

PART 23 RULE 23 - RURAL ZONE

For the avoidance of doubt, and notwithstanding the rules which follow, all activities (or applications for consent for such activities) must also comply with such other provisions as may affect the activity or site and which are specified in Parts 7, 8, 10, 11, 12, 15, 22, 26, 50, 51, 52 and 53 of this Plan. Where the activity involves the use of a SIGN erected on private property, the SIGN shall be consistent with matters set out in Rule 15.4.

23.1 PERMITTED ACTIVITIES

The activities listed below are *Permitted*, and do not require a resource consent, if they comply in all respects with Rule 23.6 (GENERAL PERFORMANCE STANDARDS) and Rule 23.7 (PARTICULAR ACTIVITY STANDARDS),

provided that in the Pukekohe Hill Special Policy Area (SPA) those activities marked with an asterisk (*) shall be considered as either *Discretionary (R A)* or *Discretionary* activities in terms of Rules 23.3 and 23.4.

(NOTE: Within the following list, the words in CAPITALS are defined in Rule 50)

- FARMING (except for *ACCESSORY BUILDINGS** in the Pukekohe Special Policy Area; see Rule 23.3)
- HORTICULTURE (except for *glass / plastic shade and tunnel houses and ACCESSORY BUILDINGS** in the Pukekohe Special Policy Area; see Rule 23.3)
- FORESTRY *
- One DWELLING HOUSE per RURAL LOT except for the following situations:
 - a. where a restrictive covenant or a resource consent prevents the erection of a dwelling.
 - b. where there is a restriction on the title which precludes the use of the site for any *Permitted, Controlled, Discretionary (R A)* or *Discretionary* activity in this Zone, provided that this exception to this rule shall not apply in respect of:
 - i. any title that comprised a single individual separately rateable property recorded on the Rates Assessment Roll as at the 31st May 1994; or
 - ii. any title or lot on a plan of subdivision which deposited in the Land Transfer Office prior to 31 May 1994 for which an agreement for sale and purchase existed for at least one of those lots prior to the 31st May 1994 which agreement has settled or will settle.
 - c. where the site is within the Pukekohe Hill Special Policy Area of this Zone.
- One DWELLING HOUSE on a lot within the "Growth Areas" identified on the Plan Maps;
- A second DWELLING HOUSE on any property greater than 40 hectares;
- Swimming pools;
- HOME OCCUPATIONS;
- FARM STAY ACCOMMODATION;*
- MARAE;*

- PAPAKAINGA HOUSING;*
- One PRODUCE STALL per SITE except where access is to or from a State Highway or Motorway;
- Farm quarries;*
- PROSPECTING and EXPLORATION for minerals;*
- Portable sawmills, where present on the same SITE for not more than 6 months in any 12 month period;*
- Soil conservation and erosion control work;
- ACCESSORY BUILDINGS for any of the foregoing activities;*
- 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;
- Additions, alterations to and ACCESSORY BUILDINGS for rural research facilities except that this does not apply to laboratories and offices forming part of such a complex;
- Spray irrigation and truck spreading of dairy factory whey and dairy waste waters;
- The following activities on Part Lots 1 and 3, Lot 2 DP 18306, and Part Lots 3-4 and Part 5 DP 3363, and Part DP 2641 and DP 3427 (being land owned by the Franklin Racing Club Inc bounded by Buckland Road, the main trunk railway, "Business Zone" land [to the north] and the Tutaenui Stream):
 - FARMING;
 - motor racing, horse racing, and ANCILLARY business and recreational activities;
 - festivals, carnivals, and similar activities that occur annually or periodically and associated ACCESSORY BUILDINGS;
 - SIGNS that do not comply with Rule 23.6 (refer to Objective 21.2);
 - informal or "passive" recreational activities by individuals or groups;
- The following activities on Lots 1 and 3 DP 97690 and Lot 1 DP 39309 and Allotments 16, 39 and 114 Pukekohe Parish (being land owned by the Franklin Agricultural and Pastoral Society at the corner of Birch Road and Station Road):
 - FARMING;
 - existing lawfully established activities consistent with the use and development of Agricultural and Pastoral Showgrounds, and ACTIVITIES ANCILLARY thereto;
- The following activities on Lot 1 DP 97787 and Part Lot 4 DP 37601 and Part Lot 3 DP 45339 (being land owned by the Franklin Trotting Club Inc in Station Road):
 - FARMING;
 - existing lawfully established trotting activities, and ACTIVITIES ANCILLARY thereto;
- EARTHWORKS for any of the foregoing activities.

Note: Within the development setbacks the extent of any EARTHWORKS is *Controlled* (23.6). Elsewhere in the District such activities may require consent of the Regional Council.

23.2 CONTROLLED ACTIVITIES

- i. *Controlled* activities require a resource consent, but the consent *shall* be granted. An application must be submitted in the prescribed format (available from the Council).
- ii. Applications will be assessed primarily in terms of the matters set out in Rule 23.8, and any conditions of consent will only relate to those matters.
- iii. The information submitted with the application must be in terms of Rule 52 but only to the extent needed to enable a thorough assessment in terms of Rule 23.8. The application must also clearly demonstrate compliance with the stated performance standards applicable to the activity.
- iv. An application for a *Controlled* activity may be considered without public notification where Council so determines in terms of Section 94 of the Act. (This is a *non-notified* application in terms of the Act).
- v. The activities listed below are *Controlled* activities in the *Rural Zone* if they comply with Rule 23.6 (GENERAL PERFORMANCE STANDARDS).

(NOTE: Within the list, the words in CAPITALS are defined in Rule 50)

- Poultry hatcheries;
- Additions and alterations to existing halls, churches, schools, and clubs;
- Cemeteries;
- SERVICE STATION on the corner of Great South Road and Mill Road, Bombay being all the land on DP 40410 including extensions, reconstructions or alterations to the existing service station not provided for by Section 10 of the Act;
- ACCESSORY BUILDINGS for any of the foregoing *Controlled* activities;
- EARTHWORKS for any of the foregoing activities.

Note: Within the development setbacks the extent of any EARTHWORKS is *Controlled* (23.6). Elsewhere in the District such activities may require consent of the Regional Council.

23.3 DISCRETIONARY (R A) ACTIVITIES

- i. *Discretionary (Restricted Assessment)* 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).
- ii. Applications will be assessed primarily in terms of the matters set out in Rule 23.9, and any conditions of consent will only relate to those matters. *Discretionary (R A)* activities located in the Pukekohe Hill Special Policy Area shall, in addition to other relevant considerations, be evaluated in terms of the criteria listed in Rule 23.9.1.2: 2.
- iii. The information submitted with the application must be in terms of Rule 52 but only to the extent needed to enable a thorough assessment in terms of Rule 23.9. The application must also clearly demonstrate compliance with the stated performance standards applicable to the activity.
- iv. An application for a *Discretionary (R A)* activity may be considered without public notification where Council so determines in terms of Section 94 of the Act. (This is a *non-notified* application in terms of the Act).
- v. The activities listed below are *Discretionary (R A)* activities in the *Rural Zone*, and where relevant, only if they comply with Rule 23.7 (STANDARDS).

(NOTE: Within the list, the words in CAPITALS are defined in Rule 50)

- Activities listed as *Permitted* in Rule 23.1 or *Controlled* in Rule 23.2 that do not comply with one or more of the following general performance standards (of Rule 23.6):
 - HEIGHT
 - Development Setbacks including EARTHWORKS in Development Setbacks
 - Outstanding Natural Features identified in Schedule 5A
 - EARTHWORKS
 - FRONT YARDS
- Saleyards;
- PROCESSING THE PRODUCE OF THE SITE;
- PACK HOUSE;
- Tourist facilities ancillary to PROCESSING THE PRODUCE OF THE SITE;
- One DWELLING HOUSE on a ROAD SEVERANCE;
- INTENSIVE FARMING;
- Subsidiary dwellings being DWELLING HOUSES for aged or infirm relatives, and for farm workers not provided for as a *Permitted* activity;
- Rural contractor's depots [Refer to Rule 23.9.2.5];
- Airstrips for light aircraft solely engaged in aerial top dressing, weedspraying produce transportation or stock control;
- ACCESSORY BUILDINGS for any of the activities listed above;
- PAPA KAINGA HOUSING not complying as a *Permitted* activity;

- In the Pukekohe Hill Special Policy Area the following activities:
 - DWELLING HOUSES
 - FARMSTAY ACCOMODATION
 - MARAES and PAPAKAINGA
 - Glass / plastic/ shade houses and tunnel houses
 - FORESTRY
 - SHELTER BELTS
 - ACCESSORY BUILDINGS, including PACKING SHEDS for any of the foregoing activities.

(Note: This is complemented by a Council pruning service available to the owners of existing shelter belts causing the unwanted effect, together with advice and financial assistance for replanting with appropriate species).

- In the North Pukekohe Hill Structure Plan Area, activities that increase impervious surfaces beyond 10% impervious cover and up to 20% impervious cover.

23.4 DISCRETIONARY ACTIVITIES

- i. *Discretionary* activities require a resource consent, and the consent may be granted (conditionally or unconditionally) or refused. An application must be submitted in the prescribed format (available from the Council).
- ii. Applications will be assessed in terms of the matters set out in Rule 53, and conditions of consent may be imposed. *Discretionary* activities located in the Pukekohe Hill Special Policy Area shall, in addition to other relevant considerations, be evaluated in terms of the criteria listed in Rule 23.9.1.2: 2.
- iii. The information submitted with the application must be in terms of Rule 52.
- iv. An application for a *Discretionary* activity may be considered without public notification where Council so determines in terms of Section 94 of the Act. (This is a *non-notified* application in terms of the Act).
- v. The activities listed below are *Discretionary* activities in the *Rural Zone*.

(NOTE: Within the list, the words in CAPITALS are defined in Rule 50)

- ACTIVE RECREATION;
- Boarding and breeding kennels and catteries;
- MINERAL extraction and processing;
- CHILDCARE CENTRES in existing dwellings;
- Rural services;
- The excavation-stockpiling, removal or recontouring of soils from more than 0.5 hectare of CLASS I or II LAND, except where it is associated with a *Permitted* or approved activity;
- Camps and CAMPING GROUNDS;
- SCHOOLS and CHURCHES but where not part of a (*Permitted*) MARAE;
- EQUESTRIAN CENTRES;
- Farm quarries, and minerals PROSPECTING, EXPLORATION, extraction or processing in the Pukekohe Hill Special Policy Area;
- Rural research facilities;
- Extensions, reconstructions or alterations to the Glenbrook Vintage Railway not covered by Section 10 of the Act;
- PRODUCE STALL/S not complying as a *Permitted* activity;
- PROSPECTING AND EXPLORATION not complying as a *Permitted* activity.

23.5 NON-COMPLYING ACTIVITIES

- i. *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).
- ii. Applications will be assessed in terms of the matters set out in Rule 53, and where consent is granted, conditions of consent may be imposed.
- iii. The information submitted with the application must be in terms of Rule 52.
- iv. The activities listed below are *Non-complying* activities in the *Rural Zone*.

(NOTE: Within the list, the words in CAPITALS are defined in Rule 50)

- Residential and Business activities in the Pukekohe Urban Growth Area. (*Note: Objective 19.1.2, Policy 3 as well as the Rural Objectives and Policies should be referred to*);
- Fitch Farming;
- A DWELLING HOUSE on a lot consented to under Rule 22.8 of this 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;
- Any other activity to the extent that it is not provided for as either a *Permitted, Controlled, Discretionary (R A)* or *Discretionary* activity.

23.6 GENERAL PERFORMANCE STANDARDS

The *Permitted* activities listed in Rule 23.1 and the *Controlled* activities listed in Rule 23.2 are required to comply with the following general performance standards, except as otherwise specified in Clause 9 below.

23.6.1 HEIGHT

No part of any building shall exceed a height equal to 3 metres plus the shortest horizontal distance between that part of the building and the nearest legal boundary; provided that this standard shall not apply where the written consent/s of the owners and occupiers of the abutting sites have been obtained.

23.6.2 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 for:
 - State Highways 1, 2 and 22 including Motorways;
 - East/ Mill Road, west of Motorway;
 - Glenbrook Road: Glenbrook Waiuku Road to the intersection with Cornwall Road Waiuku
 - Hunua Road to Cowan Road;
 - Puni Road Waiuku Road;
- 10 metres for all other roads.

23.6.3 DEVELOPMENT SETBACKS

Coastal Marine Area: All buildings and structures on land adjoining the coastal marine area shall be erected at least 60 metres inland of mean high water springs.

Lakes and Rivers: All buildings and structures, including wastewater disposal fields, shall be erected at least 30 metres from the banks of a stream, river or lake.

23.6.4 EARTHWORKS

General: Bare ground arising from EARTHWORKS shall be revegetated as soon as practicable.

Earthworks in development setbacks: EARTHWORKS in the Coastal Marine Area Development Setbacks and Lakes and Rivers Development Setback shall not exceed a total volume of 25 cubic metres or a total area of 250 square metres.

23.6.5 OUTSTANDING NATURAL FEATURES IDENTIFIED IN SCHEDULE 5A

No activity shall cause the modification, damage or result in the destruction of any part of any outstanding natural feature as listed in Schedule 5.A Part A.

Except for Farming and Horticulture no activity shall cause the modification, damage or result in the destruction of any part of any outstanding natural feature as listed in Schedule 5.A Parts B and C.

23.6.6 SIGNS

- Refer to Part 15.4.

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

23.6.7 “BUILDINGS HOUSING ANIMALS” (OR BIRDS) NOT BEING “INTENSIVE FARMING” ACTIVITIES:

“Buildings Housing Animals” (which includes buildings housing birds - see Rule 50) for domestic purposes shall be sited no closer than 12 metres from any boundary of the site nor less than 30 metres from any residential building on an adjoining site; provided that nothing in this rule shall prevent the enlargement of an existing building housing animals or birds for domestic purposes situated within 30 metres from any residential building on an adjoining site which was erected after the building housing animals or birds. This rule will not apply if the affected neighbour’s written consent to waive the setback requirements is obtained.

23.6.8 SPRAY IRRIGATION AND TRUCK SPREADING OF DAIRY FACTORY WHEY AND WASTE WATERS.

Spray irrigation and truck spreading of whey and waste waters shall not occur within 20 metres of a stream, river or watercourse or 60 metres from Mean High Water Springs.

23.6.9 SERVICE STATION ON THE CORNER OF GREAT SOUTH ROAD AND MILL ROAD, BOMBAY BEING ALL THE LAND ON D.P. 40410.

Only the general performance standards listed above relating to Height, Earthworks (general) and Signs shall apply and then with the following exceptions and provisos:

- Maximum building height shall be 7.5 metres;
- The service station forecourt canopy is exempted from the height in relation to boundary standard in Clause 1 above provided the canopy has a front yard of 1 metre;
- Sound levels measured at or within the boundary of an adjoining site for the hours specified shall not exceed the following:

Time/hours	L ₁₀	L _{max}
0700 to 2200	55 dBA	75 dBA
At all other times	45 dBA	75 dBA

[Note: NZS 6802 provides for the reduction of these performance standards by 5 dBA where the measured noise has a special audible characteristic];

- The limitations on sign size and illumination in clause 6 above shall not apply and the following signs shall be permitted on site:
 - one principal free-standing sign;
 - directional signs as required to assist the movement of vehicles and pedestrians in and around the site;
 - other secondary signs attached or immediately adjacent to buildings identifying the name of the premises, the services offered and other functions; and
 - all signs may be illuminated but not by the use of flashing or intermittent lighting.

23.7 STANDARDS FOR PARTICULAR PERMITTED ACTIVITIES

In addition to complying with Rule 23.6 (GENERAL PERFORMANCE STANDARDS), the *Permitted* activities stated below (of Rule 23.1) are required to comply with the performance standards that follow:

23.7.1 HOME OCCUPATIONS

- Home occupations shall be secondary to the use of the site and dwelling for residential purposes, being carried out either wholly within the dwelling or within an accessory building erected or modified for the purpose provided that the maximum floor area of buildings permitted to be used for a home occupation shall not exceed 33 per cent of the total floor area of buildings on the site. Notwithstanding this, not more than one third of the dwelling itself may be used for other than residential purposes.
- Home occupations shall be operated by a member or members of the household permanently residing on the property. Not more than one person outside the residing household is to be employed in the home occupation and no more than three persons in total shall be employed in the occupation.
- No equipment or material for a home occupation shall be stored outdoors unless it is screened from places external to the dwelling or accessory building and their curtilages. There shall be no external display or other indication of the home occupation or variation of the residential character of the dwelling, other than a sign meeting Rule 23.6 (Signs).
- Electrical interference: No one carrying on a home occupation shall use any equipment which creates electrical interference with television and radio sets in neighbouring dwellings.
- Illumination: All lighting used for the home occupation shall be directed away from neighbouring dwellings and from roads.
- The selling or offering for sale of goods shall be confined to the area permitted to be used for the home occupation, and only goods that have been substantially manufactured, repaired, renovated (or produced) on the site shall be sold.
- Hours of operation: A home occupation shall be carried on only between 0700 hours and 2200 hours.
- Home occupations shall not include the following activities: panelbeating, spray painting, motor vehicle repairs, fibreglassing, heavy trade vehicle storage, sheet metal work, wrecking of motor vehicles, bottle or scrap metal sorting storage or rehandling, rubbish collection storage or rehandling services, wrought iron work or manufacture, motor body building, food processing or manufacture and fish processing and manufacture provided that food preparation for the purposes of catering shall be permitted.
- Home occupations involving food preparation for the purposes of catering, and hairdressing, shall not be undertaken without a certificate of registration under the Health (Registration of Premises) Regulations 1966.
- For home occupations involving the teaching of arts and crafts, speech, drama, music and ballet instruction shall be limited to not more than three pupils at any one time.
- Traffic: A home occupation shall not generate more than two inwards and outwards trips per day by any motor vehicle, for the purpose of transporting raw materials and finished goods.

23.7.2 FARM STAY ACCOMMODATION

- Farm stay accommodation shall be provided wholly within the principal existing dwelling on the site;
- There shall be no external display or other indication of the accommodation, or variation of the residential character of the existing dwelling or dwellings, other than a sign meeting Rule 23.6 (Signs);
- Other than the owners or normal occupiers, no more than 6 additional people shall reside on the site at any one time.

23.7.3 ONE PRODUCE STALL PER SITE

- SOURCE OF PRODUCE: Produce shall be grown or made on the property on which it is offered for sale, or
 - on land owned or leased by the vendor of the produce, or
 - grown or made less than 3 kilometres from the property on which it is offered for sale;
- PRODUCE SOLD: The type of produce offered for sale or sold shall be confined to fruit, vegetables, plants, eggs, flowers, honey, cheese, wine and HANDCRAFTS (See Rule 50);
- AREA: The area set aside for retailing produce (comprising any land, buildings, parts of a building, tables, tractors, barrows, platforms, boxes or any other structure or vehicle used for that purpose), shall not cover more than 40 square metres of land area;
- ACCESS: 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 discretionary activity and the written comments of Transit New Zealand are required as part of the application.

Where access is from or onto any District Road, the prior written consent of the Franklin District Council's Chief Executive or officer(s) acting under delegated authority is required.

23.7.4 FARM QUARRIES

- Quarried material shall be used only on a site which is in the same ownership as that from which it was obtained;
- Blasting shall not be used as a method of extraction unless a copy of the necessary licence obtained from the Department of Occupational Safety and Health has first been submitted to the Chief Executive or officer(s) acting under delegated authority, and at least 48 hours notice has been given to all neighbours who have any length of common boundary with the site;
- Where appropriate the same standards as for Prospecting and Exploration apply.

23.7.5 PROSPECTING AND EXPLORATION OF MINERALS

OWNER OF THE PROPERTY:

Consent has been received from the owner of the property.

EARTHWORKS:

Where the activity is within the development setbacks Standard 23.6: 4 applies. The consent of the Regional Council in terms of any relevant Regional Plan may be required particularly where access roading, trenching or tunneling are proposed.

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.

HOURS OF OPERATION:

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

23.7.6 PAPAKAINGA HOUSING

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

Where the site of the Papakainga housing is not part of or adjoining the MARAE area then the individual house sites shall not be subdivided into separate titles.

23.8 ASSESSMENT OF CONTROLLED ACTIVITIES

In granting consent to a *Controlled* activity the Council will assess the activity in terms of the following matters over which it has reserved control, and conditions of consent will only relate to these matters.

23.8.1 GENERAL MATTERS FOR ALL ACTIVITIES

23.8.1.1 Access and Parking

The location and design of vehicular and pedestrian access to and from the site and motor vehicle parking and loading. The requirements of Rule 51 will be used as a guide.

In particular, that the location and design of vehicular access and parking and loading areas is adequate and safe given the type and frequency of vehicle movements to and from the site and the traffic movement function of adjoining roads (refer to Part 9.0 of the Plan).

23.8.1.2 Buildings and Landscape

The height, location, design and external appearance of buildings and other structures, including signs.

Landscape design and general site layout, including stormwater disposal (refer to Rule 22.7: 6).

In particular, that buildings and structures will not:

- visually detract from the amenity of dwellings on neighbouring properties. Where necessary, landscaping and screen planting should be located, constructed and maintained to achieve this; or
- visually compromise major ridgelines or the natural character of the coastal environment.

23.8.1.3 Site Suitability

The extent to which 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.

23.8.2 ADDITIONAL MATTERS FOR PARTICULAR ACTIVITIES

23.8.2.1 Additions and alterations to halls, churches, schools and clubs.

The extent to which the alteration or addition is of a scale and nature that it does not adversely effect the amenity of the surrounding area. Conditions may be imposed limiting the extent of any additions or alterations.

23.8.2.2 Service station on the corner of Great South Road and Mill Road, Bombay being all the land on D.P. 40410.

- The impact of the location of fuel pumps, LPG tanks and tanker access thereto as well as the location of buildings and signs on the safe and efficient operation of the adjoining roading network;
- The extent to which the development of a new service station or alterations and additions to an existing service station will affect the amenity of the rural area and in particular the visual impact of signs and buildings on the rural landscape;
- The safe storage of hazardous substances and the containment and treatment of any wastewater or contaminated stormwater so that there is no adverse effect on groundwater or public safety;
- The placement and effects of on-site lighting;
- The incorporation of significant existing vegetation in any redevelopment of the site.

23.9 ASSESSMENT OF DISCRETIONARY (R A) ACTIVITIES

In assessing an application for a *Discretionary (R A)* activity the Council will assess the activity in terms of the following matters over which it has restricted the exercise of its discretion, and conditions of consent will only relate to these matters.

23.9.1 GENERAL MATTERS FOR ALL ACTIVITIES

23.9.1.1 Access and parking

The location and design of vehicular and pedestrian access to and from the site and motor vehicle parking and loading. The requirements of Rule 51 will be used as a guide.

In particular, that the location and design of vehicular access and parking and loading areas is adequate and safe given the type and frequency of vehicle movements to and from the site and the traffic movement function of adjoining roads (refer to Part 9.0 of the Plan).

23.9.1.2 Buildings and landscape

1. General:

- The height, location, design and external appearance and colour of buildings and other structures, including signs;
- Landscape design and general site layout.

In particular, that buildings and structures will not:

- visually detract from the amenity of dwellings on neighbouring properties. Where necessary, landscaping and screen planting should be located, constructed and maintained to achieve this; or
- visually compromise major ridgelines or the natural character of the coastal environment.

2. Within The Pukekohe Hill Special Policy Area:

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

- Preservation of the rural open space character.

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

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

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

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

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

- Potential for adverse cumulative effects.

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

- Shelter Belts

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

3. Within the North Pukekohe Hill Structure Plan Area:

- Impervious Surfaces

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

23.9.1.3 Development setbacks

Rule 23.6 (3) and (4) have the following purposes;

- The preservation of the natural character of the coastal environment, wetlands, lakes and rivers and their margins as required by Section 6 (a) of the Act.
- Maintaining and enhancing the natural functioning of the adjacent sea, river or lake.
- Maintaining and enhancing water quality.
- Avoiding the effects of natural hazards.

Where Rule 23.6 (3) and (4) have not been 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 environmental 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 and stable 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.

Notwithstanding the above factors the Council will also consider the susceptibility of the site to river or coastal erosion.

23.9.1.4 Wastewater and stormwater treatment and/or disposal

That the site is suitable to accommodate the proposed activity: In particular that wastewater and stormwater can be adequately treated and disposed of on the site or there is a suitable alternative method for treatment and disposal.

23.9.1.5 Soils

Where any site contains Class I or II 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. 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.

23.9.1.6 Outstanding natural features

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

- result in the damage or destruction of any habitat of indigenous or exotic animals, whether terrestrial or aquatic; or
- 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
- visually compromise outstanding natural features;
- the extent to which the activity adversely affects the physical or biological integrity of any natural feature.

23.9.1.7 Minerals

The Council will have regard to any potential for mineral extraction activities to be unreasonably or inappropriately curtailed by sensitive activities (such as dwellings) located in the vicinity. In carrying out this assessment, the Council will be guided by, in the case of rock extraction sites, the desirable 'buffer' distance of 500 metres between the extraction site and the sensitive activity, and for sand extraction sites, the desirable 'buffer' distance of 200 metres. The extraction sites to which such buffer distances apply are as follows:

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

23.9.1.8 Coastal environment

- The extent to which the activity is of a scale, location and design which enables its integration with the existing pattern of subdivision, use and development;
- The extent to which the activity maintains and where practicable enhances existing vegetation patterns;
- The extent to which the activity adversely affects the physical integrity of any natural feature;
- The extent to which the activity maintains any physical or biological processes necessary to ensure the functioning of the natural feature;
- The extent to which the activity adversely affects water quality;

- The extent to which the activity recognises and protects known heritage values including tangata whenua values;
- The effects on the natural character of and public access to the coastal environment and the margins of lakes and rivers.

23.9.1.9 Heritage items

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

23.9.1.10 Front yards

The extent to which any reduction in the front yard will:

- Impact upon the safe and efficient flow of traffic;
- Increase the impact of road noise within the building;
- Result in any other adverse effect.

Note: For applications relating to State highways and Motorways the applicant is required to obtain the comments of Transit NZ prior to the application being processed. These comments should form part of the application.

23.9.2 ADDITIONAL MATTERS FOR PARTICULAR ACTIVITIES

23.9.2.1 One dwelling on a road severance:

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:

- there is a safe and stable building platform;
- sewage and stormwater can be adequately treated and/or disposed of within the site;
- the erection of a dwelling will not shade neighbouring dwellings;
- 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;
- the proposed development does not compromise any potential the site has for accommodating a range of activities provided for in the Zone; and
- that consent would not lead to a concentration of developed road severances in the one vicinity, which could result in a cluster of dwellings or 'ribbon' development along a road.

23.9.2.2 Intensive farming:

1. Poultry farming

The proposed activity will not adversely affect an existing quarantine station. New poultry operations should be kept 500 metres from any quarantine station.

There are adequate measures for the control of odour, dust, noise, and flies and vermin from any aspect of the operation.

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.

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.

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:

- at least 500 metres from the boundary of a *Residential* or *Rural-Residential Zone*;
- at least 100 metres from existing dwellings on neighbouring properties, including those separated by a road; and
- at least 20 metres from the boundaries of the site;

provided that where a dwelling 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.

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

2. Pig farming

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.

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) shall be:

- at least 1,200 metres (less than 500 pigs) or 2,000 metres (500 or more pigs) from the boundary of a *Residential* or *Rural-Residential Zone*;
- at least 300 metres from existing dwellings on neighbouring properties, including those separated by a road or river;
- at least 20 metres from the boundaries of the site;

OR, such buffer distances as the Pork Industry Board Code of Practice recommends.

3. Mushroom farming.

The criteria for mushroom farming shall be the same as that for poultry farming in 1. above.

4. Free range poultry

That the site is suitable for the proposed activity and can be farmed in a sustainable manner. Matters that will be considered include:

- Type, number and density of birds;
- Management practices that are instigated to ensure that:
 - ground cover is maintained;
 - there is little or no effect on ground and surface water; and
 - waste can be disposed of adequately.
- That there is minimal impact on adjoining dwellings. Matters that will be considered include:
 - visual impact;
 - noise;
 - odour;
 - dust;
 - traffic generation;
 - vermin.
- 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 free range poultry farming operation (including areas for the treatment and/or disposal of wastes and composting but excluding grazing areas) shall be:

 - at least 500 metres from the boundary of a *Residential* or *Rural-Residential Zone*;

- at least 100 metres from existing dwellings on neighbouring properties, including those separated by a road; and
 - at least 20 metres from the boundaries of the site;
- provided that where a dwelling has been erected on a neighbouring property after the date the free range poultry operation had been established, and the free range poultry operation has been in regular operation since it was established, then the 100 metre guideline does not apply.

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

The proposed activity should not adversely affect an existing quarantine station. New free range poultry farming operations should be kept 500 metres from any quarantine station.

23.9.2.3 Saleyards:

- There are adequate measures for the control of odour, dust, noise, and flies and vermin from any aspect of the operation;
- 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;
- Conditions may be imposed on the method of and hours of operation, and the design, layout and use of all buildings and areas associated with the saleyards;
- Its proximity to potentially conflicting activities shall be avoided.

23.9.2.4 Processing the produce of the site

- The produce must be produced on the site of the application or on land owned or leased by the vendor of the produce;
- The processing shall not be or become the primary use of the site: To this extent conditions may be imposed to control the scale of the proposed activity;
- Any structures associated with the processing of produce shall be of such a scale and nature that they do not compromise the open space character of the rural area;
- That any waste material generated from the processing of rural produce can be adequately disposed of.

23.9.2.5 Rural contractor's depot

- The depot shall not be or become the primary use of the site: To this extent conditions may be imposed to control the scale of the proposed activity. In general only vehicles, machinery and equipment used by the agricultural contractor in the daily operation of the contracting business should be stored, repaired or maintained on the site;
- Conditions may be imposed on the storage handling disposal and transportation of fuel, oil and chemicals;
- Where the activity is considered to be the primary use of the site then it will be considered as a RURAL SERVICE and hence a *Discretionary* activity.

23.9.2.6 Shelter belts in Pukekohe Hill special policy area

The need to maintain the shelter belt at a height which will not obtrude into and detract from public views from Pukekohe Hill Summit.

23.9.2.7 Signs

Standard deleted as a result of Plan Change 8.

23.9.2.8 Subsidiary dwellings

1. For aged or infirm relatives

- The subsidiary dwelling should be used to accommodate the aged or infirm relatives of the owners or occupiers of the principal existing dwelling on the site;

- The gross floor area of the subsidiary dwelling excluding accessory buildings should not exceed 80 square metres;
- The subsidiary dwelling should be located within 50 metres of the principal dwelling unless there is no area physically suitable;
- The land on which the subsidiary dwelling is located shall not be subdivided from the land containing the principal existing dwelling on the site.

2. For farm workers

- The subsidiary dwelling should be used to accommodate persons engaged in farming activities on the property that the dwelling is to be located. It must be established that additional farm workers are required to live on site for the running of the farm and relevant matters will include the size of the farm and the type of farming;
- The land on which the subsidiary dwelling is located shall not be subdivided from the land containing the principal existing dwelling on the site.

23.9.2.9 Earthworks

Activities that do not comply with 23.6.4 will be assessed against:

- effects on the ecological, landscape or landform values of the area;
- effects on the natural character of and public access to the coastal environment and the margins of lakes and rivers;
- the susceptibility of the site to instability and erosion risk;
- the effects of vegetation clearance and the adequacy of proposals to revegetate bare ground to maintain amenity and control runoff.