Appendix A – Recommended Amendments to the Mixed Use Zone Chapter

KEY

Red Underlined – Additions recommended as part of s42A Report

~~Red Strikethrough~~ – Deletions recommended as part of s42A Report

MIXED USE ZONE - MUZ

Overview and Purpose

The purpose of the Mixed Use Zone is to provide for a range of compatible activities which will support the economic needs of the local community whilst providing for cultural and social well-being and respecting the underlying relationship between Ngāi Tahu and the natural *environment*. Compatible activities include those activities which can co-exist without unreasonable cross *boundary* adverse *effects* and include residential, recreational, community, *light industrial activities* and some *commercial activities.*

Development within the Mixed Use Zone should be of a scale and nature which supports the social, cultural and economic needs of the community without detracting from the vitality, vibrancy and economic hub of the Town Centre and Local Centre. The Zone should be well functioning with activities that complement rather than detract from each other permitted to establish. Cross *boundary effects* and *reverse sensitivity* should be managed to allow for the range of activities to co-exist in an appropriate *environment*.

Activities that generate adverse *effects* of a nature or scale that is potentially objectionable, or offensive will typically not be anticipated in the Mixed Use Zone unless such activities can comprehensively demonstrate they are able to co-exist with more *sensitive activities* in the vicinity.

Residential development is anticipated in the zone at a density which accounts for the range of different activities enabled within the zone and to ensure on-*site amenity values* are managed and cross *boundary effects* mitigated. Allowing for higher density development than the General Residential Zone ensures an efficient use of *land* resources in recognition of the proximity to amenities and services.

Amenity values vary within the zone with pockets of residential development having higher *amenity values* and greater level of landscaping compared to the areas of commercial or light industrial development where *amenity values* are lower, *buildings* are larger and there is a greater emphasis on *vehicle access*, parking and customer interface. Development within the zone should reflect existing *amenity values* and aim to enhance general *amenity values* whilst maintaining the purpose of the zone.

Objectives

MUZ-O1 The Mixed Use Zone provides for a wide range of activities to meet the economic, cultural and social needs of the Gore District.

MUZ-O2 The type of activities and services provided for in the Mixed Use Zone are limited to ensure the vitality, vibrancy and character of the town centre or local centre is not compromised.

MUZ-O3 The Mixed Use Zone provides a safe, accessible and functional working and residential *environment* with a reasonable level of amenity consistent with the range of activities provided for.

MUZ-O4 Adverse environmental *effects* or impacts on Ngāi Tahu cultural values generated by activities within the Mixed Use Zone are managed, particularly at the zone interfaces.

Policies

MUZ-P1 Enable activities which are compatible with the purpose and predominant character of the Mixed Use zone whilst ensuring their design, scale and intensity is appropriate.

MUZ-P2 Manage activities which are potentially compatible with the purpose and predominant character of the Mixed Use zone where:

1. the activity will improve community access to goods, services or facilities and provide for the community's social and / or economic needs; and
2. the scale, design and layout of the activity is compatible with the character and amenity of the surrounding area; and
3. any adverse *effects* on *sites* within Residential, Māori Purpose or Open Space and Recreation Zones can be avoided unless the *effects* can be adequately mitigated; and
4. the activity can be adequately serviced with existing or planned *infrastructure*.

MUZ-P3 Avoid activities that are incompatible with the purpose and predominant character of the Mixed Use zone including:

1. activities which would detract from the vitality, vibrancy and character of the Town Centre and Local Centre.
2. activities which generate noxious, offensive and objectionable *effects*.
3. activities which would result in *reverse sensitivity effects* and/or conflict with anticipated activities.

MUZ-P4 Require activities and development to maintain a level of on-site amenity, particularly at zone interfaces, consistent with the purpose of the zone by:

1. ensuring landscaping is provided and maintained, particularly on *road* frontages;

2. screening outdoor storage areas (which are not for sales purposes) and rubbish areas to reduced adverse visual *effects* and cross *boundary effects* such as *noise* and *discharge* of odour or *dust*;
3. ensuring that *buildings* and *structures* are of a scale and *height* which is compatible with the anticipated mixed use character and amenity of the zone.
4. requiring appropriate *setbacks* to waterways to maintain and enhance amenity, ~~Ngāi Tahu cultural values and natural character~~ and ecological values, maintain access to mahinga kai; and reduce effects on mauri, ki uta ki tai and natural character.

MUZ-P5 Manage adverse *effects* of activities within the zone to maintain the character and amenity of adjoining zones.

MUZ-P6 Enable the use of *reserve land* where the activity and / or development is consistent with the relevant Reserve Management Plan.

MUZ-P7 Enable *residential activity* and provide for *comprehensive residential development* where:
1. *residential units* are designed and built with appropriate levels of insulation and ventilation to mitigate *noise effects*.
2. the *amenity values* of occupants are provided for through outlook, privacy, layout and design and *outdoor living space*.
3. *reverse sensitivity effects* on other permitted activities are minimised.

Notes

Note 2	**Provisions in Other Chapters**
	The provisions in this chapter apply in addition to the provisions of the other chapters in the District Plan and the plan should be read as a whole. This chapter also implements other chapters in the District Plan that do not have specific rules such as Sites and Areas of Significance to Māori and Mana Whenua.
Note 1	**Other legislation**
	The provisions of the National Environment Standard for Assessing and Managing *Contaminants* in Soil to Protect Human Health which apply where a HAIL activity has been undertaken on the *land* subject to specified activities and *subdivision*. In certain circumstances resource consent will be required from the Gore District Council. In the first instance reference should be made to the register of HAIL activity *sites* held by the Gore District Council. The provisions of regional plans prepared by Environment Southland. This includes the taking, use and *discharge* of *water*, the *discharge* of *contaminants* to *land*, *water* or air and the erection of *structures* in *river beds*. In certain circumstances resource consent will be required from Environment Southland.

Rules

MUZ-R1	***Office Activity***	
MUZ-R2	***Light Industrial Activity***	
MUZ-R3	***Service Station***	
MUZ-R4	***Community Facility***	
MUZ-R5	***Healthcare Activity***	
MUZ-R6	***Supported Residential Accommodation Activity***	
MUZ-R7	***Visitor Accommodation***	
MUZ-R8	***Emergency Services Facility***	
MUZ-R9	***Community Corrections Activity***	
All areas	**MUZ-R1 to MUZ-R9** **Activity status:** Permitted Where: 1. Any new, extended or converted *Building* containing a *noise sensitive activity* complies with NOISE-S3 (*acoustic treatment*). 2. Any new relocated, or extended *building* or *structure* complies with all Mixed-Use Zone Standards except standards MUZ-S8 and MUZ-S9.	**Activity status where compliance not achieved:** Restricted Discretionary **Matters over which discretion is restricted:** 1. The matters of discretion for the relevant infringed standard.
MUZ-R10	***Residential Activity***	
All areas	**Activity status:** Permitted Where:	**Activity status where compliance is not achieved with:**

	1. One *minor residential unit* per *residential unit*; and 2. Minor residential units have a m~~M~~aximum floor area of 60 square metres; and 3. The activity complies with MUZ-S9 (density); and 4. Any new, relocated or extended *building* or *structure* complies with the standards MUZ-S1, MUZ-S2, MUZ-S3, MUZ-S4, MUZ-S5, MUZ-S6 and MUZ-S11; and 5. Any new or relocated *residential unit* complies with standards MUZ-S8; and 6. Any new or relocated *residential unit* or *building* containing *habitable rooms* complies with NOISE-S3 (*acoustic treatment*).	**MUZ-R10(1), MUZ-R10(2) and MUZ-R10(3):** Non-complying **MUZ-R10(4), MUZ-R10(5) and MUZ-R10(6):** Restricted Discretionary **Matters of discretion:** 1. The matters of discretion of any infringed standard.
MUZ-R11	***Home Business***	
	Activity status: Permitted Where: 1. The activity occupies no more than 50 square metres of the *gross floor area* of the *buildings* on the *site*; and 2. Goods, materials or equipment associated with the activity must be stored within a *building*; and 3. The activity must be undertaken by a person(s) residing on the *site* and employ no more than one full-time equivalent person who may or may not reside on the *site; and*	**Activity status where compliance is not achieved:** Restricted Discretionary **Matters of discretion:** 1. Potential nuisance *effects* on the *amenity values* of adjacent *sites.* 2. Compatibility with the character and amenity of the surrounding residential area. 3. Hours of operation. 4. The *effects* of traffic on the safe and efficient operation of the surrounding *transport network.*

	4. The *home business* does not involve the repair, alteration, restoration or maintenance of motor vehicles; and 5. Unloading or loading of vehicles or the receiving of customers or deliveries only occur between the 0730 and 1900 Monday to Saturday; and 6. Any new, relocated or extended *building* or *structure* complies with standards MUZ-S1, MUZ-S2, MUZ-S3, MUZ-S4, MUZ-S5, MUZ-S6, MUZ-S7 ~~and~~ MUZ-S10 and MUZ-S11.	5. Servicing including low impact design. 6. The matters of discretion of any infringed standard.
MUZ-R12	***Retail Activity***	
All areas	**Activity status:** Permitted Where: 1. The *retail activity* is limited to one or more of the following: (a) an *ancillary activity* which is the sale of products generated by an activity permitted under Rules MUZ-R1-MUZ-R8 where the maximum retail area accessible by the public does not exceed the lesser of: (i) 10% of the area of the *building*; or (ii) 100 square metres (b) the hire of goods which require outdoor storage; (c) sale of products that require outdoor storage or are one or more of the following: (i) cars, boats, tractors or other machinery or vehicles; (ii) automotive and marine supplies.	**Activity status where compliance is not achieved with:** **MUZ-R12(1):** Non-Complying **MUZ-R12(2):** Restricted Discretionary **Matters of discretion:** 1. The matters of discretion of any infringed standard.

	(iii) *building* supplies; (iv) farming and agricultural supplies; (v) garden and landscaping supplies. (vi) office furniture. 2. Any new, relocated or extended *building* or *structure* complies with all Mixed-Use Zone Standards except MUZ-S8 and MUZ-S9.	
MUZ-R13	***Food and Beverage Activity***	
	Activity Status: Permitted Where: 1. The activity is a take-away food premises where the maximum area accessible to the public does not exceed 50 square metres; and 2. Any new or relocated *building* or *structure* complies with all Mixed Use Zone Standards except MUZ-S8 and MUZ-S9.	**Activity status where compliance is not achieved:** Discretionary
MUZ-R14	**Use of *Reserve Land***	
All areas	**Activity status:** Permitted 1. All *land* use activities in areas administered under the Reserves Act 1977 are permitted where they comply with a Management Plan that has been approved by the Minister under that Act. Except that:	**Activity status where compliance is not achieved:** Discretionary

	Use of Hyde Park (Lots 3-15 DP 2971 and Section G SO 1085) as *reserve land* is permitted whilst the *land* is owned by Gore District Council.	
MUZ-R15	***Educational Facility***	
MUZ-R16	***Entertainment and Hospitality Activities***	
All areas	**MUZ-R15 to MUZ-R16** **Activity status:** Restricted Discretionary **Matters of Discretion:** 1. The extent to which it is necessary to locate the activity within the Mixed Use Zone. 2. The *effects* on the vitality, vibrancy, role and function of the Town Centre and Local Centre zones. 3. The extent to which the activity may limit or constrain the establishment and use of *land* for activities that are permitted in the zone. 4. The ability to adequately service the activity. 5. Any matters of discretion from an infringed Mixed Use Standard.	**Activity status where compliance is not achieved:** Discretionary
MUZ-R15	***Comprehensive Residential Development***	
All areas	**Activity status:** Restricted Discretionary Where:	**Activity status where compliance is not achieved:** Discretionary

	1. *Residential Units* comply with *Noise* standard NOISE-S3 (*acoustic treatment*) **Matters of Discretion:** 1. Any potential *reverse sensitivity effects* and/or conflict with existing activities, and the ability to mitigate these *effects*. 2. Compatibility with the character and amenity of the surrounding area, including whether the density maintains the existing and anticipated pattern of development in the surrounding area. 3. Whether the development achieves high quality urban design outcomes. 4. The ability to service the dwellings and connect to reticulated services 5. The effects of additional traffic on the safe and efficient operation of the *transport network*. 6. Any matters of discretion from an infringed Mixed Use Standard.	
MUZ-R16	**All other activities**	
All areas	**Activity status:** Non-Complying 1. Any activities, including associated buildings, not otherwise provided for in the list of rules.	**Activity status where compliance not achieved:** N/A

Standards

MUZ-S1	***Height***	
All Activities	1. The *building* must not exceed a maximum *height* of 10 metres above *ground level*. Excluding any roof mounted *structures* such as: panels, architectural features, satellite dishes or antennas, aerials or flues, provided these do not exceed the height by more than 1m and is no more than 1 metre in width or length.	**Activity status where compliance is not achieved:** Restricted Discretionary **Matters of discretion:** 1. The adverse *effects* on the *amenity values* of adjoining *sites* including privacy, shading, outlook and dominance. 2. The *effects* on the character and *amenity values* of the surrounding *environment* and streetscape, including impacts on views to and between features of importance to Ngāi Tahu. 3. Whether the *structure* can be more appropriately located to minimise adverse visual amenity *effects*. 4. The reason for the increase in *height*.
MUZ-S2	***Height in relation to boundary***	
All Activities	1. No part of any building or structure projects beyond the height in relation to boundary plane, measured from points 3 metres above ground level at site boundaries where that *boundary* adjoins a site: (a) Zoned General Residential, Medium Density Residential, Large Lot Residential or Māori Purpose Zone. (b) Containing a scheduled *heritage item*. See Appendix 2 for boundary plane angles. Except that:	**Activity status where compliance is not achieved:** Restricted Discretionary **Matters of discretion:** 2. The adverse *effects* on the heritage or *amenity values* of adjoining *sites* including privacy, shading, outlook and dominance. 3. Whether the *structure* can be more appropriately located to minimise adverse visual amenity *effects*.

	(i) this standard does not apply to boundaries with other sites in the Mixed Use Zone. (ii) this standard does not apply to *road* boundaries; (iii) the following intrusions are permitted: • for any roof with a slope of 15 degrees or greater and the roof ridge generally at right angles to the *boundary*, the end of the ridge may be up to 1.5 metres above the indicator plane and the end area up to 2.5 square metres when viewed in elevation; • roof mounted *structures* such as panels, architectural features, satellite dishes or antennas, aerials, flues, provided the *structure* does not extend more than 1m above the zone *height* limit and has a maximum width of 1m or length. *Note: Where a boundary forms part of a legal right of way, entrance strip, access site or pedestrian access way, the rule applies from the farthest boundary of that legal right of way*	
MUZ-S3	***Setback* to side and rear *boundaries***	
All activities	1. Any *building* is *setback* at least 1.5 metres from any side or rear *boundary.* Except that: (a) eaves, gutters and associated downpipes on any *building* may intrude into the *setback* by a maximum of 600 mm. (b) no *setback* is required where *buildings* share a common wall. (c) no *setback* is required to *sites* within the General Industrial or Light Industrial zones.	**Activity status where compliance is not achieved:** Restricted Discretionary **Matters of discretion:** 1. The adverse *effects* on the *amenity values* of adjoining *sites* including privacy, shading, outlook and dominance. 2. The ability to mitigate adverse *effect* on adjoining *sites* through layout, *building* design and landscaping. 3. The extent to which the reduction in the *setback* is necessary due to the shape or natural and physical features of the *site*.

MUZ-S4	***Setbacks* to a *road boundary***	
All activities	1. Any *building* is *setback* a minimum of 2 metres from any *road boundary.* Except that eaves, gutters and associated downpipes on any *building* may intrude into the *setback* by a maximum of 600mm.	**Activity status where compliance is not achieved:** Restricted Discretionary **Matters of discretion:** 1. The safety and efficiency of the *road* network. 2. *Effects* on the character and amenity of the streetscape including dominance. 3. Compatibility with the surrounding *environment*. 4. The reason for the reduced *setback*. 5. For *sensitive activities*, the adverse *effects* from *noise* along the State Highway and potential for *reverse sensitivity effects*.
MUZ-S5	***Setbacks* to streams and *rivers***	
All Activities	1. Any *building* or *structure* is set back from the top of the closest bank of any *stream* or *river* the minimum distance as follows: (a) 20m for high order rivers or streams (order 5 and above) (b) 10m for middle order rivers or streams (order 3 and 4) (c) 5m for low order rivers or streams (order 1 and 2). Refer to Appendix 3 for river and stream orders	**Activity status where compliance is not achieved:** Restricted Discretionary **Matters of discretion:** 1. Whether there is a *functional need* for the *building* or *structure* to locate in a riparian margin, and the extent to which alternative practicable options have been considered and their feasibility. 2. The *effects* on *water* quality and the stability and health of the stream *bed* and banks, including erosion and *sedimentation control measures*. 3. The nature of existing riparian vegetation and the *effects* of proposed planting or modification on indigenous *biodiversity* and /or habitats.

		4. The natural character of the riparian margin and the *effects* of the activity on landscape values and the ability to restore, rehabilitate or enhance riparian areas. Refer to Natural Features and Landscapes – Appendix 5 in regard to the Mataura River. 5. Impacts on Ngāi Tahu cultural values, including those listed in MW-2.3. 6. The *effects* on public and customary *access* to the stream or *river*. 7. The potential for flooding and to create new or exacerbate existing *natural hazards*, impact natural drainage patterns, redirect overland flow paths or flood flows, including on to other *sites*.
MUZ-S6	**Landscaping**	
All activities	1. A landscaping strip with an average width of 2m along the frontage of the *site* is provided. 2. For *sites* fronting Hokonui Drive the landscaping strip must contain a minimum of 1 tree every 3 metres. 3. Landscaping shall not obscure emergency or safety signage, or obstruct access to emergency panels, hydrants, shut-off valves, or other emergency response facilities. Except these requirements do not apply to any area required for vehicle or *pedestrian access*.	**Activity status where compliance is not achieved:** Restricted Discretionary **Matters of discretion:** 1. The *effect* of the non-compliance on the streetscape and surrounding *environment*. 2. The overall landscaping provided on-site.
MUZ-S7	**Landscaped permeable area**	
All activities	1. At least 10 percent of the *net site area* shall comprise *landscaped permeable area*.	**Activity status where compliance is not achieved:** Restricted Discretionary

		Matters of discretion: 1. The ability to manage *stormwater* on*site* and potential impact on *water* quality. 2. The overall landscaping provided on the *site*. 3. *Effects* on the visual amenity of the surrounding *environment*. 4. *Effects* on the practical use and layout of the *site*.
MUZ-S8	***Outdoor living space***	
Residential activities	1. Each *residential unit* at ground floor level must provide: (a) a minimum continuous area for *outdoor living space*, contained in one area within the *net site area* of the *site*, of 20m^2 which: (i) has a minimum 4m diameter circle; and (ii) is directly accessible from a *habitable room* within the *residential unit*; and (iii) does not face south; and (iv) is kept free of *buildings*, *access* areas (including driveways and manoeuvring areas) and parking spaces. 2. Each *residential unit* above ground floor must provide: (a) a minimum continuous area for *outdoor living space*, contained in one area, within the *net site area* of the *site*, of 6m^2 which: (i) has a minimum 2 metre dimension; and (ii) is directly accessible from a *habitable room* within the *residential unit*; and (iii) is not south facing.	**Activity status where compliance is not achieved:** Restricted Discretionary **Matters of discretion:** 1. Whether sufficient *outdoor living space* is provided. 2. Accessibility and convenience for residents. 3. The proximity of alternative opportunities for outdoor amenity and recreation. 4. The reason for the reduced *outdoor living space*.

MUZ-S9	**Density**	
Residential activities	1. *Residential units* must not exceed a minimum density of one per 200m^2 of *net site area*.	**Activity status where compliance is not achieved:** Non-Complying
MUZ-S10	**Screening**	
All activities except Residential Activities	1. Any on-*site* service area, including rubbish collection areas, must be fully screened by a 1.8m fence or landscaping from view of: (a) public *road* (b) adjoining *site* (c) other public space Except that outdoor storage of goods for sale as part of the activity do not require screening from a public *road*. 2. Any on-*site* parking must be fully screened by a 1.8m fence or landscaping from view of adjoining *sites*. 3. This standard does not apply to a *site* used only for a *residential activity.* 4. Screening shall not obscure emergency or safety signage, or obstruct access to emergency panels, hydrants, shut-off valves, or other emergency response facilities.	**Activity status where compliance is not achieved:** Restricted Discretionary **Matters of discretion:** 1. Any adverse *effects* on the visual amenity and character of the streetscape. 2. The visual amenity of adjoining Residential zoned *sites* including shading; 3. The service, storage and parking needs of the activity and the size and location of service, storage and parking areas; 4. The time period, type and volume of goods for which the outdoor storage area will be used. 5. The ability to mitigate any adverse visual *effects* resulting from reduced or no screening of the outdoor storage area through alternative means.
MUZ-S11	**Servicing**	
All activities	1. Where available any *residential unit* and buildings for non-residential activities shall be connected to a Council reticulated water supply.	**Activity status where compliance is not achieved:** Restricted Discretionary **Matters of discretion:**

2. Where available any *residential unit* and buildings for non-residential activities shall be connected to a Council reticulated *wastewater* network.

3. Where Council reticulated water supply is unavailable, any *residential unit* and buildings for non-residential activities must:

   (a) be connected to a community *drinking water* supply; or

   (b) be connected to a private *drinking water* supply; or

   (c) store 45,000 litres of potable water on-*site* from another source.

4. Where Council reticulated *wastewater* is unavailable, any *residential unit* and *buildings* for non-*residential activities* must:

   (a) be provided with an on-*site wastewater* treatment and disposal system.

1. The ability to provide suitable on-*site* alternative services.