

# Chapter 2

# Residential Zone



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 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 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  *dwellings*.
- 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.

#### **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.

### **2.3 ACTIVITY STATUS**

Resource consent is required for all Controlled, Restricted Discretionary, Discretionary and Non-complying activities. Resource consent is not required for Permitted activities provided all relevant standards are met.

Additional controls may apply in the following Chapters:

- Chapter 12 – Surface of Water Activities
- Chapter 13 – Landscapes, Indigenous Vegetation and Habitats
- Chapter 14 - Heritage
- Chapter 15 – Subdivision
- Chapter 16 – Financial Contributions
- Chapter 17 – Network Utilities
- Chapter 18 – Natural Hazards
- Chapter 19 – Coastal Environment Overlay

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### 2.3.1 PERMITTED ACTIVITIES

2.3.1.1 Subject to compliance with the Zone Standards in 2.6, unless otherwise stated, the following activities may be established without resource consent from *Council*.

1. One *dwelling* per *site*.
2. Up to three *dwellings* where there is a minimum of 400m<sup>2</sup> per *dwelling* (excluding access) where a sewer connection is available and where Zone Standards in Section 2.6 can be met.
3. *Accessory 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 in an approved Reserve Management Plan.
6. *Temporary buildings* and associated 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 that complies with the Zone Standards.
8. *Temporary military training activities* complying with Appendix 3.
9. Relocation and re-siting of *buildings*, including *factory built dwellings*.
10. *Signs* listed in 2.6.6.1.
11. *Emergency services* training and associated management activities

### 2.3.2 CONTROLLED ACTIVITIES

2.3.2.1 The activities listed below may only be established after resource consent has been granted by *Council*. The Council may impose conditions only in relation to the matters over which it has reserved control in 2.4. The activities must comply with the Zone Standards in 2.6, unless otherwise stated.

1. *Home occupation*.
2. *Visitor accommodation* for up to 4 visitors per night.
3. *Seasonal worker accommodation* for up to 12 people per night.
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. *Accessory buildings* and activities *accessory* to a Controlled Activity.
6. *Temporary Military Training Activities* not complying with Appendix 3
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.

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8. *Signs* listed in 2.6.6.2

#### **2.3.4 RESTRICTED DISCRETIONARY ACTIVITIES**

2.3.4.1 The activities listed below may only be established after resource consent has been granted by *Council*. The *Council* may refuse consent or grant consent and impose conditions only in relation to the matters over which it has restricted its discretion in 2.5. The activities must comply with the Zone Standards in 2.6, unless otherwise stated.

1. Relocation or re-siting of a *building* not complying with the Zone Standards.
2. Activities not complying with 2.6.1.2 (Height), 2.6.1.3 (Daylight Protection), 2.6.2.1 (Yards) and 2.6.2.2 (Setbacks from roads).
3. Activities not complying with 2.6.10.1 (Wastewater Connections), 2.6.11.1 (Stormwater Management), 2.6.12.1 (Water Supply) and 2.6.2.3 (Building setback from Council pipelines).

#### **2.3.5 DISCRETIONARY ACTIVITIES**

2.3.5.1 The activities listed below may only be established after resource consent has been granted by *Council*. The *Council* may refuse consent or grant consent subject to conditions. The Zone standards in 2.6 will be used as a guideline when assessing the application.

1. Up to three *dwellings* 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. *Accessory 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 100m<sup>2</sup> in area.
7. *Retail activities*.
8. Commercial services.
9. *Food selling premises*.
10. *Emergency service* facilities.
11. *Visitor accommodation* for more than 4 visitors per night.
12. *Seasonal worker accommodation* for more than 12 people per night
13. Any activity with *access* from the State Highway not provided for as a Controlled Activity.

14. *Signs* listed in 2.6.6.3 or that are not provided for as a Permitted or Controlled Activity.

### **2.3.6 NON-COMPLYING ACTIVITIES**

2.3.6.1 The activities listed below may only be established if resource consent has been granted by *Council*. The *Council* may refuse or grant consent for a non-complying activity. The Zone standards in 2.6 will be used as a guideline when assessing the application.

1. Any activity not specifically stated as a Permitted, Controlled, Restricted Discretionary or Discretionary Activity or an activity which does not comply with the Zone Standards, unless otherwise stated.

## **2.4 CONTROLLED ACTIVITIES: MATTERS OVER WHICH CONTROL IS RESERVED**

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 service lanes and *loading spaces* associated with the activity.

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2.4.1.4 **Historical, archaeological and cultural values and resources**

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 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.
5. The effects of the activity on any overland flow path.

2.4.2.6 **Seasonal worker accommodation for up to 12 people**

1. Compliance with Zone Standard 2.6.14.
2. Methods to avoid, remedy or mitigate the effects on existing activities, including the provision of screening, landscaping and methods for noise control.
3. The extent to which the application complies with the Code of Practice for Able Bodied Seasonal Workers, published by Department of Building and Housing 2008.

2.4.2.7 **Temporary military training activities not complying with Appendix 3**

1. Location in relation to noise sensitive activities.
2. Hours of operation and duration.

## 2.5 **RESTRICTED DISCRETIONARY ACTIVITIES: MATTERS OVER WHICH DISCRETION IS RESTRICTED**

2.5.1 *Council* has restricted its discretion over the following matters:

2.5.1.1 **Relocation or re-siting of a building that does not comply with the Zone Standards**

1. Proposed *landscaping*, including opportunities to screen the *building* during *reinstatement*;
2. Proposed timetable for completion of re-instatement works;
3. The appearance of the building when re-instated; and
4. Maintenance of the *site* and surrounds during *reinstatement*.



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2.5.1.2 **Activities not complying with 2.6.1.2 (Height), 2.6.1.3 (Daylight Protection), 2.6.2 (Yards), and 2.6.2.2 (Setbacks from roads)**

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 2.6.10.1 (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.

2.5.1.4 **Activities not complying with 2.6.11.1 (Stormwater Management)**

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

2.5.1.5 **Activities not complying with 2.6.12.1 (Water Supply)**

1. Management of water supply demand in relation to:
  - (a) Water flow rates.
  - (b) Water flow volumes.
  - (c) Water supply connections specifications.

2.5.1.6 **Activities not complying with 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 to all permitted, controlled and restricted discretionary activities, unless otherwise stated. They will be used as a guideline when assessing applications for discretionary and non-complying activities.

Temporary Military Training Activities are exempt from complying with Zone Standards.

### 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

1. The maximum *height* for *buildings* within the zone is 9m. Hose drying towers associated with *emergency service* facilities may be up to 15m high.
2. Non-compliance with this standard shall be assessed as a Restricted Discretionary Activity.

#### 2.6.1.3 Daylight protection

1. 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.
2. Non-compliance with this standard shall be assessed as a Restricted Discretionary Activity.

#### 2.6.1.4 Minimum site area for dwellings

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

Sewered <i>sites</i>	400m <sup>2</sup> per <i>dwelling</i>
Unsewered <i>sites</i>	1200m <sup>2</sup> per <i>dwelling</i>

### 2.6.2 YARDS

2.6.2.1 All *buildings* shall be located at least 3m from a boundary with an adjoining *site* (not being a road boundary), provided, that in relation to *dwellings* and *accessory buildings*:

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. The written consent of the owners and occupiers of any sites adjoining the affected *yard* is obtained and provided to *Council* except that *accessory buildings* may be located up to 1.5m from the boundary without written consent.

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

**2.6.2.2 Building setback from roads**

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

**2.6.2.3 Building setback from Council pipelines**

1. 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.
2. 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**

1. 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 shall not apply to sirens used by *emergency services*.

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>

2. Except where expressly provided elsewhere in this Plan, noise shall be measured in accordance with the provisions of NZS 6801:2008 Acoustics Measurement of Environmental Sound, and assessed in accordance with the provisions of NZS 6802:2008 Acoustics - Environmental Noise.
3. Construction noise in any zone shall not exceed the recommended limits and shall be measured and assessed in accordance with the provisions of NZS 6803:1999 Acoustics – 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 LOADING AND ACCESS**

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

1. 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.
2. No vehicle *access* shall be located within 15m of an intersection.

**ADVICE NOTES:**

1. There are no minimum carparking requirements for the Residential Zone.
2. The application shall have regard to Appendix 6 where guidance for carparking is required.

**2.6.6 SIGNS**

2.6.6.1 The following signs shall be permitted subject to compliance with the standards in 2.6.6.4:

1. A *sign* with a maximum area of 0.5m<sup>2</sup> in relation to an approved *home occupation* or *visitor accommodation*, including name, type of *home occupation* and hours of operation.
2. A *temporary sign* with a maximum area of 1.8m<sup>2</sup>, where the written consent of the landowner has been obtained and provided to Council.
3. *Official signs*.

2.6.6.2 A *sign* with a maximum area of 1.1m<sup>2</sup> shall be a controlled activity in relation to any public purpose or on the same *site* as any of the following activities:

1. Recreation reserves
2. Churches and other *places of assembly*
3. *Education facilities*
4. Hospitals
5. *Community activities*
6. *Visitor accommodation*
7. Tourist or special information, including places or points of special interest.

2.6.6.3 The following *signs* shall be Discretionary Activities:

1. Illuminated *signs* that are not a Permitted Activity
2. Flashing, animated, trivision, revolving lights, lasers or aerial *signs* located adjacent to a state highway.
3. Free standing *signs* located within the boundary of a state highway with a speed limit of 50km/h or less.
4. Advance warning *signs* erected on a *road*.

- 2.6.6.4 *Signs* shall not:
1. Have reflective material or illumination that flashes or moves;
  2. Obstruct or impair the view of any official traffic sign and signal or the line of sight at any corner, bend, intersection of vehicle crossing;
  3. Physically obstruct or impeded traffic or pedestrians;
  4. Resemble or be likely to be confused with any official traffic signs or signs;
  5. Use support structures that are not frangible.

**ADVICE NOTES:**

1. Council controls signs under the Ōpōtiki District Council Consolidated Bylaws 2020.
2. Where signs on private property will be visible from a State Highway and resource consent is required, the NZ Transport Agency should be consulted in relation to traffic safety effects. It should also be noted that NZ Transport Agency controls signs on the State highway corridor Legal Road under the NZ Transport Agency Signs on State Highway Bylaw July 2010.

**2.6.7 FLOOR LEVELS**

- 2.6.7.1 Floor levels shall be sufficient to ensure that water does not enter *buildings* in a 1% AEP (Annual Exceedance Probability) event within the *Coastal Environment* or 2% AEP event for areas outside the *Coastal Environment*. *Council* will determine the appropriate freeboard that needs to be added to the flood level to set the required minimum floor level.

**2.6.8 RELOCATION OR RE-SITING OF A BUILDING**

- 2.6.8.1 The relocation of a *building* shall comply with the following:
1. A *building* inspection report shall accompany the *building* consent for the *building*. The report shall identify all *reinstatement work* required to the exterior of the *building*.
  2. The *building* shall be located on permanent foundations approved by *building* consent no later than two months from the *building* being moved to the *site*.
  3. All work required to reinstate the exterior of the relocated *building* in accordance with the building inspection report shall be completed within 12 months of the *building* being relocated on the *site*.
  4. The proposed owner of the relocated *building* must certify to the Council that the *reinstatement work* will be completed within the 12 month period.
  5. Non-compliance with this rule shall be considered as a Restricted Discretionary Activity.

**2.6.9 ON-SITE EFFLUENT DISPOSAL**

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

**2.6.10 WASTEWATER CONNECTIONS**

2.6.10.1 All new developments within any of *Council's* wastewater scheme boundaries shall connect to the *Council's* wastewater system.

2.6.10.2 All new wastewater management systems shall be designed and constructed in accordance with 17.6.8.

**2.6.11 STORMWATER MANAGEMENT**

2.6.10.1 A stormwater disposal system shall be provided for any residential, community or commercial activity. The stormwater management system shall be designed and constructed in accordance with Rule 17.6.9.

**2.6.12 POTABLE WATER SUPPLY**

2.6.11.1 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 17.6.10.

**2.6.13 VEHICLE ENTRANCES**

2.6.13.1 Vehicle entrances shall be designed and constructed to comply with Appendix 4.

**ADVICE NOTE:**

Additional access width may be necessary to provide for emergency service vehicles in accordance with SNZ PAS 4509:2008 (refer 17.6.10 Advice Note)

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**2.6.14 SEASONAL WORKER ACCOMMODATION**

1. The relevant Zone standards shall be complied with.
2. No new vehicle access shall be required to a State Highway
3. The accommodation shall be used solely for part of the year to meet labour requirements in the horticulture sector
4. The facility shall provide a combination of communal kitchen and eating areas and sleeping and ablution facilities
5. No more than 12 workers shall be accommodated.
6. The Code of Practice for Able Bodied Seasonal Workers, published by Department of Building and Housing 2008 shall be complied with.

**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. Use 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.