Assessment Matters: The extent to which:

- a. The intrusion allows for more efficient and practical use of the site.
- b. The intrusion adversely effects the adjoining site in terms of outlook, amenity, access, noise, glare and visual dominance.
- c. There is a risk of fire or shading resulting from the proximity of a dwelling to forestry planting.

12.4 Access

Form: Requirement for legal access to a formed road for each residential unit.

Purpose: To ensure long-term legal accessibility to each residential unit prior to the construction of that unit.

Reasons: Throughout the District there are existing sites which could accommodate a residential unit, but the legal access to which has never been formed or adequately formed for use in all weather. This standard is intended to ensure that prospective residents will be assured long-term formed and legal access to their residential units in all weather conditions, without the Council being called upon to upgrade roads at the general ratepayers' expense after a residential unit has been completed.

Assessment Matters:

- a. Whether alternative access can be assured to the residential unit in the long term.
- b. Whether it is unlikely that access will ever be necessary given the use and nature of the residential unit.
- c. The level of financial contribution required to be made to the Council towards the formation of the road to a standard suitable for residential access, taking into account the levels of traffic likely to be generated by the use of the residential unit in relation to the existing use of the road.

12.5 Retail Sales and Commercial Activities

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

Purpose: As for Residential Zones.

Reasons: As for Residential Zones; except that

The sale of goods grown, reared or produced on the site is permitted subject to standards and Council consideration of access, parking and layout. This recognises that sales of such goods may be an integral and necessary part of farming activities or home occupations 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. With the larger site sizes and greater separation from neighbours, it is considered that such retail sales can be accommodated within the Rural Zones, subject to the standards and conditions developed for each site. Similarly, the sale of refreshments to group visits to sites in the zone is often an integral part of a garden visit, for example, and has no additional adverse effects on the surrounding environment.

Assessment Matters: Adverse effects of the proposed activity in terms of:

- a. adequacy of access, parking, loading and monitoring areas;
- b. traffic generation;
- c. visual and safety impacts of signage;
- d. location and design of buildings;
- e. loss of privacy and remoteness

12.6 Recreational Activities

Form: Limitations on the scale and nature of permitted recreational activities.

Purpose: To ensure that building developments associated with recreational activity and commercial recreation activities have limited adverse effects to the amenity, landscape, or natural conservation values in rural areas.

Reasons: Large scale recreation activities and recreational activities involving buildings have the potential to create the adverse impacts on rural values by creating noise, lighting, visual distraction, loss of privacy and security, as well as land disturbance, loss of natural conservation values and traffic generation. In some instances the nature of the impact of commercial recreation activities is no different from those carrying out similar activities non-commercially, particularly if their scale is small. However, commercial reality often dictates that commercial activities operate regularly and in some cases with significant numbers or with substantial facilities. It is these factors which can cause conflicts with other rural users and values. Buildings, in particular, tend to act as a focus for concentrated recreational activity and potentially significant adverse effects on rural amenity and values. The controls on commercial recreation activities and on the floor area of buildings are intended to limit the scale and nature of activities prior to assessment through resource consents and to limit potential adverse effects to rural areas.

Residents of and visitors to the District require a range of recreational opportunities to meet their needs. These differ from more adventurous activities and those requiring substantial facilities to passive types of recreation in tranquil surroundings. Conflicts can often occur between those seeking peace and tranquillity and those using mechanised forms of transport or regularly bringing large numbers of people into an area. Conflict between commercial operators involved in some forms of recreational activity can also result in unacceptable levels of public safety, such as jet boating or heli-skiing. Consequently commercial recreation activities are generally subject to resource consent to enable consideration of these issues.

Assessment Matters: Adverse effects of the proposed activity in terms of:

- a. the level of traffic or pedestrian activity;
- b. noise vibration and lighting;
- c. loss of sense of remoteness
- d. compatibility of buildings with character of area;
- e. reduction in opportunities for passive recreation and enjoyment of the environment;
- f. compromising safety, particularly where there are potential conflicts between operators.

12.7 Scale and Nature of Home Occupations and Employment of Persons

As for Residential Zones

12.8 Intensive Farming

Form: Controls on intensive farming as a discretionary activity.

Purpose: To avoid unacceptable effects of odour, noise, dust, visual detracting and traffic generation from the establishment of intensive farming within the rural environment.

Reasons: The high concentration of animals and the growing of mushrooms even in a rural area has the potential to cause significant adverse impacts, such as odour, noise, dust, visual detracting and traffic generation, particularly if located in close proximity to residential units or settlements. Although occasional smells and other effects from farming activities can be expected in rural zones nuisance conditions should not prevail.

To mitigate these effects, operations need to establish away from higher density rural and urban environments, from neighbouring properties, and to have adequate separation distances for effluent spreading. Although management methods play an important role in avoiding nuisance from intensive farming, experience has shown that some separation from such activities is necessary to avoid nuisance conditions occurring at times. A combination of management techniques and separation provide the most appropriate solutions to adverse effects from intensive farming, but the most appropriate combination will vary substantially depending on the nature and scale of the proposal and the surrounding environment. The standards, therefore, include separation distances which allow small-scale operations to establish as-of-right; and resource consent assessment for larger-scale operations to enable consideration of the particular nature and scale of the proposed operation, the management techniques proposed and the nature of the surrounding environment.

Assessment Matters:

- a. The degree to which the proposed intensive farming operation is likely to lead to odour, dust, noise or health nuisances beyond the boundary of the site, and in particular, the technology and management systems proposed to mitigate noise or odour nuisance, including:
 - the size of the proposed intensive farming operation and its associated site;
 - the design of the buildings, facilities, and waste and noise management systems;
 - the management and operation of the waste and noise management systems;
 - waste treatment measures employed;
 - odour and noise abatement measures employed.
- b. The degree to which existing or proposed landscaping, including plantings, will shelter and screen the proposed site.
- c. The extent to which the proposed buildings, will be compatible with the appearance, layout and scale of other buildings and sites in the surrounding area.

12.9 Visitor Accommodation

As for Residential Zones.

Assessment Matters: Adverse effects of the proposed activity in terms of:

- a. adequacy of access, parking, loading and monitoring areas;
- b. traffic generation;
- c. visual and safety impacts of signage;
- d. location and design of buildings;
- e. loss of privacy and remoteness

12.10 Significant Natural Areas

Form: Council retains discretion as to whether earthworks, buildings, clearance of vegetation, and tree planting occur in areas of significant landscape or natural conservation value, including the beds and margins of rivers, lakes and wetlands.

Purpose: To ensure that the adverse effects of these activities on natural conservation values in these areas are avoided.

Reasons: Earthworks, clearance of vegetation, and tree planting have a significant potential to diminish natural conservation values, particularly in areas identified as having significant landscape or natural conservation value. Buildings also have the potential to adversely affect landscape values. The Council therefore retains discretion to refuse consents to these activities or set conditions to mitigate possible adverse effects to landscape and natural conservation values.

Earthworks, clearance of vegetation, and tree planting have a significant potential to diminish natural conservation values of riverbeds, and in particular the habitat of indigenous birds that reside on the District's braided riverbeds. In addition, disturbance to vegetation on riverbeds, or to the riverbeds themselves, can impact on fish in these rivers. Therefore, the Council retains discretion to refuse consents to these activities or set conditions to mitigate possible adverse effects to natural conservation values and fishery values.

Assessment Matters:

- a. The significance of a species or community of indigenous plants and animals at the specific locality of the proposed activity. In particular:
 - The status of a particular species, for example whether it is rare, vulnerable or endangered in the District, Region or nationally.
 - The general rate of decline of a particular species in the District, Region or nationally.
 - The distinctiveness or uniqueness of a particular community, or group of communities of plants or animals, to the District, Region or nationally.
 - The natural diversity expected in a particular plant or animal community.
 - The importance of an area providing habitat to animals.
- b. The extent to which the activity threatens the indigenous plants or animals identified at the site.
- c. The extent to which the environment in and adjoining the site is sensitive to modification.
- d. The extent to which the activity will adversely affect the overall natural character of an area, and indigenous ecosystem integrity and functioning
- e. The degree to which the activity will adversely affect natural features, geological and geomorphological sites.
- f. The degree to which river, lake or wetland habitat is adversely affected through run-off and sedimentation caused by earthworks.
- g. The degree to which fresh water habitat may be compromised by a decline in water yields due to tree plantings.
- h. The extent of any alteration of a wetland and the subsequent loss of habitat.
- i. The degree to which any increased nutrient levels of a lake or wetland may occur.
- j. The degree to which any possible alternative locations or methods for undertaking the activity could occur.
- k. In the beds and margins of rivers, lakes and wetlands:
 - The extent to which the activity threatens birdlife; and the degree of significance a particular bird species has to the District following the criteria in a above.
 - The degree to which public access would be restricted.
 - The degree to which trout, salmon or fresh water habitat are adversely affected by disturbance, including the clearance of vegetation.
 - The extent to which the activity will result in a loss of natural character and any recreational values associated with the water body.

- The degree to which any possible alternative locations or methods for undertaking the activity could occur.
- l. The extent to which previous management practices have already significantly modified the characteristics of the site and the cost to the landholder of being unable to undertake the proposed activity.
- m. Any particular cultural values associated with the site.
- n. The need for an Accidental Discovery Protocol for any excavations undertaken.

12.11 Surface of Waterways

Form: Requirement for resource consents for moorings.

Purpose: Protection of the natural and recreational characteristics of the different waterways of the District.

Reasons: Moorings on waterways are considered to require resource consent assessment, because of their ability to impact upon landscape, recreational, safety and conservation values associated with a shoreline or shore waters. Use of moored boats for permanent or long-term residence is of concern in relation to other lake and lakeshore users. Such concerns relate to visual impacts, effluent disposal and loss of public enjoyment of the adjoining lakeshore and waters, to the extent it is considered that such uses should be excluded.

Assessment Matters:

- a. The extent to which any motorised craft is compatible with, and will not adversely affect significant natural conservation values or wildlife habitat of Dead Arm upstream from Poingdestres Road Bridge, including Wainono Lagoon and its tributaries.
- b. The extent to which the water-based activity will compromise levels of public safety, particularly where conflict between operators may make a reasonable level of public safety impossible or difficult to achieve.

12.12 Water Supply Protection Areas

Form: Controls on buildings, stock-feed storage, earthworks, clearance of vegetation, tree planting and disposal of stock within WSPAs.

Purpose: To ensure that the quality of the drinking water within the District is not jeopardised.

Reasons: Drinking water supply is a vital resource. Effects of activities which may adversely affect the quality of the drinking water need to be controlled to ensure an available and adequate supply of drinking water.

Assessment Matters:

- a. The degree to which the activity will result in soil erosion and sedimentation of the waterways.
- b. The degree to which the activity threatens indigenous plants or animals or their habitat identified in the waterway beds and margins.
- c. The degree to which nutrient levels of a lake, river or wetland may be increased.

12.13 Noise

Form: Numerical noise limits in decibels

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

Reasons: As for Residential Zones; and
Prevailing noise levels within the existing rural areas are low and the Standards seek to protect these pleasant conditions. There is, however, noticeable environmental noise from wind, birds, the sea near the coast and traffic near main roads, for example. A wide variety of noises from rural activities are an accepted feature of the rural areas, such as from

animals, vehicles and equipment. Vehicle noise from legal roads is not subject to control in this District Plan. However, although noise intrusion from these activities can be expected at times on parts of rural properties, it is considered that rural residents should be protected from noise which exceeds the normal background levels within, and in the immediate vicinity of, their residential units.

Noise from residential activities can vary greatly. Although residential noise levels within the rural environment 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 any 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.

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.

12.14 Lighting

Form: Direction of external lighting.

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

Reasons: Because illumination from lighting can interfere with the enjoyment of a property and with traffic safety, the standard seeks to limit light spillage onto adjacent properties. A general requirement to direct exterior lighting away from adjacent properties is considered to give adequate protection to rural properties, given the substantial separation required for residential units from property boundaries.

Assessment Matters:

- a. The degree to which 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 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.

12.15 Tree Planting

Form: Minimum distance of trees from boundaries. Location of trees to avoid shading on shortest day of the year.

Purpose: To prevent shading which results in icing of roads. To prevent shading of neighbouring properties tree roots growing onto neighbouring properties and damage to fencing etc resulting from the harvest of trees on or close to the boundary.

Reasons: Icing of roads can create dangerous driving conditions which can be avoided at least in part by the avoidance of trees creating shading of roads during periods when icing is a possibility.

Shading can result in reduced (and sometimes increased) growth on neighbouring land. Tree roots can interfere with cultivation and the harvesting of trees close to boundaries can result in damage to property and inconvenience for neighbours. It is desirable therefore that trees should only be located close to boundaries where the neighbouring property owner is in agreement.

Assessment Matters:

- a. The extent to which the location, orientation, species and maximum height of the proposed trees will result in shading of the carriageway and a potential for icing which could endanger the safety of motorists.

12.16 Riparian Management - Margins of Lakes, Rivers, Streams

Form: Control of particular activities within a specified distance (m) from lakes, rivers, streams, the coastal and water supply intakes through assessment as discretionary activities.

Purpose: To promote the protection of vegetation, wildlife, amenity, recreation and general in-stream values by controlling activities beyond a certain scale.

Reasons: Earthworks, clearance of vegetation, and tree planting have significant potential to diminish or destroy natural conservation values, amenity values and recreational values found within, or at the margins, of these water bodies and wetlands. Vegetation clearance and earthworks can also reduce capacity of the margins to buffer the water bodies or wetlands from nutrient and sediment run-off. As the vegetation and habitat values vary considerably and the scale and impact of these activities vary considerably, it is considered that each of these activities need to be subject to individual consideration by way of a resource consent.

Assessment Matters:

- a. The degree to which public access and enjoyment and recreation values are impacted.
- b. The degree to which the activity threatens indigenous plants or animals or their habitat identified in the waterway beds and margins.
- c. The degree to which nutrient levels of a lake, river or wetland may be increased.
- d. The extent to which the natural character of the waterway margin and surrounding hinterland will be retained.
- e. The extent to which the proposal lowers wetland water tables from drainage, extraction or uptake by exotic vegetation; diverts natural flooding by stopbanking; alters the flow of stormwater on the water table by filling or dumping; displaces native wetland species from the use or introduction of exotic aquatic species; destroys indigenous wetland vegetation through browsing or trampling by stock; causes contamination, sedimentation or enrichment of indigenous wetlands from adjoining land use.
- f. The effect on any cultural values associated with the site.
- g. The need for an Accidental Discovery Protocol for any excavations required to establish services.

12.17 Setback from Sewage Ponds and Waterways, Coastline and Areas of Flooding Risk

Form: Minimum distance of buildings from the coast, sewage ponds and waterways.

Purpose: Buildings are required to be setback from the coast to avoid future damage from erosion, to limit their effect on that erosion and to protect the natural character of the coast. Buildings are setback from waterways to enable the efficient functioning and maintenance of those waterways and to avoid property damage from flooding. Buildings are required to be setback from the sewage ponds to avoid occupiers experiencing potential nuisance or health hazards particularly in relation to odours produced by the ponds.

Reasons: Parts of the Waimate coast are eroding at a rate which could endanger buildings located close to the coast within the next 20 or more years. In addition the coast is in the majority a natural landscape which is appropriate to retain.

Buildings built close to waterways can be subject to damage from flooding. In addition they can interfere with maintenance of these waterways or prevent them functioning naturally by impeding natural flood channels or preventing natural vegetation to grow in riparian areas.

Assessment Matters:

- a. The extent to which protection works could limit damage to property and life from flooding and erosion.
- b. The probability of a natural hazard occurring which would cause loss of life or property damage, and if so the extent of such damage
- c. The topography, vegetation and climatic factors that might reduce the impact of potential odour from the sewage ponds.
- d. The use of the buildings proposed, and in particular whether people will reside in them.
- e. The impact climate change may have on the level of risk and potential loss of life and/or damage to property and infrastructure.

12.18 Mining Activities, Mineral Exploration and Gravel Extraction

Form: Permitted mining operations limited to mineral prospecting and exploration with Council retaining discretion as to whether other mining operations occur in rural areas.

Purpose: To ensure that the activities associated with mining avoid, remedy or mitigate adverse effects on amenity, landscape or natural conservation values.

Reasons: Mining operations have a significant potential to diminish landscape or natural conservation values. Accordingly the Council wishes to retain discretion as to whether mining operations should proceed, and if so, impose conditions to mitigate possible adverse effects. Mineral prospecting and exploration activities are, however, low impact activities carried out prior to full mining operations and can be permitted within the Rural Zones or, in the case of exploration, permitted subject to mitigating conditions as necessary.

Assessment Matters:

- a. The extent to which the activities of vegetation clearance and the excavation and removal of material associated with mining impact on amenity values, landscapes values and natural conservation values.
- b. The extent to which roads or buildings impact on amenity values, landscape values and natural conservation values.
- c. The ability of the proposal to rehabilitate the site after mining so:
 - that the long term stability of the site is ensured;
 - that the landforms or vegetation on finished areas are visually integrated into the landscape;
 - that the land is returned to its life supporting capacity, where appropriate;
 - that water and soil values are protected.
- d. The ability of the operation to minimise dust, noise, lighting and vibration so that amenity or natural conservation values are not at risk.
- e. The ability of the company to provide a contingency plan for early mine closure, including an evaluation of the risk to the neighbouring community and environment.
- f. The ability of the company to provide a bond to the Council annually for the purpose of rehabilitating operation areas in the event of a premature closure.
- g. The ability of the company to adequately monitor the operations and its effects on the receiving environment.
- h. The effect on any cultural values associated with the site.

12.19 Scheduled Activities

Form: The identification of defined areas containing significant resources with specific rules applying to activities within those areas.

Purpose: To provide for and acknowledge the existence of significant resources or activities which are unable to comply with the standards and rules applying to activities within the surrounding zone.

Reasons: Some activities provide an important or essential role or service to the community with established and significant assets. The Plan may not always provide for these activities and it is reasonable that they be given a separate means of identification to enable them to continue to operate without the limitations of existing use rights or potential future zone changes. For example, hospitals, and private schools.

Within a scheduled area specific rules will apply to the scheduled activity which will enable the continuation of the activity with some protection of the quality and amenity of the surrounding environment. Standards within the scheduled area will replace those that normally apply to those within the zone.

Assessment Matters:

- a. The extent to which the building or structure will have a visual impact on the amenities of the District, including the skyline and open landscape.
- b. The nature and type of any effects on fisheries, flora and fauna and the habitats of any flora and fauna.
- c. The nature of any adverse effects on the environment created from construction of the building or structure including earthworks, dust, run-off, sedimentation, noise and traffic and the extent to which they may affect the quality, amenity and character of the surrounding environment.
- d. Any mitigation measures and the extent to which they are likely to be successful.

12.20 Businesses of Prostitution

Form: Minimum of distances between different businesses of prostitution and between businesses of prostitution and particular activities.

Purpose: To ensure that inappropriate numbers of businesses of prostitution do not concentrate in particular areas and compromise the character and amenity of the local environment.

Reasons: Experience in other districts has shown that some members of the community express particular concern about the proximity of businesses of prostitution to schools and community facilities and the potential exposure of children and families to activities associated with the businesses of prostitution. Ensuring minimum distances are maintained between businesses of prostitution and certain schools and community facilities will help to allay those concerns.

Minimum separation distances between businesses of prostitution are also necessary to ensure the amenity of rural areas is maintained. Where businesses of prostitution cluster together, they can change the character of the area in which they locate and community perceptions regarding the safety and amenity of these areas can be adversely effected also.

12.21 Dairying

Form: Minimum distances of effluents holding tanks, storage ponds, carcass disposal, milking shed and feeding barns from road boundaries, dwellings, public reserves and property boundaries.

Management of stock near waterways.
Controlling application of irrigation water.
Requiring stock underpasses.

Purpose: To limit traffic, noise, odour, safety and water quality impacts of dairying on neighbours, road users, aquifers and waterways.

To limit the potential for irrigation water to flush effluent into waterways, and to avoid flooding and spray encroachment on roads.
To avoid regular stock crossings of roads at grade.

Reasons: Dairying operations often involve intensive activity involving stock driving and vehicle movements associated with feeding, effluent spreading, herding and maintenance. This can give rise to noise, dust, traffic and odour nuisances to people living and working in the area which can be mitigated by greater separation.

Well managed stock movement through or near waterways can:

- reduce stock losses from drowning and bogging
- reduce drain maintenance costs (less siltation)
- create better habitats for fish and other stream life because stock can't trample the stream bed and banks
- maintain better water quality
- maintain more stable banks

Irrigation water sprayed over roads or which floods roads has the potential to cause nuisance and create unsafe driving conditions.

Stock underpasses are necessary to avoid collisions with stock or drovers crossing the road. Traffic safety can also be compromised by at-grade stock crossing due to the wet muck and tapes left over the roads.

Assessment Matters:

- a. The extent to which water flow, including irrigation water, has the potential to move effluent towards waterways.
- b. The extent to which the contour of land in the vicinity of waterways can be modified to limit potential contamination of riparian areas by animal effluent.
- c. The extent to which disposal of carcasses avoids offence and health risks.
- d. The methods and timing of moving cattle beyond property boundaries and measures available to mitigate traffic hazards, damage to vehicles from dung and degradation of road verges.
- e. The location of effluent disposal and treatment facilities in relation to property boundaries and waterways, and the methods of disposal and treatment used.
- f. The extent to which fencing could limit the potential for contamination of riparian areas.
- g. The extent to which the rate of organic and inorganic fertiliser application can be controlled to limit or avoid contamination of groundwater or surface water.
- h. The capacity, efficiency and location of effluent disposal.
- i. The extent to which stock crossings and fencing avoid contamination of waterways.
- j. The extent to which methods and mitigation measures will provide for existing and likely future stocking rates on the property.
- k. Mitigation measures proposed to preserve the natural character of wetlands and streams on the property.
- l. The effect on any cultural values associated with adjoining waterways.
- m. Requiring stock underpasses on high volume roads listed in Site Standard 7.14.5.

12.22 Community Activities

Form: Controlled activity status for community activities in relation to car parking provisions, hours of operation, noise and lighting.

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 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.
- d. In addition, regard should be given to the following assessment matters as described within this section.
 - Building Coverage
 - Height of Buildings
 - Setback from Roads
 - Setback from Neighbours

12.23 Forestry Activities

Form: Discretionary Activity status for forestry in the Hill and High Country Subzone; standards controlling vegetation clearance, earthworks, harvesting near waterways, planting near boundaries and houses, controls on wilding trees.

Assessment Matters:

- a. The scale of the proposed forest, its location, and its effect upon the amenity, character and quality of the environment, taking into account the following matters:
 - The likely spread of wilding trees from the plantation onto adjoining land and the methods to control such spread including:
 - the use of current tree species for the location and environment
 - location of plantings, especially regarding the ability of seed being able to take off and be deposited off site
 - management plans to eradicate wilding trees
 - The potential impact of any forestry plantation on the views of the public from SH82 of the Limestone Cliffs - Waihao Forks/Downs.
 - The potential for shading property, public places and roads and the likely impact this will have on the loss of sunlight to public places and private homes and create ice on roads in winter.
 - Any potential impact on waterways and methods to protect them from sedimentation.
- b. The extent to which the forest may cause a fire risk that could threaten adjacent properties and the measures taken to mitigate any threat to property or life including the establishment of fire breaks.
- c. The extent to which trees will result in loss of productive use and/or enjoyment of the adjoining property.
- d. The extent to which planting and harvesting will result in adverse effects on ecological functioning and life supporting capacity, including effects on riparian margins, water quality and yields, and soil conservation.
- e. The potential for adverse effects including shading, wetland loss, wilding tree spread, and loss of scenic or other amenity values to occur on adjacent lands, including protected areas administered under the Conservation Act or its First Schedule.

12.24 Industrial and Service Activities

Form: Discretionary activity status

Assessment Matters:

- a. The degree to which the activity is compatible with the amenity, quality and character of the area and extent to which the activity will impact on the surrounding rural community or natural resources, in particular the following:
 - traffic generation (and consequent pressure for road upgrading);
 - demand on water resources;
 - effect on margins of waterbodies and waterways;
 - volume, and methods of disposal of, refuse waste, hazardous substances and sewage;
 - impact on long term use of the District's Class I and II soils for primary production;

- production of noise, odour, glare, fumes or vibration.
- b. The extent to which landscape or natural or conservation values, or the visual amenity generally, is adversely affected (refer to Assessment Matters - Sites of Natural Significance).
- c. In addition, regard should be given to the following assessment matters as described within this section.
 - Height of Buildings
 - Setback from Streets
 - Setback from Neighbours
 - Building Coverage

12.25 Earthworks

Form: Limit on the amount of earthworks

Assessment Matters:

- a. The extent to which the environment in an adjoining site is sensitive to modification.
- b. The degree to which water habitat may be compromised through runoff and sedimentation caused by earthworks.
- c. The extent to which the activity will result in a loss of natural character of the area.
- d. Any adverse effects on soil erosion, slope stability, and the banks and beds of adjacent waterbodies.
- e. The effect on any cultural values associated with the site and adjoining waterways.

12.26 Commercial Activities

Form: Limit on the type of products sold.

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 extent to which a commercial activity may result in the loss of privacy on adjoining sites.
- c. 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.
- d. The ability to mitigate any adverse effects of the additional traffic generation such as through the location and design of vehicle crossings, parking and loading areas or through the provision of screening and other factors which may reduce the effect of the additional traffic generation, such as infrequency of the activity, or limited total time over which the traffic movements occur.
- e. 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.
- f. In addition, regard should be given to the following assessment matters as described within this section.
 - Building Coverage
 - Height of Buildings
 - Recession Lines
 - Setback from Streets
 - Setback from Neighbours.

12.27 Heavy Vehicle Movements

Form: Limit on the number of heavy vehicle movements from a vehicle access onto a road

Purpose: To control the movement of heavy vehicles onto roads from a vehicle access and to limit the impact on roading.

Reasons: The rule is not intended to prevent activities which generate higher volumes of traffic from occurring in the Rural Zone. Rather, it provides a means of assessing whether a road is of sufficient standard to accommodate the additional traffic volume safely and without significant deterioration. High vehicle use, particularly heavy vehicle use, can lead to deterioration in the road surface, formation and verges resulting in high maintenance costs for Council. The rule also allows the Council to consider effects of additional traffic on nearby residents and other road users.

Assessment Matters:

- a. The hourly, daily and weekly pattern of vehicle movements.
- b. The classification and formation of the roads providing access, in respect to their ability to adequately cope with greater traffic generation, in particular heavy traffic generation.
- c. The appropriateness of the proposed activity being located within a rural area.
- d. The extent to which the physical form of the frontage road may exacerbate or mitigate the adverse effects of the extra vehicle movements generated.
- e. The adverse effects of extra traffic, particularly heavy vehicles, generated by the development on the amenity and safety of the surrounding environment.
- f. Whether a financial contribution to road works would avoid or mitigate adverse effects on road formation and road safety and efficiency.
- g. The level of adverse effect on people living and working in an area from noise, dust and vibration generated by the heavy vehicle movements.

12.28 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. The majority of farming activities are unlikely to compromise the operation, maintenance, upgrade and development of National Grid lines. The rules provide for many farming activities to be permitted activities, including pig stys, irrigating activity, moveable structures, and barns (subject to being setback from the structures).

Assessment Matters:

- a. Risk to structural integrity of the transmission line
- b. Effects on the operation, maintenance and upgrading of the transmission network
- c. Where an intensive farm building, commercial greenhouse or milking shed building is proposed to be established in a gully or similar topography, effects on the maintenance of National Grid lines.
- d. Risk of electrical hazards affecting the public or individual safety and risk of property damage
- e. Risk of radio interference
- f. Compliance with NZECP34
- g. Location and extent of works including site reinstatement
- h. Effects on sensitive land uses

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.

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.

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.

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.

Explanation and Reasons

- As for Objective 2
- Residential 2 and 3 Zones have been created with larger minimum densities (3000m² for Residential 2 and 5000m² 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.

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

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 3,000m² 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
 - Roading - Sealed roading 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 5000m² 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
 - Roading - Sealed roading 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 detracting, 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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Section 5 - Residential Zones

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.

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.

Policy 5B - Home Based Employment

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

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.

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.

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.

Policy 5D - Visitor Accommodation

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

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.

Policy 5E - Commercial Activity

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

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.

Policy 6A - Townships

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

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.

Policy 6B - Expansion of Waimate

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

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.

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

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.

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.

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.

Section 5 - Residential Zones

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Waimate District Plan

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 75m² 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: 360m² where public sewage treatment and reticulation is available
- b. Residential 1: 150m² for each elderly person housing unit with a gross floor area less than 65m² where public sewage treatment and reticulation is available
- c. Residential 1: 850m² where public sewage treatment and reticulation is not available
- d. Residential 2: 3000m²
- e. Residential 3: 5000m²

Note: Refer Site Standard 6.13 Unserviced Land for additional requirements for unserviced land.

Note: Site Standard 6.1 does not apply to a DMRU as defined by the NES-DMRU.

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%

Note: Site Standard 6.2 does not apply to a DMRU as defined by the NES-DMRU.

6.3 Height of Buildings

6.3.1 Maximum height of any building shall be 8m.

Note: Site Standard 6.3 does not apply to a DMRU as defined by the NES-DMRU.

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

Note: Site Standard 6.4 does not apply to a DMRU as defined by the NES-DMRU.

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".

Note: Site Standard 6.5 does not apply to a DMRU as defined by the NES-DMRU.

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.

Note: If the NES-DRMU applies, Site Standards 6.6.1 (a), (b), (c) and (d), and 6.6.2 prevail over regulation 6(d)(i) of the NES-DMRU. The NES-DMRU prevails over Site Standards 6.6.1 (e) and (f), and 6.6.3.

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:
- the family flat building shall be relocatable; and
 - 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.

Note: Site Standard 6.7 does not apply to a DMRU as defined by the NES-DMRU.

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-derelect state (refer Definitions).

Note: Site Standard 6.10 does not apply to a DMRU as defined by the NES-DMRU.

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 Unserviced Land

- 6.13.1 Within Morven, Glenavy, Hakataramea, 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:
 - a. damage power or telephone lines if blown over or felled by any other means
 - b. restrict visibility of drivers within 50 metres of an intersection or corner of a road
 - c. shade a dwelling on an adjoining property.
 - d. 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:
- a. Any relocated building intended for use as a residential unit shall have previously been designed, and built as a residential unit.
 - b. 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.
 - c. 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.
 - d. 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.
 - e. 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.
 - f. (a) to (e) above shall not apply to accessory buildings designed or used for other than human habitation.

Note: Site Standard 6.17 does not apply to a DMRU as defined by the NES-DMRU.

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.

Note: Zone Standard 6.17 does not apply to lighting associated within residential activities for a DMRU as defined by the NES-DMRU.

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:

- a. activities of a normal recreational nature, such as sporting events, that do not involve powered motor sport, powered aviation, gunfire or amplified music; or
- b. 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. a maximum total number of hours per week - 50 hours, and
- b. 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 10m² 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 (m²) 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 effects 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 detracton 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 detracton 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 detracton 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

SECTION 6 - BUSINESS

INTRODUCTION

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

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

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

BUSINESS 1 ZONE DESCRIPTION

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

BUSINESS 2 (MIXED BUSINESS) ZONE DESCRIPTION

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

BUSINESS 3 (INDUSTRIAL) ZONE DESCRIPTION

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

BUSINESS 1 ZONE - OBJECTIVES AND POLICIES

Objective 1 – Commercial Focus – Business 1 Zone

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

Explanation and Reasons

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

Policy 1A - Limited Activities

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

Explanation and Reasons

- As for Objective 1
- The retail and commercial only at ground floor control is required to maintain the availability of buildings for retail operations so that a range of retail outlets are available and accessible to the public in a single area, but also to ensure that the use of ground floor premises is sufficiently flexible so as to minimise the likelihood of premises remaining vacant for long periods of time.
- Other non-retail commercial uses may locate above ground level on Queen Street or on streets to the west of Queen Street where sufficient areas of land are suitably zoned for the purpose.
- Residential, service, visitor accommodation and recreational use is an efficient and appropriate use of upper floors of the Queen Street buildings providing a range of living and working environments and giving some security for commercial premises not occupied at night.

Policy 1B - Community Activities

Activities, other than legally established emergency service facilities, which have the potential to exclude the establishment of daily retail activities or which could cause adverse traffic effects should not be permitted as of right.

Explanation and Reasons

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

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

Objective 2 - Amenity of Business Area

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

Explanation and Reasons

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

Policy 2A - Maintenance of Historic Character

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

Explanation and Reasons

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

Policy 2B - Control of Adverse Effects

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

Explanation and Reasons

- As for Objective 2
- Because adverse effects of activities such as noise and dust can reduce the level of amenity of an area and make it less attractive for customers and for people working there, it is important that the extent of these effects is controlled. It is also important that the Council be able to consider the impacts of activities that have the potential to compromise the level of amenity agreed upon by the community.
- Large format retail premises have the potential to create pedestrian safety and convenience issues, particularly where this traffic accesses the property from Queen or High Streets. In addition the building style of layout of large format retail premises and car parking areas is often out of keeping with existing town centres. For these reasons large format retail developments are a restricted discretionary activity in the Business 1 zone with Council having discretion in relation to visual integration, compatibility with the heritage character and values of Queen and High Streets and the design location and layout of car parking and loading areas and vehicle access.

Policy 2C – New and Existing Non-Heritage Buildings

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

Explanation and Reasons

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

Objective 3 – Amenity of Residential Areas

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

Explanation and Reasons

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

Policy 3A - Adverse Impacts

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

Explanation and Reasons

- As for Objective 3
- The impacts of noise, smell, traffic and visual effects of commercial activities are the most likely to cause concern for people living in the residential areas in the vicinity of the town centre. It is appropriate therefore that these matters be subject to controls and standards.

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Section 6 – Business Zones

Objective 4 – Natural Hazards

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

Explanation and Reasons

- As for Rural Objective 8

Policy 4A – Natural Hazard Information

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

Explanation and Reasons

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

Policy 4B – Climate Change

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

Explanation and Reasons

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

BUSINESS 2 ZONE - OBJECTIVES AND POLICIES

Objective 1 - Mixed Business Use Area – Business 2 Zone

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

Explanation and Reasons

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

Policy 1A - Mixed Business Use

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

Explanation and Reasons

- as for Objective 1

Objective 2 - Environmental Amenity

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

Explanation and Reasons

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

Policy 2A - Control Adverse Effects

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

Explanation and Reasons

- As for Objective 2
- It is appropriate to set limits on those effects known to have the potential to compromise the environmental quality and amenity of this mixed business area.

Policy 2B - Amenities of Residential Areas

To control the standard of noise, glare, building height, hours of operation, setback and landscaping of activities within the Mixed Business 2 zone, to ensure there is no detraction from the amenities of residential areas within the vicinity.

Explanation and Reasons

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

Policy 2C – New and Existing Non-Heritage Buildings

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

Explanation and Reasons

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

Objective 3 – Natural Hazards

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

Policy 3A – Natural Hazard Information

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

Explanation and Reasons

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

Policy 3B – Climate Change

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

Explanation and Reasons

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

BUSINESS 3 ZONE - OBJECTIVES AND POLICIES

Objective 1 - Industrial Activity Area

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

Explanation and Reasons

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

Policy 1A - Industrial Activity Area

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

Explanation and Reasons

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

Policy 1B - Amenity Of Residential Areas

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

Explanation and Reasons

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

Objective 2 - Environmental Amenity

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

Explanation and Reasons

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

Policy 2A - Amenity Control

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

Explanation and Reasons

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

Objective 3 – Natural Hazards

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

Policy 3A – Natural Hazard Information

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

Explanation and Reasons

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

Policy 3B – Climate Change

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

Explanation and Reasons

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

RULES - BUSINESS 1 ZONE

1. DISTRICT WIDE RULES

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

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

2. PERMITTED ACTIVITIES

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

- 2.1 **Commercial Activities** excluding service stations and brothels
- 2.2 **Recreation Activities**
- 2.3 **Residential Activities**
- 2.4 **Service Activities**
- 2.5 **Visitor Accommodation**
- 2.6 **Temporary Activities** that meet Site Standard 7.10. Temporary Activities do not need to meet any other site or zone standard
- 2.7 **Construction Activities** that meet Site Standard 7.11. Construction activities do not need to meet any other Business 1 site or zone standard. Note other District Wide rules may apply, refer Rule 1.

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

3. CONTROLLED ACTIVITIES

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

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

Standards and Terms for Controlled Activities

All the Site and Zone Standards in the Business 1 zone.
Matters over which the Consent Authority has Reserved Control to Place Conditions

- The provision and design of facades
- The provision and design of verandas
- The external design and appearance of buildings.

4. RESTRICTED DISCRETIONARY ACTIVITIES

4.1 New Buildings

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

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

4.2 Verandas

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

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

4.3 Large Developments

4.3.1 Any development with a gross floor area of 450m² or more shall be restricted discretionary activity. Council's discretion shall be restricted to:

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

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

5. DISCRETIONARY ACTIVITIES

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

6. NON-COMPLYING ACTIVITIES

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

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

7. SITE STANDARDS

7.1 Height of Buildings

- 7.1.1 Maximum Height - 10m

7.2 Setback from Roads

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

7.3 Setback from Neighbours

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

7.4 Shopping Frontage

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

7.5 Windows

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

7.6 Colour Palette

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

7.7 Building Alteration

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

7.8 Loading and Access

- 7.8.1 Loading and goods access shall comply with the provisions of Section 9 and shall be undertaken from service lanes where available.
- 7.8.2 Notwithstanding Section 9, there shall be no vehicle access on to Queen Street between Glasgow Street and Leonard Street on the north side and between Victoria Terrace and Rugby Street on the south side.

7.9 Amenities of Residential Zones

- 7.9.1 Where a site adjoins a site zoned Residential the following standards shall apply:
- a. Setback from zone boundary
The minimum setback of buildings from a Residential Zone boundary shall be 4.5m.
 - b. Screening
A landscaped area with a minimum width of 2m shall be established and maintained along site boundaries adjoining Residential Zones, and shall be planted with species, which at maturity, will soften the appearance of the buildings from the adjoining sites. A solid wall, close boarded fence or landscaping shall screen any outdoor storage areas.

7.10 Temporary Activities

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

7.11 Construction Activities

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

8. ZONE STANDARDS

8.1 Noise

- 8.1.1 All activities shall be designed and conducted so as to ensure that the following noise limits are not exceeded at any point within the boundary of any other site within the Business 1 Zone:
- a. Daytime - 60dBA L10
 - b. Nighttime - 55dBA L10
 - c. On any day between 9.00pm and 7.00am - 80dBA Lmax;
on the following day
- 8.1.2 Provided that: The following noise limits shall not be exceeded at any point within the boundary of any Residential Zone:
- a. Daytime - 55dBA L10
 - b. Nighttime - 45dBA L10
 - c. On any day between 10.00pm and 7.00am - 75dBA Lmax.
on the following day
- 8.1.3 Noise levels shall be measured in accordance with the provisions of NZS 6801: *Acoustics - Measurement of environmental sound* and assessed in accordance with the provisions of NZS 6802 *Acoustics - Environmental noise*.
- 8.1.4 Noise limits shall not apply to:
- a. activities of a normal recreational nature, such as sporting events, that do not involve powered motorsport, powered aviation, gunfire or amplified music; or
 - b. warning devices used by emergency services.

8.2 Hours of Operation

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

8.3 Dust

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

8.4 Offensive Trades

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

9. NON-NOTIFIED RESOURCE CONSENTS

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

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

10. ENFORCEMENT

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

RULES - BUSINESS 2 ZONE (MIXED BUSINESS)

1. DISTRICT WIDE RULES

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

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

2. PERMITTED ACTIVITIES

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

2.1 **Commercial Activities**, excluding brothels

2.2 **Community Activities**

2.3 **Recreational Activities**

2.4 **Industrial Activities**

2.5 **Service Activities**

2.6 **Residential Activities**

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

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

Note: Refer Rule 4.1 for controls on new buildings

3. CONTROLLED ACTIVITIES

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

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

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

4. RESTRICTED DISCRETIONARY ACTIVITIES

4.1 New Buildings

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

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

Note: Rule 4.1 does not apply to a DMRU as defined by the NES-DMRU

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

5. DISCRETIONARY ACTIVITIES

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

6. NON-COMPLYING ACTIVITIES

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

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

7. SITE STANDARDS

7.1 Height of Buildings

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

7.1.2 Maximum height of all other buildings - 10m

Note: Site Standard 7.1 does not apply to a DMRU as defined by the NES-DMRU

7.2 Loading and Access

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

7.3 Service Station and Drive-in Operations

- 7.3.1 Minimum width of vehicle crossings - 5.5m
 - 7.3.2 Maximum width of vehicle crossings - 9m
 - 7.3.3 Vehicle crossings shall cross the footpath at an angle between 45° and 90°
 - 7.3.4 Fuel pumps and other fuel reselling devices shall be sited a minimum of 7 metres from the road boundary edge of any point on a driveway.
 - 7.3.5 Manoeuvre areas for bulk delivery fill points shall accommodate a design articulated truck shown in Appendix C.
 - 7.3.6 Manoeuvre areas for fuel pumps and other fuel reselling devices shall accommodate a 99 percentile design motor car shown in Appendix C.
 - 7.3.7 All vehicles loading motor fuels shall be parked entirely on site.
- Note: Service stations and drive in outlets shall be Controlled Activities in relation to location of crossing points and site layout. Compliance with the Land Safety Transport Authority Guideline for Service Stations March 1996 will generally satisfy this request.

7.4 Amenities of Residential Zones and Residential Use

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

Note: Site Standard 7.4 does not apply to a DMRU as defined by the NES-DMRU

7.5 Colour Palette

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

Note: Site Standard 7.5 does not apply to a DMRU as defined by the NES-DMRU

7.6 Building Alterations

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

Note Site Standard 7.6 does not apply to a DMRU as defined by the NES-DMRU

7.7 Temporary Activities

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

7.8 Construction Activities

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

8. ZONE STANDARDS

8.1 Noise

- 8.1.1 All activities shall be designed and conducted so as to ensure that the following noise limits are not exceeded at any point within the boundary of any other site within the Business 2 Zone:
- | | | |
|----|--|---------------|
| a. | Daytime | - 60dBA L10 |
| b. | Nighttime | - 55dBA L10 |
| c. | On any day between 9.00pm and 7.00am
on the following day | - 80dBA Lmax; |
- 8.1.2 Provided that: The following noise limits shall not be exceeded at any point within the boundary of any Residential Zone or within any residential unit within the Business 2 Zone:
- | | | |
|----|---|---------------|
| a. | Daytime | - 55dBA L10 |
| b. | Nighttime | - 45dBA L10 |
| c. | On any day between 10.00pm and 7.00am
on the following day | - 75dBA Lmax. |
- 8.1.3 Noise levels shall be measured in accordance with the provisions of NZS 6801: *Acoustics - Measurement of environmental sound* and assessed in accordance with the provisions of NZS 6802 *Acoustics - Environmental noise*.
- 8.1.4 Noise limits shall not apply to:
- activities of a normal recreational nature, such as sporting events, that do not involve powered motorsport, powered aviation, gunfire or amplified music; or
 - warning devices used by emergency services.

Note: Zone Standard 8.1 does not apply to a DMRU as defined by the NES-DMRU

8.2 Hours of Operation

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

8.3 Dust

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

8.4 Lighting

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

Note: Zone Standard 8.4 does not apply to lighting associated within residential activities for a DMRU as defined by the NES-DMRU.

8.5 Offensive Trade

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

9. NON-NOTIFIED RESOURCE CONSENTS

- 9.1 Resource Consents in relation to the following matters shall be non-notified and shall not require the written approval of affected parties:
- a. Controlled Activity: Access and layout of service stations and other drive in outlets – 3.1
 - b. Restricted Discretionary Activity: Construction of new buildings – 4.1

10. ENFORCEMENT

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

Section 6 – Business Zones

February 2014

6/22

Waimate District Plan

RULES - BUSINESS 3 ZONE (INDUSTRIAL)

1. DISTRICT WIDE RULES

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

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

2. PERMITTED ACTIVITIES

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

2.1 Service Activities

2.2 Industrial Activities

2.3 Commercial Activities, excluding brothels

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

2.5 Emergency Service Facilities

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

3. RESTRICTED DISCRETIONARY ACTIVITIES

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

4. DISCRETIONARY ACTIVITIES

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

5. NON-COMPLYING ACTIVITIES

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

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

6. SITE STANDARDS

6.1 Height of Buildings

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

6.2 Setbacks from Roads and Waterways

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

6.3 Landscaping

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

6.4 Site Coverage

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

6.5 Amenities of Residential Zones

- 6.5.1 There shall be a minimum yard, unobstructed by buildings, on any site boundary which adjoins a Residential Zone, of 10 metres of which a strip not less than 3 metres deep shall be landscaped. This landscaping may form part of the 10% required in 6.6.1.

6.6 Landscaping

- 6.6.1 Not less than 10% of each site shall be landscaped to improve the appearance of the site when viewed from the street and to screen areas which may appear unsightly. A bond may be required to ensure landscaping is implemented and maintained

6.7 Loading

- 6.7.1 Provision shall be made for the loading of goods, materials and stock associated with the site. All such loading areas shall be provided on the site, and shall:
- be designed to accommodate vehicles likely to be used in association with the site,
 - be designed to ensure that loading vehicles are not required to reverse either on to or off the site.

6.8 Offensive Trade

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

6.9 Access

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

6.10 Temporary Activities

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

6.11 Construction Activities

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

7. ZONE STANDARDS

7.1 Noise

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

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

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

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

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

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

7.2 Hours of Operation

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

7.3 Dust

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

7.4 Lighting

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

8. ENFORCEMENT

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

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

1. Height of Buildings

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

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

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

Assessment Matters:

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

2. Setback from Roads – Business 1 Zone

Form: No setback required.

Purpose: To retain the character of Queen Street.

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

Assessment Matters:

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

3. Setback from Roads – Business 3 Zone

Form: Minimum distance (m) from roads.

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

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

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

Assessment Matters

- a. The design and appearance of the building and its visual impact from the street or adjoining properties.
- b. The necessity for a reduced setback to enable more efficient or practical use of a site.
- c. The degree to which a reduced setback will affect the coherence of adjoining site development in terms of appearance, layout and scale and the openness and visual amenity of the street when viewed from adjoining properties.

4. Setback from Neighbours – Business 1 Zone

Form: No setback permitted.

Purpose: To maintain the continuity of building frontage.

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

Assessment Matters:

- a. Where a setback is not normally required on a site the extent to which this will affect the visual continuity of building frontage and the character of those streets as visually distinctive centres of intensive business activity.
- b. The design and appearance of the building and its relationship with adjoining buildings in terms of continuity of design, height and scale.
- c. The layout of the site and the options for maximisation of use of the site area.

5. Verandas – Business 1 Zone

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

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

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

Assessment Matters:

- a. Where a veranda is not to be provided the extent of the effect this will have on the visual continuity of building frontage from the street and the distinctive form and character of buildings in areas of intensive business activity.
- b. The volume of pedestrians using the street and the extent to which they will be exposed to adverse climatic conditions if a veranda is not provided.
- c. The design and appearance of the building and its compatibility with other adjoining buildings in terms of design, height, setback and scale and the extent of the impact that non-provision of a veranda will have on the architectural cohesiveness of the street.
- d. The construction of the veranda given the possibility of veranda posts being damaged or destroyed by vehicles or natural hazards.

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

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

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

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

Reasons: The two to three storey height of buildings viewed from the footpath or road is one of the design features common to the primarily Edwardian and Victorian commercial buildings in Queen Street. New Buildings should be designed to complement and preserve the heritage values and character of these zones.

Assessment Matters:

- a. Those matters listed in Business 1 Zone Rules 4.1
- b. The degree to which the proposed development will impact on the amenity and character of the area having regard to the scale, bulk and setback of buildings.
- c. The degree to which the architectural style and materials of the building is compatible with the adjoining buildings and with the predominant Edwardian/Victorian architecture of buildings in Queen Street.

7. Shopping Frontage – Business 1 Zone

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

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

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

Assessment Matters:

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

8. Windows – Business 1 Zone

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

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

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

Assessment Matters:

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

9. Paint Colour– Business 1 and 2 Zones

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

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

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

10. Loading and Access – Business 1 and 2 Zones

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

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

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

Assessment Matters:

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

11. Amenity of Residential Zones

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

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

Reasons: These two standards seek to maintain the scale of development on sites adjoining residential, sections to a level that is more consistent with that within the residential environment as a means of preserving the character and amenity of these areas. The provision for setback and screening will assist in the separation of potentially incompatible

activities and affect the standard of visual amenity by reducing the dominance of buildings, and securing levels of privacy and access to sunlight and daylight.

Assessment Matters:

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

12. Noise

Form: Numerical noise limits in decibels.

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

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

Assessment Matters:

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

13. Dust

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

Purpose: To minimise the creation of dust nuisance.

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

Assessment Matters:

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

14. Offensive Trades

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

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

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

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

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

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

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

Assessment Matters:

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

16. Lighting

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

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

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

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

Assessment Matters:

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

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

17. Site Coverage

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

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

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

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

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

Assessment Matters:

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

18. Landscaping

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

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

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

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

Assessment Matters:

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

- b. The extent to which the site is visible from adjoining sites, particularly from residential areas.
- c. The extent to which other factors may compensate for a reduced landscaped area, such as:
 - a higher quality of planting over a smaller area
 - a high standard of architectural design that is not visually obtrusive
 - the type of building materials used
 - the location of different activities on site and their relationship to the boundaries of the site and their visibility from the general area.
- d. The visual appearance of the site and the length of boundary open to public view and the impact of buildings and activities on site on the character and amenity of the area.
- e. The importance of improving the standard of landscape particularly where a low standard of landscaping currently exists.

SECTION 9 -TRANSPORTATION

INTRODUCTION

Land transport infrastructure, and roading in particular, is a significant component of the environment. The road network is essential to the Districts economic activity and to the convenience and wellbeing of residents and visitors.

State Highways 1 and 82 are the principal transportation system within the Waimate District, and are of national importance. In addition to the State Highways administered by the NZ Transport Agency Council administers 1336 km of local roads. The Main South Railway runs parallel to State Highway 1.

Vehicle use is associated with most activities throughout the District and so requires consideration in terms of its effects on the environment and on the transport system as a whole. The main traffic issues within the District the increasing heavy traffic and movement of stock and impacts of these activities on the safety and efficiency of the roading network and on the amenity of the surrounding areas.

Trees, hedges and shelter belts, can have significant impact on the safety of the roading system. Vegetation can impede driver visibility, disrupt road drainage systems, or cause shading of the carriageway resulting in icing during the winter months, which can have severe consequences in terms of public safety. Road bends, road intersections and railway level crossings are particularly dangerous to the safety of motorists and accordingly adequate sight lines are to be preserved.

OBJECTIVES AND POLICIES

Objective 1 - Parking, Loading and Access

Vehicle parking, loading and access which is accessible and sufficient to meet the anticipated demands for each activity while minimising the adverse effects of such facilities.

Explanations and Reasons

- Parking, loading and access are integral parts of the larger overall road transport system. Sufficient spaces need to be provided for parking and loading facilities, while access needs to be designed to permit the safe entry and exit of vehicles onto roads.

Policy 1A - Efficiency and Amenity

To have on-site parking, loading, manoeuvring and access standards to the extent required to provide for the needs of each activity while maintaining the efficiency, safety and amenity of the road hierarchy in the District.

Explanation and Reasons

- As for Objective 1
- Off-street parking and loading is required for each activity in the Business 3, Residential and Rural Zones to minimise the adverse effects on road safety and efficiency of vehicles parking and manoeuvring on-street. This requirement is triggered when a new activity establishes on a site or when there is a change to the activity or building. The provision of off-street parking and loading for activities minimises the adverse effects on the safety and efficiency of the road from such activities and enables the retention of on-street parking for short-term visitors to an area. The level of parking provided for is one which provides for the off-street parking requirements for the activity for all but the very busiest times.
- The provision of off-street parking also improves the visual amenity of streets by reducing the level of long term on-street vehicle parking, particularly within residential areas. Maintenance of amenity within these

areas is considered importance and the screening of off-street parking areas is to be encouraged. It is not always appropriate to require the full provision of off-street parking needed to satisfy demand. Cultural, conservation and educational facilities often provide large areas of open space and high amenity values which would be lost if large areas were turned into formed car-parking.

- On-street parking is considered appropriate within some business areas, particularly within Queen Street where the provision off-street parking may not be practical and may alter the appearance of the area.
- Controls on the position and design of access points to properties are required to minimise the adverse effects resulting from the queuing and manoeuvring of vehicles entering or leaving properties, and to ensure the safe functioning of the road network.

Objective 2 - Road Network

An efficient and effective road network that allows the District to function and develop with minimal conflict between land uses, traffic and people.

Explanation and Reasons

- It is important to plan the road network in conjunction with surrounding land uses to provide accessibility to all parts of the District, while minimising conflicts between the efficient functioning of the road network and other activities.

Policy 2A - An Efficient and Functional Road Network

To protect the function and efficient use of the road network through a hierarchy of roads and to control the establishment of land use activities in order to achieve compatibility with the roads they front.

Explanation and Reasons

- As for Objective 2
- The hierarchical network provides for the efficient and safe movement of goods and people, while minimising conflicts which arise between traffic requirements and the environment of surrounding areas.
- The roading network is a valuable resource which should not be compromised by adjacent land uses which result in traffic hazards and reduce efficiency.

Objective 3 - Road Safety

The maintenance and improvement of a road transport network which is safe for all road uses including cyclists and pedestrians

Explanation and Reasons

- Conflicting requirements of motor vehicles, cyclists and pedestrians leads to a potential for accidents, many of which are avoidable. By providing for a safe road environment, injuries and road deaths as well as damage to property will be reduced.

Policy 3A- A Safe Road Network

To maintain and improve road safety by providing for an efficient and functional roading network and controlling activities which may compromise road safety.

Explanation and Reasons

- As for Objective 3
- Road safety and efficiency are closely related. To be safe, roads need to be efficient which in turn enables all road users (including cyclists and pedestrians) to use the District's roads with minimum conflict.
- Activities such as loading and unloading have the potential to compromise road safety. By including rules to control such activities, their potential to compromise safety can be more easily monitored and where necessary, controlled.

Section 9 – Transportation

February 2014

9/4

Waimate District Plan

RULES - TRANSPORTATION

1. ACTIVITIES

Any activity that meets the parking, access and loading Site Standards in Rule 2 below is a Permitted Activity with regard to transportation requirements.

Where those standards cannot be met the activity shall be a Restricted Discretionary Activity, with Council's discretion restricted to the matter(s) of non-compliance.

These provisions shall apply where:

- a an activity is established on a site, or
- b there is a change of activity, or
- c a building(s) is constructed or substantially reconstructed, altered or added to.

Nothing in these provisions shall limit the power of the Council to require or impose conditions or standards in respect of applications for resource consent.

2. SITE STANDARDS

2.1 Minimum Parking Space Requirements

2.1.1 Within the Rural Zone, Residential Zones or Business 3 Zone, the following (Table 9.1) shall be the minimum number of parking spaces to be provided at all times on the same site for any activity. The required parking spaces shall be available for residents, staff and visitors at all times during the hours of operation of the activity.

2.1.2 If any activity is not listed below, the activity closest in nature to the new activity should be used. Where there are two or more similar activities, the activity with the higher parking rate shall apply. Where there are two or more different activities on the site, the total requirement for the site shall be the sum of the parking requirements for each activity.

2.1.3 Where an activity is a Restricted Discretionary Activity under the Zone Rules Table 9.1 shall be used as a guide by the Council to determine an appropriate level of parking provision.

Table 9.1 - Minimum Parking Space Requirements

ACTIVITY	PARKING SPACES REQUIRED
Residential unit	1 space per residential unit
Visitor accommodation	1 space per 2 staff plus for Motels: 1 space per unit. All other visitor accommodation units: 1 space per 5 beds
Commercial activities	4.5 spaces per 100m ² gross floor area plus 1 space per 100m ² outdoor display area
Industrial activity	1.5 spaces per 100m ² gross floor area
Meeting places and entertainment facilities	1 space per 10m ² public area or 10 seats, whichever is greater
Drive-through facility	5 queuing spaces per booth or facility
Sports fields	15 spaces per hectare

ACTIVITY	PARKING SPACES REQUIRED
Hospitals	1 space per 5 beds plus 1 space per 2 staff
Health Care Services	2 spaces per professional plus 1 space per 2 staff
Offices	2 spaces per 100m ² gross floor area
Restaurants and taverns	10 spaces per 100m ² public area
Educational facilities	1 space per 1 staff plus 1 space per 10 students over the legal driving age; except for pre-schools and day-care facilities for children under 5 years of age 1.5 spaces per 10 children
Elderly Persons Housing	1 space per residential unit; except care homes 2 spaces per 6 clients.
Recreational facilities/activities	1 space per 4 persons designed to be accommodated

Note: Site Standard 2.1 does not apply to a DMRU as defined by the NES-DMRU.

2.2 Assessment of Parking Areas

- 2.2.1 Where an assessment of the required parking standards results in a fractional space any fraction under one half shall be disregarded and any fraction of one half or more shall be counted as one space.
- 2.2.2 The area of any parking space or spaces provided and of vehicular access drives and aisles provided within a building shall be excluded from the assessment of gross floor area of that building for the purpose of ascertaining the total number of spaces required.

2.3 Size of Parking Spaces

- 2.3.1 All required parking spaces other than for residential units, and associated manoeuvre areas are to be designed to accommodate a 90 percentile design motor car (refer Appendix C) and shall be laid out in accordance with Appendix D, or in accordance with the Australian/New Zealand Standard 2890.1:2004 Parking Facilities (and any subsequent amendments).

2.4 Car Spaces for People with Disabilities

- 2.4.1 Car parking areas shall include spaces for people with disabilities provided at the rate of:
- 1-20 total car parks: Not less than 1 accessible space
 - 21-50 total car parks: Not less than 2 accessible spaces
 - For every additional 50 car parks or part thereof: Not less than 1 accessible space.
- 2.4.2 Car parking for people with disabilities shall be located as close as practicable to the building entrance and should comply with the Building Code or New Zealand Standard 4121:2001 Design for Access and Mobility (and any subsequent amendments). The spaces should be on a level surface, be clearly signed and have a minimum stall width of 3.5 metres.

2.5 Cycle Spaces

- 2.5.1 Within the Rural Zone, Residential Zones or Business 3 Zone, any activity shall provide 1 cycle parking space per 20 required car parks, with a minimum of 1 space. This rule shall not apply to residential activities in the Residential Zones.
- 2.5.2 All required cycle parking shall be provided on the same site as the activity and located as close as practicable to the building main entrance and shall be clearly visible to cyclists entering the site, be well lit and secure. The type of stand must comply with the Engineering Code of Practice requirements for cycle parking rack systems.

2.6 Bus Spaces

- 2.6.1 Where the number of visitors or customers arriving or departing by bus or coach is equal to or exceeds 30 persons per day, bus/coach spaces may be provided in lieu of car parking spaces. The number of spaces to be provided shall be based on the following:
- the number of visitors/customers provided for by the bus/coach spaces shall be the same as the number of visitor/customers who visit the site by bus/coach; and
 - the number of equivalent car parking spaces per bus/coach space shall be 40 divided by the average number of occupants in each car which visits the sites.

2.7 Cash-in-Lieu

- 2.7.1 A cash payment may be made in lieu of part or all of the parking requirement in areas where the Council is anticipating creation of public parking that would serve the area of the development. The basis of the cash payment in lieu of parking is to be:
- The area of land per required parking space is to be 25 square metres.
 - The rate at which cash in lieu is charged is calculated at the current market value of the land.

2.8 Reverse Manoeuvring

- 2.8.1 On-site manoeuvring for a 90 percentile car shall be provided to ensure that no vehicle is required to reverse either onto or off a site where:
- Any development has access to an arterial road (refer Rule 3)
 - Any development requiring 4 or more car spaces having access onto a collector road.
 - Any development which is required to provide 10 or more parking spaces.
- 2.8.2 On-site manoeuvring for a 90 percentile truck shall be provided to ensure that no truck is required to reverse onto or off a site where any development requires loading areas or trade vehicle storage having access onto an arterial or a collector road. Refer Rule 3 for the Roading Hierarchy.

2.9 Residential Parking Spaces

- 2.9.1 Any residential parking spaces required by this Plan shall have the minimum internal dimensions of 2.5m width and 5.0m depth.
- 2.9.2 The minimum width of the entrance to a single garage shall be no less than 2.4 metres wide. The manoeuvre area from the property to the garage entrance shall be designed to accommodate a 90 percentile motor car as set out in Appendix C.

2.10 Queuing

- 2.10.1 Queuing space shall be provided for within off-street parking areas for all vehicles entering a parking or loading area where conflict with vehicles already on site is likely to arise. The required queuing space length shall be in accordance with Table 9.2 following.

Table 9.2 - Queuing Space Lengths

Number of Parking Spaces	Minimum Queuing Space Length
0 – 20	5.5
21 – 50	10.5
51 – 100	15.0
101 – 150	19.5
151 - or over	24.0

- 2.10.2 Where the parking area has more than one access the number of parking spaces may be apportioned between the accesses in accordance with their potential usage.
- 2.10.3 Queuing space length shall be measured from the road boundary to the nearest vehicle control point or point where conflict with vehicles already on the site may arise.

2.11 Loading

- 2.11.1 Every loading space shall be of a useable shape and shall be of the following dimensions:
- For transport depots or other similar activities, not less than one loading space with a minimum depth of 9m.
 - For retail premises, offices, warehouses, bulk stores, industries, service industries and other similar uses, not less than one space with a minimum depth of 8m.
 - Offices and other non-goods handling activities, where the gross floor area is more than 500m², not less than one space with a minimum depth of 6m.
 - Notwithstanding anything to the contrary in the foregoing clauses, where articulated trucks are used or intended to be used in connection with any site, sufficient loading space not less than 11m in depth shall be provided.
 - No loading space shall be less than 3.8m in height.
 - No loading space shall be less than 3.5m in width, or such greater width as is required for adequate manoeuvring.
- 2.11.2 Where practicable, vehicles involved in loading or unloading and all loading or unloading activities shall not be undertaken on any road or road reserve.

2.12 Surface of Parking and Loading Areas

- 2.12.1 The surface of all parking, loading and trade vehicle storage areas (except parking areas for residential units requiring less than three spaces) shall be formed, paved or otherwise maintained so as not to create a dust or noise nuisance.
- 2.12.2 The first 6.0m of such areas (as measured from the road boundary) shall be formed and surfaced to ensure that material such as mud, stone chips or gravel is not carried onto any footpath, road or service lane.

2.13 Vegetation, Trees and Landscaping

- 2.13.1 Trees and vegetation shall not be in a position where they would restrict visibility of drivers within 50m of an intersection or corner of a road.

- 2.13.2 Trees and vegetation shall not be in a position where they would cause icing of a road as a result of shading the road between 10am and 2pm on the shortest day.
- 2.13.3 Landscaping shall not adversely affect the visibility of motorists leaving a site or create an unsafe environment for persons using the car park or the adjacent footpath.
- 2.13.4 All car parking areas containing 5 or more spaces shall have a landscape strip 1.5m deep along the road frontage.

2.14 Standards of Vehicle Crossings/Accesses

- 2.14.1 All vehicular crossings/accesses onto a State Highway used for private access purposes shall be designed and constructed in accordance with Appendix H - Private Access Standards.
- 2.14.2 All vehicular crossings/accesses onto State Highway 82 south of Waihao Back Road used for retail purposes shall, where vehicle trips exceed 60 vehicles per day, be designed and constructed in accordance with Appendix H. For the purposes of determining the number of vehicle trips, and/or equivalent vehicle movements per day, the following shall apply:
 - a. trips calculated either as an annual average, or as a weekly average, whichever is the greater to cater for seasonal peaks.
 - b. one heavy vehicle trip shall be equivalent to 6 vehicle trips.
- 2.14.3 All vehicular crossings/accesses onto a sealed road, other than a State Highway or in the Rural Zone, shall be formed and maintained to an all-weather standard with the first 5.5m of the access (as measured from the carriageway) or the full berm width of the adjoining road, whichever is the greater, being formed and sealed or paved to ensure that material such as mud, stone chips or gravel is not carried on to a sealed road.
- 2.14.4 All vehicular crossings/accesses onto a sealed road in the Rural Zone, other than a State Highway, shall be formed and maintained to an all-weather standard and shall not result in the migration of material such as mud, stone chips or gravel on to the road. Where an access is used regularly, that is one that is used by vehicles on a regular basis including for the purposes of accesses to dwellings and buildings, the access shall be sealed for 1.5 metres from the edge of the existing seal. Where material such as mud, stone chips or gravel is found to migrate onto the road, the first 5.5m of the access (as measured from the carriageway) or the full berm width of the adjoining road, whichever is the greater, shall be formed and sealed or paved. Note compliance with this standard does not exempt from standard 2.14.11.
- 2.14.5 All vehicular crossings/accesses onto an unsealed road in the Rural Zone shall be formed and maintained to an all-weather standard and shall not result in the migration of material such as mud, stone chips or gravel on the road. All weather standard means compacted level metal surfacing with a maximum particle size surface material of 20mm.
- 2.14.6 All vehicular crossings/accesses for 10 or less residential units or activities which generate fewer than 100 "normal" car traffic movements per day, shall have standard vehicle culverts and crossings to carry car traffic.
- 2.14.7 All vehicular crossings/accesses for drive-in accesses and other activities shall have heavy duty vehicle culverts and crossings shall be constructed to carry all types of road traffic.
- 2.14.8 All vehicular crossings/accesses in any other case vehicle crossings/accesses shall be constructed pursuant to Council standards, from the roadway to the road or service land boundary of the site.

- 2.14.9 All vehicular crossings/accesses shall be constructed and maintained at the owners expense.
- 2.14.10 Vehicle access shall cross the property boundary at an angle of 90 degrees, plus or minus 15 degrees and vehicle crossings shall intersect with the carriageway at an angle of between 45 degrees and 90 degrees
- 2.14.11 In Rural zones heavy traffic accesses, including those for milk tankers and stock trucks, and any necessary extension of the carriageway width (on either side) shall be designed, constructed and maintained to carry the volume and weight of traffic likely to use the access. The surface shall be constructed to the same standard as the adjoining road carriageway. The access and carriageway extensions shall also be of sufficient area and width to provide for the swept path (turning area) of these heavy vehicles. (Refer to Appendix C for heavy vehicle swept paths.)
- 2.14.12 Where a lot abuts a State Highway, alternative access to any other road shall be used unless it is impractical for physical or traffic management reasons.
- 2.14.13 All vehicular accesses shall be designed to ensure efficient drainage, which will be implemented by providing culverts where necessary.
- 2.14.14 Movement of milking dairy herds across any of the following roads shall only be by means of an underpass:
- Bathgates Road (Starts: SH82, Ends: Molloy's Road)
 - Blue Cliffs Road (Starts: Kane Lane, Ends: Talbot Road)
 - Brasells Bridge Road (Starts: Pareora River Road, Ends: District Boundary)
 - Browns Road (Starts: High Street, Ends: Parsonage Road)
 - Craigmere Valley Road (Starts: Pareora River Road, Ends: Timaunga Road)
 - Foleys Road (Starts: SH1, Ends: Hannaton Road)
 - Glenavy-Tawai Road (Starts: SH1, Ends: Old Ferry Road)
 - Hakataramea Valley Road (Starts: SH82, Ends: Homestead Road)
 - Holme Station Road (Starts: Pareora River Road, Ends: Pareora River Bridge)
 - Horsnells Road (Starts: SH1, Ends: Morven Road)
 - Ikawai Middle Road (Starts: SH82, Ends: Tawai-Ikawai Road)
 - Lower Hook Road (Starts: SH1, Ends: Waimate Hunter Road)
 - Lucks Road (Starts: SH1, Ends: Fletchers Road)
 - Makikihi Hunter Road (Starts: SH1, Ends: Teschemaker Valley Road)
 - Manchesters Road (Starts: Molloy's Road, Ends: Mitchell Road)
 - Maytown Road (Starts: Timaru Road, Ends: Hannifins Road)
 - McNamaras Road (Starts: Molloy's Road, Ends: SH1)
 - Mill Road (Starts: Hunts Road, Ends: Kirks Road)
 - Molloy's Road (Starts: McNamaras Road, Ends: SH1)
 - Morven Road (Starts: Maclean Street, Ends: Horsnells Road)
 - Old Ferry Road (Starts: SH1, Ends: Glenavy-Tawai Road)
 - Pareora Gorge Road (Starts: Evans Crossing Road, Ends: Pareora River)
 - Pareora River Road (Starts: SH1, Ends: Evans Crossing Road)
 - Parsonage Road (Starts: Butchers Lane, Ends: Waimate Hunter Road)
 - Racecourse Road (Starts: Williams Street, Ends: Park Road)
 - Serpentine Valley Road (Starts: SH82, Ends: Zig Zag Road)
 - Stokes Road (Starts: Crowes Road, Ends: Morven Beach Road)
 - Tawai-Ikawai Road (Starts: Ikawai-Middle Road, Ends: Old Ferry Road)
 - Te Akatarawa Road (Starts: Fishermens Bend Road, Ends: Benmore Dam)
 - Waihao Back Road (Starts: SH82, Ends SH1)
 - Waimate Hunter Road (Starts: Whitneys Road, Ends: Makikihi Hunter Road)
 - All other roads within the District Plan zoned Residential

Note: The design and location of the underpass will require approval from the Road Controlling Authority.

2.15 Length of Vehicle Crossings

2.15.1 The following crossing lengths shall apply:

Table 9.3 - Crossing Lengths

Land Use	Length of Crossing (m)	
	Minimum	Maximum
Residential	3.0	6.0
Other	4.0	9.0

2.15.2 The length of culverts and crossings shall be the actual length of channel covers or the length of the fully dropped curb.

2.16 Distances of Vehicle Crossings from Intersections

2.16.1 No part of any vehicle crossing shall be located closer to the intersection of any roads other than the distances permitted in Table 9.4. Refer Rule 3 for the Roding Hierarchy.

Table 9.4 - Minimum Distance of Vehicle Crossings from Intersections

Frontage Road	Intersecting Road Type (Distance in Metres)					
	Urban			Rural		
	Arterial	Collector	Local	Arterial	Collector	Local
Arterial	65	50	30	270	200	200
Collector	35	35	15	85	55	55
Local	20	20	15	85	55	55

2.16.2 Distances shall be measured parallel to the centre line of the roadway of the frontage road from the nearest edge of the carriageway of the intersecting road. Where the roadway is divided the edge of the dividing strip nearest to the vehicle crossing shall for the purposes of this control be deemed the centre line.

2.16.3 Where the boundaries of the site do not allow the provision of any vehicle crossing whatsoever in conformity with the above distances a single vehicle crossing may be constructed provided it is located adjoining an internal boundary of the site in the position which most nearly complies with the provisions of this Section.

2.16.4 Refer Rule 3 for Roding Hierarchy.

2.17 Sight Distances from Vehicle Crossings

2.17.1 Unobstructed sight distances, in accordance with the minimum sight distances specified in Table 9.5, shall be available from all vehicle crossings.

Table 9.5: MINIMUM SIGHT DISTANCES (METRES)¹

Posted speed limit (km/hr)	85 percentile operating speed, measured at the site (or if above not known, posted speed plus 10 km/hr)	Minimum sight distance standard (m)
30	40	28
40	50	44
50	60	63
60	70	86
70	80	115
80	90	140
90	100	170
100	110	210

Footnotes:

¹ Based on Minimum Safe Intersection Sight Distances in Austroads Guide to Traffic Engineering Practice Part 5, Interactions at Grade

Sight distances shall be measured as set out in Appendix H.

2.18 Road/Rail Level Crossings

2.18.1 All road/rail level crossings, including sight distance and visibility standards on adjoining land, shall comply with the standards specified in the NZTA Traffic Control Devices Manual, Part 9: Level Crossings (and any subsequent amendments).

2.19 Heavy Vehicle Generation

2.19.1 No activity shall exceed the 20 heavy vehicle movements per day, per site (averaged over a one week period)

2.19.2 Rule 2.19.1 does not apply to:

- a. vehicle movements between sites within a property or the relocating of premises; or
- b. vehicle movements on state highways; or
- c. activities which have a duration of less than 31 consecutive days.

3. ROAD HIERARCHY

Arterial Roads:	State Highway 1 State Highway 82 McNamaras Road
Collector Roads:	Pareora River Road Pareora Gorge Road Old Ferry Road Tawai Ikawai Road (from Old Ferry Road to Ikawai Middle Road) Ikawai Middle Road
Local Roads:	All other roads.

4. NON-NOTIFIED RESOURCE CONSENTS

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

Restricted Discretionary Activities:

- size of parking spaces 2.3.1
- car spaces for people with disabilities 2.4
- cycle spaces 2.5
- cash-in-lieu 2.7
- reverse manoeuvring 2.8
- residential parking spaces 2.9
- queuing 2.10
- loading areas 2.11
- surface of parking and loading areas 2.12
- vegetation, trees and landscaping 2.13
- all access rules 2.14, 2.15, 2.16, 2.18

5. REASONS FOR RULES AND ASSESSMENT MATTERS

In considering whether or not to grant consent or impose conditions, the Council shall have regard to, but not be limited by, the following assessment matters: All activities that do not comply either with **Transportation Rules** shall be a Discretionary Activity in relation to those matters of non-compliance.

5.1 Parking and Loading Space Requirements

Reasons: Where an activity establishes on a site, there is change of activity, or buildings are altered, they are required to supply off-street parking and loading areas for vehicles normally generated by the residents, staff and visitors to the activity. This includes not only a requirement to provide parking spaces for cars, buses and cycles, but also parking for people with disabilities. The provision of off-street parking and loading for activities minimises the adverse effects on the safety and efficiency of the road from on-street parking, loading and manoeuvring vehicles. It also enables the retention of on-street parking for short-term visitors to an area, particularly in residential areas where on-street parking is needed for the convenience of visitors to residential properties. Provision of off-street parking also improves the visual amenity of streets by reducing the level of long term on-street vehicle parking.

The parking requirements have been categorised under broad activity headings each of which generate different parking requirements. Surveys of the parking generation of different activities provide a basis for the standards for calculating the number of parking spaces required. The parking standards for most activities have been set at a level which provides for the off-street parking requirements for all but the very busiest times.

It is not always appropriate to require the full provision of off-street parking needed to satisfy demand. Cultural, conservation and educational facilities often provide large areas of open space and high amenity values which would be lost if large areas were turned into formed car-parking.

Assessment Matters:

- a. Whether it is physically practicable to provide the required parking or loading spaces on the site in terms of the existing location of buildings, access to the road, topography and utility location.
- b. Whether there is an adequate alternative supply of parking or loading spaces in the vicinity. In general, on-street parking is not considered an alternative.
- c. Whether there is another site in the immediate vicinity that has available parking or loading spaces which are not required at the same time as the proposed activity. In such a situation the Council will require the associated parking or loading spaces to be secured in some manner.
- d. Whether a demonstrably less than normal incidence of parking or loading will be generated by the proposal, such as due to specific business practice, type of customer, bus transportation.
- e. Whether the Council is anticipating providing public car-parking that would serve the vicinity of the activity, and whether a cash payment towards such public car-parking can be made in lieu of part or all of the parking requirement.
- f. Whether a significant adverse effect on the character and amenity of the surrounding area will occur as a result of not providing the required parking or loading space.
- g. The extent to which the safety and efficiency of the surrounding roading network would be adversely affected by parked and manoeuvring vehicles on the roads.
- h. Any cumulative effect of the lack of on-site parking and loading spaces in conjunction with other activities in the vicinity not providing the required number of parking or loading spaces.

5.2 Parking and Loading Area and Entranceway Design

Reasons: The design of the parking and loading areas are based on 90-percentile design vehicles. The dimensions of these vehicles and their associated turning circle requirements are such that 90 percent of the vehicles in New Zealand comply with their requirements. Critical manoeuvre areas have been calculated to allow 99 percent of vehicles to use them. These areas are bounded by immovable objects such as walls and columns and it is therefore important to provide the space to allow vehicles to manoeuvre easily.

Controls over the surfacing of parking and loading areas have been included to protect the amenity of surrounding properties and public places from noise and dust nuisance. The controls are also intended to avoid deterioration of road and footpath surfaces or vehicle and pedestrian safety through loose surfacing material being carried onto footpaths, roads or service lanes.

Although landscape plantings associated with parking areas are desirable to improve visual amenity, a control has been included to ensure such plantings do not create unsafe conditions for pedestrian and vehicle movements.

Assessment Matters:

- a. Any adverse effects on the safety and security of people and vehicles using the facility.
- b. The extent to which the safety of pedestrians, both on and off the site, will be affected.
- c. Any adverse effects on the amenity and character of surrounding properties and public areas.
- d. The extent to which there will be any adverse effect on the safety and efficiency of the frontage road.

- e. The extent to which any reduction in the design characteristics will result in the parking and loading area and/or associated entrance and manoeuvring areas being impractical, inconvenient or unsafe to be used by vehicles or pedestrians.

5.3 Access

Reasons: Control of accesses where people move from roads to a property or vice versa is essential both for safety and efficiency reasons. There is real potential for turning movements onto and off roads to result in collisions. For this reason the Plan sets standards for the location, number and design of access to reduce the potential for collisions. In particular it encourages access from side roads rather than state highways so that through traffic is less inconvenienced.

Accesses also need to be controlled to ensure their formation does not result in degradation of carriageways or verges and in particular the seal edge is not broken.

Assessment Matters:

- a. Whether adequate sightlines are available from alternative access points.
- b. The extent to which the safety and efficiency of the adjoining road would be compromised by an access point located closer to an intersection than is permitted by the Plan.
- c. The extent to which conflicts between vehicles will be created by vehicles queuing across the vehicle crossing; confusion between vehicles turning at the crossing or the intersection; inadequate rate of driver assimilation of data, thereby adversely affecting the safety of the road.
- d. Whether the hours of operation of activities on the site coincide with the peak flows and vehicle queues on the road.
- e. Whether the speed and volume of vehicles on the road will increase the adverse effects of the access on the safety of road users.
- f. Whether the geometry of the road will mitigate the adverse effects of the access.
- g. Whether vehicular crossings/accesses comply with the design guidelines as specified in Appendix H.

5.4 Reverse Manoeuvring

Reasons: On-site manoeuvring is required for all sites on arterial roads, shared access and where a large number of vehicle movements onto and off a site are expected. This helps to protect the efficiency and safety of the roads by minimising the number of vehicles required to reverse onto or off a site, which is the cause of approximately 10% of accidents at driveways. Arterial and collector roads have the most protection applied to them as their function is to carry the largest volumes of traffic at the highest level of efficiency.

5.5 Queuing Spaces

Reasons: Queuing space lengths are required at the entrance to car-parking and loading areas to provide an area off the street for cars to queue while waiting for manoeuvring vehicles, or for a parking space. This protects the safety and efficiency of the frontage road from the effects of vehicles requiring to queue on the street, blocking trafficable lanes. The length of the queuing space varies according to the number of parking spaces catered for in the parking area. This is because the number of cars in the parking area increases the potential number of arrivals and departures thereby increasing the probability of vehicles having to queue.

5.6 Distances of Vehicle Crossings from Intersections

Reasons: In order to simplify the driving task by reducing potential conflict points and areas of distraction, there is a requirement to locate entrances at varying distances from intersections depending on the function of the road. Arterial roads typically carry the highest traffic volumes at higher operating speeds. Distances therefore need to be greater on these roads to allow

for driver reaction times and also for longer queuing distances at intersections. It also reduces confusion for drivers who may not otherwise be able to tell whether an indicating vehicle is intending to turn at the driveway or the intersection. Similarly, principal and collector roads carry higher traffic volumes at higher operating speeds than local roads and distances of vehicle crossings from intersections are accordingly required to be greater on these roads.

5.7 Rooding Hierarchy

Reasons: A planned rooding hierarchy provides a means of minimising the conflicts which may arise between providing for traffic requirements, and the effects on the surrounding environment, by giving each road a classification. More certainty can be provided for road users through the use of different design and access criteria for each road classification. This in turn ensures that road safety and efficiency is maintained or improved. The road hierarchy for the Waimate District is listed in Rule 3.

SECTION 10 – FINANCIAL CONTRIBUTIONS AND SUBDIVISION

INTRODUCTION

The control of subdivision is a specific matter of relevance to District Plans. The principal feature of subdivision is that it produces a framework of land ownership which assists development, activities and conservation.

Subdivision provides the framework of service provision for land use including roading, water supply, sewage disposal, energy, telecommunications, stormwater and trade waste. Subdivision is also the mechanism for the provision of esplanade reserves, and strips and access strips and is therefore significant in the context of providing public access to waterways and the coastline.

OBJECTIVES AND POLICIES

Objective 1 - Subdivision Servicing

The provision of necessary services to subdivided allotments in anticipation of the likely effects of future land use on those allotments.

Policies

- 1A. To integrate subdivision roading with the existing roading network in an efficient manner which reflects expected traffic levels and the safe management of vehicles and pedestrians and other modes of transport.
- 1B. To achieve safe and effective vehicular access to properties in subdivisional developments.
- 1C. To achieve provision of pedestrian and amenity linkages where useful linkages can be further developed.
- 1D. To minimise the adverse visual and physical effects of subdivision roading.
- 1E. To ensure that water supplies to subdivided allotments are of a sufficient capacity and of a potable standard.
- 1F. To require upon urban subdivision, that all new lots be provided with a means of connection to a reticulated water supply system, where water from such a system is available.
- 1G. To ensure that the provision of any necessary additional water supply, stormwater control or sewage disposal infrastructure and the upgrading of existing infrastructure is undertaken or paid for by subdividers, in recognition of the scale and nature of the anticipated land uses.
- 1H. To encourage the retention of natural open waterways for stormwater and to ensure disposal in a manner which maintains or enhances the quality of surface and ground water.
- 1I. To ensure that stormwater is disposed of in a manner that avoids inundation of land within or adjoining the subdivision.
- 1J. To ensure, upon subdivision, that anticipated development is provided with a means of disposing of sanitary sewage in a manner which is consistent with maintaining public health and minimises adverse effects on the environment.
- 1K. To require upon subdivision, that all new lots be provided with a means of connection to a reticulated sanitary system, where such a system is available. Where a reticulated system is not available, on site or stand-alone communal treatment systems may be installed, subject to any discharge consents required. Council will also require satisfactory legal or other arrangements to be in place ensuring that there will be ongoing availability and maintenance of any communal system or its component parts.
- 1L. To require that provision be made for trade waste disposal upon subdivision of land for anticipated industrial use.
- 1M. To ensure that adequate provision is made for the supply of reticulated energy and communication facilities and that the method of reticulation is appropriate to the amenities of the area.

- 1N. To require servicing standards for Residential 2 and 3 Zones to provide certainty for future owners, developers and the Council and achieve sustainable servicing over time (refer Residential Zone Policy 4A and its explanation.)

Explanation and Reasons

High vehicle ownership requires consideration of access to newly created lots. Only in a very restricted set of circumstances would vehicular access be impracticable and pedestrian access is always essential. Roading and access standards are a reflection of anticipated traffic be it volume or type. Subdivision standards for roading and access will reflect the opportunities to create a variety of vehicle and access limits for the benefit of both vehicular transport and pedestrians. Roading and access can also have a major visual impact and as such both the location in terms of the topography and landscape, and the design of access routes, should enhance the natural environment and minimise any visual intrusion.

The subdivision of land is often followed by intensification or changes in land use that subsequently increase the demand for water usage. Where the proposed subdivision creates new allotments, and where the users will require water for human consumption, then that supply must be potable and reliable. Water for fire fighting purposes will not be readily available from the Rural Water Supply Schemes. Unless the water supply system has an excess of capacity, subdivision and development leads to the need for the water supply system to be upgraded. Some land use activities may place heavy demands upon a water supply system to enable their processes to function, and consideration must be given to their location to ensure the sustainability and wise use of the water resource.

Notwithstanding regular monitoring and testing programmes, individual wells run higher risks of contamination. The water resource can be better managed if a public supply system is installed wherever practicable. Having as many water users as is possible connected to the public water supply system increases the efficiency of use of the whole system, including management of both the natural water resource and the physical resources involved in water supply. When land is subdivided new connections to the system will be required by the activities to be established on these allotments. The ability to connect to the water supply system at the property boundary must be provided by the subdivider. Where the public system is physically not available, then the subdivider or developer must provide a connection to that system as the Council requires, or to an individual on-site system of sufficient capacity and a potable quality. Where subdivision occurs within a reticulated water supply and water is not available from the supply, future owners need to be aware that the water supply is their ongoing responsibility.

The design of stormwater systems and the capacity of existing systems must be adequate to achieve satisfactory disposal. It is the responsibility of the person who changes the existing land and water surfaces to investigate the effects of the proposal and if any adverse effects will or could result from the subdivision of land, then mitigating measures must be carried out. Any possible adverse effects on land surrounding a subdivision are also to be prevented by remedial works installed by the subdivider.

Recognition and enhancement of the values of natural waterways and receiving waters is a necessary part of planning subdivision and subsequent land use developments. Open waterways can be visually attractive and generally provide an opportunity for enhancement through suitable landscape treatment. Preservation of the natural system is ecologically and environmentally more acceptable.

Disposal and proper treatment of sanitary sewage is a matter of vital importance. This is particularly significant in terms of the protection of the quality of the surface and groundwaters and that of receiving waters.

Adequate treatment of sewage effluent requires adequate provision for treatment works and means of disposal for the waste waters generated in the system. In the urban areas where density of development precludes individual disposal systems, it is a Council function to provide sewage treatment and reticulation ensuring a safe means of disposal of the large quantities of urban sewage, treating it and discharging the waste water.

In rural areas and unserviced townships where connection is impracticable, care must be exercised to ensure that individual treatment plant does not cause pollution of any waterways or the underground aquifers. Such pollution could adversely affect the quality of community water supplies, human health and the environment. Any private communal systems need to be subject to satisfactory legal arrangements to ensure households can be assured of ongoing availability of the system and that it is well maintained. Subdivision for new industrial activities has to anticipate trade waste disposal needs which are often much higher than most other land use activities.

The supply of electric power and telecommunications to all sectors of the community can readily be regarded as an essential service. It includes any upgrading or establishment of a system to service an area, and supply to individual users of sites created upon subdivision. The provision of reticulated supplies will, of necessity, involve reticulation systems which can be either above or below ground, as well as (in some cases) substation structures. The widespread use of electric power means a provision of power lines and their associated structures. However, with appropriate planning, adverse effects of overhead lines can be mitigated to a certain degree, while for most properties in the residential, town centres and special conservation areas, provision of new reticulation is required to be by underground reticulation. The much higher cost of underground reticulation is recognised, and underground reticulation is not required in all rural and industrial areas where environmental and economic considerations may be differently balanced.

Objective 2 - Cost of Services to be met by Subdividers and Developers

The costs of the provision of services within subdivisions and for new built development or the upgrading of services necessitated by that subdivision or development, is to be met by the subdividers and developers.

Policies

- 2A. To require subdividers and developers to meet the costs of upgrading services, which are attributable to the impacts of the subdivision or development, including where applicable:
- roading and access;
 - water supply;
 - sewage disposal;
 - stormwater disposal;
 - trade waste disposal;
 - provision of electricity;
 - provision of telecommunications.
- 2B. To provide for any contributions to be in accordance with the methods of determination specified in the Rules.

Explanation and Reasons

Subdivision of land provides a framework of services for subsequent purchasers of new allotments who have an expectation that services will be available. New subdivision may also give rise to demands for upgrading of existing services which is a direct consequence of the subdivision. Many of the costs of servicing subdivisions apply equally to servicing new houses and other buildings, including commercial and industrial buildings. Where no payment has been made at the time of subdivision it is appropriate that financial contributions be payable to the Council to provide for stormwater, sewerage, water supply and roading services.

The provision of services within the subdivision is a cost recoverable from the sale of allotments and can be imposed on a subdivider at the time of subdivision development. Furthermore, where a subdivision creates a demand for upgrading services outside of the subdivision, the Council is justified in recovering costs attributable to the subdivision itself.

Contributions are set according to rules to ensure a reasonable degree of certainty for developers.

Objective 3 - Pattern of Subdivision in Rural Areas

A subdivisional pattern which contributes to the maintenance or enhancement of groundwater and surface water quality and provides for a range of rural land use activities, while protecting the natural resources and values of the rural area.

Policies

- 3A. To limit the minimum size of subdivisions in the Rural zone in order to enable flexibility in house siting while avoiding the possibility of:
- occupiers of the new allotments being affected by neighbouring activities, or
 - cumulative adverse impacts of septic tank disposal systems on the quality of groundwater and surface water; or
 - increasing the exposure of the community to natural hazards; or
 - adverse effects on infrastructure; or
 - loss of the rural productive capacity of the Rural Zone; or
 - uneconomic extensions to, or maintenance of, services; or
 - adverse effects on indigenous vegetation and habitats of indigenous fauna.
- 3B. To require residential buildings to be setback from property boundaries to reduce the probability of the residents of those dwellings being exposed to significant adverse effects from an activity on a neighbouring property. (Refer Rural Zone Policy 6B).
- 3C. To limit adverse impacts (including cumulative impacts) on the character of the lower density of the rural environment.
- 3D. To avoid degrading or modifying the important landscape values of identified Outstanding Natural Landscapes and Features.
- 3E. To control subdivision that could foreclose the ability to use the soils which are, or foreseeably could be, valued for rural productive purposes.

Explanation and Reasons

There is a need and expectation by the community that groundwater and surface water quality should be maintained and/or enhanced because of the biological needs of natural systems, the cultural values attributed to water, and its use in domestic and stock consumption. Small lot subdivision with its associated residential use which can impact on groundwater and surface water quality by seepage from septic tank disposal fields should therefore be avoided. Where appropriate, subdivision applications should be considered at the same time as any discharge consent that is required.

It is wise to ensure that lot sizes are of a sufficient size to enable flexibility in house location while being set back from neighbouring properties to reduce the impact of neighbouring farming activities.

An essential element of rural character is the low density of buildings and residential use. To maintain this character and to avoid amenity and reverse sensitivity effects, a control is needed on the density of residential development. This control is also required to reduce the demand for increased or improved services such as roading, water and power which can be costly and uneconomic to supply.

To avoid inappropriate subdivision and development, additional controls (beyond the general Rural Zone rules) have been placed on outstanding natural landscapes. These controls require larger minimum lot sizes and limit buildings in order to retain an open, un-built character.

Objective 4 - Esplanade Provision

Development of a system of esplanade areas adjacent to and along important waterways, lakes and the coast, and access strips to these esplanade areas, which

- enables protection of the margins and retaining the natural character of lakes and rivers, and
- provides for public access to and along, and the recreational use of the margins of lakes and rivers, where it is appropriate in terms of conservation values and public safety.

Policies

- 4A. To require esplanade strips of up to 20 metres width along waterways, lakes and the coast to be created upon subdivision of lots within rural areas which have particular value for access or recreation and protection of margins, water quality and aquatic habitats.
- 4B. To enable the creation of up to 20 metre esplanade strips along waterways, lakes and the coast upon subdivision of lots in areas which are assessed at the time of subdivision as having value for access or recreation, or which enable protection of margins, water quality or aquatic habitats.
- 4C. To provide for esplanade reserves upon subdivision of land where protection of conservation values requires land management practices which are unlikely to occur with current land use.
- 4D. To negotiate easements for access for the public across private land to enable access to waterways, lakes and the coast within the District which are valued for recreational purposes and because of their conservation values.

Explanation and Reasons

- The public desire a reasonable level of access to waterways within the District, particularly for recreational purposes.
- There are areas adjacent to waterways within the District which have significant conservation value or which contribute to the maintenance and enhancement of water quality and aquatic habitats. It is desirable that these areas receive protection to retain those conservation values.
- Esplanade strips enable public access onto properties while permitting existing land uses to continue.
- Some waterways and their margins have significant conservation values which require protection that can only be achieved if the land is reserved for that purpose.
- To enable the public to enjoy esplanade areas and the District's waterways it is necessary that access to these areas and waterways be made available. The Council is authorised under the Act to negotiate access arrangements across private land for the purpose of public access to waterways.

Objective 5 – Recreation, Open Space and Reserves

A conveniently distributed and accessible range of public open space and recreational areas and facilities to meet the diverse needs of residents and visitors to the District.

Policies

- 5A To encourage and, where possible, provide for a range of recreation opportunities within the District.
- 5B To ensure the provision of open spaces and recreational facilities and areas within or in reasonable proximity to new residential subdivisions to meet the future needs of the community.
- 5C To require contributions towards public open space and recreation facilities and areas from residential subdivision and development to provide for:
- i additional parks, walkways and cycleways needed as a result of additional household and/or visitor growth;
 - ii additional open space needed for visual relief or enhancement;
 - iii development and maintenance of neighbourhood parks and local open space to a level at which they are useable and enjoyable.

- iv development and maintenance of recreational facilities which serve the local and district community.
- 5D To require financial contributions for the provision and maintenance of open space and recreation facilities where the construction or operation of larger developments, including utilities:
- i involves permanent on-site staff; or
 - ii attracts visitors directly or indirectly, or
 - iii results in the loss of actual or potential open space quality or recreational opportunities;
- and there is a connection between the development and the need for the provision and maintenance of open space and recreation facilities.

Contributions will not be required where sufficient alternative provision has been made.

Explanation and Reasons

The use of contributions by way of land or cash at the time of subdivision or development will assist the Council in acquiring further reserves to improve the availability of these or to improve and maintain the quality and facilities of existing recreation and open space areas. These new or improved recreation areas and facilities will serve the people who will be housed or work in or near the new subdivisions or developments. The basis for the contribution is the additional, actual or potential demand anticipated for recreational and open space land consequent to subdivision and development - that is, its "effects" in terms of land use intensification. Contributions are not to be imposed as a tax on development, but can be in the form of land (where provision is practicable such as from larger "green field" sites) or cash.

With regard to recreation and open space contributions payable by developments, their purpose is:

- To provide conveniently located open space and recreation facilities for construction and permanent workers/staff associated with developments/utilities.
- To provide open space and recreation facilities for visitors to an area where the development/utility is related to the attraction of those visitors.
- To mitigate or off-set the effects of development/utility on the quality and amenity values of existing open space or recreation values, whether temporary or permanent.
- To provide open space and recreation facilities to compensate for the loss of actual or potential recreational and open space opportunities resulting from the development/utility which loss cannot be dealt with satisfactorily by conditions relating to the development site.

Construction workers accommodation camps or similar (e.g. to construct utilities) are subject to the recreation and open space contributions.

Open space and recreation contribution requirements in the Plan apply across the full spectrum of development, except network utilities. The nature of some developments however will be such that they do not result in any adverse effects on recreation and open space provision and values or generate demand for additional facilities. This is particularly the case with some utilities which do not have permanent on site staff, generate little visitor demand, and do not result in the loss of open space quality or recreational opportunities. Mitigation of any effects may be by alternative means provided as part of a development, negating the need for a contribution. The level of contribution required for a development will be dependent on such factors in considering resource consent applications to reduce or waive any contribution required.

Objective 6 – Avoidance of Natural Hazards

The avoidance of subdivision in localities where there are significant natural hazards, unless these can be mitigated without significant adverse effects on the environment.

Policies

- 6A To ensure that subdivision is either restricted, subject to mitigation measures, or avoided in areas subject to risk from flooding, subsidence or slippage.
- 6B To ensure that mitigation measures do not give rise to unnecessary adverse impacts on the environment.

Explanation and Reasons

There are areas within the District, which because of risk of natural hazards including flooding, would be unsuitable for development, or which require specific measures to be undertaken to overcome these hazards. The Council has an obligation under Section 106 of the Act to decline consent to any subdivision in areas where these hazards cannot be adequately mitigated, in addition to ensuring that any mitigation measures are in fact adequate to overcome the hazard. It is also necessary to consider the effects of the mitigation measures themselves which may also create adverse environmental effects.

Objective 7 - Heritage Values

Subdivision which enhances or maintains heritage values

Policies

- 7A To avoid or mitigate loss of heritage values of heritage items or places or archaeological sites, resulting from subdivision.
- 7B To allow or create easements or consent notices in order to leave heritage items and archaeological sites undisturbed where possible.
- 7C To allow for a remission of any financial contribution in recognition of retaining the integrity of heritage items.

Explanation and Reasons

- The subdivision process can provide an opportunity to ensure heritage values are enhanced or maintained by creating potential development options. Where possible any adverse impact on heritage values should be avoided.

Objective 8 – National Grid

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

Policy 8A

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.

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 – FINANCIAL CONTRIBUTIONS AND SUBDIVISION

1. FINANCIAL CONTRIBUTIONS FROM SUBDIVISION AND DEVELOPMENT

1.1 Application of Rules to Zones

1.1.1 The rules apply in all zones unless otherwise stated.

1.2 Activities

1.2.1 Any Residential Activity which complies with all of the following Site Standards shall be a Permitted Activity.

1.2.2 Any Residential Activity, Commercial, Industrial, Service, Recreational, Community, Visitor Accommodation or Utility (other than network utility operations) which does not comply with any one or more of the following Site Standards shall be a Discretionary Activity in respect of that matter.

1.2.3 Industrial, Service, Commercial, Recreational or Community Activities or Visitor Accommodation shall, where the following Site Standards specify, be Controlled Activities in respect of financial contributions.

1.3 Site Standards – Open Space and Recreation Contributions

1.3.1 Contributions for Open Space and Recreation are required for subdivision for residential purposes and for land uses as set out in Table 10.1 below and must comply with the clauses 1.3.2 to 1.3.5 below. Contributions are required for the land uses in the Table 10.1 below either as a condition of a Permitted land use activity or land use resource consent. All contributions include GST. In any subsequent year after 2009/10 the contribution will be adjusted on the basis of the Consumer Price Index.

TABLE 10.1 CONTRIBUTIONS FOR OPEN SPACE AND RECREATION FROM SUBDIVISION AND DEVELOPMENT

Activity	Zone	Amount
Second house or subsequent dwelling on a lot.	Residential Waimate only.	\$3000
Second house or subsequent dwelling on a lot.	Residential Other than Waimate	\$1500
Second house or subsequent dwelling on a lot.	Rural	\$1500
Residential, industrial, service, commercial, recreational, community, temporary construction buildings for accommodation, visitor accommodation development where the assessed value exceeds \$2 million, either solely or in combination.	All zones	1.0 % of the assessed value of the development up to the value of \$100million and thereafter at a rate of 0.5% of the assessed value of the development

Activity	Zone	Amount
Utilities (excluding network utilities) development where the assessed value exceeds \$2 million	All	0.3% of the assessed value of the development up to a value of \$100 million; and 0.025 % of the assessed value of the development of between \$100 and 600 million; and 0.02% of the assessed value of the development over \$600 million
Subdivision for residential purposes	Residential	5% of average value of additional lots created except where any additional lot has an existing residential unit.
Subdivision for residential purposes	Rural	\$1500 per additional lot except where any additional lot has an existing residential unit.

For the purposes of this rule a "development" means constructing, erecting or altering any one or more buildings, fixed plant and machinery or other works and shall include:

- the draining, excavation, filling or reclamation of land;
- the grading or levelling of land;
- the removal or destruction of vegetation relating to any such construction, erection or alteration.

Note: Site Standard 1.3.1 does not apply to a DMRU as defined by the NES-DMRU.

- 1.3.2 Where it is proposed to construct, erect, or alter one or more buildings, fixed plant and machinery, or other works in stages and the total proposed construction, erection, or alteration would, if carried out otherwise than in stages, constitute a development as defined in the foregoing provisions of this definition, the total construction, erection, or alteration shall constitute one development for the purposes of this Rule.
- 1.3.3 Where the activity is being undertaken in conjunction with a subdivision, the above financial contributions shall be assessed as part of, and not in addition to, the subdivision consent requirements.
- 1.3.4 Where, within the preceding 10 years, a financial contribution for any one or more of the above purposes, has been made to the Council, on the subdivision of land, that contribution shall be assessed as a credit and deducted from the value of the relevant contribution above.
- 1.3.5 All respective financial contributions shall be paid to the Council at the time of the issue of the building consent, except where application for subdivision consent is made in conjunction with the undertaking of the residential activity or development. In such cases, the subdivision consent will specify when the payment shall be made.
- 1.3.6 Where the applicant and the Council agree to part of the applicant's property being vested in the Council as land for open space or recreation and/or agree that the applicant will improve the land to be vested by planting, facilities or other means, the value of such land and its improvements shall be taken into account when a cash contribution is assessed.

1.4 Site Standards for Industrial, Service, Commercial, Recreational and Community Activities and Visitor Accommodation

Any industrial, service, commercial, recreational or community activities or visitor accommodation, which:

- 1.4.1 requires a connection to a Council reticulated water supply system with a pipeline larger than 25mm diameter shall be a Controlled Activity in respect of financial contributions towards water supply headworks and water supply systems; or
- 1.4.2 will discharge stormwater to a Council reticulated stormwater system from the site which exceeds the co-efficient of discharge that existed on the site prior to the establishment or operation of the activity, shall be a Controlled Activity in respect of financial contributions towards stormwater disposal systems; or
- 1.4.3 requires a connection to a Council reticulated sewerage system for the discharge of sewage from other than staff ablution or staff kitchen facilities, shall be a Controlled Activity in respect of financial contributions towards sanitary sewage systems; or
- 1.4.4 has access to a road which is not formed to the standards specified in Rule 8.2.2 shall be a Controlled Activity in respect of financial contributions towards road widening, construction and/or formation.
- 1.4.5 is located on a site which adjoins a lake or river to which Section 230(4) applies, shall be a Controlled Activity in respect of esplanade provisions.

This Site standard shall not apply in relation to water supply, stormwater, sewerage or roading where connection charges can be taken for the relevant service under the Council's Long Term Council Community Plan.

1.5 Residential Activity resulting in more than one residential unit on a site – Site Standard

Any residential activity that will result in more than one residential unit being located on any one site and which:

- 1.5.1 requires a connection to a Council reticulated water supply system, shall be a Controlled Activity in respect of financial contributions towards water supply systems; or
- 1.5.2 will discharge stormwater from a site to a Council stormwater system, shall be a Controlled Activity in respect of financial contributions towards stormwater treatment, collection and disposal systems; or
- 1.5.3 requires a connection to a Council reticulated sewerage system, shall be a Controlled Activity in respect of financial contributions towards sanitary sewage collection, treatment and disposal systems; or
- 1.5.4 has access to a road which is not formed to the standards specified in Rule 8.2.2 shall be a Controlled Activity in respect of financial contributions towards road widening, construction and/or formation including footpaths.

This Site standard shall not apply in relation to water supply, stormwater, sewerage, and roading where connection charges can be taken for the relevant service under the Council's Long Term Plan.

1.6 Water Supply and Sanitary Sewage and Stormwater Treatment and Disposal – Site Standard

- 1.6.1 Where any connection to an existing urban water supply or sanitary sewer or stormwater treatment and disposal system is available to serve a subdivision or development the maximum contribution payable shall be the full and actual cost of:
- all necessary reticulation within the subdivision or development for each allotment, site or building, plus
 - connections between the reticulation in the subdivision or development and the existing water or sanitary sewer or stormwater treatment and disposal system, plus
 - any additions, modifications or upgrading to the existing water or sanitary sewer or stormwater treatment and disposal system to provide for the expected effects of the subdivision or development on the systems, plus
 - an equitable share of the cost of the existing water supply and sanitary sewage or stormwater treatment and disposal systems where additional capacity has been created in anticipation of future development in an area
 - When calculating c and d above Council shall give consideration to whether any part of the cost of any addition, modification or upgrading of the existing systems should be borne by the Council or other subdividers or developers and whether the subdivision or development benefits the present residents of the community or District to a degree that some or all of the cost of the existing systems need not be charged.
- 1.6.2 Where a connection to an existing water supply of sanitary sewage or stormwater treatment and disposal system is not able to be made to the subdivision or development the maximum contribution payable shall be the full and actual cost of
- all necessary reticulation within the subdivision or development for each allotment, site or building, plus
 - providing water supply or sanitary sewage disposal or stormwater treatment and disposal for the subdivision or development including the upgrading or extension of existing systems necessary to serve the subdivision or development, plus
 - an equitable share of the cost of a new water supply or sanitary sewage or stormwater treatment and disposal system where additional capacity will be required by the cumulative effects of the development of the area. The share will be calculated on the proportion of the additional capacity required by the subdivision or development.
- 1.6.3 For the purpose of this rule “development” means any sites or buildings intended for human habitation or occupation or for commercial or industrial activity.

1.7 Roads and access – Site Standard

- 1.7.1 Where any subdivision and development has frontage to a legal road the maximum contribution payable shall be the full and actual cost of
- all the necessary roads and access, including cycleways and walkways within the subdivision or development for each allotment, site or building, plus
 - crossings between the lots, sites or buildings in the subdivision or development and the road or access, plus
 - providing a road to the subdivision (including footpaths) where the existing road does not meet the standards specified in 9.2.2, to the extent that the road benefits the subdivision or development, plus
 - an equitable share of the cost of the existing road where the road has been formed or upgraded in anticipation of future development in an area.
 - The above contributions are not required for lots created for network utilities.
 - For the purpose of this rule development means any sites or buildings intended for human habitation or occupation.

2. GENERAL PROVISIONS APPLICABLE TO ALL SUBDIVISION ACTIVITIES

2.1 Definition of Subdivision of Land

The definition of subdivision of land shall be as set out in Section 218 of the Resource Management Act 1991.

2.2 Sections of the Act

All applications are subject to the requirements set out in the Act, with particular reference to Sections 106, 219, 220 and 230-237G.

2.3 Code of Practice for Subdivisions

The Council has adopted NZS4404 Land Development and Subdivision Engineering (and any amendments) as its Code of Practice for Subdivision. This Code is referred to in the assessment matters for resource consents, relates to engineering requirements and is not a part of the District Plan.

2.4 Legal Access

All allotments shall comply with Section 321, Local Government Act 1974.

2.5 Esplanade Reserves or Strips

- a. Where an esplanade reserve is to vest, the adjoining bed of rivers shall vest in the Council, if in the ownership of the vestee.
- b. Where an esplanade strip is to be created, the adjoining bed of the river shall not be vested in the Council.

2.6 Accidental Discovery Protocol

An Accidental Discovery Protocol with local iwi may be required for any earthworks associated with the subdivision.

3. PERMITTED ACTIVITIES - SUBDIVISION

- 3.1 No subdivision shall be a Permitted Activity.

4. CONTROLLED ACTIVITIES - SUBDIVISION

Any subdivision which complies with all Zone and Site Subdivision Standards shall be a Controlled Subdivision Activity in respect of the following matters:

4.1 Allotment Size and Dimensions

- a. Allotment size and dimensions of subdivisions in the Business Zones
- b. Size and dimensions of allotments for access, utilities, reserves and roads.

4.2 Subdivision Design

- a. Relationship and orientation of allotments;
- b. The location of walkways and cycleways;
- c. The provision and/or use of natural stormwater channels and wetland areas.
- d. The connectivity of proposed roads, cycleways and/or walkways with the surrounding area

- e. The location and/or protection of any high voltage transmission lines in relation to sensitive activities and activities that could adversely impact on the operation of the national grid.

4.3 Property Access

- a. The location, alignment and pattern of roading or service lanes;
- b. The location and provision of access to allotments for vehicles, cycles and pedestrians;
- c. Any financial contributions to be made by the applicant;
- d. Road reserves and provision for future subdivision on adjoining land;
- e. The standard of construction required for property access;
- f. Street lighting;
- g. Naming of private vehicular access.

4.4 Hazards

- a. Provision of works, the location and type of services, building location, and location and quantity of filling and earthworks that could be affected by the following natural hazards or which could affect the impact of those natural hazards on the site or other land in the vicinity.
- b. Erosion
- c. Flooding and Inundation
- d. Landslip
- e. Rockfall
- f. Alluvion
- g. Avulsion
- h. Unconsolidated Fill
- i. Soil Contamination
- j. Subsidence
- k. Earthquake

4.5 Water Supply

- a. The supply of water within the Waimate Urban reticulated water system.
- b. Within the Waimate Urban reticulated water system, adequate access and availability of water supplies for fire fighting purposes.
- c. The standard of water supply infrastructure installed in subdivisions, and the adequacy of existing supply systems outside the subdivision;
- d. Any financial contributions including connection fees required in respect of water supply;

4.6 Stormwater Disposal

- a. The capacity of existing and proposed stormwater infrastructure and disposal systems;
- b. The effectiveness and environmental impacts of any measures proposed for mitigating the effects of stormwater run-off, including the control of water-borne contaminants, litter and sediments;
- c. The location, scale and construction of stormwater infrastructure;
- d. Any financial contributions including connection fees required in respect to stormwater disposal;
- e. The impact of climate change on the intensity of rainfall and duration of rain events.

4.7 Sanitary Sewage Disposal

- a. The method of sewage disposal where a public reticulation and treatment system is not available;
- b. The capacity of, and impacts on, the existing reticulated sewage disposal system;
- c. The location and environmental effects of the proposed sanitary sewage system;

- d. Any financial contributions including connection fees that may be required in respect of sanitary sewage provision;
- e. The need to have all new residential subdivisions in the Waimate Urban area connect to future reticulated sewage disposal systems.

4.8 Trade Waste Disposal

- a. Disposal of trade waste within Business Zones.

4.9 Energy Supply and Telecommunications

- a. The adequacy and standard of electrical utility installation
- b. The adequacy and standard of telecommunications installation

4.10 Vegetation and Landscape

- a. The preservation of vegetation and landscape, and archaeological sites;

4.11 Easements

- a. The need to create easements for any purpose

4.12 Building Location

- a. The location of buildings

5. RESTRICTED DISCRETIONARY ACTIVITIES - SUBDIVISION

- 5.1 Any subdivision which complies with all the Zone Subdivision Standards but does not comply with any one or more Site Subdivision Standards shall be a Restricted Discretionary Activity, in respect of the applicable matter.

6. DISCRETIONARY ACTIVITIES - SUBDIVISION

- 6.1 Any subdivision within the following areas shall be a Discretionary activity:
- a. within 100m of the line of permanent vegetation along the coast,
 - b. within any seawater inundation area identified in the Regional Coastal Environmental Plan for the Canterbury Region; or
 - c. within any area shown on the Planning Maps as "Flood Area"
- 6.2 Any subdivision of any site within the Residential and Business Zones, which contains a Heritage Item listed in the Heritage Items Schedule in Section 8 and shown on the Planning Maps shall be a Discretionary Activity.

7. NON-COMPLYING ACTIVITIES - SUBDIVISION

- 7.1 Any subdivision which does not comply with one or more Zone Subdivision Standards shall be a Non-Complying Activity.

8. ZONE SUBDIVISION STANDARDS

8.1 Allotment Size

- 8.1.1 The minimum net allotment areas in Residential 1 zones where connection to reticulated sewerage disposal is available shall be 450m², except as provided for in a, b and c below.

Refer Site Subdivision Standard 9.1 for Minimum Allotment Size in the Rural Zone (other than in Outstanding Natural Landscape areas) and in those parts of the Residential Zone which are not serviced by a reticulated sewage disposal system.

a. Boundary Adjustments

Notwithstanding 8.1.1 above, where there are two or more separately saleable existing allotments, which have separate Certificates of Title, any adjustment of the boundaries shall be such that the resultant allotments are not less than the smallest that existed before subdivision. The allotments shall be contiguous or separated only by a road.

b. Building Commitment

Notwithstanding 8.1.1 above, in the Residential 1 zone, where an allotment is to be created after the erection of a building, or where the subdivision and building consents are issued in conjunction, the respective minimum net allotment areas, are reduced to 360m², where public sewage reticulation and treatment is available, provided all relevant rules applicable within the zone are complied with or building and/or resource consents are obtained in relation to those rules that are not complied with.

Where the allotment is not being created after the erection of a building, a condition will be imposed on the subdivision consent and a Consent Notice pursuant to Section 221 registered against the Certificate of Title, to the effect that any building erected on the allotment shall be in accordance with the building consent issued at the time of the subdivision consent.

c. Access, Utilities, Roads and Reserves

Notwithstanding 8.1.1 above, there shall be no specified minimum allotment sizes in any zone for allotments for access, utilities, reserves, roads and scheduled activities.

- 8.1.2 The minimum net allotment area in Residential 2 zones shall be 3000m².

- 8.1.3 The minimum net allotment area in Residential 3 zones shall be 5000m².

- 8.1.4 The minimum net allotment area within Outstanding Natural Landscapes and Features in the Rural Zone identified on the Planning Maps shall be 200 hectares.

8.2 Water Supply

- 8.2.1 All new allotments in the Waimate Residential and Waimate Business zones, other than allotments for access, roads utilities and reserves, shall be provided with a water supply laid to the road boundary of the net area of the allotment and connected to the Waimate Urban Water Supply where available, or in the Residential 3 zone connected to the Waimate Urban or Hook Water Supply.

8.3 Sanitary Sewage Disposal

- 8.3.1 All allotments within the Waimate Urban Area Residential Zones shall be connected to a public reticulated sewage disposal system where available. Some lots may be required to pump sewage to the mains.

- 8.3.2 All allotments in the Waimate Residential and Business Zones, other than allotments for access, roads, utilities and reserves, shall be provided with a piped sewage outfall for disposing of sanitary sewage laid at least 600mm into the net area of the allotment.

8.4 Energy Supply and Telephone Systems

- 8.4.1 All new allotments in the Residential and Business Zones, other than allotments for access, roads, utilities and reserves, shall be provided with connections to electric supply and telephone systems to the boundary of the net area of the allotment. Refer to Part 11 Utilities Rules for standards relating to lines.

8.5 Preservation of Vegetation

- 8.5.1 Any heritage or notable tree, or group of trees, listed in Heritage Items Schedule in Section 8, shall be preserved and a Consent Notice shall be registered requiring continual preservation as an ongoing condition for approval to the allotment containing such trees.

8.6 National Grid Lines

- 8.6.1 Any subdivision within:

- a. 12m of the centreline of the GNY-TIM-A transmission line; or
- b. 22m of the centreline of the GNY-WTK-A transmission line; or
- c. 14m of the centreline of the BPT-TEE-A or BPD-TEE-A transmission line; or
- d. 32m of the centreline of any other transmission line:

shall identify a practicable building platform for new buildings that is located outside:

- i) 12m of the visible outer edge of a structure (towers and poles) (in any direction); and
- ii) For fixed buildings, 10m of the centreline of a transmission line supported by single poles; and
- iii) For fixed buildings, 12m of the centreline of any other transmission line.

(High Voltage Transmission Lines are shown on the planning maps)

9. SITE SUBDIVISION STANDARDS

9.1 Allotment Size and Dimensions

- 9.1.1 Rural Zone (other than within Outstanding Natural Landscape and Features identified on the Planning Maps) - No allotment created by subdivision, including balance titles, shall have a net area less than **4 hectares** except:
- a. Where an allotment contains a residential unit which existed at 31 December 1999 which unit has a means of effective treatment and disposal of sewage and stormwater within the allotment, or
 - b. Where a Maori reservation or similar holding is created under the Te Ture Whenua Maori Act 1993, or
 - c. Where there are two or more separately saleable existing allotments, which have separate Certificates of Title, any adjustment of boundaries shall be such that the resultant allotments are not less than the smallest that existed before subdivision.
- 9.1.2 Residential Zone - No allotment created by subdivision, including balance titles, within the Hakataramea, Morven, Glenavy, Makikihi and St Andrews Residential Zones, and within the Residential Zone in Waimate Urban Area where public sewage treatment and reticulation is not available, shall have a net area less than 850m² except:

- a. Where an allotment contains a residential unit which existed at 31 December 1999 which unit has a means of effective treatment and disposal of sewage and stormwater within the allotment.

9.1.3 Residential Zone - The dimensions of allotments created by subdivision in Residential Zones shall be such that they can accommodate a rectangle of the minimum dimensions of 15 metres.

9.1.4 Notwithstanding rules 9.1.1, 9.1.2 and 9.1.3 there shall be no minimum allotment dimensions or frontage in any zone, for allotments for access, utilities, reserves and roads.

9.2 Property Access

9.2.1 All allotments created by subdivision shall have legal access to a legal road.

9.2.2 All new roads shall be laid out, constructed and vested in the Council, in accordance with the standards set out in the Table 10.2 below.

TABLE 10.2 - ROADING STANDARDS

Type of Road	Road Width (m)		Carriageway Width (m)		Kerb & Channel	Footpath(s)
	Min	Max	Min	Max		
All Rural Zone Roads	15	20	6.2	6.5	-	-
Arterial Roads	20	20	12	14	Both Sides	Both Sides
Collector Roads - Other Zones	20	20	11	12	Both Sides	Both Sides
Local Roads - Other Zones	16	20	8	9	Both Sides	Both Sides
Cul-de-sac (<100m long) - Other Zones	14	20	6	8	Both Sides	Both Sides
Local Roads in Residential 2 and 3 Zones	16	20	6	8	As agreed with Council	As agreed with Council

9.2.3 The carriageway of all new roads laid out and vested in accordance with Table 10.2 above shall be formed and sealed.

9.2.4 Footpaths shall be constructed as a sealed strip of 1.5m width within the berm. All areas of berms not sealed in footpath are to be formed in grass.

- a. Cul-de-sac shall be constructed with turning heads of the following diameters measured kerb face to kerb face:

Residential Zones:

- 13m where there is no provision for on-street parking;
- 18m where there is provision for on-street parking.

Rural Zones: 18m.

9.2.5 If a corner lot is included in any subdivision, the corner at the road intersection shall be splayed with a diagonal line reducing each boundary by at least 6m from the corner in a Rural or Residential Zone and at least 3m in a Business zone. The corner splay shall be vested in the Council.

- 9.2.6 Where properties adjoin a state highway with a speed limit of at least 100km/h.
- the minimum space between successive accesses onto the state highway shall be 200 metres or more.
 - no vehicle access onto a state highway shall be constructed within 100 metres of a road intersection.
 - and where a side road is used for access, the access shall be at least 30 metres from a state highway boundary.
 - no vehicle access shall serve more than 4 allotments.
- For the purposes of this rule the measurement of the distance to an intersection shall be taken from the intersections of the centrelines of the two intersecting roads.

- 9.2.7 In Residential, Business or other urban zone
- no vehicle access onto a state highway shall be within 15 metres of a road intersection.
 - any vehicle access shall be 15 metres from a state highway boundary where a side road is used for access.
- This distance shall be measured along the boundary parallel to the centre line of the roadway of the frontage road from the kerb line, or formed edge, of the intersecting road.

- 9.2.8 All private accesses shall be located so as to ensure continuous visibility up to the minimum sight distances in the following Table 10.3 are achieved.

TABLE 10.3 MINIMUM SIGHT DISTANCE FROM ACCESS

Posted speed limit (km/hr)	85 percentile operating speed, measured at the site (or if above not known, posted speed plus 10 km/hr)	Minimum sight distance standard (m)
30	40	28
40	50	44
50	60	63
60	70	86
70	80	115
80	90	140
90	100	170
100	110	210

Footnotes:

¹ Based on Minimum Safe Intersection Sight Distances in Austroads Guide to Traffic Engineering Practice Part 5, Interactions at Grade

Sight distances shall be measured as set out in Appendix H.

- 9.2.9 All private vehicular access to allotments or leased premises shall be in accordance with the standards set out in the Table 10.4 below.

TABLE 10.4 PRIVATE VEHICULAR ACCESS

Zone	Potential No of Lots	Length	Legal Width	Carriage-way Width	Turning Area	Passing Bay	Footpaths
Residential	0-2	All lengths	3.5	3.0	Required	Optional	Optional
Residential	3-6	0-50	4	3.5	Required	Required	Optional
Residential	3-6	Over 50	4.5	4.0	Required	Required	Required
Rural	Any No.	All Lengths	5.0	4.0	Optional	Optional	Optional
All Other Zones	Any No.	All Lengths	6.0	4.0	Required	Optional	Optional

9.2.10 Minimum height clearance for private vehicular access shall be 3.5m.

9.2.11 All vehicular crossings/accesses

- a. onto a State Highway used for private access purposes shall be designed and constructed in accordance with Appendix H - Private Access Standards.
- b. onto State Highway 82 south of Waihao Back Road used for retail purposes shall, where vehicle trips exceed 60 vehicles per day, be designed and constructed in accordance with Appendix H. For the purposes of determining the number of vehicle trips per day, the following shall apply:
 - trips shall be averaged over a month
 - one heavy vehicle trip shall be equivalent to 6 vehicle trips.
- c. onto a sealed road, other than a State Highway, shall be formed to an all-weather standard with the first 5.5m of the access (as measured from the carriageway) or the full berm width of the adjoining road, whichever is the greater, being formed and sealed or paved to ensure that material such as mud, stone chips or gravel is not carried on to the sealed road.
- d. for 10 or less residential units or activities which generate fewer than 100 "normal" car traffic movements per day, shall have standard vehicle culverts and crossings to carry car traffic.
- e. for drive-in accesses and other activities shall have heavy duty vehicle culverts and crossings shall be constructed to carry all types of road traffic.
- f. in any other case vehicle crossings/accesses shall be constructed pursuant to Council standards, from the roadway to the road or service lane boundary of the site.
- g. all vehicular crossings/accesses shall be at the owners expense.

9.2.12 Land described as Sections 3, 4, 5, 93, 104 and Part Section 105, Reserve 1644 Lot 1 DP 5664, Lot 1 DP 43398 and RS 41445 Blk XIV Waitaki SD located in the Glenavy township, regardless of proposed section size, shall not be subdivided for any use where land use is solely dependent on direct access to and from State Highway 1. Access to such land shall be from local roads and where appropriate, an internal roadway network to serve each lot will be required.

9.2.13 All new roads vested upon subdivision of land shall be given distinctive names not already in use with the area covered by the District Council. The name shall be agreed to by the Council.

9.2.14 Where any new road or road extension is to be vested in the Council or a named private access is provided, the applicant shall pay to the Council a financial contribution for the manufacture and erection of all necessary name plates which must be displayed at the intersections of all other roads. The financial contribution shall be the actual cost of the name plate.

- 9.2.15 Where any new lot abuts a State Highway, alternative access to any other road shall be used, unless it is impracticable for physical or traffic management reasons.

9.3 Esplanade Provision

- 9.3.1 Except as provided for in 9.3.2 below, in Rural zones an esplanade strip of up to 20 metres shall be created along the bank of the waterway, lake or coast in accordance with Section 232 of the Act whenever any subdivision occurs of areas adjacent or adjoining the following:
- a. Hakataramea River (both sides)
 - b. Pareora River (south side) from the Upper Dam to Holme Station Road
 - c. Wainono Lagoon
 - d. The Dead Arm of the Waihao River/Wainono Lagoon
 - e. North Branch Waihao River
 - f. South Branch Waihao River
 - g. Stoney Creek
 - h. Waihao River from Waihao Forks to the Coast
 - i. Waikakahi Stream
 - j. The Coast from mean high water springs
- 9.3.2 Notwithstanding 9.3.1, above, where a subdivision is:
- a. for a minor adjustment to an existing cross-lease or unit title due to the increase in the size of the allotment by alterations to the building outline or the addition of accessory buildings;
 - b. for a minor adjustment to an allotment involving an alteration of no more than 10% of the allotment area; or
 - c. solely due to land being acquired or created for a road designation, public utility or reserve;
- no esplanade strip shall be required when a subdivision occurs of areas marked on the Planning Maps as "Proposed Esplanade Strip".
- 9.3.3 Except as provided for in 9.3.1 above the Council may require an esplanade strip or reserve of up to 20 metres to be created in accordance with Section 232 of the Act where an allotment of 4ha or more is subdivided along the mark of mean high water springs of the sea and along the bank of any river or along the margin of any lake. In considering such a strip the Council shall take into account the purposes of esplanade strips and reserves contained in Section 229 of the Act.
- 9.3.4 Section 230(3) of the Act which provides for the vesting of esplanade reserves 20 metres in width along mean high water springs of the sea and along the bank of any river or along the margin of a lake shall apply only to the following extent:
- a. It shall only apply within the Rural Zone
 - b. The esplanade provision shall generally be by way of esplanade strip.

9.4 Water Supply

- 9.4.1 Refer to Rule 1.6 for financial contribution requirements for water supply.

9.5 Sanitary Sewage Disposal and Stormwater Treatment and Disposal

- 9.5.1 Refer to Rule 1.6 for financial contribution requirements for sanitary sewage disposal.
- 9.5.2 Within Morven, Glenavy, Hakataramea, Makikihi and St Andrews and those parts of Waimate urban area where public sewage treatment and reticulation is not available subdivision shall be a Restricted Discretionary Activity with the Council's discretion restricted to:
- a. All the matters listed in Subdivision Rule 3 for Controlled Activities
 - b. Provision of sustainable and effective sewage treatment and disposal.
 - c. Provision of sustainable and effective stormwater treatment and disposal.

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.

Note: Council will require a land use application for residential use of any unserviced property (refer Residential Zone Site Standard 6.13 Unserviced Land) to be lodged with any subdivision consent application for unserviced land within a Residential Zone.

9.6 Provision of Land for Open Space and Recreation

9.6.1 Refer to Rule 1.3 for the Open Space and Recreation Contributions requirements.

9.7 National Grid

9.7.1 All allotments created by subdivision, including the balance allotment, are greater than 32m from the centreline of a National Grid line.

10. NON-NOTIFIED RESOURCE CONSENTS

10.1 Any subdivision requiring consent under Zone Standard 8.6.1 or Site Standard 9.7.1 shall not be publicly notified and need not be notified to any affected party other than Transpower New Zealand Limited.

11. REASONS AND ASSESSMENT MATTERS FOR SUBDIVISION, DEVELOPMENT AND FINANCIAL CONTRIBUTIONS RULES

11.1 Status of Subdivision Activities

Reasons: Because of the location and great variety of site characteristics of subdivision, both man-made and natural, it is not considered possible to predetermine what conditions may need to be applied to any subdivision. All subdivisions therefore are at least controlled activities. Failure to meet specific site or zone standards will require a restricted discretionary or non-complying subdivision, respectively.

11.2 General Purpose of Subdivision Control

Reasons: As subdivision is often the basis for land development it is logical, in relation to the provision of services, that this provision be co-ordinated at the time of subdivision to avoid piecemeal provision of services upon individual properties being developed. Co-ordinated and standardised servicing of subdivisions ensures that the purchasers of sections and the community can expect and achieve an acceptable level of services and amenity and protection of the natural and physical resources. Rules for subdivision have as far as possible been written to address effects, not the type of tenure chosen.

11.3 Relationship with Code of Subdivision

Reasons: Engineering standards are set out in a separate code of subdivision of the Council. It is considered inappropriate and cumbersome to incorporate detailed standards in a document such as the District Plan. Generally the relationship with the subdivision rules is that compliance with the Code is deemed to be an acceptable (but not the only means) of compliance with the rules on provision of services within subdivisions.

11.4 Allotment Size and Dimensions

Reasons: The minimum area requirements for Residential Zones are addressed in the objectives and policies for these areas. In general, the lot size aims to maintain the character of previous development and enable a variety of complying development. However, in

recognition that many sites are subdivided and built on simultaneously, and that therefore the siting of the buildings is finalised at the subdivision stage, the rules permit a reduction in minimum area in the Residential 1 Zone where there is a building commitment and that building will comply with all relevant standards for the zone.

A larger minimum area for unserviced lots will be required to enable sewage to be adequately collected and disposed on-site.

A minimum allotment size has been set for the Rural area to ensure sewage disposal within sites is possible and to mitigate potential adverse effects of neighbouring activities on new allotments.

No standards have been included neither for Business Zones nor for access, utilities, roads and reserves, to allow the assessment of any particular proposal in terms of the likely use of the land.

The boundary adjustment provisions recognise that the effects of such alterations are minor provided no additional allotments are created.

Further subdivision of the hut settlements is not provided for due to a combination of several factors at each of these settlements; including significant risks from natural hazards, sewage disposal limitations, lack of public open space and desire to maintain their small-scale character, and a need to protect the natural character of their coastal, lakeside or riverside settings.

Allotment dimensions are specified to ensure that, in residential areas in particular, allotments are of a shape that permits some flexibility in placing a complying building on-site at a later stage.

Assessment Matters – Rural Zones, Residential Zones (St Andrews, Makikihi, Glenavy, Morven and Hakataramea only):

- a. Whether the allotment is of a sufficient size to provide for disposal of sewage by an on-site system.
- b. The operational efficiency, maintenance and legal implications of having part of a treatment and disposal system for sewage beyond the allotment.
- c. 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.
- d. Potential impacts of neighbouring land uses on the proposed subdivision and future land uses and any consequential reverse sensitivity effects.
- e. Loss of rural character and amenity.
- f. Adverse effects on values of natural landscapes and features, in particularly those of Outstanding Natural Landscapes and Features.
- g. Adverse effects on efficiency and functioning of roading services.
- h. Impact on maintenance of roading and services.
- i. Reduce the life supporting capacity of the soil.
- j. Adverse impact on the low density residential character of the township.

Assessment Matters – Business Zones, Access, Utilities and Roothing

- a. Whether the allotment is of sufficient area and dimensions to effectively fulfil the intended purpose or land use, having regard to the rules for the relevant zone;
- b. Whether the proposed allotment sizes and dimensions are sufficient for operational and maintenance requirements;
- c. The relationship of the proposed allotments and their compatibility with the pattern of the adjoining subdivision and land use activities, and access arrangements.

Assessment Matters – Allotment Dimensions

- a. Whether the proposed allotment sizes and dimensions are sufficient to establish a complying dwelling;

11.5 Subdivision Design

Reasons: The purpose of controls on subdivision design are to ensure that allotments are appropriately located in relation to each other and to available sunshine for energy conservation purposes, that walkways provided logical links with adjacent areas, that buildings are located where there is the minimum risk of damage from natural hazards, and that natural stormwater channels and wetland areas are used for the benefit of both residents and the natural values of the area.

Assessment Matters:

- a. The relationship and size of the allotments in terms of their solar advantage including the alignment and layout of the allotment, the location of building platform, relationship to adjoining lots.
- b. The provision for and practicality of walkways and cycleways, and the relationship of these to reserves (existing or proposed), access to the waterways, etc.
- c. The provision for and practicality of using natural stormwater channels and wetland areas.
- d. The need for an Accidental Discovery Protocol for any excavations required by the subdivision

11.6 Property Access

Reasons: The rules specifying widths for roads and the assessment matters regarding roads are to ensure that all new roads and property access are created with the capacity to provide access for residents of the area and link up with the adjoining road network safely and efficiently, avoiding congestion, and providing for on-street parking and pedestrian/cycle movement.

The rules for private vehicular access are to ensure the accesses can adequately cater for likely anticipated volumes of traffic. Provision for turning areas and passing bays also relate to the likely number of users and have the purpose of avoiding hazardous and inconvenient reverse manoeuvres. Footpaths are required to promote pedestrian safety. Where more than 10 residential units is likely to be served a road is considered necessary to ensure safe and efficient vehicle movement.

Corner roundings are required to facilitate pedestrian movement and safety. Naming of streets is provided to enable ready identification and efficient delivery of services to all properties including emergency services.

Road upgrading costs have the purpose of ensuring that costs of providing roads of an acceptable standard is apportioned in accordance with the demands placed on those roads by development of subdivisions. Point strips can ensure that contributions to roading will be made in the future as required.

Where new allotments adjoin State Highways minimum distances between access points onto the state highway and minimum sight distances are specified to enable good visibility to and from accesses. The location of accesses from intersections on state highways is controlled to ensure adequate spacing and sight distances are available for all vehicle movements such that the function of through roads is not impaired.

Assessment Matters:

- a. Whether the frontage road is of sufficient width to cater for the expected traffic generated by the possible land uses that will be established on the allotments being created, and whether there is any need to widen and/or upgrade the frontage road.
- b. Where any proposed subdivision in any zone has frontage to any existing road(s) that is/are not constructed to the standards set out in Rule 9.2.2 above and/or where road widening is required; whether the land uses that will be established on the proposed allotments will increase the use of that road(s) to the extent that forming or upgrading the existing road(s) is required and, therefore, whether there is any need for the applicant to pay to the Council a financial contribution towards the forming or

upgrading of the road(s). Such financial contribution shall not exceed the extent to which the road(s) serves or is intended to serve the subdivision. The maximum cost of providing carriageway formation and widening, berm formation, footpaths, kerb and channel, as the case may be, shall be assessed in accordance with the relevant construction price index.

- c. Where any proposed subdivision in any zone has frontage to any existing road(s) that has/have been formed or upgraded by the Council or other landowner within the previous 10 years, using financial contributions from an adjoining landowner paid to the Council; the need for the benefiting applicant to pay to the Council a fair financial contribution towards the costs that have been incurred by the Council or other landowner in forming or upgrading the frontage road(s). Such financial contribution shall not exceed the amounts specified in b above.
- d. Any impact of roading and access on waterways, ecosystems, drainage patterns or the amenities of adjoining properties;
- e. The effect of any new intersections or accesses created by the subdivision on traffic safety and efficiency, including the availability of adequate, unobstructed sight distances from intersections and adequate spacing between intersections.
- f. The provisions of the Council's Code of Practice for Subdivision;
- g. The application of the requirements of Section 321, Local Government Act, 1974, to any subdivided allotment;
- h. The need for and practicality of providing vehicular access to all allotments, and the practicality of providing elsewhere for vehicles.
- i. The provisions of the roading hierarchy, the account taken of pedestrian movement, provision of space for cyclists, amenity values of the street, opportunities for tree planting in the open space of the road to enhance the character and identity of the neighbourhood;
- j. The need to provide cycleways or pedestrian access in circumstances where the roading network does not supply sufficient or direct routes through the locality;
- k. The degree to which proposed new roads make adequate provision for vehicle movements, car-parking and property access;
- l. The need to provide alternative access for car-parking and vehicle loading in Business Zones by way of vested service lanes at the rear of properties having regard to alternative means of access and performance standards for activities within such zones;
- m. Any need to require provision be made in a subdivision for the vesting of road reserves for the purpose of facilitating connections to future roading extensions to serve surrounding land, or planned road links that may need to pass through the subdivision and the practicality of creating such easements during the time of subdivision application in order to facilitate later development.
- n. Any need to require subdividers to enter into agreements that will enable the Council to require the future owners to form and vest roads when other land becomes available;
- o. Any need for construction standards and on-going maintenance for private vehicular access, including access to individual allotments, whilst ensuring that access is practical, convenient and safe.
- p. Whether vehicular crossings/accesses comply with the design guidelines as specified in "Appendix H - Commercial Access Guidelines" and "Appendix H - Rural Service Stations and Truck Stop Guidelines".
- q. The need to provide for appropriate standards of street lighting or private vehicular access lighting having regard to the classification of the road or the access and the guidelines of the New Zealand Transport Agency
- r. The need to provide distinctive names for private vehicular accesses. The name is to be agreed to by the Council.
- s. The need for and extent of any financial contribution to achieve the above matters.
- t. The need for an Accidental Discovery Protocol for any excavations required by the subdivision

11.7 Water Supply

Reasons: To ensure that a safe and adequate supply of potable water is available, all allotments in or adjoining areas with Council reticulated water supplies will be required to connect to such supplies whenever water is available. Financial contributions towards water supply upgrading or the provision of new water supply infrastructure ensure that the costs of maintaining or extending water supplies of an acceptable standard are apportioned according to the demands placed on water supplies by new subdivisions and developments. The assessment matters enable the consideration of the adequacy of water supply provision on any subdivision for reasons of public health, convenience and efficient use of supply infrastructure.

Assessment Matters:

- a. The suitability of the proposed water supply for fire fighting purposes; (The Council may obtain a report from the Chief Fire Officer).
- b. The provisions of the Code of Practice in respect to installation of all necessary water supply pipe lines, and ancillary equipment necessary for the subdivision, including extensions to existing supply systems, and including mains, sub-mains, service mains and fire hydrants;
- c. Whether the existing water supply systems, to which the connection will be made, have sufficient capacity to service the subdivision, and if not whether the subdivider should contribute towards the upgrading of the system based on the cost of supplying the incremental increase in demand by the additional lots, in addition to installing the extensions of the supply within the subdivision.
- d. Whether it may be necessary to provide new reservoirs, pumping stations and rising mains, or increasing pipe sizes leading to the subdivision in existing streets, or providing new headworks and new pumping units;
- e. Whether, because of increased demand that the potential land users may impose upon the system, an upgrading contribution should be made towards a programmed plan for installation of new headworks and pumping units;
- f. Where any proposed subdivision in any zone is to be connected to a water supply system that has been constructed or upgraded by the Council within the previous 5 years, using financial contributions from an adjoining landowner paid to the Council in accordance with these subdivision rules; the need for the benefiting applicant to pay to the Council a fair financial contribution towards the costs that have been incurred by the Council in constructing or upgrading the water supply system. Such financial contribution shall not exceed the extent to which the water supply system serves or is intended to serve the subdivision.
- g. The need for a local purpose reserve to be set aside and vested in the Council as a site for a public utility.
- h. The need for an Accidental Discovery Protocol for any excavations required by the subdivision

Note: The Downlands Water Supply Scheme currently has a capital contribution payable for all new connections and/or all additional water required.

11.8 Stormwater Disposal

Reasons: The controls on the disposal of stormwater have the primary purpose of avoiding adverse effects of stormwater on adjacent land. Stormwater can also impact on the quality of surface water. In general these concerns are most relevant within settlement areas where the density of development can result in stormwater flowing onto adjacent land, or more rapid or contaminated run-off into natural watercourses. Financial contributions towards stormwater disposal system upgrading or the provision of new stormwater infrastructure, ensure that the costs of maintaining or upgrading stormwater systems to an acceptable standard are apportioned according to the demands placed on stormwater disposal by new subdivisions and developments.

Assessment Matters:

- a. The provisions of the Council's Code of Practice for Subdivision;

- b. The adequacy of any proposed means of disposing of collected stormwater from the roofs of all buildings and impermeable surfaces.
- c. The adequacy of any proposed means for screening out litter, the capture of chemical spillages, the containment of contamination from roads and paved areas and of siltation;
- d. The ability to retain open natural waterway systems for stormwater disposal in preference to piped or canal systems and any adverse impacts on existing waterways;
- e. The availability of an approved outfall where stormwater can be directed, whether such an outfall is capable of absorbing increased run-off and the need for and desirability of requiring a connection to such an outfall.
- f. Whether the existing stormwater disposal systems, to which any connection will be made, have sufficient capacity to service the subdivision, and if not whether the subdivider should contribute towards the upgrading of the system based on the cost of supplying the incremental increase in demand by the subdivision, in addition to installing the extensions of the supply within the subdivision.
- g. Where an existing outfall is not capable of accepting increased run-off, the adequacy of proposals and solutions for disposing of run-off;
- h. Any necessity to provide on-site retention basins to contain surface run-off where the capacity of the outfall is incapable of accepting flows, and where the outfall has limited capacity, any need to restrict the rate of discharge from the subdivision to the same rate of discharge that existed on the land before subdivision takes place;
- i. Any adverse effects of the proposed subdivision on drainage on, or from, adjoining properties and mitigation measures proposed to control any adverse effects;
- j. For stormwater pipes and open waterway systems, the provision of appropriate easements in favour of either the registered user or in the case of the Council, easements in gross, to be shown on the survey plan for the subdivision, including private connections passing over other land protected by easements in favour of the user;
- k. Where it is not possible to dispose of stormwater by way of gravity pipelines, due to topography, the adequacy of alternative pumping systems;
- l. Where stormwater disposal cannot be obtained by gravity outfall, the necessity for land to be filled against the fall of the country, solely to obtain such an outfall, and whether it is practical to provide easements through adjoining owners' land to other frontage outfall systems;
- m. The need for and extent of any financial contribution to achieve the above matters.
- n. Where any proposed subdivision in any zone is to be connected to a stormwater disposal system that has been constructed or upgraded by the Council within the previous 5 years, using financial contributions from an adjoining landowner paid to the Council in accordance with these subdivision rules; the need for the benefiting applicant to pay to the Council a fair financial contribution towards the costs that have been incurred by the Council in constructing or upgrading the stormwater disposal system. Such financial contribution shall not exceed the extent to which the stormwater disposal system serves or is intended to serve the subdivision.
- o. The need for a local purpose reserve to be set aside and vested in the Council as a site for a public utility for stormwater disposal purposes.
- p. Whether or not climate change may have an impact on the capacity of the stormwater disposal system proposed.
- q. The need for an Accidental Discovery Protocol for any excavations required by the subdivision

11.9 Sanitary Sewage Disposal

Reasons: The subdivision rules on sanitary sewage disposal complement the Canterbury Regional Council controls which have the purpose of protecting the quality of ground and surface water. In the settlement areas where Council reticulated disposal systems are available the subdivision rules require that all lots be provided with a means of disposal, being a minimum diameter piped outfall connection to the Council system. Financial contributions towards sewage disposal system upgrading or the provision of new sewage disposal infrastructure, ensure that the costs of maintaining or upgrading sewage systems to an

acceptable standard are apportioned according to the demands placed on sewage disposal by new subdivisions and developments.

In the rural area and in unserved residential areas minimum site areas are specified to ensure that, in general, lots are created which have the ability to dispose of sewage on site. This approach gives future purchasers the ability to put a dwelling, or other buildings or activities requiring ablation facilities onto the lot. A discharge permit from the Regional Council may be required.

Assessment Matters:

- a. The capacity, availability, and accessibility of the reticulated system to serve the proposed subdivision;
- b. Whether the existing sanitary sewage disposal systems, to which the outfall will be connected, have sufficient capacity to service the subdivision, and if not whether the subdivider should contribute towards the upgrading of the system based on the cost of supplying the incremental increase in demand by the additional lots, in addition to installing the extensions of the supply within the subdivision.
- c. The installation of all new reticulation, and the provisions of the Code of Practice;
- d. Where it is not possible to provide a reticulated system with a gravity outfall, the feasibility of individual pump connections with their private rising mains, or new pumping stations, complete pressure, or vacuum systems.
- e. The relevance of any existing cost sharing scheme and whether the proposed reticulation will benefit other property owners;
- f. Where a reticulated system is not available, or a connection is impractical, provision of septic tank or other disposal systems in accordance with either Regional Rules or a discharge permit issued by the Canterbury Regional Council;
- g. Where a reticulated system is not immediately available but is likely to be in the near future, the appropriateness of temporary systems;
- h. Provision made by the applicant for monitoring mechanisms to ensure contaminants are not discharged into the environment from septic tank or other disposal systems, together with any consent notices to ensure compliance;
- i. The extent of the Headworks Contribution, taking account of the likely sewage disposal from the subdivision and the potential land use activities that could be permitted on the land;
- j. The need for and extent of any financial contribution to achieve the above matters;
- k. Where any proposed subdivision in any zone is to be connected to a sanitary sewage disposal system that has been constructed or upgraded by the Council within the previous 5 years, using financial contributions from an adjoining landowner paid to the Council in accordance with the subdivision rules; the need for the benefiting applicant to pay to the Council a fair financial contribution towards the costs that have been incurred by the Council in constructing or upgrading the sanitary sewage disposal system. Such financial contribution shall not exceed the extent to which the sanitary sewage disposal system serves or is intended to serve the subdivision.
- l. The need for a local purpose reserve to be set aside and vested in the Council as a site for a public utility for sanitary sewage disposal purposes.
- m. The need for an Accidental Discovery Protocol for any excavations required by the subdivision

11.10 Energy Supply and Telephone Systems

Reasons: The rules require that as a minimum all lots, other than in Rural Zones, have the ability to connect to an electric supply and telephone system at the boundary of the site. This requirement ensures that services expected by subsequent owners will be available. In addition, the adequacy of the standard of energy and telecommunications installations and their co-ordination can be ensured by conditions on the subdivision.

Assessment Matters:

- a. Where the subdivision involves construction of new roads or formed rights of way, the installation of an extended reticulation system (at the subdividers responsibility) having regard to the Code of Practice and the networks operators requirements;

- b. The adequacy of the proposed reticulated system to be installed by the subdivider;
 - c. The need for a local purpose reserve to be set aside and vested in the Council as a site for a public utility.
 - d. The proximity and layout of the subdivision in relation to existing or proposed transmission lines which have a voltage at/or exceeding 110KV.
- Refer to Section 11 Utilities Rules for standards relating to lines.

11.11 Trade Waste Disposal

Reasons: No standards for trade waste disposal are specified. However, the Council has the power to place conditions on subdivisions which set standards for such disposal to avoid contamination of ground or surface water and to maintain the efficiency and capacity of general sewage treatment and disposal systems of the District.

Assessment Matters:

- a. Whether any proposal to create allotments for any business activity or other activity generating trade wastes will have the potential to discharge to outfall trade wastes;
- b. Whether the volume or type of trade waste generates a need for appropriate outfalls to be provided;
- c. Where a reticulated system is not available, any consents that may be required for discharge of permits from the Canterbury Regional Council in conjunction with the subdivision consent;
- d. The provisions of the Council's Code of Practice for Subdivision in respect of the installation of trade waste sewers;
- e. The need for and extent of any financial contribution to achieve the above matters.

11.12 Vegetation and Landscape

Reasons: The purpose of rules requiring on-going conditions on subdivision preserving notable or significant trees or vegetation is to protect key natural or physical features within a proposed subdivision.

Assessment Matters:

- a. Whether any landscape features or vegetation on the site is of a sufficient amenity value that they should be retained;
- b. Whether a local purpose reserve should be set aside and vested in the Council to preserve any natural feature, vegetation or conservation value on the site;
- c. Where a reserve is set aside under b above, then the value of the land so reserved shall be off-set against the cash contribution to be paid for land for open space and recreation purposes.
- d. The need for an Accidental Discovery Protocol for any excavations required by the subdivision

11.13 Hazards and Building Location

Reasons: The controlled activity provision enables the Council to place conditions on the need for works, the location of services, earthworks and the location of buildings, with the purpose of limiting likely damage from hazards such as erosion, flooding, landslip and unconsolidated fill. This provision is needed to enable the extent of hazards to be fully ascertained for each site at the time of subdivision as this information is not always available at the time the District Plan is prepared. Within areas of high flood risk or high risk of coastal erosion, the discretionary activity provision, enables the Council to assess the effect of the subdivision in increasing the amount of property at risk from natural hazards or in increasing the severity of the hazard.

Assessment Matters:

- a. Any information held on the Council's Hazard registers;
- b. Information obtained by suitably qualified experts, whose investigations are supplied for subdivision applications;

- c. The applicant's or their Consultant's report, detailing the measures that have been or will be taken to avoid, remedy, or mitigate any hazard that may occur on the property;
- d. Potential adverse effects on other land that may be caused by the subdivision or anticipated land use activities;
- e. In relation to inundation from any source:
 - The effects of any proposed filling being undertaken to avoid inundation and the consequential effects on the natural drainage pattern and adjoining land;
 - The erection of stopbanks and their environmental effects;
 - Any proposed boundary drainage to protect surrounding properties;
 - The adequacy of existing outfalls and any need for upgrading;
 - Any need for retention basins to regulate the rate and volume of surface run-off;
 - The need or merit of flood hazard mitigation by raising floor levels.
- f. In relation to erosion, falling debris or slippage, the need for ongoing conditions aimed at avoiding, remedying or mitigating future potential adverse effects, and any need for registration of consent notices on the allotment's Certificate of Title.
- g. In relation to subsidence, the provision of suitability certificates, such as NZS 4431, or if not appropriate, the setting of ongoing conditions, with consent notices registered on the Certificates of Title.
- h. In relation to a contaminated site, any soil tests, establishing suitability, and methods to avoid mitigate or remedy the effects, including removal to approved disposal points;
- i. In relation to land filling and excavation operations, the following factors:
 - The effects on surrounding properties;
 - The natural pattern of surface drainage;
 - The type of and placement of fill material;
 - Mitigation, or avoidance, of adverse effects caused by dust or siltation affecting neighbouring properties;
 - Remedies necessary during emergencies;
- j. The likelihood of the proposed subdivision, including the establishment of potential assets such as residential units, being threatened by inundation, coastal erosion or other natural hazards.
- k. The ability of any buildings on the land being subdivided to be relocated, the estimated cost of the relocation, and the possible destination of a relocated building.
- l. The impact climate change may have on the level of risk and potential loss of life and/or damage to property and infrastructure.
- m. The local ground conditions or the situation applying to the allotment and the suitability of the site of the building.
- n. Whether or not an allotment should be restricted from development on parts of the site.
- o. The minimum floor height for buildings in situations where inundation is likely and damage to structures could occur, but the land may not necessarily be filled.

11.14 Esplanade Provision

Reasons: The Act contains specific provisions which places an onus on the Council to make provision for esplanades. In addition, the subdivision rules in the Plan require esplanade strips or reserves to be created along specified lakes and rivers. This provision is to enable the public to gain access to these areas for recreation and general enjoyment and also to assist in the protection of the natural character and values of these areas. The rules for the Rural Zones relating to riparian areas provide additional protection to the values of these areas and are considered by the Council to be the principal means of protecting natural conservation values along riparian margins in rural areas.

Assessment Matters:

- a. The purposes for the creation of esplanade reserves or strips set out in Section 229 of the Act, and the provisions of Section 6 of the Act;
- b. The appropriateness of creating an esplanade reserve or strip in relation to security or public safety concerns;
- c. The inappropriateness of esplanade provision where the subdivision is a minor boundary adjustment; or is a further subdivision for a cross lease or unit title due to an

- increase or additions to existing units; or reallocation of accessory buildings; or the erection of garages where these have been indicated on earlier survey plans;
- d. The extent to which the natural functioning of the water body, water quality, and land and water based habitats will be affected by the creation of an esplanade reserve or strip, or the reduction or waiver of esplanade requirements.
 - e. The extent of the public's ability to obtain access to and along the margin of the water body.
 - f. The extent that recreational use will be assisted or hindered.
 - g. The compatibility of the proposed reserve or strip with physical characteristics of the land.
 - h. The extent to which the natural character and visual quality of the area will be preserved.
 - i. The extent to which natural hazards will be mitigated.
 - j. The extent to which the purpose of the reserve or strip could be achieved through some other means such as conservation covenants or consent notices.

11.15 Provision for Open Space and Recreation

Reasons: The financial contributions for residential units and subdivision for residential purposes (both in the Rural and Residential Zones) enable the Council to provide for the anticipated increased demand for recreation and open space, as well as for increased use, and therefore maintenance of, existing facilities. This increased demand can be in terms of availability, quality and amount of recreation and open space areas and facilities. Without this contribution there is potential for there to be:

- a lack of local neighbourhood parks in new subdivisions
- an inadequacy of local neighbourhood parks in areas with growing numbers of units/townhouses, where infill housing and redevelopment is taking place; and
- lack of visual amenity from local and district parks in areas where new subdivision is occurring.
- lack of passive and active recreational opportunities.

Some contribution is also necessary to ensure that new open space areas can be developed to a useable state.

Contributions by large-scale residential, industrial, service commercial community, visitor accommodation and utility activities have the purpose of mitigating actual or potential effects of development, including:

- To provide conveniently located open space and recreation facilities for construction and permanent workers/staff associated with developments/utilities.
- To provide open space and recreation facilities for visitors to an area where the development/utility is related to the attraction of those visitors.
- To mitigate or off-set the effects of development/utility on the quality and amenity values of existing open space or recreation values, whether temporary or permanent.
- To provide open space and recreation facilities to compensate for the loss of actual or potential recreational and open space opportunities resulting from the development/utility which loss cannot be dealt with satisfactorily by conditions relating to the development site.

All contributions to the Council are to be in cash and any land purchases for reserves negotiated with the Council, to ensure that any land set aside for open space and recreation is in accordance with the Council's policy for land acquisition.

A contribution of 5% of the average value of the allotments in the subdivision, is equivalent to 30m² of land for the average residential allotment created in the District of 600m². This is the contribution considered necessary to provide for neighbourhood reserves and their development, for each household capable of accommodating 3 people. As some contributions will be in cash and some as negotiated land acquisition, a 5% contribution would give a mix of land for neighbourhood reserves and cash for development works or land purchase in areas where reserves cannot be acquired on subdivision.

Assessment Matters:

- a. The extent to which the provision for land for open space and recreation is consistent with the objectives and policies of the District Plan relating to the provision and diversity of open spaces and recreational facilities.
- b. The extent to which the provision of land and/or cash contributions towards land for open space and recreation is consistent with the objectives and policies of the District Plan relating the requirements for reserve contributions from subdivision; the acquisition of land for public open space and recreation; and the use of cash received as contributions.
- c. Whether the intended land use of the allotments being created is for the housing of the elderly, and whether a reduction in the contribution assessment is, therefore, reasonable.
- d. Where the contribution towards the provision of land for open space and recreation is not to be paid to the Council before a Conditions Certificate is issued pursuant to Section 224 of the Act, a requirement for the applicants to enter into a bond.
- e. Whether the undertaking of works, including the planting of trees or the regrading or levelling of reserve land that will vest in the Council, or the setting aside of a reserve to protect any natural features, should be taken into account when assessing the value of the contribution towards land for open space and recreation.
- f. The extent to which a development is likely to result in a need or desirability for land and/or facilities for open space and recreation for workers, residents or visitors to the area.
- g. The extent to which additional workers, residents or visitors to the area will increase the use of and/or need for maintenance of open space and recreational areas and facilities.
- h. The extent to which additional or replacement open space and recreation facilities could compensate for the loss or reduction in open space quality or recreational opportunities resulting from the development.

11.16 Heritage Items

Reasons: The subdivision of land surrounding listed heritage items can significantly affect the character of the heritage item and its environs, its important features, the reasons for its listing and the ability of the public to enjoy and appreciate its features. The discretionary activity provision for such subdivision enables the Council to assess the effect of the subdivision on these features and values.

Assessment Matters:

- a. The effect of the subdivision on the character of the heritage item and its environs, its important features, the reasons for its listing, and the ability of the public to enjoy and appreciate its features.
- b. Any ability by the applicant to retain the essential character of the site of the heritage item.
- c. The ability of the applicant to develop the site of the heritage item without adversely affecting the character of the heritage item and its environs.
- d. Any incentives available to retain the site of the heritage item.
- e. Impact on any archaeological site.
- f. The need for an Accidental Discovery Protocol for any excavations required by the subdivision

11.17 EasementsAssessment Matters:

- a. Whether there is a need for easements
 - where a service or access is required by the Council,
 - for stormwater passing through esplanade reserves where drainage will be to the river,
 - to meet network operator requirements,
 - in respect of other parties in favour of nominated allotments or adjoining Certificates of Title,

- for private ways,
- for stormwater, sanitary sewer, water supply, electric power, gas reticulation, telecommunications,
- party walls and floors/ceilings,
- for servicing with sufficient width to permit maintenance, repair or replacement.

11.18 Financial Contributions for Subdivision and Development

Assessment Matters:

- a. The respective assessment matters for financial contributions on subdivision activities relating to servicing.

11.19 National Grid

Reasons: The restricted discretionary activity provision for subdivisions within 32m of the centreline of a transmission line enables the Council to give effect to the National Policy Statement on Electricity Transmission (policies 10 and 11) and manage the adverse effects of and on the transmission network.

Assessment Matters:

- a. The proximity and layout of the subdivision in relation to existing or proposed transmission lines which have a voltage at/or exceeding 110kV
- b. The extent to which the subdivision design mitigates the effects on the lines, for example through the location of roads and reserves under the line, or lot layout;
- c. The ability for maintenance and inspection of the transmission line, including ensuring access for the same;
- d. The extent to which the design and development will minimise risk or injury and/or property damage from such lines;
- e. The extent to which potential adverse effects including visual impact are mitigated, for example through the location of building platforms, landscape design;
- f. The location of any building platforms;
- g. Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) and it's successors
- h. The outcomes of any consultation with the affected utility operator

SECTION 13 - DEFINITIONS

Access: means that area of land over which a site or allotment obtains legal vehicular and/or pedestrian access to a legal road. This land may include an access leg, a access from the frontage legal road to the net area of the allotment or site.

Access Lot: means an allotment which provides the legal access or part of the legal access to one or more allotments, and which is held in the same ownership or by tenancy-in-common in the same ownership as the allotment(s) to which it provides legal access.
private way, common land as defined on a cross-lease or company-lease; or common property as defined in Section 5 of the Unit Titles Act 2010.

Access Leg: in relation to a rear allotment or rear site, means the strip of land, which is included in the ownership of that allotment or site, and which provides the legal, physical

Accessory Building: in relation to any site means any separated building the use of which is incidental to that of any other principal building, or use permitted on that site, and for residential activities includes a sleep out, garage, carport, garden shed, glasshouse, swimming pool, mast, shed used solely as a storage area, or other similar structure, provided that any garage or car-port which is attached to or a part of any building shall be deemed to be an accessory building.

Accessway: means access way as defined in Section 315 of the Local Government Act 1974.

Act: means the Resource Management Act 1991.

Activity or Activities: means the use or subdivision of land (and the surface of water) and/or the erection and/or use of buildings or structures thereon.

AEP – Annual Exceedance Probability. A 1% AEP flood means that there is a 1 in 100 chance that a flood of this size will happen in any given year, or a 1 in 10 chance in a ten year period. A 0.2 AEP flood means that there is a 1 in 500 chance that a flood of this size will happen in any given year or a 1 in 50 chance in a ten year period.

Ahi kā Occupation, land rights, continued occupation, properly ahi kaa roa “long burning fires”; one of the most important elements of traditional law of Māori land tenure.

Allotment: for the purpose of subdivision means a lot, two or more adjoining lots to be held together, or any balance area, shown on a subdivision consent plan, **except that** in the case of land being subdivided under the cross lease or company lease systems or the Unit Titles Act 2010, allotment shall have the same meaning as **site**. An allotment shall be deemed to be a continuous area of land notwithstanding that part of it is physically separated from any other part by a road.

All Weather Standard: means a pavement which is trafficable under all weather conditions, and includes metalled and sealed surfaces.

Amenity Tree Planting: means the planting of trees in the immediate vicinity of buildings.

Ana Cave, burrow, lair.

Archaeological site means any place in New Zealand that—

- (a) Either—
 - (i) Was associated with human activity that occurred before 1900; or
 - (ii) Is the site of the wreck of any vessel where that wreck occurred before 1900; and
- (b) Is or may be able through investigation by archaeological methods to provide evidence relating to the history of New Zealand

Atua Deity, indicating categories of responsibilities in the natural world of Māori.

Bed: means

- a in relation to any river means the space of land which the waters of the river cover at its annual fullest flow without overtopping its banks;
- b in relation to any lake, other than a lake controlled by artificial means, the space of land which the waters of the lake cover at its annual highest level without exceeding its margin;
- c in relation to a lake controlled by artificial means, the space of land which the waters of the lake cover at its maximum permitted operating level.

Boundary: means any boundary of the net area of a site and includes any road boundary, side or internal boundary. Site boundary shall have the same meaning as boundary.

Internal Boundary: means any boundary of the net area of a site other than a road boundary and includes a side boundary.

Road Boundary: means any boundary of a site abutting a legal road (other than an accessway or service lane) or contiguous to a boundary of a road designation. Frontage or road frontage shall have the same meaning as road boundary.

Side Boundary: means any boundary of a site generally at right angles to a road boundary.

Brothel(s): has the same meaning as “brothel” in Section 4 of the Prostitution Reform Act 2003.

Building: for the purposes of this Plan, means any structure or part of a structure whether temporary or permanent, movable or immovable, but does not include:

- a Any scaffolding or falsework erected temporarily for maintenance or construction purposes.
- b Fences, walls or retaining walls of 2m in height or less not used for advertising or for any purpose other than as a fence, retaining wall or wall.
- c Structures less than 5m² in area and in addition less than 2m in height.
- d Masts, poles, radio and television aerials (excluding dish antennae for receiving satellite television), less than 7m above ground level.
- e Any vehicle, trailer, tent, caravan or boat whether fixed or movable unless such vehicle, trailer, tent, caravan or boat shall be used as a place of accommodation, business or storage.

Building Coverage: means that portion of the net area of a site which is covered by buildings or parts of buildings, including overhanging or cantilevered parts of buildings, expressed as a percentage.

The following shall not be included in Building Coverage:

- a Pergolas.
- b That part of eaves and/or spouting or bay windows projecting 1m or less horizontally from any exterior wall.
- c Satellite dishes.
- d Uncovered terraces or decks.
- e Uncovered swimming pools.
- f Fences, walls and retaining walls.

Business of Prostitution: has the same meaning as “business of prostitution” in Section 4 of the Prostitution Reform Act 2003.

Captive Balloon: means a non-powered balloon for advertising purposes, which is tethered to a site or structure on a site.

Carriageway: means that position of a road devoted particularly to the use of motor vehicles, inclusive of shoulders.

Commercial: means involving the payment of fees for hire or reward.

Commercial Activity: means the use of land and buildings for the display, offering, provision, sale or hire of goods, equipment, or services, and includes shops, showrooms, travel and real estate agencies, restaurants, takeaway food bars, professional, commercial and administrative offices, service stations, motor vehicle sales, the sale of liquor and associated parking areas; but excludes recreational, community and service activities, home occupations and visitor accommodation. Notwithstanding that service activities are excluded, commercial activity includes the ancillary manufacturing or repair of goods which have the same or similar effect on the environment as the retailing of those goods.

Commercial Livestock: means livestock bred, reared and/or kept on a property either primarily or partly for the purpose of commercial gain, but excludes domestic livestock.

Community Activity: means the use of land and buildings for the primary purpose of health, welfare, care, safety, education, culture and/or spiritual wellbeing, but excludes recreational activities. A community activity includes marae, urupa, education facilities, hospitals, doctors surgeries and other health professionals, churches, halls, libraries, community centres, emergency service facilities, courthouses, probation and detention centres.

Community Water Supply: means water used primarily for drinking water but that may also be used for other purposes such as supply to institutional, industrial, processing, stockwater, or amenity irrigation use and fire-fighting.

Construction Activity: means the construction, alteration, demolition, re-siting or removal of a building

Council: means the Waimate District Council or any Committee, Sub-Committee, Community Board, Commissioner or person to whom the Council's powers, duties or discretions under this Plan have been lawfully delegated pursuant to the provisions of the Act. District Council shall have the same meaning.

Dairying: means the use of land or buildings primarily for the production of milk from dairy cows.

Daytime: for the purpose of noise control daytime means 0700 to 2100 hours Monday to Friday and 0900 to 1700 Saturday, excluding public holidays. (Refer also nighttime).

dBA: means A-Frequency-weighted sound pressure level in decibels relative to a reference sound pressure of 20 micropascals. See NZS 6801 definitions of frequency, sound pressure, reference sound pressure, sound pressure level, decibel, weighting and sound level.

District: means the Waimate District.

Domestic Livestock: means

- a Not more than 2 sows and their progeny up to weaner stage or not more than 5 weaned pigs; and not more than 12 adult poultry in a Residential Zone or not more than 50 adult poultry in a Rural Zone; bred, reared and/or kept on a property; and
- b Any number of livestock bred, reared and/or kept on a property for family consumption, or as pets, or for hobby purposes and from which little or no financial gain is derived.

Earthworks: means the disturbance of land surfaces by the removal or depositing of material, excavation, filling or the formation of roads, banks or tracks, but excludes the cultivation of land. Excavation for the purpose of land drainage is included within the definition of earthworks.

Effluent: means liquid wastes and sludges including agricultural and industrial waste waters, and domestic and municipal sewage sludges.

Elderly Person: means a person over the age of 60 years or a person who qualifies for a permanent invalid's benefit on health grounds and extends to include the partner, spouse, dependents or caregiver of such a person, notwithstanding that the partner, spouse or caregiver may be under the age of 60 years.

Elderly Persons Housing Unit: means one of a group of residential units developed or used for the accommodation of elderly persons where the group is either held under one title or unit titles under the Unit Titles Act with a body corporate and which is encumbered by an appropriate legal instrument which ensures that the use of the unit is confined to elderly persons.

Emergency Service Facilities: means those facilities of authorities which are responsible for safety and welfare of the people and property in the community and includes fire stations, ambulances stations and police stations.

Environment Canterbury: means the Canterbury Regional Council

Erection of a Building: in relation to a subdivision means the completion of all framing, fire walls, fire ceilings and fire floors, and the affixing of all roof materials.

Exotic: in relation to trees and plants means species which are not indigenous to that part of New Zealand.

Exploration: means any activity undertaken for the purpose of identifying mineral deposits or occurrences and evaluating the feasibility of mining particular deposits or occurrences of one or more minerals; and includes any drilling, dredging, or excavations (whether surface or sub-surface) that are reasonably necessary to determine the nature and size of a mineral deposit or occurrence.

Extensive Pig Farming means the use of land for the production of pigs using shelters where necessary. The maximum density of pigs (excluding progeny up to weaner stage) shall be 10 pigs per hectare of land fenced, available and used for pig farming.

Family Flat: is included within the meaning of Residential Unit and means a self-contained residential building being part of and located on the same site as a residential unit, and occupied by dependent relatives of the household living in the residential unit.

Farm Building: means a building the use of which is incidental to the use of the site for a farming activity (refer definition) and includes residential units and accommodation used predominantly for people engaged in farming activity and their families.

Farming Activity: means the use of land and buildings for the primary purpose of the production of vegetative matter and/or commercial livestock, and includes the on-site sale of produce grown or reared on the site, but excludes residential activity, home occupations, intensive farming and forestry activity. Farming activity includes Extensive Pig Farming.

Floor Height: means the top surface of the ground floor of a building (prior to installation of any covering) set at a level of at least 150mm above flood waters with a 0.2% probability in any year.

Forestry Activity: means the use of land for the purpose of planting, replanting, tending, managing and harvesting of trees (including wilding trees) for timber production.

Formed Road: means a road with a carriageway constructed to an all-weather standard with a minimum carriageway width of 3m.

Frontage: means the road boundary of any site.

Full-time Equivalent Persons: means the employment of a person or persons for an average total of 8 hours per day assessed over any 14 day period.

Garage: is included within the meaning of Residential Unit, and means a building or part of a building principally used for housing motor vehicles and other ancillary miscellaneous items owned by persons living on the site.

Gross Floor Area: means the sum of the gross area of the several floors of all buildings on a site, measured from the exterior faces of the exterior walls, or from the centre lines of walls separating two buildings.

Ground Level: means the finished ground level when all works associated with any prior subdivision of the land were completed, prior to excavation of a building platform.

Group Visits: means pre-booked visits to a site by groups of people organised collectively.

Handcrafts: means goods produced by hand, by the use of hand tools, or the use of mechanical appliances where such appliances do not produce the goods in a repetitive manner according to a predetermined pattern for production run purposes. The person producing such goods must design the goods and have direct, complete and variable control over the production of every stage of the product.

Hapū Sub tribe, clan, section of a large tribe.

Hazardous Substance: means any substance -

- (a) With one or more of the following intrinsic properties:
 - (i) explosiveness;
 - (ii) flammability;
 - (iii) a capacity to oxidise;
 - (iv) corrosiveness;
 - (v) toxicity (both acute and chronic)
 - (vi) ecotoxicity, with or without bio accumulation; or
- (b) Which on contact with air or water (other than air or water where the temperature or pressure has been artificially increased or decreased) generates a substance with any one or more of the properties specified in paragraph (a) of this definition.

Such substances may be poisonous, infectious or radioactive. They include substances that are toxic because they are pathogenic, carcinogenic, mutagenic, teratogenic or immuno-suppressant. They can affect mahika kai, taonga and other resources of value to Takata Whenua through contamination of water, air or land.

Heavy Vehicle: means a motor vehicle (other than a motor car that is not used, kept or available for the carriage of passengers for hire or reward) the gross laden weight of which exceeds 3500kg; but does not include a traction engine or vehicle designed solely or principally for the use of fire brigades in attendance at fires. (The Heavy Motor Vehicle Regulations 1974)

Height: in relation to a building means the vertical distance between ground level at any point and the highest part of the building immediately above that point.

For the purpose of calculating height, account shall be taken of parapets but not of poles, towers, turrets, chimneys, ventilation shafts, radio or television aerials, antennas, lift towers, machinery rooms, stair wells, water towers, cooling towers or finials, provided that such features:

- a Do not exceed the maximum height normally permitted in the zone by more than 3.0m.
- b Do not exceed an aggregate floor area of 20 sq m or 10% of the area of the roof to the storey immediately below such structures, whichever is the lesser.
- c Do not exceed a dimension of 6m, measured in any direction.

High Flood Risk: means areas where the product of the water depth (metres) times velocity (metres per second) equals or exceeds 1 in areas subject to inundation during an event of 0.2% Annual Exceedence Probability.

Historic Heritage means

- (a) those natural and physical resources that contribute to an understanding and appreciation of New Zealand's history and cultures, deriving from any of the following qualities:
- (i) archaeological;
 - (ii) architectural;
 - (iii) cultural;
 - (iv) historic;
 - (v) scientific;
 - (vi) technological;
- (b) and includes:
- (i) historic sites, structures, places, and areas; and
 - (ii) archaeological sites; and
 - (iii) sites of significance to Māori, including wāhi tapu; and
 - (iv) surroundings associated with the natural and physical resources.

Home Occupation: means the use of a site for an occupation, business, trade or profession which is secondary and incidental to the use of that site for a residential activity and which is undertaken by person(s) living permanently on the site, and includes the sale of handcrafts produced on the site, but excludes homestays. Except that where the home occupation is for the purpose of the business of prostitution then only two sex workers may be engaged in this business, providing that at least one sex worker resides permanently on the site.

Home Stay: means the use of a residential unit for visitor accommodation for commercial purposes.

Indigenous Vegetation: for the purpose rules in this Plan, means a plant community in which species indigenous to that part of New Zealand are important in terms of coverage, structure and/or species diversity. For these purposes coverage by indigenous species or number of indigenous species shall exceed 30% of the total area or total number of species present, where structural dominance is not attained. Where structural dominance occurs (that is indigenous species are in the tallest stratum and are visually conspicuous) coverage by indigenous species shall exceed 20% of the total area.

Industrial Activity: means the use of land and buildings for the primary purpose of manufacturing, fabricating, processing, packing, or associated storage of goods.

Intensive Farming: means:

- a the use of land and/or buildings for the production of commercial livestock where the regular feed source for such livestock is provided substantially other than from grazing the site concerned; and
- b boarding of animals; and
- c mushroom farming; and
- d the disposal of effluent as part of any intensive farming activity whether on the same site as the intensive farm or not; and

Intensive farming does not include 'extensive pig farming' or dairying.

Intensive Pig Farming: means land and buildings used for the production of pigs other than Extensive Pig Farming (refer definition).

Internal Boundary: of a site means any boundary of a site other than a road boundary.

Iwi Tribe.

Kaimoana Seafood, especially shellfish.

Kaitiaki Guardians, custodians.

Kaitiakitanga The exercise of guardianship by the tangata whenua of an area in accordance with tikanga māori in relation to natural and physical resources; and includes the ethic of stewardship.

Kanohi ki te kanohi Face to face or eye to eye.

Kawa Protocol.

Kāwanatanga Governance, relating to the exchange of gifts enshrined in the Treaty of Waitangi.

Ki Uta Ki Tai From the mountains to the sea.

Kōiwi tangata Human skeletal remains.

Kōrero pūrākau Myths, stories.

Low Flood Risk: means areas where the product of water depth (metres) times velocity (metres per second) is less than 1 in areas subject to inundation during an event of 0.2% Annual Exceedence Probability.

Liquid Waste: means waste water, including liquid byproduct, derived from industrial, agricultural, trade or domestic premises containing residues of the processes carried out on site.

Living Area: means any room in a residential unit other than a room used principally as a bedroom, laundry or bathroom.

Loading Space: means a portion of a site, whether covered or not, clear of any road or service lane upon which a vehicle can stand while being loaded or unloaded. Such loading space shall have vehicular access to a road or service lane.

L10: means the L10 exceedance level in A-frequency-weighted decibels, which is equalled ten percent of the total measurement time. See NZS 6801 definition of exceedance level.

Lmax: means the maximum A-frequency-weighted sound level (dBA Lmax) during a stated time period. See NZS 6801 definition of maximum sound level.

Mahinga kai Food and places for obtaining natural foods and resources. The work (mahi), methods and cultural activities involved in obtaining foods and resources.

Mana Integrity, respect, prestige, authority.

Manaakitanga Support, caring and hospitality, for example as shown towards guests.

Manawhenua Traditional/customary authority or title over land and the rights of ownership and control of usage on the land, forests rivers etc. Also the land area (and boundaries — rohe) within which such authority is held.

Manufacturing of Hazardous Substances: means any process that produces a substance that is hazardous under the United Nations Transportation of Dangerous Goods Code; and includes any process that includes the mixing of material or making a compound product that is hazardous under the United Nations Transportation of Dangerous Goods Code.

Māori People — used to distinguish the native, indigenous people of New Zealand.

Mātaitai Traditional fishing area.

Marae Traditional Māori open meeting ground. All important matters affecting an iwi must be discussed, and ultimately decided, in their own traditionally recognised marae.

Mauri Life supporting capacity, spiritual essence.

Mineral: means a naturally occurring inorganic substance beneath or at the surface of the earth, whether or not under water; and includes all metallic minerals, non-metallic minerals, fuel minerals, precious stones, industrial rocks and building stones, and a prescribed substance within the meaning of the Atomic Energy Act 1945.

Mining Activity: means the use of land and buildings for the primary purpose of the extraction, winning, quarrying, excavation and associated processing of minerals and includes prospecting and exploration.

Mōkihi Raft.

Motorised Craft: means any water craft powered by an engine.

National Grid: means the assets used or owned by Transpower NZ Limited.

Natural Hazard: means any atmospheric or earth or water related occurrence (including earthquake, tsunami, erosion, volcanic and geothermal activity, landslip, subsidence, sedimentation, wind, drought, fire or flooding), the action of which adversely affects or may adversely affect human life, property or other aspects of the environment.

Net Area: in relation to a site or allotment, means the total area of the site or allotment less any area subject to a designation for any purpose, and/or any area contained in the access to the site or allotment, and/or any strip of land less than 6m in width.

Network Utility Operator: means a person who:

- a undertakes or proposes to undertake the distribution or transmission by pipeline of natural or manufactured gas, petroleum, biofuel, or geothermal energy; or
 - b operates or proposes to operate a network for the purpose of—
 - (i) telecommunication as defined in section 5 of the Telecommunications Act 2001; or
 - (ii) radiocommunication as defined in section 2(1) of the Radiocommunications Act 1989; or
 - c is an electricity operator or electricity distributor as defined in section 2 of the Electricity Act 1992 for the purpose of line function services as defined in that section; or
 - d undertakes or proposes to undertake the distribution of water for supply (including irrigation); or
 - e undertakes or proposes to undertake a drainage or sewerage system; or
 - f constructs, operates, or proposes to construct or operate, a road or railway line; or
 - g is an airport authority as defined by the Airport Authorities Act 1966 for the purposes of operating an airport as defined by that Act; or
 - h is a provider of any approach control service within the meaning of the Civil Aviation Act 1990; or
 - i undertakes or proposes to undertake a project or work prescribed as a network utility operation for the purposes of this definition by regulations made under this Act,
- and the words “**network utility operation**” have a corresponding meaning.

Ngāi Tahu Recognised tangata whenua in the South Island excluding the northern part of the island.

Ngāi Tahu Whānui The entire Ngāi Tahu tribe, including Ngāti Mamoe and Ngāi Tahu and all their hapū.

Nighttime: for the purpose of noise control nighttime means all those hours which are not daytime i.e. 2400 to 0700 and 2100 to 2400 hours Monday to Friday; 2400 to 0900 and 1700 to 2400 hours Saturday; all Sunday and public holidays. (Refer also daytime).

Nohoanga Temporary campsite (stopover) for seasonal gathering of food and resources — refers to traditional areas used by Ngāi Tahu as tangata whenua in pursuit of food and other natural resources established by the Ngāi Tahu Claims Settlement Act 1998.

Non-derelict State: means not in a state as if it had been abandoned by its occupants and/or owners.

Notional Boundary: means a line 20 metres from the facade of any rural dwelling or the legal boundary where this is closer to the dwelling.

NZECP34: means the New Zealand Code of Electrical Safe Distances NZECP34:2001 ISSN 0114-0663

Outdoor Recreation Activity: means a recreation activity undertaken entirely outdoors with buildings limited to use for public shelter, toilet facilities, information and ticketing.

Outdoor Storage: means land used for the purpose of storing vehicles, equipment, machinery, natural and processed products, outside a fully enclosed building for periods in excess of 4 weeks in any one year.

Pā Fortified village.

Papakāinga A form of housing development which occurs on multiply-owned Māori or ancestral land. Traditionally, the literal meaning of papakāinga housing is, 'a nurturing place to return to'.

Papatipu rūnanga Local representative groups. A Māori equivalent of local government formed to protect and defend the rangatiratanga, the tūrangawaewae, and the cultural and social values of their members. Canterbury papatipu rūnanga are outlined in the Te Rūnanga o Ngāi Tahu Act 1996.

Parking Space: means a space on a site available at any time for accommodating one stationary motor vehicle. Such parking space shall not be located on any access or outdoor living space and shall have vehicular access to a road or service lane.

Pastoral Intensification: means new fencing other than boundary fencing, topdressing and oversowing, grazing intensification or drainage of indigenous vegetation.¹

Pounamu Greenstone, nephrite, New Zealand jade.

Principal Building: means a building, buildings or part of a building accommodating the activity for which the site is primarily used.

Private Way: shall have the same meaning as defined in Section 315 of the Local Government Act 1974.

Prospecting: means any activity undertaken for the purpose of identifying land likely to contain exploitable mineral deposits or occurrences; and includes:

- a geological, geochemical, and geophysical surveys; and
- b the taking of samples by hand or hand held methods; and
- c aerial surveys.

Public Area: means those parts of a building normally available for use by the general public exclusive of any service or access areas of the building.

Radiocommunication Facility: means any device capable of transmitting, receiving, emitting or broadcasting electromagnetic waves such as aerials, dishes antennas, cables, lines, wires and associated equipment/apparatus, as well as support structures such as towers, masts and poles and ancillary buildings.

Rāhui Restriction, reservation/exclusion under tribal authority and marker warning of this. Also a statement that a resource is being actively managed.

Rangatiratanga Chieftainship.

Recession Lines: means lines constructed from points on or above a boundary surface or a road surface, the angle of inclination of which is measured from the horizontal, at right angles to a site boundary and in towards the site. No building features shall protrude through or above the building envelope constructed by recession lines except the following:

- Chimneys, ventilation shafts, roof water tanks, lift and stair shafts and spires, poles and masts less 9m above ground level, provided the maximum dimension thereof measured parallel to the boundary under consideration shall not exceed 3m, and provided for buildings over three (3) storeys, such features are contained within or are sited directly against the outside structural walls; and
- In Residential Zones where a single gable end with a base (excluding eaves) of 7.5m or less faces a boundary and a recession plane strikes no lower than half way between the eaves and ridge line, a gable end may penetrate the recession lines.

Where the land immediately adjoining the site boundary forms part of a right-of-way or access strip, the recession lines shall be calculated from the far side of the right-of-way or access strip.

¹ Topic 7 Decision 4A

Recreational Activity: means the use of land and buildings for the primary purpose of recreation and entertainment by the members of more than one household unit.

Relocatable: means not intended for permanent location on any site and readily capable of removal for relocation to another site.

Relocation: in relation to a building, means relocation of any building from any site to the destination site.

Renewable Energy: means energy produced from solar, wind, hydro, geothermal, biomass, tidal, wave, and ocean current sources.

Reserve: means a reserve in terms of the Reserves Act 1977.

Residential Activity: means the use of land and buildings by people for the purpose of permanent living accommodation, including all associated accessory buildings, leisure activities and the keeping of domestic livestock. For the purposes of this definition, residential activity shall include emergency and refuge accommodation and the use of holiday homes which is not commercial.

Residential Unit: means a residential activity which consists of a single self-contained housekeeping unit, whether of one or more persons, and includes accessory buildings and a family flat. Where more than one kitchen facility is provided on the site, other than a kitchen facility in a family flat, there shall be deemed to be more than one residential unit.

Retail Sales: means the direct sale or hire to the public from any site and/or the display or offering for sale or hire to the public on any site of goods, merchandise or equipment and includes restaurants and takeaway bars, but excludes recreational activities.

Right of Way: means an area of land over which there is registered a legal document giving rights to pass over that land to the owners and occupiers of other land.

River: means any waterway (refer definition) with a formed and recognisable bed.

River Protection Work: means works, structures and plantings for the protection of property and people from floods; and includes areas of vegetation maintained or planted in the berm margins of flood fairways, the clearance of vegetation and debris from flood fairways, stopbanks, access tracks, rockwork, anchored trees, wire rope and other structures.

Road: means road as defined in Section 315 of the Local Government Act 1974.

Road Boundary: of a site means a boundary of a site contiguous to a boundary or proposed final boundary of any legal road (other than an accessway or service lane).

Rohe Territory or boundaries of tribal groups.

Rongoā Medicine, antidote, drug (medicinal).

Safe Separation Distance: means the distances set out in the New Zealand Code of Practice for Electrical Safe Distances (NZECP34)

Sensitive Activities: means those activities that are particularly sensitive to the National Grid high voltage transmission lines. Such activities include residential dwellings, childcare and preschool facilities, schools, retirement village accommodation, and hospitals.

Service Activity: means the use of land and buildings for the primary purpose of the transport, storage, maintenance or repair of goods.

Service Lane: means service lane as defined in Section 315 of the Local Government Act 1974.

Service Station: means any site where the dominant activity is the retail sale of motor vehicle fuels (including petrol, LPG, CNG, and diesel), and may also include any one or more of the following:

- the sale of kerosene, alcohol based fuels, lubricating oils, tyres, batteries, vehicle spare parts and other accessories normally associated with motor vehicles;
- mechanical repair and servicing of motors (includes motor cycles, caravans, boat motors, trailers);
- warrant of fitness testing;
- the sale of other merchandise where this is an ancillary activity to the sale of motor fuel and vehicle accessories;
- truck stops;
- light engineering;

Setback: means the distance between a building and the boundary of its site. Where any building is required to be setback from any site boundary, no part of that building, unless specifically permitted by the Rules in the Plan, shall be closer to the site boundary than the minimum distance specified. Where any road widening is required by this Plan, the setback shall be calculated from the proposed final site boundary.

Sex Worker(s): has the same meaning as "sex worker" in Section 4 of the Prostitution Reform Act 2003.

Sign: means any sign or device of whatever nature for the purpose of specific identification of any site or building, for providing directions or information, or for promoting any goods, services or forthcoming events, and which is visible from any public place or thoroughfare. Such sign may consist of a specially constructed device, structure, erection or apparatus, or may be painted, written, printed, carved, embossed, inscribed, projected onto, placed or otherwise fixed to or upon any site, wall, hoarding, pole, fence, rock, stone, tree, stationary vehicle or structure or erection of any kind whatsoever.

Site: means

- 1 an area of land which is:
 - i comprised in a single allotment in a single certificate of title; or
 - ii comprised in a single lot or balance area on an approved survey plan of subdivision for which a separate certificate of title could be issued without further consent of the Council; being in any case the smaller land area of i or ii; or
- 2 an area of land which is comprised of two or more adjoining lots held together in one certificate of title in such a way that the lots cannot be dealt with separately without prior consent of the Council; or
- 3 an area of land which is comprised of two or more adjoining lots held in two or more certificates of title where such titles are:
 - i subject to a condition imposed under Section 75 of the Building Act 2004; or
 - ii held together in such a way that they cannot be dealt with separately without the prior consent of the Council;

except that:

- 1 in the case of land subdivided under the cross lease or company lease systems (other than strata titles), a site shall mean an area of land containing:
 - i a building or buildings for residential or business purposes with any accessory building(s), plus any land exclusively restricted to the users of that/those building(s); or
 - ii a remaining share or shares in the fee simple creating a vacant part(s) of the whole for future cross lease or company lease purposes; and
- 2 in the case of land subdivided under the Unit Titles Act 2010 (other than strata titles), site shall mean an area of land containing a principal unit or proposed unit on a unit plan together with its accessory units; and
- 3 in the case of strata titles, site shall mean the underlying certificate of title of the entire land containing the strata titles, immediately prior to subdivision.

Sound Exposure Level (SEL): in decibels is the level of time-integrated mean-square A-weighted pressure for a stated time interval or event, with a reference time of 1 second. See NZS 6801 definition of sound exposure level.

Step-in Plan: means a break in the continuity of an exterior wall of any building or block or line of residential units, whether of one or more storeys, by stepping back the wall of the building or any unit or units a minimum specified distance measured at right angles to the long axis of the building or block or line of units.

Taiāpure Local fisheries areas. They can be established over areas of special significance to tangata whenua.

Takiwā Area.

Taonga Treasures possessions, material or abstract (e.g language); Māori interest in these is protected by the Treaty of Waitangi and New Zealand statute and common lore/law.

Taonga raranga Plants which produce material highly prized for use in weaving.

Tangata whenua In relation to a particular area, means the iwi, or hapu that holds mana whenua over that area.

Tauranga waka Canoe landing sites.

Telecommunication Facility: means any telecommunication line, telephone exchange, telephone booth, telephone cabinet or pay phone, or any structure, facility or apparatus intended for the purpose of effecting telecommunications

Telecommunication Line: means a wire or wires or a conductor of any kind (including fibre optic cable) used or intended to be used for telecommunication and includes any pole, insulator, casing minor fixture, tunnel or other equipment or material used or intended to be used for supporting, enclosing, surrounding or protection of any such wire or conductor; and also includes any part of a line.

Temporary Activities means buildings and uses for purposes such as carnivals, cultural festivals, sports meetings, bazaars, and public meetings.

Temporary Construction Buildings means offices, storage sheds, builders' workshops, accommodation buildings, and other similar buildings and uses, which are incidental to a building, development or construction project.

Te Reo Māori language.

Te Rūnanga o Ngāi Tahu Recognised iwi authority representing the tribal collective of Ngāi Tahu Whānui – as established by the Te Rūnanga o Ngāi Tahu Act 1996.

Te Tiriti o Waitangi The Treaty of Waitangi.

Tikanga (māori) Rights, customs, accepted protocol, rule, Māori traditions, lore or law, the correct Māori way.

Tipuna Ancestors, descendents.

Te taha hinengaro The mind.

Te taha tinana The body.

Te taha Wairua The spirit.

Tohu Markers such as landmarks, mountains, mountain ranges and some trees.

Tōpuni Derives from the traditional Ngāi Tahu custom of persons of rangatira (chiefly) status extending their mana and protection over an area or person by placing their cloak over them or it.

Tree Planting: means the planting of trees for forestry, shelter belts, woodlots or other purposes.

Tuhituhi o neherā Rock drawing sites.

Turangawaewae Home, sense of place, belonging, connection

Utility: means facilities, structures and works necessary for, incidental to and associated with providing the following:

- the transmission of energy;
 - the generation of energy;
 - transportation networks and navigational aids;
 - the storage, treatment conveyance and disposal of water, sewage and stormwater;
 - the storage and disposal of waste;
 - the storage and conveyance of water for irrigation;
 - radiocommunications and telecommunications;
 - the protection of the community from natural hazards;
 - the observation of weather and the collection and distribution of meteorological information.
- except that a "utility" shall not include:
- on-site sewage treatment and disposal systems that serves a single dwelling where the treatment and disposal systems are located on the same lot as the dwelling; or
 - an animal effluent treatment and disposal system; or
 - on-site water reticulation or on-site water supply
 - small-scale electricity generation for a single property that is wholly contained within the site or allotment

A utility may be publicly or privately owned and may serve specific properties or the wider community.

Urupā Burial place, cemetery, places where Māori bury their dead, often enclosed.

Vegetation Clearance: means the felling, clearing or modification of trees or any vegetation by cutting, crushing, cultivation, spraying or burning. Clearance of vegetation shall have the same meaning.

Vehicle Crossing: means the formed and constructed vehicle entry/exit from the carriageway of any road up to and including that portion of the road boundary of any site across which vehicle entry or exit is obtained to and from the site, and includes any culvert, bridge or kerbing.

Vehicle Trip: means a single journey to or from a particular site by a person or persons in a motor vehicle.

Visitor Accommodation: means the use of land and buildings for short-term, commercial, living accommodation where the length of stay for any one visitor is not greater than 3 months at any one time. Visitor accommodation may include some centralised services or facilities, such as food preparation, dining and sanitary facilities, conference, recreation and bar facilities, and associated parking areas for the use of those living on the site.

Wāhi taonga Places of sacred or extreme importance.

Wāhi Tapu means a place sacred to Māori in the traditional, spiritual, religious, ritual, or mythological sense.

Wāhi Tapu Area means an area of land that contains one or more wāhi tapu.

Waipuna Spring of water.

Wairua Māori Māori perspective.

wairua Spirit, soul, attitude.

Waitaha One of the primary hapū of Ngāi Tahu Whānui.

Waiwhakaheke tūpāpaku Water burial sites.

Waterway: means a continually or intermittently flowing body of freshwater; and includes a stream and modified watercourse; but does not include any artificial watercourse (including any irrigation canal or canals for the supply of water).

Wetland: includes permanently or intermittently wet area, shallow water, and land water margin that support a natural ecosystem of plants and animals that are adapted to wet conditions. This definition excludes wet pasture where water temporarily ponds after rain or pasture containing small patches of rushes (*juncus* species).

Whakairo Carve, engrave.

Whakataukī Proverbial saying.

Whānau Family (extended).

Whanaungatanga Relationship, kinship.

Whānui Large grouping.

Whenua Land, country.

Woodlot: means the planting and harvesting of trees or other vegetation primarily for the use of the occupiers and/or owners of the site on which the planting occurs.

Notes on definitions:

1. When applying the NES-DMRU, the definitions of *building coverage, commercial activity, earthworks, industrial activity, network utility operator, residential activity, residential unit, and site* have the meaning in set out in this section as a result of regulation 3(2) of the NES-DMRU
2. The definition of *intensive indoor primary production* in the NES-DMRU corresponds to the definition of *intensive farming* in this section, as that is the nearest equivalent definition for the purpose of regulation 3(2).

Memo – Staff assessment of duplication and conflict with National Environmental Standards for Detached Minor Residential Units

Purpose

The purpose of this memo is to assess, and provide reasons for the s44A amendments to remove duplication or conflict between the Waimate District Plan and the National Environmental Standards for Detached Minor Residential Units (NES-DMRU and DMRU as applicable).

Where necessary, it describes any matters of interpretation needed to make an amendment.

Amendments

Note: Every section is included, but if a standard is not referred to in the table it is not relevant to a DMRU.

Description of amendment or matter	Assessment.	
Applicable zones	Waimate District Council has not implemented the Planning Standards and therefore the Council has to determine the nearest equivalent zones, to determine what sections of the Plan to amend.	
	Waimate District Plan zone	Nearest equivalent planning standards zone and reasons (if applicable).
	<u>Rural</u>	<u>General rural zone.</u>
	<u>Residential 1</u>	<u>General residential zone – Residential 1 allows for predominantly residential activities.</u>
<u>Residential 2</u>	<u>Low density residential zone – On balance, prefer Low density residential zone over Large lot residential zone, as the Residential 2 Zone does not have intrinsic constraints on growth and development, as indicated in Large lot residential zone</u>	

		description in Standard 8 of the National Planning Standards.
	<u>Residential 3</u>	<u>Low density residential zone</u> Same as Residential 2. Residential 2 and Residential 3 zones are extremely similar, with only minor difference in minimum lot size.
	<u>Business 1</u>	<u>Town centre zone</u> –Fits within the range of activities, other than for community activities anticipated by the zone description in Standard 8.
	<u>Business 2</u>	<u>Mixed use zone</u> – On balance prefer mixed use zone over other potential zones in Standard 8, as Business 2 enables some compatible light industrial activities along with residential and commercial. This is a feature of Mixed use zones, but not other potential zones in Standard 8 – e.g. Town centre zone, Local centre zone.
	<u>Business 3</u>	<u>General industrial zone</u> – Business 3 enables a range of industrial activities while preventing other incompatible activities and managing sensitivity effects.
<p>On the basis of the above assessment, the NES-DMRU applies to the Waimate District Plan’s Rural, Residential 1, 2, and 3, and Business 2 Zones. The NES-DMRU does</p>		

	not apply to the Business 1 and Business 3 Zones. Refer to Regulation 5(1) and 3(1).
Section 2 (Policy and Legal Framework) Insert section 2A describing relationship between plan and national environmental standards	Section 44(6) empowers a local authority to insert a reference to a national environmental standard. This section is included to ensure that reference is clear and to provide the necessary context that notes inserted into a rule are to be read as part of the rule, to ensure that any duplication or conflict is resolved.
Section 3 (Takata Whenua Values)	No relevant provisions in section.
Section 4 (Rural) Activity Status (subsections 2, 3, 4, 5, 6)	<ul style="list-style-type: none"> • Only residential activities and buildings considered. Other activities are not applicable as they either do not relate to a DMRU or are enabled under regulation 7(2). • Rule 2.3 is more lenient than regulation 5(1) (as there is no limit on number of dwellings in a zone). • Rule 3.3 gives effect to section 6(a) of the RMA, and therefore a DMRU must comply under regulation 7(2)(b). • Rule 4.1 and 5.2 give effect to section 6(b) of the RMA, and therefore a DMRU must comply under regulation 7(2)(b).
Section 4 (Rural) Site and Zone Standards	Site Standard 7.1.1 - Conflict – No maximum height of DMRUs in NES-DMRU, so a note resolving the conflict is inserted.
	Site Standard 7.1.2 retained as it manages effects relating to health and safety, consistent with regulation 7(3)(b)(iii), noting that the examples provided are not an exhaustive list.
	Site Standards 7.2.1c. and d. - Retained under 7(3)(ii). Other sub-standards not relevant.
	Site Standard 7.3.1 - Retained under 7(3)(b)(ii).
	Site Standard 7.5.1 - Retained under 7(2)(b).
	Site Standard 7.6.1 - Retained under 7(3)(b)(ii).
	Site Standard 7.9 - Does not apply to residential activities.
	Site Standard 7.10 - Cannot be retained to the extent it relates to DMRUs as it relates to amenity.
Site Standard 7.11 - Cannot be retained as it relates to amenity values.	

	Site Standard 7.12 - Retained as it relates to natural hazards 7(3)(b)(i).
	Zone Standard 8.2 - Retained under 7(2)(b).
	Zone Standard 8.3.1(b) (note two clauses labelled (b)) - Retained under 7(2)(b).
	Zone Standard 8.4 all substandards - Retained under 7(2)(b), 7(3)(b)(i) & (ii).
	Zone Standard 8.7 - Retained under 7(2)(b).
	Zone Standard 8.8 - Retained under 7(3)(b)(iii).
Section 5 (Residential) Activity Status (subsections 2, 3, 4, and 5)	Only Residential Activities and buildings considered, consistent with approach for Section 4.
Section 5 (Residential) Site and Zone Standards	Site Standard 6.1 Cannot be retained as conflicts with Regulation 5(1).
	Site Standard 6.2 Cannot be retained as conflicts with Regulation 6(b) as NES-DMRU allows 50% building coverage, so a note resolving the conflict is inserted.
	Site Standard 6.3 - Conflict – No maximum height of DMRUs in NES-DMRU, so a note resolving the conflict is inserted.
	Site Standard 6.4 - Conflict – Road setback (front boundary setback) of DMRUs in NES-DMRU is 2 metres, so a note resolving the conflict is inserted.
	Site Standard 6.5 - Conflict – No recession plane or height in relation boundary for DMRUs in NES-DMRU, so a note resolving the conflict is inserted.
	Site Standard 6.6 - Partial Conflict – 6.6.1 a. b. c. and d. more lenient, so retained (as they allow setback of 1.5m or less from side boundaries), while 6.6.1e. and f. may be more stringent (depending on the location of an accessway, or if a minor residential unit is used to house a dog), while 6.6.3 will always be more stringent, so NES-DMRU prevails in those cases. Note inserted resolving conflict.
	Site Standard 6.7 - Potential conflict. In most cases the NES-DMRU prevails, however, standard not deleted as a duplication of the standard can still apply to a ‘family flat’ that is attached to the principal residential unit, or be located within 2 metres of the principal residential unit, so the standard is retained and note inserted to resolve the conflict.
	Site Standard 6.10 - Potential conflict, as standard relates to amenity. Note inserted to resolve conflict.

	Site Standard 6.11 - Retained under regulation 7(3)(b)(i).
	Site Standard 6.12 - All substandards retained under regulations 7(2)(b), 7(3)(b)(i) & (ii).
	Site Standard 6.13 - Retained under regulation 7(3)(b)(iii).
	Site Standard 6.17 – Conflict. Cannot be retained as it relates to amenity values, under regulation 7(4)(a).
	Zone Standard 7.7 – To the extent that lighting relates to a residential activity, there is a conflict. Note inserted to resolve conflict.
	Zone Standard 7.8 – No conflict as standard does not apply to residential activity.
	Zone Standard 7.9 - No conflict as standard does not apply to residential activity.
	Zone Standard 7.13 - Noting potential interpretation issues, retained as manages an effect relating to health and safety under regulation 7(3), particularly for authorised officers.
	Zone Standard 7.14 - No conflict as relates to non-residential use of a DMRU.
	Zone Standard 7.15 - Retained under regulation 7(3)(b)(ii).
Section 5 (Residential) Scheduled activities	No conflict with scheduled activities as they do not relate to residential use.
Section 6 (Business) Business 2 Zone subsections 1, 2, 3, 4, 5.	Conflict with Rule 4.1, which requires a restricted discretionary consent for all new buildings. Note inserted specifying that rule 4.1 does not apply to a DMRU, ensuring that a DMRU is permitted in the zone (under regulation 5(1))
Section 6 (Business) Business 2 Zone Site and Zone Standards	Site Standard 7.1 - Conflict – No maximum height of DMRUs in NES-DMRU, so a note resolving the conflict is inserted.
	Site Standard 7.4 - Potential Conflict – NES-DMRU regulation 6(d)(iv) states that a DMRU must comply with the site setback requirements in the district plan. However, regulation 7 explicitly excludes district plan standards which relate to amenity , privacy, and sunlight access. On balance, I consider that Site Standard 7.4 is excluded under regulation 7(4). While the standard contains a setback, the title of the standard, other requirements and related assessment matters are imposing requirements for amenity values.

	<p>A note specifying that Site Standard 7.4 does not apply to DMRUs has been inserted to resolve the conflict. I do not consider the standard to be severable given its title and purpose and therefore do not recommend retaining 7.4.1a. separately from the other standards.</p> <p>Site Standard 7.5 - Conflict – Standards controlling color are not enabled under NES-DMRU.</p> <p>Site Standard 7.5 - Conflict – Standard would control future alterations of a DMRU that would otherwise be permitted under the NES-DMRU. Standard cannot be retained under Regulation 7.</p> <p>Zone Standard 8.1– To the extent that noise relates to a residential activity, there is a conflict. Note inserted to resolve conflict.</p> <p>Zone Standard 8.4 – To the extent that lighting relates to a residential activity, there is a conflict. Note inserted to resolve conflict.</p>
Section 7 (Signs)	No relevant provisions in section.
Section 8 (Heritage)	Provisions relate to the alteration etc of listed heritage items so are not relevant. In the event that a heritage item is modified to enable a DMRU to be constructed on a site that would be a separate activity (i.e. the modification occurs prior to construction of the DMRU beginning) and would therefore be assessed as a separate activity. No changes required.
Section 9 (Transportation) Rules and Standards	<p>Site Standard 2.1 – Minimum parking requirement is in conflict with the NES-DMRU, so note resolving conflict has been inserted.</p> <p>All other standards in this chapter are a site specific infrastructure requirement which apply should a DMRU choose to provide vehicle access or parking.</p>
Section 10 (Financial Contributions and Subdivision)	<p>Almost all standards in this chapter continue to apply, as:</p> <ul style="list-style-type: none"> • subdivision is a matter which a DMRU must comply with under Regulation 7(2)(a), and • financial contributions, other than open space and recreation contributions, are a matter which a DMRU must comply with as financial contributions area site specific infrastructure requirement. <p>A note has been inserted stating that financial contributions for open space and recreation is not required for DMRUs.</p>

Section 11 (Utilities)	There are no relevant provisions in this chapter.
Section 12 (Hazardous Substances)	There are no relevant provisions in this chapter.
Section 13 (Definitions)	<p>The definitions of <i>building coverage</i>, <i>commercial activity</i>, <i>earthworks</i>, <i>industrial activity</i>, <i>network utility operator</i>, <i>residential activity</i>, <i>residential unit</i>, and <i>site</i> have the meaning in Section 13 as a result of regulation 3(2) of the NES-DMRU.</p> <p>The definition of <i>intensive indoor primary production</i> in the NES-DMRU corresponds to the definition of <i>intensive farming</i> in Section 13, as that is the nearest equivalent definition for the purpose of regulation 3(2).</p> <p>The definitions of <i>contaminated land</i>, <i>floor area</i>, <i>minor residential unit</i>, <i>primary production</i>, do not have a corresponding definition in Section 13 of the Waimate District Plan, and therefore the definitions in Standard 14 of the National Planning Standards apply.</p> <p>The other definitions in Regulation 3 do not trigger amendment (for example, the definition of reverse sensitivity is used to determine what standards apply).</p> <p>A note has been inserted into Section 13 to resolve conflict between the definitions.</p>