

**MUZ**

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**Mixed Use Zone**

DRAFT  
WAITAKI DISTRICT PLAN

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**Waitaki**

DISTRICT COUNCIL  
TE KAUNIHERA Ā ROHE O WAITAKI

## Mixed Use Zone

### Introduction

The Mixed Use Zone provides for a compatible mixture of residential dwellings, offices, commercial, recreational, educational and community activities. Other than large format retail activity, retail activity is only provided for where the goods are manufactured, processed or repaired on site and floor space is capped. These measures seek to preserve the role and viability of town centres or local centres and prevent a dispersion of retail activities.

Ōamaru has a generous amount of mixed use land wrapping around the northern end of the town centre. The zone anticipates a range of light industrial uses service-orientated businesses, with associated retail, wholesale and office functions. There are scatterings of commercial activities, education activity, community uses, and residential living.

There is also mixed use land south of the town centre, predominantly between Tyne Street and the waterfront. The mixed use land in this area is also addressed by the Ōamaru Harbour Precinct chapter, recognising that it is an important area for recreation, visitor activities and visitor accommodation, with the harbour home to the Ōamaru Blue Penguin Colony, a bike park, steampunk playground, campground and other accommodation, as well as being the end point of the A2O cycle trail. These activities sit alongside the harbour which continues to function as a working port. The additional objectives, policies and rules for the Ōamaru Harbour Precinct provisions are contained in the Ōamaru Harbour Precinct chapter.

The Ōamaru Town Centre Design Guidelines have been developed to provide advice and principles for new development in the town centre, and also incorporate design guidance for gateway areas into the town centre and the Ōamaru Harbour Precinct.

## Objectives

### **MUZ-O1 Purpose of the Mixed Use Zone**

The Mixed Use Zone accommodates a range of compatible residential, recreational activities, educational, community facilities, marine related industry, light industrial activities, and limited commercial activities together, which serve the needs of businesses and the local community.

### **MUZ-O2 Character and qualities of Mixed Use Zones**

The Mixed Use Zone includes activities and development that:

1. lift the amenity values and over time result in a higher quality of environment; and
2. contribute to a reasonable standard of visual amenity and minimal noise, smell, glare and traffic effects; and
3. do not detract from the amenity values of sites in adjoining Residential, Open Space and Sport and Active Recreation zones; and
4. maintains sufficient amenity within the zone where residential and other sensitive activities are provided for; and
5. accommodates parking demand on site.

### **MUZ-O3 Retailing in the Mixed Use Zone**

The scale and nature of retail activities within the Mixed Use Zone is restricted so it does not compromise the function, integrity, convenience and viability of retailing in the Town Centre and Local Centre Zones.

### **MUZ-O4 Residential living**

Residential living options are accommodated where they are compatible with non-residential activities and will facilitate an increase in the number of people living in the Mixed Use Zone and close to the Town Centre Zone.

## Policies

### **MUZ-P1 Appropriate activities within the Mixed Use Zone**

Enable activities that are consistent with the purpose, character and amenity values of the Mixed Use Zone, that provides for a large variety of compatible activities.

### **MUZ-P2 Development within the Mixed Use Zone**

Require building and site development to be carried out in a manner that is compatible with the role, function and scale of a Mixed Use Zone, including:

1. road frontages that are adequately landscaped; and
2. outdoor storage being screened from neighbouring sites and the general public.

#### **MUZ-P3 Nature and intensity of industrial activities**

Avoid industrial activities and marine related industry unless:

1. the scale, design and layout of the activity is compatible with the character and amenity of the surrounding area; and
2. any adverse effects can be internalised and any potential conflict between activities within the zone or at zone interfaces can be avoided; and
3. the marine related industry is located in the Ōamaru Harbour Precinct.

#### **MUZ-P4 Amenity of adjacent zones**

Maintain amenity values of adjacent Residential or Open Space and Recreation zones, by:

1. controlling the bulk and location of buildings to minimise visual dominance, adverse shading and loss of privacy effects; and
2. requiring landscaping or screening to screen or soften the visual impact of the buildings; and
3. restricting the hours of operation of activities.

#### **MUZ-P5 Limited retailing in the Mixed Use Zone**

Avoid retail activities in the Mixed Use Zone except for:

1. the sale of goods with a limited floor area, and which have been processed, manufactured or repaired on the site;
2. large format retail activities near existing large format retail activities between Dee Street, Coquet Street, Reed Street and Thames Street.

#### **MUZ-P6 Noise sensitive activities**

Enable the establishment of noise sensitive activities in the Mixed Use Zone, provided that the potential for reverse sensitivity effects are minimised through the incorporation of acoustic treatment measures in habitable rooms.

#### **MUZ-P7 Activities inappropriate for a Mixed Use Zone**

Avoid activities, including intensive indoor primary production, industrial activities (other than light industry and marine based industry), and potentially high-impact industrial activities that are incompatible with the role, function, character and amenity values associated with the Mixed Use Zone.

**MUZ-P8 Residential activity**

Provide for residential activity where:

1. any residential unit is designed to provide for the amenity values of occupants in respect of outlook, privacy, daylight and site design; and
2. reverse sensitivity effects on non-residential activities are minimised.

## Rules

Note: For certain activities, a resource consent may be required by rules in more than one chapter in the District Plan. Unless expressly stated otherwise by a rule, resource consent is required under each of those rules. The steps to determine the status of an activity are set out in the General Approach Chapter.

### PERMITTED ACTIVITIES

MUZ-R1 Commercial activity		
<b>Mixed Use Zone</b>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b> PER-1 Any retail activity, other than a large format retail activity, is limited to: 1. the sale of goods that have been processed, manufactured or repaired on the site, provided that the gross floor area of the outlet does not exceed 100m<sup>2</sup>; or 2. service stations <b>or</b></p> <p>PER-2 Any large format retail activity is limited to: 1. a store that exceeds 500m<sup>2</sup> gross floor area; or 2. a yard area that exceeds 500m<sup>2</sup>; or 3. any combination of store and yard that exceeds 500m<sup>2</sup>; <b>and</b></p> <p>PER-3 MUZ-S6, MUZ-S7, MUZ-S8 and MUZ-S9 are complied with.</p>	<p><b>Activity status when compliance is not achieved: Non-Complying</b></p> <p><b>Where:</b> NC-1 Compliance is not achieved with PER-1 or PER-2</p> <p><b>Activity status when compliance is not achieved: Restricted Discretionary</b></p> <p><b>Where:</b> RDIS-1 Compliance is not achieved with PER-3</p> <p><b>Matters of discretion are restricted to:</b> 1. the matters of discretion of any infringed standard.</p>
MUZ-R2 Visitor accommodation		
<b>Mixed Use Zone</b>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b> PER-1 MUZ-S6, MUZ-S7, MUZ-S8 and MUZ-S9 are complied with.</p>	<p><b>Activity status when compliance is not achieved: Restricted Discretionary</b></p> <p><b>Where:</b> RDIS-1 Compliance is not achieved with PER-1</p>

		<p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>1. the matters of discretion of any infringed standard.</li> </ol>
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<b>MUZ-R3 Community facility</b>		
<b>Mixed Use Zone</b>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b> PER-1 MUZ-S6, MUZ-S7, MUZ-S8 and MUZ-S9 are complied with.</p>	<p><b>Activity status when compliance is not achieved: Restricted Discretionary</b></p> <p><b>Where:</b> RDIS-1 Compliance is not achieved with PER-1</p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>1. the matters of discretion of any infringed standard.</li> </ol>

<b>MUZ-R4 Educational facility</b>		
<b>Mixed Use Zone</b>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b> PER-1 MUZ-S6, MUZ-S7, MUZ-S8 and MUZ-S9 are complied with.</p>	<p><b>Activity status when compliance is not achieved: Restricted Discretionary</b></p> <p><b>Where:</b> RDIS-1 Compliance is not achieved with PER-1</p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>1. the matters of discretion of any infringed standard.</li> </ol>

<b>MUZ-R5 Recreational activity</b>		
<b>Mixed Use Zone</b>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b> PER-1 MUZ-S6, MUZ-S7, MUZ-S8 and MUZ-S9 are complied with.</p>	<p><b>Activity status when compliance is not achieved: Restricted Discretionary</b></p> <p><b>Where:</b> RDIS-1 Compliance is not achieved with PER-1</p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>1. the matters of discretion of any infringed standard.</li> </ol>

MUZ-R6 Residential activity	
<b>Mixed Use Zone</b>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b> PER-1 Compliance is achieved with MUZ-S10.</p>

<p><b>Activity status when compliance is not achieved: Restricted Discretionary</b></p> <p><b>Where:</b> RDIS-1 Compliance is not achieved with PER-1</p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>1. the matters of discretion of any infringed standard.</li> <li>2. Potential reverse sensitivity issues.</li> </ol>
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MUZ-R7 Marine related industry activity	
<b>Mixed Use Zone – Ōamaru Harbour Precinct</b>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b> PER-1 Where the building has a gross floor area of no more than 500m<sup>2</sup> per site; <b>and</b></p> <p>PER-2 MUZ-S6, MUZ-S7, MUZ-S8, MUZ-S9 and MUZ-S11 are complied with.</p>

<p><b>Activity status when compliance is not achieved: Restricted Discretionary</b></p> <p><b>Where:</b> RDIS-1 Compliance is not achieved with PER-2</p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>1. the matters of discretion of any infringed standard.</li> </ol> <p><b>Activity status when compliance is not achieved: Non-Complying</b></p> <p><b>Where:</b> NC-1 Compliance is not achieved with PER-1</p>
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MUZ-R8 Building activity	
<b>Mixed Use Zone</b>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b> PER-1 Any Building activity complies with MUZ-S1, MUZ-S2, MUZ-S3, MUZ-S4, MUZ-S5 and MUZ-S11.</p> <p><b>Notes:</b></p> <ol style="list-style-type: none"> <li>1. <i>NH-R13 applies to buildings containing habitable rooms near potential wildfire risk areas</i></li> </ol>

<p><b>Activity status when compliance is not achieved: Restricted Discretionary</b></p> <p><b>Where:</b> RDIS-1 Compliance is not achieved with PER-1</p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>1. the matters of discretion of any infringed standard.</li> </ol>
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	2. <i>NATC-R1 applies to structures within a riparian margin.</i>	
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## RESTRICTED DISCRETIONARY ACTIVITIES

MUZ-R9 Parking facility		
<b>Mixed Use Zone</b>	<p><b>Activity status: Restricted Discretionary</b></p> <p><b>Where:</b> PER-1 MUZ-S6, MUZ-S8 and MUZ-S11 are complied with.</p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>1. Size, scale, location and design</li> </ol>	<p><b>Activity status when compliance is not achieved: Discretionary</b></p> <p><b>Where:</b> RDIS-1 Compliance is not achieved with PER-1</p>

MUZ-R10 Light industry		
<b>Mixed Use Zone</b>	<p><b>Activity status: Restricted Discretionary</b></p> <p><b>Where:</b> PER-1 MUZ-S6, MUZ-S7, MUZ-S8, MUZ-S9 and MUZ-S11 are complied with.</p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>1. Nature and scale of the activity</li> <li>2. Compatability with other activities provided for within the Mixed Use Zone</li> <li>3. Effects on amenity including adjoining residential or open space zones</li> <li>4. Potential reverse sensitivity issues</li> </ol>	<p><b>Activity status when compliance is not achieved: Restricted Discretionary</b></p> <p><b>Where:</b> RDIS-1 Compliance is not achieved with PER-1</p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>1. the matters of discretion of any infringed standard.</li> </ol>

**DISCRETIONARY ACTIVITIES**

<b>MUZ-R11</b>	<b>Any activity not provided for as a permitted, restricted discretionary, or a non-complying activity</b>	
<b>Mixed Use Zone</b>	<b>Activity status: Discretionary</b>	<b>Activity status when compliance is not achieved: Not Applicable</b>

**NON-COMPLYING ACTIVITIES**

<b>MUZ-R12</b>	<b>Industrial activity except for light industry and marine based industry</b>	
<b>Mixed Use Zone</b>	<b>Activity status: Non-Complying</b>	<b>Activity status when compliance is not achieved: Not Applicable</b>

<b>MUZ-R13</b>	<b>Potentially high-impact industrial activities</b>	
<b>Mixed Use Zone</b>	<b>Activity status: Non-Complying</b>	<b>Activity status when compliance is not achieved: Not Applicable</b>

<b>MUZ-R14</b>	<b>Intensive indoor primary production</b>	
<b>Mixed Use Zone</b>	<b>Activity status: Non-Complying</b>	<b>Activity status when compliance is not achieved: Not Applicable</b>

## MUZ STANDARDS

MUZ-S1 Building and structures height	
<ol style="list-style-type: none"> <li>Any buildings and structures must not exceed a maximum height of 12m measured from ground level.</li> <li>Clause 1 does not apply to antennas, aerials, satellite dishes (less than 1m in diameter), chimneys and flues, provided these do not exceed the height limit by more than 3m, measured vertically.</li> </ol>	<p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>the location, design and appearance of the building; and</li> <li>any adverse effects on the streetscape; and</li> <li>any adverse effects on the amenity values of adjoining properties (including those directly opposite where separated by a road) containing sensitive activities, including shading and effects on privacy; and</li> <li>compatibility with the scale, proportion and context of buildings and activities in the surrounding area.</li> </ol>
MUZ-S2 Building coverage	
<ol style="list-style-type: none"> <li>The combined total areas of all buildings on the site must not exceed 70%.</li> <li>Rainwater tanks less than 5,000 litres are exempt from any building coverage calculation required by Clause 1.</li> </ol>	<p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>the location, design and appearance of the building; and</li> <li>any adverse effects on the streetscape; and</li> <li>any adverse effects on the amenity values of neighbours of adjoining sites; and</li> <li>provision of outdoor space for storage, parking and other activities.</li> </ol>
MUZ-S3 Building setback from a road boundary	
<p>Any building must be setback a minimum of 2m from the road boundary.</p>	<p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>the location, design and appearance of the building; and</li> <li>any adverse effects on the streetscape; and</li> <li>any adverse effects on the amenity values of neighbours of adjoining sites.</li> </ol>

<b>MUZ-S4      Setback from internal boundaries</b>	
<ol style="list-style-type: none"> <li>1. Any building must not be located within a 4.5m setback from an internal boundary with an adjoining site zoned Residential or Open Space and Recreation.</li> <li>2. Rainwater tanks less than 5,000 litres are exempt from any internal boundary setback requirement in Clause 1.</li> </ol>	<p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>1. the location, design and appearance of the building; and</li> <li>2. any adverse effects on the amenity values of properties in an adjoining Residential zone or Open Space and Recreation zone.</li> </ol>
<b>MUZ-S5      Height in relation to boundary</b>	
<ol style="list-style-type: none"> <li>1. No part of any building shall project beyond the height in relation to boundary recession lines from any point 3m vertically above ground level along the site boundaries when the site boundary adjoins an Open Space and Recreation zone or a Residential zone.</li> <li>2. Clause 1 does not apply to:               <ol style="list-style-type: none"> <li>a) road boundaries; or</li> <li>b) buildings on adjoining sites that have a common wall along an internal boundary for the length of that common wall; or</li> <li>c) boundaries abutting an access lot or right of way, in which case the furthest boundary of the access lot or right of way may be used; or</li> <li>d) lines, wires or support structures for utilities; or</li> <li>e) flagpoles or antennas, other than dish antennas over 1.0m in diameter; or</li> <li>f) lightning rods, chimneys, ventilation shafts, solar heating devices, roof water tanks, lift and stair shafts, provided these do not exceed the height in relation to boundary by more than 3m as measured vertically; or</li> <li>g) architectural features such as steeples, towers and finials, provided these do not exceed the height in relation to boundary by more than 3m as measured vertically; or</li> <li>h) a gable end, dormer or roof where that proportion beyond the height in relation to boundary is no greater than</li> </ol> </li> </ol>	<p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>1. the location, design and appearance of the building; and</li> <li>2. any adverse effects on the amenity values of properties in an adjoining Residential zone or Open Space and Recreation zone.</li> </ol>

1.5m<sup>2</sup> in area and no greater than 1m in height.

*Note: See Diagram 6 below for the height in relation to boundary recession lines.*

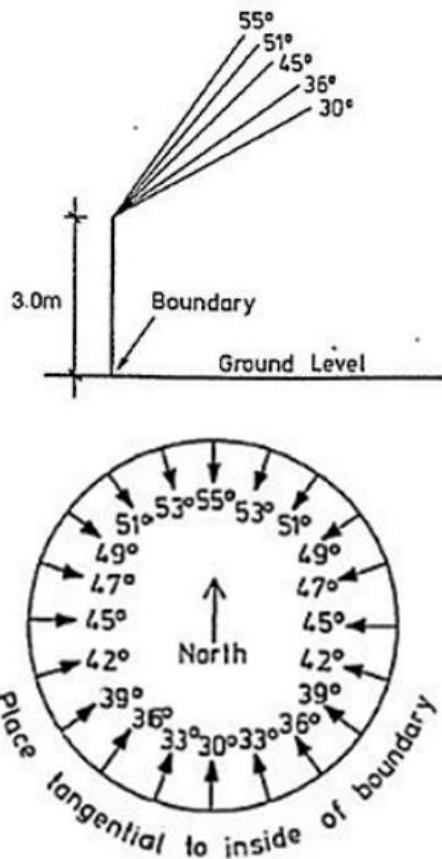


Diagram 6: Height in relation to Boundary Recession Lines

**MUZ-S6 Landscaping along the road boundary**

A landscaped area of at least a 10m width must be provided for and maintained along the road boundary and must include a minimum of one tree for every 10m of frontage. Trees must not be planted at a distance of more than 25m apart or closer than 5m. At the time of planting, all trees must have a minimum height of 1.5m or be at least 3 years of age.

**Matters of discretion are restricted to:**

1. the location, design and appearance of the landscaping; and
2. any adverse effects on the streetscape; and
3. any adverse effects on the amenity values for neighbouring sites.

<b>MUZ-S7 Landscaping of internal boundaries</b>	
<p>A landscaped area with a minimum width of 2m must be provided and maintained along internal boundaries of an adjoining Residential zone or Open Space and Recreation zone, and must be planted with species, which at maturity, will screen the buildings from the adjoining site.</p>	<p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>1. any adverse visual effects on properties in an adjoining Residential zone or Open Space and Recreation zone.</li> </ol>
<b>MUZ-S8 Hours of operation</b>	
<p>Any activity (other than a residential activity) on a site adjoining an Open Space and Recreation zone or a Residential zone, must not operate outside the following hours:</p> <ul style="list-style-type: none"> <li>• 7:00am to 10:00pm Monday to Saturday; and</li> <li>• 9:00am to 5:00pm Sunday and public holidays;</li> </ul> <p>except where:</p> <ol style="list-style-type: none"> <li>1. the entire activity is located within a building; and</li> <li>2. there are no visitors, customers, or deliveries to the activity outside the above hours; and</li> <li>3. visitor accommodation guests are entering or leaving the site.</li> </ol>	<p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>1. the location and operation of the activity, including the effects of noise, lighting and from the generation of traffic; and</li> <li>2. any adverse effects on the amenity values of properties in an adjoining Residential zone or Open Space and Recreation zone.</li> </ol>
<b>MUZ-S9 Outdoor storage</b>	
<ol style="list-style-type: none"> <li>1. Any outdoor storage of goods must be limited to goods ancillary to the activity on the site and must be fully screened by a fence, landscaping or building, or a combination of these, so it is not visible from any:             <ol style="list-style-type: none"> <li>a) public space; and</li> <li>b) adjoining site</li> </ol> </li> <li>2. Clause 1 does not apply to motor vehicles ancillary to the activity on the site or the display of goods for sale.</li> </ol>	<p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>1. any adverse effects on the streetscape; and</li> <li>2. any adverse effects on the amenity values of properties of adjoining sites (including those opposite, where separated by a road).</li> </ol>

<b>MUZ-S10 Outdoor living space</b>	
<p>1. Each residential unit located on the ground floor must be provided with an outdoor living space that:</p> <ul style="list-style-type: none"> <li>a) has a minimum area of 20m<sup>2</sup>; and</li> <li>b) has a minimum dimension of 3m; and</li> <li>c) is directly accessible from a habitable room in the residential unit to which it relates; and</li> <li>d) is free of buildings, parking spaces and manoeuvring areas.</li> </ul> <p>2. each residential unit located entirely above ground floor must be provided with an outdoor living space in the form of a balcony, deck or roof terrace that:</p> <ul style="list-style-type: none"> <li>a) has a minimum area of 10m<sup>2</sup>; and</li> <li>b) has a minimum dimension of 2m; and</li> <li>c) is directly accessible from a habitable room in the residential unit to which it relates.</li> </ul> <p>3. for multi-unit housing, the outdoor living space can be provided as private space and shared space, as long as:</p> <ul style="list-style-type: none"> <li>a) each residential unit is provided with a private outdoor living space that has a minimum area of 10m<sup>2</sup>, with a minimum dimension of 2m, that is directly accessible from a habitable room in the residential unit to which it relates; and</li> <li>b) the shared outdoor living space has a minimum area of 20m<sup>2</sup>, with a minimum dimension of 3m; and</li> <li>c) any ground floor outdoor living space is free of buildings, parking spaces and manoeuvring areas.</li> </ul>	<p><b>Matters of discretion are restricted to:</b></p> <ul style="list-style-type: none"> <li>1. whether adequate useable space is provided to accommodate outdoor activities; and</li> <li>2. whether there are topographical or other site constraints that make compliance with the standard impractical; and</li> <li>3. the proximity of the residential unit to accessible, public open space.</li> </ul>
<b>MUZ-S11 Minimum permeable surface area</b>	
<p>At least 10% of the site shall be planted in grass, vegetation or landscaped with permeable materials.</p>	<p><b>Matters of discretion are restricted to:</b></p> <ul style="list-style-type: none"> <li>1. the ability for the site to manage stormwater; and</li> <li>2. the extent to which existing grass, vegetation or landscaping provided on site,</li> </ul>

	<p>can mitigate the adverse effects resulting from reduced, alternative or no permeable surface area; and</p> <p>3. any adverse effects on the amenity values of the surrounding environment.</p>
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