

Attachment B – Chapter 13: Rural Zone Draft Provisions

13 Rural Zone

13.1 Zone Purpose

The purpose of the Rural zone is to enable farming activities while protecting, maintaining and enhancing landscape values, nature conservation values, the soil and water resource and rural amenity.

A wide range of productive activities occur in the Rural Zone and because the majority of the District's distinctive landscapes comprising open spaces, lakes and rivers with high visual quality and cultural value are located in the Rural Zone, there also exists the desire for rural living, recreation, commercial and tourism activities.

Ski Area sub zones are located within the Rural Zone. These sub zones recognise the contribution tourism infrastructure makes to the economic and recreational values of the District. The purpose of the Ski Area sub zones is to enable the continued development of ski Area Activities within the identified sub zones where the effects of the development would be cumulatively minor.

The Gibbston Valley is recognised as a special character area for viticulture production and the management of this area is provided for in Chapter 14.

13.2 Other Relevant Provisions

13.2.1 District Wide Rules

Attention is drawn to the following District Wide Rules, which may apply in addition to the Rural Zone rules. If a District Wide Rule is not complied with, then resource consent will be required in regards to that matter.

Part 5 Landscapes	Part 20 Subdivision	Part 23 Vegetation
Part 22 Transport	Part 29 Noise	Part 21 Natural Hazards
Part 18 Earthworks	Part 17 Signs	Part 27 Renewable Energy

13.3 Objectives and Policies

13.3.1 Objective 1 – Enable farming activities while protecting, maintaining and enhancing landscape, ecosystem, nature conservation and rural amenity values.

Policies

- 13.3.1.1 Enable farming activities while protecting, maintaining and enhancing the values of indigenous biodiversity, ecosystems, the landscape and surface of lakes and rivers and their margins.
- 13.3.1.2 Provide for buildings related to farming activity associated with larger landholdings where the location, scale and colour of the buildings will not adversely affect landscape values.
- 13.3.1.3 Require buildings to be set back a minimum distance from internal boundaries and road boundaries in order to mitigate potential effects on landscape character, visual amenity, and outlook from neighbouring properties.

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- 13.3.1.4 Minimise the dust, visual, noise and odour effects of intensive farming such as dairy or factory farming by requiring facilities to locate a greater distance from formed roads, neighbouring properties, waterways and zones which are likely to contain residential and commercial activity.
- 13.3.1.5 Have regard to the location and direction of lights so they do not cause significant glare to other properties, roads, and public places and promote lighting design that mitigates adverse effects on the night sky.
- 13.3.1.6 Avoid adverse cumulative impacts on ecosystem and nature conservation values.
- 13.3.1.7 Have regard to the spiritual beliefs, cultural traditions and practices of Tangata Whenua.
- 13.3.1.8 Have regard to fire risk from vegetation and the potential risk to people and buildings, when assessing subdivision and development in the Rural Zone.
- 13.3.1.9 In conjunction with the Otago Regional Council:
 - (a) Encourage activities, that use water efficiently, thereby conserving water quality and quantity;
 - (b) Discourage activities, that adversely affect the life supporting capacity of water and associated ecosystems.

13.3.2 **Objective 2 – Sustain the life supporting capacity of soils.**

Policies

- 13.3.2.1 Allow for the establishment of a range of activities that utilise the soil resource in a sustainable manner.
- 13.3.2.2 Maintain the productive potential and soil resource of Rural Zoned land and encourage land management practices and activities that benefit soil and vegetation cover.
- 13.3.2.3 Protect the soil resource by controlling activities including earthworks, indigenous vegetation clearance and prohibit the planting and establishment of recognised wilding exotic trees with the potential to spread and naturalise.

13.3.3 **Objective 3 – Manage situations where sensitive activities conflict with existing and anticipated activities in the Rural Zone.**

Policies

- 13.3.3.1 Recognise that permitted activities in the Rural Zone may result in effects such as odour, noise, dust and traffic generation that are reasonably expected to occur and will be noticeable to residents and visitors in rural areas.
- 13.3.3.2 Control the location and type of non-farming activities in the Rural Zone, to minimise or avoid conflict with activities that may not be compatible with established or anticipated farming activities.

13.3.4 **Objective 4 – Recognise for and provide opportunities for mineral extraction providing the location, scale and effects would not degrade amenity, water, landscape and indigenous biodiversity values.**

Policies

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- 13.3.4.1 Recognise the importance and economic value of locally sourced high-quality gravel, rock and other minerals for road making and construction activities.
- 13.3.4.2 Recognise prospecting and small scale recreational gold mining as activities with limited environmental impact.
- 13.3.4.3 Ensure that during and following conclusion of mineral extractive activities, sites are progressively rehabilitated in a planned and co-ordinated manner, to enable the establishment of a land use appropriate to the area.
- 13.3.4.4 Ensure potential adverse effects of large-scale extractive activities (including mineral exploration) are avoided or remedied, particularly where those activities have potential to degrade the District's distinctive landscapes, indigenous biodiversity, lakes and rivers.

13.3.5 **Objective 5 – Encourage the future growth, development and consolidation of existing Ski Areas within identified Sub Zones, while avoiding, remedying or mitigating adverse effects on the environment.**

Policies

- 13.3.5.1 Identify Ski Field Sub Zones and encourage Ski Area Activities to locate and consolidate within the sub zones.
- 13.3.5.2 Control the visual impact of roads, buildings and infrastructure associated with Ski Area Activities.
- 13.3.5.3 Provide for the continuation of existing vehicle testing facilities within the Waiorau Snow Farm Ski Sub Zone on the basis the landscape and indigenous biodiversity values are not further degraded.

13.3.6 **Objective 6 – Separate noise sensitive activities from existing airports.**

Policies

- 13.3.6.1 Identify and maintain areas containing activities that are not sensitive to aircraft noise, within an airport's outer control boundary, to act as a buffer between the airport and activities sensitive to aircraft noise.
- 13.3.6.2 Retain open space within the outer control boundary of airports in order to provide a buffer, particularly for safety and noise purposes, between the airport and other activities.
- 13.3.6.3 Prohibit the location of any new activity sensitive to aircraft noise on land within the Outer Control Boundary around Wanaka Airport.

13.3.7 **Objective 7 – Avoid subdivision and development in areas that are identified as being unsuitable for development.**

Policies

- 13.3.7.1 Assess subdivision and development proposals against the applicable District Wide chapters, in particular, the objectives and policies of the Natural hazard and Landscape chapters.
- 13.3.7.2 Prevent subdivision and development within the building restriction areas identified on the District Plan maps:

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- In the Glenorchy area, protect the heritage value of the visually sensitive Bible Face landform from building and development and to maintain the rural backdrop that the Bible Face provides to the Glenorchy Township.
- In Ferry Hill, within the building line restriction identified on the planning maps.

13.3.8 **Objective 8 – Ensure commercial activities do not degrade landscape values, rural amenity, or impinge on farming activities.**

Policies

- 13.3.8.1 Commercial activities in the Rural Zone should have a genuine link with farming, horticulture or viticulture activities, or recreation activities associated with resources located within the Rural Zone.
- 13.3.8.2 Avoid the establishment of commercial, retail and industrial activities where they would degrade rural character, amenity values and landscape values.
- 13.3.8.3 Encourage forestry to locate outside of the Outstanding Natural Features and Landscapes, and ensure forestry does not degrade the landscape character or visual amenity values of the Rural Landscape.
- 13.3.8.4 Ensure forestry harvesting avoids adverse effects with regards to siltation and erosion and, sites are rehabilitated to minimise runoff, erosion and effects on landscape values.
- 13.3.8.5 Limit forestry to species that do not have any potential to spread and naturalise.
- 13.3.8.6 Ensure traffic from commercial activities does not diminish rural amenity or affect the safe and efficient operation of the roading and trail network.

13.3.9 **Objective 9 – Manage the location, scale and intensity of informal airports.**

Policies

- 13.3.9.1 Recognise that informal airports are an appropriate activity within the rural environment, provided the informal airport is located, operated and managed so as to minimise adverse effects on the surrounding rural amenity.
- 13.3.9.2 Protect rural amenity values, and amenity of other zones from the adverse effects that can arise from informal airports.

13.3.10 **Objective 10 – Protect, maintain and enhance the surface of lakes and rivers and their margins.**

Policies

- 13.3.10.1 Have regard to statutory obligations, the spiritual beliefs, cultural traditions and practices of Tangata Whenua where activities are undertaken on the surface of lakes and rivers and their margins.
- 13.3.10.2 Enable people to have access to a wide range of recreational experiences on the lakes and rivers, based on the identified characteristics and environmental limits of the various parts of each lake and river.
- 13.3.10.3 Avoid or mitigate the adverse effects of frequent, large-scale or intrusive commercial activities such as those with high levels of noise, vibration, speed and

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wash, in particular motorised craft in areas of high passive recreational use, significant nature conservation values and wildlife habitat.

- 13.3.10.4 Recognise the whitewater values of the District's rivers and, in particular, the values of the Kawarau and Shotover Rivers as one of the few remaining major unmodified whitewater rivers in New Zealand, and to support measures to protect this characteristic of rivers.
- 13.3.10.5 Protect and maintain the natural character and nature conservation values of lakes, rivers and their margins, with particular regard to places with nesting and spawning areas, and areas of indigenous fauna habitat, recreational values and the intrinsic value of ecosystems.
- 13.3.10.6 Avoid or remedy development and activities which reduce public access to and enjoyment of the margins of the lakes and rivers.
- 13.3.10.7 Ensure that the location, design and use of structures and facilities are such that any adverse effects on visual qualities, safety and conflicts with recreational and other activities on the lakes and rivers are avoided or mitigated.
- 13.3.10.8 Encourage the use and development of marinas in a way which avoids or, where necessary, remedies and mitigates adverse effects on the environment.
- 13.3.10.9 Ensure that the number of commercial boating operators and/or boats on waterbodies does not exceed levels where the safety of passengers cannot be assured.

13.4 Rules

13.4.1 Clarification

- (a) Refer to the definitions in **part X** for the clarification of terms.
- (b) Compliance with any of the following standards, in particular the permitted standards, does not absolve any commitment to the conditions of any relevant land use consent, consent notice or covenant registered on the site's computer freehold register.
- (c) The Council reserves the right to ensure development and building activities are undertaken in accordance with the conditions of resource and subdivision consent through monitoring.
- (d) Applications for building consent for permitted activities shall include information to demonstrate compliance with the following standards, and any conditions of the applicable resource consent subdivision conditions.
- (e) For controlled and restricted discretionary activities, the Council shall restrict the exercise of its discretion to the matters listed in the rule.
- (f) The existence of a farm building either permitted or approved under Table 4 shall not be considered the permitted baseline for residential or other non-farming activity development within the Rural Zone.
- (g) The Ski Area Sub Zone, being a sub-zone of the Rural Zone requires that all rules applicable to the Rural Zone apply within the Ski-Area Sub Zone, unless stated to the contrary.
- (h) Ground floor area means any areas covered by the building or parts of the buildings and includes overhanging or cantilevered parts but does not include pergolas (unroofed), projections not greater than 800mm including eaves, bay or box windows, and uncovered terraces or decks less than 1m above ground level.
- (i) Building platforms identified on a site's computer freehold register shall have been registered as part of a resource consent approval by the Council.

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- (j) These abbreviations are used in the following tables. Any activity which is not permitted (P) or prohibited (PR) requires resource consent.

P	Permitted	C	Controlled
RD	Restricted Discretionary	D	Discretionary
NC	Non Complying	PR	Prohibited

13.4.2 Activities - Rural Zone

All activities, including any listed permitted activities shall be subject to the rules and standards contained in Tables 1 to 9.

Table 1 – Activities

Table 2 – Standards for all Activities

Table 3 – Structures and Buildings

Table 4 – Farm Buildings

Table 5 – Commercial Activities

Table 6 – Informal Airports

Table 7 – Ski Area Sub Zone

Table 8 – Surface of Lakes and Rivers

Table 9 – Closeburn Station

Rule	Table 1 - Activities	Activity
13.4.2.1 1	Any activity not listed in tables 1 to 9	NC
	Farming Activities	
13.4.2.2 2	Farming Activity that complies with the standards in Table 2.	P
13.4.2.3 3	Construction or addition to farm buildings which comply with the standards in Table 4.	P
13.4.2.4 5	Factory Farming that complies with the standards in Table 2.	P
	Residential Activities, Subdivision and Development	
13.4.2.5 6	Residential Activity	D
13.4.2.6 7	One residential unit within any building platform approved by resource consent	P
13.4.2.7 8	The construction and exterior alteration of buildings located within a building platform approved by resource consent, or registered on the applicable computer freehold register, subject to compliance with the standards in Table 3.	P

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Rule	Table 1 - Activities	Activity
13.4.2.8 9	The exterior alteration of any lawfully established building located outside of a building platform, subject to compliance with the standards in Table 3.	P
13.4.2.9 1	Subdivision and development including the identification of a building platform within the Outstanding Natural Landscapes or on an Outstanding Natural Feature.	NC
13.4.2.10 1	Subdivision and development including the identification of a building platform within the Rural Landscapes.	D
13.4.2.11 1	Domestic Livestock.	P
13.4.2.12 1	Residential Flat (activity only, the specific rules for the construction of any buildings apply) Control is reserved to: (a) Location, with the emphasis to avoid sprawl of development (b) Parking, access (c) Wastewater and water supply (d) Development contributions	C
	Commercial Activities	
13.4.2.13 1	Home Occupation that complies with the standards in Table 5.	P
13.4.2.14 1	Retail sales of farm and garden produce and wine grown, reared or produced on-site or handicrafts produced on the site and that comply with the standards in Table 5. Control is reserved to: (a) The location of the activity and buildings; (b) Vehicle crossing location, car parking; (c) Rural amenity and landscape character. Exempt from the rule are roadside stalls that meet the following conditions: (i) the ground floor area is less than 5m ² (ii) are not higher than 2.0m from ground level (iii) The minimum sight distance from the stall/access shall be 200m (iv) The minimum distance of the stall/access from an intersection shall be 100m (v) The stall shall not be located on the legal road reserve.	C
13.4.2.15 1	Commercial activities ancillary to and located on the same site as recreational activities.	D
13.4.2.16	Commercial recreation activities that comply with the standards in Table 5.	P
13.4.2.17 1	Cafes and restaurants located in a winery complex within a vineyard.	D
13.4.2.18 1	Ski Area Activities within the Ski Area Sub-zone.	P
13.4.2.19 2	Ski Area Activities not located within a Ski Area Sub Zone, with the exception of heli-skiing and recreational skiing.	NC

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Rule	Table 1 - Activities	Activity
13.4.2.20 2	Visitor Accommodation in Rural Landscapes.	D
13.4.2.21 2	Forestry Activities in Rural Landscapes.	D
13.4.2.22 2	Industrial Activities directly associated with wineries and underground cellars within a vineyard.	D
	Other Activities	
13.4.2.23 2	Activities on the surface of lakes and rivers which comply with Table 8.	P
13.4.2.24 2	Informal Airports which comply with Table 6.	P
13.4.2.25 2	Subdivision and development within a Building Restriction Area identified on the Planning Maps.	NC
13.4.2.26 2	Recreation and/or Recreational Activity.	P
	Activities Adjacent to Airports	
13.4.2.27 2	<i>New Building Platforms and Activities within the Outer Control Boundary - Wanaka Airport</i> On any site located within the Outer Control Boundary, any new activity sensitive to aircraft noise or new building platform to be used for an activity sensitive to aircraft noise (except an activity sensitive to aircraft noise located on a building platform approved before 20 October 2010).	PR
13.4.2.28 3	<i>Activities within the Outer Control Boundary - Queenstown Airport</i> On any site located within the Outer Control Boundary, as indicated on the District Plan Maps, any new residential activities, visitor accommodation or community activities.	PR
	Mining Activities	
13.4.2.29 3	The following mining and extraction activities are permitted: <ul style="list-style-type: none"> (a) Mineral prospecting; (b) Mining by means of hand-held, non-motorised equipment and suction dredging, where the total motive power of any dredge does not exceed 10 horsepower (7.5 kilowatt); and (c) The mining of aggregate for farming activities provided the total volume does not exceed 300m³ in any one year. (d) The activity will not be undertaken on an Outstanding Natural Feature. (Refer to the earthworks chapter for additional controls on earthworks)	P

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Rule	Table 1 - Activities	Activity
13.4.2.30 3	Mineral exploration, which does not involve more than 20m ³ in volume in any one hectare Control is with regard to: (a) The adverse effects on landscape, nature conservation values and water quality; (b) Rehabilitation of the site is completed which ensures: (i) the long term stability of the site; (ii) that the landforms or vegetation on finished areas are visually integrated into the landscape; (iii) that the land is returned to its original productive capacity.	C
13.4.2.31 3	Any mining activity other than provided for in standards 30 and 31.	NC

Table 2 Other Standards

The following standards apply to any of the activities described in Tables 1 to 9 in addition to the specific activity table (Tables 3-9) unless otherwise stated.

	Standard	Non-compliance
13.4.2.32 3	Setback from Internal Boundaries The minimum setback of any building from internal boundaries shall be 15m. Control is reserved to: (a) Rural Amenity and landscape character. (b) Privacy, outlook and amenity from adjoining properties.	RD
13.4.2.33 3	Setback from Roads The minimum setback of any building from a road boundary shall be 20m, except, the minimum of any building setback from State Highway 6 between Lake Hayes and Frankton shall be 50m. Discretion is restricted to: (a) Rural Amenity and landscape character; (b) Open space; (c) Noise, glare and vibration from the established road.	RD
13.4.2.34 3	Setback from Neighbours of Buildings Housing Animals The minimum setback from internal boundaries for any building housing animals shall be 30m. Discretion is restricted to: (a) Odour; (b) Noise; (c) Dust;	RD

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	(d) Vehicle movements.	
13.4.2.35	Setback of buildings from Waterways The minimum setback of any building from waterways shall be 20m. Discretion is restricted to: (a) Any indigenous biodiversity values; (b) Visual amenity values; (c) Landscape character; (d) Open space; (e) Whether the waterway is subject to flooding or natural hazards and any mitigation to manage the location of the building.	RD
	Dairy Farming (Milking Herds, Dry Grazing and Calf Rearing)	
13.4.2.36 3	All effluent holding tanks, treatment ponds, storage ponds, silage pits and any carcass disposal shall be located at least 400 metres from any formed road or adjoining property. Discretion is restricted to: (a) Odour; (b) Visual prominence; (c) Landscape character; (d) Effects on surrounding properties;	RD
13.4.2.37 3	All milking sheds or buildings used to house or feed milking stock shall be located at least 400 metres from any adjoining property or formed road.	D
13.4.2.38 3	The contamination of a waterway from dairy stock, including directly by stock standing in or on the margins of a waterway, or indirectly by the deposition of effluent into a waterway.	PR
13.4.2.39 4	Movement of dairy herds across formed roads shall be by means of an underpass: Discretion is restricted to: (a) The methods and timing of moving cattle beyond property boundaries and measures available to mitigate traffic hazards; (b) Damage to the carriageway and road verges road verges.	RD
13.4.2.40 4	Factory Farming (excluding the boarding of animals) Factory farming within 2 kilometres of a Residential, Rural Residential, Rural Lifestyle, Township, Rural Visitor, Town Centre, Local Shopping Centre or Resort Zone.	NC
13.4.2.41 4	Factory Farming (a) Factory farming of pigs where: (i) the number of housed pigs exceeds 50 sows or 500 pigs of mixed ages; and/or (ii) any housed pigs are closer than 500m to a property boundary; and/or (iii) the number of outdoor pigs exceeds 100 pigs and their progeny up to weaner stage; and/or (iv) outdoor sows are not ringed at all times; and/or (v) the stocking rate of outdoor pigs exceeds 15 pigs per hectare, excluding progeny up to weaner stage. (b) Factory farming of poultry where:	NC

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	<p>(i) the number of birds exceeds 10,000 birds; and/or</p> <p>(ii) birds are housed closer than 100m to a site boundary.</p> <p>(c) Any factory farming activity other than factory farming of pigs or poultry.</p>	
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Table 3 - Structures and Buildings

The following standards apply to structures and buildings, except Farm Buildings.

	Standard	Non-compliance
13.4.2.42	<p>Structures</p> <p>Any structure within 10 metres of a road boundary, which is greater than 5 metres in length, and between 1 metre and 2 metres in height, except for:</p> <ul style="list-style-type: none"> – post and rail, post and wire and post and mesh fences, including deer fences; – any structure associated with farming activities as defined in this plan. <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> (a) Effects on landscape character, views and amenity, particularly from public roads (b) The materials used, including their colour and permeability; (c) Whether the structure will be consistent with traditional rural elements. 	RD
13.4.2.43	<p>Buildings</p> <p>Any building, including any structure larger than 5m², that is new, relocated, altered, reclad or repainted, including containers intended to, or that remain on site for more than six months, and the alteration to any lawfully established building are subject to the following:</p> <p>All exterior surfaces shall be coloured in the range of browns, greens or greys (except soffits), including;</p> <ul style="list-style-type: none"> (i) Pre-painted steel and all roofs shall have a reflectance value not greater than 20%; and, (ii) All other surface finishes shall have a reflectance value of not greater than 30%. (iii) In the case of alterations to an existing building, it does not increase the ground floor area by more than 30% in any ten year period. <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> (b) External appearance, (c) visibility from public places, (d) landscape character (e) visual amenity 	RD
13.4.2.44	<p>Building size</p> <p>The maximum ground floor area of any building shall be 300m².</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> (a) External appearance, (b) Visibility from public places, 	RD

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	(c) landscape character (d) visual amenity (e) Privacy, outlook and amenity from adjoining properties.	
13.4.2.45	Building Height The maximum height shall be 7m. Discretion is restricted to: (a) Rural Amenity and landscape character. (b) Privacy, outlook and amenity from adjoining properties.	RD

Table 4 Farm Buildings

The following standards apply to Farm Buildings.

	Standards for Farm Buildings as Permitted Activities	Non-compliance
13.4.2.46	The construction, replacement or extension of a farm building as a permitted activity is subject to the following: (i) The landholding is greater than 100ha; and (ii) The density of all buildings on the site, inclusive of the proposed building(s) will be less than one farm building per 25 hectares on the site; and (iii) Is not located within an Outstanding Natural Feature (ONF); and (iv) If located within the Outstanding Natural Landscapes (ONL) is less than 4 metres in height and the ground floor area is not greater than 100m ² ; and (v) Is less than 600 masl; and (vi) If located within the Rural Landscapes (RLC), is less than 5m in height and the ground floor area is not greater than 300m ² ; and (vii) Buildings shall not protrude onto a skyline or above a terrace edge when viewed from adjoining sites or formed roads. (viii) Exterior colours of buildings: (a) All exterior surfaces shall be coloured in the range of browns, greens or greys (except soffits); (b) Pre-painted steel, and all roofs shall have a reflectance value not greater than 20%; (c) Surface finishes shall have a reflectance value of not greater than 30%.	RD

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	<p>Discretion is restricted to:</p> <ul style="list-style-type: none"> (a) Rural Amenity values; (b) Landscape character; (c) Privacy, outlook and rural amenity from adjoining properties; (d) Visibility; (e) Scale; (f) Location. 	
13.4.2.47	<p>Building Height</p> <p>The maximum height for any farm building shall be 10m.</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> (a) Rural amenity values; (b) Landscape character; (c) Privacy, outlook and amenity from adjoining properties. 	D
13.4.2.48	<p>Building size</p> <p>The maximum size of any farm building shall be 500m².</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> (a) Visual amenity values; (b) Landscape character; (c) External appearance; (d) Visibility from public places; (e) Effects on neighbouring properties. 	D

Table 5 - Commercial Activities

	Standards for Commercial Activities	Non - Compliance
13.4.2.49	<p>Commercial recreation activity undertaken on land, outdoors and involving not more than 10 persons in any one group.</p>	D
13.4.2.50	<p>Home Occupation</p> <ul style="list-style-type: none"> I. The maximum net floor area of home occupation activities shall be 150m². II. No goods materials or equipment shall be stored outside a building; III. All manufacturing, altering, repairing, dismantling or processing of any goods or articles shall be carried out within a building. <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> (a) The nature, scale and intensity of the activity in the context of the surrounding rural area. (b) Visual amenity from neighbouring properties and public places. (c) Noise, odour and dust (d) The extent to which the activity requires a rural location because of its link to any rural resource in the Rural Zone. 	RD
13.4.2.51	<p>Retail Sales</p> <p>Buildings in excess of 25m² gross floor area to be used for retail sales identified in Table 1 shall be setback from road boundaries by a minimum distance of 30m.</p>	RD

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	Discretion is restricted to: (a) Landscape character and visual amenity (b) Access (c) On-site parking	
13.4.2.52	Retail Sales Retail sales where the access is onto a State highway, with the exception of the activities listed in Table 1.	NC

Table 6 - Airports and Informal Airports

	Standards – Informal Airports	Non-Compliance
13.4.2.53	Informal Airports Located on Public Conservation and Crown Pastoral Land Informal airports that comply with the following standards shall be permitted activities: I. Informal airports located on Public Conservation Land where the operator of the aircraft is operating in accordance with a Concession issued pursuant to Section 17 of the Conservation Act 1987; II. Informal airports located on Crown Pastoral Land where the operator of the aircraft is operating in accordance with a Recreation Permit issued pursuant to Section 66A of the Land Act 1948; III. Informal airports for emergency landings, rescues, fire-fighting and activities ancillary to farming activities. IV. In relation to points (a) and (b), the informal airport shall be located a minimum distance of 500 metres from any formed legal road or the notional boundary of any residential unit or approved building platform not located on the same site.	D
13.4.2.54	Informal Airports Located on other Rural Zoned Land Informal Airports that comply with the following standards shall be permitted activities: I. Informal airports on any site that do not exceed a frequency of use of 3 flights* per week; II. Informal airports for emergency landings, rescues, fire-fighting and activities ancillary to farming activities; III. In relation to point (a), the informal airport shall be located a minimum distance of 500 metres from any formed legal road or the notional boundary of any residential unit of building platform not located on the same site. * note for the purposes of this Rule a flight includes two aircraft movements i.e. an arrival and departure.	D

Table 7 - Ski Area Activities within the Ski Area Subzone

	Standards	Activity
13.4.2.55	Construction, relocation, addition or alteration of a building. Matters of control: (a) location, external appearance and size, colour, visual dominance;	C

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	(b) associated earthworks, access and landscaping; (c) provision of water supply, sewage treatment and disposal, electricity and communication services (where necessary).	
13.4.2.56	<p>Ski tows and lifts</p> <p>Matters of control:</p> <p>(a) The extent to which the ski tow or lift or building breaks the line and form of the landscape with special regard to skylines, ridges, hills and prominent slopes.</p> <p>(b) Whether the materials and colour to be used are consistent with the rural landscape of which the tow or lift or building will form a part.</p> <p>(c) Balancing environmental considerations with operational characteristics.</p>	C
13.4.2.57	<p>Night lighting in Ski Area Sub-Zones</p> <p>Matters of control:</p> <p>Hours of operation, duration and intensity, impact on surrounding properties</p>	C
13.4.2.58	<p>Vehicle Testing</p> <p>In the Waiorau Snow Farm Ski Area Sub zone the construction of access ways and tracks associated with the testing of vehicles, their parts and accessories.</p> <p>Matters of control:</p> <p>(a) gravel and silt run off;</p> <p>(b) stormwater, erosion and siltation;</p> <p>(c) the sprawl of tracks and the extent to which earthworks modify the landform, and</p> <p>(d) Stability of over-steepened embankments.</p>	C
13.4.2.59	Retail activities ancillary to Ski Area Activities within Ski Area Sub Zones.	C

Table 8: Lakes and Rivers

	Activities	Activity
13.4.2.60	<p>Jetboat Race Events</p> <p>Jetboat Race Events on the Clutha River, between the Lake Outlet boat ramp and the Albert Town road bridge not exceeding 6 race days in any calendar year.</p> <p>Matters of control</p> <p>(a) the date, time, duration and scale of the jetboat race event, including its proximity to other such events, such as to avoid or mitigate adverse effects on residential and recreational activities in the vicinity;</p> <p>(b) adequate public notice is given of the holding of the event; and</p> <p>(c) reasonable levels of public safety are maintained.</p>	C
13.4.2.61	<p>Commercial non-motorised boating activities</p> <p>Discretion is restricted to:</p> <p>(a) Scale and intensity of the activity;</p> <p>(b) Amenity effects, including loss of privacy, remoteness or isolation;</p> <p>(c) Congestion and safety;</p> <p>(d) Waste disposal; and</p> <p>(e) Cumulative effects.</p>	RD

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13.4.2.62	<p>Jetties and Moorings in the Frankton Arm</p> <p>Jetties and moorings in the Frankton Arm, identified as the area located to the east of the Outstanding Natural Landscape as shown on the District Plan Maps.</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> (a) Whether they are dominant or obtrusive elements in the shore scape or lake view, particularly when viewed from any public place, including whether they are situated in natural bays and not headlands; (b) Whether the structure causes an impediment to craft manoeuvring and using shore waters; (c) The degree to which the structure will diminish the recreational experience of people using public areas around the shoreline; (d) The effects associated with congestion and clutter around the shoreline. Including whether the structure contributes to an adverse cumulative effect; (f) Whether the structure will be used by a number and range of people and craft, including the general public; (g) The degree to which the structure would be compatible with scenic and amenity values, including colour, materials, design. 	RD
13.4.2.63	<p>Structures and Moorings</p> <p>Any structure or mooring that passes across or through the surface of any lake or river or is attached to the bank of any lake and river, other than where fences cross lakes and rivers.</p>	D
13.4.2.64	<p>Structures and Moorings</p> <p>Any structures or mooring that passes across or through the surface of any lake or river or attached to the bank or any lake or river in those locations on the District Plan Maps where such structures or moorings are shown as being non-complying.</p>	NC
13.4.2.65	<p>Commercial boating activities</p> <p>Motorised commercial boating activities.</p> <p>Note: Any person wishing to apply for a resource consent to commence commercial boating activities on the Shotover River between Edith Cavell Bridge and Tucker Beach should be aware that they also require a concession under the Lakes District Waterways Control Bylaw 1987 (or any replacement legislation). There is an exclusive concession currently granted to a commercial boating operator on the Shotover River between Edith Cavell Bridge and Tucker Beach until 1 April 2009 with four rights of renewal of five years each.</p>	D

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13.4.2.66	<p>Recreational and commercial boating activities</p> <p>The use of motorised craft on the following lakes and rivers is prohibited, except where the activities are for emergency search and rescues, hydrological survey, public scientific research, resource management monitoring and water weed control, and for access to adjoining land for farming activities</p> <p>(a) Hawea River.</p> <p>(b) Commercial boating activities on Lake Hayes.</p> <p>(c) Any tributary of the Dart and Rees rivers (except the Rockburn tributary of the Dart River) or upstream of Muddy Creek on the Rees River.</p> <p>(d) Young River or any tributary of the Young or Wilkin Rivers and any other tributaries of the Makarora River.</p> <p>(e) Dingle Burn and Timaru Creek.</p> <p>(f) The tributaries of the Hunter River.</p> <p>(g) Hunter River during the months of May to October inclusive.</p> <p>(h) Motatapu River.</p> <p>(i) Any tributary of the Matukituki River.</p> <p>(j) Clutha River - More than six jet boat race days per year as allows by Rule 13.4.2.60.</p>	PR
	Standards: Surface of Lakes and Rivers	Non-Compliance
13.4.2.67	<p>Boating craft used for Accommodation</p> <p>Boating craft on the surface of the lakes and rivers used for accommodation, unless:</p> <ol style="list-style-type: none"> I. the craft is only used for overnight recreational accommodation; and II. the craft is not used as part of any commercial activity; and III. all effluent is contained on board the craft. 	NC
13.4.2.68	<p>No new jetty within the Frankton Arm shall:</p> <ol style="list-style-type: none"> (a) be closer than 200 metres to any existing jetty; (b) exceed 20 metres in length; (c) exceed four berths per jetty, of which at least one berth is available to the public at all times; (d) be constructed further than 200 metres from a property in which at least one of the registered owners of the jetty resides. 	NC
13.4.2.69	<p>The following activities are permitted subject to compliance with the following standards:</p> <ol style="list-style-type: none"> I. Motorised craft on the surface of lakes and rivers shall be operated and conducted such that a maximum sound level of 77 dB L_{ASmax} is not exceeded, when measured and assessed in accordance with [the applicable noise chapter]. II. Kawarau River, Lower Shotover River downstream of Tucker Beach and Lake Wakatipu within Frankton Arm - No commercial motorised craft shall operate outside the hours of 0800 to 2000. III. Lake Wanaka, Lake Hawea and Lake Wakatipu - No commercial jetski operations 	NC

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	shall be undertaken outside the hours of 0800 to 2100 on lakes Wanaka and Hawea and 0800 and 2000 on Lake Wakatipu.	
IV.	Dart and Rees Rivers - No commercial motorised craft shall operate outside the hours of 0800 to 1800, except that above the confluence with the Beansburn on the Dart River no commercial motorised craft shall operate outside the hours of 1000 to 1700.	
V.	Dart River – No commercial motorised boating activities shall result in the total number of commercial motorised boating activities exceeding 26 trips in any one day. No more than two commercial jet boat operators shall operate upstream of the confluence of the Beansburn other than for tramper and angler access only.	

Table 9 - Closeburn Station

	Activities	Activity
13.4.2.70	<p>The construction of a single residential unit and any accessory building(s) within lots 1 to 6, 8 to 21 DP 26634 located at Closeburn Station.</p> <p>Control is with regard to:</p> <p>(a) external appearances and landscaping, with regard to conditions 2.2(a), (b), (e) and (f) of resource consent RM950829;</p> <p>(b) associated earthworks, access and landscaping.</p> <p>(c) provision of water supply, sewage treatment and disposal, electricity and telecommunications services.</p>	C
	Standards for Buildings and Structures	Non-compliance
13.4.2.71	<p>Setback from Internal Boundaries</p> <p>(a) The minimum setback from internal boundaries for buildings within lots 1 to 6 and 8 to 21 DP 26634 at Closeburn Station shall be 2 metres.</p> <p>(b) There shall be no minimum setback from internal boundaries within lots 7 and 22 to 27 DP300573 at Closeburn Station.</p>	D
13.4.2.72	<p>Building Height</p> <p>(a) The maximum height for any building, other than accessory buildings, within Lots 1 and 6 and 8 to 21 DP 26634 at Closeburn Station shall be 7m.</p> <p>(b) The maximum height for any accessory building within Lots 1 to 6 and 8 to 21 DP 26634 at Closeburn Station shall be 5m.</p> <p>(c) The maximum height for any building within Lot 23 DP 300573 at Closeburn Station shall be 5.5m.</p> <p>(d) The maximum height for any building within Lot 24 DP 300573 at Closeburn Station shall be 5m.</p>	NC
13.4.2.73	<p>Residential Density</p> <p>In the Rural Zone at Closeburn Station, there shall be no more than one residential unit per allotment (being lots 1-27 DP 26634); excluding the large rural lots (being lots 100 and 101 DP 26634) held in common ownership.</p>	NC

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13.4.2.74	Building Coverage In lots 1-27 at Closeburn Station, the maximum residential building coverage of all activities on any site shall be 35%.	NC
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13.5 Non-Notification of Applications

Any application for resource consent for the following matters shall not require the written consent of other persons and shall not be notified or limited-notified:

- a. Controlled activity residential flat (Rule 13.4.2.12).
- b. Controlled activity retail sales of farm and garden produce and handicrafts grown or produced on site (Rule 13.4.4.2.14), except where the access is onto a State highway.
- c. Controlled activity mineral exploration (Rule 13.4.2.30).
- d. Restricted discretionary activity movement of dairy herds across formed roads (Rule 13.4.2.39).
- e. Restricted discretionary activity structures (Rule 13.4.2.42).
- f. Controlled activity buildings at Closeburn Station (Rule 13.4.2.69).

13.6 Assessment Matters (Landscapes)

(1) Outstanding Natural Features and Outstanding Natural Landscapes (ONF and ONL).

These assessment matters shall be considered with regard to the following principles because, in or on Outstanding Natural Features and Landscapes, the applicable activities are inappropriate in almost all locations within the zone:

- (i) The assessment matters are to be stringently applied to the effect that successful applications will be exceptional cases.
- (ii) Existing vegetation that:
 - (a) was either planted after, or, self-seeded and less than 1 metre in height at 28 September 2002; and,
 - (b) obstructs or substantially interferes with views of the proposed development from roads or other public places, shall not be considered:
 - (1) as beneficial under any of the following assessment matters unless the Council considers the vegetation (or some of it) is appropriate for the location in the context of the proposed development; and
 - (2) as part of the permitted baseline.

(a) Effects on landscape character

In considering whether the proposed development will maintain or enhance the character of outstanding natural landscapes and features, the Council shall be satisfied that:

- (i) in the context of the natural character of the subject site, surrounding area and its landscape context, the proposed development will maintain or enhance the landscape character of the site and the surrounding area;
- (ii) any proposed new boundaries will not give rise to artificial or unnatural lines (such as planting and fence lines) or otherwise degrade the landscape character.

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(b) Effects on visual amenity

In considering whether the potential visibility of the proposed development will maintain and enhance landscape values the Council shall be satisfied that:

- (i) the extent to which the proposed development will not be visible or will be reasonably difficult to see when viewed from public roads and other public places. In the case of proposed development in the vicinity of unformed legal roads, the Council shall also consider present use and the practicalities and likelihood of potential use of unformed legal roads for vehicular and/or pedestrian, equestrian and other means of access;
- (ii) the proposed development will not be visually prominent such that it detracts from public or private views otherwise characterised by Outstanding Natural Features and Landscapes;
- (iii) the proposal will be appropriately screened or hidden from view by elements that are completely in keeping with the character of the landscape;
- (iv) the proposed development will not reduce the visual amenity values of the wider landscape (not just the immediate landscape);
- (v) structures will not be located where they will break the line and form of any ridges, hills and slopes;
- (vi) any proposed roads, earthworks and landscaping will not reduce the visual amenity of the landscape.

(c) Design and density of Development

In considering the appropriateness of the design and density of the proposed development, whether and to what extent:

- (i) opportunity has been taken to aggregate built development to utilise common access ways including roads, pedestrian linkages, services and open space (ie. open space held in one title whether jointly or otherwise);
- (ii) development, including access, is located within the parts of the site where it would be least visible from public and private locations;
- (iii) development, including access, is located in the parts of the site where it have the least impact on landscape character.

(d) Tangata Whenua, Biodiversity and Geological values

The Council shall take into account:

- (i) whether the proposed development will degrade Tangata Whenua, indigenous biodiversity, geological or geomorphological values or features and, the positive effects of any proposed or existing protection or regeneration of these values or features.

The Council acknowledges that Tangata Whenua beliefs and values for a specific location may not be known without input from iwi.

(e) Cumulative effects of subdivision and development on the landscape

Taking into account whether and to what extent existing or anticipated development (including unimplemented but existing resource consent or zoning) may already have degraded:

- (i) the landscape character; or,
- (ii) the visual amenity values of the landscape.

The Council shall be satisfied the proposed development, in combination with these factors will not further adversely affect the landscape character, or visual amenity values.

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(2) Rural Landscape Classification (RLC)

These assessment matters shall be considered with regard to the following principles because in the Rural Landscapes the applicable activities are inappropriate in many locations

- (i) The assessment matters shall be stringently applied to the effect that successful applications are, on balance, consistent with the criteria.
- (ii) Existing vegetation that:
 - (a) was either planted after, or, self seeded and less than 1 metre in height at 28 September 2002; and,
 - (b) obstructs or substantially interferes with views of the proposed development from roads or other public places, shall not be considered:
 - (1) as beneficial under any of the following assessment matters unless the Council considers the vegetation (or some of it) is appropriate for the location in the context of the proposed development; and
 - (2) as part of the permitted baseline.

(a) Effects on landscape character:

The following shall be taken into account:

- (i) where the site is adjacent to an Outstanding Natural Feature or Landscape, whether and the extent to which the proposed development will adversely affect the character of the adjacent Outstanding Natural Feature or Landscape;
- (ii) whether and the extent to which the scale and nature of the proposed development will adversely alter the valued character of the surrounding Rural Landscape;
- (iii) in the case of a proposed subdivision, whether the design and landscaping would maintain or enhance the character of the Rural Landscape;
- (iv) in the case of a proposed residential activity or specific development, whether a specific building design, rather than nominating a building platform, helps demonstrate the proposed development would maintain or enhance the character of the Rural Landscape;
- (v) other than where the proposed development is a subdivision and/or residential activity, whether the proposed development, including any buildings and the activity itself, are consistent with rural activities and would maintain or enhance the character of the Rural Landscape.

(b) Effects on visual amenity

Whether the development will result in a loss of the visual amenity of the Rural Landscape, having regard to whether and the extent to which:

- (i) the visual prominence of the proposed development from any public places will reduce the visual amenity of the Rural Landscape. In the case of proposed development which is visible from unformed legal roads and public trails, regard shall be had to the frequency and intensity of the present use and, the practicalities and likelihood of potential use of these accesses;
- (ii) the proposed development is likely to be visually prominent such that it detracts from private views;
- (iii) any screening or other mitigation by any proposed method such as earthworks and/or new planting will detract from or obstruct views of the Rural Landscape;

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- (iv) the proposed development is enclosed by any confining elements of topography and/or vegetation and the ability of these elements to reduce visibility from public and private locations;
- (v) any proposed roads, boundaries and associated planting, earthworks and landscaping will change and reduce visual amenity, with particular regard to elements which are inconsistent with the existing natural topography and patterns;
- (vi) boundaries follow, wherever reasonably possible and practicable, the natural lines of the landscape or landscape units;

(c) Design and density of development

In considering the appropriateness of the design and density of the proposed development, whether and to what extent:

- (i) opportunity has been taken to aggregate built development to utilise common access ways including roads, pedestrian linkages, services and open space (ie. open space held in one title whether jointly or otherwise);
- (ii) development, including access, is located within the parts of the site where they will be least visible from public and private locations;
- (iii) development, including access, is located in the parts of the site where they will have the least impact on landscape character.

(d) Tangata Whenua, Biodiversity and Geological values

- (i) whether and to what extent the proposed development will degrade Tangata Whenua, indigenous biodiversity, geological or geomorphological values or features and, the positive effects any proposed or existing protection or regeneration of these values or features.

The Council acknowledges that Tangata Whenua beliefs and values for a specific location may not be known without input from iwi.

(e) Cumulative effects of development on the landscape

Taking into account whether and to what extent existing and potential development (including unimplemented but existing resource consent or zoning) may already have occurred and adversely altered landscape character, and visual amenity values. The Council shall be satisfied;

- (i) the proposed development will not further adversely alter landscape character and visual amenity values, with particular regard to situations that would result in a loss of valued rural character and openness due to the prevalence of residential activity within the Rural Landscape.
- (ii) where in the case resource consent may be granted to the proposed development but it represents a threshold to which the landscape could absorb any further development. Whether any further cumulative adverse effects would be avoided by way of imposing a covenant, consent notice or other legal instrument which maintains open space.

(3) Positive Effects, applicable in all the landscape categories (ONF, ONL and RLC)

In considering whether there are any positive effects in relation to the proposed development, or remedying or mitigating the continuing adverse effects of past subdivision or development, the Council shall take the following matters into account:

- (i) whether the proposed subdivision or development provides an opportunity to protect the landscape from further development and may include open space covenants or esplanade reserves;

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- (ii) whether the proposed subdivision or development would enhance the character of the landscape, or protects and enhances indigenous biodiversity values, in particular the habitat of any threatened species, or land environment identified as chronically or acutely threatened on the Land Environments New Zealand (LENZ) threatened environment status;
- (iii) any positive effects including environmental compensation, easements for public trails or access to lakes, rivers or conservation areas;
- (iv) any opportunities to retire marginal farming land and revert it to indigenous vegetation;
- (v) where adverse effects cannot be avoided, mitigated or remedied, the merits of any compensation;.
- (vi) whether the proposed development assists in retaining the land use in low intensity farming where that activity maintains the valued landscape character.

[New or amended definitions]

AIRPORT AERODROME	Means any defined area of land or water intended or designed to be used whether wholly or partly for the landing, departure, movement or servicing of aircraft.
<u>AIRPORT AERODROME</u>	<u>Means any defined area of land formally designated within the District Plan to be used for the landing, departure, movement or servicing of aircraft and, which is subject to an Air Noise Boundary defined on the District Plan maps measured in accordance with New Zealand Standard 6805:1992 "Airport Noise Management and Land Use Planning" or its successor..</u>
<u>INFORMAL AIRPORT</u>	<p><u>Means any defined area of land or water intended or designed to be used for the landing, departure movement or servicing of aircraft but excludes 'airports / aerodromes'.</u></p> <p><u>Note: This definition does not apply to the airspace above land or water located on any adjacent site over which an aircraft may transit when arriving and departing from an informal airport.</u></p>