

SECTION 10 : RURAL SETTLEMENTS

Note: Refer to Section 6 for Issues, Methods of Implementation, and Environmental Results Anticipated.

10.1 OBJECTIVES

The objectives contained in this section are specific to the Rural Settlements Resource Area. The objectives contained in the following sections, particularly Section 6, are also relevant to the subdivision, use, development and protection of land in the Rural Settlements Resource Area:

- Section 3.3 (Manawhenua)
- Section 6.3 (Urban Areas)
- Section 12.3 (District Wide Issues)
- Section 13.3 (Infrastructure, Energy and Utilities)
- Section 14.3 (Heritage)
- Section 15.3 (Financial Contributions)
- Section 16.3 (Subdivision)
- Section 17.3 (Hazards)

10.1.1 Objective - Maintenance and Enhancement of Amenity Values

To maintain and enhance the amenity values of the rural settlements to ensure that they remain pleasant places in which to live while enabling a wide range of activities to be conducted.

Cross Reference
Issues 6.2.1, 6.2.5
Policies 10.2.1,
10.2.3

10.1.2 Objective - Sustainable Management of Utility Services

To manage the development of rural settlements to ensure that the sustainable management of utility services including roading is promoted.

Cross Reference
Issue 6.2.2
Policies 10.2.1,
10.2.4

10.1.3 Objective - Waste Disposal

To manage the development of rural settlements to ensure that any adverse effects of waste disposal on the health and safety of the community is avoided, remedied or mitigated.

Cross Reference
Issues 6.2.1, 6.2.5
Policies 10.2.2.,
10.2.5

10.2 POLICIES

The policies contained in this section are specific to the Rural Settlements Resource Area. The policies contained in the following sections are also relevant to the subdivision, use, development and protection of land in the Rural Settlements Resource Area:

- Section 3.4 (Manawhenua)
- Section 6.4 (Urban Areas)
- Section 12.4 (District Wide Issues)
- Section 13.4 (Infrastructure, Energy and Utilities)
- Section 14.4 (Heritage)
- Section 15.4 (Financial Contributions)
- Section 16.4 (Subdivision)
- Section 17.4 (Hazards)

10.2.1 Policy - Maintenance of Environmental Quality

To enable a wide range of activities to be conducted within rural settlements while ensuring that such activities do not compromise the existing environmental quality of these areas.

Cross Reference
Objective 10.1.1
Rules 10.3.2(i)
10.3.6

Explanation

Rural settlements are characterised by an open form of development which is an essential element in the amenity value of these areas. Provided this character is maintained or enhanced, a diversity of activities will be encouraged. It is also acknowledged that those activities that locate adjacent to an existing rural activity should take steps to mitigate the effects that the existing rural activity may have upon them.

10.2.2 Policy - Disposal of Effluent

To ensure that development occurs only on sites that are capable of accommodating the safe and efficient disposal of any effluent generated, including stormwater.

Cross Reference
Objective 10.1.3
Rules 10.3.2(i)
10.3.6(iii)

Explanation

Rural settlements are not reticulated with sewer systems. Development must recognise this limitation to ensure that ground water and surface water quality and the health of the community is maintained.

10.2.3 Policy - Maintenance of Residential Amenity Values

To ensure that adverse effects on amenity values important to residential activities in rural settlements, in particular:

- (a) Privacy,
 - (b) Access to daylight and sunlight,
 - (c) A lack of intrusive noise, particularly noise from traffic and industrial activities, and
 - (d) Open character of development,
- are avoided, remedied or mitigated.

Cross Reference
Objective 10.1.1
Rules 10.3.2(ii)
10.3.3, 10.3.4,
10.3.5, 10.3.6

Explanation

Rural settlements contain predominantly residential development. They are attractive places to live due to their low density of development and convenient access to local services and facilities.

10.2.4 Policy - Safe and Efficient Roading Network

To restrict development within rural settlements that will compromise the safe and efficient operation of the roading network.

Cross Reference
Objective 10.1.2
Rules 10.3.4(ii)
10.3.6

Explanation

Some rural settlements are located on State highways and arterial roads. Development proposals will be assessed to ensure that the safety and efficiency of those roads are not compromised.

10.2.5 Policy – Restriction on Intensive Subdivision

To restrict closer subdivision within rural settlements unless provision is made for effective sewage disposal.

Cross Reference
Objective 10.1.3
Rules 10.3.2(i),
10.3.3(i), 10.3.5,
10.3.6(iii)

Explanation

Intensive subdivision and subsequent development in these settlements has the potential to adversely effect ground water resources. The minimum allotment size selected will avoid the adverse effects of low density development.

10.3 RULES

Note: In considering a resource consent application under rules in this Plan, in the absence of specific policy in this Plan the Council may have regard to other policies related to assessment matters, including relevant policies in the Regional Policy Statement for Otago, and regional plans.

See also Sections 3 and 14 – Manawhenua and Heritage Buildings, Places, Sites, Objects and Trees.

10.3.1 PERMITTED ACTIVITIES

(i) **Compliance with Standards**

Any activity that is not listed as either a controlled, discretionary (restricted), discretionary, or non-complying activity and that complies with the rules and standards set out in Sections 12 to 15 of this Plan and the standards set out in Rule 10.3.6 is a permitted activity.

*Cross Reference
Policy 10.2.1*

Reason

Activities that comply with the standards set out in Rule 10.3.6 and that are not listed below are activities that maintain and enhance the amenity values of these areas. The standards contained in Rule 10.3.6 address the following matters;

- 1. Residential amenity*
- 2. Keeping of animals*
- 3. Provision of services*

Note: Sections 12 to 15 contain a number of general rules that apply across the district. Section 12 addresses access, parking, noise, signs and lightspill. Section 13 addresses the development of infrastructure, energy production facilities and utilities. Section 14 addresses general heritage issues. Section 15 deals with matters relating to financial contributions. Section 16 that relates to subdivision and Section 17 that relates to hazards contain general provisions to complement Resource Area rules. Section 18 contains the definitions of words used throughout the plan.

(ii) **Scheduled Activities and Existing Community Facilities**

Any scheduled activity identified in Clause 19.3.1 of Schedule 19.3 and identified as a scheduled activity on the planning maps and any other community facility lawfully established prior to notification of this Plan is a permitted activity.

*Cross Reference
Policy 10.2.1*

Reason

See reference at Section 1.2.9 of this Plan (page 1:12).

10.3.2 CONTROLLED ACTIVITIES

(i) **Subdivision**

Subdivision for the following purposes shall be a controlled activity:

- (a)** Network and public utilities.
- (b)** The creation of reserves.

*Breach:
discretionary
activity see Rule
10.3.4(i)*

- (c) Heritage items.
- (d) Boundary adjustments.
- (e) Community facilities.

10.3.2(i)

(cont'd)

Council shall exercise its control in respect of the following matters:

1. The area of the proposed allotment taking into consideration the proposed use of the allotment; amenities of neighbouring properties; and the site's ability to dispose of waste (if required).
2. The location, design and construction of access, and its adequacy for the intended use of the subdivision.
3. Public access requirements.
4. The provision of services and their adequacy for the intended use of the subdivision.
5. Any amalgamations and easements that are appropriate.
6. Any financial contributions necessary for the purposes set out in Section 15 of the Plan.
7. Any other matters provided for in section 220 of the Act.

Any application made under this rule will generally not be notified or require the written consent of affected persons except that where a State highway is affected the written comment of Transit New Zealand will be required.

Reason

Subdivision for these activities has only a limited effect on the environment. A minimum allotment size to control density of development is not considered appropriate given the purpose of these activities.

(ii) **Non-Residential Activities**

Except as provided for in Rule 10.3.3, Rule 10.3.4 and Rule 10.3.5, non-residential activities that comply with Rule 10.3.6 (excluding the bulk and location requirements of Rules 10.3.6(i) and 7.3.6(iii)) are controlled activities

Council shall exercise its control in respect of:

1. The size, design and specific location of signs and their effect on visual amenity values and the safe and efficient operation of the roading network.
2. The bulk and location of buildings where they exceed the minimum standards specified in Rule 7.3.6(iii) and their effects on the amenity values of adjoining properties and the settlement in general.
3. The provision of parking, loading and manoeuvring areas with respect to the activity's effect on the roading network.
4. The size of the site in relation to the amount of effluent that may be generated by the activity, and the ability to safely dispose of effluent and stormwater on-site, without compromising health, and the quality of ground and surface water resources.
5. The provision of any landscaping and fencing necessary to mitigate adverse visual effects.

Cross Reference

*Policies 10.2.1
10.2.3, 10.2.4*

Breach:

*discretionary
activity see Rule
10.3.4(i)*

Any application under this rule will generally not be notified if the written approval of affected persons is received.

10.3.2(ii)
(cont'd)

Reason

Non-residential activities in these settlements are generally of a limited scale. The effects of such activities can generally be mitigated by conditions of consent.

(iii) Scheduled Activities and Existing Community Facilities

Any extension, upgrade or expansion that changes the character or increases the intensity or scale of the effects of a use that has status as a scheduled activity identified in Clause 19.3.1 of Schedule 19.3 and identified as a scheduled activity on the planning maps or of any other community facility lawfully established prior to notification of this plan is a controlled activity.

Breach:
discretionary activity see Rule 10.3.4(i)

Council shall restrict exercise of its control to the following matters:

1. The provision of access, parking, loading and manoeuvring areas.
2. The size, design and location of any signs.
3. Methods to avoid, remedy or mitigate effects on existing activities including the provisions of screening, landscaping and noise control.
4. The design and colour of buildings.
5. Impact on landscape values.

Any application made under this rule will generally not be notified if the written consent of affected persons is received.

10.3.3 DISCRETIONARY (RESTRICTED) ACTIVITIES

Cross Reference
*Policies 10.2.1
10.2.2, 10.2.5*

(i) Subdivision

- (a)** Except as otherwise provided for in Rule 10.3.2(i) and Rule 10.3.4(iii) subdivision shall be a discretionary (restricted) activity provided that the minimum allotment size shall be 1000m².

Breach:
discretionary activity see Rule 10.3.4(i)

Council shall restrict the exercise of its discretion to the following:

1. The adequacy of the allotment in respect of its ability to safely dispose of effluent and stormwater on-site, without compromising health, and the quality of ground and surface water resources.
2. The location, design and construction of access and its adequacy for the intended use of the subdivision.
3. Earthworks necessary to prepare for the site for occupation and/or use.
4. Subdivisional design including the shape and arrangement of allotments to:
 - Facilitate convenient, safe and easy access.
 - Facilitate access to passive solar energy resources.

- Facilitate the economic provision of roading and network utility services to secure an appropriate ultimate pattern of development.
 - Maintain and enhance amenity values.
5. The provision of or contribution to the open space and recreational needs of the community.
 6. The provision of an adequate water supply, given the intended use of the subdivision.
 7. The provision of adequate network utility services (including roading) that exist in the settlement, and in particular, the location, design and construction of these services.
 8. Any financial contributions necessary for the purposes set out in Section 15 of this Plan.
 9. Any amalgamations and easements that are appropriate.
 10. Any other matter referred to in section 220 of the Act.

10.3.3(i)

(cont'd)

Note: see Section 16.7 General Standards (pg 16:14) for the standards that are likely to be imposed as conditions of consent.

Any application under this rule will generally not be notified or require the written approval of affected persons.

Reason

The adverse effects of subdivision can generally be overcome by appropriate conditions and standards. Discretionary (restricted) activity status gives the flexibility in terms of notification and also allows Council to refuse consent in extreme circumstances. The minimum allotment areas reflect the existing density in these particular towns and will ensure, in most circumstances, that effluent can be safely disposed of on site.

(ii) **Breach of Standards**

Any activity that fails to comply with any of the standards contained in Rule 10.3.6 (except for standard 7.3.6(xi), incorporated by Rule 10.3.6(i)) is a discretionary (restricted) activity.

Cross Reference
Policy 10.2.3

Council shall restrict the exercise of its discretion to the following matters:

1. The effect on amenity values of neighbouring properties, in particular access to sunlight and maintenance of privacy.
2. The effect on the amenity values of the neighbourhood.
3. The effect on the safe and efficient operation of the roading network.

Any application made under this rule will generally not be notified where the written approval of affected persons is received.

Reason

Failure to conform with these standards has status as a discretionary (restricted) activity to enable assessment of such activities in terms of section 105 of the Act. Council has flexibility in terms of whether to notify any application. In some instances discretionary (restricted) activities will only have a

minor effect and do not justify notification. Applications will be processed under delegated authority where affected neighbours have given their written approval to the proposal. Applicants have greater certainty in that attention can be focused upon those matters identified for consideration. This will in turn increase efficiency in processing any such applications.

10.3.3(ii)
(cont'd)

(iii) Relocatable Buildings

The relocation of a previously used building intended for use as a dwelling (excluding previously used accessory buildings or garages) that does not comply with standard 7.3.6(xi) (incorporated by Rule 10.3.6(i)) is a discretionary (restricted) activity.

Cross Reference
Policy 10.2.3

Breach:
discretionary activity see Rule 10.3.4

Council shall restrict the exercise of its discretion to the following:

- The proposed timetable for completion of the work required to reinstate the exterior of the building and connections to services.
- The design and appearance of the building following reinstatement.

Any application made under this rule will generally not be notified or served where the written approval of affected persons has been obtained.

Reason

In the past Council has experienced difficulties with the completion of reinstatement works in respect of dwellings relocated to new sites. These buildings sometimes require exterior upgrading and repair and may be left on the site in an unfinished state. Consequently they can have significant adverse effect on local amenity values. Discretionary (restricted) activity status enables the Council to consider whether a delay in completing the exterior reinstatement of a particular building is appropriate and to impose conditions that will ensure amenity standards are maintained. Previously used accessory buildings and garages are not subject to this rule.

(iv) Family Flat

Accommodation for a dependent member of the household in a family flat that is in addition to an existing dwelling on a site is a discretionary (restricted) activity.

Council shall restrict the exercise of its discretion to the effect that the additional building may have on the amenity values of neighbouring properties and the subject property, and any servicing requirements and measures necessary to ensure that the family flat remains on the site for a temporary duration.

Any application under this rule will generally not be notified where the written approval of affected persons has been obtained.

Reason

While provision for dependent household members serves a community need, consideration must be given to the effects such development may have on neighbouring property owners and services.

10.3.3(iv)

(cont'd)

(v) **Relocatable Buildings**

The relocation of previously used buildings for any purpose, other than for use as a dwelling (excluding previously used accessory buildings or garages), is a discretionary (restricted) activity.

Council shall restrict the exercise of its discretion in respect of the effect the building may have on the amenity values of the neighbourhood and adjoining properties including (but not limited to) the following:

1. Ensuring the building finish is of a reasonable standard.
2. Ensuring the building is of a character in keeping with the remainder of the neighbourhood.
3. The provision of landscaping and fencing for the purpose of screening.

Council may exercise the bond provisions of section 108(1)(b) of the Act in respect of such activities.

Council will not notify any application under this rule where the written approval of affected persons has been obtained.

Reason

In the past Council has experienced difficulties and expressions of community concern with dwellings located to new sites. These buildings sometimes require exterior upgrading and repair and may be left on the site in an unfinished state. Consequently they can have a significant adverse effect on local amenity values. Discretionary (restricted) activity status enables Council to consider whether a particular development is appropriate and to impose conditions that will ensure amenity standards are maintained. Previously used accessory buildings and garages are not subject to this rule.

10.3.4 DISCRETIONARY ACTIVITIES

Cross Reference
Policy 10.2.2

(i) **Breach of Standards**

Any activity that fails to comply with Rules 10.3.2 and/or 10.3.3 is a discretionary activity.

Reason

Discretionary activity status enables a full consideration of the effects of non-compliance with this rule, before consent is granted or refused.

(ii) **Vehicle Maintenance and Servicing**

Any activity that has the effect of attracting vehicles to the site for the purpose of refuelling, servicing, maintaining and/or storing those vehicles is a discretionary activity.

Cross Reference
Policies 10.2.3
10.2.4

Reason

The generation of high levels of traffic has significant adverse effects on amenity values of Rural Settlements, particularly in terms of noise levels and the safe and efficient operation of roads.

10.3.4(ii)
(cont'd)

(iii) Subdivision of Land Subject to Hazards

Subdivision that involves land that is subject to or potentially subject to the effects of any hazard as identified on the planning maps or land that is or is likely to be subject to material damage by erosion, falling debris, subsidence, slippage, or inundation from any source is a discretionary activity.

Any application under this rule will generally not be notified but is to be accompanied by written comment obtained from a qualified professional that addresses the risk associated with the hazard and any remedial measures necessary to avoid, remedy or mitigate the effects of the hazard.

Reason

Subdivision of land subject to the effects of a hazard will be subject to careful consideration. See Section 16 Subdivision and Section 17 Hazards.

10.3.5 NON-COMPLYING ACTIVITIES

Cross Reference
*Policies 10.2.3
17.4.5*

(i) Noxious Effects

Any activity that:

- (a) Disposes of waste onto land (excluding composting activities associated with normal residential gardening activities); or
- (b) Houses or involves the intensive confinement of animals or plants; or
- (c) Requires a licence as an offensive trade within the meaning of the Third Schedule of the Health Act 1956; or
- (d) Uses, stores or generates hazardous substances that exceed the limits specified in Schedule 19.14 (provided this does not apply to emergency service activities)

is a non-complying activity.

Notes: 1. Consents may also be required from the Otago Regional Council for activities described in (a) and (c).

2. Codes of practice and guidelines recognised by industry may be relevant to the consideration of applications. Examples include the Code of Practice for the Design, Installation and Operation of Underground Petroleum Storage Systems 1992; Supplement No 1 Management of Existing Underground Petroleum Storage Systems. June 1995; Environmental Guideline for Above ground Bulk Tank Containment Systems; and the Australian/New Zealand Standard 1596:1997 LP Gas Storage and Handling and Supplement 1, 1994 Siting of LP Gas Automotive Outlets.

Reason

These activities may generate significant adverse effects that can have a major impact on the amenity values of Rural Settlements.

10.3.5(i)
(cont'd)

(ii) Buildings on Land Subject to Hazards

The erection of any buildings on any part of a site identified on the planning maps as being subject to a hazard or on land that is or is likely to be subject to material damage by erosion, falling debris, subsidence, slippage, or inundation from any source is a non-complying activity.

Reason

Locating buildings on areas of known hazard can compromise the health and safety of people and communities. Establishment of buildings in these areas would need to avoid risk altogether before being permitted.

10.3.6 STANDARDS

The following standards relate specifically to activities which occur within the Rural Settlements Resource Area. There are other rules and standards contained in Sections 11, 12, 13, 14, 15 and 16 of this Plan which may also apply to activities which occur in the Rural Settlements Resource Area.

Cross Reference
Policy 10.2.3

(i) Residential Amenity

All activities shall comply with the standards applied also in the Residential Resource Area set out in Rule 7.3.6(iii),(iv),(v),(vii) and (xi), of this Plan.

Breach:
*discretionary
(restricted)
activity see Rules
10.3.3(ii),
10.3.3(iii)*

Reason

The standards identified in these rules relate to:

- 1. Bulk and location of buildings*
- 2. Maximum coverage*
- 3. Carparking*
- 4. Signs*

These standards are applicable to Rural Settlements.

(ii) Keeping of Animals

The keeping and/or grazing of animals shall be conducted so that such animals do not create a nuisance to the occupants of adjoining or nearby properties and avoids damage to the stability of the banks and margins of streams and rivers

Cross Reference
Policy 10.2.1

Reason

The grazing of sheep and horses and the keeping of other animals is a generally accepted practice in Rural Settlements.

Breach:
*discretionary
(restricted)
activity see Rule
10.3.3(ii)*

(iii) **Provision of Services**

(a) **Effluent Disposal**

Any site intended to accommodate a household unit or any activity that generates human effluent shall be either connected to an existing sewerage scheme at the owners cost (provided that scheme has the capacity to accommodate the waste generated) or if such a scheme is not available the site shall be capable of effective disposal of effluent safely within the site.

Note: Consents may be required from the Otago Regional Council.

(b) **Water Supply**

At the time of subdivision, or prior to the issue of building consent to erect a residential building, the owner shall provide a safe and adequate water supply. This water supply shall be obtained from a source which is protected from contamination by animal sources and the activities that may cause contamination occurring or likely to occur within the catchment. The water will be of a quality which does not require any form of treatment, shall be adequate in quantity and where the supply is obtained outside the boundaries of the property, secured by permanent agreements and easements. The final product must meet the Ministry of Health Standards as defined in "Drinking Water Standards for New Zealand 1995".

Note: Historically water for domestic use has sometimes been taken from irrigation water races. In general this water is known to be grossly contaminated and presents a danger to the health of the user. In recent years the Council has insisted on a safe water supply being provided for all new residential buildings. For all practical purposes the only water supplies which meet the criteria outlined above are those taken from bores, wells and springs. It is only on very rare occasions that water can not be obtained in this manner. In these instances any alternative requires scrutiny through the mechanism of a resource consent.

Reason

Development within Rural Settlements has the ability to compromise amenity values and water quality. These services mitigate those effects and are to be installed at the cost of the developer rather than the general ratepayer.

Cross Reference
*Policies 10.2.2,
10.2.4*

Breach:
*discretionary
(restricted)
activity see Rule
10.3.3(ii)*