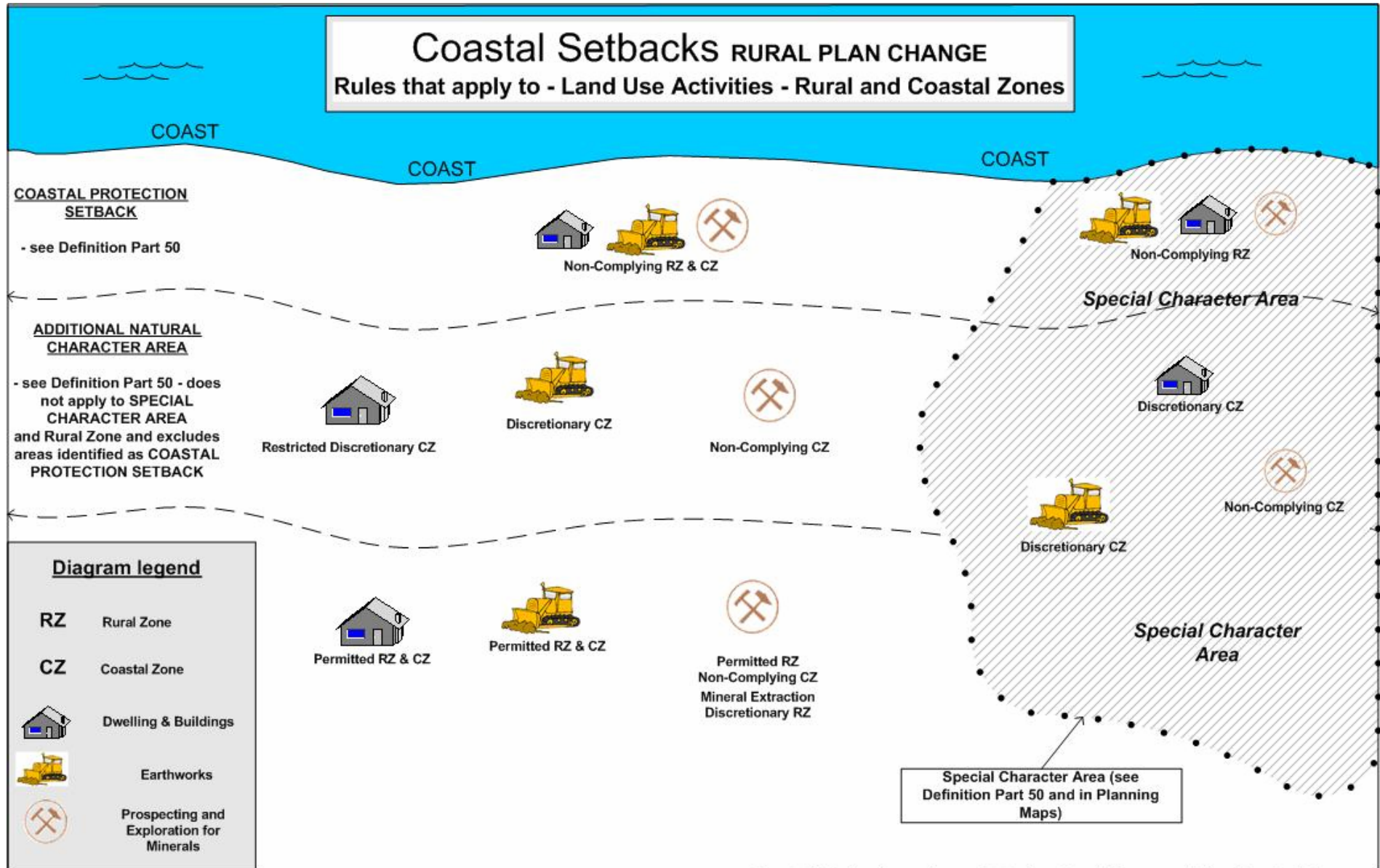


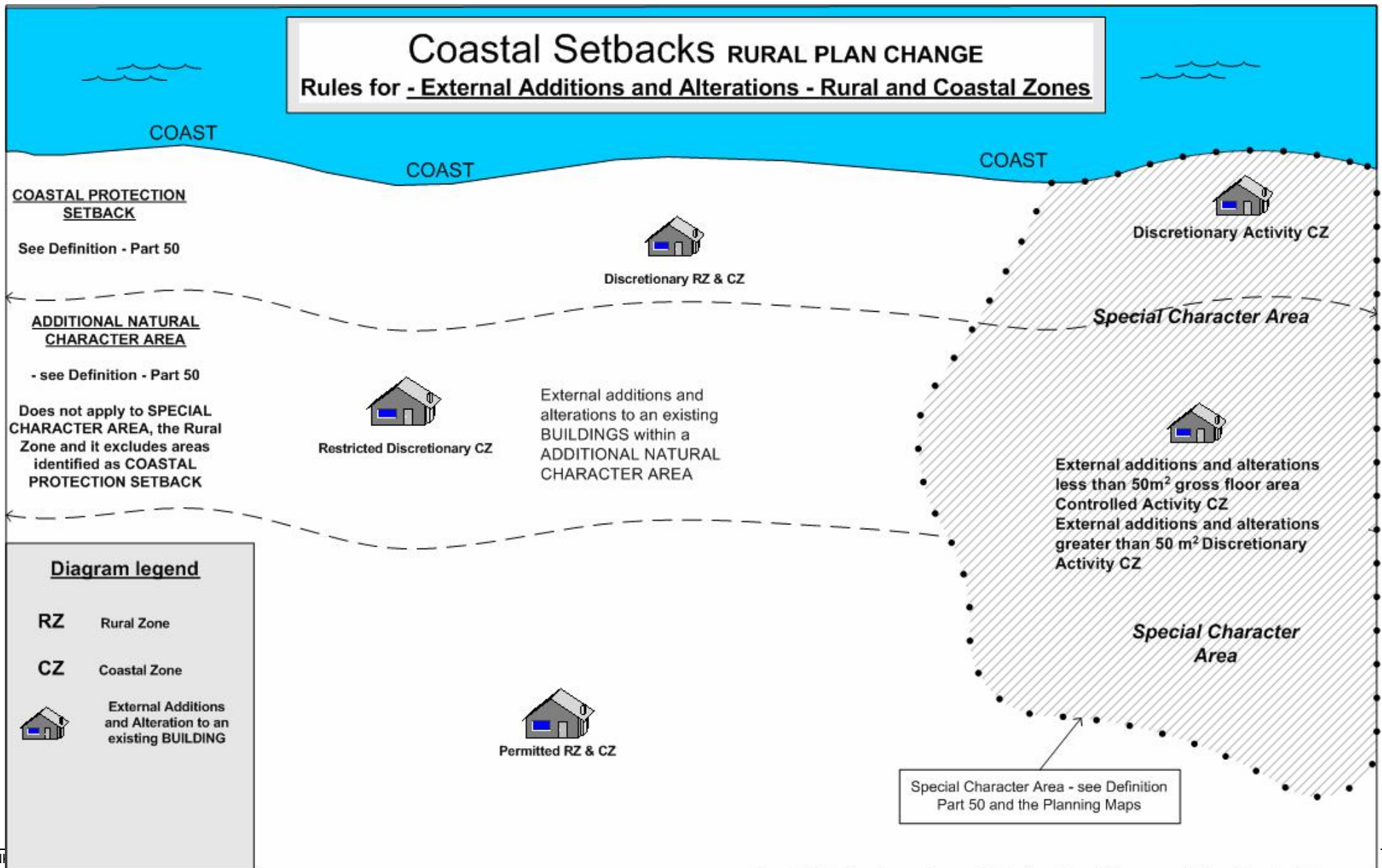
PART 23 RULE 23 - LANDUSE ACTIVITIES: RURAL AND COASTAL AREAS

| **Modifications made to PART 23 by Proposed Plan Change 14 are as follows:** |
Delete PART 23 entirely and **insert** a new PART 23 as follows:



P:

Coastal Setbacks only apply to the Rural Zone and the Coastal Zone



RULE 23A RURAL ZONE

23A.1 ACTIVITY STATUS RULES – RURAL ZONE

23A.1.1 PERMITTED ACTIVITIES – RURAL ZONE

[1009]

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 Rule 50

1. FARMING
2. HORTICULTURE including INTENSIVE HORTICULTURE except for INTENSIVE HORTICULTURE in the Pukekohe Hill Special Policy Area
3. CONSERVATION FORESTRY except in the Pukekohe Hill Special Policy Area
4. PRODUCTION FORESTRY except in the Pukekohe Hill Special Policy Area
5. One DWELLING HOUSE per RURAL LOT except for the following situations: **[967]**
 - (a) Where a restrictive covenant or a resource consent prevents the erection of a dwelling
 - (b) Where the SITE is within the Pukekohe Hill Special Policy Area.
6. Two DWELLING HOUSES per RURAL LOT where the LOT is larger than 40ha **[1002, 967]**
7. HOME OCCUPATIONS (including FARM STAY ACCOMMODATION) **[1009]**
8. MARAE
9. PAKAINGA HOUSING.
10. One PRODUCE STALL per SITE except where access to the stall is to or from a State Highway or Motorway
11. PROSPECTING or EXPLORATION for MINERALS
12. 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")
13. EARTHWORKS not within a COASTAL PROTECTION SETBACK
14. FARM QUARRY not within a COASTAL PROTECTION SETBACK
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 following activities on Part Lots 1 & 2 DP 18306, Part Lots 1, 2 & 3 DP3363, Lot 2 DP100207, Part Allotments 24, 80 & 90 Parish of Pukekohe and Deeds Plan P37 (being land owned by the Counties Racing Club Inc bounded by Buckland Road, the main trunk railway, "Business Zone" land (to the north) and the Tutaenui Stream):
 - a) FARMING;
 - b) motor racing, horse racing, and ANCILLARY ACTIVITIES and recreational activities;
 - c) FESTIVALS AND EVENTS, carnivals, and similar activities that occur annually or periodically and associated ACCESSORY BUILDINGS;
 - d) SIGNS Refer to Part 21.2 point 5
 - e) informal or "passive" recreational activities by individuals or groups.
19. The following activities on LOTS 1 and 3 DP 97690 and LOT 1 DP 39309 and Allotments 114, 16, and 39 Pukekohe Parish (being land owned by the Franklin Agricultural & Pastoral Society at the corner of Birch Road and Station Road):
 - a) FARMING;
 - b) existing lawfully established activities consistent with the use and DEVELOPMENT of Agricultural and Pastoral Showgrounds, and ACTIVITIES ANCILLARY thereto.
21. 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):
 - a) FARMING;
 - b) existing lawfully established trotting activities, and ACTIVITIES ANCILLARY thereto.
22. ACCESSORY BUILDINGS except in the Pukekohe Hill Special Policy Area and ANCILLARY ACTIVITIES
23. The ongoing maintenance, UPGRADE and repair of flood protection, land drainage and erosion control works.
24. 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).

23A.1.2 CONTROLLED ACTIVITIES – RURAL ZONE

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 Rule 50

1. CEMETERIES
2. Additions and alterations to existing COMMUNITY FACILITIES including halls, CHURCHES, clubs, and existing SCHOOLS

3. SERVICE STATION (including ancillary activities) on the corner of Great South Road and Mill Road, Bombay being the land comprising Part 1 DP 40410 and Part Lot 3 DP 47888 including extension of, or reconstruction or alteration to the existing SERVICE STATION not provided for under Section 10 of the Act.
4. ACCESSORY BUILDINGS for any of the above except in the Pukekohe Hill Special Policy Area and ANCILLARY ACTIVITIES for any of the above

Notes:

- a) Controlled Activities require a resource consent, and consent shall be granted. An application must be submitted in the prescribed format (available from the Council).
- b) Applications will be assessed primarily in terms of the matters set out in Rule 23.A.3, and any conditions of consent will only relate to those matters.
- c) The information submitted with the application must be in terms of Rule 52 but only to the extent needed to enable a thorough assessment in terms of Rule 23.A.3. The application must also clearly demonstrate compliance with the stated performance standards applicable to the activity.
- d) An application for a Controlled Activity may be considered without public notification or with limited notification, where Council so determines, in terms of Section 94 of the Act.

23A.1.3 RESTRICTED DISCRETIONARY ACTIVITIES – RURAL ZONE

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 following list, the words in CAPITALS are defined in Rule 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) EARTHWORKS **[996]**
 - d) FARM QUARRY
 - e) YARDS
 - f) DEVELOPMENT SETBACK
 - g) SITE Suitability
 - h) Natural Hazards
2. One DWELLING HOUSE on a ROAD SEVERANCE LOT
3. PAPA KAINGA HOUSING that does not meet the Permitted Activity standards.

4. RURAL INDUSTRY AND SERVICES
5. INTENSIVE FARMING
6. POULTRY HATCHERIES **[992]**
7. The following activities or DEVELOPMENTS in the Pukekohe Hill Special Policy Area: **[1014]**
 - a) One DWELLING HOUSE per RURAL LOT
 - b) FARM STAY ACCOMMODATION
 - c) MARAE and PAPAINGA HOUSING
 - d) INTENSIVE HORTICULTURE (growing plants in BUILDINGS)
 - e) PRODUCTION FORESTRY
 - f) CONSERVATION FORESTRY
 - g) ACCESSORY BUILDINGS and ANCILLARY ACTIVITIES for any of (a) to (f) above
 - h) ACCESSORY BUILDINGS and ANCILLARY ACTIVITIES for any PERMITTED ACTIVITY in Rule 23A.1.1 or CONTROLLED ACTIVITY in Rule 23A.1.2
 - i) Shelterbelts
8. ACCESSORY BUILDINGS and ANCILLARY ACTIVITIES for any of the above
9. SUBSIDIARY DWELLING **[1007]**
10. One PRODUCE STALL per SITE where access to the stall is to or from a State Highway or Motorway

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 Rule 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 94 of the Act.

23A.1.4	DISCRETIONARY ACTIVITIES – RURAL ZONE
----------------	--

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 Rule 50.

1. ACTIVE RECREATION.
2. MINERAL EXTRACTION AND PROCESSING that meet the performance standards specified in 23A.5.2.A. **[1009]**
3. CAMPING GROUNDS and TEMPORARY LIVING PLACES.
4. SPECIAL HOUSING DEVELOPMENTS.
5. RURAL AERIAL SERVICE.
6. SCHOOLS, COMMUNITY FACILITIES and CHURCHES. **[1009]**
7. ACCESSORY BUILDINGS and ANCILLARY ACTIVITIES for any of the above.
8. HOME OCCUPATIONS not meeting the standards for that activity under Rule 23A.2.2.2.
9. Flood protection, land drainage and erosion control works not provided for in Rule 23A.1.1.
10. External additions and alterations to an existing BUILDING within a COASTAL PROTECTION SETBACK. **[993, 1014]**
11. Manufacturing of goods from local produce (from FARMING, HORTICULTURE, INTENSIVE FARMING, or marine farming/fishing) imported to a SITE. **[967]**

Notes:

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

23A.1.5 NON-COMPLYING ACTIVITIES – RURAL ZONE [1014]

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 Rule 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.
4. MINERAL EXTRACTION AND PROCESSING not meeting those standards as specified in Rule 23A.5.2.A. **[1009]**

5. BUILDINGS, EARTHWORKS, FARM QUARRY, PROSPECTING or EXPLORATION for MINERALS, MINERAL EXTRACTION AND PROCESSING or AGGREGATE EXTRACTION ACTIVITIES within a COASTAL PROTECTION SETBACK. [996, 993, 956, 1014, 979, 982, 983, 969, 1006]
6. The damage, clearance or destruction of INDIGENOUS vegetation within the COASTAL PROTECTION SETBACK. [956, 1014, 979, 982, 983, 931, 961, 993]

Notes:

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

23A.1.6 PROHIBITED ACTIVITIES – RURAL ZONE

[956]

The following activities are Prohibited Activities in the Rural Zone.

Note:

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

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

Notes:

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

23A.2 PERFORMANCE AND DEVELOPMENT STANDARDS – RURAL ZONE

23A.2.1 FOR ALL PERMITTED AND CONTROLLED ACTIVITIES – RURAL ZONE [1009]

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

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.

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:

20m where the SITE has frontage to any National or District Arterial Route or Collector ROAD shown on the Rooding Hierarchy Map and as identified in Rule 9.4.

10m in all other situations.

3. All Other YARDS

a) 10 metres or this may be reduced where written neighbours' consent has been obtained

or

b) 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.

c) 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 Part 15).

4. EARTHWORKS or FARM QUARRY [996, 956]

EARTHWORKS or FARM QUARRY shall meet the following standards:

a) Maximum volume (m³) per SITE per 12 month period: 250

b) Maximum face HEIGHT (m) per SITE: 3

b) Maximum area per SITE (m²): 1000

The above standards shall not apply with respect to the following: [1014]

a) Any surface disturbance of soil (but not earthmoving) directly associated with cultivation and planting operations and with harvesting in respect of cropping and horticultural activities.

b) Maintenance of facilities for permitted activities, such as existing farm/forestry tracks and feeding lots.

- c) Flood protection, land drainage and erosion control works in accordance with Rule 23A.1.1.

Notwithstanding the provisions of this rule any EARTHWORKS or FARM QUARRY activity:

- is subject to Rule 7.3.6 requirements relating to setbacks from water, Rule 8.3 requirements relating to heritage protection and Sections 10 to 20 of the Historic Places Act 1993 requirements relating to archaeological sites.
- may be subject to the requirements of the relevant Regional Plan and any resource consents required thereunder.

5. **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, 5B or 5C of the PLAN.

6. **SIGNS**

- a) Refer to Part 15.4
- b) 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.

7. **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 definition of Permitted Activity.

8. **DEVELOPMENT SETBACK [956]**

- 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 s.2 of the Act), watercourse or stream and any Outstanding Natural Feature identified in the Schedules to Part 5 of the PLAN. [1014]
- b) Flood protection, land drainage and erosion control works provided for in Rule 23A.1.1 are exempt from this rule.

9. **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.

10. **Natural Hazards**

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

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.2.2 FOR SPECIFIC PERMITTED AND CONTROLLED ACTIVITIES – RURAL ZONE

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 SERVICE STATION ON THE CORNER OF GREAT SOUTH ROAD AND MILL ROAD, BOMBAY BEING ALL THE LAND on DP 40410**
- 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 KAINGA HOUSING**

23A.2.2.1 SERVICE STATION ON THE CORNER OF GREAT SOUTH ROAD AND MILL ROAD, BOMBAY BEING ALL THE LAND ON PART 1 DP 40410 and Part Lot 3 DP 47888.

Only the general PERFORMANCE STANDARDS listed above relating to HEIGHT, EARTHWORKS (general) and SIGNS shall apply and then with the following exceptions and provisos:

1. HEIGHT

7.5 metres, except for the forecourt canopy

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.

2. NOISE

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].

3. SIGNS

The limitations on SIGN size and illumination in Part 15 of the PLAN shall be superseded where applicable and the following SIGNS shall be permitted on SITE:

- a) One principal free-standing SIGN; and
- b) Directional SIGNS as required to assist the movement of vehicles and pedestrians in and around the SITE; and
- c) Other secondary SIGNS attached or immediately adjacent to BUILDINGS identifying the name of the premises, the services offered and other functions; and
- d) All SIGNS may be illuminated but not by the use of flashing or intermittent lighting.

23A.2.2.2 FARM STAY ACCOMMODATION, AND HOME OCCUPATIONS – RURAL ZONE

1. Purpose and Area [1007]

HOME OCCUPATIONS shall be secondary to the use of the SITE and DWELLING HOUSE for residential purposes, and 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 75m² of floor area on the site or more than 150m² of outdoor space.

2. HOUSEHOLD members

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

3. Outdoor Storage

No equipment or material for a HOME OCCUPATION shall be stored outdoors unless it is screened from places external to the DWELLING HOUSE 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 HOUSE, other than a SIGN meeting RULE 23.6 (SIGNS).

4. Electrical Interference

No one carrying out a HOME OCCUPATION shall use any equipment which creates electrical interference with television or radio sets in neighbouring DWELLING HOUSES.

5. Illumination

All lighting used for the HOME OCCUPATION shall be directed away from neighbouring DWELLING HOUSES and from ROADS.

6. 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 only goods that have been substantially manufactured, repaired, renovated (or produced) on the SITE shall be sold.

7. Hours Of Operation

July 2008 update

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

8. Types Of Activities Not Allowed

HOME OCCUPATIONS shall not include the following:

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 (except catering) or manufacture and fish processing and manufacture

9. Registration of Premises

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 or any subsequent amendment thereof.

10. Number Of Pupils

For HOME OCCUPATIONS involving the teaching of arts and crafts, speech, drama, music and ballet instruction shall be limited to not more than five pupils at any one time.

11. Traffic

A HOME OCCUPATION shall not generate more than four inwards and outwards trips per day by any motor vehicle, for the purpose of transporting raw materials and finished goods.

12. SIGNS

All SIGNS shall meet RULE 15.4.3.1 and 15.4.3.2.

13. 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.

14. Hazardous Substances

A Home Occupation shall not involve the storage of any HAZARDOUS SUBSTANCE unless the Chief Executive or officer(s) acting under delegated authority has certified in writing that the amount and nature of its use and storage is acceptable for the location in terms of the threat to public health and safety and the levels of risk involved compared with other substances or goods commonly found in rural areas (eg petrol, LPG, farm chemicals).

23A.2.2.3 ONE PRODUCE STALL PER SITE – RURAL ZONE [1014]

1. Source Of Produce

Produce sold from a stall shall be grown or made:

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

2. **Type Of Produce**

The type of produce offered for sale or sold shall be confined to fruit, vegetables, plants, eggs, flowers, honey, cheese, wine and HANDCRAFTS (See RULE 50).

3. **Retailing Area**

The area set aside for retailing produce (comprising any land, BUILDINGS, parts of a BUILDING, tables, tractors, barrows, platforms, boxes or any other structure or vehicle used for that purpose), shall not cover more than 40 square metres of land area.

4. **ROAD Access Limitation**

Outlets for the sale of produce shall not have access from or onto any State Highway or Motorway. Where access is from or onto any State Highway or Motorway the application is to be assessed as a Restricted Discretionary activity and the written consent of Transit New Zealand is required as part of the application. Where access is from or onto any District Road, the prior written consent of the Franklin District Council's Chief Executive or officer(s) acting under delegated authority is required.

23A.2.2.4 **PROSPECTING AND EXPLORATION FOR MINERALS – RURAL ZONE**

1. **Written Consent**

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 6.30 am to 10 p.m. on each day.

23A.2.2.5 **PAPAKAINGA 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**

PAPAKAINGA HOUSING shall not be subdivided into separate titles.

3. **SITE COVERAGE**

Maximum 35%

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

RULE 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: 3 m wide by 5 m 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) Council may require the applicant to provide a plan and contours that demonstrate that this standard will be met.

23A.3 CONTROLLED ACTIVITY MATTERS – RURAL ZONE

23A.3.1 FOR ALL CONTROLLED ACTIVITIES – 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, Council may exercise control over those of the following matters that are relevant to the proposal:

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 RULE 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 9.0 of the PLAN).

2. BUILDINGS And Landscape [1014]

- 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 22.9.8.

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 FOR 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, 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 SERVICE STATION On The Corner Of Great South Road And Mill Road, Bombay (PART 1 DP 40410 and Part Lot 3 DP 47888

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 SERVICE STATION ON THE CORNER OF GREAT SOUTH ROAD AND MILL ROAD, BOMBAY (PART 1 DP 40410 and Part Lot 3 DP 47888) – RURAL ZONE

1. Visual Impact

Mitigation measures to reduce the visual 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.

2. Rural Amenity Values

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.

3. Storage Of HAZARDOUS SUBSTANCES

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.

4. Lighting

The placement and effects of on-site lighting.

5. Existing Vegetation

The incorporation of significant existing vegetation in any redevelopment of the SITE.

23A.4 ASSESSMENT CRITERIA FOR RESTRICTED DISCRETIONARY ACTIVITIES – RURAL ZONE

23A.4.1 FOR ALL RESTRICTED DISCRETIONARY ACTIVITIES – RURAL ZONE

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 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).

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

That the SITE is able to accommodate the proposed activity. In particular, that there is an effective stormwater disposal system as outlined in RULE 22.9.8, 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 SOILS, 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. **[956, 1014]**

5. Outstanding Natural Features

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

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

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

6. **MINERALS [1009]**

The extent to which the potential for MINERAL extraction activities may be curtailed by sensitive activities (such as DWELLING HOUSES) 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:

- a) 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);
- b) 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;
- 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.

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 Transit NZ prior to the application being processed. These comments should form part of the application.

9. **EARTHWORKS or FARM QUARRY Activities**

- a) The extent to which the EARTHWORKS or FARM QUARRY will result in the following being adversely affected:
- (i) the ecological, landscape or landform values of the area;
 - (ii) natural character of and public access to the coastal environment and the margins of lakes and rivers;
 - (iii) the susceptibility of the SITE to instability and erosion risk;
 - (iv) roading infrastructure.
- b) The effects of vegetation clearance and the adequacy of proposals to revegetate bare ground to maintain amenity and control runoff.
- c) The areas of discretion for a Restricted Discretionary Activity shall be the following:
- (i) mitigation measures;
 - (ii) methods by which EARTHWORKS or FARM QUARRY activities are to be undertaken;
 - (iii) sequence of EARTHWORKS or FARM QUARRY i.e., timing, staging;
 - (iv) rate at which EARTHWORKS or FARM QUARRY activities can be undertaken;
 - (v) proposed SITE landscape rehabilitation;
 - (vi) erosion and sediment control during EARTHWORKS or a FARM QUARRY
 - (vii) stormwater management during EARTHWORKS or FARM QUARRY activities;
 - (viii) traffic movement during EARTHWORKS or FARM QUARRY activities;
 - (ix) hours during which EARTHWORKS or FARM QUARRY activities may be carried out;
 - (x) off-site placement of fill, including means of transportation and location;
 - (xi) emergency procedures to avoid injury or property damage during EARTHWORKS or FARM QUARRY activities;
 - (xii) avoidance or exacerbation of natural hazards;
 - (xiii) managing the chemical effects of exposing acid rock;
 - (xiv) archaeological monitoring (and possible subsequent surveys);
 - (xv) the need for a comprehensive management plan to cover any or all of the above.

10. DEVELOPMENT SETBACKS have the following purpose: **[979, 982, 983, 969]**

- The preservation of the natural character of watercourses, streams, rivers, lakes or WETLANDS and their margins as required by section 6(a) of the Act. **[1014]**
- Maintaining and enhancing the natural functioning of the adjacent watercourses, streams, rivers, lakes or WETLANDS. **[1014]**
- Maintaining and enhancing water quality.
- Avoiding the effects of natural hazards.

Any adverse effects on watercourses, streams, rivers, lakes or WETLANDS. In particular, with regard to watercourses, streams, rivers, lakes or WETLANDS, ensure that the activity will not: **[1014]**

- 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.

23A.4.2	FOR SPECIFIC RESTRICTED DISCRETIONARY ACTIVITIES – RURAL ZONE
----------------	--

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 DEVELOPMENT within the Pukekohe Hill Special Policy Area

23A.4.2.2 For 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.4.2.1 DEVELOPMENT WITHIN THE PUKEKOHE HILL SPECIAL POLICY AREA – RURAL ZONE

Applications shall 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:

1. Avoidance of visual clutter or residential DEVELOPMENT of an 'urban' character.

Explanation:

The rural qualities of the Hill 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 the Hill, eroding its perceived and inherent rural qualities and detracting from its significance in landscape terms.

2. 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).

Explanation:

Views to and from Pukekohe Hill are important in framing people's perception of its character and quality. Retention of the rural character and quality of the Hill is most important in those areas that are more frequently part of the public view (although it is important to the visual integrity of the Hill as a whole that the less visible areas are not degraded). 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.

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. 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:

- a) Type, number and density of birds;
- b) Management practices that are instigated to ensure that:
 - (i) ground cover is maintained
 - (ii) there is little or no effect on ground and surface water, and
 - (iii) waste can be disposed of adequately.
- c) That there is minimal impact on adjoining properties. 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. **[967]**
 - (iv) dust
 - (v) traffic generation
 - (vi) vermin
- d) 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:

- (i) at least 500 metres from the boundary of a Residential or Rural-Residential Zone;
- (ii) at least 100 metres from any DWELLING HOUSES 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 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.

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

2. 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 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, Coastal Village, Rural 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.

3. 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 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 at or beyond the boundary of the site.

4. Mushrooms

The criteria for mushroom farming shall be the same as that for POULTRY (within BUILDINGS) in 2. above.

5. Breeding And Boarding Kennels And Catteries

- a) Buffer areas are an easy practical method to mitigate adverse effects. Buffer areas of the following distances will be used as a guideline.
- b) all SITES used for breeding or boarding cats, should be no less than 2000m².
- c) all SITES used for breeding, boarding or training dogs should be no less than 1 hectare in area.
- d) 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 residential boundary.
- e) 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).
- f) 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.

- g) 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. **[967]**
 - (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 processing of 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 rural 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 agricultural contractor in the daily operation of the contracting business should be stored, repaired or maintained on the SITE. Saleyards that are an ANCILLARY ACTIVITY to FARMING (carried out on the same SITE) do not come under the definition of RURAL INDUSTRY AND SERVICES.

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 RURAL INDUSTRY AND SERVICES

- a) Control of nuisance
- b) There are adequate measures for the control of odour, dust, NOISE, and flies and vermin from any aspect of the operation.
- c) SITE suitability
- d) The SITE is suitable for, and can physically accommodate proposed waste treatment and disposal methods, including the number of animals accommodated in saleyards and the volume of wastes generated.
- e) Operational aspects and site layout
- f) 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 activity.

- g) Potential conflicts
 - h) Its proximity to potentially conflicting activities shall be avoided.
6. **That there is minimal impact on adjoining DWELLING HOUSES. Matters that will be considered include: [1014]**
- 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.4.2.5 SUBSIDIARY DWELLING [956, 1007, 1014]

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
- Farm employees and their family, engaged permanently in full time farming activities on the farming unit on which the dwelling is or will be located.

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

- The SUBSIDIARY DWELLING for a Dependent Relative shall be no greater than 80 square metres in area excluding decks and garaging.
- The SUBSIDIARY DWELLING for a Farm Employee shall be no greater than 120 square metres in area excluding decks and garaging.

c) Location Of Dwelling

- The SUBSIDIARY DWELLING for a Dependent Relative shall be located within 20 metres of the principal dwelling on the site.

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 Farm employees 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 property 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 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 Farm employees accommodation, the applicant shall demonstrate that the volume and nature of the work undertaken on the property requires employees, additional to those living in the principal dwelling, to live on the property and to be employed full time throughout the year in relation to activities undertaken on the site and it is impracticable for the employee to commute given the nature of the work being undertaken.

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

1. Source Of Produce

Produce sold from a stall shall be grown or made:

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

2. Type Of Produce

The type of produce offered for sale or sold shall be confined to fruit, vegetables, plants, eggs, flowers, honey, cheese, wine and HANDCRAFTS (See RULE 50).

3. Retailing Area

The area set aside for retailing produce (comprising any land, BUILDINGS, parts of a BUILDING, tables, tractors, barrows, platforms, boxes or any other structure or vehicle used for that purpose), shall not cover more than 40 square metres of land area.

4. ROAD Access Limitation

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

23A.5 ASSESSMENT CRITERIA FOR DISCRETIONARY ACTIVITIES – RURAL ZONE

23A.5.1 FOR 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 Council may exercise control may be applied to a Discretionary Activity consent. **[1009]**
3. The assessment criteria for Restricted Discretionary Activity applications (in RULE 23A.4 above) may be used for assessing a Discretionary Activity application. **[1009]**
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 FOR SPECIFIC DISCRETIONARY ACTIVITIES – RURAL ZONE:

- 23A.5.2.A MINERAL EXTRACTION AND PROCESSING PERFORMANCE STANDARD**
- 23A.5.2.B MINERAL EXTRACTION AND PROCESSING DISCRETIONARY ACTIVITY CRITERIA**
- 23A.5.2.C RURAL AERIAL SERVICES – Assessment Criteria**

23A.5.2.A MINERAL EXTRACTION AND PROCESSING PERFORMANCE STANDARD

MINERAL Extraction and Processing Activities are required to meet the following standards:

1. Noise [1009]

Activities shall not exceed the following sound levels (L₁₀ dBA) at a notional boundary of 20 metres from any occupied dwelling outside the SITE:

Monday – Saturday 0600-2100 hours	L ₁₀ 50 dBA
At all other times and on Sundays and public holidays	L ₁₀ 40 dBA
On all days 2100-0600 hours	L _{max} 70 dBA

Noise levels shall be measured and assessed in accordance with the requirements of New Zealand Standard NZS 6801:1991 and NZS 6802:1991 or any subsequent amendment thereof .

The noise level generated from initial SITE establishment and construction activities shall not exceed the limits of and be assessed in accordance with the requirements of New Zealand Standard NZS 6803:1999 Acoustics – Construction Noise or any subsequent amendment thereof.

2. Night Time Activities [1009]

No truck movements (other than for maintenance purposes) or extraction activities including digging, excavating or the carrying or transporting of aggregate materials on-site, rock crushing or related activities, or the loading of trucks with aggregates shall take place during the following periods:

Prior to 0600 hours and after 2130 hours Monday to Friday
Prior to 0600 hours and after 1730 hours Saturdays
At any time on Sundays or Public Holidays

3. Vibration and Blasting

To ensure that vibration from the mineral extraction activities do not cause any significant nuisance or adverse effects, vibration shall not exceed the following.

- a) The measurement of blast noise (airblast) and ground vibration from blasting shall be carried out in accordance with Appendix J of Part 2 of Australian Standard AS 2187.2: 1993 or any subsequent amendment thereof. **[1009]**
- b) The noise created by the use of explosives measured at a notional boundary of 20 metres from occupied dwellings shall not exceed a peak overall sound pressure of 128 dB linear peak.
- c) All blasting shall be restricted to between 1000 and 1600 hours Monday to Saturday except where blasting is necessary because of safety reasons.
- d) Blasting shall be confined to two occasions per day except where blasting is necessary for safety reasons.
- e) Where blasting is irregular and the occupiers of neighbouring SITES could be alarmed, they shall be advised of pending blasts, at least one hour before any such blast.
- f) When blasting, the limit of particle velocity (peak particle velocity) measured on any foundation of an adjacent occupied building not connected with the site, or suitable location adjacent to the building, shall not exceed 25mm/second for commercial buildings or 10mm/second for more than one blast in any 1000 sequential blasts for dwellings and buildings of similar design.
- g) Every blast shall be recorded with particular attention to details of charge, weight and delay practice. Monitoring using reliable and appropriate methods representative of all blasts, at varying distances and various SITES of different sensitivity shall be carried out to ensure that clauses b and f above are complied with. Blast records and monitoring results shall be made available to the Council on request.

4. Fill Importation

Material deposited to reclaim worked out 'quarry' areas shall be CLEAN FILL and shall not include refuse.

23A.5.2.B MINERAL EXTRACTION AND PROCESSING DISCRETIONARY ACTIVITY CRITERIA

In addition to those matters specified above in Rule 23A.5 in considering specific Discretionary Activity applications, the Council will consider the following matters:

1. Site Layout
2. Management Plan/s Required
3. Landscape Treatment and Screening
4. Natural and Cultural Heritage
5. Air Emissions
6. Traffic Safety and Movement
7. Natural Hazards

8. Noise, Lighting and Vibration
9. Utility Services and Hazardous Substances
10. Monitoring and Review
11. Class I,II and III Soils
12. Natural water Contamination
13. Lighting
14. Fuel Storage/Refuelling
15. Financial Contributions

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 Rule 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;
 - (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) 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 Council as being directly affected.
- The revised provisions do not conflict with the terms of the original resource consents.
- Council approves the revised management plan. **[1009]**

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 or any subsequent amendment thereof.

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 Maori 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 Safety and Movement:**

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

7. Natural Hazards:

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

8. Noise, Lighting and Vibration:

The extent to which the adverse effects of noise, lighting and vibration will be avoided, remedied or mitigated. This includes such effects associated with the use of particular access point to the SITE.

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

9. 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.

10. 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.

11. 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.

12. 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.

13. 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.

14. Fuel Storage/Refuelling

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

15. Financial Contributions:

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

23A.5.2.C 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:

1. 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 NZS 6807:1994 '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

RULE 23B COASTAL ZONE

23B.1 ACTIVITY STATUS RULES – COASTAL ZONE

[961]

23B.1.1 PERMITTED ACTIVITIES – COASTAL ZONE

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

Note:

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

1. FARMING
2. HORTICULTURE including INTENSIVE HORTICULTURE
3. CONSERVATION FORESTRY
4. One DWELLING HOUSE per RURAL LOT except:
 - (a) Where a restrictive covenant or a resource consent prevents the erection of a dwelling
5. Two DWELLING HOUSES per RURAL LOT where the LOT is larger than 40ha.
6. HOME OCCUPATIONS (including FARM STAY ACCOMMODATION).
7. MARAE.
8. PAPAKAINGA HOUSING.
9. One PRODUCE STALL per SITE except where access to the stall is to or from a State Highway or Motorway
10. 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")
11. SIGNS: Refer to Part 15
12. 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;
13. RURAL AIRSTRIPS
14. EARTHWORKS not within a COASTAL PROTECTION SETBACK, ADDITIONAL NATURAL CHARACTER AREA or SPECIAL CHARACTER AREA [979, 982, 983, 969]
15. FARM QUARRY not within a COASTAL PROTECTION SETBACK, ADDITIONAL NATURAL CHARACTER AREA or SPECIAL CHARACTER AREA [979, 982, 983, 969]
16. ACCESSORY BUILDINGS and ANCILLARY ACTIVITIES for any of the above
17. The ongoing maintenance, UPGRADE and repair of flood protection, land drainage and erosion control works.

18. New flood protection, land drainage and erosion control works, not within the Seabird Coast Management Area, 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).

23B.1.2 CONTROLLED ACTIVITIES – COASTAL ZONE

The following activities are Controlled Activities in the Coastal Zone if they meet all the standards for Controlled Activities in 23B.2. Controlled Activities must also meet the applicable RULES in Parts 7, 8, 10, 11, 12, 15, 22, 50, 51, 52, 53 and 54 of the PLAN. Council may exercise control over those of the matters listed in RULE 23A.3 as are relevant to the activity.

Note:

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

1. Additions and alterations to existing COMMUNITY FACILITIES including halls, CHURCHES, SCHOOLS, and clubs
2. CEMETERIES
3. SIGNS: Refer to Part 15.
4. ACCESSORY BUILDINGS and ANCILLARY ACTIVITIES.
5. External additions and alterations to an existing BUILDING, less than 50 m² total gross floor area located within a SPECIAL CHARACTER AREA, but outside a COASTAL PROTECTION SETBACK.
[969, 956, 993, 979, 982, 983]

Notes:

- a) Controlled Activities require a resource consent, and consent shall be granted. An application must be submitted in the prescribed format (available from the Council).
- b) Applications will be assessed primarily in terms of the matters set out in Rule 23.B.3, and any conditions of consent will only relate to those matters.
- c) The information submitted with the application must be in terms of Rule 52 but only to the extent needed to enable a thorough assessment in terms of Rule 23.B.3. The application must also clearly demonstrate compliance with the stated performance standards applicable to the activity.
- d) An application for a Controlled Activity may be considered without public notification or with limited notification, where Council so determines, in terms of Section 93 of the Act.

23B.1.3 RESTRICTED DISCRETIONARY ACTIVITIES – COASTAL ZONE

The following activities are Restricted Discretionary Activities in the Coastal Zone if they meet all the standards and criteria for Restricted Discretionary Activities in RULE 23B.4. Restricted Discretionary Activities must also meet the applicable RULES in Parts 7, 8, 10, 11, 12, 22, 50, 51, 52, 53 and 54 of the PLAN and shall meet the Permitted Activity standards for SIGNS (Part 15). Council may grant or refuse consent to a Restricted Discretionary Activity application, and if granted, may attach conditions of consent.

Note:

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

1. Permitted and Controlled Activities that do not meet the Permitted Activity or Controlled Activity standards respectively for:
 - a) HEIGHT
 - b) Outstanding natural features identified in Schedules to Part 5 of the PLAN
 - c) EARTHWORKS or FARM QUARRY **[996]**
 - d) YARDS
 - e) DEVELOPMENT SETBACK
 - f) SITE Suitability
 - g) Natural Hazards
2. One DWELLING HOUSE on a ROAD SEVERANCE LOT
3. PAPAKAINGA HOUSING that does not meet the Permitted Activity standards.
4. SUBSIDIARY DWELLING **[1007]**
5. INTENSIVE FARMING
6. RURAL INDUSTRY AND SERVICES
7. BUILDINGS, ACCESSORY BUILDINGS and external additions and alterations to existing BUILDINGS within an ADDITIONAL NATURAL CHARACTER AREA **[993, 956, 979, 982, 983, 969]**
8. ACCESSORY BUILDINGS and ANCILLARY ACTIVITIES for any of the above
9. POULTRY HATCHERIES

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 23B.4, and any conditions of consent will only relate to those matters.
- c) The information submitted with the application must be in terms of Rule 52 but only to the extent needed to enable a thorough assessment in terms of Rule 23B.4. The application must also clearly demonstrate compliance with the stated performance standards applicable to the activity.
- d) An application for a Restricted Discretionary Activity may be considered without public notification or with limited notification, where Council so determines, in terms of Section 94 of the Act.

23B.1.4 DISCRETIONARY ACTIVITIES – COASTAL ZONE

The following activities are Discretionary Activities in the Coastal Zone if they meet all the standards and criteria for Discretionary Activities in RULE 23B.5. Discretionary Activities must also meet the applicable RULES in Parts 7, 8, 10, 11, 12, 15, 22, 50, 51, 52, 53 and 54 of the PLAN. Council may grant or refuse consent to a Discretionary Activity application, and may attach conditions of consent.

Note:

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

1. BUILDINGS within a SPECIAL CHARACTER AREA
2. EARTHWORKS or a FARM QUARRY within an ADDITIONAL NATURAL CHARACTER AREA. **[996, 993, 979]**
3. EARTHWORKS within a SPECIAL CHARACTER AREA. **[996, 979]**
4. ACTIVE RECREATION.
5. PRODUCTION FORESTRY. **[956]**
6. RURAL AERIAL SERVICE.
7. CAMPING GROUNDS and TEMPORARY LIVING PLACES.
8. SPECIAL HOUSING DEVELOPMENTS.
9. SCHOOLS, COMMUNITY FACILITIES and CHURCHES
10. ACCESSORY BUILDINGS (other than those in 1 above) and ANCILLARY ACTIVITIES.
11. HOME OCCUPATIONS not meeting the standards for that activity under Rule 23B.2.2.1.
12. Flood protection, land drainage and erosion control works not provided for in Rule 23B.1.1.
13. External additions and alterations to an existing BUILDING, greater than 50 m² total gross floor area located within a SPECIAL CHARACTER AREA. **[979, 982, 983, 969]**
14. External additions and alterations to an existing BUILDING within a COASTAL PROTECTION SETBACK. **[993, 956, 979, 982, 983, 969]**
15. Manufacturing of goods from local produce (from FARMING, HORTICULTURE, INTENSIVE FARMING, or marine farming/fishing) imported to a SITE.

Notes:

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

23B.1.5 NON-COMPLYING ACTIVITIES – COASTAL ZONE

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

Note:

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

1. 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. BUILDINGS and EARTHWORKS, within a COASTAL PROTECTION SETBACK. **[996, 993, 956, 979, 982, 983, 969, 1006]**
3. Any activities not provided for under Rules 23B.1.1 or 23B.1.2 or 23B.1.3 or 23B.1.4 or that is not prohibited by Rule 23B.1.6.
4. PROSPECTING or EXPLORATION for MINERALS, MINERAL EXTRACTION AND PROCESSING, AGGREGATE EXTRACTION ACTIVITIES **[945, 971]**
5. The damage, clearance or destruction of INDIGENOUS vegetation within the COASTAL PROTECTION SETBACK. **[956, 969, 931, 961, 993, 979, 982, 983]**
6. FARM QUARRY within a SPECIAL CHARACTER AREA or COASTAL PROTECTION SETBACK. **[996, 993, 982, 969, 956, 979, 983]**
7. ACCESSORY BUILDINGS and ANCILLARY ACTIVITIES for any of the above. **[979, 982, 983, 969]**

Notes:

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

23B.1.6 PROHIBITED ACTIVITIES – COASTAL ZONE

[956]

The following activities are Prohibited Activities in the Coastal Zone.

Note:

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

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

Notes:

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

23B.2 PERFORMANCE AND DEVELOPMENT STANDARDS – COASTAL ZONE

23B.2.1 FOR ALL PERMITTED AND CONTROLLED ACTIVITIES – COASTAL ZONE

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

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.

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:

20m where the SITE has frontage to any National or District Arterial Route or Collector ROAD shown on the Rooding Hierarchy Map and as identified in Rule 9.4.

10m in all other situations.

3. All other YARDS

- a) 10 metres or this may be reduced where written neighbours' consent has been obtained
or
- b) 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.
- c) 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 Part 15).

4. EARTHWORKS or FARM QUARRY [996, 956]

- a) EARTHWORKS or FARM QUARRY shall meet the following standards:
- b) Maximum volume (m³) per SITE per 12 month period: 250
- c) Maximum face HEIGHT (m) per SITE: 3
- d) Maximum area per SITE (m²): 1000

The above standards shall not apply with respect to the following: **[1014]**

- a) Any surface disturbance of soil (but not earthmoving) directly associated with cultivation and planting operations and with harvesting in respect of cropping and horticultural activities.
- b) Maintenance of facilities for permitted activities, such as existing farm/forestry tracks and feeding lots.
- c) Flood protection, land drainage and erosion control works in accordance with Rule 23B.1.1.

Notwithstanding the provisions of this rule any EARTHWORKS or FARM QUARRY activity:

- is subject to Rule 7.3.6 requirements relating to setbacks from water, Rule 8.3 requirements relating to heritage protection and Sections 10 to 20 of the Historic Places Act 1993 requirements relating to archaeological sites.
- may be subject to the requirements of the relevant Regional Plan and any resource consents required thereunder.

e) **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, 5B or 5C of the PLAN.

f) **SIGNS**

Refer to Part 15.4

g) **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 definition of Permitted Activity.

h) **DEVELOPMENT SETBACK [956]**

- 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 s.2 of the Act), watercourse or stream and any Outstanding Natural Feature identified in the Schedules to Part 5 of the PLAN. **[1014]**
- b) Earthworks for flood protection, land drainage and erosion control works in accordance with Rule 23B.1.1 are exempt from this rule.

9. **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.

10. **Natural Hazards**

BUILDINGS shall be sited so as to avoid or mitigate the potential effects of natural hazards including those unstable sandy areas within the Tasman Coast Management Area.

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.

23B.2.2 FOR SPECIFIC PERMITTED AND CONTROLLED ACTIVITIES – COASTAL ZONE

The following Permitted and Controlled Activities in the Coastal 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 23B.2.1).

23B.2.2.1 FARM STAY ACCOMMODATION, and HOME OCCUPATIONS

23B.2.2.2 One PRODUCE STALL per SITE

23B.2.2.3 PAPAKAINGA HOUSING

23B.2.2.1 FARM STAY ACCOMMODATION, AND HOME OCCUPATIONS

1. Purpose and Area

HOME OCCUPATIONS shall be secondary to the use of the SITE and DWELLING HOUSE for residential purposes, and 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. HOME OCCUPATIONS (other than FARM STAY ACCOMMODATION) shall use not more than 75m² of floor area on the site or within a defined part of the SITE set aside for the HOME OCCUPATION or more than 150m² of outdoor space.

2. HOUSEHOLD members

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.

3. Outdoor Storage

No equipment or material for a HOME OCCUPATION shall be stored outdoors unless it is screened from places external to the DWELLING HOUSE 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 HOUSE. For SIGNS, refer to RULE 15.4 (SIGNS).

4. Electrical interference

No one carrying on a HOME OCCUPATION shall use any equipment which creates electrical interference with television or radio sets in neighbouring DWELLING HOUSES.

5. Illumination

All lighting used for the HOME OCCUPATION shall be directed away from neighbouring DWELLING HOUSES and from ROADS.

6. 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 only goods that have been substantially manufactured, repaired, renovated (or produced) on the SITE shall be sold.

7. Hours Of Operation

July 2008 update

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

8. **Types of Activities Not Allowed**

HOME OCCUPATIONS shall not include the following:

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 (except catering) or manufacture and fish processing and manufacture

9. **Registration of Premises**

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 or any subsequent amendment thereof.

10. **Number of Pupils**

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.

11. **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.

12. **SIGNS**

All SIGNS shall meet RULE 15.4.3.1 and 15.4.3.2 (as inserted by Change No. 8).

13. **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.

14. **Hazardous Substances**

A Home Occupation shall not involve the storage of any Hazardous Substance unless the Chief Executive or officer(s) acting under delegated authority has certified in writing that the amount and nature of its use and storage is acceptable for the location in terms of the threat to public health and safety and the levels of risk involved compared with other substances or goods commonly found in rural areas (eg petrol, LPG, farm chemicals).

23B.2.2.2 ONE PRODUCE STALL PER SITE – COASTAL ZONE

1. **Source of Produce**

Produce sold from a stall shall be grown or made:

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

2. **Type of Produce**

The type of produce offered for sale or sold shall be confined to fruit, vegetables, plants, eggs, flowers, honey, cheese, wine and HANDCRAFTS (See RULE 50).

3. **Retailing Area**

The area set aside for retailing produce (comprising any land, BUILDINGS, parts of a BUILDING, tables, tractors, barrows, platforms, boxes or any other structure or vehicle used for that purpose), shall not cover more than 40 square metres of land area.

4. **ROAD Access Limitation**

Outlets for the sale of produce shall not have access from or onto any State Highway or Motorway. Where access is from or onto any State Highway or Motorway the application is to be assessed as a Restricted Discretionary activity and the written consent of Transit New Zealand is required as part of the application. Where access is from or onto any District Road, the prior written consent of the Franklin District Council's Chief Executive or officer(s) acting under delegated authority is required.

23B.2.2.3 **PAPAKAINGA HOUSING – COASTAL 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**

PAPAKAINGA HOUSING shall not be subdivided into separate titles.

3. **SITE COVERAGE**

Maximum 35%

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

RULE 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 the SITE of at least one PARKING SPACE and associated vehicle access complying with all of the following:

- (i) PARKING SPACE minimum dimensions: 3 m wide by 5 m long.
- (ii) Vehicle Access to that PARKING SPACE:

- Minimum Width: 2.5 metres
- Maximum gradient: 1:5
- Minimum turning Arcs: Must comply with Diagram 51.E
- Design: No reverse manoeuvring onto a National Route, District Arterial Route or Collector Route as defined in Part 9.4.

b) Council may require the applicant to provide a plan and contours that demonstrate that this standard will be met.

23B.3 CONTROLLED ACTIVITY MATTERS – COASTAL ZONE

23B.3.1 FOR ALL CONTROLLED ACTIVITIES – COASTAL ZONE

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

1. 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 RULE 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 9.0 of the PLAN).

2. BUILDINGS (including additions and alterations) and Landscape [1014]

- a) The avoidance or mitigation of adverse effects of BUILDINGS on the amenity and natural character of the coastal environment, with regard to:
 - i) The HEIGHT, location, design and external appearance (including materials and colours and their reflectivity) of BUILDINGS and other structures, including SIGNS, and
 - ii) Landscape design and general SITE layout so as to ensure that BUILDINGS, other structures, earthworks and vehicle access will not:
 - Visually detract from the amenity values of DWELLING HOUSES on adjacent properties and;
 - be visually prominent or compromise the line and form of ridgelines, headlands or promontories 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 22.9.7.

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.

23B.3.2 FOR SPECIFIC CONTROLLED ACTIVITIES – COASTAL ZONE
--

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

23B.3.2.1 ADDITIONS AND ALTERATIONS TO EXISTING HALLS CHURCHES SCHOOLS AND CLUBS – COASTAL ZONE

1. Scale

The scale and nature of the additions and alterations to 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.

23B.4 ASSESSMENT CRITERIA FOR RESTRICTED DISCRETIONARY ACTIVITIES – COASTAL ZONE

23B.4.1 FOR ALL RESTRICTED DISCRETIONARY ACTIVITIES – COASTAL ZONE

The Council will restrict its discretion to the following matters, those matters listed in Part 53 and the matters listed in 23B.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 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).

2. BUILDINGS (including Additions and Alterations) and Landscape [1014]

a) The avoidance or mitigation of adverse effects of BUILDINGS on the amenity and natural character of the coastal environment, with regard to:

i) The HEIGHT, location, design and external appearance (including materials and colours and their reflectivity) of BUILDINGS and other structures, including SIGNS, and

ii) Landscape design and general SITE layout so as to ensure that BUILDINGS, other structures, earthworks and vehicle access will not:

- visually detract from the amenity values of DWELLING HOUSES on adjacent properties; and

- be visually prominent or compromise the line and form of ridgelines, headlands or promontories 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

That the SITE is able to accommodate the proposed activity. In particular, that there is an effective stormwater disposal system as outlined in RULE 22.9.8, 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 SOILS, 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. [956, 1014]

5. Outstanding Natural Features

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

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

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

6. Heritage items

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

7. 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 coastal amenity values or coastal landscape 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 Transit NZ prior to the application being processed. These comments should form part of the application.

8. Earthworks or a FARM QUARRY

- a) The extent to which the EARTHWORKS or a FARM QUARRY will result in the following being adversely affected:
 - (i) the ecological, landscape or landform values of the area
 - (ii) natural character of and public access to the coastal environment and the margins of lakes and rivers
 - (iii) the susceptibility of the SITE to instability and erosion risk
 - (iv) roading infrastructure
- b) The effects of vegetation clearance and the adequacy of proposals to revegetate bare ground to maintain amenity and control runoff.
- c) The areas of discretion for a Restricted Discretionary Activity shall be the following:
 - (i) mitigation measures

- (ii) methods by which EARTHWORKS or a FARM QUARRY are to be undertaken
- (iii) sequence of EARTHWORKS or a FARM QUARRY, i.e., timing, staging
- (iv) rate at which EARTHWORKS or a FARM QUARRY can be undertaken
- (v) proposed SITE landscape rehabilitation
- (vi) erosion and sediment control during EARTHWORKS or a FARM QUARRY
- (vii) stormwater management during EARTHWORKS or a FARM QUARRY
- (viii) traffic movement during EARTHWORKS or a FARM QUARRY
- (ix) hours during which EARTHWORKS or a FARM QUARRY may be carried out
- (x) off-SITE placement of fill, including means of transportation and location
- (xi) emergency procedures to avoid injury or property damage during EARTHWORKS or a FARM QUARRY
- (xii) avoidance or exacerbation of natural hazards
- (xiii) managing the chemical effects of exposing acid rock
- (xiv) archaeological monitoring (and possible subsequent surveys)
- (xv) the need for a comprehensive management plan to cover any or all of the above

9. DEVELOPMENT SETBACKS have the following purpose: **[979, 982, 983, 969]**

- The preservation of the natural character of watercourses, streams, rivers, lakes or WETLANDS and their margins as required by section 6(a) of the Act. **[1014]**
- Maintaining and enhancing the natural functioning of the adjacent watercourses, streams, rivers, lakes or WETLANDS. **[1014]**
- Maintaining and enhancing water quality.
- Avoiding the effects of natural hazards.

Any adverse effects on watercourses, streams, rivers, lakes or WETLANDS. In particular, with regard to watercourses, streams, rivers, lakes or WETLANDS, ensure that the activity will not: **[1014]**

- 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.

23B.4.2 FOR SPECIFIC RESTRICTED DISCRETIONARY ACTIVITIES – COASTAL ZONE
--

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

23B.4.2.1 For One DWELLING HOUSE on a ROAD SEVERANCE

23B.4.2.2 INTENSIVE FARMING

23B.4.2.3 RURAL INDUSTRY AND SERVICES (including saleyards)

23B.4.2.4 SUBSIDIARY DWELLING

23B.4.2.5 BUILDINGS and external additions and alterations to existing BUILDINGS within an ADDITIONAL NATURAL CHARACTER AREA

23B.4.2.1 ONE DWELLING HOUSE ON A ROAD SEVERANCE – COASTAL 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:

- a) there is a safe and stable BUILDING platform;
- b) sewage and stormwater can be adequately treated and/or disposed of within the SITE;
- c) the erection of a DWELLING HOUSE will not shade any neighbouring DWELLING HOUSE;
- d) 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;
- e) the proposed DEVELOPMENT does not compromise any potential the SITE has for accommodating a range of activities provided for in the Zone; and
- f) 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.

23B.4.2.2 INTENSIVE FARMING – COASTAL ZONE

1. 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:

- a) Type, number and density of birds
- b) Management practices that are instigated to ensure that:
 - (i) ground cover is maintained
 - (i) there is little or no effect on ground and surface water, and
 - (ii) waste can be disposed of adequately.
- c) That there is minimal impact on adjoining properties. 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. **[967]**
 - (iv) dust
 - (v) traffic generation
 - (vi) vermin
- d) 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:

- (i) at least 500 metres from the boundary of a Residential or Rural-Residential Zone;
- (ii) at least 100 metres from any DWELLING HOUSES 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 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.

- e) 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.

2. POULTRY FARMING (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 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, Coastal Village, Rural 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.

3. 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 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 at or beyond the boundary of the site.

4. Mushrooms

The criteria for mushroom farming shall be the same as that for POULTRY (within BUILDINGS) in 2. above.

5. Breeding and Boarding Kennels and Catteries

- 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 2000 square metres.
 - (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 residential 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).
- 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 at or beyond the boundary of the site. **[967]**
 - (iv) dust
 - (v) traffic generation
 - (vi) vermin

23B.4.2.3 RURAL INDUSTRY AND SERVICES – COASTAL ZONE

1. Open Space Rural or Coastal Character

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.

2. Disposal of Waste

Any waste material generated from the processing of rural 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 agricultural contractor in the daily operation of the contracting business should be stored, repaired or maintained on the SITE. Saleyards that are an ancillary activity to FARMING (carried out on the same SITE) do not come under the definition of RURAL INDUSTRY AND SERVICES.

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 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, including the number of animals accommodated in saleyards and the volume of wastes generated.

c) Operational aspects and site layout

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 activity.

d) Potential conflicts

Its proximity to potentially conflicting activities shall be avoided.

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

[1014]

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

23B.4.2.4 SUBSIDIARY DWELLING [956, 1007, 1014]

1. Performance Standards

Any SUBSIDIARY DWELLING shall comply with the relevant Performance and Development Standards-Coastal Zone set out in Rule 23B.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
- Farm employees and their family, engaged permanently in full time farming activities on the farming unit on which the dwelling is or will be located.

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

- The SUBSIDIARY DWELLING for a Dependent Relative shall be no greater than 80 square metres in area excluding decks and garaging.
- The SUBSIDIARY DWELLING for a Farm Employee shall be no greater than 120 square metres in area excluding decks and garaging.

c) Location Of Dwelling

- The SUBSIDIARY DWELLING for a Dependent Relative shall be located within 20 metres of the principal dwelling on the site.

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 Criteria Subsidiary Dwellings

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 Farm employees 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 property 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 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 Farm employees accommodation, the applicant shall demonstrate that the volume and nature of the work undertaken on the property requires employees, additional to those living in the principal dwelling, to live on the property and to be employed full time throughout the year in relation to activities undertaken on the site and it is impracticable for the employee to commute given the nature of the work being undertaken.

23B.4.2.5 BUILDINGS and external additions and alterations to existing BUILDINGS within an ADDITIONAL NATURAL CHARACTER AREA [1014, 979, 982, 983, 969]

In considering whether the adverse effects on coastal natural character are avoided, remedied or mitigated, the following matters shall be taken into account:

1. BUILDINGS, other structures and landscape

- (i) Whether the BUILDING breaks the line and form of the landscape with special regard to ridgelines, headlands, promontories and prominent slopes. Generally buildings should be located in less prominent locations and be designed to use topography or existing vegetation to screen adverse visual effects.
- (ii) Whether the BUILDING is visually obtrusive from any public road, reserve, coastal environment or public place. In prominent locations BUILDING HEIGHT should be limited to one storey and BUILDING bulk compatible with existing development to avoid adverse visual effects.
- (iii) Whether the BUILDING is located in an area with a high potential to absorb change to the landscape.

- (iv) Whether the development will degrade the amenity or natural character of the coastal environment.
- (vi) Whether the location, HEIGHT, design, external appearance and overall form of the BUILDING is appropriate to the rural and coastal context.
- (vi) Whether the materials and colours to be used are consistent with the rural and coastal landscape of which the BUILDING will form a part.
- (vii) Whether the colours for roofs and walls are of low reflectivity and derived from the landscape, with bright contrasting colours or highly reflective colours or materials avoided.

2. Earthworks associated with Development

- (i) Proposed earthworks should minimise the modification to natural topography of the area.
- (ii) Whether the scale and location of any cut and fill will adversely affect:
 - the visual quality and amenity values of the landscape;
 - the natural landform of any ridgelines, headlands, promontories or visually prominent areas;
- (iii) Whether there is opportunity for screening, reinstatement or other mitigation by any proposed method such as earthworks and/or new planting which does not detract from the existing natural topography.
- (iv) Whether the road access and internal driveways are situated in the most appropriate position, avoid excessive cuts and fills, and do not compromise the visual values of the site.

3. Landscaping associated with Development

The site should be landscaped or existing vegetation screening should be utilised in a manner which will ensure that:

- (i) The effects of the proposal are internalised to the site and, in particular, will not significantly detract from the amenities or views of the coastal environment. This includes the preparation of a landscape plan, utilising vegetation to screen views of the BUILDING and/or establish a vegetation back drop to any building.
- (ii) The character and appearance of the site is compatible with the coastal environment.
- (iii) The removal of indigenous vegetation should be avoided.

4. Hazards associated with Development

- (i) The avoidance of BUILDINGS, other structures and earthworks located on land subject to potential natural hazards.

23B.5 ASSESSMENT CRITERIA FOR DISCRETIONARY ACTIVITIES – COASTAL ZONE

23B.5.1 FOR ALL DISCRETIONARY ACTIVITIES – COASTAL ZONE

1. The standards for Permitted and Controlled Activities will be used as a guide in the assessment of the application.
2. The Controlled Activity matters over which Council may exercise control may be applied to a Discretionary Activity consent.
3. The assessment criteria for Restricted Discretionary Activity applications (in RULE 23B.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.

23B.5.2 FOR SPECIFIC DISCRETIONARY ACTIVITIES – COASTAL ZONE

In assessing an application for one of the specific Discretionary Activities listed below, Council will assess the activity in terms of the matters set out in 23B.5.1 and those of the following matters that are relevant to the proposal.

23B.5.2.1 PRODUCTION FORESTRY – COASTAL ZONE

1. Rooding

The adverse effects on rooding infrastructure likely to arise when logging of the production forest takes place, and any mitigation offered by the applicant.

2. Coastal environment

- a) 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.
- b) The extent to which the activity maintains and where practicable enhances existing vegetation patterns.
- c) The extent to which the activity adversely affects the physical integrity of any natural feature.
- d) The extent to which the activity maintains any physical or biological processes necessary to ensure the functioning of the natural feature.
- e) The extent to which the activity adversely affects aquatic ecosystems, including water quality, aquatic habitat and fish passage.
- f) The extent to which the activity recognises and protects known heritage values including tangata whenua values.
- g) The effects on the natural character of and public access to the coastal environment and the margins of lakes and rivers.

23B.5.2.2 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:

1. 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 NZS 6807:1994 '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

23B.5.2.3 EARTHWORKS and BUILDINGS in the Whakatiwai Gravels and Miranda Chenier Plain SPECIAL CHARACTER AREAS

1. Earthworks, Driveways and Building Platforms

Earthworks that adversely affect either the chenier ridges of the Miranda Chenier Plain or the gravel ridges of the Whakatiwai Gravels are to be avoided. The construction of building platforms and vehicle access/driveways shall be located clear of either chenier or gravel ridges and shall not involve alteration of these geological features. Material to form building platforms, vehicle access/driveways or other shall not be sourced from the chenier or gravel ridges, avoiding impacts on these geologically important sites.

23B.5.2.4 BUILDINGS and EARTHWORKS within a SPECIAL CHARACTER AREA (Headland and Promontory) [1014, 979, 982, 983, 969]

In considering whether the adverse effects on coastal natural character are avoided, remedied or mitigated, the following matters shall be taken into account:

1. BUILDINGS, other structures and landscape

- (i) Whether the BUILDING breaks the line and form of the landscape with special regard to ridgelines, headlands, promontories and prominent slopes. Generally buildings should be located in less prominent locations and be designed to use topography or existing vegetation to screen adverse visual effects.
- (ii) Whether the BUILDING is visually obtrusive from any public road, reserve, coastal environment or public place. In prominent locations BUILDING HEIGHT should be limited to one storey and BUILDING bulk compatible with existing development to avoid adverse visual effects.

- (iii) Whether the BUILDING is located in an area with a high potential to absorb change to the landscape.
- (iv) Whether the development will degrade the amenity or natural character of the coastal environment.
- (vi) Whether the location, HEIGHT, design, external appearance and overall form of the BUILDING is appropriate to the rural and coastal context.
- (vi) Whether the materials and colours to be used are consistent with the rural and coastal landscape of which the BUILDING will form a part.
- (vii) Whether the colours for roofs and walls are of low reflectivity and derived from the landscape, with bright contrasting colours or highly reflective colours or materials avoided.

2. Earthworks associated with Development

- (i) Proposed earthworks should minimise the modification to natural topography of the area.
- (ii) Whether the scale and location of any cut and fill will adversely affect:
 - the visual quality and amenity values of the landscape;
 - the natural landform of any ridgelines, headlands, promontories or visually prominent areas;
- (iii) Whether there is opportunity for screening, reinstatement or other mitigation by any proposed method such as earthworks and/or new planting which does not detract from the existing natural topography.
- (iv) Whether the road access and internal driveways are situated in the most appropriate position, avoid excessive cuts and fills, and do not compromise the visual values of the site.

3. Landscaping associated with Development

The site should be landscaped or existing vegetation screening should be utilised in a manner which will ensure that:

- (i) The effects of the proposal are internalised to the site and, in particular, will not significantly detract from the amenities or views of the coastal environment. This includes the preparation of a landscape plan, utilising vegetation to screen views of the BUILDING and/or establish a vegetation back drop to any building.
- (ii) The character and appearance of the site is compatible with the coastal environment.
- (iii) The removal of indigenous vegetation should be avoided.

4. Hazards associated with Development

- (i) The avoidance of BUILDINGS, other structures and earthworks located on land subject to potential natural hazards.

Note: Refer also to the relevant matters for assessment in Part 8 Cultural Heritage.