13. RESIDENTIAL ZONE

13.1 ZONE INTRODUCTION

- 13.1.1 The Residential Zone comprises the residential areas of the Opotiki township, including those residential areas to the east and west of St John Street, and the Woodlands residential area.
- Residential areas have particular amenity values that require maintenance and enhancement. The urban areas of the district have grown steadily in the last 15 years. There has been an identifiable increase in residential development in the Woodlands residential area. The Plan needs to provide for additional residential areas to accommodate further residential expansion. These areas have been provided for in the Woodlands residential area, and in some of the coastal residential areas of the district. Most of the residential areas of the township are characterised by medium density, single-dwelling structures, however there are also a small number of multi-unit dwellings.
- 13.1.3 The objective, policies and rules of this section seek to maintain or enhance the amenity values of the Residential Zone. The resource management strategy implemented in this section will manage and control all proposed activities within the district's Residential Zone to ensure that the amenity values of the zone are not compromised.
- **13.1.4** Characteristics that contribute to the character of the zone are:
 - High concentration of residential activities.
 - Continuity of the height of structures.
 - Low noise levels, particularly at night.
 - Low levels of glare and lightspill.
 - Safe and visible transport networks.
 - Low numbers of visual intrusions from signage.
 - Areas of public open space.
 - Variety of building design.
 - Provision of service courts and living courts around residential buildings.
 - Provision of on-site vehicle parking and manoeuvring area.
 - Diversity of design and style.
 - Limited intrusion from commercial activities.
 - Vegetation and yards surrounding residential structures.

13.2 RESOURCE MANAGEMENT STRATEGY

13.2.1 Resource management issues

- 1. The generation of adverse effects from some 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, noise, dust and vibration from adjacent activities all have the potential to detract from the pleasantness 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 that compounded with the effects from flooding may affect some residential areas of the Opotiki town.
- 6. Residential sites need to be of a sufficient size, so that where on-site effluent treatment is required there will be no adverse effects on the site, adjoining sites, and on the natural and physical resources of the district.

13.2.2 *Objectives and policies*

Objective

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

Policies

- 1.1 Avoid, remedy, or mitigate the adverse environmental effects associated with residential expansion-
- **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.
- **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.
- 1.4 Management of activities on flood prone area so that the effects of natural hazards can be mitigated through the use of protection measures such as stopbanks, minimum floor levels, or design.

Objective

2. Management of the potential adverse effects of non-residential activities to ensure that the activities complement the amenity values of the district's residential areas.

Policies

- 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 Management of the effects of non-residential activities on the residential transport network to ensure safety for motorists and pedestrians.

13.2.3 *Methods of implementation*

The objectives and policies of this section will be implemented by the following methods

- 1. Rules
- 2. Other methods

13.3 RULES

The following rules provide for permitted activities, controlled activities, discretionary activities, and non-complying activities within the Residential Zone.

13.3.1 *Permitted activities*

Subject to compliance with the Zone Standards in Section 13.4, the following activities may be established in the Residential Zone without a resource consent.

- 1. One dwelling per site.
- 2. Buildings and activities accessory to permitted activities.
- 3. Maintenance work carried out by Bay of Plenty Regional Council on established drainage and flood control scheme works.
- 4. Conservation planting and management, weed and pest removal, replanting and rehabilitation of indigenous vegetation.
- 5. Activities on reserves as provided for in the Reserves Act 1977, or an approved Reserve Management Plan.
- 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. Signs, as in **13.4.6 SG1**.
- 8. Activities stated in **3.3.1** Section 3 Landscapes and habitats.
- 9. Activities stated in **4.3.1** Section 4 Heritage.

- 10. Activities stated in 6.3.1 Section 6 Surface of water activities.
- 11. Activities stated in **7.3.1** Section 7 Natural hazards.
- 12. Activities stated in 8.3.1 Section 8 Hazardous substances.
- 13. Activities stated in **9.3.1** Section 9 Network utilities.
- 14. Any activity that is not listed in the Plan and which complies with the zone standards shall be deemed a permitted activity and does not require a resource consent.
- 15. Temporary military training exercises.
- 16. Removal of residential dwellings that comply with the Building Act 2004 requirements, and Council's engineering standards.
- 17. Up to three dwellings where there is a minimum of 400m² per dwelling, where a sewer connection is available, and where Zone Standard **13.4.2** can be met.
- 18. The relocation of a building or dwelling, where the following criteria are able to be met:
 - i. Zone standards of the District Plan.
 - ii. The building or dwelling was constructed after 1970.
 - iii. Reinstatement works shall be undertaken within six months of the relocation or occupation (whichever is the sooner).

13.3.2 Controlled activities

The following activities may be established after a land use consent has been granted by Council. Activities must comply with the Zone Standards stated in Section 13.4.

- 1. Home occupations.
- 2. Visitor accommodation for one to four visitors per night.
- 3. Community and outdoor recreation activities where any buildings and structures, or parts of the building being used for the activity, are less than 100m² in area.
- 4. Buildings and activities accessory to a controlled activity.
- Temporary activities not listed as a permitted activity, provided that where the site access is to a State highway, the written comments of Transit NZ will be required, and will need to be submitted as part of any application.
- 6. Signs, as stated in **13.4.6 SG1**.
- 7. Subdivision as stated in **13.5.1**.
- 8. Activities stated in **3.3.2** Section 3 Landscapes and Habitats.
- 9. Activities stated in **4.3.2** Section 4 Heritage.
- 10. Activities stated in **6.3.2** Section 6 Surface of Water Activities.
- 11. Activities stated in **7.3.2** Section 7 Natural Hazards.
- 12. Activities stated in **8.3.2** Section 8 Hazardous Substances.

- 13. Relocation of a building or dwelling that either:
 - (a) Does not comply with the specified time period for reinstatement work as stated in rule 13.3.1(18)(iii); or
 - (b) Does not comply with the age restriction stated in rule 13.3.1(18)(ii) provided that the application for consent includes a report from a suitably qualified person, being a qualified architect or structural engineer with adequate experience, which report concludes that the building or dwelling is sanitary and has structural integrity.

The Council has reserved control over the following matters.

13.3.2.1 Design and appearance

- i. 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.
- ii. The visual effect of the activity in relation to its location, site boundaries, and topography.
- iii. 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.
- iv. The location and appearance of signage associated with the activity.

13.3.2.2 Effects of the activity on adjoining sites

- i. 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.
- ii. Any measures to be implemented to mitigate the effects from the activity, such as visual effects, odour, noise and lightspill.

13.3.2.3 Vehicle access and site manoeuvrability

- i. The design and location of vehicular access, on-site manoeuvrability, and whether vehicles can leave and enter the site safely.
- ii. The need for car parking, service lanes, and loading and unloading activities associated with the activity.

13.3.2.4 Historical, archaeological and cultural resources

- i. The effect of the design and layout of the activities in relation to land, buildings, features and water bodies which have historical and archaeological worth.
- ii. The effects of the activity on resources of importance to Maori.
- iii. The effects of the activity on heritage and conservation values, both on the site and on adjoining sites.

13.3.2.5 Natural hazards

i. The susceptibility of the site to natural hazards and the measures implemented to mitigate the effects of natural hazards.

OPERATIVE OPOTIKI DISTRICT PLAN SEPTEMBER 2005

- ii. The extent to which the activity may accentuate the adverse effects of natural hazards.
- iii. The effects of the activity on the Tarawa Creek and Duke Street ponding areas.

13.3.2.6 Hazardous substances

- i. The type and volume of the hazardous substances to be used or stored on the site.
- ii. The spill containment system proposed for the activity.
- iii. The proposed drainage system for the activity site.
- iv. The degree of risk of spillage and the potential adverse effects of spillage both on and off the site.

Council may impose conditions on a resource consent for a controlled activity only in relation to the matters stated above.

13.3.3 Discretionary activities

The following activities may be established after a land use consent has been granted by Council. Activities must comply with the Zone Standards stated in Section 13.4. The Council may grant or refuse a resource consent for a discretionary activity.

- 1. Up to three dwellings per site where a sewer connection is not available, and where there is a minimum site area of 400m² 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.
- 6. Community and outdoor recreation activities where any buildings and structures or part of the building being used for the activity, are more than 100m² in area.
- 7. Retail activities.
- 8. Commercial services.
- 9. Food selling premises.
- 10. Visitor accommodation for more than 4 visitors per night.
- 11. Temporary activities where the site access is to a State Highway, and where the written consent of Transit New Zealand has not be obtained.
- 12. Signs, as stated in **13.4.6 SG1**.
- 13. Subdivision, as stated in 13.5.2.
- 14. Activities stated in **3.3.3** Section 3 Landscapes and Habitats.
- 15. Activities stated in **4.3.3** Section 4 Heritage.

- 16. Activities stated in **6.3.3** Section 6 Surface of Water Activities.
- 17. Activities stated in **7.3.3** Section 7 Natural Hazards.
- 18. Activities stated in **8.3.3** Section 8 Hazardous Substances.
- 19. Activities stated in **9.3.3** Section 9 Network Utilities.

13.3.4 *Non-complying activities*

Any activity not specifically stated as a permitted activity, controlled activity, or discretionary activity, and which does not comply with the Zone Standards, shall be a non-complying activity and is allowed only if a resource consent is obtained.

13.4 ZONE STANDARDS

These Zone Standards apply to all permitted activities, controlled activities, and discretionary activities, and will be used as guidelines for assessing applications for non-complying activities.

13.4.1 SITE REQUIREMENTS

SR1 Site coverage

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

SR2 Height

The maximum height for structures within the zone is 9m (refer to Section 9 Network Utilities).

SR3 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 (refer to **Section 9** Network Utilities).

SR4 Minimum site area

The following site areas are exclusive of access.

1. Dwellings: Sewered sites 400 m² per dwelling

Unsewered sites 800 m² per dwelling, subject to 13.5.3.1.

2. Other activities 800 m²

13.4.2 YARDS

YA1 Separation from adjoining properties

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:
 - (i) 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
 - (ii) An outside pedestrian access is available to the rear of the dwelling; and
 - (iii) The written consent of the owners and occupiers of any properties adjoining the affected yard is obtained, except for accessory buildings which are located at least 1.5m from the boundary.
 - (iv) Vehicle access is possible for septic tank maintenance.

YA2 Building setback from roads

All buildings shall be set back at least 4.5m from the road boundary.

13.4.3 LANDSCAPING

LA1 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.

LA2 Visibility at intersections

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

13.4.4 NOISE AND GLARE

NG1 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.

Monday to Friday 7.00 am to 6.00 pm 45 dBA (L 10)
Saturday 9.00 am to 6.00 pm 45 dBA (L10)
At all other times 35 dBA (L10)
On any day between 10.00 pm and 7.00 am on the following day 65 dBA (L max)

Provided that this Rule shall not apply to normal and reasonable domestic activities.

Except where expressly provided elsewhere in this Plan, noise shall be measured in accordance with the provisions of NZS 6801:1991 Measurement of Sound, and assessed in accordance with the provisions of NZS 6802:1991 Assessment of Environmental Sound.

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: 1984 The Measurement and Assessment of Noise from Construction, Maintenance and Demolition Work.

NG2 Lighting and glare

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

13.4.5 PARKING AND ACCESS

PA1 Parking and loading

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

1. On-site carparking shall be as follows:

Residential dwellings: 1 space per dwelling in addition to parking provided in a garage or carport

Home occupations 1 space per 15m² of the site used for the activity

Visitor accommodation: 1 to 4 people 1 space in addition to the dwelling requirement

Over 4 people 1 space per unit plus 2 for staff

Community activities 1 space per 20m² of net site area

Residential care facility: 1 space per 5 beds plus 2 spaces for staff

Education facilities: 2 spaces for visitors plus adequate and reasonable provision for cars and buses to

drop off and pick up students and:

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

Places of assembly 1 space per 10m² total floor area

Retail activities 1 space per 15m² total floor area

Commercial services 1 space per 20m² total floor area

Food selling premises 1 space per 15m² total floor area

Police stations 1 space per 50m² gross floor area

Periodic detention One space for every 2 full time equivalent employees and one space for every

10 detainees.

Probation centres One space for every 2 full time equivalent employees and one space for every

10 detainees.

- 2. The dimensions and design standards are set out in **Appendix 5**.
- 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.
- 4. Parking for disabled persons shall be provided in compliance with the Disabled Persons Welfare Act 1975 and NZ Standard specification 4121, or any subsequent legislation. In particular, one disabled car parking space shall be provided for each group of 50 car parking spaces up to 200 spaces, in a location as close as practicable to the building.
- 5. No vehicle access shall be located within 15m of an intersection.

PA2 Access onto state highway

All sites fronting a State Highway shall comply with the vehicle crossing and intersection requirements stated in **Appendix 6** – Site Entrance Diagrams.

13.4.6 SIGNS

SG1 Signs

- 1. Signs located on the site of the activity meeting the following standards shall be permitted activities in this Zone.
 - (i) A sign with a maximum area of 0.5m² indicating a home occupation or visitor accommodation, including name, type of home occupation or profession, and hours of attendance.
 - (ii) Temporary signs with an area of less than 1.8m², where the written consent of the landowner has been obtained.
 - (iii) 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.
- 2. Signs visible from a State Highway are permitted activities where they are:
 - (i) Official signs.
 - (ii) Double sided free standing sign for each frontage of the site.
 - (iii) Attached to buildings on the site, which do not exceed the profile of the building where they meet the requirements of this Plan.
 - Please refer to Appendix 6 for provisions for controlling advertising signs that are visible from State Highways.
- 3. Signs meeting the following standards are controlled activities in the Zone:
 - (i) A sign not exceeding 1.1m² in area for any public purposes or in connection with and on the same site as any of the following activities.
 - Recreation reserves
 - Churches and other places of assembly
 - Educational institutions

- Hospitals and community buildings
- Travellers' accommodation
- (ii) Signs not exceeding 1.1m² erected in connection with tourist or special information, or denoting places or points of special interest.
- 4. Signs meeting the following standards are discretionary activities in this Zone:
 - (i) Signs not meetings the standards specified in 13.4.9(1) or 13.4.9(2).
 - (ii) Signs visible from a State Highway are discretionary activities where they are:
 - (a) Illuminated signs, that are not a permitted activity, and flashing, animated, trivision, revolving lights or lasers, or aerial signs situated adjacent to a State Highway
 - (b) Free standing signs situated within the boundaries of a State Highway with a speed limit of 50km/h or less.
 - (c) Advance warning signs erected on a road.

13.4.7 HAZARDOUS SUBSTANCES

HS1 Spillage containment

The site of any activity which uses, stores or produces potentially contaminating hazardous substances, shall be designed so that stormwater run-off or accidental spillage is contained and disposed of in accordance with Environment Bay of Plenty standards.

13.4.8 FLOOR LEVELS

FL1 Floor levels

The minimum floor level for residential, retail, commercial, industrial, and public buildings shall be 3.6 metres above Moturiki Datum. This shall not apply to carports, implement sheds, garden sheds, garages, or other uninhabited ancillary buildings.

13.4.9 NON-RESIDENTIAL ACTIVITIES

NR1 Location of non-residential activities

Non-residential activities shall be located on front sites.

NR2 Access to non-residential activities

Access to any site shall be sufficient to allow two-way traffic flow. One point of entry and one exit or one controlled entry/exit are required. Vehicle crossings shall meet the standards in Appendix 6.

13.4.10 ON-SITE EFFLUENT DISPOSAL

OD1 On-site effluent disposal

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

NOTE

Sites where sewerage is not available need to comply with the Regional Council's On-site Effluent Treatment Regional Plan. The site will be of a sufficient size to mitigate any adverse effects of on-site effluent disposal within the site.

13.4.11 RETAIL CORE

Standards for the retail core are not applicable in this Zone.

13.5 SUBDIVISION

The following rules provide for controlled activities and discretionary activities in relation to subdivision within the Residential Zone.

13.5.1 *Controlled activities*

- 1. Subdivisions which create lots suitable for permitted or controlled activities and which comply with the standards specified in Rule 13.5.3.1, 13.5.3.2 and 13.5.3.5.
- 2. Subdivisions complying with the boundary adjustment requirements specified in 13.5.3.3.
- 3. Subdivisions which create lots for public utilities, public works, reserves and open space complying with Rule 13.5.3.4.

Where a subdivision is a controlled activity Council may decline a consent application if the circumstances as set out in Section 106 of the Resource Management Act exist (e.g. material damage to land caused by erosion, slippages and inundation).

The matters over which Council will reserve control are stated in 10.3.4.

13.5.2 Discretionary activities

Subdivisions to create lots which do not comply with the standards specified in Rule 13.5.3.1 and 13.5.3.2.

13.5.3 Subdivision standards

The following are the subdivision standards for the Residential Zone.

13.5.3.1 Minimum lot size

The minimum lot size, exclusive of access, shall be:

Sewered area 400m² Non-sewered area 800m²

Provided that

Non-sewered sites may be smaller than 800m² where:

- i. Zone Standards 13.4.1 SR1, 13.4.2 YA1, 13.4.10 OD1 can be complied with; and
- ii. On-site investigations are undertaken by a Chartered Professional Engineer to show that the site, and the proposed activity on the site, complies with the On-site Effluent Treatment Regional Plan; and
- iii. The investigations undertaken by a Chartered Professional Engineer conclude that a reduction in lot size will not have any adverse effects on the environment.

13.5.3.2 Lot dimensions

1. Frontage

The minimum frontage for any lot shall be 4m.

2. Shape Factor:

Each lot must be capable of containing a 17.5m diameter circle.

3. Access

The maximum number of lots that may be served by an access strip is 6. Thereafter, a legal road will be required.

Minimum width: 3m for 1 lot

4m for 2 lots 6m for 3-6 lots

13.5.3.3 Boundary adjustment

The subdivision standards for the Zone will not apply to a subdivision for the adjustment or relocation of boundaries provided no new additional new allotments are created, and the subdivision provides for:

- i. The adjustment or relocation of boundaries which will leave the allotments with similar areas to that existing prior to subdivision; or
- ii. The adjustment or relocation of boundaries is more suitable for activities provided by the Zone, where it does not increase the degree of non-conformity of any existing lot or lots.

13.5.3.4 Lots for public utilities, public works, reserves and public open space

The minimum standards for the Zone shall not apply where lots are created for the following purposes:

- 1. Where land is required by a network utility operator.
- 2. Where land is required for a public work.
- 3. Where land is to be set aside or vested as a reserve.
- 4. Where land is to become a reserve vested in the Council.

13.5.3.5 General subdivision requirements

In addition to Rule 13.5 the general rules for all subdivision specified in Section 10 shall be met.

13.6 OTHER METHODS

- **13.6.1** Other methods for achieving the objectives and policies of this section are:
 - 1. Implementation of the 'Adopt a Street' or 'Adopt a Highway' campaign by the Council, community, or local residents.
 - 2. The use of Council's capital works programmes for street paving and kerb and channelling.
 - 3. Community and residents street beautification programmes, through the use of landscaping and tree planting.
 - 4. Development of a heritage programme to ensure that heritage values of a particular residential area are promoted.
 - 5. 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.
 - 6. 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.
 - 7. Through the use of Land Information Memoranda (LIM) and Project Information Memoranda (PIM) to provide information on known natural hazards to potential developers and applicants.
 - 8. 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.
 - 9. Development of Council's Strategic Plan to include a strategy for residential expansion within the district.

13.7 **EXPLANATION**

- **13.7.1** The reasons for the foregoing objectives, policies and methods are stated below.
- 13.7.2 The main purpose of the Residential Zone is to maintain coherent and pleasant living environments. This is reinforced by the policies and rules of the zone. These values include generous open space through building setbacks from roads and internal boundaries, low density of buildings, protection of access to daylight and sunlight, and low scale of buildings. The environmental outcomes of the zone include the attainment of a pattern of density and development which reflects the character and amenity values of the local environment and enables the provision of choices in living environments.
- 13.7.3 Residential areas have less capacity to absorb a wide range of non-residential activities due to the expected quiet environment and low scale built environment. Therefore, the range of non-residential activities is limited to those which can meet the same standards as residential activities and can be located on busier roads or fringe areas. The rules ensure that minimum standards are established for the zone.
- 13.7.4 The Zone Standards have been developed to avoid potential adverse effects such as unacceptable noise, increasing traffic, obtrusive buildings out of scale with the local area, and lack of adequate separation distances. In addition, new residential areas need to be managed to ensure that there are adequate utility services and recreation facilities. Where on-site effluent treatment is necessary the requirements of the On-Site Effluent Treatment Regional Plan, which is administered by Environment Bay of Plenty, must be met.

13.8 ANTICIPATED ENVIRONMENTAL OUTCOMES

- 13.8.1 Environmental outcomes anticipated from the implementation of the objectives and policies of this section are:
 - 4 Pleasant living environments with minimal intrusion from non-residential activity.
 - 4 Diversity in residential design where desirable living standards, and the zone standards are maintained.