

SECTION 6 - RESIDENTIAL

Introduction

The majority of provisions, pertaining to the District's residential zones are located in the Large Lot Residential, Low Density Residential and Medium Density Residential Zone chapters as introduced via Plan Change 21. The issues, objectives and policies within this chapter only apply to the residential zones to the extent that they relate to the noise provisions within this chapter. The issues, objectives and policies relating to the natural hazard provisions are contained within Section 18.

Issues

The following are the resource management issues and associated objectives and policies relevant to the residential areas of Mackenzie District.

Issue 2 - Non-Residential Activities in Residential Areas

Description

Some non-residential activities choose or require a residential location because of the local service they provide to residents, such as doctors' surgeries and pre-schools. However some of these activities may have an adverse impact if they involve the generation of significant traffic and on-street parking, such as occurs with some churches, sports clubrooms and schools. In addition, the activity itself may give rise to noise or light, particularly from the use of outside areas, which may annoy neighbours. Some non-residential activities such as the manufacturing and processing of materials may not require a residential location and due to their effects, may be more suitably accommodated in other areas. Non-residential activities which have potentially significant adverse effects, such as those involving noxious or unpleasant substances are generally not likely to be compatible with residential activity. Farming activity, particularly grazing is often common in settlements where vacant land exists. In areas where residential density is low some farming may be appropriate. However, in areas where higher residential density exists, noise, smells from animals and associated management may not be compatible with a residential environment. It is important to ensure a compatibility between residential and non-residential activities if the standard of pleasantness and amenity in residential areas is to be maintained at an acceptable level.

An aspect of non-residential activities, which can cause problems in residential areas, is the operation of business activities based in homes - commonly called "home occupations". The range of activities and their character and scale vary considerably. Like other non-residential activities, it is often the traffic-generating and noise aspects of these activities which are of concern. 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, the involvement of persons not living on the site and the location of activities are commonly adopted to mitigate these adverse effects.

Relevant Objectives and Policies

- Residential Objective 2 and Residential Policy 2A, 2B 2C and 2D

Residential - Objectives And Policies

Residential - Objective 2 - Non Residential Activities

Non-residential activities in residential areas which are necessary to meet the needs of people and the community but do not detract from the amenity and safety of the area.

Reasons

- Many non-residential activities have the potential to create adverse effects for neighbouring sites and local communities due to noise.
- Large numbers of non-residential activities in residential areas can cumulatively affect the pleasantness and amenity of residential areas. Consequently, non-residential activities which are more likely to have effects which are not compatible with residential activity are discouraged.

Residential Policy 2A - Commercial, Forestry, Industrial, Mining And Noxious Or Unpleasant Activities, And The Boarding And Keeping Of Animals

To discourage the establishment of commercial, forestry, mining, industrial, service and noxious or unpleasant activities, and the boarding and keeping of animals in residential areas, due to their potential to adversely affect the pleasantness and amenity of residential areas.

Explanation and Reasons

- Commercial, industrial and service activities, forestry, mining and noxious or unpleasant activities, and the boarding and keeping of animals have the potential to generate adverse effects such as noise. Consequently, these activities are discouraged in residential areas.

Residential Policy 2B - Community And Recreational Activities

To enable community and recreational activities to establish in residential areas provided adverse effects such as noise are mitigated, avoided or remedied.

Explanation and Reasons

- Community and recreational activities can generate traffic and significant numbers of people which can give rise to noise if effects are not mitigated.

Residential Policy 2C – Visitor Accommodation

To enable the establishment of visitor accommodation activities, particularly in the Commercial Visitor Accommodation Precinct in a manner that protects and is compatible with the residential character and amenity of the zone, and avoids, remedies or mitigates adverse effects.

Explanation and Reasons

- Visitor accommodation activities can have significant effects associated with them such as noise. It is more likely that such effects can be suitably absorbed by the receiving environment of a high density residential neighbourhood like the Medium Density Residential Zone and the Commercial Visitor Accommodation Precinct than that of the Large Lot Residential and Low Density Residential Zone.-Consequently, such activity is encouraged to establish in the Commercial Visitor Accommodation Precinct provided that the adverse effects associated with such activity are adequately avoided, or mitigated to protect the amenity and character of the zone as a residential zone.

Residential Policy 2D - Home Business

To enable home business to occur in residential areas provided the pleasantness and amenity of residential areas is maintained.

LARGE LOT RESIDENTIAL, LOW DENSITY RESIDENTIAL AND MEDIUM DENSITY RESIDENTIAL ZONES

Note – This Section contains a limited set of rules applying to activities within the Large Lot Residential, Low Density Residential and Medium Density Residential Zones, in addition to those contained in the Residential Zones chapters introduced by Plan Change 21.

STATUS OF ACTIVITIES

3 RESIDENTIAL ACTIVITIES

3.1 Permitted Activities - Residential Activities

3.1.1 Any Residential Activity which complies with the following standards:

5. Flood Mitigation - Floor Heights/Location

- a. No habitable residential buildings shall be located in areas of 'High Flood Risk'. (Refer Discretionary Activity Rule 3.3.2)
- b. The minimum floor height for habitable residential buildings in areas subject to 'Low Flood Risk' shall be 150mm above floodwaters with a 0.2% annual probability of occurring (i.e. 500 year return period flood).
- c. The minimum floor height of all commercial, visitor accommodation and industrial buildings, other than accessory buildings or those referred to in 3.1.1.e (i) and (ii) above shall be 150mm above floodwaters with a 0.5% annual probability of occurring (i.e. 200 year return period flood).

Note: "High Flood Risk", "Low Flood Risk", and "Floor Height" are defined in section 3 Definitions.

Note: To ascertain 200 or 500 year flood levels or whether a property falls within a high or low flood risk area it will be necessary to obtain a flood risk assessment from a suitably qualified expert.

11. Flood Erosion Risk - Kimbell Area

There shall be no residential buildings erected within the area identified as Kimbell Hazard Area on Planning Map 57 - Flood Risk Areas (Refer Rule 3.4.2 Non-Complying Activities)

This rule shall not apply to extensions which do not increase the total floor area of the buildings as at 1 June 1988 by more than 15%.

This rule shall not apply to accessory buildings designed or used for other than human habitation.

Note: The District Council has responsibility under Section 36 of the Building Act 1991 relating to

buildings on land that is subject to, or is likely to be subject to, erosion, avulsion, alluvion, falling debris, subsidence, inundation or slippage.

3.3 Discretionary Activities - Residential Activities

3.3.1 In the Residential 1 & 2 zones, any Residential Activity which does not comply with any one or more of the following standards for Permitted Residential Activities in the relevant Residential Zone and which is not specified as a Non-Complying Activity in 3.4 below:

3.3.3 Any habitable residential building which is subject to 'High Flood Risk'.

Note: 'High Flood Risk' is defined in Section 3 – Definitions

Note: To ascertain whether a property falls within a high or low flood risk it will be necessary to obtain a flood risk assessment from a suitably qualified expert.

3.4 Non-Complying Activities – Residential Activities

3.4.1 Any Residential Activity which does not comply with any one or more of the following standards for Permitted Residential Activities:

3.1.1.e Flood Mitigation – Floor heights

3.4.2 Residential buildings erected within the Kimbell Hazard Area on Planning Map 53 – Flood Risk Areas.

Note: the District Council has responsibility under Section 36 of the Building Act 1991 relating to buildings on land that is subject to, or is likely to be subject to, erosion, avulsion, alluvion, falling debris, subsidence, inundation or slippage.

4 HOME BUSINESS

4.1 Permitted Activities – Home Business

4.1.1 Home Business which complies with the following standards:

5. Noise

All activities shall be designed and conducted so as to ensure that the following noise levels are not exceeded at any point within the boundary of any other site within the Residential Zone:

Daytime	50 dBA L10
Daytime (including any Sunday)	70 dBA Lmax
Nighttime	40 dBA L10
Nighttime (excluding 8am to 9pm Sunday)	70 dBA Lmax

4.3 Non-complying Activities - Home Business

4.3.1 Any Home Business that does not comply with any of the following standards on Permitted Home Business:

4.1.1.e Noise

5 VISITOR ACCOMMODATION

5.3 Discretionary Activities - Visitor Accommodation

5.3.3 Visitor accommodation buildings which are subject to 'High Flood Risk'.

Note: 'High Flood Risk' is defined in Section 3 – Definitions

Note: To ascertain whether a property falls within a high or low flood risk it will be necessary to obtain a flood risk assessment from a suitably qualified expert.

5.3.4 Noise Standards

All visitor accommodation activities shall be conducted to comply with the following standards as measured at any point within the boundary of any other site:

Daytime	0700 – 2000 hours	50 dBA L ₁₀
Night-time	2000 – 0700 hours	40 dBA L ₁₀ and L _{max} 70dBA

Noise levels shall be measured and assessed in accordance with NZS6801:1991 and NZS 6802:1991 or their successors.

5.4 Non-Complying Activities - Visitor Accommodation

5.4.1 Any visitor accommodation activity or homestay that does not comply with one or more of the following standards for permitted visitor accommodation activities:

- 3.1.1.e Flood Mitigation – Floor heights/location
- 5.3.4 Noise Standards

7 OTHER ACTIVITIES

(Activities other than Residential Activities, Home Business, and Visitor Accommodation).

7.1 Permitted Activities - Other Activities

The following are Permitted Activities in the Residential Zone.

7.1.1 Any Other Activity i.e. other than residential activity, home business, and visitor accommodation which complies with the following standards.

7. Flood Mitigation - Floor Heights

All floor heights shall comply with rule 3.1.1.e

12. Noise

- a. All Activities shall be designed and conducted so as to ensure that the following noise levels are not exceeded at any point within the boundary or any other site within the Residential Zone:

Daytime	50 dBA L ₁₀
Daytime (including any Sunday)	70 dBA L _{max}

Nighttime	40 dBA L10
Nighttime	70 dBA Lmax

- b. Emergency service warning devices and sirens are exempt from the noise standards in (i) above.

18. Flood Erosion Risk - Kimbell Area

There shall be no residential buildings erected within the area identified as Kimbell Hazard Area on Planning Map 53 - Flood Risk Areas (Refer Rule 3.4.2 Non-Complying Activities)

This rule shall not apply to extensions which do not increase the total floor area of the buildings as at 1 June 1988 by more than 15%.

This rule shall not apply to accessory buildings designed or used for other than human habitation.

Note: the District Council has responsibility under Section 36 of the Building Act 1991 relating to buildings on land that is subject to, or is likely to be subject to, erosion, avulsion, alluvion, falling debris, subsidence, inundation or slippage.

- 7.3.2. Buildings, other than accessory buildings, used for Other Activities which are subject to 'High Flood Risk'

Note: 'High Flood Risk' is defined in Section 3 – Definitions.

Note: To ascertain whether a property falls within a high or low flood risk area it will be necessary to obtain a flood risk assessment from a suitably qualified expert.

7.4 Non-Complying Activities

- 7.4.1 Any Other Activity which does not comply with any one or more of the following standards for Permitted Other Activities:

7.1.1.g	Flood Mitigation - Floor Height
7.1.1.l	Noise

- 7.4.2 Residential buildings erected within the Kimbell Hazard Area on Planning Map 53 - Flood Risk Areas.

Note: The District Council has responsibility under Section 36 of the Building Act 1991 relating to buildings on land that is subject to, or is likely to be subject to, erosion, avulsion, alluvion, falling debris, subsidence, inundation or slippage.

ASSESSMENT MATTERS

9.6 Other Activities

9. Noise

- i. The degree to which excessive noise generation will affect the enjoyment of any public place or residential area in the vicinity.

- ii. The degree to which the noise contrasts with the characteristics of the existing noise environment in terms of level, duration and timing, and the impact of any cumulative increase.
- iii. The nature of measures to mitigate excessive noise levels and the degree to which they are successful.

The extent to which the activity and its pedestrian and vehicular generation will interfere with the pleasantness and quietness of adjoining sites and the general surrounding area.