

PART 28 RULE 28 - RURAL - RESIDENTIAL ZONE

For the avoidance of doubt, and notwithstanding the rules which follow, all activities (or applications for consent for such activities) must also comply with such other provisions as may affect the activity or site and which are specified in Parts 7, 8, 10, 11, 12, 15, 22, 26, 50, 51, 52 and 53 of this Plan. Where the activity involves the use of a SIGN erected on private property, the SIGN shall be consistent with matters set out in Rule 15.4.

Notwithstanding any provision for activities to establish in terms of Rule 28, all activities in the North Pukekohe Hill Structure Plan Area shall also comply with the overriding provisions set out in Rule 54.8.

28.1 ACTIVITIES AT PATUMAHOE

Notwithstanding any provision for activities to establish in terms of Rules 28.2, 28.3 and 28.4 below, the only new activities the Council may allow on Lot 19 DP 145211 (Clive Howe Road, Patumahoe) are "Rest home" and "Retirement Village Development" either of which may include "housing for the elderly and disabled persons" (as provided for in the "Residential 6" Zone of the Transitional District Plan for these sites). These activities are deemed to be *Discretionary* activities on these sites and will be processed and assessed accordingly.

28.2 PERMITTED ACTIVITIES

Subject to Rule 28.1 above, the following activities are *Permitted* activities in the *Rural-Residential Zone* provided they meet the requirements of Rule 28.6 below.

(NOTE: Within the following list, the words in CAPITALS are defined in Rule 50)

- ACCESSORY BUILDINGS for lawfully established DWELLINGHOUSES;
- ACCESSORY BUILDINGS or ancillary facilities not exceeding 75 m² in GROSS FLOOR AREA for any lawfully established activity except DWELLINGHOUSES;
- Swimming pools ancillary to any lawfully established activity;
- PASTORAL FARMING, FORESTRY;
- HORTICULTURE;
- Soil conservation, and erosion control work;
- TRADESPERSON'S STORAGE not exceeding 200 m² (all of which must be thoroughly screened from adjoining properties and the road) and involving no more than two business vehicles (ie with signage) and one business trailer parked on the SITE unless the vehicles are always garaged and are essentially out of site from the ROAD or any adjoining property;
- HOME OCCUPATIONS (complying with Rule 28.6);
- One SHOW HOME on a SITE but not on a REAR SITE nor with the main vehicular access to a no-exit ROAD, and for a period not exceeding 6 months from the date of building consent;
- BUILDINGS and developments on and uses of public reserves complying with operative *reserve management plans* that have been prepared in consultation with the public provided that where this Plan has a more onerous standard, or the *reserve management plan* does not specify development standards, then the standards of this Plan shall prevail;
- RETAILING ACTIVITIES from SITES where retailing is at the date of notification of this Plan lawfully established and where the ROAD formation in front of the SITE specifically caters for customer parking, by way of kerb indentation and/or other permanent means;
- One DWELLINGHOUSE per site, except for SITES in the Tuakau *Rural-Residential zone* which existed prior to 31 May 1994.

28.3 CONTROLLED ACTIVITIES

- i. *Controlled* activities require a resource consent, but the consent *shall* be granted. An application must be submitted in the prescribed format (available from the Council).
- ii. Applications will be assessed primarily in terms of the matters set out in Rule 28.7, and any conditions of consent will only relate to those matters (or such other matters as the Act provides).
- iii. The information submitted with the application must be in terms of Rule 52 but only to the extent needed to enable a thorough assessment in terms of Rule 28.7. The application must also clearly demonstrate compliance with the stated standards applicable to the activity.
- iv. An application for a *Controlled* activity may be considered without public notification where Council so determines in terms of Section 94 of the Act. (This is a *non-notified* application in terms of the Act).
- v. Subject to Rule 28.1 above, the activities listed below are *Controlled* activities in the *Rural-Residential Zone* if they comply with Rule 28.6 (STANDARDS).

(NOTE: Within the list, the words in CAPITALS are defined in Rule 50)

- One DWELLINGHOUSE per SITE in the Tuakau *Rural-Residential* zone provided that for sites that existed prior to 31 May 1994, a land area of at least 3000 square metres must be available, such area to be made up of one or more contiguous land titles with no part thereof separated by ROAD;
- ANTENNA DISHES that are BUILDINGS;
- BUILDINGS ancillary to lawfully established horticulture where not permitted by Rule 28.2 above;
- BUILDING alterations or additions for lawfully established non-residential activities, where not provided for by Rule 28.2

28.4 DISCRETIONARY ACTIVITIES

- i. *Discretionary* activities require a resource consent, and the consent may be granted (conditionally or unconditionally) or refused. An application must be submitted in the prescribed format (available from the Council).
- ii. Applications will be assessed in terms of the matters set out in Rule 53, but the Council will first consider the standards and assessment criteria applicable to *Permitted* and *Controlled* activities in the Zone. In the case of a "business" activity the Council will be guided by any relevant standards of the *Business Zone* in terms of establishing appropriate conditions for consent.
- iii. The information submitted with the application must be in terms of Rule 52.
- iv. An application for a *Discretionary* activity may be considered without public notification where Council so determines in terms of Section 94 of the Act. (This is a *non-notified* application in terms of the Act).
- v. Subject to Rule 28.1 above, the activities listed below are *Discretionary* activities in the *Rural-Residential Zone*.

(NOTE: Within the list, the words in CAPITALS are defined in Rule 50)

- Activities provided for by Rules 28.2 and 28.3 above but which do not comply with the relevant prerequisites or standards;
- HOME ENTERPRISES (not being HOME OCCUPATIONS under Rule 28.2);
- SPECIAL HOUSING DEVELOPMENTS;
- TRAVELLERS' ACCOMMODATION;
- CAMPING GROUNDS on SITES within 300 metres of Mean High Water Springs;
- CHILDCARE AND LEARNING CENTRES;
- COMMUNITY FACILITIES;
- SCHOOLS (includes Kokiri centres);
- HEALTH CENTRES;
- HOSPITALS;
- DAIRIES;
- SERVICE STATIONS;
- VETERINARY CENTRES;
- Catteries and Boarding Kennels;
- Business activities, not provided for in Rules 28.2 and 28.3 above, on sites that have a common boundary and stretch of ROAD frontage with SITES zoned *Business Zone*;
- CEMETERIES

28.5 NON-COMPLYING ACTIVITIES

- i. *Non-complying* activities require a resource consent, and the consent may be granted or refused. An application must be submitted in the prescribed format (available from the Council).
- ii. Applications will be assessed in terms of the matters set out in Rule 53, and where consent is granted, conditions of consent may be imposed.
- iii. The information submitted with the application must be in terms of Rule 52.
- iv. Subject to Rule 28.2 above the activities listed below are *Non-complying* activities in the *Rural-Residential Zone*.

(NOTE: Within the list, the words in CAPITALS are defined in Rule 50)

- Any activity not provided for by Rules 28.1, 28.2 , 28.3 or 28.4 above.

28.6 STANDARDS FOR PERMITTED ACTIVITIES

- A. All activities in the *Rural-Residential Zone* are required to meet the standards set out in this Rule unless they:
 - have a resource consent to depart from any one or more of the standards; or
 - are departed from in accordance with any exemption provisions within the clause.
- B. Unless otherwise stated these standards shall be satisfied prior to commencement of the activity or occupation of the structure notwithstanding that a building consent or other approval may have been obtained.
- C. The standards for all activities in the *Rural-Residential Zone* shall be as for the *Residential Zone* of this Plan, including those for HOME OCCUPATIONS, provided however that the following more stringent standard/s set out below shall apply:

COVERAGE OF SITE BY BUILDINGS:

No more than 20 per cent of the surface area of the site shall be covered by buildings.

28.7 ASSESSMENT OF CONTROLLED ACTIVITIES

- A. The *Controlled* activities listed above in Rule 28.3 will be assessed in terms of the following matters over which the Council has reserved control, and conditions of consent will only relate to these matters (or such other matters as the Act provides).
- B. Information must be submitted to ensure that these matters can be fully evaluated with respect to the proposal:
- The effect on the public services the Council is responsible for in the locality or District and which the residents or occupants of the developed area would make use of, generate a need for, or have an impact on (and for which "financial contributions" may be required). The Council will in particular consider the extent to which a proposed DWELLINGHOUSE is or is not served by a formed legal ROAD that satisfies Council's minimum standards for such roads. Where such a road does not exist then the Council may, as a condition of consent, require a financial contribution towards the upgrading of the relevant section of road, such contribution not to exceed a value of \$100,000 per kilometre of road requiring to be upgraded.
 - The matters which are the subject of standards for *Permitted* activities, and the extent to which those standards are complied with; the Council will generally apply those standards as the minimum for a *Controlled* activity;
 - The design and positioning of buildings and other structures on the site, including signs, flagpoles, architectural appurtenances, or special apparatus essential to the activity;
 - The space between and about buildings structures, including to those on adjacent sites;
 - The location, design, construction, and number of vehicle crossings, driveways and parking spaces;
 - The landscaping provisions of the proposal, and the extent to which they will enhance the appearance of the site, or screen structures which are quite different in style to those which predominate in the area or which could detract from the outlooks enjoyed by residents of the area;
 - The extent and visual impact of any earthworks or vegetation clearance;
 - The natural or heritage features of the site which are known of, and which are to be protected, altered, removed or destroyed;
 - The differences between the appearance of the structures proposed and those on adjoining sites, particularly building bulk, roof slope and materials, wall claddings, window style and position, and colour scheme;
 - The position and intensity of any outdoor or 'spot' lighting.

28.8 ASSESSMENT OF DISCRETIONARY ACTIVITIES**28.8.1 MATTERS FOR ALL ACTIVITIES**

- A. *Discretionary* activities shall be assessed in terms of Rule 53 and against the following matters:
- B. Information must be submitted to ensure that these matters can be fully evaluated with respect to the proposal:
- The assessment matters set out in Rule 28.7;
 - The objectives and policies of the Plan relating to the Zone;
 - The effect on the public services the Council is responsible for in the locality or District and which the residents, occupants, or users of the developed area or site would make use of, generate a need for, or have an impact on (and for which "financial contributions" may be required);
 - The matters which are the subject of standards for *Permitted* activities (ie Residential Zone) and the extent to which those standards are taken into consideration in the proposal;
 - The extent to which the activity would affect the character of the locality whether visually or functionally. Where the activity incorporates aspects or activities which could result in substandard residential accommodation which could be used on a permanent basis, the Council will impose specific performance conditions, including monitoring and/or reporting conditions, to ensure that this concern does not become a reality, and that any costs of enforcement of these conditions are met fully by the applicant;
 - The suitability of the various methods of servicing the proposal, including the management of refuse;
 - The design and position on the site of vehicle access points, driveways and parking areas;
 - The extent to which the activity would detract from or restrict the ability of adjoining and nearby sites within the Zone being used, developed or enhanced for rural residential activities or as 'lifestyle' areas;
 - The extent to which any earthworks would affect the ecological, landscape or landform values of the area, or the natural character of the coast or of the margins of lakes and rivers; whether they would increase any risk of land instability or erosion; whether the proposed activity includes any proposals to revegetate land disturbed or prevent siltation or other adverse effects of stormwater runoff.

28.8.2 MATTERS FOR LAND AT PATUMAHOE

For developments on Lot 19 D.P. 145211 at Patumahoe, the following matters will, in addition to the matters specified in 28.8.1 above, also be taken into consideration:

- The management structure intended to be, or which has been, put in place to oversee the activities, and the method of giving legal title to each separately occupiable and tradeable residential unit;

- The relationship of buildings and service areas or facilities to the structures on adjoining properties.

[THIS PAGE IS INTENTIONALLY BLANK]