

## Part 23A Rural Zone

### 23A.1 Activity Status Rules - Rural Zone

#### 23A.1.1 Permitted Activities

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

Note:

Within the following list, the words in capitals are defined in Part 50.

1. FARMING
2. HORTICULTURE including GREENHOUSE(S)
3. CONSERVATION FORESTRY
4. PRODUCTION FORESTRY
5. One DWELLING HOUSE per RURAL LOT except for the following situations:
  - (a) where a restrictive covenant or a resource consent prevents the erection of a dwelling
6. Two DWELLING HOUSES per RURAL LOT where the LOT is larger than 40ha
7. Three DWELLING HOUSES per RURAL LOT where the LOT is larger than 100ha
8. HOME OCCUPATIONS (including FARM STAY ACCOMMODATION)
9. MARAE
10. PAPA KAAINGA HOUSING
11. One PRODUCE STALL per SITE except where access to the stall is to or from a state highway or motorway
12. PROSPECTING and EXPLORATION for minerals
13. Portable sawmills on SITES for no more than 6 months in any 12 month period (Note: where on SITE for longer than 6 months, see RURAL INDUSTRY AND SERVICES)
14. FARM QUARRY
15. RURAL AIRSTRIP
16. SIGNS: Refer to Part 15
17. The use and DEVELOPMENT of public RESERVES, including the erection of BUILDINGS and structures in compliance with approved reserve management plans. Where buildings are not in compliance with an approved reserve management plan, they shall not exceed 50 square metres in floor area.
18. The ongoing maintenance, UPGRADE and repair of flood protection, land drainage and erosion control works
19. New flood protection, land drainage and erosion control works in accordance with an approved Land Drainage Asset Management Plan or the Lower Waikato Waipa Control Scheme Asset Management Plan 1997 (or any subsequent versions thereof)
20. PACKHOUSE and coolstore

21. ON SITE PRIMARY PRODUCE MANUFACTURING
22. Farmers' Market
23. FARMING VISIT, PUBLIC GARDEN or MARAE VISIT
24. EQUESTRIAN CENTRE and ancillary retailing of RIDING EQUIPMENT where associated with an EQUESTRIAN CENTRE or HORSE TRAINING CENTRE
25. ACCESSORY BUILDINGS and ANCILLARY ACTIVITIES.

### 23A.1.2 Controlled Activities

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

**Note:**

Within the following list, the words in CAPITALS are defined in [Part 50](#).

1. CEMETERIES
2. Additions and alterations to existing COMMUNITY FACILITIES including halls, CHURCHES, clubs, and existing SCHOOLS
3. POULTRY HATCHERIES
4. FREE RANGE POULTRY FARMING
5. ACCESSORY BUILDINGS and ANCILLARY ACTIVITIES for any of the above.

**Notes:**

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

### 23A.1.3 Restricted Discretionary Activities

## Waikato District Plan - Waikato Section

The following activities are Restricted Discretionary Activities in the Rural Zone if they meet all the standards and criteria for Restricted Discretionary Activities in RULE 23A.4. Restricted Discretionary Activities must also meet the applicable RULES in Parts 7, 8, 10, 11, 12, 22, 50, 51, 52, 53 and 54 of the plan and shall meet the Permitted activity standards for SIGNS (Part 15).

**Note:**

Within the list, the words in CAPITALS are defined in Part 50.

1. Permitted and Controlled Activities that do not meet the Permitted Activity or Controlled Activity Performance and Development Standards (Rule 23A.2) respectively for:
  - (a) HEIGHT
  - (b) Outstanding Natural Features identified in the Schedules to Part 5 of the plan.
  - (c) YARDS
  - (d) DEVELOPMENT SETBACK
  - (e) SITE Suitability
  - (f) Natural Hazards
  - (g) DWELLING HOUSE within separation distance from an existing INTENSIVE FARMING activity.
  - (h) DWELLING HOUSE sited outside a SPECIFIED BUILDING AREA.
  - (i) FARM STAY ACCOMMODATION not meeting the standard for that activity under Rule 23A.2.2.2.15: Vicinity of MINERAL Extraction.
  - (j) DWELLING HOUSE in vicinity of a MINERAL Extraction activity
  - (k) SLEEPOUT
2. One DWELLING HOUSE on a ROAD SEVERANCE LOT.
3. PAKAAINGA HOUSING that does not meet the Permitted Activity standards.
4. RURAL INDUSTRY AND SERVICES
5. INTENSIVE FARMING
6. SUBSIDIARY DWELLING
7. One PRODUCE STALL per SITE where access to the stall is to or from a state highway or motorway.
8. BOARDING KENNELS AND BREEDING KENNELS OR CATTERIES and dog training grounds.
9. CAFÉ/RESTAURANT on the same site and associated with FARMING, ACTIVE RECREATION, EQUESTRIAN CENTRE, PRODUCE STALL or ON SITE PRIMARY PRODUCE MANUFACTURING.
10. Expansion of an existing lawfully established non-residential activity as at 28 September 2010 not otherwise provided for by, or identified in, the plan.
11. ACTIVE RECREATION excluding MOTORISED SPORTS.
12. ACCESSORY BUILDINGS and ANCILLARY ACTIVITIES for any of the above.

Notes:

- (a) Restricted Discretionary Activities require a resource consent, and the consent may be granted or refused. An application must be submitted in the prescribed format (available from the Council).
- (b) Applications will be assessed primarily in terms of the matters set out in Rule 23A.4, and any conditions of consent will only relate to those matters.
- (c) The information submitted with the application must be in terms of [Part 52](#) but only to the extent needed to enable a thorough assessment in terms of Rule 23A.4. The application must also clearly demonstrate compliance with the stated performance standards applicable to the activity.
- (d) An application for a Restricted Discretionary Activity may be considered without public notification or with limited notification, where Council so determines, in terms of section 95 of the Act.

### 23A.1.4 Discretionary Activities

The following activities are Discretionary Activities in the Rural Zone if they meet all the standards and criteria for Discretionary Activities in [Rule 23A.5](#). Discretionary Activities must also meet the applicable RULES in Parts [7](#), [8](#), [10](#), [11](#), [12](#), [15](#), [22](#), [23](#), [50](#), [51](#), [52](#), [53](#) and [54](#) of the plan.

Note:

Within the following list, the words in CAPITALS are defined in [Part 50](#).

1. ACTIVE RECREATION involving MOTORISED SPORTS.
2. MINERAL EXTRACTION AND PROCESSING.
3. CAMPING GROUNDS and TEMPORARY LIVING PLACES.
4. SPECIAL HOUSING DEVELOPMENTS.
5. RURAL AERIAL SERVICE.
6. SCHOOLS, COMMUNITY FACILITIES and CHURCHES
7. HOME OCCUPATIONS not meeting the standards for that activity under Rule 23A.2.2.2.
8. Flood protection, land drainage and erosion control works not provided for in Rule 23A.1.1.
9. TRAVELLERS' ACCOMMODATION.
10. DWELLING HOUSE not located within the SPECIFIED BUILDING AREA.
11. ACCESSORY BUILDINGS and ANCILLARY ACTIVITIES for any of the above.

Notes:

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

### 23A.1.5 Non-Complying Activities

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

Note:

Within the following list, the words in CAPITALS are defined in [Part 50](#).

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

Notes:

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

### 23A.1.6 Prohibited Activities

The following activities are Prohibited Activities in the Rural Zone.

Note:

Within the following list, the words in CAPITALS are defined in [Part 50](#).

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

Notes:

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

## 23A.2 Performance and Development Standards - Rural Zone

### 23A.2.1 All Permitted and Controlled Activities

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

#### 23A.2.1.1 Height

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

#### 23A.2.1.2 Front Yard

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

20 metres where the SITE has frontage to any national or district arterial route or collector ROAD shown on the Roding Hierarchy Map and as identified in [Rule 9.4](#).

- 10 metres in all other situations.

#### 23A.2.1.3 All other Yards

1. 10 metres or this may be reduced where written neighbours' consent has been obtained or
2. 3 metres on LOTS with an average width of less than 40 metres existing at 30 September 2003. This may be reduced where written neighbours' consent has been obtained.
3. Poles and posts less than 13.5 metres in height and a diameter of less than 1 metre are exempt from the YARD requirements specified in a) and b) (refer to [Part 15](#)).

#### 23A.2.1.4 Outstanding Natural Features identified in the Schedules to Part 5 of the Plan

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

#### 23A.2.1.5 Signs

Refer to [Part 15.4](#).

#### 23A.2.1.6 Separation Distance where Animals kept within Buildings or Enclosures

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

#### 23A.2.1.7 Development Setback

- (a) No part of any BUILDING, structure or wastewater disposal field may be sited within 30 metres of the edge of a river, lake, WETLAND (all as defined in s2 of the Act), or stream and any Outstanding Natural Feature identified in the Schedules to [Part 5](#) of the plan (excluding [5C](#)). This rule does not apply to artificial water retention areas (e.g. ponds or sediment retention areas).
- (b) Flood protection, land drainage and erosion control works provided for in Rule 23A.1.1 are

exempt from this rule.

**Explanation:**

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

**23A.2.1.8 Site Suitability**

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

**23A.2.1.9 Natural Hazards**

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

**23A.2.1.10 Dwelling House, Sleepout, Farmers' Market, Equestrian Centres in Vicinity of Mineral Extraction Activities**

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

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

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

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

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

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

**23A.2.1.11 Dwelling House within Separation Distance from an existing Intensive Farming Activity**

## Waikato District Plan - Waikato Section

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

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

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

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

### **23A.2.1.12 Dwelling House sited outside a Specified Building Area**

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



### **23A.2.2 Specific Permitted and Controlled Activities**

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

**23A.2.2.1** [Deleted]

**23A.2.2.2 FARM STAY ACCOMMODATION and HOME OCCUPATIONS**

**23A.2.2.3 One PRODUCE STALL per SITE**

**23A.2.2.4 PROSPECTING and EXPLORATION for MINERALS**

**23A.2.2.5 PAPA KAAINGA HOUSING**

**23A.2.2.6** [Deleted]

**23A.2.2.7 Farmers' Market**

**23A.2.2.8 SLEEPOUT**

#### **23A.2.2.1 Deleted**

#### **23A.2.2.2 Farm Stay Accommodation and Home Occupations - Rural Zone**

##### **23A.2.2.2.1 Area**

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

##### **23A.2.2.2.2 Household Members**

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

##### **23A.2.2.2.3 Outdoor Storage**

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

##### **23A.2.2.2.4 Sale of Goods**

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

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

##### **23A.2.2.2.5 Hours of Operation**

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

##### **23A.2.2.2.6 Traffic**

A HOME OCCUPATION shall involve no more than:

- ten car movements per day (in addition to the car movements of employees or the household);

and

- five movements per week of any van, truck or other commercial vehicle carrying raw materials or finished goods.

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

#### **23A.2.2.2.7 Signs**

All SIGNS shall meet RULE [15.4.3.1](#) and [15.4.3.2](#).

#### **23A.2.2.2.8 Number of Guests**

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

#### **23A.2.2.2.9 Vicinity of Mineral Extraction**

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

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

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

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

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

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

#### **23A.2.2.3 One Produce Stall per Site**

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

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

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

## **2. Type of Produce**

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

## **3. Retailing Area**

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

## **4. ROAD Access Limitation**

Outlets for the sale of produce shall not have access from or onto any state highway or motorway.

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

### **23A.2.2.4 Prospecting and Exploration of Minerals - Rural Zone**

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

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

#### **2. EARTHWORKS**

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

#### **3. Blasting**

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

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

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

### **23A.2.2.5 Papakaainga Housing - Rural Zone**

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

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

#### **2. Subdivision**

PAPAKAAINGA HOUSING shall not be subdivided into separate titles.

#### **3. SITE COVERAGE**

Maximum 35%

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

Part 51 applies.

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

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

### 23A.2.2.6 Deleted

### 23A.2.2.7 Farmers' Market

A Farmers' Market:

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

### 23A.2.2.8 Sleepout

A SLEEPOUT shall be limited to:

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

## 23A.3 Controlled Activity Matters - Rural Zone

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

### 23A.3.1 ALL CONTROLLED ACTIVITIES - RURAL ZONE

#### 1. Access and Parking

- (a) The location and design of vehicular and pedestrian access to and from the SITE and motor vehicle parking and LOADING. The requirements of [Part 51](#) will be used as a guide.
- (b) The location and design of vehicular access and parking and LOADING areas to ensure they are

adequate and safe given the type and frequency of vehicle movements to and from the SITE and the traffic movement function of adjoining ROADS (refer to [Part 9](#) of the plan).

## 2. BUILDINGS and Landscape

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

So as to ensure that BUILDINGS and structures will not:

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

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

## 3. SITE Suitability

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

## 4. Stormwater

The landscaping, SITE layout, EARTHWORKS, BUILDINGS, access, parking and other works including stormwater control and disposal to ensure the use of the SITE as a whole is served by an “effective stormwater disposal system” as outlined in [Rule 22B.9.1.8](#).

## 5. Effects of EARTHWORKS or FARM QUARRY

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

### 23A.3.2 SPECIFIC CONTROLLED ACTIVITIES - RURAL ZONE

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

#### 23A.3.2.1 Halls, CHURCHES, SCHOOLS and Clubs

#### 23A.3.2.2 [Deleted]

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

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

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#### 23A.3.2.1 HALLS, CHURCHES, SCHOOLS AND CLUBS – RURAL ZONE

#### Scale

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

**23A.3.2.2** [Deleted]

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

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

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

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

## 23A.4 Assessment Criteria for Restricted Discretionary Activities - Rural Zone

### 23A.4.1 All Restricted Discretionary Activities

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

#### 1. Access and parking

The location and design of vehicular and pedestrian access to and from the SITE and motor vehicle parking and LOADING. The requirements of [Part 51](#) will be used as a guide.

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

#### 2. BUILDINGS and landscape

(a) The HEIGHT, location, design and external appearance of BUILDINGS and other structures, including SIGNS, and

(b) Landscape design and general SITE layout;

so as to ensure that BUILDINGS and structures will not:

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

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

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

Whether the SITE is able to accommodate the proposed activity. In particular, that there is an effective stormwater disposal system as outlined in [RULE 22B.9.1.8](#) and that wastewater can be adequately treated and disposed of on the SITE, or there is a suitable alternative method for treatment and disposal.

#### 4. Soils

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

#### 5. Outstanding Natural Features

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

- (a) result in the irreparable damage or destruction of any habitat of INDIGENOUS animals, whether terrestrial or aquatic, or

- (b) result in the damage or removal of INDIGENOUS or exotic vegetation, other than for the purposes of improving habitats of animals, the functioning of ECOSYSTEMS or the hydrological functioning of WETLANDS, or
- (c) create an adverse effect that would compromise the visual integrity of any outstanding natural feature.

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

#### 6. Activities in Vicinity of **MINERAL EXTRACTION** Activities

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

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

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



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- SUBSIDIARY DWELLING, Farmers' Market, EQUESTRIAN CENTRES, CAFÉ/ RESTAURANT or FARM STAY ACCOMMODATION within the lot.
- j. Evidence of consultation with the operator of the MINERAL EXTRACTION activity.

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

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

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

### **7. Heritage Items**

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

### **8. YARDS**

The extent to which any reduction in the YARD will:

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

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

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

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

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

- (a) result in the damage or destruction of any habitat of INDIGENOUS animals, whether terrestrial riparian margins or aquatic, or
- (b) result in the damage or removal of INDIGENOUS or exotic vegetation, other than for the purposes

of improving habitats of animals, the functioning of ECOSYSTEMS or the hydrological functioning of WETLANDS.

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

- compromise existing landscape features; or
- result in the damage or destruction of notable trees or stands of bush; or
- require extensive earthworks to obtain a safe building platform; or

result in natural land forms such as ridge lines and headlands being interrupted by buildings and structures; or prevent an existing building or structure from being replaced, repaired or renewed on the same site following its damage or destruction by fire or natural causes.

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

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

- (i) Any reverse sensitivity effect which may arise from the proposed residential development in respect of any lawfully existing activities ('relevant existing activity') in the vicinity. Sensitivity of proposed residents is to be considered in respect of the nature, scale and size of the residential development and its location and topographical relationship to, and distance and bearing from, the relevant existing activity. As a reverse sensitivity effect may be present only in certain circumstances, the following factors will be relevant and should be taken into account:

- (a) The frequency of the relevant adverse effect;
- (b) The duration of the relevant adverse effect and time of exposure;
- (c) The character and intensity of the relevant adverse effect;
- (d) The location of the relevant adverse effect;
- (e) Previous experiences of people with the relevant adverse effect;
- (f) Existing levels of sensitivity;
- (g) Whether or not mitigation measures can be put in place;
- (h) The effects of the relevant established existing activity in the particular environment having regard to factors such as direction and velocity of wind and air movement and the extent to which mitigation of adverse effects is reasonable.
- (i) Whether mitigation of the reverse sensitivity effect by the applicant is reasonable by way of design (including acoustic measures), earthworks, planting, landscaping or location. This can either be by increasing the separation from the INTENSIVE FARMING activity, or by changing the bearing from the INTENSIVE FARMING activity by moving a DWELLING HOUSE within the lot.

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

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

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

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

### **11. DWELLING HOUSE sited outside a SPECIFIED BUILDING AREA**

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

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

### **23A.4.2 Specific Restricted Discretionary Activities**

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

**23A.4.2.1** [Deleted]

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

**23A.4.2.3** INTENSIVE FARMING

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

**23A.4.2.5** SUBSIDIARY DWELLING

**23A.4.2.6** ONE PRODUCE STALL PER SITE – RURAL ZONE

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

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

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

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

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**23A.4.2.1** [Deleted]

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

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

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

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

**1. POULTRY (within BUILDINGS)**

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

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

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

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

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

## 2. Pigs

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

## 3. Mushrooms

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

## 4. All INTENSIVE FARMING Activities

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

- (i) visual impact
- (ii) NOISE
- (iii) odour - the operation of the activity shall not result in an offensive or objectionable odour at or beyond the boundary of the site.
- (iv) dust
- (v) traffic generation
- (vi) vermin

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

#### 1. Open Space Rural Character

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

#### 2. Disposal of Waste

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

### 3. Scale of Activity

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

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

### 4. HAZARDOUS SUBSTANCES

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

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

(a) Control of nuisance

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

(b) SITE suitability

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

- waste treatment and disposal methods,
- the number of animals accommodated in saleyards or the processing facility and the volume of wastes generated
- vehicle access, loading and car parking

(c) Operational aspects and SITE layout

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

(d) Potential conflicts

Its proximity to potentially conflicting activities shall be avoided.

#### 23A.4.2.5 SUBSIDIARY DWELLING

##### 1. Performance Standards

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

(a) Use of Subsidiary Dwelling

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

- DEPENDENT RELATIVES of the occupants of the principal dwelling on the SITE; or
- Full or part time equivalent employees and their family or SEASONAL WORKERS, engaged in FARMING or HORTICULTURE activities on the SITE, or on sites associated by ownership, lease or contract with the SITE; Provided that a SUBSIDIARY DWELLING may not be established under this Rule on a lot having an area greater than 40ha.

(b) Size of Dwelling

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

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

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

### (d) Dwelling not to be Subdivided

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

### (e) Subsequent Use of the Dwelling and Ceasing of Consent

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

## 2. Assessment of Application

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

### (a) Separate Dwelling Required

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

### (b) Whether Accommodation is needed

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

- In the case of accommodation for DEPENDENT RELATIVES, the applicant shall demonstrate that the occupants of the both dwellings have a close relationship and that the extent and nature of the dependence of the

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occupants of one household, on the assistance of the other, is such that they are required to be located on the same SITE.

- In the case of employees engaged in FARMING or HORTICULTURE activities or SEASONAL WORKERS, the applicant shall demonstrate that the volume and nature of the work requires employees, additional to those living in the principal dwelling, to live on the SITE and it is impracticable for the employee(s) to commute given the nature of the work being undertaken or to meet the requirements of a recognised seasonal employers scheme.
- (c) The extent to which the SUBSIDIARY DWELLING for employees engaged in FARMING or HORTICULTURE activities or for SEASONAL WORKERS avoids, remedies or mitigates adverse effects on rural character. This may be achieved by locating adjoining the principal dwelling or in close proximity to other existing buildings or structures associated with the site's FARMING or HORTICULTURE activities.
- (d) Where a SUBSIDIARY DWELLING is located within 500 metres of any rock extraction site or 200m of any sand extraction site, the written approval of the operator of the extraction site shall be obtained and provided to the Council. Otherwise the activity shall be assessed as a restricted discretionary activity in accordance with the assessment criteria 23A.4.1.6 Activities in Vicinity of MINERAL Extraction Activities. In the absence of special circumstances, an application may be considered on a limited notified basis.

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

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

### 3A.4.2.6 ONE PRODUCE STALL PER SITE – RURAL ZONE

#### 1. Source of Produce

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

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

#### 2. Type of Produce

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



### 3. Retailing Area

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

### 4. ROAD Access Limitation

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

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

- (a) Buffer areas are an easy practical method to mitigate adverse effects. Buffer areas of the following distances will be used as a guideline.
- (i) all SITES used for breeding or boarding cats, should be no less than 2000m<sup>2</sup> in area.
  - (ii) all SITES used for breeding, boarding or training dogs should be no less than 1 hectare in area.
  - (iii) all buildings used for accommodating dogs and cats and areas used for the disposal of waste should be located as close to the centre of the SITE as possible and at least 500 metres from any existing residential zone boundary.
- (b) All boarding establishments shall be designed and managed generally in accordance with the Guidelines for Minimum Standards and Conditions in Pet Boarding Establishments or any subsequent document prepared by the Boarding Kennel and Cattery Association of New Zealand (Inc) or its successor.
- (c) The applicant shall demonstrate that all buildings and facilities to accommodate dogs shall be constructed in accordance with appropriate acoustic engineering practice and standards to mitigate adverse effects of noise upon surrounding residents.
- (d) That there is minimal impact on adjoining DWELLING HOUSES. Matters that will be considered include:
- (i) visual impact
  - (ii) NOISE
  - (iii) odour - the operation of the activity shall not result in an offensive or objectionable odour to the extent that it causes an adverse effect at or beyond the boundary of the site.
  - (iv) dust
  - (v) traffic generation
  - (vi) vermin

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

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

- (iii) where available, involves the reuse of existing BUILDINGS located on the SITE.
- (b) The extent to which the hours of operation and intensity of the activity are compatible with the amenity values and rural character of the surrounding area.
  - (c) The extent to which the activity avoids, remedies or mitigates adverse effects on the amenity of adjoining properties, including adverse noise, lighting and odour.
  - (d) The extent to which the activity creates a clear and genuine association with the rural activities of the SITE.
  - (e) The extent to which the activity appropriately provides for on site infrastructure to manage water, wastewater, storm water, and solid waste associated with the activity, car parking and access.
  - (f) The extent to which the activity protects and avoids adverse effects on significant natural values, landscapes and natural character.
  - (g) The extent to which landscaping appropriately addresses visual effects of the activity.
  - (h) The extent to which the activity avoids, remedies or mitigates reverse sensitivity effects with reference to the relevant matters in Parts [23A.4.1.6](#) and [22B.9.1](#) (relating to sensitive activities).

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

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

reference to the relevant matters in Parts [23A.4.1.6](#) and [22B.9.1](#) (relating to sensitive activities).

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

- (i) The extent to which BUILDINGS, development and structures for the activity:
  - (a) have a scale, intensity, context and character that retains or enhances rural character;
  - (b) are compatible with the scale and appearance of BUILDINGS in a rural environment;
  - (c) where available, involves the reuse of existing BUILDINGS located on the SITE.
- (ii) The extent to which the hours of operation and intensity of the activity are compatible with amenity values and rural character of the surrounding area.
- (iii) The extent to which the activity avoids, remedies or mitigates adverse effects on the amenity of adjoining properties, including noise, lighting and odour.
- (iv) The extent to which the activity appropriately provides for onsite infrastructure to manage water, wastewater, storm water, and solid waste associated with the activity, car parking and access.
- (v) The extent to which the activity protects and avoids adverse effects on significant natural values, landscapes and natural character.
- (vi) The extent to which landscaping appropriately addresses visual effects of the activity.
- (vii) The extent to the activity avoids, remedies or mitigates reverse sensitivity effects with reference to the relevant matters in Parts [23A.4.1.6](#) and [22B.9.1](#) (relating to sensitive activities).
- (viii) The extent to which adverse effects on the road network resulting from the activity can be avoided, remedied or mitigated.

**23A.5 Assessment Criteria for Discretionary Activities - Rural Zone**

**23A.5.1 ALL DISCRETIONARY ACTIVITIES - RURAL ZONE**

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

**23A.5.2 SPECIFIC DISCRETIONARY ACTIVITIES - RURAL ZONE**

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

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

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

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

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

**1. SITE Layout**

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

**2. Management Plan/s Required**

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

- (a) Existing mature vegetation and watercourses, existing SITE contours with indicative final contours particularly in relation to adjoining privately owned properties;
- (b) SITE layout for both existing and proposed activities, including:
  - (i) extraction areas and any staging of extraction or processing with approximate dates when areas will be worked;
  - (ii) location of aggregate processing areas;

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- (iii) overburden and waste disposal areas;
  - (iv) stockpile and distribution areas, and retail sales areas;
  - (v) the main internal roads and tracks;
  - (vi) other ancillary buildings including those to house dangerous goods or hazardous substances;
- (c) A geotechnical assessment of land form modification;
  - (d) A landscape plan and details of the maintenance programme to be used to establish and maintain optimum growing conditions;
  - (e) An ongoing or staged land rehabilitation programme including objectives, overburden constraints, revegetation programme and techniques, and an indication of activities that could use each part of the SITE as extraction is completed;
  - (f) A management plan for noise including vibration effects from activity on the site, taking into account background noise levels;
  - (g) Proposals to avoid, remedy, or mitigate any adverse effects in regard to those matters, which are relevant to the Council's assessment of the application.  
Any such management plan may be revised to take account of changes in the aggregate extraction and processing operation provided that:

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

### 3. Landscape Treatment and Screening

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

#### (a) Riverbanks

Riverbanks shall be planted and maintained to achieve a significant visual screening effect unless there is no practicable alternative location for the existing or proposed activities occupying or to occupy these areas. At all times a minimum of space shall be used for such activities. A planting plan and maintenance programme shall be submitted and must be approved prior to any extraction activity commencing. Where riparian planting is undertaken, the principles, work sheets and planting guidelines for sustainable riparian management in Auckland Regional Council Technical Publication 148 June 2001- Riparian Zone Management shall apply.

#### (b) General Amenity Planting

Where planting trees will achieve visual screening, trees shall be planted and maintained to avoid, remedy or mitigate any visual impacts which are due to the appearance of any aspect or part of the extraction activity or site which is or could become incongruous with the rural or natural character of the surrounding areas; where agreement with affected adjoining property owners can be obtained

and is submitted in writing to the Council, such planting may also be on those affected properties provided that the cost of all such works shall be entirely borne by the owner or occupier of the extraction activity site.

(c) Rehabilitation

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

#### 4. Natural and Cultural Heritage

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

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

#### 5. Air Emission

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

#### 6. Traffic

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

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

#### 7. Natural Hazards

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

#### 8. Noise

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

#### 9. Vibration and Blast Noise

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

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

- Measurement of blast noise (air blast) and ground vibration from representative blasts in accordance with Appendix J of Part 2 of Australian Standard AS2187:2:1993
- Noise created by the use of explosives measured at a notional boundary of 20 metres from

DWELLING HOUSES not exceeding a peak overall sound pressure of 128dB linear peak.

- Restriction of blasting to between 1000 and 1600 hours Monday to Saturday except where blasting is necessary for safety reasons.
- Confining blasting to two occasions per day except where blasting is necessary for safety reasons.
- Recording blasts with particular attention to details of charge weight and delay practice. Monitoring representative of all blasts at varying distances and positions of different sensitivity.

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

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

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

#### **11. Monitoring and Review**

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

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

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

#### **13. Natural Water Contamination**

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

Whether reclamation of worked out quarry areas is with CLEANFILL.

#### **14. Lighting**

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

#### **15. Fuel Storage/Refuelling**

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

#### **16. Financial Contributions**

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

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

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

- I. Site Layout and Access

2. Landscape Treatment and Screening
3. Air Emissions
4. Traffic Safety and Movements
5. Adverse impacts arising from flight path over adjacent properties
6. Aircraft Safety and Movements
7. Noise  
All helicopter activity shall be operated within the noise parameters contained in NZS6807:1994 'Noise Management and Land Use Planning for Helicopter Landing Areas', or its successor
8. Fuel Storage and Refuelling
9. Storage of Hazardous Substances
10. Lighting
11. Waste and Stormwater Disposal
12. Monitoring and Review
13. Financial Contributions

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

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

1. Wastewater Treatment and/or Disposal

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