

5.7 RESIDENTIAL ZONE

5.7.1 ZONE PURPOSE

- (1) The Residential Zone covers those areas of the District that have previously been zoned for residential purposes with some minor expansion in some settlements where the land has been demonstrated to be suitable for residential purposes to meet the foreseeable future demand.
- (2) The Residential Zone enables a variety of residential activities and some compatible non residential activities to establish in a manner that ensures that the amenity and character of the residential areas is protected.
- (3) The settlements of Waikino, Mackaytown and Karangahake 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 and recognises a lower density of development that characterises these settlements.
- (4) The boundaries of the residential areas in part reflect 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; Piako River in Ngatea). The policies of protecting land of high productive capability for food production purposes has also constrained not only residential but all urban development.
- (5) The residential areas of the District are characterised by low density, low rise housing development and are generally low noise environments with low volumes of through traffic. Poor house design and siting can lead to a loss of sunlight, daylight and privacy. More intensive development is provided for where the layout is well planned to minimise these adverse effects, and where infrastructure and other urban amenities are available.
- (6) Residential growth areas have been identified in Paeroa and Waihi and in some of the smaller settlements. Structure planning exercises have been undertaken for the majority of these growth areas to ensure a well planned and integrated approach to transport networks, infrastructure and zoning and to avoid adverse impacts upon identified areas of landscape, biodiversity, heritage and cultural value.

5.7.2 OBJECTIVES AND POLICIES

(1) OBJECTIVE 1

To provide for residential development that maintains and enhances neighbourhood amenities and qualities consistent with the aspirations of the individual communities within those areas.

(a) Policies

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

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- (i) Require activities in residential areas to be sited, designed and operated in such a way that avoids, remedies or mitigates adverse noise, privacy and traffic effects on health, safety and amenity values.
- (ii) Provide for residential development where servicing constraints do not exist and ensure any required infrastructure upgrades are borne by the development.
- (iii) Provide for higher density residential development (comprehensive residential developments) where these can be accommodated in a manner that promotes good urban design and does not detract from the character of the locality.
- (iv) Provide services to a standard that can meet the demands of the intensity of development.
- (v) Provide flexibility for the development and operation of a range of non-residential activities which are not incompatible in scale, intensity and character with the residential area in which they are located.

(b) Reasons

- (i) 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.
- (ii) 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 and adopting good urban design principles.
- (iii) The use of resources, including land and services, can be reduced by higher density living and the containment of residential activities.
- (iv) The wellbeing of the community can be improved by providing for the type of residential environment people want.

(2) OBJECTIVE 2

To develop residential areas free from the effects of hazards.

(a) Policies

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

- (i) Identify hazards such as flooding, filled areas and mine shafts on the District Plan maps and/or Council's Land Information Memoranda and other information systems.
- (ii) Limit the development of land for residential purposes within areas subject to inundation adjacent to the area zoned for flood ponding purposes in Paeroa.
- (iii) In areas known to be subject to flooding establish building floor levels to avoid risk to human life and mitigate risk to dwellings and communal buildings.
- (iv) Avoid intensive residential development and subdivision in areas known to be subject to flooding.

- (v) Place constraints on development in areas of coastal erosion hazard potential at Whiritoa.

(b) Reasons

- (i) Most hazards are of such a nature that no intervention or identification is required within the District Plan. Rather, many hazards are of a "site specific" nature, and can be properly addressed through other mechanisms such as the Project Information Memorandum and Land Information Memorandum systems, and the provisions of the Building Act.
- (ii) Flooding is a recognised natural hazard that is appropriate to include in the District Plan as it is of a general nature applying to identified areas.
- (iii) The effects of coastal erosion at Whiritoa would increase if inappropriate development occurred on or near the foredune area.

(3) OBJECTIVE 3

To avoid, remedy or mitigate any adverse effect of residential and non-residential developments on the environment and character of the locality.

(a) Policies

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

- (i) Ensure development and subdivision is designed and located to:
 - (1) integrate well with the immediate locality;
 - (2) contribute positively to the streetscape;
 - (3) provide occupants of dwellings with a reasonable outlook, access to sufficient open space and reasonable aural and visual privacy.
- (ii) Ensure development and subdivision can be effectively serviced by local infrastructure or in a manner which can protect the health and safety of residents and does not have a detrimental effect on the environment.
- (iii) Ensure development and subdivision can safely cater for on-site traffic, parking and servicing needs and has safe and practical vehicular access to a public road.

(b) Reasons

- (i) 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.
- (ii) A limited 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.

- (iii) Community expectations for environmental quality are continually changing (usually to require greater residential amenity), and the performance standards reflect that community expectation.

5.7.3 ENVIRONMENTAL RESULTS

- (1) The primary expected environmental result of this zone is to maintain, develop and enhance a resource and an environment to meet the social and economic needs of the existing and future communities.
- (2) To meet 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 desired by the community.
- (3) The establishment of non-residential activities that complement the surrounding residential area and enhance, where appropriate, the amenity and character of the neighbourhood.
- (4) The development of anticipated future residential growth areas, co-ordinated with Council's infrastructure planning and asset management programme, which integrate with established communities.

5.7.4 ACTIVITY STATUS

Activities and their *accessory uses* and *buildings* (unless otherwise stated) are *Permitted*, *Controlled*, *Restricted Discretionary*, *Discretionary*, *Non Complying* or *Prohibited* according to the Activity Status Table below:

5.7.4.1 PERMITTED ACTIVITIES

Those activities listed below are a *Permitted Activity* unless otherwise specified and subject to compliance with the:

- *Zone Development Standards* specified in Rule 5.7.5;
- Activity Specific Standards specified in Rule 5.7.6;
- Conservation and Heritage provisions in Section 6.0
- Specific and District Wide provisions in Section 7.0; and
- District Wide Performance Standards in Section 8.0.

P1	<i>RESIDENTIAL ACTIVITIES (ONE DWELLING PER CERTIFICATE OF TITLE) (REFER TO ACTIVITY SPECIFIC STANDARD 5.7.6(5))</i>
P2	<i>HOME OCCUPATIONS (REFER TO ACTIVITY SPECIFIC STANDARDS 5.7.6(1) AND (5))</i>
P3	<i>HOMESTAY</i>
P4	<i>PASSIVE RECREATION (REFER TO ACTIVITY SPECIFIC STANDARD 5.7.6(5))</i>
P5	<i>PROSPECTING</i>
P6	<i>DRAINAGE WORKS</i>

P7	<i>EXPLORATION</i> NOT INVOLVING MORE THAN 20 M ³ OF EXCAVATION PER ALLOTMENT IN ANY ONE YEAR (REFER TO ACTIVITY SPECIFIC STANDARD 5.7.6(5))
P8	<i>TEMPORARY USES AND BUILDINGS</i> (INCLUDING <i>TEMPORARY MILITARY TRAINING</i>) (REFER TO ACTIVITY SPECIFIC STANDARD 5.7.6(5))
P9	DEMOLITION AND REMOVAL OF <i>BUILDINGS</i>
P10	ONE STORAGE <i>BUILDING</i> PER <i>SITE</i> THAT DOES NOT CONTAIN A <i>DWELLING</i> PROVIDED THE <i>BUILDING</i> DOES NOT EXCEED A GROSS FLOOR AREA OF 50M ² AND IS USED SOLELY BY THE OWNER OF THE PROPERTY FOR PERSONAL STORAGE INCLUDING HOUSEHOLD ITEMS, VEHICLES, BOATS, MACHINERY, AND/OR TOOLS.
P11	<i>ACCESSORY BUILDINGS</i> ASSOCIATED WITH A <i>MINOR DWELLING UNIT</i> (REFER TO DEFINITION OF <i>MINOR DWELLING UNIT</i>).

5.7.4.2 CONTROLLED ACTIVITIES

Those activities listed below are a *Controlled Activity* unless otherwise specified and subject to compliance with the:

- *Zone Development Standards* specified in Rule 5.7.5;
- Activity Specific Standards specified in Rule 5.7.6;
- Conservation and Heritage provisions in Section 6.0
- Specific and District Wide provisions in Section 7.0; and
- District Wide Performance Standards in Section 8.0.

Conditions may be imposed in relation to the matters over which control has been reserved, as specified below.

C1	<i>EDUCATION AND TRAINING FACILITIES AND OFFICES</i> (REFER TO ACTIVITY SPECIFIC STANDARDS 5.7.6(2) & (5))
C2	<i>COMMUNITY HOUSING AND VISITOR ACCOMMODATION</i> (REFER TO ACTIVITY SPECIFIC STANDARDS 5.7.6(3) & (5))
C3	<i>COMPREHENSIVE RESIDENTIAL DEVELOPMENT IN WAIHI AND PAEROA ONLY</i> (REFER TO ACTIVITY SPECIFIC STANDARDS 5.7.6(4) & (5))
C4	<i>EXPLORATION</i> INVOLVING MORE THAN 20M ³ AND NO MORE THAN 50M ³ OF EXCAVATION PER ALLOTMENT IN ANY ONE YEAR (REFER TO ACTIVITY SPECIFIC STANDARD 5.7.6(5))
C5	IN WAIHI, PAEROA AND WHIRITOA: TWO OR MORE <i>DWELLINGS</i> PER <i>CERTIFICATE OF TITLE</i> (REFER TO ACTIVITY SPECIFIC STANDARDS 5.7.6(5) & (6))
Matters over which Council has reserved control For C1, C2 & C3 are:	
(1)	Design and appearance of buildings
	(a) <i>Buildings</i> should be of a residential scale and appearance, to reflect a residential not a commercial façade.
(2)	Site Layout
	(a) <i>Buildings</i> , utility areas and activities should be arranged in order that visual and aural privacy is maintained for <i>dwellings</i> on the same and adjoining <i>allotments</i> .
	(b) For <i>Education and Training Facilities, Community Housing and Visitor Accommodation, outdoor living areas</i> should be separated from the main living

<p>areas on adjoining <i>residential properties</i> unless suitably screened to minimise noise levels.</p> <p>(c) For <i>Comprehensive Residential Developments</i>, <i>buildings</i> should not be grouped in one part of the <i>site</i>, to avoid dominance of <i>buildings</i> and expanses of carparking in another part of the <i>site</i>.</p> <p>(d) For <i>Comprehensive Residential Developments</i>, any communal facilities (eg. recreation and leisure and communal dining facilities) should be centrally located on the <i>site</i> or buffered from adjoining <i>residential property</i> boundaries by residential <i>buildings</i>.</p> <p>(3) Location and design of vehicle access</p> <p>(a) Access from the <i>road</i> to the property boundary should be located as far as practicable from the boundary of an adjoining <i>residential property</i> in order to reduce the effects (noise, fumes) of vehicle movements.</p> <p>(b) Internal accesses and on-site carparking should be located as far from adjoining <i>residential property</i> boundaries as is practicable and buffered by either <i>buildings</i>, <i>landscaping</i> or screening.</p> <p>(c) For <i>Comprehensive Residential Developments</i>, the internal circulation for pedestrians and vehicles should be integrated and designed to provide for the safety of residents and visitors.</p> <p>(4) Landscape design</p> <p>(a) <i>Landscaping</i> should be carried out in a manner that reinforces the residential character of the area, and screens any service areas.</p> <p>(b) Parking and vehicle access areas should be screened from adjoining <i>residential properties</i> by landscape planting, where alternative screening is not provided or appropriate, to provide a physical barrier to reduce or remove the effects of glare from headlights, exhaust fumes, noise and dust.</p> <p>(5) Carparking</p> <p>(a) Carparking on-site should be visually obvious from the street to drivers. <i>Landscaping</i> and <i>signs</i> can assist in defining the access point and the parking area.</p> <p>(b) Carparking should be designed so vehicles can manoeuvre on-site and are not required to reverse onto the <i>road</i>.</p> <p>(c) Adequate on-site parking should be provided to accommodate the demands of occupiers and visitors, particularly where the <i>site</i> adjoins or has access to an <i>arterial road</i>.</p>	<p>Matters over which Council has reserved control For C4 are:</p> <p>(1) Location and Duration</p> <p>(a) The location of the <i>exploration</i> activities to ensure the stability of adjacent land/<i>buildings</i> and <i>network utility</i> infrastructure is protected.</p> <p>(b) The duration of the <i>exploration</i> activities to minimise disturbance on adjacent residential <i>amenities</i>.</p> <p>(2) Management and rehabilitation</p> <p>(a) The adequacy of management and rehabilitation plans to ensure the long term appearance and stability of any disturbed/excavated area including surplus earth disposal areas (including the possible use of performance bonds or other</p>
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<p>mechanisms) aimed to return the disturbed area to the same or similar state as existed prior to the <i>exploration</i> activity.</p> <p>(b) The extent to which existing <i>indigenous</i> or other vegetation which contributes to visual <i>amenity</i> and/or biodiversity values is retained, the reasons why clearance is proposed and the ability to rehabilitate the area to similar values.</p> <p>(c) Whether earthworks and/or tracks associated with the activity have been located or minimised to reduce any adverse visual impact.</p>
<p>Matters over which Council has reserved control for C5 are:</p> <p>(1) Adequacy of information</p> <p>(a) The adequacy of information including a dimensioned scheme plan and engineering design plan to show that the location of the <i>dwellings</i>, design and servicing of the proposed development, and future subdivision boundaries can meet the relevant Zone Development Standards (refer to 5.7.5(1)), Activity Specific Standards (refer to 5.7.6(5) & 5.7.6(6)), Subdivision Standards (refer to 9.4.3.1(1)), and District Wide Performance Standards for Development and Subdivision (refer to Section 8) as if the <i>certificate of title</i> is to undergo subdivision in future.</p> <p>(2) Methods to ensure compliance with the District Wide Performance Standards for Development and Subdivision</p> <p>(a) Refer to Section 8.</p> <p>(3) Controlled activity assessments matters for all residential zones</p> <p>(a) Refer to 9.4.3.3(1).</p> <p>(4) Controlled activity assessment matters</p> <p>(a) Refer to 9.5.</p> <p>(5) Urban design principles</p> <p>(a) Refer to 9.1.3(2)(a)(ii).</p>

5.7.4.3 RESTRICTED DISCRETIONARY ACTIVITIES

Those activities listed below are a *Restricted Discretionary Activity* subject to compliance with the:

- Conservation and Heritage provisions in Section 6.0;
- Specific and District Wide provisions in Section 7.0; and
- District Wide Performance Standards in Section 8.0.

The matters over which the *Council* has restricted its discretion are specified for each *Restricted Discretionary Activity* listed below.

<p>RD1 ANY PERMITTED OR CONTROLLED ACTIVITY THAT DOES NOT MEET THE ZONE DEVELOPMENT STANDARDS IN RULE 5.7.5 FOR A PERMITTED OR CONTROLLED ACTIVITY AND DOES NOT EXCEED THE ZONE DEVELOPMENT STANDARDS IN RULE 5.7.5 FOR A RESTRICTED DISCRETIONARY ACTIVITY</p> <p>Matters over which Council has restricted its discretion are:</p> <p>The <i>Council</i> will restrict the exercise of its discretion to the ability of the activity or development to achieve the particular environmental result of the <i>Zone Development Standards</i> in Rule 5.7.5 for which compliance is not met and the following relevant assessment criteria:</p>

- (1) **Height and Daylighting**
- (a) The extent that topographical and *site* conditions (including easements) restrict the area or shape of the *site* that is suitable and available for building.
 - (b) The desirability of maintaining consistency in design and appearance with existing *buildings* on the *site*.
 - (c) The need to preserve existing trees, vegetation or important physical characteristics of the *site*.
 - (d) Whether the boundary to which the standard relates is a common boundary with an area of permanent open space, the use of which will not be detrimentally affected by any increased shading or loss of visual *amenity*.
 - (e) Whether the property adjoining the *site* is sufficiently higher and therefore the adjoining property will not be detrimentally affected.
 - (f) Where the standard(s) is/are not met due to penetration by a dormer window, gable or similar roof feature, whether that will have a minor effect on the *amenities* of the neighbouring site.
 - (g) The extent to which it is necessary to minimise the physical disturbance to the landscape and the landforms.
 - (h) The degree to which *amenity* value and privacy of adjoining properties is affected by matters such as shading and loss of daylight.
 - (i) The extent to which the *building* visually intrudes on any significant ridgeline or skyline or significant landscape, and what measures are proposed to reduce the visual effects of that intrusion.
 - (j) Whether the *building* will detract from any view or vista which contributes to the aesthetic coherence of a locality, and if it does, what measures can and will be taken to reduce the detraction to an acceptable level or remove it completely.
 - (k) Where the Residential Zone land is within the coastal *environment*, whether the *building* will complement the coastal location in terms of scale.
- (2) **Yards**
- (a) The extent that topographical and *site* conditions restrict the area or shape of the *site* that is available and suitable for building.
 - (b) The degree to which the functioning of the *site* and/or the activity can be improved by not meeting the standard.
 - (c) Whether there is a need to preserve existing trees, vegetation or important physical characteristics of the *site*.
 - (d) The extent to which the provision of daylight and sunlight into the neighbouring properties and the visual and aural privacy of neighbouring sites will be affected.
 - (e) The extent to which the safe and efficient functioning of the street or *road* will be significantly compromised.
 - (f) Whether the detrimental effects of building in the *yard* can be reduced or avoided.
 - (g) Whether the *yard* functions (including separation, *landscaping* and service provision) will be provided on the *site* by other means, or are they unnecessary.

- (3) **Site coverage**
- (a) The ability of the existing on-site disposal methods to cope with additional stormwater and/or disposal of septic tank effluent.
 - (b) Whether there are known stormwater/sewage disposal problems in the area.
 - (c) The degree to which negative effects, in terms of changing the character or visual *amenity* of the area, can be mitigated or removed through the use of such techniques as *landscaping*, building design, exterior finish, set back from boundaries or reduced *height*.
 - (d) The extent to which open space within the *site* and/or in the near vicinity can reduce the impact of the *building(s)* in terms of character or visual *amenity*.
- (4) **Outdoor service area**
- (a) The extent to which the functions of the *outdoor service area* can be adequately provided by other means (eg. storage area provided within a garage or carport to be built with the *dwelling*, or other *building* on the *site*).
 - (b) Whether there are suitable communal service facilities provided which are readily accessible to and useable by the activity on the *site*.
- (5) **Privacy and Separation**
- (a) Whether the purpose of the separation, privacy and screening standards can be met to the same or similar level by some other method.
 - (b) Whether there are existing developments on the same or adjoining *allotments* such that it would make compliance with the standards impracticable.
 - (c) Where the existing situation fails to meet these standards, whether the proposed *development* will increase the degree to which the residential *amenities* are already detrimentally affected.
- (6) **Traffic Noise Sensitivity**
- (a) The location of the dwelling in relation to the formed carriageway of the *state highway*,
 - (b) The location of the bedrooms and main living room within the dwelling in relation to the formed carriageway of the *state highway*,
 - (c) The extent and location of the main glazing to bedrooms and living areas,
 - (d) The mitigation methods proposed – building materials, construction method and the internal noise level that will be achieved,
 - (e) The outcomes of any consultation with the New Zealand Transport Agency, and

Whether they are likely to avoid or mitigate potential adverse traffic noise effects or potential reverse sensitivity effects on the *state highway* (to apply to (a) – (e) above).
 - (f) Whether there are other design features that will provide the required ventilation without the need for ventilating windows or a *ventilation system*.
 - (g) Whether the *ventilation system* proposed will provide a comfortable living environment as well as the required level of ventilation.
- (7) **Outdoor Living Area**

<ul style="list-style-type: none"> (a) Whether there is communal outdoor space provided, which is accessible to each activity on site, and provides a similar level of amenity. (b) Whether there is adjoining open space (e.g. park, reserve) that is 'usable' by each activity on the <i>site</i>, thereby reducing the need to provide the living area on-site. (c) The extent to which the living area can be provided in a manner that may not meet the standards, but still provides a usable area to meet the purpose of the living area and a similar level of amenity.
<p>RD2 ANY PERMITTED ACTIVITY OR CONTROLLED ACTIVITY THAT DOES NOT MEET THE ACTIVITY SPECIFIC STANDARD 5.7.6(5) IN THE AREA IDENTIFIED ON THE PLANNING MAPS AS "SUBJECT TO INUNDATION"</p> <p>Matters over which Council has restricted its discretion are:</p> <ul style="list-style-type: none"> (1) Design of buildings <ul style="list-style-type: none"> (a) Whether the <i>building</i> or extension to the <i>building</i> and associated access is designed in such a manner that the <i>building</i> and access to the <i>building</i> will be free from inundation. (b) Whether the <i>building</i> or extension to the <i>building</i> and access to it will have any consequential flooding effects on the remainder of the <i>site</i> and other sites also subject to potential inundation. (2) Earthworks/Impermeable covering <ul style="list-style-type: none"> (a) Whether the excavation or placement of fill is carried out in a manner that ensures erosion of the exposed ground and/or fill face during inundation will be minor and not cumulatively affect the functioning of the Flood Ponding Zone. (b) Whether the extension of the impermeable covering (building and/or hard surfaces) and access will have any consequential inundation effects on the remainder of the site and other <i>sites</i> also subject to potential inundation and any other adjacent sites. (c) Whether any fill material will leach into the water and create a pollution hazard (particularly where vegetation is removed). (3) Planting <ul style="list-style-type: none"> (a) Whether any proposed planting contributes to the control of stormwater runoff, erosion control and the flood ponding purpose of the adjoining Flood Ponding Zone. (b) Whether the planting will inhibit the ability of the Flood Ponding Zone to achieve that purpose and/or have a consequential adverse effect on other sites also subject to potential inundation. For example vegetation should not impede the free flow of water during the flood ponding/inundation process (both filling and emptying).
<p>RD3 IN WAIHI, PAEROA AND WHIRITOA: ONE <i>MINOR DWELLING UNIT</i> ACCESSORY TO A <i>DWELLING</i> OR APPROVED ADDITIONAL <i>DWELLING</i> (REFER TO 5.7.4.2 C5 AND ACTIVITY SPECIFIC STANDARD 5.7.6(7))</p> <p>Matters over which Council has restricted its discretion are:</p> <ul style="list-style-type: none"> (1) Landscape, visual and amenity effects.

(2)	Effects on the privacy of neighbouring properties and dwellings.
(3)	Potential nuisance effects on neighbouring properties and dwellings.
(4)	Adequacy of provision for domestic effluent disposal, potable water supply, and stormwater drainage.
(5)	Adequacy of outdoor recreation space.
(6)	Access, parking and manoeuvring.
(7)	Traffic effects.
(8)	Location of the <i>minor dwelling unit</i> and orientation to enable daylight penetration for both the <i>minor dwelling unit</i> and associated <i>dwelling</i> .
(9)	The location and use of <i>buildings</i> and <i>structures</i> including garaging and decks to be used in association with the <i>minor dwelling unit</i> .
(10)	Methods to ensure compliance with Activity Specific Standard 5.7.6(7).

5.7.4.4 DISCRETIONARY ACTIVITIES

Those activities listed below are a *Discretionary Activity* and shall be assessed against the relevant criteria in Rule 5.7.7.

Note: The Conservation and Heritage provisions in Section 6.0 and the Specific and District Wide provisions in Section 7.0 also apply and may alter the *Discretionary Activity* status for the activities specified below or require additional resource consents.

D1	<i>ANY PERMITTED OR CONTROLLED ACTIVITY THAT DOES NOT MEET THE ZONE DEVELOPMENT STANDARDS IN RULE 5.7.5 FOR A RESTRICTED DISCRETIONARY ACTIVITY</i>
D2	<i>ANY PERMITTED OR CONTROLLED ACTIVITY THAT DOES NOT MEET THE ACTIVITY SPECIFIC STANDARDS IN RULE 5.7.6 AND IS NOT OTHERWISE PROVIDED FOR AS A RESTRICTED DISCRETIONARY ACTIVITY</i>
D3	<i>COMMUNITY FACILITIES</i>
D4	<i>UNDERGROUND MINING</i>
D5	<i>DAIRY</i>
D6	<i>EXPLORATION NOT PROVIDED FOR AS A PERMITTED OR CONTROLLED ACTIVITY</i>
D7	<i>IN WAIHI, PAEROA AND WHIRITOA: A MINOR DWELLING UNIT THAT DOES NOT MEET THE ACTIVITY SPECIFIC STANDARDS IN RULE 5.7.6(7)</i>
D8	<i>EXCEPT IN WAIHI, PAEROA AND WHIRITOA – 2 OR MORE DWELLINGS PER CERTIFICATE OF TITLE</i>

5.7.4.5 NON COMPLYING ACTIVITIES

Those activities listed below are a *Non Complying Activity*.

NC1	<i>ANY ACTIVITY NOT PROVIDED AS A PERMITTED, CONTROLLED, RESTRICTED DISCRETIONARY, DISCRETIONARY OR PROHIBITED ACTIVITY</i>
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5.7.4.6 PROHIBITED ACTIVITIES

Those activities listed below are a *Prohibited Activity*.

PR1 SURFACE MINING

5.7.5 ZONE DEVELOPMENT STANDARDS

- (1) The following relevant *Zone Development Standards* shall be met by all *Permitted* and *Controlled Activities* unless otherwise stated.
- (2) For *Controlled Activities*, where *Council* has reserved control over specified matters in Rule 5.7.4.2, and for *Restricted Discretionary Activities* in Rule 5.7.4.3, where *Council* has restricted its discretion to specific matters, more restrictive development standards than those specified in the table below, may be imposed as *conditions* of consent.
- (3) The following relevant *Zone Development Standards* shall be used as a guide in assessing any *Discretionary* and *Non Complying Activities*.

Development Standard *	Parameter		Environmental Result
	Permitted and Controlled	Restricted Discretionary	
Maximum <i>Height</i>	8.0 metres	9.0 metres	To ensure that the <i>height of buildings</i> is compatible with the activities permitted in the <i>zone</i> as well as the landscape, <i>amenity</i> and character of both the <i>zone</i> that the <i>building</i> is located in and any adjoining <i>zone</i> .
<i>Daylight Control</i> (refer to definition for explanatory diagram)	No <i>building</i> shall project above 2.0 metres in <i>height</i> at any <i>site</i> boundary and not project above a 45° plane into the <i>site</i> up to the maximum <i>height</i> .	No restriction	To ensure no <i>building</i> unreasonably overshadows any neighbouring property, thereby restricting daylight and ventilation between <i>buildings</i> .
Minimum <i>Yards</i>	<i>Front Yard</i> : <ul style="list-style-type: none"> ▪ 4.5 metres (except for Ngatea) ▪ 7.5 metres (Ngatea only) 	<i>Front Yard</i> : <ul style="list-style-type: none"> ▪ 4.5 metres (except for Ngatea) ▪ 7.5 metres (Ngatea only) 	To allow flexibility in <i>site</i> layout while still maintaining the <i>amenities</i> of the <i>site</i> and adjoining sites.

Development Standard *	Parameter		Environmental Result
	Permitted and Controlled	Restricted Discretionary	
	<i>Other Yards: 1.5 metres.</i>	<i>Other Yards: Nil</i>	To provide an open streetscape that allows for planting and ensures the traffic function of the <i>road</i> is not compromised.
Maximum <i>Site Coverage</i>	35% (excluding a <i>Comprehensive Residential Development</i>) 45% for a <i>Comprehensive Residential Development</i>	40% (excluding a <i>Comprehensive Residential Development</i>) 50% for a <i>Comprehensive Residential Development</i>	To limit the scale and intensity of building development to a level appropriate to the character and <i>amenity</i> of the area. In areas not served by reticulated stormwater and sewage disposal systems, an adequate area for on-site stormwater and effluent disposal is maintained to avoid adverse effects on adjacent properties and the <i>environment</i> .
Traffic Noise Sensitivity	(a) All new <i>habitable room(s)</i> where located within 40 metres of the formed carriageway (excluding State Highway 2 service <i>roads</i> at Waihi) of a <i>state highway</i> (except for the Residential Zones at Waikino, Mackaytown/ Karangahake, and Whiritoa, where all new <i>habitable room(s)</i> located within 80 metres of the formed carriageway of a <i>state highway</i>) shall meet an internal road-traffic design sound level of 40dB _{L_{Aeq}(24hr)} with ventilating windows open. (b) An acoustic design report from a suitably qualified and experienced acoustics expert shall be provided to the <i>Council</i> demonstrating compliance with (a) above at the time of building consent application.	No restriction	To allow flexibility of site layout while protecting the <i>amenity</i> of sensitive uses where located in proximity to high speed environment and/or high traffic volume <i>state highways</i> , from potential adverse traffic noise effects.

Development Standard *	Parameter		Environmental Result
	Permitted and Controlled	Restricted Discretionary	
	<p>(c) Where the requirements of (a) above can only be met with windows and doors closed a <i>ventilation system</i> shall be installed for the <i>habitable room(s)</i>.</p> <p>(d) The requirements of (a) above shall not apply where:</p> <p>(i) the nearest façade of the new <i>habitable room(s)</i> is between 20 and 40 metres from the formed carriageway of the <i>state highway</i> (except for the Residential Zones at Waikino, Mackaytown/ Karangahake, and Whiritoa, where the nearest façade of the new <i>habitable room(s)</i> is between 50 and 80 metres from the formed carriageway of the <i>state highway</i>) and there is a solid building, fence, wall or landform that blocks the line of sight from all parts of all windows and doors to the new <i>habitable room(s)</i> to any part of the formed carriageway of the <i>state highway</i> (where that part of the <i>state highway</i> is within 40 metres (or 80 metres for the Residential Zones at Waikino, Mackaytown/ Karangahake, and Whiritoa) of the façade of the new <i>habitable room(s)</i>); or</p> <p>(ii) it can be demonstrated by way of prediction or measurement by a suitably qualified and experienced acoustics expert that the road traffic noise level from the <i>state highway</i> is less than $55dBL_{Aeq(24hr)}$ on all facades</p>		

Development Standard *	Parameter		Environmental Result
	Permitted and Controlled	Restricted Discretionary	
	<p>of the new <i>habitable room(s)</i>; or</p> <p>(iii) the <i>habitable rooms</i> are added to or altered within a <i>dwelling</i> existing at 26 September 2014.</p>		
Density (Comprehensive Residential Development)	A minimum net site area per dwelling of 350m ² .	A minimum net site area per dwelling of 350m ² .	To maintain the residential character and an appropriate level of <i>amenity</i> .
<i>Outdoor Living Area (Dwellings and Community Houses)</i>	<p>Minimum Area: 60m² plus 10m² for each additional bedroom over 2.</p> <p>Minimum Dimension: 3 metres in all directions</p> <p>Minimum Shape: Can contain a 6.0 metre diameter circle.</p>	<p>Minimum Area: 60m² plus 10m² for each additional bedroom over 2.</p> <p>Minimum Dimension: 3 metres in all directions.</p> <p>Minimum Shape: Can contain a 6 metre diameter circle</p>	To protect residential <i>amenities</i> such as privacy, quietness and outdoor space.
<i>Outdoor Service Area (Dwelling)</i>	<p>Minimum Area: 20m²</p> <p>Minimum Dimension: 3.0 metres</p> <p>Except that, for <i>Community Housing</i> and <i>Visitor Accommodation</i>, where a fully equipped laundry facility (both washing and drying machines are provided) the minimum required <i>outdoor service area</i> can be reduced to 10m² and minimum dimension reduced to 2 metres.</p>	Nil	To provide a separate area suitable for general storage, clothes drying and rubbish bin storage, in order that areas for outdoor living, parking or access do not get used for this purpose, thereby detracting from the function and <i>amenity</i> of the <i>zone</i> .
<i>Privacy and Separation</i>	<p>(a) For <i>buildings</i> on the same <i>allotment</i>:</p> <p>(i) <i>No part of a dwelling/household unit /minor dwelling unit and any other building shall protrude through a plane rising at an</i></p>	Nil	To protect existing and future residential <i>amenities</i> , particularly where two storey living and <i>comprehensive residential development</i> has the potential to

Development Standard *	Parameter		Environmental Result
	Permitted and Controlled	Restricted Discretionary	
	<p><i>angle of 45° commencing at an elevation of 2 metres at a line midway between the dwelling/household unit/minor dwelling unit and the other building unless the other building is accessory to the dwelling/household unit/minor dwelling unit.</i></p> <p>(ii) <i>No wall of a dwelling/household unit/minor dwelling unit shall be sited closer than 3.0m to the wall of another building (including another dwelling/household unit/minor dwelling unit), unless it is accessory to the dwelling/household unit/minor dwelling unit.</i></p> <p>(iii) <i>Where the buildings are attached by adjoining or common walls, the above separation setbacks are not required between those buildings.</i></p> <p>(b) <i>All dwellings/household units/minor dwelling units on the same allotment shall be arranged so that:</i></p> <p>(i) <i>a sight line drawn from any point on the main glazing of the living room in one dwelling/minor dwelling unit does not penetrate the main glazing of the living room of any other dwelling/household unit/minor dwelling unit unless:</i></p> <p>(1) such glazing is at least 6m apart; or</p> <p>(2) the angle between the two planes of that glazing is >120°</p>		<p>detrimentally affect environmental qualities such as privacy, quietness and space.</p>

Development Standard *	Parameter		Environmental Result
	Permitted and Controlled	Restricted Discretionary	
	<p>(3) where the living rooms of both <i>dwelling/household units/minor dwelling units</i> are at ground floor level screening is provided in the form of close boarded or similar fences, or planting of not less than 1.8 metres in height.</p> <p>(ii) <i>No windows of all habitable rooms (apart from the main glazing of the living room) in one dwelling/household unit/minor dwelling unit shall face towards the window of any habitable room in any other dwelling/household unit/minor dwelling unit unless:</i></p> <p>(1) the separation is at least 6 metres; or</p> <p>(2) the window sill is at least 1.7 metres above either finished ground or upper floor level; or</p> <p>(3) the angle between the two planes of the glazing is >120°; or</p> <p>(4) where the <i>habitable rooms</i> are at ground floor level screening is provided in the form of close boarded or similar fences, or planting of not less than 1.8 metres in height.</p> <p>(c) A balcony or window of a <i>habitable room</i> of a <i>dwelling/household unit/minor dwelling unit</i> at above ground floor level shall be set back at least 6 metres from any boundary (excluding the road boundary or adjoining <i>internal</i></p>		

Development Standard *	Parameter		Environmental Result
	Permitted and Controlled	Restricted Discretionary	
	<p><i>access or vehicle access strip</i> of 3 metres width or more) unless:</p> <p>(i) windows are at an angle of 60° or greater to the boundary; or</p> <p>(ii) the window sill is at least 1.7 metres above finished upper floor level; or</p> <p>(iii) opaque or obscure glazing is provided; or</p> <p>(iv) the side of the balcony facing the adjoining boundary is enclosed with non see through materials.</p>		

*These *Zone Development Standards* shall not apply to “*Temporary Uses and Buildings*” covered by clause (b) of the definition in Section 4 for “*Temporary Uses and Buildings*” and to “*Prospecting*” and “*Exploration*”.

5.7.6 ACTIVITY SPECIFIC STANDARDS

(1) HOME OCCUPATIONS

- (a) At least one person, including the principal operator of the *home occupation*, shall reside on the *site*.
- (b) A *home occupation* involving the care, tuition and/or accommodation of no more than five persons at any one time (in addition to the owner(s)/operator(s)) may be undertaken provided the activity and accommodation is principally undertaken within the *dwelling*.
- (c) Except for (b) above, all other *home occupations* shall be carried out wholly within the *dwelling* or an *accessory building* erected or modified for the purpose, provided that the *gross floor area* of the *dwelling* or *accessory building* used for the *home occupation* including any area used for retail sales shall not exceed 30% of the total *gross floor area* of *buildings* on the *site*.
- (d) Not more than one person from outside the household residing on the *site* shall be employed in the *home occupation*.
- (e) There shall be no exterior display, external storage of materials or other indication of the *home occupation* or variation from the residential character of the property.

- (f) The *home occupation* shall be operated so as not to attract pedestrian or vehicular traffic between the hours of 10.00pm and 7.00am the following day.
- (g) The *home occupation* may not use equipment which creates electrical interference with television and radio sets on neighbouring properties.
- (h) Only goods directly produced or assembled by the *home occupation* may be sold or offered for sale from the *site* on which the *home occupation* is conducted– in accordance with the rules for *produce stalls* in 8.4.1.3.

(Note: Assembled means putting together pre-fabricated parts to make a product)
- (i) *Home occupations* shall not include a business or trade that involves panel beating, spray painting, mechanical repairs to vehicles and machinery, engineering work, animal boarding or bee keeping.

(2) EDUCATION AND TRAINING FACILITIES AND OFFICES

- (a) The maximum *gross floor area* occupied by the activity shall not exceed 150m² per *site*.
- (b) The activity shall be operated so as not to attract pedestrian or vehicular traffic between the hours of 7.00pm and 7.00am the following day.
- (c) No exterior indication of the activity, including the display or storage of materials, shall be visible from the street, except for permitted *signage* and parking.
- (d) For *education and training facilities* there shall be no more than 10 students or children receiving tuition or being cared for on the *site* at any one time.
- (e) The activity shall be designed to ensure that the maximum occupancy of fulltime equivalent staff on the *site* is four.
- (f) *Education and training facilities* shall not have their vehicular access to or from a no-exit *road*.
- (g) *Education and training facilities* shall not include courses involving practice in panel beating, spray painting of vehicles or engineering.

(3) COMMUNITY HOUSING AND VISITOR ACCOMMODATION

- (a) The total *gross floor area* of the *building(s)* used for the activity (excluding *accessory buildings* not used for accommodation purposes) shall not exceed 250m² per *site*.
- (b) No more than ten persons (including live in staff) shall be accommodated on the *site*.

(4) COMPREHENSIVE RESIDENTIAL DEVELOPMENT

- (a) The minimum *net site area* shall be 2000m².
- (b) Includes an area capable of containing a 35 metre by 35 metre square excluding any required *yard setbacks*.
- (c) No vehicular access to or from a no- exit *road* or *state highway*.

(5) LAND SUBJECT TO INUNDATION AS IDENTIFIED ON THE PLANNING MAPS

- (a) No more than 45% of the area within the *site* that is *subject to inundation* as identified on the planning maps shall be covered by *buildings* and/or covered in an impermeable surface or vegetation (other than grass or similar), or otherwise made unavailable to inundation (eg. by bunding or solid fencing), or be subject to *exploration*, excavation and filling.

(6) WAIHI, PAEROA AND WHIRITOA: CONTROLLED ACTIVITY STANDARDS FOR TWO OR MORE DWELLINGS PER CERTIFICATE OF TITLE (REFER TO 5.7.4.2 C5)

- (a) Each *dwelling* must meet the Activity Specific Standard 5.7.6(5), Subdivision Standards (refer to 9.4.3.1(1)), and District Wide Performance Standards for Development and Subdivision (refer to Section 8) as if the *certificate of title* is to undergo subdivision in future.

(7) WAIHI, PAEROA AND WHIRITOA: RESTRICTED DISCRETIONARY ACTIVITY STANDARDS FOR MINOR DWELLING UNITS (REFER TO 5.7.4.3 RD3)

- (a) A *minor dwelling unit* must be located on a *site* with a *net site area* of no less than:
- (i) 650m² per associated *dwelling* if the *site* has a connection to the Council's reticulated sewer network; or:
 - (ii) 2,500m² per associated *dwelling* if the *site* is not connected to the Council's reticulated sewer network.
- (b) A *minor dwelling unit* located on a *site* that is *subject to inundation* as identified on the planning maps must not result in a breach of Activity Specific Standard 5.7.6(5).
- (c) **Bulk and Location**
- (i) A *minor dwelling unit* must be located to comply with the following Zone Development Standards for *Permitted* and *Controlled Activities* (refer to 5.7.5):
 - (1) Maximum *height*;
 - (2) *Daylight control*;
 - (3) Minimum *Yards*;
 - (4) Maximum *site coverage*;
 - (5) Traffic noise sensitivity and;
 - (6) Privacy and separation.
 - (ii) A *minor dwelling unit* must share the same vehicle entrance and driveway access as the associated *dwelling* on the same *site*.
- (d) **Outdoor Living Area**

A *minor dwelling unit* must have an *outdoor living area* with a minimum area of 30m², able to contain a rectangle with dimensions no less than 3m by 4m, and having a minimum dimension in all directions of 1.5m.

(e) Domestic wastewater treatment and disposal

- (i)** A *minor dwelling unit* that is not connected to the reticulated sewerage system must show details of the design and lay-out of the proposed on-site domestic effluent system including evidence that the system either complies with the *permitted activity* standards of the Waikato Regional Plan or the terms of a site specific discharge consent.

5.7.7 ASSESSMENT CRITERIA FOR DISCRETIONARY ACTIVITIES

When assessing any application for a *Discretionary Activity*, Council shall have regard to the relevant *development standards*, activity specific standards, environmental results and assessment criteria for *Permitted*, *Controlled* and *Restricted Discretionary Activities* in Rules 5.7.4 to 5.7.6, and the relevant General and Activity Specific assessment criteria below, and any other matters it considers appropriate.

5.7.7.1 GENERAL ASSESSMENT CRITERIA

- (1)** Whether traffic movements resulting from the activity will have any significant impact on the safe and efficient operation of any public *road*. Pertinent matters for consideration in this regard are:
- (a)** the carrying capacity, standard and status in the roading hierarchy of the *road* concerned;
 - (b)** the ability of the *site* to accommodate the activity requirements for on-site parking, loading and *manoeuvring areas*;
 - (c)** the means by which any likely adverse traffic effects can be avoided, remedied or mitigated;
 - (d)** the access, parking and loading standards for *Permitted Activities* that shall be used as a guideline in assessing applications for *Discretionary Activities*;
 - (e)** the comments of New Zealand Transport Agency on the possible adverse effects on the safe and efficient operation of the *state highway* network, where access is from or in the vicinity of a *state highway*.
- (2)** The degree to which the activity will cause demands for the uneconomic or premature upgrading or extension of public services, including roading, which are not in the interests of the District or locality.
- (3)** Whether *buildings* are sufficiently set back from the boundaries of neighbouring properties to avoid causing a nuisance by way of overshadowing, obstruction of views, noise, glare and loss of privacy.

- (4) The degree to which the location of *buildings* is such as to retain clear visibility along urban *roads* and to provide space for vehicle access and loading on the *site* clear of the *road*.
- (5) The extent to which the development's design maintains or enhances the anticipated scale, character and *amenity* of the residential neighbourhood.
- (6) The extent and quality of any proposed *landscaping* and/or retention of existing vegetation on the *site* and the effectiveness of planting in enhancing the streetscape of the area.
- (7) The location of carparking on-site in relation to *residential activities* (both on and off-site) and the extent of adverse effects on the visual and aural privacy of these *residential activities*.
- (8) The extent of potential reduction in the availability of on-street parking for residents, occupants or visitors to the *site* or neighbourhood.
- (9) Whether any *signs* proposed detract from the *amenities* of the area.
- (10) The extent to which the activity is self-contained, with regard to stormwater drainage, effluent disposal and water supply within the boundaries of the *site* on which the activity is located (except where reticulated services are provided).
- (11) Whether the nature of the activity has the potential to create nuisance and health and safety effects, such as noise, vibration and dust, which cannot effectively or practically be controlled by mitigation measures.
- (12) Whether the hours of operation are appropriate having regard to those persons likely to be affected by the activity.
- (13) Whether the activity and any *building* and *structures* are of a scale and intensity which is in keeping with the character, *amenity* and ambience values of the existing urban *environment*.

5.7.7.2 UNDERGROUND MINING AND EXPLORATION

- (1) Whether public safety is adequately provided for and adverse effects of vibration in the ground can be adequately mitigated.
- (2) Whether acceptable plans for the rehabilitation of all disturbed areas have been provided, including implementation programmes.

5.7.7.3 ACTIVITIES/DEVELOPMENT WITHIN WHIRITOA

- (1) Whether the activity and any *buildings* and *structures* are of a scale, intensity and character to protect coastal natural character, maintain the *amenities* of the existing built *environment*, and recognise the potential for coastal erosion.