

## SECTION 9 - RURAL ZONE

### 9.0 ISSUES

- 9.0.1 Reduction of the life-supporting capacity of soils through their removal and modification by the use and development of land.
- 9.0.2 Inappropriate subdivision:
- constrains rural activities,
  - invites conflict between those activities that use rural land to buffer their adverse effects and sensitive activities,
  - reduces the opportunities for utilisation of the potential and life-supporting capacity of soils, and
  - restricts access to rural resources, including minerals.
- 9.0.3 Reduction of rural amenity values through development at densities incompatible with present rural amenity values.
- 9.0.4 Removal of high quality soils from use by current and future generations through the establishment of activities which compromise the productive capability of those soils.
- 9.0.5 Potential for cumulative adverse effects caused by the lack of appropriate infrastructure.
- 9.0.6 Loss of rural visual character through inappropriate scale and location of buildings and structures.
- 9.0.7 Potential health risks and reduction in rural amenity values through the contamination of air (odour and creation of dust), water, creation of noise, shading or any other environmental effect as a result of the establishment and operation of rural activities, rural industries, or commercial services.
- 9.0.8 Potential adverse effects of interim development on future urban use of land.
- 9.0.9 The compromising of major traffic routes, the existing urban form, and the efficient provision of infrastructure.
- 9.0.10 The compromising of State Highways in terms of traffic safety and convenience through unsafe access location and design for rural industries and commercial services.
- 9.0.11 Potential health risks from poor management of waste associated with farming operations, rural industries, or commercial services.
- 9.0.12 Greater risk of inundation through increased stormwater runoff from any activity.
- 9.0.13 Intensification of land use on land subject to inundation.
- 9.0.14 Culturally significant areas - refer [Section 54](#).
- 9.0.15 Ecologically sensitive habitats and natural conservation areas - Refer [Section 53](#).
- 9.0.16 Coal resources - Refer [Section 41](#).
- 9.0.17 Avoidance of the decay of existing buildings and infrastructure on sites previously designated or utilised for rural industries or commercial services.
- 9.0.18 Avoidance of incidence of natural hazards on rural industries or commercial services.
- 9.0.19 Development in close proximity to mineral extraction sites may create constraints which impede the efficient long-term extraction of the resource.
- 9.0.20 The potential to reduce the efficient functioning of Agricultural Research Centres.
- 9.0.21 Restriction of rural activities through reverse sensitivity caused by inappropriate location of activities with expectations of urban amenity standards.

- 9.0.22 Loss of potential for rural activities to occur because of the density of non-rural activities.
- 9.0.23 Subdivision fragmenting large areas of land containing high quality soils and reducing the versatility of that land, including the potential of those soils to provide for the needs of future generations and safeguard the life-supporting capacity of those soils.
- 9.0.24 Unreasonable constraints that restrict subdivision, use and development from improving the social, economic and cultural wellbeing of people and communities in rural areas.
- 9.0.25 Adverse noise effects from the operation of Hamilton International Airport on residential activity, and adverse reverse sensitivity effects of residential activity on the operation of the Airport.
- 9.0.26 Development or subdivision in close proximity to recognised rural industries may restrict those industrial activities.

## 9.1 OBJECTIVES

- 9.1.1 Issues 9.0.1, 9.0.2, 9.0.3 and 9.0.21: To maintain the versatility and safeguard the life-supporting capacity of the soil resource, while ensuring new lots are able to:
- absorb or manage stormwater runoff,
  - accommodate household effluent disposal,
  - avoid location in proximity to mineral extraction,
  - maintain road safety and promote transport efficiency,
  - maintain the health and wellbeing of people,
  - reflect rural amenity values,
  - remedy or mitigate adverse effects from adjacent, established activities,
  - retain community connections to their past,
  - retain indigenous habitats, and
  - retain sediment from disturbed land.
- 9.1.2 Issues 9.0.2 and 9.0.3: To retain rural land, particularly land containing high quality soils, in large holdings that maintain versatility and efficient use of the land in terms of providing for the needs of future generations and safeguarding the life-supporting capacity of the soil.
- 9.1.3 Issue 9.0.2, 9.0.19: To ensure that the efficient extraction of mineral resources is not unduly compromised by the location of activities sensitive to noise, dust, traffic or odour.
- 9.1.3A Issue 9.0.8: To ensure that industrial activities, including in industrial zones, are not compromised by the establishment nearby of activities that are sensitive to noise, dust, traffic, and odour from those industrial activities.
- 9.1.4 Issue 9.0.5: To ensure efficient and effective management of the District's physical resources of roading, land drainage, and rural water supplies.
- 9.1.5 Issues 9.0.1, 9.0.4, 9.0.6, 9.0.7 and 9.0.10: To ensure intensive forms of farming, rural industries, and commercial services do not adversely affect the environment.
- 9.1.6 Issues 9.0.6 and 9.0.7: To ensure that the rural visual character and amenity values are maintained or enhanced.
- 9.1.7 Issues 9.0.8 and 9.0.9: To ensure urban consolidation of existing District urban areas is not compromised by interim development.
- 9.1.8 Issue 9.0.11: To ensure storage and disposal of waste associated with any activity does not create a public health risk.
- 9.1.9 Issue 9.0.10: To ensure that intensification of rural land use does not adversely affect public health and safety.
- 9.1.10 Issue 9.0.12: To ensure that intensification of land use does not increase the risk of land inundation.
- 9.1.11 Issue 9.0.13: To ensure that activities are not adversely affected by inundation.

- 9.1.12 Issue 9.0.10: To ensure that rural industries and commercial services do not adversely affect traffic safety and the convenient use of State Highways.
- 9.1.13 Issue 9.0.14: To enable the effective and efficient use of existing buildings and infrastructure on sites previously designated or utilised for rural industries or commercial services.
- 9.1.14 Issue 9.0.15: To ensure that rural industries and commercial services are located in areas free from any natural hazard and coal mining subsidence.
- 9.1.15 Issue 9.0.5: To ensure that all land and building development associated with the establishment of rural industries or commercial services is designed and constructed to address the adverse effects of stormwater disposal, effluent disposal, and water supply or to offset the full costs of reticulated servicing.
- 9.1.16 Issue 9.0.5, 9.0.7: To ensure that new lots created for Commercial Services are of sufficient size for the effective establishment of the proposed use.
- 9.1.17 Issue 9.0.20: To enable Agricultural Research Centres to function efficiently.
- 9.1.18 Issues 9.0.21, 9.0.22: To enable efficient use of land in the Rural Zone, recognising the reasonably foreseeable needs of future generations, by managing transitional development.
- 9.1.19 Issue 9.0.25: To ensure that residential development is located and controlled to limit the adverse noise effects from the operation of Hamilton International Airport, and to limit reverse sensitivity effects of residential activity on the operation of the Airport.

#### **References to Objectives in other Sections**

Issue 9.0.7, 9.0.10 and 9.0.12: Refer [Section 53](#).

Issue 9.0.11: Refer to [Section 54](#).

Issue 9.0.13: Refer [Section 41](#).

## **9.2 POLICIES**

- 9.2.1 Objectives 9.1.1 and 9.1.2: To provide for subdivision of rural land into shapes and sizes that enable efficient use of the land while retaining opportunities to use the soil resource now and in the future.
- 9.2.1A Objective 9.1.1: To ensure new lots are located sufficiently far from existing activities causing noise, dust, traffic and odour effects that cannot be avoided, remedied or mitigated.
- 9.2.2 Objective 9.1.1: To ensure all new lots contain sufficient appropriate area:
  - for the treatment and disposal of household effluent and stormwater runoff,
  - so that sediment resulting from building platforms, access formation and use, and landscaping does not contaminate surface water,
  - so that noise, dust, traffic and odour from activities located in rural areas including mineral extraction, can be remedied or mitigated, and
  - so that significant levels of noise, dust, agricultural chemicals and odour from onsite activities can be contained within the boundaries of the lot.
- 9.2.3 To avoid, remedy or mitigate the effects of exploration, prospecting and extraction of minerals where they significantly compromise high quality soils.
- 9.2.4 Objective 9.1.2: To retain land containing high quality soils in appropriately shaped and sized lots that enable efficient use and development of the soil resource, now and in the future.
- 9.2.4A Objective 9.1.2: To retain large holdings on high quality soils by limiting the opportunity to subdivide land containing high quality soils.
- 9.2.5 Objective 9.1.2: To promote amalgamation of land presently in small lots and retain large holdings, especially on high quality soils.

- 9.2.6 Objective 9.1.7: To avoid sporadic forms of urban development which have adverse effects on major traffic routes, urban form, and the efficient provision of infrastructure.
- 9.2.7 Objective 9.1.12: To avoid potential adverse effects on State Highways from commercial services and rural industries.
- 9.2.8 Objective 9.1.4 and 9.1.10: To avoid or mitigate downstream effects of surface water runoff.
- 9.2.9 Objective 9.1.6: To avoid, remedy, or mitigate the visual and physical effects of tall or large buildings on the landscape and the overshadowing effect of trees on existing residences on adjacent properties in Rural Zones and on urban zoned land.
- 9.2.10 Objective 9.1.6: To avoid the effects of light spillage and glare on neighbouring properties. (Note: see [Section 48 Noise](#))
- 9.2.11 Objectives 9.1.8 and 9.1.14: To avoid, remedy, or mitigate risks to public health from waste, storage, and disposal systems.
- 9.2.12 Objective 9.1.4: To avoid, remedy, or mitigate the adverse effects of development causing a reduction in the quality of:
- Roading resources and the consequent greater risk to traffic safety.
  - Land drainage provided within Drainage Districts, and the consequent increased risk of inundation and reduced land productivity.
  - Rural water supplies and the consequent greater risk to public health and reduced land productivity.
- 9.2.13 Objectives 9.1.4 and 9.1.9: To avoid, remedy, or mitigate the increased risks to public health and safety from the intensification of rural land use through:
- significantly increased generation of road dust
  - significantly increased traffic volumes on minor roads
  - limitations on quality or availability of water supply.
- 9.2.14 Objectives 9.1.4 and 9.1.10: To avoid, remedy, or mitigate the effects of increased stormwater runoff from any activity.
- 9.2.15 Objectives 9.1.4, 9.1.10 and 9.1.11: To avoid, remedy, or mitigate the effects of flooding on any activity where land is subject to inundation.
- 9.2.16 Objective 9.1.16: To allow flexibility in the subdivision design provided that satisfactory building platforms, vehicular access, utility services, and other related provisions to assist with the commercial services, can be achieved.
- 9.2.17 Objectives 9.1.6 and 53.1.1: To recognise the NZ Logging Industry Research Organisation, NZ Forest Code of Practice (Second Edition June 1993) as a method of maintaining and enhancing natural resources and rural amenity values.
- 9.2.18 Objective 9.1.17: To protect the agricultural research investment at Agricultural Research Centres and their efficient functioning.
- 9.2.19 Objective 9.1.14: To avoid the development of rural industries and commercial services on sites within any coal mining policy area.
- 9.2.20 Objective 9.1.6 and Policies 9.2.5 and 9.2.6: To conserve special landscape features in any Residential Farm Park.

**References to policies in other Sections**

Objective 9.1.11 and 9.1.15: Refer to Section 38.

Issue 9.0.6 and 9.0.15: Refer to [Section 53](#).

Issue 9.0.14: Refer to [Section 54](#).

Issue 9.0.18: Refer Policies [41.2.1](#) to [41.2.3](#).

Issue 9.0.25 and Objective 9.1.19: Refer to [Section 9D1 Tamahere Policy Area](#).

- 9.2.21 Objective 9.1.3: The locational and finite characteristics of minerals shall be recognised and mineral resources identified in the Aggregate Extraction Policy Area shall not be unduly compromised by the constraints of sensitive activities and associated subdivision occurring in close proximity to the resource.
- 9.2.22 Objective 9.1.3A: To avoid the establishment of Scheduled Deferred Residential Areas in locations which could compromise lawfully operating industrial activities in industrial zones.
- 9.2.23 Objective 9.1.3A: Important recognised rural industries shall not be unduly compromised by the constraints of sensitive activities developing in close proximity to them.

### 9.3 REASONS

- 9.3.1 Objectives 9.1.1, 9.1.2, 9.1.3 and 9.1.3A and Policies 9.2.1, 9.1.2A, 9.2.2, 9.2.3, 9.2.4, 9.2.4A and 9.2.6:

- (a) The management of land to ensure the continued availability of the most versatile soil is therefore necessary to meet this obligation.
- (b) Activities locate in rural areas because either that is where essential resources, such as minerals, are located or the open space and low density of sensitive activities reduces the likelihood of conflict from off site effects. All activities are required to avoid, remedy or mitigate adverse effects so that rural amenity is retained. However, where there is potential for conflict from activities with amenity expectations different from rural values then those activities will be controlled.
- (c) In the Rural Zone, subdivision and development increase the risk of conflict with activities using rural resources including mineral extraction.
- (d) Subdivision is usually irreversible. Inappropriate subdivision of land can result in inappropriate development and reduce the versatility of the land. Management of subdivision needs to ensure independent lots of sufficient size to retain the potential of the land to provide for the needs of future generations and safeguard the life-supporting capacity of the soil.
- (e) Managing the cumulative effects caused by continuing fragmentation of rural land meets the needs of current and future generations. The combination of enabling additional lots and restricting the number of potential lots by the date of parent lots addresses cumulative effects of ongoing subdivision on the ability of the land to provide for the needs of future generations and safeguard the life-supporting capacity of the soil.
- (f) The Rural Zone enables people to undertake rural activities while ensuring that adverse effects of those activities (including effects on amenity values and the state of the soil and water resource) are avoided, remedied, or mitigated. Currently, dairy, sheep and beef farming are the most common rural activities, ahead of horticulture. Forestry, deer, pig and goat farming are less common but potentially significant activities in the Rural Zone.

- 9.3.2 Objective 9.1.2 and Policies 9.2.4 and 9.2.4A:

- (a) Soils of Land Use Capability Classes I, II or III are a scarce, finite resource which is particularly valuable because it has the greatest versatility. Land of Classes I, II or III constitutes 14% of the area of New Zealand and 35% of the area of the District. These soils are referred to as high quality soils. It is important to recognise that there is a limited area of high quality soils found in relatively flat and well-drained areas with favourable climatic conditions. Waikato District contains a large proportion of the nation's best soils and this Plan sustains the potential of those soils to provide for the needs of future generations.
- (b) Much of the high quality soils, and particularly the soils around Hamilton, is under substantial pressure for subdivision and development for rural residential living. Compromising the life-supporting capacity of high quality soils will reduce its value for future generations.
- (c) Maori recognised the versatile and productive soil resource along the Waikato River, using it for pa and gardens, and calling the area Kirikiriroa.

## 9.3.3 Objectives 9.1.1, 9.1.2, 9.1.4 and 9.1.6 and Policy 9.2.2:

- (a) The Rural Zone provisions are complemented by opportunities available in rural settlements and the Rural Residential Zone. This approach provides alternative living opportunities and results in more sustainable management of the rural land resources. The retention of large sites allows a small part of the site to be developed as dwelling curtilage and maintains the potential versatility of land.
- (b) The rules controlling subdivision utilise a series of filters including Policy Areas, date of lot, high quality soils, and number of additional lots. In combination these filters address cumulative adverse effects of inappropriate subdivision on the future versatility of rural land, rural amenity values, use of the potential and life-supporting capacity of rural resources – particularly soil, access to rural resources - including mineral, and protection of specific resources – including coastal and landscape.
- (c) Each of the filters has a separate action. Policy Areas identify areas sensitive to the effects of increased density of fragmentation and subsequent effects from later development. The date, set for grandparent and parent lots, reflects the removal of Town and Country Planning Act provisions, and marks commencement of provisions exclusively prepared under the Resource Management Act and addresses effects of subdivision. Further alteration of this date should only occur following a statutory change to the purpose for managing subdivision. The presence of high quality soils identifies those areas having the greatest versatility and therefore value to future generations. Finally, the number of additional lots allows an appropriate level of subdivision and enables the rural community to provide for its wellbeing while limiting further subdivision pending assessment of the specific effects of that subdivision.

## 9.3.4 Objective 9.1.4 and Policy 9.2.12:

**(a) Rooding**

Council provides for the maintenance and continual improvement of its rooding network with particular emphasis on safety and quality of service.

The cumulative adverse effects of increased traffic arising from intensified rural development can cause pressure on the functioning, upgrading, or maintenance of the district rooding network.

**(b) Land Drainage**

Council administers drainage districts within its boundaries. The land drainage capital works and maintenance programmes are designed to serve predominantly pastoral farming activities.

Adverse effects of land drainage arising from intensified land use can lead to demands for increased drainage development works beyond the capacity of existing drainage schemes. In addition, where land drainage systems are not properly designed, constructed, or managed, adverse effects such as inundation, and limitations to the productive capability of land, may result.

**(c) Water Supplies**

Council's rural water supplies provide a trickle feed potable water supply for irrigation and domestic use on a user pays basis.

The lack of an available potable water supply can result in perceived or actual adverse effects on human and animal health and amenity arising from poor quality or insufficient availability of water from bore or rainwater systems.

Rural water supply schemes have limited spare capacity for extension and new connections without causing pressure loss to some existing consumers.

An intensification of land use will require major upgrading works to some rural water supply schemes to avoid, remedy, or mitigate potential risks to health.

9.3.4A Objective 9.1.2 and Policy 9.2.5: Encouraging re-creation of large lots, through amalgamation of smaller lots, increases the versatility of the land and improves the efficiency of using the land. Amalgamation provides flexibility and is an incentive for retaining an existing house on a smaller lot and selling the balance of the land to an abutting neighbour for a productive use.

9.3.5 Objective 9.1.2: The area of high quality soils in the District is limited. Rural residential and lifestyle development often competes with soil-based rural activities for the same land. Enabling clusters of rural residential and lifestyle development in the Rural Residential Zone and rural settlements provides an alternative to this development occurring on the more productive soils of the District.

9.3.6 Objectives 9.1.1 and 9.1.6: Many significant natural features throughout the District are in private ownership. Conservation of these features can contribute significantly to the District's ecological heritage. Providing a subdivision incentive will ensure the protection of these features for future generations.

9.3.7 Objective 9.1.3 and Policies 9.1.3A, 9.2.1A and 9.2.2:

- (a) Intensified subdivision in the Rural Zone has the potential to create conflict between different activities. The purpose of the Rural Zone is to provide for activities that:
  - utilise rural resources,
  - extract rural resources, minerals, for use elsewhere, or
  - seek rural settings and do not conflict with maintaining rural amenity values.
- (b) Existing lawfully established activities and existing accepted land management practices are allowed to continue and will take priority subject to any laws or rules existing at the time.
- (c) In particular the following practices relate to the Rural Zone:
  - Agricultural chemical use, including ground and aerial application of sprays and fertilisers (subject to the manufacturers' instructions, adopted codes of practice and other formal controls). Specifically there is the potential of spray and dust drift associated with application of agricultural chemicals.
  - Noise limits (as defined in the District Plan) do not apply to farming activities [Rule 48.5.4(c)] which include orchard spraying at night, cowsheds operating at dawn, use of dogs to work livestock, weaned livestock, and the use of aircraft for aerial application of agricultural chemicals.
  - Rural odours are common, including those from: free range piggeries and poultry farms, spraying of cowshed effluent on pasture, silage, burning of orchard prunings, and the application of fertilisers.
  - Unsealed roads, sand mining and rock quarries generate significant quantities of dust, particularly in summer.
- (d) The protection offered under the District Plan includes separation distances for additional lots from activities that can cause odour, noise, traffic or dust. This gives an assurance that new small lots will be located away from such activities and will also have sufficient space to implement measures that remedy or mitigate any adverse effects of odour, noise, traffic or dust from rural processes and activities.

9.3.8 [Deleted by Plan Change 7, April 2005]

9.3.9 Objectives 9.1.4, 9.1.6, 9.1.9 and Policies 9.2.12 to 9.2.15:

**(a) Road Dust**

Increased traffic volumes resulting from intensified development in rural areas will cause increased levels of road dust which can become a significant health risk and nuisance to those living adjacent to and downwind of an unsealed road.

Road dust can adversely affect the health of people regularly exposed to it, and can give rise to or aggravate respiratory complaints such as asthma.

Council's roading network has a considerable length of unsealed roads which can accommodate a limited level of development as permitted by the Plan without significantly increasing the level of adverse effects.

### 9.3.9 (b) Effects on Local Rooding

Safety problems on unsealed roads can occur, particularly in hill country areas, due to significantly increased traffic volumes, narrow carriageways, reduced traction on metal surfaces, and build up of loose windrows of running course metal each side of wheel tracks.

This tends to lead to a greater incidence of loss of control type accidents on unsealed roads.

The safety of pedestrians, including school children, is also of concern on unsealed roads. There is an increased risk due to narrow carriageways, increased stopping distances on metal surfaces, and the potential for vehicles to lose control while avoiding pedestrians.

Twisting alignments and reduced visibility at bends and vertical curves tend to compound these problems on rural hill country roads.

Reduced visibility due to dust caused by other vehicles can also increase the accident risk.

Increased traffic volumes due to intensification of land use (including rural residential subdivision) on unsealed roads increase the likelihood of safety problems occurring. A sealed carriageway, although allowing increased vehicle speeds, gives a greater opportunity for these accident situations to be avoided.

### (c) Water Supply

Potable water supplies sourced from rainwater collection systems and bores are subject to potential contamination from a number of sources;

- bird and animal droppings
- dust from roads and other sources
- spray drift from horticultural spraying
- nitrate, iron, manganese, and other contaminants in aquifers.

These contaminants may cause adverse health effects as well as affecting the taste, odour, and aesthetic quality of water, and can cause maintenance problems with pumps, bores, and reticulation.

In situations where these effects exist, a community-reticulated water supply may be required. Community water supplies provide a guaranteed, convenient, and reliable supply of clean, potable water.

### 9.3.10 Objective 9.1.6 and Policy 9.2.9:

- (a) To achieve the purpose and the principles of the RMA specified in sections 7(c) and 7(f) of the Act.
- (b) To ensure that rural visual character and amenity values are maintained.
- (c) The reasons given in [Section 3.11](#).
- (d) The reasons given for objectives and policies elsewhere in the Plan concerning effects upon amenity values and appearance concerning:
  - landscaping in connection with industrial and commercial activities which are close to houses or abut strategic routes
  - power stations
  - solid waste management activities
  - surface water activities
  - activities on reserves

- traffic noise
- noise
- parking
- waste and effluent disposal
- public works and utilities and electricity and telecommunications overhead lines
- resited buildings
- signs
- odour and dust

9.3.11 Objective 9.1.10 and Policy 9.2.15: Intensified development such as residential or industrial subdivision and new roading can lead to increased peak stormwater runoff and can adversely affect the drainage of other sites. Land drainage systems in rural areas (particularly in drainage districts and drainage board areas) generally do not have sufficient capacity to accommodate significant increases in stormwater volumes. Hence the risk of land inundation can increase, and higher water tables can adversely affect land productivity.

9.3.12 Objectives 9.1.7 and 9.1.18 and Policy 9.2.6: Deferred residential areas give advance notice that extra land will be required for future urban purposes. It is unreasonable to zone the land Residential or Industrial at this stage as this might penalise new rural activities.

In selecting the location and size of these areas Council gives consideration to a number of factors including accessibility to urban services, ease of servicing, topography, aspects, density of existing residential activities, and general attractiveness. When selecting an area to be scheduled, Council ensures that the scale of a deferred residential area is relative to the size of the existing urban centre in terms of the capacity of the road network, and public services.

It is intended that development of these areas will occur in response to market demand and the availability of services. It is anticipated that either the Council or landowners or both will initiate a further change to the District Plan in order to change the zoning from Rural to Residential or Industrial.

As a consequence of safeguarding areas for future urban zones deferred residential areas, and more specifically the scheduled deferred residential areas, provide for transitional development which will retain options for future generations. Interim uses which preclude the use of the land for urban purposes are excluded from these areas. However, when considering a structure plan for a scheduled deferred residential area, provisions must be included to address issues of reverse sensitivity. It is intended that opportunities created in rural and industrial zones, or policy areas, will not be compromised by inappropriate development within an adjacent scheduled deferred residential area.

In determining appropriate provisions for a scheduled deferred residential area, Council will take into account the following matters:

- Corridors to retain options for the installation of future infrastructure to service urban activities
- Separation distances and building standards, to address reverse sensitivity issues
- General Provisions which apply for all zones
- Permitted activities in the Rural Zone
- Conditions for permitted activities in the Rural Zone
- Standards and terms for other activities in the Rural Zone
- Resources identified by a policy area, industrial zone or designation
- Legally established activities, other than those associated with residential uses.

9.3.13 Objectives 9.1.4, 9.1.10 and 9.1.11 and Policies 9.2.8 and 9.2.14: Rural land may be subject to inundation during relatively frequent storm events (such as 1 or 2 year return period rainfall).

While this frequency of inundation may not cause significant problems to land use for pastoral farming, (eg. stock can be moved to high ground), it can severely affect more intensive land use such as rural residential development or horticulture.

There is a need to control land uses in such areas or ensure that the effects of inundation can be satisfactorily avoided or mitigated.

9.3.14 [Deleted June 1997]

9.3.15 [Deleted June 1997]

9.3.16 Objectives 9.1.5, 9.1.6 and 9.1.9 and Policies 9.2.9 to 9.2.12: The demands for establishment of factory farming are to be reconciled with the objectives of sustainable management of high quality soils and the retention of amenity values. Factory farming requiring an area less than 12 ha will have recourse to the existing store of holdings on soils other than high quality soils.

By their very nature, intensive horticulture activities and factory farming can have significant impacts on the environment. Within the Plan, factory farming is dealt with as a controlled activity because of the need to control effects of odour and waste management. Intensive horticultural activities are dealt with as permitted activities.

It is important to safeguard public health and the amenities of adjoining land uses by internalising the generated effects of any activities, especially intensive forms of farming. It is important that the Plan provide performance standards for activities where there is the potential for adverse environmental effects on both adjoining activities and the natural environment. In particular there are issues associated with intensive forms of farming where there is a potential for adverse or cumulative effects, including:

- uncontrolled stormwater runoff in flood-sensitive catchments
- ventilation fan noise
- light spillage
- bulk and location considerations relevant to the maintenance of amenity values on adjoining sites
- visual appearance.
- glare and noise throughout the night from 24-hour glasshouse operations.

9.3.17 [Deleted June 1997]

9.3.18 Objective 9.1.13: Some previously used industrial sites in rural areas may be vacant and still contain buildings and ancillary facilities. Similarly, designated depots and workshops had been set aside in rural areas for industrial uses. These sites are a physical resource as they contain buildings and other infrastructure which can be put to good use or a land area which is not easily converted back to a productive rural use.

9.3.18A Objective 9.1.19: In Tamahere there is some land (including land within the Tamahere Policy Area) that is affected by noise from the operation of Hamilton International Airport. The noise associated with the airport is predicted to reach levels between 55dBA  $L_{dn}$  and 65 $L_{dn}$ . Those noise levels may be higher than the present levels of aircraft noise affecting the land, as allowance has been made for predicted expansion of airport facilities and activities. In order to manage the effects of aircraft noise on residential and activities it is necessary to limit the density of subdivision and residential development and to incorporate appropriate acoustic insulation into residential buildings.

#### **Reasons Relating to Rural Industries and Commercial Services**

9.3.19 Objectives 9.1.2, 9.1.6, 9.1.10-9.1.12, 9.1.14, 9.1.15: Rural industries and commercial services are activities from which rural communities derive some of their social and economic well-being. They are activities which do not rely on the soils resource but which have other attributes which mean a rural location is environmentally acceptable. The effects of such activities can be managed so that potentially adverse effects on neighbours and amenity values are controlled. However, cumulative effects on high quality soils remain relevant as for other activities which do not retain the productive capacity of the soils. The Plan enables sites which do not contain high quality soils to be available for such activities. The provisions of Sections 20, 53, and 54 of the Plan restrain the siting of rural industries and commercial services to protect natural and physical resources such as ecologically sensitive habitats, natural conservation areas, significant landscapes, and items of cultural and heritage value.

- 9.3.20 Objective 9.1.12 and Policy 9.2.7. There is a need to ensure that commercial services in particular incorporate a high standard of access design to avoid traffic safety concerns. Some activities such as produce stalls and markets are not appropriate on State Highways because of the particular traffic-generating characteristics of those activities. Where access is to roads with medium to low traffic volumes, sales of produce grown on a property can be carried out safely. However, unpredictable driving behaviour can create conflict situations, and where traffic volumes are high, accidents may result. Consequently such effects are controlled.
- 9.3.21 Objective 9.1.15 and Policies 9.2.10, 9.2.6: To avoid significant adverse social effects on the community from existing and new commercial services development.
- 9.3.22 Objectives 9.1.14, 9.1.15 and 9.1.16 and Policies 9.2.11 and 9.2.16:
- (a) The lots created shall be appropriate to accommodate the commercial services proposed for the sites. Such subdivision may result in a variety of lot sizes being created.
  - (b) Where a subdivision imposes a cost or places extra demand on Council services, or affects public health and safety, Council has the authority to impose financial contributions and/or performance bonds.
  - (c) The physical characteristics of a newly created lot and its servicing ability will ultimately determine its suitability for its proposed use. The flexibility in the subdivision design allows for creation of appropriately shaped lots.
- 9.3.23 Objectives 9.1.16 and 9.1.17 and Policy 9.2.18: Continued efficient functioning of Agricultural Research Centres is assisted if the areas utilised for research activities and related activities are recognised and protected appropriately. The sustainable management of the agricultural research investment, which is of benefit to the country's agricultural economy, is encouraged.
- 9.3.24 The protection of the ability to use and develop aggregate mineral resources identified in the Aggregate Extraction Policy Area reflects section 5 and section 7(b) and (g) of the RMA and the economic and social significance of such minerals to the community. This protection includes consideration of buffer distances and or separation distances from sensitive activities in rural areas to avoid constraints which may compromise the efficient development of the resources.
- 9.3.25 Objective 9.1.3A and Policy 9.2.22: Industrial zones specifically provide for activities that use and develop resources. Providing for sensitive activities in close proximity to land zoned for industrial activities is contrary to sound planning and resource management practice. Within the Plan, buffer distances are provided to separate Scheduled Deferred Residential Areas within the Rural Zone from industrial zones.
- 9.3.26 Objective 9.1.3A and Policy 9.2.23: Recognized rural industries are important to the Waikato District and they prefer to locate near to rural resources; for instance meat and milk processing plants. Enabling the development of incompatible land uses in close proximity to recognized rural industries is contrary to sound planning and resource management practice. The protection offered under the District Plan includes buffer distances from sensitive activities (e.g. residential activities establishing as a result of rural subdivision) to avoid constraints which may compromise recognised rural industries.

## 9.4 METHODS

Provision has been made in the District Plan for a Rural Zone, a Rural Residential Zone and Rural Settlements. The locations of the two zones and Rural settlements and the Policy Areas are shown on the Planning Maps.

Objectives will be implemented by:

- Policy Areas
- Rules
- Conditions on land use and subdivision consents
- Financial contributions
- Schedule of Residential Farm Parks:
  - Hall Road, Te Kauwhata ([Planning Maps 4 and 98](#))
  - Onion Road, Te Kowhai ([Planning Maps 10, 14, 30A and 97](#))
  - Gordonton Road, Komakorau ([Planning Maps 11 and 99](#))

## 9.5 RULES

### 9.5.1 Reference to General Provisions for all Categories of Activities

Reference should be made to the General Provisions of this District Plan in determining the status of any activity, including subdivision. Developments shall comply with the General Provisions. Activities which do not meet the conditions or standards and terms specified in the General Provisions may have a status different from that given in the Sections which follow:

#### Schedule of General Provisions

<b>Matter</b>	<b>Rules</b>
Reserves and recreation	33.5
Reserve contributions	34.5
Esplanade reserves	35.5
Land transport	36.5
Waste and effluent disposal	40.5
Natural hazards and coal mining subsidence	41.5
Subdivision and financial contributions	42.5
Sale of liquor	43.5
Excavations and fill	45.5
Buildings	46.5
Hazardous substances	47.5
Noise	48.5
Signs	49.5
Air quality	50.5
Public works and utilities	51.5
Landscaping	52.5
Conservation and natural resources	53.5
Items of cultural heritage value	54.5
Rehabilitated areas	55.5

### 9.5.2 Permitted Activities

The following activities shall be permitted activities in the Rural Zone:

- \* Accessory buildings.
- \* Agricultural Research Centre:  
The following activities are permitted activities in any Agricultural Research Centre:  
Agricultural and Horticultural Research Activities  
The following ancillary activities:
  - Field Days activities
  - Produce sales
  - Education facilities and institutions
  - Car parks
  - Trade and engineering workshops
  - Ancillary activities servicing staff of the Centre including but not limited to dwellinghouses staff facilities, recreational facilities, child care facilities (no limit on numbers) and social club.
- \* Airstrips (for light aircraft associated with aerial topdressing, weed spraying and stock control).
- \* Ancillary activities associated with the productive use of land including the construction of farm races, fencing, stockyards, reticulated stormwater.
- \* Ancillary structures and facilities for recreational water activities.
- \* Ancillary unit - one per site.
- \* Child care facilities (for up to 10 children).
- \* Clay target shooting and associated recreation and competition activities on the site described as [Lot 1 DPS 20639](#)
- \* Conveyance utilities - see [Section 16](#)
- \* Dwellinghouse - one per Certificate of Title.
- \* Dwellinghouses - two per certificate of title if the area comprised therein exceeds 24 ha.
- \* Dwellinghouses - three per certificate of title if the area comprised therein exceeds 36 ha.
- \* Farming.

- \* Horse training and racing.
- \* Home stays.
- \* Home occupations as defined for the Rural Zone.
- \* Intensive horticulture.
- \* Marae.
- \* Activities in power station areas - see [Section 16](#).
- \* Extensive (outdoor) pig farming.
- \* The existing produce markets of:
  - Tamahere Orchards, Lot 1 DPS 18730
  - Sunfruit Orchards, Pt Lot 2 DP 32802
  - Pukeroro Gardens, Lot 4, DPS 8429
  - Hautapu Parish, Blk VII, Hamilton Survey District
 all of which have access to State Highway 1.
- \* Private reserves, open space and QEII covenants.
- \* Produce stalls except where there is direct access to any State Highway.
- \* Production Forestry except in a Deferred Residential Area, (Also see [Coastal Policy Area Rule 22.5](#).)
- \* Prospecting and exploration - see [Section 14](#).
- \* Recreation excluding motorised sports but including the use of model or scaled-down versions of aircraft, boats or cars which are operated through remote control, and the use of the Rotowaro railway line at Part Lot 1 DP 16168, Part Lots 4, 6, 7 and 8 DP 10864, Part Lot 10 DP 1280, Part Allotment 140 and 141 Pepepe Parish and Part closed road, all situated in Block 1 Newcastle Survey District.
- \* Reserves of Council not shown as designations on the Planning Maps and activities on these reserves - see [Sections 33 and 35](#).
- \* Reserves of the Crown and areas protected under the Conservation Act 1987, and access ways thereto.
- \* 2 Established Retirement Homes and Hospitals
  - Assisi Retirement Home and Hospital at Tamahere.  
Lot 1 DPS 21156, Block III, Hamilton Survey District.
  - Brylyn Rest Home at Te Kowhai  
Lot 4 DPS 8356, Block XVI, Newcastle Survey District
- \* Riparian planting using appropriate species.
- \* Rural Industry on an established area
- \* An established rural industry providing horticultural services, preliminary processing of horticultural produce and cool storage on a site described as Lot 1, DPS 69326 and Lot 1, DPS 75409 and Section 2 on Survey Office Plan 59669 (CT 55C/740).
- \* Surface water activities - see [Section 19](#).
- \* Temporary Military Training Activities (limited to a period not exceeding 31 days)
- \* Tourist and Information kiosk.
- \* Transfer and recycling bins – see [Section 17 – Solid Waste Management](#)

### 9.5.3 Controlled Activities

The following shall be controlled activities in the Rural Zone:

- \* Factory farming on land which is not in a Deferred Residential Area or on high quality soils except in the Ruakura Agricultural Research Centre.
- \* Stock sale yards.
- \* Surface water activities - see [Section 19](#).
- \* Temporary Events totalling a maximum of 4 days in any one calendar year for any particular site. Temporary events include music festivals, craft fairs, and alternative lifestyle experiences.
- \* Temporary Military Training Activities occurring for a period exceeding 31 days and requiring excavation not provided for elsewhere in this Plan.
- \* Temporary Recreation - Any motorised sport, or noise generating sport for any particular site for a maximum total of 4 days in any one calendar year.

### 9.5.4 Discretionary Activities

The following shall be discretionary activities in the Rural Zone:

- \* Camping grounds.
- \* Any activity listed as a controlled activity but which cannot comply with the standards and terms for controlled activities.

- \* Any activity which is not permitted in a Scheduled Deferred Residential Area
- \* Commercial Services excluding those:
  - (1) to be located on sites containing high quality soils after 1 December 1996;
  - or
  - (2) on sites in a Deferred Residential Area
- \* Industrial, business or commercial activities on the [Matangi Factory Area](#), as shown on [Planning Map 36](#), but excluding;
  - refuse landfill sites
  - extractive industries
  - generation of electricity
- \* Community facilities.
- \* Extractive industries - see [Section 14](#).
- \* Hospitals excluding those on high quality soils.
- \* Any activity listed as a permitted activity but which cannot comply with the conditions for permitted activities.
- \* LPG storage and distribution depot on Lot 1 DPS 926, Pt Allotment 37, Parish of Ohinewai, with any contiguous expansion to the north and east in Pt 2 DP.15270 and to the south in Pt 36 DPS 63073.
- \* Production Forestry in a Deferred Residential Area. (Also see [Coastal Policy Area Rule 22.5](#))
- \* Railways.
- \* Recreation which is not a permitted activity.
- \* Roads - see [Rule 36.5](#).
- \* Activities in power station areas, extensions to Huntly power station activities outside the power station area, and conveyance utilities - see [Section 16](#).
- \* Rural industries excluding those rural industries on sites containing high quality soils or in a Deferred Residential Area.
- \* Rural industry on an established area which, because of new development after 30 September 1993, fails to comply with the conditions for permitted activities.
- \* Rural industry on an established area which fails to comply with the standards of the General Provisions in such a way that the activity becomes a discretionary activity.
- \* Schools.
- \* Social clubs excluding those on high quality soils.
- \* Solid waste management activities - see [Section 17](#).
- \* Subdivision for Commercial Services.
- \* Subdivision for Rural Industries.
- \* Surface water activities - see [Section 19](#).

### 9.5.5 Non-Complying Activities

The following shall be non-complying activities in the Rural Zones.

- \* Activities listed as discretionary activities but which do not comply with the standards and terms for discretionary activities.
- \* Activities listed as permitted, controlled, discretionary activities which fail to comply with the standards and terms of the General Provisions in such a manner that they become non-complying activities.
- \* Commercial Services on sites in a Deferred Residential Area.
- \* Factory farming on high quality soils or in Deferred Residential Areas.
- \* Rural industry which does not meet the terms of the definition for "rural industry" and includes those rural industries on sites containing high quality soils or in a Deferred Residential Area.
- \* Produce markets and produce stalls which have access onto any State Highway except for the three produce markets which are listed as permitted activities.

### 9.5.5A Prohibited Activity

The following shall be a prohibited activity for which no resource consent shall be granted:

A building which requires a building consent and has a value of \$15,000 or more in an area required by a structure plan of a scheduled deferred residential area as a separation distance from a site boundary or a corridor which is required for the purposes of retaining options for the installation of future infrastructure.

Explanatory Note: Prohibition is necessary to ensure the integrity of structure plans. For example, a structure erected on a future roading corridor would compromise the practicality of a future roading network.

### 9.5.6 Conditions for Permitted Activities

All permitted activities shall be subject to the following conditions.

Note: An application for building consent on a site less than 2,500m<sup>2</sup> in area may require a discharge permit from Environment Waikato for domestic drainage purposes.

#### (a) Ancillary Unit

Any ancillary unit shall be relocatable. In the event that an ancillary unit is removed, the land beneath the building platform upon which it formerly stood and any other impermeable surface associated with the unit shall be restored with subsoil and topsoil which is suitably drained and revegetated.

#### (b) Yards

**A** On all lots greater than 1.3 ha any dwellinghouse, accessory building, ancillary unit, health or educational facility, or structure used for an activity that generates noise, odour or dust, shall be located at least:

- i) 25 metres from any boundary abutting another lot.
- ii) 20 metres from the margin of:
  - a lake whose bed has an area of 8 hectares or more,
  - a river whose bed has an average width of 3 metres or more where the river adjoins the lot, or
  - the coast.
- iii) 7.5 metres from boundaries abutting a road.

**B** On all lots 5000m<sup>2</sup> or greater and up to 1.3 ha any dwellinghouse, accessory building, ancillary unit, health or educational facility, or structure used for an activity that generates noise, odour or dust, shall be located at least:

- i) 12 metres from all boundaries abutting lots 1.3 ha or less.
- ii) 25 metres from any boundary abutting lots greater than 1.3 ha.
- iii) 20 metres from the margin of:
  - a lake whose bed has an area of 8 hectares or more,
  - a river whose bed has an average width of 3 metres or more where the river adjoins a lot, or
  - the coast.
- iv) 7.5 metres from boundaries abutting a road.

**C** On all lots less than 5000m<sup>2</sup>:

- i) any dwellinghouse, accessory building, ancillary unit, or health or educational facility shall be located in accordance with 9.5.6(b)B above, or
- ii) any dwellinghouse, ancillary unit, or health or educational facility erected within:
  - 25 metres of the boundary of a lot greater than 1.3 ha, or
  - 12 metres of the boundary of a lot 1.3 ha or less, or
  - 7.5 metres from a boundary abutting a road,
 shall be located at least 5 metres from every boundary of the lot and at least 24 metres from any existing dwellinghouse on any abutting lot and:
  - the design and construction shall incorporate appropriate acoustic insulation to ensure an internal Ldn of 45 dBA,

Note: Prior to the issue of a building consent for any building to which this rule applies a design certificate shall be required to certify that an internal Ldn of 45 dBA can be achieved; and

- on all encroached boundaries either:
  - a species that will grow to a mature height of not less than 1.8 metres over two growing seasons shall be close planted and maintained, or
  - an opaque structure to a minimum height of 1.8 metres shall be erected, and

iii) any alteration or addition to an existing dwellinghouse, ancillary unit, or health or educational facility erected within:

- 25 metres of the boundary of a lot greater than 1.3 ha, or
- 12 metres of the boundary of a lot 1.3 ha or less, or
- 7.5 metres from a boundary abutting a road

shall be located at least 5 metres from the side and rear boundaries of the lot and complemented by:

- design and construction to incorporate appropriate acoustic insulation to ensure an internal Ldn of 45 dBA.

Note: Prior to the issue of a building consent for any building to which this rule applies a design certificate shall be required to certify that an internal Ldn of 45 dBA can be achieved; and

- on all encroached boundaries either:
  - the close planting and maintenance of a species that will grow to a mature height of not less than 1.8 metres over two growing seasons, or
  - erection of an opaque structure to a minimum height of 1.8 m.

iv) all other buildings exceeding 1.8 m in height shall be at least 5 metres from any boundary.

#### **9.5.6 (c) Height and Height in relation to boundary:**

Maximum height: 10 metres. No part of a building shall have a height exceeding 2.5 metres plus three quarters of the horizontal distance from the building to the boundary of a Residential Zone. Where there is a right-of-way parallel and adjacent to such a boundary, the boundary to which the measurement is taken is to be on that side of the right-of-way furthest from the site.

This rule shall apply to the height to which any materials may be stored or stacked on a site used for a rural industry or commercial service.

Note: see [Section 46](#) for existing buildings.

#### **(d) Accessory building bulk**

The total gfa of a building shall not exceed 400 m<sup>2</sup> and all buildings shall not exceed 2% of the area of the holding on which they are located; except that where the gfa of the building is less than 50m<sup>2</sup> the maximum of 2% shall not apply. This rule shall not apply to the Ruakura Agricultural Research Centre.

#### **(e) Screening**

Outdoor storage of wrecked and dismantled vehicles or of trade waste shall be screened from view from any adjacent public road, reserve, or the boundary of an abutting Residential, Rural Residential, or Pa Zone, by a close-boarded fence, or solid wall, or landscaping to a height of not less than 1.8 m.

**9.5.6 (f) Extensive (outdoor) piggery**

All stock shall be kept in paddocks, ground cover shall be maintained, and relocatable shelters shall be used.

**(g) Night Lighting**

All night lighting associated with covered cropping, shall be designed and located so as not to spill beyond the boundaries of the site.

**(h) Services**

Any rural industry or commercial service shall be designed and constructed so that all stormwater and effluent disposal systems, and water supply systems shall be connected to reticulated services where available, and otherwise such systems shall be contained within the boundaries of the site. Plans showing any services installed shall be provided to the Council as and when built.

Note: In relation to rural industries, applicants may require resource consent from Environment Waikato and should discuss their proposal with Environment Waikato accordingly.

**(i) Yards for Forestry**

A yard of 10 m from all boundaries shall be provided in which no trees for forestry shall be planted, except that where the boundary abuts an urban zone a yard of 20 m from all boundaries shall be provided within which no trees for forestry shall be planted.

**(j) Forestry Harvesting Notice**

At least 3 months before commencing the harvesting of forestry plantations in excess of 5 ha, a "Forestry Harvesting Notice" shall be lodged with Council. The notice shall provide the following information:

- The legal description and area of the land to be harvested.
- The proposed date for harvesting.
- The volume of timber to be extracted.
- The proposed transportation route used for the cartage of timber, logs, and machinery in and during harvesting.
- The management techniques proposed relating to the effects of harvesting on Council's roading infrastructure and related services.

The Forestry Harvesting Notice is to be provided to Council for information purposes.

**(k) Financial Contribution**

For every additional house on a site a financial contribution shall be made in compliance with [Rule 42.4.4\(c\)](#).

**(l) Dwellinghouse location**

Any new dwellinghouse shall be located at least:

- 200 metres from the boundary of an Aggregate Extraction Policy Area used for sand extraction.
- 500 metres from the boundary of an Aggregate Extraction Policy Area used for rock extraction.

**9.5.7 Standards and Terms for Controlled Activities****(a) Conditions for permitted activities in the Rural Zone**

These shall apply as standards and terms to controlled activities.

**(b) Factory Farming**

## 1 Yards

Factory Farming for Livestock other than Pig Farming, including stock sale yards	Factory Farming for Pigs
20 metres	50 metres

## 2 Minimum Separation Distances

- i) Between factory farming for livestock other than pigs or stock sale yards and
  - Rural Residential, Pa or Residential Zones: 500 m
  - Neighbouring dwellinghouse, community facility or school: 100 m.
- ii) Between factory farming for fewer than 500 pigs and
  - the boundary of a Residential or Rural Residential Zone - 1,200m
  - existing dwellings on neighbouring properties, including those separated by a road or river - 300m.
- iii) Between factory farming for 500 or more pigs and
  - the boundary of a Residential or Rural Residential Zone - 2,000m
  - existing dwellings on neighbouring properties, including those separated by a road or river - 500m.

**(c) Residential Farm Parks [(c)1 – 11 deleted Plan Change 7, April 2005]**

## 12 Title and ownership

All the land in any one Residential Farm Park shall be comprised in one Certificate of Title under the Land Transfer Act 1952 and shall constitute one lot being one parcel of land with one continuous perimeter boundary.

The means of ownership shall clearly distinguish between the Residential Units owned by individual owners, and the common land, owned by the owners of all Residential Units within the Residential Farm Park.

The Body Corporate shall ensure that the common land to be put to rural use, as delineated on the development plan, is operated as one farm unit, and shall enter into any Deed or Covenant with Council as is necessary to ensure the continuance of the rural use of the said common land.

## 13 [Deleted Plan Change 7, April 2005]

## 14 [Deleted Plan Change 7, April 2005]

## 15 Subdivision

Once a Residential Farm Park is established no further subdivision shall be permitted.

16 The number of Residential Unit Site Areas on the Residential Farm Park Area scheduled on Lots 4 and 6 and Part Lots 3, 5 and 7 DPS 80923 Onion Road, and shown on [Planning Maps 10, 14 and 30A](#) shall not exceed 17. On this site the following additional Standards and Terms shall apply and shall prevail in the event of inconsistency with Standards 1 to 15 above:

- i) The site layout shall be generally in accordance with the Indicative Development Plan included as [Planning Map 97](#).

- ii) The vehicle access marked on the Indicative Development Plan serving the Residential Unit Site Areas, and excluding the three separate right-of-way accessways off it, shall be vested in the Council as public road. The requirement in Standard 9 that no dwelling shall be within 100 metres of a road boundary shall not apply to that road.
  - iii) The landscaping shall be generally in accordance with the landscape proposals shown on the Indicative Development Plan included as [Planning Map 97](#).
- 17 The number of Residential Unit Site Areas on the Residential Farm Park Area scheduled on part of Lot 1 DPS 86132 contained in CT 68B/99, Hall Road, Te Kauwhata and shown on [Planning Maps 4 and 98](#), shall not exceed 34. On this site the following additional Standards and Terms shall apply:
- i) The site layout and areas of indigenous vegetation shall be generally in accordance with the Indicative Development Plan included in the District Plan as Map 98, and the area of Residential Unit Site Areas on the Land Use Class Iie soils shall not be increased with any amendment plan.
  - ii) The title of the farmland area shall identify the bush covenant areas.
- 18 The number of residential unit site areas on the Residential Farm Park Area scheduled on Lot 1 DPS 87519 contained in Certificate of Title 69B/680, Gordonton Road Komakorau and shown on [Planning Maps 11 and 99](#), shall not exceed 17 plus one dwelling house which is ancillary to the farming activity. On this site the following additional standards and terms shall apply:
- i) The site layout, subject to (iii) below, shall be generally in accordance with the indicative development plan included in the District Plan as Map 99, and the area of Residential Unit Site Areas on the Land Use Class IIs and IIw Soils shall not be increased with any amendment plan.
  - ii) Areas of existing vegetation shall be retained and new planting inserted and maintained in accordance with the Landscape Concept Plan of CGC Landscape Co of October 1998.
  - iii) The minimum separation distance from Gordonton Road intersection with Lake Road and the intersection with the service road shall be 100m.
  - iv) Within the separation distance between the two intersections in (iii) above, in the centre of Gordonton Road, right-turning bays with a minimum width of three metres shall be provided for a right turn into Lake Road and a right turn into the service road.
  - v) The minimum sight distance from the intersection of Gordonton Road and the service road shall be 260m to the north and 250m to the south.

### 9.5.8 Assessment Criteria for Controlled Activities

#### (a) Factory Farming

##### 1 Disposal of Waste

###### i) Liquid Waste:

All liquid waste from factory farming or stock sale yard operations shall be disposed of in a manner which shall not cause a nuisance or be injurious to health.

Engineering design details shall be required to illustrate that the method of liquid waste disposal is adequate.

Note: Discharge permits from Environment Waikato may be required.

Reference: Should liquid waste be treated in ponds, or land irrigated, the requirements of [Section 50](#) shall apply.

## ii) Solid Waste:

All contaminating material, including semi-solid animal waste material, shall be stored, or stockpiled and disposed of in a manner that does not attract or provide a nesting, breeding, or feeding ground for vermin, flies, other disease-carrying insects and birds.

**9.5.8 (a) 2 Landscaping, External Appearance, and Layout**

The Council shall consider the extent to which the position, orientation, and colour of the buildings, and the degree to which trees, shrubs and other planting, will effectively fit the proposed buildings into the existing landscape.

**3 Design of the Buildings**

The buildings shall be designed to ensure that all animals to be housed or kept cannot escape, and that rodents or other animals cannot enter; and the extent to which features have been incorporated into the design to reduce potential nuisance problems such as noise, smell and glare.

**4 Night Lighting**

All lighting from factory farming operations shall be directed into the site. To position lighting in such a manner that it does not cause adverse effects to neighbouring occupiers, or cause a traffic hazard.

**(b) Temporary Recreation**

All applications for temporary recreation shall address the following issues:

- The type of event or recreation proposed and the number of people it is likely to attract;
- Sanitation on the site;
- Vehicular entrances to the site;
- The most likely routes for patrons travelling to and from the site shall be marked;
- Parking on the site;
- Potable water supply; and
- Any damages to Council infrastructure shall be repaired. A financial contribution or bond may be required by Council to ensure that any damage to Council infrastructure is repaired.

**(c) Residential Farm Parks Assessment Criteria [Deleted Plan Change 7, April 2005]****9.5.9 Standards and Terms for Discretionary Activities****(a) Yards**

- 1 Where a front yard abuts an existing or proposed strategic route or where the site is directly opposite a Residential, or a Rural Residential, or Pa Zone on the other side of any type of public road, the minimum yard is to remain at 7.5 m.
- 2 Subject to [Rule 9.5.10\(c\)](#) any yard for a rural industry or commercial service shall be a minimum of 10 m.

**(b) Height in Relation to Boundary**

The following standards and terms shall be used to assess buildings which exceed the height in relation to boundary standard in [9.5.6\(c\)](#):

No part of a building shall have a height exceeding 3.2 m plus the horizontal distance from that part of a building to the boundary of a Residential or Rural Residential Zone. Where

there is a right of way parallel and adjacent to such a boundary, the boundary to which the measurement is taken is to be on that side of the right of way furthest from the site.

Note: see [Section 46](#) for existing buildings.

**(c) Rural Industries and Commercial Services in the Rural Zone**

1 Light Spill

Any Rural Industry or Commercial Service that requires outdoor areas to be lit shall ensure that illumination does not exceed 10 lux measured vertically at the site boundary.

2 Gross Floor Area (gfa)

The gfa of any building, exclusive of staff facilities, shall not exceed 400m<sup>2</sup>, except in the case of the Matangi Factory Area.

**9.5.10 Assessment Criteria for Discretionary Activities**

In the exercise of its discretion to determine whether an application for a resource consent for a discretionary activity should be granted and/or whether any conditions should be imposed as part of any such consent, the Council shall have regard to (but without restricting the exercise of its discretion to) the conditions for permitted activities, standards and terms for controlled, and discretionary activities, and the assessment criteria set out below. The Council shall also have regard to any other relevant matter in exercising its discretion.

**(a) [Deleted June 1997]**

**(b) Visual Amenity Values**

Whether aspects of the proposal such as location, hours of operation, earthworks, design and colour of buildings, planting and landscaping cause adverse effects upon the rural amenity values such as the existing landscape, including trees. A landscape plan may be required in terms of [Rule 52.5.1](#).

**(c) Yards**

1 Where any yard for a rural industry or commercial service is less than 10m but greater than 7.5m the following assessment criteria shall apply.

Subject to (2) below any yard to which [Rule 9.5.9\(a\)](#) does not apply may be reduced or removed if:

- there are topographical limitations to the site, or
- in respect of front yards there will be no detraction from the appearance of the road and no detraction from traffic safety, or
- in respect of side or rear yards, any adverse effects of the proximity, size, height and length of a proposed building are minimised, and

In considering a reduction or removal of side or rear yards or both, the comments of the affected owners and occupiers, where these have been received, will be taken into account.

- In the case of pig farming regard may be had to the Pork Industry Board Code of Practice for Pig Farming dated August 1993 Second Edition.

2 Regard is to be had to the relevant reasons for rules for maximum height of buildings as provided in [3.11.3](#) and for rules for height in relation to boundary as provided in [3.11.4](#).

- 3 A yard for rural industry or commercial services which is less than 7.5 m shall be a non-complying activity.

**9.5.10 (d) Yards for Forestry**

- i) The location of forest plantings on abutting sites.
- ii) Topographical factors which may reduce the effectiveness of a yard to ameliorate shading.
- iii) Measures taken to ameliorate the effect of shading on adjoining properties, including roads.

**(e) Height and height in relation to boundary**

The following assessment criteria shall be used to assess buildings which exceed 10m in height:

- i) adverse effects of the excess height on neighbouring houses and neighbouring activities in terms of shadow, draught, privacy and the rural character of the area; and
- ii) alternative locations within its site for such a building which would have less impact on neighbouring houses and activities.

**(f) Consultation with Tangata Whenua**

see [Rule 56.5.7](#).

**(g) Ecologically Sensitive Habitats and Natural Conservation Areas or Both**

Where a proposed site includes an area which is ecologically sensitive or a natural conservation area or both then development of the site may be either restricted or inappropriate.

**(h) Services**

Any discretionary activity shall be connected to reticulated services where available. Otherwise all stormwater and, effluent disposal systems and water supply systems shall be designed and constructed so as to confine any effects within the site.

In order to assess such applications, plans illustrating the total development shall be submitted at the resource consent stage. These plans will generally include the concept design for the location of structures, parking areas, and proposed landscaping. The concept plan will also show how stormwater, sewerage, and solid and liquid wastes will be adequately disposed of.

Where it is not practicable to dispose of waste on site, regard will be had to any Regional Council consents which may be required or obtained.

**(i) Factory Farming and stock sale yards**

- 1 The standards and terms for factory farming as a Controlled Activity shall be used as assessment criteria.
- 2 Where the requirements as to siting and location of buildings and separation distances cannot be complied with, the Council shall assess the effects of smells and odours on adjoining residents.

Matters to be taken into account shall include:

- the prevailing wind conditions, its direction, wind speed and frequency;
- the topography of the site; and

- any other mitigating measures which may reduce the occurrence and the degree of smells and odours and their effect on the rural amenity values

Separation distances may be reduced where the Rural Residential, Pa, and Residential Zones and dwellinghouses are upwind from the factory farming site and where the proposal does not detract from the rural amenity values of the area.

Note: In relation to rural industries, applicants may require a resource consent from Environment Waikato and should discuss their proposal with Environment Waikato accordingly.

#### **9.5.10 (j) Rural Industries and Commercial Services in the Rural Zone**

- 1 The extent to which any rural industry or commercial service can remedy, avoid or mitigate:

- excessive noise levels
- objectionable dust levels
- offensive or objectionable odour levels

- 2 Glare and Lighting

Where any activity does not comply with a glare and lighting standard and term, regard shall be had to the following matters:

- The extent to which reflective glare can be controlled through directing the light or screening it from residential uses.

- 3 Traffic Generation

The extent to which the movement of vehicles to and from the site may create noise nuisance to any dwellinghouse or residential building.

The extent to which servicing activities may cause disturbance to residents' sleep.

Where the scale and intensity of the activity generates frequent and regular traffic movements, Rule 36.5.7(f) relating to traffic activities of concern shall apply.

- 4 Electromagnetic Effects

Activities shall be conducted to avoid electromagnetic nuisance and comply with NZS 6609:1990 (Radio Frequency Radiation). Any measurement taken to ensure compliance with the standard shall be measured at or as near as practicable to the boundary of the site.

## **9.6 ENVIRONMENTAL OUTCOMES**

- 9.6.1 Maintenance of water quality.
- 9.6.2 Retention of the productive capacity of land and soils for current and future generations.
- 9.6.3 Maintenance of rural amenity values.
- 9.6.4 Avoidance of public safety and health risks.
- 9.6.5 To enable people in rural communities to provide for their social, economic, and cultural welfare.
- 9.6.6 Continuity of agricultural research into the use of natural and physical resources.

## 9S SUBDIVISION FOR RURAL ZONES

### 9S.1 Reference to Other Sections

Where a subdivision consent is sought for the following activities, the conditions and standards and terms applying to them are contained in the following Section:

- Power Station Activities [See Section 16.](#)

### 9S.2 SUBDIVISION RULES

#### 9S.2.1 Permitted Activities

There shall be no permitted subdivision activities in the Rural Zone except to provide for a designation or a heritage order.

#### 9S.2.2 Controlled Activities

The following activities shall be controlled activities in the Rural Zone provided the Standards and Terms for controlled activities in [Rule 9S.2.7](#) are complied with:

- (a) Relocation of any boundary between areas of abutting land each exceeding 2,500 m<sup>2</sup> and held in two or more:
- 1 existing certificates of title issued prior to 6 December 1997, or
  - 2 lots in respect of which the certificates pursuant to s224 of the RMA were issued prior to 6 December 1997,

where that relocated boundary remains within the outer boundaries:

- i) of the land comprised within those existing lots; or
- ii) of any land adjoining and held under ownership in common with the land comprised within those existing certificates of title or certificate pursuant to s224 of the RMA.

- (b) Outside Policy Areas, subdivision of:

- 1 up to two additional lots not containing high quality soils, or
- 2 one additional lot containing high quality soils

from any lot with a:

- i) certificate of title issued prior to 6 December 1997, or
- ii) certificate pursuant to s224 of the RMA issued prior to 6 December 1997.

- (c) Outside Policy Areas, subdivision of:

- 1 up to two additional lots not containing high quality soils, or
- 2 one additional lot containing high quality soils

from any lot which was created as the result of a boundary relocation pursuant to [Rule 42.5.9](#) which involved a grandparent lot with a:

- i) certificate of title issued prior to 6 December 1997, or
- ii) certificate pursuant to s224 of the RMA issued prior to 6 December 1997.

- (d) Outside Policy Areas, subdivision of:

- 1 up to two additional lots not containing high quality soils, or
- 2 one additional lot containing high quality soils

from any lot created as the result of a designation, survey to remove limitation to title, Maori Land Court partition, survey to establish accretion or erosion, or subdivision under [Rule 9S.2.2\(f\)](#) which involved a grandparent lot with a:

- i) certificate of title issued prior to 6 December 1997, or
- ii) certificate pursuant to s224 of the RMA issued prior to 6 December 1997.

- (e) Subdivision of additional lots where a conservation feature or public access to such a feature is provided, and is to be protected by covenant or reservation.
- (f) Subdivision of an additional lot in accordance with [Rule 9S.2.7\(d\)](#) where a reserve is to be created.
- (g) Subdivision for residential activities in a [Scheduled Deferred Residential Area](#) that complies with all relevant standards and terms.

(EDITORIAL NOTE: Also see [9D.1.2.4](#) for controlled activities)

#### **9S.2.2.1 Applications not to be Notified**

An application under Rule 9S.2.2 shall not be served on, and shall be considered without the need to obtain the written approval of, any persons who may be adversely affected except that where any boundary of the parent lot is within:

- 400 metres from the boundary of a sand AEPA, or
- 1,000 metres from the boundary of a rock AEPA,

and the owner and occupier of the land within the AEPA have not given written approval, the application shall be served on the said owner and occupier as persons who may be adversely affected by the application.

#### **9S.2.2.2 Matters over which Council has Reserved Control**

In considering an application under Rule 9S.2.2, Council's control shall be restricted to the matters in [Rule 9S.2.6](#) and matters relating to implementation of the Standards and Terms in [Rule 9S.2.7](#).

#### **9S.2.3 Prohibited Activities**

The following activities shall be prohibited activities in the Rural Zone:

- (a) Except as expressly provided for in [Rules 9S.2.2](#), [9S.2.4](#) and [9S.2.5](#), subdivision of any additional lots containing high quality soils from any lot with a:
  - 1 certificate of title issued on or after 6 December 1997, or
  - 2 certificate pursuant to s224 of the RMA issued on or after 6 December 1997,
 is expressly prohibited and is an activity for which no resource consent shall be granted.
- (b) Subdivision of more than two additional lots containing high quality soils from any lot with a:
  - 1 certificate of title issued prior to 6 December 1997, or
  - 2 certificate pursuant to s224 of the RMA issued prior to 6 December 1997,
 is expressly prohibited and is an activity for which no resource consent shall be granted.
- (c) The following shall be a prohibited activity for which no resource consent shall be granted:

A subdivision to create a lot wholly within an area required by a structure plan of a [Scheduled Deferred Residential Area](#) as a separation distance from a site boundary or a corridor which is required for the purposes of retaining options for the installation of future infrastructure.

Explanatory Note: This rule is consistent with [Rule 9.5.5A](#). Subdivision of a lot to enable an activity to establish within an area required for an infrastructure corridor is prohibited because such a lot would compromise the integrity of a structure plan.

#### **9S.2.4 Restricted Discretionary Activities**

The following activities shall be restricted discretionary activities in the Rural Zone provided the Standards and Terms for restricted discretionary activities in [Rule 9S.2.9](#) are complied with:

- (a) A subdivision that falls within paragraphs (a) – (g) of [Rule 9S.2.2](#) but which fails to comply with the Standards and Terms for controlled activities in [Rule 9S.2.7](#).

- (b) Outside Policy Areas, subdivision of more than two additional lots not containing high quality soils from any lot with a:
- 1 certificate of title issued prior to 6 December 1997, or
  - 2 certificate pursuant to s224 of the RMA issued prior to 6 December 1997.
- (c) Outside Policy Areas, subdivision of two additional lots from parent lots wholly composed of high quality soils and with a:
- 1 certificate of title issued prior to 6 December 1997, or
  - 2 certificate pursuant to s224 of the RMA issued prior to 6 December 1997.
- (d) Outside Policy Areas, subdivision of two additional lots with one lot containing high quality soils from any lot with a:
- 1 certificate of title issued prior to 6 December 1997, or
  - 2 certificate pursuant to s224 of the RMA issued prior to 6 December 1997.
- (e) Outside Policy Areas, subdivision of more than two additional lots not containing high quality soils from any parent lot which was created as the result of a boundary relocation pursuant to [Rule 42.5.9](#) which involved a grandparent lot with a:
- 1 certificate of title issued prior to 6 December 1997, or
  - 2 certificate pursuant to s224 of the RMA issued prior to 6 December 1997.
- (f) Outside Policy Areas, subdivision of more than two additional lots not containing high quality soils from any lot created as the result of a designation, survey to remove limitation to title, Maori Land Court partition, survey to establish accretion or erosion, or subdivision under [Rule 9S.2.2\(f\)](#) which involved a grandparent lot with a:
- 1 certificate of title issued prior to 6 December 1997, or
  - 2 certificate pursuant to s224 of the RMA issued prior to 6 December 1997.
- (g) Within Policy Areas, subdivision of up to two additional lots from any lot with a:
- 1 certificate of title issued prior to 6 December 1997, or
  - 2 certificate pursuant to s224 of the RMA issued prior to 6 December 1997.
- (h) Within Policy Areas, subdivision of up to two additional lots from any lot which was created as the result of a boundary relocation pursuant to [Rule 42.5.9](#), survey to remove limitation to title, Maori Land Court partition, survey to establish accretion or erosion, or subdivision under [Rule 9S.2.2\(f\)](#) which involved a grandparent lot with a:
- 1 certificate of title issued prior to 6 December 1997, or
  - 2 certificate pursuant to s224 of the RMA issued prior to 6 December 1997.
- (i) Within Policy Areas, subdivision of up to two additional lots from any lot created as the result of a designation which involved a grandparent lot with a:
- 1 certificate of title issued prior to 6 December 1997, or
  - 2 certificate pursuant to s224 of the RMA issued prior to 6 December 1997.
- (j) Relocation of any boundary between areas of abutting land of which one does not exceed 2,500 m<sup>2</sup>, and held in:
- 1 two or more existing certificates of title in respect of one or more of which the title was issued on or after 6 December 1997, or
  - 2 two or more lots in respect of which a certificate pursuant to s224 of the RMA was issued on or after 6 December 1997;

where that relocated boundary is within the outer boundaries of any land adjoining and held under ownership in common with the land comprised within those existing certificates of title or certificate pursuant to s224 of the RMA.

#### **9S.2.4.1 Applications not to be Notified**

An application under Rule 9S.2.4 shall not be publicly notified or served, and shall be considered without the need to obtain written approval of any persons who may be adversely affected except that where any boundary of the parent lot is within:

- 400 metres from the boundary of a sand AEPA, or
- 1,000 metres from the boundary of a rock AEPA,

and the owner and occupier of the land within the AEPA have not given written approval, the application shall be notified unless the effects will be minor in which case it shall be served on the said owner and occupier as persons who may be adversely affected by the application.

#### 9S.2.4.2 Matters to which Council's Discretion is Restricted

In considering an application under:

- Rule [9S.2.4\(a\)](#) and [\(j\)](#), Council's discretion shall be restricted to the matters of non-compliance with the Standards and Terms for Controlled Activities in [Rule 9S.2.7](#), and the Assessment Criteria for Restricted Discretionary Activities in [Rule 9S.2.8](#).
- Rule [9S.2.4\(b\)](#), [\(c\)](#), [\(d\)](#), [\(e\)](#) or [\(f\)](#), Council's discretion shall be restricted to those matters relating to cumulative adverse effects of additional lots on rural amenity values, retention of the land in lots of sufficient size and appropriate shape to enable utilisation of rural resources, retention of the productive capacity of the high quality soils, and the matters contained within the Assessment Criteria for Restricted Discretionary Activities in [Rule 9S.2.8](#).
- [Rule 9S.2.4 \(g\)](#), [\(h\)](#) or [\(i\)](#), Council's discretion shall be restricted to those matters relating to the objectives and policies for the relevant Policy Area, cumulative adverse effects of additional lots on rural amenity values, retention of the land in lots of sufficient size and appropriate shape to enable utilisation of rural resources, and the matters contained within the Assessment Criteria for Restricted Discretionary Activities in [Rule 9S.2.8](#).

#### 9S.2.4A Discretionary Activities

The following activities shall be discretionary activities in the Rural Zone provided the Standards and Terms for discretionary activities are complied with. (EDITORIAL NOTE: Also see [9D.1.2.6](#) for discretionary activities)

- Subdivision for residential activities in a Scheduled Deferred Residential Area that does not comply with the relevant standards and terms.

#### 9S.2.5 Non-complying Activities

The following activities shall be non-complying activities in the Rural Zone:

- A subdivision that falls within paragraphs (a) – (j) of [Rule 9S.2.4](#) and which fails to comply with the Standards and Terms for Restricted Discretionary Activities in [Rule 9S.2.9](#).
- Within Policy Areas, subdivision of more than two additional lots not containing high quality soils from any lot with a:
  - certificate of title issued prior to 6 December 1997, or
  - certificate pursuant to s224 of the RMA issued prior to 6 December 1997.
- Within Policy Areas, subdivision of more than two additional lots not containing high quality soils from any lot which was created as the result of a boundary relocation pursuant to [Rule 42.5.9](#), survey to remove limitation to title, Maori Land Court partition, or survey to establish accretion or erosion, or subdivision under [Rule 9S.2.2\(f\)](#) which involved a grandparent lot with a:
  - certificate of title issued prior to 6 December 1997, or
  - certificate pursuant to s224 of the RMA issued prior to 6 December 1997.
- Within Policy Areas, subdivision of more than two additional lots not containing high quality soils from any lot created as the result of a designation which involved a grandparent lot with a:
  - certificate of title issued prior to 6 December 1997, or
  - certificate pursuant to s224 of the RMA issued prior to 6 December 1997.

- (e) Subdivision of any additional lot not on high quality soils from any lot with a:
- 1 certificate of title issued on or after 6 December 1997, or
  - 2 certificate pursuant to s224 of the RMA issued on or after 6 December 1997,
- and which was not created as the result of a boundary relocation pursuant to [Rule 42.5.9](#) or a subdivision for a designation.
- (f) Outside Policy Areas, subdivision of two additional lots both containing high quality soils from any parent lot not wholly composed of high quality soils with a:
- 1 certificate of title issued prior to 6 December 1997, or
  - 2 certificate pursuant to s224 of the RMA issued prior to 6 December 1997.

#### **9S.2.6 Matters over which the Council shall exercise control**

In considering an application for a resource consent for a controlled subdivision the Council shall exercise its control over the following matters:

- (a) Subdivision layout, including the number, arrangement, area, frontage and shape of new lots, and access to those lots.
- (b) Subdivision development and associated works, including land disturbance, excavation, filling, and altering the topography of the land, and any activity affecting the stability of the land, including effects on adjoining land.
- (c) Dimensions, shapes and orientation of site development and effects on runoff rate and water quality, amenity and visual values, vegetation and cultural features.
- (d) Impacts of subdivision design on the safety, integrity, and maintenance and development of national strategic utility networks including gas, electricity, land transport, and telecommunications and local networks including water supply, sewerage and roading.

#### **9S.2.7 Standards and Terms for Controlled Activity Subdivision**

The following standards and terms shall apply:

##### **(a) The General Provisions**

These shall apply to all subdivision consents.

##### **(b) Provisions for all lots**

- 1 Additional lots outside the Hill Country Policy Area shall have a maximum area not exceeding 1.6 ha.
- 2 The largest new lot shall contain all that land which is within
  - 200 metres from the boundary of a sand Aggregate Extraction Policy Area,
  - 500 metres from the boundary of a rock Aggregate Extraction Policy Area,
  - 100 metres from the limit of any area occupied by an operating factory farm.
- 3 All boundaries of additional lots shall have a separation distance that is at least:
  - 500 metres from the southern boundary of the [Te Rapa Dairy Factory](#) site (Part Lot 3 DP 5134, Lot 1 DP 10458, Lot 1 DP 29922 and Lot 1 DP 85687) for properties to the south of the dairy factory site and between State Highway 1 and the Waikato River,
  - 500 metres from the western or northern boundary of the [Horotiu Meat Processing site](#) (Lot 3 DP 83206 and Lot 1 DP 92407), for properties fronting Park Road, State Highway 1, Anzac Street West or Amani Road, and to the south of Amani Road.
- 4 All new lots less than 3.1 ha in area shall not contain known contaminants at a level that creates a threat to human health or safety.

- 5 All new lots shall have a minimum area of 5000 m<sup>2</sup>, with at least 1000 m<sup>2</sup> not subject to inundation in a 2% probability storm or flood event.
- 6 All new lots shall have an average area that is 1.3 ha or greater.
- 7 Development, such as boundary fences, access and building platforms, directly related to the subdivision shall not result in damage to or destruction of any:
  - i) tree listed in the [Schedule of Notable Trees](#); or
  - ii) soil or plant within an area listed in the [Schedule for Natural Conservation Areas](#).
- 8 Development, such as boundary fences, access and building platforms, directly related to the subdivision shall not result in damage to or destruction of any:
  - i) cultural or heritage feature listed in the schedule of [Buildings, Objects, Items and Features of Cultural Heritage Value](#); or
  - ii) waahi tapu identified by Tangata Whenua during consultation relating to the subdivision.
- 9 Every lot not containing a dwelling house shall contain:
  - a shape factor, being either a 30m diameter circle, or a rectangle of 1,000m<sup>2</sup> of which each dimension shall be at least 25m, exclusive of yards, and
  - a suitable building platform, being an 18m diameter circle, located within the shape factor.
- 10 Outside Waikato District Drainage Districts every new lot shall either:
  - i) demonstrate that the increase in design flow in the receiving channel assessed using the design runoff formula in [Section 42.4.4.2](#) does not exceed 20%, or
  - ii) demonstrate that there is sufficient channel capacity to accommodate the increase in design flow assessed using the design runoff formula in [Section 42.4.4.2](#), or
  - iii) demonstrate that a combination of onsite storage and existing channel capacity is able to accommodate the increase in design flow assessed using the design runoff formula in [Section 42.4.4.2](#).
- 11 Traffic generated by the subdivision or the design of the subdivision shall not alter the status or function of roads in the [Roading Hierarchy](#) as identified in the District Plan.
- 12 Every new boundary, not having been the boundary of a parent lot, shall be located from every existing dwellinghouse in accordance with the relevant separation distances in [Rule 9.5.6\(b\)](#).

**(c) Additional Provisions for Subdivision under [9S.2.2\(e\)](#)**

- 1 The conservation feature shall contain native bush, or an ecologically sensitive habitat, or part of a natural conservation area, and be worthy of protection, as determined by consideration of the following matters:
  - i) ecological sustainability as a result of the size, shape, health, and condition of species present;
  - ii) diversity and rarity of species or species associations present; and
  - iii) connectivity with, or significance to, other conservation features.

An application shall be supported by a report from a suitably qualified person.
- 2 Pedestrian access provided to a conservation feature under [Rule 9S.2.2\(e\)](#) shall be practical.
- 3 The maximum number of additional lots created shall relate to the area or length protected by covenant or other legal means in accordance with the following tables:

Aggregate Area Protected (ha)	Number of Lots
2 to <5	1
5 to <10	2
10 to <20	3
20 or greater	4

Length of Access Protected (km)	Number of Lots
0.5 to <1	1
1 or greater	2

- 4 Every additional lot created shall be located within the outer boundary of any adjoining land held under ownership in common with the conservation feature or access.
- 5 A conservation covenant, or similar legal device, to the satisfaction of Council shall be registered on the certificate of title for the area containing the conservation feature or access. Such covenant shall address stock exclusion, grazing management, and pest control as appropriate.

**(d) Additional Provision for Subdivision under 9S.2.2(f)**

- 1 Every additional lot created shall be located within the outer boundary of any adjoining land held under ownership in common with the area to be acquired by Council as reserve.
- 2 The land proposed to be vested in Council as a reserve must have been identified by Council as being necessary for the adequate provision of land to meet community needs.
- 3 No reserve contribution shall be payable for any additional lot created under this provision.

**9S2.7A Standards and Terms for Discretionary Activity Subdivisions**

Subdivision for activities in a [Scheduled Deferred Residential Area](#) which do not comply with standards and terms for controlled activities, refer to the relevant structure plan for standards and terms and assessment criteria.

**9S.2.8 Assessment Criteria for Restricted Discretionary Activity Subdivision**

In considering an application for a resource consent for a restricted discretionary activity subdivision, the Council will exercise its discretion over the likely adverse effect of the subdivision on the:

- (a) Ability of new lots to manage on site:
  - 1 treatment and disposal of household effluent;
  - 2 stormwater;
  - 3 sediment resulting from building platforms, access and landscaping; and
  - 4 effects of noise, dust, agrichemical use and odour;
- (b) Availability of high quality soils, in lots of sufficient size to enable the efficient use of the soil resource, now and in the future;
- (c) Capacity and quality of the road surface;
- (d) Efficient utilisation of the soil resource;
- (e) Function of the public road being accessed by new lots and the safety of road users;
- (f) Future extraction of sand, rock, and other mineral resources from within Aggregate Extraction Policy Areas;
- (g) Future operation of factory farms and industrial activities in the Rural Zone and any industrial zone;

- (h) Health of indigenous vegetation and its functioning as a habitat for indigenous fauna;
- (i) Integrity of sites and features having cultural and heritage value;
- (j) Rural amenity and ensuring the avoidance of structures and development dominating the open space component and placing unreasonable restriction upon the operation of established rural activities;
- (k) Stability and functioning of the beds and banks of rivers, lakes and wetlands; and
- (l) Safety, integrity, and maintenance and development of national strategic utility networks including gas, electricity, land transport, and telecommunications and local networks including water supply, sewerage and roading.

### 9S.2.9 Standards and Terms for Restricted Discretionary Activities

The following standards and terms shall apply.

#### (a) The General Provisions

These shall apply to all subdivision consents.

#### (b) Provisions for all lots

- 1 Additional lots outside the Hill Country Policy Area shall have a maximum area not exceeding 1.6 ha.
- 2 The largest new lot shall contain all that land which is within
  - 200 metres from the boundary of a sand Aggregate Extraction Policy Area,
  - 500 metres from the boundary of a rock Aggregate Extraction Policy Area,
  - 100 metres from the limit of any area occupied by an operating factory farm.
- 3 All boundaries of additional lots shall have a separation distance that is at least:
  - 500 metres from the southern boundary of the [Te Rapa Dairy Factory](#) site (Part Lot 3 DP 5134, Lot 1 DP 10458, Lot 1 DP 29922 and Lot 1 DP 85687) for properties to the south of the dairy factory site and between State Highway 1 and the Waikato River,
  - 500 metres from the western or northern boundary of the [Horotiu Meat Processing site](#) (Lot 3 DP 83206 and Lot 1 DP 92407), for properties fronting Park Road, State Highway 1, Anzac Street West or Amani Road, and to the south of Amani Road,
- 4 All new lots less than 3.1 ha in area shall not contain known contaminants at a level that creates a threat to human health or safety.
- 5 All new lots shall have a minimum area of 5000 m<sup>2</sup>, with at least 1000 m<sup>2</sup> not subject to inundation in a 2% probability storm or flood event.
- 6 Within Landscape, Ridgeline Protection, and Coastal Policy Areas all new lots shall include an identified building envelope, which complies with the requirements of [Rule 9.5](#) and shall not be visible from any road or other public place within the District.
- 7 Every new boundary, not having been the boundary of a parent lot, shall be located from every existing dwellinghouse in accordance with the relevant separation distances in [Rule 9.5.6\(b\)](#).
- 8 Every lot not containing a dwelling house shall contain:
  - a shape factor, being either a 30m diameter circle, or a rectangle of 1,000m<sup>2</sup> of which each dimension shall be at least 25m, exclusive of yards, and
  - a suitable building platform, being an 18m diameter circle, located within the shape factor.

**9S.3 ENVIRONMENTAL OUTCOMES**

- 9S.3.1 Retention of rural land in holdings of a size that retains the greatest versatility now and potential for the future.
- 9S.3.2 The conservation of ecologically sensitive habitats, natural conservation areas, sites culturally significant to Maori, and sensitive landscapes.
- 9S.3.3 Protection of the potential and life-supporting capacity of high quality soils.
- 9S.3.4 Dispersion and separation of dwellinghouses and other buildings in a manner that retains the rural visual character.
- 9S.3.5 Maintenance of rural amenity values.
- 9S.3.6 Effective and efficient use of natural and physical resources.
- 9S.3.7 Dwelling houses and buildings which are dispersed and well separated to retain rural visual character.

**Subdivision for Commercial Services**

- 9S.3.8 The lots created are suitable for the establishment of the commercial service.
- 9S.3.9 The lots created are adequately serviced for their intended use.
- 9S.3.10 The lots created have practicable boundaries.

## 9D SCHEDULED DEFERRED RESIDENTIAL AREAS IN RURAL ZONE

### 9D1 TAMAHERE POLICY AREA

The aim of the Tamahere Policy Area is to enable residential development that:

- (a) Retains the unique rural “look and feel” (rural amenity values) of Tamahere.
- (b) Retains corridors free of development to provide options for future generations to install infrastructure thereby providing for their social and economic wellbeing, health and safety.
- (c) Ensures increased development in the present takes account of the existing non-residential activities within, and adjacent to, the Tamahere Policy Area.
- (d) Limits the likelihood of adverse noise effects from the operation of Hamilton International Airport on residential activity and effects of reverse sensitivity from residential activity on the operation of the Airport.

#### 9D1.1 RULES

9D1.1.1 The Rural Zone rules shall apply except insofar as they are inconsistent with the rules in Section 9D1 Tamahere Policy Area.

Note: Attention is drawn to [Rule 9.5.1](#) Schedule of General Provisions. The following rules have particular relevance for the Tamahere Policy Area

[36.5](#) [Land Transport](#)

[42.5](#) [Subdivision](#)

[48.5](#) Noise –particularly [48.5.4\(d\) Hamilton Airport Noise Contour](#)

[51](#) Public Works and Utilities- particularly Designation of Waikato Regional Airport Limited: Airport Obstacle Limitation Surfaces ([Planning Map 93](#))

9D1.1.2 All activities, including subdivision, shall be located in compliance with Structure Plan 9D1 Tamahere Policy Area ([Planning Map 35A](#)).

9D1.1.3 Applications for controlled activities shall not be notified and shall be considered without the need to obtain the written approval of affected parties.

9D1.1.4 Applications for discretionary activities shall not be notified where the written approval of affected parties regarding separation distances is obtained.

9D1.1.5 Applications for discretionary and non-complying activities, which affect the density of development, integrity of the [Structure Plan](#), or the rural residential amenity values shall be notified.

#### 9D1.2 STATUS OF ACTIVITIES – LAND USE

##### 9D1.2.1 Permitted Activities

An activity in [Rule 9.5.2](#), except an ancillary unit not contained within the primary dwellinghouse on a site within the Airport Noise Outer Control Boundary, is permitted where the activity complies with [Rules 9.5](#) and [9D1.3](#).

##### 9D1.2.2 Discretionary Activities

Except for prohibited activities, any land use activity that does not comply with [Rules 9.5.2](#), [9.5](#) and [9D1.3](#) shall be a discretionary activity.

Discretion shall not be limited, but shall include the following matters:

- (a) The extent, or degree, to which the activity does not comply with conditions for a permitted activity or the standards and terms for a controlled activity;
- (b) The cumulative adverse effect on Tamahere’s “rural look and feel” (amenity values);

- (c) The effectiveness of proposed methods to mitigate any adverse effects of a proposed activity within a buffer area adjacent to a commercial activity identified on the Tamahere Policy Area Structure Plan (See [Planning Map 35A](#));
- (d) The extent to which the proposal compromises the integrity of the Tamahere Policy Area [Structure Plan](#);
- (e) The effects on achieving the aims of the area and location of the proposed activity;
- (f) The adequacy of setbacks from boundaries with adjoining dwellings;
- (g) The cumulative effects of increasing density of development on the surrounding land uses;
- (h) The adverse effects of activities on natural features, the continued functioning of natural ecosystems and compromising potential for open space access and future use of the esplanade reserve;
- (i) The practicality and effectiveness of proposed means of mitigation; and
- (j) The effects on the continued operation of existing activities including identified commercial sites and the Hamilton International Airport.
- (k) The extent to which the proposal located within the Airport Noise Outer Control Boundary, avoids or mitigates the adverse effects of aircraft noise.

### 9D1.2.3 Prohibited Activity

The following activities are prohibited activities for which no resource consent shall be granted:

- (a) Within the Airport Noise Outer Control Boundary an ancillary unit not contained within the primary dwellinghouse on a site.
- (b) A dwellinghouse, or accessory building or ancillary unit which does not comply with [Rules 9D1.3.1.2](#), and [9D1.3.2.2](#), except within the Airport Noise Outer Control Boundary.
- (c) An additional vehicle entrance or access to Newell Road.

## 9D1. 2 STATUS OF ACTIVITIES – SUBDIVISION

### 9D1.2.4 Controlled Activity

- (a) Except as provided for in [Rule 9D1.2.5](#) subdivision of a new lot shall be a controlled activity where the activity complies with [Rule 9.5](#), [Rule 9D1.3](#) in the Tamahere Policy Area and [Rule 9S2.7](#) in the Rural Zone, but where standards and terms differ from Rule 9D1.3 then Rule 9D1.3 shall prevail.
- (b) A boundary relocation in compliance with [Rule 9.5](#), [Rule 9D1.3](#) in the Tamahere Policy Area and [Rule 9S2.7](#) in the Rural Zone, but where standards and terms differ from Rule 9D1.3 then Rule 9D1.3 shall prevail.

### 9D1.2.5 Discretionary Activity

The following activities shall be a discretionary activity:

- (a) Except for a subdivision sited wholly within a separation distance from a boundary regulated for future roading options, a subdivision, including a boundary relocation that does not comply with [Rules 9.5](#), or [Rule 9D1.3](#) in the Tamahere Policy Area and [Rule 9S2.7](#) in the Rural Zone.
- (b) A subdivision sited wholly within 100 metres of a commercial activity identified on the Structure Plan (see [Planning Map 35A](#)), or within 25 metres of a site containing a farming activity and which has an area greater than 1.3 ha. (Refer to Section 4 for a definition of “farming”), or within 25 metres of a lot with an area greater than 1.3 ha in the Rural Zone.
- (c) A subdivision that does not provide a complying building platform located at least 100 metres from a commercial activity identified in the [Structure Plan](#) or within 25 metres of a site containing a farming activity and which has an area greater than 1.3 ha. (Refer to

Section 4 for a definition of “farming”), or within 25 metres of a lot with an area greater than 1.3 ha in the Rural Zone.

**9D1.2.6** The Council’s discretion shall not be limited, but shall include the following matters:

- (a) As in [Rule 9D1.2.2](#)
- (b) The extent to which the cumulative effect of the subdivision facilitates the opportunity for further subdivision that will compromise the achievement of the average lot size.

**9D1.2.7 Prohibited Activities**

The following activities are prohibited activities for which no resource consent shall be granted:

- (a) Any subdivision activity sited wholly within a separation distance from a boundary in [Rules 9D1.3.1.2](#) and [9D1.3.2.2](#) or which does not provide a shape factor, including a suitable building platform, which complies with [Rules 9D1.3.1.2](#) and [9D1.3.2.2](#).
- (b) Within the Airport Noise Outer Control Boundary subdivision to create an additional lot that will result in the number of lots being greater than the number calculated by [Rule 9D1.3.1.1B\(b\)](#) or [Rule 9D1.3.1.1C\(b\)](#) based on those lots existing at 30 June 2003.
- (c) Within the Airport Noise Outer Control Boundary any subdivision that does not satisfy [Rule 9D1.3.3.6](#).

**9D1.3 PERFORMANCE STANDARDS**

The following performance standards relate to activities which affect the achievement of the purpose stated in the heading of each rule and are conditions for permitted activities or standards and terms for controlled activity subdivision.

**9D1.3.1 Retaining the Rural Amenity of the Tamahere Policy Area**

**9D1.3.1.1 A** The density of development created by subdivision outside the Airport Noise Outer Control Boundary shall be:

- (a) A minimum lot size of 5000 m<sup>2</sup>; and
- (b) A minimum average lot size of 8000 m<sup>2</sup>; and
- (c) For every lot created below the average lot size of 8000 m<sup>2</sup> another lot with an equal, or greater, area above the average lot size of 8000 m<sup>2</sup> shall be created.

eg Parent Lot	= 4.1 ha.
Additional Lot 1	= 5,000m <sup>2</sup>
Additional Lot 2	= 11,000m <sup>2</sup>
Additional Lot 3	= 6,000m <sup>2</sup>
Additional Lot 4	= 10,000m <sup>2</sup>
New, or the balance of the parent lot, Lot 5	= 9,000m <sup>2</sup>

**B** The density of development created by subdivision within the Airport Noise Outer Control Boundary shall be:

- (a) A minimum lot size of 5000 m<sup>2</sup>; and
- (b) The maximum number of new lots shall be the smaller nearest whole number calculated by the formula:

$$\text{New Lots} = \frac{\text{Area (ha)}}{1.1}$$

**C** The density of development created by subdivision of parent lots straddling the line of the Airport Noise Outer Control Boundary shall be:

- (a) A minimum lot size of 5000 m<sup>2</sup>; and
- (b) The maximum number of new lots shall be the smaller, nearest whole number calculated by the formulae:

$$\text{New Lots} = \frac{\text{Area (ha) outside}}{0.5} + \frac{\text{Area (ha) within}}{1.1}$$

$$\text{New Lots} = \frac{\text{Area (ha) outside} + \text{Area (ha) within}}{0.8}$$

- (c) Every new lot straddling the line of the Airport Noise Outer Control Boundary shall contain a shape factor, including a suitable building platform, located within either a 30 m diameter circle or a rectangle of 1,000 m<sup>2</sup> of which each dimension shall be at least 25 m, located outside the Airport Noise Outer Control Boundary.

9D1.3.1.2 Except for a lot adjoining a commercial activity identified on the Tamahere Policy Area Structure Plan (See [Planning Map 35A](#)) or a farming activity, or a lot in the Rural Zone containing an area greater than 1.3 ha the separation distance of a dwellinghouse, accessory building or ancillary unit from a rear or side boundary shall be at least 12 metres.

9D1.3.1.3 The separation distance of a dwellinghouse, accessory building or ancillary unit from a road frontage boundary shall be at least 7.5 metres.

9D1.3.1.4 The separation distance of a dwelling-house, accessory building or ancillary unit from the boundary of a site containing a commercial activity identified in the [Structure Plan](#) shall be at least 100 metres.

9D1.3.1.5 The separation distance of a dwelling-house, accessory building or ancillary unit from a site containing a farming activity and which has area an area greater than 1.3 ha. (refer to Section 4 for a definition of "farming"), or from a lot with an area greater than 1.3 ha in the Rural Zone, shall be 25 metres.

### **9D1.3.2 Retaining Potential for Development at a Future Residential Density**

9D1.3.2.1 The width of a public road reserve, or private access shall be at least 20 metres, except within the Airport Noise Outer Control Boundary.

9D1.3.2.2 The distance from the rear or side boundary to a dwellinghouse, accessory building or ancillary unit shall be at least 10 metres.

9D1.3.2.3 The location of access onto indicative roads identified in the Tamahere Policy Area Structure Plan shall be a minimum separation distance of 150 metres from another access on either side of the road.

9D1.3.2.4 The distance of a dwellinghouse, accessory building or ancillary unit from an esplanade reserve shall be at least 25 metres.

### **9D1.3.3 Providing for the Health and Safety of People and Communities**

9D1.3.3.1 The effective field for the disposal of effluent shall be at least 2,500 m<sup>2</sup>.

9D1.3.3.2 Management and disposal of stormwater within the Tamahere Drainage District shall be by connection to the Tamahere Drainage District Scheme, where applicable.

9D1.3.3.3 Outside the Tamahere Drainage District, stormwater runoff shall comply with [Rule 9S2.7\(b\)\(10\)](#).

9D1.3.3.4 A potable water supply shall be provided by connection, at the site road frontage, to a reticulated water supply where such is available. Note: This may require the subdivider to upgrade and/or extend the existing water reticulation.

- 9D1.3.3.5 Underground power and telecommunications services shall be provided at the boundary of every lot.
- 9D1.3.3.6 Within the Airport Noise Outer Control Boundary conditions shall be imposed on each new subdivision consent requiring the following:
- (a) Written notice to be given on the certificate of title of each new lot, on a continuing basis, of the matters contained in [Rule 9D1 Attachment 1](#);
  - (b) A Consent Notice as set out in Rule 9D1 Attachment 1 to be registered on the certificate of title for each new lot; and
  - (c) The consent holder to inform all prospective purchasers and occupiers of any new lot of the conditions of consent imposed under this Rule and to supply them with a copy of the form of the Consent Notice in Rule 9D1 Attachment 1, prior to creation of any agreement for purchase or occupation of the new lot.

**9D1.3.4 Avoiding, Remedying or Mitigating Adverse Effects on Natural Resources**

- 9D1.3.4.1 A dwellinghouse, accessory building or ancillary unit, or any other building platform shall be located outside the gully and at least 15 metres from the top contour of a gully identified within the Gully Protection Area shown on the Tamahere Policy Area Structure Plan (See [Planning Map 35A](#)).

**9D1.3.5 Land Transport Matter**

- 9D1.3.5.1 Except for access to Newell Road and as provided in [Rules 9D1.3.2.1](#), [9D1.3.2.2](#) and [9D1.3.2.3](#), all activities shall comply with the relevant rules in [Section 36](#).

**9D1 Attachment I Airport Noise Outer Control Boundary Consent Notice**

**THE** Owner (as defined in the Resource Management Act 1991) of the land shall, on a continuing basis, ensure that:

1. Written notice of the following matters shall be given on the title:
  - a) The land is located within the Airport Noise Outer Control Boundary (as shown on the Waikato District Plan Maps) associated with Hamilton International Airport and that activities on the land will be affected by the noise of aircraft.
  - b) The noise generated by aircraft movements associated with the airport is predicted to reach levels between 55 dBA  $L_{dn}$  and 65 dBA  $L_{dn}$ . Those noise levels, which are identified in the Waikato District Plan, may be higher than the present levels of aircraft noise affecting the land, as allowance has been made for predicted expansion of airport facilities and activities.
  - c) The requirements for acoustic insulation of dwellings set out in the Waikato District Plan and in this Consent Notice are intended to manage the effects that airport noise may have on residential activity and reduce the potential for constraints on airport development and activities.
2. Any dwellinghouse, or building listed below, which is hereafter erected on land within the Airport Noise Outer Control Boundary shown on the Waikato District Plan Maps, shall be designed and constructed to incorporate appropriate acoustic insulation measures to ensure an internal  $L_{dn}$  not exceeding 45 dBA.
3. Any alteration or addition to any existing dwelling house, or building listed below, which is on land within the Airport Noise Outer Control Boundary shown on the Waikato District Plan Maps, shall be designed and constructed to incorporate appropriate acoustic insulation measures to ensure an internal  $L_{dn}$  not exceeding 45 dBA.
4. Prior to the issue of a building consent for any dwellinghouse or building listed below, compliance shall be demonstrated with the Plan requirements for acoustic design, construction and performance of such buildings located within the Airport Noise Outer Control Boundary.
5. List of Buildings:
  - Papakainga housing
  - Homestays
  - Multi unit development
  - Comprehensive residential development schemes
  - Residential centre
  - Travellers accommodation
  - Hospitals
  - Schools