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Lifestyle

17. Lifestyle

Explanatory Statement

This Zone covers specific areas within the *District* that are close to existing urban centres and which have been identified as suitable for the establishment of lifestyle type living. It is intended that this Zone will provide people with an opportunity to live in the rural environment and enjoy the many good features of rural living such as open space, privacy and rural outlook, without the potential for conflict that can occur with primary production activities. Within this Zone there will be provision for small scale *farming*, conservation planting, open space networks and walkways and cycleways (*greenlanes*) to provide a high amenity rural environment.

Development of the Zone will require Transferable Lot entitlements from the range of incentives provided to land owners within the Rural Zone. The Zone is established to assist the restoration and maintenance of the productive rural land resource by removing some of the pressure that exists for rural lifestyle living within these areas. It does this by providing *development* opportunities in locations that are located in high demand areas in return for the transfer of development rights from less sought after areas which remain important for rural production purposes.

The areas which have been zoned Lifestyle are as follows. Subdivision in these areas is restricted until a *structure plan* for the area is in place.

Te Puke

Bounded by the Ottawa Scenic Reserve and a large production forest block, this 374ha area offers opportunities for lifestyle living in close proximity to the town of Te Puke with good views over the plains to the east as the land rises into the hills.

A *structure plan* is provided for a first stage to the south of Te Puke Quarry Road. The first stage area has capacity for over 100 *dwelling*s. *Development* cannot proceed until necessary upgrading of intersections with the State Highway have been completed. There is currently no *structure plan* for the second stage.

The *Structure Plan* provides for the upgrade of local roads where significant *development* traffic will arise to increase the accessibility and safety of the area. There will be significant landscape planting as part of any subdivision to enhance the existing ecological and landscape features of the area and to nestle *buildings* into the backdrop of the ridge. The area will have a series of walkways within and through existing and newly planted vegetation to encourage non-vehicular connectivity.

The area has been chosen to avoid the adverse effects of the existing quarry to the north east and go-cart track to the south west.

Minden

This Zone is to provide opportunities for lifestyle living close to the City of Tauranga with good views over the Harbour and wider Bay of Plenty. This is envisaged as being a lifestyle location with 1730ha that will be developed over a period of up to 40 years.

This area dominated by the Te Rangituanehu plateau ridgeline is of cultural significance to Pirirakau and an *Outstanding Landscape Feature* for the whole community. The name Te Rangituanehu means “the going down of the sun” and this distinctive range of hills forms an important visual backdrop to the lower lying coastal areas and river flats of the Te Puna area.

It is envisaged that the whole area will eventually be connected by a series of managed *greenlanes* wide enough for walking and cycling. In addition the existing and future roading will be upgraded to include berms that provide safe walking for pedestrians and will be of a standard that complements the quiet, rural character of the area.

The *Structure Plan* has also identified a number of features which double as overland flowpaths and ecological features. These features will be protected for their ecological values and will also be considered for the purpose of stormwater management where appropriate.

Geotechnical considerations are such that subdivision or *development* within the area requires geotechnical assessment to ensure that suitable building platforms exist on the site and subdivision and servicing (wastewater and stormwater disposal, in particular) are able to be accommodated on site without adverse off-site effects.

Reticulated water supply is intended for the unreticulated area of the Zone and this *infrastructure* will be provided when the level of *development* generates sufficient funding for its *construction*. In the interim, a level of independent water source and on-site storage will be required.

The area has been set back from the State Highway and Tauranga Northern Link to help manage any *reverse sensitivity*. It is envisaged that there will be upgraded access to the Highway to enable safe commuting to the city.

It is expected that the form of the design of the proposed Tauranga Northern Link, including the proposed location of connections will be determined by the end of the 2011 calendar year. Because the layout of the Minden Structure Plan roads is dependant on connections to State Highway 2 and the proposed Tauranga Northern Link, some *Structure Plan* roads are shown as “indicative only” and their final form and function will be determined in a future Plan change or designation process.

However it is agreed that consideration will be given to vehicle, walking and cycling connectivity between the Minden and the Te Puna peninsula to retain the integrated character of the community.

Katikati

The smallest of the *lifestyle zones*, this one provides opportunities for lifestyle living within easy access to Katikati. The area is already serviced by a sealed road and has the potential to be serviced as the area closer to Katikati identified for future urban growth is developed.

The area has a number of existing lifestyle properties and a relatively high percentage of native bush that could be enhanced through additional planting, providing house sites with views over Katikati and the northern harbour. The proximity to the town of Katikati and access to the Harbour will make this area an attractive location.

There is currently no *structure plan* for the Katikati Lifestyle Zone.

17.1 Significant Issues

1. The locations of the Lifestyle Zones were chosen because of their proximity to urban areas, to reduce the fragmentation of other more productive land in the *District* and to minimise the impact of lifestyle *development* in general on the State Highway network. Each zone has particular needs to be addressed.
2. The unique aspect and outlook afforded by the steep terrain of much of the zones, while desirable for character and amenity, brings difficult geotechnical issues to be considered.
3. *Development* of the zones has the potential to impact on ecological features of local significance such as *wetlands, waterways and riparian margins*.
4. Protection of rural lifestyle character is important if the zones are to remain high quality environments for lifestyle locations.

17.2 Objectives and Policies

17.2.1 Objectives

1. Lifestyle *development* is accommodated in discrete areas, and effects, particularly on the road network, are concentrated in these areas where they can be effectively managed.

2. To promote high quality lifestyle character in a unique environment with alternative living options for people who wish to enjoy a high level of open space amenity while retaining the benefits of living close to established town centres.
3. To provide for a standard of *infrastructure*, recreational and amenity services that will be safe for pedestrians and cyclists and that complements the lifestyle character of the area.
4. To create a network of *greenlanes* in conjunction with lifestyle *development*.
5. To provide a lifestyle living environment which takes into consideration the geotechnical constraints and other effects of increased *development*.
6. Local ecological features are protected.

17.2.2 Policies

1. Subdivision and *development* within the Lifestyle Zones shall be managed to match the capacity and functioning of the *strategic roading network* to accommodate additional vehicle movements likely to be generated.
2. Subdivision, use and *development* shall provide *greenlane* connectivity where relevant, and other high quality amenities or, where onsite provision of these amenities is not appropriate, shall integrate these elements into its own design.
3. Subdivision or *development* shall take into account site constraints including geotechnical and ecological limitations in determining an appropriate design that delivers a quality lifestyle environment.
4. Lifestyle subdivision options are provided through the transferral of subdivision rights from the Rural Zone.
5. For the Minden Lifestyle Structure Plan area, the use of development incentives at subdivision stage to incorporate *greenlanes*.
6. To work in conjunction with the New Zealand Transport Agency to ensure effective management of *development* and the potential effects on the State Highway network. Timed release of *development* entitlements should relate to pressures on roading catchments.

7. Subdivision, use and *development* of lifestyle land which has been identified as at risk to geotechnical hazards shall be undertaken in accordance with geotechnical design to minimise the risk to persons and property.
8. Ensure the layout of roads, *greenlanes* and *infrastructure* are undertaken to best complement rural lifestyle character, merge into the existing rural environment and provide for safety and security.
9. Avoid the establishment of industrial, commercial or other activities which do not have a functional or other legitimate need for a lifestyle location.
10. Subdivision and *development* shall not occur before appropriate roading and other infrastructural capacity to cater for such *development* is established.
11. To maintain the semi-rural nature of the Minden Lifestyle Structure Plan area through ensuring appropriate *dwelling* separation.
12. To ensure the effective use of geotechnical information to dispose of stormwater and wastewater in avoiding effects on the environment due to increased *development*.

17.3 Activity Lists

17.3.1 Permitted Activities

- (a) *Farming.*
- (b) *Conservation forestry.*
- (c) One *dwelling* per *lot*, except for in 17.3.2(c);
- (d) *Buildings* (except *dwellings*) *accessory* to the foregoing under 200m².
- (e) *Accommodation or education facilities* for a combined maximum of four persons (excluding staff).
- (f) *Home enterprises.*
- (g) *Stalls.*
- (h) Works and *network utilities* as provided for in Section 10.
- (i) Activities on reserves as provided for in the Reserves Act 1977.

- (j) *Minerals prospecting.*
- (k) *Existing urupa.*
- (l) *Earthworks* ancillary to Permitted Activities.

17.3.2 Controlled Activities

- (a) Works and *network utilities* as provided for in Section 10.
- (b) One *minor dwelling* in addition to 17.3.1(c) subject to performance standard 17.4.1(f).
- (c) *Dwellings* on titles where a *minor dwelling* exists which was constructed after 9 February 2009.
- (d) More than one *dwelling* per *lot* in the Katikati Lifestyle Zone subject to performance standards 17.4.1(g) with (per *dwelling*) a minimum *net land area* of 3000m² and minimum average *net land area* of 5000m².
- (e) Subdivision within the Minden Lifestyle Structure Plan area where all of the proposed *privateways* and building sites are within Stability Area - Minden C as provided for by 8.3.2 (a).

In addition to the relevant requirements of Section 8 (Natural Hazards), subdivision provided for under this rule shall also be subject to the activity performance standards in 17.4.2 and the matters of control in 17.5.2.

- (f) Subdivision within Stage 1 of the Te Puke Lifestyle Zone at such time as the requirements of 17.4.2 (g) are satisfied.

17.3.3 Restricted Discretionary Activities

- (a) Any Permitted or Controlled Activity that fails to comply with the activity performance standards listed in Rule 17.4.
- (b) Subdivision within the Minden Lifestyle Structure Plan area (Stability Areas A, B1, B2 and U) as provided for by 8.3.3 (c) (ii).

In addition to the relevant requirements of Section 8 (Natural Hazards), subdivision provided for under this rule shall also be subject to the activity performance standards in 17.4.2 and the matters of control in 17.5.2.

17.3.4 Discretionary Activities

- (a) *Accommodation facilities* not complying with 17.4.1(d).

- (b) *Education facilities* for more than four persons (excluding staff).
- (c) *Places of assembly*.
- (d) *Rural selling places*.
- (e) Minerals exploration, mining and *quarrying*.
- (f) Urupa (new sites).
- (g) Works and *network utilities* as provided for in Section 10.
- (h) *Buildings* not complying with 17.3.1(d).
- (i) Onsite protection lot subdivision as provided for in Rule 17.4.2(c).

17.3.5 Non-Complying Activities

- (a) *Minor dwellings* not complying with performance standards specified in 17.4.1(f).
- (b) Coolstores and packhouses.
- (c) Subdivision not in accordance with an approved *structure plan* or where no *structure plan* currently exists.
- (d) Subdivision not meeting performance standards in 17.4.2.
- (e) More than one *dwelling* per *lot* in the Minden Lifestyle Structure Plan area and the Te Puke Lifestyle Zone.
- (f) Within the *National Grid Electricity Transmission Buffer*
 - *Dwellings, minor dwellings, accommodation facilities, education facilities, hospitals, rest homes and retirement villages*
 - Principal *buildings* for *intensive farming activities*
 - *Buildings* for restricted discretionary or discretionary activities in 17.3.4
 - *Buildings/structures* and *earthworks* not complying with the performance standards in 17.4.1(i)
 - Subdivision not complying with the performance standards in 17.4.2(a)

17.4 Activity Performance Standards

17.4.1 General

The following performance standards shall be met by all Permitted and Controlled Activities and shall be used as a guide for all other activities.

(a) Height of buildings

Maximum – 8m.

(b) Daylighting

No part of any *building* shall exceed a *height* equal to 2m 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

- (i) Dwellings, minor dwellings, accommodation facilities, education facilities:

Minimum 10m;

Except that:

- Where the boundary adjoins a Rural Zone it shall be a minimum of 30m.
- Where the boundary adjoins a Strategic Road or a designation for a Strategic Road it shall be a minimum of 100m.

- (ii) All Other *Structures*:

Front yard – Minimum 10m;

Side and rear yards – Minimum 5m;

Provided that:

A *building* 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.

(d) Standards for accommodation facilities

- (i) Have a maximum occupancy of four persons at 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.

(e) 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) Does not have access within 30m of a State Highway;
- (iii) Is carried out by a maximum of three persons;
- (iv) Any *retailing* shall occur within a gross floor area not exceeding 20m²;
- (v) 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;
- (vi) Any advertising shall comply with the relevant provisions of Section 4D.3.2;
- (vii) Parking shall be provided in accordance with Rule 4B.4.7;
- (viii) No aspect of the *home enterprise*, including carparking, or sale of goods, shall be undertaken within 10m of the front boundary with the exception of *stalls*;
- (ix) Bulk warehousing, product assembly and outside storage of materials and goods shall not be permitted as a part of a *home enterprise*.

Explanatory Note:

The above activity performance standards shall apply cumulatively to all *home enterprises* per *lot*.

(f) Standards for minor dwellings and dwellings where a minor dwelling was constructed after 9 February 2009

- (i) Shall be located within 20m of the principal *dwelling* or *minor dwelling* on the site;

- (ii) Shall share vehicle access with the principal *dwelling* or *minor dwelling* on the site;
- (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.

(g) Standards for more than one dwelling per lot

The relevant subdivision standards shall apply as if the land was being subdivided with each *dwelling* being treated as if a new *lot* is being created, including the application of financial contributions. Any further subdivision would require the importation of a transferable subdivision entitlement.

(h) Standards for Greenlanes in the Minden Lifestyle Structure Plan area

Greenlanes - Minimum total width 7m.

(i) National Grid Electricity Transmission Buffers

Note:

- Non-compliance with (i) to (iii) below shall require a resource consent for a Non-Complying Activity.
- For the purpose of the notification provisions of the *RMA*, Transpower shall be an affected person, and any application for consent need not be publicly notified. *Council* will have discretion over whether to publicly notify any application.
- All activities (whether listed below or not) located under or adjacent to transmission lines must comply with the New Zealand Electrical Code of Practice for Electrical Safe Distances. Compliance with the District Plan rules does not ensure compliance with the Code.

- (i) Activities around transmission structures (towers or poles)

Buildings/structures (including additions and alterations) shall not be located within 12m of the outer edge of a transmission structure associated with a transmission line shown on the Planning Maps.

Except that:

Fences can be located within 5m–12m from the outer edge of a support structure provided they comply with NZECP34:2001.

(ii) Activities under conductors (wires)

Buildings/structures shall not be located within the *National Grid Electricity Transmission Buffer*.

(iii) *Earthworks and Quarrying*

(a) *Earthworks and Quarrying Around Poles*

Earthworks and quarrying shall not be:

- (i) deeper than 300mm within 2.2m of a transmission pole support structure or stay wire; or
- (ii) deeper than 750mm between 2.2m - 5m from a transmission pole support structure or stay wire.

Except that:

Vertical holes not exceeding 500mm diameter beyond 1.5m from the outer edge of a pole support structure or stay wire are exempt from (i) and (ii) above.

(b) *Earthworks and Quarrying Around Towers*

Earthworks and quarrying shall not be:

- (i) deeper than 300mm within 6m of the outer visible edge of a transmission tower support structure; or
- (ii) deeper than 3 metres between 6m - 12m from the outer visible edge of a transmission tower support structure.

(c) *Earthworks and Quarrying within the National Grid Electricity Transmission Buffer*

Earthworks and quarrying shall not:

- (i) create an unstable batter that will affect a transmission support structure; and/or
- (ii) result in a reduction in the ground to conductor clearance distances as required by NZECP34:2001.

Provided that:

- *Earthworks* undertaken as part of a network utility in accordance with NZECP34, and
- *Earthworks* undertaken as part of normal agricultural cultivation or the repair, sealing or resealing of an existing surface of any road (including a farm track), footpath or driveway

are exempt from (a) and (b) above.

- (j) **Transportation, Access, Parking and Loading** - See Section 4B.
- (k) **Noise and Vibration** - See Section 4C.1.
- (l) **Storage and Disposal of Solid Waste** - See Section 4C.2.
- (m) **Lighting and Welding** - See Section 4C.3.
- (n) **Offensive Odours, Effluent Aerosols and Spray Drift** - See Section 4C.4.
- (o) **Screening** - See Section 4C.5.
- (p) **Signs** - See Section 4D.
- (q) **Natural Environment** - See Section 5.
- (r) **Landscape** - See Section 6.
- (s) **Cultural and Heritage** - See Section 7.
- (t) **Natural Hazards** - See Section 8.
- (u) **Hazardous Substances** - See Section 9.
- (v) **Financial Contributions** - See Section 11.

17.4.2 Subdivision Activity Performance Standards

- (a) **General**
 - (i) Shape factor

Each *lot* which will qualify for the erection of a *dwelling* as a Permitted Activity shall be capable of accommodating a 20m minimum diameter circle exclusive of *yard* requirements, such area to contain a building site complying with 12.4.1 (b) and in accordance with an approved *structure plan*;

(ii) *Lot Size*

Minimum 3000m², with a minimum average 5000m², or as defined in the *Structure Plan*.

Except that:

Minden Lifestyle Structure Plan area: Minimum 3000m², average 4000m², provided that Greenlane Lot Entitlements may reduce minimum *lot* sizes as described in 17.4.2(e).

(iii) *Development* in accordance with the *structure plan*

All subdivision shall be designed to be in general accordance with the approved *structure plan* for the identified Lifestyle Zone area and *Council* has full discretion to assess the subdivision application and decide whether a proposal is in general accordance with the *structure plan*.

(iv) Conflict with *National Grid Electricity Transmission Buffer*

Lots that have a *National Grid Electricity Transmission Buffer* located on them shall have an identified house site and an additional separate building site (in terms of the requirements of 12.3.7(e)). Such sites shall not be located within the *National Grid Electricity Transmission Buffer*. Furthermore if such sites are located between this buffer and a distance of 16m from the centreline of the Te Matai Transmission Line, Transpower shall be considered an affected party to ensure compliance with NZECP34.

See also 12.3.8(p) Subdivision Information Requirements - Application Report

- Non-compliance with the above shall require a resource consent for a Non-Complying Activity.

- For the purpose of the notification provisions of the *RMA*, Transpower shall be an affected person, and any application for consent need not be publicly notified. *Council* will have discretion over whether to publicly notify any application.
- All activities (whether listed above or not) located under or adjacent to transmission lines must comply with the New Zealand Electrical Code of Practice for Electrical Safe Distances. Compliance with the District Plan rules does not ensure compliance with the Code.

(b) Transferable subdivision entitlements

(i) Application

Additional *lots* shall be created from the following entitlements obtained from the Rural Zone on a one to one basis:

- Transferable Rural Lot Entitlements: 18.4.2(d);
- Transferable Amalgamation Lots: 18.4.2(e);
- Transferable Protection Lots: 18.4.2(h).

Explanatory Note:

In the Minden Lifestyle Structure Plan area, additional *lots* can also be created from onsite protection lots under Rule 17.4.2 (c) and Greenlane Lot Entitlements under Rule 17.4.2 (e).

(c) On-site Protection Lots

(i) Application

Additional *lots* may be created in exchange for the protection of a 'feature of value to the community' as defined in Rule 18.4.2 (h) (i) on the following basis.

1. The feature being protected must be within the land being subdivided.
2. The feature being protected shall meet the qualifying standards in Rules 18.4.2 (h) (iii) to (viii).
3. Additional *lots* can be transferred within the Lifestyle Zone.

4. Where the land being subdivided also contains a *greenlane* as identified on the Minden Lifestyle Structure Plan, then the creation of additional *lots* under this rule shall not occur before the creation of new *lots* under Rule 17.4.2 (e).
5. Subdivision under this rule shall also be subject to Rules 8.4.1, 8.5.1.3, 17.4.2(a), 17.4.2(d) and 17.5.2.

(d) Minden Lifestyle Structure Plan Staging Requirements

- (i) Subdivision within the Minden Lifestyle Structure Plan area shall be staged in accordance with the following requirements:

For the purpose of these rules;

- New *lots* shall be defined as those approved by way of subdivision consent for which an application was lodged on or after the date of 25 September 2010.
- Existing *lots* shall be defined as those approved by way of subdivision consent for which an application was lodged before the date of 25 September 2010.

- (ii) The total number of new *lots* allowed is shown in the table below;

Except that:

For every *dwelling* granted as a Non-Complying Activity under Rule 17.3.5(e) (more than one *dwelling* per *lot*) this will reduce the number of new *lots* allowed within the area of its location on a one to one basis.

Area	Number of new lots allowed
1a	94
1b	29
1c	103
2	30

Note:

Allowance for any new *lots* more than that specified in the table above will be subject to a future Plan change and/or designation. The number of new lots allowed for (including the location and the distribution in each area) will be dependent upon an analysis of potential effects on the *strategic roading network*.

This will include consideration of the existing State Highway 2 function, efficiency and safety as well as the construction, timing and linkages of the Tauranga Northern Link. It will also include ensuring that a suitable connection can be provided to the existing and planned *strategic roading network* to cater for the expected number of additional *lots*.

- (iii) In respect to Area 2 in the table above, no more than two new *lots* shall be created from any one existing *lot* and no new *lot* shall be created from any other new *lot*;
- (iv) Subdivision applications for more than two new *lots* in Area 2 can be submitted where an existing *lot* is able to produce more than two new *lots* in accordance with Rules 17.4.2 (a) and (b) subject to the following:
 - 1. The number of new *lots* that can be given effect to shall be no more than two.
 - 2. The third and subsequent new *lots* can be given effect to at the time when the abovementioned Plan change in Rule 17.4.2 (d) (ii) provides for these new *lots*.
 - 3. To prevent the third and subsequent *lots* from lapsing during this period, Council will provide a 10 year lapse period for these *lots* in accordance with Section 125 of the RMA and will consider applications under Section 125 to further extend this 10 year lapse period if the abovementioned Plan change in Rule 17.4.2 (d) (ii) has not occurred.
 - 4. Transferable Subdivision Entitlements shall only need to be obtained initially for the first two *lots* that can be given effect to.
 - 5. Further Transferable Subdivision Entitlements are required to be obtained for the remainder of the new *lots* prior to Council issuing a certificate pursuant to Section 224 of the RMA.
- (v) For the purpose of limiting traffic movements onto the Wairoa/State Highway 2 intersection, Oliver Road shall not be connected to Minden Road.

(e) Minden Lifestyle Structure Plan Greenlane Lot Entitlements

Greenlane Lot Entitlements	
General Requirement:	The subdivision provides public <i>greenlanes</i> in general accordance with the Minden Lifestyle Structure Plan.
Area Per Entitlement:	<p>One entitlement will be provided for each complete 100m of <i>greenlane</i> (regardless of width) vested in Council as part of the subdivision.</p> <p>There shall be no limit to the number of entitlements that can be generated under this rule, other than by the limitation directly above.</p>
Reduced Lot Sizes:	<p>Exception to Rule 17.4.2(a)(ii) as follows;</p> <p>Minimum - 2500m² Average – n/a</p> <p>Where a subdivision qualifies for one or more Greenlane Lot Entitlements, these <i>lot</i> sizes shall apply to the entirety of that subdivision and any subsequent stages, not only to those <i>lots</i> established using Greenlane Lot Entitlements.</p>

- (i) Where a subdivision in the Minden Lifestyle Structure Plan area qualifies for one or more Greenlane Lot Entitlements under Rule 17.4.2(e) above, the section of greenlane that falls within the subdivision shall be vested in *Council* with no compensation payable.
- (ii) Greenlane Lot Entitlements shall be used for the creation of new *lots* prior to the creation of new *lots* under Rule 17.4.2 (b) (i) through the use of the following;
- Transferable Rural Lot Entitlements: 18.4.2(d);
 - Transferable Amalgamation Lots: 18.4.2(e);
 - Transferable Protection Lots: 18.4.2(h).

(f) Minden/Ainsworth Structure Plan Road

- (i) The Minden/Ainsworth Structure Plan Road shall not be located any closer than 80m to any property boundary of Lot 12 DPS 34526. *Privateways* and cul-de-sacs may be located within this distance however they are not to adjoin any property boundary of Lot 12 DPS 34526.

Failure to meet this rule renders the application Non-Complying and the owner of Lot 12 DPS 34526 shall be notified as an affected party;

- (ii) The intersection of the Minden/Ainsworth Structure Plan Road at Minden Road shall not be located any further north than its indicative position shown on the Structure Plan, without the written approval of New Zealand Transport Agency.

(g) Te Puke Lifestyle Structure Plan Area

- (i) The following shall be undertaken prior to the subdivision or *development* of any *lots* in this Zone:
 - (a) An alternative route to take road traffic from Te Puke Quarry Road to the Te Puke Town Centre has been constructed; and
 - (b) The closure of the intersection of Te Puke Quarry Road with State Highway 2 has been legally and physically completed.
- (ii) After the completion of (i) above there shall be a limit of 35 new *lots* (consented subsequent to 30 January 2010) until improvements have been made to the State Highway 2/Manoeka Road intersection to the satisfaction of New Zealand Transport Agency to provide for a maximum of 100 additional *lots*.
- (iii) Subdivision or *development* not in accordance with clauses (i) and (ii) above shall be a Non-Complying Activity.
- (iv) At such time as clauses (i) and (ii) above are satisfied subdivision or *development* shall be a Controlled Activity.

17.5 Matters of Control

17.5.1 Controlled Activities – Subdivision within Stage 1 in the Te Puke Lifestyle Structure Plan Area

Council reserves control over the following matters for the Te Puke Structure Plan area, and may impose any necessary conditions on subdivision:

- (a) Protecting and enhancing areas of indigenous vegetation by:

- (i) Enhancing the broader landscape pattern through a 'retire and restore' approach to the eastern face of the backing escarpment;
 - (ii) Providing a higher level of physical linkage/connectivity between existing areas of native bush, creating more viable corridors for the dispersal of native flora and fauna including invertebrates;
 - (iii) Providing further habitat and year round food sources for native fauna, thereby attracting native birdlife into the estate, providing food sources for sustained populations and supplementing the existing resource provided by Ottawa Scenic Reserve and remnant patches of bush;
 - (iv) Providing separation, shelter and privacy between proposed *dwelling*s;
 - (v) Reducing the cumulative impact and visibility of built form by screening, softening and filtering all structures and site modifications as perceived by the broader community. Native vegetation should ultimately provide a backdrop to all house sites and become a more dominant feature on property as well as the skyline;
 - (vi) Enhancing water quality in the permanent and ephemeral streams within and flowing out from the property through the provision of greater vegetation cover along riparian corridors and on steep erosion prone lands, and retirement from grazing activity;
 - (vii) Any matters listed in 5.6.1.
- (b) Maintaining and enhancing rural landscape character by:
- (i) Carefully selecting the position of proposed house sites, and controlling building design;
 - (ii) Focusing house clusters sites into the defined development areas shown on the *Structure Plan*;
 - (iii) Protecting open ridgelines;
 - (iv) Where possible, avoiding the disturbance or destruction of archaeological sites;
 - (v) Avoiding erosion or natural hazards or mitigating these hazards when they cannot be avoided;

- (vi) Ensuring house sites are sheltered from the prevailing westerly;
 - (vii) Maintaining views for house sites;
 - (viii) Any matters listed in 6.6.1.
- (c) Increasing the ability for the future community to experience the bush on a daily basis by a community walkway system meandering through the bush areas allowing direct contact with the bush and thereby adding recreational value.
 - (d) For the Te Puke Lifestyle Zone walkways shall be provided by the developer with no compensation payable.
 - (e) Provision of appropriate potable water supply systems, including connection to public water networks where feasible.
 - (f) Provision of fire fighting water supplies.
 - (g) The application of financial contributions provided that any contributions shall be limited to the difference between the current level of such contributions and any contributions previously paid.

17.5.2 Controlled Activities – Subdivision within the Minden Lifestyle Structure Plan Area where all of the Proposed Privateways and Building Sites are within Stability Area – Minden C

Council reserves control over the following matters for the Minden Lifestyle Structure Plan area, and may impose any necessary conditions on subdivision:

- (a) Protecting and enhancing scheduled Significant Ecological Features, other prominent areas of indigenous vegetation which contribute to the Zone's wider amenity, existing waterways, providing ecological linkages and improving landscape by requiring planting along riparian corridors, on steep erosion prone land, the retirement of some land from grazing activity and the avoidance of discharge to such areas.
- (b) Providing connectivity throughout the *Structure Plan* area including requiring the provision of *greenlanes* shown on the *Structure Plan*.
- (c) Ensuring that building sites and associated *earthworks* blend in with existing contours, preserve strands of native bush, and do not compromise significant topographical features. Pump houses, fences and masts may be located outside of the building site.
- (d) Building sites should be set back from existing waterbodies and ephemeral flowpaths to the extent that any risks to *buildings* from instability and flooding are avoided and there are no adverse effects on ecological features.

- (e) Compliance with activity performance standards 17.4.2.
- (f) The application of financial contributions provided that any contributions shall be limited to the difference between the current level of such contributions and any contributions previously paid.

17.6 Matters of Discretion

17.6.1 Restricted Discretionary Activities – Non Compliance with Activity Performance Standards

17.6.1.1 *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.

17.6.1.2 Where the minimum width for *greenlanes*, as stipulated in 17.4.1(h), cannot be achieved, the minimum width may be reduced to a minimum of 5m. In assessing a reduced width *Council* shall have regard to the following matters:

- (a) Connectivity throughout the *Structure Plan* area is not compromised for the various user groups.
- (b) The topography allows for the construction of a more cost-efficient *greenlane* in a reduced width and quality, provided that safety and amenity are not compromised.
- (c) Ecological features or other prominent areas of indigenous vegetation, which contribute to the *Zone's* wider amenity, are protected.
- (d) The risks of erosion and water pollution are not increased.
- (e) A *hedge*, fence or retaining wall that exists closer than 4m from the centre line of the *greenlane* does not exceed a *height* of 1.2m above natural ground level, except where a fence exceeds 1.2m and the portion above 1.2m has a visual permeability of at least 60%.
- (f) Safe sightlines can be achieved.
- (g) Productive land is not significantly affected.
- (h) The *development* of the tracks are consistent with the New Zealand Handbook for tracks and outdoor visitor structures – SNZ HB 8630:2004.

17.6.2 Restricted Discretionary Activities – Failing to meet Rule 17.4.1(c) Minimum Yard Requirements

Council shall have regard to the following matters in addition to relevant matters stated in 17.4:

- (a) Due to size, shape, topographical or geotechnical constraints, it is not practicable to meet the *yard* requirements.
- (b) The location of archaeological sites or other Identified Significant Heritage or Ecological Features makes it not practicable to meet the *yard* requirements.
- (c) The potential for conflict with existing and foreseeable activities in the area, including potential for *reverse sensitivity* effects.
- (d) Separation distances from other *dwellings* and any resultant loss of privacy of adjoining *dwellings*.

17.6.3 Discretionary and Non-Complying Activities – General

The assessment and management of effects shall include the following matters in addition to relevant matters stated in 17.4 as appropriate:

- (a) Potential for conflict with existing and foreseeable activities in the area.

In justifying any location where potential for conflict and other adverse effects arise consideration should be made of possible alternative locations and the need to be in the specific area chosen.
- (b) The extent to which *development* provides *infrastructure* for *development* of the land in accordance with any relevant *structure plan*, staging pre-requisites and can be adequately serviced.
- (c) Traffic Generation
 - Effects on the local and *strategic roading network*, including traffic safety;
 - Access;
 - Effect on amenity.
- (d) Scale of the activity including number of people carrying out the activity and hours of operation.
- (e) Proposed *signs*.

- (f) The extent to which the activity has the potential to adversely affect on the visual amenity provided by the rural environment and the ability to avoid or mitigate such impact by screening or other appropriate measures.
- (g) The background sound level of the surrounding environment and whether the best practicable option of reducing noise emissions has been utilised by rural activities which exceed the relevant noise limits in the District Plan rules.
- (h) In relation to activities within the *National Grid Electricity Transmission Buffers*,
- the safety of the proposed activity (with reference to compliance with NZECP34 2001),and
 - the effects on the National Grid, including potential *reverse sensitivity* effects, and whether the operation, *maintenance* and *development* of the transmission lines is compromised.

For the purpose of the notification provisions of the *RMA*, Transpower shall be an affected person, and any application for consent need not be publicly notified. *Council* will have discretion over whether to notify any application.

17.7 Other Methods

17.1 Role of the Regional Council

Many land use activities, particularly those with the potential to adversely impact on water and soil resources will require resource consents from the *Regional Council*. In such cases the *Regional Council's* requirements, including those set out in the Regional Water and Land Plan will also need to be complied with.