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# 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).
- (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 dwellings* 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) 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 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;
    - The Omokoroa Golf Course.
  - (iii) Is greater than 1400m<sup>2</sup> in gross area (this may require an amalgamation of titles).
  - (iv) Meets the Activity Performance Standards in Section 14.4.
- (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;

#### **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) 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 (b) above  *Council*  will restrict its discretion to the matters specified in 13.6.

- (c) Subdivision by  *unit plan*  in the general residential area 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 <i> principal unit </i> .
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.

- (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*.
- (j) *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.

#### (b) Daylight (except as provided for in clause (ba) below).

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.

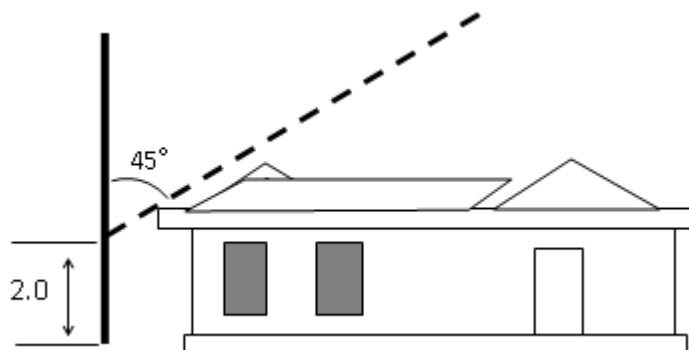


Figure 1: Daylighting Calculation

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.

**(ba) Daylighting requirements applying to dwellings at Waihi Beach (Planning Maps U01-U08) and which are subject to rule 8.3.3 (b)**

(i) Existing or replacement dwellings

This rule shall apply to:

- The raising of an existing dwelling within the same building footprint (building coverage and distance from boundaries); and
- The erection of a replacement dwelling within the same building footprint and building envelope (height in relation to boundaries) as the dwelling to be replaced.

In either of the foregoing cases, the dwelling may encroach through the daylighting plane referred to in rule 13.4.1(b) to an extent no greater than that required to achieve a floor level of 500mm above the 2% AEP Maximum Probable Development Flood Level for the subject property. Provided that:

1. The maximum vertical extent of any encroachment through the daylighting plane shall be 1.0m;
2. In respect of an existing or replacement dwelling the term "building footprint" shall be limited to that of the dwelling itself and shall not include any floor area used for garaging or other accessory purposes.

(ii) Additional provision for dwellings on narrow width properties

In respect of properties with an average width of less than 13m, and notwithstanding any non-compliance of an existing or replacement dwelling with clause (i) above, any dwelling (existing, replacement or new) may encroach through the daylighting plane set out in rule 13.4.1(b) by a maximum vertical extent of 1.0m.

**Explanatory Note:** Pursuant to rule 8.3.3(b), the activity status of the *buildings* referred to in foregoing clauses (i) and (ii) is restricted discretionary. Any resource consent application under rule 8.3.3(b) to which rule 13.4.1(ba) also applies shall be processed without notification and without

written approvals of other persons being required. In the case of encroachments through the daylighting plane exceeding a vertical extent of 1.0m, the usual provisions of the RMA relating to notification and affected persons shall apply.

**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
<u>Other <i>buildings/structures</i> including all garages</u>	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 centreline of Two Mile Creek (Waihi Beach) measured at building consent stage, irrespective of whether or not the centreline 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.

**(d) Maximum Building Coverage**

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 a *height* that exceeds the daylight plane as described in 13.4.1(b);

- 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 2.0m 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 2.0m 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 2.0m in *height* has a *visual permeability* of at least 60%.

**Explanatory Notes:**

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

**(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; and

- (ii) If an attached or detached garage or carport is to be built, it shall have a *gross floor area* not exceeding 18m<sup>2</sup>; and
- (iii) 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.

## 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 (g) above:
  - (i) 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 (h) above.
- (i) 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's* discretion is restricted to the actual or potential adverse effects arising from the particular non-compliance, having regard to the extent and nature of the non-compliance.

### **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.
- (b) Aural privacy including the noise levels anticipated from the onsite and adjacent land uses and the provision of acoustic treatments.
- (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) 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).
- (h) Building orientation for solar efficiency.

- (i) Street and public open space surveillance by *kitchen* or living rooms; 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.

**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.