

Chapter 8

Rural Zone



8. RURAL ZONE

8.1 RESOURCE MANAGEMENT ISSUES

1. Lack of awareness of the effects of activities in the Rural Zone that can diminish the quality of the environment.
2. Enabling rural production activities is important to maintain their contribution to the economy of the District.(Sub 11.43, 60.1)
3. Residential activities within the zone have the potential to adversely affect the operation ~~and amenity~~ of the rural production activities through reverse sensitivity effects environment. (Sub 11.42)
4. The Rural Zone comprises a large proportion of multiply owned **Māori land** and The Plan needs to allow opportunities for development of their land.
5. Residential **sites** within the zone need to be of sufficient size, so that where on-site effluent treatment is required there will be no adverse effects on the residential **site**, adjoining **sites**, or on the natural and physical resources of the District.
6. Some activities will need to be distanced from other activities, especially where residential properties adjoin the activity. Adverse effects on residential activities can include odour, visual, health, light spill, noise, dust, or grit, or spray drift effects.
7. Activities within the zone have the potential to adversely affect the ability of lawfully established activities (including the **National Grid**) to operate through **reverse sensitivity** effects.
8. **Amenity values** within residential properties need to be maintained so that the environmental quality of the **site** and adjoining **sites** are maintained.
9. Some animal species, such as deer and goats, must be correctly housed and fenced to avoid adverse effects on areas of significant **indigenous vegetation**.
10. The versatility ~~and use of the rural land resource for rural production activities~~ District's land can be degraded and fragmented as a result of inappropriate ~~and unnecessary~~ subdivision and development. (Sub 11.45)
11. Rural-residential residents in the Rural Zone need to be aware of the surrounding environment and associated rural activities that occur in this environment.
12. A biosecurity incursion could have devastating effects on the wellbeing of the district, particularly the horticultural industry, and there should be no regulatory barriers to the management of incursions, such as burial or removal of infected plants or animals. (Sub 11.12)
13. Activities can adversely affect the safety, sustainability and efficiency of the transport network. (Sub 12.22)

8.2 OBJECTIVES AND POLICIES

OBJECTIVE

- 8.2.1 A rural environment that contributes to the economic and social wellbeing of the District and region through a range of rural activities **and other lawfully established activities (Sub 39.9)**, where the effects of activities are managed to maintain the rural character of the zone.

POLICIES

- 8.2.1.1 Recognise the Rural Zone as a working rural environment and ensure that residential or sensitive (Sub 8.50) activities do not result in **reverse sensitivity** effects on **rural production activities**, through separation distances and other requirements.(Sub 11.48)
- 8.2.1.2 Manage ~~the density of~~ subdivision and development to maintain the rural characteristics of the zone ~~and the quality of the rural environment~~ and the District's natural and physical resources (Sub11.49).
- 8.2.1.3 Ensure the maintenance and enhancement of visual open space and vegetated character of the rural environment.
- 8.2.1.4 To maintain the rural character and **amenity values** associated with the low density rural environment.
- 8.2.1.5 Ensure that sensitive activities, including new residential activities, that may lead to **reverse sensitivity** effects on existing lawfully established activities, including infrastructure, are appropriately located and managed.
- ~~8.2.1.6 Provide for rural industry and rural services directly related to rural production activities where they have a functional requirement to locate in the Rural Zone. (Sub 11.54)~~

8.2.2 OBJECTIVE

~~The productive potential of versatile land₂ is sustained for rural production activities and protected from incompatible subdivision, use and development that would adversely affect its versatility and availability - compromise the ability to use it for rural production activities. (Sub 11.46)~~

POLICIES

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8.2.2.1 Subdivision, use and development should not result in a significant reduction of productive rural (Sub 17.127) land use options for **versatile land**, or increase **reverse sensitivity** effects on **rural production activities**.

8.2.2.2 **Versatile land** should be used and developed in a manner that it remains available to present and future generations for **rural production activities**.

~~8.2.2.3~~ The productive potential of ~~versatile land~~ should and is (Sub 11.56) not be compromised by activities that do not rely on or directly support (Sub 60.7) the productive potential of the land.

8.2.3 OBJECTIVE

Avoid, remedy, or mitigate adverse environmental effects of activities undertaken within the Rural Zone, while recognising and providing for rural production activities and their anticipated effects (Sub 60.8).

POLICIES

8.2.3.1 ~~Provide for~~ Recognise that the use, storage and transport of **hazardous substances** that is managed through with the requirements of the relevant legislation and **industry** standards. (Sub 60.9)

8.2.3.2 Ensure that any **site** within the zone is of sufficient size to avoid or mitigate any potential effects of on-site effluent disposal from domestic and intensive farming activities. (Sub 60.11)

8.2.3.3 Screening of industrial or commercial (Sub 60.12) storage and service areas where appropriate so that these do not detract from the character of the Rural Zone.

8.2.3.4 Mitigation of the potential adverse effects of new activities on amenity of established dwellings, ~~where these mitigation measures include~~ landscaping, screening, and separation distances from adjoining activities, and on waterbodies. (Sub 11.61)

~~8.2.3.5~~ Mitigation or avoidance of potential adverse effects on amenity such as noise in relation to legally authorised activities within the zone and on adjacent sites in other zones. (Sub 57.73)

8.2.4 OBJECTIVE

Recognise the special relationship tangata whenua have with their ancestral land.

POLICIES

- 8.2.4.1 To recognise and provide for the cultural, spiritual and archaeological values of tangata whenua and the desire of tangata whenua to live on and develop their ancestral lands, and to protect the natural environment of their ancestral lands (Sub 32.9).
- 8.2.4.2 To recognise the special relationship of Māori with their ancestral land by enabling use and development of land, including Papakāinga and associated support facilities.

8.2.5 OBJECTIVE (COASTAL ENVIRONMENT) (Sub 7.5)

Preserve and restore the natural character of the Ōpōtiki Coastal Environment.

POLICIES

- 8.2.5.1 Ensure subdivision, use and development avoids adverse effects on the natural character of the Coastal Environment.
- 8.2.5.2 Require setbacks for structures and buildings from MHWS to ensure maintenance of the natural character of the Coastal Environment.
- 8.2.5.3 Consolidation of existing coastal settlement areas to avoid inappropriate and sprawling subdivision, use and development to preserve the natural character of the coastal environment.
- 8.2.5.4 Avoid significant adverse effects from earthworks and vegetation clearance on natural landscapes.

8.2.6 OBJECTIVE (COASTAL ENVIRONMENT) (Sub 7.5)

Recognise and provide for Infrastructure including electricity transmission in the Coastal Environment to enable the social, economic and cultural well-being of people and communities.

POLICIES

- 8.2.6.1 Enable the location of infrastructure recognising where there is a functional need.
- 8.2.6.2 Ensure that public access is provided for in appropriate locations.
- 8.2.6.3 Ensure the effects of infrastructure on the Coastal Environment are managed to minimise adverse effects on the Coastal Environment.

8.2.8 OBJECTIVE

To minimise the risk of biosecurity incursions in the district and enable response to any biosecurity incursions.(Sub 11.12)

POLICY

8.2.8.1 Enable disposal of infected material for biosecurity purposes and treatment of areas to manage incursions of unwanted organisms. (Sub 11.12)

8.3 ACTIVITY STATUS

Resource consent is required for all Controlled, Restricted Discretionary, Discretionary and Non-complying Activities. Resource consent is not required for Permitted Activities provided relevant standards are met.

Additional controls may apply in the following Chapters.

- Activities on the Surface of the Water – refer Chapter 12
- Landscapes and Vegetation – refer Chapter 13
- Heritage – refer Chapter 14
- Natural Hazards – refer Chapter 18

Subdivision is managed through Chapter 15 – Subdivision.

Network utilities are subject to the provisions in Chapter 17 and are not subject to the Rules in this Chapter.

8.3.1 PERMITTED ACTIVITIES

8.3.1.1 Subject to compliance with the Zone Standards in **Section 8.64**, the following activities may be established in the ~~Industrial~~ Rural (Sub 11.62, 24.55, 32.1, 49.10.) Zone, without resource consent;

1. **Farming.**
2. Keeping or **farming** goats on **sites** located outside the goat management areas as shown on the Planning Maps:
3. Deer **farming**
4. **Production Forestry.**
5. One **dwelling** per **site**, including relocated **dwellings**, provided that:
 - (a) Two **dwellings** may be established where the **site** has an area in excess of 1 hectare; or
 - (b) Three **dwellings** may be established where the **site** has an area in excess of 4 hectares.

6. **Marae.**
7. **Visitor accommodation** for up to four visitors per night in existing authorised **buildings**.
8. **Prospecting.**
9. Urupa.
10. Activities on and administered under, and consistent with, the provisions of Reserves Act 1977, Conservation Act 1987, National Parks Act (1980), and Wildlife Act (1953) or any plan or strategy approved under those Acts.
11. **Maintenance** work carried out by Bay of Plenty Regional Council on established drainage and flood control scheme works.
13. **Temporary military training activities** complying with the noise controls in Appendix 3, provided that compliance is not required with the Performance Standards in 8.6 (Sub 19.11).
14. **Temporary buildings** and activities required for a **building** or construction project of not more than 12 months duration.
15. A **sign** with a maximum area of 0.5m² indicating an established **home occupation** or **visitor accommodation**, including name, type of **home occupation** or profession, and hours of attendance.
16. **Temporary signs** with an area of less than 1.8m², where the written consent of the landowner has been obtained and provided to **Council**.
17. **Official signs**, or **signs** denoting the name of the street, number of the premises or the location or timetable or other details of any public utility or facility.
18. Any activity that is not listed in this Chapter and which complies with the Zone Standards.
19. Buildings and activities **accessory** to a Permitted Activity.
20. Removal of material infected by unwanted organisms as declared by MPI Chief Technical Officer or an emergency declared by the Minister under the Biosecurity Act 1993 and earthworks to buy such material. (Sub 11.12)
21. Airport and ancillary activities, including fuel facilities (storage and dispensing) at Ōpōtiki Airport, on Section 1 SO 447448. (Sub 50.12)
22. **Seasonal worker accommodation** for up to 12 people at any one time. (Sub 11.65)
23. **Artificial crop protection structures** (Sub 11.65).
24. **Audible bird scarers** (Sub 11.65)
25. Frost fans (Sub 11.65)
26. **Emergency services facilities, training and management activities** (Sub 37.46)
27. Within the **Coastal Environment** but outside an Outstanding Natural Feature or Landscape, earthworks up to 400m² and 200m³ in any 12 month period. (Sub 7.5)

8.3.2 CONTROLLED ACTIVITIES

8.3.2.1 The following activities may be established after Land Use Consent has been granted by **Council**. Activities must comply with the Zone Standards stated in **Section 8.64**:

1. Activities and **buildings accessory** to Controlled Activities.
2. **Home occupations**, provided that where the **site access** is to a state highway, the written consent of the New Zealand Transport Agency shall be obtained and submitted with an application.
3. Public conveniences.
4. **Temporary activities** not listed as a Permitted Activity, provided that where the **site access** is to a state highway, the written consent of the New Zealand Transport Agency shall be obtained, and submitted with an application.
5. Community and outdoor recreation activities where any **buildings** and structures are less than 100m² in gross floor area.
6. **Papakāinga**, where the maximum number of **sites** shall be 50, and where each **site** will have an area of 1200m² exclusive of **access**.
7. **Papakāinga**, where the maximum number of **sites** shall be 50, and where each **site** has an area less than 1200m² but not less than 400m² where:
 - (a) Zone Standards for **yards** and on-site effluent disposal are complied with, and
 - (b) A report by a ~~Chartered Professional Engineer~~ suitably qualified and experienced person (Sub 17.79, 13.8) is provided to show that the **site** complies with the On-site Effluent Treatment Regional Plan.
8. Emergency service facilities (Sub 37.47)
9. **Seasonal worker accommodation** for more than 12 people at any one time (Sub 11.7)
10. **Temporary military training activities** complying with the noise controls in Appendix 3, provided that compliance is not required with the Performance Standards in 8.4 (Sub 19.11).

8.3.3 RESTRICTED DISCRETIONARY ACTIVITIES

8.3.3.1 The following activities may be established after Land Use Consent has been granted by **Council**:

1. **Rural selling places**.
2. Relocation of a **dwelling** or **building** that does not comply with the Zone Standards.
3. Activities not complying with **Rules 8.64.2 (Height)**, **8.64.3 (Daylight Protection)** and **8.64.4 (Yards)**.
4. ~~Keeping or farming goats that is not provided for as a Permitted Activity.~~ (Sub 8.6, 24.56)
5. Artificial Crop protection structures not complying with 8.4.5 (Sub 11.67)
6. Audible bird scaring devices not complying with 8.4.7.1 (1) (Sub 11.67, 24.57)

7. Frost fans not complying with 8.4.7.1 (2) (Sub 11.67)
8. Seasonal worker accommodation not complying with 8.4.17 (Sub 11.67)
9. Activities not complying with 8.4.7.2 (Lighting and Glare) (Sub 24.60)
10. Within the **Coastal Environment** but outside an Outstanding Natural Feature or Landscape, earthworks exceeding 400m² and 200m³ in any 12 month period. (Sub 7.5)

8.3.4 DISCRETIONARY ACTIVITIES

8.3.4.1 The following activities require Land Use Consent from the **Council** and consent may be granted or refused. The Zone Standards in ~~8.64~~ will be used as a guideline when assessing the application:

1. Rural Industries.
2. **Intensive Farming.**
3. ~~Artificial crop protection structures not complying with 8.6.5. (Sub 11.69)~~
4. Keeping or **farming** of goats not provided for as a Permitted Activity.
5. Additional **dwelling**s exceeding those listed as Permitted Activities.
6. Activities and **buildings accessory** to Discretionary Activities.
7. **Education facilities.**
8. Places **of assembly.**
9. **Commercial services.**
10. **Visitor accommodation** for more than four visitors per night.
11. Community and recreation and outdoor activities involving **buildings** and structures over 100m² in area.
12. **Contractor's' Depots.**
13. Refuse recycling facilities and transfer stations.
14. Public cemeteries.
15. **Mining and quarrying.**
16. Any new activity not listed above which requires **access** from a state highway.
17. **Signs** not provided for as a Permitted Activity.
18. **Exploration.**
19. **Retail activities.**
20. **Residential care facility.**
21. **Buildings** less than 50m from MHWS. (Sub 7.5)

8.3.5 NON-COMPLYING ACTIVITIES

8.3.5.1 The following activities require Land Use Consent from the **Council** and consent may be granted or refused. The Zone Standards in ~~8.-64~~ will be used as a guideline when assessing the application:

1. **Papakāinga**, where the requirements for Controlled Activities are not complied with.
2. Any activity not specifically stated as a Permitted, Controlled, Restricted Discretionary, or Discretionary Activity and does not comply with Zone Standards.

8.3.6 PROHIBITED ACTIVITIES

8.3.6.1 The following activities are prohibited activities for which no resource consent shall be granted:

1. The keeping, holding, or **farming** of wallaby species.
2. The keeping, holding, or **farming** of ferrets, stoats and weasels (*mustela fere*). (Sub 24.61)

~~8.-64~~ ZONE STANDARDS

These Zone Standards apply, unless otherwise stated, to all Permitted, Controlled and Restricted Discretionary Activities and will be used as guidelines when assessing applications for Discretionary and Non-complying Activities.

~~8.-64.1~~ SITE COVERAGE

1. Residential activity **sites**
A maximum of 40% of the **site** may be covered with **buildings**.
2. Non-residential activity **sites**
No limit, subject to compliance with **the other Zone Standards**.

~~8.-64.2~~ HEIGHT

1. The maximum **height** for structures within the zone shall be 9m except for frost fans up to 12m in **height and hose drying towers up to 15m associated with emergency service facilities (Sub 37.48)**.
2. Within the Airport Protection Area in the vicinity of Ōpōtiki Airfield, as identified on **Planning Maps 5 and 5e**, all **buildings**, structures, masts, trees or any other objects shall comply with Civil Aviation Authority requirements.
3. Non-compliance with this Rule shall be considered a Restricted Discretionary Activity.

8.-64.3 DAYLIGHT PROTECTION

1. No part of any **building** shall penetrate a daylight recession plane of 45° from a **height** of 2.7m above finished ground level at any boundary.
2. Non-compliance with this Rule shall be considered a Restricted Discretionary Activity.

8.-64.4 YARDS

8.-64.4.1 Separation from adjoining properties

1. All **buildings** shall be set back at least 5m from side and rear boundaries.
2. Non-compliance with this Rule shall be considered a Restricted Discretionary Activity.

8.-64.4.2 Building setback from roads

1. All **buildings** shall be set back at least 9m from the **road** boundary.
2. Non-compliance with this Rule shall be considered a Restricted Discretionary Activity.

8.-64.4.3 Building setback from waterbodies

1. No **building** shall be located closer than 25m from any **waterbody** where the **waterbody** has an average width of at least 3m.
2. Where any **waterbody** has an average width of less than 3m a setback of at least 10m may be required as part of a Controlled Activity assessment.
3. Non-compliance with this Rule shall be considered a Restricted Discretionary Activity.

8.-64.4.4 Building setback from production forestry (Sub 24.59)

1. ~~**Buildings**~~ **Dwellings** and other residential buildings shall be set back a minimum of 30m from the boundary of an existing production forestry on a site in separate ownership in order to mitigate potential fire risk to production forestry and residential **buildings**. (Sub 60.23)
2. Non-compliance with this Rule shall be considered a Restricted Discretionary Activity.

8.-64.4.5 Building setback in the Coastal Environment (Sub 7.5)

1. In the Coastal Environment, no building except for public conveniences established in accordance with a Reserve Management Plan or emergency service facilities shall be located closer than 50m from MHWS.
2. Non-compliance with this Rule shall be considered a Discretionary Activity.

8.-64.5 ARTIFICIAL CROP PROTECTION STRUCTURES

1. In the Coastal Environment, artificial crop protection structures shall meet the following requirements:
 - (a) On slopes less than 15°, green or black cloth shall be used on vertical faces. (Sub 7.5)
 - (b) **Yard**, daylight and **site coverage** requirements shall not apply on boundaries other than a **road** boundary where the written approval of the owner(s) of the immediately adjoining property or the road controlling authority (in the case of a road) (Sub 11.80) is obtained and provided to the **Council**.
 - (c) **Artificial crop protection structures** that do not comply with these standards shall be considered as a Restricted Discretionary Activity. (Sub 7.5)
2. On sites not within the Coastal Environment, artificial crop protection structures shall meet the following standards:
 - (a) Green or black cloth shall be used on vertical faces within 30m of the boundary of the property.
 - (b) Green, black or white cloth shall be used on horizontal surfaces.
 - (c) **Yard**, daylight and **site coverage** requirements shall not apply on boundaries other than a **road** boundary where the written approval of the owner(s) of the immediately adjoining property or the road controlling authority (in the case of a road) (Sub 11.80) is obtained and provided to the **Council**.
 - (d) Within 30m of a property boundary, ~~other than~~ including a road boundary, a different colour may be used where written approval of the owner(s) of the immediately adjoining property or the road controlling authority (in the case of a road) (Sub 11.80) is obtained and provided to the **Council**.
 - (e) An **artificial crop protection structure** within 30m of a **road** boundary where the cloth is not green or black and where the written approval is not obtained (Sub 11.80) shall be assessed as a Discretionary Activity.

8.-64.6 LANDSCAPING

- 8.-64.6.1 Areas used for storage shall be screened where visible from any public place and from any adjoining residential activities site on an adjacent site. (Sub 11.81)

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8.64.7 NOISE AND GLARE

8.64.7.1 All activities on a **site** shall be designed and conducted to meet the following **noise limits** at any point within the notional boundary of any dwelling on another site within the boundary of any site-zoned Rural Zone. (Sub 57.80)

Noise Limits dB			
Receiving Zone	Daytime 7am to 10pm, Monday to Sunday including public holidays	Night time At all other times	
Rural	50LAeq	40LAeq 70LAm _{ax}	To be measured and assessed at the notional boundary (Sub 57.80)

Except where expressly provided elsewhere in this Plan, noise shall be measured in accordance with the provisions of NZS 6801:2008 Acoustics - Measurement of Environmental Sound, and assessed in accordance with the provisions of NZS 6802:2008 Acoustics - Assessment of Environmental Noise. (Sub 57.80)

Construction noise in any zone shall be measured and assessed in accordance with the provisions of NZS 6803P:1999 Acoustics - Construction Noise. (Sub 57.80)

1. An audible bird scaring device shall:
 - (a) Be operated only from half an hour before sunrise to half an hour after sunset.
 - (b) Not exceed 65dB LA_e ASEL at any point within the notional boundary of any dwelling on another site in the Rural Zone, or at any point within the boundary of any Residential Zone (excluding any **dwelling/s** located on the same **site** as the device is being operated), unless the adjacent landowner has provided written approval to the activity and a copy has been provided to the **Council**. (Sub 5780, 47.11)
 - (c) Only be operated when the horticultural crop is at risk from bird damage.
 - (d) Non-compliance shall be assessed as a Restricted Discretionary Activity

2. Frost fans shall be subject to the following requirement:
 - (a) Noise generated by frost fans shall not exceed 60dB **LAeq 10mins** when assessed at the **notional boundary** of any other rural zoned **site** (excluding any **dwelling/s** located on the same **site** as the device is being operated) or at the boundary of a residential zone.
 - (b) Non-compliance shall be assessed as a Restricted Discretionary Activity.
3. Noise from livestock and from vehicles and mobile machinery associated with short term farming and production forestry operations such as harvesting crops and forests shall be exempt from compliance with the noise levels specified in the table above. (Sub 10.13, 11.82)
4. Sirens used by emergency services shall be exempt from compliance with the noise levels specified in the table above (Sub 37.50)

8.64.7.2 Lighting and glare

1. All exterior security lighting shall be designed, installed, and maintained so that the light emitted does not overspill **site** boundaries, or cause distraction or glare which could affect traffic safety on adjacent **roads**.
2. All glasshouses and similar structures within the Airport Protection Area, as shown on **Planning Maps 5 and 5e** shall be treated to prevent hazardous reflected light or glare.
3. Non-compliance with this Rule shall be considered as a Restricted Discretionary Activity

8.64.8.1 RELOCATION OF A DWELLING OR BUILDING

8.64.8.1 The relocation of a **dwelling** or **building** must comply with the following:

1. A **building** inspection report shall accompany the **building** consent for the **building/dwelling**. The report shall identify all **reinstatement work** required to the exterior of the **building/dwelling**.
2. The **building** shall be located on permanent foundations approved by **building** consent, no later than two months of the **building** being moved to the **site**.
3. All work required to reinstate the exterior of any relocated **building/dwelling**, including the siting of the **building/dwelling** on permanent foundations, shall be completed within 12 months of the **building** being delivered to the **site**.

8.4.8.2 Non-compliance with this Rule shall be considered as a Restricted Discretionary Activity.

8.64.9 PARKING AND ACCESS

8.64.9.1 Parking and loading

1. On-site carparking and provision for **loading** shall be provided in relation to every activity that is new, extended or where the use is changed.
2. On-site carparking shall be as follows:

Residential dwellings	2 spaces per person dwelling (Sub 11.85, 24.62)
Places of assembly	1 space per 5 persons accommodated
Visitor accommodation	1 to 4 people 1 space per unit or room
	Over 4 people 1 space per unit or room plus 1 space for every 2 staff
Education facilities:	2 spaces for visitors plus adequate and reasonable provision for cars and buses to drop off and pick up students and:
	Preschool 1 space per staff member
	Primary 2 spaces per 3 staff members
	Secondary 1 space per 20 students
	Tertiary 1 space per 20 students
Rural industries	1 space per 50m ² total floor area
Coolstores	1 space per 500m ²
Rural selling places	1 space per 20m ² total floor area
Contractors' depots	1 space per 50m ² total floor area
Home occupations	1 space per 20m ² of the site used for the activity
Outdoor community recreation	1 space per 20m ² of the net site area
Periodic detention and Probation centres	1 space for every 2 full time equivalent employees and one space for every 10 detainees
Residential Care Facility	1 space per 5 beds 1 space per 2 staff
<u>Emergency Services facilities</u>	<u>1 space per emergency service vehicle bay (Sub 37.51)</u>
<u>Seasonal worker accommodation</u>	<u>1 space per 6 workers accommodated on site (Sub 11.85)</u>

3. The carparking shall be in accordance with the dimensions and design standards set out in **Appendix 1**.
4. Provision shall be made for the **loading** and **unloading** of service vehicles on-site, in such a way that any footpath, **road**, or **access** to adjoining properties is not obstructed.

8.64.9.2 Vehicle access

1. Any new activity on a **site** that obtains **access** to a state highway shall gain the written approval from NZ Transport Agency and a copy shall be provided to the **Council**.
2. Rural vehicle entrances shall be provided and designed in accordance with Appendix 4. (Sub 24.63)

8.64.10 FLOOR LEVELS

- 8.64.10.1 Floor levels shall be sufficient to ensure that water does not enter **buildings** in a ~~2% AEP (Annual Exceedance Probability) event~~ 1% AEP (Annual Exceedance Probability) event within the **Coastal Environment** or a 2% AEP (Annual Exceedance Probability) event for areas outside the **Coastal Environment**. Ōpōtiki District Council will determine the appropriate freeboard that needs to be added to the flood level to set the required minimum floor level. (Sub 17.34)

8.64.11 ON -SITE EFFLUENT DISPOSAL

- 8.64.11.1 Provision shall be made on-site for adequate vehicle **access** to septic tanks for maintenance purposes.
- 8.64.11.2 In relation to **intensive farming**, waste and effluent disposal associated with the activity shall be located at least:
1. 500m from the nearest boundary of a **site** zoned residential, mixed activity or industrial.
 2. 100m from an existing residential activity on a **site** in separate ownership.
 3. 45m from a front boundary and from a residential activity on the same **site**.
 4. 15m from any other **site** boundary.
 5. 50m from any **waterbody**.

Note: Resource consent may be required from the Bay of Plenty Regional Council.

8.64.12 WATER SUPPLY

- 8.64.12.1 A **potable water** supply shall be provided to each **lot** within the zone.

8.64.13 SETBACK FOR PRODUCTION FORESTRY

8.64.13.1 The planting of any **production forestry** shall not be located closer than 15m to the boundary of any public **roadway**.

8.64.14 GOAT FARMING

8.64.14.1 Goat **farming** shall be permitted outside the areas shown as Goat Management Areas on the Planning Maps.

8.64.14.2 The goats shall be formally identified in accordance with the ~~Animal Identification Act 1993~~ Tracing Act 2012 (Sub 8.58, FS3.40), but must include the tagging (brass tag or plastic tag or ear-cut or tattoo) of goats with recognisable owner identification.

8.64.14.3 The goats shall be contained on **site** at all times by either a boundary fence in accordance with standards for goat fencing contained in **Appendix 8.9.2** or tethered, which may include a running wire.

8.64.14.4 Written advice of the location of the goat **farming** activity shall be provided to **Council** at the time of the establishment of the goat **farming** operation.

8.64.15 DEER FARMING

1. Deer shall be kept in accordance with the Wild Animal Control Act 1977.
2. Deer shall be identified in accordance with the ~~Animal Identification Act 1993~~ Tracing Act 2012 (Sub 8.57, FS3.40).
3. Deer shall be contained on **site** at all times by a boundary fenced area in accordance with the deer fencing standard set out in **Appendix 8.9.1**.
4. Written advice of the location of the **deer farming** activity shall be provided to **Council** at the time of the establishment of the **deer farming** operation.

8.4.16 SIGNS (Sub 12.12)

The proposed sign shall be designed so that it does not:

1. Contain reflective material or illumination that flashes and moves;
2. Obstruct or impair the view of any official traffic sign and signal, or the line of sight of any corner, bend, intersection or vehicle crossing;
3. Physically obstruct or impede traffic or pedestrians;
4. Resemble or be likely to be confused with any official traffic signs or signals; and
5. Use support structures which are not frangible.

Advice Note:: Approval for signs visible from any state highway must be gained from NZ Transport Agency. Consultation with the NZ Transport Agency will be important in the assessment of traffic safety for sign resource consent applications where they are proposed to be located on private property and are visible from a State Highway. The NZ Transport Agency also controls signs on state highway corridor Legal Road by the means of the NZ Transport Agency Signs On State Highways Bylaw July 2010.

8.4.17 SEASONAL WORKER ACCOMMODATION

1. The relevant Zone standards for yards, height, daylight protection and parking shall be complied with.
2. Access – No new vehicle access shall be required to a State Highway
3. The accommodation shall be used solely for part of the year to meet labour requirements in the horticulture sector
4. The facility shall provide a combination of communal kitchen and eating areas and sleeping and ablution facilities
5. No more than 12 workers shall be accommodated.
6. The Code of Practice for Able Bodied Seasonal Workers, published by Dept of Building and Housing 2008 shall be complied with. (Sub 11.86)

8.4 ~~ASSESSMENT FOR RESERVED CONTROLLED ACTIVITIES~~ (SUB 17.8)

8.45.1 The Council has reserved control over the following matters for all Controlled Activities and may impose conditions in relation to these matters:

8.45.1.1 Design and appearance

1. The design and appearance of the activity and how it relates to the **amenity values** of the surrounding areas, including as relevant, **height**, bulk, colour, materials, and proposed **landscaping** treatment.
2. The visual effect of the activity in relation to its location, **site** boundaries, and topography.
3. The size and location of **buildings** with regard to the activities on the **site** and the effect on neighbouring properties and the **amenity values** of the area.
4. The manner in which the **site** is to be landscaped and how effectively it will screen the activities or enhance the **amenity values** of the area.
5. Compliance with the minimum site area required per dwelling, where relevant (Sub 8.55)

8.45.1.2 Effects of the activity on the adjoining site, including reverse sensitivity effects

1. The size and location of **buildings** with regard to the activities on the **site** and the effect on neighbouring properties.
2. Any measures to be implemented to mitigate the effects from the activity, such as visual effects, odour, noise, and light spill.

8.45.1.3 Vehicle access and manoeuvrability

1. The design and location of vehicular **access**, on-site manoeuvrability, and whether vehicles can leave and enter the **site** safely.
2. The effect of the activity on the safety and efficiency of the state highway network.
3. The need for carparking, service lanes, and loading and unloading activities associated with the activity.
4. The ability of the **site** to provide for on-site parking associated with the activity.

8.45.1.4 Historical, archaeological and cultural values and resources (Sub 17.24)

1. The effect of the design and layout of the activities in relation to land, **buildings**, features and **waterbodies** which have historical and archaeological worth.
2. The effects of the activity on historic, archaeological and cultural values and resources of importance to Māori. (Sub 17.24)
3. The effects of the activity on heritage and conservation values, both on the **site** and on adjoining **sites**.

8.45.1.5 Effects on waterbodies, indigenous vegetation and habitats

1. The effects of activities on **waterbodies** in, or adjoining, the **site** of the activity.
2. **Riparian management** mechanisms implemented to mitigate potential adverse effects of the activity.
3. The potential effects of the activity on areas of **indigenous vegetation** and **habitats** of indigenous fauna.

8.45.1.6 Natural hazards

1. The extent to which the activity may accentuate the adverse effects of natural hazards.
2. The susceptibility of the **site** to natural hazards and the measures implemented to avoid or mitigate the effects of natural hazards.
3. The effects of the activity on the Waioeka Ōtara Rivers Scheme.

~~8.4.1.7~~ ~~Hazardous substances~~

- ~~1. The type and volume of the **hazardous substances** to be used or stored on the **site**.~~
- ~~2. The spill containment system proposed for the activity.~~
- ~~3. The proposed drainage system for the activity **site**.~~

4. ~~The degree of risk of spillage and the potential adverse effects of spillage both on and off the site.~~ (Sub 60.10 , 60.20)

8.65 ~~ASSESSMENT FOR RESTRICTED DISCRETIONARY ACTIVITIES~~ (Sub 17.8)

8.65.1 The **Council** has restricted discretionary ~~control~~ over the following matters for the identified Restricted Discretionary Activities. Consent may be granted or refused in relation to these matters and, if consent is granted, **Council** may impose conditions on these matters.

8.65.1.1 Relocation of a dwelling or building that does not comply with the Zone ~~Performance Standards~~

1. Proposed **landscaping**, including opportunities to screen the **building** during reinstatement.
2. Visibility from the **road**, public places and other residential areas.
3. Maintenance of the **site** and surrounds during reinstatement.

8.65.1.2 Rural Selling Places

1. Vehicle **access** and on-site turning
 - (a) The design and location of vehicular **access**, on-site manoeuvrability, and whether vehicles can leave and enter the **site** safely.
 - (b) The effect of the activity on the safety and efficiency of the state highway network.
 - (c) The need for carparking, service lanes, and **loading** and unloading activities associated with the activity.
 - (d) The ability of the **site** to provide for on-site parking associated with the activity.
2. Design and appearance
 - (a) The design and appearance of the activity and how it relates to the **amenity values** of the surrounding areas, including as relevant, **height**, bulk, colour, materials, and proposed **landscaping** treatment.
 - (b) The visual effect of the activity in relation to its location, **site** boundaries, and topography.
 - (c) The size and location of **buildings** with regard to the activities on the **site** and the effect on neighbouring properties and the **amenity values** of the area.
 - (d) The manner in which the **site** is to be landscaped and how effectively it will screen the activities or enhance the **amenity values** of the area.
3. Effects of the activity on the adjoining **site**
 - (a) The size and location of **buildings** with regard to the activities on the **site** and the effect on neighbouring properties.
 - (b) Any measures to mitigate the effects from the activity, such as visual effects, odour, noise, and light spill.

8.65.1.3 Activities not complying with 8.64.2 Height, 8.64.3 Daylight Protection, and 8.64.4 Yards (Sub 24.33)

1. The adverse effects on the amenity in terms of:
 - (a) Shadowing
 - (b) Physical domination
 - (c) Privacy
 - (d) Noise
 - (e) Lighting
 - (f) The degree to which the character and amenity are affected.

~~8.5.1.4 Keeping or farming goats that is not provided for as a Permitted Activity~~

- ~~1. Potential effect on the values associated with **natural character**, indigenous **biodiversity**, amenity and landscape, including vegetation type and density.~~
- ~~2. The ability to confine goats upon the **site**.~~
- ~~3. Area and location of the activity. (Sub 8.59,~~

8.65.1.5 Audible Bird Scaring Devices not meeting the Noise standard in 8.64.7.1

1. Location of audible bird scaring device.
2. **Noise Sound levels** at any point within the **notional boundary** of any dwelling on another site adjoining properties. (Sub 57.78)
3. Number of shots per event.

8.65.1.6 Frost Fans (Sub 11.65) not meeting the Noise Standard in 8.64.7.2

1. Location of frost fan.
2. **Noise Sound levels** at any point within the **notional boundary** of any dwelling on another site adjoining properties. (Sub 57.78)

~~8.5.1.7 Seasonal worker accommodation not meeting 8.4.17~~

- ~~1. Those matters in Zone Standard 8.4.17 that are not able to be met.~~
- ~~2. Methods to avoid, remedy or mitigate the effects on existing activities, including the provision of screening, landscaping and methods for noise control.~~
- ~~3. The extent to which the application complies with the Code of Practice for Able Bodied Seasonal Workers, published by Dept of Building and Housing 2008. (11.74)~~

8.5.1.8 Artificial crop protection structures not meeting 8.4.5 (Sub 7.5)

1. Those matters in Zone Standard 8.4.5 that are not able to be met. (Sub 11.75)

2. In the **Coastal Environment**, the extent to which the activity has an impact on the visual character of the **Coastal Environment**.

8.65.1.9 Earthworks in the **Coastal Environment** exceeding 400m² and 200m³ in any 12 month period (Sub 7.5)

1. The extent to which the activity changes the coastal land form
2. The extent to which the activity as an adverse impact on the visual character of the **Coastal Environment**.

8.7 OTHER METHODS

8.7.1 Other methods for achieving the objectives and policies of this section are:

1. Provision by **Council** of appropriate education and information distribution programmes.
2. Encourage and support Landcare programmes as a tool to manage natural and physical resources.
3. Use of catchment management groups to enhance the quality of natural resources, particularly **waterbodies**, within defined areas.
4. ~~Through the Use~~ of Land Information Memoranda (LIM) and Project Information Memoranda (PIM) provide information on known natural hazards to potential developers and applicants. (Sub 17.54)
5. Have information available to the community that provides an overview of those methods that are available to the **Council** and the landowners for the management of areas of historical, botanical, or ecological importance.
6. Use of mechanisms under other legislation to protect important ecological, cultural, and heritage sites, such as covenants under the Queen Elizabeth The Second National Trust Act 1977, and Nga Whenua Rahui reserves.
7. To ~~develop~~ manage (Sub 8.65) those public open spaces and reserves administered by **Council** within, and adjoining, the Rural Zone to ensure that the parks and reserves complement the character of the zone.

8.8 EXPECTED ENVIRONMENTAL RESULTS

Environmental outcomes anticipated from the implementation of the objectives and policies of this section are:

- A. Rural activities undertaken in a manner where the adverse effects on the environment are minimal.
- B. Subdivision within the zone that complements the zone's rural character.
- C. The productive potential of **versatile land** is protected.
- D. **Reverse sensitivity** effects on **rural production activities** are minimised.
- E. Opportunities for papakainga housing within the District. (Sub 18.68)

8.9 APPENDIX

8.9.1 DEER FENCING STANDARDS

1. Minimum fence height above ground
2m.
2. Line wires
All line wires fastened to inside of posts with the exception of angle posts.
3. Wire spacings
Minimum of 8 wires up to 1.2m high, maximum of 150mm apart.
Minimum of 5 wires above 1.2m high, maximum of 250mm apart.
4. Height above ground to first wire
No greater than 75mm.
5. Batten and stay wire spacings
 - (a) Netting
Maximum 300mm up to 1.2m high. Above 1.2m maximum 800mm. No hinge joint netting with stay wire spacings greater than 200mm to be used for up to 1.2m in fence **height**.
 - (b) Battens
Maximum 600mm apart (fallow);
Maximum 800mm apart (other deer species).
6. Wire gauge
2.5mm galvanised high tensile or wire equal to or of greater tensile strength.
7. Post spacings
Maximum 5m.
8. Post sizes
 - (a) Rounds – minimum 100mm small end diameter
 - (b) Half rounds – 175mm minimum face width
 - (c) Quarter rounds – 100mm smallest face width; or
 - (d) A post length of 2.7m or the operative New Zealand Deer Farmers Industry Standard, whichever is the more stringent.

9. Strainer posts

- (a) Rounds - Minimum of 175mm small end diameter; or
- (b) Minimum post length of 3.0m.

10. Strainer distances

Maximum of 400m.

11. Stays

Minimum of 120mm small end diameter and minimum length of 2.7m. Tie backs and internal angle stays are acceptable.

12. Footings

Responsibility of person erecting the fence to use suitable footings according to soil types and other soil conditions.

13. Top-up fences

Base fence must be in a sound condition, contain minimum of 8 line wires up to 1.2m with maximum wire spacings no greater than listed above. Every second post in the base of the fence will be a deer fence post. All strainer posts will be subject to the requirements above.

14. Gates

- (a) **Timber** - minimum **height** of 1.9m. Rails minimum 100mm x 25mm. Three uprights (one centred) and two diagonal stays on each side of gate. Minimum of M10 bolts to be used. Rail spacings to 0.2m high maximum 100mm apart. Above 1.2 maximum 150mm apart.
- (b) **Steel** – minimum **height** over frame of 1.9m, minimum wall thickness of 3mm. Internal diameter 25mm. Gate covered with chain link of maximum aperture of 75mm and minimum wire gauge of 3.15mm. Mesh should be laced with minimum 2mm gauged wire. Hardfill under all external gates.

15. Gate hinges

Hinges and gudgeons to be a minimum of 20mm diameter. One hinge reversed or otherwise constructed to prevent the gate from being lifted off.

16. Gate Locks

Must comprise a sturdy chain and padlock.

17. Hanging Gates

Hung gates must butt against the full inside surface of the latching post and open inwards.

18. Flood Gates

Fences across streams and waterways shall require a floodgate that does not allow deer to pass through. Flood gates across culverted water courses shall be on the downstream side of the culvert.

19. Staples

(a) **Post** – minimum of 50mm in length and minimum gauge of 4.0mm.

(b) **Batten**

. Softwood - minimum of 30mm in length and minimum gauge of 3.15mm.

. Hardwood – minimum of 27mm x 2.8mm.

(c) Steel fasteners for concrete posts can be used.

20. Netting

No hinge joint netting with spacings greater than 200mm. Stay wire spacings shall be used below 1.2m in **height** above ground level.

8.9.2 GOAT FARMING BOUNDARY FENCE STANDARDS

1. Bulldozed line or benching or some other method, if required, to ensure that the bottom wire is no more than 70mm above ground level.
2. Nine wire post and batten fence, to be kept tight at all times, with no internal or external stays.
 - (a) Minimum high tensile 2.5mm diameter galvanized steel
 - (b) Bottom wire should be placed at 70 mm above ground level and, above that, wires placed at the following intervals – 100, 100, 100, 110, 120, 135, 150 and 165mm
 - (c) The top wire should be approximately 50 mm below the top of the post.
3. Bottom wire shall be barbed wire instead of high tensile wire where the fence is situated on land subject to erosion.
4. Posts to be at the following intervals:
 - (a) less than 30 degrees ground slope: 5m
 - (b) 30 degrees to less than 45 degrees: 4m

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(c) 45 degrees or more: 3m

5. Battens to be at 1m intervals
6. All fences regularly checked and maintained to the above standards
7. Fences across streams and waterways shall require a floodgate that does not allow goats to pass through. Floodgates shall ~~to~~ (Sub 24.64) be constructed of H3 treated 100mm x 50mm timber suspended from an overhead wire or rail in such a way that the spacings will allow the passage of water but will not allow stock including goats to pass through. A cross-bar shall be positioned in the top third of the floodgate. Wire netting will not be used in floodgate construction.
8. Fences along watercourses shall be constructed alongside the **waterbody** with an appropriate setback to avoid possible slumping which may cause a breach of the fencing standard.