

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.
3. Residential activities within the zone have the potential to adversely affect the operation of rural production activities through reverse sensitivity effects.
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, 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 can be degraded and fragmented as a result of inappropriate subdivision and development.
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 significant adverse effects on the wellbeing of the district, particularly horticulture, and inappropriate management of such incursions can result in the unintended spread of pest species.
13. Activities can adversely affect the safety, sustainability and efficiency of the transport network.
14. Seasonal worker accommodation is an important component for the horticulture sector and needs to be located near the employment source.

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, where the effects of subdivision, use and development are managed to maintain the rural character of the zone and to prevent reverse sensitivity effects from compromising rural production activities and the operation of infrastructure.**

POLICIES

- 8.2.1.1 Recognise the Rural Zone as a working rural environment and ensure that residential or sensitive activities do not result in *reverse sensitivity* effects on *rural production activities*, through separation distances and other requirements.
- 8.2.1.2 Manage subdivision and development to maintain the rural character of the zone and the District's natural and physical resources.
- 8.2.1.3 Ensure the maintenance and enhancement of visual open space and vegetated character of the rural environment.
- 8.2.1.4 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 industrial activities and rural services directly related to rural production activities where they have a functional requirement to locate in the Rural Zone.

8.2.2 OBJECTIVE

Enable the use of the rural land resource and in particular versatile land for rural production activities.

POLICIES

- 8.2.2.1 Subdivision, use and development should not result in a significant reduction of productive rural land use options, especially 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 so that it remains available to present and future generations for *rural production activities* and is not compromised by activities that do not rely on or directly support 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.

POLICIES

8.2.3.1 Recognise that the use, storage and transport of hazardous substances is managed through compliance with the requirements of the relevant legislation and industry standards.

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-

8.2.3.3 Require landscaping of storage and service areas on sites used for industrial and commercial activities so that these do not detract from the character and amenity of the Rural Zone.

8.2.3.4 Mitigation of the potential adverse effects of new activities on waterbodies and on the amenity of established *dwelling*s through measures including *landscaping*, screening and separation distances from adjoining activities.

8.2.3.5 Mitigation or avoidance of potential adverse effects, including reverse sensitivity, of new dwellings or incompatible activities on legally authorised activities.

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.

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

Enable national or regional responses to biosecurity incursions and allow for the appropriate management of plants and plant material infected by an unwanted organism.

POLICY

- 8.2.5.1 Enable disposal of plants and plant material infected by unwanted organisms that are being managed as part of a biosecurity response under the Biosecurity Act 1993.

8.2.6 OBJECTIVE

Manage activities to ensure vehicle movement is undertaken in a safe and efficient manner that does not affect the functioning of the transport network.

POLICY

- 8.2.6.1 To avoid, remedy or mitigate the adverse effects of activities on the safety and efficiency of the transport network.

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 all relevant standards are met.

Additional controls may apply in the following Chapters:

- Chapter 12 – Surface of Water Activities
- Chapter 13 – Landscapes, Indigenous Vegetation and Habitats
- Chapter 14 – Heritage
- Chapter 15 – Subdivision
- Chapter 16 – Financial Contributions
- Chapter 17 – Network Utilities
- Chapter 18 – Natural Hazards
- Chapter 19 – Coastal Environment Overlay

8.3.1 PERMITTED ACTIVITIES

- 8.3.1.1 Subject to compliance with the Zone Standards in 8.6, the following activities may be established without resource consent from *Council*:

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. *Plantation Forestry*.
5. One *dwelling* per *site*, including relocated or re-sited *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 4 visitors per night.
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 Appendix 3.
14. *Temporary buildings* and associated activities required for a *building* or construction project of not more than 12 months duration.
15. A *sign* listed in 8.4.15.1.
16. Any activity that is not listed in this Chapter and which complies with the Zone Standards.
17. Activities and *buildings accessory* to a Permitted Activity.
18. Airport and ancillary activities, including fuel facilities (storage and dispensing) at Ōpōtiki Airport, on Section 1 SO 447448.
19. *Seasonal worker accommodation* for up to 12 people per night
20. *Artificial crop protection structures*.
21. *Audible bird scaring devices*
22. Frost fans
23. *Emergency services* training and associated management activities
24. Removal and disposal of plants and plant material infected by unwanted organisms, including ancillary earthworks, carried out as directed by a person authorised under the Biosecurity Act 1993.

8.3.2 CONTROLLED ACTIVITIES

- 8.3.2.1 The activities listed below may only be established after resource consent has been granted by *Council*. The *Council* may impose conditions only in relation to the matters over which it has

reserved control in section 8.4. The activities must comply with the Zone Standards in section 8.6, unless otherwise stated.

1. *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.
2. Public toilets.
3. *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.
4. Community and outdoor recreation activities where any *buildings* and structures are less than 100m² in *total floor area*.
5. *Emergency service* facilities
6. *Seasonal worker accommodation* for more than 12 people per night
7. *Temporary military training activities* not complying with Appendix 3
8. Activities and *buildings accessory* to Controlled Activities.

8.3.3 RESTRICTED DISCRETIONARY ACTIVITIES

8.3.3.1 The activities listed below may only be established after resource consent has been granted by *Council*. The *Council* may refuse consent or grant consent and impose conditions only in relation to the matters over which it has restricted its discretion in 8.5. The activities must comply with the Zone Standards in Section 8.6, unless otherwise stated.

1. *Rural selling places*.
2. Relocation or re-siting of a *building* not complying with the Zone Standards.
3. Activities not complying with 8.6.2 (Height), 8.6.3 (Daylight Protection) and 8.6.4 (Yards).
4. *Artificial Crop protection structures* not complying with 8.6.5
5. *Audible bird scaring devices* not complying with 8.6.6.1 (1))
6. Frost fans not complying with 8.6.6.1 (2)
7. *Seasonal worker accommodation* not complying with 8.6.17
8. Activities not complying with 8.6.6.2 (Lighting and Glare)
9. Activities not complying with Rule 8.6.4.3.2 (Building setbacks from waterbodies)
10. *Papakāinga*, where the maximum number of *sites* shall be 50 and where each *site* will have an area of 1200m² exclusive of *access*.
11. *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 suitably qualified and experienced person is provided to show that the *site* complies with the On-site Effluent Treatment Regional Plan.

8.3.4 DISCRETIONARY ACTIVITIES

8.3.4.1 The activities listed below may only be established after resource consent has been granted by *Council*. The *Council* may refuse consent or grant consent subject to conditions. The Zone standards in 8.6 will be used as a guideline when assessing the application.

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

8.3.5 NON-COMPLYING ACTIVITIES

8.3.5.1 The activities listed below may only be established if resource consent has been granted by *Council*. The *Council* may refuse or grant consent for a non-complying activity. The Zone standards in 8.6 will be used as a guideline when assessing the application.

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

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*).

8.4 CONTROLLED ACTIVITIES: MATTERS OVER WHICH CONTROL IS RESERVED

8.4.1 The Council has reserved control over the following matters:

8.4.1.1 Design and appearance

1. The design and appearance of the activity and how it relates to the *amenity values* of the surrounding areas including, where 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

8.4.1.2 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.

8.4.1.3 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.

8.4.1.4 **Historical, cultural and archaeological values and resources**

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.
3. The effects of the activity on heritage and conservation values, both on the *site* and on adjoining *sites*.

8.4.1.5 **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.

8.4.1.6 **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 **Temporary Military Training Activities not complying with Appendix 3**

1. Location in relation to noise sensitive activities.
2. Hours of operation and duration.

8.5 RESTRICTED DISCRETIONARY ACTIVITIES: MATTERS OVER WHICH DISCRETION IS RESTRICTED

8.5.1 Council has restricted its discretion over the following matters:

8.5.1.1 **Relocation and re-siting of a dwelling or building that does not comply with the Zone Standards**

1. Proposed *landscaping*, including opportunities to screen the *building* during reinstatement.
2. Proposed timetable for completion of re-instatement works;
3. The appearance of the building when re-instated; and
4. Maintenance of the *site* and surrounds during reinstatement.

8.5.1.2 **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, where 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.

8.5.1.3 **Activities not complying with 8.6.2 Height, 8.6.3 Daylight Protection and 8.6.4.1 Yards**

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 **Audible Bird Scaring Devices not complying with the Noise standard in 8.6.6.1.6**

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

8.5.1.5 **Frost Fans not complying with the Noise Standard in 8.6.6.1.5**

1. Location of frost fan.
2. Sound levels at any point within at the *notional boundary* of any dwelling on another site.

8.5.1.6 **Seasonal worker accommodation not complying with 8.6.17**

1. Those matters in Zone Standard 8.6.17 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.

8.5.1.7 **Artificial crop protection structures not complying with 8.6.5**

1. The effects of non-compliance with the standards in 8.6.5.
2. The effect on the visual catchment and the sensitivity of the visual catchment, including Outstanding Natural Landscapes and Features and the Coastal Environment.

8.5.1.8 **Papakāinga**

1. The matters set out in section 8.4.
2. Whether the *site*, including its natural features, has the capacity for the number of dwellings proposed.

8.5.1.9 **Activities not complying with rule 8.6.4.3.2 (Building setbacks from Waterbodies)**

Effects on waterbodies/margins and the need for setbacks, for example ecological and habitat values, amenity, natural hazards, natural character and landscape.

8.6 ZONE STANDARDS

These Zone Standards apply to all permitted, controlled and restricted discretionary activities, unless otherwise stated. They will be used as a guideline when assessing applications for discretionary and non-complying activities.

Temporary Military Training Activities are exempt from complying with Zone Standards.

8.6.1 SITE COVERAGE

8.6.1.1 Residential activity sites

A maximum of 40% of the *site* may be covered with *buildings*.

8.6.1.2 Non-residential activity sites

No limit, subject to compliance with the other Zone Standards.

8.6.2 HEIGHT

1. The maximum *height* for *buildings* within the zone shall be 9m except for frost fans up to 12m in *height*. Hose drying towers associated with *emergency service* facilities may be up to 15m high.
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.

8.6.3 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.

8.6.4 YARDS

8.6.4.1 Separation from adjoining properties

1. All *buildings* shall be set back at least 5m from side and rear boundaries, excluding crop protection structures and on-farm yards.
2. Non-compliance with this Rule shall be considered a Restricted Discretionary Activity.

8.6.4.2 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.

8.6.4.3 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 is required as part of a Controlled Activity assessment.
3. Non-compliance with this Rule shall be considered a Restricted Discretionary Activity.

8.6.4.4 **Building setback from plantation forestry**

1. *Buildings* shall be set back a minimum of 30m from the boundary of an existing plantation forest in order to mitigate potential fire risk to the forest and residential *buildings*.
2. Non-compliance with this Rule shall be considered a Restricted Discretionary Activity.

8.6.5 **ARTIFICIAL CROP PROTECTION STRUCTURES**

1. Dark green or black cloth shall be used on vertical faces within 30m of the boundary of the property.
2. Green, black or white cloth shall be used on horizontal surfaces.
3. Within 30m of a property boundary, including a *road* boundary, white cloth 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*) is obtained and provided to the *Council*.
4. No setback from a side or rear boundary shall be required for an *artificial crop protection structure* except that where there is an existing lawfully established residential *building* located 5m or less from the boundary on an adjacent *lot*, a 5m setback shall be provided unless the written approval of the owner(s) of the adjacent *lot* is obtained and provided to the *Council*. The setback shall apply to a 5m envelope parallel to any face of the residential *building*.
5. No maximum *site* coverage shall apply.
6. Non-compliance with these rules or where written approval is not obtained shall be assessed as a Restricted Discretionary Activity.

8.6.6 **NOISE AND GLARE**

8.6.6.1 **Noise**

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 Rural Zone.

Noise Limits dB		
Receiving Zone	Daytime 7am to 10pm, Monday to Sunday including public holidays	Night time At all other times
Rural	50LAeq	40LAeq 70LAmx

2. 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 - Environmental Noise.
3. Construction noise in any zone shall be measured and assessed in accordance with the provisions of NZS 6803:1999 Acoustics - Construction Noise.
4. 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 at any point within the *notional boundary* of any *dwelling* on another site in the Rural Zone or at any point within a 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*.
 - 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
5. 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.
6. Noise from livestock and from vehicles and mobile machinery associated with short term farming and *plantation forestry* operations such as harvesting crops and forests shall be exempt from compliance with the noise levels specified in the table above.
7. Sirens used by *emergency services* shall be exempt from compliance with the noise levels specified in the table above.

8.6.6.2 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.

8.6.7 RELOCATION OF A BUILDING

1. A *building* inspection report shall accompany the *building* consent for the *building*. The report shall identify all *reinstatement work* required to the exterior of the *building*.
2. The *building* shall be located on permanent foundations approved by *building* consent no later than two months from the *building* being moved to the *site*.
3. All work required to reinstate the exterior of any relocated *building* in accordance with the building inspection report shall be completed within 12 months of the *building* being relocated on the *site*.
4. The proposed owner of the relocated *building* must certify to the Council that the *reinstatement work* will be completed within the 12 month period.
5. Non-compliance with this Rule shall be considered as a Restricted Discretionary Activity.

8.6.8 PARKING AND ACCESS

8.6.8.1 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 activity is changed.
2. On-site carparking shall be as follows:

<i>Residential dwellings</i>	2 spaces per dwelling
<i>Places of assembly</i>	1 space per 5 persons accommodated
<i>Visitor accommodation</i>	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
<i>Education facilities:</i>	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
<i>Rural industries</i>	1 space per 50m ² total floor area
<i>Coolstores</i>	1 space per 500m ² total floor area
<i>Rural selling places</i>	1 space per 20m ² total floor area
<i>Contractors' depots</i>	1 space per 50m ² total floor area
<i>Home occupations</i>	1 space per 20m ² of the <i>site</i> used for the activity

<i>Outdoor recreation</i>	<i>community</i>	1 space per 20m ² of the net <i>site area</i>
<i>Community activity</i>	<i>corrections</i>	1 space for every 2 full time equivalent employees and one space for every 10 people the facility is designed to service
<i>Residential Care Facility</i>		1 space per 5 beds 1 space per 2 staff
<i>Seasonal accommodation</i>	<i>worker</i>	1 space for every 6 people accommodated on site
<i>Emergency Services facilities</i>		5 spaces per <i>emergency service</i> vehicle bay

3. The dimensions and design standards are 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.

8.6.8.2 **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*.

8.6.9 **VEHICLE ENTRANCES**

- 8.6.9.1 Vehicle entrances shall be designed and constructed to comply with Appendix 4.

ADVICE NOTE:

Additional access width may be necessary to provide for emergency service vehicles in accordance with SNZ PAS 4509:2008 (refer 17.6.10 Advice Note)

8.6.10 **FLOOR LEVELS**

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

8.6.11 ON -SITE EFFLUENT DISPOSAL

8.6.11.1 Provision shall be made on-site for adequate vehicle *access* to septic tanks for maintenance purposes.

8.6.11.2 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*.

ADVICE NOTE: Resource consent may be required from the Bay of Plenty Regional Council
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8.6.12 POTABLE WATER SUPPLY

8.6.12.1 A potable water supply shall be provided to each *site* within the zone.

8.6.13 SETBACK FOR PLANTATION FORESTRY

8.6.13.1 The planting of any *plantation forestry* shall not be located closer than 15m to the boundary of any public *road*.

8.6.14 GOAT FARMING

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

8.6.14.2 The goats shall be formally identified in accordance with the National Animal Identification and Tracing Act 2012, but must include the tagging (brass tag or plastic tag or ear-cut or tattoo) of goats with recognisable owner identification.

8.6.14.3 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 7 or tethered, which may include a running wire.

8.6.14.4 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.

8.6.15 DEER FARMING

1. Deer shall be kept in accordance with the National Animal Identification and Tracing Act 2012.
2. Deer shall be identified in accordance with the National Animal Identification and Tracing Act 2012.
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 7.
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.

8.6.16 SIGNS

8.6.16.1 The following signs shall be permitted subject to compliance with the standards in 8.6.16.4:

1. A *sign* with a maximum area of 0.5m² in relation to an approved *home occupation* or *visitor accommodation*, including name, type of *home occupation* and hours of operation.
2. A *temporary sign* with a maximum area of 1.8m², where the written consent of the landowner has been obtained and provided to Council.
3. *Official signs*.

8.6.16.2 A *sign* with a maximum area of 1.1m² shall be a controlled activity in relation to any public purpose or on the same *site* as any of the following activities:

1. Recreation reserves
2. Churches and other *places of assembly*
3. *Education facilities*
4. Hospitals
5. *Community activities*
6. *Visitor accommodation*
7. Tourist or special information, including places or points of special interest.

8.6.16.3 The following *signs* shall be Discretionary Activities:

1. Illuminated *signs* that are not a Permitted Activity
2. Flashing, animated, trivision, revolving lights, lasers or aerial *signs* located adjacent to a state highway.
3. Free standing *signs* located within the boundary of a state highway with a speed limit of 50km/h or less.

4. Advance warning *signs* erected on a *road*.

8.6.16.4 *Signs* visible from a State highway shall not:

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

ADVICE NOTES:

1. Council controls signs under the Ōpōtiki District Council Consolidated Bylaws 2020.
2. Where signs on private property will be visible from a State Highway and resource consent is required, the NZ Transport Agency should be consulted in relation to traffic safety effects. It should also be noted that NZ Transport Agency controls signs on the State highway corridor Legal Road under the NZ Transport Agency Signs on State Highway Bylaw July 2010.

8.6.17 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 Department of Building and Housing 2008 shall be complied with.

8.6.18 VEGETATION DISTURBANCE AND ANCILLARY EARTHWORKS IN ASSOCIATION WITH A RESPONSE UNDER THE BIOSECURITY ACT 1993

8.6.18.1 Vegetation disturbance and ancillary earthworks must comply with the following standard:

1. There shall be a minimum setback of 50m from the Coastal Marine Area or a waterbody to minimise the risk of leachate reaching the water and sediment discharge resulting from earthworks.

ADVICE NOTE:

Consent may be required from Bay of Plenty Regional Council for the removal of indigenous vegetation and for earthworks.

8.6.19 NOISE SENSITIVE ACTIVITIES NEAR STATE HIGHWAYS

1. Within 80m (measured from the nearest painted edge line of the carriageway) of a State Highway any habitable room in a new *noise sensitive activity* or any addition(s) to an existing *noise sensitive activity* constructed shall be designed, constructed and maintained to meet an internal noise level of:
 - a) 35dBA LAeq (24 hour) inside bedrooms with ventilating windows open.
 - b) 40dBA LAeq (24 hour) inside other habitable rooms with ventilating windows open.
2. Compliance with 1 shall be achieved by an acoustic design certificate from a suitably qualified acoustic engineer being provided to *Council*, prior to the construction of any *noise sensitive activity*, demonstrating that the above internal sound levels will be achieved. The building will be designed, constructed and maintained in accordance with the design certificate.
3. Where the noise level specified in 1 cannot be met with ventilating windows open, a ventilation system shall be installed for the habitable room(s).

ADVICE NOTE:

For the purpose of this rule a Ventilation System means a system complying with the Building Code (NZS 4303) for mechanical ventilation (refer Clause G4). This rule will ensure a minimum level of mechanical ventilation with ventilating windows closed.

4. Dwelling units, home occupations and other *Sensitive Activities* shall have a minimum setback (measured from the nearest painted edge of the carriageway of a State Highway) of 40m.

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. Use Land Information Memoranda (LIM) and Project Information Memoranda (PIM) to provide information on known natural hazards to potential developers and applicants.
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 Ngā Whenua Rahui reserves.
7. To manage 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 *papakāinga housing* within the District.