

RULE 23C VILLAGE ZONE

23C.1 ACTIVITY STATUS RULES – VILLAGE ZONE

23C.1.1 PERMITTED ACTIVITIES – VILLAGE ZONE

The following activities are Permitted Activities in the Village Zone if they meet all the standards for Permitted Activities in RULE 23C.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. One DWELLING HOUSE per SITE
3. HOME OCCUPATIONS (including HOME STAY ACCOMMODATION)
4. CHILDCARE and LEARNING CENTRES
5. COMMUNITY FACILITIES
6. SCHOOLS
7. HEALTH CENTRES
8. HOSPITALS
9. One SHOW HOME per SITE
10. The use and DEVELOPMENT of public RESERVES, including the erection of BUILDINGS and structures in compliance with a management plan for the SITE approved under the Reserves Act 1977 or the Conservation Act 1987.
11. TRADESPERSON'S STORAGE not exceeding 200m² where located within Village Growth Areas A, B and D (refer planning maps), all of which must be thoroughly screened from adjoining properties and the road and involving no more than two business vehicles (ie with signage) and one business trailer parked on the SITE unless the vehicles are always garaged and are essentially out of site from the ROAD or any adjoining property.
12. One PRODUCE STALL per SITE except where access to the stall is to or from a State Highway or Motorway where located within Village Growth Areas A, B and D (refer planning maps).
13. The ongoing maintenance, UPGRADE and repair of flood protection, land drainage and erosion control works.
14. ACCESSORY BUILDINGS and ANCILLARY ACTIVITIES for any of the above including BUILDINGS HOUSING ANIMALS.

23C.1.2 CONTROLLED ACTIVITIES – VILLAGE ZONE

The following activities are Controlled Activities in the Village Zone if they meet all the standards for Controlled Activities in RULE 23C.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. Council may exercise control over those of the matters listed in RULE 23C.3 as are relevant to the activity.

Note:

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

1. ANTENNA DISHES that are BUILDINGS
2. PAPA KAINGA HOUSING
3. MARAE
4. TRAVELLERS' ACCOMMODATION
5. PRODUCTION FORESTRY on sites over 5000m² where located within Village Growth Areas A, B and D (refer planning maps)
6. CONSERVATION FORESTRY on sites over 5000m² where located within Village Growth Areas A, B and D (refer planning maps)
7. ACCESSORY BUILDINGS and ANCILLARY ACTIVITIES for any of the above

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.C.3, 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 23.C.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 Council so determines, in terms of Section 95 of the Act.

23C.1.3 RESTRICTED DISCRETIONARY ACTIVITIES – VILLAGE ZONE

The following activities are Restricted Discretionary Activities in the Village Zone if they meet all the standards and criteria for Restricted Discretionary Activities in RULE 23C.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). Council may grant or refuse consent to a Restricted Discretionary Activity application, and may attach conditions of consent.

Note:

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

1. Permitted and Controlled Activities (excluding BUILDINGS within a 'restricted development area (development is not appropriate)' as identified with an approved Concept Plan (refer Part 22D.9) or Village Overlay Plan) that do not meet the Permitted Activity or Controlled Activity standards respectively for:
 - a) HEIGHT
 - b) Outstanding natural features identified in the Schedules to Part 5 of the PLAN.
 - c) YARDS
 - d) SITE COVERAGE between 35% - 50%
 - e) EARTHWORKS within a 'restricted development area (development is not appropriate)' as identified with an approved Concept Plan (refer Part 22D.9) or Village Overlay Plan)
 - f) SETBACK from water

2. One DWELLING HOUSE on a ROAD SEVERANCE LOT.
3. CHILD CARE AND LEARNING CENTRES, or SHOW HOMES that do not meet the standards specific to the activity.
4. PAPAKAINGA HOUSING that does not meet the Permitted and Controlled Activity standards.
5. ACCESSORY BUILDINGS and ANCILLARY ACTIVITIES for any of the above.
6. The removal of trees over 6 metres in height on the sites at number 6 Dyke Road (Lot 1 DP 123078) and 324 Linwood Road (Lot 1 DP 40523).

Any application shall be accompanied by a report prepared by a suitably qualified landscape architect and/or arborist addressing the visual landscape amenity with reference to Policy 17B.3.4.5 and whether the trees to be retained are healthy and will not be compromised by the proposed development.

7. MEDIUM DENSITY HOUSING on land identified as 'Residential Medium Density Overlay Area' in Part 55.5 complying with the standards in Rule 23C.4A.

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 23C.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 23C.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.

23C.1.4 DISCRETIONARY ACTIVITIES – VILLAGE ZONE

The following activities are Discretionary Activities in the Village Zone if they meet all the standards and criteria for Discretionary Activities in RULE 23C.5. Discretionary 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. Council may grant or refuse consent to a Discretionary Activity application, and may attach conditions of consent.

Note:

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

1. More than one DWELLING HOUSE per SITE
2. MEDIUM DENSITY HOUSING not complying with Rule 23C.1.3.6
3. COMMUNITY FACILITIES that are not Permitted Activities
4. SCHOOLS that are not Permitted Activities
5. HEALTH CENTRES that are not Permitted Activities
6. HOSPITALS that are not Permitted Activities
7. The use and DEVELOPMENT of public RESERVES, including the erection of BUILDINGS and structures which do not comply with the provisions of a management

plan for the SITE approved under the Reserves Act 1977 or the Conservation Act 1987, or where there is no such approved management plan.

8. GREENHOUSE(S)
9. MARAE and TRAVELLERS' ACCOMMODATION that do not meet the standards specific to the activity.
10. CAMPING GROUNDS and TEMPORARY LIVING PLACES
11. Activities that are Permitted, Controlled, Restricted Discretionary, or Discretionary Activities within the Village Business Zone, on SITES that have a common boundary and ROAD frontage with SITES within the Village Business Zone.
12. SPECIAL HOUSING DEVELOPMENTS
13. The following activities on LOT 19 DP 145211 (Clive Howe Road, Patumahoe):
 - a) "Rest home" and "Retirement Village Development" either of which may include "housing for the elderly and disabled persons" (as provided for in the "Residential 6" Zone of the Transitional District Plan for these sites).
14. POULTRY HATCHERIES on sites over 5000m² where located within Village Growth Areas A, B and D (refer planning maps)
15. RURAL INDUSTRY AND SERVICES where located within Village Growth Areas A, B and D (refer planning maps)
16. SERVICE STATIONS where located within Village Growth Areas A, B and D (refer planning maps)
17. VETERINARY CENTRES where located within Village Growth Areas A, B and D (refer planning maps)
18. CEMETERIES where located within Village Growth Areas A, B and D (refer planning maps)
19. Flood protection, land drainage and erosion control works not provided for in Rule 23C.1.1
20. INTENSIVE FARMING on sites over 5000m² where located within Village Growth Areas A, B and D (refer planning maps)
21. BUILDINGS within a 'restricted development area (development is not appropriate)' as identified with an approved Concept Plan (Refer Part 22D.9) or a Village Overlay Plan.
22. ACCESSORY BUILDINGS and ANCILLARY ACTIVITIES for any of the above.
23. HOME OCCUPATIONS not complying with Rule 27.6.3.1 provided that the sale of goods is limited to those activities in Rule 27.6.3.1(v).
24. CAFÉ, RESTAURANT not exceeding 250m² of GROSS FLOOR AREA in the Seabird Coastal Management Area.
25. BOARDING KENNELS AND BREEDING KENNELS OR CATTERIES and dog training grounds.

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 may be imposed.
- c) The information submitted with the application must be in terms of Rule 52.

23C.1.5 NON-COMPLYING ACTIVITIES – VILLAGE ZONE

The following activities are Non-Complying Activities in the Village 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. Any activities not provided for under Rules 23C.1.1 or 23C.1.2 or 23C.1.3 or 23C.1.4 or that is not prohibited by Rule 23C.1.6.
2. The establishment of new activities listed in Rules 23C.1.1, 23C.1.2, 23C.1.3, 23C.1.4 (except FARMING, GREENHOUSES, additions to an existing BUILDING, extension of an existing activity or activity associated with an existing DWELLING HOUSE, HOME OCCUPATIONS) in the Karaka Village Zone not connected or proposed to be connected to a reticulated wastewater treatment and disposal system.
3. ACTIVE RECREATION
4. 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.

23C.1.6 PROHIBITED ACTIVITIES – VILLAGE ZONE

The following activities are Prohibited Activities in the Village 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.

23C.2 PERFORMANCE AND DEVELOPMENT STANDARDS – VILLAGE ZONE**23C.2.1 FOR ALL PERMITTED AND CONTROLLED ACTIVITIES – VILLAGE ZONE**

All Permitted and Controlled Activities in the Village Zone shall, unless otherwise stated, meet the following standards.

1. HEIGHT

8 metres

or

10 metres within the villages of Kauritutahi (Village Growth Area B), Te Toro, Matakawau Point (Village Growth Area D), Waiau Pa (Village Growth Area D), Onewhero (Village Growth Area D), Pokeno East (Village Growth Area B).

Except:

- i) In the Matingarahi Village (Village Overlay Plan in Part 55.5.6), HEIGHT is limited to 5 metres, except for a single SPECIFIED BUILDING AREA as identified on the Village Overlay Plan Village Growth Area (D(2)) in Part 55.5.6 which provides for a BUILDING with a maximum height of 8 metres.

2. HEIGHT IN RELATION TO BOUNDARY

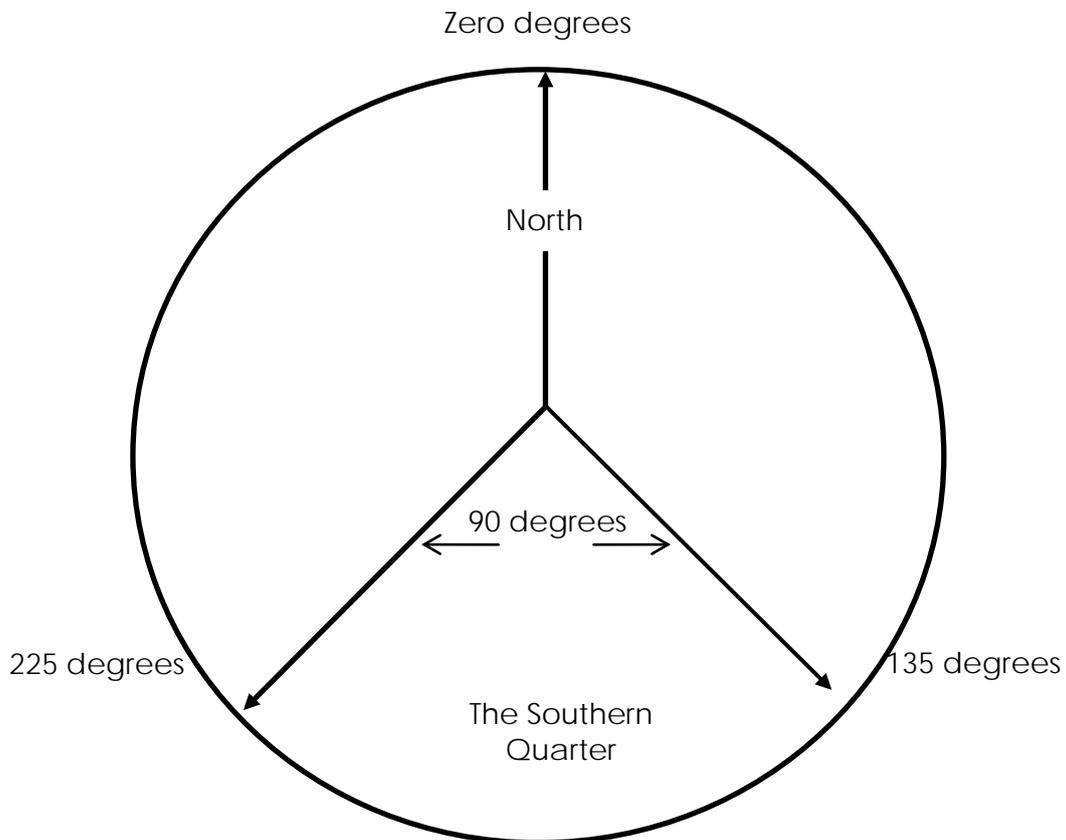
3 metres plus the shortest horizontal distance between that part of the BUILDING and the nearest SITE boundary, other than boundaries that are within the southern quarter as defined by Diagram 23C.A, for which the formula shall be applied using the figure of "2.5" instead of "3", except where:

- a) The land abutting the SITE boundary is part of an entrance strip, right of way, access LOT or public pedestrian accessway, in which case, the far boundary of that land shall be deemed to be the SITE boundary for the purposes of this standard;
- b) The SITE boundary abuts land in a Village Business Zone, in which case, only the HEIGHT standard shall apply;
- c) The SITE boundary abuts a common wall between abutting BUILDINGS, in which case, only the HEIGHT standard shall apply;
- d) The written consent of the owners and occupiers of the abutting SITES or notional LOTS that would be directly affected by the encroachment have been obtained, in which case, the HEIGHT IN RELATION TO BOUNDARY standard agreed to shall apply.

DIAGRAM 23C.A SOUTHERN QUARTER DEFINED (RULE 23C.2.1.2 & RULE 23D.2.1.2)

Place outside of circle to inside of relevant boundary

("2.5 metres" vertical applies to boundaries within the southern quarter)

**3. FRONT YARD**

- a) 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:

4 metres

or

within the villages of Kauritutahi (Village Growth Area B), Te Toro, Matakawau Point (Village Growth Area D), Waiau Pa (Village Growth Area D), Onewhero (Village Growth Area D), Pokeno East (Village Growth Area B):

- 20 metres 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 or
 - 10 metres in other situations
- b) Garages must be set back at least 6 metres from the ROAD boundary.

4. SIDE AND REAR YARDS

1.5 metres

or

within the villages of Kauritutahi (Village Growth Area B), Te Toro, Matakawau Point (Village Growth Area D), Waiau Pa (Village Growth Area D), Onewhero (Village Growth Area D), Pokeno East (Village Growth Area B):

- a) 10 metres or this may be reduced where written neighbours' consent has been obtained
- b) 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) (Refer Part 15).
- c) All buildings on a SITE adjoining the Rural or Coastal Zones shall be sited a minimum of 20 metres from the zone boundary.
- d) 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 owner's and occupier's written consent shall be supplied to Council to be held on the relevant property file. Refer definition of Permitted Activity.

5. SITE COVERAGE

35%

Except:

- i) In the Matingarahi Village (Village Overlay Plan in Part 55.5.6), BUILDING coverage is limited to a maximum area of:
 - Village Growth Area C: 180m² per lot
 - Village Growth Areas D and A: 250m² per lot

6. Vehicular Access:

Refer to RULE 51

7. Parking and manoeuvring:

Refer to RULE 51.

8. [Deleted by Plan Change 30]**9. SETBACK From Water**

- a) No BUILDING, or part thereof may be sited within 30 metres of mean high water springs or within 10 metres of the edge of a river, lake or WETLAND (all as defined in s.2 of the Act), or stream provided that where an esplanade reserve of 20 metres or more is set aside the set back from it shall be required to comply with the "HEIGHT IN RELATION TO BOUNDARY" standard. This rule does not apply to artificial water retention areas (e.g. ponds or sediment retention areas).
- b) Or within the villages of Kauritutahi (Village Growth Area B), Te Toro, Matakawau Point (Village Growth Area D), Waiau Pa (Village Growth Area D), Onewhero (Village Growth Area D), Pokeno East (Village Growth Area B), no part of any BUILDING, structure or wastewater disposal field may be sited within 30 metres of mean high water springs and 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. Flood protection, land drainage and erosion control works provided for in Rule 23C.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.

10. SIGNS

Refer Part 15 (section 15.4.2).

11. [Deleted by Plan Change 30]

12. AERIALS

- a) AERIALS shall comply with the provisions of Part 15.1 of the PLAN, and all other applicable standards.
- b) Front, Side and REAR YARDS for AERIALS: 10 metres.

13. NOISE Levels

No activity in the Village zone shall cause the following sound levels L_{10} to be exceeded at or within the boundary of any other (affected) SITE, for the specified times:

Time/hours	" L_{10} " (defined RULE 50)	" L_{max} " (defined RULE 50)
0700 to 2200 (day)	45 dBA	75 dBA
2200 to 0700 (night)	35 dBA	65 dBA

NOISE shall be measured and monitored in accordance with NZS 6801:2008 Acoustics – Measurement of Environmental Sound and NZS 6802:2008 Acoustics – Environmental Noise.

14. OUTDOOR LIVING COURT

Every DWELLING HOUSE shall be provided with an OUTDOOR LIVING COURT that complies with the following standards:

- a) Minimum Area: Either 50 % of the GROSS FLOOR AREA of the DWELLING HOUSE or 60 m², whichever is the lesser.
- b) Shape: Minimum dimension 4 metres in any direction, and be able to accommodate a circle of 6 metres diameter.
- c) Position: Shall be directly accessible from the main living or dining area of the DWELLING HOUSE. At least 60 % of the area of the COURT must be in the northern, eastern or western quadrants of the SITE. It shall not be crossed by any driveway or manoeuvring area nor be reduced below the minimum dimensions by the construction of any PARKING SPACE or garage required under these standards.

- d) **DEVELOPMENT:** May be located wholly or partly above GROUND LEVEL and may incorporate paving, decking, terracing or open structures that do not constitute "BUILDINGS".
- e) **Function:** Shall not incorporate any service function such as clothes drying lines, outdoor storage, or rubbish bins, and the Council may request further information or plans to demonstrate that these other functions are catered for elsewhere on the SITE.

15. Stormwater Management - Volume Control

- a) All activities shall have a stormwater management system that is deemed to be effective and appropriate by Council. The landowner shall be responsible for the ongoing maintenance of the private on-site stormwater system upon its implementation to ensure its continuing HYDROLOGICAL NEUTRALITY.
- b) Where the activity involves an alteration or addition to an existing activity, the applicant must show that the existing stormwater management system is effective and appropriate. An effective and appropriate stormwater management system shall be achieved by providing for either i), ii), iii), or iv) following:
 - (i) An independent connection to a PUBLIC STORMWATER SYSTEM and an on-site detention structure to contain a 20% AEP 10 minute storm event before overflowing to the PUBLIC STORMWATER SYSTEM, which is able to collect stormwater from the SITE equivalent to that generated by actual and proposed impervious surfaces, plus 10% of that (maximum of 100% of the SITE). The detention structure must be able to completely empty via an orifice controlled outlet over a 24 hour period.
or:
 - (ii) An independent connection to a PUBLIC STORMWATER SYSTEM and an on-site soakage system to contain a 20% AEP 10 minute storm event before overflowing to the PUBLIC STORMWATER SYSTEM, which is able to collect stormwater from the SITE equivalent to that generated by actual and proposed impervious surfaces, plus 10% of that (maximum of 100% of the SITE). The soakage system must be able to completely empty via soakage within a 24 hour period.
or:
 - (iii) Where connection to a PUBLIC SYSTEM IS NOT AVAILABLE, the applicant shall provide an on-site soakage system to contain a 5% AEP 10 minute storm event without overflowing, which is able to collect stormwater from the SITE equivalent to that generated by actual and proposed impervious surfaces, plus 10% of that (maximum of 100% of the SITE). The soakage system must be able to completely empty via soakage within a 24 hour period.
or:
 - (iv) An alternative method of stormwater management of the SITE/s, which achieves a standard of stormwater management equal to or better than that achieved by compliance with i), ii) or iii) above, such that the adverse effects of stormwater are avoided, remedied or mitigated.
- c) The stormwater management system shall be maintained to achieve the standard of management provided for under i), ii), iii), or iv).

- d) Provided that where land is subject to instability, stormwater discharges directly to ground occur only where the ground conditions have been identified as being suitable to absorb such discharges without causing, accelerating or contributing to land instability and downstream effects either on the SITE or on neighbouring properties.

16. 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.

17. SPECIFIED BUILDING AREA

All BUILDINGS shall be located within a SPECIFIED BUILDING AREA defined on the SITE PLAN (and if applicable, in compliance with any consent notice attaching to the Certificate of Title).

18. Buildings and Earthworks within Restricted Development Areas

BUILDINGS shall not be located within 'restricted development areas (development is not appropriate)' identified on a Village Overlay Plan or an approved Concept Plan (refer Part 22D.9).

EARTHWORKS within 'restricted development areas (development is not appropriate)' identified on a Village Overlay Plan or an approved Concept Plan (refer Part 22D.9).

23C.2.2 SPECIFIC PERMITTED AND CONTROLLED ACTIVITIES – VILLAGE ZONE

The following Permitted and Controlled Activities in the Village 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 23C.2.1).

23C.2.2.1 [Deleted by Plan Change 30]**23C.2.2.2 HOME OCCUPATIONS (including HOME STAY ACCOMMODATION)****23C.2.2.3 CHILD CARE AND LEARNING CENTRES****23C.2.2.4 COMMUNITY FACILITIES****23C.2.2.5 SCHOOLS****23C.2.2.6 HEALTH CENTRES****23C.2.2.7 HOSPITALS****23C.2.2.8 SHOW HOMES****23C.2.2.9 One PRODUCE STALL per site****23C.2.2.10 PAPA KAIINGA HOUSING****23C.2.2.1 [Deleted by Plan Change 30]****23C.2.2.2 HOME OCCUPATIONS (including HOME STAY ACCOMMODATION) – VILLAGE ZONE**

- i) Complies with the standards in Rule 27.6.3.1.

23C.2.2.3 CHILD CARE AND LEARNING CENTRES – VILLAGE ZONE**1. SITE**

Shall not be located on a REAR SITE

2. Access

Shall not have its main vehicular access to a no-exit ROAD

3. Maximum GROSS FLOOR AREA

200m²

23C.2.2.4 COMMUNITY FACILITIES – VILLAGE ZONE**1. SITE**

Shall not be located on a REAR SITE

Maximum SITE area 2000m²

2. Access

Shall not have its main vehicular access to a no-exit ROAD

3. Maximum GROSS FLOOR AREA

250m²

23C.2.2.5 SCHOOLS – VILLAGE ZONE**1. SITE**

Shall not be located on a REAR SITE

2. Access

Shall not have its main vehicular access to a no-exit ROAD

3. Maximum GROSS FLOOR AREA

300m²

23C.2.2.6 HEALTH CENTRES – VILLAGE ZONE**1. SITE**

Shall not be located on a REAR SITE

2. Access

Shall not have its main vehicular access to a no-exit ROAD

23C.2.2.7 HOSPITALS – VILLAGE ZONE**1. SITE**

Shall not be located on a REAR SITE

2. Access

Shall not have its main vehicular access to a no-exit ROAD

3. GROSS FLOOR AREA

Maximum GROSS FLOOR AREA 250m²

4. SITE AREA

Maximum SITE area 2000m²

23C.2.2.8 SHOW HOMES – VILLAGE ZONE**1. SITE**

Shall not be located on a REAR SITE

2. Access

Shall not have its main vehicular access to a no-exit ROAD

3. Duration of Promotion

Shall not be available for viewing for more than six calendar months from the date of completion and opening to the public for viewing.

23C.2.2.9 ONE PRODUCE STALL PER SITE – VILLAGE ZONE**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, cheese, wine 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 40 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. Where access is from or onto any District Road, the prior written consent of the Franklin District Council's Chief Executive or officer(s) acting under delegated authority is required.

23C.2.2.10 PAPA KAINGA HOUSING – VILLAGE ZONE**1. Subdivision**

PAPA KAINGA HOUSING shall not be subdivided into separate titles.

2. SITE COVERAGE

Maximum 35%

3. Vehicular Access, Parking & Manoeuvring:

RULE 51 applies

4. 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 the 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:
 - Minimum Width: 2.5 metres
 - Maximum gradient: 1:5
 - Minimum turning Arcs: Must comply with Diagram 51.E
 - 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.

23C.3 CONTROLLED ACTIVITY MATTERS – VILLAGE ZONE

23C.3.1 ALL CONTROLLED ACTIVITIES – VILLAGE ZONE

All Controlled Activities shall comply with the applicable performance and DEVELOPMENT standards for Controlled Activities (RULE 23C.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:

1. Public Services

The effect on the public services the Council is responsible for in the locality or District and which, the residents or occupants of the developed area would make use of, generate a need for, or have an impact on (and for which "financial contributions" may be required).

2. Permitted Activity Standards

The matters which are the subject of standards for Permitted Activities, and the extent to which those standards are complied with; the Council will generally apply those standards as the minimum for a Controlled Activity (where they are not already a prerequisite).

3. Design And Positioning Of Buildings

The design and positioning of BUILDINGS and other structures, including SIGNS and flagpoles, on the SITE.

4. Open Space

The space between and about BUILDINGS including to those on adjacent SITES.

5. Access And Parking

The location of driveways and parking areas relative to DWELLING HOUSES or DWELLING HOUSE SITES, or other sensitive land uses, on adjacent SITES.

6. Vehicle Crossings

The suitability and adequacy of the design, construction, and number of vehicle crossings, driveways and PARKING SPACES.

7. Landscaping

The landscaping provisions of the proposal, and the extent to which they will enhance the appearance of the SITE, or screen structures which are quite different in style to those of the area.

8. Common Areas

The areas for public or common use within the DEVELOPMENT and the potential for creating adverse effects, or positive effects to counter other adverse effects.

9. EARTHWORKS And Vegetation Clearance

The extent and impact of any EARTHWORKS or vegetation clearance.

10. Heritage

The natural or heritage features of the SITE which are to be protected or changed.

11. Appearance

The differences between the appearance of the structures proposed and those on adjoining SITES or notional LOTS, particularly BUILDING bulk, roof slope and materials, wall claddings, window style and position, and colour scheme.

12. OUTDOOR LIVING COURT

The adequacy and positioning of any OUTDOOR LIVING COURT, storage or clothes drying areas for the activity and for each self-contained unit on the SITE.

13. Lighting

The position, direction and intensity of any outdoor lighting.

14. Effects Of Proposed Uses

The uses to which each BUILDING (or part) will be put and the extent to which alternative locations are practicable and would reduce or avoid any adverse effects of these uses.

15. Stormwater

The extent to which the following factors of the catchment, subdivision and SITES within that subdivision influence, inhibit or adversely affect the effective functioning of the stormwater management system, such that the stormwater has an adverse affect on the subdivision and any other SITE or property:

- a) The relationship of the individual SITE and stormwater system, to the location of other SITES and properties within the locality, and the location of the point of discharge into the public stormwater management system or the receiving environment;
- b) The change, from the SITE prior to DEVELOPMENT to the SITE once it has been developed, in the position of the point of discharge of the stormwater management system into the public stormwater management system;
- c) The change, from the SITE prior to DEVELOPMENT to the SITE once it has been developed, in volume and rate of stormwater discharged;
- d) The potential for an increase in impervious surface cover of the SITE/s
- e) The stability of the SITE/s;
- f) Natural drainage conditions of the SITE/s and locality, such as GROUND LEVELS, presence of streams, and soil soakage potential;
- g) Obstruction of any overland flow-path;
- h) 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.

16. Wastewater

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

17. Natural Hazards

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.

23C.3.2 SPECIFIC CONTROLLED ACTIVITIES – VILLAGE ZONE

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

23C.3.2.1 PRODUCTION FORESTRY and CONSERVATION FORESTRY**1. Landscape**

The location and scale of areas to be planted, to avoid visually detracting from the amenity values of DWELLING HOUSES on adjacent properties;

Nor visually compromising major ridgelines or the natural character of the rural or coastal environment.

2. Infrastructure

The routes to be taken by trucks servicing the property, especially logging trucks following felling of the trees, to ensure that ROADS will be able to withstand their effects, or adequate funding to repair or rebuild them following harvest cycles.

23C.4 ASSESSMENT CRITERIA FOR RESTRICTED DISCRETIONARY ACTIVITIES – VILLAGE ZONE

23C.4.1 ALL RESTRICTED DISCRETIONARY ACTIVITIES – VILLAGE ZONE

1. The Council will restrict its discretion to the following matters, those matters listed in Part 53 and the matters listed in 23C.4.1 when considering resource consent applications for Restricted Discretionary Activities.
2. **Controlled Activity Matters**
The Controlled Activity matters set out above.
3. **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 9.0 of the PLAN).
4. **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, and that wastewater can be adequately treated and disposed of on the SITE or there is a suitable alternative method for treatment and disposal.
5. **Reasons For Standards**
The reasons and explanations given for those standards or prerequisites which the activity does not comply with.
6. **Heritage Items**
The extent to which the activity is likely to adversely affect known heritage items including items of significance to Tangata Whenua.
7. **Integration Of The DEVELOPMENT**
The way in which the DEVELOPMENT will integrate with the neighbourhood both visually and functionally. Where the activity incorporates aspects or activities which could result in substandard residential accommodation, which could be used on a permanent basis, the Council will impose specific performance conditions, including monitoring and/or reporting conditions, to ensure that this concern does not become a reality, and that any costs of enforcement of these conditions are met fully by the applicant. Substandard in this context means any combination of structures or BUILDINGS and associated land areas and ablution facilities, which would not satisfy the requirements of this PLAN for MULTI-UNIT HOUSING.
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. Existing SITE DEVELOPMENT

The shape and size of the SITE, and the location and nature of existing BUILDINGS on the SITE and adjoining SITES.

10. Design Features

The extent to which the proposal incorporates other features or designs, which would remedy, mitigate or offset other adverse effects, or have a positive environmental effect for the use of the SITE or adjoining SITES.

11. Traffic

The traffic-generating aspects of the activity, especially "commercial" traffic which may otherwise be absent from an area, and the number of trips, frequency, time of day, and probable routes of generated traffic.

12. Ecology And Landform

- i. The extent to which any EARTHWORKS would affect the ecological, landscape or landform values of the area, or the natural character of the coast or of the margins of lakes and rivers; whether they would increase any risk of land instability or erosion; whether the proposed activity includes any proposals to revegetate land disturbed or prevent siltation or other adverse effects of stormwater runoff.
- ii. The extent to which BUILDINGS, EARTHWORKS or other modifications of the land or ecosystems will add to or create a natural hazard, or increase the potential effects of a natural hazard.

13. Overshadowing

The degree of overshadowing or sense of dominance that a structure causes for an adjacent SITE or public place.

14. Privacy And Daylighting

The loss of visual or aural privacy, or daylight or sunlight, that a BUILDING design or windbreak is likely to cause for another SITE.

15. Views

The extent to which a structure or windbreak might unreasonably obstruct views obtained from another SITE.

16. NOISE

Sound levels and their types and frequencies.

17. Other Nuisance

Odours, vibration, dust or sprays likely to be associated with the activity.

18. SIGNS

Refer to Section 15 (RULE 15.4.2).

19. Hours Of Operation.

The effects on amenity values of hours of operation of the activity.

20. Remedial Works And Enhancement

The carrying out on the SITE, or on the boundary, or on a nearby SITE, or ROAD or reserve, of works which would have positive effects to counter any adverse effects of the activity proposed.

21. Cumulative Effects

The cumulative effect/s of any matter listed above, or of any concentration of activities having same or similar effects to those proposed.

22. Amenity Values

- i. The extent to which the proposed business activity is likely to adversely affect the amenity values of the Village, taking into account the Objectives and Policies of the Management Area in which the Village is located.
- ii. The extent to which the amenity values for village living, as described in the PLAN, will be reduced by the effects of the proposed activity.
- iii. The extent to which the proposed activity is likely to have a long-term adverse effect on the amenity values enjoyed by those living in the vicinity of the application SITE to such an extent that, in order to maintain those amenity values in to the foreseeable future, consent to the proposed activity should be refused.

23. 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.

24. 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.

25. Consistency with an approved Concept Plan or Village Overlay Plan

- i. The extent to which the activity is consistent with a relevant Village Overlay Plan (refer Part 55) or an approved Concept Plan where one exists (refer Part 22D.9).
- ii. The extent to which the activity avoids modifications to landforms, streams or vegetation within a 'restricted development area (development is not appropriate)' as identified in a relevant Village Overlay Plan (refer Part 55) or approved Concept Plan where one exists (refer Part 22D.9).
- iii. The extent to which EARTHWORKS are necessary to provide for landscaping improvements, stormwater management or access and roading formation.

26. SETBACK from Water

For applications not complying with Rule 23C.2.1.9 SETBACK From Water, the extent to which the application:

- i. addresses the matters contained in 23C.4.1.5 Reasons for Standards; 23C.4.1.9 Existing SITE DEVELOPMENT; 23C.4.1.12 Ecology and Landform; and 23C.4.1.23 BUILDINGS and landscape.
- ii. proposes or would need protection works, and whether these works are necessary and appropriate, or would result in adverse effects on natural character and natural processes.

And

For proposals on titles that existed prior to 31 May 1994, the consideration of the characteristics of the site, whether it is feasible or appropriate to locate the BUILDING outside of the Setback from Water, whether the proposal represents the best practical option for accommodating development on the site, the relationship of the proposal with existing development on site, or would result in less intensive earthworks to obtain a safe building platform.

23C.4.2 SPECIFIC RESTRICTED DISCRETIONARY ACTIVITIES – VILLAGE ZONE

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

23C.4.2.1 ONE DWELLING HOUSE ON A ROAD SEVERANCE LOT – VILLAGE 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.

23C.4A RESTRICTED DISCRETIONARY ACTIVITIES – MEDIUM DENSITY HOUSING
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1. For MEDIUM DENSITY HOUSING in the Village Zone, the Development and Performance Standards of Rules 23C.2.1 apply. In addition, the following apply:
 - i. Rule 22D.6.14 b.vi) a)
 - ii. Rule 27B.5.3 a)
 - iii. Rule 27B.5.3 g)
 - iv. Rule 27B.5.3 i)
2. MEDIUM DENSITY HOUSING as identified in Rule 23C.1.3.6 will be assessed in terms of the matters listed in 27B.6, and conditions of consent will only relate to these matters (or such other matters as the Act provides).

23C.5 ASSESSMENT CRITERIA FOR DISCRETIONARY ACTIVITIES – VILLAGE ZONE**23C.5.1 ALL DISCRETIONARY ACTIVITIES – VILLAGE 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 23C.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.

23C.5.2 FOR SPECIFIC DISCRETIONARY ACTIVITIES – VILLAGE ZONE**23C.5.2.1 HOME OCCUPATIONS (including HOME STAY ACCOMMODATION)**

In addition to those matters specified in 23C.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.

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