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## 21.0 RURAL ZONES

### 21.1 Introduction

Gisborne District is a rural district with land use focused on rural type activities namely:

- the areas of high intensity farming on the elite soils namely on the Poverty Bay Flats and the Flats of Tolaga Bay, Ruatoria and Tikitiki;
  - the peri-urban “lifestyle blocks” in close proximity to Gisborne Urban Area;
- and

the balance of the rural land which, although not intensively developed has natural and cultural heritage and amenity values. These values are identified in Chapter 3 - Cultural Heritage and Chapter 4 - Natural Heritage. Development, primarily plantation and indigenous forestry and farming, should be enabled in these areas provided adverse effects on the environment can be avoided, remedied or mitigated.

#### Rural Residential Zone (Rural R)

There has been increased pressure for residential expansion onto the productive land. This issue has been addressed through the use of rules on Rural Productive zoned land and through the creation of the Rural Residential zone between Gisborne Urban Area and the Poverty Bay Flats (see the Glossary for a fuller explanation of the term peri-urban).

Peri-urban living is a legitimate land use and has been enabled through the use of the Rural Residential and Rural Lifestyle zones. These areas are already well established and developed. Peri-urban development may also be permitted in other rural areas where its adverse effects can be avoided, remedied or mitigated.

The Rural Residential zone also contains land identified for possible future urban residential development and therefore, until urban expansion occurs, the subdivision and development of this land is limited to preserve opportunities for quality urban design. The Flats of Ruatoria and Tolaga Bay are also situated on high quality soils but are not subject to the same urban expansion pressures as the Poverty Bay Flats.

#### Rural Lifestyle Zone (Rural L)

In addition to these lifestyle areas, there are a number of rural properties used primarily as residences only, where the density of settlement is already greater than other peri-urban areas. These communities have identified that they wish to enable larger properties in the vicinity to subdivide, if this will not compromise or destroy the semi rural atmosphere of the area.

A variety of scales and types of rural living is intended to be provided, dependant on an assessment of the physical constraints close to the Gisborne Urban Area and Poverty Bay Flats. This will allow development to occur in a controlled manner, while achieving a quality peri-urban environment.

### 21.2 Issues

- 21.2.1 Adverse effects, through increased subdivision pressure for peri-urban development and; the potential for unsustainable use due to management practices that deplete soil fertility and structure, on the life supporting capacity of the soils on the Poverty Bay Flats.

Reference: No 102/02  
Gisborne Environment  
Centre  
Item 38  
Chapter 21  
(Deletion of references to  
the Coastal Environment  
Zone).

- 21.2.2 Peri-urban development has the potential to lead to rural land fragmentation and place constraints on the operation of growers because of concerns of residents about matters such as noise, dust and spraying. Peri-urban development is, however, a legitimate landuse on the fringes of Gisborne Urban Area. These established areas should be allowed to continue to develop as they relieve pressure on the Poverty Bay Flats while simultaneously meeting a need in the market place.
- 21.2.3 Peri-urban development on the fringes of the Gisborne Urban Area is constrained by land instability, poor drainage and high water tables in most areas.
- 21.2.4 Some land on the fringes of the Gisborne Urban Area may be required for future urban expansion. However, allowing higher density peri-urban development with no controls may limit the opportunities for achieving a quality urban design in the future.
- 21.2.5 Peri-urban lifestyle activities can lead to pressure to extend or upgrade wastewater, stormwater, water supply and roading services. There are associated capital and maintenance costs, and potential lack of efficiency in providing these services.
- 21.2.6 Rural areas have important amenity and natural and cultural heritage values that can be adversely affected by subdivision, use and development. There are areas with important natural values scattered throughout the rural zone, and that due to historic loss, the protection and/or enhancement of remaining areas is important. The values that are to be protected are provided for in Chapter 4 - Natural Heritage. The Rural Coastal Environment, in particular, due to its natural and amenity values tends to attract subdivision, use and development. In the past this has not always recognised and provided for these values.
- 21.2.7 There is a public expectation and often an economic and social need for non-rural activities in rural areas. These activities can, however, create adverse environmental effects.
- 21.2.8 Tall vegetation and structures adjacent to property boundaries in rural areas can have adverse effects such as:
- impacts on road safety and road condition;
  - loss of amenity to dwellings;
  - soil moisture and nutrient loss, and decreased growth of plants.

### 21.3 General Objectives (All rural zones)

1. Enable subdivision, use and development in all rural zones provided that adverse environmental effects can be avoided, remedied or mitigated.
2. Maintain rural amenity values.
3. Sustainable management of the life supporting capacity of the soils on the Poverty Bay Flats.
4. Enable peri-urban living in appropriate areas, and at densities where the adverse effects of this activity can be avoided, remedied or mitigated.
5. Locate structures and plant trees in such a manner as not to cause adverse environmental effects across property boundaries.

*Principal reason (1): This is a requirement of Section (5) of the Act.*

*Principal reason (2): The rural environment has a high degree of amenity value. Its maintenance is a requirement of Section 7(c) of the Act.*

*Principal reason (3): Highly productive and versatile soils play a major role in the economy of the region. The great majority of this activity takes place on the Poverty Bay Flats. These soils are among the most fertile and productive in the country, but are a very finite resource representing only 5% of the region. The life supporting capacity of this resource, unless maintained, could be adversely affected by inappropriate subdivision and landuse.*

*Principal reason (4): A rural residential and rural lifestyle zone surrounds the Gisborne Urban Area and has been in place for some time. These zones were introduced by means of a variation in 1995 to the Cook County Transitional Plan. This has enabled peri-urban dwelling to occur in a manner which does not result in adverse environmental effects on other landuses.*

*There may be other areas in the District where this landuse is appropriate and this has generally been enabled through the rules that apply to the Rural Lifestyle and Rural General zones. In determining whether an activity was appropriate the potential adverse effects on accepted rural uses such as farming and forestry would need to be assessed i.e. is there a reverse sensitivity argument.*

*Principal reason (5): Trees and structures, in particular circumstances, can cause adverse effects. These may include reduced plant growth on neighbouring properties from shading, root intrusion, and needle drop, loss of amenity of dwellings as a result of shading, and adverse effects on the safety and condition of roads. Ideally trees and structures should be located so that the adverse effects are avoided or mitigated and not transferred off site.*

### 21.3A Objectives (Rural Residential)

6. To provide for peri-urban development on the fringes of the Gisborne Urban Area and the fringes of the rural townships, where the adverse effects of this activity can be avoided, remedied or mitigated.
7. To preserve areas on the fringes of the Gisborne Urban Area where sustainable quality future residential development may be appropriate.

*Principal reason (6): Dense peri-urban development has the potential to fragment rural land, plus constrain growers and their small scale farming activities through the sensitivity of those seeking a rural character on a management property ("reverse sensitivity"). The intent of the Rural Residential Zone is to meet this demand in areas where peri-urban development can occur with limited adverse effects on the environment. Peri-urban living is well established on the fringes of the rural townships of Muriwai, Manutuke, Patutahi, Ormond, Te Karaka, Waihirere and Tolaga Bay. Further peri-urban development in these areas is supported, as long as any adverse effects are addressed.*

*Principal reason (7): The Council believes there could be areas on the fringes of the Gisborne Urban Area that may be suitable for future residential development. These areas should be retained to preserve the potential for a quality urban environment for possible residential development in these areas.*

### 21.3B Objectives (Rural Lifestyle)

8. To provide for a variety of scales of rural living, whilst sustainably managing the physical constraints within the peri-urban environment.
9. To provide for quality peri-urban development in areas where sites are already generally below one hectare as at 25 March 2000.

*Principal reason (8): Demand for peri-urban development could threaten the District's productive soil resource if it is not limited to the appropriate areas. The intent of the Rural Lifestyle Zone is to meet this demand in areas where peri-urban development can occur with limited adverse effects on the environment.*

*The provisions of the zone are flexible to provide for those who wish to undertake small scale farming activities as well as those who seek to live in an environment where there is a rural character but where the size of properties is manageable. It will mostly relate to areas that are affected by known physical constraints, such as land instability, poor draining soils and high water tables, and subsequently not as productive.*

*Principal reason (9) A function of the Rural Lifestyle Zone is to provide for peri-urban living, specifically in areas where sites are already below one hectare i.e. Lloyd George Road, Makaraka, Waihirere and Ormond.*

#### 21.4 General Policies (All rural zones)

1. When preparing plans or considering applications for plan changes, resource consents or designations in all rural zones regard shall be given to the following general policy as well as any specific policy relating to the zone:
  - effect of the activity on the natural landform characteristics;
  - effect on significant indigenous vegetation and significant habitats of indigenous fauna with particular references to Chapter 4 – Natural Heritage;
  - effect on biodiversity, water quality, land stability and erosion with reference to Chapter 4 - Natural Heritage and Chapter 6 – Land Disturbance;
  - the location, scale and nature of the proposed activity and its effect on the balance of the land and on adjoining properties;
  - alternative methods and locations available to carry out the works or activities;
  - physical constraints to the site such as separation by rivers or roads, site configuration and layout;
  - any adverse effect that the activity may have on existing rural activities;
  - the shape, size and location of lots to be subdivided and any adverse effects they may have on amenity values;
  - whether covenants, buffer zones or separation distances between activities would assist in mitigating adverse environmental effects.
2. To manage the effects of landuse in rural zones which may not be of a rural nature by ensuring that the amenity values of the rural environment and surrounding properties are maintained with particular regard to:
  - traffic generation whereby:
    - \* the level of traffic generated by the activity must be able to be accommodated without compromising the safety of traffic and residents on the District's roads;
    - \* given the nature of adjacent roads that all entry, exit and manoeuvring of vehicles onto a public road can be conducted safely;
    - \* adequate on-site vehicle parking and manoeuvring areas are provided for all developments;
  - noise;
  - visual impact ensuring that:
    - \* to manage the effects of landuse in rural zones which may not be of a rural nature the scale of the structure is appropriate for the use and the environment in which it is located;
    - \* activities are of an appropriate scale and intensity for the area in which they are located;
    - \* structures, areas and activities visible from public places are screened;
    - \* the type of construction materials are not inappropriate to the environment in which they are located.
3. Tall vegetation and structures should retain, where possible, the adverse environmental effects they generate within the property boundaries.
4. When assessing a resource consent for the planting of tall vegetation the following

assessment matters shall be considered:

- species composition in the affected area;
  - the amount of ground covered by tree litter such as needle drop;
  - amount and duration of area shaded.
5. siting of new facilities for handling, processing, treating, storing or disposing of contaminated materials (including landfills, transfer stations, treatment or bulk storage facilities) should be avoided in or close to the areas set out below, if they would create adverse effects:
- areas vulnerable to natural hazards;
  - areas which support ecosystems including:
    - \* wetlands;
    - \* intertidal areas, estuaries and coastal dunes and their margins;
    - \* protection management areas or other values identified in Chapter 4 – Natural Heritage;
    - \* ecological corridors;
    - \* margins of lakes and rivers;
  - areas used for other purposes which are incompatible with the landuse including:
    - \* reserves;
    - \* waahi tapu;
    - \* coastal environment;
    - \* outstanding natural features or landscapes;
    - \* adjacent to existing residential and commercial land;
    - \* areas in proximity to airfield or flight paths;
    - \* water supply catchments;
    - \* areas of historic, scenic or cultural significance;
    - \* areas with watercourses which cannot be diverted in an environmentally acceptable manner.
6. Any resource consent in the rural zone to operate a bird scaring device shall take into account the following:
- whether there is an operational necessity to operate the bird scarer above the limits provided and if so whether;
  - there are adequate mitigation measures to ensure that there are no potential adverse health effects. These mitigation measures may include shielding of devices, selection of the most appropriate type or types of device, location and position of device/s;
  - use is made of protocols, codes of practice and industry guidelines;
  - amenity values of neighbours have been maintained;
  - consideration of the cumulative effects of the number of bird scarer devices being used within single landholdings and the potential for adverse health effects.

*Refer to Chapter 9 for provisions relating to contaminated sites.*

*Refer to Chapter 9A for provisions relating to storage, use and transport of hazardous substances.*

*Explanation and Principal reason (1): The rural environment has natural, cultural and amenity values attached to it. The criteria to be used for preparing plans or assessing applications will ensure that effects of these activities on the environment can be avoided, remedied or mitigated. Implements Sections (5), 6(a), (b), (c), and 9(b), (c) and (f) of the Act.*

*Explanation and Principal reason (2): The policy identifies the adverse environmental effects that could occur in a rural zone if a landuse was not anticipated (farming and forestry for example*

would be an anticipated landuse but an industrial development would be unanticipated). Provided that a landuse complied with the policy in the Plan it's environmental effects would be acceptable.

*Explanation and Principal reasons (3 and 4): Tall vegetation and structures may generate adverse effects across boundaries if not managed appropriately. Adverse effects may include impact on road safety and condition, loss of amenity of dwellings, and, in the case of tall vegetation, impact on plant growth caused by shading, moisture loss and nutrient depletion of soils, and degradation of road pavement, from root intrusion and tree litter. The effects vary from site to site due to aspect, slope and height and may need to be assessed on an individual basis.*

*Explanation and Principal reason (5): Ecologically sensitive areas should be avoided when siting such facilities as it would be impossible to preserve their values in or close to these facilities. This also applies to areas with high natural or cultural values or which are close to places where people live and gather.*

*Explanation and Principal reason (6): The policy is designed to ensure that the adverse effects of bird scarers are avoided, remedied or mitigated. This is consistent with Sections 5, 7 and 16 of the Act.*

## 21.5 Policies (Rural Productive)

7. To manage adverse environmental effects on the soil resource that occur as a result of subdivision, use and development to secure the soil's life supporting capacity in order to meet present and future needs.
8. In the case of resource consents for the erection of a dwelling unit on a site less than 8 hectares in extent the Council shall have regard to the following matters:
  - the extent of adjoining land parcels and proximity of properties being intensively cropped or forested and/or worked in any other way which may cause complaint from owners of the new dwelling unit or adjacent landowners;
  - physical constraints on the property such as location of roads and other infrastructure or the physical separation of the property by rivers;
  - the location of other dwelling units or social infrastructure such as schools or community facilities in the vicinity and adjacent to the property;
  - consultation with adjoining landowners with regard to the potential compromise of farming activities and fire risk.
9. In the case of resource consents for the erection of an additional self contained unit on any site in the Rural Productive zone Council shall have regard to the following matters:
  - the extent of adjoining land parcels and proximity of properties being intensively cropped or forested and/or being worked in any other way which may cause complaint from owners of the new dwelling unit or adjacent landowners;
  - physical constraints on the property such as location of roads and other infrastructure or the physical separation of the property by rivers;
  - the location of other dwelling units or social infrastructure such as schools or community facilities in the vicinity and adjacent to the property;
  - consultation with adjoining landowners with regard to the potential compromise of farming activities and fire risk;
  - the extent of the dwelling unit and the impact on the productive capacity of the site;
  - proximity to any existing dwelling unit and its potential to cause an adverse effect on the surrounding landuse.
10. In the case of resource consents for the creation of lots less than 8 hectares in extent Council shall have regard to the following matters:

- physical constraints on the property such as location of roads and other infrastructure or the physical separation of the property by rivers;
  - extent of adjoining land parcels and proximity of properties being intensively cropped or forested and/or being worked in any other way;
  - potential impact on the sustainable management of existing, surrounding landuses;
  - location and scale of adjoining dwelling units or other social infrastructure such as schools or community facilities in the vicinity and adjacent to the property.
11. Manage conflicting uses on the Poverty Bay Flats to ensure that residential dwellings and other sensitive landuses do not have an adverse effect on the primary farming activity and to locate residential dwellings so that they are not adversely affected by noise, spraydrift and odour generated by farming and forestry.

*Explanation and Principal reason (7): The soil resource of the Poverty Bay Flats is a significant natural resource. The policy aims to manage the effects of subdivision, use and development to secure the long-term availability to meet present and future needs. The fragmentation of rural land is difficult to reverse and unplanned development of rural residential and other inappropriate uses could conflict with this.*

*Explanation and Principle reason (8): Rural activities generate adverse effects such as noise associated with harvesting or crop protection, spraydrift and odour. These effects are acceptable on the Poverty Bay Flats and in parts of other rural zones but would not be acceptable for residential or other sensitive forms of urban development. Sensitive uses should avoid locating in these areas unless adverse effects can be avoided, remedied or mitigated. Where dwelling units and other social infrastructure have been developed in any concentration, the life supporting capacity of the soil may have been diminished. Further concentration of urban infrastructure is unlikely to have any further adverse effect.*

*Explanation and Principle reason (9): The erection of additional dwellings has the potential to lead to adverse effects on the life supporting capacity of the soils or could lead to conflict between residential and rural land uses.*

*Explanation and principal reason (10): The policy is intended to address reverse sensitivity and land fragmentation issues. If these effects can be avoided, remedied or mitigated there may be special circumstances where a "substandard" subdivision would still meet the purpose and principals of the RMA, 1991.*

*Explanation and Principle reason (11): Residential development is sensitive to the environmental effects generated by farming and forestry activities. Intensive residential use should be avoided in the Rural Productive Zone.*

**21.6 Policies (Rural Residential and Rural Lifestyle)****21.6A Policies (Rural Residential)**

12. To enable peri-urban subdivision, use and development on the fringes of the rural townships, Gisborne Urban Area, and the areas adjacent where subdivision below one hectare is considered:

- where rural land fragmentation has already occurred;
- where peri-urban living can be accommodated while avoiding, remedying or mitigating adverse effects on the life supporting capacity of the soils on the Poverty Bay Flats;
- in areas with physical impediments to farming such as topographic constraints but where peri-urban development can be accommodated without creating any adverse environmental effects on adjoining landuses, including any adverse effects on the operation, maintenance, upgrading and development of future infrastructure;
- where a peri-urban lifestyle can be accommodated while avoiding, remedying or mitigating adverse effects on the environment due to the physical constraints of:
  - \* land instability;
  - \* poor soil drainage / shallow groundwater;
  - \* quality of ground and surface water.
- preferably in areas in close proximity to the urban area in order to reduce commuting distances.
- in areas capable of providing a range of activities from intensive residential to rural productive;
- preferably in areas in close proximity to the urban area in order to reduce commuting distances.

13. To enable the use of properties for farming purposes provided the effects can be contained within the boundary of the site.

*Explanation (12): The Rural Residential Zone is intended to allow for most types of primary production and contains land on the fringes of the rural townships where peri-urban living can be accommodated. It also comprises the bulk of the District's peri-urban living, with the majority of land on the fringes of the Gisborne Urban Area. This is intended to complement the productive land by diverting pressure for peri-urban living away from the most productive and fertile areas. It should therefore:*

- *provide a downgrading in intensity between the urban environment and the rural productive land. This will assist in mitigating the effects of noise, dust and spraydrift amongst others. A downgrading in intensity of use will assist in the mitigation of these effects. Adequate provision has been made for urban expansion, taking into account growth rates for Gisborne. This will ensure that peri-urban development will not impede urban residential growth. By maintaining a one hectare minimum density, the Rural Residential Zone maintains viability for future urban general residential scale density.*
- *be located to increase efficiency as these Rural Residential and Rural Lifestyle Zones are located in close proximity to the Gisborne Urban Area as most peri-urban dwellers are employed in the town and it is desirable to reduce commuting distances and thus to save on fossil fuels;*

*Principal reason (12): Complies with the policy direction of the Regional Policy Statement.*

21.6B Policies (Rural Lifestyle)

13. To enable peri-urban subdivision, use and development on the fringes of Gisborne Urban Area and on the Poverty Bay Flats:
- where rural land fragmentation has already occurred;
  - where a peri-urban lifestyle can be accommodated while avoiding, remedying or mitigating adverse effects on the life supporting capacity of the soils on the Poverty Bay Flats;
  - where a peri-urban lifestyle can be accommodated while avoiding, remedying or mitigating adverse effects on the environment due to the physical constraints of:
    - \* land instability;
    - \* poor soil drainage / shallow groundwater;
    - \* quality of ground and surface water
  - in areas with physical impediments to farming such as topographic constraints but where peri-urban development can be accommodated without creating any adverse environmental effects on adjoining land uses;
  - preferable in areas in close proximity to the urban area in order to reduce commuting distances.
14. When considering subdivision and land use consent, regard shall be given to the maintenance and enhancement of the character and amenity of the peri-urban environment.
15. When considering a land use consent application, regard shall be given to the potential adverse effects the land use activity may have on the ongoing operational, maintenance, upgrading and protection requirements of any network utility infrastructure.

*Explanation (13):*

- *The Rural Lifestyle Zone should be located to increase efficiency as it is located in close proximity to the Gisborne Urban Area, as most peri-urban dwellers are employed in the town and it is desirable to reduce commuting distances and thus to save on fossil fuels;*

*Explanation (15)*

- *Certain utilities may require specific requirements to maintain its protection and integrity. Consultation and advice should be sought from the network utility operator to ascertain possible impacts and protection requirements.*

## 21.7 METHODS OF IMPLEMENTATION

### 21.7.1 Advocacy

1. Tall vegetation and structures:
  - a) Council will advocate the use of other legislation where it is appropriate to resolve any conflict due to the adverse effects of tall vegetation or structures across property boundaries. Other legislation includes the Fencing Act 1978 and the Property Law Act 1952 (although this applies only to land used for residential purposes).
  - b) Council will encourage adjacent property owners to reach agreement about the transfer of any adverse environmental effects of tall vegetation or structures across boundaries.
2. Animal-keeping activities:
  - a) Council will put in place procedures to ensure that information is available to the public about the location of animal keeping activities that, due to their location or intensity, have been required to obtain Council approval.

*Principal reason (1 and 2): Advocacy is explaining to land owners and resource users why unsustainable landuse is occurring, what the best methods are to resolve them and how they can be implemented. Emphasis is on direct contact with owners, but there is also an advocacy role in ensuring Council policies are considered by other organisations and central government. The outcome of advocacy in the context of the effects of trees on boundaries is the encouragement of neighbours to recognise the cross boundary adverse effects of their activities and to resolve these themselves without the need for Council intervention. The outcome of advocacy in the context of method 2 is to enable potential property purchasers to make informed decisions about locating in the vicinity of intensive animal keeping activities or animal keeping activities that do not satisfy standards in relation to location, in order that potential conflicts may be avoided.*

### 21.7.2 Regulation

1. Rules
2. Zones
  - a) **The Rural Productive (Rural P) Zone** is located on the Poverty Bay Flats. The zone has been determined on the basis of soil quality. The elite soils on the Flats are in the top 5% of soils in New Zealand in terms of life supporting capacity.
 

They are located far enough away from urban settlements so as to avoid conflicts between urban and rural land use (noise, dust, spraydrift etc). The land is free of topographic and other major physical constraints.
  - b) **The Rural Residential (Rural R) Zone** is intended to allow for most types of primary production, and contains land on the fringes of the rural townships where peri-urban development can be accommodated. It also comprises the bulk of the District's peri-urban living, with the majority of land on the fringes of the Gisborne Urban Area where peri-urban living can be accommodated.

*Refer to Urban and Rural Planning maps for location of zones.*

It also contains land that has been identified as being suitable for possible future residential development. By limiting the density of development in these areas, opportunities for achieving quality urban design in the future will be retained. The Rural R Zone is therefore:

- i) a buffer between the urban environment and the Rural Productive Zone and assists in mitigating the effects of noise, dust and spray drift amongst others;
  - ii) located on the less fertile soils where impediments to drainage may exist, and where density to one hectare per site is generally considered appropriate.
  - iii) Located where physical features such as hills, streams, drains and road reduce the potential of this zone for productive farming.
- c) The **Rural Lifestyle (Rural L) Zone** is intended to allow for most types of primary production and also to allow for smaller scale peri-urban living. It covers those parts of the Poverty Bay Flats which are considered less suitable for intensive farming, located in close proximity to the Gisborne Urban Area Boundary and semi rural properties including areas such as Lloyd George Road and Waiuthi, where there is a history of a denser rural settlement pattern.

This zone is intended to complement the Rural P Zone by diverting pressure for peri-urban living away from the most productive and fertile areas. This is achieved by providing flexible density provisions to enable denser development in those pockets of the peri-urban areas where physical constraints can most readily be overcome.

The purpose of the zone is to identify areas where Council wishes to encourage peri-urban development to a density greater than previously considered. Council has not, however, undertaken any site specific analysis within the zone to confirm the suitability of every site for densities of less than one hectare. This will be the responsibility of the developer or landowner.

The Rural L Zone is therefore:

- i) located on the less fertile soils where impediments to drainage may exist;
  - ii) identifies areas where greater density is generally considered appropriate.
- d) The **Rural General (Rural G) Zone** covers the rest of the District not covered by other zones. It is suitable for a number of activities, with low population densities and little pressure for development. It is proposed to be as flexible as possible within this zone provided the effects of activities can be avoided remedied and mitigated.

*Principal reason (1): Rules are applied when it is unlikely that compliance will be achieved through any other means.*

*Principal reason (2): There are four rural zones in the District namely Rural Productive, Rural Residential, Rural Lifestyle, and Rural General.*

## 21.8 RULES FOR RURAL ZONES

### Note

Activities shall comply, where relevant, with the regional or district rules specified in Chapter 3-Cultural Heritage, Chapter 4-Natural Heritage, Chapter 5-Natural Hazards, Chapter 6-Land, Chapter 7 - Beds of Lakes and Rivers, Chapter 9-Contaminated Sites, Chapter 9A-Hazardous Substances, Chapter 10-Signs, and Chapter 12-Subdivision.

### **General Rules**

The following General Rules shall apply to all permitted activities conducted in rural zones:

#### **21.8.1 All activities shall comply with rules specified in Chapter 8 – Infrastructure, works and Services and Chapter 11-Noise and Vibration**

#### **21.8.2 Lighting and Glare**

- a) All exterior lighting shall be directed away from adjacent properties and roads so as to avoid any adverse glare affects on properties or roads.
- b) Activities shall not emit artificial lighting greater than:
  - i) 10 lux spill (horizontal and vertical) of light as measured at or within the boundary of any site zoned residential or the notional boundary of any rural dwelling;
  - ii) 20 lux spill (horizontal and vertical) of light as measured at or within the boundary of any property zoned commercial.
  - iii) 10 lux spill (horizontal and vertical) of light as measured within any road carriageway, other than from road lighting.

#### **21.8.3 Height**

- a) Buildings, parts of buildings, and structures (excluding chimneys, antennas and their support structures) shall be contained within recession planes commencing 2.75 metres above each site boundary. The angles of the recession plane at each site boundary shall be determined using the recession plane indicator.

*Refer to Appendix 21 –  
Recession Plane Indicator.*

*Refer to 8.10 and Appendix  
14 for height controls relating  
to the Airport.*

#### **21.8.4 Yard Distances**

- a) All yards: 4.5 metres

*Provided that:*

- i) Buildings, other than buildings housing animals or birds, may be erected on any side or rear yard but no closer to the boundary than 1.5 metres if the written consent of the adjoining property owner is obtained and submitted to the Consent Authority at the time a building consent is sought or prior to the commencement of the activity;
- ii) Dwellings shall not be erected within 500 metres of an existing piggery perimeter or within 30 metres of an existing vineyard boundary except if the written consent of piggery or vineyard owner respectively, is obtained and submitted to the Consent Authority at the time a building consent is sought.

*Refer to Gisborne District  
Keeping of Animals, Bees and  
Poultry Bylaw 2005 for setback  
requirements relating to the  
keeping of pigs and poultry.*

- iii) No dwelling or other building shall be erected within 30 metres of an existing plantation forest boundary except if the written consent of the forest owner is obtained and submitted to the Consent Authority at the time a building consent is sought.
  - iv) Within the Rural Lifestyle Zone (Nelson Road) no dwelling shall be erected within 30 metres of the Rural Production Zone boundary.
  - v) Within the Rural Lifestyle Zone (Glenelg Corner), no dwelling shall be erected within 30 metres of the Rural Production zone boundary, which is under separate ownership, except if the written consent of the affected adjoining property owner is obtained and submitted to the consent authority at the time a building consent is sought.
- b) Water supply, tanks, maize cribs and accessory buildings, other than buildings housing animals or birds may be erected on any side or rear yard if the written consent of the adjoining owner is obtained and submitted to the Consent Authority at the time a building consent is sought, or prior to the commencement of the activity.
  - c) No crib or fence shall be erected where it obstructs traffic sight lines. Refer 15.2.4, 15.3.1.
  - d) Eaves of buildings may not encroach by more than 0.6m on any yard.

#### **21.8.5 Radiofrequency Radiation**

- a) All activities shall comply with the New Zealand Standard NZS2772.1 (1999) Radiofrequency Fields: Part 1 Maximum Exposure Levels - 3KHz - 300GHz and with NZS 6609.2:1990 - Radiofrequency radiation: Part 2: Principles and Methods of Measurements 300khz to 100ghz.
- b) All activities shall comply with the International Commission on Non-ionizing Radiation Protection (ICNIRP) Guidelines (1998).

#### **21.8.6 Sight Lines**

- a) All new vehicle crossings / accessways shall be designed, located and developed to ensure that the sight lines (illustrated in Figure One below) are established and maintained with no obstructions, whether temporary or permanent. Sight lines are to be in accordance with Figure One and Table Two specified below:
- b) All new intersections shall be designed, located and developed to ensure that the sight lines (illustrated in Figure One) are established and maintained with no obstructions, whether temporary or permanent. Sight lines are to be in accordance with Figure One and Table Two specified below:
- c)

| Operating Speed<br>(km/h) | Minimum Sight Distance (Metres)     |  |
|---------------------------|-------------------------------------|--|
|                           | Local or Collector Road<br>Frontage | Principal or Arterial<br>Road Frontage |
| 40                        | 30                                  | 70                                     |
| 50                        | 40                                  | 90                                     |
| 60                        | 55                                  | 115                                    |
| 70                        | 85                                  | 140                                    |
| 80                        | 105                                 | 175                                    |
| 90                        | 130                                 | 210                                    |
| 100                       | 160                                 | 250                                    |

| Operating Speed<br>(km/h) | Minimum Sight Distance (Metres)  |                                     |
|---------------------------|----------------------------------|-------------------------------------|
|                           | Local or Collector Road Frontage | Principal or Arterial Road Frontage |
| 110                       | 190                              | 290                                 |
| 120                       | 230                              | 330                                 |

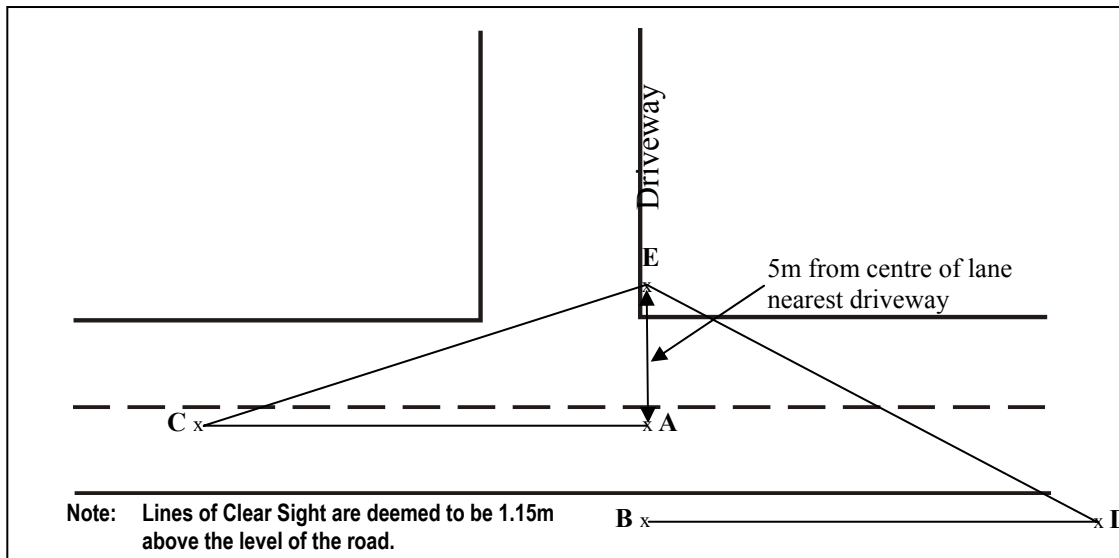
Table 1: Rules for Minimum Distances of Sight Lines

Assessment of sightlines shall be undertaken by a suitably qualified person using the Road & Traffic Standards No.6, Guidelines for Visibility at Driveways and Austroads 1993: Rural Road Design, Guide to the geometric Design of Rural Roads. Austroads Publications No AP-1/89

**Note:**

1. The column "Operating Speed" in Table 1 above is not the posted speed limit of a particular road. It is the actual speed at any given point.
2. Sight distances shall be measured from the road reserve boundary.
3. Sight distances shall be measured to and from a height of 1.15 metres above the existing road surface and the proposed surface level of the side road or access.

**Sight Lines at Intersections and Vehicle Crossings**



**Figure 1: Sight Lines at Intersections and Vehicle Crossings**

**Note:** All new vehicle crossings / accessways shall have clear lines of sight between points AC, BD, EC and ED as shown in Figure 1 above and in accordance with operating speeds and sight distances in Table 1 above - 21.8.7(c). The specified sight distances in Table 1 shall be measured along the centre of the appropriate lane between points A to C and B to D. For practical purposes, A and B can be taken as opposite the centre of the driveway.

## 21.9 ALL ZONES

Refer also to Rules  
21.10 - 21.13 for  
additional Permitted  
activities.

### 21.9.1 Permitted Activities

The following activities shall be permitted activities provided they comply with the General Rules:

Note:

Refer to Chapter 19-Industrial for rules for Petrochemical Exploration.

#### 21.9.1.1 Farming

*Provided that:*

- a) Farming shall exclude the following:
  - i) intensive farming;
  - ii) boarding of animals;
  - iii) in the Rural G and Rural R zones, the farming of more than three goats which are:
    - not formally identified in accordance with the Animal Identification Act, including the tattooing of goats with recognisable owner identification,
    - Not contained within an area fenced in accord with the following:
      - All perimeter fences, meet, and are maintained to meet, the following standard:
      - The bottom wire is no more than 7cm from the ground
      - The fence is a minimum of 9 wires placed at the following intervals: 100, 100, 100, 110, 120, 135, 150, 165mm. The top wire should be approximately 50mm below the top of the post
      - Minimum high tensile 2.5mm galvanised steel
      - There are five posts per 20m and 3 battens per span
      - No internal stays
      - Fencing across streams and waterways shall require a floodgate to 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 is not to be used in floodgate construction. Floodgates across culverted watercourses shall be on the downstream side of the culvert.
    - the keeping of thar

*Also provided that:*

  - Prior to any new goat farming activity being established, written advice of the location of the goat farming activity shall be provided to the Council's District Conservator.
- iv) the farming or keeping of deer species other than red (*Cervus elephus scoticus*), wapiti/elk (*Cervus canadensis nelsoni*, *Cervus elephus nelsonia*) and fallow (*Dama dama*, *Dama dama mesopotamica*) and hybrids of these breeds;

- v) the farming or keeping of any deer not identified in accordance with the Animal Identification Act 1993.
  - vi) the farming or keeping of any deer other than in accordance with the fencing standards set out in Appendix 29
- b) Irrespective of whether activities comply with the Rural Noise Standards stipulated in Chapter 11-Table 5:

**PROVIDED THAT** the activity is not specifically provided for by a rule in this Plan and/or the best practicable option is used to ensure that noise does not exceed a reasonable level.

Note:

For the purposes of clarity, in the event that noise from farming activities are the subject of complaint, assessment will be performed in accordance with the Act and relevant policy in this Plan.

#### 21.9.1.2 Soil conservation and water management works

#### 21.9.1.3 Accessory buildings (excluding residential buildings) to any permitted activity.

#### 21.9.1.4 Home occupations and the sale of products from home occupations

*Provided that:*

- a) A maximum of two full-time persons equivalent, not resident on the site may be employed.
- b) If the property adjoins a residential or reserve zone any outdoor storage associated with the home occupation shall not be visible from the adjacent residential site or reserve.
- c) The home occupation shall not attract more traffic than other rural activities in the vicinity.

#### 21.9.1.5 Sale of farm produce

*Provided that:*

- a) The selling point is to be set back a minimum of 20 metres from any road frontage with access provided thereto by means of one joint entry and exit lane with a minimum width of 6 metres.
- b) On site parking shall be provided in accordance with the retail ratio specified in Chapter 15-Parking.

*Refer to 15.4.1.*

#### 21.9.1.6 Installation or alteration of antennas and supporting structures (other than network utility activities)

*Refer to Chapter 24 – Definition of Network Utility and utility Structure. Refer to Chapter 8 for rules relating to network utilities.*

*Provided that:*

- a) Aerials do not extend more than 3.5m above any building (it is attached to) on the site.
- b) The maximum height of support structures (including fixtures) does not exceed 20m.

### **21.9.1.7 Operation of audible devices (excluding firearms) for the purposes of bird scaring between sunrise and sunset**

*Provided that:*

#### **21.9.1.7.1 Percussive or explosive devices**

- a) The maximum sound exposure level (SEL) of 65dBA as measured at any residential zone boundary or notional boundary of any rural dwelling is not exceeded; and
- b) Maximum number of events shall not exceed 6 events in any 60 minute period; and
- c) An event shall not exceed three shots within a one minute period.

#### **PROVIDED THAT**

1. The limit on the maximum number of events may be waived if the written consent of all adjoining property owners and/or occupiers is obtained and submitted to the Consent Authority prior to the commencement of the activity.
2. Where any device is located more than 500 metres from the notional boundary of any rural dwelling, Rule 21.9.1.7.1(b) and (c) shall not apply.

#### Note:

All sound measurement for audible bird scaring devices is based on guidelines in the NZ Standards NZS6801: 1999 Measurement of Environmental Sound.

#### **21.9.1.7.2 Amplified signals, air horns or sirens**

- a) The maximum sound exposure level (SEL) of 65 dBA as measured at the boundary of any residential zone boundary or the notional boundary of any rural dwelling is not exceeded; and
- b) The maximum number of events shall not exceed 10 events per system in any 60 minute period and each event shall not exceed 20 seconds; and
- c) The number of devices shall not exceed one device per single landholding and all speakers for that one device shall be driven off the same control unit provided that additional devices may be installed where the ratio of all such devices does not exceed one device per 8 hectares per single landholding.

**PROVIDED THAT** the limit on the maximum number of events and/or duration of each event may be waived if the written consent of all adjoining property owners and/or occupiers is obtained and submitted to the Consent Authority prior to the commencement of the activity.

Note:

All sound measurement for audible bird scaring devices is based on guidelines in the NZ Standards NZS6801: 1999 Measurement of Environmental Sound.

### **21.9.1.8 Meteorological activities**

*Provided that:*

- a) Associated structures shall have a ground coverage of 50m<sup>2</sup> or less; and have a height not exceeding 15 metres;
- b) Site area shall be 500m<sup>2</sup> or less.

### **21.9.1.9 Alterations and additions to existing dwelling units**

#### **21.9.1.10 Temporary activities**

*Provided that:*

- a) The activity shall be exempt from all the General Rules except noise.
- b) The activity shall comply with rules for noise specified in Rule 11.13.3 (Table 8).
- c) The duration of the activity (excluding military training) shall be a maximum of four days including set-up and dismantling time.
- d) An individual or business may not undertake the same temporary activity more than once in 60 days, on the same site.
- e) Activities shall only be conducted between 0700 - 2200 hours, where the site is located in or adjacent to a residential zone.

Note:

Attention is drawn to the requirements of the Building Act 2004. The necessary consents in terms of health and safety can be obtained from the Environmental Health and Building Inspectorates of Council.

#### **21.9.1.11 Farmstays**

*Provided that:*

- a) The farmstay activity shall be ancillary to the main farming activity on the property.
- b) Farmstay accommodation may only be established in dwelling units, and are limited to dwelling units provided for as Permitted activities in the zone.

## 21.9.2 Controlled Activities

The following activities shall be controlled activities:

### 21.9.2.1 Dwelling units within the Rural Lifestyle Zone (*Glenelg Corner*) Zone where the site density is greater than one dwelling unit per one hectare of site area but not greater than one dwelling unit per 5000m<sup>2</sup> of site area that comply with the General Rules.

Council shall limit its control to the matters a) – i) specified below:

- a) Suitability of building platform.
- b) Infrastructure, works and services.
- c) The extent to which the amenity values of the surrounding areas are affected.
- d) Esplanade reserves.
- e) Site function.
- f) Any adverse effects of exotic flora and fauna on values identified in the overlays of Chapter 4 – Natural Heritage (excluding the Coastal Environment Overlay and Protection Management Area Overlay).

### **21.9.3 Restricted Discretionary Activities**

The following activities shall be restricted discretionary activities:

#### **21.9.3.1 Activities listed as Permitted which do not comply with the General Rules with respect to:**

- a) **Noise and vibration**
- b) **Lighting and glare**
- c) **Height**
- d) **Yards**
- e) **Infrastructure, works and services**
- f) **Duration, frequency and hours of operation of the activity**
- g) **Hours of operation**
- h) **Floor area of buildings**

Council shall restrict its discretion to the matters a) - f) specified below:

- a) Amenity values including shading
- b) Health and safety
- c) Parking and access
- d) Heritage values in the heritage alert layer
- e) Financial contributions, works and services
- f) Effect on neighbours and on the soil resource

#### **21.9.3.2 Planting of vegetation which does not comply with the rules for Permitted activities**

Council shall restrict its discretion to the matters a) - c) specified below:

- a) The duration and area of shadow intrusion across the property boundary, road and/or onto a dwelling
- b) The degree of intrusion by vegetation root systems into the adjacent property and/or road
- c) The amount as a percentage of area covered by tree litter on the adjacent property and/or road

#### **21.9.3.3 Temporary activities which do not comply with the rules for Permitted activities in respect of:**

- a) **Noise**
- b) **Duration of the activity**
- c) **Frequency of the activity**
- d) **Hours of operation**

Council shall restrict its discretion to the matters 21.9.2.3a) - 21.9.2.3(d) specified above.

#### **21.9.3.4 Recycling depots**

Council shall restrict its discretion to the matters a) to f) below:

- a) Amenity values including shading
- b) Health and safety
- c) Parking and access
- d) Heritage values in the heritage alert layer
- e) Financial contributions, works and services
- f) Effect on neighbours including impact on productive capacity

#### **21.9.3.5 Goat farming which does not comply with the rules for Permitted activities in respect of:**

##### **a) goat identification**

##### **b) fencing**

Council shall restrict its discretion to matters a) to f) specified below:

- a) The area and location of the activity
- b) Potential effect on the values associated with natural character, indigenous biodiversity, amenity and landscape, including revegetation type and density
- c) Vegetation species with particular regard to maintaining species of genetic stock
- d) The ability to confine goats upon the site
- e) Effects on neighbours including impact on productive capacity
- f) Impact on soil conservation

#### **21.9.3.6 Deer farming which does not comply with the rules for Permitted Activities in respect of:**

##### **a) deer identification**

##### **b) fencing**

Council shall restrict its discretion to matters a) to d) below:

- a) The standard of fencing and the ability to confine deer upon the site;
- b) The identification of deer;
- c) Potential effect on the values associated with natural character, indigenous biodiversity and landscape, including revegetation type and density
- d) Location

## **21.9.4 Discretionary Activities**

The following activities shall be discretionary activities:

- 21.9.4.1 Activities not listed as Permitted activities but which comply with the General Rules**
- 21.9.4.2 Landfills**
- 21.9.4.3 Activities listed as permitted which do not comply with the general rules**
- 21.9.4.4 Activities which are not provided for as Restricted Discretionary or Prohibited activities**
- 21.9.4.5 Industry**
- 21.9.4.6 Transfer stations**
- 21.9.4.7 Irradiation plants**
- 21.9.4.8 Operation of audible devices (excluding firearms) for the purposes of bird scaring where the activity does not comply with rule 21.9.1.7.**
- 21.9.4.9 Farming of deer species other than red, wapiti/elk or fallow (or hybrids of these species) where:**
  - a) The fencing standard in Appendix 29 is met; and**
  - b) The deer are identified in accordance with the Animal Identification Act 1993**

### **21.9.5.1 Non-Complying Activities**

Farming of deer species other than red, wapiti/elk or fallow (or hybrids of these species) where the standards in relation to fencing or identification set out in 21.9.4.9 are not met.

### **21.9.6 Prohibited Activities**

The following activity shall be a prohibited activity for which no consent shall be granted:

#### **21.9.6.1 The farming of marsupials, mustelid or chinchilla.**

## **21.10 RURAL PRODUCTIVE ZONE (RURAL P)**

### **21.10.1 Permitted Activities**

The following activities shall be permitted activities, in addition to Section 21.9.1, provided they comply with the General Rules:

#### **21.10.1.1 One dwelling unit on a site which contains not less than 8 hectares of land**

*Provided that:*

- a) A site for a dwelling to be established on may comprise separate parcels of contiguous land or land separated by a road, railway, drain, water race, river or stream and in held in one Certificate of Title or by other means which ensure that the owner of those parcels of land cannot, transfer or lease any such parcel of land or any part thereof except in conjunction with the other or others.
- b) One additional dwelling unit either attached to or in close proximity to the dwelling unit permitted by rule 21.10.1.1 above, may be erected as long as the additional dwelling unit remains in the same ownership as that site and the primary dwelling unit.
- c) More than one dwelling unit may be erected on a site if that site is capable of subdivision to provide further sites which would each qualify for the erection of a dwelling unit.
- d) A dwelling unit may be erected on any site equal to or greater than 4 hectares, created by subdivision or for which a subdivision resource consent was granted prior to 20 November 1997.

#### **21.10.1.2 A dwelling unit to replace an existing dwelling unit or one destroyed by fire or natural causes, notwithstanding that the erection of the new building would not qualify for approval under any of the other provisions permitting the erection of dwelling units**

*Provided that:*

- a) Only one such dwelling unit may be replaced on any one site.
- b) The dwelling unit to be replaced shall have comprised at least three habitable rooms.
- c) The dwelling unit to be replaced shall not have been unsuitable for habitation for more than six months prior to the application being made unless the Council on application made to it within 12 months after the dwelling unit first became unsuitable for habitation, consents to that period of six months being extended to cover the corresponding period.
- d) The dwelling unit to be replaced shall be removed within three months of the replacement being occupied.

- e) An existing dwelling unit which would qualify for replacement under the foregoing provisions of the section may also be reconstructed, altered or added to, provided that all relevant provisions of the Plan are complied with.

### **21.10.1.3 Alterations and additions to existing dwelling units.**

### **21.10.1.4 Employee facilities**

### **21.10.1.5 Planting of vegetation**

*Provided that:*

- a) No shelterbelt shall exceed more than a single row of trees which have branches and top growth no higher than 13 metres, and no wider than 2 metres either side of their centreline, as assessed perpendicular to the boundary.
- b) No vegetation shall be allowed to grow in a position which will shade any part of the carriageway of any sealed public road between the hours of 10am and 2pm on the shortest day of the year unless topography is already preventing direct access of sunlight onto that part of the carriageway.
- c) No vegetation (excluding shelterbelts) shall be planted closer than 20 metres to the centreline of the carriageway of any formed public road.
- d) No shelterbelt shall be planted closer than 9m to the centreline of the carriageway of any formed public road.
- e) No vegetation (excluding shelterbelts) shall be planted closer than 10 metres to an adjoining property (excluding formed public roads).
- f) No vegetation shall be planted closer than 30 metres to an existing dwelling or curtilage on an adjoining property, unless the curtilage fence line closest to the property boundary exceeds a length of 50 metres. In such cases, the dwelling owner shall determine which 50 metre portion of the curtilage fence line shall be provided with a 30 metre setback. Rule 21.10.1.5(e) shall otherwise apply.

In this context "existing dwelling" refers to one existing prior to the planting of vegetation.

- g) No new shelter belt shall be planted adjacent to the boundary of an adjoining property in different ownership unless there is retained along the boundary for the purpose of branch and root trimming, height control of the shelter belt, and the removal of the resultant debris by the owner thereof, a clear strip of land by planting the shelter belt no closer than 4.5m from the boundary.
- h) Any planting in the Airport Protection Overlay Area shall also be in accordance with the height planes.
- i) No vegetation shall be planted closer than 15 metres to any farm building in existence at the date of notification of the Plan, 8th November 1997.

*Refer to 8.10.2.*

If conditions a), b), c), d), e), f), g) and i) are not complied with, planting of vegetation (excluding tree nurseries) closer to formed public roads and/or adjoining properties may be a permitted activity provided that:

- i) the written consent of the roading authority and/or adjoining property owner, clearly showing the location of the activity, is obtained and submitted to the Consent Authority, prior to the commencement of planting, or;
- ii) cumulative planting on land affected by any of the above conditions (excluding shelterbelts) will result in: (i) less than 10 trees, or; (ii) trees which will grow to less than 3 metres in height, or; (iii) trees which will be at a planting density less than 1 tree per 20 metres.

**21.10.1.6 A dwelling unit on any site created by subdivision or approved for a dwelling unit between 29 April 1989 and 29 August 1990**

**21.10.1.7 The processing of grapes (or other fruit) grown in the district, for the production of wine or juice.**

**Visitor accommodation, wine and produce tasting and sales, cafes and restaurants which are ancillary to and associated with rural production from the site (including other sites which are part of that farm business operation).**

*Provided that:*

- a) for wine and juice processing industries:
  - i) Parking and Access: see Chapter 8
  - ii) Maximum floor area: 1000m<sup>2</sup>
  - iii) Hours of operation: 7am to 9pm
  - iv) Distance of buildings from boundary: 10 metres except if the written consent of the adjoining property owner is obtained and submitted to the Consent Authority at the time a building consent is sought or prior to the commencement of the activity, in which case the distance may be reduced to no less than 1.5 metres from the side or rear boundary and 4.5 metres from a front boundary.
  - v) Distance from any residential dwelling not located on the site: 20 metres except if the written consent of the adjoining property owner is obtained and submitted to the Consent Authority at the time a building consent is sought or prior to the commencement of the activity, in which case the distance may be reduced to no less than 1.5 metres from the side or rear boundary and 4.5 metres from a front boundary
  - vi) Height: 10 metres (also see 21.8.3)
  - vii) Light and Glare: see 21.8.2
  - viii) Noise: see Chapter 11
  - ix) Screening: all outdoor storage areas for goods, plant, machinery or equipment, and waste associated with the business shall be permanently screened when viewed from a neighbouring site or a road.
- b) for commercial activities: Retailing:
  - i) Maximum size 50m<sup>2</sup> stocked with 75% goods from the site (including properties managed or leased by the site owner)
  - ii) Parking, access etc: see Chapter 8

- c) Visitor accommodation units
  - i) maximum of 6 accommodation units
  - ii) parking and access: see Chapter 8
  - iii) Yards: see 21.8.5
  - iv) Screening: accommodation units not located within an existing dwelling, shall have fencing or planting to an extent necessary to screen the activity as viewed from an adjoining property unless consent is given by the adjoining neighbour to waive this requirement at the time a building consent is sought or prior to the commencement of the activity.
  - v) Noise: see Chapter 11
- d) Cafes/restaurants
  - i) Maximum floor area (excluding utility areas – 100m<sup>2</sup>)
  - ii) Hours of operation: 9.00 am to 6.00pm
  - iii) Parking, and access: see Chapter 8
  - iv) Noise: see Chapter 11
  - v) Screening: shall be fenced/planted to effectively screen the café/restaurant, including outdoor seating areas, from neighbouring property unless consent is granted by the adjoining neighbour to waive this requirement.
  - vi) Landscaping: shall be in accord with the standards prescribed in 18.8.9 (landscaping for Commercial/Residential interface)

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| <p>Reference No: 302/00<br/>Royal Forest &amp; Bird<br/>Protection Society<br/>21.10.4.<br/>Insert two new Non-<br/>Complying Activities.</p> |
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## **21.11 RURAL RESIDENTIAL (RURAL R)**

### **21.11.1 Permitted Activities**

The following activities shall be permitted activities, in addition to Section 21.9.1, provided they comply with the General Rules:

#### **21.11.1.1 One dwelling unit, plus one self contained unit not containing more than two habitable rooms attached to or in close proximity to the dwelling unit, on a site which contains not less than one hectare of land that is not located in the Airport Protection Overlay Area**

*Refer to Appendix 13 – Airport Protection Overlay Area.*

*Provided that:*

- a) A dwelling unit may be erected on any smaller site in existence at the date of notification of the plan.
- b) The dwelling unit and the self-contained unit shall be held together on the same Certificate of Title.
- c) To comply with this clause a site may comprise separate parcels of contiguous land, or land separated only by a road, railway, drain, water race, river or stream, and held in one Certificate of Title or by other means which ensure that the owner of those parcels of land cannot, without the consent of the Council, transfer or lease any such parcel of land or any part thereof except in conjunction with the other or others.
- d) For a site which is shown to be capable of subdivision to provide further sites which would qualify for a dwelling unit to be established thereon, such additional number of dwelling units may be compatible with future subdivision of the site in accordance with the provisions of the Plan.

#### **21.11.1.2 One dwelling unit on a site which contains not less than one hectare of land that is located in the Airport Protection Overlay Area**

*Refer to Appendix 13 – Airport Protection Overlay Area and 8.10.1(b).*

#### **21.11.1.3 Planting of vegetation**

*Provided that:*

- a) No shelterbelt shall exceed more than a single row of trees which have branches and top growth no higher than 13 metres, and no wider than 2 metres either side of their centreline, as assessed perpendicular to the boundary.
- b) No vegetation shall be allowed to grow in a position which will shade any part of the carriageway of any sealed public road between the hours of 10am and 2pm on the shortest day of the year unless topography is already preventing direct access of sunlight onto that part of the carriageway.
- c) No vegetation (excluding shelterbelts) shall be planted closer than 20 metres to the centreline of the carriageway of any formed public road.
- d) No shelterbelt shall be planted closer than 9m to the centreline of the carriageway of any formed public road.

- e) No vegetation (excluding shelterbelts) shall be planted closer than 10 metres to an adjoining property (excluding formed public roads).
- f) No vegetation shall be planted closer than 30 metres to an existing dwelling or curtilage on an adjoining property, unless the curtilage fence line closest to the property boundary exceeds a length of 50 metres. In such cases, the dwelling owner shall determine which 50 metre portion of the curtilage fence line shall be provided with a 30 metre setback. Rule 21.11.1.3(e) shall otherwise apply.

In this context "existing dwelling" refers to one existing prior to the planting of vegetation.

- g) No new shelter belt shall be planted adjacent to the boundary of an adjoining property in different ownership unless there is retained along the boundary for the purpose of branch and root trimming, height control of the shelter belt, and the removal of the resultant debris by the owner thereof, a clear strip of land by planting the shelter belt no closer than 4.5m from the boundary.
- h) Any planting in the Airport Protection Overlay Area shall also be in accordance with the height planes.
- i) No vegetation shall be planted closer than 15 metres to any farm building in existence at the date of notification of the Plan, 8th November 1997.

Refer to 8.10.2.

If conditions a), b), c), d), e), f), g) and i) are not complied with, planting of vegetation closer (excluding tree nurseries) to formed public roads and/or adjoining properties may be a permitted activity provided that:

- i) the written consent of the roading authority and/or adjoining property owner, clearly showing the location of the activity, is obtained and submitted to the Consent Authority, prior to the commencement of planting, or;
- ii) cumulative planting on land affected by any of the above conditions (excluding shelterbelts) will result in: (i) less than 10 trees, or; (ii) trees which will grow to less than 3 metres in height, or; (iii) trees which will be at a planting density less than 1 tree per 20 metres.

## **21.12 RURAL LIFESTYLE ZONE (RURAL L)**

### **21.12.1 Permitted Activities**

The following activities shall be permitted activities, in addition to Section 21.9.1, provided they comply with the General Rules:

#### **21.12.1.1 Two dwelling units per site**

*Provided that:*

- a) The two dwelling units shall be held together on the same Certificate of Title.
- b) In the Nelson road area dwelling density is not greater than one dwelling per half hectare of site area.
- c) In the Glenelg area dwelling density is not greater than one dwelling per hectare of site area.

#### **21.12.1.2 Planting of vegetation**

*Provided that:*

- a) No shelterbelt shall exceed more than a single row of trees which have branches and top growth no higher than 13 metres, and no wider than 2 metres either side of their centreline, as assessed perpendicular to the boundary.
- b) No vegetation shall be allowed to grow in a position which will shade any part of the carriageway of any sealed public road between the hours of 10am and 2pm on the shortest day of the year unless topography is already preventing direct access of sunlight onto that part of the carriageway.
- c) No vegetation (excluding shelterbelts) shall be planted closer than 20 metres to the centreline of the carriageway of any formed public road.
- d) No shelterbelt shall be planted closer than 9m to the centreline of the carriageway of any formed public road.
- e) No vegetation (excluding shelterbelts) shall be planted closer than 10 metres to an adjoining property (excluding formed\_public roads).
- f) No vegetation shall be planted closer than 30 metres to an existing dwelling or curtilage on an adjoining property, unless the curtilage fence line closest to the property boundary exceeds a length of 50 metres. In such cases, the dwelling owner shall determine which 50 metre portion of the curtilage fence line shall be provided with a 30 metre setback. Rule 21.12.1.2(e) shall otherwise apply.

In this context "existing dwelling" refers to one existing prior to the planting of vegetation.

- g) No new shelter belt shall be planted adjacent to the boundary of an adjoining property in different ownership unless there is retained along the boundary for the purpose of branch and root trimming, height control of the shelter belt, and the removal of the resultant debris by the owner thereof, a clear strip of land by planting the shelter belt no closer than 4.5m from the boundary.
- h) Any planting in the Airport Protection Overlay Area shall also be in accordance with the height planes.
- i) No vegetation shall be planted closer than 15 metres to any farm building in existence at the date of notification of the Plan, 8th November 1997.

If conditions a), b), c), d), e), f), g) and i) are not complied with, planting of vegetation (excluding tree nurseries) closer to formed public roads and/or adjoining properties may be a permitted activity provided that:

- i) the written consent of the roading authority and/or adjoining property owner, clearly showing the location of the activity, is obtained and submitted to the Consent Authority, prior to the commencement of planting, or;
- ii) cumulative planting on land affected by any of the above conditions (excluding shelterbelts) will result in: (i) less than 10 trees, or; (ii) trees which will grow to less than 3 metres in height, or; (iii) trees which will be at a planting density less than 1 tree per 20 metres.

Refer to 8.10.2.

## **21.13 RURAL GENERAL (RURAL G)**

### **21.13.1 Permitted Activities**

The following activities shall be permitted activities, in addition to Section 21.9.1, provided they comply with the General Rules:

#### **21.13.1.1 Dwelling units**

#### **21.13.1.2 Planting of vegetation**

*Provided that:*

- a) No vegetation shall be allowed to grow in a position which will shade any part of the carriageway of any sealed public road between the hours of 10am and 2pm on the shortest day of the year unless topography is already preventing direct access of sunlight onto that part of the carriageway
- b) No vegetation shall be planted closer than 20 metres to the centreline of the carriageway of any formed public road.
- c) No vegetation shall be planted closer than 10 metres to an adjoining property (excluding formed public roads).
- d) No vegetation shall be planted closer than 30 metres to an existing dwelling or curtilage on an adjoining property, unless the curtilage fence line closest to the property boundary exceeds a length of 50 metres. In such cases, the dwelling owner shall determine which 50 metre portion of the curtilage fence line shall be provided with a 30 metre setback. Rule 21.13.1.2(c) shall otherwise apply.  
  
In this context "existing dwelling" refers to one existing prior to the planting of vegetation.
- e) Any planting in the Airport Protection Overlay Area shall also be in accordance with the height planes.
- f) No vegetation shall be planted closer than 15 metres to any farm building in existence at the date of notification of the Plan, 8th November 1997.

If conditions a), b), c), d), e) and f) are not complied with, planting of vegetation (excluding tree nurseries) closer to formed public roads and/or adjoining properties may be a permitted activity provided that:

- i) the written consent of the roading authority and/or adjoining property owner, clearly showing the location of the activity, is obtained and submitted to the Consent Authority, prior to the commencement of planting, or;
- ii) cumulative planting on land affected by any of the above will result in: (i) less than 10 trees, or; (ii) trees which will grow to less than 3 metres in height, or; (iii) trees which will be at a planting density less than 1 tree per 20 metres.

**21.13.1.3 The processing of grapes (or other fruit) grown in the district, for the production of wine or juice.**

**Visitor accommodation, wine and produce tasting and sales, cafes and restaurants which are ancillary to and associated with rural production from the site (including other sites which are part of that farm business operation).**

Provided that:

- a) for wine and juice processing industries:
  - i) Parking and Access: see Chapter 8
  - ii) Maximum floor area: 1000m<sup>2</sup>
  - iii) Hours of operation: 7am to 9pm
  - iv) Distance of buildings from boundary: 10 metres except if the written consent of the adjoining property owner is obtained and submitted to the Consent Authority at the time a building consent is sought or prior to the commencement of the activity, in which case the distance may be reduced to no less than 1.5 metres from the side or rear boundary and 4.5 metres from a front boundary.
  - v) Distance from any residential dwelling not located on the site: 20 metres except if the written consent of the adjoining property owner is obtained and submitted to the Consent Authority at the time a building consent is sought or prior to the commencement of the activity, in which case the distance may be reduced to no less than 1.5 metres from the side or rear boundary and 4.5 metres from a front boundary
  - vi) Height: 10 metres (also see 21.8.3)
  - vii) Light and Glare: see 21.8.2
  - viii) Noise: see Chapter 11
  - ix) Screening: all outdoor storage areas for goods, plant, machinery or equipment, and waste associated with the business shall be permanently screened when viewed from a neighbouring site or a road.
- b) for commercial activities: Retailing:
  - i) Maximum size 50m<sup>2</sup> stocked with 75% goods from the site (including properties managed or leased by the site owner)
  - ii) Parking, access etc: see Chapter 8
- c) Visitor accommodation units
  - i) maximum of 6 accommodation units
  - ii) parking and access: see Chapter 8
  - iii) Yards: see 21.8.5
  - iv) Screening: accommodation units not located within an existing dwelling, shall have fencing or planting to an extent necessary to screen the activity as viewed from an adjoining property unless consent is given by the adjoining neighbour to waive this requirement at the time a building consent is sought or prior to the commencement of the activity.
  - v) Noise: see Chapter 11
- d) Cafes/restaurants

- i) Maximum floor area (excluding utility areas – 100m<sup>2</sup>)
- ii) Hours of operation: 9.00 am to 6.00pm
- iii) Parking, and access: see Chapter 8
- iv) Noise: see Chapter 11
- i) Screening: shall be fenced/planted to effectively screen the café/restaurant, including outdoor seating areas, from neighbouring property unless consent is granted by the adjoining neighbour to waive this requirement.
- ii) Landscaping: shall be in accord with the standards prescribed in 18.8.9 (landscaping for Commercial/Residential interface)

#### **21.14 ANTICIPATED ENVIRONMENTAL RESULTS**

- a) Management of the life supporting capacity of the soils on the Poverty Bay Flats. .
- b) Enable a wide range of peri-urban activities provided the adverse effects are avoided, remedied or mitigated.
- c) The adverse affects of vegetation or structures are not transferred off site and across boundaries, or are remedied or mitigated.