

SECTION 4: RESIDENTIAL ZONE RULES

4.1 CATEGORIES OF ACTIVITIES

4.1.1 PERMITTED ACTIVITIES

The following activities are permitted activities in the Residential Zone, provided activities comply with all relevant Permitted Activity Performance Standards in Section 4.2 and all other Sections of the District Plan:

- (a) Residential activities.
- (b) Residential care facilities.
- (c) Home occupations.
- (d) Marae.
- (e) Papakāinga development on land held under Te Ture Whenua Māori Act 1993.
- (f) Community activities.
- (g) Open space.
- (h) Home based childcare service.
- (i) Home based visitor accommodation.
- (j) Holiday homes.
- (k) Recreational vehicles or other easily moveable buildings, such as caravans, motor homes and porta cabins, used for temporary residential housing for up to six (6) months within a calendar year.
- (l) On Section 42 Carlyle SBRN (30 Victoria Street, Pātea) and Lots 11 – 13 DP 3265 (89 Collins Street, Hāwera), Commercial activities and/or offices.
- (m) The construction, alteration of, addition to, removal and demolition buildings and structures for any permitted activity.

4.1.2 CONTROLLED ACTIVITIES

~~None.~~

- ~~(a) Papakāinga developments on land held under Te Ture Whenua Māori Act 1993 that do not comply with one or more of the permitted activity performance standards for bulk and location (Rule 4.2.2), private outdoor living area (Rule 4.2.3) or access and roading requirements (Rule 4.2.9).~~

Matters to which the Council restricts its control:

- (i) Site Layout.
- (ii) Scale and design of buildings.

- (iii) Effects on existing residential character and amenity, including privacy, loss of healthy mature trees and shading on neighbouring properties.
- (iv) Location, function and amenity of on-site open space.
- (v) Access, extent of impervious surfaces and landscaping.

4.1.3 RESTRICTED DISCRETIONARY ACTIVITIES

The following activities are restricted discretionary activities in the Residential Zone, provided activities comply with all relevant Restricted Discretionary Activity Performance Standards in Section 4.3:

- (a) Unless listed elsewhere in the District Plan, any permitted activity listed in Section 4.1.1, which does not comply with one or more of the performance standards in Section 4.2.

Matters to which the Council restricts its discretion:

- (i) Avoiding, remedying or mitigating of actual or potential effects deriving from non-compliance with the particular performance standard(s) that is not met, except where specifically identified in other rules below.
- (b) Dwelling units which do not comply with one or more of the permitted activity performance standards for net site area (Rule 4.2.1.1), bulk and location (Rule 4.2.2), private outdoor living area (Rule 4.2.3) or parking and access requirements (Rule 4.2.9).

Matters to which the Council restricts its discretion:

- (i) Avoiding, remedying or mitigating of actual or potential effects deriving from non-compliance with the particular performance standard(s) that is not met. Matters include:
 - (i) Site Layout.
 - (ii) Scale and design of buildings.
 - (iii) Effects on existing residential character and amenity, including privacy, loss of healthy mature trees and shading on neighbouring properties.
 - (iv) Location, function and amenity of on-site open space.
 - (v) Parking, access, extent of impervious surfaces and landscaping.
- (c) Housing for the Elderly where the net site area per dwelling unit is, at minimum, 280m².

Matters to which Council restricts its discretion:

- (i) Site Layout.
- (ii) Scale and design of buildings.
- (iii) Effects on existing residential character and amenity, including privacy, loss of healthy mature trees and shading on neighbouring properties.
- (iv) Location, function and amenity of on-site open space.
- (v) Parking, access, extent of impervious surfaces and landscaping.
- (vi) Effects from the construction and operation of any medical, recreational, communal and staff facilities associated with the development.
- (d) Any childcare facility up to a maximum of 30 children.

Matters to the Council restricts its discretion:

- (i) Effects on residential character and amenity values
 - (ii) Location and characteristics of the site.
 - (iii) Traffic effects.
 - (iv) Parking effects.
 - (v) Noise.
- (e) Recreational vehicles or other easily moveable buildings, such as caravans, motor homes and porta cabins, used for residential housing for more than six (6) months within a calendar year.

Matters to which the Council restricts its discretion:

- (vi) Duration of use.
- (vii) Effects on the surrounding residential character and amenity values.
- (viii) Location.
- (ix) Appearance.
- (x) Landscaping.
- (xi) Connection to services.
- (xii) Proximity to public amenities (parks, beaches).

(f) Papakāinga developments on general title land that comply with the permitted activity performance standards in Section 4.2.

Matters to which the Council restricts its discretion:

- (i) Whether the applicant has demonstrated their whakapapa or ancestral connection to the land.
- (ii) Evidence that the land will remain in Māori ownership in the long-term. This may be through the use of appropriate legal mechanism(s) to ensure that land is maintained in Māori ownership.

Note: For resource consent applications under this rule, the Council will obtain advice from the relevant iwi authority and will take this advice into account. The matters that Council will seek advice from iwi authorities on include:

- (a) Where the papakāinga is on general title land, whether the applicant has demonstrated a whakapapa or ancestral connection to the land;
- (b) Any other matter related to tikanga Māori.

(g) Papakāinga developments on general title land that do not comply with one or more of the permitted activity performance standards for bulk and location (Rule 4.2.2), private outdoor living area (Rule 4.2.3) or access and roading requirements (Rule 4.2.9).

Matters to which the Council restricts its discretion:

- (i) Avoiding, remedying or mitigating of actual or potential effects deriving from non-compliance with the particular performance standard(s) that is not met. Matters include:
 - (i) Site Layout.

(ii) Scale and design of buildings.

(iii) Effects on existing residential character and amenity, including privacy, loss of healthy mature trees and shading on neighbouring properties.

(iv) Location, function and amenity of on-site open space.

(v) Access, extent of impervious surfaces and landscaping.

(ii) Effects on residential character and amenity values.

(iii) Connections to services.

In relation to papakāinga developments on general title land are the additional matters of discretion:

(iv) Whether the applicant has demonstrated their whakapapa or ancestral connection to the land.

(v) Evidence that the land will remain in Māori ownership in the long-term. This may be through the use of appropriate legal mechanism(s) to ensure that land is maintained in Māori ownership.

Note: For resource consent applications under this rule, the Council will obtain advice from the relevant iwi authority and will take this advice into account. The matters that Council will seek advice from iwi authorities on include:

(a) Where the papakāinga is on general title land, whether the applicant has demonstrated a whakapapa or ancestral connection to the land;

(b) Any other matter related to tikanga Māori.

4.1.4 DISCRETIONARY ACTIVITIES

- (a) Any activity that is not listed as a permitted, controlled, restricted discretionary, non-complying or prohibited activity.
- (b) Any childcare facility which provides for more than 30 children.
- (c) Commercial activities.
- (d) Entertainment activities.
- (e) Retail activities under 100m² in gross floor area.
- (f) Visitor accommodation.
- (g) Camping grounds/motor camps.
- (h) Education facilities.
- (i) Emergency facilities.
- (j) Health care services.
- (k) Private function centres/facilities.

4.1.5 NON-COMPLYING ACTIVITIES

- (a) Any activity which occupies a gross floor area of more than 1,000m².
- (b) Waste disposal facility and water and sewerage treatment plants.
- (c) Retail activities occupying 100m² or more in gross floor area.
- (d) Industrial activities, excluding panel beating and spray painting businesses.

4.1.6 PROHIBITED ACTIVITIES

- (a) Panel beating businesses.
- (b) Spray painting businesses.

NOTE: The above Prohibited Activities are not allowed under any circumstances, and only a Change to the District Plan itself can change this rule.

4.2 PERFORMANCE STANDARDS - PERMITTED ACTIVITIES

4.2.1 Net Site Area

- (a) Each dwelling unit shall have a minimum net site area of:
 - (i) 400m² outside the intensification area shown on the Planning Maps.
 - (ii) 300m² within the intensification area shown on the Planning Maps.

Except that:

- (iii) Papakāinga development is exempt from the above net site area performance standards set out in 4.2.1(a)(i) and (ii).

4.2.2 Bulk and Location

- (a) Yards: Buildings shall be located no closer than:
 - (i) 4.5m to a road boundary outside the intensification area shown on the Planning Maps;
 - (ii) 3m to a road boundary within the intensification area shown on the Planning Maps
 - (iii) 3m to a rail boundary; and
 - (iv) 1.5m to any other site boundary
 - (v) On Section 42 Carlyle SBRN (30 Victoria Street, Pātea) new buildings shall be located no closer than 10 metres to any site boundary.

Except that yards shall not apply to the following:

- (vi) Eaves (up to 600mm) of any roof, balcony, gutter or downpipe.
- (vii) Buildings which have a common wall along a boundary.

- (viii) A 5m long vehicle standing space shall be provided between the road boundary and any structure housing a vehicle, where the vehicle takes direct access to the structure from the road.
 - (ix) No building setback to boundaries with another site shall be applied where buildings on the adjoining site has a common wall along an internal boundary.
- (b) Separation Distance: Where more than one dwelling unit is located on a site:
- (i) No detached dwelling unit shall be located closer than 3m from any other detached dwelling unit.
 - (ii) No more than two dwelling units shall share a common side wall.
- (c) Building Recession Plane: Buildings and accessory buildings shall not project beyond the building recession plane from points 3m above site boundaries as shown in Residential Zone Appendix 1.
- Except that:
- (i) The recession plane shall not apply to road boundaries.
 - (ii) Buildings on adjoining sites have a common wall along an internal boundary, no recession plane shall be applied along that part of the boundary covered by such a wall.
 - (iii) Where a boundary abuts an access lot or right of way, the boundary may be taken from the furthest boundary of the access lot or right of way.
- (d) Maximum Building Height: No part of any building or accessory building may extend more than 8m above natural ground level.
- Except that:
- (i) All poles, support structures and fixtures associated with outdoor lighting shall not exceed a height of 13.5m.
- (e) Building Site Coverage: The proportion of a site, when viewed in plan, which is covered by buildings or parts of buildings or accessory buildings, shall not exceed:
- (i) Outside the intensification area shown on the Planning Maps: 40%.
 - (ii) Within the intensification area shown on the Planning Maps: 50%.
 - (iii) For any Open Space: 5%.

4.2.3 Private Outdoor Living Area

- (f) All dwelling units shall have a private outdoor living area which complies with the Table 1 below:

Table 1: Private Outdoor Living Areas

Type of Dwelling Unit	Intersecting Road Type (distances in metres)		
	Urban		
	Minimum Area	Minimum Dimension	Orientation/Other Matters
Outside Intensification Area Shown on the Planning Maps			

Ground Floor Dwelling Units	20m ²	2.5m diameter circle	Directly access from the main living area and kept free of buildings, access (including driveways and manoeuvring areas), parking spaces and dedicated utility spaces.
Upper Floor Dwelling Units	15m ²	2.5m diameter circle	Directly access from the main living area and kept free of access to other dwelling units and dedicated utility spaces.
Outside Intensification Area Shown on the Planning Maps			
Minor Dwelling Units	10m ²	2.5m diameter circle	East, West or North
All Other Dwelling Units	50m ²	4m diameter circle	East, West or North

4.2.4 Subdivision

- (a) Where more than one dwelling unit (other than a minor dwelling unit) is located on a site, they shall be located so that a subdivision could be undertaken for each dwelling unit that would achieve compliance with the requirements for a Controlled Activity subdivision in Section 9.

4.2.5 Home Occupations

- (a) The total floor area dedicated to home occupations on a site shall not exceed 50m².

4.2.6 Lighting

- (a) The spill of light from any outdoor artificial lighting shall not exceed 10 lux (measured horizontally and vertically) when measured at the boundary of any site zoned Residential in separate ownership.

4.2.7 Outdoor Storage

- (a) All areas used for the storage of goods, materials or waste products shall be maintained in a tidy condition and shall be screened from view from adjoining properties and from roads.

4.2.8 Odour

- (a) No activity shall result in offensive or objectionable odours to the extent that it causes an adverse effect at or beyond the boundary of the site in which the activity is located on.

Note 1: For the purpose of this performance standard, an offensive or objectionable odour is that odour which can be detected and is considered to be offensive or objectionable by at least two independent observers; including at least one Council officer. In determining whether an odour is offensive or objectionable, the “FIDOL factors” shall be considered (the frequency; the intensity; the duration; the offensiveness (or character); and the location of where the odour is measured (i.e. the sensitivity of the receiving environment).

Note 2: This performance standard shall not apply if the discharge of odour is authorised by a discharge permit granted by the Regional Council.

4.2.9 Access and Rooding

- (a) Where on-site parking or loading spaces are provided, they, along with vehicle access and manoeuvring areas must be in accordance with Section 10: Parking and Transportation.

4.2.10 Hāwera Aerodrome Protection Area

- (a) No building, mast, pole, other structure or tree shall penetrate the flight path protection plane, the transitional side slopes or the horizontal surface as shown on the Planning Maps (Special Map 1) and as defined in Appendices of the District Plan.
- (b) No road or railway shall be building above or within 4.6m vertically of the flight path protection plane, the transitional side slopes or the horizontal surface as shown on the Planning Maps (Special Map 1) and as defined in Appendices of the District Plan.

Advice Notes

Note: Vegetation to be planted near electricity lines (including the National Grid) should be selected and/or managed to ensure that it will not result in that vegetation breaching the Electricity (Hazards from Trees) Regulations 2003.

Note: The New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) contains restrictions on the location of structures and activities in relation to the telecommunication and electricity lines (including the National Grid). Compliance with the permitted activity standards of the Plan does not ensure compliance with the NZECP 34:2001.

Where works are proposed near any electrical line, individuals are advised to contact the line operator to discuss the works.

4.3 PERFORMANCE STANDARDS – RESTRICTED DISCRETIONARY ACTIVITIES

4.3.1 Net Site Area

- (a) Outside the intensification area shown on the Planning Maps, each dwelling unit shall have a minimum net site area of 350m².

Notification Statement

Under Section 77D of the RMA, for an activity requiring resource consent under Rule 4.1.3 (b), the application shall not be publicly notified, except where:

- The Council decides special circumstances exist (pursuant to Section 95(A)(4)), or
- The applicant requests public notification (pursuant to Section 95A(2)(b)).

4.3.2 Housing for the Elderly

- (a) Housing for the Elderly provided for in Rule 4.1.3 (c) shall comply with all the relevant permitted activity performance standards in Rule 4.2, except for the following standards:
- (i) Net Site Area standards set out in Rule 4.2.1

- (ii) Road boundary yard setback in Rule 4.2.2.(a), and
 - (iii) Private Outdoor Living Area standards set out in Rule 4.2.3.
- (b) All buildings shall be setback 3m from the road boundary.
- (c) The maximum occupancy for any associated medical, recreational or other communal facilities shall be 20 persons, excluding staff.

Notification Statement

Under Section 77D of the RMA, for an activity requiring resource consent under Rule 4.1.3(c), the application shall not be publicly notified, except where:

- The Council decides special circumstances exist (pursuant to Section 95(A)(4)), or
- The applicant requests public notification (pursuant to Section 95A(2)(b)).

4.3.3 Childcare Facilities

- (a) Any childcare facility provided for in Rule 4.1.3(d) shall comply with the following performance standards:
- (i) Childcare facilities provided for in Rule 4.1.3(d) shall comply with all the relevant permitted activity performance standards in Rule 4.2.
 - (ii) Demonstrate compliance with all the relevant permitted activity performance standards in other Sections of the District Plan.

Notification Statement

Under Section 77D of the RMA, for an activity requiring resource consent under Rule 4.1.3(d), the application shall not be publicly notified, except where:

- The Council decides special circumstances exist (pursuant to Section 95(A)(4)), or
- The applicant requests public notification (pursuant to Section 95A(2)(b)).

4.4 Residential Zone Appendix 1: Building Recession Plane (Performance Standard 4.2.2)

