

PART 43 RULE 43 – QUEEN'S REDOUBT HERITAGE ZONE

For the avoidance of doubt, and notwithstanding the rules which follow, all activities (or applications for consent for such activities) must also comply with such other provisions which apply to the activity or site, including those specified in Parts 7, 8, 12, 15, 22, 26, 50, 51, 52, 53 and 54.15 of this Plan. Where the activity involves the use of a SIGN erected on private property, the SIGN shall be consistent with matters set out in Rule 15.4.

43.1 PERMITTED ACTIVITIES

The activities listed below are *Permitted* and do not require a resource consent if they comply with Rules 43.4 and 43.5 PERFORMANCE and DEVELOPMENT STANDARDS.

(NOTE: Words in CAPITALS are defined in Part 50 of the Plan)

- FARMING;

43.2 RESTRICTED DISCRETIONARY ACTIVITIES

- i) The activities listed below are *Restricted Discretionary* activities in this Zone if they comply with (or clearly will comply with) Rules 43.4 and 43.5 PERFORMANCE and DEVELOPMENT STANDARDS:
- ii) *Restricted Discretionary* activities require a resource consent, and consent may be granted, with or without conditions, or refused, in terms of the Act.
- iii) Applications shall be assessed in terms of sections 104 and 104C of the Act and more particularly in terms of those matters over which the Council will restrict the exercise of its discretion (see Rule 43.6).
- iv) The information to be submitted with the application shall be in terms of Rule 52 and to an extent necessary to enable a thorough assessment in terms of the matters set out in Rule 43.6.
- v) An application for a *Restricted Discretionary* activity may be processed as 'non-notified' (that is, without public notification) where Council so determines in terms of the relevant sections of the Act.

1. BUILDINGS, including alterations to existing BUILDINGS;
2. HERITAGE CENTRE activities;
3. Any activity which does not comply with one or more of the Development Standards in Rule 43.4 and 43.5.

43.3 NON-COMPLYING ACTIVITIES

- i) *Non-complying* activities require a resource consent, and the consent may be granted or refused. An application must be submitted in the prescribed format (available from the Council).
- ii) Applications will be assessed in terms of the matters set out in Rule 53, and where consent is granted, conditions of consent may be imposed.
- iii) The information submitted with the application must be in terms of Rule 52.
- iv) The activities listed below are *Non-complying* activities in the *Queen's Redoubt Heritage Zone*.

1. Any activity not provided for by Rules 43.1 or 43.2 above.
2. Subdivision or boundary adjustment.

43.4 DEVELOPMENT STANDARDS FOR ALL ACTIVITIES
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- A. All activities in the Queen's Redoubt Heritage Zone shall be required to meet the standards set out in this Rule unless they:
- i. have a resource consent to depart from any one or more of the standards; or
 - ii. are departed from in accordance with any exemption provisions within the particular clause.
- B. Unless otherwise stated, these standards shall be satisfied prior to commencement of the activity or occupation of the structure, notwithstanding that a building consent or other approval may have been obtained.

43.4.1 MAXIMUM HEIGHT

The maximum HEIGHT of BUILDINGS shall be 8 metres.

Refer to definitions of "BUILDING" and "HEIGHT", Rule 50.

Explanation

Controls limiting height are intended to maintain a similar height to that development likely to occur in the surrounding Residential 2 and Business Zones.

43.4.2 HEIGHT IN RELATION TO BOUNDARY

(Refer to "BUILDING" and "HEIGHT", Rule 50)

No BUILDING or part thereof shall exceed a HEIGHT equal to 3 metres plus the shortest horizontal distance between that part of the BUILDING and any SITE boundary, provided that for boundaries or parts of boundaries that are within the *southern quarter* as defined by Diagram 27.A, this formula shall be applied using a figure of "2.5" instead of "3.0" metres. Provided further that:

1. No account shall be taken of radio and television AERIALS, solar heating devices and chimneys (not exceeding 1.1 metres in any horizontal direction), provided such structures are located at least 1 metre from each SITE boundary.
2. This rule shall not apply:
 - a) to boundaries where the abutting SITE is zoned Business Zone.
 - b) where the written consent/s of the owners and occupiers of the abutting sites or notional lots that would be directly affected by the encroachment have been obtained.
3. Where the land abutting a site boundary is part of an entrance strip, right of way, access lot or public pedestrian accessway the far boundary of that land shall be deemed to be the site boundary for the purposes of this standard;

Explanation

This standard ensures that a BUILDING on one site does not unduly restrict the admission of daylight or sunlight to an adjoining residential property.

43.4.3 YARDS

1. YARDS, ROAD and RESERVE Interface

- a) All YARDS: 1.5 metres.
- b) Fences on a ROAD or RESERVE boundary, or between the ROAD boundary and the closest BUILDING on the SITE, shall not exceed 1.2 metres in HEIGHT and shall not be close-boarded or of similar solid construction.
- c) Fences on YARDS adjoining a RESERVE or pedestrian accessway or link shall not exceed 1.2m in HEIGHT.

2. State Highway YARD

The minimum distance between any HABITABLE BUILDING and the legal boundary of the State Highway shall be 20 metres.

Explanation

The FRONT YARD control pertains to the public face of any DEVELOPMENT - i.e. where it relates to the public street. The intention is to maintain an appropriate relationship between all built DEVELOPMENT and the street. The RULES relating to YARDS are intended to provide conventional separation between buildings on the Redoubt SITE and neighbouring DWELLING HOUSES. The YARD requirements are consistent with the requirements of the surrounding zones.

Avoiding visual dominance of street elevations and RESERVES by preventing high front fences will contribute to pedestrian and public amenity. Utilising only low (or no) front fences will assist both public experience and public safety by enabling informal visual surveillance from the SITE to the street.

The purpose of the State Highway YARD is to provide sufficient space for suitable NOISE attenuation measures and landscaping but will only apply to HABITABLE BUILDINGS.

43.4.4 ON-SITE PARKING AND POSITION OF VEHICLE CROSSINGS

1. On-site Parking

Section 51 of the PLAN applies.

2. Position of Vehicle Crossings

- a) Vehicle crossings are to be located so as not to remove any formed on-street car parking bays.
- b) Any street trees required to be removed must be reinstated, relocated or replaced.

3. Vehicle Crossings

- a) Section 51 of the PLAN applies.

Explanation

Inadequate on-site provision of parking can result in adverse amenity effects arising from vehicles parked on streets and berms.

It is desirable to avoid damaging archaeological and heritage features of this site wherever possible. For this reason, provision of carparking and vehicle manoeuvring areas on the Queen's Redoubt Heritage Zone should be restricted. It is preferable to provide parking available on the adjacent paper roads and/or Great South Road.

43.4.5 STORMWATER MANAGEMENT – VOLUME CONTROL

Rule 27.6.1.18 of the PLAN applies.

43.5 PERFORMANCE STANDARDS FOR ALL ACTIVITIES
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- A. All activities in the Queen's Redoubt Heritage Zone shall be required to meet the standards set out in this Rule unless they:
- have a resource consent to depart from any one or more of the standards; or
 - are departed from in accordance with any exemption provisions within the particular clause.
- B. Unless otherwise stated, these standards shall be satisfied prior to commencement of the activity or occupation of the structure notwithstanding that a building consent or other approval may have been obtained.

43.5.1 NOISE

1. The NOISE level measured at the boundary with an adjoining SITE zoned Residential 2 shall not exceed:

7.00am – 10.00pm	10.00pm – 7.00am	
(dBA L_{eq})	(dBA L_{eq})	dBA L_{max}
55	45	75

Except that the NOISE limits do not apply to construction NOISE generated by the operation and maintenance of the State Highway, and may be exceeded by intermittent NOISE associated with normal HOUSEHOLD activity e.g. lawn mowing undertaken at reasonable times during the day.

2. HABITABLE ROOMS in a DWELLING HOUSE or RESIDENTIAL BUILDING that is within the area shown on Planning Maps 107 as "Background Noise Area" and "High Background Noise Area" shall be designed and constructed such that:
- The noise level resulting from traffic shall not exceed:
 - 45dBAL_{eq(24hour)} in any habitable room; and
 - 35dBAL_{eq(9hour)} from 10.00pm to 7.00am in any bedroom.
 - The internal NOISE levels shall be achieved with ventilation windows open and with any mechanical ventilation required to ventilate the rooms in accordance with the Building Code, operating.
3. Acoustic design in relation to Rule 43.5.1 shall be based on the traffic flows predicted for the road 10 years after the construction of the BUILDING.
4. Compliance with Rule 43.5.1 shall be demonstrated by the provision of an acoustic design report from a suitably qualified and experienced acoustic engineer confirming that the BUILDING to be constructed is designed to achieve the above NOISE levels.
5. The NOISE standards do not apply to the construction or maintenance of BUILDINGS or the DEVELOPMENT of land.
6. The NOISE levels shall be measured and assessed in accordance with the requirements of NZS 6801: 2008 Measurement of Environmental Sound and NZS 6802: 2008 Environmental Noise respectively.

7. The NOISE shall be measured by a sound level meter complying with the International Standard IEC 651 (1979): Sound Level Meters, Type 1.

Explanation

The Queen's Redoubt Heritage Zone is within the High Background Noise Area and due to the proximity to State Highway 1, is expected to experience elevated background noise. Any new DWELLING HOUSE or RESIDENTIAL BUILDING will require acoustic treatment (Refer Planning Maps 107).

43.5.2 LIGHT SPILL

1. Any activity shall be conducted so that direct or indirect illumination measures not more than 8 lux (lumens per square metre) on the Queen's Redoubt Heritage Zone boundary.
2. Glare shall be measured on an instrument meeting the requirements of NZ Standards Institute CP22 (1962) and amendments; Instruments or standards adopted by Council that supersede those stated above will be used in place of the instruments/standards.
3. All outdoor lighting shall be directed away from ADJOINING PROPERTIES.

Explanation

The rules reflect the need to control adverse effects of light spill and glare within residential environments.

43.6 ASSESSMENT OF RESTRICTED DISCRETIONARY ACTIVITIES

- A. The *Restricted Discretionary* activities listed in Rule 43.2 will be assessed in terms of the following matters, and conditions of consent will only relate to these matters (or such other matters as the Act provides).
- B. Sufficient information shall be submitted to ensure that these matters can be fully evaluated with respect to the proposal:

Applications for *Restricted Discretionary* Activity Resource Consent will be assessed with regard to the following matters (to the extent that they are relevant):

- a) The matters identified in Part 53 of the PLAN;
- b) Whether the DEVELOPMENT is consistent with the objectives and policies for the Structure Plan Area (refer Part 54.15);
- c) Whether the proposed building(s) and/or activities have adverse effects on the heritage resource and the measures taken to avoid, remedy or mitigate potential adverse effects;
- d) Whether the location, scale, design, and appearance of the proposed building(s) and/or activities detract from the heritage value of the resource;
- e) Whether the buildings and/or activities will avoid the destruction of archaeological features;
- f) Whether the landscaping, parking and access arrangements, and outdoor signage avoids the destruction of archaeological features;
- g) Whether the scale and intensity of the DEVELOPMENT and use is such that the adverse effects on the amenity and character of the neighbouring Residential 2 zone will be minor;
- h) Whether the DEVELOPMENT can be adequately serviced for stormwater (having regard to the recommendations of the adopted Stormwater Catchment Management Plan and/or an approved stormwater discharge consent), wastewater, water supply and utilities.
- i) Hours of operation;
- j) Parking and access:
- k) The results of any consultation with heritage organisations such as New Zealand Historic Places Trust and the Department of Conservation and any other Heritage Protection Authority;
- l) The nature and conditions of any consents granted under legislation other than the Resource Management Act, such as the provisions of the Historic Places Act relating to the protection of archaeological sites;
- m) The results of consultation with tangata whenua, and any special interest groups identified by Council.