

## **15 RULES: Residential 2, 3 and 4 Zones**

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### **15.1 PERMITTED ACTIVITIES**

Any of the following activities is a permitted activity in the Residential 2, 3 and 4 Zones provided:

- It is not a discretionary, limited discretionary, or controlled activity; and
  - It complies with all relevant conditions in Clause 15.2 below and Sections 20, 21, 22 and 23 and the definitions in Section 25 where applicable.
- (a) **Residential activities**
  - (b) **Residential dwelling unit and one family flat**
  - (c) **Accessory buildings up to and including 60m<sup>2</sup>**
  - (d) **Home occupations**
  - (e) **Visitor accommodation for up to 4 persons within a residential dwelling unit.**
  - (f) **Open space**
  - (g) **Temporary activities and buildings associated with that activity**
  - (h) **Use of community facilities in existence at 1 August 1996 (including educational facilities and grounds) for community activities including services having a social, community, ceremonial, cultural, educational, recreational, worship, or spiritual purpose.**
  - (i) **Retail activities including road-side sales activity on roads other than State Highways.**
  - (j) **Network utilities and any structures associated with network utilities.**
  - (k) **Activities for soil conservation, erosion protection, river control or flood protection works undertaken by, or supervised by, the Manawatu-Wanganui Regional Council or other agencies including Tangata Whenua responsible for the management of these works and activities.**
  - (l) **Temporary Military Training Activities.**
  - (m) **Advertising signs located on the site to which the activity relates.**
  - (n) **Official signs.**
  - (o) **The clearance, modification, damage, destruction or removal of indigenous vegetation or habitats of indigenous fauna.**
  - (p) **The minor trimming and maintenance of a Scheduled Notable Tree in order to maintain its state of health.**
  - (q) **The removal of a Scheduled Notable Tree by Council where this is required as an emergency work.**

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### 15.2 Conditions for Permitted Activities

The following conditions shall apply to all permitted activities.

#### 15.2.1 Maximum Building Height

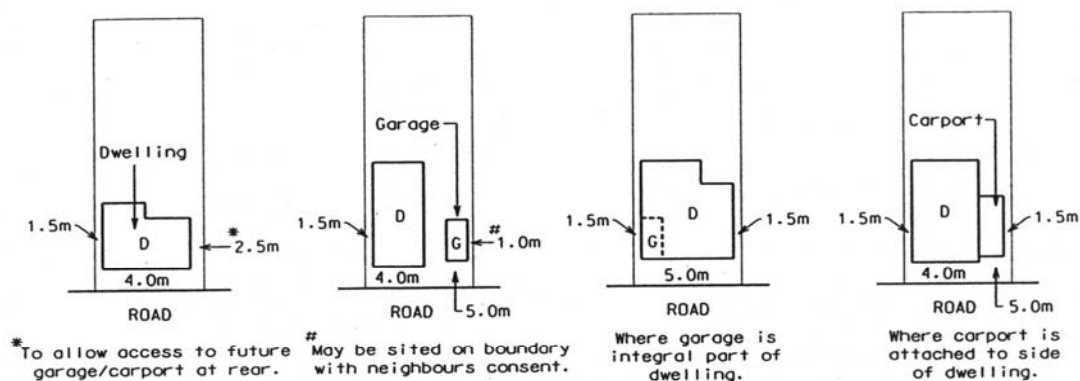
No part of any building shall exceed a height of 8.5 metres, except accessory buildings shall not exceed 4.5 metres in height.

#### 15.2.2 Daylight Setback Envelope

No part of any building shall encroach outside an envelope created, in relation to each site boundary except a boundary with a street, by a line drawn vertically 2.7 metres above the ground level at the boundary and inclined at an angle of 45 degrees (1:1 slope) inwards from that point.

#### 15.2.3 Building Setback from Boundaries

- No building shall be located closer than 4.0 metres from any road boundary, except that a 5 metre long vehicle standing space shall be provided between the road boundary and any structure housing a vehicle;
- No building, except accessory buildings, shall be located closer than 1.5 metres from any other site boundary; (see also 15.2.16)
- Accessory buildings shall be located no closer than 1.0 metre from any other site boundary unless adjoining landowners' written consent is obtained.



#### 15.2.4 Separation Distance Between Detached Residential Dwelling Units

No detached residential dwelling unit shall be located closer than 3 metres from any other detached residential dwelling unit.

#### 15.2.5 Safety and Visibility at Road and Rail Intersection

No person shall be permitted to erect any structure, or deposit any materials, or plant any tree that would obscure the sight distances from any road and rail intersection as shown in Diagram 8 (Section 21) (Traffic Sight Lines).

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### 15.2.6 Maximum Building Coverage

The proportion of any site covered by buildings other than network utilities shall not exceed 35%.

### 15.2.7 Maximum Floor Area of Retail Premises

No retail premise or premises used for any road-side sales activity shall exceed 50 square metres gross floor area.

### 15.2.8 Minimum Site Area Per Unit

Each residential dwelling unit shall have an area of land available exclusively for the occupants in accordance with the standards set out in 15.4.1 Subdivision - Minimum Standards. Where the access strip to serve the residential dwelling unit is less than 6 metres wide, it shall not be included in the site area calculation.

### 15.2.9 Noise

No activity shall give rise to any noise which, when measured at any boundary of the site, exceeds the following noise levels:

#### On any day

7am - 10pm: 55dBA ( $L_{10}$ )

10pm - 7am: 40dBA ( $L_{10}$ )

10pm - 7am: 65dBA (A) ( $L_{max}$ )

- All noise emitted in the course of any temporary military training activities measured from a line 20 metres from and parallel to the facade of any dwelling or the legal boundary where this is closer to the dwelling shall not exceed the following levels:

Time	Limits (dBA)		
(Any day)	L10	L95	$L_{max}$
0630-0730	60	45	70
0730-1800	75	60	90
1800-2000	70	55	85
2000-0630	55		

Impulse Noise resulting from the use of explosives and small arms is not to exceed 122 dBC.

- All noise shall be measured and assessed in accordance with N.Z. 6801:1991 "Methods of Measuring Sound" and 6802:1991 "Assessment of Environmental Sound".
- All noise emitted in the course of any construction work shall comply with N.Z.S. 6803:1984.
- The above rules relating to noise shall not apply to fire and civil emergency sirens.
- Notwithstanding the above rules, Section 16 of the Resource Management Act 1991 imposes a duty on every person to avoid unreasonable noise.

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### **15.2.10 Storage of Goods and Materials**

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 residential properties and from roads.

### **15.2.11 Water Supply**

All sites shall be provided with a water supply to meet the capacity and quality requirements of the activities undertaken on the site.

### **15.2.12 Wastes Disposal**

All wastes (including sewage, effluent, and refuse) that are generated or stored on any site shall be collected, treated, and disposed of in a manner that avoids any significant adverse effects or nuisance for adjoining residential properties.

### **15.2.13 Surfacewater Disposal**

All activities shall make provision for the collection, treatment and disposal of surface water run-off in a manner that avoids significant adverse effects to adjoining properties.

### **15.2.14 Development within Stopbanks**

No development including buildings and earthworks shall be permitted within 20 metres from the inland toe of authorised stop banks. Flood protection works undertaken by Manawatu Wanganui Regional Council shall be exempt from the 20 metre setback.

### **15.2.15 Engineering Works**

- (i) All activities subdivision and development shall comply with the requirements as specified in Section 20 relating to engineering works and land development.

### **15.2.16 Vehicle Access**

All activities shall be provided with practicable vehicle access from a public road in accordance with the requirements as specified in Section 21.

Each residential unit shall be provided with all-weather vehicle access between the road and the position of the vehicle garage or carport. Where no garage or carport exists, space shall be retained to enable the future development of vehicle access no less than 2.5 metres wide between the road and the rear of the site.

### **15.2.17 Vehicle Parking, Manoeuvring and Loading**

All activities except network utilities on sites less than 200m<sup>2</sup> shall be provided with vehicle parking spaces, manoeuvring areas, and loading facilities as specified in Section 21.

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### 15.2.18 Hazardous Substances

The threshold hazard factor for all activities using or storing hazardous substances shall not exceed low as specified in Section 23.

All activities involving hazardous substances shall comply with the performance conditions specified in Section 23.

### 15.2.19 Advertising Signs

The following advertising signs may be displayed:

- (a) Any complying temporary sign having a total face area not exceeding 2.0m<sup>2</sup>.
- (b) Any public information sign identifying the name only of any building property or business and which has a face area not exceeding 1.0m<sup>2</sup>.
- (c) Any public facility sign including any church, school or hall which has a face area not exceeding 2m<sup>2</sup>;
- (d) Any sign advertising the sale or auction of land or premises which shall have a combined total face area not exceeding 2.0m<sup>2</sup> and be removed from the site within 5 working days of settlement of the sale;
- (e) All on-site signs attached to buildings which do not exceed the profile of the building.

**provided** that all signs comply with the following:

- (i) Only one permanent free standing sign for each frontage of the site shall be permitted. It may be double sided.

- (ii) Comply with the following specifications:

	Posted speed limit less than 70kph	Posted speed limit above 70kph
Maximum number of words	11 or symbols	6 or symbols
Maximum number of characters	90	40
Minimum lettering height	120mm	160mm

- (ii) Shall not exceed 4.0 metres in height.
- (iii) Not be flashing, animated, trivision, lasers or aerial or which could produce glare or could dazzle.

### 15.2.20 Network Utilities

All network utilities and structures associated with network utilities shall comply with the permitted activity conditions specified in Section 22.

All other permitted activity conditions specified in this Plan shall also apply to any network utility or associated structure.

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### 15.2.21 Protection of Areas of Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna

Indigenous vegetation clearance, modification, damage, destruction or removal may not take place in an area which:

- (i) Is within the coastal foredune area (as defined in the proposed Manawatu-Wanganui land and water plan i.e. MHWS to 200 metres inland of the first line of vegetation); or
- (ii) Is an area of 0.5 hectares or greater irrespective of land ownership which has an actual or emerging predominance of indigenous tree species of any height located landward of the coastal foredune area as defined in paragraph (i) above and less than 100 metres in elevation above sea level. For the purpose of this rule, if the greater part of the area to be cleared is below 100 metres in elevation above sea level, then this rule applies; or
- (iii) Is an area of 1 hectare or greater irrespective of land ownership which has an actual or emerging dominance of indigenous tree species of any height located more than 100 metres in elevation above sea level. For the purpose of this rule, if the greater part of the area to be cleared is above 100 metres in elevation above sea level. Then this rule applies.
- (iv) contains indigenous trees (excluding manuka/kanuka) over 6 metres in height, unless the area to be cleared is less than 500 square metres in any 10 year period; or
- (v) contains manuka or kanuka over 6 metres in height in the coastal environment as identified on Maps 32 and 33, unless the area to be cleared is less than 500 square metres in any 10 year period; or
- (vi) is a wetland over 100 square metres in area with an average width of at least 5 metres; or
- (vii) is within 10 metres or a third or higher order stream/river (mapped at 1:50,000) or a lake or wetland, or a permanent flowing stream or river that feeds a wetland(s) or lake(s) within the coastal environment as identified on Planning Maps 32 or 33. What constitutes a third or higher order stream is to be determined pursuant to Strahler's 1952 Classification System and as otherwise defined in Part 25 of the Plan under the heading "Stream Order"; or
- (viii) contains rare or threatened species defined in Schedule 3.

Indigenous vegetation clearance, modification, damage, destruction or removal does not include:

- Vegetation that has grown under the canopy of a plantation forest
- Scattered trees, shrubs and scrub amongst pasture or horticultural land or production forestry land; or
- Actions necessary for the avoidance of imminent danger to human life; or
- Actions necessary for the current operation and maintenance of existing infrastructure, including roads, tracks, drains, stream or river access, structures and fence lines and the maintenance, replacement and upgrading of network utilities consistent with rule 22.1.9 of this Plan; or

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- The disturbance or damage (but not destruction) of indigenous vegetation as the consequence of harvesting of plantation forest; including where the harvesting involves:
  - (i) the lifting and/or dragging of logs, and/or
  - (ii) the construction and maintenance of forestry roads and stream crossings.
- And the modification is temporary and minor and does not compromise the ecological functioning of the area;
- Diseased vegetation that creates an environmental or ecological risk.

### **15.2.22 Protection of Heritage Features**

- (i) No activity or development work shall result in any modification, demolition, alteration or removal of any heritage feature identified in Schedule Two of this Plan. However, normal maintenance and repair work will be permitted.
- (ii) No activity is permitted within the dripline of a Scheduled Notable Tree where that activity could result in any adverse effect on the tree.
- (iii) No person may remove, destroy or damage a tree that may adversely affect the values for which it was considered worthy of protection.

Council may grant consent as a discretionary activity where it is satisfied that one or more of the following circumstances exist:

- The tree is dead or diseased
- The tree has become a danger to life, is causing damage to property, or is likely to do so.

### **15.2.23 Sites of significance to Tangata Whenua**

No activity or development shall lead to the modification, demolition or removal of any site of significance to Maori where such site has been identified to Council prior to the time that any activity or development is proposed.

### **15.2.24 Temporary Military Training Activities**

All Temporary Military Training Activities shall comply with the following conditions:

- (i) The written consent of the owner shall have been obtained.
- (ii) No permanent structures may be constructed.
- (iii) The activity shall not require excavation (permanent or mechanical), unless provided for in this District Plan.
- (iv) Flying activity shall be in compliance with civil aviation regulations or in agreement with the local controlling authority.
- (v) The activity shall be limited to a period not exceeding 31 days.
- (vi) Noise from any temporary military training shall not exceed the noise levels provided for the activity in the Noise Conditions for permitted activities for the particular zone.

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### **15.2.25 Odour**

No activity shall give rise to offensive odours able to be detected at the boundary of any adjoining residential property or at the boundary of any property in any residential zone.

For the purpose of this condition, an offensive odour is that odour which can be detected and is considered to be offensive by at least two independent observers; including at least one Council officer.

### **15.2.26 Fencing**

The maximum height of a fence on a boundary shall not exceed 2.0m.

### **15.2.27 Unsightly Buildings**

No building shall be left unfinished, or constructed, or become in such a state so that its external appearance is a distraction from the amenities of the neighbourhood in which it is situated.

### **15.2.28 Wrecked Motor Vehicles**

No wrecked and/or unroadworthy vehicle or vehicles shall be placed or located on a residential property where any such vehicle may be viewed from any public place or road.

For the purpose of this condition:

“Vehicle” shall include any car, bus, truck, van, motorcycle, trailer or house bus or caravan, and

“Wrecked and Unroadworthy” shall include any of the above which is registered and/or unwarranted and/or beyond reasonable repair and includes vehicles being stripped for sale or disposal of parts.

### **15.2.29 Vibration**

No activity shall create any vibration which exceeds the limits in NZS/ISO 2631.2:1989 – Continuous and Shock-Induced Vibration in Buildings and NZS 4403:1976 – Code of Practice for Storage, Handling and Use of Explosives, and any subsequent amendments.

## **15.3 CONTROLLED ACTIVITIES**

The following shall be controlled activities in the Residential 2, 3 and 4 zones:

- (a) Any subdivision of land (15.4.1).**
- (b) The placement of any relocated residential dwelling and/or accessory building (15.4.2).**
- (c) Any temporary military training activity that is not a permitted activity (15.4.3).**

## **15.4 Controlled Matters and Conditions**

The matters over which Council may reserve its control and the required conditions are detailed below for each controlled activity.

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### 15.4.1 Subdivision of Land

#### Controlled Matters

Council reserves its control over the following matters:

- (i) The provision of:
- Vehicular and Pedestrian Access;
  - Water supply;
  - Sewage disposal;
  - Surface water disposal;
  - Lighting of Vehicle Access Ways and Roads;
  - Electricity supply and telecommunication connections;
- to the subdivision, within the subdivision, and to other land in the vicinity which is expected to be developed in the future. Refer to Sections 20 and 21.
- (ii) The degree to which the allotment/s are subject to, or likely to be subject to, material damage by erosion, falling debris, subsidence, slippage, or inundation and seismic events.
- (iii) The degree to which any subdivision and subsequent development of the land is likely to adversely affect any natural habitat, Significant natural Area, Outstanding Landscape or Natural Feature or Cultural Feature located on the land being subdivided or developed, Conditions for the protection of such habitats , areas or features may include:
- The protection of any habitat;
  - Covenanted an area;
  - Creation of an esplanade strip or reserve;
  - Creation of a buffer zone to avoid any 'edge effects' associated with the development. In determining the buffer zone requirement, consultation will be had with the Department of Conservation and horizons.mw.
- (iv) The protection and revegetation of riparian margins of waterways and the access to them.
- (v) The creation of allotments of a size and shape that allows for a range of activities.
- (vi) The amalgamation of any allotments and/or balance areas with other land owned by the subdivider.
- (vii) If applicable, accordance with the Structure Plan for the area in Schedule 8.

#### Minimum Allotment Area

Each allotment shall comply with the following site area standards.

There shall be no minimum site area requirement for lots for network utility purposes.

#### Residential 2 Zone

Minimum site area where reticulated sewerage disposal is available 800 m<sup>2</sup>  
(Waitarere Beach, Mangaore and Tokomaru)

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Low Density Area minimum site area where reticulated sewerage disposal is available (Waitarere Beach)	1,000 m <sup>2</sup> Minimum average site area of 2,000 m <sup>2</sup>
Minimum site area where reticulated sewerage disposal is not available (Hokio Beach and Waikawa Beach)	800 m <sup>2</sup>
Low Density Area minimum site area where reticulated sewerage disposal is not available (Hokio Beach)	1,000 m <sup>2</sup> Minimum average site area of 2,000 m <sup>2</sup>

### **Residential 3 Zone**

Minimum site area where reticulated sewerage disposal is not available (Ohau West, Manakau, Waikawa Beach Road at State Highway 1 and Shannon at Thompson Street/Nathan Terrace)	2,000 m <sup>2</sup>
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### **Residential 4 Zone**

Minimum site area where reticulated sewerage disposal is not available (Ohau East)	8,000 m <sup>2</sup>
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Note: In calculating the minimum average site area, any allotment or balance area having an area larger than 5000m<sup>2</sup> shall be counted as having 5000m<sup>2</sup>.

### **Minimum Allotment Shape:**

Each allotment shall be capable of containing a circle of 18 metres diameter.

### **Structure Plans**

Where any land is within a Structure Plan area, all subdivision, all subdivisions shall be in accordance with the requirements as specified in the Structure Plan.

#### **15.4.2 Relocated Buildings**

### **Controlled Matters**

The matters over which Council reserves it's control are as follows:

- The length of time taken to re-construct, repair, or refurbish the building.
- Conditions for upgrading the exterior of the building and upgrading and reinstating the site, including any one or more of the following:
  - redecoration or reinstatement of any roof or exterior cladding
  - reinstatement of any porches, terraces, baseboards and steps
  - replacement of broken window panes, broken or rotten timber, guttering, drainpipes
  - reinstatement of that part of a dwelling where a chimney has been removed
  - reinstatement of the site and access to the site
  - details and length of time to complete site landscaping

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- A bond, of the nature provided for in the Resource Management Act 1991, further secured by deposits of cash with the District Council, bank guarantee, or otherwise, to the satisfaction of the District Council, to ensure compliance with consent conditions. The bond is to be paid prior to the movement of the building to its new site, and shall be to the value of the work required, as assessed by a suitably qualified person approved by the Environmental Services Manager at the cost of the applicant. The required work will be expected to be completed within a 12 month period. Portions of the bond may be refunded as substantial portions of the work are completed.
- The payment of administrative charges.

### Conditions

Relocated buildings shall comply, in all respects, with the conditions specified for permitted activities in other relevant parts of the Plan.

#### 15.4.3 Temporary Military Training Activities

### Controlled Matters

The matters over which Council reserves its control are as follows:

- The avoidance, remedying or mitigating any adverse effects on the environment.

#### 15.5 LIMITED DISCRETIONARY ACTIVITIES

- (a) Any activity that is a listed permitted or controlled activity and which fails to comply with any minimum permitted activity condition or standard as specified in Clauses 15.2 or 15.4 shall be considered as a limited discretionary activity.

The matters over which Council will exercise its discretion shall be limited to the effect of the particular non-compliance on the environment.

All other aspects of the activity shall comply with any applicable performance conditions or standards.

- (b) In the case of any building located closer to the road boundary of a site than the minimum standard distance, the matters over which Council will exercise its discretion shall be limited to the following:
- The effect of the design and appearance of the building on the overall, amenities and character of the locality; and
  - The effect of the proposal on the safety, efficiency, or convenience of any adjoining road or footpath; or
  - Where the building is intended to house vehicles, the ability to gain access into and out of the building from the road without interfering with the safety or convenience of any road or footpath; and
  - The effect of the building's location on opportunities for access to the rear of the site.

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- (c) In the Residential 2, 3 and 4 zones, where the area of any allotment is reduced to less than the minimum standard, the matters over which Council will exercise its discretion shall be limited to the following:
- The soil conditions of the allotment(s) and capacity for satisfactory drainage from existing or anticipated effluent soakage fields; and
  - Whether or not the overall low-density character of the area will be compromised by the proposed subdivision and subsequent development, having regard to the topography of the locality and the proposed configuration of allotments.
  - Additional traffic generated by subdivision relative to capacity of existing roads.

### **15.6 DISCRETIONARY ACTIVITIES**

Any activity that is not a permitted, controlled or limited discretionary activity is a discretionary activity.

- (a) Any subdivision that is not in accordance with the requirements as specified in a Structure Plan is a discretionary activity.

### **15.7 Conditions for Discretionary Activities**

The conditions specified for permitted activities shall, where appropriate, be referred to as a guideline when determining whether or not any resource consent should be granted and any conditions of such consent.