

1. CONSERVATION OF LANDSCAPE (RURAL ZONE)

JUSTIFICATION

Preservation of Indigenous Trees and Vegetation

The Forests Amendment Act 1993 provides for the sustainable management of **indigenous forest** and the preparation of sustainable forest management plans which shall specify relevant details of all applicable District and Regional Plans. In addition, sustainable forest management permits, from the Secretary of Forests, for any landholding not covered by a management plan, may authorise the harvesting and milling of timber in a sustainable manner.

The purpose of Rule 2.4.1 is supplementary to the Forests Amendment Act in so far as it relates to indigenous forests but the Rule also covers other significant indigenous vegetation and significant habitats of indigenous fauna. The principal purpose is to ensure that forests and other vegetation are not disturbed significantly until a resource consent application has been considered and any conditions imposed on the grant of consent in order to ensure that any adverse effects on the environment are minimised.

The harvesting of indigenous trees allowed under the Forests Amendment Act 1993 needs to be provided for. The **Council's** concern is to ensure that the effects of harvesting do not have any adverse effect on the environment. Similarly the Council will have regard to any adverse effects on the environment arising from the removal of other indigenous vegetation including any loss of habitat for significant indigenous fauna. The criteria for considering an application for a resource consent for a **Discretionary Activity** are related to this concern for the environment.

(Refer to Policy RU22, Appendix 14, Rule 2.4.1.1)

Excavations

The **removal of topsoil** from a site removes a valuable natural resource, generally to urban gardens, and has an adverse effect on the sustainable management of the rural land resource and should be avoided wherever possible.

The concern with excavations is to avoid disfigurement of the landscape by the formation of hillside tracks and the deposit of vegetation and overburden and by other excavations for various reasons, which can readily be seen from public roads and other vantage points. Careful siting and removal of vegetation and overburden

can mitigate any adverse effect of excavations and in the case of tracks and alternative routes may avoid despoliation of the landscape.

The size of excavations that are allowed as of right are sufficiently small in order that they will not have any significant adverse effect on the landscape.

Recontouring of land and other works preparatory to some farming enterprise, and particularly horticultural, may have an effect on land drainage and watercourses and create instability on adjoining properties.

Some larger excavations may be required, including tracks and access roads which are not part of a subdivision of the land when appropriate separate and additional conditions on the subdivision consent may be imposed for the conservation of the landscape.

The extent of the excavation which may be allowed by resource consent to a **Discretionary Activity** is unlimited but the Council will have regard to the effect of the development on the existing character of the rural area and the possible ways and means of mitigating any adverse effects on the landscape including alternative locations.

Natural Water Bodies

The Act generally prescribes the restrictions on the taking, use, damming or diversion of water. The Waikato Regional Council is primarily responsible for implementing the Act in relation to these matters by means of Rules in the Waikato Regional Plan and by the issue of resource consents in the form of a water permit, a discharge permit or a land use consent.

ANTICIPATED ENVIRONMENTAL RESULTS

- Protection of indigenous trees and vegetation.
- Avoidance of unnecessary removal of vegetation which could have an adverse effect on the appearance of the landscape and lead to erosion and landslip, deterioration of water bodies and loss of wildlife habitats.
- Ensuring that the **existing** quality of the rural landscape is maintained and improved if possible while allowing for rural activities to be undertaken.
- Protection of water bodies within the District from wrongful use where it is within the powers of the District Council to do so.

2. PROTECTION OF SPECIAL LANDSCAPE CHARACTER AREAS (RURAL ZONE)

JUSTIFICATION

The description of the Special Landscape Character Areas and their purpose is described in the Zone Statement for the Rural Zone at 2.1. Structures, tracks and roads, and forests which may be allowed as of right are restricted in size and appearance in order that they will have little or no adverse effect on the appearance of the landscape in the Special Landscape Character Areas.

Most structures, including dwellings, may be erected in the Special Landscape Areas as Permitted Activities subject to compliance with conditions on location, design and appearance, bulk, and shape, so that they blend with the natural character of the area. The views from State Highway 3 are a particular feature of the District and conditions on the erection of structures and the planting and growth of trees are necessary to ensure that such views are not impaired.

Tracks and roads, for vehicles and pedestrians, should be located, formed and constructed so that they have little or no adverse effect on the appearance of the rural area. This is particularly important on exposed hillsides where excavations and the dumping over the side of the track or road can be seen from great distances. Where tracks and roads are essential in such locations, mitigation measures to conceal or heal any scars on the landscape may be imposed as a condition of any consent. In considering any application for a Controlled Activity the Council will have regard to alternative locations that may be possible that could have a lesser adverse effect on the appearance of the landscape.

Forest, by the shape of their boundaries and the colour of their trees, can adversely affect the appearance of the Special Landscape Character Areas. Most of these areas are on mountain slopes mainly covered or partially covered in indigenous trees and other vegetation. Careful arrangement of the edges of forests to avoid straight lines or geometric shapes so that the plantation appears to be a normal growth and a selection of tree species that would provide a colourful appearance that would blend with the indigenous growth on the hillsides should be considered by any landowner in presenting a resource consent application for a Controlled Activity.

Mining and mining operations, mainly in the form of surface quarrying for a variety of building and construction materials and other minerals, can create and leave scars on the landscape, which take many years to heal and to

blend back into the visual scene. Sometimes the access roads and tracks are as bad, if not worse, than the quarry itself. An overall management plan for the location and staging of operations and access to avoid such scars being seen and for the restoration of the area as work progresses in order to reduce the adverse effects of the operation on the appearance of the landscape will be required in presenting an application for a resource consent for a Discretionary Activity.

ANTICIPATED ENVIRONMENTAL RESULTS

- Protection of the outstanding natural features and landscape of the volcanic cones and hillslopes of Mt Kakepuku, Mt Maungatautari and Mt Pirongia, and the views of pastoral landscape from State Highway No.3 and the environs of the Waikato River and Lakes Arapuni and Karapiro.
- Ensuring that new structures, forests, access tracks and roads, and mining and mining operations are undertaken in such a manner that they have the least possible adverse effect on the natural features and landscape.

3. PROTECTION OF PEAT LAKES AND THEIR MARGINS

JUSTIFICATION

The following is an extract from a letter from the Department of Conservation dated 29 April 1993:

'The Waipa peat lakes are of national and international ecological significance because of their special features derived from adjoining peat lands. Activities associated with pastoral farming have dramatically modified these lakes, causing eutrophication, lake drainage and destruction of delicate plant communities adjoining these lakes.'

There are three major causes of ecological degradation, nutrient enrichment, drainage and grazing. Nutrient enrichment causes the lakes to change from an acid or dystrophic state to a circumneutral highly fertile, or eutrophic state. The special ecological values of these lakes are dependent on the dystrophic lake status, which can be protected by maintaining a generous buffer zone of natural, preferably indigenous, vegetation around the lake and by prohibition of any nutrient discharge into inflowing streams or drains.

Drainage lowers the lake level, reducing its area and depth and causing it to become a swamp. It also substantially alters the hydrological regime on which the shoreline communities depend. Drainage is often required by neighbouring farmers because peat oxidation (caused by

excessive summer drainage) causes land surface levels to fall, so that in winter, pastures are too wet to graze. In time the lake can become perched above the surrounding land. In this situation, the lake ecosystem is unsustainable without intensive management intervention.

Grazing destroys the capacity of the lake margins to intercept agricultural nutrients and it damages the special plant communities near the shores of these lakes.'

EXCEPTION

An exception is not warranted if the effects of the activity will contribute to a further modification of a peat lake. Any activity which does not comply with Rule 2.4.3 shall be a Discretionary Activity.

ANTICIPATED ENVIRONMENTAL RESULTS

- Protection of the peat lakes from further modification from activities associated with farming and other land uses.

4. TREE PLANTING, MANAGEMENT AND HARVESTING (RURAL ZONE)

JUSTIFICATION

All types of [forestry](#) and [forests](#) are allowed as of right subject to setback requirements except within the Special Landscape Character Areas.

Trees should be kept back from boundaries to avoid shading on adjoining land of residential buildings, small vacant allotments which do not contain a residential building, a Residential Zone or Rural Residential Area and from power lines and telephone lines in order to avoid damage to the lines. They should be kept back from the banks of rivers and lakes to allow for access and care and maintenance of the riparian strip and from peat lakes to protect the [existing](#) vegetation and to preserve a view of the lakes.

A reduction of the setback from [site boundaries](#) is warranted if the owner of the adjoining allotment which is affected agrees to the planting proposed and its future management.

The planting of trees closer to power and telephone lines is allowed if the Authority concerned is in agreement.

The planting of trees closer than 50 m to the bank of a peat lake listed in Rule 2.4.3 is not allowed so as to avoid any modification of the natural vegetation, or soil surface and other matters referred to in Rule 2.4.3.

ANTICIPATED ENVIRONMENTAL RESULTS

- Protection of the Special Landscape Character Areas from any adverse effect of large scale forests and forestry operations.
- Protection of the landscape character of rural areas.
- Protection of residential buildings from the adverse effects of tall trees grown too close to boundaries.
- Protection of overhead power lines and telephone lines from tall trees.

5. TREE PLANTING AND VEGETATION IN RELATION TO ROADS (RURAL ZONE)

JUSTIFICATION

1. Trees and other vegetation in the vicinity of intersections and sharp bends may restrict sight lines from vehicles along the road and at vehicular access to properties. This may result in a reduction in traffic safety on adjoining roads.

In relation to this matter New Zealand Transport Agency has recently stated the following mainly in relation to state highways but it also applies to roads under the control of the District Council:

'New Zealand Transport Agency has recently adopted a policy that all roads intersecting with state highways shall be controlled. This policy is currently being implemented.

The least restrictive type of control is a GIVE WAY, and at all intersections of side roads and state highways the free movement of vehicles leaving that road will be controlled by a GIVE WAY.

Where the available sight distance from the side road is restricted, a STOP control will be installed. One situation that will require such a control is where vegetation growing on private properties adjacent to the intersection intrudes into the sight lines. Such control results in restrictions on the free movement of traffic. This restriction has implications for travel costs and road efficiency. In order to control traffic, but not force it to stop at every state highway intersection it is desirable to limit vegetation growth on private property within the vicinity of such intersections.

In order to achieve a situation which is safe and where there are minimal restrictions on the free movement of traffic, obstructions and dense vegetation should be eliminated from a triangular zone adjacent to the front and side boundaries of the corner properties.'

2. The following is also an extract from a Transit New Zealand Publication (Planning for a Safe and Efficient Highway Network under the Resource Management Act - Transit New Zealand May 1992:

'A further effect of vegetation on the state highway arises in those areas of New Zealand where frosting occurs during winter. This condition affects all levels of road in the hierarchy but it is most serious in relation to the state highway where driver expectations are of the highest level of safety under all conditions.

The planting of vegetation in inappropriate locations, such as too close to a road boundary, and in most cases on an east-west axis, can result in the following:

- *an adverse effect on road safety;*
- *a temporary effect on road safety at certain times, and in particular when the sun angle in relation to the road results in a 'light-strobing effect' or when shading caused by the vegetation results in road ice not thawing;*
- *a cumulative effect which arises over time as a result of increasing height and density of vegetation; and*
- *a potential effect of low probability which may have a high potential impact such as might occur, for example in an area where traffic volumes might not be great or where icing of the roads is an infrequent occurrence.*

The severity of any effects caused by icing of the road depends upon a number of interrelated factors, of which planting along the road margins is significant. The most important of these from a road safety point of view, is the potential for the road to thaw and absorb solar heat during the day.'

ANTICIPATED ENVIRONMENT RESULTS

- Maintenance of traffic safety on Primary and [Secondary Roads](#) and particularly at intersections and sharp bends.

6. PROTECTION OF HERITAGE VALUE OF SITES

JUSTIFICATION

The recognition and protection of the heritage value of sites, buildings, places and areas is a requirement of the Act. Any protection policy must have regard to the owners' needs and requirements and the public expression of its

desire to retain sites, buildings, places and areas worthy of protection for one reason or another. It is essential that owners and the public be aware of such sites, buildings, places and areas as early as possible and the implications of their identification. Significant alterations and changes of use may best be brought to public notice by advertising any proposals through a 'Discretionary Activity' procedure.

The Waipa District is particularly fortunate in having a number of well preserved swamp and island Pa which have revealed and no doubt will continue to reveal much of the pre-European way of life in New Zealand. There are also numerous important battle sites and many remains of fortifications erected during the Waikato Campaigns of 1864. Unfortunately the destruction of sites of historical importance continues to occur, often as the result of ignorance - for the farmer, contractor or engineer may be quite unaware of the presence of a site or of its importance. Although there is provision for these sites to be recorded and protected under the Historic Places Act 1993, (the New Zealand Historic Places Trust shall require sites to be recorded in the District Plan), it is the responsibility of all to assist in the preservation of New Zealand's heritage.

The more important known historical sites and buildings are identified on the Planning Maps and listed in Appendices 10, 11 and 12. (Refer also to Rule 11 - Heritage Protection.)

There may be circumstances where some alteration is necessary to a building or a site. These are however restricted to alterations required for the preservation of the heritage values of a site (including only building or structure) or public safety. In those cases where a Heritage Protection Authority has given notice to the Council of its requirement for a Heritage Order and this is included in the District Plan, the written consent of the Heritage Protection Authority is required before any alteration that would nullify the effect of the Heritage Order is undertaken. Any Heritage Orders will be included in the District Plan and indicated in the Appendix schedules.

ANTICIPATED ENVIRONMENTAL RESULTS

- Protection of the heritage values of sites, buildings, places and areas in the District.
- Encouragement of persons to protect the heritage values of the District.

7. NUMBER OF DWELLINGHOUSES ON A SITE (RURAL ZONE)

JUSTIFICATION

The Council policy is to allow two [dwellinghouses](#) to be erected as of right on each site or parcel of land held in a separate Certificate of Title under the Land Transfer Act 1952, provided that one dwellinghouse is to be used for dependent relatives of the occupiers of the principle dwelling on the same site. Further land subdivision primarily for dwellinghouses in the Rural Zone will be restricted for the protection of the farming land resource and to avoid any further spread of low density residential or rural/residential development into rural areas, except in defined locations where further land subdivision could be allowed without significant adverse effects on the farming land resource or the environmental qualities of the District or the economic provision of reticulated and other services.

Additional dwellinghouses on a site may be allowed as a **Discretionary Activity** in the special circumstances specified in Rule 2.7.13 (employees required to live on the site; or for the needs of Maori who may not wish to or be able to subdivide their ancestral land)

ANTICIPATED ENVIRONMENTAL RESULTS

- Conservation of the high quality soils of the land resource for food production.
- Limitation to the use of the high quality land resource for housing.

8. MINIMUM SITE AREA FOR ACTIVITIES

(Refer Policy SU10)

8.1 RURAL ZONE

JUSTIFICATION

Justification for the minimum size of allotment in Rule 10.6.1 is provided in Part 1 Section 8.1, the objectives and policies in Sections 8.2 and 8.3, and Part 2 Section 10.1. In addition, Part 1 Section 3.5 considers the subdivision of land for rural small [holdings](#) with associated dwellings.

In the Rural Zone there are a great number of allotments in separate title with negligible building improvements, as referred to in Table 2 in Part 1 Section 3.5, which could be used for a variety of agricultural and non-agricultural purposes. In order to avoid any significant increase in the fragmentation of land titles, on which separate [dwellinghouses](#) would be allowed, the subdivision of land in rural areas is restricted.

It is considered that if further fragmentation of land is allowed it will accelerate rapidly in the [prime agricultural land](#) areas between Hamilton, Cambridge, and Te Awamutu, and much of it

will be used for large lot residential development rather than for primary production purposes and the provisions of sustainable management of the land resource will not be achieved.

The minimum lot area for general rural subdivision (not rural-residential) is 25 hectares and this area is considered to be large enough to be used for primary productive purposes while being probably too large for large lot residential development. The standard minimum area will allow for some transfer of land between holdings and for small farm holdings to be established. The Council considers that a minimum standard is required rather than a prohibition on further subdivision.

In so far as small allotments may be required for more intensive farming and horticultural purposes it is considered that the likely demand can be met from [existing](#) allotments, as assessed and reported in Table 2 in Part 1 Section 3.5, and further fragmentation of prime agricultural land should be discouraged.

The Council examined whether it should continue with the method included in the previous Waipa County District Scheme of requiring a subdivider to demonstrate various matters relating to the proposed use of each allotment, soil capability, physical characteristics of the land and other factors. However, the Council decided from its considerable experience in implementing such a method of dealing with rural subdivisions that it is unreliable, always optimistic in forecasting effects and frequently misrepresents the future use of the property. The result is that subdivided properties may become overcapitalised in dwellings in relation to other improvements and land value.

For this reason the Council avoided this method of general subdivision control.

There are circumstances where non-agricultural activities are appropriately located in the Rural Zone and for which a subdivision is warranted. In these cases, the non-agricultural activity will most likely require a resource consent for a Discretionary Activity or a [Non-Complying Activity](#), because it is unlikely to comply with all the Rural Zone Rules, and if consent is granted and given effect to a subdivision of land to accommodate the activity could be allowed under Rule 10.3.2.2.

The location of areas within the Rural Zone where rural-residential and 'lifestyle' properties may develop will allow the Council to exercise much more stringent controls over the subdivision of land and the [erection](#) of dwellings in the remainder of the rural areas of the District which generally are on better quality soils.

The purpose of a Rural-Residential Area and [farm parks](#) is to provide allotments of sizes to suit the requirements of persons seeking a rural lifestyle. In order to avoid allotments all being the same size a variety of allotment sizes will be required in any subdivision. This will be achieved by requiring an average of at least twice the minimum for lot area and four times the minimum unit [site area](#) for farm parks. This recognises that common areas are included in the area of allotments for the purpose of averaging.

The minimum site area of 2500m² is considered to be an appropriate minimum area for a rural-residential allotment or a unit site area in farm parks in order to provide sufficient space for a wide variety of residential and [recreational activities](#) whilst retaining a rural character to a rural-residential settlement. However, the actual minimum area will need to comply with the minimum area allowed by the Waikato Regional Council for the disposal of stormwater and sewage which may be more than 2500m² depending upon site conditions and any legal instruments which are available to the subdivider.

ANTICIPATED ENVIRONMENTAL RESULTS

- Conservation of prime agricultural land for future generations.
- Avoiding the use of prime agricultural land for large lot [residential sites](#).
- Avoidance of health risks from the disposal of sewage and waste water.
- Avoidance of the pollution of the potable water resource.

8.2 URBAN ZONES

Unsewered Areas:

The standards are in accordance with Changes to the Waikato Regional Council's Transitional Regional Plan allowing dwellings on small unsewered sites in [existing](#) subdivisions, and requiring larger sites in new urban subdivisions which are not connected to a sewage disposal system.

Sewered Areas:

A minimum [site area](#) for dwellings, [institutions](#), [motels](#), hotels and other residential accommodation is used to control the number of dwellings and people on a site in order to mitigate any adverse effects on the residential character and amenity values of the area in which it is located including the over local use of [utility services](#) such as the provision of potable water and sewage disposal.

The site areas for dwellings provide for a variety of dwelling types and sizes at a maximum density of about 120 persons per hectare. The maximum density where multiple dwellings are erected on a site would average about 120 persons per hectare, approximately 50% greater than for traditional single unit development on 400m² allotments.

The site area required for residential uses other than dwellings takes into account the variation in occupancy rate and allows for flexibility in the arrangement of accommodation. Occupancy will vary from permanent accommodation to transient use on a day by day basis and except for peak periods of use by motels the general intensity of use will be similar to [multi-unit residential developments](#).

The minimum site area for child care centres takes into account the number of children using the facility.

The minimum site area for other [non-residential activities](#) is comparatively much larger than for residential activities and activities providing residential accommodation in order that adequate open space about buildings and landscaping including tree planting of sufficient magnitude may be undertaken so that the activity has no visible adverse effect on the amenity values of the locality.

A smaller minimum site area is warranted where a site can take advantage of the open nature of development on adjoining sites such as a recreation reserve or school grounds. A measure of 'openness' is made to reduce the possibility of inequity in assessing the merits of different developments.

ANTICIPATED ENVIRONMENTAL RESULTS

- maintain the open character of residential areas.
- provide for a greater variety of housing and site areas.

9. ACCESS TO SITES

JUSTIFICATION

The following are extracts from a discussion paper by Transit New Zealand¹ and while they relate primarily to state highways they apply also to district roads and particularly those classified as [Primary Roads](#) in the road network.

'In all instances, a proposed property access must meet basic minimum visibility criteria. These criteria are established to ensure that the vehicle access point is safe for its users, and that users of it do not adversely affect the safety and efficiency of the frontage road.'

'The development or redevelopment of land and access provisions are inextricably linked. While the allotment or allotments might have been provided with an acceptable form of access for, for example, residential or farming activities, that access might not be suitable or appropriate for a rural selling place associated with the farming activity or an intensification of the residential use of an allotment.'

Development causes 'side friction' on the state highway. The adverse effect this has on the highway environment is to lower the level of service to road users; that is, it may result in a loss of efficiency. Further, each access point may act as a potential source of accident hazard; that is, it may result in a potential reduction in road safety. Both of these impacts have a measurable cost to road users which indirectly affects the national resource costs of land transport.'

'Control of development is difficult to achieve, regardless of the mechanism used. Certainty is necessary to maintain the safety and efficiency of the state highway. Control of access is warranted, especially as it is at the interface between access points and the state highway that the conflicts actually occur. The potential for accidents to occur on any stretch of highway is the result of the cumulative effect of the following factors: road design; topography; number, design and location of access; type and intensity of frontage development; traffic volume. Of these the most effective to control through the district plan is property access.'

The site performance standards of Rule 2.4.10 are recommended by New Zealand Transport Agency. The requirements of Rule 2.4.10 relating to construction of an access are to ensure that the work is properly undertaken to satisfactory design and construction standards.

The required width of vehicle crossings in the General and Industrial Zones is designed to allow two-way flow so that vehicles entering sites are not delayed within the traffic stream by vehicles leaving sites.

The minimum required width of vehicle crossings in the Town Centres Zone is sufficient for only one-way flow. It is acknowledged that one-way access points are not ideal for efficient traffic circulation but within the Town Centres Zone areas the emphasis is intended to be on safety and convenience for pedestrians and two-way access points tend to detract from this. Many sites within the Town Centres Zone are

¹ *Planning for a Safe and Efficient Highway Network under the Resource Management Act – Transit New Zealand May 1992.*

small and/or narrow making it impractical to provide two-way access points.

Restrictions on the number of the vehicle crossings, location in relation to intersections, and access to Primary Roads are included to maintain the safety and efficiency of the road network.

Some exceptions are warranted in cases where there is unlikely to be any significant adverse effect on traffic safety on the adjoining road. Each case will need to be decided on its merits as a **Discretionary Activity**.

ANTICIPATED ENVIRONMENTAL RESULTS

- Maintenance of traffic safety on all roads in the District.
- Avoidance of hazard at or close to access to properties.

10. OFF-STREET PARKING AND LOADING

10.1 RURAL ZONE

JUSTIFICATION

The purpose of Rule 2.4.11 is to ensure that wherever possible and practical loading and unloading vehicles is not undertaken within a road reserve but on the property to which the goods are being delivered or from which they are being despatched. The reason for the Rule is to safeguard traffic safety, avoid conflict with vehicles and pedestrians using the road and to avoid excessive wear and tear on the roadway shoulders and berm areas of roads. Exceptions are allowed as of right for the prescribed activities and on substandard sites which are unlikely to have any significant adverse effect of the use of roads in the District.

Similarly, the purpose of Rule 2.4.21 requiring the provision of parking for non-farming activities is to avoid traffic conflicts caused by parking and manoeuvring on roads.

ANTICIPATED ENVIRONMENTAL RESULTS

- Protection of the road resources of the District from inappropriate activities.
- Avoidance of conflict between vehicles being loaded/unloaded and other vehicles on the road with pedestrians.
- Safeguarding of traffic safety on the roads in the District and the avoidance of any unnecessary hazard.

10.2 RESIDENTIAL ZONE

JUSTIFICATION

The maximum number of spaces Rule 3.4.9 is used to limit traffic generation of **non-residential activities** so that they will have no greater adverse effect in relation to vehicle movement on the site and on adjoining roads than residential activities on the site. The number of spaces allowed is equivalent to **dwellinghouse** development on 250m² allotments. A larger number of spaces per hectare will require a resource consent.

Provision needs to be made for the reasonable needs for **parking** and space for storage of vehicles and boats and caravans for all forms of residential development.

Adequate space is required on each site for the garaging or storage of vehicles in such a manner that they do not detract from the appearance of the neighbourhood or the enjoyment by adjoining occupiers of the use of their property. Provision should be made at the time of erecting the building for possible future carports or **garages** and hardstanding for boats and caravans.

Variations to the requirements of Rule 3.4.9 may be allowed by resource consent to a Discretionary Activity.

The traffic volumes on **Primary Roads** are substantially higher than on **Secondary Roads** and there is justification in allowing activities to generate more traffic movement on those roads if any adverse consequences are minor. It is considered that a 50% increase in allowable parking on sites with a frontage to such roads in an urban area will not adversely affect residential amenity values.

Rule 3.6.4 provides for a waiver or reduction in **parking spaces** in a variety of circumstances and conditions are explained in the Rule which the **Council** considers are justified.

ANTICIPATED ENVIRONMENTAL RESULTS

- Maintain amenity values in residential areas from the adverse effects of traffic noise, air pollution and traffic hazards caused by higher traffic generation from non-residential activities.
- Avoid unnecessary car parking in streets and allow carriageways to be reduced in width primarily for moving vehicles.

10.3 GENERAL, INDUSTRIAL AND AIRPORT BUSINESS ZONES

JUSTIFICATION

Off-street **parking** and **loading** facilities for trade vehicles and cars are required to ensure that activities on each site do not unduly affect the operation of the streets serving other sites in the vicinity. The Rules focus on the actual demand for parking and loading generated by the activities on site at any particular time, rather than setting fixed estimated requirements on the basis of **floor space** or some other arbitrary measure. The adequacy of parking and loading facilities will be monitored by the Council and if necessary surveys undertaken to establish any possible non-compliance with the Rules.

Development sometimes occurs before tenants have been identified. In this situation the future off-street parking requirements are not known. To avoid dispute, Rule 5.4.8 and Rule 7.4.9 includes minimum parking rates for some Permitted Activities. The parking rates specified would normally meet the parking requirements of the activities listed. Provision of parking at these minimum rates however, does not remove the general obligation to provide sufficient parking to meet the actual parking requirements of the activities carried out on each site.

ANTICIPATED ENVIRONMENTAL RESULTS

- Provision of adequate parking and loading facilities for the actual activities carried out on each site, thus minimising on-street parking and manoeuvring and avoiding the provision of unnecessary parking and loading facilities according to an arbitrary formula.

10.4 TOWN CENTRES ZONES

JUSTIFICATION

Off-street **parking** and **loading** facilities for trade vehicles and cars are required to ensure that activities on each site do not unduly affect the operation of the streets serving other sites in the vicinity. In the Town Centres Zone there is a particular need to minimise vehicle access points, **parking areas** and loading areas along the defined 'shopping frontages' because these facilities create some danger to pedestrians, contribute to traffic congestion and detract from the amenities of these pedestrian oriented areas.

The Rules defining the amount of parking to be provided in the Town Centres Zone are different from the Rules applying to the other zones. It is recognised that in these 'core' areas there is a need to co-ordinate parking to provide efficient joint parking with good vehicle access. The Council has assumed a role in this.

Rates of parking required in relation to floorspace assume the ground floor areas will be used for the most visitor-intensive activities, particularly retail, while other below and above ground floorspace will be used for lower

intensity activities. Consent may be sought for less parking when actual activities are such that the demand for parking generated is lower than normal. The low rate of 1 space per 50m² for other than ground floors, regardless of the type of activity, is intended to provide an incentive for more intensive use of these areas - i.e. There is no requirement to provide more parking or cash-in-lieu if this floorspace in the 'core' areas is redeveloped for more intensive activities.

ANTICIPATED ENVIRONMENTAL RESULTS

- Efficient and convenient parking and loading of vehicles within the Town Centres Zone.
- Minimal conflict between vehicles and pedestrians, especially along the defined 'shopping frontages'.

11. MANOEUVRING SPACE

NOTE: In some zones the requirements for parking and loading include requirements for manoeuvring space.

JUSTIFICATION

Adequate on-site manoeuvring space is essential in order to avoid the need for on-road manoeuvring which is likely to have an adverse effect on the free flow of vehicles on the road and in order to reduce traffic hazard and maintain traffic safety.

In urban situations reversing vehicles are a danger to pedestrians on footpaths.

In some cases the topography of a small site may be steep or there may be legal or other impediments that so restrict the location of buildings that on-site manoeuvring space for vehicles is not possible. Exceptions may be granted where the likelihood of traffic conflict is not great.

ANTICIPATED ENVIRONMENTAL RESULTS

- Avoidance of conflict between vehicles reversing from a site and vehicles and pedestrians in a road alongside the site.

12. BUILDING SETBACKS FROM SITE BOUNDARIES

12.1 RURAL ZONE

JUSTIFICATION

Standard building setback requirements often seem inappropriate in rural areas, particularly where pastoral farming is concerned. However, with the trend in some areas to smaller sites, the location of buildings close to a boundary can occur and could have a detrimental effect on the neighbouring land use. In addition some rural

land uses have adverse effects that require greater setbacks from internal site boundaries in order to minimise the impact on adjacent sites. For this reason general building setback requirements are proposed.

A lesser setback from internal site boundaries is warranted where there are no buildings or activities on the adjoining property that would be adversely affected by a reduction in the setback distance. The amount of exception is not specified and will depend upon the merits of the case.

Some uses are attracted to properties alongside important traffic roads for the better sale of produce and advertising purposes. Inevitably there is a greater movement of vehicles in the vicinity of the property. It is essential that such vehicles enter the property and park there instead of on the road and particularly not on the opposite side of the road. Such movement and parking causes greater need for driver vigilance and lessens the safety factor of such roads. In areas of the District where more intensive use of land is expected, with more and smaller properties, traffic safety and free flow of traffic needs to be safeguarded.

A setback of 15m from the road boundary will encourage people to drive their vehicles on to the site rather than park them on the road, it will allow for adequate parking on-site and avoid any necessity for reverse movement of vehicles from the site to the road. A setback of this magnitude will also assist in reducing the adverse effects of traffic noise on persons in buildings on the site and particularly in dwellinghouses.

A lesser setback from a road boundary for buildings other than dwellinghouses is warranted only on sites which have a frontage to a Secondary Road where the adverse effects on traffic safety will be much less than on the Primary Road system and where the effects of traffic movement on the roads will also be less. However, the setback should be maintained wherever possible and a lesser setback will only be granted where there are site impediments in locating a building in a conforming position.

ANTICIPATED ENVIRONMENTAL RESULTS

- Mitigation of any adverse effects of locating buildings close to common boundaries.
- Avoid vehicle parking on rural roads.
- Improvement in traffic safety on rural roads.
- Maintaining a free flow of traffic on rural roads.

12.2 RESIDENTIAL ZONE

JUSTIFICATION

Setbacks from roads and [internal site boundaries](#) are required for the following reasons:

- To accommodate live planting and landscaping, particularly between a dwelling and the street.
- To enable satisfactory movement of vehicles onto and off the site.
- To provide room for off-street [parking](#) other than on the front yard.
- To provide the dwelling's occupants with some privacy and to allow them to provide a barrier against the effects of street noise.
- To provide satisfactory access to rear of buildings for fire fighting and other service requirements.
- To separate fire risk buildings.
- To retain an open residential character.
- To allow for daylighting and ventilating of buildings.

The 5 metre minimum road setback is generally sufficient for most roads but extra depth is required on State Highways for additional protection from the effects of vehicle noise and for more planting. The extra width in Hall Street - Cambridge is to allow for a continuance of existing standards and to allow for trees to be retained.

The 1.5m minimum side boundary set back is the least amount that will provide satisfactory pedestrian access to the rear of the site, and allow for satisfactory daylighting of a single storey dwelling. A greater width of 3.0 metres is required for vehicular access at the side of a dwelling. A greater setback is required for uses other than dwellings because of the higher level of activity and occupation density.

The 1.5m rear boundary setback requirement allows for greater flexibility in the siting of a dwelling to suit the open space requirements of an owner and corresponds with the minimum side boundary setback requirement. Tall buildings may need wider setbacks in order to satisfy height requirements relating to daylighting.

[Garages](#) and carports are treated the same as the main building on a site for location purposes. Such buildings are discouraged in the road setback area for amenity reasons but are allowed if no other suitable siting is available. In all

cases the buildings will be required to comply with maximum [height](#) control requirements.

Small setbacks producing narrow spaces between buildings and boundaries are not particularly useful except for ventilation or as a fire break or for pedestrian access to the rear of a property and are of course eliminated completely in the case of a terraced house and on one side in a semi-detached house. Provided that adequate space is provided for recreation, parking and circulation including access to open sides of buildings, there is merit in permitting buildings to be erected to the boundary provided that the amenities of the adjoining properties are safeguarded.

In the case where setbacks from rear and side boundaries are to be reduced the only persons likely to be materially affected are adjoining neighbours and no good purpose is served by extending consultation beyond those persons. In instances where consents have been obtained from those persons, a resource consent application is not considered necessary.

ANTICIPATED ENVIRONMENTAL RESULTS

- Maintain and enhance 'amenity values' in residential areas and between sites used for residential and other purposes.

12.3 OTHER ZONES

Minimum building setbacks are imposed primarily to protect the amenities (visual, sunlight, privacy etc.) of neighbouring properties and the street. The provision for Discretionary Activity applications allows this concern to be met by specific design taking account of particular site circumstances.

In the General Zone where a wide range of activities (including [residential activities](#)) are permitted the Rules recognise the need to protect adjoining sites within the Zone where the [existing](#) and committed buildings on those sites are set back from the boundary - for example existing dwellings.

13. BUILDING SETBACKS FROM LAKES, RIVERS AND WATERCOURSES

JUSTIFICATION

The setback of buildings from the edge of any lake or river is for similar purposes as an esplanade reserve under Section 229 of the Act without vesting any land in the District Council.

The setback will allow for an esplanade reserve or access strip or pedestrian way to be developed if appropriate and by agreement with a landowner without impediment of any building

and will assist in reducing any unnecessary adverse change to the river or lake environment.

A reduction in the depth of setback is warranted if it is unlikely that an esplanade of 20m will be required either by land subdivision or by agreement with a landowner provided that the environment quality of the riverbank and lake margins are maintained. A minimum 6m setback is sufficient to allow for pedestrian access along the bank or lake margin provided environmental qualities are maintained.

ANTICIPATED ENVIRONMENTAL RESULTS

- Maintenance of the environmental qualities of riverbanks and the margins of lakes from the adverse effect of buildings in those areas.

14. PROTECTION OF PUBLIC DRAINS

JUSTIFICATION

Public drains are required for the satisfactory disposal of stormwater and the drainage of land so that it can better be used for agricultural and pastoral and other purposes in the rural areas. Its control is dealt with under the Council's Bylaws.

EXCEPTIONS

Exceptions are also provided under Council Bylaws.

ANTICIPATED ENVIRONMENTAL RESULTS

- Satisfactory drainage of rural lands in the District.

15. HOUSING AND KEEPING OF ANIMALS

JUSTIFICATION

The keeping of animals in buildings or small enclosures may disturb and cause a nuisance to occupants of nearby dwellings because of noise, smell, vermin, flies and other objectionable characteristics of such operations. While such uses are rural activities and essential for satisfactory animal husbandry they should be controlled if possible in order to avoid any likely nuisance. Health matters if they arise can be dealt with under other legislation and other matters may be avoided or mitigated by requiring a reasonable setback of buildings and enclosures from boundaries.

In the Rural Zone the Rule is not intended for farm stockyards where animals are temporarily held for short periods without supplementary food as part of a farm's operations. It is intended to include all types of [factory farming](#) in which animals are kept in enclosures or buildings.

An exception to reduce the minimum distance from [site boundaries](#) particularly in cases where there are no activities or uses of land on an adjoining site which are sufficiently close to the animal enclosures or buildings to be adversely affected will be allowed with the written consent of the owner of the land who could be affected.

Pig keeping/farming may produce certain external effects such as unpleasant odours from which neighbours are entitled to protection.

Proper provision will also be required for the disposal of effluent as drainage and health problems could arise from neglect of this aspect. A limited number of pigs will be permitted as part of general [farming activities](#).

[Intensive pig farming](#) usually requires an extensive range of buildings. In addition the grazing habits of pigs have a tendency to disfigure the landscape in which they may be located.

The keeping of a few animals is unlikely to have any adverse effect on adjoining properties, provided that the enclosures and sties are not located too close to nearby dwellings. The setback standards of Rule 2.4.17 will apply.

In the built up areas neighbours are entitled to protection from any adverse effects which may arise from the keeping of animals such as noise and smell and health risks. Methods of controlling these matters are to limit the type of animals that may be kept to small domestic animals, and where it is a commercial enterprise, to control the total number of animals by restricting the number of breeding females and to separate their yards, pens or housing from neighbouring properties in order to mitigate any adverse effect.

Large animals such as horses and farm animals will not generally be allowed in the Residential Zone except on sites which are vacant and/or awaiting development for the control of vegetation and economic use of sites.

It is considered that the boarding of animals as a commercial activity is not appropriate in a Residential Zone for reasons of likely nuisance to neighbours and is best undertaken in rural areas.

It is desirable that animals be housed away from a common boundary to avoid nuisance to neighbours but where a mutual agreement between owners of adjoining sites can be reached on the size and location of any building or yard and the common fence between properties an exception of site performance standard on this matter is justified.

EXCEPTIONS

1. Exceptions from Rule 2.4.17(1) will require value judgements in relation to noise, odour, and other nuisances. Where a reduction in the minimum distances prescribed is required the application will be considered as a Discretionary Activity.
2. 'Pig keeping', as distinct from much larger scale intensive pig farming, is unlikely to have any significant adverse effects on nearby dwellings provided the separation distances are maintained and good management practices are implemented satisfactorily. No exceptions are proposed as a Controlled Activity. If exceptions are required the activity will be treated as 'intensive pig farming' and be dealt with as a Discretionary Activity.

ANTICIPATED ENVIRONMENTAL RESULTS

- Assistance in maintaining amenity values in nearby rural dwellings and residential areas from any possible adverse effects of the close confinement of farm and other animals in enclosures and buildings in close proximity to such dwellings and residential areas.
- Mitigations of the environmental effects of keeping animals in residential areas.

16. HEIGHT OF STRUCTURES

JUSTIFICATION

In most parts of the District it is considered necessary to control the maximum [height](#) of buildings and other structures to protect the amenities (visual, sunlight, privacy etc.) of neighbouring properties and public areas. Exceptions are the Hydro-Electric Power Stations Zone where the necessary height of structures is determined by their functions, and the Industrial Zone where it is considered desirable to allow maximum flexibility in the size of structures.

In the Rural Zone there is a particular concern for the potential effect of obtrusive buildings within the rural landscape. It is recognised however that taller structures than Rule 2.4.18(1) allows may be essential for a particular activity and they may be allowed as a Discretionary Activity in order to ensure, if possible, that any adverse effect on the visual qualities of the rural area is mitigated and to protect nearby residents from any adverse effects of tall structures including shading and overbearing dominance of a tall bulky structure.

Large buildings constructed close to [site boundaries](#) have the potential to deprive adjacent uses and buildings of available daylight and

sunlight and reduce the attractiveness of those buildings in which to live and work. In most zones, where buildings are to be located close to a site boundary, height is also to be measured in relation to the distance of the building from that boundary.

An exception will be allowed for extra tall buildings and structures such as silos and masts for various purposes including electricity and telecommunication structures, wires and cables; for industrial buildings for activities which are appropriately located in rural areas such as dairy factories; and for some recreational buildings such as grandstands at sports and showgrounds. In all cases however, the taller structure should be essential for the operation.

Where such a building is located close to a site boundary, particularly with a site occupied by a [dwellinghouse](#), extra care will be required to ensure that the living conditions of the occupants of the dwellinghouse are not adversely affected.

In the Residential Zone the maximum height of 8 m should generally allow for two-storey dwellings on flat land with sufficient flexibility for design choice and to meet the environmental results referred to above.

On steeply sloping sites a greater vertical height of building is often necessary because of site restrictions and the need for extra foundation height. The control of height will be made by allowing for extra vertical height provided that the building does not project beyond a [height plane](#) parallel with the ground which will be the same measurement as for the height of a building on a flat site.

Where buildings are to be located close to a boundary the width of the setback should be increased as the height of buildings is increased, in order that light may penetrate into the space between them. Buildings on flat land constructed within an angle of 45 degrees from horizontal measured from the site boundary at a height of 2.7 metres above [ground level](#) within the prescribed maximum height limits for the building would give the protection required. A lesser height for accessory buildings is not considered to be necessary for protection of the environment. A similar height to principal buildings will allow for the economic provision of additional space for domestic activities without increasing site [coverage](#).

The recession plane control imposed in the Town Centres Zone is designed to avoid the creation of a 'canyon' effect by limiting the height of buildings to 10 metres (3 storeys) at street frontages (less for narrow streets) while permitting taller buildings (20 metres, or 30 metres with consent) further back from the street.

The special height requirements for the areas in the vicinity of Hamilton Airport are imposed for safety reasons in relation to the take-off and landing of aircraft.

Exceptions to the height requirements will depend entirely on aspects of safety and will only be granted by the Council with the consent of the Civil Aviation Authority.

ANTICIPATED ENVIRONMENTAL RESULTS

- Protection of the appearance of rural areas from the obtrusiveness of tall buildings.
- Protection of nearby buildings and other property (particularly residential buildings and gardens) from overshadowing and dominance by tall buildings.

17. TEMPORARY BUILDINGS

JUSTIFICATION

A wide variety of buildings will be required from time to time which will not strictly comply with the Rules of this Plan. Such buildings are generally acceptable by neighbours and the general public, provided that they are removed from the site when the building or construction project is completed. A time limit of 12 months is considered to be a reasonable period for most projects but it may be extended by the Council for projects which are likely to take a longer time to complete.

ANTICIPATED ENVIRONMENTAL EFFECTS

- Protection of the appearance of rural areas.

18. SALE OR HIRE OF GOODS AND SERVICES

18.1 RURAL ZONE

JUSTIFICATION

The main purpose for controlling rural selling places is to avoid the spread of commercial activity in rural areas particularly at the fringe of urban areas and along main traffic routes and to avoid significant adverse effects on the safety and efficiency of the roading network caused by the behaviour of drivers of vehicles approaching, manoeuvring, stopping and departing from such places. New Zealand Transport Agency has stated:

'Serious problems arise when a land owner wishes to locate a rural selling place, or the access to such a place, in an area of restricted visibility or without making adequate provision for safe vehicle manoeuvring.'

These problems can be further compounded by requests for large, multi-component advertising signs. Such signs are generally requested to assist in reducing site disadvantages such as competition from neighbours or limited visibility. This detrimental effect is then significantly worsened when there is a proliferation of such activities relatively close to one another. It is these cumulative effects which heighten the expressed concern of New Zealand Transport Agency.

There is clear evidence that having rural selling places on properties fronting state highways adversely affects the safe, economic and convenient movement of goods and creates a degree of conflict between transport and land uses. The primary function of state highways is to carry through traffic efficiently and safely. In rural areas they are usually the roads which carry the highest volumes of traffic.

The greater the number of vehicles which stop, start or turn on a state highway, the less efficient the highway will be. It is not only a matter of traffic safety; it is more importantly a matter of the efficiency of the highway. It is not just a case of ensuring that vehicular access to and from such an activity is safe; it is a matter of keeping to a minimum the number of vehicles which stop and start on the highway or turn to cross the highway, thus keeping to a minimum the number of unusual factors likely to confront a driver, in particular, those which cause him to change speed or to take special precautions.' (Ibid.)

The Council considers that this statement also applies to other Primary Roads which are under the control of the Council in which the traffic function has dominance over access to property.

The Council also considers that the sale of produce grown on a property or handcrafts made on a property is a legitimate right of the grower or the maker of handcrafts. Some will do it with little noticeable effect but others will require to use buildings for display and selling purposes. Experience in the District has shown that good care is needed in the operation and management of this activity in order to avoid adverse effects on traffic safety and amenity values.

The provisions of Rule 2.4.20 allows as of right for the erection of a small building or the use of an existing building or a small area of land for selling purposes where the site has a frontage to a Secondary Road on which the traffic function is not as important as on Primary Roads, which include state highways and arterial roads. On sites with a frontage to a Primary Road a resource consent will be required so that the activity can be considered in relation to the traffic function of the road.

NOTE: The provisions of Rule 2.7.16 will apply to commercial activities not included in Rule 2.4.20.

ANTICIPATED ENVIRONMENTAL RESULTS

- Protection of traffic safety on the Primary Roads in the District and at intersections.

18.2 RESIDENTIAL ZONE

JUSTIFICATION

A local 'dairy' and some professional services, such as a doctor, are a convenience for local residents in areas where there are no [existing](#) or proposed shops within reasonable walking distance of nearby dwellings. They may not be required in areas that are well served.

Such uses, generally, can be assimilated into a residential area without any undue adverse effect on amenity values provided that they remain local in scale and do not develop into a larger commercial enterprise drawing customers from wider afield. For this reason a limitation on [floor space](#) of 50m² is made for such uses, which are allowed as of right provided that they comply with all relevant Rules. They should however, be located only on sites where the use and consequential traffic generation are unlikely to present a danger to pedestrians and drivers of vehicles. A site at an intersection is considered to be unsafe and therefore corner sites or a site within 40m is not permitted as of right.

Similarly there are some professional services such as doctors, which could establish in a [dwellinghouse](#) without any significant adverse effect on the residential character of an area.

Some vegetable and floral produce is grown for sale in residential areas and the sales outlet is usually a [garage](#) or garden shed and is generally inconspicuous and without adverse effects on the environment. A 'shop' building for such an activity will be a Discretionary Activity.

[Signs](#) required for these activities should comply with Rule 3.4.16.

An increase in floor space may be allowed by resource consent to a Discretionary Activity. In the main urban areas of Cambridge, Kihikihi and Te Awamutu commercial zones are provided in which a wide variety of shopping, and other business and professional facilities are readily available, and an increase in the floor space for the dairy and [professional office](#) in the surrounding residential area is considered undesirable. However, in the rural settlements which do not have a specific commercial zone, an increase in the floor space is justified to provide better for the needs of customers.

A restriction on locating uses on [Primary Roads](#) is made for traffic safety reasons but where a site adjoins a commercial business or Industrial Zone it is unlikely that existing traffic conditions will be adversely affected and an exception could be justified.

In the rural settlements, the provisions of Rules 3.4.23 may be insufficient to provide for a full range of commercial activities that may be required by the residents in the settlement and its surrounding rural area. In smaller settlements where the pace of development is generally slow, the amount of land required for each use is difficult, if not impossible, to predict. Some areas which may be allocated for particular uses will not be available for development within the foreseeable future whilst other land which has not been allocated will be readily available. For this reason commercial and industrial zones are not generally provided in the smaller settlements. Instead commercial uses of land and buildings will be considered as Discretionary Activities and be subject to the criteria of Rules 3.6.9 and 3.6.11 and other Rules of the Residential Zone which may be applicable.

ANTICIPATED ENVIRONMENTAL RESULTS

- To minimise incompatibility of uses of land in residential areas.
- To provide convenience shopping facilities for residents.
- To provide for professional and local commercial services for the convenience of residents in the locality.
- To ensure that the activity and consequential traffic generation do not present a danger to both pedestrians and drivers of vehicles.

19. SIGNS

19.1 RURAL ZONE

JUSTIFICATION

The countryside is a District and Regional asset because of its natural and artificial beauty. A major objective of [Council](#) in the economic growth of the District and Region is to improve tourism and the tourist [industry](#). One way of doing this is to protect the beauty of the countryside that tourists view with envy. Advertising billboards, [signs](#) or other means of drawing the travellers' attention to some product or service that is for hire or sale either here or elsewhere rarely improves the appearance of the countryside and quite often disfigures it remarkably. Advertising is necessary. In moderation it can do its job without too much damage to the pleasantness of the District. It needs to be controlled in the rural area for

essential needs, for marking property, directing traffic, helping the farmer to sell his/her products, and for other useful public services. It is not necessary for the advertising of proprietary products that are readily displayed in the media or newspapers, magazines, radio and TV. The policies described above will be implemented for the benefit of the District as a whole.

There are several alternatives that the District Plan could adopt in relation to the display of signs.

1. Allow all signs anywhere in the District as of right and unrestricted as to size, appearance and location.

This would allow for a proliferation of signs throughout the District and in environmentally sensitive locations with considerable damage to the amenity values of the rural area and to traffic safety on important traffic routes.

2. Allow all signs anywhere in the rural parts of the District subject to a resource consent and according to criteria for the size, content, design and location of signs for particular areas i.e. Special Landscape Character Areas, major traffic roads.

This method would allow for signs to be considered in the same manner as other buildings, structures or activities in the rural landscape. There is one particular defect in this method. In many parts of the District such as the Special Landscape Policy Areas the buildings and structures will need to be designed to fit into the landscape as unobtrusively as possible so as to retain its rural character. Signs, on the other hand, are generally displayed in order to attract attention and most of them would not meet the environmental performance standards required.

3. Allow general signs to be erected in all parts of the rural areas of the District subject to a resource consent and according to the specified criteria referred to above, and to prohibit advertising signs for proprietary products in all rural areas of the District.

This acknowledges the need for essential signs, and performance standards will avoid any significant adverse effects on amenity values. A prohibition on advertising signs, however, makes no allowance for locations where such signs may be acceptable under certain circumstances. Instead of classifying such signs as a Prohibited Activity, a further alternative would be to allow them to be considered as a **Non-Complying Activity** for which a resource consent application would be required.

4. Allow advertising signs to be displayed only within the legal road reserve.

As the 'owner' of the road reserve the Council or New Zealand Transport Agency could control the display of advertising signs according to Bylaws as may be appropriate for traffic safety or amenity reasons.

5. Allow all signs to be displayed only within the legal road reserve.

This is an extension of (4) above and would effectively prohibit signs on private property. It has merit in being wholly within the control of the Council, perhaps by some form of licensing if necessary including rent of land, but it may not be sufficiently practical for property owners in terms of methods of erection or display in buildings and repair and maintenance.

6. Variations for all combinations of the above widened further by various resource consent procedures for Permitted, Controlled, Discretionary, Non-Complying, and Prohibited Activities. In addition Bylaw control could be used instead of the District Plan and Rules.

However, the Council considers that the most appropriate procedural methods for dealing with signs is as follows: within the road reserve Council and New Zealand Transport Agency will be able to control all signs by their Bylaws, elsewhere in the Rural Zone the provisions of Rule 2.4.22 will apply.

The area of signs that may be displayed in accordance with Rule 2.4.22 are considered to be sufficient but there could be circumstances where an increase is warranted and an increase may be allowed as a Discretionary Activity in accordance with Rule 2.7.12.

ANTICIPATED ENVIRONMENTAL RESULTS

- Protection of the appearance of the rural landscape.
- Avoidance of any undue distraction of drivers of vehicles that could be detrimental to traffic safety.

19.2 OTHER ZONES

JUSTIFICATION

Signs are recognised as a necessary and useful adjunct to business activities. They do however, have potential to detract from visual amenities particularly in residential areas and create potential traffic hazards.

The Rule governing signs in the General Zone distinguishes between ‘information’ signs and advertising signs. The requirement to obtain consent for additional or larger signs, or signs not meeting the setback or **height** restrictions, provides the opportunity for assessment of the visual impact and potential distractions to drivers of a proposed **sign** in the particular site circumstances.

Only minimal restrictions on signs are imposed in the Industrial Zones. The requirement that signs are not to be ‘obtrusively visible’ from outside Industrial Zones is included to protect the amenities of non-industrial areas. Additional restrictions are imposed on signs visible from **Primary Roads** for both traffic safety and amenity reasons.

The Rule governing signs in the Town Centres Zone is the most permissive for any zone. There is no restriction on size or type (fluorescent etc.) of most signs. Siting in relation to buildings and verandahs is controlled to avoid any individual signs being visually dominant and disadvantaging adjoining sites. The requirement that (with specified exceptions) signs must be directly related to activities undertaken on the site is imposed to prevent particularly visible buildings (generally on corners) becoming effectively billboards with consequent effects on traffic safety (distraction) and visual amenity.

An increase in the size of signs may be justified where the visual amenity values of the locality will not be adversely affected and where it may be possible to obtain some improvement by reducing the number of signs. These matters will be examined on an application for a resource consent for a Discretionary Activity.

ANTICIPATED ENVIRONMENTAL RESULTS

- Signage which does not unduly detract from the visual amenity of the locality and does not create a traffic hazard.

20. NOISE

JUSTIFICATION

The noise levels specified in the rules are defined within the affected property or notional boundary as that is where adverse effects from noise occur. Differing levels are specified for each zone recognising the differing needs for various activities with Residential Zones requiring the highest protection and Industrial the least.

1. It is recognised that some industrial processes in particular generate noise and that there are technical and economic limits to the extent that this noise can be attenuated.

Amongst other industrial activities, this applies to **mineral extraction** operations.

2. The noise standards set for the Town Centres Zone are designed to recognise that these ‘core’ areas attract large numbers of people and activities not able to meet these standards should locate in the Industrial Zones.
3. The noise standards set for the General Zones are designed to protect the sensitive land uses permitted in the Zone and activities not able to meet those standards should locate in the Industrial Zones.
4. Residents and workers in rural areas should be protected from the adverse effects of noise as they are in other parts of the District. However, a rural area is a workplace for landowners and many farming and other rural activities require the use of vehicles and machinery in their operations. Noise from such activities is generally acceptable provided that it is kept within reasonable limits and while the use of such vehicles and machinery is exempt from the provision of Rule 2.4.23 every person who uses them should have regard to the requirements of Section 16 of the Act... *‘Every person...shall adopt the best practicable option to ensure that the emission of the noise from that land or water does not exceed a reasonable level.’* The **Council** considers that the standard in Rule 2.4.23 provides a measure of reasonable noise.
5. The time periods and levels for day and night noise take into account the average expectations of the residential community and the **existing** noise environment in residential areas.
6. Vibration from the operation of machinery or the use of explosive devices can be a nuisance to occupants in the same building and nearby sites. The adverse effects of such activities are controlled in the interest of persons in the locality and for the safety of building structures. Similarly construction noise is controlled in order to reduce or avoid any adverse effects on workers in the locality or residents in nearby residential areas.
7. Noise associated with **temporary military training activities** is a short term phenomenon. The noise is sporadic, sometimes reasonably loud, and of a generally very brief duration. In most respects it may be compared with noise originating from demolition or construction activities, and can therefore be compared alongside the recommended standard for construction noise. However, because military training does not stop on Sundays

and public holidays and may occur at any time of the day or night the District Plan Rule reflects this.

8. **Recreational activities**, such as motorboating on lakes, motor car and motorbike racing and gun shooting, can create excessive noise levels which have a detrimental effect on people in the locality of the noise source. Such noise may be acceptable if it is infrequent and for short periods. In order to assess the effect of such noise the activities which are likely to create it will be classified as Discretionary Activities for which a resource consent is required.
9. The Mystery Creek Exhibition Centre Zone is located close to the noisy activities at the Hamilton Airport and within the Outer Control Boundary for flying operations. Because of this the permitted noise levels received at a residential building outside the Zone are higher than is generally allowed in the Rural Zone. In recognition of the regional and national significance of the Mystery Creek Events Centre a still higher noise level will be allowed for short periods during specified “activity days” for the Centre, and other activities in the Zone, which are to be arranged on an agreed calendar basis by all operators in the Zone. Provision is also made for the control at a lower level of noise that may be received at residential buildings in the adjoining Waikato District.
10. It should be noted that some extra noisy activities may be allowed in the Special Noise Area about Hamilton Airport.
11. The noise controls of Rule 2.4.24 in the Special Noise Areas about Hamilton Airport will apply to helicopter activities within the Airnoise Boundary and the Outer Control Boundary. In the remainder of the District the only noise controls over helicopter activities are the noise conditions in the individual zones which are inappropriate for controlling helicopter noise. For these reasons additional conditions are required and rather than detail such conditions for each zone it is considered to be preferable to adopt New Zealand Standard 6807:1994 which is an authoritative standard for helicopter landing areas, heliports and helipads. In cases where noise conditions cannot be met within the boundaries of a site it may be necessary to define a helinoise boundary around the landing area in a similar manner to the Airnoise Boundary and Outer Control Boundary for Hamilton Airport with appropriate noise and land use activity conditions. This will be done as a change to the District Plan in accordance with the First

Schedule, Part I, of the Resource Management Act.

ANTICIPATED ENVIRONMENTAL RESULTS

- Noise from various sources will be controlled to a level that will minimise any adverse effects on the health and general welfare of people living and working in the District.
- Residents will be substantially protected from the adverse effects of noise without the total exclusion of unavoidable noise.

21. ACTIVITIES IN SPECIAL NOISE AREAS

JUSTIFICATION

The Special Noise Area incorporating an inner Airnoise Boundary, an Outer Noise Control Boundary and an SEL 95 Boundary is located around Hamilton Airport. The Air Noise and Outer Control boundaries are related to the main and subsidiary runways and flight paths of aircraft, and to the noise levels from aircraft taking off and landing, on an average number of aircraft each day for 24 hours for the busiest 3 months of the year. The maximum levels of aircraft noise exposure at the Airnoise Boundary is an Ldn of 65 (or more than 100 pasques) and at the Outer Noise Control Boundary it is an Ldn of 55 (or more than 10 pasques). The SEL 95 Boundary is based on a sound exposure level (SEL) of 95dBA.

The noise from aircraft is excessive in relation to the general noise levels which may be expected in rural areas and can be objectionable to people living and working in the locality of the Airport.

The Airport and its associated industrial and commercial activities is a major land use and economic resource not only within the District but also within the Waikato Region.

Rule 2.4.24 has two main functions:

1. To define an area about the Airport in which noisy activities may operate. The activities will include aircraft movements, engine testing, and other noisy activities which may be unrelated to the Airport but which would be incompatible with land use and other activities elsewhere in the District. Even though a higher noise level is allowed than in the remainder of the District the activities allowed will still be required to comply with Section 16 of the Act which requires that ‘every person ... shall adopt the best practicable option to ensure that the emission of noise from that land or water does not exceed a reasonable level’. In this respect Section 2 of the Act states that ‘land’ includes ‘... the air space above land’.

2. To define an area about the Airport where some land uses and activities involving people who could be sensitive to excessive noise should be excluded. Exclusion of such persons and activities is required in order to protect some classes of people from the adverse effects of noise and to protect the operations of the Airport and aircraft movements and other land uses from any restrictions which could become necessary if the area about the Airport became more intensively settled and such restrictions were found to be necessary for the health or welfare of people in the area.

Included in the land uses excluded is rural/residential development which has the potential to substantially increase the population about the Airport. The other uses which are excluded are all likely to be sensitive to excessive noise and could readily be located elsewhere in the District where noise is unlikely to be a nuisance.

However dwellings will be allowed on farm [holdings](#) between the Air Noise Boundary and the Outer Control Boundary, provided that they are acoustically designed and constructed to mitigate the effects of aircraft noise.

It is however appropriate that uses directly associated with airport activities be allowed to establish in the area. This will be in addition to uses allowed in the Airport Industrial Zones. In addition, it is appropriate that other noisy uses which have difficulty finding a site in the District be allowed to establish in the area provided that they comply with the other Rules of the Rural Zone.

ANTICIPATED ENVIRONMENTAL RESULTS

- Protection of the Airport as a District and Regional physical and economic resource.
- Avoidance of an increase in the number of people who may be adversely affected by aircraft noise or noise from other activities in the area.
- Selection of an area in which noisy activities may establish without excessive restrictions while protecting the amenity values of the remainder of the rural area.

22. ODOUR

JUSTIFICATION

Some activities create smells which can be objectionable. Local residents and workers on adjoining or nearby sites should not be subjected to unpleasant living and working conditions.

Judgement will be subjective until it is possible to establish measurable performance standards.

[Farming activities](#) are excluded from the odour Rule applied to other zones because it is generally acceptable that the rural area is primarily for farming purposes which sometimes create smells which can be objectionable to some people who may not be part of the farming community.

However some activities, particularly pig farming, can be objectionable even to other farmers and the probability of excessive smells will be taken into account in any consideration of a resource consent application.

'[Factory Farming](#)' is not excluded from this Rule and such activities as the keeping of poultry and mushroom growing which can be objectionable will need to monitor carefully the effects of their operation to ensure that no objectionable smells are discernible beyond the boundaries of their site.

Some industrial activities produce odour which, with current technology, it is not practicable to contain. Some odours are quite obnoxious, while others are generally acceptable (such as smell from a bakery).

Rather than attempting to define and differentiate between types of odours, the Rules provide for any odours discernible without instruments from a Residential, General or Town Centres Zone to be assessed as a Discretionary Activity. This will allow potentially affected people to express their views on whether a particular potential odour would be offensive to them.

There is no control on the impact of odour within Industrial Zones. The Rule protecting the Residential, General and Town Centres Zones from odour will also ensure some protection within Industrial Zones but the intent is that activities generating odour should locate in those Industrial Zones or areas within Industrial Zones as far as possible from the more sensitive zones. The industrial area in the vicinity of the Cambridge Sewage Treatment Plant is already affected by odour and would be an appropriate location for odour-producing activities provided they are compatible with surrounding operations.

EXCEPTION

As there are no standards in the Rule relating to odour no exceptions are justified.

ANTICIPATED ENVIRONMENTAL RESULTS

- Objectionable odours from non-farming activities including factory farming will be controlled to ensure that they do not

adversely affect the amenities of affected areas.

23. SMOKE, FUMES AND DUST

These are matters which can be a nuisance and are avoidable.

No specific standards to control air from industrial activities are included in this Plan because consent from the Waikato Regional Council is required for significant discharges and the consent process provides opportunity for potentially affected parties to make submissions. For convenience, information about any standards included in forthcoming Regional Rules may be added to this District Plan.

EXCEPTION

There are no exceptions from this Rule except for those allowed in Rule 3.4.19.

ANTICIPATED ENVIRONMENTAL RESULTS

- Objectionable fumes, smoke and dust in residential areas will be controlled in order to avoid a nuisance to residents.

24. ELECTRICAL INTERFERENCE

JUSTIFICATION

Electrical interference of radio and television from the use of electrical equipment is a nuisance which can be avoided by use of proper equipment and its maintenance.

ANTICIPATED ENVIRONMENTAL RESULTS

- Prevention of electrical interference.

25. GLARE

JUSTIFICATION

Glare from external lighting and reflected light can be a nuisance, particularly in residential areas, and can be avoided by careful siting and design of lighting fixtures, and by the design of buildings, position and materials used which may reflect artificial light or sunlight.

ANTICIPATED ENVIRONMENTAL RESULTS

- Glare from various sources will be controlled to a level that will minimise any nuisance.

26. NON-RESIDENTIAL ACTIVITIES ON REAR SITES (RESIDENTIAL ZONE)

JUSTIFICATION

It is considered that non-residential activities should not be allowed as of right on domestic scale rear sites in residential areas with a

comparatively narrow access strip or right of way. There is concern that the following matters could contribute to adverse effects on amenity values in residential areas.

- the location, width and construction of access to rear sites;
- the sharing of access strips and mutual rights of way and future maintenance;
- likely traffic generation and the effect of traffic entering and leaving the site in relation to other activities nearby and on the free flow of traffic in adjoining roads;
- the topography of the site and the appearance of the site and buildings when overlooked from adjoining residential properties;
- the effect of the activities on the site on a greater number of adjoining properties than if it were located on a front site.

The minimum standard [site area](#) and width of access of 5000m² and 6m are considered to be sufficient to allow for the development of rear sites for non-residential activities while respecting residential amenity values.

The reduction in minimum site area and site dimensions are warranted when adjoining properties are used for non-residential activities which are less likely to be adversely affected than would residential activities.

The width of access can also be reduced where the activities on the site generate traffic movements no greater than residential development and do not involve heavy trade vehicles.

ANTICIPATED ENVIRONMENTAL RESULTS

- Protection against activities which could have an adverse environmental effect on surrounding residential properties.

27. MULTI-UNIT RESIDENTIAL DEVELOPMENT AND ELDERLY PERSONS HOUSING AND KAUMATUA HOUSING (RESIDENTIAL ZONE)

Where multi-unit development is undertaken a variety of housing types and accommodation is to be encouraged. Dwellings may be arranged in a variety of ways and could be attached to each other on one or more sides or separated as [dwellinghouses](#). Each dwelling needs to be located with care in relation to its neighbour and the composite effect should not be detrimental to adjoining properties. If such care is taken a wide range of housing types may be permitted as a Discretionary Activity. A minimum unit site

area per dwelling is necessary to provide sufficient space for outdoor living areas, service courts, yards, off-street [parking](#), and satisfactory vehicular access to each dwelling.

Title to individual dwellings in multi-unit development can be obtained by land subdivision and will most likely be sought after the buildings are erected. The [Council](#) will ensure, as far as it is legally possible to do so, that the space requirements and access provisions referred to above will be maintained when separate title is sought for each [dwelling unit](#).

ANTICIPATED ENVIRONMENTAL RESULTS

- Ensure that the development does not have a significant adverse effect on living conditions for occupants of adjoining sites.
- Avoid monotonous appearance from adjoining sites and the road of a long narrow slab of building of uniform height and shape.

28. RESITING AND USE OF EXISTING BUILDINGS

JUSTIFICATION

It is economically desirable to make the maximum use of [existing](#) buildings instead of their demolition. However, the [Council](#) will need to balance the requirements of the developer with the concerns of residents in the locality into which the existing building is to be moved to ensure that the extent of any incongruity in the appearance, form, style and bulk of building does not adversely affect the general appearance of the area.

Rules are included requiring consent for the resiting and use of existing buildings primarily to ensure an opportunity for the Council to check that buildings being brought into the District or moved within the District are structurally sound.

In some situations, particularly Residential Zones, the aesthetic qualities of relocated buildings are also an issue.

A new dwelling is generally acceptable in most areas without much comment, except perhaps when it is of unconventional design.

An older type house transported from elsewhere because of redundancy or similar reasons may not be as acceptable to residents in and about its new location particularly if it is left unfinished, untidy and in a poor state of repair so that it becomes an eyesore in the [District](#).

It is also considered necessary to cover the eventuality that a building such as a church, school prefab or other structure may be re-used

as a dwelling as such practices are becoming more common.

Small single storey buildings of less than 40m2 [floor space](#) are most likely to be used as accessory buildings without adverse effect on the appearance of a locality.

In considering an application for a resource consent the Council will have regard to these matters and to any ways and means that any likely incongruity can be avoided or mitigated. A performance bond will be imposed in order to ensure that any work required by the Council is undertaken as soon as possible and practicable.

ANTICIPATED ENVIRONMENTAL RESULTS

- Avoidance of substandard buildings being moved into residential areas.
- Maintain amenity values in residential areas.
- Minimise the effect of any incongruity in appearance between existing buildings and buildings moved into the locality from elsewhere.
- Ensure that the building to be moved is rehabilitated on its new site as soon as possible.

29. LANDSCAPING AND PERMEABLE SURFACES

JUSTIFICATION

Landscape planting will assist in property enhancement and maintenance of amenity. As this is particularly important in residential areas, specific landscaping requirements are imposed for sites in the General, Town Centres and Industrial Zones where they adjoin or face a Residential Zone. It is considered that simply requiring the setback of buildings would not ensure sufficient protection.

[Landsaped](#) areas will provide permeable surfaces to slow down the rate of surface water run-off thus assisting in the disposal of stormwater. A single [dwellinghouse](#) on its own site generally has a large proportion of its site in garden or open space and provides an ample permeable area to slow down the rate of surface water run-off from the property.

In the Residential Zone, a reduction in the percentage of [site area](#) from 40% to 30% which must be landscaped for the protection of residential amenity values and to slow down surface water run-off is justified where adjoining sites are used for activities with ample open space of a permeable nature, such as playing fields and reserves.

ANTICIPATED ENVIRONMENTAL RESULTS

- Maintain amenity values particularly in residential areas including provision of space for tree planting and other vegetation.
- Retain the residential character of residential areas.
- Ensure that there is some usable open space for outdoor living.

30. MAXIMUM SITE COVERAGE (RESIDENTIAL ZONE)

JUSTIFICATION

A minimum amount of open space is required to ensure, particularly with multi-unit housing, that there is some open space on a site for outdoor activities, access, household and visitor parking and landscaping, and for maintaining an open character of residential areas and for the preservation of existing trees.

An alternative to a maximum site coverage requirement for these purposes would be to specify for multi-unit dwellings that a minimum part of a site be set aside solely for open living areas and service areas and that parking and storage areas be defined in applications for development. Often the usable open space for recreation and outdoor living is not readily available or accessible because it is traversed by paths or driveway or parking areas. A minimum area, shape and orientation of such space in relation to each dwelling unit would ensure that such space is useful and available for the occupiers of the dwelling.

Such a specification probably assumes that all residents require the same space standards about a dwelling for parking, storage, and private open space. This may not be the case. Some dwellings will have storage, garaging and servicing (such as clothes drying) within the dwelling unit; others may not. Some residents may prefer to trade off private open space for communal areas (for ease of maintenance) or for more parking for an additional car. A specification of space standards for these uses will restrict a developer, and residents, from utilising space about a building to their own advantage.

The Council is concerned to minimise the restrictions on development and considers that the internal arrangement of buildings and open spaces on a site should be the responsibility of a developer provided that the arrangement does not have an adverse effect on amenity values of adjoining sites or the locality.

A maximum site coverage of all buildings, including accessory buildings, of 40% (35% in

the Cambridge Residential Character Area) is considered to be the maximum amount that will produce the environmental results which are sought by this requirement.

A garage is generally regarded as an important accessory building to most dwellinghouses and not only provides cover for the family car but also storage for many household goods and for recreation.

Some houses on small allotments were erected without a garage and would be deprived of such an accessory building if the Rule is strictly imposed. It is considered that the household needs of the occupants of the dwellinghouse outweigh any minor loss in the open character of the residential environment by granting consent to the exception. An exception for other activities is not considered to be necessary, and such a proposal will be a Non-Complying Activity.

ANTICIPATED ENVIRONMENTAL RESULTS

- Preservation of the low density open character of residential areas.
- Retention of natural features including trees and other vegetation.
- Provision of open space for recreation, storage, access and parking.

31. MAXIMUM SIZE OF BUILDINGS (RESIDENTIAL ZONE)

JUSTIFICATION

The residential areas in Cambridge and Te Awamutu and the smaller settlements are predominantly occupied by single storey single family houses. The open character of residential areas with well planted wide roads and comparatively large allotments with only a few houses in excess of 200m² is not expected to change significantly in the foreseeable future and the new residential areas will probably develop in a similar style although with a greater variety of accommodation in recognition of changing family sizes.

In order to retain this open residential character of low rise and generally small bulk of buildings, a limit is placed on non-residential buildings to ensure that either individually or as a group of buildings on a site they can be readily assimilated into the residential area. There is no limit to the size of a building or buildings that may be erected on a site for residential activities, except as may be controlled by site coverage and other requirements of these Rules and it is probable that multi-unit residential development and comprehensive residential development will

require a greater area of building **floor space** on a site than conventional single unit development.

A limit to the size of a non-residential building or buildings on a site is required to ensure as far as is reasonably possible that the buildings may be assimilated into the residential environment. A larger area will require either a resource consent to a Discretionary Activity under Rule 3.6.6 or a change to the Plan.

ANTICIPATED ENVIRONMENTAL RESULTS

- Maintain the residential character of residential areas.

32. WIDTH OF ACCESSWAYS SERVING REAR SITES OR REAR UNIT SITE AREAS (RESIDENTIAL ZONE)

JUSTIFICATION

A 3.5m wide access is considered to be necessary for serving up to 2 dwellinghouses (of a rear site, or a rear unit site area) in order to allow a 90 percentile truck to negotiate the access. For 3 to 6 dwellinghouses a width of at least 6m for an access strip is needed to allow cars to pass side by side. For 7 or more dwellinghouses it is considered that the expected traffic requires a public or private road. Regardless of whether dwellings are located on rear sites, or to the rear of a multi-unit development, it is important that access width correspond to the number of dwellings that the access will serve.

Dwellinghouses designed for single persons or small families with a bed-sitting room or one bedroom will generate substantially fewer vehicle trips per day than houses of larger families. An increase in the number of such smaller dwellings that may use a right of way could be permitted without significant adverse effects on other users of the right of way.

ANTICIPATED ENVIRONMENTAL RESULTS

- Avoidance of vehicle congestion in the common access shared by several dwellings.

33. EMPLOYMENT ON RESIDENTIAL SITES

JUSTIFICATION

Some hobbies which have expanded and some professions, crafts and trade businesses could, if permitted, be carried out at or from the home on a full time basis. Sometimes the demand for such services arises from local residents. A residential environment is perhaps more suitable for some activities than a general commercial or industrial area. The successful integration of some uses with residential uses might therefore be mutually

advantageous and to exclude them could impoverish the residential neighbourhood.

These uses can, however, change their character quickly with detrimental effects upon neighbouring properties. In order to protect the residential area from the detrimental effects of some operations, some controls are required including a restriction on the number of persons to be employed.

EXCEPTION

No exceptions are warranted.

ANTICIPATED ENVIRONMENTAL RESULTS

- Provision of employment opportunities in residential areas.
- Avoidance of industrial, commercial and other **non-residential activities** which could adversely affect amenity values.

34. SPECIAL CONDITIONS FOR ACTIVITIES IN RESIDENTIAL ZONES

34.1 TAKING AND/OR DISCHARGE OF WATER AND CONTAMINANTS

JUSTIFICATION

The performance standards are intended for the purpose of controlling the operation of activities in residential areas so that they will have no greater adverse effect on the residential environment and will create no greater demand for water supply and disposal of sewage and stormwater than if the same area were developed for **residential activities**. The performance standards, together with other standards, will control the scale and type of non-residential activity that will develop in residential areas.

ANTICIPATED ENVIRONMENTAL RESULTS

- Contribution to controls for the avoidance of incompatible activities in residential areas.
- Protection of environmental qualities in residential areas.

34.2 OUTDOOR STORAGE

JUSTIFICATION

Activities, which could include some industrial and commercial enterprises, are not always sufficiently tidy and careful in the management of their businesses and use of sites that they can establish in residential areas without some adverse environmental effect. A major contributor to untidiness and unsightliness is the storage of raw materials, products, by-products, machinery, refuse and containers in open areas

outside buildings. It is therefore essential in order to maintain the amenity values of residential areas that such storage be strictly controlled.

ANTICIPATED ENVIRONMENTAL RESULTS

- Tidy appearance of sites.
- Minimum adverse effect on the amenity values of residential areas.

34.3 HOURS OF OPERATION OF NON-RESIDENTIAL ACTIVITIES

JUSTIFICATION

Noise is a major factor that can be annoying to neighbours and it is created within buildings and by the arrival and departure of people involved in activities on a site. The noise may involve uncontrolled amplified sound, noisy people, cars starting and door slamming and the roar of exhausts. Noise controls on their own will not ensure that activities do not have an adverse effect on the living conditions in nearby houses. For this reason a time limit will be imposed on activities which are likely to create the adverse effects referred to above.

ANTICIPATED ENVIRONMENTAL RESULTS

- Avoidance of nuisance to residents in the locality from possible adverse effects of non-residential activities during late evening and early morning hours.

34.4 RESIDENTIAL CHARACTER NON-RESIDENTIAL ACTIVITIES

JUSTIFICATION

The present 'character' of residential areas is a picture of wide, tree-lined streets with single storey separate [dwellinghouses](#) on their own allotments. A wide variety of other buildings and land uses is also found in residential areas and these contribute to the character of any particular area. They include community activities such as churches, clubrooms and recreation areas, commercial uses such as dairies and some industrial uses such as [home occupations](#) and tradesmen's home workshops. A wide variety of building sizes and architectural styles is present in all the residential areas but generally the 'character' is an open residential landscape, well planted with trees, and with little incongruity between uses and buildings.

As a starting point for permitted non-residential activities the controls will ensure that the appearance of the street scene in which a [non-residential building](#) is erected will remain looking like a residential street and the controls over building design and appearance will ensure that they are domestic in character. Alternatives

to the scheme of planting are allowed if the residential character is maintained. Any other alternative which may offend the residential character would require a resource consent for a [Non-Complying Activity](#).

Non-residential activities are a Non-Complying Activity on allotments which have a frontage to or access from Hamilton Road (State Highway 1) in Cambridge in order to protect the present residential character of that road and to avoid commercial and other activities, including [signs](#), which could detract from its residential character and attractive entrance to the town and adversely affect traffic safety.

ANTICIPATED ENVIRONMENTAL RESULTS

- The landscaping of sites and the design and construction of non-residential buildings so that they do not disfigure the appearance of any residential street or locality.
- To establish a satisfactory design standard which can be used as the basis for alternatives in considering an application for a resource consent.

35. SITE LAYOUT, SECURITY FENCING (GENERAL/TOWN CENTRES/ INDUSTRIAL ZONES)

JUSTIFICATION

While it is acknowledged that industrial and commercial buildings, fences etc., are of necessity utilitarian in character, it is considered desirable to require at least a basic standard of appearance. Standards requiring the normal practice of locating offices at a street side of industrial buildings, screening outdoor storage, and softening the appearance of wire mesh security fences are designed to prevent some of the most unattractive features of some industrial developments without imposing unduly expensive inflexible requirements. It is acknowledged that these standards in themselves will not ensure that all industrial developments are visually attractive. They are basic standards only.

Fences and walls over about 2 metres in [height](#) and fencing incorporating barbed wire, erected close to footpaths, would detract from the perception of the areas zoned Town Centres as pedestrian-oriented areas.

ANTICIPATED ENVIRONMENTAL RESULTS

- Prevention of a 'prison' appearance of sites.

36. POTENTIALLY HAZARDOUS SUBSTANCES

JUSTIFICATION

Appendix 9 is based on research undertaken by the former Department of Scientific and Industrial Research. The storage and use of greater quantities of potentially hazardous substances is not necessarily dangerous but the obligation to obtain consent for the storage and use of greater quantities provides for the scrutiny of safety procedures, and a mechanism for occupiers of neighbouring properties and fire and civil defence agencies to be informed of potentially hazardous substances used on some sites.

ANTICIPATED ENVIRONMENTAL RESULTS

- Careful storage and use of potential hazardous substances.
- Better information for emergency services about the location of potentially hazardous substances within the District.
- Integrated management of hazardous substances, i.e. strategies in the document will effectively operate alongside other Councils and agencies in the management of hazardous substances.

37. UTILITY SERVICES (INDUSTRIAL ZONE)

JUSTIFICATION

There are two reasons for the site performance standard requiring sewerage and access to a sealed road. Firstly, there are substantial areas of vacant or underutilised serviced industrial land in the District. These represent a public investment and are a resource that should be used. Secondly, industrial development on unserviced land is likely to create environmental problems and lead to demands for servicing.

ANTICIPATED ENVIRONMENTAL RESULTS

- Efficient use and development of land and built resources associated with [industry](#).

38. SHOPPING FRONTAGES (TOWN CENTRES ZONE)

JUSTIFICATION

Requirements for display type windows and verandahs along the defined 'shopping frontages' are intended to maintain and improve the attractiveness of these frontages for pedestrians.

ANTICIPATED ENVIRONMENTAL RESULTS

- High standards of amenity for pedestrians in the 'core' areas.

39. OUTDOOR LIVING SPACE FOR RESIDENTIAL ACCOMMODATION (TOWN CENTRES ZONE)

The requirements to provide an outdoor living court with good aspect or a balcony in the case of above ground accommodation is intended to ensure a basic level of residential amenity, particularly where [existing](#) floorspace is converted to residential accommodation.

ANTICIPATED ENVIRONMENTAL RESULTS

- Outdoor living areas associated with all residential units.

40. REDUNDANT BUILDINGS AND EQUIPMENT (HYDRO-ELECTRIC POWER STATIONS ZONE)

JUSTIFICATION

The hydro-electric power stations are by necessity located adjacent to the associated lakes. These lakes and surrounding areas are of major amenity and recreation importance. While it is recognised that buildings and equipment associated with the production of electricity must be sited within these sensitive localities, it is considered reasonable to require that any buildings or equipment which become redundant should be removed.

ANTICIPATED ENVIRONMENTAL RESULTS

- The minimum necessary visual intrusion from buildings and equipment with the Zone.

41. COLOUR OF STRUCTURES (HYDRO-ELECTRIC POWER STATIONS ZONE)

JUSTIFICATION

There is no operational reason for the buildings and equipment within the Zone to be finished to any particular colour scheme but the colours used, particularly on the major structures, significantly affect the visual intrusiveness of the power stations viewed from adjoining areas. Rule 8.3 guarantees consultation before major structures are repainted.

ANTICIPATED ENVIRONMENTAL RESULTS

- The minimum necessary visual intrusion from buildings and equipment within the Zone.

42. FORTIFIED SITES

The physical characteristics of fortified sites sit uncomfortably within the context of a residential, or closely settled environment.

These sites can be characterised by high, closed-boarded fencing and other means of oppressive enclosure. Barbed wire, electric fencing, bollards, look-out platforms and security cameras sometimes go hand-in-hand with perimeter fencing.

The adverse effects created by these measures include a loss of privacy, loss of visual amenity and a perceived loss of security. The desire for fortification and privacy is often at variance with the more open characteristics of an established residential area. Excessive fortification also has the ability to affect property values.

The Plan does not seek to prevent fortification at all costs. Instead, it seeks to ensure that any fortified site appropriately located in areas where there is less likelihood of residential conflict.

ANTICIPATED ENVIRONMENTAL RESULTS

- The maintenance of amenity values.
- The segregation of potentially conflicting land uses.
- The safety of people and communities.

43. SHIPPING CONTAINERS

Shipping containers are traditionally window-less, functional structures. They are ideally suited for the secure housing of goods and are commonly used in conjunction with construction projects. As a temporary structure, it has a limited affect on the amenity of most environments.

On a more permanent basis and within a residential environment, however, the use of shipping containers can adversely affect streetscape and amenity values. For this reason, rules are necessary to restrict their use of containers to temporary uses only.

ANTICIPATED ENVIRONMENTAL RESULTS

- Preservation of streetscape values and residential amenity.

44. PARKING OF HEAVY MOTOR VEHICLES

Heavy motor vehicles are typically synonymous with commercial activities. Commercial activities are generally, though not exclusively, located out-with residential areas. In this way, the effects associated with those activities can be isolated from the higher amenity standards prevalent within a residential environment.

The movement of heavy motor vehicles to and from residential areas, has the potential to adversely affect amenity values within that area.

In addition to the noise associated with heavy motor vehicles, the regular manoeuvring of large scale vehicles onto and off private property also increases the risk of a traffic hazard.

By controlling the extent to which heavy motor vehicles can park within residential areas, the anticipated environmental results will include:

- Improved traffic safety by minimising the potential conflict between commercial vehicles, domestic vehicles and pedestrians.

45. FINANCIAL CONTRIBUTIONS, DEVELOPMENT CONTRIBUTIONS AND DEVELOPMENT AGREEMENTS

The Local Government Act 2002 empowers Council to require development contributions in the form of land, money, or both. Development contributions may be required for both asset acquisitions and development and may be taken where the effect of a development is to require new or additional assets or assets of increased capacity for which Council must incur (or has already incurred) capital expenditure to provide for community facilities. Where Council requires a development contribution, or a contribution through a development agreement, a financial contribution shall not be required for the same purpose.

