

# WAIKATO DISTRICT COUNCIL

## Hearings of Submissions on the Proposed Waikato District Plan

### Report and Decisions of Independent Commissioners

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#### Decision Report 22: Rural Zone

17 January 2022

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#### Commissioners

Dr Phil Mitchell (Chair)

Mr Paul Cooney (Deputy Chair)

Mr Dynes Fulton

Mr Weo Maag

Ms Janet Gibb

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## 1 Introduction

- 1.1 Hearing 18 related to all the submissions received by the Waikato District Council (Council) on the Rural Zone provisions within the Waikato Proposed District Plan (PDP). This hearing specifically related to the rural objectives and policies (Chapter 5), and the rules controlling land use activities, land use effects, building form, and subdivision in the Rural Zone (Chapter 22).
- 1.2 A separate decision has been made on the Country Living Zone (whose provisions were located within the Rural Zone Chapters). Separate decisions have likewise been made on matters relating to Outstanding Natural Landscapes, and Significant Natural Areas (the vast majority of which are located within the Rural Zone).
- 1.3 Hearing 28 addressed 'other matters' that covered submission points that had not otherwise been addressed in earlier hearings. We note that a number of these matters related to the rural topic and therefore we have addressed them as part of this decision.

## 2 Hearing Arrangement

- 2.1 The hearing was held from Tuesday 29 September to Thursday 1 October 2020 via Zoom. All of the relevant information pertaining to this hearing (i.e., section 42A reports, legal submissions and evidence) is contained on Council's website.
- 2.2 We heard from the following parties on the Rural Zone provisions of the PDP:

Submitter organisation	Attendee at the hearing
Council	Jonathan Clease (author of section 42A report on land use)  Katherine Overwater (author of section 42A report on subdivision)
Chris Montagna	In person
First Gas	Hywel Edwards
Auckland/Waikato Fish and Game Council	Ben Wilson
The Church in Hamilton	Andrew Hutchison
McCracken Surveys Ltd/ Cheal Consultants Ltd	Phillip Barrett

Hamilton City Council	Laura Gault
Zeala Ltd trading as Aztech Buildings	John Manning
Blue Wallace	Tim Lester
Meremere Dragway Incorporated	Ben Cochrane
Hynds Pipe System Ltd and Hynds Foundation	Dharmesh Chima
Genesis Energy Ltd	Richard Matthews
Neil and Linda Porritt	In person
Anthony Viner	In person
T&G Global Ltd	Rebecca Saunders
NZ National Field Days Society Inc	Peter Nation
Jean Tregida	In person
Synlait Milk Ltd	Nicola Rykers
Department of Conservation	Andrew Riddell
CDL Land New Zealand Ltd	Bevan Houlbrooke
Bruce and Dorothy Chipman	In person
Sharp Planning Solutions	Kevin Sharp
Fulton Hogan	Nevil Hegley
The Surveying Company	Craig Forrester

Federated Farmers of NZ	Hilary Walker
Madsen Lawrie Surveyors	David Lawrie
Andrew and Christine Gore	In person
Tamahere Eventide Home Trust	Louise Feathers
Divina, Mel, and Kim Libre	In person
Mainland Poultry Ltd	Christian McDean
Tripp Andrews Surveyors Ltd	John Roe
Dilworth Trust Board	Anthony Bloomfield
Middlemiss Far Holdings Ltd and Buckland Landowners Group	Peter Fuller
Horticulture New Zealand	Lynette Wharfe Vance Hodgson Lucy Deverall
Waikato Regional Council	Miffy Foley
Simon Upton PC and Bhaady Miller	In person
Lawrence and Audrey Cummings	In person
D&K Miles Ltd	Karen Miles
Hopkins Family	Sir William Birch
Ken and Kelsey Barry	In person

Bathurst Resources Ltd and BT Mining Ltd	Joshua Leckie Craig Piltcher
The Poultry Industry Association of New Zealand	Joan Forret
Lochiel Farmlands Ltd	Kim Robinson
Ethan Findlay	In person

2.3 Although they did not attend the hearing, written material and/or evidence was filed by the following parties:

- a. KCH Trust;
- b. Pouhere Taonga Heritage New Zealand;
- c. New Zealand Pork Industry Board;
- d. KiwiRail;
- e. Meridian Energy Ltd;
- f. DairyNZ;
- g. Fire and Emergency New Zealand;
- h. Transpower Ltd;
- i. Ngaakau Tapatahi Trust; and
- j. Waka Kotahi New Zealand Transport Agency.

### 3 Overview of issues raised in Submissions

3.1 In the section 42A reports, Mr Jonathan Clease and Ms Katherine Overwater set out the full list of submissions received pertaining to the rural land use and subdivision provisions respectively. In brief, the key matters of relief sought by the submitters include:

- The degree to which the policy framework provides for ongoing productive rural activity, including the maintenance of the soil resource (especially high-class soils) which underpins such productive activity;
- The degree to which the policy framework should provide for (or limit) community, recreation, and temporary activities that support rural communities;
- The degree to which new housing (and subdivision) should be enabled or limited in the Rural Zone and the related need to ensure the Rural Zone policy framework dovetails with the PDP's strategic urban growth objectives that seek to provide for

urban growth within and adjacent to existing townships, rather than locating in the Rural Zone where there is no functional connection to the rural environment;

- The management of intensive farming, rural industry, and quarrying in rural environments, particularly relating to amenity-related and reverse sensitivity effects;
- Discrete matters relating to maintaining rural character and amenity whilst providing for a range of activities anticipated in rural areas including the rules package; and
- The policy and rules framework relating to a number of long-established facilities including Huntly Power Station, Meremere Dragway, Dilworth School, several retirement villages, and the Mystery Creek Events Centre.

#### **4 Overview of evidence**

- 4.1 This section summarises the key matters raised by submitters, in the order in which they appeared during the hearing.
- 4.2 Ms Montagna raised concerns regarding the proliferation of lifestyle blocks and urban sprawl and the impact that this has on rural character and productive farming activities.
- 4.3 Mr Hywel Edwards presented evidence on behalf of First Gas. Mr Edwards stressed the need to protect infrastructure from reverse sensitivity effects generated by the construction of new sensitive activities (such as dwellings) in close proximity to the reticulated gas network. He likewise outlined concerns regarding the potential for physical damage to the network and associated health and safety effects caused by earthworks adjacent to the network, with buffer setbacks sought. He provided examples of where the gas transmission line is located close to a sensitive activity and the difficulties this causes for First Gas's day-to-day operations.
- 4.4 Mr Ben Wilson of Auckland/Waikato Fish and Game Council (Fish and Game) spoke to the need to recognise the construction and use of mai mais in Significant Natural Areas and Outstanding Natural Landscapes<sup>1</sup> (subject to limitations on size and compliance with proposed conditions). He confirmed that Fish and Game generally agreed with the rule package relating to earthworks, as recommended in the section 42A report, albeit that they would prefer no requirements regarding Erosion and Sediment Control Plans for small-scale earthworks.
- 4.5 Mr Andrew Hutchison presented evidence on behalf of The Church in Hamilton, located within the Urban Expansion Area on the outskirts of Hamilton. The Church is currently meeting in a large house and is a permitted activity under the Operative Waikato District Plan. Mr Hutchison sought that permitted status to continue under the PDP provisions and noted the community benefits derived from such community facilities.

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<sup>1</sup> The evidence on maimais located within ONL and SNAs was to be considered in Hearing 21, with the submitter appearing once and presenting evidence across both hearing topics.

- 4.6 Mr Phillip Barrett presented evidence on behalf of McCracken Surveys Ltd and Cheal Consultants Ltd. He sought a number of specific amendments to the subdivision rules, including, in particular, the manner in which the proposed boundary adjustment rules interacted with requirements to manage subdivision of land that contained versatile soils.
- 4.7 Ms Laura Gault presented evidence on behalf of Hamilton City Council (HCC). Ms Gault's evidence focussed on the management of rural land within the Hamilton Urban Expansion Area (UEA) and in particular, sought strong controls on both further subdivision and non-rural land uses. She stated that an overly enabling approach for community facilities could prejudice the logical urban expansion of Hamilton in the future and preclude or frustrate the logical placement of future roads and associated urban infrastructure.
- 4.8 Mr John Manning presented evidence on behalf of Zeala Ltd trading as Aztec Buildings, which is a supplier of large-scale rural barns and stock shelter structures. Mr Manning highlighted the significant and growing role that indoor goat rearing played in Waikato District, along with an increasing trend for dairy herds to be housed undercover for at least part of the year. In these examples he noted that stock feed was either imported from off-site or more commonly was grown on site and then cut and carried to the livestock barns. He considered that these newer forms of indoor stock rearing were classified in the PDP as 'intensive farming', which is a term more typically associated with pig and poultry farming. He considered that provided indoor goat rearing was undertaken subject to appropriate management plans and practices, then the amenity-related effects on neighbouring properties could be appropriately managed without the need for extensive building setbacks.
- 4.9 Mr Tim Lester presented evidence on behalf of Blue Wallace Surveyors. Mr Lester raised concerns with the increase in minimum lot size for rural subdivision from 20ha to 40ha as recommended in Ms Overwater's section 42A report and the impact this would have on farmer retirement planning (where smaller lots are created and sold-off to help fund retirement). He noted that the recommended rule change was in response to other submitters rather than being a change proposed in the PDP as originally notified. Given the significance of the recommended amendment, he considered that Council should progress the recommended change in site size via a stand-alone variation to the PDP, rather than as part of the current District Plan Review process.
- 4.10 Mr Ben Cochrane presented evidence on behalf of Meremere Dragway Incorporated. Mr Cochrane informed us of the economic and social significance of the existing dragway facility and sought that the existing activity be appropriately recognised and provided for in the Rural Zone policy and rule framework. His preference was for the activity to be a scheduled activity. Mr Cochrane sought amendments to the definitions and policy relating to the dragway facility in the event that we chose not to schedule the site.
- 4.11 Mr Dharmesh Chima and Mr Adrian Hynds presented evidence on behalf of Hynds Pipe Systems Ltd, which operates a large industrial complex on the outskirts of Pokeno. He

stated that the Aggregate Extraction Zone in the Operative Plan contains rules requiring new sensitive activities (such as housing) to be setback, which in turn also has benefits for protecting the Hynds factory from potential reverse sensitivity effects. He advised that Hynds has acquired much of the land covered by the aggregate extraction area and are separately seeking that part of this Rural-zoned land be rezoned to an Industrial Zone. He noted that other parties were concurrently seeking the rezoning of rural land around the site to residential zoning and that this was to be addressed at other hearings.

- 4.12 Mr Richard Matthews presented evidence on behalf of Genesis Energy Ltd (Genesis). Mr Matthews' evidence focussed on the Huntly Power Station and the need for the Rural zone rule framework to provide for associated coal transport routes and stockpile areas which are located in the Rural Zone. He also sought a setback for new sensitive activities for the power station site and associated infrastructure in order to manage reverse sensitivity risks.
- 4.13 Mr Philip Lang presented evidence on behalf of Mr and Mrs Porritt. Mr Lang focussed his evidence on the subdivision rules and how they worked in with lots for recreation purposes and whether such lots needed to be vested in Council or simply have public access (secured via an easement).
- 4.14 Mr Anthony Limmer spoke about his property (30 Summerfield Lane, Tamahere) and his desire to be able to undertake a subdivision in the future. He sought the removal of the notified 20ha limit minimum lot size and proposed a 5,000m<sup>2</sup> minimum. Alternatively, Mr Limmer considered a change to either the Country Living or Village zones would better reflect the existing character of both his site and the surrounding area.
- 4.15 Ms Rebecca Saunders presented evidence on behalf of T&G Global Ltd. Ms Saunders noted her general agreement with a number of the recommendations in the section 42A reports and identified two remaining issues of concern. The first was the need to amend the proposed rules relating to rural industry to enable the storage and processing of products brought in from off-site locations in packhouses and coolstores as a permitted activity, with amenity-related effects such as noise, glare, and traffic able to be managed through the standards relating to those matters. Her second concern was the need to better provide for farm worker accommodation, noting that these concerns had been largely addressed in part with the change to 120m<sup>2</sup> minimum for minor dwellings as recommended in Mr Cleese's rebuttal evidence.
- 4.16 Mr Peter Nation presented evidence on behalf of the NZ National Field Days Society Incorporated (NZ National Field Days), who operate the Mystery Creek events centre. Whilst the centre is located within Waipa District, NZ National Field Days sought the provision of a buffer area to manage new sensitive activities that could potentially be affected by noise generated from events and result in reverse sensitivity effects.
- 4.17 Ms Jean Tregida spoke of the need to incentivise nature conservation activities given the challenges with funding such activities.

- 4.18 Ms Nicola Rykers presented evidence on behalf of Synlait Milk Ltd (Synlait), who operates a large factory complex in Pōkeno. Like their neighbour Hynds, Ms Rykers identified the need for an appropriate buffer to be in place within the Rural Zone to prevent new sensitive activities from locating in close proximity to the Heavy Industrial Zone and subsequently generating the potential for reverse sensitivity effects.
- 4.19 Mr Andrew Riddell and Ms Ullrich presented on behalf of the Department of Conservation. Mr Riddell sought amendments to the earthworks rules to ensure that ecological restoration activities were enabled and that earthworks in close proximity to wetlands were more appropriately managed. He stated that the PDP needed to give effect to the National Policy Statement for Freshwater Management 2020 (NPS-FM), which came into force after the PDP was notified<sup>2</sup> and contains important direction regarding the protection of wetlands.
- 4.20 Mr Bevan Houlbrooke provided evidence on behalf of CDL Land New Zealand Ltd (CDL). Mr Houlbrooke advised us that CDL is a large land development company, with extensive experience delivering comprehensively planned greenfield neighbourhoods. His evidence focussed on the rural land on the fringes of Hamilton and the challenges that companies such as CDL face when agglomerating landholdings to form a large contiguous block that enables comprehensive development to occur. He noted that rural landowners often wished to remain living in the existing dwelling on the property, with the balance of the property on-sold to CDL. To facilitate such an outcome, Mr Houlbrooke raised concerns with the limitations on subdivision within the UEA, especially where a boundary adjustment was not possible due to the property being held in a single title. He acknowledged that the intent of the rules in avoiding further fragmentation of landholdings was appropriate, however, the current drafting would prevent the agglomeration of landholdings which is a necessary prerequisite to the coordinated delivery of new greenfield urban areas. In other words, he was concerned that the notified rules could frustrate the very outcomes which the UEA was intended to achieve.
- 4.21 Mr and Mrs Chipman spoke to the Panel about their current farm, their aspirations to rationalise the various titles and lots within the property to create several smaller lots, the challenges presented with the proposed rule framework and the difficulties faced in amalgamating or adjusting titles on opposite sides of paper (unformed) roads.
- 4.22 Mr Kevin Sharp spoke on behalf of Sharp Planning Solutions Ltd. His presentation focussed on the benefits of transferable development rights (TDRs), where landowners are compensated for protecting land with high ecological values by allowing additional subdivision lots elsewhere. Mr Sharp emphasised that a key element in the success of transferrable development rights was the ability to 'land' the compensatory lots in appropriate locations. He suggested that this should be provided for either in dedicated

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<sup>2</sup> The NPS-FM came into force on 3 September 2020.

Country Living or Village zoned areas, or potentially through the ability to locate a smaller lot (or lots) on the same site that the environmental protection occurred.

- 4.23 Mr Nevil Hegley provided acoustic evidence on behalf of Fulton Hogan Ltd that addressed the drafting of noise rules for quarries and aggregate extraction areas. Mr Hegley confirmed that in the light of the revised provisions as proposed in Mr Clease's rebuttal section 42A report, there now appeared to be agreement between the parties on how the rules should be drafted.
- 4.24 Mr Craig Forrester and colleagues presented evidence on behalf of The Surveying Company Ltd. Mr Forrester focussed on the use of TDRs and the need to be able to 'land' these rights in an appropriate zone such as Country Living or Village zoned areas. In addition to being secured through the protection of existing ecological areas, he also set out the benefits in being able to broaden the qualifying criteria, such that tradable rights could also be secured through the restoration of areas that currently contain low ecological value. He provided examples of areas that are currently comprised as farmland, but that could be restored through fencing and planting of large riparian strips or wetland areas.
- 4.25 Mr Forrester also discussed the need for farm worker accommodation and drew a distinction between such accommodation and the provision of 'minor units'. He directed our attention to the way in which such accommodation is currently provided for through the Franklin Section of the Operative District Plan, which he believed provided a useful model for how this form of housing could be incorporated into the PDP provisions.
- 4.26 Mr Forrester and his colleagues also discussed the definitions and treatment of free-range versus intensive farming and in particular raised concerns that free-range poultry operations could be inadvertently captured by the proposed rules controlling intensive farming. He considered that the rules and associated definitions in the Franklin Section of the Operative Plan provided helpful direction in this regard.
- 4.27 Ms Hilary Walker presented evidence on behalf of Federated Farmers of New Zealand (FFNZ). Ms Walker addressed concerns with having an overly enabling zone framework for non-farming activities and the associated risks of such activities giving rise to reverse sensitivity issues for existing, established farming operations. She noted that there was a diversity of views amongst members regarding subdivision provisions, with some supporting lower minimum lot size requirements to enable the creation of smaller lots, whereas others sought larger minimums to reduce fragmentation of productive farmland and to minimise reverse sensitivity issues that can arise from lifestyle blocks.
- 4.28 She noted that most of their members were operating pasture-based farming systems and not intensive farming operations. She supported the need for clear definitions and to ensure that predominantly pasture-based systems with some indoor elements were not unnecessarily captured by the intensive farming rules. To this end, she supported the exclusion of feed pads from the intensive farming rules. She also considered that limitations on indoor rearing of stock could be better framed as a limit on the length of time that stock was indoors e.g., 3 months, rather than a limit on the number of stock.

- 4.29 Mr David Lawrie provided evidence on behalf of Madsen Lawrie Surveyors. Mr Lawrie spoke to his submission and emphasised the need to retain a 20ha minimum lot size rather than increase it to 40ha as recommended in the section 42A subdivision report. He likewise considered that the minimum size for 'child lots' and boundary adjustments could be reduced to 2,500m<sup>2</sup>. He considered that the conservation lot rule should be made more enabling to further incentivise conservation activities.
- 4.30 Mr and Mrs Gore addressed the challenges they faced with subdividing their property located in the UEA to Country Living densities. They expressed concerns about the uncertainty in the proposed policy framework, and the limits that were being placed on non-farming activities, such as their veterinary clinic.
- 4.31 Ms Louise Feathers provided evidence on behalf of the Tamahere Eventide Home Trust which operates several retirement village facilities east of Hamilton. Ms Feathers was supportive of the recommendations and associated rule amendments set out in Mr Clease's section 42A report regarding the treatment of several specified retirement villages. She noted that the submitter had sought separate relief regarding the zoning of these sites (seeking Country Living Zone) and therefore the need for the recommended Rural Zone provisions turned on our separate decision regarding the most appropriate zoning for these properties.
- 4.32 Mr and Mrs Libre discussed their aspirations for their rural property and the challenges presented by the recommended Rural Zone subdivision rules. They noted their separate relief of the property being rezoned to Country Living as an alternative method to facilitate this outcome. They supported the recommendations in Mr Clease's section 42A report regarding minor dwellings, and in particular the recommendation to remove the requirement that such units can only be occupied by dependent family members.
- 4.33 Mr Christian McDean presented evidence on behalf of Mainland Poultry Ltd. He outlined the importance of the poultry industry in Waikato and addressed concerns with the definitions and rules relating to intensive farming and how these provisions worked for a range of different types of poultry operations.
- 4.34 Mr John Roe for Tripp Andrews Surveyors Ltd provided evidence regarding: support of TDRs; a desire for the minimum lot size for smaller 'child lots' to be reduced from 0.8-1.6ha to between 0.5-1ha; opposing the increase of minimum lot sizes from 20ha to 40ha; the challenges with the proposed rule limiting subdivision of lots containing high class soils; and, seeking side yard requirements for building setbacks to be reduced from 25m to 12m.
- 4.35 Mr Anthony Bloomfield presented evidence on behalf of Dilworth Trust Board which operates Dilworth Boarding School. Mr Bloomfield noted that as a private school the site was not able to be designated for education purposes and was instead reliant on the underlying Rural Zone provisions to manage the ongoing adaption and growth of the school facilities. He sought either a special purpose zoning for the school or, as a less preferred option, a site-specific suite of Rural Zone rules to enable ongoing growth of school facilities without the need for a resource consent.

- 4.36 Mr Fuller (legal counsel) presented for Middlemiss Farm Holdings Ltd and Buckland Landowners Group regarding TDRs. He was accompanied by Mr Adam Thompson (economics), Dr Vaughan Keesing (ecology), Mr Shane Hartley (planning), Mr Robert Pryor (Landscape), and Mr Steven McGowan (company), who all provided evidence. They considered that the locations where such rights could be landed should be within 2km of a school. They further considered that the conservation lot concept could be broadened to also enable compensatory lots to be generated by restoration planting (rather than simply protecting existing areas with high ecological value). They stated that it costs in the order of \$50,000/ha to restore and or replant habitat. As such, restoration planting was significantly more expensive than protection of existing ecological sites which generally just required fencing and surveying. They considered that the size threshold at which a compensatory lot could be allocated should be smaller for restored areas than for protecting existing areas.
- 4.37 Ms Lynette Wharfe, Mr Vance Hodgson, and Ms Lucy Deverall all provided evidence on behalf of Horticulture New Zealand. They addressed a wide range of matters pertaining to the rural provisions. In particular, Ms Deverall and Ms Wharfe addressed the need for better articulation at a policy level of the outcomes sought for rural areas, and the associated determinants of rural character and amenity. They raised concerns with provisions that unduly enabled non-rural activities to establish in rural areas, given both the potential loss of productive land and more importantly the potential for such activities to generate reverse sensitivity effects.
- 4.38 They identified the need to provide for seasonal worker accommodation and addressed its specific characteristics which differentiate it from dwellings or minor units due to its size, seasonal occupancy, and what are typically communal facilities such as shared kitchen and ablution blocks. They noted that seasonal workers may be engaged on the property where the accommodation was based, but likewise were commonly engaged as contractors where they travelled from their accommodation to work on different properties.
- 4.39 They raised separate concerns with the built form rules controlling the size and placement of structures and how such rules provided an uneasy fit with artificial crop protection structures. They outlined the importance of such structures for horticulture and the ways in which such structures differed from typical buildings. They sought a bespoke set of provisions for crop protection structures including definitions, a permitted activity rule, and exemptions from the height, setback, and site coverage rules.
- 4.40 Ms Miffy Foley presented evidence on behalf of Waikato Regional Council (WRC). Her evidence focussed on the management of exotic forestry in areas with high landscape values. In this regard, we noted that the substance of the outcomes sought would be considered in the separate decision on Hearing 21 matters regarding areas with high landscape or ecological value.
- 4.41 Mr Simon Upton PC and Ms Bhaady Miller addressed the proposed approach to rural subdivision, the 40ha minimum lot size recommended in Ms Overwater's section 42A

report, and the approach to enable boundary adjustments to facilitate the consolidation of large landholdings in multiple titles through the creation of small rural hamlets and large balance farm lots.

- 4.42 Mr and Mrs Cummings spoke in support of the conservation lot rule as a method for incentivising the protection of native bush remnants, especially with reference to their farm which includes large areas of bush and several smaller wetland areas.
- 4.43 Ms Karen Miles spoke to her desire for additional subdivision opportunities for her 48ha property on Gordonton Rd, Taupiri. She drew our attention to a detached parcel of land that is part of the main title but is physically separated by an intervening road. Therefore, this parcel would result in minimal effects if it could be subdivided off to form 1-2 lifestyle blocks.
- 4.44 Sir William Birch presented evidence on behalf of the Hopkins Family, who own a large block of land on the outskirts of Pokeno in close proximity to the Hynds and Synlait plants. The Hopkins have separate submissions seeking that their land be rezoned as Country Living Zone with Sir William setting out how such a rezoning would facilitate the provision of additional housing whilst maintaining appropriate buffers and separation from the established industrial sites. He recognised that the substance of the relief sought would be addressed in the separate Hearing 25 process relating to changes in zoning.
- 4.45 Mr and Mrs Barry, assisted by their daughter, spoke to us about the proposed management of high class soils and in particular the prohibited activity rule status for subdivision of land contained such soils. They considered that whilst there was higher order policy direction regarding the importance of high class soils, this direction was not so directive as to require prohibited activity status. They sought a lower activity status to enable a resource consent to be sought and thereby enable the merits of proposals assessed on a case-by-case basis.
- 4.46 Mr Joshua Leckie (legal counsel) and Mr Craig Piltcher (company) addressed us on behalf of Bathurst Resources Ltd and BT Mining Ltd. The company undertakes coal mining operations in Waikato District with some of these operations supplying Huntly Power Station. They were broadly supportive of the approach to mineral and aggregate extraction recommended in Mr Cleese's section 42A report, but also sought that the coal resource be mapped as an Aggregate Extraction Overlay in the PDP and future extractive activities in the Overlay being a restricted discretionary status. They also sought greater controls on new sensitive activities (primarily dwellings) locating in or adjacent to the extraction areas in order to better manage reverse sensitivity risk. They recommended several amendments to the rules controlling exploration and prospecting to make such activities permitted (subject to meeting conditions/activity standards).
- 4.47 The Poultry Industry Association of New Zealand provided a presentation to us. Their evidence focussed on setting appropriate thresholds or definitions for intensive versus extensive farming and noted that the poultry industry is complex and diverse, with different levels of effects generated by different types of poultry farming and the range

in scale of operations. In particular, they identified a difference between the effects that are potentially generated by poultry breeding/hatcheries, and poultry operations targeted at supplying eggs or meat, and also noted a trend for egg producers to move away from cages and towards barns and free-range.

- 4.48 Mr Kim Robinson presented evidence on behalf of Lochiel Farmlands Ltd which operates an extensive hill country farm in the district. Mr Robinson addressed the earthworks provisions and in particular their impracticality for large farms where total volumes of earthworks could be large across the property, simply as a function of the size of the landholding. In particular, he sought that the earthworks provisions better enable earthworks that routinely occur during normal farming operations such as track maintenance, cultivation, and quarrying of aggregate for on-site use.
- 4.49 Mr Ethan Finlay spoke to the Panel regarding the rule framework controlling boundary adjustments, rural hamlets and the proposed increase to the minimum lot size to 40ha.

## **5 Panel Decisions**

- 5.1 The primary submission points received on the Rural Zone provisions were considered in two comprehensive section 42A reports, rebuttal, and associated opening and closing statements prepared by Mr Jonathan Cleave (policy framework and land use rules) and Ms Katherine Overwater (subdivision provisions) who recommended a number of amendments. Ms Overwater's report included separate reports as appendices, which addressed economic aspects of rural subdivision (Mr J. Douglas Fairgray), Ecology (Mr John Turner), and soil categorisation (Dr Reece Hill). We have structured our decision into sections which largely reflect the structure of Chapter 5 (objectives and policies) and Chapter 22 (rules), noting that submitter evidence was concentrated across a number of key themes.
- 5.2 Mr Cleave's section 42A report included a substantial number of recommended amendments, especially to the manner in which the policy framework was structured. In general, we noted that there was relatively little evidence raising concerns with the overall restructure recommended by Mr Cleave, with evidence instead focusing on refining the recommended wording. In our decision, we therefore reference the numbering used in Mr Cleave's section 42A report, rather than the PDP as notified.
- 5.3 Given the sheer volume of submissions, we do not attempt to address every submission point individually and instead focus on them thematically by reference to the key changes sought by submitters.

### Overall approach to the Rural Zone provisions

- 5.4 This is a substantive section of the PDP, and appropriately so, given that the rural zone covers a large portion of the district. Key overarching themes that emerged from submitter evidence are as follows:

- a) The need to clearly identify the purpose of the Rural Zone, enable rural activities, and manage high-class soils which underpin productive farming and horticulture;
- b) The extent to which non-rural activities should be provided for, and their implications on reverse sensitivity issues for existing activities, and wider implications for urban growth management;
- c) The degree to which additional housing should be provided for to meet the diverse needs of the community, whilst remaining consistent with the higher order strategic planning directions regarding how urban growth is to be managed. This theme is closely linked to the subdivision rule framework controlling minimum lot sizes;
- d) The definition and management of intensive farming in order to provide for such farming systems whilst managing amenity-related effects on neighbours;
- e) The definition and management of aggregate, coal, and mineral extraction activities and the mitigation of amenity-related effects on neighbours;
- f) The management of long-established, non-rural activities and infrastructure and the need for site-specific provisions to provide for these activities; and
- g) The need for rules controlling matters such as earthworks and building size and location to provide for normal farming activities, whilst managing effects on neighbours and strategic infrastructure.

5.5 Definitions were also the focus of a number of submissions, and we have outlined our findings on each as a part of the wider thematic decision set out below.

#### Objectives and Policies

5.6 All of the objectives and policies relating to the Rural Zone are contained in Chapter 5 'The Rural Environment'. In our consideration of the submissions on the objectives and policies we have paid careful attention to the zone descriptions set out in the National Planning Standards, policy directions set out in the RPS, NPS-FM, the relevant national environmental standards relating to infrastructure and forestry and the National Policy Statement on Urban Development 2020 (NPS-UD). We have also had regard to the relevant provisions of the Waikato-Tainui Environmental Plan and Maniapoto Environmental Management Plan.

5.7 While we have considered every submission in our deliberations; where we have rejected submissions that sought amendments to the objectives or policies, we have not necessarily addressed them individually, but record here that they have been rejected for one or more of the following reasons:

- a) It is not the most appropriate way to achieve the purpose of the RMA (in the case of objectives);
- b) It is not the most appropriate way to achieve the objectives (in the case of policies and/or rules); or

- c) It does not give effect to the relevant national policy statements and/or RPS.

### Zone Description and Purpose

- 5.8 The notified PDP does not include general zone descriptions, and while we recognise that such zone descriptions do not in themselves carry statutory weight, we nonetheless consider that they have value because they provide a succinct 'plain English' indication of what the zone is intending to achieve. We have therefore included zone descriptions at the start of each set of zone-specific objectives and policies. We also note that this is consistent with the National Planning Standards.
- 5.9 We recognise that the rural parts of Waikato District comprise of a wide range of topography and farming systems that range from intensive horticulture on high-class soils through to extensive sheep and beef farms in the hill country and that the notified PDP included a single, district-wide Rural Zone. Consequently, we considered whether there was merit in having more than one rural zone in order to better reflect location-specific environments and land uses.
- 5.10 This is an approach we have undertaken in the urban setting, where a Residential Medium Density Zone has been created in some parts of the Residential Zone, but in that case, we had the benefit of submitters (primarily Kāinga Ora) providing a comprehensive set of replacement provisions, along with a detailed section 32 assessment. However, this level of detail and associated evidence was not presented at the Rural Hearing.
- 5.11 After careful evaluation, we have decided to retain a single Rural Zone.
- 5.12 The notified PDP includes a statement at the start of Chapter 5 that 'Objective 5.1.1 is the strategic objective for the rural environment and has primacy over all other objectives in Chapter 5'. We do not agree with this hierarchical approach applying within the one chapter, and, as we noted in Hearing 25 (considering changes in zone boundaries) Objective 5.1.1 would generate confusion if it was to be directed towards controlling urban growth outcomes. We have separately addressed strategic directions in Decision Report 5: Strategic Directions.
- 5.13 Notwithstanding this, we consider that there is value in having an objective that sets out the key outcomes sought for the Rural Zone. That said, we have amended the title of the objective to make clear that it applies to the Rural Zone, rather than the 'rural environment' and specified that the key outcomes for the Rural Zone are to:
- a) Enable farming activities;
  - b) Protect high class soils for farming activities; and
  - c) Provide for a range of non-farming activities where they have a need to locate in the rural zone.
- 5.14 We received consistent evidence from a range of submitters regarding the importance that a diverse range of farming and horticulture activities provides to the economy of

Waikato. The importance of high-class soils was emphasised by submitters as being integral to these farming and horticultural activities, as soil forms the underpinning resource upon which farming systems are based. We agree, noting also that the WRC highlighted the direction contained in the RPS regarding the need to manage and protect high-class soils. Whilst yet to be gazetted, we are likewise mindful of the proposed National Policy Statement on Highly Productive Land and the emerging national direction provided on this matter.

- 5.15 We conversely heard relatively little evidence opposing the need to protect high-class soils. The competing priorities created by providing for urban growth and affordable housing on rural land containing such soils in locations adjacent to the district's larger townships is a matter addressed in more detail in our separate decisions on rezoning (see especially our decisions on Tuakau, Pokeno, and Hamilton fringe).
- 5.16 We have therefore maintained clear policy direction through Policy 5.2.2 and Policy 5.2.3 and associated subdivision rules regarding:
- a) the need to retain the primary production capacity of high-class soils in particular;
  - b) the related need to carefully manage the effects of subdivision and land use on rural land fragmentation; and
  - c) the loss of the high-class soil resource.
- 5.17 We note in the event that the proposed National Policy Statement on Highly Productive Land is gazetted as currently drafted, then a further plan change may be necessary to ensure that the District Plan gives effect to any changes in national direction on this matter.
- 5.18 Objective 5.3.1 and Policy 5.3.2 relate to rural character and amenity. The notified provisions were of limited assistance in providing useful guidance on these subjective concepts when applied to Waikato District. Mr Clease recommended the retention of a brief objective seeking to maintain rural character and amenity, complemented by a lengthy policy articulating the elements that make up rural character and amenity in the context of Waikato District. We note that Mr Clease's recommendations on this matter were largely supported in submitter evidence (or at least were not actively opposed). Alternative wording was provided by Horticulture New Zealand which provided a helpful point of comparison regarding alternative policy drafting approaches. We recognise the challenge in clearly articulating policy direction for subjective concepts such as character and amenity, especially in the context of a single Rural Zone that covers considerable diversity of landscape, topology, farming systems, and a range of non-farming activities that nonetheless are typically to be found in rural areas.
- 5.19 We are mindful of the need to provide clear policy direction to help guide decisions on future resource consent applications for activities that will require an assessment of their potential effects on rural character and amenity. As such, Policy 5.3.2 plays an important role in setting out what these matters are and how they should be managed. We have structured this policy so that the first section describes the diversity of character to be

found in the district's rural areas, with the second part containing the various elements and activities that characterise an area as rural (and therefore are to be anticipated in the future as being an appropriate outcome in rural areas).

#### Activities within the Rural Zone

- 5.20 We heard evidence from a number of submitters, but especially Federated Farmers and Horticulture New Zealand, regarding the economic and social importance of productive farming and horticultural activities to Waikato District. We agree that such activities underpin rural character and are the key business activities undertaken within the rural parts of the district.
- 5.21 Farming activities are addressed in Policy 5.3.3. We consider that such activities should be enabled through both the policy framework and the related zone rules. Enabling these activities in this manner includes an acceptance that such activities can generate amenity-related effects such as noise, dust, and odour. Whilst enablement is not open-ended (and we consider the management of intensive farming in more detail below), likewise such effects need to be anticipated to a reasonable degree. We have therefore recognised that productive rural activities are expected to generate effects as a normal part of the rural environment. We have likewise recognised that there is also the potential for new, non-rural, sensitive activities to generate reverse sensitivity effects on established farming operations. The concept of reverse sensitivity is well-established, and recognition of reverse sensitivity issues forms part of Policy 5.3.3(a)(iii) and Policy 5.3.7.
- 5.22 Activities occurring within rural areas (and therefore anticipated contributory elements to rural character and amenity), fall into two broad categories. The first is productive rural activities discussed above i.e., farming, horticulture, and forestry. The second is non-farming activities that nonetheless are common elements found across rural areas in New Zealand, including, for example, facilities such as schools, churches, sports clubs, conservation and rural tourism activities, infrastructure, rural industry, and aggregate extraction.
- 5.23 Policy 5.3.4 addresses the management of community, emergency services, and tourism and recreation activities. We heard evidence from community facility providers regarding the important role their services made to the wellbeing of rural communities. We conversely heard from Horticulture New Zealand regarding the potential for such activities to give rise to reverse sensitivity effects, and from HCC regarding the potential for such activities to undermine wider urban growth management approaches of consolidating non-rural activities in and around existing urban centres.
- 5.24 We are entirely satisfied that community-related activities play a vital role in providing for the well-being of rural communities and are a long-established part of rural life. Accordingly, the policy and rule frameworks for such activities need to be enabling, albeit not open-ended. Policy 5.3.4 has therefore been framed to recognise that such activities are anticipated and enabled, subject to their scale and location being appropriately managed. This policy direction has then translated into a rule framework that either

permits activities (subject to them meeting activity specific conditions), or as restricted discretionary activities where their effects can be assessed on a case-by-case basis.

- 5.25 Separate from community activities, rural industrial and commercial activities are also common elements in rural areas. There was little evidence before us seeking an enabling approach for industrial or commercial activities that have no nexus for needing to be in a rural location. To the contrary, we heard from HCC and WRC regarding the need for the Rural Zone provisions to dovetail with the strategic urban growth policies directing such activities be located within urban areas.
- 5.26 Given the above, Policy 5.3.5 is now worded so that it provides clear direction that such activities are to be limited where they do not have a functional or operational need to locate within the Rural Zone. Conversely rural-related industrial or commercial activities are to be provided for, subject to managing both their scale and location, the amenity-related effects on neighbouring properties and the effects on infrastructure functioning.
- 5.27 Related to this, we heard from T&G Global regarding the rule framework for packing sheds. The framework recommended in Mr Cleese's section 42A report would permit such facilities where they are used for storing or processing produce grown on the subject site. T&G Global sought that this permitted activity status be broadened to also include facilities where produce is brought to the site from other farms. The submitter identified that large-growing operations were often undertaken as a single business covering a number of different sites or blocks, with a single centralised processing facility adding efficiency to the operation. The submitter's evidence was that rather than set a rule framework based on where the produce has come from, a more effective framework would be to control effects through rules on matters such as noise, glare, building size, and traffic generation.
- 5.28 We acknowledge that both site-specific packaging facilities, and centralised facilities receiving produce from a wider area, are both necessary and established elements in rural areas. However, the key matter is the degree to which such facilities should be permitted, versus being able to be assessed on a site-by-site basis through a resource consent process. Generally speaking, on-site facilities are inherently limited in their scale by the size of the immediate landholding that they are servicing and can be readily managed by permitted activity rules. However, facilities servicing a wider area have no such practical limitations, and need to be able to be assessed, on their merits, via a resource consent application.

### Intensive Farming

- 5.29 We heard evidence from a number of submitters representing intensive farming interests and the importance of such farming types both economically and in providing cost-effective protein for consumers. We agree that intensive farming is an anticipated activity within the Rural Zone. It can however be very different in character (and effects) from conventional pastoral farming systems.

- 5.30 It is generally accepted that pasture-based farming systems for sheep, cattle, goats, or deer do not constitute 'intensive' farming, because the animals are primarily housed outdoors, and are accepted as a normal status quo farming activity that falls within the permitted pathway for 'farming'. For poultry and pig farming the 'status quo' expectation is reversed, whereby 'normal' poultry or pig farming has traditionally occurred within buildings. 'Free range' terminology is therefore typically only applied to poultry or pig farming, to differentiate pasture-based operations from more traditional intensive building-based models.
- 5.31 We heard evidence that in more recent years pastoral-based operations such as dairy farms can include covered or indoor elements in the form of loafing barns or the indoor rearing of calves for several months of the year. We also heard that barn-based goat farming plays an important and increasing role in the Waikato District. Poultry farming has also diversified in recent years with a shift away from indoor cage-based systems to barns with access to outdoor runs, or large free-range runs that nonetheless incorporate indoor roosting or nesting areas. Hatcheries and chick-rearing was another example presented to us of an activity that occurs indoors, but that generates significantly fewer amenity-related effects due to the hens being much smaller in size.
- 5.32 We have drafted Policy 5.3.6 to specifically address intensive farming. It recognises the need for intensive farming activities to be in a rural location, but managed in such a way that their effects, particularly those relating to the amenity of neighbouring properties, are appropriately managed. In association with the amendments to the policy, we have refined the definition of intensive farming to provide greater clarity as to what it encompasses, and, importantly, what it doesn't. We have included poultry hatcheries in the exclusions from the intensive farming definition, noting that hatcheries are a controlled activity in the Franklin section of the Operative District Plan and do not appear to be giving rise to complaints. We have likewise introduced a new permitted activity rule for free range pig and poultry farming to make explicit that this activity is permitted provided activity specific conditions can be met. Conversely, we consider that intensive farming includes operations where stock are housed primarily indoors, or in outdoor enclosures where stocking densities are such that grass cover cannot be maintained, and where primary feed sources are brought to the stock (rather than pasture-based grazing). We have included a number of exceptions to provide certainty that activities such as horse stables and feed pads are not inadvertently captured by the intensive farming rules.
- 5.33 The key method for managing amenity-related effects is through the use of rules controlling boundary setbacks and through discretionary (or restricted discretionary) activity standards. The notified activity status framework and setback distances are a roll-over from the Operative District Plan (Waikato Section) whereby intensive farms are fully discretionary activities, unless the activity complies with setbacks in which case the activity status is restricted discretionary. We heard from several intensive farming providers that the degree of effects can vary considerably depending on topography, local climatic conditions, and on-site management practices. We consider that this

variability is a good reason to require such activities to be subject to a resource consent. This enables a site-specific assessment to be undertaken which will assess these variable factors and enables good on-site management to be ensured via consent conditions. We were not convinced that simply relying on voluntary industry best practice provided the requisite level of certainty for intensive farming to be a permitted activity. Whilst setbacks are a useful tool for narrowing the range of consent issues in play (such that a shift from full discretionary to restricted discretionary status is appropriate), we were not presented with any evidence that demonstrated that compliance with setbacks would be sufficient to ensure effects on neighbouring properties can be appropriately controlled. As such we consider a site-specific assessment remains necessary for managing this type of farming activity, along with the associated ability to impose conditions and to monitor the effectiveness of those conditions.

- 5.34 We accept that the imposition of 'default' setbacks means that relatively large landholdings are needed, however, the resource consent process will allow site-specific setbacks to be adopted if it can be demonstrated that the effects at the boundary are acceptable and or accepted by neighbours.

#### Reverse sensitivity and existing Infrastructure

- 5.35 We received evidence from a number of submitters about how new sensitive activities can result in constraints on established farming operations. We also received evidence on reverse sensitivity concerns from both KiwiRail and First Gas (who operate a reticulated gas pipeline network that traverses much of the Rural Zone).
- 5.36 The PDP, as notified, included setback requirements for new sensitive activities from both state highways and the rail corridor through a series of zone-specific setback rules. The network operators lodged submissions seeking an increase in these setbacks. We heard considerable evidence on the management of network infrastructure and reverse sensitivity risk as part of the hearing on the Energy and Infrastructure Chapter. We have likewise considered the important role of strategic and network infrastructure in our separate decision on the Infrastructure Chapter. In summary, we were not convinced that the evidence and associated section 32 assessment provided by KiwiRail was sufficient to justify the potentially onerous effects on landowners resulting from the extensive setbacks sought.
- 5.37 In line with our findings on acoustic-related setbacks, we have likewise not been convinced by the evidence and associated section 32 assessment provided by First Gas that the benefits of the additional regulation sought are sufficient to outweigh the costs on adjacent landowners.
- 5.38 In addition to reverse sensitivity concerns, First Gas also addressed the potential for earthworks to rupture or undermine the pipeline. In our view, the designated gas pipeline corridor and/or the easements over land which provide access are sufficient to protect the pipeline from adjacent earthworks. In relation to designations, we note that section 176(1)(b) of the RMA requires that "*no person may, without the prior written consent of that requiring authority, do anything in relation to the land that is subject to the*

*designation that would prevent or hinder a public work to project or work to which the designation relates". We have not been convinced that additional controls on earthworks near the established pipeline corridor added sufficient benefits to justify the costs, in light of alternative methods for control available through the designation process.*

- 5.39 In our separate decision on the Infrastructure chapter we address in more detail the management of reticulated and network infrastructure and the need to appropriately protect existing assets.

#### Reverse sensitivity and existing industry/ facilities

- 5.40 We heard from Hynds and Synlait regarding their industrial facilities in Pōkeno, and from Genesis Energy regarding the Huntly Power Station and adjacent coal handling areas. Whilst these operations are located in Industrial Zones, they abut Rural Zoned areas.

- 5.41 We heard evidence from all three submitters of their desire for reverse sensitivity risks to be managed through the establishment of appropriate setbacks for new sensitive activities from the industrial zone boundaries. Nevertheless, Sir William Birch, representing some of these adjacent landowners in Pokeno, explained their aspiration for their rural properties to be rezoned to residential uses.

- 5.42 We have set out in a Decision Report 28I our findings regarding rezoning in and around Pōkeno. We note that as part of the rezoning hearing we had the benefit of detailed evidence on behalf of the various landowners in and around the Hynds and Synlait plants regarding reverse sensitivity risks and the various ways in which it might be mitigated. In summary, for Pōkeno we have resolved that it is appropriate for the Heavy Industrial Zone adjacent to the Hynds site to be expanded, noting that as part of that proposal planting will occur across some of the balance rural land to provide a buffer between future industry and neighbouring sites. We likewise agreed with the merit in rezoning some of the land in the wider area to Residential and Country Living Zones, with appropriate interface and buffer areas. We do not consider site-specific buffer rules to be necessary in the remaining retained Rural Zone land given our decision to increase the minimum site size to 40ha, which in the context of the Pōkeno industrial area means that there is very limited opportunity for future housing to be located in the rural area in close proximity to existing industrial activities.

- 5.43 For the rural land adjacent to the Huntly Power Station's activities, we were likewise not persuaded that the reverse sensitivity risk of occasional rural dwellings was sufficient to warrant site-specific setback rules. The increase in the minimum lot size to 40ha further helps to reduce the potential for a proliferation of dwellings to occur in the future.

- 5.44 Mystery Creek operate a large events centre located within Waipa District. We understand from their evidence that the Waipa District Plan includes a noise contour around the events centre and an associated set of rules controlling both the noise emissions from the events centre and the construction of new sensitive activities within this buffer area. They sought the extension of the contour and associated rules into Waikato District. We gather that conceptually, the contour forms a circle around the

venue, with a portion of the circle extending over land that is within Waikato District's jurisdiction.

- 5.45 We have addressed this matter in more detail in our decision on the Country Living Zone (as the noise contour covers both the Country Living and Rural Zoned land). For the reasons set out in the Country Living Zone decision, we have decided that the noise contour should be included in the planning maps as an alert layer only, with no rules attached to it.

#### Residential Density

- 5.46 The manner in which residential dwellings are provided for, through both the land use and subdivision provisions, was a common theme in evidence. This was in itself revealing in that we received more evidence on residential subdivision matters than we did on farming-related issues. The role that the rural area has had in accommodating residential growth was emphasised in Ms Overwater's section 42A report where she identified that nearly half the new dwellings consented over the past decade have been located within the district's rural zones.
- 5.47 We acknowledge that dwellings are an integral element in farming operations, with farms typically including a farmhouse, potentially additional living quarters for on-site farm workers, and a variety of accessory farm buildings. The evidence did not generally focus on the need for farmhouses as an integral element in productive farming operations. Instead, the evidence focused on the ability to create relatively small 'lifestyle blocks', rather than any sort of primary production.
- 5.48 We noted that the Waikato Operative Plan has long provided for a 'child lot' around 1ha in size to be created for every 20ha 'parent lot'. As Ms Overwater explained, this has led to a proliferation of small lots across the district. As a result, she recommended that the minimum size of a parent lot be increased to 40ha, along with 40ha being the minimum lot size.
- 5.49 The contrary perspective, as provided by landowners, was that the ability to create child lots played an important role in both the retirement planning of farming families, and in providing a range of living options to meet the diverse needs of the community.
- 5.50 We have set out our preferred approach to urban growth management and the accommodation of the district's growing population in our decision on strategic directions. We have separately set out how that overarching direction is to be implemented at a township level in our various decisions regarding rezoning. As articulated in these separate decisions, we have determined that growth is to be accommodated primarily through consolidation in and around the district's larger townships so as to enable people to live and work in close proximity to a wider range of services, employment opportunities, and in time public transport options, as well as helping to minimise car journeys and associated carbon emissions.

- 5.51 This approach will also enable growth to be serviced with reticulated infrastructure in a programmed and cost-effective manner. Our decisions on rezoning, combined with the introduction of a Medium Density Residential Zone, have ensured that sufficient capacity is provided for and also exceeds the requirements set out in the NPS-UD. We are also firm in our view that the continuation of the status quo situation, which has resulted in a significant proportion of the district's housing needs being met through sporadic rural lifestyle blocks, is counter to maintaining productive rural land and sound resource management practice. As such we have increased the minimum lot size to 40ha.
- 5.52 We have also carefully considered whether the ability to create small child lots should be removed entirely, with lifestyle block options then being limited to Country Living and Village Zones where services can be provided and where living opportunities closer to townships are enabled. On balance, we consider it appropriate to retain the child lot pathway, being mindful of its long-established use as part of land owners' financial planning. The increase to a 40ha minimum effectively halves the potential for such lots to be created, which we are satisfied is necessary to achieve a more effective balance between providing some housing choice and locational options, whilst keeping the integrity of the Rural Zone intact.
- 5.53 As a separate but related matter, we have retained the ability to undertake boundary adjustments to form small rural hamlets with large balance lots. We are aware that larger farm holdings will often be comprised of multiple lots (and titles). We consider there is merit in enabling such rationalisation as a key method of facilitating ongoing use of land for productive farming activities, where, for example, a 200ha farm in five titles would be better configured as a 195ha farm with 5 x 1ha lots, rather than as 5 x 40ha lots that are too large for purely lifestyle use but too small for sustaining stand-alone farming operations.
- 5.54 We heard evidence from several submitters regarding the benefits of having subdivision rules that facilitate the protection (and restoration) of areas with high ecological value in return for the ability to create compensatory small lots. There were two mechanisms advanced by submitters for achieving such an outcome. The first was a 'conservation lot' whereby an additional lot would be enabled on the same property, in return for protecting or restoring a specified area of bush or wetland. The second method was a regime for TDRs, whereby protection of areas of land with high ecological value on one property generated the right to create smaller compensatory lots on separate sites elsewhere in the district.
- 5.55 We have decided not to pursue either option. We have addressed Significant Natural Areas (SNAs) in a separate decision, whereby there is a clear obligation on landowners to appropriately manage areas of high ecological value. The recent NPS-FM likewise sets out a series of obligations on landowners to maintain the health of waterways and wetlands and provides clear direction that the further loss of wetland extent and values should be avoided. It appears to us that, in many respects, the conservation lot concept would serve to simply reward landowners for doing what they are required to be doing anyway in terms of fencing off waterways, maintaining wetlands, and managing SNAs.

We also struggled with the ‘apples and oranges’ nature of the concept when it is applied to restoration plantings, where it is challenging to set an appropriate level of ‘trade-off’ i.e., how much riparian margin or other ecological areas should be restored in exchange for the right to create an undersized lot. There is likewise an apples and oranges challenge with the different effects generated whereby the environmental good created by a restored riparian margin or ecological area is to compensate for the rural character effects of undersized lots and additional housing that would not otherwise be contemplated as being acceptable.

- 5.56 Unlike conservation lots which occur on the same property as the natural area that is being protected or restored, TDRs rely on conservation on one property, with the ability to then ‘land’ the development rights elsewhere in the district. The landing place is either identified through a dedicated zone or overlay, or alternatively the landing place can occur randomly elsewhere in the Rural Zone. We noted the implementation challenges with the TDRs concept in the ex-Franklin portion of the district, as set out in the section 42A reports, noting that TDRs are not included in the Waikato section of the Operative District Plan. After careful analysis, we are not convinced that either landing scenario was acceptable. If an area (such as a greenfield Country Living Zone) was considered to be appropriate for housing in terms of its proximity to townships, ability to be serviced etc., then it is acceptable; there is no need for compensatory conservation elsewhere. Conversely if it is not acceptable in terms of location or servicing then it should not proceed, regardless of whether bush or wetland areas are being conserved elsewhere.
- 5.57 The alternative approach of compensatory rights being able to be landed randomly in the rural area is equally problematic. Undersized lots are not anticipated as being acceptable in the Rural Zone, reflected through them attracting a non-complying activity status. Neighbouring landowners have a commensurate expectation regarding amenity and rural character outcomes based on the minimum lot size rules in the PDP. A mechanism that enables small lots that would not generally be acceptable to be located in unanticipated locations creates the potential for adverse effects to be generated in one part of the district in compensation for conservation benefits being derived in a separate location. This is neither equitable nor effective in managing growth and the maintenance of the rural environment, especially where conservation activities are undertaken in more remote parts of the district and the ‘landing’ pressure is concentrated in more desirable locations such as around the fringes of Hamilton or the district’s larger townships.

#### Seasonal Worker Accommodation and Minor Dwellings

- 5.58 Subdivision, and the consequent expectation that each lot can contain a dwelling, is the primary pathway by which additional dwellings can be located in the Rural Zone.
- 5.59 We heard evidence on the separate land use rules regarding two forms of housing that are not dependent on subdivision having occurred. The first of these was ‘minor dwellings’, whereby an additional dwelling can be provided in tandem with an existing residential dwelling. We understand that the concept has grown out of the Operative

District Plan that provides for 'granny' flats for family members. There were a considerable number of submissions received on the key rules controlling this form of housing seeking the following:

- a) Enabling the units to be occupied by people who are not related to the family residing in the main dwelling;
- b) Increasing the limits on floor area; and
- c) Increasing the distance minor units could be located from the main residential unit.

5.60 Mr Clease made a series of recommendations on these matters in his section 42A report. We noted that the evidence presented to us largely supported and reaffirmed his recommendations which were to enable non-family members to reside in the minor units; to increase the minimum size of the units; and to increase the distance such units could be located from the primary residence. We agree with these recommendations, given that it will increase flexibility for landowners in meeting the need for farm worker accommodation, without adversely affecting the functioning of the Rural Zone, or the amenity of neighbours. The ability to provide a dwelling, plus a minor unit, plus a 'child lot' (with associated minor unit) for every 40ha provides reasonable scope for meeting the usual need for permanent farm worker accommodation.

5.61 The second land use-related form of alternative housing sought in evidence was seasonal worker accommodation. Horticulture NZ identified that in recent years there has been considerable growth of the Recognised Seasonal Employer ('RSE') scheme, with the provision of accommodation typically forming part of the engagement (and worker well-being) process. We understand that seasonal worker accommodation is used to house larger groups of workers than would occur with permanent employees and is typically configured with communal kitchen and ablution blocks. We likewise understand that those workers are not necessarily employed on the site or farm where the accommodation is located but instead move from farm to farm as contract labour to assist with short-term peaks in labour needs such as during harvest periods. We are satisfied that these characteristics differentiate seasonal accommodation from single family dwellings used by long-term farm employees.

5.62 In this regard, Horticulture NZ helpfully provided us with a definition and associated rules for this type of accommodation which has formed the basis for the amendments we have made to the rule framework in order to provide for this specific housing need. Seasonal works accommodation is a permitted activity for up to 12 seasonal workers (subject to meeting conditions), and a restricted discretionary activity for larger proposals. We consider that whilst there is a need for this type of accommodation to meet specific needs, such facilities should be located on sites that are at least 20ha in area to enable reasonable separation from neighbouring sites and to prevent a proliferation of this type of activity on smaller lifestyle sites where workers accommodation is not required.

#### Hamilton Urban Expansion Area

- 5.63 The UEA covers a discrete series of growth areas located immediately adjacent to Hamilton City, the long-term intention of which is that they will ultimately be transferred into Hamilton City Council's territorial jurisdiction to facilitate expansion of the city. Therefore, the potential of these areas for urbanisation is sought to be protected by preventing subdivision and new activities from establishing that would undermine future urban growth.
- 5.64 Given the importance of this area we have relocated the objective for the UEA so it now forms part of the Strategic Directions. The associated policy remains as part of the Rural Zone provisions.
- 5.65 The difference in view between the recommendations of Mr Cleese and Ms Overwater, and the experts for HCC, has been well-canvassed in evidence. The evidence focussed primarily on the recommended shift of activity status for subdivision in the UEA from prohibited to non-complying. We note that a range of community-related activities such as spiritual, health, and community facilities, are permitted in the Operative District Plan (provided they are contained in buildings smaller than 2,000m<sup>2</sup>), with the section 42A recommendation being that they shift to a discretionary activity status, thereby making the rule framework more restrictive, while providing a consenting pathway as a non-complying activity for activities that are currently prohibited.
- 5.66 In our assessment the recommended approach of a directive policy framework, combined with non-complying activity status for most land uses,<sup>3</sup> and a fully discretionary activity status for a small range of community-related activities,<sup>4</sup> does not unduly impede logical urban growth, but also recognises that such growth within the UEA may not occur for another 25 years.
- 5.67 CDL Ltd identified the challenges with agglomerating large landholdings as the necessary precursor to delivering comprehensively planned greenfield areas at scale.
- 5.68 We agree that there is a need to limit further land fragmentation or a proliferation of lifestyle blocks within the UEA, in order not to frustrate coherent future urban growth. The evidence and amended rule wording presented by CDL, whilst seeking a mechanism by which small lots can be created, does so while delivering an outcome that is aligned with the wider policy direction that future urbanisation of these areas should be facilitated. We have therefore amended the subdivision rules applicable to the UEA to provide a discretionary consenting pathway in circumstances where additional lots can be created around existing dwellings, subject to appropriate controls or covenants being in place on the balance lot to avoid a proliferation of ad hoc new dwellings prior to these areas being rezoned for residential development.

#### Site specific existing facilities

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<sup>3</sup> Rule 22.1.5 (NC4).

<sup>4</sup> Rule 22.1.4 (D5) (education); Rule 22.1.3 (RD3)(c)(i); and Rule 22.1.4 (D1).

- 5.69 Regarding the evidence from Dilworth School, Meremere Dragway, and several existing retirement villages in the Tamahere area, we accept that these existing facilities all constitute a significant level of investment and provide valued services to the wider community.
- 5.70 All of these submitters sought as part of their original submissions that they be rezoned to either a Residential or Country Living Zone (in the case of the Tamahere retirement villages), or some form of special purpose zone or scheduled activity in the case of Dilworth and Meremere Dragway.
- 5.71 We have addressed the rezoning of the Tamahere Eventide Retirement Village in our separate rezoning decision (Decision Report 28): Zoning – Rest of District). We have decided that the Tamahere Eventide Retirement Village should have a Country Living Zone, and therefore the provisions providing for its ongoing use and development are incorporated into the Country Living Zone provisions. We have retained the Tamahere Hospital and Healing Centre at 104A Duncan Road as Rural Zone, but have included rules and policies in the Rural Zone which provide a framework for community facilities (the definition of community facilities includes health facilities).
- 5.72 We have likewise addressed Dilworth’s submission regarding their site having a special purpose zoning and a bespoke series of rules in Decision Report 28O. Across our decisions on various chapters, we have sought to resist the creation of a plethora of special purpose zones. We have likewise chosen to not introduce scheduling as a tool. We have therefore decided that Dilworth School should retain an underlying Rural Zone.
- 5.73 We received correspondence from Dilworth School following the hearings on rezoning.<sup>5</sup> They confirmed that whilst a special purpose zone remained their preferred relief, in the event that the site retained its Rural Zoning, they had engaged with Ms Catherine Boulton who prepared the section 42A report on rezoning (Rest of District). They have reached an agreed recommendation that the site should be subject to a site coverage limit of 10,000m<sup>2</sup>. Ms Boulton and Dilworth agree that strikes an appropriate balance between enabling a modest amount of expansion of school facilities, whilst maintaining an open space character commensurate with the school’s rural location. We agree with this recommendation and have amended the site coverage rules accordingly. We have likewise adopted the amendments provided in Appendix 1 to Dilworth’s letter which assist in clarifying the rule structure and site identification. We further note, as set out above, that Policy 5.3.4 now provides for community activities such as education as anticipated elements in the Rural Zone.
- 5.74 We likewise received correspondence from Meremere Dragway confirming that they were comfortable with their site retaining a Rural Zoning, provided appropriate policies and rules were in place. Given the scale and significance of these facilities we support the provision of a specific policy, definition, and rules to enable its ongoing operation.

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<sup>5</sup> Letter dated 12 August 2021 from Mr Mark Arbuthnot.

### Extractive industry and coal mining

- 5.75 We consider that aggregate, mineral, and coal extraction are by their nature activities that occur primarily within rural areas. As such they are anticipated as part of the rural environment. They are also inherently only able to occur on sites where the resource to be extracted is located. We are likewise mindful that there are a number of large and long-established extractive industrial sites located throughout the district.
- 5.76 We consider that these existing sites where ongoing extraction is planned should be identified on the PDP maps and be subject to a policy framework that recognises the need for such activities, along with the equally important need for such operations to be appropriately managed to mitigate effects.
- 5.77 Existing quarry and coal mining sites are to be shown as 'aggregate extraction' or 'coal extraction' areas, respectively. There are also discrete sites where extractive activities are consented but have yet to be physically established. These areas are to be shown as 'Extractive Resource Areas'.
- 5.78 We received submissions as part of the 'other matters' Hearing 28 seeking amendments to the geographic extent of these overlays so that they accurately reflect Record of Titles held by quarrying/mining companies and capture the extent of existing operations. In addition to covering existing operations, these areas also often include some scope for expansion. We agree with the amendments recommended in the section 42A report for Hearing 28 regarding these mapping amendments and note that we received no evidence from any parties opposing the amendments sought.
- 5.79 Whilst extractive industry is anticipated in rural areas, large quarries or mines have the potential to give rise to a range of effects such as noise, dust, heavy vehicle movements, and changes in landscape character. We consider that expansion projects within the overlay areas therefore need to be assessed on a case-by-case basis so that their potential effects can be appropriately managed. Because the types of effects are able to be reasonably anticipated, we consider that a restricted discretionary activity status is appropriate. For completeness, we also note that mineral extraction invariably requires a separate suite of consents from WRC.
- 5.80 Outside of the extractive area overlays, we consider that extractive industry should be a fully discretionary activity to enable the full range of potential effects, and, equally importantly, the suitability of the site's location for large quarry/mining activities, to be fully assessed. In areas with high landscape or ecological values identified on the planning maps, we consider that extractive industry should be a non-complying activity, thereby providing clear direction that such activities are not anticipated in areas where such values are present.
- 5.81 We heard from Bathurst Resources Ltd (Bathurst) who sought a substantial expansion of the geographic area covered by the Extractive Resource Area so that this overlay aligns with the extent of the coal resource in the district. A consequence of the overlay would be that any new dwellings within or adjacent would require a resource consent.

5.82 The RPS addresses the management of the built environment to appropriately recognise the effects that such might have on the access to minerals through Policy 6.8. This policy is to be implemented through Method 6.8.1 which seeks to map the location of such resources. The method sets a series of criteria for assessing the significance of the resource, including scarcity, economic contribution, current and potential demands, constraints on extraction, the quality and size of the deposit, importance of the mineral to tangata whenua, and importance for infrastructure development. Of significance, from our reading of the implementation method, there is no requirement to include such mapping within district plans, rather the mapping of such areas is simply a tool to inform PDP provisions. In terms of the coal resource, we note that the maps provided by Bathurst in themselves assist in fulfilling the implementation method, and that the size of the deposits are substantial and therefore coal in north Waikato is not particularly scarce.

5.83 Method 6.8.2 requires district plans to:

- (a) *Include provisions to protect, as appropriate, access to significant mineral resources identified pursuant to Implementation Method 6.8.1; and*
- (b) *May identify areas where new mineral extraction activities are appropriate and areas where new mineral extraction activities should be avoided.*

5.84 In our assessment, the PDP policy and rule framework should only protect access 'as appropriate', and within the context of implementing a policy that has its primary focus on the management of the *built environment* (rather than isolated rural dwellings). The PDP *may* (but does not have to) identify areas where new extraction is appropriate, and likewise *may* identify areas where such activities should be avoided.

5.85 In our view, the policy and rule framework in the PDP does exactly that. It identifies areas where coal mining is anticipated (with these areas recommended to be expanded including the licence or permit areas held by Bathurst and therefore provide for some expansion); the PDP also protects these areas from encroachment from new sensitive activities. The rule framework likewise identifies that extractive activities are non-complying if located within areas with identified high landscape or ecological values.

5.86 Bathurst also sought that mineral exploration and prospecting be permitted, subject to meeting permitted activity specific conditions. We agree that there is merit in explicitly providing for mineral exploration and prospecting as a permitted activity, subject to the activity meeting specified conditions to ensure that the effects of such activities are both modest and temporary. Our decision wording is based on that put forward by Bathurst, with amendments to:

- a) better separate the activity from the conditions;
- b) place permitted activity limits on areas with identified high landscape and ecological values (and where any subsequent extraction would be non-complying); and
- c) limit the hours within which explosives can be used.

5.87 Section 22.2 of the Notified PDP contained a suite of rules controlling land use effects such as noise, glare, earthworks, and signs. These provisions attracted a number of submissions seeking that they be amended to provide greater clarity that they were not intended to capture 'normal' farming activities. Mr Clease's section 42A report contained a number of recommendations to provide further clarity and to refine the mechanics of the rules, whilst retaining their overall purpose. Mr Clease's recommendations were generally supported in submitter evidence and appeared to largely address the original concerns expressed in submissions. We agree with these recommendations and in response to Horticulture New Zealand's evidence, have included the ability to bury organisms as part of a biosecurity response within the definition of 'ancillary rural earthworks'.

#### Land use – Buildings

5.88 A similar situation arose with the rules controlling the size and placement of buildings and structures. In response to submissions, Mr Clease made a series of amendments to improve the workability of these rules, with the recommendations being either supported by submitters or attracting little evidence in opposition.

5.89 Regarding the use of artificial crop protection structures, they are typically comprised of large frames that are covered in shade cloth or similar material for part of the year. Mr Clease had recommended that such structures remain subject to the standard suite of rules controlling building height, boundary setbacks, and daylight admission, noting that he also recommended that the permitted height be increased to 15m (for structures more than 50m from site boundaries), which is generally sufficient for accommodating such structures. He also recommended that such structures be exempt from the site coverage provisions on the basis that they are typically pervious and seasonal.

5.90 Horticulture New Zealand sought that such structures have a separate definition, their own permitted activity rule (subject to meeting conditions), and an exemption from all of the land use building rules.

5.91 We recognise that such structures are an important and increasingly common component of horticultural activities. We also consider that they can be differentiated from other permanent buildings and should be exempt from site coverage controls. Whilst able to be differentiated from typical permanent buildings, such as large barns or packing sheds, we consider that such structures can nonetheless cover extensive areas. We also consider that where such structures are erected close to property boundaries, they have the potential to generate both shading and outlook/visual dominance effects on immediate neighbours. As such, we are not convinced that they warrant their own definition nor a permitted activity pathway.

5.92 We consider that they should remain subject to controls on internal boundary and daylight admission rules. We note that the activity status when these rules are triggered is restricted discretionary, with Council's discretion limited to consideration only on matters relating to shading and outlook. This enables site-specific assessment to be

undertaken and any mitigation such as local topography, intervening shelterbelts, and the sensitivity of the neighbouring receiving environment can all be taken into account.

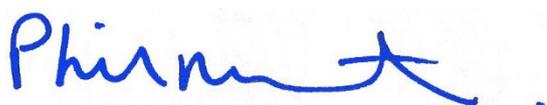
### Subdivision Rules

- 5.93 The key issues raised by submitters regarding the subdivision rules were in relation to the various pathways controlling subdivision and minimum lot sizes and the attendant ability to erect additional dwellings and on-sell smaller lots. We have set out our decisions on density/lot size above.
- 5.94 We heard evidence seeking refinements to the mechanics and detail of a number of the subdivision provisions. These amendments generally sought to improve the workability or clarity of the rules rather than constituting a major change in outcome or purpose. We have made several discrete amendments to the subdivision rule package to assist in improving rule clarity and effectiveness.

## **6 Conclusion**

- 6.1 We accept and or reject the section 42A report and the evidence filed by the submitters for the reasons provided in this Decision, collectively forming the section 32AA assessment informing this Decision.
- 6.2 Overall, we are satisfied that the rural provisions as amended will provide a suitable framework for managing the ongoing use and development of the Rural Zone whilst managing any adverse effects.

**For the Hearings Panel**



**Dr Phil Mitchell, Chair**

**Dated: 17 January 2022**

## Chapter 5: Rural Environment

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

~~In addition to the provisions in this Chapter, additional policies apply to Hamilton's Urban Expansion Area (Objective 5.5.1 and Policies 5.5.1 and 5.5.2) and the following Specific Areas:~~

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

### **General Rural Zone Description**

The GRUZ – General rural zone provides predominantly for primary production activities, including intensive indoor primary production. The zone also provides for occasional community facilities, agricultural produce processing facilities, rural-related commercial and industrial activities, conservation activities, network infrastructure, and quarrying activities. These diverse activities are set within a landscape that is visually dominated by openness and vegetation with significant separation between buildings and where natural character elements such as waterways, wetlands, water bodies, indigenous vegetation, and natural landforms are key contributors to the character of the rural zone.

### **5.1 The General Rural Environment Zone**

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

#### **5.1.1 Objective – Purpose of tThe zone**

~~(a) Subdivision, use and development within the rural environment is provided for where:~~

- ~~(i) High class soils are protected for productive rural activities;~~
  - ~~(ii) Productive rural activities, rural industry, network infrastructure, rural commercial, conservation activities, community facilities activities, and extractive activities are supported, while maintaining or enhancing the rural environment;~~
  - ~~(iii) Urban subdivision, use and development in the rural environment is avoided.~~
- (i) Enable farming activities;
  - (ii) Protect high class soils for farming activities;
  - (iii) Provide for rural industry, infrastructure, rural commercial, conservation activities, community facilities, and extractive activities;

- (iv) Maintain rural character and amenity;
- (v) Limit development to activities that have a functional need to locate in the zone.

## 5.2 Productive Capacity of Soils

### 5.2.1 – Objective – Productive capacity of soils

The primary productive value of soils, in particular high class soils, is retained.

~~(a) Maintain or enhance the:~~

- ~~(i) Inherent life supporting capacity and versatility of soils, in particular high class soils;~~
- ~~(ii) The health and wellbeing of rural land and natural ecosystems;~~
- ~~(iii) The quality of fresh water and ground water, including their catchments and connections;~~
- ~~(iv) Life supporting and intrinsic natural characteristics of water bodies and coastal waters and the catchments between them.~~

### 5.2.2 Policy – High class soils

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

### 5.2.3 Policy – Effects of subdivision and development on soils

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

## 5.3 General Rural Zone Character and Amenity

### 5.3.1 Objective – rural character and amenity

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

### Policy 5.3.2 – Contributing elements to rural character and amenity values

- ~~(a) Recognise that rural character and amenity values vary across the zone as a result of the natural and physical resources present and the scale and extent of land use activities.~~

### Policy 5.3.23 – Productive rural activities

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

#### **5.3.9 Policy – Non-rural activities**

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

#### **5.3.4 Policy – Other anticipated activities in rural areas**

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

#### **5.3.35 Policy – Industrial and commercial activities**

- ~~(a) Rural industries and services are managed to ensure they are in keeping with the character of the Rural Zone.~~
- (a) Provide for rural industry and rural commercial activities provided they are either dependent on the rural soil resource or have a functional or operational need for a rural location.
- (b) Such activities are to be managed to ensure that:
- (i) Their scale, intensity, and built form maintain rural character;
  - (ii) They maintain an appropriate level of amenity for neighbouring sites; and
  - (iii) They minimise reverse sensitivity effects on existing productive rural, intensive farming, quarrying, or rural industrial activities.
- (c) Avoid locating industrial and commercial activities in rural areas that do not have a genuine functional connection with the rural land or soil resource.

#### **5.3.6 Policy – Intensive Farming activities**

- (a) ~~Enable~~ Provide for intensive farming activities ~~provided~~ where they operate in accordance with industry best practice and the management of adverse effects beyond the site boundaries both on-site and any adjoining sites.

#### **5.3.7+0 Policy – Temporary events**

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

#### **5.3.811 Policy – Home businesses ~~occupations~~**

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

#### **5.3.912 Policy – Meremere Dragway**

- (a) ~~Support~~ Enable the ongoing operation and activities at the Meremere Dragway, provided that its adverse effects are avoided, remedied or mitigated.

#### **5.3.103 Policy – Waste management activities**

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

#### **5.3.116 Policy – Specific area – Agricultural research centres**

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

#### **5.3.1217 Policy – ~~Specific area~~ – Huntly Power Station – Coal and ash management water**

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

### 5.5.1 Objective – Hamilton’s Urban Expansion Area

The provisions notified under this heading are addressed in Decision Report 5: Strategic Directions

### 5.3.135.2 Policy – Activities within Hamilton’s Urban Expansion Area

The provisions notified under this heading are addressed in Decision Report 5: Strategic Directions

#### 5.3.14 Policy – Reverse sensitivity and separation of incompatible activities

- (a) Contain, as far as practicable, adverse effects within the site where the effect is generated.
- (b) Provide adequate separation of the activity from the site boundaries.
- (b) Ensure that new or extended sensitive land uses achieve adequate separation distances from and/or adopt appropriate measures to avoid, remedy or mitigate potential reverse sensitivity effects on productive rural activities, intensive farming, rural industry, infrastructure, extractive activities, or Extraction Resource Areas.

#### **5.3.7 Policy – Reverse sensitivity effects**

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

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

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

#### **Policy 5.3.15 – Density of Residential Units and seasonal worker accommodation**

- (a) Maintain an open and spacious rural character by:
  - (i) Limiting residential units and seasonal worker accommodation to those associated with farming and productive rural activities;
  - (ii) Limiting residential units to no more than one per Record of Title, except for particularly large titles where a minimum of 40ha is provided for each residential unit;
  - (iii) Limiting the size, location, and number of minor residential units and requiring such units to be ancillary to an existing residential unit;
  - (iv) Limiting seasonal worker accommodation to no more than one facility per Record of Title that is at least 20ha in area.

#### **Policy 5.3.16 – Retirement Villages**

- (a) Provide for alterations and additions to retirement villages existing or subject to a resource consent at 17 January 2022.

#### **~~Policy 5.3.8 – Effects on rural character and amenity from rural subdivision~~**

- ~~(a) Protect productive rural areas by directing urban forms of subdivision, use, and development to within the boundaries of towns and villages.~~
- ~~(b) Ensure development does not compromise the predominant open space, character and amenity of rural areas.~~
- ~~(c) Ensure subdivision, use and development minimise the effects of ribbon development.~~
- ~~(d) Rural hamlet subdivision and boundary relocations ensure the following:~~
  - ~~(i) — Protection of rural land for productive purposes;~~
  - ~~(ii) — Maintenance of the rural character and amenity of the surrounding rural environment;~~
  - ~~(iii) — Minimisation of cumulative effects.~~
- ~~(e) Subdivision, use and development opportunities ensure that rural character and amenity values are maintained.~~
- ~~(f) Subdivision, use and development ensures the effects on public infrastructure are minimised.~~

#### **Policy 5.3.17 – Rural Subdivision**

- (a) Protect the productive capacity of land and soils in the GRUZ – General Rural Zone; and
- (b) Maintain an open and spacious rural character; and
- (c) Minimise adverse effects on the safe and efficient operation of infrastructure; by:

- (i) Avoiding subdivision that creates lots smaller than 0.8ha;
  - (ii) Avoiding the creation of new lots that are wholly located on high class soils. For sites that are partially located on high class soils, new lots are to be located primarily on that part of the site that does not include high class soils;
  - (iii) Limiting potential reverse sensitivity effects on productive rural activities, intensive farming, rural industry, infrastructure, or extractive activities by ensuring new lots provide adequate setbacks from potential sensitive activities.
  - (iv) Ensuring that the subdivision does not compromise public access to rivers and water bodies or the quality of these environments; and
- (d) Make only limited provision for small rural lifestyle lots, where in addition to the matters set out in (a), (b), and (c), the subdivision:
- (i) Provides public parks and reserves, located in accordance with a Council Parks Strategy; or
  - (ii) Provides a balance lot greater than 40ha; or
  - (iii) Involves a boundary relocation to create the same number of lots formed as a large balance lot greater than 40ha and a number of small rural lifestyle lots that are clustered to form a hamlet; and
  - (iv) Where (d) (ii) and (iii) applies, avoids ribbon development and the cumulative effects of multiple small rural residential lots locating on the same road frontage.

### **5.3.184 Policy - Signs**

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

### **5.3.195 Policy – Noise and vibration**

- (a) ~~Manage the adverse effects of noise and vibration by Adverse effects of noise and vibration are minimised by:~~
  - (i) ~~Ensuring that the maximum sound~~ noise and vibration levels are compatible with the surrounding environment do not compromise rural amenity;
  - (ii) Limiting the timing and duration of noise-generating activities to the extent practicable and appropriate;
  - (iii) Maintaining appropriate buffers separation between high noise environments and noise sensitive activities;
  - (iv) Ensuring frost fans are located and operated to minimise to the extent practicable the adverse-noise effects on other sites;
  - (v) Managing the location of sensitive land uses, particularly in relation to lawfully-established activities;

- (vi) Requiring acoustic insulation where sensitive land uses activities are located within high noise environments, including the Airport Noise Outer Control Boundary, Huntly Power Station, and the Gun Club Noise Control Boundary;
- (vii) ~~Managing-Ensuring~~ the adverse effects of vibration ~~from quarrying activities are managed~~ by limiting the timing and duration of blasting activities and maintaining sufficient setback distances ~~from between aggregate extraction activities and dwellings residential units or identified building platforms on another site; and~~
- (viii) ~~Manage noise to protect existing adjacent activities sensitive to noise effects.~~  
Managing noise to minimise as far as practicable effects on existing noise sensitive activities.

### **5.3.20 Policy – Outdoor lighting**

- (a) Enable the use of artificial outdoor lighting for night-time work while minimising to the extent practicable effects on neighbouring sites.
- (b) Ensure glare and light spill from permanently fixed artificial lighting does not:
  - (i) Compromise the safe operation of the road transport network; and
  - (ii) Compromise the amenity of adjacent sites.

### **5.3.21 Policy –Building scale and location**

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

### **5.3.522 Policy – Earthworks activities**

- (a) ~~Provide for~~ Enable earthworks ~~where they support~~ associated with rural or conservation activities including:
  - (i) ~~Ancillary rural earthworks; and f~~
  - (ii) Farm quarries;
  - (iii) The importation of controlled cleanfill material to a site; and
  - (iv) Indigenous biodiversity restoration.
  - ~~(iii) Use of cleanfill where it assists the rehabilitation of quarries.~~
- (b) ~~Manage the effects of~~ earthworks to ensure that:
  - (i) Erosion and sediment loss is avoided or mitigated;
  - (ii) The ground is geotechnically sound and remains safe and stable for the duration of the intended land use;
  - (iii) Changes to natural water flows and established drainage paths are avoided or mitigated;
  - (iv) Adjoining properties and public services infrastructure are protected;

- (v) Historic heritage and cultural values are recognised and protected; and
- (vi) Ecosystem protection, restoration, rehabilitation or enhancement works are encouraged.

## 5.4 Minerals and Extractive Industries

### ~~5.4.1 Objective – minerals and extractive industries~~

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

### 5.4.1 Objective – Extractive activities

- (a) Recognise the contribution of extractive industries to the economic and social well-being of the Waikato District.

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

### Policy 5.4.2 – Management of extractive activities

- ~~(a) Provide for extractive activities provided that Enable extractive industries provided that adverse effects are appropriately avoided, remedied or mitigated; and, where this is not possible, off-set or compensated.~~
- (b) Protect access to, and extraction of, mineral, aggregate and coal resources by:
  - (i) Identifying on planning maps lawfully-established extractive activities industries in as either Aggregate Extraction Areas and or Coal Mining Areas on planning maps;
  - (ii) Identifying on planning maps the site of a potential extractive activity in an industry within an Aggregate Extractive Resource Area on planning maps;
- (c) Ensure that lawfully-established extractive activities industries are not compromised by new subdivision, use or development;
- (d) Avoid locating the location of any sensitive land uses within specified building setbacks buffer areas which otherwise risks in order to ensure the effective operation of an Aggregate Extraction Area, Coal Mining Area, or Extractive Resource Area lawfully established extractive industry.

### 5.X.X Objective - Emergency services

Recognise the essential support role of emergency services training and management activities and their important contribution to the health, safety and wellbeing of people.

### 5.X.X Policy - Emergency services facilities and activities

Enable the development, operation and maintenance of emergency services training and management facilities and activities within the zone.

## Definitions

Ancillary rural earthworks	<p>Means any earthworks or disturbance of soil associated with:</p> <ul style="list-style-type: none"> <li>(a) <u>crop cultivation, and associated land preparation (including establishment of sediment and erosion control measures) for planting and growing operations;</u></li> <li>(b) <u>harvesting of agricultural and horticultural crops (farming) and forests (forestry); and</u></li> <li>(c) <u>maintenance and construction of facilities typically associated with farming and forestry activities, including, but not limited to, farm/forestry tracks, roads and landings, stock races, silage pits, <u>offal pits</u>, farm drains, farm effluent ponds, feeding pads, <u>fertiliser storage pads</u>, airstrips, helipads, post holes, fencing, <u>drilling bores</u>, <u>stock water pipes</u>, <u>water tanks and troughs</u>, <u>the maintenance of on-farm land drainage networks</u>, and erosion and sediment control measures; and</u></li> <li>(d) <u>burying of material infected by unwanted organisms as declared by the Ministry for Primary Industries Chief Technical Officer or an emergency declared by the Minister under the Biosecurity Act 1993.</u></li> </ul>
<u>Artificial Crop Protection Structure</u>	<p><u>Means structures (excluding greenhouses) and associated covering material used to protect crops and/or enhance plant growth.</u></p>
<u>Dog or cat animal boarding, daycare, breeding or animal training establishment</u>	<p>Means an activity carried out on land or within buildings where board, <u>daycare</u> and lodging, breeding <u>and</u> or training is provided or intended to be provided for more than five <u>domestic dogs or cats animals</u> (excluding offspring up to 3 months of age). This does not include dog kennels, <u>calf rearing sheds, stables and similar shelters for ancillary to private farming or residential activities. use agricultural and horticultural research activities or agricultural research centres.</u></p>
<u>Extractive Activity Industry</u>	<p>Means taking, winning or extracting <u>by whatever means</u>, the naturally occurring minerals (including but not <u>by whatever means</u> limited to coal, rock, sand, and gravel) and peat from under or on the land surface. <u>This may include one or more of the following: This includes any of the following activities at or near the site where the minerals have been taken, won or extracted:</u></p> <ul style="list-style-type: none"> <li>a) <u>excavation, blasting, processing (crushing, screening, washing, chemical separation and blending);</u></li> <li>b) <u>the storage, distribution and sale of aggregates, coal or mineral products;</u></li> <li>c) <u>the removal, stockpiling and deposition of overburden;</u></li> <li>d) <u>treatment of stormwater and wastewater;</u></li> <li>e) <u>storage, management and disposal of tailings;</u></li> <li>f) <u>landscaping and rehabilitation works including cleanfilling;</u></li> <li>g) <u>ancillary earthworks;</u></li> <li>g) <u>ancillary buildings and structures, such as weighbridges, laboratories, and site offices;</u></li> <li>h) <u>internal roads and access tracks; and</u></li> </ul>

	<p>i) <u>quarrying activities.</u></p> <p><del>The term includes the processing by such means as screening, crushing, or chemical separation of minerals at or near the site, where the minerals have been taken, won or excavated.</del></p> <p><del>The term also includes the removal, stockpiling and filling of overburden sourced from the same site.</del></p> <p>It includes all activities and structures associated with underground coal gasification, including pilot and commercial plants and the distribution of gas. It excludes prospecting and exploration activities.</p> <p><u>It does not include a farm quarry or ancillary rural earthworks.</u></p>
Farm quarry	<p>Means <del>the a location or area used for extraction of minerals or aggregate taken</del> for use ancillary to farming and horticulture, and only used within the property of extraction. No extracted material (including any aggregate) shall be <del>exported or removed</del> from the property of origin and there shall be no retail or other sales of such material. <del>For example, farm quarries include the extraction of material for farm and forestry tracks, access ways and hardstand areas on the property of origin.</del></p>
Farming noise	<p>Means noise generated by <del>agricultural</del> <u>farming activities, including vehicles, any aircraft used for aerial spraying or fertiliser application (excluding aerodromes), agricultural mobile farming machinery or equipment and farm animals, including farm dogs.</u> It does not include <u>fixed equipment or facilities, bird scaring devices and frost fans.</u></p>
Farming	<p>Means</p> <p>(a) <u>any agricultural, pastoral, horticultural, aquacultural, or apicultural activity having as its primary purpose the production of any livestock, fish, poultry, or crop using the in-situ soil, water and air as the medium for production; and</u> <del>It includes:</del> <u>includes:</u></p> <p><del>(b) Ancillary produce stalls;</del></p> <p>(b) <u>processing, as an ancillary activity of farm produce grown on the same site land, such as cutting, cleaning, grading, chilling, freezing, packaging and storage;</u></p> <p>(c) <u>any land and buildings used for the production of commodities from (a) and used for the initial processing of commodities in (b) and includes greenhouses, indoor hydroponics, pack houses and coolstores;</u></p> <p>(d) <u>loading areas for helicopters and airstrips for top dressing and spraying the same site; and</u></p> <p>(e) <u>on-farm agricultural and horticultural research activities;</u></p> <p><del>It excluding-excludes:</del></p> <p>(f) <u>intensive farming; and</u></p> <p>(g) <u>further processing of those commodities into a different product.</u></p>
Forestry	<p><del>Means the planting and growing of trees and is an integrated land use including land preparation, roading, tree planting and maintenance (i.e. thinning, pruning, noxious weeds and animal control) and harvesting of trees and includes the use of accessory buildings, but not the establishment and/or use of permanent sawmills or other methods of timber processing.</del></p>

<p><u>Free range pig or poultry farming</u></p>	<p><u>Means the rearing of pigs or poultry where the animals have permanent access to outdoor areas where stocking density is sufficiently low to enable the maintenance of pasture or ground cover. It includes buildings connected to the outdoor areas.</u></p>
<p>Horse training centre</p>	<p>Means facilities for the housing and training of <del>thoroughbred and standard-bred</del> horses. <u>It and usually may</u> involves some form of training track and arenas (both indoor and outdoor), but does not include any form of racing or show jumping or other activity to which the general public is permitted, whether or not an entrance fee is paid.</p>
<p>Intensive farming</p>	<p><del>Means farming which is not dependent on the fertility of the soils on which it is located and which may be under cover or within an outdoor enclosure and be dependent on supplies of food produced on and/or off the land where the operation is located.</del></p> <p><u>Means farming and primary production involving livestock, poultry, or fungi whereby:</u></p> <ol style="list-style-type: none"> <li>(1) <u>It occurs principally within a building; or</u></li> <li>(2) <u>It occurs within outdoor enclosures or runs where the stocking density precludes the maintenance of pasture or ground cover; and</u></li> <li>(3) <u>Livestock or poultry feeding is not primarily dependent on the fertility of the soils on which the activity is located and is primarily dependent on supplies of food which is grown or produced elsewhere and transported to the livestock or poultry.</u></li> </ol> <p>It includes:</p> <ol style="list-style-type: none"> <li>(a) <u>Intensive pig farming undertaken wholly or principally in sheds or other shelters or buildings, or outdoor enclosures where stock are housed on a long-term basis and matters (2) and (3) are met;</u></li> <li>(b) <u>Poultry or game bird farming undertaken wholly or principally within sheds or other in shelters or buildings, or outdoor enclosures where stock are housed on a long-term basis and matters (2) and (3) are met; and</u></li> <li>(c) <u>Animal feed lots that are barns or covered or uncovered enclosures where stock are housed on a long-term basis and matters (2) and (3) are met.</u></li> </ol> <p><del>It excludes the following, provided the building is used for the purpose which it was built:</del></p> <ol style="list-style-type: none"> <li>(a) Woolsheds;</li> <li>(b) Dairy sheds;</li> <li>(c) <u>Indoor rearing or weaning of livestock or under cover wintering accommodation calf pens or wintering accommodation for less no more than 3 months in any calendar year 30 stock (except where stock are being reared for the replacement of breeding stock to be</u></li> </ol>

	<p>used on the same property) <del>or under cover wintering accommodation;</del></p> <p>(d) <u>Feed pads and stand-off pads ancillary to pasture-based farming;</u></p> <p>(e) <u>Horse stables;</u></p> <p>(f) <u>Poultry hatcheries; and</u></p> <p><del>glasshouse</del> (g) <u>Greenhouse</u> production or nurseries.</p>
Meremere dragway activity	<p>Means an activity at Meremere Dragway as shown on the planning maps that involves motor propulsion to provide entertainment, education or training for the general public or to an individual participating in the activity; <del>it and</del> includes but is not limited to <u>ancillary non-motorised recreation and commercial activities, driver training or education, police or security training, and vehicle testing, and ancillary facilities such as club rooms/clubhouses, spectator stands, lighting and associated support structures, mechanical workshops and fuel storage and pumps.</u></p>
Mineral	<p><u>Has the same meaning as in section 2 of the Crown Minerals Act 1991.</u></p> <p>Means a naturally-occurring inorganic substance beneath or at the surface of the earth, whether or not under water; and includes all metallic minerals, non-metallic minerals, fuel minerals <del>including coal,</del> precious stones, industrial rocks and building stones, and a prescribed substance within the meaning of the Atomic Energy Act 1945.</p> <p><u>For clarity, mineral for the purpose of the Plan includes coal and aggregate.</u></p>
<u>Motorised sport and recreation</u>	<p>Means a facility used for participating in, or viewing of, <u>land-based motor sports. It includes car, truck, go-kart and motorbike racing tracks and ancillary facilities such as club rooms/clubhouses, spectator stands, lighting and associated support structures, mechanical workshops and fuel storage and pumps. It excludes activities located within either the MSRZ – Motorsport and Recreation Zone, or Meremere Dragway.</u></p>
<u>Official sign</u>	<p><u>Means all signs required or provided for under any statute or regulation, or otherwise related to aspects of public safety.</u></p>
<u>Plantation forestry</u>	<p><u>Has the meaning in the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.</u></p>
Produce stall	<p>Means any land, building or part of any building that is used for the sale of farm and garden produce grown or produced on the site on which the produce stall is sited, <u>or grown or produced on a site owned or leased by the same landowner.</u> It includes the use of a trailer, handcart, barrow or similar structure, whether temporary or permanent. Weighing and packaging is part of the activity of a produce stall.</p>
Rural ancillary earthworks	<p><del>Means the disturbance of soil associated with cultivation, land preparation (including of sediment and erosion control measures), for planting and growing operations and harvesting of agricultural and horticultural crops and forests; and maintenance and construction of facilities typically associated with farming and forestry activities, including but not limited to</del></p>

The following tracked change text has no legal status. Its sole purpose is to help submitters understand the Hearing Panel's changes to the notified provisions. Our formal decision, which is in the National Planning Standard format, can be found on the Waikato District Council website.

	<del>farm/forestry tracks, roads and landings, stock races, silage pits, farm drains, farm effluent ponds, and fencing and sediment control measures.</del>
<u>Rural commercial activity</u>	<u>Means a commercial activity that has a direct functional or operational need to locate in the GRUZ – General Rural Zone or that services productive rural activities. It includes veterinary practices, wineries and wedding venues, adventure tourism, farm tourism, golf courses, gun clubs and firing ranges, and includes ancillary activities. It excludes visitor accommodation.</u>
<u>Rural industry</u>	<p><del>Means an industry that involves the direct handling or processing to the first stage of manufacture of any raw produce harvested from farming, rural contractors' depots, or any other land-related agricultural activity, but excludes waste disposal, extractive industries and electricity generation.</del></p> <p><u>Means an industry or business undertaken in a rural environment that directly supports, services, or is dependent on primary production.</u></p>
<u>Seasonal worker accommodation</u>	<u>Means buildings used solely for accommodating the short-term labour workforce required by primary production activities, and which are configured as a series of detached buildings for sleeping quarters, cooking and ablutions.</u>

## Chapter 22: GRUZ – General Rural Zone - Rules

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

### 22.1 Land Use – Activities

#### Rules 22.1.1 – 22.1.6 – Permitted to prohibited activities

##### 22.1.1 – Prohibited activities

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

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

©Activity-specific conditions:

Activity		Activity specific conditions-standards
P7 P1	Farming	Nil
P2	A Marae Complex or Papakaainga Housing Development on Maaori Freehold Land or on Maaori Customary Land.	<b>The provisions notified under this heading are addressed in Decision Report 6: Tangata Whenua.</b>
P2 <del>3</del>	A temporary event	<ul style="list-style-type: none"> <li>(a) The event occurs no more than <del>3</del> 6 times per consecutive 12 month period;</li> <li>(b) The duration of each event is less than 72 hours;</li> <li>(c) It may operate between 7.30am to 8:30pm Monday to Sunday;</li> <li>(d) Temporary structures are: <ul style="list-style-type: none"> <li>(i) erected no more than 2 days before the event occurs;</li> <li>(ii) removed no more than 3 days after the end of the event;</li> </ul> </li> <li>(e) The site is returned to its previous condition no more than 3 days after the end of the event;</li> <li>(f) There is no direct site access from a national route or regional arterial road.</li> </ul>
P3 <del>4</del>	Cultural event on Maaori Freehold Land containing a Marae Complex	<b>The provisions notified under this heading are addressed in Decision Report 6: Tangata Whenua.</b>
P4 <del>5</del>	A home <del>occupation-business</del>	<ul style="list-style-type: none"> <li>(a) It is wholly contained within a building;</li> <li>(b) The storage of materials or machinery associated with the home <del>occupation-business</del> is <u>either wholly contained within a building, or where outside occupies no more than 100m<sup>2</sup> of site area and is located where it is not visible from other sites or public roads;</u></li> <li>(c) No more than 2 people who are not permanent residents of the site are employed at any one time;</li> <li>(d) Unloading and loading of vehicles or the receiving of customers or deliveries only occur after <del>7:-300am</del> and before 7:00pm on any day;</li> <li>(e) Machinery <del>may can</del> be operated after 7:30am and up to <del>9pm</del> <u>7:00pm</u> on any day;</li> <li>(f) <u>The home business shall not occupy more than 200m<sup>2</sup> in total within buildings and outdoor storage areas.</u></li> </ul>
P5 <del>6</del>	Meremere Dragway Activity	<ul style="list-style-type: none"> <li>(a) Land Use – Effects in Rule 22.2; and</li> <li>(b) Land Use – Building in Rule 22.3.</li> </ul>

P6	Afforestation not in an Outstanding <u>Natural Landscape Area</u> or <u>Outstanding Natural Feature</u>	(a) <u>Be undertaken in accordance with Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017. Where compliance is not achieved with the permitted activity standards in the NES, then the activity is subject to the activity status as set out in the NES.</u>
P7	<u>Farming Plantation Forestry</u>	<del>Nil</del> (a) <u>Be undertaken in accordance with Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017. Where compliance is not achieved with the permitted activity standards in the NES, then the activity is subject to the activity status as set out in the NES</u>
<del>P8</del>	<del>Forestry</del>	<del>Nil</del>
<del>P9-8</del>	<del>Produce stall</del>	<del>Nil</del>
<del>P10-1</del>	<del>Home stay</del>	(a) <u>Have no more than 5 guests.</u>
<del>P11-2</del>	<del>Equestrian Centre</del>	<del>Nil</del>
<del>P12-3</del>	<del>Horse Training Centre</del>	<del>Nil</del>
<u>P14</u>	<u>Visitors' Accommodation</u>	(a) <u>Have no more than 5 guests; and</u> (b) <u>Be within a building that was existing as at 17 January 2022.</u> (c) <u>Standards (a) and (b) do not apply to occupation of a single residential unit for short term rental.</u>
<u>P15</u>	<u>Residential</u> <u>This includes occupation of a single residential unit for short term rental.</u>	<u>Nil</u>
<u>P16</u>	<u>Emergency services training and management activities</u>	<u>Nil</u>
<u>P17</u>	<u>Conservation activity</u>	<u>Nil</u>
<u>P18</u>	<u>Childcare</u>	(a) <u>Have no more than four non-resident children.</u>
<u>P20</u>	<u>Maintenance, operation, and alterations to:</u> (a) <u>Tamahere Hospital (Section 55 SO 457609);</u> <u>Note: additions to this facility are subject to Rule 22.1.3 RD3</u>	(a) <u>The alterations do not increase net floor area</u>
<u>P21</u>	<u>Educational Facilities including student and staff accommodation at Dilworth Rural Campus (Lot 2 DP 52908 and Lot 1 DP 210936</u>	(a) <u>Land Use – Building in Rule 22.3 except:</u> (i) <u>Rule 22.3.1 (Number of residential units) does not apply;</u> (ii) <u>Rule 22.3.2 (Minor residential units) does not apply;</u> (b) <u>Student or staff accommodation must be ancillary to the educational facilities.</u>
<u>P22</u>	<u>Mineral exploration and prospecting, including:</u>	(a) <u>Shall not be located within all or part of any of the following landscape and natural character areas:</u> (i) <u>Outstanding Natural Feature;</u>

	<p>(a) <u>Sampling by methods involving hand tools;</u></p> <p>(b) <u>Mechanical sampling where there is existing vehicle access to the area to be trenched or sampled;</u></p> <p>(c) <u>Samples taken using explosives;</u></p> <p>(d) <u>Geophysical surveys not using explosives.</u></p>	<p>(ii) <u>Outstanding Natural Landscape;</u></p> <p>(iii) <u>High natural character area;</u></p> <p>(iv) <u>Outstanding Natural Character area.</u></p> <p>(b) <u>All drilling is limited to 150mm in diameter and a density of one drill site per hectare.</u></p> <p>(c) <u>The cumulative length of trenching or sampling does not exceed 50 lineal metres per hectare.</u></p> <p>(d) <u>Where areas are disturbed, topsoil shall be stockpiled and replaced over such areas, and the site shall be rehabilitated and restored generally to its original condition within 1 month of sampling being completed.</u></p> <p>(e) <u>The use of explosives for sampling shall only occur between 7am to 7pm.</u></p>
P23	<u>Free range pig or poultry farming, and poultry hatcheries</u>	Nil
P24	<u>Seasonal worker accommodation</u>	<p>(a) <u>Is used solely for part of the year to meet labour requirements for primary production.</u></p> <p>(b) <u>Comprises of communal kitchen and eating areas and separate sleeping and ablution facilities.</u></p> <p>(c) <u>Accommodates no more than 12 workers.</u></p> <p>(d) <u>Complies with Code of Practice for Able Bodied Seasonal Workers, published by Dept of Building and Housing 2008.</u></p>
P25	<u>Recreational hunting and fresh water fishing</u>	Nil
P26	<u>Gardening</u>	Nil
P27	<u>Buildings, structures and sensitive land use within the National Grid Yard on sites existing as of 18 July 2018</u>	<p>(a) <u>Within National Grid Yard:</u></p> <p>(i) <u>Building alterations and additions to an existing building or structure that does not involve an increase in the building height or footprint; or</u></p> <p>(ii) <u>Infrastructure (other than for the reticulation and storage of water for irrigation purposes) undertaken by a network utility operator as defined in the Resource Management Act 1991; or</u></p> <p>(iii) <u>Non-habitable buildings or structures for farming activities in rural zones including accessory structures and yards for milking/dairy sheds (but not including any intensive farming buildings, commercial greenhouses and milking/dairy sheds); or</u></p> <p>(iv) <u>Non-habitable horticultural buildings; or</u></p> <p>(v) <u>Artificial crop protection and support structures (excluding commercial greenhouses and Pseudomonas syringae pv. Actinidiae (Psa) disease control structures);</u></p> <p>(vi) <u>Fences less than 2.5m in height, measured from the natural ground level immediately below the structure; and</u></p>

		<p>(vii) <u>Minor structures associated with farming activity that are not situated within 12m of the outer visible foundation of any National Grid tower or 10m of the outer visible foundation of a National Grid tower, including: fences, gates, stock exclusion structures, cattle-stops, stock underpasses, stock bridges and culvert crossings, and drinking water supply pipelines, troughs, and water storage tanks.</u></p> <p>(b) <u>All buildings or structures permitted by Rule 22.1.2 P27 must:</u></p> <p>(i) <u>Comply with the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001 ISSN 0114-0663 under all National Grid transmission line operating conditions; and</u></p> <p>(ii) <u>Locate a minimum 12m from the outer visible foundation of any National Grid support structure foundation and associated stay wire, unless it is:</u></p> <p>(1) <u>A building or structure where Transpower has given written approval in accordance with clause 2.4.1 of the NZECP; or</u></p> <p>(2) <u>Fences less than 2.5m in height, measured from the natural ground level immediately below the structure, and located a minimum of 5m from the nearest National Grid support structure foundation; or</u></p> <p>(3) <u>Network utilities (other than for the reticulation and storage of water for irrigation purposes) or any part of electricity infrastructure undertaken by a network utility operator as defined in the Resource Management Act 1991, that connects to the National Grid; and</u></p> <p>(iii) <u>Not permanently physically impede existing vehicular access to a National Grid support structure;</u></p> <p>(c) <u>Artificial crop protection structures and support structures between 8m and 12m from a pole support structure but not a tower and any associated guy wire that:</u></p> <p>(i) <u>Meet the requirements of the NZECP 34:2001 ISSN 0114-0663 for separation distances from the conductor;</u></p> <p>(ii) <u>Are no higher than 2.5m;</u></p> <p>(iii) <u>Are removable or temporary, to allow a clear working space of at least 12 metres from the pole when necessary for maintenance and emergency repair purposes;</u></p> <p>(iv) <u>Allow all-weather access to the pole and a sufficient area for maintenance equipment, including a crane.</u></p>
P28	Construction or alteration of a building for a sensitive land use	<p>(a) <u>The construction or alteration of a building for a sensitive land use that complies with all of the following standards:</u></p> <p>(i) <u>It is set back a minimum of 10m from the centre of line of any electrical distribution</u></p>

		<p><u>or transmission lines, not associated with the National Grid, that operate at a voltage of up to 110kV; or</u></p> <p><u>(ii) It is set back a minimum of 12m from the centre of line of any electrical distribution or transmission lines, not associated with the National Grid, that operate at a voltage of 110kV or more.</u></p>
<u>P29</u>	<u>Additions and alterations to an existing emergency service facility</u>	<u>Nil</u>
<u>P30</u>	<u>Construction, demolition, addition, and alteration of a building or structure</u>	<u>Nil</u>

### 22.1.3 Restricted Discretionary Activities

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

Activity	Matters of Discretion
<p>RDI</p> <p>(a) Intensive Farming that meets all of the following <del>conditions</del> <u>standards</u>:</p> <p>(i) Land Use – Effects in Rule 22.2</p> <p>(ii) Land Use – Building in Rule 22.3</p> <p>(iii) Building coverage does not exceed 3% of the site:</p> <p>A. Rule 22.3.6 (Building Coverage) does not apply;</p> <p>(iv) Building height does not exceed 15m;</p> <p>A. Rule 22.3.4 (Building Height) does not apply.</p> <p>(b) <u>Intensive farming</u> s not located in:</p> <p>(i) An Outstanding Natural Feature;</p> <p>(ii) An Outstanding Natural Landscape;</p> <p><del>(iii) A Significant Amenity Landscape;</del></p> <p>(iv) An Outstanding Natural Character Area; or</p> <p>(v) A High Natural Character Area.</p> <p>(c) For <u>intensive pig farming</u>, buildings and <del>adjacent yard areas</del> <u>outdoor enclosures</u> are set back at least:</p> <p>(i) 300 metres from any site boundary;</p> <p>(ii) From any boundary of a <u>GRZ – General Residential, MRZ – Medium Density Residential, LLRZ – Large Lot Residential, Village SETZ - Settlement or Country Living RLZ – Rural Lifestyle Zone</u>:</p> <p>A. 1200 metres (500 or <del>fewer</del> <u>less</u> pigs); or</p> <p>B. 2000 metres (more than 500 pigs).</p> <p><del>(d) For free range poultry farming, buildings and outdoor enclosures are set back at least:</del></p> <p><del>(i) 100 metres from any site boundary; and</del></p> <p><del>(ii) 500 metres from any boundary of a Residential, Village and Country Living Zone;</del></p> <p><del>(d) (e) For housed or free-range poultry that meets the definition for intensive farming, and all other intensive farming, buildings and adjacent yard areas</del> <u>outdoor enclosures</u> are set back at least:</p>	<p>(a) Council's discretion is restricted to the following matters:</p> <p>(i) traffic effects;</p> <p>(ii) effects on amenity values, including <del>odour</del>, visual impact, landscaping;</p> <p>(iii) location, type and scale of development; <del>and</del></p> <p>(iv) noise effects;:</p> <p>(v) <u>odour and dust effects, except where a Certificate of Compliance or resource consent has been obtained from the Waikato Regional Council for air discharges; and</u></p> <p>(vi) <u>The extent to which the farm will operate in accordance with an approved farm Environment Plan or relevant industry codes of practice.</u></p>

	<ul style="list-style-type: none"> <li>(i) 300 metres from any site boundary; and</li> <li>(ii) 500 metres from any boundary of a <u>GRZ – General Residential, MRZ – Medium Density Residential, LLRZ – Large Lot Residential, Village SETZ - Settlement or Country Living RLZ – Rural Lifestyle Zone.</u></li> </ul>	
RD2	<p>(a) <u>Rural Industry, including packhouses and coolstores that handle produce sourced from other sites, feed mills and animal feed production, and rural contractors' depots; that meet the following standards:</u></p> <ul style="list-style-type: none"> <li>(i) <u>Not in an Urban Expansion Area;</u></li> <li>(ii) <u>Is not an extractive activity.</u></li> </ul>	<p>(a) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) <u>the extent to which the scale and nature of the activity is consistent with managing urban growth through the consolidation of townships and the extent to which it is necessary to locate in the GRUZ – General Rural Zone;</u></li> <li>(ii) <u>effects on rural character and amenity of both the streetscape and neighbours with particular regard to the bulk and location of buildings,</u></li> <li>(iii) <u>location, type and scale of development;</u></li> <li><del>(iv) waste disposal;</del></li> <li>(iv) <u>nuisance effects including light spill and glare, odour, dust, noise; and</u></li> <li>(v) <u>traffic effects.</u></li> </ul>
RD3	<ul style="list-style-type: none"> <li>(a) <u>Child care facility for five or more non-resident children;</u></li> <li>(b) <u>Educational facilities that are primary or secondary schools not otherwise provided for as a permitted activity by Rule 22.1.2 P21;</u></li> <li>(c) <u>Community facility.</u></li> </ul> <p><u>Where (a)-(c) meet the following standard:</u></p> <ul style="list-style-type: none"> <li>(i) <u>Not in an Urban Expansion Area.</u></li> </ul>	<p>(a) <u>Council's discretion is restricted to the following matters:</u></p> <ul style="list-style-type: none"> <li>(i) <u>The extent to which the scale and nature of the activity is consistent with managing urban growth through the consolidation of townships and the extent to which it is necessary to locate in the GRUZ – General Rural Zone;</u></li> <li>(ii) <u>Effects on rural character and amenity of both the streetscape and neighbours with particular regard to the bulk and location of buildings;</u></li> <li>(iii) <u>Nuisance effects including light spill and glare, odour, dust, and noise;</u></li> <li>(iv) <u>Traffic effects;</u></li> <li>(v) <u>Reverse sensitivity effects on existing farming, intensive farming, rural industry, or quarrying activities; and</u></li> <li>(vi) <u>The extent to which the facilities are designed to meet Crime</u></li> </ul>

		<u>Prevention Through Environmental Design outcomes.</u>
RD4	<p><u>Rural Commercial that meet the following standard:</u></p> <p>(i) <u>Not in an Urban Expansion Area</u></p>	<p>(a) <u>Council's discretion is restricted to the following matters:</u></p> <p>(i) <u>The extent to which the scale and nature of the activity is consistent with managing urban growth through the consolidation of townships and the extent to which it is necessary to locate in the GRUZ – General Rural Zone:</u></p> <p>(ii) <u>Effects on rural character and amenity of both the streetscape and neighbours with particular regard to the bulk and location of buildings;</u></p> <p>(iii) <u>Nuisance effects including light spill and glare, odour, dust, and noise;</u></p> <p>(iv) <u>Traffic effects; and</u></p> <p>(v) <u>Reverse sensitivity effects on existing farming, intensive farming, rural industry, or quarrying activities.</u></p>
RD5	<p><u>Emergency service facilities</u></p>	<p><u>Council's discretion shall be restricted to the following matters:</u></p> <p>(b) <u>Effects on amenity of the locality.</u></p> <p>(c) <u>Effects on character.</u></p> <p>(d) <u>Road efficiency and safety.</u></p> <p>(e) <u>Building design.</u></p> <p>(f) <u>Site layout and design; and</u></p> <p>(g) <u>Privacy on other sites.</u></p>
RD6	<p><u>Agricultural and horticultural research facilities that meet the following standard:</u></p> <p>(i) <u>Not in an Urban Expansion Area.</u></p> <p><u>Note: For research activities undertaken within an Agriculture Research Centre Specific Area, Section 22.5 applies.</u></p>	<p>(a) <u>Council's discretion is restricted to the following matters:</u></p> <p>(i) <u>Effects on rural character and amenity;</u></p> <p>(ii) <u>Nuisance effects including light spill and glare, odour, dust, and noise;</u></p> <p>(iii) <u>Traffic effects;</u></p> <p>(iv) <u>Reverse sensitivity effects on existing farming, intensive farming, rural industry, or quarrying activities;</u></p> <p>(v) <u>The extent to which the scale and nature of the activity is consistent with managing urban growth</u></p>

		<u>through the consolidation of townships.</u>
<u>RD7</u>	<u>An extractive activity or waste management activity located within an Aggregate Extraction Area, Coal Mining Area or Extractive Resource Area.</u>	<p>(a) <u>Council's discretion is restricted to the following matters:</u></p> <ul style="list-style-type: none"> <li>(i) <u>effects on rural character and amenity;</u></li> <li>(ii) <u>location, type and scale of development;</u></li> <li>(iii) <u>nuisance effects including dust, noise, vibration, odour and light spill;</u></li> <li>(iv) <u>industry best practice and use of management plans;</u></li> <li>(v) <u>traffic effects;</u></li> <li>(vi) <u>erosion and sediment control; and</u></li> <li>(vii) <u>rehabilitation and end use including back filling.</u></li> </ul>
<u>RD9</u>	<u>Mineral exploration and prospecting that does not comply with Rule 22.1.2 P21</u>	<p>(a) <u>Council's discretion is restricted to the following matters:</u></p> <ul style="list-style-type: none"> <li>(i) <u>Separation from sensitive activities;</u></li> <li>(ii) <u>The visual and amenity effects of stockpiles;</u></li> <li>(iii) <u>Amenity effects relating to the hours of operation and noise;</u></li> <li>(iv) <u>Landscape and ecological effects;</u></li> <li>(v) <u>Effects on waterbodies, riparian margins, and wetlands;</u></li> <li>(vi) <u>Site restoration; and</u></li> <li>(vii) <u>Financial contributions towards landscaping, site restoration, and roading.</u></li> </ul>
<u>RD10</u>	<u>Seasonal worker accommodation</u>	<p>(a) <u>Council's discretion is restricted to the following matters:</u></p> <ul style="list-style-type: none"> <li>(i) <u>The effectiveness of methods to avoid, remedy, or mitigate the effects on existing activities, including the provision of screening, landscaping, and methods for noise control; and</u></li> <li>(ii) <u>The extent to which the application complies with the Code of Practice for Able Bodied Seasonal Workers, published by the Department of Building and Housing 2008.</u></li> </ul>

RD11	<u>Construction or alteration of a building for a sensitive land use that does not comply with 22.1.2 P28</u>	<p><u>Council's discretion shall be restricted to the following matters:</u></p> <p><u>a. Effects on the amenity values of the site;</u></p> <p><u>b. The risk of electrical hazards affecting the safety of people;</u></p> <p><u>c. The risk of damage to property;</u> <u>and</u> <u>Effects on the operation, maintenance and upgrading of the electrical distribution or transmission lines.</u></p>
RD12	<u>Any habitable building inside the 65 dBA L<sub>dn</sub> contour as shown on the planning maps.</u>	<p><u>Council's discretion shall be restricted to the following matters:</u></p> <p><u>a. Acoustic insulation and achievement of internal noise levels; and</u></p> <p><u>b. Design and orientation of habitable building.</u></p>

## 22.1.4 5 Discretionary Activities

(1) The activities listed below are discretionary activities.

D1	Any permitted activity that does not comply with <u>one or more of the an activity specific conditions standards</u> in Rule 22.1.2.
<del>D2</del>	<del>Any permitted activity that does not comply with Land Use – Effects Rule 22.2 or Land Use – Building Rule 22.3 unless the activity status is specified as controlled, restricted discretionary or non-complying activity.</del>
<del>D32</del>	<del>Any activity that does not comply with (Rule 22.1.3 RD1. or RD2)</del>
D43	A waste management facility <u>located outside an Aggregate Extraction Area, Coal Mining Area or Extractive Resource Area.</u>
D54	Hazardous waste storage, processing or disposal.
D65	(a) <u>An educational facility that is not a primary or secondary school.</u>  (b) <u>Educational, child care or community facilities located in an Urban Expansion Area.</u>
D76	A correctional facility.
D87	<del>An extractive–industry activity located outside an Aggregate Extraction Area, Coal Mining Area or Extractive Resource Area.</del>
<del>D9</del>	<del>A commercial activity, excluding a produce stall</del>
<del>D10</del>	<del>An industrial activity</del>
D118	<del>Travellers' Visitors' Accommodation for 6 or more than 5 people or that is within a building that was constructed after 17 January 2022.</del>
D129	Motorised <u>sport and recreation. activity</u>
D130	Transport depot.

D141	<del>Place of Assembly-Community facility</del>
D152	Afforestation of any part of an Outstanding <u>Natural Landscape or Outstanding Natural Feature</u> , <del>or Natural Character Area or High Natural Character Area</del> .
D163	A <u>dog or cat</u> boarding, <u>daycare</u> , breeding or <del>animal</del> training establishment.
D14	<u>Home stay for 6 or more guests</u> .

## 22.1.5 Non-Complying Activities

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

NC1	Construction of a building located on an indicative road <u>prior to that road being constructed and vested in Council</u> .
NC2	(a) An extractive <u>activity industry</u> located within all or part of any of the following <u>landscape and natural character areas</u> : (i) Outstanding Natural Feature; (ii) Outstanding Natural Landscape; (iii) High natural character area; <u>or</u> (iv) Outstanding Natural Character area.
NC3	(a) A waste management facility located within all or part of any of the following <u>landscape and natural character areas</u> : (i) Outstanding Natural Feature; (ii) Outstanding Natural Landscape; (iii) High Natural Character area; <u>or</u> (iv) Outstanding Natural Character Area.
NC4	(a) <u>The following activities located within the Urban Expansion Area</u> , <del>the following activities</del> : (i) intensive farming; (ii) storage, processing or disposal of hazardous waste; (iii) correctional facility; (iv) extractive <u>activity industry</u> ; (v) industrial activity, including <u>rural industry</u> ; (vi) <u>rural commercial</u> ; (vii) <u>agricultural and horticultural research facilities</u> ; ( <del>vi-viii</del> ) motorised <u>sport and recreation activity</u> ; <u>or</u> ( <del>viii</del> <u>ix</u> ) transport depot.
NC5	(a) <u>Industrial activity, excluding a rural industrial activity</u> . (b) <u>Commercial activity, excluding a produce stall or rural commercial activity</u> .
NC56	Any other activity that is not listed as Prohibited, Permitted, Restricted Discretionary or Discretionary.
NC7	<u>Buildings, structures and sensitive land use within the National Grid Yard on sites existing as of 18 July 2018 that do not comply with Rule 22.1.2 P27</u>
NC8	<u>Any new building for a sensitive land use, or addition to an existing building that involves an increase in the building envelope or height for a sensitive land use, within the National Grid Yard</u>
NC9	<u>Any change of use of an existing building to a sensitive land use within the National Grid Yard</u>
NC10	<u>The establishment of any new sensitive land use within the National Grid Yard</u>
NC11	<u>Dairy/milking sheds (excluding accessory structures and buildings), commercial greenhouses, Pseudomonas syringae pv. Actinidiae (Psa) disease control structures, or buildings for intensive farming within the National Grid Yard</u>

## 22.2 Land Use Effects

### 22.2.1 Noise

- (1) ~~Rules 22.2.1.1 to 22.2.1.3 provide the permitted noise levels for noise generated by land use activities.~~
- (1) ~~(2)~~ Rule 22.2.1.1 Noise – general provides permitted noise levels in the GRUZ – General Rural Zone.
- (2) ~~(2)~~ Noise levels for specific activities are provided in Rules 22.2.1.2 Noise – Frost Fans and 22.2.1.3 Noise – Construction.
- (3) Noise generated by activities permitted under Rule P1 are not subject to Rules P2-P4.

#### 22.2.1.1 Noise – General

P1	Farming noise, and noise generated by <u>hunting</u> , emergency generators and emergency sirens.
P2	<p>(a) Noise measured at the notional boundary on any other site in the <u>GRUZ – General Rural Zone</u> must not exceed:</p> <p>(i) 50dB (LAeq), 7am to 7pm every day;</p> <p>(ii) 45dB (LAeq), 7pm to 10pm every day;</p> <p>(iii) 40dB (LAeq) and 65dB (LAmax), 10pm to 7am the following day.</p> <p>(b) <u>Noise measured within any site in any zone, other than the GRUZ – General Rural Zone, must meet the permitted noise levels for that zone.</u></p> <p>(c) <u>Noise levels must be measured in accordance with the requirements of New Zealand Standard NZS 6801:2008 “Acoustics – Measurement of Environmental Sound”.</u></p> <p>(d) <u>Noise levels must be assessed in accordance with the requirements of New Zealand Standard NZS 6802:2008 “Acoustic – Environmental noise”.</u></p>
P3	<del>(a) Noise measured within any site in any zone, other than the Rural Zone, must meet the permitted noise levels for that zone.</del>
P4	<p><del>(a) Noise levels must be measured in accordance with the requirements of New Zealand Standard NZS 6801:2008 “Acoustics – Measurement of Environmental Sound”.</del></p> <p><del>(b) Noise levels must be assessed in accordance with the requirements of New Zealand Standard NZS 6802:2008 “Acoustic – Environmental noise”.</del></p>
D1	Noise that does not comply with Rule 22.2.1.1 P1, P2, <del>P3</del> or P4.

#### Rule 22.2.1.2 – Frost Fans

P1	<p>(a) Noise generated by a frost fan must not exceed 55dB (LAeq) when measured at the notional boundary on any site in the <u>GRUZ – General Rural Zone</u> and within any site in the <u>MRZ – Medium Density Residential</u>, <u>LLRZ – Large Lot Residential</u>, <u>Country Living RLZ – Rural Lifestyle Zone</u>, <u>Village SETZ - Settlement Zone</u> or <u>GRZ – General Residential Zone</u>.</p> <p>(b) <u>Noise levels must be measured in accordance with the requirements of New Zealand Standard NZS 6801:2008 Acoustics - Measurement of Environmental Sound.</u></p>
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	(c) <u>Noise levels must be assessed in accordance with the requirements of New Zealand Standard NZS 6802:2008 Acoustic- Environmental noise.</u>
RD I	(a) Noise generated by a frost fan that does not comply with Rule 22.2.1.2 PI. (b) <u>Council's discretion is restricted to:</u> (i) <u>effects on amenity values;</u> (ii) <u>the location and proximity of the fans to sensitive activities;</u> (iii) <u>noise levels;</u> (iv) <u>the adequacy of any mitigation.</u>

### 22.2.1.3 Noise – Construction

PI	(a) Construction noise generated from a construction site must <del>not exceed</del> <u>meet</u> the limits in New Zealand Standard NZS 6803:1999 (Acoustics – Construction Noise). (b) Construction noise must be measured and assessed in accordance with the requirements of New Zealand Standard NZS6803:1999 'Acoustics – Construction Noise'.
RD I	(a) Construction noise that does not comply with Rule 22.2.1.3 PI. (b) Council's discretion is restricted to <del>the following matters:</del> (i) effects on amenity values; (ii) hours and days of construction; (iii) noise levels; (iv) timing and duration; (v) methods of construction.

### 22.2.1.4 Noise – Extractive activity

PI	(a) <u>Noise generated by extractive activity from a facility existing or operating under resource consent at 17 January 2022, shall be measured at the notional boundary of any residential unit existing at 25 September 2004, or at any site in a GRZ – General Residential, MRZ – Medium Density Residential, LLRZ – Large Lot Residential, SETZ - Settlement or RLZ – Rural Lifestyle Zone;</u>  (b) <u>Noise generated by new extractive activity located within a Coal Mining Area, Aggregate Extraction Area, or Extractive Resource Area shall be measured at the notional boundary of any residential, or at any site in a Residential, MRZ – Medium Density Residential, LLRZ – Large Lot Residential, SETZ - Settlement or RLZ – Rural Lifestyle Zone;</u>  (c) <u>Noise generated from extractive activity subject to clause (a) or (b) shall not exceed:</u> (iv) <u>55dB (L<sub>Aeq</sub>), 7am to 7pm Monday to Friday;</u> (v) <u>55dB (L<sub>Aeq</sub>), 7am to 6pm Saturday;</u> (vi) <u>50dB (L<sub>Aeq</sub>), 7pm to 10pm Monday to Friday;</u> (vii) <u>50dB (L<sub>Aeq</sub>), 7am to 6pm Sundays and Public Holidays;</u> (viii) <u>45dB (L<sub>Aeq</sub>) and 70dB (L<sub>AFmax</sub>) at all other times including Public Holidays;</u>  (d) <u>Noise levels must be measured in accordance with the requirements of New Zealand Standard NZS 6801:2008 "Acoustics – Measurement of Environmental Sound";</u>
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	(e) <u>Noise levels must be assessed in accordance with the requirements of New Zealand Standard NZS 6802:2008 "Acoustic – Environmental noise".</u>
DI	<u>Noise that does not comply with Rule 22.2.1.4 PI.</u>

### 22.2.2 Glare and Artificial Light Spill

PI	<p>(a) Illumination from glare and artificial light spill shall not exceed 10 lux measured horizontally and vertically at the notional boundary on any other site in the <u>GRUZ – General Rural Zone</u>; at any road boundary or within any other site in the <u>GRZ – General Residential, MRZ – Medium Density Residential, LLRZ – Large Lot Residential, Village SETZ - Settlement or Country Living RLZ – Rural Lifestyle Zones</u>;</p> <p>(b) Rule 22.2.2 PI (a) does not apply to vehicles used in farming activities and agricultural equipment.;</p> <p>(c) <del>Any artificial lighting from vehicles used in farming activities and agricultural equipment shall be operated so that direct or indirect illumination does not create a nuisance to occupants of adjoining or nearby sites.</del></p>
RD1	<p>(a) Illumination from glare and artificial light spill that does not comply with Rule 22.2.2 PI.</p> <p>(b) Council's discretion is restricted to <del>the following matters</del>:</p> <p>(i) effects on amenity values;</p> <p>(ii) <u>effects of light spill levels on other sites</u>;</p> <p>(iii) road safety;</p> <p>(iv) duration and frequency;</p> <p>(v) location and orientation of the light source;</p> <p>(vi) mitigation measures;</p> <p>(vii) location and orientation of the light source.</p>

### 22.2.3 Earthworks

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

#### 22.2.3.1 Earthworks – General

PI	<p>(a) <del>Except as otherwise specified in Rule 22.2.3.2, Rule 22.2.3.3 or Rule 22.2.3.4 Earthworks for:</del></p> <p>(i) Ancillary rural earthworks;</p> <p>(ii) <u>A farm quarry where the volume of aggregate extracted does not exceed 1000m<sup>3</sup> per in any single consecutive 12 month period;</u></p> <p><del>(iii) Construction and/or maintenance of tracks, fences or drains;</del></p>
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	<p>(iii) <u>Earthworks required to form a A-building platform that will be subject to a building consent for a residential activity, including accessory buildings, where undertaken in accordance with NZS 4431:1989 Code of Practice for Earth Fill for Residential Development;</u></p> <p>(iv) <u>Earthworks are setback 5m horizontally from any waterway, open drain or overland flow path, unless undertaken in order to construct a building permitted under Rule 22.3.7.5 P2.</u></p> <p>(b) <u>Earthworks ancillary to a conservation activity must meet the following standards:</u></p> <p>(i) <u>Sediment resulting from the earthworks is managed on the site through implementation and maintenance of erosion and sediment controls.</u></p>
P2	<p><u>With the exception of earthworks for the activities listed in Rule 22.2.3.1 P1</u></p> <p>(a) <u>Earthworks within a site must meet all of the following conditions standards:</u></p> <p>(i) <u>Do not exceed a volume of more than 1000m<sup>3</sup> and an area of more than 2000m<sup>2</sup> over in any single consecutive 12 month period;</u></p> <p>(ii) <u>The total combined depth of any excavation (excluding drilling) or filling does not exceed 3m above or below natural ground level;</u></p> <p>(iii) <u>Take place on land with a maximum slope of 1:2 (1 vertical to 2 horizontal);</u></p> <p>(iv) <u>Earthworks are setback a minimum of 1.5m from all boundaries;</u></p> <p>(v) <u>Areas exposed by earthworks are stabilised on completion and any remaining bare ground re-vegetated to achieve 80% ground cover within 6 months of the commencement of the earthworks; and</u></p> <p>(vi) <u>Sediment resulting from the earthworks is managed retained on the site through implementation and maintenance of erosion and sediment controls.</u></p> <p><del>(vii) Do not divert or change the nature of natural water flows, water bodies or established drainage paths.</del></p>
P3	<p><del>(a) Earthworks for the purpose of creating a building platform for residential purposes within a site, using imported fill material must meet the following condition:</del></p> <p><del>(i) Be carried out in accordance with NZS 4431:1989 Code of Practice for Earth Fill for Residential Development.</del></p>
P43	<p><u>With the exception of earthworks for the activities listed in Rule 22.2.3.1 P1</u></p> <p>(i) <u>Earthworks for purposes other than creating a building platform for residential purposes within a site, using imported cleanfill material, concrete or brick or cleanfill must meet all of the following conditions standards;</u></p> <p>(ii) <u>Do not exceed a total volume of 200 500m<sup>3</sup> in any single consecutive 12 month period;</u></p> <p>(iii) <u>Do not exceed a depth of 1m above natural ground level;</u></p> <p>(iv) <u>The slope of the resulting filled area in stable ground must does not exceed a maximum slope of 1:2 (1 vertical to 2 horizontal);</u></p> <p>(v) <u>Fill material is setback a minimum of 1.5m from all boundaries;</u></p> <p>(vi) <u>Areas exposed by filling are revegetated to achieve 80% ground cover within 6 months of the commencement of the filling earthworks; and</u></p> <p>(vii) <u>Sediment resulting from the filling is retained on the site through implementation and maintenance of erosion and sediment controls.</u></p> <p><del>(viii) Does not divert or change the nature of natural water flows, water bodies or established drainage paths.</del></p>
RD1	<p>(a) Earthworks that do not comply with Rule 22.2.3.1 P1, P2, or P3 or P4.</p> <p>(b) Council's discretion shall be limited to the following matters:</p>

	<ul style="list-style-type: none"> <li>(i) amenity values and landscape effects;</li> <li>(ii) volume, extent and depth of earthworks;</li> <li>(iii) nature of fill material;</li> <li>(iv) contamination of fill material or cleanfill;</li> <li>(v) location of the earthworks to waterways, significant indigenous vegetation and habitat;</li> <li>(vi) compaction of the fill material;</li> <li>(vii) volume and depth of fill material;</li> <li>(viii) protection of the Hauraki Gulf Catchment Area;</li> <li>(ix) geotechnical stability;</li> <li>(x) flood risk, including natural water flows and established drainage paths;</li> <li>(xi) land instability, erosion and sedimentation-;</li> <li>(xii) <u>effects on the safe, effective and efficient operation, maintenance and upgrade of infrastructure, including access.</u></li> </ul>
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### 22.2.6 Signs

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

#### 22.2.6.1 Signs – General

PI	<ul style="list-style-type: none"> <li><u>(a) A public information sign erected by a government agency or an official sign.</u></li> <li><u>(b) Signs that are located within a building or that are not visible from a road or adjoining site.</u></li> <li><u>(c) Signs permitted by (a) or (b) are not subject to P2.</u></li> </ul>
P2	<ul style="list-style-type: none"> <li>(a) A sign must comply with all of the following <del>conditions</del> <u>standards</u>: <ul style="list-style-type: none"> <li>(i) It is the only sign on the site;</li> <li>(ii) The sign is wholly contained on the site;</li> <li>(iii) The sign does not exceed 3m<sup>2</sup>;</li> <li>(iv) The sign height does not exceed 3m;</li> <li>(v) The sign is not illuminated,</li> <li>(vi) The sign does not contain any moving parts, fluorescent, flashing or revolving lights or reflective materials;</li> <li>(vii) The sign is set back at least 50m from a state highway and the Waikato Expressway;</li> <li>(viii) The sign is not attached to a notable tree identified in Schedule 30.2 (Notable Trees), except for the purpose of identification;</li> <li>(ix) The sign is not attached to a heritage item listed in Schedule 30.1 (Historic Heritage Items) except for the purpose of identification and interpretation;</li> <li>(x) The sign is <u>is for the purpose of identification and interpretation of</u> <del>not attached to</del> a Maaori site of significance listed in Schedule 30.3 (Maaori Sites of Significance) <del>except for the purpose of identification and interpretation;</del></li> <li>(xi) The sign relates to: <ul style="list-style-type: none"> <li>A. Goods or services available on the site; or</li> <li>B. A property name sign.</li> </ul> </li> </ul> </li> </ul>

P3	<p>(a) A real estate <del>for sale</del> sign relating to the site on which it is located must <u>comply with all of the following standards:</u> <del>not:</del></p> <ul style="list-style-type: none"> <li>(i) Have <u>no</u> more than <u>3</u> signs per site <del>agency</del>;</li> <li>(ii) <u>Be</u> <del>The sign is not</del> illuminated;</li> <li>(iii) <u>The sign does not c</u>ontain any moving parts, fluorescent, flashing or revolving lights or reflective materials;</li> <li>(iv) <u>The sign does not exceed 3m<sup>2</sup></u>;</li> <li>(v) <u>Any real estate sign shall be removed within 20 working days of the sale or lease being settled.</u></li> </ul> <p><del>Project into or over road reserve.</del></p>
P4	<u>Official sign</u>
P5	<u>Signs that are located within a building or that are not visible from a road or adjoining site.</u>
RD1	<p>(a) Any sign that does not comply with Rule 22.2.6.1 P1, P2 or P3.</p> <p>(b) Council's discretion is restricted to <del>the following matters:</del></p> <ul style="list-style-type: none"> <li>(i) amenity values;</li> <li>(ii) rural character of the locality;</li> <li>(iii) effects on traffic safety;</li> <li>(iv) effects of glare and artificial light spill;</li> <li>(v) content, colour and location of the sign;</li> <li>(vi) effects on notable trees;</li> <li>(vii) effects on the heritage values of any heritage item due to the size, location, design and appearance of the sign;</li> <li>(viii) effects on cultural values of any Maori site of significance;</li> <li>effects on notable architectural features of the building.</li> </ul>

### 22.2.6.2 Signs - effects on traffic

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

## 22.3 Land Use – Building

### 22.3.1 Number of dwellings residential units and seasonal worker accommodation within a lot

PI	(a) One <del>dwelling</del> <u>residential unit</u> within a <del>lot</del> <u>Record of Title</u> containing <u>an area</u> less than 40ha;
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	<p>(b) <del>No more than two dwellings</del> Within a <del>lot</del> Record of Title containing <u>an area of 40ha or more, one additional residential unit is permitted for every additional 40ha of area up to a maximum of three residential units;</u></p> <p>(c) <u>One seasonal worker accommodation shall be located within a Record of Title containing an area of 20ha or more;</u></p> <p>(d) <u>Any <del>dwelling(s)</del> residential unit(s) under Rule 22.3.1 PI (a) and (b), or seasonal worker accommodation under Rule 22.3.1 PI (c) must not be located within any of the following landscape and natural character areas:</u></p> <ul style="list-style-type: none"> <li>(i) Outstanding Natural Feature;</li> <li>(ii) Outstanding Natural Landscape;</li> <li>(iii) Outstanding Natural Character Area; <u>or</u></li> <li>(iv) High Natural Character Area.</li> </ul>
DI	<p>(a) <u>A <del>dwelling</del> residential unit that <del>does not</del> complies with Rule 22.3.1 PI(a) or (b) and is located within an area listed in (d).</u></p> <p>(b) <u>Seasonal worker accommodation that complies with Rule 22.3.1 PI(c) and is located within an area listed in (d).</u></p>
NCI	<p>(a) <u>A residential unit that does not comply with Rule 22.3.1 PI(a) or (b).</u></p> <p>(b) <u>Seasonal worker accommodation that does not comply with Rule 22.3.1 PI(c).</u></p>

### 22.3.2 Minor dwelling residential units

PI	<p>(a) One minor <u>residential unit dwelling</u> not exceeding <del>70</del> <u>120</u>m<sup>2</sup> gross floor area (<u>excluding accessory buildings</u>) within a Record of Title <del>lot</del>.</p> <p>(b) <u>The minor residential unit shall be located on the same Record of Title as an existing residential unit and shall:</u> <del>Where there is an existing dwelling located within a lot:</del></p> <ul style="list-style-type: none"> <li>(i) <del>The minor dwelling must be</del> <u>Be</u> located within <del>2</del> <u>100</u>m of the <u>existing residential unit dwelling</u>;</li> <li>(ii) <del>The minor dwelling must</del> <u>Share</u> a single driveway access with the existing <u>residential unit dwelling</u>.</li> </ul> <p>(c) <u>Any minor residential unit must not be located within any of the following landscape or natural character areas:</u></p> <ul style="list-style-type: none"> <li>(i) <u>Outstanding Natural Feature;</u></li> <li>(ii) <u>Outstanding Natural Landscape;</u></li> <li>(iii) <u>Outstanding Natural Character Area; or</u></li> <li>(iv) <u>High Natural Character Area.</u></li> </ul>
DI	A minor <u>residential unit dwelling</u> that does not comply with Rule 22.3.2.PI.

### 22.3.4 Height

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

#### 22.3.4.1 Height – Building General

PI	<p>The maximum height of any building <u>or structure</u> measured from the natural ground level immediately below that part of the structure must not exceed <u>150m</u>, except:</p> <p>(i) <u>The maximum height is 10m where located within 50m of a road or internal boundary;</u>  (ii) <u>For hose drying towers associated with emergency service facilities the maximum height is 15m.</u></p> <p><u>(b) Chimneys not exceeding 1m in width and finials shall not exceed a maximum height of 17m measured from the natural ground level immediately below the structure, except where located within 50m of a road or internal boundary where the maximum height is 12m.</u></p> <p><u>Note: the height of frost fans is subject to Rule 22.3.4.2</u></p>
P2	The height of any dwelling or building must not exceed 7.5m in a Significant Amenity Landscape.
DI	Any building that does not comply with Rule 22.3.4.1 PI or P2.

#### 22.3.4.2 Height – Frost Fans

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

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

The provisions notified under this heading are addressed in Decision Report 26: Te Kowhai Airpark Zone.

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

P1	The maximum height of any building, structure or vegetation within a battlefield view shaft as shown on the planning map must not exceed 5m.
D1	Any building, structure or vegetation that does not comply with Rule 22.3.4.4 P1

#### 22.3.5 ~~Daylight admission~~ Height in relation to boundary

P1	A building <u>or structure (excluding poles or aerals)</u> must not protrude through <u>the height in relation to boundary</u> <del>a height control plane</del> rising at an angle of <del>45</del> <sup>37</sup> degrees commencing at an elevation of 2.5m above ground level at every point of the site boundary.
RD1	<p>(a) A building that does not comply with Rule 22.3.5 PI.</p> <p>(b) Council's discretion is restricted to <del>the following matters:</del></p> <p>(i) Height of <u>the</u> building;  (ii) Design and location of the building;  (iii) Admission of daylight and sunlight to the site and other site;  (iv) Privacy on <u>any</u> other site; <u>and</u>  (v) Amenity values of the locality.</p>

#### 22.3.6 Building coverage

PI	(a) The total building coverage must not exceed <del>the larger of:</del>
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	<p>(i) <u>42% of the site area or 500m<sup>2</sup> (whichever is larger) for sites smaller than 10ha; or</u></p> <p>(ii) <u>500m<sup>2</sup> for sites larger than 10ha.</u></p> <p><u>Rule 22.3.6 P1(a) does not apply:</u></p> <p><u>(i) To a structure that is not a building; or</u></p> <p><u>(ii) Eaves of a building that project less than 750mm horizontally from the exterior wall of the building.</u></p> <p>(b) <u>No site coverage limit applies to Artificial Crop Protection Structures that meet the following standards:</u></p> <p>(i) <u>Green or black cloth shall be used on vertical faces within 30m of the site boundary;</u></p> <p>(ii) <u>Green, black or white cloth shall be used on horizontal surfaces.</u></p>
P2	<u>The total building coverage at Dilworth Rural Campus (Lot 2 DP 52908 and Lot 1 DP 210935) must not exceed 10,000m<sup>2</sup>.</u>
D1	A building that does not comply with Rule 22.3.6 P1.

### 22.3.7 Building setbacks

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

#### 22.3.7.1 Building Setbacks – All boundaries

P1	<p>(a) A habitable building located on a <del>site</del> <u>Record of Title</u> less than 1.6ha must be set back a minimum of:</p> <ol style="list-style-type: none"> <li>(i) 7.5m from the road boundary;</li> <li>(ii) 17.5m from the centre line of an indicative road;</li> <li>(iii) 25m from the boundary of an adjoining site that is 6ha or more;</li> <li>(iv) 12m from the boundary of an adjoining site that is less than 6ha.</li> </ol>
P2	<p>(a) A non-habitable building <u>or structure</u> located on a Record of Title less than 1.6ha must be set back a minimum of:</p> <ol style="list-style-type: none"> <li>(i) 7.5m from the road boundary;</li> <li>(ii) 17.5m from the centre line of an indicative road;</li> <li>(iii) 12m from every boundary other than a road boundary.</li> </ol> <p>(b) <u>This rule does not apply to fences or structures less than 2m in height, retaining walls, poles or aerials.</u></p>

P3	(a) A habitable building located on a Record of Title 1.6ha or more must be set back a minimum of: (i) 12m from the road boundary; (ii) 22m from the centre line of an indicative road; (iii) 25m from every boundary other than a road boundary.
P4	(a) A non-habitable building <u>or structure</u> located on a Record of Title 1.6ha or more must be set back a minimum of: (i) 12m from the road boundary; (ii) 22m from the centre line of an indicative road; (iii) 12m from every boundary other than a road boundary. (b) <u>This rule does not apply to fences or structures less than 2m in height, retaining walls, poles or aerials.</u>
P5	<u>Any building at Dilworth Rural Campus (Lot 2 DP 52908 and Lot 1 DP 210936) must be set back a minimum of 12m from any site boundary.</u>
RD I	(a) A building that does not comply with Rule 22.3.7.1 P1, P2, P3 or P4. (b) Council's discretion is restricted to <del>the following matters</del> : (i) <u>Effects on rural amenity values;</u> (ii) <del>effects on traffic transport network safety and efficiency;</del> (iii) <u>reverse sensitivity effects;</u> (iv) <u>where the road boundary is with an unformed paper road the likelihood of the road being formed or readily utilised by the public.</u>

#### Rule 22.3.7.2 – Building setback – sensitive land uses

PI	(a) Any building for a sensitive land use must be set back a minimum of: (i) 5m from the designated boundary of the railway corridor; (ii) 15m from a national route or regional arterial road; (iii) 35m from the designated boundary of the Waikato Expressway; (iv) 200m from an <u>Aggregate Extraction Area or Extractive Resource Area</u> containing a sand resource; (v) 500m from an <u>Aggregate Extraction Area or Extractive Resource Area</u> containing a rock resource, or a <u>Coal Mining Area</u> ; (vi) 100m from a site in the Tamahere Commercial Areas A and C; (vii) 300m from the boundary of <u>buildings or outdoor enclosures used for another site containing an intensive farming activity. This setback does not apply to sensitive activities located on the same site as the intensive farming activity;</u> (viii) 300m from oxidation ponds that are part of a municipal wastewater treatment facility on another site; (ix) 30m from a municipal wastewater treatment facility where the treatment process is fully enclosed; <u>and</u> (x) <u>not be located within the Te Uku wind farm 40 dBA L<sub>95</sub> noise contour shown on the planning maps.</u>
DI	Any building for a sensitive land use that does not comply with Rule 22.3.7.2 PI.

### 22.3.7.4 Building – Noise Sensitive Activities

PI	(a) Construction of, or addition, or alteration to a building containing a noise sensitive activity must comply with Appendix I (Acoustic Insulation) within: <ul style="list-style-type: none"> <li>(i) The Airport Noise Outer Control Boundary;</li> <li>(ii) 350m of the Huntly Power Station site boundary;</li> <li>(iii) The Waikato Gun Club Noise Control Boundary.</li> </ul>
RD1	(a) Construction of, or addition, or alteration to a building that does not comply with a <del>condition standard</del> in Rule 22.3.7.4 .PI. (b) Council's discretion is restricted to <del>the following matters</del> : <ul style="list-style-type: none"> <li>(i) internal design sound levels;</li> <li>(ii) on-site amenity values; and</li> <li>(iii) potential for reverse sensitivity effects.</li> </ul>

### 22.3.7.5 Building setback – water bodies

PI	(a) Any building <u>other than provided for under Rules P2 or P3</u> must be set back a minimum of: <ul style="list-style-type: none"> <li>(i) 32m from the margin of any;                 <ul style="list-style-type: none"> <li>A. Lake <u>with a size of 8ha or more</u>; and</li> <li>B. Wetland;</li> </ul> </li> <li>(ii) <u>32m 23m</u> from the bank of any river <u>with an average width of 3m or more</u> (other than the Waikato River and Waipa River);</li> <li>(iii) <u>37m 28m</u> from the banks of the Waikato River and Waipa River; <del>and</del></li> <li>(iv) <u>12m</u> from the bank of any river with an average width of 3m or less;</li> <li>(v) <u>12m</u> from the margin of any lake with a size of less than 8ha; and</li> <li>(vi) <u>32m 23m</u> from mean high water springs.</li> </ul>
P2	A public amenity <u>building, or maimai used for temporary waterfowl hunting purposes</u> , of up to 25m <sup>2</sup> in size, <del>and a pump shed within any building setback identified in Rule 22.3.7.5 PI.</del>
P3	A pump shed (public or private) set back a minimum of 5m from any waterbody.
RD1 <del>D+</del>	(a) Any building that does not comply with Rule 22.3.7.5 PI, P2 or P3. (b) Council's discretion is restricted to: <ul style="list-style-type: none"> <li>(i) <u>Effects on the landscape, ecological, cultural and recreational values of the adjacent water body;</u></li> <li>(ii) <u>Adequacy of erosion and sediment control measures;</u></li> <li>(iii) <u>The functional or operational need for the building to be located close to the waterbody;</u></li> <li>(iv) <u>Effects on public access to the waterbody;</u></li> <li>(v) <u>Effects on rural character and amenity.</u></li> </ul>

### 22.3.7.6 Building setback – Te Kauwhata Environmental Protection Area

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

The following tracked change text has no legal status. Its sole purpose is to help submitters understand the Hearing Panel's changes to the notified provisions. Our formal decision, which is in the National Planning Standard format, can be found on the Waikato District Council website.

## 22.4 Subdivision - Rules

- (1) Rule 22.4.1.1 lists prohibited subdivision activities in the GRUZ – General Rural Zone.
- (2) The following rules provide for various types of subdivision in the GRUZ – General Rural Zone:
  - (a) Rule 22.4.1.2 - General Subdivision
  - (b) Rule 22.4.1.3 – Subdivision of Maaori Freehold Land
  - (c) Rule 22.4.1.4 - Boundary Relocation
  - (d) Rule 22.4.1.5 - Rural Hamlet Subdivision
  - ~~(e) Rule 22.4.1.6 - Conservation Lot Subdivision~~
  - (f) ~~Rule 22.4.1.7 - Reserve Lot Subdivision.~~
- (3) The following rules apply to the types of subdivision provided for in Rules 22.4.1.2 to 22.4.1.7:
  - (a) Rule 22.4.2 Title boundaries – Existing building s(natural hazard area, contaminated land, significant amenity landscape, notable trees, intensive farming and aggregate extraction areas.
  - (b) Rule 22.4.3 Significant Natural Areas, heritage items, Maaori sites of significance, and Maaori areas of significance and notable trees
  - (c) Rule 22.4.4 Road frontage
  - (d) Rule 22.4.5 Subdivision within identified areas
  - (e) Rule 22.4.6 Subdivision of land containing all or part of an Environmental Protection Area
  - (f) Rule 22.4.7 Esplanade Reserve and Esplanade strips
  - ~~(g) Rule 22.4.8 Subdivision of land containing heritage items~~
  - (h) Rule 22.4.9 Subdivision – building platform.
  - (i) 22.4.10 Subdivision within the National Grid Subdivision Corridor

### 22.4.1.1 Prohibited subdivision

The following activities are prohibited activities. No application for resource consent can be made for a prohibited activity and no resource consent can be granted:

PR1	<del>Any subdivision within the Urban Expansion Area involving the creation of any additional lot.</del>
PR2	<p>(a) Subdivision of <u>land for which a Record of Title was issued prior to 6 December 1997, which results in the land comprised in more than one additional Record of Title lot allotment</u> being located on <u>any</u> high class soil.</p> <p>(b) Exceptions to PR2(a) are where an additional <del>lot</del> <u>allotment</u> is created by any of the following rules:</p> <ol style="list-style-type: none"> <li><del>(i) The conservation lot subdivision (Rule 22.4.1.6);</del></li> <li>(i) Reserve lot subdivision (Rule 22.4.1.7);</li> <li>(ii) Access allotment or utility allotment using Rule 14.12 (Transportation);</li> <li>(iii) Subdivision of Maaori Freehold Land (Rule 22.4.1.3);</li> <li>(iv) <u>A boundary relocation (Rule 22.4.1.4, including D2 within the Urban Expansion Area) or rural hamlet subdivision (Rule 22.4.1.5), where the subdivision creates any additional allotments on land comprised in one Record of Title which existed prior to the subdivision and where there are no additional Records of Title created overall as a result of the subdivision.</u></li> </ol>
PR3	(a) Subdivision of <u>land for which a Record of Title was issued after 6 December 1997, which results in the land comprised in any additional lot allotment</u> being located on <u>any</u> high class soil.

	<p>(b) Exceptions to PR3(a) are where an additional <del>lot</del> <u>allotment</u> is created by any of the following:</p> <ul style="list-style-type: none"> <li><del>(i) Conservation lot subdivision (Rule 22.4.1.6);</del></li> <li>(i) Reserve lot subdivision (Rule 22.4.1.7);</li> <li>(ii) Access allotment or utility allotment using Rule 14.12 (Transportation);</li> <li>(iii) Subdivision of Maori Freehold land (Rule 22.4.1.3);</li> <li>(iv) <u>A boundary relocation (Rule 22.4.1.4, including D2 within the Urban Expansion Area) or rural hamlet subdivision (Rule 22.4.1.5), where the subdivision creates any additional allotment on land comprised in one Record of Title which existed prior to the subdivision and where there are no additional Records of Title created overall as a result of the subdivision.</u></li> </ul> <p>(c) Rule PR3(a) does not apply to the following:</p> <ul style="list-style-type: none"> <li>(i) a boundary relocation or adjustment between Records of Title that existed prior to 6 December 1997; (refer to Rule 22.4.1.4); or</li> <li>(ii) a process other than subdivision under the Resource Management Act 1991.</li> </ul>
PR4	<p>(a) <u>Notwithstanding rule PR3(c)(ii) Any proposed subdivision where of any record of title that has been used as a donor lot has been created for the purpose of a transferable rural lot right subdivision under the provisions of the previous Operative Waikato District Plan – Franklin Section, except where the historical transfer of any consented environmental lots has not resulted in-situ. by either:</u></p> <ul style="list-style-type: none"> <li><del>(i) Amalgamation; or</del></li> <li><del>(ii) Re-survey</del></li> </ul> <p>(b) <u>Exceptions to PR4(a) are where an additional allotment is created by any of the following:</u></p> <ul style="list-style-type: none"> <li>(i) <u>Reserve lot subdivision (Rule 22.4.1.7);</u></li> <li>(ii) <u>Access allotment or utility allotment using Rule 14.12 (Transportation);</u></li> <li>(iii) <u>Subdivision of Maori Freehold land (Rule 22.4.1.3);</u></li> <li>(iv) <u>A boundary relocation (Rule 22.4.1.4) or rural hamlet subdivision (Rule 22.4.1.5), where the subdivision creates an additional allotment on land comprised in one Record of Title which existed prior to the subdivision and where there are no additional Records of Title created overall as a result of the subdivision.</u></li> </ul>

### 22.4.1.2 General subdivision

RDI	<p>(a) Subdivision must comply with all of the following <del>conditions</del> <u>standards</u>:</p> <ul style="list-style-type: none"> <li>(i) The Record of Title to <u>the allotment to be subdivided</u> must have issued prior to 6 December 1997;</li> <li>(ii) The Record of Title to be subdivided <u>is not a Record of Title created by section 14 of the Land Transfer Act 2017 and must be at least 20 40 hectares in area;</u></li> <li>(iii) The proposed subdivision must create no more than one additional <del>lot</del> <u>allotment</u>, excluding an access allotment <u>or utility allotment for every complying record of title;</u></li> <li>(iv) The additional <del>lot</del> <u>allotment</u> must have a proposed area of between 8,000m<sup>2</sup> and 1.6 ha;</li> <li>(v) <u>Where the land to be subdivided contains high class soil (as determined by a property scale site specific assessment Land Use Capability Assessment-Classification prepared by a suitably qualified person), the additional allotment created by the subdivision, exclusive of the balance area, must not contain more than 15% of its total land area as high class soils within the allotment. must be contained within the boundaries of only two lots as follows:</u> <ul style="list-style-type: none"> <li><del>A. one lot must contain a minimum of 80% of the high class soil; and</del></li> <li><del>B. the other lot may contain up to 20% of high class soil.</del></li> </ul> </li> </ul> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) subdivision layout and design including dimensions, shape and orientation of the proposed <del>lot</del> <u>allotment</u>;</li> </ul>
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	<p>(ii) effects on rural character and amenity values;</p> <p>(iii) effects on landscape values;</p> <p>(iv) potential for <u>subdivision and subsequent activities to adversely affect adjoining activities through reverse sensitivity effects;</u></p> <p>(v) extent of earthworks including earthworks for the location of building platforms and accessways;</p> <p>(vi) <u>Effects on rural productivity and the availability of high class soils;</u></p> <p>(vii) <u>The provision of infrastructure, including water supply accessible for firefighting;</u></p> <p>(viii) <u>The subdivision layout and design in regard to how this may impact on the operation, maintenance, upgrading and development of infrastructure assets, or give rise to reverse sensitivity effects on existing land transport networks.</u></p> <p><u>Note: Some subdivision is a prohibited activity in accordance with Rule 22.4.1.1. Subdivision to create a reserve in as set out in Rule 22.4.1.7 is not subject to this rule.</u></p>
<u>D1</u>	<p>(a) <u>Any subdivision within the Urban Expansion Area where the following standards are met:</u></p> <p>(i) <u>The Record of Title to be subdivided must have been issued prior to 18 July 2018;</u></p> <p>(ii) <u>The Record of Title must be at least 1.6 hectares in area;</u></p> <p>(iii) <u>The additional Record of Title must contain a lawfully established dwelling existing as of 18 July 2018;</u></p> <p>(iv) <u>The additional Record of Title must have a net site area between 3,000m<sup>2</sup> and 1 hectare;</u></p> <p>(v) <u>A consent notice must be registered on the Record of Title for the balance lot stating that no additional residential units are permitted until such time as the lot has a Residential Zoning.</u></p>
NC1	General subdivision that does not comply with Rule 22.4.1.2. RDI.
<u>NC2</u>	<u>Any subdivision within the Urban Expansion Area involving the creation of any additional Record of Title, unless subject to Rule 22.4.1.2. D1.</u>

### 22.4.1.3 Subdivision of Maaori Freehold Land

D1	Subdivision for a full partition of Maaori Freehold Land under Te Ture Whenua Maori Act 1993.
NC1	Subdivision of Maaori Freehold Land not provided for in Rule 22.4.1.3 D1.

### 22.4.1.4 Boundary relocation

RDI	<p>(a) The boundary relocation must:</p> <p>(i) Relocate a common boundary or boundaries between two existing Records of Title.</p> <p>(ii) <u>All Records of Title used in the boundary relocation subdivision must:</u></p> <p><u>A. contain an area of at least 5,000m<sup>2</sup>;</u></p> <p><u>B. not be a road severance or stopped road;</u></p> <p><u>C. not created by section 14 of the Land Transfer Act 2017;</u></p> <p><u>D. be able to accommodate a suitable building platform in accordance with Rule 22.4.9 (subdivision rule for building platform) that existed prior to 18 July 2018;</u></p> <p>(iii) The Records of Title must form a continuous landholding;</p> <p>(iv) Not result in any additional <del>to</del> <u>Records of Title created overall as a result of subdivision;</u></p> <p>(v) Create one <del>to</del> <u>allotment</u> of at least 8000m<sup>2</sup> in area;</p>
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	<p>(vi) <del>The proposed allotments, excluding the balance allotment, must not be located on high class soils</del> <u>Where the land to be subdivided contains high class soil (as determined by a property scale site specific assessment Land Use Capability Classification prepared by a suitably qualified person), any new allotment created by the boundary relocation less than 4ha in area, must not contain more than 15% of its total land area as high class soils within the allotment; and</u></p> <p>(vii) <u>No additional potential for permitted activity residential units and no additional subdivision potential is created beyond that which already existed prior to the subdivision occurring.</u></p> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) <u>subdivision layout and design including dimension, shape and orientation of the proposed lots allotments;</u></li> <li>(ii) <u>effects on rural character and amenity values;</u></li> <li>(iii) <u>effects on landscape values; and</u></li> <li>(iv) <u>potential for subdivision and subsequent activities to adversely affect adjoining activities through reverse sensitivity effects;</u></li> <li>(v) <u>Effects on rural productivity and fragmentation of high class soils;</u></li> <li>(vi) <u>Effects on high class soils, farm management and productivity;</u></li> <li>(vii) <u>The subdivision layout and design having regard to the operation, maintenance, upgrading and development of existing infrastructure assets.</u></li> </ul>
DI	A boundary relocation that does not comply with Rule 22.4.1.4 RD1
NCI	<u>A boundary relocation within the Urban Expansion Area that is located within areas HTI and WA.</u>

### 22.4.1.5 Rural Hamlet Subdivision

RD1	<p>(a) Subdivision to create a Rural Hamlet must comply with all of the following <del>conditions</del> <u>standards</u>:</p> <ul style="list-style-type: none"> <li>(i) <del>It results in 3 to 5 proposed lots being clustered together;</del> <u>Land contained within a maximum number of 5 Records of Title may be relocated into a Rural Hamlet resulting in a single cluster of 3 to 4 proposed allotments and one balance allotment;</u></li> <li>(ii) <u>All Records of Title used in the Rural Hamlet subdivision must:</u> <ul style="list-style-type: none"> <li><u>A. contain an area of at least 5,000m<sup>2</sup>;</u></li> <li><u>B. not be a road severance or stopped road;</u></li> <li><u>C. not be created by section 14 of the Land Transfer Act 2017; and</u></li> <li><u>D. be able to accommodate a suitable building platform in accordance with Rule 22.4.9 (subdivision rule for building platform);</u></li> </ul> </li> <li>(iii) <u>All existing Records of Title form one continuous landholding;</u></li> <li>(iv) <u>Each proposed lot allotment, with the exception of the balance area, has a minimum area of 8,000m<sup>2</sup>;</u></li> <li>(v) <u>Each proposed lot allotment, with the exception of the balance area, has a maximum area of 1.6ha;</u></li> <li>(vi) <u>The proposed balance lot allotment has a minimum area of 240ha; and</u></li> <li>(vii) <u>It does not create any additional lot Records of Title beyond the number of existing Records of Title; and</u></li> <li>(viii) <u>Where the land to be subdivided contains high class soil (as determined by a property scale site specific assessment Land Use Capability Classification prepared by a suitably qualified person), the new allotments created by the rural hamlet subdivision, exclusive of the balance area, must not contain more than 15% of its total land area as high class soils within the allotment.</u></li> </ul> <p>(b) Council's discretion is restricted to the following matters:</p>
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	<ul style="list-style-type: none"> <li>(i) subdivision layout and design including dimension, shape and orientation of the proposed <del>lot</del> <u>allotments</u>;</li> <li>(ii) effects on rural character and amenity values;</li> <li>(iii) effects on landscape values;</li> <li>(iv) potential for <u>subdivision and subsequent activities to adversely affect adjoining activities through</u> reverse sensitivity<del>effects</del><sup>+</sup>;</li> <li>(v) extent of earthworks including earthworks for the location of building platforms and access ways;</li> <li>(vi) <u>Effects on rural productivity and fragmentation of high class soils</u>;</li> <li>(vii) <u>The provision of infrastructure, including water supply for firefighting purposes where practicable, wastewater services and stormwater management; and</u></li> <li>(viii) <u>The subdivision layout and design having regard to the operation, maintenance, upgrading and development of existing infrastructure assets.</u></li> </ul>
NC1	Subdivision that does not comply with Rule 22.4.1.5 RD1.
NC2	A rural hamlet subdivision within the Urban Expansion Area.

#### 22.4.1.6 Conservation lot subdivision

RD1	<p>(a) <del>The subdivision must comply with all of the following conditions:</del></p> <ul style="list-style-type: none"> <li><del>(i) The lot must contain a contiguous area of existing Significant Natural Area either as shown on the planning maps or as determined by an experienced and suitably qualified ecologist in accordance with the table 1 below;</del></li> <li><del>(ii) The area of Significant Natural Area is assessed by a suitably qualified person as satisfying at least one criteria in Appendix 2 (Criteria for Determining Significance of Indigenous Biodiversity);</del></li> <li><del>(iii) The Significant Natural Area is not already subject to a conservation covenant pursuant to the Reserves Act 1977 or the Queen Elizabeth II National Trust Act 1977;</del></li> <li><del>(iv) The subdivision proposes to legally protect all areas of Significant Natural Area by way of a conservation covenant pursuant to the Reserves Act 1977 or the Queen Elizabeth II National Trust Act 1977;</del></li> <li><del>(v) An ecological management plan is prepared to address ongoing management of the covenant area to ensure that the Significant Natural Area is self-sustaining and that plan: <ul style="list-style-type: none"> <li><del>A. Addresses fencing requirements for the covenant area;</del></li> <li><del>B. Addresses ongoing pest plant and animal control;</del></li> <li><del>C. Identifies any enhancement or edge planting required within the covenant area;</del></li> </ul> </del></li> <li><del>(vi) All proposed lots are a minimum size of 8,000m<sup>2</sup>;</del></li> <li><del>(vii) All proposed lots excluding the balance lot, must each have a maximum area of 1.6ha;</del></li> <li><del>(viii) This rule or its equivalent in a previous district plan has not previously been used to gain an additional subdivision entitlement;</del></li> </ul> <p><del>(b) Council's discretion is restricted to the following matters:</del></p> <ul style="list-style-type: none"> <li><del>(i) Subdivision layout and proximity of building platforms to Significant Natural Area;</del></li> <li><del>(ii) Matters contained in an ecological management plan for the covenant area;</del></li> <li><del>(iii) Effects of the subdivision on rural character and amenity values;</del></li> <li><del>(iv) Extent of earthworks including earthworks for the location of building platforms and access ways.</del></li> </ul>
NC1	A conservation lot subdivision that does not comply with Rule 22.4.1.6 RD1.

### 22.4.1.7 Subdivision to create a reserve and incentive lot

RDI	<p>(a) Subdivision to create a reserve must comply with all of the following <del>conditions</del> <u>standards</u>:</p> <ul style="list-style-type: none"> <li>(i) The <del>lot</del> <u>land</u> being subdivided must contain an area that is identified in a Waikato District Council Parks Strategy as being required for permanent public access or for reserve purposes;</li> <li>(ii) The area identified in the Parks Strategy as being required for permanent public access or for reserve purposes is to be vested in Council;</li> <li>(iii) No more than one additional <del>lot</del> <u>allotment in addition to the balance allotment</u> is created, excluding any land vested in Council;</li> <li>(iv) The proposed additional <del>lot</del> <u>allotment</u>, excluding the reserve, has a minimum size of 8,000m<sup>2</sup>.</li> </ul> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) Size and location of area for which public access or reserve is secured;</li> <li>(ii) Method of securing public access;</li> <li>(iii) Management of any land remaining in private ownership over which access rights are granted;</li> <li>(iv) Location of <u>the additional lot allotment</u>;</li> <li>(v) <u>The subdivision layout and design in regard to how this may impact on the operation, maintenance, upgrading and development of existing infrastructure assets.</u></li> </ul>
NCI	A reserve lot subdivision that does not comply with Rule 22.4.1.7 RDI.

### 22.4.2 Title boundaries – ~~Existing Buildings natural hazard area, contaminated land, Significant Amenity Landscape, notable trees, intensive farming activities, aggregate extraction areas~~

RDI	<p><del>(a) Subdivision of land containing any natural hazard area, contaminated land, Significant Amenity Landscape, notable trees, intensive farming activities or Aggregate Extraction Areas must comply with all of the following conditions:</del></p> <p>(a) The boundaries of every proposed <del>lot</del> allotment containing existing buildings must demonstrate that existing buildings comply with the Land Use-Building rules in Rule 22.3 relating to:</p> <ul style="list-style-type: none"> <li>(i) Rule 22.3.1 (Number of <u>residential units</u> within a Record of Title);</li> <li>(ii) Rule 22.3.5 (Daylight admission);</li> <li>(iii) Rule 22.3.6 (Building coverage);</li> <li>(iv) Rule 22.3.7 (Building setbacks);</li> <li>(v) <u>Rule 22.3.7.2 (Building setback sensitive land use).</u></li> </ul> <p>(b) Rule 22.4.2 RDI (a)(i) does not apply to any non-compliance with the Land Use-Building rules in Rule 22.3 that existed lawfully prior to the subdivision.</p> <p><del>(a) The boundaries of every proposed lot must not divide any of the following:</del></p> <ul style="list-style-type: none"> <li><del>A. A natural hazard area;</del></li> <li><del>B. Contaminated land;</del></li> <li><del>C. Significant Amenity Landscape;</del></li> <li><del>D. Notable trees.</del></li> </ul> <p>(c) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> <li><del>(i) landscape values;</del></li> </ul>
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	<ul style="list-style-type: none"> <li><del>(ii) amenity values and character;</del></li> <li>(iii) reverse sensitivity effects;</li> <li>(iv) effects on existing buildings;</li> <li><del>(v) effects on natural hazard areas;</del></li> <li><del>(vi) effects on contaminated land;</del></li> <li><del>(vii) effects on any notable trees;</del></li> <li>(viii) effects on an intensive farming activity;</li> <li>(ix) effects on any Aggregate Extraction Area.</li> </ul>
DI	Subdivision that does not comply with Rule 22.4.2 RD1.

### 22.4.3 Title boundaries – Significant Natural Areas, heritage items, Maaori sites of significance and Maaori areas of significance

RD1	<ul style="list-style-type: none"> <li>(a) The boundaries of every proposed lot must not divide any of the following: <ul style="list-style-type: none"> <li>(i) Significant Natural Areas;</li> <li>(ii) Heritage items as identified in Schedule 30.1 (Historic Heritage Items);</li> <li>(iii) Maaori sites of significance as identified in Schedule 30.3 (Maaori sites of significance);</li> <li>(iv) Maaori areas of significance as identified in Schedule 30.4 (Maaori areas of significance).</li> </ul> </li> <li>(b) Council's discretion shall be limited to the following matters: <ul style="list-style-type: none"> <li>(i) Effects on Significant Natural Areas (SNAs);</li> <li>(ii) Effects on heritage items;</li> <li>(iii) Effects on Maaori sites of significance;</li> <li>(iv) Effects on Maaori areas of significance</li> </ul> </li> </ul>
DI	Subdivision that does not comply with Rule 22.4.3 RD1.

### 22.4.4 Subdivision - Road frontage

RD1	<ul style="list-style-type: none"> <li>(a) Every proposed <del>lot</del> <u>allotment</u> as part of the subdivision with a road boundary, other than proposed <del>lot</del> <u>allotment</u> containing an access or utility allotment, right of way or access leg must have a width along the road boundary of at least 60m.</li> <li>(b) Council's discretion is restricted to the following matters: <ul style="list-style-type: none"> <li>(i) Safety and efficiency of vehicle access and <del>road network</del> <u>land transport</u>;</li> <li>(ii) Amenity values and rural character.</li> </ul> </li> </ul>
DI	Subdivision that does not comply with Rule 22.4.4 RD1.

### 22.4.5 Subdivision within identified areas

DI	<ul style="list-style-type: none"> <li>(a) Subdivision of any land containing any of the following areas: <ul style="list-style-type: none"> <li>(i) High Natural Character Area;</li> <li>(ii) Outstanding Natural Character Area;</li> <li>(iii) Outstanding Natural Landscape;</li> <li>(iv) Outstanding Natural Feature;</li> <li><del>(v) Significant Amenity Landscape dune;</del></li> <li>(vi) Coal Mining Area;</li> <li>(vii) Aggregate Resource Area;</li> <li>(viii) Aggregate Extraction Area.</li> </ul> </li> </ul>
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### 22.4.6 Subdivision of land containing all or part of an Environmental Protection Area

RD1	<ul style="list-style-type: none"> <li>(a) Subdivision of land containing all or part of an Environmental Protection Area identified on the planning maps must include the following:</li> </ul>
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	<ul style="list-style-type: none"> <li>(i) A planting and management plan is submitted to Council for the Environmental Protection Area prepared by a suitably qualified person, containing exclusively indigenous species suitable to the area and conditions.</li> <li>(b) Council's discretion is restricted to the following matters: <ul style="list-style-type: none"> <li>(i) measures proposed in the planting and management plan;</li> <li>(ii) vesting of reserve land in Council if appropriate;</li> <li>(iii) effects on amenity values;</li> <li>(iv) effects on ecological values;</li> <li>(v) effects on stormwater management;</li> <li>(vi) <u>Legal protection if appropriate.</u></li> </ul> </li> </ul>
DI	Subdivision that does not comply with Rule 22.4.6 RD1.

### 22.4.7 Esplanade reserves and esplanade strips

RDI	<ul style="list-style-type: none"> <li>(a) An esplanade reserve or esplanade strip 20m wide (or such other width stated in Appendix 4 (Esplanade Priority Areas)) is required to be created and vested in Council from every subdivision where the land being subdivided is: <ul style="list-style-type: none"> <li>(i) Less than 4ha and located within 20m of any: <ul style="list-style-type: none"> <li>A. Mean high water springs;</li> <li>B. The bank of any river whose bed has an average width of 3m or more;</li> <li>C. A lake whose bed has an area of 8ha or more;</li> </ul> </li> <li>(ii) 4ha or more and located within 20m of any: <ul style="list-style-type: none"> <li>A. Mean high water springs;</li> <li>B. A water body identified in Appendix 4 (Esplanade Priority Areas).</li> </ul> </li> </ul> </li> <li>(b) Council's discretion is restricted to the following matters: <ul style="list-style-type: none"> <li>(i) the type of esplanade provided - reserve or strip;</li> <li><del>(ii) width of the esplanade reserve or strip;</del></li> <li>(iii) provision of legal access to the esplanade reserve or strip;</li> <li>(iv) matters provided for in an instrument creating an esplanade strip or access strip;</li> <li>(v) works required prior to vesting any reserve in the Council, including pest plant control, boundary fencing and the removal of structures and debris.</li> <li>(vi) <u>Costs and benefits of acquiring the land.</u></li> </ul> </li> </ul>
DI	Subdivision that does not comply with Rule 22.4.7 RD1.

### 22.4.8 Subdivision of land containing heritage items

**The provisions notified under this heading are addressed in Decision Report 8: Historic Heritage.**

### 22.4.9 Subdivision - Building platform

RDI	<ul style="list-style-type: none"> <li>(a) Subdivision, other than an access or utility allotment, must provide a building platform on <del>the every proposed lot</del> <u>allotment that meets all of the following standards:</u> <ul style="list-style-type: none"> <li>(i) <del>Has A shape factor being either:</del> <ul style="list-style-type: none"> <li><u>A. an area of 1,000m<sup>2</sup> exclusive of boundary setbacks; or</u></li> <li><u>B. a circle with a diameter of at least 30m, exclusive of boundary setbacks; and</u></li> <li><u>C. containing a building platform being a circle with a diameter of at least 18m.</u></li> </ul> </li> <li>(ii) Has an average gradient not steeper than 1:8;</li> <li>(iii) Is certified by a geotechnical engineer as geotechnically stable <u>and suitable for a building platform;</u></li> <li>(iv) Has vehicular access in accordance with Rule 14.12 (Transportation)</li> </ul> </li> </ul>
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	<p>(v) Is not subject to inundation in a 2% AEP storm or flood event;</p> <p>(vi) a <del>dwelling residential unit</del> could be built on as a permitted activity in accordance with Land Use - Building Rules in Rule 22.3.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <p>(i) Earthworks and fill material required for building platforms and access;</p> <p>(ii) Geotechnical suitability for building;</p> <p>(iii) <del>Likely location of future buildings and their potential effects on the environment</del> <u>the relationship of the building platform and future residential activities with surrounding rural activities to ensure reverse sensitivity effects are avoided or mitigated;</u></p> <p>(iv) Avoidance of natural hazards;</p> <p>(v) Effects on landscape and amenity;</p> <p>(vi) Measures to avoid storm or flood events.</p>
DI	Subdivision that does not comply with Rule 22.4.9 RDI.

#### 22.4.10 Subdivision of land within the National Grid Corridor

RDI	<p>(a) <u>The subdivision of land within the National Grid Corridor that complies with all of the following standards:</u></p> <p><u>(i) All resulting allotments must be able to demonstrate that they are capable of accommodating a building platform for the likely principal building(s) and any building(s) for a sensitive land use located outside of the National Grid Yard, other than where the allotments are for roads, access ways or infrastructure; and</u></p> <p><u>(ii) The layout of allotments and any enabling earthworks must ensure that physical access is maintained to any National Grid support structures located on the allotments, including any balance area.</u></p> <p>(b) <u>Council's discretion is restricted to the following matters:</u></p> <p><u>(i) The subdivision layout and design in regard to how this may impact on the operation, maintenance, upgrading and development of the National Grid;</u></p> <p><u>(ii) The ability to provide a complying building platform outside of the National Grid Yard;</u></p> <p><u>(iii) The risk of electrical hazards affecting public or individual safety, and the risk of property damage;</u></p> <p><u>(iv) The nature and location of any vegetation to be planted in the vicinity of National Grid transmission lines.</u></p> <p><u>(v) The risk to the structural integrity of the National Grid;</u></p> <p><u>(vi) The extent to which the subdivision design and consequential development will minimise the potential reverse sensitivity on and amenity and nuisance effects of the National Grid asset.</u></p>
NCL	Any subdivision of land within the National Grid Corridor that does not comply with one or more of the standards of Rule 22.4.10 RDI.

## 22.5 Specific Area – Agriculture Research Centres

### 22.5.1 Application of Rules

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

## 22.5.2 Permitted Activities – Agricultural and Horticultural Research

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

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

## 22.5.3 Discretionary Activities – Agricultural and Horticultural Research

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

DI	Any activity that does not comply with Rule 22.5.2 P1-P7.
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The following tracked change text has no legal status. Its sole purpose is to help submitters understand the Hearing Panel's changes to the notified provisions. Our formal decision, which is in the National Planning Standard format, can be found on the Waikato District Council website.

#### 22.5.4 Building Height – within a Campus

PI	A building or structure within a campus identified on the planning maps must not exceed a height of 15m <u>measured from the natural ground level immediately below that part of the structure.</u>
RDI	(a) A building or structure that does not comply with Rule 22.5.4 PI. (b) Council's discretion is restricted to the following matter: (i) effects on visual amenity.

#### 22.5.5 Building Coverage – within a Campus

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

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

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

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

P1	(a) Coal related activities involving: <ul style="list-style-type: none"> <li>(i) stockpiling;</li> <li>(ii) screening and sorting;</li> <li>(iii) use of transportation conveyors;</li> <li>(iv) erection, operation, and maintenance of loading and unloading facilities; and</li> <li>(v) an activity that is ancillary to those listed in (i) – (iv) above.</li> </ul>
P2	(a) <del>The management, stockpiling, transportation, and disposal of coal ash and the transport of coal ash water where:</del> <ul style="list-style-type: none"> <li>(i) <u>these materials are transported between the Huntly Power Station and the ash disposal ponds located adjacent to Te Ohaaki Road via the pipeline located within Specific Area 22.6;</u></li> <li>(ii) <u>they involve the operation and maintenance of the ash disposal ponds located adjacent to Te Ohaaki Road within Specific Area 22.6; and</u></li> <li>(iii) <u>they involve the transportation of ash from the ash ponds to a long-term disposal facility, provided the heavy vehicle movement are not more than 85 per day.</u></li> </ul>

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

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

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

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

DI	An <u>coal-related</u> activity that does not comply with Rule 22.6.2 P1.
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### **Rule 22.6.45 Building Setback and Location – Huntly Power Station Coal and Ash Management Areas**

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

### **22.6.56 Building height – Huntly Power Station Coal and Ash Management Areas**

PI	(a) A building <u>measured from the natural ground level immediately below that part of the structure</u> must not exceed a height of: <ul style="list-style-type: none"> <li>(i) 30m within an area of up to 1500m<sup>2</sup>; and</li> <li>(ii) 20m for the balance of Specific Area 22.6.</li> </ul>
DI	A building that does not comply with Rule 22.6.5 PI.

### **22.6.67 Coal stockpile height, setback and coverage – Huntly Power Station Coal and Ash Management Areas**

PI	(a) Coal stockpiles must: <ul style="list-style-type: none"> <li>(i) not exceed a height of 15m;</li> <li>(ii) be set back at least 5m from the boundary of Specific Area 22.6;</li> <li>(iii) not exceed 25% of Specific Area 22.6.</li> </ul>
RD1	(a) Coal stockpiles that do not comply with Rule 22.6.6 PI. (b) Council's discretion is restricted to the following matter: <ul style="list-style-type: none"> <li>(i) visual amenity</li> </ul>

### **22.6.7 Ash disposal and transport of coal ash water**

PI	<del>(b) The disposal of coal ash and the transport of coal ash water where:</del> <ul style="list-style-type: none"> <li><del>(iv) these materials are transported between the Huntly Power Station and the ash disposal ponds located adjacent to Te Ohaaki Road via the pipeline located within Specific Area 22.6; and</del></li> <li><del>(v) they involve the operation and maintenance of the ash disposal ponds located adjacent to Te Ohaaki Road within Specific Area 22.6.</del></li> </ul>
RD1	<del>(c) The disposal of coal ash and the transport of coal ash water that does not comply with Rule 22.6.7 PI.</del> <del>(d) Council's discretion is restricted to the following matters:</del> <ul style="list-style-type: none"> <li><del>(iii) visual amenity; and</del></li> <li><del>(iv) traffic effects.</del></li> </ul>

### **22.6.8 Energy corridor - transportation of minerals and substances – Huntly Power Station Coal and Ash Management Areas**

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

## Planning Maps

- 1) Amend the boundaries of the Coal Mining Areas relating to Bathurst's three existing mines at Rotowaro, West Mine, and Maramarua Mine so that they are aligned with the boundary of Bathurst's existing licenses and permits, as shown on Annexure E of their evidence.
- 2) Amend the planning maps to include a 40 dBA L<sub>95</sub> noise contour around Meridian Energy's Te Uku wind farm as shown below:

