
16. RURAL ZONE

16.1 ZONE INTRODUCTION

- 16.1.1** A large percentage of the land comprises the Rural Zone. The Zone comprises the low fertile plains of the district, rolling pasture lands, steep forested areas, and the rugged inland forested areas of the district. The activities undertaken within the Zone include agricultural and horticultural activities as well as forestry operations, and numerous commercial enterprises. The area also provides many recreational opportunities including tramping, river tours, hunting, and the enjoyment of the large conservation estate.
- 16.1.2** Within the Rural Zone there are areas of indigenous vegetation and habitats that are of district, regional, and national importance. In the rugged hinterland large areas of indigenous vegetation and habitats remain, but remaining areas, in other parts of the district, are generally small, fragmented, unprotected and vulnerable. There is a need for protection of remaining biodiversity especially in the intensively farmed areas of the district to complement the network of larger protected areas which are concentrated in the hinterland, such as the Te Urewera Conservation Park, Raukumara Conservation Park, Urutawa Conservation Area and the Waioeka Scenic Reserve.
- 16.1.3** The land use of the district's rural land has changed noticeably over the last twenty years. Over this time a significant impact has been a 3,000 percent increase in the land area planted in production forest; indicating that harvesting of the resource will increase substantially from the late 1990's. Over recent years there has also been an increase in dairying in the district, a trend that is identifiable on a national scale.
- 16.1.4** Much of the hill country in the Rural Zone is prone to erosion and includes land in private and public ownership. The indigenous vegetation located within the hill country provides valuable soil and water conservation functions.
- 16.1.5** The river flats of the Waiotahi, Waioeka, and Otara Rivers contain the most versatile soils of the district and, accordingly, are the most intensively farmed. The proximity to the Opotiki township has made them suitable for lifestyle block subdivision. Much of the indigenous vegetation within these areas has been cleared and what remains is important ecologically, and contributes to the district's biodiversity resource. The abundance of natural water resources and the attractive coastal fringe are important environmental qualities of the Opotiki district. Most of these resources are within or near the Rural Zone. Management of riparian areas to sustain these resources is a characteristic of the Zone.

16.1.6 People who undertake their activities within the rural areas are generally aware of the importance of undertaking their operations in a sustainable manner, acknowledging that sustainable management is of benefit to the district environmentally, ecologically, and socially.

16.1.7 Characteristics that contribute to the character of the Zone include:

- Areas of open space for public use
- Low noise levels, with higher levels associated with the use of agricultural machinery
- Low levels of glare and lightspill
- Accessibility to coastal and remote areas of the District
- A rural and coastal landscape
- Areas of indigenous vegetation and significant fauna
- Areas of high ecological, scientific, and cultural value
- Low population densities
- Vegetation and yards surrounding residential structures
- Provision of on-site areas for manoeuvrability of large vehicles associated with rural activities
- On-site parking provided
- Availability of land for the rearing of crops: plants and animals
- Minimal intrusion from signage
- Minimal intrusion from commercial and retail activities
- Rural and semi-rural residential activities

16.2 RESOURCE MANAGEMENT STRATEGY

16.2.1 *Resource management issues*

1. The need for awareness of the qualities and characteristics of the Rural Zone and that these contribute to the quality of the Zone environment.
2. Point and non-point discharges from activities undertaken in the Rural Zone can affect water quality in inland waters and coastal waters, and can affect riparian areas, and aquatic habitats.
3. There is a need for careful management of those indigenous vegetation areas and habitats of indigenous fauna within the Zone. Due to historic loss and continuing threats, the protection and enhancement of remaining natural areas is important.
4. Vegetation clearing activities can affect water quality, accentuate siltation effects, and can damage riparian and aquatic habitats. Bay of Plenty Regional Council are responsible for the effects of activities where they impact water quality.
5. The location of structures, including buildings, can detract from important viewpoints and can affect the natural character of outstanding landscapes, coastlines, and surrounding environments.

6. The location of residential activities within the Zone need to be managed to ensure that adverse effects on the amenity values, the quality of the environment, and ~~on~~ the natural and physical resources of the district are managed.
7. 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.
8. 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, health, lightspill, noise, dust, or grit, or spray drift effects.
9. Residential amenity values within residential properties need to be maintained so that the residential quality of the site and adjoining sites are maintained.
10. The location of hazardous substances use, storage, or disposal facilities within the Zone can have the potential to adversely affect the environment in times of a containment rupture, accidental spillage, or in times of flood, especially where the facility is located on land susceptible to flood waters.
11. Areas of the Rural Zone adjoin the Coastal Zone and Coastal Residential Zone and persons undertaking activities in the Rural Zone need to be aware of their potential effects, and the need to avoid, remedy, or mitigate effects on the coastal environment.
12. There is a need for riparian management areas and esplanade areas along the district's water bodies.
13. The farming of some animal species, such as deer and goats, if incorrectly housed and fenced can adversely affect areas of significant indigenous vegetation.
14. The versatility of the district's soils has the potential to be degraded and fragmented as a result of inappropriate and unnecessary subdivision.
15. Rural-residential activities in the rural zone need to be aware of the surrounding environment and associated rural activities that occur in this environment.

16.2.2 *Objectives and policies*

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| Objective | 1. A rural environment that continues to contribute to the district and region where the mixture of activities, and the effects from the activities, are managed to reinforce the qualities and characteristics of the Rural Zone. |
| Policies | <p>1.1 Assist in maintaining the character of the Rural Zone through the management of the density of subdivision and development, by restricting 'lifestyle lot' development throughout the Zone.</p> <p>1.2 Ensure that any potential adverse effects from residential activities, are avoided, remedied, or mitigated so that the quality of the Zone environment and the district's natural and physical resources are maintained, and where possible enhanced.</p> |

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- Objective 2. The versatile soils within the Rural Zone are protected from subdivision and activities that would adversely affect their versatility.**
- Policies**
- 2.1 Allotments created by a subdivision, in areas of versatile soils, should not result in a significant reduction of land use options.
 - 2.2 Versatile soils should be used and developed in a manner that they remain available to present and future generations for productive purposes.
- Objective 3. Avoid, remedy, or mitigate adverse environmental effects of activities undertaken within the Rural Zone.**
- Policies**
- 3.1 Avoid, remedy, or mitigate the effects of activities within the Zone where the activity uses, stores, or disposes of hazardous substances.
 - 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.
 - 3.3 Maintenance of residential activity sites so that they will not detract from the amenity values of adjoining properties.
 - 3.4 Screening of storage and service areas on residential sites so that these do not detract from the character of the Rural Zone.
 - 3.5 Control the location and design of buildings and structures where they are located on an outstanding natural landscape, or where they may adjoin a site of heritage value.
 - 3.6 Mitigation of the potential adverse effects of activities, where these mitigation measures include landscaping, screening, and separation distances from adjoining activities and water bodies.
- Objective 4. Maintain and enhance the natural values of water bodies and their margins, indigenous vegetation, and indigenous habitats within the Rural Zone.**
- Policies**
- 4.1 Require setback for buildings from riparian areas to enable esplanade reserve, or esplanade strips to be set aside for the future.
 - 4.2 Require esplanade reserves or esplanade strips as a condition of resource consent for conservation purposes, water quality enhancement, habitat protection, or for public access; except as otherwise provided for in Te Ture Whenua Maori Act 1993.
 - 4.3 Council to undertake a programme of identification of areas of significant indigenous vegetation and significant habitats of importance and outstanding natural features and landscapes in the Rural Zone in consultation with landowners and the community.
 - 4.4 Implement management programmes, developed in conjunction with landowners, to assist in ensuring the protection of indigenous vegetation and indigenous habitats within the Zone.

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- 4.5 To manage the effects of land clearance so that adverse effects on adjoining indigenous vegetation and habitats, historic places, water and riparian areas are avoided, remedied, or mitigated.
 - 4.6 To encourage landowners to plant riparian areas with appropriate species to mitigate adverse effects of activities.

16.2.3 *Methods of implementation*

The objectives and policies of this section will be implemented by the following methods.

- 1. Rules.
- 2. Other methods.

16.3 RULES

The following rules provide for permitted activities, controlled activities, discretionary activities and non-complying activities within the Rural Zone.

16.3.1 *Permitted activities*

Subject to compliance with the Zone Standards in Section 16.4, the following activities may be established in the Rural Zone without a land use consent.

- 1. Farming.
- 2. Keeping or farming of goats is permitted, other than in the following four goat management areas (see Maps "Outstanding Natural Features, Landscapes and Ecological Districts"):
 - i. To the west of the Waioeka and Opata Rivers
 - ii. All land in the district between the Motu and Raukokore Rivers
 - iii. Enclave west of the northern entrance to the Waioeka Gorge
 - iv. Omaukora Stream catchment.

Provided that:

- (a) The goats are formally identified in accordance with the Animal Identification Act 1993, but must include the tagging (brass tag or plastic tag or ear-cut or tattoo) of goats with recognisable owner identification, and;
- (b) The goats are to be contained on site at all times by either a boundary fence (the fence to comply with standards for goat fencing contained in **Appendix 9**) or tethered, which may include a running wire, and;

- c) Written advice of the location of the goat farming activity is provided to Council.

Any activity that is not permitted is a discretionary activity where Council shall limit its discretion to matters (a) to (c) specified below:

- (a) The area and location of the activity in relation to (b) and (c) below;
- (b) Potential effect on the values associated with natural character, indigenous biodiversity, amenity and landscape, including vegetation type and density;
- (c) The ability to confine goats upon the site.

Council will review the operation of this rule within five years of this plan becoming operative. This will include an assessment of land use and conservation values in the Waiootahi Valley area.

3. Deer farming provided that deer are:
- i. Kept in accordance with the Wild Animal Control Act 1977¹.
 - ii. Identified in accordance with the Animal Identification Act 1993.
 - iii. Contained within a boundary fenced area in accordance with the fencing standard set out in **Appendix 9**.
 - iv. Written advice of the location of the deer farming activity is provided to Council.

(Section 3 Landscapes and Habitats Zone)

¹ The keeping of certain deer species may be prohibited under the Wild Animal Control Act 1977.

- 4. Forestry.
- 5. One dwelling per site.
Two dwellings on any site 1 hectare or more in area.
Three dwellings on any site 4 hectares or more in area.
- 6. Marae.
- 7. Visitor accommodation 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.
- 12. Conservation planting and management, weed and pest removal, replanting and rehabilitation of indigenous vegetation.
- 13. Temporary military training activities.

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14. Temporary buildings and activities required for a building or construction project of not more than 12 months duration.
 15. Signs, as stated in **16.4.6 SG1**.
 16. Activities stated in **3.3.1** Section 3 Landscapes and Habitats.
 17. Activities stated in **4.3.1** Section 4 Heritage.
 18. Activities stated in **6.3.1** Section 6 Surface of Water Activities.
 19. Activities stated in **7.3.1** Section 7 Natural Hazards.
 20. Activities stated in **8.3.1** Section 8 Hazardous substances.
 21. Activities stated in **9.3.1** Section 9 Network utilities.
 22. Any activity that is not listed in the Plan and which complies with the zone standards shall be deemed a permitted activity and does not require a resource consent.
 23. Removal of residential dwellings that comply with the Building Act 2004 requirements, and Council's engineering standards.
 24. The relocation of a building or dwelling, where the following criteria are able to be met:
 - (i) Zone standards of the District Plan.
 - (ii) The building or dwelling was constructed after 1970.
 - (iii) Reinstatement works shall be undertaken within six months of the relocation or occupation (whichever is the sooner).

16.3.2 *Controlled activities*

The following activities may be established after a land use consent has been granted by Council. Activities must comply with the Zone Standards stated in Section **16.4**.

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 Transit New Zealand will be required, and will need to be submitted with any 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 Transit New Zealand will be required, and will need to be submitted with any application.
5. Community and outdoor recreation activities where any buildings and structures are less than 100m².
6. Papakainga, where the maximum number of sites shall be 50, and where each site is to have an area of 800m² exclusive of access.
 Provided that:
 Sites may be smaller 800m² where:
 - i. Zone Standards **17.4.1 SR1**; **17.4.2 YA1, YA2**, and **YA3**; and **17.4.10 OD1**, are complied with.
 - ii. On-site investigations are undertaken by a Chartered Professional Engineer to show that the site complies with the On-site Effluent Treatment Regional Plan.

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- iii. The investigations undertaken by a Chartered Professional Engineer conclude that a reduction in lot size will not have any adverse effects on the environment.
 - iv. Where the minimum residential site area shall be 400m².
 - 7. Signs, as stated in **16.4.9(2)**.
 - 8. Subdivision as stated in **16.5.1**.
 - 9. Activities stated in **3.3.2** Section 3 Landscapes and Habitats.
 - 10. Activities stated in **4.3.2** Section 4 Heritage.
 - 11. Activities stated in **6.3.2** Section 6 Surface of Water Activities.
 - 12. Activities stated in **7.3.2** Section 7 Natural Hazards.
 - 13. Activities stated in **8.3.2** Section 8 Hazardous Substances.
 - 14. Relocation of a building or dwelling that either:
 - (a) Does not comply with the specified time period for reinstatement work as stated in rule 16.3.1.24(iii); or
 - (b) Does not comply with the age restriction stated in rule 16.3.1.24(ii), provided that the application for consent includes a report from a suitably qualified person, being a qualified architect or structural engineer with adequate experience, which report concludes that the building or dwelling is sanitary and has structural integrity.

The Council has reserved control over the following matters.

16.3.2.1 Design and appearance

- i. 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.
- ii. The visual effect of the activity in relation to its location, site boundaries, and topography.
- iii. 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.
- iv. 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.

16.3.2.2 Effects of the activity on the adjoining site

- i. The size and location of buildings with regard to the activities on the site and the effect on neighbouring properties.
- ii. Any measures to be implemented to mitigate the effects from the activity, such as visual effects, odour, noise, and lightspill.

16.3.2.3 Vehicle access and manoeuvrability

- i. The design and location of vehicular access, on-site manoeuvrability, and whether vehicles can leave and enter the site safely.
- ii. The effect of the activity on the safety and efficiency of the State Highway network.

- iii. The need for carparking, service lanes, and loading and unloading activities associated with the activity.
- iv. The ability of the site to provide for on-site parking associated with the activity.

16.3.2.4 Historical, cultural and archaeological resources

- i. The effect of the design and layout of the activities in relation to land, buildings, features and water bodies which have historical and archaeological worth
- ii. The effects of the activity on resources of importance to Maori.
- iii. The effects of the activity on heritage and conservation values, both on the site and on adjoining sites.

16.3.2.5 Effects on water bodies, indigenous vegetation and habitats

- i. The effects of activities on water bodies in, or adjoining, the site of the activity.
- ii. Riparian management mechanisms implemented to mitigate potential adverse effects of the activity.
- iii. The potential effects of the activity on areas of indigenous vegetation and habitats of indigenous fauna.

16.3.2.6 Natural hazards

- i. The extent to which the activity may accentuate the adverse effects of natural hazards.
- ii. The susceptibility of the site to natural hazards and the measures implemented to mitigate the effects of natural hazards.

16.3.2.7 Hazardous substances

- i. The type and volume of the hazardous substances to be used or stored on the site.
- ii. The spill containment system proposed for the activity.
- iii. The proposed drainage system for the activity site.
- iv. The degree of risk of spillage and the potential adverse effects of spillage both on and off the site.

Council may impose conditions on a resource consent for a controlled activity only in relation to the matters stated above.

16.3.3 Discretionary activities

The following activities may be established after a land use consent has been granted by Council. Activities must comply with the Zone Standards stated in Section 16.4. The Council may grant or refuse a resource consent for a discretionary activity.

1. Keeping or farming of goats in the following four areas (refer to Maps "Outstanding Natural Features, Landscapes and Ecological Districts"):
 - i. To the west of the Waioeka and Opata Rivers

- ii. All land in the district between the Motu and Raukokore Rivers
- iii. Enclave west of the northern entrance to the Waioeka Gorge
- iv. Omaukora Stream catchment.

And the Council shall limit its discretion to matters (a) to (c) specified below:

- (a) The area and location of the activity in relation to (b) and (c) below.
- (b) Potential effect on the values associated with natural character, indigenous biodiversity, amenity and landscape, including vegetation type and density.
- (c) The ability to confine goats upon the site.

(Section 3 Landscapes and Habitats Zone)

Council will review the operation of this rule within five years of this plan becoming operative. This will include an assessment of land use and conservation values in the Waiotahi Valley area.

- 2. Additional dwellings exceeding those listed as permitted or controlled activities.
- 3. Activities and buildings accessory to discretionary activities.
- 4. Rural industries.
- 5. Intensive farming.
- 6. Education facilities.
- 7. Places of assembly.
- 8. Commercial services.
- 9. Visitor accommodation for more than 4 visitors per night.
- 10. Community and recreation activities involving buildings and structures over 100m² in area.
- 11. Contractor's Depots.
- 12. Refuse recycling facilities and transfer stations.
- 13. Public cemeteries.
- 14. Mining and quarrying.
- 15. Temporary activities where the access is to a State Highway, and where the written consent of Transit New Zealand has not been obtained.
- 16. Signs, as stated in **16.4.6 SG1**.
- 17. Subdivision as stated in **16.5.2**
- 18. Activities stated in **3.3.3** Section 3 Landscapes and Habitats.
- 19. Activities stated in **4.3.3** Section 4 Heritage.
- 20. Activities stated in **6.3.3** Section 6 Surface of Water Activities.
- 21. Activities stated in **7.3.3** Section 7 Natural Hazards.
- 22. Activities stated in **8.3.3** Section 8 Hazardous Substances.
- 23. Activities stated in **9.3.3** Section 9 Network Utilities.
- 24. Exploration.
- 25. Retail activities.
- 26. Rural selling places.

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27. Community and outdoor recreation facilities more than 100m² in area.

16.3.4 *Non-complying activities*

Any activity not specifically stated as a permitted activity, controlled activity, or discretionary activity, and which does not comply with the Zone Standards, shall be a non-complying activity and is allowed only if a resource consent is obtained.

16.3.5 *Prohibited activities*

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 faro).

(Section 3 Landscapes and Habitats Zone)

16.4 ZONE STANDARDS

These Zone Standards apply to all permitted activities and controlled activities and will be used as guidelines when assessing applications for discretionary activities and non-complying activities.

16.4.1 SITE REQUIREMENTS

SR1 *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 **16.4.2 YA1**, **16.4.2 YA2**, **16.4.3 YA3**, and **16.4.5 PA1**.

SR2 *Height*

The maximum height for structures within the Zone is 9m (refer to **Section 9** Network Utilities).

Provided that:

Within the Airport Protection Area in the vicinity of Opotiki Airfield, as identified on Planning Map 3 all buildings, structures, masts, trees or any other objects shall comply with Civil Aviation Authority requirements.

SR3 *Daylight protection*
 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 (refer to **Section 9** Network Utilities).

16.4.2 YARDS

YA1 *Separation from adjoining properties*

All buildings shall be set back at least 5m from side and rear boundaries,

Provided that:

1. Dwellings and buildings accessory to dwellings may be located within side yards where the written consent of the adjoining property owner/occupier is obtained.
2. Buildings used for the housing or keeping of animals on a permanent basis shall be located at least 30m from any boundary other than a road boundary, except where the written consent of the adjoining property owner/occupier is obtained.

YA2 *Building setback from roads*

All buildings shall be set back at least 9m from the road boundary.

YA3 *Building setback from water bodies*

No building shall be located closer than 25m from any water body where the water body has an average width of at least 3m. Where any water body has an average width of less than 3m a setback of at least 10m may be required.

YA4 *Building setback from forestry*

Buildings shall be set back a minimum of 30m from the boundary of an existing forestry in order to mitigate potential fire risk to forestry and residential buildings.

16.4.3 LANDSCAPING

LA1 *Screening from storage areas*

Areas used for storage shall be screened from any public place and from any adjoining residential activity site so as to mitigate the adverse effects of the storage area on residential amenity values.

16.4.4 NOISE AND GLARE

NG1 *Noise*

All activities on a site shall be designed and conducted so as to ensure that the following noise limits are not exceeded at the notional boundary of any residential site in the Rural Zone, Coastal Zone, Coastal Settlement Zone or Residential Zone:

RURAL ZONE

Monday to Friday	7.00 am to 10.00 pm	50 dBA (L 10)
Saturday	9.00 am to 6.00 pm	50 dBA (L10)
At all other times including Sundays and Public Holidays		40 dBA (L10)
On any day between 10.00 pm and 7.00 am on the following day		65 dBA (L max)

Except where expressly provided elsewhere in this Plan, noise shall be measured in accordance with the provisions of NZS 6801:1991 Measurement of Sound, and assessed in accordance with the provisions of NZS 6802 : 1991 Assessment of Environmental Sound.

Construction noise in any zone shall not exceed the recommended limits and shall be measured and assessed in accordance with the provisions of NZS 6803P : 1984 The Measurement and Assessment of Noise from Construction, Maintenance and Demolition Work.

NG2 *Lighting and glare*

1. All exterior security lighting and floodlighting shall be designed, installed and maintained so that light emitted does not overspill the property boundaries or cause a distraction or glare which could cause a traffic hazard on adjacent roads.
2. All glasshouses and similar structures within the Airport Protection Area, as shown on Planning Map 3 shall be treated to prevent hazardous reflected light or glare.

16.4.5 **PARKING AND ACCESS**

PA1 *Parking and loading*

On site carparking and provision for loading shall be provided in relation to every activity whether new, reconstructed, extended or where the use is changed, as follows:

1. On-site carparking shall be as follows:

Residential dwellings	1 space per dwelling in addition to parking provided in a garage or carport
Places of assembly	1 space per 5 persons accommodated
Visitor accommodation	1 to 4 people 1 space per unit
	Over 4 people 1 space per unit plus 2 for 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	1space 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

RURAL ZONE

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	One space for every 2 full time equivalent employees and one space for every 10 detainees
Probation centres	One space for every 2 full time equivalent employees and one space for every 10 detainees.

2. The dimensions and design standards are set out in **Appendix 5**.
3. 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 blocked.
4. Parking for disabled persons shall be provided in compliance with the Disabled Persons Welfare Act 1975 and NZ Standard specification 4121, or any subsequent legislation. In particular, one disabled car parking space shall be provided for each group of 50 car parking spaces up to 200 spaces, in a location as close as practicable to the building.

PA2 *Vehicle access*

All sites fronting a State Highway shall comply with the vehicle access standards in **Appendix 6**.

16.4.6 SIGNS

SG1 *Signs*

1. Signs located on the site of the activity meeting the following standards are permitted activities in this Zone:
 - (i) A sign with a maximum area of 0.5m² indicating a home occupation or visitor accommodation, including name, type of home occupation or profession, and hours of attendance.
 - (ii) Temporary signs with an area of less than 1.8m², where the written consent of the landowner has been obtained.
 - (iii) 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.
2. Signs visible from a State Highway are permitted activities where they are:
 - (i) Official signs.
 - (ii) Double sided free standing sign for each frontage of the site.
 - (iii) Attached to buildings on the site, which do not exceed the profile of the building where they meet the requirements of this Plan.

Please refer to Appendix 8 for provisions for controlling advertising signs that are visible from State Highways.

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3. Signs meeting the following standards are controlled activities in the Zone, subject to the written consent of Transit New Zealand where the site adjoins a State highway.
 - (i) A sign not exceeding 1.1m² in area for any public purposes or in connection with and on the same site as any of the following activities.
 - Recreation reserves
 - Churches and other places of assembly
 - Educational institutions
 - Hospitals and community buildings
 - Travellers accommodation
 - (ii) Signs not exceeding 1.1m² erected in connection with tourist or special information, or denoting places or points of special interest.
 - (iii) Signs with an aggregate area of 5m² providing information in relation to a permitted activity or for which resource consent has been granted.

 4. Signs meeting the following standards are discretionary activities in this Zone.
 - (i) Signs not meeting the standards specified in **16.4.9(1)** or **16.4.9(2)**.
 - (ii) Signs visible from a State highway area discretionary activities where they are:
 - (a) Illuminated signs, that are not a permitted activity, and flashing, animated, trivision, revolving lights or lasers, or aerial signs situated adjacent to a State Highway
 - (b) Free standing signs situated within the boundaries of a State Highway with a speed limit of 50km/h or less.
 - (c) Advance warning signs erected on a road.

16.4.7 HAZARDOUS SUBSTANCES

HS1 *Spillage containment*

The site of any activity which uses, stores or produces potentially contaminating hazardous substances shall be designed so that stormwater run-off or accidental spillage is contained and disposed of in accordance with Environment BOP standards.

16.4.8 FLOOR LEVELS

FL1 *Floor levels*

The minimum floor level for buildings shall be the higher of:

- (a) 3.4m above Moturiki datum or;
- (b) Floor levels shall be sufficient to ensure that water does not enter buildings in a 2% AEP (Annual Exceedance Probability) event.

16.4.9 NON-RESIDENTIAL ACTIVITIES

Standards for non-residential activities are not applicable in this Zone.

16.4.10 ON-SITE EFFLUENT DISPOSAL

OD1 *On-site effluent disposal*

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

Provided that

In relation to intensive farming waste disposal and effluent disposal associated with the activity shall be located at least:

- (i) 500m from a Residential, Mixed Activity or Industrial Zone.
- (ii) 100m from an existing residential activity on a site in separate ownership.
- (iii) 45m from a front boundary and from a residential activity on the same site.
- (iv) 15m from any other site boundary.
- (v) 50m from any water body.

NOTE

Sites where sewerage is not available will need to comply with the Regional Council's On-site Effluent Treatment Regional Plan so that the site will be of a sufficient size to mitigate any adverse effects of on-site effluent disposal within the site.

16.4.11 RETAIL CORE

Standards for the retail core are not applicable in this Zone.

16.4.12 WATER SUPPLY

WS1 *Water supply*

A potable water supply shall be provided to each lot within the Zone.

16.4.13 COASTAL HAZARD ASSESSMENT

CH1 *Coastal hazard assessment*

It should be noted that compliance with the standards in this Plan does not override Council's obligations under the Building Act 2004 when considering applications for building consents in areas with an identified coastal hazard risk. A coastal hazard assessment may be required in those circumstances.

16.4.14 SETBACK FOR PLANTATION FORESTRY

SP1 *Setback for plantation forestry*

The planting of any plantation forestry should not be located closer than 15m to the boundary of any public roadway.

16.5 SUBDIVISION

The following rules provide for controlled activities, discretionary activities, and non-complying activities in relation to subdivision within the Rural Zone.

(Section 10)

16.5.1 Permitted activities

There is no subdivision within the Rural Zone that is a permitted activity.

16.5.2 Controlled activities

1. Subdivision complying with the boundary adjustment requirements specified in Rule 16.5.5.3.
2. Subdivision which creates lots for public utilities, public works, reserves within the meaning of the Reserves Act 1977, where these subdivisions comply with Rule 16.5.5.4.
3. Subdivision of a parent lot of more than 4 hectares where the subdivided lots are a minimum of 4 hectares or more, and where the following can be met:
 - (i) Each lot has a potable water supply.
 - (ii) The site has sufficient area to contain all effects of the disposal of waste water on a sustainable basis, including provision for alternative effluent disposal fields.
 - (iii) Each lot is capable of supporting an area for a residential building site that ensures visual separation, by means of topographical features, distances over flat land, protected areas of vegetation, or similar devices.
 - (iv) The road to which the lots have frontage is formed to a suitable standard. Where work is required to upgrade the road, then a financial contribution will be required. See Section 11.
 - (v) The parent lot does not contain versatile soils as identified on the Planning maps.

Where a subdivision is a controlled activity Council may decline a consent application if the circumstances as set out in Section 106 of the Resource Management Act exist (e.g. material damage to land caused by erosion, slippages and inundation).

4. The subdivision of protection/incentive lots as follows:
One lot of 2000 m² will be permitted where:
 - (i) There is on the parent lot a natural feature which is identified in the District Plan or a Regional Plan, or has been assessed by Council against the following criteria and is found to be of significant value:
 - (a) Representativeness.
 - (b) Diversity and pattern.
 - (c) Naturalness/Intactness.

- (d) Rarity and distinctiveness.
- (e) Long term viability.
- (f) Buffering and connectivity.
- (g) Fragility and threat.
- (h) Importance for breeding, feeding, roosting, or loafing areas for indigenous fauna on a regular or annual basis.
- (i) Importance of contribution to the habitat requirements of rare, vulnerable, and endangered indigenous flora or fauna.

(An explanation of these criteria can be found in **Appendix 3**).

- (ii) Legal protection of the feature will be secured by a way of legal protection mechanism to Council's satisfaction and at the applicant's cost.
- (iii) An additional incentive lot of 2000 m² will be offered for every subsequent 2000 m² of protected feature, where the maximum number of incentive lots will be as follows:
 - 2 incentive lots for a parent lot of less than 4 hectares;
 - 4 incentive lots for a parent lot of 4 hectares or more.
- (iv) The remaining area of any protected feature will be secured in the maximum incentive lot in the subdivision, where this will either be two or four 2000 m² lots. The feature identified will be completely protected by the time that the maximum incentive lot is granted.
- (v) The feature identified for protection does not have to be included in the incentive lots granted under this provision.

16.5.3 Discretionary activities

1. Subdivision of a parent lot of more than 8 hectares containing versatile soils as identified on the Planning maps ("Opotiki District Land Use Capability (LRI)") subject to the following criteria:
 - (i) The average density over the entire subdivision shall be no less than 1 lot for every 8 hectares.
 - (ii) Each lot has a potable water supply.
 - (iii) The site has sufficient area to contain all effects of the disposal of waste water on a sustainable basis, including provision for alternative effluent disposal fields.
 - (iv) Each lot is capable of supporting an area for a residential building site that ensures visual separation, by means of topographical features, distances over flat land, protected areas of vegetation, or similar devices.
 - (v) The road to which the lots have frontage is formed to a suitable standard. Where work is required to upgrade the road, then a financial contribution will be required. See **Section 11**.
 - (vi) A report from a suitably qualified person is lodged with the resource consent application detailing the extent to which the subdivision and possible subsequent development of any lot is necessary and would constrain, maintain or enhance:
 - a. The accessibility, versatility and life-supporting capacity of the land (particularly versatile soils) and soil resources of the property;

- b. The biophysical qualities of the soil resource.
- c. The accessibility or versatility of the land and soil resources (particularly versatile soils) of any adjoining property;

Where any site is found to contain versatile soils, Council will consider the extent to which any proposed buildings, structures, or developments preclude or compromise the use or availability of this land for activities that directly rely on them. Depending on the scale and nature of the effects in any particular case, the Council will consider the range of alternate locations available within the site, and the practicalities of other locations for part or all of what is proposed. Council may decline consent to the application or may impose conditions requiring alternative locations within the site for all or some of the proposed buildings, structures or developments where necessary to avoid or mitigate any adverse effect.

Where it can be proven by using the same formula as that applied in the NZLRI that at least 60 percent of the land held in certificate of title is:

- (i) Class IV to Class VIII.
- (ii) Class III, with a **severe** limitation such as a shallow soil profile, stoniness, rock outcrops, low soil moisture holding capacity, low fertility (where this is difficult to correct), salinity or toxicity,

Then the subdivision rules of the Rural Zone will apply with the exception of Rule 16.5.3.

16.5.4 *Non-complying activities*

- 1. Subdivision stated in 16.5.2 (3) that does not meet the controlled activity criteria.
- 2. Subdivision stated in 16.5.2 where the number of incentive lots sought by the applicant exceeds the maximum incentive lot provision.
- 3. Subdivision stated in 16.5.3 that does not meet the discretionary activity criteria.

16.5.5 *Subdivision standards*

The following are the subdivision standards for the Rural Zone.

(Section 10)

16.5.5.1 *Minimum lot size*

The minimum lot size is stated in 16.5.2 and 16.5.3.

16.5.5.2 *Access*

The maximum number of lots that may be served by an access strip is 6. Thereafter, a legal road will be required.

Minimum width	3m for 1 lot
	4m for 2 lots
	6m for 3-6 lots

16.5.5.3 Boundary adjustment

The subdivision standards for the Zone will not apply to a subdivision for the adjustment or relocation of boundaries provided no new additional new allotments are created, and the subdivision provides for:

- i. The adjustment or relocation of boundaries which will leave the allotments with similar areas to that existing prior to subdivision; or
- ii. The adjustment or relocation of boundaries is more suitable for activities provided by the Zone, where it does not increase the degree of non-conformity of any existing lot or lots.

16.5.5.4 Lots for public utilities, public works, and for reserves as stated in the Reserves Act 1977

The minimum standards for the Zone shall not apply where lots are created for the following purposes:

1. Where land is required by a network utility operator.
2. Where land is required for a public work.
3. Where land is to be set aside or vested as a reserve.
4. Where land is to become a reserve vested in the Council.

16.5.5.5 General subdivision requirements

In addition to Rule **16.5** the general rules for all subdivision specified in **Section 10** shall be met.

16.6 **OTHER METHODS**

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

1. Co-operate with landowners and Bay of Plenty Regional Council in the use of Farm Plans and Environmental Plans which promote sustainable management practices.
2. Provision by Council of appropriate education and information distribution programmes.
3. Encourage and support Landcare programmes as a tool to manage natural and physical resources.
4. Use of catchment management groups to enhance the quality of natural resources, particularly water bodies, within defined areas.
5. Through the use of Land Information Memoranda (LIM) and Project Information Memoranda (PIM) provide information on known natural hazards to potential developers and applicants.

6. 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.
7. 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.
8. To develop 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.

16.7 EXPLANATION

16.7.1 The reasons for the foregoing objectives, policies and methods are stated below.

16.7.2 The social, economic and cultural wellbeing of the Opotiki District relies, to a large extent, on the use, development and protection of high quality soils (e.g. horticulture and dairying). Such soils comprise only a small proportion of the district, and therefore, their protection is a significant resource management issue. Through the control of subdivision and other activities, the District Plan seeks to protect versatile soils to maintain their life-supporting capacity and versatility for the benefits of present and future generations.

Council has used the classifications in the New Zealand Land Resource Inventory (NZLRI) Worksheets, including the extended legend of classifications (completed by the former National Water and Soil Conservation Organisation) as a guide to indicate the location of versatile soils. These soils are shown on the Planning maps and include classes I, II and III of the NZLRI Worksheets. At a scale of 1:50,000, however, the NZLRI allows only indicative planning. It provides a tool for defining boundaries in principle. For decisions about an individual property, more detailed survey using the NZLRI methodology would need to be undertaken.

16.7.3 The Rural Zone allows a range of lifestyle choices and protection of the natural and physical resources of the District. The rural area is required to cater for a wide range of expectations and demands. These relate to primary rural activities, such as agriculture and horticulture, and processing activities, recreation including access to streams and rivers, community facilities, and residential living. In addition, the administration of the effects of activities falls within the jurisdiction of both the Regional Council and Opotiki District Council, requiring close co-operation and co-ordination of resource management policies and rules.

16.7.4 Expectations for housing development can lead to conflicting demands on the rural environment. Some people must live in the rural area for reasons of employment, on farms or close to their workplace. Others live in rural areas for lifestyle reasons and may lack understanding or have inappropriate expectations of the

actual and potential effects of primary activities such as noise, spray, odour, and hours of operation. The best approach is often to promote a better understanding through education.

16.7.4 The policies of this section have been developed to ensure that the effects of activities within the Rural Zone are managed to maintain the quality of the rural environment. The policies, and subsequent rules, ensure the on-site amenity values are maintained. The policies provide guidance for the protection of natural and physical resources, and encourage the use of techniques such as riparian planting.

16.7.5 Within the Rural Zone there is demand for subdivision and residential activity. The Rural Zone policies enable these activities to occur, and manage potential adverse effects that may arise while ensuring the continued potential of the land is sustained for future generations by the efficient use of natural resources.

16.7.6 The rules of the section, including the zone standards have been developed to retain the characteristics which contribute to amenity values in the rural environment, such as low scale buildings, separation distances between dwellings on different sites, noise levels and effluent disposal from intensive farming activities.

16.8 **ANTICIPATED ENVIRONMENTAL OUTCOMES**

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

- 4 Rural activities undertaken in a manner where the adverse effects on the environment are minimal.
- 4 Subdivision within the Zone that complements the Zone's rural character.