



16. Rural

Explanatory statement

The Western Bay of Plenty District is predominantly a rural area with a number of small towns spread throughout. Rural production is the primary economic driver and the District is reliant on the rural land resource to sustain this production.

The rural area is made up of a number of physically discrete landforms. To the north west lies the Kaimai Range which is characterised by steep elevated ridges and valleys, is mostly bush clad and is in large part a Forest Park. The foothills to these ranges are steeply sloping to rolling hill country dissected by rivers and streams. These foothills have many remnant bush areas and large parts are used for pastoral farming. The lowland around Tauranga Harbour contains productive soils and much of the land is in horticulture or more intensive pastoral farming. Around Te Puke the land is characterised by large flat elevated plateaus with incised gullies and broken terrain. Land use varies from horticulture on the lower plateaus to pastoral farming. A coastal plain in the east comprised of fertile lowland peat and sandy silt soils extends from the edge of the plateau area to the coast and is largely flat land used for pastoral farming and slightly elevated rolling land with horticulture.

The rural area contains the majority of the sub-regions remaining indigenous flora and fauna. These areas of high ecological significance include harbours, wetlands, freshwater streams and rivers, areas of indigenous vegetation and protected areas. Protection and enhancement of these areas is desirable to maintain the District's biodiversity.

One of the key attributes of the District is that it encircles the City of Tauranga. Both Tauranga City and the District have experienced considerable growth since 1990 and this growth is forecast to continue. Over half of the people who have moved to the District have chosen to live in the rural area because of its high rural lifestyle qualities. Many of these people also work within Tauranga City and consequently seek to be located within easy commuting distance of the City.

In the last two decades the rural area has become home to a large number of people choosing to live there for lifestyle rather than farming, and this has resulted in fragmentation of productive land through subdivision. Much of this subdivision has been spread throughout the rural area of the District in a pepper-pot fashion.

The magnitude of demand for rural living which has resulted in the high degree of rural land fragmentation through subdivision was not anticipated and the point has now been reached where the cumulative effects of the large amount of intensified rural development has now become evident. Many owners of land have also carried out subdivision to secure future development rights. Consequently a considerable number of vacant lots now exist which have the potential to be developed. Many of these lots are in areas that have deficient infrastructure and which are remote from employment areas and if developed will continue to add to the cumulative effects already being experienced.



Much rural land is in multiple Maori ownership. It is consistent with the principles of the Treaty of Waitangi and Part 2 of the RMA to recognise the need for housing and supporting facilities associated with papakainga housing, thereby reflecting the historical and cultural background to multiple housing on such land.

Interest has been expressed for more intensified development of Matakana Island. There are concerns about what should happen on the island particularly because of its cultural history, sensitive landscape and ecological values. It is necessary that any form of development be preceded by an integrated “whole of island” plan that deals with all the issues in a holistic manner.

There has been significant growth in the horticultural sector, especially the kiwifruit industry, over the past 20 years. Large numbers of seasonal workers are needed to satisfy the local demand for labour especially during the picking and packing season. These workers need to be housed and there is increasing pressure for redundant rural buildings of a non-residential nature to be converted to provide seasonal worker accommodation. Many of these buildings are in somewhat isolated rural locations and require lengthy journeys to either the workplace or the social and retail services provided in towns. From a pastoral care perspective it is preferable that seasonal worker accommodation is located close to the place of employment and/or the service facilities of the towns. Locating accommodation close to post harvest facilities also reduces the number of traffic movements associated with workers travelling to these workplaces.

16.1 Significant issues

1. Rural primary production is important to the economic welfare of the District and the District's rural land resource is important for sustaining this production.

The important contribution of the primary production sector to the economy of the District is directly reflected in rural employment as well as in the significant number of supporting service industries. The District is three times more reliant on farming for its economic output than New Zealand as a whole. Maintenance of the productive capacity of the rural land resource is therefore critical to the future wellbeing of the District.

2. The District's rural land resource is finite and its availability for productive capacity is diminishing as a result of fragmentation into smaller lots through subdivision.

A significant proportion of existing rural properties within the District comprise lots that are less than 4ha in area. Research has shown that whilst some of these smaller lots are used productively, in most cases the true productive potential of the land within these lots is not being utilised. The subdivision of rural land for predominantly lifestyle purposes and its uptake for rural lifestyle living is reducing the availability of the land resource for primary production and if allowed to continue would ultimately be unsustainable.

3. The rural character and amenity of the Rural Zone is what makes the District a sought after place in which to live.



Over half of the District's population lives in rural areas. Rural lifestyle living is a popular living choice within the District because of the high quality rural environment combined with reasonable proximity to urban employment areas. Demand for lifestyle development in rural areas will therefore be ongoing. Provision to help meet this demand by allowing some additional rural living opportunities is appropriate in selected areas which have the infrastructure capacity and where the productive land resource will not be eroded.

4. Rural farming practices can have effects which may influence the well-being of people living in close proximity. These include spray drift from the use of agrichemical sprays, noise from frost fans, shading from shelterbelts etc. The potential for these farming practices to be constrained has increased due to the growing number of people now living in rural areas and potentially affected by these practices, and the increasing proximity of these practices to the more intensive development.
5. A significant supply of vacant rural lots exists within the District and based on current demand could cater for future growth in the foreseeable future.

There are over 4000 vacant rural lots in the District which have the potential to be built on. Market forces will determine when this will occur. Even without further rural subdivision and based on existing demand, these lots could theoretically provide 15 years supply of rural lifestyle living opportunities.

6. The cumulative effect of the fragmented pattern of rural subdivision has led to inefficient use of physical resources and a gradual loss of rural character and degradation in rural amenity values.

The historical approach to subdivision within the rural area has been to provide for it throughout the District rather than to channel it into particular locations. The effect of this pepper-pot approach to rural subdivision was to spread adverse effects on rural amenity and infrastructure widely such that they have been diluted. However, the cumulative effects of the large amount of rural subdivision that has occurred is now becoming evident.

7. Quarrying and other mineral extraction activities are important to the future growth of the western Bay of Plenty sub-region.

By their nature, hard rock and mineral deposits are found in fixed locations and consequently quarrying and/or mining of these resources is constrained by their location. Because of the noise, dust and traffic generated by quarrying and mining activities, development in close proximity to them has the potential to create reverse sensitivity issues.

8. There is the potential for controls on the use and development of rural land to conflict with the special relationship of Maori with their ancestral land.
9. There is a desire for Maori to be able to live on their ancestral lands and provide for associated cultural needs.



10. Matakana Island is a sensitive environment that needs to be planned for carefully.
11. The rural land resource can be sought to establish industrial or commercial activities because it is generally less expensive to obtain than land within Industrial and Commercial Zones. Allowing these activities to establish within rural areas has the potential to detract from the rural character and amenity of the zone as well as increase conflict with existing activities. It also has the potential to undermine the integrity of the zones established for these uses in urban areas by reducing demand and resulting in inefficient use of resources.
12. Seasonal worker accommodation is an important component of the horticultural sector. For efficiency and social and economic reasons they should be located in association with the employment source.

16.2 Objectives and policies

16.2.1 Objectives

1. The primary productive potential of the rural land resource is retained and enhanced.
2. Primary productive activities should be able to operate in the Rural Zone without constraints being imposed on them by other activities.
3. The rural area is not used for industrial and commercial activities that are more appropriately located in urban areas.
4. Management of the rural land resource in a manner which retains its potential to be used for a range of productive rural purposes and which maximises the likelihood that it will actually be used for such purposes.
5. Minimisation of the actual or potential constraints on the efficient use and development of the rural area for primary production which may be created by the establishment of residential and other non-rural based activities in rural areas.
6. Fulfilment of the need for the establishment and operation of activities which have a functional need for a rural location, including;
 - (i) services and facilities which support local primary production activities and which serve rural communities
 - (ii) recreation and tourism activities dependent on the attributes of the rural environment
7. Preservation and enhancement of the low density character and amenity values of the rural environment
8. Protection and enhancement of ecological, landscape, cultural, heritage and other features located in the rural environment which are of value to the wider community.



9. The efficient and cost effective provision, management and further development of roading, water supplies and other infrastructure required to meet the needs of rural activities and communities.
10. Quarrying and mineral extraction activities that are regionally important are recognised and provided for so that they are protected from intensification of land use which may inhibit the efficient use of the mineral resource.
11. Fulfilment of the special relationship of Maori with their ancestral land including the particular culturally based housing needs and traditions associated with such land.
12. To manage rural land identified in the Bay of Plenty Regional Policy Statement as being required for future urban development in a manner which:
 - Retains its potential to be used for a range of productive rural purposes;
 - Preserves all options relating to its efficient development for future urban purposes.

16.2.2 Policies

1. Identify and protect areas that have high productive potential for future primary productive purposes.
2. Restrict subdivision in areas that have high productive potential for primary productive purposes.
3. Provide for the amalgamation of large rural lots for productive purposes through the provision of incentives.
4. Encourage the amalgamation of titles in areas with deficient infrastructure services and remote from employment areas through the provision of incentives.
5. Provision should be made for the limited subdivision of land (including the transfer of title rights to identified areas) in conjunction with the sustainable protection or restoration of ecological, cultural, heritage, landscape or other features of value to the wider community.
6. Activities not directly related to primary production should not be established in rural areas unless they have a functional need for a rural location and are able to operate without constraining the legitimate operation of productive rural land uses which are managed in accordance with accepted management practices.
7. Non-rural related retail, commercial and industrial activities are prevented from establishing in the Rural Zone and directed to established Industrial and Commercial Zones.
8. Subdivision and development will be located in areas that have appropriate infrastructural capacity and meet road safety standards.



9. Rural lifestyle development should be channelled into areas that comprise land of limited productive potential, are able to be readily serviced in respect of roading and other infrastructure and are in reasonable proximity to urban areas.
10. Identified rural living areas are provided for more intensive rural living opportunities in locations that have the characteristics and capacity to accommodate it.
11. Avoid the further fragmentation of large rural land holdings for rural lifestyle living purposes so as to retain the open space rural character.
12. Subdivision and development of rural land should not occur in a manner which inhibits the legitimate operation of existing mineral extraction sites or in areas known to contain untapped mineral resources of regional significance.
13. The use and development of ancestral Maori land should be provided for in a manner consistent with the special relationship of Maori to such land, including provision for multiple housing and associated support facilities.
14. Development of Matakana Island is to be in accordance with an approved "whole of island" plan.
15. Fragmentation of land titles through subdivision and the establishment of capital intensive rural or quasi urban land uses which may constrain or compromise future urban development options shall be avoided.
16. The release of land for urban development will be staged in a manner which ensures the continued availability of rural land for productive rural purposes and the retention of rural character until urban development occurs.
17. Land will not be released for urban development until a comprehensive structure plan which provides a framework for such development in a manner consistent with the provisions of the Bay of Plenty Regional Policy Statement has been incorporated into the District Plan.
18. Encourage seasonal worker accommodation facilities to be co-located with rural post-harvest facilities or in existing townships.



16.3 Rural 1 and 2 Zones

16.3.1 Zone statement

Rural 1 generally comprises land of moderate productive capacity and which is used principally for pastoral farming or forestry. The area extends from the lowlands into the higher country and generally has a lower standard of infrastructure servicing. The focus of this area is to retain the productive capacity of the land and existing rural character through careful management of future subdivision and development. Development incentives are provided to encourage the protection and restoration of ecological and heritage features of value to the community. Additional incentives are also provided to encourage the amalgamation of titles to help reduce the demand for servicing areas that are remote from urban centers and which are on roads that do not meet appropriate standards.

Rural 2 covers the area of the District that has been identified as having highly productive soils suitable for more intensive primary production land uses. The focus of this zone is on providing for primary productive activities and ensuring that land is used in an effective and efficient way. The importance of the land resource to sustain the economy of the District is supported by controls to protect the land resource from further fragmentation. Activities that do not rely on the productive capacity of the land are discouraged.

16.4 Activity lists

16.4.1 Permitted Activities

- (a) Farming.
- (b) Production forestry.
- (c) Conservation forestry.
- (d) One dwelling per lot.
- (e) Buildings (except dwellings) accessory to the foregoing less than 200m² gross floor area.
- (f) Home Enterprises.
- (g) Stalls.
- (h) Accommodation or Education Facilities for a maximum of four persons (excluding staff).
- (i) Works and network utilities as provided for in Section 10.
- (j) Activities on reserves as provided for in the Reserves Act 1977.
- (k) Mineral prospecting.
- (l) Existing urupa and new urupa adjoining existing urupa.
- (m) Frost protection fans, subject to performance standards specified in 4C.1.3.5.
- (n) Artificial wind shelters subject to performance standards specified in 16.5.1(f).
- (o) Earthworks ancillary to Permitted Activities
- (p) Community facilities or buildings up to a cumulative maximum floor area of 200m² when associated with a Controlled Activity of five dwellings on multiple owned Maori land accessed from an unsealed road maintained by Council
- (q) Community facilities or buildings up to a cumulative maximum floor area of 400m² when associated with a Controlled Activity of ten dwellings on multiple owned Maori land accessed from a sealed road maintained by Council.



16.4.2 Controlled Activities

- (a) One minor dwelling in addition to 16.4.1(d) above subject to performance standard 16.5.1(e) Standards for Minor Dwellings, excluding Matakana Island.
- (b) Works and network utilities as provided for in Section 10.
- (c) Frost protection fans, subject to performance standards specified in 4C.1.3.6.
- (e) Subdivision as provided for in Rules 16.5.2(b), (c), (d) and (e).
- (f) Up to a maximum of five dwellings on multiple owned Maori land accessed from an unsealed road maintained by Council subject to there being an average of at least 2000m² of net land area per dwelling (including those provided for as a Permitted Activity).
- (g) On Matakana and Rangiwaia Islands up to a maximum of ten dwellings on multiple owned Maori land accessed from an unsealed road maintained by Council subject to there being an average of at least 2000m² of net land area per dwelling (including those provided for as a Permitted Activity).
- (h) Up to a maximum of ten dwellings on multiple owned Maori land accessed from a sealed road maintained by Council subject to there being an average of at least 2000m² of net land area per dwelling (including those provided for as a Permitted Activity).
- (i) Community facilities or buildings up to a cumulative maximum floor area of 800m² when associated with a Restricted Discretionary Activity of 11 to 30 dwellings on multiple owned Maori land accessed from a sealed road maintained by Council.

16.4.3 Restricted Discretionary Activities

- (a) Any Permitted or Controlled Activity that fails to comply with the activity performance standards listed in Rule 16.5.
- (b) Boundary adjustment subdivision subject to performance standards specified in Rule 16.5.2(g)
- (d) Development of 11 to 30 dwellings on multiple owned Maori land accessed from a sealed road maintained by Council subject to there being an average of at least 2000m² of net land area per dwelling (including those provided for as a Permitted Activity). Council's discretion is restricted to the matters set out in Rule 16.7.4.

16.4.4 Discretionary activities

- (a) Intensive Farming Activities.
- (b) Kennels, catteries.
- (c) Accommodation facilities for more than four persons, excluding Matakana Island.



- (d) Education facilities for more than four persons (excluding staff), excluding Matakana Island.
- (e) Places of assembly, excluding Matakana Island.
- (f) Rural selling places.
- (g) Coolstores and Packhouses less than 200m² gross floor area.
- (h) Buildings (except dwellings) accessory to the foregoing greater than 200m² gross floor area.
- (i) Animal Saleyards.
- (j) Mineral exploration, mining and quarrying.
- (k) Urupa (new sites).
- (l) Works and utilities as provided for in Section 10.
- (m) Subdivision specified in Rule 16.5.2(f) (Protection Lot Subdivision), excluding Matakana Island
- (n) Development of 31 dwellings or more on multiple owned Maori land accessed from a sealed road maintained by Council subject to there being an average of at least 2000m² of net land area per dwelling (including those provided for as a Permitted Activity).

16.4.5 Non-Complying Activities

- (a) Subdivision not meeting performance standards in 16.5.2.
- (b) Minor dwellings not complying with performance standards specified in 16.5.1(e).
- (c) Additional Dwellings.
- (d) Coolstores and packhouses greater than 200m² gross floor area.

16.5 Activity Performance Standards

16.5.1 General

Except where specified otherwise the following performance standards shall be met by all land use activities.

(a) **Height of buildings**

Maximum - 9m.

(b) **Daylighting**

No part of any building shall exceed a height equal to 2m above ground level at all boundaries and an angle of 45 degrees into the site from that point. 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 encroach through the above daylighting plane where the written approval of the owner(s) of the immediately adjoining property to the specific encroachment is obtained.



(c) **Yards**

- (i) Dwellings, Minor Dwellings, Accommodation Facilities, Education Facilities
- Minimum 30m.

Provided that:

For titles in existence prior to the date of the notification of this District Plan (9 February 2009) and which are of an area no greater than 8100m², 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 (iii), (iv) and (v) below.

- (ii) 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 any yard adjoins a Strategic Road or a designation for a Strategic Road, it shall be a minimum of 10m.

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

- (iii) Open Coastal Hazard Protection Yard – for activities within 100m of MHWS adjoining the open coast for the purpose of Coastal Hazard Mitigation purposes, see Section 8.3.2.
- (iv) Landward Edge Protection Yard – for controls on activities up to 40m landward of MHWS around the Maketu Estuary and Waihi Estuary, and 100m landward of MHWS adjoining the Open Coast, see Section 6.3.
- (v) Tauranga Harbour (including Matakana, Rangiwaea and Motuhoa Islands) and Wairoa River Landscape Management Areas – for controls on activities up to 300m landward of MHWS, see Section 6.3.



(d) **Standards for home enterprises**

- (i) shall be conducted within a building floor area not exceeding 120m² or a total area not exceeding 500m². 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 two persons.
- (iv) any retailing shall:
 - (a) occur within a floor area not exceeding 20m².
 - (b) provide for the parking of at least four 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 4D.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) Shall pay 50% of the financial contributions that applies to the subdivision of land.

(f) **Standards for artificial wind shelters**

- (i) Shall have green or black cloth when situated within 30m of the boundary of the property or within the Tauranga Harbour and Wairoa River Landscape Management Areas.
- (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 the development of housing on multiple owned Maori land**

- (i) Control shall be limited to the assessment of financial contributions; and
- (ii) The provision of a papakainga site plan approved by Council that addresses:
 - The provision of access that minimises access points from Council maintained roads
 - The location of houses
 - Internal roading access
 - Location of community facilities
 - Location of outdoor community areas
 - Service provision to existing Council owned and other network utilities

(h) **Fencing**

- (i) Goats (Minimum)
 - 1. Bulldozed line.
 - 2. 9 wires (kept tight at all times)
 - minimum high tensile 2.5mm diameter galvanised 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 at 1m intervals.
- (ii) Deer (Minimum)

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



- (i) **Transportation, Access, Parking and Loading** - See Section 4B.
- (j) **Noise and Vibration** - See Section 4C.1.
- (k) **Storage and Disposal of Solid Waste** - See Section 4C.2.
- (l) **Lighting and Welding** - See Section 4C.3.
- (m) **Offensive Odours, Effluent Aerosols and Spray Drift** - See Section 4C.4.
- (n) **Screening** - See Section 4C.5.
- (o) **Signs** - See Section 4D
- (p) **Natural Environment** - See Section 5.
- (q) **Landscape** - See Section 6.
- (r) **Cultural and Heritage** - See Section 7.
- (s) **Natural Hazards** - See Section 8.
- (t) **Hazardous Substances** - See Section 9.
- (u) **Financial Contributions** - See Section 11

16.5.2 **Subdivision Activity Performance Standards** (See Section 12)

(a) **General**

- (i) **Shape factor**
Each lot which will qualify for the erection of a dwelling as a Permitted Activity shall be capable of accommodating a 20m diameter circle exclusive of yard requirements, such area to contain a building site complying with 12.4.1 (b).
- (ii) **Conflict with Intensive Farming Activities**
Each lot shall be located no closer than 300m from an existing intensive farming activity.

(b) **General farming lots (Rural 1 Zone)**

- (i) **Minimum lot size (including any balance area or residual lot) - 40ha (excluding Matakana Island).**



- (ii) Limitations
This rule shall not apply to titles created by way of a boundary adjustment and which would not have qualified for subdivision under this rule prior to the boundary adjustment occurring.

(c) **Rural production lots (Rural 2 Zone)**

- (i) Minimum lot size - 10ha
- (ii) Limitations
This rule shall not apply to titles created by way of a boundary adjustment and which would not have qualified for subdivision under this rule prior to the boundary adjustment occurring.

(d) **Transferable rural lot entitlements**

Note: The purpose of this provision is to allow existing lots that meet age of title and size criteria to obtain a transferable rural lot entitlement for use in the Rural 3 Zone.

- (i) Qualifying existing lot

To qualify for a Transferable Rural Lot entitlement the existing lot must meet the following criteria:

1. Have a title that existed prior to 1 August 1992 or which has been created by way of a subdivision consent for which an application was lodged prior to that date, and
 2. Is at least 4ha in area
- or
3. Has 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
 4. Is at least 8ha in area

Provided that

other lots shall qualify under this rule where it can be demonstrated that the title was created following consent to a boundary adjustment pursuant to 16.5.2(g) and that prior to such adjustment a similar entitlement to subdivision of the previous lot (as determined by Council) would have complied with the foregoing limitation and all other requirements of this rule.



(ii) Number of entitlements

The maximum number of transferable entitlements able to be obtained from existing lots which qualify under this rule shall be as follows:

lots less than 30ha – one entitlement.
lots 30ha or more – two entitlements.

(iii) To be able to exercise the transferable entitlement the qualifying existing lot shall have registered against its title a Memorandum of Encumbrance which specifies that the transferable entitlement has been exercised and no further entitlement is obtainable.

(e) **Transferable amalgamation lots**

Note: The purpose of the provision is to encourage the aggregation of existing rural lots into larger land parcels in return for the granting of a transferable rural lot entitlement for use in the Rural 3 Zone.

To qualify for a Transferable Amalgamation Lot the lots being amalgamated must:

1. Exist as at 7 February 2009 or have subdivision consent as at 7 February 2009.
2. Qualify for the erection of a dwelling in accordance with the performance standards of the Plan.
3. The final amalgamated lot contains no more than one dwelling.
4. A Memorandum of Encumbrance will be required to be registered against the title of the amalgamated lot so as to prevent further re-subdivision.

(f) **Protection lots**

(i) Application

Additional lots from a qualifying existing lot or transferable protection lot credits may be created in conjunction with the legal protection in perpetuity of a significant natural or other existing feature of value to the community as follows:

- Rural 1 Zone – maximum of 5 additional lots
- Rural 2 Zone – 1 additional lot
- Transferable credits are subject to clause (v) of this rule.

The feature to be protected must be within the land being subdivided. In this context a “feature of value to the community” is deemed to be:

1. an Identified Significant Feature as specified in this Plan (see Appendices 1, 2, and 3).



2. other features subject to clause (iv) of this rule. This may include previously degraded ecological sites that through enhancement or restoration can at the time of application be proven to meet the requirements of clause (iv).

(ii) Qualifying standards

1. To qualify for an on-site protection lot subdivision, the lot to be created shall meet the following criteria:
 - Not be on land that has versatile soils.
 - Be less than 1ha.
 - Does not gain access directly to a State Highway.
 - Have a certified building site for a dwelling meeting the 30m yard requirement in accordance with Rule 16.5.1(c).
2. The Transferable Protection Lot Credit may only be transferred into the Rural 3 Zone

(iii) Qualifying feature

1. This rule shall apply to features according to their respective lot boundaries as existed at 1 August 1992.
2. Within the subject title, where the feature concerned exceeds the size criteria in (iv) 2. or (v) below then the entire feature shall be protected under this rule.
3. Where the feature being protected is capable of realising more than one protection lot, credits will be given for additional lots. These credits are able to be used in the Rural 3 Zone only.

Any credit will expire five years from the date of the issue of the consent.

(iv) Certification

1. In the case of those Identified Significant Ecological Features referred to in Appendix 1 of this Plan or of other ecological features, certification from an appropriately qualified independent person that the feature in question meets the criteria in 2. 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.



2. **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.
- (viii) 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.
- (ix) Ecological context – the extent to which an area is buffered from modifying influences, or provides a key buffer for other ecological areas, or the connectivity role that site provides for the wider landscape.
- (x) Long term viability – the extent to which the features of the area will maintain themselves in the long term.

The following table shows minimum feature size dependant on whether the feature is listed in the Plan as significant or whether it can be identified as an 'other feature' subject to 16.5.2(f), (i) and (iv). Features smaller than the minimums below can be considered as Non-Complying Activities:



Habitat Type	Minimum Size for significant ecological features	Minimum size for 'other features'
Tall Forest	3ha	5ha
Scrub Land	5ha	10ha
Secondary Shrub Land	4ha	8ha
Riparian margins (above MHWS)	500m in length and 20m wide each side	
Natural Wetlands (above MHWS)	0.5ha surrounded by a 10m indigenous buffer	

(v) Number of lots

One lot for every separate feature type as set out in clauses (i) and (iv) of this rule. Multiple lots will be allowed based on feature type, whether the feature is listed as significant or as an 'other feature', and the feature size. The following tables show the feature sizes required in hectares and the total number of corresponding multiple protection lots that can be obtained.

Features listed as significant in the District Plan:

	Average	Size requirements for additional lots					
		2	3	4	5	10	20 max
Tall Forest	6ha	12	18	24	30	60	>120
Scrubland	10ha	20	30	40	50	100	>200
Secondary Shrubland	8ha	16	24	32	40	80	>160
Riparian Margins	1km	2	3	4	5	10	>20
Natural Wetlands	1ha	2	3	4	5	10	>20

Features not listed as significant in the District Plan:

	Average	Size requirements for additional lots					
		2	3	4	5	10	20 max
Tall Forest	10ha	20	30	40	50	100	>200
Scrubland	20ha	40	60	80	100	200	>400
Secondary Shrubland	16ha	32	48	64	80	160	>320
Riparian Margins	1km	2	3	4	5	10	>20
Natural Wetlands	1ha	2	3	4	5	10	>20

Note: A maximum of 20 lots can be obtained from any one feature located on one Certificate of Title.

(vi) Legal protection

Legal protection of the feature shall be achieved by way of a condition imposed on the subdivision consent requiring a Consent Notice, Memorandum of Encumbrance 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.



(vii) 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.

(g) **Boundary adjustments**

As a Controlled Activity the boundaries between any existing land titles served by an existing legal public road currently maintained by Council and complying with the relevant provisions of this Section of the District Plan may be adjusted subject to all newly formed lots also complying with the relevant provisions of this Section and the minimum lot size rules that apply in the respective zone(s).

Provided that:

Boundary adjustments involving one or more titles served by an existing legal public road not currently maintained by Council are a Discretionary Activity.

Consent will be dependent on Council being satisfied that the boundary adjustment will not result in any increase in traffic on the road concerned. Financial contributions will be imposed where the boundary adjustment is deemed either to create an independently usable title which did not previously exist or to significantly increase the usability of an existing title.

Except that

Titles created under the General Farming Lot Rule 16.5.2(b) shall not be eligible for boundary adjustments to adjust the size of lots to less than 40ha.

16.6 **Matters of control**

With respect to Rural Production Lot (Rural 1 Zone) and General Farming Lot (Rural 2 Zone) subdivision

- (a) The maintenance of the productive capacity of each lot

16.7 **Matters of discretion**

16.7.1 **Restricted Discretionary Activities - general**

With respect to a Permitted, Controlled or Restricted Discretionary Activity which fails to comply with any activity performance standard listed in 16.5, Council's discretion is restricted to the effects of the non-compliance on the purpose of the performance standard and any relevant objectives and policies.



16.7.2 Restricted Discretionary – non compliance with boundary adjustment performance standards specified in Rule 16.5.2(g).

- (a) The actual and potential effects on the productive potential of the land including reverse sensitivity effects.

16.7.3 Restricted Discretionary Assessment Criteria – development of 11–30 houses on multiple owned Maori land

With respect to the development of between 11- 30 houses on multiple owned Maori land Council's discretion is restricted to the

- (a) assessment of financial contributions and
- (b) the provision of a structure plan approved by Council that addresses:
- (i) Provision of house sites
 - (ii) Structures other than dwellings
 - (iii) Description of the character, scale and intensity of activities proposed to use any papakainga community facility building or buildings
 - (iv) Location of areas to be allocated to any non-residential activity or group of activities
 - (v) Areas of the site proposed to be devoted to rural productive activities
 - (vi) Location of any waste water, water supply, roading, stormwater services and associated equipment, reticulation and facilities
 - (vii) The provision of compliant vehicle and pedestrian accessways from the site to Council maintained roads
 - (viii) Provision of internal vehicle access, parking and walkways, including the surface material and whether this will be loose or sealed, and construction standards.
 - (ix) Landscaping by either land form shaping, planting or artificial screening
 - (x) The extent and effect of earthworks
 - (xi) Areas of any native plantings or bush on the site
 - (xii) Location of any property boundaries (including internal) in instances where the site is proposed to comprise more than one title and boundaries of any licenses to occupy or lease or other forms of establishing areas of exclusive occupation to particular individuals or groups



16.7.4 Assessment Criteria for activities failing to meet Rule 16.5.1(c) Minimum Yard Requirements

Council shall have regard to the following matters in addition to relevant matters stated in 16.5.

- (a) due to size, shape, topographical or geotechnical constraints, it is not practicable to meet the yard requirements.
- (b) the location of archaeological sites or other Identified Significant Heritage or Ecological Features makes it not practicable to meet the yard requirements.
- (c) the potential for conflict with existing and foreseeable activities in the area.
- (d) compliance with the yard requirements will result in a significant constraint on maximising the productive use of the site.
- (e) 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.
- (f) separation distances from other dwellings and any resultant loss of privacy of adjoining dwellings.
- (g) in regard to the front yard whether the road is sealed or unsealed.

16.7.5 Assessment Criteria for Discretionary Activities failing to meet Rule 16.5.2(a)(ii) intensive farming separation distance

Council shall have regard to the following matters:

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

16.7.6 Assessment Criteria for Discretionary Activities failing to meet Rule 16.5.1(f) artificial wind shelters

Council shall have regard to the following matters:

- (a) Assessment of the potential glare on neighbouring properties from the colour of the cloth.

16.7.7 Discretionary and Non-Complying Activity Criteria – general

The assessment and management of effects shall include the following matters in addition to relevant matters stated in 16.5:



- (a) Relevant objectives and policies of the Plan
- (b) The extent of the loss of land with high production potential.
- (c) Potential for conflict with existing and foreseeable activities in the area.
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.
- (d) Traffic Generation
 - impact on roading including traffic safety
 - access
 - effect on amenity.
- (e) Scale of the activity including number of people carrying out the activity, the hours of operation and how this affects the existing rural character and amenity values.
- (f) Proposed signs.
- (g) The extent to which the activity has the potential to adversely affect the visual amenity provided by the rural environment and the ability to avoid or mitigate such impact by screening or other appropriate measures.
- (h) 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. In addition how the character of the noise differs from that which is being experienced in the surrounding environment.

16.7.9 Discretionary Activities Criteria for the development 31 houses or more on multiple owned Maori land

- (a) All developments on multiple owned Maori land that result in a cumulative total of 31 houses or more shall be designed in general accordance with a Council approved structure plan and Council has full discretion to assess the development application and decide whether the development proposal is in general accordance with the structure plan.
- (b) Developments failing to comply with the structure plan shall be a Non-Complying Activity.



16.8 Rural 3 Zone Rules

16.8.1 Zone statement

This zone covers specific areas within the District that are close to existing urban centres and which have been identified as suitable for the establishment of lifestyle type living. It is intended that this zone will provide people with an opportunity to live in the rural environment and enjoy the many good features of rural living such as open space, privacy and rural outlook, without the potential for conflict that can occur with primary production activities. Within this zone there will be provision for small scale farming, conservation planting, open space networks and walkways and cycleways to provide a high amenity rural environment. Development of the zone will be reliant on obtaining Transferable Lot entitlements from the range of incentives provided to land owners within Rural 1 and Rural 2 Zones. The zone is established to assist the restoration and maintenance of the productive rural land resource by removing some of the pressure that exists for rural lifestyle living within these areas. It does this by providing development opportunities in locations that are located in high demand areas in return for the removal of development rights in less sought after areas which remain important for rural production purposes.

The areas which have been zoned Rural 3 are as follows. No development in these areas will occur until a structure plan for the area is in place.

Te Puke

Bounded by the Ottawa Scenic Reserve and a large production forest block, this 374ha area offers opportunities for lifestyle living in close proximity to the town of Te Puke with good views over the plains to the east as the land rises into the hills. The structure plan will provide for the upgrade of Te Puke Quarry road and development of a paper road to link to Reid Road and so increase the accessibility of the area. It is envisaged that there will be significant landscape planting as part of any subdivisions to enhance the existing ecological features of the area and nestle buildings into the backdrop of the ridge. The area will have a series of walkways within and through existing and newly planted vegetation to encourage non-vehicular connectivity. The area has been chosen to avoid the adverse effects of the existing quarry to the north east and go-cart track to the south west.

Minden

To provide opportunities for lifestyle living in close proximity to the City of Tauranga with good views over the Harbour and wider Bay Of Plenty. This is envisaged as being the premier lifestyle location with 1150ha that will be developed over a period of 40 years. It is envisaged that the whole area will eventually be connected by a series of managed "green lanes" wide enough for walking, cycling and horse riding. Consideration will be given to including an equestrian "farm park" style complex in part of the structure plan. In addition the existing and future roading will be upgraded to include berms that provide safe walking for pedestrians. The area has been set back from the State Highway to avoid any reverse sensitivity issues but it is envisaged that through the structure plan exercise the area will have upgraded access to the highway to enable safe commuting to the city.

Katikati

The smallest of the lifestyle zones, this one provides opportunities for lifestyle living within easy access to Katikati. The area is already serviced by a sealed road and has the potential to be serviced as the area closer to Katikati identified for future urban growth is developed.



The area has a number of existing lifestyle properties and a relatively high percentage of native bush that could be enhanced through additional planting, providing house sites with views over Katikati and the northern harbour. The proximity to the service centre of Katikati and access to the Harbour will make this area an attractive location.

16.9 Activity list

16.9.1 Permitted Activities

- (a) Farming.
- (b) Conservation forestry.
- (c) One dwelling per lot
- (d) Buildings (except dwellings) accessory to the foregoing under 200m²
- (e) Accommodation or Education facilities for a maximum of four persons (excluding staff).
- (f) Home Enterprises.
- (g) Stalls.
- (h) Works and network utilities as provided for in Section 10.
- (i) Activities on reserves as provided for in the Reserves Act 1977.
- (j) Mineral prospecting.
- (k) Existing urupa.
- (l) Earthworks ancillary to Permitted Activities

16.9.2 Controlled Activities

- (a) Works and network utilities as provided for in Section 10.
- (b) One minor dwelling in addition to (c) above subject to performance standard 16.10.1(e).

16.9.3 Restricted Discretionary Activities

- (a) Any Permitted or Controlled Activity that fails to comply with the activity performance standards listed in Rule 16.10.

16.9.4 Discretionary Activities

- (a) Subdivision as provided for in Rule 16.10.2
- (b) Accommodation facilities for more than four persons.
- (c) Education facilities for more than four persons (excluding staff).
- (d) Places of assembly.
- (e) Rural selling places.
- (f) Mineral exploration, mining and quarrying.
- (g) Urupa (new sites).
- (h) Works and utilities as provided for in Section 10.
- (i) Buildings (except dwellings) accessory to the foregoing over 200m²
- (j) New buildings and external additions to buildings in the Minden A, B1 and B2 stability areas not within an approved building site.



16.9.5 Non-Complying Activities

- (a) Minor dwellings not complying with performance standards specified in 16.10.1(e)
- (b) Additional Dwellings
- (c) Coolstores and Packhouses
- (d) Subdivision not in accord with an approved structure plan.

16.10 Activity Performance Standards

16.10.1 General

The following performance standards shall be met by all Permitted and Controlled Activities and shall be used as a guide for all other activities.

(a) **Height of buildings**

Maximum - 8m.

(b) **Daylighting**

No part of any building shall exceed a height equal to 2m above ground level at all boundaries and an angle of 45 degrees into the site from that point. 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 encroach through the above daylighting plane where the written approval of the owner(s) of the immediately adjoining property to the specific encroachment is obtained.

(c) **Yards**

- (i) Dwellings, Minor Dwellings, Accommodation Facilities, Education Facilities
 - Minimum 10m except where the boundary adjoins a Rural 1 or Rural 2 Zone for which the minimum is 30m.

- (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.

- (iii) Where the yard adjoins a Strategic Road or a designation for a Strategic Road, it shall be a minimum of 10m



(d) **Standards for home enterprises**

- (i) shall be conducted within a building floor area not exceeding 50m² and a total area not exceeding 120m². 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 two persons.
- (iv) does not involve sales of products other than those produced on the site.
- (v) any advertising shall comply with the relevant provisions of Section 4D

(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) Shall pay 50% of the financial contributions that applies to the subdivision of land.

(f) **Transportation, Access, Parking and Loading** - See Section 4B

(g) **Noise and Vibration** - See Section 4C.1

(h) **Storage and Disposal of Solid Waste** - See Section 4C.2

(i) **Lighting and Welding** - See Section 4C.3

(j) **Offensive Odours, Effluent Aerosols and Spray Drift** - See Section 4C.4

(k) **Screening** - See Section 4C.5

(l) **Signs** - See Section 4D

(m) **Natural Environment** - See Section 5.

(n) **Landscape** - See Section 6.

(o) **Cultural and Heritage** - See Section 7.

(p) **Natural Hazards** - See Section 8.

(q) **Hazardous Substances** - See Section 9

(r) **Financial Contributions** - See Section 11



16.10.2 Subdivision Activity Performance Standards

(a) General

(i) Shape factor

Each lot which will qualify for the erection of a dwelling as a Permitted Activity shall be capable of accommodating a 20m diameter circle exclusive of yard requirements, such area to contain a building site complying with 12.4.1 (b) and in accordance with an approved structure plan.

(ii) Lot Size

Minimum 3000m², average 5000m² or as defined in the structure plan.

(b) Transferable subdivision entitlements

(i) Application

Additional lots may be created from a qualifying existing lot in conjunction with any of the following entitlements obtained from the Rural 1 and Rural 2 Zones on a one to one basis:

- Transferable Amalgamation Lots.
- Transferable Rural Entitlements.
- Transferable Protection Lots.

(ii) Development in accordance with the structure plan

All subdivision shall be designed to be in general accordance with the approved structure plan for the identified Rural 3 Zone area and Council has full discretion to assess the subdivision application and decide whether a proposal is in general accord with the structure plan.

Subdivision failing to comply with the structure plan shall be a Non-Complying Activity.

16.11 Matters of discretion

16.11.1 Restricted Discretionary Activities – non compliance with Activity Performance Standards

Council will limit its discretion to the effects of the non-compliance on the purpose of the performance standard and any relevant objectives and policies.

16.11.2 Restricted Discretionary Activities - failing to meet rule 16.10.1(c) minimum yard requirements

Council shall have regard to the following matters in addition to relevant matters stated in 16.10:



- (a) due to size, shape, topographical or geotechnical constraints, it is not practicable to meet the yard requirements.
- (b) the location of archaeological sites or other Identified Significant Heritage or Ecological Features makes it not practicable to meet the yard requirements.
- (c) the potential for conflict with existing and foreseeable activities in the area.
- (d) separation distances from other dwellings and any resultant loss of privacy of adjoining dwellings.

16.11.3 Discretionary and Non-Complying Activities – general

The assessment and management of effects shall include the following matters in addition to relevant matters stated in 16.10 as appropriate:

- (a) Potential for conflict with existing and foreseeable activities in the area.
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.
- (b) The extent to which development provides infrastructure for development of the land in accordance with any relevant structure plan, staging pre-requisites and can be adequately serviced.
- (c) Traffic Generation
 - impact on roading
 - access
 - effect on amenity.
- (d) Scale of the activity including number of people carrying out the activity and hours of operation.
- (e) Proposed signs.
- (f) 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.
- (g) 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.

16.11.4 Discretionary Activities – buildings sites to which 16.9.4 (j) applies

- (a) An approved building site shall:



- (i) mean a site that has been approved in conjunction with a resource consent application under the RMA, and has been approved in accordance with the stability requirements contained in Section 8 (Natural Hazards). Any approval is likely to include conditions applicable to access, vegetation removal, cutting and filling, earthworks, drainage and the like.
 - (ii) be no less than 300m² in area to allow for buildings, amenity areas and waste disposal.
 - (iii) be able to be used for residential purposes.
 - (iv) comply with the yard requirements.
 - (v) contain all buildings except for pumphouses, fences and masts which may be located outside of the building site.
- (b) An approved building site can be formed at either subdivision or building consent stage. Any formation shall ensure the site:
- (i) blends in with existing contours.
 - (ii) preserves stands of native bush.
 - (iii) does not compromise significant topographical features by earthworks.

16.12 Other methods

16.12.1 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 the Bay of Plenty Regional Council. In such cases the Regional Council's requirements, including those set out in the Regional Water and Land Plan will also need to be complied with.