

14 Residential Zones

14A	Purpose of the Residential Zones	4
14A.1	Objectives and Policies of the Residential Zones.....	4
14A.1	Objectives and Policies of the Residential Zones.....	5
14B	Purpose of the Suburban Residential Zone, Wairakei Residential Zone and the Large Lot Residential Zone.....	9
14B.1	Objectives and Policies for the Suburban Residential Zone, the Wairakei Residential Zone and the Large Lot Residential Zone	11
14B.2	Activity Status Rules	13
14B.2	Activity Status Rules	14
14B.3	Permitted Activity Rules	15
14B.3	Permitted Activity Rules	16
14B.4	Scheduled Sites – Special Permitted Activity Conditions.....	20
14B.6	Restricted Discretionary Activity Rules	27
14B.7	Discretionary Activity Rules	37
14B.8	Non-Complying Activities	38
14C	Purpose of the Urban Marae Community Zone and the Ngati Kahu Papakainga Zone	39
14C.1	Purpose of the Urban Marae Community Zone	39
14C.2	Purpose of the Ngati Kahu Papakainga Community Zone.....	39
14C.3	Objectives and Policies for the Urban Marae Community Zone and the Ngati Kahu Papakainga Zone.....	39
14C.4	Activity Status Rules	41
14C.5	Permitted Activity Rules	44
14C.6	Restricted Discretionary Activity Rules	49

14C.7	Discretionary Activity Rules	51
14C.8	Non-Complying Activities	51
14D	Purpose of the City Living Zone	52
14D.1	Objectives and Policies for the City Living Zone	52
14D.2	Activity Status Rules	55
14D.3	Permitted Activity Rules	56
14D.4	Restricted Discretionary Activity Rules	57
14D.5	Discretionary Activity Rules	62
14D.6	Non-Complying Activity Rules	62
14E	Purpose of the High Density Residential Zone	63
14E.1	Objectives and Policies of the High Density Residential Zone.....	63
14E.2	Activity Status Rules	65
14E.3	Permitted Activity Rules	66
14E.4	Controlled Activity Rules.....	69
14E.5	Restricted Discretionary Activity Rules	70
14E.6	Discretionary Activity Rules.....	71
14E.7	Non-Complying Activities.....	72
14E.8	Prohibited Activities	72
Appendix 14A: Reduced Levels of Maximum Height Plane Relative to Boundaries, Mount Maunganui High Rise Plan Area		73
Appendix 14B: Bulk and Location Controls for High Rise Plan Area Sites, Maunganui Road		74
Appendix 14C: Overshadowing		75
Appendix 14D: City Living Zone Building Heights.....		76

Appendix 14E: City Living Zone Setbacks.....	77
Appendix 14F: City Living Zone Sunlight Admission to Independent Dwelling Units.....	78
Appendix 14G: City Living Zone Visual Outlook.....	79
Appendix 14H: Outline Development Plan, Tauranga Hospital	80
Appendix 14I: Outline Development Plan, The Elms	81
Appendix 14J: Outline Development Plan, Grace Hospital, Cheyne Road Sheet 1	82
Appendix 14J: Outline Development Plan, Grace Hospital, Cheyne Road Sheet 2	83
Appendix 14J: Outline Development Plan, Grace Hospital, Cheyne Road Sheet 3	84
Appendix 14K: Outline Development Plan, Example.....	85

14A Purpose of the Residential Zones

The growth in demand for residential land within *the City* raises significant resource management issues. These range from the timing, staging and affordable development of new Urban Growth Areas to ensuring the yield of residential land resources is efficient through minimum requirements for *subdivision* and land use. Such development must be undertaken in a manner that addresses potential adverse environmental effects and ensures quality urban and suburban environments are delivered.

In the existing, more established residential areas resource management issues arise from the consolidation of urban growth through *intensification* or *infill subdivision/development* opportunities while still providing for suburban living opportunities with a distinctive *low density* character.

The strategic response of *the Plan* to these issues is to provide for a range of *Residential Zones* within *the City*. These range from *high density* developments with some provision for high rise development at Mount Maunganui, *residential activities* in *commercial centres* such as the City Centre; *medium density* development; traditional *low density* suburbs with some provision for appropriately designed infill opportunities and a specific area for large lot residential development at Pyes Pa West.

The new urban growth yield area at Wairakei (Papamoa East) is a significant new urban area and requires a comprehensive design approach for development and subdivision based around several residential neighbourhoods, a planned town centre, and associated employment area. A population of at least 8,500 people has been planned for in the Wairakei Urban Growth Area. Planning provisions support achieving dwelling yield targets, internal and external integration of land use, services, transportation and community infrastructure.

Provision is also made in the New Urban Growth Yield Area of Pyes Pa West, Kennedy Road, Hastings Road and West Bethlehem for medium density development that is clearly identified in the initial subdivision of that land and balanced by additional controls to ensure amenity and character are preserved through such development.

In addition, provision is made, through the resource consent process, for higher density developments in the Suburban Residential Zone subject to specific criteria based on location, amenity, character and other effects of higher density development on the Suburban Residential Zone. The Rural Residential Zone (see *Chapter 15*) provides another lifestyle choice. Provision is also made for the unique mix of activities, including *residential activity*, occurring within *the City's* urban marae.

In all the *Residential Zones* there are opportunities, in dwelling forms compatible within each zone, for other accommodation types ~~(for example *shared accommodation*) for students or groups with special residential living needs (for example supported housing *shared accommodation* (for students or groups with special residential living needs), *rest homes* and *retirement villages*.~~

(VAR 1)

Small scale *home-based business* and *homestays* are permitted within the *Residential Zones* in conjunction with the principal residential use of *sites*. A limited range of *non-residential activities* that support communities, such as *schools* and *health centres*, can establish within the zones, subject to their compatibility with the existing and anticipated residential character and amenity of each zone, and subject to the maintenance of *residential activity* as the predominant activity in the *Residential Zones*.

14A.1 Objectives and Policies of the Residential Zones

14A.1.1 Objective – Urban Form and Sustainable Management of the Residential Land Resource

Objective
Appealed

Residential *greenfield*, *infill development* and *intensification* provide for an integrated, liveable and sustainable community, incorporating high quality urban design outcomes, maintains and enhances *landscape character* and amenity, and providing a variety of forms of *low*, *medium* and *high density* residential development that:

- a) Occurs in an orderly, efficient and integrated manner;
- b) Minimises any adverse environmental effects of development on water and soil quality, land stability, amenity, *landscape character* and the *transport network*.

14A.1.1.1 Policy – Urban Form and Efficient Distribution of Residential Land Use

By ensuring urban development is undertaken in a sustainable, effective and efficient manner with potential adverse environmental impacts, including the financial sustainability of urban development, addressed through the planned and managed release of urban growth areas, implemented through a distribution of residential zonings to ensure residential development occurs in locations that:

- a) Are consistent with the growth management policies of the Bay of Plenty Regional Policy Statement;
- b) Provides for a sustainable range of residential opportunities within *the City*;
- c) Can be efficiently serviced in a financially sustainable manner by existing or planned *infrastructure*, including through staged release of land for development;
- d) Has particular regard to *landscape character* and avoids potential impacts on *primary production* activities;
- e) Avoids development of areas where natural hazards cannot be adequately mitigated.

14A.1.1.2 Policy – Urban Form and Consolidation

By ensuring that land available for residential development is used efficiently to limit the extent of land used for the purpose by:

Policy
Appealed

- a) Providing a minimum allotment size in the Suburban Residential Zone that encourages infill development by both subdivision and site redevelopment within the limits of maintaining the character and amenity of that zone;
- b) Requiring minimum yields from both new urban growth areas and comprehensively planned *intensification* areas;
- c) Enabling mixed use activity with minimum yield targets for residential household yields in the neighbourhood centres and town centre of the Wairakei Urban Growth Area.

14A.1.1.3 Policy – Urban Form New Growth Areas

By ensuring that the development of new urban growth areas is undertaken in a co-ordinated and comprehensive manner that incorporates a variety of forms, including both *low density* and *medium density* residential development. Where *medium density* development is proposed it is to be undertaken as a comprehensively designed development. Overall a target *nett yield* of at least 15 dwellings per hectare is required in an urban growth area.

Policy
Appealed

14A.1.1.4 Policy – Urban Form and Intensification

By ensuring that residential *intensification* is undertaken in a comprehensively planned manner that has regard to:

- a) The identification of areas through dedicated zoning that addresses the cumulative environmental effects of higher density residential development;
- b) The integration of higher density development with efficient movement of people within the *transport network*;
- c) Direction of higher residential densities towards nodes of greater activity, (including employment and recreation), and areas of amenity that offset the reduction in open space and recreation opportunities from that found in lower density suburban residential environments;
- d) Consideration through the resource consent process of medium density residential development against the direction provided in *Policy 14B.1.3.2 Medium Density Development in the Suburban Residential Zone*.
- e) Providing an average *nett yield* of at least 20 dwellings per hectare within any identified *Intensification Area*.
- f) The potential for mixed use development within commercially zoned neighbourhood centres and town centres.

Policy
Appealed

14A.1.2 Objective - Residential Diversity and Densities

A range of dwelling types and densities, to meet varied residential needs in a way that is compatible with existing and anticipated residential character, amenity and environmental characteristics.

14A.1.2.1 Policy – Residential Diversity and Densities

By providing for various densities of residential development by:

- a) Identifying, through zoning, areas suitable for *high, medium and low density* residential development taking into account the existing residential character and amenity of these areas and the capacity of existing *infrastructure*;
- b) Providing for residents requiring specialised accommodation where the adverse effects on local residential character and amenity can be mitigated.
- c) Providing for mixed use activity with minimum yield targets for residential density in the Wairakei Residential Zone and neighbourhood centres of the Wairakei Urban Growth Area.

Policy
Appealed:

14A.1.3 Objective - Activities in the Residential Zones

Residential activities remain the predominant activity in *Residential Zones* while providing for flexibility for the operation of *home-based business, homestays, visitor accommodation* and a limited range of community support services subject to their compatibility with the amenity of the *Residential Zones* as defined by specific provisions.

14A.1.3.1 Policy - Activities in the Residential Zones

By providing for a variety of *residential activities* to establish in *Residential Zones* while:

- a) Providing for a scale of *home-based businesses*, including *homestays*, that are of an ancillary and secondary nature to the *residential activity* on the *site* and do not create off-site effects on the residential neighbourhood, character, amenity and the *transport network*.
- b) Providing for a limited range of community support activities, being smaller-scale *tertiary education premises; schools; health centres* and churches, that provide community support functions for residents within the *Residential Zones*, and are compatible with existing and anticipated residential amenity in terms of:
 - i) Location and scale, including the attraction of visitors to the site and hours of operation;
 - ii) The nature of the activity's actual and potential adverse effects on the surrounding residential neighborhood, character, amenity and the *transport network*.

- c) Providing for the limited expansion of existing legally established *offices* (established as at 12 April 2008) on *sites* in *Residential Zones*, in recognition of the previous investment in such properties under previous planning provisions, provided these activities can:
 - i) Meet the residential bulk and location controls and parking requirements that are applied to permitted land use activities in the *Residential Zones*;
 - ii) Are compatible with the existing and anticipated residential character and amenity of the surrounding residential neighborhood.
- d) Limiting the establishment of *non-residential activities* in the relevant Residential Zones that are expected to be located in the *Commercial* or *Industrial Zones* to ensure:
 - i) Avoidance of an adverse cumulative effect on the residential character and amenity of the relevant *Residential Zone*;
 - ii) Maintenance of the integrity of the network of commercial centres, with regard to the objectives and policies for commercial development.
- e) Ensuring that *visitor accommodation* activities are established in locations and at a scale compatible with residential amenity and character, with particular regard to built form, scale and appropriate location within the transport network.
- f) Enabling the operation of *Offices* ancillary to *Showhomes* in the *Residential Zones* provided the residential amenity, scale and intensity (including visitors attracted to the site), character, and coherence of the surrounding residential neighborhood is retained.

14A.1.4 Objective – Scheduled Sites in the Residential Zones

The effects of the development on specific Scheduled Sites on the surrounding environment have been mitigated.

14A.1.4.1 Policy – Scheduled Sites in the Residential Zones

- a) By ensuring that land identified as a scheduled site is developed in a manner that enables the special permitted activities on the site to occur while addressing the potential adverse environmental effects on the surrounding environment in terms of:
 - i) Overshadowing and *heights* of buildings;
 - ii) *Streetscape* with reference to setbacks, open space on site and landscaping;
 - iii) Traffic movements, access and parking;
- b) Land scheduled at 90 Waihi Road has regard to:
 - i) Mitigation of visual effects from business activity and buildings when viewed from the Suburban Residential Zone through landscape planting and *building* controls;
 - ii) Integration with the surrounding environment, including building bulk and scale consistent with that required in the Suburban Residential Zone.
- c) Land scheduled at Bureta Park Inn has regard to:
 - i) Extensive landscaping planting and *setbacks* of buildings to ensure mitigation of visual effects on the amenity of the surrounding residential environment;
 - ii) Restriction on access to ensure the mitigation of traffic impacts on Bureta Road and Vale Street
 - iii) Restriction of *building* bulk and the provision of open space on the *site*.
- d) Land scheduled for hospital activities at Cameron Road has regard to:
 - i) Landscaping planting and setbacks of buildings to ensure mitigation of visual effects on the amenity on the surrounding residential environment;
 - ii) Restriction on access to ensure the mitigation of traffic impacts
 - iii) Providing for a range of activities consistent with the predominant use of the *site* for a hospital and ancillary services.
- e) Land scheduled for hospital activities at Grace Hospital, Cheyne Road has regard to:
 - i) Provision for the development and functioning of a hospital (including ancillary services) and the amenity of adjacent and adjoining residential properties by the application of specific assessment criteria to mitigate the effect of hospital activity in the environment to enable cohesive integration of hospital and suburban residential activity in the area.

Policy
Appealed

- f) Land scheduled for *visitor accommodation* at the Armitage Site has regard to:
- i) The visual, overshadowing and *building* dominance effects of large-scale building(s) when viewed from the City Living Zone and from the Tauranga Domain;
 - ii) The streetscape of Brown Street and Willow Street with reference to on-site frontage setbacks, open space and landscaping and the established street trees in the vicinity;
 - iii) Provision for ancillary activities that complement the predominant use of the *site* for *visitor accommodation*;
 - iv) Restriction of vehicular access to Brown Street and Park Street and mitigation of traffic effects on the street network.
- g) Land scheduled at 150 Seventeenth Avenue has regard to:
- i) Mitigation of potential adverse impacts, especially *reverse* sensitivity impacts at the site boundaries of recreationally zoned land and between residential and non residential activities on or over the site, including any lawfully authorized emergency service provision;
 - ii) Landscape planting, *setbacks* of *buildings* and *height* of fences to ensure mitigation of visual effects on the amenity of the adjoining *reserve* environment and passive surveillance of the *reserve*;
 - iii) In the case of non residential activities on the site the objectives and policies relating to non residential activities in the Residential Zones.
- h) Land scheduled at The Elms provides for the limited range of special controlled activities to support the ongoing management and maintenance of The Elms and has regard to:
- i) The historic values and features of the *site*;
 - ii) Landscape planting and *setbacks* of *buildings* to ensure mitigation of visual effects on the amenity of the surrounding residential environment;
 - iii) Restriction of *building* bulk and the provision of open space on the *site*.

Rule
Appealed

14B Purpose of the Suburban Residential Zone, Wairakei Residential Zone and the Large Lot Residential Zone

The purpose of the Suburban Residential Zone is to provide for *low density* suburban residential development in a wide variety of locations across *the City* in the form of low generally one to two storey detached dwellings (although with careful design more stories could be accommodated) with a high ratio of on-site open space to *building*. In keeping with the nature of a lower density environment there is an expectation of a high level of private on-site amenity and leisure opportunities provided for through the regulation of on-site private open space.

As a component of the provision for city growth and offering a variety of housing types for *the City's* residents, there is provision on larger *sites* within the zone for *shared accommodation* facilities for larger non-family situations and for smaller ancillary one to two bedroom dwellings.

In recognition of the specialised accommodation needs of some of the *City's* residents, a variety of accommodation types are provided for in the form of *shared accommodation* for those who require support in their day to day living. Also due to the current and anticipated changes in the demographic composition of the population, small-scale *retirement villages* and small scale *rest homes* are provided for. These types of residential accommodation are appropriate in that they are compatible with the existing and anticipated residential character.

(VAR 1)

Provision is also made for the consideration of *comprehensively planned retirement villages* in the Suburban Residential Zone through the resource consent process. In recognition of the distinctly different nature of occupancy (in particular the lower occupancy rates) of *independent dwelling units* within *retirement villages* and the associated reduced demand on public infrastructure, such facilities are provided with the ability to incorporate a more intensive use of sites in terms of the number of *independent dwelling units* and/or *dwelling unit equivalents* per area of site. This more intensive use is to be balanced and considered through a comprehensive design approach, with a particular focus on addressing the interface with adjacent land use through urban design principles and landscape mitigation.

(VAR 1)

Provision is made for the consideration of medium density development in the Suburban Residential Zone through the consent process. Acknowledging that medium density development introduces a range of possible effects, specific policy guidance sets out the considerations for this development to ensure that the integrity of the Suburban Residential Zone is maintained. The Plan anticipates that medium density development will occur as comprehensive development in the Suburban Residential Zone. Provision is made for a Medium Rise Plan Area in Pyes Pa West where increased *heights* and densities are balanced by additional urban design requirements.

Provisions
Appealed

The purpose of the Wairakei Residential Zone is to implement a comprehensively planned and staged urban growth area in Papamoa East. The Zone recognizes Wairakei's key role in accommodating a significant proportion of the City's residential growth in a manner that integrates with existing urban growth areas in Papamoa and future growth urban areas such as Te Tumu, directly east.

The zone enables efficient use of serviced urban land by setting minimum target yields for residential density with a comprehensive design approach expected. This approach will translate the required urban densities into a built form that is predominantly urban in character, with compact detached or multi unit, multi level housing types likely to prevail.

Provisions
Appealed

The development pattern in this zone will relate closely to the design, layout and development of the neighborhood centres, collector roads, local reserves, *stormwater* management areas, Papamoa East Employment Zone and the Wairakei town centre. These elements are to be taken into account when assessing development and subdivision through implementing the Wairakei Urban Growth Plan and Structure Plan.

Cultural view corridors to significant maunga are retained including Mauao, Te Rae O Papamoa (Papamoa Hills) and Otawa along roads as shown on the Wairakei Urban Growth Plan. This includes the sensitive alignment of roads identified at the time of the initial comprehensive land use consent or subdivision. Main roads should be orientated to maintain these cultural view corridors.

The purpose of the Large Lot Residential Zone is to provide for *low density* residential development on areas of land within the larger Pyes Pa West Urban Growth Area that are not able to be developed to typical residential densities because of topographic constraints. Due to the much larger *site* sizes in this zone on-site private open space is not regulated as in the Suburban Residential Zone, but the same suburban character of low rise, detached dwellings with a high on-*site* ratio of open space to buildings is expected as in the Suburban Residential Zone.

14B.1 Objectives and Policies for the Suburban Residential Zone, the Wairakei Residential Zone and the Large Lot Residential Zone

14B.1.1 Objective - Bulk and Scale of Buildings in the Suburban Residential Zone and Large Lot Residential Zone

Buildings that are of a bulk and scale compatible with the existing and anticipated suburban residential character and amenity anticipated for the zone.

14B.1.1.1 Policy - Bulk and Scale of Buildings in the Suburban Residential Zone and Large Lot Residential Zone – Building Height and Overshadowing

Policy
Appealed

By ensuring *buildings* are restricted to a *height* and *building* envelope that:

- a) Provides flexibility for a range of residential *building* forms in the varied topographical conditions of the zone;
- b) Avoids the potential adverse impacts of over *height buildings* on surrounding dwellings, including their outdoor living areas, and on public open space including the *streetscape* or skyline through overshadowing, overlooking or visual dominance of *buildings*;
- c) Provides for increased *height* opportunities in the Medium Rise Plan Area in recognition of the incidental amenity of open space and outlook in that locality;
- d) Avoids the potential adverse impacts of overshadowing on surrounding dwellings, including their outdoor living areas.

14B.1.2 Objective - Site Layout and Building Design - Suburban Residential Zone and Large Lot Residential Zone

Objective
Appealed

Development within the zones provides a residential amenity consistent with a suburban residential character that is characterised by space about *buildings*, on-site open space, provision of sunlight and privacy.

14B.1.2.1 Policy – Site and Building Design - Suburban Residential Zone and Large Lot Residential Zone

By ensuring the layout and design of development in the zone:

- a) Provides *building setbacks* between *sites* that ensure a physical separation of *buildings* between *sites*, access for *building* maintenance, contributes to the visual and aural privacy of adjoining *sites*;
- b) Retains the majority of the *site* as open space to ensure the bulk of development within the zone is consistent with a suburban residential character;
- c) Provides a useable area of outdoor open space for on-site recreation and leisure; and cumulatively contributes to the overall open nature of the surrounding neighbourhood;
- d) Ensures that *buildings* are *setback* from the road *boundary* to provide a consistent *streetscape* that provides opportunities for landscape planting and encourages passive surveillance of the road;
- e) Cumulatively contributes to the overall open nature of the surrounding neighbourhood.

Policy
Appealed

Policy
Appealed

14B.1.2.2 Policy – Site and Building Design - Suburban Residential Zone – Properties adjoining the Bethlehem Town Centre Complex

Development on land zoned for residential purposes and located to the north and west of the Bethlehem town centre complex should be designed and located to mitigate reverse sensitivity effects on activities within the complex.

14B.1.3 Objective - Density of Development in the Suburban Residential Zone and Large Lot Residential Zone

To ensure a *low density* of development that provides for a range of *residential activities* compatible with a suburban residential character of low, predominantly detached, residential dwellings with private on-site open space and open space between *sites* incorporating dedicated areas of intensification through appropriately located medium density development in the Suburban Residential Zone.

Objective
Appealed

(VAR 1)

14B.1.3.1 Policy - Density of Development - Suburban Residential Zone and Large Lot Residential Zones

By specifying densities for *sites* in the Suburban Residential Zone and Large Lot Residential Zone that are appropriate for their context as follows:

Policy
Appealed

- a) A *low density* of dwellings for most *sites* within the Suburban Residential Zone;
- b) Providing for the integrated development of *secondary independent dwelling units* on larger residential *sites* in the Suburban Residential Zone and in the Large Lot Residential Zone, while ensuring such development is compatible with the amenity and character of the zone through compliance on-site and off-site with the suburban *building* envelope;
- c) Applying a Large Lot Residential Zone to areas within the Pyes Pa West Urban Growth Area, which are topographically difficult and geotechnically constrained for conventional residential development and yield requirements, but able to take advantage of reticulated *services* for water and *wastewater* and provide residential opportunities;
- d) Providing for the integrated development of *rest home, retirement village and shared accommodation* types to meet the specialised accommodation needs of the City's residents, that are compatible with the existing and anticipated suburban residential character and development density;
(VAR 1)
- e) Providing for greater density of development on larger sites within the Suburban Residential Zone for the purpose of *comprehensively planned retirement villages*, where adverse effects on the existing and anticipated suburban residential character, Council's infrastructure and the road network can be avoided and/or mitigated;
(VAR 1)
- f) Providing for medium density development in specific areas identified in the Plan as "Medium Rise Plan Areas" and ensuring that other medium density development is appropriately located and is comprehensively planned development.

Policy
Appealed

14B.1.3.2 Policy - Density of Development - Medium Density Development in the Suburban Residential Zone

While recognizing that the primary purpose of the Suburban Residential Zone is for low density independent dwelling units, providing for medium density development considered on a case by case basis to ensure the efficient use of residential land, where:

- a) The development is planned and implemented as a Comprehensively Designed Development;
- b) The development addresses the interface with adjacent lower density development, with specific regard to the amenity and character of adjacent development;
- c) The bulk and scale of buildings is consistent with the specific objectives and policies of the Suburban Residential Zone including any design mitigation provided through the overall development design, including areas of communal open space;
- d) Development is located within proximity to areas of comparatively higher amenity such as open space, or community focal points such as City, Town, Sub-Regional or Neighborhood commercial centres;
- e) Development is appropriately located within the transport network with regard to the objectives and policies of the Plan for transportation.

14B.1.3.3 Policy - Density of Development – Comprehensively Planned Retirement Villages in the Suburban Residential Zone

Providing for *comprehensively planned retirement villages* on larger sites with greater density of development within the Suburban Residential Zone in recognition of their unique occupancy rates and the ability to offset potential amenity effects through on-site design, where:

- a) The village is designed in a comprehensive manner so:
 - i) The interface with adjacent lower density development is addressed, with specific regard being given to the provision of a transitional area on-site in order to maintain the amenity and character of adjacent lower density residential development;
 - ii) The design and layout of built form applies urban design principles;
 - iii) Landscape planting is used to mitigate the scale and density of development;
- b) The visual effect of building bulk and scale is softened through the overall development design, including areas of communal open space;
- c) Traffic generated by the development is appropriately managed within the transport network.
- d) Adverse effects on Council's infrastructural capacity are avoided and / or mitigated.

(VAR 1)

14B.1.4 Objective – Comprehensive Development in the Wairakei Residential Zone

Development within the Wairakei Residential Zone creates an urban landscape character, which is characterized by comprehensively designed, compact detached or multi unit, multi level housing types set in a planned, new community setting.

14B.1.4.1 Policy – Comprehensive Development in the Wairakei Residential Zone

By ensuring that development in the Wairakei Residential Zone:

- a) Enables a mix of low and medium density housing that can meet minimum-specified household yield targets, based around logical stages of development including subdivision. Higher yield development is also encouraged where this can make efficient use of available infrastructure;
- b) Applies a comprehensive approach to provide design flexibility for a range of residential building forms and densities, from detached housing to multi level, multi unit housing styles balanced with open space and other infrastructure needs;
- c) Has adequate physical separation of buildings between sites for building maintenance and emergencies, contributes to visual and aural privacy of adjoining sites, provides useful outdoor space for on-site recreation and leisure, and building setbacks from the road boundary to provide a consistent streetscape character when viewed along the street;
- d) Ensures large land development areas are considered in an integrated manner with land use first and then subdivision. Infrastructure requirements are an integral part of this design process, including creating cultural view corridors along main roads towards Mauao, Te Rae o Papamoa and Ottawa, and are to be addressed as part of that design process;
- e) Is comprehensively designed with an emphasis on urban rather than suburban residential character.

Policy Appealed

14B.2 Activity Status Rules

14B.2.1 Activities in Suburban Residential, Wairakei Residential and Large Lot Residential Zones

Appealed:
Additions

All activities in Suburban Residential Zone, Wairakei Residential and Large Lot Residential Zone shall have the status identified in *Table 14B.1*. Symbols used in *Table 14B.1* have the meaning described in *Table 1A.2: Activity Status*.

Note: Residential activities, visitor accommodation, homestay, schools, tertiary education facilities and health centres shall be subject to Rule 4E.2.5 – Port Industry Zone and Noise Control Boundaries.

Table 14B.1: Suburban Residential, Wairakei Residential and Large Lot Residential Zone Activity Status

Use/Activity	Relevant Rule	Suburban Residential	Large Lot Residential	Wairakei Residential
<i>Accessory buildings, structures and activities</i>		P <i>(Refer Rule 14B.3)</i>	P <i>(Refer Rule 14B.3)</i>	RD (P) <i>(Refer Rule 14B.6)</i>
Additions to the floor area of existing offices legally established before 12 April 2008	14B.7	D	D	n/a
<i>Business activities</i> not listed elsewhere in this Activity Table	14B.8	NC	NC	NC
Churches		D <i>(Refer Rule 14B.7)</i>	D <i>(Refer Rule 14B.7)</i>	RD <i>(Refer Rule 14B.6)</i>
<i>Comprehensive development consent</i> in the Suburban Residential Urban Growth Yield Areas	14B.5	C	n/a	n/a
<i>Comprehensive development consent</i> in the Pyes Pa West Urban Growth Area, Suburban Residential Medium-Rise Plan Area	14B.5	C	n/a	n/a
<u>Comprehensively planned retirement village</u>	14B.6	<u>RD</u>	<u>n/a</u>	<u>n/a</u>
<i>Comprehensive development consent</i> in the Wairakei Urban Growth Area	14B.6	n/a	n/a	RD
<i>Health centres</i>		D <i>(Refer Rule 14B.7)</i>	D <i>(Refer Rule 14B.7)</i>	RD <i>(Refer Rule 14B.6)</i>
<i>Home-based business</i>		P <i>(Refer Rule 14B.3)</i>	P <i>(Refer Rule 14B.3)</i>	RD (P) <i>(Refer Rule 14B.6)</i>
<i>Homestays</i>		P <i>(Refer Rule 14B.3)</i>	P <i>(Refer Rule 14B.3)</i>	RD (P) <i>(Refer Rule 14B.6)</i>
<i>Independent dwelling units</i>		P <i>(Refer Rule 14B.3)</i>	P <i>(Refer Rule 14B.3)</i>	RD (P) <i>(Refer Rule 14B.6)</i>
<i>Industrial activities</i>	14B.8	NC	NC	NC
<i>Minor public recreational facilities and activities</i>	14B.3	P	P	P
<i>Office ancillary to a showhome</i>	14B.6	RD	RD	RD (P)
Permitted Activities within Scheduled Sites	14B.4	P	n/a	n/a
<u>Retirement village</u>		<u>P</u> <u><i>(Refer Rule 14B.3)</i></u>	<u>D</u> <u><i>(Refer Rule 14B.7)</i></u>	<u>RD (P)</u> <u><i>(Refer Rule 14B.6)</i></u>

VAR 1
No Legal
Effect

Definition
Appealed

Rule
Appealed

VAR 1
No Legal
Effect

Use/Activity	Relevant Rule	Suburban Residential	Large Lot Residential	Wairakei Residential	
<u>Rest home</u>		P (Refer Rule 14B.3)	P (Refer Rule 14B.3)	RD (P) (Refer Rule 14B.6)	VAR 1 No Legal Effect
Schools		D (Refer Rule 14B.7)	D (Refer Rule 14B.7)	RD (Refer Rule 14B.6)	
Secondary independent dwelling units		P (Refer Rule 14B.3)	P (Refer Rule 14B.3)	RD (P) (Refer Rule 14B.6)	
Shared accommodation		P (Refer Rule 14B.3)	P (Refer Rule 14B.3)	RD (P) (Refer Rule 14B.6)	
Showhomes	14B.3	P (Refer Rule 14B.3)	P (Refer Rule 14B.3)	RD (Refer Rule 14B.6)	Rule Appealed
Tertiary education premises		D (Refer Rule 14B.7)	D (Refer Rule 14B.7)	RD (Refer Rule 14B.6)	
Urupa		P (Refer Rule 14B.3)	P (Refer Rule 14B.3)	P (Refer Rule 14B.6)	
Visitor accommodation		D (Refer Rule 14B.7)	D (Refer Rule 14B.7)	RD (P) (Refer Rule 14B.6)	

Note: (P) in this table in relation to the Wairakei Residential Zone means an activity is a permitted activity provided that the proposed development has been designed and constructed in accordance with a comprehensive development consent granted under Rule 14B.6 g) – Restricted Discretionary Activity Rules and provided under Rule 14B.3.15 - Wairakei Residential Zone – Permitted Activities and Rule 14B.6.10 – comprehensive development consent.

14B.3 Permitted Activity Rules

Rule
Appealed

Note: Activities that cannot comply with a Permitted Activity rule will be considered a Restricted Discretionary Activity unless otherwise stated.

14B.3.1 Residential Development Density – Suburban Residential, Large Lot Residential

The maximum development density for ~~independent dwelling units and shared accommodation~~ residential activities on a site shall be:

Activity	Density	
<i>Independent dwelling units - Suburban Residential Zone</i>	1 independent dwelling unit per 325m ² of nett site area	Rule Appealed
<i>Independent dwelling units – Large Lot Residential Zone</i>	1 independent dwelling unit per 1,000m ² of site area.	
<u>Rest home</u>	<u>Sites shall have a minimum site area of 1000m²;</u> <u>1 bed and/or bedroom per 75m² of site area;</u> <u>Maximum of 20 rest home residents per site (excluding staff).</u>	VAR 1 No Legal Effect
<u>Retirement village</u>	<u>Sites shall have a minimum site area of 1000m²;</u> <u>1 independent dwelling unit per 325m² of nett site area;</u> <u>1 rest home bed and/or bedroom per 75m² of site area;</u> <u>Maximum of 20 rest home occupants per site (excluding staff).</u>	VAR 1 No Legal Effect
<u>Shared accommodation</u>	<u>Sites shall be a minimum of 600m²;</u> <u>Habitable room gross floor area of 65m² per site;</u> <u>Maximum of 8 permanent residents per site (excluding staff).</u>	VAR 1 No Legal Effect

Note: Unless specifically listed elsewhere within the Plan, ~~A~~ any Activity that does not comply with Permitted Activity Rule 14B.3.1 - Residential Development Density shall be considered a Discretionary Activity.

(VAR 1 – No Legal Effect)

14B.3.2 Building Height - Suburban Residential, Large Lot Residential

a) The maximum height of any building, with the exception of the permitted intrusions in Rule 4H.2.3, on a site shall be:

Zone	Height
Suburban Residential Zone	9m, except: within the Medium Rise Plan Area of the Suburban Residential Zone where the maximum height of any building shall be 12m.
Large Lot Residential Zone	9m

b) Provided that no building or structure within any identified Viewshaft Protection Area, with the exception of the Permitted Intrusions in Rule 4H.2.3, shall exceed the maximum height identified within the Plan Maps (Part B).

Note: Any activity that does not comply with Permitted Activity Rule 14B.3.2 – Building Height shall be considered a Discretionary Activity.

14B.3.3 Streetscape - Suburban Residential, Large Lot Residential

- a) All *buildings* on a *site* with a frontage to a legal road shall be *setback* from the road *boundary* of the *site* as follows:
- i) 3 metres, except;
 - ii) All *buildings* on a *site* adjoining a future road widening designation identified on the *Plan Maps (Part B)* shall have the required *setback* measured from that designation *boundary*.
 - iii) The provision of on-site parking shall not be located within the required *streetscape setback*.

14B.3.4 Setbacks - Suburban Residential, Large Lot Residential

- a) All *buildings*, excluding any *setback* intrusions permitted under *Rule 4H.2.1* shall provide the following *setbacks* from a side or rear *boundary*:
- i) A minimum of 1.5 metres from a side or rear *boundary*;
 - ii) A minimum of 5 metres from the *boundary* of the Conservation Zone;
 - iii) A minimum of 5 metres from the western or northern *boundary* of the Bethlehem Commercial Business Zone;
 - iv) A *building* may be erected closer to a side or rear setback where, prior to the building works being undertaken, the written consent of those property owners and occupiers whose properties adjoin the proposed non-compliance has been obtained and is clearly endorsed on all relevant building consent plans. The written consent and endorsed plans shall be provided to Council for registration on the appropriate property file(s). In the context of this rule an adjoining property will include rights of way and properties separated by rights of way adjoining the non-compliance where the building is to be located within 1.5 metres of that property boundary. A maximum of two setbacks may be reduced through this rule.
(VAR 2 – No Legal Effect)
- b) Where an existing *building* has lawfully established before 15 November 2003 (“the existing building”) in a manner which would now infringe *Rule 14B.3.4 a) i)*, any new *building* proposed for the adjoining site but sharing a common *site boundary* with the existing building may infringe *Rule 14B.3.4 a) i)* but only to the extent that the existing *building* so infringes on the common *site boundary*. Where there are existing *buildings* on more than one common *site boundary* this exemption can only be applied to one of the commonly affected *site boundaries*;
- c) All *buildings*, excluding minor *structures* and activities, shall be *setback* a minimum of 15 metres from *MHWS*;
- d) All new *buildings*, excluding minor *structures* and activities, shall be *setback* a minimum of 10 metres from the edge of a bank of a *permanently flowing river or stream*, or *wetland*;
- e) Where a *site* adjoins an *Open Space Zone* or the *Coastal Marine Area*, the common *boundary* (that being the zone *boundary*) may be fenced to a maximum of:
- i) 1.2 metres in *height*; or
 - ii) 1.8 metres in *height*, consisting of *visually permeable materials*.

Rule
Appealed

Note: Permitted Activity Rule 14B.3.4 c, d and e Setbacks does not apply where the subject site is separated by a formed legal road from the Coastal Marine Area.

Note: Any activity that does not comply with Permitted Activity Rule 14B.3.4 Setbacks, unless otherwise stated shall be considered a Restricted Discretionary Activity.

Note: Any activity that does not comply with Permitted Activity Rule 14B.3.4 a) ii) Setbacks shall be considered a Non-Complying Activity.

14B.3.5 Setbacks - Traffic Management - Safety - Suburban Residential, Large Lot Residential

All garages or carports designed with *direct vehicle access* to a road shall be set back at least 4.5 metres from the road boundary.

14B.3.6 Overshadowing - Suburban Residential, Large Lot Residential

- a) All *buildings*, excluding any overshadowing intrusions permitted under *Rule 4H.2.2*, shall be within a *building envelope* calculated in accordance with *Appendix 14C: Overshadowing*;
- b) A building may penetrate the overshadowing envelope if, prior to the building works being undertaken, the written consent of those property owners and occupiers whose properties adjoin the proposed non-compliance has been obtained and is clearly endorsed on all relevant building consent plans. The written consent and endorsed plans shall be provided to Council for registration on the appropriate property file(s). In the context of this rule an adjoining property will include rights-of-way and properties separated by rights-of-ways adjoining the non-compliance, all those properties directly adjoining the boundary at which the overshadow envelope is encroached upon and those separated from the subject site by vehicle or pedestrian access ways, private ways, access legs, rights-of-way, or access lots (excluding public roads), where the subject building encroaches the overshadowing envelope as applied at the boundary of that property.

(VAR 2 – No Legal Effect)

14B.3.7 Site Coverage – Suburban Residential Zone

The maximum *site coverage* in the Suburban Residential Zone shall be 45% of the *nett site area*.

Note: Any activity that does not comply with Permitted Activity Rule 14B.3.7 - Site Coverage shall be considered a Discretionary Activity.

Rule
Appealed

14B.3.8 Site Coverage – Large Lot Residential Zone

The maximum site coverage in the Large Lot Residential Zone shall be 45% of the site area.

Note: Any activity that does not comply with Permitted Activity Rule 14B.3.8 - Site Coverage shall be considered a Discretionary Activity.

14B.3.9 Access - Suburban Residential, Large Lot Residential

The maximum number of *independent dwelling units*, *homestays* or *shared accommodation* that can be served by private rights of ways, private accessway or legal access lot shall be

Up to and including 2 <i>independent dwelling units</i> , (including any <i>secondary independent dwelling units</i>), only	2.7m minimum <i>legal width</i> with a 2.4m minimum seal width
3-4 <i>independent dwelling units</i> , (including any <i>secondary independent dwelling units</i>), or up to 2 <i>independent dwelling units</i> that include any one permitted <i>homestay</i> per <i>independent dwelling unit</i> or 2 <i>shared accommodation</i> premises	3m minimum <i>legal width</i> with a 2.5m minimum seal width
5-12 <i>independent dwelling units</i> (including any <i>secondary independent dwelling units</i>), or up to 8 <i>independent dwelling units</i> that include any one permitted <i>homestay</i> or up to 8 <i>shared accommodation</i> premises	6m minimum <i>legal width</i> , with a 5.0m minimum seal width provided that the shared access is constructed to allow 2 vehicles to pass within its boundaries.

14B.3.10 Outdoor Living Area - Suburban Residential

- a) In the Suburban Residential Zone each *independent dwelling unit* shall be provided with an outdoor living area which shall:
- i) Comprise a continuous minimum area of 50m² that includes an area with minimum dimensions of 4 metres by 3 metres;
 - ii) Be for the exclusive use of the *independent dwelling unit*;
 - iii) Be provided at ground floor level;
 - iv) Be readily accessible from a *main living area* of the *independent dwelling unit* it is exclusive to;
 - v) Be free of driveways, manoeuvring areas, parking and *buildings* but may include uncovered decks of less than 1 metre in *height*.

Rule
Appealed

14B.3.11 Homestays - Suburban Residential, Large Lot Residential

- a) Sites shall have minimum *nett site area* of 600m²;
- b) The *homestay* shall be associated with and ancillary to an *independent dwelling unit* on the *site*, provided that that independent dwelling unit has no ancillary secondary independent dwelling unit, or is not itself a secondary independent dwelling unit;
- c) When added together, the maximum *gross floor area* of all *habitable rooms* associated with *homestay* on the *site* shall not exceed 65m².

Note: Any activity that does not comply with Permitted Activity Rule 14B.3.11 Homestays shall be considered a Non-Complying Activity.

14B.3.12 Home-based Business - Suburban Residential, Large Lot Residential

The maximum development intensity for a *home-based business* or combination of *home-based business activities* on a single *site* shall be:

- a) Every *home-based business* or combination of *home-based business activities* on a single *site* may employ not more than two other persons (Full Time Equivalent (FTE)) additional to the members of the household who permanently reside on the *site* and who own and operate the business from that *site*;
- b) The activity shall be carried out either within a dwelling, an *accessory building*, or in an outdoor activity area clearly designed and constructed for the purpose of the business or businesses, or a combination of these areas. The maximum total gross area used for the *home-based business* or combination of *home-based businesses*, including *retail sales space*, shall be 50m²;
- c) The activity, including any aspect of the activity undertaken in an outdoor activity area, shall not encroach on the *setback* or *streetscape* requirements of the *site* as defined in *the Plan*;
- d) *Retail sales* from a *home-based business* or businesses shall be limited to those goods and materials produced by the *home-based business* or used in the direct operation and management of that business or those businesses on the *site*. *Retail sales* shall take place from within a *building* or *structure* on the same *site* and the area occupied for *retail sales* shall be a constituent part of the gross area of the activity.

Note: Any activity that does not comply with Permitted Activity Rule 14B.3.12 Home-based Business shall be considered a Non-Complying Activity.

14B.3.13 Secondary Independent Dwelling Units - Suburban Residential, Large Lot Residential

- a) The minimum *site size* required to accommodate both a *principal independent dwelling unit* and for the erection of a *secondary independent dwelling unit* is 500m² *nett site area*;
- b) Development on the *site* is restricted to one *principal independent dwelling unit* and its *secondary independent dwelling unit* and their *accessory buildings*;
- e) ~~A *secondary independent dwelling unit* can be erected only in conjunction with the *principal independent dwelling unit* on-site and must be either:~~
 - i) ~~Encompassed within the bulk of the *principal independent dwelling unit*, and must be separated by a firewall that complies with New Zealand Building Code; or~~
 - ii) ~~Encompassed as a second floor to a garage servicing the *principal independent dwelling unit* and must be separated by a firewall that complies with the New Zealand Building Code.~~
- c) ~~A *secondary independent dwelling unit* shall be either:~~
 - i) ~~Encompassed within the bulk of the *principal independent dwelling unit*, or~~
 - ii) ~~Encompassed as a second floor to a garage servicing the *principal independent dwelling unit*;~~
- d) ~~A *secondary independent dwelling unit* must be capable of functioning as a separate *household unit* and be physically partitioned from the *principal independent dwelling unit* or garage by fire separation;~~
- e) ~~A *secondary independent dwelling unit* shall be limited to a maximum of 2 bedrooms (or 2 rooms other than the *main living area* capable of being used as bedrooms) in addition to other rooms within the unit (living, kitchen, laundry, bathroom and storage rooms);~~
- f) The building containing both units or both buildings where the *secondary independent dwelling unit* is encompassed as a second floor to a garage servicing the *principal independent dwelling unit* shall be subject to Rule 14B.3.2 - Building Height, Rule 14B.3.3 - Streetscape, Rule 14B.3.4 – Setbacks, Rule 14B.3.5 – Setbacks, Rule 14B.3.6 - Overshadowing and Rules 14B.3.7 and 14B.3.8 - Site Coverage;

Rule
Appealed

- g) Within the Suburban Residential Zone ~~the~~ *principal independent dwelling unit* shall be provided with an outdoor living area in accordance with *Rule 14B.3.10 - Outdoor Living Area*;
- h) Within the Suburban Residential Zone ~~the~~ *secondary independent dwelling unit* shall be provided with an outdoor living area which shall be:
- i) A minimum area of 35m² capable of containing a 4 metre diameter circle;
 - ii) For the exclusive use of the *secondary independent dwelling unit*;
 - iii) At ground level;
 - iv) Readily accessible from the *main living area* of the *secondary independent dwelling unit* it is exclusive to; or where the *secondary independent dwelling unit* is provided at second floor readily accessible from the entrance to the *secondary independent dwelling unit*;
 - v) Free of driveways, manoeuvring areas, parking, and buildings.

(VAR 3 – No Legal Effect)

Note: Any ~~activity~~ *Secondary Independent Dwelling Unit* that does not comply with Permitted Activity Rules 14B.3.13 a), b), c), d) and/or e) - *Secondary Independent Dwelling Unit* shall be considered a Discretionary Activity.

Any *Secondary Independent Dwelling Unit* that does not comply with Permitted Activity Rules 14B.3.13 f) or g) will result in the activity being considered in accordance with the applicable corresponding provisions of the Plan.

Any *Secondary Independent Dwelling Unit* that does not comply with Permitted Activity Rule 14B.3.13 h) will result in the activity being considered as a Restricted Discretionary Activity in accordance with Rule 14B.6 of the Plan.

(VAR 3 – No Legal Effect)

14B.3.14 Heavy Machinery - Suburban Residential, Large Lot Residential

No *heavy machinery* shall be parked, stored or displayed on a *site*. This excludes one private motor home vehicle per *site*, regardless of whether that vehicle falls within the definition of *heavy machinery*, providing the motor home vehicle is parked in compliance with *Rule 14B.3.4* and *Rule 14B.3.6*. *Heavy machinery* may visit and use a *site* to pick up or deliver goods or materials, or during construction.

Note: Any activity that does not comply with Permitted Activity Rule 14B.3.14 Heavy Machinery shall be considered a Non-Complying Activity.

14B.3.15 Wairakei Residential Zone – Permitted Activities

No activity within the Wairakei Residential Zone shall be considered a Permitted Activity unless in accordance with a *comprehensive development consent* granted under *Rule 14B.6 g) – Restricted Discretionary Activity Rules* and provided for under *Rule 14B.6.10 – comprehensive development consent*

Note: Any Activity that does not comply with Rule 14B.3.15 – Wairakei Residential Zone – Permitted Activities shall be considered a Non-Complying Activity.

14B.4 Scheduled Sites – Special Permitted Activity Conditions

Note: Where an activity does not comply with a Special Permitted Activity Rule it shall be considered a Discretionary Activity, unless stated otherwise.

14B.4.1 Scheduled Sites - General

All activities identified on a Scheduled Site identified on the *Plan Maps (Part B)* shall comply with the relevant *Outline Development Plan*, contained as an Appendix to this Chapter (where existent), *Rule 14B.4 Scheduled Sites - Special Permitted Activity Conditions* where relevant, and *Rule 14B.3 – Permitted Activity Rules*. In the event of any inconsistency between an *Outline Development Plan*, *Rule 14B.4 – Scheduled Sites – Special Permitted Activity Conditions* and *Rule 14B.3 – Permitted Activity Rules*, the *Outline Development Plan* and *Rule 14B.4* shall prevail. The following provisions are relevant to development within each Scheduled Site.

14B.4.2 Bureta Park Motor Inn

- a) Within the Bureta Park Motor Inn Scheduled Site, Bureta Road the following are permitted activities:
- i) *Visitor accommodation*,
 - ii) Licensed premises;
 - iii) Restaurants;
 - iv) Reception;
 - v) Entertainment and conference facilities;
 - vi) Wholesale-*retail* liquor shop;
 - vii) *Accessory buildings and activities*, including a fleamarket and on-site vehicle parking.
- b) Maximum *site coverage* on *site* shall be 25%;
- c) Maximum *building height* on *site* shall be 11 metres;
- d) A 12 metre wide *landscape strip* shall be provided and maintained around the perimeter of the *site*, measured from the *site boundary*. No *buildings*, vehicle parking, manoeuvring or accessways, other than the existing vehicle accessways to Bureta Road and Vale Street, shall be permitted within this *landscape strip*;
- e) Vehicle access points shall be limited to one combined entry/exit from Vale Street and one entry and one exit point from Bureta Road. Additional *building* development on the scheduled site shall provide a right-hand vehicle turning bay to serve the Vale Street access in accordance with traffic engineering design standards.

Rule
Appealed

14B.4.3 90 Waihi Road

- a) Within the Scheduled Site at 90 Waihi Road, the following are permitted activities:
Business Activities and *Places of Assembly* (excluding licensed premises) subject to:
- i) Compliance with relevant permitted activity conditions for the Suburban Residential Zone;
 - ii) Compliance with the *Rule 17A.11.3 - Streetscape* and *Rule 17A.11.4 – Boundaries of Commercial and Sensitive Zones*;

Rule
Appealed

14B.4.4 Tauranga Public Hospital, Cameron Road

- a) Within the Tauranga Public Hospital, Cameron Road Scheduled Site, the following are permitted activities:
- i) Hospital facilities;
 - ii) Community health care centres;
 - iii) Medical research;
 - iv) Residential and staff accommodation;
 - v) Carparking;
 - vi) Workshops, accessory buildings and activities.
- b) The maximum building *height* shall be:
- i) Area A – 27 metres;
 - ii) Area B – 9 metres.

Rule
Appealed

Note
Appealed

Note: Height areas are shown on Appendix 14H: Outline Development Plan, Tauranga Hospital.

- c) *Setbacks* on the *site* shall be:
- i) Cameron Road frontage: *as shown on Appendix 14H*;
 - ii) Seventeenth Avenue frontage: *as shown on Appendix 14H*;
 - iii) Other road frontages: 3 metres.
- d) On all road frontages landscaping comprising a mix of trees, shrubs and groundcover shall be provided contiguous to, and to a width of at least 2 metres measured from the road *boundary*, exclusive of permitted vehicle accessways;
- e) Vehicle access points on Cameron Road shall be permitted and located where specified on *Appendix 14H: Outline Development Plan, Tauranga Hospital*;
- f) The existing vehicle access point at the 17th Avenue/Cameron Road intersection shall be relocated a minimum of 20 metres back along the 17th Avenue frontage of the *site*, as measured from the intersection of Cameron Road at such a time as the main entry on Cameron Road opposite 18th Avenue is closed.

Rule
Appealed

14B.4.5 150 Seventeenth Avenue

Rule Appealed

- a) The following are permitted activities, in addition to those permitted activities in the underlying Suburban Residential Zone:
 - i) Carparking associated with Tauranga Hospital;
 - ii) *Health centres.*
- b) The following Permitted Activity Conditions relate to the development of the *site* for either development permitted in the underlying Suburban Residential Zone or additional permitted activities on the *site*:
 - i) The development of any health centre or combination of health care centres on the *site* shall be limited to a total cumulative floorspace of not greater than 2000m² over the entire *site*;
 - ii) The development of any *non-residential activity* on the *site* shall comply with *Rule 17A.11.4 - Boundaries of Commercial and Sensitive Zones* at the boundaries of the *non-residential activity* and any *residential activity* on the *site*;
 - iii) The *boundary* of the *site* with the Kopurererua Valley reserve shall be subject to a 5 metre building setback within which landscape planting shall be provided contiguous to, and to a width of at least 2 metres measured from the *boundary*. No fence shall exceed 1.2 metres in height along this *boundary*.

14B.4.6 Grace Hospital, Cheyne Road Scheduled Site

- a) Within the Grace Hospital, Cheyne Road Scheduled Site the following are permitted activities:
 - i) Hospital facilities excluding accident and emergency clinics;
 - ii) *Health Care Centres*;
 - iii) Medical research and training;
 - iv) Buildings and activities ancillary to hospital use;
 - v) Café ancillary to the hospital.
- b) The *gross floor area* of additional *buildings* or *building* additions shall not exceed 50m² as a permitted activity;
- c) Maximum *height* of *buildings* shall be 9 metres;
- d) *Buildings* shall comply with *Rule 14B.3.6 Overshadowing*;
- e) The maximum *site* coverage on *site* shall be 60%;
- f) All *buildings* shall be setback as shown on *Appendix 14J: Outline Development Plan, Grace Hospital, Cheyne Road*;
- g) Landscape planting shall be undertaken within the 5m *setback* on Cheyne Road;
- h) No service activities, loading bays, gas bottles, rubbish or recycling storage areas shall be visible from Cheyne Road or adjoining residential properties;
- i) Access to Cheyne Road shall be limited to three approved access points.

Note: Where an activity does not comply with a Permitted Activity Rule 14B.4.6 it shall be considered a Restricted Discretionary Activity, unless stated otherwise.

14B.4.7 Rules in Other Sections of the Plan

Activities within the Suburban Residential and Large Lot Residential Zones shall also comply with the following sections of *the Plan*:

- a) The provisions of *Chapter 4 – General Rules*;
- b) The provisions of *Chapter 7 – Heritage*;
- c) The provision of *Chapter 8 – Natural Hazards*;
- d) The provisions of *Chapter 9 – Hazardous Substances and Contaminated Land*;
- e) The provisions of *Chapter 11 – Financial Contributions*;
- f) The provisions of *Chapter 12 – Subdivision, Infrastructure and Services, Section 12G – Infrastructure and Services*;
- g) The provisions of any Plan Area.

14B.5 Controlled Activity Rules

Appealed:
Additions

Note: Any activity described as a Controlled Activity that does not comply with a Controlled Activity standard and term shall be considered a Restricted Discretionary Activity unless stated otherwise.

The following are Controlled Activities:

- a) Controlled Activities on The Elms Scheduled Site;
- b) All those activities listed in *Table 14B.1* as Controlled Activities.

14B.5.1 Scheduled Site Controlled Activity Standards and Terms

14B.5.1.1 Scheduled Sites - The Elms

All activities identified on The Elms Scheduled Site, identified in the *Plan Maps (Part B)* shall comply with the relevant *Outline Development Plan*, contained as an Appendix to this chapter (where relevant), and *Rule 14B.3 Permitted Activities*. In the event of any inconsistency between an *Outline Development Plan*, *Rule 14B.5.1 - Scheduled Sites* and *Rule 14B.3 - Permitted Activities*, the *Outline Development Plan* and *Rule 14B.5.1* shall prevail.

14B.5.1.2 The Elms Scheduled Site – Standards and Terms

Within The Elms Scheduled Site the following are Controlled Activities:

- a) Visitor information centre activities and *places of assembly* located within the areas specifically identified on *Appendix 14I: Outline Development Plan, The Elm*;
- b) Visitor information centre activities and *places of assembly* shall be controlled activities provided they comply with:
 - i) *Rule 14B.3.2 – Building Height, Rule 14B.3.3 – Streetscape, Rule 14B.3.4 – Setbacks, Rule 14B.3.5 – Setbacks – Traffic Management, Rule 14B.3.6 – Overshadowing, Rule 14B.3.7 – Site Coverage.*

Note: For the avoidance of doubt, where relevant, the provisions of Chapter 4 – General Rules, also apply.

Note: For the avoidance of doubt activities outside the areas specifically identified on the Outline Development Plan will be subject to the provisions of Chapter 7 – Heritage and Chapter 14 – Residential Zones and all other relevant provisions of The Plan.

14B.5.2 Controlled Activity – Matters of Control and Conditions – The Elms

The *Council* reserves control over the following matters:

- a) Buildings should be a scale, form and design that is compatible with the heritage values of The Elms and not adversely affect the amenity values of surrounding *residential activities*.
- b) Parking, access and manoeuvring should be designed to allow for the safe and efficient movement of pedestrians and vehicles within the *site* and the adjacent road network.
- c) The screening of parking areas through fencing and/or landscaping to maintain residential amenity values on adjoining or adjacent *sites*.
- d) The location and design of signs should have regard to the heritage values of the *site* and the amenity values of surrounding *residential activities*.
- e) Regard shall be had to the proposed hours of use and how these may conflict with established *residential activities* within the locality in terms of noise, frequency of events and traffic movements.

14B.5.3 Controlled Activity - Standards and Terms - Comprehensive Development in the Suburban Residential Zone Urban Growth Yield Areas

Appealed:
Additions

Rules 14B.5.3.1 and 14B.5.3.2 only apply where a site has been identified as a site for comprehensive medium density development in accordance with Rule 12B.3.1.3 at the time of the initial residential subdivision of that site. For the avoidance of doubt, in all circumstances where a comprehensive development is undertaken subdivision consent for the proposed development shall not be granted until a land use consent is granted by Council for the development in accordance with the Standards and Terms of Rule 14B.5.3.1 or 14B.5.3.2.

14B.5.3.1 Medium Rise Plan Area and Large Sites in the Suburban Residential Zone Urban Growth Yield Areas

Appealed:
Additions

- a) For the purpose of this rule, "comprehensive development" means: The development of sites for residential purposes in the Pyes Pa West Suburban Residential Zone Medium Rise Plan Area, or the development of sites greater than 3,000m² and at a density greater than that permitted by *Rule 14B.3.1 Residential Development Density* in the Pyes Pa West, Hastings Road, Kennedy Road and West Bethlehem Urban Growth Yield Areas identified on the Urban Growth Plans at *Section 6, Plan Maps (Part B)*;
- b) In all circumstances where a comprehensive development is undertaken *subdivision* consent for the proposed development shall not be granted until a land use consent is granted by *Council* for the development in accordance with the following standards and terms;
- c) Building *setbacks* shall ensure that at least 50% of the site frontage is in accordance with *Rule 14B.3.3 - Streetscape* requiring a 3m setback from the defined street *boundary*;
- d) There shall be a maximum building length of 15 metres without facade setback or mitigation, such as architectural features, that provides visual relief to the facade and elevation of the building;
- e) Compliance with the overshadowing and site set back rules of *Rule 14B.3* - shall apply at the boundaries of the *comprehensive development* site. Applying such rules at any future internal boundaries within the *comprehensive development site* is optional;
- f) All dwellings shall have a private outdoor living area continuous with the *dwelling unit equivalent* which shall:
 - i) If at *ground level*, have a minimum dimension of 5 metres in any one direction or, if located above ground level, shall be a balcony of at least 6m² having a minimum dimension of 1.5 metres;
 - ii) In the case of the balcony provision, be located to achieve at least a 10 metre unobstructed outlook over the *site* or to an area of permanent open space;
 - iii) Such private outdoor living areas shall be accessible from the *main living area* of the dwelling;
 - iv) An area of private outdoor living area shall be located to receive sunlight for at least four hours on the 21 June;
 - v) Any nominated private outdoor living area shall be unobstructed by buildings, parking or vehicle access and manoeuvring areas and future *boundary* lines;
 - vi) Any nominated private outdoor living area shall be located and/or screened so that at least 50% of the area has visual privacy from the living rooms (not including bedrooms) and the private outdoor living areas of other dwellings on the development site and adjacent sites;
 - vii) Any communal living area provided shall be in addition to, not in substitution of, the required private outdoor living area for each dwelling.
- g) Where any dwelling is to be sited within 10 metres of another dwelling there shall be no direct line of sight from the *main living areas* or outdoor living areas of the dwelling into the *main living areas* (not including bedrooms) or nominated outdoor living area of another dwelling on the same *site*. If a direct line of sight between main living areas and outdoor living areas cannot be avoided, visual screening shall be constructed or planted to prevent a line of sight;
- h) For the purposes of implementation of these rules, any application for a *comprehensive development* shall be accompanied by a design report by an independent person suitably qualified and/or experienced in the field of urban design, building design or landscape design;
- i) Prior to approval by *Council* the *Council* may require an independent review of this report at the applicant's expense.

Note: Failure to comply with Rule 14B.5.3.1 will result in the activity being considered as a Discretionary Activity in accordance with Rule 14B.7.

14B.5.3.2 Medium Density Sites in the Suburban Residential Zone Urban Growth Yield Areas

Rule
Appealed

- a) For the purpose of this Rule, "Comprehensive Development" means the development of sites less than 3,000m² for residential purposes at a density greater than permitted by Rule 14B.3.1 – Residential Development Density within the Pyes Pa West, Hastings Road, Kennedy Road and West Bethlehem Urban Growth Yield Areas identified on the Urban Growth Plans at Section 6, Plan Maps (Part B).
- b) In all circumstances where a Comprehensive Development is undertaken, subdivision consent shall not be granted and development shall not be undertaken until an Outline Development Plan (ODP) has been approved for the development of the site. Any Outline Development Plan shall be in accordance with the criteria outlined in Rule 14B.5.3.1 above and the ODP shall be developed generally in accordance with the ODP example included in Appendix 14K: Outline Development Plan, Example, to address the following matters:
- i) Building envelope;
 - ii) Parking;
 - iii) Private open space;
 - iv) Permitted yard intrusions;
 - v) Vehicle access;
 - vi) Landscape planting;
 - vii) Site coverage.

The ODP shall be developed with regard to the standards and terms and matters of control and conditions set out at Rule 14B.5.3.1 and subject to a report submitted in accordance with Rule 14B.5.3.1 h).

Note: Failure to comply with Rule 14B.5.3.1 will result in the activity being considered as a Discretionary Activity in accordance with Rule 14B.7.

14B.5.3.3 Controlled Land Use – Comprehensive Development in the Suburban Residential Zone Urban Growth Yield Area - Matters of Control and Conditions

Rule
Appealed

The Council reserves control over the following matters:

- a) The extent to which the following design objectives are achieved when considering the design standards and terms for Comprehensive Developments in Rule 14B.5.3.1 or Rule 14B.5.3.2;
- i) Integrates well with the immediate locality;
 - ii) Contributes to the streetscape;
 - iii) Is of a high standard of architecture;
 - iv) Provides residents with good outlook and outdoor space related to each unit;
 - v) Incorporates on-site landscaping that integrates buildings, safe use of private, public or common use areas on the site, and softens the visual effect of the development on the surrounding environment;
 - vi) Caters for safe traffic, parking, and servicing effectively and efficiently;
 - vii) Promotes on-site safety and security;
 - viii) Promotes low impact, "green" stormwater management techniques, while having regard to the engineering design needs of the Pyes Pa West stormwater catchment.
- b) The application of Financial Contributions in accordance with Chapter 11;
- c) The development intensity and scale, wind effects and traffic management, safety and convenience standards to be applied to the site development;
- d) Management of the quantity and quality of stormwater to be discharged from the site;
- e) The design objectives and design standards and terms in Rule 14B.5.3.1 and the imposition of any condition directly related to these matters covering:
- i) Streetscape;
 - ii) Building form;
 - iii) Outlook and outdoor spaces;
 - iv) Visual and aural privacy;
 - v) Landscaping;
 - vi) Traffic, parking, access, pedestrian accessibility and safety.

- f) The extent to which the development integrates well with the immediate locality and contributes positively to the wider street scene shall be considered by having regard to:
- i) The development's sensitivity to the residential character and amenity values of the locality, both within the site and in the surrounding area;
 - ii) The design of carports and garages as an integrated component of the *building form*, *site* development and landscaping;
 - iii) Car parking areas shall not dominate the appearance of the development when viewed from the street or any adjoining property. Large numbers of spaces in one area shall be avoided, or broken up and mitigated by landscaping.
- g) Buildings shall be designed to ensure good visual contact between dwellings and the public street and internal street;
- h) The extent to which the architectural qualities of the development exhibits innovation shall be considered by having regard to:
- i) The development is designed to create visual character and variety;
 - ii) Areas of blank walls are kept to a minimum.
- i) The extent to which the development provides for the visual and aural privacy of occupants and neighbours;
- j) The extent to which access points into the site, and car parking areas, are sited and designed to avoid the adverse effects of noise and other effects on aural or visual privacy;
- k) The extent to which existing vegetation is retained and landscaping adds to the amenity of the development and assists in stormwater management shall be considered by having regard to:
- i) The extent to which existing mature trees are incorporated into the site and landscape design;
 - ii) The extent to which natural watercourses within or adjoining the site are retained and their long-term contribution to stormwater management is not compromised;
 - iii) The extent to which on-site landscaping is designed to enhance the appearance of the buildings, assist in stormwater management, and soften or screen the visual impact of car parking and *service areas*;
 - iv) The extent to which low impact stormwater design methods, including source control, are incorporated into the site, *building* and landscaping design where these assist in meeting the stormwater management rules applying to the Pyes Pa West Urban Growth Area;
- l) The extent to which traffic, parking and servicing requirements resulting from the development can be effectively and efficiently catered for shall be considered by having regard to the following matters:
- i) Whether provision has been made for resident and visitor parking and manoeuvring and site access in accordance with *Chapter 4* of the Plan without dominating the appearance or functioning of the development, detracting from the amenity of the units (or units on adjoining sites), adversely affecting road safety or efficiency, or unnecessarily increasing the percentage of impermeable surfaces within the development;
 - ii) Whether provision for on-site pedestrian movement, wherever possible, been separated from vehicular movement areas, and calming measures used in joint vehicle/pedestrian use areas;
 - iii) Whether provision for refuse collection, recycling, outdoor storage and similar services is integrated into the development, is appropriately sized in relation to the scale of the development, whether collection points and facilities are readily accessible by service vehicles and workers and will not at any time detract visually or generate health risks in the area. This may entail providing more than one storage or collection point for refuse within the development;
 - iv) The extent to which lighting for amenity and crime prevention is an integral part of the development, and is designed and positioned to maximise the personal safety of occupants and visitors without creating nuisance for adjoining properties or drivers of vehicles through excessive glare;
 - v) The extent to which provision is made for vehicle and pedestrian/cyclist links to, from, through and/or around the development in a way that provides opportunities for physically connecting to and from public *reserves* and walkways shown on the relevant Urban Growth Plan - *Section 6, Plan Maps (Part B)*.

14B.6 Restricted Discretionary Activity Rules

The following are Restricted Discretionary Activities:

- a) Any Permitted Activity in the Suburban Residential Zone that does not comply with a maximum of two of the following Permitted Activity conditions:
 - i) *Rule 14B.3.3 – Streetscape;*
 - ii) *Rule 14B.3.4 a) i), a) iii), a) iv), b), c), d), e) – Setbacks;*
 - iii) *Rule 14B.3.5 – Setbacks;*
 - iv) *New, or alterations to existing fences, where a site adjoins an Open Space Zone, the Coastal Marine Area, or the edge of a bank of a permanently flowing river or stream, or wetland located within the defined setback where that fence is proposed to be constructed greater than 1.2 metres in height, 1.8 metres in height and does not consist of visually permeable materials;*
 - v) *Rule 14B.3.6 – Overshadowing;*
 - vi) *Rule 14B.3.9 – Access;*
 - vii) *Rule 14B.3.10 – Outdoor Living Area*
 - viii) *Rule 14B.3.13 h) – Outdoor Living Area- Secondary Independent Dwelling Units;*
(VAR 3 – No Legal Effect)
- b) Any Permitted Activity in the Large Lot Residential Zone that does not comply with:
 - i) *Rule 14B.3.3 – Streetscape;*
 - ii) *Rule 14B.3.4 a) i), a) iii), a) iv), b), d), e) – Setbacks;*
 - iii) *Rule 14B.3.5 – Setbacks;*
 - iv) *Rule 14B.3.6 – Overshadowing;*
 - v) *Rule 14B.3.9 – Access;*
- c) Any Controlled Activity on The Elms Scheduled Site that does not comply with the Special Controlled Activity Standards and Terms;
- d) *Office ancillary to a Showhome;*
- e) Any Special Permitted Activity on the Grace Hospital Cheyne Road Scheduled Site that does not comply with the Special Permitted Activity Standards and Terms;
- f) Any Special Restricted Discretionary Activity on the Grace Hospital Cheyne Road Scheduled Site;
- g) Any activity identified as a Restricted Discretionary Activity in *Table 14B.1 - Suburban Residential, Wairakei Residential and Large Lot Residential Zone Activity Status.* within the Wairakei Residential Zone.
(VAR 1 – No Legal Effect)

Rule
Appealed

Rule
Appealed

Rule
Appealed

Rule
Appealed

14B.6.1 Restricted Discretionary Activities – Matters of Discretion and Conditions

14B.6.1.1 Streetscape

In considering activities that do not comply with *Rule 14B.3.3 - Streetscape* the Council restricts the exercise of its discretion to:

- a) The extent to which the proposal would impact on the maintenance of a consistent setback and result in the reduction of the visual amenity of the existing and anticipated *streetscape* pattern when viewed from public private interface and from adjoining properties;
- b) Lead to the visual dominance of *buildings* as viewed from the street and from the surrounding neighborhood;
- c) Address adverse impacts through on-site design measures or contribution to the maintenance of amenity at the public private interface.

14B.6.1.2 Setbacks

In considering activities that do not comply with *Rule 14B.3.4 a) i), a) iii), a) iv), b) - Setbacks* the *Council* restricts the exercise of its discretion to:

Rule
Appealed

- a) The extent to which the proposal would impact on the visual and aural privacy of occupants in adjoining *sites*;
- b) Hinder the ability to maintain access for maintenance, including for buildings on adjoining properties;
- c) Lead to the visual dominance of buildings as viewed by adjoining and adjacent properties;
- d) Be addressed through design measures, including minimisation of the length of encroachment into setback or landscaping.

14B.6.1.3 Setbacks – Traffic Management – Safety

In considering activities that do not comply with *Rule 14B.3.5 – Setbacks – Traffic Management – Safety* the *Council* restricts the exercise of its discretion to the matters in *Policy 4B.1.3.1 On-site Parking Requirements*.

14B.6.1.4 Overshadowing

In considering activities that do not comply with *Rule 14B.3.6 - Overshadowing* the *Council* restricts the exercise of its discretion to the extent to which the proposal would result in the loss of sunlight and daylight to surrounding *sites*, particularly in relation to outdoor living areas or the main indoor living area windows of surrounding residential properties.

14B.6.1.5 Access

In considering activities that do not comply with *Rule 14B.3.9 - Access* the *Council* restricts the exercise of its discretion to the extent to which vehicular traffic generated by any activity can be accommodated without compromising the functionality of the access and the road on to which the access links (taking into account its place in the hierarchy, traffic volumes, safety and efficient pedestrian movement) or without loss of residential character and amenity.

14B.6.1.6 Outdoor Living Area

In considering activities that do not comply with *Rule 14B.3.10 - Outdoor Living Area and/or Rule 14B.3.13 h) – Outdoor Living Area - Secondary Independent Dwelling Units* the *Council* restricts the exercise of its discretion to:

Rule
Appealed

(VAR 3 – No Legal Effect)

- a) The extent to which the proposal would impact on the opportunity for occupants to enjoy a reasonable outlook and useful outdoor space on-site;
- b) The impact on maintaining a consistent open pattern of building development and separation within the neighborhood;
- c) Design measures, including, but not restricted, to the provision of alternative on-site provisions of outdoor living area or leisure facilities to meet the needs of residents over the lifetime of the building.

14B.6.2 Restricted Discretionary Activities – Matters of Discretion and Conditions – The Elms Scheduled Site

In considering any restricted discretionary activities within The Elms Scheduled Site, the *Council* restricts the exercise of its discretion to:

- a) The extent to which the activity is consistent with and will support the Objectives and Policies for *Chapter 4 - Transportation, Chapter 7 - Built Heritage* and for the anticipated and existing suburban residential character and amenity.
- b) The matters of control and conditions in *Rule 14B.5.2*;
- c) The extent of off-site effects from an on-site parking shortfall having regard to the availability of public parking in the locality and the objectives of any relevant Local Parking Management Plan;
- d) Whether the design and location of signs will adversely affect the heritage values of the site or the amenity values of surrounding *residential activities*;
- e) The proximity of the activity to adjoining or adjacent *residential activities* and the extent to which noise generated from the site will adversely affect surrounding *residential* amenity values;
- f) Whether the additional amount of *light spill* in conjunction with the hours of operation of the lighting will adversely affect surrounding *residential* amenity values.

14B.6.3 Restricted Discretionary Activities – Standards and Terms Activities not complying with Rule 14B.3.4 c), d) and e)

Rule
Appealed

Restricted Discretionary Activities shall comply with the following standards and terms:

- a) A qualified landscape architect shall prepare a landscape and visual assessment for any application for resource consent;
- b) The assessment shall have particular regard to the open space character and factors, values and associations that contribute to the areas landscape and *natural character*, including its interface with the *Coastal Marine Area, permanently flowing river or stream or wetland*.

Note: Any activity that does not comply with Rule 14B.6.3 – Restricted Discretionary Activity – Standards and Terms shall be considered a Discretionary Activity.

Note
Appealed

14B.6.4 Restricted Discretionary Activities – Matters of Discretion and Conditions - Activities not complying with Rule 14B.3.4 c), d) and e)

Rule
Appealed

In considering activities that do not comply with *Rule 14B.3.4 – Setbacks c), d) and e)* the *Council* restricts the exercise of its discretion to:

- a) The *height*, scale, and location of any *building, structure*, or sign;
- b) The use of material on the exterior of any *building or structure*, including the use of colour;
- c) The nature, location and extent of any proposed *earthworks*;
- d) The location and design of access, parking areas; infrastructure and services or fences;
- e) Whether the proposed activity, *building or structure* will adversely affect the indigenous flora and fauna values and whether retention of indigenous and exotic vegetation, reinstatement of indigenous vegetation or provision of new indigenous planting is required.
- f) Whether the proposed activity, *building or structure* will adversely affect the factors, values and associations of a specific landscape feature and whether retention of specific landscape features or reinstatement of those features is required.

14B.6.5 Restricted Discretionary Activities – Standards and Terms for an Office Ancillary to a Showhome

Rule
Appealed

For each *showhome* site:

- a) An Office Ancillary to a *Showhome* shall comply with the Permitted Activity in *Rule 14B.3.2 - Building Height, Rule 14B.3.3 - Streetscape, Rule 14B.3.4 - Setbacks, Rule 14B.3.5 - Setbacks – Traffic Management – Safety, Rule 14B.3.6 - Overshadowing, Rule 14B.3.7 or 14B.3.8 - Site Coverage; Rule 14B.3.14 - Heavy Machinery*, and the relevant Rules in *Chapter 4 - General Rules*.
- b) There shall be no more than one Office Ancillary to a *Showhome*;
- c) Activities carried out in an Office Ancillary to a *Showhome* shall relate solely to the promotion of the product of the *showhome* operator;
- d) No more than three people may be employed to work in an Office Ancillary to a *Showhome*;
- e) The maximum *gross floor area* for an Office Ancillary to a *Showhome* shall be 50m².
- f) An Office Ancillary to a *Showhome* shall provide on-site vehicle parking, manoeuvring, loading and access in accordance with requirements for Offices set out in the provisions of *Rule 4B – Transportation Provisions*.
- g) An Office Ancillary to a *Showhome* shall not have any vehicle access onto and from a State Highway.

Note: Failure to comply with Rule 14B.6.5. will result in the activity being considered as a Discretionary Activity in accordance with Rule 14B.7.

Note: For the avoidance of doubt new Offices not ancillary to a Showhome or not falling within the definition of Home Based Business are a non-complying activity. See Rule 14B.8.

Note
Appealed

14B.6.6 Restricted Discretionary Activities – Matters of Discretion and Conditions for an Office Ancillary to a Showhome

The Council restricts the exercise of its discretion to:

- a) The extent to which the use detracts from or conflicts with the maintenance of residential amenity, character and coherence on surrounding sites, including privacy and noise related impacts;
- b) The extent of any mitigation of potential adverse effects through increased yard distances, provision of screening or landscape treatment, external appearance of buildings, location of access and egress and parking areas, hours of operation, and period of operation;
- c) The extent to which vehicular traffic generated by any activity can be accommodated without compromising the functionality of the road (taking into account its place in the hierarchy, traffic volumes, safety and efficient pedestrian movement) or without loss of residential amenity in the neighborhood;
- d) Any cumulative effect of traffic generation in conjunction from other activities in the surrounding residential neighborhood.

14B.6.7 Special Restricted Discretionary Activities – Standards and Terms – Grace Hospital, Cheyne Road Scheduled Site

- a) The special permitted activity conditions of *Rule 14B.4.6* shall apply with the exception of *14B.4.6 b) and c)*;
- b) Maximum height of buildings shall be as defined on the Outline Development Plan, *Appendix 14J: Outline Development Plan, Grace Hospital, Cheyne Road*;
- c) Buildings which face Cheyne Road shall have a minimum of 30% glazing within the walls facing the Cheyne Road Boundary. Glazing shall be two way and allow some visibility of activities within the building viewed from Cheyne Road and passive surveillance of Cheyne Road from the hospital building. External screens can be used over glazing;
- d) External materials and finishes on buildings and structures will have reflectance value less than 75% selected from BS5252 hue range of Group A, B and C. Group D and E are excluded;
- e) The public frontage of buildings (facing the site boundaries, or the inner open space of the site) shall have relief features in the main facades. A minimum setback, stepping or architectural relief (relief feature) of 1.5 metres, perpendicular to the wall façade; shall occur a minimum of every 10 metres of the length of the wall façade. The relief feature shall be capable of casting shadow onto the adjacent façade, to achieve the appearance of smaller residential scale units. Relief features can include balconies, verandas, courtyards or recessed entry points;
- f) The main entrances to buildings shall be accessed from the main central open space within the *site*.
- g) For buildings above 12m in height, the minimum setback to a site boundary shall be 12m, or compliance with Appendix 14C (overshadowing) in the City Plan, whichever is greater.
- h) For buildings above 12m in height, the *outdoor developed landscape* between the building and the boundaries between the points A-A¹ and B-B¹ on *Appendix 14J: Outline Development Plan, Grace Hospital, Cheyne Road* shall:
 - i) be a minimum of 10m deep except where no building is located within 20m of the relevant site boundary in which case a 5m *outdoor developed landscape* shall be provided along that boundary;
 - ii) throughout, include tree species capable of growing at least 10m tall; and
 - iii) not be used for car parking, paving, or other hard surfaces (other than vehicle crossings) or constraints to the successful establishment of trees within the site.

Note: Any Special Restricted Discretionary Activity on the Grace Hospital Cheyne Road Scheduled Site that does not comply with Rule 14B.6.7 shall be considered a Discretionary Activity.

Note: For an indicative example of the interpretation of this rule, refer Appendix 14J: Outline Development Plan, Grace Hospital, Cheyne Road (Sheets 2 and 3).

14B.6.8 Special Restricted Discretionary Activities – Matters of Discretion and Conditions – Grace Hospital Cheyne Road Scheduled Site

In considering any restricted discretionary activities within the Grace Hospital Cheyne Road Scheduled Site, the Council restricts the exercise of its discretion to:

- a) Consistency of buildings and activities with *Objective 14A.1.4 - Scheduled Sites in the Residential Zones* and *Policy 14A.1.4.1 a) and e) Scheduled Sites in the Residential Zones*;
- b) Consistency with the Outline Development Plan contained in *Appendix 14J: Outline Development Plan, Grace Hospital, Cheyne Road*;
- c) The effects of *building* bulk and scale on the suburban residential character and amenity values of the locality, both within the *site*, and in the surrounding area;
- d) The maintenance and enhancement of open space and landscape planting to ensure development makes a positive contribution to visual amenity and to help offset the impact of the built development on the site;
- e) Design and layout of development to break up vertical and horizontal mass through location on the site and the detail of building façades, and to ensure a streetscape complimentary to the surrounding residential environment;
- f) Whether new *buildings* and *structures* take into account and respond to the character, design and materials of existing buildings within the *site*;
- g) The extent to which the proposal incorporates on-site outdoor developed landscape that integrates *buildings*, facilitates the safe use of private, public or common use areas on the *site*, and softens the visual effect of the development on the surrounding environment;
- h) Screening of outdoor *service areas* and storage areas, including refuse storage areas, from any adjacent or adjoining *residential sites* and from the road frontage;
- i) Parking, vehicle and pedestrian access and manoeuvring allows for the safe and efficient movement of pedestrians and vehicles within the *site* and the adjacent road network and integration with the public transport infrastructure;
- j) Signage that is visible externally from the *site* is of a design, scale and location consistent with maintenance of the amenity of the surrounding suburban residential environment.

14B.6.9 Non-Notification of Development in Wairakei Residential Zone

Any application for a resource consent made under *Rule 14B.6.g) – Restricted Discretionary Activity Rules* in the Wairakei Residential Zone shall not be notified or served on affected persons.

14B.6.10 Restricted Discretionary Activity – Standards and Terms - Wairakei Residential Zone

Appealed:
Additions

14B.6.10.1 Comprehensive Development Consent

- a) No land within this zone of the Wairakei Urban Growth Area shall be developed for any permanent land use activity or associated buildings until a *comprehensive development consent* application has been submitted and approved by Council under this Rule for that part of the Wairakei Urban Growth Area in which the land is situated. The *comprehensive development consent* application for all initial development of land within this zone shall meet the standard and terms of Rule 14B.6.10 Restricted Discretionary Activities – Wairakei Residential Zone Standard and Terms.
- b) An outline development plan and written environmental assessment including a design report written by an independent person suitably qualified and/or experienced in the field of urban design, building design or landscape design, shall be submitted as part of the *comprehensive development consent* application to address how the standards and terms of *Rule 14B.6.10 Restricted Discretionary Activities – Wairakei Residential Zone* can be met..
- c) A concept design report shall be provided to establish the serviceability of each land parcel or site in meeting the needs of the stormwater management rules relating to Wairakei. The concept design report shall cover:
 - i) The relevant stormwater consent applying to the proposed development;
 - ii) The location, area, volume and form of storage ponds and other areas of land to be used for storage;
 - iii) The total catchment served by the ponds and the expected runoff compared to the land uses and runoff expected from the development area (that is the land covered by the application)

- iv) Overland flow paths for a 100 year event;
- v) Assessment of and a statement of professional opinion from a suitability qualified engineer as to compliance with the relevant stormwater consent for Wairakei and the relevant conditions attached to that consent.

14B.6.10.2 Development Yield and Staging

- a) Land within the Wairakei Urban Growth Area shall be comprehensively developed as defined development areas or sub areas within those development areas. The first areas of Wairakei Residential zoned land to be developed shall be Development Areas 1A and 1B, as shown on Wairakei Urban Growth Area Staging Plan (Diagram 11, Section 5, *Plan Maps (Part B)*). There is no sequential order of development for any other stages shown on the Staging Plan.
- b) The minimum yield target for independent dwelling units or dwelling unit equivalents, of gross developable area for each development area shall be in accordance with the following:

Rule
Appealed

Development Area (as shown in Wairakei Staging Plan Diagram)	Gross Developable Area for Development Area	Minimum Yield Target for Independent Dwelling Units or Dwelling Unit Equivalents – per development area
Area 1A	35.7 ha	500
Area 1B	35.7 ha	500
Area 1C	3.9 ha	118
Area 2A	42.9 ha	705
Area 2B	50.3 ha	768
Area 3	6.0 ha	84
Area 4	21.0 ha	323
Area 5	3.8 ha	53
Area 6	(Papamoa Employment)	0
Area 7	(Active Reserve)	0
Area 8	8.7 ha	149

Note: For the avoidance of doubt, a comprehensive development consent may provide for defined development areas over time as specified in the consent in accordance with these rules.

Note
Appealed

- c) Where land is developed in any of the defined development areas shown on the Staging Plan (Diagram 11, Section 5, *Plan Maps (Part B)*), or any sub stage of that area, it shall be demonstrated that the minimum yield target for *independent dwelling units* or dwelling unit equivalents set out in *Rule 14B.6.10.2.b)* above is met by the development that is the subject of the consent, calculated on a pro-rata basis.
- d) The minimum yield target specified for a development area under this Rule:
 - i) may be reduced by no more than 10% within a development area, or the current or proceeding stages may cumulatively have a shortfall reduction of no more than 5% of the minimum yield target, and
 - ii) it is clearly demonstrated that the minimum yield target shortfall reduction can be accommodated in subsequent stages.
- e) For the purpose of calculating the independent dwelling unit minimum target yield a pro-rata reduction on a square meter basis can be used but shall be limited to the following consented non-residential activities: *Visitor Accommodation, Education Facilities, Places of Assembly, Heritage sites, Health Centres, Hospitals.*

Rule
Appealed

Note: Any Activity that does not comply with Rule 14B.6.10.2 – Development Yield and Staging shall be considered a Non-Complying Activity.

Note
Appealed

14B.6.10.3 Papamoa Beach Road Capacity

- a) Up to one thousand (1000) consented *independent dwelling units* or dwelling unit equivalents, for which resource consent approval has already been granted under *Rule 14B.6.10*, may be developed within the Wairakei Urban Growth Area before the Te Okuroa Drive connection to Parton Road must be made. After the first 1000 independent dwelling units have been granted consent, further consents will only be granted as a restricted discretionary activity where the applicant can show that traffic carrying

capacity is available on Papamoa Beach Road. The carrying capacity of Papamoa Beach Road is a maximum of 14, 300 vehicles per day (recorded just east of Parton Road).

- b) Once the carrying capacity of Papamoa Beach Road is met the development of any further dwelling units or dwelling unit equivalents shall be a non complying activity unless Te Okuroa Drive is fully constructed in accordance with the requirements of the Council's Infrastructure Development Code between the consent (land use, *subdivision* or *building* consent) location and Parton Road.

Note: Any Activity that does not comply with Rule 14B.6.10.3 – Papamoa Beach Road Capacity shall be considered a Non-Complying Activity.

14B.6.10.4 Stormwater Management

- a) Stormwater shall be managed in accordance with the Papamoa Comprehensive Stormwater Consent (Consent Number 63636) and associated Catchment Management Plan and the Discharge Consent for Catchments G and H in the Bell Road Catchment (Consent No 65120).
- b) Development for any permanent land use activity within that part of the Wairakei Residential Zone that discharges into the Wairakei Stream Corridor shall provide storage equal to the difference in runoff volume between the undeveloped and developed state for a 100 year ARI 48Hour rainfall event.
- c) Development for any permanent land use activity shall ensure that the combined primary and secondary stormwater systems are designed so that the top water level in the Wairakei Urban Growth Area does not exceed a height of 4.6m RL (relative to Moturiki Datum) in a 100 year ARI 48 Hour rainfall event in accordance with the Papamoa Comprehensive Stormwater Consent (Consent Number 63636) and associated Catchment Management Plan.
- d) Development for any permanent land use activity shall ensure that stormwater systems are designed to comply with the water quality standards set by the Papamoa Comprehensive Stormwater Consent (Consent Number 63636) and associated Catchment Management Plan for discharges into the Wairakei Stream Corridor and the Bell Road Stormwater Consent (Consent Number 65120) for discharges from Catchments G and H.
- e) Development for permanent land use activity shall be designed to incorporate emergency overland flowpaths into the Bell Road Catchment for flood events greater than the 100 year ARI rainfall event, as required by the Papamoa Comprehensive Stormwater Consent (Consent Number 63636) and associated Catchment Management Plan.
- f) Use of ground soakage for the disposal of stormwater from roofs of residential buildings in the Wairakei Residential Zone.
- g) Prior to the issuing of a Section 224 certificate to any land use development or subdivision the stormwater ponds and associated discharge connections and structures must be completed to the full extent required to serve that development, development area or subdivision. Where those devices are to be constructed on-site as part of the development or subdivision, they shall be installed and operational prior to any pavement or impervious surfaces being formed within the sub-catchment they serve.

Note: Any Activity that does not comply with Rule 14B.6.10.4 – Stormwater Management shall be considered a Non-Complying Activity.

Note: (i) Use of ground soakage for the disposal of stormwater from roofs of non residential buildings is also encouraged.

(ii) The Council holds stormwater catchment consents for the Papamoa (Wairakei) Catchment Area, and for the two catchments that discharge into the Bell Road drain. These consents and the areas covered by them are described in the Plan within the Comprehensive Stormwater Consent definition.

(iii) A network of stormwater ponds will be provided throughout the Wairakei Urban Growth Area to detain and treat stormwater. Some will be permanently "wet" and others "dry", required only during periods of heavy rainfall.

14B.6.10.5 Building Height

The maximum *height* of any building on a site shall be 9.5m.

14B.6.10.6 Building Platforms

All new *buildings* shall have a minimum building platform level (relative to Moturiki datum) of:

- a) 4.8 m RL for non habitable residential *buildings*;
- b) 5.1 m RL for habitable *buildings* (including attached garages).

14B.6.10.7 Road Standards

- a) Roads shall be designed and constructed in accordance with the *Council's* Infrastructure Development Code for that type of road;
- b) Any development on land adjoining the Boulevard or Te Okuroa Drive shall have that section of the road adjoining the development site constructed to its full width;
- c) Development of land zoned Wairakei Residential shall be designed and constructed so that there is no direct road access to Te Okuroa Drive. For the avoidance of doubt, individual sites which are to be created for independent dwellings only and zoned Wairakei Residential may have direct vehicle access from Te Okuroa Drive that meets the requirements of *Chapter 4 – General Rules*.

14B.6.10.8 Water Supply Standards

- a) Up to one thousand (1000) consented *independent dwelling units* or dwelling unit equivalents, for which resource consent approval has already been granted under *Rule 14B.6.10*, may be developed within the Wairakei Urban Growth Area before a new water supply for Wairakei has been installed.
- b) After the first 1000 *independent dwelling units* have been granted consent, further consents will only be granted as a restricted discretionary activity where the applicant, through a report by an appropriately qualified expert, can show that water supply capacity is available in the existing water trunk main network serving Wairakei.

14B.6.10.9 Wastewater Standards

- a) Twelve local and one intermediate pump stations are required to serve the Wairakei Urban Growth Area. Applicants shall locate the pump stations required to serve the subject development area in general accordance with Diagram 12, Section 5, *Plan Maps (Part B)* (Wairakei Structure Plan) (SP15) and construct them in accordance with the *Council's* Infrastructure Development Code;
- b) Pump stations 10 and 12 should be constructed with pump station 10 discharging into pump station 12 by way of the planned rising and gravity mains shown on Diagram 12, Section 5, *Plan Maps (Part B)* (Wairakei Structure Plan) (SP15). The development of land requiring the use of pump station 12 must show the connection enabling pump station 10 to discharge into pump station 12.

14B.6.10.10 Reserves

- a) The amount of *reserve* and open space land within the Wairakei Urban Growth Area shall meet the *Council's* Open Space Level of Service Policy (June 2010) requirements, and be identified as part of the *comprehensive development consent* process;
- b) The final location, size and form of neighborhood reserves must comply with the Council's Best Practice Guide for Neighborhood Reserves (2002) document.

14B.6.10.11 Outdoor Living Space and Sunlight

- a) Each independent dwelling unit should have a private outdoor living space continuous with the dwelling unit which should, if at ground level, have a minimum area of 20m² and minimum dimensions of 3m x 4m, or, if located above ground level should be a balcony of at least 6m² having a minimum dimension of 1.5 metres.
- b) Any nominated private outdoor living space should be unobstructed by buildings, parking spaces or vehicle access and manoeuvring areas and future boundary lines.
- c) Any area of private outdoor living space should be located to receive at least 4 hours of sunlight on the 21 June.

14B.6.10.12 Streetscape

All garages and carports within sites located in the Wairakei Residential Zone should be located behind the line of the primary building frontage on that site.

14B.6.10.13 Minimum Dwelling Size

The minimum gross floorspace of any *independent dwelling unit* (excluding any *accessory building*) should be 45m² for a studio unit, 55m² for 1-bedroom unit, and 80m² for *independent dwelling units* with 2 or more bedrooms.

Note: Any Activity that does not comply with Restricted Discretionary Activity Rules 14B.6.10.1, 14B.6.10.5, 14B.6.10.6, 14B.6.10.7, 14B.6.10.8, 14B.6.10.9, 14B.6.10.10, 14B.6.10.11, 14B.6.10.12, 14B.6.10.13 inclusive shall still be considered as a Restricted Discretionary Activity under Rule 14B.6.g). Any activity that does not comply with Rules 14B.6.10.2, 14B.6.10.3, 14B.6.10.4 inclusive shall be considered as a Non Complying Activity.

14B.6.11 Restricted Discretionary Activity - Matters of Discretion and Conditions - Wairakei Residential Zone

The Council restricts the exercise of its discretion to the following matters:

14B.6.11.1 General Matters

- a) An assessment of a *comprehensive development consent* outline plan and design report to be submitted with the application which demonstrates how the proposal meets the standards and terms under *Rule 14B.6.10*;
- b) Imposition of conditions related to compliance with an approved *comprehensive development consent* plan, compliance with relevant standards and terms under *Rule 14B.6.10*, and outcomes from consideration of the matters of discretion under *Rule 14B.6.11*, and associated easements and/or covenants and consent notices required to implement an approved plan.

14B.6.11.2 Objectives and Policies

- a) Whether the proposal meets 14B.1.4 Objective – Comprehensive Development in the Wairakei Residential Zone and 14B.1.4.1 Policy – Comprehensive Development in the Wairakei Residential Zone.

14B.6.11.3 Character and Amenity

- a) The extent to which the proposed development will contribute to establishing and maintaining a new urban residential neighborhood environment at Wairakei;
- b) A residential development is designed to allow sunlight into main living areas, bedrooms and studios;
- c) A residential development is designed to create on-site amenity and visual privacy between units;
- d) Buildings and activities are designed and located to minimise any adverse effects from noise within the building and from outdoor activity areas;
- e) Activities within *buildings* are designed and orientated to enable passive surveillance of the street;
- f) Architectural features, glazing and/or changes in material provide visual relief to the street frontage façade and street elevation of the *building*;
- g) Vehicle and pedestrian access is designed and located to ensure safe and efficient movement on-site and to and from the street.

14B.6.11.4 Development Yield and Infrastructure

- a) Whether the proposal can address any adverse effects of the development on local water supply capacity, wastewater systems, *stormwater* management and the local road network capacity and how those effects can be adequately avoided, remedied or mitigated;
- b) The extent to which the roads are designed to meet the standards and cross sections in the *Council's* Infrastructure Development Code;
- c) The construction of Te Okuroa Drive and the Boulevard to full width when adjoining development is undertaken;
- d) The design and location of internal road connections to arterial or collector roads within Wairakei Urban Growth Area;
- e) The extent to which provision is made for walking and cycling accessibility to / from and within the proposed development;
- f) The extent to which the proposal is in general accordance with and supports implementation of Diagram 12, Section 5, *Plan Maps (Part B)* (Wairakei Structure Plan) (SP15);
- g) The extent to which the proposal meets the *Council's* Open Space Level of Service Policy (June 2010)

and local reserves and open spaces are designed in accordance with Council's Best Practice Guide for Neighborhood Reserves (2002).

Note: The Development Guide of Tauranga City Council will also be used as a reference guide only in consideration of these matters of discretion.

14B.6.12 Restricted Discretionary Activity - Standards and Terms – Comprehensively Planned Retirement Villages

a) Comprehensively planned retirement villages shall comply with the following permitted activity rules:

- i) 14B.3.2 – Building Height;
- ii) 14B.3.3 – Streetscape;
- iii) 14B.3.4 – Setbacks;
- iv) 14B.3.5 – Setbacks – Traffic Management – Safety;
- v) 14B.3.6 – Overshadowing;
- vi) 14B.3.7 – Site Coverage;

b) Shall occur on a development site with a minimum gross site area of 5000m²;

c) The maximum development intensity shall be:

Activity	Density
<u>Independent dwelling units</u>	<u>1 per 200m² of gross site area</u>
<u>Rest home</u>	<u>1 bed or resident per 75m² of gross site area</u>

d) There shall be a maximum building length of 15 metres without facade setback or mitigation, such as architectural features, that provide visual relief to the facade and elevation of the building;

e) Ancillary activities and facilities incorporated within the comprehensively planned retirement village shall be for the use of village residents only and shall be limited to:

- Healthcare facilities;
- Communal recreational areas and facilities;
- Retail and service facilities;
- Offices for the purpose of the day to day administration of the retirement village in which it is located;

f) An application for a comprehensively planned retirement village shall be accompanied by an urban design assessment prepared by an independent person suitably qualified and/or experienced in the field of urban design, building design or landscape design, which clearly discusses:

- i) the nature and location of on-site amenity to be provided for village residents; including both individual and communal and indoor and outdoor recreational areas and facilities; and
- ii) the manner in which the activity relates to, and addresses adverse effects on, the residential amenity values and character of its adjoining and adjacent neighbours and the wider suburban residential environment in accordance with urban design principles.

g) An application for a comprehensively planned retirement village shall be accompanied by an engineering assessment of infrastructural capacity within the subject catchment in relation to the anticipated water, wastewater and stormwater demands generated by the proposed activity;

h) Comprehensively planned retirement villages shall also comply with the following sections of the Plan:

- i) The provisions of Chapter 4 – General Rules;
- ii) The provisions of Chapter 7 – Heritage;
- iii) The provisions of Chapter 8 – Natural Hazards;
- iv) The provisions of Chapter 9 – Hazardous Substances and Contaminated Land;
- v) The provisions of Chapter 11 – Financial Contributions;
- vi) The provisions of Chapter 12 – Subdivision, Infrastructure and Services, Section 12G – Infrastructure and Services;
- vii) The provisions of any Plan Area.

(VAR 1 – No Legal Effect)

Note: Any activity that does not comply with Rules 14B.6.12 b), c), d), e), f), or g) will result in the activity being considered as a Discretionary Activity in accordance with Rule 14B.7. Activities that do not comply with Rules 14B.6.12 a) or 14B.6.12 h) will result in the activity being considered in accordance with the applicable corresponding provisions of the Plan.

14B.6.13 Restricted Discretionary Activities – Matters of Discretion and Conditions – Comprehensively Planned Retirement Villages

The Council restricts the exercise of its discretion to:

- a) The extent to which the use maintains and/or enhances the residential amenity (including privacy), character and coherence of the adjoining and adjacent neighbors and wider surrounding neighborhood;
- b) The extent to which the density, *height*, scale, layout and appearance of built form and the use of landscape planting addresses transition at the edges of the development site (including any street frontage) to assist with its integration with adjacent landuse;
- c) The extent to which the development contributes to the overall open nature of the surrounding neighborhood;
- d) The provision of on-site amenity, including communal village facilities and outdoor living areas;
- e) The capacity of infrastructure to accommodate the anticipated demand of the activity;
- f) The extent to which vehicular traffic generated by the activity can be accommodated without compromising the functionality of the road (taking into account its place in the hierarchy, traffic volumes, safety and efficient pedestrian movement) or without loss of residential amenity in the neighborhood;
- g) The design and location of entry and exit points onto public roads;
- h) The provision of on-site car parking and loading spaces;
- i) The application of Financial Contributions in accordance with *Chapter 11*.

(VAR 1 – No Legal Effect)

14B.7 Discretionary Activity Rules

The following are Discretionary Activities:

- a) Any Permitted Activity in the Suburban Residential Zone that does not comply with three or more of the following:
 - i) *Rule 14B.3.3 – Streetscape;*
 - ii) *Rule 14B.3.4 a) i) and a) iii), a) iv), b), c), d), e) – Setbacks;*
 - iii) *Rule 14B.3.5 – Setbacks;*
 - iv) *Rule 14B.3.6 – Overshadowing;*
 - v) *Rule 14B.3.9 – Access;*
 - vi) *Rule 14B.3.10 – Outdoor Living Area;*
 - vii) *Rule 14B.3.13 h) – Outdoor Living Area – Secondary Independent Dwelling Units.*

(VAR 3 – No Legal Effect)
- b) Activities in the Suburban Residential Zone and Large Lot Residential Zone not complying with:
 - i) *Rule 14B.3.1 – Residential Development Density (excluding comprehensively planned retirement villages);*

(VAR 1 – No Legal Effect)

 - ii) *Rule 14B.3.2 – Building Height;*
 - iii) *Rule 14B.3.7 – Site Coverage (Suburban Residential);*
 - iv) *Rule 14B.3.8 – Site Coverage (Large Lot Residential);*
 - v) *Rule 14B.3.13 a), b), c), d) and/or e) – Secondary Independent Dwellings Units.*

(VAR 3 – No Legal Effect)
- c) Any Permitted Activity that does not comply with the Special Permitted Activity Rules for any Scheduled Site;
- d) Any Controlled Activity that does not comply with *Rule 14B.5.3.1 or Rule 14B.5.3.2 Comprehensive Development;*

Rule
Appealed

Rule
Appealed

Rule
Appealed

- | | |
|---|---|
| <ul style="list-style-type: none"> e) Any Restricted Discretionary Activity that does not comply with <i>Rule 14B.6.3 Standards and Terms - Activities</i> not complying with <i>Rule 14B.3.4 d) and e)</i>; f) An Office Ancillary to a <i>Showhome</i> that does not comply with <i>Rule 14B.6.5 – Standards and Terms for an Office Ancillary to a Showhome</i>; g) Any Special Restricted Discretionary Activity on the Grace Hospital Cheyne Road Scheduled Site that does not comply with <i>Rule 14B.6.7</i> shall be considered a Discretionary Activity; h) <u><i>Comprehensively planned retirement villages</i> that do not comply with <i>Rules 14B.6.12 b), c), d), e), f) or g) - Standards and Terms for Comprehensively Planned Retirement Villages</i>;</u>
<u>(VAR 1 – No Legal Effect)</u> i) Any Activity which is not a Permitted, Controlled, Restricted Discretionary, or Non-Complying Activity; j) Any Activity listed in <i>Table 14B.1</i> as a Discretionary Activity. | <div style="border: 1px solid black; padding: 5px; width: 50px; margin: auto;"> Rules
Appealed </div> |
|---|---|

14B.7.1 Assessment of Discretionary Activities

In considering a Discretionary Activity the *Council's* discretion is unrestricted. The Council will consider any relevant matter with particular regard to the relevant Objectives and Policies of the Plan.

14B.8 Non-Complying Activities

The following are Non-Complying Activities:

- a) Any Permitted Activity that does not comply with *Rule 14B.3.4 a) ii) – Setbacks*;
- b) Any homestay that does not comply with *Rule 14B.3.11 – Homestay*;
- c) Any home-based business that does not comply with *Rule 14B.3.12 - Home-based Business*;
- d) Any Permitted Activity that does not comply with *Rule 14B.3.14 - Heavy Machinery*;
- e) Any Activity listed as Non-complying in *Table 14B.1*;
- f) Any Restricted Discretionary Activity that does not comply with *Rule 14B.6.10.2 – Development Yield and Staging*, *14B.6.10.3 – Papamoa Beach Road Capacity*, *Rule 14B.6.10.4 – Stormwater Management*.

14C Purpose of the Urban Marae Community Zone and the Ngati Kahu Papakainga Zone

14C.1 Purpose of the Urban Marae Community Zone

The purpose of the Urban Marae Community Zone is to provide for activities within established urban marae, which may range from *tangi* and *hui* through to the provision of residential accommodation, health, education, recreation and social services. The mix, design and operation of these facilities can be considered unique to marae. Urban Marae within the City are Huria, Harini, Maungatapu and Whareroa.

The communal nature and use of marae facilities and the amenity they provide for residents within the zone is recognised through there being no on-site private open space requirement and the densities of residential activity being based on the overall area of the zone. As these zones are within Suburban Residential Zone locations, development is however, still expected to be of a low density, low rise character. For this reason all other bulk and location controls that apply to the zone are the same as in the Suburban Residential Zone.

14C.2 Purpose of the Ngati Kahu Papakainga Community Zone

The Ngati Kahu Papakainga Zone provides for a mix of marae, residential and rural activities within this existing marae around which the urbanisation of the Bethlehem West area is taking place. The communal nature and use of marae facilities and the amenity they provide for residents within the zone is recognised through there being no on-site private open space requirement and densities of *residential activity* being based on the overall area of the zone. However, the changing nature of the surrounding environment is reflected in provisions tailored to the zone which provide for bulk and location to be compatible with the Suburban Residential Zone, but for rural and some rural based commercial activity to continue. The zone also provides for recreational and conservation areas to be retained within the marae area.

14C.3 Objectives and Policies for the Urban Marae Community Zone and the Ngati Kahu Papakainga Zone

14C.3.1 Objective - Urban Marae Community Zones and the Ngati Kahu Papakainga Zone

- a) To recognise and provide for the use and development of marae that meet the evolving needs of their *iwi*, *hapu* and *whanau*;
- b) To enable tangata whenua to have opportunities to exercise kaitiakitanga over marae resources in their respective *hapu* areas.

14C.3.1.1 Policy - Urban Marae Community Zone and the Ngati Kahu Papakainga Zone

By applying a zone to existing urban marae which:

- a) Recognises marae as a focus and integral component of kainga;
- b) Permits the establishment of education, health, social service, recreation and housing facilities and home-based businesses, as well as facilities associated with more traditional marae uses where these comply to Permitted Activity conditions, including development thresholds.

14C.3.2 Objective - Site Layout and Building Design – Urban Marae Community Zone

Development within the zone provides for a cultural mix of activities within the marae, but is still compatible with the existing and anticipated suburban residential character and amenity of the surrounding neighborhood, characterised by space around *buildings*, on-site open space, provision of sunlight and privacy.

14C.3.2.1 Policy – Site and Building Design – Urban Marae Community Zone

By ensuring the layout and design of development:

- a) Provides *building setbacks* between *sites* that ensure a physical separation of *buildings* between *sites*, access for *building* maintenance, and contribution to the visual and aural privacy of adjoining *sites*;
- b) Ensures that *buildings* are setback from the road *boundary* to provide a consistent *streetscape* that provides opportunities for landscape planting and encourages passive surveillance of the road;
- c) Cumulatively contributes to the overall open nature of the surrounding neighbourhood.

14C.3.3 Objective - Site Layout and Building Design – Ngati Kahu Papakainga Zone

Development within the Ngati Kahu Papakainga Zone provides for a cultural mix of activities within the marae, including the Commercial (Waewae) Zone, but is still compatible with the existing and anticipated suburban residential character and amenity of the surrounding neighborhood characterised by space around *buildings*, on-site open space, provision of sunlight and privacy. Areas of the zone reserved for recreation and conservation are maintained largely as *open space*, and *building* and development in these areas is minimal.

14C.3.3.1 Policy – Site and Building Design – Ngati Kahu Papakainga Zone

By ensuring the layout and design of development:

- a) Provides *building setbacks* between *sites* that ensure a physical separation of *buildings* between *sites*, access for *building* maintenance, and contribution to the visual and aural privacy of adjoining *sites*;
- b) Ensures that *buildings* are setback from the road *boundary* to provide a consistent *streetscape* that provides opportunities for landscape planting and encourages passive surveillance of the road;
- c) Cumulatively contributes to the overall open nature of the surrounding neighbourhood.

14C.4 Activity Status Rules

14C.4.1 Activities in the Urban Marae Community Zone and the Ngati Kahu Papakainga Zone

All activities in Urban Marae Community Zone and the Ngati Kahu Papakainga Zone shall have the status identified in *Table 14C.1*. Symbols used in *Table 14C.1* have the meaning described in *Table 1A.2: Activity Status*.

Note: Residential activities, visitor accommodation, homestay, schools and tertiary education premises and health centres shall be subject to Rule 4E.2.5 – Port Industry Zone and Noise Control Boundaries.

Note: Residential activities, visitor accommodation, schools and tertiary education premises and health centres within the Airport Noise Control Boundaries shall be subject to Rule 4E.3 a) – Restricted Discretionary activities.

Table 14C.1: Urban Marae Community Zone and Ngati Kahu Papakainga Zone Activity Status

Use/Activity	Relevant Rule	Urban Marae Community Zone	Ngati Kahu Papakainga Sub-Zone A	Ngati Kahu Papakainga Commercial (Waeuae) Zone	Ngati Kahu Papakainga Sub-Zone B (Recreation)	Ngati Kahu Papakainga Sub-Zone B (Conservation)
Accessory Buildings, Structures and Activities	14C.5	P	P	P	P	P
Ancillary Retail		NC (Refer Rule 14C.8)	P (Refer Rule 14C.5)	NC (Refer Rule 14C.8)	NC (Refer Rule 14C.8)	NC (Refer Rule 14C.8)
Business activities not listed elsewhere in this table	14C.8	NC	NC	NC	NC	NC
Camping Grounds		NC (Refer Rule 14C.8)	NC (Refer Rule 14C.8)	NC (Refer Rule 14C.8)	D (Refer Rule 14C.7)	NC (Refer Rule 14C.8)
Churches		D (Refer Rule 14C.7)	D (Refer Rule 14C.7)	D (Refer Rule 14C.7)	NC (Refer Rule 14C.8)	NC (Refer Rule 14C.8)

Use/Activity	Relevant Rule	Urban Marae Community Zone	Ngati Kahu Papakainga Sub-Zone A	Ngati Kahu Papakainga Commercial (Waewae) Zone	Ngati Kahu Papakainga Sub-Zone B (Recreation)	Ngati Kahu Papakainga Sub-Zone B (Conservation)	
Gymnasia		NC (Refer Rule 14C.8)	NC (Refer Rule 14C.8)	P (Refer Rule 14C.5)	D (Refer Rule 14C.7)	NC (Refer Rule 14C.8)	
Home-based business		P (Refer Rule 14C.5)	P (Refer Rule 14C.5)	P (Refer Rule 14C.5)	NC (Refer Rule 14C.8)	NC (Refer Rule 14C.8)	
Health centres		P (Refer Rule 14C.5)	P (Refer Rule 14C.5)	P (Refer Rule 14C.5)	NC (Refer Rule 14C.8)	NC (Refer Rule 14C.8)	
Independent dwelling unit		P (Refer Rule 14C.5)	P (Refer Rule 14C.5)	P (Refer Rule 14C.5)	NC (Refer Rule 14C.8)	NC (Refer Rule 14C.8)	
Industrial activities	14C.8	NC	NC	NC	NC	NC	
Lock-up storage facilities		NC (Refer Rule 14C.8)	NC (Refer Rule 14C.8)	P (Refer Rule 14C.5)	NC (Refer Rule 14C.8)	NC (Refer Rule 14C.8)	
Marae-based activities including wharenui wharekai, whareumu, pataka		P (Refer Rule 14C.5)	P (Refer Rule 14C.5)	D (Refer Rule 14C.7)	NC (Refer Rule 14C.8)	NC (Refer Rule 14C.8)	
Minor public recreational facilities and activities		P (Refer Rule 14C.5)	P (Refer Rule 14C.5)	P (Refer Rule 14C.5)	NC (Refer Rule 14C.8)	NC (Refer Rule 14C.8)	Definition Appealed
Ngati Kahu kaumatua dwelling unit equivalent		n/a	P (Refer Rule 14C.5)	P (Refer Rule 14C.5)	NC (Refer Rule 14C.8)	NC (Refer Rule 14C.8)	
Offices		P (Refer Rule 14C.5)	P (Refer Rule 14C.5)	P (Refer Rule 14C.5)	NC (Refer Rule 14C.8)	NC (Refer Rule 14C.8)	

Use/Activity	Relevant Rule	Urban Marae Community Zone	Ngati Kahu Papakainga Sub-Zone A	Ngati Kahu Papakainga Commercial (Waewae) Zone	Ngati Kahu Papakainga Sub-Zone B (Recreation)	Ngati Kahu Papakainga Sub-Zone B (Conservation)
Produce stalls		NC (Refer Rule 14C.8)	P (Refer Rule 14C.5)	P (Refer Rule 14C.5)	NC (Refer Rule 14C.8)	NC (Refer Rule 14C.8)
Primary production activities, excluding forestry, pig farming, factory farming and aerial spraying of crops		NC (Refer Rule 14C.8)	P (Refer Rule 14C.5)	D (Refer Rule 14C.7)	P (Refer Rule 14C.5)	NC (Refer Rule 14C.8)
Schools		P (Refer Rule 14C.5)	P (Refer Rule 14C.5)	P (Refer Rule 14C.5)	NC (Refer Rule 14C.8)	NC (Refer Rule 14C.8)
Shared accommodation		P (Refer Rule 14C.5)	P (Refer Rule 14C.5)	P (Refer Rule 14C.5)	NC (Refer Rule 14C.8)	NC (Refer Rule 14C.8)
Tertiary education premises		P (Refer Rule 14C.5)	P (Refer Rule 14C.5)	P (Refer Rule 14C.5)	NC (Refer Rule 14C.8)	NC (Refer Rule 14C.8)
Urupa		P (Refer Rule 14C.5)	P (Refer Rule 14C.5)	D (Refer Rule 14C.7)	P (Refer Rule 14C.5)	P (Refer Rule 14C.5)
Visitor accommodation		P (Refer Rule 14C.5)	P (Refer Rule 14C.5)	D (Refer Rule 14C.7)	NC (Refer Rule 14C.8)	NC (Refer Rule 14C.8)
Wholesale plant nurseries (excludes sales of propagated plants to the public)		NC (Refer Rule 14C.8)	NC (Refer Rule 14C.8)	NC (Refer Rule 14C.8)	P (Refer Rule 14C.5)	P (Refer Rule 14C.5)
Works for the purpose of maintaining fences, vegetation, access and associated structures.	14C.5	P	P	P	P	P

14C.5 Permitted Activity Rules

Note: Any activity that does not comply with a Permitted Activity Rule shall be considered a Restricted Discretionary Activity, unless stated otherwise.

14C.5.1 Density of Independent Dwelling Units and Shared Accommodation

The maximum development density for *Independent dwelling units* and *shared accommodation* on a *site* shall be:

Zone	Density
Urban Marae Community Zone	1 <i>independent dwelling unit</i> per 325m ² of gross <i>site</i> area
Urban Marae Community Zone, shared accommodation	A maximum of 8 permanent residents per <i>site</i>
Ngati Kahu Sub-Zone A and Commercial (Waewae) Sub-Zone	17 <i>independent dwelling units</i> (or their <i>Ngati Kahu kaumatua dwelling unit equivalent</i>) per hectare
Ngati Kahu Sub-Zone A and Commercial (Waewae) Sub-Zone, shared accommodation	A maximum of 8 permanent residents per <i>site</i>

Note: Any activity that does not comply with Permitted Activity Rule 14C.5.1 – Density of Independent Dwelling Units and Shared Accommodation shall be considered a Discretionary Activity.

14C.5.2 Building Height

a) The maximum height of any building, with the exception of the permitted intrusions in *Rule 4H.2.3*, shall be:

Zone	Height
Urban Marae Community Zone	9m
Ngati Kahu Sub-Zone A, Commercial (Waewae) Sub-Zone and Sub-Zone B (Recreation)	9m
Ngati Kahu Sub-Zone B (Conservation)	3.5m

b) Provided that no building or structure within any identified Viewshaft Protection Area, with the exception of the Permitted Intrusions in *Rule 4H.2.3*, shall exceed the maximum height identified within the *Plan Maps (Part B)*.

Note: Any activity that does not comply with Permitted Activity Rule 14C.5.2 – Building Height shall be considered a Discretionary Activity.

14C.5.3 Building Scale - Ngati Kahu Papakainga Zone, Sub-Zone B

Zone	Height
Sub-Zone B (Recreation)	The maximum <i>gross floor area</i> of any <i>building</i> in Sub-Zone B (Recreation) shall be 150m ² No more than two <i>buildings</i> are permitted in Sub-Zone B (Recreation)
Sub-Zone B (Conservation)	The maximum <i>gross floor area</i> of any <i>building</i> in Sub-Zone B (Conservation) shall be 50m ² No more than one <i>building</i> is permitted in Sub-Zone B (Conservation)

Note: Any activity that does not comply with Permitted Activity Rule 14C.5.3 – Building Scale shall be considered a Discretionary Activity.

14C.5.4 Streetscape

14C.5.4.1 Urban Marae Community Zone

All *buildings* on a *site* with a frontage to a legal road shall be set back from the road *boundary* of the *site* as follows:

- a) 3 metres;
- b) All *buildings* on a *site* adjoining a Future Road Widening designation (as identified in *Plan Maps, Part B*) shall have the required *setback* measured from that designation *boundary*;
- c) The provision of on-site parking shall not be located within the required *Streetscape setback*.

14.26.4.2 Ngati Kahu Papakainga Zone

- a) All *buildings* on a *site* with frontage to Carmichael Road and State Highway 2 shall be set back 5 metres from the road *boundary* of the *site*;
- b) All *buildings* on a *site* adjoining a Future Road Widening designation (as identified on *Plan Maps, Part B*) shall have the required setback measured from that designation *boundary*;
- c) The provision of on-site parking shall not be located within the required *streetscape setback*.

14C.5.5 Setbacks

All *buildings*, excluding any setback intrusions permitted under *Rule 4H.2.1* shall provide the following *setbacks* from a side or rear *boundary*.

- a) A minimum of 1.5 metres from a side or rear *boundary*;
- b) A minimum of 5 metres from the *boundary* of the Conservation Zone;
- c) A *building* may be erected closer to a side or rear *setback* where the written consent of those property owners and occupiers whose properties adjoin the proposed non-compliance has been obtained and is clearly endorsed on all relevant building consent plans. In the context of this rule an adjoining property will include rights of way and properties separated by rights of way adjoining the non-compliance. A maximum of two *setbacks* may be reduced through this rule;
- d) All *buildings*, excluding *minor structures and activities*, shall be setback a minimum of 15 metres from *MHWS*;
- e) All new *buildings*, excluding *minor structures and activities*, shall be setback a minimum of 10 metres from the edge of a bank of a *permanently flowing river or stream*, or *wetland*;
- f) Where a *site* adjoins an *Open Space Zone* or the *Coastal Marine Area*, the common boundary (that being the zone boundary) may be fenced to a maximum of:
 - i) 1.2 metres in *height*, or
 - ii) 1.8 metres in *height*, consisting of *visually permeable materials*.

Rule
Appealed

Rule
Appealed

Note: Permitted Activity Rule 14C.5.5 d), e), f) - Setbacks does not apply where the subject site is separated by a formed legal road from the Coastal Marine Area.

Note: Any activity that does not comply with Permitted Activity 14C.5.5 a), c), d), e), f) - Setbacks, shall be considered a Restricted Discretionary Activity.

Note: Any Activity which does not comply with Permitted Activity Rule 14C.5.5.b) shall be considered a Non-Complying Activity.

14C.5.6 Setbacks – Traffic Management – Safety

All garages or carports designed with direct vehicle access to a road shall be set back at least 4.5 metres from the road boundary.

14C.5.7 Overshadowing

- a) All *buildings*, excluding any overshadowing intrusions permitted under *Rule 4H.2.2* shall be within a *building envelope* calculated in accordance with *Appendix 14C: Overshadowing*;
- b) A *building* may penetrate the overshadowing envelope if the written consent of those property owners and occupiers whose properties adjoin the proposed non-compliance has been obtained and is clearly endorsed on all relevant building consent plans. In the context of this rule an adjoining property will include right of way and properties separated by rights of way adjoining the non-compliance.

14C.5.8 Access

14C.5.8.1 Urban Marae Community Zone

The maximum number of *independent dwelling units, shared accommodation or homestays* that can be served by private rights of ways, private accessway or legal access lot shall be:

Up to and including 2 independent dwelling units; or up to and including 2 self-contained visitor accommodation units	2.7m minimum legal width with a 2.4m minimum seal width
3-4 independent dwelling units or self-contained visitor accommodation units; or up to 2 independent dwelling units that include 1 ancillary visitor accommodation unit per independent dwelling unit; or 8 visitor accommodation units; or 2 shared accommodation premises	3m minimum legal width with a 2.5m minimum seal width
5-12 independent dwelling units or self-contained visitor accommodation units; or up to 8 independent dwelling units that include any 1 permitted ancillary visitor accommodation unit, or 24 visitor accommodation units; or up to 8 shared accommodation premises	6m minimum legal width, with a 5.0m minimum seal width provided that the shared access is constructed to allow 2 vehicles to pass within its boundaries

14C.5.8.2 Ngati Kahu Papakainga Zone

a) The maximum number of *independent dwelling units, Ngati Kahu kaumatua dwelling unit equivalents, ancillary visitor accommodation unit or visitor accommodation units* that can be served by private right-of-way, private accessway or legal access lot shall be:

Up to and including 2 independent dwelling units; or 2 Ngati Kahu kaumatua dwelling unit equivalents	2.7m minimum legal width with a 2.4m minimum seal width
4 independent dwelling units or 4 Ngati Kahu kaumatua dwelling unit equivalents; or up to 2 independent dwelling units that include 1 ancillary visitor accommodation unit; or 2 Ngati Kahu kaumatua dwelling unit equivalents that include 1 ancillary visitor accommodation unit per Ngati Kahu kaumatua dwelling unit equivalent; or 8 visitor accommodation units; or	3m minimum legal width with a 2.5m minimum seal width
12 independent dwelling units; or 12 Ngati Kahu kaumatua dwelling unit equivalents; or up to 8 independent dwelling units that include any 1 ancillary visitor accommodation unit per independent dwelling unit; or 8 Ngati Kahu kaumatua dwelling unit equivalents that include 1 ancillary visitor accommodation unit per Ngati Kahu kaumatua dwelling unit equivalent; or 24 visitor accommodation units	6m minimum legal width, with a 5.0m minimum seal width provided that the shared access is constructed to allow 2 vehicles to pass within its boundaries

b) Any vehicle access to the Commercial (Waewae) Sub-Zone shall be located generally opposite Te Paeroa Street.

14C.5.9 Home-based Business

The maximum development intensity for a *home-based business* or combination of *home-based business* activities on a single *site* shall be:

- a) Every *home-based business* or combination of *home-based business activities* per *independent dwelling unit* may employ not more than two other persons (Full Time Equivalent (FTE)) additional to the members of the household who permanently reside on the *site* and who own and operate the business from that *site*;
- b) The activity shall be carried out either within a dwelling, an *accessory building*, or in an outdoor activity area clearly designed and constructed for the purpose of the business or businesses, or a combination of these areas. The maximum total gross area used for the *home-based business* or combination of businesses, including *retail* sales space, shall be 50m² in the Urban Marae Community Zone and 80m² in the Ngati Kahu Papakainga Zone;
- c) The activity, including any aspect of it undertaken outdoors, shall not encroach on the *setback* or *streetscape* requirements of the *site* as defined in *the Plan*;
- d) *Retail* sales shall be limited to those goods and materials produced by the *home-based business* or used in the direct operation and management of that business or those businesses on the *site*. *Retail* sales shall take place from within a *building* or *structure* on the same *site* and the area occupied for *retail* sales shall be a constituent part of the gross area of the activity.

Note: Any activity that does not comply with Permitted Activity Rule 14C.5.9 – Home-based Business shall be considered a Non-Complying Activity.

14C.5.10 Visitor Accommodation

The maximum development intensity for *visitor accommodation* on a *site* shall be as follows:

- a) Urban Marae Community Zone:
 - i) 1 self-contained *visitor accommodation unit* per 100m² of *site*; or
 - ii) Where *visitor accommodation* is not self-contained the maximum *gross floor area* (GFA) of *habitable rooms* shall be 65m² per 100m² of *site* area.
 - iii) When added together, the maximum *gross floor area* (GFA) of all *habitable rooms* associated with *accommodation* on the *site* shall not exceed 65m².
- b) Ngati Kahu Papakainga Sub-Zone A:
 - i) For *sites* 1000m² or smaller, a maximum of 10 *visitor accommodation units* per *site*; or
 - ii) For *sites* greater than 1000m²:
One self-contained *visitor accommodation unit* per 100m² of *site* area; or
Where *visitor accommodation* is not self-contained, the maximum *gross floor area* of *habitable rooms* shall be 65m² per 100m² of *site* area.

Note: Any activity that does not comply with Permitted Activity Rule 14C.5.10 – Visitor Accommodation shall be considered a Discretionary Activity.

14C.5.11 Schools, Tertiary Education Premises, Health Centres and Offices in the Urban Marae Community Zone

- a) *Schools* and *tertiary education premises* shall be designed to ensure that the maximum occupancy of children or students at any one session, exclusive of staff, is 25.
- b) *Health centres* and *offices* shall be designed to ensure that maximum occupancy of fulltime equivalent staff is 4.
- c) *Schools* and *tertiary education premises* shall provide a 1.8m high screen wall or fence of permanent materials along any zone *boundary* other than a road *boundary*.
- d) Only one *school* or *tertiary education premise* or *health centre* may be established in each Urban Marae Community Zone.

Note: Any activity that does not comply with Permitted Activity Rule 14C.5.11 – Schools, Tertiary Education Premises, Health Centres and Offices in the Urban Marae Community Zone shall be considered a Discretionary Activity.

14C.5.12 Schools, Tertiary Education Premises, Health Centres and Offices in the Ngati Kahu Papakainga Zone

- a) *Schools and tertiary education premises* in the Ngati Kahu Papakainga Sub-Zone A and the Commercial (Waewae) Sub-Zone shall be designed to ensure the maximum occupancy of children or students at any one caregiving or educational session, exclusive of staff, is 50;
- b) *Health centres and offices* in Sub-Zone A shall be designed to ensure the maximum occupancy of fulltime equivalent staff on the *site* is 12. This limit shall not apply to *offices* in the Commercial (Waewae) Sub-Zone;
- c) *Schools and tertiary education premises* shall provide a 1.8m high screen wall or fence of permanent materials along any zone *boundary* other than a road *boundary*;
- d) Only one *school or tertiary education premise or health centre* may be established as a Permitted Activity in the Ngati Kahu Papakainga Zone.

Note: Any activity that does not comply with Permitted Activity Rule 14C.5.12 – Schools, Tertiary Education Premises, Health Centres and Offices in the Ngati Kahu Papakainga Zone shall be considered a Discretionary Activity.

14C.5.13 Gymnasia – Ngati Kahu Papakainga Zone

Gymnasia in the Commercial (Waewae) Sub-Zone shall be designed to ensure the maximum occupancy of persons using the facility, exclusive of staff, is 50.

Note: Any activity that does not comply with Permitted Activity Rule 14C.5.13 – Gymnasia – Ngati Kahu Papakainga Zone shall be considered a Discretionary Activity.

14C.5.14 Ngati Kahu Special Rule for Commercial (Waewae) Sub-Zone

- a) The maximum permitted total development area for land use activities in the Subzone shall be 2 hectares and this development shall be at a location and of a shape that is in accordance with the Sub-Zone boundaries shown on *Plan Map L30*;
- b) Vehicle access to this Sub-Zone shall be off Carmichael Road, generally opposite Te Paeroa Street.

Note: Any activity that does not comply with Permitted Activity Rule 14C.5.14 – Ngati Kahu Special Rule for Commercial (Waewae) Sub-Zone shall be considered a Discretionary Activity.

14C.5.15 Produce Stalls – Ngati Kahu Papakainga Zone

Produce stalls in the Ngati Kahu Papakainga Sub-Zone A and the Commercial (Waewae) Sub-Zone shall have a maximum *gross floor area per site* of 50m².

Note: Any activity that does not comply with Permitted Activity Rule 14C.5.15 – Produce Stalls – Ngati Kahu Papakainga Zone shall be considered a Discretionary Activity.

14C.5.16 Heavy Machinery

No *heavy machinery* shall be parked, stored or displayed on a *site*. This excludes one private motor home vehicle per site, regardless of whether that vehicle falls within the definition of *heavy machinery*, providing the motor home vehicle is parked in compliance with *Rule 14C.5.5* and *Rule 14C.5.7*. *Heavy machinery* may visit and use a *site* to pick up or deliver goods or materials, or during construction.

Note: Any activity that does not comply with Permitted Activity Rule 14C.5.16 – Heavy Machinery shall be considered a Non-Complying Activity.

14C.5.17 Rules in other Sections of the Plan

Activities within the Urban Marae Community Zone and the Ngati Kahu Papakainga Zone shall also comply with the following sections of *the Plan*:

- a) The provisions of *Chapter 4 – General Rules*;
- b) The provisions of *Chapter 7 – Heritage*;
- c) The provision of *Chapter 8 – Natural Hazards*;
- d) The provisions of *Chapter 9 – Hazardous Substances and Contaminated Land*;
- e) The provisions of *Chapter 11 – Financial Contributions*;
- f) The provisions of *Chapter 12 – Subdivision, Infrastructure and Services, Section 12G – Infrastructure and Services*
- g) The provisions of any Plan Area.

14C.6 Restricted Discretionary Activity Rules

The following are Restricted Discretionary Activities:

- a) Activities in the Urban Marae Community Zone that fail to comply with:
 - i) *Rule 14C.5.4.1 – Streetscape*;
 - ii) *Rule 14C.5.5 a), c), d), e), f) – Setbacks*;
 - iii) New, or alterations to existing fences, where a *site* adjoins an *Open Space Zone*, the *Coastal Marine Area* or the edge of a bank of a *permanently flowing river or stream*, or *wetland* located within the defined *setback* where that fence is proposed to be constructed greater than:
 - (i) 1.2 metres in *height*;
 - (ii) 1.8 metres in *height* and does not consist of *visually permeable materials*;
 - iv) *Rule 14C.5.6 – Setbacks – Traffic Management – Safety*;
 - v) *Rule 14C.5.7 – Overshadowing*;
 - vi) *Rule 14C.5.8.1 – Access*.
- b) Activities in the Ngati Kahu Papakainga Zone that fail to comply with:
 - i) *Rule 14C.5.4.2 - Streetscape*;
 - ii) *Rule 14C.5.5.a), c),d), e) f) – Setbacks*;
 - iii) New, or alterations to existing fences, where a *site* adjoins an *Open Space Zone*, the *Coastal Marine Area* or the edge of a bank of a *permanently flowing river or stream*, or *wetland* located within the defined *setback* where that fence is proposed to be constructed greater than:
 - (i) 1.2 metres in *height*;
 - (ii) 1.8 metres in *height* and does not consist of *visually permeable materials*;
 - iv) *Rule 14C.5.6 – Setbacks – Traffic Management – Safety*;
 - v) *Rule 14C.5.7 – Overshadowing*;
 - vi) *Rule 14C.5.8.2 – Access*.

14C.6.1 Restricted Discretionary Activities – Standards and Terms - Setbacks

Activities that do not comply with *Rule 14C.5.5 d), e), f) - Setbacks* shall comply with the following standards and terms:

- a) A qualified landscape architect shall prepare a landscape and visual assessment for any application for resource consent;
- b) The assessment shall have particular regard to the open space character and factors, values and associations that contribute to the areas landscape and *natural character*, including its interface with the *Coastal Marine Area*, *permanently flowing river or stream* or *wetland*.

Note: Any activity that does not comply with Rule 14C.6.1 – Restricted Discretionary Activity – Standards and Terms shall be considered a Discretionary Activity.

14C.6.2 Restricted Discretionary Activities – Matters of Discretion and Conditions

14C.6.2.1 Streetscape

In considering activities that do not comply with *Rule 14C.5.4.1 or 14C.5.4.2 - Streetscape* the Council restricts the exercise of its discretion to:

- a) The extent to which the proposal would impact on the maintenance of a consistent *setback* and result in the reduction of the visual amenity of the existing and anticipated *streetscape* pattern when viewed from public/private interface and from adjoining properties;
- b) Lead to the visual dominance of *buildings* as viewed from the street and from the surrounding neighbourhood;
- c) Address adverse impacts through on-site design measures or contribute to the maintenance of amenity at the public-private interface.

14C.6.2.2 Setbacks

a) In considering activities that do not comply with *Rule 14C.5.5 a) - Setbacks* the Council restricts the exercise of its discretion to:

- i) The extent to which the proposal would impact on the visual and aural privacy of occupants in adjoining *sites*;
- ii) Whether the proposal would hinder the ability to maintain access for maintenance, including for *buildings* on adjoining properties;
- iii) Whether the proposal would lead to the visual dominance of buildings as viewed by adjoining and adjacent properties;
- iv) Design measures, including minimisation of the length of encroachment into the setback or landscaping.

b) In considering activities that do not comply with *Rule 14C.5.5 d), e), f) - Setbacks* the Council restricts the exercise of its discretion to:

- i) The *height*, scale, and location of any *building, structure*, or sign;
- ii) The use of material on the exterior of any *building or structure*, including the use of colour;
- iii) The nature, location and extent of any proposed *earthworks*;
- iv) The location and design of access, parking areas; infrastructure and services or fences;
- v) Whether the proposed activity, *building or structure* will adversely affect the indigenous flora and fauna values and whether retention of indigenous and exotic vegetation, reinstatement of indigenous vegetation or provision of new indigenous planting is required;
- vi) Whether the proposed activity, *building or structure* will adversely affect the factors, values and associations of a specific landscape feature and whether retention of specific landscape features or reinstatement of those features is required.

Rule Appealed

14C.6.2.3 Overshadowing

In considering activities that do not comply with *Rule 14C.5.7 - Overshadowing* the Council restricts the exercise of its discretion to the extent to which the proposal would result in the loss of sunlight and daylight to surrounding *sites*, particularly in relation to outdoor living areas or the main indoor living area windows of surrounding residential properties.

14C.6.2.4 Setbacks – Traffic Management – Safety

In considering activities that do not comply with *Rule 14C.5.6 – Traffic Management – Safety* the Council restricts the exercise of its discretion to the matters in *Policy 4B.1.3.1 - On-site Parking Requirements*.

14C.6.2.5 Access

In considering activities that do not comply with *Rule 14C.5.8.1 and 14C.5.8.2 - Access* the Council restricts the exercise of its discretion to the extent to which vehicular traffic generated by any activity can be accommodated without compromising the functionality of the access and the road on to which the access links (taking into account its place in the hierarchy, traffic volumes, safety and efficient pedestrian movement) or without loss of residential character and amenity.

14C.7 Discretionary Activity Rules

The following are Discretionary Activities:

- a) Any Permitted Activity in the Urban Marae Community Zone that does not comply with:
 - i) *Rule 14C.5.1 - Density – Independent Dwelling Units and Shared Accommodation;*
 - ii) *Rule 14C.5.2 - Building Height;*
 - iii) *Rule 14C.5.10 - Visitor Accommodation;*
 - iv) *Rule 14C.5.11 - Schools, Tertiary Education Premises, Health Centres and Offices.*
- b) Any Permitted Activity in the Ngati Kahu Papakainga Zone that does not comply with:
 - i) *Rule 14C.5.1 - Density – Independent Dwelling Units and Shared Accommodation;*
 - ii) *Rule 14C.5.2 - Building Height;*
 - iii) *Rule 14C.5.3 - Building Scale;*
 - iv) *Rule 14C.5.10 - Visitor Accommodation;*
 - v) *Rule 14C.5.12 - Schools, Tertiary Education Premises, Health Centres and Offices;*
 - vi) *Rule 14C.5.13 - Gymnasia;*
 - vii) *Rule 14C.5.14 - Special Rule, Commercial (Waewae) Sub-Zone;*
 - viii) *Rule 14C.5.15 - Produce Stall;*
- c) Any activity which does not comply with *Rule 14C.6.1 – Restricted Activity Standards and Terms – Setbacks;*
- d) Any activity which is not a Permitted, Controlled, Restricted Discretionary, or Non-Complying Activity;
- e) All those activities listed in *Table 14C.1* as a Discretionary Activity.

Rule Appealed

14C.7.1 Assessment of Discretionary Activities

In considering a Discretionary Activity the *Council's* discretion is unrestricted. The *Council* will consider any relevant matter with particular regard to the relevant Objectives and Policies of *the Plan*.

14C.8 Non-Complying Activities

The following are Non-Complying Activities:

- a) Any Permitted Activity that does not comply with *Rule 14C.5.5 b) – Setback;*
- b) Any home-based business that does not comply with *Rule 14C.5.9 – Home-based Business;*
- c) Any Permitted Activity that does not comply with *Rule 14C.5.16 – Heavy Machinery;*
- d) All those activities listed in *Table 14C.1* as a Non-Complying Activity.

14D Purpose of the City Living Zone

The purpose of the City Living Zone is to provide site redevelopment opportunities primarily for the development of intensive, multi level housing and some *mixed use* in the established residential areas around the Tauranga City Centre. This will accommodate a proportion of *the City's* residential growth and support the *sub-regional* role and function of the City Centre.

Redevelopment of *sites* will be guided by a combination of activity standards and design assessment criteria to enable multi unit, multi level *buildings*. Generally these are expected to be on larger or amalgamated *sites*, although there is some provision for redevelopment of smaller, existing *sites*. Over time this type of development will create a residential amenity that relates to an urban living environment, rather than a suburban living environment. *Building* heights vary in the zone having regard to local topography, established land uses and outlook.

The potential for expansion or redevelopment of the established Hotel Armitage *site* as visitor accommodation and with ancillary activities normally associated with a large-scale hotel is recognised. Given the prominent site location and *building* scale this will be guided by a combination of activity standards and assessment criteria for the scheduled *site*.

Residential development near The Elms is zoned Suburban Residential in recognition of the historic significance of The Elms and its immediate environs.

14D.1 Objectives and Policies for the City Living Zone

14D.1.1 Objective: Bulk and Scale of Buildings and Structures in the City Living Zone

Buildings and *structures* are of a bulk and scale that enables *medium density* residential development balanced with the urban *landscape character*, including the *historic heritage* values of The Elms, and Monmouth Redoubt, the open space character of Tauranga and Wharepai Domains and the Cliff Road reserve, and consistent with the anticipated amenity for the zone.

14D.1.1.1 Policy: Bulk and Scale of Buildings and Structures in the City Living Zone

By ensuring that the bulk and scale of *buildings* and *structures* in the zone:

- a) Are restricted to a height of 19 metres on Cameron Road and Brown Street frontage opposite Tauranga and Wharepai Domains where this significant building scale is offset by the amenity and open space of those areas;
- b) Are restricted to a height of 13 metres in other areas of the zone other than described in c) below;
- c) Are restricted to a height of 9 metres on all City Living Zone sites between Edgecumbe Road and Cameron Road and between 4th Avenue and 8th Avenue;
- d) Minimise the impacts of building bulk and overshadowing on surrounding dwellings, including their outdoor living areas;
- e) Can potentially reach a *building* bulk and scale greater than permitted or expected in the Suburban Residential Zone;
- f) Complement rather than dominate the urban *landscape character* of the local neighbourhoods, including established trees and *reserves*.

14D.1.2 Objective: Site Layout and Building Design in the City Living Zone

Development within the City Living Zone contributes to an urban *landscape character*, which is characterised by comprehensively designed, multi level, multi unit, urban housing and some *mixed use* activity within *buildings* on a landscaped *site*.

14D.1.2.1 Policy: Site Layout and Building Design in the City Living Zone

By ensuring that the layout and design of development in the zone:

- a) Provides buildings that allow adaptable future use of ground floorspace for possible residential or *mixed use* development;
- b) Provides each *independent dwelling unit* with accessible and functional on-site outdoor living space and an on-site *service area* 3 October 2011
- c) Provides for directly accessible pedestrian access to and from the street at ground floor level to *offices* and *health centres*, where these are permitted;
- d) Locates on-site vehicular parking, manoeuvring and access at the side and/or rear of the *site* or beneath a *building*;
- e) Ensures that space associated with vehicle parking and movement does not dominate the *site* design and layout, and leaves a minimum amount of useable *site* area for outdoor *site* landscaping;
- f) Visually screens on-site car parking areas so they are not seen directly from the street;
- g) Balances *building* bulk and scale with on-site open space so that *building* coverage does not dominate the *site*;
- h) Is comprehensively designed so that it:
 - i) Integrates well with the immediate locality;
 - ii) Addresses the street and the immediate *streetscape* with its *building* design and front yard landscaping, has obvious ground floor access to the *building* from the street, and provides opportunities for passive surveillance of the street from activity within the *building*;
 - iii) Is of a high standard of architectural design with well articulated frontages;
 - iv) Provides the occupants of each *independent dwelling unit* with a visual outlook space and direct access to an outdoor living area which adjoins the unit;
 - v) Provides for the aural and visual privacy of occupants of the *building*;
 - vi) Provides for adequate levels of sunlight and daylight to reach the *main living areas* of *independent dwelling units* throughout the year, including mid-winter;
 - vii) Incorporates existing vegetation into on-site landscaping where possible;
 - viii) Safely caters for on-site traffic, parking and servicing needs;
 - ix) Avoids or mitigates any reverse sensitivity effects from *mixed use* development on *residential activities* on the site;
 - x) Incorporates on-site low impact stormwater design methods within site design and operation wherever possible;
 - xi) Has due regard to opportunities for promoting sustainability through building materials, layout of activity and construction techniques;
 - xii) Can be effectively serviced by local water, *wastewater*, stormwater and road *infrastructure*.

14D.1.3 Objective: Density of Development in the City Living Zone

Development within the zone is primarily *medium density* residential with some specific *mixed use* activity, and promotes an urban *landscape character*

14D.1.3.1 Policy: Density of Development in the City Living Zone

By encouraging comprehensive redevelopment of *sites* primarily for *residential activity* by ensuring that:

- a) Residential densities promote *site* redevelopment opportunities to accommodate *medium density* housing;
- b) A site density bonus for residential units is allowed when a larger *site* area is assembled through amalgamation and a *comprehensively designed development* approach is applied to the *site*;
- c) The greatest *independent dwelling unit* density shall be provided for *sites* on Cameron Road and Brown Street opposite Tauranga and Wharepai Domains by way of additional *building height*. Lower densities will arise from development of other *sites* in other parts of the zone by way of a lower permitted *height*;

- d) *Mixed use* development can provide specifically for *health centres* and *offices* only within ground level floorspace, but with medium density *residential activity* above;
- e) Effects on local *infrastructure* are mitigated by works, *services* or development contributions;
- f) The Hotel Armitage development density is assessed in relation to specific planning provisions relating to that *site*, its established built form and its relationship to the local neighborhood amenity.

14D.1.4 Objective: Activities in the City Living Zone

Development in the zone is dominated by *medium density residential activities* primarily through the redevelopment of *sites*, with *offices* and *health centres* supporting *mixed use* development in some specified areas within these inner city residential neighbourhoods.

14D.1.4.1 Policy: Activities in the City Living Zone

By ensuring that the redevelopment of *sites* in the zone:

- a) Is predominately for multi unit, multi level *residential activities*, but with the opportunity for *mixed use* development (*offices* and *health centres*) in specific locations;
- b) Enables *residential activities*, accessory buildings, *offices* and *health centres* legally established at the date *the Plan* was notified to alter or expand floorspace up to a specified scale that is consistent with the original *low density* residential zoning;
- c) Applies a comprehensive design approach for new land use proposals with any *subdivision* consequential to and for implementing that land use;
- d) Avoids new commercial based activity in the City Living Residential Zone other than *home based businesses*;
- e) Provides for *office* and *health centre* activities to establish at ground floor level only with direct access to the street, with *residential activity* on the first floor and above in the City Living Mixed Use Zone and *residential activity* only on all floors in the City Living Residential Zone;
- f) Could support several, well established *visitor accommodation* activities with potential to expand or redevelop. Other *non-residential activities* should not be incorporated into development on the site except where associated with and ancillary to *visitor accommodation*;
- g) Maintains or redevelops land in the vicinity of The Elms in Mission Street and Cliff Road northern end with a suburban residential character of a lower permitted development density, bulk and scale than in the City Living Zone. New *building* development should avoid dominating the historic character and outlook of The Elms.

14D.2 Activity Status Rules

14D.2.1 Activities in the City Living Zone

All activities in the City Living Zone shall have the status identified in *Table 14D.1*. Symbols used in *Table 14D.1* have the meaning described in *Table 1A.2: Activity Status*.

Table 14D.1: City Living Zone Activity Status

Use/Activity	Relevant Rule	City Living Residential	City Living Mixed Use	
Accessory buildings, structures and activities (legally established as at date of Plan notification)	14D.3	P	P	
Accessory buildings, structures and activities	14D.4	RD	RD	
Alterations and/or additions to residential activities (legally established as at date of Plan notification)	14D.3	P	P	
Additions to the floor area for health centres (legally established as at date of Plan notification)	14D.5	D	D	
Additions to the floor area of existing offices legally established before 12 April 2008	14D.5	D	D	
Business activities not listed elsewhere in this Activity Table	14D.6	NC	NC	
Churches	14D.5	D	D	
Comprehensively designed development with residential activities on any level within the building	14D.4	RD	RD	
Health centres as part of comprehensively designed development and located at ground floor only of a building		NC (Refer Rule 14D.6)	RD (Refer Rule 14D.4)	
Health centres not part of comprehensively designed development and/or located above the ground floor of a building.	14D.6	NC	NC	
Home-based business related to residential activities and buildings (legally established as at date of Plan notification)	14D.3	P	P	
Home-based business as part of comprehensively designed development with residential activities at any level within the building	14D.4	RD	RD	
Industrial activities	14D.6	NC	NC	
Minor public recreational facilities and activities	14D.3	P	P	Definition Appealed
Offices, as part of comprehensively designed development and located at ground floor only of a building		NC (Refer Rule 14D.6)	RD (Refer Rule 14D.4)	
Offices, not part of comprehensively designed development and/or located above the ground floor of a building	14D.6	NC	NC	
Schools	14D.6	NC	NC	
Tertiary education premises	14D.6	NC	NC	
Urupa	14D.3	P	P	
Visitor accommodation	14D.5	D	D	
Visitor Accommodation within Scheduled Site Hotel Armitage (as at date of notification)	14D.4	No Scheduled Site	RD	

14D.3 Permitted Activity Rules

Note: Any activity that does not comply with a Permitted Activity Rule shall be considered a Restricted Discretionary Activity, unless stated otherwise.

14D.3.1 Alterations and/or Additions to Independent Dwelling Units (legally established at date of Plan notification)

- a) All alterations and/ or additions shall meet the following Permitted Activity Rules:
- i) *Rule 14B.3.2 – Building Height;*
 - ii) *Rule 14B.3.3 – Streetscape;*
 - iii) *Rule 14B.3.4 – Setbacks;*
 - iv) *Rule 14B.3.5 – Setbacks;*
 - v) *Rule 14B.3.6 – Overshadowing;*
 - vi) *Rule 14B.3.7 – Site Coverage;*
 - vii) *Rule 14B.3.10 – Outdoor Living Area.*
-

Note: Any activity that does not comply with Permitted Activity Rule 14D.3.1 shall be considered a Discretionary Activity.

14D.3.2 Accessory Buildings to Independent Dwelling Units (legally established at the date of Plan notification)

- a) The maximum floor area of an *accessory building* shall be 50m² for each *independent dwelling unit* on the *site*;
- b) The maximum *height* of any *accessory building* shall be 4.5 metres.
- c) All *accessory buildings* shall meet the following Permitted Activity Rules:
- i) *Rule 14B.3.3 – Streetscape;*
 - ii) *Rule 14B.3.4 – Setbacks;*
 - iii) *Rule 14B.3.5 – Setbacks;*
 - iv) *Rule 14B.3.6 – Overshadowing;*
 - v) *Rule 14B.3.7 – Site Coverage;*
 - vi) *Rule 14B.3.10 – Outdoor Living Area.*
-

Note: Any activity that does not comply with Permitted Activity Rule 14D.3.2 shall be considered a Discretionary Activity.

14D.3.3 Home-Based Business Related to Residential Activities and Buildings (legally established as at date of Plan notification)

All *Home-based businesses* shall meet the Permitted Activity Rules in *Rule 14B.3.12*.

Note: Any activity that does not comply with Permitted Activity Rule 14D.3.3 shall be considered a Discretionary Activity.

14D.3.4 Heavy Machinery

Heavy machinery shall meet the Permitted Activity Rules in *Rule 14B.3.14*.

Note: Any activity that does not meet the Permitted Activity Rule 14D.3.4 shall be considered as a Non-Complying Activity.

14D.3.5 Rules in Other Sections of the Plan

Activities within the City Living Zone shall also comply with the following sections of *the Plan*:

- a) The provisions of *Chapter 4 – General Rules*;
- b) The provisions of *Chapter 7 – Heritage*;
- c) The provision of *Chapter 8 – Natural Hazards*;
- d) The provisions of *Chapter 9 – Hazardous Substances and Contaminated Land*;
- e) The provisions of *Chapter 11 – Financial Contributions*;
- f) The provisions of *Chapter 12 – Subdivision, Infrastructure and Services, Section 12G – Infrastructure and Services*;
- g) The provisions of any Plan Area.

14D.4 Restricted Discretionary Activity Rules

The following are Restricted Discretionary Activities:

- a) Any activity listed as Restricted Discretionary in *Table 14D.1*.

Note: Any activity described as a Restricted Discretionary Activity that does not comply with a Restricted Discretionary Standard and Term shall be considered a Discretionary Activity.

14D.4.1 Non-Notification of Resource Consents Under Rule 14D.4

Any application for resource consent made under Rule 14D.4 shall not be notified, or served on affected parties.

14D.4.2 Restricted Discretionary Activity – Standards and Terms

Restricted Discretionary Activities shall comply with the following standards and terms.

14D.4.2.1 Comprehensively Designed Development

- a) All development shall be a *comprehensively designed development* to meet the standards and terms of *Rules 14D.4.2.2 to 14D.4.2.13 inclusive*.

14D.4.2.2 Development Density

- a) The minimum site area required for each *independent dwelling unit* contained within the site shall be:

Activity	City Living Residential Zone	City Living Mixed Use Zone
<i>Comprehensively designed development</i>	200m ² per <i>independent dwelling unit</i>	200m ² per <i>independent dwelling unit</i>
<i>Comprehensively designed development – when site density bonus criteria are met (see Rule 14D.4.2.2 b))</i>	No density limit applies	No density limit applies

- b) The site density bonus shall be available to apply to an activity only when:
 - i) The site area is at least 1050m²;
 - ii) The site can wholly contain a circle with at least a 25 metre diameter.
- c) For the purposes of this rule, the site area includes any part of the site occupied by an office or health centre activity incorporated within the *comprehensively designed development*.

14D.4.2.3 Size of Independent Dwelling Units

The minimum *gross floor area* of an *independent dwelling unit* shall be:

- a) For a studio or one bedroom unit: 40m²;
- b) For a two bedroom unit: 55m²;
- c) For a three or more bedroom unit: 70m².

14D.4.2.4 Building Height

- a) The maximum *height* of any *building* or *structure* (Refer to *Appendix 14D: City Living Zone Building*

Heights); with the exception of the Permitted Intrusions in *Rule 4H.2.3*, shall be:

Zone/Area	Maximum Building Height
City Living – Residential (properties bound by Edgecumbe Road, Cameron Road, 4 th and 8 th Avenue) as identified on the <i>Plan Maps, Part B</i> .	9 metres
City Living – Mixed Use (fronting Cameron Road, being directly opposite Tauranga and Wharepai Domains) as identified on the <i>Plan Maps, Part B</i> .	19 metres
City Living – Residential/City Living – Mixed Use (not otherwise identified in this Table)	13 metres

- b) Provided that no building or structure within any identified *Viewshaft Protection Area*, with the exception of the Permitted Intrusions in *Rule 4H.2.3*, shall exceed the maximum *height* identified within the *Plan Maps (Part B)*;
- c) The maximum *height* of any *accessory building* shall be 4.5 metres.

14D.4.2.5 Streetscape

- a) All *buildings* shall be set back from a road *boundary* a minimum of 1.5 metres;
- b) Vehicle access width to any *site* measured at the road *boundary*, shall be a minimum of 3 metres and a maximum of 6 metres;
- c) On-site parking shall not be located within the road *boundary setback* or between a building front façade and the street;
- d) The road *boundary setback* shall comprise landscaped, permeable surface except for vehicle and pedestrian access to the *site*;
- e) Any walls and fences erected in the road *boundary setback* shall be a maximum *height* of 1.2 metres above *ground level*;
- f) Any *office* or *health centre* activity shall be located only within the ground floor level of a building with at least one direct pedestrian access point to the street;
- g) Any *independent dwelling unit* located within the ground floor level of a *building* and fronting the street shall have at least one direct pedestrian access point to the street;
- h) Any on-site car parking areas shall be visually screened or landscaped so parked vehicles cannot be seen directly from the street;
- i) All required on-site parking shall be located to the side or rear of or beneath the *principal building(s)* on a *site*;
- j) Vehicle access and manoeuvring to and from on-site parking other than provided for in *Rule 14D.4.2.5 b)* above, shall be from the side or rear of the *principal building(s)*, provided also that the relevant provisions of *Chapter 4 – General Rules* are complied with.

14D.4.2.6 Setbacks

- a) All *buildings* shall be set back from the side or rear *boundaries* of a *site* as follows:
 - i) Side – At least 1.5 metres;
 - ii) Rear – At least 3 metres.
- b) The *setbacks* required in *Rule 14D.4.2.6 a)* may not apply for the first 12 metres measured perpendicular into the *site* at *ground level* and from any point along the *site road boundary*. (See *Appendix 14E: City Living Zone Setbacks*);
- c) Where *buildings* are attached by a common fire wall, no *building setback* is required between those *buildings* where the common wall is located;
- d) All *buildings*, excluding *minor structures* and *activities*, shall be *setback* a minimum of 15 metres from *MHWS*;
- e) All new *buildings*, excluding *minor structures* and *activities*, shall be *setback* a minimum of 10 metres from the edge of a bank of a *permanently flowing river or stream*, or *wetland*;
- f) Where a site adjoins an *Open Space Zone* or the *Coastal Marine Area*, the common boundary (that being the zone boundary) may be fenced to a maximum of:
 - i) 1.2 metres in *height*; or
 - ii) 1.8 metres in *height*, consisting of *visually permeable materials*.

Note: Permitted Activity Rule 14D.4.2.6 d), e), f) - Setbacks does not apply where the subject site is separated by a formed legal road from the Coastal Marine Area.

Rule
Appealed

Rule
Appealed

Note
Appealed

14D.4.2.7 Overshadowing

- a) All *buildings*, excluding any overshadowing intrusions permitted under *Rule 4H.2.2*, on a *site* shall be within a *building envelope* in accordance with *Appendix 14C: Overshadowing*;
- b) Provided that the angle required in accordance with *Appendix 14C: Overshadowing* shall not apply for the first 12 metres of *site boundary* measured perpendicular into the *site* at *ground level* and from any point along the *site road boundary*;
- c) Where *buildings* are attached by a common fire wall, no overshadowing is required between those *buildings* where the common wall is located.

14D.4.2.8 Sunlight Admission to Independent Dwelling Units

- a) The *main living area* of each *independent dwelling unit* shall be provided with at least one north facing window or doorway/accessway of at least 4m² in area that can admit north facing sunlight directly on to the *main living area* floor for at least 2 hours continuous on 21 June. (See *Appendix 14F: City Living Zone Sunlight Admission to Independent Dwelling Units*);
- b) For the purposes of *Rule 14D.4.2.8 a)* 'north facing sunlight' is direct sunlight measured between 40 degrees east or west of true north at a 30 degree azimuth angle.

14D.4.2.9 Site Coverage

- a) The maximum amount of a *site* that can be covered by *buildings* shall be 50% of the *site area*;
- b) The maximum amount of a *site* that can be covered by a combination of *buildings* and all on-site vehicle access, manoeuvring and parking areas shall be 75% of the *site area*;
- c) A minimum of 25% of the *site area* shall be designed, constructed and occupied by an outdoor developed landscape.

14D.4.2.10 On-Site Outdoor Living Areas and Service Areas

- a) Each *independent dwelling unit* shall be provided with at least one on-site outdoor living area which shall be:
 - i) For units at ground floor level, a minimum area of 30m² capable of containing a 3 metre diameter circle;
 - ii) For units above ground floor level; a minimum area of 6.0m² and a minimum dimension of 2.0 metres;
 - iii) For the exclusive use of the *independent dwelling unit*;
 - iv) Directly accessible from the *main living area* of the unit to which it relates;
 - v) Unobstructed by driveways, manoeuvring areas, parking, *accessory buildings* and *service area*.
- b) Each *building* development shall be provided with a *service area* or areas which shall be:
 - i) A minimum area of 4.0m³ with a minimum dimension of 1.0 metres for each *independent dwelling unit* or business unit;
 - ii) Located at ground floor level within the *site* including within garaging if desired and be legally and physically accessible to each *independent dwelling unit*, or business unit;
 - iii) Visually screened so that they can not be seen directly from the street.

14D.4.2.11 Visual Outlook, Admission of Natural Light and Ventilation

- a) Each *independent dwelling unit* shall be provided with outlook space free of *buildings* and *structures* (other than those *structures* required for human safety when using a required outdoor living area) adjoining a *main living area*, studio or bedroom;
- b) The minimum dimension of an outlook space from the main living area or studio shall be 6 metres, and from a bedroom shall be 3 metres;
- c) The minimum dimension shall be measured perpendicular to the exterior face of any window or doorway/accessway that forms part of exterior of the *main living area*, studio or a bedroom.

- d) The outlook space shall:
 - i) Be over the *site* on which the *building* is located and also;
 - ii) May be over an outdoor living area or *service area* related to the *independent dwelling unit*;
 - iii) May be over a legal road;
 - iv) May be over public open space or *reserve* that is owned and administered by the *Council*;
 Provided that other relevant *building setback* requirements are complied with. (See *Appendix 14G: City Living Zone Visual Outlook*);
- e) Where *buildings* are attached by a common fire wall, no outlook space is required between those *buildings* where the common wall is located;
- f) Each *main living area*, studio area and bedroom of an *independent dwelling unit* shall be provided with at least one exterior opening window that provides natural light and ventilation to that room.

14D.4.2.12 Scheduled Site - Hotel Armitage - Standards and Terms

- a) Within the Hotel Armitage Scheduled Site, Willow Street/Brown Street, the following are Restricted Discretionary Activities:
 - i) Residential Activities;
 - ii) Visitor Accommodation including reception, entertainment, conference, retail facilities ancillary to the on-site visitor accommodation;
 - iii) Licensed Premises and restaurants;
 - iv) Car parking, loading and access;
 - v) Accessory *buildings* and activities.
- b) The maximum *building height* shall be 19 metres;
- c) The maximum *building coverage* on-site shall be 60%;
- d) The maximum residential density on-site shall be in accordance with *Rule 14D.4.2.2*;
- e) The setbacks on the *site* shall be Willow Street and Brown Street frontage a minimum of 1.5 metres, and other *boundary setbacks* a minimum of 1.5 metres;
- f) On all road frontage *setbacks* landscaping comprising a mix of trees, shrubs and ground covers shall be provided and maintained to a minimum depth of 1.5 metres from the road *boundary* exclusive of vehicle and pedestrian accessways, to soften the bulk and scale of the principal buildings on the *site*;
- g) A minimum of 25% of the total *site* shall be landscaped inclusive of the frontage landscaping required in f) above;
- h) Any on-site, at ground *service areas* shall be visually screened from any road;
- i) All *buildings* shall meet *Rule 14D.4.2.7* as relevant, provided that the overshadowing rule shall only be measured from a *site boundary* other than a road *boundary*;
- j) In assessing an application for extension of floorspace or *site* redevelopment the *Council* restricts the exercise of its discretion to the following matters:
 - i) Those matters listed in *Rule 14D.4.2.14 a), b), c) and d) iii)* which are directly relevant to the *building* bulk and scale, the site layout and *building* design and servicing of the proposal.

14D.4.2.13 Restricted Discretionary Activities – Standards and Terms – Setbacks – 14D.4.2.6 - Setbacks d), e), f)

Any Restricted Discretionary Activity under *Rule 14D.4.2.13* shall comply with the following standards and terms:

- a) A qualified landscape architect shall prepare a landscape and visual assessment for any application for resource consent;
- b) The assessment shall have particular regard to the open space character and factors, values and associations that contribute to the areas landscape and *natural character*, including its interface with the *Coastal Marine Area, permanently flowing river or stream* or *wetland*.

Note: Any activity that does not comply with Rule 14D.4.2.13 - Setbacks d), e), f) – Restricted Discretionary Activity – Standards and Terms shall be considered a Discretionary Activity.

Rule
Appealed

Note
Appealed

14D.4.2.14 Restricted Discretionary Activities – Matters of Discretion and Conditions

The *Council* restricts the exercise of its discretion to the following matters:

- a) General Matters:
 - i) An assessment of a *comprehensively designed development* site plan and associated proposed *building* profiles and activity information to be submitted with the application;
 - ii) Imposition of conditions related to compliance with an approved *comprehensively designed development* plan and associated easements and/or covenants and *consent notices* required to implement an approved plan.
- b) Bulk and scale of *buildings* and *structures*:
 - i) The objectives and policies relating to bulk and scale of *buildings* and *structures*;
 - ii) The extent to which the development visually dominates its *site* or surrounding *sites* through excessive *building* bulk, scale or *height*;
 - iii) The extent to which the development can avoid or mitigate more than minor overshadowing of neighbouring *sites* by *buildings*.
- c) Site Layout and Building Design:
 - i) The objectives and policies relating to *site layout* and *building* design;
 - ii) The extent to which the *building* is designed to break up vertical and horizontal mass through its façade and avoidance of large, blank walls;
 - iii) A residential development is designed to allow sunlight into *main living areas*, bedrooms and studios;
 - iv) A residential development is designed to create on-site amenity and visual privacy between units with the design and location of outdoor living areas, outdoor space or outdoor communal areas, and on-site landscaping;
 - v) A *mixed use* development is designed to provide adaptable ground floorspace including stud height;
 - vi) On-site landscape planting can provide visual screening for on-site parking when viewed from the street;
 - vii) *Buildings* and activities are designed and located to minimise any adverse effects from noise within the *building* and from outdoor activity areas;
 - viii) Service storage areas are designed and located to ensure convenient use for residents, business occupiers and service vehicles;
 - ix) Activities within *buildings* are designed and orientated to enable passive visual surveillance of the street;
 - x) Vehicle and pedestrian access is designed and located to ensure safe and efficient movement on-site and to and from the street;
 - xi) Physical access to *residential* and *business activities* on the *site* is clear from the street;
 - xii) Any *subdivision* would support the implementation of a land use consent related to the *site*.
- d) Density of Development:
 - i) The objectives and policies relating to density of development;
 - ii) The extent to which the development promotes *medium density* housing;
 - iii) Adverse effects of the development on local water supply, *wastewater* systems, stormwater management, and the local road network can be adequately avoided, remedied or mitigated.
- e) Activities:
 - i) The objectives and policies relating to activities;
 - ii) The development is predominately for *residential activity* at the planned densities anticipated for the zone;
 - iii) The development promotes and enhances urban residential character and amenity, not business character and amenity;
 - iv) Any *non-residential activities* are the same or similar to those anticipated in the zone.

- f) **Setbacks:**
In considering activities that do not comply with *Rule 14D.4.2.6 Setbacks*, the Council restricts the exercise of its discretion to:
- i) The height, scale, and location of any *building, structure*, or sign;
 - ii) The use of material on the exterior of any *building or structure*, including the use of colour;
 - iii) The nature, location and extent of any proposed *earthworks*;
 - iv) The location and design of access, parking areas; infrastructure and services or fences;
 - v) Whether the proposed activity, *building or structure* will adversely affect the indigenous flora and fauna values and whether retention of indigenous and exotic vegetation, reinstatement of indigenous vegetation or provision of new indigenous planting is required;
 - vi) Whether the proposed activity, *building or structure* will adversely affect the factors, values and associations of a specific landscape feature and whether retention of specific landscape features or reinstatement of those features is required.

Rule
Appealed

Note: The Development Guide of Tauranga City Council will also be used as a reference guide in consideration of these matters. 14D.4.3 Rules in Other Sections of the Plan

Activities within the City Living Zone shall also comply with the following sections of the Plan:

- a) The provisions of *Chapter 4 – General*;
- b) The provisions of *Chapter 7 – Heritage*;
- c) The provision of *Chapter 8 – Natural Hazards*;
- d) The provisions of *Chapter 9 – Hazardous Substances and Contaminated Land*;
- e) The provisions of *Chapter 11 – Financial Contributions*;
- f) The provisions of *Chapter 12 – Subdivision, Infrastructure and Services, Section 12G – Infrastructure and Services*;
- g) The provisions of any Plan Area.

14D.5 Discretionary Activity Rules

The following are Discretionary Activities:

- a) Any Permitted Activity that does not comply with:
 - i) *Rule 14D.3.1 - Alterations and/or Additions to Independent Dwelling Units*;
 - ii) *Rule 14D.3.2 - Accessory Buildings*;
 - iii) *Rule 14D.3.3 - Home-based Business*.
- b) *Comprehensively designed development* which does not comply with *Rules 14D.4.2.2 to 14D.4.2.12*.
- c) Any Restricted Discretionary Activity not complying with *Rule 14D.4.2.13 - Setbacks*;
- d) Any activity which is not a Permitted, Controlled, Restricted Discretionary, Non-Complying or Prohibited Activity;
- e) Any activity listed as Discretionary in *Table 14D.1*.

Rule
Appealed

14D.5.1 Assessment of Discretionary Activities

- a) In considering a Discretionary Activity the *Council's* discretion is unrestricted. The *Council* will consider any relevant matter with particular regard to the relevant objectives and policies of *the Plan*.
- b) Notwithstanding *Rule 14D.5.1 a)* above the *Council* will also have regard to the matters listed in *Rule 14D.4.2.14* for guidance in considering the application.

14D.6 Non-Complying Activity Rules

The following are Non-Complying Activities:

- a) Any activity listed as Non-Complying in *Table 14D.1*;
- b) Any Permitted Activity that does not comply with *Rule 14D.3.4 – Heavy Machinery*.

14E Purpose of the High Density Residential Zone

The purpose of the High Density Residential Zone is to provide for *high density* development at the western end of Mount Maunganui, adjacent to the downtown shopping area, the beach, harbour and recreational amenities. The intent is to provide for a *high density* mix of *visitor accommodation* and permanent residential accommodation in the form of multi unit and apartment developments. In keeping with the nature of a higher density environment and the high off-site amenity of the area there is no regulatory requirement for private on-site open space.

A defined area of the zone, the High Rise Plan Area, provides for high rise development opportunities, subject to additional controls that relate *building* bulk and scale to views to and from Mauao (Mount Maunganui) and Hopukiore (Mount Drury) and address overshadowing of adjoining properties outside of the High Rise Plan Area.

14E.1 Objectives and Policies of the High Density Residential Zone

14E.1.1 Objective – Bulk and Scale of Buildings in the High Density Residential Zone

Buildings that are of a bulk and scale that provide for *high density* residential development while balancing these opportunities with the *outstanding natural landscape* and *historic heritage* values of Mauao and Hopukiore, and the natural landscape features of the coastal and harbour edges, decreasing in height from Mauao towards Commons Avenue and Hopukiore, and from the centre of the isthmus to the coast.

14E.1.1.1 Policy – Bulk and Scale of Buildings in the High Density Residential Zone – Height

By defining areas of permitted *height* through:

- a) A High Rise Plan Area where an absolute maximum *height* is identified that provides an appropriate relationship of *high density* residential development to the *outstanding natural landscape* and *historic heritage* values of Mauao and Hopukiore, and the natural landscape features of the coastal and harbour edges, while limiting the potential adverse effects of accelerated wind speed and overshadowing on adjacent residential development.
- b) Limiting the *height* of *buildings* within the zone and adjacent to the High Rise Plan Area to a scale compatible with the Suburban Residential Zone, and ensuring development is subservient to the landscape values afforded by:
 - i) The Norfolk Island Pines along Marine Parade and The Mall;
 - ii) The *outstanding natural landscape* and *historic heritage* values of Mauao and Hopukiore;
 - iii) The *coastal environment*;
 - iv) The relationship of tangata whenua with Mauao and Hopukiore.

14E.1.1.2 Policy – Bulk and Scale of Buildings in the High Density Residential Zone – Overshadowing

By defining a permitted *building* envelope to ensure that:

- a) There is an adequate supply of daylight for sites adjacent to, but outside, the High Rise Plan Area;
- b) All other *sites* in the zone (i.e., outside the High Rise Plan Area) receive an adequate supply of daylight.

14E.1.2 Objective – Site Layout and Building Design in the High Density Residential Zone

Buildings within the zone provide a residential amenity characterised by open space between *sites* and a *streetscape* comprised of consistent *building setbacks* and opportunities for frontage landscape planting.

14E.1.2.1 Policy - Site Layout and Building Design in the High Density Residential Zone

By ensuring that the layout and design of development within the zone:

- a) Provides *building setbacks* between *sites* that ensure a physical separation of *buildings* between *sites*, access for *building* maintenance, and contributes to the visual and aural privacy of adjoining *sites*;
- b) Ensures that *buildings* are setback from the road *boundary* to provide a *streetscape* with opportunities for landscape planting, that encourages passive surveillance of the street, and contributes to a high level of amenity at the public-private interface;
- c) Recognises that a component of the amenity of the zone is the proximity and access to open space and leisure activities, and so not requiring dedicated on-site outdoor living areas.

14E.1.3 Objective – Density of Development in the High Density Residential Zone

A *high density* residential environment close to Mount Maunganui's town centre characterised by permanent residential and *visitor accommodation* in the form of multi unit and apartment housing, including some high rise development opportunities.

14E.1.3.1 Policy - Residential Diversity and Densities

By providing for a mix of *residential activities* and *visitor accommodation* to establish at a *high density* with specifically defined on-site development controls for permitted development. For other development, regard is to be had to:

- a) The special environmental qualities of the area that will influence the degree of building density beyond that permitted, such as but not limited to; the heritage and landscape values of Mauao and Hopukiore, and the coastal environment of Ocean Beach and Pilot Bay;
- b) The role of the area to enable a variety of *visitor accommodation*;
- c) The capacity of existing and planned *infrastructure*, including public open space.

14E.1.4 Objective – Activities in the High Density Residential Zone

Development within the zone is characterised by a predominance of *high density residential activity* for both permanent and *visitor accommodation*.

14E.1.4.1 Policy – Activities in the High Density Residential Zone

By ensuring that:

- a) *High density* residential development that provides for permanent dwellings and *visitor accommodation* is the predominant activity in the zone. Limiting the establishment of *non-residential activity* in accordance with the General Objective and Policies for activities in *Residential Zones* other than for cafes and restaurants only that can be considered at ground floor within buildings located wholly within the High Rise Plan Area.
- b) By providing for a limited expansion of existing legally established *offices* on *sites* in the zone, in recognition of the previous investment in such properties under previous planning provisions.

14E.2 Activity Status Rules

14E.2.1 Activities in the High Density Residential Zone

All activities in the High Density Residential Zone shall have the status identified in *Table 14E.1*. Symbols used in *Table 14E.1* have the meaning described in *Table 1A.2: Activity Status*.

Note: Residential activities, visitor accommodation, homestay, schools, tertiary education premises and health centres shall be subject to Rule 4E.2.5 – Port Industry Zone and Noise Control Boundaries.

Table 14E.1: High Density Residential Zone Activity Status

Use/Activity	Relevant Rule	High Density Residential	
<i>Accessory building, structure or activity</i>	14E.3	P	
Additions to the floor area of existing <i>offices</i> legally established before 12 April 2008	14E.6	D	
<i>Business activities</i> not listed elsewhere in this Activity Table	14E.7	NC	
Cafes and restaurants, located at ground floor level only, on sites within the High Rise Plan Area	14E.6	D	
Cafes and restaurants, above ground floor level, within the High Rise Plan Area and on sites outside the High Rise Plan Area	14E.7	NC	
Churches	14E.6	D	
<i>Health centres</i>	14E.6	D	
<i>Home-based business</i>	14E.3	P	
<i>Homestay</i>	14E.3	P	
<i>Independent dwelling unit</i>	14E.3	P	
<i>Industrial activities</i>	14E.7	NC	
<i>Minor public recreational facilities and activities</i>	14E.3	P	Definition Appealed
<i>Schools</i>	14E.6	D	
<i>Shared accommodation</i>	14E.3	P	
<i>Tertiary education premises</i>	14E.6	D	
<i>Urupa</i>	14E.3	P	
<i>Visitor accommodation</i>	14E.3	P	

14E.3 Permitted Activity Rules

Note: Any activity that does not comply with a Permitted Activity Rule shall be considered a Restricted Discretionary Activity, unless stated otherwise.

14E.3.1 Residential and Visitor Accommodation Density

The minimum site area required for each independent dwelling unit or visitor accommodation unit contained within the site shall be:

Activity	Density
<i>Independent dwelling units</i>	1 <i>Independent dwelling unit</i> per 100m ² of gross site area
<i>Shared accommodation (other than high rise buildings in the High Rise Plan Area)</i>	Maximum of 8 permanent residents per site
<i>Visitor accommodation (self-contained)</i>	1 self-contained <i>visitor accommodation unit</i> per 100m ² of gross site area
<i>Visitor accommodation (not self-contained)</i>	<i>Habitable room gross floor area</i> of 65m ² per 100m ² of gross site area

Note: Any activity that does not comply with Permitted Activity Rule 14E.3.1 – Residential and Visitor Accommodation Density shall be considered a Discretionary Activity.

14E.3.2 Building Height

- The maximum *height* of any *building* with the exception of the Permitted Intrusions in *Rule 4H.2.3* on a *site* shall be 9 metres.
- Provided that no *building* or *structure* within any identified *Viewshaft Protection Area*, with the exception of the Permitted Intrusions in *Rule 4H.2.3*, shall exceed the maximum *height* identified within the *Plan Maps (Part B)*.

Note: Any activity that does not comply with Permitted Activity Rule 14E.3.2 a) – Building Height shall be considered a Non Complying Activity for sites between Adams Avenue and Commons Avenue, with the exception of buildings in the High Rise Plan Area which shall be considered a Controlled Activity.

Note: Any activity that does not comply with Permitted Activity Rule 14E.3.2 a) – Building Height in the High Density Residential Zone, excluding sites between Adams Avenue and Commons Avenue, shall be considered a Discretionary Activity, with the exception of buildings in the High Rise Plan Area which shall be considered a Controlled Activity.

Note: Any activity that does not comply with Permitted Activity Rule 14E.3.2 b) – Building Height shall be considered a Discretionary Activity.

14E.3.3 Streetscape

All *buildings* on a *site* with a frontage to a legal road shall be set back from the road *boundary* of the *site* as follows:

- 3 metres; except:
- All *buildings* on a *site* adjoining a future road widening designation identified on the *Plan Maps (Part B)* shall have the required *setback* measured from that designation *boundary*;
- The provision of on-site parking shall not be located within the required *streetscape setback*.

14E.3.4 Setbacks

All *buildings*, excluding any *setback* intrusions permitted under *Rule 4H.2.1* shall provide the following *setbacks* from a side or rear *boundary*:

- a) A minimum of 1.5 metres from a side or rear *boundary*;
- b) A minimum of 5 metres from the *boundary* of the Conservation Zone;
- c) A *building* may be erected closer to a side or rear *setback* where the written consent of those property owners and occupiers whose properties adjoin the proposed non-compliance has been obtained and is clearly endorsed on all relevant building consent plans. In the context of this rule an adjoining property will include rights of way and properties separated by rights of way adjoining the non-compliance. A maximum of two *setbacks* may be reduced through this rule;
- d) All *buildings*, excluding *minor structures* and *activities*, shall be setback a minimum of 15 metres from *MHWS*;
- e) All new *buildings*, excluding *minor structures* and *activities*, shall be setback a minimum of 10 metres from the edge of a bank of a *permanently flowing river or stream*, or *wetland*;
- f) Where a *site* adjoins an *Open Space Zone* or the *Coastal Marine Area*, the common boundary (that being the zone boundary) may be fenced to a maximum of:
 - i) 1.2 metres in *height*; or
 - ii) 1.8 metres in *height*, consisting of *visually permeable materials*.

Rule
Appealed

Rule
Appealed

Note
Appealed

Note: Permitted Activity Rule 14E.3.4 d), e), f) Setbacks does not apply where the subject site is separated by a formed legal road from the Coastal Marine Area.

Note: Any activity that does not comply with Permitted Activity Rule 14E.3.4 b) Setbacks shall be considered a Non-Complying Activity.

14E.3.5 Setbacks – Traffic Management – Safety

All garages or carports designed with direct vehicle access to a road shall be set back at least 4.5 metres from the road boundary.

14E.3.6 Overshadowing

- a) All *buildings*, excluding any overshadowing intrusions permitted under *Rule 4H.2.2* and excluding *buildings* in the High Rise Plan Area, shall be within a *building* envelope calculated in accordance with *Appendix 14C: Overshadowing*.
- b) A *building* may penetrate the overshadowing envelope if the written consent of those property owners and occupiers whose properties adjoin the proposed non-compliance has been obtained and is clearly endorsed on all relevant building consent plans. In the context of this rule an adjoining property will include rights of way and properties separated by rights of way adjoining the non-compliance.

14E.3.7 Access

The maximum number of *independent dwelling units*, *homestays*, *shared accommodation* or *visitor accommodation units* that can be served by private rights-of-ways, private accessway or legal access lot shall be:

Up to and including 2 <i>independent dwelling units</i> ;or up to and including 2 self-contained <i>visitor accommodation units</i> ; or 1 <i>shared accommodation</i> premises.	2.7m minimum <i>legal width</i> with a 2.4m minimum width of seal
3-4 <i>independent dwelling units</i> or self-contained <i>visitor accommodation units</i> ; or up to 2 <i>independent dwelling units</i> that include any one permitted <i>homestay</i> per <i>independent dwelling unit</i> ; or 8 <i>visitor accommodation units</i> ; or 2 <i>shared accommodation</i> premises.	3m minimum <i>legal width</i> with a 2.5m minimum width of seal
5-12 <i>independent dwelling units</i> or self-contained <i>visitor accommodation units</i> ; or up to 8 <i>independent dwelling units</i> that include one permitted <i>homestay</i> ; or 24 <i>visitor accommodation units</i> ; or up to 8 <i>shared accommodation</i> premises.	6m minimum <i>legal width</i> , with a 5.0m minimum width of seal, provided that the shared access is constructed to allow 2 vehicles to pass within its boundaries.

14E.3.8 Homestays

- a) The *homestay* shall be associated with, and ancillary to, an *independent dwelling unit* on the *site*;
- b) When added together, the maximum *gross floor area* of all *habitable rooms* associated with *homestay* on the *site* shall not exceed 65m².

Note: Any activity that does not comply with Permitted Activity Rule 14E.3.8 – Homestays shall be considered a Non-Complying Activity.

14E.3.9 Home-Based Businesses

The maximum development intensity for a *home-based business* or combination of *home-based business* activities on a single *site* shall be:

- a) Every *home-based business* or combination of *home-based business activities* on a single *site* may employ not more than two other persons (Full Time Equivalent (FTE)) additional to the members of the household who permanently reside on the *site* and who own and operate the business from that *site*;
- b) The activity shall be carried out either within a dwelling, an *accessory building*, or in an outdoor area clearly designed and constructed for the purpose of the business or businesses, or a combination of these areas. The maximum total gross area used for the *home-based business* or combination of businesses, including retail sales space, shall be 50m²;
- c) The activity, including any aspect undertaken in an outdoor area, shall not encroach on the *streetscape* or *setback* requirements of the *site* as defined in *the Plan*;
- d) *Retail* sales from a *home-based business* or businesses shall be limited to those goods and materials produced or used in the direct operation and management of that business or those businesses on the *site*. *Retail* sales shall take place from within a *building* or *structure* on the same *site* and the area occupied for *retail* sales shall be a constituent part of the total gross area used for the *home-based business* or combination of businesses.

Note: Any activity that does not comply with Permitted Activity Rule 14E.3.9 – Home-based Businesses shall be considered a Non-Complying Activity.

14E.3.10 Heavy Machinery

No *heavy machinery* shall be parked, stored or displayed on a *site*. This excludes one private motor home vehicle per site, regardless of whether that vehicle falls within the definition of heavy machinery, providing the motor home vehicle is parked in compliance with *Rule 14E.3.4* and *Rule 14E.3.6*. *Heavy machinery* may visit and use a *site* for the purpose of pick up or delivery of goods or materials or during *construction* on the *site*.

Note: Any activity that does not comply with Permitted Activity Rule 14E.3.10 – Heavy Machinery shall be considered a Non-Complying Activity.

14E.3.11 Rules in Other Sections of the Plan

Activities within the High Density Residential Zone shall also comply with the following sections of *the Plan*:

- a) The provisions of *Chapter 4 – General Rules*;
- b) The provisions of *Chapter 7 – Heritage*;
- c) The provision of *Chapter 8 – Natural Hazards*;
- d) The provisions of *Chapter 9 – Hazardous Substances and Contaminated Land*;
- e) The provisions of *Chapter 11 – Financial Contributions*;
- f) The provisions of *Chapter 12 – Subdivision, Infrastructure and Services, Section 12G – Infrastructure and Services*;
- g) The provisions of any Plan Area.

14E.4 Controlled Activity Rules

Building a high rise *building* on a specified high rise *site* within the High Rise Plan Area is deemed to be a Controlled Activity.

14E.4.1 Controlled Activity Standards and Terms – High Rise Building on a specified High Rise Site within the High Rise Plan Area

14E.4.1.1 Development Density and Scale – High Rise Plan Area

- a) The maximum density of activities in a high rise *building* on a specified high rise *site* within the High Rise Plan Area shall be:
 - i) *Residential activities*: 1 independent dwelling unit per 60m² of *nett site area*;
 - ii) *Visitor accommodation*: 1 visitor accommodation unit per 30m² of *nett site area*;
 - iii) For the purposes of this rule, *nett site area* means the area of the *site* that is contained within the specified High Rise Plan Area boundary as shown on the *Plan Maps (Part B)*.
- b) No part of any *building* on a specified *site* within the High Rise Plan Area shall exceed the maximum *height* plane shown in *Appendix 14A: Reduced Levels of Maximum Height Plane Relative to Boundaries, Mount Maunganui High Rise Plan Area*.
- c) Every high rise *building* shall be contained wholly within the specified High Rise Plan Area boundary and *setback* from *site* boundaries or the High Rise Plan Area *boundary* at least:
 - i) *Front (road) boundary*: 5 metres;
 - ii) *Rear boundary*: 5 metres up to 9 metres *height* and 7.5 metres above 9 metres *height*;
 - iii) *Side boundary*: 3 metres up to 9 metres *height* and 7.5 metres above 9 metres *height*.Provided that:
 - iv) Every part of any high rise *building* is also within a building envelope formed by two lines intersecting at the mid-point on each development *site boundary* or High Rise Plan Area *boundary*, whichever is applicable, and any road *boundary* that lies adjacent to the *building* to be erected, such that each line forms an angle of 35 degrees with that *site boundary*. (See *Appendix 14B: Bulk and Location Controls for High Rise Plan Area Sites, Maunganui Road.*)
- d) No more than one high rise *building* shall be permitted per specified high rise *site*.

14E.4.1.2 Wind Effects – High Rise Area

- a) High rise *buildings* shall be designed to minimise accelerated wind-speed effects that may cause damage to neighbouring *buildings* or *structures*, or ground-level discomfort to pedestrians using public spaces.
- b) A report from a suitably qualified person experienced in the analysis of wind effects shall be submitted with each application.

14E.4.2 Rules in Other Sections of the Plan

Controlled Activities within the High Density Residential Zone shall also comply with the following sections of the *Plan*:

- a) The provisions of *Chapter 4 – General Rules*;
- b) The provisions of *Chapter 7 – Heritage*;
- c) The provision of *Chapter 8 – Natural Hazards*;
- d) The provisions of *Chapter 9 – Hazardous Substances and Contaminated Land*;
- e) The provisions of *Chapter 11 – Financial Contributions*;
- f) The provisions of *Chapter 12 – Subdivision, Infrastructure and Services, Section 12G – Infrastructure and Services*;
- g) The provisions of any Plan Area.

Note: Notwithstanding any other rule in the Plan, any building on a specified high rise site in the High Rise Plan Area of the High Density Residential Zone that exceeds the maximum height permitted by Rule 14E.4.1.1 b) is a Prohibited Activity.

Note: Any Controlled Activity that fails to comply with any of the other Controlled Activity conditions of Rule 14E.4.1.1 or Rule 14E.4.1.2 or Rule 14E.4.2 shall be a Discretionary Activity.

14E.4.3 Controlled Land Use - Matters of Control and Conditions

14E.4.3.1 High Rise Buildings in the High Rise Plan Area

The *Council* reserves control over density and scale, and wind effects.

14E.5 Restricted Discretionary Activity Rules

The following are Restricted Discretionary Activities:

- a) Any Permitted Activity that does not comply with:
 - i) *Rule 14E.3.3 – Streetscape;*
 - ii) *Rule 14E.3.4 – Setbacks; (excluding Rule 14E.3.4 b);*
 - iii) *Rule 14E.3.5 – Setbacks – Traffic Management Safety;*
 - iv) *Rule 14E.3.6 – Overshadowing;*
 - v) *Rule 14E.3.7 – Access.*

14E.5.1 Restricted Discretionary Activities – Standards and Terms – Setbacks – 14E.3.4 d), e), f)

Restricted Discretionary Activities shall comply with the following standards and terms:

- a) A qualified landscape architect shall prepare a landscape and visual assessment for any application for resource consent;
- b) The assessment shall have particular regard to the open space character and factors, values and associations that contribute to the areas landscape and natural character, including its interface with the *Coastal Marine Area, permanently flowing river or stream or wetland.*

Rule
Appealed

Note: Any activity that does not comply with Rule 14E.5.1 - Restricted Discretionary Activity - Standards and Terms shall be considered a Discretionary Activity.

Note
Appealed

14E.5.2 Restricted Discretionary Activities – Matters of Discretion and Conditions

14E.5.2.1 Streetscape

In considering activities that do not comply with *Rule 14E.3.3 - Streetscape* the *Council* restricts the exercise of its discretion to:

- a) The extent to which the proposal would adversely impact on the maintenance of a consistent *setback* from the street and result in the reduction of the visual amenity of the existing and anticipated *streetscape* pattern when viewed from the street and from adjoining *sites*;
- b) The extent to which the proposal addresses potential adverse impacts through on-site design measures or contribution to the maintenance of amenity at the public-private interface.

14E.5.2.2 Setback

a) In considering activities that do not comply with *Rule 14E.3.4 - Setback a)* the *Council* restricts the exercise of its discretion to:

- i) The extent to which the proposal would adversely impact on the visual and aural privacy of occupants in adjoining *sites*;
- ii) The extent to which the proposal would reduce access for maintenance, including for *buildings* on adjoining *sites*;
- iii) The extent to which the proposal would address potential adverse impacts through design measures including, but not restricted to, step breaks in façades and minimisation of the length of encroachment into the *setback*.

- b) In considering activities that do not comply with *Rule 14E.3.4 - Setback d) - e)* the Council restricts the exercise of its discretion to:
- i) The *height*, scale, and location of any *building, structure*, or sign;
 - ii) The use of material on the exterior of any *building or structure*, including the use of colour;
 - iii) The nature, location and extent of any proposed *earthworks*;
 - iv) The location and design of access, parking areas; infrastructure and services or fences;
 - v) Whether the proposed *activity, building or structure* will adversely affect the indigenous flora and fauna values and whether retention of indigenous and exotic vegetation, reinstatement of indigenous vegetation or provision of new indigenous planting is required;
 - vi) Whether the proposed activity, *building or structure* will adversely affect the factors, values and associations of a specific landscape feature and whether retention of specific landscape features or reinstatement of those features is required.

Rule
Appealed

14E.5.2.3 Setback – Traffic Management – Safety

In considering activities that do not comply with *Rule 14E.3.5 – Setback – Traffic Management – Safety* the Council restricts the exercise of its discretion to the matters in *Policy 4B.1.3.1 – On-site Parking Requirements*.

14E.5.2.3 Overshadowing

In considering activities that do not comply with *Rule 14E.3.6 – Overshadowing* the Council restricts the exercise of its discretion to the extent to which the proposal would overshadow other *sites* resulting in reduced sunlight and daylight.

14E.5.2.4 Access

In considering activities that do not comply with *Rule 14E.3.7 – Access* the Council restricts the exercise of its discretion to the extent to which vehicular traffic generated by any activity can be accommodated without compromising the functionality of the access and the road on to which the access links (taking into account its place in the hierarchy, traffic volumes, safety and efficient pedestrian movement); or without loss of residential character and amenity.

14E.6 Discretionary Activity Rules

The following are Discretionary Activities:

- a) Any Permitted Activity that does not comply with:
 - i) *Rule 14E.3.1 Residential and Visitor Accommodation Density*;
 - ii) *Rule 14E.3.2 a) Building Height*, excluding sites between Adams Avenue and Commons Avenue.
- b) Any Controlled Activity that does not comply with:
 - i) *Rule 14E.4.1.1 Development Density and Scale*, excluding *Rule 14E.4.1.1 b)*;
 - ii) *Rule 14E.4.1.2 Wind Effects – High Rise Area*;
 - iii) *Rule 14E.4.2 Rules in Other Sections of the Plan*.
- c) Any Restricted Discretionary Activity that does not comply with *Rule 14E.5.1 Setbacks*;
- d) Any activity that is not a Permitted, Controlled, Restricted Discretionary, Non-Complying or Prohibited Activity;
- e) Any activity listed as a Discretionary Activity in *Table 14E.1*.

Rule
Appealed

14E.6.1 Assessment of Discretionary Activities

In considering a Discretionary Activity the Council's discretion is unrestricted. The Council will consider any relevant matter with particular regard to the relevant Objectives and Policies of *the Plan*.

14E.7 Non-Complying Activities

The following are Non-Complying Activities:

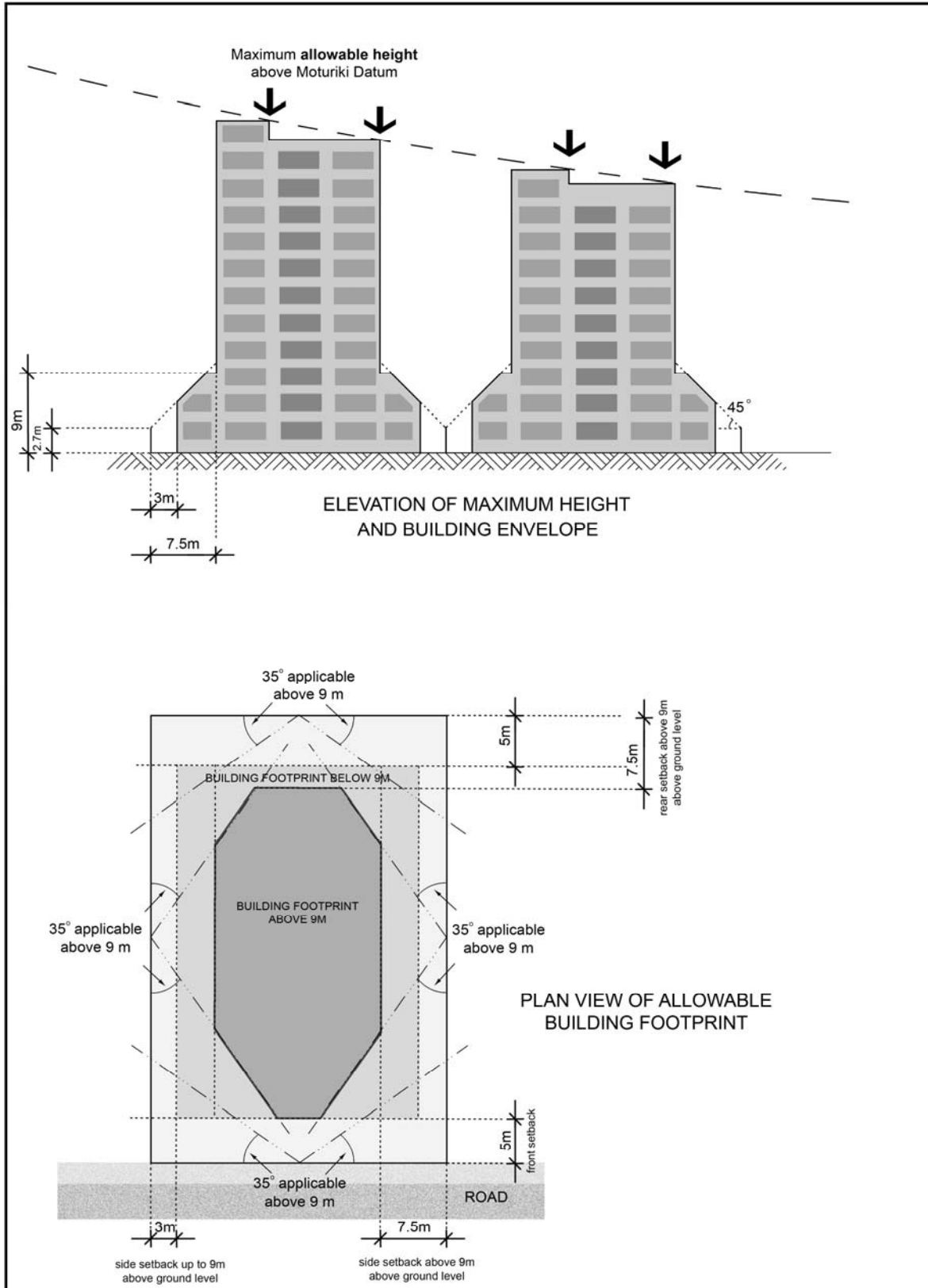
- a) Any Permitted Activity that does not comply with:
 - i) *Rule 14E.3.2 a) Building Height*, on sites between Adams Avenue and Commons Avenue;
 - ii) *Rule 14E.3.4 b) Setbacks*;
 - iii) *Rule 14E.3.8 Homestays*;
 - iv) *Rule 14E.3.9 Home-based businesses*;
 - v) *Rule 14E.3.10 Heavy Machinery*;
- b) All those activities listed as a Non-Complying Activity in *Table 14E.1*.

14E.8 Prohibited Activities

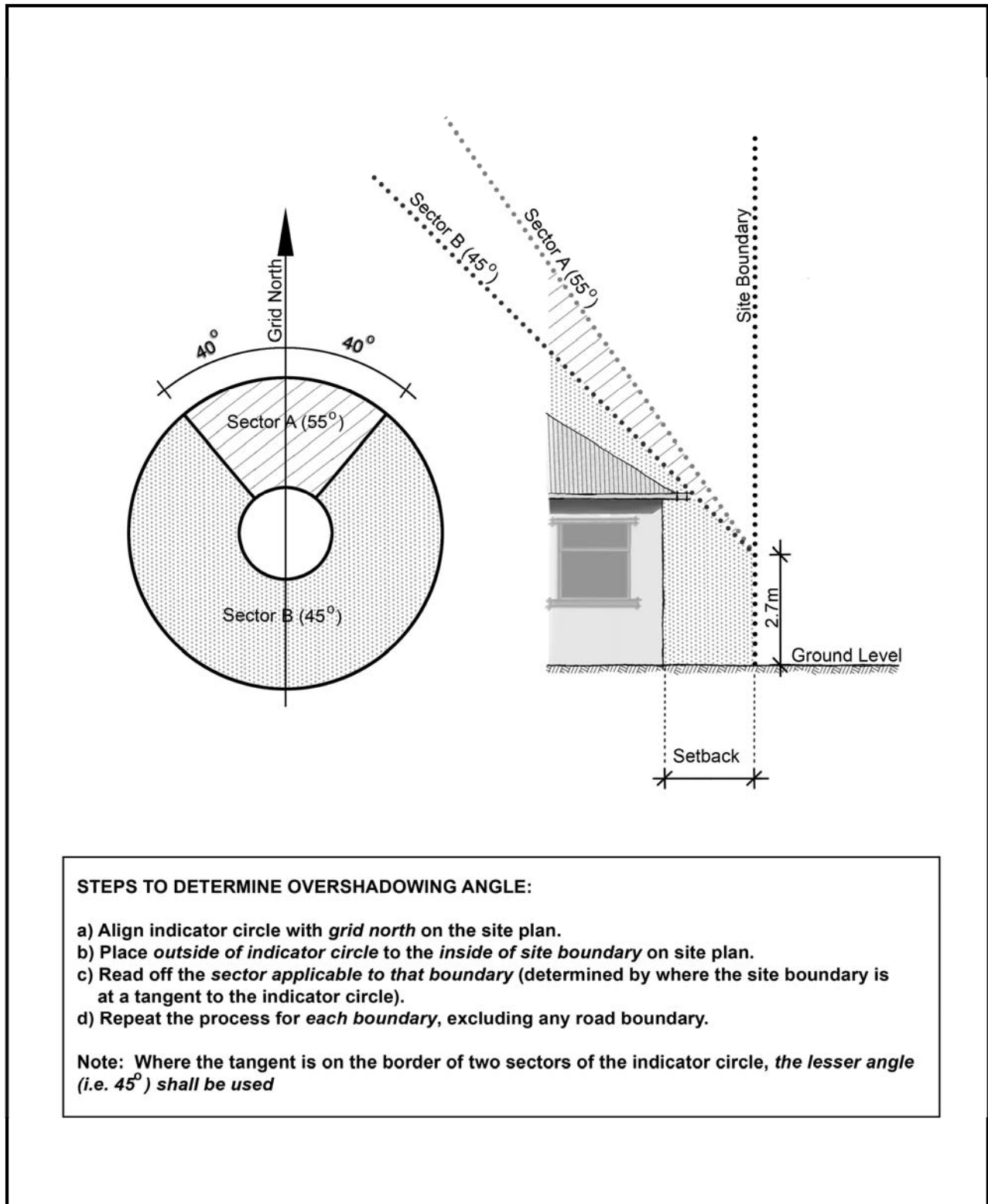
The following are Prohibited Activities:

- a) Any *building* on a specified high rise *site* in the High Rise Plan Area of the High Density Residential Zone that exceeds the maximum *height* permitted by *Rule 14E.4.1.1 b)*.

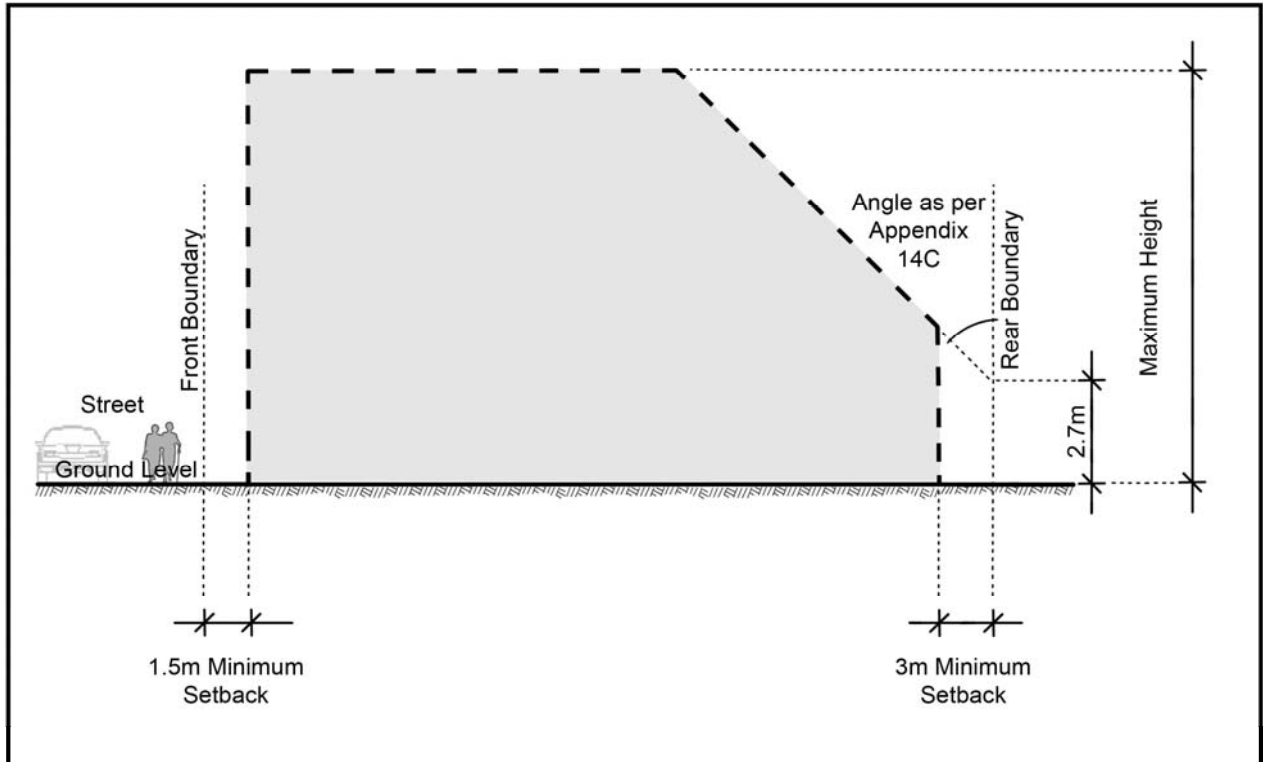
Appendix 14B: Bulk and Location Controls for High Rise Plan Area Sites, Maunganui Road



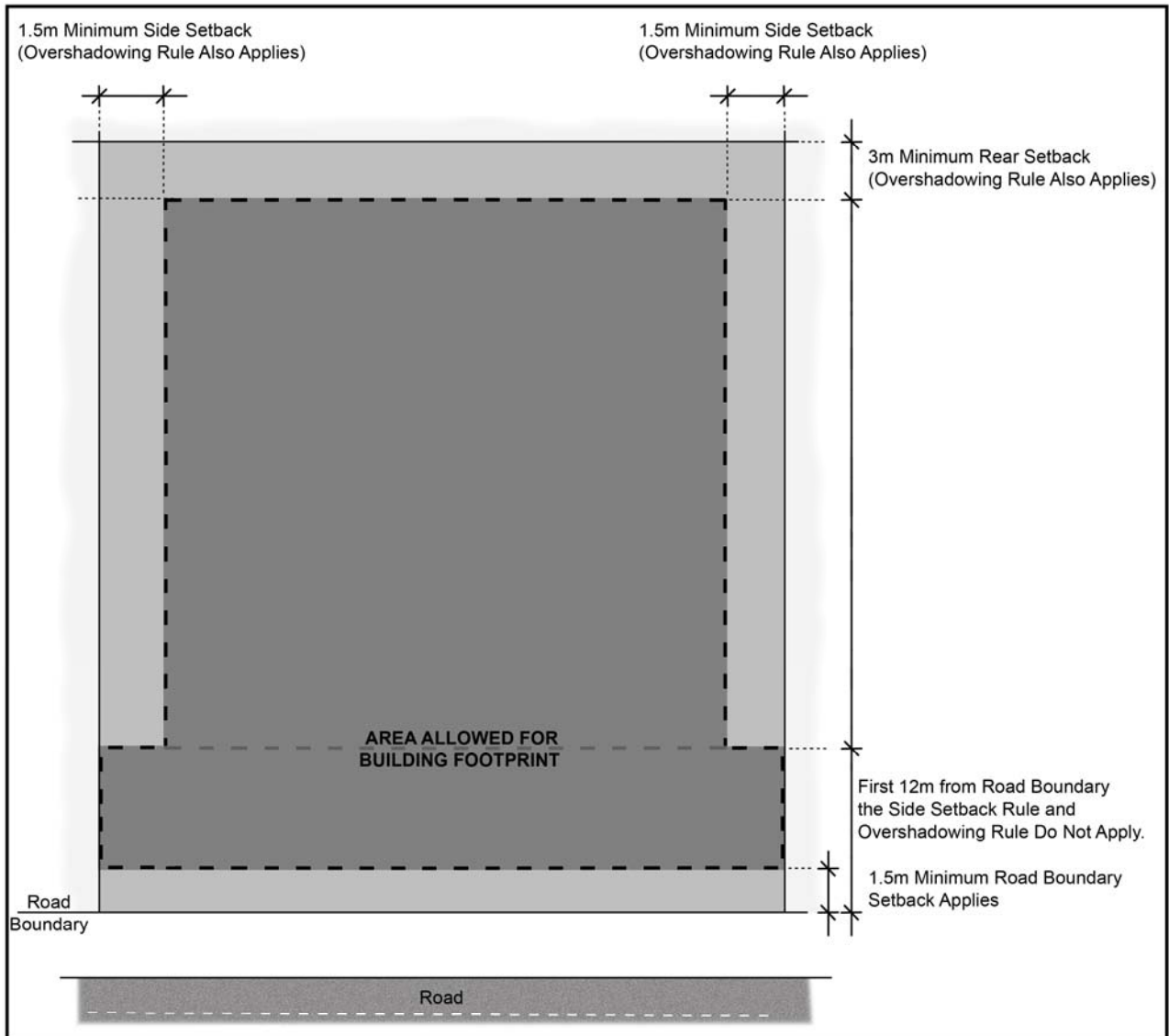
Appendix 14C: Overshadowing



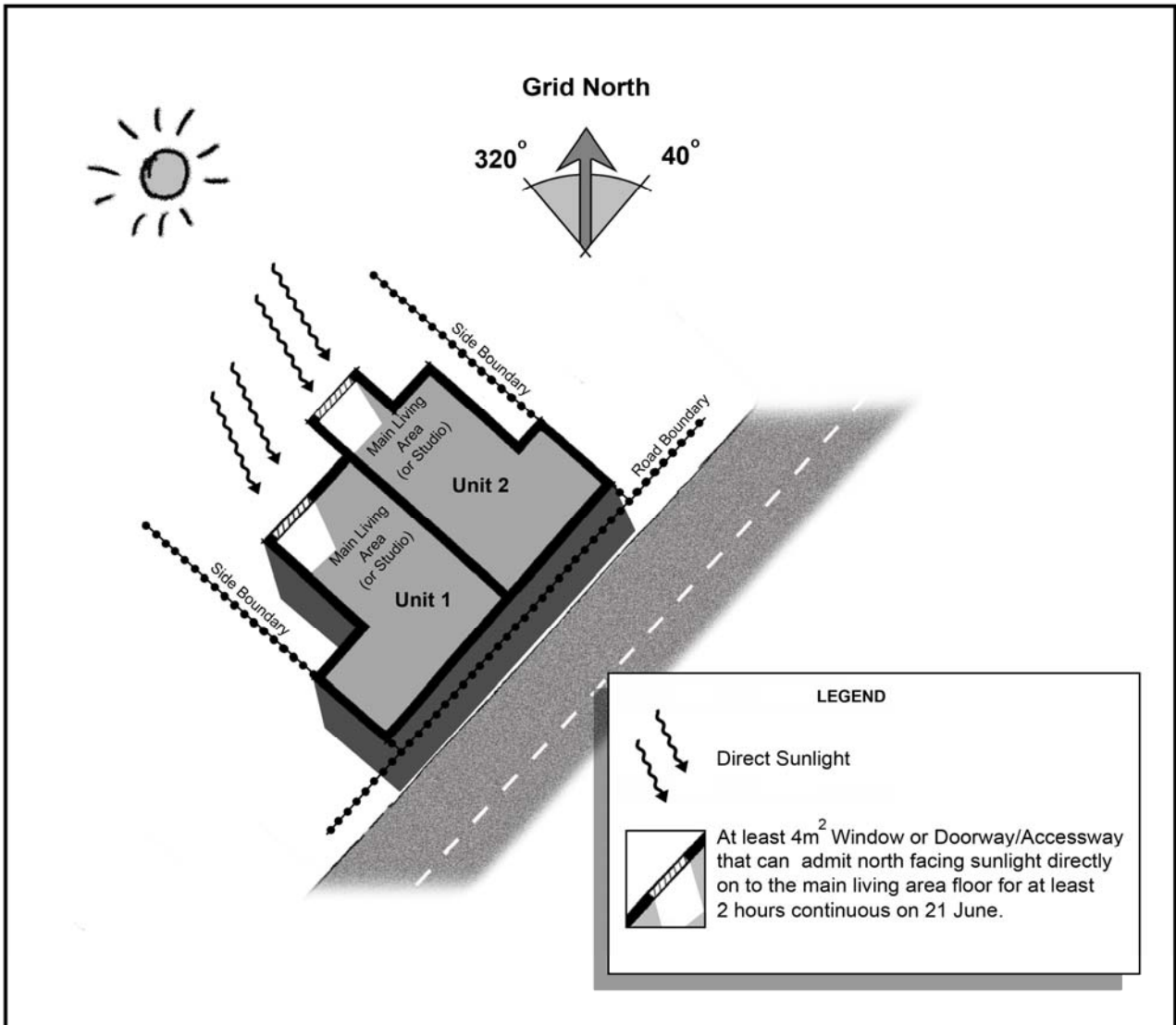
Appendix 14D: City Living Zone Building Heights



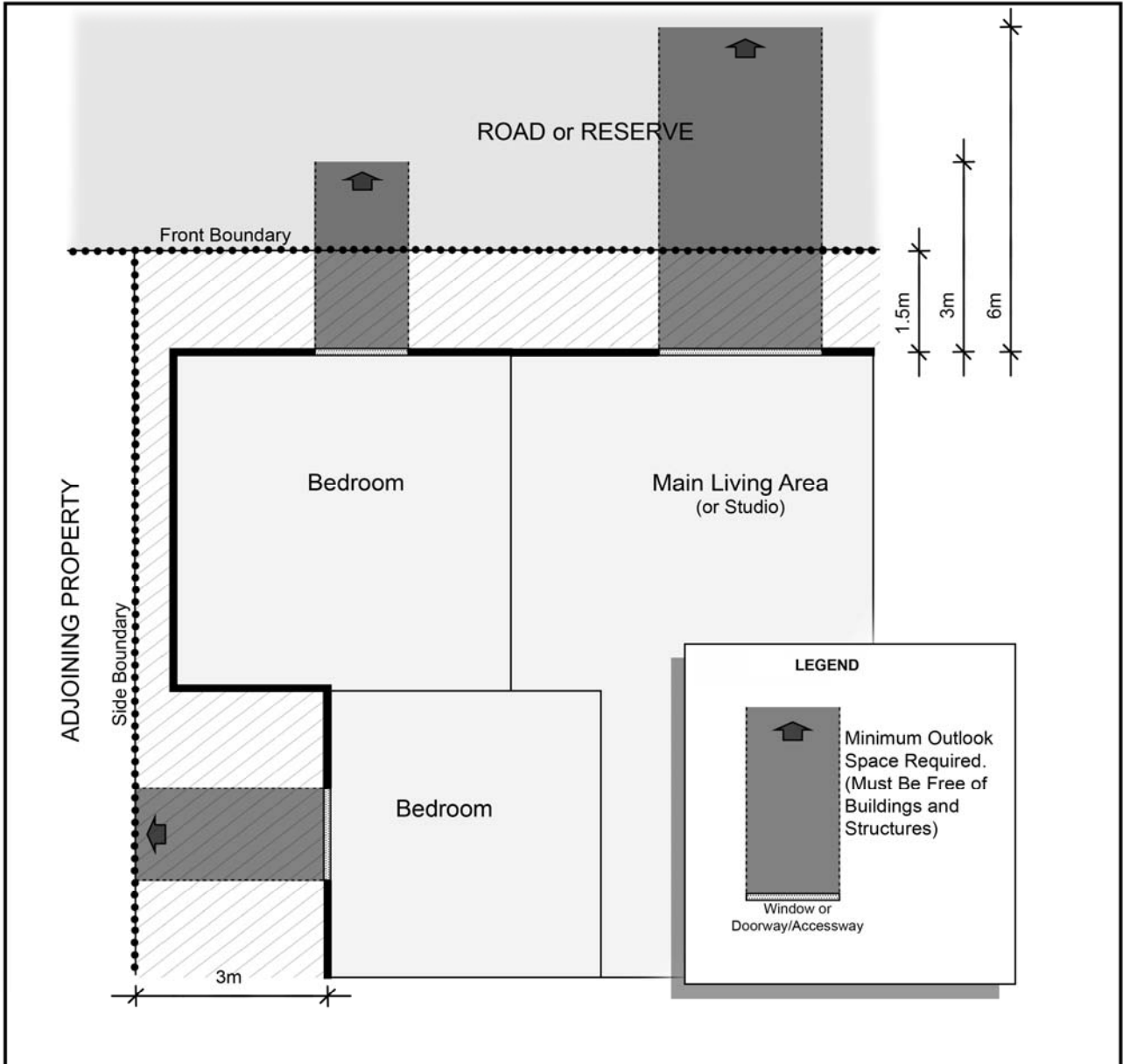
Appendix 14E: City Living Zone Setbacks



Appendix 14F: City Living Zone Sunlight Admission to Independent Dwelling Units

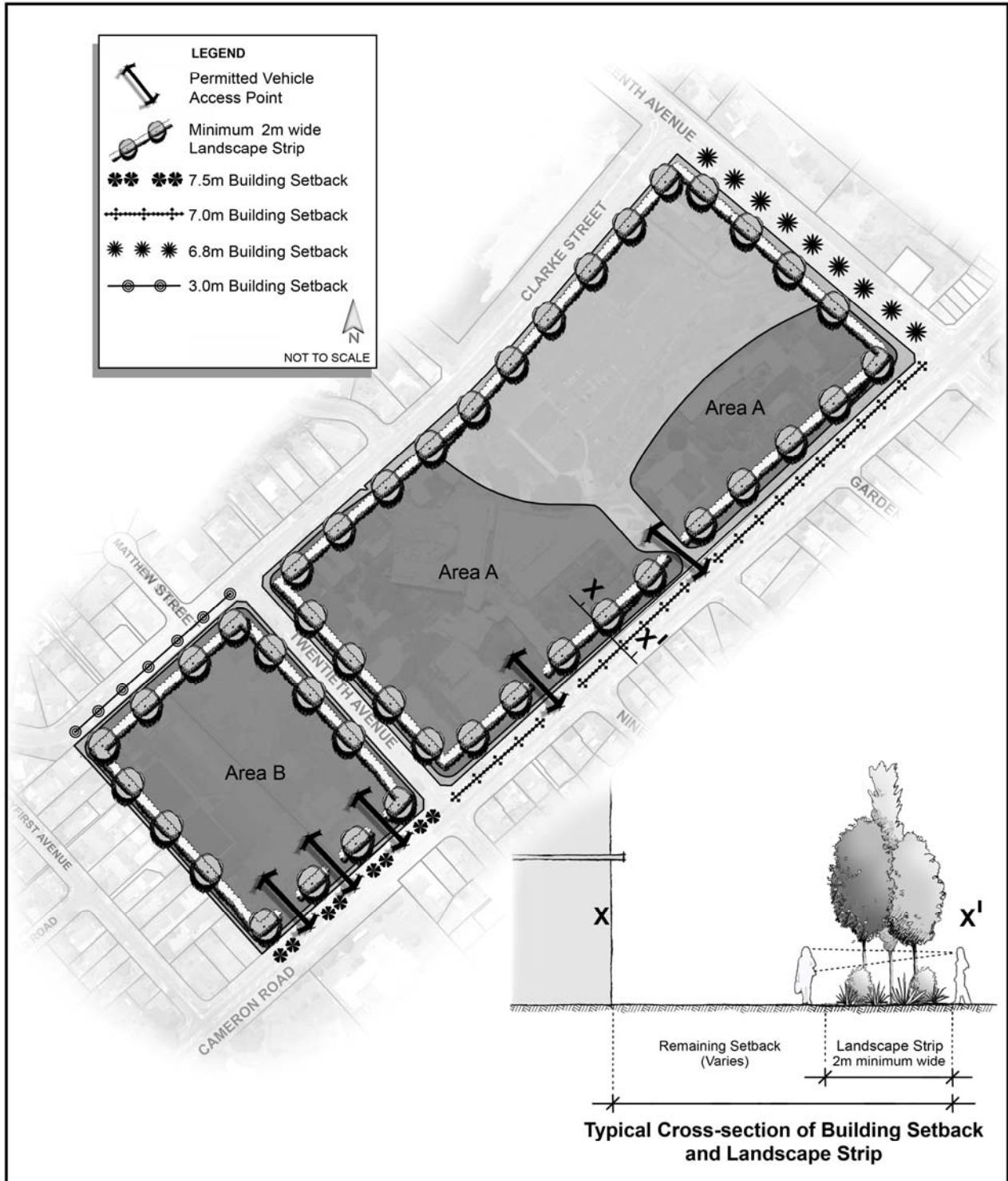


Appendix 14G: City Living Zone Visual Outlook



Appendix 14H: Outline Development Plan, Tauranga Hospital

Appendix
Appealed

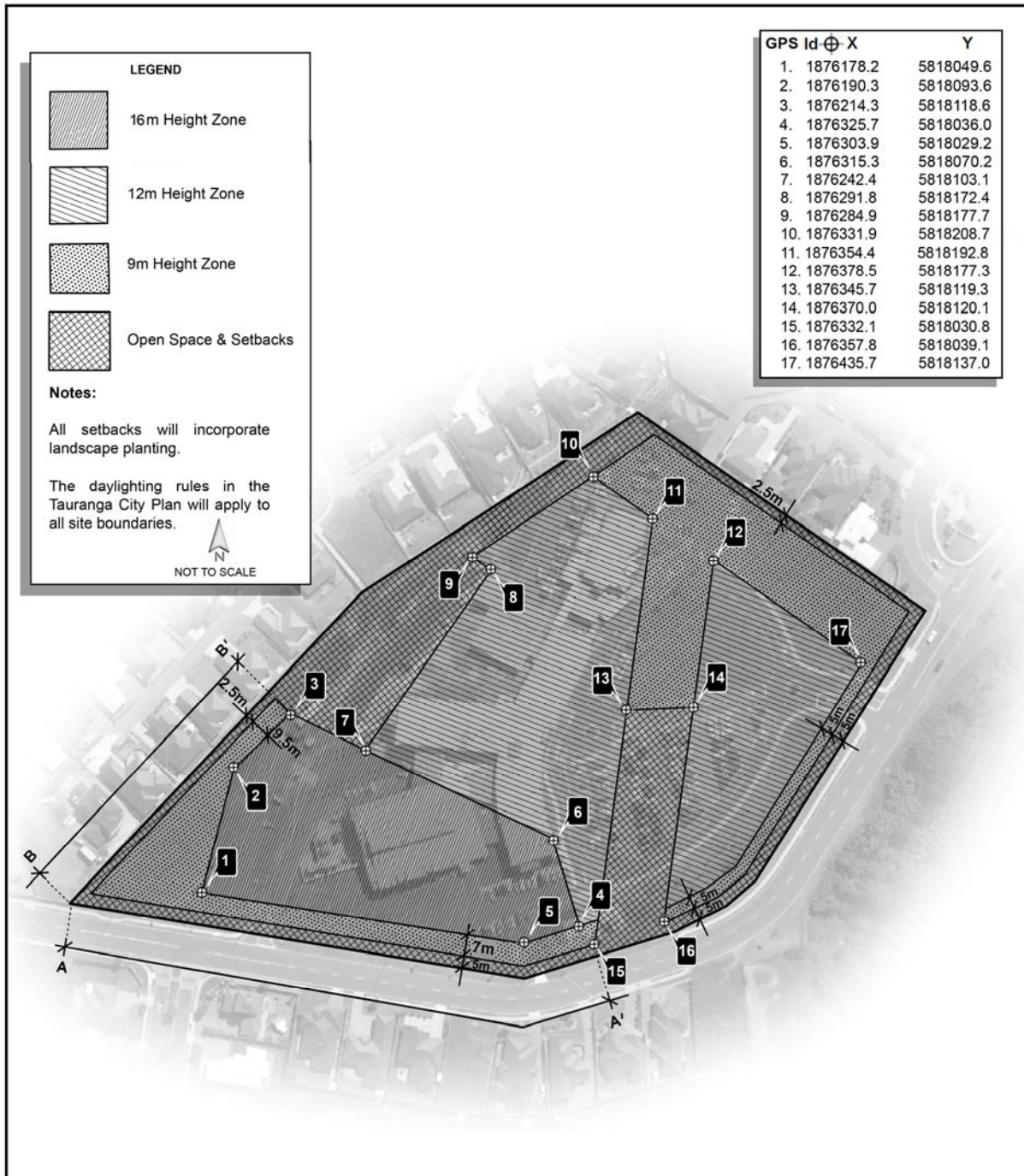


Appendix 14I: Outline Development Plan, The Elms



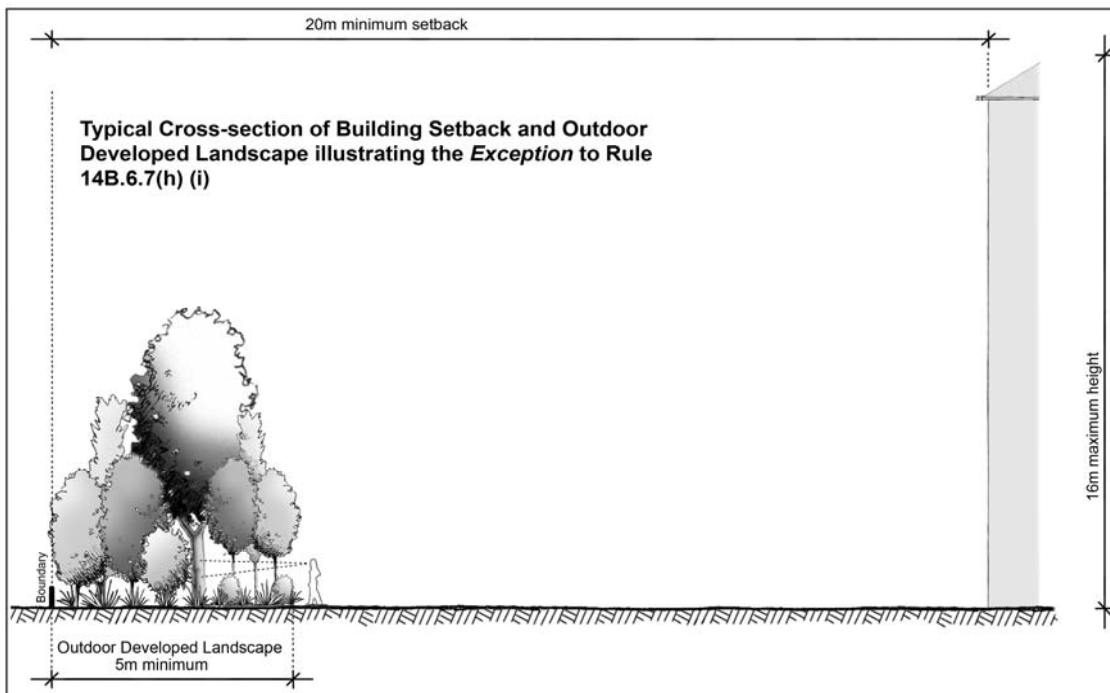
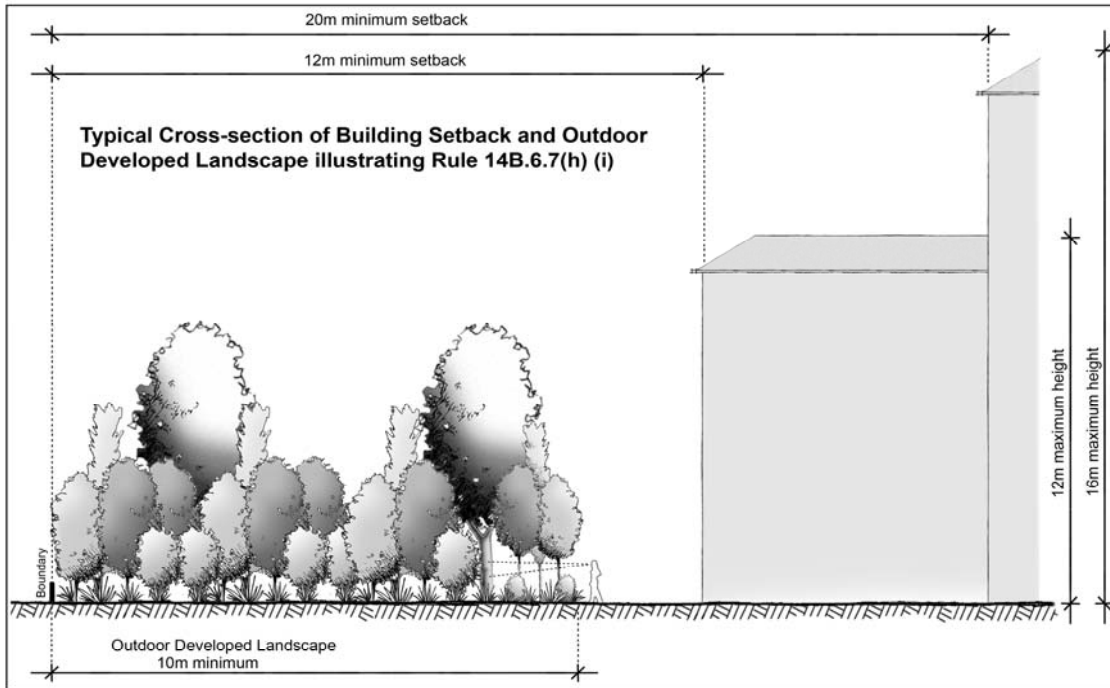
Appendix 14J: Outline Development Plan, Grace Hospital, Cheyne Road

Sheet 1



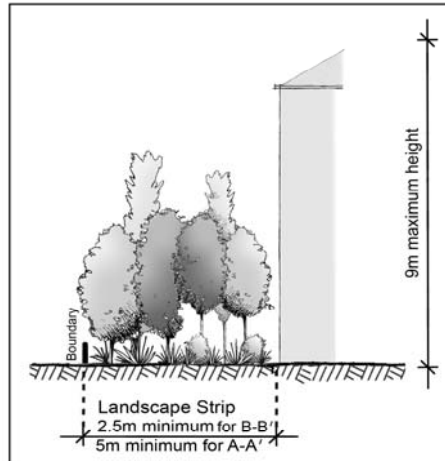
Appendix 14J: Outline Development Plan, Grace Hospital, Cheyne Road

Sheet 2

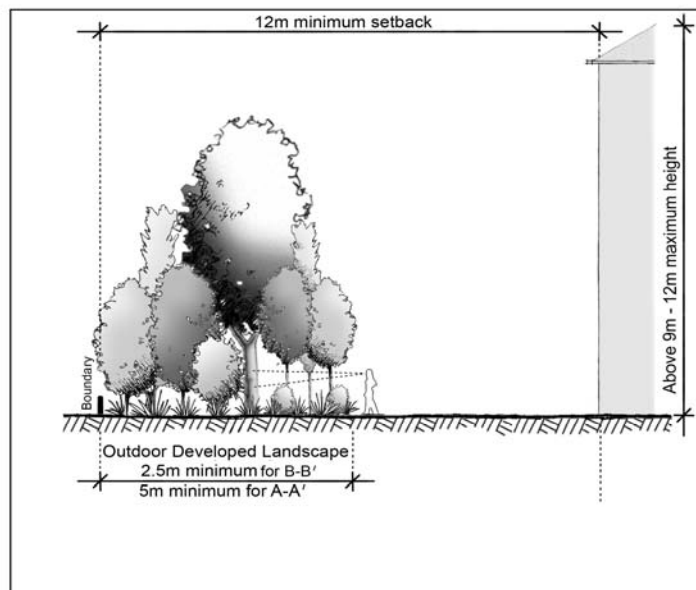


Appendix 14J: Outline Development Plan, Grace Hospital, Cheyne Road

Sheet 3



Typical Cross-section of Building and Landscape Strip for Buildings up to 9 metres in height



Typical Cross-section of Building and Outdoor Landscape Development adjacent to Boundaries (A-A' and B-B') for buildings above 9 metres in height to 12 metres maximum height

Appendix 14K: Outline Development Plan, Example

