

## 4.6. RURAL SETTLEMENTS

### 4.6.1. OVERVIEW

Rural settlements are settlements with an historical subdivision pattern where development has occurred although has not occurred to a degree that was anticipated when the survey was originally undertaken. Consequently, there is often a large number of small sites available for development. In determining where development should be permitted to continue, Council considered what development already existed and what level of community facilities were present. Thus, where there was a reasonable amount of residential development together with a public facility such as a hall, Council considered it appropriate that development be allowed to continue there. However, where the historical subdivision comprises only a small number of dwellings or none at all, Council reasoned that these areas could not be considered rural settlements and consequently the rules for development in rural areas would apply.

Within the Rural Settlement Resource Area there are also a number of coastal settlements including a number of which have developed without appropriate subdivision and development consents. Council initially considered differentiating between inland and coastal settlements based on the special status given the coast by the Act. However, it was considered that for the most part the issues for each type of settlement were similar, given the fact that the natural character of the coast is not a significant issue in a developed coastal area. Coastal settlements are subject to some unique issues, however, such as the effects of sea level rise, coastal erosion and sand dune migration.

### 4.6.2. THE ISSUES

The following are considered to be the significant resource management issues facing the rural settlements in the District.

- **The loss of population and services in these settlements has created a situation where development is often unsustainable.**

#### Explanation

The last decade or so has seen the gradual erosion of public services to rural settlements and a steady decline in population. These trends have adversely affected the viability of these communities and have created a situation whereby maintaining and developing existing resources becomes unsustainable.

- **The quiet amenity values of these settlements can be adversely affected by some rural activities and by rapid and uncontrolled population growth.**

#### Explanation

The quiet, peaceful lifestyle of rural settlements has always been a major attraction and is becoming more appealing to a greater number of people. Activities generating noise, dust etc have the potential to detract from this. Activities that create a rapid and uncontrolled growth in population also detract from these values.

- **Intensive development of these settlements leads to effluent drainage problems.**

Explanation

Intensive development of small rural settlements can have an adverse effect in terms of drainage and other servicing problems.

- **The effects of dynamic coastal processes including sea level rise on low lying rural settlements.**

Explanation

As noted in Section 4.2 Coastal Resource Area, sea level is rising in New Zealand. A number of settlements in the Clutha District are threatened such as Toko Mouth, Jacks Bay, Newhaven and Willsher Bay. A number of settlements are also affected by other dynamic coastal processes such as erosion, sand dune migration etc.

### 4.6.3. OBJECTIVES AND POLICIES

OBJECTIVE RST.1

**To maintain the low density and quiet amenity values of rural settlements.**

OBJECTIVE RST.2

**To promote the sustainable management of public services developed in rural settlements.**

OBJECTIVE RST.3

**To take into account the fact that some natural features may migrate inland as the result of dynamic coastal processes when considering subdivision, use and development of rural settlements located in the coastal environment.**

POLICY RST.1

**To restrict rural settlement development to within the existing historical subdivision pattern unless unique circumstances or a change in circumstances necessitates otherwise.**

Explanation

Development of these settlements has occurred on the existing subdivision pattern and to protect the surrounding rural amenity values and to reduce the effects of sporadic development in the rural area it was felt that development should continue to be limited to existing sites.

*(Refer to Planning Maps)*

POLICY RST 2

**To ensure that the subdivision, use and development of the Rural Settlements of the District promotes the sustainable management of reticulation and roading services.**

### Explanation

Development of rural settlements should not take place at the expense of the general ratepayer. By maintaining a low-density settlement, the need for unsustainable public reticulation systems will be reduced.

*(Refer to Rule RST.2, 4, 6 and 8)*

### POLICY RST 3

**To avoid, remedy or mitigate the adverse effects that activities can have on the amenity values of rural settlements.**

### Explanation

The attraction of these small rural settlements to many people is the quiet peaceful lifestyle. Maintaining the low density of these settlements will continue to protect these values.

*(Refer to Rule RST.1 to 9)*

### POLICY RST 4

**To manage new subdivision, use, and development to ensure that it is located and designed so that the need for hazard protection works is avoided.**

### Explanation

Dynamic coastal processes (including sea level rise) can cause the inland migration of natural features. New subdivision use and development must recognise and provide for such a possibility. This policy reflects Policies 3.4.4. and 3.4.5 of the New Zealand Coastal Policy Statement.

*(Refer Rule RST.2 and 6)*

## 4.6.4. RULES

### RULE RST.1 GENERAL SECTION

Any activity must conform with the provisions of Section 3 of this Plan.

Note in particular:

#### **3.3 Transportation**

#### **3.5 Heritage**

#### **3.9 Natural Hazards**

#### **3.11 Other Environmental Issues**

#### **3.12 Signs**

#### **3.13 Noise**

## RULE RST.2 RESIDENTIAL ACTIVITIES

Except as provided for by Rule RST.5(b), any residential activity is a permitted activity provided that:

- (i) the minimum site area is not less than 1600m<sup>2</sup> and the criteria of Rule RST.8 can be met.

### **PROVIDED THAT**

the minimum site area does not apply to existing urban sites in Pounaweia and Papatowai

- (ii) A potable supply of water can be provided to each residential unit.
- (iii) Adequate vehicular access is provided, and that where such access is not on legal roadline, or is on unformed or non-maintained roadline, the construction and maintenance of that access shall be the sole responsibility of the owner and must be in accordance with the relevant Council standards as set out in Section 3.2 of this Plan in particular, Rule TRAN.1 and Rule TRAN.4

### **PROVIDED THAT**

where access is to be directly onto a State highway, the provision of access shall be considered as a restricted discretionary activity. Discretion shall be restricted to the effect of the design and location of the access point on the safe and efficient operation of the State highway.

- (iv) The requirements of Rule URB.4 are met; and
- (v) That in respect of Newhaven, evidence is submitted to Council which clearly establishes that the threat of erosion, slippage or subsidence has been avoided.

## **REASON**

In permitting residential development in these settlements, Council's aim is to maintain low density settlements, reflecting existing amenity values, and to ensure that effluent can be disposed of adequately within the site boundary. Developers are also to provide other services (such as roading and water supply where no supply exists), which will minimise the impact on public expenditure on these services. Newhaven is subject to coastal erosion and this must be recognised before any development takes place.

## RULE RST.3 PAPAKAIKA HOUSING

Multi-unit Papakaika housing is a controlled activity, and shall be assessed in accordance with the standards, terms and controls set out in Rule MAO.4.

## RULE RST.4 NON-RESIDENTIAL ACTIVITIES

Any non-residential activity, other than those activities listed in Rule RST 5 where:

- Access to public roads is provided in accordance with Rule TRAN.4
- Loading facilities are provided in accordance with Rule TRAN. 5
- Parking is provided in accordance with Rule TRAN.6
- The requirements of Rule RST. 7 and 8 are complied with
- An adequate supply of potable water is supplied for the needs of the occupier

is a controlled activity.

**PROVIDED THAT**

where access is to be directly onto a State highway, the provision of access shall be considered as a restricted discretionary activity. Discretion shall be restricted to the effect of the location and design of the access point on the safe and efficient operation of the State highway.

Council shall exercise its control in respect of:

- (i) the size, design and location of signs and their effect on visual amenities.
- (ii) the effect on amenity values.
- (iii) bulk and location of buildings.

Any activity that does not comply with these standards shall be considered as a discretionary activity.

**REASON**

It is not envisaged that such settlements will ever attract large scale retail, commercial or industrial activities. The effects of small-scale developments can be mitigated by conditions of consent. It shall be noted that temporary military training activities are not considered non-residential activities (see definition of Non-Residential Activities in Section 5).

<b>RULE RST.5 DISCRETIONARY ACTIVITIES</b>
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- (a) Any activity that has the effect of generating, or the potential to generate,
  - (i) noxious, hazardous or objectionable wastes,
  - (ii) volumes of heavy traffic,
  - (iii) excessive or nuisance noise types, or
  - (iv) uses or stores hazardous substancesshall be considered as a discretionary activity

**REASON**

These types of effects are generally incompatible with the predominantly residential nature of these settlements. These effects have the potential to adversely effect the quiet amenity of these areas.

- (b) The addition to or construction of buildings and structures within 20 metres each side of the centre line of high voltage transmission lines designed to operate at or over 110 kv is a discretionary activity.

**PROVIDED THAT**

This rule does not apply to fences or buildings not occupied by human or animals for whatever purpose.

## REASON

This rule will ensure that the public is reasonably protected from live transmission lines in the event of an emergency which results in a line failure. It will also enable ease of operational access by the network utility operator for maintenance and upgrading purposes.

Fences and buildings that are not occupied or used by humans or animals are not subject to this restriction.

(c) The planting of production forestry shall be a discretionary activity.

## REASON

Production forestry in an area that has a significant residential component can have significant adverse effects on the amenity values of neighbouring properties. Such adverse effects can include shading, obscuring of view, and a potential fire risk.

### RULE RST.6 SUBDIVISION

(i) Further subdivision in the following settlements is a non-complying activity:

- Bull Creek
- Toko Mouth
- Willsher Bay
- Newhaven

## REASON

Toko Mouth, Willsher Bay and Newhaven are all located in a coastal hazard area. There is room for further development within the existing subdivision pattern. In light of the risk from natural hazards to these sites, Council considers it prudent to restrict further subdivision. Bull Creek is a unique settlement in that none of the existing dwellings have individual title. Furthermore, the area is identified as an area of natural character. Council considers it appropriate that no further development be permitted here until such time as the issue of land tenure is resolved.

Effluent disposal is also seen as a potential problem in some areas of Bull Creek and Toko Mouth.

(ii) Subdivision in the remaining Rural Settlements Resource Areas is a restricted discretionary activity provided the following standards are complied with:

- the site has a minimum area of not less than 1600m<sup>2</sup>, provided that this does not apply to network and public utilities, and
- the site is capable of the adequate and safe disposal of effluent in terms of Rule RST.8
- the standards set out in Rule SUB.4 are met.

Council shall restrict the exercise of its discretion to those matters set out in Rule SUB. 1(d).

## REASON

Provided subdivision recognises the site requirements in relation to effluent disposal in these settlements, the other effects of subdivision, such as access, can be adequately dealt with by conditions attached to any consent. The 1600ml minimum will retain the low density of these settlements.

**RULE RST.7 NOISE PERFORMANCE STANDARD**

- (i) The provisions of Section 3.13 shall apply unless otherwise stated by this rule.
- (ii) No activity shall generate a corrected noise level that exceeds the following noise limits:

Weekdays and Weekends

7am-10pm	L10	55dBA
10pm-7am	L10	45dBA

**REASON**

Noise can have a great effect on amenity values. Council's 1993 Noise Study of the District established these levels as appropriate for Rural Settlement Areas.

**RULE RST.8 SITE PERFORMANCE STANDARD**

All sites shall be capable of the effective disposal of effluent safely within the site

**PROVIDED THAT**

for any site below 4000m<sup>2</sup> Council shall require a certificate from Council's Environmental Health Officer or from a person professionally qualified in effluent disposal that effluent can be safely disposed of within the site

Where a site:

- (i) Cannot adequately or safely dispose of effluent, or
- (ii) the cumulative effect of disposing of that effluent in the manner selected is or could potentially have an adverse effect on the environment,

the activity generating the effluent on that site shall be considered a non-complying activity.

**REASON**

Rural settlements are unreticulated and consequently intensive development can have a significant effect on the environment, particularly in terms of amenity values and water quality. Council therefore considers that any activity that generates unsafe effluent loads shall be considered as non-complying activities.

**RULE RST.9 KEEPING OF ANIMALS**

The keeping and/or grazing of animals, excluding intensive farming activities, is a permitted activity provided adverse effects on adjoining properties and the margins of rivers, lakes and coast are avoided or mitigated.

**REASON**

The grazing of horses, sheep and the keeping of poultry are generally accepted practices in these settlements. Provided animals are not "factory farmed" for commercial purposes, adverse effects are minimal.

## **4.6.5. OTHER METHODS**

### **METHOD RST.1 MONITORING**

To assess the effectiveness of these policies and rules Council shall analyse complaints received

#### **REASON**

Complaints received are a ready guide as to how effective Council's objectives and policies are in maintaining amenity standards.

### **METHOD RST.2 NOTIFICATION REQUIREMENTS**

Except as otherwise stated, controlled activities and restricted discretionary activities will generally be considered without notification or the need to obtain written approval of affected persons.

## **4.6.6. ANTICIPATED ENVIRONMENTAL RESULT**

1. Maintenance of low-density development.
2. Maintenance of quiet rural-residential environment.
3. Stabilisation of rural population.
4. Maintenance of environmental quality.