

## 5.5 RESIDENTIAL ZONE

### 5.5.1 BACKGROUND

Under the Transitional District Plan, residential zoning was provided for the three main towns and some of the smaller townships of the District. While the standards and uses permitted in the various residential zones differed, all the District Schemes which made up the Transitional District Plan had similar objectives relating to:

- Consolidating residential development in those areas that could be serviced and were physically suitable;
- Encouraging an appropriate higher density of residential development;
- Providing for compatible uses, eg home occupations, cottage industries;
- Maintaining high standards of residential amenity.

This District Plan introduces a residential zone to cover those areas previously zoned for residential purposes. Most of the residential area is characterised by one existing dwelling per section. In the main, these are serviced or are able to be serviced with water, sewerage, stormwater, power, telephone.

The settlements of Waikino, Mackaytown, Karangahake and Patetonga have a servicing constraint (no reticulated sewage treatment and disposal). As such, the performance and subdivision standards for these settlements have been set at a level that enables servicing on site.

The boundaries of the residential areas in part reflects the physical constraints, historical factors and financial ability to service these areas. Physical boundaries and natural hazards have defined the residential areas (eg flooding, hills, Ohinemuri River in Paeroa; Waitete Stream, Ohinemuri River and mining areas in Waihi; and Piako River in Ngatea). The policies of protecting land of high potential for food production purposes has also constrained not only residential but all urban development.

The comprehensive land use surveys undertaken in 1992 identified that neither Paeroa or Waihi required any extension to urban zonings to accommodate forecasted residential expansion. This is in spite of an increase in absolute population, a decline in the occupancy level and a continuing number of new houses being built. This demand for additional dwellings has been accommodated within the area zoned for residential purposes. In Paeroa and Waihi, there are sufficient greenfield areas, vacant sections and sections that can be infilled to accommodate forecasted residential development for the next planning period.

With respect to Waihi, it is recognised that the town was originally established to service the mining industry. It is also recognised that there are still significant mineral resources underlying areas of Waihi Town, and that access to the mineral reserve within the boundaries of the current Martha mining licence area is likely to be sought in the near future. There are competing demands between the preservation of the residential resource and making provision for the extraction and use of mineral resources.

With respect to Ngatea, the land use survey identified that substantial population growth had occurred and that the number of occupied dwellings had increased significantly also. The potential for existing residential land to accommodate expected residential demand was considered to be adequate to meet future demand. However, as a result of the consultation undertaken through the Draft District Plan process, the "availability" of much of the vacant land and the potential for infill housing development was considered to be less than anticipated. This is due to the factors of demand for larger residential sections and the practice of one occupier using two residential sections for residential and keeping of animals purposes. The Residential zone has been increased in the south east to accommodate the demand for residential land.

Of the smaller settlements, Turua and Whiritoa require an extension to the residential zone to accommodate a projected increase in population. The other settlements can either provide for population increase within the existing residential boundaries, or no significant population increase is anticipated.

Some other minor expansion of the area zoned residential in Waihi, Turua, Ngatea and Whiritoa has been provided. This is mainly land that is predominantly used for residential activities, but did not previously have a residential zoning (eg the Township zone on the western side of Hauraki Road, Turua, has been rezoned residential), or land that has been rezoned residential after it had been demonstrated to be suitable for residential development through the Plan Change process.

### 5.5.2 RESOURCE MANAGEMENT ISSUES

1. The protection and development of a residential resource (buildings, services, amenities) in a manner which enables people and communities to create an environment that meets their social, economic and cultural wellbeing and promotes the health and safety of the present and future residents.
2. Residential areas can be large users of resources, including high quality rural land, physical services (roads, water, sewerage, stormwater, power, etc) and energy (particularly the use of fuel for transport). Careful planning of residential development (eg location, design, construction standards) can assist in reducing resource use, especially of finite resources such as land, thereby contributing to the sustainable management of natural and physical resources.
3. Within existing towns/townships a number of natural and human created hazards are known to exist. Residential development needs to be located and developed with due recognition given to known hazards.
4. Protection of amenity in the residential areas, particularly from adverse effects of non residential activities.
5. Maintaining residential amenity (including privacy, quiet, space, sunlight), while providing for increased density, variety of residential development and maintenance of specific residential character.
6. Providing for non-residential activities (childcare centres, hospitals, home-occupations) in a manner that does not detract from residential amenities, and to an extent that land for residential activities is not taken up with non-residential activities, thereby creating pressure to extend the residential zone.
7. The differing values between the retention of the residential resource and amenity values in Waihi, and the extraction and use of the underlying mineral resource.

### 5.5.3 ANTICIPATED ENVIRONMENTAL RESULTS

The primary anticipated environmental result of this zone is to maintain, develop and enhance a resource and an environment to meet the residential needs of the existing and future communities.

In addition, the changing residential needs of the community in terms of increased density, the range of residential accommodation types and the high standard of residential amenity need to be accommodated.

The establishment of non-residential activities should complement the surrounding residential area and enhance, where appropriate, the amenity and character of the neighbourhood. Any extension of the extractive industry in Waihi will take place subject to appropriate controls on any potential adverse effects on the residential environment.

### 5.5.4 OBJECTIVES AND POLICIES

#### *Objective 1*

*To manage the existing and future residential land, infrastructure, services and other natural and physical resources in a sustainable manner.*

#### **Policies**

Objective 1 will be achieved by implementation of the following policies:

1. Providing for a higher density of residential development where servicing constraints do not exist.
2. Providing for multi-unit and other forms of higher density residential development.
3. Providing services to residential development only in those areas zoned residential.
4. Providing services to a standard that can meet the demands of higher density development.

**Reasons**

1. The use of resources, including land and services, can be reduced by the containment of the residential activities.
2. Higher density living allows for optimum use of services.
3. The wellbeing of the community can be improved by providing for the type of residential environment people want.

**Objective 2**

*To develop residential areas free from the effects of hazards.*

**Policies**

Objective 2 will be achieved by implementation of the following policies:

1. Identifying hazards such as flooding, filled areas and mine shafts on the Council's Land Information Memoranda and other information systems.
2. Discouraging the development of land for residential purposes within the area designed for flood ponding purposes in Paeroa.
3. Using the provisions relating to building floor levels in the Building Act for those areas that are known to be subject to flooding.
4. Placing constraints on development in areas of coastal erosion hazard potential at Whiritoa.

**Reasons**

1. Most hazards are of such a nature that no intervention or identification is required within the District Plan. Rather, any hazards are of a "site specific" nature, which can be properly addressed through other mechanisms such as the PIM and LIM systems, and the provisions of the Building Act.
2. Flooding is a recognised hazard that is appropriate to include in the District Plan as it is of a general nature applying to identified areas.
3. The effects of coastal erosion at Whiritoa would increase if inappropriate development occurred on or near the foredune area.

**Objective 3**

*To provide for residential development which maintains and enhances neighbourhood amenities and qualities, particularly the open character and the set back of buildings from street boundaries.*

**Policies**

Objective 3 will be achieved by implementation of the following policies:

1. Excluding incompatible activities from the zone.

2. Prescribing performance standards (height, yards, coverage, etc) and assessment criteria, that have been developed over a number of years and have been accepted by the community as an effective way to maintain residential amenity qualities.
3. Allowing increased density in areas where that form of development is appropriate.
4. Protecting the appearance of a group of historic "Miners Cottage" housing in Waihi.
5. Allowing different residential densities to develop in different areas, depending on the demand for residential accommodation in that area, and servicing capabilities.

**Reasons**

1. Residential areas are places where people seek to carry out home and leisure activities free from the detrimental effects of noise, fumes, dust and other adverse effects that can be associated with work, business, recreation and other activities.
2. There are negative effects associated with living in higher densities. These effects can be reduced and/or avoided by building within the limits of specified performance standards.
3. The "Miners Cottages" have been identified as a feature worthy of protection for the benefit of the existing and future community.

**Objective 4**

*To avoid, remedy or mitigate any adverse effect of residential and non-residential developments.*

**Policies**

Objective 4 will be achieved by implementation of the following policies:

1. Requiring the disposal of sewage, wastewater, solid wastes and stormwater in a manner that does not have a detrimental effect on the environment.
2. Requiring subdivision to be carried out in accordance with Council's current practice.
3. Monitoring and reviewing community acceptance of non-residential activities through the monitoring programme, the review, plan change and resource consent processes.

**Reasons**

1. The Resource Management Act 1991 promotes the management (by various means) of the effects of activities on the environment. The manner in which residential activities are allowed to develop must be in accordance with that emphasis.
2. A range of non residential activities can operate without detriment to the residential environment, as long as their effects are maintained within specific limits. The ability of activities to remain within these limits needs to be monitored, as does the appropriateness of the limits themselves.
3. Community expectations for environmental quality are continually changing (usually to require greater residential amenity), and the performance standards reflect that community expectation.

**Objective 5**

*To provide for the utilisation of the known Martha mineral resource in Waihi.*

## Policies

Objective 5 will be achieved by implementation of the following policies:

1. Providing for mining and mining operations in specified areas.
2. Requiring that the adverse effects of mining and mining operations be avoided, remedied or mitigated.
3. Recognising that the Martha Mine operates under an existing Mining Licence, and that potential extensions to the mining operation need to be addressed within the planning period of this District Plan, and under the provisions of the Resource Management Act 1991.

## Reasons

1. Proposals to extend the Martha Mine are likely to come forward within the planning period of the District Plan.
2. Appropriate objectives and policies to recognise the resource need to be provided as part of the resource management framework for the use and development of the resource.

### 5.5.5 METHODS TO IMPLEMENT OBJECTIVES AND POLICIES

The principal method by which Council will implement the above objectives and policies is by the use of the Residential zone (both the physical limits shown on the planning maps and the rules) to control the location, type and scale of land use activities. The Rules act as an "envelope" within which activities can operate without intervention from outside agencies.

The provision and standard (ie capacity) of the services appropriate for a residential area, is one of the methods available which will assist in the development of residential activities in particular areas.

The provision of information on hazards or limitations to residential activities assists in informing the public of why particular areas are not suitable for such development.

Monitoring of activities in terms of resource consent conditions and the need to undertake enforcement action to achieve compliance with conditions and performance standards will indicate whether or not the conditions and standards require amendment (either because they are too stringent or because they are not achieving the desired outcome).

Other methods outside, but complementary with the District Plan are available to achieve the zone objectives. For example, the provision of guidance, advice and financial assistance can assist in the preservation of the Miners Cottages.

Prohibited activity status has been given to surface mining activities. Council has resolved that the appropriate process and assessment of such activities is by means of a private request for a plan change (refer to Section 2.2.5 – Extractive Industries for a description and reasons).

## Reasons

1. Refer to Section 2.0 which sets out Council's main reasons for adopting a zone and rule based approach to the achievement of the objectives and policies.
2. Monitoring is the method proposed to be used for assessing the effectiveness of the District Plan.
3. Refer to Section 2.2.5 – Extractive Industries.

## 5.5.6 ACTIVITIES

### 5.5.6.1 Permitted Activities

The following are permitted activities and shall comply with the Performance Standards specified in Rule 5.5.7 below:

1. Any permitted activity specified in Sections:
  - 7.1 - Heritage Features
  - 7.4 - Recognition and Protection of Significant Urban/Township Trees
  - 8.1 - Provision for Network Utilities
  - 8.7 - Signs
  - 8.8 - Hazardous Substances
  - 8.10 - Surface of Water in Lakes, Rivers and Streams
  - 10.1 - Subdivision
2. Residential activities, and residential institutions and community houses comprising no more than nine persons.
3. Soil conservation and river control works.
4. Walkways and cycleways.
5. Childcare centres for up to five children.
6. The existing activities of Kerepehi Transport on the properties legally described as Sections 9 - 12, 16 and 29 in Blk II Kerepehi Township.
7. Excavations of up to 20m<sup>3</sup> of material in any one year for transportation off the property of source where such works are not part of an approved subdivision or building work.
8. Placement of clean fill not undertaken as part of an approved subdivision or building consent:
  - up to 30m<sup>3</sup> of clean fill comprising topsoil and subsoil may be placed on a property at an average depth not exceeding 1m.
  - From 30m<sup>3</sup> - 100m<sup>3</sup> of clean fill comprising topsoil, subsoil and any demolition rubble (up to 100m<sup>3</sup>) may be placed on a property where Council is **informed** of the fill action before the activity is carried out. The details to be provided are:
    - legal description and street address of property
    - nature and source of fill
    - location of fill on site
    - depth of fill
    - compaction of fill.
9. Prospecting and exploration involving not more than 20m<sup>3</sup> of excavation per allotment in any one year.
10. Accessory buildings and activities to the foregoing activities.

### 5.5.6.2 Controlled Activities

The following are controlled activities, shall comply with the Performance Standards specified in Rule 5.5.7, and shall be assessed in relation to the criteria specified in Rule 5.5.6.2 **B** below:

1. Hospitals and hospices comprising more than nine and not more than twelve beds for patients.
2. Residential institutions, comprising more than nine and not more than twelve beds.

3. Non-residential activities (excluding mining operations, surface mining and underground mining) that meet the Special Conditions in Rule 5.5.6.2 **A**.
  4. Any controlled activity specified in Sections:
    - 7.1 - Heritage Features
    - 7.4 - Recognition and Protection of Significant Urban/Township Trees
    - 8.7 - Signs
    - 8.10 - Surface of Water in Lakes, Rivers and Streams
    - 10.1 - Subdivision
  5. Accessory buildings and activities to the foregoing activities.
- A. Special Standards for Non-Residential Activities**
1. **Maximum Site Area**  
No activity (whether in a building or outside) shall occupy more than 1,000m<sup>2</sup> in area.
  2. **Maximum Number of Carparks**  
No more than 10 carparking spaces are to be provided, as required by Rule 9.3.1.
  3. **Hours of Use**  
Activities shall not operate outside the hours of 7.00am to 10.00pm on any day.
  4. **Maximum Size of Buildings**  
Up to 200m<sup>2</sup> of building shall be permitted on a site.
  5. **Maximum Retailing/Commercial Area**  
No more than 50m<sup>2</sup> of gross floor and/or land area shall be used for retailing or commercial activity.
  6. **Maximum Number of Persons**  
No more than 20 persons shall be permitted on a site at any one time.

**B. Assessment Criteria for Controlled Activities**

The degree to which the following guidelines are achieved will be assessed by Council in evaluating applications for controlled activities:

- (a) **Design and Appearance of Buildings**
  1. Buildings other than dwellings, should be of a residential scale and appearance, to reflect a residential not a commercial facade.
  2. Alterations or additions to existing Miners Cottages, should harmonise with that style of building and should be of the same or similar construction materials. Features of this style of building should be retained.
  3. Any other buildings on the site should be of similar design and construction materials to that of the Miners Cottage with which it is associated.
- (b) **Site Layout for Aural and Visual Privacy**
  1. Buildings, utility areas and activities should be arranged in order that visual and aural privacy is maintained for dwellings on the same and adjoining allotments.
  2. Internal vehicle accessways should be located as far from the adjoining residential property boundary as is practicable (refer to 5.5.6.2 **B** (c) below).

(c) **Location and Design of Vehicle Access**

Access from the road to the property boundary should be located as far as practicable from the boundary of an adjoining residential property in order to reduce the effects (noise, fumes) of vehicle movements (refer to 5.5.6.2 **B** (b) above).

(d) **Landscape Design (see Rule 9.3.12)**

1. Landscaping should be carried out in a manner that reinforces the residential character of the area, by screening any service areas or buildings, and planting trees that will grow to a sufficient height to reduce the scale of buildings.
2. Parking and vehicle access areas should be screened from adjoining residential properties by landscape strips.

(e) **Carparking (see Rule 9.3.1)**

1. Carparking within two metres of an adjoining residential boundary should be screened using close boarded fences and/or landscaping to provide a physical barrier to reduce or remove the effects of glare from headlights, exhaust fumes, noise and dust.
2. Carparking on-site should be visually obvious from the street to drivers.  
  
Landscaping and signs can assist in defining the access point and the parking area.
3. Carparking should be designed so vehicles can manoeuvre on-site and are not required to reverse onto the road.

**5.5.6.3 Discretionary Activities**

The following are discretionary activities and shall be assessed in relation to the criteria in Rule 5.5.6.3 A below:

1. Any discretionary activity specified in Sections:
  - 7.1 - Heritage Features
  - 7.4 - Recognition and Protection of Significant Urban/Township Trees
  - 8.1 - Provision for Network Utilities
  - 8.7 - Signs
  - 8.8 - Hazardous Substances
  - 8.10 - Surface of Water in Lakes, Rivers and Streams
  - 10.1 - Subdivision
2. Any permitted or controlled activity that exceeds the limits specified in the definition, the activity listing and any other activity not otherwise listed.
3. Any permitted or controlled activity that does not meet the performance standards specified in Section 5.5.7.
4. Surface mining, underground mining, and associated mining operations on that land shown on the Planning Maps as being between the notation "Extended Martha Mine" and the zone boundary of the Martha Mineral Zone.
5. Underground mining and mining operations.

**A Assessment Criteria for Discretionary Activities**

The following criteria will be used to assess a discretionary activity:

1. The performance standards, environmental results and assessment criteria for permitted and controlled activities specified in Rule 5.5.7.
2. The assessment criteria for controlled activities set out in Rule 5.5.6.2 B.
3. The degree to which the activity exceeds the standards for non-residential activities set out under Rule 5.5.6.2 A - Special Standards for Non-Residential Activities.

**B Assessment Criteria for Prospecting, Exploration, Mining Operations, Surface and Underground Mines**

The following assessment criteria will be used to assess a discretionary activity for prospecting, exploration and underground mining in both the Residential Zone and the Extended Martha Mine area, and will be used to assess a discretionary activity for surface mining in the Extended Martha Mine area only.

1. The assessment criteria in Rule 5.5.6.3.A above. With respect to the performance standards, Council will have regard to them for assessment purposes, in particular where either the activity or the adverse effects of the activity are in close proximity to the boundary between the Residential Zone and the Extended Martha Mine area. However, Council recognises that because of the nature of the mining activities and the existing mining licence conditions, the performance standards may not always be relevant or appropriate.

2. Whether landscaping can avoid, remedy or mitigate the adverse effects of mining operations and mines. In particular, whether the landscaping provides a visual buffer with respect to:
  - screening unsightly and disturbed areas from other land beyond the Extended Martha Mine Area
  - providing a visually attractive outlook without blocking intermediate and distant views
  - softening any hard or bleak surfaces

The Assessment Criteria in Rule 9.3.12.4 shall also be considered.

3. Whether adequate public safety measures (eg fencing and bunds) have been provided, particularly with respect to any open pit.
4. Whether the methods proposed to avoid, remedy or mitigate the adverse effects of the activities are practical and effective.
5. Whether the proposed rehabilitation of the site and adjacent areas during and following the cessation of mining activities (including open pit, conveyor, waste disposal areas and surface infrastructure eg roads, plant and equipment) is undertaken and results in a landscape, features and facilities that are appropriate within the context of the environment they are located within.

With respect to proposed post-mining landscapes and features (lakes, reserves, recreation areas), their appropriateness within the environment they are located in, will be considered in relation to such matters as:

- The visual appearance of rehabilitated areas.
- Public access and safety.
- Structural engineering and environmental integrity.

- The provision of community and/or recreational facilities.

**5.5.6.4 Prohibited Activities**

Surface mining. (Refer to Section 2.2.5 - Extractive Industries).

**5.5.7 PERFORMANCE STANDARDS**

The performance standards listed in Rule 9.5 - MATRIX OF PERFORMANCE STANDARDS and as detailed throughout Section 9.0 - PERFORMANCE STANDARDS FOR DEVELOPMENT AND SUBDIVISION shall be met by permitted and controlled activities.

**5.5.8 GENERAL PROVISIONS**

Refer to the following sections for additional provisions and rules:

Section 3.0	-	MONITORING AND EVALUATION	
Section 7.0	-	CONSERVATION AND HERITAGE	
Section 8.1	-	PROVISION FOR NETWORK UTILITIES OPERATIONS	
Section 8.2	-	PROVISION FOR PUBLIC WORKS	
Section 8.3	-	EXTRACTIVE INDUSTRY	
Section 8.4	-	EXCAVATION AND FILL	
Section 8.5	-	AIR QUALITY	
Section 8.7	-	SIGNS	
Section 8.8	-	HAZARDOUS SUBSTANCES	
Section 8.10	-	SURFACE OF WATER	
Section 10.0	-	SUBDIVISION, FINANCIAL CONTRIBUTIONS, RESERVES AND ESPLANADE STRIPS	ESPLANADE