Taupō District Council

Recommendations of the Independent Hearings Panel

Recommendation Report 5

Plan Change 42: General Rural and Rural Lifestyle Environments

8 May 2024

This report should be read in conjunction with the **Index Report** and **Recommendation Report 2 Strategic Directions**

The **Index Report** contains an explanation of how the recommendations in all subsequent reports have been developed and presented, along with a glossary of terms used throughout the reports and a record of all Panel Minutes. It does not contain any recommendations *per se*.

Recommendation Report 5 contains the Panel's recommendations on Plan Change 42.

This Recommendation Report contains the following appendices:

Appendix 1: Schedule of attendances

Appendix 2: 42a Report Summary table of recommendations on each submission point

Appendix 3: Recommended amendments to Plan Change 42 - Tracked from notified version (provisions not consequentially renumbered)

Appendix 4: Recommended amendments to Plan Change 42 provision wording - Accepted (including mapping amendments)

Appendix 5: Individual zoning request evaluations

Appendix:6: Panel recommendation on Submitter 074 Rezoning Request

The Hearings Panel for the purposes of hearing submissions and further submissions on PC42 comprised Commissioner David McMahon (Chair), Commissioners Elizabeth Burge and Councillor Kevin Taylor

Contents

1 Introduction 3

2 Summary of provisions and key issues 7

3 Evaluation Overview 12

4 Evaluation of key issues 13

5 Statutory Considerations 45

6 Conclusion 49

APPENDIX 1: Schedule of attendances 50

APPENDIX 2: Section 42a Report recommendations on each submission point. 55

APPENDIX 3: Recommended amendments to Plan Change 42 – Tracked from notified version 56

APPENDIX 4: Recommended amendments to the Proposed Plan provision wording (including mapping amendments) - Accepted. 137

APPENDIX 5: Individual zoning request evaluations 177

APPENDIX 6: Panel recommendation on Submitter 074 Rezoning Request 203

Recommendation Report 5

Plan Change 42: General Rural and Rural Lifestyle Environments

1 Introduction

Report outline and approach

1.1 This is **Report 5**; it is one of six Recommendation Reports in addition to an overarching Index Report prepared by the Hearings Panel appointed to hear and make recommendations on submissions to Bundle One incorporating six Plan Changes to the Taupō District Plan (TDP). The full background to Bundle One Plan Changes is provided in the **Index Report**.[1]

1.2 This report considers the provisions and records our recommendations relating to Plan Change 42: General Rural and Rural Lifestyle Environments (**PC42**) which seeks to delete the 'Rural Environment' Chapter 3b and 4b and replace them in their entirety to provide for two distinct rural zonings and associated provisions and map for:

a. 'General Rural Environment' zone
b. 'Rural Lifestyle Environment' zone

1.3 The relevant provisions of **PC42**, as notified are as follows:

Chapter	PC42 provisions
3b Rural Environment Chapter 4 Rules and Standards	*Chapter 3b – Rural Environment Chapter* *3b.1 Introduction* *3b.2 Objectives and Policies - General Rural Environment* Objectives 3b.2.1- 3b.2.8 Policies 3b.2.9 - 3b.2.17 *3b.3 Objectives and Policies – Rural Lifestyle Environment* Objectives 3b.3.1- 3b.3.8 Policies 3b.3.9 - 3b.3.14 *Chapter 4 Rules and Standards* 4b Rural Environment 4b.1 General Rules – General Rural Environment Rules 4b.1.1- 4b.1.10 4b.2 Performance Standards – General Rural Environment Performance standards 4b.2.1 – 4b.2.15 4b.3 General Rules – Rural Lifestyle Environment

[1] Index Report

Chapter	PC42 provisions
	Rules 4b.3.1- 4b.3.7 4b.4 Performance standards – Rural Lifestyle Environment Performance standards 4b.4.1 – 4b.4.15 4b.5 Subdivision Rules Rules 4b.5.1 – 4b.5.9 *Definitions* • Amend 'Bonus Lot' • Insert new 'Buildings for the management of farmed animal' • Insert new 'Intensive indoor primary production' • Insert new 'Nominated Significant Natural Area' • Insert new 'Stock Proof Fence' • Replace 'Papakāinga' • Insert new 'Rural Industry' *Planning Maps* Insert new General Rural Environment Zone Insert new Rural Lifestyle Environment Zone Delete Rural Environment Zone Delete the Mapara Valley Environment structure plan overlay and zone.

1.4 We have structured our discussion on this topic as follows:

Section 2 summarises key contextual matters, including relevant provisions and key issues/themes in submissions, and regulatory updates;

Sections 3 – 4 contains our evaluation of key issues and recommended amendments to provisions and mapping; and

Section 5 – contains our Statutory Evaluation; and

Section 6 contains our conclusions

1.5 This Recommendation Report contains the following appendices:

Appendix 1: Schedule of attendances at the hearing on this topic. We refer to the parties concerned and the evidence they presented throughout this Recommendation Report, where relevant.

Appendix 2: s42A Report Summary table of recommendations on each submission point. This is the Council's s42A Report table containing recommendations on each submission, commonly referred to as the accept/reject table. The Council, upon receipt of the Panel's recommendations, has decided not to update the s42A table to reflect the Panel's recommendation/Council's decisions.

Instead, the Council records that the Panel has accepted all those recommendations in the s42A Report table except as otherwise identified in this decision and as noted in Appendix 3 (recommended provisions) to this decision. It should be noted that there were also changes in recommendations following the s42A Report and through the hearing process. These recommendations and the associated changes are outlined within the s42A Reply Statement and ultimately culminated in Appendix 3 in the recommended provisions.

Appendix 3: Recommended amendments to Plan Change 42 – Tracked from notified version. This sets out the final amendments we recommend be made to PC42 provisions. Theamendments show the specific wording of the amendments we have recommended and are shown in a 'tracked change' format showing changes from the notified version of PC42 for ease of reference.

Where whole provisions have been deleted or added, we have not shown any consequential renumbering, as this method maintains the integrity of how the submitters and s42A Report authors have referred to specific provisions, and our analysis of these in the Recommendation Reports. New whole provisions are prefaced with the term 'new' and deleted provisions are shown as struck out, with no subsequential renumbering in either case. The colour coding used for the different rule status has not been changed. In this version where a list is included within a particular whole provision, and items have been added or deleted from a list the numbering does, however, run as sequential.

Appendix 4: Recommended amendments to the Proposed Plan provision wording (including mapping amendments) - Accepted. This accepts all the changes we have recommended to the provision wording from the notified version of the PC42 as shown in Appendix 3 and includes consequential renumbering of provisions to take account of those provisions that have been deleted and new provisions we have recommended. This also includes recommended mapping amendments.

Appendix 5: Individual zoning request evaluations. This provides our assessment of each unique rezoning request.

Appendix 6: Panel recommendation on Submitter 074 Rezoning Request. This provides the Panels full evaluation in relation to the submission, hearing and evidence of Submitter OS074.

1.6 The requirements in clause 10 of the First Schedule of the Act and section 32AA are relevant to our considerations of the submissions to PC42 provisions. These are outlined in full in the **Index Report**. In summary, these provisions require among other things:

a. our evaluation to be focused on changes to the proposed provisions arising since the notification of PC42 and its s32 reports;

b. the provisions to be examined as to whether they are the most appropriate way to achieve the objectives;

c. as part of that examination, that:

i) reasonable alternatives within the scope afforded by submissions on the provisions and corresponding evidence are considered;

ii) the efficiency and effectiveness of the provisions is assessed;

iii) the reasons for our recommendations are summarised; and

iv) our report contains a level of detail commensurate with the scale and significance of the changes recommended.

1.7 We have not produced a separate evaluation report under s32AA. Where we have adopted the recommendations of Council's s42A authors, we have adopted their reasoning, unless expressly stated otherwise. This includes the s32AA evaluations attached to the relevant s42A Reports and/or Reply Reports. Those reports are part of the public record and are available on the Council website. Where our recommendation differs from the s42A authors' recommendations, we have incorporated our s32AA evaluation into the body of our report as part of our reasons for recommended amendments, as opposed to including this in a separate table or appendix.

1.8 A fuller discussion of our approach in this respect is set out in the **Index Report**.

2 Summary of provisions and key issues

Outline of matters addressed in this section

2.1 In this section we provide relevant context around which our evaluation is based, including:

a. summary of relevant provisions;

b. themes raised in submissions;

c. identification of key issues for our subsequent evaluation; and

d. summary of key legislative changes since notification of the PC42.

Summary of Relevant provisions

2.2 As indicated in paragraph 1.2 of this Recommendation Report, the relevant provisions we address relate to PC42: General Rural and Rural Lifestyle Environments. The s42A Report sets out that under the TDP, the entirety of the rural portion of the district was within the Rural Environment, with each subdivision application addressed on a case-by-case basis, which led to the Rural Environment coming under significant pressure from ad hoc lifestyle subdivision, which essentially undermined the intended use of the Rural Environment for rural productive purposes.[2]

2.3 In response, PC42 seeks to replace the existing Rural Environment chapter of TDP with the General Rural and Rural Lifestyle Environments Chapter. The replacement chapter introduces two new zones, the General Rural Environment Zone (**GRE**) and the Rural Lifestyle Environment Zone (**RLE**), and associated objectives, policies, rules, and performance standards for each zone. It also seeks to introduce specific subdivision rules for the RLE and GRE zones. Furthermore, it seeks consequential amendments to the definitions chapter and planning maps.

2.4 The 42A Report for PC42 states that within the introductions for the two distinct environments, the separation highlights the need to preserve the productive potential of the land and other natural resources of the Rural Environment and its production values, while also meeting demand for rural lifestyle living in specific locations (within the RLE), whilst being more restrictive of this in the GRE.[3]

2.5 Accordingly, the key changes of PC42 are:

- Deletion of the existing TDP Rural Environment sections and replacement with new provisions
- Creating a new RLE and a new GRE
- Removal of the Mapara Valley Structure Plan, Mapara Valley Environments and associated provisions
- Formulation of a separate set of objectives and policies for the RLE and for GRE
- More flexible papakāinga provisions.

[2] S42A Report, PC42, prepared by Craig Sharman, para 17, page 7, dated 28 July 2023
[3] S42A Report, PC42, prepared by Craig Sharman, para 21, page 7, dated 28 July 2023

2.6 The overall purpose of PC42 is to:

- Prevent the urbanisation of the rural environment
- Protect functional activities within the rural environment
- Consolidate rural lifestyle opportunities within existing areas
- Ensure that the district plan allows for appropriate and sustainable alternatives to farming

2.7 The following sets out the specific provisions relating to each of the proposed zones:

General Rural Environment (GRE)

2.8 The overall intent of the GRE is to provide for a 'working rural environment' in recognition of the presence of geothermal electricity generation plant, rural industry, quarries and other (effects-generating) resource user land use activities.[4]

2.9 As notified, a total of over 6000 km² of Rural Environment was proposed to be rezoned as GRE.

2.10 The key provisions for the GRE as notified is to provide for the subdivision of lots 10 hectares or larger as controlled activities, with subdivisions of lots smaller than 10 hectares being a non-complying activity. Other provisions include the rules such as maximum coverage of 10% and minimum setback from boundaries for residential units being 30m from the front boundary, with 15m from all other boundaries or 25m where it is located within an Outstanding Landscape Area. Where there is a building for the management of farmed animals, the setback requirement proposed is 200m.

Rural Lifestyle Environment (RLE)

2.11 The overall intent of the RLE is to provide for smaller allotment sizes of two hectares or four hectares (dependent on whether sharing a boundary with the GRE) and provide for a different mix of rural land uses in recognition of the already different established character of the RLE (given these locations were identified based on analysis of unique requests of small lot sizes within the wider rural environment of the district).[5]

2.12 As notified, a total of approximately 469 properties, covering approximately 2400 ha, was proposed to be rezoned from GRE to RLE.

2.13 The Section 32 Evaluation[6] stated that the zoning of existing areas for rural lifestyle was selected on the following basis that:

- The National Planning Standards promote a rural lifestyle zone
- Taupō currently has significant areas of rural lifestyle that are operating under general rural provisions
- A shortage of rural lifestyle blocks was identified by the Property Economics Rural Lifestyle Report 2019
- It is difficult to provide additional supply in a coordinated way without rezoning land to Rural Lifestyle zone
- There is potential for inappropriate planning outcomes trying to manage two different environments under one set of provisions
- There is a need to manage the fragmentation of the general rural environment
- It is difficult to provide additional supply of rural lifestyle without splitting this out from the general rural environment[7]

[4]S42A Report, PC42, prepared by Craig Sharman, para 24, page 8, dated 28 July 2023
[5]S42A Report, PC42, prepared by Craig Sharman, para 24, page 8, dated 28 July 2023
[6]S32 Evaluation, PC42, undated
[7]S32 Evaluation, PC42, undated, pave 38.

2.14 A set of seven criteria was formulated to select the rural lifestyle clusters, which was set out in the s32 Evaluation as:

a. There is a presence or existing clusters of smaller/lifestyle lots
b. Areas have not been selected where there are physical constraints such as topography, geography or infrastructure
c. Rural Lifestyle zoning will only be applied to lots smaller than 30ha (unless completely surrounded by smaller rural lifestyle blocks)
d. Overlays such as Outstanding Natural Landscapes will be taken into account.
e. Proximity to Taupō township
f. Rural lifestyle zoning will not be applied where properties are accessed from State Highways
g. Properties subject to the D1 Geothermal Rule have been excluded.

2.15 The above criteria have played a key factor in our evaluation, particularly with regards to the additional rezoning requests by submitters, which is covered in **Issue 3** below.

2.16 A key provision in the RLE is a rule that provides for minimum lot sizes of 4ha, where a site adjoins a GRE site and 2ha where it does not adjoin the GRE. The key difference for the setback requirements for dwellings or minor residential units in the RLE from the GRE is a 50m setback where the site adjoins the GRE.

Themes Raised in Submissions

2.17 As detailed in the s42A Report, a total of 94 submissions covering 874 submission points[8] and 27 further submissions were received.

2.18 The key matters raised in the submissions related to the following:

a. The location of zoning boundaries between general rural and rural lifestyle
b. Reverse sensitivity effects and the range of land uses that should be provided for and enabled (and not provided for) within the rural environment
c. The inclusion of a suite of rural specific definitions and the interaction with National Planning Standards
d. Various detailed matters with performance standards, activity status for activities and wording of objectives, policies and rule provisions
e. Recognition of regional and national planning documents
f. Recognition of Te Kaupapa Kaitiaki and Te Tiriti o Waitangi
g. Specific rezoning requests

2.19 In addition to the above, Submission OS74 (Steve Hawkins) expressed opposition to the provisions of PC42 on the basis that they did not reflect the Council's obligations under the NPS-HPL that only Class 1 to 3 land should be protected by virtue of a non-complying activity status for subdivision. The submission was also opposed to the application of a GRE Zone on a site located at 387 Whakaroa Road comprising of a 344 ha. block of land accessed via Whakaroa Road and located on an elevated promontory on the northern edge of Lake Taupō between Taupō and Kinloch. As part of the relief requested, the submitter sought a RLE Zone over the entirety of the site.

2.20 The original submission drew one further submission in opposition to the relief sought. This further submission, from Waikato Regional Council, opposed the requested RLE rezoning due to the potential for land fragmentation, loss of productive capacity, increased greenhouse gas emissions, and transport and infrastructure concerns.[9]

[8] S42A Report, PC42, prepared by Craig Sharman, para 59, page 15, dated 28 July 2023
[9] FS212.12

2.21 The submission resulted in several directions issued by the Panel and expert conferencing between the submitter and council's experts. The hearing of evidence occupied an entire day of the proceedings. The issues raised included scope and merit assessments and given the bespoke nature of the submission the Panel decided that the submission would be best addressed in a separate addendum to this recommendation report on PC42. Accordingly, our recommended decision is contained in **Appendix 6** to this report.

Identification of key issues for our subsequent evaluation

2.22 We have organised the key issues to emerge from the submissions as set out above in paragraph 2.18 a-g into categories which relate to our sections of the evaluation below, that are consistent with the way the s42A Reporting Officer organised their report[10] Accordingly, Section 4 of this report is organised as follows:

Zone Provisions

a. Various detailed matters with performance standards, activity status for activities and wording of objectives, policies and rule provisions
b. Reverse sensitivity effects and the range of land uses that should be provided for and enabled (and not provided for) within the rural environment
c. The inclusion of a suite of rural specific definitions and the interaction with National Planning Standards

Mapping

d. The location of zoning boundaries between general rural and rural lifestyle

Specific Rezoning Requests

e. A total of 124 individual sites requested rezoning by 32 submitters. The majority of these requests were to 'up zone' from General Rural to Rural Lifestyle. The 124 zone request sites, were made up of the following:
    - Individual site from a single submitter
    - Individual site from multiple submitters
    - Multiple sites from one submitter
    - Multiple sites from multiple submitters

f. For effective and efficient evaluation purposes and to reduce duplication of evaluation, we have grouped the submissions or sites or where the sites adjoin or are in close proximity and have commonality in the nature of the zoning request, or where there was a single site request from multiple submitters.

g. **Table 1** below sets out how we have grouped these requests and assigned them with a unique request identifier number. This resulted in 11 'grouped' requests and 15 individual requests, with a combined total of **27** unique requests that we have established for our evaluation purposes.

General Matters

h. Recognition of regional and national planning documents
i. Recognition of Te Kaupapa Kaitiaki and Te Tiriti o Waitangi

2.23 Some of these matters feature more prominently than others in our evaluation below, but we record that all submissions on the provisions relating to General Rural and Rural Lifestyle Environments chapter have been taken into account in our deliberations.

[10] S42A Report, PC42, prepared by Craig Sharman, para 61, page 15, dated 28 July 2023

2.24 In general, submissions in support of PC42 have not been discussed but are accepted or accepted in part. More detailed descriptions of the submissions and key issues can be found in Appendix 1 of the s42A Report and written Replies, which are available on the Council's website.

Summary of key legislative change since notification of PC42

2.25 Of relevance to the General Rural and Rural Lifestyle Environments chapter is the introduction the National Policy Statement on Highly Productive Land 2022 (**NPS-HPL**), which came into effect on 17 October 2022, three days after PC42 was publicly notified but before the initial submission period closedon16 December 2022.

2.26 There were two submissions[11] received in relation to **NPS-HPL.**

2.27 The further submissions period on PC42 ran from 17 March to 7 April 2023, several further submissions were received seeking that the plan change align with the intent of the **NPS-HPL** in particular (which had been promulgated by then), those relief requests are not valid due to the limitation in clause 8 of the First Schedule that further submissions can only be made in support of or in opposition to an original submission.

2.28 The National Policy Statement for Indigenous Biodiversity (**NPS-IB**) was gazetted on 7 July 2023 and came into force on 4 August 2023. All local authorities are required to give effect to it as soon as possible. Given that NPS-IB came into force prior to the hearing of PC42, it is a relevant matter for our decision-making.

2.29 Under the NPS-IB local authorities must identify and protect areas of high biodiversity values. We were advised that in order to give effect to this, the Waikato Regional Council (WRC) will undertake a regional mapping exercise in collaboration with territorial authorities, but in the interim the WRC will publicly notify any changes to their policy statements and plans that are necessary to give effect to the NPS-IB within eight years after the commencement date, and for provisions for Significant Natural Areas (SNAs), within five years of the commencement date.

2.30 Although the identification of SNAs is outside of the scope of PC42, it is a relevant consideration in relation to the Rural Environment subdivision and 'bonus lot' provisions where an SNA is being protected via a covenant as part of a subdivision process. Therefore, we consider there is limited relevance of the NPS-IB to PC42 decision-making.

[11] Submitter 26 and 74

3 Evaluation Overview

Preamble

3.1 Before we set out our evaluation, it is vital to outline several salient overarching matters that have been a critical starting point to our decision making. These relate to the following two matters, which we canvas in more detail below:

- *Strategic Directions*
- *Issue of Scope*

Strategic Directions

3.2 Both the Issues and Options[12] and the s32 Evaluation identified that Taupō District 2050 (**TD2050 2018**) which "*provides clear direction for managing rural land in the Taupō District".*[13]

3.3 In our recommendation **Report 2** dealing with Plan Change 38: Strategic Directions (**PC38**), we acknowledged that TD2050 2018 is an appropriate consideration at a s32 level, however we also acknowledged the introduction of the Strategic Directions Chapter by PC38, which provides for a more nuanced direction regarding growth in the district and resolves any outdated codified elements of TD2050 2018. Therefore, we are very clear that we are not relying on TD2050 2018 to guide our recommendations, instead we are relying on the Strategic Directions as amended by the Panel, which are set out in full detail in **Report 2**.[14]

Issue of Scope

3.4 As set out above in paragraph 2.22, there were 124 sites, conglomerated into a total of 27 unique requests.

3.5 One of those 27 requests (Request No: 10 – refer to **Table 1** below) sought for rezoning from Submitter #74 (Steve Hawkins) resulted in a substantial amount of correspondence between July-September 2023. This correspondence included expert conferencing, legal advice and a contested, substantive hearing. Given the voluminous nature of both the evidence and specific hearing, the assessment on this request is contained within **Appendix 6**.

3.6 The matter of scope for the additional rezoning request was highlighted through Submitter #74. Council sought legal advice[15] on the following two matters:

a. Are the additional rezoning requests within the scope of PC42; and
b. Is the further submission relief sought by Submitter #74 beyond the scope of the original relief.

3.7 Although the legal advice sought was specifically in relation to Submitter #74, a. above was directly applicable to all rezoning requests. This is an important matter for us to clarify. Initially, Mr Sharman's s42A Report provided a high level assessment of the additional zoning requests that were lodged by original submissions as 'in scope' and analysis of how these sites did not meet the seven RLE selection criteria[16]. Mr Sharman returned to this matter in his Reply Statement and stated that:

[12] Taupō District Plan Review – Issues and Options Report: Rural Section' https://www.taupodc.govt.nz/repository/libraries/id:25026fn3317q9slqygym/hierarchy/Council/Consultation/District%20Plan%20Changes%2038-43/Submission%2074%20other/Attachment%204%20Issues%20and%20Options%20report%20Rural%20Environment.pdf

[13] S32 Evaluation Report, PC 42, page 18, undated.

[14] Report 2, paragraphs 7.16-7.38, pages 22-26

[15] Legal advice provided to Council by James Winchester, dated 14 August and 1 September 2023

[16] S42a prepared by Mr Sharman, Section 5.7, paras 88-93, dated 28 July 2023

> "*I consider the available scope to be whether the property be included within GRE or RLE, and to be about the activity status of the plan provisions that apply to the property. Both Council and submitter 74 representatives concur that the submission is 'on the plan change' and I concur with that view.*"[17]

3.8 On this basis, the Panel requested that Mr Sharman provide a full analysis of the additional zoning requests, which was provided as Attachment C to his Reply Statement. This assessment, which applied the following seven criteria for the inclusion of Rural Lifestyle Environment which was developed and applied at the s32 Evaluation stage[18]:

i. *There is a presence or existing clusters of smaller/lifestyle lots.*
ii. *Areas have not been selected where there are physical constraints such as topography, geography or infrastructure*
iii. *Rural Lifestyle zoning will only be applied to lots smaller than 30ha (unless completely surrounded by smaller rural lifestyle blocks).*
iv. *Overlays such as Outstanding Natural Landscapes will be taken into account.*
v. *Proximity to Taupō township.*
vi. *Rural lifestyle zoning will not be applied where properties are accessed from State Highways.*
vii. *Properties subject to the D1 Geothermal Rule have been excluded.*

3.9 As the above seven criteria can conceivably be applied to every site of the Operative Rural Environment, we accept Mr Sharman's position (based on the legal advice received, noting the legal advice was specific to submission 74) that there is an inherent entitlement for everyone within the Rural Environment to seek their site to be included in the rezoning to RLE if they consider Council has not correctly identified their site for rezoning as part of PC42.

3.10 Therefore, we wish to explicitly record that any submission seeking rezoning as set out in an original submission only are **in scope** to PC42. For absolute clarity, any further submission seeking either additional sites, or seeking a material change to a re-zoning site(s) contained within an original submission is **not in scope** of PC42. This is because by their very nature further submissions cannot request relief in their own right; they can only submit to oppose the relief sought by the original submission.

Inventory of information used by the Panel during deliberations

3.11 The Panel was provided with the following information to inform our recommendations:

a. Section 32 Evaluation Report
b. Submissions and further submissions
c. Submitter evidence
d. Section 42A Report
e. Officers Reply Statement Report – 16 October 2023
f. Legal advice from both submitter #74 and Council's legal counsel
g. Updated provision cascade[19]
h. Transpower's Response to Reporting Officer following meeting on 4 September 2023
i. General Rural and Rural Lifestyle Environment Chapter — 16 October 2023
j. Right of Reply – Landscape Advice Statement – 20 September 2023
k. Geotechnical review – 22 September 2023
l. Supplementary Statement of Economic Evidence – 22 September 2023

[17] S42A Reply Statement, prepared by Craig Sharman, paragraph 21, page 8, dated 16 October 2023
[18] S32 Evaluation Report, PC 42, page 39-40, undated.
[19] Provision cascade – Appendix 4 from s32 Evaluation Report, dated 16 October 2023

4 Evaluation of key issues

Preamble

4.1 For the purpose of this Section, we have grouped our discussion based on common, key issues raised by submitters that remained in contention during the course of the hearing and that were specifically addressed in evidence from the relevant parties, rather than assessing each issue on a submitter-by-submitter basis.

4.2 The following key issues remained in contention during the course of the hearing:

a. **Issue 1:** Chapter 3b - The Rural Environment Chapter - Definitions Introduction, Objectives and Policies

b. **Issue 2:** Chapter 4 - Rules and Standards

c. **Issue 3:** Zone Mapping

i. Non-contested zoned areas/sites (‘**Issue 3a’**);

ii. Contested zone areas/sites/(‘**Issue 3b’**);

iii. Additional sites sought for rezoning(‘**Issue 3c’**);

iv. Site specific provisions (‘**Issue 3d’**)

4.3 We provide our evaluation in further detail in relation to each of these issues in the following sub-sections.

4.4 Our evaluation Issues 1 and 2 is set out and organised systematically as follows:

a. Overview of provisions
b. Submissions received
c. Key issued raised
d. Council’s response
e. Panel’s recommendation

4.5 With respect to our evaluation on **Issue 3a,** for the areas notified to be zoned GRE and RLE that were not contested by any submissions the Panel has accepted the Council’s s32 evaluation and the use of the seven criteria as an appropriate methodology to identify and zone land RLE zone or GRE as notified and accordingly makes no further evaluation on these sites.

4.6 In respect to our evaluation of **Issue 3b**, there were three sites[20] that sought ‘down-zoning’ from the notified zoning of RLE to GRE.

4.7 For **Issue 3c**, there were 22 (out of a total of 27) unique zoning requests seeking ‘up-zoning’ from GRE to RLE and one request that was not clear from the submission but has been included under this issue (Refer **Table** 1 below).

4.8 For the majority of these requests, Mr Sharman’s s42A[21] Report assessed these sites, both individually and collectively, as set out in paragraph 2.22 above, against the seven criteria set out in paragraph 3.9 above and where the sites did not meet all seven criteria, Mr Sharman rejected these submissions[22]. We accept and adopt Mr Sharman’s recommendations on these submissions and make no further assessment of these.

[20] Refer Table 1: Site 4, 9 and 21
[21] S42A Report, prepared by Mr Sharman, Section 5.7, page 22, dated 28 July 2023
[22] Submitters 4, 5, 17, 32, 33, 34, 44, 46, 53, 54, 73, 80, and 81

4.9 Further to this, based on the evidence presented by submitters at the hearing, there were several sites that warranted a more in depth evaluation, this is set out in more detail below.

4.10 Regarding **Issue 3d,** although these were not strictly seeking rezoning, rather questioning the appropriateness of the notified zoning provisions for the site and provided further evidence at the hearing in support of their submissions. We therefore have provided our recommendations in response.

Issue 1: Chapter 3b: Rural Environment Chapter - Definitions, Introduction, Objectives and Policies

Overview

Provision(s)	Panel recommendations
Definitions	Amend notified definitions for: • Bonus lot • Papakāinga • Buildings for the management of farmed animals • Intensive indoor primary production • Nominated Significant Natural Area • Rural Industry Insert new definitions for: • Greenhouses • Highly Productive Land • Land Based Primary Production • Minor residential unit (in relation to the Rural Environment) • National Grid Subdivision Corridor • National Grid Support Structure • National Grid Yard • Primary production • Primary residential unit • Renewable Electricity Generation • Reverse Sensitivity • Renewable Electricity Generation Activities • Sensitive Activities
3b.1 Introduction	Minor wording amendments to the introduction in light of submissions.
3b.2 Objectives and Policies - General Rural Environment	• Amend Objective 3b.2.1 to include the words "and the use of natural resources". • Amend Objective 3b.2.4 to provide for a broader range of 'other activities'. • Amend Objective 3b.2.5 to include 'and/or consented' to provide clarity on legally established activities

Provision(s)	Panel recommendations
	• Amend Objective 3b.2.6 to provide greater clarity of infrastructure impacts. • Insert new Objective 3b.2.9 Renewable Electricity Generation and Transmission Activity in light of submissions • Amend Policy 3b.2.10 by inserting additional defined character features • Amend Policy 3b.2.11 by inserting additional wording to provide greater clarity • Amend Policy 3b.2.14 to provide for greater certainty on how reverse sensitivity is managed • Amend Policy 3b.2.15 to provide clarity on activities • Insert the following additional policies: - Policy 3b.2.19 Highly Productive Land - Policy 3b.2.20 Primary production and ancillary activities - Policy 3b.2.21 Effects on the National Grid
3b.3 Objectives and Policies – Rural Lifestyle Environment	• Amend Objective 3b.3.1 to delete the word 'maintain' and insert the word 'inappropriate'. • Amend Objective 3b.3.2 to insert the words 'and/or consented' to provide clarity on legally established activities. • Amend Objective 3b.3.3 to insert the words 'Rural Lifestyle' for clarity • Amend Objective 3b.3.5 to provide for an additional criteria b) "Protect highly productive land for use in land-based primary production" • Insert new Objective "3b.3.6 Impacts on Infrastructure" • Consequential numbering of objectives and policies following the insertion of new Objective 3b.3.6 • Amend Policy 3b.3.19 criteria b) & insert new criteria i). • Amend Policy 3b.3.10 for clarity and insert an additional defined character feature • Amend Policy 3b.3.12 to provide greater direction on avoiding reverse sensitivity effects. • Amend Policy 3b.3.13 to provide for reverse sensitivity effects • Insert the following new policies: - Policy 3b.3.16 Highly Productive Land - Policy 3b.3.17 Centennial Drive Rural Lifestyle Environment - Policy 3b.3.18 Effects on the National Grid

Amendments and reasons

4.11 As notified, Chapter 3b Rural Environment Chapter sought to replace the existing Chapter with a full new suite of provisions, providing for two distinctly different zones to provide for both rural production and rural lifestyle development.

4.12 The focus of the submissions received in respect of the objectives and policies related largely to either ensuring primary production was enabled and also the use of natural resources is recognised and provided for.[23]

4.13 During the hearings, the Panel invited the s42A Officer, Mr Sharman to provide responses to the following matters in respect to the definitions, objectives and policies:

a. Additional s32AA evaluations in light of the s42A amendments
b. Updated 'provisions cascade'
c. Invitation to consider any further amendments to objectives and policies in response to the Te Kotahitanga o Ngāti Tūwharetoa evidence
d. Providing analysis of the national planning standards definitions of 'rural industry' and 'primary production' and the 'flow on' effects of incorporating these terms into the rural provisions

4.14 The Panel wishes to acknowledge the additional assessments undertaken by Mr Sharman, the additional advice and collaborative efforts of the Primary Production and Energy Sectors, along with all submitters who provided evidence and attended the hearings.

4.15 In relation to the definitions, the key matter raised by submissions and during the hearings primarily related to requests for additional definitions[24] be added to the notified version and the definition for Papakāinga to be amended.

4.16 A total of six definitions were amended and 13 new definitions were added in light of submissions[25] and recommended by Mr Sharman at either s42A or Reply Statement stage, as set out in Overview table above.

4.17 The Panel accepts the changes and associated s32AA evaluations contained within Mr Sharman's s42A Report and Reply Statement on these definitions and accordingly accepts the corresponding submissions.

4.18 With respect to the objectives and policies, the key issues raised related to renewable electricity generation, general rural character, reverse sensitivity and strengthening the provisions for primary production and highly productive land.

4.19 Initially, the Council response in the s42A Report,[26] only provided minor wording changes to objectives and recommended two new policies in relation to Highly Productive Land and Centennial Drive Rural Lifestyle Environment. However, in his Reply Statement, Mr Sharman proposed more substantive objective and policies changes to take account of the submitters concerns should the land be recommended by the Panel to be rezoned RLE.

4.20 Mr Sharman proposed amended wording to GRE Policy 3b.2.14 (3b.2.16 as notified) in conjunction with an additional RLE Policy 3b.3.17 recommended in his s42A Report, specifically relating to Centennial Drive (Refer to blue text below).

4.21 We accept and adopt the changes recommend by Mr Sharman in his s42A Report to Policy 3b.2.14 (3b.2.16 as notified), shown below in blue and his further substantive recommended changes at Reply Statement stage, shown in purple below, and the associated s32AA evaluations.

[23] Section 42A Report, prepared by Mr Craig Sharman, dated 28 July 2023, paragraph 122, page 33

[24] OS26, OS91, OS79, OS110, OS68, OS57, OS84, OS93, OS23 and OS109
[25] OS79, OS83.1, OS47, OS26, OS26.10, OS91.10, OS79, OS26.11, OS110.9, OS110.10, OS110
[26] Section 42A Report, Section 5.11, prepared by Mr Craig Sharman, dated 28 July 2023, pages 33-34

Policy 3b.2.14 Avoiding reverse sensitivity

Any ~~adverse effects generated by an~~ new activity, ~~including reverse sensitivity effects.~~[77] must be managed ~~within the allotment~~ so as to avoid ~~adversely affecting~~ reverse sensitivity effects on permitted, ~~and~~ lawfully established and/or consented[78] neighbouring activities.[79]

4.22 We also agree with Mr Sharman that there is a need for the additional Policy 3b.3.17 (as set out below) that is specific for the for Centennial Drive in the RLE as consistent with the policy framework for GRE resulting in Policy 3b.2.14.

Policy 3b.3.17 Centennial Drive Rural Lifestyle Environment

Avoid subdivision and development within the Rural Lifestyle Environment at Centennial Drive to ensure avoidance of adverse reverse sensitivity effects, including conflict with permitted, legally established and/or consented activities in neighbouring Environments.[100]

4.23 The Panel acknowledges the specific concerns of the submitter (OS93 – Contact Energy) to ensure that reverse sensitivity is avoided being the rationale for Mr Sharman's recommended additional Policy 3b.3.17 relating to the RLE. In this respect we adopt the evidence of Mr Chrisp for Contact Energy in so far as it relates to the policy provision recommended by Mr Sharman.

4.24 Overall, we consider there is good nexus between the policy and the mechanisms in the rule framework governing subdivision and land use to effectively manage reverse sensitivity effects both RLE/GRE zone interface generally and specifically in relation to the Centennial Drive area.

Issue 2: Chapter 4 – Rules and Standards

Overview

Provision(s)	Panel recommendations
Chapter 4 Rules and Standards	N/A
4b Rural Environment 4b.1 General Rules – General Rural Environment	• Amend Rule 4b.1.2 to insert an additional matter of discretion i. and j. • Amend Rule 4b.1.4 i. to replace the word 'energy' with 'electricity' • Amend Rule 4b.1.4 NOTE to insert additional text for clarity • Amend Rule 4b.1.5 to include the words "(excluding rural industry)" for clarity and insert reverse sensitivity effects as a matter of discretion • Insert new Rule 4b.1.7'Building, structure and activities in the National Grid Yard" • Amend Rule 4b.1.10 to insert the words "greenhouses" • Amend Rule 4b1.10 to delete the second set of matters of discretion • Insert the following new rules: - 4b.1.11 Earthworks or vertical holes in the National Grid Yard - 4b.1.12 Noise Corridor Boundary Overlay

Provision(s)	Panel recommendations
4b.2 Performance Standards – General Rural Environment	• Amend Performance Standard 4b.2.1 by deleting the words "where access is to a local road" in i. and insert new iii."100 equivalent vehicle movement per day where access is to a State Highway" • Amend Performance Standard 4b.2.1 EXCEPTION to provide additional wording for clarity in relation to or existing and/or consented renewable electricity generation activities • Insert new NOTE to Performance Standard 4b.2.1 to refer to Waka Kotahi Planning Policy Manual • Amend Performance Standard 4b.2.5 with minor wording changes and the insertion of an additional EXCEPTION in relation to renewable electricity generation investigations • Amend to Performance Standard 4b.2.6 ii. and iv. and insert new vii. to provide for additional direction and clarity • Amend to Performance Standard 4b.2.7 to strengthen the provision and greater clarity of direction • Amend Performance Standard 4b.2.8 to include the wording "(excluding rural industry)" • Amend Performance Standard 4b.2.13 with additional wording to provide greater direction and clarity in relation to primary production, agricultural aviation, plantation forestry and renewable electricity generation • Amend Performance Standard 4b.2.15 to insert additional standard vi. a) and b). • Insert the following new Performance Standards: - 4b.2.16 Buildings, structures and activity in the National Grid Yard - 4b.2.17 Earthworks or vertical holes in the National Grid Yard - 4b.2.18 Noise Control Boundary Overlay – Sensitive Activities
4b.3 General Rules – Rural Lifestyle Environment	• Amend Rule 4b.3.2 matters of discretion to insert a new a., g. and h. • Amend Rule 4b.3.2iii by inserting a matter of control • Insert the following new Rules: - 4b.3.7 Buildings, structures and activities in the National Grid Yard - 4b.3.8 Earthworks or vertical holes in the National Grid Yard - 4b.3.9 Noise Corridor Boundary Overlay
4b.4 Performance standards – Rural Lifestyle Environment	• Amend Performance Standard 4b.4.4 to insert the word "primary" and add an additional standard iii. • Amend Performance Standard 4b.4.5 to insert a new EXCEPTION • Amend Performance Standard 4b.4.7 with additional wording to provide for greater clarity and direction • Amend Performance Standard 4b.4.10 to insert new

Provision(s)	Panel recommendations
	standard vi. a) and b) to provide greater direction • Amend Performance Standard 4b.4.15 with minor wording changes for clarity • Insert the following new Performance Standards: - 4b.4.16 Buildings, structures and activities in the National Grid Yard - 4b.4.17 Earthworks or vertical holes in the National Grid Yard - 4b.4.18 Noise Control Boundary Overlay – Sensitive Activities
4b.5 Subdivision Rules	• Amend Rules 4b.5.2 ii. and insert a new iii. to provide greater direction on resultant lot sizes • Insert new Rule 4b.5.4 Subdivision – Rural Lifestyle Environment on land containing Land Use Capability Class 3 Soils • Consequential numbering updates following the insertion of new rule 4b.5.4 • Amend matters of control for 4b.5.1.i, 4b.5.2.i, and 4b.5.3.i, 4b.5.4i and 4b.5.5i with minor wording amendments and inserting new matter i) • Insert new matters of control for 4b.5.2iii and 4b.5.4i • Amend Rule 4b.5.6 matters of discretion b. to include "including the need for connectivity to adjoining land and other roads and the facilitation of multimodal transport;" • Amend Rule 4b.5.7 (iv) to delete the words "General Rural Environment or" and consequential wording amendments for matters of control • Amend Rule 4b.5.9 i. to provide additional wording for clarity regarding lot size where it adjoins the GRE • Amend Rule 4b.5.9 b. to insert words "and Rural Lifestyle" • Insert the following new rules: - 4b.5.11 Subdivision – National Grid Subdivision Corridor

Amendments and reasons

4.25 As notified, Chapter 4b – Rural Environment Chapter sought to replace the existing Chapter with rules and performance standards for both the General Rural Environment, and Rural Lifestyle Environment and Subdivision rules in relation to both Rural Zones.

4.26 The majority of the submissions received in respect of the rules and performance standards were from the energy companies Genesis, Contact, Mercury, Manawa Energy and Transpower. The submissions from the Energy Sector sought that the provisions give effect to the National Policy Statement on Electricity Transmission 2009 (NPS-ET) and provide suitable level of recognition given the National Policy Statement for Renewable Electricity Generation 2011.

4.27 We note that significant consideration was given to this matter through Plan Change 38: Strategic Directions and therefore Report 1 should be read in conjunction to this report, which sets out the higher order direction for the energy sector on a district wide level.

4.28 This matter remained contested at the hearing and the Panel requested that the 'energy cohort' provide a set of energy-related provisions in the context of PC42.[27] This was duly provided.[28]The energy cohort set of agreed provisions were accompanied by a supporting Section 32AA evaluation.[29]

4.29 Mr Sharman reflected on these proffered provisions for the energy cohort and returned to the rules in his Reply Statement and recommended revised provisions. Mr Sharman agreed and adopted three of the amended rules (4b.1.2, 4b.1.7, 4b.2.1) put forward by the energy cohort.

4.30 We accept and adopt both the energy cohorts Section 32AA evaluation and Mr Sharman's subsequent recommendation to adopt the majority of the provisions put forward by the energy cohort.

4.31 Mr Sharman however, only partly agreed with the amendments of rule 4b.1.4 and rejected the changes to following three rules in their entirety:

- Rule 4b.1.8: Buildings within Outstanding Landscape Areas –
- Rule 4b.1.9: Earthworks within Outstanding Landscape Areas
- Rule 4b.2.13:Maximum Noise – Other

4.32 With respect to the rule 4b.1.4, Mr Sharman's only partial acceptance of the minor amendments made by the energy cohort to refer to geothermal areas rather than steamfields but recommended the rejection of the amendment to include the following as a permitted activity:

> *"ii. Activities associated with the investigation, identification and assessment of potential sites and energy sources for renewable electricity generation by existing and prospective generators are a permitted activity."*

4.33 In his Reply Statement, Mr Sharman stated that this amendment would unduly widen the impact and is not an appropriate outcome.[30]

4.34 Mr Sharman set out his rationale for rejecting the revised versions of rules 4b.1.8, 4b.1.9 and 4b.2.13, which *"all represent in my opinion a substantial broadening of the statutory impact of the provisions"* and goes on to state that *"The statutory impact of the amendments sought by the energy cohort would be that renewable electricity generation activities would be exempted from the above rules, whether the activity takes place within the mapped Electricity Generation Core Sites or outside of these mapped areas."*[31]

4.35 The Panel agrees with Mr Sharman's assessment and therefore rejects the energy cohort amendments to these rules in favour of the provisions in Mr Sharman's Reply Statement.

[27]Minute 12, dated 19 August 2023 and Minute 16, dated 28 August 2023
[28]https://www.taupodc.govt.nz/repository/libraries/id:25026fn3317q9slqygym/hierarchy/Council/Consultation/District%20Plan%20Changes%2038-43/PC42%20post%20hearing/Plan%20Change%2042%20Energy%20Sector%20Agreed%20Provisions.pdf
[29]Reply Statement, paragraph 43, prepared by Mr Craig Sharman, dated 16 October 2023, pages 15
[30]Reply Statement, paragraph 43, prepared by Mr Craig Sharman, dated 16 October 2023, pages 15
[31]Contact s93.23 and s93.76

4.36 Turning now to matters raised by Submitter 93[32] and supported by further submissions from three submitters[33] which related to reverse sensitivity arising from further intensification within the Centennial Drive area.

4.37 We evaluate the corresponding zoning for Centennial Drive below in **Issue 3**, which further supports our rationale regarding these provisions.

4.38 In response, Mr Sharman recommended the following amendments (shown in blue text below) to rule 4b.3.2 and performance standard 4b.4.5 ii. b. applying specifically to Centennial Drive.

4b.3.2 Minor residential units

i. A minor residential unit which complies with the performance standards is a **permitted activity**.
ii. A minor residential unit which does not comply with the performance standards is a **restricted discretionary activity**.
iii. A minor residential unit within the Rural Lifestyle Environment as it applies to Centennial Drive is a **non-complying activity**.[168]

In addition to the above, for the purposes of assessment under Rule 4b.3.2iii the matters over which the Council reserves control for the purpose of assessment include:

a. Any effects on the functioning of the General Rural Environment and other Environments including adverse effects on infrastructure, renewable electricity generation activities and access to renewable energy resources.[171]

4b.4.5 Minor residential units

i. No more than one minor residential unit per primary residential unit is permitted.
ii. All minor residential units shall:
   a. Be no larger than 100m² in size (inclusive of garaging).
   b. Be located no greater than ~~20~~ 40[184] metres from the primary residential unit.
   c. Share an accessway/driveway with the primary residential unit.

EXCEPTION: Papakāinga.

EXCEPTION: No further minor residential units are provided for within the Rural Lifestyle Environment as it applies to Centennial Drive, and any such application is a non-complying activity as per 4b.3.2.[185]

4.39 At the hearing, we sought further analysis from Mr Sharman on the provisions of the Rural Lifestyle vs General Rural zones applying to Centennial Drive, which Mr Sharman provided in the Reply Statement.[34]

4.40 In considering Mr Sharman's further analysis of the provisions, firstly in relation to rule 4b.3.2, we consider the matters of discretion, in particular matter f as notified and matters g and h, as recommended at s42A Report stage, negate the need for 4b.3.2 iii. and the subsequent matter of discretion specifically applying to 4b.3.2 iii. Therefore, we accept that matters of discretion g and h and the subsequent 32AA assessment of Mr Sharman contained in his s42A Report but reject the associated matter of discretion a as it is not appropriate to have a matter of discretion for a non-complying activity.

4.41 We accept that Mr Sharman's amendment to 4b.3.2 (and performance standard 4b.4.5

[32]Taupō International Motorsport Park and Events Centreand Taupo Racing Club Inc
[32]Attachment G, Reply Statement, prepared by Mr Craig Sharman, dated 16 October 2023

discussed below) was to address the gap in that there was potential for further minor residential units to occur within Centennial Drive which had the potential to exacerbate reverse sensitivity effects. However as mentioned, it is not appropriate for a non-complying activity to limit the Councils discretion. Our changes to 4b.3.2 are set out below:

4b.3.2 Minor residential units

i. A minor residential unit which complies with the performance standards is a permitted activity.

ii. A minor residential unit which does not comply with the performance standards is a restricted discretionary activity.

iii. A minor residential unit within the Rural Lifestyle Environment as it applies to Centennial Drive is a non-complying activity.

...

~~In addition to the above, for the purposes of assessment under Rule 4b.3.2iii the matters over which the Council reserves control for the purpose of assessment include:~~

~~a. Any effects on the functioning of the General Rural Environment and other Environments including adverse effects on infrastructure, renewable electricity generation activities and access to renewable energy resources.~~

4.42 In addition to this, to ensure consistency within the rule framework, a consequential change was made by Mr Sharman's s42A Report recommending that Performance Standard 4b.4.5 be amended to manage the potential for reverse sensitivity effects by inserting an additional EXCEPTION in relation to Centennial Drive that a minor residential activity is a non-complying activity.[35]

4.43 The Panel considers that the amendments recommended by Mr Sharman to 4b.4.5 are ultimately addressed through the recommended amendment to the subdivision rule 4b.5.2 iii which renders subdivision of lots 2 hectares or less that adjoin the GRE a non-complying activity. We therefore consider Rule 4b.4.5 should be retained as notified but accept the changes to rule 4b.5.2 iii and adopt the s32AA evaluation.

4.44 Waka Kotahi New Zealand Transport Agency (WKNZTA) (submission 113) sought a series of additional provisions to manage reverse sensitivity and other issues along the State Highway network through the district's Rural Environment. The submission also sought to impose a new reverse sensitivity noise rule and/or introduce rules that achieved the same outcome for sensitive noise receivers.

4.45 It is important to note here, that the identification of the Rural Lifestyle areas specifically excluded blocks which otherwise met the criteria but were accessed from the State Highway network.

4.46 Through the hearing process, and also following the hearing, these provisions and the buffer area were refined. These are addressed through Mr Sharman's Reply Statement[36] and the Panel is satisfied that these recommendations efficiently and effectively address reverse sensitivity effects for the State Highway network as regionally significant infrastructure.

[35] S42A Report, paragraph 103, page 27, prepared by Mr Craig Sharman, dated 28 July 2023

[36] Section 42A Reply Statement, prepared by Craig Sharman, paragraph 71-75, page 25, dated 16 October 2023

Issue 3: Zone Mapping

Preamble

4.47 As set out above in paragraph 4.2, the combination of the notified proposed zoning maps and the submissions received raised the following categories of issues:

Issue 3a: The areas notified to be zoned GRE and RLE that were not contested by any submissions

Issue 3b: Sites that were notified to be zoned RLE but were contested by submission/s

Issue 3c: Sites that were not notified to be zoned RLE but are sought to rezoned through submission/s

Issue 3d: Sites that sought site specific provisions

4.48 We now consider each of those in turn.

Issue 3a: Uncontested zoning

4.49 With respect to the areas of GRE and RLE that were not challenged from submission, the Panel has accepted the Council's s32 evaluation and the use of the seven criteria as an appropriate methodology to identify and include a site as RLE zone and accordingly makes no further evaluation on these sites. Therefore, the Panel recommends that the notified zoning, where unchallenged from submission is accepted and adopted according.

Issue 3b: Contested RLE sites

4.50 There were three sites that sought 'down-zoning' from the notified zoning of RLE to GRE.

Issue 3c: Rezoning Requests

4.51 There were total of 124 sites from 32 submitters seeking that sites be rezoned. There were a total of 22 unique requests for 'up-zoning' from GRE to RLE. The sum of all additional rezoning requests totaled in excess of 1,000 hectares of additional RLE land.[37]

Issue 3d: Sites that sought site specific provisions

4.52 There were three sites that opposed the provisions of the zoning in relation to their sites or sought nuanced provisions. Although they were not strictly requests for rezoning, they warranted an evaluation of the notified zoning to ensure the provisions were appropriate for the site.

4.53 **Figure 1** below shows the location of all additional rezoning request sites that sought 'up-zoning' from GRE to RLE.

Evaluation of Contested RLE sites and Contested Rezoning Requests

4.54 As set out above, in paragraph 2.22 although there are 124 individual sites, many of these sites are either adjoining or adjacent to each other and for efficiency and effectiveness, we have evaluated these on a 'grouped basis, reflected in **Table 1** below to align with the s42A Officer evaluation of the seven criteria as set out above in paragraph 2.14 a.-g.

[37] Section 42A Reply Statement, prepared by Craig Sharman, paragraph 16, page 7, dated 16 October 2023

4.55 Given the extensive number of requests covered by **issue 3b**, **3c and 3d**, our evaluation for each of the 27 requests are contained within **Appendix 5**. For efficiency purposes, **Table 1** below provides the summary of the requests and our overall recommendation.

4.56 As the majority of the sites were recommended to be rejected by Council at both the s42A Report and Reply Statement stages, which we have largely accepted and adopted, we do not make any further comment on these sites within this section. Our individual assessment on each site is set out in full in **Appendix 5.**

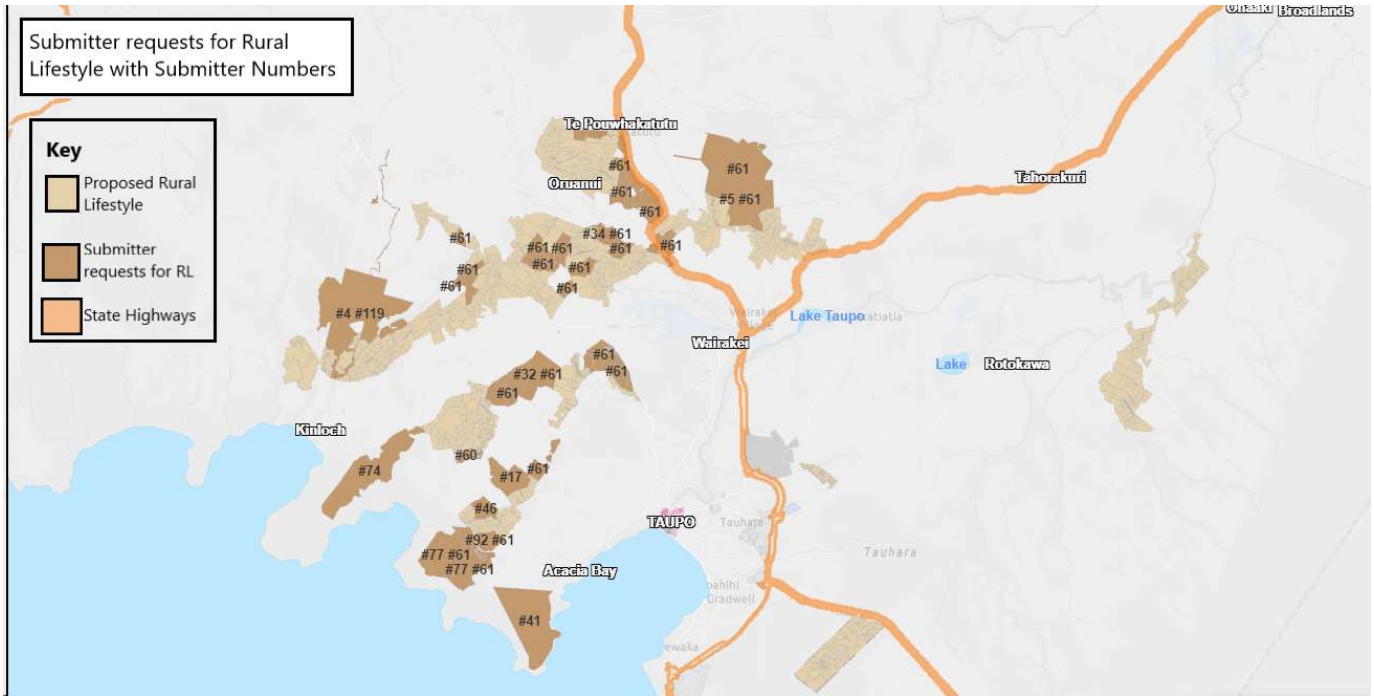


Figure 1: Submitter requests for rezoning from Proposed General Rural Environment to Rural Lifestyle Environment.

4.57 On the above basis, the evaluation below focuses on where additional information or evidence was provided by submitters at the hearing, or where we have departed from the Reporting Officers recommendation.

Requests

Table 1: Specific Rezoning Requests Recommendation

Unique Zoning Request Identifier No:	Site(s) physical address Submitter #	Request	Panel recommendation
1	*Site(s):* 4, 15, 22, 30, 36, 37 and 40 Kaiapo Road *Submitter:* #77[38]	Rezone GRE to RLE	Reject
2	*Site(s):* 1450 Mapara Road *Submitter: #32*[39]	Rezone GRE to RLE	Reject
3	*Site(s):* 160 and 166 Tukairangi Road *Submitter: #32*[40]	Rezone GRE to RLE	Reject
4	*Site(s):* 104, 122 and 146 Oruanui Road and 21, 41, 61, 194 and 196 Tukairangi Road and 437 Pohipi Road *Submitter: #93*[41]	Downzone RLE to GRE	Reject

[38] E F Deadman
[39] Unicorn Pacific Trust
[40] Unicorn Pacific Trust
[41] Unicorn Pacific Trust

Unique Zoning Request Identifier No:	Site(s) physical address Submitter #	Request	Panel recommendation
5	*Site(s): 40 and 41 Hepina Heights* *Submitter: #42*	Rezone GRE to RLE	Reject
6	*Site: 14 King Road* *Submitter: #60*	Rezone GRE to RLE	Accept
7	*Site(s): 34 Parawera Drive and 1114 Acacia Bay Road* *Submitter: #41*	Rezone GRE to RLE	Reject
8	*Site(s): 101 Caroline Drive, Bonshaw Park* *Submitter: #117*	Not clear from submission	Reject
9	*Site: Centennial Drive locality* *Submitters: #10, #13 and #100*	Seeks to downzone from RLE to GRE	Reject
10	*Site: Whakaroa Road (Te Tuhi Precinct)* *Submitter: #74*	Rezone GRE to RLE	Reject – **REFER TO APPENDIX 6**
11	*Site: 939 Tukairangi Road* *Submitter: #92*	Rezone GRE to RLE	Reject
12	*Site: 363 White Road* *Submitter: #102*	Rezone GRE to RLE	Reject
13	*Site: 58 Palmer Mill Road* *Submitter: #63*	Rezone GRE to RLE	Reject
14	*Site: 208 Tukairangi Road* *Submitter: #11*	Rezone GRE to RLE	Accept in part
15	*Site: 764 Whangamata Road* *Submitter: #4*	Rezone GRE to RLE	Reject
16	*Site: 344 Palmer Mill Road* *Submitter: #5*	Rezone GRE to RLE	Reject
17	*Site(s):* • *658 Tukairangi Road* • *1667 Poihipi Road* • *658 Tukairangi Road* *Submitter: #17*	Rezone GRE to RLE	Reject
18	*Site: 809 Oruanui Road* *Submitter: #33*	Rezone GRE to RLE	Reject
19	*Site: 390 Oruanui Road* *Submitter: #34*	Rezone GRE to RLE	Reject
20	*Site: 82 Tukairangi Road* *Submitter: #44*	Rezone GRE to RLE	Reject
21	*Site: 3/864 Tukairangi Road* *Submitter: #46*	Seeks to downzone ajoining property from RLE to GRE	Reject
22	*Site: 1160 Mapara Road* *Submitters: #53, #54, #73, #82 and #116*	Rezone GRE to RLE	Reject
23	*Site: 1182 Mapara Road* *Submitters: #80 and #81*	Rezone GRE to RLE	Reject
24	*Site: 607 State Highway 1* *Submitter #87*	Rezone GRE to RLE	Reject
25	*Site(s): 862 and 764 Whangamata Road* *Submitter: #119*	Rezone GRE to RLE	Reject
26	*Site(s):* • *14, 15, 22, 30, 36, 37 and 40 Kaiapo Road* • *28, 40, 82, 120, 160 and 166, 170, **208**, 500, 526, 548, 654A, 654B and 939 Tukairangi Road* • *1160, 1162, 1172, 1182, 1218 and 1250 Mapara Road* • *521, 561, 1171 and 1278 Poihipi Road* • *214 Whangamata Road* • *102, 108 and 140 Tuhingamata Road* • *43, **254**, 269, 331, 374A, 390 and 809 Oruanui Road* • *426, 429, 430 and 431, 464, 468, 501, 503, 504, 506A, 506, 508, 512, 605, 607, 609, 755, 759, 761, 765, 831, 833 835, 837, 849, 1/897, 2/897, 897, 917, 953, 969 and 615 SH1 Tokoroa* *Submitter: #61*	Rezone GRE to RLE	Accept 254 Oruanui Rd and 208 Tukairangi Reject all other sites

Unique Zoning Request Identifier No:	Site(s) physical address Submitter #	Request	Panel recommendation
27	*1-6 Lemonwood Lane, Lochridge Drive Kinloch, 921 Whangamata Road, 20 Kahikatea Drive, Kahikatea Drive.*	Seeks to downzone from RLE to Kinloch Rural Residential	Accept

Amendments and reasons

4.58 **Table 1** above provides the summary of our recommendations in relation to **Issue 3b**, **Issue 3c and Issue 3d**, with the substantive evaluation for each of the sites set out in **Appendix 5**.

4.59 Submitters highlighted in blue in **Table 1** above, being requests 4, 6, 7, 8, 9, 14, 26 and 27 provided further evidence at the hearing, which required a further evaluation.

4.60 With respect to **request 21**, although no further evidence was provided at the hearing from the submitter, the Panel considered that further assessment of the matters raised by that submitter was warranted given the lack of clarity within this submission.

4.61 Submitter#74 highlighted in red in the table above was the subject of a separate day of hearing, as detailed above in paragraph 3.5, the full evaluation for this request is contained in Appendix 6.

4.62 Our key consideration of whether to accept a submission seeking rezonings from either an upzoning or downzoning basis has been largely based on the request complying with all seven criteria, listed above in paragraph 2.14. This is to ensure that the inclusion of any site within the RLE is consistent with the sites that were notified, which were of course required to meet the same criteria. In our view, this ensures that all zoning is consistent and transparent across the district.

4.63 On this basis, our evaluation was reasonably clear cut, given that sites must comply with ALL seven criteria.

4.64 The Panel's overall decision on all of the rezoning requests resulted in a total of three sites to be rezoned as notified and are highlighted in green in Table 1 above .

Issue 3b Sites that were notified to be zoned RLE but were contested by submission/s

4.65 As set out above, there were five requests that sought a down zoning from the notified RLE to GRE.

i. Request 4: 104, 122 and 146 Oruanui Road, 21, 41, 61, 194 and 196 Tukairangi Road and 437 Poihipi Road
ii. Request 9: Centennial Drive locality
iii. Request 14: 208 Tukairangi Road
iv. Request 21: 3/864 Tukairangi Road (but also included 208 Tukairangi Road but evaluation covered by request 14)
v. Request 27: Kinloch Rural Residential, within the Kinloch Structure Plan Area.

4.66 We visited all five request locations before and after the hearing.

4.67 We set out our reasoning for our recommendations on these requests below.

Request 4: 104, 122 and 146 Oruanui Road, 21, 41, 61, 194 and 196 Tukairangi Road and 437 Poihipi Road - rezone RLE to GRE

4.68 As notified, these properties were zoned RLE. However, submitter OS93 was opposed to this zoning on the basis that RLE should be located in appropriate locations that ensure the avoidance of adverse reverse sensitive effects, particularly not within or in close proximity to permitted, lawfully existing and/or consented renewable electricity generation activities.

4.69 The submitter also sought additional changes to objectives and policies to further support the avoidance of reverse sensitivity matters, and that has been covered in **Issue 1** above.

4.70 As outlined within Mr Sharman's s42a Report[42], it is helpful to turn to preestablished tools within the District Plan which manage reverse sensitivity effects on geothermal energy. Area X and Area Y are mapped areas established through Environment Court mediation in 2007 prior to PC42 for the purposes of managing reverse sensitivity effects on geothermal activity.

4.71 The RLE selection criteria used Area Y (yellow area on map D3) as one of the deselection criteria for RLE. Area Y (yellow area on D3) is predominately formed around property boundaries and involves a double layer of rules within the ODP, in that all properties are restricted to one dwelling (within the District-wide section of the plan 4e.15.1) as well as additional subdivision constraints within the rural section of the ODP. Area X was not used as a de-selection criteria for RLE, however it does have specific provisions relating to subdivision.

4.72 Evidence presented at the hearing by Contact stated that these properties at Oruanui, Tukairangi and Poihipi Roads were "close"[43] to Te Mihi and Poihipi Power Stations. It was also stated that Areas X and Y required updating. However no further evidence was presented on this.

3.1 It should be noted that the ability for intensification on these sites is limited by the fact that all the properties have a boundary with GRE. Management of reverse sensitivity is precisely the reason for this cascade of provisions and the higher bar for subdivision, to manage the interface between GRE and RLE.

4.73 The Panel therefore rejects the submitter's request to down zone the land to GRE in favour of the notified zoning, and accordingly adopts the initial s32 evaluation and recommendation of Mr Sharman's Reply Statement.

Request 9: Centennial Drive locality – Contesting the provisions of GLE

4.74 Centennial Drive was notified as RLE zone as it qualifies for all seven s32 criteria to be 'upzoned'. In this locality there were submissions from landowners[44] for further intensification of their sites. Contact Energy also submitted that the locality be "downzoned" to GRE. We address the landowners submissions first.

4.75 Mr Sharman's s42A Report sought to reject these submitters request for smaller subdivision lot sizes. Mr Sharman acknowledged that there are existing reverse sensitivity issues within this area and this request for smaller lot sizes would exacerbate this issue. [45]

4.76 On the basis that many of the existing lots are between 0.95 and 4.5ha we consider that the existing zoning and the associated provisions appropriately reflect the existing pattern of development and reducing the permitted subdivision size to 1 hectare would further increase the potential for reverse sensitivity issues and would be contrary to the higher order Strategic Objectives and Policies of the Urban Form and Development of Plan Change 38.

[42] Section 42A Report, prepared by Mr Craig Sharman, dated 28 July 2023, Paragraph 106, page 28
43 Submitter 93 Contact – Evidence of M Crisp, Paragraph 42-44, Page 14
44 OS10, OS13 and OS100
[44] S42A Report, prepared by Mr Craig Sharman, Appendix 1, 28 July 2023

4.77 Therefore, we accept Mr Sharman's recommendation to retain the notified zoning and reject the submissions OS10, OS13 and OS110.

4.78 Turning to Contact Energy's submission, in the s42A Report, Mr Sharman recommended that this submission be rejected and that these properties retain the RLE zoning. Whilst Mr Sharman acknowledged the point identified by the submitter, with respect to records of complaints in the Centennial Drive locality and that the inclusion of Centennial Drive into RLE raises or reinforces expectations of a rural-residential character (presumably leading to more complaints).[46]

4.79 However, Mr Sharman did not consider the inclusion of these properties in the RLE would alter the existing expectations of character and the additional policies and provisions he recommended respond to the submitters concerns regarding this issue.[47] The additions and amendments to the provision in respect to this matter were canvased above under **Issue 2**.

4.80 Mr Sharman returned to this matter in his Reply Statement, stating that:

> *"whilst I acknowledge that Mr Chrisp criticises the RLE criteria for inclusion of properties within the RLE, key amongst them is the criterion about the presence of existing rural lifestyle development as a primary determinant of suitability for RLE inclusion. There appears no dispute regarding the physical presence of existing lifestyle development at Centennial Drive, although clearly there is dispute on whether that should lead to inclusion within RLE."*[48]

4.81 Although we consider that the seven criterion provides a robust and consistent methodology for the identification of land to be rezoned RLE, in some circumstances, a highly nuanced additional filter is required to 'vet' the criterion. In this circumstance, there is no dispute between the Reporting Officer, submitter and the Panel that theoretically the subject land meets all seven criteria.

4.82 The submitter attended the hearing, and the Panel acknowledges the planning and corporate evidence provided by the submitter.[49]

4.83 Although we agree with the submitter that there has been a history of complaints from residents, which Mr Sharman rightly acknowledges, we do not consider that rezoning this area has the potential to exacerbate the vulnerability of existing lawfully established activities, such as the large-scale renewable electricity generation activities, a motorsport park, racing track and an aerodrome set out in the submitters evidence.[50]

4.84 The Panel therefore rejects the submitter's request to down zone the land to GRE in favour of the notified zoning, and accordingly adopts the initial s32 evaluation and recommendation of Mr Sharman's Reply Statement.

Request 14: 208 Tukairangi Road

4.85 Although this site met the RLE criteria, it was notified GRE based on pre-consultation discussions with the landowner. The owner of the property then lodged a submission in support of upzoning the front portion of the property that adjoins the road but was

[46]Section 42A Report, prepared by Mr Craig Sharman, dated 28 July 2023, Paragraph 111, page 30
[47]Section 42A Report, prepared by Mr Craig Sharman, dated 28 July 2023, Paragraph 111, page 30
[48] Reply Statement, prepared by Mr Craig Sharman, dated 16 October 2023, paragraph 35, page 12
[49]Planning Evidence of Mark Bulpitt Chrisp, dated 9 August 2023 and Corporate Evidence of Michael Stevens dated 10 August 2023
[50] Evidence of Michael Stevens on behalf of Contact Energy Limited, dated 10 August 2023, paragraph 16, page 5.

generally opposed to the rezoning of the remainder of the land for RLE.[51] Another separate submission sought several sites, including this site, to be upzoned to RLE.[52]

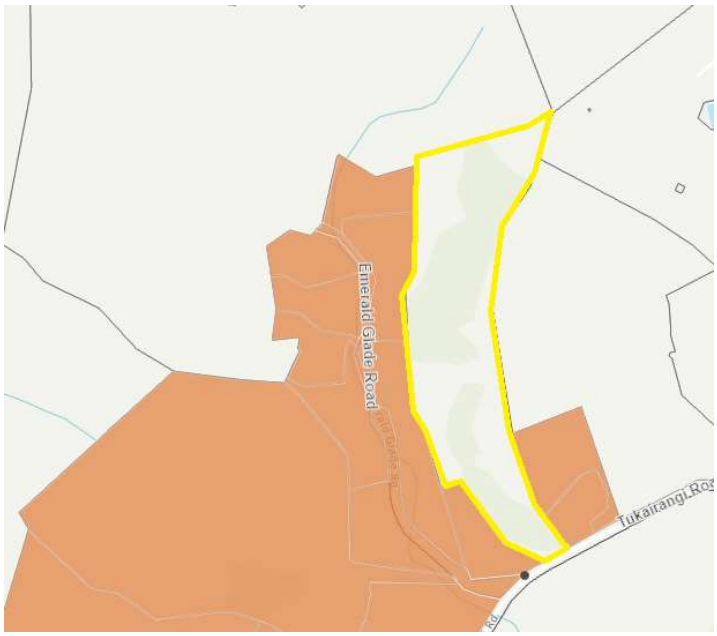


Figure 2: Notified Planning Map for PC42 showing 208 Tukairangi Road, outlined in yellow. *Source: Mapviewer, annotated by Panel, March 2024*

4.86 Neither submitter attended the hearing.

4.87 Mr Sharman's Reply Statement provided further analysis of the proposed zoning for this site and confirmed that the site met all seven criteria to be rezoned RLE.[53]

4.88 However, the key concern of the submission of the property owner related to reverse sensitivity effects, particularly in relation to dwelling setbacks, noise and effects on watercourses.[54]

4.89 Having read the submissions from OS11 and OS61 in conjunction with the further assessment of the zoning from Mr Sharman, we consider that the site at 208 Tukairangi Road meets the required threshold to be zoned RLE. [55]

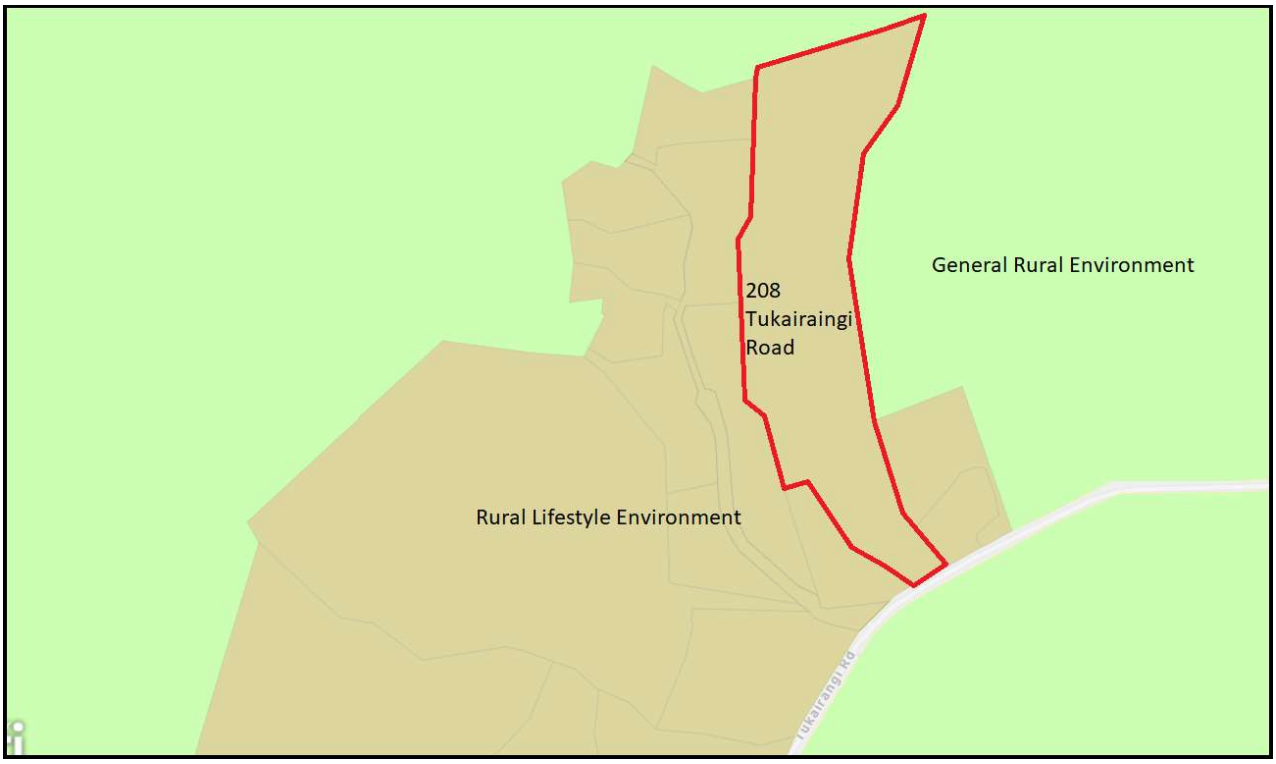
4.90 Whilst we acknowledge the owners request that only the front portion of the site should be rezoned to RLE, we do not consider split zoning over any site is best practice and note that RLE zoning does not preclude the property from being utilised for rural purposes.

4.91 Furthermore, we consider that the amended provision as set out under Issues 1 and 2 above adequately manages the reverse sensitivity effects that submitter OS11 was concerned with.

4.92 Therefore, the Panel partially accepted submission OS11 and accepts submission OS61 in favour of upzoning the entire property at 208 Tukairangi Road (as opposed to partial upzoning requested by OS11) and therefore agrees with Mr Sharman's Reply Statement recommendation and adopts his corresponding s32AA evaluation to upzone the site from GRE to RLE.

[51] OS11
[52] OS117
[53] Attachment C to Mr Sharman's Reply Statement
[54] OS11
[55] Attachment C to Mr Sharman's Reply Statement

4.93 Figure 3 below shows the revised zoning.



Request 21: 3/864 Tukairangi Road – rezone adjoining site from RLE to GRE

4.94 As notified 3/864 was zoned GRE. Submitter OS46 stated that:

> "*In the planning map Rural Lifestyle 919 in the case of 3/864 Tukairangi Road the adjoining properties seem to be included in the Rural Lifestyle area i.e. coloured orange when they should not be included in this area. There will be an expectation from these landowners that they can subdivide.*"[56]

4.95 The submission was not explicit in the outcome sought but expressed the view that they did not consider the RLE zoning appropriate.

4.96 The Council's s42A Report recommended the rejection of this submission stating the decision sought by the submitter was to have their site removed from the RLE zone and they based their recommendation on the interpretation that 3/864 Tukairangi Road is not proposed as rural lifestyle.[57]

4.97 The submitter did not provide further evidence or attend the hearing. Without any clarification we can only note that in relation to the adjacent properties the provisions only allow for 4 ha subdivision for those properties with a boundary with GRE, which would be the case in this situation.

4.98 Given that the submission was not entirely clear, and we heard no further evidence from the submitter at the hearing we accept that the adjacent properties are appropriately zoned RLE and that the subdivision rules will aid in managing reverse sensitivity issues on adjacent GRE properties.

[56] Submission, Submitter 46, Page 6

[57] S42A Report, Appendix 1, OS46.17, page 75

Request 27: Revert RLE in the Kinloch Structure Plan area to Kinloch Rural Residential

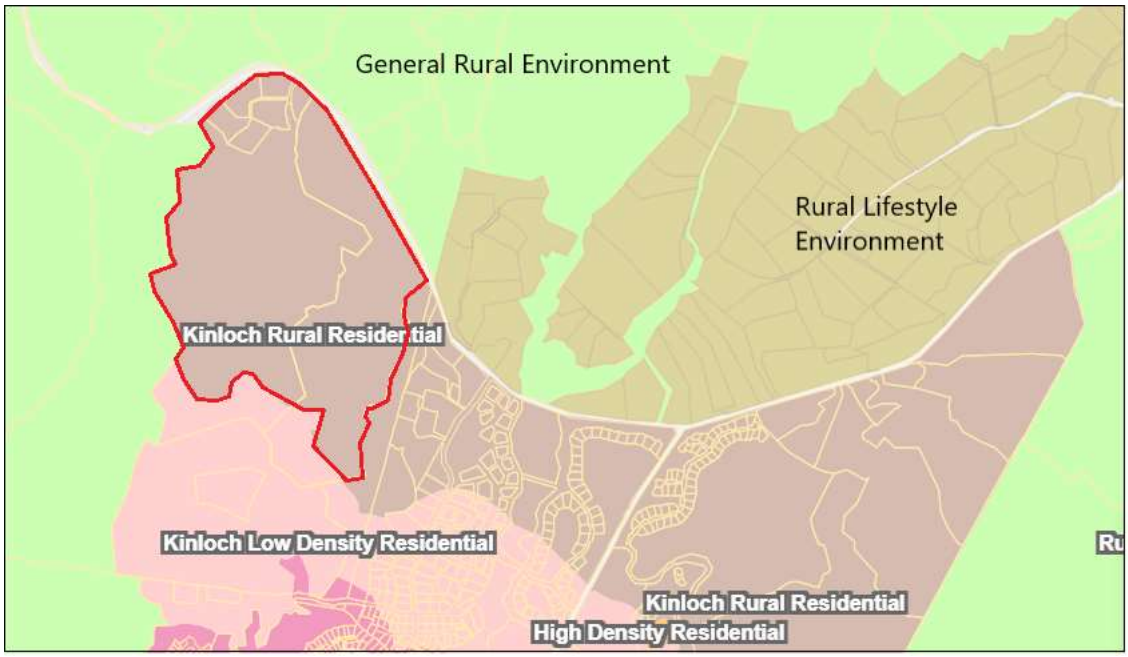
4.99 As outlined by Mr Sharman[58], the Kinloch Structure Plan Area is an existing urban structure plan within the ODP that includes several areas of 'Kinloch Rural Residential'. The Kinloch Structure Plan is a self-contained framework, including with minimum lot sizes and standards applying to subdivision and development within the 'Kinloch Rural Residential' area.

4.100 The proposed zoning was contested by Ms Hunt, of Cheal Consultants, on that basis that it established a contradictory set of district plan provisions which lacked clarity and therefore not efficient or effective. The recommendation by Mr Sharman was to remove the relevant portion from RLE and align the PC42 RLE boundary with the Kinloch Structure Plan Area boundary.

4.101 The Panel accepts this submission by Ms Hunt and the recommendation by Mr Sharman to revert to the ODP zoning of Kinloch Rural Residential.

4.102 The following map shows the recommended zoning, with area previously proposed as RLE outlined in red:

4.103

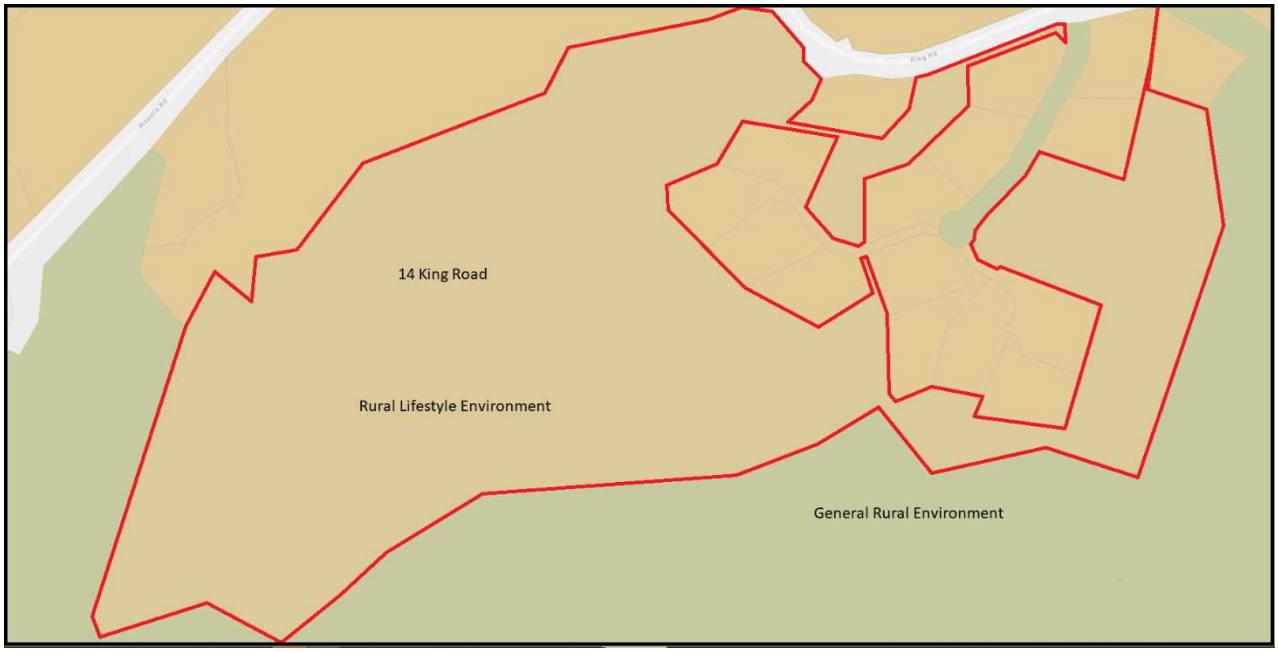


Issue 3c: Sites that were not notified to be zoned RLE but are sought to rezoned through submission/s

4.104 As set out in **Table** 1 above, we have recommended that two sites be 'upzoned':

a. ***Request* 6:** 14 King Road – rezone GRE to RLE

[58] Reply statement, para 55, dated 16 October 2023



b. ***Request* 26:** 254 Oruanui Road – rezone GRE to RLE

4.105 **Request 26** was recommended by the Reporting Officer to be upzoned, whereas **Request 6**, was recommended by the Reporting Officer to reject the rezoning.

4.106 We visited the sites of **requests 6 and 26** before and after the hearing.

4.107 We set out our reasoning in relation to our recommendations on all these requests in turn.

Request 6: 14 King Road – rezone GRE to RLE

4.108 As notified, this property was zoned GRE. Submitter OS60 opposed the zoning and sought it be rezoned to RLE.

4.109 The s42A Report recommended the rejection of this submission stating that this is a parent block of a cluster development with a consent notice that this block would remain as a single title.[59] The reporting officer maintained his position to reject this submission in the Reply Statement based on the consent notice precluding future subdivision.[60]

4.110 The Panel heard from the submitter's resource management consultant at the hearing and acknowledges the evidence provided.[61]

4.111 We agree with the submitter that the s42A Report and Reply Statement did not detail reasonings as to why GRE is more appropriate than RLE on the basis that there is a consent notice precluding future subdivision.

4.112 The Panel disagrees with the Reporting Officer that the presence of the consent notice means that this block must remain a single title and that it should provide a default zoning to GRE, particularly when the block is essentially surrounded by a number of smaller scale lots. Therefore, the non-compliance of criterion 1 "*it is in an area already characterised by existing clusters of smaller/lifestyle lots"* given it has a consent notice, is a technical/legal anomaly rather than a physical attribute that deems it inappropriate to be zoned RLE and that the GRE is not considered more appropriate.

4.113 We ultimately accept the submitters evidence that states:

> "*Zoning the 14 King Road property RLE would facilitate subdivision of the adjoining property at 898 Mapara Road (which PC42 proposes is zoned RLE), by providing greater flexibility in terms of lot sizes and layout (in relation to the physical characteristics of that property). As a result, I consider that one of the stated purposes of the RLE zoning, i.e. Objective 3b.3.4 ("Rural lifestyle activities within identified areas are consolidated to encourage more efficient use of the rural land resource and avoid the fragmentation of land in the General Rural Environment.") would be better advanced if the King Road property was zoned RLE."*[62]

4.114 Therefore, we accept the submission to rezone 14 King Road to RLE. In respect of a s32AA evaluation, we consider that zoning 14 King Road RLE, outlined in yellow in **Figure 4** below, would better achieve Objective 3b.3.4 and is a more effective and efficient means of achieving the purpose of the RMA and PC42.

[59] S42A Report, Appendix 1 – PC42 Summary of Decisions Requested, page 75, dated 28 July 2023
[60] Reply Statement, Appendix C, dated 16 October 2023
[61] Statement of Planning Evidence prepared by Joanne Lewis on behalf of John Olsen, dated August 2023

[62] Statement of Planning Evidence prepared by Joanne Lewis on behalf of John Olsen, dated August 2023, paragraph 16, page 3

Figure 4: Notified Planning Maps showing 14 King Road, outlined in yellow and depicted by yellow stars. *Source: Mapviewer, annotated by Panel, March 2024*

Request 26: 254 Oruanui Road – rezone GRE to RLE

4.115 This site was not identified to be zoned RLE on the notified maps. See **Figure 5** below.

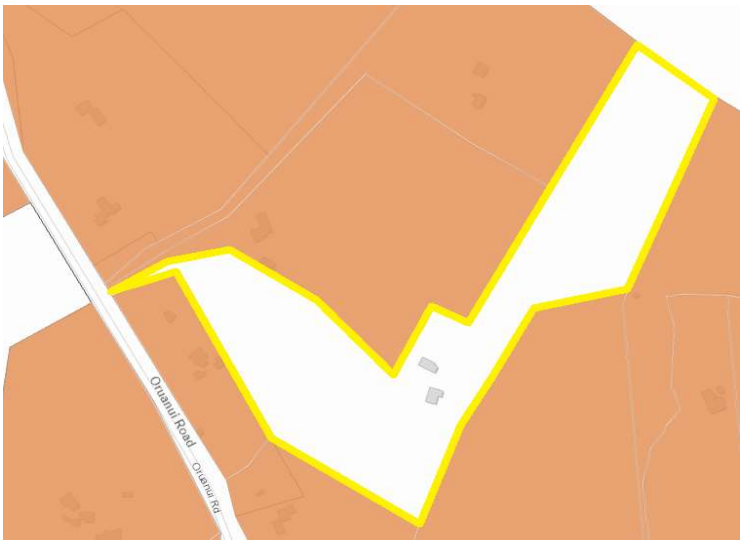


Figure 5: Notified Planning Map for PC42 showing 254 Orunaui Road outlined in yellow.
Source: Mapviewer, annotated by Panel, March 2024

4.116 The Submitter sought over 60 various properties, including the site at 254 Oruanui Road, be upzoned to RLE stating that this "*Provides cohesion/uniformity/continuity of character along a road, in a general area. Land is favourable for development as Lifestyle blocks due to size of property, location, topography and soil quality. Keeping potential lifestyle areas within proximity reduces the need to extend infrastructure further away from town".*

4.117 The Council Reporting Officer recommended the rejection of all sites put forward by the submitter for rezoning, with the exception of 254 Oruanui Road stating that "*Accept for property 254 Oruanui Road as adjacent to an RLE location, and suitable in terms of size and land use.'*[63]

4.118 Mr Sharman returned to this submission in this Reply Statement and provided an analysis of 254 Oruanui Road in relation to the seven criteria, which it complied with and therefore confirmed that the site was appropriate to be upzoned from GRE to RLE.

4.119 For context, this property was subdivided following the notification of PC42. Although the property initially did not meet the criteria at the time of notification due to its size, once it was subdivided it became apparent through the hearing process that it subsequently met the criteria.

4.120 The Panel agrees with Mr Sharman's assessment given that the site complies with all seven criteria. In addition, as shown on the snippet of the notified PC42 zoning maps above, the site is surrounded by RLE zoning and upzoning this site (outlined in yellow) is essentially 'filling in the gap' which is entirely logical, in addition to the compliance with all seven criteria.

4.121 Therefore, the Panel accepts and adopts Council's recommendation to rezone this site RLE. In terms of a s32AA evaluation, the Panel considers that rezoning 254 Oruanui Road would better achieve Objective 3b.3.4 and is a more effective and efficient means of achieving the purpose of the RMA and PC42.

[63] S42A Report, Appendix 1, OS61.10, page 75

Issue 3d: Sites that sought site specific provisions

4.122 The following two other sites, although the submitters did not necessarily seek changes to the zoning, they sought site specific changes either to the provisions, which prompted the Panel to further evaluate the proposed zoning to ensure that the associated provisions were fit for purpose.

4.123 We have not recommended any zoning changes for these sites but provide further evaluation and recommendations on their submissions given the further evidence provided at the hearing:

a. **Request 7:** 34 Parawera Drive and 1114 Acacia Bay Road
b. **Request 8:** 101 Caroline Drive, Bonshaw Park

4.124 We visited the sites of **requests 7 and 8** before and after the hearing.

4.125 We set out our reasoning in relation to our recommendations on all these requests in turn below.

Request 7: 34 Parawera Drive and 1114 Acacia Bay Road

4.126 These sites were notified GRE.

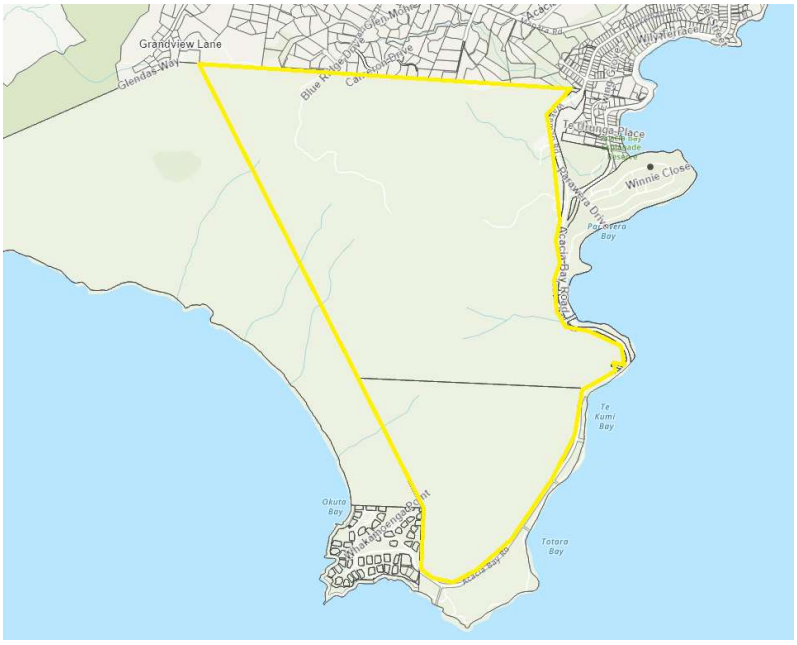


Figure 6: Notified Planning Map for PC42 showing 34 Parawera Drive and 1114 Acacia Bay Road, outlined in yellow. *Source: Mapviewer, annotated by Panel, March 2024*

4.127 This request was lodged by submitter OS41, which consists of a group of seven Trusts collectively referred to on the notice of submission as **Rangatira Block Trusts.** The seven Trusts listed on the submission form are:

- Rangatira E Trust
- The Proprietors of Hiruharama Pounui Block
- Rangatira Point Incorporation
- Paenoa Te Akau Trust
- Rangatira 8A14A (Paenoa Te Akau Block)
- Rangatira 8A16 (61 Huka Falls Road)
- Rangatira 8A17 (Nukuhau)

4.128 The submission notice, which was signed on behalf of all Trusts, states that:

> *The submitters are all significant Māori land holding trusts who own all the undeveloped land on the western side of the river, from Rangatira Park, part of Nukuhau, through Acacia Bay to Rangatira Point; an area of 1500 hectares. The Submitters represent the interest of over 8,000 individuals who are mana whenua of land in Taupō and are directly impacted by these plan changes.*

4.129 The submission requested specific amendments to provisions in respect of PC38 Strategic Directions, PC42 General Rural and Rural Lifestyle Environments, and PC43 Industrial. This section of our recommendation report addresses the components of the submission relating to PC42 General Rural and Rural Lifestyle Environments. Our other recommendation Reports address the other relevant aspects of the submission.

4.130 The submission requested the following amendments for PC42[64]:

a. The District Plan should recognise that Māori land has most often been forced into a rural zoning status by statutes, court rulings and planning frameworks, usually against the wishes of Māori landowners or without consultation. Amend the wording of the Introduction to incorporate this reasoning.

b. Council has identified 5000 hectares of rural land for re-zoning as Rural Lifestyle of which 4000 hectares are on the western side of the Waikato River, none of this land is multiple owned Māori Land. There has been no consultation in regard to the proposed zone maps despite the submitters identifying to Council their desire for the RLE zone on their land, which is capable of providing all the desired outcome in the plan change documents. The submitter requested that the Rangatira blocks be rezoned form GRE to RLE as rural lifestyle.

c. The introduction of Rural Industry will require frequent regular vehicle movements to function. The existing Rural Environment also functions on regular and frequent vehicle movements. Amend Policy 3b.2.9 by removing clause (e).

d. The use of "Commercial and Industrial" purpose is ambiguous relative to the new definition of Rural Industry. A maximum building size in standard 4b.2.3 of 5000sqm gross appears contradictory with this standard of a restriction to 100sqm gross. This standard is the same as the Rural Lifestyle standard which suggests there has been an error. Amend Rule 4b.2.8 for clarity and co-ordination of standards.

4.131 We address each of these in turn below but first we address a procedural matter that arose at the hearing, by the parties to the submission notice, as it is relevant background to our assessment that follows.

Panel Minute 15

4.132 At the conclusion of the first day of hearings for PC42 a representative of Paenoa Te Akau Trust (**Paenoa**), Ms Emerina Adams, addressed the Panel in relation to concerns held by recently appointed Trustees of that Trust in relation to the scheduled presentation by Rangatira E Trust (**Rangatira E**) – Submitter 41.

4.133 At that time the Panel understood that the issues raised by Paenoa were that:

a. The Paenoa Trustees were concerned they had no speaking opportunities at the hearings for Plan Changes 38, 42 and 43, and sought a speaking slot if possible; and

[64] As described in the Summary of Decisions Requested

b. The Trustees also asserted that there had been no consultation by Rangatira E representatives with Paenoa regarding the development and presentation of evidence in support of the submission lodged by the joint Trusts.

4.134 As a result of these issues raised by Paenoa, the Panel issued Minute 15[65]. The purpose of Minute 15 concerned two matters. Firstly, the mandate of Rangatira E and Paenoa Trusts to speak in support of the joint submission; and secondly whether the positions of Rangatira E and Paenoa (which by implication may well be contradictory) can be accommodated within the scope of the joint submission.

4.135 The Minute requested some relatively straight forward information from the Trusts to provide a sufficient level of confidence/reassurance that each Trust's position was being represented by person(s) with the appropriate mandate/authority to represent the views of the relevant Trust. This information was provided, and the Trusts were allocated speaking time at the hearing.

The Hearing

4.136 Rangatira E were represented by Mr John Lenihan at the hearing. Mr Lenihan confirmed that he was not speaking for Paenoa but for the remaining Trusts detailed on the submission notice which collectively have over 7000 owners with land of some 1430 hectares on the western side of Taupo in Acacia Bay to Nukuhau, forming what he described as the Rangatira Blocks.

4.137 Mr Lenihan stated that the Trusts have aspirations for high quality development on the Rangatira Blocks that allows owners to realise benefits from their land while contributing to and complementing the adjacent urban fabric of Taupō township[66].

4.138 Mr David Gray spoke on behalf of Paenoa Te Akau Trust. Mr Gray gave an overview of the background of complex layers of issues that exist in relation to land that is subject to the submission notice. The issues relate to surveying, roading, share allocation and other matters, and he informed us that these matters are currently before the Māori Land Court. Paenoa were waiting for a determination from the Court on these matters and indicated that this was likely to be issued in October or November 2023. It was his view that the Courts decision would impact on the lands identified in the submission notice. It was for this reason that he asked the Panel to delay our recommendation. Failing that, he requested that our recommendation be that the lands concerned be retained as GRE.

4.139 In addition to the above, Mr Gray said that consultation between Paenoa and Rangatira E had not occurred with appropriate protocols or time and because of this they felt that their obligations as trustees could be compromised. He acknowledged that interruptions due to Covid and that there are now new trustees in place could also have had a bearing on this but ultimately the pending decision from the Māori Land Court would provide direction for their next steps.

Evaluation

4.140 In relation to the request to delay our recommendation to the Council, we essentially have done so but we cannot delay this indefinitely. We appreciated the openness of Paenoa and Rangatira E and acknowledge the issues identified by Paenoa in respect of the land and consultation with Rangatira E, however these are both outside of our jurisdiction. We also note that we have not received any further information or update from Paenoa as to a decision from the Māori Land Court and have therefore proceeded

[65] Panel Minute 15 dated 22 August 2023
[66] Speaking notes John Lenihan undated para 1

with our recommendation on the submission.

4.141 We now turn to the submission points raised in the submission. Notwithstanding the presentation from the Paenoa Te Akau Trust, it is the jointly signed submission (as outlined in in paragraph 4.122) that we must consider.

4.142 In response to a) above in paragraph 4.122, (concerning the claim of enforced rural zoning) the reporting officer Mr Sharman acknowledged the submitter's point, given that the Rural Environment within the district is the non-urbanised parts of the district. However, he considered that it is not the place of the district plan explanation for Rural Environments to describe this historical and entangled situation. Mr Lenihan reiterated in the hearing that the zoning of the submission lands has caused issues for the potential development of it. We acknowledge that zoning does impact on land development however we agree with Mr Sharman about the extent to which the back story needs to be recorded, and therefore accept his reasons outlined above for making no changes to the district plan explanation of the rural zoning.

4.143 In response to b) above in paragraph 4.122 (concerning a preference for RLE zoning as opposed to GRE), Mr Sharman recommended rejecting the submission point. He also noted that the Council is working with Rangatira E Trust on the future of the Rangatira E blocks, and that this will likely involve a structure plan process given the strategic importance of these blocks.

4.144 On this issue, Mr Lenihan considered that the Rural Lifestyle zone would better enable the submitters he represents to achieve their aspirations for the Rangatira E blocks and that they are suitable to be zoned as Rural Lifestyle. He provided an assessment of the land against the Councils seven criteria and concluded that the two sites (Hiruharama Point Block and Rangatira Point) qualify against those criteria[67]. In his opinion the s42A Report gave no satisfactory or substantive explanation of why they were rejected, and that once again Māori land is relegated into rural zoning and having to fund a structure plan and plan change while others are given the opportunity to a public plan change re-zone[68].

4.145 During the hearing the Panel requested that Mr Sharman provide a more clearly articulated table to show how the rural lifestyle criteria was applied to properties and this was provided as Attachment C to his Reply Statement. In response to the Rangatira E blocks, he considered that they only met four of the seven criteria. The three criteria that he considered weren't met were:

a. There is a presence or existing clusters of smaller/lifestyle lots.
b. Lots are smaller than 30ha (unless completely surrounded by smaller rural lifestyle blocks).
c. Location relevant to overlays such as Outstanding Natural Landscapes

4.146 The Panel agrees with Mr Sharman and accepts his assessment of the sites against the criteria. The sites are not themselves part of a cluster of smaller blocks, but the two properties are adjacent to the Acacia Bay urban area (to the north) and the Rangatira Point development (to the south-west). The two blocks are of 326ha and 110ha much larger than the benchmark of 30ha, and one block is entirely a SNA.

4.147 We acknowledge that the Council is working with Rangatira E Trust on the future of the Rangatira E Trust blocks and that this will likely involve a structure plan process given the strategic importance of these landholdings. The Panel encourages this

[67] Speaking notes John Lenihan undated para 7
[68] Speaking notes John Lenihan undated para 7

process and encourages this to be extended so that Council actively works with other Trusts administering Māori land to endeavor to understand and reach their aspirations. We also acknowledge that there have been issues in the past but hope that the parties can work together to enable their respective aspirations for their land to be achieved.

4.148 In response to c) above in paragraph 4.122 (regarding Policy 3b.2.9), Mr Sharman recommended that this submission point be rejected. In his view the phrase 'infrequent vehicle movements' in Policy 3b.2.9 is intended as a relative term to urban retail and commercial land uses such as a supermarket or drive-through restaurant, and is 'infrequent' in the sense of measured across a seven day week and a 24 hour day, which is considered to characterise the vast majority of rural land uses. We agree with Mr Sharman and observe that rural land uses that exceed the vehicle movements threshold in the performance standard will require resource consent and be considered against the objectives and policies.

4.149 In response to d) above in paragraph 4.122 (regarding Rule 4b.2.8), Mr Sharman recommended accepting this in part, as the submission point is broad given it covers both policy and rule provisions, but the words "excluding rural industry" have been added in response to other submissions for clarity. He also noted that performance standards are still necessary to manage the scale of an activity, as otherwise limitless size of buildings and scale of activity would result in unintended consequences. We agree with Mr Sharman's recommendation and accept his reasons.

Conclusion

4.150 We acknowledge the difficulties that the Trusts have faced in respect of their lands, the potential development of them, and the protection/enhancement of the various values that are associated with them. While a future process was not entirely supported by Rangatira E as the zoning of Rural Lifestyle was their preferred outcome, we nevertheless find Mr Sharman's analysis compelling and thus recommend that the land subject to this submission be retained as GRE.

4.151 The above aside, we are cognisant of the National Planning Standards which have introduced the 'Māori Purpose Zone'. The National Planning Standards description for the Māori Purpose Zone is '*Areas used predominantly for a range of activities that specifically meet Māori cultural needs including but not limited to residential and commercial activities*'[69] and we consider that any future rezoning exercise should at least consider whether such a zoning may have some application to the land owned by the various Trusts as this could well contribute to the aspirations of the Trusts. However, that is for a future process and in the meantime the land is recommended to remain rural and we encourage the continuation of the process that has been embarked on between the Council and the Trusts.

Request 8: 101 Caroline Drive, Bonshaw Park

4.152 This site was notified as RLE, which the submitter supported. The submitter[70] presented at the hearing in support of the RLE but sought that a new set of objectives, policies and rules in relation to subdivision seeking that lots of 1-2 hectares be allowed where the agricultural value is lower.[71]

[69] National Planning Standards page 38
[70] OS117
[71] Submitter evidence OS117

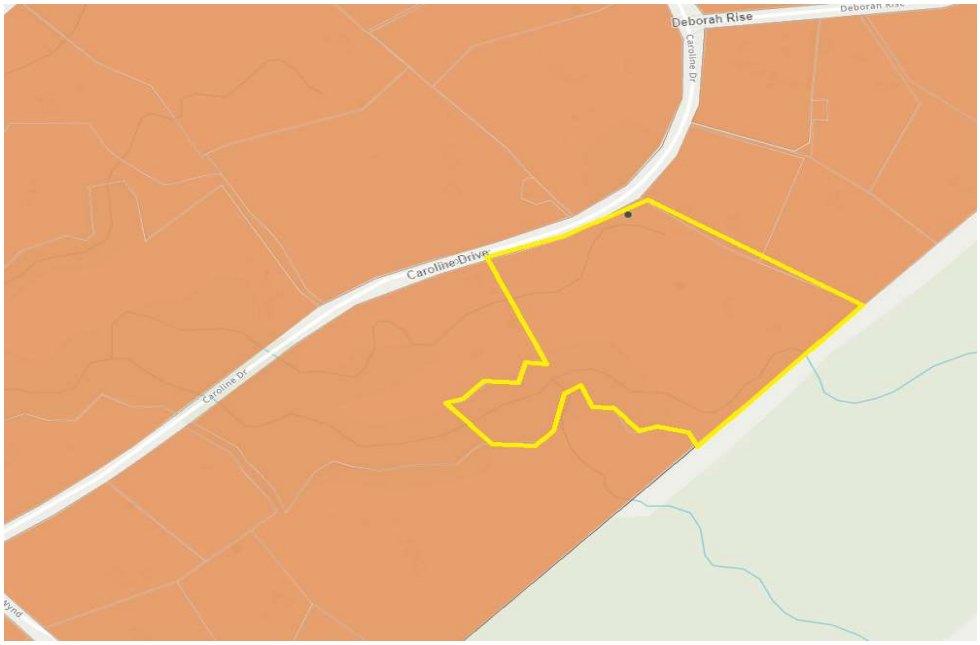


Figure 7: Notified Planning Map for PC42 showing 101 Caroline Drive, outlined in yellow. *Source: Mapviewer, annotated by Panel, March 2024*

4.153 Mr Sharman's Reply Statement provided a further analysis of the proposed zoning of this site and confirmed that it meets all seven criteria to be rezoned RLE.[72]

4.154 However, the submitters key concern related to the subdivision rules that restrict lot size to 4ha where a site adjoins the GRE zone, which the submitter site adjoins along the southern eastern boundary as shown in **Figure 7** above.

4.155 The Panel discussed this matter with the submitter at the hearing, stating the outcome the submitter was seeking, ultimately to subdivide the site into 2ha lots, could be possible under the proposed subdivisions rules but would need to do be carried out as a staged subdivision to create a 4ha lot in the first stage and then a then second stage for the 2ha 'internal RLE zone' lot where it does not adjoin the GRE zone.

4.156 On this basis, we accept that the notified zoning is appropriate given it complies with the seven criteria and that the outcome the submitter is seeking does not require a bespoke or site specific subdivision rule as the current provisions provide for a 2ha if carried out in a staged approach.

4.157 Therefore, the Panel rejects this submission that bespoke subdivision rules should apply and considers the notified zoning is appropriate.

Summary of rezoning recommendations

4.158 **Table 1** above shows the summary of all our recommendations in relation to rezonings.

4.159 For the reasons set out above, we have only recommended a total of four sites to be rezoned, one site to be down zoned and three sites to be upzoned from the notified mapped zoning proposed by PC42, which are set out in **Table 2** below.

[72]Attachment C to Mr Sharman's Reply Statement

Table 2: Panel's Recommendation for rezoning

Unique Zoning Request Identifier No:	Site(s) physical address Submitter #	Request	Panel recommendation
6	*Site: 14 King Road* *Submitter: #60*	Upzone GRE to RLE	Accept
14	*Site: 208 Tukairangi Road* *Submitter: #11 and #61*	Rezone GRE to RLE	Accept
26	*Site: 254 Oruanui Road and 208 Tukairangi Road* *Submitter: #61*	Upzone GRE to RLE	Accept
27	*Site: 1-6 Lemonwood Lane, Lochridge Drive Kinloch, 921 Whangamata Road, 20 Kahikatea Drive, 18 Kahikatea Drive. Submitter #79.*	Rezone RLE to Kinloch Rural Residential	Accept

5 Statutory Considerations

Summary of statutory requirements

5.1 The statutory requirements for the preparation and consideration of the contents of a District Plan are set out in s31, 32, and 72-77D of the RMA.

Part 2 of the RMA

5.2 The Act's purpose and principles are set out in Part 2 of the Act.

5.3 Section 5 explains that the Act's purpose is to promote the sustainable management of natural and physical resources.

5.4 The Panel accepts and adopts the initial evaluation of Part 2 matters in the s32 and the subsequent changes to PC42 recommended by the s42A and Reply Statement assessments reflect the importance of Part 2 of the RMA specifically, Sections 5, 6 (b), (c), (e) and (g), 7 (a), (b), (ba), (c), (d), (f), (g) and (j) and Section 8.

5.5 Furthermore, there was no evidence before us to suggest that there are areas of invalidity, incomplete coverage or uncertainty in the Plan or intervening statutory documents such that any detailed evaluation of Part 2 is required.

Council's function and purpose of PC42

5.6 The Council has extensive functions under s31 of the RMA for the purpose of giving effect to the Act's sustainable management purpose, as follows:

> *(1) Every territorial authority shall have the following functions for the purpose of giving effect to this Act in its district:*
>
> *(a) The establishment, implementation, and review of objectives, policies and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district (section 31(1)(a)).*
>
> *(aa) The establishment, implementation, and review of objectives, policies and methods to ensure that there is sufficient development capacity in respect of housing and business land to meet the expected demands of the district (section 31(1)(aa)).*
>
> *(b) The control of any actual or potential effects of the use, development, or protection of land, including for the purpose of –*
>
> *(i) the avoidance or mitigation of natural hazards; and*
> *(ii) repealed*
> *(iia) the prevention or mitigation of any adverse effects of the development, subdivision, or use of contaminated land:*
> *(iii) the maintenance of indigenous biodiversity:*
> *(c) Repealed*
> *(d) the control of the emission of noise and mitigation of the effects of noise:*
> *(e) the control of any actual or potential effects of activities in relation to the surface of water in rivers and lakes*
> *(f) any other functions specified in this Act (section 31(1)(b)).*

(2) The methods used to carry out any functions under subsection (1) may include the control of subdivision (section 31(2)).

5.7 The purpose of PC42 is to update the Rural Environment provisions to strengthen the provisions to protect the rural environment's rural functions and protect it from urbanisation, consolidate rural lifestyle opportunities within existing areas and ensure that the district plan allows for appropriate and sustainable alternatives to farming, through the creation of new objectives, policies, rules and performance standards.

5.8 This purpose of PC42 is in line with the functions of a territorial authority. In addition, the approach adopted in the plan change is consistent and with the approach set out in the 2019 National Planning Standards[73] and the proposed objectives, policies, rules and performance standards are the most appropriate way to achieve the purpose of the RMA.

Relevant Policy Considerations

5.9 We have also given consideration to PC42 consistency with Section 75(1) of the RMA, which requires a District Plan to state the objectives for the District, any policies to implement the objectives, and the rules (if any) to implement the policies.

5.10 As discussed in our evaluation above, the Panel were mindful throughout the hearings process that there was consistency between the Strategic Direction objectives and policies of PC38 and PC42. We accept and adopt Mr Sharman s42A, Reply Statement and subsequent responses to our questions that PC42 is consistent with the relevant Strategic Directions Objectives and Policies set out in PC38, particularly the rules contained within PC42 to implement the Strategic Directions.

National Policy Statements

5.11 When Bundle One Plan Changes were notified on 14 October 2022, the following National PolicyStatements (NPSs) were in force:

- NPS for Renewable Electricity Generation 2011;
- New Zealand Coastal Policy Statement 2010;
- NPS on Electricity Transmission 2008; and
- NPS for Freshwater Management 2020;
- NPS on Urban Development 2020

5.12 We accept that New Zealand Coastal Policy Statement has no relevance to the Taupō District.

5.13 By virtue of s75(3) of the RMA, PC42 is required to give effect to the provisions of these documents, where relevant.

5.14 As set out above in paragraphs 2.25-2.26, the period between the close of submissions and the commencement of hearings of the Bundle One Plan Changes 2023, three days after the Plan Changes were notified, a new NPS on Highly Productive Land (**NPS-HPL**) came into force on 17 October 2022. Therefore, it is a statutory requirement that PC42 must give effect to the NPS-HPL.

5.15 We accept and adopt Mr Sharman's s42A response to this matter and his recommendation for a new policy 3b.3.15 Highly Productive Land provides for recognition of the NPS-HPL.[74]

[73] s42A Report, prepared by Mr Sapsford, para 12, page 6, dated 3 July 2023
[74] s42A Report, prepared by Mr Sapsford, para 134, page 34, dated 3 July 2023

5.16 In addition, the National Policy Statement for Indigenous Biodiversity (**NPS-IB**) was also gazetted on 7 July 2023. Therefore, it is a statutory requirement that PC42 must give effect to the NPS-IB.

5.17 We accept and adopt Mr Sharman's s42A assessment of the NPS-IB acknowledge that the identification of SNA's is outside the scope of PC42 and agree that:

> "*The only area of overlap is in respect of the Rural Environment subdivision and 'bonus lot' provisions where an SNA is being protected via a covenant as part of a subdivision process. These provisions remain largely unchanged from the ODP and during formulation of the PC42 amended provisions were basically a 'roll over' of the ODP provisions. TDC will in future prepare a plan change in direct response to NPS-IB. There is not considered any other relevance of the NPS-IB to PC42 decision-making.*"[75]

5.18 Overall, are satisfied that PC42 is not contrary to any NPS.

The Regional Policy Statements

5.19 As with the NPSs, the Regional Policy Statements (**RPS**) must be given effect to by PC42.

5.20 We acknowledge that there is a level of complexity in relation to the RPS given that there are four relevant RPS's in relation to the six Plan Changes as follows:

- Waikato Regional Policy Statement
- Horizons Regional Policy Statement
- Bay of Plenty Regional Policy Statement
- Hawkes Bay Regional Policy Statement

5.21 We accept the findings of the s32 report in relation to the relevant **RPS's** and the comprehensive assessment of the relevant objectives and policies of the four regional policy statements set out in Appendix 2 of s32 report.[76]

5.22 Furthermore, no additional evidence was lodged in respect of the assessment of RPS's.

5.23 Overall, we consider that PC42 has adequately given effect to the above RPS's set out above in paragraph 5.20.

National Environmental Standards

5.24 There are nine National Environmental Standards (NESs) currently in force:

- NES for Storing Tyres Outdoors 2021;
- NES for Freshwater 2020;
- NES for Marine Aquaculture 2020;
- NES for Plantation Forestry 2017;
- NES for Telecommunication Facilities 2016;
- NES for Assessing and Managing Contaminants in Soil to Protect Human Health 2011;
- NES for Electricity Transmission Activities 2009;
- NES for Sources of Human Drinking Water 2007; and
- NES for Air Quality 2004.

5.25 We accept and adopt the initial s32 evaluation setting out that all of the above NES's

[75] s42A Report, prepared by Mr Sapsford, Section 3.4, page 13, dated 3 July 2023
[76] s32 Report – PC38, Appendix 2. Undated
[76] s32 Report – PC42, Page 14-15. Undated

with the exception of NES-Marine Aquaculture 2020 are relevant to PC42 and that PC42 is not inconsistent with the eight relevant NES's.[77]

Other statutory considerations

5.26 The requirement under s74 of the RMA to give regard to matters when preparing a plan extends beyond those documents referred to above to include:

a. National Planning Standards;
b. Management plans and strategies prepared under other Acts;
c. Relevant entries on the New Zealand Heritage List / Rārangi Kōrero;
d. The plans or proposed plans of adjacent territorial authorities; and
e. Iwi management plans
f. District Policy and Strategies

5.27 The Council has demonstrated its regard to these matters in preparing PC42, the s42A Report and Reply Statement and specifically detailed relevant information relating to s74 matters. The Panel has also had regard to the relevant matters to the extent relevant to our role.

5.28 The purpose of the first set of National Planning Standards that came into force in 2019 is to improve the efficiency and effectiveness of New Zealand's planning system by providing a nationally consistent structure, format, definitions, noise and vibration metrics and electronic functionality and accessibility for district and other RMA plans.

5.29 Within the Taupō District there are the following iwi management plans:

- Central North Island Forests Iwi Collective (CNI) He Mahere Pūtahitanga (2018)
- Te Arawa River Iwi Trust (TARIT) Environmental Management Plan (2021)
- Ngāti Tūwharetoa Environmental Iwi Management Plan (EIMP) (2003)
- Ngati Tahu - Ngati Whaoa Iwi Environmental Management Plan (IEMP): Rising above the mist - Te aranga ake i te taimahatanga (2019)
- Raukawa Environmental Management Plan: Te Rautaki Taiao a Raukawa (2015)

5.30 The s32 evaluation of PC42 sets out the analysis of each of the Iwi Management Plans in addition to other District Policies and Strategies, such as the Taupō District Growth Strategy 2050.

5.31 We accept and adopt that PC42 is consistent with the relevant iwi management plans and District Policies and Strategies as set out in s32 evaluation.[78]

Summary of Statutory Requirements

5.32 We accept and adopt the s32 and additional responses provided through the s42A and Reply Statement assessments**.** Overall, we consider PC42 is consistent with the policy framework of the relevant NPS's, NES's, RPS's, iwi management plans and the Resource Management Amendment Act.

[78]Plan Change 42: s32 Evaluation Report, Page 17-18

6 Conclusion

6.1 For the reasons summarised above, we recommend the adoption of a set of changes to the PC42 provisions relating to the Rural Environments Chapter. Our recommended amendments are shown in **Appendix 3**.

6.2 Overall, we find that these changes will ensure that PC42 better achieves the purpose of the RMA compared to the existing Operative Taupō District Plan provisions.

6.3 Our recommended decisions, except as outlined in this report where they vary from the 42a recommendations, in terms of the acceptance or rejection of submissions are shown in **Appendix 2**.

6.4 **Appendix 4** contains the amended provisions as notified and with accepted recommendations by the Panel, including mapping amendments.

6.5 **Appendix 5** contains the individual zoning request evaluations for all 26 unique requests.

6.6 Appendix **6** contains the Panel's full recommendation on Submitter 074 Rezoning Request.

DATED THIS 8th DAY OF MAY 2024

DJ McMahon
Chair

EA Burge
Independent Commissioner

K Taylor
Councillor

APPENDIX 1: Schedule of attendances

Present for the entire hearing were:

- Commissioners: David McMahon (chair), Liz Burge, Councillor Kevin Taylor.
- Taupō District Council Staff: Hilary Samuel and Haydee Wood
- Section 42a writer: Craig Sharman (Beca).

Day 1 Hearing Attendance – 21/08/23.

Name	Organisation	In person/online
Mikayla Parnwell	Taupō District Council	In person
Kim Smillie	Taupō District Council	In person
Hannah Lightfoot	Taupō District Council	In person
Aidan Smith	Taupō District Council	Online
Andrew Wilson	Taupō District Council	Online
Erin OCallaghan	Taupō District Council	Online
Fiona Bramwell	Taupō District Council	In person
Heather Williams	Taupō District Council	In person
Kendall Goode	Taupō District Council	In person
Kirsteen McDonald	McKenzie & Co	Online (Submitter & speaker)
Lisa Ahn	Taupō District Council	In person
Natalie Foran	Manawa Energy	Online
Nick Carroll	Taupō District Council	Online
Pauline Whitney	Transpower New Zealand	Online
Philip Caruana	Taupō District Council	Online
Tanya Wood	Taupō District Council	In person
Sarah Hunt	Cheal Consultants	In person (Submitter & speaker)
Devon Allen	Cheal Consultants	In person
Kayley Simmons	Cheal Consultants	In person
Jerome Feuillade	McKenzie & Co	Online (Submitter & speaker)
Karen Murray	Taupō District Council	In person
Louise Wood	Taupō District Council	In person
Joanne Lewis	Lewis Consultancy	In person (Submitter & speaker)
Romae Calland	Manawa Energy	Online (Submitter & speaker)
Mark Chrisp	Contact Energy	In person (Submitter & speaker)
Nick Schuler	McKenzie & Co	In person (Submitter & speaker)
Kynan Thomsen	McKenzie & Co	In person (Submitter & speaker)
Emily Harrington	Taupō District Council	In person
Mike Stevens	Contact Energy	In person (Submitter & speaker)
John Lenihan	Rangatira Block Trusts	Online
Josie Spillane	Chief Executive of Taupō Motorsport Park.	Online
Nicola Foran	Manawa Energy	Online (Submitter & speaker)
Hayley Stronge	Harrison Grierson – Mercury Energy	In person (Submitter & speaker)

Matt Stulen	Contact Energy	In person
Fraser Graafhuis	Mercury Energy	Online (Submitter & speaker)
Tony Michelle	New Zealand Agricultural Aviation Association	Online (Submitter & speaker)
John Funnell	Public	In person
Michael Allan	Wairarapa Moana	In person
Emerina Adams	Paenoa Te Akau Trust	In person
Stephanie Blick	Director and Principal Planner of Scope Planning Limited.	In person
Ian Brittan	Landowner	In person (Submitter & speaker)
Cheryl Rameka	Public	In person
Janet McKenzie	Public	In person
Scott Olsen	Representing John Olsen	In person (Submitter & speaker)

Plan Change 42 Day 2 Hearing Attendance – 22/08/23

Name	**Organisation**	**In person/online**
John Tupara	Paenoa Te Akau Trust	In person
Pauline Whitney	Transpower New Zealand	In person (submitter & speaker)
Rebecca Eng	Transpower New Zealand	In person (submitter & speaker)
Hein Pretorius	Transpower New Zealand	In person (submitter & speaker)
George Asher	Te Kotahitanga o Ngati Tuwharetoa	In person (submitter & speaker)
Aidan Smith	Taupō District Council	Online
Andrew Wilson	Taupō District Council	Online
Erin OCallaghan	Taupō District Council	Online
Fiona Bramwell	Taupō District Council	Online
Heather Williams	Taupō District Council	In person
Jo Cook Munro	Federated Farmers of New Zealand	Online
Kendall Goode	Taupō District Council	In person
Lisa Ahn	Taupō District Council	Online
Natalie Healy	Rangatira 8A16 Block	Online
Nick Carroll	Taupō District Council	Online
Philip Caruana	Taupō District Council	Online
Tanya Wood	Taupō District Council	In person
John Peters	Landowner	In person (Submitter & speaker)
James Ryan	Manawa Energy	Online
Jane Penton	Lakes and Waterways Action Group (LWAG)	In person (Submitter & speaker)
Dominic Adams	Balance Agri-Nutrients	In person (Submitter & speaker)
Lynette Wharf	Horticulture New Zealand	Online (Submitter & speaker)
Sarah Cameron	Horticulture New Zealand	Online (Submitter & speaker)
Hannah Lightfoot	Taupō District Council	In person

Karen Murray	Taupō District Council	Online
Kim Smillie	Taupō District Council	In person
Louise Wood	Taupō District Council	Online
Emily Harrington	Taupō District Council	In person
Anna Pol	Landowner	In person (Submitter & speaker)
Phillip Greaves	Landowner	In person (Submitter & speaker)
Mark Westbrook	Landowner	In person (Submitter & speaker)
Richard Milner	New Zealand Helicopter Association	Online (Submitter & Speaker)

Plan Change 42 Day 3 Hearing Attendance - 23/08/23.

Name	**Organisation**	**In person/online**
Erin OCallaghan	Taupō District Council	In person
Fiona Bramwell	Taupō District Council	In person
Heather Williams	Taupō District Council	In person
Louise Wood	Taupō District Council	In person
Philip Caruana	Taupō District Council	In person
Lisa Ahn	Taupō District Council	In person
Hannah Lightfoot	Taupō District Council	In person
James Gardner-Hopkins	Submitter 74 - Project Leader	In person (Submitter & speaker)
Steve Hawkins	Submitter 74 – The Submitter	In person (Submitter & speaker)
Dave Mansergh	Submitter 74 - Landscaper	In person (Submitter & speaker)
Lauren White	Submitter 74 - Designer	In person (Submitter & speaker)
Alan Blyde	Submitter 74 - Engineer	In person (Submitter & speaker)
Don McKenzie	Submitter 74 - Transportation	In person (Submitter & speaker)
Andrew Cumming	Submitter 74 – Planning advisor	In person (Submitter & speaker)
Stephanie Blick	Submitter 74 – original planning expert – peer review and strategic role now.	Online (Submitter & speaker)
Fraser Colegrave	Submitter 74 - Economics	Online (Submitter & speaker)
Treff Barnett	Submitter 74 - Ecology	Online (Submitter & speaker
James Winchester	Simpson Grierson	Online
Natalie Healy	Rangatira 8A16 Trust	Online
Tanya Wood	Taupō District Council	Online
Mike Phillips	Te tui Owner	In person
Stan Sickler	Bayleys Real Estate	In person
Karen Murray	Taupō District Council	Online
Kendall Goode	Taupō District Council	Online
Kim Smillie	Taupō District Council	Online

Plan Change 42 Day 4 Hearing Attendance 24/08/23.

Name	**Organisation**	**In person/online**

Samuel Gray	Landowner	In person (Submitter & speaker
Caroline Gray	Landowner	In person
Duncan Whyte	Tauhara Quarries	Online (Submitter & speaker)
Heather Williams	Taupō District Council	Online
Natalia Healy	Rangatira 8A16 Trust	Online
Dudley Clemens	Tauhara Quarries	Online (Submitter & speaker)
Adair Jeffries	Landowner	In person (Submitter & speaker)
Emirena Adams	Paenoa Te Akau Trust	In person
Kendall Goode	Taupō District Council	Online
Andrew Wilson	Taupō District Council	Online
Lisa Ahn	Taupō District Council	Online
Fiona Bramwell	Taupō District Council	Online
Jess Sparks	Taupō District Council	Online
John Lenihan	Rangatira E Trust	Online
Louise Wood	Taupō District Council	Online
Sally Strang	Manulife Forest Management	In person (Submitter & speaker)
Jackie Egan	New Zealand Forest Managers	In person (Submitter & speaker)
Kara Scott	Taupō District Council	Online
Luke Rikiti	Rangatira E Trust	Online (Submitter & speaker)
Kim Smillie	Taupō District Council	Online
Karen Murray	Taupō District Council	Online
Alex Wilson	Rangatira E Trust	Online (Submitter & speaker)
Luke Braithwaite	Waka Kotahi	Online (Submitter & speaker)
Kaaren Rosser	EnviroWaste New Zealand	Online (Submitter & speaker)
Robert Swears	Waka Kotahi	Online (Submitter & speaker)
Debs Morrison	Landowner	In person (Submitter & speaker)
Stephen Chiles	Waka Kotahi	Online (Submitter & speaker)
Aho Chase		In person
Adele Barsdell		In person
Hazel Chase		In person
Tane Lawless		In person
Arareina Williams		In person
Puti-Ruhaina Isaacs		In person
Brian H		In person
Skyla Keremete		In person
Katarina Falasitale		In person
Thomas Ritete	Paenoa Te Akau	In person
David R	Tūwharetoa	In person
Cheryl Callaghan	Rangatira E	In person
Wairaka Koko	Rangatira E	In person
Cheryl Rameka		In person
Gal Rameka		In person

Pukehuia Henry		In person
Lisa Wi	Rangatira E	In person
David Grey	Paenoa Te Akau	In person
Alex Grey	Rangatira E	In person
Tawia Chase Rakete	Paenoa Te Akau	In person
Geoff R	Rangatira E	In person
John Tupara	Paenoa Te Akau	In person
Robert Wikohika	Rangatira E	In person
Ariana Hunia	Paenoa Te Akau	In person
Tohiariki Hunia	Paenoa Te Akau	In person
Gloria Newton	Rangitopeoroa Whanau Trust	In person
Maxeen Newton		In person
Caprice Singh	Paenoa Te Akau	In person
Marama Rahetau	Paenoa Te Akau	In person
Whahaeke Rititie	Paenoa Te Akau	In person
Hayden A	Paenoa Te Akau	In person
Derek Rakatau	Paenoa Te Akau	In person
David Davies	Paenoa Te Akau	In person
Ion Tahau	Paenoa Te Akau	In person
Donna Hemopo	Tūwharetoa	In person
Leeann Wall	Tūwharetoa	In person
William Keremete	Tūwharetoa	In person
Te Aka Wall	Tūwharetoa	In person
W Ratakau	Tūwharetoa	In person
H Zeeley		In person
Ngahuia Carrington	Tūwharetoa	In person
Pettrina De Young		In person
Emmaraina Clark	Ngāti Te Urunga	In person
Leslie Keremate	Waipahihi Marae	In person
Aroha Julian		In person
Riki Julian		In person

APPENDIX 2: Section 42a Report recommendations on each submission point.

APPENDIX 3: Recommended amendments to Plan Change 42 – Tracked from notified version

Plan Change 42 to the Taupō District Plan

General Rural and Rural Lifestyle Environments

(Panel Recommended Version April 2024)

Taupō District Plan Changes 2022

Introductory note

This boxed text is NOT part of the Plan Change but simply introductory text.
Plan Change 42 as notified shows new text inserted as green and text to be deleted is in red and has ~~strike through~~. Note that the entire operative Rural Chapter was deleted and followed this proposed new text.
Panel recommendations which are also shown in blue text (insertions underlined, deletions ~~struck out~~). These include include further amendments in response to submissions, through the hearing process and received on Plan Change 42 (as recommended within the section 42A report on 28 July 2023) and recommendations as reflected in the Section 42A Reply Statement dated 16 October 2023 following the Plan Change 42 hearings
The complete Taupō District Plan is on the Council website at www.taupō.govt.nz
Please note that this plan change includes map changes that can be found at www.taupo.govt.nz/districtplanchanges

Amendments to the Operative Taupō District Plan - Section 10 Definitions

Bonus Lot - allotments created within the General Rural Environment under rule 4b.5~~3.7~~9 which are associated with the formal protection of no less than 4ha of ~~part or all of~~ a N~~n~~ominated Significant Natural Area.

Buildings for the management of farmed animals – for the purposes of rule 4b.2.6 only, includes, but is not limited to, buildings used for accommodating livestock or farmed animals, either overnight or for a period during the day, and includes cow milking sheds, calf sheds, buildings used to house intensive farming activities, poultry farming buildings, feed pads, ~~animal~~ pet boarding facilities and stables. Buildings housing animals do not include a residential unit accommodating household pets such as cats and dogs. Buildings with floor area of 150m^2 or less are exempt from this definition.

Greenhouses – means a structure enclosed by glass or other transparent impermeable material and used for the cultivation or protection of plants in a controlled environment but excludes artificial crop protection structures.

Highly Productive Land – means land that has been mapped in accordance with clause 3.4 of the National Policy Statement for Highly Productive Land and is included in an operative regional policy statement as required by clause 3.5 (but see clause 3.5(7) for what is treated as highly productive land before the maps are included in an operative regional policy statement and clause 3.5(6) for when land is rezoned and therefore ceased to be highly productive land).

Intensive indoor primary production – means primary production activities that principally occur within buildings and ~~that~~ involve growing fungi ~~produce~~ or keeping or rearing livestock (excluding calf-rearing for a specified time period) or poultry.

Land Based Primary Production – means production, from agricultural, pastoral, horticultural, or forestry activities, that is reliant on the soil resource of the land.

Minor residential unit (in relation to the Rural Environments) – means a self-contained residential unit that is ancillary to the principal residential unit, and is held in common ownership with the principal residential unit on the same site.

National Grid Subdivision Corridor – means the area measured 37m either side of the centreline of above ground National Grid 220kV transmission lines on towers (including tubular steel towers where these replace steel lattice towers) ~~either side of the centreline of above ground National Grid transmission lines as follows (and illustrated in Appendix):~~

- ~~37 metres for 220kV transmission lines on towers (including tubular steel towers where these replace steel lattice towers);~~
- ~~39 metres for 350kV transmission lines on towers (including tubular steel towers where these replace steel lattice towers).~~

National Grid Support Structure – means a pole or tower that is part of the National Grid.

National Grid Yard – The area located within: 12m in any direction from the visible outer edge of a National Grid tower; ~~or 10m in any direction from a National Grid single pole or pi-pole;~~ or the area located within 12m either side of the centre line of any overhead National Grid line on towers. The national grid yard does not apply to underground cables or any transmission lines (or sections of line) that are designated.

Nominated Significant Natural Area - A contiguous area of Significant Natural Area which is no less than 4ha and is associated with the creation of a Bonus Lot.

~~Papakāinga = for the purposes of the Taupō District Plan, Papakainga is defined as:~~

- ~~Any dwellings erected to exclusively house members of the same whanau, hapu or iwi on land which is owned by the whanau, hapu, or iwi, and;~~
- ~~is located on Maori land within the meaning of Section 129 (1) (a, b or c) of Te Ture Whenua Maori Land Act 1993, and~~
- ~~is consistent with any licence to occupy Maori land that has been issued by the Maori Land Court.~~

Papakāinga - Any dwelling or dwellings and associated social (including health), cultural and economic activities on Māori land which is owned by the whanau, hapū or iwi, that enables the occupation of that land by members of the same whanau, hapū or iwi.

- Māori land is within the meaning of Section 129 (1) (a, b or c) of the Te Ture Whenua Māori Land Act 1993, and
- Is consistent with any license to occupy Māori land that has been issued by the Māori Land Court

Primary production – means:

a) any aquaculture, agricultural, pastoral, horticultural, mining, quarrying or forestry activities; and
b) includes initial processing, as an ancillary activity, of commodities that result from the listed activities in a);
c) includes any land and buildings used for the production of the commodities from a) and used for the initial processing of the commodities in b); but
d) excludes further processing of those commodities into a different product.

Primary residential unit – has the same meaning as 'dwelling'.

Renewable Electricity Generation – means generation of electricity from solar, wind, hydro-electricity, geothermal, biomass, tidal, wave, or ocean current energy sources.

Renewable Electricity Generation Activities - means the construction, operation and maintenance of structures associated with renewable electricity generation. This includes small and community-scale distributed renewable generation activities and the system of electricity conveyance required to convey electricity to the distribution network and/or the national grid and electricity storage technologies associated with renewable electricity.

Reverse Sensitivity – ~~means the potential for the operation of an existing lawfully established activity to be compromised, constrained or curtailed by the more recent establishment of other activities which are sensitive to the adverse environmental effects being generated by the pre-existing activity.~~ is the vulnerability of a lawfully established activity to a new activity or land use. It arises when a lawfully established activity causes potential, actual or perceived adverse environmental effects on the new activity, to a point where the new activity may seek to restrict the operation or require mitigation of the effects of the established activity.

Rural Industry – ~~an activity that directly supports, services, or is dependent on primary production and has a locational need t0o be within the General Rural Environment (rather than an urban environment). These activities include, but are not limited to; forestry, agriculture, dairy farming and geothermal electricity generation.~~ means an industry or business undertaken in a rural environment that directly supports, services, or is dependent on primary production.

Sensitive Activities (in the National Grid Yard) means:
a. residential activity.
b. marae;
c. hospital;
d. healthcare activity;
e. educational facility and preschools;
f. retirement village;
g. guest or visitor accommodation activity;
h. place of assembly; or
i. papakāinga.

Stock Proof Fence - A 9 or 10 wire fence as described in Schedule 2.7 of the Fencing Act 1978.

Amendments to the Operative Taupō District Plan - Section 3 Objectives and Policies

3b RURAL ENVIRONMENT CHAPTER

3b.1 Introduction

The Rural Environment makes up most of the land within the District and has been categorised into two distinct areas, being the General Rural Environment and the Rural Lifestyle Environment. These separate areas highlight the increasing need to protect the open space characteristics of the Rural Environment and its production values, while also providing for the growth of the District and the demand for rural lifestyle living in specific locations.

The Rural Environment also contains sites that are of significance, some of these are identified as Outstanding Landscape Areas. The Rural Environment objectives and policies seek to manage subdivision and land use activities in a way that reflects the productive nature of the land, the rural level of infrastructural services and the amenity values 3b.2.3 of the landscape, as well as managing effects and enabling rural lifestyle living in appropriate areas. Other activities that are anticipated in the Rural Environment are Rural Industry, tourism activities, visitor accommodation and Renewable Electricity Generation and transmission. It is important that all such activities do not affect the ability of the rural environment to function effectively, recognising that some activities have specific locational or operational needs that must be accommodated. It is also important to acknowledge that existing, lawfully established activities in the Rural Environment are able to continue operating and that activities that choose to locate in close proximity to these activities are aware of the effects they can generate and that the Rural Environment is the best location for these activities, and do not limit or restrain those activities. It is expected in the Rural Environment that all properties are self-servicing in terms of the provision of potable water and the disposal of stormwater and wastewater.

The papakāinga provisions recognise the intent of Part 2 of the RMA and provide for the occupation by whanau, hapū or iwi members on Māori land. The provisions recognise the importance of enabling Māori to settle on their ancestral lands. Papakāinga development will often be at higher densities than other residential land uses in the rural environment. Papakāinga may also have associated social, cultural or commercial aspects to support the community who reside there.

In addition to papakāinga there is a wide range of cultural activities and activities of importance to Māori which are appropriate to occur within the rural environment.

General Rural Environment

The General Rural Environment is predominantly characterised by large open space and vegetated areas including productive farmland and forest, ridgelines, native bush, lakes, rivers and their margins. Other prime characteristics of the General Rural Environment are the diverse range of land uses including farming, horticulture, energy sources and plantation forestry activities, with dispersed buildings and rural roads. There is also a wide range of development associated with tourism activities, recreation, and the District is one of New Zealand's most significant for the generation, storage and transmission of renewable electricity.

The purpose of separating the General Rural Environment from the Rural Lifestyle Environment is to preserve the productive potential of the land and other natural resources within the General Rural Environment by retaining large property sizes and limiting the extent of housing provided for. Yet allowing appropriate development to occur while preserving the 'openness' rural character of the General Rural Environment. The creation of the General Rural Environment aims to support primary productive uses, renewable electricity generation activities, and rural industry, meaning an activity being activities that directly supports, services, or is are dependent on primary production and/or haves a locational or functional need to be within the General Rural Environment (rather than an urban environment).

Primary production a Activities in the General Rural Environment will produce effects that are different from urban areas, such as noise, odour, vibration, spray drift and dust. Allowing these activities to operate in a more suitable environment, along with compatible activities, aims to protect rural land uses from unnecessary restrictions.

The General Rural Environment provisions seek to limit the scale of commercial and industrial activities unless they are dependent on primary production and/or have a locational functional or operational need to be within the General Rural Environment. This is to avoid the uptake of General Rural Environment land by activities which are provided for in other Environments and may therefore impact on the land available for primary production activities within the General Rural Environment.

Rural Lifestyle Environment

The Rural Lifestyle Environment has been created to address the increasing demand for rural lifestyle living within the Rural Environment. The Rural Lifestyle Environment aims to provide for rural residential development in specific locations for those who want the benefits of rural living without necessarily undertaking a productive rural activity.

By creating separate areas in appropriate locations within the Rural Environment, the Rural Lifestyle Environment creates areas for rural living on smaller property sizes, whilst retaining separation from the rural production and other activities ~~predominating~~ in the General Rural Environment. This separation of activities serves to minimise reverse sensitivity issues. By concentrating rural residential development within the Rural Lifestyle Environment this serves to preserve ~~the open space characteristics~~ rural character and the productive potential of the rest of the Rural Environment, and to reduce the potential for land use conflict.

The Rural Lifestyle Environment will be less populated than a Residential Environment, with standards in place for minimum lot sizes to preserve the rural residential aspect of the area. Limited provision is also made for home business and commercial activity to occur, but not of a scale or extent that changes the predominantly rural residential amenity and character intended. The Rural Lifestyle Environment areas are located ~~closer~~ in proximity to urban areas to allow for access to community facilities within the district's townships.

3b.2 Objectives and Policies – General Rural Environment

Objective 3b.2.1 Enable Primary Production and the Use of Natural Resources

Primary production and the use of natural resources are ~~is~~ enabled by protecting the availability of ~~the~~ rural land and other resources and ~~its~~ their productive capability.

Objective 3b.2.2 Maintaining ~~the established~~ General Rural character

~~The established character of the General Rural Environment is maintained and the cumulative erosion of its character through incremental subdivision and development is avoided.~~ Enable a range of activities in the General Rural Environment that are compatible with and cumulatively do not erode rural character.

Objective 3b.2.3 Rural industry

Rural industry is enabled whilst general commercial and industrial activities not having a locational need to be within the General Rural Environment, other than home-business, are avoided.

Objective 3b.2.4 Other activities

Māori cultural activities, tourism activities~~,~~ and visitor accommodation, ~~and renewable electricity generation and transmission (including sub transmission) activities~~, and other activities that have a locational need are enabled in the General Rural Environment.

Objective 3b.2.5 Avoidance of reverse sensitivity

Reverse sensitivity effects on permitted, ~~and~~ legally established, and/or consented activities within the General Rural Environment, including conflict with activities in neighbouring Environments, are avoided.

Objective 3b.2.6 Impacts on infrastructure

The impacts ~~on infrastructure~~ arising from subdivision and development ~~are managed~~ do not compromise the safe and efficient function of infrastructure.

Objective 3b.2.7 Papakāinga

Whanau, hapū and iwi can use and develop ancestral land for Papakāinga

Papakāinga are of a form and scale that considers the functioning of the General Rural Environment.

Objective 3b.2.8 Tāngata Whenua

The important relationship that tāngata whenua have with their ancestral lands and the wider Rural Environment is recognised and provided for.

Objective 3b.2.9 Renewable Electricity Generation and Transmission Activities

Enable the development, operation, maintenance and upgrading of renewable electricity generation activities and transmission activities in the General Rural Environment.

Policy 3b.2.10 Maintaining the ~~established~~ General Rural character

Maintain the ~~established~~ General Rural Environment character, as defined by:

a) A predominance of primary production activities
b) Renewable electricity generation activities and electricity transmission and distribution, including geothermal areas
c) ~~Large~~ Generally large open spaces between built structures
d) A mix of buildings related to primary production, ~~residential~~, visitor accommodation, tourism activity and rural industry ~~buildings~~
~~c) Noises related to production activities during the day but generally low levels of noise at night~~
~~d) Low levels of light spill.~~
e) Generally infrequent vehicle movements to and from a site

f) Effects generated from rural activities including noise, vibration, odour, dust and light spill

g) Limited signage that directly relates to the activity operating on the site.

~~h) Odour and dust associated with primary production activities.~~

Policy 3b.2.11 Residential units

Avoid the cumulative effects of rural lifestyle development by providing for these activities within the Rural Lifestyle Environment and otherwise limiting residential units within the General Rural Environment that:

a) Increase the demand for community infrastructure and services

b) Result in the inefficient use of land or loss of future flexibility for productive uses

c) Erode the general rural character through its density, scale and location.

Policy 3b.2.12 Heavy vehicle movements

Manage heavy vehicle movements to minimise damage to the transport network and adverse impacts on road safety.

Policy 3b.2.13 Minor residential unit

Manage the scale and location of minor residential units to ensure it is near the principal dwelling on the allotment, is of a suitable size, and to ensure that the future availability of the rural land resource will not be compromised.

Policy 3b.2.14 Avoiding reverse sensitivity

Any ~~adverse effects generated by an~~ new activity~~, including reverse sensitivity effects,~~ must be managed ~~within the allotment~~ so as to avoid ~~adversely affecting~~ reverse sensitivity effects on permitted~~, and~~ lawfully established and/or consented neighbouring activities.

Policy 3b.2.15 Commercial and industrial activity

Limit the scale of commercial and industrial activity (excluding rural industry and renewable electricity generation activities) to avoid the uptake of general rural land by activities that are provided for in other Environments and may impact on the availability of land for primary production and other activities provided for within the General Rural Environment.

Policy 3b.2.16 Allotment size

Maintain allotments at a size of 10 hectares or larger to allow flexibility for a wide range of productive land uses in the future.

Policy 3b.2.17 Papakāinga

i. Provide for the development of Papakāinga on Māori land
ii. Recognise the social and cultural benefits of the occupation and development of Papakāinga by whanau, hapū and iwi on Māori land
iii. Allow for Papakāinga on General land owned by Māori where it can be demonstrated that there is an ancestral connection to the land and the land will remain in Māori ownership or be converted to Māori freehold title.

Policy 3b.2.18 Māori Cultural Activities

i. Support Māori cultural activities undertaken by or associated with whanau, hapū or iwi that are in accordance with their tikanga.
ii. Recognise the importance of mātauranga Māori, kaitiakitanga and tikanga Māori in land use and land management activities.

Policy 3b.2.19 Highly Productive Land

Subdivision of highly productive land is avoided, except as provided in the National Policy Statement for Highly Productive Land 2022.

Policy 3b.2.20 Primary production and ancillary activities

To enable primary production and ancillary activities, recognising the primary productive purpose of the General Rural Environment.

Policy 3b.2.21 Effects on the National Grid

Ensure that subdivision, use and development does not compromise the safe and efficient operation, maintenance, repair, upgrading, removal and development of the National Grid, including by mapping the National Grid and identifying buffer corridors within which:

i. the establishment or expansion of sensitive activities and intensive, large scale land uses will be avoided;
ii. subdivision and other development is managed to ensure the National Grid is not compromised and reverse sensitivity effects are avoided.

3b.3 Objectives and Policies – Rural Lifestyle Environment

Objective 3b.3.1 ~~Maintain the c~~Character of the Rural Lifestyle Environment

The character of the Rural Lifestyle Environment is ~~maintained and~~ protected from ~~incremental~~ inappropriate subdivision and development.

Objective 3b.3.2 Avoid reverse sensitivity

Adverse reverse sensitivity effects, including conflict with permitted, ~~and~~ legally established and/or consented activities in neighbouring Environments, are avoided.

Objective 3b.3.3 Commercial and industrial activities

The establishment of commercial and industrial activities that have no functional need to locate and are incompatible with the rural residential activities occurring within the Rural Lifestyle Environment are avoided.

Objective 3b.3.4 Consolidate rural lifestyle activities

Rural lifestyle activities within identified areas are consolidated to encourage more efficient use of the rural land resource and avoid the fragmentation of land in the General Rural Environment.

Objective 3b.3.5 Allotment sizes

That allotments are maintained at sizes to:

a) Enable small scale primary production to occur;
b) Protect highly productive land for use in land-based primary production; and
c) Avoid the cumulative impacts on community infrastructure and services arising from an increase in demand or increases to level of service.

Objective 3b.3.6 Impacts on infrastructure

The impacts arising from subdivision and development do not compromise the safe and efficient function of infrastructure within the Rural Lifestyle Environment.

Objective 3b.3.7 Impacts on community infrastructure

The impacts on community infrastructure arising from subdivision and development are managed.

Objective 3b.3.8 Papakāinga

Whanau, hapū and iwi can use and develop ancestral land for Papakāinga. Papakāinga are of a form and scale that considers the functioning of the Rural Lifestyle Environment.

Objective 3b.3.9 Tāngata Whenua

The important relationship that mana whenua have with their ancestral lands and the wider Rural Environment is recognised and provided for.

Policy 3b.3.10 Character of the Rural Lifestyle Environment

Manage the anticipated character of the Rural Lifestyle Environment as defined by:

a) Buildings on different sites are separated from each other in a way that creates a sense of privacy.
b) Accessory buildings to service rural lifestyle activities that do not dominate the landscape.
c) Dwellings may be large but are surrounded by open space and do not dominate the landscape.
d) A general absence of urban infrastructure including community stormwater and wastewater services.
e) An environment which includes residential activities, rural productive activities and home business activities.
f) Noise related to production activities during the day but low levels of noise at night.
g) Low levels of light spill.
h) Limited signage that directly relates to the activity operating on the site.
i) An environment that is surrounded by a working rural environment including primary ~~rural~~ production, geothermal areas/steamfields and renewable electricity generation activities.

Policy 3b.3.11 Lot sizes and setbacks for allotments adjoining the General Rural Environment

Require larger lot sizes and greater building setbacks for allotments adjoining the General Rural Environment to manage reverse sensitivity.

Policy 3b.3.12 On-site servicing

Require properties to manage its services on-site in terms of the provision of potable water and the disposal of stormwater and wastewater.

Policy 3b.3.13 Minor residential unit

Manage the scale and location of minor residential units to ensure it is near the principal dwelling on the allotment, is of a suitable size, ~~and~~ to further protect the character of the ~~r~~Rural Lifestyle Environment. ~~-~~ and to avoid reverse sensitivity effects.

Policy 3b.3.14 Papakāinga

i. Provide for the development of Papakāinga on Māori land within the Rural Lifestyle Environment.
ii. Recognise the social and cultural benefits of the development of papakāinga on Māori land within the Rural Lifestyle Environment.
iii. Allow for Papakāinga on General Land owned by Māori where there is a historical ancestral connection to the land and it can be demonstrated that the land will remain in Māori ownership or be converted to Māori freehold title.

Policy 3b.3.15 Māori Cultural Activities

i. Support Māori cultural activities undertaken by or associated with whanau, hapū or iwi that are in accordance with their tikanga.
ii. Recognise the importance of mātauranga Māori, kaitiakitanga and tikanga Māori in land use and management activities.

Policy 3b.3.16 Highly Productive Land

Subdivision of highly productive land is avoided, except as provided in the National Policy Statement for Highly Productive Land 2022.

Policy 3b.3.17 Centennial Drive Rural Lifestyle Environment

Avoid subdivision and development within the Rural Lifestyle Environment at Centennial Drive to ensure avoidance of adverse reverse sensitivity effects, including conflict with permitted, legally established and/or consented activities in neighbouring Environments.

Policy 3b.3.18 Effects on the National Grid

Ensure that subdivision, use and development does not compromise the safe and efficient operation, maintenance, repair, upgrading, removal and development of the National Grid, including by mapping the National Grid and identifying buffer corridors within which:

i. the establishment or expansion of sensitive activities and intensive, large scale land uses will be avoided;

ii. subdivision and other development is managed to ensure the National Grid is not compromised and reverse sensitivity effects are avoided.

Amendments to the Operative Taupō District Plan - Section 4 Rules and Standards

4e District Wide Rules
4e.2 Foreshore Protection

Rule 4e.2.1
Any building on or above ground within a Foreshore Protection Area is a discretionary activity.

i. EXCEPTION: Electricity Generation Core Sites (as identified on the planning maps) – permitted activity where in accordance with Rule ~~4b.2.4~~ 4b.1.4 and where located no more than 100 metres from any existing structure associated with power generation.

4b Rural Environment

4b.1 General Rules – General Rural Environment

4b.1.1 Activities in the General Rural Environment

i. Any activity that:
a) Complies with all the Performance Standards for the General Rural Environment; and
b) Complies with all the District Wide Performance Standards; and
c) Is not identified as a controlled, restricted discretionary, discretionary or non-complying activity within the General Rural Environment; and
d) Is not identified as a controlled, restricted discretionary, discretionary or non-complying activity within the District Wide Rules
is a **permitted activity**.

ii. Any activity that is not a permitted, controlled, restricted discretionary or a non-complying activity is a **discretionary activity**.

4b.1.2 Minor residential units

i. A minor residential unit which complies with the performance standards is a **permitted activity**.

ii. A minor residential unit which does not comply with the performance standards is a **restricted discretionary activity**.

When considering activities under Rule 4b.1.2 Council restricts the exercise of its discretion to the following matters:

a. The proximity between the primary residential unit and the minor residential unit.
b. The extent to which the residential unit and vehicle access point design, siting and external appearance adversely affects rural character and amenity.
c. Site topography and orientation and whether the residential unit(s) and vehicle access point can be more appropriately located to minimise adverse visual amenity effects.
d. Effect on nearby sites, including outlook and privacy.
e. Whether the residential unit and the vehicle access point can be more appropriately located to maintain, enhance or restore indigenous biodiversity values.
f. The ability to mitigate adverse effects through the use of screening, planting, landscaping and alternative design.
g. Proposed methods for the avoidance, remedying or mitigation of potential adverse effects, and the degree to which they would be successful
h. The likelihood of future subdivision which results in the minor residential unit being on a separate allotment to the primary residential unit.
i. The potential to constrain access to and/or the utilisation of renewable energy sources.
j. The ability to avoid reverse sensitivity effects through the use of screening, planting, landscaping, alternative design and/or other means including restrictive covenants.

4b.1.3 Temporary Activities

i. Any temporary activity, being an activity of up to a total of four operational days in any 6 month period, which exceeds any performance standard(s), is a **permitted activity**, provided that:
    a. There are no new permanent structures constructed; and
    b. Once the activity has ceased, the site (including vegetation and the surface of the ground of the site) is retained or re-instated to its condition prior to activity commencing; and
    c. An allowance of 14 non-operational days in any six month period associated with the activity is not exceeded.

4b.1.4 Electricity Generation Core Sites, Renewable ~~Energy~~ Electricity Generation Activities and Geothermal Areas ~~Steamfields~~

i. Any activity involving continued operation, maintenance and minor upgrading of existing electricity generation core sites, geothermal areas ~~steamfields~~, renewable ~~energy~~ electricity generation activities and associated structures is a **permitted activity**.

NOTE: For the purpose of this rule "maintenance" means:

All activities associated with the protective care and monitoring of a hydro dam, a geothermal or hydroelectric power station, geothermal steamfields and associated structures, in order to monitor, test and/or arrest the processes of decay, structural fatigue, erosion or dilapidation of and includes maintenance of surrounds and water areas.

NOTE: For the purpose of this rule "minor upgrading" means:

Structural improvement, repair and replacement or upgrade of components, or activities required for the continued safe and efficient operation including worn or technically deficient parts of the powerhouse, hydro dams, separation plants, switchyards, intake, control and diversion structures, wells, pipes, tunnels, cables, other equipment and accessory buildings and structures ~~of similar character and scale~~, and includes associated drilling, vehicles, infrastructure, machinery, testing, monitoring, earthworks and vegetation removal. Also the extension to existing Buildings and Structures, and the erection of new Buildings and Structures~~: up to 100m^2 in area and not exceeding the maximum height standard for the Rural Environment and the erection of any aerial, antennae or communication dish not exceeding 5m^2 in area located on top of a hydro or geothermal existing structure, subject to compliance with the Noise Performance Standard.~~

4b.1.5 Commercial and industrial activities, and home businesses,

i. A commercial, industrial activity (excluding rural industry), or home business which complies with the performance standards is a **permitted activity**.
ii. A commercial, industrial activity (excluding rural industry), or home business which does not comply with the performance standards is a **restricted discretionary activity**.

When considering activities under Rule 4b.1.5ii Council restricts the exercise of its discretion to the following matters:

a. The daily vehicle movements expected to and from the allotment.
b. The effect of the activity on the rural character of the area, having regard to visual effects and lighting effects.
c. The effect of the activity on surrounding land uses (including reverse sensitivity effects) and how these effects can be managed onsite and/or mitigated.
d. The hours of operation for the activity.
e. The proposed signage associated with the activity.

4b.1.6 Papakāinga

i. Papakāinga on Māori customary land and Māori freehold land which complies with all of the performance standards in 4b.2 is a **permitted activity**
ii. Papakāinga on Māori customary land and Māori freehold land which does not comply with one or more performance standard in 4b.2 is a **Restricted Discretionary activity**
iii. Papakāinga on general land owned by Māori is a **Restricted Discretionary activity**
iv. Applications under Rules 4b.1.6 ii or iii will not be notified.

When considering activities under Rule 4b.1.6 ii and iii Council restricts the exercise of its discretion to the following matters:

a. Those performance standards in 4b.2 which the proposal does not comply with
b. Any effects on the functioning of the rural environment including effects on rural infrastructure.
c. For 4b.1.6 iii, in addition to a and b:
    a. Historical associations of the land to mana whenua and reasons why the land was given general title
    b. Whether the land can be converted to Māori title under Te Ture Whenua Act 1993
    c. Any documents or mechanisms provided by the applicant to demonstrate that the land will be secured for permanent Māori administration and maintenance of the land title.

4b.1.7 ~~**High voltage transmission lines**~~ **Buildings, structures and activities in the National Grid Yard**

~~i. Any building (except network utilities) located within 0 – 12 metres of a high-voltage transmission or sub transmission line is a **restricted discretionary activity.**~~

I. Any building, structure and activity in the National Grid Yard which complies with the performance standards in 4b.2.16 is a **permitted activity**.
II. Any permitted building, structure or activity which does not comply with the performance standards in 4b.2.16 or any building or structure that is not otherwise provided for, is a **non-complying activity**.

Notification:
Transpower will be considered to be an affected party where consent is required under the National Grid specific rules. Notice of any application for resource consent under this rule must be served on Transpower New Zealand Limited in accordance with Clause 10(2) of the Resource Management (Forms, Fees, and Procedure) Regulations 2003.

NOTE: For the purpose of this rule "Building" means: as defined in the National Planning Standards 2019.

~~**When considering activities under Rule 4b.1.7 Council restricts the exercise of its discretion to the following matters:**~~

a. ~~The location of the structure in relation to high-voltage transmission~~ or sub ~~transmission~~ ~~line.~~
b. ~~Any effects on the safe and efficient functioning of the transmission~~ or sub ~~transmission~~ ~~line.~~

4b.1.8 Buildings within Outstanding Landscape Areas

i. Provided that the activity has not been identified as a discretionary or non-complying activity by another rule in the Plan, within an Outstanding Landscape Area, the erection of structures:
    a. Between 5m and 10m in height; or
    b. For Masts and Poles between 5m and 20m in height; or
    c. Which are between 250m² and 1,000m² in ground floor area, and have an aggregate coverage less than 2.5% of the allotment,

    is a **restricted discretionary activity**.

EXCEPTION: This rule will not apply to the erection of structures:

a. Within Electricity Generation Core Sites.
b. For the purpose of papakāinga.
c. Within any Māori Reservation established under the Te Ture Whenua Māori Act 1993/ Māori Lands Act 1993 for the purposes of a village site, marae, scenic interest and/or wildlife protection.

The Council restricts the exercise of its discretion to the following matters:

a. The location of the structure in relation to the Landscape Attributes as described in schedule 7.1, considering;
    - ridgelines and prominent landforms,
    - the need to locate the structure within an Outstanding Landscape Area, and
    - whether there are alternatives,
    - whether the location within an Outstanding Landscape Area is shown to be justified, and
    - how the location and design mitigates any adverse effects on the Landscape Attributes of the Outstanding Landscape Area.

b. The scale of the structure on the Outstanding Landscape Area, and the ability to reduce the visual dominance of increased bulk.
c. The use of materials and colours to respond to the natural hues of the Landscape Area, and minimisation of reflectivity levels, including the utilisation of colours from the A and B Groups of the British Standard BS 5252 colour chart with reflectivity level less than 35%.
d. Measures to reduce window reflectivity by use of overhanging eaves, or low-reflectivity glass.
e. Any proposed mitigation planting to assist in integrating structures with the site, and the effectiveness of such mitigation on protecting the Landscape Attributes of the Outstanding Landscape Area.
f. The minimisation of earthworks associated with the erection of structures that may adversely affect the Landscape Attributes and character of the Outstanding Landscape Area.
g. Consideration of cumulative visual effects of structures on the Outstanding Landscape Area.
h. Consideration of the potential for erosion and land instability (including on-going erosion and land instability) resulting from the proposed earthworks, which may result in an adverse effect on Landscape Attributes.

4b.1.9 Earthworks within Outstanding Landscape Areas

Earthworks within an Outstanding Landscape Area that creates a new cut face or fill that is in excess of 1.5 metres in height, or cumulative vertical ground alteration in excess of 3.0 metres over a 12 month period, is a **restricted discretionary activity**, provided that any exposed cut or fill face located in vegetation of a height 1.5 metres or less is revegetated not later than the next growing season. Revegetation should consist of indigenous species or the same or similar species (other than pest species) present on the site prior to earthworks.

EXCEPTION: This rule will not apply to Earthworks within Electricity Generation Core Sites.

The Council restricts the exercise of its discretion to the following matters:

a. The extent to which the Earthworks will change the ground level.
b. The effect of the Earthworks on the Landscape Attributes.
c. The degree to which the finished ground levels reflect the contour of the surrounding landform.
d. The degree to which Earthworks will enable building facades to be extended below natural ground level.
e. The period that soil will be exposed.

f. Proposed methods and timing for the remediation or mitigation of potential adverse effects and the degree to which such methods would be successful, including rehabilitation, re-contouring and re-vegetation or the retention of existing vegetation.
g. Consideration of cumulative visual effects of Earthworks on the Outstanding Landscape Area.
h. The location of the Earthworks in relation to the Landscape Attributes as described in schedule 7.1, considering;
i. Ridgelines and prominent landforms,
   - the location requirement of the activity
   - whether there are alternatives.
j. Consideration of the potential for erosion and land instability (including on-going erosion and land instability) resulting from the proposed earthworks

4b.1.10 Intensive indoor primary production, greenhouses and rural industry

i. An intensive indoor primary production, greenhouses or rural industry activity which complies with performance standards 4b.2.1, 4b2.2, 4b.2.3, ~~and~~ 4b.2.5 and 4b.2.6 is a **permitted activity**.
ii. An intensive indoor primary production, greenhouses or rural industry activity which does not comply with these performance standards is a **restricted discretionary activity**.

The Council restricts the exercise of its discretion to the following matters:

a. The daily vehicle movements expected to and from the allotment.
b. The effect of the activity on the rural character of the area, having regard to visual effects and lighting effects.
c. The effect of the activity on surrounding land uses and how these effects can be managed onsite and/or mitigated.
d. The hours of operation for the activity.
e. The proposed signage associated with the activity.

~~**The Council restricts the exercise of its discretion to the following matters:**~~

~~a. The effect of the activity on the rural character of the area, having regard to visual effects and lighting effects.~~
~~b. The effect of the activity on surrounding land uses and how these effects can be managed onsite and/or mitigated.~~
~~c. The hours of operation for the activity.~~
~~d. The proposed signage associated with the activity.~~

~~4b.1.11 Earthworks within the National Grid Corridor~~

~~Earthworks in and around high voltage transmission National Grid corridor that:~~

i. are at a greater depth than 300mm within 2.2m of a pole support structure, or
ii. are at a depth than 750mm within 2.2m and 5m of a pole support structure, or
iii. are at a greater depth than 300mm within 6m of the outer visible edge of a tower support structure, or
iv. are at a greater depth than 3m between 6m and 12m of the outer visible edge of a tower support structure, or;
v. create an unstable batter; or
vi. within 12m of the centreline of an high voltage transmission network, result in a reduction of the existing conductor clearance distances.

is a **restricted discretionary activity**.

EXCEPTIONS:

- (i) and (ii) do not apply to vertical holes, not exceeding 500mm diameter, beyond 1.5m from a pole support structure
- These rules do not apply to earthworks undertaken by utilities.
- These rules do not apply to normal agricultural or domestic cultivation or repair, sealing, resealing of an existing road, footpath or driveway.

The Council restricts the exercise of its discretion to the following matters:

a. Any effects on the integrity of the transmission line.
b. Volume, area and location of the works, including temporary activities such as stockpiles.
c. Time of the works.
d. Site remediation.
e. The use of mobile machinery near transmission line which may put the line at risk.
f. Compliance with NZECP 34:2001

4b.1.11 Earthworks or vertical holes in the National Grid Yard

i. Earthworks or vertical holes in the National Grid Yard which comply with the performance standards in 4b.2.17 are a **permitted activity**.
ii. Earthworks or vertical holes which do not comply with the performance standards in 4b.2.17 are a **non-complying activity**.

4b.1.12 Noise Corridor Boundary Overlay

i. Within the Noise Corridor Boundary Overlay, where:
   a) a new building that contains a noise sensitive activity (as identified in Table 1); or
   b) an alteration to an existing building resulting in an increase in floor area of a noise sensitive activity; or
   c) a new noise sensitive activity is located in an existing building;

is proposed which complies with the performance standards in 4b.2.18 is a **permitted activity**.

ii. Any new or altered noise sensitive activity proposed which does not comply with 4b.2.18 is a **restricted discretionary activity**.

The Council restricts the exercise of its discretion to the following matters:

a. Whether the location of the building minimises effects.
b. Alternative mitigation which manages the effects of the non-compliance on the health and amenity of occupants.
c. The outcome of any consultation with Waka Kotahi NZ Transport Agency.

4b.2 Performance Standards – General Rural Environment

4b.2.1 Vehicle movements

i. 200 'equivalent vehicle movements' per day for the allotment ~~where access is to a local road~~.
ii. Papakāinga - 100 'equivalent vehicle movements' per day for the allotment or 24 per dwelling, whichever is the greater.
iii. 100 'equivalent vehicle movements' per day where access is to a State Highway.

EXCEPTION: This performance standard shall not apply to traffic movements involved in forest harvesting operations ~~where access is to a local road~~ or existing and/or consented renewable electricity generation activities.

NOTE: Any accessway onto the State Highway should be developed as per the Waka Kotahi Planning Policy Manual Appendix 5B Standards and Guidelines or any future updates or replacements to this standard.

4b.2.2 Maximum building coverage

i. 10% of the total allotment area.

4b.2.3 Maximum building size

i. 5,000m^2 gross floor area for a single building.

4b.2.4 Maximum density of primary residential units

i. One primary residential unit per 10 hectares.

EXCEPTION: Papakāinga.

4b.2.5 Maximum building height

i. 12 metres.
ii. 5 metres in a height restricted area.
iii. 5 metres in an Outstanding Landscape Area.
iv. 15 metres for renewable ~~E~~electricity ~~G~~generation activities on land identified as a Geothermal Area in Section O within an Electricity Generation Core Site.

EXCEPTIONS:

- Activities associated with the investigation, identification and assessment of potential sites and energy sources for renewable electricity generation by existing and prospective generators including wind monitoring masts – no height limit.
- Cranes being used as part of any construction or maintenance works for the duration of the works – no height limit.
- Drilling Rigs for up to 60 days per well ~~allotment~~ – no height limit.

4b.2.6 Minimum building setbacks

i. 30 metre setback for dwellings, minor residential units and other buildings from the front boundary.
ii. 15 metres setback for dwellings, minor residential units and other buildings from all other boundaries.
iii. 25 metres in Outstanding Landscape Areas from all boundaries.
iv. 200 metres for buildings for the management of farmed animals from all boundaries. NOTE: Buildings with a floor area of 150m^2 or less are exempt from this definition
v. There shall be no front boundary setback for buildings and activities associated with Electricity Generation and Renewable Energy Generation Activities on land identified as Geothermal Area in Section O within an Electricity Generation Core Site where the road extends over any power generation Building or Structure.
vi. There shall be no boundary setback for buildings and activities associated with Electricity Generation on land identified as Geothermal Area in Section O within an Electricity Generation Core Site.
vii. All new buildings must be setback at least 30m from the legal boundary of an existing plantation forest.

EXCEPTION: For the purpose of this performance standard water tanks are not required to comply with the setback requirements in this standard.

4b.2.7 Minor residential units

A maximum of one minor residential unit per primary residential unit. ~~per allotment~~.

i. All minor residential units or accommodation activity units shall:

a. Be no larger than 100m^2 in size (inclusive of garaging).
b. Be located no greater than ~~20~~ 40 metres from the primary residential unit.
c. Share an accessway/driveway with the primary residential unit.

EXCEPTION: Papakāinga.

NOTE: Minor residential units also include accommodation activities, tiny homes/houses, caravans and other structures used for accommodation for more than two consecutive months in a calendar year on the allotment.

4b.2.8 Commercial and industrial activities, and home businesses

i. Any indoor or outdoor space used for commercial, industrial (excluding rural industry) or home business purposes, shall have a gross floor area less than 100m^2 for indoor activities, or 100m^2 of land area for outdoor activities.
ii. For home businesses the principal operator of the home business must be a permanent resident on the site to which the home business relates.

EXCEPTION: Home business or commercial activities within a Papakāinga.

4b.2.9 Maximum Noise – Limits

i. The noise level arising from any activity measured within the notional boundary of any General Rural Environment or Rural Lifestyle Environment site or within the boundary of any residential environment site, other than the site where the noise is generated, shall not exceed the following limits:
   a) 7.00am – 10.00pm 55dBA L_{eq}
   b) 10.00pm – 7.00am 40dBA L_{eq} and 70dBA L_{max}

NOTE: For specific noise refer to following Performance Standards.

NOTE: The noise levels shall be measured in accordance with the requirements of NZS 6801:2008 Acoustics – Measurement of Environmental Sound and assessed in accordance with the requirements of NZS6802:2008 Assessment of Environmental Sound.

4b.2.10 Maximum Noise – Construction Noise

i. All construction noise shall meet the requirements of New Zealand Standard NZS 6803: 1999 Acoustics Construction Noise.

4b.2.11 Maximum Noise – Electricity Generation Core Sites

i. Noise from uses at Electricity Generation Core Sites established either prior to the notification of this Plan (July 2000) or approved by way of resource consent shall comply with the noise limits specified in 4b.2.9 above as measured:
   a) Outside the noise control boundary relating to each Electricity Generation Core Site as shown on the Planning Maps; or
   b) Within the Notional Boundary of any Dwelling within the General Rural Environment or Rural Lifestyle Environment where this is beyond the noise control boundary; or
   c) At the boundary of the Residential Environment where this is beyond the noise control boundary.
   d) Any new Buildings with habitable rooms (i.e. Dwellings, retirement homes, etc), built within the noise control boundaries shall be required to ensure they are appropriately designed to achieve suitable internal noise levels (35dBA L_{eq}).
   e) The noise control boundary will be either the Electricity Generation Core Site boundary or the existing 40dBA L_{eq} and 75dBA L_{max} contour where this is beyond the Core Electricity Generation Site boundary, as shown on the planning maps.

4b.2.12 Maximum Noise – Well Drilling and Testing

i. Noise from well drilling and testing:
   a) at the boundary of any site within the Residential Environment;
   b) within the notional boundary of any dwelling or accommodation activity within the General Rural Environment or Rural Lifestyle Environment shall not exceed the noise levels set out below, measured and assessed in accordance with the provisions of NZS 6803:1999 Acoustics – Construction Noise, if the occupiers do not agree to vacate the premises at the noise generator's expense during the drilling period.

ii. Time Period Monday to Sunday (inclusive):

	L_{eq}	L_{max}
7.00am – 10.00pm	70	85
10.00pm – 7.00am	60	75

4b.2.13 Maximum Noise – Other

i. Nothing in the foregoing Performance Standards shall apply to farm animals including working dogs, and to ~~agricultural and forestry~~ primary production vehicles, agricultural aviation ~~aircraft~~ and support vehicles, including ancillary activities such as the use of frost fans and bird scaring devices, ~~agricultural and forestry~~ primary production machinery or equipment (including mobile plant at

produce packing facilities but excluding sawmilling equipment), operated and maintained in accordance with the manufacturer's specifications in accordance with accepted management practices (e.g. for milking, spraying, harvesting, packing, forest harvesting and the like). Provided that the activity shall comply with the requirements of S16 of the Resource Management Act 1991and S98 of the National Environmental Standards for Plantation Forestry 2017.

ii. Nothing in the foregoing Performance Standards shall apply to sirens, circuit breakers, bursting discs, emergency or upset operating conditions and hydro spills associated with the operation of Rrenewable electricity generation activities within Electricity Generation Core sites. Provided that the activity shall comply with the requirements of S16 of the Resource Management Act 1991.

4b.2.14 Parking, Loading and Access

i. In accordance with Section 6: Parking Loading and Access

4b.2.15 Signage

i. Maximum of one sign per allotment.
ii. Maximum total face area of sign - 2m².
iii. Signage must relate to the activity undertaken on the allotment.
iv. No flashing, reflectorised or illuminated signage.
v. One temporary sign per allotment for the sale of land or buildings of not more than 2m^2 total face area.

vi. Where a sign faces a State Highway:

a) A sign must not display more than 6 words, symbols, or graphics and no more than 40 characters.

b) Lettering and symbols used must be at least 160 millimetres in height.

EXCEPTIONS: Official signs required by statute and warning signs related to aspects of public safety are not required to comply with the standards.

4b.2.16 Buildings, structures and activities in the National Grid Yard

i. The activity, building or structure is not used for or associated with a sensitive activity.
ii. Accessory buildings or structures for sensitive activities located more than 12m from a National Grid support structure, that are no more than 2.5m in height and no more than 10m^2 in area.
iii. The building or structure meets the safe electrical clearance distances required by New Zealand Electrical Code of Practice for Safe Electrical Distances (NZECP 34:2001) under all transmission line operating conditions and is:

a) a fence or artificial screen not exceeding 2.5 metres in height measured from ground level.
b) an uninhabited farm or horticultural structure or building (but not intensive indoor primary production, commercial greenhouses, wintering barns, produce packing facilities, or milking/dairy sheds (excluding ancillary stockyards and platforms)).
c) irrigation equipment used for agricultural or horticultural purposes including the reticulation and storage of water where it does not permanently physically obstruct existing vehicular access to a National Grid support structure.
d) undertaken by a network utility operator, infrastructure or any part of electricity infrastructure that connects to the National Grid.

iv. The building or structure does not permanently physically impede existing vehicular access to any National Grid support structure.

v. The building or structure is not for the handling or storage of Class 1-4 hazardous substances (Hazardous Substances (Hazard Classification) Notice 2020) with explosive or flammable intrinsic properties (except this does not apply to the accessory use and storage of hazardous substances in domestic scale quantities).

vi. The building or structure is located at least 12 metres from the outer visible edge of a foundation of a National Grid transmission line support structure, except where it:
a) is a fence or artificial screen not exceeding 2.5 metres in height that is located at least 6 metres from the outer visible edge of a foundation of a National Grid transmission line tower.
b) meets the requirements of clause 2.4.1 of New Zealand Electrical Code of Practice for Safe Electrical Distances (NZECP 34:2001)
c) undertaken by a network utility operator, infrastructure or any part of electricity infrastructure that connects to the National Grid.

NOTE: For the purpose of this rule "Building" means: as defined in the National Planning Standards 2019.

4b.2.17 Earthworks or vertical holes in the National Grid Yard

i. Earthworks or vertical hole/s must not:
a) exceed 300mm in depth within 6m of the outer visible edge of a National Grid support structure;
b) exceed 3m depth where located between 6m and 12m of the outer edge of the visible foundation of any National grid support structure;

c) result in a reduction of the ground to conductor clearance distances as required in Table 4 of the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001;
d) result in the permanent loss or obstruction of vehicular access to a National Grid support structure; and
e) compromise the stability of a National Grid support structure.

ii. The following earthworks or vertical holes activities are exempt from i. a) and b) above:
a) earthworks or vertical hole/s, excluding mining and quarrying, that are undertaken by a network utility operator as defined by the Resource Management Act 1991;
b) earthworks or vertical hole/s, excluding mining and quarrying, as part of agricultural or domestic cultivation, or for the repair, sealing or resealing of a road, footpath, driveway or farm track;
c) earthworks subject to a dispensation from Transpower under New Zealand Electrical Code of Practice for Safe Electrical Distances (NZECP 34:2001).

Notification:

Application for resource consent under this rule will be decided without public notification. Transpower is likely to be the only affected person determined in accordance with section 95B of the Resource Management Act 1991.

4b.2.18 Noise Control Boundary Overlay – Sensitive Activities

i. Within the Noise Corridor Boundary Overlay, where:
a) a new building that contains a noise sensitive activity (as identified in Table 1); or
b) an alteration to an existing building resulting in an increase in floor area of a noise sensitive activity; or
c) a new noise sensitive activity is located in an existing building;
is proposed, it shall be:
I. Designed, constructed and maintained to achieve indoor design noise levels not exceeding the maximum values in Table 1; and
II. If windows must be closed to achieve the design noise levels in I. above, the building is designed, constructed and maintained with a mechanical ventilation system that:
a. For habitable rooms for a residential activity, achieves the following requirements:
- Provides mechanical ventilation to satisfy clause G4 of the New Zealand Building Code; and

- is adjustable by the occupant to control the ventilation rate in increments up to a high air flow setting that provides at least 6 air changes per hour; and
- provides relief for equivalent volumes of spill air; and
- provides cooling and heating that is controllable by the occupant and can maintain the inside temperature between 18C and 25C; and
- Does not generate more than 35 dB LAeq (30s) when measured 1 metre away from any grille or diffuser.

b. For other spaces, is as determined by a suitably qualified and experienced person; and

III. A report is submitted by a suitably qualified and experienced person to the Council demonstrating compliance with I. and II. above (as relevant) prior to the construction or alteration of any building containing an activity sensitive to noise.

IV. Instead of I., II. and III. above, is within the Noise Corridor Boundary Overlay but is at least 50 metres from the carriageway of any State Highway and is designed so that a noise barrier entirely blocks line-of-sight from all parts of doors and windows to the road surface.

Table 1: Noise Sensitive Activities and their Maximum Permissible Road Noise Level

Occupancy/activity	**Maximum road noise level LAeq (24h) *Note 1**
Building type: Residential	
Sleeping spaces	40 dB
All other habitable rooms	40 dB
Building type: Education	
Lecture rooms/theatres, music studios, assembly halls	35 dB
Teaching areas, conference rooms, drama studios, sleeping areas	40 dB
Libraries	45 dB
Building type: Health	
Overnight medical care, wards	40 dB
Clinics, consulting rooms, theatres, nurses' stations	45 dB
Building type: Cultural	
Places of worship, marae	35 dB

Note 1: The design road noise is to be based on measured or predicted external noise levels plus 3 dB.

4b.3 General Rules – Rural Lifestyle Environment

4b.3.1 Activities in the Rural Lifestyle Environment

i. Any activity that:
   a. complies with all of the Performance Standards for the Rural Lifestyle Environment; and
   b. complies with all the District Wide Performance Standards; and
   c. is not identified as a controlled, restricted discretionary, discretionary or non-complying activity within the Rural Lifestyle Environment; and
   d. is not identified as a controlled, restricted discretionary, discretionary or non-complying activity within the District Wide Rules;

   is a **permitted activity**.

ii. Any activity that is not a permitted, controlled, restricted discretionary or a non-complying activity is a **discretionary activity**.

4b.3.2 Minor residential units

i. A minor residential unit which complies with the performance standards is a **permitted activity**.
ii. A minor residential unit which does not comply with the performance standards is a **restricted discretionary activity**.
iii. A minor residential unit within the Rural Lifestyle Environment as it applies to Centennial Drive is a **non-complying activity**.

When considering activities under Rule 4b.3.2 Council restricts the exercise of its discretion to the following matters:

a. The proximity between the primary residential unit and the minor residential unit.
~~a.~~ b. The extent to which the residential unit and vehicle access point design, siting and external appearance adversely affects rural character and amenity.
~~b.~~ c. Site topography and orientation and whether the residential unit(s) and vehicle access point can be more appropriately located to minimise adverse visual amenity effects.
~~c.~~ e. Effect on nearby sites, including outlook and privacy.
~~d.~~ Whether the residential unit and the vehicle access point can be more appropriately located to maintain, enhance or restore indigenous biodiversity values.
~~e.~~ f. The ability to mitigate adverse effects through the use of screening, planting, landscaping and alternative design.
g. Proposed methods for the avoidance, remedying or mitigation of potential adverse effects, and the degree to which they would be successful

h. The likelihood of future subdivision which results in the minor residential unit being on a separate allotment to the primary residential unit.

~~**In addition to the above, for the purposes of assessment under Rule 4b.3.2iii the matters over which the Council reserves control for the purpose of assessment include:**~~

~~a. Any effects on the functioning of the General Rural Environment and other Environments including adverse effects on infrastructure, renewable electricity generation activities and access to renewable energy resources.~~

4b.3.3 Home business, commercial, and retail activities

i. A home business, commercial and retail activity which complies with performance standards is a **permitted activity**.
ii. A home business, commercial and retail activity which does not comply with performance standards is a **restricted discretionary activity**.

When considering activities under Rule 4b.3.3 Council restricts the exercise of its discretion to the following matters:

i. The effect of the activity on the Rural Lifestyle Environment character.
ii. The effects of the activity's vehicle movements, parking, loading and access on the network.
iii. Any nuisance effects such as odour, noise and glare are managed within the site.

4b.3.4 Intensive indoor primary production

i. An intensive indoor primary production activity which complies with performance standards is a **permitted activity**.
ii. An intensive indoor primary production activity which does not comply with performance standards is a **discretionary activity**.

4b.3.5 Temporary Activities

i. Any temporary activity, being an activity of up to a total of four operational days in any 6 month period, which exceeds any performance standard(s), is a **permitted activity**, provided that:
    a. There are no new permanent structures constructed; and
    b. Once the activity has ceased, the site (including vegetation and the surface of the ground of the site) is re-instated to its condition prior to the activity commencing; and
    c. An allowance of 14 non-operational days in any six month period associated with the activity is not exceeded.

4b.3.6 Papakāinga

i. Papakāinga on Māori customary land and Māori freehold land which complies with all of the performance standards in 4b.4 is a **permitted activity**
ii. Papakāinga on Māori customary land and Māori freehold land which does not comply with one or more performance standard in 4b.4 is a **Restricted Discretionary activity**
iii. Papakāinga on general land owned by Māori is a **Restricted Discretionary activity**
iv. Applications under Rules 4b.3.6 ii or iii will not be notified.

When considering activities under Rule 4b.3.6 ii and iii Council restricts the exercise of its discretion to the following matters:

a. Those performance standards in 4b.4 which the proposal did not comply with
b. Any effects on the functioning of the rural environment including effects on rural infrastructure.
c. For 4b.3.6 iii, in addition to a and b:
    a. Historical reasons why the land was given general title
    b. Whether the land can be converted to Māori title under Te Ture Whenua Act 1993
    c. Any documents or mechanisms provided by the applicant to demonstrate that the land will be secured for permanent Māori administration and maintenance of the land title.

4b.3.7 ~~High voltage transmission lines~~ Buildings, structures and activities in the National Grid Yard

~~i. Any building (except network utilities) located within 0 – 12 metres of a high-voltage transmission or sub transmission line is a **restricted discretionary activity.**~~

i. Any building, structure and activity in the National Grid Yard which complies with the performance standards in 4b.4.16 is a **permitted activity**.
ii. Any permitted building, structure or activity which does not comply with the performance standards in 4b.4.16 or any building or structure that is not otherwise provided for, is a **non-complying activity**.

Notification:
Transpower will be considered to be an affected party where consent is required under the National Grid specific rules. Notice of any application for resource consent under this rule must be served on Transpower New Zealand Limited in accordance with Clause 10(2) of the Resource Management (Forms, Fees, and Procedure) Regulations 2003.

NOTE: For the purpose of this rule "Building" means: as defined in the National Planning Standards 2019.

When considering activities under Rule 4b.3.7 Council restricts the exercise of its discretion to the following matters:

a. The location of the structure in relation to high-voltage transmission or sub transmission line.
b. Any effects on the safe and efficient functioning of the transmission or sub transmission line.

The Council restricts the exercise of its discretion to the following matters:

a. The effect of the activity on the rural character of the area, having regard to visual effects and lighting effects.
b. The effect of the activity on surrounding land uses and how these effects can be managed onsite and/or mitigated.
c. The hours of operation for the activity.
d. The proposed signage associated with the activity.

4b.3.X Earthworks within the National Grid Corridor

Earthworks in and around high voltage transmission National Grid corridor that:

vii. are at a greater depth than 300mm within 2.2m of a pole support structure, or
viii. are at a depth than 750mm within 2.2m and 5m of a pole support structure, or
ix. are at a greater depth than 300mm within 6m of the outer visible edge of a tower support structure, or
x. are at a greater depth than 3m between 6m and 12m of the outer visible edge of a tower support structure, or;
xi. create an unstable batter; or
xii. within 12m of the centreline of an high voltage transmission network, result in a reduction of the existing conductor clearance distances.
is a **restricted discretionary activity**.

EXCEPTIONS:

- (i) and (ii) do not apply to vertical holes, not exceeding 500mm diameter, beyond 1.5m from a pole support structure
- These rules do not apply to earthworks undertaken by utilities.
- These rules do not apply to normal agricultural or domestic cultivation or repair, sealing, resealing of an existing road, footpath or driveway.

The Council restricts the exercise of its discretion to the following matters:

a. Any effects on the integrity of the transmission line.

~~b. Volume, area and location of the works, including temporary activities such as stockpiles.~~
~~c. Time of the works.~~
~~d. Site remediation.~~
~~e. The use of mobile machinery near transmission line which may put the line at risk.~~
f. ~~Compliance with NZECP 34:2001~~

4b.3.8 Earthworks or vertical holes in the National Grid Yard

i. Earthworks or vertical holes in the National Grid Yard which comply with the performance standards in 4b.4.17 are a **permitted activity**.
ii. Earthworks or vertical holes which do not comply with the performance standards in 4b.4.17 are a **non-complying activity**.

4b.3.9 Noise Corridor Boundary Overlay

i. Within the Noise Corridor Boundary Overlay, where:
    a) a new building that contains a noise sensitive activity (as identified in Table 1); or
    b) an alteration to an existing building resulting in an increase in floor area of a noise sensitive activity; or
    c) a new noise sensitive activity is located in an existing building;

    is proposed which complies with the performance standards in 4b.4.18 is a **permitted activity**.
ii. Any new or altered noise sensitive activity proposed which does not comply with 4b.4.18 is a **restricted discretionary activity**.

The Council restricts the exercise of its discretion to the following matters:

a. Whether the location of the building minimises effects.
b. Alternative mitigation which manages the effects of the non-compliance on the health and amenity of occupants.
c. The outcome of any consultation with Waka Kotahi NZ Transport Agency.

4b.4 Performance Standards – Rural Lifestyle Environment

4b.4.1 Vehicle movements

i. 50 equivalent vehicle movements per day for the allotment.
ii. Papakāinga: 100 vehicle movements per day for the allotment or 24 per dwelling, whichever is the greater.

EXCEPTION: This performance standard shall not apply to traffic movements involved in forest harvesting operations.

4b.4.2 Maximum building coverage

i. 10% of the total allotment area.

4b.4.3 Maximum building size

i. 500m² gross floor area for a single building.

4b.4.4 Maximum density of primary residential units

i. One primary residential unit per two hectares.
ii. One primary residential unit per four hectares for lots adjoining the General Rural Environment.
iii. One primary residential unit per four hectares in Areas X and Y (shown on planning map D3 Geothermal Subdivision Rule).

EXCEPTION: Papakāinga.

4b.4.5 Minor residential units

i. No more than one minor residential unit per primary residential unit is permitted.
ii. All minor residential units shall:
    a. Be no larger than 100m² in size (inclusive of garaging).
    b. Be located no greater than ~~20~~ 40 metres from the primary residential unit.
    c. Share an accessway/driveway with the primary residential unit.

EXCEPTION: Papakāinga.

EXCEPTION: No further minor residential units are provided for within the Rural Lifestyle Environment as it applies to Centennial Drive, and any such application is a non-complying activity as per 4b.3.2.

NOTE: Minor residential units also include accommodation activities, tiny homes/houses, caravans and other structures used for accommodation for more than two consecutive months in a calendar year on the allotment.

4b.4.6 Maximum building height

i. The maximum height of a building shall not exceed 10 metres.

4b.4.7 Minimum building setbacks

i. 30 metre setback for dwellings and minor residential units and other buildings from the front boundary.
ii. 15 metres for dwellings, and minor residential units and other buildings from all other boundaries except as restricted by clause iii.

iii. Dwellings and minor residential units shall be setback a minimum of 50 metres from the General Rural Environment.

EXECPTION: Water tanks are not required to comply with the setback requirements in this rule.

4b.4.8 Intensive indoor primary production

i. Any intensive indoor primary production activity shall involve less than 100m^2 in gross floor area, or be within a building up to 100m² gross floor area per hectare within the allotment, up to a total of 250m² gross floor area.

4b.4.9 Home business, commercial, and retail activities

i. Any indoor or outdoor space used for a home business, commercial or retail purposes, shall be less than 100m^2 in gross floor area for indoor activities, or 100m² of land area for outdoor activities.
ii. For home businesses the principal operator of the home business must be a permanent resident on the site to which the home business relates.

EXCEPTION: Papakāinga.

4b.4.10 Signage

i. Maximum one sign per allotment.
ii. Maximum total face area - 1m².
iii. Signage must relate to the activity undertaken on the allotment.
iv. No flashing, reflectorised or illuminated signs.
v. One temporary sign per allotment, 2m² total face area, for the sale of land or buildings.
vi. Where the sign faces a State Highway:
    a) The sign must not display more than 6 words, symbols, or graphics and no more than 40 characters.
    b) Lettering and symbols used must be at least 160 millimetres in height.

4b.4.11 Parking Loading and Access

i. In accordance with Section 6: Parking, Loading and Access.

4b.4.12 Maximum Artificial Light Level

i. 8 LUX (lumens per square metre) at the boundary.

4b.4.13 Maximum Noise – Limits

i. The noise levels shall be measured in accordance with the requirements of NZS 6801:2008 Acoustics – Measurement of Environmental Sound and assessed in accordance with the requirements of NZS 6802:2008 Assessment of Environmental Sound.

7.00am – 7.00pm 50dBA L_{eq}

7.00pm – 10.00pm 45dBA L_{eq}

10.00pm – 7.00am 40dBA L_{eq} and 70dBA L_{max}

NOTE: The noise levels shall be measured in accordance with the requirements of NZS 6801:2008 Acoustics – Measurement of Environmental Sound and assessed in accordance with the requirements of NZS 6802:2008 Assessment of Environmental Sound.

4b.4.14 Maximum Noise - Construction Noise

i. All construction noise shall meet the requirements of New Zealand Standard NZS 6803:1999 Acoustics Construction Noise.

4b.4.15 Maximum Noise – Telecommunication and electricity equipment

i. The noise rating level ~~Noise~~ from ~~telecommunication equipment and~~ electricity substations and transformers located in the road reserve permitted by the plan shall comply with the noise limits specified in ~~4a.4.12~~ 4b.4.14 above as measured ~~and~~ at a point 1 metre from the closest façade of the nearest dwelling.

4b.4.16 Buildings, structures and activities in the National Grid Yard

i. The activity, building or structure is not used for or associated with a sensitive activity.

ii. Accessory buildings or structures for sensitive activities located more than 12m from a National Grid support structure, that are no more than 2.5m in height and no more than 10m^2 in area.

iii. The building or structure meets the safe electrical clearance distances required by New Zealand Electrical Code of Practice for Safe Electrical Distances (NZECP 34:2001) under all transmission line operating conditions and is:

a) a fence or artificial screen not exceeding 2.5 metres in height measured from ground level.

b) an uninhabited farm or horticultural structure or building (but not intensive indoor primary production, commercial greenhouses, wintering barns, produce packing facilities, or milking/dairy sheds (excluding ancillary stockyards and platforms)).

c) irrigation equipment used for agricultural or horticultural purposes including the reticulation and storage of water where it does not permanently physically obstruct existing vehicular access to a National Grid support structure.

d) undertaken by a network utility operator, infrastructure or any part of electricity infrastructure that connects to the National Grid.

iv. The building or structure does not permanently physically impede existing vehicular access to any National Grid support structure.

v. The building or structure is not for the handling or storage of Class 1-4 hazardous substances (Hazardous Substances (Hazard Classification) Notice 2020) with explosive or flammable intrinsic properties (except this does not apply to the accessory use and storage of hazardous substances in domestic scale quantities).

vi. The building or structure is located at least 12 metres from the outer visible edge of a foundation of a National Grid transmission line support structure, except where it:

a) is a fence or artificial screen not exceeding 2.5 metres in height that is located at least 6 metres from the outer visible edge of a foundation of a National Grid transmission line tower.

b) meets the requirements of clause 2.4.1 of New Zealand Electrical Code of Practice for Safe Electrical Distances (NZECP 34:2001)

c) undertaken by a network utility operator, infrastructure or any part of electricity infrastructure that connects to the National Grid.

NOTE: For the purpose of this rule "Building" means: as defined in the National Planning Standards 2019.

4b.4.17 Earthworks or vertical holes in the National Grid Yard

i. Earthworks or vertical hole/s must not:

a) exceed 300mm in depth within 6m of the outer visible edge of a National Grid support structure;

b) exceed 3m depth where located between 6m and 12m of the outer edge of the visible foundation of any National grid support structure;

c) result in a reduction of the ground to conductor clearance distances as required in Table 4 of the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001;

d) result in the permanent loss or obstruction of vehicular access to a National Grid support structure; and

e) compromise the stability of a National Grid support structure.

ii. The following earthworks or vertical holes activities are exempt from i. a) and b) above:

a) earthworks or vertical hole/s, excluding mining and quarrying, that are undertaken by a network utility operator as defined by the Resource Management Act 1991;

b) earthworks or vertical hole/s, excluding mining and quarrying, as part of agricultural or domestic cultivation, or for the repair, sealing or resealing of a road, footpath, driveway or farm track;
c) earthworks subject to a dispensation from Transpower under New Zealand Electrical Code of Practice for Safe Electrical Distances (NZECP 34:2001).

Notification:

Application for resource consent under this rule will be decided without public notification. Transpower is likely to be the only affected person determined in accordance with section 95B of the Resource Management Act 1991.

4b.4.18 Noise Control Boundary Overlay – Sensitive Activities

i. Within the Noise Corridor Boundary Overlay, where:
   a) a new building that contains a noise sensitive activity (as identified in Table 1); or
   b) an alteration to an existing building resulting in an increase in floor area of a noise sensitive activity; or
   c) a new noise sensitive activity is located in an existing building;

   is proposed, it shall be:
   I. Designed, constructed and maintained to achieve indoor design noise levels not exceeding the maximum values in Table 1; and
   II. If windows must be closed to achieve the design noise levels in I. above, the building is designed, constructed and maintained with a mechanical ventilation system that:
      a. For habitable rooms for a residential activity, achieves the following requirements:
         - Provides mechanical ventilation to satisfy clause G4 of the New Zealand Building Code; and
         - is adjustable by the occupant to control the ventilation rate in increments up to a high air flow setting that provides at least 6 air changes per hour; and
         - provides relief for equivalent volumes of spill air; and
         - provides cooling and heating that is controllable by the occupant and can maintain the inside temperature between 18C and 25C; and
         - Does not generate more than 35 dB LAeq (30s) when measured 1 metre away from any grille or diffuser.
      b. For other spaces, is as determined by a suitably qualified and experienced person; and

III. A report is submitted by a suitably qualified and experienced person to the Council demonstrating compliance with I. and II. above (as relevant) prior to the construction or alteration of any building containing an activity sensitive to noise.

IV. Instead of I., II. and III. above, is within the Noise Corridor Boundary Overlay but is at least 50 metres from the carriageway of any State Highway and is designed so that a noise barrier entirely blocks line-of-sight from all parts of doors and windows to the road surface.

Table 1: Noise Sensitive Activities and their Maximum Permissible Road Noise Level

Occupancy/activity	**Maximum road noise level LAeq (24h) *Note 1**
Building type: Residential	
Sleeping spaces	40 dB
All other habitable rooms	40 dB
Building type: Education	
Lecture rooms/theatres, music studios, assembly halls	35 dB
Teaching areas, conference rooms, drama studios, sleeping areas	40 dB
Libraries	45 dB
Building type: Health	
Overnight medical care, wards	40 dB
Clinics, consulting rooms, theatres, nurses' stations	45 dB
Building type: Cultural	
Places of worship, marae	35 dB

Note 1: The design road noise is to be based on measured or predicted external noise levels plus 3 dB.

4b.5 Subdivision Rules

4b.5.1 Subdivision – General Rural Environment

i. Subdivision resulting in lots that are 10 hectares or larger is a **controlled activity**.

ii. Subdivision resulting in lots that are smaller than 10 hectares is a **non-complying activity**.

4b.5.2 Subdivision – Rural Lifestyle Environment that adjoins the General Rural Environment

i. Subdivision resulting in lots that are 4 hectares or larger adjoining the General Rural Environment is a **controlled activity**.
ii. Subdivision resulting in lots that are larger than 2 hectares but smaller than 4 hectares ~~smaller than 4 hectares~~ adjoining the General Rural Environment is a **discretionary activity**.
iii. Subdivision resulting in lots that are 2 hectares or less adjoining the General Rural Environment is a **non-complying activity.**

4b.5.3 Subdivision – Rural Lifestyle Environment that does not adjoin the General Rural Environment

i. Subdivision resulting in lots that are 2 hectares or larger that do not adjoin the General Rural Environment is a **controlled activity**.
ii. Subdivision resulting in lots that are smaller than 2 hectares that do not adjoin the General Rural Environment is a **non-complying activity**.

4b.5.4 Subdivision – Rural Lifestyle Environment on land containing Land Use Capability Class 3 Soils

i. Subdivision resulting in lots that are larger than 2 hectares but smaller than 10 hectares on land containing Land Use Capability Class 3 Soils is a **discretionary activity**.

ii. Subdivision resulting in lots that are 2 hectares or less on land containing Land Use Capability Class 3 Soils is a **non-complying activity**.

NOTE: This rule pertains to the Land Use Capability Class 3 soils as defined under the National Policy Statement for Highly Productive Land 2022.

For the purposes of Rules 4b.5.1.i, 4b.5.2.i, ~~and~~ 4b.5.3.i, 4b.5.4i and 4b.5.5i, the matters over which the Council reserves control for the purpose of assessment are:

a) The design and layout of the subdivision to ensure safe and efficient access onto existing and/or proposed roads, multi-modal connectivity if appropriate, suitable building platforms to accommodate future complying buildings, and adequate management of stormwater.
b) The identification of any natural hazards or contaminated sites and how these may affect the stability of the land and suitability of any future building sites, including any information provided by a suitably qualified person whose investigations are supplied with the subdivision application.
c) Whether the desired environmental outcome with a consistent and appropriate standard of infrastructure is achieved such as through compliance

with the Council's and/or Industry Development Guidelines and Structure Plans.

d) The extent to which earthworks and vegetation removal is required to create vehicle tracks and building platforms.
e) Any actual or potential effects on areas or features of cultural, historic, landscape or natural value as identified in the plan.
f) The imposition of conditions in accordance with Sections 108 and 220 of the Resource Management Act 1991.
g) Any potential adverse effects from Natural Hazards, including flood inundation or erosion from the District's waterways and Lakes, and fault lines.
h) Any immediate adverse or potentially adverse effects, including cumulative effects, on the amenity and landscape values of the Rural Environment, and the methods by which such effects can be remedied or mitigated.
i) Any effects on the functioning of the Rural Environment including adverse effects on infrastructure, renewable electricity generation activities and access to renewable energy resources.
j) ~~Subdivision within the National Grid Corridor is able to accommodate a building platform for any building which is located entirely outside of the National Grid Corridor.~~

In addition to the above, for the purposes of assessment under Rule 4b.5.2iii the matters over which the Council reserves control for the purpose of assessment are:

a. Any potential reverse sensitivity effects on surrounding land-based primary productive activities.

b. Any potential effects on the functioning of adjacent properties and the location of existing dwellings and sensitive activities

In addition to the above, for the purposes of assessment under Rule 4b.5.4i the matters over which the Council reserves control for the purpose of assessment are:

a. Any potential adverse effects on the cumulative loss of the availability and productive capacity of highly productive land.

b. Any potential reverse sensitivity effects on surrounding land-based primary productive activities.

4b.5.5 Subdivision – Default Activity Status

i. Any subdivision which is not identified as controlled, restricted discretionary, or non-complying activity, is a **discretionary activity**.

4b.5.6 Subdivision resulting in a new public road, or extension of existing public road

i. Any subdivision or activity which results in a new public road or extension of existing public roads, water, stormwater or wastewater utility services is a **restricted discretionary activity**.

The Council restricts the exercise of its discretion to the following matters:

a. The impact of the resulting development on the ability of the wastewater, stormwater and drinking water infrastructure to service the existing service area as well as the new development;
b. The impact of the resulting development on the ability of the roading networks to safely and sustainably operate and service the new development including the need for connectivity to adjoining land and other roads and the facilitation of multimodal transport;
c. The effect that the development will have on the stormwater catchment.

4b.5.7 Subdivision – Other

i. Any subdivision of land for the sole purpose of providing for infrastructure, or access lots, or legal protection in perpetuity of Significant Natural Areas, is a **controlled activity**.

Provided that the activity has not been identified as a discretionary activity by another rule in the plan, any subdivision of land in the General Rural Environment and Rural Lifestyle Environment where:

ii. the resulting allotments are 10ha or larger in the General Rural Environment, and 4ha or larger in the Rural Lifestyle Environment; and
iii. for any subdivision of land in Area Y shown on Map D3, a covenant forms part of the documentation supporting the subdivision consent application (which shall be registered on the additional titles created) specifying that no complaints shall be made in relation to the effects of any geothermal power generation related activities and associated structures consented as at 15 September 2008, or lawfully occurring, including effects such as noise, vibration, odour or visual effects. Such covenant need not apply to:
    a. the certificates of title that contain any dwelling that existed prior to any subdivision, or
    b. in cases where there was no dwelling existing prior to subdivision, a single exempt title to be nominated by the subdivision applicant

is a **controlled activity.**

iv. Any subdivision of land in the ~~General Rural Environment or~~ Rural Lifestyle Environment that is located within Area X[79] on Planning Map D3 where the resulting lots are 4 hectares or larger, or is located in Area Y on Planning Map D3 where the resulting lots are between 4 hectares and 10 hectares, is a **discretionary activity**.

v. Any subdivision of land in the General Rural Environment or Rural Lifestyle Environment that is located with Area X or Area Y on Planning Map D3 where the resulting lots are less than 4 hectares is a **non-complying activity.**

NOTE: 4b.5.7 does not relate to the creation of Bonus Lots, but subdivision of all or part of a Significant Natural Area for reasons of covenanting or other form of legal protection of that Area.

For the purposes of Rules 4b.5.7(i), (ii) and (iii) the matters over which the Council reserves control for the purpose of assessment are:

a. Those matters of control identified in rules 4b.5.3 and 4b.5.6 above;

b. The impact of the resulting development on the ability of the wastewater, storm water and drinking water infrastructure to service the new development;

c. The impact of the resulting development on the ability of the roading networks to safely and sustainably operate and service the new development;

d. Whether or not the lots will be adequately serviced for drinking water;

e. The effect that the development will have on the storm water catchment.

4b.5.8 Subdivision – Outstanding Landscape Areas

i. Any subdivision of land in the General Rural Environment or Rural Lifestyle Environment that is located within an Outstanding Landscape Area where the resulting lots are less than 10 hectares, is a **non-complying activity**.

4b.5.9 Subdivision – Bonus Lots

i. The creation of one or more Bonus Lots 4ha or greater within the General Rural Environment, or 2ha or greater in the Rural Lifestyle Environment where the lot adjoins the General Rural Environment, is a **Restricted Discretionary activity** provided the subdivision complies with the following requirements:

   a. Each Bonus Lot must correspond to no less than 4ha of a Nominated Significant Natural Area that is:

[79] Being the land within the resistivity boundary of the Wairakei-Tauhara Geothermal System

i. physically protected from livestock by a Stock Proof Fence where it is within 50m of farmed livestock,
ii. legally protected in perpetuity or, if on Māori land, a Nga Whenua Rahui kawanata with a tenure of no less than 20 years, from any form of indigenous vegetation clearance and physical development.
iii. the legal protection identified in ii occurs after the date this rule becomes operative.
iv. not already associated with a Bonus Lot
v. not public land

b. The Bonus lot(s) will be located in the General Rural and Rural Lifestyle Environment

c. The Bonus Lot(s) will not be located within any of the following:

i. Significant Natural Area,
ii. Foreshore Protection Area
iii. Outstanding Landscape Area
iv. Amenity Landscape Area
v. in Area X on Planning Map D3
vi. in Area Y on Planning Map D3

d. A maximum of five Bonus Lots can be created on any one certificate of title;

e. A consent notice shall be placed on the lot(s) that the Nominated Significant Natural Area is located that include the following:

i. A map clearly showing the area of that lot within the Nominated Significant Natural Area which has been protected under 4b.5.9.i.a,
ii. The corresponding Bonus Lot(s) and the address and title number(s) of those Lots;

For the purposes of Rule 4b.5.9.i the Council restricts the exercise of its discretion to the following matters:

a) The design and layout of the subdivision to ensure safe and efficient access onto existing and/or proposed roads, suitable building platforms to accommodate future complying buildings, and adequate management of stormwater.
b) The identification of any natural hazards or contaminated sites within the Bonus Lot and how these may affect the stability of the land and suitability of any future building sites, including any information provided by a suitably qualified person whose investigations are supplied with the subdivision application.

c) Whether the desired environmental outcome with a consistent and appropriate standard of infrastructure is achieved such as through compliance with the Council's Development Guidelines and Structure Plans.
d) The extent to which earthworks and vegetation removal is required to create vehicle tracks and building platforms.
e) Any actual or potential effects on areas or features of cultural, historic, landscape or natural value as identified in the plan.
f) The imposition of conditions in accordance with Sections 108 and 220 of the Resource Management Act 1991.
g) Any potential adverse effects from Natural Hazards, including flood inundation or erosion from the District's waterways and Lakes.
h) The potential for reverse sensitivity effects on lawfully established or permitted activities within the General Rural Environment.
i) Any immediate adverse or potentially adverse effects, including cumulative effects, on the amenity and landscape values of the Rural Environment, and the methods by which such effects can be remedied or mitigated.
j) Any effects on the functioning of the Rural Environment including effects on rural infrastructure
k) The development of other bonus lots in the similar area which may lead to urbanisation or more than minor adverse effects on the functioning of the Rural Environment.
l) Those matters raised in Policy 3i.2.2 iv

ii. The creation of Bonus Lots less than 10ha in size which do not meet the requirements in 4b.5.9.i is a **Non-Complying Activity**

4b.5.10 Subdivision – More than 12 allotments

i. Any subdivision of land where more than twelve (12) allotments share a single common access in the General Rural Environment or Rural Lifestyle Environment is a **discretionary activity**.

4b.5.11 Subdivision – National Grid Subdivision Corridor

i. Any subdivision of land in the National Grid Subdivision Corridor is a **restricted discretionary activity** provided the subdivision complies with the following standards:
   a) All resulting allotments, except allotments for access or a public work, demonstrate that they are able to accommodate a building platform for the likely principal building(s) and any dwelling or sensitive activity located entirely outside of the National Grid Yard.
   b) Existing vehicle access to National Grid assets is maintained.

For the purposes of Rule 4b.5.11 i. the Council restricts the exercise of its discretion to the following matters:

a) The risk of electrical hazards affecting public or individual safety, and the risk of property damage, including the extent to which the subdivision allows for earthworks, buildings and structures to comply with the safe distance requirements of the New Zealand Electrical Code of Practice for Safe Electrical Distances (NZECP 34:2001).
b) The provision for the on-going efficient operation, maintenance, development and upgrade of the National Grid, including the ability for continued reasonable access to existing transmission lines for maintenance, inspections and upgrading.
c) The extent to which the subdivision design and consequential development will minimise the potential reverse sensitivity on and amenity and nuisance effects of the National Grid asset.
d) The extent to which the design and construction of the subdivision allows for activities to be setback from the National Grid to ensure adverse effects on, and from, the National Grid and on public safety and property are appropriately avoided, remedied or mitigated, for example, through the location of roads and reserves under the transmission lines.
e) The ability to provide a complying building platform outside of the National Grid Yard.
f) The nature and location of any vegetation to be planted in the vicinity of National Grid transmission lines, and how such landscaping will impact on the operation, maintenance, upgrade and development (including access) of the National Grid.
g) The outcome of any consultation with Transpower.
h) The risk to the structural integrity of the National Grid.

ii. A subdivision that does not meet the standards within 4b.5.11 i. is a **non-complying activity**.

Notification:

Transpower will be considered to be an affected party where consent is required under the National Grid specific rules. Notice of any application for resource consent under this rule must be served on Transpower New Zealand Limited in accordance with Clause 10(2) of the Resource Management (Forms, Fees, and Procedure) Regulations 2003.

Refer also to Subsection E – DISTRICT WIDE RULES

Current Rural Chapters to be deleted

3b
RURAL ENVIRONMENT
3b.1
Introduction

The Rural Environment comprises all the land outside of the Residential, Town Centre and Industrial Environments. Most land within the District falls within the Rural Environment which is predominantly characterised by open space, dispersed buildings, rural roads and non-urban infrastructure supporting farming, horticulture and forestry land use. There is also a wide range of significant development associated with tourist activity, recreation, and the generation and transmission of electricity. The Rural Environment is considered an important resource for the District as well as for the region due to its productive potential and the range of land uses and diverse activities it encompasses.

The interaction of human activities and the natural landforms and natural processes give the Rural Environment a diverse range of landscapes. This results in a range of activities with inherent 'rural' characteristics, reflecting the productive nature of the land and resources along with reserves protecting steep land and high amenity landscapes. The resulting character defines the expected rural scale of development and level of effects. Included are such features as large allotments with very low site coverage and limited areas of impervious surface, buildings that are predominantly a minor element within the environment, with a few large buildings that are generally industrial and utilitarian in character.

Other principal elements are open landscapes including ridgelines generally free of buildings; large areas of vegetation including pasture, crops, productive forest and native bush; lakes, rivers and their margins. The predominant production activities of the Rural Environment can potentially create high levels of noise, vibration, spray drift, odour and dust. Additionally, activity in the Rural Environment is generally self sufficient with respect to water supply, wastewater disposal, and stormwater management, although some areas have limited communal water supplies.

Urban development can threaten the character, amenity and functioning of the Rural Environment, resulting in adverse effects on the rural landscape and creating reverse sensitivity issues. The principal activities in the Rural Environment may generate a certain level of effects. Performance standards have been developed to ensure that these are not unduly restricted. New activities with potential adverse effects seeking to locate in the Rural Environment will be required to demonstrate that these effects can be avoided, remedied or mitigated. Other activities that may be sensitive to existing activities will also be controlled through subdivision and residential density provisions.

Within the Rural Environment, there are also sensitive features such as sites of significance to Tangata Whenua, sites of important indigenous flora and fauna and significant landscapes. The Rural Environment objectives and policies seek to manage subdivision and land use activities in a way that reflects the amenity values of the landscape and sense of dispersed buildings and open space, the rural level of infrastructural services, and the busy productive nature of some parts of the District.

3b.2

Objectives and Policies

OBJECTIVE

3b.2.1

The management of the Rural Environment to maintain and enhance rural amenity and character.

POLICIES

i. Maintain and enhance the amenity and character of the Rural Environment by providing land use performance standards and subdivision rules to manage the scale and density of development.

ii. Avoid urban development in the Rural Environment unless through a TD2050 Structure Plan Process and associated plan change.

iii. Maintain the open space and dispersed building character.

iv. Provide for a range of productive land use activities within the Rural Environment while ensuring any adverse effects are avoided, remedied or mitigated.

v. Protect the District's lakes and river margins from buildings that are visually obtrusive and/or result in a decline of the amenity of the margin area.

vi. Avoid, remedy or mitigate adverse effects of subdivision, use and development of land on areas or features of cultural, historical, landscape or ecological value.

vii. Recognise and provide for Infrastructure and Network Utilities in the Rural Environment, while ensuring any adverse effects on or arising from them are avoided, remedied or mitigated as far as practicable.

viii. Recognise that the Rural Environment encompasses a range of landscape characteristics, amenity values and land use patterns and activities when considering the appropriateness of development within the zone.

EXPLANATION

This objective and associated policies seek to protect the existing level of amenity provided by the Rural Environment. Protecting the amenity values of the Rural Environment is important because the rural landscape provides a clear aesthetic distinction between rural land and the urban environments. Although much of the Rural Environment has been modified over the years for productive land uses and contains many other diverse activities including large buildings, the spatial nature of this area with dispersed buildings and lack of urbanisation provides valuable amenity, productive potential and recreational opportunities for the District.

The increased desire for people to live in rural areas has brought changes to the land market with a dramatic increase in the demand for rural life style living in the Rural Environment. Because the Rural Environment is characterised by larger rural sized landholdings with predominantly low density development in the form of a dwelling with some associated farm buildings, this rural residential living has changed the rural amenity of some locations. The resulting smaller allotments often contain large residential buildings in close proximity to one another especially along transport corridors. Policy ii seeks to specifically discourage urban type development establishing outside the existing and planned urban environments, other than by way of the TD2050 Structure Plan Process and the associated plan change process.

Of particular concern is the grouping of a series of small lot subdivisions and the increased density of development this creates over a significant area. This is a form of urban development because many of these subdivisions do not maintain an open space and disbursed building character and the land is only used for residential living rather than a dwelling in the rural area associated with a rural land use. Often subdivision in an area is the catalyst for other nearby land owners to subdivide. The resulting cumulative effect of several adjacent subdivisions is the change to the landscape and the eroding of the rural character and amenity of the particular locality, especially when some of the newly created lots are further subdivided over time. Policy iii seeks to ensure subdivision, use and development of land in the Rural Environment maintains the open space and disbursed building character.

Policy iv seeks to maintain productive land use activities that make up a significant portion of the overall Rural Environment and it acknowledges that there are many different forms of productive land use. While general farming and forestry activity covers most of the rural area not in conservation reserve or national park, other industrial type activities such as electricity generation facilities and quarrying provide a diverse range of established land use in the rural area. Recreation, tourism and commercial accommodation activities of varying scales and types are also activities that contribute to this diverse range of productive landuses and are able to appropriately locate in some parts of the Rural Environment. This policy recognises that the Rural Environment contains a wide range of resources that require the location of activities close to the resource. This means that there are many established activities that are not necessarily traditionally rural by nature, and rural amenity and character will vary in particular localities.

Given the District contains several large lakes and is intersected by rivers, a significant portion of rural properties are adjacent to lakes and waterways. Lakes and river margins are particularly susceptible to amenity and foreshore degradation. Policy v intends particular care be given to all buildings and structures located near the foreshore and has strong links to Part 2 and 3 matters set out in the Resource Management Act 1991.
The Rural Environment has many areas of high quality landscape and ecological value, as well as many significant sites containing cultural and historic values. Because the rural landscape has not undergone the rigours of urbanisation, many of these features remain and will be managed, and where appropriate, protected through various provisions contained throughout the District Plan.
OBJECTIVE
3b.2.2
Manage the subdivision of rural land to reflect rural amenity values, rural land use and appropriate levels of infrastructure.
POLICIES

i. Enable the subdivision of rural land in a manner that encourages a diversity of lot sizes that reflects the rural amenity and character of the area, and the landform.
ii. Allow subdivision of rural land only where there is adequate rural infrastructure.
iii. Allow as a controlled activity, the creation of allotments and nominal allotments with an area of 10 hectares or more as a means of maintaining rural amenity and character, managing rural infrastructure and allowing for a diversification of rural land uses.

iv. Prevent urbanisation of the rural environment except as provided through the TD2050 Structure Plan Process and associated plan change process to prevent a dispersed pattern of settlement and the resulting inefficiencies in the management of resources.

v. Avoid the subdivision of rural land where there are hazards, in particular, land affected by geothermal hazards and where land is unstable or prone to erosion or flooding.

vi. Manage the subdivision of rural land overlying Geothermal Areas to avoid conflict with the resource use and development associated with geothermal electricity generation on identified Development and Limited Development Geothermal Systems.

vii. Encourage the retirement of steep land where such land is not appropriate for more intensive farming or further development including buildings, earthworks or clearance of vegetation.

viii. Provide for the creation of Papakainga housing where any adverse effects on amenity and rural character are internalised within the parent allotment; and where any other adverse effects on the wider Rural Environment are avoided, remedied, or mitigated.

ix. Provide for the creation of smaller lots to provide for the development of infrastructure, or access lots.

x. Any relevant guidelines should be taken into account in the design of any subdivision in the Rural Environment. In particular sensitive rural design should seek to achieve the following principles:

a. Maintain significant open space area and increase net environmental gain – Encourage sensitive rural design in subdivision, use or development where areas of continuous open space predominate. In particular protect and enhance topographical, water, and vegetation features that contribute to the character of the Rural Environment.

b. Areas or features of cultural, historical, landscape or ecological value are protected and enhanced.

c. Appropriate Overall Density based on the level of development anticipated for the Rural Environment – Maintain the expected level of built character in the Rural Environment, as anticipated by the District Plan.

d. Site analysis – Undertake a design process and rationale that includes, but is not limited to identification of sensitive areas such as dominant ridgelines, water courses (constant and ephemeral), existing vegetation that contributes to the rural character, and any important cultural, historical, natural or landscape values.

e. Appropriate Building Design and Location – Site and design buildings appropriately in a manner that is well integrated with the surrounding landform, maintains continuous areas of open space, and reduces any potentially adverse visual effects. Levels of infrastructure are minimised through appropriate siting of buildings and structures.

xi. Recognise that development of land in the Rural Environment at higher densities may be appropriate where associated with recreation, commercial accommodation and tourism activities provided that adverse effects are avoided, remedied or mitigated and that granting consent will not lead to patterns of urbanisation and reverse sensitivity issues.

EXPLANATION

The subdivision of land potentially generates an on-going process of creating smaller and smaller parcels of land. Over time this continued process can create a fragmented land ownership pattern that ultimately reduces the range of rural activities that can be undertaken on the land, and leads to closer settlement and eventually a form of urban development. This objective and associated policy applies the amenity and character preservation objective of 3b.2.1 above as it relates to the effects of creating smaller lots in the rural area. Subdivisions that result in smaller allotments and overall reduced level of continuous open space have a greater chance of not being suitable for any rural activity and therefore the land is predominately used for some form of residential living. Sensitive rural design may further enhance the overall rural character by: specifically protecting and enhancing continuous areas of open space, particularly features that contribute to the character of the Rural Environment; by providing protection and enhancement of remnant indigenous ecosystems; and by improving overall water quality.

TD2050 resulted in a shift in the way Council addresses urban growth from a reactive to a more proactive strategic approach. This enables a clear distinction to occur between the different forms of urbanisation and rural uses. There are considerable costs to the community associated with uncontrolled urban growth. These costs include the inefficiencies of providing services and infrastructure to many small communities that can result from allowing people to live in the Rural Environment rather than within the urban environments where these services and infrastructure are already provided or can be extended efficiently. Environmental standards are placing more and more demands on rural/residential living to be provided with services and infrastructure. People moving to a rural location often wish for improved infrastructure such as water supplies and upgraded roads.

3b.2.2 is reflected in the subdivision and development density rules which provide for rural lots of 10ha or larger in area and notional dwelling sites of the same land area, to be controlled activities, and lots of between 10ha and 4ha to be discretionary activities. Lots below 4ha in area are discouraged by non-complying status. These rules are designed to prevent uncontrolled urban change in the Rural Environment. Areas of rural land will be made available for smaller lot subdivision through plan changes that reflect and are consistent with the Land Development and Growth Management Objectives of this Plan. Having identified areas in the existing Rural Environment for future urban growth through TD2050 and having determined a process for establishing urban development on this land, this objective seeks to protect the remaining Rural Environment from urban development.

The intention is to make land available for rural/residential living within the urban growth areas identified in TD2050 so that future demand for this type of land will be met under the District Plan's urban growth management objectives. As most small lot development will require some form of urban infrastructure in the future, the only efficient and environmentally sustainable way of providing for such serviced land is to ensure that it is located in close proximity to other serviced land in a TD2050 Urban Growth Area.

The Rural Environment contains a wide range of hazards that can place limitations on the extent to which the land can be further modified and developed. While the Natural Hazards and Unstable Ground (Section 3l) deals with activity in general, Policy v ensures that more specifically, subdivision of land reflects any hazard limitations. Subdivision usually leads to some form of further land development, and the size of allotments can influence future use of the land, particularly where hazards are present.

Geothermal areas that have been identified in Regional Planning documents (and shown indicatively on Section O Map A) as development systems, provide for the utilisation of the geothermal resource for electricity generation. Electricity generation facilities and associated infrastructure must be located in proximity to the resource. These facilities are industrial by nature and have associated industrial effects. The geothermal extraction activity also has characteristics such as exploratory well drilling and testing of the resource which is wide spread across the resource area. Other activities that are sensitive to the receiving of effects resulting from geothermal exploration and electricity generation should be managed in respect to these effects.

It is appropriate to provide for the subdivision of smaller lots for the purposes of soil conservation, such as for Land Improvement Agreements, on steep and unstable land.

The Papakainga housing provisions recognise the intent of Part 2 of the RMA and provide for housing exclusively for members of the same whanau, hapu or iwi on Maori land. Maori land is owned by whanau, hapu or iwi, not individuals and cannot be subdivided or sold out of the whanau, hapu or iwi ownership. A significant portion of land within the Taupō District is Maori owned, and the Transitional Plan has historically provided for this form of housing. Some of the Maori owned land is made up of large rural blocks, with other land close to existing urban settlement or Marae. Papakainga housing is exempt for the nominal lot provision, but must meet all other building location provisions for the Rural Environment.

There are a number of structures and facilities associated with the provision of infrastructure, located throughout the Rural Environment. Policy ix recognises that these facilities often require leases or land title over only a small portion of land surrounding the physical works. Given that these infrastructural facilities are either existing or have permitted activity status, or have been through a land use consent process, the resulting subdivision of the land will have little effect on the surrounding environment.
It is considered that recreation, tourism and commercial accommodation activities are generally appropriate in the Rural Environment. To ensure that any effects on the functioning and amenity of the Rural Environment are appropriately managed, any adverse effects must be avoided, remedied or mitigated and the activity must not result in urbanisation or lead to reverse sensitivity issues.
OBJECTIVE
3b.2.3
Provide for and manage the effects of urban growth in the Taupō District.
POLICIES

i. Avoid the creation of allotments below 10 ha in Urban Growth Areas identified in 3e.6 thereby preventing land fragmentation which will adversely affect the ability of the District to provide for future urban growth needs.

EXPLANATION

{Link,5189,Section 3e.6} identifies a number of future urban growth areas around the District for the purposes of ensuring an adequate land supply for future planned urban growth. It is important that these identified urban growth areas are kept available for the valuable future resource they represent. Urban growth in the Rural Environment outside the identified urban growth areas will be treated as a non-complying activity.

OBJECTIVE

3b.2.4

The efficient and effective functioning of the Rural Environment by enabling the use and development of natural and physical resources, while ensuring appropriate environmental outcomes are achieved.

POLICIES

i. Control activities which may potentially restrict or compromise the operation of existing activities of the Rural Environment including the creation of new rural allotments that may lead to conflict between residential and rural activity.

ii. Require potentially sensitive activities to provide mitigation methods to protect them from the effects of existing activities within the Rural Environment, in order to avoid the potential effects of reverse sensitivity.

iii. Avoid subdivision and development of rural land that will put pressure on rural infrastructure and may require an increase in the level of service now or in the future.

iv. Avoid creating a pattern of fragmented titles that reduces the potential for rural land use diversity.

v. To recognise the important role of resource use and development in the Rural Environment, by providing for the continued operation and associated development of existing electricity generation facilities and network utilities by allowing their use, maintenance and minor upgrading where all additional significant adverse effects are avoided, remedied or mitigated.

EXPLANATION

Any activity, which does not breach the specified standards, is provided for within the Rural Environment. However, some sensitive activities may not be suitable for such an environment. When an activity requires or expects a different level of amenity to that which exists in the environment, it may impact on the ability of existing activities in the environment to operate and result in conflicts with those existing activities. For example, if a residential unit establishes within the Rural Environment, the actual level of effects within the environment may be higher than expected. This can adversely affect the residential unit, and potentially place undue restrictions on other adjacent activities not requiring such a level of amenity.

The inclusion of the Rural Effects Area Radius endeavours to remove conflict between residential units and 'rural' activities within the Rural Environment, and minimise potential 'reverse sensitivity' issues. While the Rural Effects Area Radius is not targeted at specific effects, it determines a distance at which conflict or 'reverse sensitivity' will be minimal, by ensuring a proposed residential building will be located within the site property and a sufficient distance away from site property boundaries, reducing the potential for conflict between the residential activity and surrounding rural activities.

The existing facilities for the generation and transmission of electricity represent a significant investment that creates social and economic benefits both locally and nationally. Provision is made for the continued operation of existing electricity generation facilities and network utilities. The objective recognises that so long as appropriate environmental outcomes are achieved, resource use and development of the Rural Environment should be provided for. At the same time, where there are existing activities that by their nature are not of the same character or intensity as the generality of development in the environment, any new activity must recognise the existing physical resource.

OBJECTIVE

3b.2.5

The protection of adjoining Environments from the adverse effects of activities within the Rural Environment.

POLICIES

i. Manage the potential for adverse effects of activities in the Rural Environment at the interface of this and other more sensitive Environments.

EXPLANATION

Activities within the Rural Environment can create a level of effects which are unacceptable within the other Environments of the District (i.e. residential/industrial). These effects include noise, dust, and the visual appearance of buildings, with the levels reached being adverse in more sensitive environments such as the Residential Environment. Therefore, at the interface between Environments, effects will be controlled with the potential for conflict minimised. This can include: the design and construction of structures to be more compatible; the provision of effective screening; setbacks for buildings and planted tree vegetation; and the meeting of the lower noise requirement at a boundary with different Environments.

These provisions will ensure development and the level of environmental effects within the Rural Environment do not have excessive off-site effects, protecting the adjoining Environment as well as the amenity of the wider District.

3b.3 Methods

i. Rules and performance standards for permitted activities, and rules and assessment criteria for subdivision, which protect the character, amenity and functioning of the Rural Environment.
ii. Environmental assessment of activities which do not comply with performance standards through the resource consent process.
iii. Conditions on resource consents such as consent notices and covenants on titles.
iv. Education and information on the existing environmental levels, values, amenity and functioning associated with the Rural Environment.
v. Allocation of funds through the LTCCP process.
vi. Rules and policies within any relevant Regional Plan or Policy Statement.
vii. Other legislation and Council Bylaws.
viii. The publication of Design Guidelines to promote appropriate built development in the Rural Environment.
ix. The implementation of any Joint Management Agreement between Council and Iwi.

3b.4
Principal Reasons For Adoption

A typical scale and character of development and level of environmental effects has been established over time within the Rural Environment. This has resulted in a level of character and amenity identified within the Rural Environment, which is defined by the operation of rural activities.

Threats to the functioning, character and amenity of the Rural Environment have been identified in the District-wide issues, policies, rules and performance standards of this section and are further discussed within the explanations for the Environment.

This section of the Plan recognises the variety of landscapes and great mix of activities which are undertaken within the Rural Environment, while also retaining the Environment's valued character, amenity and functioning.

Accordingly, the approach within this section is to place emphasis on assessing the potential environmental impacts through a series of standards which must be met in order for any activity to be permitted, so the operational character of the Rural Environment can be protected. Failure to meet one or more of these standards requires that an activity obtain a resource consent, at which time a full and comprehensive assessment of environmental effects will be undertaken. In addition, future urban growth areas have been identified in the Rural Environment along with a process for developing these areas. The development of these areas is supported by more restrictive subdivision rules and assessment criteria in the Rural Environment to discourage smaller lot sizes.

This approach will protect the functioning, character and amenity of the Rural Environment, and ensure the protection of the environmental qualities which make it an Environment suitable for a variety of activities that generate a range and level of environmental effects.

3b.5
Anticipated Environmental Outcomes

i. A range of activities compatible in scale, amenity and character with development within the Rural Environment.
ii. New activities and development does not create adverse impacts in terms of overshadowing, excessive building scale, and vehicle movements.
iii. Protection of the amenity of adjoining Environments from the adverse effects of activities within the Rural Environment such as noise.
iv. Protection of the wider environment and community from nuisances such as excessive dust, noise, glare, odour and stormwater.
v. The establishment, maintenance and enhancement of Papakainga housing in the District that enables tangata whenua to provide for their cultural, social and economic wellbeing.
vi. No urban development in the Rural Environment except as provided through the TD2050 Structure Plan Process and associated plan change.

4b
RURAL ENVIRONMENT

Section Index:

4b.1 Performance Standards
4b.2 General Rules
4b.3 Subdivision Rules
4b.4 Assessment Criteria

4b.1
Performance Standards

Please note: The following are the Performance Standards for all areas within the Rural Environment with the exception of Specific Requirement Areas. The Performance Standards for Specific Requirement Areas are held outside the Plan.

PERFORMANCE STANDARDS – For Each Rural Area

		i. Rural	ii. Outstanding Landscape Areas	iii. Cluster Area*	iv. Electricity Generation Core Site
4b.1.1	**Maximum Building Height**	10m or 5m within a height restricted area	5m Refer rule 4b.2.7	8m	and activities associated with Electricity Generation on land identified as Geothermal Area in Section O 15m
		EXCEPTIONS: a. Cranes being used as part of any construction or maintenance works for the duration of the works – no height limit b. Drilling Rigs for up to 60 days per well site – no height limit			
4b.1.2	**Maximum Building Coverage**	2.5% aggregate total of all buildings	2.5% aggregate total of all buildings	250m² aggregate total of all buildings in	2.5% aggregate total of all buildings

		i. Rural or 1000m² ground floor area of a single building whichever is the more restrictive	ii. Outstanding Landscape Areas or 250m² ground floor area of a single building whichever is the more restrictive. Refer rule 4b.2.7	iii. Cluster Area* an allotment within a cluster area	iv. Electricity Generation Core Site or 1000m² ground floor area of a single building whichever is the more restrictive
4b.1.3	**Minimum Building Setback – Front Boundary**	a. 25m b. 5m adjacent to Foreshore Protection Area boundary	25m	Refer rules 4b.3.9 and 4b.3.10	0m where the road extends over any power generation Building or Structure
4b.1.4	**Minimum Building Setback – All other Boundaries**	a. 15m b. 25m from Residential Environment Boundary c. 5m from the Foreshore	25m	Refer rules 4b.3.9 and 4b.3.10	0m

i. Rural	ii. Outstanding Landscape Areas	iii. Cluster Area*	iv. Electricity Generation Core Site	
Protection Area Boundary				

* As defined by rules 4b.3.9 and 4b.3.10

PERFORMANCE STANDARDS – General For All Rural Areas

4b.1.5	**Rural "Effects Area" Radius** - does not apply in respect to boundaries of allotments in the Residential Environment.	Any proposed building to be used as a residential unit or for an Accommodation Activity shall have an "effects area" within the allotment of: i. 100m from any Industrial Environment boundary. ii. 50m all other allotment boundaries. iii. EXCEPTION: One Dwelling per allotment, for allotments created where subdivision consent was granted prior to the notification of the Proposed District Plan (18th July 2000). iv. EXCEPTION: Any Dwelling within a cluster area created under Rules 4b.3.9, and 4b.3.10.
4b.1.6	**Planted Tree Vegetation** Shading of Road Carriage Way	Planted Tree Vegetation shall not be planted or allowed to grow in a position which will shade any road carriageway, between the hours of 10am and 2pm on the shortest day of the year. Rule 4b.1.6 shall be deemed to be complied with where: i. Topography is already preventing the direct access of sunlight onto the road;

ii. The road is a private road, an unsealed road (which is not programmed to be sealed within the lifetime of this Plan) or the vegetation existed at the time of notification of the Proposed Plan;

iii. The written consent of the relevant road controlling authority is obtained, and submitted to the Taupō District Council, prior to the commencement of planting, which clearly shows the location of the vegetation, and confirms that the road controlling authority is satisfied that the vegetation does not pose a safety risk having had regard to:

a. The physical characteristics of the road;

b. The degree of potential shading of the road;

c. The nature and extent of the vegetation;

d. The surrounding topography;

e. Potential weather effects on the road.

4b.1.7	**Planted Tree Vegetation** Planting Setback	i. 10m setback from adjoining allotments under different ownership (except where the adjacent landuse is directly compatible with the planted tree vegetation i.e. plantation forestry in pinus radiata versus plantation forestry in pinus radiata, or it is revegetation carried out as a requirement under sections 3q and 4f Mapara Valley Structure Plan Area, of this plan). ii. 25m setback from an existing house on an adjoining allotment iii. 10m setback from any Residential Environment boundary
4b.1.8	**Maximum Noise** Measurement	The noise levels shall be measured in accordance with the requirements of NZS 6801:1999 Acoustics – Measurement of Environmental Sound and assessed in accordance with the requirements of NZS6802:1999 Assessment of Environmental Sound.

4b.1.9 **Maximum Noise** Limits

The noise level arising from any activity measured within the notional boundary of any rural environment site or within the boundary of any residential environment site, other than the site where the noise is generated, shall not exceed the following limits:

i. 7.00am – 10.00pm 55dBA L_{eq}
ii. 10.00pm – 7.00am 40dBA L_{eq} and 70dBA L_{max}

EXCEPTIONS: for specific noise refer to following Performance Standards:

4b.1.10 **Maximum Noise** Construction Noise

All construction noise shall meet the requirements of New Zealand Standard NZS 6803: 1999 Acoustics Construction Noise.

4b.1.11 **Maximum Noise** Airport Noise

Refer to section 4h.

4b.1.12 **Maximum Noise** Electricity Generation Core Sites

Noise from uses at Electricity Generation Core Sites established either prior to the notification of this Plan (July 2000) or approved by way of resource consent shall comply with the noise limits specified in 4b.1.9 above as measured:

i. outside the noise control boundary relating to each Electricity Generation Core Site as shown on the Planning Maps; or
ii. within the Notional Boundary of any Dwelling within the Rural Environment where this is beyond the noise control boundary; or
iii. within the boundary of any site within the Residential Environment where this is beyond the noise control boundary.
iv. Any new Buildings with habitable rooms (i.e. Dwellings, retirement homes, etc), built within the noise control boundaries shall be required to ensure they are appropriately designed to achieve suitable internal noise levels (35dBA L_{eq}).
v. The noise control boundary will be either the Electricity Generation Core Site boundary or the existing 40dBA L_{eq} and 75dBA L_{max} contour where this is

beyond the Core Electricity Generation Site boundary, as shown on the planning maps.

4b.1.13 **Maximum Noise** Well Drilling and Testing within Electricity Generation Core Sites

Noise from well drilling and testing within any Electricity Generation Core Site boundary as measured:

i. within the boundary of any site within the Residential Environment;
ii. within the notional boundary of any dwelling or accommodation activity within the Rural Environment

shall not exceed the noise levels set out in the following table measured and assessed in accordance with the provisions of NZS 6803:1999 Acoustics – Construction Noise, if the occupiers do not agree to vacate the premises at the noise generator's expense during the drilling period.

Time Period Monday to Sunday
L_{eq} L_{max}

a. 7.00am – 10.00pm 70 85
b. 10.00pm – 7.00am 60 75

4b.1.14 **Maximum Noise** Other Noise

i. Nothing in the foregoing Performance Standards shall apply to farm animals including working dogs, and to agricultural and forestry vehicles, agricultural and forestry machinery or equipment (including mobile plant at produce packing facilities but excluding sawmilling equipment), operated and maintained in accordance with the manufacturer's specifications in accordance with accepted management practices (e.g. for milking, spraying, harvesting, packing, forest harvesting and the like). Provided that the activity shall comply with the requirements of S16 of the Resource Management Act 1991.

		ii. Nothing in the foregoing Performance Standards shall apply to sirens, circuit breakers and hydro spills associated with the operation of Electricity Generation Core sites. Provided that the activity shall comply with the requirements of S16 of the Resource Management Act 1991.
4b.1.15	**Parking, Loading and Access**	In accordance with Section 6: Parking Loading and Access
4b.1.16	**Maximum Signage** Official Signs	Official signs required by statutes and warning signs related to aspects of public safety are not required to comply with the standards.
4b.1.17	**Maximum Signage** Total Face Area	$2m^2$ total face area in one sign per allotment
4b.1.18	**Maximum Signage** Style	i. Signage must relate to the activity undertaken on the allotment. ii. No flashing, reflectorised or illuminated signage iii. One temporary sign per allotment, $2m^2$ total face area, for the sale of land or buildings
4b.1.19	**Maximum Earthworks**	i. No dust or silt nuisance beyond the boundaries of the allotment (except internal allotment boundaries). ii. Outstanding Landscape Areas – refer to rule 4b.2.8. Please note: Where activities such as earthworks and on-site sewage treatment involve discharges to land, air and water, a resource consent may be required from the relevant Regional Council.
4b.1.20	**Maximum Odour**	i. There shall be no discharge of offensive or objectionable odour at or beyond the boundary of a site.

ii. In determining whether an odour is offensive or objectionable, the Council shall have regard to the assessment guide contained in section 7.7.

Please note: The Regional Council may also require that resource consent be obtained for discharges to air (including odour discharges).

4b.1.21	**Stormwater**	All stormwater to be disposed of so as to avoid inundation or erosion of any other land (excluding water bodies).
4b.1.22	**Nominal Allotments**	The second and subsequent Dwelling / Accommodation Unit on an allotment shall be sited within its own 10 hectare "Nominal Allotment". Dwellings / Accommodation Units within the Nominal Allotment shall comply with the Minimum Building Setback and Rural Effects area Radius Performance Standards of the Plan as if the nominal boundaries are legal boundaries. EXEMPTION: Papakainga Housing

4b.2 General Rules

4b.2.1

Any activity that:

i. complies with all of the Performance Standards for the Rural Environment; and
ii. complies with all the District Wide Performance Standards; and
iii. is not identified as a restricted discretionary or discretionary activity within the Rural Environment; and
iv. is not identified as a controlled, restricted discretionary or discretionary activity within the District Wide Rules;

is a **permitted activity**.

4b.2.2

Any temporary activity, being an activity of up to a total of three operational days in any one calendar year, which exceeds any performance standard(s), is a **permitted activity**, provided that:

i. There are no new permanent structures constructed; and

ii. Once the activity has ceased, the site (including vegetation and the surface of the ground of the site) is retained or re-instated to its condition prior to activity commencing; and

iii. An allowance of five non-operational days associated with the activity is not exceeded, during which time any breach of any performance standard(s) shall only be to the extent reasonably necessary to undertake any relevant aspect of the activity.

4b.2.3

Any activity undertaken as part of the Taupō Airport or associated activities, refer to section 4h.

4b.2.4

Any activity involving continued operation, maintenance and minor upgrading of existing electricity generation core sites, geothermal steamfields and associated structures is a **permitted activity**.

For the purpose of this rule *"maintenance"* means:

All activities associated with the protective care and monitoring of a hydro dam, a geothermal or hydro electric power station, geothermal steamfield and associated structures, in order to arrest the processes of decay, structural fatigue, erosion or dilapidation and includes maintenance of surrounds and water areas.

For the purpose of this rule *"minor upgrading"* means

Structure improvement, repair and replacement of worn or technically deficient parts of the powerhouse, hydro dams, separation plants, switchyards, intake, control and diversion structures, wells, pipes, tunnels, cables, other equipment and accessory buildings and structures of similar character and scale, and includes associated drilling, earthworks and vegetation removal. Also the extension to existing Buildings and Structures, and the erection of new Buildings and Structures up to 100m^2 in area and not exceeding the maximum height standard for the Rural Environment and the erection of any aerial, antennae or communication dish not exceeding 5m^2 in area located on top of a hydro or geothermal existing structure, subject to compliance with the Noise Performance Standard.

4b.2.5

Any activity that does not meet the Rural "Effects Area" Radius Performance Standard is a **restricted discretionary activity**.

The Council restricts the exercise of its discretion to the following matters:

a. The adverse effects of the reduced radius on:
   i. the functioning of existing or consented activities on adjoining allotments.
   ii. any areas or features of cultural, historical, landscape or ecological value.
   iii. the extent to which the reduction in radius is necessary due to the shape or nature of the physical features of the allotment.
b. The extent to which the existing topography or vegetation will mitigate effects of the reduced radius such as through increased separation.
c. The ability for the proposed activity to mitigate adverse effects of the reduced setback; including the use of screening, planting, and alternative building location and design.

4b.2.6

Any activity involving a Building within 20m from the centre line of a high voltage transmission line (as shown on the planning maps) that is not associated with electricity generation is a **restricted discretionary activity**.

The Council restricts the exercise of its discretion to the following matters:

a. The degree to which the design or building development and location of building platforms enables the existing line to be efficiently used, operated and accessed;
b. Building orientation and the location and the visual impacts of the transmission lines;
c. Measures necessary to ensure the security of the transmission line;

d. The degree of compliance with New Zealand Electrical Code of Practice for Electrical Safety Distances: NZECP:34;
e. The outcome of any consultation with the owners of the transmission lines;
f. The degree to which adverse effects associated with the concept of reverse sensitivity are avoided, remedied or mitigated.

4b.2.7

Provided that the activity has not been identified as a discretionary activity by another rule in the Plan, within an Outstanding Landscape Area, the erection of Structures

i. between 5m and 10m in height; or
ii. for Masts and Poles between 5m and 20m in height; or
iii. which are between 250m² and 1000m² in ground floor area, and have an aggregate coverage less than 2.5% of the allotment,

is a **restricted discretionary activity.**

The Council restricts the exercise of its discretion to the following matters:

a. The location of the structure in relation to the Landscape Attributes as described in schedule 7.1, considering;
   i. ridgelines and prominent landforms,
   ii. the need to locate the structure within an Outstanding Landscape Area, and
   iii. whether there are alternatives,
   iv. whether the location within an Outstanding Landscape Area is shown to be justified, and
   v. how the location and design mitigates any adverse effects on the Landscape Attributes of the Outstanding Landscape Area.
b. The scale of the structure on the Outstanding Landscape Area, and the ability to reduce the visual dominance of increased bulk.
c. The use of materials and colours to respond to the natural hues of the Landscape Area, and minimisation of reflectivity levels, including the utilisation of colours from the A and B Groups of the British Standard BS 5252 colour chart with reflectivity level less than 35%.
d. Measures to reduce window reflectivity by use of overhanging eaves, or low-reflectivity glass.
e. Any proposed mitigation planting to assist in integrating structures with the site, and the effectiveness of such mitigation on protecting the Landscape Attributes of the Outstanding Landscape Area.
f. The minimisation of earthworks associated with the erection of structures that may adversely affect the Landscape Attributes and character of the Outstanding Landscape Area.
g. Consideration of cumulative visual effects of structures on the Outstanding Landscape Area.

h. Consideration of the potential for erosion and land instability (including on-going erosion and land instability) resulting from the proposed earthworks, which may result in an adverse effect on Landscape Attributes.

EXCEPTION:
Rule 4b.2.7 will not apply to the erection of Structures:

i. Within Electricity Generation Core Sites.
ii. For the purpose of Papakainga.
iii. Within any Maori Reservation established under the Te Ture Whenua Maori Act 1993/Maori Lands Act 1993 for the purposes of a village site, marae, scenic interest and/or wildlife protection.

4b.2.8
Earthworks within an Outstanding Landscape Area that creates a new cut face or fill that is in excess of 1.5 metres in height, or cumulative vertical ground alteration in excess of 3.0 metres over a 12 month period, is a **restricted discretionary activity**, provided that any exposed cut or fill face located in vegetation of a height 1.5 metres or less is revegetated not later than the next growing season. Revegetation should consist of the same or similar species (other than pest species) present on the site prior to earthworks).

The Council restricts the exercise of its discretion to the following matters:

a. The extent to which the Earthworks will change the ground level and the effect on the Landscape Attributes.
b. The degree to which the finished ground levels reflect the contour of the surrounding landform.
c. The degree to which Earthworks will enable building facades to be extended below natural ground level.
d. The period that soil will be exposed.
e. Proposed methods and timing for the remedying or mitigation of potential adverse effects and the degree to which such methods would be successful, including rehabilitation, re-contouring and re-vegetation or the retention of existing vegetation.
f. Consideration of cumulative visual effects of Earthworks on the Outstanding Landscape Area.
g. The location of the Earthworks in relation to the Landscape Attributes as described in schedule 7.1, considering;
    i. ridgelines and prominent landforms,
    ii. the location requirement of the activity
    iii. whether there are alternatives.
h. Consideration of the potential for erosion and land instability (including on-going erosion and land instability) resulting from the proposed earthworks, which may result in an adverse effect on Landscape Attributes.

EXCEPTION:
Rule 4b.2.8 will not apply to Earthworks within Electricity Generation Core Sites.
4b.2.9

Any activity that is not a permitted, controlled, or restricted discretionary activity is a **discretionary activity**.

4b.3 Subdivision Rules

4b.3.1

Provided that the activity has not been identified as a discretionary activity by another rule in the plan, any subdivision of land in the Rural Environment where:

i. the resulting allotments are 10ha or larger; and
ii. for any subdivision of land in Area Y shown on Map D3, a covenant forms part of the documentation supporting the subdivision consent application (which shall be registered on the additional titles created) specifying that no complaints shall be made in relation to the effects of any geothermal power generation related activities and associated structures consented as at 15 September 2008, or lawfully occurring, including effects such as noise, vibration, odour or visual effects. Such covenant need not apply to:
    a. the certificates of title that contain any dwelling that existed prior to any subdivision, or
    b. in cases where there was no dwelling existing prior to subdivision, a single exempt title to be nominated by the subdivision applicant

is a **controlled activity.**

4b.3.2

Any subdivision of land for the sole purpose of providing for infrastructure, or access lots, or legal protection in perpetuity of Significant Natural Areas, is a **controlled activity.**

NOTE: 4b.3.2 does not relate to the creation of Bonus Lots, but subdivision of all or part of a Significant Natural Area for reasons of covenanting etc., that Area.

For the purposes of Rules 4b.3.1 and 4b.3.2 the matters over which the Council reserves control for the purpose of assessment are:

a. The design and layout of the subdivision to ensure safe and efficient access onto existing and/or proposed roads, suitable building platforms to accommodate future complying buildings, and adequate management of stormwater.
b. The identification of any natural hazards or contaminated sites and how these may affect the stability of the land and suitability of any future building sites, including any information provided by a suitably qualified person whose investigations are supplied with the subdivision application.
c. Whether the desired environmental outcome with a consistent and appropriate standard of infrastructure is achieved such as through compliance with the Council's Development Guidelines and Structure Plans.
d. The extent to which earthworks and vegetation removal is required to create vehicle tracks and building platforms.
e. Any actual or potential effects on areas or features of cultural, historic, landscape or natural value as identified in the plan.

f. The imposition of conditions in accordance with Sections 108 and 220 of the Resource Management Act 1991.
g. Any potential adverse effects from Natural Hazards, including flood inundation or erosion from the District's waterways and Lakes.
h. To ensure that the covenant relating to subdivisions in Area Y shown on Planning Map D3 is appropriately worded to prohibit complaints in relation to the matters described in Rule 4b.3.1.ii
i. Any immediate adverse or potentially adverse effects, including cumulative effects, on the amenity and landscape values of the Rural Environment, and the methods by which such effects can be remedied or mitigated.

4b3.3
Any subdivision of rural land that is located within an Outstanding Landscape Area or in Area X[1] on Planning Map D3 where the resulting lots are 4 hectares or larger, or is located in Area Y on Planning Map D3 where the resulting lots are between 4 hectares and 10 hectares, is a **discretionary activity**.

4b.3.4
Any activity which results in a new public road or extension of existing public roads, water, stormwater or wastewater utility services is a **restricted discretionary activity**.

The matters over which the Council reserves discretion for the purposes of assessment are:

a. Those matters of control identified in rules 4b.3.1 and 4b.3.2 above;
b. The impact of the resulting development on the ability of the wastewater, storm water and drinking water infrastructure to service the new development;
c. The impact of the resulting development on the ability of the roading networks to safely and sustainably operate and service the new development;
d. Whether or not the lots will be adequately serviced for drinking water;
e. The effect that the development will have on the storm water catchment.

4b.3.5
Any subdivision which is not identified as controlled, restricted discretionary, or non complying activity, is a **discretionary activity**.

4b.3.6
Unless specifically provided for by another rule in this plan any subdivision of land in the Rural Environment where the resulting allotments are smaller than 4 hectares is a **non-complying activity.**

4b.3.7
Any subdivision of land in the Rural Environment which results in the creation of Bonus Lots below 4ha is a **discretionary activity** provided the subdivision complies with the following requirements:

i. Each Bonus lot must correspond to no less than 10ha of a nominated Significant Natural Area that is physically (fenced with a stock proof fence where appropriate and kept free of livestock) and legally protected in perpetuity.

ii. The Bonus lot(s) will be located in the Rural Environment;
iii. The Bonus lot(s) will not be located within a Significant Natural Area, the Mapara Valley Structure Plan Area, Foreshore Protection Area, an identified Outstanding or Amenity Landscape Area or Geothermal Area;
iv. A maximum of 10 Bonus Lots can be created from any one certificate of title;
v. *A consent notice shall be placed on the lot(s) which includes that part of the nominated Significant Natural Area that has been protected as per 4b.3.7.i above, identifying the area of that lot (within the SNA) which has been protected and the number of associated bonus lots created*;
vi. The minimum allotment size of any Bonus Lot created will be 1500m^2.

NOTE: Further guidance for this rule is provided through (but not limited to) Policy 3i.2.2 iii and associated explanatory text.

4b.3.8

Any subdivision of land in Area Y shown on Planning Map D3 which complies with Rule 4b.3.1.i but does not comply with Rule 4b.3.1.ii is a **restricted discretionary activity**.

The matters over which Council reserves discretion for the purposes of assessment area:

a. The extent to which the proposed subdivision may affect already consented or permitted geothermal power generation related activities on and near the site of the subdivision; and
b. The extent to which such actual or potential reverse sensitivity effects will be avoided, remedied, or mitigated.
c. For the purposes of Rule 4b.3.8 notification under Section 95B and 95E of the Act may be avoided should the applicant obtain the written approval of the applicable geothermal power generators with production rights over the area.

4b.3.9

Any subdivision of land in the Rural Environment which complies with all the following requirements is a **restricted discretionary activity:**

i. The parent allotment is no less than 20ha in area and the subdivision results in an average density of no more than 1 allotment (excluding access lots) per 10ha;
ii. Within the parent allotment, no more than one cluster area will be created per 100ha; At the time of subdivision consent application the following will be identified within the parent allotment:
iii. Each cluster area shall contain a group of no more than 10 allotments (excluding access lots) with each allotment to contain no more than 1 dwelling house or accommodation unit;
iv. Each cluster area will make up no more than 3% of the parent allotment or be no larger than 3ha whichever is the smaller;
v. Each cluster area will be no less than 100 metres from the external boundary of the parent allotment;

vi. Each cluster area will be no less than 1000m from the Wairakei Tauhara Geothermal Area;
vii. Each cluster area will be no less than 1000m from the Residential Environment and any other cluster area created under this rule;
viii. All allotments created pursuant to this rule shall have a consent notice registered preventing any further subdivision, or the creation of no more than one Dwelling House or Accommodation Unit on that allotment;
ix. All land within 20m of a water body or a river[2] will be planted in indigenous vegetation;
x. No cluster area will be located within a Significant Natural Area, the Mapara Valley Structure Plan Area, Foreshore Protection Area, any identified Landscape Area or the Wairakei-Tauhara Geothermal Area;
xi. No cluster area will be located within any identified Geothermal Area not covered by x above.

The matters over which the Council reserves discretion for the purposes of assessment are:

a. The size and shape of the cluster area and the distribution of the allotments, so that the allotments are concentrated in a non linear fashion.
b. The impact of the resulting development on the ability of the roading networks, including the State Highway network, to safely and sustainably operate and service the new development;
c. The location of the cluster areas in respect to ridgelines, and to ensure the maintenance of open space character of the wider Rural Environment, and the protection of water courses and existing vegetation.
d. The level and characteristics of the required revegetation of the parent allotment, including consideration of guidance contained in Appendix Three, section 2.11 relating to Revegetation Corridors.
e. The location of the cluster area in respect to identified natural hazards or contaminated sites,
f. The location and quantity of earthworks, including its movement to, from, and on the site.
g. Any clearance of vegetation, including its location and species.
h. Any reverse sensitivity effects on existing and potential rural landuses including any effect on renewable energy resources, electricity generation and transmission.
i. The location of any structures to be built, and any mitigation proposed (including colour schemes, reduced reflectivity or planting).
j. The provision, design and location of network utility services, secure water supply, waste water treatment systems, access ways and vehicle crossings, and new existing roads.

4b.3.10
Subdivision of land under rule 4b.3.9 which does not comply with one or more of iv, v, vii, ix, x as to "any Identified Landscape Area", or xi of that rule will be a **Discretionary Activity** except where the subdivision does not comply with both iv and xi.

~~ASSESSMENT CRITERIA~~

~~Please Note: These criteria together with the relevant Objectives and Policies should be considered in the assessment of rule 4b.3.10.~~

a. ~~The reasons that the cluster area is larger than that specified in the rules, and its design to reduce the impact of a larger than anticipated cluster on the amenity of the wider Rural Environment;~~
b. ~~The effects of a cluster area located within the setback to an external boundary, in relation to actual and potential reverse sensitivity effects that may arise from surrounding landuses;~~
c. ~~Whether the cluster area can be seen from a pubic road and any steps taken to mitigate the visual effects of the cluster area;~~
d. ~~The reasons that the cluster area is not located at least 1000m from the Residential Environment, and/or other cluster areas and/or the Wairakei Tauhara Geothermal Area, and the effect that its proximity may have on:~~
    i. ~~the effective functioning of the Residential Environment and Geothermal Area; and/or~~
    ii. ~~the cumulative and precedent effects of cluster areas in relation to issues of urbanisation of the Rural environment and wider rural amenity;~~
e. ~~Any alternative design and cluster area locations that could be considered so that the development could be more consistent with the requirements of rule 4b.3.9.~~
f. ~~The reasons why land within 20 metres of a waterbody or river is not planted in indigenous vegetation and any alternative methods used to achieve a Net Environmental Gain from the subdivision and resulting development.~~
g. ~~The consideration of the location of cluster areas, in respect to ridgelines and for the maintenance of open space character, water courses and existing vegetation.~~
h. ~~The level and characteristics of revegetation of the balance lot which is planned, including consideration of guidance contained in Appendix Three, Section 2.11 relating to Revegetation Corridors.~~
i. ~~The proximity of the lots to any existing urban area or identified Urban Growth Areas and the effects that the lots may have on those areas.~~
j. ~~Any immediate adverse or potentially adverse cumulative effects of the subdivision or subsequent land use on the quality of Taupō District's lakes, waterways and aquifers, and the methods by which such effects can be avoided, remedied or mitigated.~~
k. ~~Any immediate adverse or potentially adverse cumulative effects on the amenity values and the existing level of infrastructure or the Rural Environment, and the methods by which such effects can be avoided, remedied, or mitigated.~~
l. ~~The level to which the amenity and landscape of the Rural Environment has already been compromised by subdivision and development, and the~~

extent to which the immediate environment can absorb further change without creating cumulative adverse effects.

m. Whether the design and layout of the subdivision avoids, remedies or mitigates any adverse effects resulting from identified natural hazards or land contamination, including an assessment of any information provided by a suitably qualified person whose investigations are supplied with the subdivision application.

n. The location and quantity of earthworks, including its movement to, from, and on the site.

o. Any clearance of vegetation, including its location and species.

p. Any reverse sensitivity effects on existing and potential rural landuses including any effect on renewable energy resources, electricity generation and transmission.

q. The location of any structures to be built, and any mitigation proposed (including colour schemes, reduced reflectivity or planting).

r. The provision, design and location of network utility services, secure water supply, waste water treatment systems, access ways and vehicle crossings, and new and existing roads.

s. Any effects on the wider roading network, including the State Highway

4b.3.11

Subdivision of land under rule 4b.3.9 which does not comply with:

i. one or more of i, ii, iii, vi, viii, or x (except for any identified Landscape Area);

ii. both iv and xi

is a **non complying activity.**

4b.3.12

Any subdivision of land where more than twelve (12) allotments share a single common access in the Rural Environment is a **discretionary activity**.

4b.4

Assessment Criteria

Please note: These criteria are not exclusive with other criteria able to be considered in the assessment of a discretionary activity.

4b.4.1

GENERAL CRITERIA

a. Impact of the development or subdivision on the functioning of the Rural Environment, surrounding allotments and other Environments.

b. Potential for conflict between the development or subdivision and other existing activities within the Rural Environment.

c. Any cumulative effects of the development or subdivision, (including precedent effects).

d. The design, density and layout of the development or subdivision (including any response to natural hazards).

e. Any immediate or potential cumulative effects of the land use on the quality of the District's lakes, waterways and aquifers, and the methods by which these adverse effects can be avoided, remedied or mitigated.

f. Any actual or potential effects, including cumulative effects, of the development or subdivision on the amenity and landscape character of the Rural Environment in the vicinity of the subject site, and the methods by which such effects can be avoided, remedied or mitigated. Attributes that may contribute to a higher level of amenity and rural character include, (but are not limited to):

i. A sense of place;

ii. Aesthetic coherence;

iii. Feelings of remoteness;

iv. Open space, including existing recreational opportunities;

v. A relatively high standard of privacy;

vi. A lower incidence of household noise;

vii. A lower incidence of traffic on local roads and access ways;

viii. A lower incidence of litter and pollution;

ix. Open vistas of vegetation and prominent topographical features;

x. A lower incidence of buildings and structural clutter.

g. Any actual and potential effects of the development or subdivision on areas or features of cultural, historical, landscape or ecological value as identified in the plan.

h. The provision, design and location of network utility services, secure water supply, waste water treatment systems, access ways and vehicle crossings, new and existing roads.

i. The location general assessment criteria and scope of earthworks, including its movement to, from and on the site.

j. The clearance or planting of vegetation, including its location, species and maintenance.

k. The imposition of conditions in accordance with Section 108 of the Resource Management Act 1991.

l. Consideration of any relevant Management Plan or Strategy as guidance during the resource consent process.

m. Any effects or potential effects on land stability.

n. Any potential adverse effects from Natural Hazards, including flood inundation or erosion from the District's waterways and lakes.

o. Impact on any proposed activity applied for at 202 Spa Road, Taupō (PT SEC 318 SO 44899 BLK II, Tauhara SD, SEC 1 SO 58334 and SEC 2 SO 58334), pursuant to any resource consent application, on the amenity values of the adjacent Residential Environment.

4b.4.2
BUILDING HEIGHT

a. The extent to which the extra height will:

i. adversely affect the character and visual amenity of the area and the surrounding Rural Environment, particularly in terms of the dominance of open space over built form;

ii. reduce the privacy or outlook of adjoining allotments;

iii. adversely affect Outstanding Landscape Management Areas and Landscape Amenity Management Areas.

b. Proposed methods for the avoidance, remedying or mitigation of potential adverse effects, and the degree to which they would be successful including:
   i. the extent to which topography, alternative design, planting or setbacks can mitigate the adverse effects of the extra height.

4b.4.3
COVERAGE

a. The extent to which the increased coverage will;
   i. adversely affect the character and visual amenity of the area with regard to the visual dominance of open space verses built form;
   ii. reduce the privacy and outlook of adjoining allotments; and
   iii. adversely affect Outstanding Landscape Management Areas and Landscape Amenity Management Areas.

b. Proposed methods for the avoidance, remedying or mitigation of potential adverse effects, and the degree to which they would be successful including:
   i. the ability to mitigate adverse effects such as through the imposition of conditions such as landscaping; and
   ii. provision for the protection or enhancement of significant vegetation.

4b.4.4
BUILDING SETBACK

a. The extent to which the reduced setback will:
   i. adversely affect the visual amenity of the Rural Environment;
   ii. adversely affect the streetscape of the area;
   iii. reduce the privacy and outlook of adjoining allotments;

   iv. limit the safe and visible access of vehicles using the allotment.

b. The extent to which the reduction in the setback is necessary due to the shape or nature and physical feature of the allotment.
c. Proposed methods for the avoidance, remedying or mitigation of potential adverse effects, and the degree to which they would be successful including:
   i. the ability of existing topography or vegetation to mitigate any adverse visual effects on the streetscape;
   ii. the ability to mitigate adverse effects of the reduced setback through screening, planting and alternative design;
   iii. provision for the protection or enhancement of significant vegetation;

   iv. planted tree vegetation (including plantation forestry).

d. Whether there are adverse effects on the surrounding environment, surrounding allotments, or the adjoining road including shading, weed growth, or effects at the time of harvest.

e. Factors in the surrounding environment and whether any change in topography gives increased separation.
f. Proposed methods for the avoidance, remedying or mitigation of potential adverse effects, and the degree to which they would be successful.

4b.4.5
NOISE

a. Ambient sound levels and the impact of any cumulative increase.
b. The degree to which the sound contrasts with the characteristics of the existing sound environment in terms of level, character, duration and timing.
c. The length of time, and the level by which the noise limits will be exceeded, particularly at night.
d. The nature and location of nearby activities and the effects they may experience resulting from the increase in sound levels.
e. Whether the sound levels are likely to detract from the amenity or general environmental quality of the surrounding Residential Environment. [399/03]
f. The topography of the allotment and any influence this may have on sound propagation.
g. Proposed methods for the avoidance, remedying or mitigation of potential adverse effects and the degree to which they would be successful including:
    i. insulation and barriers and the isolation of the source of the noise.

4b.4.6
PARKING, LOADING AND ACCESS

a. Extent to which the safety and efficiency of the roading network, road hierarchy or users of the road would be adversely affected.
b. Whether there will be any adverse effects on the safety of pedestrians using the allotment, road, footpath or vehicle crossing.
c. The type of vehicles using the site, their intensity, the time of day the site is frequented and the likely anticipated vehicle generation.
d. Any adverse visual or nuisance effects on the functioning, amenity and character of the surrounding area and the Rural Environment.
e. Effect of factors in the surrounding roading network including the position and function of the road within the road hierarchy, the actual speed environment of the road, volume of traffic using the road and any other factors that will prevent congestion and confusion between vehicles.
f. Proposed methods for avoidance, remedying or mitigation of potential adverse effects, and the degree to which they would be successful including:
    i. measures to improve visibility to and from the vehicle crossing point and alternative construction, location or design

4b.4.7
SIGNAGE

a. Location (off or on the allotment), design and appearance of the sign.

b. Adverse effects on the scale and character of the allotment and of the rural landscape and environment, including the nature and proximity of other signage within the surrounding area.
c. Visibility from roads or public open spaces in the vicinity including the effect on views from other allotments in the surrounding area.
d. Effect on the openness and attractiveness of the streetscape.
e. Effect on the amenity of adjoining allotment in terms of such matters as noise, artificial light and glare occurring as a result of the sign.
f. Necessity of sign to direct people to the activity.
g. Effect on the safe and efficient operation of the roading network within the area including the possible distraction or confusion of motorists.

4b.4.8
EARTHWORKS

a. Detraction from the amenity of adjoining allotments in terms of such matters as noise and dust occurring as a result of the earthworks, and the resulting impact on the use of these allotments.
b. Potential for the creation of a nuisance effect for residents within the area.
c. Time period for which soil will be exposed.
d. Proposed methods for the avoidance, remedying or mitigation of potential adverse effects and the degree to which they would be successful including:
    i. planned rehabilitation, recontouring and revegetation or the retention of existing vegetation (other than pest species).
    ii. identification of alteration to catchment drainage including diversions and stormwater management during earthworks construction.
e. Whether there are any Archaeological sites, and the potential effect of the earthworks on these sites.

4b.4.9
ODOUR

a. Detraction from the amenity of other allotments, including the potential for the creation of nuisance effects for residents within the area, and the resulting impact on the use of these allotments.
b. Proposed methods for the avoidance, remedying or mitigation of potential adverse effects, and the degree to which they would be successful.
c. Proposed methods for the avoidance, remedying or mitigation of potential adverse effects, and the degree to which they would be successful.

4b.4.10
WATER SUPPLY

a. Proposed methods for the avoidance, remedying or mitigation of potential adverse effects, and the degree to which they would be successful.

4b.4.11

~~GEOTHERMAL ACTIVITY~~

~~a. The extent to which the activity will impact on the functioning of the existing geothermal based industries, e.g. reverse sensitivity issues.~~
~~b. The potential for the activity to be adversely affected in the future by the known effects of geothermal based industries such as subsidence, noise or visual amenity.~~

~~4b.4.12~~
~~SUBDIVISION~~

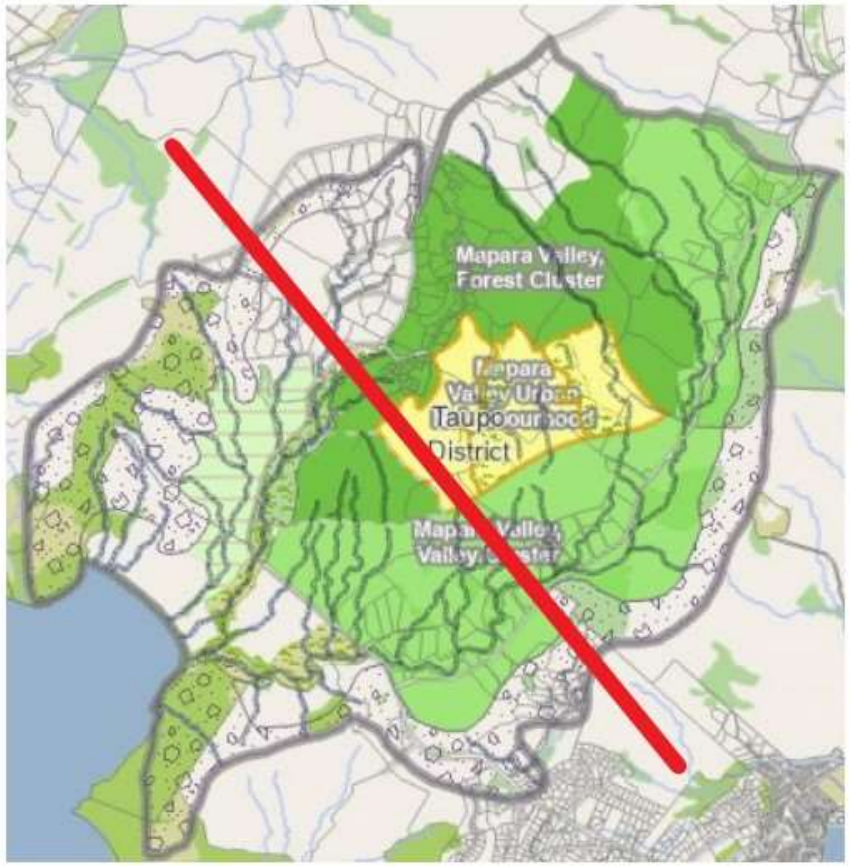
~~a. Any immediate adverse or potentially adverse cumulative effects of the subdivision or subsequent land use on the quality of Taupō District's lakes, waterways and aquifers, and the methods by which such effects can be avoided, remedied or mitigated.~~
~~b. Any immediate adverse or potentially adverse effects, including cumulative effects, on the amenity and landscape values and the existing level of infrastructure of the Rural Environment, and the methods by which such effects can be avoided, remedied or mitigated.~~
~~c. The level to which the amenity and landscape of the Rural Environment has already been compromised by subdivision and development and the extent to which the locality can absorb further change without creating cumulative adverse effects.~~
~~d. Whether the design and layout of the subdivision avoids, remedies or~~
~~e. mitigates any adverse effects resulting from identified natural hazards or land contamination, including an assessment of any information provided by a suitably qualified person whose investigations are supplied with the subdivision application.~~
~~f. The location and scope of earthworks, including its movement to, from and on the site.~~
~~g. The clearance or planting of vegetation, including its location, species and maintenance.~~
~~h. The potential for financial contributions to avoid, remedy or mitigate any adverse effects on the environment.~~
~~i. The imposition of conditions in accordance with Sections 108 and 220 of the Resource Management Act 1991.~~
~~j. Any actual or potential effects on areas or features of cultural, historical, landscape or ecological value as identified in the plan.~~
~~k. Whether infrastructure can sustainably service the actual or cumulative increase in the density of dwellings above that which is anticipated through the Permitted and Controlled activity status in the District Plan.~~
~~l. The effect of the proposed subdivision on the utilisation of geothermal energy resources of Development and Limited Development Geothermal Systems.~~
~~m. Whether there is suitable and appropriate physical and legal access to allotments based on the number of new allotments created and any necessary title security of ownership and maintenance.~~

~~*Note: Where activities such as earthworks and on-site sewage treatment involve discharges to land, air and water, a resource consent may be required from the relevant Regional Council.*~~

~~Refer also to Subsection E – DISTRICT WIDE RULES~~

Plan Change 42
Deletion of the Mapara Valley Environments

NB: Mapara envrionments revert to General Rural or Rural Lifestyle Environment. Check www.taupo.govt.nz/districtplanreview to view proposed rural lifestyle environment. If not rural lifestyle properties default to General Rural.



The following Overlays and Environments are proposed to be deleted from the Taupo District Plan:

ePlan Overlays

Mapara Escarpment Area

Mapara Forest Cluster Neighbourhood A

Mapara Revegetation Area

Mapara Riparian Area

Mapara Urban Neighbourhoods

Mapara Valley Structure Plan Area

ePlan Environments

Mapara Valley Modified Rural Environment

Mapara Valley Urban Neighbourhood

Mapara Valley, Forest Cluster

Mapara Valley, Valley Cluster

APPENDIX 4: Recommended amendments to the Proposed Plan provision wording (including mapping amendments) - Accepted.

Plan Change 42 to the Taupō District Plan

General Rural and Rural Lifestyle Environments

(Panel Recommended Version April 2024)

Taupō District Plan Changes 2022

Introductory note

This boxed text is NOT part of the Plan Change but simply introductory text.
The complete Taupō District Plan is on the Council website at www.taupō.govt.nz
Please note that this plan change includes map changes that can be found at
www.taupo.govt.nz/districtplanchanges

Amendments to the Operative Taupō District Plan - Section 10 Definitions

Bonus Lot - allotments created within the General Rural Environment under rule 4b.5.9 which are associated with the formal protection of no less than 4ha of a Nominated Significant Natural Area.

Buildings for the management of farmed animals – for the purposes of rule 4b.2.6 only, includes, but is not limited to, buildings used for accommodating livestock or farmed animals, either overnight or for a period during the day, and includes cow milking sheds, calf sheds, buildings used to house intensive farming activities, poultry farming buildings, feed pads, pet boarding facilities and stables. Buildings housing animals do not include a residential unit accommodating household pets such as cats and dogs. Buildings with floor area of 150m^2 or less are exempt from this definition.

Greenhouses – means a structure enclosed by glass or other transparent impermeable material and used for the cultivation or protection of plants in a controlled environment but excludes artificial crop protection structures.

Highly Productive Land – means land that has been mapped in accordance with clause 3.4 of the National Policy Statement for Highly Productive Land and is included in an operative regional policy statement as required by clause 3.5 (but see clause 3.5(7) for what is treated as highly productive land before the maps are included in an operative regional policy statement and clause 3.5(6) for when land is rezoned and therefore ceased to be highly productive land).

Intensive indoor primary production – means primary production activities that principally occur within buildings and involve growing fungi or keeping or rearing livestock (excluding calf-rearing for a specified time period) or poultry.

Land Based Primary Production – means production, from agricultural, pastoral, horticultural, or forestry activities, that is reliant on the soil resource of the land.

Minor residential unit (in relation to the Rural Environments) – means a self-contained residential unit that is ancillary to the principal residential unit, and is held in common ownership with the principal residential unit on the same site.

National Grid Subdivision Corridor – means the area measured 37m either side of the centreline of above ground National Grid 220kV transmission lines on towers (including tubular steel towers where these replace steel lattice towers).

National Grid Support Structure – means a pole or tower that is part of the National Grid.

National Grid Yard – The area located within: 12m in any direction from the visible outer edge of a National Grid tower; or the area located within 12m either side of the centre line of any overhead National Grid line on towers. The national grid yard does not apply to underground cables or any transmission lines (or sections of line) that are designated.

Nominated Significant Natural Area - A contiguous area of Significant Natural Area which is no less than 4ha and is associated with the creation of a Bonus Lot.

Papakāinga - Any dwelling or dwellings and associated social (including health), cultural and economic activities on Māori land which is owned by the whanau, hapū or iwi, that enables the occupation of that land by members of the same whanau, hapū or iwi.

- Māori land is within the meaning of Section 129 (1) (a, b, or c) of the Te Ture Whenua Māori Land Act 1993, and
- Is consistent with any license to occupy Māori land that has been issued by the Māori Land Court.

Primary production – means:

a) any aquaculture, agricultural, pastoral, horticultural, mining, quarrying or forestry activities; and
b) includes initial processing, as an ancillary activity, of commodities that result from the listed activities in a);
c) includes any land and buildings used for the production of the commodities from a) and used for the initial processing of the commodities in b); but
d) excludes further processing of those commodities into a different product.

Primary residential unit – has the same meaning as 'dwelling'.

Renewable Electricity Generation – means generation of electricity from solar, wind, hydro-electricity, geothermal, biomass, tidal, wave, or ocean current energy sources.

Renewable Electricity Generation Activities - means the construction, operation and maintenance of structures associated with renewable electricity generation. This includes small and community-scale distributed renewable generation activities and the system of electricity conveyance required to convey electricity to the distribution network and/or the national grid and electricity storage technologies associated with renewable electricity.

Reverse Sensitivity – is the vulnerability of a lawfully established activity to a new activity or land use. It arises when a lawfully established activity causes potential, actual or perceived adverse environmental effects on the new activity, to a point where the new activity may seek to restrict the operation or require mitigation of the effects of the established activity.

Rural Industry – means an industry or business undertaken in a rural environment that directly supports, services, or is dependent on primary production.

Sensitive Activities (in the National Grid Yard) means:
a. residential activity;
b. marae;
c. hospital;
d. healthcare activity;
e. educational facility and preschools;
f. retirement village;

g. guest or visitor accommodation activity;
h. place of assembly; or
i. papakāinga

Stock Proof Fence - A 9 or 10 wire fence as described in Schedule 2.7 of the Fencing Act 1978.

Amendments to the Operative Taupō District Plan - Section 3 Objectives and Policies

3b RURAL ENVIRONMENT CHAPTER

3b.1 Introduction

The Rural Environment makes up most of the land within the District and has been categorised into two distinct areas, being the General Rural Environment and the Rural Lifestyle Environment. These separate areas highlight the increasing need to protect the open space characteristics of the Rural Environment and its production values, while also providing for the growth of the District and the demand for rural lifestyle living in specific locations.

The Rural Environment also contains sites that are of significance, some of these are identified as Outstanding Landscape Areas. The Rural Environment objectives and policies seek to manage subdivision and land use activities in a way that reflects the productive nature of the land, the rural level of infrastructural services and the amenity values 3b.2.3 of the landscape, as well as managing effects and enabling rural lifestyle living in appropriate areas. Other activities that are anticipated in the Rural Environment are Rural Industry, tourism activities, visitor accommodation and Renewable Electricity Generation and transmission. It is important that all such activities do not affect the ability of the rural environment to function effectively, recognising that some activities have specific locational or operational needs that must be accommodated. It is also important to acknowledge that existing, lawfully established activities in the Rural Environment are able to continue operating and that activities that choose to locate in close proximity to these activities are aware of the effects they can generate and that the Rural Environment is the best location for these activities, and do not limit or restrain those activities. It is expected in the Rural Environment that all properties are self-servicing in terms of the provision of potable water and the disposal of stormwater and wastewater.

The papakāinga provisions recognise the intent of Part 2 of the RMA and provide for the occupation by whanau, hapū or iwi members on Māori land. The provisions recognise the importance of enabling Māori to settle on their ancestral lands. Papakāinga development will often be at higher densities than other residential land uses in the rural environment. Papakāinga may also have associated social, cultural or commercial aspects to support the community who reside there.

In addition to papakāinga there is a wide range of cultural activities and activities of importance to Māori which are appropriate to occur within the rural environment.

General Rural Environment

The General Rural Environment is predominantly characterised by large open space and vegetated areas including productive farmland and forest, ridgelines, native bush, lakes, rivers and their margins. Other prime characteristics of the General Rural Environment are the diverse range of land uses including farming, horticulture, energy

sources and plantation forestry activities, with dispersed buildings and rural roads. There is also a wide range of development associated with tourism activities, recreation, and the District is one of New Zealand's most significant for the generation, storage and transmission of renewable electricity.

The purpose of separating the General Rural Environment from the Rural Lifestyle Environment is to preserve the productive potential of the land and other natural resources within the General Rural Environment by retaining large property sizes and limiting the extent of housing provided for, yet allowing appropriate development to occur while preserving the rural character of the General Rural Environment. The creation of the General Rural Environment aims to support primary productive uses, renewable electricity generation activities, and rural industry, being activities that directly support, service, or are dependent on primary production and/or have a locational or functional need to be within the General Rural Environment (rather than an urban environment).

Activities in the General Rural Environment will produce effects that are different from urban areas, such as noise, odour, vibration, spray drift and dust. Allowing these activities to operate in a more suitable environment, along with compatible activities, aims to protect rural land uses from unnecessary restrictions.

The General Rural Environment provisions seek to limit the scale of commercial and industrial activities unless they are dependent on primary production and/or have a functional or operational need to be within the General Rural Environment. This is to avoid the uptake of General Rural Environment land by activities which are provided for in other Environments and may therefore impact on the land available for primary production activities within the General Rural Environment.

Rural Lifestyle Environment

The Rural Lifestyle Environment has been created to address the increasing demand for rural lifestyle living within the Rural Environment. The Rural Lifestyle Environment aims to provide for rural residential development in specific locations for those who want the benefits of rural living without necessarily undertaking a productive rural activity.

By creating separate areas in appropriate locations within the Rural Environment, the Rural Lifestyle Environment creates areas for rural living on smaller property sizes, whilst retaining separation from the rural production and other activities in the General Rural Environment. This separation of activities serves to minimise reverse sensitivity issues. By concentrating rural residential development within the Rural Lifestyle Environment this serves to preserve rural character and the productive potential of the rest of the Rural Environment, and to reduce the potential for land use conflict.

The Rural Lifestyle Environment will be less populated than a Residential Environment, with standards in place for minimum lot sizes to preserve the rural residential aspect of the area. Limited provision is also made for home business and commercial activity to occur, but not of a scale or extent that changes the predominantly rural residential amenity and character intended. The Rural Lifestyle Environment areas are located in

proximity to urban areas to allow for access to community facilities within the district's townships.

3b.2 Objectives and Policies – General Rural Environment

Objective 3b.2.1 Enable Primary Production and the Use of Natural Resources

Primary production and the use of natural resources are enabled by protecting the availability of rural land and other resources and their productive capability.

Objective 3b.2.2 Maintaining General Rural character

Enable a range of activities in the General Rural Environment that are compatible with and cumulatively do not erode rural character.

Objective 3b.2.3 Rural industry

Rural industry is enabled whilst general commercial and industrial activities not having a locational need to be within the General Rural Environment, other than home business, are avoided.

Objective 3b.2.4 Other activities

Māori cultural activities, tourism activities and visitor accommodation, and other activities that have a locational need are enabled in the General Rural Environment.

Objective 3b.2.5 Avoidance of reverse sensitivity

Reverse sensitivity effects on permitted, legally established, and/or consented activities within the General Rural Environment, including conflict with activities in neighbouring Environments, are avoided.

Objective 3b.2.6 Impacts on infrastructure

The impacts arising from subdivision and development do not compromise the safe and efficient function of infrastructure.

Objective 3b.2.7 Papakāinga

Whanau, hapū and iwi can use and develop ancestral land for Papakāinga.

Papakāinga are of a form and scale that considers the functioning of the General Rural Environment.

Objective 3b.2.8 Tāngata Whenua

The important relationship that tāngata whenua have with their ancestral lands and the wider Rural Environment is recognised and provided for.

Objective 3b.2.9 Renewable Electricity Generation and Transmission Activities

Enable the development, operation, maintenance and upgrading of renewable electricity generation activities and transmission activities in the General Rural Environment.

Policy 3b.2.10 Maintaining the General Rural character

Maintain the General Rural Environment character, as defined by:

a) A predominance of primary production activities
b) Renewable electricity generation activities and electricity transmission and distribution, including geothermal areas
c) Generally large open spaces between built structures
d) A mix of buildings related to primary production, visitor accommodation, tourism activity and rural industry
e) Generally infrequent vehicle movements to and from a site
f) Effects generated from rural activities including noise, vibration, odour, dust and light spill
g) Limited signage that directly relates to the activity operating on the site.

Policy 3b.2.11 Residential units

Avoid the cumulative effects of rural lifestyle development by providing for these activities within the Rural Lifestyle Environment and otherwise limiting residential units within the General Rural Environment that:

a) Increase the demand for community infrastructure and services

b) Result in the inefficient use of land or loss of future flexibility for productive uses

c) Erode the general rural character through its density, scale and location.

Policy 3b.2.12 Heavy vehicle movements

Manage heavy vehicle movements to minimise damage to the transport network and adverse impacts on road safety.

Policy 3b.2.13 Minor residential unit

Manage the scale and location of minor residential units to ensure it is near the principal dwelling on the allotment, is of a suitable size, and to ensure that the future availability of the rural land resource will not be compromised.

Policy 3b.2.14 Avoiding reverse sensitivity

Any new activity must be managed so as to avoid reverse sensitivity effects on permitted, lawfully established and/or consented neighbouring activities.

Policy 3b.2.15 Commercial and industrial activity

Limit the scale of commercial and industrial activity (excluding rural industry and renewable electricity generation activities) to avoid the uptake of general rural land by activities that are provided for in other Environments and may impact on the availability of land for primary production and other activities provided for within the General Rural Environment.

Policy 3b.2.16 Allotment size

Maintain allotments at a size of 10 hectares or larger to allow flexibility for a wide range of productive land uses in the future.

Policy 3b.2.17 Papakāinga

i. Provide for the development of Papakāinga on Māori land
ii. Recognise the social and cultural benefits of the occupation and development of Papakāinga by whanau, hapū and iwi on Māori land
iii. Allow for Papakāinga on General land owned by Māori where it can be demonstrated that there is an ancestral connection to the land and the land will remain in Māori ownership or be converted to Māori freehold title.

Policy 3b.2.18 Māori Cultural Activities

i. Support Māori cultural activities undertaken by or associated with whanau, hapū or iwi that are in accordance with their tikanga.
ii. Recognise the importance of mātauranga Māori, kaitiakitanga and tikanga Māori in land use and land management activities.

Policy 3b.2.19 Highly Productive Land

Subdivision of highly productive land is avoided, except as provided in the National Policy Statement for Highly Productive Land 2022.

Policy 3b.2.20 Primary production and ancillary activities

To enable primary production and ancillary activities, recognising the primary productive purpose of the General Rural Environment.

Policy 3b.2.21 Effects on the National Grid

Ensure that subdivision, use and development does not compromise the safe and efficient operation, maintenance, repair, upgrading, removal and development of the National Grid, including by mapping the National Grid and identifying buffer corridors within which:

i. the establishment or expansion of sensitive activities and intensive, large scale land uses will be avoided;
ii. subdivision and other development is managed to ensure the National Grid is not compromised and reverse sensitivity effects are avoided.

3b.3 Objectives and Policies – Rural Lifestyle Environment

Objective 3b.3.1 Character of the Rural Lifestyle Environment

The character of the Rural Lifestyle Environment is protected from inappropriate subdivision and development.

Objective 3b.3.2 Avoid reverse sensitivity

Adverse reverse sensitivity effects, including conflict with permitted, legally established and/or consented activities in neighbouring Environments, are avoided.

Objective 3b.3.3 Commercial and industrial activities

The establishment of commercial and industrial activities that have no functional need to locate and are incompatible with the rural residential activities occurring within the Rural Lifestyle Environment are avoided.

Objective 3b.3.4 Consolidate rural lifestyle activities

Rural lifestyle activities within identified areas are consolidated to encourage more efficient use of the rural land resource and avoid the fragmentation of land in the General Rural Environment.

Objective 3b.3.5 Allotment sizes

That allotments are maintained at sizes to:

a) Enable small scale primary production to occur;
b) Protect highly productive land for use in land-based primary production; and
c) Avoid the cumulative impacts on community infrastructure and services arising from an increase in demand or increases to level of service.

Objective 3b.3.6 Impacts on infrastructure

The impacts arising from subdivision and development do not compromise the safe and efficient function of infrastructure within the Rural Lifestyle Environment.

Objective 3b.3.7 Impacts on community infrastructure

The impacts on community infrastructure arising from subdivision and development are managed.

Objective 3b.3.8 Papakāinga

Whanau, hapū and iwi can use and develop ancestral land for Papakāinga. Papakāinga are of a form and scale that considers the functioning of the Rural Lifestyle Environment.

Objective 3b.3.9 Tāngata Whenua

The important relationship that mana whenua have with their ancestral lands and the wider Rural Environment is recognised and provided for.

Policy 3b.3.10 Character of the Rural Lifestyle Environment

Manage the anticipated character of the Rural Lifestyle Environment as defined by:

a) Buildings on different sites are separated from each other in a way that creates a sense of privacy.
b) Accessory buildings to service rural lifestyle activities that do not dominate the landscape.
c) Dwellings may be large but are surrounded by open space and do not dominate the landscape.
d) A general absence of urban infrastructure including community stormwater and wastewater services.
e) An environment which includes residential activities, rural productive activities and home business activities.
f) Noise related to production activities during the day but low levels of noise at night.
g) Low levels of light spill.
h) Limited signage that directly relates to the activity operating on the site.
i) An environment that is surrounded by a working rural environment including primary production, geothermal areas/steamfields and renewable electricity generation activities.

Policy 3b.3.11 Lot sizes and setbacks for allotments adjoining the General Rural Environment

Require larger lot sizes and greater building setbacks for allotments adjoining the General Rural Environment to manage reverse sensitivity.

Policy 3b.3.12 On-site servicing

Require properties to manage its services on-site in terms of the provision of potable water and the disposal of stormwater and wastewater.

Policy 3b.3.13 Minor residential unit

Manage the scale and location of minor residential units to ensure it is near the principal dwelling on the allotment, is of a suitable size, to further protect the character of the Rural Lifestyle Environment and to avoid reverse sensitivity effects.

Policy 3b.3.14 Papakāinga

i. Provide for the development of Papakāinga on Māori land within the Rural Lifestyle Environment.
ii. Recognise the social and cultural benefits of the development of papakāinga on Māori land within the Rural Lifestyle Environment.
iii. Allow for Papakāinga on General Land owned by Māori where there is a historical ancestral connection to the land and it can be demonstrated that

the land will remain in Māori ownership or be converted to Māori freehold title.

Policy 3b.3.15 Māori Cultural Activities

i. Support Māori cultural activities undertaken by or associated with whanau, hapū or iwi that are in accordance with their tikanga.
ii. Recognise the importance of mātauranga Māori, kaitiakitanga and tikanga Māori in land use and management activities.

Policy 3b.3.16 Highly Productive Land

Subdivision of highly productive land is avoided, except as provided in the National Policy Statement for Highly Productive Land 2022.

Policy 3b.3.17 Centennial Drive Rural Lifestyle Environment

Avoid subdivision and development within the Rural Lifestyle Environment at Centennial Drive to ensure avoidance of adverse reverse sensitivity effects, including conflict with permitted, legally established and/or consented activities in neighbouring Environments.

Policy 3b.3.18 Effects on the National Grid

Ensure that subdivision, use and development does not compromise the safe and efficient operation, maintenance, repair, upgrading, removal and development of the National Grid, including by mapping the National Grid and identifying buffer corridors within which:

i. the establishment or expansion of sensitive activities and intensive, large scale land uses will be avoided;
ii. subdivision and other development is managed to ensure the National Grid is not compromised and reverse sensitivity effects are avoided.

Amendments to the Operative Taupō District Plan - Section 4 Rules and Standards

4e District Wide Rules
4e.2 Foreshore Protection

Rule 4e.2.1
Any building on or above ground within a Foreshore Protection Area is a discretionary activity.

i. EXCEPTION: Electricity Generation Core Sites (as identified on the planning maps) – permitted activity where in accordance with Rule 4b.1.4 and where located no more than 100 metres from any existing structure associated with power generation.

4b Rural Environment

4b.1 General Rules – General Rural Environment

4b.1.1 Activities in the General Rural Environment

i. Any activity that:
   a) Complies with all the Performance Standards for the General Rural Environment; and
   b) Complies with all the District Wide Performance Standards; and
   c) Is not identified as a controlled, restricted discretionary, discretionary or non-complying activity within the General Rural Environment; and
   d) Is not identified as a controlled, restricted discretionary, discretionary or non-complying activity within the District Wide Rules

   is a **permitted activity**.

ii. Any activity that is not a permitted, controlled, restricted discretionary or a non-complying activity is a **discretionary activity**.

4b.1.2 Minor residential units

i. A minor residential unit which complies with the performance standards is a **permitted activity**.
ii. A minor residential unit which does not comply with the performance standards is a **restricted discretionary activity**.

When considering activities under Rule 4b.1.2 Council restricts the exercise of its discretion to the following matters:

a. The proximity between the primary residential unit and the minor residential unit.
b. The extent to which the residential unit and vehicle access point design, siting and external appearance adversely affects rural character and amenity.
c. Site topography and orientation and whether the residential unit(s) and vehicle access point can be more appropriately located to minimise adverse visual amenity effects.
d. Effect on nearby sites, including outlook and privacy.
e. Whether the residential unit and the vehicle access point can be more appropriately located to maintain, enhance or restore indigenous biodiversity values.
f. The ability to mitigate adverse effects through the use of screening, planting, landscaping and alternative design.
g. Proposed methods for the avoidance, remedying or mitigation of potential adverse effects, and the degree to which they would be successful.
h. The likelihood of future subdivision which results in the minor residential unit being on a separate allotment to the primary residential unit.
i. The potential to constrain access to and/or the utilisation of renewable energy sources.

j. The ability to avoid reverse sensitivity effects through the use of screening, planting, landscaping, alternative design and/or other means including restrictive covenants.

4b.1.3 Temporary Activities

i. Any temporary activity, being an activity of up to a total of four operational days in any 6 month period, which exceeds any performance standard(s), is a **permitted activity**, provided that:
   a. There are no new permanent structures constructed; and
   b. Once the activity has ceased, the site (including vegetation and the surface of the ground of the site) is retained or re-instated to its condition prior to the activity commencing; and
   c. An allowance of 14 non-operational days in any six month period associated with the activity is not exceeded.

4b.1.4 Electricity Generation Core Sites, Renewable Electricity Generation Activities and Geothermal Areas

i. Any activity involving continued operation, maintenance and minor upgrading of existing electricity generation core sites, geothermal areas, renewable electricity generation activities and associated structures is a **permitted activity**.

NOTE: For the purpose of this rule "maintenance" means:

All activities associated with the protective care and monitoring of a hydro dam, a geothermal or hydroelectric power station, geothermal steamfields and associated structures, in order to monitor, test and/or arrest the processes of decay, structural fatigue, erosion or dilapidation of and includes maintenance of surrounds and water areas.

NOTE: For the purpose of this rule "minor upgrading" means:

Structural improvement, repair and replacement or upgrade of components, or activities required for the continued safe and efficient operation including worn or technically deficient parts of the powerhouse, hydro dams, separation plants, switchyards, intake, control and diversion structures, wells, pipes, tunnels, cables, other equipment and accessory buildings and structures, and includes associated drilling, vehicles, infrastructure, machinery, testing, monitoring, earthworks and vegetation removal. Also, the extension to existing Buildings and Structures, and the erection of new Buildings and Structures.

4b.1.5 Commercial and industrial activities, and home businesses,

i. A commercial, industrial activity (excluding rural industry), or home business which complies with the performance standards is a **permitted activity**.
ii. A commercial, industrial activity (excluding rural industry), or home business which does not comply with the performance standards is a **restricted discretionary activity**.

When considering activities under Rule 4b.1.5ii Council restricts the exercise of its discretion to the following matters:

a. The daily vehicle movements expected to and from the allotment.
b. The effect of the activity on the rural character of the area, having regard to visual effects and lighting effects.
c. The effect of the activity on surrounding land uses (including reverse sensitivity effects) and how these effects can be managed onsite and/or mitigated.
d. The hours of operation for the activity.
e. The proposed signage associated with the activity.

4b.1.6 Papakāinga

i. Papakāinga on Māori customary land and Māori freehold land which complies with all of the performance standards in 4b.2 is a **permitted activity**
ii. Papakāinga on Māori customary land and Māori freehold land which does not comply with one or more performance standard in 4b.2 is a **Restricted Discretionary activity**
iii. Papakāinga on general land owned by Māori is a **Restricted Discretionary activity**
iv. Applications under Rules 4b.1.6 ii or iii will not be notified.

When considering activities under Rule 4b.1.6 ii and iii Council restricts the exercise of its discretion to the following matters:

a. Those performance standards in 4b.2 which the proposal does not comply with
b. Any effects on the functioning of the rural environment including effects on rural infrastructure.
c. For 4b.1.6 iii, in addition to a and b:
    a. Historical associations of the land to mana whenua and reasons why the land was given general title
    b. Whether the land can be converted to Māori title under Te Ture Whenua Act 1993
    c. Any documents or mechanisms provided by the applicant to demonstrate that the land will be secured for permanent Māori administration and maintenance of the land title.

4b.1.7 Buildings, structures and activities in the National Grid Yard

i. Any building, structure and activity in the National Grid Yard which complies with the performance standards in 4b.2.16 is a **permitted activity**.
ii. Any permitted building, structure or activity which does not comply with the performance standards in 4b.2.16 or any building or structure that is not otherwise provided for, is a **non-complying activity**.

Notification:
Transpower will be considered to be an affected party where consent is required under the National Grid specific rules. Notice of any application for resource consent under this rule must be served on Transpower New Zealand Limited in accordance with Clause 10(2) of the Resource Management (Forms, Fees, and Procedure) Regulations 2003.

NOTE: For the purpose of this rule "Building" means: as defined in the National Planning Standards 2019.

4b.1.8 Buildings within Outstanding Landscape Areas

i. Provided that the activity has not been identified as a discretionary or non-complying activity by another rule in the Plan, within an Outstanding Landscape Area, the erection of structures:
    a. Between 5m and 10m in height; or
    b. For Masts and Poles between 5m and 20m in height; or
    c. Which are between 250m² and 1,000m² in ground floor area, and have an aggregate coverage less than 2.5% of the allotment

    is a **restricted discretionary activity**.

EXCEPTION: This rule will not apply to the erection of structures:

a. Within Electricity Generation Core Sites.
b. For the purpose of Papakāinga.
c. Within any Māori Reservation established under the Te Ture Whenua Māori Act 1993/ Māori Lands Act 1993 for the purposes of a village site, marae, scenic interest and/or wildlife protection.

The Council restricts the exercise of its discretion to the following matters:

a. The location of the structure in relation to the Landscape Attributes as described in schedule 7.1, considering:
    - ridgelines and prominent landforms,
    - the need to locate the structure within an Outstanding Landscape Area, and
    - whether there are alternatives,
    - whether the location within an Outstanding Landscape Area is shown to be justified, and
    - how the location and design mitigates any adverse effects on the Landscape Attributes of the Outstanding Landscape Area.
b. The scale of the structure on the Outstanding Landscape Area, and the ability to reduce the visual dominance of increased bulk.
c. The use of materials and colours to respond to the natural hues of the Landscape Area, and minimisation of reflectivity levels, including the utilisation of colours from the A and B Groups of the British Standard BS 5252 colour chart with reflectivity level less than 35%.
d. Measures to reduce window reflectivity by use of overhanging eaves, or low-reflectivity glass.
e. Any proposed mitigation planting to assist in integrating structures with the site, and the effectiveness of such mitigation on protecting the Landscape Attributes of the Outstanding Landscape Area.
f. The minimisation of earthworks associated with the erection of structures that may adversely affect the Landscape Attributes and character of the Outstanding Landscape Area.
g. Consideration of cumulative visual effects of structures on the Outstanding Landscape Area.
h. Consideration of the potential for erosion and land instability (including on-going erosion and land instability) resulting from the proposed

earthworks, which may result in an adverse effect on Landscape Attributes.

4b.1.9 Earthworks within Outstanding Landscape Areas

Earthworks within an Outstanding Landscape Area that creates a new cut face or fill that is in excess of 1.5 metres in height, or cumulative vertical ground alteration in excess of 3.0 metres over a 12 month period, is a **restricted discretionary activity**, provided that any exposed cut or fill face located in vegetation of a height 1.5 metres or less is revegetated not later than the next growing season. Revegetation should consist of indigenous species or the same or similar species (other than pest species) present on the site prior to earthworks.

EXCEPTION: This rule will not apply to Earthworks within Electricity Generation Core Sites.

The Council restricts the exercise of its discretion to the following matters:

a. The extent to which the Earthworks will change the ground level.
b. The effect of the Earthworks on the Landscape Attributes.
c. The degree to which the finished ground levels reflect the contour of the surrounding landform.
d. The degree to which Earthworks will enable building facades to be extended below natural ground level.
e. The period that soil will be exposed.
f. Proposed methods and timing for the remediation or mitigation of potential adverse effects and the degree to which such methods would be successful, including rehabilitation, re-contouring and re-vegetation or the retention of existing vegetation.
g. Consideration of cumulative visual effects of Earthworks on the Outstanding Landscape Area.
h. The location of the Earthworks in relation to the Landscape Attributes as described in schedule 7.1, considering;
   - ridgelines and prominent landforms,
   - the location requirement of the activity
   - whether there are alternatives.
i. Consideration of the potential for erosion and land instability (including on-going erosion and land instability) resulting from the proposed earthworks

4b.1.10 Intensive indoor primary production, greenhouses and rural industry

i. An intensive indoor primary production, greenhouses or rural industry activity which complies with performance standards 4b.2.1, 4b.2.2, 4b.2.3, 4b.2.5 and 4b.2.6 is a **permitted activity**.
ii. An intensive indoor primary production, greenhouses or rural industry activity which does not comply with these performance standards is a **restricted discretionary activity**.

The Council restricts the exercise of its discretion to the following matters:

a. The daily vehicle movements expected to and from the allotment.
b. The effect of the activity on the rural character of the area, having regard to visual effects and lighting effects.
c. The effect of the activity on surrounding land uses and how these effects can be managed onsite and/or mitigated.
d. The hours of operation for the activity.
e. The proposed signage associated with the activity.

4b.1.11 Earthworks or vertical holes in the National Grid Yard

i. Earthworks or vertical holes in the National Grid Yard which comply with the performance standards in 4b.2.17 are a **permitted activity**.
ii. Earthworks or vertical holes which do not comply with the performance standards in 4b.2.17 are a **non-complying activity**.

4b.1.12 Noise Corridor Boundary Overlay

i. Within the Noise Corridor Boundary Overlay, where:
    a) a new building that contains a noise sensitive activity (as identified in Table 1); or
    b) an alteration to an existing building resulting in an increase in floor area of a noise sensitive activity; or
    c) a new noise sensitive activity is located in an existing building;

    is proposed which complies with the performance standards in 4b.2.18 is a **permitted activity**.
ii. Any new or altered noise sensitive activity proposed which does not comply with 4b.2.18 is a **restricted discretionary activity**.

The Council restricts the exercise of its discretion to the following matters:

a. Whether the location of the building minimises effects.
b. Alternative mitigation which manages the effects of the non-compliance on the health and amenity of occupants.
c. The outcome of any consultation with Waka Kotahi NZ Transport Agency.

4b.2 Performance Standards – General Rural Environment

4b.2.1 Vehicle movements

i. 200 'equivalent vehicle movements' per day for the allotment.
ii. Papakāinga – 100 'equivalent vehicle movements' per day for the allotment or 24 per dwelling, whichever is the greater.
iii. 100 'equivalent vehicle movements' per day where access is to a State Highway.

EXCEPTION: This performance standard shall not apply to traffic movements involved in forest harvesting operations or existing and/or consented renewable electricity generation activities.

NOTE: Any accessway onto the State Highway should be developed as per the Waka Kotahi Planning Policy Manual Appendix 5B Standards and Guidelines or any future updates or replacements to this standard.

4b.2.2 Maximum building coverage

i. 10% of the total allotment area.

4b.2.3 Maximum building size

i. 5,000m^2 gross floor area for a single building.

4b.2.4 Maximum density of primary residential units

i. One primary residential unit per 10 hectares.

EXCEPTION: Papakāinga.

4b.2.5 Maximum building height

i. 12 metres.
ii. 5 metres in a height restricted area.
iii. 5 metres in an Outstanding Landscape Area.
iv. 15 metres for renewable electricity generation activities on land identified as a Geothermal Area in Section O within an Electricity Generation Core Site.

EXCEPTIONS:

- Activities associated with the investigation, identification and assessment of potential sites and energy sources for renewable electricity generation by existing and prospective generators including wind monitoring masts – no height limit.
- Cranes being used as part of any construction or maintenance works for the duration of the works – no height limit.
- Drilling Rigs for up to 60 days per well – no height limit.

4b.2.6 Minimum building setbacks

i. 30 metre setback for dwellings, minor residential units and other buildings from the front boundary.
ii. 15 metres setback for dwellings, minor residential units and other buildings from all other boundaries.
iii. 25 metres in Outstanding Landscape Areas from all boundaries.
iv. 200 metres for buildings for the management of farmed animals from all boundaries. NOTE: Buildings with a floor area of 150m^2 or less are exempt from this definition.
v. There shall be no front boundary setback for buildings and activities associated with Electricity Generation and Renewable Energy Generation Activities on land

identified as Geothermal Area in Section O within an Electricity Generation Core Site where the road extends over any power generation Building or Structure.

vi. There shall be no boundary setback for buildings and activities associated with Electricity Generation on land identified as Geothermal Area in Section O within an Electricity Generation Core Site.

vii. All new buildings must be setback at least 30m from the legal boundary of an existing plantation forest.

EXCEPTION: For the purpose of this performance standard water tanks are not required to comply with the setback requirements in this standard.

4b.2.7 Minor residential units

A maximum of one minor residential unit per primary residential unit.

i. All minor residential units or accommodation activity units shall:
    a. Be no larger than 100m^2 in size (inclusive of garaging).
    b. Be located no greater than 40 metres from the primary residential unit.
    c. Share an accessway/driveway with the primary residential unit.

EXCEPTION: Papakāinga.

NOTE: Minor residential units also include accommodation activities, tiny homes/houses, caravans and other structures used for accommodation for more than two consecutive months in a calendar year on the allotment.

4b.2.8 Commercial and industrial activities, and home businesses

i. Any indoor or outdoor space used for commercial, industrial (excluding rural industry) or home business purposes, shall have a gross floor area less than 100m^2 for indoor activities, or 100m^2 of land area for outdoor activities.

ii. For home businesses the principal operator of the home business must be a permanent resident on the site to which the home business relates.

EXCEPTION: Home business or commercial activities within a Papakāinga.

4b.2.9 Maximum Noise – Limits

i. The noise level arising from any activity measured within the notional boundary of any General Rural Environment or Rural Lifestyle Environment site or within the boundary of any residential environment site, other than the site where the noise is generated, shall not exceed the following limits:
    a) 7.00am – 10.00pm 55dBA L_{eq}
    b) 10.00pm – 7.00am 40dBA L_{eq} and 70dBA L_{max}

NOTE: For specific noise refer to following Performance Standards.

NOTE: The noise levels shall be measured in accordance with the requirements of NZS 6801:2008 Acoustics – Measurement of Environmental Sound and assessed in accordance with the requirements of NZS6802:2008 Assessment of Environmental Sound.

4b.2.10 Maximum Noise – Construction Noise

i. All construction noise shall meet the requirements of New Zealand Standard NZS 6803: 1999 Acoustics Construction Noise.

4b.2.11 Maximum Noise – Electricity Generation Core Sites

i. Noise from uses at Electricity Generation Core Sites established either prior to the notification of this Plan (July 2000) or approved by way of resource consent shall comply with the noise limits specified in 4b.2.9 above as measured:
   a) Outside the noise control boundary relating to each Electricity Generation Core Site as shown on the Planning Maps; or
   b) Within the Notional Boundary of any Dwelling within the General Rural Environment or Rural Lifestyle Environment where this is beyond the noise control boundary; or
   c) At the boundary of the Residential Environment where this is beyond the noise control boundary.
   d) Any new Buildings with habitable rooms (i.e. Dwellings, retirement homes, etc), built within the noise control boundaries shall be required to ensure they are appropriately designed to achieve suitable internal noise levels (35dBA L_{eq}).
   e) The noise control boundary will be either the Electricity Generation Core Site boundary or the existing 40dBA L_{eq} and 75dBA L_{max} contour where this is beyond the Core Electricity Generation Site boundary, as shown on the planning maps.

4b.2.12 Maximum Noise – Well Drilling and Testing

i. Noise from well drilling and testing:
   a) at the boundary of any site within the Residential Environment;
   b) within the notional boundary of any dwelling or accommodation activity within the General Rural Environment or Rural Lifestyle Environment shall not exceed the noise levels set out below, measured and assessed in accordance with the provisions of NZS 6803:1999 Acoustics – Construction Noise, if the occupiers do not agree to vacate the premises at the noise generator's expense during the drilling period.

ii. Time Period Monday to Sunday (inclusive):

	L_{eq}	L_{max}
7.00am – 10.00pm	70	85
10.00pm – 7.00am	60	75

4b.2.13 Maximum Noise – Other

i. Nothing in the foregoing Performance Standards shall apply to farm animals including working dogs, and to primary production vehicles, agricultural aviation and support vehicles, including ancillary activities such as the use of frost fans and bird scaring devices primary production machinery or equipment (including mobile plant at produce packing facilities but excluding sawmilling equipment), operated and maintained in accordance with the manufacturer's specifications in accordance with accepted management practices (e.g. for milking, spraying, harvesting, packing, forest harvesting and the like). Provided that the activity

shall comply with the requirements of s16 of the Resource Management Act 1991and s98 of the National Environmental Standards for Plantation Forestry 2017.

ii. Nothing in the foregoing Performance Standards shall apply to sirens, circuit breakers, bursting discs, emergency or upset operating conditions and hydro spills associated with the operation of renewable electricity generation activities within Electricity Generation Core sites. Provided that the activity shall comply with the requirements of s16 of the Resource Management Act 1991.

4b.2.14 Parking, Loading and Access

i. In accordance with Section 6: Parking, Loading and Access.

4b.2.15 Signage

i. Maximum of one sign per allotment.
ii. Maximum total face area of sign - 2m².
iii. Signage must relate to the activity undertaken on the allotment.
iv. No flashing, reflectorised or illuminated signage.
v. One temporary sign per allotment for the sale of land or buildings of not more than $2m^2$ total face area.
vi. Where a sign faces a State Highway:
    a) A sign must not display more than 6 words, symbols, or graphics and no more than 40 characters.
    b) Lettering and symbols used must be at least 160 millimetres in height.

EXCEPTIONS: Official signs required by statute and warning signs related to aspects of public safety are not required to comply with the standards.

4b.2.16 Buildings, structures and activities in the National Grid Yard

i. The activity, building or structure is not used for or associated with a sensitive activity.
ii. Accessory buildings or structures for sensitive activities located more than 12m from a National Grid support structure, that are no more than 2.5m in height and no more than $10m^2$ in area.
iii. The building or structure meets the safe electrical clearance distances required by New Zealand Electrical Code of Practice for Safe Electrical Distances (NZECP 34:2001) under all transmission line operating conditions and is:
    a) a fence or artificial screen not exceeding 2.5 metres in height measured from ground level.
    b) an uninhabited farm or horticultural structure or building (but not intensive indoor primary production, commercial greenhouses, wintering barns, produce packing facilities, or milking/dairy sheds (excluding ancillary stockyards and platforms).

c) irrigation equipment used for agricultural or horticultural purposes including the reticulation and storage of water where it does not permanently physically obstruct existing vehicular access to a National Grid support structure.
d) undertaken by a network utility operator, infrastructure or any part of electricity infrastructure that connects to the National Grid.

iv. The building or structure does not permanently physically impede existing vehicular access to any National Grid support structure.

v. The building or structure is not for the handling or storage of Class 1-4 hazardous substances (Hazardous Substances (Hazard Classification) Notice 2020) with explosive or flammable intrinsic properties (except this does not apply to the accessory use and storage of hazardous substances in domestic scale quantities).

vi. The building or structure is located at least 12 metres from the outer visible edge of a foundation of a National Grid transmission line support structure, except where it:
a) is a fence or artificial screen not exceeding 2.5 metres in height that is located at least 6 metres from the outer visible edge of a foundation of a National Grid transmission line tower.
b) meets the requirements of clause 2.4.1 of New Zealand Electrical Code of Practice for Safe Electrical Distances (NZECP 34:2001).
c) undertaken by a network utility operator, infrastructure or any part of electricity infrastructure that connects to the National Grid.

NOTE: For the purpose of this rule "Building" means: as defined in the National Planning Standards 2019.

4b.2.17 Earthworks or vertical holes in the National Grid Yard

i. Earthworks or vertical hole/s must not:
a) exceed 300mm in depth within 6m of the outer visible edge of a National Grid support structure;
b) exceed 3m depth where located between 6m and 12m of the outer edge of the visible foundation of any National grid support structure;
c) result in a reduction of the ground to conductor clearance distances as required in Table 4 of the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001;
d) result in the permanent loss or obstruction of vehicular access to a National Grid support structure; and
e) compromise the stability of a National Grid support structure.

ii. The following earthworks or vertical holes activities are exempt from i. a) and b) above:
a) earthworks or vertical hole/s, excluding mining and quarrying, that are undertaken by a network utility operator as defined by the Resource Management Act 1991;
b) earthworks or vertical hole/s, excluding mining and quarrying, as part of agricultural or domestic cultivation, or for the repair, sealing or resealing of a road, footpath, driveway or farm track;

c) earthworks subject to a dispensation from Transpower under New Zealand Electrical Code of Practice for Safe Electrical Distances (NZECP 34:2001).

Notification:

Application for resource consent under this rule will be decided without public notification. Transpower is likely to be the only affected person determined in accordance with section 95B of the Resource Management Act 1991.

4b.2.18 Noise Control Boundary Overlay – Sensitive Activities

i. Within the Noise Corridor Boundary Overlay, where:
   a) a new building that contains a noise sensitive activity (as identified in Table 1); or
   b) an alteration to an existing building resulting in an increase in floor area of a noise sensitive activity; or
   c) a new noise sensitive activity is located in an existing building;

   is proposed, it shall be:
   i. Designed, constructed and maintained to achieve indoor design noise levels not exceeding the maximum values in Table 1; and
   ii. If windows must be closed to achieve the design noise levels in i. above, the building is designed, constructed and maintained with a mechanical ventilation system that:
      a. For habitable rooms for a residential activity, achieves the following requirements:
         - Provides mechanical ventilation to satisfy clause G4 of the New Zealand Building Code; and
         - is adjustable by the occupant to control the ventilation rate in increments up to a high air flow setting that provides at least 6 air changes per hour; and
         - provides relief for equivalent volumes of spill air; and
         - provides cooling and heating that is controllable by the occupant and can maintain the inside temperature between 18C and 25C; and
         - Does not generate more than 35 dB LAeq (30s) when measured 1 metre away from any grille or diffuser.
      b. For other spaces, is as determined by a suitably qualified and experienced person; and
   iii. A report is submitted by a suitably qualified and experienced person to the Council demonstrating compliance with i. and ii. above (as relevant) prior to the construction or alteration of any building containing an activity sensitive to noise.
   iv. Instead of i., ii. and iii. above, is within the Noise Corridor Boundary Overlay but is at least 50 metres from the carriageway of any State Highway and is designed so that a noise barrier entirely blocks line-of-sight from all parts of doors and windows to the road surface.

   Table 1: Noise Sensitive Activities and their Maximum Permissible Road Noise Level

Occupancy/activity	Maximum road noise level LAeq (24h) *Note 1
Building type: Residential	
Sleeping spaces	40 dB
All other habitable rooms	40 dB
Building type: Education	
Lecture rooms/theatres, music studios, assembly halls	35 dB
Teaching areas, conference rooms, drama studios, sleeping areas	40 dB
Libraries	45 dB
Building type: Health	
Overnight medical care, wards	40 dB
Clinics, consulting rooms, theatres, nurses' stations	45 dB
Building type: Cultural	
Places of worship, marae	35 dB

Note 1: The design road noise is to be based on measured or predicted external noise levels plus 3 dB.

4b.3 General Rules – Rural Lifestyle Environment

4b.3.1 Activities in the Rural Lifestyle Environment

i. Any activity that:
   a. complies with all of the Performance Standards for the Rural Lifestyle Environment; and
   b. complies with all the District Wide Performance Standards; and
   c. is not identified as a controlled, restricted discretionary, discretionary or non-complying activity within the Rural Lifestyle Environment; and
   d. is not identified as a controlled, restricted discretionary, discretionary or non-complying activity within the District Wide Rules;

   is a **permitted activity**.

ii. Any activity that is not a permitted, controlled, restricted discretionary or a non-complying activity is a **discretionary activity**.

4b.3.2 Minor residential units

i. A minor residential unit which complies with the performance standards is a **permitted activity**.
ii. A minor residential unit which does not comply with the performance standards is a **restricted discretionary activity**.
iii. A minor residential unit within the Rural Lifestyle Environment as it applies to Centennial Drive is a **non-complying activity**.

When considering activities under Rule 4b.3.2 Council restricts the exercise of its discretion to the following matters:

a. The proximity between the primary residential unit and the minor residential unit.

b. The extent to which the residential unit and vehicle access point design, siting and external appearance adversely affects rural character and amenity.
c. Site topography and orientation and whether the residential unit(s) and vehicle access point can be more appropriately located to minimise adverse visual amenity effects.
d. Effect on nearby sites, including outlook and privacy.
e. Whether the residential unit and the vehicle access point can be more appropriately located to maintain, enhance or restore indigenous biodiversity values.
f. The ability to mitigate adverse effects through the use of screening, planting, landscaping and alternative design.
g. Proposed methods for the avoidance, remedying or mitigation of potential adverse effects, and the degree to which they would be successful.
h. The likelihood of future subdivision which results in the minor residential unit being on a separate allotment to the primary residential unit.

4b.3.3 Home business, commercial, and retail activities

i. A home business, commercial and retail activity which complies with performance standards is a **permitted activity**.
ii. A home business, commercial and retail activity which does not comply with performance standards is a **restricted discretionary activity**.

When considering activities under Rule 4b.3.3 Council restricts the exercise of its discretion to the following matters:

a. The effect of the activity on the Rural Lifestyle Environment character.
b. The effects of the activity's vehicle movements, parking, loading and access on the network.
c. Any nuisance effects such as odour, noise and glare are managed within the site.

4b.3.4 Intensive indoor primary production

i. An intensive indoor primary production activity which complies with performance standards is a **permitted activity**.
ii. An intensive indoor primary production activity which does not comply with performance standards is a **discretionary activity**.

4b.3.5 Temporary Activities

i. Any temporary activity, being an activity of up to a total of four operational days in any 6 month period, which exceeds any performance standard(s), is a **permitted activity**, provided that:
    a. There are no new permanent structures constructed; and
    b. Once the activity has ceased, the site (including vegetation and the surface of the ground of the site) is re-instated to its condition prior to the activity commencing; and

c. An allowance of 14 non-operational days in any six month period associated with the activity is not exceeded.

4b.3.6 Papakāinga

i. Papakāinga on Māori customary land and Māori freehold land which complies with all of the performance standards in 4b.4 is a **permitted activity**
ii. Papakāinga on Māori customary land and Māori freehold land which does not comply with one or more performance standard in 4b.4 is a **Restricted Discretionary activity**
iii. Papakāinga on general land owned by Māori is a **Restricted Discretionary activity**
iv. Applications under Rules 4b.3.6 ii or iii will not be notified.

When considering activities under Rule 4b.3.6 ii and iii Council restricts the exercise of its discretion to the following matters:

a. Those performance standards in 4b.4 which the proposal did not comply with.
b. Any effects on the functioning of the rural environment including effects on rural infrastructure.
c. For 4b.3.6iii, in addition to a and b:
    i. Historical reasons why the land was given general title
    ii. Whether the land can be converted to Māori title under Te Ture Whenua Act 1993
    iii. Any documents or mechanisms provided by the applicant to demonstrate that the land will be secured for permanent Māori administration and maintenance of the land title.

4b.3.7 Buildings, structures and activities in the National Grid Yard

i. Any building, structure and activity in the National Grid Yard which complies with the performance standards in 4b.4.16 is a **permitted activity**.
ii. Any permitted building, structure or activity which does not comply with the performance standards in 4b.4.16 or any building or structure that is not otherwise provided for, is a **non-complying activity**.

Notification:
Transpower will be considered to be an affected party where consent is required under the National Grid specific rules. Notice of any application for resource consent under this rule must be served on Transpower New Zealand Limited in accordance with Clause 10(2) of the Resource Management (Forms, Fees, and Procedure) Regulations 2003.

NOTE: For the purpose of this rule "Building" means: as defined in the National Planning Standards 2019.

4b.3.8 Earthworks or vertical holes in the National Grid Yard

i. Earthworks or vertical holes in the National Grid Yard which comply with the performance standards in 4b.4.17 are a **permitted activity**.
ii. Earthworks or vertical holes which do not comply with the performance standards in 4b.4.17 are a **non-complying activity**.

4b.3.9 Noise Corridor Boundary Overlay

i. Within the Noise Corridor Boundary Overlay, where:
    a) a new building that contains a noise sensitive activity (as identified in Table 1); or
    b) or an alteration to an existing building resulting in an increase in floor area of a noise sensitive activity; or
    c) a new noise sensitive activity is located in an existing building;

    is proposed which complies with the performance standards in 4b.4.18 is a **permitted activity**.
ii. Any new or altered noise sensitive activity proposed which does not comply with 4b.4.18 is a **restricted discretionary activity**.

The Council restricts the exercise of its discretion to the following matters:

a. Whether the location of the building minimises effects.
b. Alternative mitigation which manages the effects of the non-compliance on the health and amenity of occupants.
c. The outcome of any consultation with Waka Kotahi NZ Transport Agency.

4b.4 Performance Standards – Rural Lifestyle Environment

4b.4.1 Vehicle movements

i. 50 equivalent vehicle 4b.5.9 per day for the allotment.
ii. Papakāinga: 100 vehicle movements per day for the allotment or 24 per dwelling, whichever is the greater.

EXCEPTION: This performance standard shall not apply to traffic movements involved in forest harvesting operations.

4b.4.2 Maximum building coverage

i. 10% of the total allotment area.

4b.4.3 Maximum building size

i. 500m^2 gross floor area for a single building.

4b.4.4 Maximum density of primary residential units

i. One primary residential unit per two hectares.
ii. One primary residential unit per four hectares for lots adjoining the General Rural Environment.
iii. One primary residential unit per four hectares in Areas X and Y (shown on planning map D3 Geothermal Subdivision Rule).

EXCEPTION: Papakāinga.

4b.4.5 Minor residential units

i. No more than one minor residential unit per primary residential unit is permitted.
ii. All minor residential units shall:
    a. Be no larger than 100m^2 in size (inclusive of garaging).
    b. Be located no greater than 40 metres from the primary residential unit.
    c. Share an accessway/driveway with the primary residential unit.

EXCEPTION: Papakāinga.

EXCEPTION: No further minor residential units are provided for within the Rural Lifestyle Environment as it applies to Centennial Drive, and any such application is a non-complying activity as per 4b.3.2.

NOTE: Minor residential units also include accommodation activities, tiny homes/houses, caravans and other structures used for accommodation for more than two consecutive months in a calendar year on the allotment.

4b.4.6 Maximum building height

i. The maximum height of a building shall not exceed 10 metres.

4b.4.7 Minimum building setbacks

i. 30 metre setback for dwellings and minor residential units and other buildings from the front boundary.
ii. 15 metres for dwellings, and minor residential units and other buildings from all other boundaries except as restricted by clause iii.
iii. Dwellings and minor residential units shall be setback a minimum of 50 metres from the General Rural Environment.

EXCEPTION: Water tanks are not required to comply with the setback requirements in this rule.

4b.4.8 Intensive indoor primary production

i. Any intensive indoor primary production activity shall involve less than 100m^2 in gross floor area, or be within a building up to 100m² gross floor area per hectare within the allotment, up to a total of 250m² gross floor area.

4b.4.9 Home business, commercial, and retail activities

i. Any indoor or outdoor space used for a home business, commercial or retail purposes, shall be less than 100m^2 in gross floor area for indoor activities, or 100m² of land area for outdoor activities.
ii. For home businesses the principal operator of the home business must be a permanent resident on the site to which the home business relates.

EXCEPTION: Papakāinga.

4b.4.10 Signage

i. Maximum one sign per allotment.
ii. Maximum total face area - 1m².

iii. Signage must relate to the activity undertaken on the allotment.
iv. No flashing, reflectorised or illuminated signs.
v. One temporary sign per allotment, 2m² total face area, for the sale of land or buildings.
vi. Where the sign faces a State Highway:
    a) The sign must not display more than 6 words, symbols, or graphics and no more than 40 characters.
    b) Lettering and symbols used must be at least 160 millimetres in height.

4b.4.11 Parking Loading and Access

i. In accordance with Section 6: Parking, Loading and Access.

4b.4.12 Maximum Artificial Light Level

i. 8 LUX (lumens per square metre) at the boundary.

4b.4.13 Maximum Noise – Limits

i. The noise levels shall be measured in accordance with the requirements of NZS 6801:2008 Acoustics – Measurement of Environmental Sound and assessed in accordance with the requirements of NZS 6802:2008 Assessment of Environmental Sound.
7.00am – 7.00pm 50dBA L_{eq}

7.00pm – 10.00pm 45dBA L_{eq}

10.00pm – 7.00am 40dBA L_{eq} and 70dBA L_{max}

NOTE: The noise levels shall be measured in accordance with the requirements of NZS 6801:2008 Acoustics – Measurement of Environmental Sound and assessed in accordance with the requirements of NZS 6802:2008 Assessment of Environmental Sound.

4b.4.14 Maximum Noise - Construction Noise

i. All construction noise shall meet the requirements of New Zealand Standard NZS 6803:1999 Acoustics Construction Noise.

4b.4.15 Maximum Noise – Telecommunication and electricity equipment

i. The noise rating level from electricity substations and transformers located in the road reserve permitted by the plan shall comply with the noise limits specified in 4b.4.14 above as measured at a point 1 metre from the closest façade of the nearest dwelling.

4b.4.16 Buildings, structures and activities in the National Grid Yard

i. The activity, building or structure is not used for or associated with a sensitive activity.
ii. Accessory buildings or structures for sensitive activities located more than 12m from a National Grid support structure, that are no more than 2.5m in height and no more than 10m^2 in area.

iii. The building or structure meets the safe electrical clearance distances required by New Zealand Electrical Code of Practice for Safe Electrical Distances (NZECP 34:2001) under all transmission line operating conditions and is:
   a. a fence or artificial screen not exceeding 2.5 metres in height measured from ground level.
   b. an uninhabited farm or horticultural structure or building (but not intensive indoor primary production, commercial greenhouses, wintering barns, produce packing facilities, or milking/dairy sheds (excluding ancillary stockyards and platforms)).
   c. irrigation equipment used for agricultural or horticultural purposes including the reticulation and storage of water where it does not permanently physically obstruct existing vehicular access to a National Grid support structure.
   d. undertaken by a network utility operator, infrastructure or any part of electricity infrastructure that connects to the National Grid.

iv. The building or structure does not permanently physically impede existing vehicular access to any National Grid support structure.

v. The building or structure is not for the handling or storage of Class 1-4 hazardous substances (Hazardous Substances (Hazard Classification) Notice 2020) with explosive or flammable intrinsic properties (except this does not apply to the accessory use and storage of hazardous substances in domestic scale quantities).

vi. The building or structure is located at least 12 metres from the outer visible edge of a foundation of a National Grid transmission line support structure, except where it:
   a) is a fence or artificial screen not exceeding 2.5 metres in height that is located at least 6 metres from the outer visible edge of a foundation of a National Grid transmission line tower.
   b) meets the requirements of clause 2.4.1 of New Zealand Electrical Code of Practice for Safe Electrical Distances (NZECP 34:2001).
   c) undertaken by a network utility operator, infrastructure or any part of electricity infrastructure that connects to the National Grid.

NOTE: For the purpose of this rule "Building" means: as defined in the National Planning Standards 2019.

4b.4.17 Earthworks or vertical holes in the National Grid Yard

i. Earthworks or vertical hole/s must not:
   a) exceed 300mm in depth within 6m of the outer visible edge of a National Grid support structure;
   b) exceed 3m depth where located between 6m and 12m of the outer edge of the visible foundation of any National grid support structure;
   c) result in a reduction of the ground to conductor clearance distances as required in Table 4 of the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001;
   d) result in the permanent loss or obstruction of vehicular access to a National Grid support structure; and
   e) compromise the stability of a National Grid support structure.

ii. The following earthworks or vertical holes activities are exempt from i. a) and b) above:
    a) earthworks or vertical hole/s, excluding mining and quarrying, that are undertaken by a network utility operator as defined by the Resource Management Act 1991;
    b) earthworks or vertical hole/s, excluding mining and quarrying, as part of agricultural or domestic cultivation, or for the repair, sealing or resealing of a road, footpath, driveway or farm track;
    c) earthworks subject to a dispensation from Transpower under New Zealand Electrical Code of Practice for Safe Electrical Distances (NZECP 34:2001).

Notification:

Application for resource consent under this rule will be decided without public notification. Transpower is likely to be the only affected person determined in accordance with section 95B of the Resource Management Act 1991.

4b.4.18 Noise Control Boundary Overlay – Sensitive Activities

i. Within the Noise Corridor Boundary Overlay, where:
    a) a new building that contains a noise sensitive activity (as identified in Table 1); or
    b) an alteration to an existing building resulting in an increase in floor area of a noise sensitive activity; or
    c) a new noise sensitive activity is located in an existing building;

is proposed, it shall be:

i. Designed, constructed and maintained to achieve indoor design noise levels not exceeding the maximum values in Table 1; and
ii. If windows must be closed to achieve the design noise levels in i. above, the building is designed, constructed and maintained with a mechanical ventilation system that:
    a. For habitable rooms for a residential activity, achieves the following requirements:
        - Provides mechanical ventilation to satisfy clause G4 of the New Zealand Building Code; and
        - is adjustable by the occupant to control the ventilation rate in increments up to a high air flow setting that provides at least 6 air changes per hour; and
        - provides relief for equivalent volumes of spill air; and
        - provides cooling and heating that is controllable by the occupant and can maintain the inside temperature between 18C and 25C; and
        - Does not generate more than 35 dB LAeq (30s) when measured 1 metre away from any grille or diffuser.
    b. For other spaces, is as determined by a suitably qualified and experienced person; and

iii. A report is submitted by a suitably qualified and experienced person to the Council demonstrating compliance with i. and ii. above (as relevant)

prior to the construction or alteration of any building containing an activity sensitive to noise.

iv. Instead of i., ii. and iii. above, is within the Noise Corridor Boundary Overlay but is at least 50 metres from the carriageway of any State Highway and is designed so that a noise barrier entirely blocks line-of-sight from all parts of doors and windows to the road surface.

Table 1: Noise Sensitive Activities and their Maximum Permissible Road Noise Level

Occupancy/activity	**Maximum road noise level LAeq (24h) *Note 1**
Building type: Residential	
Sleeping spaces	40 dB
All other habitable rooms	40 dB
Building type: Education	
Lecture rooms/theatres, music studios, assembly halls	35 dB
Teaching areas, conference rooms, drama studios, sleeping areas	40 dB
Libraries	45 dB
Building type: Health	
Overnight medical care, wards	40 dB
Clinics, consulting rooms, theatres, nurses' stations	45 dB
Building type: Cultural	
Places of worship, marae	35 dB

Note 1: The design road noise is to be based on measured or predicted external noise levels plus 3 dB.

4b.5 Subdivision Rules

4b.5.1 Subdivision – General Rural Environment

i. Subdivision resulting in lots that are 10 hectares or larger is a **controlled activity**.
ii. Subdivision resulting in lots that are smaller than 10 hectares is a **non-complying activity**.

4b.5.2 Subdivision – Rural Lifestyle Environment that adjoins the General Rural Environment

i. Subdivision resulting in lots that are 4 hectares or larger adjoining the General Rural Environment is a **controlled activity**.
ii. Subdivision resulting in lots that are larger than 2 hectares but smaller than 4 hectares adjoining the General Rural Environment is a **discretionary activity**.
iii. Subdivision resulting in lots that are 2 hectares or less adjoining the General Rural Environment is a **non-complying activity.**

4b.5.3 Subdivision – Rural Lifestyle Environment that does not adjoin the General Rural Environment

i. Subdivision resulting in lots that are 2 hectares or larger that do not adjoin the General Rural Environment is a **controlled activity**.
ii. Subdivision resulting in lots that are smaller than 2 hectares that do not adjoin the General Rural Environment is a **non-complying activity**.

4b.5.4 Subdivision – Rural Lifestyle Environment on land containing Land Use Capability Class 3 Soils

i. Subdivision resulting in lots that are larger than 2 hectares but smaller than 10 hectares on land containing Land Use Capability Class 3 Soils is a **discretionary activity**.

ii. Subdivision resulting in lots that are 2 hectares or less on land containing Land Use Capability Class 3 Soils is a **non-complying activity**.

NOTE: This rule pertains to the Land Use Capability Class 3 soils as defined under the National Policy Statement for Highly Productive Land 2022.

For the purposes of Rules 4b.5.1.i, 4b.5.2.i, 4b.5.3.i, 4b.5.4i and 4b.5.5i, the matters over which the Council reserves control for the purpose of assessment are:

a) The design and layout of the subdivision to ensure safe and efficient access onto existing and/or proposed roads, multi-modal connectivity if appropriate, suitable building platforms to accommodate future complying buildings, and adequate management of stormwater.
b) The identification of any natural hazards or contaminated sites and how these may affect the stability of the land and suitability of any future building sites, including any information provided by a suitably qualified person whose investigations are supplied with the subdivision application.
c) Whether the desired environmental outcome with a consistent and appropriate standard of infrastructure is achieved such as through compliance with the Council's and/or Industry Development Guidelines and Structure Plans.
d) The extent to which earthworks and vegetation removal is required to create vehicle tracks and building platforms.
e) Any actual or potential effects on areas or features of cultural, historic, landscape or natural value as identified in the plan.
f) The imposition of conditions in accordance with Sections 108 and 220 of the Resource Management Act 1991.
g) Any potential adverse effects from Natural Hazards, including flood inundation or erosion from the District's waterways and Lakes, and fault lines.
h) Any immediate adverse or potentially adverse effects, including cumulative effects, on the amenity and landscape values of the Rural Environment, and the methods by which such effects can be remedied or mitigated.

i) Any effects on the functioning of the Rural Environment including adverse effects on infrastructure, renewable electricity generation activities and access to renewable energy resources.

In addition to the above, for the purposes of assessment under Rule 4b.5.2iii the matters over which the Council reserves control for the purpose of assessment are:

a. Any potential reverse sensitivity effects on surrounding land-based primary productive activities.

b. Any potential effects on the functioning of adjacent properties and the location of existing dwellings and sensitive activities.

In addition to the above, for the purposes of assessment under Rule 4b.5.4i the matters over which the Council reserves control for the purpose of assessment are:

a. Any potential adverse effects on the cumulative loss of the availability and productive capacity of highly productive land.

b. Any potential reverse sensitivity effects on surrounding land-based primary productive activities.

4b.5.5 Subdivision – Default Activity Status

i. Any subdivision which is not identified as a controlled, restricted discretionary, or non-complying activity, is a **discretionary activity**.

4b.5.6 Subdivision resulting in a new public road, or extension of existing public road

i. Any subdivision or activity which results in a new public road or extension of existing public roads, water, stormwater or wastewater utility services is a **restricted discretionary activity**.

The Council restricts the exercise of its discretion to the following matters:

a. The impact of the resulting development on the ability of the wastewater, stormwater and drinking water infrastructure to service the existing service area as well as the new development;
b. The impact of the resulting development on the ability of the roading networks to safely and sustainably operate and service the new development including the need for connectivity to adjoining land and other roads and the facilitation of multimodal transport;
c. The effect that the development will have on the stormwater catchment.

4b.5.7 Subdivision – Other

i. Any subdivision of land for the sole purpose of providing for infrastructure, or access lots, or legal protection in perpetuity of Significant Natural Areas, is a **controlled activity**.

Provided that the activity has not been identified as a discretionary activity by another rule in the plan, any subdivision of land in the General Rural Environment and Rural Lifestyle Environment where:

ii. the resulting allotments are 10ha or larger in the General Rural Environment, and 4ha or larger in the Rural Lifestyle Environment; and

iii. for any subdivision of land in Area Y shown on Map D3, a covenant forms part of the documentation supporting the subdivision consent application (which shall be registered on the additional titles created) specifying that no complaints shall be made in relation to the effects of any geothermal power generation related activities and associated structures consented as at 15 September 2008, or lawfully occurring, including effects such as noise, vibration, odour or visual effects. Such covenant need not apply to:
    a. the certificates of title that contain any dwelling that existed prior to any subdivision, or
    b. in cases where there was no dwelling existing prior to subdivision, a single exempt title to be nominated by the subdivision applicant.

    is a **controlled activity.**

iv. Any subdivision of land in the Rural Lifestyle Environment that is located within Area X[80] on Planning Map D3 where the resulting lots are 4 hectares or larger, or is located in Area Y on Planning Map D3 where the resulting lots are between 4 hectares and 10 hectares, is a **discretionary activity**.

v. Any subdivision of land in the General Rural Environment or Rural Lifestyle Environment that is located within Area X or Area Y on Planning Map D3 where the resulting lots are less than 4 hectares is a **non-complying activity.**

NOTE: 4b.5.7 does not relate to the creation of Bonus Lots, but subdivision of all or part of a Significant Natural Area for reasons of covenanting or other form of legal protection of that Area.

For the purposes of Rules 4b.5.7(i), (ii) and (iii) the matters over which the Council reserves control for the purpose of assessment are:

a. Those matters of control identified in rules 4b.5.3 and 4b.5.6 above;

b. The impact of the resulting development on the ability of the wastewater, storm water and drinking water infrastructure to service the new development;

c. The impact of the resulting development on the ability of the roading networks to safely and sustainably operate and service the new development;

d. Whether or not the lots will be adequately serviced for drinking water;

e. The effect that the development will have on the stormwater catchment.

4b.5.8 Subdivision – Outstanding Landscape Areas

[80] Being the land within the resistivity boundary of the Wairakei-Tauhara Geothermal System

i. Any subdivision of land in the General Rural Environment or Rural Lifestyle Environment that is located within an Outstanding Landscape Area where the resulting lots are less than 10 hectares, is a **non-complying activity**.

4b.5.9 Subdivision – Bonus Lots

i. The creation of one or more Bonus Lots 4ha or greater within the General Rural Environment, or 2ha or greater in the Rural Lifestyle Environment where the lot adjoins the General Rural Environment, is a **Restricted Discretionary activity** provided the subdivision complies with the following requirements:
    a. Each Bonus Lot must correspond to no less than 4ha of a Nominated Significant Natural Area that is:
        i. physically protected from livestock by a Stock Proof Fence where it is within 50m of farmed livestock.
        ii. legally protected in perpetuity or, if on Māori land, a Nga Whenua Rahui kawanata with a tenure of no less than 20 years, from any form of indigenous vegetation clearance and physical development.
        iii. the legal protection identified in ii occurs after the date this rule becomes operative.
        iv. not already associated with a Bonus Lot.
        v. not public land.
    b. The Bonus Lot(s) will be located in the General Rural and Rural Lifestyle Environment
    c. The Bonus Lot(s) will not be located within any of the following:
        i. Significant Natural Area
        ii. Foreshore Protection Area
        iii. Outstanding Landscape Area
        iv. Amenity Landscape Area
        v. in Area X on Planning Map D3
        vi. in Area Y on Planning Map D3
    d. A maximum of five Bonus Lots can be created on any one certificate of title;
    e. A consent notice shall be placed on the lot(s) that the Nominated Significant Natural Area is located that include the following:
        i. A map clearly showing the area of that lot within the Nominated Significant Natural Area which has been protected under 4b.5.9.i.a,
        ii. The corresponding Bonus Lot(s) and the address and title number(s) of those Lots;

For the purposes of Rule 4b.5.9.i the Council restricts the exercise of its discretion to the following matters:

a) The design and layout of the subdivision to ensure safe and efficient access onto existing and/or proposed roads, suitable building platforms to accommodate future complying buildings, and adequate management of stormwater.
b) The identification of any natural hazards or contaminated sites within the Bonus Lot and how these may affect the stability of the land and suitability of any future

building sites, including any information provided by a suitably qualified person whose investigations are supplied with the subdivision application.

c) Whether the desired environmental outcome with a consistent and appropriate standard of infrastructure is achieved such as through compliance with the Council's Development Guidelines and Structure Plans.
d) The extent to which earthworks and vegetation removal is required to create vehicle tracks and building platforms.
e) Any actual or potential effects on areas or features of cultural, historic, landscape or natural value as identified in the plan.
f) The imposition of conditions in accordance with Sections 108 and 220 of the Resource Management Act 1991.
g) Any potential adverse effects from Natural Hazards, including flood inundation or erosion from the District's waterways and Lakes.
h) The potential for reverse sensitivity effects on lawfully established or permitted activities within the General Rural Environment.
i) Any immediate adverse or potentially adverse effects, including cumulative effects, on the amenity and landscape values of the Rural Environment, and the methods by which such effects can be remedied or mitigated.
j) Any effects on the functioning of the Rural Environment including effects on rural infrastructure.
k) The development of other Bonus Lots in the similar area which may lead to urbanisation or more than minor adverse effects on the functioning of the Rural Environment.
l) Those matters raised in Policy 3i.2.2 iv.

ii. The creation of Bonus Lots less than 10ha in size which do not meet the requirements in 4b.5.9.i is a **Non-Complying Activity**

4b.5.10 Subdivision – More than 12 allotments

i. Any subdivision of land where more than twelve (12) allotments share a single common access in the General Rural Environment or Rural Lifestyle Environment is a **discretionary activity**.

4b.5.11 Subdivision – National Grid Subdivision Corridor

i. Any subdivision of land in the National Grid Subdivision Corridor is a **restricted discretionary activity** provided the subdivision complies with the following standards:
    a) All resulting allotments, except allotments for access or a public work, demonstrate that they are able to accommodate a building platform for the likely principal building(s) and any dwelling or sensitive activity located entirely outside of the National Grid Yard.
    b) Existing vehicle access to National Grid assets is maintained.

    For the purposes of Rule 4b.5.11 i. the Council restricts the exercise of its discretion to the following matters:

a) The risk of electrical hazards affecting public or individual safety, and the risk of property damage, including the extent to which the subdivision allows for earthworks, buildings and structures to comply with the safe distance requirements of the New Zealand Electrical Code of Practice for Safe Electrical Distances (NZECP 34:2001).
b) The provision for the on-going efficient operation, maintenance, development and upgrade of the National Grid, including the ability for continued reasonable access to existing transmission lines for maintenance, inspections and upgrading.
c) The extent to which the subdivision design and consequential development will minimise the potential reverse sensitivity on and amenity and nuisance effects of the National Grid asset.
d) The extent to which the design and construction of the subdivision allows for activities to be setback from the National Grid to ensure adverse effects on, and from, the National Grid and on public safety and property are appropriately avoided, remedied or mitigated, for example, through the location of roads and reserves under the transmission lines.
e) The ability to provide a complying building platform outside of the National Grid Yard.
f) The nature and location of any vegetation to be planted in the vicinity of National Grid transmission lines, and how such landscaping will impact on the operation, maintenance, upgrade and development (including access) of the National Grid.
g) The outcome of any consultation with Transpower.
h) The risk to the structural integrity of the National Grid.

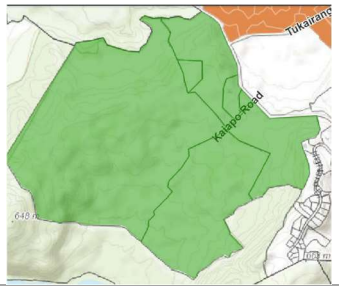
ii. A subdivision that does not meet the standards within 4b.5.11 i. is a **non-complying activity**.

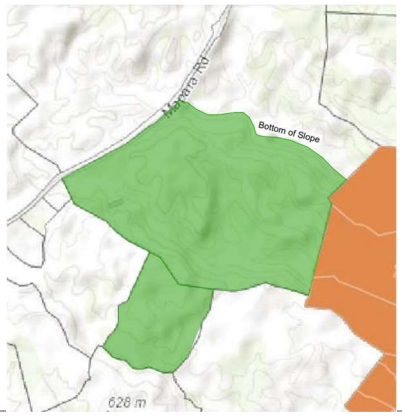
Notification:

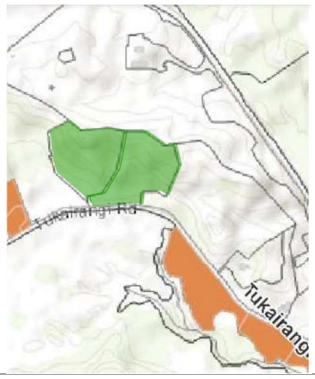
Transpower will be considered to be an affected party where consent is required under the National Grid specific rules. Notice of any application for resource consent under this rule must be served on Transpower New Zealand Limited in accordance with Clause 10(2) of the Resource Management (Forms, Fees, and Procedure) Regulations 2003.

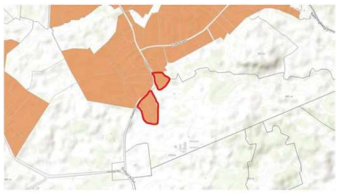
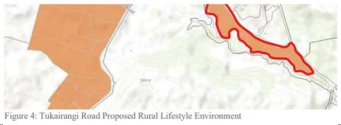
Refer also to Subsection E – DISTRICT WIDE RULES

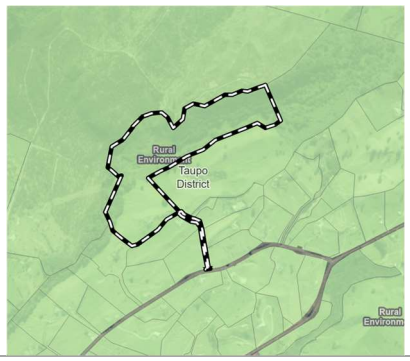
APPENDIX 5: Individual zoning request evaluations

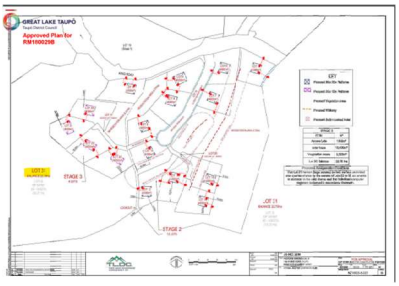
Unique Zoning Request Identifier No:		**1**
Panel Site visit (Y/N)		Y
Submitter		OS77
Submitter presented at hearing (Y/N)		Yes
Location Map and site description (Cluster of seven sites) 15, 22, 30, 36, 37 and 40 Kaiapo Road		
Council's recommendation	S42A Recommendation	Reject
	Reply Statement Recommendation	Reject
Further submission received		Yes – FS212.13 - opposed
Panel evaluation		The site fails to comply with two of the seven criteria for rezoning on the following matters: • It is not part of an existing cluster of smaller/lifestyle lots • Three of the seven individual sites within this cluster are in excess of 30 ha Therefore, the Panel **rejects** this submission.

Unique Zoning Request Identifier No:		**2**
Panel Site visit (Y/N)		Y
Submitter		*OS32*
Submitter presented at hearing (Y/N)		*Yes*
Location Map and site description: 1450 Mapara Road		
Council's recommendation	s42A Recommendation	Reject
	Reply Statement Recommendation	Reject
Further submission received		No
Panel evaluation		The site fails to comply with two of the seven criteria for rezoning on the following matters: • It is not part of an existing cluster of smaller/lifestyle lots • The site is in excess of 30 ha Therefore, the Panel **rejects** this submission.

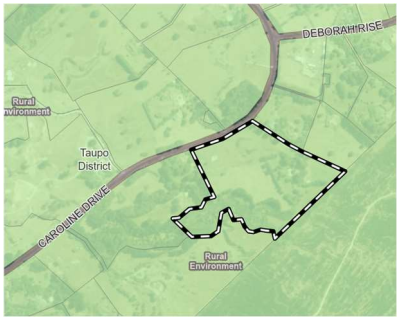
Unique Zoning Request Identifier No:		**3**
Panel Site visit (Y/N)		Y
Submitter		*OS32*
Submitter presented at hearing (Y/N)		*Yes*
Location Map and site description: 160 and 166 Tukairangi Road		
Council's recommendation	S42A Recommendation	Reject
	Reply Statement Recommendation	Reject
Further submission received		No
Panel evaluation		The site fails to comply with two of the seven criteria for rezoning on the following matters: • The site is subject to the D1 geothermal Rule Therefore, the Panel **rejects** this submission.

Unique Zoning Request Identifier No:		4
Panel Site visit (Y/N)		Y
Submitter		*OS93*
Submitter presented at hearing (Y/N)		*Yes*
Location Map and site description: • 104, 122 and 146 Oruanui Road • 21, 41, 61, 194 and 196 Tukairangi Road • 437 Poihipi Road		 Figure 2: Oruanui Roade Proposed Rural Lifestyle Environment  Figure 4: Tukairangi Road Proposed Rural Lifestyle Environment
Council's recommendation	S42A Recommendation	Accept in part
	Reply Statement Recommendation	Accept
Further submission received		Yes - FS209.207 - support
Panel evaluation		The site complies with all seven criteria and in particular the sites are small and are near to existing clusters. Therefore, the Panel **rejects** the submission and Council's recommendation to downzone these sites.

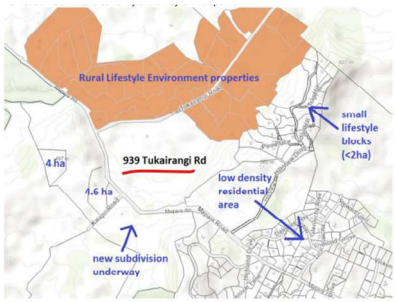
Unique Zoning Request Identifier No:		**5**
Panel Site visit (Y/N)		Y
Submitter		*OS42*
Submitter presented at hearing (Y/N)		*No*
Location Map and site description: 40 and 41 Hepina Heights		 
Council's recommendation	S42A Recommendation	Reject
	Reply Statement Recommendation	Reject
Further submission received		Yes - FS212.8 – Oppose
Panel evaluation		The site fails to comply with two of the seven criteria for rezoning on the following matters: • It is not part of an existing cluster of smaller/lifestyle lots • Each of the two sites are in excess of 30ha. We note that if the title boundaries matched the physical features of the site the potential for rezoning the sites may have been more sympathetic. Overall, the Panel **rejects** this submission.

Unique Zoning Request Identifier No:		**6**
Panel Site visit (Y/N)		Y
Submitter		*OS60*
Submitter presented at hearing (Y/N)		*Yes*
Location Map and site description: 14 King Road		
Council's recommendation	S42A Recommendation	Reject
	Reply Statement Recommendation	Reject
Further submission received		No
Panel evaluation		The Council Reply Statement states that the site is adjacent to an existing cluster. However, the parent allotment has a consent notice on the title that requires that lot to remain as a single title. Therefore, it is physically developed as number of smaller scale lots but remains one larger lot legally, which for all intents and purposes means this site complies with the intent of the seven criteria. Therefore, the Panel **accepts** this submission.

Unique Zoning Request Identifier No:		**7**
Panel Site visit (Y/N)		N
Submitter		*OS41*
Submitter presented at hearing (Y/N)		*Yes*
Location Map and site description: 34 Parawera Drive and 1114 Acacia Bay Road		
Council's recommendation	S42A Recommendation	Reject
	Reply Statement Recommendation	Reject
Further submission received		No
Panel evaluation		The site fails to comply with three of the seven criteria for rezoning on the following matters: • It is not part of an existing cluster of smaller/lifestyle lots • Each of the two sites are in excess of 30ha • The sites are covered by SNA, OLA and ALA overlays. We encourage the ongoing process that has been embarked on between the Council and the Trusts. Overall, the Panel **rejects** this submission.

Unique Zoning Request Identifier No:		**8**
Panel Site visit (Y/N)		N
Submitter		*OS117*
Submitter presented at hearing (Y/N)		*Yes*
Location Map and site description: 101 Caroline Drive, Bonshaw Park		
Council's recommendation	S42A Recommendation	
	Reply Statement Recommendation	Reject
Further submission received		
Panel evaluation		This site meets all seven criteria and was notified as RLE. The submitter did not oppose the zoning but sought bespoke rules for the site to allow for 2ha subdivision adjoining GRE. The Panel consider that the notified zoning is appropriate and that the zone provisions adequately provide for the submitters subdivision requirements. Overall, the Panel **rejects** this submission.

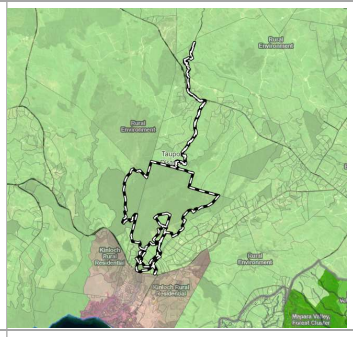
Unique Zoning Request Identifier No:		**9**
Panel Site visit (Y/N)		Y
Submitter/s		*OS10, OS13, OS100*
Submitter presented at hearing (Y/N)		*Yes*
Location Map and site description: Westbrook – Centennial Drive locality		
Council's recommendation	S42A Recommendation	Reject
	Reply Statement Recommendation	Reject
Further submission received		FS231.9 and FS230.4 – Oppose FS216.4 - Support
Panel evaluation		This cluster complies with all seven criteria. The key outcome the submitters were seeking was not specifically related to rezoning but were seeking that the GLE rules allow for smaller blocks to be provided. The Panel considers that the RLE subdivision provisions appropriately reflect the higher order Strategic Directions Objectives and Policies for Urban Form and Development. Therefore, the Panel **rejects** the submitters to amend the subdivision rules for RLE.

Unique Zoning Request Identifier No:		**11**
Panel Site visit (Y/N)		Y
Submitter		OS92
Submitter presented at hearing (Y/N)		*Yes*
Location Map and site description: 939 Tukairangi Road		
Council's recommendation	S42A Recommendation	Reject
	Reply Statement Recommendation	Reject
Further submission received		N/A
Panel evaluation		This cluster does not comply with the following three criteria: • It is not part of an existing cluster of smaller/lifestyle lots • It is over 30 ha – being 56 ha • It is within an Amenity Landscape Area Although the Panel acknowledges that there is rural lifestyle within the vicinity, it does not meet all seven criteria and therefore we **reject** this submission.

Unique Zoning Request Identifier No:		**12**
Panel Site visit (Y/N)		Y
Submitter		OS102
Submitter presented at hearing (Y/N)		*Yes*
Location Map and site description: 363 White Road		
Council's recommendation	S42A Recommendation	Reject
	Reply Statement Recommendation	Reject
Further submission received		N/A
Panel evaluation		This site meets all seven criteria and was notified as RLE. The submitter did not oppose the zoning but sought bespoke rules for the site to allow for 2ha subdivision adjoining GRE. The Panel considers that the notified zoning is appropriate and that the zone provisions adequately provide for the submitter's subdivision requirements. Overall, the Panel **rejects** this submission.

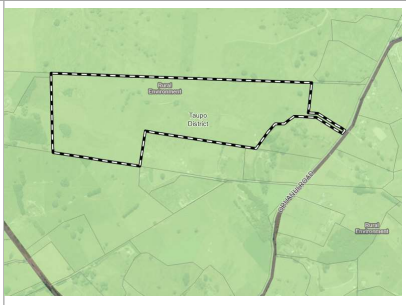
Unique Zoning Request Identifier No:		**13**
Panel Site visit (Y/N)		Y
Submitter		OS63
Submitter presented at hearing (Y/N)		*Yes*
Location Map and site description: 58 Palmer Mill Road		
Council's recommendation	S42A Recommendation	Reject
	Reply Statement Recommendation	Reject
Further submission received		N/A
Panel evaluation		The submission opposes the rezoning to Rural Lifestyle and seeks it to be rezoned to General Rural. The site complies with all seven criteria. The Rural Lifestyle zoning does not diminish the ability to provide for the land to be productive. Therefore, the Panel **rejects** this submission in favour of retaining the notified zoning.

Unique Zoning Request Identifier No:		**14**
Panel Site visit (Y/N)		Y
Submitter		OS11 and OS61
Submitter presented at hearing (Y/N)		*No*
Location Map and site description: 208 Tukairangi Road		
Council's recommendation	S42A Recommendation	Accept
	Reply Statement Recommendation	Accept
Further submission received		
Panel evaluation		This site meets all seven criteria. Although the submitter opposes the RLE in general, they only sought to rezone the front portion of the site. However, it is not best practice to create split zoning over a single site and therefore we accept and adopt Council's Reply Statement assessment to rezone the site RLE given it meets all seven criteria. Therefore, the Panel **partially accepts** this submission in favour of rezoning the entire site RLE but rejects the notion to only partially rezone the site.

Unique Zoning Request Identifier No:		**15**
Panel Site visit (Y/N)		Y
Submitter		OS4
Submitter presented at hearing (Y/N)		*No*
Location Map and site description: 764 Whangamata Road		
Council's recommendation	S42A Recommendation	Reject
	Reply Statement Recommendation	Reject
Further submission received		N/A
Panel evaluation		This cluster does not comply with the following two criteria: • It is not part of an existing cluster of smaller/lifestyle lots • It is well in excess of 30ha, being 634ha. Therefore, the Panel **rejects** this submission.

Unique Zoning Request Identifier No:		**16**
Panel Site visit (Y/N)		Y
Submitter		OS5
Submitter presented at hearing (Y/N)		*No*
Location Map and site description: 344 Palmer Mill Road		
Council's recommendation	S42A Recommendation	Reject
	Reply Statement Recommendation	Reject
Further submission received		Yes - FS212.5 - oppose
Panel evaluation		This cluster does not comply with the following two criteria: • It is not part of an existing cluster of smaller/lifestyle lots • It is well in excess of 30ha, being 189ha. Therefore, the Panel **rejects** this submission.

Unique Zoning Request Identifier No:		**17**
Panel Site visit (Y/N)		Y
Submitter		OS17
Submitter presented at hearing (Y/N)		*No*
Location Map and site description: • 658 Tukairangi Road • 1667 Poihipi Road		
Council's recommendation	S42A Recommendation	Reject
	Reply Statement Recommendation	Reject
Further submission received		N/A
Panel evaluation		This cluster does not comply with the following two criteria: • It is not part of an existing cluster of smaller/lifestyle lots • One of the two sites is 121ha and therefore is in excess of 30ha Therefore, the Panel **rejects** this submission.

Unique Zoning Request Identifier No:		**18**
Panel Site visit (Y/N)		No
Submitter		OS33
Submitter presented at hearing (Y/N)		*No*
Location Map and site description: • 809 Oruanui Road		
Council's recommendation	S42A Recommendation	Reject
	Reply Statement Recommendation	Reject
Further submission received		Yes FS212.6 - oppose
Panel evaluation		This cluster does not comply with the following two criteria: • The size of the site over 30ha, being 38.8ha • It is not completely surrounded by smaller/lifestyle blocks. Therefore, the Panel **rejects** this submission.

Unique Zoning Request Identifier No:		**19**
Panel Site visit (Y/N)		Y
Submitter		OS34
Submitter presented at hearing (Y/N)		*No*
Location Map and site description: • 390 Oruanui Road		
Council's recommendation	S42A Recommendation	Reject
	Reply Statement Recommendation	Reject
Further submission received		Yes FS212.7- oppose
Panel evaluation		This cluster does not comply with the following two criteria: • The size of the site over 30ha, being 48.7ha • It is not completely surrounded by smaller/lifestyle blocks. Therefore, the Panel **rejects** this submission.

Unique Zoning Request Identifier No:		**20**
Panel Site visit (Y/N)		Y
Submitter		OS44
Submitter presented at hearing (Y/N)		*No*
Location Map and site description: • 82 Tukairangi Road		
Council's recommendation	S42A Recommendation	Reject
	Reply Statement Recommendation	Reject
Further submission received		N/A
Panel evaluation		This cluster does not comply with the following two criteria: • It is not part of an existing cluster of smaller/lifestyle lots • The site is subject to the D1 Geothermal rule Therefore, the Panel **rejects** this submission.

Unique Zoning Request Identifier No:		**21**
Panel Site visit (Y/N)		Y
Submitter		OS46
Submitter presented at hearing (Y/N)		*No*
Location Map and site description: • 3/864 Tukairangi Road Seeks rezoning to General Rural		
Council's recommendation	S42A Recommendation	Reject
	Reply Statement Recommendation	Reject
Further submission received		N/A
Panel evaluation		The submitter seeks that this property be rezoned to General Rural and opposes the proposed zoning to Rural Lifestyle. The property was not proposed as RLE by PC42. Therefore, the Panel **rejects** this submission.

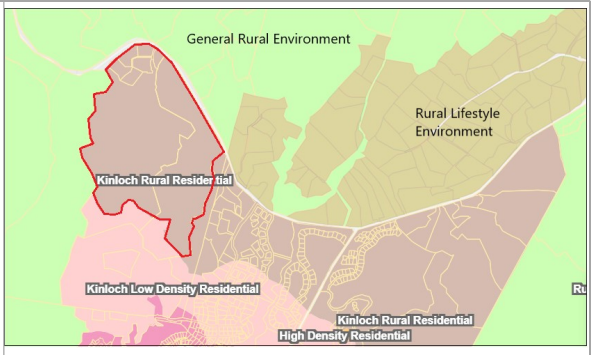
Unique Zoning Request Identifier No:		**22**
Panel Site visit (Y/N)		Y
Submitter		OS53, OS54, OS73, OS83 and OS116
Submitter presented at hearing (Y/N)		*No*
Location Map and site description: • 1160 Mapara Road		
Council's recommendation	S42A Recommendation	Reject
	Reply Statement Recommendation	Reject
Further submission received		Yes FS219.6, FS219.7 and FS219.8 – Support
Panel evaluation		The property does not comply with the following two of the seven criteria: • It is not part of an existing cluster of smaller/lifestyle lots • The is in excess of 30ha, being 40.7 ha Therefore, the Panel **rejects** this submission.

Unique Zoning Request Identifier No:		**23**
Panel Site visit (Y/N)		Y
Submitter		OS80 and OS81
Submitter presented at hearing (Y/N)		*No*
Location Map and site description: • 1182 Mapara Road		
Council's recommendation	S42A Recommendation	Reject
	Reply Statement Recommendation	Reject
Further submission received		Yes FS212.14 – Oppose FS219.12, FS219.13, FS219.14, FS219.15 and FS219.16 – Support.
Panel evaluation		The property does not comply with the following two of the seven criteria: • It is not part of an existing cluster of smaller/lifestyle lots • The is in excess of 30ha, being 54 ha Therefore, the Panel **rejects** this submission.

Unique Zoning Request Identifier No:		**24**
Panel Site visit (Y/N)		N
Submitter		OS87
Submitter presented at hearing (Y/N)		*No*
Location Map and site description: • 607 State Highway 1		
Council's recommendation	S42A Recommendation	Reject
	Reply Statement Recommendation	Reject
Further submission received		N/A
Panel evaluation		The property does not comply with the following two of the seven criteria: • The site is accessed from a State Highway Therefore, the Panel **rejects** this submission.

Unique Zoning Request Identifier No:		**25**
Panel Site visit (Y/N)		Y
Submitter		OS119
Submitter presented at hearing (Y/N)		*No*
Location Map and site description: • Part of 764 Whangamata Road (shown approximately in blue in figure), which would be incorporated with 862 Whangamata Road (in red, proposed as RLE) through a boundary adjustment.		
Council's recommendation	S42A Recommendation	Reject
	Reply Statement Recommendation	Reject
Further submission received		N/A
Panel evaluation		The property does not comply with the following two of the seven criteria: • The site is well in excess of 30ha being 634 ha • The boundary adjustment has not occurred yet. Therefore, the Panel **rejects** this submission.

Unique Zoning Request Identifier No:		**26**
Panel Site visit (Y/N)		Y
Submitter		OS61
Submitter presented at hearing (Y/N)		*No*
Location Map and site description: • *14, 15, 22, 30, 36, 37 and 40 Kaiapo Road* • *28, 40, 82, 120, 160 and 166, 170, **208**, 500, 526, 548, 654A, 654B and 939 Tukairangi Road* • *1160, 1162, 1172, 1182, 1218 and 1250 Mapara Road* • *521, 561, 1171 and 1278 Poihipi Road* • *214 Whangamata Road* • *102, 108 and 140 Tuhingamata Road* • *43, **254,** 269, 331, 374A, 390 and 809 Oruanui Road* • *426, 429, 430 and 431, 464, 468, 501, 503, 504, 506A, 506, 508, 512, 605, 607, 609, 755, 759, 761, 765, 831, 833 835, 837, 849, 1/897, 2/897, 897, 917, 953, 969 and 615 SH1 Tokoroa*		
Council's recommendation	S42A Recommendation	Accept in part - Reject all sites with the exception of 2
	Reply Statement Recommendation	Accept in part - Reject all sites with the exception of 2
Further submission received		Yes FS212.10 – Oppose FS219.6, FS219.7, FS219.8, FS219.9 and FS219.10 - Support
Panel evaluation		All properties, with the exception of 254 Orunaui Road and 208 Tukairangi Road do not comply with the seven criteria. Therefore, we **reject** the rezoning requests for the following properties: • *14, 15, 22, 30, 36, 37 and 40 Kaiapo Road* • *28, 40, 82, 120, 160 and 166, 170, 208, 500, 526, 548, 654A, 654B and 939 Tukairangi Road* • *1160, 1162, 1172, 1182, 1218 and 1250 Mapara Road* • *521, 561, 1171 and 1278 Poihipi Road* • *214 Whangamata Road* • *102, 108 and 140 Tuhingamata Road* • *43, 269, 331, 374A, 390 and 809 Oruanui Road* • *426, 429, 430 and 431, 464, 468, 501, 503, 504, 506A, 506, 508, 512, 605, 607, 609, 755, 759, 761, 765, 831, 833 835, 837, 849, 1/897, 2/897, 897, 917, 953, 969 and 615 SH1 Tokoroa* We **accept** the rezoning of 254 Oruanui Road and 208 Tukairangi to RLE.

Unique Zoning Request Identifier No:		**27**
Panel Site visit (Y/N)		Y
Submitter		OS79
Submitter presented at hearing (Y/N)		*Yes*
• *1-6 Lemonwood Lane, Lochridge Drive Kinloch, 921 Whangamata Road, 20 Kahikatea Drive, 18 Kahikatea Drive.*		
Council's recommendation	S42A Recommendation	Reject on the basis it was to ensure consistency with the National Planning Standards.
	Reply Statement Recommendation	Accept on the basis it was going to create contradictory provisions with the Kinloch Structure Plan and therefore a lack of clarity.
Further submission received		No
Panel evaluation		Accept the submission and revert to ODP zoning of Kinloch Rural Residential Environment.

APPENDIX 6: Panel recommendation on Submitter 074 Rezoning Request

Under Separate Attachment