

Changes recommended in my original s42A report are shown in red. Changes recommended in my rebuttal statement are shown in blue. Changes recommended in the closing statement following the hearing are shown in green.

Chapter 5: Rural Environment

~~The following objectives and policies apply to the Rural Zone.~~

Specific policies apply to ~~Hamilton's Urban Expansion Area (Objective 5.5.1 and Policies 5.5.1 and 5.5.2)~~ and the following Specific Areas:

- Agricultural Research Centres (Policy 5.3.16)
- Huntly Power Station Coal and Ash Water (Policy 5.3.17)
- Whaanga Coast Development Areas (Policy 5.3.18); and
- Hamilton's Urban Expansion Area (Objective 5.5.1 and Policies 5.5.1 and 5.5.2)

5.1 The Rural ~~Environment~~ Zone

~~Objective 5.1.1 is the strategic objective for the rural environment and has primacy over all other objectives in Chapter 5.~~

5.1.1 Objective – The Rural ~~Environment~~ Zone

- ~~(a) Subdivision, use and development within the rural environment is provided for where:~~
- ~~(i) High class soils are protected for productive rural activities;~~
 - ~~(ii) Productive rural activities, rural industry, network infrastructure, rural commercial, conservation activities, community facilities activities, and extractive activities are supported, while maintaining or enhancing the rural environment;~~
 - ~~(iii) Urban subdivision, use and development in the rural environment is avoided.~~
- (a) Within the Rural Zone:
- (i) Enable farming activities;
 - (ii) Protect high class soils for farming activities;
 - (iii) Provide for rural industry, infrastructure, rural commercial, conservation activities, community facilities, and extractive activities, while maintaining or enhancing the rural environment;
 - (iv) Avoid subdivision, use and development in the Rural Zone for activities that have no functional need to locate in the Rural Zone and/or that create allotment sizes similar to that provided for in Country Living, Village, or Residential Zones.

5.2 Productive Versatility of Rural Resources in the Rural Zone

5.2.1 Objective– rural resources

- (a) Maintain or enhance the:
 - (i) Inherent life-supporting capacity, accessibility, and versatility of soils, in particular high class soils where such soils are able to be readily accessed for farming activity;
 - (ii) The health ~~and wellbeing~~ of ~~rural land~~ indigenous biodiversity and natural ecosystems;
 - ~~(iii) The quality of surface fresh water and ground water, including their catchments and connections;~~
 - ~~(iv) Life-supporting and intrinsic natural characteristics of water bodies and coastal waters and the catchments between them.~~

5.2.2 Policy – High class soils

- (a) Retain the primary productive value of S₃ soils, in particular high class soils, ~~are retained for their primary productive value.~~
- (b) Ensure the adverse effects of activities do not compromise the physical, chemical and biological properties of high class soils.

5.2.3 Policy – Effects of subdivision and development on soils

- ~~(a) Subdivision, use and development minimises the fragmentation of productive rural land, particularly where high class soils are located.~~
- (a) Minimise the fragmentation of productive rural land, and in particular high class soils, through managing subdivision, use, and development.
- ~~(b) Subdivision which provides a range of lifestyle options is directed away from high class soils and/or where indigenous biodiversity is being protected.~~

5.3 Rural Zone Character and Amenity

5.3.1 Objective – rural character and amenity

- (a) Maintain rural character and amenity ~~are maintained.~~

Policy 5.3.2 – Contributing elements to rural character and amenity values

- (a) Recognise that rural character and amenity values vary across the Waikato District resulting from the combination of the natural and physical resources present, including the location and extent of established and permitted activities. In particular, the District's rural environment is characterised by:
 - (i) Market gardens and intensive horticulture, especially around Tuakau;

- (ii) Dairy farming and equine activities in an open pastoral landscape on flat to gently rolling land;
- (iii) Extensive sheep and beef farming, exotic forestry, and native bush areas on steeper hillslopes;
- (b) Recognise that elements that characterise an area as rural, from which desired amenity is derived, include the predominance of:
 - (i) A landscape dominated by openness and vegetation;
 - (ii) Significant visual separation of dwellings and rural-related farm buildings between neighbouring properties;
 - (iii) Occasional community facilities, agricultural produce processing facilities, intensive farming, rural-related commercial and industrial activities, network infrastructure, and mineral extraction, with such activities integrated into a predominantly open space landscaped setting; and
 - (iv) Natural character elements of waterways, wetlands, water bodies, indigenous vegetation, and natural landforms, including the coastal environment along the District's western edge.
- (c) Recognise that rural productive activities in rural areas including farming, horticulture, intensive farming, plantation forestry, and rural industry, network infrastructure, and mineral extraction activities, can produce noise, odour, dust, visual and traffic effects consistent with an anticipated rural working environment, and that may be noticeable to residents and visitors in rural areas.

Policy 5.3.23 – Productive rural activities

- (a) ~~Recognise and protect~~ **Enable** the continued operation of the rural environment as a productive working environment by:
 - (i) Recognising that buildings and structures associated with farming and forestry and other operational structures for productive rural activities contribute to rural character and amenity values;
 - (ii) Ensuring productive rural activities are supported by appropriate rural industries and services;
 - (iii) Providing for lawfully –established rural activities and protecting them from sensitive land uses and reverse sensitivity effects;
 - (iv) Recognising the use and development of rural resources enables people and communities to provide for their economic, social and cultural wellbeing.

5.3.9 Policy – Non-rural activities

- ~~(a) Manage any non-rural activities, including equestrian centres, horse training centres, forestry and rural industries, to achieve a character, scale, intensity and location that are in keeping with rural character and amenity values.~~
- ~~(b) Avoid buildings and structures dominating land on adjoining properties, public reserves, the coast or waterbodies.~~

5.3.4 Policy – Other anticipated activities in rural areas

- (a) Enable activities that provide for the rural community's social, cultural, and recreational needs, subject to such activities being of a scale, intensity, and location that are in keeping with rural

character and amenity values and are consistent with managing urban growth through a consolidated urban form.

(b) Activities subject to this policy include:

- (i) Community activities including child care, education, health, and spiritual activities;
- (ii) Recreation activities that require a rural or extensive open space setting including equestrian and horse training centres, gun clubs and shooting ranges, golf courses, and walking and cycling trails;
- (iii) Emergency Service facilities;
- (iv) Conservation activities.

5.3.35 Policy – Industrial and commercial activities

(a) Rural industries and services are managed to ensure they are in keeping with the character of the Rural Zone.

(a) Provide for rural industry and rural commercial activities where they are either dependent on the rural soil resource or have a functional or operational need for a rural location. Such activities are to be managed to ensure that:

- (i) Their scale, intensity, and built form are in keeping with rural character;
- (ii) They maintain a level of amenity for neighbouring sites in keeping with a rural environment; and
- (iii) They minimise reverse sensitivity effects on existing productive rural, intensive farming, mineral extraction, or rural industrial activities.

(b) Avoid locating industrial and commercial activities in areas that do not have a genuine reliance on functional connection with the rural land or soil resource or a functional or operational need to locate in the Rural Zone.

5.3.6 Policy – Intensive Farming activities

(a) ~~Enable~~ Provide for intensive farming activities ~~provided whilst ensuring~~ that they operate in accordance with industry best practice and management of any adverse effects both on the site and at the boundary of any adjoining sites, including effects associated with odour, dust, noise, traffic, and visual amenity.

5.3.7 Policy – Reverse sensitivity and sSeparation of incompatible activities

(a) Contain adverse effects as far as practicable within the site where the effect is generated, including through the provision of adequate separation distances between the activity and site boundaries.

(b) Ensure that the design and location of new or extended sensitive land uses achieves adequate separation distances and/or adopts appropriate mitigation measures to mitigate potential reverse sensitivity effects on lawfully-established productive rural activities, intensive farming, rural industry, ~~strategie~~ infrastructure, extractive activities, or Extraction Resource Areas.

5.3.7 Policy – Reverse sensitivity effects

(a) Recognise the following features are typical of the rural environment and the effects are accepted and able to be managed:

- (i) Large numbers of animals being farmed, extensive areas of plants, vines or fruit crops, plantation forests and farm forests;
- (ii) Noise, odour, dust, traffic and visual effects associated with the use of land for farming, horticulture, forestry, farm quarries;
- (iii) Existing mineral extraction and processing activities;
- (iv) Minor dwellings;
- (v) Papakaainga housing developments within Maaori Freehold land.
- (b) Avoid adverse effects outside the site and where those effects cannot be avoided, they are to be mitigated.
- (c) Mitigate the adverse effects of reverse sensitivity through the use of setbacks and the design of subdivisions and development.
- (d) The scale, intensity, timing and duration of activities are managed to ensure compatibility with the amenity and character of the rural environment.
- (e) Enable the use of artificial outdoor lighting for night time work.
- (f) Ensure glare and light spill from artificial lighting in the rural environment does not:
 - (i) Compromise the safe operation of the road transport network; and
 - (ii) Detract from the amenity of other sites within the surrounding environment.
- (g) Frost fans are located and operated to ensure adverse effects on the surrounding environment are minimised.
- (h) Provide for intensive farming activities, recognising the potential adverse effects that need to be managed, including noise, visual amenity, rural character or landscape effects, and odour.

Policy 5.3.4 – Density of dwellings and buildings within the rural environment

- (a) Retain open spaces to ensure rural character is maintained.
- (b) Additional dwellings support workers' accommodation for large productive rural activities.

Policy 5.3.8 – Density of Residential Units

- (a) Maintain an open and spacious rural character through:
 - (i) Providing for residential units as an ancillary element to farming and productive rural activities;
 - (ii) Limiting provision of residential units to no more than one per Record of Title, except for particularly large titles where a minimum of 40ha is provided for each residential unit;
 - (iii) Limiting the size, location, and number of minor residential units and requiring such units to be ancillary to an existing residential unit;
- (b) Provide for papakaainga housing within Maaori freehold land; and
- (c) Provide for alterations and additions to retirement villages existing or subject to a resource consent at **date of decision** 2021.

Policy 5.3.8 – Effects on rural character and amenity from rural subdivision

- (a) Protect productive rural areas by directing urban forms of subdivision, use, and development to within the boundaries of towns and villages.
- (b) Ensure development does not compromise the predominant open space, character and amenity of rural areas.
- (c) Ensure subdivision, use and development minimise the effects of ribbon development.

- ~~(d) Rural hamlet subdivision and boundary relocations ensure the following:

 - ~~(i) Protection of rural land for productive purposes;~~
 - ~~(ii) Maintenance of the rural character and amenity of the surrounding rural environment;~~
 - ~~(iii) Minimisation of cumulative effects.~~~~
- ~~(e) Subdivision, use and development opportunities ensure that rural character and amenity values are maintained.~~
- ~~(f) Subdivision, use and development ensures the effects on public infrastructure are minimised.~~

Policy 5.3.9 – Rural Subdivision

- (a) Protect the productive potential of rural areas; and
- (b) Maintain an open and spacious rural character; and
- (c) Minimise adverse effects on the safe and efficient operation of infrastructure;
Through:
 - (i) Enabling subdivision that supports farming and rural primary production activities;
 - (ii) Avoiding subdivision that creates lots smaller than 0.8ha to maintain a clear distinction between rural areas and the more urban Country Living Zone;
 - (iii) Avoiding the creation of new lots that are wholly located on high class soils. For sites that are partially covered in high class soils, new lots are to be located primarily on that part of the site that does not include high class soils;
 - (iv) Mitigating Limiting potential reverse sensitivity effects on lawfully established productive rural activities, intensive farming, rural industry, infrastructure, or extractive activities, through ensuring new lots are designed to provide adequate setbacks for future sensitive activities.
 - (v) Ensuring that the subdivision design and layout does not adversely affect public access to rivers and water bodies or the quality of these environments.
- (d) Make limited provision for small rural lifestyle lots, where in addition to the matters set out in (a), (b), and (c) the subdivision:
 - (i) Includes the physical and legal protection of a Significant Natural Area; or
 - (ii) Includes the restoration and physical and legal protection of a natural wetland or indigenous riparian planting; or
 - (iii) Includes the provision of public parks and reserves where these are located in accordance with a Council Parks Strategy; or
 - (iv) Provides a large balance lot greater than 40ha so that an overall spacious rural character is maintained; or
 - (v) Involves a boundary relocation to create a large balance lot greater than 40ha and a limited number of small rural lifestyle lots that are clustered to form a hamlet; and
 - (vi) For (d)(iii) and (iv) avoids ribbon development and the cumulative effects of multiple small rural residential lots locating on the same road frontage.

5.3.10 Policy – Temporary events

- (a) Enable temporary events and associated structures, provided any adverse effects on the rural environment are managed by:
 - (i) limiting the timing, and duration of any temporary event;
 - (ii) ensuring noise generated by the temporary events meets the permitted noise limits for the zone.

5.3.11 Policy – Home ~~businesses~~ ~~occupations~~

- (a) ~~support~~ Enable any-home ~~businesses~~ ~~occupation~~ to enable provide flexibility for people to work from their homes, provided that it is of a scale that is consistent with the character and amenity of the rural environment.

5.3.12 Policy – Meremere Dragway

- (a) ~~Support~~ Enable the ongoing operation and activities at the Meremere Dragway, and recognise the economic and social benefits it provides to the District as a Regionally Significant Industry.

5.3.13 Policy – Waste management activities

- (a) Provide for the rehabilitation of existing quarry sites, through waste management and including landfill ~~and cleanfill~~ activities, where there is an environmental gain.
- (b) Ensure waste management facilities are appropriately located to ensure compatibility with the surrounding rural environment.
- (c) ~~Avoid~~ ~~W~~waste management facilities within the following areas ~~are undertaken in a manner that protects the natural values of:~~
 - (i) An Outstanding Natural Landscape;
 - (ii) An Outstanding Natural Feature;
 - (iii) An Outstanding Natural Character Area.

5.3.14 Policy - Signs

- (a) Manage the scale, location, appearance and number of signs ~~are managed~~ to ensure they do not detract from the visual amenity of the rural environment.
- (b) ~~Ensure signage directed at traffic does not distract, confuse or obstruct motorists, pedestrians and other road users.~~ Manage the location, colour, content, and appearance of signs directed at or visible to road or rail users is controlled to ensure that they do not adversely affect the safety of land transport users.
- (c) Limit the duration of temporary signage.
- (d) Recognise that public information signs provide value to the wider community.
- (e) Provide for appropriate signage on heritage items, notable trees and Maaori Sites of Significance for the purpose of identification ~~or~~ and interpretation.

5.3.15 Policy – Noise and vibration

- (a) Recognise and provide for the generation of noise from activities that are anticipated in the rural environment whilst managing the adverse effects of noise and vibration by ~~Adverse effects of noise and vibration are minimised by:~~
- (i) Ensuring that the maximum sound levels are compatible with the surrounding environment;
 - (ii) Limiting the timing and duration of noise-generating activities;
 - (iii) Maintaining appropriate ~~buffers~~ separation between high noise environments and noise sensitive activities;
 - (iv) Ensuring frost fans are located and operated to minimise the adverse noise effects on other sites.
 - (v) Managing the location of sensitive land uses, particularly in relation to lawfully-established activities;
 - (vi) Requiring acoustic insulation where sensitive land uses ~~activities~~ are located within high noise environments, including the Airport Noise Outer Control Boundary, Huntly Power Station, and the Gun Club Noise Control Boundary.
 - (vii) ~~Managing-Ensuring~~ the adverse effects of vibration ~~are managed~~ by limiting the timing and duration of blasting activities and maintaining sufficient setback distances between aggregate extraction activities and dwellings or identified building platforms on another site.
 - (viii) ~~Managinge~~ noise to ~~minimise limit effects on existing adjacent noise sensitive activities,~~ as far as practicable. ~~protect existing adjacent activities sensitive to noise effects.~~

5.3.16 Policy – Outdoor lighting

- (a) Enable the use of artificial outdoor lighting for night time work.
- (b) Ensure glare and light spill from permanently fixed artificial lighting in the rural environment does not:
- (i) Compromise the safe operation of the road transport network; and
 - (ii) Detract from the amenity of other sites within the surrounding environment.

5.3.17 Policy –Building scale and location

- (a) Provide for buildings and structures in the rural environment as necessary components of farming and rural-related activities including rural industry, rural commercial, and extractive activities.
- (b) Manage the size and location of buildings and structures to:
- (i) Maintain adequate levels of outlook, daylight, and privacy for adjoining sensitive land uses and public reserves; and
 - (ii) Maintain rural character, amenity, and landscape values, in particular where located in areas with high landscape values, the coastal environment, and adjacent to waterbodies.

5.3.5 18 Policy – Earthworks activities

- (a) ~~Provide for~~ Enable earthworks where they support rural activities and conservation activities including:
- (i) Ancillary rural earthworks; ~~and f~~

- (ii) Farm quarries;
 - (iii) The importation of fill material or cleanfill to a site; and
 - (iv) Indigenous biodiversity restoration ~~Conservation activity.~~
 - ~~(iii) Use of cleanfill where it assists the rehabilitation of quarries.~~
- (b) Manage ~~the effects of~~ earthworks to ensure that:
- (i) Erosion and sediment loss is avoided or mitigated;
 - (ii) The ground is geotechnically sound and remains safe and stable for the duration of the intended land use;
 - (iii) Changes to natural water flows and established drainage paths are avoided or mitigated;
 - (iv) Adjoining properties and public services infrastructure are protected;
 - (v) Historic heritage and cultural values are recognised and protected;
 - (vi) Ecosystem protection, restoration, rehabilitation or enhancement works are encouraged.

5.3.169 Policy – Specific area – Agricultural research centres

- (a) ~~Recognise~~ Enable and protect the continued operation and development of specifically identified Agricultural Research Centres that are an integral part of the agricultural sector.
- (b) Provide for a range of rural activities and agricultural research activities that complement each other.

5.3.170 Policy – Specific area – Huntly Power Station – Coal and ash management water

- (a) Recognise and protect facilities that are integral to energy production at Huntly Power Station.
- (b) Provide for specific facilities that include the handling, stockpiling, and haulage of coal and the management disposal of coal ash water within identified areas in close proximity to Huntly Power Station.

5.4 Minerals and Extractive Industries

~~5.4.1 Objective – minerals and extractive industries~~

- ~~(a) Mineral resource use provides economic, social, and environmental benefits to the district.~~

5.4.1 Objective – Extractive activities

- (a) Recognise that extractive activity contributes to the economic and social well-being of the Waikato District.

~~Policy 5.4.2 – Access to minerals and extractive industries~~

Policy 5.4.2 – Management of extractive activities

- (a) Provide for extractive activity only where ~~Enable extractive industries provided that~~ adverse effects are appropriately avoided, remedied or mitigated; and where this is not possible off-set or compensated.

- (b) Protect access to, and extraction of, mineral, aggregate and coal resources by:
 - (i) Identifying lawfully established extractive activity industries in Aggregate Extraction Areas and Coal Mining Areas on planning maps;
 - (ii) Identifying the site of a potential extractive activity industry within an Aggregate Extractive Resource Area on planning maps;
- (c) Ensure that lawfully established extractive activity industries are not compromised by new subdivision, use or development;
- (d) Avoid the location of any sensitive land use within specified building setbacks buffer areas which ~~otherwise~~ risks the effective operation of a site within an Aggregate Extraction Area, Coal Mining Area, or Extractive Resource Area ~~lawfully established extractive industry~~.

Replace all references to 'Aggregate Resource Area' in the Proposed Plan and on the Planning Maps Key with Extractive Resource Area.

5.5.1 Objective – Hamilton’s Urban Expansion Area

- (a) Protect land within Hamilton’s Urban Expansion Area for future urban development.

5.5.2 Policy – Activities within Hamilton’s Urban Expansion Area

- (a) Avoid Manage! Subdivision, use and development within Hamilton’s Urban Expansion Area that will compromise coordinated ~~to ensure~~ future urban development ~~is not compromised~~.

¹ Text amendment recommended in separate hearing on strategic directions

Definitions

Several defined terms have had amendments recommended in hearing 5. In some case the recommendations in this report build on the Hearing 5 amendments. Where this occurs, the hearing 5 amendments are shown in black underline or strikethrough, with the additional amendments recommended here shown in red.

The below statement is intended to be inserted at the start of the whole-of-chapter definitions table.

Where a word or phrase is defined in this chapter, its definition includes any variations of the word or phrase that are plural or vice versa.

Where the defined word is an activity, unless otherwise stated in the rules, the activity includes the building the activity occurs within and any ancillary activities that are integral to the day-to-day operation of the defined term.

Ancillary rural earthworks	<p>(a) Means any earthworks or disturbance of soil associated with: cultivation, land preparation (including establishment of sediment and erosion control measures), for planting and growing operations;</p> <p>(b) harvesting of agricultural and horticultural crops (farming) and forests (forestry); and</p> <p>(c) maintenance and construction of facilities typically associated with farming and forestry activities, including, but not limited to, farm/forestry tracks, roads and landings, stock races, silage pits, <u>offal pits</u>, farm drains, farm effluent ponds, feeding pads, <u>fertiliser storage pads, airstrips, helipads, post holes</u>, fencing, <u>drilling bores, stock water pipes, water tanks and troughs, the maintenance of on-farm land drainage networks</u>, and <u>erosion and sediment control measures</u>.</p> <p><u>(d) burying of material infected by unwanted organisms as declared by the Ministry for Primary Industries Chief Technical Officer or an emergency declared by the Minister under the Biosecurity Act 1993.</u></p>
<u>Artificial Crop Protection Structure</u>	<u>Means structures with material used to protect crops and/or enhance growth (excluding greenhouses).</u>
<u>Dog or cat animal boarding, daycare, breeding or animal training establishment</u>	Means an activity carried out on land or within buildings where board, <u>daycare</u> and lodging, breeding and <u>or</u> training is provided or intended to be provided for more than five <u>domestic dogs or cats</u> animals (excluding offspring up to 3 months of age). This does not include dog kennels, calf rearing sheds, stables and similar shelters for <u>ancillary to private farming or residential activities uses. agricultural and horticultural research activities or agricultural research centres.</u>
Extractive <u>Activity Industry</u>	Means taking, winning or extracting by whatever means, the naturally occurring minerals (including but not limited to coal, rock, sand, and gravel) and peat from under or on the land surface. This may include one or more of the following: <p>a) <u>excavation, blasting, processing (crushing, screening, washing, chemical separation and blending);</u></p> <p>b) <u>the storage, distribution and wholesale sale of minerals, coal or aggregates to industry;</u></p> <p>d) <u>the removal, stockpiling and deposition of overburden;</u></p>

	<p>e) <u>treatment of stormwater and wastewater;</u></p> <p>f) <u>ancillary earthworks;</u></p> <p>f) <u>landscaping and rehabilitation work, including clean filling;</u></p> <p>g) <u>ancillary buildings and structures (such as weighbridges, laboratories, site offices and residential accommodation necessary for security and custodial purposes;</u></p> <p>h) <u>internal roads and access tracks; and</u></p> <p>i) <u>quarrying activities.</u></p> <p>The term includes the processing by such means as screening, crushing, or chemical separation of minerals at or near the site, where the minerals have been taken, won or excavated.</p> <p>The term also includes the removal, stockpiling and filling of overburden sourced from the same site.</p> <p>It includes all activities and structures associated with underground coal gasification, including pilot and commercial plants and the distribution of gas. It excludes prospecting and exploration activities.</p> <p>It does not include a farm quarry or ancillary rural earthworks.</p>
Farm quarry	<p>Means the extraction of minerals or aggregate taken for use ancillary to farming and horticulture, and only used within the property of extraction. No extracted material (including any aggregate) shall be exported or removed from the property of origin and there shall be no retail or other sales of such material. For example, farm quarries include the extraction of material for <u>Common uses of aggregate include</u> farm and forestry tracks, access ways and hardstand areas on the property of origin. This does not include extractive industry.</p>
Farming noise	<p>Means noise generated by agricultural <u>farming</u> vehicles, any aircraft used for aerial spraying or fertiliser application (excluding aerodromes), <u>agricultural mobile farming</u> machinery or equipment and farm animals, including farm dogs. It does not include <u>fixed equipment or facilities,</u> bird scaring devices and frost fans.</p>
Farming	<p>Means</p> <p>(a) Any agricultural, <u>pastoral,</u> horticultural, <u>aquacultural,</u> or apicultural activity having as its primary purpose the production of any livestock, <u>fish, poultry,</u> or crop using the in-situ soil, water and air as the medium for production; and it includes:</p> <p>(b) Ancillary produce stalls;</p> <p>(a) <u>Includes initial pProcessing, as an ancillary activity</u> of farm produce grown on the <u>same site land,</u> such as cutting, cleaning, grading, chilling, freezing, packaging and storage;</p> <p>(b) <u>Includes any land and buildings used for the production of commodities from (a) and used for the initial processing of commodities in (b) and includes greenhouses, indoor hydroponics, pack houses and coolstores; but</u></p> <p>(c) <u>Excludes further processing of those commodities into a different product;</u></p> <p>(d) <u>Includes loading areas for helicopters and airstrips for top dressing and spraying the same site;</u></p> <p>(e) <u>Includes on-farm agricultural and horticultural research activities;</u></p>

	(f) <u>Excludes intensive farming.</u>
<u>Free range pig or poultry farming</u>	<u>Means the rearing of pigs or poultry where the livestock have permanent access to outdoor areas where stocking density is sufficiently low to enable the maintenance of pasture or ground cover. It includes buildings connected to the outdoor areas.</u>
Horse training centre	Means facilities for the housing and training of thoroughbred and Standardbred horses, and usually involves some form of <u>includes</u> training tracks <u>and arenas (both indoor and outdoor)</u> , but does not include any form of racing or show jumping or other activity to which the general public is permitted, whether or not an entrance fee is paid.
Intensive farming	<p>Means farming which is not dependent on the fertility of the soils on which it is located and which may be under cover or within an outdoor enclosure and be dependent on supplies of food produced on and/or off the land where the operation is located.</p> <p><u>Means farming and primary production involving livestock, poultry, or fungi whereby:</u></p> <ol style="list-style-type: none"> <u>(1) It principally occurs within a building; or</u> <u>(2) It occurs within outdoor enclosures or runs where the stocking density precludes the maintenance of pasture or ground cover; and</u> <u>(3) Livestock or poultry feeding is not primarily dependent on the fertility of the soils on which the activity is located and is instead primarily dependent on supplies of food grown or produced elsewhere and transported to the livestock or poultry.</u> <p>It includes:</p> <ol style="list-style-type: none"> <u>(a) Intensive pig farming undertaken wholly or principally in sheds or other shelters or buildings; or outdoor enclosures where stock are housed on a long-term basis and matters (2) and (3) are met;</u> <u>(b) Free-range pig farming where matters (2) and (3) are met;</u> <u>(b) Poultry or game bird farming undertaken wholly or principally within sheds or other in shelters or buildings; or outdoor enclosures where stock are housed on a long-term basis and matters (2) and (3) are met;</u> <u>(c) Free-range poultry or game bird farming where matters (2) and (3) are met;</u> <p>© mushroom farming; and</p> <p>©(f) Intensive goat farming <u>Animal feed lots that are barns or covered or uncovered pens enclosures where stock are housed on a long-term basis and matters (2) and (3) are met.</u></p>

	<p>It excludes the following, provided the building is used for the purpose which it was built:</p> <p>(a) Woolsheds;</p> <p>(b) Dairy sheds;</p> <p>(c) Indoor rearing or weaning of livestock or under cover wintering accommodation calf pens or wintering accommodation for less no more than 3 months in any calendar year 30 stock (except where stock are being reared for the replacement of breeding stock to be used on the same property) or under cover wintering accommodation;</p> <p>(d) Feed pads and stand-off pads ancillary to pasture-based farming;</p> <p>(e) Horse stables;</p> <p>(f) Poultry hatcheries;</p> <p>glasshouse (g) Greenhouse production or nurseries.</p>
Meremere dragway activity	<p>Means an activity at Meremere Dragway as shown on the planning maps that involves motor propulsion to provide entertainment, education or training for the general public or to an individual participating in the activity. It and includes but is not limited to ancillary non-motorised recreation and commercial activities, driver training or education, police or security training, and vehicle testing, and ancillary facilities such as club rooms/clubhouses, spectator stands, lighting and associated support structures, mechanical workshops and fuel storage and pumps.</p>
Mineral	<p><u>Has the same meaning as in section 2 of the Crown Minerals Act 1991.</u></p> <p>Means a naturally-occurring inorganic substance beneath or at the surface of the earth, whether or not under water; and includes all metallic minerals, non-metallic minerals, fuel minerals—including coal, precious stones, industrial rocks and building stones, and a prescribed substance within the meaning of the Atomic Energy Act 1945.</p> <p><u>For clarity, mineral for the purpose of the Plan includes coal and aggregate.</u></p>
<u>Motorised sport and recreation</u>	<p><u>Means a recreation facility used for participating in or viewing land-based motor sports. It includes car, truck, go-kart and motorbike racing tracks and accessory ancillary facilities such as club rooms/clubhouses, spectator stands, lighting and associated support structures, mechanical workshops and fuel storage and pumps. It excludes activities located within either the Motor Sport and Recreation Zone, or Meremere Dragway activity, which are subject to separate definitions.</u></p>
<u>Official sign</u>	<p><u>Means all signs required or provided for under any statute or regulation, or are otherwise related to aspects of public safety.</u></p>
Produce stall	<p>Means any land, building or part of any building that is used for the sale of farm and garden produce grown or produced on the site on which the produce stall is sited, or grown or produced on a site owned or leased by the same landowner. It includes the use of a trailer, handcart,</p>

	barrow or similar structure, whether temporary or permanent. Weighing and packaging is part of the activity of a produce stall.
<u>Reverse sensitivity</u>	<p>Means the effect on existing lawful activities from the introduction of new sensitive land uses that may lead to restrictions on existing lawful activities as a consequence of complaints.</p> <p><u>Means the vulnerability of a lawfully established activity to a new activity or land use. It arises when a lawfully established activity causes potential, actual to perceived adverse environmental effects on the new activity, to a point where the new activity may seek to restrict the operation or require mitigation of the effects of the established activity.</u></p>
<u>Rural ancillary earthworks</u>	Means the disturbance of soil associated with cultivation, land preparation (including of sediment and erosion control measures), for planting and growing operations and harvesting of agricultural and horticultural crops and forests; and maintenance and construction of facilities typically associated with farming and forestry activities, including but not limited to farm/forestry tracks, roads and landings, stock races, silage pits, farm drains, farm effluent ponds, and fencing and sediment control measures.
<u>Rural commercial</u>	<u>Means commercial activities that have a direct functional or operational need to locate in the Rural Zone or that service productive rural activities. It includes veterinary practices, wineries and wedding venues, adventure tourism, farm tourism, and includes ancillary activities. It excludes visitor accommodation.</u>
<u>Rural industry</u>	<p>Means an industry that involves the direct handling or processing to the first stage of manufacture of any raw produce harvested from farming, rural contractors' depots, or any other land-related agricultural activity, but excludes waste disposal, extractive industries and electricity generation.</p> <p><u>Means an industry or business undertaken in a rural environment that directly supports, services, or is dependent on primary production. It includes packhouses and coolstores that handle produce sourced from other sites, feed mills and animal feed production, and rural contractors' depots. It excludes waste disposal and extractive activities.</u></p>

Chapter 22: Rural Zone

- (1) The rules that apply to activities in the Rural Zone are contained in Rule 22.1 Land Use – Activities, Rule 22.2 Land Use – Effects and Rule 22.3 Land Use – Building.
- (2) The rules that apply to subdivision in the Rural Zone are contained in Rule 22.4
- (3) The activity status tables and standards in the following chapters also apply to activities in the Rural zone:
 - 14 Infrastructure and Energy;
 - 15 Natural Hazards and Climate Change (Placeholder).
- (4) The following symbols are used in the tables:
 - (a) PR Prohibited activity
 - (b) P Permitted activity
 - (c) C Controlled activity
 - (d) RD Restricted discretionary activity
 - (e) D Discretionary activity
 - (f) NC Non-complying activity
- (5) The Rural Zone contains four Specific Areas listed below. These Specific Areas contain rules that are either in addition to, or different from, other rules that apply to the rest of the Rural Zone.
 - (a) Rule 22.5 Agricultural Research Centre;
 - (b) Rule 22.6 Huntly Power Station - Coal and Ash Water;
 - (c) Rule 22.7 Whaanga Coast Development Areas
 - (d) Rule 22.8 Lakeside Te Kauwhata Precinct

22.1 Land Use – Activities

Rules 22.1.1 – 22.1.6 – Permitted to prohibited activities

22.1.1 – Prohibited activities

PRI	Any building, structure, objects or vegetation that obscure the sight line of the Raglan navigation beacons for vessels entering Whaingaroa (Raglan Harbour) (refer to Appendix 7).
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Rule 22.1.2 – Permitted Activities

- (1) The following activities are permitted activities if they meet all the following:
 - (a) Activity-specific conditions:
 - ~~(a)(b)~~ Land Use – Effects rules in Rule 22.2 (unless the activity rule and/or **activity-specific** conditions identify a condition(s) that does not apply);
 - ~~(b)(c)~~ Land Use – Building rules in Rule 22.3 (unless the activity rule and/or **activity-specific** conditions identify a condition(s) that does not apply);
 - ~~© Activity-specific conditions.~~

Activity		Activity specific conditions
P7 PI	<u>Farming</u>	<u>Nil</u>
P1 P+ 2	A Marae Complex or Papakainga Housing Development on Maaori Freehold Land or on Maaori Customary Land.	<ul style="list-style-type: none"> (a) Land Use – Effects in Rule 22.2; (b) Land Use – Building in Rule 22.3 except: <ul style="list-style-type: none"> (i) Rule 22.3.1 (Number of dwellings) does not apply; (ii) Rule 22.3.2 (Minor Dwellings) does not apply; (iii) Rule 22.3.3 (Buildings and structures in Landscape and Natural Character Areas) does not apply; (iv) Rule 22.3.4 (Building Height) does not apply; (v) Rule 22.3.6 (Building Coverage) does not apply; (c) Building height does not exceed 7.5m in any of the following areas: <ul style="list-style-type: none"> (i) Outstanding Natural Landscape; (ii) Outstanding Natural Feature; (iii) Outstanding Natural Character Area of the coastal environment; (iv) High Natural Character Area of the coastal environment; (d) A Concept Management Plan is provided, with either: <ul style="list-style-type: none"> (i) A Licence to Occupy at the time of lodgement of the building consent application where the land is vested in trustees whose authority is defined in a Trust Order and/or a Maaori Incorporation; or (ii) Where a Trust Order or Maaori Incorporation does not exist, one of the following instruments is provided to Council at the time of lodgement of the building consent application: <ul style="list-style-type: none"> A. A lease; or B. An Occupation Order of the Māori Land Court.
P2 P3	A temporary event	<ul style="list-style-type: none"> (a) The event occurs no more than 3 6 times per consecutive 12 month period; (b) The duration of each event is less than 72 hours; (c) It may operate between 7.30am to 8:30pm Monday to Sunday; (d) Temporary structures are: <ul style="list-style-type: none"> (i) erected no more than 2 days before the event occurs; (ii) removed no more than 3 days after the end of the event; (e) The site is returned to its previous condition no more than 3 days after the end of the event; (f) There is no direct site access from a national

		route or regional arterial road.
P3 4	Cultural event on Maaori Freehold Land containing a Marae Complex	Nil
P4 5	A home occupation-business	<p>(a) It is wholly contained within a building;</p> <p>(b) The storage of materials or machinery associated with the home occupation is <u>either wholly contained within a building, or where outside occupies no more than 100m² of site area and is located where it is not visible from other sites or public roads;</u></p> <p>(c) No more than 2 people who are not permanent residents of the site are employed at any one time;</p> <p>(d) Unloading and loading of vehicles or the receiving of customers or deliveries only occur after 7:-30am and before 7:00pm on any day;</p> <p>(e) Machinery may <u>can</u> be operated after 7:30am and up to 9pm <u>7:00pm</u> on any day;</p> <p>(f) <u>The home business shall not occupy more than 200m² in total within buildings and outdoor storage areas.</u></p>
P5 6	Meremere Dragway Activity	<p>(a) Land Use – Effects in Rule 22.2; and</p> <p>(b) Land Use – Building in Rule 22.3.</p>
P6	Afforestation not in an Outstanding <u>Natural Landscape Area-or Outstanding Natural Feature</u>	(a) <u>Be undertaken in accordance with Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017. Where compliance is not achieved with the permitted activity standards in the NES, then the activity is subject to the activity status as set out in the NES.</u>
P7	<u>Farming Forestry</u>	<p>Nil</p> <p>(a) <u>Be undertaken in accordance with Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017. Where compliance is not achieved with the permitted activity standards in the NES, then the activity is subject to the activity status as set out in the NES</u></p>
P8	<u>Forestry</u>	Nil
P9 8	Produce stall	Nil
P10 1	Home stay	(a) <u>Have no more than 5 guests.</u>
P11 2	Equestrian Centre	Nil
P12 3	Horse Training Centre	Nil
P13 4	<u>Visitors' Accommodation</u>	<p>(a) <u>Have no more than 5 guests; and</u></p> <p>(b) <u>Be within a building that was existing as at <u>date of decision.</u></u></p>
P14 5	<u>Residential</u>	Nil

P16	<u>Emergency services training and management activities</u>	<u>Nil</u>
P17	<u>Conservation activity</u>	<u>Nil</u>
P18	<u>Childcare</u>	(a) <u>Have no more than four non-resident children.</u>
P19	<u>Atawhai Assisi Retirement Village (Lot 1 DPS21156) maintenance, operation, and alteration</u>	(a) <u>The alterations do not increase net floor area.</u> (b) <u>Land Use – Effects in Rule 22.2;</u> (c) <u>Land Use – Building in Rule 22.3 except:</u> (i) <u>Rule 22.3.1 (Number of dwellings) does not apply;</u> (ii) <u>Rule 22.3.2 (Minor Dwellings) does not apply;</u> (iii) <u>Rule 22.3.6 (Building Coverage) does not apply.</u>
P20	<u>Maintenance, operation, and alterations to:</u> (a) <u>Dilworth School (legal description);</u> (b) <u>Tamahere Hospital (legal description);</u> <u>Note: additions to these facilities are subject to Rule 22.1.3 RD3</u>	(a) <u>The alterations do not increase net floor area</u>
P21	<u>Mineral exploration and prospecting, including:</u> (a) <u>Sampling by methods involving hand tools;</u> (b) <u>Mechanical sampling where there is existing vehicle access to the area to be trenched or sampled;</u> (c) <u>Samples taken using explosives;</u> (d) <u>Geophysical surveys not using explosives.</u>	(a) <u>Shall not be located within all or part of any of the following landscape and natural character areas:</u> (i) <u>Outstanding Natural Feature;</u> (ii) <u>Outstanding Natural Landscape;</u> (iii) <u>High natural character area;</u> (iv) <u>Outstanding Natural Character area.</u> (b) <u>All drilling is limited to 150mm in diameter and a density of one drill site per hectare.</u> (c) <u>The cumulative length of trenching or sampling does not exceed 50 lineal metres per hectare</u> (d) <u>Where areas are disturbed, topsoil shall be stockpiled and replaced over such areas, and the site shall be rehabilitated and restored generally to its original condition within 1 month of sampling being completed.</u> (e) <u>The use of explosives for sampling shall only occur between 7am to 7pm.</u>
P22	<u>Free range pig or poultry farming</u>	<u>Nil</u>

22.1.3 Restricted Discretionary Activities

(1) The activities listed below are restricted discretionary activities.

Activity		Matters of Discretion
RDI	(a) Intensive Farming that meets all of the following conditions:	(a) Council's discretion is restricted to the following matters: (i) traffic effects;

	<ul style="list-style-type: none"> (i) Land Use – Effects in Rule 22.2 (ii) Land Use – Building in Rule 22.3 (iii) Building coverage does not exceed 3% of the site: <ul style="list-style-type: none"> A. Rule 22.3.6 (Building Coverage) does not apply; (iv) Building height does not exceed 15m; <ul style="list-style-type: none"> A. Rule 22.3.4 (Building Height) does not apply; (b) <u>Intensive farming</u> it is not located in: <ul style="list-style-type: none"> (i) An Outstanding Natural Feature; (ii) An Outstanding Natural Landscape; (iii) A Significant Amenity Landscape; (iv) An Outstanding Natural Character Area; or (v) A High Natural Character Area (c) For <u>intensive</u> pig farming, buildings and <u>adjacent yard areas outdoor enclosures</u> are set back at least: <ul style="list-style-type: none"> (i) 300 metres from any site boundary; (ii) From any boundary of a Residential, Village or Country Living <u>Zone</u>: <ul style="list-style-type: none"> A. 1200 metres (500 or <u>fewer less</u> pigs); or B. 2000 metres (more than 500 pigs); (d) For free-range poultry farming, buildings and outdoor enclosures are set back at least: <ul style="list-style-type: none"> (i) 100 metres from any site boundary; and (ii) 500 metres from any boundary of a Residential, Village and Country Living Zone; (d) (e) For housed <u>or free-range</u> poultry <u>that meets the definition for intensive farming</u>, and all other intensive farming, buildings and <u>adjacent yard areas outdoor enclosures</u> are set back at least: <ul style="list-style-type: none"> (i) 300 metres from any site boundary; and (ii) 500 metres from any boundary of a Residential, Village and Country Living Zone. 	<ul style="list-style-type: none"> (ii) effects on amenity values, including odour, visual impact, landscaping; (iii) location, type and scale of development; and (iv) noise effects; and (v) <u>odour and dust except where a Certificate of Compliance or resource consent has been obtained from the Waikato Regional Council for air discharges.</u> (vi) <u>Whether the farm will operate in accordance with an approved farm Environment Plan or relevant industry codes of practice. As</u>
RD2	<ul style="list-style-type: none"> (a) Rural Industry, <u>including packhouses and coolstores that handle produce sourced from other sites, feed mills and animal feed production, and rural contractors' depots; that meet the following conditions:</u> <ul style="list-style-type: none"> (i) <u>Not in an Urban Expansion Area;</u> (ii) <u>Is not an extractive activity.</u> 	<ul style="list-style-type: none"> (a) Council's discretion is restricted to the following matters: <ul style="list-style-type: none"> (i) <u>Whether the scale and nature of the activity is consistent with managing urban growth through the consolidation of townships and the extent to which it is necessary to locate in the Rural Zone;</u> (ii) effects on rural character and amenity <u>of both the streetscape and neighbours with particular regard to the bulk and location of buildings,</u> (iii) location, type and scale of development; (iv) waste disposal; (v) nuisance effects including: light spill and glare, odour, dust, noise; <ul style="list-style-type: none"> (i) traffic effects.

<p><u>RD3</u></p>	<p>(a) <u>Child care facility for five or more non-resident children;</u></p> <p>(b) <u>Education facilities that are primary or secondary schools;</u></p> <p>(c) <u>Community facility;</u></p> <p><u>Where (a)-(c) meet the following condition:</u></p> <p>(i) <u>Not in an Urban Expansion Area</u></p>	<p>(a) <u>Council's discretion is restricted to the following matters:</u></p> <p>(i) <u>Whether the scale and nature of the activity is consistent with managing urban growth through the consolidation of townships and the extent to which it is necessary to locate in the Rural Zone;</u></p> <p>(ii) <u>Effects on rural character and amenity of both the streetscape and neighbours with particular regard to the bulk and location of buildings;</u></p> <p>(iii) <u>Nuisance effects including light spill and glare, odour, dust, and noise;</u></p> <p>(iv) <u>Traffic effects;</u></p> <p>(v) <u>Reverse sensitivity effects on existing farming, intensive farming, rural industry, or mineral extraction activities;</u></p> <p>(vi) <u>Whether the facilities are designed to meet Crime Prevention Through Environmental Design outcomes;</u></p>
<p><u>RD4</u></p>	<p><u>Rural Commercial that meet the following condition:</u></p> <p>(i) <u>Not in an Urban Expansion Area</u></p>	<p>(a) <u>Council's discretion is restricted to the following matters:</u></p> <p>(i) <u>Whether the scale and nature of the activity is consistent with managing urban growth through the consolidation of townships and the extent to which it is necessary to locate in the Rural Zone;</u></p> <p>(ii) <u>Effects on rural character and amenity of both the streetscape and neighbours with particular regard to the bulk and location of buildings;</u></p> <p>(iii) <u>Nuisance effects including light spill and glare, odour, dust, and noise;</u></p> <p>(iv) <u>Traffic effects;</u></p> <p>(vi) <u>Reverse sensitivity effects on existing farming, intensive farming, rural industry, or mineral extraction activities;</u></p>

RD5	<p><u>Emergency service facilities</u></p>	<p>(a) <u>Council's discretion is restricted to the following matters:</u></p> <ul style="list-style-type: none"> (i) <u>effects on rural character and amenity.</u> (ii) <u>location, type and scale of development;</u> (iii) <u>nuisance effects including: light spill and glare, odour, dust, noise;</u> (iv) <u>traffic effects.</u>
RD6	<p><u>Agricultural and horticultural research facilities that meet the following condition:</u></p> <ul style="list-style-type: none"> (i) <u>Not in an Urban Expansion Area.</u> <p><u>Note: For research activities undertaken within an Agriculture Research Centre Specific Area, Section 22.5 applies.</u></p>	<p>(a) <u>Council's discretion is restricted to the following matters:</u></p> <ul style="list-style-type: none"> (i) <u>Effects on rural character and amenity;</u> (ii) <u>Nuisance effects including light spill and glare, odour, dust, and noise;</u> (iii) <u>Traffic effects;</u> (iv) <u>Reverse sensitivity effects on existing farming, intensive farming, rural industry, or mineral extraction activities;</u> (v) <u>Whether the scale and nature of the activity is consistent with managing urban growth through the consolidation of townships.</u>
RD7	<p><u>An extractive activity or waste management activity located within an Aggregate Extraction Area, Coal Mining Area or Extractive Resource Area.</u></p>	<p>(a) <u>Council's discretion is restricted to the following matters:</u></p> <ul style="list-style-type: none"> (i) <u>effects on rural character and amenity;</u> (ii) <u>location, type and scale of development;</u> (iii) <u>nuisance effects including: dust, noise, vibration, odour and light spill;</u> (iv) <u>industry best practice and use of management plans;</u> (v) <u>traffic effects;</u> (vi) <u>erosion and sediment control;</u> <u>and</u> (vii) <u>rehabilitation and end use including back filling.</u>

RD8	<p><u>Atawhai Assisi Retirement (Lot 1 DPS21156) alterations and additions that increase net floor area and that meet all of the following conditions:</u></p> <p>(a) <u>Land Use – Effects in Rule 22.2:</u> (b) <u>Land Use – Building in Rule 22.3 except:</u></p> <p>(i) <u>Rule 22.3.1 (Number of dwellings) does not apply;</u> (ii) <u>Rule 22.3.2 (Minor Dwellings) does not apply;</u> (iii) <u>Rule 22.3.6 (Building Coverage) does not apply.</u></p>	<p>(a) <u>Council’s discretion is restricted to the following matters:</u></p> <p>(i) <u>effects on rural character and amenity;</u> (ii) <u>The visual and amenity effects of building bulk and scale;</u> (iii) <u>Connectivity to, and capacity of, existing towns and villages, including connections to existing walkways, roads, and public transport;</u> (iv) <u>Connectivity to public reticulated water supply and wastewater, or the adequacy of services provided on-site;</u> (v) <u>Reverse sensitivity effects on existing farming, intensive farming, rural industry, or mineral extraction activities;</u> (vi) <u>Traffic effects.</u></p>
RD9	<p><u>Mineral exploration and prospecting that does not comply with Rule 22.1.2 P21</u></p>	<p>(a) <u>The extent of the proposed earthworks;</u> (b) <u>Separation from sensitive activities;</u> (c) <u>The visual and amenity effects of stockpiles;</u> (d) <u>Amenity effects relating to the hours of operation and noise;</u> (e) <u>Landscape and ecological effects;</u> (f) <u>Effects on waterbodies, riparian margins, and wetlands;</u> (g) <u>Site restoration</u> (h) <u>Financial contributions towards landscaping, site restoration, and roading.</u></p>

22.1.4 5 Discretionary Activities

(1) The activities listed below are discretionary activities.

D1	<p>Any permitted activity that does not comply with <u>one or more of the an</u> activity specific condition in Rule 22.1.2</p>
D2	<p>Any permitted activity that does not comply with Land Use—Effects Rule 22.2 or Land Use—Building Rule 22.3 unless the activity status is specified as controlled, restricted discretionary or non-complying activity.</p>

D32	Any activity that does not comply with (Rule 22.1.3 RD1 or RD2)
D43	A waste management facility <u>located outside an Aggregate Extraction Area, Coal Mining Area or Extractive Resource Area.</u>
D54	Hazardous waste storage, processing or disposal.
D65	(a) An education facility <u>that is not a primary or secondary school.</u> <u>(b) Education, child care or community facilities located in an Urban Expansion Area.</u>
D76	A correctional facility
D87	An extractive industry activity located outside an Aggregate Extraction Area, Coal Mining Area or Extractive Resource Area.
D9	A commercial activity, excluding a produce stall
D10	An industrial activity
D18	Travellers' Visitors' Accommodation for 6 or more than 5 people or that is within a building that was constructed after <u>date of decision.</u>
D19	Motorised <u>sport and</u> recreation activity
D130	Transport depot
D141	Place of Assembly
D152	Afforestation of any part of an Outstanding <u>Natural Landscape or Outstanding Natural Feature.</u> or Natural Character Area or High Natural Character Area.
D163	A <u>dog or cat</u> boarding, <u>daycare</u> , breeding or animal training establishment
D14	<u>Home stay for 6 or more guests.</u>

22.1.5 Non-Complying Activities

(I) The activities listed below are non-complying activities.

NC1	Construction of a building located on an indicative road <u>prior to that road being constructed and vested in Council.</u>
NC2	(f) An extractive <u>activity industry</u> located within all or part of any of the following <u>landscape and natural character areas</u> : (v) Outstanding Natural Feature; (vi) Outstanding Natural Landscape; (vii) High natural character area; (viii) Outstanding Natural Character area.
NC3	(a) A waste management facility located within all or part of any of the following <u>landscape and natural character areas</u> : (i) Outstanding Natural Feature; (ii) Outstanding Natural Landscape; (iii) High Natural Character area; or (iv) Outstanding Natural Character Area.
NC4	(a) <u>The following activities located</u> within the Urban Expansion Area, the following activities : (i) intensive farming; (ii) storage, processing or disposal of hazardous waste; (iii) correctional facility; (iv) extractive <u>activity industry</u> ; (v) industrial activity, <u>including rural industry</u> ; (vi) <u>rural commercial</u> ; (vii) <u>agricultural and horticultural research facilities</u> ; (vi-viii) motorised <u>sport and</u> recreation activity ;

	(viii ix) transport depot.
NC5	(a) <u>Industrial activity, excluding a rural industrial activity</u> (b) <u>Commercial activity, excluding a produce stall or rural commercial activity</u>
NC56	Any other activity that is not listed as Prohibited, Permitted, Restricted Discretionary or Discretionary.

22.2 Land Use Effects

22.2.1 Noise

~~(1) Rules 22.2.1.1 to 22.2.1.3 provide the permitted noise levels for noise generated by land use activities.~~

~~(1) (2)~~ Rule 22.2.1.1 Noise – general provides permitted noise levels in the Rural Zone.

~~(2) (2)~~ Noise levels for specific activities are provided in Rules 22.2.1.2 Noise – Frost Fans and 22.2.1.3 Noise – Construction.

~~(3) Noise generated by activities permitted under Rule P1 are not subject to Rules P2-P4.~~

22.2.1.1 Noise – General

P1	Farming noise, and noise generated by <u>hunting</u> , emergency generators and emergency sirens.
P2	(a) Noise measured at the notional boundary on any other site in the Rural Zone must not exceed: (i) 50dB (LAeq), 7am to 7pm every day; (ii) 45dB (LAeq), 7pm to 10pm every day; (iii) 40dB (LAeq) and 65dB (LAmax), 10pm to 7am the following day. (b) <u>Noise measured within any site in any zone, other than the Rural Zone, must meet the permitted noise levels for that zone.</u> (c) <u>Noise levels must be measured in accordance with the requirements of New Zealand Standard NZS 6801:2008 “Acoustics – Measurement of Environmental Sound”.</u> (d) <u>Noise levels must be assessed in accordance with the requirements of New Zealand Standard NZS 6802:2008 “Acoustic – Environmental noise”.</u>
P3	(a) Noise measured within any site in any zone, other than the Rural Zone, must meet the permitted noise levels for that zone.
P4	(a) Noise levels must be measured in accordance with the requirements of New Zealand Standard NZS 6801:2008 “Acoustics – Measurement of Environmental Sound”. (b) Noise levels must be assessed in accordance with the requirements of New Zealand Standard NZS 6802:2008 “Acoustic – Environmental noise”.
DI	Noise that does not comply with Rule 22.2.1.1 P1, P2, P3 or P4 .

Rule 22.2.1.2 – Frost Fans

PI	<p>(a) Noise generated by a frost fan must not exceed 55dB (L_{Aeq}) when measured at the notional boundary on any site in the Rural Zone and within any site in the Country Living Zone, Village Zone or Residential Zone.</p> <p>(b) <u>Noise levels must be measured in accordance with the requirements of New Zealand Standard NZS 6801:2008 Acoustics - Measurement of Environmental Sound.</u></p> <p>(c) <u>Noise levels must be assessed in accordance with the requirements of New Zealand Standard NZS 6802:2008 Acoustic- Environmental noise.</u></p>
RDI	<p>(a) Noise generated by a frost fan that does not comply with Rule 22.2.1.2 PI.</p> <p>(b) <u>Council's discretion is restricted to the following matters:</u></p> <ul style="list-style-type: none"> (i) <u>effects on amenity values;</u> (ii) <u>the location and proximity of the fans to sensitive activities;</u> (iii) <u>noise levels;</u> (iv) <u>the adequacy of any mitigation.</u>

22.2.1.3 Noise – Construction

PI	<p>(a) Construction noise generated from a construction site must not exceed <u>meet</u> the limits in New Zealand Standard NZS 6803:1999 (Acoustics – Construction Noise).</p> <p>(b) Construction noise must be measured and assessed in accordance with the requirements of New Zealand Standard NZS6803:1999 'Acoustics – Construction Noise'.</p>
RDI	<p>(a) Construction noise that does not comply with Rule 22.2.1.3 PI.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (i) effects on amenity values; (ii) hours and days of construction; (iii) noise levels; (iv) timing and duration; (v) methods of construction.

22.2.1.4 Noise – Extractive activity

PI	<p>(a) <u>Noise generated by extractive activity from a facility existing or operating under resource consent at (date of decision), shall be measured at the notional boundary of any residential unit existing at 25 September 2004, or at any site in a Residential, Village, or Country Living Zone;</u></p> <p>(b) <u>Noise generated by new extractive activity located within a Coal Mining Area, Aggregate Extraction Area, or Extractive Resource Area shall be measured at the notional boundary of any residential, or at any site in a Residential, Village, or Country Living Zone;</u></p> <p>(c) <u>Noise generated from extractive activity subject to clause (a) or (b) shall not exceed:</u></p> <ul style="list-style-type: none"> (iv) <u>55dB (L_{Aeq}), 7am to 7pm Monday to Friday;</u> (v) <u>55dB (L_{Aeq}), 7am to 6pm Saturday;</u> (vi) <u>50dB (L_{Aeq}), 7pm to 10pm Monday to Friday;</u> (vii) <u>50dB (L_{Aeq}), 7am to 6pm Sundays and Public Holidays;</u> (viii) <u>45dB (L_{Aeq}) and 70dB (L_{AFmax}) at all other times including Public Holidays.</u>
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	<p>(d) Noise levels must be measured in accordance with the requirements of New Zealand Standard NZS 6801:2008 “Acoustics – Measurement of Environmental Sound”.</p> <p>(e) Noise levels must be assessed in accordance with the requirements of New Zealand Standard NZS 6802:2008 “Acoustic – Environmental noise”.</p>
DI	Noise that does not comply with Rule 22.2.1.4 PI

22.2.2 Glare and Artificial Light Spill

PI	<p>(a) Illumination from glare and artificial light spill shall not exceed 10 lux measured horizontally and vertically at the notional boundary on any other site in the Rural Zone; at any road boundary or within any other site in the Residential, Village or Country Living Zones;</p> <p>(b) Rule 22.2.2 PI (a) does not apply to vehicles used in farming activities and agricultural equipment.;</p> <p>(c) Any artificial lighting from vehicles used in farming activities and agricultural equipment shall be operated so that direct or indirect illumination does not create a nuisance to occupants of adjoining or nearby sites.</p>
RD I	<p>(a) Illumination from glare and artificial light spill that does not comply with Rule 22.2.2 PI</p> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (i) effects on amenity values; (ii) light spill levels on other sites; (iii) road safety; (iv) duration and frequency; (v) location and orientation of the light source; (vi) mitigation measures; (vii) location and orientation of the light source.

22.2.3 Earthworks

- (1) Rule 22.2.3.1 – Earthworks General, provides the permitted rules for earthworks in the Rural Zone. These rules do not apply to earthworks for subdivision [or extractive activities](#).
- (2) There are specific standards for earthworks within rules:
 - (a) Rule 22.2.3.2 – Earthworks - Maaori Sites and Maaori Areas of Significance
 - (b) Rule 22.2.3.3 – Earthworks - Significant Natural Areas
 - (c) Rule 22.2.3.4 – Earthworks – within Landscape and Natural Character Areas
- (3) [The National Environmental Standards for Freshwater 2020 also contain rules relating to earthworks and apply in addition to the District Plan rules.](#)

22.2.3.1 Earthworks – General

PI	<p>(a) Except as otherwise specified in Rule 22.2.3.2, Rule 22.2.3.3 or Rule 22.2.3.4 Earthworks for:</p> <ul style="list-style-type: none"> (i) Ancillary rural earthworks;
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	<p>(ii) A Farm quarry where the volume of aggregate <u>extracted</u> does not exceed 1000m³ <u>per in any</u> single consecutive 12 month period;</p> <p>(iii) Construction and/or maintenance of tracks, fences or drains;</p> <p>(iii) <u>Earthworks required to form a A-building platform that will be subject to a building consent for a residential activity, including accessory buildings, where undertaken in accordance with NZS 4431:1989 Code of Practice for Earth Fill for Residential Development;</u></p> <p>(iv) <u>Earthworks are setback 5m horizontally from any waterway, open drain or overland flow path, unless undertaken in order to construct a building permitted under Rule 22.3.7.5 P2.</u></p> <p><u>(b) Earthworks ancillary to a conservation activity must meet the following conditions:</u></p> <p><u>(i) Sediment resulting from the earthworks is managed retained on the site through implementation and maintenance of erosion and sediment controls.</u></p>
P2	<p><u>With the exception of earthworks for the activities listed in Rule 22.2.3.1 P1</u></p> <p>(a) Earthworks within a site must meet all of the following conditions:</p> <p>(i) Do not exceed a volume of more than 1000m³ and an area of more than 2000m² over <u>in</u> any single consecutive 12 month period;</p> <p>(ii) The total <u>combined</u> depth of any excavation (<u>excluding drilling</u>) or filling does not exceed 3m above or below <u>natural</u> ground level;</p> <p>(iii) <u>Take place on land</u> with a maximum slope of 1:2 (1 vertical to 2 horizontal);</p> <p>(iv) Earthworks are setback a <u>minimum of</u> 1.5m from all boundaries;</p> <p>(v) Areas exposed by earthworks are <u>stabilised on completion and any remaining bare ground</u> re-vegetated to achieve 80% ground cover within 6 months of the commencement of the earthworks;</p> <p>(vi) Sediment resulting from the earthworks is <u>managed retained</u> on the site through implementation and maintenance of erosion and sediment controls;</p> <p>(vii) Do not divert or change the nature of natural water flows, water bodies or established drainage paths.</p>
P3	<p>(a) Earthworks for the purpose of creating a building platform for residential purposes within a site, using imported fill material must meet the following condition:</p> <p>(i) Be carried out in accordance with NZS 4431:1989 Code of Practice for Earth Fill for Residential Development.</p>
P43	<p><u>With the exception of earthworks for the activities listed in Rule 22.2.3.1 P1</u></p> <p>(i) Earthworks for purposes other than creating a building platform for residential purposes within a site, using imported fill material or cleanfill must meet all of the following conditions:</p> <p>(ii) <u>Do</u> not exceed a total volume of <u>200 500m³ in any single consecutive 12 month period;</u></p> <p>(iii) <u>Do</u> not exceed a depth of 1m <u>above natural ground level;</u></p> <p>(iv) <u>T</u>he slope of the resulting filled area in stable ground <u>must does</u> not exceed a maximum slope of 1:2 (1 vertical to 2 horizontal);</p> <p>(v) <u>F</u>ill material is setback <u>a minimum of</u> 1.5m from all boundaries;</p> <p>(vi) <u>A</u>reas exposed by filling are revegetated to achieve 80% ground cover within 6 months of the commencement of the <u>filling earthworks;</u></p> <p>(vii) <u>S</u>ediment resulting from the filling is retained on the site through implementation and maintenance of erosion and sediment controls.</p> <p>(viii) Does not divert or change the nature of natural water flows, water bodies or established drainage paths.</p>

RD I	<p>(a) Earthworks that do not comply with Rule 22.2.3.1 P1, P2, or P3 or P4.</p> <p>(b) Council's discretion shall be limited to the following matters:</p> <ul style="list-style-type: none"> (i) amenity values and landscape effects; (ii) volume, extent and depth of earthworks; (iii) nature of fill material; (iv) contamination of fill material or cleanfill; (v) location of the earthworks to waterways, significant indigenous vegetation and habitat; (vi) compaction of the fill material; (vii) volume and depth of fill material; (viii) protection of the Hauraki Gulf Catchment Area; (ix) geotechnical stability; (x) flood risk, including natural water flows and established drainage paths; (xi) land instability, erosion and sedimentation; (xii) <u>effects on the safe, effective and efficient operation, maintenance and upgrade of infrastructure, including access.</u>
<p><i>Drafting note: Rules relating to earthworks in proximity to Transpower's transmission network are to be included. It is recommended that these are located in the Infrastructure chapter as a single cross-zone rule package.</i></p>	

22.2.6 Signs

- (a) Rule 22.2.6.1 Signs – General provides permitted standards for any sign, including real estate signs, across the entire Rural Zone.
- (b) Rule 22.2.6.2 Signs – effects on traffic apply specific standards for signs that are directed at road users.

22.2.6.1 Signs – General

PI	<p><u>(a) A public information sign erected by a government agency or an official sign.</u></p> <p><u>(b) Signs that are located within a building or that are not visible from a road or adjoining site.</u></p> <p><u>(c) Signs permitted by (a) or (b) are not subject to P2.</u></p>
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P2	<p>(a) A sign must comply with all of the following conditions:</p> <ul style="list-style-type: none"> (i) It is the only sign on the site; (ii) The sign is wholly contained on the site; (iii) The sign does not exceed 3m²; (iv) The sign height does not exceed 3m; (v) The sign is not illuminated, (vi) The sign does not contain any moving parts, fluorescent, flashing or revolving lights or reflective materials; (vii) The sign is set back at least 50m from a state highway and the Waikato Expressway; (viii) The sign is not attached to a notable tree identified in Schedule 30.2 (Notable Trees), except for the purpose of identification; (ix) The sign is not attached to a heritage item listed in Schedule 30.1 (Historic Heritage Items) except for the purpose of identification and interpretation; (x) The sign is <u>is for the purpose of identification and interpretation of not attached to</u> a Maaori site of significance listed in Schedule 30.3 (Maaori Sites of Significance) <u>except for the purpose of identification and interpretation;</u> (xi) The sign relates to: <ul style="list-style-type: none"> A. Goods or services available on the site; or B. A property name sign.
P3	<ul style="list-style-type: none"> (i) A real estate 'for sale' sign relating to the site on which it is located must <u>comply with all of the following conditions: not:</u> (ii) Have more than 1 <u>3</u> signs per site agency; (iii) Be <u>The sign is not</u> illuminated; (iv) <u>The sign does not c</u>ontain any moving parts, fluorescent, flashing or revolving lights or reflective materials; (v) <u>The sign does not exceed 3m²;</u> (vi) <u>Any real estate sign shall be removed within 20 working days of the sale or lease being settled</u> <p>Project into or over road reserve.</p>
RDI	<ul style="list-style-type: none"> (a) Any sign that does not comply with Rule 22.2.6.1 P1, P2 or P3. (b) Council's discretion is restricted to the following matters: <ul style="list-style-type: none"> (i) amenity values; (ii) rural character of the locality; (iii) effects on traffic safety; (iv) effects of glare and artificial light spill; (v) content, colour and location of the sign; (vi) effects on notable trees; (vii) effects on the heritage values of any heritage item due to the size, location, design and appearance of the sign; (viii) effects on cultural values of any Maaori site of significance; effects on notable architectural features of the building.

22.2.6.2 Signs - effects on traffic

PI	<p>(a) Any sign directed at road users must <u>meet the following conditions</u>:</p> <ul style="list-style-type: none"> (i) Not imitate the content, colour or appearance of any traffic control sign; (ii) Be located at least 60m from controlled intersections, pedestrian crossings <u>and railway crossings any other sign</u>; (iii) Not obstruct sight lines of drivers turning into or out of a site entrance and intersections; (iv) Contain no more than 40 characters and no more than 6 <u>words, symbols, or graphics</u>; (v) Have lettering that is at least 200mm high; and (vi) Where the sign directs traffic to a site entrance, it must be at least: <ul style="list-style-type: none"> A. 175m from the entrance on roads with a speed limit of 80 km/hr or less; or B. 250m from the entrance on roads with a speed limit of more than 80km/hr.
DI	Any sign that does not comply with Rule 22.2.6.2 PI.

22.3 Land Use – Building

22.3.1 Number of dwellings within a lot

PI	<p>(a) One <u>dwelling residential unit</u> within a lot <u>Record of Title</u> containing <u>an area</u> less than 40ha;</p> <p>(b) No more than two dwellings Within a lot <u>Record of Title</u> containing <u>an area of</u> 40ha or more, <u>one additional residential unit is permitted for every additional 40ha of area up to a maximum of three residential units</u>;</p> <p>(c) Any <u>dwelling(s) residential unit(s)</u> under Rule 22.3.1 PI (a) and (b) must not be located within any <u>of the following landscape and natural character areas</u>:</p> <ul style="list-style-type: none"> (i) Outstanding Natural Feature; (ii) Outstanding Natural Landscape; (iii) Outstanding Natural Character Area; (iv) High Natural Character Area.
DI	A <u>dwelling residential unit</u> that does not <u>complies</u> with Rule 22.3.1 PI <u>(a) or (b) and is located within an area listed in (c)</u> .
NCI	<u>A residential unit that does not comply with Rule 22.3.1 PI(a) or (b)</u> .

22.3.2 Minor dwelling

PI	<p>(a) One minor <u>residential unit dwelling</u> not exceeding 70 <u>120</u>m² gross floor area (<u>excluding accessory buildings</u>) within a <u>Record of Title lot</u>.</p> <p>(b) <u>The minor residential unit shall be located on the same Record of Title as an existing residential unit and shall: Where there is an existing dwelling located within a lot:</u></p> <ul style="list-style-type: none"> (i) The minor dwelling must be <u>Be</u> located within <u>2100m</u> of the <u>existing residential unit dwelling</u>; (ii) The minor dwelling must Share a single driveway access with the existing <u>residential unit dwelling</u>. <p><u>Note: In addition to single households, minor units in the Rural Zone can include dormitory accommodation for farm or seasonal workers.</u></p>
DI	A minor <u>residential unit dwelling</u> that does not comply with Rule 22.3.2.PI.

22.3.4 Height

- (I) Rule 22.3.4.1 – Height - Building general provides permitted height levels across the entire Rural Zone for buildings, structures or vegetation.
- (i) The following rules provide height levels for specific activities:
 - (ii) Rule 22.3.4.2 – Height - Frost fans;
 - (iii) Rule 22.3.4.3 – Height - Buildings, structures and vegetation within an airport obstacle limitation surface;
 - (iv) Rule 22.3.4.4 - Buildings in a battlefield view shaft.

22.3.4.1 Height – Building General

PI	The maximum height of any building <u>or structure</u> must not exceed <u>150m</u> , except: <ul style="list-style-type: none">(i) <u>The maximum height is 10m where located within 50m of a road or internal boundary;</u>(ii) <u>For hose drying towers associated with emergency service facilities the maximum height is 15m.</u> <p><u>Note: the height of frost fans is subject to Rule 22.3.4.2</u></p>
P2	<u>In a Significant Amenity Landscape the maximum height of any dwelling or building must not exceed 10m, 7.5m, except where the building has a reflectivity of more than 40% the maximum height must not exceed 7.5m in a Significant Amenity Landscape.</u>
DI	Any building that does not comply with Rule 22.3.4.1 PI or P2.

22.3.4.2 Height – Frost Fans

PI	(a) The height of the support structure for a frost fan must not exceed 10.5m; and (b) The fan blades must not rotate higher than 13.5m <u>above ground level</u> .
DI	Any frost fan that does not comply with Rule 22.3.4.2 PI.

22.3.4.3 Height - Buildings, structures and vegetation within an airport obstacle limitation surface

PI	A building, structure or vegetation must not protrude through any Airport Obstacle Limitation Surface as shown on the planning maps. <u>Where the Airport Obstacle Limitation Surface is lower than the height otherwise permitted in Rule 22.3.4.1 or 22.3.4.2, then the lesser surface height applies.</u> <p><u>Note: refer Appendix N for determining the permitted height.</u></p>
NCI	A building, structure or vegetation that does not comply with Rule 22.3.4.3 PI

22.3.4.4 Height – Buildings, structures and vegetation in a battlefield view shaft

PI	The maximum height of any building, structure or vegetation within a battlefield view shaft as shown on the planning map must not exceed 5m.
DI	Any building, structure or vegetation that does not comply with Rule 22.3.4.4 PI

22.3.5 Daylight admission

P1	A building <u>or structure (excluding poles or aerials)</u> must not protrude through <u>the height in relation to boundary a height control plane</u> rising at an angle of <u>4537</u> degrees commencing at an elevation of 2.5m above ground level at every point of the site boundary.
RD1	(a) A building that does not comply with Rule 22.3.5 PI. (b) Council's discretion is restricted to the following matters: (i) Height of <u>the</u> building; (ii) Design and location of the building; (iii) Admission of daylight and sunlight to the site and other site; (iv) Privacy on <u>any</u> other site; (v) Amenity values of the locality.

22.3.6 Building coverage

PI	(a) The total building coverage must not exceed the larger of: (i) <u>42%</u> of the site area <u>or 500m² (whichever is larger)</u> for sites smaller than 10ha; or (ii) 5000m ² for sites larger than 10ha. (b) <u>No site coverage limit applies to Artificial Crop Protection Structures that meet the following conditions:</u> (i) <u>Green or black cloth shall be used on vertical faces within 30m of the site boundary;</u> (ii) <u>Green, black or white cloth shall be used on horizontal surfaces.</u>
DI	A building that does not comply with Rule 22.3.6 PI

22.3.7 Building setbacks

- (a) Rules 22.3.7.1 to 22.3.7.4 provide the permitted building setback distances for buildings from site boundaries, specific land use activities and environmental features.
- (b) Rule 22.7.1 Building setbacks – all boundaries provides permitted building setback distances from all boundaries on any site within the Rural Zone. Different setback distances are applied based on the type of building and the site area.
- (c) Rule 22.3.7.2 Building setback - sensitive land use provides permitted setback distances for any building containing a sensitive land use from specified land use activities.
- (d) Rule 22.3.7.3 Building setback – water bodies provides permitted setback distances from lakes, wetlands, rivers and the coast.
- (e) Rule 22.3.7.4 Building setback - Environmental Protection Area provide specific setback distances from specified environmental features.

22.3.7.1 Building Setbacks – All boundaries

PI	(a) A habitable building located on a <u>site Record of Title</u> less than 1.6ha must be set back a minimum of: (i) 7.5m from the road boundary; (ii) 17.5m from the centre line of an indicative road; (iii) 25m from the boundary of an adjoining site that is 6ha or more; (iv) 12m from the boundary of an adjoining site that is less than 6ha.
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P2	<p>(a) A non-habitable building <u>or structure</u> located on a Record of Title less than 1.6ha must be set back a minimum of:</p> <ul style="list-style-type: none"> (i) 7.5m from the road boundary; (ii) 17.5m from the centre line of an indicative road; (iii) 12m from every boundary other than a road boundary. <p>(b) <u>This rule does not apply to fences or structures less than 2m in height, retaining walls, poles or aerials.</u></p>
P3	<p>(a) A habitable building located on a Record of Title 1.6ha or more must be set back a minimum of:</p> <ul style="list-style-type: none"> (i) 12m from the road boundary; (ii) 22m from the centre line of an indicative road; (iii) 25m from every boundary other than a road boundary.
P4	<p>(a) A non-habitable building <u>or structure</u> located on a Record of Title 1.6ha or more must be set back a minimum of:</p> <ul style="list-style-type: none"> (i) 12m from the road boundary; (ii) 22m from the centre line of an indicative road; (iii) 12m from every boundary other than a road boundary. <p>(b) <u>This rule does not apply to fences or structures less than 2m in height, retaining walls, poles or aerials.</u></p>
RD1	<p>(a) A building that does not comply with Rule 22.3.7.1 P1, P2, P3 or P4.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (i) amenity values; (ii) effects on traffic, transport network safety and efficiency; (iii) <u>reverse sensitivity;</u> (iv) <u>where the road boundary is with an unformed paper road the likelihood of the road being formed or readily utilised by the public.</u>
<p><i>Drafting note: include setbacks as sought by WDC [697.807] from the Transpower National Grid in the Infrastructure Chapter</i></p>	

Rule 22.3.7.2 – Building setback – sensitive land uses

PI	<p>(a) Any building for a sensitive land use must be set back a minimum of:</p> <ul style="list-style-type: none"> (i) 5m from the designated boundary of the railway corridor; (ii) 15m from a national route or regional arterial road; (iii) 35m from the designated boundary of the Waikato Expressway; (iv) 200m from an Aggregate Extraction Area <u>or Extractive Resource Area</u> containing a sand resource; (v) 500m from an Aggregate Extraction Area <u>or Extractive Resource Area</u> containing a rock resource, <u>or a Coal Mining Area;</u> (vi) 100m from a site in the Tamahere Commercial Areas A and C; (vii) 300m from the boundary of <u>buildings or outdoor enclosures used for another site containing</u> an intensive farming activity. <u>This setback does not apply to sensitive activities located on the same site as the intensive farming activity;</u> (viii) 300m from oxidation ponds that are part of a municipal wastewater treatment facility on another site; (ix) 30m from a municipal wastewater treatment facility where the treatment process is fully enclosed.
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	<u>(x) not located closer to any wind turbine within the Te Uku wind farm that the 40 dBA L₉₅ noise contour shown on the planning maps.</u>
DI	Any building for a sensitive land use that does not comply with Rule 22.3.7.2 P1.

22.3.7.4 Building – Noise Sensitive Activities

PI	(a) Construction of, or addition, or alteration to a building containing a noise sensitive activity must comply with Appendix I (Acoustic Insulation) within: <ul style="list-style-type: none"> (i) The Airport Noise Outer Control Boundary; (ii) 350m of the Huntly Power Station site boundary; (iii) The Waikato Gun Club Noise Control Boundary.
RDI	(a) Construction of, or addition, or alteration to a building that does not comply with a condition in Rule 22.3.7.4 .P1. (b) Council’s discretion is restricted to the following matters: <ul style="list-style-type: none"> (i) internal design sound levels; (ii) on-site amenity values; and (iii) potential for reverse sensitivity effects.

22.3.7.5 Building setback – water bodies

PI	(a) Any building g <u>other than provided for under Rules P2 or P3</u> must be set back a minimum of: <ul style="list-style-type: none"> (i) 32m from the margin of any; <ul style="list-style-type: none"> A. Lake <u>with a size of 8ha or more</u>; and B. Wetland; (ii) <u>32m 23m</u> from the bank of any river <u>with an average width of 3m or more</u> (other than the Waikato River and Waipa River); (iii) <u>37m 28m</u> from the banks of the Waikato River and Waipa River; <u>and</u> (iv) <u>12m from the bank of any river with an average width of 3m or less</u>; (v) <u>12m from the margin of any lake with a size of less than 8ha; and</u> (vi) <u>32m 23m</u> from mean high water springs.
P2	A public amenity <u>building, or maimai used for temporary waterfowl hunting purposes</u> , of up to 25m ² <u>in size, and a pump shed within any building setback identified in Rule 22.3.7.5 P1.</u>
<u>P3</u>	<u>A pump shed (public or private) set back a minimum of 5m from any waterbody.</u>
<u>RDI</u> <u>DI</u>	(a) Any building that does not comply with Rule 22.3.7.5 PI, <u>P2 or P3</u> . (b) <u>Council’s discretion is restricted to the following matters:</u> <ul style="list-style-type: none"> <u>(i) The size of the adjacent waterbody and the landscape, ecological, cultural and recreational values associated with it;</u> <u>(ii) Erosion and sediment control measures;</u> <u>(iii) The functional or operational ned for the building to be located close to the waterbody;</u> <u>(iv) Effects on public access to the waterbody;</u> <u>(v) The ability to retain an open and spacious rural character and amenity.</u>

22.3.7.6 Building setback – Te Kauwhata Environmental Protection Area

PI	Any building must be set back a minimum of 3m from an <u>the Te Kauwhata</u> Environmental Protection Area identified on the planning maps.
DI	Any building that does not comply with Rule 22.3.7.6 PI

22.5 Specific Area – Agriculture Research Centres

22.5.1 Application of Rules

- (a) The rules that apply to a permitted activity are set out in Rule 22.5.2.
- (b) For any other activity not provided in Rule 22.5.2, the following rules in the Rural Zone apply:
 - (i) Rule 22.1 Land Use – Activities
 - (ii) Rule 22.2 Land Use – Effects
 - (iii) Rule 22.3 Land Use – Building; and
 - (iv) Rule 22.4 – Subdivision

22.5.2 Permitted Activities – Agricultural and Horticultural Research

- (a) The rules that apply to a permitted activity within the Agricultural Research Centres Specific Area as identified on the planning maps are as follows:
 - (i) Rule 22.2 Land Use – Effects;
 - (ii) Rule 22.3 Land Use – Building; except for building within a campus:
 - A. Rule 22.3.4.1 Height – Building general will not apply and Rule 22.5.3 will apply instead; and
 - B. Rule 22.3.6 Building coverage will not apply and Rule 22.5.4 will apply instead.

Activity		Activity specific conditions
P1	An agricultural or horticultural research activity, <u>including laboratories and administrative facilities</u>	<u>Nil</u>
P2	An education facility, <u>including conference and teaching facilities</u> that is incidental to agricultural or horticultural research	<u>(a) that is incidental to agricultural or horticultural research</u>
P3	An industrial activity that is incidental to agricultural or horticultural research	<u>(a) that is incidental to agricultural or horticultural research</u>
P4	A trade or engineering workshop that is incidental to agricultural or horticultural research	<u>(a) that is incidental to agricultural or horticultural research</u>
P5	Intensive farming that is incidental to agricultural or horticultural research where an associated building and animal feedlot are located at least 200m inside any boundary of an Agricultural Research Centre site.	<u>(a) that is incidental to agricultural or horticultural research</u> <u>(b) where an associated building and animal feedlot are located at least 200m inside any boundary of an Agricultural Research Centre site.</u>
P6	<u>The on-site disposal or storage of solid organic waste or cleanfill</u> that is incidental to agricultural or horticultural research where the extracted material is used on the Agricultural Research Centre site.	<u>(a) that is incidental to agricultural or horticultural research</u> <u>(b) where the solid organic waste or cleanfill is generated on the site</u>
P7	A staff facility, <u>including:</u> <ul style="list-style-type: none"> (1) a recreational facility (2) <u>Staff dwellings</u> (3) <u>Cafeterias and cafés</u> (4) <u>Social clubs</u> 	<u>(a) that is incidental to agricultural or horticultural research</u> <u>(b) Any dwelling is located at least 200m from the site containing Inghams Feed Mill in Hamilton City Council's jurisdiction</u>

22.5.3 Discretionary Activities – Agricultural and Horticultural Research

- (a) The activities listed below are discretionary activities.

DI	Any activity that does not comply with Rule 22.5.2 P1-P7.
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22.5.4 Building Height – within a Campus

PI	A building or structure within a campus identified on the planning maps must not exceed a height of 15m.
RDI	(a) A building or structure that does not comply with Rule 22.5.4 P1. (b) Council's discretion is restricted to the following matter: (i) effects on visual amenity.

22.5.5 Building Coverage – within a Campus

PI	Building coverage must not exceed 70% of a campus identified on the planning maps.
RDI	(a) Building coverage that does not comply with Rule 22.5.5 P1. (a) Council's discretion is restricted to the following matters: (i) effects on visual amenity; and (ii) stormwater management.

22.6 Specific Area - Huntly Power Station - Coal and Ash Management Areas ~~Water~~

22.6.2 Permitted Activities – Huntly Power Station Coal and Ash Management Areas

- (a) In addition to the specific area 22.6 rules, ~~t~~The additional rules that apply to a specific permitted activity within the Huntly Power Station: Coal and Ash Management ~~Water~~ Specific Area as identified on the planning maps are as follows:
- (i) Rule 22.2 Land Use – Effects
 - (ii) Rule 22.3 Land Use – Building, except:
 - A. Rules 22.3.7 Building setbacks do not apply and Rule 22.6.34 applies instead; and
 - B. Rule 22.3.4 Height does not apply and Rule 22.6.45 applies instead.
 - ~~C. Rule 22.6.6 Coal stockpile height, setback and coverage;~~
 - ~~D. Rule 22.6.7 Ash disposal and transport of coal ash water; and~~
 - ~~E. Rule 22.6.87 Energy corridor – transportation of minerals and substances~~

PI	(a) Coal related activities involving: <ul style="list-style-type: none"> (i) stockpiling; (ii) screening and sorting; (iii) use of transportation conveyors; (iv) erection, operation, and maintenance of loading and unloading facilities; and (v) an activity that is ancillary to those listed in (i) – (iv) above.
P2	(a) The management, stockpiling, transportation, and disposal of coal ash and the transport of coal ash water where: <ul style="list-style-type: none"> (i) these materials are transported between the Huntly Power Station and the ash disposal ponds located adjacent to Te Ohaaki Road via the pipeline located within Specific Area 22.6; and (ii) they involve the operation and maintenance of the ash disposal ponds located adjacent to Te Ohaaki Road within Specific Area 22.6; (iii) they involve the transportation of ash from the ash ponds to a long-term disposal facility, provided the heavy vehicle movement are not more than 85 per day.

22.6.3 Restricted Discretionary Activities – Huntly Power Station Coal and Ash Management Areas

- (a) The activities listed below are restricted discretionary activities.

RDI	(a) The management, stockpiling, transportation, and disposal of coal ash and the transport of coal ash water that does not comply with Rule 22.6.7 P+2. (b) Council’s discretion is restricted to the following matters: <ul style="list-style-type: none"> (i) visual amenity; and (ii) traffic effects.
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22.6.34 Discretionary Activities – Huntly Power Station Coal and Ash Management Areas

- (a) The activities listed below are discretionary activities.

DI	An coal-related activity that does not comply with Rule 22.6.2 PI.
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Rule 22.6.45 Building Setback and Location – Huntly Power Station [Coal and Ash Management Areas](#)

PI	(a) A building must be: <ul style="list-style-type: none"> (i) set back at least 20m from every boundary of Specific Area 22.6 where its height exceeds 20m; and (ii) set back at least 10m from every boundary of Specific Area 22.6 where its height is up to 20m; or (iii) located within an energy corridor.
DI	A building that does not comply with Rule 22.6.4 PI.

22.6.56 Building height – [Huntly Power Station Coal and Ash Management Areas](#)

PI	(a) A building must not exceed a height of: <ul style="list-style-type: none"> (i) 30m within an area of up to 1500m²; and (ii) 20m for the balance of Specific Area 22.6.
DI	A building that does not comply with Rule 22.6.5 PI.

22.6.67 Coal stockpile height, setback and coverage – [Huntly Power Station Coal and Ash Management Areas](#)

PI	(a) Coal stockpiles must: <ul style="list-style-type: none"> (i) not exceed a height of 15m; (ii) be set back at least 5m from the boundary of Specific Area 22.6; (iii) not exceed 25% of Specific Area 22.6.
RD I	(a) Coal stockpiles that do not comply with Rule 22.6.6 PI. (b) Council’s discretion is restricted to the following matter: <ul style="list-style-type: none"> (i) visual amenity

~~22.6.7 Ash disposal and transport of coal ash water~~

PI	(b) The disposal of coal ash and the transport of coal ash water where: <ul style="list-style-type: none"> (iv) these materials are transported between the Huntly Power Station and the ash disposal ponds located adjacent to Te Ohaaki Road via the pipeline located within Specific Area 22.6; and (v) they involve the operation and maintenance of the ash disposal ponds located adjacent to Te Ohaaki Road within Specific Area 22.6.
RD I	(c) The disposal of coal ash and the transport of coal ash water that does not comply with Rule 22.6.7 PI; (d) Council’s discretion is restricted to the following matters: <ul style="list-style-type: none"> (iii) visual amenity; and (iv) traffic effects.

22.6.8 Energy corridor - transportation of minerals and substances – [Huntly Power Station Coal and Ash Management Areas](#)

PI	<p>(a) The transportation of minerals and substances in an energy corridor must comply with all the following conditions:</p> <ul style="list-style-type: none"> (i) be limited to coal ash, aggregate, overburden, cleanfill, wastewater and other liquids (other than a hazardous substance); (ii) not deposit discernible minerals or dust; and (iii) not result in odour identified outside the energy corridor.
RDI	<ul style="list-style-type: none"> (a) Any activity that does not comply with Rule 22.6.8 PI. (b) Council's discretion is restricted to the following matter: <ul style="list-style-type: none"> (i) adverse amenity effects.

Country Living Rules

<p>PX</p>	<p><u>Tamahere Eventide Retirement Village (Lot 1 & Lot 2 DPS88165 & Pt Lot 2 DPS2182) and Tamahere Country Club Retirement Village (insert CT ref) maintenance, operation, and alteration.</u></p>	<p>(a) <u>The alterations do not increase net floor area.</u></p> <p>(b) <u>Land Use – Effects in Rule 23.2;</u></p> <p>(c) <u>Land Use – Building in Rule 23.3 except:</u></p> <ul style="list-style-type: none"> (i) <u>Rule 23.3.1 (Number of dwellings) does not apply;</u> (ii) <u>Rule 23.3.2 (Minor Dwellings) does not apply;</u> <p><u>Rule 22.3.6 (Building Coverage) does not apply.</u></p>
<p>RDX</p>	<p><u>Tamahere Eventide Retirement Village (Lot 1 & Lot 2 DPS88165 & Pt Lot 2 DPS2182) and Tamahere Country Club Retirement Village (insert CT ref) alterations and additions that increase net floor area and that meet all of the following conditions:</u></p> <ul style="list-style-type: none"> (a) <u>Land Use – Effects in Rule 23.2;</u> (b) <u>Land Use – Building in Rule 23.3 except:</u> <ul style="list-style-type: none"> (i) <u>Rule 23.3.1 (Number of dwellings) does not apply;</u> (ii) <u>Rule 23.3.2 (Minor Dwellings) does not apply;</u> (iii) <u>Rule 23.3.6 (Building Coverage) does not apply.</u> 	<p>(a) <u>Council's discretion is restricted to the following matters:</u></p> <ul style="list-style-type: none"> (i) <u>effects on rural character and amenity;</u> (ii) <u>The visual and amenity effects of building bulk and scale;</u> (iii) <u>Connectivity to existing towns and villages, including connections to existing walkways, roads, and public transport;</u> (iv) <u>Connectivity to, and capacity of, public reticulated water supply and wastewater, or the adequacy of services provided on-site;</u> (v) <u>Reverse sensitivity effects on existing farming, intensive farming, rural industry, or mineral extraction activities;</u> (vi) <u>Traffic effects.</u>
<p>DX</p>	<p><u>Retirement Villages not otherwise provided for in Rule PX or RDX.</u></p>	

Planning Maps

- 1) Amend the boundaries of the Coal Mining Areas relating to Bathurst's three existing mines at Rotowaro, West Mine, and Maramarua Mine so that they are aligned with the boundary of Bathurst's existing licenses and permits, as shown on Annexure E of their evidence.
- 2) Amend the planning maps to include a 40 dBA L₉₅ noise contour around Meridian Energy's Te Uku wind farm as shown below:

