

# Chapter 2

## Residential Zone



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## 2. RESIDENTIAL ZONE

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### 2.1 RESOURCE MANAGEMENT ISSUES

1. The generation of adverse effects from non-residential activities undertaken within the zone may compromise the predominant residential character of the zone.
2. There is a need to accommodate anticipated residential growth so that it will not result in adverse environmental effects.
3. The potential for non-residential activities, traffic through routes, [unreasonable \(Sub 57.53\)](#) noise, dust and vibration from adjacent activities all have the potential to detract from the amenity of a residential area.
4. Non-residential activities are likely to generate higher levels of vehicle movements than residential activities, which can affect the character of the zone.
5. Effects of land use activities, such as earthworks, may compromise the capacity of ponding areas, [and overland flow paths \(Sub 17.104\)](#), and that, compounded with the effects from flooding, may affect some residential areas of the Ōpōtiki Township.
6. Residential **sites** need to be of sufficient size, so that where on-site effluent treatment is required there will be no unacceptable adverse effects on the **site**, adjoining **sites**, or on the natural and physical resources of the District.

### 2.2 OBJECTIVES AND POLICIES

#### OBJECTIVE

- 2.2.1 A high quality residential environment where residential activities are undertaken in a manner that maintains and enhances the characteristics of the zone.**

#### POLICIES

- 2.2.1.1 Avoid, remedy, or mitigate the adverse environmental effects associated with residential expansion.
- 2.2.1.2 Avoid, remedy or mitigate the adverse effects of activities within the Residential Zone so that the quality and characteristics of the zone are maintained.
- 2.2.1.3 Management of the potential effects of activities on ponding areas so that their effect on the capacity of the ponding area is minimal.

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- 2.2.1.4 Management of activities in flood prone areas so that effects of natural hazards can be mitigated through the use of protection measures such as stopbanks, minimum floor levels, or design.
- 2.2.1.5 To ensure adequate sunlight and daylight enters **dwelling**s.
- 2.2.1.6 To maintain and enhance a high level of amenity on residential **sites** by requiring the provision of the following:
1. Screening of storage areas.
  2. **Building** setbacks.
  3. Provision of on-site parking.

#### **OBJECTIVE**

- 2.2.2 To manage potential adverse effects of non-residential activities to ensure that the activities complement the amenity values of the District's residential areas.**

#### **POLICIES**

- 2.2.2.1 Design of non-residential activities to retain a residential character, as far as practical, including compatible lighting, noise, **landscaping** and screening requirements.
- 2.2.2.2 Management of the effects of non-residential activities on the transport network to ensure safety for motorists and pedestrians.
- 2.2.2.3 Provide for non-residential activities that contribute to the health and safety and well-being of the community (Sub 37.2)

### **2.3 ACTIVITY STATUS**

**Resource consent is required for all Controlled, Restricted Discretionary, Discretionary and Non-complying Activities. Resource consent is not required for all Permitted Activities provided Zone Standards are met.**

- 2.3.1** Additional controls apply in relation to the following activities. Refer to the Chapters identified:
- Activities on the Surface of the Water - refer Chapter 12
  - Landscapes and Habitats – refer Chapter 13
  - Heritage – refer Chapter 14
  - Subdivision – refer Chapter 15
  - Network Utilities – refer Chapter 17 are subject to provisions in Chapter 17 and are not subject to the provisions in this Chapter. (Sub 39.24)
  - Natural Hazards - refer Chapter 18

**2.3.2 PERMITTED ACTIVITIES**

2.3.2.1 Subject to compliance with the Zone Standards in Section 2.6, the following activities may be established in the Residential Zone without resource consent:

1. One **dwelling** per **site**.
2. Up to three **dwellings** where there is a minimum of 400m<sup>2</sup> per **dwelling**, where a sewer connection is available, and where Zone Standards in Section 2.6 can be met.
3. **Buildings** and activities **accessory** to Permitted Activities.
4. Maintenance work carried out by Bay of Plenty Regional Council on established drainage and flood control scheme works.
5. Activities on reserves as provided for in the Reserves Act 1977, or an approved Reserve Management Plan.
6. **Temporary buildings** and activities required for a **building** or construction project of not more than 12 months duration, provided they are removed from the **site** immediately upon completion of the project.
7. Any residential activity not listed in this Chapter and that complies with the Zone Standards.
8. **Temporary military training activities** complying with the noise controls in Appendix 3.
9. Relocation of **buildings** and **dwellings**.
10. Re-siting of **buildings** within a **site**.
11. **Factory built dwellings**.
12. A **sign** with a maximum area of 0.5m<sup>2</sup> indicating an approved **home occupation** or **visitor accommodation**, including name, type of **home occupation** or profession, and hours of operation.
13. **Temporary signs** with an area of less than 1.8m<sup>2</sup>, where the written consent of the landowner has been obtained.
- 13-14. [Emergency services training and management activities \(Sub 37.5\)](#)
- 14-15. **Official signs**, or **signs** denoting the name of the street, number of the premises or the location or timetable or other details of any public utility or facility.

**NOTE:**

**Approval for signs visible from any state highway must be gained from the NZ Transport Agency.**

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**2.3.3 CONTROLLED ACTIVITIES**

2.3.3.1 The following activities may be established after Land Use Consent has been granted by **Council**. Activities must comply with the Zone Standards stated in Section 2.6.

1. **Home occupations.**

~~2.~~ **Visitor accommodation** for one to four visitors per night.

~~3.~~ **Worker accommodation that accommodates 1 – 12 people.**

~~4.~~ Community and outdoor recreation activities where any **buildings** and structures, or parts of the **building** being used for the activity, are less than 100m<sup>2</sup> in area.

~~5.~~ **Buildings** and activities **accessory** to a Controlled Activity.

~~6.~~ **Temporary Military Training Activities** not complying with [Rule 2.6.4.2 Appendix 3 \(Sub 19.6\)](#)

~~7.~~ Activities otherwise permitted or controlled where the **site access** is to a state highway and the written approval of NZ Transport Agency has been obtained, and is submitted as part of any application.

~~8.~~ A **sign** not exceeding 1.1m<sup>2</sup> in area for any public purposes or in connection with and on the same **site** as any of the following activities:

(a) Recreation reserves.

(b) Churches and other **places of assembly**.

(c) **Educational facilities**.

(d) Hospitals and community **buildings**.

(e) **Visitor accommodation**.

(f) **Signs** not exceeding 1.1m<sup>2</sup> erected in connection with tourist or special information, or denoting places or points of special interest.

**2.3.4 RESTRICTED DISCRETIONARY ACTIVITIES**

2.3.4.1 The following activities may be established after Land Use Consent has been granted by **Council**. The **Council** may grant or refuse resource consent for a Restricted Discretionary Activity.

1. Relocation of a **dwelling** or **building** that does not comply with the Zone Performance Standards.

2. Activities not complying with Rules 2.6.1.2 (*Height*), 2.6.1.3 (*Daylight Protection*), 2.6.2 (*Yards*) and 2.6.7 (*Relocation of a Dwelling or Building*).

3. Activities not complying with Rules 2.6.9.1 (*Wastewater Connections*), 2.6.10.1 (*Stormwater Management*), and 2.6.11.1 (*Water Supply*). [2.6.2.3 \(Building setback from Council pipelines\)](#).

### 2.3.5 DISCRETIONARY ACTIVITIES

2.3.5.1 The following activities may be established after Land Use Consent has been granted by **Council**. The **Council** may grant or refuse resource consent for a Discretionary Activity.

1. Up to three **dwelling**s per **site** where a sewer connection is not available, and where there is a minimum **site area** of 1200m<sup>2</sup> per **dwelling**, subject to compliance with the On-site Effluent Treatment Regional Plan.
2. **Buildings** and activities **accessory** to a Discretionary Activity.
3. **Residential care facilities**.
4. **Education facilities**.
5. **Places of assembly**. Community and outdoor recreation activities where any **buildings** and structures or part of the **building** being used for the activity, are more than 100m<sup>2</sup> in area.
6. **Retail activities**.
7. Commercial services.
8. **Food selling premises**.
- 8-9. **Emergency service facilities (Sub 37.6)**.
10. **Visitor accommodation** for more than four visitors per night.
- 9-11. **Seasonal worker accommodation for more than 12 people. (Sub 11.5)**
- 10-12. Any activity with **access** from the State Highway not provided for as a Controlled Activity.
- 11-13. **Signs** that are not provided for as a Permitted or Controlled Activity.

### 2.3.6 NON-COMPLYING ACTIVITIES

2.3.6.1 Any activity not specifically stated as a Permitted, Controlled, Restricted Discretionary or Discretionary Activity, and which does not comply with the Zone Standards, and unless otherwise stated, shall be a Non-complying Activity and is allowed only if resource consent is obtained.

## 2.4 ~~ASSESSMENT CRITERIA FOR RESERVED CONTROL (Sub17.2) LED~~ ACTIVITIES

2.4.1 The **Council** has reserved control over the following matters:

#### 2.4.1.1 Design and appearance

1. The design and appearance of the activity and how it relates to the **amenity values** of the surrounding areas, including as relevant **height**, bulk, colour, materials, and proposed **landscaping** treatment.

2. The visual effect of the activity in relation to its location, **site** boundaries, and topography.
3. The manner in which the **site** is to be landscaped and how effectively it will screen the activities or enhance the **amenity values** of the area.
4. The location and appearance of **signs** associated with the activity.

2.4.1.2 Effects of the activity on adjoining sites

1. The size and location of **buildings** with regard to the activities on the **site** and the effect on neighbouring properties and the **amenity values** of the area.
2. Any measures to be implemented to mitigate the effects from the activity, such as visual effects, odour, noise and light spill.

2.4.1.3 Vehicle access and site manoeuvrability

1. The design and location of vehicular **access**, on-site manoeuvrability, and whether vehicles can leave and enter the **site** safely.
2. The need for carparking, service lanes, and **loading spaces** associated with the activity.

2.4.1.4 Historical, archaeological and cultural values and resources (Sub 17.18)

1. The effect of the design and layout of the activities in relation to land, **buildings**, features and waterbodies which have historical and archaeological worth.
2. The effects of the activity on archaeological and cultural values and (Sub 17.18) resources of importance to Māori.
3. The effects of the activity on heritage and conservation values, both on the **site** and on adjoining **sites**.

2.4.1.5 Natural hazards

1. The susceptibility of the **site** to natural hazards and the measures implemented to mitigate the effects of natural hazards.
2. The extent to which the activity may accentuate the adverse effects of natural hazards.
3. The effects of the activity on the Tarawa Creek and Duke Street ponding areas.
4. The effects of the activity on the Waioeka Ōtara River scheme.
- 4.5. The effects of the activity on any overland flow path (Sub 17.105).

**Council** may impose conditions on resource consent for a Controlled Activity only in relation to the matters stated above.

## 2.5 **ASSESSMENT CRITERIA FOR RESTRICTED DISCRETION (SUB 17.2)ARY ACTIVITIES**

**2.5.1** The **Council** shall restrict its discretion to the following matters:

2.5.1.1 Relocation of a dwelling or building that does not comply with the Zone Performance Standards

1. Proposed **landscaping**, including opportunities to screen the **building** during **reinstatement**;
2. Visibility from the **road**, public places and other residential areas; and
3. **Maintenance** of the **site** and surrounds during **reinstatement**.

2.5.1.2 Activities not complying with Rules 2.6.1.2 (Height), 2.6.1.3 (Daylight Protection), 2.6.2 (Yards), and 2.6.7 (Relocation of a Dwelling or Building), 2.6.2.2 (setbacks from roads) (Sub 24.36)

1. The adverse effects on the amenity in terms of:
  - (a) Shadowing.
  - (b) Physical domination.
  - (c) Privacy.
  - (d) Noise.
  - (e) Lighting.
  - (f) The degree to which the character and amenity are affected.

2.5.1.3 Activities not complying with Rules 2.6.9.1 (Wastewater Connections), 2.6.10.1 (Stormwater Management), 2.6.11.1 (Water Supply)

Wastewater connections

1. Mitigation of effects on existing infrastructure and the environment from:
  - (a) Sewerage flow volumes.
  - (b) Sewerage flow rates.
  - (c) Sewerage flow timing.
  - (d) Sewerage connections and on-site reticulation/infrastructure specifications.
  - (e) Practicality of connection to **Council's** existing infrastructure.

Stormwater connections

1. Mitigation of effects on existing infrastructure, adjacent/downstream properties and the environment:
  - (a) Stormwater runoff.
  - (b) Stormwater connections and on-site reticulation/infrastructure specifications.

Potable Water connections

1. Management of water supply demand:
  - (a) Water flow rates.
  - (b) Water flow volumes.



(c) Water supply connections specifications.

2.5.1.4 Activities not complying with Rule 2.6.2.3 (Building setback from Council pipelines)

(a) The obstruction of **access** to existing wastewater, water supply or stormwater reticulation.

## 2.6 ZONE STANDARDS

These Zone Standards apply, unless otherwise stated, to all Permitted and Controlled Activities and will be used as guidelines for assessing applications for Discretionary and Non-complying Activities. Temporary Military Training Activities are exempt from complying with Zone Standards (Sub 19.6).

### 2.6.1 SITE REQUIREMENTS

#### 2.6.1.1 Site Coverage

A maximum of 40% of the **site** may be covered with **buildings**.

#### 2.6.1.2 Height

The maximum **height** for **buildings** within the zone is 9m. Non-compliance with this standard shall be assessed as a Restricted Discretionary Activity.

#### 2.6.1.3 Daylight protection

No part of any **building** shall penetrate a daylight recession plane of 45° from a **height** of 2.7m above finished ground level at any boundary. Non-compliance with this standard shall be assessed as a Restricted Discretionary Activity.

#### 2.6.1.4 Minimum site area

The following **site areas** are exclusive of **access**:

1.	<b>Dwellings:</b>	<b>Sewered sites</b>	400m <sup>2</sup> per <b>dwelling</b>
		<b>Unsewered sites</b>	1200m <sup>2</sup> per <b>dwelling</b>

### 2.6.2 YARDS

2.6.2.1 All **buildings** shall be located at least 3m from an adjoining property, except that in relation to **dwellings** and **buildings accessory to dwellings**:

1. One **yard** may be reduced to 1.5m.
2. Where a garage is incorporated in the **dwelling**, two **yards** may be reduced to 1.5m.

3. **Dwellings and accessory buildings** may be erected on **yards** where:
- (a) That part of the **building** which encroaches on the **yard** does not exceed either 30% of the length of the nearest boundary to the **yard** or 10m, whichever is the smaller; and
  - (b) An outside pedestrian **access** is available to the rear of the **dwelling**; and
  - (c) Vehicle **access** is possible for septic tank **maintenance** where relevant.
  - (d) Non-compliance with this standard shall be assessed as a Restricted Discretionary Activity.

2.6.2.2 **Building setback from roads**

All **buildings** shall be set back at least 4.5m from the **road** boundary. Non-compliance with this standard shall be assessed as a Restricted Discretionary Activity.

2.6.2.3 **Building setback from Council pipelines**

No **building** shall be located closer than the greater of either:

- (a) 1.5m from the centre of any public sewer or public stormwater line, or
- (b) The sum of depth to the centreline of the line, plus the diameter of the line, plus 0.2m from the centre of that line.

Non-compliance with this standard shall be assessed as a Restricted Discretionary Activity.

2.6.3 **LANDSCAPING**

2.6.3.1 **Screening of Storage Areas**

Areas used for storage shall be screened from any public place, other than service lanes, and from any boundary adjoining a residential activity **site** so as to mitigate the effects of the storage area.

2.6.3.2 **Visibility at intersections**

To protect sight distances at the intersection of **roads**, the area within 6m of the intersection of two front boundaries (or the projection of those front boundaries where they do not meet) shall be kept clear of any obstruction over 1m in **height**. This restriction shall not apply to power poles or street lights.

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**2.6.4 NOISE AND GLARE**
**2.6.4.1 Noise**

All activities on a **site** shall be designed and conducted so as to ensure that the following **noise limits** are not exceeded at any point within the boundary of any Residential Zone **site**. [These standards do not apply to sirens used by emergency services \(Sub 37.8\)](#)

Noise Limits dB			
Receiving zone	Daytime 7am to 10pm, Monday to Sunday including public holidays	Night time At all other times	
Residential	50LAeq	40LAeq 70LAm <sub>ax</sub>	

Except where expressly provided elsewhere in this Plan, noise shall be measured in accordance with the provisions of NZS 6801:2008 ~~Measurement of Sound~~Acoustics Measurement of Environmental Sound (Sub 57.63), and assessed in accordance with the provisions of NZS 6802:2008 ~~Acoustics –(Sub 57.63)ssessment~~ of Environmental Noise.

Construction noise in any zone shall not exceed the recommended limits and shall be measured and assessed in accordance with the provisions of NZS 6803P:1999 Acoustics –(Sub 57.63) Construction Noise.

#### 2.6.4.2 Lighting and Glare

All exterior security lighting shall be designed, installed, and maintained so that the light emitted does not overspill **site** boundaries, cause light pollution or cause distraction or glare which could affect traffic safety on adjacent **roads**.

#### 2.6.5 PARKING AND LOADING

2.6.5.1 On-site carparking and provision for **loading** shall be provided in relation to every activity whether new, extended or where the activity has changed, as follows:

1. On-site carparking shall be as follows:

<b>Dwellings</b>	2 spaces per <b>dwelling</b>								
<b>Home occupations</b>	1 space per 15m <sup>2</sup> of the <b>site</b> used for the activity								
<b>Visitor accommodation</b>	1 to 4 people - 1 space in addition to the <b>dwelling</b> requirement Over 4 people - 1 space per unit plus 2 for staff								
<b>Community activities</b>	1 space per 20m <sup>2</sup> of net <b>site area</b>								
<b>Residential care facility</b>	1 space per 3 beds plus one space for every two staff employed on the <b>site</b> at any one time								
<b>Education facilities</b>	2 spaces for visitors plus adequate and reasonable provision for cars and buses to drop off and pick up students and: <table> <tbody> <tr> <td>Preschool</td> <td>1 space per staff member</td> </tr> <tr> <td>Primary</td> <td>2 spaces per 3 staff members</td> </tr> <tr> <td>Secondary</td> <td>1 space per 20 students</td> </tr> <tr> <td>Tertiary</td> <td>1 space per 20 students</td> </tr> </tbody> </table>	Preschool	1 space per staff member	Primary	2 spaces per 3 staff members	Secondary	1 space per 20 students	Tertiary	1 space per 20 students
Preschool	1 space per staff member								
Primary	2 spaces per 3 staff members								
Secondary	1 space per 20 students								
Tertiary	1 space per 20 students								
<b>Places of assembly</b>	1 space per 10m <sup>2</sup> <b>total floor area</b>								
<b>Retail activities</b>	1 space per 15m <sup>2</sup> <b>total floor area</b>								
Commercial Activities	1 space per 20m <sup>2</sup> <b>total floor area</b>								
<b>Food selling premises</b>	1 space per 15m <sup>2</sup> <b>total floor area</b>								
Police stations	1 space per 50m <sup>2</sup> gross floor area								
<del>Periodic detention and Probation centres</del> <u>Community corrections activities</u>	1 space for every 2 full time equivalent employees and 1 space for every 10 <del>detainees</del> <u>people the facility is designed to service. (Sub 14.3)</u>								
<u>Emergency Services</u>	<u>1 space per emergency service vehicle bay (Sub 37.9)</u>								

2. The dimensions and design standards are set out in Appendix 1.

3. Provision shall be made for the **loading** and **unloading** of service vehicles on-site, and at the rear of **sites**, in such a way that no footpath or **access** to adjoining properties is blocked.

5. No vehicle **access** shall be located within 15m of an intersection.

## **2.6. SIGNS**

Signs that are visible from the State Highway are a permitted activity provided the following are met:

- i. Do not have reflective material or illumination that flashes or moves
- ii. Must not obstruct impair the view of any official traffic sign and signal, or the line of sight of any corner, bend, intersection or vehicle crossing;
- iii. Must not physically obstruct or impede traffic or pedestrians;
- iv. Must not be likely to be confused with any official traffic sign or signals;
- v. Must not use support structures which are not frangible; and
- vi. Must not cause any traffic safety effects. (Sub 12.4).

## **2.6.6 FLOOR LEVELS**

- 2.6.6.1 Floor levels shall be sufficient to ensure that water does not enter **buildings** in a 12% AEP (Annual Exceedance Probability) event within the extent of the Coastal Environment or 2% AEP (Annual Exceedance Probability) event for areas outside the coastal environment. Ōpōtiki District Council will determine the appropriate freeboard that needs to be added to the flood level to set the required minimum floor level. (Sub 17.28)

## **2.6.7 RELOCATION OF A DWELLING OR BUILDING**

- 2.6.7.1 The relocation of a **building** or **dwelling** must comply with the following:
1. A **building** inspection report shall accompany the **building** consent for the **building/dwelling**. The report is to identify all **reinstatement work** required to the exterior of the **building/dwelling**.
  2. The **building** shall be located on permanent foundations approved by **building** consent, no later than two months of the **building** being moved to the **site**.
  3. All work required to reinstate the exterior of any relocated **building/dwelling**, including the siting of the **building/dwelling** on permanent foundations, shall be completed within 12 months of the **building** being delivered to the **site**.
  4. Non-compliance with this rule shall be considered as a Restricted Discretionary Activity.

## **2.6.8 ON-SITE EFFLUENT DISPOSAL**

- 2.6.8.1 Provision shall be made on-site for adequate vehicle **access** to septic tanks for maintenance purposes where relevant.

## 2.6.9 WASTEWATER

### 2.6.9.1 Wastewater Connections

1. All new developments within any of **Council's** wastewater scheme boundaries shall connect to the **Council's** wastewater system.
2. All new wastewater management systems shall be designed and constructed in accordance with 17.4.2.

## 2.6.10 STORMWATER

### 2.6.10.1 Stormwater Management

A stormwater disposal system shall be provided for any residential, community or business activity. The stormwater management system shall be designed and constructed in accordance with Rule 17.4.3.

## 2.6.11 POTABLE WATER

### 2.6.11.1 Water Supply

A potable water supply shall be provided to each site and where connected to **Council's** water supply shall be designed and constructed in accordance with Rule 17.4.4.

## 2.6.12 VEHICLE ENTRANCE-DESIGNS

2.6.12.1 Residential and commercial vehicle entrance ~~designs~~ shall be provided and designs shall (Sub 24.43) comply with Appendix 4, except where additional access width is necessary to provide access for emergency service vehicles in accordance with the standard (Sub 37.12)-

## 2.7 OTHER METHODS

2.7.1 Other methods for achieving the objectives and policies of this section are:

1. The use of **Council's** capital works programmes for street paving and kerb and channelling.
2. Community and residents street beautification programmes, through the use of **landscaping** and tree planting.
3. To develop those public spaces and reserves administered by the **Council** within, and adjoining, the Residential Zone so that the parks and reserves complement the zone.

4. Through the use of **Council's** strategic planning process to identify areas for community reserves and to purchase land and develop it through **Council's** Annual Plan process.
5. ~~Through the (Sub 17.48) Use~~ of Land Information Memoranda (LIM) and Project Information Memoranda (PIM) to provide information on known natural hazards to potential **developers** and applicants.
6. To consider the use of consent notices as a mechanism so that **buildings** are located on areas within a **site** where the effects of natural hazards can be avoided or mitigated.

## 2.8 EXPECTED ENVIRONMENTAL RESULTS

Environmental outcomes anticipated from the implementation of the objectives and policies of this section are:

- A. Pleasant living environments with minimal intrusion from non-residential activity.
- B. Diversity in residential design where desirable living standards and Zone Standards are maintained.