

<b>PART 23A RURAL ZONE &amp; RURAL COUNTRYSIDE LIVING ZONE</b>
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<b>23A.1 ACTIVITY STATUS RULES – RURAL ZONE &amp; RURAL COUNTRYSIDE LIVING ZONE</b>
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**23A.1.1 PERMITTED ACTIVITIES – RURAL ZONE & RURAL COUNTRYSIDE LIVING ZONE**

The following activities are Permitted Activities in the Rural Zone and Rural Countryside Living Zone if they meet all the standards for Permitted Activities in RULE 23A.2. Permitted Activities must also meet the applicable RULES in Parts 7, 8, 10, 11, 12, 15, 22, 50, 51, 52, 53 and 54 of the PLAN.

Note: Within the following list, the words in CAPITALS are defined in Rule 50.

1. FARMING.
2. HORTICULTURE including GREENHOUSE(S) except for GREENHOUSE(S) in the Pukekohe Hill Special Policy Area.
3. CONSERVATION FORESTRY except in the Pukekohe Hill Special Policy Area.
4. PRODUCTION FORESTRY except in the Pukekohe Hill Special Policy Area.
5. One DWELLING HOUSE per RURAL LOT except for the following situations:
  - a) Where a restrictive covenant or a resource consent prevents the erection of a dwelling.
  - b) Where the SITE is within the Pukekohe Hill Special Policy Area.
6. Two DWELLING HOUSES per RURAL LOT where the LOT is larger than 40ha.
7. Three DWELLING HOUSES per RURAL LOT where the LOT is larger than 100ha.
8. HOME occupations (including FARM STAY ACCOMMODATION).
9. Marae.
10. Papakainga HOUSING.
11. One produce STALL per SITE except where access to the stall is to or from a State Highway or Motorway.
12. PROSPECTING or EXPLORATION for MINERALS (except in the Rural Countryside Living Zone).
13. Portable sawmills on SITES for no more than 6 months in any 12 month period (Note: where on SITE for longer than 6 months, see 'RURAL INDUSTRY AND SERVICES').
14. FARM QUARRY.
15. RURAL AIRSTRIP (except in the Rural Countryside Living Zone).
16. SIGNS: Refer to Part 15.
17. The use and DEVELOPMENT of public RESERVES, including the erection of BUILDINGS and structures in compliance with approved reserve management plans. Where buildings are not in compliance with an approved reserve management plan, they shall not exceed 50 square metres in floor area.
18. The following activities on Part Lots 1 & 2 DP 18306, Part Lots 1, 2 & 3 DP 3363, Lot 2 DP 100207, Part Allotments 24, 80 & 90 Parish of Pukekohe and Deeds Plan P37 (being land owned by the Franklin Racing Club Inc bounded by Buckland Road, the main trunk railway, 'Business Zone' land (to the north) and the Tutaenui Stream):
  - a) FARMING;

- b) Motor racing, horse racing, and ANCILLARY ACTIVITIES and recreational activities;
  - c) FESTIVALS AND EVENTS, carnivals, and similar activities that occur annually or periodically and associated ACCESSORY BUILDINGS;
  - d) SIGNS Refer to Part 21.2 Policy 5) informal or 'passive' recreational activities by individuals or groups.
19. The following activities on LOTS 1 and 3 DP 97690 and LOT 1 DP 39309 and Allotments 114, 16 and 39 Pukekohe Parish (being land owned by the Franklin Agricultural & Pastoral Society at the corner of Birch Road and Station Road):
- a) FARMING;
  - b) Existing lawfully established activities consistent with the use and DEVELOPMENT of Agricultural and Pastoral Showgrounds, and ACTIVITIES ANCILLARY thereto.
20. The following activities on LOT 1 DP 97787 and Part LOT 4 DP 37601 and Part LOT 3 DP 45339 (being land owned by the Franklin Trotting Club Inc in Station Road):
- a) FARMING;
  - b) Existing lawfully ESTABLISHED trotting activities, and ACTIVITIES ANCILLARY thereto.
21. ACCESSORY BUILDINGS except in the Pukekohe Hill Special Policy Area and ANCILLARY ACTIVITIES.
22. The ongoing maintenance, UPGRADE and repair of flood protection, land drainage and erosion control works.
23. New flood protection, land drainage and erosion control works in accordance with an approved Land Drainage Asset Management Plan or the Lower Waikato Waipa Control Scheme Asset Management Plan 1997 (or any subsequent versions thereof).
24. PACKHOUSE and Coolstore except in the Pukekohe Hill Special Policy Area.
25. ON SITE PRIMARY PRODUCE MANUFACTURING except in the Pukekohe Hill Special Policy Area.
26. Farmers' Market.
27. FARMING VISIT, PUBLIC GARDEN or MARAE VISIT.
28. EQUESTRIAN CENTRE and ancillary retailing of RIDING EQUIPMENT where associated with an EQUESTRIAN CENTRE or HORSE TRAINING CENTRE.
29. CHILDCARE AND LEARNING CENTRES no greater than 250 m<sup>2</sup> GROSS FLOOR AREA in the Rural Countryside Living Zone.

### **23A.1.2 CONTROLLED ACTIVITIES – RURAL ZONE & RURAL COUNTRYSIDE LIVING ZONE**

The following activities are Controlled Activities in the Rural Zone and Rural Countryside Living Zone if they meet all the standards for Controlled Activities in RULE 23A.2. Controlled Activities must also meet the applicable RULES in Parts 7, 8, 10, 11, 12, 15, 22, 50, 51, 52, 53 and 54 of the PLAN.

Note: Within the following list, the words in CAPITALS are defined in Rule 50

- 1. CEMETERIES.
- 2. Additions and alterations to existing COMMUNITY FACILITIES including halls, CHURCHES, clubs, and existing SCHOOLS.

3. SERVICE STATION (including ancillary activities) on the corner of Great South Road and Mill Road, Bombay being all the land comprising Part 1 DP 40410 and Part Lot 3 DP 47888 including extension of, or reconstruction or alteration to the existing SERVICE STATION not provided for under section 10 of the Act.
4. ACCESSORY BUILDINGS for any of the above except in the Pukekohe Hill Special Policy Area and ANCILLARY ACTIVITIES for any of the above.
5. POULTRY HATCHERIES (except in the Rural Countryside Living Zone).
6. FREE RANGE POULTRY FARMING.
7. In addition to the above, the following are controlled activities in Precincts B and C (Map 54.12.1):
  - i. Facilities where people are educated or trained, where such facilities are ANCILLARY to FARMING (including but not limited to poultry, bee, cattle, sheep, equine and marine farming) and HORTICULTURE
  - ii. OUTDOOR TOURIST ACTIVITIES
  - iii. PUBLIC GARDEN, which may include the ANCILLARY ACTIVITY of a CAFÉ or RESTAURANT
  - iv. CONFERENCE FACILITY
  - v. TRAVELLERS' ACCOMMODATION
  - vi. MUSEUMS/GALLERIES
  - vii. HORSE TRAINING CENTRE
  - viii. EQUESTRIAN CENTRE
  - ix. VETERINARY CENTRE
  - x. FESTIVALS AND EVENTS
  - xi. PACKHOUSE
  - xii. Rural industry and services, being business activities or services that, as their principal function have a clear connection to or provide services to rural activities, marine farming and natural resources on the site (excluding the extraction of topsoil and AGGREGATE EXTRACTION ACTIVITIES), and may have some form of ancillary depot, base or storage area, from which the activities are normally commenced. They include but are not limited to:
    - Stock yards
    - Sawmills other than portable sawmills
    - Contract or co-operative cool-stores
    - Grain Silos
    - Farm equipment storage and maintenance
    - Manufacturing of goods from produce or resources of the site (but exclude the manufacturing of goods and products where raw materials are imported to the site)

and exclude the sale or hire of goods
  - xiii. RURAL SERVICES
 

Provided that:

    - a. Access to and from the above activities will not be via Shakespear or Hall Roads.  
Explanation: this rule is required to manage traffic effects on Shakespear

and Hall Roads and to retain the rural character surrounding Shakespear and Hall Roads.

- b. The total area of BUILDINGS, motor vehicle maneuvering areas and motor vehicle parking areas in Precinct C does not exceed 20% of the area of Precinct C.

**Explanation**

*Precinct C is a relatively large area compared to Precinct B. This provision will help to retain the character of the rural environment.*

- c. Rule 29.8 (Hazardous substances quantity thresholds) is complied with
- d. Appropriate stormwater management mechanisms are provided for.

Notes:

- a) Controlled Activities require a resource consent, and consent shall be granted. An application must be submitted in the prescribed format (available from the council).
- b) Applications will be assessed primarily in terms of the matters set out in Rule 23.A.3, and any conditions of consent will only relate to those matters.
- c) The information submitted with the application must be in terms of Part 52 but only to the extent needed to enable a thorough assessment in terms of Rule 23.A.3. The application must also clearly demonstrate compliance with the stated performance standards applicable to the activity.
- d) An application for a Controlled Activity may be considered without public notification or with limited notification, where the council so determines, in terms of section 95 of the Act.

**23A.1.3 RESTRICTED DISCRETIONARY ACTIVITIES – RURAL ZONE & RURAL COUNTRYSIDE LIVING ZONE**

The following activities are Restricted Discretionary Activities in the Rural Zone and Rural Countryside Living Zone if they meet all the standards and criteria for Restricted Discretionary Activities in RULE 23A.4. Restricted Discretionary Activities must also meet the applicable RULES in Parts 7, 8, 10, 11, 12, 22, 50, 51, 52, 53 and 54 of the PLAN and shall meet the Permitted activity standards for SIGNS (Part 15). Restricted Discretionary Activities located in the Pukekohe Hill Special Policy Area shall in addition to other relevant considerations be evaluated in terms of the criteria listed in Rule 23A.4.2.1.

Note: Within the following list, the words in CAPITALS are defined in Rule 50.

- 1. Permitted and Controlled Activities that do not meet the Permitted Activity or Controlled Activity Performance and Development Standards (Rule 23A.2) respectively for:
  - a) HEIGHT.
  - b) Outstanding Natural Features identified in the Schedules to Part 5 of the PLAN.
  - c) YARDS.
  - d) DEVELOPMENT SETBACK.
  - e) SITE Suitability.
  - f) Natural Hazards.

- g) DWELLING HOUSE within separation distance from an existing INTENSIVE FARMING activity.
  - h) DWELLING HOUSE sited outside a SPECIFIED BUILDING AREA (except in the Rural Countryside Living Zone).
  - i) FARM STAY ACCOMODATION not meeting the standard for that activity under Rule 23A.2.2.2.15: Vicinity of MINERAL Extraction.
  - j) DWELLING HOUSE in vicinity of a MINERAL Extraction activity.
  - k) SLEEPOUT.
2. One dwelling HOUSE on a ROAD SEVERANCE LOT.
  3. Papakainga HOUSING that does not meet the Permitted Activity standards.
  4. RURAL INDUSTRY AND SERVICES (except in the Rural Countryside Living Zone).
  5. INTENSIVE FARMING (except in the Rural Countryside Living Zone).
  6. The following activities or DEVELOPMENTS in the Pukekohe Hill Special Policy Area:
    - a) One DWELLING HOUSE per RURAL LOT
    - b) FARM STAY ACCOMMODATION
    - c) MARAE and PAKAINGA HOUSING
    - d) GREENHOUSE(S)
    - e) PRODUCTION FORESTRY
    - f) CONSERVATION FORESTRY
    - g) ACCESSORY BUILDINGS and ANCILLARY ACTIVITIES for any of (a) to (f) above
    - h) ACCESSORY BUILDINGS including PACKING SHEDS and ANCILLARY ACTIVITIES for any PERMITTED ACTIVITY in Rule 23A.1.1 or CONTROLLED ACTIVITY in Rule 23A.1.2
    - i) Shelterbelts
  7. ACCESSORY BUILDINGS and ANCILLARY ACTIVITIES for any of the above.
  8. SUBSIDIARY DWELLING.
  9. One PRODUCE STALL per SITE where access to the stall is to or from a State Highway or Motorway.
  10. BOARDING KENNELS AND BREEDING KENNELS OR CATTERIES and dog training grounds (except in the Rural Countryside Living Zone).
  11. In the North Pukekohe Hill Structure Plan Area, activities that increase impervious surfaces beyond 10% impervious cover and up to 20% impervious cover.
  12. CAFÉ / RESTAURANT on the same site and associated with FARMING, ACTIVE RECREATION, EQUESTRIAN CENTRE, PRODUCE STALL or ON SITE PRIMARY PRODUCE MANUFACTURING.
  13. Expansion of an existing lawfully established non-residential activity as at 28 September 2010 not otherwise provided for by, or identified in, the PLAN.
  14. ACTIVE RECREATION excluding MOTORISED SPORTS.

## Notes:

- a) Restricted Discretionary Activities require a resource consent, and the consent may be granted or refused. An application must be submitted in the prescribed format (available from the Council).
- b) Applications will be assessed primarily in terms of the matters set out in Rule 23A.4, and any conditions of consent will only relate to those matters.
- c) The information submitted with the application must be in terms of Rule 52 but only to the extent needed to enable a thorough assessment in terms of Rule 23A.4. The application must also clearly demonstrate compliance with the stated performance standards applicable to the activity.
- d) An application for a Restricted Discretionary Activity may be considered without public notification or with limited notification, where Council so determines, in terms of Section 94 of the Act.

**23A.1.4 DISCRETIONARY ACTIVITIES – RURAL ZONE & RURAL COUNTRYSIDE LIVING ZONE**

The following activities are Discretionary Activities in the Rural Zone and Rural Countryside Living Zone if they meet all the standards and criteria for Discretionary Activities in RULE 23A.5. Discretionary Activities must also meet the applicable RULES in Parts 7, 8, 10, 11, 12, 15, 22, 23, 50, 51, 52, 53 and 54 of the PLAN.

Note: Within the following list, the words in CAPITALS are defined in Rule 50.

1. ACTIVE RECREATION involving MOTORISED SPORTS.
2. MINERAL EXTRACTION AND PROCESSING (except in the Rural Countryside Living Zone).
3. CAMPING GROUNDS and TEMPORARY LIVING PLACES.
4. SPECIAL HOUSING DEVELOPMENTS.
5. RURAL AERIAL SERVICE.
6. SCHOOLS, COMMUNITY FACILITIES and CHURCHES.
7. ACCESSORY BUILDINGS and ANCILLARY ACTIVITIES for any of the above.
8. HOME OCCUPATIONS not meeting the standards for that activity under Rule 23A.2.2.2.
9. Flood PROTECTION, LAND drainage and erosion control works not provided for in Rule 23A.1.1.
10. TRAVELLERS' ACCOMMODATION.
11. DWELLING HOUSE not located within the SPECIFIED BUILDING AREA identified in Part 55.5.4.3.
12. DWELLING HOUSE located outside a SPECIFIED BUILDING AREA identified on a certificate of title on a SITE within the Rural Countryside Living Zone.
13. INTENSIVE FARMING or RURAL INDUSTRY AND SERVICES within the Rural Countryside Living Zone.

## Notes:

- a) Discretionary Activities require a resource consent, and the consent may be granted or refused. An application must be submitted in the prescribed format (available from the Council).
- b) Applications will be assessed in terms of the matters set out in Rule 53, and where consent is granted, conditions of consent are likely to be imposed.
- c) The information submitted with the application must be in terms of Rule 52.

**23A.1.5 NON-COMPLYING ACTIVITIES – RURAL ZONE & RURAL COUNTRYSIDE LIVING ZONE**

The following activities are Non-Complying Activities in the Rural Zone and Rural Countryside Living Zone. Council may grant or refuse consent to a Non-Complying Activity application, and may attach conditions of consent.

Note: Within the following list, the words in CAPITALS are defined in Rule 50.

1. A DWELLING HOUSE on a LOT consented to under RULE 22.8 of the Operative District PLAN or Ordinance 616.3 of the Franklin Section of the Transitional District PLAN where there is an encumbrance restricting the right to erect a DWELLING HOUSE.
2. Any activities not provided for under Rules 23A.1.1 or 23A.1.2 or 23A.1.3 or 23A.1.4 or that is not prohibited by Rule 23A.1.6.
3. ACCESSORY BUILDINGS and ANCILLARY ACTIVITIES for any of the above.

## Notes:

- a) Non-complying activities require a resource consent, and the consent may be granted or refused. An application must be submitted in the prescribed format (available from the Council).
- b) Applications will be assessed in terms of the matters set out in Rule 53, the Objectives and Policies of the Plan, and where appropriate, the matters applying to Controlled, Restricted Discretionary or Discretionary Activities. Where consent is granted, conditions of consent may be imposed.
- c) The information submitted with the application must be in terms of Rule 52.

**23A.1.6 PROHIBITED ACTIVITIES – RURAL ZONE & RURAL COUNTRYSIDE LIVING ZONE**

The following activities are Prohibited Activities in the Rural Zone and Rural Countryside Living Zone.

Note: Within the following list, the words in CAPITALS are defined in Rule 50.

1. The keeping of mustellids or MUSTELLID FARMING (e.g. ferrets, fitches, stoats, weasels) under any circumstances anywhere in the zone.
2. ACCESSORY BUILDINGS and ANCILLARY ACTIVITIES for any of the above.

## Notes:

- a) Prohibited Activities cannot be applied for and therefore cannot be granted a resource consent.
- b) A Plan change can be initiated privately or by Council as a way of proposing a change to a Prohibited Activity rule in the Plan.

**23A.2 PERFORMANCE AND DEVELOPMENT STANDARDS – RURAL ZONE & RURAL COUNTRYSIDE LIVING ZONE**

**23A.2.1 FOR ALL PERMITTED AND CONTROLLED ACTIVITIES – RURAL ZONE & RURAL COUNTRYSIDE LIVING ZONE**

All Permitted and Controlled Activities in the Rural Zone and the Rural Countryside Living Zone shall, unless otherwise stated, meet the following standards:

**1. HEIGHT**

3m plus the shortest horizontal distance between the part of the BUILDING being measured and the boundary of the LOT, unless the written consents of the owners and occupiers of the abutting SITES have been obtained, provided that where the LOT is within the flight path of a public AIRFIELD, the lower HEIGHT restriction shall apply.

The maximum permitted height for buildings accommodating or associated with controlled activities i – xiii in Precincts B and C shall be 9 metres.

**2. FRONT YARD**

For all BUILDINGS on SITES having frontage to a legal ROAD, a FRONT YARD as set out below shall apply, in addition to any distance specified by a ROAD widening designation:

- 20m where the SITE has frontage to any National or District Arterial Route or Collector ROAD shown on the Roding Hierarchy Map and as identified in Rule 9.4;
- 10m in all other situations.

In the Rural Countryside Living Zone any gate across a vehicle access must be setback 6 metres from a ROAD.

**3. All Other YARDS**

- a) 10 metres or this may be reduced where written neighbours' consent has been obtained.

or

- b) 3 metres on LOTS with an average width of less than 40 metres existing at 30 September 2003. This may be reduced where written neighbours' consent has been obtained.
- c) Poles and posts less than 13.5 metres in height and a diameter of less than 1 metre are exempt from the YARD requirements specified in a) and b) (Refer Part 15).

**4. Outstanding Natural Features identified in the Schedules to Part 5 of the PLAN**

No activity shall cause the modification, damage or result in the destruction of any part of any outstanding natural feature and no activity shall be located closer than 30 metres to any outstanding natural feature as listed in Schedule 5A or 5B of the PLAN.

**5. SIGNS**

- a) Refer to Part 15.4.

- b) Special exemption for Pukekohe Racing Track (Counties Racing Club land): The above standards shall not apply to SIGNS related to motor racing or horse racing. (Refer to Objective 21.2 of the PLAN). The following requirements apply: All SIGNS proposals shall, prior to application for BUILDING consents or the fabrication or erection of any SIGN, be outlined in writing with accompanying diagrams to the Council's Chief Executive or officer(s) acting under delegated authority for consideration in terms of Objective 21.2 and its policies. The standards set out above shall be used as a guide where relevant. The Chief Executive or officer(s) acting under delegated authority may require that any sign be modified or that the consent of any affected neighbour or the New Zealand Transport Agency be obtained to any SIGN.

#### **6. Separation Distance Where Animals Kept Within BUILDINGS or Enclosures**

Animals kept within a BUILDING structure or other enclosure shall be no closer than 12m to the nearest boundary of the SITE unless the owners and occupiers of the land abutting the SITE have given their written consent, in which case the lesser distance agreed to shall apply. Note: The original of the owners and occupiers written consent shall be supplied to Council to be held on the relevant property file. Refer definition of Permitted Activity.

#### **7. DEVELOPMENT SETBACK**

- a) No part of any BUILDING, structure or wastewater disposal field may be sited within 30 metres of the edge of a river, lake, WETLAND (all as defined in s.2 of the Act), or stream and any Outstanding Natural Feature identified in the Schedules to Part 5 of the PLAN (excluding 5C). This rule does not apply to artificial water retention areas (e.g. ponds or sediment retention areas).
- b) Flood protection, land drainage and erosion control works provided for in Rule 23A.1.1 are exempt from this rule.

#### ***Explanation***

*Development near the coast or a river, lake, wetland or stream must acknowledge the special character and importance of the land/water interface. A building setback cannot take the place of good design but it can minimise the likelihood that a structure will interfere with the aesthetic coherence and natural functioning of the interface. The set back facilitates the future vesting or purchase of esplanade reserve and essential maintenance work. It may also reduce the risk of damage due to the overtopping of stream banks, unusually high tides (in low lying areas), or coastal erosion. Earthworks over certain limits need to be assessed on a case-by-case basis.*

#### **8. SITE Suitability**

BUILDINGS shall be located on a safe and stable building platform along with sufficient land for effluent disposal including a reserve soakage field.

#### **9. Natural Hazards**

BUILDINGS shall be sited so as to avoid or mitigate the potential effects of natural hazards.

#### **10. DWELLING HOUSE, SLEEPOUT, Farmers' Market, EQUESTRIAN CENTRES in Vicinity of MINERAL Extraction Activities**

DWELLING HOUSE, SLEEPOUT, Farmers' Market, EQUESTRIAN CENTRES shall not locate within:

- (a) 500m of any rock extraction site;
- (b) 200m of any sand extraction site.

Unless the written approval of the operator of the extraction site has been obtained and provided to the Council. Otherwise the activity shall be assessed as a restricted discretionary activity in accordance with the assessment criteria 23A.4.1.6 Activities in Vicinity of MINERAL Extraction Activities. In the absence of special circumstances, an application may be considered on a limited notified basis.

The extraction sites to which the above buffer controls apply are as follows:

- (a) Those specifically zoned in this PLAN, or a proposed plan change , for mineral or aggregate extraction activities (not including those proposed to be zoned for such activities by a private PLAN change);
- (b) Those authorised by a resource consent (land use) which is in force at the time of receipt of the application for the sensitive land use activity;
- (c) Those which hold existing use rights under section 10 of the Act;
- (d) Those for which a resource consent (land use) application has been received by the Council and for which the decision has been made by the Council regarding notification or non-notification of the extraction activity application.

These provisions do not apply to additions and alterations to an existing DWELLING HOUSE.

#### **11. DWELLING HOUSE within separation distance from an existing INTENSIVE FARMING activity**

No part of any new DWELLING HOUSE on a LOT created before 11 July 2006 shall be sited within 300 metres (separation distance) of an existing INTENSIVE FARMING activity.

The separation distance shall be the shortest distance measured from the edge of any BUILDING associated with the INTENSIVE FARMING activity and the DWELLING HOUSE. The INTENSIVE FARMING activity sites to which the separation distance apply are as follows:

- (i) Those established by a resource consent (land use) which has been given effect to at the time of receipt of the application for the DWELLING HOUSE;
- (ii) Those which hold existing use rights under Section 10 of the Act;
- (iii) Those specifically zoned for or established through a resource consent granted by the authority of adjacent territorial local authorities.

These provisions do not apply to additions and alterations to an existing DWELLING HOUSE.

#### **12. DWELLING HOUSE sited outside a SPECIFIED BUILDING AREA (except in the Rural Countryside Living Zone)**

No new DWELLING HOUSE shall be sited outside of any SPECIFIED BUILDING AREA that is identified on a certificate of title.

## **23A.2.2 FOR SPECIFIC PERMITTED AND CONTROLLED ACTIVITIES – RURAL ZONE & RURAL COUNTRYSIDE LIVING ZONE**

The following Permitted and Controlled Activities in the Rural Zone and Rural Countryside Living Zone shall, unless otherwise stated, meet the standards set out below in addition to the general PERFORMANCE STANDARDS for all Permitted and Controlled Activities (RULE 23A.2.1).

- 23A.2.2.1 SERVICE STATION ON THE CORNER OF GREAT SOUTH ROAD AND MILL ROAD, BOMBAY BEING ALL THE LAND ON DP 40410**
- 23A.2.2.2 FARM STAY ACCOMMODATION, AND HOME OCCUPATIONS**
- 23A.2.2.3 ONE PRODUCE STALL PER SITE**
- 23A.2.2.4 PROSPECTING AND EXPLORATION FOR MINERALS**
- 23A.2.2.5 PAPAKAINGA HOUSING**
- 23A.2.2.6 CONTROLLED ACTIVITIES I – XIII IN PRECINCTS B AND C**
- 23A.2.2.7 FARMERS' MARKET**
- 23A.2.2.8 SLEEPOUT**

### **23A.2.2.1 SERVICE STATION ON THE CORNER OF GREAT SOUTH ROAD AND MILL ROAD, BOMBAY BEING ALL THE LAND ON PART 1 DP 40410 AND PART LOT 3 DP 47888**

Only the general PERFORMANCE STANDARDS listed above relating to HEIGHT, EARTHWORKS (general) and SIGNS shall apply and then with the following exceptions and provisos:

#### **1. HEIGHT**

7.5 metres, except for the forecourt canopy

The SERVICE STATION forecourt canopy is exempted from the HEIGHT IN RELATION TO BOUNDARY standard in Clause 1 above provided the canopy has a FRONT YARD of 1 metre.

#### **2. NOISE**

Sound levels measured at or within the boundary of an adjoining SITE for the hours specified shall not exceed the following:

<b>Time/hours</b>	<b>L<sub>10</sub></b>	<b>L<sub>max</sub></b>
0700 to 2200	55 dBA	75 dBA
At all other times	45 dBA	75 dBA

Note: NZS 6802 provides for the reduction of these PERFORMANCE STANDARDS by 5 dBA where the measured NOISE has a special audible characteristic.

### 3. SIGNS

The limitations on SIGN size and illumination in Part 15 of the PLAN shall be superseded where applicable and the following SIGNS shall be permitted on SITE:

- a) One principal free-standing SIGN;
- b) Directional SIGNS as required to assist the movement of vehicles and pedestrians in and around the SITE;
- c) Other secondary SIGNS attached or immediately adjacent to BUILDINGS identifying the name of the premises, the services offered and other functions; and
- d) All SIGNS may be illuminated but not by the use of flashing or intermittent lighting.

#### 23A.2.2.2 FARM STAY ACCOMMODATION, AND HOME OCCUPATIONS

##### 1. Area

A HOME OCCUPATION may be carried out either within the DWELLING HOUSE or within an ACCESSORY BUILDING erected or modified for the purpose of accommodating the HOME OCCUPATION or within a defined part of the SITE set aside for the HOME OCCUPATION. HOME OCCUPATIONS (other than FARM STAY ACCOMMODATION) shall use not more than 75m<sup>2</sup> of floor area on the site or more than 150m<sup>2</sup> of outdoor space.

##### 2. HOUSEHOLD members

HOME OCCUPATIONS shall be operated by a member or members of the HOUSEHOLD permanently residing on the property. Not more than three persons outside the residing HOUSEHOLD are to be employed or contracted in the HOME OCCUPATION and no more than five persons in total shall be employed or contracted in the HOME OCCUPATION.

##### 3. Outdoor Storage

No equipment or material for a HOME OCCUPATION shall be stored outdoors unless it is screened from places off site.

##### 4. Sale of Goods

The selling or offering for sale of goods shall be confined to the area permitted to be used for the HOME OCCUPATION, and the only goods for sale shall be:

- Goods substantially manufactured, repaired, renovated or produced on the SITE (including FARM PRODUCE and HANDCRAFT/S).
- Goods that are primarily ordered by mail or electronic transaction and redistributed by post or courier; goods ancillary to a service provided by the HOME OCCUPATION.

##### 5. Hours of Operation

A HOME OCCUPATION (other than FARM STAY ACCOMMODATION) shall be carried on only between 0700 hours and 2200 hours.

##### 6. Traffic

A HOME OCCUPATION shall involve no more than:

- Ten car movements per day (in addition to the car movements of employees or the household).
- Five movements per week of any van, truck or other commercial vehicle carrying raw materials or finished goods.

A movement includes the 'to' and 'from' SITE movements of the vehicle.

## **7. SIGNS**

All SIGNS shall meet RULE 15.4.3.1 and 15.4.3.2.

## **8. Number Of Guests**

For FARM STAY ACCOMMODATION, other than the owners or normal occupiers, no more than 8 additional people shall reside on the SITE at any one time.

## **9. Vicinity of MINERAL Extraction**

FARMSTAY ACCOMODATION, including that associated with a FARMING VISIT, shall not locate within:

- 500m of any rock extraction site;
- 200m of any sand extraction site.

unless the written approval of the operator of the extraction site has been obtained and provided to the Council. Otherwise the activity shall be assessed as a restricted discretionary activity in accordance with the assessment criteria 23A.4.1.6 Activities in Vicinity of MINERAL Extraction Activities. In the absence of special circumstances, an application may be considered on a limited notified basis.

The extraction sites to which the above buffer controls apply are as follows:

- Those specifically zoned in this PLAN, or a proposed plan change, for mineral or aggregate extraction activities (not including those proposed to be zoned for such activities by a private PLAN change);
- Those authorised by a resource consent (land use) which is in force at the time of receipt of the application for the sensitive land use activity;
- Those which hold existing use rights under section 10 of the Act;
- Those for which a resource consent (land use) application has been received by the Council and for which the decision has been made by the Council regarding notification or non-notification of the extraction activity application.

Advice Note: Home occupation and farm stay accommodation proposals in non-reticulated areas will need to ensure that the design capacity of the existing on-site wastewater disposal system is sufficient for the maximum occupancy of the DWELLING HOUSE. A resource consent may be required from the regional council for wastewater discharge.

### **23A.2.2.3 ONE PRODUCE STALL PER SITE**

#### **1. Source of Produce**

Produce sold from a stall shall be grown or made either:

- a) On the property on which it is offered for sale, or
- b) On land owned or leased by the vendor of the produce, or
- c) On land less than 3 kilometres from the property on which it is offered for sale.

## **2. Type of Produce**

The type of produce offered for sale or sold shall be confined to fruit, vegetables, plants, eggs, flowers, honey, dairy products, meat, wine, juices, those from ON SITE PRIMARY PRODUCE MANUFACTURING and HANDCRAFTS (See RULE 50).

## **3. Retailing Area**

The area set aside for retailing produce (comprising any land, BUILDINGS, parts of a BUILDING, tables, tractors, barrows, platforms, boxes or any other structure or vehicle used for that purpose), shall not cover more than 100 square metres of land area.

## **4. ROAD Access Limitation**

Outlets for the sale of produce shall not have access from or onto any State Highway or Motorway.

Where access is from or onto any State Highway or Motorway the application is to be assessed as a Restricted Discretionary activity and the written consent of the New Zealand Transport Agency is required as part of the application.

### **23A.2.2.4 PROSPECTING AND EXPLORATION OF MINERALS – RURAL ZONE**

#### **1. Written Consent**

Council shall have received the written consent of the owner of the property.

#### **2. EARTHWORKS**

The consent of the Regional Council in terms of any relevant Regional Plan may be required particularly where access roading, trenching or tunnelling are proposed.

#### **3. Blasting**

Where the activity involves blasting, then the following applies: All neighbours within 500 metres of the point of blasting have been given 48 hours notice of the blasting.

#### **4. Hours of Operation**

Where the activity involves the use of NOISE producing equipment such as drilling rigs or earth moving equipment the hours of operation shall be limited to 6.30 am to 10 pm on each day.

### **23A.2.2.5 PAPAKAINGA HOUSING**

#### **1. Proximity to MARAE**

The site is within one kilometre of an existing MARAE or has the written approval of the relevant MARAE Committee.

**2. Subdivision**

PAPAKAINGA HOUSING shall not be subdivided into separate titles.

**3. SITE COVERAGE**

Maximum 35%

**4. Vehicular Access, Parking & Manoeuvring**

RULE 51 applies.

**5. Provision for Future On-Site PARKING SPACE**

- a) Where any BUILDING plans for a DWELLING HOUSE do not make specific provision for an on-site PARKING SPACE, garage or car-port, no part of any BUILDING on the SITE shall prevent the future formation on that SITE of at least one PARKING SPACE and associated vehicle access complying with the following:
- (i) PARKING SPACE minimum dimensions: 3 m wide by 5 m long.
  - (ii) Vehicle Access to that PARKING SPACE.
  - (iii) Minimum Width: 2.5 metres.
  - (iv) Maximum gradient: 1:5.
  - (v) Minimum turning Arcs: Must comply with Diagram 51.E.
  - (vi) Design: No reverse manoeuvring onto a National Route, District Arterial Route or Collector Route as defined in Part 9.4.
- b) Council may require the applicant to provide a plan and contours that demonstrate that this standard will be met.

**23A.2.2.6 CONTROLLED ACTIVITIES I – XIII IN PRECINCTS B AND C****1. YARDS in Precincts B and C**

The establishment of any activity provided for in xii – xiii “23A.1.2 Controlled Activities – Rural Zone” shall be accompanied by a 20 metre YARD in Precinct B or C, whichever is the subject of the proposed activity, along the boundaries with other Rural Zone properties, however, if the owner/s of the other Rural Zone property/properties provide written approval, the minimum YARD required shall be 10 metres and 2 (ii) below shall apply.

**2. Green Edge Rule in Precincts B and C**

- i. The 20 metre YARDS required by “1. YARDS in Precincts B and C” shall be planted with vegetation (i.e. a green edge shall be created) to an average depth of at least 15 metres excluding only those areas used for vehicle and pedestrian access.
- ii. The YARDS required for activities i – xi in “23A.1.2 Controlled activities – Rural zone” (and YARDS subject to written approval as set out in (i) above) shall have a minimum depth of planted vegetation of 3 metres across the entire length of the YARD, excluding only those areas used for vehicle and pedestrian access.

- iii. The YARDS shall be planted to the satisfaction of Council and will not cause undue shading of neighbouring properties and will not be so uniform as to detract from the natural form of the rural environment.

### **Toolbox**

The following tools may be used to provide flexibility in achieving the above:

- a. Accentuate particular features against a less prominent background by varying the width of the green edge (average width requirement rather than uniform width).
- b. Use of different heights and textures.
- c. Use of a mixture of evergreen and deciduous plants.
- d. Planting in lines and clumps depending on the visual context, including topography and surface appearance of the surrounds.
- e. Use of established plants (at least 3 years old) to reduce the exposure period and to provide amenity and protection, and mitigate potential adverse effects, as soon as possible.
- f. Provide areas that have a more open character, e.g. grass and low shrubs, to contrast with taller plants.
- g. Use of peripheral roads to enhance setbacks.

### **Submit plan**

A landscaping and planting plan to scale must accompany the building consent, or compliance certificate, or the resource consent application submitted to the Council for any development. It must clearly show the location and size of the amenity planting areas and:

- The direction of fall of the land and contours at 0.5 metre intervals.
- The existing vegetation which may qualify as meeting this standard.
- Any proposed earth filling or cutting.
- Include a list of the plants proposed to be established, their botanical name, maturity height and width.
- Shall provide a planting plan showing locations in which the foregoing plants are to be planted.
- Shall provide a statement as to when the plants will be planted, and how they will be nurtured to maturity and maintained thereafter.
- SPECIES: All plants must be pre-grown to at least 3 years, be long-life and low maintenance species.
- PLANTING: All required plants must be planted no later than August of the planting season following the date of building consent.
- A bond may be required to ensure that the work is completed and also maintained for up to two years thereafter.
- No activity which is otherwise permitted by this Plan shall be deemed to be lawfully established unless the required planting plan has been approved by the Chief Executive or officer(s) acting under delegated authority and the planting has been established to his/her satisfaction.

**Explanation**

*This rule requires planting and landscaping because they have the following positive effects:*

- *Provide visual balance;*
- *Provide separation of different activities;*
- *Create an appropriate context for activities;*
- *Avoid potential adverse amenity, visual and dust effects on nearby properties and roads.*

*The positive effects of landscaping are achieved best where planting and landscaping are an integral part of the design of the development.*

*Planting and landscaping can have the following negative effects:*

- *Shading that detracts from amenity on nearby properties;*
- *Uniformity that detracts from the natural form of the rural environment.*

*This rule aims to avoid such undue shading and uniformity.*

*The landscaping required by this rule is the minimum standard considered to appropriate to providing an acceptable standard of amenity for the site and its surrounds. Any departure from this rule must demonstrate that special circumstances exist to warrant the departure and must demonstrate that high quality alternative landscaping, that maintains or enhances the amenity of the local environment, will be implemented.*

**3. Fences / Walls in Precincts B and C**

Any fence or wall erected within a YARD in Precincts B and C shall be of a transparent nature (i.e. wire mesh or similar) so that the landscaping of the amenity YARD can be viewed outside the SITE.

**23A.2.2.7 FARMERS' MARKET**

A Farmers' Market:

- i. Shall be carried out on the SITE no more than a maximum of one day each week;
- ii. Shall be limited to the retailing of beverages, food, agricultural and horticultural produce, goods from ON SITE PRIMARY PRODUCE MANUFACTURING, and HANDCRAFT/S;
- iii. Shall occur on a SITE with a site area greater than 1hectare; and
- iv. Shall comply with the separation distances of Rule 23A.2.1.10.

**23A.2.2.8 SLEEPOUT**

A SLEEPOUT shall be limited to:

- One SLEEPOUT per SITE;
- No greater than 100m<sup>2</sup> gross floor area excluding decks and garaging; and
- Located so that it accesses the same driveway as the SITE's existing DWELLING HOUSE.

<b>23A.3</b>	<b>CONTROLLED ACTIVITY MATTERS – RURAL ZONE &amp; RURAL COUNTRYSIDE LIVING ZONE</b>
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All Controlled Activities shall comply with the applicable performance and DEVELOPMENT standards for Controlled Activities (RULE 23A.2) and in assessing and granting consent to a Controlled Activity, Council may exercise control over those of the following matters that are relevant to the proposal.

**23A.3.1 FOR ALL CONTROLLED ACTIVITIES – RURAL ZONE & RURAL COUNTRYSIDE LIVING ZONE**

**1. Access and Parking**

- a) The location and design of vehicular and pedestrian access to and from the SITE and motor vehicle parking and LOADING. The requirements of RULE 51 will be used as a guide.
- b) The location and design of vehicular access and parking and LOADING areas to ensure they are adequate and safe given the type and frequency of vehicle movements to and from the SITE and the traffic movement function of adjoining ROADS (refer to Part 9 of the Plan).

**2. BUILDINGS and Landscape**

- a) The HEIGHT, location, design and external appearance of BUILDINGS and other structures, including SIGNS; and
- b) Landscape design and general SITE layout.

So as to ensure that BUILDINGS and structures will not:

- Visually detract from the amenity values of DWELLING HOUSES on adjacent properties;
- Nor visually compromise major ridgelines or the natural character of the coastal environment.

Where necessary, landscaping and screen planting should be located, constructed and maintained to achieve this.

**3. SITE Suitability**

The scale of the BUILDINGS, to ensure the SITE is suitable for, and can physically accommodate the proposed waste treatment and disposal methods and the type, style and nature of the waste treatment and disposal methods proposed given the nature of the activity.

**4. Stormwater**

The landscaping, SITE layout, EARTHWORKS, BUILDINGS, access, parking and other works including stormwater control and disposal to ensure the use of the SITE as a whole is served by an “effective stormwater disposal system” as outlined in RULE 22.9.8.

## 5. Effects of EARTHWORKS or FARM QUARRY

The extent to which the BUILDINGS, EARTHWORKS or other modifications of the land or ECOSYSTEM proposed will be likely to add to or create a natural hazard, or be visually intrusive.

### 23A.3.2 FOR SPECIFIC CONTROLLED ACTIVITIES – RURAL ZONE & RURAL COUNTRYSIDE LIVING ZONE

The following Controlled Activities shall comply with the applicable performance and DEVELOPMENT standards for Controlled Activities (RULE 23A.2) and in assessing and granting consent to a Controlled Activity, Council may exercise control over those of the matters set out in 23A.3.1 and those of the following matters that are relevant to the proposal:

#### 23A.3.2.1 HALLS, CHURCHES, SCHOOLS AND CLUBS

#### 23A.3.2.2 SERVICE STATION on the corner of Great South Road and Mill Road, Bombay (Part 1 DP 40410 and Part Lot 3 DP 47888)

#### 23A.3.2.3 POULTRY HATCHERIES – RURAL ZONE

#### 23A.3.2.4 FREE RANGE POULTRY FARMING

#### 23A.3.2.5 CONTROLLED ACTIVITIES i – xiii IN PRECINCTS B AND C

#### 23A.3.2.1 HALLS, CHURCHES, SCHOOLS AND CLUBS

##### Scale

The scale and nature of the additions and alterations of work, to ensure that it does not adversely affect the amenity of the surrounding area. Conditions may be imposed limiting the extent of any additions or alterations.

#### 23A.3.2.2 SERVICE STATION ON THE CORNER OF GREAT SOUTH ROAD AND MILL ROAD, BOMBAY (PART 1 DP 40410 and Part Lot 3 DP 47888) – RURAL ZONE

##### 1. Visual Impact

Mitigation measures to reduce the visual impact of the location of fuel pumps, LPG tanks and tanker access thereto as well as the location of BUILDINGS and SIGNS on the safe and efficient operation of the adjoining roading network.

##### 2. Rural Amenity Values

The extent to which the DEVELOPMENT of a new SERVICE STATION or alterations and additions to an existing SERVICE STATION will affect the amenity of the rural area and in particular the visual impact of SIGNS and BUILDINGS on the rural landscape.

##### 3. Storage of HAZARDOUS SUBSTANCES

The safe storage of HAZARDOUS SUBSTANCES and the containment and treatment of any wastewater or contaminated stormwater so that there is no adverse effect on groundwater or public safety.

#### 4. Lighting

The placement and effects of on-site lighting.

#### 5. Existing Vegetation

The incorporation of significant existing vegetation in any redevelopment of the SITE.

### 23A.3.2.3 POULTRY HATCHERIES – RURAL ZONE

1. Measures for the control of odour, dust, NOISE, and flies and vermin from any aspect of the POULTRY HATCHERY operation and to avoid an offensive or objectionable odour at or beyond the boundary of the SITE.
2. The design and layout of BUILDINGS and areas associated with the POULTRY HATCHERY.
3. Mitigation measures (eg. landscaping) to reduce the visual impact of BUILDINGS adjoining the boundaries of the SITE.
4. Buffer areas, with BUILDINGS and areas used for the POULTRY HATCHERY operation (including areas for the treatment and/or disposal of wastes and composting) setback at least 20 metres from the boundaries of the SITE.

### 23A.3.2.4 FREE RANGE POULTRY FARMING

1. The provision of Buffer areas, with BUILDINGS and areas used for the FREE RANGE POULTRY FARMING operation (including areas for the treatment and/or disposal of wastes and composting) setback at least 20 metres from the boundaries of the SITE.
2. The ability to avoid, remedy or mitigate any potential adverse effects from odour, dust, noise or traffic, on surrounding properties.
3. The requirement for a management plan for the FREE RANGE POULTRY FARMING activity including:
  - a. Number and density of birds;
  - b. Environmental objectives, use of best practice, performance reviews and checklists;
  - c. Construction protocols;
  - d. BUILDINGS and outdoor area details including ventilation and litter management;
  - e. Water and feeding systems;
  - f. Harvest and cleanout, and dead bird and vermin management;
  - g. Landscape planting and maintenance;
  - h. Wastewater and stormwater and overland flow management;
  - i. Air quality and odour management;
  - j. Traffic management;
  - k. Noise management;
  - l. Hazardous substances management;
  - m. Monitoring, maintenance, records and reporting; and
  - n. Protocols for consultation with adjoining neighbours.
4. The need for monitoring or review conditions.

**23A.3.2.5 CONTROLLED ACTIVITIES i – xiii in PRECINCTS B AND C**

- i. The extent to which the hours of operation reflect the sensitivity, character and amenity of the surrounding rural environment and those residing within it.
- ii. The extent to which the number of persons likely to be accommodated on the SITE reflects the sensitivity, character and amenity of the surrounding rural environment and those residing within it.
- iii. The matters which are the subject of Rule 23A.2.1 (PERFORMANCE AND DEVELOPMENT STANDARDS – RURAL ZONE), and the extent to which those standards are complied with; the Council will generally apply those standards as a minimum for a controlled activity; the Council will use the performance standards as a guide as to the suitability of the size, scale and character of a controlled activity wishing to establish in the Rural Zone.
- iv. The extent to which all buildings incorporate noise reduction materials/mechanisms to ensure that noise from other SITES will not cause adverse effects to be experienced by the proposed activity, thereby minimising the potential for reverse-sensitivity effects to be experienced by other SITES.

**23A.4 ASSESSMENT CRITERIA FOR RESTRICTED DISCRETIONARY ACTIVITIES  
– RURAL ZONE & RURAL COUNTRYSIDE LIVING ZONE**

**23A.4.1 FOR ALL RESTRICTED DISCRETIONARY ACTIVITIES – RURAL ZONE & RURAL COUNTRYSIDE LIVING ZONE**

The Council will restrict its discretion to the following matters, those matters listed in Part 53 and the matters listed in 23A.4.1 when considering resource consent applications for Restricted Discretionary Activities.

**1. Access and parking**

The location and design of vehicular and pedestrian access to and from the SITE and motor vehicle parking and LOADING. The requirements of RULE 51 will be used as a guide.

In particular, that the location and design of vehicular access and parking and LOADING areas is adequate and safe given the type and frequency of vehicle movements to and from the SITE and the traffic movement function of adjoining ROADS (refer to Part 9 of the PLAN).

**2. BUILDINGS and landscape**

- a) The HEIGHT, location, design and external appearance of BUILDINGS and other structures, including SIGNS; and
- b) Landscape design and general SITE layout.

So as to ensure that BUILDINGS and structures will not:

- Visually detract from the amenity values of DWELLING HOUSES on adjacent properties;
- Nor visually compromise major ridgelines or the natural character of the coastal environment.

Where necessary, landscaping and screen planting should be located, constructed and maintained to achieve this.

**3. Wastewater and Stormwater Treatment and/or Disposal**

That the SITE is able to accommodate the proposed activity. In particular, that there is an effective stormwater disposal system as outlined in RULE 22.9.8, and that wastewater can be adequately treated and disposed of on the SITE or there is a suitable alternative method for treatment and disposal.

**4. Soils**

Where any SITE contains VERSATILE LAND, Council will consider the extent to which any proposed BUILDINGS, structures or DEVELOPMENTS preclude or compromise the use or availability of this land for activities that directly rely on them. Depending on the scale and nature of the effects in any particular case, the Council will consider the range of alternative locations available within the SITE, and the practicalities of other locations for part or all of what is proposed. Council may decline consent to the application or may impose conditions requiring alternative locations within the SITE for all or some of the proposed BUILDINGS, structures or DEVELOPMENTS where necessary to avoid or mitigate any adverse effect.

## 5. Outstanding Natural Features

The effect on outstanding natural features as listed in Schedule 5.A, 5B or 5C. In particular, with regard to the outstanding features listed, ensure that the activity will not:

- a) Result in the irreparable damage or destruction of any habitat of INDIGENOUS animals, whether terrestrial or aquatic, or
- b) Result in the damage or removal of INDIGENOUS or exotic vegetation, other than for the purposes of improving habitats of animals, the functioning of ECOSYSTEMS or the hydrological functioning of WETLANDS, or
- c) Create an adverse effect that would compromise the visual integrity of any outstanding natural feature.

And Council will assess the extent to which the activity adversely affects the physical or biological integrity of any natural feature.

## 6. Activities in Vicinity of MINERAL EXTRACTION Activities

- a) The extent to which the potential for MINERAL EXTRACTION activities may be restricted or curtailed by sensitive activities (such as DWELLING HOUSES, SUBSIDIARY DWELLING, Farmers' Market, EQUESTRIAN CENTRES, CAFÉ/RESTAURANT or FARM STAY ACCOMMODATION) located in the vicinity.

In assessing the likely impact of a new DWELLING HOUSE, SUBSIDIARY DWELLING, Farmers' Market, EQUESTRIAN CENTRES, CAFÉ/RESTAURANT or FARM STAY ACCOMMODATION within, in the case of rock extraction, the desired separation distance of 500 metres between the extraction site and the sensitive activity, and for sand extraction sites, the desirable separation distance of 200 metres, Council shall restrict its discretion to the following matters and may impose conditions in respect of each:

- i. Any reverse sensitivity effect which may arise from the proposed residential activity in respect of any MINERAL EXTRACTION activities in the vicinity, the effect on potential utilisation of the mineral resource and whether MINERAL EXTRACTION activities will be unduly limited. Sensitivity of proposed residents is to be considered in respect of the nature, scale and size of the residential activity and its location and topographical relationship to, and distance and bearing from, the MINERAL EXTRACTION activity including its noise, airblast and vibration levels, dust emission and probable future operations. As a reverse sensitivity effect may be present only in certain circumstances, the following factors will be relevant and should be taken into account:
  - a. The frequency of the relevant adverse effect.
  - b. The duration of the relevant adverse effect and time of exposure.
  - c. The character and intensity of the relevant adverse effect.
  - d. The location of the relevant adverse effect.
  - e. Previous experiences of people with the relevant adverse effect.
  - f. Existing levels of sensitivity.
  - g. Whether or not mitigation measures can be put in place.
  - h. The effects of the relevant MINERAL EXTRACTION activity in its particular environment having regard to factors such as direction and velocity of wind and air movement and the extent to which mitigation of adverse effects is reasonable.

- i. Whether mitigation of the reverse sensitivity effect by the applicant is reasonable by way of design (including acoustic measures), earthworks, planting, landscaping or location. This can either be by increasing the separation from the MINERAL EXTRACTION activity, or by changing the bearing from the existing activity by moving a DWELLING HOUSE, SUBSIDIARY DWELLING, Farmers' Market, EQUESTRIAN CENTRES, CAFÉ/RESTAURANT or FARM STAY ACCOMMODATION within the lot.
- j. Evidence of consultation with the operator of the MINERAL EXTRACTION activity.

### **Additional Information Requirements for Resource Consent**

In addition to the requirements of Part 52, the following information should be provided with an application for resource consent:

- a. Plan detailing the location, design and mitigation measures of the DWELLING HOUSE, SUBSIDIARY DWELLING, Farmers' Market, EQUESTRIAN CENTRES, CAFÉ/ RESTAURANT or FARM STAY ACCOMMODATION and its access in relation to the MINERAL Extraction activity, prevailing winds and site topography.
- b. Landscape plan detailing existing and proposed planting or landscaping to provide visual screening of the MINERAL Extraction activity.
- c. Evidence of consultation with the operator of the MINERAL Extraction activity.

### **7. Heritage Items**

The extent to which the activity is likely to adversely affect known heritage items including items of significance to Tangata Whenua.

### **8. YARDS**

The extent to which any reduction in the YARD will:

- a) Adversely affect the safe and efficient flow of traffic.
- b) Increase the impact of ROAD NOISE within the BUILDING.
- c) Adversely affect rural character.
- d) Result in the loss of a buffer between the activity and any adjacent activity that is sensitive to its effects.

Note: For applications relating to State Highways and Motorways, the applicant is required to obtain the comments of the New Zealand Transport Agency prior to the application being processed. These comments should form part of the application.

### **9. DEVELOPMENT SETBACKS** have the following purpose:

- The preservation of the natural character of streams, rivers, lakes or WETLANDS and their margins as required by section 6(a) of the Act.
- Maintaining and enhancing the natural functioning of the adjacent streams, rivers, lakes or WETLANDS.
- Maintaining and enhancing water quality.
- Avoiding the effects of natural hazards.

Any adverse effects on streams, rivers, lakes or WETLANDS. In particular, with regard to streams, rivers, lakes or WETLANDS, ensure that the activity will not:

- a) Result in the damage or destruction of any habitat of INDIGENOUS animals, whether terrestrial riparian margins or aquatic, or
- b) Result in the damage or removal of INDIGENOUS or exotic vegetation, other than for the purposes of improving habitats of animals, the functioning of ECOSYSTEMS or the hydrological functioning of WETLANDS.

Where the DEVELOPMENT STANDARD is not met, the Council needs to be satisfied that the above purposes are not compromised. Further that compliance with the setback distances would result in more significant adverse effects, than any development in the setbacks. The Council needs to be satisfied that compliance with the setbacks would:

- Compromise existing landscape features; or
- Result in the damage or destruction of notable trees or stands of bush; or
- Require extensive earthworks to obtain a safe building platform; or
- Result in natural land forms such as ridge lines and headlands being interrupted by buildings and structures; or prevent an existing building or structure from being replaced, repaired or renewed on the same site following its damage or destruction by fire or natural causes.

#### **10. DWELLING HOUSE within separation distance from an existing INTENSIVE FARMING activity**

In assessing the likely impact of a new DWELLING HOUSE within the desired separation distance for potential reverse sensitivity, Council shall restrict its discretion to the following matters and may impose conditions in respect of each:

- i. Any reverse sensitivity effect which may arise from the proposed residential development in respect of any lawfully existing activities ("relevant existing activity") in the vicinity. Sensitivity of proposed residents is to be considered in respect of the nature, scale and size of the residential development and its location and topographical relationship to, and distance and bearing from, the relevant existing activity. As a reverse sensitivity effect may be present only in certain circumstances, the following factors will be relevant and should be taken into account:
  - a. The frequency of the relevant adverse effect;
  - b. The duration of the relevant adverse effect and time of exposure;
  - c. The character and intensity of the relevant adverse effect;
  - d. The location of the relevant adverse effect;
  - e. Previous experiences of people with the relevant adverse effect;
  - f. Existing levels of sensitivity;
  - g. Whether or not mitigation measures can be put in place;
  - h. The effects of the relevant established existing activity in the particular environment having regard to factors such as direction and velocity of wind and air movement and the extent to which mitigation of adverse effects is reasonable;
  - i. Whether mitigation of the reverse sensitivity effect by the applicant is reasonable by way of design (including acoustic measures), earthworks, planting, landscaping or location. This can either be by increasing the separation from the INTENSIVE FARMING activity, or by changing the bearing

from the INTENSIVE FARMING activity by moving a DWELLING HOUSE within the lot;

- j. Evidence of consultation with the operator of the INTENSIVE FARMING activity.

#### **Additional Information Requirements for Resource Consent**

In addition to the requirements of Part 52, the following information should be provided with an application for resource consent:

- a. Plan detailing the location of the DWELLING HOUSE and its access in relation to the existing INTENSIVE FARMING activity including BUILDINGS and outdoor areas, prevailing winds and site topography.
- b. Landscape plan detailing existing and proposed planting or landscaping to provide visual screening of the existing INTENSIVE FARMING activity.
- c. Evidence of consultation with the operator of the INTENSIVE FARMING activity.

#### **11. DWELLING HOUSE sited outside a SPECIFIED BUILDING AREA (except in the Rural Countryside Living Zone)**

In assessing the likely impact of a new DWELLING HOUSE sited outside of any SPECIFIED BUILDING AREA identified on a certificate of title the Council shall consider:

- a. Reverse sensitivity effects where adjoining FARMING, HORTICULTURAL, INTENSIVE FARMING (and associated RURAL INDUSTRY AND SERVICE activities) and MINERAL EXTRACTION AND PROCESSING activities.
- b. SITE suitability and natural hazards.
- c. The intended issue the identification of the SPECIFIED BUILDING AREA on the certificate of title was to address.

#### **23A.4.2 FOR SPECIFIC RESTRICTED DISCRETIONARY ACTIVITIES – RURAL ZONE & RURAL COUNTRYSIDE LIVING ZONE**

Council will restrict its discretion to the following matters, those matters listed in Part 53, and the matters listed in 23A.4.1, when considering resource consent applications for Restricted Discretionary Activities.

##### **23A.4.2.1 DEVELOPMENT within the Pukekohe Hill Special Policy Area**

##### **23A.4.2.2 One DWELLING HOUSE on a ROAD SEVERANCE LOT**

##### **23A.4.2.3 INTENSIVE FARMING**

##### **23A.4.2.4 RURAL INDUSTRY AND SERVICES**

##### **23A.4.2.5 SUBSIDIARY DWELLING**

##### **23A.4.2.6 ONE PRODUCE STALL PER SITE**

##### **23A.4.2.7 BOARDING KENNELS AND BREEDING KENNELS OR CATTERIES and dog training grounds**

##### **23A.4.2.8 CAFÉ / RESTAURANT on the same site and associated with FARMING, ACTIVE RECREATION, EQUESTRIAN CENTRE, PRODUCE STALL or ON SITE PRIMARY PRODUCE MANUFACTURING**

**23A.4.2.9 Expansion of an existing lawfully established non-residential activity as at 28 September 2010 not otherwise provided for by, or identified in, the PLAN**

**23A.4.2.10 ACTIVE RECREATION excluding MOTORISED SPORTS**

**23A.4.2.1 DEVELOPMENT WITHIN PUKEKOHE HILL**

**1. Within the Pukekohe Hill Special Policy Area:**

The following additional criteria shall also apply. Applications are to include sufficient design information to enable the likely landscape and visual effects of the proposed activity to be assessed in terms of the following factors:

- Preservation of the rural open space character

The Pukekohe Hill Special Policy Area is an important visual resource for the District. Its natural landform and distinctive pattern of landuse combine to create a significant cultural landscape worthy of protection. It is important that future activities on this part of the Hill recognise, protect, and, where appropriate enhance its distinctive rural characteristics. These characteristics are particularly evident due to the nature of cropping on the Hill, and the typical low hedges and rural fences, which delineate boundaries.

- Avoidance of visual clutter or residential development of an 'urban' character

The rural qualities of the Pukekohe Hill Special Policy Area have already been compromised to an extent by the expansion of traditional suburban and rural-residential activities mainly on its northern slopes. Visual clutter and urban activities have the potential to compromise the visual integrity of this part of the Hill, eroding its perceived and inherent rural qualities and detracting from its significance in landscape terms.

- The degree to which the activity is visible from key public areas (roads on and surrounding the hill, the summit lookout, residential Pukekohe and adjacent properties)

Views to and from the Pukekohe Hill Special Policy Area are important in framing people's perception of its character and quality. Retention of the rural character and quality on this part of the Hill is most important in those areas which are more frequently part of the public view. In particular Council will consider visibility from the summit lookout and its approach road, Bledisloe Park and residential southern Pukekohe, Buckland Road, Waiuku/Puni Road and Attewell Road.

- Potential for adverse cumulative effects

Whilst the individual effects of an activity may be only minor it is important to recognise and take into account the cumulative effects that a proposal may generate. For instance, an individual house with associated outbuildings and driveway may, by itself, seem to have little effect on changing the open space and landscape qualities of the Pukekohe Hill Special Policy Area. However, with each additional house and associated activities there is an increased quantity of development which could tip the landscape balance towards an undesirable dominance of development on the Hill's landscape. This concern about cumulative effects is one of the reasons that there is management control over the density, siting and design of development and mitigation techniques such as landscaping.

- Shelter Belts

In considering applications for the establishment of shelter belts the matter of assessment is confined to the maintenance of views from the top of the Pukekohe Hill Public Space area, identified as Recreation zone on Map 64 of the District Planning Maps.

## 2. Within the North Pukekohe Hill Structure Plan Area:

- Impervious Surfaces

Matters of assessment will be limited to ensuring methods can be and are adopted to ensure the practicable achievement of hydrological neutrality, and in particular ensuring that potential stormwater runoff compared to pre-development levels does not exceed what otherwise may be possible under the Permitted Activity rules relating to a maximum 10% impervious surfaces.

### 23A.4.2.2 ONE DWELLING HOUSE ON A ROAD SEVERANCE LOT – RURAL ZONE

The ROAD SEVERANCE is of an adequate size, shape and physical suitability to accommodate a DWELLING HOUSE without having any adverse effects on the function of the ROAD or the character of the area. In particular:

1. There is a safe and stable BUILDING platform;
2. Sewage and stormwater can be adequately treated and/or disposed of within the SITE;
3. The erection of a DWELLING HOUSE will not shade any neighbouring DWELLING HOUSE;
4. The safe and efficient operation of the ROAD will not be compromised by the DEVELOPMENT of the SITE or the vehicular access position or design;
5. The proposed DEVELOPMENT does not compromise any potential the SITE has for accommodating a range of activities provided for in the Zone; and
6. That consent would not lead to a concentration of developed ROAD SEVERANCES in the one vicinity, which could result in a cluster of DWELLING HOUSES or 'ribbon' DEVELOPMENT along a ROAD.

### 23A.4.2.3 INTENSIVE FARMING – RURAL ZONE

#### 1. POULTRY (within BUILDINGS)

- a) The proposed activity will not adversely affect an existing quarantine station. New POULTRY operations should be kept 500 metres from any quarantine station.
- b) There are adequate measures for the control of odour, dust, NOISE, and flies and vermin from any aspect of the operation. The operation of the activity shall not result in an offensive or objectionable odour to the extent that it causes an adverse effect at or beyond the boundary of the site.
- c) The SITE is suitable for and can physically accommodate proposed waste treatment and disposal methods given the number of animals accommodated and the volume of wastes generated, or alternatives are provided.
- d) Conditions may be imposed on the method of FARMING, and the design, layout and use of all BUILDINGS and areas associated with the FARMING operation.

- e) Buffer areas are an easy practical method to mitigate adverse effects. Buffer areas of the following distances will be used as a guideline:

All BUILDINGS and areas used for the FARMING operation (including areas for the treatment and/or disposal of wastes and composting) should be:

- (i) At least 500 metres from the boundary of a Residential, Village, or Rural-Residential Zone;
- (ii) At least 100 metres from any existing DWELLING HOUSE on an adjacent property, including those separated by a ROAD; and
- (iii) At least 20 metres from the boundaries of the SITE;

Provided that where a DWELLING HOUSE has been erected on a neighbouring property after the date the INTENSIVE FARMING operation had been established and the INTENSIVE FARMING operation has been in regular operation then the 100 metres guideline does not apply.

- f) Where an activity is proposed within these buffer areas the applicant will have to demonstrate that adverse effects are avoided or remedied.

## 2. Pigs

- a) The Pork Industry Board Code of Practice will be used to guide assessment of pig FARMING activities as well as the relevant criteria listed under POULTRY FARMING.
- b) Buffer areas are an easy practical method to mitigate adverse effects. Buffer areas of the following distances will be used as a guideline.
- c) All buildings and areas used for the FARMING operation (including areas for the treatment and/or disposal of wastes and composting) shall be:
  - (i) At least 1,200 metres (less than 500 pigs) or 2,000 metres (500 or more pigs) from the boundary of a Residential, Village or Rural-Residential Zone;
  - (ii) At least 300 metres from existing DWELLING HOUSES on neighbouring properties, including those separated by a ROAD or river;
  - (iii) At least 20 metres from the boundaries of the SITE;
  - (iv) OR, such buffer distances as the Pork Industry Board Code of Practice recommends.
- d) The operation of the activity shall not result in an offensive or objectionable odour to the extent that it causes an adverse effect at or beyond the boundary of the site.

## 3. Mushrooms

The criteria for mushroom farming shall be the same as that for POULTRY (within BUILDINGS) in 1. above.

## 4. All INTENSIVE FARMING Activities

That there is minimal impact on adjoining DWELLING HOUSES. Matters that will be considered include:

- (i) Visual impact;
- (ii) NOISE;

- (iii) Odour - the operation of the activity shall not result in an offensive or objectionable odour at or beyond the boundary of the site;
- (iv) Dust;
- (v) Traffic generation;
- (vi) Vermin.

#### **23A.4.2.4 RURAL INDUSTRY AND SERVICES – RURAL ZONE**

##### **1. Open Space Rural Character**

Any structures associated with the activity or processing of raw materials, natural resources or produce shall be of such a scale and nature that they do not compromise the open space character of the rural area.

##### **2. Disposal of Waste**

Any waste material generated from the processing of raw materials, natural resources or produce can be adequately disposed of.

##### **3. Scale of Activity**

The scale of the proposed activity is appropriate to the size and location of the SITE.

In general only vehicles, machinery and equipment used by the contractor in the daily operation of the contracting business should be stored, repaired or maintained on the SITE.

##### **4. HAZARDOUS SUBSTANCES**

The storage handling disposal and transportation of HAZARDOUS SUBSTANCES including fuel, oil and chemicals will be safely carried out.

##### **5. Additional Matters relating to RURAL INDUSTRY AND SERVICES**

###### **a) Control of nuisance.**

There are adequate measures for the control of light spill and glare, odour, dust, NOISE, and flies and vermin from any aspect of the operation.

###### **b) SITE suitability.**

The SITE is suitable for, and can physically accommodate, proposed:

- Waste treatment and disposal methods.
- The number of animals accommodated in saleyards or the processing facility and the volume of wastes generated.
- Vehicle access, loading and car parking.

###### **c) Operational aspects and SITE layout.**

Conditions may be imposed on the method of and hours of operation, management plans, signage, traffic generation and the landscape treatment/screening, design, layout and use of all BUILDINGS and areas associated with the activity.

###### **d) Potential conflicts.**

Its proximity to potentially conflicting activities shall be avoided.

#### 23A.4.2.5 SUBSIDIARY DWELLING

##### 1. Performance Standards

Any SUBSIDIARY DWELLING shall comply with the relevant Performance and Development Standards-Rural Zone and Rural Countryside Living Zone set out in Rule 23A.2.1 and with the following performance standards, but shall otherwise be a non-complying activity:

##### a) Use of Subsidiary Dwelling.

Only one SUBSIDIARY DWELLING shall be approved on any SITE and shall be used for the purpose of housing either;

- DEPENDENT RELATIVES of the occupants of the principal dwelling on the SITE; or
- Full or part time equivalent employees and their family or SEASONAL WORKERS, engaged in FARMING or HORTICULTURE activities on the SITE, or on sites associated by ownership, lease or contract with the SITE;

Provided that a SUBSIDIARY DWELLING may not be established under this Rule on a lot having an area greater than 40ha.

##### b) Size of Dwelling.

- The SUBSIDIARY DWELLING for a DEPENDENT RELATIVE shall be no greater than 65 square metres in area excluding decks and garaging.
- The SUBSIDIARY DWELLING for full or part time equivalent employees and their family, engaged in FARMING or HORTICULTURE activities shall be no greater than 120 square metres in area excluding decks and garaging.
- The SUBSIDIARY DWELLING for SEASONAL WORKERS shall be no greater than 120 square metres in area excluding decks and may consist of a dormitory or equivalent with only a single kitchen facility accommodating a multiple number of seasonal workers.

##### c) Location Of Dwelling / Eligible Site.

- The SUBSIDIARY DWELLING for a DEPENDENT RELATIVE shall be located within 6 metres of the principal dwelling on the SITE and shall share the same driveway access as the principal dwelling.
- The SUBSIDIARY DWELLING for full or part time equivalent employees and their family or SEASONAL WORKERS, engaged in FARMING or HORTICULTURE activities shall be located on a SITE with a size greater than 5 hectares.

##### d) Dwelling not to be Subdivided.

The SUBSIDIARY DWELLING shall be held in the same certificate of title as the principal dwelling on the site. (Note under Rule 22.6 any subdivision of a SUBSIDIARY DWELLING from the principal DWELLING HOUSE is a Prohibited Activity).

e) Subsequent Use of the Dwelling and Ceasing of Consent.

In the event of a SUBSIDIARY DWELLING ceasing to be occupied by the person for which approval was given, then the building shall not be used for any other residential purposes or other activities other than those consistent with the definition of SUBSIDIARY DWELLING or in compliance with the zone provisions or the building shall be immediately removed from the site or modified to comply as a permitted activity accordingly.

## 2. Assessment of Application

In determining any application for a SUBSIDIARY DWELLING the Council must be satisfied as to the following:

a) Separate Dwelling Required.

The application shall demonstrate that a separate dwelling is required on the SITE for the purpose of accommodating DEPENDENT RELATIVES or employees engaged in FARMING or HORTICULTURE activities or SEASONAL WORKERS and that it would be unworkable to provide the required accommodation by way of other permitted buildings such as a sleep-out or an extension to an existing dwelling on the SITE.

b) Whether Accommodation is needed.

All applications for a SUBSIDIARY DWELLING shall be accompanied by two separate written signed statements from the owner of the SITE on which the SUBSIDIARY DWELLING is to be located that:

- In the case of accommodation for DEPENDENT RELATIVES, the applicant shall demonstrate that the occupants of the both dwellings have a close relationship and that the extent and nature of the dependence of the occupants of one household, on the assistance of the other, is such that they are required to be located on the same SITE.
- In the case of employees engaged in FARMING or HORTICULTURE activities or SEASONAL WORKERS, the applicant shall demonstrate that the volume and nature of the work requires employees, additional to those living in the principal dwelling, to live on the SITE and it is impracticable for the employee(s) to commute given the nature of the work being undertaken or to meet the requirements of a recognised seasonal employers scheme.

c) The extent to which the SUBSIDIARY DWELLING for employees engaged in FARMING or HORTICULTURE activities or for SEASONAL WORKERS avoids, remedies or mitigates adverse effects on rural character. This may be achieved by locating adjoining the principal dwelling or in close proximity to other existing buildings or structures associated with the site's FARMING or HORTICULTURE activities.

d) Where a SUBSIDIARY DWELLING is located within 500 metres of any rock extraction site or 200m of any sand extraction site, the written approval of the operator of the extraction site shall be obtained and provided to the Council. Otherwise the activity shall be assessed as a restricted discretionary activity in accordance with the assessment criteria 23A.4.1.6 Activities in Vicinity of MINERAL Extraction Activities. In the absence of special circumstances, an application may be considered on a limited notified basis.

The extraction sites to which the above buffer controls shall apply are as follows:

- i) Those specifically zoned in this PLAN, or a proposed plan change, for mineral or aggregate extraction activities (not including those proposed to be zoned for such activities by a private PLAN change);
- ii) Those authorised by a resource consent (land use) which is in force at the time of receipt of the application for the subdivision;
- iii) Those which hold existing use rights under section 10 of the Act;
- iv) Those for which a resource consent (land use) application has been received by the Council and for which the decision has been made by the Council regarding notification or non-notification of the extraction activity application.

#### **23A.4.2.6 ONE PRODUCE STALL PER SITE**

##### **1. Source of Produce**

Produce sold from a stall shall be grown or made either:

- a) On the property on which it is offered for sale, or
- b) On land owned or leased by the vendor of the produce, or
- c) On land less than 3 kilometres from the property on which it is offered for sale.

##### **2. Type of Produce**

The type of produce offered for sale or sold shall be confined to fruit, vegetables, plants, eggs, flowers, honey, dairy products, meat, wine, juices, those from ON SITE PRIMARY PRODUCE MANUFACTURING and HANDCRAFT/S (See RULE 50).

##### **3. Retailing Area**

The area set aside for retailing produce (comprising any land, BUILDINGS, parts of a BUILDING, tables, tractors, barrows, platforms, boxes or any other structure or vehicle used for that purpose), shall not cover more than 100 square metres of land area.

##### **4. ROAD Access Limitation**

The written consent of the New Zealand Transport Agency is required as part of the application.

#### **23A.4.2.7 BOARDING KENNELS AND BREEDING KENNELS OR CATTERIES and dog training grounds**

- a) Buffer areas are an easy practical method to mitigate adverse effects. Buffer areas of the following distances will be used as a guideline.
  - i. All SITES used for breeding or boarding cats, should be no less than 2000m<sup>2</sup> in area.
  - ii. All SITES used for breeding, boarding or training dogs should be no less than 1 hectare in area.

- iii. All buildings used for accommodating dogs and cats and areas used for the disposal of waste should be located as close to the centre of the SITE as possible and at least 500 metres from any existing residential zone boundary.
- b) All boarding establishments shall be designed and managed generally in accordance with the Guidelines for Minimum Standards and Conditions in Pet Boarding Establishments or any subsequent document prepared by the Boarding Kennel and Cattery Association of New Zealand (Inc).
- c) The applicant shall demonstrate that all buildings and facilities to accommodate dogs shall be constructed in accordance with appropriate acoustic engineering practice and standards to mitigate adverse effects of noise upon surrounding residents.
- d) That there is minimal impact on adjoining DWELLING HOUSES. Matters that will be considered include:
  - (i) Visual impact
  - (ii) NOISE
  - (iii) Odour - the operation of the activity shall not result in an offensive or objectionable odour to the extent that it causes an adverse effect at or beyond the boundary of the site.
  - (iv) Dust
  - (v) Traffic generation
  - (vi) Vermin

**23A.4.2.8 CAFÉ / RESTAURANT on the same site and associated with FARMING, ACTIVE RECREATION, EQUESTRIAN CENTRE, PRODUCE STALL or ON SITE PRIMARY PRODUCE MANUFACTURING**

- a) The extent to which BUILDINGS, development and structures for the activity:
  - i. Have a scale, intensity, context and character that retains or enhances rural character;
  - ii. Are compatible with the scale and appearance of BUILDINGS in a rural environment;
  - iii. Where available, involves the reuse of existing BUILDINGS located on the SITE.
- b) The extent to which the hours of operation and intensity of the activity are compatible with the amenity values and rural character of the surrounding area.
- c) The extent to which the activity avoids, remedies or mitigates adverse effects on the amenity of adjoining properties, including adverse noise, lighting and odour.
- d) The extent to which the activity creates a clear and genuine association with the rural activities of the SITE.
- e) The extent to which the activity appropriately provides for on site infrastructure to manage water, wastewater, storm water, and solid waste associated with the activity, car parking and access.
- f) The extent to which the activity protects and avoids adverse effects on significant natural values, landscapes and natural character.

- g) The extent to which landscaping appropriately addresses visual effects of the activity.
- h) The extent to which the activity avoids, remedies or mitigates reverse sensitivity effects with reference to the relevant matters in Parts 23A.4.1.6, 22.9.5A, 22.9.6A, 22.9.6B (relating to sensitive activities).

**23A.4.2.9 Expansion of an existing lawfully established non-residential activity as at 28 September 2010 not otherwise provided for by, or identified in, the PLAN**

- a) The extent to which the expansion of the activity is appropriate in a rural area, in particular whether its scale, intensity and visual character are appropriate.
- b) The extent to which the activity requires a rural location, or depends on a rural resource, or relies on rural or natural character.
- c) The extent to which the activity contributes to the wellbeing of people and communities.
- d) The extent to which BUILDINGS, development and structures used for the activity:
  - Have a scale, intensity, context and character that retains or enhances rural character;
  - Are compatible with the scale and appearance of BUILDINGS in a rural environment;
  - Where available, involves the reuse of existing BUILDINGS located on the SITE;
  - Integration with existing development on site.
- e) The extent to which the hours of operation and intensity of the activity are compatible with amenity values and rural character of the surrounding area.
- f) The extent to which the activity avoids, remedies or mitigates adverse effects on the amenity of adjoining properties, including noise, lighting and odour.
- g) The extent to which the activity creates a clear and genuine connection with rural activities of the SITE.
- h) The extent to which the activity appropriately provides on site infrastructure to manage water, wastewater, storm water, and solid waste associated with the activity, car parking and access.
- i) The extent to which the activity protects and avoids adverse effects on significant natural values, landscapes and natural character.
- j) The extent to which landscaping appropriately addresses visual effects of the activity.
- k) The extent to which the activity avoids, remedies or mitigates reverse sensitivity effects with reference to the relevant matters in Parts 23A.4.1.6, 22.9.5A, 22.9.6A, 22.9.6B (relating to sensitive activities).

**23A.4.2.10 ACTIVE RECREATION excluding MOTORISED SPORTS**

- i. The extent to which BUILDINGS, development and structures for the activity:
  - a) Have a scale, intensity, context and character that retains or enhances rural character;
  - b) Are compatible with the scale and appearance of BUILDINGS in a rural environment;

- c) Where available, involves the reuse of existing BUILDINGS located on the SITE.
- ii. The extent to which the hours of operation and intensity of the activity are compatible with amenity values and rural character of the surrounding area.
- iii. The extent to which the activity avoids, remedies or mitigates adverse effects on the amenity of adjoining properties, including noise, lighting and odour.
- iv. The extent to which the activity appropriately provides for onsite infrastructure to manage water, wastewater, storm water, and solid waste associated with the activity, car parking and access.
- v. The extent to which the activity protects and avoids adverse effects on significant natural values, landscapes and natural character.
- vi. The extent to which landscaping appropriately addresses visual effects of the activity.
- vii. The extent to the activity avoids, remedies or mitigates reverse sensitivity effects with reference to the relevant matters in Parts 23A.4.1.6, 22.9.5A, 22.9.6A, 22.9.6B (relating to sensitive activities).
- viii. The extent to which adverse effects on the road network resulting from the activity can be avoided, remedied or mitigated.

**23A.5 ASSESSMENT CRITERIA FOR DISCRETIONARY ACTIVITIES – RURAL ZONE & RURAL COUNTRYSIDE LIVING ZONE**

**23A.5.1 FOR ALL DISCRETIONARY ACTIVITIES – RURAL ZONE & RURAL COUNTRYSIDE LIVING ZONE**

1. The standards for Permitted and Controlled Activities will be used as a guide in the assessment of the application.
2. The Controlled Activity matters over which Council may exercise control may be applied to a Discretionary Activity consent.
3. The assessment criteria for Restricted Discretionary Activity applications (in RULE 23A.4 above) may be used for assessing a Discretionary Activity application.
4. Refer to Part 53 of the PLAN for general Discretionary Activity assessment criteria.
5. Regard shall be had to the Objectives and Policies of the DISTRICT PLAN in assessing a Discretionary Activity application.
6. In addition to the above (Rule 23A.5.1) the assessment criteria for specific Discretionary Activity applications (in RULE 23A.5.2) shall be used for assessing a specified Discretionary Activity application.

**23A.5.2 FOR SPECIFIC DISCRETIONARY ACTIVITIES – RURAL ZONE & RURAL COUNTRYSIDE LIVING ZONE**

**23A.5.2.A MINERAL EXTRACTION AND PROCESSING DISCRETIONARY ACTIVITY CRITERIA**

**23A.5.2.B RURAL AERIAL SERVICES – Assessment Criteria**

**23A.5.2.C FARM STAY ACCOMMODATION AND HOME OCCUPATIONS**

**23A.5.2.D DWELLING HOUSE sited outside a SPECIFIED BUILDING AREA in the Rural Countryside Living Zone**

**23A.5.2.A MINERAL EXTRACTION AND PROCESSING DISCRETIONARY ACTIVITY CRITERIA**

When assessing a resource consent application for a Discretionary Activity for MINERAL EXTRACTION AND PROCESSING Activities, the Council is to have regard to the following assessment criteria and any relevant matters set out in Section 104 of the Act.

**1. SITE Layout**

The extent to which the layout of the SITE, such as the extent and location of extraction areas, processing facilities, overburden and waste disposal areas, and stockpiled and distribution areas, will avoid, remedy or mitigate adverse effects on the environment.

**2. Management Plan/s Required**

Any application for consent for any new aggregate extraction and processing activities shall, in addition to the information requirements set out in Rule 52, be accompanied by management plans, for approval and inclusion as appropriate under the conditions of any consent, such plans to include the information set out below in both drawings and documentation as appropriate:

- a) Existing mature vegetation and watercourses, existing SITE contours with indicative final contours particularly in relation to adjoining privately owned properties;
- b) SITE layout for both existing and proposed activities, including:
  - (i) Extraction areas and any staging of extraction or processing with approximate dates when areas will be worked;
  - (ii) Location of aggregate processing areas;
  - (iii) Overburden and waste disposal areas;
  - (iv) Stockpile and distribution areas, and retail sales areas;
  - (v) The main internal roads and tracks;
  - (vi) Other ancillary buildings including those to house dangerous goods or hazardous substances.
- c) A geotechnical assessment of land form modification;
- d) A landscape plan and details of the maintenance programme to be used to establish and maintain optimum growing conditions;
- e) An ongoing or staged land rehabilitation programme including objectives, overburden constraints, revegetation programme and techniques, and an indication of activities that could use each part of the SITE as extraction is completed;
- f) A management plan for noise including vibration effects from activity on the site, taking into account background noise levels;
- g) Proposals to avoid, remedy, or mitigate any adverse effects in regard to those matters, which are relevant to the Council's assessment of the application.

Any such management plan may be revised to take account of changes in the aggregate extraction and processing operation provided that:

- The revision shall be carried out in consultation with the relevant consent authorities and those persons identified by Council as being directly affected.
- The revised provisions do not conflict with the terms of the original resource consents.
- Council is satisfied that the amended plan will achieve compliance with conditions of consent.

### **3. Landscape Treatment and Screening**

The extent to which landscape treatment and screening will avoid, remedy or mitigate the adverse visual effects of the proposal (including those areas where extraction has been completed) and shall include but not be limited to the following:

- a) Riverbanks
 

Riverbanks shall be planted and maintained to achieve a significant visual screening effect unless there is no practicable alternative location for the existing or proposed activities occupying or to occupy these areas. At all times a minimum of space shall be used for such activities. A planting plan and maintenance programme shall be submitted and must be approved prior to any extraction activity commencing. Where riparian planting is undertaken, the principles, work

sheets and planting guidelines for sustainable riparian management in Auckland Regional Council Technical Publication 148 June 2001- Riparian Zone Management shall apply.

b) **General Amenity Planting**

Where planting trees will achieve visual screening, trees shall be planted and maintained to avoid, remedy or mitigate any visual impacts which are due to the appearance of any aspect or part of the extraction activity or site which is or could become incongruous with the rural or natural character of the surrounding areas; where agreement with affected adjoining property owners can be obtained and is submitted in writing to the Council, such planting may also be on those affected properties provided that the cost of all such works shall be entirely borne by the owner or occupier of the extraction activity site.

c) **Rehabilitation**

Land which is excavated or is disturbed by deposition of overburden shall be rehabilitated as soon as practicable.

#### **4. Natural and Cultural Heritage**

The extent to which the proposal will have adverse effects on:

- a) The natural character of the coastal environment, wetlands, lakes and rivers and their margins;
- b) The protection of outstanding natural features and landscapes;
- c) Areas of significant indigenous vegetation, and significant habitats of indigenous fauna;
- d) The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga.

#### **5. Air Emission**

Subject to any resource consent which may have been obtained, whether dust or any other airborne contaminant will be discharged at a level that is likely to cause a nuisance or affect the amenity values of any property in the area.

#### **6. Traffic**

The extent to which any adverse effects of the proposal on traffic safety and movement may be avoided, remedied or mitigated.

The extent to which nuisance effects of heavy traffic between the site and arterial roads can be managed.

#### **7. Natural Hazards**

The extent to which the potential adverse effects of natural hazards on the environment are avoided, remedied, or mitigated.

#### **8. Noise**

The extent to which the adverse effects of noise at a notional boundary of 20m from any DWELLING HOUSE outside the SITE will be avoided, remedied or mitigated. This includes such effects associated with the use of particular access point to the SITE.

## **9. Vibration and Blast Noise**

Whether there are activities in the vicinity, which could be sensitive to noise and vibration effects from blasting.

The extent to which vibration from mineral extraction activities avoids significant nuisance or adverse effects, taking into consideration the following guidelines:

- Measurement of blast noise (air blast) and ground vibration from representative blasts in accordance with Appendix J of Part 2 of Australian Standard AS2187:2:1993.
- Noise created by the use of explosives measured at a notional boundary of 20 metres from DWELLING HOUSES not exceeding a peak overall sound pressure of 128dB linear peak.
- Restriction of blasting to between 1000 and 1600 hours Monday to Saturday except where blasting is necessary for safety reasons.
- Confining blasting to two occasions per day except where blasting is necessary for safety reasons.
- Recording blasts with particular attention to details of charge weight and delay practice. Monitoring representative of all blasts at varying distances and positions of different sensitivity.

## **10. Utility Services and Hazardous Substances**

Whether the safety and integrity of any high pressure gas line, high voltage electricity line or other significant network utility are adversely affected by the proposal.

The extent to which the potential for adverse effects on the environment from the storage use, disposal and transportation of hazardous substances is avoided, remedied or mitigated.

## **11. Monitoring and Review**

The extent to which there is a need to monitor the adverse effects on the environment which may arise from the proposal and whether there is a need to include a consent condition enabling the Council to review the conditions of consent pursuant to section 128 of the Resource Management Act.

## **12. Class I, II and III Soils**

Soils from any Class I II or III land within the SITE shall be retained on SITE for use in rehabilitation.

## **13. Natural Water Contamination**

Subject to any resource consents, which may be obtained, whether the best practicable methods will be used to avoid any discharge of contaminants to water from any aspect of the extraction activity.

Whether reclamation of worked out quarry areas is with CLEANFILL.

**14. Lighting**

Any security or other lighting shall be designed and operated to ensure that it does not cause any direct light spill or disturbing glare for any occupiers of adjoining properties or users of roads.

**15. Fuel Storage/Refuelling**

Whether any fuel storage or dispensing facility is designed and operated to ensure that no contamination of soil or water occurs.

**16. Financial Contributions**

Whether the setting of financial contributions can remedy or mitigate any adverse effects on the environment of the proposal.

**23A.5.2.B RURAL AERIAL SERVICES – Assessment Criteria**

In addition to those matters specified in 23.A.5.1 in considering specific Discretionary Activity applications, the Council will consider the following matters:

1. Site Layout and Access
2. Landscape Treatment and Screening
3. Air Emissions
4. Traffic Safety and Movements
5. Adverse impacts arising from flight path over adjacent properties
6. Aircraft Safety and Movements
7. Noise

All helicopter activity shall be operated within the noise parameters contained in NZS 6807:1994 'Noise Management and Land Use Planning for Helicopter Landing Areas', or its successor

8. Fuel Storage and Refuelling
9. Storage of Hazardous Substances
10. Lighting
11. Waste and Stormwater Disposal
12. Monitoring and Review
13. Financial Contributions

**23A.5.2.C FARM STAY ACCOMMODATION AND HOME OCCUPATIONS**

In addition to those matters specified in 23A.5.1 in considering specific Discretionary Activity applications, the Council will consider the following matters:

1. Wastewater Treatment and/or Disposal

That wastewater can be adequately treated and disposed of on the SITE or there is a suitable alternative method for treatment and disposal.

**23A.5.2.D DWELLING HOUSE sited outside a SPECIFIED BUILDING AREA in the Rural Countryside Living Zone**

In addition to those matters specified in 23A.5.1, when considering specific Discretionary Activity applications, and assessing the likely impact of a new DWELLING HOUSE sited outside any SPECIFIED BUILDING AREA identified on a certificate of title the Council shall consider:

- a. The purpose the identification of the SPECIFIED BUILDING AREA on the certificate of title was to address;
- b. The standards in Rule 22C.5 in the assessment of the application; and
- c. The matters outlined in Rule 22C.7.