5.8 LOW DENSITY RESIDENTIAL ZONE

5.8.1 ZONE PURPOSE

(1) Low density residential development areas are designed to satisfy a particular demand from people wishing to live in a semi-rural setting, but to have minimal involvement in farming activities. By providing these low density residential areas, the ad hoc use of productive rural land for urban purposes would be avoided, thereby sustaining such land for productive purposes for future generations.

(2) In addition, such areas could be adequately serviced, where services are available or economically viable. Sporadic urban development can lead to demand for services and/or roading infrastructure which is uneconomic, inefficient and/or physically difficult to provide, as well as adversely affecting the effectiveness, efficiency and safety of the existing transport network.

(3) The demand for low density residential living on smaller blocks is evident. While the Resource Management Act 1991 does not specifically charge Council with the requirement to preserve land of high actual or potential value for productive purposes, such land is a finite resource that is required to be sustained to meet not only existing needs but also the needs of future generations.

(4) Low density residential developments can lead to detrimental effects on the environment. Such detrimental effects can include groundwater contamination from septic tanks, or dust damage to horticultural crops from increased vehicular traffic. Residential based activities can also adversely affect the efficient operation of rural production activities and other lawfully established rural based activities through generating reverse sensitivity towards those activities. By creating specific Low Density Residential Zones (with the appropriate performance standards) on the periphery of established urban areas and settlements, and providing the services in a manner that is sustainable and uses the minimum of resources to provide and maintain them, these effects can either be avoided or minimised.

(5) The Low Density Residential Zone in this District Plan covers those areas zoned Rural Residential in the previous District Plan and also extends to new areas in Paeroa (Range Street), Waikino (Old Waitekauri Road) and Mackaytown (Edwin Street).

5.8.2 OBJECTIVES AND POLICIES

(1) OBJECTIVE 1

To retain land of high productive capability for existing and future rural production activities.

(a) Policy

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

(i) Provide for low density residential activities in a number of locations on land suitable for that activity and of lesser quality for productive purposes.

(ii) Restrict low density residential activities on land of high productive capability.

(b) Reasons

(i) This objective and the policies are complementary to the objectives and policies in the Rural Zone, which seek to maintain the potential of high productive land.

(ii) A range of low density residential locations needs to be provided to cater for the market demands.

(2) OBJECTIVE 2

To provide areas that are attractive for low density residential development and can be serviced to appropriate standards, and which minimise reverse sensitivity effects on existing lawfully established rural based activities.

(a) Policies

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

(i) Locate low density residential development adjacent to the main urban areas, and in locations that can be readily serviced, and with minimal impact and demand on the transport network.

(ii) Provide for differing lot sizes appropriate to the amenity and character of the locality.

(iii) Protect and enhance the rural-residential amenities of the zone (eg privacy, space, quiet) by controlling the scale, location and type of activities compatible with the environment they are located within.

(b) Reasons

(i) Low density residential development has the potential to detrimentally affect the environment and create reverse sensitivity effects for legitimate rural based activities. The locations for low density residential development, and requirement that development meets appropriate standards, can avoid those effects.

(ii) Services and standards should clearly be to a level appropriate to the low density residential lifestyle. Should services be installed at close to a residential standard, this would lead to pressure for the areas to develop into residential areas. This would lead to subsequent pressure to have more low density residential land made available.

(3) OBJECTIVE 3

To ensure that low density residential development does not detrimentally affect the environment.

(a) Policies

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

(i) Ensure minimal disturbance to natural landforms such as ridges, streams, knolls, gullies, indigenous vegetation and to water bodies during subdivision and subsequent development.

(ii) Require urban services to be provided where available to avoid or minimise any detriment to the environment caused by an intensification of development.

(b) Reasons

(i) As for Objectives 1 and 2 above.

(4) OBJECTIVE 4

To sustain the existing urban areas.

(a) Policies

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

(i) Seek to locate low density residential developments adjacent to existing urban areas where such development would not hinder their development and/or consolidation.

(b) Reasons

(i) Low density residential development can assist in sustaining the economic, social and cultural viability of the towns and smaller urban settlements.

(ii) Low density residential development should be allowed on the outskirts of the towns and smaller urban settlements, in areas that are not likely to be suitable for more intensive residential development in the future due to topographical and/or infrastructure servicing constraints.

5.8.3 ENVIRONMENTAL RESULTS

(1) The expected environmental result for this zone is to provide and sustain a low density residential style of living on land of lesser value for productive purposes, in a manner that does not detrimentally affect the natural and physical resources and minimises the potential for reverse sensitivity effects on legitimate rural based activities.

5.8.4 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:

5.8.4.1 PERMITTED ACTIVITIES

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

- *Zone Development Standards* specified in Rule 5.8.5;
- Activity Specific Standards in Rule 5.8.6;

- 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	*RESIDENTIAL ACTIVITIES* (ONE *DWELLING* PER *CERTIFICATE OF TITLE*)
P2	*HOME OCCUPATIONS* (REFER TO ACTIVITY SPECIFIC STANDARD 5.8.6(1))
P3	*HOMESTAY*
P4	*PASSIVE RECREATION*
P5	*PROSPECTING*
P6	*EXPLORATION* INVOLVING NOT MORE THAN 20M^3 OF EXCAVATION PER *ALLOTMENT* IN ANY ONE YEAR
P7	*TEMPORARY USES AND BUILDINGS* (INCLUDING *TEMPORARY MILITARY TRAINING*)
P8	DEMOLITION AND REMOVAL OF *BUILDINGS*
P9	*DRAINAGE WORKS*
P10	ONE STORAGE *BUILDING* PER *SITE* THAT DOES NOT CONTAIN A *DWELLING* PROVIDED THE *BUILDING* 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	*ACCESSORY BUILDINGS* ASSOCIATED WITH A *MINOR DWELLING UNIT* (REFER TO DEFINITION OF *MINOR DWELLING UNIT*).

5.8.4.2 CONTROLLED ACTIVITIES

Those activities listed below are a *Controlled Activity*, subject to compliance with the:

- *Zone Development Standards* specified in Rule 5.8.5;
- Activity Specific Standards specified in Rule 5.8.6;
- 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	*EXPLORATION* INVOLVING MORE THAN 20M^3 AND NO MORE THAN 50M^3 OF EXCAVATION PER *ALLOTMENT* IN ANY ONE YEAR **Matters over which *Council* has reserved control are:** **(1) Location and Duration** **(a)** The location of the *exploration* activities to ensure the stability of adjacent land/*buildings* and *network utility* infrastructure is protected.

	(b) The duration of the *exploration* activities to minimise disturbance on adjacent residential *amenities*. **(2) Management and rehabilitation** **(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 mechanisms) aimed to return the disturbed area to the same or similar state as existed prior to the *exploration* activity. **(b)** The extent to which existing *indigenous* or other vegetation which contributes to visual *amenity* and/or biodiversity values is retained, the reasons why clearance is proposed and the ability to rehabilitate the area to similar values. **(c)** Whether earthworks and/or tracks associated with the activity have been located or minimised to reduce any adverse visual impact.
C2	IN WAIHI, PAEROA, AND WHIRITOA: TWO OR MORE *DWELLINGS* PER *CERTIFICATE OF TITLE* (REFER TO ACTIVITY SPECIFIC STANDARD 5.8.6(2)). **Matters over which *Council* has reserved control are:** **(1) Adequacy of information** **(a)** The adequacy of information including a dimensioned scheme plan and engineering design plan to show that the location of the dwellings, design and servicing of the proposed development, and future subdivision boundaries can meet the relevant Zone Development Standards (refer to 5.8.5(1)), Activity Specific Standard (refer to 5.8.6(2)), Subdivision Standards (refer to 9.4.2.1(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. **(2) Methods to ensure compliance with the District Wide Performance Standards for Development and Subdivision** **(a)** Refer to Section 8. **(3) Controlled activity matters** **(a)** Refer to 9.4.2.1(2). **(4) Controlled activity assessment matters** **(a)** Refer to 9.5. **(5) Urban design principles** **(a)** Refer to 9.1.3(2)(a)(ii).

5.8.4.3 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.

RD1 ANY *PERMITTED* OR *CONTROLLED ACTIVITY* THAT DOES NOT MEET THE *ZONE DEVELOPMENT STANDARDS* IN RULE 5.8.5 FOR A *PERMITTED* OR *CONTROLLED ACTIVITY* AND DOES NOT EXCEED THE *ZONE DEVELOPMENT STANDARDS* IN RULE 5.8.5 FOR A *RESTRICTED DISCRETIONARY ACTIVITY*

Matters over which the *Council* has restricted its discretion are:

The *Council* will restrict the exercise of its discretion to the ability of the activity or development to achieve the particular environmental result of the *Zone Development Standards* in Rule 5.8.5 for which compliance is not met and the following relevant assessment criteria:

(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 Low Density 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/zone coverage***

(a) The ability of the existing stormwater and/or sewerage systems or on-site disposal methods to cope with additional stormwater and/or disposal of sewage.

(b) Whether there are known stormwater/sewage disposal problems in the area and/or sufficient permeable surface remains for on-site disposal systems.

(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 *earthworks*.

(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) Whether there are communal service facilities provided which are readily accessible to and useable by the activity on the *site*.

(b) 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 other *accessory building*).

(5) ***Outdoor Living Area***

(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 *site*, 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.

(6) **Minimum *Residential Area***

(a) The degree to which the design of the development allows for a smaller *residential area* per *dwelling* while still meeting the required standards

		relating to privacy, outdoor living, sunlight, parking and other residential *amenity* needs. **(b)** Whether there is sufficient permanent open space adjoining the *site* (excluding streets and accessways) to reduce the impact of the higher density on the surrounding residential environment. **(c)** Whether the housing development is designed to meet the needs of specific residents not requiring the specified *residential area* due to smaller units, or parking or other factors, and the development is unlikely to convert to a residential form of living that would require greater net site areas. **(7) 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.
RD2	IN WAIHI, PAEROA AND WHIRITOA: ONE *MINOR DWELLING UNIT* ACCESSORY TO A *DWELLING* OR ADDITIONAL *DWELLING* APPROVED UNDER 5.8.4.2 C2. (REFER TO ACTIVITY SPECIFIC STANDARD 5.8.6(3) **Matters over which *Council* has restricted its discretion are:** **(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 *minor dwelling unit* and orientation to enable daylight penetration for both the *minor dwelling unit* and associated *dwelling*. **(9)** The location, and use of *buildings* and *structures* including garaging and decks to be used in association with the *minor dwelling unit*. **(10)** Methods to ensure compliance with Activity Specific Standard 5.8.6(3).	

5.8.4.4 DISCRETIONARY ACTIVITIES

Those activities listed below are a *Discretionary Activity* and shall be assessed against the relevant criteria in Rule 5.8.7.

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	ANY *PERMITTED* OR *CONTROLLED ACTIVITY* THAT DOES NOT MEET THE *ZONE DEVELOPMENT STANDARDS* IN RULE 5.8.5 FOR A *RESTRICTED DISCRETIONARY ACTIVITY*
D2	*HOME OCCUPATIONS* THAT DO NOT MEET ACTIVITY SPECIFIC STANDARDS IN RULE 5.8.6(1)
D3	V*ISITOR ACCOMMODATION*
D4	*UNDERGROUND MINING*
D5	*EXPLORATION* NOT PROVIDED FOR AS A *PERMITTED* OR *CONTROLLED ACTIVITY*
D6	IN WAIHI, PAEROA AND WHIRITOA: A *MINOR DWELLING UNIT* THAT DOES NOT COMPLY WITH THE ACTIVITY SPECIFIC STANDARDS IN RULE 5.8.6(3).
D7	*RESIDENTIAL ACTIVITIES* – ONE *DWELLING* PER *CERTIFICATE OF TITLE* NOT CONTAINING THE RELEVANT MINIMUM *RESIDENTIAL AREA* (REFER TO 5.8.5).

5.8.4.5 NON COMPLYING ACTIVITIES

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

NC1	ANY ACTIVITY NOT PROVIDED AS A *PERMITTED*, *CONTROLLED*, *RESTRICTED DISCRETIONARY*, *DISCRETIONARY* OR *PROHIBITED ACTIVITY*

5.8.4.6 PROHIBITED ACTIVITIES

PR1	*SURFACE MINING*

5.8.5 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 5.8.4.2, and for *Restricted Discretionary Activities* in Rule 5.8.4.3, 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 *Height*	8.0 metres	10.0 metres	To ensure that the *height* of *buildings* is compatible with the activities permitted in the *zone* as well as the landscape, *amenity* and character of both the *zone* that the *building* is located in and any adjoining *zone*.
Daylight Control (refer to definition for explanatory diagram)	No *building* shall project above 2.0 metres in *height* at any *site* boundary and not project above a 45º plane into the *site* up to the maximum *height*.	No Restriction	To ensure no *building* unreasonably overshadows any neighbouring property, thereby restricting daylight and ventilation between *buildings*.
Minimum *Yards*	*Front Yard*: 7.5 metres (except *state highways* for those *buildings* as set out in the *rule* below).	*Front Yard*: 7.5 metres (except *state highways* where the posted speed limit is 80km/hr or greater, for those *buildings* as set out in the *rule* below).	To allow flexibility in *site* layout while still maintaining the *amenities* of the *site* and adjoining sites. To provide an open streetscape that allows for planting and ensures the traffic function of the *road* is not compromised and to mitigate reverse sensitivity effects from new noise sensitive activities.
	Front Yard: **(a)** 12 metres for new *dwellings* where the *site(s)* have *frontage* or are adjacent to *state highways* where the posted speed limit is less than 80km/hr, or **(b)** 12 metres for new *dwellings* on Lots 1 – 3 DP376263, State Highway 25, Whiritoa, and Orchard Road/Parry Palm Avenue Area, Waihi, or	*Front Yard:* **(a)** 12 metres for new *dwellings* where the *site(s)* have *frontage* or are adjacent to *state highways* where the posted speed limit is 80km/hr or greater, and **(b)** the new *dwellings* are erected or placed on the *site(s)* after 14 September 2012 (including any	

Development Standard *	Parameter		Environmental Result
	Permitted and Controlled	Restricted Discretionary	
	(c) 20 metres for new *dwellings* where the *site(s)* have *frontage* or are adjacent to *state highways* (where the posted speed limit is 80km/hr or greater), and **(d)** the new *dwellings* are erected or placed on the *site(s)* after the 14th September 2012 (including any subsequent additions to those *dwellings*)	subsequent additions to those *dwellings*).	
	Other Yards: **(a)** Orchard Road/ Parry Palm Avenue area, Waihi and Bradford Street Extension - 3m; (Refer Map K5) **(b)** Old Waitekauri Rd, Waikino - 10m; **(c)** Otherwise - 5m.	*Other Yards*: Nil	
Traffic Noise Sensitivity	**(a)** All new *habitable room(s)* where located within 80 metres of the formed carriageway of a *state highway* shall meet an internal road-traffic design sound level of 40$dBL_{Aeq(24hr)}$ with ventilating windows open. **(b)** An acoustic design report from a suitably qualified and experienced acoustics expert shall be provided to the *Council* demonstrating compliance with (a) above at the time of building consent application. **(c)** Where the requirements of (a) above can only be met with windows and doors closed a *ventilation system* shall be installed for the new *habitable room(s)*. **(d)** The requirements of (a) above shall not apply where: **(i)** the nearest façade of the new *habitable room(s)* is between 50 and 80 metres from the formed carriageway of the *state*	No restriction	To allow flexibility of site layout while protecting the *amenity* of sensitive uses where located in proximity to high speed environment and/or high traffic volume *state highways*, from potential adverse traffic noise effects.

Development Standard *	Parameter		Environmental Result
	Permitted and Controlled	Restricted Discretionary	
	highway 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 *habitable room(s)* to any part of the formed carriageway of the *state highway* (where that part of the *state highway* is within 80 metres of the façade of the new *habitable room(s)*); or **(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 *state highway* is less than 55$dBL_{Aeq(24hr)}$ on all facades of the new *habitable room(s)*; or **(iii)** the *habitable rooms* are added to or altered within a *dwelling* existing at 26 September 2014.		
Maximum *Site Coverage*	30%	40%	To limit the scale and intensity of *building* development to a level appropriate to the character and *amenity* 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 *environment*.

Development Standard *	Parameter		Environmental Result
	Permitted and Controlled	Restricted Discretionary	
Outdoor Living Area *(Dwelling)*	Minimum Area: 60m^2 plus 10m^2 for each additional bedroom over 2. Minimum Dimension: 3 metres in all directions Minimum Shape: Can contain an 8.0 metre diameter circle	Minimum Area: 60m^2 plus 10m^2 for each additional bedroom over 2. Minimum Dimension: 3 metres in all directions Minimum Shape: Can contain an 8.0 metre diameter circle	To protect residential *amenities* such as privacy, quietness and outdoor space.
Outdoor Service Area *(Dwelling)*	Minimum Area: 20m^2 Minimum Dimension: 3.0 metres	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 *amenity* of the *zone*.
Minimum *Residential Area*	Orchard Road/Parry Palm Avenue Area, Waihi and Bradford Street Extension: (Refer Map K5) 300m^2 per dwelling All other Areas: 700m^2 per dwelling.	Orchard Road/Parry Palm Avenue Area, Waihi and Bradford Street Extension: (Refer Map K5) 300m^2 per dwelling All other Areas: 700m^2 per dwelling.	To maintain a low intensity of development that is appropriate to the character of the area and to ensure a certain level of amenity within the zone.

*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*".

5.8.6 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 six 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 or external storage of materials associated with the *home occupation*, excluding permitted *signage*.

(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 electrical equipment 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 or mechanical repairs to vehicles and machinery, engineering works, animal boarding facilities or bee keeping.

(2) WAIHI, PAEROA, AND WHIRITOA: CONTROLLED ACTIVITY STANDARDS FOR TWO OR MORE *DWELLINGS* PER *CERTIFICATE OF TITLE* (REFER TO 5.8.4.2 C2)

(a) Each *dwelling* must meet the Subdivision Standards (refer to 9.4.2.1(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.

(3) WAIHI, PAEROA, AND WHIRITOA: RESTRICTED-DISCRETIONARY ACTIVITY STANDARDS FOR *MINOR DWELLING UNITS* (REFER TO 5.8.4.3 RD2)

(a) A *minor dwelling unit* must be located on a *site* with a *net site area* of no less than:

(i) 1,000m^2 per associated *dwelling* if the *site* has a connection to the Council's reticulated sewer network; or:

(ii) 2,500m^2 per associated *dwelling* if the *site* is not connected to the Council's reticulated sewer network.

(b) 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 5.8.5):

(1) Maximum *height*;

(2) *Daylight control*;

(3) Minimum *Yards;*

(4) Traffic noise sensitivity;

(5) Maximum *site coverage;*

(ii) A *minor dwelling unit* must share the same vehicle entrance and driveway access as the associated *dwelling* on the same *site*.

(c) Outdoor Living Area

(i) A *minor dwelling unit* must have an *outdoor living area* with a minimum area of $30m^2$, able to contain a rectangle with dimensions no less than 3m by 4m, and having a minimum dimension in all directions of 1.5m.

(d) 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.

5.8.7 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 5.8.4 to 5.8.6, and the relevant General and Activity Specific assessment criteria below, and any other matters it considers appropriate.

5.8.7.1 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 necessary 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.

(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) Whether any *signs* proposed detract from the *amenities* of the area.

(6) 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).

(7) 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.

(8) Whether the hours of operation are appropriate having regard to those persons likely to be affected by the activity.

(9) Whether the activity and any *building* and *structures* are of a scale and intensity which are in keeping with the character, *amenity* and ambience values of the existing urban *environment*.

5.8.7.2 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.

5.8.7.3 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 and maintain the amenities of the existing built *environment*.