

# **Section 32 Report – Part 2**

## **Country Living Zone**

prepared for the

### **Proposed Waikato District Plan**

**July 2018**



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# I OVERVIEW AND PURPOSE

The purpose of this s32 Report is to outline the approach undertaken by Council for the review and development of the framework of objectives, policies and rules that relate to the use and development for the Country Living Zone (CLZ).

This s32 summary report should be read in conjunction with Part I of the Section 32 report, as Part I provides the overall broad context and approach for the evaluation and consultation undertaken in the development of the Proposed Waikato District Plan.

## I.1 Topic Description

This chapter provides a s32 evaluation of the CLZ across the District. The CLZ is an important zone in terms of providing rural-residential living and enabling development that is compatible with its character and amenity. It provides for a specific market demand being rural-residential living.

## I.2 Significance of this Topic

This topic report reviews the CLZ provisions of the Proposed District Plan and assesses whether the provisions are appropriate to deliver the purpose of the Resource Management Act 1991 (RMA) and the outcomes of higher level documents prepared under the RMA, such as the Waikato Regional Policy Statement 2016 (RPS). This topic is not significant in terms scale or the effects as it only applies to a limited area within the district.

## I.3 Resource Management Issues to be Addressed

The Resource Management Act (RMA) states:

### 5 Purpose

*(1) The purpose of this Act is to promote the sustainable management of natural and physical resources.*

*Sustainable management means “managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being”*

Council has responsibility under Section 31 of the Act to establish and implement objectives, policies and methods to “achieve the integrated management of the effects of use, development, or protection of land and associated natural and physical resources of the district.” Under Section 31(1)(aa) of the Act, Council is also responsible for ensuring that there is sufficient development capacity in respect of housing land to meet the expected demands of the district.

The Waikato District is facing increased growth pressures in and around urban

areas. The Proposed Plan directs residential, commercial and industrial activities to towns and villages. The plan also seeks to safeguard rural land for rural activities and rural production purposes due to its environmental and economic contribution to the District as a whole.

The CLZ (in the Waikato Section of the Operative District Plan) and the Rural Residential Zone (in the Franklin Section of the Operative District Plan) responds to these growth pressures faced by the District, by providing for low density residential development that has little to no rural land use component. The zone also provides rural residential living opportunities to alleviate the pressure for the subdivision and development of rural land. Of importance is optimising the size of the sites so that they are fit for purpose and avoid an outcome where lots are too small to farm and too large to maintain as gardens.

The CLZ adjoins rural zones and activities which generate effects that may adversely affect the amenity values expected in a predominantly residential environment (i.e. noise, odour and dust from rural production activities). As such, managing reverse sensitivity effects is a key resource management issue that needs to be addressed.

This report evaluates the proposed suite of provisions as to whether they effectively and efficiently achieve the outcome of “sustainable management” of rural resources.

## **1.4 Current Objectives, Policies, Rules and Methods**

The operative CLZ and Rural Residential Zone (RRZ) recognise that there is a demand for rural lifestyle living (i.e. lifestyle blocks within a rural setting). Farming and rural production activities support the economy of the District. These rural activities are threatened by inappropriate land use (establishment of sensitive activities) and subdivision that may result in reverse sensitivity effects which hinder the operation and function of legitimate rural activities. Both these zones provide for non-residential activities but places restrictions on scale and intensity to ensure that an appropriate level of amenity is maintained.

Subdivision also results in land fragmentation by the creation of smaller land parcels which make it increasingly harder to undertake rural activities, resulting in an inefficient use and potentially over-capitalisation of rural land. The CLZ and RRZ has density controls (minimum lot sizes) to provide for large lot subdivision. There are also development controls to ensure that any new development or land use avoids, remedies or mitigates effects on adjacent properties and maintains the character of the zone that has been informed by historic subdivision pattern.

### *Waikato Section*

Under the current District Plan (Waikato Section), the CLZ provides for low density living at specific locations in rural areas. The CLZ provisions sit within a standalone chapter of the Operative Plan, but provisions support the objectives and policies applying to rural areas and the district’s growth strategy (Part 1A). The CLZ applies to a dedicated area of land, which is in itself a limited resource, and the land available must be managed to satisfy demand for rural lifestyle living.

### *Franklin Section*

Similarly, under the Franklin section of the Operative District Plan the Rural Residential zone provisions sit within the rules that apply to other residential zones, but the zone is a method used to give effect to both the rural and urban growth strategy provisions of the Franklin section of the Operative District Plan.

## 1.5 Information and Analysis

**Table I List of relevant background assessments and reports**

Title	Author	Description of Report
Waikato District Social and Economic Profile July 2017	Market Economics	Profile of the district.
Rural Subdivision for WD Economy Feb 2018	Market Economics	Evaluation of rural land for the economy

## 1.6 Consultation Undertaken

This matter has been canvassed through the comprehensive consultation and engagement on the wider District Plan review, as well as specific engagement with landowners identified as having a historic heritage item.

A series of open days and stakeholder information days were held during 2015 and the third phase during 2017, these are listed below:

- 02/06/2015 – Open day Raglan
- 03/06/2015 – Open day Te Uku
- 04/06/2015 – Open day Te Kowhai
- 09/06/2015 – Open day Tamahere
- 10/06/2015 – Open day Puketaha
- 11/06/2015 – Open day Ngaruawahia
- 16/06/2015 – Open day Whitiakahu
- 17/06/2015 – Open day Orini
- 18/06/2015 – Open day Te Akau
- 23/06/2015 – Open day Matangi
- 24/06/2015 – Open day Huntly
- 25/06/2015 – Open day Tuakau
- 30/06/2015 – Open day Waerenga
- 01/07/2015 – Open day Mangatani
- 02/07/2015 – Open day Pokeno
- 07/07/2015 – Open day Te Kauwhata
- 08/07/2015 – Open day Port Waiakeo
- 09/07/2015 – Open day Otua
- 23/07/2015 – Extended working group workshop
- 25/03/2015 – Extended working group workshop
- 27/08/2015 – Consultants workshop
- 19/01/2015 – Presentation to Extended Working Group

- 17/10/2017 – Stakeholder information day in Ngaruawahia town hall;
- 19/10/2017 – Stakeholder information day in Tuakau town hall;
- 20/11/2017 – Open day Tuakau;
- 23/11/2017 – Open day Mangatangi;
- 23/11/2017 – Open day Pokeno;
- 28/11/2017 – Open day Te Kauwhata;
- 29/11/2017 – Open day Huntly;
- 30/11/2017 – Open day Raglan;
- 05/12/2017 – Open day Te Kowhai;
- 06/12/2017 – Open day Tamahere; and
- 07/12/2017 – Open day Ngaruawahia.

As a result of consultation on the draft district plan in conjunction with various open days, feedback directly addressing the Country Living Zone and rules was received from the community. Feedback is summarised in Table 2 below. The draft district plan was available for public to view on Council’s website from November 2017 to January 2018.

**Table 2 Specific consultation processes**

Topic	Comments
Subdivision	Prohibited Rule - Formula for Hamilton Airport Noise Control boundary straddling is also unnecessarily complex to assist applicants.  The new lot size requirement is inconsistent with the building setbacks allotment sizes of 1,050m <sup>2</sup> (smaller or greater). It is understood the smaller lot sizes may be historic.
Bulk and location standards	Increase building coverage from 10% to 15%  Oppose restricting the size of an accessory building. These should be any size. Total building coverage captures this.  A building shape factor of 1000m <sup>2</sup> is required to be shown for subdivision, however, building coverage cannot exceed 10% of the site. As lot sizes will be around 5000m <sup>2</sup> the building shape factor is double what could be built.
Minor dwellings	Support provision for minor dwellings  Remove limit on size of accessory building (proposed 100m <sup>2</sup> )
Earthworks	Permitted area threshold is too low.  Cleanfill importation volume is too low.  Activity Status, matters of discretion.  Issues around heritage protection
Subdivision	Support 5000m <sup>2</sup> .
Subdivision	Provide for lot size of 3000m <sup>2</sup> .
Subdivision	Provide for lot size of 3000m <sup>2</sup> or a third dwelling on a title in this zone.
Subdivision	Provision for smaller lot sizes to cater for the elderly.
General approach	supports the overall policy approach and defined countryside living

	<p>areas.</p> <p>Opposes subdivision of high production potential that results in additional dwellings.</p> <p>A planning framework that directs countryside living to defined areas and discourages subdivision around rural production activities is supported.</p>
Rezoning	Requests for rezoning to Country Living

## 1.7 Iwi Authority Consultation and Advice

### 1.7.1 Consultation

Clause 3 of Schedule 1 of the RMA sets out the requirements for local authorities to consult with tangata whenua through and iwi authorities. Clause 3 also requires Local Authorities to consult with any person, group or ministry that may be affected by changes made to the District Plan.

Council used the following methods to create an Iwi Reference Group.

- Joint Management Agreement
- Tai Tumu Tai Pari Tai Ao (Waikato Tainui Environmental Plan)
- Partnerships
- Collaboration

The purpose of the Iwi Reference Group was to provide Council with a single forum to socialise the proposed changes to the Operative District Plan.

The Iwi Reference group was made up of all iwi and hapuu within the district that council currently consults with via the Resource Consent Process.

Engagement and consultation with the Iwi Reference group took place between December 2014 and December 2017. (See Part 1 Section 32 Report – Introduction to the Evaluation Report)

### 1.7.2 Advice

Clause 4A of Schedule 1 of the RMA sets out the requirements for local authorities to consult with iwi authorities before notifying a proposed plan. Clause 4A(1)(b) requires Council to have particular regard to any advice received on a draft proposed policy statement or plan from those iwi authorities.

Council held discussions with the relevant Iwi and Hapuu and through Te Kahui Mangai website:

Iwi authorities within Waikato District:

- Waikato Tainui
- Ngaati Tamaoho

Iwi for the purpose of RMA list on Te Kahui Mangai

- Tainui o Tainui

Iwi that have relationship from other districts

- Hauraki
- Ngaati Maniapoto
- Ngaati Paoa - Hauraki

The above Iwi groups were consulted with and a summary of their comments issues and Council's consideration are listed in Part I Section 32 Report – Introduction to the Evaluation Report.

## **1.8 Decision-making**

A series of presentations and discussion documents have been presented to Councillors and community board members on the content and focus of the draft proposed district plan provisions. Whilst at the time none of these were presented for the CLZ by itself, the CLZ provisions and outcomes sought were bundled within the previous built environment topic which has been presented to Councillors.

### **Table 3 Summary of decision-making processes**

Meeting	Document	Direction
Councillor workshop – Tangata Whenua and Built Environment – 23/02/2016	Councillor Workshop report.	-Improved housing options -Provide flexibility in design -Dependent person dwellings need amending to be more flexible
Councillor workshop District Plan Review, Objectives – Amenity, Built Environment and Growth 18/07/2016	Councillor Workshop report.	-Seeking quality housing and a range -Compact definition not wanting ghettos
Councillor workshop District Plan, Amenity 1 – 18/04/2017	Councillor workshop report.	-Would like to see particulate being included in odour and dust. -Stronger objectives and policies and methods to deal with screening storage areas. -Tyre storage piles and car wreckers would like stronger control around these activities. -Home occupations which deal with combustible materials should be included in the plan. -Don't want the application of the site definition to be too restrictive in terms of signage.
Councillor workshop District Plan Review, Amenity 2 – 09/05/2017	Councillor workshop report.	-Stronger management between different zones for noise levels. -Would like the notional boundary to be used rather than site boundary for noise measurement.
Councillor workshop District Plan Review, Built Environment 1 and Industrial– 11 July 2017	Councillor workshop report.	-Connectivity to be managed and regulated -Concerns around effective and efficient use of land resource for housing. -Maximum building coverage and paving requirements would like to see more lenient.
Councillor workshop Built Environment 2 and Design Guides – 17/07/2017	Councillor Workshop report.	-More concerns about connected communities and villages and higher order strategic planning compared to detailed design.

## 1.9 Reference to Other Relevant Evaluations

This s32 topic report should be read in conjunction with the following evaluations:

- Tangata Whenua
- Historic Heritage
- Infrastructure
- National Grid
- Renewable electricity generation
- Transport
- Water supply, stormwater and wastewater

## 2 ISSUES, OBJECTIVES, POLICIES AND RULES

### 2.1 Higher Level Planning Documents and Legislation

#### 2.1.1 Resource Management Act

Section 5 states the purpose of the Resource Management Act ('RMA') which is to '*promote the sustainable management of natural and physical resources.*' Section 5(2) further explains '*sustainable management.*' In this context, sustainable management means managing the natural and physical resources of the rural environment by providing rural-residential living in the CLZ. The provision of this zone will enable the social, economic, and cultural well-being of people and communities.

The principles of the RMA are contained in Sections 6 – 8. Section 6 relates to 'Matters of National Importance' covering natural, physical and cultural (heritage resources). The CLZ locations are such that they do not affect matters of national importance. The District Plan uses other methods (i.e. overlays and heritage scheduling) to indicate when these matters of national importance within the CLZ are triggered.

Section 7 relates to 'Other Matters' in relation to managing the use, development, and protection of natural and physical resources. Section 7(b) requires Council to have particular regard to the efficient use and development of natural and physical resources. The CLZ will provide for rural-residential living, and by doing so, will manage the efficient use of rural land for rural purposes, which safeguards natural and physical resources.

Section 7(c) requires Council to maintain and enhance amenity values. Council recognises that a different level of amenity is anticipated in different zones within the District. For example, a different level of amenity (e.g. noise, odour and dust) is expected in the rural zone due to the activities which can establish and operate there and the effects which they may generate, in comparison to the CLZ where a higher level of amenity is anticipated.

Section 7(f) requires Council to maintain and enhance the quality of the environment. 'Environment' is defined in Part 2. This definition emphasises that natural, amenity and aesthetic values are all integral in defining the environment, which is important for the CLZ due to its perceived idyllic, countryside living qualities.

Section 8 requires Council to take into account the Principles of the Treaty of Waitangi ('Treaty'). The principles of the Treaty such as kaitiakitanga (stewardship) of resources are incorporated in this report.

## 2.1.2 The Waikato Regional Policy Statement (2016)

The Waikato Regional Policy Statement ('RPS') 2016 sets the policy direction for the region, which covers the Waikato District. Objectives 3.12 and 3.21 of the RPS acknowledge that managing the built environment through identification of growth areas and planned and co-ordinated development and subdivision is essential in managing the region's natural and physical resources. Policy 6.17 and Implementation Method 6.17.3 emphasise the importance of directing development to rural-residential zones. This translates into using District Plan zoning as a tool to manage development, in the case of this chapter, the CLZ.

The RPS also acknowledges that versatile soils and highly productive soils are a natural resource which must be protected from inappropriate subdivision and development (Policies 14.1 and 14.2). The CLZ concentrates rural-residential living into specific areas which address these matters.

Those strategic matters and provisions that have been specifically given effect or had regard to in this chapter are summarised in Table 5 below. These documents broadly identify the resource management issues for the District and provide the higher level policy direction to resolve these issues.

## 2.1.3 Future Proof Growth Strategy

Future Proof is a growth strategy specific to the Hamilton, Waipa, and Waikato sub-region and has been developed jointly by Hamilton City Council, Waikato Regional Council, and Waipa and Waikato District Councils, as well as Tangata Whenua, the NZ Transport Agency (NZTA) and Matamata-Piako District Council. The strategy aims to manage growth in a collaborative way for the benefit of the Future Proof sub-region both from a community and a physical perspective and as such when considering any planning documents the Future Proof Growth Strategy must be taken into consideration.

**Table 4 Higher order and guiding documents**

Document	Relevant provisions the Chapter topic is required to take into account/give effect to
<i>RMA 1991, Part 2, Interpretation</i>	<p><b>5 Purpose</b></p> <ol style="list-style-type: none"> <li>1) The purpose of this Act is to promote the sustainable management of natural and physical resources.</li> <li>2) In this Act, <b>sustainable management</b> means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—             <ol style="list-style-type: none"> <li>a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and</li> </ol> </li> </ol>

	<ul style="list-style-type: none"> <li>b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and</li> <li>c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.</li> </ul>
<i>RMA 1991, Section 7</i>	<p><b>Other matters</b></p> <p>In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to—</p> <ul style="list-style-type: none"> <li>(b) the efficient use and development of natural and physical resources</li> <li>(c) the maintenance and enhancement of amenity values</li> <li>(f) maintenance and enhancement of the quality of the environment</li> </ul>
<i>Waikato Regional Policy Statement</i>	<p><b>Objective 3.12 Built environment</b></p> <p>Development of the built environment (including transport and other infrastructure) and associated land use occurs in an integrated, sustainable and planned manner which enables positive environmental, social, cultural and economic outcomes, including by:</p> <ul style="list-style-type: none"> <li>c) integrating land use and infrastructure planning, including by ensuring that development of the built environment does not compromise the safe, efficient and effective operation of infrastructure corridors;</li> <li>g) minimising land use conflicts, including minimising potential for reverse sensitivity;</li> <li>h) anticipating and responding to changing land use pressures outside the Waikato region which may impact on the built environment within the region</li> </ul>
<i>Waikato Regional Policy Statement</i>	<p><b>Objective 3.21 Amenity</b></p> <p>The qualities and characteristics of areas and features, valued for their contribution to amenity, are maintained or enhanced.</p>
<i>Waikato Regional Policy Statement</i>	<p><b>Policy 6.17 - Rural-residential development in Future Proof area</b></p> <p>Management of rural-residential development in the Future Proof area will recognise the particular pressure from, and address the adverse effects of, rural-residential development in parts of the sub-region, and particularly in areas within easy commuting distance of Hamilton and:</p> <ul style="list-style-type: none"> <li>a) the potential adverse effects (including cumulative effects) from the high demand for rural-residential development;</li> <li>b) the high potential for conflicts between rural-residential development and existing and planned infrastructure and land use activities; c) the additional demand for servicing and infrastructure created by rural-residential development;</li> <li>d) the potential for cross-territorial boundary effects with respect to rural-residential development; and</li> <li>e) has regard to the principles in section 6A.</li> </ul>

<p><i>Waikato Regional Policy Statement</i></p>	<p><b>Implementation Method: 6.17.3 – Directing development to rural-residential zones</b></p> <p>Waipa District Council and Waikato District Council should investigate, and shall consider adopting through district plans, provisions such as transferable development rights which will allow development to be directed to rural-residential zones identified in district plans.</p>
<p><i>Waikato Regional Policy Statement</i></p>	<p><b>Policy 14.1- Maintain or enhance the life supporting capacity of the soil resource</b></p> <p>Manage the soil resource to:</p> <p>c) retain soil versatility to protect the existing and foreseeable range of uses of the soil resource.</p>
<p><i>Waikato Regional Policy Statement</i></p>	<p><b>Policy 14.2 - High class soils</b></p> <p>Avoid a decline in the availability of high class soils for primary production due to inappropriate subdivision, use or development.</p>
<p><i>Waikato Regional Policy Statement</i></p>	<p><b>Implementation Method 14.2.1- Manage the form and location of development</b></p> <p>District plans shall give priority to productive uses of high class soils over non-productive uses including through:</p> <p>a) restricting urban and rural-residential development on high class soils;  d) directing urban and rural-residential development onto soils of lesser versatility where there is an option to do so;  f) the development of growth strategies.</p>
<p><i>Future Proof Growth Strategy</i></p>	<p>Future Proof settlement patterns are reflected in the RPS.</p>

## 2.2 Issues

The evaluation of objectives and provisions in the following sections relate to the resource management issue stated below:

### 2.2.1 Issue 1

<b>Issue statement</b>	<b>Erosion of character within the CLZ.</b>
<p>Land within the CLZ has a different character to rural and urban zoned land. The CLZ provides for low scale residential living and development within a rural setting in comparison to urban zones which are more densely developed. It therefore provides people and communities with the option of rural residential living. The District Plan provides for residential, commercial and economic activities in core urban areas such as towns and villages. The CLZ also provides for some small-scale non-residential activities to service the local area as this will not detract from the functionality of town centres and villages. The CLZ provides for a wider range of activities than the rural zone in order to ensure the efficient operation, function and use of rural land. Inappropriate land uses and subdivision may adversely affect the character of the CLZ.</p>	

### 2.2.2 Issue 2

<b>Issue statement</b>	<b>Achieving the appropriate balance between control of, and flexibility for, activities in the CLZ.</b>
<p>The CLZ controls activities to ensure that they won't detract from the character and amenity anticipated within the zone. In controlling activities in order to manage their effects, a potential issue (if the appropriate balance is not achieved) is that there is insufficient flexibility for some appropriate activities to establish or expand. This could impact upon the social and economic wellbeing of landowners and the community if provisions are unduly restrictive.</p>	

### 2.2.3 Issue 3

<b>Issue statement</b>	<b>Amenity values are at risk of being compromised by subdivision, development and use.</b>
<p>A different level of amenity is anticipated within the CLZ (i.e. lifestyle blocks on rural land) in comparison to rural zones which are generally working environments, and urban zones which are characterised by 'liveliness and buzz'. If uncontrolled, the amenity values expected within this environment are at risk of being compromised by subdivision and development.</p>	

### 2.2.4 Issue 4

<b>Issue statement</b>	<b>Establishment of new activities and subdivision can result in adverse effects on adjacent land uses.</b>
<p>The CLZ predominantly provides for residential development and subdivision in a rural setting. It is important that the scale and location of these activities are controlled in relation to adjacent land uses to ensure they do not result in adverse effects. Establishing sensitive activities in the CLZ and in proximity to rural activities creates the potential for reverse sensitivity effects to arise, which if not managed, could prevent or restrict the operations of lawfully established adjacent land uses.</p>	

### 3 SCALE AND SIGNIFICANCE EVALUATION

The level of detail undertaken for the evaluation of the proposed District Plan provisions has been determined by an assessment of the scale and significance of the implementation of the proposed District Plan provisions. The scale and significance assessment considered the environmental, economic, social and cultural effects of the provisions. In making this assessment regard has been had to the following, namely whether the provisions:

- (a) Are of regional or district wide significance;
- (b) Have effects on resources that are considered to be a matter of national importance in terms of Section 6 of the Act;
- (c) Adversely affect people's health and safety;
- (d) Result in a significant change to the character and amenity of local communities;
- (e) Adversely affect those with particular interests including Maori;
- (f) Limit options for future generations to remedy effects;
- (g) Whether the effects have been considered implicitly or explicitly by higher order documents; and
- (h) Include regulations or other interventions that will impose significant costs on individuals or communities.

The evaluation has focused on those provisions that will result in a substantial change to the CLZ and are of greater importance to ensure the objective of the Country Living Chapter (and other objectives where relevant) are achieved. The majority of changes proposed to the current provisions involve introducing specific objectives and policies which relate to the zone, identified areas for development and one set of rules. These provisions are similar to those already utilised in the Waikato section and therefore of low significance to the Waikato section. It is however a significant change for the northern area of the district as currently the Rural Residential provisions allows for a more lenient development regime.

Policies and rules have been evaluated as a package, as together they address a particular issue and seek to meet a specific objective. Some rules implement more than one policy, and therefore have been referred to multiple times.

The following table contains a summary of the policies and rules considered to be of a scale and significance to justify a more comprehensive evaluation of options.

**Table 5 Scale and significance assessment**

Issue	Provisions evaluated	Scale and Significance Reasoning
<p><b>Issue 1 Erosion of Country Living Zone Character</b></p> <p><b>Issue 2 Achieving the appropriate balance between control of, and flexibility for, activities in the Country Living Zone</b></p> <p><b>Issue 3 Amenity values are at risk of being compromised by subdivision, development and use</b></p>	<p><i>Objective 5.6.1 Country Living</i>  <i>Policy 5.6.2 - Country Living Character</i>  <i>Policy 5.6.3 – Subdivision within the Country Living Zone</i>  <i>Policy 5.6.4 – Building Setbacks</i>  <i>Policy 5.6.5 – Scale and Intensity of Development</i>  <i>Policy 5.6.6 – Height of buildings</i>  <i>Policy 5.6.7 – Earthworks</i>  <i>Policy 5.6.8 – Non-Residential Activities</i>  <i>Policy 5.6.9 – Existing Non-Residential Activities</i>  <i>Policy 5.6.10 – Home Occupations</i>  <i>Policy 5.6.11 – Temporary Events</i>  <i>Policy 5.6.12 – Signs</i>  <i>Policy 5.6.13 – Enabling Signage</i>  <i>Policy 5.6.14 – Managing the adverse effects of signs</i>  <i>Policy 5.6.15 – Artificial Outdoor Lighting</i>  <i>Policy 5.6.16 – Noise</i>  <i>Policy 5.6.17 – Outdoor Storage</i>  <i>Policy 5.6.18 – Objectionable odour</i></p> <p><i>Rules –</i>  <i>Land Use Activities 23.1.1 – 23.1.3,</i>  <i>Land Use Effects 23.2.1 - Rule 23.2.9</i>  <i>Land Use Building 23.3.1 – 23.3.9.5</i>  <i>Subdivision 23.4.1 – 23.4.12</i></p>	<p>Development pressure around the District’s towns and villages is at a moderate to high level and the effects of subdivision and development are cumulative. This means that for character and amenity to be maintained, and where possible enhanced, the need for effective provisions is significant.</p> <p>The CLZ is a common method used to provide for rural-residential or large-lot residential development in identified parts of the district in order to prevent scattered and fragmented growth, which could undermine Waikato District Council’s growth strategy or compromise the foreseeable planned and efficient growth of urban areas.</p> <p>Providing for rural-residential development in the CLZ as opposed to relying solely on provisions throughout the Rural Zone is also a means of achieving the efficient use of natural and physical resources by ensuring that sufficient land is available for productive rural land use activities. This includes maintaining the life-supporting qualities of prime and versatile soils. As such, this topic is of moderate significance to the Waikato District and Environment Waikato.</p> <p>The most significant issue is not so much in the management of the activities and buildings within the CLZ, but more about the spatial extent of the CLZ and its role and function in the District.</p>

<p><b>Issue 4 new activities and subdivision can result in adverse effects on adjacent land uses</b></p>	<p>23.3.7.1 - 23.3.7.6 <i>Building setbacks</i></p>	<p>Much of the zone's identified character and amenity is drawn from historical subdivision patterns, which have been reinforced by the Operative Plan provisions. A significant issue for the District is maintaining and enhancing the character and amenity of these areas, which is a unique character that is unlike that of a tradition urban or rural area.</p> <p>If these rules are not included in the plan, reverse sensitivity effects may arise that could affect the successful and viable operation of existing rural activities, which by their nature, generate adverse effects. Given that the rural economy underpins the economy of the Waikato District, but that the development of sensitive activities (such as dwellings) is provided for in the CLZ in relative proximity to rural activities, there is a need for effective provisions that proactively address potential reverse sensitivity effects.</p> <p>The CLZ predominantly enables a residential development and subdivision opportunities (with some complementary non-residential uses), by applying development controls to ensure that an appropriate level of amenity is provided within this zone. A higher level of amenity (i.e. a less dense character, low intensity development and rural outlook and pleasantness) is anticipated in comparison to urban zones.</p>
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## 4 EVALUATION OF OBJECTIVES

Below is a summary of the objectives that have been identified as the most appropriate to address this resource management issue and achieve the purpose of the Resource Management Act 1991.

The following objectives are considered to be the most appropriate way to achieve the purpose of the Act.

**Table 6 Summary of objectives**

Objective	Summary of evaluation
<p><b>5.6.1(a) Objective – Country Living Zone</b></p> <p>Subdivision, use and development in the Country Living Zone maintains and enhances the character and amenity values of the zone.</p>	<p>This objective is the most appropriate way to achieve the purpose of the Act and the RPS because it enables the efficient use of the land by providing for development, while recognising that there are character and amenity values which are unique to the zone which need to be maintained.</p> <p>The objective provides for a range of activities, land uses and subdivision which, in turn, will provide for the social, cultural and economic wellbeing of landowners.</p> <p>The objective also recognises that new activities or development has the potential to create adverse effects such as reverse sensitivity for rural activities in adjacent rural zones. It therefore ensures that adverse effects are appropriately avoided, remedied or mitigated.</p> <p>An alternative approach would be no CLZ at all, and instead rely on the rural provisions. However, this is not considered appropriate as it would not provide for a legitimate market sector, being the demand for countryside living. It would result in that demand being met in a more fragmented manner.</p>

## **5 EVALUATION OF PROPOSED POLICIES, RULES AND METHODS**

Section 32 (1)(b) requires an evaluation of whether the provisions are the most appropriate way to achieve the objectives by identifying other reasonably practicable options, assessing the efficiency and effectiveness of the provisions in achieving the objectives, and summarising the reasons for deciding on the provisions. The assessment must identify and assess the benefits and costs of environmental, economic, social and cultural effects that are anticipated from the implementation of the provisions, including opportunities for economic growth and employment. The assessment must if practicable quantify the benefits and costs and assess the risk of acting or not acting if there is uncertain or insufficient information available about the subject matter.

### **5.1 Identification of Reasonably Practicable Options – for Achieving Objective(s)**

The following assessment consists of an examination of all reasonably practicable options for achieving Objective 5.6.1. This high-level screening process considers the effectiveness of each option. Only those options considered to be reasonably practicable will be evaluated in this section.

The previous district plan was divided into two sections and included two zones that dealt with large lot lifestyle development in a rural setting.

The broad options range from removing all, policies and methods to a ‘restrictive approach’ which relates to maintain status quo approach, and a ‘balanced policy approach.’

#### **Table 7 Reasonably Practicable Options for Achieving Objective**

<b>Objective</b>	<b>5.6.1 Objective – Country Living Zone</b> (a) Subdivision, use and development in the Country Living Zone maintains and enhances the character and amenity values of the zone.				
<b>Options</b>	<b>Description (brief)</b>	<b>Relevance</b>	<b>Feasibility</b>	<b>Acceptability</b>	<b>Recommendation</b>
<b>Option 1 –</b> No policies, rules or methods	With this option there would be no policies, rules or methods specifically relating to the CLZ objective.	Having no provisions in the plan will not be effective in achieving the objective.	It is technically feasible to have no provisions in the plan but this would lead to uncertainty in outcomes and would risk eroding the character and amenity of the zone in an incremental way.  Having no provisions in the plan will make it very difficult for Council to monitor and address the environmental effects that arise from development.	The irreversible effects of subdivision and development would not be acceptable to the community.	<b>Discard</b>  Removing all policies, rules and methods relating to the CLZ objective from the District Plan will lead to uncertain environmental outcomes, and will therefore not give effect to the RPS or Objective 5.6.1.
<b>Option 2 –</b> Status quo – Waikato Section and Franklin Section (retain existing policies)	This approach seeks to protect the status quo with policies and rules that restrict further development.	Protecting the status quo with restrictive policies will not give direct effect to achieving the objective which provides for subdivision, use and	This approach would not encourage or provide for appropriate ‘country living’ development in suitable locations and will result in a	This approach would provide certainty and the status quo would protect character and amenity, but it would not be acceptable to enable a consistent	<b>Discard</b>  Retaining the status quo will not adequately provide for or new development and is therefore unlikely to

<b>Objective</b>	<b>5.6.1 Objective – Country Living Zone</b> (a) Subdivision, use and development in the Country Living Zone maintains and enhances the character and amenity values of the zone.				
<b>Options</b>	<b>Description (brief)</b>	<b>Relevance</b>	<b>Feasibility</b>	<b>Acceptability</b>	<b>Recommendation</b>
		development in the CLZ and RRZ nor will it provide consistency across the district.	fragmented development approach in the rural zone.	approach to CLZ.	give effect to Objective 5.6.1.
<b>Option 3 –</b> Balanced Policy Approach	With this approach a range of balanced policies, rules and methods are adopted that enables further development in the entire district while protecting the character and amenity of the zone and functionality of adjacent rural zones.	This approach will provide for subdivision and development that is of an appropriate bulk and scale for the existing activities and location. At the same time, the balanced policy approach will provide for the maintenance and, where possible, enhancement of character and amenity values. This approach will be effective in achieving the objective.	<p>Clear policies, rules and methods which provide minimum or maximum development controls/standards will provide greater certainty in terms of the development anticipated in the area.</p> <p>This will also make it easier for Council to monitor and undertake enforcement action.</p> <p>This approach will provide a consistency over the district.</p>	A balanced approach will redirect rural-residential living to this zone, while safeguarding natural and physical resources such as versatile soils. This level of impact will be acceptable to the community.	<p><b>Recommended</b></p> <p>This approach is recommended as it will enable subdivision and development that is acceptable and appropriate for the zone while providing a consistent platform of development. Enabling development and subdivision will give effect to Part 2 of the RMA by providing for the social, economic and cultural wellbeing of landowners.</p> <p>By providing for</p>

<b>Objective</b>	<b>5.6.1 Objective – Country Living Zone</b> (a) Subdivision, use and development in the Country Living Zone maintains and enhances the character and amenity values of the zone.				
<b>Options</b>	<b>Description (brief)</b>	<b>Relevance</b>	<b>Feasibility</b>	<b>Acceptability</b>	<b>Recommendation</b>
					development within the CLZ it alleviates the pressure of rural-residential development on rural zones, which have valuable rural production purpose. It will therefore give effect to the RPS.

## 5.2 Evaluation of Selected Options

This section contains an evaluation of those options identified above for further evaluation. The short list of options has been developed further to include (where relevant) policies, rules and methods. In some instances, provisions have been bundled where they are expected to work together to achieve the objective. For efficiency, this second tier evaluation focuses on the approach and the policies and rules which implement that approach as a package, rather than a detailed analysis of every policy and every rule.

Both the Waikato and Franklin sections of the Operative District Plan acknowledge the popularity of rural-residential activities and the speed at which this form of development has proliferated. The created lots can be released to market relatively quickly as lots tend to be serviced onsite through privately maintained systems and are not reliant upon the timing of improvements to public reticulated services, as occurs in the development of new urban areas.

Rural lifestyle living will be mostly provided for in the District through the CLZ provisions of the Proposed Plan. While the intent of both sections of the Operative Plan are similar in this regard, there are differences in how the provisions give effect to the objectives, and it is desirable to ensure that the Proposed Plan presents a standardised approach. The CLZ provisions of the Proposed Plan generally rollover the existing provisions of the CLZ in the Operative District Plan ('Waikato Section') incorporating zone specific objectives and policies.

The analysis of the selected options relies on the Market Economics 'ME' report on the 'Waikato District Social and Economic Profile' and the 'Rural Subdivision for the s32 report.' While, these reports don't directly relate to the CLZ, it reinforces its function and purpose in the District Plan, which is to provide rural living in the countryside. By including this zone, it allows the rural zones to work efficiently (i.e. by enabling rural production and agricultural activities which the District relies on for its social and economic wellbeing). It reinforces the need to protect rural zoned land and re-direct development to the CLZ. These conclusions and considerations have been incorporated into the assessment below.

## 5.3 Objective and Related Policies and Rules

This section sets out the CLZ objective and related Policies and Rules.

Objective 5.6.1 (a) - Subdivision, use and development in the CLZ maintains and enhances the character and amenity values of the zone.

- 5.6.2 Policy – Country Living Character
- 5.6.3 Policy – Subdivision within the Country Living Zone
- 5.6.4 Policy – Building Setbacks
- 5.6.5 Policy – Scale and intensity of development
- 5.6.6 Policy – Height of buildings
- 5.6.7 Policies - Earthworks
- 5.6.8 Policy – Non-residential Activities

- 5.6.9 Policy – Existing non-residential activities
- 5.6.10 Policy – Home occupations
- 5.6.11 Policy - Temporary Events
- 5.6.12 Policy - Signs
- 5.6.13 Policy – Enabling signs
- 5.6.14 Policy – Managing the adverse effects of signs
- 5.6.15 Policy – Artificial Outdoor Lighting
- 5.6.16 Policy – Noise
- 5.6.17 Policy – Outdoor storage
- 5.6.18 Policy – Objectionable odour
- 23.1.1 – Permitted Activities, including all associated standards
- 23.1.2 –Discretionary activities
- 23.1.3 – Non-complying activities
- 23.2 – Land Use – Effects
- 23.3 – Land Use – Building
- 23.4 – Land Use – Subdivision

Refer to Appendix I ‘Provision Cascade’ for full wording of each policy (details of all rules are not provided in this appendix however).

### 5.3.1 Identification of Options

In considering options for managing and enabling the objective of the CLZ number of factors were taken into account including:

- Waikato Regional Policy Statement
- Market Economics report ‘*Waikato District Social and Economic Profile,*’ dated July 2017
- Market Economics report ‘*Implications of Rural Subdivision for the Waikato District economy,*’ dated February 2018
- Maniapoto Environmental Management Plan (Iwi Management Plan)
- The need to provide a consistent framework across the district
- Feedback and consultation

Options considered for the Country Living Zone Objective 5.6.1(a) included:

- A policy framework that provides clear direction on the use of rural land for Country Living development
- No policies, rules or methods
- A restrictive policy approach
- A balanced policy approach

### 5.3.2 Policy, Rule and Method Evaluation

This section assists to identify the provisions (i.e. policies, rules and methods) that are the most appropriate to achieve the objective.

**Table 8 Evaluation of provisions**

Provisions most appropriate	Effectiveness and Efficiency	
	Benefits	Costs
Policy 5.6.2 Country Living Character Policy 5.6.3 Subdivision within the Country Living Zone Policy 5.6.4 Building Setbacks Policy 5.6.5 Scale and intensity of development Policy 5.6.6 Height of buildings Policy 5.6.7 Earthworks Policy 5.6.8 Non-residential Activities Policy 5.6.9 Existing non-residential activities Policy 5.6.10 Home occupations Policy 5.6.11 Temporary Events Policy 5.6.12 Signs Policy 5.6.13 Enabling signage Policy 5.6.14 Managing the adverse effects of signs Policy 5.6.15 Artificial Outdoor Lighting Policy 5.6.16 Noise Policy 5.6.17 Outdoor storage Policy 5.6.18 Objectionable odour 23.1.1 – Permitted Activities, including all associated standards 23.1.2 –Discretionary activities 23.1.3 – Non-complying activities	<b>Environmental:</b>  The main environmental benefit of the CLZ is to provide for the integrated management/ planning of the District’s rural areas by identifying land that is appropriate for rural lifestyle living on smaller rural lots that are unsuitable for productive rural uses. The provisions appropriately provide for, and encourage, rural lifestyle living on smaller rural lots within the identified CLZ zone while ensuring the productive rural land is maintained.  The provisions seek to maintain and enhance a character and an amenity that has been informed by historic land use patterns and takes into account the intent of landscape overlays. For instance, the building platform rule, the maximum building coverage control, and yard setback requirements retain a sense of openness that contributes to the character and amenity of the zone.	<b>Environmental:</b>  The existing rural hinterland character is likely to be modified overtime by the anticipated character of the CLZ, which provides for non-residential activities and subdivision at a density that generally falls outside of what might be expected within a traditional rural area.  Environmental costs are controlled through the provision of permitted activity standards that address environmental effects and through resource consent pathways that enable consideration and control of adverse effects on the environment.

Provisions most appropriate	Effectiveness and Efficiency	
	Benefits	Costs
23.2 – Land Use – Effects 23.3 – Land Use – Building 23.4 – Land Use – Subdivision	<p>The provisions seek to achieve an optimum lot size to ensure that the largely rural character (i.e. single dwellings on large lots) of the zone is not eroded and the largely residential function of the zone is delivered.</p> <p>In terms of land use activities, the rules place restrictions and standards associated with the activity to ensure that the scale and intensity (i.e. hours of operation, vehicle movements and number of workers) of these listed activities are compatible with the character anticipated in the zone.</p> <p>The proposed bulk and location controls (e.g. building coverage and yard setback requirements) will manage the amenity values anticipated in the CLZ. They will also ensure that the effects of new development will not adversely affect the amenity anticipated on adjacent zones. The effects of wastewater and water are controlled with the stringent provisions.</p> <p>These provisions recognise that signage, noise, artificial lighting and storage may be required as part of non-residential activities in the zone. Provisions seek to impose permitted and Restricted Discretionary assessment criteria to ensure that any</p>	

Provisions most appropriate	Effectiveness and Efficiency	
	Benefits	Costs
	<p>adverse effects on the environment are appropriately avoided or managed.</p> <p>The environmental benefit of setback rules is the protection of amenity levels for the household occupants. The setback rules will also ensure that incompatible land uses (i.e. residential dwellings within this zone) and nearby rural production are located an appropriate distance from each other to minimise potential reverse sensitivity effects. This measure will ensure that the amenity levels anticipated within the CLZ are achieved.</p>	
	<p><b>Economic:</b></p> <p>A significant economic benefit is that the CLZ provisions may create development potential on land that may be uneconomic to use for rural purposes.</p> <p>A further economic benefit of directing rural lifestyle activities to the CLZ is that it minimises the potential for sensitive land uses to become established in the rural area, which may affect the operation of established rural land uses.</p> <p>Enabling subdivision, changes in land use</p>	<p><b>Economic:</b></p> <p>The CLZ promotes a development pattern that fragments rural land into less than 5,000m<sup>2</sup> lots that limits their use. The setbacks distances are quite large and results in undevelopable land which will have economic implications for the landowner. However the Proposed Plan provisions set appropriate subdivision and development controls to achieve objective of the CLZ (Objective 5.6.1 of the Proposed Plan). Identifying specific identified areas for Country Living will be a cost to the ex Franklin area as it introduces a more restrictive regime than currently for this type of development.</p> <p>Rule 23.3.7 provides for a maximum building coverage of</p>

Provisions most appropriate	Effectiveness and Efficiency	
	Benefits	Costs
	<p>activities and non-residential activities will provide for the economic wellbeing of landowners. In particular, the Proposed Plan will provide a consistent approach where subdivision is anticipated where a parent lot is more than 5000m<sup>2</sup> (net) in size and the minimum lot size is generally guided by building platform, yard setback requirements and wastewater disposal field requirements.</p> <p>The ability to advertise a non-residential activity, utilise artificial outdoor lighting and generate noise will assist in function and operation of the activity.</p>	<p>10% or 300m<sup>2</sup> (whichever is the larger), without resource consent. This is a more restrictive control than what exists in the Franklin section of the Operative District Plan, where resource consent is triggered by the percentage of the site covered (20%) and there is no maximum footprint, but similar to the Waikato section when applied to larger sites and is more generous for smaller sites under 3000m<sup>2</sup> (10% maximum). The control will appropriately achieve the predominantly residential function of the zone, while allowing for some small-scale productive rural activities (Objective 5.6.1).</p> <p>Larger buildings required to support larger-scale productive rural activities may require resource consent for a discretionary activity where all adverse effects can be considered (Rule 23.3.6 of the Proposed Plan). This is an appropriate method to consider the adverse effects of such buildings on the planned character and amenity of rural lifestyle areas.</p>
	<p><b>Social:</b></p> <p>Enabling subdivision, changes in land use activities and non-residential activities will provide for the social wellbeing of landowners. It is also noted that the proposed CLZ provides for minor dwellings as a permitted activity (subject to controls) and this provides appropriate flexibility for</p>	<p><b>Social:</b></p> <p>The proposed provisions do not lead to any identified social costs.</p>

Provisions most appropriate	Effectiveness and Efficiency	
	Benefits	Costs
	<p>households to accommodate extended members of the family on the same property.</p> <p>The maximum building coverage control of 300m<sup>2</sup> or 10% (whichever is the larger) provides for some flexibility on smaller sites within the zone to accommodate a range of development options without requiring resource consent (subject to controls). (For instance, hobby sheds, garages, minor dwellings).</p> <p>Non-residential activities and home occupation will provide smaller-scale service based activities which will provide for the social wellbeing of landowners and the community.</p> <p>The proactive avoidance of reverse sensitivity effects has benefits in that community or neighbourhood disputes can be avoided for minimised in the future.</p>	
	<p><b>Cultural:</b></p> <p>The Maniapoto Environmental Management Plan states that the management of natural resources (land and soil) from inappropriate urban development is of importance to iwi.</p>	<p><b>Cultural:</b></p> <p>The proposed provisions do not lead to any identified cultural costs.</p>

Provisions most appropriate	Effectiveness and Efficiency	
	Benefits	Costs
	Directing rural-residential development to the CLZ will assist in safeguarding soils and rural land, and will therefore provide for the cultural wellbeing of iwi.	
<b>Opportunities for economic growth and employment</b>		
The provision for subdivision, establishment of new non-residential activities will enable economic growth and employment opportunities to be pursued in the CLZ, but in a manner that protects the economic growth and activities in the rural zone. There will also be additional construction opportunities associated with development of the CLZ.		
<b>Options less or not as appropriate to achieve the objective</b>		
<b>Option 1: Remove all policies, rules and methods</b>		
<p><b>Appropriateness:</b> The removal of all policies, rules and methods is disregarded as the most appropriate to achieve the objective as it would result in ad-hoc and incremental development and subdivision which will slowly erode the character of the CLZ. Additionally, this approach will be ineffective in managing reverse sensitivity effects as residential activities will have the ability to locate anywhere on its respective site. The removal of all rules and methods will also result in uncertain amenity outcomes (for example, there will be no controls on noise, lighting and bulk and location controls). The removal of all provisions will also make it hard to administer performance standards and anticipated environmental outcomes.</p>		
<b>Option 2: Status Quo</b>		
<p><b>Appropriateness:</b> This approach is disregarded as the most appropriate to achieve the objective as it seeks to protect the status quo, being the development pattern which exists. This approach is unlikely to provide for development and subdivision result in a consistent manner and limited opportunities to maintain and enhance the character and amenity effects as anticipated by higher level planning documents and section 5 of the RMA.</p>		
<b>Risk of acting or not acting</b>		
There is sufficient information for Council to propose the above policies and methods. In particular, two Market Economic reports have been prepared (as discussed in Section 5 above), which state that landowners, particularly farmers, rely on rural subdivision for capital gain. The rate of rural subdivision will result in the loss of versatile soils and land for rural production purposes. Therefore the above provisions are required to ensure that rural land can be utilised for rural purposes and rural-residential living can be appropriately provided for in the CLZ.		
<b>Efficiency and effectiveness</b>		
<p><b>Effectiveness:</b> A balanced approach is an effective means to achieving Objective 5.6.1(a) as it provides for a level of development and subdivision while including activity</p>		

Provisions most appropriate	Effectiveness and Efficiency	
	Benefits	Costs
and land use controls to maintain and enhance amenity. The balanced approach recognises a demand for rural-residential living while ensuring the protection of the Rural Zone for continuing productive rural uses. The balanced policy approach will give effect to the relevant provisions in the RPS and Part 2 of the RMA		
<b>Efficiency:</b>		
This approach is an efficient means of providing an appropriate level of amenity to occupants within this zone. The proposed standards endeavour to prevent reverse sensitivity effects on legitimate rural production activities, which by their nature generate adverse effects.		

## 6 CONCLUSION

After undertaking an evaluation as required by Section 32 of the RMA, the Objectives are considered the most appropriate way to achieve the Purpose of the RMA (Section 5) for allowing for the Country Living Zone.

It is considered that the recommended policies and methods outlined above are the most appropriate way for achieving the objective, having considered:

- (i) other reasonably practicable options for achieving the objective; and
- (ii) assessing the efficiency and effectiveness of the provisions in achieving the objective.

## APPENDIX I PROVISION CASCADE

Objective	Policies	Rules	Assessment Criteria
<p><b>5.6.1 Objective – Country Living Zone</b></p> <p>(b) Subdivision, use and development in the Country Living Zone maintains and enhances the character and amenity values of the zone.</p>	<p><b>5.6.2 Policy – Country Living Character</b></p> <p>(a) Buildings and activities within the Country Living Zone are designed, located, scaled and serviced in a manner that does not detract from the character of the area by:</p> <ul style="list-style-type: none"> <li>(i) Maintains the open space character;</li> <li>(ii) low-density residential development;</li> <li>(iii) Recognising the absence of Council wastewater services and lower levels of other infrastructure.</li> </ul> <p>(b) Maintains views and vistas of the rural hinterland beyond, including, where applicable, Waikato River, wetlands, lakes, and coast.</p> <p>(c) Maintains a road pattern that follows the natural contour of the landform.</p> <p>(d) Ensure that the scale and design of any non-residential activities maintains the rural-residential character and addresses site specific issues such as on-site servicing, and transport related effects.</p> <p>(e) Require activities within the</p>	<p><b>23.1 Land Use Activities:</b></p> <ul style="list-style-type: none"> <li>• 23.1.1 – Permitted Activities</li> <li>• 23.1.2 – Discretionary activities</li> <li>• 23.1.3 – Non-complying activities</li> </ul> <p><b>23.2 Land Use Effects</b></p> <ul style="list-style-type: none"> <li>• Noise (Rules 23.2.1 – 23.2.1.2)</li> <li>• Signs (23.2.6)</li> <li>• Outdoor Storage (23.2.7)</li> </ul> <p><b>23.3 Building Rules:</b></p> <ul style="list-style-type: none"> <li>• 23.3.1 Dwelling</li> <li>• 23.3.2 Minor dwelling</li> </ul>	<p><b>Land Use Activities:</b></p> <p>23.1.1 – Permitted Activity Table – Activity Specific Conditions</p> <p>23.1.2.1 (1) D2 – Catch all Discretionary activity status for activities which do not meet Land Use Effects Rules (23.2) or Land Use Buildings Rules (23.3)</p> <p>Note: There are no Restricted Discretionary activities therefore no matters of discretion or assessment criteria.</p> <p><b>Land Use Effects</b></p> <p>23.2.2 Glare and Artificial Light Spill – RDI – matters of discretion for RD activities</p> <p>23.2.1 Noise – Construction – RDI – matters of discretion for RD activities</p> <p>23.2.3.1 Earthworks – General RDI</p>

Objective	Policies	Rules	Assessment Criteria
	Country Living Zone to be self-sufficient in the provision of water supply, wastewater and stormwater disposal, unless a reticulated supply is available.		
	<p><b>5.6.3 Policy – Subdivision within the Country Living Zone</b></p> <p>(a) Subdivision, building and development within the Country Living Zone ensures that:</p> <p>(i) avoid creating undersized lots where character and amenity is compromised;</p> <p>(ii) subdivision creates titles that are of a size and shape to enable sufficient building setbacks from all boundaries;</p> <p>(iii) building platforms are sited to maintain the character of the Country Living area and are appropriately positioned;</p> <p>(iv) existing infrastructure is not compromised;</p> <p>(v) existing lawfully established activities are protected from reverse sensitivity effects.</p>	<p><b>Subdivision Activity Tables:</b></p> <ul style="list-style-type: none"> <li>• Rule 23.4.1 Prohibited subdivision</li> <li>• Rule 23.4.2 provides for General Subdivision</li> <li>• Rule 23.4.3 - Subdivision within identified areas</li> <li>• Rule 23.4.4 - Title Boundaries – contaminated land, Significant Amenity Landscape, notable trees, intensive farming activities and aggregate extraction areas</li> <li>• Rule 23.4.5 - Site boundaries – Significant Natural Areas, heritage items, archaeological sites, sites of significance to Maaori</li> <li>• Rule 23.4.6 - Subdivision of land containing heritage items</li> <li>• Rule 23.4.7 - Subdivision - Road frontage</li> <li>• Rule 23.4.8 - Subdivision Building platform</li> <li>• Rule 23.4.9 – Subdivision for a Reserve</li> <li>• Rule 23.4.10 - Subdivision of land containing mapped off-road walkways</li> <li>• Rule 23.4.11 - Subdivision of land</li> </ul>	<p><b>Matters of Control and associated standards:</b></p> <ul style="list-style-type: none"> <li>• 23.4.11 CI - Subdivision of land containing all or part of an Environmental Protection Area</li> </ul> <p><b>Restricted Discretionary Assessment Criteria, Standards and Matters of Discretion:</b></p> <ul style="list-style-type: none"> <li>• 23.4.2RD1 - General Subdivision</li> <li>• 23.4.3 RD 1 - Title boundaries – natural hazard area, contaminated land, Significant Amenity Landscape, notable trees, intensive farming activities, aggregate extraction areas</li> <li>• 23.4.7 RDI -Subdivision - Road frontage</li> <li>• 23.4.8 RD 1 Subdivision - Building platform</li> <li>• 23.4.9 RD 1 - Reserves</li> <li>• 23.4.10 RD 1 – Subdivision of land containing mapped off-road walkways</li> <li>• 23.4.11 RD 1 2.4.10 Subdivision of land containing all or part of an Environmental Protection Area</li> </ul>

Objective	Policies	Rules	Assessment Criteria
		containing all or part of an Environmental Protection Area <ul style="list-style-type: none"> <li>• Rule 23.4.12 - Esplanade reserves and esplanade strips</li> </ul>	<ul style="list-style-type: none"> <li>• 23.4.12 RD I -Esplanade reserves and esplanade strips</li> </ul> 23.4.3. – Subdivision within identified areas is a Discretionary activity.
	<b>5.6.4 Policy – Building Setbacks</b>  (a) Maintain the existing spaciousness between buildings with adjoining sites.	<b>23.3.7 Building setbacks</b> <ul style="list-style-type: none"> <li>• Rule 23.3.7.1 Building setbacks – Rule 23.3.7.2 Building setback -.</li> <li>• Rule 23.3.7.3 Building setbacks from Tamahere Commercial Areas and A and B</li> <li>• Rule 23.3.7.4 Building – Airport Noise Outer Control Boundary.</li> <li>• Rule 23.3.7.5 Building setback - waterbodies</li> <li>• Rules 23.3.7.6 Building setback - Environmental Protection Area</li> <li>•</li> </ul>	<b>Permitted activity standards:</b> <ul style="list-style-type: none"> <li>• 23.3.7.1 PI – P2 Building Setbacks – All boundaries</li> <li>• 23.3.7.2 PI -Building setback - sensitive land use</li> <li>• 23.3.7.3 PI – P2 - Tamahere Commercial Areas and A and B</li> <li>• 23.3.7.4 PI - Building – Airport Noise Outer Control Boundary</li> <li>• 23.3.7.5 PI – P2 -Building setback – waterbodies</li> <li>• 23.3.7.6 PI - Building setback – Environmental Protection Area</li> </ul> <b>Restricted Discretionary Assessment Criteria, Standards and Matters of Discretion:</b> <ul style="list-style-type: none"> <li>• 23.3.7.1 RD I Building Setbacks – All boundaries</li> <li>• 23.3.7.3 RD I - Tamahere Commercial Areas and A and B</li> </ul>
	<b>5.6.5 Policy – Scale and intensity of development</b>	23.3.1 Dwelling 23.3.2 Minor dwelling	RD activity standards and matters of discretion:

Objective	Policies	Rules	Assessment Criteria
	(a) Minimise the adverse effects of development created by excessive building scale, overshadowing, building bulk, excessive site coverage or loss of privacy.	23.3.3 Buildings and Structures in Landscape and Natural Character Areas 23.3.5 Daylight admission 23.3.6 Building coverage 23.3.7 Building setbacks	<ul style="list-style-type: none"> <li>23.3.5 RD I- Daylight admission</li> </ul>
	<b>5.6.6 Policy – Height of buildings</b>  (a) Ensure building height does not result in loss of privacy or cause over shadowing on adjoining sites or detract from the amenity of the area.	23.3.4 Height	Discretionary activity – so no specific standards
	<b>5.6.7 Policies - Earthworks</b>  (a) Manage the effects of earthworks to ensure that: <ol style="list-style-type: none"> <li>Erosion and sediment loss is avoided or mitigated;</li> <li>The ground is geotechnically sound and remains safe and stable for the duration of the intended land use;</li> <li>Changes to natural water flows and established drainage paths is avoided or mitigated;</li> </ol> (b) Manage the importation of fill material to a site. (c) Appropriately manage the importation of cleanfill to a site. (d) Manage the amount of land being	23.2 Land Use Effects: <ul style="list-style-type: none"> <li>Earthworks (23.2.3)</li> </ul>	23.2.5.1 RD I - Earthworks – General

Objective	Policies	Rules	Assessment Criteria
	<p>disturbed at any one time to avoid, remedy or mitigate adverse construction noise, vibration, odour, dust, lighting and traffic effects.</p> <p>(e) Subdivision and development occurs in a manner that maintains shape, contour and landscape characteristics.</p>		
	<p><b>5.6.8 Policy – Non-residential Activities</b></p> <p>(a) Limit the establishment of commercial or industrial activities within the Country Living Zone unless they:</p> <p>(i) have a functional need to locate within the Country Living Zone; and</p> <p>(ii) provide for the health and well-being of the community.</p>	<p>23.1.1 Permitted Activities</p> <ul style="list-style-type: none"> <li>- Home stay (P2)</li> <li>- Temporary events (P3)</li> <li>- Home occupation (P4)</li> </ul> <p>23.1.2 Discretionary Activities</p> <p>Any permitted activity that does not comply with an ‘Activity Specific Condition’ in Rule 23.1.1 (D1)</p> <p>A commercial activity (excluding produce stall) (D3)</p> <p>A community activity (D4)</p> <p>An education facility, excluding a child care facility for up to 10 children (D5)</p> <p>A funeral home and/or crematorium (D6)</p> <p>A health facility (D7)</p> <p>A hospital, or a hospice with 10 or more beds (D8)</p> <p>Travellers’ accommodation (D9)</p> <p>An industrial activity (D10)</p> <p>A place of assembly (D11)</p> <p>23.1.3 Non-complying Activities</p>	<p>no specific standards</p>

Objective	Policies	Rules	Assessment Criteria
		<p>A correctional facility (NC1)            An extractive industry (NC2)            A retirement village (NC3)            Intensive farming (NC5)            Transport depot (NC6)            Motor sport and recreation events (NC7)            (a) Within the Hamilton Airport Noise Outer Control Boundary:            (i) a child care facility            (ii) a hospital or hospice (NC8)            Construction of a building on an indicative road (NC9)            A waste management facility (NC10)            Storage, processing or disposal of hazardous waste (NC11)            Any activity that is not listed as Permitted, Restricted Discretionary or Discretionary (NC12)</p>	
	<p><b>5.6.9 Policy – Existing non-residential activities</b></p> <p>(a) Enable existing non-residential activities to continue and support their redevelopment and expansion provided they do not have a significant adverse effect on the character and amenity of the Country Living Zone.</p>	<p>23.1.1 Permitted Activities            - Home stay (P2)            - Temporary events (P3)            - Home occupation (P4)</p> <p>23.1.2 Discretionary Activities            Any permitted activity that does not comply with an ‘Activity Specific Condition’ in Rule 23.1.1 (D1)            A commercial activity (excluding produce stall) (D3)            A community activity (D4)            An education facility, excluding a child</p>	no specific standards

Objective	Policies	Rules	Assessment Criteria
		<p>care facility for up to 10 children (D5)  A funeral home and/or crematorium (D6)  A health facility (D7)  A hospital, or a hospice with 10 or more beds (D8)  Travellers' accommodation (D9)  An industrial activity (D10)  A place of assembly (D11)</p> <p>23.1.3 Non-complying Activities  A correctional facility (NC1)  An extractive industry (NC2)  A retirement village (NC3)  Intensive farming (NC5)  Transport depot (NC6)  Motor sport and recreation events (NC7)  (a) Within the Hamilton Airport Noise Outer Control Boundary:  (i) a child care facility  (ii) a hospital or hospice (NC8)  Construction of a building on an indicative road (NC9)  A waste management facility (NC10)  Storage, processing or disposal of hazardous waste (NC11)  Any activity that is not listed as Permitted, Restricted Discretionary or Discretionary (NC12)</p>	
	<b>5.6.10 Policy – Home occupations</b>	23.1.1 P4 - activity specific conditions	No further conditions

Objective	Policies	Rules	Assessment Criteria
	<ul style="list-style-type: none"> <li>(a) Provide for home occupations to allow flexibility for people to work from their homes.</li> <li>(b) Manage the adverse effects on residential amenity through limiting home occupations to a scale that is compatible with the level of amenity anticipated in the residential environment.</li> </ul>		
	<p><b>5.6.11 Policy - Temporary Events</b></p> <ul style="list-style-type: none"> <li>(a) Enable temporary events and associated temporary structures, provided any adverse effects on the residential environment are managed by:               <ul style="list-style-type: none"> <li>(i) Limits on the timing, number and duration of events;</li> <li>(ii) Meeting the permitted noise limits for the zone.</li> </ul> </li> </ul>	23.1.1 P3 - activity specific conditions	No further conditions
	<p><b>5.6.12 Policy - Signs</b></p> <ul style="list-style-type: none"> <li>(a) Signage contributes to the social and economic wellbeing of communities by:               <ul style="list-style-type: none"> <li>(i) Supporting infrastructure and commercial and community activities;</li> <li>(ii) Providing information, including for public safety; Identifying places.</li> </ul> </li> </ul>	23.2.6. Signs	23.2.6.1 – RD 1 – matters of discretion for RD activities
	<b>5.6.14 Policy – Managing the</b>	23.2.6. Signs	23.2.6.1 – RD 1 – matters of discretion

Objective	Policies	Rules	Assessment Criteria
	<p><b>adverse effects of signs</b></p> <p>(a) The location, colour, content, and appearance of signs directed at traffic is controlled to ensure signs do not distract, confuse or obstruct motorists, pedestrians and other road users;</p> <p>(b) Maintain the visual amenity and character of the Country Living Zone through controls on the size, location, appearance and number of signs;</p> <p>(c) Avoid signs that generate adverse effects from illumination, light spill, flashing or reflection.</p>		for RD activities
	<p><b>5.6.15 Policy – Artificial Outdoor Lighting</b></p> <p>(a) Provide for artificial outdoor lighting to enable night time work, farming activities, recreation activities, outdoor living, transport and security.</p> <p>(b) Control the intensity and direction of artificial lighting to avoid significant glare and light spill to adjacent sites.</p> <p>(c) Ensure artificial outdoor lighting is installed and operated so that light spill does not compromise the safe operation of the transport network.</p>	23.2.2 Glare and Artificial Light Spill	23.2.2 Glare and Artificial Light Spill – RDI

Objective	Policies	Rules	Assessment Criteria
	<p><b>5.6.16 Policy – Noise</b></p> <p>(a) The adverse effects of noise on the character and amenity of the Country Living Zone are minimised by:</p> <ul style="list-style-type: none"> <li>(i) Ensuring that the maximum sound levels are compatible with the surrounding land uses;</li> <li>(ii) Limiting the timing and duration of noise-generating activities, including construction and demolition activities;</li> <li>(iii) Maintaining appropriate setback distances between high noise environments and sensitive land uses;</li> <li>(iv) Managing the location of sensitive land uses, particularly in relation to lawfully-established high noise generating activities;</li> <li>(v) Requiring acoustic insulation where sensitive activities are located within high noise environments.</li> </ul>	<p>Rule 23.2.1.1 Noise – General</p> <p>Rule 23.2.1.2 Noise – Construction</p>	<p>23.2.1.2 Noise – Construction – RDI</p>
	<p><b>5.6.17 Policy – Outdoor storage</b></p> <p>(a) The adverse visual effects of outdoor storage are managed through screening or landscaping.</p>	<p>23.2.7 Outdoor Storage</p>	<p>23.2.7 Outdoor Storage – RDI</p>

Objective	Policies	Rules	Assessment Criteria
	<p><b>5.6.18 Policy – Objectionable odour</b></p> <p>(a) Ensure that the effects of objectionable odour do not detract from the amenity of other sites.</p> <p>(b) Maintain appropriate setback distances between new sensitive land uses and existing lawfully established activities that generate objectionable odour.</p>	23.3.7.2 Building setback - sensitive land use	23.3.7.2 DI – no assessment criteria as it's a Discretionary activity

## **APPENDIX 2 HOROTIU ACOUSTIC ADVICE**