

Chapter 12 — Rural Areas

Chapter 12 is broken into two parts. Part I - Rural covers all rural areas of the city excluding the Whitford Rural Area which is in Part II of this Chapter. [AM99]

CONTENTS

This chapter is presented as follows:

12.1 Introduction

This describes rural resources and activities within rural areas of the City.

12.2 Resource Management Issues

This outlines the significant resource management issues affecting the rural areas of the City.

12.3 Objectives

This sets out the overall desired environmental outcomes in the rural areas of the City.

12.4 Policies

This describes how Council intends to ensure that the objectives for the rural areas are met. An explanation of the policies is given. A summary of the range of methods that are used to implement each policy is also included.

12.5 Rural Strategy

The strategy summarises the overall approach to managing natural and physical resources in the rural areas in order to promote sustainable management.

12.6 Implementation

This broadly describes the regulatory and non-regulatory methods used to implement the policies for the management of natural and physical resources in the rural areas.

12.7 Anticipated Environmental Results

This outlines the environmental outcomes anticipated from the implementation of the policies and methods as set out in the rural areas chapter.

12.8 Procedures for Monitoring

This outlines how Council will monitor the effectiveness of the rural provisions.

12.9 Description and Explanation of Zones

The zones which are applied in the rural areas are described here.

12.10 Rules — Activities

This sets out in an Activity Table the permitted, controlled, discretionary and non-complying activities for the rural areas of the City.

12.11 Rules — Development and Performance Standards

The development and performance standards that activities are to comply with in order to establish in the rural areas are outlined here.

12.12 Rules — Matters for Control: Controlled Activities

This outlines matters that Council has reserved control over when assessing resource consents for controlled activities. It also includes assessment criteria that Council will have regard to when assessing a resource consent for a controlled activity.

12.13 Rules — Matters for Discretion and Assessment Criteria: Restricted Discretionary Activities

This outlines the matters over which the Council has restricted the exercise of its discretion for restricted discretionary activities. It also includes assessment criteria that Council will have regard to when assessing a resource consent for a discretionary activity over which the Council has restricted the exercise of its discretion.

12.14 Rules and Assessment Criteria — Discretionary Activities

This section outlines specific development standards for particular discretionary activities and assessment criteria that Council will consider in addition to relevant matters set out in Section 104 of the Act when assessing resource consents for discretionary activities.

12.15 Rural Subdivision

This section sets out the rules and assessment criteria relating to the subdivision of rural land.

12.1 INTRODUCTION

12.1.1 Statutory Context

Chapter 1, Introduction, sets out the purpose and principles of the Resource Management Act 1991. Because of the wide range of resources and activities occurring in the rural area of the City, virtually every matter referred to has relevance and applicability to the rural area of Manukau City.

12.1.2 Rural Resources

The rural part of Manukau City comprises two main areas. The area in the west of the City includes the rural land in Mangere adjacent to the Auckland International Airport and the Puhinui area. This area is dealt with in Chapter 17, Section 17.3 Mangere-Puhinui Rural Area. The other and much larger rural area comprises the eastern part of the City extending east from the Point View Drive/ Redoubt Road ridge line. There is also an area of rural land to the west of this ridge which extends from Murphy's Road up to the ridge.

The eastern rural land is generally rolling to steep hill country with several distinct valley systems where the land is flatter. These include the Clevedon Valley, the Brookby area, Ness Valley and the Orere River Valley which contain the better-class soils in the City. The southeastern area comprising the eastern side of the Hunua Ranges is very steep. The eastern side of the Point View Drive Ridge is also steep and heavily dissected.

The rural area contains most of the significant areas of native vegetation in the City, and is adjacent to important coastal habitats such as the Wairoa River estuary, the Mangemangeroa/ Turanga/ Waikopua estuary complex and the Manukau Harbour.

The rural landscape is also a significant resource with a high amenity value for rural residents and for the residents of the large adjacent metropolitan area. The open rural landscape, coastal views, areas of native bush, and native vegetation including wetlands all contribute to the amenity values of the rural area.

The rural area of Manukau City includes areas of Maori land and a large number of archaeological sites.

The resources of the City are described in more detail in Chapter 2, "The City's Resources" and includes the resources of the rural part of the City.

12.1.3 Rural Activities

Because of its proximity to the metropolitan area, the rural part of Manukau City is used for a wide range of activities.

Pastoral farming is the main farming type and is dominated by beef and dairy farms, with some sheep farming also occurring. There are also areas of horticulture in the Clevedon, Orere and Ness Valleys. Significant areas of forestry occur particularly in the Maraetai Hills and the edges of the Hunua Ranges.

Marine Farming also contributes to the diversity in rural activities. These rural activities combine to make a significant contribution to the Manukau economy.

Countryside living which includes scattered rural residential development, farmlets, hobby farms, residential bush lots and unserviced large-lot residential development is a significant activity in the rural area of Manukau City. A large proportion of properties (nearly 90%) in the rural area are under 20 hectares in area. A large proportion of the residents of the rural area have occupations other than farming which in turn reinforces the notion of countryside living.

Other non-farming activities are also undertaken in the rural area. These include sawmilling, clean and sanitary landfills, veterinary clinics, and explosives storage, to name a few. Due to its proximity to a large urban area many of the non-farming activities occurring are associated with recreation and include activities such as reserves, riding clubs, polo grounds, golf courses and a marina. Several hotel complexes have obtained planning consent. There is increasing demand for activities such as these particularly in the area extending from Whitford to Maraetai.

Limited papakainga housing is occurring on the Maori land in the rural area.

12.2 RESOURCE MANAGEMENT ISSUES

12.2.1 Introduction

The mix of resources and activities occurring in the rural area raises a number of resource management issues. Chapter 2, The City's Resources, outlines many of the resource management issues which are confronting the City as a whole. Many of these have a direct bearing on the rural area. This chapter focuses on the key issues arising in the rural part of the City. Other chapters also deal with issues affecting the rural part of the City including in particular Chapter 6, Heritage.

Issue

12.2.2 Activities occurring in the rural area, or which seek to locate in the rural area can have an adverse effect on the rural character, landscape qualities and amenity values of the rural area.

The rural area of Manukau with its open space, coastal views, areas of native bush, and quietness has a character which is highly valued by both urban and rural residents of the City.

The rural character can be attributed in part to a small number of buildings which are scattered, rather than densely grouped, in the area. Building development is generally limited to farm buildings and household units on farming sites. The rural character is also formed by the activities which take place. These are primarily farming activities with the presence of vegetation associated with farming, such as pasture, crops and shelter belts. This generally results in a sense of open space with outlooks and views to the distance, which are unimpeded by buildings. The absence of large-scale and high-intensity activities in the rural area contributes to that rural character, including the absence of characteristics such as large sealed areas and lighting which is associated with some urban activities.

The rural area of Manukau has a particular landscape value, especially the interaction in many places with the coastal environment. The rural landscape provides a contrast to the urbanised areas of the City. The natural landscape of the rural area makes it a desirable place to live and a popular place to visit.

Council has carried out a landscape assessment of the rural part of the City west of the Wairoa River which is the area closest to the urban area and under the most pressure for development. The key issues which consistently arose included:

- the erosion of landscape diversity
- the effects of buildings on ridgelines and steep flanks
- the impact of rural residential development
- the sensitivity of much of the City's coastal edge and the intactness of a high proportion of the coastal landscape
- changing landscape patterns and spatial characteristics arising from changing agricultural and horticultural uses.

A number of other effects of activities can impact on the amenity values of an area and alter its pleasantness and even impact on the health of residents. Noise is one of these effects, and difficulties can arise where noise from rural activities such as farming impacts on other activities such as countryside living or tourist activities.

Air quality is also an element of amenity. The main aspects of rural air quality issues are dust, open burning, spray drift, odour, vehicle emissions and greenhouse gases. These effects can also have health implications. Spray drift from agricultural, horticultural and forestry activities and from roadside weed spraying can cause damage to neighbouring crops and may affect public health and well-being.

Odour is another effect which can impact on amenity values. Sources of odour in the rural area include farming activities such as dairy sheds, silage pits and intensive farming operations such as piggeries and poultry sheds. However, odour from these activities can be viewed as being part of the character of rural areas.

The rural area is subject to increasing pressure for a range of urban activities which are mainly seeking to take advantage of the space and amenity values of the rural area. The desire for countryside living is the activity placing most demand on the resources of the rural area. As a result the community wishes to ensure that activities, including countryside living, do not compromise these values.

A factor impacting on rural character, landscape quality and amenity values is the density of activity which occurs. While this issue has a landscape component it is also broader because the closeness of other dwellings or activities has an important impact on people's sense of amenity, particularly if the reason for living in the rural area is to enjoy a sense of open space and, perhaps, remoteness. In relation to all of these effects, as the range and intensity of activities which occur in the rural area increases, the potential for them to become more significant issues also increases.

The Mangemangeroa catchment is subject to pressure for a more intensive level of development than the general rural area due in part to the area's close proximity to the metropolitan part of Manukau City. Higher density development in the Mangemangeroa catchment has the potential to have an adverse effect on the existing rural character, landscape qualities and amenity values of the area. Rural subdivision and development below an average lot size of 2 hectares has the potential to have significant adverse effects on the environment.

[AM20]

While much of the rural area has a particular character and amenity values it is also an area where the natural and physical resources are used to sustain economic activity such as farming, forestry and quarrying. These activities in fact contribute to that character. There will be effects which some residents may find objectionable, but which are consistent with normal rural practice and which it would therefore be unreasonable or impossible to mitigate. An alternative approach is to reduce the potential for conflict by avoiding incompatible activities.

The rural character, landscape quality and amenity values of the rural area may also be subject to change as such activities go about their business and respond to changing economic circumstances. For example, the development of horticulture with frames for supporting crops and shelter belts can all dramatically change the appearance of the landscape, particularly if they replace pastoral farming.

Issue

12.2.3 Activities in the rural area can cause a reduction in the productive potential of the land and soil resources from subdivision, soil coverage and soil modification.

Soil resources, and in particular high quality soils are finite resources. Activities can diminish or remove their productive potential.

Soil modification is a concern to individual land owners if they wish to sustain the productive use of the land, as well as to the wider community. Little is known about the loss of soil structure and fertility, or chemical contamination in Manukau, or the exact extent of soil erosion. However, awareness of the issues

can be enhanced, and care taken to ensure that rural activities do not create problems in these areas, particularly soil erosion which can also have the added offsite effect on water quality.

The construction of buildings and other structures (e.g. roads) clearly does cover the soil and make it unusable. Although it can be argued that structures can be removed at the end of their economic life the soils which they cover are effectively unusable for very long periods of time depending on the extent of the capital investment in the structures. Therefore, activities of an urban and capital-intensive nature such as industry, commercial activities and housing, if widespread would clearly make the soil resource unusable.

Activities which perceive a rural location desirable because of the space or amenity provided by rural areas e.g. golf courses, riding facilities and tourist accommodation to name a few, do not reduce the productive potential of the soil resource except for buildings associated with such activities.

One of the more difficult activities to consider in relation to this issue is countryside living and whether the associated subdivision and coverage jeopardises the productive potential of rural land. There is debate as to whether small properties can be operated to enable efficient use of the soil resource or whether land fragmentation and the capitalization that goes with countryside living make this unlikely.

Fragmentation of the land through subdivision can lead to foreclosure of certain land use options. The strong desire in the community to create opportunities for countryside living results in the fragmentation of the land, thus reducing access to the soil resource for activities requiring large lots. Conversely, if all land was held in large lots the potential for land to be used would also be restricted because some activities require small lots. It is therefore important to ensure that a mix of lot sizes is available so that the productive potential of the land and soil resources can be realised.

Issue

12.2.4 Natural heritage in the rural environment contributes to the character and identity of the area and this heritage can be destroyed or damaged by activities which occur in the rural area.

The rural area of Manukau contains significant areas of natural habitat, particularly native bush. These have intrinsic values in their own right and contribute to the amenity, and in some instances, the stability of the land.

Historically, large areas of native bush have been cleared to make way for farmland and forestry. Similarly, areas of wetland, both coastal and freshwater, have been lost. Many of the areas remaining, particularly those which are unfenced, continue to be vulnerable as grazing prevents regeneration from occurring. However, the extent of native bush removal in the last 5 years is likely to have been minimal. There are significant areas of native bush in the rural area which are protected as reserve, stewardship area, regional park or part of water supply catchments.

The remaining areas of native bush in the City contribute to the landscape quality and amenity value of the rural environment and play an important role in maintaining slope stability. Other habitat types such as wetlands, stream margins and coastal margins also contribute to the rural character and amenity values of the rural area. They are also important for maintaining water quality.

In the Mangemangeroa catchment, the exposed flanks and ridges, the terrain and existing vegetation contributes to the landscape quality and rural character of the area. The existing vegetation also has an important role in maintaining slope stability and the water quality of the tributaries of the catchment and the wider Mangemangeroa/Turanga and Waikopua estuary system.

[AM20]

The role of native vegetation, and in fact all forms of vegetation, in mitigating the effects of greenhouse gases is also important in a rural context. The two most important of these gases are carbon dioxide and methane. Agriculture produces as much of these gases as does the transport sector. The main source is from sheep and cattle. Trees act as carbon sinks and can therefore offset the increase in carbon dioxide levels.

Issue**12.2.5 Activities in the rural area can have adverse effects on the water quality and natural character of rivers and streams.**

A range of activities in the rural area can adversely affect the quality of water in streams and rivers. Overland run-off from rural areas can contain high-strength organic waste such as faeces and urine from stock, particularly intensive farming such as piggeries, poultry sheds and dairy sheds. Herbicides, pesticides and fertilisers can also contribute to reduced water quality.

Pollution can also result from vegetation clearance (especially riparian vegetation), earthworks, and stock access to riparian margins and waterways. Even where wastes are treated by oxidation ponds or spray irrigation systems, they may still contribute waste discharges to water. Other activities which occur in the rural area such as cleanfills, quarries and forest harvesting can also reduce rural water quality, particularly from sediment.

Sediment runoff arising from activities associated with the subdivision and development of land can have an adverse effect on water quality and aquatic habitats of rivers and streams and their coastal receiving environments.

The Mangemangeroa/Turanga/Waikopua estuary system is a sensitive coastal environment that contains regionally significant values recognised in the Auckland Regional Policy Statement. Existing rural activities and more intensive subdivision and development within the Mangemangeroa catchment has the potential to adversely affect the water quality of the tributaries of the Mangemangeroa catchment and the wider Mangemangeroa/Turanga and Waikopua estuary system. Rural subdivision and development below an average of 2 hectares has the potential to have significant adverse effects on the environment.

[AM20]

Issue**12.2.6 Maori have a special relationship with their ancestral land and expressing that relationship can have adverse effects on the environment.**

The remaining ancestral Maori land in rural Manukau which has not been alienated from its traditional owners covers a relatively small part of the City and is shown in Figure 12.1.

Expressing the special relationship that the Maori people have with their ancestral land such as through the establishment of a marae complex or papakainga housing, can have adverse effects on the environment like any other similar type of activity. The siting of buildings can have effects on landscape and amenity values and the disposal of waste water can impact on water quality. The establishment of these activities will need to be done in such a way that any detrimental environmental effects of the activities are avoided, remedied or mitigated.

12.2.7 Transport implications of rural land use.

Development in rural areas, particularly rural residential, can cause significant adverse effects on the environment associated with additional transport requirements, including adverse effects on the roading network. [AM123]

12.3 OBJECTIVES**Objective****12.3.1 To manage the rural land and soil resources in such a way that they:**

- (a) retain their productive potential, and
- (b) minimise soil erosion

(This objective relates to Issue 12.2.3)

Objective

12.3.2 To protect significant areas of indigenous vegetation and fauna occurring in the rural area.

(This objective relates to Issues 12.2.2, 12.2.4)

Objective

12.3.3 To protect and enhance the rural character and amenity values of the rural area.

(This objective relates to Issue 12.2.2)

Objective

12.3.4 To preserve or protect landscapes of outstanding value and maintain rural landscape character and diversity.

(This objective relates to Issue 12.2.2)

Objective

12.3.5 To maintain and enhance the quality of rural water sources including rivers, streams and groundwater.

(This objective relates to Issue 12.2.5)

Objective

12.3.6 To recognise the relationship of Maori and their culture and traditions with their ancestral land, and protect the environment from the adverse effects of expressing that relationship.

(This objective relates to Issue 12.2.6)

Objective

12.3.7 To manage subdivision and development in the Mangemangeroa catchment in a manner that:

- protects and enhances the rural character, landscape qualities and amenity values of the Mangemangeroa catchment
- protects and enhances the indigenous vegetation of the Mangemangeroa catchment
- maintains and enhances the quality of the waters of the tributaries of the Mangemangeroa catchment and the wider Mangemangeroa/Turanga/Waikopua estuary system.

(This objective relates to Issues 12.2.2, 12.2.4 and 12.2.5)

12.3.8 To manage land use to minimise the transport related effects on the environment of rural land use in order to further address the transport implications of rural land use.

(This objective relates to Issue 12.2.7) **[AM123]**

12.4 POLICIES

Policy

12.4.1 The land and soil resource should remain in a title structure that enables a range of activities to occur and operate in a way which efficiently and effectively utilises the soil and land resources.

(This policy relates to objective 12.3.1)

Explanation and Reasons

To sustainably manage the land and soil resources, the effects of subdivision need to be considered. Control of the subdivision of land is necessary to ensure that land fragmentation does not occur in a manner which prevents the efficient and effective use of the resources. Excessive fragmentation of the land holdings and the subsequent increase in financial value which generally occurs with the construction of buildings can make this difficult to achieve.

Methods

- Zones
- Subdivision controls
- Information

Policy

12.4.2 Buildings, structures and activities in the rural area should not:

- (a) **compromise the future productive potential of the land and soil resources of the City, particularly high quality soils.**
- (b) **accentuate erosion.**

(This policy relates to objective 12.3.1.)

Explanation and Reasons

Buildings and structures should be encouraged to locate on soils of lower productivity. This will help to ensure that high quality soils are available for primary production. Activities such as earthworks or removal of vegetation have potential to accentuate erosion processes.

Methods

- Zones
- Subdivisional controls
- Provision of information
- Matters for control and discretion and assessment criteria
- Controls on clearance of native bush
- Refer to Chapter 9 provisions for earthworks and natural hazards

Policy

12.4.3 Significant areas of indigenous vegetation which contribute to the rural character, landscape quality and amenity values of the rural area should be retained.

(This policy relates to objectives 12.3.2, 12.3.3 and 12.3.4)

Explanation and Reasons

The protection of the remaining areas of indigenous vegetation contributes to the achievement of the objectives on landscape and amenity values, and the protection of areas of indigenous vegetation and fauna.

Methods

- Controls on the clearance of native bush
- Native bush protection rules associated with subdivision such as covenants and fencing requirements
- Incentives
- Information
- Matters for control and discretion and assessment criteria

Policy

12.4.4 Buildings, structures and activities should be designed, of a scale and sited in a manner which complements the rural character of the site and the cumulative effect should not detract from the amenity values and rural character of the area. Particularly they should not:

- detract from the open space character;
- dominate the site or area in scale, appearance or density;
- generate significant increases in traffic volumes

Policy

12.4.5 Buildings, structures and activities should not create adverse visual effects on particular “sensitive ridgeline and coastal margin areas” and generally should not be sited on ridges, knolls or other landforms, or in the coastal environment. In particular they should not intrude into or dominate the skyline or the coastal margin.

(These policies relate to objectives 12.3.3 and 12.3.4)

Explanation and Reasons

These policies are designed to protect the rural character of the rural area, and to ensure that activities are carried out in a sympathetic manner. The poor siting and design of buildings can have a serious impact on rural character and landscape quality. In the rural environment the cumulative effects of activities over a period of time can result in significant impacts but can be difficult to predict. Particular attention will be given to landscape elements which have a higher vulnerability and sensitivity to change, namely particular ridgelines and coastal margins.

Methods

- Height controls
- Yards
- Height in relation to boundary
- Building coverage controls
- Density controls
- Controls on siting activities and buildings on ridgelines and in coastal margins
- Design guidelines
- Matters for control and discretion and assessment criteria

Policy

12.4.6 Activities should not generate adverse noise, dust and odour effects not in keeping with the character of the rural environment.

(This policy relates to objective 12.3.3)

Explanation and Reasons

The effects of activities such as odour, noise and dust will also be assessed to ensure that rural amenity values particularly the pleasantness of the rural area are not diminished. However, those choosing to live in a rural area where operating farms and forests exist must expect and accept a certain level of odour, noise and other effects which are characteristic of those activities and therefore contribute to rural character. However, those involved in primary production activities also have a responsibility to take reasonable steps to avoid the adverse effects of their activities.

Methods

- Noise controls
- Odour controls
- Matters for control and discretion and assessment criteria

Policy

12.4.7 Activities should be sited, and structures designed and located in such a way that:

- retains riparian vegetation and wetlands; and
- avoids discharges of contaminants into rural water courses.

(This policy relates to objective 12.3.5)

Explanation and Reasons

Vegetation on natural stream banks and wetlands filters out sediments and contaminants from diffuse surface runoff before it enters streams where it can damage the immediate aquatic environment and

downstream ecosystems. The canopy effect of overhanging vegetation also preserves the intrinsic ecological balance of those ecosystems.

Methods

- Yards and buffers
- Requirement for esplanade reserves
- Information
- Matters for control and discretion and assessment criteria
- Chapter 9 Land Modification, Development and Subdivision

Policy

12.4.8

Rural subdivision and development within the Mangemangeroa catchment shall be designed and managed in a way that:

- ensures that existing rural character, landscape qualities and amenity values are protected and enhanced.
- ensures the quality of the water of the tributaries of the Mangemangeroa catchment and the wider Mangemangeroa/Turanga/Waikopua estuary system is maintained and enhanced.
- earthworks and re-contouring of land is minimised.
- existing indigenous vegetation including riparian vegetation is protected and enhanced.
- ensures stormwater is managed in a way that achieves the collection and management of rainfall and surface water on site and avoids the discharge of sediment and other contaminants from entering watercourses.
- ensures that the quantity of stormwater discharged is managed so as to not increase channel erosion.

(This policy relates to objective 12.3.7)

Explanation and Reasons

The Mangemangeroa catchment is subject to pressure for more intensive levels of subdivision and development than the general rural area. The Mangemangeroa catchment and the wider Mangemangeroa/Turanga/Waikopua estuary system contains regionally significant values which are recognised in the Auckland Regional Policy Statement. This policy has been included to ensure existing rural activities and future rural subdivision and development in the Mangemangeroa catchment is designed and managed in a way that these regionally significant values and the unique characteristics of the area are maintained and enhanced.

Policy

12.4.9

Rural subdivision and development within the Mangemangeroa catchment below an average lot size of 2 hectares shall be avoided.

(This policy relates to objective 12.3.7)

Explanation and Reasons

Subdivision and development below an average lot size of 2 hectares has the potential to have significant adverse effects on the regionally significant values and unique characteristics of the Mangemangeroa catchment. This Policy seeks to ensure that rural subdivision and development with an average lot size of less than 2 hectares does not occur in the Mangemangeroa catchment.

Methods

- Subdivision controls
- Zones
- Density controls
- Matters for discretion and assessment criteria
- Chapter 9 — Land Modification, Development and Subdivision
- Controls on the clearance and revegetation of indigenous vegetation
- Controls on stormwater management and earthworks activities
- Information
- Design Guidelines
- Incentives

Policy

12.4.10 Locational limitations of mineral resources require protection of the Quarry Zone and lawfully established mineral extraction sites from the encroachment of sensitive activities that could create ongoing conflicts.

Explanation and Reasons

This policy relates to objective 12.3.1

This policy is designed to ensure that the siting and design of buildings proposed to be used for accommodation activities will avoid significant adverse effects on occupants from lawfully operating mineral extraction activities in the vicinity, to the extent that such effects may pressure extraction activities to unreasonably alter operating practices or even to close entirely. Each case will be evaluated on an individual basis, and will include consideration of the likely nature and level of effects generated by a mineral extraction activity, and any mitigation measures proposed, including any by the relevant mineral extraction activity. (Refer also to Policy 17.8.4.2 – Special Areas and Activities)

Methods

- Density controls
- Controls on siting activities and buildings
- Matters for control and discretion and assessment criteria
- Identification of mineral extraction buffer area.

[AM36]

Policy

12.4.11 Papakainga housing on rural Maori land should be designed, sited and of a scale and density which complements the rural character of the site.

Policy

12.4.12 Marae complexes should be designed, sited and of a scale which complements the rural character of the site.

(These policies seek to achieve objective 12.3.6)

Explanation and Reasons

The policies reflect that it is a matter of national importance to recognise and provide for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other toanga. The ability to establish papakainga housing enables Maori to be able to live on their ancestral land which is still in their possession. The ability to establish marae is also enabling the Maori people to provide for this relationship.

Methods

- Yards
- Height Controls
- Density controls
- Matters for control and assessment criteria

Policy

12.4.13 Transport related effects on the environment should be limited by: [AM123]

- avoiding business development that does not require a rural location;
- directing rural residential development to existing countryside living zones, which have been located in order to minimise travel demand;
- avoiding residential development in rural areas, except where direct environmental benefits are provided in full accordance with the relevant provisions of Sections 12.6 to 12.15 inclusive.

(This policy relates to Objectives 12.3.1 – 12.3.6)

12.5 RURAL STRATEGY

The strategy for managing the resources of the rural area is a precautionary and conservative one while recognising that the rural community needs to be able to provide for their social, economic and cultural wellbeing.

A key element of the rural strategy is the anticipated city-wide environmental result of containing urban development. The outcome is aimed at, among others set out in Chapter 4 avoiding the adverse effects of urban expansion on the rural areas of the City. These include the loss of, high quality soils, significant landscapes, rural character, amenity values and damage to sensitive coastal environments. To achieve this result and manage the spread of urban activities, urban activities should be prevented from locating in

the rural area. Clearly there are situations where this cannot be rigorously applied but in these cases activities need to be carefully assessed to determine their environmental effects.

There is a degree of uncertainty about the effects of development on the rural environment. The rural area has a limited ability to absorb activities of an urban nature if its resources and character are not to be adversely affected. Therefore it is desirable to limit the range of activities which can occur in the rural area to those which require a location in proximity to the rural resource base.

To better achieve the objectives the spatial extent to which such activities can occur also needs to be controlled. Through such limitations the cumulative effect of activities will be better able to be managed. This is of considerable importance because while the site-specific effects of a wide range of activities may be able to be avoided or mitigated, it is their cumulative effect which could have a detrimental effect on the rural resources.

The strategy therefore involves managing activities through the method of zoning. Zoning is an important technique to group particular activities with similar effects to avoid their cumulative effect on the resources of the whole rural area and to minimise conflicts between activities. It also recognises different rural environments where the issues and effects of activities are different and therefore require alternative rules. The range of activities allowed in each zone also varies to further avoid adverse environmental effects. The use of activity lists is supported by development and performance standards which also seek improved environmental performance.

One of the main activities which the zoning approach is intended to manage is countryside living and the associated fragmentation of the land. Three zones have been identified for intensive countryside living. They seek to achieve the objectives and policies because:

- they do not generally have high quality soils. However, in the case of the Rural 2 zone, the soils are of sufficient quality to support part-time farming. Therefore the productive potential of the soil and land resource in the wider rural area is not compromised by buildings or fragmentation.
- concentrating countryside living into particular areas helps protect the rural character, landscape qualities and amenity values of the wider rural area by keeping the density of residential development relatively low in most of the rural area.
- concentrating countryside living also helps to avoid creating conflict situations from the effects of primary production activities on “countryside” residents such as noise, odour and spray drift.
- they are all relatively close to the metropolitan area. Therefore, the distance travelled by commuters to jobs and facilities in the urban area will be minimised.

The strategy also relies on the use of non-regulatory methods such as the provision of information to help enable the rural community to take responsibility themselves for addressing the adverse effects of the activities which they pursue in the rural area. In some cases incentives are also used to reflect the responsibility that the rest of the community has to address the adverse effects of activities in the rural area.

12.6 IMPLEMENTATION

12.6.1 Regulatory Methods

12.6.1.1 Rural Zones

A zoning approach has been adopted to provide certainty to the community about where particular activities can occur. When combined with the development conditions and the assessment criteria the community is made aware of what performance is expected and what environmental effects must be addressed. The following zones have been established to manage the resources of the rural area. The zones are described and explained in more detail in the zone statements in section 12.9.

It is indicated in section 12.2.2 that countryside living is the activity placing most pressure on the resources of rural Manukau City. A number of countryside living zones have been identified to manage the issues raised by the effects of this activity on the resources of the rural area. These zones and the supporting rules will help ensure the efficient and effective use of the resources of the rural area and protect the rural character, amenity values and landscape qualities of the wider rural area. They will also avoid, remedy and mitigate the effects of countryside living itself on the resources and values of the areas specifically identified for it.

The following zones have been created:

- The Rural 1 zone is the general rural zone of the City and comprises most of the rural area in the eastern part of the City.
- The Rural 2 zone is a countryside living zone particularly aimed at part-time farming.
- The Rural 3 zone is a more intensive countryside living zone on the edge of the metropolitan area providing a transition between the urban and rural areas.
- The Rural 4 zone is a countryside living zone recognising the particular environmental constraints of the Mangemangeroa Valley.

12.6.1.2 Rules — Activities in Rural Zones

Permitted Activities

Permitted activities in the rural zones include those activities which are unlikely to generate significant adverse effects in the rural environment. They are generally activities which do not have significant adverse effects on the rural character, landscape qualities and amenity values of the area. They are also activities which protect the rural resources for future generations. The setting of development and performance standards is to control the effects of permitted activities without further need for the Council to control these matters by way of resource consent procedures.

Controlled Activities

Controlled activities are those which may have an adverse effect on the environment but the effects can be managed by conditions on a resource consent. The matters over which Council has retained control are basically aimed at ensuring that buildings and activities are located and designed in a manner which does not have adverse effects on rural character and landscape quality of the rural environment. The category also includes activities which could create waste-water disposal or land stability difficulties.

Restricted Discretionary Activities

Restricted Discretionary Activities include those activities which do not comply with the development and performance standards. They also include activities which detract from the amenity values and character of the rural area or may create waste-water disposal or stability difficulties.

Discretionary Activities

Discretionary Activities are those which may be appropriate and whose effects on the rural environment can be avoided, remedied or mitigated. However, due to their scale, location, intensity or operational characteristics, they need assessment to determine whether they are appropriate, or under what circumstances they may be appropriate in certain locations. Of particular concern are the adverse effects of activities on the rural character, landscape quality and amenity values of the area. Activities which potentially involve large, or a number of, buildings, extensive earthworks, the disposal of significant volumes of waste water, or could generate significant volumes of traffic, are included in this category. Any aspect of a discretionary activity can be assessed, therefore the assessment criteria are broad and they will also be assessed against the objectives, policies and rules of the District Plan.

Rules — Development and Performance Standards

Development standards are the rules which apply to the establishment of buildings and structures and relate to bulk and location factors, for example height limits and yards. The effects which these standards are addressing include the effect on amenity values through controlling the scale of building, the positioning of buildings and activities and providing buffers to mitigate adverse environmental effects.

Performance standards are conditions applied to activities to ensure that amenity values and the quality of the natural environment is maintained and enhanced within rural areas and that the health and wellbeing of people are protected. Performance standards relate to matters such as noise and odour.

Specific development and performance standards are also included for particular permitted, controlled and discretionary activities. The effects which these standards address include the disposal of waste-water to protect water quality, roading and traffic issues to ensure both safety and the avoidance of congestion. They also include the effects on heritage features, on sites of ecological significance, on indigenous vegetation, the effects of earthworks, and hazards. In several instances the standards are set out in other chapters. Where this is the case the relevant chapter and section is indicated.

12.6.1.3 Rural Subdivision

Subdivision is a process which produces a suitable framework for land ownership in order to facilitate appropriate land use activities. While subdivision is a procedural and legal process (in itself neutral in terms of environmental effects) it does create constraints and opportunities for subsequent activities.

The rules relating to subdivision are aimed at ensuring the efficient use of rural resources. While the zoning approach specifies activities which can occur, controls on subdivision are an important part in controlling the density of those activities. Other aspects of subdivision such as access are also controlled to ensure that the safe and practical use of a site can occur. A number of the details of subdivision are addressed in Chapter 9, Land Modification, Development and Subdivision.

12.6.2 Non Regulatory Methods

In addition to methods contained in the Plan, the Council will also use non-regulatory methods to help the community understand issues and provide opportunities for them to voluntarily take steps to address resource management issues and thus achieve the objectives.

12.6.2.1 Advocacy and Information

The provision of information and guidelines is one approach the Council will take in the planning period. It is intended that the Council will prepare design guidelines to inform the community about the characteristics of their local environment, how these contribute to its landscape quality, and how individuals can make a positive contribution to protecting the local landscape character. Land owners will be able to incorporate these guidelines into their land use activities to assist in protecting the amenities and landscape values of the rural area.

The Council will give priority to excluding grazing from Coastal Protection Yards where the opportunity arises.

The Council will also work with other agencies such as the Auckland Regional Council and Department of Conservation to develop and provide information on issues such as soil and native vegetation conservation, including wetland and riparian management. It will also support land-owner-initiated approaches such as Landcare programmes.

The Council will also work with agencies such as Federated Farmers, the Ministry of Agriculture and Fisheries, producer-groups and groups such as the New Zealand Agrichemical Education Trust to provide information on the effects of rural activities on the environment and means of avoiding, remedying, and mitigating the adverse effects. The provision of information and working with landowners to secure the protection of native vegetation will directly involve the community in the protection of their natural heritage.

12.6.2.2 Incentives

Financial incentives are also available in the form of rates relief for the protection of native bush. The provision of financial incentives to landowners recognises the opportunities they are forgoing by retaining areas of native vegetation. It also recognises the value that the rest of the community places on the protection of native vegetation.

Council also administers a Heritage Assistance Fund to which applications can be made for the protection of any heritage resource, including natural heritage, cultural and historic features. Priority however is afforded to those resources which are scheduled in the District Plan. The Committee anticipates investigating other forms of incentives including the extension of rates relief to apply to more than just native bush.

12.7 ANTICIPATED ENVIRONMENTAL RESULTS

The anticipated environmental results for the City are:

- open rural landscape character;
- uncompromised rural coastal environment and ridgelines;
- retention of areas of ecological significance, indigenous vegetation and fauna in the rural area;
- a stock of high quality soils that are accessible and usable;
- healthy environment (e.g. good air quality, acceptable noise levels);
- high quality streams and coastal water;

- the maintenance and enhancement of the regionally significant values and the unique characteristics of the Mangemangeroa catchment and wider Mangemangeroa/Turanga/Waikopua estuary system.

[Am 20]

12.8 PROCEDURES FOR MONITORING

In order to assess the suitability and effectiveness of the objectives, policies and methods in achieving the anticipated environmental results contained in this chapter, the Council will develop a monitoring programme (see Chapter 1 section 1.7.3) which may include the following monitoring procedures:

- Monitoring the activities establishing in the areas zoned Rural 1 which do not rely on the productive capability of the soil, and the soil quality of the site on which they are locating.
- A survey of the native vegetation within the City.
- A landscape study of the rural areas as yet unsurveyed.
- Monitoring complaints and enforcement actions relating to air quality, noise, odour and spray drift effects of activities in the rural area.
- Monitoring resource consents in rural areas including the number of applications granted consent, compliance with consent conditions, and the effectiveness of those conditions.
- Monitoring the impact of activities in the Sensitive Ridgeline and Coastal Margin Area.
- A survey of native fauna within the City.

12.9 DESCRIPTION AND EXPLANATION OF ZONES

The four rural zones, Rural 1–4 are described below.

12.9.1 Rural 1 Zone

[AM158]

The Rural 1 zone is the general rural zone of the City. The purpose of the zone is to protect the resources, rural character and amenity values of a significant portion of the rural area for future generations.

Activities of an urban nature, i.e. business and residential activities, are constrained to avoid adverse effects on the rural environment and in particular the cumulative effects of such activities. These include:

- the effect on the rural character and amenity values of the rural area;
- the effect on the productive potential of the soil resources from building coverage and fragmentation
- the effect on landscape qualities and open space amenity values.
- the effect of carrying out activities on neighbours.

The zone allows primary production activities such as farming, forestry and quarrying to occur. A limited range of other activities such as rural industries and services, clean fills, recreational and tourist activities are also able to locate in the rural area subject to being able to avoid, remedy or mitigate any adverse effects on the environment. It is also important that the rural zone maintains the integrity of the urban containment and business policies set out in Chapters 4 City Environment and 14, Business Areas.

To mitigate the adverse effects of residential activity on the rural environment countryside living is also limited in this zone to manage the effects outlined above. A number of limited households for countryside living can be established and lots subdivided. The restrictions put in place aim to limit the number of dwellings in the rural area and thus help to retain rural character, landscape quality and minimise incidents of conflicts between rural activities and “countryside” residents.

Additional households called “Countryside Housing Units”, are also able to be established without the land being subdivided. However, a consent notice must be entered on the title to the effect that the household cannot be subdivided. To protect areas of native bush within the rural area, countryside living opportunities are also possible through the creation of native bush lots. The dwellings on such lots have to be located without the removal of any native bush. The native bush will also have the long-term protection of fencing and a protective covenant.

To ensure the land-holding pattern is such that efficient and effective use of the resources can be achieved, limited subdivision is possible for farming and other permitted activities. Extensive pastoral farming is allowed where demand for such an activity exists. Horticultural developments are also allowed in the form of minimum net usable area subdivisions which are designed to ensure a degree of versatility of use and productive capacity in the future.

On Maori Land in the zone, see Figure 12.1 (at the conclusion of this chapter), papakainga housing is a controlled and discretionary activity depending on the number of household units proposed. This is to ensure that the effects of such development are considered, and any adverse effects avoided, remedied or mitigated.

12.9.2 Rural 2 Zone

The Rural 2 zone is a countryside living zone designed to concentrate part-time lifestyle small holdings farming in a particular area in order to protect the resources and values of the wider rural area. It will also minimise the distance travelled by commuters. The range of activities which can occur in this zone is more limited than the Rural 1 zone to minimise the range of adverse environmental effects which the more densely settled population may experience.

The zone is located in two areas of the City — Flatbush and Whitford. The Flatbush area is located between the Future Urban Development zone and the Rural 3 zone. The Whitford area comprises two peninsulas which lie in close physical proximity to the urban edge.

These areas were identified as suitable for a number of reasons. It is recognised that the soils are of mixed yet reasonable quality to enable part-time farming to be carried out. The areas are also relatively close to the metropolitan area which helps minimise distances commuted. It also reduces the demand for additional urban related facilities as these can readily be found in the urban area.

The land also has a high degree of ownership and title fragmentation. This means that to a large extent the land in the zone has more limited full-time primary production potential when compared with other areas in the City. The areas also have a tradition of part-time, life style farming and have a reasonable existing standard of roading.

Particular rules applying to the zone will ensure that the adverse environmental effects of activities carried out will be avoided, remedied or mitigated. For example, areas of native bush must be fenced and covenanted to protect the bush for its intrinsic values and also to contribute to maintaining landscape

quality and rural character. Rules are also included to control buildings on “sensitive ridgelines” and in “sensitive coastal margins”.

Subdivision within the zone is based on an appropriate area for part-time farming activity. Such a basis still allows the development of permitted full-time farming activities within the zone. It may be particularly suitable for intensive indoor and outdoor cropping activities. A minimum subdivision size of 1.8 hectares is allowed within the zone. The average lot size of 4 hectares is designed to promote a degree of lot size variation within the zone. This will also assist in maintaining rural character and landscape qualities of the areas.

New lots within the zone are required to be self-sufficient in water and sewage servicing and contribute to achieving road upgrading to rural roading standards. Water quality and soil stability issues are important, particularly in coastal locations. Provision for bridle paths at the time of subdivision, particularly in the Whitford area, is also promoted to add to the amenity value of the area and facilitate the safe movement of horses and riders through the area.

12.9.3 Rural 3 Zone

The Rural 3 zone is a countryside living zone which acts as a transition between the urban and rural areas. The zone is a low density countryside living zone on the urban fringe. It has ready access to employment and a range of urban facilities in the metropolitan area. This will minimise commuting distances and therefore lower energy consumption. The range of activities is limited to minimise conflicts with the principal countryside living activity of the zone and to protect the amenity values, landscape quality and semi-rural character of the area.

That part of the zone in the “sensitive ridgeline” areas shown in the Planning Maps is also designed to protect visual and scenic qualities of the prominent ridgelines on the eastern fringe of the urban area from the encroachment of urban development from the east. The landscape qualities of the ridgelines and the rural urban fringe are also protected by allowing only low density residential development with minimal disturbance to the landform and other natural landscape features.

In order to preserve the amenity values and semi-rural character of the area, there is a minimum lot size of 5000m². Subdivision of land is only permitted where within each site a suitable building platform is identified, taking into account natural landform, soil stability, and the capacity of the site for the disposal of stormwater and sewage. Household units are also controlled to ensure that stability and waste water disposal issues are adequately addressed. There are several areas within the zone where stability and waste disposal may be more difficult and these areas are shown in Figure 12.2 (at the conclusion of this chapter) to make landowners aware of the potentially greater difficulties in these areas. Buildings in the sensitive “ridgeline area” are allowed as controlled activities to encourage a high standard of design and external appearance of all buildings and landscaping on the site.

The District Plan has for some years envisaged a scenic road along the ridgeline to the east of the City, ultimately connecting Redoubt Road to Point View Drive. The part of this route between Redoubt Road and Ormiston Road is shown on the Planning Maps and has a Rural 3 zone adjoining it. Council will require a detailed geotechnical investigation of this land to determine its suitability for residential development prior to the approval of any application for a subdivision consent. Scenic views will be protected by providing lay-bys and by zoning appropriate locations for reserve purposes. Refer to Appendix 4C to the Planning Maps for the indicative road alignment for the northern section of the Scenic Road.

12.9.4 Rural 4 Zone

[AM20]

The Rural 4 zone covers an area with a unique set of factors which need to be managed in a particular way to sustain the resources of the area. This zone comprises the Mangemangeroa Valley and an area to the east between Whitford Road and Sandstone Road.

This area is located close to the urban area on the eastern side of the Point View Drive ridge, beyond which lies the metropolitan part of Manukau City. The area is bounded on two sides by rural district arterial roads which access much of the rural area to the east. A number of unformed roads traverse the area and all link to Point View Drive from Whitford Road and Sandstone Road. Parts of some of these roads are very steep and are unlikely to be constructed completely but are still important in providing access to the area.

The land has a high degree of ownership and title fragmentation. It comprises moderate-size lots in the 3 to 10 hectare size range with steep terrain and low soil quality resulting in limited productive potential. Significant parts of the area are covered in native bush, scrub and gorse. The native bush areas contribute to the landscape quality of the area combined with the strong sense of enclosure and intimacy within the valley.

The area, which is virtually surrounded by elevated roads on the ridgelines is easily viewed by motorists. While the area has some limitations in its ability to absorb development because of the exposed flanks and ridges, the terrain and vegetation does however offer varying opportunities for successful incorporation of development.

The Rural 4 zone is located within the Mangemangeroa catchment. Runoff from the catchment discharges to the tributaries of the Mangemangeroa catchment and together with the tributaries of the Turanga and Waikopua catchments drains into the wider Whitford embayment. The Mangemangeroa/Turanga/Waikopua estuary system is a sensitive coastal environment identified as having regionally significant natural values in the Auckland Regional Policy Statement. An important constraint to land use intensification in the Mangemangeroa catchment is the potential for subdivision and development to have an adverse effect on the water quality of the Mangemangeroa estuary and wider Whitford embayment.

Land stability is also a significant constraint to development in the Mangemangeroa catchment. Parts of the area are recognised as being very unstable with a wide range of earth movement types being evident. The area where slope instability is most evident is toward the southern end of the area east of Point View Drive and adjacent to the unformed Caldwells Road. The area is also characterised by soils with poor infiltration and high ground water levels. The stability issues in the Mangemangeroa catchment are such that particular consideration needs to be given to the location of building platforms, accessways, roads and mitigation measures such as retention of existing indigenous vegetation, riparian planting and revegetation.

Waste water disposal is also likely to be difficult with the limitation for on-site disposal rated as moderate to severe. Combined with the steep and unstable nature of much of the area, waste-water disposal systems will need to be very carefully designed and installed to ensure their effective operation and to prevent instability difficulties being accentuated. A high level of maintenance will also be required to ensure the continued effective operation of the systems.

The combination of all of these factors requires the Council to manage the potential cumulative adverse effects of a more intensive level of development in the Rural 4 zone.

To ensure the sustainable management of the area, an approach has been adopted which will enable it to be more fully developed as a countryside living area while recognising the significant aquatic values of the tributaries of the Mangemangeroa catchment and the wider Mangemangeroa/Turanga/Waikopua estuary system, stability and waste-water disposal constraints. The protection and enhancement of the areas of native bush, riparian vegetation and the rural character, landscape qualities and amenity values of the area have also influenced the approach taken.

Household units on existing lots and new subdivision are restricted discretionary activities to ensure the values and constraints identified in the Mangemangeroa catchment are managed. The rules in the zone are designed to ensure that an adequate area is available for waste-water disposal with up to 4000m² possibly being necessary on steeper land.

A stable building platform and means of access also need to be identified and the site must be self-sufficient in potable water. There are several areas within the zone where stability and waste disposal may be more difficult. These areas are shown in Figure 12.2. Figure 12.3 identifies further areas that are subject to environmental constraints on development such as slopes of greater than 15°, native vegetation including riparian margins and first and second order streams.

A minimum subdivision size of 1 hectare is allowed with a requirement for an average lot size of 2 hectares. This is designed to promote a range of lot sizes within the zone, and assist in the maintenance of rural character and landscape qualities while offering flexibility to address the constraints identified above.

Subdivision and development below an average lot size of 2 hectares has the potential to have significant adverse effects on the regionally significant values and unique characteristics of the Mangemangeroa catchment. Due to the significant potential adverse effects, which may occur, subdivision and development with an average lot size of less than 2 hectares would be contrary to the objectives and policies of the District Plan and therefore shall be avoided.

The extent of earthworks permitted during subdivision and development will be limited by the requirement to retain valley streams in their natural state and protect and enhance areas of native vegetation/ bush. Vegetation on steep slopes and riparian margins serves as an important soil and water conservation function, protecting the land from erosion and slippage. The removal of vegetation could adversely affect water quality by increasing sedimentation in the estuary and result in the loss of habitats.

The subdivision and development of land has the potential to result in the degradation of water quality and aquatic and riparian ecosystems. The protection and enhancement of existing native vegetation including riparian vegetation is necessary to avoid, remedy and mitigate potential effects and also to enhance existing water quality. Revegetation helps to reduce erosion and flooding as well as filtering out sediment and other contaminants prior to entering streams and the wider estuary system.

The Auckland Regional Council requires sediment control systems to be put in place during the period of any significant earthworks. In addition, there are controls on earthworks associated with subdivision and development in Chapter 9 — Land Modification, Subdivision and Development — of the District Plan. Whilst such control systems assist in reducing the amount of sediment entering watercourses it is acknowledged that such controls only retain approximately 50 –70% of sediment generated. Development within the Rural 4 zone will also be required to adopt a minimum earthworks strategy in order to protect, incorporate and expand on the natural features of a site which can contribute to the minimisation of sediment leaving the site. This approach includes the use of natural features such as existing vegetation, revegetation, wetlands, floodplains, riparian buffers as well as limiting the extent and timing within which bare earth is exposed.

Stormwater, which has absorbed contaminants from roads and other impervious surfaces can have an adverse effect on water quality and harm aquatic ecosystems. Research undertaken by the Auckland Regional Council indicates contamination and degradation of water quality increases when the extent of impervious surfaces increases. The discharge of contaminant laden stormwater into the Mangemangeroa estuary has the potential to degrade the water quality and harm the aquatic ecosystems. All subdivision and development proposals shall not increase flow rates and volumes, nor decrease timing of flows.

Developers will be required to contribute to achieving road upgrading to rural roading standards. A connection between the Ormiston Road end of the Scenic Drive and Point View Drive may occur in the vicinity of the unformed Caldwells Road as the zone is developed.

Areas of native bush are also required to be protected by fencing and protective covenant. Riparian vegetation protection and enhancement will also be required and esplanade reserve will be taken along the Mangemangeroa Stream and tributaries (subject to Chapter 15) to assist in maintaining water quality of the estuarine systems. Opportunities will also be pursued to build on the existing areas of public open space in the zone. The possibility of providing for bridle paths at the time of subdivision will also be promoted in conjunction with the use of the network of unformed roads which traverse the area.

The range of activities which can occur in the area is limited to avoid potential conflicts between activities resulting from more intensive development.

[AM20]

12.10 RULES – ACTIVITIES

Rule

12.10.1 Activities in the Rural Zones

Activities in the Rural Zones shall comply with the following:

- (a) All permitted activities in 12.10.2 Activity Table shall comply with 12.11.1 General Development and Performance Standards and any relevant Additional Development and Performance Standards for Specified Activities in 12.11.2.
- (b) All controlled activities in 12.10.2 Activity Table shall comply with 12.11.1 General Development and Performance Standards and any Additional Development and Performance Standards for Specified Activities in Rule 12.11.3. Council shall exercise control over those matters specified in 12.12.
- (c) Restricted Discretionary Activities in 12.10.2 Activity Table shall be assessed against those matters for discretion specified in Rule 12.13 and any relevant Additional Development and Performance Standards for Specified Activities in 12.11.4.

[AM20]

- (d) All discretionary activities in 12.10.2 Activity Table will be assessed against the Assessment Criteria — Discretionary Activities in 12.14 together with the relevant matters in s.104 of the Act.
- (e) Any activity not listed in 12.10.2 Activity Table or 12.10.3 is deemed to be a non-complying activity.
- (f) For notification procedures under the Resource Management Act 1991 see Rules 5.2.2, 5.2.3, 5.2.4 and 5.3.3.1, Chapter 5 – General Procedures and Rules.

Note: Activities Sensitive to Aircraft Noise in the Rural Zones

Any Activity Sensitive to Aircraft Noise (“ASAN”) and certain additions to an ASAN for which provision is made in this zone as a permitted, controlled, restricted discretionary or discretionary activity:

- are subject to Rule 5.21, and
- may also become a controlled, restricted discretionary, discretionary or non-complying activity by reason of Rule 5.21

if the subject site is located within the High Aircraft Noise Area or the Moderate Aircraft Noise Area. Therefore, in the case of an ASAN and certain additions to an ASAN in this zone, reference should be made to Rule 5.21.

(Refer to Chapter 18 for the definition of “Activity Sensitive to Aircraft Noise”)

Rule**12.10.2 Activity Table**

In the table below the terms used have the following meanings:

P=Permitted Activity;

C =Controlled Activity;

(R)D=Discretionary Activity over which the Council has restricted the matters for its discretion;

D = Discretionary Activity;

N/C =Non complying Activity.

ACTIVITY (USE/BUILDING)	RURAL ZONES			
	1	2	3	4
Accessory buildings equal to or exceeding 100m ² in floor area for any permitted activity, EXCEPT those locating in the sensitive ridge and coastal margin areas and those subject to Rule 5.21 [AM20]	P	P	P	(R)D
Accessory buildings less than 100m ² in floor area for any permitted activity, EXCEPT those locating in the sensitive ridge and coastal margin areas and those subject to Rule 5.21 [AM20]	P	P	P	P
Accessory buildings for any controlled activity [AM20]	C	C	C	(R)D
Accessory buildings, except those allowed as a permitted or controlled activity	D	D	D	D
Activities which have an adverse effect on any Scheduled Heritage Resource in Schedule 6A, 6B, 6D, 6E, 6F, 6G and complying with 12.11.1.7	Refer rules Chapter 6, Heritage			
Activities listed as Permitted or Controlled in Activity Table 12.10.2 that do not comply with any or all of the development and performance standards – 12.11.1.1, 12.11.1.2, 12.11.1.3	(R)D	(R)D	(R)D	(R)D
Animal parks, model farms and zoological gardens and an ancillary household unit	D	N/C	N/C	N/C
Access and Parking	Refer Chapter 8 Transportation			
Cemeteries and urupa	D	D	D	D
Clean fill activities involving the depositing of less than 200 cubic metres of material per site complying with 12.11.1.8, 12.11.2.9 and 12.14.2.4 as applicable	P	D	D	D
Clean fill activities involving the depositing of more than 200 cubic metres but less than 500 cubic metres of material per site complying with 12.11.1.8, 12.12.1 and 12.14.2.4 as applicable	C	D	D	D
Clean fill activities involving the depositing of more than 500 cubic metres of material per site complying with 12.14.2.4	D	N/C	N/C	N/C
Educational, charitable, religious and philanthropic institutions including ancillary residential buildings, where such activities are directly associated with and ancillary to a farming activity Note: ASAN's in the HANA and the MANA are subject to Rule 5.21	D	N/C	N/C	N/C
Establishments for breeding or boarding domestic pets and breeding and training dogs subject to 12.11.2.3 and an ancillary household unit, EXCEPT those locating in the sensitive ridge and coastal margin areas	P	D	D	D

ACTIVITY (USE/BUILDING)	RURAL ZONES			
	1	2	3	4
Farming	P	P	P	P
Pig Keeping on sites greater than 1 hectare complying with 12.11.2.2	P	P	P	P
Pig Farming and Intensive Farming complying with 12.11.2.2	P	N/C	N/C	N/C
Intensive Pig Farming not complying with 12.11.2.2	D	N/C	N/C	N/C
Farmstay accommodation complying with 12.11.2.1 [AM20]	P	P	R(D) [AM49]	(R)D
Greenhouses (not being an accessory building) [AM20]	P	P	D	(R)D
Hazardous Facilities and Substances	Refer to Chapter 10.1, Hazardous Facilities and Substances			
Home Enterprises [AM61]	Refer Section 5.18.5, Chapter 5 General Procedures and Rules			
Horse riding clubs and riding schools on sites greater than 2 ha in area and an ancillary household unit, EXCEPT those locating in the sensitive ridge and coastal margin areas	P	D	N/C	D
A Countryside Housing Unit on Sites greater than 20 hectares and less than 40 hectares complying with 12.11.2.6, EXCEPT those locating in the sensitive ridge and coastal margin areas Note: ASAN's in the HANA and the MANA are subject to Rule 5.21	P	N/C	N/C	N/C
Countryside Housing Units on sites 40 hectares or more complying with 12.11.3.1, EXCEPT those locating in the sensitive ridge and coastal margin areas Note: within the HANA and the MANA subject to Rule 5.21	C	N/C	N/C	N/C
Any household units (including countryside housing units), accessory buildings, minor household units and temporary household units provided for in this Activity Table in the "sensitive ridge and coastal margin" areas shown on the planning maps [AM20] Note: within the HANA and the MANA subject to Rule 5.21	C	C	C	(R)D
Household Units, Countryside Housing Units, or Farmstay Accommodation within a Mineral Extraction Buffer Area shown on the Planning Maps. [AM36]	(R)D	N/A*	N/A*	N/A*
A Minor household unit complying with 12.11.3.2 and 12.12.4, EXCEPT those locating in the sensitive ridge and coastal margin areas Note: within the HANA and the MANA subject to Rule 5.21	N/C	N/C	C	N/C
A Single household unit on land which was held in a separate Certificate of Title on 5 June 1989 or on a lot which was approved as a subdivision where no additional lots were created, EXCEPT those locating in the sensitive ridge and coastal margin areas Note: within the HANA and the MANA subject to Rule 5.21	P	P	C	(R)D [AM20]
A Single household unit on lots complying with 12.15.1.1, 12.15.1.2, 12.11.2.7 including on a residual lot, EXCEPT those locating in the sensitive ridge and coastal margin areas Note: within the HANA and the MANA subject to Rule 5.21	P	N/C	N/C	N/C
A Single household unit on lots complying with 12.15.1.3, EXCEPT those locating in the sensitive ridge and coastal margin areas Note: within the HANA and the MANA subject to Rule 5.21	C	N/C	N/C	N/C
*: No Mineral Extraction Buffer Areas Occur in the Zone				
A Single household unit on lots complying with 12.15.2, EXCEPT those locating in the sensitive ridge and coastal margin areas Note: within the HANA and the MANA subject to Rule 5.21	N/C	P	N/C	N/C

ACTIVITY (USE/BUILDING)	RURAL ZONES			
	1	2	3	4
A Single household unit complying with 12.12.4 and locating on lots complying with 12.15.3, EXCEPT those locating in the sensitive ridge and coastal margin areas Note: within the HANA and the MANA subject to Rule 5.21	N/C	N/C	C	N/C
A Single household unit complying with 12.11.2.8 and locating on lots created after 31 March 2003 and complying with 12.15.4, EXCEPT those locating in the sensitive ridge and coastal margin [AM20] Note: within the HANA and the MANA subject to Rule 5.21	N/C	N/C	N/C	P
A single household unit on lots complying with Rule 12.15.3 and created as part of an approved subdivision after 1 August 1995, EXCEPT those locating in the sensitive ridge and coastal margin areas Note: within HANA and the MANA subject to Rule 5.21 [AM98]	N/C	N/C	P	N/C
A Temporary household unit complying with 12.11.2.5, 12.12.4, 12.13.4.2, EXCEPT those locating in the sensitive ridge and coastal margin areas	P	P	C	(R)D
The repair to, and alteration of, an existing household unit Note: within the HANA and the MANA subject to Rule 5.21	P	P	P	P
Land Modification, Development and Subdivision	Refer to Chapter 9 Land Modification, Development and Subdivision, and Rule 12.10.3			
Marina complexes (see 12.14.2.2)	D	N/C	N/C	N/C
Mineral extraction, excluding topsoil, see 12.14.1 and the provisions of Chapter 17.8, Minerals Extraction Activities –17.8.13	D	N/C	N/C	N/C
Alteration or clearance of any native bush which is part of a stand alone parcel of bush that is less than 3000m ²	P	P	D	D [AM20]
Alteration or clearance of any native bush which is part of a stand alone parcel of bush that exceeds 3000m ² in total, complying with 12.14.2.7	D	D	D	D
The clearance of a discrete parcel of native vegetation which does not exceed 250m ² in area complying with Rule 12.14.2.8 [AM20]	P	P	P	D [AM20]
The clearance of native vegetation excluding native bush as defined in Chapter 18 Definitions covering an area greater than 250m ² complying with 12.14.2.8	P	P	D	D [AM20]
Network Utility Services	Refer to Chapter 7 Network Utility Services			
Outdoor Recreation, including the use of land and buildings and an ancillary household unit	D	N/C	N/C	N/C
Papakāinga Housing on Maori Land as shown on Figure 12.1 up to a maximum of 4 dwelling units at a density of not more than 1 unit per hectare (see 12.12.2) [AM49]	C	N/C	N/C	N/C
Papakāinga housing on Maori land shown on Figure 12.1 up to a maximum of 8 dwelling units at a density of not more than 1 unit per hectare (see 12.14.2.5)	D	N/C	N/C	N/C
Places of Assembly	D	D	D	D
Processing of farm (including marine farms adjacent to the City) and forest products (see 12.14.2.1); except that the processing of the products of that farm for consumption or use on that farm shall be a permitted activity in the Rural 1 zone	D	N/C	N/C	N/C
Produce stalls, not exceeding 15m ² in floor area, for the direct sale of farm produce grown on the farm or holding on which the produce stall is located	P	P	(R)D	P

ACTIVITY (USE/BUILDING)	RURAL ZONES			
	1	2	3	4
Produce stalls either exceeding 15m ² in floor area for the direct sale of farm produce grown on the farm or holding on which the stall is located; or for the cooperative sale of farm produce grown on nearby properties complying with 2.13.4.1	(R)D	(R)D	(R)D	(R)D
Production forestry	P	D	N/C	D
Public open spaces, land set aside for public open space purposes	P	P	P	P
Rural services	D	D	N/C	D
Relocated Buildings	Refer Section 5.17.2, Chapter 5 General Procedures and Rules			
Signs	Refer Section 5.14, Chapter 5 General Procedures and Rules			
Tearooms and an ancillary household unit	D	N/C	N/C	N/C
Temporary Activities	Refer Section 5.16, Chapter 5 General Procedures and Rules			
Travellers' accommodation including conference centres, restaurants, recreation facilities, shops and other amenities which are an ancillary part of the Travellers' accommodation (see 12.14.2.3)	D	N/C	N/C	N/C
Veterinary clinics and an ancillary household unit	D	D	N/C	D

NOTE: In this Activity Table the use of the term “household unit” includes the construction, addition to and the replacement of a household unit.

Rule

12.10.3 Subdivision Activity

The following listed subdivision activities which comply with the development standards and assessment criteria set out in 12.15 and any relevant Rules in Chapter 9 Land Modification, Development and Subdivision, are allowed to occur in the zone. All other subdivision activities are non-complying activities.

12.10.3.1 Rural 1 Zone

Rule

12.10.3.1.1 Controlled Subdivision Activities

- Subdivision creating lots with a minimum area of 120 ha.
- Subdivision creating lots over 12 hectares complying with Rule 12.15.1.1
- Subdivision creating a single lot between the size 0.15 and 2.0 hectares complying with Rule 12.15.1.2
- Subdivision creating lots containing native bush complying with Rule 12.15.1.3
- Subdivision resulting in the re-organisation of titles on a property complying with Rule 12.11.2.7
- Subdivision to create a lot for an activity for which resource consent has been granted complying with Rule 12.15.1.4

Rule**12.10.3.1.2 Discretionary Subdivision Activities**

- Subdivision creating lots between the size of 1500m² and 5000m² complying with Rule 12.15.1.5.1 (Rural 1 Special Policy Area)
- Marina complexes

12.10.3.2 Rural 2**Rule****12.10.3.2.1 Controlled Subdivision Activities**

- Subdivision creating lots 1.8 hectares or over complying with Rule 12.15.2.

12.10.3.3 Rural 3**Rule****12.10.3.3.1 Controlled Subdivision Activities**

- Subdivision creating lots 0.5 hectares or over complying with Rule 12.15.3.

12.10.3.4 Rural 4**Rule****12.10.3.4.1 Restricted Discretionary Subdivision Activities**

- Subdivision creating lots 1.0 hectares or over complying with Rule 12.15.4.

Rule**12.10.3.4.2 Non Complying Subdivision Activities**

Any subdivision that does not comply with Rule 12.15.4.1

[AM20]

12.10.3.5 Additional Controlled Subdivision Activities in the Rural 1, 2, 3 and 4 Zones**Rule**

12.10.3.5.1 Subdivision to enable the creation of a public open space, and for the definition of land for any purpose under the Reserves Act 1977, or

Rule

12.10.3.5.2 A boundary adjustment complying with Chapter 9, Land Modification, Development and Subdivision.

Rule

12.10.3.5.3 A boundary alteration between two allotments provided that:-

- no additional Certificate of Title is created and
- the subdivision complies with Chapter 9, Land, Modification, Development and Subdivision; and

- (iii) any Certificate of Title to be used in a boundary alteration has legal and practical access and is capable of locating a household unit in a manner that would comply with Rule 12.11; and
- (iv) the number of household units permitted on the land will not be increased; and
- (v) the boundary alteration does not contravene any condition of a previous resource consent in relation to the land, unless a further consent has been granted that removes that contravention;

otherwise it shall be a non-complying activity.

[AM98]

Rule

12.10.3.5.4 Where a property is comprised of more than one Certificate of Title existing on 5 June 1989, and it is practical to build a residential dwelling on the original Certificate of Title that meets the relevant rules of the District Plan including Rule 12.15.5.1(iii), lot boundaries shall be able to be readjusted provided that:

If any subdivision to re-organise titles under this rule creates the potential for additional subdivision or dwellings over and above what was possible for each Certificate of Title prior to the boundary re-organisation, a legal covenant or consent notice under Section 221 of the Resource Management Act 1991 shall be registered on the titles prohibiting;

- (i) any further subdivision under Rule 12.15.1.2.1; and/or
- (ii) the erection of household units under Rule 12.11.2.6 or Rule 12.10.2 allowing household units permitted on a separate Certificate of Title on 5 June 1989.

12.11 RULES: DEVELOPMENT AND PERFORMANCE STANDARDS

12.11.1 General Development and Performance Standards

Rule

12.11.1.1 Height

(a) Maximum Height

Subject to (b) below the maximum height for buildings and structures shall be 9 metres.

(b) Height in Relation to Boundary

rules in section 5.18.1, Chapter 5, General Procedures and Rules shall apply.

Explanation and Reasons

The primary purpose of height control is to protect the amenity values of adjoining properties, particularly from shading and from the visual impact of buildings and structures.

Rule

12.11.1.2 Yards

- (i) Rural 1,2,4 Rural 3

Front — 10 m	6m
Side — 3 m	6m
Rear — 3 m	6m
Coastal — 30 m	30m

(ii) Yard Exceptions

(a) Yards Fronting the Primary Road Zone

The yard fronting the primary road zone shall be 20m.

(b) Coastal Protection Yards

Buildings shall not be erected or any clean fill undertaken or native vegetation cleared or removed within the Coastal Protection Yard irrespective of whether the site adjoins Mean High Water Springs. (Note: the removal of native vegetation does not include that by grazing stock). Earthworks involving more than a cumulative total of 200m³ in a Coastal Protection Yard shall be a restricted discretionary activity in terms of Rule 9.8.2

(c) Yards Adjoining Business Zones

The minimum yard for a household unit on a site adjoining a business zone shall be 10m along such adjoining boundary.

Explanation and Reasons

The yard requirements will ensure that the amenity values of the area are maintained. Activities in proximity to the coast are within the coastal environment and thus have the potential to have significant visual impact and detrimentally affect the coastal ecosystem.

Rule**12.11.1.3 Building Coverage**

For lots less than 5000m² the maximum building coverage shall be 10%

Explanation and Reasons

Because rural residential sites can be smaller than 5000m² a maximum coverage area will ensure no detractor from the visual amenity values of the area. It will also ensure that a sufficient area of the site is available for waste water disposal.

Rule**12.11.1.4 Removal of Top Soil**

No activity shall involve the removal of topsoil from any property provided that nothing herein shall prevent the removal of topsoil in the course of the extension or initiation of any existing or permitted activity.

Explanation and Reasons

Top soil is a finite resource and its productive potential should not be jeopardised by its removal from a site.

Rule**12.11.1.5 Noise**

- (i) To ensure noise from non farming activities in a rural zone is maintained at a reasonable level, the following noise performance standards shall not be exceeded at, or within, the notional boundary of any site zoned rural.

RECEIVING ACTIVITY [AM98]	AVERAGE MAXIMUM LEVELS			MAXIMUM
	L ₁₀ dBA			L _{max} dBA
	Monday to Saturday 7am–6pm (0700–1800)	Monday to Saturday 6pm–10pm (1800–2200) Sunday and Public Holidays 7am–10pm (0700–2200)	At all other times	10pm–7am (2200–0700)
Household units only (at, or within, the notional boundary)	45	40	35	65 (or the background plus 30, whichever is the lower)
Business and recreational activities (at, or within, the notional boundary)	50	45	40	70 (or the background plus 30, whichever is the lower)

The Notional Boundary is a line 20 metres from the facade of any rural dwelling or the legal boundary where this is closer to the dwelling.

(ii) Bird Scare Devices

- (a) To ensure that noise from the operation of bird scare devices (which includes gas guns and firearms) does not exceed a reasonable level, the following noise performance standard shall not be exceeded at, or within, the notional boundary of any site zoned rural or at the boundary of a site zoned residential.

Time Period	L _{Peak}
0700–2200	75

- (b) Bird scare devices shall not operate between 10.00 pm and 7.00 am.
- (c) The time interval between discrete soundings of the bird scare device shall not be less than 6 minutes.
- (iii) For rules on construction noise, vibration and procedures for the assessment of noise see Chapter 5, General Procedures and Rules, Section 5.18.3, 5.18.4 and Appendix 5C.
- (iv) The noise limits specified in 12.11.1.5 (i) may be exceeded by a maximum of 10 dBA during the day time period only for; sporting, recreational and cultural activities, provided that such activities do not occur more than 2 times in any 12 month period and for the period of not more than 3 hours on any single occasion. (The day time period is defined as 7.00am to 10.00pm).

Explanation and Reasons

Noise limits are imposed to ensure that noise occurring for a continuous duration does not damage public health or have an adverse effect on the amenity of the receiving environment. Noise limits set at site boundaries should also assist in preventing the City's overall background noise level from rising, thereby maintaining a reasonable acoustic environment within the area.

Rule**12.11.1.6 Odour**

No activity shall create an offensive or objectionable odour which is able to be detected at any dwelling (other than those on the same site) or residentially zoned land that is not consistent with the rural character.

Explanation and Reasons

Odour from activities can detract from the amenities of an area. However, rural activities can create odours which contribute to the rural character. While these should be mitigated as far as practicable they probably can not be eliminated and need to be accepted as being part of the rural area.

Rule**12.11.1.7 Heritage**

For the Rural 3 zone see Chapter 6, Heritage, Rule 6.9 for rules regarding the protection of individual trees.

Explanation and Reasons

Individual trees are protected in the Rural 3 zone to retain the natural character and landscape quality of the area particularly given the higher density of development which will result compared with other rural zones.

12.11.1.8 Other Rules

See the following Chapters for general rules and provisions relating to:

- Artificial lighting, Rule 5.18.2, Chapter 5, General Procedures and Rules
- Signs, Rule 5.14.9 — Chapter 5, General Procedures and Rules
- Vibration, Rule 5.18.4 Chapter 5, General Procedures and Rules
- Hazardous Facilities and Substances, Chapter 10.1, Hazardous Facilities and Substances
- Land Development, Modification and Subdivision, Chapter 9, including:
 - Waste Water and Storm Water Disposal;
 - Roading;
 - Water Supply
 - Earthworks (including cleanfilling)
- Parking and Access, Transportation, Chapter 8

- Heritage, Chapter 6
- Reserves Contributions, Chapter 15 Section 15.15.2
- For rural land in the vicinity of Wairoa Bay and Kawakawa Bay refer to Chapter 17.7 Explosives Area

12.11.2 Additional Development and Performance standards for Particular Permitted Activities

As well as the development and performance standards in 12.11.1 the following standards shall also apply to the following permitted activities:

Rule

12.11.2.1 Farm Stay Accommodation

- (i) Farm stay accommodation is allowed only within a permitted household unit on the site.
- (ii) The owner or occupier lives on the property.
- (iii) Farm stay accommodation is limited to six guests for each household unit on the site used for farm stay accommodation.

Explanation and Reasons

The rules relating to farm stay accommodation are intended to minimise the effects of the activity. This is achieved by limiting the scale of the activity and number of guests and confining it to households on the site.

Rule

12.11.2.2 Pig Keeping, Pig Farming and Intensive Farming

- (i) Pig keeping, pig farming and intensive farming are not permitted on any site less than 1 hectare in area, unless the site forms and is used as part of a larger farm.
- (ii) Pig keeping is permitted on sites greater than 1 hectare in area provided it complies with clauses (iii), (iv) and (v) below.
- (iii) Pig keeping, pig farming and intensive farming facilities shall be so designed having regard to compatibility with existing and other proposed uses, siting of buildings and protection of the amenities of the neighbourhood. Adequate provision must be made for effluent disposal and the siting of this and any buildings must be situated, constructed and maintained so as to prevent nuisance to neighbours.
- (iv) All permanent buildings, pens or areas used for intensive farming, and any effluent disposal system (which shall include any area on which effluent is being disposed of by way of spray irrigation or any treatment plant or ponds) and composting area shall be situated at least:
 - 1200 metres from the boundary of any residential zone
 - 250 metres from any household unit on the same property other than the owner's and from any household units on adjoining properties

- 20 metres from any boundary of the property on which they are situated. Provided that where a household unit has been erected on a neighbouring property after the date the farming operation had been established and the intensive farming operation has been in regular operation, then the 250 metres shall not apply as a standard to determine the activity status.
- (v) Intensive Pig Farming shall be subject to the following buffer distances as indicated in Table A and Table B.

Table A

INTENSIVE PIG FARMING Buffer Zone Distances			
Description	Minimum Distance in Metres		
(Number of Pigs (P))	(0–500)	(501–2000)	(2001–5000)
Piggery to a residential zone	1200	2000	P x 1.00
Piggery to a Rural 2,3 or 4 zone, Rural 1 Special Policy Area, marae, public hall, church, school, recreation area	900	1500	P x 0.75
Piggery to a rural residence on another site	250	500	P x 0.25

Table B

PIGGERY EFFLUENT Buffer Zone Distances from Land Spreading and Treatment Lagoons			
Description	Minimum Distance in Metres		
	Land Spreading Anaerobic Lagoon		
(Type of System)	(i) Effluent for surface spreading, not stored more than 48 hours	(ii) Effluent for surface spreading, stored anaerobically without treatment more than 48 hours	Subsoil Injection Aerobic Lagoon
From a residential zone	1500	2000	500
From a rural residential zone, Rural 1 Special Policy area, marae, public hall, church, school, recreation area	500	1000	200
From a rural residence on another site	250	500	150

- (vi) Free range pigs shall be securely fenced from rivers, streams and the coastal marine area.

Explanation and Reasons

Pig farming and intensive farming have the potential to generate significant adverse effects on the environment. The main effects are from odour and potential discharges from the on-site disposal of liquid waste. The rules are intended to ensure that sites are of a sufficient size to accommodate all aspects of the operation. Buffer distances will avoid and mitigate the adverse effects. Resource consents will also be required from the Auckland Regional Council for any liquid waste disposal system. The Pork Industry Board Code of Practice — Pig Farming will also assist those wishing to pursue this activity to address the adverse environmental effects.

Similarly the Poultry Industry Association of New Zealand (inc.) Environmental Code of Practice, and the Egg Producers Federation of New Zealand (Inc.) Egg Industry Agreed Standards Code of Practice will assist those involved with broiler chicken and egg production and the avoidance and mitigation of environmental effects associated with these activities.

Rule

12.11.2.3 Establishments for Breeding or Boarding Pets and Breeding and Training Dogs

- (i) Sites shall be greater than 2000m² in area except for the boarding of dogs where the minimum area is 1 hectare.
- (ii) No accommodation for the boarding of dogs shall be located within 500m of any land zoned residential.
- (iii) All boarding establishments will be designed and managed generally in accordance with the Guidelines for Minimum Standards and Conditions in Pet Boarding Establishments prepared byASURE Quality Limited.

[AM98]

Explanation and Reasons

These rules are intended to manage the adverse effects of noise, odour and waste disposal.

Rule

12.11.2.4 Home Enterprises [Deleted by AM 61 See Plan Change No. 10]

Rule

12.11.2.5 Temporary Household Units

- (i) The premises shall be occupied only by those persons described in the definition of Temporary Household Units in Chapter 18, Definitions.
- (ii) The building may remain for a period of ten years with the right of the applicant to apply to Council for an extension of that period.
- (iii) The building shall be removed from the site when no longer required for the accommodation of the qualifying person(s).
- (iv) The applicant shall not dispose of the property unless the temporary building is removed from the site.
- (v) The applicant shall execute such deeds, bonds or documents as are considered necessary to secure the performance of the conditions (i)-(iv) inclusive.
- (vi) The applicant shall pay all legal expenses incurred by Council in the preparation, signing, sealing and registering the documents referred to in (v) above.
- (vii) Should the applicant abandon the project before completion of the procedure referred to in (v) the applicant shall pay all legal expenses incurred up to the time of notification to Council of the abandonment of the project.

Explanation and Reasons

The definition and rules seek to ensure that the environmental effects of a temporary household are minor, by limiting the scale of the units and ensuring they are in fact temporary by requiring the removal of the unit when it is no longer required.

Rule**12.11.2.6 Countryside Housing Units on Sites between 20 and 40 hectares**

- (i) Only one Countryside Housing unit is permitted on a site.
- (ii) The existing site must be 20 hectares or more in area and less than 40 hectares and held in a separate Certificate of Title on 5 June 1989.
- (iii) Housing units permitted under this Rule shall mean that no additional household units are permitted under Rule 12.15.1.2.1. Household units permitted under Rule 12.15.1.2.1 can be established under the provisions of this rule as an alternative.
- (iv) Housing units established under this rule shall:
 - (a) require a stable building platform which will not affect the stability of the site or adjacent sites;
 - (b) require a sufficient area be available to accommodate an adequate sewage and waste-water disposal system together with a stormwater drainage system which will not create an erosion or instability problem or water pollution;
 - (c) not be located on soils of high quality.
- (v) Reserve contribution shall be determined according to Rule 15.15.2.3.6.2, Chapter 15, Public Open Space.

Explanation and Reasons

The provision of household units on a site, without the need to subdivide, prevents the fragmentation of the land. The number of household units on a site is limited in order to protect the rural character of the area and the soil and land resource.

Rule**12.11.2.7 Single Household Units on Multiple Title Properties**

- (i) Where a property is comprised of more than one certificate of title; dwellings which are permitted or controlled activities on those titles under Rule 12.10.2 may be located anywhere on the property provided that:
 - (a) They comply with the conditions in Rule 12.11.1; and
 - (b) The existing titles are held together by legal agreement and a legal covenant is registered on the titles of those lots prohibiting:
 - (i) any further subdivision under Rule 12.15.1.2.1; and/or
 - (ii) the erection of household units under Rule 12.11.2.6 or Rule 12.10.2 allowing household units permitted on a separate Certificate of Title on 5 June 1989; and
 - (c) That it is practical to build a residential dwelling on each of those original Certificates of Title that meet the relevant rules of the District Plan including Rule 12.15.5.1(iii).

Explanation and Reasons

Providing flexibility in the location of household units on multiple title properties allows the adverse effects to be mitigated by enabling the site characteristics to be better utilised e.g. by clustering to better utilise topographical screening, or minimise the extent of access ways required.

Rule**12.11.2.8 Single Household Units in Rural 4 Zone locating on lots complying with 12.15.4 created after 31 March 2003**

- (i) The household unit shall be located within the identified building platform on the lot as identified on the approved plan of subdivision.
- (ii) No more than 2,500m² of earthworks shall be exposed on site at any time.
- (iii) Earthworks shall only be carried out during the period starting 1 October through to 30 April. Sites shall be re-grassed or otherwise stabilised outside this period to minimise sediment runoff.
- (iv) Stormwater shall be managed on site to prevent increases in volumes and rates of runoff during rainfall events as a result of land subdivision and development.
- (v) All stormwater and sediment control measures shall be in place prior to any earthworks being undertaken.
- (vi) Building sites and access thereto shall be confined to areas totally clear of native vegetation as at 1 August 1995.

Explanation and Reasons

The requirement that all development provide stormwater management means in the context of this catchment that the peak rates, runoff volumes and time of concentration of overland flows from an area during rainfall shall be the same both before and after subdivision has occurred. Calculations of pre and post development flow, volume and time of concentration should be undertaken using the Auckland Regional Council Technical Publication 108, "Guidelines for Stormwater Runoff Modelling in the Auckland Region"

[AM20]

Rule**12.11.2.9 Clean Fill**

On completion of filling, the site shall be revegetated to an appropriate standard, having regard to the character of the rest of the site and adjacent areas.

Explanation and Reasons

The clean fill site should be rehabilitated to be in keeping with the character of the area and to mitigate the effects of sediment run-off.

12.11.3 Additional Development and Performance Standards for Particular Controlled Activities

Rule

12.11.3.1 Countryside Housing Units on Sites Greater than 40 hectares.

- (i) The existing site must be 40 hectares or more in area and held in a separate Certificate of Title on 1 August 1995.
- (ii) One Countryside Housing unit is allowed on sites 40 hectares or more and less than 200 hectares.
- (iii) Two Countryside Housing units are allowed on sites greater than 200 hectares.
- (iv) On the creation of countryside housing units under this rule a consent notice under section 221 of the Act shall be registered on the title to the effect that the housing unit can not be subdivided.
- (v) Household Units permitted under Rule 12.15.1.2.1 can be established under the provisions of this rule as an alternative.
- (vi) Countryside Housing Units allowed by this rule are permitted to locate subject to 12.11.2.7 but will not give rise to subdivision.
- (vii) Reserve contribution shall be determined according to Rule 15.15.2.3.6.2, Chapter 15, Public Open Space.
- (viii) See also the matters for control and the controlled activity assessment criteria in 12.12.5.

Explanation and Reasons

The provision of household units on a site without the need to subdivide is preventing the fragmentation of the land. The number of household units on a site is limited to protect the rural character of the area and the soil and land resource.

Rule

12.11.3.2 Minor Household Units in Rural 3 Zone

- (i) There shall be a minimum separation distance of 1.340m between any part of a minor household unit and any part of the principle residential building on the site.

Explanation and Reasons

This provision is in accordance with the requirements of the NZ Building Code.

12.11.4 Additional Development and Performance Standards for Particular Restricted Discretionary Activities

Rule

12.11.4.1 Household Units, Accessory Buildings, Temporary and Minor Household Units, Farmstay Accommodation, Greenhouses and Produce Stalls in the Rural 4 Zone

- (i) The household unit shall be located within the identified building platform on the lot as identified on the approved plan of subdivision.
- (ii) No more than 2,500 m³ of earthworks shall be exposed on site at any time.
- (iii) Earthworks shall only be carried out during the period starting 1 October through to 30 April. Sites shall be re-grassed or otherwise stabilised outside this period to minimise sediment runoff.
- (iv) Stormwater shall be managed on site to prevent increases in volumes and rates of runoff during rainfall events as a result of land subdivision and development.
- (v) All stormwater and sediment detention control shall be in place prior to any earthworks being undertaken.
- (vi) Building sites and access thereto shall be confined to areas totally clear of native vegetation as at 1 August 1995.

Explanation and Reasons

The requirement that all development provide stormwater management means in the context of this catchment that the peak rates, runoff volume and time of concentration of overland flows from an area during rainfall shall be the same, both before and after subdivision has occurred. Calculations of pre- and post development flow, volume and time of concentration should be undertaken using the Auckland Regional Council Technical Publication 108 "Guidelines for Stormwater Runoff Modelling in the Auckland Region".

[AM20]

12.12 Rules — Matters for Control: Controlled Activities

All controlled activities shall be subject to Rule 5.21 where applicable.

Rule

12.12.1 Cleanfill Activities

Rule

12.12.1.1 Applications for such cleanfill activities shall be non-notified, and the written approval of affected parties shall not be required.

Council reserves control over the following matters when assessing an application for the above activity 12.12.1 and may impose conditions in respect of each:

- (a) Noise and dust
- (b) Visual amenity
- (c) Design and appearance

- (d) Site layout
- (e) Site rehabilitation
- (f) Traffic generation and routes

12.12.1.2 When assessing an application for a resource consent for the above activity 12.12.1 the Council shall have regard to the following assessment criteria and section 104 of the Act:

- (i) Whether measures to mitigate potential noise and dust nuisance and the visual impact will retain the rural character and amenity values of the area.
- (ii) The appropriateness of the cleanfill regarding design and appearance of the activity and the site layout including location of the cleanfill on the site and site access.
- (iii) Whether the cleanfill in its completed state will be sensitive in terms of appearance, form and location to the existing amenity values of the neighbourhood.
- (iv) Whether a rehabilitation plan for the cleanfill has been prepared for implementation at the completion of the cleanfill taking account of visual and soil stability effects.
- (v) The degree to which traffic generated by the cleanfill and access to the site will adversely effect any residential amenity values and whether measures to avoid, remedy or mitigate such potential adverse effects are proposed (see also Section 8.25 Chapter 8, Transportation).

Explanation and Reasons

Cleanfill activities have the potential to have significant adverse effects on the environment such as traffic generation, noise, dust and a visual impact. Council has reserved control over the above matters to ensure that the adverse effects are addressed, and appropriate conditions placed on the resource consent to protect the amenity values and rural character of the area.

Rule

12.12.2 Papakainga Housing on Maori land shown on Figure 12.1 up to a maximum of 4 Dwelling Units at a Density of Not More than 1 Unit per Hectare

Rule

12.12.2.1 Applications for the above activity 12.12.2 shall be non-notified.

Council reserves control over the following matters when assessing an application for the above activity 12.12.2 and may impose conditions in respect of each:

- (a) design and external appearance of buildings
- (b) intensity of development
- (c) access and parking
- (d) site servicing
- (e) amenity values

- 12.12.2.2 When assessing an application for a resource consent for the above activity 12.12.2 the Council shall have regard to the following assessment criteria and section 104 of the Act:
- (i) Whether the design and external appearance of any building is appropriate to the rural and/or coastal environment.
 - (ii) The appropriateness of the intensity of development, including site coverage and whether it is sensitively designed and sited in the local environment.
 - (iii) The protection of the amenity values of the area including vegetation, landscape and coastal amenity values.
 - (iv) Whether access and parking are appropriately designed (see Section 8.25, Chapter 8, Transportation).
 - (v) Whether sufficient area is available to accommodate an adequate sewage and wastewater disposal system together with a stormwater drainage system which will not create an erosion or instability problem or water pollution.
 - (vi) Whether the development can be appropriately serviced as required by Rules in Chapter 9, Land Modification, Development and Subdivision.

Explanation and Reasons

Groups of dwellings such as papakainga housing have the potential to have adverse effects on the environment such as traffic generation and visual impact. Council has reserved control over the above matters to ensure that the housing is sited, designed and serviced in a way that protects the amenity values and rural character of the area.

Rule

12.12.3 Household Units, Temporary Household Units, Minor Household Units and Accessory Buildings in the “Sensitive Ridge and Coastal Margin” Areas as delineated on the Planning Maps.

Rule

12.12.3.1 Council reserves control over the following matters when assessing an application for the above activity 12.12.3 and may impose conditions in respect of each:

- (a) the siting, design and external appearance of buildings in terms of their visual impact on:
 - (i) ridgelines
 - (ii) the coastal environment
 - (iii) the rural character
 - (iv) landscape and amenity values
- (b) retention of vegetation and new planting
- (c) screening of buildings
- (d) land modification
- (e) car parking and access

[AM49]

12.12.3.2 When assessing an application for a resource consent for the above activity 12.12.3 the Council shall have regard to the following assessment criteria and section 104 of the Act:

- (i) Whether the application relates to a site listed in Schedules 6D, 6E, or 6F in Chapter 6, Heritage and if so the rules of that chapter shall also apply.
- (ii) Whether the siting, design and external appearance of buildings dominates the skyline or coastal margin when viewed from any formed public road, accessway or public open space;
- (iii) Where the application involves a building on or near a ridgeline the Council will consider whether:
 - the highest point of any building is below that of the natural landform at the watershed of the ridge line immediately adjacent to it; or
 - the highest point of any building is below that of any existing vegetation, or proposed planting, which provides a vegetative screen between the site of the proposed building and the watershed of the ridge immediately adjacent to that site
- (iv) Whether existing bush and vegetation will be retained where practicable, and sufficient landscape planting is provided for screening and as a backdrop where necessary, to ensure that buildings blend with the natural character of the landscape.
- (v) Whether any earthworks necessary for the creation of a building platform, and access, will cause minimal disturbance to the landform and character of the site, and whether any such areas will be appropriately landscaped as soon as practicable having regard to the season.
- (vi) Whether driveways, private ways and turning areas will be constructed in such a manner as to require minimal disturbance to existing landform or vegetation and the character of the landscape.

Explanation and Reasons

The poor siting and design of buildings can have a serious impact on rural character and landscape quality, particularly on elements which have a higher vulnerability and sensitivity to change, namely particular ridgelines and coastal margins. It is therefore important that buildings are sited so that they do not intrude into or dominate the skyline or coastal margin. Keeping buildings below the ridgeline or back from the coastline or ensuring background planting will mitigate the adverse effects.

Rule

12.12.4 Household Units on Sites Existing at 1 August 1995, Temporary Household Units and Minor Household Units in the Rural 3 Zone

Rule

- 12.12.4.1** Council reserves control over the following matters when assessing an application for the above activity 12.12.4 and may impose conditions in respect of each:
- (a) building location in relation to site stability
 - (b) waste-water disposal

12.12.4.2 When assessing an application for a resource consent for the above activity 12.12.4 the Council shall have regard to the following assessment criteria and section 104 of the Act:

- (i) Whether the site has:
 - (a) a stable building platform which will not affect the stability of the site or adjacent sites;
 - (b) sufficient area available to accommodate an adequate sewage and waste water disposal system together with a stormwater drainage system which will not create an erosion or instability problem or water pollution.

Explanation and Reasons

These criteria only apply to existing sites because the suitability of new sites for buildings will be assessed at the time of subdivision under 12.15.3. The Rural 3 zone has potential site stability and waste disposal difficulties and is also close to the metropolitan area. It is therefore important that each site is carefully assessed and appropriate conditions placed on a resource consent.

Rule

12.12.5 Countryside Housing Units on Sites of 40 Hectares or More

Rule

12.12.5.1 Council reserves control over the following matters when assessing an application for the above activity 12.12.5 and may impose conditions in respect of each:

- (a) building location in relation to:
 - site stability
 - soil quality
- (b) waste water disposal
- (c) site servicing and access
- (d) siting, design, external appearance of buildings and landscaping

12.12.5.2 When assessing an application for a resource consent for the above activity 12.12.5 the Council shall have regard to the following assessment criteria and section 104 of the Act:

- (i) Whether the site has:
 - (a) a stable building platform which will not affect the stability of the site or adjacent sites;
 - (b) sufficient area available to accommodate an adequate sewage and waste-water disposal system together with a stormwater drainage system which will not create an erosion or instability problem or water pollution;
- (ii) Whether the site is located on soils of high quality;
- (iii) Whether the housing units and access are sited and designed to complement the rural character and landscape qualities of the area.

Explanation and Reasons

The provision of household units on a site without the need to subdivide prevents the fragmentation of the land. The number of household units on a site is limited to protect the rural character of the area and the soil and land resource. Additional housing units can also impact on the rural character and landscape values of the rural area therefore control is retained over these matters to ensure that the effects are avoided, remedied or mitigated.

Rule**12.12.6 Household Units on Native Bush Lots****Rule**

12.12.6.1 Applications for resource consents for the above activity 12.12.6 will be non-notified.

Council reserves control over the following matters when assessing an application for the above activity 12.12.6 and may impose conditions in respect of each:

(a) siting, design and external appearance

12.12.6.2 When assessing an application for a resource consent for the above activity 12.12.6 the Council shall have regard to the following assessment criteria and section 104 of the Act:

(i) Whether the scale and form of such buildings, particularly those located in prominent positions, complement the natural character of the site and area.

(ii) Whether the buildings are located in such a way that they detract from the amenity values of the bush or threaten its protection.

Explanation and Reasons

To maximise the benefits to rural character and landscape quality from the areas of native bush it is important that the household units allowed do not detract from these values from inappropriate siting and design.

12.13 RULES — MATTERS FOR DISCRETION AND ASSESSMENT CRITERIA — RESTRICTED DISCRETIONARY ACTIVITIES

All restricted discretionary activities shall be subject to Rule 5.21 where applicable.

Rule

12.13.1 Activities listed as Permitted or Controlled in Activity Table 12.10.2 that do not comply with the development and performance standards of 12.11.1.1 Height

Rule

12.13.1.1 Council restricts the exercise of its discretion to the following matters for a restricted discretionary activity resource consent for an activity listed as Permitted or Controlled in Activity Table 12.10.2 that does not comply with the development and performance standards of 12.11.1.1 Height and may impose conditions in respect of each:

(a) Scale, siting, design and external appearance of development

(b) Landscaping

12.13.1.2 When assessing an application for a resource consent for the above activity 12.13.1 Council shall have regard to the following assessment criteria and any relevant matters set out in Section 104 of the Act:

- (i) Whether the scale of the development is in keeping with the rural character of the area;
- (ii) Whether any potential adverse effects of the amenity values can be avoided, remedied or mitigated.

Rule

12.13.2 Activities listed as Permitted or Controlled in Activity Table 12.10.2 that do not comply with the development and performance standards of 12.11.1.2 Yards

Rule

12.13.2.1 Council restricts the exercise of its discretion to the following matters for a restricted discretionary activity resource consent for an activity listed as Permitted or Controlled in Activity Table 12.10.2 that does not comply with the development and performance standards of 12.11.1.2 Yards and may impose conditions in respect of each:

- (a) Site layout
- (b) Design and external appearance of buildings
- (c) Impact on the coastal environment

12.13.2.2 When assessing an application for a resource consent for the above activity 12.13.2 the Council shall have regard to the following assessment criteria and any relevant matters set out in Section 104 of the Act:

- (i) Whether the site layout and design and external appearance of development avoids adverse effects on landscape and amenity values.
- (ii) Whether the development will cause any adverse effects on the natural coastal environment, including adverse effects on ecological, cultural, spiritual, public access, recreational and visual values of the natural coastal environment.
- (iii) Whether the development has a functional need to locate in the Coastal Protection Yard by having to cross into the coastal marine area.

Rule

12.13.3 Activities listed as Permitted or Controlled in Activity Table 12.10.2 that do not comply with the development and performance standards of 12.11.1.3 Coverage

Rule

12.13.3.1 Council restricts the exercise of its discretion to the following matters for a restricted discretionary activity resource consent for an activity listed as Permitted or Controlled in Activity Table 12.10.2 that does not comply with the development and performance standards of 12.11.1.3 Coverage and may impose conditions in respect of each:

- (a) Scale and intensity of development
- (b) Landscaping
- (c) On-site waste-water disposal

12.13.3.2 When assessing an application for a resource consent for the above activity 12.13.3 the Council shall have regard to the following assessment criteria and any relevant matters set out in Section 104 of the Act:

- (i) Whether the scale and intensity of development on the site will avoid any potential detracting from the rural character of the area;
- (ii) Whether the site layout and design and external appearance of development avoids adverse effects on landscape and amenity values;
- (iii) Whether sufficient area is available for on-site waste-water disposal.

Rule

12.13.4 Matters for Discretion and Assessment Criteria — Particular Restricted Discretionary Activities

Rule

12.13.4.1 Produce Stalls

12.13.4.1.1 Council restricts the exercise of its discretion to the following matters when considering an application for the above activity 12.13.4.1 and may impose conditions in respect of each:

- (a) scale and location of buildings;
- (b) traffic generation, access and parking.

12.13.4.1.2 When assessing an application for a resource consent for the above activity 12.13.4.1 Council shall have regard to the following assessment criteria and any relevant matters set out in Section 104 of the Act:

- (i) Whether the scale and location of the building is in keeping with the rural character of the area;
- (ii) The extent to which traffic flows will be created and whether there would be detrimental effects on the roading network and road safety, and whether the activity complies with Section 8.25 in Chapter 8, Transportation.

Explanation and Reasons

Produce stalls can be sizeable operations which take on a retailing character. Their location can also result in visual impact and significant traffic generation. Therefore they need to be assessed in terms of traffic safety including safe access and egress and whether sufficient off-road parking is available.

Rule

12.13.4.2 Household Units, Temporary and Minor Household Units, Single Household Units, Accessory Buildings, Farmstay Accommodation, Greenhouses and Produce Stalls in the Rural 4 Zone

Rule

12.13.4.2.1 Council restricts the exercise of its discretion to the following matters when considering an application for the above activity 12.13.4.2 and may impose conditions in respect of each:

- (a) site stability
- (b) waste-water disposal
- (c) earthworks

- (d) silt/sediment control
- (e) protection, replanting and maintenance of vegetation
- (f) rural character and amenity
- (g) stormwater management
- (h) location of building platforms
- (i) vehicle access
- (j) timing and sequencing of development
- (k) aircraft noise

12.13.4.2.2 When assessing an application for a resource consent for the above activity 12.13.4.2 Council shall take into account whether and if so, the extent to which, the proposal meets the following assessment criteria and any relevant matters set out in Section 104 of the Act:

- (i) The site has a stable building platform which will not affect the stability of the site or adjacent sites.
- (ii) The site has sufficient area available to accommodate an adequate sewerage and waste water disposal system together with a stormwater drainage system which will not create an erosion or instability problem or water pollution.
- (iii) The earthworks necessary for the creation of building platforms and access will not cause disturbance to the landform and character of the site.
- (iv) Silt/sediment control measures will be effective in minimising the amount of sediment leaving the site and potentially entering watercourses.
- (v) Any vegetation to be removed shall avoid the loss of any habitats, biodiversity and ecological linkages.
- (vi) A planting and revegetation plan has been provided for the establishment, maintenance and monitoring of any proposed planting and revegetation. In assessing the planting and/or revegetation plan, regard shall be had to the following matters:
 - Plants should (where possible) be locally sourced from within the ecological district.
 - Plants should be appropriate to the locality having regard to matters such as slope, soil type, exposure to winds, degree of shading and wetness of the site.
 - Site preparation should be adequate in terms of removal of weeds, removal of pests and stock control.
 - The timing of planting (by season) to increase survival rates.
 - The size of planting being appropriate to locality in order to increase survival rates.
 - The proposed after care and on-going maintenance of planting (including watering in dry periods, pest and weed control and stock proof fencing).
 - Monitoring in terms of survival rates, growth of plants.

- The planting and revegetation should protect and enhance ecological values and natural landscape patterns and values.
- (vii) The development maintains or enhances the rural character and landscape qualities of the Mangemangeroa catchment.
- (viii) Any increase in impervious surfaces shall not result in:
- siltation, sedimentation or a reduction in water quality in natural watercourses or the coastal marine environment.
 - any increase in stream channel erosion potential and the adequacy of mitigation methods to effectively avoid, remedy or mitigate such siltation.
- (ix) The following design principles relating to stormwater management have been incorporated into the development:
- Buildings and structures are generally clustered at one location on the site leaving the land outside the area allocated for buildings and structures undisturbed.
Note: it may not be practicable to cluster farm buildings and structures with residential dwellings.
 - Runoff from roofs is collected for domestic use.
 - The natural drainage patterns volumes and time of concentration of overland flows from the areas during rainfall events existing prior to the development is retained.
 - Direct piping of stormwater discharges to natural watercourses are avoided.
 - Modifications to natural watercourses are avoided.
 - Appropriate methods of stormwater management have been undertaken before stormwater is dispersed into natural watercourses.
- (x) The location of the building platforms avoids, remedies and mitigates any adverse visual effects of the development on landscape quality and rural character.
- (xi) The location and design of the vehicle access shall not have an adverse effect on the protection of existing native vegetation and revegetated areas and on rural character and landscape quality.
- (xii) The timing and sequencing of development shall not have an adverse effect on the replanting programme, amount of earthworks required, amount of sediment leaving the site.
- (xiii) Refer to relevant performance standards and assessment criteria in Rule 5.21.

Explanation and Reasons

The Rural 4 zone has a number of significant values and unique characteristics. The combination of all of these factors in particular, the high natural values of Mangemangeroa catchment and the wider Mangemangeroa/Turanga/Waikopua estuary system into which the catchment drains requires the Council to give particular regard to the potential adverse cumulative effects of more intensive level of development.

Rule**12.13.4.3 Farmstay Accommodation in the Rural 3 Zone****Rule**

12.13.4.3.1 Council restricts the exercise of its discretion to the following matter and may impose conditions in respect of it:

- (a) waste-water disposal

12.13.4.3.2 When assessing an application for a resource consent for the above activity 12.13.4.3 Council shall have regard to the following assessment criteria and any relevant matters set out in Section 104 of the Act:

- (i) whether the site has sufficient area available to accommodate an adequate sewage disposal system which will not create a water pollution problem.

Rule**12.13.4.4 Household Units, Temporary Household Units, Minor Household Units and Accessory Buildings in the “Sensitive Ridge and Coastal Margin” Areas as delineated on the Planning Maps****Rule**

12.13.4.4.1 Council restricts the exercise of its discretion to the following matters when considering an application for the above activity 12.13.4.4 and may impose conditions in respect of each:

- (a) the siting, design and external appearance of buildings in terms of their visual impact on:

- ridgelines
- the coastal environment
- the rural character
- landscape and amenity values
- retention of vegetation and new planting
- screening of buildings
- land modifications
- car parking and access

12.13.4.4.2 When assessing an application for resource consent for the above activities in 12.13.4.4 the Council shall have regard to the following assessment criteria and relevant matters set out in Section 104 of the Act:

- (i) Whether the application relates to a site listed in Schedules 6D, 6E or 6F in Chapter 6, Heritage and if so the rules of that chapter shall also apply.
- (ii) Whether the siting, design and external appearance of buildings, dominates the skyline or coastal margin when viewed from any formed public road, accessway or public open space.
- (iii) Where the application involves a building on or near a ridgeline the Council will consider whether:

- the highest point of any building is below that of the natural landform at the watershed of the ridgeline immediately adjacent to it; or
 - the highest point of any building is below that of any existing vegetation, or proposed planting, which provides a vegetative screen between the site of the proposed building and the watershed of the ridge immediately adjacent to that site.
- (iv) Whether existing bush and vegetation will be retained where practicable, and sufficient landscape planting is provided for screening and as a backdrop where necessary, to ensure that buildings blend with the natural character of the landscape.
- (v) Whether any earthworks necessary for the creation of a building platform and access will cause minimal disturbance to the landform and character of the site, and whether any such areas will be appropriately landscaped as soon as practicable having regard to the season.
- (vi) Whether the driveways, private ways and turning areas will be constructed in such a manner as to require minimal land disturbance to existing landform or vegetation and the character of the landscape.

Explanation and Reasons

The poor siting and design of buildings can have a serious impact on rural character and landscape quality, particularly on elements which have a higher vulnerability and sensitivity to change, namely particular ridgelines and coastal margins. It is therefore important that buildings are sited so that they do not intrude into or dominate the skyline or coastal margin. Keeping buildings below the ridgeline or back from the coastline or ensuring background planting will mitigate the adverse effects.

[AM20]

Rule

12.13.4.5 Housing Units, Countryside Housing Units and Farmstay Accommodation within a Mineral Extraction Buffer Area

Rule

12.13.4.5.1 Council restricts the exercise of its discretion to the following matter and may impose conditions in respect of it:

- (a) The adequacy of means to avoid adverse effects on mineral extraction activity.

12.13.4.5.2 When assessing an application for a resource consent for the above activity 12.13.4.5 Council shall have regard to the following assessment criteria and any relevant matters set out in Section 104 of the Act:

Whether a proposal which will result in the establishment of either short term or permanent accommodation will result in adverse effects on the mineral extraction activity (e.g. pressure to change operational characteristics of a site due to complaints over noise, vibration or dust), in particular within the Mineral Extraction Buffer Area shown on the Planning Maps (including Appendix 9 of the Planning Maps) applying to a Quarry Zone or a lawfully established mineral extraction site having particular regard to the following mitigating factors:

- (a) Geographical, climatic, and development conditions
- (i) Whether the potential for sensitive uses to locate close to a quarry operation is low.

- (b) Noise
 - (i) Whether the quarry operates within acceptable hours.
 - (ii) Whether there is no blasting.
 - (iii) Whether there is limited machinery operation.
 - (iv) Whether low levels of distribution truck traffic are confined to industrial or main roads.
 - (v) Whether topography does not require use of low gears and heavy braking by truck traffic.
 - (vi) Whether there is a sound barrier (e.g., mounding) established between noise source and sensitive uses.
 - (vii) Whether noise sources are able to be orientated away from sensitive uses.
- (c) Dust
 - (i) Whether there is minimal dust distribution by climatic conditions.
 - (ii) Whether material is less susceptible to wind erosion (e.g., rubble).
 - (iii) Whether stockpiles are stabilised and not exposed to wind erosion.
 - (iv) Whether low levels of equipment movement on stabilised pavements are less sensitive to wind erosion.
 - (v) Whether transport of material has loads covered and wash down facilities provided.
- (d) Vibration (Blasting)
 - (i) Whether there is limited impact due to geological conditions.
- (e) Safety
 - (i) Whether geographical conditions provide a natural barrier to public access or fencing prevents access.
- (f) Visual Impact
 - (i) Whether screening and rehabilitation effectively minimises visual impacts.
- (g) Stormwater
 - (i) Whether detention, filtration, and settling facilities are provided to improve water quality and minimise flooding potential during peak flows.
- (h) Mitigation
 - (i) Whether any proposed mitigation will satisfactorily avoid any more than minor adverse effects on the proposed short term or permanent accommodation.

This may include the acceptance of a caveat or covenant on the certificate of title that the proposed accommodation is located in proximity to an activity which may generate adverse effects and that such effects are accepted.

Advice Note:

For the guidance of the Council when assessing an application for resource consent the Council will request the quarry owner or operator to provide an assessment of the level of effects of quarrying activities received or likely to be received at the proposed site for which the resource consent is sought. This assessment will be provided at the cost of the quarry owner or operator.

[AM36]

12.14 ASSESSMENT CRITERIA: DISCRETIONARY ACTIVITIES AND ADDITIONAL DEVELOPMENT AND PERFORMANCE STANDARDS FOR PARTICULAR DISCRETIONARY ACTIVITIES

12.14.1 General Assessment Criteria

For all discretionary activity resource consent applications in the rural zones Council will have regard to the following assessment criteria and relevant matters set out in s.104 of the Act and will consider Rule 5.21 where it is applicable:

- (a) Effects on People and Communities
 - (i) Whether the proposal will detract from the rural character and amenity values of the area;
 - (ii) Whether the proposal has the potential to adversely affect the mana and amenity values of marae and papakainga housing in the vicinity;
 - (iii) Whether regard has been given by the applicant to the cultural, historical and spiritual significance of the area to tangata whenua;
 - (iv) Whether the proposal has the potential to adversely affect sites and features of cultural, historical and spiritual significance;
 - (v) Whether the proposed activity is likely to have any effects on the physical and natural environment or community such that some form of financial contribution for public services is necessary and should be imposed as a condition of consent.
 - (vi) Whether the activity is an intensive traffic generator and whether a large number of people would normally be attracted to the site to the extent that detracts from the amenity values of the area. Refer also Assessment Criteria 8.25 parking and access, Chapter 8, Transportation.
- (b) Landscape and Visual Effects
 - (i) Whether the proposal will adversely affect the rural and open space character of the surrounding area;
 - (ii) Whether the proposal modifies landscapes which are sensitive to modification;

- (iii) Whether the proposal will detract from high quality landscapes;
 - (iv) Whether the proposal will have adverse effects on the visual character of the area;
 - (v) Whether the proposal has the potential to detract from significant landforms in the area;
 - (vii) Whether the proposed building or activity is sympathetic to and compatible with the surrounding landscape qualities and characteristics and sensitivity to modification.
- (c) Effects on Ecosystems
 - (i) Whether the proposal will result in the damage or removal of significant areas of native vegetation;
 - (ii) Whether the proposal will result in the damage or destruction of any habitats in the vicinity;
 - (iii) Whether the proposal will have an adverse effect on the natural coastal environment and on public access to the coast;
 - (iv) Whether measures have been taken to ensure that potential adverse effects on the ecosystems will be avoided, remedied or mitigated.
- (d) Effects on Natural and Physical Resources with Aesthetic, Recreational, Scientific, Historical, Spiritual or Cultural Value
 - (i) Whether the proposal will have an adverse effect on any recreational and natural values of the area and public open spaces;
- (e) Discharge of Contaminants to the Environment
 - (i) Whether the proposal will generate unreasonable levels of noise, which may be noise levels which exceed the limits stated in rule 12.11.1.5
 - (ii) Whether the proposal will generate dust, smoke, fumes or other discharges to air which potentially would detract from the amenity values of the area.
- (f) Risk of Hazards
 - (i) Whether the proposal will expose people to high levels of risk from existing hazardous facilities;
 - (ii) Where a development proposal is likely to lie over a gas or fuel pipeline the likely effect of the proposed development on the safety and security of the pipelines.
- (g) Consideration of Alternative Locations
 - (i) Whether possible alternative locations (including possible locations in urban areas) have been considered for activities which give rise to significant adverse effects on the environment.
- (h) Effects on Mineral Extraction Activities

Whether a proposal which will result in the establishment of either short term or permanent accommodation will result in adverse effects on the mineral extraction

activity (e.g. pressure to change operational characteristics of a site due to complaints over noise, vibration or dust), in particular within the Mineral Extraction Buffer Area shown on the Planning Maps (including Appendix 9 of the Planning Maps) applying to a Quarry Zone or a lawfully established mineral extraction site having particular regard to the following mitigating factors:

- (a) Geographical, climatic, and development conditions
 - (i) Whether the potential for sensitive uses to locate close to a quarry operation is low.
- (b) Noise
 - (i) Whether the quarry operates within acceptable hours.
 - (ii) Whether there is no blasting.
 - (iii) Whether there is limited machinery operation.
 - (iv) Whether low levels of distribution truck traffic are confined to industrial or main roads.
 - (v) Whether topography does not require use of low gears and heavy braking by truck traffic.
 - (vi) Whether there is a sound barrier (e.g., mounding) established between noise source and sensitive uses.
 - (vii) Whether noise sources are able to be orientated away from sensitive uses.
- (c) Dust
 - (i) Whether there is minimal dust distribution by climatic conditions.
 - (ii) Whether material is less susceptible to wind erosion (e.g., rubble).
 - (iii) Whether stockpiles are stabilised and not exposed to wind erosion.
 - (iv) Whether low levels of equipment movement on stabilised pavements are less sensitive to wind erosion.
 - (v) Whether transport of material has loads covered and wash down facilities provided.
- (d) Vibration (Blasting)
 - (i) Whether there is limited impact due to geological conditions.
- (e) Safety
 - (i) Whether geographical conditions provide a natural barrier to public access or fencing prevents access.
- (f) Visual Impact
 - (i) Whether screening and rehabilitation effectively minimises visual impacts.

- (g) Stormwater
 - (i) Whether detention, filtration, and settling facilities are provided to improve water quality and minimise flooding potential during peak flows.
- (h) Mitigation
 - (i) Whether any proposed mitigation will satisfactorily avoid any more than minor adverse effects on the proposed short term or permanent accommodation.

This may include the acceptance of a caveat or covenant on the certificate of title that the proposed accommodation is located in proximity to an activity which may generate adverse effects and that such effects are accepted.

Advice Note:

For the guidance of the Council when assessing an application for resource consent the Council will request the quarry owner or operator to provide an assessment of the level of effects of quarrying activities received or likely to be received at the proposed site for which the resource consent is sought. This assessment will be provided at the cost of the quarry owner or operator.

[AM36]

12.14.2 Additional Development and Performance Standards and Assessment Criteria For particular Discretionary Activities

In addition to the General Assessment Criteria in 12.14.1 the Council will have regard to the following performance standards and assessment criteria and relevant matters set out in Section 104 of the Act for the specified discretionary activities.

12.14.2.1 Processing Farm and Forest Products

Assessment Criteria

- (i) Whether the products for processing are sourced in the City and its immediate environs, including from marine farms on coastal waters adjoining the City.
- (ii) Whether the activity requires proximity to its source of raw materials.
- (iii) Whether the activity could be reasonably located in an area zoned for business activities.

12.14.2.2 Marina Complexes

Assessment Criteria

- (i) The extent to which demand for the proposed marina has been demonstrated. Staging may be considered to ensure berth provision follows demand.

- (ii) The extent to which public access to the foreshore and public recreational facilities (e.g. boat launching ramps, walkways, picnic areas) are provided for and maintained in compensation for the loss of public open space to marina berths and associated facilities.
- (iii) The extent to which any associated activities are in scale with the size of the marina.
- (iv) The extent to which services are provided for water supply and the treatment and disposal of rubbish, sewage, waste oil, hull scrapings (including anti-fouling paints) and other waste products common to marina construction and operations.
- (v) The suitability of the site in terms of land availability to minimise the need for reclamation and provide opportunity for the land disposal of dredged materials.
- (vi) The extent to which the site can accommodate possible sea level rise.
- (vii) Whether the development of the site will result in sedimentation or erosion.
- (viii) Whether the proposed marina site is adjacent to or in an area identified as a Site of Significant Wildlife Interest in the Conservation Management Strategy (DOC) or a Coastal Protection Area in the Regional Plan: Coastal, and whether the proposal will have an adverse effect on the values and functioning of these areas.
- (ix) The Council will also consider the objectives and policies for the coastal environment in Chapter 11, Coastal Environment and Surface of Rivers.

12.14.2.3 Travellers' Accommodation

Rule

12.14.2.3.1 Development Standards

- (i) Travellers' accommodation shall not establish on a lot of less than 20 ha in area.

Explanation and Reasons

This rule is to ensure that an adequate area of land is available on which the development can insulate itself from nearby rural properties.

12.14.2.3.2 Assessment Criteria

- (i) Whether the site contains an adequate area of land which will enable the effects of the proposed activity to be substantially contained on the site.
- (ii) Whether the balance area of land not used for the proposed development will be managed so as to retain the rural character and amenity values of the area.
- (iii) Whether the proposal facilitates the enjoyment of natural resources such as open space or coastal and rural views and for which the site and the proposed development has some particular locational advantage.
- (iv) Whether the development is consistent with Council's urban containment objectives and policies and should not be located in an urban area.
- (v) Whether the development will be attractively landscaped, including screening from the road.

- (vi) Whether the design and external appearance of the development maintains and enhances the rural amenity values of the area.
- (vii) Whether the development will be consistent with the Objectives and Policies of Chapter 11, Coastal Environment and Surface of Rivers.

12.14.2.4 Cleanfill Activities

Rule

12.14.2.4.1 Development Standards

- (i) A management plan shall be prepared for discretionary cleanfill activities.
- (ii) The management plan shall include:
 - (a) A plan of the property showing the area to be filled.
 - (b) The approximate quantity of material to be deposited, the type of material, the timing and progress of the operation, its operating times and the cleanfill's completion date.
 - (c) An investigation into the stability of the underlying land and its ability to remain stable under increased loadings in all conditions.
 - (d) Proposals to ensure the prevention of mass movement of the filled material itself. This will include details on benching, method of compaction, etc.
 - (e) A final landscape plan showing proposals for rehabilitation of the surface of the fill to prevent surface erosion such as sheet, rill and gully erosion. This will include details on topsoiling and grassing, planting etc.
 - (f) Details of traffic generation, size of trucks, vehicle trips per day, position of access points, likely routes to be taken to the cleanfill and possible effects on public roads, location of adjacent dwellings.
 - (g) Proposals to deal with noise, dust, smoke and other detractions from the amenities of the area.
 - (h) Proposals to ensure security of the site to prevent public dumping.
 - (i) Drainage proposals. How gullies would be drained in order to prevent excessive saturation of the fill.
 - (j) Proposals for control of silt which discharge from bare earth areas during operations. Such proposals may include installation of a silt pond, in which case specification of the pond's dimensions would need to be provided.
 - (k) Comment on the quality of material to be deposited. If leachate was discharged from the fill, how it would be contained, treated and discharged.
 - (l) Signage

NOTE:

- (1) For the formulation of a management plan the Council may request input from a Registered engineer experienced in the geotechnical field.

- (2) The extension to existing cleanfills shall be controlled by the provisions of this Rule.

Explanation and Reasons

Cleanfill activities have the potential to have significant adverse effects on the environment such as traffic generation, noise, dust and a visual impact. Council has reserved control over the above matters to ensure that the adverse effects are addressed and appropriate conditions placed on the resource consent to protect the amenity values and rural character of the area.

12.14.2.4.2 Assessment Criteria

- (i) Council will have regard to the matters required to be addressed in the management plan in considering whether or not to grant consent.
- (ii) Council will also consider the assessment criteria for controlled cleanfills in 12.12.1.

12.14.2.5 Papakainga Housing

In assessing Papakainga housing as a discretionary activity Council will use as a guide the matters for control and assessment criteria for controlled activity Papakainga housing in 12.12.2.

12.14.2.6 Rule deleted entirely, by Plan Change 30 [AM158]

12.14.2.7 The Alteration or Clearance of Native Bush which is not a Permitted Activity

Rule

12.14.2.7.1 Development Standards

- (i) No native bush shall be cleared from any site on which the native bush is protected by a covenant under Section 22 of the Queen Elizabeth the Second National Trust Act 1977 or by a conservation covenant under Section 77 of the Reserves Act 1977 or is part of a bush lot created and protected under Rule 12.15.1.3.1 or is protected under Rule 12.15.2.1 or Rule 12.15.4.1.
- (ii) An application to clear native bush shall include a native bush management plan which shall contain the following details:
 - (a) The extent, nature, ecological and landscape significance of all the native bush on the site;
 - (b) The nature and extent of any proposed alteration to the native bush;
 - (c) The reasons for any native bush being sought to be altered;
 - (d) The nature and extent of any development of the site likely to affect the area of native bush intended to remain;
 - (e) Details of noxious weed and animal control;
 - (f) A native bush management plan shall normally include details in both map and written form, and shall provide information sufficient to give a clear understanding of the plan;

Explanation and Reasons

The clearance of native bush needs to be assessed in terms of the intrinsic value of the native bush and the contribution it makes to the rural environment. The requirement to prepare a management plan will ensure that the value of the bush is assessed.

12.14.2.7.2 Assessment Criteria

In assessing an application the Council shall have regard to the following specific matters:

- (i) the significance of the native bush to the landscape of the area
- (ii) the significance of the native bush in ecological terms
- (iii) the impact on wildlife habitats and on adjacent areas of native vegetation
- (iv) the impact on natural landforms in terms of potential for subsidence and erosion
- (v) the impact on adjacent water courses, wetlands, estuaries or coastal waters
- (vi) the extent to which other areas of native bush on the site are to be protected
- (vii) whether the native bush clearance will enhance management and use of the land
- (viii) whether the area of native bush has been subject to rates relief
- (ix) the impact on amenity values

12.14.2.8 The Clearance of Native Vegetation in the Rural 3 and 4 Zones**Rule****12.14.2.8.1 Development Standards**

- (i) No native vegetation shall be cleared from any site on which the native bush is protected by a covenant under Section 22 of the Queen Elizabeth the Second National Trust Act 1977 or by a conservation covenant under Section 77 of the Reserves Act 1977.
- (ii) An application to clear native vegetation shall include a management plan which shall contain the following details:
 - (a) The extent, nature, ecological and landscape significance of all the native vegetation on the site;
 - (b) The nature and extent of any proposed alteration to the native vegetation;
 - (c) The reasons for any native vegetation being sought to be altered;
 - (d) The nature and extent of any development of the site likely to affect the area of native vegetation intended to remain;
 - (e) Details of noxious weed and animal control;
 - (f) A native bush management plan shall normally include details in both map and written form, and shall provide information sufficient to give a clear understanding of the plan;

Explanation and Reasons

The clearance of native vegetation from lots in the Rural 3 and Rural 4 zones needs to be assessed in terms of the intrinsic value of the native vegetation and the contribution it makes to the rural character, landscape qualities and amenity values of the area. The requirement to prepare a management plan will ensure that the value of the bush is assessed.

[AM20]

12.14.2.8.2 Assessment Criteria

In assessing an application the Council shall have regard to the following specific matters:

- (i) the significance of the native vegetation to the landscape of the area;
- (ii) the significance of the native vegetation in ecological terms;
- (iii) the contribution the vegetation makes to the amenity values of the area;
- (iv) the impact on wildlife habitats and on adjacent areas of native vegetation;
- (v) the impact on natural landforms in terms of potential for subsidence and erosion;
- (vi) the impact on adjacent water courses, wetlands, estuaries or coastal waters;
- (vii) the extent to which other areas of native vegetation on the site are to be protected;
- (viii) whether the native vegetation clearance will enhance management and use of the land.

Rule**12.14.2.9 Intensive Pig Farming which is not a Permitted Activity****Assessment Criteria**

- (i) The extent to which the proposal complies with the Code of Practice — Pig Farming, New Zealand Pork Industry Board, 2nd Edition, August 1993

Rule**12.14.2.10 Cemeteries, Urupa**

When assessing a discretionary resource consent application for a cemetery or urupa, Council will have regard to the following matters and may impose conditions in respect of each:

(a) Location

- Whether the siting of the urupa or cemetery avoids, remedies or mitigates any adverse environmental effects on adjoining properties zoned residential or rural or public open space.

(b) Effects on Ground Water

- Whether an urupa or cemetery would cause leachate emergence or contamination to groundwater.

12.15 SUBDIVISION RULES: DEVELOPMENT STANDARDS AND MATTERS FOR CONTROL FOR PARTICULAR CONTROLLED SUBDIVISION ACTIVITIES

12.15.1 Subdivision Rural 1 Zone

Rule

12.15.1.1 Lots Greater than 12 hectares

Rule

12.15.1.1.1 Development Standards

- (i) Lots greater than 12 hectares shall have a minimum net useable area of 12 hectares and where there are 2 or more lots, an average net useable area of 16 hectares.
- (ii) The minimum net useable area shall exclude a nominated area for a dwelling, farm building and septic tank soakage (not less than 2000m²).
- (iii) Useable area in the context of this Rule shall be land:
 - (a) not required for access strips or esplanade reserves;
 - (b) not steeper than 8°;
 - (c) comprised of a soil recognised as being suitable for horticulture;
 - (d) free from flooding or ponding after rainfall;
 - (e) capable of being drained for horticultural use so as to maintain the water table at a satisfactory level;
 - (f) where an adequate water supply is available or can be made available for horticultural purposes (evidence of an appropriate water resource consent or a water availability letter from the Auckland Regional Council may be required before subdivision consent is granted).
- (iv) Each lot shall be able to be planted with shelter belts to adequately protect the proposed crop.
- (v) No contouring or soil stripping to make land comply with the standard shall be carried out without the prior approval of Council.
- (vi) In all cases a detailed report verifying compliance with the above provisions shall accompany the application. A report on land suitability prepared by a person qualified and with experience in horticulture shall include reference to:
 - (a) slope
 - (b) soil types (areas shown as suitable for horticulture)
 - (c) drainage outlets
 - (d) description of limitation on suitable soils (wetness, clay pans, etc)
 - (e) plan of shelter belts

- (f) feasible management options to correct any limitations.
- (vii) If the proposed activity is likely to generate additional traffic flows Section 8.24 in Chapter 8, Transportation and Chapter 9, Land Modification, Development and Subdivision will need to be complied with.
- (viii) The balance or residue area remaining from the parent lot following a subdivision for lots greater than 12 hectares shall be a minimum of ten hectares.

Rule**12.15.1.1.2 Matters for Control and Assessment Criteria**

See Chapter 9, Land Modification, Development and Subdivision for Matters for Control and Assessment Criteria for the above subdivision activity 12.15.1.1.

Explanation and Reasons

While the objective is to minimise the fragmentation of rural land, for some rural activities it is desirable that smaller lots are able to be created. These rules ensure that such subdivision only occurs on land where its productive potential can be realised and protected with smaller lots.

Rule**12.15.1.2 Rural - Residential Lots****Rule****12.15.1.2.1 Development Standards**

- (i) The existing site must be 20 hectares or more in area and held in a separate Certificate of Title on 5 June 1989.
- (ii) One lot only will be approved under this Rule for each 20 hectare minimum existing lot.
- (iii) Each new Rural-Residential site created shall be of the range of 0.15 to 2.0 hectares in area excluding any access strip or esplanade reserve, provided that for any rural residential lot over 1.0 hectare the parent lot shall remain at least 20 hectares in size.
- (iv) Where a property is comprised of more than one certificate of title, lots created under this rule can be located anywhere within the boundaries of the property provided that all the titles are held together by legal agreement and a legal covenant is entered on the titles of those lots forfeiting any further subdivision under this Rule or household units under Rule 12.11.2.6 or Rule 12.10.2 allowing household units permitted on a separate Certificate of Title on 5 June 1989.
- (v) The household entitlement associated with a subdivision under this rule can be taken up as Countryside Housing under rules 12.11.2.6 or 12.11.3.1, as an alternative.
- (vi) The use of the site as a result of the subdivision shall comply with the Section 8.25 in Chapter 8, Transportation and Rules in Chapter 9, Land Modification, Development and Subdivision.

12.15.1.2.2 Matters for Control and Assessment Criteria

See Chapter 9, Land Modification, Development and Subdivision for Matters for Control and Assessment Criteria for the above subdivision activity 12.15.1.2.

- (i) Council also reserves control over the following matters and may impose conditions in respect of it:
 - (a) the boundaries and location of lots for the purpose of ensuring that soils of high quality remain in a useable title arrangement
 - (b) the boundaries and location of lots including the location of household units under clause 12.15.1.2.1(iv)
- (ii) When assessing an application for the above subdivision activity 12.15.1.2 the Council shall also have regard to the following assessment criteria:
 - (a) Whether the soil is of high quality taking into account other compelling circumstances such as the presence of an existing dwelling.
 - (b) Whether the location of lots and households under clause 12.15.1.2.1 (iv) above minimises any adverse effect on rural character, landscape quality or amenity values of the area.

Explanation and Reasons

Subdivision, and thus the households which inevitably result, for countryside living is limited in the rural area to retain rural character, landscape quality, to minimise incidents of conflicts between rural activities and countryside residents, and protect the productive potential of the soil resource.

Rule**12.15.1.3 Native Bush Lots****Rule****12.15.1.3.1 Development Standards**

- (i) The existing site must be 10 hectares or more in area and held in a separate Certificate of Title on 5 June 1989.
- (ii) One lot only shall be allowed under this rule for each existing site greater than 10 hectares and less than 40 hectares.
- (iii) Two lots shall be allowed on existing sites of 40 hectares or more provided that :
 - (a) the lots are created from two discrete parcels of native bush on the site; or
 - (b) if the 2 lots are created from a single area of native bush on the site, then the total area of bush protected by the two lots must exceed 20 hectares.
- (iv) Each native bush lot shall have a minimum size of 1 hectare excluding any access strip or esplanade reserve except as required by iii)b.
- (v) The native bush lot shall contain native bush as defined in Chapter 18. The area of native bush shall constitute at least 90 percent of the proposed native bush lot. Where possible, natural landforms including ridges and streams shall be the basis of a subdivisional pattern.

- (vi) The native bush shall be protected by a suitable stock proof fence which must be in place before the issue of the Section 224 Certificate. The area so fenced shall be kept free of livestock as a condition of the encumbrance or covenant.
- (vii) Where two lots are created from the one area of native bush on a site the native bush can be fenced around the perimeter of the native bush.
- (viii) All reticulated services, including telephone and electricity shall be placed underground with minimal disturbance to vegetation and landform. Where the Council or supply authority deem it not practicable, overhead reticulation is placed as unobtrusively as possible.
- (ix) The continued protection of the native bush within each native bush lot created shall be promoted by the owner entering into a binding covenant with and approved by the Council not to destroy or damage the native bush on the site which the Council considers should be preserved under and in accordance with a native bush management plan prepared and duly approved in accordance with rule 12.14.2.7.1 (ii). The covenant so entered into by the owner shall be registered as an encumbrance on the title to the land so as to run with the land and bind successive owners. Any such encumbrance shall be prepared by the Council and the reasonable expense thereof shall be met by the owner. As an alternative, the Council will accept encumbrances or covenants detailing the same requirements as above under the Reserves Act 1977 or the Queen Elizabeth II National Trust Act 1977.
- (x) At the time of the creation of a native bush lot the Council will also require that the owner will enter into a binding covenant along the lines outlined in clause (ix) above with either the Council or under the provisions of the Reserves Act 1977 or the Queen Elizabeth II National Trust Act 1977 for the remaining areas of native bush in excess of 3000m² on the parent lot.

NOTE: An agreement regarding the encumbrance must be entered into before the issue of the Section 224 Certificate.

12.15.1.3.2 Matters for Control and Assessment Criteria

See Chapter 9, Land Modification, Development and Subdivision for Matters for Control and Assessment Criteria for the above subdivision activity 12.15.1.3.

- (i) Council also reserves control over the following matter and may impose conditions in respect of it:
 - (a) siting of building platform in relation to the area of native bush.

When assessing an application for the above subdivision activity 12.15.1.3 the Council shall also have regard to the following assessment criteria:

- (a) Whether a building platform can be established which will not detrimentally affect the native bush;
- (b) Whether sufficient area is available to accommodate an adequate sewage and waste water disposal system together with surface water drainage without detrimentally affecting the native bush;
- (c) Whether suitable vehicular access can be provided without detrimentally affecting the native bush or the character of the landscape;

- (d) Whether, subject to the protection of the bush, the proposed building platform and access will be unobtrusive and located as close to existing roads as possible and be located in such a position and of a scale and form that they will not detract from the amenities of the bush or threaten its protection. The use of common accessways to serve more than one lot will be promoted;

Explanation and Reasons

The protection of areas of native bush can be achieved by requiring the fencing and covenanting of areas of native bush associated with allowing the creation of an allotment. The controls on the size of site from which such lots can be created, and the number of lots which can be created, will minimise the cumulative effects of the activity on the environment.

12.15.1.4 Controlled Subdivision Activity for Land Use Activities that have Obtained Resource Consent

Rule

12.15.1.4.1 Development Standard

A lot shall only be approved for one of the following activities where a resource consent for the activity has been obtained;

- (i) Outdoor recreation
- (ii) Churches and church halls
- (iii) Tearooms
- (iv) Marae
- (v) Cemeteries
- (vi) Network Utilities see Chapter 7, Utility Services, Rule 7.8

12.15.1.4.2 Matters for Control and Assessment Criteria

See Chapter 9, Land Modification, Development and Subdivision for Matters for Control and Assessment Criteria for the above subdivision activity 12.15.1.4.

- (i) Council also reserves control over the following matters and may impose conditions in respect of them:
 - (a) boundary location;
 - (b) lot size and shape;
 - (c) whether the land use consent has been put into effect. Where the land use consent has not been put into effect the Council may grant the consent subject to the proviso that the subdivision consent shall not commence (under Section 116 of the Resource Management Act 1991) until the land use consent has been put into effect.

When assessing an application for the above subdivision activity 12.15.1.4 the Council shall also have regard to the following assessment criteria:

- (a) Whether the area, dimensions and shape of each proposed allotment are such that:
 - (i) the site is adequate to contain the activity and accessory buildings and structures;
 - (ii) the frontage and access to the site are adequate for legal and practicable access for the proposed activity;
 - (iii) they relate to existing fencelines, topography, or other landscape features.

12.15.1.5 Rule deleted entirely, by Plan Change 30 [AM158]

Rule

12.15.2 Subdivision Rural 2 Zone

Rule

12.15.2.1 Development Standards to be met for Particular Controlled Subdivision Activity

- (i) Subdivision creating lots within the Rural 2 zone for small holding purposes will only be permitted on land held in a separate Certificate of Title on 5 June 1989.
- (ii) The minimum lot size is 1.8 hectares.
- (iii) Subdivisions shall comply with the following table and clauses (iv) to (x)

EXISTING LOT SIZE (HA)	MAXIMUM NUMBER OF LOTS IN SUBDIVISION (INCLUDING ANY RESIDUE LOT)
4 and less than 6	2
6-10	3

- (iv) Where any application for subdivision under this Rule will result in more than three lots, the average lot size shall be not less than four hectares.
- (v) No lot less than four hectares in area may be subdivided under the provisions of this Rule.
- (vi) For the purpose of this Rule “existing lot” means all the land held in a separate certificate of title on 5 June 1989. Subdivisions are permitted to be made in stages by reference back to the existing lot. No clause in this Rule can result, however, in the use of multiple subdivision consent applications to negate the provision for an average lot size or the maximum number of lots that would be permitted by the subdivision of existing lots.
- (vii) Where an application for a subdivision consent incorporates two or more adjoining existing lots, the total area of land the subject of that application may be treated as one lot for the sole purpose of subdivisional configuration and design *provided that* the number and size of the lots in the application equal the total number and size of lots required for each of the existing lots comprising the subdivision application in accordance with clauses (ii), (iii), (iv), and (v) of this Rule.

- (viii) Where any application for subdivision consent includes land which contains native bush in excess of 3000m² in area such bush must be protected by a suitable stock proof fence which must be in place before the issue of the Section 224 Certificate.
- (ix) The continued protection of the native bush within each smallholding lot created shall be promoted by the owner entering into a binding covenant with and approved by the Council not to destroy or damage without the Council's written consent the native bush on the site which the Council considers should be preserved under and in accordance with a native bush management plan prepared and duly approved under Rule 12.14.2.7.1. The covenant so entered into by the owner shall be registered as an encumbrance on the title to the land so as to run with the land and bind successive owners. Any such encumbrance shall be prepared by the Council and the reasonable expense thereof shall be met by the owner.

NOTE: An agreement regarding the encumbrance must be entered into before the issue of the Section 224 Certificate.

- (x) The development of the new lots and the provision for access and building platforms shall not require the clearing of any native bush which is part of an area of native bush in excess of 3000m² in area.

12.15.2.2 Matters for Control and Assessment Criteria

See Chapter 9, Land Modification, Development and Subdivision for Matters for Control and Assessment Criteria for the above subdivision activity 12.15.2.1.

- (i) Council also reserves control over the following matter and may impose conditions in respect of it:
 - (a) bridle access

When assessing an application for the above subdivision activity 12.15.2.1 the Council shall also have regard to the following assessment criteria:

- (a) Whether provision is made for bridle paths or some alternative means of access for horses where such provision is practical and desirable.

Explanation and Reasons

Subdivision within the zone is based on an appropriate area for part-time farming activity. Such a basis still allows the development of permitted full-time farming activities within the zone such as intensive indoor and outdoor cropping activities. The average lot size is designed to promote a degree of lot size variation within the zone to assist in maintaining rural character and landscape qualities of the areas. Areas of native bush are required to be protected for their intrinsic values and their landscape values.

Rule 12.15.3 Subdivision Rural 3 Zone

Rule 12.15.3.1 Development Standards to be met for Particular Controlled Subdivision Activity

- (i) Each lot shall have a minimum size of 5000m² exclusive of access to rear sites.
- (ii) An area of at least 250m² shall be provided on each site for a building platform to accommodate all proposed household units, accessory buildings, and parking and manoeuvring areas.

- (iii) A stable building platform shall be able to be established which will not affect the stability of the site or adjacent sites and requires minimal disturbance to the natural landscape features of the site. Particular attention will be given to site stability and the availability of stable building platforms on land zoned Rural 3 adjoining the proposed Scenic Drive between Redoubt Road and Ormiston Road;
- (iv) Sufficient area shall be available to accommodate an adequate sewage and waste water disposal system together with surface water drainage without causing erosion or an instability problem or water pollution;
- (v) Suitable vehicular access can be provided with minimal disturbance to the existing landform or vegetation and the character of the landscape.
- (vi) The maximum grade of an entrance strip or private way serving a rear lot shall be 1 in 5.
- (vii) The Council will encourage the shared use of private ways to minimise the number of entrance ways and reduce disturbance to the landform.
- (viii) Front sites shall have a frontage of at least 25 metres.
- (ix) No rear site shall have a frontage less than 6m;

Provided that: two or more sites may be served by a private way of not less than 6m in width.

- (x) The roads shall follow the existing landform as closely as possible and shall not dominate the landscape. The extent of proposed earthworks and existing and proposed contours shall be shown in the subdivision consent application. All roading within the zone shall be constructed to a standard approved by the Council (See Chapter 9, Land Modification, Development and Subdivision).
- (xi) Special Provisions Relating to Hill Road Ridge

Access to all future allotments in this locality shall be provided in order to minimise the adverse effects of roading and driveways on the landscape, provided that any subdivision of allotments with access from Mill Road shall only be permitted where any such subdivision would not preclude or inhibit the construction of the proposed road. A road connection from the proposed road to Hill Road shall be provided where a practical opportunity exists at the time of subdivision.

12.15.3.2 Matters for Control and Assessment Criteria

See Chapter 9, Land Modification, Development and Subdivision for Matters for Control and Assessment Criteria for the above subdivision activity 12.15.3.

- (i) Council also reserves control over the following matters and may impose conditions in respect of them:
 - (a) frontage
 - (b) bridle access

When assessing an application for the above subdivision activity 12.15.3 the Council shall also have regard to the following assessment criteria:

- (a) Whether the frontage of the site is wide enough to accommodate a household without it dominating the frontage taking into account the physical characteristics of the site, the location of the building platform relative to the front boundary and the extent of proposed buildings on the site.
- (b) Whether provision is made for bridle paths or some alternative means of access for horses where such provision is practical and desirable.

Explanation and Reasons

The minimum lot size is specified to preserve the amenities and semi-rural character of the area.

Rule

12.15.4 Subdivision Rural 4 Zone

Rule

12.15.4.1 Development Standards for Particular Restricted Discretionary Subdivision Activity

- (i) Subdivision creating lots within the Rural 4 zone will only be permitted on land held in a separate Certificate of Title on 1 August 1995.
- (ii) The minimum area for new lots shall be net of any access strips and esplanade reserves.
- (iii) The minimum lot size is 1 hectare.
- (iv) Each existing site greater than 3 hectares and less than 6 hectares shall be able to create 2 lots. For existing sites 6 hectares and greater the average lot size for new lots shall be not less than 2 hectares.
- (v) For the purpose of this Rule “existing lot” means all the land held in a separate certificate of title on 1 August 1995. Subdivisions are permitted to be made in stages by reference back to the existing lot. No clause in this Rule can result, however, in the use of multiple subdivision consent applications to negate the provision for an average lot size or the maximum number of lots that would be permitted by the subdivision of existing lots.
- (vi) Where an application for a subdivision consent incorporates two or more adjoining existing lots, the total area of land the subject of that application may be treated as one lot for the sole purpose of subdivisional configuration and design *provided that* the number and size of the lots in the application equal the total number and size of lots required for each of the existing lots comprising the subdivision application in accordance with clauses (iii) and (iv) of this Rule.
- (vii) Where any application for subdivision consent under this Rule includes land which contains native bush in excess of 3000m² in area then the provisions of Rule 12.15.2.1 (viii), (ix), (x), shall apply.
- (viii) A minimum 20 metre strip shall be fenced off from each bank of all perennial streams and shall constitute the Riparian Management Area. The fence shall be stock proof and no grazing of this area is permitted. A perennial stream is any natural water body which is generally indicated on Figure 12.3 and /or has continuous flow or exists as stable pools during late summer, or has any of the following aquatic fauna, native fish, crayfish, aquatic snails or shrimp, mayflies, stoneflies or caddisflies). This margin shall also include any wetland areas in the catchment.

- (ix) A minimum of 10 metres from the perennial stream (as generally indicated on Figure 12.3) shall be planted in native vegetation.
- (x) Planting and revegetation shall be undertaken on all slopes steeper than 15 degrees (as generally identified on Figure 12.3).
- (xi) Where the planting and revegetation required in clauses (viii) to (x) will be undertaken on more than three lots, a management structure or ongoing arrangement shall be established to ensure the ongoing integrated management and maintenance of this planting and revegetation.
- (xii) Consent Notices shall be registered against the titles of the lots to be created through subdivision requiring any existing native vegetation and areas of revegetation (including riparian planting in Rule 12.15.4.1(ix) and planting on slopes >15° in Rule 12.15.4.1 (x)) to be protected and remain undisturbed and shall require an ongoing programme of weed and pest control to be established.
- (xiii) A Consent Notice shall be registered on the certificates of titles of all allotments larger than 2 hectares stating that no further subdivision shall be undertaken that would result in the total permitted density (refer Rule 12.15.4.1(iv)) being exceeded with respect to the parent allotment.
- (xiv) The total amount of earthworks within each proposed allotment excluding roads shall not exceed 2500 m².
- (xv) The building platform shall be identified on the plan of subdivision.

Explanation and Reasons

Subdivision and land development can have an adverse effect on water quality and aquatic habitats of rivers, streams and their coastal receiving environments. The planting and revegetation of stream corridors and slopes >15° (as generally indicated in Figure 12.3) are required to manage stormwater and sediment runoff, maintain slope stability, enhance ecological, landscape and rural character of the area.

[AM20]

12.15.4.2 Matters for Discretion and Assessment Criteria

See Chapter 9, Land Modification, Development and Subdivision for Matters for Control and Assessment Criteria for the above subdivision activity 12.15.4.

- (i) Council also reserves control over the following matters and may impose conditions in respect of them:
 - (a) bridle access
 - (b) earthworks & site stability
 - (c) silt/sediment control
 - (d) wastewater disposal
 - (e) protection, replanting and maintenance of vegetation, including riparian margins
 - (f) planting establishment periods prior to construction

- (g) rural character and amenity
- (h) location of building platforms
- (i) stormwater management
- (j) vehicle access
- (k) timing and sequencing of development

When assessing an application for the above subdivision activity 12.15.4 the Council shall also take into account whether and if so, the extent to which, the proposal meets the following assessment criteria:

- (a) Provision is made for bridle paths or some alternative means of access for horses where such provision is practical and desirable.
- (b) Provision is made for minimum earthwork strategies.
- (c) The site has a stable building platform which will not affect the stability of the site or adjacent sites.
- (d) Any earthworks necessary for the creation of building platforms and access will cause minimal disturbance to the landform and character of the site.
- (e) Silt/sediment control measures proposed will be effective in minimising the amount of sediment leaving the site and potentially entering watercourses.
- (f) There is sufficient area available to accommodate an adequate sewerage and waste water disposal system together with a stormwater drainage system which will not create an erosion or instability problem or water pollution.
- (g) Any vegetation to be removed avoids the loss of any habitats, biodiversity and ecological linkages.
- (h) A planting and revegetation plan has been provided for the establishment, maintenance and monitoring of any proposed planting and revegetation. In assessing the planting and revegetation plan regard shall be had to the following matters:
 - Plants should (where possible) be locally sourced from within the ecological district.
 - Plants should be appropriate to the locality having regard to matters such as slope, soil type, exposure to winds, degree of shading and wetness of the site.
 - Site preparation should be adequate in terms of removal of weeds, removal of pests and stock control.
 - The timing of planting (by season) to increase survival rates.
 - The size of planting being appropriate to locality in order to increase survival rates.
 - The proposed after care and on-going maintenance of the planting (including watering in dry periods, pest and weed control, stock proof fencing).
 - Where the planting and re-vegetation will be undertaken, whether the management structure or arrangement has been developed to ensure the

- ongoing integrated management and maintenance of this planting and revegetation.
 - Monitoring in terms of survival rates, growth of plants.
 - The planting and revegetation should protect and enhance ecological values and natural landscape patterns and values.
- (i) The development maintains or enhances the rural character and landscape qualities of the Mangemangeroa catchment.
- (j) The identified building platforms are located in a manner that avoids, remedies or mitigates adverse visual effects of any development on landscape quality. Whether any planting has been proposed to remedy or mitigate adverse effects of building sites and structure on landscape quality.
- (k) An increase in impervious surfaces will not result in:
- Siltation, sedimentation or a reduction in water quality in natural watercourses or the coastal marine environment.
 - Any increase in stream channel erosion potential and the adequacy of mitigation methods to effectively avoid, remedy or mitigate such siltation.
- (l) The following design principles relating to stormwater management have been incorporated into the development:
- Buildings and structures are generally clustered at one location on the site leaving the land outside the area allocated for buildings and structures undisturbed.
Note: it may not be practicable to cluster farm buildings and structures with residential dwellings.
 - Runoff from roofs is collected for domestic use.
 - The natural drainage patterns, volumes and time of concentration of overland flows from the areas during rainfall events existing prior to the development is retained.
 - Direct piping of stormwater discharges to natural watercourses are avoided.
 - Modifications to natural watercourses are avoided.
 - Appropriate methods of stormwater detention have been undertaken before stormwater is dispersed into natural watercourses.
- (m) The location and design of the vehicle access shall not impact on the protection of existing native vegetation and revegetated areas and on rural character and landscape quality.
- (n) The timing and sequencing of land subdivision and development shall not have an adverse effect on the replanting programme, amount of earthworks required, and the amount of sediment leaving the site.
- (o) Refer to relevant performance standards and assessment criteria in Rule 5.21.

Explanation and Reasons

The Rural 4 zone has a number of significant values and unique characteristics. The combination of all of these factors in particular the high natural values of Mangemangeroa catchment and the wider Mangemangeroa / Turanga / Waikopua estuary system into which the catchment drains requires the Council to give particular regard to the potential adverse cumulative effects of subdivision activity.

The minimum lot size of 1 hectare and provision for an average lot size of 2 hectares is designed to ensure the maintenance and enhancement of the regionally significant values and the unique characteristics of the Mangemangeroa catchment and wider Mangemangeroa/ Turanga/ Waikopua estuary system. Subdivision and development below an average lot size of 2 hectares has the potential to have significant adverse effects on the regionally significant values and unique characteristics of the Mangemangeroa catchment. Due to significant potential adverse effects, which may occur, subdivision and development with an average lot size of less than 2 hectares is contrary to the objectives and policies of this Plan and therefore shall be avoided.

[AM20]

12.15.5 Additional Subdivisional Standards and Design Assessment Criteria for Rural 1, 2 and 4 Zones

12.15.5.1 Additional Subdivisional Standards

- (i) Frontage and access shall be not less than 6 metres provided that up to six sites may gain frontage over a joint access strip or reciprocal right-of-way, the aggregate width which shall not be less than 6m;
- (ii) Access shall be of maximum length 200 metres *provided that* it may be able to be extended beyond 200 metres (where the Council is satisfied that stability, topography and amenity aspects are acceptable). The construction of entrance strips may be required as a condition of subdivision consent;
- (iii) Where no minimum lot size is specified no lot shall be less than 1500m² in area except for a subdivision for any purpose under the Reserves Act 1977;
- (iv) The area and dimensions of lots for tearooms, churches and church halls shall relate to existing fencelines and topography wherever possible, having regard to the proposed activity and no lot for these activities shall be greater than 5000m² in area;
- (v) Where no minimum area is stated, no lot for farming activities shall be less than 1 ha in area;
- (vi) Where native bush in excess of 3000m² in area is present on any proposed allotment, details of such native bush and its status shall be recorded on Council's Property Information Register.

Explanation and Reasons

Control is placed on frontage to ensure practicable access and to manage stormwater runoff. Access length is limited to avoid the adverse visual effects of earthworks on the landscape.

Lot size controls are to ensure that sufficient area is available for waste water disposal and to minimise the adverse effect on the productive potential of rural land.

12.15.5.2 Additional Assessment Criteria

In assessing an application for a subdivision resource consent the Council shall have regard to the following additional assessment criteria:

- (i) Whether the area, dimensions and shape of each proposed allotment are such that:
 - (a) the site is adequate to contain the activity and accessory buildings and structures;
 - (b) the frontage and access to the site are adequate for legal and practicable access for the proposed activity;
- (ii) Whether access is stable and practical. Refer also Rule 8.10.3, Chapter 8 Transportation for subdivision fronting primary roads.
- (iii) Whether adequate provision has been made for drainage and the disposal of sewage by septic tank or approved alternative means.

12.15.5.3 Matters for Control and Assessment Criteria: A Boundary Alteration Between Two Allotments Where No Additional Certificate of Title is Created

See Chapter 9, Land Modification, Development and Subdivision for Matters for Control and Assessment Criteria for the above subdivision activity 12.15.5.3.

- (i) Council also reserves control over the following matters and may impose conditions in respect of them:
 - (a) number of dwellings
 - (b) previous consents
 - (c) number of lots

When assessing an application for the above subdivision activity 12.15.5.3 the Council shall also have regard to the following assessment criteria:

- (i) Whether the number of dwellings on the land will be increased;
- (ii) Whether the alteration changes or contravenes the basis of any previous consent by the Council
- (iii) Whether the number of lots permitted to be created under the provisions of the District Plan will be increased.

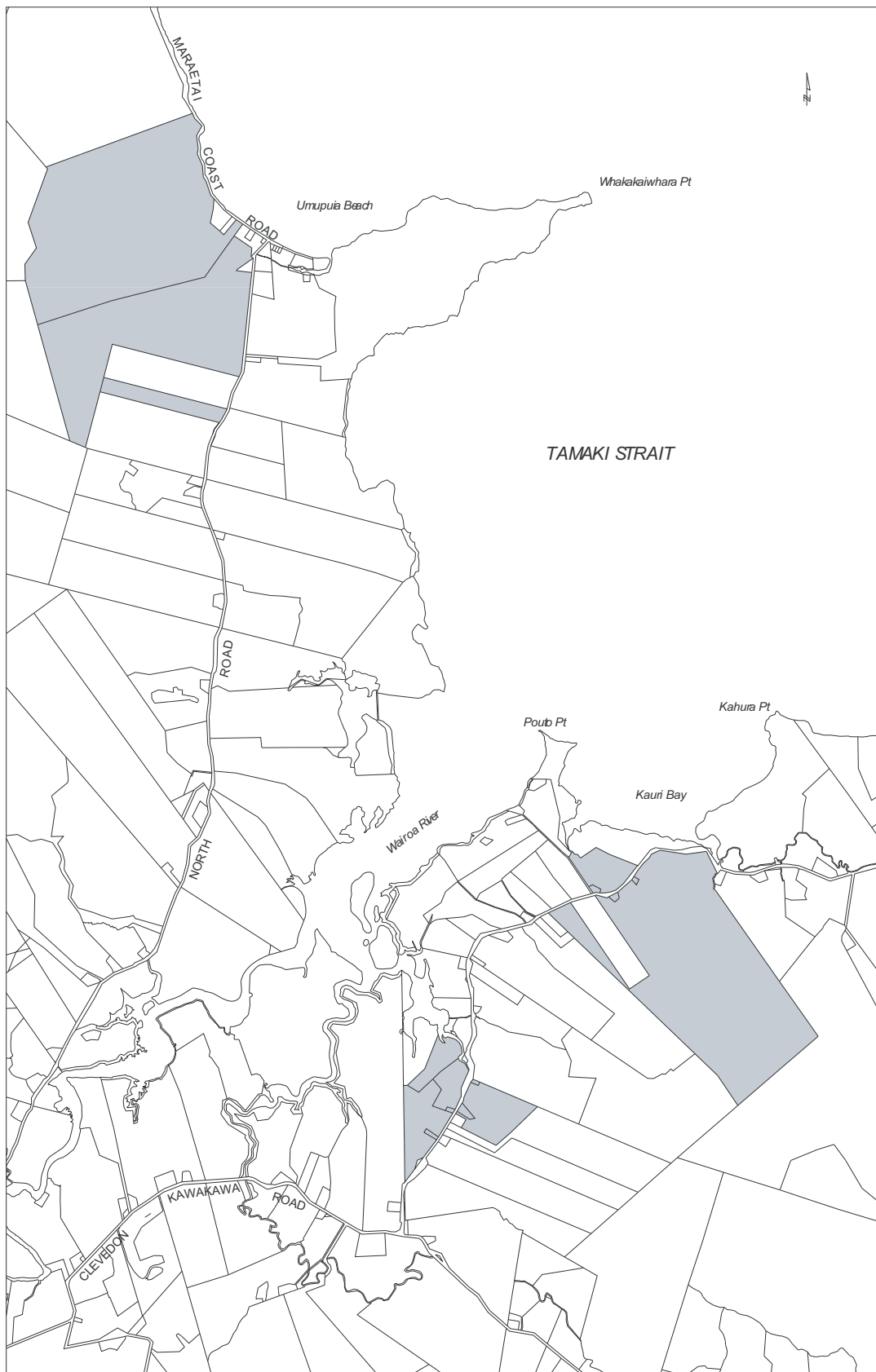
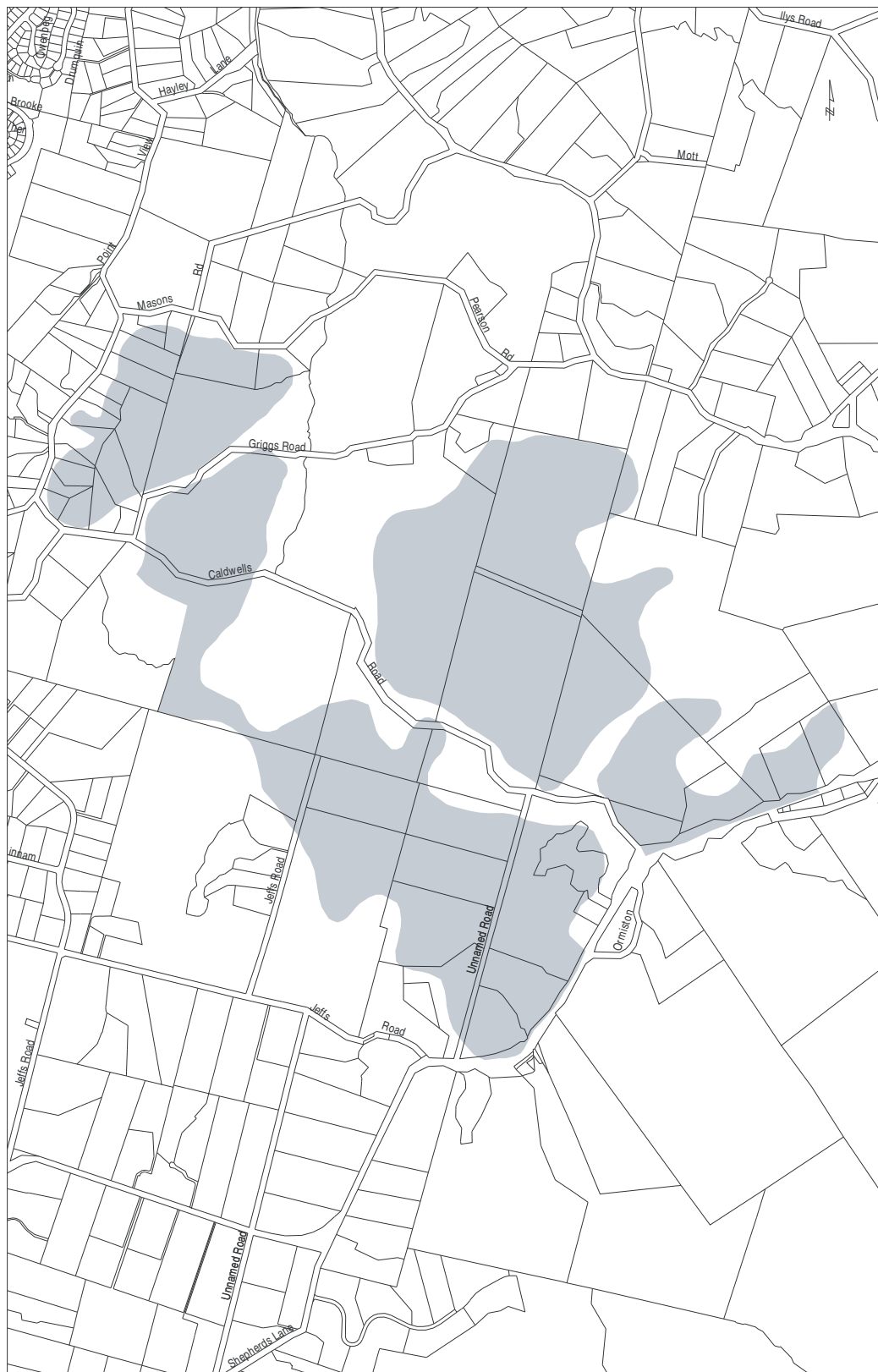


FIGURE 12.1 MAORI LAND IN THE RURAL 1 ZONE



Source : Tonkin and Taylor 1994

FIGURE 12.2 AREAS WITH POTENTIAL STABILITY AND WASTE DISPOSAL DIFFICULTIES

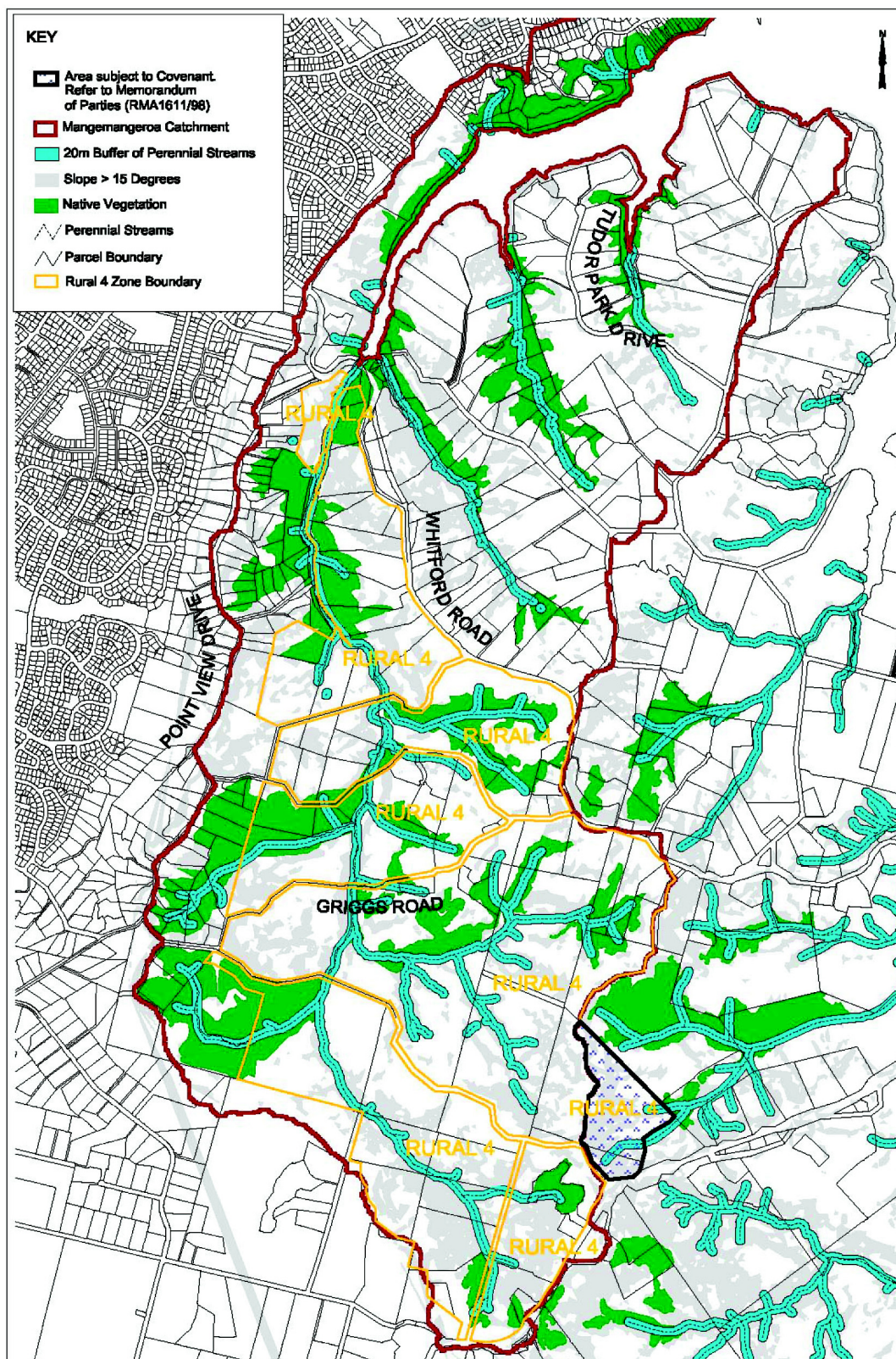


FIGURE 12.3 AREAS SUBJECT TO PHYSICAL CONSTRAINTS IN MANGEMANGEROA CATCHMENT (INDICATIVE ONLY)

[AM37]