

16 Rural Zones

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16A Purpose of the Rural Zones

The purpose of the *Rural Zones* is to provide for a range of *primary production* activities on *the City's* rural land resource, as well as an open green landscape as a backdrop to *the City's* intensive urban and suburban areas and to Tauranga Harbour which *the Plan* seeks to maintain. The Greenbelt Zone also plays an important role in the management of stormwater in *the City*.

The Plan provides for development standards in the *Rural Zones* which reflect the predominance of *primary production* activities, provides for these activities to operate with a minimum of constraint, and restricts the establishment of activities which could adversely impact on the ability to use the rural land resource or carry out certain *primary production* techniques. *The Plan* does however, seek to reduce adverse impacts on surrounding properties where *primary production* activities are poorly managed or unacceptable land management practices are taking place, through reference to industry guidelines.

The Plan also provides additional development standards for mining and forestry, which are recognised as activities connected to resources within the Rural Zones, but which may have potential adverse effects which need to be addressed.

Provision is made for *residential activity*, dependent on on-site servicing, in conjunction with *primary production* activities. *Residential activity* that is not connected to *primary production*, or is of a density more characteristic of the Rural Residential or *Residential Zones* of *the City* is not anticipated or desirable in the *Rural Zones*.

The zones also have a distinct rural character. Elements which make up rural character include: A predominance of natural features over human made features; a high ratio of open space relative to the built environment; significant areas of vegetation in pasture, crops, forestry and/or indigenous vegetation, including crop protection structures; a rural working production environment; presence of farmed animals; noises, smells and effects associated with the use of rural land for a wide range of agricultural, horticultural and forestry purposes; low population densities relative to urban area; no provision of urban infrastructure.

Provisions
Appealed

Multiple-owned Maori land makes up a large proportion of *the City's* rurally zoned land. While this land is used for *primary production*, there is also a growing need and demand for housing to be provided on the land in a way that recognises the constraints posed by the Maori land tenure system. Provision for *papakāinga* development in the *Rural Zone* seeks to meet this need while balancing it with productive rural use of the surrounding *environment* and the maintenance of the rural landscape. The Rural Marae Community Zone provides for the unique mix of activities, including *residential activity*, occurring within *the City's* rural marae.

Some land within *the City* zoned Rural has been identified in the Bay of Plenty Regional Policy Statement as a future growth area beyond the 2021 period. These areas are adjoining the Western Bay of Plenty District at upper Ohauti Road, Pukemapu Road, Neewood Road, Kaitemako Road and Keenan Road. The geographic extent of these areas and their indicative sequencing are described in the Regional Policy Statement, which includes objectives, policies and methods on implementing growth management in the *sub-region*. *The Plan* must 'give effect to' the Regional Policy Statement.

One key purpose of the *Rural Zone* in the southern edge of *the City* (adjoining the Western Bay of Plenty District) is to manage the cumulative effects of any fragmentation of productive rural land through *subdivision* and development in the interim period until such land may be needed for urban development.

This approach supports the continued use of these areas for rural activity, subsequent effective and efficient development of land for urban purposes and associated provision and funding of essential *infrastructure* in the long term.

The purpose of the Future Urban Zone at Te Tumu is to recognise the medium term sequencing of this identified urban growth area as indicated in the Bay of Plenty Regional Policy Statement and to manage the interim *subdivision*, use and development of this rural area in a sustainable way. This interim approach will occur until the area is rezoned and structure planned for urban development with timing and sequencing in accordance with the comprehensive set of policies and methods outlined in the Bay of Plenty Regional Policy Statement. There are many resource management considerations with the natural environmental values and effective and efficient use of existing and future *infrastructure* in the Te Tumu growth area of particular importance for *Council*.

Provisions
Appealed

16A.1 Purpose of the Rural Zone

The purpose of the *Rural Zone* is to provide for the continued productive use of rural land resource and provide for the widest range of *primary production* activities to be undertaken of all the *Rural Zones*. The open, vegetated landscape of this zone with its very *low density* of development contributes greatly as a backdrop to *the City's* intensive urban and suburban areas and to Tauranga Harbour.

Multiple-owned Maori land makes up a large proportion of *the City's* Rural and Future Urban zoned land. While this land is used for *primary production*, there is also a growing need and demand for housing on the land that recognises the difficulties of such provision due to the constraints posed by the multiple owner tenure system. Provision for *papakaiinga* development in the Rural and Future Urban Zones seeks to meet this need by balancing demand with *primary production* and the maintenance of the rural character. The *papakaiinga* provisions are closely linked to the functioning of the Te Ture Whenua Maori Land Act 1993 (Te Ture Whenua Act) and for this reason the land available for *papakaiinga* development will be limited to that defined as Maori Land under the Te Ture Whenua Act. This is to ensure that *papakaiinga* development occurs in accordance with the aims of the RMA and the Te Ture Whenua Act, and is genuinely provided for Maori to meet their housing needs and cultural aspirations.

Within the Matapihi Rural Area the community's preference is to provide for *papakaiinga* on three scheduled *sites*, rather than a general provision, in keeping with their desire to retain the rural character of the peninsula.

16A.2 Purpose of the Greenbelt Zone

The Greenbelt Zone is one of the main means of managing diffuse water discharge in the escarpments, valley floors and coastal lowlands that form natural drainage systems directing overland run-off towards Tauranga Harbour. Advantage is taken of these characteristics to form an integral part of the Stormwater Management Strategy in each Urban Growth Area. The Greenbelt Zone also provides for green corridor links, *natural character*, ecological and/or heritage values and visual separation between developed areas. The Greenbelt Zone remains largely in private ownership, and land use and *subdivision* provisions provide for *primary production* activities and ancillary *residential activity* that are compatible with these values and the management of the stormwater network.

16A.3 Objectives and Policies of the Rural Zones

Appealed:
Additions

16A.3.1 Objective – Sustainable Management of the Rural Land Resource

The City's rural land resource provides for predominantly *primary production* activities, *low density residential activity* ancillary to those activities and *papakaiinga* development compatible with the maintenance and enhancement of an open, vegetated, rural character and amenity.

16A.3.1.1 Policy – Sustainable Management of the Rural Land Resource

By ensuring rural development is undertaken in a sustainable, effective and efficient manner, that addresses potential adverse environmental impacts, through a distribution of rural zonings that:

- a) Are consistent with the growth management policies of the Bay of Plenty Regional Policy Statement;
- b) Retain the potential for the rural land resource to be used predominantly for a range of *primary production* activities;
- c) Provide opportunities for the development of *papakaiinga* on rural *multiple-owned Maori land* and within the Rural Marae Community Zone;
- d) Avoid potential adverse impacts of development on the open, vegetated rural character of the rural landscape.

Rule
Appealed

16A.3.2 Objective - Interim Management and Use of Urban Growth Areas

Managing rural land identified in the Bay of Plenty Regional Policy Statement as being required for a growth area in a manner which:

- a) Retains its interim potential to be used primarily for a range of *primary production* activities;
- b) Preserves all options relating to its efficient and orderly development for urban purposes into the future.

Objective
Appealed

16A.3.2.1 Policy – Interim Management and Use of Identified Growth Areas

By ensuring that all land identified in the Bay of Plenty Regional Policy Statement as a future growth area:

- a) Remains as a rural land resource primarily available for *primary production* and that rural character and amenity is retained in the interim until urban development occurs;
- b) Is not fragmented through *subdivision* or the establishment of intensive *residential*, commercial or *industrial activities* that are unconnected with rural production, and that may constrain or compromise future urban development options;
- c) Is not released for urban development until a comprehensive rezoning and structure plan process, in a manner consistent with the provisions of the Bay of Plenty Regional Policy Statement has been completed and the outcomes adopted into *the Plan*, which provides a sustainable framework including:
 - i) How identified landscape, cultural and ecological values will be refined in relation to urban development;
 - ii) Efficient use and development of *infrastructure* and financial resources.

Policy
Appealed

16A.3.2.2 Policy - Interim Management and Use of Te Tumu Future Urban Zone

By ensuring that land within the Te Tumu Future Urban Zone:

- a) Is not fragmented through *subdivision* or the establishment of *residential*, commercial or *industrial activities* that are unconnected with *primary production*, or that may constrain or compromise future urban development options;
- b) Is not released for urban development until a comprehensive rezoning and structure plan process which provides a sustainable framework including:
 - i) How identified landscape, cultural and ecological values will be identified and protected in relation to urban development;
 - ii) Efficient use and development of *infrastructure* and financial resources; in a manner consistent with the provisions of the Bay of Plenty Regional Policy Statement has been completed and the outcomes adopted into *the Plan*;
- c) Has regard to the likely urban land use, subdivision and development pattern in the Wairakei Urban Growth Area westward of the Wairakei/Te Tumu common boundary.

Policy
Appealed

16A.3.3 Objective - Maintenance of Rural Character and Amenity

A rural backdrop to *the City's* urban areas characterised by a *low density* of *buildings* and development; a predominance of *primary production* activities and open space and vegetative cover.

Objective
Appealed

16A.3.3.1 Policy - Maintenance of Rural Character and Amenity

To ensure the rural character of the *Rural Zones* will be maintained by:

- a) Identifying, through zoning, a less intensive development pattern than in Rural Residential and *Residential Zones*;
- b) Ensuring *buildings* and activities on *site* are of a scale and character compatible with existing and anticipated rural character and amenity of the zone in which the development is proposed;
- c) By ensuring that potential adverse impacts on *natural character*, *indigenous* vegetation and ecological resources within *Rural Zones* are fully addressed as part of any consent process;
- d) By ensuring that potential adverse visual impacts of development and activities on the maintenance of rural character and amenity, particularly in areas identified as *outstanding natural features and landscapes* and *important amenity landscapes*, are fully addressed as part of any consent process.

Policy
Appealed

16A.3.4 Objective – Activities in the Rural Zones

Primary production remains the predominant activity in the *Rural Zones* while providing flexibility for the operation of *home-based businesses*; a limited range of rural service activities and a limited range of community support services subject to their compatibility with the amenity and character of the *rural zones*, which is defined by specific provisions.

Objective
Appealed

16A.3.4.1 Policy – Activities in the Rural Zones

Providing for a variety of *primary production* activities as the predominant activity in the *Rural Zones* in a way compatible with existing and anticipated rural character, amenity and environmental characteristics of the individual zones while:

Policy
Appealed

- a) Providing for ancillary *residential activity* and *papakainga*, in a way that does not restrict *primary production* on the balance of the *site* or on surrounding *sites*;
- 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 character and amenity and the *transport network*;
- c) In the Rural Zone only providing for rural contractors' depots; animal saleyards; small scale coolstores and packhouses that provide support services to primary production activities within the Rural Zone and are compatible with anticipated rural character and amenity in terms of:
 - i) The location and scale of the activity, including the attraction of visitors to the *site* and hours of operation;
 - ii) The nature of the activity's actual and potential adverse effects on surrounding properties, rural character, amenity and the *transport network*;
- d) 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 Zones* and are compatible with anticipated rural character and amenity in terms of:
 - i) The location and scale of the activity, including the attraction of visitors to the *site* and hours of operation;
 - ii) The nature of the activity's actual and potential adverse effects on surrounding properties, rural character, amenity and the *transport network*;
- e) Limiting the establishment of activities in *Rural Zones* that are expected to be located in *Commercial* or *Industrial Zones* to ensure:
 - i) Non-rural land use and development does not compromise the purpose of the *Rural Zones*, or impact on *primary production* activities through establishment of activities unrelated to rural activities;
 - ii) Avoidance of a cumulative effect on the rural character and amenity of the relevant *Rural Zone*;
 - iii) Maintenance of the integrity of the network of *commercial centres*, with regard to the objectives and policies for commercial development.

Policy
Appealed

16A.3.5 Objective - Management of Potential Reverse Sensitivity Conflicts

To keep to a minimum potential reverse sensitivity conflicts between *primary production* activities and rural residential activity or *residential activity* in terms of adverse effects on amenities, public health or general nuisances.

Objective
Appealed

16A.3.5.1 Policy - Management of Potential Reverse Sensitivity Conflicts

To reduce the potential for reverse sensitivity conflicts:

- a) By ensuring a physical separation between; *pig farming*, *factory farming* and *residential activities* and other sensitive activities such as *schools*, and between *forestry* and dwellings, road boundaries and zone boundaries;
- b) Recognising voluntary, industry-based codes relating to the management and application of chemical sprays; including NZS8409:2004 Management of Agrichemicals;
- c) Utilising sections 16 and 17 of the *RMA* to act upon localised nuisances, including offensive discharges from rural activities, and nuisances caused by poor management practices.

Policy
Appealed

16A.3.6 Objective – Mining

Mining is undertaken in a manner that addresses potential adverse impacts on the maintenance of rural character and amenity, including the underlying land form, on *primary production*, sensitive uses such as *residential activity* and on the area's *ecosystems*.

16A.3.6.1 Policy - Mining

By ensuring *mining* operations do not adversely impact on *Rural Zones* through giving consideration to:

- a) The proposed scale, intensity and duration of the operation;
- b) Effects on the existing character and intrinsic values of the locality and amenity and ecosystems values, and methods proposed to mitigate these;
- c) Effects on land forms or landscapes;
- d) Whether the proposal will have an adverse effect on sensitive activities including *primary production* in the vicinity of the *site* and mitigation methods proposed;
- e) *Site* rehabilitation proposed at the conclusion of the operation;
- f) The process that should apply if emergency works are required.

16A.4 Objectives for Development in the Rural, Future Urban and Greenbelt Zones

16A.4.1 Objective – Bulk and Scale of Buildings in the Rural, Future Urban and Greenbelt Zones

Buildings that are of a bulk and scale compatible with the existing and anticipated rural character of low *height of building*, and separation of *buildings*.

16A.4.1.1 Policy - Bulk and Scale of Buildings in the Rural, Future Urban and Greenbelt Zones - Building Height and Overshadowing

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

- a) Provides flexibility for a range of rural and residential *building* forms in the varied topographical conditions of the zone;
- b) Avoids potential adverse impacts of *over height buildings* on surrounding dwellings, and as viewed from public open space, including the *streetscape* or skyline through overshadowing, overlooking or visual dominance of *buildings*;
- c) Avoids potential adverse effects of overshadowing on surrounding properties, particularly dwellings;
- d) Provides for *artificial crop protection structures* within horticultural properties.

16A.4.2 Objective – Site Layout and Building Design Bulk in the Rural, Future Urban and Greenbelt Zones

Development within the *Rural Zones* provides for rural character and amenity that is characterised by an open, vegetated, landscape with very *low density* of development on individual *sites* and across the zone generally.

16A.4.2.1 Policy – Site Layout and Building Design in the Rural, Future Urban and Greenbelt Zones

By ensuring the layout and design of development of *sites* in the zones:

- a) Provides *building setbacks* between *sites* that ensure a physical separation of *buildings* between *sites* which contributes to the visual and aural privacy of adjoining *sites*;
- b) Provides *building setbacks* between *sites* that ensure a physical separation between sensitive activities such as *residential activity* and *pig* and *factory farming*;
- c) Ensures that *buildings* are *setback* from the road *boundary* to provide a consistent *streetscape* with opportunities for landscape planting and the maintenance of an open rural character as viewed from roads;

Policy Appealed

- d) Retains the majority of the *site* for *primary production* activities;
- e) Cumulatively contributes to the overall open nature of the surrounding neighbourhood;
- f) Provides an appropriate *setback* from areas of *natural character*, or land within the Conservation Zone sufficient to preserve the amenity, character and intrinsic natural values of those areas.

16A.4.3 Objective – Density of Development in the Rural, Future Urban and Greenbelt Zones

An open vegetated, rural landscape with a very *low density* of development of predominantly *primary production* activities on individual *sites*, and across the zone generally.

16A.4.3.1 Policy – Density of Development in the Rural, Future Urban and Greenbelt Zones

By ensuring the maintenance of very *low density* of development in the zone by limiting *residential activity* as follows:

- a) Restricting *residential activity* in the Rural and Greenbelt Zone to one *independent dwelling unit* and one *secondary independent dwelling unit* to provide for family members or workers accommodation per *site*;
- b) In considering further *residential activity* on-site in the Rural, Future Urban and Greenbelt Zones the extent to which the proposal:
 - i) Is related to *primary production* on the *site*, whether it will be an ongoing need and/or be retained as part of the overall *site* development, and the extent to which the proposal will increase the potential for fragmentation of rural land, including through *subdivision* to a separate title;
 - ii) Will constrain *primary production* activities on-site and adjoining *sites*;
 - iii) Will impact on the existing and anticipated rural character and amenity, including the cumulative impacts on the *site* and on surrounding *sites* and the zone overall;
 - iv) Uses effective design measures including *site* layout, landscaping and use of the existing physical contours of the *site*, to address potential adverse impacts on the rural character and amenity of the *site*, adjoining *sites* and the overall zone;
 - v) Will constrain existing mining activities on adjoining or surrounding sites.

Objective
Appealed

Policy
Appealed

16A.4.4 Objective – Papakainga on Multiple-Owned Maori Land in the Rural and Future Urban Zones

Papakainga developments within the Rural and Future Urban Zones on *multiple-owned Maori land* provide housing opportunities for tangata whenua, are designed and set out on the subject *site* so as to be compatible with the existing and anticipated rural character and amenity of the zone, and allow *primary production* activities to continue on the balance of the *site* and surrounding *sites*.

16A.4.4.1 Policy - Papakainga on Multiple-Owned Maori Land in the Rural and Future Urban Zones

By ensuring the development of *papakainga*:

- a) Provides flexibility for the owners to direct the internal development of multiple housing, with amenity standards applied to the external boundaries of the development to address any potential impacts on the ability to carry out *primary production* activities on the balance of the *site*, and surrounding *sites*;
- b) Ensures, through an *Outline Development Plan* and related conditions of consent, that *papakainga* development is compatible with maintaining open, rural character and amenity when viewed from outside the boundaries of the *papakainga* site.
- c) Provides for the physical needs of the development, in terms of water supply and waste disposal, to be met without adverse effects on the *environment*.

Note: Council supports the use of Te Keteparaha Mo Nga Papakainga (Maori Housing Toolkit) as a guide for tangata whenua considering undertaking a papakainga development.

Note: Appendix 16B sets out the different roles and responsibilities of the Maori Land Court and the Council in relation to developments on Maori land.

16A.5 Additional Objectives and Policies for the Greenbelt Zone

16A.5.1 Objective - Management of Special Character within the Greenbelt Zone

The Greenbelt Zone provides for additional protection for established stormwater management systems, areas identified for their *natural character*, ecological and heritage values, and cumulatively contributes to a green rural backdrop to, and separation between, *the City's* urban and suburban areas.

16A.5.1.1 Policy - Application of Greenbelt Zoning

To provide for additional protection for stormwater management systems, areas with *natural character*, ecological and heritage values and green rural backdrop of *the City*, through:

- a) Applying a Greenbelt Zone to natural drainage, man-made drainage and stormwater management areas and natural resource areas;
- b) Identifying and applying a Greenbelt zoning to open space areas where the protection of green corridor links, *natural character*, ecological and/or heritage values is required;
- c) Making land in the Greenbelt Zone a public asset only where the land is acquired for public works, as in the case of designated stormwater works, or pedestrian or cycle links.

16A.5.1.2 Policy - Activities in the Greenbelt Zone

To ensure that use and development, including *primary production* activities, within the Greenbelt Zone are undertaken in a manner which has particular regard to:

- a) The ability of the Greenbelt Zone to effectively filter stormwater run-off from adjacent catchment areas and the avoidance of disruption to established stormwater management systems, including through providing for the maintenance of stormwater systems within the zone as a Permitted Activity;
- b) The retention, maintenance or enhancement of the general elements of rural character and amenity, such as separation distances between *buildings*, *low density* and *low height of building*, large scale vegetation, presence of wild life habitats (including aquatic habitats), open spaces and a predominance of natural edges;
- c) The maintenance or enhancement of *natural character*, ecological and heritage values;
- d) The maintenance of green corridor areas along the major gully systems leading to Tauranga Harbour and avoiding fragmentation of links and disruption to the existing green corridors;
- e) The maintenance of visual separation between developed areas;
- f) The potential for *walkways* and cycleway links within the Greenbelt Zone.

16A.6 Additional Objectives and Policies for Matapihi Papakainga Scheduled Sites

16A.6.1 Objective - Management of Matapihi Papakainga Scheduled Sites

The Matapihi Papakainga Scheduled Sites provide for papakainga development opportunities within the Matapihi Rural Area while maintaining the overall open, rural character, amenity and low density development of the Matapihi Rural Area, the maintenance of opportunities for primary production activities on surrounding sites, and the protection of areas identified for their *natural character* values.

16A.6.1.1 Policy - Management of Matapihi Papakainga Scheduled Sites

By ensuring development in a Matapihi Papakainga Scheduled Site:

- a) Provides flexibility for the owners to direct the internal development of multiple housing while avoiding the potential adverse impacts of:
- b)
 - i) Over height buildings on surrounding dwellings and properties, and as viewed from public open space, including the streetscape and skyline through overshadowing, overlooking or visual dominance of buildings;
 - ii) Overshadowing on surrounding properties, particularly dwellings;
- c) Provides at the external boundaries of the site for a physical separation of buildings and overshadowing controls to:
 - i) Mitigate potential reverse sensitivity impacts on activities on adjoining sites including primary production activities and residential activity;
 - ii) Provide for a consistent streetscape that provides opportunities for landscape planting and the maintenance of an open rural character as viewed from roads;
- d) Provides for the physical needs of the development, in terms of water supply and waste disposal, without adverse effects on the environment.

16A.7 Activity Status Rules

16A.7.1 Activities in Rural, Future Urban and Greenbelt Zones

All activities in the Rural, Future Urban and Greenbelt Zones shall have the status identified in *Table 16A.1*. Symbols used in *Table 16A.1* have the meaning described in *Table 1A.2: Activity Status*.

Table 16A.1: Rural, Future Urban and Greenbelt Zones Activity Status

Use/Activity	Relevant Rule	Rural Zone	Future Urban Zones	Greenbelt Zone	
<i>Accessory buildings, structures or activities</i>	16A.8	P	P	P	
<i>Animal Saleyards</i>	-	D (Refer Rule 16A.11)	NC (Refer Rule 16A.12)	NC (Refer Rule 16A.12)	Rule Appealed
<i>Artificial Crop Protection Structures</i>	16A.8	P	P	P	
<i>Business activities</i> not listed elsewhere in this Activity Table	16A.12	NC	NC	NC	
<i>Camping Grounds</i>	Rule 16A.11 / 16A.12	D (Refer Rule 16A.11)	D (Refer Rule 16A.11)	NC (Refer Rule 16A.12)	
Cemeteries	-	P (Refer Rule 16A.8)	P (Refer Rule 16A.8)	NC (Refer Rule 16A.12)	
Clearance of exotic vegetation	16A.8	P	P	P	
Clearance of <i>indigenous</i> vegetation	16A.8	P	P	P	
<i>Garden centres</i> , including associated food premises	-	P (Refer Rule 16A.8)	P (Refer Rule 16A.8)	NC (Refer Rule 16A.12)	
<i>Coolstores</i>	-	D (Refer Rule 16A.11)	NC (Refer Rule 16A.12)	NC (Refer Rule 16A.12)	Rule Appealed
<i>Homestay</i>	16A.8	P	P	P	
<i>Health centres</i>	16A.11	D	D	D	
<i>Home-based businesses</i>	16A.8	P	P	P	
<i>Independent dwelling unit</i>	16A.8	P	P	P	
<i>Industrial activities</i>	16A.12	NC	NC	NC	Rule Appealed
<i>Mineral Prospecting and Mineral Exploration</i>	-	P	P	P	

Use/Activity	Relevant Rule	Rural Zone	Future Urban Zones	Greenbelt Zone	
Mining	16A.11	D	D	D	
Minor public recreation facilities and activities	16A.8	P	P	P	Definition Appealed
Packhouses	-	D (Refer Rule 16A.11)	NC (Refer Rule 16A.12)	NC (Refer Rule 16A.12)	Rule Appealed
Papakainga	16A.9	C	C	n/a	
Permitted Activities within a Matapihi Papakainga Scheduled Site	16A.8.14	P	No Scheduled Sites in this zone	No Scheduled Sites in this zone	
Pig farming	-	P (Refer Rule 16A.8)	P (Refer Rule 16A.8)	NC (Refer Rule 16A.12)	
Plant nurseries	-	P (Refer Rule 16A.8)	P (Refer Rule 16A.8)	NC (Refer Rule 16A.12)	
Primary production activities, including forestry or factory farming	16A.8	P	P	P	
Produce stall	16A.8	P	P	P	
Rural contractors depot	-	D (Refer Rule 16A.11)	NC (Refer Rule 16A.12)	NC (Refer Rule 16A.12)	Rule Appealed
Secondary independent dwelling unit	16A.8	P	P	P	
Schools	16A.11	D	D	D	
Tertiary education premises	16A.11	D	D	D	
Urupa	16A.8	P	P	P	
Visitor accommodation	16A.12	NC	NC	NC	
Works for the purpose of maintaining public stormwater infrastructure, including stormwater reserves and associated walkways, cycleways	16A.8	P	P	P	

16A.8 Permitted Activity Rules

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

16A.8.1 Development Density and Scale

The maximum development density for *independent dwelling units* shall be:

Activity	Density
<i>Independent dwelling units</i> – Greenbelt Zone	1 <i>independent dwelling unit</i> per site
<i>Independent dwelling units</i> – Rural Zone and Future Urban Zones – general title	1 <i>independent dwelling unit</i> per site
<i>Independent dwelling units</i> – Rural Zone and Future Urban Zones – multiple-owned Maori land parcel	2 <i>independent dwelling units</i> per site

Rule
Appealed

Note: Any activity that does not comply with Permitted Activity Rule 16A.8.1 a) or b) shall be considered a Discretionary Activity.

Note
Appealed

Note: Additional independent dwelling units on multiple-owned Maori land parcels in the Rural and Future Urban Zones are addressed through Rule 16A.9 - Controlled Activity Rules; Rule 16A.10 - Restricted Discretionary Activity Rules or Rule 16A.12 - Non-Complying Activity, within the exception of additional dwelling units on multiple owned Maori land parcels in the Matapihi Rural Area (see Appendix 16B) which shall be considered a Discretionary Activity.

16A.8.2 Building Height

- The maximum *height* of any *building*, with the exception of the permitted intrusions in *Rule 4H.2.3; artificial crop protection structures*; and frost protection fans shall be: 9 metres;
- The maximum *height* of any frost protection fan shall be: 15 metres to the tip of the blade;
- 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)*.

Note: Any activity that does not comply with Permitted Activity Rule 16A.8.2 – Building Height shall be considered a Discretionary Activity.

16A.8.3 Streetscape

All *buildings* on a *site* with a frontage to a legal road shall be *setback* from the road *boundary* of the *site* as follows:

- 10 metres, except *artificial crop protection structures* which shall be *setback* 5 metres;
- All *buildings* on a *site* adjoining a Future Road Widening designation identified on the *Plan Maps (Part B)* shall have the required *setback* measured from that designation *boundary*;
- The provision of on-site parking shall not be located within the required *streetscape setback*.

16A.8.4 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 minimum of 5 metres from a side or rear *boundary*;
- No dwelling (other than a dwelling on the subject *site*), *school* or *tertiary education premises* shall be established closer than 500 metres to an existing *factory farming* activity or *pig farming* activity (either intensive or extensive);
- All new *buildings*, excluding minor *structures* and *activities* and *crop protection structures*; shall be *setback* a minimum of 60 metres from *MHWS*;

Rule
Appealed

- d) All new *buildings*, excluding *minor structures and activities* and *crop protection structures*, shall be setback a minimum of 20 metres from the edge of a bank of a *permanently flowing river or stream*, or *wetland*;
- e) No activity shall result in the clearance of more than 10m² of *indigenous vegetation* on any *site* within 60 metres from *MHWS* or 20 metres from the edge of a bank of a *permanently flowing river or stream*, or *wetland* in any calendar year, excluding:
 - i) *Minor structures and activities*;
 - ii) *Minor public recreational facilities and activities* (in relation to the Greenbelt Zone only);
 - ii) The construction and maintenance of *stormwater reserves* and *stormwater overland flowpaths*;
 - iii) The maintenance of existing farm tracks and fencelines in existence at the date of notification of *the Plan* (17th October 2009);
- f) 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*, being either constructed entirely of *visually permeable materials* or with the upper 0.6 metres consisting of *visually permeable materials*.

Rule
Appealed

Note: Any activity that does not comply with Permitted Activity Rule 16A.8.4 Setbacks, unless otherwise stated shall be considered a Restricted Discretionary Activity.

Note: Rule 16A.8.4 c) shall not apply to the Matapihi Peninsula as identified in Appendix 16A.

16A.8.5 Overshadowing

In Rural, Greenbelt Zones and Future Urban Zones all *buildings*, excluding any overshadowing intrusions permitted under *Rule 4H.2.2* and *artificial crop protection structures*, shall be within a *building envelope* calculated in accordance with *Appendix 14C: Overshadowing*.

16A.8.6 Artificial Crop Protection Structures

- a) *Artificial crop protection structures* shall be of green or black cloth when situated within 30 metres of a boundary of a property excluding a *road boundary*;
- b) Where *artificial crop protection structures* are within 30 metres of a property *boundary*, other than any *road boundary*, a different colour cloth can be used where the written approval of the owner(s) of the immediately adjoining property is obtained;
- c) *Artificial crop protection structures* shall be of green or black cloth when situated within 30 metres of a *road boundary*.

Rule
Appealed

Note: Any activity that does not comply with Permitted Activity Rule 16A.8.6 a) or b) shall be considered a Restricted Discretionary Activity.

Note: Any activity that does not comply with Permitted Activity Rule 16A.8.6 c) shall be considered a Discretionary Activity.

16A.8.7 Homestay

- a) The *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 16A.8.7 – Homestay shall be considered a Non-Complying Activity.

Note
Appealed

16A.8.8 Home-based Business

The maximum development density for a *home-based business* on a *site* shall be:

- Every *home-based business* may employ not more than two 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*;
- The activity shall be carried out either wholly within a dwelling, within an *accessory building*, or in an outdoor yard clearly designed and constructed for the purpose. The maximum *gross floor area* of any associated *building* and/or outdoor activity area used in conjunction with the *home-based business* shall be 50m²;
- Retail* sales from a *home-based business* shall be limited to those goods and materials produced by the *home-based business* and shall take place within a *building* or *structure* located on the same *site* and the area occupied for *retail* sales shall be a constituent part of the total gross area used for the *home-based business* or combination of businesses.

Note: Any activity that does not comply with Permitted Activity Rule 16A.8.8 – Home-based Business shall be considered a Non-Complying Activity.

Note
Appealed

16A.8.9 Secondary Independent Dwelling Unit

- One *secondary independent dwelling unit* is permitted per *site* (excluding *multiple-owned Maori land* parcels in the Rural and Future Urban Zones);
- The *secondary independent dwelling unit* shall be ancillary to the *principal independent dwelling unit* on *site*;
- The *secondary independent dwelling unit* shall have a maximum *gross floor area* of 80m²;
- The *secondary independent dwelling unit* may be incorporated into the bulk of the existing *principal independent dwelling unit* or be a separate detached *building*;
- Where the *secondary independent dwelling unit* is detached from the *principal independent dwelling unit* then 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 16A.8.9 – Secondary Independent Dwelling Unit shall be considered a Discretionary Activity.

Note: Additional independent dwelling units on multiple-owned Maori land parcels in the Rural and Future Urban Zones are addressed through Rule 16A.9 - Controlled Activity Rules; Rule 16A.10 - Restricted Discretionary Activity Rules or Rule 16A.12 – Non-Complying Activity.

Rule
Appealed

Note
Appealed

16A.8.10 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 16A.8.10 – Produce Stalls shall be considered a Non-Complying Activity.

Note
Appealed

16A.8.11 Food Premises Associated with Garden Centres

Food premises associated directly with a *garden centre* shall be designed to ensure a maximum seating occupancy of 50 persons at any one time.

Note: Any activity that does not comply with Permitted Activity Rule 16A.8.11 – Food Premises Associated with Garden Centres shall be considered a Non-Complying Activity.

Note
Appealed

16A.8.12 Pig Farming or Factory Farming

No *pig farming* activity (either intensive or extensive) or *factory farming* activity shall be established closer than 500 metres from the *boundary* of the *site* on which the activity is proposed to be established.

16A.8.13 Forestry

The last row of tree plantings for any *forestry* activity shall be located no closer than 20 metres to any dwelling, or any road *boundary*, or a non-Rural Zone *boundary*.

16A.8.14 Scheduled Sites: Special Permitted Activity Conditions

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

All activities identified on a Scheduled Site on Mahiwahine 2B, Otuawahia Block and the Ngati Tapu Block at Waikari (as identified on the *Planning Maps (Part B)*) shall comply with *Rule 16A.8.14 - Scheduled Sites: Special Permitted Activity Conditions* where relevant and *Rule 16A.8 - Permitted Activities*. In the event of any inconsistency between *Rule 16A.8.14* and *Rule 16A.8* the rules outlined in *Rule 16A.8.14* shall prevail. The following provisions are relevant to development within each Scheduled Site.

16A.8.14.1 Permitted Activities Within a Matapihi Papakainga Scheduled Site

- a) *Independent dwelling units* at a maximum density of 800m² per *independent dwelling unit* or such greater area of land required to service the *independent dwelling units* by an approved on-site effluent treatment disposal system;
- b) The maximum *height* of any *building*, with the exception of the permitted intrusions in *Rule 4H.2.3*, shall be 9 metres, provided that no *building* or *structure* within any identified *Viewshaft Protection Area* shall exceed the maximum *height* identified within the *Plan Maps (Part B)*;
- c) All *buildings* shall be *setback* a minimum of 5 metres to any external Scheduled Site *boundary*;
- d) 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* with the exception that the *building envelope* shall be calculated from the external Scheduled Site boundaries;
- e) The *independent dwelling units* shall comply with Permitted Activity conditions in *Rule 16A.8.18 - Rules in Other Sections of the Plan*;
- f) Each *independent dwelling unit* on the scheduled site may operate one *home-based business* in accordance with *Rule 16A.8.8*.

Note: Council supports the use of Te Keteparaha Mo Nga Papakainga (Maori Housing Toolkit) as a guide for tangata whenua considering undertaking a papakainga development.

16A.8.15 Clearance of Indigenous Vegetation in the Rural and Future Urban Zones

No activity, except for the maintenance of existing *stormwater reserves* and *stormwater overland flowpaths*, and maintenance of existing (as at 17 October 2009) farm tracks and fence lines shall result in the clearance of more than 100m² of *indigenous* vegetation in any calendar year.

Note: Any activity that does not comply with Permitted Activity Rule 16A.8.15 – Clearance of Indigenous Vegetation in the Rural and Future Urban Zones shall be considered a Discretionary Activity.

Rule
Appealed

Note
Appealed

16A.8.16 Clearance of Indigenous and Exotic Vegetation in the Greenbelt Zone

- a) No activity, except for the maintenance and *construction of stormwater reserves, stormwater overland flowpaths* and maintenance and *construction of minor public recreational facilities and activities*; maintenance of existing (as at 17 October 2009) farm tracks and fence lines shall result in the clearance of more than 100m² of *indigenous* vegetation in any calendar year;
- b) No activity, except for the maintenance and *construction of stormwater reserves, stormwater overland flowpaths*; maintenance and *construction of minor public recreational facilities and activities*; the removal of plant pest species; the removal of horticultural vegetation as part of normal horticultural practices; maintenance of existing (as at 17 October 2009) farm tracks and fence lines shall result in the clearance of more than 100m² of exotic vegetation in any calendar year.

Rule
Appealed

Note: Any activity that does not comply with Permitted Activity Rule 16A.8.16 a) – Clearance of Indigenous and Exotic Vegetation in the Greenbelt Zone shall be considered a Discretionary Activity.

Note
Appealed

Note: Any activity that does not comply with Permitted Activity Rule 16A.8.16 b) – Clearance of Indigenous and Exotic Vegetation in the Greenbelt Zone shall be considered a Restricted Discretionary Activity.

Note: Rule 16A.8.4 e) is required to be met where indigenous vegetation is proposed to be cleared or removed within 60 metres from mean high water springs, 20 metres of the edge of a bank of any permanently flowing river or stream or 20 metres from any wetland.

Note
Appealed

16A.8.17 Exemptions to Clearance of Exotic Trees, Bush and Scrub; Indigenous Vegetation in the Greenbelt Zone

- a) Notwithstanding Rules 16A.8.15 and 16A.8.16, works for the purpose of maintaining public stormwater infrastructure, including stormwater reserves and associated walkways and, cycleways, shall be exempt from the controls in those rules subject to the maintenance complying with Rule 10A.5 as it relates to the Permitted Activity conditions for maintenance of the stormwater network;
- b) Notwithstanding Rule 16A.8.16, works for the purpose of constructing public stormwater infrastructure, including stormwater reserves and associated walkways and, cycleways, shall be exempt from the controls in those rules subject to the construction complying with Rule 10A.5 as it relates to the Permitted Activity conditions for construction of the stormwater network.

16A.8.18 Rules in Other Sections of the Plan

Activities within the Rural, Future Urban and Greenbelt Zones shall also comply with the following Permitted Activity conditions found within other 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.

16A.9 Controlled Activity Rules

- a) Any activity listed as a Controlled Activity in Table 16A.1.

Note: Any activity described as a Controlled Activity that does not comply with a Controlled Activity Standard and Term shall be considered a Restricted Discretionary Activity.

16A.9.1 Controlled Activities – Standards and Terms - Papakainga on Multiple-Owned Maori Land in the Rural and Future Urban Zones

- a) The subject site shall be multiple-owned Maori land, or otherwise held under the jurisdiction of the Maori Land Court under the Te Ture Whenua Act 1993, excluding such sites in the Matapihi Rural Area (See Appendix 16A);
- b) The maximum density on-site shall be:
 - i) Independent dwelling units: Maximum of 10 independent dwelling units with an average of at least 2000m² site area per independent dwelling unit;
 - ii) Home-based business: Each independent dwelling unit on the subject site may operate one home-based business in accordance with Rule 16A.8.8;
- c) One communal building may be provided for on-site and shall have a maximum gross floor area of 200m²;
- d) The independent dwelling units shall comply with the Permitted Activity conditions for the Rural Zone in Rule 16A.8.2 - Height, Rule 16A.8.3 - Streetscape, Rule 16A.8.4 - Setbacks and Rule 16A.8.5 - Overshadowing with the exception that Rule 16A.8.4 Setbacks and Rule 16A.8.5 Overshadowing shall

- apply only at the boundaries of the *site*, and shall not apply between *buildings* on the *site*;
- e) The *independent dwelling units* shall comply the Permitted Activity conditions in *Rule 16A.8.18 - Rules in Other Sections of the Plan*;
 - f) An *Outline Development Plan* shall be prepared for the subject *site* showing:
 - i) The location and extent of the area proposed to be used, including internal property boundaries in instances where the *site* is proposed to comprise more than one title, and boundaries of any licenses to occupy or lease or other forms of establishing areas of exclusive occupation to particular individuals or groups;
 - ii) Details of any proposed staging of the development, including time frames for completion;
 - iii) The layout and location of the dwellings and other *buildings* on-*site*;
 - iv) Description of the character, scale and intensity of activities proposed to use the communal *building*;
 - v) Areas of the *site* to be allocated to any *non-residential activity* or group of activities, including *primary production* activities;
 - vi) Location and details of wastewater and stormwater systems; water supply, including a fire-fighting water supply. This includes the land area required to service the *site* by an approved on-site effluent and treatment disposal system;
 - vii) Location of access to the *site* and internal vehicle access and carparking areas;
 - viii) Landscaping by either retention of existing vegetation, *earthworks*, planting or artificial screening.

Note: Council supports the use of Te Keteparaha Mo Nga Papakainga (Maori Housing Toolkit) as a guide for tangata whenua considering undertaking a papakainga development.

16A.9.2 Controlled Activities – Matters of Control and Conditions - Papakainga on Multiple-Owned Maori Land in the Rural and Future Urban Zones

In assessing an application for a development containing 3 to 10 *independent dwelling units* on *multiple-owned Maori land* matters over which *Council* has reserved control are:

- a) The ability to mitigate potential adverse visual impacts on the *low density* and intensity character of the *Rural Zone* or *Future Urban Zone* and potential impacts on *primary production* activities on the balance of the *site* and surrounding rural *sites* through the impositions of conditions relating to:
 - i) The layout and location, including clustering, of the dwellings and other *buildings* on-site and proposed staging and timeframes;
 - ii) Character, scale and intensity of activities proposed to the communal *building*;
 - iii) The provision of landscaping;
 - iv) The location of the access to serve the *site* development;
 - v) *Infrastructure* provision, including *financial contributions*.

16A.10 Restricted Discretionary Activity Rules

Appealed
Additions

The following are Restricted Discretionary Activities:

- a) Any Permitted Activity that does not comply with:
 - i) *Rule 16A.8.3 – Streetscape;*
 - ii) *Rule 16A.8.4 – Setbacks;*
 - iii) *Rule 16A.8.5 – Overshadowing;*
 - iv) *Rule 16A.8.6 – Artificial Crop Protection Structures;*
 - v) *Rule 16A.8.12 - Pig Farming or Factory Farming;*
 - vi) *Rule 16A.8.13 – Forestry;*
 - vii) *Rule 16A.8.16 b) – Clearance of Indigenous and Exotic Vegetation in the Greenbelt Zone.*
- b) 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*;
- c) The clearance of more than 10m² of indigenous vegetation on a site in any calendar year.
- d) Any activity described as a Controlled Activity that does not comply with a Controlled Activity standard and term other than *Rule 16A.8.2 – Height*;
- e) Any activity listed as a Restricted Discretionary Activity in *Table 16A.1*.

Rule
Appealed

Rule
Appealed

16A.10.1 Restricted Discretionary Activity – Standards and Terms

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

Note: Any activity that does not comply with Rule 16A.10.1 Restricted Discretionary Standards and Terms shall be considered a Discretionary Activity.

16A.10.1.1 Restricted Discretionary Activities – Papakainga on Multiple-Owned Maori Land in the Rural and Future Urban Zones

- a) The subject *site* shall be *multiple-owned Maori land*, or otherwise held under the jurisdiction of the Maori Land Court under the Te Ture Whenua Act 1993, excluding such *sites* in the Matapihi Rural Area (See *Appendix 16A*);
- b) The maximum density on-site shall be:
 - i) *Independent dwelling units*: Maximum of 30 *independent dwelling units* with an average of at least 2000m² of *site area* per *independent dwelling unit*;
 - ii) *Home-based businesses*: Each *independent dwelling unit* on the subject *site* may operate one *home-based business* in accordance with *Rule 16A.8.8*;
- c) The *independent dwelling units* shall comply with the Permitted Activity conditions for the *Rural Zone* in *Rule 16A.8.2 - Height*, *Rule 16A.8.3 - Streetscape*, *Rule 16A.8.4 - Setbacks* and *Rule 16A.8.5 - Overshadowing* with the exception that *Rule 16A.8.4 Setbacks* and *Rule 16A.8.5 Overshadowing* shall apply only at the boundaries of the *site*, and shall not apply between *buildings* on the *site*;
- d) The *independent dwelling units* shall comply with the Permitted Activity Conditions in *Rule 16A.8.18 - Rules in Other Sections of the Plan*;
- e) Only one communal *building* may be provided for on-site and shall have a maximum *gross floor area* of 200m²;
- f) If included as part of the development a *school* or *tertiary education premises* shall be designed to ensure a maximum occupancy of students at any caregiving or education session, exclusive of staff, of 50. Only one *school* or *tertiary education premises* may be established;
- g) If included as part of the development a *health centre* shall be designed to ensure the maximum occupancy of Full Time Equivalent staff on the *site* is 4. Only one health centre may be established;
- h) An *Outline Development Plan* and accompanying information shall be prepared for the subject *site* addressing:
 - i) The location and extent of the area proposed to be used, including internal property boundaries in instances where the *site* is proposed to comprise more than one title, and boundaries of any

- licenses to occupy or lease or other forms of establishing areas of exclusive occupation to particular individuals or groups;
- ii) Details of any proposed staging of the development, including time frames for completion;
 - iii) The layout and location of the dwellings and other *buildings on-site*;
 - iv) Description of the character, scale and intensity of activities proposed for the communal *building*;
 - v) Details of any *school, tertiary education premises or health centre* proposed as part of the development, including hours of operation;
 - vi) Areas of the *site* to be allocated to any *non-residential activity* or group of activities, including *primary production* activities;
 - vii) Location and details of wastewater and stormwater systems; water supply, including a fire-fighting water supply. This includes the land area required to service the *site* by an approved on-site effluent and treatment disposal system;
 - viii) Location of access to the *site* and internal vehicle access, and carparking areas;
 - ix) Landscaping by either retention of existing vegetation, *earthworks*, planting or artificial screening.

Note: Council supports the use of Te Keteparaha Mo Nga Papakainga (Maori Housing Toolkit) as a guide for tangata whenua considering undertaking a papakainga development.

16A.10.1.2 Restricted Discretionary Activities – Activities that do not comply with Rule 16A.8.4 c) – f) Setbacks; Activities subject to Rule 16A.10 b) and 16A.10 c) – Standards and Terms

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*.

16A.10.2 Restricted Discretionary Activities – Matters of Discretion and Conditions

Appealed:
Additions

16A.10.2.1 Pig Farming or Factory Farming

In considering activities that do not comply with *Rule 16A.8.12 – Pig Farming or Factory Farming* the *Council* restricts the exercise of its discretion to:

- a) The imposition of conditions which would avoid, remedy or mitigate any adverse off-site effects arising from the activity's failure to comply with the specified standard;
- b) Consideration of any existing methods, rules or guidelines by the relevant industry which may assist in managing the effects of the activity on the *environment*.

16A.10.2.2 Forestry

In considering activities that do not comply with *Rule 16A.8.13 – Forestry* the *Council* restricts the exercise of its discretion to:

- a) The potential adverse effects of overshadowing on adjoining properties and potential public safety effects in the event of trees toppling in the case of *forestry* not meeting the required *setback* from a dwelling, or any road *boundary*, or a non-rural Zone *boundary*;

16A.10.2.3 Streetscape

In considering activities that do not comply with *Rule 16A.8.3 – Streetscape* the *Council* restricts the exercise of its discretion to the extent to which a decrease in *streetscape* would:

- a) Impact on the visual and aural privacy of occupants in adjoining an adjacent *sites*;
- b) Lead to the visual dominance of *buildings* as viewed from the road and from adjoining and adjacent properties;

- c) Adversely impact on the existing and anticipated rural *landscape character* as viewed from public areas, including the road and surrounding properties;
- d) The extent of any mitigation measures proposed, including landscaping, the retention of existing vegetation, the positioning of the development in relation to the existing physical contours of the *site*;
- e) Imposition of conditions, that would avoid, remedy or mitigate these potential adverse impacts.

16A.10.2.4 Setbacks

- a) In considering activities that do not comply with *Rule 16A.8.4 a) or b)* – *Setbacks* the *Council* restricts the exercise of its discretion to the extent to which a decrease in *setback* would:
 - i) Impact on the visual and aural privacy of occupants in adjoining *sites*;
 - ii) Adversely impact on the existing and anticipated rural *landscape character* as viewed from public areas, including the road and surrounding properties;
 - iii) 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*;
 - iv) The extent of any mitigation measures proposed, including landscaping, the retention of existing vegetation, and the positioning of the development in relation the existing physical contours of the *site*;
 - v) Imposition of conditions, that would avoid, remedy or mitigate these potential adverse impacts;
 - vi) The extent of reverse sensitivity impacts that would result from the failure to comply with the permitted setback standards in relation to existing factory farming or pig farming activity;
- b) In considering activities that do not comply with *Rule 16A.8.4 c), d), e), f) Setbacks or 16A.10 b) or c)* the *Council* restricts the exercise of its discretion to:
 - i) The *height*, scale, and location of any *building*, *structure*, or sign;
 - ii) The use of material on the exterior of any *building* or *structure*, including the use of colour;
 - iii) The nature, location and extent of any proposed *earthworks*;
 - iv) The location and design of access, parking areas; infrastructure and services or fences;
 - v) 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;
 - vi) 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.

Appealed:
Additions

16A.10.2.5 Overshadowing

In considering activities that do not comply with *Rule 16A.8.5 – Overshadowing* the *Council* restricts the exercise of its discretion to:

- a) The extent to which the proposal would overshadow other *sites*, particularly a reduction in sunlight and daylight to dwellings;
- b) Imposition of conditions, that would avoid, remedy or mitigate these potential adverse impacts.

16A.10.2.6 Artificial Crop Protection Structures

In considering activities that do not comply with *Rule 16A.8.6 a) or b)* – *Artificial Crop Protection Structures* the *Council* restricts the exercise of its discretion to:

- a) The extent to which the activity has potential adverse glare impacts for neighbouring properties from the colour of the cloth;
- b) Imposition of conditions, in relation to the matters of discretion;

Rule
Appealed

16A.10.2.7 Papakainga on Multiple-Owned Maori Land in the Rural and Future Urban Zones

The *Council* restricts the exercise of its discretion to:

- a) The extent to which the intensity, density, *building height* and bulk and location of the proposed development will impact on the maintenance of open space and vegetation on the *site*, and on the overall pattern of low intensity and density that exists and is anticipated within the *Rural Zone or Future Urban Zone*;

- b) The extent of any mitigation measures proposed to address impacts on rural character and amenity including:
 - i) The extent of proposed landscaping, including the retention of existing vegetation proposed to maintain and enhance an open vegetated character;
 - ii) The use of the existing physical contours of the *site* and positioning or clustering of the development to contribute to the maintenance of a low intensity rural character;
- c) The extent to which the development, including any communal *building, school, tertiary education premises* or *health centre* proposed as part of the development, will impact on the maintenance of opportunities to use the balance of the *site* for *primary production* activities and the maintenance of opportunities to use the surrounding properties for *primary production* activities;
- d) The extent to which the scale, character and nature of any activities proposed as part of the development, including hours of operation and traffic generation, is compatible with rural character and amenity;
- e) The *infrastructure* and servicing of the development;
- f) The extent to which vehicular traffic generated by any activity can be accommodated without compromising the functionality of the road (taking into account its place in the hierarchy, traffic volumes, safety and efficient pedestrian movement);
- g) Imposition of conditions, in relation to the matters of discretion.

16A.10.2.8 Clearance of Exotic Vegetation in the Greenbelt Zone

The *Council* restricts the exercise of its discretion to:

- a) The extent to which the activity would adversely impact on the ability of the Greenbelt Zone to effectively filter stormwater run-off from adjacent catchment areas and avoid disruption to established stormwater management systems;
- b) The extent to which the activity would adversely impact on the maintenance or enhancement of rural character and amenity, natural character, ecological values or heritage values;
- c) The extent to which the activity would adversely impact on the maintenance of green corridor areas along the major gully systems leading to Tauranga Harbour and avoid fragmentation of links and disruption to the existing green corridors;
- d) The extent to which the activity would adversely impact on the maintenance of visual separation between developed areas.

16A.11 Discretionary Activity Rules

The following are Discretionary Activities:

- a) Activities not complying with *Rule 16A.8.1 a) or b) – Development Density and Scale – Independent Dwelling Units*;
- b) Any activity not complying with *Rule 16A.8.2 – Height*;
- c) More than 2 *independent dwelling units* on a *multiple-owned Maori land* parcel in the Matapihi Rural Area;
- d) Activities not complying with *Rule 16A.8.9 – Secondary Independent Dwelling Units*;
- e) Activities not complying with *Rule 16A.8.14 – Scheduled Sites Permitted Activities*;
- f) Activities not complying with *Rule 16A.10.1.1 – Papakainga on Multiple-Owned Maori Land in the Rural and Future Urban Zones*;
- g) Any activity that does not meet *Rule 16A.8.6 c) – Artificial Crop Protection Structures*;
- h) Any activity that does not meet *Rule 16A.8.15 – Clearance of Indigenous Vegetation in the Rural and Future Urban Zones*;
- i) Any activity that does not meet *Rule 16A.8.16 a) – Clearance of Indigenous and Exotic Vegetation in the Greenbelt Zone*;
- j) Any activity that does not meet *Rule 16A.10.1.2 – Restricted Discretionary Standards and Terms*;
- k) All activities not listed as Permitted, Controlled, Restricted Discretionary or Non-Complying Activities;
- l) All activities listed in *Table 16A.1* as Discretionary Activities;

Rule
Appealed

Rule
Appealed

Rules
Appealed

16A.11.1 Discretionary Activities – Standards and Terms

16A.11.1.1 Packhouses and Coolstores in the Rural Zone

Packhouses and Coolstores shall have a maximum gross floor area per site of 200m².

Note: Any activity that does not comply with Discretionary Activity Rule 16A.11.1.1 – Packhouses and Coolstores shall be considered a Non-Complying Activity.

16A.11.2 Assessment of Discretionary Activities

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

16A.12 Non-Complying Activity

The following are Non-Complying Activities:

- a) Any activity listed as a Permitted Activity that does not meet *Rule 16A.8.7 – Homestay*;
- b) Any activity listed as a Permitted Activity that does not meet *Rule 16A.8.8 – Home-based Businesses*;
- c) Any activity listed as a Permitted Activity that does not meet *Rule 16A.8.10 – Produce Stalls*;
- d) Any activity listed as a Permitted Activity that does not meet *Rule 16A.8.11 – Food Premises Associated with Garden Centres*;
- e) Any activity that does not meet *Rule 16A.11.1.1 Packhouses and Coolstores*;
- f) All activities listed in *Table 16A.1* as Non-Complying Activities;

Rules
Appealed

16B Purpose of the Rural Marae Community Zone

The Rural Marae Community Zones are based around rural marae and provide for marae-based activities. Marae activities may range from *tangi* and *hui* through to the provision of residential accommodation, health, education, recreation and social services. The mix, design and operation of these facilities can be considered unique to marae. Rural marae are not able to connect to reticulated *services* and housing numbers and the environmental effects on local water and soil values of increases in housing numbers must be carefully considered.

16B.1 Objectives for the Rural Marae Community Zone

16B.1.1 Objective - Marae Community Development

- a) To recognise and provide for the use and development of marae to meet the evolving needs of their *iwi*, *hapu* and *whanau*;
- b) To allow tangata whenua opportunities to exercise kaitiakitanga over marae resources in their respective *hapu* areas.

16B.1.1.1 Policy - Rural Marae Community Zone

Applying a Marae Community Zone which:

- a) Recognises marae as a focus and integral component of kainga;
- b) Permits the establishment of education, health, social service, recreation and housing facilities and home-based businesses, as well as facilities associated with more traditional marae uses where these comply to Permitted Activity conditions including development thresholds;
- c) Provides for *residential activities* at a density higher than in the other *rural zones* provided that water supply and waste disposal can be addressed on-site.

Note: Council supports the use of Te Keteparaha Mo Nga Papakainga (Maori Housing Toolkit) as a guide for tangata whenua considering undertaking a papakainga development in their Rural Marae Community Zone.

16B.1.2 Objective – Bulk and Scale of Buildings in the Rural Marae Community Zone

Buildings that are of a bulk and scale compatible with the existing and anticipated rural character of low *height of building*, and separation of *buildings*.

16B.1.2.1 Policy - Bulk and Scale of Buildings in the Rural Marae Community Zone - Building Height and Overshadowing

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

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

16B.1.3 Objective – Site Layout and Building Design in the Rural Marae Community Zone

Development within the Rural Marae Community provides for the cultural mix of activities within the marae, but is still compatible with the existing and anticipated rural character and amenity of the zone and is set out on site to address potential reverse sensitivity effects for *primary production* activities on surrounding *sites*.

16B.1.3.1 Policy – Site Layout and Building Design in the Rural Marae Community Zone

By ensuring development in the Rural Marae Community Zone:

- a) Provides flexibility for the owners to direct the internal development of multiple housing;
- b) Provides at the external boundaries of the zone for:
 - i) *Building setbacks* with adjoining *sites* that ensure a physical separation of *buildings* which contribute to the visual and aural privacy of adjoining *sites*;
 - ii) *Building setbacks* that ensure a physical separation between sensitive activities such as *residential activity* and *pig* and *factory farming*;
 - iii) *Building setbacks* from the road *boundary* to provide a consistent *streetscape* that provides opportunities for landscape planting and the maintenance of an open rural character as viewed from roads;
- c) Provides for physical needs of the development, in terms of water supply and waste disposal, without adverse effects on the *environment*;
- d) Provides an appropriate setback from areas of natural character, or land within the Conservation Zone sufficient to preserve the amenity, character and intrinsic natural values of those areas.

16B.2 Activity Status Rules

16B.2.1 Activities in Rural Marae Community Zones

All activities in Rural Marae Community Zones shall have the status identified in *Table 16B.1*. Symbols used in *Table 16B.1* have the meaning described in *Table 1A.2: Activity Status*.

Table 16B.1 – Rural Marae Community Zones Activity Status

Use/Activity	Relevant Rule	Rural Marae Community Zone	
<i>Accessory buildings, structures or activities</i>	16B.3	P	
Business activities not listed elsewhere in this Activity Table	16B.7	NC	
Cemeteries	16B.7	NC	
<i>Health centres</i>	16B.3	P	
<i>Home-based businesses</i>	16B.3	P	
<i>Independent dwelling unit</i>	16B.3	P	
<i>Industrial activities</i>	16B.7	NC	
Marae-based activities including wharenuī, wharekai, whareumu, pataka, tari (offices) and recreational and community facilities	16B.3	P	
<i>Mineral Prospecting and Mineral Exploration</i>	-	P	
<i>Mining</i>	16B.6	D	
<i>Pig farming</i>	16B.7	NC	
<i>Primary production activities, including forestry or factory farming</i>	16B.3	P	
<i>Produce stall</i>	16B.3	P	
<i>Minor public recreation facilities and activities</i>	16B.3	P	Definition Appealed
<i>Schools, Kohanga Reo, Kura Kaupapa Maori, Whare Kura</i>	16B.3	P	
<i>Secondary independent dwelling unit</i>	16B.7	NC	
<i>Tertiary education premises</i>	16B.3	P	
<i>Urupa</i>	16B.3	P	

16B.3 Permitted Activity Rules

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

16B.3.1 Development Density and Scale

Maximum development density on a site shall be one *independent dwelling unit* per 800m² or such greater area of land required to service the *independent dwelling unit* by an approved on-site effluent treatment system, up to a maximum total of *independent dwelling units* within a Rural Marae Community Zone as follows:

Rural Marae Community	Total Independent Dwelling Units
a) Ngati Hangarau	50
b) Tamapahore	35
c) Tahuwhakatiki	30
d) Hungahungatoroa	50
e) Waikari	50
f) Other Rural Marae Community Zone	2

Note: Any activity that does not comply with Permitted Activity Rule 16B.3.1 a), b), c), or d) or e) – Development Density and Scale shall be considered a Non-Complying Activity.

Note: Any activity that does not comply with Permitted Activity Rule 16B.3.1 f) – Development Density and Scale shall be considered a Controlled Activity.

16B.3.2 Building Height

- The maximum *height* of any *building*, with the exception of the permitted intrusions in *Rule 4H.2.3* shall be 9 metres;
- 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)*.

Note: Any activity that does not comply with the Permitted Activity Rule 16B.3.2 – Building Height shall be considered a Discretionary Activity.

16B.3.3 Streetscape

- All *buildings* with a frontage to a legal road shall be *setback* 5 metres from the road *boundary* of the *site*;
- All *buildings* on a *site* adjoining a Future Road Widening designation (as identified on the *Plan Maps (Part B)*) shall have the required *setback* measured from that designation *boundary*;
- The provision of on-site parking shall not be located within the required *streetscape setback*.

16B.3.4 Setbacks

- All *buildings*, excluding any *setback* intrusions permitted under *Rule 4H.2.1*, shall be *setback* a minimum of 5 metres to any external zone *boundary*;
- No dwelling (other than a dwelling on the subject *site*), *school* or *tertiary education premises* shall be established closer than 500 metres to an existing *factory farming* activity or *pig farming* activity (either intensive or extensive);
- All new buildings, excluding minor structures and activities, and *crop protection structures*, shall be setback a minimum of 60 metres from *MHWS*;

Rule
Appealed

- d) All new *buildings*, excluding *minor structures and activities and crop protection structures*, shall be setback a minimum of 20 metres from the edge of a bank of a *permanently flowing river or stream*, or *wetland*;
- e) No activity shall result in the clearance of more than 10m² of indigenous vegetation on any site within 60 metres from *MHWS* or 20 metres from the edge of a bank of a *permanently flowing river or stream*, or *wetland* in any calendar year, *excluding*:
- i) *Minor structures and activities*;
 - ii) *Minor public recreational facilities and activities* (in relation to the Greenbelt Zone only);
 - iii) The construction and maintenance of *stormwater reserves and stormwater overland flowpaths*;
 - iv) The maintenance of existing farm tracks and fencelines in existence at the date of notification of *the Plan* (17th October 2009);
- f) 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*, being either constructed entirely of *visually permeable materials* or with the upper 0.6 metres consisting of *visually permeable materials*.

Note: Any activity that does not comply with Permitted Activity Rule 16B.3.4 Setbacks, unless stated otherwise shall be considered a Restricted Discretionary Activity.

Note: Rule 16B.3.4 c) – f) shall not apply to the Matapihi Peninsula as identified in Appendix 16A.

16B.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*, with the exception that *Appendix 14C Overshadowing* shall apply only at the boundaries of the zone, and shall not apply between *buildings* on the *site*.

16B.3.6 Home-based business

- a) Every *home-based business* may employ not more than two 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 wholly within a dwelling, within an *accessory building*, or in an outdoor yard clearly designed and constructed for the purpose. The maximum *gross floor area* of any associated *building* and/or outdoor activity area used in conjunction with the *home-based business* shall be 50m²;
- c) *Retail sales* from a *home-based business* shall be limited to those goods and materials produced by the *business* and shall take place within a *building* or *structure* located on the same *site* and the area occupied for *retail sales* shall be a constituent part of the total gross area used for the *home-based business* or combination of businesses.

Note: Any activity that does not comply with Permitted Activity Rule 16B.3.6 – Home-based Business shall be considered a Non-Complying Activity.

16B.3.7 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 16B.3.7 – Produce Stalls shall be considered a Non-Complying Activity.

16B.3.8 Factory Farming

No *factory farming* activity (either intensive or extensive) shall be established closer than 500 metres from the *boundary* of the *site* on which the activity is proposed to be established.

16B.3.9 Forestry

- a) The last row of tree plantings for any *forestry* activity shall be located no closer than 20 metres to any dwelling, or any road *boundary*, or a non-Rural Zone *boundary*.

16B.3.10 Kohanga reo, Kura Kaupapa Maori, Whare kura, Schools and Tertiary Education Premises

- a) The total overall maximum number of students on-site in each Rural Marae Community Zone shall be 50.

Note: Any activity that does not comply with Permitted Activity Rule 16B.3.10 – Kohanga reo, Kura Kaupapa Maori, Whare kura, Schools and Tertiary Education Premises shall be considered a Discretionary Activity.

16B.3.11 Health Centre

- a) *Health centres* shall be designed to ensure the maximum occupancy of Full Time Equivalent Staff on the *site* is 4;
- b) Only one *health centre* may be established in each Rural Marae Community Zone.

Note: Any activity that does not comply with Permitted Activity Rule 16B.3.11 – Health Centre shall be considered a Discretionary Activity.

16B.3.12 Clearance of Indigenous Vegetation

No activity shall result in the clearance of more than 100m² of *indigenous* vegetation in any calendar year.

Note: Any activity that does not comply with Permitted Activity Rule 16B.3.12 – Clearance of Indigenous Vegetation shall be considered a Non-Complying Activity.

Note: Rule 16B.3.4 e) – Setbacks - is required to be met where indigenous vegetation is proposed to be cleared or removed within 60 metres from mean high water springs, 20 metres of the edge of a bank of any permanently flowing river or stream or 20 metres from any wetland.

16B.3.13 Rules in Other Sections of the Plan

Activities within the Rural Marae Community Zone shall also comply with the following Permitted Activity conditions found in other 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.

16B.4 Controlled Activity Rules

The following are Controlled Activities:

- a) Any Permitted Activity that does not meet *Rule 16B.3.1 f)*.

16B.4.1 Controlled Activities – Standards and Terms for Independent Dwelling Units in a Rural Marae Community Zone

Note: Any activity listed as a Controlled Activity that does not comply with a Controlled Activity Standard other than Rule 16B.4.1 d) shall be considered a Restricted Discretionary Activity.

Note: Any activity that does not comply with Permitted Activity Rule 16B.4.1 d) – Controlled Activities – Rural Marae Community Zone shall be considered a Non-Complying Activity.

- a) The maximum density of *independent dwelling units* in a Rural Marae Community Zone shall be 10 *independent dwelling units* at maximum development intensity of one *independent dwelling unit* per 800m² or such greater area of land required to service the *independent dwelling units* by an approved on-site effluent treatment disposal system;
- b) The *independent dwelling units* shall comply with the Permitted Activity conditions for the Rural Marae Community Zone in *Rule 16B.3.2 - Height, Rule 16B.3.3 - Streetscape, Rule 16B.3.4 - Setbacks and Rule 16B.3.5 – Overshadowing*;
- c) The *independent dwelling units* shall comply with the Permitted Activity conditions in *Rule 16B.3.12 - Clearance of Indigenous Vegetation and Rule 16B.3.13 - Rules in Other Sections of the Plan*;
- d) *Home-based businesses*: Each *independent dwelling unit* on the subject site may operate one *home-based business* in accordance with *Rule 16B.3.6*;
- e) An *Outline Development Plan* shall be prepared for the subject site showing:
 - i) The location and extent of the area proposed to be used for housing within the zone and the proposed layout and location of the *independent dwelling units*;
 - ii) Location of any wastewater, water supply, roading, stormwater services and associated equipment, reticulations and facilities;
 - iii) Details of any proposed staging of the development including time frames for completion.

16B.4.2 Controlled Activities – Matters of Control and Conditions – Independent Dwelling Units in the Rural Marae Community Zone

In assessing an application for a development containing 3 to 10 *independent dwelling units* in the Rural Marae Community Zone the matters over which *Council* has reserved control are:

- a) The ability to mitigate potential adverse visual impacts on the *low density* and intensity character of the surrounding *Rural Zone* and potential impacts on *primary production* activities on the balance of the *site* and surrounding rural *sites* through the impositions of conditions relating to:
 - i) The layout and location of the dwellings on-site and proposed staging and timeframes;
 - ii) The provision of landscaping;
 - iii) The location of the access to serve the *site* development;
 - iv) *Infrastructure* provision, including *financial contributions*.

16B.5 Restricted Discretionary Activity Rules

The following are Restricted Discretionary Activities:

- a) Any Permitted Activity that does not comply with:
 - i) *Rule 16B.3.3 – Streetscape*;
 - ii) *Rule 16B.3.4 - Setbacks*;
 - iii) *16B.3.5 – Overshadowing*;
 - iv) *Rule 16B.3.8 - Factory Farming*;
 - v) *Rule 16B.3.9 – Forestry*;

- b) 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*;
- c) The clearance of more than 10m² of *indigenous* vegetation on a site in any calendar year;
- d) Any activity described as a Controlled Activity that does not comply with a Controlled Activity standard and term other than *Rule 16B.3.2 – Height*;
- e) Any activity listed in *Table 16B.1* as Restricted Discretionary.

16B.5.1 Restricted Discretionary Activities – Standards and Terms Independent Dwelling Units in a Rural Marae Community Zone

Note: Any activity that does not comply with Rule 16B.5.1 – Restricted Discretionary – Standards and Terms for Independent Dwelling Units in a Rural Marae Community Zone shall be considered a Non-Complying Activity.

- a) The maximum density of *independent dwelling units* in a Rural Marae Community Zone shall be 30 *independent dwelling units* at maximum development intensity of one *independent dwelling unit* per 800m² or such greater area of land required to service the *independent dwelling units* by an approved on-site effluent treatment disposal system;
- b) The *independent dwelling units* shall comply with the Permitted Activity conditions for the Rural Marae Community Zone in *Rule 16B.3.2 - Height*, *Rule 16B.3.3 - Streetscape*, *Rule 16B.3.4 - Setbacks* and *Rule 16B.3.5 – Overshadowing*;
- c) The *independent dwelling units* shall comply with the Permitted Activity conditions in *Rule 16B.3.12 - Clearance of Indigenous Vegetation* and *Rule 16B.3.14 - Rules in Other Sections of the Plan*;
- d) *Home-based businesses*: Each *independent dwelling unit* on the subject *site* may operate one *home-based business* in accordance with *Rule 16B.3.6*;
- e) An *Outline Development Plan* shall be prepared for the subject *site* showing:
 - i) The location and extent of the area proposed to be used for housing within the zone and the proposed layout and location of the *independent dwelling units*;
 - ii) Location of any wastewater, water supply, roading, stormwater *services* and associated equipment, reticulations and facilities;
 - iii) Details of any proposed staging of the development, including time frames for completion.

16B.5.2 Restricted Discretionary Activities – Activities that do not comply with Rule 16B.3.4 c) – f) Setbacks; Activities subject to Rule 16B.5 b) and c) – Standards and Terms

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 16B.5.2 – Restricted Discretionary Activity – Activities that do not comply with Rule 16B.3.4 c) – f), Activities subject to Rule 16B.5 b) and c) - Standards and Terms shall be considered a Discretionary Activity.

16B.5.3 Restricted Discretionary Activities – Matters of Discretion and Conditions

The *Council* restricts the exercise of its discretion to:

16B.5.3.1 Streetscape

In considering activities that do not comply with *Rule 16B.3.3 - Streetscape* the *Council* restricts the exercise of its discretion to the extent to which a decrease in *streetscape* would:

- a) Impact on the visual and aural privacy of occupants on adjoining and adjacent *sites*;
- b) Lead to the visual dominance of *buildings* as viewed from the road and from adjoining and adjacent properties;
- c) Adversely impact on the existing and anticipated rural *landscape character* as viewed from public areas, including the road and surrounding properties;
- d) The extent of any mitigation measures proposed, including landscaping, the retention of existing vegetation, and the positioning of the development in relation to the existing physical contours of the *site*;
- e) Imposition of conditions, that would avoid, remedy or mitigate these potential adverse impacts.

16B.5.3.2 Setbacks

a) In considering activities that do not comply with *Rule 16B.3.4 - Setbacks* the *Council* restricts the exercise of its discretion to the extent to which a decrease in *setback* would:

- i) Impact on the visual and aural privacy of occupants in adjoining *sites*;
- ii) Adversely impact on the existing and anticipated rural *landscape character* as viewed from public areas including the road and surrounding properties;
- iii) 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*;
- iv) The extent of any mitigation measures proposed including landscaping, the retention of existing vegetation, and the positioning of the development in relation to the existing physical contours of the *site*;
- v) Imposition of conditions, that would avoid, remedy or mitigate these potential adverse impacts;

b) In considering activities that do not comply with *Rule 16B.3.4 c), d), e), f) - Setbacks* or *16B.5 b) or c)* the *Council* restricts the exercise of its discretion to:

- i) The *height*, scale, and location of any *building*, *structure*, or sign;
- ii) The use of material on the exterior of any *building* or *structure*, including the use of colour;
- iii) The nature, location and extent of any proposed *earthworks*;
- iv) The location and design of access, parking areas; infrastructure and services or fences;
- v) 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;
- vi) 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.

16B.5.3.3 Overshadowing

In considering activities that do not comply with *Rule 16B.3.5 - Overshadowing* the *Council* restricts the exercise of its discretion to:

- a) The extent to which the proposal would overshadow other *sites*, particularly dwellings resulting in reduced sunlight and daylight;
- b) Imposition of conditions, that would avoid, remedy or mitigate these potential adverse impacts.

16B.5.3.4 Factory Farming

In considering activities that do not comply with *Rule 16B.3.8 - Factory Farming* the *Council* restricts the exercise of its discretion to:

- a) The imposition of conditions which would avoid, remedy or mitigate any adverse off-site effects arising

- from the activity's failure to comply with the specified standard;
- b) Consideration of any existing methods, rules or guidelines by the relevant industry which may assist in managing the effects of the activity on the *environment*.

16B.5.3.5 Forestry

In considering activities that do not comply with *Rule 16B.3.9* the *Council* restricts the exercise of its discretion to:

- a) In the case of *forestry* not meeting the required *setback* from dwelling, or any road *boundary*, or a non-Rural Zone *boundary* the potential adverse effects of overshadowing effects on these adjoining properties and potential public safety effects in the event of trees toppling.

16B.5.4 Independent Dwelling Units in a Rural Marae Community Zone

The *Council* restricts the exercise of its discretion to:

- a) The extent to which the intensity, density, *building height* and bulk and location of the proposed development will impact on the maintenance of open space and vegetation on the *site*, and on the overall pattern of low intensity and density that exists and is anticipated within the *Rural Zone*;
- b) The extent of any mitigation measures proposed to address impacts on rural character and amenity including:
 - i) The extent of proposed landscaping, including the retention of existing vegetation proposed to maintain and enhance an open vegetated character;
 - ii) The use of the existing physical contours of the *site* and positioning or clustering of the development to contribute to the maintenance of a low intensity rural character;
- c) The extent to which the development will impact on the maintenance of opportunities to use the balance of the *site* for *primary production* activities and the maintenance of opportunities to use the surrounding properties for *primary production* activities;
- d) The *infrastructure* and servicing of the development;
- e) The extent to which vehicular traffic generated by any activity can be accommodated without compromising the functionality of the road (taking into account its place in the hierarchy, traffic volumes, safety and efficient pedestrian movement);
- f) Imposition of conditions, in relation to the matters of discretion.

16B.6 Discretionary Activity Rules

The following are Discretionary Activities:

- a) All activities that are not listed as Permitted, Controlled, Restricted Discretionary or Non-Complying Activities;
- b) Any activity listed as a Discretionary Activity in *Table 16B.1*;
- c) Any activity that does not comply with Permitted Activity *Rule 16B.3.10 – Kohanga reo, Kura Kaupapa Maori, Whare kura, Schools and Tertiary Education Premises*;
- d) Any activity that does not meet *Rule 16B.5.2 Restricted Discretionary Standards and Terms*.

16B.6.1 Assessment of Discretionary Activities

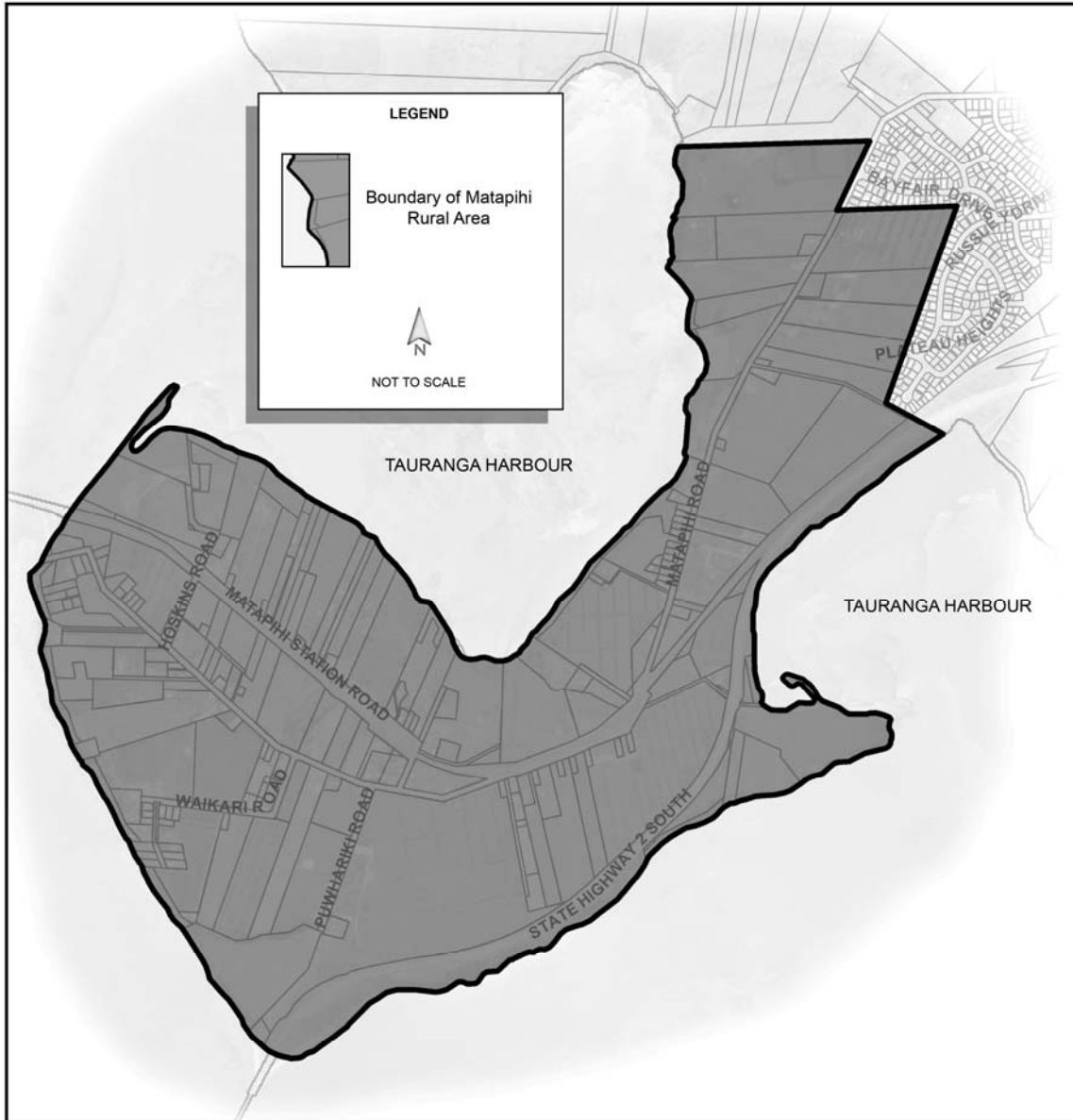
In considering a Discretionary Activity the *Council's* discretion is unrestricted. The *Council* will consider any matter within reason with particular regard to the relevant objectives and policies of *the Plan*.

16B.7 Non-Complying Activity

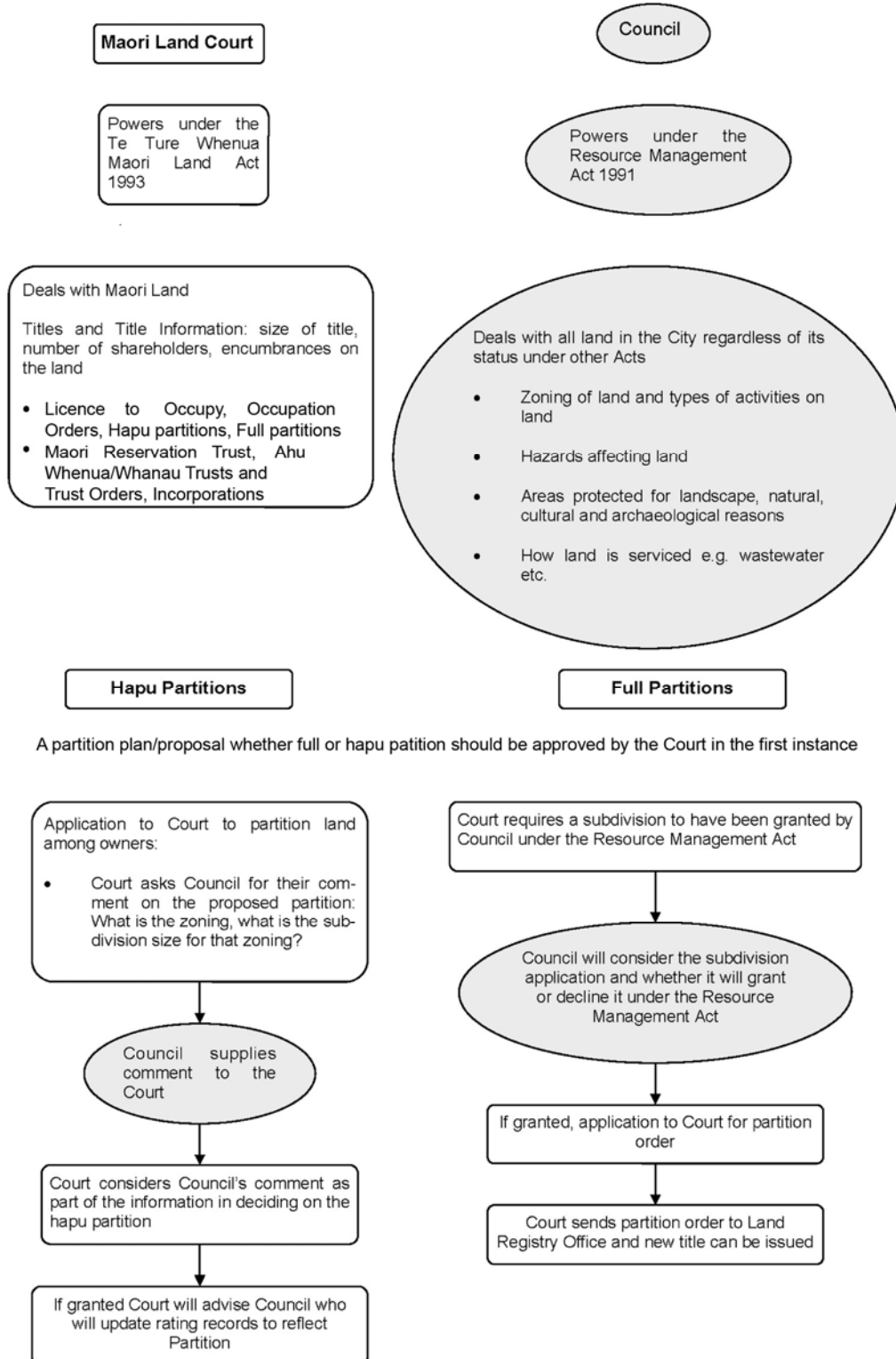
The following are Non-Complying Activities:

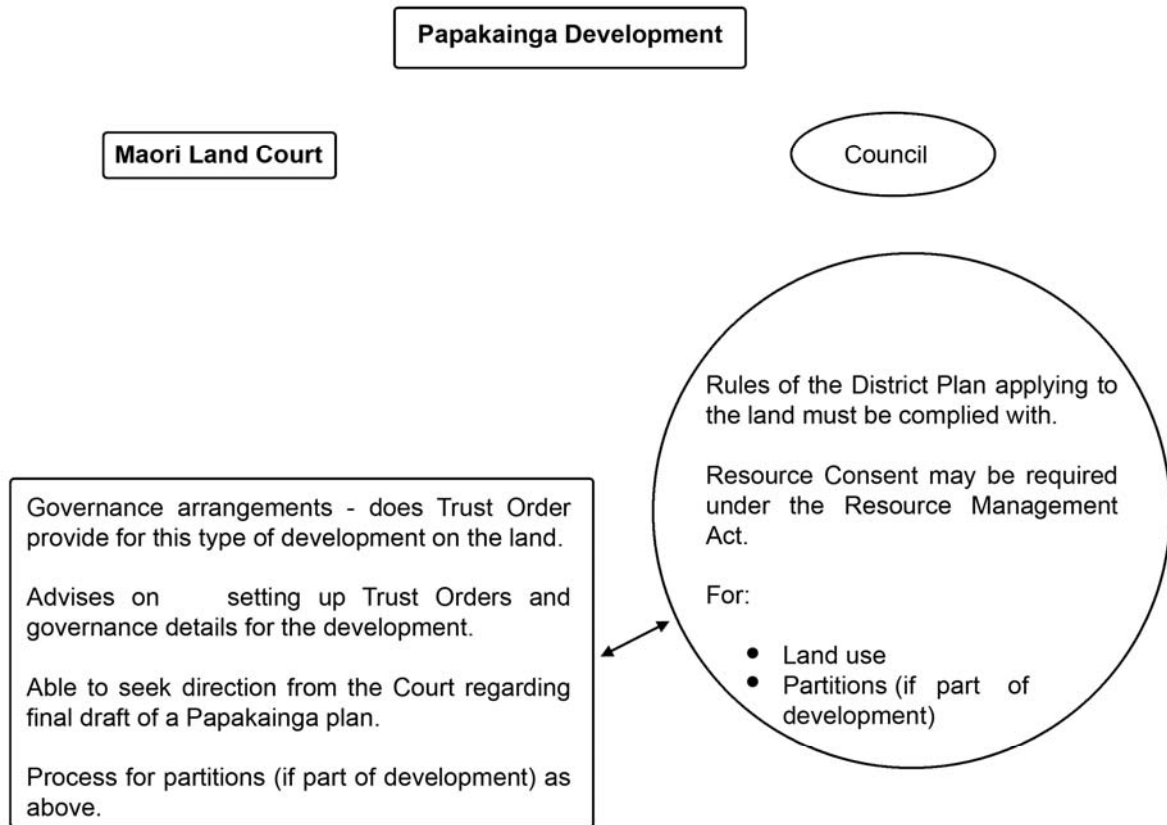
- a) Any activity listed as a Permitted Activity that does not meet *Rule 16B.3.1 a), b), c), d) or e) - Development Density and Scale – Independent Dwelling Units*;
- b) Any activity listed as a Permitted Activity that does not meet *Rule 16B.3.6 - Home-based Businesses*;
- c) Any activity listed as a Permitted Activity that does not meet *Rule 16B.3.7 - Produce Stalls*;
- d) Any activity listed as a Permitted Activity that does not meet *Rule 16B.3.10 - Schools and Tertiary Education Premises*;
- e) Any activity listed as a Permitted Activity that does not meet *Rule 16B.3.11 - Health Centres*;
- f) Any activity that does not meet *Rule 16B.3.12 - Clearance of Indigenous Vegetation in the Rural Marae Community Zone*;
- g) Any activity that does not meet *Rule 16B.5.1 - Independent Dwelling Units in a Rural Marae Community Zone*;
- h) Any activity listed in *Table 16B.1* as Non-Complying Activities.

Appendix 16A: Matapihi Rural Area



Appendix 16B: Developments on Maori Land - Interaction between the Maori Land Court and Council





For further details on the development of papakainga refer to Te Keteparaha Mo Nga Papakainga

Note:
 This Appendix provides an overview of the processes involved. Applicants should consult both the Council and the Maori Land Court as to the detailed process they will need to follow.