



## URBAN SETTLEMENT ZONE - RULES

### US3.1 Rule Statement

The following rules, shall apply to all land shown as being within the Urban Settlement Zone in the District Plan Maps. These rules shall be read in conjunction with all other rules in the plan, and in particular:

- (a) Transport Infrastructure and Car Parking – Rules.
- (b) Subdivision – Rules.
- (c) Signage – Rules.
- (d) Financial Contributions – Rules.
- (e) Hazardous Substances – Rules.
- (f) Relocated Buildings – Rules.
- (g) Network Utilities – Rules.
- (h) Special Activities – Rules.
- (i) Natural Hazards – Rules.
- (j) Heritage – Rules.
- (k) District Wide Rules.

Consideration shall also be made to all Objectives and Policies which may be relevant to any proposed activity subject to this section, and in particular those outlined in the Urban Settlement Zone – Policy section.

*Advice Note:*

*Should any human remains or archaeological items be exposed while undertaking works, all activity shall cease immediately. The New Zealand Historic Places Trust and Kaumatua representing the local Tangata Whenua shall be contacted and work shall not recommence in the affected area until any necessary statutory authorisations or consents have been obtained. The NZ Police shall be contacted also when human remains are exposed.*

*The line owner should be consulted if a building or structure within 20 metres of any power lines is proposed to ensure that compliance with the New Zealand Code of Compliance for Electrical Safe Distances 34:2001 can be achieved.*

### US3.2 Rules

#### US3.2.1 Permitted Activities

The following activities are Permitted Activities provided they comply with the General Conditions outlined in Section US3.3 and the relevant Specific Conditions outlined in Section US3.4 below.

- (a) Residential Activity.
- (b) Education Activity.
- (c) Commercial Activity.
- (d) Visitor Accommodation Activity.
- (e) Healthcare Services Activity.
- (f) Residential Care Activity.
- (g) Earthworks Activity.
- (h) Domestic Scale Renewable Energy Activity.

**US3.2.2 Discretionary Activities**

The following activities are Discretionary Activities.

Applications will be assessed against but not limited to, the relevant Assessment Criteria outlined in section US3.5 below.

- (a) Recreation and Community Activity  
Relevant Objectives and Policies – US2.2.
- (b) Rural Activities  
Relevant Objectives and Policies – US2.2.
- (c) Any activity that is provided for as a Permitted Activity by Rule US3.2.1 but fails to meet one or more of the General Conditions outlined in Section US3.3 or the Specific Conditions outlined in Section US3.4.  
Relevant Objectives and Policies – US2.2.
- (d) Fire Stations  
Relevant Assessment Criteria: US2.2.

**US3.2.3 Non-Complying Activities**

The following activities are Non-Complying Activities:

Applications will be assessed against but not limited to, the relevant Assessment Criteria outlined in Section US3.5.1 below.

- (a) Any land use or activity not specifically referred to in Rules US3.2.1 and US3.2.2.  
Relevant Objectives and Policies – US2.2.2(a) and US2.2.3(a) and (b).
- (b) Forestry Activities  
Relevant Objectives and Policies – US2.2.

**US3.3 General Conditions**

Compliance with the following General Conditions is required for all Permitted Activities as outlined in Rule US3.2.1 above.

**US3.3.1 Coverage**

- (a) The maximum coverage of the net site area by buildings shall be 30%.  
Relevant Assessment Criteria: US3.5.1(a) and (h)

**US3.3.2 Commercial Activities**

- (a) The maximum gross floor area used for commercial activities shall be 75m<sup>2</sup>.
- (b) Except in Ohura, where:
  - (i) The maximum gross floor area used for commercial activities shall be 75m<sup>2</sup>, or
  - (ii) The premises are on Ngarimu Road (between Hihi Street and Kaka Street) and they have previously been used for commercial activities. Note: This condition allows for the re-use of existing commercial buildings in this area. It does not allow for the expansion of these buildings.

Relevant Assessment Criteria: US3.5.1(a) – (j) and (m).



**US3.3.3 Density**

- (a) The maximum number of dwellings per site shall be one.  
Relevant Assessment Criteria: US3.5.1(a), (d), (e), (g) and (h).

**US3.3.4 Height**

- (a) The maximum height of any building, or part of a building shall be 7.5m, or 2m plus the horizontal distance from the nearest boundary, whichever is less.  
Relevant Assessment Criteria: US3.5.1(a) and (f).

**US3.3.5 Yards**

- (a) The minimum yards provided on any site shall be:
 

Front	4.5m
Side	1.0m
Rear	3.0m
- (b) The minimum front yard provided on any site within the Ohura Township fronting Ngarimu Street between Hihi Street and Kaka Street shall be 0m only where the front boundary is determined in relation to Ohura Road.  
Relevant Assessment Criteria: US3.5.1(a), (b), (f) and (i).

*Advice Note:*  
Where a site is classed as a rear site, the rear yard setback is applicable along all boundaries (see definition of Yard for further clarification)

**US3.3.6 Screening – Non Residential Activities**

- (a) All storage and service areas shall be screened from view from adjoining sites zoned Urban Settlement.  
Relevant Assessment Criteria: US3.5.1(i) and (j).

**US3.3.7 Noise**

- (a) The  $L_{eq}$  noise level and maximum noise level ( $L_{max}$ ) arising from any activity, with the exception of fire stations, measured at the boundary of any site, other than the site generating the noise shall not exceed the following limits:
 

(i) Monday to Saturday 7.00am to 8.00pm inclusive	55dB $L_{Aeq}$ (15 min)
(ii) All other times and on public holidays	45dB $L_{Aeq}$ (15 min)
(iii) 8.00pm to 7.00am and on public holidays: maximum noise	75dB $L_{AFmax}$
- (b) The  $L_{eq}$  noise level and maximum noise level ( $L_{max}$ ) arising from fire stations measured at the boundary of any site shall not exceed the following limits:
 

(i) Monday to Saturday 7.00am to 10.00pm inclusive	55dB $L_{Aeq}$ (15 min)
(ii) All other times and on public holidays	45dB $L_{Aeq}$ (15 min)
(iii) 10.00pm to 7.00am and on public holidays: maximum noise	65dB $L_{AFmax}$
- (c) Fire appliance sirens and callout sirens for volunteer brigades shall not be subject to the noise limits outlined above, subject to the best practicable option always being adopted to minimise noise levels.



- (d) Measurement and assessment of noise levels shall be in accordance with New Zealand Standards NZS 6801:2008 *Acoustics – Measurement of Environmental Sound* and NZS 6802:2008 *Acoustics – Environmental Noise*

Relevant Assessment Criteria: US3.5.1(c) and (i).

#### US3.3.8 Transportation

- (a) All activities shall demonstrate compliance with the relevant provisions of the “Transport Infrastructure and Car Parking - Rules” section of the District Plan.

Relevant Assessment Criteria: Refer “Transport Infrastructure and Car Parking - Rules” section.

#### US3.3.9 Lighting and Glare

- (a) The spill of light onto any site shall not exceed 3 lux (horizontal and vertical) when measured at or within the boundary of any other site.
- (b) Street lights are exempt from the requirements of this Condition.

Relevant Assessment Criteria: US3.5.1(a), (l) and (m).

#### US3.3.10 Dust

- (a) Activities must not create a dust nuisance. A dust nuisance will occur if:
- (i) There is visible evidence of suspended solids in the air beyond the site boundary; and/or
  - (ii) There is visible evidence of suspended solids traceable from a dust source settling on the ground, building or structure on a neighbouring site or water.

Dust nuisance will be determined by a Council Officer taking into account the frequency, intensity, duration, nature and location of the dust nuisance and any previously validated dust complaints relating to the same site.

Relevant Assessment Criteria: US3.5.1(p).

#### US3.3.11 Windows in Dwellings

- (a) All dwellings on sections facing the street shall have a clear glass window (or windows) of at least 2m<sup>2</sup> facing the street. Houses on corner sites must have glazing on both facades facing the street, but can reduce the amount of glazing to 1m<sup>2</sup> on one of the facades.
- (b) The window/s must be associated with the house, and not with garages.

Relevant Assessment Criteria: RE3.5.1(o).

##### *Advice Notes:*

##### *Archaeological*

*If it is possible that archaeological sites may be affected by the proposed work then the site is subject to a consenting process under the Historic Places Act 1993.*

*Evidence of archaeological sites may include burnt and fire cracked stones, charcoal, rubbish heaps including shell, bone and/or glass and crockery, ditches, banks, pits, old building foundations, artefacts of Māori and European origin or human burials.*

*If any activity associated with this proposal, such as earthworks, fencing or landscaping may modify, damage or destroy any archaeological site(s) an authority (consent) from the New Zealand Historic Places Trust must be obtained for the work prior to commencement. It is an offence to modify, damage or destroy a site for any purpose without an authority. The Historic Places Act 1993 contains penalties for unauthorised site damage. The applicant is advised to contact the New Zealand Historic Places Trust for further information.*



### *Human Remains or Archaeological Items*

*Should any human remains or archaeological items be exposed while undertaking works, all activity shall cease immediately. The New Zealand Historic Places Trust and Kaumatua representing the local Tangata Whenua shall be contacted and work shall not recommence in the affected area until any necessary statutory authorisations or consents have been obtained. The NZ Police shall be contacted also when human remains are exposed*

## **US3.4 Specific Conditions**

The following Specific Conditions shall apply to the Permitted Activities specified below. Where these Specific Conditions differ from the requirements of the General Conditions in Section US3.3 above, the Specific Condition shall be applicable.

### **US3.4.1 Education Activities**

- (a) No education activity shall provide for more than ten pupils at any one time.  
Relevant Assessment Criteria: US3.5.1(a), (c) - (e), (i), (m) and (n).

### **US3.4.2 Visitor Accommodation Activities**

- (a) Accommodation shall not be provided for more than ten guests at any one time.  
*Advice Note: Any Visitor Accommodation may also need to comply with Fire Safety Regulations. Please contact the Fire Safety Officer at Council for more information.*  
Relevant Assessment Criteria: US3.5.1(a), (d), (e) and (i).

### **US3.4.3 Healthcare Services Activities**

- (a) No more than one healthcare practitioner and assistants shall be accommodated on any site.
- (b) Excludes medical laboratories.  
Relevant Assessment Criteria: US3.5.1(a), (d), (e) and (i).

### **US3.4.4 Residential Care Activities**

- (a) Scale
  - (i) Any residential care activity shall not provide more than ten beds for occupants and staff.Relevant Assessment Criteria: US3.5.1(a), (d), (e) and (i).

### **US3.4.5 Earthworks Activities**

- (a) Noise
  - (i) Noise from earthworks shall comply with Condition US3.3.7
  - (ii) Earthworks shall only occur between 7:00am and 8:00pm Monday to Saturday inclusive, excluding public holidays.
- (b) Appearance
  - (i) All earthwork sites shall be kept tidy and reinstated as soon as practicality possible so as to avoid a prolonged visual change in the character of the area.
- (c) Separation
  - (i) No earthworks activity, including stockpiling, shall occur within 20m of the banks of a waterway.



- (d) Volume
  - (i) No more than 50m<sup>3</sup> of material measured in its non-compacted form, within one certificate of title, shall be removed from or relocated within the site, in any calendar year unless the earthworks are identified in and provided for through and approved subdivision or land use consent.
- (e) Vegetation Removal
  - (i) Where vegetation clearance occurs in association with earthworks, disturbed areas shall be re-vegetated within 12 months of the earthworks being undertaken.
- Advice Note:*  
*Consent may be required from the Regional Council for earthworks and/or vegetation clearance.*
- (f) Standards
  - (i) All earthworks shall comply with the requirements of NZS 4431:1989 “Code of Practice for earth fill for residential development”.

*Advice Note:*

*Any person undertaking earthworks must comply with the requirements of the New Zealand Electrical Code of Practice (NZECP) 34:2001.*

*The New Zealand Electrical Code of Practice provides for statutory safe separation distances from electrical lines. The code sets out the minimum separation distances for excavation and construction near conductors and their support structures (towers and poles). The primary purpose of these distances is to protect persons and property from harm caused by electrical hazards, such as flashovers.*

Relevant Assessment Criteria: US3.5.1(i) and (k).

#### US3.4.6 Domestic Scale Renewable Energy

- (a) Shall not exceed the height limit for the Zone by more than 3m.
  - (b) Limited to one mini wind turbine per site.
  - (c) No turbine shall have a generating capacity of more than 10kW.
- Relevant Assessment Criteria: US3.5.1(c) and (o).

### US3.5 Assessment Criteria

#### US3.5.1 Discretionary and Non-Complying Activities

Discretionary and Non-Complying Activities will be assessed against, but not limited to, the assessment criteria below.

Reference to relevant assessment criteria in other sections of the District Plan may be required as stated for the General and Specific Conditions above.

- (a) Whether the activity or development is consistent with the character, scale and intensity of the township and adjoining land uses.
- (b) Whether potential conflicts between adjoining land uses will be avoided by buildings and activities being sufficiently separated from one another.
- (c) Whether the activity or development will generate noise levels to an unreasonable degree that is inconsistent with the character of the existing environment. Alongside this, consideration will also be given to whether the noise is essential (for example, fire sirens) and whether the noise is temporary in nature, or consistent.
- (d) Whether the activity or development can be provided with adequate services including stormwater, water and sewage reticulation.



- (e) Whether the activity or development will contribute to the cumulative effects of the expansion of the township, potentially requiring additional Council infrastructure including roading, footpaths and lighting.
- (f) Whether the amenity, privacy and access to sunlight and daylight will be maintained by preventing tall and/or obtrusive buildings and structures from being located close to boundaries.
- (g) The extent to which the intensity of occupancy of the site has an adverse effect on the character and amenity of the surrounding environment.
- (h) Whether sufficient open space has been provided as part of the development in order to provide sufficient on-site amenity and to manage stormwater disposal.
- (i) Whether remediation and/or mitigation measures such as landscaping will be undertaken and the effectiveness of such measures.
- (j) The extent to which storage areas are visible to the public.
- (k) Whether earthworks can be undertaken in a manner that will ensure:
  - (i) Access to and along watercourses and water bodies is maintained.
  - (ii) Visual impacts, effects on surface drainage patterns, any likely sedimentation or dust nuisance, or adverse effects on adjoining buildings and properties are avoided.
- (l) The extent to which the location of the proposed activity will mitigate adverse glare effects.
- (m) The impact on the amenity of surrounding properties.
- (n) Impact on traffic flows.
- (o) Impact of the development on visual amenity, and the character of the street.
- (p) The potential for nuisance associated with the development, balanced against any mitigating measures.