

Rural

16. Rural

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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 efficient use of 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 versatile land and has a number of other physical attributes which enables this land to be used for horticulture or more intensive farming. To the east of the District 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.

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The rural area contains the majority of the sub-region's 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 the rural lifestyle opportunities that it provides. Many of these people also work within Tauranga City. The opportunities for lifestyle living have been created by the subdivision of rural land under the previous subdivision rules. This has resulted in a wide distribution of lifestyle blocks throughout the District. Existing rural communities have often benefited from the increase in population resulting from lifestyle development which has added diversity and provided support for rural services and facilities.

In the last two decades the widespread subdivision of rural land for lifestyle and other purposes has resulted in significant fragmentation of the rural land resource.

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 and provide for the establishment of Papakaiainga and associated supporting facilities on Maori land so as to give a practical expression to the relationship of Maori and their culture and traditions with their ancestral lands, waahi tapu and other taonga.

Interest has been expressed for more intensified development of Matakana Island. The Island has a rich cultural history and like much of the Western Bay of Plenty, its landscape and natural environment are sensitive to misuse. For this reason, any consideration of intensive or large-scale development must be preceded by a "Whole of Island" plan that deals with issues in a holistic manner. Development that enhances the rural community of the Island within the context of general rural planning strategies for the District, including appropriate provision for Papakaiainga housing, may be expected to continue to provide for the Island community's social, cultural and economic well being.

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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.

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Careful management of the various demands on the rural land resource can allow the range of legitimate demands made on it to be accommodated in a balanced manner which minimizes inter-activity conflict and which is consistent with Council's statutory resource management responsibilities.

16.1 Significant Issues

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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's reliance on primary production for its economic output means that maintenance of the productive capacity of the rural land resource is critical to the future wellbeing of the District.

2. The District’s rural land resource (including versatile soils) is finite and productive capacity has been diminishing as a result of fragmentation into smaller lots through subdivision.

While the versatility of the District’s land resource is variable, its overall productive capacity has been diminishing as a result of District Plan subdivision rules which have allowed fragmentation into smaller parcels. Much of the highly versatile land in the District is in close proximity to urban areas and while eminently suitable for horticultural use is also in high demand for residential or “lifestyle” use. The challenge is to ensure that subdivision under the District Plan rules, in particular those stipulating minimum lot sizes, results in the productive capacity of the most versatile land being retained and enhanced, rather than diminished.

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3. The character and associated amenity of the rural environment are what makes the District a sought after place in which to live.

Elements which make up rural character include:

- A predominance of natural features over human made features;
- A high ratio of open space relative to the built environment;
- Significant areas in pasture, crops, horticulture, forestry and indigenous vegetation;
- A working rural production environment;
- Presence of farm animals;
- Noise, odours and other effects associated with the use of rural land for a wide range of primary productive purposes;
- Low population densities relative to urban areas;
- Existence of some narrow and/or unsealed roads;
- General lack of urban infrastructure.

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Over half of the District’s population lives in rural areas. The rural environment of the District is a popular place in which to live because of the lifestyle opportunities it provides and because of its 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, particularly those associated with horticulture, 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, and shading from shelterbelts. Increased population density in rural areas, particularly that resulting from newcomers seeking to enjoy the lifestyle opportunities available in the rural environment and who may be unfamiliar with the operational requirements of primary production, has the potential to unreasonably

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constrain legitimate farming practices which are an accepted and integral part of primary production.

5. There are a large number of undeveloped rural properties existing throughout the District, some of which have the potential to help meet the demand of those seeking new rural lots for both primary production and lifestyle living.
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 potential effects generated by quarrying and mining activities such as noise, dust and traffic, development in close proximity to them and alongside access routes to these resources 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.

The legal tenure of land that has *Maori land* status under Te Ture Whenua Maori Act 1993 creates unique ownership issues and many barriers to its development. In addition, Maori have traditional values in respect of how Maori land should be developed which may not be consistent with development standards considered appropriate to apply to other rural land.

9. There is both a need and a desire for Maori to be able to choose to live on their ancestral lands and provide for their physical, social, cultural and economic needs.

10. Matakana Island is a sensitive environment that needs to be planned for carefully. While the resource management issues relevant to Matakana Island also apply to other rural land, those of particular importance in the Matakana context include:

- The potential for more intensive or large scale development to adversely impact on archaeological, cultural, spiritual, ecological and landscape values, and
- The need and desire of Maori to live on and develop their ancestral land.

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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.

13. The siting of network utility operations in rural areas is often constrained by the fixed location of the particular resource being utilised, thereby creating the potential for reverse sensitivity effects to occur in respect of other rural land users.

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16.2 Objectives and Policies

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16.2.1 Objectives

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1. Maintenance and enhancement of the ability of the highly or moderately versatile rural land resource to be used for primary productive purposes.

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2. Appropriate provision for activities not directly based on primary production but which have a functional or other legitimate need for a rural location.

3. The efficient use and development of the rural land resource for primary production.

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4. Protection and enhancement of the low density character and amenity values of the rural environment.

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5. Protection and enhancement of ecological, landscape, cultural, heritage and other features located in the rural environment which are of value to the wider community.

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6. 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.

7. The efficient use and development of regionally important mineral resources.

8. Fulfilment of the special relationship of Maori with their ancestral land including the particular culturally based housing needs and traditions associated with such land.

9. Preservation of the options for the future use of land identified in the Bay of Plenty Regional Policy Statement as being required for future urban development.

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16.2.2 Policies

1. Subdivision, use and development of the highly or moderately versatile rural land resource should occur in a way which retains its potential to be used for a range of productive rural purposes and which maximises the likelihood of it actually being used for such purposes. 1.3
2. Fragmentation of the highly or moderately versatile rural land resource for purposes not directly related to maintaining or enhancing the primary productive potential of the rural land resource should be avoided or minimised. 1.4
3. Except where specifically tailored to accommodate other activities with a legitimate need for a rural location, new rural lots created through subdivision should be of a size and nature suitable for a range of primary productive uses.
4. Subdivision, use and development which has the potential to inhibit the efficient use and development of rural land for primary production or to inhibit the efficient use and development of existing mineral extraction sites (including vehicle access routes to such resources) should be avoided or minimised.
5. Subdivision, use and development of rural land for purposes other than primary production and which have the potential to inhibit the efficient and lawful operation of existing or designated network utility operations should be avoided or minimised. 37.2
6. The amalgamation of existing rural lots into larger land parcels should be encouraged.
7. Provide for the amalgamation of large rural lots for productive purposes through the provision of incentives.
8. Encourage the amalgamation of titles in areas with deficient infrastructure services and remote from employment areas through the provision of incentives.
9. 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.
10. Activities with a functional or other legitimate need for a rural location should not be established in rural areas unless they are able to be undertaken without constraining the lawful operation of productive rural land uses which are carried out in accordance with accepted management practices. 22.19
11. The establishment in rural areas of industrial, commercial or other activities which do not have a functional or other legitimate need for a rural location should be avoided. 4.8
12. Subdivision and development should not occur in rural areas which have inadequate roading or other infrastructural capacity to cater for such development.

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| <p>13. Rural-residential or rural lifestyle development should be channelled onto land with the following attributes:</p> <ul style="list-style-type: none"> – Low versatility for primary production; – Able to be readily serviced; – In reasonable proximity to urban centres; – Able to be developed in a manner sympathetic to the character and amenity values of the surrounding rural area. | <p>3.5
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| <p>14. 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.</p> | |
| <p>15. The use and development of ancestral <i>Maori land</i> should be provided for in a manner consistent with and in recognition of the special relationship of Maori to such land, including provision for multiple housing and associated support facilities</p> | |
| <p>16. In addition to policies relating to the rural land resource, development of land on Matakana Island shall recognise and provide for the following matters:</p> <ul style="list-style-type: none"> (a) Cultural, spiritual and archaeological values, including the need and desire of Maori to live on and develop their ancestral land; (b) Maintenance and enhancement of natural coastal character, natural features, ecology and landscapes, indigenous vegetation and habitats of indigenous fauna, and historic heritage; (c) The need to ensure that large-scale or more intensive development proposals do not compromise future options for the comprehensive planning and development of the Island. | <p>4.11
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| <p>17. Subdivision, use and development of rural land identified in the Bay of Plenty Regional Policy Statement as being required for future urban development in a manner which limits the options for the future use of such land for urban purposes should be avoided or minimised. Particular forms of development which should be avoided include:</p> <ul style="list-style-type: none"> (a) Fragmentation of rural land through subdivision unrelated to primary productive use; (b) The establishment of capital intensive rural or quasi urban land uses. | <p>35.7</p> |
| <p>18. 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.</p> | <p>4.10
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| <p>19. Rural land will not be proposed to be rezoned 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 prepared and forms part of the proposed change to the District Plan.</p> | 35.8 |
| <p>20. Seasonal worker accommodation facilities should be located on sites which are in close proximity to the principal sources of employment, including:</p> <p>(a) On rural sites accommodating stand alone post-harvest facilities;</p> <p>(b) In existing townships.</p> | 19.22 |

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16.3 Activity Lists

16.3.1 Permitted Activities

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| <p>(a) Farming;</p> <p>(b) Production forestry;</p> <p>(c) Conservation forestry;</p> <p>(d) One dwelling per lot, with the exception of Smithstown (map reference D03) where individual titles do not qualify for the erection of dwellings and dwellings where minor dwellings exist see 16.3.2(b);</p> <p>(e) Buildings (except dwellings) accessory to the foregoing less than 200m² gross floor area;</p> <p>(f) <i>Home Enterprises</i>;</p> <p>(g) Stalls;</p> <p>(h) <i>Accommodation or Education Facilities</i> for a combined maximum of four persons (excluding staff);</p> <p>(i) Works and network utilities as provided for in Section 10;</p> <p>(j) Activities on reserves as provided for in the Reserves Act 1977;</p> <p>(k) Mineral prospecting;</p> <p>(l) Existing urupa and new urupa adjoining existing urupa;</p> <p>(m) Frost protection fans, subject to performance standards specified in 4C.1.3.6;</p> <p>(n) Audible bird scaring devices, subject to performance standards in 4C.1.3.5;</p> <p>(o) Artificial crop protection subject to performance standards specified in 16.4.1(g);</p> | <p>35.11</p> <p>32.16</p> <p>37.3</p> <p>39.33</p> |
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- (p) Earthworks ancillary to Permitted Activities;
- (q) 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*;
- (r) Community facilities or buildings up to a cumulative maximum floor area of 400m² when associated with a Controlled Activity of 10 dwellings on multiple owned *Maori land* accessed from a sealed road maintained by *Council*;
- (s) Private burials as provided for under Clause 47 (1) of the Burial and Cremation Act 1964.

16.3.2 Controlled Activities

- (a) One minor dwelling in addition to 16.3.1(d) above subject to performance standard 16.4.1(f) Standards for Minor Dwellings, excluding Matakana.
- (b) One dwelling on a title where no dwelling currently exists and where a minor dwelling exists which was constructed after 9 February 2009.
- (c) Works and network utilities as provided for in Section 10.
- (d) Frost protection fans, subject to performance standards specified in 4C.1.3.7.
- (e) 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).
- (f) Up to a maximum of 10 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).
- (g) On Matakana Island up to a maximum of 10 dwellings on multiple owned *Maori land* accessed from a 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) On Rangiwaia Island up to a maximum of 10 dwellings on multiple owned *Maori land* 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*.

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(j) Subdivision as provided for in Rules 16.4.2(b) General Farming Lots, (d) Transferable Rural Lots, (e) Transferable Amalgamation Lots, (f) Additional Dwelling Lots and (g) Separation Lots. | 32.12

(k) Protection Lot subdivision for up to two additional lots off a sealed road as specified in Rule 16.4.2(h)(ii)1. | 38.7

16.3.3 Restricted Discretionary Activities

(a) Any Permitted or Controlled Activity that fails to comply with the activity performance standards listed in Rule 16.4. | 19.23

(b) Subdivision as provided for 16.4.2(c) Rural Production Lots.

(c) 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 16.5.2.

16.3.4 Discretionary Activities

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(a) Intensive Farming Activities;

(b) Kennels, catteries;

(c) *Accommodation facilities* not complying with 16.4.1(d) excluding Matakana Island; | 3.11
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(d) *Education facilities* for more than four persons (excluding staff), excluding Matakana Island; | 3.11
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(e) *Places of assembly*, excluding Matakana Island; | 3.11
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(f) Rural selling places; | 35.13

(g) Rural contractors depot; | 11.16

(h) Coolstores and packhouses less than 200m² gross floor area;

(i) Buildings not complying with 16.3.1(e);

(j) Animal saleyards;

(k) Mineral exploration, mining and quarrying;

(l) Urupa (new sites);

(m) Works and Network Utilities as provided for in Section 10;

(n) Subdivision specified in Rule 16.4.2(h) Protection Lot Subdivision, excluding Matakana Island; | 3.11
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(o) 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);

- (p) Minor Dwellings on Matakana Island; 3.12
- (q) Expansion of existing Coolstores and Packhouses (consented as at 1 January 2010) associated with kiwifruit and avocado industry and not within a Post Harvest Zone;
- (r) Protection Lot subdivision not complying with 16.4.2(h)(ii).

16.3.5 Non-Complying Activities

- (a) Subdivision not meeting performance standards in 16.4.2. 32.11
- (b) Minor dwellings not complying with performance standards specified in 16.4.1(f).
- (c) Additional Dwellings.
- (d) New Coolstores and Packhouses greater than 200m² gross floor area.

16.4 Activity Performance Standards

16.4.1 General

The following performance standards shall be met by all Permitted and Controlled Activities and shall be used as a guide for the assessment of all other activities. Any permitted activity that fails to comply with any of these standards will be a Restricted Discretionary Activity for the particular non-compliance.

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

(a) Height of buildings

Maximum – 9.0m.

(b) Daylighting

No part of any building shall exceed a height equal to 2.0m above ground level at all boundaries and an angle of 45° 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:

A yard (other than a front yard) may be reduced to not less than 10m in one or more of the following circumstances;

(a) For titles in existence prior to the date of the notification of this District Plan (30 January 2010) and which are of an area no greater than one hectare; or for titles that have been created by way of a subdivision consent for which an application has been lodged on or before the date of notification of this District Plan and which are of an area no greater than one hectare; or

(b) For titles that have obtained subdivision consent prior to the date of the notification of this District Plan or for which a subdivision application was lodged on or before the date of notification of this District Plan and which have an approved building site with a reduced yard where this infringement was assessed at the time of subdivision (this applies only to the building site assessed through the subdivision and new locations will require land use consent); or

(c) For any additions or alterations to Dwellings, Minor Dwellings, *Accommodation Facilities* or *Education Facilities* that were established with a reduced yard (provided that any addition or alteration does not increase the level of non-compliance with the minimum 30m yard); or

(d) Where any new Dwelling, Minor Dwelling, *Accommodation Facility* or *Education Facility* (including any additions or alternations to these) can meet all of the following permitted activity performance standards;

- Shall not be located any closer than 60m to any existing dwelling, minor dwelling, *accommodation facility* or *education facility* on an adjoining title;
- Shall not be located any closer than 35m to any existing 'other structures' on an adjoining title;
- Shall not be within 300m of any '*Intensive Farming Activity*' on an adjoining title

Except that:

As provided for in (iii), (iv), (v) and (vi) below.

(ii) All Other Structures;

- Minimum 5.0m.

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:

As provided for in (iii), (iv), (v) and (vi) below.

(iii) Where any yard adjoins:

- A Strategic Road or a designation for a Strategic Road, it shall be a minimum of 30m;
- A railway corridor or designation for railway purposes, it shall be a minimum of 30m.

Provided that:

On Secondary Arterial Roads, and any railway corridor or designation for railway purposes, lots created by way of an application for subdivision consent approved prior to 1 January 2010 will be exempt.

- (iv) 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(c).
- (v) 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.
- (vi) Tauranga Harbour (including Matakana Island) and Wairoa River Landscape Management Areas – for controls on activities up to 300m landward of MHWS, see Section 6.3.

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(d) Standards for accommodation facilities

- (i) Have a maximum occupancy of four persons at any one time (excluding staff);
- (ii) The total area available for exclusive use for the occupiers be no greater than 60m² gross floor area;
- (iii) Must not contain a kitchen or otherwise be self contained;
- (iv) For Discretionary *Accommodation Facilities*, information is to be provided in accordance with 4A.5.2.

(e) Standards for home enterprises

- (i) Shall be conducted in an area that does not exceed 500m² of which a maximum of 120m² shall be available for a building floor area. 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 occur within a floor area not exceeding 20m².
- (v) Does not involve sales of products other than those produced on the site. This does not apply to the sale of any goods stored, distributed and manufactured off the site that are sold via the internet.
- (vi) Any advertising shall comply with the relevant provisions of Section 4D.3.1.1
- (vii) Parking shall be provided in accordance with Rule 4B.4.7.

Explanatory Note: The above activity performance standards shall apply cumulatively to all *Home Enterprises* per lot.

(f) Standards for minor dwellings and dwellings where a minor dwelling was constructed after 9 February 2009 in accordance with 16.3.2(a) and (b)

- (i) Shall be located within 20m of the principal dwelling or minor dwelling on the site.
- (ii) Shall share vehicle access with the principal dwelling or minor dwelling on the site.
- (iii) Shall pay 50% of the financial contributions that applies to the subdivision of land.

(g) Standards for artificial crop protection

- (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.

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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 crop protection 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.

(h) Standards for Production Forestry and Conservation Forestry (excluding shelterbelts and protection lots planting)

- (i) No trunk of any tree shall be located nearer than 10m to the boundary of an adjoining property.

Provided that:

Trees may be located closer to the boundary where the written approval of the owner of the immediately adjoining property is obtained.

(i) 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.

(j) 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° 4.0m
- 45° or more 3.0m

5. Battens to be at 1.0m intervals.

(ii) Deer (Minimum)

As specified in the Deer Farming Notice (No 5 2008) of the Wild Animal Control Act 1977.

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

16.4.2 Subdivision Activity Performance Standards (See Section 12)

32.12
39.41
39.43

(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

(i) Minimum lot size (including any balance area or residual lot) - 40ha; 35.14

(ii) Limitation.

This rule shall not apply to titles created by way of a boundary adjustment for which a resource consent application was lodged after 7 February 2009 and which would not have qualified for subdivision under this rule prior to the boundary adjustment occurring. 32.14

(c) Rural production lots

Existing rural lots may be subdivided to create one or more Rural Production Lots subject to the following standards and criteria:

(i) Each Rural Production Lot shall contain a minimum of 8ha of versatile land. In this context "versatile land" means land which meets all of the following criteria: 19.26

– LUC class II or III, or Landcare Research versatility rating of at least 30% high and 70% moderate;

– Free draining soils suitable for permanent horticultural crops such as kiwifruit or avocados;

– 160m or less above mean sea level. 19.26

Provided that:

Re-contoured land shall qualify as "versatile land" only where at the time of subdivision application the land accommodates an established, successfully producing permanent horticultural crop.

(ii) The minimum 8ha of versatile land within each Rural Production Lot shall be in a configuration which allows all of the land to be capable of being practically used for horticultural production.

(iii) Each application shall be accompanied by a report or reports specific to the land concerned which confirms the land's compliance with the requirements of foregoing clauses (i) and (ii) and its overall suitability for the successful growing of permanent horticultural crops in the prevailing local climatic conditions. Such report(s) shall be prepared by a professional person or persons suitably qualified and experienced in soil science and horticultural production. *Council* may commission a peer review of any submitted report.

(iv) One balance lot complying with the relevant provisions of Section 12 (Subdivision) but which does not meet the requirements of clauses (i) and (ii) above may be created, provided that: 32.10

– the average area of all lots within the proposed subdivision shall be at least 8ha, and

- In the case of an application to subdivide land previously subdivided under this rule, the area of the original parent property shall be used for the purposes of calculating average lot size and only one non-complying balance lot may be created from the land within the original property. 32.13
- (v) Where any new lot created under this rule will contain more than one existing dwelling (excluding minor dwellings), no such dwelling may be used as the basis for a subsequent subdivision under the Additional Dwelling Lot rule. A consent notice condition to this effect will be registered on the title of the lot concerned.
- (vi) Limitation – this rule shall not apply to titles created by way of a boundary adjustment for which a resource consent application was lodged after 7 February 2009 and which would not have qualified for subdivision under this rule prior to the boundary adjustment occurring. 32.14
- (vii) Extent of *Council's* discretion – *Council's* discretion under this rule is restricted to land quality and other matters directly relevant to the suitability of the land for the growing of permanent horticultural crops.
- (viii) Notification – an application under this rule need not be publicly notified nor notice of it served on any other persons

(d) Transferable rural lot entitlements

Explanatory 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 Lifestyle 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 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

32.18

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

32.19

Explanatory Note: The purpose of this provision is to encourage the aggregation of existing rural lots into larger land parcels in return for the granting of a transferable amalgamation lot entitlement for use in the Lifestyle Zone or to create a lot around an existing additional dwelling under the Additional Dwelling Lots Rule. In both cases, a copy of the new title for the amalgamated land will be required to be submitted to *Council* prior to the issue of an *RMA* section 224(c) certificate for the subdivision creating the new lot.

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) Additional Dwelling Lots

A Transferable Amalgamation Lot entitlement may be used to create a lot around an existing additional dwelling subject to compliance with the following standards:

(i) Maximum lot size – 1ha, provided that as a Restricted Discretionary Activity the lot size may be increased on the basis that existing physical constraints such as the location of the dwelling (including vehicle access thereto) on the subject land and the nature of the subject land itself, render it impractical to comply

with a maximum lot size of 1ha. In any such case, *Council's* discretion shall be restricted to:

- The extent to which for physical reasons it is impractical, unreasonable or otherwise undesirable to limit the size of the lot to 1ha;
- The extent to which the amount of versatile land (as described in the Rural Production Lots rule) within the lot has been or is able to be minimised.

A restricted discretionary application under this rule need not be publicly notified nor notice of it served on any other persons.

(ii) Qualifying additional dwellings

To qualify to be used as the basis for a subdivision under this rule the existing additional dwelling must have been lawfully established either by way of a specific resource consent for an additional dwelling or by virtue of having existing use rights under Section 10 of the *RMA* (excluding minor dwellings in both cases), provided that no existing additional dwelling on a lot created under the Rural Production Lots rule shall qualify for subdivision under this rule.

(iii) Other matters over which control may be exercised

- Financial contributions, limited to the difference between the current level of such contributions and any contributions previously paid;
- Any relevant matters in Section 12 – Subdivision;
- Any new or increased non-compliance with the rural yards rule.

(iv) New title for amalgamated land

Prior to the issue of an *RMA* Section 224(c) certificate for a subdivision creating an Additional Dwelling Lot under this rule, a copy of the new certificate of title for the land amalgamated pursuant to the Transferable Amalgamation Lots rule shall be submitted to *Council*.

(g) Separation lots

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

- (i) A permanent watercourse not less than 10m in width, or
- (ii) A State Highway or an existing legal public road currently maintained by *Council* or formed to the relevant standard specified in Table 2 of Rule 12.4.4.2, or
- (iii) An operational railway, or

- (iv) A severe or substantial natural landform feature such as a cliff, ravine or the like.

(h) Protection lots

In exchange for the protection of an ecological feature of significance additional lots over and above what other rural subdivision rules provide for may be created.

38.3

(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 Zone – maximum of 5 additional lots;
- Transferable credits are subject to clause (vi) of this rule.

35.16

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).

Explanatory Note: Enhancement means improving the existing qualities and values of an area that are ecological, cultural, and/or related to amenity. Restoration will have a corresponding meaning. In the context terms of a protection lot, enhancement or restoration means improvement to a level which meets the qualifying criteria for ecological features set out in section 16.4.2(h)(iv)2.

(ii) Qualifying standards for controlled onsite protection lot subdivision

1. To qualify for an on-site protection lot subdivision, the lot to be created shall meet the following criteria:
 - (i) Up to two additional lots on a sealed road;
 - (ii) Rural Zone - be a maximum of 1ha;
 - (iii) Does not gain access directly to a State Highway.
2. The Transferable Protection Lot Credit may only be transferred into the Lifestyle 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 (vi) 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 Lifestyle Zone only.

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

38.4

(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 two 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 is required to rank highly on three or more of 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.

Explanatory Note: Riparian Areas only need to meet criteria (v) and (ix) above to quality.

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 16.4.2(h), (i) and (iv).

Features smaller than the minimums below can be considered as Non-Complying Activities:

38.6

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

Explanatory Note: Riparian areas are measured from 20m landward of the stream edge on one side. When a stream is wholly contained within one title this can be measured on each side.

(v) Buffering on Wetlands

- (i) Wetlands less than 2ha require a minimum of 10m indigenous buffer (larger areas may be required where topography dictates). This buffer must be established prior to being eligible for a protection lot.
- (ii) Wetlands greater than or equal to 2ha require a buffer area of a suitable width prescribed by the certifying ecologist and must be established prior to obtaining C224.

38.5

(vi) 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.

Multiple Lots Features listed as significant in the District Plan:

Feature Type	Feature Size Requirement per lot
Tall Forest	6ha
Regenerating Forest	8ha
Secondary Shrubland	10ha
Riparian Margins	1km
Wetlands	1ha

Multiple Lots for Features not listed as significant in the District Plan:

Feature Type	Feature Size Requirement per lot
Tall Forest	10ha
Regenerating Forest	16ha
Secondary Shrubland	20ha
Riparian Margins	1km
Wetlands	1ha

(vii) 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.

(viii) 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 1997, or is subject to the Conservation Act 1987.

16.5 Matters of Discretion

16.5.1 Restricted Discretionary Activities - General

With respect to a Restricted Discretionary Activity or any Permitted or Controlled Activity which fails to comply with any activity performance standard listed in 16.4, *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.

22.22

16.5.2 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

16.5.3 Assessment Criteria for Activities Failing to Meet Rule 16.4.1(c) Minimum Yard Requirements

Council shall have regard to the following matters in addition to relevant matters stated in 16.4.

- (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.
- (h) In regard to the front yard adjoining Old Coach Road (between the entrance to Cameron's Quarry and State Highway 2) whether any potential for conflict between activities and the use of the road for heavy vehicles can be avoided through the design and construction of buildings to restrict noise levels within any habitable room to a reasonable level.

16.5.4 Assessment Criteria for Discretionary Activities failing to meet Rule 16.4.2(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.

16.5.5 Assessment Criteria for Discretionary Activities failing to meet Rule 16.4.1(g) Artificial Crop Protection

Council shall have regard to the following matters:

Assessment of the potential glare on neighbouring properties from the colour of the cloth.

16.5.6 Discretionary and Non-Complying Activity Criteria – General

The assessment and management of effects shall include the following matters:

- (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.

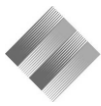
In justifying any location where potential for conflict and other adverse effects arise, consideration should be made of possible alternative locations and the need to be in the specific area chosen.

- (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.

26.17

16.5.7 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.

16.6 Lifestyle Zone Rules

16.6.1 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 require Transferable Lot entitlements from the range of incentives provided to land owners within the Rural Zone. 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 Lifestyle are as follows. Subdivision in these areas is restricted 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.

A structure plan is provided for a first stage to the south of Te Puke Quarry Road. The first stage area has capacity for approximately 75 dwellings. Development cannot proceed until necessary upgrading of intersections with the State Highway have been completed.

The structure plan provides for the upgrade of local roads where significant development traffic will arise to increase the accessibility and safety of the area. There will be significant landscape planting as part of any subdivision to enhance the existing ecological and landscape features of the area and to 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 town of Katikati and access to the Harbour will make this area an attractive location.

16.7 Activity Lists

16.7.1 Permitted Activities

- (a) Farming;
- (b) Conservation forestry;
- (c) One dwelling per lot, except for in 16.7.2(c);
- (d) Buildings (except dwellings) accessory to the foregoing under 200m²;
- (e) *Accommodation or Education facilities* for a combined 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.

16.7.2 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 16.8.1(f);

- (c) Dwellings on titles where a minor dwelling exists which was constructed after 9 February 2009;
- (d) More than one dwelling per lot subject to performance standards 16.8.1(g) with a minimum lot size of 3000m² and average of 5000m².

16.7.3 Restricted Discretionary Activities

Any Permitted or Controlled Activity that fails to comply with the activity performance standards listed in Rule 16.8.

16.7.4 Discretionary Activities

- (a) Subdivision as provided for in Rule 16.8.2;
- (b) Accommodation facilities not complying with 16.8.1(d);
- (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 Network Utilities as provided for in Section 10;
- (i) Buildings not complying with 16.7.1(d);
- (j) New buildings and external additions to buildings in the Minden A, B1 and B2 stability areas not within an approved building site.

16.7.5 Non-Complying Activities

- (a) Minor dwellings not complying with performance standards specified in 16.8.1(f);
- (b) Coolstores and Packhouses;
- (c) Subdivision not in accord with an approved structure plan.

16.8 Activity Performance Standards

16.8.1 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 – 8.0m.

(b) Daylighting

No part of any building shall exceed a height equal to 2.0m above ground level at all boundaries and an angle of 45° 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 Zone for which the minimum is 30m.

- (ii) All Other Structures

Minimum 5.0m.

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 30m;
- A railway corridor or designation for railway purposes, it shall be a minimum of 30m.

Provided that:

On Secondary Arterial Roads, and any railway corridor or designation for railway purposes, application for subdivision consent approved prior to 1 January 2010 will be exempt.

(d) Standards for accommodation facilities

- (i) Have a maximum occupancy of four persons at one time (excluding staff);
- (ii) The total area available for exclusive use for the occupiers be no greater than 60m² gross floor area;
- (iii) Must not contain a kitchen or otherwise be self contained.

(e) Standards for home enterprises

- (i) Shall be conducted in an area that does not exceed 500m² of which a maximum of 120m² shall be available for a building floor area. 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 occur within a floor area not exceeding 20m².
- (v) Does not involve sales of products other than those produced on the site. This does not apply to the sale of any goods stored, distributed and manufactured off the site that are sold via the internet.
- (vi) Any advertising shall comply with the relevant provisions of Section 4D.3.1.1.
- (vii) Parking shall be provided in accordance with Rule 4B.4.7.

Explanatory Note: The above activity performance standards shall apply cumulatively to all *Home Enterprises* per lot.

(f) Standards for minor dwellings and dwellings where a minor dwelling was constructed after 9 February 2009

- (i) Shall be located within 20m of the principal dwelling or minor dwelling on the site.
- (ii) Shall share vehicle access with the principal dwelling or minor dwelling on the site.
- (iii) Shall pay 50% of the financial contributions that applies to the subdivision of land.

(g) Standards for more than one dwelling per lot

The relevant subdivision standards shall apply as if the land was being subdivided with each dwelling being treated as if a new lot is being created, including the application of financial contributions. Any further subdivision would require the importation of a transferable subdivision right.

(h) Transportation, Access, Parking and Loading - See Section 4B;

(i) Noise and Vibration - See Section 4C.1;

(j) Storage and Disposal of Solid Waste - See Section 4C.2;

(k) Lighting and Welding - See Section 4C.3;

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

(m) Screening - See Section 4C.5;

- (n) **Signs** - See Section 4D;
- (o) **Natural Environment** - See Section 5;
- (p) **Landscape** - See Section 6;
- (q) **Cultural and Heritage** - See Section 7;
- (r) **Natural Hazards** - See Section 8;
- (s) **Hazardous Substances** - See Section 9;
- (t) **Financial Contributions** - See Section 11.

16.8.2 Subdivision Activity Performance Standards

26.11
26.12
26.13

(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 shall be created from a qualifying existing lot in conjunction with any of the following entitlements obtained from the Rural Zone on a one to one basis:

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

32.21

(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 Lifestyle 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.

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

(iv) For the Te Puke Lifestyle Structure Plan Area any subdivision shall be a non-complying activity until:

- The construction of an alternative route to take road traffic from Te Puke Quarry Road to the Te Puke Town Centre has commenced, and;
- The closure of the intersection of the Te Puke Quarry Road with State Highway 2 has been formalised.

16.9 Matters of Control

16.9.1 Controlled Activities – Subdivision within Stage 1 in Te Puke Lifestyle Structure Plan Area

26.10

Council reserves control over the following matters for the Te Puke Structure Plan area, and may impose any necessary conditions on subdivision:

- (a) Protecting and enhancing areas of indigenous vegetation by:
 - (i) Enhancing the broader landscape pattern through a 'retire and restore' approach to the eastern face of the backing escarpment.
 - (ii) Providing a higher level of physical linkage/connectivity between existing areas of native bush, creating more viable corridors for the dispersal of native flora and fauna including invertebrates.
 - (iii) Providing further habitat and year round food sources for native fauna, thereby attracting native birdlife into the estate, providing food sources for sustained populations and supplementing the existing resource provided by Ottawa Scenic Reserve and remnant patches of bush.
 - (iv) Providing separation, shelter and privacy between proposed dwellings.
 - (v) Reducing the cumulative impact and visibility of built form by screening, softening and filtering all structures and site modifications as perceived by the broader community. Native vegetation should ultimately provide a backdrop to all house sites and become a more dominant feature on property as well as the skyline.
 - (vi) Enhancing water quality in the permanent and ephemeral streams within and flowing out from the property through the provision of greater vegetation cover along riparian corridors and on steep erosion prone lands, and retirement from grazing activity.
 - (vii) Any matters listed in 5.6.1.
- (b) Maintaining and enhancing rural landscape character by:
 - (i) Carefully selecting the position of proposed house sites, and controlling building design;
 - (ii) Focusing house clusters sites into the defined development areas shown on the structure plan;

- (iii) Protecting open ridgelines;
 - (iv) Where possible, avoiding the disturbance or destruction of archaeological sites;
 - (v) Avoiding erosion or natural hazards or mitigating these hazards when they cannot be avoided;
 - (vi) Ensuring house sites are sheltered from the prevailing westerly;
 - (vii) Maintaining views for house sites;
 - (viii) Any matters listed in 6.6.1.
- (c) Increasing the ability for the future community to experience the bush on a daily basis by a community walkway system meandering through the bush areas allowing direct contact with the bush and thereby adding recreational value;
 - (d) For the Te Puke Lifestyle Zone walkways shall be provided by the developer with no compensation payable;
 - (e) Provision of appropriate potable water supply systems, including connection to public water networks where feasible;
 - (f) Provision of fire fighting water supplies;
 - (g) The application of financial contributions.

16.10 Matters of Discretion

16.10.1 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.

16.10.2 Restricted Discretionary Activities - Failing to meet rule 16.8.1(c) Minimum Yard Requirements

Council shall have regard to the following matters in addition to relevant matters stated in 16.8:

- (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.

16.10.3 Discretionary and Non-Complying Activities – General

The assessment and management of effects shall include the following matters in addition to relevant matters stated in 16.8 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.

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16.10.4 Discretionary Activities – Buildings Sites to which 16.8.4 (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 pump houses, 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.

16.11 Other Methods

16.11.1 Role of *The 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 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.