

**PART 8 RULES WHICH APPLY THROUGHOUT THE RURAL AREA**

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The rules in this section relate to all rural zones. There are also a number of rules which apply specifically to individual zones and these are contained in Part 7 of this Section of the Plan.

**8.1 GENERAL**

Any activity which is not controlled by a specific rule in this Plan shall be required to obtain a resource consent as a non-complying activity. Note that “activity” includes the subdivision of land.

**8.2 SUBDIVISION**

**8.2.1 Esplanade Reserves and Esplanade Strips and Access Strips**

Esplanade reserves and esplanade strips are pieces of land adjoining and more or less parallel to the coast and rivers (including streams) that have one or more of the following general purposes:

- contributing to the protection of conservation values – including the maintenance of water quality, aquatic habitats and the mitigation of natural hazards such as coastal erosion.
- enabling public access to bodies of water; and
- enabling public recreational use of the land comprising the esplanade reserve or strip and of the adjacent body of water – provided that conservation values are not threatened.

Access strips are similar to esplanade strips except that they are not restricted to coastal and river situations. Although access strips may be used most commonly to provide access to the coast they can also be used to secure access to other areas such as reserves and other protected areas. Access strips can be required as a condition of consent to a subdivision or may be provided at any time as a result of negotiation between the Council and landowners.

In granting a subdivision or land use consent, the Council can require an esplanade reserve or esplanade strip if the land adjoins the coast or a river and, in addressing the actual or potential effects of the activity, one or more of the purposes outlined above will be served. The reserves of strips form part of the financial contributions which the Council may levy on development and which are set out in Rule 8.9.

Land comprising an esplanade reserve vests in the Council, while esplanade and access strips remain in private ownership.

An esplanade reserve or esplanade strip will generally be 20 metres in width unless the plan or a resource consent states otherwise. Access strips will generally be less than this since in most cases pedestrian access will be all that is needed.

Where a lot of less than 4 hectares in area is being created and an esplanade reserve or esplanade strip is required, compensation is not payable by the Council for the land comprising a reserve or strip that is 20 metres or less in width. If a wider reserve or strip is required, compensation is payable in respect of the additional area of land above 20 metres.

Where a lot of 4 hectares or more in area is being created and an esplanade reserve or esplanade strip or access strip is required, compensation is payable regardless of the width of the reserve or strip.

**8.2.1.1** Where a lot of less than 4 hectares in area is being created and it adjoins or encompasses:

- the coastal marine area; or
- the Papakura Stream or Hays Creek or Slippery Creek or Hingaia Stream where those streams and creeks have an average width of 3 metres or more; or
- the Papakura Reservoir (water storage lake behind the Hays Creek Dam)

an esplanade reserve or esplanade strip of 20 metres in width shall be set aside from that lot.

**8.2.1.2** Where a lot of 4 hectares or more in area is being created and it adjoins or encompasses:

- the coastal marine area; or
- the Papakura Stream, or Hays Creek or Slippery Creek or Hingaia Stream where those streams and creeks have an average width of 3 metres or more; or
- the Papakura Reservoir (water storage lake behind the Hays Creek Dam)

an esplanade reserve or an esplanade strip may be required to be set aside or created from that lot if an esplanade reserve or esplanade strip is the most appropriate means of protecting a significant natural or historic feature on the lot, as identified in the Schedule set out in 6.7.1.3. An esplanade reserve or esplanade strip shall not be required if the natural or historic feature is adequately protected by a restrictive covenant or some other means of legal and physical protection.

An esplanade reserve or an esplanade strip may also be required to be set aside or created from that lot if such provision would, regardless of whether or not a significant natural or historic feature is present, significantly enhance one or more of the following – public access to or along the coast or river or stream, recreation opportunities, conservation of the coastal environment.

For the purpose of this rule “significantly enhance” means that the reserve or strip would complete or bridge a gap in an existing reserve or access network or would provide access to the coast where none exists at present or would preserve the natural character of the coastal environment or would enable recreation activities to be established where the effects would be appropriate in the particular zone and where the activities are related to the use of the coastal marine area and where the area in question is particularly suitable for or is the only area available for the activity.

- 8.2.1.3** In granting a land use consent the Council may, in addressing the actual or potential effects of the activity, require an esplanade reserve or an esplanade strip to be set aside or created from the land involved if that land adjoins or encompasses the coastal marine area, the Papakura Reservoir, the Papakura Stream, the Hays Creek, Slippery Creek or Hingaia Stream if an esplanade reserve or esplanade strip is the most appropriate means of protecting a significant natural or historic feature on the land, as identified in the Schedule contained in 6.7.1.3.

The esplanade reserve shall be wide enough to ensure that the significant natural or historic feature is adequately protected, in terms of sustainable management, from the effects of activities which may be carried out on adjoining land. The reserve shall also be wide enough to ensure that the special attributes or values which were the reason for the feature to be included in the Schedule, will be protected. For reserves and strips which are required in areas which are not included in the Schedule, the width required shall be the minimum necessary for its intended purpose.

The width of the esplanade reserve or esplanade strip shall be determined on a case by case basis, having regard to:

- the nature and effects of the activity for which consent is being granted;
- the type, location, significance and vulnerability of the natural, historic or recreational feature on the land involved;
- the significance of the adjoining body of water in terms of its recreational value and usage;
- the location of the land involved in relation to existing esplanade reserves;
- any other conservation or recreational values

- 8.2.1.4** The waiver or reduction of an esplanade reserve or esplanade strip requirement under Rules 8.2.1.1, 8.2.1.2 and 8.2.1.3 shall be a non-notified discretionary activity.

- 8.2.1.5** In addition to the general matters outlined under Rule 8.2.1.4, in considering an application for the waiver or reduction of an esplanade reserve or esplanade strip requirement the Council will have regard to the following criteria:

- (a) the extent to which the proposed waiver or reduction in width of the esplanade reserve or esplanade strip meets the objectives and policies in the plan in respect of the protection of conservation values and the maintenance and improvement of public access and recreational opportunities. In particular, the
- maintenance or enhancement of water quality;
  - maintenance or enhancement of aquatic or terrestrial habitats, including the protection of plants and animals;
  - mitigation of any potential natural hazards;
  - maintenance of any landform features affected by the proposed esplanade reserve or strip;
  - extent to which public access to the coastal marine area or rivers, or any existing or proposed adjacent esplanade reserve, is enabled or hindered;
  - extent to which the recreational use of the esplanade reserve system and adjacent sea or river is fostered or hindered.

- (b) the physical characteristics of the land
- (c) existing land uses, including the location of existing dwellings and other buildings and structures on the land involved.
- (d) accretion or erosion
- (e) matters of public safety or security
- (f) whether the use of conservation covenants or other suitable alternative means would achieve the objectives of the plan.
- (g) the extent to which the land which is the subject of the application is otherwise impacted by the levying of other financial contributions under Rule 8.9.

**8.2.1.6** The Council may, in respect of any subdivision application, require as a condition of consent, that an access strip be created by way of a covenant on the relevant title or titles in order to provide access to an esplanade reserve or esplanade strip or to any other reserve or protected area.

The terms and conditions under which any esplanade reserve, esplanade strip or access strip is sought to be established in terms of Rules 8.2.1.5 and 8.2.1.6 shall be negotiated between the landowner or landowners and the Council, with the proviso that if the parties are unable to agree the matter may be taken on appeal to the Environment Court.

## **8.2.2 General Subdivision Requirements**

**8.2.2.1** In approving any subdivision application in the rural areas of the District, the Council will need to be satisfied that the physical characteristics of the site in terms of factors which include geology, slope, liability to flooding and liability to slipping, are suitable for the proposed subdivision layout and its intended purpose and will not result in adverse environmental effects beyond the subdivision. The subdivision rules of Part 7 include special provisions for subdivision in the Aggregate Resource Protection Area.

**8.2.2.2** Applications for subdivision shall indicate to the satisfaction of the Council, that a satisfactory house site exists on each lot of a proposed subdivision in a location which will not be likely to affect adversely the visual character of the natural landforms, and which will not affect the stability of the site or adjacent sites.

**8.2.2.3** Applications for subdivision shall indicate where and how access to each site in the subdivision can be provided without significantly scarring the landscape and shall comply with the following standards:

<u>Road Classification</u>	<u>Minimum Legal Width</u>	<u>Minimum Carriageway</u>
Private way serving 1 lot	6 metres	N/A
Private way serving 2 lots	6 metres	3 metres unsealed
Private way serving 3-8 lots	8 metres	4 metres seal 0.5 metres metal shoulder on each side
Public road serving 9 lots and over	20 metres	6.6 metres seal 1 metre metal shoulder on each side

**8.2.2.4** Applications for subdivision shall indicate to the satisfaction of the Council that satisfactory arrangements can be made for the provision of a water supply, and for the collection,

treatment and disposal of sewage and stormwater from activities to be carried out on the site in such a way as will not adversely affect the environment.

**8.2.2.5** The Council reserves the right to take road upgrading and bulk services contributions where necessary.

**8.2.2.6** Walking trails and horse trails may be required as a condition of subdivision consent. Provision may be required to be made in land or by way of financial contribution.

**8.2.2.7** Applicants for subdivision approval are required to prepare an assessment of environmental effects in terms of the Fourth Schedule of the Resource Management Act 1991. As part of that assessment applicants must carry out a cultural heritage assessment to determine whether historic places, historic areas, waahi tapu, or waahi tapu areas are present. If the assessment indicates the presence of any sites or areas of cultural significance the Council may impose appropriate conditions to ensure that any adverse effects are avoided, remedied or mitigated.

### **8.3 CLEANFILL**

Special provisions relating to cleanfill activities in the Rural zones.

Attention is drawn to the fact that cleanfills of more than 1000m<sup>3</sup> will require resource consents for earthworks and discharge of stormwater from the Auckland Regional Council.

#### **8.3.1 Permitted Activity**

Operators should take account of public concerns arising from such matters as traffic generation, noise, dust and general unsightliness. They are reminded, therefore, of their duty to keep objectionable elements in connection with the use to a minimum so as not to detrimentally affect the amenities of the area in which it is located. Operators are further reminded of their obligations under the Resource Management Act 1991, particularly as they relate to water and soil conservation matters such as water course, soil stability and water pollution. Landfilling in areas of flood hazard shall not be a permitted activity.

#### **8.3.2 Controlled Activity**

In considering any controlled activity application for a cleanfill the Council, in addition to being satisfied that the objectives and policies set out in Part 8 of this Section of the Plan and the provisions in 8.3.1 above are met, shall assess the application against the following criteria:

- (a) whether the cleanfill in its completed state will be sensitive in terms of appearance, form and location to the existing amenities of the neighbourhood;
- (b) whether the operator has planned the rehabilitation of the cleanfill following its completion both from the visual and soil stability viewpoints;
- (c) the degree to which traffic generated by the cleanfill will adversely affect any adjacent residential amenities.
- (d) proposals for control of silt which discharges from bare earth areas during operations. Such proposals may include installation of a silt pond, in which case specification of the pond's dimensions would need to be provided.
- (e) in flood hazard and possible flood hazard areas, cleanfilling will be treated as a controlled activity in respect of the deposition of any material, up to a maximum of

500m<sup>3</sup> and as a discretionary activity in respect of the deposition of material in excess of 500 m<sup>3</sup>.

### **8.3.3 Discretionary Activity**

In addition to those matters outlined in Rule 8.3.2 above, in the case of cleanfill as a discretionary activity, Council will require the formulation of a management plan which Council will have regard to in considering whether or not to grant consent.

The management plan should include:

- (a) a map of the property showing the area to be filled;
- (b) the approximate quantity of material to be deposited, the type of material and the timing and progress of the operation;
- (c) an investigation into the stability of the underlying land and its ability to remain stable under increased loadings in all conditions;
- (d) proposals to ensure the prevention of mass movement of the filled material itself. This will include details on benching, method of compaction, etc;
- (e) proposals for rehabilitation of the surface of the fill to prevent surface erosion such as sheet, rill and gully erosion. This will include details on topsoiling and grassing, etc;
- (f) details of traffic generation, size of trucks, movements per day, position of access points, possible effect on public roads, location of adjacent dwellings;
- (g) proposals to deal with noise, dust, smoke and other detractions from the amenities of the area;
- (h) proposals to ensure security of the site to prevent public dumping;
- (i) drainage proposals. How gullies would be drained in order to prevent excessive saturation of the fill;
- (j) comment on the quality of material to be deposited. If leachate was discharged from the fill, how it would be contained.
- (k) proposals for the landscape design of the site and for planting (if any).
- (l) for the formulation of a management plan the Council may request input from a Registered Engineer experienced in the geotechnical field.
- (m) the extension to existing cleanfills shall be controlled by the provisions of this ordinance.
- (n) identify any other resource consents required to implement the proposal.

#### **8.4 TEMPORARY HOUSEHOLD UNITS**

Special provisions relating to temporary household units are as follows:

- (a) the premises shall be occupied only by those persons described in the definition of Temporary Household Units.
- (b) the premises shall not be sub-let.
- (c) the building may remain for a period of ten years with the right of the applicant to apply to Council for an extension of that period.
- (d) the building shall be removed from the site when no longer required for the accommodation of the qualifying person(s).
- (e) the applicant shall not dispose of the property unless the temporary building is removed from the site.
- (f) the applicant shall execute such deeds, bonds or documents as are considered necessary to secure the performance of the conditions (a) to (e) inclusive.
- (g) the applicant shall pay all legal expenses incurred by Council in the preparation, signing, sealing and registering the documents referred to in (f) above.
- (h) should the applicant abandon the project before completion of the procedure referred to in (f) the applicant shall pay all legal expenses incurred up to the time of notification to Council of the abandonment of the project.

The reasons for this Rule are that temporary household units are intended to provide relief for particular short term social or economic needs. Because they allow an exception from the general rules or numbers and location of household units, it is considered that they should be removed when the particular social or economic need for which they were a solution, has been resolved. Alternatively, it is considered that if the temporary household units are to remain on the basis that they do not adversely affect the strategy which the Council has adopted, they should be authorised by way of a resource consent application.

#### **8.5 HOME ENTERPRISES**

Special provisions pertaining to home enterprises as follows:

- (a) home enterprises shall be carried out in an existing household unit or buildings accessory to an existing household unit and shall be incidental and secondary to the residential use of the household unit. They must not have any detrimental effect on the residential use or the health and welfare of the occupants of the household.
- (b) only handcrafts which have been produced on the site shall be sold, and the selling or offering for sale of handcrafts shall be confined to buildings permitted to be used for the home enterprise.
- (c) a home enterprise shall be engaged in by a person permanently residing in the household and not more than one other person at any one time.
- (d) home enterprises shall be carried on only between 0700 hours and 2200 hours.

- (e) electrical interference: no-one carrying on a home enterprise shall use any equipment which creates electrical interference with television and radio sets in adjacent household units.
- (f) glare: all lighting used for the home enterprise shall be directed away from adjacent household units and from roads and shall not create a nuisance to other residents.
- (g) storage: no equipment or material for a home enterprise shall be stored outdoors unless it is screened from adjacent sites, roads and other public areas.
- (h) traffic: a home enterprise shall not generate any trips by a heavy motor vehicle as defined by the Traffic Regulations 1976 and shall not generate more than two inwards and outwards trips per day by any other motor vehicle, for the purpose of transporting raw materials and finished goods.
- (i) parking: where handcrafts are sold, adequate off-street parking and a vehicle turning area shall be provided entirely within the site and access and egress shall be provided without undue disruption of traffic.
- (j) visual: no evidence of the activity may be visible from any of the property boundaries or from nearby residences.
- (k) signs: Rule 8.17 applies
- (l) noise: the following standards apply to noise from home enterprises:

Daytime	0700-2000	L10= 50dBA
Night-time	2000-0700	L10 = 40dBA

Measured at the notional boundary (i.e unless otherwise provided, 20 metres from the closest point) of a residential building or at the property boundary, whichever is the shorter distance.

With respect to home enterprises, attention is drawn to the duty which every person has under section 17 of the Resource Management Act 1991 to avoid, remedy or mitigate adverse effects of any activity on the environment.

The reason for this Rule is that, provided the effects of an activity do not adversely affect the rural character or production potential or otherwise adversely affect the rural community it is appropriate to permit home enterprises.

## **8.6 PAPAKAINGA HOUSING**

Papakainga housing shall be permitted on rural land which is multiple-owned Maori land under the jurisdiction of the Maori Land Court and subject to the Te Ture Whenua Maori 1993 except where such development may:

- (i) adversely affect significant biological and ecological resources.

- (ii) necessitate the reticulation of urban services. Papakainga housing and marae shall demonstrate that on-site disposal of effluent and wastewater can be secured which will:
- maintain public health standards;
  - ensure land stability of the property and adjoining land;
  - safeguard the recreational, ecological values and water quality of natural water courses draining through and from the land;
  - protect any underground water resources
- (iii) increase stormwater runoff levels so as to result in flooding.
- (iv) be intended to be, or is subsequently proposed to be, used as accommodation by people who are not part of the Hapu which owns the land.

The reason for this rule is that Papakainga housing is a special case provision to provide for the well-being of tangata whenua groups. As such, the social effects of allowing Papakainga housing on Maori land in the Rural Papakura Zone are acceptable. The same acceptance of social effects is not necessarily the case if the Papakainga housing was to be used for purposes other than housing hapu members and for this reason the occupancy of Papakainga housing is restricted to members of the hapu which owns the land.

## **8.7 DELETED**

## **8.8 CONDITIONS APPLYING TO ALL ACTIVITIES**

No activity in the rural area may cause environmental effects beyond the site on which it is located which are, or are likely to be, more offensive or annoying to residents or damaging to the environment than is reasonably regarded as normal for activities in rural areas. Similarly, no activity in the rural area may be carried out in such a way as will result in non-sustainable management of rural land in terms of section 5(2) of the Resource Management Act 1991.

Effects which are of particular concern in this regard are noise, smell, emissions to air, waste disposal and effects on water.

## **8.9 FINANCIAL CONTRIBUTIONS**

Financial contributions are provided for by the Resource Management Act 1991 to offset or mitigate adverse effects resulting from the subdivision, use or development of land. In recognition of such impacts and the desirability of ensuring the proper management of the resources of the District, rules for the assessment of development impact fees are set out in this Plan. The provision of esplanade reserves and strips and access strips are part of the financial contributions which the Council may impose. Rules relating to these matters are contained in Part 8.2.

### **8.9.1 Contributions for Reserves and Recreation Facilities**

The Council considers that the rural, as well as the urban residents of the District require and use reserves and recreation facilities and that it is therefore equitable to require, in respect of any subdivision of land in the rural area, that a contribution in the form of cash, or if appropriate, land, be made for the provision of reserves and recreation facilities. In the urban area this contribution is levied on the basis of land holdings. This is not only an accepted and reasonable method, it is also the most practical method. In the rural areas however, land holdings are generally much larger than in the urban area. It would not be equitable in these areas to impose the contribution on the basis of the total area of the landholding. Consequently, a notional area representing what might reasonably be expected to be the residential component of rural sites has been determined as the basis of the calculation.

The contribution will be levied at a maximum rate equivalent to 6% of the market value of a notional lot of 2000m<sup>2</sup> situated within each additional lot in the subdivision provided that the Council may agree to a lesser amount if it considers that this would be appropriate, given the likely environmental effects of the subdivision.

In respect of small lot subdivisions for network utility purposes the Council may require a reserves contribution which will be individually assessed but will be based on the following rate:

- land up to 6% of the area of the extra lot(s) created or
- payment of money in lieu of land at a rate of up to 6% of the market value of the extra lots created.

The contribution may be taken partly in cash and partly in land and partly in any other form of payment or provision of public recreation facilities and amenities at the Council's discretion, provided that the total value of the contribution does not exceed the 6% limit referred to above.

A contribution will not be required where the subdivision will result in the preservation of indigenous vegetation or of any item which is included on the Schedule in Part 6.7.1.3 of the Plan.

Financial contributions in the form of provision of land, money or facilities for recreation are levied in addition to any requirement for esplanade reserves, strips or access strips.

- 8.9.2** The reason for these rules is that people who live in rural areas need recreation facilities just as much as people do who live in urban areas. The standard provision of 4 hectares of reserves per 1,000 population, which has served urban Papakura well in the past has been translated into an equivalent monetary figure. In the rural area the notional 2000m<sup>2</sup> represents a reasonable area on which to base a valuation based on the assumption that the contribution should relate to the number of people in a district rather than to the amount of land in the subdivision.

### **8.10 FLOODING**

The following provisions apply to areas shown on the planning maps as flood hazard areas or possible flood hazard areas.

#### **8.10.1 Filling in Areas that are Subject to Flooding**

**8.10.1.1** The placement of fill on land that is subject to flooding is a restricted discretionary activity where:

- (i) a draft comprehensive flood management plan has been published by the Council for the catchment or a comprehensive discharge consent for the discharge of stormwater from the catchment has been granted which allows for filling to be located in the 1% annual exceedance probability flood plain (A.E.P).

**Advice Note:**

- *The placement of fill on land which is subject to flooding but not subject to Clause (i) above will be required to obtain consent as a non-complying activity.*
- *Where there is no comprehensive discharge consent for the catchment within which the site is located, a resource consent to divert water may be required from the Auckland Regional Council.*

- (ii) The fill will not affect surface water resulting from a storm having a 1% annual exceedance probability so as to increase the level of flooding on other property or adversely affect other property.

The Council's discretion shall be limited to the matter of flooding.

In terms of section 94D Resource Management Act 1991 an application for a restricted discretionary activity consent will be considered without notification or written approval of affected persons unless in the opinion of Council there are exceptional circumstances relating to the application that justify notification or written approvals.

**8.10.2 Buildings or Structures in Areas Subject to Flooding**

- 1) The placement of non-habitable buildings or structures comprising less than 100m<sup>2</sup> in gross floor area on land shown as a Possible Flood Hazard Area and located north of the Papakura-Clevedon Road is a permitted activity when the proposed building is to be located a minimum of 10 metres clear of any lot boundary, any pre-existing open drains and any watercourse. All other buildings and structures that do not comply with the above requirements is subject to the rules as set out in Rule 8.10.2 2).

- 2) The placement of buildings or structures not provided for in Rule 8.10.2 1) on land that is subject to flooding is a restricted discretionary activity where:

- (i) a draft comprehensive flood management plan has been published by the Council for the catchment or comprehensive discharge consent for the discharge of stormwater from the catchment has been granted which allows for buildings to be located within the 1% annual exceedance probability flood plain.

**Advice Note:**

- *The placement of buildings or structures on land which is subject to flooding but not subject to Clause (i) above will require to obtain resource consent as a non-complying activity.*
- *Where there is no comprehensive discharge consent for the catchment within which the site is located a resource consent to divert water may be required from the Auckland Regional Council.*

- (ii) The habitable floor levels are at least 300mm above the 1% annual exceedance probability flood level.
- (iii) The development will not affect surface water resulting from a storm having a 1% annual exceedance probability so as to increase the level of flooding on other property or adversely affect other property.

The Council's discretion shall be limited to the following matters:

- (i) flooding;
- (ii) provision of emergency access
- (iii) basement development which may be subject to inundation.

In terms of section 94D of the Resource Management Act 1991 an application for a restricted discretionary activity consent will be considered without notification and the written approval of affected persons will not be required unless in the opinion of Council there are exceptional circumstances relating to the application that justify notification or written approvals.

### **8.10.3 Placement or Storage of Material**

The placement or storage of material that is hazardous or floatable on land that is subject to flooding (that is within the 1% AEP flood level) is a discretionary activity.

#### **Criteria for Assessment**

Whether in the event of a storm having a 1% annual exceedance probability or less material will be contained within the site and no adverse environmental effects will result.

### **8.11 STORMWATER DISPOSAL**

Because of the susceptibility of many parts of the rural areas of Papakura to flooding, care must be taken to ensure that development does not concentrate and increase stormwater flows or otherwise lead to adverse environmental effects downstream of the development. To this end, any application for a resource consent must demonstrate, to the extent which is appropriate to the circumstances, the measures which are to be taken by the consent grantee to dispose of stormwater and to mitigate any adverse environmental effects.

Every application for a resource consent shall be accompanied by calculations of the runoff which would result from the activity which is the subject of the application and a description of the proposals for collecting, treating, and disposing of the stormwater resulting from the activity. The Council will require that these proposals result in the removal of 75% of the sediments contained within the stormwater which results from the activity before it reaches a stream, river or watercourse.

### **8.12 TRAVELLERS' ACCOMMODATION**

In respect of applications for travellers' accommodation, the Council will require to be satisfied that:

- (a) the site has ready access from an arterial or principal road.

- (b) the proposed development is of a type and scale which lends itself to a rural environment.
- (c) the site contains an adequate area of land which will enable the proposed use to substantially insulate itself from other nearby rural properties. The Council will require evidence as to the future use and management of any balance area of land not used for the proposed development.
- (d) the proposed development should have minimal impact on the amenities of the neighbourhood and not unduly detract from the character of the area in which it is to be situated.
- (e) land shall not be developed for travellers' accommodation purposes unless:
  - (i) in a coastal location the proposed use enhances the public access and enjoyment of the coastline while still maintaining the coastline's natural qualities;
  - (ii) the values of the natural landscape are maintained or enhanced;
  - (iii) effluent, wastewater and refuse can be disposed of by acceptable means and approved standards without detracting from environmental values.

The reason for this rule is that travellers' accommodation is appropriate in the rural area to the extent that it does not adversely affect the rural character or the productive potential of the land. The rule is designed to limit the effect of any such development to a level which is considered to be appropriate.

### **8.13 CONTROLLED ACTIVITY ASSESSMENT CRITERIA**

In considering any controlled activity application the Council will have regard to the matters set out in sections 105 and 108 of the Resource Management Act 1991. Every application shall be accompanied by plans and statements sufficient to demonstrate the effects of the proposed activity on the environment. The Council may, in making its decision, have regard to the effect of the application in respect of:

- the design and appearance of buildings;
- landscape design and site layout;
- location and design of vehicle and pedestrian access and parking;
- the location of buildings and structures to avoid detracting from ridges, knolls, native forest, geomorphic features, and other natural features;
- the location of roads and accessways serving buildings to minimise the adverse effects of earthworks;
- the integration of buildings and structures with the surrounding landscape so that they enhance and are in harmony with it;

and will require information on these aspects as part of any application.

The Council may require, as part of the information accompanying the application the production of a landscape plan including details of the layout and types of plants and a maintenance plan.

Where a proposed activity has access onto State Highway 22 the Council will consider:

- (i) the extent to which the access point and layout of vehicle circulation will minimise traffic hazards and discourage customer parking on the road.

- (ii) the extent to which the position and orientation of any sales and displace area will avoid distracting the attention of passing motorists.

The Council will also have regard to the objectives and policies of this Plan.

In respect of a controlled activity application for subdivision in that part of the Rural Residential Zone bounded by the Papakura Clevedon Road, Heard Road, Kaipara Road and the boundary of the Residential 1 and Residential 3 Zones, the application shall be accompanied by a structure plan including supporting information which addresses the following matters in an integrated and comprehensive manner:

- location of buildings platforms
- location of driveways and accessways
- identification and provision for measures including proposed planting so as to enable the Council to be satisfied that the rural residential character of the area is protected and that a satisfactory transition between the Rural Residential Zone and the lower density Rural Papakura Zone and any existing activities is maintained.
- provision for stormwater management in accordance with the Slippery Creek Management Plan and the Croskery Drain Comprehensive Stormwater Discharge Consent. The disposal method shall take account of and provide not only for the effects of stormwater from the subject site itself but also from the effects of stormwater from areas upstream.
- provision for stormwater quality management
- provision for sewage treatment and disposal
- provision for the restoration or enhancement and protection of any wetland areas subject to provision for stormwater management
- provision for the revegetation and protection of areas subject to erosion, and the riparian areas associated with the stream network.

#### **8.13.1 Controlled and Discretionary Activity Assessment Criteria – Nature Conservation Zone**

In addition to the general matters outlined in Rule 8.13 and Rule 8.14, in granting consent to a controlled activity or considering a discretionary activity in the Nature Conservation Zone the Council will assess the activity in terms of the following matters over which it has reserved control and conditions of consent may be imposed in relation to these matters.

(a) Ecosystems

The function of ecosystems, including effects on plants and animals and their habitats.

In particular, that the activity will not:

- result in the unnecessary or excessive damage or destruction of any habitat of indigenous animals, whether terrestrial or aquatic, or
- result in the unnecessary excessive damage or removal of indigenous trees and vegetation, or
- unduly compromise the functioning of ecosystems

- (b) Effects on Soil and Water Resources
  - cause or contribute to land or soil erosion or the contamination of water resources, or
  - compromise the hydrological functioning of wetlands within the zone and that the activity is designed in a way that minimises earthworks.
- (c) In respect of a land use consent application, effects on utilisation of aggregate resources.
- (d) In respect of residential activity located within any Aggregate Resource Protection Area identified on the planning maps:
  - the effect of the activity on potential utilisation of the mineral resource,
  - whether quarry operations will be unduly limited or future extraction compromised,
  - whether the building is located on the site and designed and constructed to mitigate any adverse effects of its proximity to existing and probable future quarry operations.

***Explanatory Note***

*For the guidance of the Council in determining whether these criteria are met in respect of any particular application, the Council will request the Quarry owner or operator to provide an assessment of the level of effects of quarrying activities received at the proposed site of the building for which resource consent is sought. Except in exceptional circumstances sites which are likely to receive noise, airblast and vibration levels in exceedance of the limits applying at notional boundaries in Rule 6.13.8.1 of the District Plan will be considered inappropriate in terms of these criteria.*

**8.14 DISCRETIONARY ACTIVITY ASSESSMENT CRITERIA**

In deciding whether to grant or refuse consent to a discretionary activity application and in imposing conditions if consent is granted, the Council will have regard to:

- (a) the matters contained in the Resource Management Act 1991, and in particular Part II of the Act.
- (b) the objectives and policies in this Plan.
- (c) whether there are alternative places where the activity can reasonably be located (including locations in urban areas).
- (d) whether and to what extent the application would be likely to cause a demand for the extension of public utility services which would not be sustainable in an economic sense.
- (e) whether and to what extent the proposed activity would affect traffic movement. Where a proposed activity has access onto State Highway 22 the Council will consider:
  - (i) the extent to which any access point and layout of vehicle circulation will minimise traffic hazards and discourage customer parking on the road.  
and
  - (ii) the extent to which the position and orientation of any sales and display area will avoid distracting the attention of passing motorists.

- (ee) whether or not there are outstanding site features which make the site suitable for the proposed activity or alternative locations (including locations in urban areas) that would minimise the effects of the activity on rural character/amenity.
- (f) whether or not, and the degree to which, the activity would compromise the productive potential of the land and soil resource.
- (ff) whether or not the activity would constrain permitted or controlled activities or activities that rely on the soil resource from operating efficiently.
- (g) in respect of telecommunications, the effects which the activity will have on the environment and the measures which will be taken to mitigate any adverse effect.
- (h) in respect of the use of land and buildings including ancillary residential buildings for the processing of farm and forest products of the District and its immediate environs, or the provision of rural services, the following matters:
  - (i) whether the environmental effects of the activity are likely to be more than minor, and
  - (ii) whether the activity is likely to have an adverse effect on the sustainable management of the rural area, and
  - (iii) whether it is an industry that is, or under any condition may become, noxious or dangerous in relation to adjacent properties or public places, or will detrimentally affect the amenities by the emission of noise, dust, smoke, odours or gases or cause vibration or dangerous conditions or give rise to pollution of any watercourse, drain, creek, foreshore or the waters of the Manukau Harbour in terms of Part III of the Resource Management Act 1991.
- (i) in respect of cemeteries and urupa whether the activity is located on highly productive soils.
- (j) in respect of factory farming, the likely effects, particularly of noise, smell, glare and visual impact, waste disposal.
- (k) the provisions of a landscape plan whether the effects on the landscape of a proposed activity are likely to be significant.
- (l) whether any existing household unit on the site could be utilised for the purposes of the ancillary household unit.
- (m) in respect of the household units on an operating independent farm unit which are needed for and to be used by people working full time on the farm whether the household unit is necessary for the farm to operate efficiently as an independent unit.
- (n) in respect of an application for a pig farm, the extent to which the applicant meets the Pork Industry Code of Practice.
- (o) in considering any application for a residential farm park the Council shall have regard to the following guidelines:
  - (i) residential units shall be located on land of least value for farm production where practicable.
  - (ii) residential units, accessory uses, and access shall be located such that the economic and practical utilisation of the balance farm land is not adversely affected.

- (iii) residential units and access shall be located so that there will be minimum impact on the existing landscape character.
  - (iv) residential units and access shall be located so that there is minimum impact on the existing amenities of the area, particularly those enjoyed by neighbouring residences and no residential unit should be located closer than 50 metres from another.
  - (v) the location and design of vehicular access shall be such that it will not be detrimental to road safety or landscape qualities.
  - (vi) significant landscape features such as hills, gullies and significant areas of trees and bush shall be conserved and protected and used to structure the location of residential units and the Council may require a conservation covenant to conserve and maintain landscape features which are of public importance in that they are an integral part of the landscape quality of the area.
  - (vii) proposed landscape design shall enhance the existing landscape qualities and shall ensure that all residential development is harmonious or complementary to overall landscape qualities.
  - (viii) site layout shall be such that satisfactory drainage systems and water supply serving all residential development can be installed.
  - (ix) any farm park proposal shall provide for individual ownership of house sites and common ownership of the remainder of the property through a Body Corporate. The Council will need to be satisfied that the constitution of the Body Corporate and the arrangements made for the management of the property will be in accord with the rural strategy and the objectives and policies of this plan.
- (p) In respect of tourism activities, and in addition to the more general matters contained in Rule 8.14, the following matters shall be considered:
- (i) whether the location and extent of parking areas and internal roading has been designed to minimise disturbance to the significant elements of the rural landscape and to be visually harmonious with the character of the area.
  - (ii) whether the scale, design and location of buildings is in character with the rural setting.
  - (iii) whether the servicing of the activity is adequate and whether it will cause demands for uneconomic or premature upgrading or extension of public services including roading and whether the activity meets the full costs of meeting this demand.
  - (iv) whether the traffic generation characteristics of the activity are such that it is compatible with the surrounding locality.
  - (v) the degree to which the activity will have adverse effects on the environment.
- (q) In respect of applications for boundary adjustments, whether the adjustment will result in a more rational pattern of land holding and/or a more readily sustainable pattern of land use in terms of potential or cumulative effects on natural and physical resources.
- (r) In respect of plant nurseries:
- (i) the activity shall be primarily concerned with the propagation, growth and storage of plants and trees. (The primary distinction between plant nurseries as a permitted activity and plant nurseries as a discretionary activity is that in the latter case the plants and trees may not necessarily originate from the site).

- (ii) the extent to which alternative locations including locations in urban areas would be a more appropriate method to avoid, remedy or mitigate adverse effects.
- (iii) the extent of hard coverage shall be minimised. Any building will clearly be ancillary to and necessary for the primary use of the land. Buildings shall be restricted to:
  - retail shops for the sale of plants and trees and directly associated goods such as fertilisers, sprays and spades.
  - buildings for the housing of equipment necessary for the operation and for the convenience of staff.
- (iv) all buildings shall be restricted in terms of their size, coverage and impact so that they are complementary to the rural character and do not produce an urban commercial image.
- (s) In respect of education facilities which are not directly associated with and ancillary to farming activity:
  - (i) the degree to which the scale, nature and size meets the objective of sustainable management of rural land.
  - (ii) whether the location and extent of parking areas and internal roading has been designed to minimise disturbances to the landscape and to be visually harmonious.
  - (iii) whether the scale, design and location of buildings is in character with the rural setting and is visually harmonious.
  - (iv) whether the servicing of the activity is adequate and will cause demands for uneconomic or premature upgrading or extension of public services including roading or the activity meets the full cost of meeting this demand.
  - (v) the traffic generation characteristics of the proposal are such that the activity is compatible with the surrounding locality.
  - (vi) the extent to which alternative locations including locations in urban areas would be a more appropriate method to avoid, remedy or mitigate adverse effects.
- (t) In respect of a land use consent application the effects on utilisation of aggregate resources.
- (u) In respect of residential, education or community activity located within any Aggregate Resource Protection Area identified on the planning maps:
  - the effect of the activity on potential utilisation of the mineral resource,
  - whether quarry operations will be unduly limited,
  - whether the building is proposed to be located on the site and designed and constructed to mitigate any adverse effects of its proximity to existing and probable future quarry operations.
  - whether the activity will be likely to receive noise, airblast and vibration levels exceeding the limits applying at any notional boundary in Rule 6.13.8.1 contained in Section Three of the District Plan for land outside any Aggregate Resource Protection Area, assuming compliance by quarry operations with any limits applying to the quarry at any Quarry Effects Line.
- (v) In respect of a subdivision consent application the extent to which activities consequential upon subdivision would result in effects which unduly compromise existing or potential quarrying of aggregate on any land in the Aggregate Resource

Protection Area. Factors which serve to mitigate effects, for example, topography or resource consent conditions, may be taken into account in determining the desirability of a buffer requiring the separation of likely consequential activities from the aggregate resource.

**Explanatory Note**

*For the guidance of the Council in determining whether these criteria are met in respect of any particular application, the Council will request the Quarry owner or operator to provide an assessment of the level of effects of quarrying activities received at the proposed site of the building for which resource consent is sought. Except in exceptional circumstances, sites which are likely to receive noise, airblast and vibration levels in exceedance of the limits applying at notional boundaries in Rule 6.13.8.1 contained in Section Three of the District Plan will be considered inappropriate in terms of these criteria unless adequate mitigation measures in respect of occupied dwellings can be implemented to reduce the effects of those similar to the standards set out in Rule 6.13.8.1. In the event that a resource consent is granted in reliance upon such mitigation measures, the Council will normally expect a memorandum of encumbrance to be registered on the title to record the terms of the consent.*

**8.15 BULK AND LOCATION REQUIREMENTS**

**8.15.1** Activities must comply with the following standards. If a proposal does not comply it will be treated as a discretionary activity.

- (a) A front yard of not less than 10 metres will be required except as provided in 8.15.2.
- (b) Physical access to the rear of the site by service vehicles such as fire engines must be possible. Normally this will require an accessway of at least 3 metres width.
- (c) Maintenance or construction of buildings on a site must be possible without the need to have access to neighbouring sites.
- (d) A proposed activity may not be so located on a site as to cause noise on neighbours' properties such as would exceed the levels set out in Rule 8.22.
- (e) A proposed activity may not be so located on a site as to result in unacceptable smell on adjoining properties. In the absence of any objective means of measuring smell, the Council will, where it has reason to believe that smell will be a problem, require a 30 metre separation distance between the source of the smell and the nearest property boundary. This separation distance may be reduced if mitigation measures are incorporated in an application.
- (f) A proposed activity may not be so located or designed that glare from a light source or sources is likely to cause annoyance on adjoining properties.
- (g) In respect of properties which have a common boundary with the land designated for motorway purposes, a 10 metre wide yard will be established on the property adjacent to that boundary, in which the construction of a residential building is not permitted.

**8.15.2 Yards – Coastal/Stream Protection**

- (a) In order to protect the natural character and environment of streams and the coast line, no buildings shall be erected or landfill undertaken at a distance of less than 40 metres inland of either:
- (i) mean high water spring tide or less than 20 metres from the bank of a stream.
- (b) No building may be located in such a way as will have the effect of adversely affecting traffic safety.

#### **8.15.2.1 Outdoor Living Areas – Nature Conservation Zone**

Every household unit or temporary household unit shall have an outdoor living area complying with the following:

- the area shall be located to the north of the household unit or temporary household unit.
- the area shall be capable of containing an 8 metre diameter circle.
- the area shall not be obstructed by buildings, parking spaces or vehicle access and manoeuvring areas.

The reason for this rule is to allow adequate light and direct sunshine onto houses and outdoor living areas situated at the edge of, or in the middle of, dense areas of indigenous trees and vegetation.

Reducing the extent to which houses and outdoor living areas are overshadowed by surrounding trees and vegetation reduces the temptation for the occupiers to undertake further unauthorised tree clearance in order to let more light in.

If a proposal does not comply it will be treated as a controlled activity. In considering any such application for a controlled activity the Council will be mindful of the fact that the topography of a particular site can significantly affect sunlight access.

#### **8.15.3 Height**

Subject to the provisions of Rules 8.20 and Appendix 2 relating to height restrictions in the vicinity of Ardmore Aerodrome, there is no prescribed maximum height limit for buildings, provided that any proposed building exceeds 10 metres in height will be treated as an application for a discretionary activity.

The reason for this Rule is to ensure that buildings which may be so high as to affect the rural character are subject to scrutiny by the community.

#### **8.15.4 Height in Relation to Boundaries**

In order to maintain adequate levels of daylight and sunlight, a standard for building height in relation to property boundaries is established. No part of any building shall exceed a height equal to 3 metres plus the shortest horizontal distance between that part of the building and the nearest site boundary.

#### **8.16 PARKING, ACCESS, LOADING**

Off road, all weather parking and loading spaces must be provided at all times in respect of any activity which is permitted in the rural area, sufficient to ensure that there is no need

for vehicles associated with that activity to be parked on the road. Parking areas shall be provided on the site close enough to the activity which generates the need for them to ensure the ready use of such parking areas.

Requirements and standards for car parking layout and vehicle access are set out in Appendix 1 and will be used to assess proposals.

The reason for this Rule is to ensure that the character and safety of rural roads is not adversely affected by on-street parking resulting from the operation of a rural activity.

Access to any property must be designed and located in such a way as to minimise any actual or potential danger to road users and to avoid the need for vehicles entering or leaving the property to use the grass berm on the opposite side of the road in the process of turning into or out of the property. Access to a corner site shall be located so as to preserve traffic safety. Unless Council approves otherwise no vehicle entrance or exit shall be located closer than 7.5 metres from the corner of a road or street. No loading ramp may be erected so close to a road that vehicles being loaded or unloaded would affect sight lines along the road or would be parked in the road reserve. In the ordinary course of events the Council will require this standard to be met by requiring that loading ramps are located no closer than 15 metres from the road boundary.

In the application of this rule the following car parking requirements will be applied as a guide.

Retail Activities	1 for every 40m <sup>2</sup> of gross shopping floor area plus 1 for every 40m <sup>2</sup> for other activities
Residential Activities	1 for every accommodation unit
Industrial Activities	1 for every 40m <sup>2</sup> of gross floor area of buildings plus 1 for every 45m <sup>2</sup> of open space used for industrial activities
Offices	1 for every 20m <sup>2</sup> of gross floor area for areas open to the public plus 1 for every 40m <sup>2</sup> of gross floor area not open to the public
Entertainment Facilities	1 for every 3.5 persons the facility is designed to accommodate
Educational Facilities	2 for every 3 staff members plus 1 for every 30 pupils aged 15 years and over.
Hospitals and other Residential Medical Facilities	1 for every 3 patients' beds plus 1 for every resident medical practitioner or professional staff employed, plus 1 for every 2 other full-time staff plus 1 for every 2 visiting medical practitioners
Professional Service Rooms	1 for every professional person employed plus 1 for every consulting room or surgery or interview room plus 1 for every additional 40m <sup>2</sup> of gross floor area of

building
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- 8.16.1** When the assessment of the number of parking spaces required in respect of the use of any land or building results in a fraction, a fraction under one half shall be disregarded and fractions of one half or more shall require an additional parking space.

Where several activities are proposed on the one lot and the Council is satisfied that those activities do not generate a maximum parking demand at the same time, the Council may grant a dispensation reducing the number of parking spaces otherwise required to be provided on that lot to such a number as the Council thinks fit and subject to such conditions as the Council may impose.

Where it is impossible or impractical to provide sufficient on-site parking because of topographical constraints, the presence of buildings, trees or other obstructions or because the amenities would be adversely affected, the Council may, on a non-notified application for a discretionary activity, grant a dispensation or waiver from the parking requirements on such conditions as it thinks fit or may agree to accept a financial contribution in accordance with Policy 6.7.9.2 in respect of the required parking.

The design of parking spaces, motor vehicle access drives or ramps shall comply with the standards illustrated in Appendix 1.

Provision shall be made as follows for car parking spaces for vehicles driven by persons with disabilities or for vehicles driven by persons accompanying a person with disabilities:

- 1 car parking space for each group of 50 car parking spaces up to 200 car parks.
- 1 additional car parking space for each additional 200 car parking spaces.

Car parking spaces for disabled persons shall be provided as part of the normal car parking spaces required by this plan.

Car parking spaces for disabled people shall be so located as to ensure that the distance to be travelled between the car park and the activity is as short as possible and that the disabled person can alight from the vehicle in safety.

**8.17 SIGNS**

The control of signs in the rural area is based on the effects which signs can have in the rural area. In this regard the following general comments can be made:

1. The effects of signs in the rural area are different from the effects of signs in the urban area. It is therefore reasonable that the rules for signs should be different in the two areas.
2. The effect of signs on the southern motorway is different from the effect of signs on other rural streets and roads and the rules reflect this.
3. A distinction has been drawn between the need for information/direction/traffic signs and signs which are for advertising purposes. The former have a higher priority.
4. Where signs have no effect on roads or other property there is no justification for any controls.

5. Because signs generate a variety of subjective responses most need to be assessed as discretionary activities. Any standards relating to signs as permitted activities must be clearly defined so that people can be certain whether a sign is permitted or not.

**8.17.1** The following shall be permitted activities in all rural zones:

- (a) directional signs for vehicular and pedestrian traffic, including street/road name signs.
- (b) signs which are not specifically directed at any visible public road or any other land or building beyond the site on which they are located.
- (c) temporary signs as follows, provided that a balloon or blimp which is used as a temporary sign is not a permitted activity:
  - (i) a sign advertising for sale, lease or letting, the whole or part of the land or premises on which it is situated.
  - (ii) a sign advertising forthcoming community, cultural, religious or sporting events, provided that the sign shall be displayed for not more than 21 days before and shall be removed within 3 days after the event.
  - (iii) a sign for electioneering purposes, provided that no such sign shall be displayed for more than 2 months.
  - (iv) a sign erected on a construction project for the purpose of identifying the project, provided that the sign shall be removed on completion of the project.
- (d) signs used in connection with emergencies.
- (e) one sign, not exceeding 0.5m<sup>2</sup>, for any purpose in connection with the occupation, trade, profession or business of an owner or occupier of premises, or in connection with the function of the premises, provided that where more than one owner or occupier operates from a site, signs may be erected in a planned arrangement with an aggregate area of 0.5m<sup>2</sup>.

Signs which are erected as permitted activities may be illuminated or floodlit but may not be flashing or moving.

Except as provided in (e) above, the maximum area of a sign which is a permitted activity is 3m<sup>2</sup>. The maximum height above ground level is 4.5 metres. A sign which is a permitted activity shall be set back a minimum of 0.5 metres from the legal boundary of the property on which it is situated unless it is part of an existing structure.

**8.17.2** The following shall be controlled activities in all rural zones, subject to the assessment criteria in 8.17.4.

- (a) One permanent sign not exceeding a total surface area of 3m<sup>2</sup> relating to the activities of a particular property, provided that:
  - (i) The sign must be located on the site to which it relates.
  - (ii) The sign may be in addition to any sign which is erected as a permitted activity.
  - (iii) The maximum height of the sign above ground level is 4.5 metres.
  - (iv) The sign shall be set back a minimum of 0.5m from the legal boundary of the property on which it is situated unless it is part of an existing structure.
  - (v) The sign shall not be flashing or moving but may be flood lit or illuminated.
  - (vi) In respect of signs which are visible from the motorway any such sign shall be set back a minimum distance of 10 metres from the legal boundary of the motorway and shall not be flashing or moving but may be floodlit and illuminated.

- (b) A temporary sign in the form of a balloon or a blimp provided that:
  - (i) Any such sign is located or attached to the site to which it relates.
  - (ii) The Council may determine the maximum time limit the sign may be located on the site.

**8.17.3** The following shall be discretionary activities subject to the assessment criteria set out in 8.17.4.

1. Signs which do not comply with the standards relating to permitted and controlled activities.
2. Signs which are to be located on sites other than the site to which the sign relates.
3. Signs other than those which are permitted or controlled, which are located so as to be visible from the Southern Motorway, provided that the Council may, in considering an application for such a sign, consult with Transit New Zealand.
4. Signs which incorporate moving or flashing elements.

#### **8.17.4 Assessment Criteria for Signs**

The following criteria will be used in assessing applications for signs as controlled and discretionary activities.

1. Signs shall not detract from the external appearance of a development or be visually intrusive, or adversely affect the rural character of Papakura District.
2. No sign shall be permitted which is likely to detrimentally affect traffic safety or traffic control by obstructing driver's vision or causing confusion or distraction for drivers or creating a situation hazardous to the safe movement of traffic.
3. Directional and temporary signs may be located other than on sites to which they relate. Other signs may also be located on sites other than the site to which they relate provided that only one sign per site in addition to a sign which relates directly to the activity on the site will be permitted, and provided further that the Council is satisfied that the traffic safety and visual character of the area will not be impaired by the location of non site specific signs.
4. In respect of any sign, the term "area" refers to the surface area of the sign which is used for the display of information and excludes any structure used solely for support. Where a double faced sign is erected at right angles to the street, the area of sign permitted by these controls shall be that which is visible at any one time.
5. Signs attached to a building shall be affixed to the building or incorporated within the structure of a building in such a manner that no part of the sign protrudes above the line of the eaves of the building to which it is attached.
6. Moving or flashing signs will not be permitted if they would be visible from and likely to cause a visual distraction to drivers on the southern motorway, and will be permitted elsewhere only if it can be demonstrated that the position and the design of the sign will not have an adverse effect on traffic or on amenities. The Council may seek the advice of Transit NZ in respect of any sign which would be visible from the Southern Motorway.

7. Signs which are illuminated or floodlit may be granted consent provided that they do not adversely affect visual amenity and traffic safety.
8. Free standing signs shall not exceed 4.5metres in height, and shall not be located closer than 0.5m from the boundary line. Any free standing sign shall be so positioned on the site that it does not obstruct any parking or manoeuvring area.
9. Signs should be neat and uncluttered in their lettering and be easily legible from passing vehicles.
10. If more than one sign is displayed on a site, a planned arrangement should be used to avoid an effect of clutter.
11. Where a sign is located in close proximity to the southern motorway it should if possible be located in such a way as to be easily read by passing motorists. This may require that it is located at right angles to the motorway.
12. The surface area of any sign may exceed 3m<sup>2</sup> provided it will not cause a significant adverse visual or traffic safety effect, or it is necessary for public safety reasons.

#### **8.17.5 Applications for Signs**

All applications for consent to erect a sign must be fully documented and must include information concerning the structure of the sign, its method of support and its composition and appearance.

#### **8.18 CONSERVATION OF LANDSCAPE**

- (a) Where an indigenous tree higher than 6 metres stands near other indigenous trees higher than 6 metres and the foliage and branches of these trees form canopies which in total cover an area of at least 3000m<sup>2</sup>, no alteration shall be made to the trees or to any indigenous vegetation for a distance of 10 metres from the trunk of any such tree without the approval of the Council, made in response to an application for a discretionary activity.

The reason for this Rule is to protect indigenous vegetation from indiscriminate destruction or substantial modification. It is intended that the Council will confer extensive powers of delegation to its officers to deal with modifications to trees so that minor applications may be dealt with expeditiously, with a fuller evaluation given to significant alterations.

- (b) No alteration shall be made to any tree or bush or any physical feature which involves the removal of topsoil from any property, provided that nothing herein shall prevent the removal of topsoil in the course of the extension or initiation of any existing or permitted lawful use;
- (c) The owner of a site on which indigenous bush is situated which falls within the ambit and scope of clause (a) above, may initiate the preservation of part or all of the bush. Preservation is to be achieved through a covenant. The details of the bush to be covenanted and the details of the controls to be imposed by way of a covenant are to be agreed between the owner and the Council. The covenant will require that the bush which is included in the covenant is not damaged or destroyed without the Council's written consent. The covenant shall also indicate the extent of the bush to

be protected, the nature and the extent of any alterations proposed to the bush and the nature and extent of any development proposed in the covenanted area.

Any covenant entered into shall be registered as an encumbrance on the title, to run with the land and to bind successive owners. As soon as a covenant is established the provisions of clause (a) above shall be deemed not to apply to the balance of the site outside the boundaries of the covenanted area. The reasonable costs of preparing the covenant shall be met by the Council provided that the details of the covenant are acceptable to the Council.

- (d) If an owner wishes to remove a covenant imposed under clause (c), not less than 6 months notice shall be given to the Council. The owner will also be liable for all costs associated with such removal. The land affected by a covenant which is to be removed will become subject to clause (a) whether or not the area of land affected is greater than 3000m<sup>2</sup>.
- (e) If a landowner (or any successor of the owner) thereafter wishes to enter into a fresh covenant in terms of the Rule the costs thereof shall be met by the owner or successor.

#### **8.19 EFFECT OF QUARRY OPERATIONS ON SURROUNDING ACTIVITIES**

Activities which are located in close proximity to existing quarries can expect to experience occasional noise vibration and dust as a result of the operation of the quarry. Any residential, educational or community activity located within any Aggregate Resource Protection Area identified on the planning maps and any subdivision for such purposes of land which is located or partly located within any Aggregate Resource Protection Area shall be assessed as a discretionary activity.

Activity in the Quarry zone is controlled by the zone rules. Quarries are also controlled by other legislation. The noise level from construction, maintenance and demolition activities within the Quarry Zone shall comply with and be assessed in accordance with the New Zealand Standard NZS 6803P: 1984, The Measurement and Assessment of Noise from Construction, Maintenance and Demolition Work.

#### **8.20 DEVELOPMENT RESTRICTIONS AROUND ARDMORE AERODROME**

Height restrictions are imposed around Ardmore Aerodrome in order to ensure the continued safety and efficiency of aircraft operation. These restrictions are illustrated in Planning Map “Ardmore Airport Height Surfaces” and in Appendix 2. The effect of the height restrictions will be to restrict the penetration of objects or structures into the flight paths of the aerodrome.

#### **8.21 DEVELOPMENT RESTRICTIONS AROUND AUCKLAND GLIDING CLUB**

Development on Appleby Road and Ponga Road in the vicinity of the Auckland Gliding Club’s premises in Appleby Road will not be permitted to exceed the height limits which are implicit in Planning Map “Auckland Gliding Club Approach Surface Height Restriction”. This map illustrates the approach surface gradient on each end of the runway and the height of the origin of the surface. From this the permitted building height at any point on the approach surface can be calculated.

#### **8.22 NOISE IN RURAL AREAS**

The Council draws attention to the fact that there are many legitimate rural activities which generate noise. Moreover, some of these activities create noise outside normal working hours. Examples include haymaking, crop spraying, bird scaring and other seasonal or intermittent activities and transport of farm produce and animals.

The rural lifestyle implies some acceptance of the necessity of noise which is associated with productive rural activities.

However, the Council also considers that there should be a general guideline as to the amount of noise which is permitted in a rural area by activities which are not related to productive farming. Consequently, the following noise standards are established for home enterprises in rural zones.

Daytime	0700-2000	L10 = 50 dBA
Night-time	2000-0700	L10 = 40 dBA

Measured at the notional boundary (i.e unless otherwise provided, 20 metres from the closest point) of a residential building or at the property boundary, whichever is the shorter distance.

This rule does not apply to noise generated by the activities at Ardmore Aerodrome.

The Council also accepts that there is a point beyond which noise from rural activities may be excessive. Complaints about excessive noise will be dealt with by Council's enforcement officer. The officer can direct that noise is immediately reduced and can initiate an abatement notice if necessary.

Every occupier of land shall adopt the best practical option to ensure that the emission of noise from the land does not exceed a reasonable level.

### **8.23 MAINTENANCE OF BUILDINGS AND LAND**

Owners and/or occupiers of buildings and land shall maintain their property in such a manner as will not detrimentally affect the rural environment of the area.

Where the appearance of buildings and/or land through lack of adequate maintenance or any other reason is such as to detrimentally affect the visual environment of the area, the Council will seek an abatement notice in respect of the land or buildings, or take such other action as is appropriate in the circumstances to mitigate the detrimental effect.

### **8.24 SEWAGE AND WASTE DISPOSAL**

No part of any sewage or waste disposal system shall be located closer than 20 metres from the bank of any stream or river or watercourse. Garden wastes and/or compost shall not be disposed of nearer than 5 metres from the edge of a stream, river or water course.

### **8.25 WINNING AND PROCESSING ON THE SITE OF MATERIAL OTHER THAN TOPSOIL OCCURRING NATURALLY**

A management plan should accompany any application and provide the following information:

- (a) topography, drainage, natural watercourses (including groundwater), existing vegetation cover and any other significant landform or features;
- (b) the proposed means of reducing or controlling any environmental impact during the course of operation (run-off, visual effects, stockpiling);
- (c) the methods of identifying, protecting and maintaining areas of ecological importance and heritage values (including historic places and areas, waahi tapu and landform features etc);
- (d) the design and location of buildings, proposed pits, faces or other excavations;
- (e) the method of mining, winning or processing the materials;
- (f) the proposed rehabilitation programme during the course of and on completion of the area being utilised. The proposed programme must:
  - maximise the potential opportunities;
  - recognise site values; and
  - be appropriate to objectives and policies of the District

#### **8.26 UNDERGROUND STORAGE TANKS**

All underground storage tanks are to comply with the Code of Practice for the Design, Installation and Operation of Underground Petroleum Storage Systems (*Department of Labour 1992*).

#### **8.27 PRESERVATION AND CONSERVATION OF PLACES, AREAS, BUILDINGS AND OBJECTS**

- (a) The destruction, removal or external alteration of any item contained in the Schedule contained in 6.7.1.3 will not be permitted without the Council's consent.
- (b) The Council may allow or disallow the application and may consult with the New Zealand Historic Places Trust and may make its decision subject to conditions.
- (c) The criteria to be used in respect of the addition or deletion of any item to the schedule will relate to the historic and architectural significance, or scientific interest, or visual appeal of the item under consideration.

#### **8.28 CONSENTS FROM AUCKLAND REGIONAL COUNCIL**

Advice is given that the Auckland Regional Council has responsibility for the following resource management functions and should any proposals involve any of these activities, they should contact the Auckland Regional Council to determine if a resource consent is necessary.

- the taking, use, damming and diversion of water from water
- the discharge of contaminants or water (including stormwater and wastewater)
  - into water
  - into or onto land
  - into the air

- activities relating to the use of a lake or river
- construction of a bore or alteration to an existing bore
- any activity which is proposed to be in the Coastal Marine Area, including the occupation of land in the Coastal Marine Area
- earthworks approval
- the carrying out of forestry operations

## **8.29 GUIDELINES FOR RURAL CHARACTER**

The perception of the rural character of Papakura is subjective. Guidance is given in a Landscape Assessment Report which was completed by Boffa Miskell Partners in May 1991 as part of the rural study. This report was in turn used as part of the justification for the objectives, policies and rules which are contained in the Plan. The report identifies nine rural landscape units which are 1) Alfriston Foothills, 2) Alfriston, 3) Ardmore, 4) Ardmore Foothills, 5) Eastern Hills, 6) Drury Foothills, 7) Drury, 8) Jesmond, 9) Hingaia.

Rural character changes from place to place. The changes often include visual changes, e.g areas of bush as compared with areas of pastoral farming or areas of glass houses but they are usually more than just visual.

Rural character is not an absolute. At the broadest scale, however, rural character differs markedly from urban character. Some of the essential differences between urban and rural character are that the rural area of Papakura is characterised by the following:

- a much lower density of residential living
- fewer structures, and structures (apart from houses) are generally related to farming activities, e.g barns, greenhouses, implement sheds
- lack of urban services, especially sewerage and reticulated water
- lack of retail activity except that which is related to production from the land or the rural community
- commercial activity is either non-existent or is functionally related to rural activities, e.g agricultural contractors
- commercial production of crops and animals
- grass is typically eaten by animals rather than mowed
- an absence of formed or sealed footpaths and kerbing and channelling
- an open speed limit on roads
- land is used for grazing, crops, forestry or left in bush
- rural style open fences rather than solid urban fences
- streams and rivers left in a natural state, i.e not piped or channelled
- presence of rural animals – sheep, cattle, horses, goats, pigs, working dogs
- rural postal delivery
- rural smells e.g silage, sprays, animals
- houses and structures generally set back from the road
- rank grass verges on roads
- rural noises, e.g from machinery (tractors, pumps, harvesting equipment) and animals

- landscape is expansive and managed accordingly (e.g mechanised hedge trimming, spraying, cultivating, harvesting etc)
- specialised agricultural vehicles and equipment are in evidence

As mentioned, the Report identified nine landscape character units within the rural area and describes the features which give them their distinctive character. These features are listed under the headings of landform, hydrology, vegetation pattern, land use and settlement pattern and the positive and negative features of each unit are noted. The Report also identifies the issues which are important to be addressed if the character of these areas is to be retained or enhanced. According to the Report the following issues are common to all landscape units – subdivision, land management techniques, quality of waterways, vegetation degradation and clearance, siting of buildings and accessways and increased scale and density of development.

The Report is useful as a guide in assessing applications which could affect the rural character of Papakura. However, given that the definition of the character of a particular area will always be to a large extent subjective, the effect which a particular application will have on rural character in a particular area must be assessed on a case by case basis.

### **8.30 NETWORK UTILITIES**

*Note that this rule is subject to the requirement by the Minister of Transport with respect to Ardmore Aerodrome.*

#### **8.30.1 Permitted Activities**

1. Network utilities in existence at the date of public notification of the plan and their operation, maintenance and upgrading.
2. Network utilities situated on a road or road reserve.
3. All underground or in-ground network utilities, with the exception of high pressure gas lines with a gauge pressure of more than 2000 kilopascals.
4. Any above ground network utility where the structures for that activity:
  - i) have a ground coverage of less than 50m<sup>2</sup>; and
  - ii) have a height not exceeding 7.5 metres; and
  - iii) are on allotments less than 200m<sup>2</sup> in area
5. New lines or additions to lines for conveying electricity at a voltage up to and including 110kV with a design capacity up to and including 100 MVA per circuit, including all support structures for those lines.
6. Telecommunications and telecommunication lines, telecommunication links and radio communications provided that the maximum height of any support structure including antennae shall be 25 metres and the maximum diameter of microwave dishes shall be 5 metres. Where antennae or microwave dishes are to be attached to buildings the height of the support structure and the associated antennae or microwave dishes shall not exceed the height limit in the zone by more than 5 metres.
7. Existing roads, including their maintenance.

### 8.30.2 Discretionary Activities

Network utilities not otherwise provided for by way of a designation or as permitted activities.

#### Development Controls

The following controls apply District wide. Controls contained within other parts of the Plan do not apply to activities covered by this part unless specifically stated.

- 1) Reinstatement  
Where the construction or maintenance of a network utility involves disturbance to the ground, at the completion of the work the ground shall be reinstated as far as practicable to the condition existing prior to commencement of the work.
- 2) Yards
  - a) Except as provided in b) below, no building or structure shall be sited closer than 1.5 metres to a site boundary of a residential zoned site or closer than 3 metres from a building used for residential purposes unless the neighbour's consent has been given in writing to a lesser standard. This rule shall not apply to network utilities situated within any part of a dedicated road.
  - b) For sub-stations, a minimum 5 metres yard shall be provided to all boundaries. No yards are required in respect of transformers.
- 3) Amenity Treatment  
For above ground structures, (excluding line and support structures for lines)
  - i) those areas not required for buildings, structures, operation of the facility, access, or parking shall be planted for amenity purposes.
  - ii) in addition to i) above, for sub-stations a minimum 5 metres strip of amenity treatment shall be provided around all facilities comprising a sub-station. Amenity treatment shall include trees and shrubs designed to achieve substantial screening of the equipment (excluding pylons, poles or termination gantries) at maturity while not compromising electrical security and/or safety.
- 4) Stormwater Control and Pollution Prevention  
All drainage from sites, other than roof water, shall be directed through a staged interceptor or other system designed to remove as far as practicable petroleum products, dirt and grit from the stormwater.  
  
All areas where petroleum products are used or stored shall be separately bunded with bunds of sufficient capacity to contain the largest volume of petroleum product in any one item of equipment or storage unit within that area.
- 5) Floodlighting  
Any floodlighting shall be directed so that the spill of light will be contained within the boundaries of the site where that site adjoins a property containing a residential building. This rule does not apply to the road frontage boundary of sites fronting roads or street lighting on roads.
- 6) Access and Parking  
Vehicle access and parking shall be provided for any site in excess of 200m<sup>2</sup>. One park per employee or, if shift work is involved, one park per employee on each shift

will be required. For unattended or occasionally attended sites no parking is required provided that there is sufficient space for visitors to the site to park off the road. Stacked parking is permitted. The design of parking spaces shall be in accord with the rules in Part 8 of Section Two of this Plan.

- 7) Noise  
The noise control standards for the zone in which the facility is located shall apply.
- 8) Radiofrequency Radiation  
Telecommunications and radiocommunications facilities shall comply with the provisions of NZS 6609.1 and 2, 1990 Radiofrequency Radiation.
- 9) Subdivision  
Subdivision shall be permitted as a controlled activity to create an allotment of any size for the purpose of providing for an existing or proposed network utility. Subdivisional rules contained within other parts of the Plan do not apply to activities covered by this part unless otherwise specifically stated.

### **8.30.3 Subdivision Requirements: Sites for Telecommunication and Radiocommunication Activities**

- 8.30.3.1** Sites on which telecommunication and radiocommunication facilities are to be sited do not have to meet the minimum lot size provisions for the Zone in which they are to be sited. The actual lot size will be determined in an application for a controlled activity. In determining the suitability of the proposed subdivision, regard will be had to the nature of the activity itself, the need to provide sufficient buffer to neighbouring properties and permitted activities on those sites, the environmental effects of the activity including visual effects, compliance with NZS6609, the ability to screen any structures, the need for efficient effluent disposal and on-site carparking. Rule 8.9.1 also applies.

The reason for this rule is the recognition that most of the proposed telecommunication and radiocommunication activities require only very small sites for their activity and to mitigate any adverse effects generated off the site and to meet the requirements of Part II of the Resource Management Act 1991. Given that the definition of subdivision includes a lease for a period of twenty years or more there is a need to provide subdivision provisions flexible enough to meet the needs of the telecommunication or radiocommunication service provider and to provide efficient use of the land resource.

### **8.30.4 Subdivision Requirements: Sites for Electricity and Telecommunication Reticulation**

- 8.30.4.1** An application for a subdivision consent or certificate of compliance must be accompanied by written confirmation from the electricity and telecommunication provider that:
- (a) electricity services and telecommunication facilities can be made available to the subdivided lots from existing services or that agreement has been reached with the electricity operator and telecommunication provider for the provision of any necessary services.
  - (b) agreement has been reached with the electricity operator and telecommunication provider for payment (which may include the lodging of a bond with the electricity operator and telecommunication provider or registration of an encumbrance against the land) of the reasonable cost of installation of new electric services and

telecommunication facilities or alteration to existing radio services and telecommunication facilities, including undergrounding of electric and telecommunication lines if required to provide electric supply and telecommunication facilities to and within the subdivision.

- (c) if the land proposed to be subdivided is crossed by existing electric and telecommunication lines adequate provision must be made for any necessary relocation or undergrounding of such lines if required, including the granting of easements in favour of the electricity operator and telecommunication provider where required.

**8.30.4.2** In rural subdivisions, new or replacement electric and telecommunication lines less than 110 kV on private roads or accessways shall be underground where practicable.

**8.30.4.3** All electric services and telecommunication facilities provided by the subdivider shall be approved by the electricity operator and telecommunication provider as suitable for connection to its network before installation.

**8.30.4.4** Wherever necessary to ensure continued access to electric services and telecommunication facilities which are to be owned by the electricity operator and telecommunication provider, and which are located outside of roads vested or to be vested in the Council, appropriate easements shall be granted by the subdivider in favour of the electricity operator and telecommunication provider at the cost of the subdivider.

**8.30.5 Assessment Criteria for Network Utilities which are Discretionary Activities**

The following criteria identify the more significant effects which may arise from the activity and the matters which will be evaluated to determine whether those effects can be avoided or mitigated or whether in the circumstances of the case there is sufficient justification for the activity to allow consent to be granted, notwithstanding that the effects may be more than minor.

In assessing applications where it is likely that the activity will result in any significant adverse effect on the environment the applicant shall follow the procedure set out in Clause 1(b) of the Fourth Schedule to the Resource Management Act 1991. The practicality, economics, and feasibility of obtaining access and/or easements of the alternative options versus that proposed will be relevant considerations in the assessment.

The provisions of Rule 8.14 shall be used as a guide in assessing a discretionary activity; in some instances a lesser or greater standard may be required depending upon the particular circumstances of the case.

**a) Visual Impact**

The visual effects of the network utility will be assessed in terms of the likely effect on:

- i) residential or recreational use of land in the vicinity of the proposed facility
- ii) ridge lines and view planes from public places including roads.
- iii) design elements in relation to the locality, with reference to the existing character of the locality and amenity values.

In making the assessment of visual impact regard will be had to:

- i) the scale of the facility
- ii) height of structures
- iii) separation of structures to site boundaries
- iv) site location – in terms of the general locality, topography, geographical features, adjoining land uses.
- v) except in the case of overhead lines and support structures, planting, fencing and other amenity treatment.

**b) Noise**

The Council shall, in assessing the impact of noise, have regard to the noise environment of the locality in which it is proposed to site the facility and the noise sensitivity of the receiving environment.

**c) Lighting**

- i) The extent to which the intensity of lighting when viewed from a distance contrasts with the environment in which the installation is situated.
- ii) The extent to which the direction and positioning of lights may adversely affect the use and enjoyment of adjoining properties.

**d) Pollution by Petroleum Products**

The Council will have regard to the extent to which the installation has been designed and will be maintained to prevent as far as practicable pollution or contamination of ground or water. Techniques such as bunding, impermeable layers under bunds and interceptors are available and depending on the circumstances of the case may be required to be used. The extent of measures necessary will be determined after having regard to the sensitivity of the receiving environment and the nature of risk to the environment inherent in the facility.

**8.30.6 Assessment Criteria for Telecommunication Facilities**

1. The potential for visual dominance of any mast and attachments will be assessed having regard to its scale and visual appearance in the wider landscape.
2. The design, colours and amenity treatment should, to the extent that is commensurate with civil aviation and other requirements, minimise the visual impact of structures on residential neighbourhoods or landscapes of high scenic quality.

The reason for this rule is to put in place controls which will enable the efficient provision of network utilities which are essential services, while at the same time ensuring that adverse effects on the environment are remedied, mitigated, or avoided.

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