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14. Medium Density Residential

Explanatory Statement

The urban communities in the Western Bay of Plenty are diverse and a range of housing options are required. The *development* of medium density residential dwellings will become more and more important as communities age; social dynamics of households change; land becomes more expensive, and sustainable development practices become more important.

The Western Bay of Plenty lacks medium density residential options in general and those that do exist are not well-designed and/or unaffordable.

The main purpose of this section is to encourage the *development* of quality, and affordable medium density residential housing in appropriate locations.

14.1 Significant Issues

1. Growth within the Western Bay of Plenty District is projected to continue. Unplanned subdivision, use and *development* has the potential to adversely affect the environment and inhibit the efficient and cost-effective provision of infrastructural services.
2. A lower density residential form leads to inefficient use of infrastructure and unnecessary urban expansion into rural areas.
3. A lack of housing diversity and choice limits the range of available lifestyle options for both current and future generations. Development controls within the District Plan can limit the range and diversity of such lifestyle options.
4. The location and design of buildings and other structures, as well as the layout of subdivisions and associated infrastructure, can adversely affect the health and wellbeing of people and the safe and efficient movement of pedestrians, cyclists and vehicles.
5. A lack in the ability to interact and connect on foot and bicycle with surrounding compatible land uses and internal community facilities can result in a less desirable place to live and a decrease in the health and safety of the community.
6. The amenity values of established residential areas can be adversely affected if a medium density residential development is

- not properly planned or if surrounding areas are not taken into consideration.
7. Community Plans have been prepared for the different urban areas within the District that reflect the community aspirations for the area. These aspirations can come under threat if medium density residential development doesn't complement these aspirations.
 8. The establishment of non-residential activities that have no functional relationship with the Medium Density Residential Zones has the potential to undermine the viability of zones where such activities are specifically provided for.
 9. Growth has the potential to adversely impact upon areas of identified ecological, social, heritage, cultural and landscape significance to the District.

14.2 Objectives and Policies

14.2.1 Objectives

1. Efficient use of the finite land resource for urban development.
2. Cost-effective and efficient provision of roading and other infrastructure to service urban areas.
3. Concentration of new urban development within urban growth areas identified in the Bay of Plenty Regional Policy Statement.
4. Fulfilment of the housing needs of all sections of the residential community within identified growth areas.
5. Preservation and enhancement of the residential character and amenity values within urban areas in a manner consistent with the aspirations of the individual communities within those areas.
6. To ensure the safe movement of pedestrians, cyclists and motor vehicles by creating an environment that promotes a sense of personal safety and security within the Medium Density Residential Zone.
7. Develop interconnected road networks that increase the efficiency of all major modes and provides for future public transport in areas of medium density development.
8. To avoid inappropriate activities from establishing and operating within the Medium Density Residential Zones.

14.2.2 Policies

1. Medium density residential development should only be developed in identified growth areas and locations that are close to amenities and social infrastructure, have adequate open space and can be efficiently serviced.
2. Provision should be made for a variety of housing types and living environments within identified urban growth areas.
3. The form of medium density residential development should be consistent with recognised urban design principles, including Crime Prevention through Environmental Design.
4. Provide safe, usable and attractive networks and associated linkages for pedestrians, cyclists and motor vehicles.
5. Urban design should provide for a greater interaction between public and private space.
6. The undertaking of non-residential activities should not generate adverse effects that would be incompatible with the character and amenity values of the area in which they are located.
7. Avoid the establishment of *retirement villages* in locations not within a reasonable distance of the nearest shops and community facilities (including public transport).
8. The outcomes sought in relevant community plans that have been developed through consultation with the District's communities should be provided for in development proposals.

14.3 Activity Lists

14.3.1 Permitted Activities

Except where specified as a Controlled, Restricted Discretionary or Discretionary Activity, the following are Permitted Activities:

- (a) One *dwelling* per lot, subject to meeting the maximum lot size requirements.
- (b) Activities on reserves as provided for in the Reserves Act 1977.
- (c) *Accommodation* or *education facilities* for a combined maximum of four persons (excluding staff).
- (d) *Home enterprises* subject to performance standard 13.4.1(g).

- (e) Public works and *network utilities* as provided for in Section 10.
- (f) *Buildings accessory* to the foregoing.

14.3.2 Controlled Activities

- (a) More than one *dwelling* per *lot* subject to performance standard 14.4.4.
- (b) Works and network utilities as provided for in Section 10.
- (c) Subdivision (excluding subdivision by *unit plan*) in accordance with 14.5.1.
- (d) *Retirement Villages/Rest Homes* subject to compliance with the net land area requirements for dwellings in 13.3.2 (a) [for *retirement village dwellings* and *retirement village independent apartments* on a one to one basis; for *rest homes* every six *rest home* bedrooms will be counted as one *dwelling* for the purposes of this rule].

14.3.3 Restricted Discretionary Activities

- (a) Any Permitted or Controlled Activity that fails to comply with 14.4 - Activity Performance Standards.
- (b) *Retirement Villages/Rest Homes* that do not comply with one or more of the applicable activity performance standards in 14.4.

14.3.4 Discretionary Activities

- (a) *Places of Assembly*.
- (b) *Accommodation facilities* not complying with 13.4.1(f).
- (c) Hospitals.
- (d) *Medical or scientific facilities*.
- (e) *Dairies* no greater than 60m² gross floor area.
- (f) *Education facilities* for more than four persons (excluding staff).
- (g) Works and *network utilities* as provided for in Section 10.
- (h) *Development* that is not in general accordance with the respective *Structure Plan*.

14.4 Activity Performance Standards

14.4.1 General

The following performance standards shall be met by all Permitted and Controlled Activities and shall be used as a guide for the assessment of all other activities. Any permitted activity that fails to comply with any of these standards will be a Restricted Discretionary Activity for the particular non-compliance.

(a) Height

- The maximum *height*, excluding Lots 3 and 4 DPS73174 (Waihi Beach), shall be 9m and retain a maximum two storey character.
- The maximum *height* for Lots 3 and 4 DPS73174 (Waihi Beach), shall be 12m.

(b) **Lot size: Minimum Parent lot size and Internal lot size or Density**

- (i) Subdivision and *development* shall only occur where the parent *lot* or title with a minimum area of at least 1,400m².
- (ii) The following *lot* sizes or densities shall apply to the subdivision or *development*:

Area	Density
Omokoroa Stage 2 Medium Density	A maximum average of one <i>dwelling</i> unit per 400m ² provided that any balance area resulting from such subdivision shall comply with the average net <i>lot</i> size specified in 13.4.2(a).
Katikati, Omokoroa Stage 1, Te Puke, Waihi Beach	A maximum average of one <i>dwelling</i> per 250m ² provided that any balance area resulting from such subdivision shall comply with 13.4.2(a).

(c) Daylight

All *buildings* shall be within a building envelope of 2.0m *height* above *ground level* at all boundaries and an angle of 45 degrees into the site from that point. Except where the site has a boundary with a road in which case this rule shall not apply in respect of that boundary.

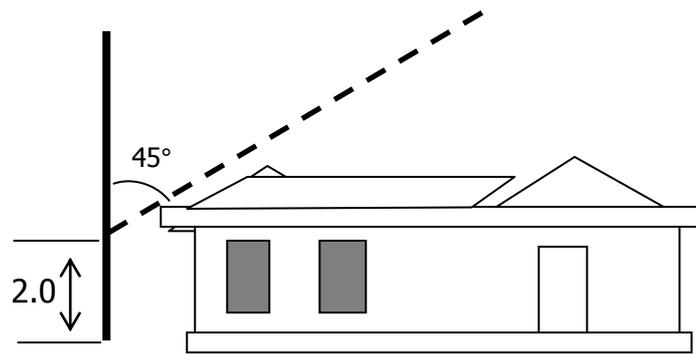


Figure 1: Daylighting Calculation

Provided that:

A *building* may encroach through the above daylighting plane where the written approval of the owner(s) of the immediately adjoining property to the specific encroachment is obtained.

Explanatory Note:

For subdivision by *unit plan*, this rule shall only apply to *buildings* on the *base land* in their relationship to the *base land* external site boundaries and shall not apply between the internal boundaries of the *principal units* within the *unit plan*, nor between the *principal units* and their internal boundary with any *common property*.

(d) Yards

(i) *Front Yards* shall be no less than the following:

Medium Density Dwellings (not including garages) - 3m
Garages (all) - 5m

(ii) *Rear and Side Yards* – Minimum - 1.5m

Provided that:

A *building* may be located within a *yard* and up to a side or rear boundary where the written approval of the owner(s) of the immediately adjoining property to a specified lesser distance is obtained.

(iii) Except that:

- Where any *yard* adjoins:
 - A Strategic Road or a designation for a Strategic Road it shall be a minimum of 10m;
 - A railway corridor or designation for railway purposes, it shall be a minimum of 10m.

- Waihi Beach - All *buildings* shall have a setback of at least 7.5m from the centre line 5m from the bank of Two Mile Creek, measured at building consent stage, irrespective of whether or not the centre line of the creek is within the subject property

Explanatory Note:

For subdivision by *unit plan*, this rule shall only apply to *buildings* on the *base land* in their relationship to the *base land* external site boundaries and shall not apply between the internal boundaries of the *principal units* within the *unit plan*, nor between the *principal units* and their internal boundary with any *common property*.

(e) Maximum Building Coverage

~~All lots 40%.~~

Building Coverage	Activity Status
40% or less	Permitted
40% - 50%	Controlled
> 50%	Restricted Discretionary

Explanatory Note:

For subdivision by *unit plan*, this rule shall only apply to the *base land*, and not to each individual *principal unit* within the *unit plan*, nor to any *common property*.

(f) Fences or walls

- (i) Side boundary and rear boundary:

Any fence or wall within the *side* and/or *rear yards* or on the *side* and/or *rear boundary* shall not exceed a *height* that exceeds the daylight plane as described in 14.4.1(c):

Explanatory Note:

A building consent is required where a fence or wall exceeds 2.0m

Except that:

- Where the side fence or wall is within the *front yard* specified in Rule 14.4.1(c) Yards, this *height* shall not exceed 1.2m, unless the portion of the wall or fence that is between 1.2 and ~~1.8m~~ 2.0m in height has a visual permeability of at least 60%.

- Where the common boundary is with a public reserve or walkway, the fence or wall shall not exceed 1.2m *height*, unless the portion of the wall or fence that is between 1.2m and ~~1.8m~~ 2.0m in height has a visual permeability of at least 60%.
- Any fence or wall closer than 5.5m from the centre line of Two Mile Creek shall not exceed 1.2m in height, unless the portion of the wall or fence that is between 1.2m and ~~1.8m~~ 2.0m in height has a visual permeability of at least 60%.

(ii) Front boundary:

Any fence or wall within the *front yard* or on the front boundary shall not exceed 1.2m in *height* unless the portion of the wall or fence that is between 1.2m and ~~1.8m~~ 2.0m in *height* has a visual permeability of at least 60%.

Explanatory Note: Existing use rights allow fences or walls existing as at 1 January 2010 to be replaced to the same *height* scale as a Permitted Activity.

(g) Dwelling unit floor area requirements

- (i) Dwelling units shall not be less than the following minimum floor areas:
- 1 bedroom dwelling units – 40m²
 - 2 Bedroom dwelling units – 60m²
 - 3 Bedroom dwelling units – 80m²
 - 4 or more bedroom dwelling units – 95m²

Explanatory Note:

These figures exclude balconies.

Provided that:

Complexes containing up to ten dwelling units shall have no more than five studio and one bedroom units and no more than 30% of units in complexes greater than ten dwellings shall comprise studio or one bedroom units.

- (ii) Multi unit developments shall maintain and enhance amenity by providing a reasonable mix of single and multi-bedroom dwellings provided that retirement and care-based facilities may provide a greater number of single bedroom units if they include compensatory provision of common floor or open space elsewhere in the facility.

(h) Outdoor living area

- (i) Katikati, Waihi Beach, Te Puke, Omokoroa Stage 1 and 2:

Each *dwelling* unit shall be provided with an outdoor living area in the form of a balcony, deck, or grass/garden with a minimum area of 25m² that is able to contain a 4.0m diameter circle. Such open space shall:

- (a) Be directly accessible from the main living room of the dwelling.
- (b) Provide sunlight access to an area of the space with a minimum diameter circle of 3m that receives no less than 1 hour of continuous sunlight when the sun's azimuth is between 337° 30' and 22° 30' (approximately hours of 11am to 2pm) on June 21 (mid-winter solstice). Depending on orientation & topography, an additional outdoor living area may be required to provide minimum sunlight access to residents.

Except that

For *dwelling* units above the ground floor or *dwelling* units with living areas above ground floor a proportion of the required open space may be provided communally at ground level to the equivalent required total, provided that the sunlight access quota is met. Communal open space shall be on flat land, easily accessible to residents and have seating, shade and landscape planting.

(i) Rubbish and recycling

An enclosed shed or screened areas shall be provided for the placement of refuse and recycling material. This area will be accessible by a two axled truck.

(j) Urban design

- (i) Windows within habitable rooms in a *dwelling* unit shall not have a direct line of sight to a habitable room window in another *dwelling* unit ~~within the same parent title~~ where the distance between the respective windows of the two dwellings is 10m or less.

- (ii) Have ~~a variety of~~ **at least two** cladding materials but limit the glass surfaces to not more than 60% of the total street façade
- (iii) All new residential and medium density residential *buildings* should have a pitched roof with overhangs of a minimum of 400mm to make the roof appear light and reduce the impact or bulk of the *building*.
- (iv) At ground floor level, garage doors facing the street should not occupy more than 65% of the frontage to ensure that the street front is not dominated by garage doors.

(k) Landscaping

- (i) A minimum of 20% of the lineal lot frontage to a depth of 2.0m shall be planted with a combination of grass, ground covers, shrubs and trees and this shall be maintained on an ongoing basis.
- (ii) A minimum of one specimen tree (1.2m in height at the time of planting or greater) per 35m² of planted area shall be planted and maintained to best horticultural practice

(l) Parking requirements

The required minimum parking for apartments, terrace, semi-detached or other multi-dwelling residential buildings shall be:

Activity	Parking Spaces Required
<i>Dwellings</i> (being one household unit) of less than 55m ²	1 space for each <i>dwelling</i>
<i>Dwellings</i> (being one household unit) of between 55m ² and 85m ²	1.5 spaces for each <i>dwelling</i>
<i>Dwellings</i> (being one household unit) of 85m ² or greater	2 spaces for each <i>dwelling</i>

Explanatory Note:

Where more than one car park is required, one may be stacked provided it does not interfere with shared access.

(m) Maximum building length

- (i) The maximum *building* length is 25m before a recess with a minimum dimension of 3.0m x 3.0m is required. The recess shall also have a height of no less than 1.0m lower than the adjacent building mass. In addition terraced houses are limited to avoid long repetitive rows of units.

- (ii) No building shall have a length exceeding 50m or contain more than 10 *dwelling* units in a row i.e. terrace housing.

- (n) **Transportation, Access, Parking and Loading** - See Section 4B.

- (o) **Noise and Vibration** - See Section 4C.1.

- (p) **Storage and Disposal of Solid Waste** - See Section 4C.2.

- (q) **Lighting and Welding** - See Section 4C.3.

- (r) **Offensive Odours, Effluent Aerosols and Spray Drift** - See Section 4C.4.

- (s) **Screening** - See Section 4C.5.

- (t) **Signs** - See Section 4D.

- (u) **Natural Environment** - See Section 5.

- (v) **Landscape** - See Section 6.

- (w) **Historic Heritage** - See Section 7.

- (x) **Natural Hazards** - See Section 8.

- (y) **Hazardous Substances** - See Section 9.

- (z) **Financial Contributions** - See Section 11.

14.4.2 Standards for Accommodation Facilities

In the event of any conflict or inconsistency between these rules and those set out in 14.4.1 above, the content of these rules shall prevail.

- (a) Have a maximum occupancy of four persons at any one time (excluding staff);

- (b) The total area available for exclusive use for the occupiers be no greater than 60m² *gross floor area*;

- (c) Must not contain a kitchen or otherwise be self contained;

- (d) For Discretionary *Accommodation Facilities*, information is to be provided in accordance with 4A.6.

14.4.3 Standards for Home Enterprises

In the event of any conflict or inconsistency between these rules and those set out in 14.4.1 above, the content of these rules shall prevail.

- (a) Shall be conducted within a building floor area not exceeding 25m². Carparks shall be excluded from the maximum area calculation of the activity.
- (b) Is carried out by a maximum of three persons.
- (c) Does not involve sales of products other than those produced on the site. This does not apply to the sale of any goods stored, distributed and manufactured off the site that are sold via the internet.
- (d) Any advertising shall comply with Section 4D.3.2.
- (e) Parking shall be provided in accordance with Rule 4B.4.7.

Explanatory Note:

The above activity performance standards shall apply cumulatively to all *Home Enterprises* per lot.

14.4.4 Standards for more than one dwelling per lot

The relevant subdivision standards shall apply as if the land was being subdivided with each *dwelling* site being treated as if a new lot is being created, including the application of financial contributions.

14.5 Matters of Control - Controlled Activities

14.5.1 Subdivision and More than One Dwelling on a Lot

Council shall exercise control over the following:

- (a) The location of roads, footpaths, walkways and cycleways and the orientation of *allotments* or *dwelling*s to road boundaries to ensure good urban design outcomes;
- (b) The interface between public and private space to achieve good urban design outcomes;
- (c) The provision of access for emergency services/refuse collection (need to be able to access and manoeuvre on site);
- (d) The timing of the *development* in accordance with the sequential *development* of the urban areas as identified on the *Structure Plan*;

(e) The application of financial contributions.

(f) The effect of additional driveways on public safety and amenity along footpaths.

14.5.2 Controlled Activity – Retirement Villages/Rest Homes

For *Retirement Villages/Rest Homes*, Council shall also exercise control over the following in addition to 14.5.1(a) to (f) above:

(a) The landscaping and design of the site to ensure a high level of on-site amenity including such measures as:

- Integrating *buildings*, structures, accessways, parking areas and visible earthworks with the surrounding environment.
- Allowing space for maturing trees and retaining existing trees where practicable
- Balancing the built environment with areas of open space.

For *Rest Homes* only, Council shall also exercise control over the following in addition to 14.5.1(a) to (f) and 14.5.2(a) above:

(b) The maximum *building* length is 25m before a recess with a minimum dimension of 3.0m x 3.0m is required. No *building* shall have a length exceeding 50m.

14.6 Matters of Discretion

14.6.1 Restricted Discretionary Activities – Non Compliance with Activity Performance Standards

Council's discretion is restricted to the actual or potential adverse effects arising from the particular non-compliance, having regard to the extent and nature of the non-compliance.

~~Council will limit its discretion to the effects of the non-compliance on the purpose of the performance standard and any relevant objectives and policies and/or relevant structure plan and staging plan.~~

14.6.2 Restricted Discretionary Activities – Non Compliance with Activity Performance Standard – Building Coverage

Council shall restrict its discretion to the following matters:

- (a) The ability for the effects of additional stormwater to be mitigated;
- (b) The capacity of the local stormwater reticulation systems to cope with any increase in stormwater discharge; and

14.6.3 Restricted Discretionary Activities – Non Compliance with minimum Parent Lot or Title size of 1,400m²

Council shall restrict its discretion to the following matters:

- (a) Aural privacy including the noise levels anticipated from the on-site and adjacent land uses and the provision of acoustic treatments.
- (b) Open space character including:
 - on-site landscaping;
 - retention of mature trees;
 - provision of shared driveways and streetscape/access way design; and
 - location of structures within the site particularly the set back of garages from the facades of the house.
- (c) Urban design elements as per 14.4.1(j).
- (d) Building orientation for solar efficiency.
- (e) Street and public open space surveillance by kitchen or living.
- (f) Street Definition including the extent to which units orient and face the street - to help define the street corridor and create a strong interface between the public and private domains.

14.6.4 Restricted Discretionary Activities - Retirement Villages/Rest Homes that do not comply with One or More of the Applicable Activity Performance Standards in 14.4.

Council's discretion is restricted to:

- (a) The particular matter(s) of non-compliance with the Activity Performance Standards in Rule 14.4.

- (b) The Matters of Control in Rule 14.5.

14.6.5 Discretionary Activities – matters of discretion and assessment criteria

In considering an application for a Discretionary Activity, Council shall consider:

- (a) The extent of non compliance with the Permitted Activity performance standards and the actual and potential effects on the environment.
- (b) How well the development integrates with existing medium density residential development and its orientation to public space, including the street.
- (c) How the development meets the design outcomes of adopted town centre plans and the Built Environment Strategy.
- (d) Any national standards for urban design.
- (e) What provision is made for pedestrian and vehicular access.
- (f) The effect on the amenity values of adjoining residential and reserve land.
- (g) The extent to which the proposal is consistent with objectives and policies of this Plan.

14.7 Other methods

14.7.1 The Built Environment Strategy establishes a non regulatory approach to assist developers to engage in a free design process. This is called the 'package of plans approach' which promotes the development community presenting concept plans to Council at an early stage and refining these before lodging applications for building and/or resource consent. This is identified in Figure 2 of the Built Environment Strategy.