



CHAPTER 07

RURAL

**(Rural Coastal, Rural Plains, Rural Foothills,
Rural Ōhiwa and Deferred Residential Zones)**

*Ngā Nōhanga mai i te Taha Moana
ki Ngā Pae Māunga, ki te Moana
ō Ōhiwa me Ngā Nōhanga Tūhāhā*

7 Rural (Rural Coastal, Rural Plains, Rural Foothills, Rural Ōhiwa and Deferred Residential Zones)

Refer to Chapters 11 to 20 for additional rules that may apply to these zones. Refer also to Chapter 17 in relation to the Rural Ōhiwa and Rural Coastal Zones.

7.1 OBJECTIVES AND POLICIES

Refer to Chapters 3, 4 & 17 for other objectives and policies for these Zones and to Chapters 11 to 20 for additional rules that may apply to activities.

Objective Rur1 To sustain the productive potential of rural land and provide for rural production activities.

Policy 1 To protect land in the Rural Plains Zone, which includes versatile land, for primary productive use and to maintain the productive land resources for future generations.

Policy 2 To provide for the growth and efficient operation of primary productive use and rural production activities in the Rural Zones.

Policy 3 Where land is degraded by a non-productive activity, it should be rehabilitated to a level similar to that of the surrounding area or to the original state of the site before degradation.

Policy 4 To require the sustainable use and development of rural land in a manner which does not reduce existing primary productive use or compromise existing and future primary productive use options.

Objective Rur2 To maintain and where appropriate, enhance rural character.

Policy 1 To avoid, remedy or mitigate the adverse effects of structures (including signs) in terms of location, size, height, bulk and materials.

Policy 2 To ensure physical separation of dwellings from boundaries is appropriate to the rural character of the rural area.

Policy 3 To maintain and, where appropriate, enhance rural amenity values including natural light and buffers to boundaries, within and around dwellings in the rural zones.

Objective Rur3 To ensure that development is located and operated to enable people and communities to provide for their social, economic and cultural well-being and for their health and safety, while ensuring that adverse effects including cumulative effects on the rural environment are avoided, remedied or mitigated.

Policy 1 To enable rural activities such as **farming, intensive farming, production forestry and mining** to continue and prosper as part of the rural environment and provide for directly related rural service activities and rural processing, whilst avoiding significant adverse and/or cumulative effects on the surrounding environment.

Policy 2 To ensure Papakāinga development has infrastructure services and on-site household amenity at an appropriate level of service to provide for the future social and cultural well-being of the tangata whenua.

- Policy 3 To ensure that land use activities that are sensitive to the effects of rural activities such as horticulture, farming, production forestry and mining (including the processing of minerals) do not constrain the operation of these rural activities including through the use of physical separation requirements.
- Policy 4 To avoid activities within the Deferred Residential Zone that may compromise the future use of rural land for residential purposes.
- Policy 5 To avoid activities locating in the rural environment where they may compromise the development and operation of existing and consented activities.

7.2 RULES

The following standards and terms apply to Permitted, Controlled, and Restricted Discretionary activities and will be used as a guide for Discretionary and Non-Complying activities.

Non-compliance with any rules shall alter the status of the activity to Discretionary unless otherwise stated in the rule.

7.2.1 Height

7.2.1.1 No building shall exceed the following vertical height above **ground level**:

Zone	Height
Rural Plains	a. 8m on lots 5,000m ² or less in area; and b. 12m on lots larger than 5,000m ² in area.
Rural Foothills	a. 8m on lots 5,000m ² or less in area; and b. 12m on lots larger than 5,000m ² in area
Rural Coastal	7m
Rural Ōhiwa and Deferred Residential	8m or 7m ¹

Table 7:1 Heights Above Ground Levels

Advice Note: For rules relating to setbacks near National Grid Transmission Lines, refer also to Chapter 20.

7.2.1.2 All **buildings** and structures shall comply with Rule 13.2.23 (Whakatāne and Galatea Airports Approach Path Protection Path)

7.2.2 Natural Light

7.2.2.1 No part of any **building** exclusive of **artificial crop protection structures** and **artificial crop support structures** shall exceed a height equal to 2.7m plus the horizontal distance between that part of the building and the nearest site boundary including boundaries with public roads (defining the natural light plane).

7.2.2.2 Any part of a **building** may exceed a height beyond the natural light plane (shown in Figure 7.1 Natural Light Plane)

- a. up to a maximum of 1m measured parallel to the plane; and
- b. with a maximum additional vertical face area of 5m² (area that is seen by the adjoining neighbour); and

¹ This maximum height applies if the building proposed is to be located in the Rural Ōhiwa Zone and is also in the area between MHWS and the coastal environment line as shown on the planning maps.

- c. where the adjoining neighbour has provided written approval to the height beyond the natural light plane; and
- d. where written approval has been lodged with the Council.

7.2.2.3 For the purposes of Rules 7.2.2.1 and 7.2.2.2, the nearest site boundary shall be, where applicable, the midpoint of an adjacent right-of-way or access leg or access lot.

7.2.2.4 For **buildings that are attached**, rules 7.2.2.1 and 7.2.2.2 shall not apply to the adjoining walls of the building.

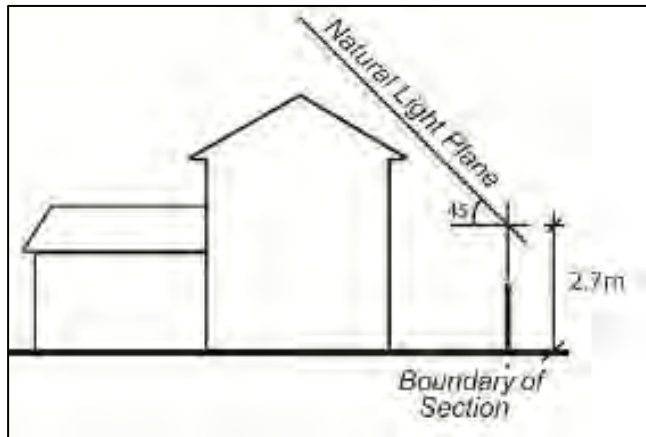


Figure 7.1 Natural Light Plane

7.2.2.5 Non-compliance with the Rules in 7.2.2 shall be a Restricted Discretionary activity (see Criteria in 7.4.1).

7.2.3 Distance to Boundaries

7.2.3.1 No **building** exclusive of **artificial crop protection structures** and **crop support structures** shall be located within 25m of all boundaries provided that;

- a. accessory **buildings** not for habitation may be constructed up to 5 m from the side and rear boundaries;
- b. **buildings** may be located up to 5 m from a side or rear boundary on lots with an area less than 5000 m² that had been granted subdivision consent as at 28 June 2013;
- c. **dwelling**s and accessory **buildings** may be constructed within the side and rear yard, up to the boundary, if the written approval of any affected, adjoining neighbour is obtained and that written approval has been lodged with the Council and the rules in 18.2.5.2 (Sites of Significant Indigenous Biodiversity) and 18.2.5.3 (**Production forestry**) and are met;
- d. the eaves of any **building** may project up to 600mm into any yard;
- e. where a planning map indicates proposed road widening or land to be used for other roading purposes, yards shall be measured from the boundary of the site as if it would be the road widening or other roading work had been undertaken, and legal transfer of the affected land to a roading authority had occurred;
- f. all **buildings** shall be set back from the Mean High Water Springs a minimum distance of 20m plus the prescribed distance to a boundary in Rule 7.2.3.1. **Buildings** on Ōhakana Island shall be a minimum distance of 20m from the Mean High Water Springs; and
- g. all **buildings** shall be located at least 20m from the bank of a river or the margin of a lake, as in

section 230 of the RMA.

7.2.3.2 **Artificial crop protection structures** in the Rural Plains and Rural Foothills Zones may be located 0-5m from the side or rear boundary and 0-15m from the front boundary, provided that:

- a. green or black cloth is used on any faces within required setbacks to any boundary; or
- b. where the adjoining neighbour or the road controlling authority (in the case of an adjoining road) has provided written approval to the reduced setbacks and a copy of the written approval has been lodged with the **Council**.

7.2.3.3 No **sensitive activity** shall be located within 75m of:

- a. **buildings** that house livestock;
- b. intensive feed storage areas e.g. silage pits;

that are located on a site under separate ownership.

7.2.3.4 No **sensitive activity** shall be located within 50m of an area, on a site under separate ownership, that has Regional Council consent for the disposal of animal effluent and dairy factory wastewater, provided that the District Council has been provided with prior notice of that consent.

7.2.3.5 Non-compliance with the rules in 7.2.3 shall be a Restricted Discretionary activity (see criteria listed in 7.4.2 and 7.4.3).

7.2.4 Accessory Buildings for Habitation

7.2.4.1 One accessory building for habitation per site subject to the following requirements:

- a. a maximum gross floor area of 65m²;
- b. vehicle access shall be shared with the dwelling; and
- c. the maximum separation between the **accessory building for habitation** and the dwelling shall be 20m.

7.2.5 Location of Papakāinga Housing

7.2.5.1 The following Residential Zone amenity rules shall apply:

- a. Rules in 4.2.5 (Location of Residential Activities); and
- b. Rules in 4.2.7 (Outdoor Living Space).

7.2.6 Buildings in the Rural Coastal and Rural Ōhiwa Zones

7.2.6.1 Where a **building** platform has been identified and approved at the time of subdivision consent, the construction of new buildings or **accessory buildings** within the approved building platform shall be a permitted activity subject to compliance with any conditions imposed by that subdivision consent and any other relevant rules.

7.2.6.2 The status of all other **buildings** shall be as set out in Chapters 3 or 17. The Rules and Assessment Criteria in Chapter 17 shall apply.

7.2.7 Buildings on Ōhakana Island

7.2.7.1 New **buildings**, **external additions to buildings** and **accessory buildings** on Ōhakana Island that will be located above the nominated 25m or 35m contour area as shown on the Planning Maps shall be a discretionary activity.

7.2.8 Fencing (excluding Artificial Crop Protection Structures and Crop Support Structures)

7.2.8.1 A fence shall be no higher than 2m provided that a perforated, netting or mesh fence shall be no higher than 3.6m.

7.2.9 Sensitive Activities within the Awakeri Quarry Setback Buffer Area

7.2.9.1 Sensitive Activities, located wholly or partly within the identified Awakeri Quarry Setback Buffer Area, which is at least 300m from the boundary of Awakeri Quarry (including all operational areas and quarry pit) located at 1511 State Highway 30, as shown on Appendix 7.7 – Awakeri Quarry Setback Buffer Area shall be a Restricted Discretionary Activity.

Refer to Rule 3.6.2 for the assessment criteria for Rule 7.2.9.

7.3 ASSESSMENT CRITERIA FOR CONTROLLED ACTIVITIES

7.3.1 Papakāinga Housing (see Activity Status Table 3.4, Items 5 and 6)

7.3.1.1 Council shall exercise its control over;

- a. the location and extent of the area to be used for papakāinga development;
- b. the management of indigenous habitat, wetland, cultural heritage features, wildlife features and riparian margins;
- c. the intensity and location of proposed **dwelling**s or other **buildings** and their intended use;
- d. traffic and parking effects including vehicle and pedestrian movement on and off the site including access, parking and loading of vehicles;
- e. management of stormwater and/or silt control during earthworks;
- f. landscaping to avoid, remedy or mitigate any adverse visual effects of the activity;
- g. provision and location of network utilities including supply or upgrading of access, stormwater treatment and disposal facilities, water supply, effluent and rubbish disposal, electricity, telecommunications, gas, utility;
- h. the need to plant and/or fence a riparian margin or to provide public access to avoid, remedy or mitigate the adverse effects of an activity on a waterway. The Council will generally require the planting of a riparian margin within the Ōhiwa Harbour catchment; and
- i. proximity of the papakāinga to on- site and off-site farming and production forestry activities.

7.3.2 Places of Assembly (not provided for by any other category): designed to have a maximum attendance of less than 10 people at any one time in the Rural Ōhiwa

Zone

7.3.2.1 Council shall exercise its control over;

- a. the nature of the surrounding landform (context) and how the proposed activity is sympathetic with these values;
- b. any adverse effect on vegetation, particularly kanuka stands, which contributes to the natural character of the site;
- c. the extent and nature of other vegetative mitigation proposed;
- d. proposed **building** location;
- e. proposed **building** materials and finish and, in particular, choice of finishes that tone with the surrounding **environment**;
- f. **reverse sensitivity** as outlined in Rule 3.7.41;
- g. the screening of **buildings** from beyond the boundary of the **site** and consistency with surrounding **buildings** within the zone (see Rule 5.4.5);
- h. adverse effects on identified cultural heritage places;
- i. adverse effects on **riparian margins** of the Ōhiwa Harbour and tributaries within the catchment of the harbour;
- j. the hours of operation;
- k. the management of traffic movements and the effect traffic movements will have on the area, including access to and egress from the site;
- l. the level of parking proposed;
- m. landscaping and planting;
- n. provision and location of **network utilities** including supply or upgrading of access, stormwater treatment and disposal facilities, water supply, rubbish disposal, electricity, telecommunications, gas, utility;
- o. signage as outlined in Rule 11.2.19;
- p. the provision of on-site effluent treatment as set out in Rule 13.2.27; and
- q. the effect of stormwater resulting from within the development on **māhinga kai** and the **natural character** of the **Coastal Environment**, particularly Ōhiwa Harbour.

7.3.3 Places of assembly (not provided for by any other category): additions, alterations or extensions where the extension is to buildings less than 50m² in floor area used for a place of assembly which will not increase the existing occupancy or attendance in the Rural Ōhiwa Zone

7.3.3.1 Council shall exercise its control over;

- a. the nature of the surrounding landform (context) and how the proposed activity is sympathetic with these values;
- b. any adverse effect on vegetation, particularly kanuka stands, which contributes to the natural character of the site;
- c. the extent and nature of other vegetative mitigation proposed;
- d. proposed **building** location;
- e. proposed **building** materials and finish and, in particular, choice of finishes that tone with the surrounding **environment**;

- f. the screening of **buildings** from beyond the boundary of the site and consistency with surrounding **buildings within the zone** (see Rule 5.4.5);
- g. **adverse effects** on identified cultural heritage places;
- h. **adverse effects** on **riparian margins** of the Ōhiwa Harbour and tributaries within the catchment of the harbour;
- i. provision and location of **network utilities** including supply or upgrading of access, stormwater treatment and disposal facilities, water supply, rubbish disposal, electricity, telecommunications, gas, utility;
- j. signage as outlined in Rule 11.2.19;
- k. the provision of on-site **effluent** treatment as set out in Rule 13.2.27;
- l. the effect of stormwater resulting from within the development on **māhinga kai** and the **natural character** of the **Coastal Environment**, particularly Ōhiwa Harbour; and
- m. landscaping and planting.

Advice Note: Refer to Section 17.2.4.

7.3.4 **Emergency services facilities in the Rural Ōhiwa Zone**

7.3.4.1 Council shall exercise its control over;

- a. **reverse sensitivity** as outlined in Rule 3.7.41;
- b. **traffic effects** as outlined in Rule 3.7.17;
- c. the level of parking proposed;
- d. **noise effects** as outlined in Rule 3.7.10;
- e. provision and location of **network utilities** including supply or upgrading of access, stormwater treatment and disposal facilities, water supply, effluent and rubbish disposal, electricity, telecommunications, gas, utility;
- f. **adverse effects** on identified cultural heritage places and values; and
- g. Rule 3.7.2.1(a-i).

7.3.5 **Exploration of aggregate, sand, gravel or pumice in the Rural Ōhiwa Zone**

7.3.5.1 Council shall exercise its control over;

- a. any temporary **adverse effects** of **earthworks** associated with the exploration of aggregate, sand, gravel or pumice on land uses in the vicinity of the site, including noise, dust, vibration or traffic movements;
- b. **adverse effects** on identified cultural heritage places and values;
- c. any **adverse effects** on **indigenous biodiversity**;
- d. any **adverse effects** on underground aquifers and/or groundwater seepage;
- e. any **adverse visual or landscape effect** on an **Outstanding Natural Feature Landscape** listed in Appendix 17.7, or dominant landscape feature listed in Objectives LS2 Policy 4;
- f. **reverse sensitivity** as outlined in Rule 3.7.41;
- g. **amenity values** and rural or urban character effects;
- h. any increased risk associated with a natural hazard event that may arise from undertaking exploration for aggregate, sand, gravel or pumice;

- i. how the site will be restored and the timing of the restoration, or where the site or part of the site is not intended to be restored, the effects of this on the **environment**;
- j. the control of erosion, sediment and stormwater, including riparian planting;
- k. any adverse effect on the ecological values of the Rural Ōhiwa Zone that adversely affects the ecological diversity and healthy function of the Ōhiwa Harbour; and
- l. site restoration as outlined in Rule 11.2.5.

Advice Note: Refer also to Rules 11.2.1 – 11.2.4.

7.3.6 **Accessory Buildings to any Permitted Activity (not for habitation); See also Item 10 Buildings on Public Reserves in the Rural Ōhiwa Zone**

7.3.6.1 Council shall exercise its control over;

- a. the nature of the surrounding landform (context) and how the proposed activity is sympathetic with these values;
- b. the visual quality, visual absorption and visibility of the proposal in the context of the location as outlined in Rule 17.2.2;
- c. proposed **building** materials and finish and, in particular, choice of finishes that tone with the surrounding **environment** as outlined in Rule 17.2.4;
- d. adverse effects on identified natural heritage places and values;
- e. **earthworks** and temporary construction effects;
- f. landscaping and planting;
- g. the **screening** of **buildings** from beyond the boundary of the site and consistency with surrounding **buildings** within the zone as outlined in Rule 5.4.5; and
- h. adverse effects on **indigenous biodiversity**.

7.4 **ASSESSMENT CRITERIA FOR RESTRICTED DISCRETIONARY ACTIVITIES**

7.4.1 **Natural Light (see Rules in 7.2.2)**

7.4.1.1 Council shall restrict its discretion to;

- a. amenity of sites and public areas nearby (including but not limited to transport corridors) in terms of;
 - i. shadowing
 - ii. physical domination
 - iii. privacy
 - iv. noise
 - v. lighting
 - vi. visual character and variety through variation in building form and building materials (including but not limited to building facades and roof forms)
 - vii. spaciousness, as experienced from residential buildings and streets nearby
 - viii. landscaping; and
 - ix. screening.

7.4.2 **Distance to Boundaries (see Rules in 7.2.3)**

7.4.2.1 Council shall restrict its discretion to;

- a. amenity of sites, dwellings and public areas nearby (including but not limited to transport corridors)

in terms of;

- i. the Criteria listed in 3.7.28.1; and
- ii. safe access to, and egress from, the site; and
- iii. potential reverse sensitivity for rural production activities.

7.4.3 Assessment Criteria for Rules 7.2.3.4 and 7.2.3.5

7.4.3.1 Council shall restrict its discretion to:

- a. The criteria listed in 3.7.10 Noise Effect; and
- b. The criteria listed in 3.7.11 Odour and Dust Effect

7.4.4 Rural Contractors Depots

7.4.4.1 The Council shall restrict its discretion to:

- a. in the Rural Foothills and Rural Ōhiwa Zones:
 - i. the criteria listed in 3.7.10, 3.7.11, 3.7.17, 3.7.18, and 3.7.28 (including visual amenity)
- b. in the Rural Plains Zone this will include:
 - i. the criteria listed in 3.7.10, 3.7.11, 3.7.17, 3.7.18, 3.7.27 and 3.7.28 (including visual amenity)

7.4.5 Education Facilities

7.4.5.1 The Council shall restrict its discretion to:

- a. The sensitivity of the proposed activity to any activity that could lawfully be established on adjoining land. This shall include consideration of:
 - i. the location of the proposed activities, including outdoor activity areas, relative to the adjoining permitted lawful activities;
 - ii. the noise environment of the locality;
 - iii. the impact on existing activities' provision for risk management, including;
 - emergency procedures and plans in the events of a fire or accidental release of hazardous substances;
 - separation of the location of the use, management and disposal of hazardous substances from the sensitive activities; and
 - potential to compromise existing buffer areas for the purpose of mitigating risks to the environment, (including human healthy and safety) associated with spray irrigation or disposal of wastewater or solid waste as identified in 20.2.1

7.4.6 Accessory buildings for habitation in the Rural Coastal Zone

7.4.6.1 The Council shall restrict its discretion to:

- a. the extent to which immediate geographic or vegetative backdrops are used, or can be used to reduce the prominence of any proposed structures;
- b. the nature of the surrounding landform (context) including the location of the **accessory building for habitation** in relation to ridgelines and how the proposed activity is sympathetic with these

values;

- c. the foreground vegetative context and how this is used to mitigate visual effects;
- d. the extent and nature of other vegetative mitigation proposed;
- e. proposed building materials and finish and, in particular, choice of finishes that tone with the surrounding environment. Refer to 17.2.4 Building Reflectivity;
- f. the degree of visual mitigation to be achieved through planting and timeframes for this to be achieved;
- g. the location and design of associated vehicle access, manoeuvring and parking areas; and
- h. the criteria listed in 3.7.2, 3.7.3, 3.7.5 and 3.7.6(f).

7.4.7 **Places of assembly (not provided for by any other category) designed to have a maximum occupancy or attendance of more than 50 people at any one time in the Rural Plains and Rural Foothills Zones**

7.4.7.1 Council shall restrict its discretion to;

- a. hours of operation;
- b. landscaping and on-site amenity as outlined in Rule 3.7.1;
- c. traffic effects as outlined in Rule 3.7.17;
- d. the level of parking proposed;
- e. signage as outlined in Rule 11.2.19;
- f. provision and location of **network utilities** including supply or upgrading of access, stormwater treatment and disposal facilities, water supply, effluent and rubbish disposal, electricity, telecommunications, gas, utility;
- g. the screening of **buildings** from beyond the boundary of the site and consistency with surrounding **buildings** within the zone as outlined in Rule 5.4.5;
- h. **reverse sensitivity** as outlined in Rule 3.7.41;
- i. the use of **versatile land** for non-rural purposes such as;
 - i. the degree to which **versatile land** on the site is already compromised or has lost its life supporting capacity;
 - ii. constraints on the ability to use the soil. For example, stability of slopes, climatic conditions, drainage, topography, gradient of land, need for irrigation or the location of small, isolated pockets of higher quality soil;
 - iii. the loss of future productive rural land use options resulting from the proposal;
 - iv. the requirements of the land use to be located on versatile land, including technical or logistical requirements; and
- j. **amenity values** and rural or urban character effects such as;
 - i. the likelihood that the proposed activity will contribute to cumulative adverse effects on rural character, the **Coastal Environment**, general **amenity values** and recreational values;
 - ii. the nature and degree of adverse effects from the proposed activity upon the existing and future amenities of the locality, including recreational values, and on the health and safety of the community;
 - iii. the nature and extent of any planting including the replacement of specimen trees;

- iv. the cumulative visual effect of the length and height of **building bulk**;
- v. potential adverse effects on people such as neighbouring property owners or the immediate community through increased overshadowing or loss of visual privacy; and
- vi. compatibility with the existing character and pattern of land development in proximity to the site.

7.4.8 Emergency services facilities in the Rural Coastal Zone

7.4.8.1 Council shall restrict its discretion to;

- a. **reverse sensitivity** as outlined in Rule 3.7.41;
- b. traffic effects as outlined in Rule 3.7.17;
- c. the level of parking proposed;
- d. noise effects as outlined in Rule 3.7.10;
- e. provision and location of **network utilities** including supply or upgrading of access, stormwater treatment and disposal facilities, water supply, effluent and rubbish disposal, electricity, telecommunications, gas, utility;
- f. adverse effects on identified cultural heritage places and values.; and
- g. Rule 3.7.2.1(a-i).

7.4.9 Car Parking in the Rural Plains and Rural Foothills Zones

7.4.9.1 Council shall restrict its discretion to;

- a. on-site stormwater management;
- b. the visual quality, visual absorption and visibility of the proposal in the context of the surrounding natural **environment**;
- c. traffic effects including but not limited to access, on-site vehicle manoeuvring areas, the provision of bus bays, drop off zones, measures to separate pedestrians, buses, cyclists and **vehicles**, parking and **loading**, pedestrian and cyclist safety, construction traffic, and traffic volumes and traffic mix;
- d. site design including formation and marking;
- e. **versatile land** used for non-rural purposes;
 - i. the degree to which **versatile land** on the site is already compromised or has lost its life-supporting capacity;
 - ii. constraints on the ability to use the soil. For example, stability of slopes, climatic conditions, drainage, topography, gradient of land, need for irrigation or the location of small isolated pockets of higher quality soil;
 - iii. the loss of future productive rural land use options resulting from the proposal;
 - iv. the requirements of the land use to be located on **versatile land**, including technical or logistical requirements; and
- f. adverse effects on riparian margins on the Ōhiwa Harbour and tributaries within the catchment of the harbour;
- g. **indigenous biodiversity** effects;
- h. **amenity values** and rural character effects;
- i. **reverse sensitivity** as outlined in Rule 3.7.41;
- j. signage as outlined in Rule 11.2.19; and

k. landscaping and on-site amenity as outlined in Rule 3.7.1.

7.5 ASSESSMENT CRITERIA—DISCRETIONARY ACTIVITIES / NON-COMPLYING ACTIVITIES

See Section 3.7.

7.6 Other Methods

Council will provide information and advice to the community about nuisance trees.

7.7 APPENDIX – Awakeri Setback Buffer Area

