

Discussion Document

# PART A

## Plan Change 53 Proposed Changes to the Matamata-Piako District Plan



# 1. Proposed Changes

A series of proposed changes have been prepared for consultation and feedback. These are based on an assessment of issues that have arisen with the administration of the District Plan and from the community and stakeholder feedback.

The proposed changes do not represent a final decision on the District Plan. The proposed changes are being released in draft to enable the community and stakeholders to provide specific feedback and suggestions on the proposed changes.

A formal submission, further submissions and hearings process will also be undertaken once the changes have been formally notified. This will enable further input from the community and the Council hearing will enable people and stakeholders to present their support, concerns and aspirations with the proposed changes.

The proposed changes are detailed in the following sections of this discussion document. They include the following topic areas:

- Zoning and precinct mechanisms
- Subdivision, density standards and services
- Land use activities
- Bulk and location standards
- Minor residential unit
- Earthworks
- Relocatable buildings
- Home business
- Underlying zones - Council reserves and designations
- Rural house sites
- Noise standards

The key proposal for this plan change is the introduction of a settlements zone with a proposed Industrial Precinct and Business Precinct. The settlements zone is proposed to be applied to existing settlement areas based on existing land use and creating logical zone boundaries.

There are ten settlements where the new Settlement Zone is proposed. These are: Waihou, Waitoa, Tahuna, Mangateparu, Motumaoho, Walton, Hinuera, Te Poi, Manawaru, and Te Aroha West.

It is noted that Tatuanui was originally considered for a Settlements Zone. However, Tatuanui is considered more an industrial hub than a residential village and we no longer propose the area as a settlement zone. With the feedback from the initial consultation process, a number of landowners requested consideration of Taihoa as a settlement to be included in the plan change process. Again, it is considered that there is no coherent residential base which would merit a Settlement Zone for Taihoa.

The draft provision for rural house sites will provide benefit to smaller rural sites within Tatuanui and Taihoa in terms of the minimum yard setbacks.

It is also noted that Waharoa will be subject to a separate plan change process.

## 2. Zoning and Precinct Mechanisms

Currently there is no specific zone within the District Plan to enable and support our small settlements. Therefore, most sections within our settlements are zoned as Rural Zone and this raises issues with how people can use and build on their sections. Waihou currently has a reticulated wastewater supply and therefore this settlement has a Residential Zone.

A key driver for the Settlements Plan Change is to develop a new zone mechanism for our small settlements. This will allow specific rules for land use and buildings to be developed which reflect the nature and type of land use that is appropriate to these areas. It will also legitimize the majority of current land use and businesses.

As part of this review, it will also be necessary to ensure that any new zone or rule mechanism is consistent with the new planning standards which have been mandated by central government. Over time, all councils will need to align their District Plan to the new standards which will provide consistency across all districts and regions.

### PROPOSAL

The preferred solution we would like feedback on, is a new settlement zone with provision to identify industrial and business precincts within the new zone boundary.

The suggested framework is as follows:

- Settlement Zone - to apply to the whole settlement area to provide a zone umbrella for the three precincts which have been developed for the settlement areas
- Residential Precinct - to apply to the predominant residential land use areas within the settlement boundaries and which will largely accommodate residential activities
- Business Precinct - to apply to specific areas within the Settlement Zone to accommodate business activities while still providing for rural house sites as a permitted activity
- Industrial Precinct - to apply to specific areas within the Settlement Zone to accommodate light industry and storage activities

The above framework is accommodated and supported by the National Planning Standards.

The framework for the Settlement Zone will enable a more mixed use approach to land use than the plan provisions which apply to the zones within the main towns. This reflects how the existing land use has developed within the settlements and that currently there is often not a discrete boundary or grouping of activities within the settlements.

## **ALTERNATIVES CONSIDERED**

The following alternatives have been considered:

- Mixed zones
- Overlays
- Adoption of existing District Plan zones
- Status quo

Further details on the zone mechanisms are outlined in the following sections of this discussion document and the *Draft Section 16 Zone* document.

### 3. Subdivision, Density Standards and Services

If a new Settlement Zone is developed, it will enable a specific set of standards to be prepared and applied to support land use and building within our settlement areas.

We have identified the following important matters which need to be taken into account in developing the rules around subdivision and density standards.

#### Community feedback

From the community consultation held in late 2019, there were a number of themes that came forward in terms of what was supported by people within the district. These themes included support for:

- Maintaining a low density character
- Recognising opportunities for affordable housing options
- Support for new housing options

#### Public and on-site services

Most of our settlements do not have any three waters services apart from the following:

Waihou	Council Wastewater Supply
Tahuna	Council Wastewater and Water Supply
Hinuera	Council Water Supply
Te Aroha West	Council Water Supply
Te Poi	Council Water Supply

Any provision for subdivision and new building must ensure that safe and sanitary services are available or can be supplied. The Settlements Plan Change is not proposing any extension of the existing public services and the capacity of the existing treatment plants and bores must also not be compromised.

The Waikato Regional Council sets a minimum area of 2,500m<sup>2</sup> for an on-site effluent treatment system (OSET)/septic tank as a permitted activity. Smaller sites can accommodate a system subject to resource consent and additional costs to design and install the system.

#### PROPOSAL

Taking the above matters into account, the following lot sizes and density is proposed:

<b>Un-sewered Lots:</b> Minimum Lot Size	2,500m <sup>2</sup> (Controlled Activity)
	1,000m <sup>2</sup> (Discretionary Activity)

For sections that are not connected to a public wastewater system we are suggesting a minimum lot size of 2,500m<sup>2</sup>. This aligns with the minimum lot size for an on-site effluent treatment system as set by the Regional Council. Development or subdivision complying with this standard could be assigned as a controlled activity status which would require a resource consent but with restrictions on the matters that need to be assessed. A controlled activity application complying with the relevant standards provides certainty and cannot be

declined. It is noted that no regional council consent is required provided the system meets the permitted activity requirements.

Some landowners may wish to assess the potential for subdivision into smaller lots and this can be considered under the discretionary activity rule provision (to a minimum lot size of 1,000m<sup>2</sup>). A key assessment criteria will review how the sites can be serviced and this is likely to require specific on site solutions for wastewater including any necessary discharge consent from the Regional Council. In addition, an assessment of effects on neighbours and the local built form or character will be required.

It is considered that 1,000m<sup>2</sup> is appropriate for a discretionary activity development threshold. This reflects the relative low density character of our existing settlement areas.

<b>Sewered Lots:</b> Minimum lot size	1,000m <sup>2</sup> (controlled activity)
	600m <sup>2</sup> (discretionary activity)

For Waihou and Tahuna, there is an opportunity to provide for smaller lots given these sites can be serviced by a public wastewater system. However, it is still important to ensure the existing character and amenity values of our settlement communities are maintained. Also, the existing reticulation system and plant capacity should be maintained. As such, we propose to provide subdivision to lots of 1,000m<sup>2</sup> as a controlled activity.

As with the un-sewered lots, we propose to provide for smaller lots as a discretionary activity. The consent process will assess effects on neighbours, the 'proposed design' and character with a minimum lot size of 600m<sup>2</sup> proposed.

## **ALTERNATIVES CONSIDERED**

The following alternatives have been considered:

- Different combinations of lots sizes
- Different activity status provisions to support subdivision
- Capacity and supply of services

## **4 Land Use Activities**

From our work to date and input from the community, we consider that a more flexible and mixed use approach is appropriate to support land use activities within our settlement areas.

### **PROPOSAL**

Our proposed framework for the Settlement Zone, which includes a residential precinct, business precinct and industrial precinct is as follows:

- Houses are proposed to be permitted in the residential and business precinct areas
- Houses may be allowed in the industrial precinct areas through a discretionary land use consent
- The business and industry precinct areas will provide for general retailing activities as a permitted activity
- The industry precinct will provide for light industry as a permitted activity.

There are a number of other land use activities such as 'minor residential units' and visitor accommodation which will also form part of the land use provisions. These are discussed separately in this document and the full list of activities is provided in the Draft Part 16 section.

### **ALTERNATIVES**

The following alternatives have been considered:

- Different combinations of land use provisions
- Different activity status provisions.

## 5 Bulk and Location Standards

The plan change will set new performance standards for building height and setbacks within the new Settlement Zone. The issue of rural yard requirements applying to our settlement areas is one of the matters that can be resolved through this process.

We consider that the performance standards should recognise the larger lot sizes and that some of the current residential zone standards can be adopted to apply to both settlement zone and business precinct areas. Alternative standards are proposed for the Industrial precinct areas.

### PROPOSAL

The following standards are recommended

Settlement zone:	Maximum height	9m*
	Height to boundary	2m plus 45 degrees*
	Front yard	5m* **
	Side and rear yards	3m
	River protection	20m*
	Building coverage	< 1,500m <sup>2</sup> = 35%* > 1,500m <sup>2</sup> = 25%*
	Household recreation space	80m <sup>2</sup> *
Business precinct	Same as above (based on mixed use provisions and that houses are proposed to be a permitted activity in the business zone)	
Industrial precinct	Maximum height	12m
	Height to boundary	2m plus 45 degrees – non-industry boundary
	Front yard	5m*
	Side and rear yards	5m – non-industry boundary*

\* We intend to replicate the existing rules, definitions and exclusions from the residential zone and industrial zone standards contained in the District Plan.

\*\* Acoustic insulation standards will apply to new habitable buildings located adjacent to the road corridor. These standards are designed to ensure occupants are not adversely affected by traffic noise, particularly in terms of impacts on sleep.

As the new provisions are proposed to adopt the definitions and rule mechanism mandated by the National Planning Standards, a number of changes have been incorporated in terms of the definitions and how the rules apply to building works.

### ALTERNATIVES

The following alternatives have been considered:

- Different combinations of performance standards
- Adopting all existing standards from existing District Plan zones.



## **6 Minor Residential Unit**

There is a demand for affordable housing and an option many people are considering is building a 'minor residential unit' on an existing property; as a rental unit or for relatives.

Currently the District Plan only provides for dependent persons units with a requirement that the unit is limited to a floor area of 50m<sup>2</sup>, it is relocatable and that it needs to be removed when the need no longer exists. This approach is problematic when it comes to monitoring the units and in relation to the small floor area restriction.

Although the current plan change will only apply to our settlement areas, it is considered appropriate to use this opportunity to provide new provisions for minor residential units.

### **PROPOSAL**

To ensure any minor residential units are an ancillary land use and not designed to enable separate ownership or title, we recommend the following to form part of the new rule provisions for permitted activity in the settlement zone, subject to following standards:

- Qualify site area of 1,000m<sup>2</sup>
- Floor area max. 60m<sup>2</sup>
- One car park required, attached carport up to 18m<sup>2</sup>
- Vehicle access must be from the existing crossing
- Minor dwelling to be within 40m of principal dwelling
- Outdoor living area exclusive to residential unit of 20m<sup>2</sup>, with minimum dimension of 3m and accessed from the main living areas
- Any new residential unit should not introduce any performance standards non-compliance for other existing land uses on the same site

### **ALTERNATIVES**

The following alternatives have been considered:

- Not providing for minor residential unit
- Delaying the introduction of provisions for minor residential units until the District Plan review
- Different combinations of performance standards
- Provision for requiring a consent for a minor residential unit

## 7 Earthworks

In some situations, landowners complete site works on properties which change the relative level to the neighbour's property, and this can lead to unintended consequences with how the building envelopes are assessed. For example, under the Building Act 2004, a retaining wall up to 1.5m can be built without a building consent provided there is no loading or surcharge on the wall. If a 1.8m boundary fence is then erected within the site, then technically the combined height of retaining and fencing structure can be 3.3m on the neighbour's boundary.

There are also situations where uncertified fill and unsupervised cuts can compromise the geotechnical conditions of the site or adjoining properties.

The District Plan does not currently control earthworks other than requiring consent for over 1,000m<sup>2</sup> of cleanfill. This quantum of cleanfill would not capture most residential site works.

### PROPOSAL

We propose to introduce a new provision for earthworks within the settlement zone. The approach we recommend is to specify standards for permitted activity earthworks and then a resource consent will be required for any earthworks not meeting these standards.

Activity status – earthworks permitted subject to following standards:

- Max cut or fill height;
  - 0.5m within minimum building set back
  - 1.5m outside minimum building set back
- All site works to be reinstated within six months of works commencing
- Max volume of earthworks 100m<sup>3</sup> within any 12-month period
- Works must not affect or be located within a scheduled item (Schedule 1 – 3)
- 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.

### ALTERNATIVES

The following alternatives have been considered:

- Retaining status quo, i.e. no change and retain 1,000m<sup>2</sup> rule for the settlement one
- Different performance standards for permitted activity threshold
- Delaying the introduction of the provisions until the District Plan review

## **8 Relocatable Buildings**

As part of the consultation process, we have received correspondence from the NZ Heavy Haulage Association Inc who are seeking amendment to the current provisions which require a resource consent for any relocatable building. They have cited an Environment Case which has determined it is not a valid resource management mechanism to control the visual appearance of relocatable buildings, more so than any other building. They have also suggested to implement a provision for a reinstatement report to be submitted and to be part of the permitted activity standard.

The current provisions were introduced into the District Plan to prevent issues occurring where buildings were relocated and not reinstated to a reasonable standard.

In most new subdivision, there are private covenants which prevent the placement of relocatable buildings, therefore, this in many cases is a matter of self-policing.

### **PROPOSAL**

While the NZ Heavy Haulage Association has sought a change to the overall District Plan provisions, the current plan change is only targeted at our settlement areas. It is recommended we do not broaden the scope to include general provisions.

Therefore we propose that relocatable building are a permitted activity in the settlement zone. We are considering rules regarding the timeline and resiting of buildings and also an option where the only controls for relocatable buildings are those from the District Plan and Building Act (that apply to all buildings). This latter option would not therefore have any additional planning standards for relocatable buildings within the District Plan.

We would like feedback from the community on these options.

### **ALTERNATIVES**

The following alternatives have been considered:

- Retaining status quo
- Adopt the requested change for the whole of the District Plan
- Provision for relocatable buildings as a Permitted activity with or without additional planning standards

## 9 Home Business

Council staff have identified issues with how the current provisions for home business provide for commercial and retail activities within a residential environment. While this is a district wide issue and will need a resolution across the whole District Plan, it will be possible to develop part of the solution for the Settlement Zone.

The issue with the current provisions is that the definition of home business is very broad and does not confine the scale of any commercial activity. This may be contrasted with other district plan's which explicitly control the scale of any home business by way of floor/site area rules and other standards such as number of staff. There is a wide variation in how the scale and nature of home occupations is controlled.

The relevant definitions from the existing District Plan is as follows:

**"Home occupation"** means an occupation, craft, light industry, profession or similar activity that is conducted in conjunction with a household unit for commercial gain and shall include the sale of goods grown, prepared or manufactured on the site from the site or the dismantling and assembling of machinery on the site from the site.

Provided that:

"Home Occupation does not include "kennels/catteries" or beekeeping

"Home Occupation may include farm-stay accommodation for up to 6 people at any one time

**"Home business retail area"** means a retail outlet for the sale of produce or goods grown, prepared or manufactured on-site, or of machinery from the site dismantled or assembled on the site

### PROPOSAL

We propose to retain the provisions for home businesses to be carried out without resource consent, however further definition around the scale and nature of activities is proposed. The national standards definition will also be adopted.

The recommended standards for a '*home business*' are:

- A maximum of two full time equivalent positions may be employed in the home business, and must include at least one permanent resident of the site
- The home business shall not involve the parking of heavy vehicles on site
- The sale of goods and/or services from the site is limited to those produced on site
- The total area dedicated to a home occupation shall be limited to 60m<sup>2</sup> floor area
- No outdoor storage of materials or goods shall be displayed for sale
- Private day care of up to four children (excluding children permanently resident)
- Included non-self-contained B&B for up to six people

Exclusions: Pet day care and grooming services are not permitted as a home business.

### ALTERNATIVES

The following alternatives have been considered:

- Retaining status quo
- Adopt change for the whole of the District Plan.

## 10 Underlying Zones - Council Reserves and Designations

There are currently a number of Council reserves and designation sites within the settlement areas. These currently have an underlying zone being either rural or residential.

Given the proposed introduction of a settlement zone, we also proposed to amend the underlying zone of the Council reserves and designation sites which are located within the new settlement zone boundaries.

### PROPOSAL

We propose to amend the underlying zone of Council reserves and designations to the settlement zone. In those cases where the site is within or located adjacent to a group of business or industrial activities which form part of a precinct, then the precinct provisions are also proposed to apply.

In addition, we propose to retain a permitted activity provision for Council reserves with additional provision to include buildings as follows;

*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.*

### The ALTERNATIVE

The following alternative has been considered:

- Retaining status quo.

## 11 Rural House Sites

While we are proposing specific zone and rule provisions for our identified settlements, the plan change is also intended to address the issues for small rural lots that cannot accommodate a building site, given the rural yards sets backs.

We are mindful that building closer to rural production properties can lead to reverse sensitivity issues and therefore it is our recommendation that any reduction in yard setbacks is limited to those situations where the adjoining property is of a lifestyle lot variety. Our changes proposed are only to the permitted activity provisions and therefore any landowner will still be able to apply for a resource consent/permitted boundary activity if what they are seeking is not accommodated by the rule provisions.

### PROPOSAL

The changes recommended are as follows:

All Rural Zones:

For rural lots which have an area of less than 2,500m<sup>2</sup>

Front yard	15m (acoustic standards apply for roads over 70km/h)
Side/rear yards	10m, unless the adjacent property is 1ha or less in which case a minimum side yard of 5m shall apply.

### ALTERNATIVES

The following alternatives have been considered:

- Retaining status quo
- Various combinations of qualifying lot size and adjacent lot size

## 12 Noise Standards

As part of the changes which are proposed to introduce the settlement zone and new yard provisions for rural house sites, the noise standards have been revised and updated. The revised standards largely adopt the existing noise standards from the residential, industrial and business zone provisions with the noise metric updated from the existing  $L_{10}$  standard to an  $L_{Aeq}$  standard. This is to reflect current best practice and to align to the New Zealand standards - NZS6801:2008 Acoustics – Measurement of environmental sound as assessed in accordance and NZS6802:2008 Acoustics – Environmental Noise.

### PROPOSAL

The changes recommended are as follows:

Updating of noise rules to reflect best practice and New Zealand Standards for the settlement zone (including industrial and commercial precincts) and for rural house sites.

### The ALTERNATIVE

The following alternative has been considered:

- Retaining status quo