

**BEFORE HEARING COMMISSIONERS
IN TAUPŌ**

UNDER THE Resource Management Act 1991 (“**Act**”)
IN THE MATTER OF Proposed Plan Change 42 Rural Chapter -
General Rural Environment and Rural Lifestyle
Environment
AND IN THE MATTER OF a submission seeking the rezoning of the site
located at 387 Whakaroa Road to Rural Lifestyle
Environment.

BETWEEN **STEVE HAWKINS**
Submitter

AND **TAUPŌ DISTRICT COUNCIL**
Planning authority

AND **WAIKATO REGIONAL COUNCIL**
Further submitter

JOINT WITNESS STATEMENT - PLANNING

JOINT WITNESS STATEMENT

Experts present

1. The following planning experts participated in the conferencing (held by videoconferencing on 8 August 2023):
 - (a) Hilary Samuel (HS), Senior Policy Advisor in the Policy Team at Taupō District Council, and author of the overarching s42A report;
 - (b) Craig Sharman (CS), Technical Director of Planning at Beca Limited and author of the s42A report for Plan Change 42 – General Rural and Rural Lifestyle Environments (PC42);
 - (c) Stephanie Blick (SB), Principal Planner at Scope Planning, original planner for the submitter, and now peer review planner for the submitter;
 - (d) Andrew Cumming (AC), Director AC Planning, lead planner for the submitter; and,
 - (e) Megan Kettle (MK), Principal Consultant at GMD Consultants, on behalf of Waikato Regional Council.

Other attendees

- (a) John Palmer (JS), Principal Technical Advisor at Waikato Regional Council (invited to the conferencing by Megan Kettle to provide advice on local issues and not partaking as a planning expert).

Preamble Discussion

1. Initial clarifications sought, and questions raised, by Hilary Samuel with respect to the definitions of Development Area and Precinct Plan in the National Planning Standards (NPS), together with the relationship of the overlay area with the underlying zoning. The discussion prompted agreed changes to the provisions as further described below.

Issue 1: Are the revised provisions workable, in terms of the mechanics of what the refined relief proposes (ie the structure plan approach)?

2. The experts agree on the following matters:
 - (a) Agree that the proposed provisions are workable subject to the amendments outlined in point 4) below and included in **Attachment One**. Notwithstanding, HS, CS and MK are concerned that key elements of the precinct plan, including technical assessments and appropriate consultation, have not been demonstrated at this time.

3. The experts disagree on the following matters:
 - (a) HS, CS, MK - Concerns with workability and tension of competing objectives (Rural Lifestyle Environment (RLE), Outstanding Landscape Area (OLA), strategic direction objectives proposed in Plan Change 38 and the proposed structure plan provisions). Processing planners will in due course need to look at all relevant provisions, including the full suite of objectives and policies in the District Plan. A concern was raised by HS, CS and MK that there is not specific direction regarding hierarchy of objectives and policies, particularly if there are conflicting or competing provisions.
 - (b) AC and SB – The proposal provides more specific and directive provisions (i.e. the precinct objectives and policies would take precedence / have greater importance). AC and SB do not believe that there is a conflict but rather more specific direction to assist with the processing of applications for development within the precinct. Also, as a Discretionary Activity Council can ask for all information it requires and has full discretion to consider all matters including all relevant provisions.

Issue 2: If the revised provisions are not workable, can they be made workable?

4. The experts agree on the following matters:
 - (a) Agree that the site-specific plan should apply to activities and built development on the site in an ongoing manner in order to remove the risk of future incremental development. Therefore, agree that a 'Precinct Plan' is more appropriate than a 'Development Area' as the National Planning Standards (NPS) definition states that Development Area 'is

generally removed from the plan' when development is completed. The NPS also states that the Development Area should be in its own chapter.

- (b) Agree to reword Te Tuhi Development Area to Te Tuhi Precinct in the provisions as per **Attachment One**.
 - (c) Agree to reword the proposed sentence in the Rural Lifestyle Environment introduction section as per **Attachment One**.
 - (d) Agree to reword the Te Tuhi Precinct description in the introduction as per **Attachment One**, including the inclusion of specific reference to the Whakaroa Peninsula Outstanding Landscape Area.
 - (e) Agree that Objective 3b.3.9 and Policy 3b.3.9A give effect to the intended outcomes of precinct plan.
 - (f) Agree with the proposed amendments (i.e. exclusion of standards from the Te Tuhi Precinct) to the minor residential unit and primary production rules.
 - (g) Agree that minor rewording of precinct plan terminology is required to ensure consistency with District Plan definitions and NPS definitions (where applicable). Updates to be reflected in final precinct plan provided with Submitter evidence.
 - (h) Agree to a new rule in the RLE that applies specifically to the Te Tuhi Precinct and cross-references to the earthworks OLA rule in the General Rural Environment (GRE) (Rule 4b.1.9). Refer amendments in **Attachment One**. Agree that no other OLA GRE provisions need to be included for the reasons outlined in the comparison table in **Attachment Two**.
- (a) The experts disagree on the following matters:
- (a) N/A

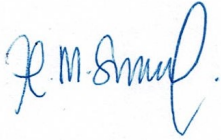
Issue 3: If the revised provisions are workable (or if they are made workable), can they be made more efficient?

- (b) The experts agree on the following matters:
 - (a) Refer agreed amendments in **Attachment One** that have made the provisions more efficient.

(b) The experts disagree on the following matters:

(a) N/A

Signatures:



Hilary Samuel



Craig Sharman



Stephanie Blick



Andrew Cumming



Megan Kettle

Attachment 1
Proposed Amendments to
Plan Change 42 to the Taupō District Plan

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. [Within the Rural Lifestyle Environment the Te Tuhi Precinct Development Area sets a site-specific more restrictive subdivision and development framework for an identified site.](#) 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 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 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. 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. 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 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 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' of the General Rural Environment. The creation of the General Rural Environment aims to support primary productive uses and rural industry, meaning an activity that directly supports, services, or is dependent on primary production and has a locational need to be within the General Rural Environment (rather than an urban environment).

Primary production 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 have a locational 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 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 and 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 to urban areas to allow for access to community facilities within the district's townships.

Te Tuhi Precinct Development Area

The Te Tuhi Precinct Development Area is a site-specific Precinct Development Area that modifies and restricts the site's Rural Lifestyle Environment provisions to give effect to the Te Tuhi Development Area Structure Precinct Plan. The Te Tuhi Precinct is subject to the Whakaroa Peninsula Outstanding Landscape Area. The Te Tuhi Development Area Structure Precinct Plan sets an integrated subdivision layout and built development requirements that deliver a tourism lodge complex, an equestrian centre, clustered rural lifestyle allotments and over 200 hectares of replanted native forest.

3b.2 Objectives and Policies – General Rural Environment

...

3b.3 Objectives and Policies – Rural Lifestyle Environment

Objective 3b.3.1 Maintain the character of the Rural Lifestyle Environment

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

Objective 3b.3.2 Avoid reverse sensitivity

Adverse reverse sensitivity effects, including conflict with permitted and legally established 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 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; and
- b) 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 community infrastructure

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

Objective 3b.3.7 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 Rural Lifestyle Environment.

Objective 3b.3.8 Tāngata Whenua

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

Objective 3b.3.9 Subdivision and Development in the Te Tuhi Precinct Development Area

Subdivision and development in the Te Tuhi Precinct Development Area give effect to the Te Tuhi Development Area Structure Precinct Plan in Appendix 1 to realise:

- (a) A subdivision layout and built development that are integrated and compatible with the physical and environmental features of the site; and
- (b) An expansive, indigenous forest landscape that encases and dominates a tourism lodge complex, an equestrian centre and occasional clusters of rural residential buildings.

Policy 3b.3.9 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 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.

Policy 3b.3.9A Subdivision, use and development in the Te Tuhi Precinct Development Area

Require subdivision, use and development to give effect to the Te Tuhi Development Area Structure Precinct Plan in Appendix 1 through comprehensive, integrated subdivision and land use proposals that achieve the subdivision layout, the built development requirements and the mitigation and enhancement planting.

Policy 3b.3.10 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.3.11 On-site servicing

- i. 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.3.12 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 rural Lifestyle Environment.

Policy 3b.3.13 Papakāinga

- ii. Provide for the development of Papakāinga on Māori land within the Rural Lifestyle Environment.
- iii. Recognise the social and cultural benefits of the development of papakāinga on Māori land within the Rural Lifestyle Environment.

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.3.14 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.

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. In the Te Tuhi Precinct Development Area a minor residential unit 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 extent to which the residential unit and vehicle access point design, siting and external appearance adversely affects rural character and amenity.
- b. 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. 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. The ability to mitigate adverse effects through the use of screening, planting, landscaping and alternative design.

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**.
- iii. In the Te Tuhi Precinct Development Area an intensive indoor primary production activity is a non-complying 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.1.3 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

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

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 line.
- b. Any effects on the safe and efficient functioning of the 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.3.9 Buildings and Structures in the Te Tuhi Precinct Development Area

- i. A building or structure in the Te Tuhi Precinct ~~Development Area~~ that is generally in accordance with the Te Tuhi ~~Development Area~~ Structure Precinct Plan in Appendix 1 is a **discretionary activity**.
- ii. A building or structure in the Te Tuhi Precinct ~~Development Area~~ that is not generally in accordance with the Te Tuhi ~~Development Area~~ Precinct Plan in Appendix 1 is a **non-complying activity**.

4b.3.10 Earthworks in the Te Tuhi Precinct

In the Te Tuhi Precinct, Rule 4b.1.9 applies.

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 residential units

- i. One residential unit per two hectares.
- ii. One residential unit per four hectares for lots adjoining the General Rural Environment.

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 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.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 from the front boundary.
- ii. 15 metres from all other boundaries.
- 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 100m² 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 100m² 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.

4b.4.11 Parking Loading and Access

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

4b.4.12 Maximum Artificial Light Level

- i. 8 LUX (lumens per square meter) 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 Leq

7.00pm – 10.00pm 45dBA Leq

10.00pm – 7.00am 40dBA Leq and 70dBA Lmax

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

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

4b.5 Subdivision Rules

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 smaller than 4 hectares adjoining the General Rural Environment is a **discretionary 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**.

For the purposes of Rules 4b.5.1.i, 4b.5.2.i and 4b.5.3.i 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 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) 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.

4b.5.4 Subdivision – Default Activity Status

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

4b.5.5 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;
- c. The effect that the development will have on the stormwater catchment.

4b.5.6 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[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.
- 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 Ma D3 where the resulting lots are less than 4 hectares is a **non-complying activity**.

NOTE: 4b.5.6 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.5.6 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.5.5 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.5.7 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**.

[Exception: This rule does not apply to the Te Tuhi Precinct Development Area. Refer to Rule 4b.5.10](#)

4b.5.8 Subdivision – Bonus Lots

- i. The creation of one or more Bonus Lots 4ha or greater within 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 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.5.8.i.a,
 - ii. The corresponding Bonus Lot(s) and the address and title number(s) of those Lots;

For the purposes of Rule 4b.5.8.i the Council restricts the exercise of its discretion to the following matters:

- i) 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.
- j) 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.
- k) 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.
- l) The extent to which earthworks and vegetation removal is required to create vehicle tracks and building platforms.
- m) Any actual or potential effects on areas or features of cultural, historic, landscape or natural value as identified in the plan.
- n) The imposition of conditions in accordance with Sections 108 and 220 of the Resource Management Act 1991.
- o) Any potential adverse effects from Natural Hazards, including flood inundation or erosion from the District's waterways and Lakes.
- p) The potential for reverse sensitivity effects on lawfully established or permitted activities within the General Rural Environment.
- q) 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.
- r) Any effects on the functioning of the Rural Environment including effects on rural infrastructure
- s) 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.
- t) 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.5.8.i is a **Non-Complying Activity**.

4b.5.9 Subdivision – More than 12 allotments

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.5.10 Subdivision in the Te Tuhi Precinct ~~Development Area~~

- i. Subdivision in the Te Tuhi Precinct ~~Development Area~~ that is generally in accordance with the Te Tuhi ~~Development Area~~ Precinct Plan in Appendix 1 is a **discretionary activity**.
- ii. Subdivision in the Te Tuhi Precinct ~~Development Area~~ that is not generally in accordance with the Te Tuhi ~~Development Area~~ Precinct Plan in Appendix 1 is a **non-complying activity**.

ATTACHMENT TWO – OUTSTANDING LANDSCAPE AREA PROVISIONS

<p style="text-align: center;">PC42</p> <p style="text-align: center;">OLA Provisions in GRZ</p>	<p style="text-align: center;">Te Tuhi Precinct Response</p>
<p>4b.1.8 Buildings within Outstanding Landscape Areas – Restricted Discretionary</p>	<p>Not required as built development covered in proposed Te Tuhi Precinct Discretionary Activity rule.</p> <p>Building controls provided in the Precinct Plan are more onerous than the performance standards applying to this rule.</p>
<p>4b.1.9 Earthworks within Outstanding Landscape Areas – Restricted Discretionary</p>	<p>Add new Rule to RLE that cross-references to Rule 4b.1.9:</p> <p>4b.3.10 Earthworks in the Te Tuhi Precinct</p> <p>In the Te Tuhi Precinct, Rule 4b.1.9 applies</p>
<p>4b.2.5 Maximum building height</p> <p>Maximum height 5m with 5m-10m height provided for as Restricted Discretionary.</p>	<p>Specific building requirements are set in the Precinct Plan. Maximum height varies between 5m and 8m depending on visibility/landscape values as determined by the landscape architect.</p>
<p>4b.2.6 Minimum building setbacks</p> <p>25m yard setback requirement.</p>	<p>Not required. Building platforms are identified in the Precinct Plan.</p> <p>Building platforms greater than 25m from external boundaries.</p>
<p>4b.5.7 Subdivision – Outstanding Landscape Areas</p>	<p>Exclusion added for TT Precinct in proposed provisions.</p>
<p>4b.5.8 Subdivision – Bonus Lots</p>	<p>Not appropriate in TT Precinct as bonus lot framework not applicable to RLE.</p>