

# **Decision Report**

## **Plan Change 21 – Changes to Medium Density Residential Zone and Rezoning of Lots to Medium Density Residential in Katikati**

---

### **Important Note**

The Proposed District Plan May 2011 Annotated Version was the current version of the District Plan when Plan Changes 1-27 were notified in November 2011 and this version was therefore used as the base document for preparing the Plan Changes and the Section 32 and Planning Reports.

Since then the District Plan has been made operative (16 June 2012). The Operative District Plan 2012 is now the current version of the District Plan and therefore Plan Changes 1-27 are proposed to change this version only.

For the purpose of understanding how decisions on this Plan Change relate to the Section 32 and Planning Report and to both versions of the District Plan discussed above, this Decision Report is divided into three parts.

Part A contains the decisions made on the topics in the Planning Report and uses the Proposed District Plan May 2011 Annotated Version as the base document.

Part B shows how the full notified Plan Change and subsequent decisions on topics would change the Proposed District Plan May 2011 Annotated Version Base Document.

Part C shows how the full notified Plan Change and subsequent decisions on topics are proposed to change the Operative District Plan 2012.

### **Advice to Submitters:**

Submitters will be familiar with the rule and map numbers from the Proposed District Plan May 2011 Annotated Version and so should refer to Parts A and B of this report to understand the decisions on their submission points.

However any submitter wishing to make an appeal will need to refer to the rule and map numbers of the Operative District Plan 2012 in Part C and reference these in their appeal.

## **Part A: Decisions on Topics in the Planning Report**

Any changes to rules are shown as follows; existing District Plan text in black, proposed changes as included in the Section 32 Report in **red**, and any changes resulting from decisions on the topics in the Planning Reports in **blue**.

### **Topic 1: The creation of a separate Section for Medium Density Residential and subsequent amendments to Section 13 Residential**

## Decision

That:

- (a) Section 13A – Medium Density Residential, and
- (b) the amendments to Section 13 – Residential;

be retained as notified.

## Reason for Decision

To make the Plan more user friendly and easier to understand.

## Topic 2: Rezone identified properties in Katikati from Residential to Medium Density Residential

### Decision

That the properties along Carisbrooke Street, Jocelyn Street, Heron Crescent and Tui Place, as identified in Figure 1, be rezoned to Medium Density Residential as notified.

The following submission is therefore:

### Rejected

Submission	Point Number	Name
63	1	Heagren, Susannah Jane

### Reason for Decision

- The proposed rezoning provides opportunities to diversify the housing choice within Katikati.
- The identified properties are close to the town centre, employment opportunities and other facilities.
- The proposed rezoning discourages urban sprawl.
- It optimises the use of existing infrastructure and public facilities.
- The proposed rezoning creates opportunities for current and future landowners.
- The proposed rezoning provides an alternative for “infill” subdivision where existing larger lots are subdivided into smaller sections on an ad-hoc basis. The Medium Density Residential Zone has more development controls to encourage a better development outcome.

## Part B: Changes to the Proposed District Plan May 2011 Annotated Version Base Document

Any changes to rules are shown as follows; existing District Plan text in black and changes (being the culmination of the notified Plan Change and subsequent decisions) are shown in red.

No submissions or further submissions were received on the proposed addition of a new Section 13A – Medium Density Residential and subsequent changes to Section 13 – Residential. Therefore these two Sections are to be retained as notified.

**That the proposed addition of a new Section 13A – Medium Density Residential and subsequent changes to Section 13 – Residential are retained as notified, as shown on the pages to follow.**

That the properties identified in Figure 1 below be rezoned from Residential to Medium Density Residential, as notified (as attached), and that these changes be included on Map U21 of the District Plan.



Figure 1: Lots proposed to be rezoned to Medium Density

# Medium Density Residential

## 13A. 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.

### 13A.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.

## 13A.2 Objectives and Policies

### 13A.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.
7. 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.
8. Develop interconnected road networks that increase the efficiency of all major modes and provides for future public transport in areas of medium density development.
9. To avoid inappropriate activities from establishing and operating within the Medium Density Residential Zones.

### 13A.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.

## 13A.3 Activity Lists

### 13A.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) (except within identified medium density areas).
- (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.

### 13A.3.2 Controlled Activities

- (a) More than one dwelling per lot subject to performance standard 13A.4.4.
- (b) Works and network utilities as provided for in Section 10.
- (c) Subdivision (excluding subdivision by *unit plan*) in accordance with 13A.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]

### 13A.3.3 Restricted Discretionary Activities

- (a) Any Permitted or Controlled Activity that fails to comply with 13A.4 - Activity Performance Standards.
- (b) *Retirement Villages/Rest Homes* that do not comply with one or more of the applicable activity performance standards in 13A.4.

### 13A.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 60m<sup>2</sup> 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.

## 13A.4 Activity Performance Standards

### 13A.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.

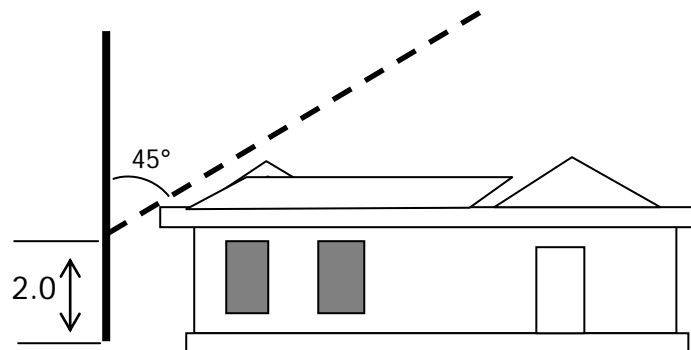
#### (b) Lot size: Minimum Parent lot size and Internal lot size or Density

- (i) Subdivision and development shall only occur where the parent lot or title with a minimum area of at least 1,400m<sup>2</sup>.
- (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 dwelling unit per 400m <sup>2</sup> provided that any balance area resulting from such subdivision shall comply with the average net lot size specified in 13.4.2(a).
Katikati, Omokoroa Stage 1, Te Puke, Waihi Beach	A maximum average of one dwelling per 250m <sup>2</sup> 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 13.4.1(b):

**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 13A.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 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 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 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 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.

- (ii) The parent lot shall have at least 10% of its lot boundary adjoining road frontage.

**(g) Dwelling unit floor area requirements**

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

**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 25m<sup>2</sup> 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 development 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.

**(g) 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 35m<sup>2</sup> of planted area shall be planted and maintained to best horticultural practice

**(h) Parking requirements**

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

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

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

**(i) 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.

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

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

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

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

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

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

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

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

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

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

- (w) **Natural Hazards** - See Section 8.
- (x) **Hazardous Substances** - See Section 9.
- (y) **Financial Contributions** - See Section 11.

### 13A.4.2 Standards for Accommodation Facilities

In the event of any conflict or inconsistency between these rules and those set out in 13A.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 60m<sup>2</sup> 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.5.2.

### 13A.4.3 Standards for Home Enterprises

In the event of any conflict or inconsistency between these rules and those set out in 13A.4.1 above, the content of these rules shall prevail.

- (a) Shall be conducted within a building floor area not exceeding 25m<sup>2</sup>. 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.3.1.2.
- (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.

### 13.A.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.

## 13A.5 Matters of Control - Controlled Activities

### 13A.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 dwellings 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.

### 13.5.2 Controlled Activity – Retirement Villages/Rest Homes

For Retirement Villages/Rest Homes, Council shall also exercise control over the following in addition to 13.5.1(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 13.5.1(a) to (g) and 13.5.3(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.

## 13A.6 Matters of Discretion

### 13A.6.1 Restricted Discretionary Activities – Non Compliance with Activity Performance Standards

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.

### 13A.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

### **13A.6.3 Restricted Discretionary Activities – Non Compliance with minimum Parent Lot or Title size of 1,400m<sup>2</sup>**

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 13A.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.

## **13A.6.4 Restricted Discretionary Activities - Retirement Villages/Rest Homes that do not comply with One or More of the Applicable Activity Performance Standards in 13A.4.**

Council's discretion is restricted to:

- (a) The particular matter(s) of non-compliance with the Activity Performance Standards in 13A.4.
- (b) The Matters of Control in Rule 13A.5.

## **13A.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.

## **13A.7 Other methods**

**13A.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.



# Residential

## 13. Residential

### Explanatory Statement

The Western Bay of Plenty District contains three main residential living environments:

1. The larger residential settlements comprising Te Puke, Katikati, Omokoroa and Waihi Beach. These areas have been identified for residential growth by SmartGrowth and the Bay of Plenty Regional Policy Statement. This has also been reflected in the various structure plans prepared to date. Within these areas residential development at specified densities is provided for.
2. Areas within the larger residential settlements identified above where provision is made for some intensification. Medium density development is provided for in specifically identified areas and elsewhere subject to certain specified criteria being met.
3. Existing residential settlements that lie outside those listed in 1. above. These are mainly smaller settlements often in close proximity to the coast. Growth is limited to areas within existing Residential Zone boundaries so as to avoid potential negative impacts on the Harbour (e.g. in terms of landscape and water quality), on the natural environment and versatile soils, on existing infrastructure and to maintain existing character. Expansion of these areas is not provided for.

Structure planning exercises have been undertaken to ensure a well planned and comprehensive approach to transportation links, infrastructure and zoning. Through such a structure planning process areas have been identified for medium density development to encourage more compact housing forms. This is consistent with SmartGrowth in that a wider range of sustainable housing options is provided so as to cater for a future population that will include significant increases in the elderly as well as in single person and childless households.

The District's residential areas are currently characterised by low density, low rise houses and low noise levels. The look and feel of residential areas may be adversely affected by non-residential activities which can lead to parking and congestion problems, odours, and increased noise. Poor house design and siting can also lead to a loss of sunlight, daylight and privacy. Infill development is provided for where these adverse effects can be minimised and where infrastructure and other amenities are available. Infill eases the pressure to expand Residential Zones onto productive rural land. Provision is made for more intensive residential development in specially created zones incorporating rules and performance standards to protect amenity values. Objectives, policies and rules regarding general amenity matters are included in Section 4C of this Plan.

Where urban expansion does occur it must make efficient use of resources, whether they are infrastructure or land. Development adjoining existing urban areas achieves this, as well as reducing the potential for rural/urban conflict.

Appropriate application of financial contributions provides an economic incentive for the efficient use of land for urban purposes.

## 13.1 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. The expansion of smaller coastal settlements could lead to wastewater disposal issues, loss of productive rural land and erosion of the individual character of each of the settlements.
4. 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.
5. 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.
6. 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.
7. The amenity values of established residential areas can be adversely affected by more intensive development.
8. Community Plans have been prepared for the different urban areas within the District that reflect the community aspirations for the area. There is the potential for the environmental outcomes sought in Community Plans to be different from the outcomes expected through the provisions of the District Plan.
9. Non-residential activities such as home enterprises, dairies, churches, halls, and sports clubs can result in additional noise, on-street parking and/or traffic congestion. In turn, this can result in a detraction in existing residential character and amenity values.
10. The establishment of non-residential activities that have no functional relationship with Residential Zones has the potential to undermine the viability of zones where such activities are specifically provided for.
11. Growth has the potential to adversely impact upon areas of identified ecological, social, heritage, cultural and landscape significance to the District.
12. In areas where there are no reticulated sewerage systems, inadequate provision for wastewater disposal associated with residential development can increase the risk of pollution, particularly in areas in

close proximity to natural water bodies such as rivers, Tauranga Harbour and the wider coastline.

## **13.2 Objectives and Policies**

### **13.2.1 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.
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. Preservation and enhancement of the character and amenity values prevailing in existing small coastal settlements.
7. Avoidance of pollution associated with on-site wastewater disposal facilities.
8. 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 Residential Zone.
9. Develop interconnected road networks that increase the efficiency of all major modes and provides for future public transport, particularly in areas of medium density development.
10. To avoid inappropriate activities from establishing and operating within residentially zoned areas.

### **13.2.2 Policies**

1. Residential/urban expansion should be provided for only in areas that have been identified for future urban development and which are contiguous with existing residential/urban areas.
2. Provision should be made for a variety of housing types and living environments within existing urban areas and within identified urban growth areas.
3. Higher density residential development should occur only in locations that are close to amenities, have adequate open space and can be efficiently serviced.

4. Further residential development in and expansion of smaller coastal settlements should be accommodated within existing Residential Zone boundaries.
5. The form of residential development should be consistent with recognised urban design principles, including Crime Prevention through Environmental Design.
6. Provide safe, usable and attractive networks and associated linkages for pedestrians, cyclists and motor vehicles.
7. Urban design should provide for a greater interaction between public and private space.
8. 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.
9. 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.
10. On-site wastewater disposal systems should not cause any adverse off site effects.

## 13.3 Activity Lists

### 13.3.1 Permitted Activities

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

- (a) One dwelling per lot.
- (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) ~~(except within identified medium density areas)~~.
- (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.
- (g) Existing urupa.

### 13.3.2 Controlled Activities

- (a) More than one dwelling per lot subject to performance standard 13.4.1(i).

Residential Settlement	More than one dwelling per lot subject to a net land area of:
Katikati, Te Puke, Waihi Beach including Athenree and Pio's Beach	350m <sup>2</sup> per dwelling
Omokoroa Stage 1	400m <sup>2</sup> per dwelling with a maximum average of 800m <sup>2</sup> .
Omokoroa Stage 2	350m <sup>2</sup> per dwelling with a maximum average of 650m <sup>2</sup>
Omokoroa Existing Village	600m <sup>2</sup> per dwelling
All other areas	800m <sup>2</sup> per dwelling

- (b) Minor Dwellings in addition to 13.3.1(a) subject to performance standard 13.4.1(h).
- (c) One dwelling on a title where no dwelling currently exists but where a minor dwelling exists which was constructed after 9 February 2009.
- (d) Works and network utilities as provided for in Section 10.
- (e) Subdivision (excluding subdivision by *unit plan*) in accordance with 13.4.2.
- (f) *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]

### 13.3.3 Restricted Discretionary Activities

- (a) Medium density housing, by means of subdivision or by unit plan, in any area where the parent site meets the following criteria:

~~(i) In the following areas zoned medium density residential (see Urban Planning Maps):~~

~~— Land adjoining Moore Park in Katikati;~~

~~— The Waihi Beach medium density area;~~

~~— The Omokoroa Stage 2 medium density area;~~

~~— Te Puke between Macloughlin Drive and Whitehead Avenue.~~

(i) Is within the residential zones of Katikati, Omokoroa Stage 1, Te Puke and Waihi Beach, and

(ii) Adjoins at least one of the following:

— A public reserve classified for active sports use;

- A local purpose ~~or for~~ stormwater management reserve which ~~is at least 30m x 30m or has a minimum area of 1,000m<sup>2</sup> with a width and length of at least 20m; has a width of at least 50m;~~

- The Omokoroa Golf Course.

**Explanatory Note:** For the purpose of this rule “adjoin” shall include land which is separated from any of the above by a local road, but excluding all other roads.

- Be greater than 1400m<sup>2</sup> in gross area (this may require an amalgamation of titles) ~~except in Omokoroa Stage 1 where the gross area must be greater than 3000m<sup>2</sup>.~~

(iii) Meets the Activity Performance Standards in 13A.4.

~~(b) Subdivision in medium density housing areas.~~

- (b) Activities within stormwater management reserves in any areas and within private conservation areas in Omokoroa Stage 2 Structure Plan Area, regardless of whether they are designated, the following:

- (i) The disturbance of soil, natural ground cover and vegetation, or the deposition of refuse, solid or liquid waste, fill or any material;
- (ii) The diversion or modification of any natural watercourses;
- (iii) The construction of fences or other barriers, dams, ponds and other stormwater treatment facilities, bridges, sports facilities, dwellings or buildings, playgrounds, pump stations, sewers, culverts and roadways;
- (iv) Walkways/cycleways.

Except that:

Disturbance of soil, natural ground cover and vegetation associated with activities approved in a reserve management plan prepared under the Reserves Act 1977 shall be exempt from this requirement.

**Explanatory Note:** For (a) to (e) above *Council* will restrict its discretion to the matters specified in 13.6.

- (c) *Retirement Villages/Rest Homes* that do not comply with one or more of the applicable activity performance standards in 13.4.

- (d) Subdivision by *unit plan* in the residential area subject to compliance with:

- (i) activity performance standards 13.4.1 (a)-(d) inclusive and (i)
- (ii) the minimum net lot sizes in 13.4.2 (a)
- (iii) the following carparking requirements

#### **Parking Spaces Required**

Two car parking spaces for each *principal unit*.

Note: One may be “stacked” where it does not interfere with shared access.

Council’s discretion is restricted to matters under 13.5.1, 13.6.1 and 13.6.2.

~~(e) Subdivision by unit plan in medium density housing areas subject to compliance with~~

~~(i) Activity performance standards 13.4.1 (a)-(d) inclusive, (i) and 13.4.3~~

~~Council’s discretion shall be restricted to matters under 13.5.1(h), 13.6.1, 13.6.2 and 13.6.4.~~

### **13.3.4 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 60m<sup>2</sup> gross floor area.
- (f) Education facilities for more than four persons (excluding staff).
- (g) Urupa (new sites).
- (h) Works and network utilities as provided for in Section 10.
- (i) Development that is not in general accordance with the respective Structure Plan.

## **13.4 Activity Performance Standards**

### **13.4.1 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.

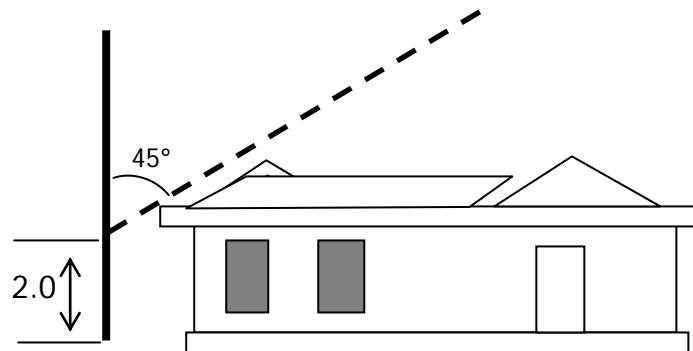
#### **(a) Height**

The maximum height shall be 8m and retain a maximum two storey character.

Area	Max Height
Conventional Residential	8m
Medium density areas by criteria:	9m
Medium density by identified area (including Lots 3 and 4 DPS73174)	12m

### (b) 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*.

### (c) Yards

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

Residential Dwellings (not including garages)	- 4m
<del>Medium Density Dwellings by criteria</del>	<del>- 3m</del>
Garages (all)	- 5m

(ii) Rear and Side Yards – Minimum - 1.5m  
(Also see (c)(v) for lots along Two Mile Creek)



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.

Except that:

- (iv) 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.

Provided that:

On Secondary Arterial Roads, and any railway corridor or designation for railway purposes, lots created by way of an application for subdivision consent approved prior to 1 January 2010 will be exempt.

- (v) All buildings shall have a setback of at least 7.5m from the centre line of Two Mile Creek (Waihi Beach) ~~5m from any bank~~ measured at building consent stage, irrespective of whether or not the centre line of the creek ~~bank~~ 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*

**(d) 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*.

**(e) Fences or walls**

- (i) Side and rear boundary:

Any fence, wall or hedge 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 13.4.1(b):

**Explanatory Note:**

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

~~Any fence, wall or hedge within the side and/or rear yards or on the side and/or rear boundary shall not exceed 1.8m in height:~~

- Except that 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 1.2 and 1.8m in height has a visual permeability of at least 60%.
- Where the side fence or wall is within the front yard specified in Rule 13.4.1(c) Yards, this height shall be 1.2m, unless the portion of the wall or fence that is between 1.2 and 1.8m 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 1.2 and 1.8m 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.

**(f) Standards for Accommodation Facilities**

- (i) Have a maximum occupancy of four persons at any one time (excluding staff);
- (ii) The total area available for exclusive use for the occupiers be no greater than 60m<sup>2</sup> gross floor area;
- (iii) Must not contain a kitchen or otherwise be self contained;
- (iv) For Discretionary Accommodation Facilities, information is to be provided in accordance with 4A.5.2.

**(g) Standards for Home Enterprises**

- (i) Shall be conducted within a building floor area not exceeding 25m<sup>2</sup>. Carparks shall be excluded from the maximum area calculation of the activity.
- (ii) Is carried out by a maximum of three persons.

- (iii) 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.
- (iv) Any advertising shall comply with Section 4D.3.1.2.
- (v) 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.

**(h) Standards for Minor Dwellings and Dwellings where a Minor Dwelling was constructed after 9 February 2009 in accordance with 13.3.2(b) and (c)**

- (i) Shall share vehicle access with the principal dwelling on the site.
- (ii) Shall pay 50% of the financial contribution that applies to the subdivision of land.

**(i) 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

## 13.4.2 Subdivision and Development (See also Section 12)

- (a) Minimum net lot size:

Conventional Residential Areas	Minimum Lot Size
Katikati, Te Puke and Waihi Beach	350 m <sup>2</sup>
Omokoroa Stage 1	400m <sup>2</sup> with a maximum average of 800 m <sup>2</sup>
Omokoroa Stage 2	350m <sup>2</sup> with a maximum average of 650m <sup>2</sup>
Omokoroa Existing Village	600m <sup>2</sup>
Maketu – greenfield areas connected to a reticulated wastewater supply with a minimum parent lot size of 3000m <sup>2</sup>	Minimum 350m <sup>2</sup> Average 600m <sup>2</sup>
All other residential areas	800m <sup>2</sup> subject to compliance Rule 12.4.6 and 12.4.7.

### Except that:

For subdivision by *unit plan*, minimum lot size shall not apply to the *principal units* and *common property* within the *unit plan*.

Instead the minimum lot sizes indicated in 13.4.2 (a) shall be used to determine the maximum number of *principal units* that can be developed within the *base land* within the respective residential areas.

For example:

In the Katikati, Te Puke and Waihi Beach Residential Zones where the minimum net lot size is 350m<sup>2</sup> a 1750m<sup>2</sup> *base land* could have a maximum number of five *principal units*.

- (b) In Omokoroa Stage 1 a lot of no greater than 2000m<sup>2</sup> may be created to accommodate an existing dwelling for which a building consent was granted prior to 9 December 2006. Any such lot shall be excluded from the calculation of maximum average net lot size.
- (c) All subdivision, use and development in the identified structure plan areas shown on the Planning Maps shall provide stormwater management reserves and access thereto, roading and road widening, walkways/cycleways, green buffer areas and water and sewage mains in the general locations shown on the Plan.

## 13.4.3 Activity Performance Standards for Medium Density Housing by criteria

[See Sub-Section 13A.4. – Activity Performance Standards - for Medium Density Residential.](#)

~~In the event of any conflict or inconsistency between these rules and those set out in 13.4.1 above, the content of these rules shall prevail.~~

~~(a) Lot size~~

The following lot sizes shall apply in medium density areas:

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

**(b) Parent title**

(i) The following parent title minimum areas shall apply:

Medium density areas in:	Subdivision and development shall only be of parent titles with a minimum area of at least:
Waihi Beach, Katikati and Te Puke	1400m <sup>2</sup>
Omokoroa Stage 1 and 2.	3000m <sup>2</sup>

For the avoidance of doubt parent titles failing to comply with this rule may be subdivided where consent is sought in conjunction with the subdivision of other adjacent lots and the total area of the land to be subdivided meets the minimum sizes specified above.

(ii) The parent lot shall have at least 10% of its lot boundary adjoining road frontage.

**(c) Dwelling unit requirements**

(i) Dwelling units shall not be less than the following minimum floor areas:

- 1 bedroom dwelling units 40m<sup>2</sup>
- 2 Bedroom dwelling units 60m<sup>2</sup>
- 3 Bedroom dwelling units 80m<sup>2</sup>
- 4 or more bedroom dwelling units 95m<sup>2</sup>

**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.

**(d) 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 25m<sup>2</sup> 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.~~

**(e) — 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.~~

**(f) — 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 two dwellings is 10m or less.~~

~~(ii) — Have a variety of cladding materials but limit the glass surfaces to not more than 60% of the total street façade~~

~~(iii) — All new development 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.~~

~~(v) — The design in and around the Waihi Beach town centre shall be in accordance with the development guidelines set out in the Town Centre Plan.~~

~~(g) 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 35m<sup>2</sup> of planted area shall be planted and maintained to best horticultural practice~~

~~(h) Parking requirements~~

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

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

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

~~(i) 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.~~

## 13.5 Matters of Control - Controlled Activities

### 13.5.1 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 dwellings 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 effect of additional driveways on public safety and amenity along footpaths.

- (e) The timing of the development in accordance with the sequential development of the urban areas as identified on the Structure Plan;
- (f) The provision of access from Lot 2 DPS 312635, Pt Allot 64 Parish Te Puna, Pt Lot 2 58259 to Lot 1 DPS 58259 and Allot 63 Te Puna PSH in Omokoroa (see 12.4.4.4(c)(iii));
- (g) The application of financial contributions.

### **13.5.2 Controlled Activity – Building Coverage**

Council may impose conditions in relation to:

- (a) Retaining permeable surfaces on a site. This includes conditions requiring the retention of pervious surfaces on the site.  
  
OR
- (b) Methods that mitigate the additional runoff. These methods may include onsite storage and retention of stormwater.

### **13.5.3 Controlled Activity – Retirement Villages/Rest Homes**

For Retirement Villages/Rest Homes, Council shall also exercise control over the following in addition to 13.5.1(a) to (g) 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 13.5.1(a) to (g) and 13.5.3(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.



## 13.6 Matters of Discretion

### 13.6.1 Restricted Discretionary Activities – Non Compliance with Activity Performance Standards

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.

### 13.6.2 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

### 13.6.3 Restricted Discretionary Activities – Activities within Stormwater Management Reserves and Private Conservation Reserves in Omokoroa Stage 2

Council's discretion is restricted to:

- (a) Avoiding, remedying or mitigating the potential adverse effects on the ecological values of the reserves;
- (b) Avoiding, remedying or mitigating the potential for natural hazard events such as flooding. Natural hazards must not be made more severe as the consequence of a proposal;
- (c) Avoiding, remedying or mitigating the adverse effects on public amenity values of the reserves including public walkway/cycleway functions;
- (d) Retaining the integrity of any adopted and approved stormwater management plan and including the efficiency and effectiveness of stormwater infiltration, detention, discharge downstream and discharge to the Tauranga Harbour with particular regard to storm events.

### 13.6.4 Restricted Discretionary Activities - Medium Density Housing Areas by criteria

Council's discretion is restricted to:

- (a) Consistency/compatibility with [13A.4](#) Activity Performance Standards [for Medium Density Residential](#)

~~Amenity values, including design features to promote privacy and neighbourhood coherence such as yards, height, separation of dwellings and orientation of dwellings.~~

- (b) Aural privacy including the noise levels anticipated from the on-site and adjacent land uses and the provision of acoustic treatments.
- ~~(c) Location of rubbish and recycling compounds and other structures on the site.~~
- (c) Access for emergency vehicles.
- (d) Lighting for amenity and crime prevention without being a nuisance to residents.
- (e) Connectivity to footpaths, and public walkways and cycleways.
- ~~(f) Adequate vehicle parking and vehicle and pedestrian safety including the location of carparking and manoeuvring, rubbish and recycling compounds, access for emergency vehicles, location of structures within the site, lighting for amenity and crime prevention without being a nuisance to residents, connections to public walkways/cycle ways.~~
- (g) 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.
- ~~(h) Urban design elements as per 13A.4.1(j). Building interest and diversity including detail of doorways and garaging to create visual continuity and cohesion and to reflect a residential character, and avoidance of monolithic walls in favour of design that incorporates smaller scale building elements to promote feelings of interest and diversity.~~
- ~~(j) The degree of amalgamation behind shared front walls and/or under a single roof line.~~
- ~~(k) Building bulk including height and setback of buildings and fences including daylight between the buildings and other sites.~~
- ~~(l) Building design, materials and colours proposed including repetition of and use of materials and detail of roof pitches, windows, revetment, balconies and recesses.~~
- (m) Building orientation for solar efficiency.
- (n) Street and public open space surveillance by kitchen or living rooms ~~or front door facing the street and kitchen or living rooms facing public open space~~; and all front doors are to be physically sheltered and clearly visible from the adjacent road frontage.
- (o) 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.

- ~~(p) Integration with neighbouring residential development achieved through consistency of façade treatment, including building proportions, detailing, materials and landscape treatment.~~
- ~~(q) Entryways/garaging: the extent to which garages occupy building frontage facing the road corridor.~~
- ~~(s) Urban Design through the following elements:
 
  - ~~— Passive surveillance of streets by private dwellings;~~
  - ~~— Connectivity between public places and nearby private dwellings.~~
  - ~~— Careful use of repeating design elements in the exterior façade and roof line as seen from the public street and reserve and the avoidance of vehicles dominating design including, where appropriate, encouraging shared driveways.~~~~

**Explanatory Note:** A Restricted Discretionary Activity that complies with the activity performance standards above will not be publicly notified, and will not require serving notice on people who may be considered affected.

#### **13.6.4 Restricted Discretionary Activities - Retirement Villages/Rest Homes that do not comply with One or More of the Applicable Activity Performance Standards in 13.4.**

Council's discretion is restricted to:

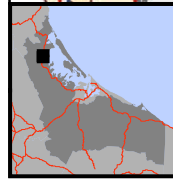
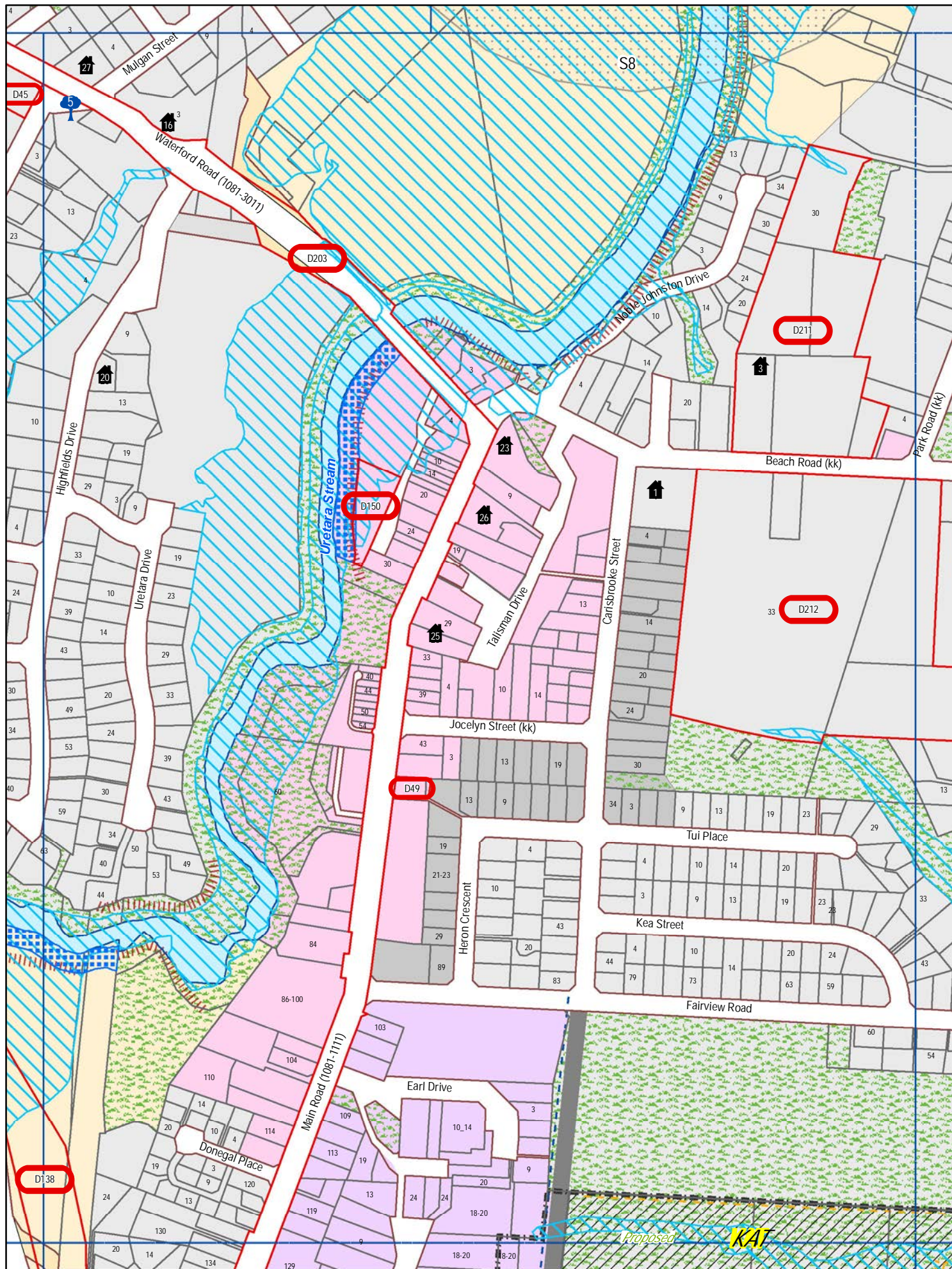
- (a) The particular matter(s) of non-compliance with the Activity Performance Standards in 13.4.
- (b) The Matters of Control in Rule 13.5.

#### **13.6.5 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 the surrounding development, landuse and zoning.
- (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.





U21

0 20 40 60 80 100m

Katikati

Scale 1:5000 (A4)

Western Bay of Plenty District Council

Revision Date: 16 January 2010



## Part C: Changes to the Operative District Plan 2012

Any changes to rules are shown as follows; existing District Plan text in black and changes (being the culmination of the notified Plan Change and subsequent decisions) are shown in red.

No submissions or further submissions were received on the proposed addition of a new Section 14 – Medium Density Residential and subsequent changes to Section 13 – Residential. Therefore these two sections are to be retained as notified.

**That the proposed addition of a new Section 14 – Medium Density Residential and subsequent changes to Section 13 – Residential are retained as notified, as shown on the pages to follow.**

**That the properties identified in Figure 1 below be rezoned from Residential to Medium Density Residential, as notified (as attached), and that these changes be included on Map U44 of the District Plan.**



**Figure 1: Lots proposed to be rezoned to Medium Density**

# Section Contents

Medium Density Residential ..... 2

# Medium Density Residential

## 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.
7. 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.
8. Develop interconnected road networks that increase the efficiency of all major modes and provides for future public transport in areas of medium density development.
9. 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].

### 13A.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.

### 13A.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 60m<sup>2</sup> 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.

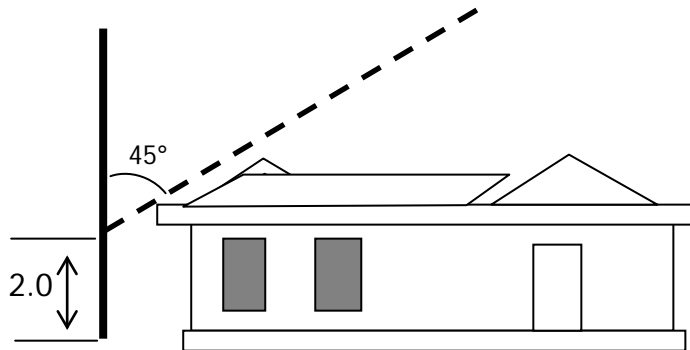
- (a) **Height**
  - The maximum *height*, excluding Lots 3 and 4 DPS73174 (Waihi Beach), shall be 9m and retain a maximum two storey character.
  - The maximum *height* for Lots 3 and 4 DPS73174 (Waihi Beach), shall be 12m.
- (b) **Lot size: Minimum Parent lot size and Internal lot size or Density**
  - (i) Subdivision and *development* shall only occur where the parent lot or title with a minimum area of at least 1,400m<sup>2</sup>.

- (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 <sup>2</sup> 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 <sup>2</sup> 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 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 – 40m<sup>2</sup>
- 2 Bedroom dwelling units – 60m<sup>2</sup>
- 3 Bedroom dwelling units – 80m<sup>2</sup>
- 4 or more bedroom dwelling units – 95m<sup>2</sup>

**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 25m<sup>2</sup> 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 35m<sup>2</sup> 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 <sup>2</sup>	1 space for each <i>dwelling</i>
<i>Dwellings</i> (being one household unit) of between 55m <sup>2</sup> and 85m <sup>2</sup>	1.5 spaces for each <i>dwelling</i>
<i>Dwellings</i> (being one household unit) of 85m <sup>2</sup> 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 60m<sup>2</sup> *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.5.2.

### 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 25m<sup>2</sup>. 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.3.1.2.
- (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 *dwellings* 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 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 1,400m<sup>2</sup>

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.

# Section Contents

<b>Residential .....</b>	<b>2</b>
13. Residential .....	2
Explanatory Statement .....	2
13.1 Significant Issues .....	3
13.2 Objectives and Policies .....	4
13.3 Activity Lists.....	6
13.4 Activity Performance Standards.....	9
13.5 Matters of Control - Controlled Activities .....	19
13.6 Matters of Discretion .....	20

# Residential

## 13. Residential

### Explanatory Statement

The Western Bay of Plenty District contains three main residential living environments:

1. The larger residential settlements comprising Te Puke, Katikati, Omokoroa and Waihi Beach. These areas have been identified for residential growth by SmartGrowth and the Bay of Plenty Regional Policy Statement. This has also been reflected in the various *structure plans* prepared to date. Within these areas residential *development* at specified densities is provided for.
2. Areas within the larger residential settlements identified above where provision is made for some intensification. Medium density *development* is provided for in specifically identified areas and elsewhere subject to certain specified criteria being met.
3. Existing residential settlements that lie outside those listed in 1 above. These are mainly smaller settlements often in close proximity to the coast. Growth is limited to areas within existing Residential Zone boundaries so as to avoid potential negative impacts on the Harbour (e.g. in terms of landscape and water quality), on the natural environment and versatile soils, on existing *infrastructure* and to maintain existing character. Expansion of these areas is not provided for.

Structure planning exercises have been undertaken to ensure a well planned and comprehensive approach to transportation links, *infrastructure* and zoning. Through such a structure planning process areas have been identified for medium density *development* to encourage more compact housing forms. This is consistent with SmartGrowth in that a wider range of sustainable housing options is provided so as to cater for a future population that will include significant increases in the elderly as well as in single person and childless households.

The *District's* residential areas are currently characterised by low density, low rise houses and low noise levels. The look and feel of residential areas may be adversely affected by non-residential activities which can lead to parking and congestion problems, odours, and increased noise. Poor house design and siting can also lead to a loss of sunlight, daylight and privacy. Infill *development* is provided for where these adverse effects can be minimised and where *infrastructure* and other amenities are available. Infill eases the pressure to expand Residential Zones onto productive rural land.



Provision is made for more intensive residential *development* in specially created zones incorporating rules and performance standards to protect amenity values. Objectives, policies and rules regarding general amenity matters are included in Section 4C of the District Plan.

Where urban expansion does occur it must make efficient use of resources, whether they are *infrastructure* or land. *Development* adjoining existing urban areas achieves this, as well as reducing the potential for rural/urban conflict. Appropriate application of financial contributions provides an economic incentive for the efficient use of land for urban purposes.

## 13.1 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. The expansion of smaller coastal settlements could lead to wastewater disposal issues, loss of productive rural land and erosion of the individual character of each of the settlements.
4. 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.
5. 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.
6. 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.
7. The amenity values of established residential areas can be adversely affected by more intensive *development*.
8. Community Plans have been prepared for the different urban areas within the *District* that reflect the community aspirations for the area. There is the potential for the environmental outcomes sought in Community Plans to be different from the outcomes expected through the provisions of the District Plan.

9. Non-residential activities such as *home enterprises*, dairies, churches, halls, and sports clubs can result in additional noise, on-street parking and/or traffic congestion. In turn, this can result in a detracting in existing residential character and amenity values.
10. The establishment of non-residential activities that have no functional relationship with Residential Zones has the potential to undermine the viability of zones where such activities are specifically provided for.
11. Growth has the potential to adversely impact upon areas of identified ecological, social, heritage, cultural and landscape significance to the *District*.
12. In areas where there are no reticulated sewerage systems, inadequate provision for wastewater disposal associated with residential *development* can increase the risk of pollution, particularly in areas in close proximity to natural water bodies such as rivers, Tauranga Harbour and the wider coastline.

## 13.2 Objectives and Policies

### 13.2.1 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.
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. Preservation and enhancement of the character and amenity values prevailing in existing small coastal settlements.
7. Avoidance of pollution associated with on-site wastewater disposal facilities.
8. 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 Residential Zone.

9. Develop interconnected road networks that increase the efficiency of all major modes and provides for future public transport, particularly in areas of medium density *development*.
10. To avoid inappropriate activities from establishing and operating within residentially zoned areas.

### 13.2.2 Policies

1. Residential/urban expansion should be provided for only in areas that have been identified for future urban *development* and which are contiguous with existing residential/urban areas.
2. Provision should be made for a variety of housing types and living environments within existing urban areas and within identified urban growth areas.
3. Higher density residential *development* should occur only in locations that are close to amenities, have adequate open space and can be efficiently serviced.
4. Further residential *development* in and expansion of smaller coastal settlements should be accommodated within existing Residential Zone boundaries.
5. The form of residential *development* should be consistent with recognised urban design principles, including Crime Prevention through Environmental Design.
6. Provide safe, usable and attractive networks and associated linkages for pedestrians, cyclists and motor vehicles.
7. Urban design should provide for a greater interaction between public and private space.
8. 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.
9. 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.
10. On-site wastewater disposal systems should not cause any adverse off site effects.

## 13.3 Activity Lists

### 13.3.1 Permitted Activities

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

- (a) One *dwelling* per *lot*.
- (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) ~~(except within identified medium density areas)~~.
- (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.
- (g) *Existing urupa*.

### 13.3.2 Controlled Activities

- (a) More than one *dwelling* per *lot* subject to performance standard 13.4.1(i).

Residential Settlement	More than one dwelling per lot subject to a <i>net land area</i> of:
Katikati, Te Puke, Waihi Beach including Athenree and Pio's Beach	350m <sup>2</sup> per <i>dwelling</i>
Omokoroa Stage 1	400m <sup>2</sup> per <i>dwelling</i> with a <i>maximum average</i> of 800m <sup>2</sup> .
Omokoroa Stage 2	350m <sup>2</sup> per <i>dwelling</i> with a <i>maximum average</i> of 650m <sup>2</sup>
Omokoroa Existing Village	600m <sup>2</sup> per <i>dwelling</i>
All other areas	800m <sup>2</sup> per <i>dwelling</i>

- (b) *Minor dwellings* in addition to 13.3.1(a) subject to performance standard 13.4.1(h).
- (c) One *dwelling* on a title where no *dwelling* currently exists but where a minor *dwelling* exists which was constructed after 9 February 2009.
- (d) Works and *network utilities* as provided for in Section 10.

- (e) Subdivision (excluding subdivision by unit plan) in accordance with 13.4.2.
- (f) *Retirement Villages/Rest Homes* subject to compliance with the net land area requirements for *dwelling*s in 13.3.2(a) (for *retirement village dwelling*s and *retirements 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 purpose of this rule).

### 13.3.3 Restricted Discretionary Activities

- (a) Medium density housing, by means of subdivision or by unit plan, in any area where the parent site meets the following criteria:
- ~~(i) In the following areas zoned medium density residential (see Urban Planning Maps):~~
- ~~• Land adjoining Moore Park in Katikati;~~
  - ~~• The Waihi Beach medium density area;~~
  - ~~• The Omokoroa Stage 2 medium density area;~~
  - ~~• Te Puke between MacLoughlin Drive and Whitehead Avenue.~~
- ~~(i)~~ Is within the residential zones of Katikati, Omokoroa Stage 1, Te Puke and Waihi Beach, and
- ~~(ii)~~ Adjoins at least one of the following:
- A public reserve classified for active sports use;
  - A local purpose reserve or for stormwater management which is at least 30m x 30m or has a minimum area of 1,000m<sup>2</sup> with a width and length of at least 20m; has a width of at least 50m
  - The Omokoroa Golf Course.

#### Explanatory Note:

For the purpose of this rule “adjoin” shall include land which is separated from any of the above by a local road, but excluding all other roads.

~~(iii)~~ Be greater than 1400m<sup>2</sup> in gross area (this may require an amalgamation of titles) ~~except in Omokoroa Stage 1 where the gross area must be greater than 3000m<sup>2</sup>.~~

~~(iv)~~ Meets the Activity Performance Standards in Section 14.4.

~~(b) Subdivision in medium density housing areas:~~

(b) Activities within stormwater management reserves in any areas and within private conservation areas in Omokoroa Stage 2 Structure Plan Area, regardless of whether they are designated, the following:

~~(i)~~ The disturbance of soil, natural ground cover and vegetation, or the deposition of refuse, solid or liquid waste, fill or any material;

~~(ii)~~ The diversion or modification of any natural watercourses;

~~(iii)~~ The construction of fences or other barriers, dams, ponds and other stormwater treatment facilities, bridges, sports facilities,  *dwellings*  or  *buildings* , playgrounds, pump stations, sewers, culverts and roadways;

~~(iv)~~ Walkways/cycleways.

Except that:

Disturbance of soil, natural ground cover and vegetation associated with activities approved in a reserve management plan prepared under the Reserves Act 1977 shall be exempt from this requirement.

**Explanatory Note:**

For (a) to ~~(e)~~ (b) above  *Council*  will restrict its discretion to the matters specified in Section 13.6.

(c) Subdivision by  *unit plan*  in the Zone subject to compliance with:

~~(i)~~ activity performance standards 13.4.1 (a)-(d) inclusive and 13.4.1 (i);

~~(ii)~~ the minimum net  *lot*  sizes in 13.4.2 (a);

~~(iii)~~ the following carparking requirements:

**Parking Spaces Required**

Two car parking spaces for each  *principal unit* .  
**Note:** One may be 'stacked' where it does not interfere with shared access.

*Council's* discretion is restricted to matters under 13.5.1, 13.6.1 and 13.6.2.

- (e) ~~Subdivision by *unit plan* in medium density housing areas subject to compliance with 13.4.1 (a)-(d) inclusive, 13.4.1(i) and 13.4.3.~~

~~*Council's* discretion shall be restricted to matters under -- 13.5.1(h), 13.6.1, 13.6.2 and 13.6.4.~~

- (d) *Retirement Villages/Rest Homes* that do not comply with one or more of the applicable activity performance standards in Rule 13.4.

### 13.3.4 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 60m<sup>2</sup> *gross floor area.*
- (f) *Education facilities* for more than four persons (excluding staff).
- (g) Urupa (new sites).
- (h) Works and *network utilities* as provided for in Section 10.
- (i) *Development* that is not in general accordance with the respective *Structure Plan.*
- (k) *Retirement Villages/Rest Homes* that do not comply with the *net land area* requirements for *dwellings* in 13.3.2(a)

## 13.4 Activity Performance Standards

### 13.4.1 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 shall be 8m and retain a maximum two storey character.



Area	Max Height
Conventional Residential	8m
Medium density areas by criteria and Waihi Beach medium density areas (excluding Lots 3 and 4 DPS73174)	9m
Medium density by identified area (including Lots 3 and 4 DPS73174)	12m

(b) **Daylight**

All *buildings* shall be within a building envelope of 2m *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.

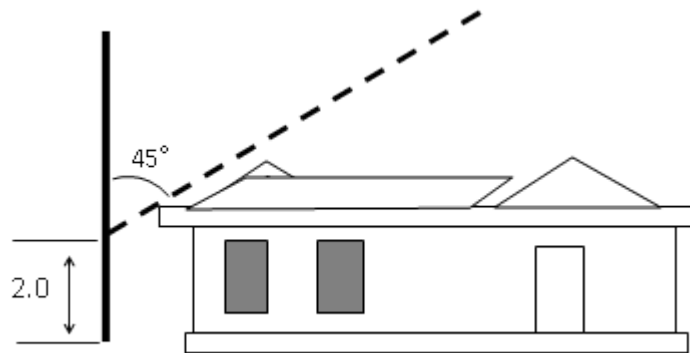


Figure 1: Daylighting Calculation

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*.

(c) **Yards**

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

Residential <i>Dwellings</i> (not including garages)	4m
<del>Medium Density <i>Dwellings</i></del>	<del>3m</del>
Garages (all)	5m

(ii) *Rear and Side Yards* – Minimum 1.5m  
(Also see (c)(iv) for lots along Two Mile Creek)

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.

Except that:

~~(iii)~~ 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.

**Provided that:**

On *Secondary Arterial Roads*, and any railway corridor or designation for railway purposes, *lots* created by way of an application for subdivision consent approved prior to 1 January 2010 will be exempt.

~~(iv)~~ All *buildings* shall have a setback of at least 7.5m from the centre line of Two Mile Creek (Waihi Beach) ~~5m from any bank~~ measured at building consent stage, irrespective of whether or not the centre line of the creek bank 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*.

(d) **Maximum Building Coverage**

~~All lots — 40%.~~

Building Coverage	Activity Status
40% or less	Permitted
40%-50%	Controlled
Greater than 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*.

(e) **Fences and Walls**

(i) Side 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 1.8m in *height*:

Except that:

- 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 in *height* has a *visual permeability* of at least 60%.
- Where the side fence or *walls* are within the front yard specified in Rule 13.4.1(c) Yards, this *height* shall be 1.2m, unless the portion of the *wall* or fence that is between 1.2m and 1.8m in *height* has a *visual permeability* of at least 60%.

(ii) Front boundary:

Any fences or *walls* 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 in *height* has a *visual permeability* of at least 60%.

**Explanatory Note:**

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

(f) **Standards for Accommodation Facilities**

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

(ii) The total area available for exclusive use for the occupiers be no greater than 60m<sup>2</sup> *gross floor area*;

(iii) Must not contain a *kitchen facility* or otherwise be self contained;

(iv) For Discretionary *accommodation facilities*, information is to be provided in accordance with 4A.5.2.

**(g) Standards for Home Enterprises**

- ~~(i)~~ Shall be conducted within a *gross floor area* not exceeding 25m<sup>2</sup>. Carparks shall be excluded from the maximum area calculation of the activity;
- ~~(ii)~~ Is carried out by a maximum of three persons;
- ~~(iii)~~ 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;
- ~~(iv)~~ Any advertising shall comply with Section 4D.3.1.2;
- ~~(v)~~ 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*.

**(h) Standards for Minor Dwellings and Dwellings where a Minor Dwelling was constructed after 9 February 2009 in accordance with 13.3.2(b) and (c)**

- ~~(i)~~ Shall share vehicle access with the principal *dwelling* on the site;
- ~~(ii)~~ Shall pay 50% of the financial contribution that applies to the subdivision of land.

**(i) 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.

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

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

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

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

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

- (o) **Screening** - See Section 4C.5.
- (p) **Signs** - See Section 4D.
- (q) **Natural Environment** - See Section 5.
- (r) **Landscape** - See Section 6.
- (s) **Historic Heritage** - See Section 7.
- (t) **Natural Hazards** - See Section 8.
- (u) **Hazardous Substances** - See Section 9.
- (v) **Financial Contributions** - See Section 11.

### 13.4.2 Subdivision and Development (See also Section 12)

- (a) Minimum net *lot* size:

Conventional Residential Areas	Minimum Lot Size
Katikati, Te Puke and Waihi Beach (including Athenree and Pios Beach).	350m <sup>2</sup>
Omokoroa Stage 1	400m <sup>2</sup> with a <i>maximum average</i> of 800m <sup>2</sup>
Omokoroa Stage 2	350m <sup>2</sup> with a <i>maximum average</i> of 650m <sup>2</sup>
Omokoroa Existing Village	600m <sup>2</sup>
Maketu – greenfield areas connected to a reticulated wastewater supply with a minimum parent <i>lot</i> size of 3000m <sup>2</sup>	Minimum 350m <sup>2</sup> Average 600m <sup>2</sup>
All other residential areas	800m <sup>2</sup> subject to compliance Rule 12.4.6 and 12.4.7.

Except that:

For subdivision by *unit plan*, minimum *lot* size shall not apply to the *principal units* and *common property* within the *unit plan*.

Instead the minimum *lot* sizes indicated in 13.4.2 (a) shall be used to determine the maximum number of *principal units* that can be developed within the *base land* within the respective residential areas.

For example:

In the Katikati, Te Puke and Waihi Beach Residential Zones where the minimum net *lot* size is 350m<sup>2</sup> a 1750m<sup>2</sup> *base land* could have a maximum number of five *principal units*.

- (b) In Omokoroa Stage 1 a *lot* of no greater than 2000m<sup>2</sup> may be created to accommodate an existing *dwelling* for which a building consent was granted prior to 9 December 2006. Any such *lot* shall be excluded from the calculation of *maximum average* net *lot* size.
- (c) All subdivision, use and *development* in the identified *structure plan* areas shown on the Planning Maps shall provide stormwater management reserves and access thereto, roading and road widening, walkways/cycleways, green buffer areas and water and sewage mains in the general locations shown on the *Structure Plan* and/or Planning Maps.

### 13.4.3 Activity Performance Standards for Medium Density Housing by criteria

See Sub-Section 14.4. – Activity Performance Standards - for Medium Density Residential.

~~In the event of any conflict or inconsistency between these rules and those set out in 13.4.1 above, the content of these rules shall prevail.~~

#### ~~(a) Lot size~~

~~The following *lot* sizes shall apply in medium density areas:~~

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

#### ~~(b) Parent title~~

~~(i) The following parent title minimum areas shall apply:~~

~~(ii)~~

Medium density areas in:	Subdivision and development shall only be of parent titles with a minimum area of at least:
<del>Waihi Beach, Katikati and Te Puke</del>	<del>1400m<sup>2</sup></del>
<del>Omokoroa Stage 1 and 2.</del>	<del>3000m<sup>2</sup></del>

~~For the avoidance of doubt parent titles failing to comply with this rule may be subdivided where consent is sought in conjunction with the subdivision of other adjacent lots and the total area of the land to be subdivided meets the minimum sizes specified above.~~

~~(iii) The parent lot shall have at least 10% of its lot boundary adjoining road frontage.~~

~~(e) Dwelling unit requirements~~

~~(i) Dwelling units shall not be less than the following minimum floor areas:~~

~~1 bedroom dwelling units — 40m<sup>2</sup>~~

~~2 Bedroom dwelling units — 60m<sup>2</sup>~~

~~3 Bedroom dwelling units — 80m<sup>2</sup>~~

~~4 or more bedroom dwelling units — 95m<sup>2</sup>~~

~~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.~~

~~(d) 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 25m<sup>2</sup> that is able to contain a 4m 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 and 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.~~

~~(e) 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.~~

~~(f) 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 two dwellings is 10m or less;~~

~~(ii) All new developments are to have a variety of cladding materials but limit the glass surfaces to not more than 60% of the total street façade;~~

~~(iii) All new development 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;~~

~~(v) The design in and around the Waihi Beach town centre shall be in accordance with the development guidelines set out in the Town Centre Plan.~~

~~(g) **Landscaping**~~

~~(i) A minimum of 20% of the lineal *lot* frontage to a depth of 2m 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 35m<sup>2</sup> of planted area shall be planted and maintained to best horticultural practice.~~

~~(h) **Parking requirements**~~

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

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

~~(i) **Maximum building length**~~

~~(i) The maximum *building* length is 25m before a recess with a minimum dimension of 3m x 3m 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.~~

## 13.5 Matters of Control - Controlled Activities

### 13.5.1 Subdivision and More than One Dwelling per Lot

Council shall exercise control over the following:

(a) The location of roads, footpaths, walkways and cycleways and the orientation of *allotments* or *dwellings* 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 effect of additional driveways on public safety and amenity along footpaths.~~

~~(e) The provision of easements or alignment of boundaries to facilitate servicing the subject area.~~

~~(f) The timing of the *development* in accordance with the sequential *development* of the urban areas as identified on the structure plan.~~

~~(g) The provision of access from Lot 2 DPS 312635, Pt Allot 64 Parish Te Puna, Pt Lot 2 58259 to Lot 1 DPS 58259 and Allot 63 Te Puna Parish in Omokoroa (see 12.4.4.4(c)).~~

~~(h) The application of financial contributions.~~

~~(i) For *Retirement Villages/Rest Home*, Council shall also exercise control over the following in addition to (a) to (h) above:~~

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

- Integrating *buildings, structures*, access ways, 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.

(j) For *Rest Homes* only, where such *buildings* or part thereof are within 30m of a public road frontage or a neighbouring property, and are of a length greater than 25m along that frontage, and there are no other *buildings* on the subject site that provide a break in the visual form of the *Rest Home* when viewed from the public road or neighbouring property, *Council* shall also exercise control over the following in addition to (a) to (i) above.

(k) How the design of the *building* or other means provides for the variation of the visual appearance of built form by use of such methods as recesses, projections, colour, change of materials and landscaping to mitigate adverse visual effects.

### 13.5.2 Controlled Activity – Building Coverage

*Council* may impose conditions in relation to:

- (a) Retaining permeable surfaces on a site. This includes conditions requiring the retention of permeable surfaces on the site; or
- (b) Methods that mitigate the additional runoff. These methods may include onsite storage and retention of stormwater.

## 13.6 Matters of Discretion

### 13.6.1 Restricted Discretionary Activities – Non Compliance with Activity Performance Standards

*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.

### 13.6.2 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; and;
- (b) The capacity of the local stormwater reticulation systems to cope with any increase in stormwater discharge.

### 13.6.3 Restricted Discretionary Activities – Activities within Stormwater Management Reserves and Private Conservation Reserves in Omokoroa Stage 2

*Council's* discretion is restricted to:

- (a) Avoiding, remedying or mitigating the potential adverse effects on the ecological values of the reserves.
- (b) Avoiding, remedying or mitigating the potential for natural hazard events such as flooding. Natural hazards must not be made more severe as the consequence of a proposal.
- (c) Avoiding, remedying or mitigating the adverse effects on public amenity values of the reserves including public walkway/cycleway functions.
- (d) Retaining the integrity of any adopted and approved stormwater management plan and including the efficiency and effectiveness of stormwater infiltration, detention, discharge downstream and discharge to the Tauranga Harbour with particular regard to storm events.

### 13.6.4 Restricted Discretionary Activities - Medium Density Housing Areas **by criteria**

*Council's* discretion is restricted to:

- (a) Consistency/compatibility with 14.4. Activity Performance Standards for Medium Density Residential.  
~~Amenity values, including design features to promote privacy and neighbourhood coherence – such as yards, height, separation of dwellings and orientation of dwellings.~~
- (b) Aural privacy including the noise levels anticipated from the onsite and adjacent land uses and the provision of acoustic treatments.
- (c) ~~Location of rubbish and recycling compounds and other structures on the site.~~
- (c) Access for emergency vehicles.
- (d) Lighting for amenity and crime prevention without being a nuisance to residents.
- (e) Connectivity to footpaths, and public walkways and cycleways.

- ~~(f) Adequate vehicle parking and vehicle and pedestrian safety including the location of carparking and manoeuvring, rubbish and recycling compounds, access for emergency vehicles, location of *structures* within the site, lighting for amenity and crime prevention without being a nuisance to residents, connections to public walkways/cycle ways.~~
- (f) 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.
- ~~(g) Urban design elements as per 14.4.1(j).  
Building interest and diversity including detail of doorways and garaging to create visual continuity and cohesion and to reflect a residential character, and avoidance of monolithic walling in favour of design that incorporates smaller scale building elements to promote feelings of interest and diversity.~~
- ~~(j) The degree of amalgamation behind shared front *walls* and/or under a single roof-line.~~
- ~~(k) Building bulk including *height* and setback of *buildings* and fences including daylight between the *buildings* and other sites.~~
- ~~(l) Building design, materials and colours proposed including repetition of and use of materials and detail of roof pitches, windows, revetment, balconies and recesses.~~
- (h) Building orientation for solar efficiency.
- (i) Street and public open space surveillance by *kitchen* or living rooms ~~or front door facing the street and *kitchen* or living rooms facing public open space~~; and all front doors are to be physically sheltered and clearly visible from the adjacent road frontage.
- (j) 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.
- ~~(p) Integration with neighbouring residential *development* achieved through consistency of façade treatment, including building proportions, detailing, materials and landscape treatment.~~
- ~~(q) Entryways/garaging: the extent to which garages occupy building frontage facing the road corridor.~~
- ~~(r) Consistency/compatibility with the activity performance standards.~~
- ~~(s) Urban Design through the following elements:~~

- ~~(i) Passive surveillance of streets by private dwellings;~~
- ~~(ii) Connectivity between public places and nearby private dwellings;~~
- ~~(iii) Careful use of repeating design elements in the exterior façade and roof line as seen from the public street and reserve;~~
- ~~(iv) Avoidance of vehicles dominating design including, where appropriate, encouraging shared driveways.~~

**Explanatory Note:**

A Restricted Discretionary Activity that complies with the activity performance standards above will not be publicly notified, and will not require serving notice on people who may be considered affected.

**13.6.5 Restricted Discretionary Activities – Retirement Villages/Rest Homes that do not comply with one or more of the Applicable Activity Performance Standards in 13.4**

*Council's* discretion is restricted to:

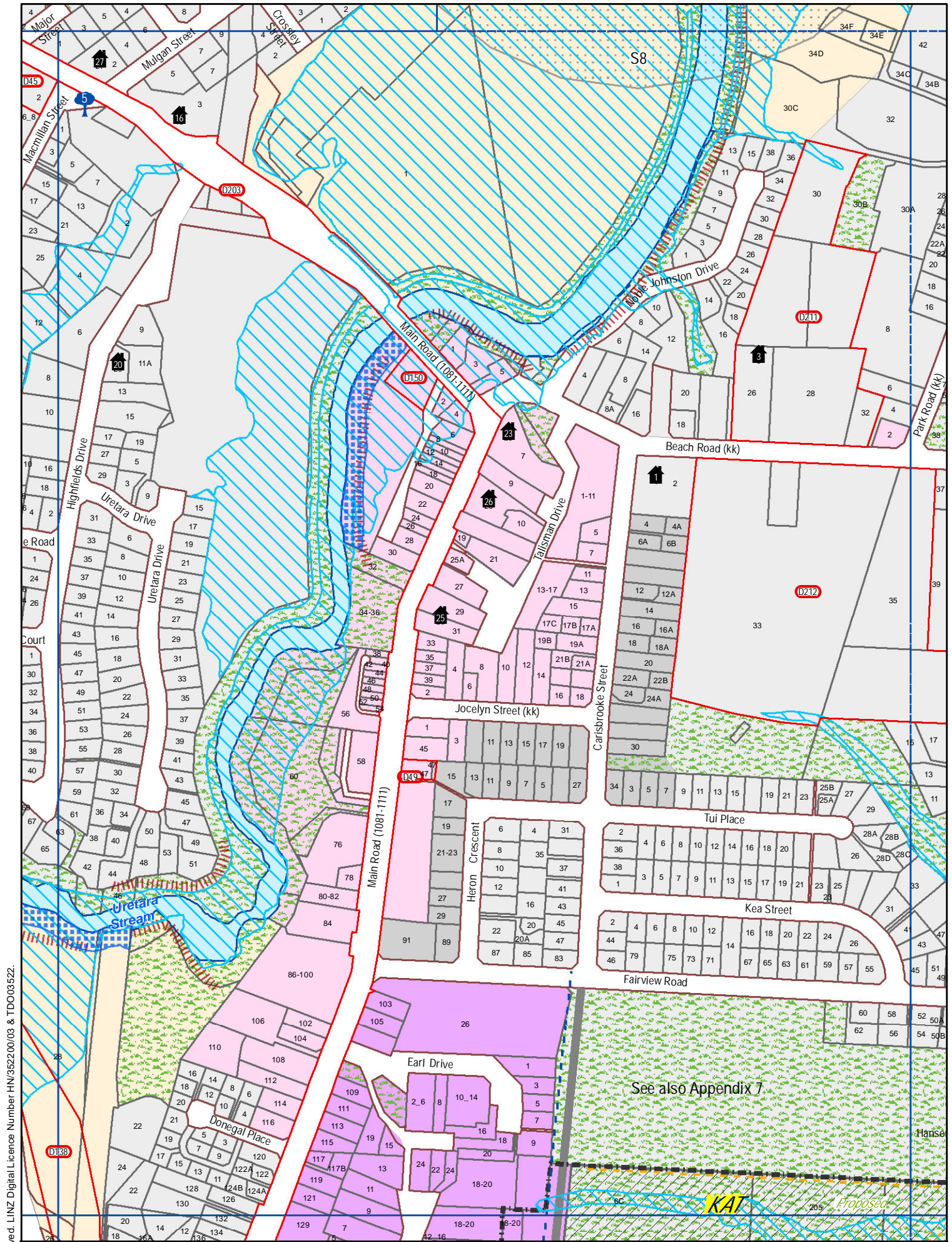
- (a) The particular matter(s) of non-compliance with *Activity Performance Standards* in 13.4.
- (b) The Matters of Control in Rule 13.5.1.

**13.6.6 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 the surrounding development, landuse and zoning.
- (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.



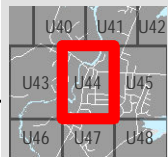


Crown Copyright Reserved. LINZ Digital Licence Number HN/352200/03 & TDO03622.

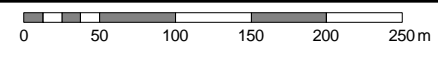
See also Appendix 7

U44

Katikati



 Western Bay of Plenty District Council



Scale 1:5000 (A4)

Revision Date: 11 August 2012