

15 Rural Residential Zone

15A	Purpose of the Rural Residential Zone	2
15A.1	Objectives and Policies of the Rural Residential Zone	2
15A.2	Activity Status Rules	5
15A.3	Permitted Activity Rules	6
15A.4	Controlled Activity Rules	9
15A.5	Restricted Discretionary Activity Rules	10
15A.6	Discretionary Activity Rules	12
15A.7	Non-Complying Activities	12

15A Purpose of the Rural Residential Zone

The purpose of the Rural Residential Zone is to provide part of a range of residential opportunities within *the City*. Land zoned for rural residential development is land considered unsuitable for conventional urban or suburban use; of limited productive capability; subject to topographical constraints or inefficient to service. This is reflected in the limited reticulated *services* provided within the zone with the majority of *services* provided 'on-site', and in the fact the zone has not been, and is not intended to be, redeveloped for suburban residential use. Development at higher densities than those permitted in the zone is not anticipated.

The zone is characterised by sites that are substantially larger than those in the Suburban Residential Zone, with large on-site open space areas and some *primary production* activities being undertaken. All these factors contribute to the rural residential character and amenity of the zone.

Located on the periphery of *the City's* suburban areas the zone provides a "buffer" at the interface between suburban development and the open rural areas on *the City's* boundaries, and assists in reducing reverse sensitivity conflicts between suburban amenity expectations and ongoing *primary production* activities.

The Tara Road Urban Growth Plan Area provides for rural residential living on the urban fringe of Tauranga and has specific requirements to avoid reverse sensitivity, geotechnical, and stormwater effects on the strategically important infrastructure of the Tauranga Eastern Link and Tara Road. In particular rural residential development in this locality should not commence until the Tauranga Eastern Link is operational in order to avoid the potential for reverse sensitivity.

15A.1 Objectives and Policies of the Rural Residential Zone

15A.1.1 Objective – Rural Residential Living Opportunities

Rural residential living opportunities are provided within *the City* in identified areas which are not suitable for urban development; are of limited productive capability, or inefficient to service to urban standards. In the Tara Road Urban Growth Plan Area rural residential subdivision and development avoids the potential for incompatibilities (including reverse sensitivity effects) between activities within the Zone and between the Zone and its surrounding environment.

15A.1.1.1 Policy – Rural Residential Living Opportunities

By providing for rural residential living opportunities as part of the range of residential options available within *the City* through:

- a) Zoning for rural residential appropriate areas that:
 - i) Do not contain highly productive or **versatile soils**;
 - ii) Are not suitable for conventional urban or suburban development and adjoin Rural zoned areas.
- b) Recognising the inefficiencies of servicing such areas through requiring rural residential development to provide for its own *wastewater* and stormwater disposal needs on-site;
- c) Recognising that rural residential *sites* are well provided with on-site open space for recreation and leisure opportunities through not requiring dedicated on-site outdoor living areas, or providing for the provision of *neighbourhood reserves* within the zone.
- d) Recognising in the Tara Road Urban Growth Plan Area that rural residential subdivision and development should be designed, located and constructed in a way that avoids adverse geotechnical, reverse sensitivity, and stormwater effects on the Tauranga Eastern Link and Tara Road.

Definition Appealed

15A.1.2 Objective - Bulk and Scale of Buildings in the Rural Residential Zone

Buildings that are of a bulk and scale compatible with the existing and anticipated rural residential character and amenity of the zone.

15A.1.2.1 Policy – Bulk and Scale of Buildings in the Rural Residential Zone – Height and Overshadowing

By ensuring *buildings* are restricted to a *height* and *building* envelope that:

- a) Provides flexibility for a range of *building* forms in the varied topographical conditions of the zone;
- b) Avoids the potential adverse impacts of over *height buildings* on surrounding properties, particularly on dwellings, and on public open space including the *streetscape* or skyline, through overshadowing, overlooking or visual dominance of *buildings*;
- c) Avoid the potential adverse impacts of overshadowing on surrounding properties, particularly on dwellings.

15A.1.3 Objective – Site Layout and Building Design in the Rural Residential Zone

Development of *sites* and *buildings* within the zone are characterised by large areas of on-site open space, separation from *buildings* on adjoining *sites* and generous *setbacks* from roads. *Buildings* do not dominate the rural *residential outlook*, character and amenity of the zone.

15A.1.3.1 Policy - Site Layout and Building Design in the Rural Residential Zone

By ensuring that the layout and design of development within the zone:

- a) Provides *building setbacks* that ensure a physical separation of *buildings* between *sites*, and contributes to the visual and aural privacy of adjoining *sites*;
- b) Ensures that *buildings* are *setback* from the road *boundary* with a *streetscape* that provides opportunities for landscape planting and ensures that *buildings* do not visually dominate the rural *residential outlook* of adjacent properties or public open space;
- c) Retains the majority of the *site* as open space, retains opportunities for planting and *primary production* activities on the *site* and cumulatively contributes to the overall open nature, rural residential *landscape character* and outlook of surrounding properties and the wider zone.
- d) Ensures development is appropriately set back from areas of natural character or land within the Conservation Zone sufficient to preserve the amenity, character and intrinsic natural values of those areas.

15A.1.4 Objective - Density of Development in the Rural Residential Zone

A very *low density* residential environment, at the interface between the Suburban Residential Zone and Rural Zones, characterised by single dwellings on a *site* and large areas of on-site open space in vegetation or used for *primary production* activities.

15A.1.4.1 Policy - Development Density – Rural Residential Zone

By providing for residential densities that are significantly lower than those in the Suburban Residential Zone to ensure a less intensive development pattern.

15A.1.5 Objective - Activities in the Rural Residential Zone

Low density residential activities are the predominant activity in the zone, but with flexibility for small scale *home-based business* and *homestays*, and a limited range of community support services (subject to their compatibility with the amenity of the Rural Residential Zone which is defined by specific provisions). *Primary production* activities compatible with rural residential use continue.

15A.1.5.1 Policy - Activities in the Rural Residential Zone

By providing for very *low density residential activity* as the predominant activity in the zone while:

- a) Providing for the integrated development of *secondary independent dwelling units* while ensuring such development is compatible with the amenity and character of the zone;
- b) Providing for small scale *home-based businesses*, including *homestays*, that are of an ancillary and secondary nature to the *residential activity* on the *site* and do not create off-site effects on surrounding properties, rural residential character and amenity, and the *transport network*;
- c) Providing for a limited range of community support activities, being smaller scale *tertiary education premises*; *schools*; *health centres* and churches that provide community support functions for residents within the Rural Residential Zone and are compatible with existing anticipated rural residential character and amenity in terms of:
 - i) Location and scale of the activity, including the attraction of visitors to the *site*, and hours of operation of the activity;
 - ii) The nature of the activity's actual and potential adverse effects on surrounding properties, rural residential character, amenity and the *transport network*;
- d) *Primary production* activities compatible with rural *residential activity* continue through:
 - i) Limiting the types of *primary production* able to be undertaken in the zone to those activities unlikely to have adverse effects on rural residential character and amenity;
 - ii) Ensuring that *sites* within the zone are of a size to provide for separation between incompatible activities;
 - iii) Recognising voluntary, industry-based codes relating to the management and application of chemical sprays;
 - iv) Using sections 16 and 17 of the *RMA* to act upon localised nuisances including offensive discharges from *primary production* activities and nuisances caused by poor management practices;
- e) Limiting the establishment of *non-residential activities* in the Rural Residential Zone that are expected to be located in the *Commercial Zones* to ensure:
 - i) Avoidance of a cumulative effect on the rural residential character and amenity of the zone;
 - ii) Maintenance of the integrity of the network of *commercial centres*, with regard to the objectives and policies for commercial development;
- f) Limiting the establishment of *non-residential activities* in the Rural Residential Zone that are expected to be located in the *Industrial Zones* to ensure:
 - i) Avoidance of potential adverse effects, including cumulative effects, on the rural residential character and amenity of the zone.

15A.2 Activity Status Rules

15A.2.1 Activities in the Rural Residential Zone

All activities in the Rural Residential Zone shall have the status identified in *Table 15A.1*. Symbols used in *Table 15A.1* have the meaning described in *Table 1A.2: Activity Status*.

Table 15A.1: Rural Residential Zone Activity Status

Use/Activity	Relevant Rule	Rural Residential	Tara Road Urban Growth Plan Area	
<i>Accessory buildings, structures and activities</i>	15A.3	P	C	
<i>Business activities</i> not listed elsewhere in this Activity Table	15A.6	NC	NC	
<i>Health centres</i>	15A.5	D	D	
<i>Home-based businesses</i>	15A.3	P	C	
<i>Homestay</i>	15A.3	P	C	
<i>Independent dwelling unit</i>	15A.3	P	C	
<i>Industrial activities</i>	15A.6	NC	NC	
<i>Minor public recreation facilities and activities</i>	15A.3	P	C	Definition Appealed
<i>Offensive trades</i>	15A.6	NC	NC	
<i>Primary production</i> activities excluding <i>forestry, factory farming</i> and aerial spraying of crops	15A.3	P	C	
<i>Produce stalls</i>	15A.3	P	C	
<i>Schools</i>	15A.5	D	D	
<i>Secondary independent dwelling unit</i>	15A.3	P	C	
<i>Shared accommodation</i>	15A.3	P	C	
<i>Tertiary education premises</i>	15A.5	D	D	
<i>Urupa</i>	15A.3	P	C	
<i>Visitor accommodation</i>	15A.6	NC	NC	

15A.3 Permitted Activity Rules

Note: Where an activity that does not comply with a Permitted Activity Rule shall be considered a Restricted Discretionary Activity, unless stated otherwise.

15A.3.1 Development Density and Scale

- a) Maximum density for *independent dwelling units* on a *site* shall be 1 per *site*.
 - b) Maximum density for *shared accommodation* on the *site* shall be as follows:
 - i) When added together the maximum *gross floor area* of all *habitable rooms* associated with the *shared accommodation* on the *site* shall not exceed 65m²;
 - ii) *Shared accommodation* shall be limited to a maximum of 8 permanent residents per *site*.
-

Note: Any activity that does not comply with Permitted Activity Rule 15A.3.1 Development Density and Scale shall be considered a Discretionary Activity.

15A.3.2 Building Height

- a) The maximum *height* of any *building*, with the exception of the permitted intrusions in *Rule 4H.2.3* shall be 9 metres;
 - b) Provided that no *building* or *structure* within any identified *Viewshaft Protection Area* with the exception of the Permitted Intrusions in *Rule 4H.2.3*, shall exceed the maximum *height* identified within the *Plan Maps (Part B)*.
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Note: Any activity that does not comply with Permitted Activity Rule 15A.3.2 – Building Height shall be considered a Discretionary Activity.

15A.3.3 Streetscape

- a) All *buildings* on a *site* with a frontage to a legal road shall be setback 10 metres from the road *boundary* of the *site*;
 - b) All *buildings* on a *site* adjoining a Future Road Widening designation (as identified on *Plan Maps (Part B)*) shall have the required *setback* measured from that designation *boundary*;
 - c) The provision of on-site parking shall not be located within the required *streetscape setback*.
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15A.3.4 Setbacks

All *buildings*, excluding any *setback* intrusions permitted under *Rule 4H.2.1* shall provide the following *setbacks* from a side or rear *boundary*:

- a) A minimum of 1.5 metres from a side or rear *boundary*;
 - b) A minimum of 5 metres from the *boundary* of the Conservation Zone;
 - c) All new *buildings*, excluding *minor structures* and *activities*, shall be setback a minimum of 30 metres from *MHWS*;
 - d) All new *buildings*, excluding *minor structures*, shall be setback a minimum of 20 metres from a *permanently flowing river or stream*, or *wetland*;
 - e) Where a site adjoins an *Open Space Zone* or the *Coastal Marine Area*, the common boundary (that being the zone boundary) may be fenced to a maximum of:
 - i) 1.2 metres in *height*; or
 - ii) 1.8 metres in *height*, consisting of *visually permeable materials*.
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Note: Any activity that does not comply with Permitted Activity Rule 15A.3.4 – Setbacks a), c), d), e) shall be considered a Restricted Discretionary Activity.

Note: Any activity that does not comply with Permitted Activity Rule 15A.3.4 – Setbacks b) shall be considered a Non-Complying Activity.

15A.3.5 Overshadowing

All *buildings*, excluding any overshadowing intrusions permitted under *Rule 4H.2.2*, shall be within a *building envelope* calculated in accordance with *Appendix 14C: Overshadowing*.

15A.3.6 Site coverage

The maximum *site coverage* shall be 30% of the *site area*.

Note: Any activity that does not comply with Permitted Activity Rule 15A.3.6 – Site Coverage shall be considered a Discretionary Activity.

15A.3.7 Access

The maximum number of *independent dwelling units*, *homestays* or *shared accommodation* that can be served by private rights-of-ways, private accessway or legal access lot shall be:

Up to and including 2 <i>independent dwelling units</i> (including any <i>secondary independent dwelling units</i>) or 1 <i>shared accommodation</i> premises	3m minimum <i>legal width</i>
3-4 <i>independent dwelling units</i> (including any <i>secondary independent dwelling units</i>), or up to 2 <i>independent dwelling units</i> that include any 1 permitted <i>homestay</i> per <i>independent dwelling unit</i> or 3 <i>shared accommodation</i> premises	3m minimum <i>legal width</i>
5-12 <i>independent dwelling units</i> (including any <i>secondary independent dwelling units</i>) or up to 8 <i>independent dwelling units</i> that include any one permitted <i>homestay</i> or up to 8 <i>shared accommodation</i> premises	6m minimum <i>legal width</i> , provided that the shared access is constructed to allow 2 vehicles to pass within its boundaries

Note: Any land use activity that requires additional access to Tara Road is a Non-Complying Activity in accordance with Rule 4B.5.

15A.3.8 Homestay

- a) A *homestay* shall be associated with and ancillary to an *independent dwelling unit* (excluding any *secondary independent dwelling unit*) on the *site*;
- b) When added together the maximum *gross floor area* of all *habitable rooms* associated with the *homestay* on the *site* shall not exceed 65m².

Note: Any activity that does not comply with Permitted Activity Rule 15A.3.8 – Homestay shall be considered a Non-Complying Activity.

15A.3.9 Home-Based Business

- a) Every *home-based business* or combination of *home-based business activities* on a single *site* may employ not more than 2 other persons (Full Time Equivalent (FTE)) additional to the members of the household who permanently reside on the *site* and who own and operate the business from that *site*;
- b) The activity shall be carried out either within a dwelling, an *accessory building*, or in an outdoor activity area clearly designed and constructed for the purpose of the business or businesses, or a combination of these areas. The maximum total gross area used for the *home-based business* or combination of businesses, including *retail sales space*, shall be 50m²;
- c) The activity, including any aspect of it undertaken in an outdoor activity area, shall not encroach on the *streetscape* or *setbacks* of the *site* as defined in *the Plan*;
- d) *Retail sales* from a *home-based business* or businesses shall be limited to those goods and materials produced by the *home-based business* or used in the direct operation and management of that business or those businesses on the *site*;
- e) *Retail sales* shall take place from within a *building* or *structure* on the same *site* and the area occupied for *retail sales* shall be a constituent part of the gross area of the activity.

Note: Any activity that does not comply with Permitted Activity Rule 15A.3.9 – Home-Based Business shall be considered a Non-Complying Activity.

15A.3.10 Secondary Independent Dwelling Unit

- a) 1 secondary independent dwelling unit is permitted per site;
- b) The secondary independent dwelling unit shall be ancillary to, and associated with, the principal independent dwelling unit on-site;
- c) The secondary independent dwelling unit shall have a maximum gross floor area of 80m²;
- d) The secondary independent dwelling unit may be incorporated into the bulk of the existing principal independent dwelling unit or be a separate detached building.
- e) Where the secondary independent dwelling unit is detached from the principal independent dwelling unit it shall be sited within 20 metres of the principal independent dwelling unit and shall share a driveway with the principal independent dwelling unit.

Note: Any activity that does not comply with Permitted Activity Rule 15A.3.10 – Secondary Independent Dwelling Unit shall be considered a Discretionary Activity.

15A.3.11 Produce Stalls

Produce stalls shall have a maximum gross floor area per site of 50m².

Note: Any activity that does not comply with Permitted Activity Rule 15A.3.11 – Produce Stalls shall be considered a Non-Complying Activity.

15A.3.12 Heavy Machinery

No heavy machinery shall be parked, stored or displayed on a site. This excludes one private motor home vehicle per site, regardless of whether that vehicle falls within the definition of heavy machinery, providing the motor home vehicle is parked in compliance with Rule 15A.3.4 and Rule 15A.3.5. Heavy machinery may visit and use a site to pick up or deliver goods or materials, or during construction.

Note: Any activity that does not comply with Permitted Activity Rule 15A.3.12 – Heavy Machinery shall be considered a Non-Complying Activity.

15A.3.13 Clearance of Indigenous Vegetation

No activity shall result in the clearance of more than 20m² of indigenous vegetation in any calendar year.

Note: Any activity that does not comply with Permitted Activity Rule 15A.3.13 – Clearance of Indigenous Vegetation shall be considered a Non-Complying Activity.

15A.3.14 Rules in Other Sections of the Plan

Activities within the Rural Residential Zone shall also comply with the following sections of the Plan:

- a) The provisions of Chapter 4 – General Rules;
- b) The provisions of Chapter 7 – Heritage;
- c) The provision of Chapter 8 – Natural Hazards;
- d) The provisions of Chapter 9 – Hazardous Substances and Contaminated Land;
- e) The provisions of Chapter 11 – Financial Contributions;
- f) The provisions of Chapter 12 – Subdivision, Infrastructure and Services, Section 12G – Infrastructure and Services;
- g) The provisions of any Plan Area.

15A.4 Controlled Activity Rules

The following are Controlled Activities:

- a) Any activity listed as a Controlled Activity in Table 15A.1.

15A.4.1 Controlled Activity Standards and Terms: Tara Road Urban Growth Plan Area

- a) The land to be developed shall only be accessed from Tara Road via the Doncaster Road roundabout and shall be in accordance with the *Urban Growth Plan UG5*, as it applies to the zone within Tauranga City.
- b) Dwellings shall be designed and constructed so that internal noise levels do not exceed 35 dBA $L_{eq\ 24hr}$ in bedrooms and 40 dBA $L_{eq\ 24hr}$ in other habitable rooms. Written evidence that this standard will be achieved through the design of the building shall be provided to the *Council* from a suitably qualified acoustic consultant at the time an application for resource consent to build is lodged with the *Council* under this rule. Where a building is required to have its windows closed to achieve the required noise standard, the building shall be designed and constructed to provide for an alternative means of internal ventilation.
- c) Development shall be designed and constructed so that external noise levels do not exceed 64 dBA $L_{eq\ 24hr}$ (see (d) below). The acoustic mitigation adjacent to the Tauranga Eastern Link and/or Tara Road required to achieve this standard shall be addressed at the time of development under this Rule or subdivision under Rule 12C.3.1.7b) (whichever comes first). Written evidence that this standard will be achieved shall be provided to the *Council* from a suitably qualified acoustic consultant as part of the application for development. The evidence shall be based on predictions of road-traffic noise in accordance with Section 5.3 of NZS 6806:2010, using terrain data at 1m ground contour intervals including the final earthworks for the Tauranga Eastern Link.
- d) The design parameters for noise measurement for b) and c) above are as follows:
 - Tara Road
 - i) Design year – 2026
 - ii) Flow rate (AADT) – Tara Road 26,100 vpd, Parton Road 6,000 vpd
 - iii) Speed – 100 kph
 - iv) Road surface – Open graded porous asphalt
 - v) Percentage of heavy vehicles – 7%
 - Tauranga Eastern Link
 - vi) Design year – 2026
 - vii) Flow rate (AADT) – 28,000 with Papamoa East Interchange
 - viii) Design speed – 100kph
 - ix) Road surface – Chip seal
 - x) Percentage of heavy vehicles – 16%
- e) At the time of development a landscape plan detailing planting species and spacing shall be provided to screen the Rural-Residential Zone from the Tauranga Eastern Link and to provide an amenity buffer with Tara Road. The landscape plan shall detail the planting along the 10m Amenity Planting Strip adjoining Tara Road, within the Landscape Swale, on the acoustic bund adjoining the Tauranga Eastern Link and/or Tara Road (if proposed), and between any acoustic barrier and the Tauranga Eastern Link and/or Tara Road (if proposed).
- f) The acoustic mitigation (e.g. bund; barrier) and landscaping shall be designed so that it does not have any adverse geotechnical effect on the Tauranga Eastern Link and/or Tara Road (including all infrastructure within the road reserve). Prior to the establishment of any acoustic mitigation or landscaping required by clauses c) and e) of this rule a geotechnical assessment by a suitably qualified geotechnical engineer shall be prepared in consultation with the NZ Transport Agency or Tauranga City Council (as relevant) and submitted to *Council* to confirm that the acoustic mitigation and landscaping has no adverse geotechnical effect on Tauranga Eastern Link or Tara Road (including all infrastructure within the road reserve).
- g) The acoustic mitigation required by c) above (e.g. bund or barrier) and the landscape mitigation required by e) above shall be vested in *Council* at the time of subdivision as required by Rule 12C.3.1.7f) or prior to resource consent for a dwelling being issued, whichever occurs first.

- h) Any development shall be in accordance with an approved stormwater management plan for the entire Tara Road Urban Growth Plan Area. For the avoidance of doubt, this means an integrated management approach is required with the Rural Residential zoned land directly east, within the Western Bay of Plenty District.
- i) Development shall not be commenced until the Tauranga Eastern Link is operational. Operational means that TEL construction is complete and public vehicles are able to use the full length of TEL including both lanes in each direction.
- j) Development associated with the Tauranga Eastern Link shall be exempt from this rule.
- k) For the avoidance of doubt, development shall also comply with Permitted Activity Rules 15A.3, except where they are inconsistent with this Rule, in which case this Rule shall prevail.

Note: Water supply is to be provided privately, unless prior arrangements have been made with the Council to reticulate the whole of the Tara Road Urban Growth Plan Area with a public reticulation system.

15A.4.2 Controlled Activity – Matters of Control and Conditions: Tara Road Urban Growth Plan Area

The council reserves control over the following matters:

- a) Noise mitigation
- b) Landscaping
- c) Geotechnical effects
- d) Access to Tara Road
- e) Stormwater management
- f) Compliance with the Urban Growth Plan UG5

15A.5 Restricted Discretionary Activity Rules

The following are Restricted Discretionary Activities:

- a) Any Permitted Activity that does not comply with:
 - i) *Rule 15A.3.3 - Streetscape;*
 - ii) *Rule 15A.3.4 a), c), d) e) - Setbacks;*
 - iii) New, or alterations to existing fences, where a site adjoins an *Open Space Zone*, the *Coastal Marine Area* or the edge of a bank of a *permanently flowing river or stream*, or *wetland* located within the defined setback where that fence is proposed to be constructed greater than:
 - (i) 1.2 metres in *height*;
 - (ii) 1.8 metres in *height* and does not consist of *visually permeable materials*;
 - iv) *Rule 15A.3.5 – Overshadowing;*
 - v) *Rule 15A.3.7 – Access.*

15A.5.1 Restricted Discretionary Activities – Standards and Terms – Activities that Do Not Comply with Rule 15A.3.4 a), c), d), e).

Restricted Discretionary Activities shall comply with the following standards and terms:

- a) A qualified landscape architect shall prepare a landscape and visual assessment for any application for resource consent;
- b) The assessment shall have particular regard to the open space character and factors, values and associations that contribute to the areas landscape and *natural character*, including its interface with the *Coastal Marine Area*, *permanently flowing river or stream* or *wetland*.

Note: Any activity that does not comply with Rule 15A.4.1 – Restricted Discretionary Activity – Standards and Terms shall be considered a Discretionary Activity.

15A.5.2 Restricted Discretionary Activities – Matters of Discretion and Conditions

15A.5.2.1 Streetscape

In considering activities that do not comply with *Rule 15A.3.3 - Streetscape* the *Council* restricts the exercise of its discretion to:

- a) The extent to which the proposal would adversely impact on the maintenance of a consistent setback from the street and result in the reduction of the visual amenity of the existing and anticipated streetscape pattern when viewed from the street and from adjoining sites;
- b) The extent to which the proposal addresses potential adverse impacts through on-site design measures or contribution to the maintenance of amenity at the public-private interface.

15A.5.2.2 Setback

In considering activities that do not comply with *Rule 15A.3.4 a) - Setback* the *Council* restricts the exercise of its discretion to:

- a) The extent to which the proposal would adversely impact on the visual and aural privacy of occupants on adjoining sites;
- b) The extent to which the proposal would reduce the ability to maintain access for maintenance, including for *buildings* on adjoining sites;
- c) The extent to which the proposal would address potential adverse impacts through design measures including, but not restricted to, step in breaks in façades and minimisation of the length of encroachment into the setback.

In considering activities that do not comply with *Rule 15A.3.4 c), d), e) - Setbacks* the *Council* restricts the exercise of its discretion to:

- a) The height, scale, and location of any *building, structure, or sign*;
- b) The use of material on the exterior of any *building or structure*, including the use of colour;
- c) The nature, location and extent of any proposed *earthworks*;
- d) The location and design of access, parking areas, infrastructure and services or fences;
- e) Whether the proposed activity, *building or structure* will adversely affect the indigenous flora and fauna values and whether retention of indigenous and exotic vegetation, reinstatement of indigenous vegetation or provision of new indigenous planting is required;
- f) Whether the proposed activity, *building or structure* will adversely affect the factors, values and associations of a specific landscape feature and whether retention of specific landscape features or reinstatement of those features is required.

15A.5.2.3 Overshadowing

In considering activities that do not comply with *Rule 15A.3.5 - Overshadowing* the *Council* restricts the exercise of its discretion to the extent to which the proposal would overshadow other *sites* resulting in reduced sunlight and daylight.

15A.5.2.4 Access

In considering activities that do not comply with *Rule 15A.3.7 - Access* the *Council* restricts the exercise of its discretion to the extent to which vehicular traffic generated by any activity can be accommodated without compromising the functionality of the access and the road on to which the access links (taking into account its place in the hierarchy, traffic volumes, safety and efficient pedestrian movement), or without loss of rural residential character and amenity.

15A.6 Discretionary Activity Rules

The following are Discretionary Activities:

- a) Any Permitted Activity that does not comply with:
 - i) *Rule 15A.3.1 – Development Density and Scale;*
 - ii) *Rule 15A.3.2 – Building Height;*
 - iii) *Rule 15A.3.6 – Site Coverage;*
 - iv) *Rule 15A.3.10 – Secondary Independent Dwelling Units;*
- b) Any activity which is not a Permitted, Controlled, Restricted Discretionary or Non-Complying Activity;
- c) Any activity which does not comply with *Rule 15A.4.1 – Restricted Discretionary Activity – Standards and Terms;*
- d) Any activity listed as a Discretionary Activity in *Table 15A.1.*

15A.6.1 Discretionary Activity – Assessment of Discretionary Activities

In considering a Discretionary Activity the *Council's* discretion is unrestricted. The *Council* shall consider any relevant matter with particular regard to the relevant Objectives and Policies of *the Plan*.

15A.7 Non-Complying Activities

The following are Non-Complying Activities:

- a) Any activity listed as a Permitted Activity that does not meet *Rule 15A.3.4 b) – Setbacks;*
- b) Any activity listed as a Permitted Activity that does not meet *Rule 15A.3.8 – Homestays;*
- c) Any activity listed as a Permitted Activity that does not meet *Rule 15A.3.9 – Home-based Businesses;*
- d) Any activity listed as a Permitted Activity that does not meet *Rule 15A.3.11 – Produce Stalls;*
- e) Any activity listed as a Permitted Activity that does not meet *Rule 15A.3.12 – Heavy Machinery;*
- f) Any activity listed as a Permitted Activity that does not meet *Rule 15A.3.13 – Clearance of Indigenous Vegetation.*
- g) Any activity that does not meet *Rule 15A.4.1 - Controlled Activities in the Tara Road Urban Growth Plan Area.*