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Rural-Residential

16. Rural-Residential

Explanatory Statement

The Rural-Residential Zone is a historical zone that has been in place for some time and recognises existing development and provides mainly for those people who still desire urban standards of servicing while living in a 'rural' environment. New Rural-Residential Zones are provided as part of the urbanisation of the Omokoroa Peninsula. Their purpose is to provide a less intensive interface with the Harbour and to manage areas that have *development* constraints.

The Tara Road Rural Residential Zone provides for rural residential living on the urban fringe of Tauranga and has specific requirements to avoid reverse sensitivity, geotechnical and stormwater effects on the Tauranga Eastern Link and Tara Road. In particular rural residential *development* should not commence until the Tauranga Eastern Link is operational in order to avoid the potential for *reverse sensitivity*. A new zone has also been created at Tides Reach, Te Puna, in recognition of the *development* that has both occurred and is planned at that location.

The rules in this section serve to protect the amenity of the Zone. Although the areas all have different attributes the areas are characterised by being predominantly large lot residential developments usually serviced with water, sealed roads, kerb and channelling and often providing good views.

16.1 Significant Issues

1. Activities related to rural based productivity can contribute to the amenity values of rural-residential areas however they may also create adverse effects.
2. Rural-Residential based activities may adversely affect the efficient operation of agricultural/horticultural activities and strategically important *infrastructure* in or adjacent to rural-residential areas through generating *reverse sensitivity* toward those activities.
3. Potential ground conditions and land instability within some rural-residential areas imposes limitations on *development* within the rural residential areas and on the ability for activities on adjacent land to continue to operate.

16.2 Objectives and Policies

16.2.1 Objectives

1. Protection of the ability of the inhabitants to enjoy the rural-residential amenity of the area and the associated views.
2. Minimisation of the potential for incompatibilities between activities.

16.2.2 Policies

1. The scale, type and location of activities should be such that the effects generated are compatible with the amenity values of the environment they are situated within.
2. An urban standard of servicing will be required within the Zone to mitigate, avoid or remedy adverse impact on the amenity of the area caused by an intensification of traffic and population. Financial contributions will also be required.
3. All *development* activities including *building*, subdivision, excavation, filling, removal of vegetation and disposal of stormwater or domestic wastewater must be carried out in such a way that there is no likelihood of land instability arising from such activity.
4. To maintain and enhance the significant environmental values of the Tauranga Harbour around the Omokoroa Peninsula, the primarily green rural visual flanks to the urbanising Peninsula and to avoid the inappropriate use of the lands identified as having instability and flooding constraints
5. In the Tara Road Structure Plan area subdivision and *development* should be designed, located and constructed in a way that avoids adverse geotechnical, *reverse sensitivity* and stormwater effects on the Tauranga Eastern Link and Tara Road.

16.3 Activity Lists

16.3.1 Permitted Activities

- (a) *Farming except intensive farming activities.*
- (b) *One dwelling per lot, except as per 16.3.2(c).*
- (c) *Home enterprises.*

- (d) *Accommodation or education facilities* for a combined maximum of four persons (excluding staff).
- (e) Activities on reserves as provided for in the Reserves Act 1977.
- (f) Works and *network utilities* as provided for in Section 10.
- (g) *Buildings accessory* to the foregoing.
- (h) *Existing urupa*.
- (i) *Conservation forestry*.

16.3.2 Controlled Activities

- (a) Works and *network utilities* as provided for in Section 10.
- (b) One *minor dwelling* in addition to 16.3.1(b) above subject to performance standard 16.4.1(g).
- (c) One *dwelling* on a title where no *dwelling* currently exists and where a *minor dwelling* exists which was constructed after 9 February 2009.
- (d) Subdivision or *development* within the Tides Reach Rural-Residential Structure Plan area in general accordance with the Structure Plan and as provided for in Rule 16.4.2(d).
- (e) Subdivision or *development* in the Tara Road Structure Plan Area in accordance with 16.4.2(e).

16.3.3 Restricted Discretionary Activities

Within stormwater management reserves and private conservation areas regardless of whether they are designated, the following are Restricted Discretionary Activities:

- (a) The disturbance of soil, natural ground cover and vegetation, or the deposition of refuse, solid or liquor waste, fill or any material.
- (b) The diversion or modification of any natural watercourses.
- (c) The *construction* of fences or other barriers, stormwater treatment facilities, bridges, *dwelling*s or *buildings*, recreational *structures*, pump stations, sewers, culverts and roadways.
- (d) Walkways/cycleways.

Except that:

Disturbance of soil, natural ground cover and vegetation associated with activities approved in a reserve management plan prepared under the Reserves Act 1977 or Local Government Act 2002 shall be exempt from this requirement.

16.3.4 Discretionary Activities

- (a) Subdivision where activity performance standards 16.4.2 are complied with (except within the Tides Reach and Tara Road Structure Plan Areas).
- (b) *Accommodation facilities* not complying with 16.4.1(e).
- (c) *Education facilities* for more than four persons (excluding staff).
- (d) *Production forestry*.
- (e) Urupa (new sites).
- (f) Works and *network utilities* as provided for in Section 10.

16.3.5 Non-Complying Activities

- (a) Subdivision or *development* within the Tides Reach Structure Plan area that is not in general accordance with the Structure Plan.
- (b) Subdivision or *development* in the Tara Road Structure Plan Area not in accordance with 16.4.2(e).
- (c) Subdivision or *development* in the Tuapiro Rural-Residential zone.
- (d) Subdivision or *development* not in accordance with 16.4.2(b), (c), and (d).

16.4 Activity Performance Standards

16.4.1 General

The following performance standards shall be met by all Permitted and Controlled Activities and shall be used as a guide for the assessment of all other activities. Any Permitted or Controlled Activity that fails to comply with any of these standards shall be deemed a Restricted Discretionary Activity for the particular non compliance.

(a) Height

Buildings - maximum 8.0m.

Shelter belts (Tuapiro only) - maximum 5.0m.

(b) Daylight

All site boundaries adjoining Residential and Rural Zones:

No part of any *building* shall exceed a *height* equal to 2m *height* above ground level at all boundaries and an angle of 45° into the site from that point.

Except where the site has a boundary with a road in which case this rule shall not apply in respect to that boundary.

Provided that:

A *building* may encroach through the above daylighting plane where the written approval of the owner(s) of the immediately adjoining property to the specific encroachment is obtained.

(c) Yards

~~Where no bulk and location standards have been established pursuant to a 'building site' approved on a scheme plan of subdivision, the bulk and location requirements shall apply as follows:~~

- (i) ~~All *Dwellings, minor dwellings, accommodation facilities and education facilities* – 5m~~
- (ii) ~~All other *buildings/structures* – 5m minimum~~

Provided that:

~~A *All other buildings/structures* may be located within and up to a side or rear boundary where the written approval of the owner of the immediately adjoining property to a specified lesser distance is obtained.~~

Except that:

- (iii) Where any *yard* adjoins:
 - A Strategic Road or a designation for a Strategic Road, it shall be a minimum of 10m;
 - A railway corridor or designation for railway purposes, it shall be a minimum of 10m.

Provided that:

On *Secondary Arterial Roads*, and any railway corridor or designation for railway purposes, *lots* created by way of an application for subdivision consent approved prior to 1 January 2010 will be exempt.

(d) Coverage

Within the Omokoroa Structure Plan area, a maximum of 15% of the site area may be covered with impermeable surfaces.

(e) Standards for Accommodation Facilities

- (i) Have a maximum occupancy of four persons at any one time (excluding staff);
- (ii) The total area available for exclusive use for the occupiers be no greater than 60m² *gross floor area*;
- (iii) Must not contain a *kitchen* or otherwise be self contained;
- (iv) For Discretionary *accommodation facilities*, information is to be provided in accordance with 4A.6.2.

(f) Standards for home enterprises

- (i) Shall be conducted in an area that does not exceed 500m² of which a maximum of 120m² shall be available for ~~a building floor area~~ *buildings as calculated by gross floor area*. Carparks shall be excluded from the maximum area calculation of the activity;
- (ii) Is carried out by a maximum of three persons;
- (iii) Does not involve sales of products other than those produced on the site. This does not apply to the sale of any goods stored, distributed and manufactured off the site that are sold via the internet;
- (iv) Any advertising shall comply with the provisions of Section 4D.3.2.

(g) Standards for minor dwellings and dwellings where a minor dwelling was constructed after 9 February 2009 in accordance with 16.3.2(b) and (c)

- (i) Shall be located within 20m of the principal *dwelling* or *minor dwelling* on the site; and
- (ii) Shall share vehicle access with the principal *dwelling* or *minor dwelling* on the site; and
- (iii) For *minor dwellings* only, if an attached or detached garage or carport is to be built, it shall have a *gross floor area* not exceeding 18m²; and
- (iv) Shall pay 50% of the financial contributions that applies to the subdivision of land.

(h) Standards for Reflectivity and Colour within the Tides Reach Rural-Residential Structure Plan Area

(i) Only the following BS5252 colours or colours with a reflectance value of no more than 50% shall be used –

(a) Walls and building facades

Group A – A05 to A14

Group B – B19 to B29

Group C – C35 to C40, restricted to hue range 06-16

Group D – D43 to D45, restricted to hue range 06-12

Group E – Shall not be used

(b) Roofs

Group A – A09 to A14

Group B – B23 to B29

Group C – C39 & C40

Group D – Shall not be used

Group E – Shall not be used

(i) Transportation, Access, Parking and Loading - See Section 4B.

(j) Noise and Vibration - See Section 4C.1.

(k) Storage and Disposal of Solid Waste - See Section 4C.2.

(l) Lighting and Welding - See Section 4C.3.

(m) Offensive Odours, Effluent Aerosols and Spray Drift - See Section 4C.4.

(n) Screening - See Section 4C.5.

(o) Signs - See Section 4D.

(p) Natural Environment - See Section 5.

(q) Landscape - See Section 6.

(r) Historic Heritage - See Section 7.

(s) Natural Hazards – See Section 8

(t) Hazardous Substances - See Section 9.

(u) Financial Contributions - See Section 11.

16.4.2 Subdivision and Development (See also Section 12)

- (a) **Tuapiro** (see Ongare Point Planning Map) - no further subdivision provided for.
- (b) **All other areas** (except within the Tides Reach and Tara Road Structure Plan Areas):
- (i) Minimum lot size: 3000m² provided that the average area for lots shown on any plan of subdivision shall be not less than 4000m²;
 - (ii) Minimum frontage: 4m.
- (c) **Omokoroa**
- (i) The land to be subdivided shall be served by a *Council* reticulated sewerage scheme; and
 - (ii) The stormwater from the subdivision must be able to be discharged in accordance with the approved Stormwater Management Plan for Omokoroa.

(d) **Tides Reach Rural-Residential Structure Plan Area**

For the Tides Reach Rural-Residential Structure Plan area, additional *lots* shall be created in conjunction with any of the following entitlements obtained from the Rural Zone on a one to one basis:

- (i) Transferable Amalgamation Lots;
- (ii) Transferable Rural Entitlements;
- (iii) Transferable Protection Lots;
- (iv) Onsite Protection Lots, as provided for in 18.4.2(h).

Explanatory Note

For the purpose of clarifying this rule “onsite” refers to the Rural Zoned portion of the *lot* which the Tides Reach Rural-Residential Structure Plan area is part of.

An application for Controlled Activity subdivision under Rule 16.3.2(d) need not be publicly notified nor notice of it served on any other persons.

(e) Tara Road Structure Plan Area

- (i) Minimum *lot* size: 3,000m² provided that the average area for *lots* shown on any plan of subdivision shall be not less than 4,000m²;
- (ii) Minimum frontage: 4m;
- (iii) The land to be subdivided or developed shall only be accessed from Tara Road via the Doncaster Road round-a-bout;

Except that

Lot 1 DP 317519 and Lot 1 DPS 89434 may have access from complying access points on Parton Road.

- (iv) *Dwellings* shall be designed and constructed so that internal noise levels do not exceed 35dBA Leq24hr in bedrooms and 40dBA Leq24hr in other habitable rooms. Written evidence that this standard will be achieved through the design of the *building* shall be provided to *Council* from a suitably qualified acoustic consultant at the time an application for building consent is lodged with the *Council*. Where a *building* is required to have its windows closed to achieve the required noise standard, the *building* shall be designed and constructed to provide for an alternative means of internal ventilation;
- (v) Subdivision and *development* shall be designed and constructed so that external noise levels do not exceed 64dBA Leq24hr (see (v) below). The acoustic mitigation adjacent to the Tauranga Eastern Link (TEL) and/or Tara Road required to achieve this standard shall be addressed at the time of subdivision or *development* (whichever comes first). Written evidence that this standard will be achieved shall be provided to the *Council* from a suitably qualified acoustic consultant as part of the application for subdivision or *development* (whichever comes first). The evidence shall be based on predictions of road traffic noise in accordance with Section 5.3 of NZS 68069:2010, using terrain data at 1m ground contour intervals including the final *earthworks* for the Tauranga Eastern Link;
- (vi) The design parameters for noise measurement for (iii) and (iv) above are as follows:

- (a) Tara Road
- Design year: 2026
 - Flow rate (AADT): Tara Road 26,100 vpd / Parton Road 6,000 vpd
 - Speed: 100km/h
 - Road surface: Open graded porous asphalt
 - Percentage of heavy vehicles: 7%
- (b) Tauranga Eastern Link
- Design year: 2026
 - Flow rate (AADT): 28,000 with the Papamoa East Interchange
 - Design speed: 100km/h
 - Road surface: Chip seal
 - Percentage of heavy vehicles: 16%
- (vii) At the time of subdivision or *development*, a landscape plan detailing planting species and spacing shall be provided to screen the Rural-Residential Zone from the Tauranga Eastern Link and to provide an amenity buffer with Tara Road. The landscape plan shall detail the planting along the 10 metre Amenity Planting Strip adjoining Tara Road, with the landscape swale, on the acoustic bund adjoining the Tauranga Eastern Link and/or Tara Road (if proposed) and between any acoustic barrier and the Tauranga Eastern Link and/or Tara Road (if proposed);
- (viii) The acoustic mitigation (e.g. bund; barrier) and landscaping shall be designed so that it does not have any adverse geotechnical effect on the Tauranga Eastern Link and /or Tara Road (including all *infrastructure* within road reserve). Prior to the establishment of any acoustic mitigation or landscaping required by clauses (iv) and (vi) of this rule a geotechnical assessment by a suitably qualified geotechnical engineer shall be prepared in consultation with the New Zealand Transport Agency or Tauranga City Council (as relevant) and submitted to *Council* to confirm that the acoustic mitigation and landscaping has no adverse geotechnical effects on the Tauranga Eastern Link or Tara Road (including all *infrastructure* within the road reserve);
- (ix) The acoustic mitigation required by (iv) above (e.g. bund; barrier) and the landscape mitigation required by (vi) above shall be vested in *Council* at the time of subdivision or prior to building consent for a *dwelling* being issued, whichever occurs first;

- (x) Any subdivision or *development* shall be in accordance with an approved stormwater management plan for the entire Structure Plan area;
- (xi) Subdivision or *development* shall not be commenced until the Tauranga Eastern Link is operational. Operational means that TEL construction is complete and public vehicles are able to use the full length of TEL including both lanes in each direction;
- (xii) Subdivision and *development* associated within the Tauranga Eastern Link shall be exempt from this rule.

Note:

Water supply is to be provided privately, unless prior arrangements have been made with the *Council* to reticulate the whole Structure Plan area with a public reticulation system.

16.5 Matters of Control

16.5.1 Controlled Activity – Subdivision or Development within the Tides Reach Rural-Residential Structure Plan Area

Council reserves control over the following matters for the Tides Reach Rural-Residential Structure Plan area, and may impose any necessary conditions on subdivision:

- (a) Provisions of fire fighting water supplies.
- (b) The application of financial contributions.
- (c) Compliance with the Structure Plan.

16.5.2 Controlled Activity – Subdivision or Development within the Tara Road Structure Plan Area

Council reserves control over the following matters and may impose any necessary conditions:

- (a) Noise mitigation.
- (b) Landscaping.
- (c) Geotechnical effects.
- (d) Access to Tara Road.

- (e) Stormwater management.
- (f) Compliance with the Structure Plan.
- (g) The application of financial contributions.

16.6 Matters of Discretion

16.6.1 Restricted Discretionary Activities – Non Compliance with Activity Performance Standards

Council's discretion is restricted to the actual or potential adverse effects arising from the particular non-compliance, having regard to the extent and nature of the non-compliance.

16.6.2 Restricted Discretionary Activity - Activities within Stormwater Management Reserves

In assessing a Restricted Discretionary Activity, *Council* will limit its discretion to and may set conditions on:

- (a) Avoiding, remedying or mitigating the potential adverse effects of the ecological values of the reserves.
- (b) In the Omokoroa Structure Plan area retaining the integrity of the Omokoroa Peninsula Stormwater Management Plan (June 2002) including the efficiency and effectiveness of stormwater infiltration, detention, discharge downstream and discharge to the Tauranga Harbour with particular regard to storm events.
- (c) Avoiding, remedying or mitigating the potential for natural hazard events such as flooding i.e. natural hazards must not be made more severe as the consequence of a proposal.
- (d) Avoiding, remedying or mitigating the adverse effects on public amenity values of the reserves including public walkway/cycleway functions.

16.6.3 Discretionary Activity - Production Forestry

In considering an application for *production forestry* as a Discretionary Activity, *Council* shall have regard to the following matters:

- (a) Visual impact including obstruction of views.
- (b) Potential shading effects.
- (c) Effect on land stability.

- (d) Scale of the activity.

16.7 Other Methods

- 16.7.1 Removal of plant pests can be controlled in accordance with a pest management strategy prepared under the provisions of the Biosecurity Act 1993.