

## 2. Rural

### Explanatory Statement

The District contains large areas of land comprising versatile soils (LUC II-IV) suitable for both agriculture and forestry as well as areas comprising soils of less versatility (LUC VI-VIII) which are less suitable for agricultural production. The sustainable management of this natural land resource requires particular regard to be had to its finite characteristics and where appropriate to enabling its efficient use and development.

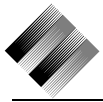
Rural land in the District is in high demand for residential or “lifestyle” use because of its proximity to established urban areas and to the Tauranga Harbour. While limited provision can be made for the residential use of rural land, it is inevitable that the demand for such use can never be fully met in a manner consistent with the sustainable management of the rural land resource. Control through the District Plan is therefore necessary.

There is also some demand for additional dwellings to be erected on rural properties, for example to provide separate accommodation for family members or rural workers. While it is appropriate to make limited provision in the District Plan to meet such needs, it is important that there be no expectation that any such additional dwellings may be able to be used as the basis for the subdivision of rural land beyond that otherwise provided for in the Plan rules. Provided that understanding exists, there can be confidence that use of such a District Plan provision is both limited and based on genuine need.

The intensification of development in rural areas, particularly for residential purposes, increases the potential for conflicts with other rural uses to occur thereby inhibiting the efficient use and development of the rural land resource. Intensification of development also has the potential to:

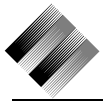
- adversely impact on features with recognised ecological or other values of significance to the District.
- put pressure on the existing roading network and other infrastructural services.
- lead to a gradual degradation of the low density character of the rural environment such that the very attributes of that environment which make it a pleasant place in which to live and/or work become threatened.

Much rural land is in multiple Maori ownership and it is consistent with the Treaty of Waitangi and the Act to recognise the need for housing on such land. Similar provision can be made for housing on other rural land for such purposes as workers accommodation. However, in order to ensure that provision for multiple housing on other than Maori land does not have the potential to be used in an unintended manner (ie unrelated to primary production) the number of dwellings permissible on properties that are not in multiple Maori ownership is limited to three.



## 2.1 Significant Issues

- 2.1.1 Ongoing pressure on the finite rural land resource of activities which has the potential to compromise its ability to be managed and developed in an efficient and sustainable manner. Such activities include:
- (a) concentrated subdivision for large lot residential uses of rural land adjacent or in proximity to existing urban areas and the Tauranga Harbour.
  - (b) dispersed subdivision for predominantly residential purposes.
  - (c) incremental establishment of other activities not based on primary production.
- 2.1.2 The extent to which subdivision is likely to result in the permanent or long term loss of productive land to non-productive purposes.
- 2.1.3 The extent to which subdivision is likely to increase or decrease the potential of the finite rural land resource to be used and developed in an efficient and sustainable manner.
- 2.1.4 The extent to which intensification of the residential and other non primary production based use of rural land is likely to inhibit the ability of other rural land users to realise the productive potential of the finite land resource in an efficient and sustainable manner.
- 2.1.5 Meeting people's social or economic need for additional dwellings on rural properties may create the potential for additional and unsustainable fragmentation of the rural land resource through an expectation that the land may subsequently be able to be subdivided in a manner not otherwise provided for in the District Plan rules.
- 2.1.6 The potential impact of more intensive subdivision, use, and development of rural land on:
- (a) the amenity provided by the low density character of the rural environment.
  - (b) existing natural or other features of recognised value to the community.
  - (c) roading and other infrastructural services.
  - (d) the safety and efficiency of State highways.
- 2.1.7 The potential for the establishment of non primary production based activities in rural areas to reduce or replace development in urban areas such that an under utilisation of urban land and infrastructural services results.
- 2.1.8 The potential for controls on the use and development of rural land to conflict with the special relationship of Maori with their ancestral land and the associated desire to live on such land.

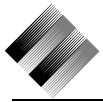


- 2.1.9 Introduction of new business areas to established rural areas, particularly those characterized by lifestyle lots, has the potential to create conflicts amongst activities, including reverse sensitivity.

## 2.2 Objectives and Policies

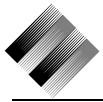
### 2.2.1 Objectives

1. Sustainable management of the finite rural land resource so as to enable its use for a wide range of rural activities in a manner which does not reduce or compromise existing and future primary production use options.
2. Protection and enhancement of the amenity provided by the low density character of the rural environment.
3. Protection and enhancement of natural or other features recognised as having ecological, landscape, cultural, archaeological or other values of significance to the District.  
(See also Sections 9, 10 and 11).
4. Minimisation of the potential for conflict between activities in the rural environment to occur.
5. Minimisation of constraints created by non-rural based activities on the efficient use and development of the rural land resource for primary production.
6. Fulfillment of people's social or economic need for additional dwellings on rural properties, in a manner which is consistent with the foregoing objectives and which does not result in additional fragmentation of rural land titles.
7. Sustainable management of existing roading and other infrastructural services and sustainable development of new or extended services.
8. Safe and efficient operation of State highways.
9. Efficient use and development of land, roading and other infrastructural services within urban areas of the District.
10. Fulfillment of the special relationship of Maori with their ancestral land.
11. To ensure development within the Te Puna Rural Business Park Zone is compatible with the amenity values of the neighbouring rural environment.

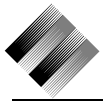


## 2.2.2 Policies

1. Enable sustainable primary production based activities, including any associated ongoing management measures, to operate in a manner that is reasonably necessary to achieve efficient resource use and development without undue adverse effects on the environment or on the health, safety and welfare of the rural community.  
(See also Section 13 - Amenity).
2. Avoid fragmentation of rural land titles which is likely to compromise the potential of the finite rural land resource to be efficiently used, developed or otherwise managed in a sustainable manner.
3. Enable subdivision to occur only where the likelihood that the versatile soils of the District will be used and developed to their full potential in a sustainable manner.
4. Ensure rural lots created for residential purposes use a minimum of land.
5. Ensure that all new rural lots have the capacity to be used and developed without the potential for any adverse effects on the environment being created unless any such effects can be appropriately mitigated or remedied including through the use of financial contributions.
6. Provide for additional dwellings on rural properties consistent with foregoing policies 2 and 3, and in a manner which does not result in the further fragmentation of rural land titles.
7. Protect the safety and efficiency of the District roading network (including State highways) from any potentially adverse effects resulting from increased development in rural areas.
8. Prevent the establishment of activities which:
  - (a) either individually or cumulatively will or would be likely to create the need for new, extended, or upgraded roading and other infrastructural services unless the costs of any such higher levels of service can be directly charged to the activities concerned without necessitating the unanticipated expenditure of public funds (see also Section 16 - Development Contributions), or
  - (b) could reasonably locate within urban areas of the District where adequate land, roading, and other services exist.
9. Limit the establishment of activities which either individually or cumulatively:



- (a) will or would be likely to conflict with the reasonable operation of other established rural land uses, or
  - (b) reduce the amenity provided by the low density character and primary productive focus of the rural environment unless such incompatibilities or adverse effects can be appropriately avoided, mitigated or remedied.
- 10. Enable the use and development of ancestral Maori land in a manner consistent with the special relationship of Maori with such land.
- 11. Subdivision, activities and development within the Te Puna Rural Business Park Zone shall be subject to stricter mitigation measures than the standard Industrial Zone, to achieve a lower level of impact and ensure adverse environmental effects are avoided, remedied or mitigated.
- 12. To allow older and/or dependent relatives to be accommodated in minor dwellings on a site that is shared with their relatives, in a manner which does not place undue additional demand on roading and other public infrastructure.



## 2.3 Rural G Zone Rules

### 2.3.1 Zone Statement

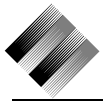
This zone covers the majority of rural land in the District and has a predominantly rural focus. While previously several zones were developed to identify and control particular activities, the number of rural zones has now been reduced to two in conjunction with the use of more sensitive controls targeted at issues such as water catchment protection, native forest conservation and natural hazards mitigation.

### 2.3.2 Permitted Activities

- (a) Farming.
- (b) Production Forestry.
- (c) Conservation forestry.
- (d) One dwelling per lot.
- (e) One minor dwelling in addition to (d) above subject to performance standard 2.3.5(e) "Standards for Minor Dwellings.
- (f) Home Enterprises.
- (g) Stalls.
- (h) Accommodation or Education Facilities for a maximum of 4 persons (excluding staff).
- (i) Works and network utilities as provided for in Section 17.
- (j) Activities on reserves as provided for in the Reserves Act 1977.
- (k) Buildings (except dwellings) accessory to the foregoing.
- (l) Mineral prospecting.
- (m) Existing urupa.
- (n) Frost protection fans, subject to performance standards specified in 13.2.3.5.
- (o) Artificial wind shelters subject to performance standards specified in 2.3.5(f).

### 2.3.3 Controlled Activities

- (a) Subdivision as provided for in 2.3.5(s).
- (b) Dwellings on Maori land additional to those provided for as a permitted activity subject to there being an average of at least 4000m<sup>2</sup> of net land area per dwelling (including those provided for as a permitted activity).



- (c) Dwellings on land other than Maori land additional to those provided for as a permitted activity subject to there being an average of at least 2ha of net land area per dwelling (including those provided for as a permitted activity).

Provided that

the total number of dwellings including minor dwellings shall be limited to three.

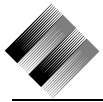
- (d) Works and network utilities as provided for in Section 17.
- (e) Frost protection fans, subject to performance standards specified in 13.2.3.6.

#### 2.3.4 Discretionary Activities

- (a) Subdivision as provided for in 2.3.5(s).
- (b) Intensive Farming Activities.
- (c) Kennels, catteries.
- (d) Accommodation facilities for more than 4 persons.
- (e) Education facilities for more than 4 persons (excluding staff).
- (f) Places of assembly.
- (g) Rural selling places.
- (h) Coolstores/packhouses.
- (i) Activities included as permitted in the Commercial or Industrial Zones (but excluding retailing and other activities involving the sale of goods or services direct to the public) within existing buildings lawfully and specifically established and used for a minimum of two years for the packing, processing or refrigerated storage of farming produce.
- (j) Animal Saleyards.
- (k) Mineral exploration, mining and quarrying.
- (l) Urupa (new sites).
- (m) Rural Contractors Depots.
- (n) Works and utilities as provided for in Section 17.

#### 2.3.5 Activity Performance Standards

The following performance standards shall be met by all permitted and controlled activities and shall be used as a guide for all other activities. Unless otherwise specified, any permitted activity which fails to comply with any of these standards shall be deemed a discretionary activity for the particular non-compliance.



(a) **Height of Buildings**

Maximum - 9m.

(b) **Daylighting**

No part of any building shall exceed a height equal to 2 metres plus the shortest horizontal distance between that part of the building and the nearest site boundary except where the site has a boundary with a road in which case this rule shall not apply in respect of that boundary.

Provided that:

a building may exceed the aforementioned height where the written approval of the owner of the immediately adjoining property to a specified greater height is obtained.

(c) **Yards**

(i) Dwellings, Minor Dwellings, Accommodation Facilities, Education Facilities

- Minimum 30m.

Provided that

a yard (not adjoining a State Highway) may be reduced to not less than 10m upon submission to Council of a written statement from the applicant accepting any adverse environmental effects which may be created by the reduced yard.

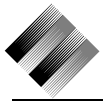
Except that as provided for in (iv) and (v) below.

**Explanatory Note (not a rule)**

Research available to Council indicates that in rural areas a 30m yard is generally sufficient to avoid or adequately mitigate the following potential adverse environmental effects:

dust	spray drift
noise	smell
shading/overshadowing	loss of privacy





- (ii) Additions or alterations to Dwellings, Minor Dwellings, Accommodation Facilities or Education Facilities granted building consent prior to 22 November 1997 or were subject to a building consent application submitted prior to 22 November 1997.

- Minimum 30 metres.

Except that

- (a) Where the existing yard distance (not adjoining a State Highway) is between 5-10 metres, the alteration or addition shall not reduce the yard.
- (b) Where the existing yard distance (including those adjoining a State Highway) is greater than 10 metres, the minimum yard shall be 10 metres.

Note: (a) and (b) above are provided for subject to submission to Council of a written statement from the applicant accepting any adverse environment effects which may be created by the reduced yard.

- (c) As provided for in (iv) and (v) below

- (iii) All Other Structures

- Minimum 5m.

Provided that:

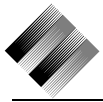
a building may be located within and up to a side or rear boundary where the written approval of the owner of the immediately adjoining property to a specified lesser distance is obtained.

Except that:

where the yard adjoins a State Highway, it shall be a minimum of 10m.

and as provided for in (iv) and (v) below.

- (iv) Open Coastal Protection Yard – for activities within 100 metres of MHWS (see 12.3.2).



- (v) Landward Edge Protection Yard – for controls on activities up to 40 metres landward of MHWS around Matakana Island, Maketu Estuary and Waihi Estuary (see 10.3).

(d) **Standards for Home Enterprises**

- (i) shall be conducted within a building floor area not exceeding 120m<sup>2</sup> or an outdoor area not exceeding 500m<sup>2</sup>. Carparks shall be excluded from the maximum area calculation of the activity.
- (ii) does not have access within 30m of a State highway.
- (iii) is carried out by a maximum of three persons.
- (iv) any retailing shall:
  - (a) occur within a floor area not exceeding 20m<sup>2</sup>.
  - (b) provide for the parking of at least 4 motor vehicles within the site and adjacent to the activity.
- (v) does not involve sales of products other than those produced on the site.
- (vi) any advertising shall comply with the relevant provisions of Section 14.3.1.1.

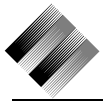
(e) **Standards For Minor Dwellings**

- (i) Shall be located within 20m of the principal dwelling on the site.
- (ii) Shall share vehicle access with the principal dwelling on the site.
- (iii) Any minor dwelling not complying with the permitted activity standards will require resource consent for a non-complying activity.

(f) **Standards for Artificial Wind Shelters**

- (i) Shall have green or black cloth when situated within 30m of the boundary of the property.
- (ii) Are exempt from yard and daylighting requirements.

**Provided that:**



Within 30m of property boundaries, other than any road boundary, a different colour cloth can be used where the written approval of the owner/s of the immediately adjoining property is obtained.

Any proposal to situate any artificial wind shelter with cloth other than green or black within 30m of a road boundary will require resource consent for a discretionary activity.

### **Explanatory Note**

Research indicates that white cloth can cause glare on adjoining neighbours creating a nuisance and/or hazard. These provisions only restrict the colour of cloth within 30m of property boundaries, including boundaries adjacent to roads.

#### **(g) Standards For Controlled Activities (more than one dwelling per lot)**

Financial contributions pursuant to the relevant provisions of Section 16 and the relevant standards contained in Section 18 shall apply to each additional dwelling site as if the land was being subdivided .

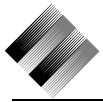
#### **(h) Discretionary Activities**

(i) In considering Discretionary Activities, except those provided for under Rule 2.3.4(i) Council shall have regard to the following matters in addition to relevant matters stated in 2.3.5:

- Potential for conflict with existing and foreseeable activities in the area. Activities which have particular amenity needs shall clearly demonstrate the appropriateness of the proposed location. This may include the ability to provide buffer areas within the proposed activity's property boundaries.

In justifying any location where potential for conflict and other adverse effects arise consideration should be made of possible alternative locations and the need to be in the specific area chosen.

- Traffic Generation
  - impact on roading
  - access
  - effect on amenity.



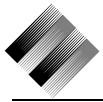
- Scale of the activity including number of people carrying out the activity and hours of operation.
- Proposed signs.
- Visual effect including effect on other properties in the area and the effect on the rural landscape qualities.
- Effect of the activity in restricting future use options for versatile land of high productive potential.
- The background sound level of the surrounding environment and whether the best practicable option of reducing noise emissions has been utilised by rural activities which exceed the relevant noise limits in these plan rules.

(ii) Assessment Criteria for Discretionary Activities Subject of Rule 2.3.4(i)

- the ability of the activity to comply with Rules 13.2.3, 13.3.3, 13.4.3, 13.5.3, and 13.6.3 of this District Plan. (Certification of ability to comply will be required from suitably qualified and experienced independent persons).
- the extent to which the activity will impact on existing infrastructural services such as roading, water supplies and the like. Activities considered to have undue such impact will be either refused consent or required to pay a development impact fee commensurate with the avoidance or mitigation of the impact which would otherwise be created.
- the extent to which the activity has the potential to create adverse environmental effects not adequately controlled through the necessity to obtain resource consents from other agencies.
- the extent to which the activity has the potential to adversely affect on the visual amenity provided by the rural environment and the ability to avoid or mitigate such impact by screening or other appropriate measures.

(iii) Assessment Criteria for Discretionary Activities Failing to Meet Rule 2.3.5(c)(i).

In considering Discretionary Activities subject to the above rule, Council shall have regard to the following matters in addition to relevant matters stated in 2.3.5:



- due to size, shape, topographical or geotechnical constraints, it is not practicable to meet the yard requirements.
- the location of archaeological sites or other identified significant heritage or ecological features makes it not practicable to meet the yard requirements.
- the potential for conflict with existing and foreseeable activities in the area.
- compliance with the yard requirements will result in a significant constraint on maximising the productive use of the site.
- compliance with the yard requirements will result in an adverse visual effect on the low density rural character of the area by forcing the dwelling into a visually prominent position such as a ridgeline.
- separation distances from other dwellings.
- in regard to the front yard whether the road is sealed or unsealed."

(iv) Assessment Criteria in considering discretionary activities under Rule 2.3.5(s)1.4. Council shall have regard to the following matters:

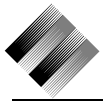
- Assessment of the potential for odour, fly and noise effects.
- The location of lots and house sites in relation to the Intensive Farming Activity.
- The extent of avoidance and mitigation measures.

(v) Assessment Criteria for discretionary activities failing to meet Rule 2.3.5(f) Artificial Wind Shelters

In considering discretionary activities subject to the above rule, Council shall have regard to the following matters:

- Assessment of the colour of the cloth, in terms of potential glare on neighbouring properties.

(i) **Natural Environment** - See Section 9.



- (j) **Landscape** - See Section 10.
- (k) **Heritage** - See Section 11.
- (l) **Natural Hazards** - See Section 12.
- (m) **Noise and Vibration** - See Section 13.2.
- (n) **Storage and Disposal of Solid Waste** - See Section 13.3.
- (o) **Lighting and Welding** - See Section 13.4.
- (p) **Offensive Odours, Effluent Aerosols and Spray Drift** - See Section 13.5.
- (q) **Screening** - See Section 13.6.
- (r) **Signs** - See Section 14
- (s) **Subdivision and Land Use Development** (See also Section 15)

1. *General*

1.1 *Activity Status*

Unless expressly stated otherwise within this District Plan subdivision complying with the following rules shall be a controlled activity.

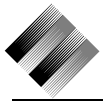
1.2 *Shape Factor*

Each lot which will qualify for the erection of a dwelling as a permitted or controlled activity shall be capable of accommodating a 20m diameter circle exclusive of yard requirements, such area to contain a building site complying with 15.3.5.3(a)(i).

1.3 *Review*

Council shall undertake a review of its Rural Subdivision Rules by 1 December 2001, including:

- (a) an analysis of all data on subdivisions to ascertain whether subdivision over four hectares are of concern and whether a horticultural or rural subdivision of that size would be appropriate; and



- (b) a peer review of the review.

1.4 Conflict with Intensive Farming Activities

Each lot shall be located no closer than 300m from an existing intensive farming activity. Subdivision applications failing to meet this standard shall be a discretionary activity.

1.5 Omokoroa Peninsula Stormwater Management Plan

Council in considering subdivision and development shall take into account the provisions of the Omokoroa Peninsula Stormwater Management Plan as approved by the Regional Council.

2. ***Rural Lots***

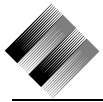
2.1 *Limitation*

This rule shall apply only to lots which:

- (a)(i) have titles that existed prior to 1 August 1992 or which have been created by way of a subdivision consent for which an application was lodged prior to that date, and
  - (ii) are at least 4ha in area
- or
- (b)(i) have been created by way of a subdivision consent for which an application was lodged on or after 1 August 1992 but before 22 November 1997, and
  - (ii) have titles which are at least 5 years old, and are at least 8ha in area

Provided that

other lots shall qualify for subdivision under this rule where it can be demonstrated that the title was created following consent to a boundary adjustment pursuant to 15.3.1 and that prior to such adjustment a similar subdivision of the previous lot (as determined by Council) would have complied with the foregoing limitation and all other requirements of this rule.



2.2 *Minimum Lot Size*

Determined by compliance with Rule 2.3.5(s)1.2 and Rule 15.3.5.3.

2.3 *Number of Lots Created*

The maximum number of lots able to be created from existing lots which qualify for subdivision under this rule shall be as follows:

lots less than 30ha in area	two (ie one additional)
lots 30ha or more in area	three (ie two additional).

2.4 *Staging of Subdivision*

Notwithstanding Clause 2.1 of this rule a lot of 30ha or more and complying with the requirements of that clause may be subdivided in two stages subject to it being demonstrated that when viewed together as a single application (ie one incorporating both stages) the total subdivision complies with all other requirements of this rule.

Where a subdivision is staged the subdivider shall nominate which of the two lots resulting from the first stage shall qualify for further subdivision under the second stage.

3. *General Farming Lots*

3.1 Minimum lot size (including any balance area or residual lot) 40ha. Where only lots of 40ha or more are created Rule 2.3.5(s)2.1 shall not apply.

3.2 *Limitations*

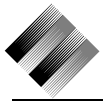
This rule shall not apply to titles created by a boundary adjustment that did not qualify for subdivision under this rule prior to the boundary adjustment occurring.

4. *Separation Lots*

Separation lots may be created by subdividing an existing title where each proposed lot is and will remain totally separated and inaccessible from other land within the subdivision by:

- (a) a permanent watercourse not less than 3 metres in width, or





- (b) a State highway or an existing legal public road currently maintained by Council or formed to the standard specified in 15.3.5.6, or
- (c) a railway, or
- (d) a severe or substantial natural landform feature such as a cliff, ravine or the like.

5. ***Protection Lots***

5.1 ***Activity Status***

Subdivision under this rule shall be a discretionary activity.

Except that, subdivision of up to 3 lots (ie. 2 additional) with access from a sealed road shall be a limited discretionary activity. In considering such applications Council's discretion shall be limited to those matters outlined in Rule 5.2 below and in Section 15 of the Plan. In such cases written approval from affected parties is not required unless those matters in 5.2 and Section 15 are not complied with.

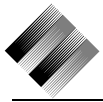
5.2 ***Application***

5.2.1 ***Features***

One additional lot may be created from a qualifying existing lot in conjunction with the legal protection in perpetuity of a significant natural or other existing feature of value to the community.

The feature to be protected may be anywhere within the Western Bay of Plenty District and need not be within the land being subdivided. In this context a "feature of value to the community" is deemed to be:

- (a) an identified significant feature as specified in this Plan (see Appendices I, II, III).
- (b) other features subject to clause 5.3(a) of this rule.



### 5.2.2 *Limitation*

- (a) Where the feature being protected is contained within the lot being subdivided, there are no qualifications regarding age of the title, and the only qualification for lot size relate to the activity performance standards of the respective zone and the feature size criteria of this rule.
- (b) Where the feature being protected is not contained within the lot being subdivided, the lot must be at least 12ha in area and its title in existence as at 22 November 1997 or was created by way of subdivision consent for which an application was lodged prior to that date.

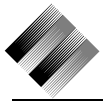
#### Provided that

Other lots may qualify for subdivision under this rule where it can be demonstrated that the title was created following consent to a boundary adjustment pursuant to 15.3.1 and that prior to such adjustment a similar subdivision of the previous lot (as determined by Council) would have complied with the foregoing limitation and all other requirements of this rule.

- (c) This rule shall apply to features according to their respective lot boundaries as existed at 1 August 1992.
- (d) Within the subject title, where the feature concerned exceeds the size criteria in 5.3(b) or 5.5 below then the entire feature shall be protected under this rule.
- (e) Where the feature being protected is capable of realizing more than three protection lots, credits will be allowed for the fourth and subsequent lots not utilised in the initial subdivision application. Such credits will expire at five years from the date of the issue of the subdivision consent.

### 5.3 *Certification*

- (a) In the case of those identified significant features referred to in Appendix I of this Plan or of other ecological features, certification from an appropriately qualified independent person that the feature in question meets the criteria in (b) below shall be submitted with the application for subdivision consent.



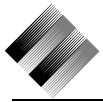
Such certification shall be accompanied by a report prepared by the certifier detailing the attributes of the feature recommended for preservation and include a management plan specifying any protective or enhancement measures deemed necessary.

(b) Criteria for Ecological Features

The feature must be assessed in the context of the relevant ecological district, bioclimatic zone and landform type. Each feature will be assessed on its particular merits using the following criteria:

- (i) Representativeness - the extent to which an area is characteristic or representative of natural diversity.
- (ii) Diversity and pattern - the diversity of species and community types.
- (iii) Shape - larger areas with a compact shape are more likely to be ecologically viable.
- (iv) Ecological viability and sustainability - the likelihood of an area remaining ecologically viable and the management input necessary for long term sustainability.
- (v) Naturalness - degree of modification as compared with likely original unmodified character.
- (vi) Rarity and special features - presence of rare community types, species or other rare features.
- (vii) Fragility and threat - threat processes or agents (actual or potential) that are likely to destroy or substantially modify the feature, and the vulnerability of the feature to damage.

The following are guideline minimum sizes for features, although smaller sizes will be considered, particularly for rare or special features and features in parts of the District where relatively little indigenous vegetation and fauna habitat remains:



- Tall forest (eg tawa, rimu) 2ha
- Regenerating/secondary forest  
(eg mahoe, kamahi, kanuka, tree fern) 5ha
- Secondary Shrubland 5ha
- Riparian margins (above MHWS) 500 m in  
length and  
min 20m wide
- Natural Wetlands (above MHWS) 0.5ha

#### 5.4 *Legal Protection*

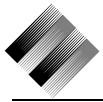
Legal protection of the feature shall be achieved by way of a condition imposed on the subdivision consent requiring a consent notice or similar legal instrument to the satisfaction of the Council to be registered on the title of the land containing the feature to be protected. All costs associated with compliance with this requirement shall be met by the applicant.

#### 5.5 *Number of Lots*

One lot for every separate feature type as set out in clauses 5.2 and 5.3 of this rule provided that additional lots will be allowed at an overall average of one lot per feature size as follows:

	Average	Size Requirements for Additional Lots			
		2	3	4	5
Tall Forest	5ha	10	15	20	25
Regenerating Forest	10ha	20	30	40	50
Secondary Shrubland	10ha	20	30	40	50
Riparian Margins	1km	2	3	4	5
Natural Wetlands	1ha	2	3	4	5

Note: Additional lots greater than 5 will be allowed in accordance with the average specified above

**Provided that:**

Where the feature being protected is not contained within the lot being subdivided, a minimum of 12ha is required for the first additional lot, and further lots may be created at the rate of 1 lot per 4ha over and above the original 12ha.

**5.6 Exclusions**

This rule shall not apply to any land that has been designated in this Plan (for any purpose), or is classified under the Reserves Act, or is subject to the Conservation Act.

**6. Lots for Houses on Maori Land**

6.1 Multiple owned Maori land may be subdivided into lots each containing a substantial dwelling (see definition on following page) where the property is in "multiple ownership" and the subdivision is required for the purpose of excising from the land the site upon which such dwelling is erected.

6.2 "Multiple owned Maori land" in this context means Maori land owned by three or more legal owners who have an undivided interest in the land which they have held since 31 March 1986.

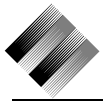
6.3 "Substantial dwelling" in this context means a dwelling erected prior to 31 March 1986 and which is in good and tenable repair except that subdivision may be permitted around a substandard or derelict dwelling provided the owner or owners enter into an agreement with the Council that such dwelling be replaced or renovated.

6.4 "Site" in this context means an area of land not less than 2000m<sup>2</sup>.

**7. Lots for Other Uses****7.1 Activity Status**

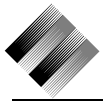
Subdivision under this rule shall be a discretionary activity.

7.2 Lots may be created to accommodate an activity for which a land use consent has been granted (and remains current) pursuant to rules 2.3.4(i) or 2.4.4(h) of this Plan.



- 7.3 Minimum Area – 2000m<sup>2</sup> or any such larger area as may be required to enable the use concerned to operate in a fully complying manner.
  
- 7.4 The balance of the land being subdivided shall comprise an area of at least 2000m<sup>2</sup> complying with the relevant provisions of 15.3.5 and shall include all land not reasonably required for the accommodation and operation of the existing or approved use.
  
- (t) **Development Contributions** - See Section 16.
  
- (u) **Access, On-site Parking and Loading** - See Section 18.
  
- (v) **Fencing**
  - (i) **Goats (Minimum)**
    1. Bulldozed line.
  
    2. 9 wires (kept tight at all times)
      - minimum high tensile 2.5mm diameter galvanized steel.
  
      - bottom wire should be placed 80mm above ground level and, above that, wires placed at following intervals – 100, 100, 100, 110, 120, 135, 150 and 165mm. The top wire should be approximately 50mm below the top of the post.
  
    3. No internal stays.
  
    4. Posts to be at the following spaces:
      - Less than 30<sup>o</sup> ground slope 5m
      - 30<sup>o</sup> to less than 45<sup>o</sup> 4m
      - 45<sup>o</sup> or more 3m
  
    5. Battens to be an 1m intervals.
  
  - (ii) **Deer (Minimum)**

As specified in the Deer Farming Notice of the Wild Animal Control Act.
  
- (w) **Hazardous Substances** - See Section 19



## 2.4 Rural H Zone Rules

### 2.4.1 Zone Statement

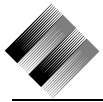
This zone covering rural land between State Highway 2 and the Tauranga Harbour has been retained in recognition of the intensity of development that has occurred in the area and which is likely to continue in the future. Related to this has been the provision of a high level of infrastructural services, an existing resource which should be used efficiently. Controls to protect the ecological, landscape and other values associated with the Tauranga Harbour are contained within Sections 9-11.

### 2.4.2 Permitted Activities

- (a) Farming.
- (b) Production forestry.
- (c) Conservation forestry.
- (d) One dwelling per lot with the exception of Smithstown (map reference D4) where individual titles do not qualify for the erection of dwellings.
- (e) One minor dwelling in addition to (d) above subject to performance standard 2.4.5(e) "Standards for Minor Dwellings".
- (f) Home Enterprises.
- (g) Stalls.
- (h) Accommodation or Education facilities for a maximum of 4 persons (excluding staff).
- (i) Activities on reserves as provided for in the Reserves Act 1977.
- (j) Works and network utilities as provided for in Section 17.
- (k) Buildings except dwellings accessory to the foregoing.
- (l) Existing urupa.
- (m) Frost protection fans, subject to performance standards specified in 13.2.3.5.
- (n) Artificial wind shelters subject to performance standards specified in 2.4.5(f).

### 2.4.3 Controlled Activities

- (a) Subdivision as provided for in 2.3.5(s).
- (b) Dwellings on Maori land additional to those provided for as a permitted activity subject to there being an average of at least 4000m<sup>2</sup> of net land area per dwelling (including those provided for as a permitted activity).
- (c) Dwellings on other land additional to those provided for as a permitted activity subject to there being an average of at least 2ha of net land area per dwelling (including those provided for as a permitted activity).



Provided that:

the total number of dwellings including minor dwellings shall be limited to three.

- (d) Rural selling places but only with respect to screening, access to a State highway and access to District roads (in all other respects they are permitted activities).
- (e) Works and network utilities as provided for in Section 17.
- (f) Frost protection fans, subject to performance standards specified in 13.2.3.6.

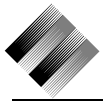
#### **2.4.4 Discretionary Activities**

- (a) Subdivision as provided for in 2.3.5(s).
- (b) Intensive Farming Activities.
- (c) Kennels, catteries.
- (d) Accommodation facilities for more than 4 persons.
- (e) Education facilities for more than 4 persons (excluding staff).
- (f) Places of assembly.
- (g) Coolstores/packhouses.
- (h) Activities included as permitted in the Commercial or Industrial Zones (but excluding retailing and other activities involving the sale of goods or services direct to the public) within existing buildings lawfully and specifically established and used for a minimum of two years for the packing, processing or refrigerated storage of farming produce.
- (i) Urupa (new sites).
- (j) Rural contractors depots.
- (k) Animal Saleyards.
- (l) Works and utilities as provided for in Section 17.

#### **2.4.5 Activity Performance Standards**

The following performance standards shall be met by all permitted and controlled activities and shall be used as a guide for all other activities. Unless otherwise specified any permitted activity which fails to comply with any of these standards shall be deemed a discretionary activity for the particular non-compliance.





(a) **Height of Buildings**

Maximum - 9m.

(b) **Daylighting**

No part of any building shall exceed a height equal to 2 metres plus the shortest horizontal distance between that part of the building and the nearest site boundary except where the site has a boundary with a road in which case this rule shall not apply in respect of that boundary.

Provided that: a building may exceed the aforementioned height where the written approval of the owner of the immediately adjoining property to a specified greater height is obtained.

(c) **Yards**

(i) Dwellings, Minor Dwellings, Accommodation facilities, Education facilities.

- minimum 30m.

Provided that:

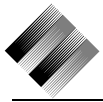
a yard (not adjoining a State Highway) may be reduced to not less than 10m upon submission to Council of a written statement from the applicant accepting any adverse environmental effects which may be created by the reduced yard.

Except as provided for in (iv) and (v) below.

Explanatory Note (not a rule)

Research available to Council indicates that in rural areas a 30m yard is generally sufficient to avoid or adequately mitigate the following potential adverse environmental effects:

dust	spray drift
noise	smell
shading/overshadowing	loss of privacy



(ii) Additions or alterations to Dwellings, Minor Dwellings, Accommodation Facilities or Education Facilities granted building consent prior to 22 November 1997 or were subject to a building consent application submitted prior to 22 November 1997.

- Minimum 30 metres.

Except that

(a) Where the existing yard distance (not adjoining a State Highway) is between 5-10 metres, the alteration or addition shall not reduce the yard.

(b) Where the existing yard distance (including those adjoining a State Highway) is greater than 10 metres, the minimum yard shall be 10 metres.

Note: (a) and (b) above are provided for subject to submission to Council of a written statement from the applicant accepting any adverse environment effects which may be created by the reduced yard.

(c) As provided for in (iv) and (v) below

(iii) All other structures

- Minimum 5m.

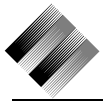
Provided that:

a building may be located within and up to a side or rear boundary where the written approval of the owner of the immediately adjoining property to a specified lesser distance is obtained.

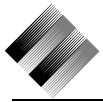
Except that:

where the yard adjoins a State Highway, in which case the yard shall be a minimum of 10m.

and as provided for in (iv) and (v) below.



- (iv) Open Coastal Protection Yard - for activities within 100 metres of MHWS (see 12.3.1).
  - (v) Landward Edge Protection Yard - for controls on activities up to 40 metres landward of MHWS adjoining Tauranga Harbour (see 10.3).
- (d) **Standards for Home Enterprises**
- (i) shall be conducted within a building floor area not exceeding 120m<sup>2</sup> or an outdoor area not exceeding 500m<sup>2</sup>. Carparks shall be excluded from the maximum area calculation of the activity.
  - (ii) does not have access within 30m of a State highway.
  - (iii) is carried out by a maximum of three persons.
  - (iv) any retailing shall:
    - (a) occur within a floor area not exceeding 20m<sup>2</sup>.
    - (b) provide for the parking of at least 4 motor vehicles within the site and adjacent to the activity.
  - (v) does not involve sales of products other than those produced on the site.
  - (vi) any advertising shall comply with the relevant provisions of Section 14.3.1.1.
- (e) **Standards For Minor Dwellings**
- (i) Shall be located within 20m of the principal dwelling on the site.
  - (ii) Shall share vehicle access with the principal dwelling on the site.
  - (iii) Any minor dwelling not complying with the permitted activity standards will require resource consent for a non-complying activity.
- (f) **Standards for Artificial Wind Shelters**
- (i) Shall have green or black cloth when situated within 30m of the boundary of the property.
  - (ii) Are exempt from yard and daylighting requirements.



**Provided that:**

Within 30m of property boundaries, other than any road boundary, a different colour cloth can be used where the written approval of the owner/s of the immediately adjoining property is obtained.

Any proposal to situate any artificial wind shelter with cloth other than green or black within 30m of a road boundary will require resource consent for a discretionary activity.

**Explanatory Note**

Research indicates that white cloth can cause glare on adjoining neighbours creating a nuisance and/or hazard. These provisions only restrict the colour of cloth within 30m of property boundaries, including boundaries adjacent to roads.

**(g) Standards For Controlled Activities**

**(i) More Than One Dwelling Per Lot:**

The relevant standards relating to subdivision shall apply as if the land was being subdivided with each dwelling site being treated as if a new lot is being created, including the application of financial contributions.

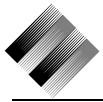
**(ii) Rural Selling Places:**

- Access shall not be direct from or within 30m of a State Highway.
- Access shall be from a formed and sealed legal public road currently maintained by Council.

**(h) Discretionary Activities**

**(i) In considering Discretionary Activities, except those provided for under Rule 2.4.4(h) Council shall have regard to the following matters in addition to relevant matters stated in 2.4.5:**

- Potential for conflict with existing and foreseeable activities in the area. Activities which have particular amenity needs shall clearly demonstrate the appropriateness of the proposed location. This may include the ability to provide buffer areas within the proposed activity's property boundaries.

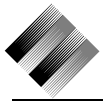


In justifying any location where potential for conflict and other adverse effects arise consideration should be given to possible alternative locations and the need for the activity to be located in the specific area chosen.

- Traffic Generation
  - impact on roading
  - access
  - effect on amenity.
- Scale of the activity including the number of people carrying out the activity and its hours of operation.
- Proposed signs.
- Visual effects including effect on other properties in the area and the effects on the rural landscape qualities.
- Effect of the activity in restricting future use options for versatile land of high productive potential.
- The background sound level of the surrounding environment and whether the best practicable option of reducing noise emissions has been utilised by rural activities which exceed the relevant noise limits in these plan rules.

(ii) Assessment Criteria for Discretionary Activities subject of Rule 2.4.4(h):

- the ability of the activity to comply with Rules 13.2.3, 13.3.3, 13.4.3, 13.5.3, and 13.6.3 of this District Plan. (Certification of ability to comply will be required from suitably qualified and experienced independent persons).
- the extent to which the activity will impact on existing infrastructural services such as roading, water supplies and the like. Activities considered to have undue such impact will be either refused consent or required to pay a development impact fee commensurate with the avoidance or mitigation of the impact which would otherwise be created.



- the extent to which the activity has the potential to create adverse environmental effects not adequately controlled through the necessity to obtain resource consents from other agencies.
- the extent to which the activity has the potential to adversely affect on the visual amenity provided by the rural environment and the ability to avoid or mitigate such impact by screening or other appropriate measures.

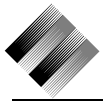
(iii) Assessment Criteria for Discretionary Activities Failing to Meet Rule 2.4.5(c)(i):

In considering Discretionary Activities subject to the above rule, Council shall have regard to the following matters in addition to relevant matters stated in 2.4.5:

- due to size, shape, topographical or geotechnical constraints, it is not practicable to meet the yard requirements.
- the location of archaeological sites or other identified significant heritage or ecological features makes it not practicable to meet the yard requirements.
- the potential for conflict with existing and foreseeable activities in the area.
- compliance with the yard requirements will result in a significant constraint on maximising the productive use of the site.
- compliance with the yard requirements will result in an adverse visual effect on the low density rural character of the area by forcing the dwelling into a visually prominent position such as a ridgeline.
- separation distances from other dwellings.
- in regard to the front yard whether the road is sealed or unsealed.

(iv) Assessment Criteria in considering discretionary activities under Rule 2.4.5(s) 1.4. Council shall have regard to the following matters:

- Assessment of the potential for odour, fly and noise effects.



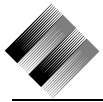
- The location of lots and house sites in relation to the Intensive farming Activity.
- The extent of avoidance and mitigation measures.

(v) Assessment Criteria for discretionary activities failing to meet Rule 2.3.5(f) Artificial Wind Shelters

In considering discretionary activities subject to the above rule, Council shall have regard to the following matters:

- Assessment of the colour of the cloth, in terms of potential glare on neighbouring properties.

- (i) **Natural Environment** - See Section 9.
- (j) **Landscape** - See Section 10.
- (k) **Heritage** - See Section 11.
- (l) **Natural Hazards** - See Section 12.
- (m) **Noise and Vibration** - See Section 13.2.
- (n) **Storage and Disposal of Solid Waste** - See Section 13.3.
- (o) **Lighting and Welding** - See Section 13.4.
- (p) **Offensive Odours, Effluent Aerosols and Spray Drift** - See Section 13.5.
- (q) **Screening** - See Section 13.6.
- (r) **Signs** - See Section 14.
- (s) **Subdivision and Land Use Development** - See Section 2.3.5(s).
- (t) **Development Contributions** - See Section 16.
- (u) **Access, On-Site Parking and Loading** - See Section 18.
- (v) **Fencing**



(i) **Goats (Minimum)**

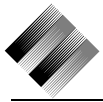
1. Bulldozed line.
2. 9 wires (kept tight at all times)
  - minimum high tensile 2.5mm diameter galvanized steel.
  - bottom wire should be placed 80mm above ground level and, above that, wires placed at following intervals – 100, 100, 100, 110, 120, 135, 150 and 165mm. The top wire should be approximately 50mm below the top of the post.
3. No internal stays.
4. Posts to be at the following spaces:
  - Less than 30° ground slope 5m
  - 30° to less than 45° 4m
  - 45° or more 3m
5. Battens to be an 1m intervals.

(ii) **Deer (Minimum)**

As specified in the Deer Farming Notice of the Wild Animal Control Act.

(w) **Hazardous Substances - See Section 19.**





## 2.5 Te Puna Rural Business Park Zone Rules

### 2.5.1 Zone Statement

This Zone covers low-lying land in Te Puna Station Road that is physically contained by the topography of the surrounding higher land.

The intent of this Rural Sub-Zone is to provide for comprehensively managed business development, and to avoid the continuation of ad hoc development in the Te Puna rural area. Special performance standards recognise the need to ensure that business activities located within this Zone need to be located, developed and managed in a manner that minimises any adverse effects on the neighbouring rural environment. The comprehensive set of performance standards, including landscaping, building controls and establishment of a wetland, are designed to enhance the amenity of the business park and ensure its compatibility with the neighbouring rural environment.

The range of activities has been limited to those that will be compatible with the Te Puna rural area.

### 2.5.2 Permitted Activities

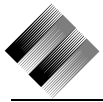
Except where specified as a controlled activity, the following are permitted:

- (a) Industry, excluding any activity requiring an air discharge consent from the Regional Council.
- (b) Storage, warehousing.
- (c) Building and construction wholesalers.
- (d) Retailing involving a maximum floor area of 100m<sup>2</sup> associated with any of the foregoing.
- (e) Medical or scientific facilities.
- (f) Veterinary rooms.
- (g) Activities on reserves as provided for in the Reserves Act 1977.
- (h) Depots.
- (i) Works and network utilities as provided for in Section 17.
- (j) Retail outlets for primary produce with a maximum retail floor area of 100m<sup>2</sup>.
- (k) Garden centres and plant nurseries, including ancillary cafes provided that the café does not exceed a maximum floor area of 100m<sup>2</sup>.
- (l) Dwellings, accommodation facilities, offices and buildings accessory to the foregoing.

Provided that any activity not listed is a discretionary activity.

### 2.5.3 Controlled Activities

- (a) Subdivision to create no more than a total of 26 lots,



- (b) Boundary adjustments as provided for in Rule 2.5.4.9 (b).
- (c) Construction of buildings greater than 100m<sup>2</sup> gross floor area to accommodate any permitted activity with respect to:
  - (i) building design (having regard to Objective 2.2.1.10);
  - (ii) landscaping (including securing the maintenance thereof), in addition to that required by permitted activity standards.
  - (iii) traffic generation and monitoring.

Conditions may be imposed on any resource consent granted having regard to these matters, the Te Puna Rural Business Park Zone Structure Plan [and the Mitigation Guidelines dated September 2004 (Council reference)].

## **2.5.4 Activity Performance Standards**

The following performance standards shall be met by all permitted and controlled activities (including subdivision where applicable) and shall be used as a guide for all other activities. Any permitted activity which fails to comply with any of these standards shall be deemed a discretionary activity [for the particular non-compliance].

### **2.5.4.1 Staging of Development**

- (a) The Rural Business Park Zone shall be developed (including staging) in accordance with the Te Puna Rural Business Park Zone Structure Plan shown in Appendix (ix). Stage 3 or 4 shall not commence until Stages 1 and 2 are complete (including screening requirements of the zone and any conditions of resource consent granted (except those to which s224c of RMA apply).
- (b) Any development that is not undertaken in accordance with the Structure Plan including the staging of the development, shall be a discretionary activity.

### **2.5.4.2 Building Height**

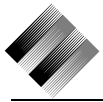
Maximum: 9m.

### **2.5.4.3 Building Colour**

Buildings shall be finished in exterior colours of natural/recessive shades that assist the development integrating visually with the neighbouring rural environment.

### **2.5.4.4 Daylighting**

For all site boundaries adjoining rural zones and existing and proposed reserves:



No part of any building shall exceed a height equal to 2 metres plus the shortest horizontal distance between that part of the building and the nearest site boundary except where the site has a boundary with a road in which case this rule shall not apply in respect to that boundary.

Provided that:

A building may exceed the aforementioned height where the written approval of the immediately adjoining property to a specified greater height is obtained.

**2.5.4.5 Yards**

10 m where a property adjoins a rural zone.

20 m from Te Puna Station Road and 5 m from any other road boundary.

**2.5.4.6 Screening**

Subject to Rule 2.5.4.9 (c) and (d), the zone boundary and Te Puna Station Road roadscape planting shall be implemented in accordance with the Te Puna Rural Business Park Zone Structure Plan to the satisfaction of Council. The planted areas shall be fenced by the way of a typical rural post and five wire or post and rail fence.

**2.5.4.7 Noise Levels**

(a) **Earth Bunds/Fences**

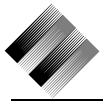
Earth bunds or earth bunds with fences shall be constructed along the north-western, southern and north-eastern peripheral Zone boundaries of the site as illustrated on the Te Puna Rural Business Park Zone Structure Plan prior to any industrial or business activity commencing on the land within the Zone.

(b) **Noise Performance Standards**

**Maximum Permitted Noise Levels**

(i) Noise from activities in the Te Puna Rural Business Park Zone measured at or within the notional boundary of any dwelling in a Rural Zone shall not exceed the following limits:

Monday to Saturday 7.00am to 10.00pm	50dBA (L <sub>10</sub> )
Sunday 7.00am to 6.00pm	
At all other times and on Public Holidays	40 dBA (L <sub>10</sub> ) and 65 dBA (L <sub>max</sub> )



- (ii) Noise from activities on any site within the Te Puna Rural Business Park Zone, measured at or within the boundary of any other site in the Zone, shall not exceed the following limits:  
  
Monday to Saturday 7.00am to 10.00pm      55 dBA (L<sub>10</sub>)  
Sunday 7.00am to 6.00pm  
At all other times and on Public Holidays      45 dBA (L<sub>10</sub>) and 70 dBA (L<sub>max</sub>)
- (iii) Noise from all activities shall comply at all times with the above noise limits, whichever is the stricter.
- (iv) Noise associated with construction activity on any site shall comply with the limits recommended in, and shall be measured and assessed in accordance with, NZS 6803:1999 Acoustics – Construction Noise.
- (v) At Building Consent stage, an acoustic design report prepared by a suitably qualified and experienced acoustical engineer shall be presented. The report shall outline the range of activities, their potential noise levels and any noise mitigation/management measures which will be implemented to ensure compliance with conditions (i) and (ii).

**Note:**

The notional boundary is the legal boundary of the property on which any rural dwelling is located, or a line 20 metres from the dwelling, whichever point is closer to the dwelling.

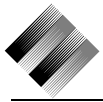
The noise levels shall be measured and assessed in accordance with the requirements of NZS 6801:1999 Measurement of Environmental Sound and NZS 6802:1991 Assessment of Environmental Sound.

The noise shall be measured with a sound level meter complying with the International Standard IEC 651 (1979): Sound Level Meters, Type 1.

#### 2.5.4.8 Road Upgrading

- (a) To mitigate the impact on the State Highway:

Prior to commencement of any industrial or business activity on the Te Puna Rural Business Park Zone land, Te Puna Road/ State Highway 2 intersection must be upgraded to a roundabout or similar traffic management alternative and, in addition, Te Puna Station Road/ State Highway 2 intersection must be upgraded by widening for left turn traffic movements onto the highway or similar traffic management alternative.



Written evidence is to be provided to Council that the design and construction of both the roundabout and the State highway widening, or similar traffic management alternatives, is to the satisfaction of the Regional Manager Transit New Zealand, and the Council's Director of Engineering.

- (b) To mitigate the impact on the Te Puna Road/Te Puna Station Road Intersection:

Prior to commencement of any industrial or business activity on the Te Puna Rural Business Park Zone land, Te Puna/ Te Puna Station Road intersection must be upgraded to include provision for left turn and right turn movements or similar traffic management alternatives. Written evidence is to be provided to Council that the design and construction of the intersection upgrade, or similar traffic management alternatives, is to the satisfaction of the Council's Director of Engineering.

- (c) To mitigate the impact on Clarke Road:

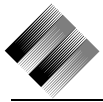
Prior to commencement of any industrial or business activity on the Te Puna Rural Business Park Zone land, a minimum of two traffic calming thresholds shall be installed at the northern end of Clarke Road. Written evidence is to be provided to Council that the design and construction of the road improvements are to the satisfaction of the Council's Director of Engineering.

- (d) To mitigate the impact of access onto Te Puna Station Road:

(i) Access to the zone for industrial and business activities shall be by no more than three roads, with a minimum separation of 200m as measured along the road centre, as shown on the Te Puna Rural Business Park Zone Structure Plan.

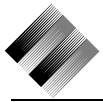
(ii) Prior to the commencement of any industrial or business activity in the Rural Business zoned land access from the land onto Te Puna Station Road must be formed for traffic safety reasons up to and including compliance with Diagram D "Moderate Use Access Standard" from the Transit Planning Policy Manual at the direction and to the satisfaction of Council's Director of Engineering.

- (e) To mitigate the impact of the traffic generated by the development on the existing road network (mid-block) a Financial Contribution of \$29,545 per hectare estimated net developable area shall be paid prior to commencement of any industrial or business activity on the Rural Business Zone land or at a later date with the approval of Council's Director of Engineering.

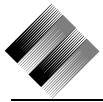


For the purpose of these rules “net developable area” means any land within the Rural Business Zone, less any areas required for stormwater management, roading and landscaping, and “estimated net developable area” means 22 ha.

- (f)(i) Subject to clauses (f)(ii) – (v) below, traffic generation from Te Puna Rural Business Zoned land shall not exceed 2,600 vehicles per day until such time as the proposed Northern Arterial (bypass) route is constructed and operational, without approval from the Council’s Director of Engineering and the Regional Manager Transit New Zealand.
- (ii) Monitoring shall be undertaken by a suitably qualified traffic engineer, and the results provided to the Council’s Director of Engineering and the Regional Manager Transit New Zealand in the manner specified in clause (f)(iv) below to confirm:
  - (aa) that the relevant traffic generation limits under clause (f)(i) above or clause (f)(v) (as appropriate) are not being exceeded; and
  - (bb) that the capacity of the intersection of State Highway 2 and Te Puna Station Road remains adequate, particularly in so far as the performance of the right turn bay into Te Puna Station Road and the left hand turn from Te Puna Station Road are concerned.
- (iii) For the purpose of clause (f)(ii)(bb), the adequacy of the intersection performance shall be assessed by reference to the outcome of monitoring in respect of the following matters (at a minimum):
  - (aa) The duration of delays for all traffic movements at the intersection which shall be determined having regard to whether:
    - the 95<sup>th</sup> percentile of the measured queue lengths as a result of right turns from State Highway 2 impedes the flow of through traffic on the State highway ie the 95<sup>th</sup> percentile queue length must not exceed the storage length of the existing right turn bay; and
    - side road time delays for traffic in Te Puna Station Road during peak periods exceed an average of 50 seconds when measured over a maximum 1 hour period or increase by more than 50% from the baseline monitoring (whichever is the greater).
  - (bb) crash rates, which shall be determined having regard to whether:



- the crash rates at the intersection (including vehicles queuing or turning) exceed either 5 in any one year, or an average of 3 per annum over the previous 5 years (as at the date of assessment); and
  - the injury crash rates at the intersection increase from the baseline monitoring by any statistically significant amount.
- (iv) Traffic monitoring results shall be provided to the Council's Director of Engineering and the Regional Manager Transit New Zealand on the following basis:
- Within 3 months of the Plan Change becoming operative, monitoring shall be undertaken to establish the baseline for future monitoring of the matters by which the adequacy of the intersection performance are to be assessed (as outlined above), and the results of that monitoring provided promptly to the Council's Director of Engineering and the Regional Manager Transit New Zealand.
  - A Report shall be provided no less than annually in June of each year until the Northern Arterial route is operational and in any event:
    - prior to traffic generation exceeding 1000 vehicles per day; and
    - prior to traffic generation exceeding 2000 vehicles per day.
- (v) If the traffic monitoring results do not demonstrate the existing or continuing adequacy of performance of the intersection of State Highway 2 and Te Puna Station Road to the reasonable satisfaction of the Council's Director of Engineering and the Regional Manager Transit New Zealand, then traffic generation shall not commence or increase further without:
- upgrading or relocation of the intersection, to the satisfaction of the Council's Director of Engineering and the Regional Manager Transit New Zealand; or
  - completion of the Northern Arterial (whichever comes first); or otherwise
  - written approval of the Council's Director of Engineering and the Regional Manager Transit New Zealand.
- (vi) Nothing in this rule shall require the provision of money or works which do not fairly and reasonably relate to effects of activities within the Rural Business Zone.



#### 2.5.4.9 Subdivision or Development Standards and Terms

(a) **Minimum Allotment Size**

There is no minimum area requirement for allotments. Any subdivision of land within the Zone shall not create more than 26 lots, which shall be generally in the configuration illustrated on the Te Puna Rural Business Park Structure Plan.

(b) **Boundary Adjustments**

Subdivision for the adjustment or relocation of boundaries shall be a controlled activity, provided no additional lots are created and the subdivision complies with at least one of the following:

- (i) The adjustment or relocation of boundaries will leave allotment(s) with the same or similar areas.
- (ii) The adjustment or relocation of boundaries will rationalise boundaries which are clearly not in accordance with existing or proposed land use and management.

(c) **Structure Plan**

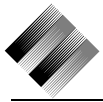
Any subdivision or development of land within the Zone shall be designed, approved and developed to incorporate and illustrate amenity screen landscaping, acoustics earth bunds/fences and a stormwater collection system in accordance with the Te Puna Rural Business Park Zone Structure Plan in Appendix ix.

(d) **Landscape Planting & Stormwater Management**

The area of the planted land around the Zone boundary, the area of land subject to the Te Puna Station Road roadscape planting, and the stormwater ponds and overland flow path/wetland as shown in the Te Puna Rural Business Park Zone Structure Plan shall all be established and vested in Council prior to commencement of any industrial or business activity within the Zone. The plantings and the stormwater ponds and the overland flow path/wetland shall be maintained for a period of three years with maintenance secured by way of an appropriate legal mechanism to Council's satisfaction.

Secondary planting shall be provided on boundaries between land parcels in accordance with the Structure Plan.





Landscape plans for the Zone boundary, Te Puna road roadscape, and stormwater ponds and overland flowpath/wetland shall be prepared by a qualified landscape designer and approved by Council. The plan for the overland flowpath/wetland shall be prepared in consultation with Pirirakau.

Except to the extent already provided, additional amenity screen planting shall be provided to the satisfaction of Council for each new building over 100m<sup>2</sup>. To that end, a Landscape Plan by a qualified landscape designer shall be submitted with the application. The Plan shall specifically identify the plant species. The Plan shall also include a landscape maintenance programme for three years.

(e) **Maintenance Programme & Costs**

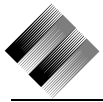
Establishment and maintenance of landscaping, and establishment of the acoustics earth bunds/fences, in accordance with the approved landscape plan, shall be at the developer's cost and shall be a condition of consent. The approved three year landscaping maintenance programme shall be determined from the date on which a Section 224 Certificate is obtained under the Resource Management Act 1991 or the planting undertaken, whichever is the latter.

**2.5.4.10 Water Supply**

- (a) Prior to commencement of any industrial or business activity on the Rural Business Zoned land, an adequate water supply shall be provided to meet Council's Code of Practice for Class C fire risk and a peak hour flow of 1.0l/s/ha. Written evidence is to be provided to the Council that the design and construction of the water supply upgrade is to the satisfaction of Council's Director of Engineering.
- (b) A Financial Contribution at the rate of \$20,052 per hectare net developable area shall be paid to the Council when requested on approval of any subdivision building or resource consent or required as a condition thereof and calculated according to the proportion of net developable area occupied by the activity.

**2.5.4.11 Signage**

- (i) At the entrance of each road or access onto Te Puna Station Road, one composite sign shall be permitted advertising the combined activities within the zone and shall be limited to a maximum of 9m high and a maximum of 3m wide and a total area for each sign of 18m<sup>2</sup>.
- (ii) In conjunction with each activity, signs on each site shall be limited to:



- (aa) signs located on or attached to a building shall not protrude beyond the physical confines of the walls of the building, with the exception of roof signs which are not permitted. Rule 2.5.4.3 (recessive colours) shall apply to any such sign.
- (bb) one freestanding sign (single or double-sided) up to a maximum of 5m high and a maximum sign area of 6m<sup>2</sup>.
- (cc) on site directional signs up to a maximum area of 0.5m<sup>2</sup> each.
- (iii) Signs may be illuminated but any such signs shall be of a static non-flashing nature and shall not include neon signs or reflectorised or backlit signs.

Illuminated signs shall be designed and operated in accordance with Amenity Rule 13.4.3 (a) and (b) in relation to lighting lux levels.

**2.5.4.12 Heritage - See Section 11.**

**2.5.4.13 Natural Hazards – See Section 12.**

**2.5.4.14 Storage and Disposal of Solid Waste – See Section 13.3.**

**2.5.4.15 Lighting and Welding – See Section 13.4.**

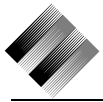
**2.5.4.16 Offensive Odours, Effluent Aerosols and Spray Drift – See Section 13.5.**

**2.5.4.16 Access, On-Site Parking and Loading – See Section 18.**

**2.5.4.18 Other Methods**

- (a) Prior to the construction of any building or commencement of any land use activity, consent must be obtained from Environment BOP for any discharges to land, air and water.
- (b) The Council shall consult with Pirirakau and Ngati Ranginui when contemplating any road work or road widening being undertaken on Te Puna Station Road to the south of Clarke Road that may affect the Pirirakau and Ngati Ranginui Pa known as Pukewhanake.
- (c) Add to 18.3.1(d) "Te Puna Rural Business Zone" after "Industrial zones".
- (d) Under rule 12.3.2 "Discretionary Activities," "(b) subdivision";-

After "except as specified in Rule 12.3.3(b) and 12.3.4(b)" add "and Rule 2.5.3(a)".



## 2.6 Other Methods

### 2.6.1 Education

- (a) On all Land Information Memoranda for rural zoned properties, include a statement regarding the priority rural focus of the zone and the types of management practices that can be expected eg agrichemical spraying, noise from farm machinery, odour etc.
- (b) Rural land users will also be encouraged to adopt relevant codes of practice.

### 2.6.2 Role of Regional Council

Many land use activities, particularly those with the potential to adversely impact on water and soil resources will require resource consents from Environment BOP. In such cases the Regional Council's requirements, including those set out in the Regional Land Management Plan will also need to be complied with.