

5 RESIDENTIAL ZONE

5.1 INTRODUCTION

Housing is a fundamental human need. Well-being is partly a reflection of quality housing and general living environment. Approximately 50 percent of the District's population live in urban Waipukurau and Waipawa.

Central Hawke's Bay District housing is typical of the rural Districts nationally. The average household unit is becoming smaller, moving towards 2.5 persons per household. This reduction in the number per household is particularly evident in the urban areas and has resulted in further residential building. There is a demand for life-style blocks which is a nation-wide trend. Some people want to live in the country but work in town.

ISSUES, OBJECTIVES AND POLICIES

5.2 ISSUE - Extent and Diversity of Living Environments

Satisfy demand for diversity in living environments and future residential growth subject to constraints caused by a lack of servicing, the threat of natural hazards and conflict with non-residential activities.

Explanation

People's needs and lifestyle preferences differ in terms of cost, location, design, size and style of housing. They are wide ranging and may include detached dwellings, rental accommodation, and elderly persons housing. The Plan recognises and provides for diversity in living environment sought by residents, whilst still maintaining an environmental quality appropriate to residential areas.

Residential growth places demands on the Council's services. Such infrastructure represents a significant capital investment, and expansion of existing service facilities is expensive. On the basis of current growth rates servicing of residential areas is sufficient for the next 20 years. Should rates exceed predictions, there may be requests for further residential development or zoning either by way of resource consent or a request for a Plan Change.

Future growth of Waipukurau and Waipawa must take into account potential conflicts with nearby activities. The surrounding rural areas are used for a range of activities, some of which cause unacceptable adverse effects if located too close to residential properties. Natural hazards can also be a risk to: this issue is addressed in Part 3.4 (Natural Hazards).

5.2.1 Objective

To enable existing and future residential needs to be met, subject to the constraints imposed by servicing and the natural and physical environment.

5.2.2 Policies

1. *To enable a mixture of housing and lifestyles in urban areas by avoiding the distinction between, and restrictions on, various residential types.*
2. *To provide for high density development associated with senior citizen's housing, as an alternative to the medium density living environments.*

3. *To enable the establishment of certain non-residential uses, such as home occupations, as an integral component of different living environments.*
4. *To encourage individual and community expression in building design whilst protecting the residential amenities of neighbours.*
5. *To promote medium density development as the predominant residential character.*
6. *To confine the Residential Zoning within Waipukurau and Waipawa to those areas of the towns which are, or are likely to be, provided with infrastructural services of formed and sealed roading, footpaths, reticulated water supply, stormwater and sewage treatment and disposal.*
7. *To assess the future residential needs of the District, having regard to:*
 - *provision of utility services , including roads;*
 - *compatibility with existing uses, such as industrial activities, factory farms, and recreational facilities;*
 - *avoidance of significant risk from natural hazards;*
 - *highly productive and versatile land;*
 - *maintenance of the visual amenity and character of the surrounding rural environment.*

5.2.3 Explanation and Reasons

Housing needs and lifestyle preferences of the District's population differ according to an individual's age and income. Family homes constitute the predominant form of residential dwellings, but are not necessarily representative of the needs of the community as a whole, particularly the elderly, retired, disabled, or single. The Plan recognises and provides for diversity in living environments.

Policy 1 expresses Council's intention to consider residential development generically, without distinction between various types of housing; since the different impacts of various types of housing is insignificant in the context of any living environment.

Council's concern in accommodating future residential growth is the impact on natural and physical resources. There is a need to provide certainty and direction for persons buying and developing property. In view of the nature of urban housing, the Council believes these matters are best addressed by zoning land for residential purposes and introducing methods to control the extent of non-residential activities and adverse environmental effects that may result with development.

Should there be a need for further residential land in Waipukurau and Waipawa, in addition to initiatives for redevelopment and infill, developers must consider matters such as hazard risk, versatility of soils, visual impact, compatibility with rural uses and efficient use of public services. In relation to servicing, the Council sees a need for the efficient long-term management of existing facilities.

Although the Council recognises the importance of economic and population growth, it also recognises that residential expansion needs to be carefully managed. Policy 7 lists the matters that would be examined for any proposed residential zone expansions.

Although natural hazards cannot be avoided, effects of hazards can be mitigated or avoided by locating buildings away from the hazard. Irrespective of the hazard type, a planned, effective and efficient response to a hazard occurrence can not only reduce the effects, but also reduce trauma and potentially save lives. Such a response needs to be co-ordinated between several agencies.

5.2.4 Implementation Methods

To achieve policies 1-7 through:

1. the provision of a Residential Zone and rules to control the use, development and subdivision of land in the zone;
2. appropriate local traffic and street improvements;
3. maintenance and where appropriate the upgrading of public open space;
4. maintenance and where appropriate improvement of reticulated sewage, water supply and stormwater services; and,
5. liaison with relevant agencies to develop a natural hazard-response strategy.

5.3 ISSUE - Residential Amenity

The location, nature and design of buildings and activities within residential areas can result in adverse effects on the amenity of those areas.

Explanation

Well-being is enhanced by a pleasant living environment. This often depends on the character of existing living areas. This character includes the location and scale of open space, density of residential development generally and heights of buildings and dominant building styles.

Residential areas have always contained a range of complementary non-residential activities catering for the educational, spiritual, social, recreational and day-to-day economic needs of the residents. Many of these require a residential location as they provide a local service for residents, such as doctors' surgeries and pre-schools. These activities often generate traffic and can result in on-street parking, or cause noise and glare, particularly from outdoor use, which annoy neighbours. Compatibility between residential and non-residential activities is desirable, if the standard of pleasantness and amenity in these areas is to be maintained at an acceptable level.

Home-based business activities ("home occupations"), may employ residents with many social and economic advantages, but can cause problems in residential areas. The range of home occupations and their character and scale vary considerably. Like other non-residential activities, the traffic-generating and noise aspects of these activities may become a problem. The likely rate at which traffic is drawn to a site often relates to the scale of service provided and the extent of retailing involved. Limitations on the extent of retailing, the scale of activities in terms of areas and the involvement of persons not living on the site are commonly adopted to mitigate these adverse effects.

In rural areas near residential areas, amenity becomes a particular concern, especially if activities such as pig or poultry farms or cash cropping are already established. These activities will need to maintain current management practices, such as early morning aerial topdressing and spreading of effluent. However, once a residential area is established near a rural area, new residents expect a level of amenity typical of a residential environment.

5.3.1 Objectives

- a **The location of appropriate activities within residential areas which benefit local communities or are appropriate interim use of residential land, but do not detract from the amenities of the area.**

- b Individual and community expression in architecture, while otherwise controlling development in order to achieve a pleasant residential environment.**

5.3.2 Policies

1. *To enable the establishment of non-residential activities in residential areas in certain circumstances, such as where:*
 - *a local need is demonstrated;*
 - *the predominant use of the site remains residential;*
 - *the activity is compatible in terms of its potential effects on those of a residential nature; or*
 - *the activity is most appropriately located in a residential area.*
2. *To discourage the use of land for the keeping of pigs, poultry and beekeeping in the residential zone so to provide for the level of amenity sought by residents.*
3. *To discourage factory farming, forestry or extractive industries within the District's residential areas so to provide for the level of amenity sought by residents.*
4. *To ensure the design and siting of development - building height, building coverage, recession lines and setbacks, provision of outdoor living and service areas - is such that:*
 - *development will not unreasonably deny neighbouring properties of outlook, sunlight or daylight;*
 - *ample on-site provision of outdoor living space;*
 - *an attractive street scene; and*
 - *maintenance of a character and scale of buildings and open space which is compatible with the anticipated residential environment.*
5. *To ensure an essentially medium density, residential environment within the District's residential areas, with provision for open space, in order to retain the amenity of the residential areas.*
6. *To ensure on-site parking and manoeuvring areas for vehicles and to limit traffic in residential areas, for the convenience and safety of residents and visitors and to maintain the amenity of residential streets.*
7. *To ensure all activities meet noise standards as measured at the property boundary, the level of such standards being that which will not compromise the qualities of the residential environment generally.*
8. *To avoid the establishment in residential areas of activities which will detract from the residential character and amenity of the locality.*
9. *To encourage the incorporation of public open space and plantings within subdivision design for amenity purposes.*
10. *In assessing resource consent applications, to avoid or mitigate development which would detract from the predominant character, scale and amenity of the particular residential environment.*

5.3.3 Explanation and Reasons

These objectives and policies are designed to allow activities appropriate to a residential environment, but control land uses that may detract from residential amenity. Residential activities are the predominant land use permitted as of right. The Council does not want to stifle design creativity and individuality, but will enforce development standards to avoid the adverse effects of activities in residential areas.

The standards cover such matters as building setback, height and coverage, residential density, outdoor living and service spaces, parking and access, outdoor activities, retail sales and noxious or nuisance elements, including noise, glare, traffic generation, hazardous substances, or the keeping of certain animals. They have been set at a level that reflects the existing residential amenity. Persons undertaking activities that do not meet these standards will need to obtain a resource consent from the Council, at which time the merits and consequences of such use in a residential neighbourhood will be assessed.

5.3.4 Implementation Methods

To achieve policies 1-10 through:

1. rules to control the use of land in and surrounding the Residential Zone and performance standards to control permitted activities in the Residential Zone; and,
2. liaison with service authorities to encourage an on-going programme of installation of underground wiring in towns.

5.4 ENVIRONMENTAL RESULTS ANTICIPATED

- Retention of the predominant character and scale of development within and around the District's residential settlements.
- A compact and coherent residential area which recognises the need to achieve:
 - residential accommodation close to employment and social services
 - protection of property and lives from the effects of natural hazards
 - provision of utility services.
 - diversity in housing and lifestyle types, to meet a range of community needs.
- A high degree of residential amenity expressed by way of:
 - dominance of open space and plantings over buildings
 - limited high density housing
 - a safe and efficient residential transport network
 - compatibility between activities, with residential use the predominant activity.
- Diversity in architecture, providing for individual and community expression, while achieving a reasonable degree of coherence in urban character.
- Maintenance of water quality and availability for residential use particularly where reticulated sewage disposal is not available.

RESIDENTIAL ZONE RULES

Should you require a resource consent refer to Part 2: Information and Interpretation, and Part 14: Assessment Matters, for guidance.

5.5 ZONE STATEMENT

The Residential Zone covers the residential areas of Waipukurau and Waipawa and provides principally for low/medium density and low height permanent living accommodation. The purpose of the zone is to maintain residential areas with ample open space for tree and garden plantings and with minimal adverse environmental effects.

5.6 DISTRICT-WIDE RULES

Attention is drawn to the following District-Wide Rules which may also apply in addition to any relevant Zone Rules to activities undertaken in the Residential Zone. Any one or more of the District-Wide Rules may require an activity to obtain a resource consent.

- Tangata Whenua Rules..... Refer Part 3.6
- Heritage Rules..... Refer Part 3.7
- Transport Rules..... Refer Part 8
- Subdivision and Development Rules Refer Part 9
- Utilities Rules Refer Part 10
- Sign Rules Refer Part 11
- Relocated Buildings and Temporary Buildings and Activities Refer part 12
- Hazardous Substances..... Refer Part 13

Also Check to see if consents are required from the Hawke's Bay Regional Council on, for example, the following matters:

- discharges of contaminants to land or water (e.g. effluent)
- taking of water (e.g. from water courses or underground wells)
- discharge of spray drift or strongly odourous substances
- disturbance of the beds of rivers (i.e. gravel extraction)

5.7 ACTIVITIES

5.7.1 PERMITTED ACTIVITIES

The following activities shall be **Permitted Activities**, provided that they comply with all of the Performance Standards under Rule 5.8:

(a) Residential Activities; provided that

- i no pigs or bees shall be kept on any site;
- ii no more than 12 adult poultry shall be kept on any site;
- iii no rooster shall be kept on any site.

(b) Home Occupations, limited to;

- i 50m² of the gross floor area of the buildings on a site are used for any home occupation;
- ii goods, materials or equipment associated with a home occupation which are stored within a building;

- iii the manufacturing, altering, repairing, dismantling or processing of any goods or articles associated with a home occupation within a building;
 - iv one full-time equivalent person who is employed in undertaking any home occupation and who permanently resides elsewhere than on the site.
- (c) **Farming Activities**; provided that
- i no pigs or bees shall be kept on any site;
 - ii no more than 12 adult poultry shall be kept on any site;
 - iii no rooster shall be kept on any site.
- (d) **Visitor Accommodation**, limited to home-stays accommodating no more than 5 visitors at any one time;
- (e) **Community and Recreational Activities**, limited to 100m² gross floor area;
- (f) **Commercial Activities**, limited to:
- i the retail sale of handcrafts, fruits, vegetables, plants, flowers, eggs, reared or produced on the site; and,
 - ii one full-time equivalent person who is employed in undertaking any of the above activities and who permanently resides elsewhere than on the site;
 - iii group visits to sites used for residential activities including the sale of refreshments to that group.

5.7.2 CONTROLLED ACTIVITIES

The following activities shall be **Controlled Activities** in the **Residential Zone** provided that they comply with the Performance Standards under Rule 5.8; except for Performance Standards 5.8.4 and 5.8.5.

- (a) **Community Activities and Recreational Activities** in any building that exceeds 100m² in gross floor area.
- (b) **Commercial Activities**, limited to a site which has a gross retail floor area, including storage, not exceeding 75m² for the purpose of:
- i retail sales of food or beverages; or
 - ii other retail sales where goods which are displayed for sale are not visible beyond the boundary of the site.

The Council has reserved control over the following matters:

- i setback of any building(s) from road boundaries or internal boundaries;
- ii design and appearance of signs, fencing, access, car parking and landscape plantings.

5.7.3 DISCRETIONARY ACTIVITIES

The following activities shall be **Discretionary Activities**:

- (a) **Home Occupations**, except where listed as a Permitted Activity;
- (b) **Visitor Accommodation**, except where listed as a Permitted Activity;
- (c) **Residential and Farming Activities**, except where listed as a Permitted Activity;

- (d) **Any Activity** which is listed as a Permitted Activity or a Controlled Activity but does not comply with any one or more of the relevant Performance Standards. The exercise of the Council's discretion shall be restricted to the matter(s) specified in the standard which is not complied with.
- (e) **Any Other Activity**, which is not listed as a Permitted Activity or a Controlled Activity or a Non-Complying Activity.

5.7.4 NON-COMPLYING ACTIVITIES

The following activities shall be **Non-Complying Activities**:

- (a) **Commercial Activities**, except for home occupations and other commercial activities where listed as a Permitted Activity, and Retail Sales where listed as a Controlled Activity;
- (b) **Factory Farming**;
- (c) **Industrial, Service, Mining Activities and Gravel Extraction**;
- (d) **Forestry Activities**.

5.8 PERFORMANCE STANDARDS

5.8.1 Building and Residential Density

- i There shall be no more than two residential units on any site.
- ii Minimum net area for any site shall be 350m² for each residential unit contained within the site provided that it is connected to a reticulated sewerage system, except that:
 - for each residential unit with a gross floor area less than 60m² the minimum net area for any site shall be 150m².
- iii Minimum net site area for any site shall be 1000m² for buildings containing ablution facilities that are not connected to a reticulated sewerage system; provided that they shall have an on-site a septic tank system, including an approved filter unit or any equivalent system, that complies with Draft Australian\New Zealand Standard DR 96034 or any subsequent final standard.

5.8.2 Height of Buildings

Maximum height of any building for an activity shall be 8m.

5.8.3 Recession Lines

- i No part of a building shall exceed a height of 2 metres plus the shortest horizontal distance between that part of the building and the nearest site boundary.
- ii Where an internal boundary of a site immediately adjoins an access or part of an access which is owned or partly owned with that site or has a registered right-of-way over it in favour of that site, the recession lines shall be constructed from the far side of the access.

5.8.4 Setback from Streets

- i Minimum setback from road boundaries for any residential unit shall be 3m.

- ii Where the vehicle access to an accessory building faces a road boundary, the accessory building shall be setback at least 5 metres from the road boundary, and shall be behind the front line of the principle building.

5.8.5 Setback from Neighbours

- i Minimum setback of buildings for an activity from internal boundaries shall be 1.5m.
- ii Buildings designed and/or used for the housing of livestock shall be setback a minimum of 8.5m from any boundary, and shall be behind the front line of the principle building.

5.8.6 Outdoor Living Space

- i For each residential unit, there shall be a minimum continuous area for outdoor living space, contained in one area within the net area of the site, of 80m² with a minimum dimension of 5m; except that:

for any residential unit with a gross floor area less than 65m², the minimum area shall be reduced to 30m² with a minimum dimension of 3.5m ;
- ii The required minimum area of outdoor living space shall be readily accessible from a living area of the residential unit.

5.8.7 Outdoor Service Space

For each residential unit, there shall be a minimum continuous area for outdoor service space, contained in one area within the net area of the site, of 15m² with a minimum dimension of 3m.

5.8.8 Electrical Safety Distances

Any activity, including the establishment of buildings and structures or any earthworks, within the vicinity of overhead electric lines shall comply with the New Zealand Electrical Code of Practice for Electrical Safety Distances (NZECP 34:1993).

5.8.9 Access

Each residential unit shall have legal access to a formed road.

5.8.10 Noise

Subject to i and ii below, on any site activities shall be conducted such that the following noise levels are not exceeded at any point within the boundary of that site:

- 55dBA L10 - 7:00am - 10:00pm Monday to Saturday
- 45dBA L10 - At all other times
- 75dBA Lmax - At all times

Exemptions

- i Residential activities shall be exempt from the above unless the activities set out in rule 5.8.13 are carried out on a residential property as part of a residential activity.
- ii The 75dBA Lmax noise limit shall not apply to on-site sirens required by the Emergency Service Activities, provided that the activity shall comply with the requirements of Section 16 of the Resource Management Act.

5.8.11 Hours of Operation

Subject to i and ii below, any activity shall be limited to the following hours of operation:

7am to 10pm seven days a week; except where:

- a the entire activity is located within a building; and
- b each person engaged in the activity outside the above hours resides permanently on the site, and
- c there are no visitors, customers or deliveries to the activity outside the above hours.

Exemptions

- i Residential activities and outdoor recreation activities shall be exempt from the above unless the activities set out in rule 5.8.13 are carried out on a residential property as part of a residential activity.
- ii Emergency Service Activities are exempt from part (b) of Rule 5.8.11.

5.8.12 Heavy Vehicle Storage

No more than one heavy vehicle shall be stored on any site.

5.8.13 Noxious or Unpleasant Activities

- i No activity, other than residential activities, shall involve the following: panel-beating, spray-painting, motor vehicle repairs, the outdoor storage of trucks or derelict motor vehicles, motor vehicle dismantling, fibre glassing, sheet metal work, bottle or scrap storage, rubbish collection service, motor body building, or fish or meat processing, or one requiring an offensive trade licence under the Health Act 1956.
- ii Those activities set out in i above, which are carried out on a residential property as part of a residential activity, shall be screened from adjoining roads and sites by landscaping, walls, fences or a combination of sufficient height but at a minimum of 1.8m in height.

5.8.14 Setback from Faultlines

No building for an activity shall be located within 20m of an earthquake fault line identified on the Planning Maps.

5.9 NON-NOTIFIED RESOURCE CONSENTS

Resource consents in relation to the following **Performance Standards** under Rule 5.8 shall not be notified and the written approval of affected persons need not be obtained (*Please also refer to section 2.1.4 of the Plan*):

- 5.8.6 Outdoor Living Space
- 5.8.7 Outdoor Service Space
- 5.8.9 Access
- 5.8.14 Setback from Faultlines

Please Note:

Irrespective of rules in this plan, enforcement provisions will be used under the Act where any activity produces vibration, odour, or dust or manufactures, stores, uses transports or disposes of hazardous substances, or trade waste or solid waste in such a way that has or is likely to be either noxious, dangerous, offensive, objectionable, to such an extent that it has or is likely to have an adverse effect on the environment.