

Discussion Document

PART C

Plan Change 53

Proposed New Section 16 for Matamata-Piako District Plan



We have prepared a set of draft provisions for the District Plan and other amendments to show the detailed changes which are being considered. As with the draft zone maps, these draft provisions have been prepared for community and stakeholder consultation and do not represent any final decision by Council.

PART C.1

**PLAN CHANGE 53
PROPOSED NEW SECTION 16 FOR
MATAMATA-PIAKO DISTRICT PLAN**

16 Settlement Zone

Settlement Zone Issues

The Matamata-Piako District has a number of small rural settlements which provide for residential units, community facilities and buildings and in some cases commercial and industrial activities.

The Settlement Zone provides a bespoke zone and a set of rule mechanisms specifically designed to recognise existing land use activities and to enable the new activities that are compatible with the character of these areas.

The settlement areas are largely unserviced and therefore any new development will need to ensure that adequate provision for servicing can be accommodated on site. For those settlements with wastewater reticulation, any new development will need to be accommodated within the capacity of the existing network and treatment works as no upgrading of the Council reticulation or wastewater system is proposed.

The settlements areas accommodate a range of land use activities with residential activities being the predominant land use. The Settlement Zone and rule mechanisms recognise and provide for a 'mixed use' approach to existing and future development with performance standards and rules designed to reduce and mitigate any reserve sensitivity or conflict between activities.

Settlement Zone Objectives

SETZ O1	Settlements which are predominantly used for residential activities and characterised by residential housing within the Residential Precincts.
SETZ O2	Industrial and Commercial activities are provided in identified precinct areas and which are compatible with surrounding residential activities.
SETZ O3	To promote land use activities which support the long term social and economic cohesion of settlements.
SETZ O4	To manage activities in a manner that gives certainty to the public as to the potential location and effects of activities.
SETZ O5	Land-use, subdivision and infrastructure are planned in an integrated manner that does not compromise the supply and capacity of public and private services.

Settlement Zone Policies

SETZ P1	To ensure compatibility between activities within the Settlement Zone by managing and controlling the scale and nature of activities on adjacent and surrounding sites.
SETZ P2	To maintain high standards of amenity and design for residential sites through setting performance standards for the bulk and location of buildings.
SETZ P3	To provide for different land use activities and to manage reverse sensitivity and potential conflicts between activities by identifying residential, commercial and industrial precincts within the settlement areas.

SETZ R1- R3 Activity Status Rules

SETZ R1 Settlement Zone (PREC1 - Residential Precinct)

Permitted Activities

All permitted activities must comply with the general and relevant activity specific performance standards. The general performance standards are listed in SETZ R4(1) to SETZ R4(4). Any activity specific standards are identified in the following activity rules.

SETZ R1(1) One Residential Unit

General Performance Standards

Refer Rules SETZ R4(1) to SETZ R4(4).

Note: The provisions of the Waikato Regional Plan will need to be complied with for any on site effluent system.

Activity Specific Performance Standards

Outdoor Living Space

Every residential unit (excluding minor residential unit) shall have an area of open space which shall:

- Have a minimum area of 80m² and minimum width of 3m. This space may include balconies, decks having a minimum area of 10m², with no dimension less than 1.8m and conservatories;
- Be capable of containing a circle of 6m in diameter at some location within the area of open space, and located to the north, east or west of the unit. This area shall be at ground level and may include decks up to 1m above ground;
- Be unobstructed by vehicle access, parking and buildings; and
- Be directly accessible from the main living area.

SETZ R1(2) Minor Residential Unit

General Performance Standards

Refer Rules SETZ R4(1) to SETZ R4(4).

Activity Specific Performance Standards

Each *Minor Residential Unit* shall comply with the following performance standards:

- (i) The minimum net site area shall be 1,000m².
- (ii) The maximum floor area shall be 60m².
- (iii) An attached carport of no more than 18m² is permissible.
- (iv) The vehicle access shall be from the vehicle crossing serving the primary residential unit.
- (v) The minor residential units shall be located within 40m of the primary residential unit.
- (vi) A minimum outdoor living space of 20m² exclusive to the minor dwelling shall be provided with minimum dimension of 3m. This shall be unobstructed by vehicle access, parking, and buildings and shall be directly accessible from the main living area

SETZ R1(3) Home Business

General Performance Standards

Refer Rules SETZ R4(1) to SETZ R4(4).

Activity Specific Performance Standards

Each *Home Business* shall comply with the following performance standards:

- (i) A maximum of 2 full time equivalent positions may be employed in the home business and it must include at least one permanent resident of the site.

- (ii) The home business shall not involve the parking of heavy vehicles (Gross Vehicle Weight of 3.5 tonnes or more) on site,
- (iii) The sale of goods and/or services from the site is limited to those produced on site,
- (iv) The total area dedicated to a home occupation shall be limited to 60m² floor area,
- (v) No outdoor storage of materials or goods for sale is permitted,
- (vi) Includes non-self-contained B&B for up to 6 people,
- (vii) The minimum net site area shall be 1,000m²,
- (viii) Any private day care activity shall be limited to 4 children (excluding children permanently resident), and
- (ix) Shall not involve any pet day care or grooming services.

SETZ R1(4) Accessory Building

General Performance Standards

Refer Rules SETZ R4(1) to SETZ R4(4).

SETZ R1(5) Activities and buildings on public reserves as provided by a Management Plan under the Reserves Act 1977 or by a Conservation Management Strategy under the Conservation Act 1987.

General Performance Standards

Refer Rules SETZ R4(1) to SETZ R4(4).

SETZ R1(6) Demolition of buildings and structures except those outlined in Schedules 1, 2, and 3.

General Performance Standards

Refer Rules SETZ R4(1) to SETZ R4(4).

SETZ R1(7) Earthworks

General Performance Standards

Refer Rules SETZ R4(1) to SETZ R4(4).

Activity Specific Performance Standards

Earthworks shall comply with the following performance standards:

- (i) Max cut or fill height -
 - 0.5m within minimum building set back
 - 1.5m outside minimum building set back
- (ii) All site works to be reinstated within 6 months of works commencing.
- (iii) Max volume of earthworks 100m³ within any 12 month period.
- (iv) Works must not affect or be located within a scheduled item (Schedule 1 – 3).
- (v) Works cannot involve the excavation or disposal of contaminated land/materials.

Exclusion:

Any earthworks which have been approved as part of a land use or subdivision consent.

SETZ R1(8) Temporary Activities Listed in Rule 4.11.1.

General Performance Standards

Refer Rules SETZ R4(1) to SETZ R4(4).

SETZ R1(9) Relocatable Buildings.

General Performance Standards

Refer Rules SETZ R4(1) to SETZ R4(4).

Activity Specific Performance Standards

- (i) Any relocated building intended for use as a residential unit must have previously been designed, built and used as a residential unit.
- (ii) A building pre-inspection report shall accompany the application for a building consent for the destination site. That report is to identify all reinstatement works that are to be completed to the exterior of the building and service. A building consent shall be obtained prior to relocating the building.
- (iii) The proposed owner of the relocated building must certify to the Council that the reinstatement work will be completed within 12 months of the building arriving on its destination site.
- (iv) The building shall be located on permanent foundations approved by building consent, no later than 6 months of the building arriving on its destination site.
- (v) All other reinstatement work required by the building inspection report and the building consent to reinstate the exterior of any relocated dwelling shall be completed within 12 months of the building arriving on its destination site. Without limiting (ii) (above) reinstatement work is to include connections to all infrastructure services and closing in and ventilation of the foundations.

Controlled Activities

All controlled activities must comply with the general and relevant activity specific performance standards. The general performance standards are listed in SETZ R4(1) to SETZ R4(4). The activity specific standards are identified in the following activity rules.

SETZ R1(10) Two or more Residential Units (Standard Density)**General Performance Standards**

Refer Rules SETZ R4(1) to SETZ R4(4).

Activity Specific Performance Standards

- (i) The maximum density for residential units on a site which is served by a public reticulated wastewater supply is one residential unit per 1,000m².
- (ii) The maximum density for residential units on a site which is not served by a public reticulated wastewater supply is one residential unit per 2,500m².
- (iii) Each residential unit must comply with the subdivision standards set out in Rule 6.2 and the application shall nominate internal lot boundaries to demonstrate compliance with the relevant performance standards.

Assessment Criteria

General Criteria - Rule SETZ R5(1).

Specific Criteria - Rule SETZ R5(2).

Non-compliance with Activity Specific Performance Standards

Any land use that does not comply with the SETZR1(10) (i) or (ii), or SETZR1(13) (i) or (ii) shall be a Non-complying Activity.

Restricted Discretionary Activities

All restricted discretionary activities must comply with the general and relevant activity specific performance standards. The general performance standards are listed in SETZ R4(1) to SETZ R4(4). The activity specific standards are identified in the following activity rules.

SETZ R1(11) Any permitted or controlled activity which does not comply with one or two performance standards unless otherwise stated in the performance standard rule

General Performance Standards

Refer Rules SETZ R4(1) to SETZ R4(4).

Assessment Criteria

General Criteria - Rule SETZ R5(1)

Specific Criteria - Rule SETZ R5(3)

Discretionary Activities

All discretionary activities must comply with the general and relevant activity specific performance standards. The general performance standards are listed in SETZ R4(1) to SETZ R4(4). Any activity specific standards are identified in the following activity rules.

The assessment criteria Rule SETZ R5(1) to SETZ R5(4) may be used to inform and guide the assessment of a discretionary activity. However, there is no limit or restriction on the matters or effects that may be assessed.

SETZ R1(12) Any permitted or controlled activity which does not comply with three or more performance standards unless otherwise stated in the performance standard rule.

General Performance Standards

Refer Rules SETZ R4(1) to SETZ R4(4).

SETZ R1(13) Two or more Residential Units (Medium Density)

General Performance Standards

Refer Rules SETZ R4(1) to SETZ R4(4).

Activity Specific Performance Standards

- (i) The maximum density for residential units on a site which is served by a public reticulated wastewater supply is one residential unit per 600m².
- (ii) The maximum density for residential units on a site which is not served by a public reticulated wastewater supply is one residential unit per 1,000m².
- (iii) Each residential unit must comply with the subdivision standards set out in Rule 6.2 and the application shall nominate internal lot boundaries to demonstrate compliance with the relevant performance standards.

Assessment Criteria

General Criteria - Rule SETZ R5(1).

Specific Criteria - Rule SETZ R5(2).

Non-compliance with Activity Specific Performance Standards

Any land use that does not comply with the SETZR1(10) (i) or (ii), or SETZR1(13) (i) or (ii) shall be a Non-complying Activity.

SETZ R1(14) Educational facilities.

General Performance Standards

Refer Rules SETZ R4(1) to SETZ R4(4).

SETZ R1(15) Community facilities

General Performance Standards

Refer Rules SETZ R4(1) to SETZ R4(4).

SETZ R1(16) Accommodation facilities

General Performance Standards

Refer Rules SETZ R4(1) to SETZ R4(4).

SETZ R1(17) Retailing

General Performance Standards

Refer Rules SETZ R4(1) to SETZ R4(4).

SETZ R1(18) Medical facilities and veterinary clinics

General Performance Standards

Refer Rules SETZ R4(1) to SETZ R4(4).

SETZ R1(19) Offices

General Performance Standards

Refer Rules SETZ R4(1) to SETZ R4(4).

SETZ R1(20) Any activity not specifically listed

General Performance Standards

Refer Rules SETZ R4(1) to SETZ R4(4).

Non-complying Activities

The assessment criteria Rule SETZ R5(1) to SETZ R5(4) may be used to inform and guide the assessment of a non-complying activity. However, there is no limit or restriction on the matters or effects that may be assessed

SETZ R1(21) Light Industry.

SETZ R1(22) Industry.

SETZ R1(23) Any discretionary activity that does not comply with three or more performance standards.

SETZ R2 Settlement Zone (PREC2 - Commercial Precinct)

Permitted Activities

All permitted activities must comply with the general and relevant activity specific performance standards. The general performance standards are listed in SETZ R4(1) to SETZ R4(4). Any activity specific standards are identified in the following activity rules.

SETZ R2(1) Permitted Activities as provided for by the following rules;

- SETZ R1(1) One Residential Unit
- SETZ R1(2) Minor Residential Unit
- SETZ R1(3) Home Business
- SETZ R1(4) Accessory Building
- SETZ R1(5) Activities on Reserves
- SETZ R1(6) Demolition of Buildings and Structures
- SETZ R1(7) Earthworks
- SETZ R1(8) Temporary Activities
- SETZ R1(9) Relocatable Buildings

General Performance Standards

Refer Rules SETZ R4(1) to SETZ R4(4).

Note: The provisions of the Waikato Regional Plan will need to be complied with for any on site effluent system.

Activity Specific Performance Standards

Refer specific performance standards as per relevant rule.

SETZ R2(2) Educational facilities

General Performance Standards

Refer Rules SETZ R4(1) to SETZ R4(4).

SETZ R2(3) Accommodation facilities

General Performance Standards

Refer Rules SETZ R4(1) to SETZ R4(4).

SETZ R2(4) Retailing

General Performance Standards

Refer Rules SETZ R4(1) to SETZ R4(4).

SETZ R2(5) Medical facilities and veterinary clinics

General Performance Standards

Refer Rules SETZ R4(1) to SETZ R4(4).

SETZ R2(6) Offices

General Performance Standards

Refer Rules SETZ R4(1) to SETZ R4(4).

Controlled Activities

All controlled activities must comply with the general and relevant activity specific performance standards. The general performance standards are listed in SETZ R4(1) to SETZ R4(4). The activity specific standards are identified in the following activity rules.

SETZ R2(7) Two or more *Residential Units* (Standard Density)

General Performance Standards

Refer Rules SETZ R4(1) to SETZ R4(4).

Activity Specific Performance Standards

- (i) The maximum density for residential units on a site which is served by a public reticulated wastewater supply is one residential unit per 1000m².
- (ii) The maximum density for residential units on a site which is not served by a public reticulated wastewater supply is one residential unit per 2500m².
- (iii) Each residential unit must comply with the subdivision standards set out in Rule 6.2 and the application shall nominate internal lot boundaries to demonstrate compliance with the relevant performance standards.

Assessment Criteria

General Criteria - Rule SETZ R5(1)

Specific Criteria - Rule SETZ R5(2)

Non-compliance with Activity Specific Performance Standards

Any land use that does not comply with the R2(7) (i) or (ii), shall be a Discretionary Activity.

Restricted Discretionary Activities

All restricted discretionary activities must comply with the general and relevant activity specific performance standards. The general performance standards are listed in SETZ R4(1) to SETZ R4(4). Any activity specific standards are identified in the following activity rules.

SETZ R2(8) Any permitted or controlled activity which does not comply with one or two performance standards unless otherwise stated in the performance standard rule

General Performance Standards

Refer Rules SETZ R4(1) to SETZ R4(4).

Assessment Criteria

General Criteria - Rule SETZ R5(1)

Specific Criteria - Rule SETZ R5(3)

SETZ R2(9) *Community facilities*

General Performance Standards

Refer Rules SETZ R4(1) to SETZ R4(4).

Activity Specific Performance Standards

The hours of operation shall be limited to between 7am and 10pm.

Assessment Criteria

General Criteria - Rule SETZ R5(1)

Specific Criteria - Rule SETZ R5(4)

SETZ R2(10) Light industry**General Performance Standards**

Refer Rules SETZ R4(1) to SETZ R4(4).

Activity Specific Performance Standards

The hours of operation shall be limited to between 7am and 10pm.

Assessment Criteria

General Criteria - Rule SETZ R5(1)

Specific Criteria - Rule SETZ R5(4)

Discretionary Activities

All discretionary activities must comply with the general and relevant activity specific performance standards. The general performance standards are listed in SETZ R4(1) to SETZ R4(4). The activity specific standards are identified in the following activity rules.

The assessment criteria Rule SETZ R5(1) to SETZ R5(4) may be used to inform and guide the assessment of a discretionary activity. However, there is no limit or restriction on the matters or effects that may be assessed.

SETZ R2(11) Any permitted or controlled activity which does not comply with three or more performance standards unless otherwise stated in the performance standard rule.**General Performance Standards**

Refer Rules SETZ R4(1) to SETZ R4(4).

SETZ R2(12) Any restricted discretionary activity which does not comply with one or more performance standards unless otherwise stated in the performance standard rule.**General Performance Standards**

Refer Rules SETZ R4(1) to SETZ R4(4).

SETZ R2(13) Any activity not specifically listed**General Performance Standards**

Refer Rules SETZ R4(1) to SETZ R4(4).

SETZ R2(14) Two or more Residential Units (Medium Density)**General Performance Standards**

Refer Rules SETZ R4(1) to SETZ R4(4).

Activity Specific Performance Standards

- (i) The maximum density for residential units on a site which is served by a public reticulated wastewater supply is one residential unit per 600m².
- (ii) The maximum density for residential units on a site which is not served by a public reticulated wastewater supply is one residential unit per 1,000m².
- (iii) Each residential unit must comply with the subdivision standards set out in Rule 6.2 and the application shall nominate internal lot boundaries to demonstrate compliance with the relevant performance standards.

Assessment Criteria

General Criteria - Rule SETZ R5(1).

Specific Criteria - Rule SETZ R5(2).

Non-compliance with Activity Specific Performance Standards

Any land use that does not comply with the R2(14) (i) or (ii), shall be a Non-complying Activity.

Non-complying Activities

The assessment criteria Rule SETZ R5(1) to SETZ R5(4) may be used to inform and guide the assessment of a non-complying activity. However, there is no limit or restriction on the matters or effects that may be assessed.

SETZ R2(15) Industry.**SETZ R2(16) Any discretionary activity that does not comply with three or more performance standards.****SETZ R3 Settlement Zone (PREC3 - Industrial Precinct)****Permitted Activities**

All permitted activities must comply with the general and relevant activity specific performance standards. The general performance standards are listed in SETZ R4(1) to SETZ R4(4). Any activity specific standards are identified in the following activity rules.

SETZ R3(1) Permitted Activities as provided for by the following rules;

- SETZ R1(4) Accessory Building
- SETZ R1(5) Activities on Reserves
- SETZ R1(6) Demolition of Buildings and Structures
- SETZ R1(7) Earthworks
- SETZ R1(8) Temporary Activities
- SETZ R1(9) Relocatable Buildings
- SETZ R2(4) Retailing
- SETZ R2(5) Medical facilities and veterinary clinics
- SETZ R2(6) Offices

General Performance Standards

Refer Rules SETZ R4(1) to SETZ R4(4).

Note: The provisions of the Waikato Regional Plan will need to be complied with for any on site effluent system.

Activity Specific Performance Standards

- (i) Refer specific performance standards as per relevant rule.

SETZ R3(2) Light industry**General Performance Standards**

Refer Rules SETZ R4(1) to SETZ R4(4).

Controlled Activities

All controlled activities must comply with the general and relevant activity specific performance standards. The general performance standards are listed in SETZ R4(1) to SETZ R4(4). Any activity specific standards are identified in the following activity rules.

SETZ R3(2) Note: There are no Controlled Activities in the Industrial Precinct. This rule is only included to retain formatting sequence.

Restricted Discretionary Activities

All restricted discretionary activities must comply with the general and relevant activity specific performance standards. The general performance standards are listed in SETZ R4(1) to SETZ R4(4). Any activity specific standards are identified in the following activity rules.

SETZ R3(3) Any permitted or controlled activity which does not comply with one or two performance standards unless otherwise stated in the performance standard rule

General Performance Standards

Refer Rules SETZ R4(1) to SETZ R4(4).

Assessment Criteria

General Criteria - Rule SETZ R5(1)

Specific Criteria - Rule SETZ R5(3)

SETZ R3(4) *Community facilities*

General Performance Standards

Refer Rules SETZ R4(1) to SETZ R4(4).

Activity Specific Performance Standards

The hours of operation shall be limited to between 7am and 10pm.

Assessment Criteria

General Criteria - Rule SETZ R5(1)

Specific Criteria - Rule SETZ R5(4)

Discretionary Activities

All discretionary activities must comply with the general and relevant activity specific performance standards. The general performance standards are listed in SETZ R4(1) to SETZ R4(4). The activity specific standards are identified in the following activity rules.

The assessment criteria Rule SETZ R5(1) to SETZ R5(4) may be used to inform and guide the assessment of a discretionary activity. However, there is no limit or restriction on the matters or effects that may be assessed.

SETZ R3(5) Any permitted or controlled activity which does not comply with three or more performance standards unless otherwise stated in the performance standard rule.

General Performance Standards

Refer Rules SETZ R4(1) to SETZ R4(4).

SETZ R3(6) Any activity not specifically listed in the District Plan

General Performance Standards

Refer Rules SETZ R4(1) to SETZ R4(4).

Non-complying Activities

The assessment criteria Rule SETZ R5(1) to SETZ R5(4) may be used to inform and guide the assessment of a non-complying activity. However, there is no limit or restriction on the matters or effects that may be assessed.

SETZ R3(7) Industry.

SETZ R3(8) Any residential unit or residential activity listed in the following rules;

- SETZ R1(1) One Residential Unit
- SETZ R1(2) Minor Residential Unit
- SETZ R1(3) Home Business

SETZ R3(9) Any discretionary activity that does not comply with three or more performance standards.

SETZ R4 Performance Standards

SETZ R4(1) General Rule

All activities shall be required to comply with the following performance standards. Rule SETZ R4(2) to Rule SETZ R4(4) are general performance standards for all activities including linkage rules to other sections of the District Plan. The performance standards apply to the Commercial and Industrial Precincts unless otherwise specified.

SETZ R4(2) Building Envelope

Unless otherwise stated, the following performance standards apply to all buildings in the Settlement Zone and both the Commercial and Industrial Precincts.

(a) Maximum height

Residential Precinct and Commercial Precinct	9m
Industrial Precinct	12m

The maximum height rule does not apply to a single *design feature* or *building component*, which does not exceed the maximum permitted *height* by more than 2 metres and/or an external dimension of 2 metres in any other direction (excluding diagonal measurements)

Refer Section 8 for rules for antenna and dishes.

(b) Height relative to site boundaries

No part of any *building* shall exceed a height of 2m plus the shortest horizontal distance between that part of the *building* and the nearest site boundary, provided that this shall not apply;

- (i) to the apex of the gable ends of a roof, being no more than 1m² in area (See Appendix 2), or
- (ii) a *design feature* or *building component* that does not exceed an external measurement of 2 metres in any direction (excluding diagonal measurements); and
- (iii) subject to no more than a total of two *design features* or *building components* (including the apex of a gable end) encroaching through the height relative to boundary plane of all boundaries.

Exemption: This rule does not apply between sites which are both located within the Industrial Precinct.

(c) Yards (Residential Precinct and Commercial Precinct)

Front	5m, or 10m, if the front boundary is adjacent to a road with a posted speed environment of 70 km/h or more
Side and Rear	3m
Rear Sites	3m
River protection	20m

Yards (Industrial Precinct)

Front	5m
Side and Rear	5m to non-Industrial Precinct boundary
Rear Sites	3m to non-Industrial Precinct boundary
River protection	20m

Advice Note: For garages and carports encroaching a front yard, see the General Access Standards in 9.1.2(ix).

Provided that:

- (i) Accessory buildings may be erected on any rear and/or side yard or any rear site yard so long as;
 - the written consent of all property owners contiguous to any building is obtained and Rule SETZ R4(2)(b) is not compromised, or
 - the length of all buildings erected within 1.5m of the side boundary does not exceed 12m or 50% of the boundary whichever is the lesser, and the wall of any habitable room facing the boundary shall have no windows or doors.
- (ii) All structures on or adjacent to site boundaries must also comply with the provisions of the Building Act.
- (iii) For lots adjoining a state highway for railway line, internal noise levels for buildings shall comply with the acoustic insulation standards in Rule 5.2.12.

(d) Fences and walls

No fences or walls or a combination of these (whether separate or joined together) shall exceed 2m in height within the yard setback.

SETZ R4(3) Maximum Building Coverage

Residential Precinct and Commercial Precinct

- 35% of the net site area for sites equal to or less than 1500m²
- 25% of the net site area for sites greater than 1500m²

SETZ R4(4) District Plan Linkage Rules – Performance Standards

All activities shall comply with the relevant performance standards identified in the following sections of the District Plan.

- Rule 1.2 Development Suitability
- Rule 3.5: Activities adjacent to the National Grid
- Rule 3.6 Development adjacent to sub-transmission lines
- Rule 3.7 Approach and restart sight triangles at railway level crossings
- Rule 3.8 Activities adjacent to Flood Control Assets
- Rule 3.9 Signage
- Rule 5.2 Noise
- Rule 5.3 Vibration
- Rule 5.4 Lighting and Glare
- Rule 5.5 Air Emissions
- Rule 5.6 Management of Disposal of wastes
- Rule 5.7 Use and Storage of Hazardous Substances
- Rule 5.9 Infrastructure and servicing
- Section 7: Development Contributions
- Section 9: Transportation

SETZ R5 Assessment Criteria

SETZ R5(1) General Assessment Criteria

The following assessment criteria shall apply to all Controlled and Restricted Discretionary activities:

- (a) The extent of non-compliance with any performance standards and the degree to which this adversely affects the amenity and character of the site and surrounding area;
- (b) The degree to which on site amenity is retained for residents and the appropriate level of separation, space and amenity between sites;
- (c) The extent to which the scale and nature of the proposal including any specific site features or design mitigates the adverse effects of the activity;
- (d) Whether the activity will adversely affect or interfere with the legitimate land use and activities on surrounding sites;
- (e) Traffic, parking and access effects, including the safety and efficiency of the roading network; and
- (f) The provision of three waters servicing and any capacity issues where public reticulation is proposed to service the site.

SETZ R5(2) Controlled Assessment Criteria - Two or more Residential Units

Note: These specific Controlled Assessment criteria apply in addition to all other general assessment criteria and other assessment criteria resulting from the rule mechanisms that apply to the activity

In addition, the criteria set out in Rule SETZ R5(1), the following assessment criteria shall apply to any controlled activity for two or more *Residential Units*:

- (a) The nature and design of buildings and outdoor spaces to ensure that a high level of residential amenity is provided for residents; and
- (b) The scale, density and design of buildings and the degree that this maintains the residential amenity and values of other surrounding sites.

SETZ R5(3) Restricted Assessment Criteria - Relocatable Buildings

Note: These specific Restricted Discretionary Assessment criteria apply in addition to all other general assessment criteria and other assessment criteria resulting from the rule mechanisms that apply to the activity

In addition to SETZ R5(1), the following assessment criteria shall apply to any relocatable building which does not comply with the performance standards in Rule SETZ R1(9):

- (a) The proposed timetable for completion of the work required to reinstate the exterior of the building and connection to services.

SETZ R5(4) Restricted Assessment Criteria - *Community facilities and Light industry*

Note: These specific Restricted Discretionary Assessment criteria apply in addition to all other general assessment criteria and other assessment criteria resulting from the rule mechanisms that apply to the activity

In addition to SETZ R5(1), the following assessment criteria shall apply to *Community facilities and Light Industry* in the Commercial Precinct:

- (a) The type and location of surrounding land use activities and whether these may be affected by the scale, nature and intensity of the proposed use.

Note: The assessment criteria Rule SETZ R5(1) to SETZ R5(4) may be also used to inform and guide the assessment of a discretionary activity. However, there is no limit or restriction on the matters or effects that may be assessed.

SETZ R6 OTHER PLAN PROVISIONS

SETZ R6(1) Other Plan Provisions

Any activity within the Settlement Zone will also need to be reviewed and assessed against the following rules and sections of the District Plan

- Rule 1.1 Information requirements for resource consent applications
- Rule 1.5 Notified and non-notified consents
- Section 6 Subdivision
- Section 8 Works and network utilities
- Section 10 Natural Environments and heritage
- Section 11 Natural Hazards
- Section 12 Surface of Water
- Section 13 Other Methods
- Section 14 Monitoring
- Section 15 Definitions

PART C.2

PLAN CHANGE 53

**PROPOSED RURAL HOUSE SITE PROVISIONS FOR
MATAMATA-PIAKO DISTRICT PLAN**

Part 3 - Development Controls

C.2.1) Delete Rule 2.2.3.4 and renumber rule numbering

- 3.4 One dwelling per Certificate of Title for a rural lot (existing at November 1996) less than or equal to 4.2ha in area

C.2.2) Amend Rule 3.2.1 to include new rule 3.2.1(iv) for Rural House Lots,

3.2.1 Building envelope

(iv) Rural House Sites

For Rural Zoned lots which contain less than 2,500m², the following yards shall apply:

- (a) Front Yard..... 15m
- (b) Side/Rear Yards..... 10m, unless the adjacent property is 1ha or less in which case a minimum side/rear yard of 5m shall apply.
- (c) For lots adjoining a state highway or railway line, internal noise levels for buildings shall comply with the acoustic insulation standards in Rule 5.2.12.

PART C.3

**PLAN CHANGE 53
OTHER PROPOSED CHANGES TO
MATAMATA-PIAKO DISTRICT PLAN**

Part 3 - Signage

C.3.1) Insert New Rules for Signage into Rule 3.9.1.

	Zone	Type of sign permitted	Total site signage
12	Settlement Zone (Residential Precinct)	A sign stating name, profession, occupation or trade or property name.	0.5m ²
13	Settlement Zone (Industrial and Commercial Precinct)	Signs related to permitted activities established on the site for the advertisement or identification of the established permitted activities.	6m ²

Part 5 - Noise

C.3.2) Insert New Rule 5.2.11 for Noise

5.2.11 Settlement Zone

(i) Residential Precinct and Commercial Precinct

The noise level (L_{Aeq}) as measured at any point within the boundary of an adjacent Residential Precinct and Commercial Precinct site or the notional boundary of any rural dwelling shall not exceed the following:

Monday to Saturday	7.00am to 10.00pm	50dBA
At all other times including Sundays and Public Holidays		40dBA
10.00pm to 7.00am. The L_{AFmax} shall not exceed 65dBA.		

The day time levels may be exceeded for infrequent and short term noise from normal household activities such as lawn mowing and domestic use of power tools.

(ii) Industrial Precinct

(a) The noise level (L_{Aeq}) as measured at any point within the boundary of an adjacent Residential Precinct and Commercial Precinct site or the notional boundary of any rural dwelling shall not exceed the following:

Monday to Saturday	7.00am to 10.00pm	55dBA
At all other times including Sundays and Public Holidays		45dBA
10.00pm to 7.00am. The L_{AFmax} shall not exceed 75dBA.		

(b) The noise level (L_{Aeq}) as measured at any point within the boundary of an adjacent Industrial Precinct site shall not exceed 65dB

(iii) Commercial Precinct

The noise level (L_{Aeq}) as measured at any point within the boundary of an adjacent Industrial Precinct site or the notional boundary of any rural dwelling shall not exceed the following:

Monday to Saturday	7.00am to 10.00pm	55dBA
At all other times including Sundays and Public Holidays		45dBA
10.00pm to 7.00am. The L_{AFmax} shall not exceed 75dBA.		

5.2.12 Noise Insulation for Rural Dwelling Sites and the Settlement Zone

(i) Performance Standards

(a) New (including relocated) buildings to be used for a noise sensitive activity located:

- i. Within 40m of a railway line included in the definition of “regionally significant infrastructure”;
- ii. Within 80m of a state highway or significant district road with a posted speed limit above 70km/h; or
- iii. Within 40m of a state highway or significant district road with a posted speed limit of 70km/h or less.

Shall be designed, insulated, constructed, or screened by suitable barriers and maintained to ensure that noise received within any new bedroom, habitable space, or other space containing a noise sensitive activity, will not exceed the limits below:

Space	Internal noise limit	
	Road traffic noise	Railway noise
Inside bedrooms	40dB L _{Aeq} (24h)	35dBA L _{Aeq} (1 hour)
Inside other habitable rooms	45dB L _{Aeq} (24h)	40dBA L _{Aeq} (1 hour)
Inside other spaces containing a noise sensitive activity	No greater than the recommended maximum design guidelines in AS/NZS 2107-2000: Acoustics – recommended design sound level and reverberation times for building interiors	

(b) The distances referred to above are measured from the:

- i. Edge of a railway track;
- ii. Edge of the nearest traffic lane of the state highway;
- iii. Face of the closest external wall of a new building.

(c) If windows are required to be closed to achieve the noise limits above, the building shall be designed and constructed to provide an alternative means of ventilation in accordance with Clause G4 of the New Zealand Building Code.

(d) An acoustic design report prepared by an appropriately qualified practitioner confirming compliance with the limits above must be submitted to Council as part of any resource or building consent application.

Advice Note: Compliance with Clause G4 will not guarantee thermal comfort. Owners should consider the installation of additional ventilation equipment such as a heat pump.

(ii) Permitted activities

(a) A new (including relocated) building to be used for a noise sensitive activity that has demonstrated compliance with the performance standards in 5.2.9(i) above is a permitted activity.

(b) A new (including relocated) building, not to be used for a noise sensitive activity is a permitted activity and is not required to demonstrate compliance with the performance standards in 5.2.9(i) above.

(iii) Restricted-discretionary activities

A new (including relocated) building, to be used for a noise sensitive activity not meeting the performance standards in 5.2.9(i) above is a restricted-discretionary activity

(iv) Matters of discretion

Council has restricted its discretion to the following matters and may impose conditions relating to these matters if consent is granted:

- (a) The effects of noise from the state highway and/or railway network on the activity to be constructed/relocated;
- (b) The reverse-sensitivity effects of the activity to be constructed/relocated on the operation of the state highway and/or rail network and the ability and suitability of mitigation measures to enable the continued and uninterrupted operation of the state highway and/or railway network;
- (c) The degree of noise attenuation achieved by the noise sensitive activity;
- (d) Technical advice provided by the railway operator (Kiwirail) and/or the NZ Transport Agency.

(v) Non-notification

Applications utilising Rule 5.2.9(iii) that do not simultaneously trigger other consent requirements, shall not be publicly notified and shall not be served on any party other than the railway operator (Kiwirail) and/or the NZ Transport Agency.

Part 5 - Lighting and Glare

C.3.3) Amend Rule 5.4

5.4 Lighting and Glare

- (i) At no time between 7.00am and 10.00pm shall any outdoor lighting be used in a manner that causes an added illuminance in excess of 125 lux, measured horizontally or vertically at the boundary of any non-Industrial zoned or non-Industrial precinct site adjoining.
- (ii) At no time between the hours of 10.00pm and 7.00am shall any outdoor lighting be used in a manner that causes:
 - (a) An added illuminance in excess of 10 lux measured horizontally or vertically at any window of an adjoining building within a non-Industrial zone or non-Industrial precinct;
 - (b) An added illuminance in excess of 20 lux measured horizontally or vertically at any point along any non-Industrial zone boundary or non-Industrial precinct.
- (iii) Where measurement of any added illuminance cannot be made because any person refuses to turn off outdoor lighting, measurements may be made in locations of a similar nature which are not affected by such outdoor lighting.
- (iv) The outdoor lighting on any site adjoining any non-Industrial zoned or non-Industrial precinct site shall be so selected, located, aimed, adjusted and screened as to ensure that glare resulting from the lighting does not cause a significant level of discomfort to any occupants of the non-industrial site.

Part 6 - Subdivision

C.3.4) Amend Activity Table 6.1

6.1 Activity Table

KEY								
P	Permitted activity				C	Controlled activity		
D	Discretionary activity				RD	Restricted Discretionary activity		
N/C	Non Complying activity				PRHB	Prohibited activity		
All activities not listed in the Activity Table are deemed to be non-complying unless otherwise provided for. See Rule 2.1.5								
Type of subdivision		Zones						
		Rural	Rural-Res	Residential	Industrial	Business	Kaitiaki (Conservation)	Settlement Zone (including precincts)
1.	All Zones							
(a)	Boundary Adjustment	C	C	C	C	C	C	<u>C</u>
(b)	Bonus Protection Lots	D	D	D	D	D	D	<u>D</u>
(c)	Works and Network Utilities.	C	C	C	C	C	C	<u>C</u>
(d)	Subdivision with one or more new vacant developable lots: <ul style="list-style-type: none"> • Within a National Grid Subdivision Corridor; • Within 20m either side of the centreline of a sub-transmission line. 	RD	RD	RD	RD	RD	RD	<u>RD</u>
(e)	Subdivision with one or more new vacant developable lots adjoining: <ul style="list-style-type: none"> • Any state highway, or • A railway line included in the definition of "regionally significant infrastructure" 	See 6.3.11	See 6.3.11	See 6.3.11	See 6.3.11	See 6.3.11	See 6.3.11	<u>See 6.3.11</u>
(f)	Subdivision of Scheduled Sites				D			
8.	Settlement Zone							
(a)	<u>Subdivision</u>							<u>See 6.3.12</u>

C.3.5) Insert new Performance Standards and Activity Status Rule 6.3.12

6.3.12 Subdivision within the Settlement Zone

- (i) Additional Performance Standards
 - (a) Minimum Net Lot Size (Controlled Activity)
 - i. Lots connected to public wastewater reticulation1,000m²
 - ii. Lots not connected to public wastewater reticulation 2,500m²
 - (b) Minimum Net Lot Size (Discretionary Activity)
 - i. Lots connected to public wastewater reticulation 600m²
 - ii. Lots not connected to public wastewater reticulation 1,000m²
- (ii) Assessment Criteria

See section 6.4.7.
- (iii) Non-compliance

Any subdivision that does not comply with Rule 6.3.12(i) (a) or (b) shall be a Non-complying activity.

C.3.6) Insert new Discretionary Assessment Criteria Rule 6.6.3

6.6.3 Settlement Zone (Discretionary Activity Subdivision)

For subdivision which is a Discretionary Activity under Rule 6.3.12, Council shall assess and take into account:

- (i) The ability of the lots to provide for wastewater disposal and treatment; and
- (ii) Any input, advice or consents for wastewater disposal and treatment provided by the Waikato Regional Council.

Part 8 - Works and Network Utilities

C.3.7) Amend Tables 8.1.1, 8.2.1, 8.3.1, 8.4.1, 8.5.1, 8.6.1, 8.8.1, 8.9.1 to include Settlement Zone into each Activity Table.

Activity	<u>Zones and Precincts</u>						
	Kaitiaki (Conservation), Identified Significant Features	Residential & Rural Residential, & Settlement Zone (Residential Precincts)	Business and Settlement Zone (Commercial Precinct)	Industrial and Settlement Zone (Industrial Precinct)	Rural	Public Reserves	Formed Roads Unformed Roads

Part 9 - Transportation

C.3.8) Amend Table 9.1.4 to include car park provision for a Minor Residential Unit and Home Business; and to include Communal facilities alongside existing Place of assembly standards.

Activity	Parking Spaces Required
Accommodation facilities including:	
<u>Minor Residential Unit</u>	<u>1 space</u>
<u>Home Business</u>	<u>2 spaces</u>
Places of Assembly and <u>Community facilities</u> including:	

Schedule 4: Designations

C.3.9) Amend Schedule 4 table to update underlying zoning.

Designation No	Underlying Zone	Authority	Location	Purpose	Map No	Legal Description
6	<u>Business Settlement Zone (Industrial Precinct)</u>	Matamata-Piako District Council	Te Poi Road Te Poi	Water Supply	41	For legal description refer Schedule 4: No changes are proposed to the legal descriptions within the table.
159	<u>Rural Settlement Zone (Residential Precinct)</u>	Matamata-Piako District Council	Campbell Road Waihou	Proposed Reserve	23	
12	<u>Rural Settlement Zone (Commercial Precinct)</u>	Matamata-Piako District Council	Morrinsville-Tahuna Road Tahuna	Water Supply	37	
101	<u>Rural Settlement Zone (Industrial Precinct)</u>	Chorus New Zealand Limited	Te Poi Road Te Poi	Telecommunications and Radio Communications Purposes	41	
102	<u>Rural Settlement Zone (Commercial Precinct)</u>	Chorus New Zealand Limited	State Highway 26 Waitoa	Telecommunications and Radio Communications Purposes	24	
103	<u>Rural Settlement Zone (Residential Precinct)</u>	Chorus New Zealand Limited	Walton Road walton	Telephone Exchange	39	
130	<u>Rural Settlement Zone (Residential Precinct)</u>	Ministry of Education	State Highway 26 Waitoa	Primary School	24	
116	<u>Rural Settlement Zone (Residential Precinct)</u>	Ministry of Education	Tahuna-Ohinewai Road Tahuna	Primary School	37	
131	<u>Rural Settlement Zone (Residential Precinct)</u>	Ministry of Education	Manawaru Road, Manawaru	Primary School	38	
153	<u>Rural Settlement Zone (Residential Precinct)</u>	Ministry of Education	State Highway 29 Hinuera	Primary School	42	
132	<u>Rural Settlement Zone (Residential Precinct)</u>	Manawaru Playcentre	Manawaru Road, Manawaru	Play Centre	38	

Definitions

For the purpose of Plan Change 53, the following definitions will apply only in relation to activities and provisions within Section 16 of the District Plan and any associated rule mechanisms.

In some instance, the definitions are those mandated for adoption by the National Planning Standards. These are identified by the annotation (NPS)

C.3.10) Insert the following definitions into Section 15.

Activity	Proposed Definition
Accessory building (NPS)	For the Settlement Zone, means a detached <i>building</i> , the use of which is ancillary to the use of any <i>building</i> , <i>buildings</i> or activity that is or could be lawfully established on the same <i>site</i> , but does not include any <i>minor residential unit</i> .
Allotment (NPS)	has the same meaning as in section 218 of the RMA
Ancillary activity (NPS)	For the Settlement Zone, means an activity that supports and is subsidiary to a primary activity.
Building (NPS)	For the Settlement Zone, means a temporary or permanent movable or immovable physical construction that is: <ul style="list-style-type: none"> a. partially or fully roofed, and b. is fixed or located on or in <i>land</i>, but c. excludes any motorised vehicle or other mode of transport that could be moved under its own power.
Building component	For the Settlement Zone, means a component of a <i>building</i> that is integral to and compliments its function including, but not limited to eaves, chimneys, balustrades and solar panels.
Building coverage (NPS)	For the Settlement Zone, means the percentage of the <i>net site area</i> covered by the <i>building footprint</i> .
Building footprint (NPS)	For the Settlement Zone, means, in relation to <i>building coverage</i> , the total area of <i>buildings</i> at ground floor level together with the area of any section of any of those <i>buildings</i> that extends out beyond the ground floor level limits of the <i>building</i> and overhangs the ground.
Community facility (NPS)	For the Settlement Zone, means <i>land</i> and <i>buildings</i> used by members of the community for recreational, sporting, cultural, safety, health, welfare, or worship purposes. It includes provision for any <i>ancillary activity</i> that assists with the operation of the community facility.
Design feature	For the Settlement Zone, means a distinctive part of a <i>building</i> designed for visual effect that is not integral to the day to day functioning of that <i>building</i> .
Earthworks (NPS)	For the Settlement Zone, means the alteration or disturbance of <i>land</i> , including by moving, removing, placing, blading, cutting, contouring, filling or excavation of earth (or any matter constituting the <i>land</i> including soil, clay, sand and rock); but excludes gardening, cultivation, and disturbance of <i>land</i> for the installation of fence posts.
Education facility (NPS)	For the Settlement Zone, means <i>land</i> or <i>buildings</i> used for teaching or training by child care services, schools, and tertiary education services, including any <i>ancillary activities</i> .

Height (NPS)	For the Settlement Zone, means the vertical distance between a specified reference point and the highest part of any feature, structure or building above that point.
Height in relation to boundary (NPS)	For the Settlement Zone, means the <i>height</i> of a <i>structure, building</i> or feature, relative to its distance from either the boundary of a: <ul style="list-style-type: none"> a. <i>site</i>, or b. other specified reference point.
Home business (NPS)	For the Settlement Zone, means a <i>commercial activity</i> that is: <ul style="list-style-type: none"> a. undertaken or operated by at least one resident of the <i>site</i>; and b. is incidental to the use of the <i>site</i> for a <i>residential activity</i>.
Industrial Activity (NPS)	For the Settlement Zone, means an activity that manufactures, fabricates, processes, packages, distributes, repairs, stores, or disposes of materials (including raw, processed, or partly processed materials) or goods. It includes any <i>ancillary activity</i> to the industrial activity.
Land (NPS)	has the same meaning as in section 2 of the RMA
Light industry	For the Settlement Zone, means an industrial activity with the exception that the following activities are not defined as Light Industry; <ul style="list-style-type: none"> • any activity that requires air discharge consent, • any activity that requires a trade waste permit, • depots, or • activities that involve the maintenance or repair of vehicles in outdoor areas.
L _{Aeq} (NPS)	has the same meaning as ‘time-average A-weighted sound pressure level’ in New Zealand Standard 6801:2008 Acoustics -Measurement of Environmental Sound.
L _{AF(max)} (NPS)	has the same meaning as the ‘maximum A-frequency weighted, F-time weighted sound pressure level’ in New Zealand Standard 6801:2008 Acoustics – Measurement Of Environmental Sound
Minor residential unit (NPS)	For the Settlement Zone, means a self-contained <i>residential unit</i> that is ancillary to the principal <i>residential unit</i> , and is held in common ownership with the principal <i>residential unit</i> on the same <i>site</i> .
Net site area (NPS)	For the Settlement Zone, means the total area of the <i>site</i> , but excludes: <ul style="list-style-type: none"> a. any part of the <i>site</i> that provides legal access to another <i>site</i>; b. any part of a rear <i>site</i> that provides legal access to that <i>site</i>; c. any part of the <i>site</i> used for access to the <i>site</i>; d. any part of the <i>site</i> subject to a designation that may be taken or acquired under the Public Works Act 1981.
Outdoor Living Space (NPS)	For the Settlement Zone, means an area of open space for the use of the occupants of the <i>residential unit</i> or units to which the space is allocated.
Residential Activity (NPS)	For the Settlement Zone, means the use of <i>land</i> and <i>building(s)</i> for people’s living accommodation.
Residential Unit (NPS)	For the Settlement Zone, means a <i>building(s)</i> or part of a <i>building</i> that is used for a <i>residential activity</i> exclusively by one

	household, and must include sleeping, cooking, bathing and toilet facilities.
Site (NPS)	<p>For the Settlement Zone, means:</p> <ul style="list-style-type: none"> a. an area of <i>land</i> comprised in a single record of title as per Land Transfer Act 2017; or b. an area of <i>land</i> which comprises two or more adjoining legally defined <i>allotments</i> in such a way that the <i>allotments</i> cannot be dealt with separately without the prior consent of the council; or c. the <i>land</i> comprised in a single <i>allotment</i> or balance area on an approved survey plan of <i>subdivision</i> for which a separate record of title as per Land Transfer Act 2017 could be issued without further consent of the Council; or d. except that in relation to each of sub clauses (a) to (c), in the case of <i>land</i> subdivided under the Unit Title Act 1972 or 2010 or a cross lease system, a site is the whole of the land subject to the unit development or cross lease.
Specified reference point	For the Settlement Zone, means the finished ground level as identified and approved as part of an approved subdivision consent for which S.224(c) has been granted, <u>or</u> the natural ground level, immediately below the building or building component which is being measured

Reserve Annotations

- C.3.11) *Delete annotations and descriptions of Council reserves on planning maps within the new Settlement Zone areas. Note: this does not affect designated sites.*