

# **WAIKATO DISTRICT COUNCIL**

## **Hearings of Submissions on the Proposed Waikato District Plan**

### **Report and Decisions of Independent Commissioners**

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#### **Decision Report 28N: Zoning - Mercer and Meremere**

**17 January 2022**

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##### **Commissioners**

Dr Phil Mitchell (Chair)

Mr Paul Cooney (Deputy Chair)

Councillor Jan Sedgwick

Councillor Janet Gibb

Mr Dynes Fulton

Mr Weo Maag

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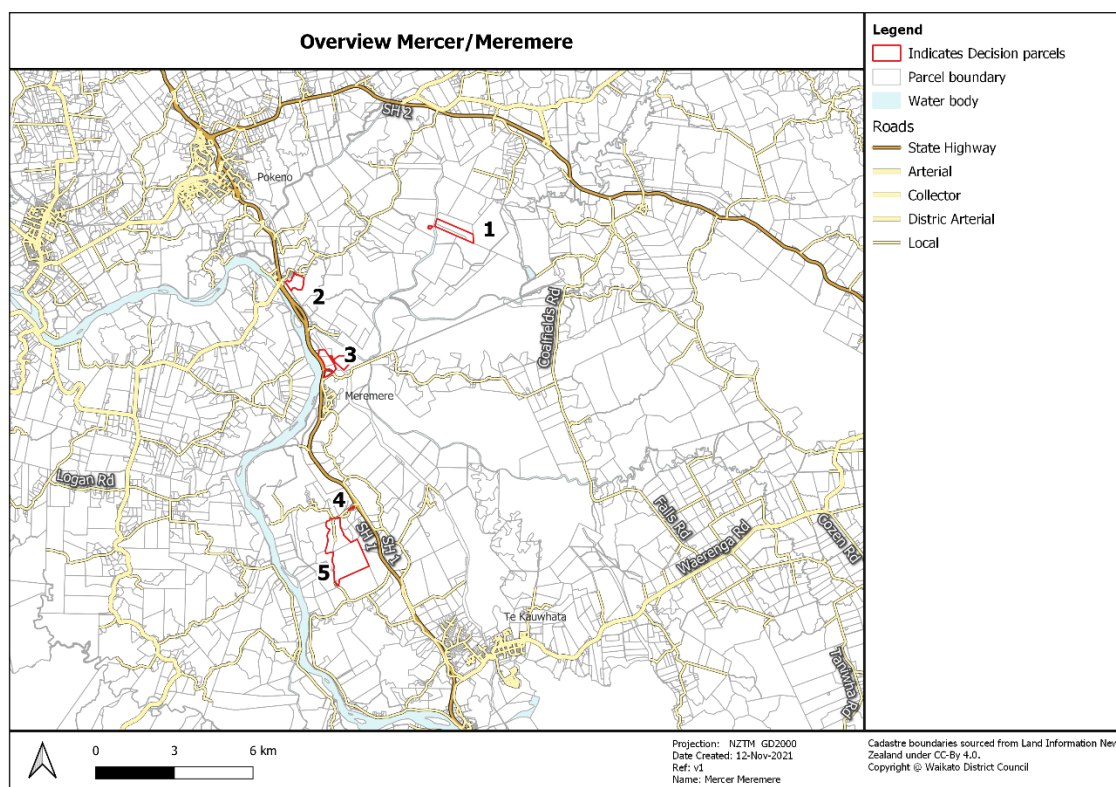
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## **Glossary of Terms**

ANB	Air Noise Boundary
Council	Waikato District Council
PDP	Proposed Waikato District Plan
OLS	Obstacle Limitation Surface

## 1 Introduction

- 1.1 This Decisions report addresses the requests received by Waikato District Council (Council) to rezone parts of Mercer and Meremere through the Proposed Waikato District Plan (PDP) and related special purpose zone provisions. This report should be read along with the overarching Hearing 25 Rezoning Extents report, which provides context and addresses statutory matters relating to the rezoning requests.
- 1.2 Mercer is a service centre located to the east of the Waikato River (refer Figure 1) with a population of around 140 people.<sup>1</sup> Mercer is primarily zoned Business Zone and Village Zone in the PDP, with its surrounds being primarily rural. Meremere is located further south from Mercer along SH1 and is zoned Heavy Industry Zone and Residential Zone, but within a wider largely rural setting.
- 1.3 The Mercer and Meremere rezoning requests that were considered in the section 42A report include:<sup>2</sup>



**Figure 1: Mercer and Meremere Rezoning Request**

Area	Description	Relief sought
1	Mercer Airport	Rezone to Special Purpose Airport Zone
2	Mercer village extension	Rezone to Village Zone

<sup>1</sup> Hearing 25: Zone Extents Mercer and Meremere Section 42A report, Paragraph 128, dated 12 April 2021.

<sup>2</sup> Hearing 25: Zone Extents Mercer and Meremere Section 42A report, Paragraph 26, dated 12 April 2021.

3	Meremere industrial / business	Rezone to Industrial and Business zones
4	Hampton Downs motorsport and recreation zone extension	Rezone to Hampton Downs Motorsport and Recreation Zone, with a precinct
5	Spring Hill Corrections Facility	Rezone to Special Purpose Corrections Zone

## 2 Hearings Arrangement and Evidence Presented

- 2.1 The specific hearing for Mercer and Meremere was held on 23 June 2021 via Zoom. All of the relevant information pertaining to the subject matter of this hearing (i.e., section 42A report, legal submissions, and evidence) is contained on Council's website.
- 2.2 The following parties submitted evidence to us on the Mercer and Meremere rezoning requests and provisions:

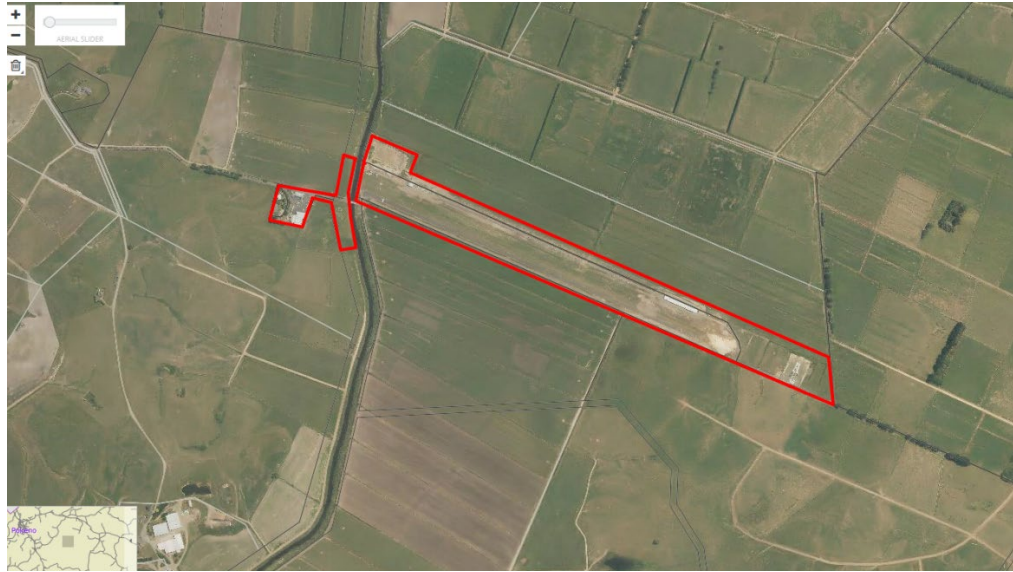
Council	Ms Yvonne Legarth (author of section 42A report)
Department of Corrections	Ms Lauren Semple and Mr Sean Grace
TKDM Farms Limited	Ms Sarah Nairn
Reid Investment Trust	Mr Alistair White
HD Land Limited	Ms Paula Rolfe and Ms Josie Spillane
Neale Russell Limited (Mercer Airport)	Mr Julian Dawson, Ms Dee Bond, Mr Chris Dawson, Mr Dave Park and Mr Rhys Hegley

- 2.3 No evidence was filed by Peter Ward, Ward Demolition or the Mercer Residents and Ratepayers Committee with respect to their original submissions. We consider their submissions at Section 4 of this report.

## 3 Overview of issues raised in Submissions

- 3.1 In the section 42A report, Ms Legarth provided background information and a recommendation on each of the rezoning requests for the Mercer and Meremere areas. A summary is set out below for each area:

- **Area 1: Mercer Airport:**
  - Mercer Airport is located within a rural environment southeast of Pokeno, approximately 72 kilometres (km) north of Hamilton, and 6 km northeast of Mercer village (refer Figure 2). Mercer Backpackers is also located at the airfield;



**Figure 2: Mercer Airport**

- The airfield currently operates under a resource consent. The submission made by Mercer Airport is to include a Special Purpose Airport Zone, Obstacle Limitation Surface (OLS), and Air Noise Boundaries (ANB) in the PDP. These provisions are sought to recognise and provide for the activities undertaken at Mercer Airport;
- The section 42A report recommended that the Rural Zone is not changed to a Special Purpose Airport Zone, and that the OLS and ANB provisions are not included in the PDP for the following reasons:<sup>3</sup>
  - a. The ANB and OLS rules impose restrictions on the neighbouring property owners;
  - b. The Special Purpose Airport Zone as proposed by the submitter allows permitted activities that may have potential adverse effects on the rural environment;
  - c. There are concerns regarding a lack of consultation with the community, and that the ability for the neighbouring landowners and the community to express their views was limited to the opportunity to make a further submission; and
  - d. Whilst the National Planning Standards enable Council to include a Special Purpose Airport Zone in the PDP, including such a zone is not mandatory.
- **Area 2: Mercer Village extension:**
  - TKDM Farms sought a change of zone from Rural Zone to Village Zone for a 10-hectare (ha) area of their site fronting Koheroa Road, Mercer (refer Figure 3);

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<sup>3</sup> Hearing 25: Zone Extents Mercer and Meremere, Opening Statement, Paragraph 26, dated 23 June 2021.



**Figure 3: Mercer Village**

- The section 42A report stated that planning constraints for the subject site include a lack of planned or existing infrastructure and that the site has rolling to hilly topography. While appearing close to Mercer, the practical access is at a distance from the more urban area of the village. In addition to this, high voltage powerlines traverse the site, which may result in a low capacity for intensified urban development.<sup>4</sup>
- The section 42A report recommended that the Rural Zone is not changed to Village Zone for the following reasons:<sup>5</sup>
  - a. New development needs to be integrated into the form and character of the existing village, to connect well with existing and planned development and infrastructure, and promote a compact urban form;
  - b. The site is outside of an area where future growth or infrastructure is planned, and is at a distance from the more intensively developed urban centre;
  - c. The nature and scale of development is limited by the topography of the site, high voltage power lines, and lack of access to reticulated infrastructure; and
  - d. There are larger sites within the Village Zone where infill type development would be closer to Mercer Village.

<sup>4</sup> Hearing 25: Zone Extents Mercer and Meremere, Opening Statement, Paragraph 17, dated 23 June 2021.

<sup>5</sup> Hearing 25: Zone Extents Mercer and Meremere, Opening Statement, Paragraph 19, dated 23 June 2021.



- **Area 3: Meremere Industrial / Business:**

- Ward Demolition sought a change of zone from Rural Zone to a mix of Industrial and Business zones for 25 Island Block Road, Meremere, and an adjacent site (refer to Figure 3 for the extent of the submission);<sup>6</sup>



**Figure 3: Meremere**

- No evidence was filed by the submitter to support the rezoning request and the section 42A report recommended that the Rural Zone is not changed to an Industrial or Business zone for the following reasons:<sup>7</sup>
  - a. Meremere is not identified as an area for growth in the Waikato Regional Policy Statement (RPS), Future Proof 2017, or Waikato 2070, and is not located in any industrial strategic growth node;<sup>8</sup>
  - b. There are a number of planning constraints; the subject sites adjoin the Waikato River and are near the Whangamarino river and wetland;
  - c. Portions of the sites are identified on the PDP planning maps as Significant Natural Areas;
  - d. The National Grid traverses the site;
  - e. Information provided as a result of a resource consent application indicates the land is flood prone; and
  - f. Availability of infrastructure, particularly trade waste servicing.<sup>9</sup>

<sup>6</sup> Hearing 25: Zone Extents Mercer and Meremere, Opening Statement, Paragraph 9, dated 23 June 2021.

<sup>7</sup> Hearing 25: Zone Extents Mercer and Meremere, Opening Statement, Paragraph 25, dated 23 June 2021.

<sup>8</sup> Hearing 25: Zone Extents Mercer and Meremere, Opening Statement, Paragraph 22, dated 23 June 2021.

<sup>9</sup> Hearing 25: Zone Extents Mercer and Meremere, Opening Statement, Paragraph 26, dated 23 June 2021.

- **Area 4: Hampton Downs motorsport and recreation zone extension:**

- Reid Investment Trust sought to change the zone of their site at 29 Hampton Downs Road, directly across the road from the motorsport park, from Rural Zone to Hampton Downs Motor Sport and Recreation Zone (with a supporting precinct).



**Figure 4: 29 Hampton Downs Road (in yellow), Hampton Downs**

- The submission and evidence from the operators of Hampton Downs motorsport park oppose the extension of the Hampton Downs Motor Sport and Recreation Zone to incorporate the property owned by Reid Investment Trust;
- The section 42A report recommended that the submission to change the zone to Hampton Downs Motor Sport Park and Recreation Zone be rejected for the following reasons:<sup>10</sup>
  - a. The land use in the special zone (Hampton Downs Motor Sport and Recreation Zone) needs to be consistent with the purpose of the special zone, and industrial use associated with the motorsport;
  - b. That the land use in the special zone should meet the criteria in the National Planning Standards, which are that the land use activities or outcomes are significant to the district, region or country, and are impractical to be managed through another zone, or a combination of spatial layers; and
  - c. There needs to be adequate access to the regional road network, and to water and wastewater that is feasible and affordable.

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<sup>10</sup> Hearing 25: Zone Extents Mercer and Meremere, Opening Statement, Paragraph 31, dated 23 June 2021.



- **Area 5: Spring Hill Corrections Facility:**

- Spring Hill Corrections Facility is located on a 215 ha site at 113 Hampton Downs Road, near the Hampton Downs motorsport park. The land is subject to Designation P1 in the PDP for the purpose of the Spring Hill Corrections Facility.



**Figure 5: 113 Hampton Downs Road, Hampton Downs**

- The Special Purpose Corrections Zone provisions supplied by the Department of Corrections include objectives, policies and rules that provide for activities undertaken for Corrections purposes.
- The section 42A report recommended that the notified Rural Zone is not changed to a Special Purpose Corrections Zone for the following reasons:<sup>11</sup>
  - a. There is a need for the Rural Zone to manage activities in the rural environment that are not provided for by the designation;
  - b. There should be an opportunity for people to make a submission on the proposed activities; and
  - c. The potential effects of the permitted activities sought are of a scale that should be the subject of a consent application and an assessment of effects on the environment.

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<sup>11</sup> Hearing 25: Zone Extents Mercer and Meremere, Opening Statement, Paragraph 47, dated 23 June 2021.

## **4 Evidence and Submissions Presented at the Hearing**

- 4.1 Ms Bridget Parham, legal counsel for Council, responded to questions from us on the matter of correspondence addressed to Council from adjoining landowners regarding Mercer Airport. This correspondence was received by Council on 31 March 2021,<sup>12</sup> and subsequently summarised in the section 42A report.<sup>13</sup> These landowners have not made a submission on the Special Purpose Airport Zone for Mercer.
- 4.2 Ms Parham stated that we must have regard to effects of the proposed Special Purpose Airport Zone on the environment, of which noise effects on the surrounding environment could be considered. Ms Parham noted that Mr Dawson, on behalf Mercer Airport, is in general agreement with this approach, with the exception that Ms Parham has taken a wider definition of environment, whereas Mr Dawson has a narrower view of the definition.
- 4.3 Ms Lauren Semple presented legal submissions on behalf of the Department of Corrections (Area 5 in Figure 1). In summary, Ms Semple's submissions covered the following matters:
- The history of the Spring Hills Corrections Facility, which was established in 2007 and primarily provides custodial accommodation for men under low to high security classifications. Parts of the facility are also utilised for non-custodial rehabilitation activities;
  - Summary of the relief sought with respect to the Special Purpose Corrections Zone, and the timing of when the PDP was notified and subsequently when the National Planning Standards came into force; and
  - Matters relating to the scope for the Panel to grant the relief sought by the Department of Corrections.
- 4.4 Ms Semple submitted that the necessary scope to enable us to consider the Department's further submission and include the Special Purpose Corrections Zone in the PDP<sup>14</sup> is provided by the original submissions lodged by Pokeno Village Holdings Limited, Spark New Zealand Trading Limited, Chorus New Zealand Limited, Vodafone New Zealand Limited, Anton Marais and Heritage New Zealand Pouhere Taonga, all of which seek implementation of the National Planning Standards in the PDP.
- 4.5 Mr Sean Grace presented planning evidence on behalf of the Department of Corrections. Mr Grace covered the following matters:
- The recommended Special Purpose Corrections Zone offers a nuanced planning framework providing:<sup>15</sup>
    - For appropriate activities not explicitly provided for by the designation;

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<sup>12</sup> Hearing 25: Zone Extents Mercer and Meremere Section 42A report, Paragraph 14, dated 12 April 2021.

<sup>13</sup> Hearing 25: Zone Extents Mercer and Meremere Section 42A report, Paragraphs 271 - 272, dated 12 April 2021.

<sup>14</sup> Legal Submissions on behalf of Ara Poutama Aotearoa - The Department of Corrections, Paragraph 3.2, dated 12 May 2021.

<sup>15</sup> Evidence in Chief of Sean Grace on behalf of Ara Poutama Aotearoa - The Department of Corrections, Paragraph 5.2, dated 17 February 2021.

- A policy base for the activities which occur under the prison designation; and
  - A basis for assessing the appropriateness of any future alteration(s) proposed to the designation, or any resource consent application.
  - The recommended Special Purpose Corrections Zone provisions largely adopt the Rural Zone provisions of the PDP;<sup>16</sup>
  - That there are three key activities that are provided for through the recommended zone which differ to those provided for in the Rural Zone. These are:<sup>17</sup>
    - Non-custodial rehabilitation activities, which are programmes generally undertaken outside of the secure perimeter of the prison and can involve work skills or cultural programmes;
    - Community corrections activities, which are service centres that provide for probation, rehabilitation and reintegration services; and
    - Supported residential accommodation, which includes housing and other support for people in the Department's care following their release, to assist with their transition and integration back into the community.
  - Mr Grace's evidence included a section 32 evaluation of the rezoning proposal, which established that the Special Purpose Corrections Zone objectives are appropriate to achieve the purpose of the Resource Management Act 1991 (RMA), and that the provisions proposed are the most appropriate way to achieve those objectives.<sup>18</sup>
- 4.6 Ms Sarah Nairn presented planning evidence on behalf of TKDM Farms Limited (Area 2 in Figure 1). In summary, Ms Nairn stated:
- Since lodgement of the submission, the extent of the Village Zone sought for the site has been revised so that it only applies to a 10 ha area fronting Koheroa Road. This modified extent is in recognition of the upper slopes of the site which in Ms Nairn's opinion, are not well suited to residential development;<sup>19</sup>
  - Approximately 20 new sites could be developed when allowance is made for topography, access and the transmission lines which traverse the site;<sup>20</sup> and
  - Rezoning the site will have a range of positive planning outcomes for Mercer including connecting the existing Village Zone lots with the school as well as increasing the number of people living in close proximity to the Waikato Expressway and employers, such as Spring Hill Corrections Facility.<sup>21</sup>

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<sup>16</sup> Evidence in Chief of Sean Grace on behalf of Ara Poutama Aotearoa - The Department of Corrections, Paragraph 5.3, dated 17 February 2021.

<sup>17</sup> Evidence in Chief of Sean Grace on behalf of Ara Poutama Aotearoa - The Department of Corrections, Paragraphs 5.6 to 5.22, dated 17 February 2021.

<sup>18</sup> Evidence in Chief of Sean Grace on behalf of Ara Poutama Aotearoa - The Department of Corrections, Paragraph 6.1, dated 17 February 2021.

<sup>19</sup> Evidence Summary of Sarah Nairn on behalf of TKDM Farms Limited, Paragraph 1.3, dated 12 May 2021.

<sup>20</sup> Evidence Summary of Sarah Nairn on behalf of TKDM Farms Limited, Paragraph 1.4, dated 12 May 2021.

<sup>21</sup> Evidence Summary of Sarah Nairn on behalf of TKDM Farms Limited, Paragraph 1.5, dated 12 May 2021.

- 4.7 Mr Alistair White presented planning evidence on behalf of Reid Investment Trust (Area 4 in Figure 1). In brief, Mr White made the following points:
- Rezoning of the site to an Industrial Zone would facilitate a comparable development outcome for the site and is considered to be within scope of the relief sought;<sup>22</sup> and
  - Based on Mr White's section 32 evaluation, rezoning the site to the Hampton Downs Motorsport Recreation Zone and new precinct is considered the most effective and efficient option.<sup>23</sup>
- 4.8 Ms Paula Rolfe presented planning evidence on behalf of HD Land Limited (Area 4 in Figure 1). Ms Rolfe did not support the rezoning of Area 5 to either Industrial Zone or the Hampton Downs Motorsport Recreation Zone for the following reasons:<sup>24</sup>
- The rezoning of the site does not align with the objectives and policies of the PDP nor the development principles of the RPS;
  - The rezoning proposal does not align with the Future Proof Strategy 2009 (updated 2017), and Waikato 2070; and
  - In Ms Rolfe's view, industrial zoning provides an expectation of development, which has the potential to conflict with existing or future activities at the Hampton Downs motorsport park.
- 4.9 On behalf of Neale Russell Limited (Mercer Airport):
- Mr Julian Dawson presented legal submissions;
  - Ms Dee Bond presented landowner evidence;
  - Mr Dave Park presented aviation evidence;
  - Ms Rhys Hegley presented acoustic evidence; and
  - Mr Chris Dawson presented planning evidence.
- 4.10 Mr Julian Dawson presented his legal submissions and responded to matters raised earlier in the hearing. In brief, Mr Dawson's submissions covered the following matters:
- Background on Mercer Airport and the rationale for a Special Purpose Airport Zone;
  - Correspondence received by Council from Kopuera Land Company Limited, Balle Bros Group and surrounding landowners;
  - The National Planning Standards; and
  - The existing resource consent and environmental effects of the proposal.
- 4.11 With respect to the matter of correspondence received from Kopuera Land Company Limited and Balle Bros Group by Council, Mr Dawson stated that he agreed with Ms

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<sup>22</sup> Evidence in Chief of Alistair White on behalf of Reid Investment Trust, Paragraph 9, dated 12 February 2021.

<sup>23</sup> Evidence in Chief of Alistair White on behalf of Reid Investment Trust, Paragraph 10, dated 12 February 2021.

<sup>24</sup> Highlights Statement of Paula Rolfe on behalf of HD Land Limited, Paragraphs 10 – 12, dated 23 June 2021.

Parham, in that we are obliged to consider the effects of the proposal on the environment, and that this may include any environmental effects that may arise on those surrounding properties (broadly). However, Mr Dawson stated that caution must be exercised because that is not the same as taking into account the interests or concerns of individual landowners, or for that matter, what their views may or may not be. Mr Dawson stated it is not a subjective assessment, but an objective one.<sup>25</sup>

4.12 Ms Bond, owner of the Mercer Airport, described her company's vision for Mercer Airport which in summary includes the following:<sup>26</sup>

- The ability to operate chartered and scheduled freight and passenger transport operations from Mercer;
- Developing a museum for the Catalina and for the New Zealand Association for Women in Aviation; and
- Establishing instrument approaches for Instrument Flight Rules (IFR) aircraft operating by day or night.

4.13 Mr Park presented aviation evidence on behalf of Mercer Airport. He recommended the inclusion of an Obstacle Limitation Surface (OLS) in the PDP. The purpose of OLS is to ensure aircraft flight paths are not infringed by obstructions in the take-off, approach, and circling areas of a runway.<sup>27</sup> The recommended OLS is made of up of four surfaces (refer Figure 6). These are the:

- West and east take off and approach OLS;
- North and south transitional OLS;
- Inner Horizontal OLS; and
- Conical OLS.<sup>28</sup>

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<sup>25</sup> Opening Submissions of Counsel for Neale Russell Limited (Mercer Airport), Paragraph 33, dated 12 May 2021.

<sup>26</sup> Evidence in Chief of Donella Bond on behalf of Mercer Airport, Paragraphs 19 to 37, dated 15 February 2021.

<sup>27</sup> Evidence in Chief of David Park on behalf of Mercer Airport, Paragraph 6.6, dated 16 February 2021.

<sup>28</sup> Rebuttal Statement of Evidence of David Park on behalf of Mercer Airport, Page 20, dated 3 May 2021.





**Figure 6 Obstacle Limitation Surfaces**

- 4.14 Mr Park stated that the OLS is a necessary regulatory instrument that will ensure that Mercer Airport can operate safely into the future as activities on the site grow and the air traffic also increases over time. Mr Park also confirmed that a number of other private airports in New Zealand have an OLS in their respective district plans, including Te Kowhai, Ardmore, Whitianga and North Shore.<sup>29</sup>
- 4.15 Mr Park considered that there would be no impact from the proposed OLS on existing buildings or houses in the surrounding community and that the impact of the OLS would be limited to some of the existing trees which appear to infringe some of the proposed OLS surfaces.<sup>30</sup>
- 4.16 Mr Hegley presented acoustic evidence on behalf of Mercer Airport. Mr Hegley's evidence recommended the inclusion of Air Noise Boundaries in the PDP (refer Figure 7). In terms of Air Noise Boundaries, his evidence stated:<sup>31</sup>
- The approach used by NZS 6805 is to develop contours about the airport that describe noise from aircraft activities. The contours represent levels of aircraft noise for an average day over the busiest three-month period using the  $L_{dn}$  noise metric;<sup>32</sup>
  - Based on the notion that aircraft noise generally reduces with distance from the airfield, logically there must be an area around an airfield that receives relatively high noise levels which are incompatible with noise sensitive activities, such as dwellings. NZS 6805 describes this as the 65dB  $L_{dn}$  noise contour and refers to it as the Air Noise Boundary.

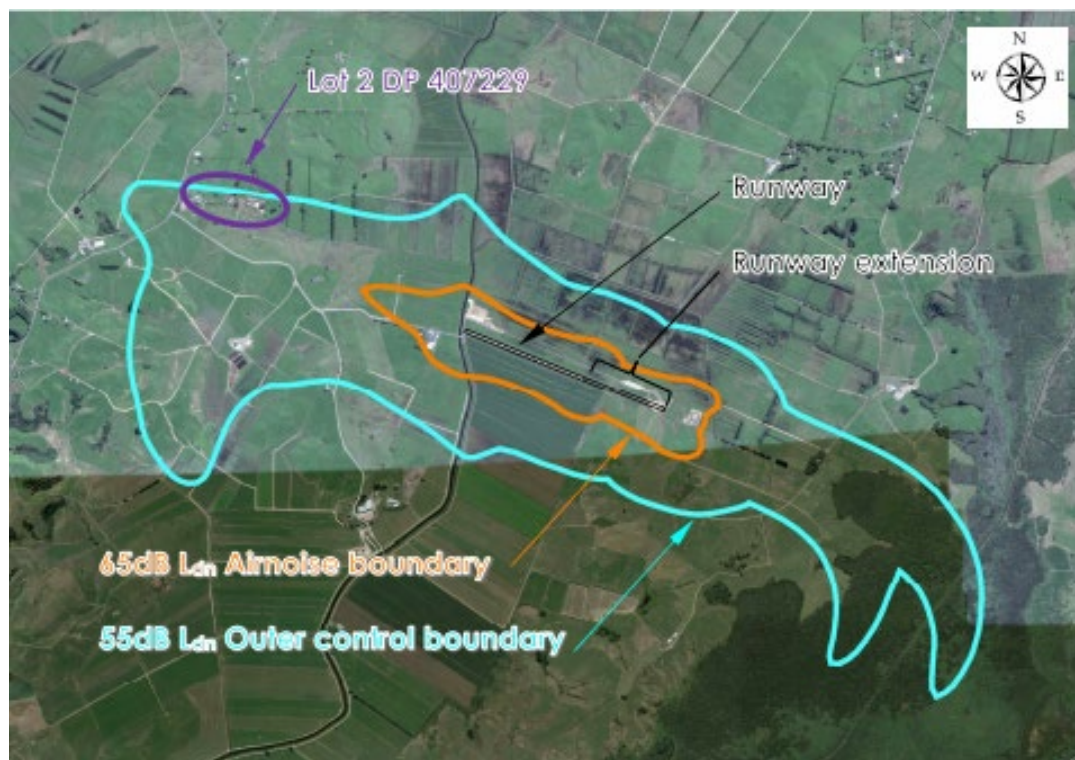
<sup>29</sup> Rebuttal Statement of Evidence of David Park on behalf of Mercer Airport, Paragraph 7.2, dated 3 May 2021.

<sup>30</sup> Rebuttal Statement of Evidence of David Park on behalf of Mercer Airport, Paragraph 7.1, dated 3 May 2021.

<sup>31</sup> Evidence of Chief of Rhys Hegley on behalf of Mercer Airport, Paragraph 34, dated 17 February 2021.

<sup>32</sup> Evidence of Chief of Rhys Hegley on behalf of Mercer Airport, Paragraph 8, dated 17 February 2021.

- Mercer Airport has proposed a rule where any habitable building proposed inside the Air Noise Boundary would require resource consent for a restricted discretionary activity;<sup>33</sup> and
- In Mr Hegley's view, the approach described by NZS 6805, which Mercer Airport proposes be included in the PDP, is currently best practice for managing noise from airports. It firstly provides protection to the airport from reverse sensitivity effects whereby new users to the area could otherwise result in pressure on the legitimate activities of the airport. At the same time, the approach provides a mechanism to ensure surrounding rural activities are protected by ensuring that aircraft noise levels remain within appropriate limits.<sup>34</sup>



**Figure 7 Proposed Air Noise and Outer Control Boundaries**

4.17 Mr Dawson's planning evidence focused on the inclusion of a Special Purpose Airport Zone and associated provisions in the PDP. In summary, his evidence covered the following matters:

- That the imposition of Air Noise Boundary provisions will provide certainty to all parties. They will ensure that future habitable dwellings located within the air noise boundaries are acoustically insulated and that future residents are informed of the higher noise levels in advance of their property purchase. Based on Mr Hegley's evidence, he considered that the proposed air noise boundary provisions are appropriate for the surrounding rural community and that the additional costs

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<sup>33</sup> Evidence of Chief of Rhys Hegley on behalf of Mercer Airport, Paragraph 10, dated 17 February 2021.

<sup>34</sup> Evidence of Chief of Rhys Hegley on behalf of Mercer Airport, Paragraph 13, dated 17 February 2021.

associated with insulating habitable buildings to meet the requirements of the proposed rules will be minor;<sup>35</sup>

- The aviation safety requirements of an airport operation necessitate that an OLS is put in place to ensure that the approach surfaces associated with the airport are protected from intrusions that would potentially render the airport unsafe. He noted that Mr Park confirmed in his rebuttal evidence that the proposed OLS will not impact on any existing buildings or houses while acknowledging that some existing trees may need to be trimmed;<sup>36</sup> and
- The most effective way for the Council to achieve the purpose of the RMA in relation to Mercer Airport is to rezone it to Mercer Airport Zone with appropriate objectives, policies, and other implementation methods.<sup>37</sup>

## 5 Panel's Decision and Reasons

- 5.1 We note that eight primary submission points were received on the zoning of Mercer and Meremere and these were considered in a comprehensive section 42A report, rebuttal and closing statement prepared by Ms Legarth.

### Area 1: Mercer Airport

- 5.2 Mercer Airport has sought to rezone its site to comprise a Special Purpose Airport Zone and to include OLS and ANB provisions in the PDP. Submissions made by Mercer Residents and Ratepayers Committee support the submission of Mercer Airport. The section 42A report has recommended that the site not be rezoned and that the OLS and ANB provisions not be included in the PDP for the reasons set out in section 3 of this Decision.
- 5.3 Council received written correspondence from neighbouring landowners on 31 March 2021<sup>38</sup> and which was summarised in the section 42A report. We note that this is well after the 2018 closing date for making further submissions on the PDP. Both Ms Parham and Mr Dawson addressed this matter and agreed that we must have regard to the effects on the environment (which includes people) that would arise from rezoning the land to Special Purpose Airport Zone.
- 5.4 Ms Parham and Mr Dawson agreed that the letters are not submissions and should not be treated as such. Mr Dawson also made it explicit that the correct process for neighbouring landowners to be heard on these matters is by making a further submission pursuant to Schedule 1 of the RMA. We agree with Mr Dawson that sufficient opportunity was provided for neighbouring landowners to make a further submission on the PDP, and specifically the submission of Mercer Airport. Nevertheless, we must consider the effects on the environment, which includes noise effects arising from

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<sup>35</sup> Supplementary Statement of Evidence of Christopher Dawson on behalf of Neale Russell Limited (Mercer Airport), Paragraph 3.34, dated 3 May 2021.

<sup>36</sup> Supplementary Statement of Evidence of Christopher Dawson on behalf of Neale Russell Limited (Mercer Airport), Paragraph 3.35, dated 3 May 2021.

<sup>37</sup> Supplementary Statement of Evidence of Christopher Dawson on behalf of Neale Russell Limited (Mercer Airport), Paragraph 3.43, dated 3 May 2021.

<sup>38</sup> Hearing 25: Zone Extents Mercer and Meremere Section 42A report, Paragraph 14, dated 12 April 2021.

aircraft operations and the imposition of OLS provisions, and the letters have provided some perspective on those matters. We address both of these matters later in this Decision.

### Special Purpose Airport Zone

- 5.5 We turn first to the inclusion of a Special Purpose Airport Zone. We questioned witnesses on the differences between the resource consent for Mercer Airport and the provisions in the Special Purpose Airport Zone. Mr Dawson's evidence included the following table which describes the differences:<sup>39</sup>

<b>Activity specific condition in 1996 consent</b>	<b>Proposed activity specific provision in proposed Mercer Airport Zone.</b>
<i>Aircraft activity is not to exceed an average of 100 movements per day averaged over a rolling 3 month period.</i>	<i>This requirement will be superseded by the requirement to comply with the noise contours under new Rule 29.2.4A which link to the 65 dBA L<sub>dn</sub> Air Noise boundary.</i>
<i>Aircraft movements are to be confined between the hours of 7 am to 10 pm.</i>	<i>The limitation on aircraft movements to between the hours of 7 am and 10 pm does not recognise the advances in instrument technology (IFR) such that these strict limits will not apply.</i>  <i>However, the requirement to still meet the noise limits under new Rule 29.2.4A will still apply.</i>
<i>The runway length shall not exceed 1360m.</i>	<i>The runway length will be determined by those requirements necessary to achieve Code B aircraft compliance.</i>
<i>The airfield shall operate in a manner which ensures that no aircraft will have to fly over any dwelling at a height of less than 250 m.</i>	<i>The implementation of the Obstacle Limitation Surface (OLS) in the Proposed District Plan will ensure safe aircraft operation.</i>
<i>A requirement for aircraft noise not to exceed the 55 dBA L<sub>dn</sub> contour as stipulated by Hegley Acoustic Consultants in Figure 3 of report 9287 dated July 2013.</i>	<i>Proposed new rule 29.2.4A requires noise from aircraft operations not to exceed the 65 dBA L<sub>dn</sub> level outside the Air Noise Boundary and 55 dBA L<sub>dn</sub> outside the Outer Control Boundary.</i>
<i>Traffic numbers are limited to 60 vehicle per day (60 movements in and 60 movements out)</i>	<i>Proposed new rule 29.2.11 Access and Vehicles states that the number of vehicles accessing the Mercer Airport Zone shall not exceed 160 vehicles per day (320 vehicle movements). This is confirmed by the BBO Traffic Impact Assessment provided as further information to the Council on 21 August 2020.</i>
<i>Buildings consented on site are backpackers for short term accommodation and hangar for garaging and maintenance of light aircraft.</i>	<i>Any new buildings will be controlled by reference to the proposed Mercer Zone Rules as follows:</i> <ul style="list-style-type: none"> <li><i>Rule 29.3.1 P1 (a) Maximum height of 10 metres;</i></li> </ul>

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<sup>39</sup> Supplementary Statement of Evidence of Christopher Dawson on behalf of Neale Russell Limited (Mercer Airport), Paragraph 4.1, dated 3 May 2021.

<b>Activity specific condition in 1996 consent</b>	<b>Proposed activity specific provision in proposed Mercer Airport Zone.</b>
	<ul style="list-style-type: none"> <li>• Rule 29.3.1 P1 (b) Not located so it would protrude through the Obstacle Limitation Surface;</li> <li>• Daylight Admission Rule 29.3.2;</li> <li>• Building Coverage Rule 29.3.3;</li> <li>• Building setback Rule 29.3.4 of 6 metres;</li> <li>• Habitable buildings inside the 65 dBA <math>L_{dn}</math> contour Rule 29.3.5 and</li> <li>• Accommodation above Hangars Rule 29.3.6.</li> </ul>
<p>Activities noted in the 1996 application documentation:</p> <ul style="list-style-type: none"> <li>• Sky diving and training;</li> <li>• Flight training;</li> <li>• Scenic flights;</li> <li>• Possible short commuter and light freight services;</li> <li>• One off events such as NZ National Skydiving championships, max 3 per year;</li> <li>• Night flying operations for skydiving, up to 12 take offs and landings per year;</li> <li>• Siting of a building for 30 people on a short term stay arrangement plus suitable food catering;</li> <li>• Aircraft hangar for garaging of operational aircraft, light maintenance, reconditioning and rebuilding of aircraft including external work;</li> <li>• Storage of fuel.</li> </ul>	<p>Activities noted in the Permitted Activity Table in the proposed Special Purpose Airport Zone provisions:</p> <ul style="list-style-type: none"> <li>• General Aviation;</li> <li>• Jet flights;</li> <li>• Commercial Aviation;</li> <li>• Aviation related light industry;</li> <li>• Aviation related offices;</li> <li>• Aviation related storage and warehousing;</li> <li>• Temporary events;</li> <li>• Navigational equipment;</li> <li>• Mercer Airport runway and taxiway;</li> <li>• Clubrooms; and</li> <li>• Cafe</li> </ul>

5.6 Given this consent, and the activities authorised by it, we agree with Mr Julian Dawson<sup>40</sup> and Mr Chris Dawson<sup>41</sup> that Mercer Airport is to be considered part of the existing environment.

5.7 Mr Chris Dawson stated that the key purpose of the proposed Special Purpose Airport Zone is to enable the Mercer Airport to grow over time in accordance with a set of objectives, policies, and rules to ensure that adverse effects are managed.<sup>42</sup> Mr Dawson prepared a section 32AA evaluation and concluded that the Special Purpose Airport Zone and associated provisions are the most appropriate method to achieve the purpose of the RMA.<sup>43</sup>

5.8 The section 42A report expressed concerns regarding the inclusion of the Special Purpose Airport Zone. These concerns include that the objectives of the proposed zone

<sup>40</sup> Opening Submissions of Counsel for Neale Russell Limited (Mercer Airport), Paragraph 49, dated 12 May 2021.

<sup>41</sup> Supplementary Statement of Evidence of Christopher Dawson on behalf of Neale Russell Limited (Mercer Airport), Paragraph 3.27, dated 3 May 2021.

<sup>42</sup> Supplementary Statement of Evidence of Christopher Dawson on behalf of Neale Russell Limited (Mercer Airport), Paragraph 4.2, dated 3 May 2021.

<sup>43</sup> Supplementary Statement of Evidence of Christopher Dawson on behalf of Neale Russell Limited (Mercer Airport), Paragraph 4.3, dated 3 May 2021.



should seek to maintain the rural amenity and character as well as control the potential effects on people and the environment from the operation of the airfield.<sup>44</sup> The author also recommended changes be made to the provisions to better align with Te Kowhai Airfield<sup>45</sup> and that permitted activity rules and standards reinforce the consent if we were of a mind to rezone Mercer Airport.<sup>46</sup> We note that Mr Dawson's rebuttal evidence has suggested changes to address a number of concerns raised in the section 42A report regarding the maintenance of amenity and character.<sup>47</sup>

- 5.9 Based on the evidence before us, and amendments suggested through rebuttal evidence, we consider there are no technical reasons why the site should remain zoned as rural. We agree with the evidence of Mr Chris Dawson to include the Special Purpose Airport Zone in the PDP and rezone Mercer Airport. We find that there is little material difference between what is consented and what is sought through the proposed provisions, with a few exceptions which we discuss further below. We also agree in part with the section 42A report that the provisions should seek to maintain rural amenity and that the provisions should be refined to align with Te Kowhai Airfield.

### **Noise**

- 5.10 Making provision for jet aircraft was a key difference between what the existing consent contemplated and the proposed Special Zoning provisions for Mercer Airport. We also note that jet aircraft are excluded from the modelling for the Air Noise Boundaries and instead separate rules are proposed to apply to jet aircraft.<sup>48</sup>
- 5.11 Mr Hegley's evidence states that jet noise will be clearly audible.<sup>49</sup> In terms of mitigating effects, Mr Hegley recommended limiting movements so that they are both random and intermittent.<sup>50</sup> We consider the inclusion of a permitted activity rule enabling jet aircraft movements to be inappropriate. We find that the effects of these types of aircraft movement should be assessed on their merits through a resource consent process and, if granted, appropriate conditions imposed. Given this we have amended the PDP to make jet aircraft movements a restricted discretionary activity and included matters of discretion relating to noise.
- 5.12 We have made a further amendment to introduce hours of operation, consistent with the Mercer Airport consent. We find that aircraft operations during the night are likely to impact on the amenity of adjoining landowners. For consistency, we have amended the Special Purpose Airport Zone to include the same approach for Te Kowhai Airfield where hours of operation are reduced over the winter period.
- 5.13 Mr Hegley's evidence recommended the inclusion of Air Noise Boundaries, for which his reasoning was twofold. Firstly, the boundaries provide protection to the airport from reverse sensitivity effects whereby new users to the area could otherwise result in

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<sup>44</sup> Hearing 25: Zone Extents Mercer and Meremere Section 42A report, Paragraph 279, dated 12 April 2021.

<sup>45</sup> Hearing 25: Zone Extents Mercer and Meremere Section 42A report, Paragraph 308, dated 12 April 2021.

<sup>46</sup> Hearing 25: Zone Extents Mercer and Meremere Section 42A report, Paragraph 308, dated 12 April 2021.

<sup>47</sup> Supplementary Statement of Evidence of Christopher Dawson on behalf of Neale Russell Limited (Mercer Airport), Paragraph 3.29, dated 3 May 2021.

<sup>48</sup> Evidence of Chief of Rhys Hegley on behalf of Mercer Airport, Paragraph 27, dated 17 February 2021.

<sup>49</sup> Evidence of Chief of Rhys Hegley on behalf of Mercer Airport, Paragraph 32, dated 17 February 2021.

<sup>50</sup> Evidence of Chief of Rhys Hegley on behalf of Mercer Airport, Paragraph 32, dated 17 February 2021.

pressure on the legitimate activities of the airport. At the same time, the approach provides a mechanism to ensure surrounding rural activities are protected so that aircraft noise levels remain within appropriate limits.<sup>51</sup>

- 5.14 We accept this evidence for the reasons set out by Mr Hegley, except for one particular point of the submission. This concerns an assessment criterion in the restricted discretionary rule which proposes to list Mercer Airport as an affected person for every application to establish a habitable dwelling within the 65 dBA Ldn air noise boundary contour as shown on the planning maps.
- 5.15 Our reasons for rejecting this proposed criterion are that section 95B (2) and (3) of the RMA do not require limited notification on certain persons or groups except for customary title or marine groups or statutory acknowledgement land, of which Mercer Airport is neither. Further, section 95B (6) only precludes limited notification if required by a national environmental standard or a rule, which again is not the case in this rule. Rather, the submitter proposes to compel limited notification in the case of Mercer Airport. Nor do we consider that prescribing an identified person as an affected party is a matter over which a consenting authority can exercise its discretion for a restricted discretionary activity. Finally, prescribing Mercer Airport as an affected person attempts to duplicate or override the mandatory limited notification statutory test under section 95E i.e., minor, or more than minor. We consider Council's duty as a consenting authority to complete statutory limited notification test already addresses Mercer Airport's submission on this point.
- 5.16 Overall, given that the requirements for acoustic treatment will only apply to new dwellings, we are satisfied that this will not impose a material imposition on the surrounding landowners. Also, new habitable buildings will still be required to demonstrate how they satisfy the assessment criteria for the restricted discretionary rule.

### **Obstacle Limitation Surface**

- 5.17 Mr Park's evidence recommended the inclusion of an OLS in the PDP, his reasoning being to ensure aircraft flight paths are not impinged upon by obstructions in the take-off, approach, and circling areas of a runway.<sup>52</sup> An OLS will also enable Mercer Airport to potentially operate under Instrument Flight Rules (IFR) in future.
- 5.18 Mr Park's rebuttal evidence responded to the section 42A author's concerns regarding costs to the community from imposing the OLS on neighbouring properties.<sup>53</sup> Mr Park concluded that there would be no impact from the proposed Mercer Airport OLS on existing buildings or houses in the surrounding community. However, he noted that the impact of the OLS would be limited to some of the existing trees which appear to infringe some of the OLS surfaces.<sup>54</sup>
- 5.19 Mr Park also included a figure in his rebuttal evidence which shows the OLS height relative to the underlying terrain. This has been prepared by utilising LIDAR survey

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<sup>51</sup> Evidence of Chief of Rhys Hegley on behalf of Mercer Airport, Paragraph 13, dated 17 February 2021.

<sup>52</sup> Evidence in Chief of David Park on behalf of Mercer Airport, Paragraph 6.6, dated 16 February 2021.

<sup>53</sup> Hearing 25: Zone Extends Mercer and Meremere Section 42A report, Paragraph 299, dated 12 April 2021.

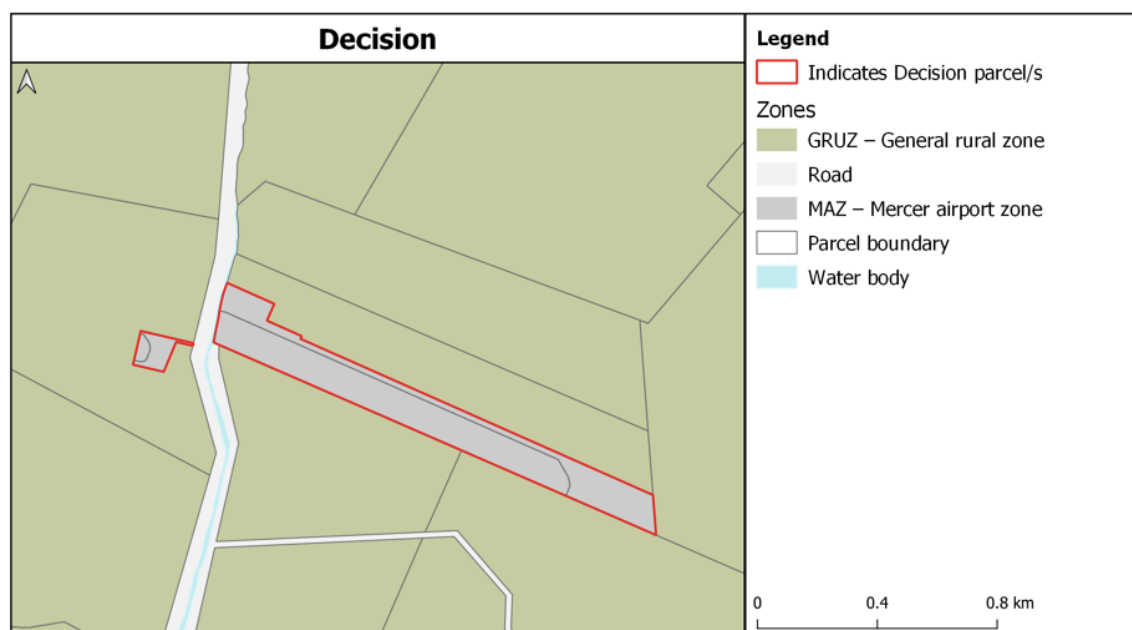
<sup>54</sup> Rebuttal Evidence of David Park on behalf of Mercer Airport, Paragraph 7.1, dated 3 May 2021.



5.22 Given the above, we have rezoned Mercer Airport to Special Purpose Airport Zone as follows:



**Figure 9: Notified zoning**



**Figure 10: Decision zoning**

#### **Area 2: Mercer Village extension**

5.23 With respect to Area 2, Ms Nairn on behalf of TKDM Farms Limited recommended that a 10 ha site fronting Koheroa Road in Mercer be rezoned from Rural Zone to Village Zone. The section 42A report recommended that the site not be rezoned, and instead that the site remain Rural Zone for the reasons set out in Section 3 of this Decision.

- 5.24 In her rebuttal evidence, Ms Nairn responded to each of the points raised by the section 42A author and considered that they could all be addressed.<sup>57</sup> In response to our questioning on the presence of the National Grid, Ms Nairn stated that this matter could be addressed through subdivision design and that it is not uncommon for transmission lines to traverse subdivisions.
- 5.25 With respect to the topography of the site, Ms Nairn stated in her rebuttal evidence that the land is rolling hill country and that their Geotechnical Report had confirmed that there were no significant geotechnical constraints that cannot be suitably managed or mitigated as part of the detailed design of any future development of the land.
- 5.26 In terms of Area 2, we accept the evidence and reasons of the section 42A report author. We find that the site should remain as Rural Zone in the PDP for the same reasons included in the section 42 report. In brief, these include:
- The site is not connected to the existing urban area;
  - The site is not identified for growth in any of the strategic planning documents; and
  - The challenging constraints, including the presence of the National Grid and rolling topography of the site.
- 5.27 Given the above, we have not made any changes to the PDP with respect to the site and it remains rural as shown below.

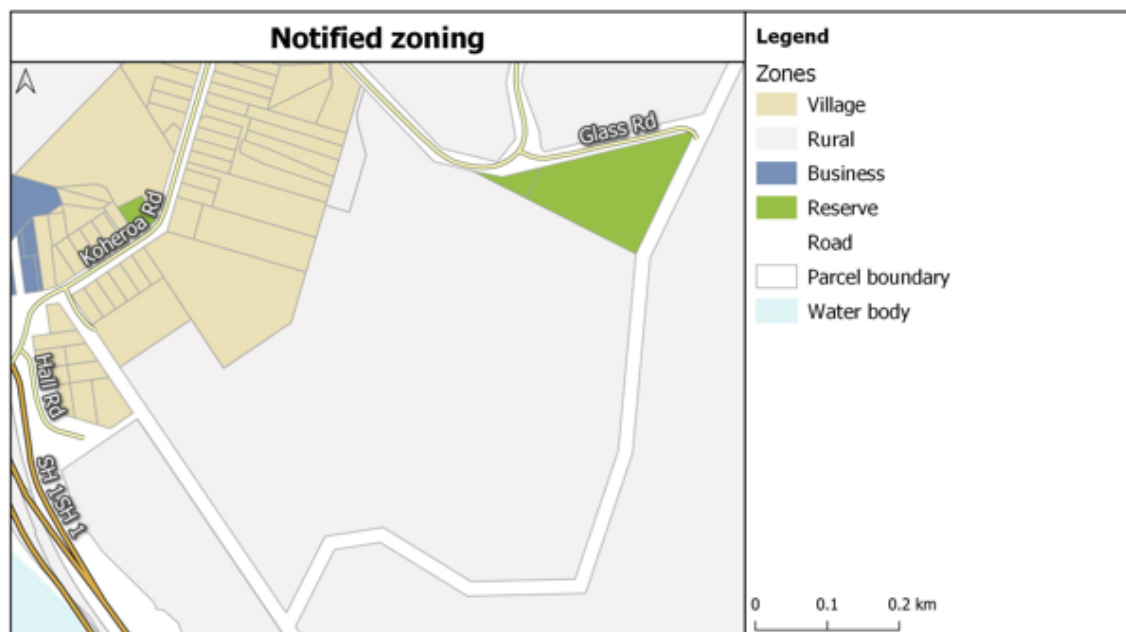
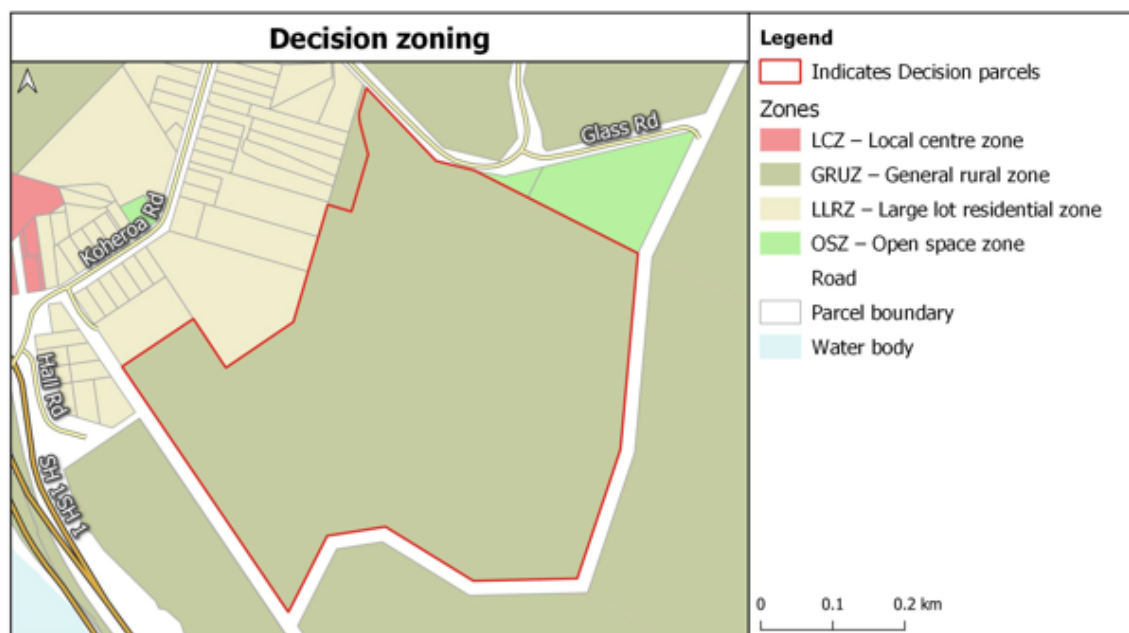


Figure 10: Area 2 Notified zoning

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<sup>57</sup> Statement of Rebuttal Evidence by Sarah Nairn on behalf of TKDM Farms Limited, Paragraph 1.12, dated 3 May 2021.

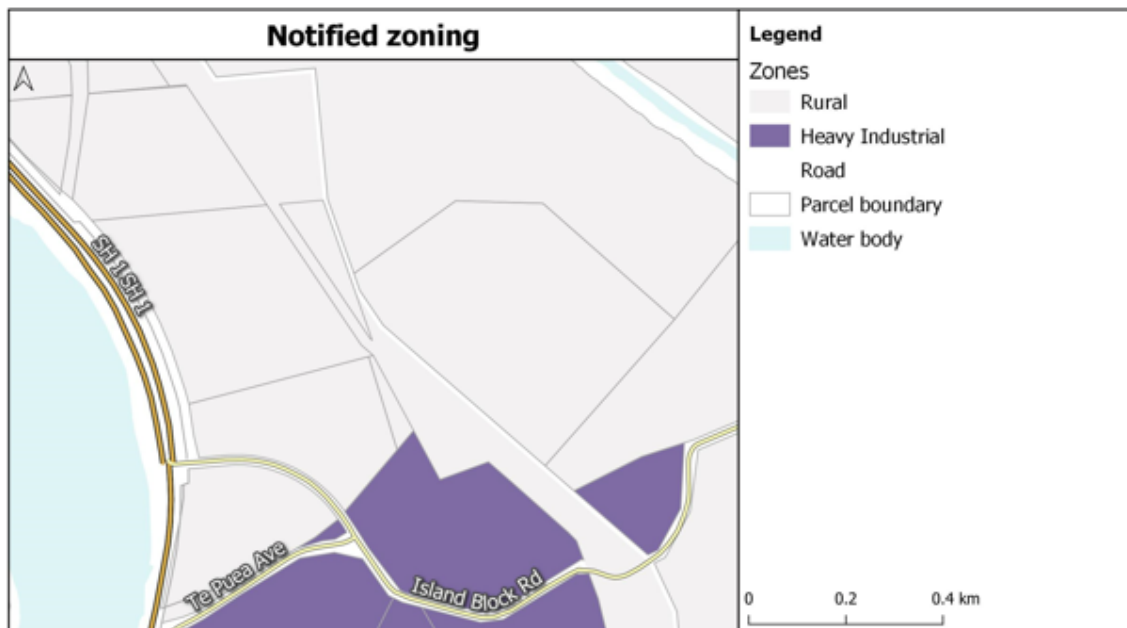




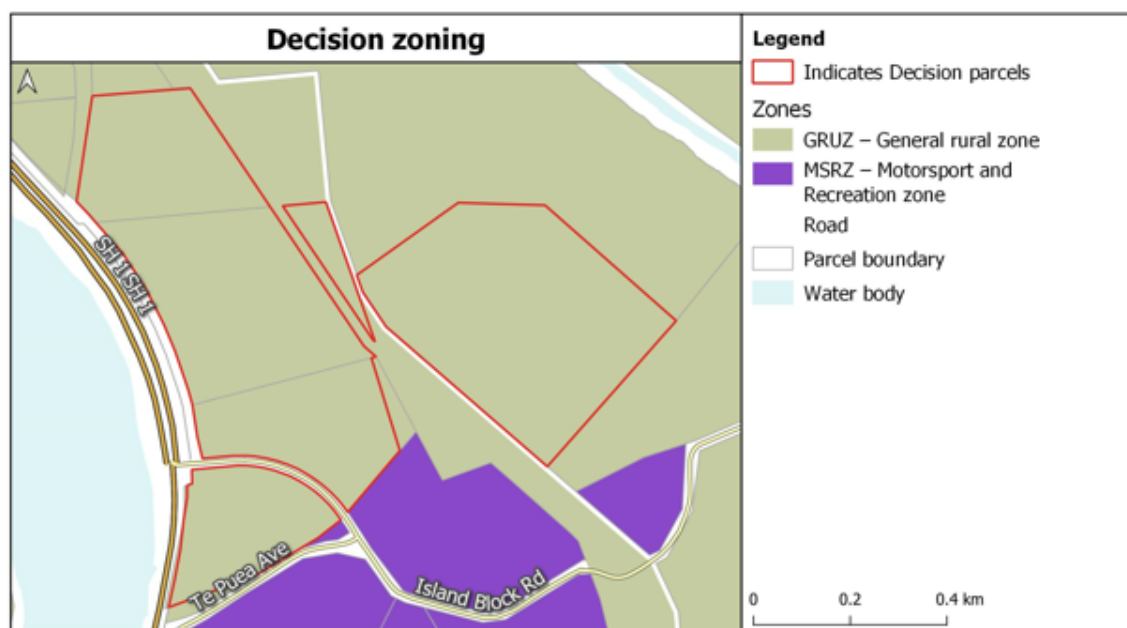
**Figure 11: Area 2 Decision zoning**

### **Area 3: Mercer Village extension**

- 5.28 Turning to Area 3 and the request by Ward Demolition to rezone their sites from Rural Zone to a mix of Industrial and Business zones, we note that no evidence was filed by Ward Demolition on this matter.
- 5.29 The section 42A report recommended that the sites not be rezoned, and that they remain Rural Zone for the following reasons:
- Numerous constraints, including proximity to the Waikato River, the Whangamarino river and wetland, National Grid lines and Significant Natural Areas; and
  - Information provided as a result of a resource consent application indicates the land is flood prone.
- 5.30 We accept the recommendation and reasons in the section 42A report for this site. We find the rezoning of these sites to Business and Industrial zones to be inappropriate given the level of information before us, and that a number of constraints, such as flooding have not been addressed by the submitter.
- 5.31 Given the above, we have not made any changes to the PDP with respect to the site and the PDP remains as follows:



**Figure 13: Area 3 Notified zoning**



**Figure 14: Area 3 Decision zoning**

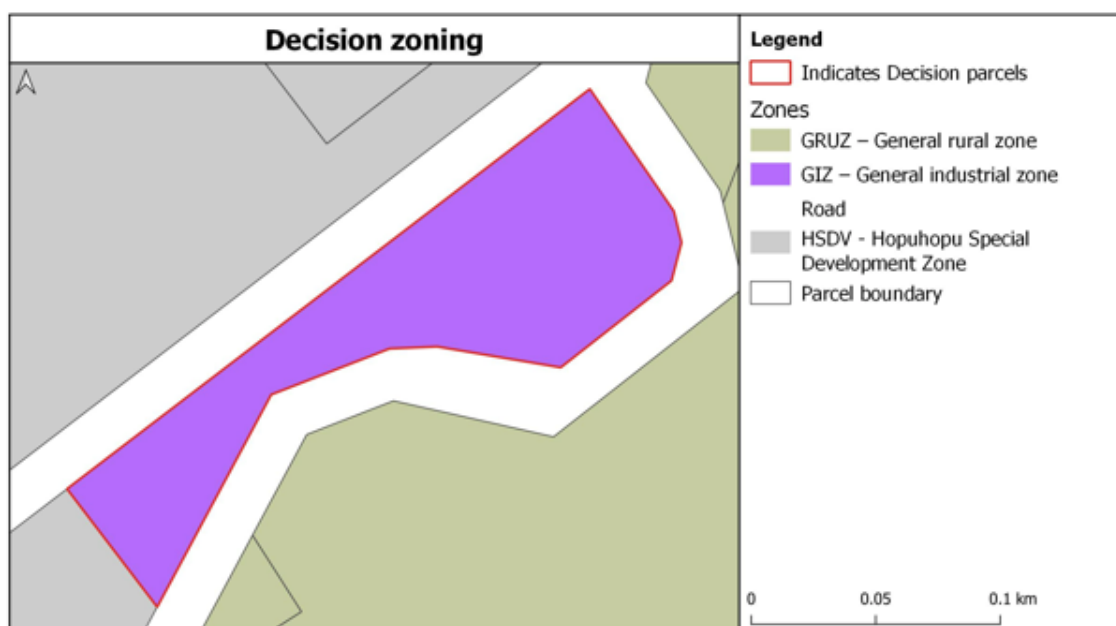
**Area 4: Hampton Downs motorsport and recreation zone extension:**

- 5.32 With respect to Area 4, Mr White on behalf of Reid Investments Limited recommended that their site be included within the Hampton Downs Motorsport and Recreation Zone, with the addition of a precinct to further tailor the provisions proposed to apply to the site. The section 42A report recommended that the site not be rezoned, and that it should remain Rural Zone.

- 5.33 During our questioning, the section 42A report author accepted that activities within the vicinity and along Hampton Downs Road are not of a rural nature and could be considered as more urban in nature. Furthermore, we noted that the subject site is not located near any sensitive activities and is bounded by the Hampton Downs Motorsport Park and a service station as well as in close proximity to a metropolitan landfill and a major correctional facility.
- 5.34 Ms Rolfe presented planning evidence on behalf of HD Lands Limited in opposition to Reid Investments Limited's submission. Ms Rolfe raised reverse sensitivity concerns on the motorsport park as a result of rezoning the subject site. During our questioning, Ms Rolfe did not elaborate on what these effects may be. Instead, Ms Spillane provided a residential example of reverse sensitivity, although this related to a very large-scale urban subdivision and is not relevant to this situation. We do not accept that reserve sensitivity issues are likely to arise in this locality.
- 5.35 Mr White's proposal was to rezone the site to the Hampton Downs Motorsport and Recreation Zone. However, we find that rezoning the subject site to an Industrial Zone is more appropriate and will therefore complement the activities undertaken at Hampton Down's Motorsport Park, but without being part of it. We consider that an Industrial Zone will allow for more efficient use of this land and that the zone provisions provide for a wider range of activities which we find to be appropriate, given the location of this site next to Hampton Downs motorsport park, a service station and SH1.
- 5.36 Given this, we have amended the zoning for this site from Rural Zone to Industrial Zone in the PDP.



**Figure 15: Area 4 Notified zoning**



**Figure 16: Area 4 Decision zoning**

#### **Area 5: Spring Hill Corrections Facility**

- 5.37 With respect to Area 5: Spring Hill Corrections Facility, Mr Grace on behalf of the Department of Corrections recommended that the Spring Hill Corrections Facility site be rezoned to a Special Purpose Corrections Zone, which is a zone prescribed in the National Planning Standards. The section 42A report recommended that the site not be rezoned and that it should remain Rural Zone. The reasons for this recommendation are that the site is already subject to a designation for the purpose of the Spring Hill Corrections Facility<sup>58</sup> and concerns regarding the scope for us to make this change, as the relief was sought through a further submission.
- 5.38 Ms Semple submitted that scope to rezone the site to a Special Purpose Corrections Zone is provided through other submissions<sup>59</sup> which sought the implementation of the National Planning Standards in full. We accept Ms Semple's submissions and agree that there is scope to rezone the site to the Special Purpose Corrections Zone. In response to these same submission points, we have reformatted the entire PDP to be compliant with the National Planning Standards.
- 5.39 Mr Grace appended a comprehensive set of Special Purpose Correction Zone provisions to his evidence. In response to our questioning, Mr Grace elaborated on the key differences between the designation, Rural Zone and recommended Special Purpose Corrections Zone provisions. The key differences are that the proposed zone would provide for: non-custodial rehabilitation activities; community corrections activities; and supported residential accommodation. In response to our further

<sup>58</sup> Designation P1 in the PDP as notified.

<sup>59</sup> Submission numbers 249, 386, 644, 646, 648.

questions on key terms used in the three additional activities, Mr Grace supplied definitions to be included in the PDP.

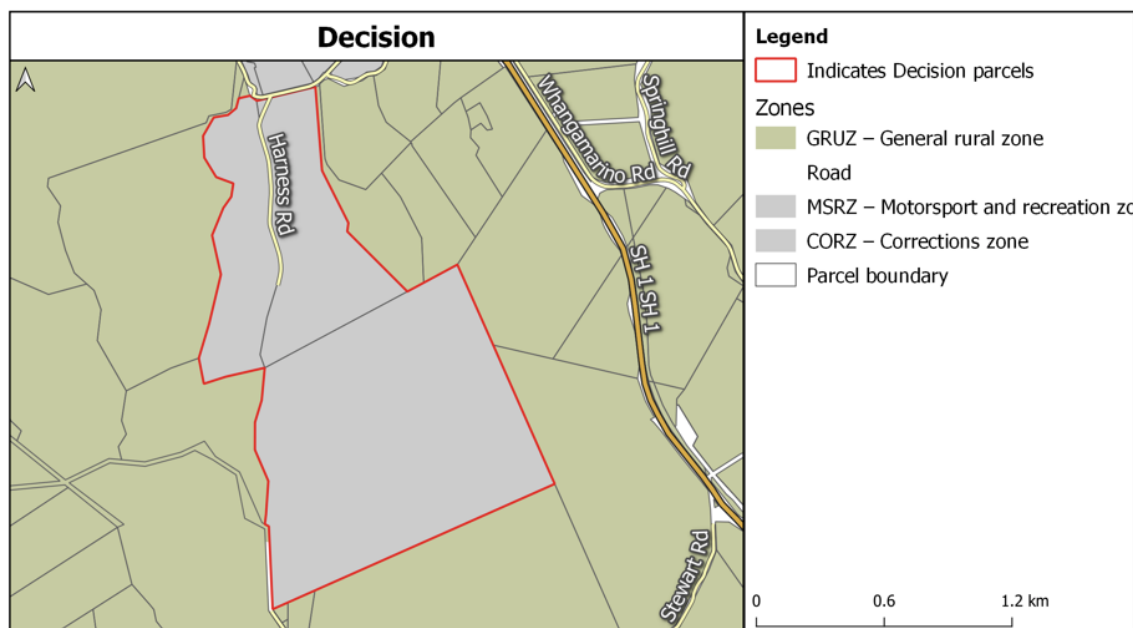
5.40 We accept the evidence and reasons submitted by Mr Grace. Accordingly, we have amended the zoning of the Spring Hill Corrections Facility site to the Special Purpose Corrections Zone and included the provisions and definitions recommended by Mr Grace in the PDP subject to minor amendments, such as including all relevant Rural Zone rules within the chapter instead of cross referencing them. We find that the inclusion of a Special Purpose Correction Zone in the PDP will provide for a consistent approach across New Zealand, which aligns with the intent of the National Planning Standards. Furthermore, we note the recommended zone is more restrictive than the Designation. Finally, we note that replicating the Rural Zone provisions within the Special Purpose Correction Zone will address the section 42 report author's concerns that a gap may be unintentionally created in the PDP provisions.

5.41 Given the above, we have updated the PDP as follows:



**Figure 17: Area 5 Notified zoning**





**Figure 18: Area 5 Decision zoning**

## **6 Conclusion**

- 6.1 We accept and/or reject the section 42A report and the evidence filed by the submitters, collectively forming the section 32AA assessment informing this Decision.
- 6.2 Overall, we are satisfied that the zoning pattern in Mercer, Meremere and Hampton Downs (and the activities / development enabled by those zones) will provide a suitable framework for managing growth within these areas for the lifespan of the PDP.

**For the Hearings Panel**

*Phil Mitchell*

**Dr Phil Mitchell, Chair**

**Dated: 17 January 2022**

## MAZ – Mercer Airport zone

*The relevant district-wide chapter provisions apply in addition to this chapter.*

### **Objectives**

MAZ-O1 Operation and development.

Mercer Airport is able to operate safely and efficiently and is developed to meet the current and future needs of the aviation community.

MAZ-O2 Adverse effects.

The adverse effects of airport activities are managed to maintain amenity outcomes compatible with surrounding land uses.

### **Policies**

MAZ-P1 Operation and development.

To enable the continued operation and development of Mercer Airport by providing for a diversity of aviation and other activities which support the aviation sector.

MAZ-P2 Operational and safety requirements.

To protect the operational and safety requirements of Mercer Airport by controlling development surrounding the Airport that may restrict or infringe those requirements through mechanisms such as airspace protection (Obstacle Limitation Surface) and noise control boundaries.

MAZ-P3 Buildings and structures.

To enable development at the Airport that provides for its operational requirements whilst maintaining rural amenity and character of surrounding properties.

MAZ-P4 Commercial activities.

To enable a range of commercial activities that support Mercer Airport and the aviation sector including hangars, workshops, storage buildings and refuelling facilities.

MAZ-P5 Adverse effects.

(I) Mitigate adverse airport effects through the application of general and airport specific performance standards including:

- (a) The scale and intensity of on-site activities;
- (b) Noise;
- (c) Glare and Lighting;
- (d) Earthworks;
- (e) Hazardous substances;
- (f) Outdoor storage; and
- (g) Temporary events

## Rules

### Land use – activities

<b>MAZ-R1</b>	<u>General aviation including helicopters</u>	
(1) <b>Activity status: PER</b> <b>Activity-specific standards:</b> <u>Nil.</u>		(2) <b>Activity status where compliance not achieved: n/a</b>
<b>MAZ-R2</b>	<u>Recreational flying</u>	
(1) <b>Activity status: PER</b> <b>Activity-specific standards:</b> <u>Nil.</u>		(2) <b>Activity status where compliance not achieved: n/a</b>
<b>MAZ-R3</b>	<u>Commercial aviation</u>	
(1) <b>Activity status: PER</b> <b>Activity-specific standards:</b> <u>Nil.</u>		(2) <b>Activity status where compliance not achieved: n/a</b>
<b>MAZ-R4</b>	<u>Commercial maintenance and servicing</u>	
(1) <b>Activity status: PER</b> <b>Activity-specific standards:</b> <u>Nil.</u>		(2) <b>Activity status where compliance not achieved: n/a</b>
<b>MAZ-R5</b>	<u>Aviation related light industry</u>	
(1) <b>Activity status: PER</b> <b>Activity-specific standards:</b> <u>Nil.</u>		(2) <b>Activity status where compliance not achieved: n/a</b>
<b>MAZ-R6</b>	<u>Aviation related offices</u>	
(1) <b>Activity status: PER</b> <b>Activity-specific standards:</b> <u>Nil.</u>		(2) <b>Activity status where compliance not achieved: n/a</b>
<b>MAZ-R7</b>	<u>Aviation related storage and warehousing</u>	
(1) <b>Activity status: PER</b> <b>Activity-specific standards:</b> <u>Nil.</u>		(2) <b>Activity status where compliance not achieved: n/a</b>
<b>MAZ-R8</b>	<u>Navigational equipment</u>	
(1) <b>Activity status: PER</b> <b>Activity-specific standards:</b> <u>Nil.</u>		(2) <b>Activity status where compliance not achieved: n/a</b>
<b>MAZ-R9</b>	<u>Mercer Airport runway and taxiways</u>	
(1) <b>Activity status: PER</b> <b>Activity-specific standards:</b> <u>Nil.</u>		(2) <b>Activity status where compliance not achieved: n/a</b>
<b>MAZ-R10</b>	<u>Clubrooms</u>	
(1) <b>Activity status: PER</b> <b>Activity-specific standards:</b> <u>Nil.</u>		(2) <b>Activity status where compliance not achieved: n/a</b>
<b>MAZ-R11</b>	<u>Café</u>	

<p><b>(1) Activity status: PER</b>  <b>Activity-specific standards:</b>  <u>Nil.</u></p>	<p><b>(2) Activity status where compliance not achieved: n/a</b></p>
<b>MAZ-R12</b>	<u>Construction or alteration of a building for a sensitive land use</u>
<p><b>(1) Activity status: PER</b>  <b>Activity-specific standards:</b>          (a) <u>The construction or alteration of a building for a sensitive land use that complies with all of the following standards:</u>          (i) <u>It is set back a minimum of 10m from the centre of line of any electrical distribution or transmission lines, not associated with the National Grid, that operate at a voltage of up to 110kV; or</u>          (ii) <u>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>	<p><b>(2) Activity status where compliance not achieved: RDIS</b>  <b><u>Council's discretion is restricted to the following matters:</u></b>          (a) <u>Effects on the amenity values of the site;</u>          (b) <u>The risk of electrical hazards affecting the safety of people;</u>          (c) <u>The risk of damage to property; and</u>          (d) <u>Effects on the operation, maintenance and upgrading of the electrical distribution or transmission lines.</u></p>
<b>MAZ-R13</b>	<u>Construction, demolition, addition, and alteration of a building or structure</u>
<p><b>(1) Activity status: PER</b>  <b>Activity-specific standards:</b>  <u>Nil</u></p>	<p><b>(2) Activity status where compliance not achieved: n/a</b></p>
<b>MAZ-R14</b>	<u>Fuel storage and refuelling</u>
<p><b>(1) Activity status: CON</b>  <b>Activity-specific standards:</b>  <u>Nil.</u>  <b><u>Council's control is reserved over the following matters:</u></b>          (a) <u>The proposed site design and layout in relation to:</u>          (i) <u>The sensitivity of the surrounding natural, human and physical environment;</u>          (ii) <u>Potential hazards and exposure pathways arising from the proposed facility, including cumulative risks with other facilities; and</u>          (iii) <u>Interaction with natural hazards (flooding, instability), as applicable;</u>          (iv) <u>Proposed emergency management planning (spills, fire and other relevant hazards); and</u>          (b) <u>Proposed procedures for monitoring and reporting of incidents.</u></p>	<p><b>(2) Activity status where compliance not achieved: n/a</b></p>
<b>MAZ-R15</b>	<u>Jet flights</u>

<p><b>(1) Activity status: RDIS</b>  <b>Activity-specific standards:</b>  <u>Nil.</u></p> <p><b>Council's discretion shall be restricted to the following matters:</b></p> <ul style="list-style-type: none"> <li>(a) <u>Frequency and duration of flights;</u></li> <li>(b) <u>Effects on amenity values;</u></li> <li>(c) <u>Hours and days of operation; and</u></li> <li>(d) <u>Noise levels</u></li> </ul>	<p><b>(2) Activity status where compliance not achieved: n/a</b></p>
<b>MAZ-RI 6</b>	<u>Accommodation above hangars</u>
<p><b>(1) Activity status: RDIS</b>  <b>Activity-specific standards:</b>  <u>Nil.</u></p> <p><b>Council's discretion shall be restricted to the following matters:</b></p> <ul style="list-style-type: none"> <li>(a) <u>Acoustic insulation and achievement of internal noise levels;</u></li> <li>(b) <u>Design and orientation of habitable building; and</u></li> <li>(c) <u>Provision of appropriate water, wastewater and stormwater disposal services.</u></li> </ul>	<p><b>(2) Activity status where compliance not achieved: n/a</b></p>
<b>MAZ-RI 7</b>	<u>Any activity that is not listed as prohibited, permitted, restricted discretionary or discretionary.</u>
<p><b>(1) Activity status: NC</b></p>	

Land use – effects

<b>MAZ-SI</b>	<u>Hours of operation for aircraft operations</u>
<p><b>(1) Activity status: PER</b>  <b>Where:</b></p> <ul style="list-style-type: none"> <li>(a) <u>Aircraft operations shall be carried out between:</u> <ul style="list-style-type: none"> <li>(i) <u>0700 hours to 2200 hours in the summer period; or</u></li> <li>(ii) <u>0700 hours to 1900 hours in the winter period.</u></li> </ul> </li> <li>(b) <u>MAZ-SI(1) does not apply to the following:</u> <ul style="list-style-type: none"> <li>(i) <u>Aircraft landing or taking off in an emergency; or</u></li> <li>(ii) <u>Emergency flights required to rescue persons from life threatening situations; or</u></li> <li>(iii) <u>Emergency flights to transport patients, human vital organs or</u></li> </ul> </li> </ul>	<p><b>(2) Activity status where compliance not achieved: DIS</b></p>

<p><u>medical personnel in a medical emergency; or</u></p> <p>(iv) <u>Flights required to meet the needs to a national or civil defence emergency declared under the Civil Defence Emergency Management Act 2002; or</u></p> <p>(v) <u>Aircraft using the airfield due to unforeseen circumstances as an essential alternative to landing at a scheduled airport elsewhere; or</u></p> <p>(vi) <u>Aircraft being used in the course of firefighting duties; or</u></p> <p>(vii) <u>Aircraft being used in the course of police duties.</u></p>	
<b>MAZ-S2</b>	<u>Outdoor storage</u>
<p><b>(1) Activity status: PER</b></p> <p><b><u>Where:</u></b></p> <p>(a) <u>Outdoor storage of goods or materials must:</u></p> <p>(i) <u>Be associated with a Permitted Activity operating from the site; and</u></p> <p>(ii) <u>Not encroach on any required parking and manoeuvring areas.</u></p>	<p><b>(2) Activity status where compliance not achieved: RDIS</b></p> <p><b><u>Council's discretion shall be restricted to the following matters:</u></b></p> <p>(a) <u>Effects on amenity;</u></p> <p>(b) <u>Visual impact;</u></p> <p>(c) <u>Nature, scale and location of screening;</u></p> <p>(d) <u>Proximity and height of stockpiles to road reserve or other sites;</u></p> <p>(e) <u>Access to sunlight and daylight; and</u></p> <p>(f) <u>Safety of road users and pedestrians</u></p>
<b>MAZ-S3</b>	<u>Access and vehicles</u>
<p><b>(1) Activity status: PER</b></p> <p><b><u>Where:</u></b></p> <p>(a) <u>The use of Mercer Airport for any permitted activity set out in Rules MAZ-RI to MAZ-RII (apart from a temporary event) provided that:</u></p> <p>(i) <u>The number of vehicles accessing the MAZ – Mercer Airport zone shall not exceed 160 vehicles (320 vehicle movements) per day.</u></p>	<p><b>(2) Activity status where compliance not achieved: RDIS</b></p> <p><b><u>Council's discretion shall be restricted to the following matters:</u></b></p> <p>(a) <u>Safety of access users;</u></p> <p>(b) <u>Intersection safety with a public road; and</u></p> <p>(c) <u>Formation, width, drainage.</u></p>
<b>MAZ-S4</b>	<u>Height of buildings, structures, trees and other vegetation</u>
<p><b>(1) Activity status: PER</b></p> <p><b><u>Where:</u></b></p> <p>(a) <u>Any building or structure must not exceed a height of 10 m, measured from the natural ground level immediately below that part of the structure; and</u></p> <p>(i) <u>Any building, structure, tree or other vegetation must not protrude through the Obstacle Limitation Surfaces defined in APP11 – Mercer Airport.</u></p>	<p><b>(2) Activity status where compliance not achieved: RDIS</b></p> <p><b><u>Council's discretion shall be restricted to the following matters:</u></b></p> <p>(a) <u>Form, bulk and location of building, structure, object, mast or tree;</u></p> <p>(b) <u>Effect on the safe and efficient operation of Mercer Airport; and</u></p> <p>(c) <u>Access to daylight and sunlight.</u></p>
<b>MAZ-S5</b>	<u>Height in relation to boundary</u>



<p><b>(1) Activity status: PER</b></p> <p><b>Where:</b></p> <p>(a) <u>Any building, structure or stockpiling of materials must not protrude through a height control plane rising at an angle of:</u></p> <p>(i) <u>45 degrees commencing at an elevation of 2.5m above ground level at every point of the Zone boundary.</u></p>	<p><b>(2) Activity status where compliance not achieved: RDIS</b></p> <p><b><u>Council's discretion shall be restricted to the following matters:</u></b></p> <p>(a) <u>Effects on amenity values;</u></p> <p>(b) <u>Admission of daylight and sunlight to the site and other sites; and</u></p> <p>(c) <u>Extent of areas of non-compliance.</u></p>
<b>MAZ-S6</b>	Building coverage and impervious area
<p><b>(1) Activity status: PER</b></p> <p><b>Where:</b></p> <p>(a) <u>Construction or alteration of a building must comply with all of the following:</u></p> <p>(i) <u>The total building coverage must not exceed:</u></p> <p>(1) <u>30% of the site area, up to a maximum of 900m<sup>2</sup>; and</u></p> <p>(2) <u>result in more than 60% of the site having an impervious surface, up to a maximum 1800m<sup>2</sup> impermeability.</u></p> <p>(b) <u>MAZ-S6(1)(a) does not apply to a structure that is not a building.</u></p>	<p><b>(2) Activity status where compliance not achieved: RDIS</b></p> <p><b><u>Council's discretion shall be restricted to the following matters:</u></b></p> <p>(a) <u>Effects on amenity values;</u></p> <p>(b) <u>Building form, bulk, location, external cladding and colour;</u></p> <p>(c) <u>Extent of area of non-compliance;</u></p> <p>(d) <u>Effects on adjacent sites;</u></p> <p>(e) <u>Stormwater management;</u></p> <p>(f) <u>Onsite parking provision; and</u></p> <p>(g) <u>Landscape planting and other visual mitigation measures</u></p>
<b>MAZ-S7</b>	Building setback
<p><b>(1) Activity status: PER</b></p> <p><b>Where:</b></p> <p>(a) <u>Any building must be set back at least 6m from a MAZ – Mercer Airport zone boundary.</u></p>	<p><b>(2) Activity status where compliance not achieved: RDIS</b></p> <p><b><u>Council's discretion shall be restricted to the following matters:</u></b></p> <p>(a) <u>Effects on amenity values;</u></p> <p>(b) <u>Effects on adjacent sites; and</u></p> <p>(c) <u>Effects on aircraft safety and taxiing.</u></p>
<b>MAZ-S8</b>	Habitable buildings inside the 65 dBA L <sub>dn</sub> air noise boundary contour on the planning maps
<p><b>(1) Activity status: RDIS</b></p> <p><b>Where:</b></p> <p>(a) <u>Any habitable building inside the 65 dBA L<sub>dn</sub> contour as shown on the planning maps.</u></p> <p><b><u>Council's discretion shall be restricted to the following matters:</u></b></p> <p>(b) <u>Acoustic insulation and achievement of internal noise levels; and</u></p> <p>(c) <u>Design and orientation of habitable building.</u></p>	<p><b>(2) Activity status where compliance not achieved: n/a</b></p>
<b>MAZ-S9</b>	Accommodation above hangars
<p><b>(1) Activity status: RDIS</b></p> <p><b>Where:</b></p>	<p><b>(2) Activity status where compliance not achieved: NC</b></p>

<p>(a) <u>Any accommodation in the MAZ – Mercer Airport zone when located above a hangar.</u></p> <p><b><u>Council's discretion shall be restricted to the following matters</u></b></p> <p>(b) <u>Acoustic insulation and achievement of internal noise levels;</u></p> <p>(c) <u>Design and orientation of habitable building;</u></p> <p>(d) <u>Provision of appropriate water, wastewater and stormwater disposal services; and</u></p> <p>(e) <u>Effects on rural amenity.</u></p>	
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MAZ – Mercer airport zone

<b><u>NOISE-R33</u></b>	<b><u>Noise – non-aviation related</u></b>	
<b><u>MAZ – Mercer airport zone</u></b>	<p><b><u>(1) Activity status: PER</u></b></p> <p><b><u>Where:</u></b></p> <p>(a) <u>Noise from any non-aviation related activity in the MAZ – Mercer Airport zone must not exceed the following noise limits when measured at the notional boundary of a site within the GRUZ – General Rural zone:</u></p> <p>(i) <u>55 dB L<sub>Aeq</sub>, 7am to 10pm every day; and</u></p> <p>(ii) <u>40 dB L<sub>Aeq</sub> and 70 dB L<sub>afmax</sub>, 10pm to 7am the following day.</u></p> <p>(b) <u>NOISE-R33(1)(a) does not apply to:</u></p> <p>(i) <u>Construction noise; or</u></p> <p>(ii) <u>Noise from emergency sirens.</u></p>	<p><b><u>(2) Activity status where compliance not achieved: DIS</u></b></p>
<b><u>NOISE-R34</u></b>	<b><u>Noise – aircraft operations</u></b>	
<b><u>MAZ – Mercer airport zone</u></b>	<p><b><u>(1) Activity status: PER</u></b></p> <p><b><u>Where:</u></b></p> <p>(a) <u>Noise from aircraft operations in the MAZ – Mercer Airport zone shall not exceed 65 dBA L<sub>dn</sub> outside the Air Noise Boundary and 55 dBA L<sub>dn</sub> outside the Outer Control Boundary as shown on the planning maps. For the purpose of this rule aircraft noise shall be</u></p>	<p><b><u>(2) Activity status where compliance not achieved: DIS</u></b></p>

	<p><u>assessed in accordance with NZS6805:1992 "Airport Noise Management and Land Use Planning" and logarithmically averaged over a three month period. The following operations are excluded from the calculation of noise for compliance with noise limits:</u></p> <p>(i) <u>Aircraft engine testing and maintenance;</u></p> <p>(ii) <u>Aircraft landing or taking off in an emergency; and</u></p> <p>(iii) <u>Air Show (for one air show per year).</u></p> <p>(b) <u>Aircraft movements shall be recorded monthly and noise contours for the purpose of assessing compliance with rule NOISE-R34(1)(a) shall be calculated no later than 12 months from the date the rule becomes legally operative and thereafter once every two years. When the calculated noise level is within 1 decibel of the limit noise contours for the purpose of assessing compliance with Rule NOISE-R34(1)(a) shall be calculated annually and verified with infield monitoring once every two years.</u></p> <p>(i) <u>A report detailing the noise contours and calculations and in-field noise levels in the years that these are monitored, shall be prepared and forwarded to the Council on an annual basis by the airport operator.</u></p>	
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<b><u>LIGHT-RI</u></b>	<b><u>Glare and artificial light spill</u></b>	
<ul style="list-style-type: none"> <li>• <u>MAZ – Mercer Airport zone</u></li> </ul>	<p><b><u>(1) Activity status: PER Where:</u></b></p> <p>(a) <u>Illumination from glare and artificial light spill shall not exceed 10 lux measured horizontally and vertically within any other site.</u></p> <p>(b) <u>In the MAZ – Mercer Airport zone:</u></p>	<p><b><u>(2) Activity status where compliance not achieved: RDIS</u></b></p> <p><b><u>Council's discretion is restricted to the following matters:</u></b></p> <p>(a) <u>Effects on amenity values;</u></p> <p>(b) <u>Light spill levels on other sites;</u></p>

	(i) <u>LIGHT-RI(1)(a) does not apply to runway lighting.</u>	(c) <u>Road safety;</u> (d) <u>Duration and frequency;</u> (e) <u>Location and orientation of the light source; and</u> (f) <u>Mitigation measures.</u>
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**EW-Px Earthworks in the MAZ – Mercer Airport zone.**

Provide for the unique operational requirements of an airport whilst at the same time achieving appropriate levels of amenity for surrounding properties.

<b>EW-Rxx</b>	<b>Earthworks – general</b>	
<b>MAZ – Mercer airport zone</b>	<p><b>(1) Activity status: PER</b></p> <p><b>Where:</b></p> <ul style="list-style-type: none"> <li>(a) <u>Earthworks within the MAZ – Mercer Airport zone must meet all of the following standards:</u></li> <li>(i) <u>Earthworks must not exceed a volume of more than 1,000m<sup>3</sup> in a single calendar year;</u></li> <li>(ii) <u>Earthworks must not exceed an area of more than 1,000m<sup>2</sup> in a single calendar year;</u></li> <li>(iii) <u>The height of the resulting cut or batter face does not exceed 1.5 m with a maximum slope of 1:2 (1 metre vertical to 2 m horizontal;</u></li> <li>(iv) <u>Areas exposed by the earthworks not covered by buildings or other impervious surfaces are revegetated to achieve 80% ground cover within 6 months of the commencement of the earthworks;</u></li> <li>(v) <u>Sediment is retained on site through implementation and maintenance of erosion and sediment controls; and</u></li> <li>(vi) <u>Earthworks must not divert or change natural water flows or established drainage paths.</u></li> </ul>	<p><b>(2) Activity status where compliance not achieved: RDIS</b></p> <p><b><u>Council's discretion is restricted to the following matters:</u></b></p> <ul style="list-style-type: none"> <li>(a) <u>Amenity values and landscape effects;</u></li> <li>(b) <u>Volume, extent and depth of earthworks;</u></li> <li>(c) <u>Nature of fill material;</u></li> <li>(d) <u>Contamination of fill material;</u></li> <li>(e) <u>Location of earthworks relative to waterways;</u></li> <li>(f) <u>Compaction of fill material;</u></li> <li>(g) <u>Volume and depth of fill material;</u></li> <li>(h) <u>Geotechnical stability of fill material;</u></li> <li>(i) <u>Flood risk; and</u></li> <li>(j) <u>Land instability, erosion and sedimentation.</u></li> </ul>
<b>EW-Rxx</b>	<b>Earthworks – general</b>	
<b>MAZ – Mercer airport zone</b>	<p><b>(1) Activity status: PER</b></p> <p><b>Where:</b></p>	<p><b>(2) Activity status where compliance not achieved: RDIS</b></p>

	<p>(a) <u>The importation of fill material to the site must meet all of the following standards, in addition to the standards in Rule EW-Rxx:</u></p> <p>(i) <u>Earthworks do not exceed a total volume of 500m<sup>3</sup> per site and a depth of 1 metre;</u></p> <p>(ii) <u>Earthworks must be fit for compaction;</u></p> <p>(iii) <u>The height of the resulting batter face in stable ground must not exceed 1.5 metres with a maximum slope of 1:2 (1m vertical to 2m horizontal);</u></p> <p>(iv) <u>Earthworks do not restrict the ability of the land to drain; and</u></p> <p>(v) <u>The sediment from fill material is retained on the site.</u></p>	<p><b><u>Council's discretion is restricted to the following matters:</u></b></p> <p>(a) <u>Amenity values and landscape effects;</u></p> <p>(b) <u>Volume, extent and depth of earthworks;</u></p> <p>(c) <u>Nature of fill material;</u></p> <p>(d) <u>Contamination of fill material;</u></p> <p>(e) <u>Location of earthworks relative to waterways;</u></p> <p>(f) <u>Compaction of fill material;</u></p> <p>(g) <u>Volume and depth of fill material;</u></p> <p>(h) <u>Geotechnical stability of fill material;</u></p> <p>(i) <u>Flood risk; and</u></p> <p>(j) <u>Land instability, erosion and sedimentation.</u></p>
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<b>TEMP-Rx</b>	<b>Temporary event</b>	
<b>MAZ – Mercer airport zone</b>	<p><b>(1) Activity status: PER</b></p> <p><b><u>Where:</u></b></p> <p>(a) <u>The temporary event must comply with all of the following standards:</u></p> <p>(i) <u>The event occurs no more than 3 times per consecutive 12-month period;</u></p> <p>(ii) <u>It does not involve motorised outdoor recreation (except flying);</u></p> <p>(iii) <u>It does not involve outdoor musical events or concerts; and</u></p> <p>(iv) <u>It operates within the hours of:</u></p> <p>(1) <u>7.00am to 10pm Monday to Saturday; and</u></p> <p>(2) <u>7.00am to 6pm Sunday.</u></p> <p>(b) <u>An air show event occurs only once per consecutive 12 month period.</u></p> <p>(c) <u>Temporary structures are:</u></p> <p>(i) <u>Erected no more than 7 days before the event occurs; and</u></p>	<p><b>(2) Activity status where compliance not achieved: RDIS</b></p> <p><b><u>Council's discretion is restricted to the following matters:</u></b></p> <p>(a) <u>Amenity;</u></p> <p>(b) <u>Noise levels;</u></p> <p>(c) <u>Timing and duration of the event; and</u></p> <p>(d) <u>Effects on the safe and efficient operation of the land transport network.</u></p>

	<p>(ii) <u>Removed no more than 7 days after the end of the event.</u></p> <p>(d) <u>The site is returned to its original condition no more than 7 days after the end of the event.</u></p>	
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## **CORZ – Corrections zone**

*The relevant district-wide chapter provisions apply in addition to this chapter.*

### **Purpose**

Ara Poutama Aotearoa Department of Corrections operates a custodial prison facility located northwest of Te Kauwhata, known as the Spring Hill Corrections Facility. The prison is accessed via Hampton Downs Road, with the custodial facility located towards the southern end of a 212ha landholding.

Ara Poutama Aotearoa Department of Corrections is responsible for the operational management of the prison. The site is designated for the purpose of “Spring Hill Corrections Facility” and is gazetted for justice purposes.

The prison is a social infrastructure facility of regional importance. The facility plays a vital role in the region in allowing Ara Poutama Aotearoa Department of Corrections to meet its responsibilities under the Corrections Act 2004 for enforcing sentences and orders of the criminal courts and the New Zealand parole board.

In accordance with Section 176 of the Resource Management Act 1991 (RMA), the provisions of the District Plan shall apply in relation to the land that is subject to the designation only to the extent that the land is used for a purpose other than the designated purpose. In addition, as required under Section 176 (1)(b), no person may, without the prior written consent of the requiring authority, do anything in relation to the land that is subject to the designation that would prevent or hinder a public work or project or work to which the designation relates.

While custodial correctional and ancillary activities are enabled under the designation, additional aligned noncustodial justice sector activities appropriate for the site are enabled by the CORZ – Corrections zone, while managing their potential effects on the surrounding environment. This includes non-custodial rehabilitation activity, community corrections activity and supported residential accommodation. The CORZ – Corrections zone otherwise generally adopts the same provisions as the surrounding GRUZ – General rural zone.

### **Objectives**

**CORZ-O1** Continued operation and development of Spring Hill Corrections Facility.

- (1) Spring Hill Corrections Facility is recognised as regionally important infrastructure which contributes to the economic and social well-being, and health and safety of the region and district.
- (2) Spring Hill Correction Facility’s operational needs and functional needs are provided for, while ensuring any adverse environmental effects of activities are managed so as to be compatible with the surrounding rural environment.
- (3) Use and development unrelated to the operation, maintenance, upgrading, and expansion of Spring Hill Correction Facility occurs in a manner consistent with the GRUZ – General rural zone provisions.
- (4) The safe and efficient operation, maintenance, upgrading, and expansion of Spring Hill Correction Facility is not constrained or compromised by other activities.

## **Policies**

**CORZ-PI** Operation and development.

Provide for the ongoing operation and development of custodial correctional activities and facilities.

**CORZ-P2** Compatible activities.

(1) Allow activities that are compatible with the role and function of the zone, including:

- (a) Those activities provided for as permitted activities in the GRUZ – General rural zone;
- (b) Non-custodial rehabilitation activity;
- (c) Community corrections activity;
- (d) Supported residential accommodation;
- (e) Custodial correctional facilities (in accordance with the designation).

(2) Allow other activities which are otherwise compatible with the function and predominant character of the GRUZ – General rural zone.

**CORZ-P3** Maintenance of rural character and amenity.

Ensure activities maintain rural character and amenity beyond the zone to the extent practicable.

## **Rules**

### Land use – activities

<b>CORZ-RI</b>	<u>Any activity listed as a permitted activity in the GRUZ – General rural zone</u>	
<b>(1) Activity status: PER</b> <b>Activity-specific standards:</b> <ul style="list-style-type: none"> <li>(a) <u>As per the applicable activity specific standards for the GRZ – General rural zone.</u></li> </ul>		<b>(2) Activity status where compliance not achieved: n/a</b>
<b>CORZ-R2</b>	<u>Non-custodial rehabilitation activity</u>	
<b>(1) Activity status: PER</b> <b>Activity-specific standards:</b> <ul style="list-style-type: none"> <li>(a) <u>Unloading and loading of vehicles or the receiving of deliveries only occur after 7:00am and before 7:00pm on any day; and</u></li> <li>(b) <u>Machinery can be operated after 7:30am and up to 7:00pm on any day.</u></li> </ul>		<b>(2) Activity status where compliance not achieved: DIS</b>
<b>CORZ-R3</b>	<u>Community corrections activity</u>	
<b>(1) Activity status: PER</b> <b>Activity-specific standards:</b> <ul style="list-style-type: none"> <li>(a) <u>The hours of operation are between 7:00am and 7:00pm on any day.</u></li> </ul>		<b>(2) Activity status where compliance not achieved: DIS</b>
<b>CORZ-R4</b>	<u>Supported residential accommodation</u>	

<p><b>(1) Activity status: PER</b>  <b>Activity-specific standards:</b></p> <ul style="list-style-type: none"> <li>(a) <u>Land Use – building standards for the zone except:</u> <ul style="list-style-type: none"> <li>(i) <u>CORZ-S1 (Number of residential units within a lot) does not apply;</u></li> <li>(ii) <u>CORZ-S2 (Minor residential units) does not apply;</u></li> </ul> </li> <li>(b) <u>No more than 30 residents are to be accommodated at any one time;</u></li> <li>(c) <u>No more than five supported residential accommodation units to be provided within the site;</u></li> <li>(d) <u>Supported residential accommodation units are to be located in the area identified for “external self-care units” in accordance approved designation plan RC03, Revision 3.</u></li> </ul>	<p><b>(2) Activity status where compliance not achieved: DIS</b></p>
<p><b>CORZ-R5</b>      <u>Construction or alteration of a building for a sensitive land use</u></p>	
<p><b>(1) Activity status: PER</b>  <b>Activity-specific standards:</b></p> <ul style="list-style-type: none"> <li>(a) <u>The construction or alteration of a building for a sensitive land use that complies with all of the following standards:</u> <ul style="list-style-type: none"> <li>(i) <u>It is set back a minimum of 10m from the centre of line of any electrical distribution or transmission lines, not associated with the National Grid, that operate at a voltage of up to 110kV; or</u></li> <li>(ii) <u>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></li> </ul> </li> </ul>	<p><b>(2) Activity status where compliance not achieved: RDIS</b>  <b><u>Council’s discretion is restricted to the following matters:</u></b></p> <ul style="list-style-type: none"> <li>(a) <u>Effects on the amenity values of the site;</u></li> <li>(b) <u>The risk of electrical hazards affecting the safety of people;</u></li> <li>(c) <u>The risk of damage to property; and</u></li> <li>(d) <u>Effects on the operation, maintenance and upgrading of the electrical distribution or transmission lines.</u></li> </ul>
<p><b>CORZ-R6</b>      <u>Any activity listed as a restricted discretionary activity in the GRUZ – General rural zone</u></p>	
<p><b>(1) Activity status: RDIS</b>  <b>Activity-specific standards:</b></p> <ul style="list-style-type: none"> <li>(a) <u>As per the applicable activity specific standards for the GRZ – General rural zone.</u></li> </ul> <p><b><u>Council’s discretion is restricted to the following matters:</u></b></p> <ul style="list-style-type: none"> <li>(b) <u>As per the applicable matters of discretion for the GRUZ – General rural zone.</u></li> </ul>	<p><b>(2) Activity status where compliance not achieved: n/a</b></p>

<b>CORZ-R7</b>	Any activity listed as a discretionary activity in the GRUZ – General rural Zone
<b>(I) Activity status: DIS</b>	
<b>CORZ-R8</b>	Any activity listed as a non-complying activity in the GRUZ – General rural Zone
<b>(I) Activity status: NC</b>	
<b>CORZ-R9</b>	Any other activity that is not listed as permitted, restricted discretionary, discretionary or non-complying
<b>(I) Activity status: NC</b>	

*Land use – building*

<b>CORZ-S1</b>	Number of residential units and seasonal worker accommodation within a lot	
<b>(1) Activity status: PER</b>		<b>(2) Activity status: DIS</b>
<b>Where:</b>		<b>Where:</b>
<p>(a) One residential unit within a Record of Title containing an area less than 40ha;</p> <p>(b) Within a lot Record of Title containing 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;</p> <p>(c) Any residential unit(s) under CORZ-S1(1)(a) and (b), or seasonal worker accommodation under CORZ-S1(1)(a)(c) must not be located within any of the following landscape and natural character areas:</p> <p>(i) Outstanding Natural Feature;</p> <p>(ii) Outstanding Natural Landscape;</p> <p>(iii) Outstanding Natural Character Area;</p> <p>or</p> <p>(iv) High Natural Character Area.</p>		<p>(a) A residential unit that complies with CORZ-S1(1)(a) or (b) and is located within an area listed in (d); or</p> <p><b>(3) Activity status: NC</b></p> <p><b>Where</b></p> <p>(a) A residential unit that does not comply with CORZ-S1(1)(a) or (b);</p> <p>(b) Seasonal worker accommodation that does not comply with CORZ-S1(1)(c).</p>
<b>CORZ-S2</b>	Minor residential units	
<b>(1) Activity status: PER</b>		<b>(2) Activity status where compliance not achieved: DIS</b>
<b>Where:</b>		
<p>(a) One minor residential unit not exceeding 120m<sup>2</sup> gross floor area (excluding accessory buildings) within a Record of Title lot.</p> <p>(b) The minor residential unit shall be located on the same Record of Title as an existing residential unit and shall:</p> <p>(i) Be located within 100m of the existing residential unit;</p> <p>(ii) Share a single driveway access with the existing residential unit.</p> <p>(c) Any minor residential unit must not be located within any of the following landscape or natural character areas:</p> <p>(i) Outstanding Natural Feature;</p> <p>(ii) Outstanding Natural Landscape;</p>		

(iii) <u>Outstanding Natural Character Area;</u> <u>or</u> (iv) <u>High Natural Character Area.</u>	
<b>CORZ-S3</b>	<u>Building height – general</u>
<p><b>(1) Activity status: PER</b></p> <p><b>Where:</b></p> <ul style="list-style-type: none"> <li>(a) <u>The maximum height of any building or structure measured from the natural ground level immediately below that part of the structure must not exceed 15m, except:</u> <ul style="list-style-type: none"> <li>(i) <u>The maximum height is 10m where located within 50m of a road or internal boundary;</u></li> <li>(ii) <u>For hose drying towers associated with emergency service facilities the maximum height is 15m.</u></li> </ul> </li> <li>(b) <u>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></li> </ul> <p><u>Advice note: the height of frost fans is subject to CORZ-S4.</u></p>	<p><b>(2) Activity status where compliance not achieved: DIS</b></p>
<b>CORZ-S4</b>	<u>Building height – frost fans</u>
<p><b>(1) Activity status: PER</b></p> <p><b>Where:</b></p> <ul style="list-style-type: none"> <li>(a) <u>The height of the support structure for a frost fan must not exceed 10.5m; and</u></li> <li>(b) <u>The fan blades must not rotate higher than 13.5m above natural ground level.</u></li> </ul>	<p><b>(2) Activity status where compliance not achieved: DIS</b></p>
<b>CORZ-S5</b>	<u>Height – buildings, structures and vegetation in a battlefield view shaft</u>
<p><b>(1) Activity status: PER</b></p> <p><b>Where:</b></p> <ul style="list-style-type: none"> <li>(a) <u>The maximum height of any building, structure or vegetation within a battlefield view shaft as shown on the planning map must not exceed 5m.</u></li> </ul>	<p><b>(2) Activity status where compliance not achieved: DIS</b></p>
<b>CORZ-S6</b>	<u>Height in relation to boundary</u>
<p><b>(1) Activity status: PER</b></p> <p><b>Where:</b></p> <ul style="list-style-type: none"> <li>(a) <u>A building or structure (excluding poles or aerals) must not protrude through the height in relation to boundary rising at an angle of 45 degrees commencing at an elevation of 2.5m above ground level at every point of the site boundary.</u></li> </ul>	<p><b>(2) Activity status where compliance not achieved: RDIS</b></p> <p><b><u>Council's discretion is restricted to the following matters:</u></b></p> <ul style="list-style-type: none"> <li>(a) <u>Height of the building;</u></li> <li>(b) <u>Design and location of the building;</u></li> <li>(c) <u>Admission of daylight and sunlight to the site and other site;</u></li> </ul>

		(d) Privacy on any other site; and (e) Amenity values of the locality.
<b>CORZ-S7</b>	<b>Building coverage</b>	
<b>(1) Activity status: PER</b> <b>Where:</b> (a) <u>The total building coverage must not exceed:</u> (i) <u>2% of the site area or 500m<sup>2</sup> (whichever is larger) for sites smaller than 10ha;</u> (ii) <u>5,000m<sup>2</sup> for sites larger than 10ha.</u> (b) <u>CORZ-S7(1)(a) does not apply:</u> (i) <u>To a structure that is not a building; or</u> (ii) <u>Eaves of a building that project less than 750mm horizontally from the exterior wall of the building.</u> (c) <u>No site coverage limit applies to Artificial Crop Protection Structures that meet the following standards:</u> (i) <u>Green or black cloth shall be used on vertical faces within 30m of the site boundary;</u> (ii) <u>Green, black or white cloth shall be used on horizontal surfaces.</u>		<b>(2) Activity status where compliance not achieved: DIS</b>
<b>CORZ-S8</b>	<b>Building setbacks – all boundaries</b>	
<b>(1) Activity status: PER</b> <b>Where:</b> (a) <u>A habitable building located on a Record of Title less than 1.6ha must be set back a minimum of:</u> (i) <u>7.5m from the road boundary;</u> (ii) <u>17.5m from the centre line of an indicative road;</u> (iii) <u>25m from the boundary of an adjoining site that is 6ha or more;</u> (iv) <u>12m from the boundary of an adjoining site that is less than 6ha;</u> (b) <u>A non-habitable building or structure located on a Record of Title less than 1.6ha must be set back a minimum of:</u> (i) <u>7.5m from the road boundary;</u> (ii) <u>17.5m from the centre line of an indicative road;</u> (iii) <u>12m from every boundary other than a road boundary.</u> (c) <u>Standard CORZ-S8(1)(b) does not apply to fences or structures less than 2m in height, retaining walls, poles or aerials.</u>		<b>(2) Activity status where compliance not achieved: RDIS</b> <b><u>Council's discretion is restricted to the following matters:</u></b> (a) <u>Effects on rural amenity values;</u> (b) <u>Transport network safety and efficiency;</u> (c) <u>Reverse sensitivity effects; and</u> (d) <u>Where the road boundary is with an unformed paper road the likelihood of the road being formed or readily utilised by the public.</u>



<p>(d) <u>A habitable building located on a Record of Title 1.6ha or more must be set back a minimum of:</u></p> <ul style="list-style-type: none"> <li>(i) <u>12m from the road boundary;</u></li> <li>(ii) <u>22m from the centre line of an indicative road;</u></li> <li>(iii) <u>25m from every boundary other than a road boundary.</u></li> </ul> <p>(e) <u>A non-habitable building or structure located on a Record of Title 1.6ha or more must be set back a minimum of:</u></p> <ul style="list-style-type: none"> <li>(i) <u>12m from the road boundary;</u></li> <li>(ii) <u>22m from the centre line of an indicative road;</u></li> <li>(iii) <u>12m from every boundary other than a road boundary; and</u></li> </ul> <p>(f) <u>Standard CORZ-S8(1)(e) does not apply to fences or structures less than 2m in height, retaining walls, poles or aerials.</u></p>	
<b>CORZ-S9</b>	
<u>Building setbacks – sensitive land use</u>	
<p><b>(1) Activity status: PER</b></p> <p><b><u>Where:</u></b></p> <ul style="list-style-type: none"> <li>(a) <u>Any building for a sensitive land use must be set back a minimum of:</u> <ul style="list-style-type: none"> <li>(i) <u>5m from the designated boundary of the railway corridor;</u></li> <li>(ii) <u>15m from a national route or regional arterial road;</u></li> <li>(iii) <u>35m from the designated boundary of the Waikato Expressway;</u></li> <li>(iv) <u>200m from an Aggregate Extraction Area or Extractive Resource Area containing a sand resource;</u></li> <li>(v) <u>500m from an Aggregate Extraction Area or Extractive Resource Area containing a rock resource, or a Coal Mining Area;</u></li> <li>(vi) <u>100m from a site in the Tamahere Commercial Areas A and C;</u></li> <li>(vii) <u>300m from the boundary of buildings or outdoor enclosures used for an intensive farming activity. This setback does not apply to sensitive activities located on the same site as the intensive farming activity;</u></li> <li>(viii) <u>300m from oxidation ponds that are part of a municipal wastewater treatment facility on another site;</u></li> <li>(ix) <u>30m from a municipal wastewater treatment facility where the treatment process is fully enclosed; and</u></li> </ul> </li> </ul>	<p><b>(2) Activity status where compliance not achieved: DIS</b></p>

(x) <u>Not be located within the Te Uku wind farm setback shown on the planning maps.</u>	
<b>CORZ-S10</b>	<u>Building setback – noise sensitive activities</u>
<p><b>(1) Activity status: PER</b></p> <p><b>Where:</b></p> <p>(a) <u>Construction of, or addition, or alteration to a building containing a noise sensitive activity must comply with APPI – Acoustic insulation within:</u></p> <p>(i) <u>350m of the Huntly Power Station site boundary; or</u></p> <p>(ii) <u>The Waikato Gun Club Noise Control Boundary.</u></p>	<p><b>(2) Activity status where compliance not achieved: RDIS</b></p> <p><b><u>Council's discretion is restricted to the following matters:</u></b></p> <p>(a) <u>Internal design sound levels;</u></p> <p>(b) <u>On-site amenity values; and</u></p> <p>(c) <u>Potential for reverse sensitivity effects.</u></p>
<b>CORZ-S11</b>	<u>Building setback – waterbodies</u>
<p><b>(1) Activity status: PER</b></p> <p><b>Where:</b></p> <p>(a) <u>A building other than provided for under Standards CORZ-S11(1)(b) and (c) must be set back a minimum of:</u></p> <p>(i) <u>32m from the margin of any lake with a size of 8ha or more;</u></p> <p>(ii) <u>32m from the margin of any wetland;</u></p> <p>(iii) <u>32m from the bank of a river with an average width of 3m or more, other than the Waikato River and Waipa River;</u></p> <p>(iv) <u>37m from a bank of the Waikato River and Waipa River;</u></p> <p>(v) <u>12m from the bank of any river with an average width of 3m or less;</u></p> <p>(vi) <u>12m from the margin of any lake with a size of less than 8ha;</u></p> <p>(vii) <u>32m from mean high water springs</u></p> <p>(b) <u>A public amenity building, or maimai used for temporary waterfowl hunting purposes, of up to 25m<sup>2</sup> in size;</u></p> <p>(c) <u>A pump shed (public or private) set back a minimum of 5m from any waterbody.</u></p>	<p><b>(2) Activity status where compliance not achieved: RDIS</b></p> <p><b><u>Council's discretion is restricted to the following matters:</u></b></p> <p>(a) <u>Effects on the landscape, ecological, cultural and recreational values of the adjacent water body;</u></p> <p>(b) <u>Adequacy of erosion and sediment control measures;</u></p> <p>(c) <u>The functional or operational need for the building to be located close to the waterbody;</u></p> <p>(d) <u>Effects on public access to the waterbody;</u></p> <p>(e) <u>Effects on rural character and amenity.</u></p>
<b>CORZ-S12</b>	<u>Building setback – Te Kauwhata Environmental Protection Area</u>
<p><b>(1) Activity status: PER</b></p> <p><b>Where:</b></p> <p>(a) <u>Any building must be set back a minimum of 3m from the Te Kauwhata Environmental Protection Area identified on the planning maps.</u></p>	<p><b>(2) Activity status where compliance not achieved: DIS</b></p>