

**BEFORE THE HEARING COMMISSIONERS
IN WAIKATO DISTRICT**

IN THE MATTER of the Resource Management Act 1991 ("**the Act**")

AND

IN THE MATTER of the Proposed Waikato District Plan (Stage 1) Hearing 18 Rural

**SUMMARY STATEMENT OF EVIDENCE BY LYNETTE PEARL WHARFE
FOR HORTICULTURE NEW ZEALAND**

25 September 2020

1. My Evidence in Chief (EIC) addressed the submissions and further submissions made by Horticulture NZ (HortNZ), assessed the s42A Report recommendations and either supported the recommendations or sought alternative changes.
2. I attached to my EIC a strikethrough of changes sought in my evidence. For simplicity I attach to this summary a clean version of those changes so that they are clearer to the Hearing Panel.
3. My EIC addressed the following:
 - a. An overview of the approach to rural environment
 - b. Objectives and policies 5.1.1 – 5.3.17
 - c. Land use activity rules – farming, rural industry, community activities
 - d. Land use –effects rules including noise and earthworks and biosecurity provisions
 - e. Land use – Buildings rules including setbacks
 - f. Worker accommodation
 - g. Artificial crop protection structures
4. I address key matters from this evidence in the summary below.
5. My Rebuttal Statement (RS) supported parts of the evidence of Nicola Wingrove for Surveying Company, Hannah Ritchie for NZ Pork, Nicola Rykers of Synlait Milk, Rebecca Sanders for T & G Global, Graeme Mathieson for Dairy NZ and Laura Galt for Hamilton City Council.
6. My Rebuttal Statement (RS) opposed parts of the evidence Carolyn McAlley for Heritage NZ, Anthony Blomfield for Dilworth Trust Board, Louise Feathers for Tamahere Eventide Home Trust and Andrew McFarlane for Ngaakau Tapatahi Trust.
7. The Rebuttal statement by Mr Clease for Council comments on my EIC and does not accept the framework that I have based my evidence on, and so does not accept changes sought.
8. The approach to the rural environment (EIC Pg 11)
 In my EIC I set out the background set out in the National Planning Standards, Regional Policy Statement, Chapter 1 Strategic directions, Draft NPS Highly Productive Land and Section32 Report. Each of these documents inform the framework to be implemented in the PWDP.
 A summary of the key outcomes from these documents for the PWDP include:
 - Primary production is to have primacy in the rural environment
 - Rural industry and services which support primary production activities are appropriate in the rural environment.
 - Activities that have a functional or operational need to location in the rural environment are appropriate. If no such need exists these activities should be avoided in the rural environment.
 - Avoid activities that will compromise primary production
 - Avoid or minimise reverse sensitivity effects on primary production activities
 - Retain high class soils for primary production activities
 - Rural residential development is directed away from high class soils and primary production activities on that soil.
 - Discourage new sensitive activities from locating near existing primary production activities to avoid incompatible adjacent land uses and reverse sensitivity effects.

In my EIC I set out a framework for activities in the rural environment that reflects the approach in the higher order documents and strategic direction in the Plan which underpins my responses to the s42A Report and the recommended provisions in the Plan. I include this as Appendix 1 to this statement.

Mr Clease (RS89) does not appear to understand or appreciate the framework that I have set out, which clearly provides for activities other than rural production in the rural environment. He dismisses the changes I seek through my evidence as he has a broader view of what should occur in the rural environment. In my opinion his view does not give effect to the higher order documents. In particular I do not support use of restricted discretionary activity status for activities that are not anticipated in the rural environment, such as community facilities and new educational facilities.

9. Terminology (EIC Pg 6)

There are a range of terms used through Ch 6 and Ch14, some of which are defined, and some which are not. There are also recommendations from Hearing 5 to adopt definitions from the National Planning Standard (NPS). This has led to potential confusion and lack of clarity. I support the use of 'primary production' rather than 'farming' but acknowledge the issues with the broader definition from the NPS. Hence I have proposed that 'primary production' be used where the reference to activities includes mining and quarry or extractive industries. Where only the 'agricultural and horticultural' activities are being referred to I propose that the term 'rural production activities' is used to replace both 'productive rural activities' and 'farming'. Rural production activities will be defined similar to the definition of farming. I consider that such changes will provide greater clarity and avoid the need for long lists of activities where the term 'primary production' adequately encompasses the activities that are being referred to. Mr Clease (RS 90) does not accept my reasoning and prefers to rely on 'the plain English terms such as farming', even though it is a defined term in the Plan.

10. Objective 5.1.1 (EIC Pg 23)

The s42A Report recommends amendments to Objective 5.1.1, which I do not support. In particular I oppose the inclusion of 'community activities' as an activity that is supported and appropriate in the rural environment and also oppose the addition of 'educational facilities' as sought by Mr Blomfield for Dilworth Trust Board.

I do support amendments that provide a framework for rural lifestyle in the rural environment that is currently not included in the Objective which is important to the overall framework in the Plan.

Mr Clease does not directly address my evidence on Objective 5.1.1 but assume the comment above regarding differing opinion applies. In reference to Hamilton City Council (RS97) he considers that country schools, churches and health facilities don't threaten the district wide growth framework. I have no problem with community facilities that have a functional or operational need for a rural location. The problem arises when facilities seek to locate which don't require a rural location which leads to effects such as increase in the potential for reverse sensitivity effects, are inconsistent with rural character, and fragment use of high class soils. My EIC makes a clear distinction for those activities that require a rural location, but this does not appear to have been appreciated by Mr Clease.

11. High class soils (EIC Pg 29)

I support provisions which protect high class soils and seek clear direction in the policy framework for subdivision use and development to be directed away from such soils and fragmentation is minimised. The issue of the definition of high class soils is referred to a later hearing which hopefully may be informed by the NPS for Highly Productive Land.

12. Rural character (EIC Pg 32)

HortNZ sought a new policy for rural character that was not assessed as part of the s42A Report, which recommended a new policy for rural character but not as sought by HortNZ. I support the inclusion of a policy for rural character but consider that the policy sought by HortNZ to be more appropriate for the Waikato District. Mr Clease (RS81) dismisses alternatives put forward by submitters as not being compelling better than the s42 Report version. I disagree. The policy framework I have proposed has

been used in various plans and shown to be effective in addressing rural character in the rural environment. It also uses terminology which is relevant to the rural context.

13. Rural industry (EIC Pg 39)

I support provisions for rural industry which are directly related to primary production to locate in the rural environment. The definition of rural industry from the National Planning Standards includes rural industry and business so there is no need to include specific provisions for rural commercial as they are encompassed within that definition. I have included reference to rural businesses for clarity.

14. Non rural activities (EIC Pg 36)

Consistent with the approach in the National Planning Standards, the RPS, the s32 Report and Ch1 Strategic direction I do not support provisions for non-rural activities that have no functional or operational need to locate in the rural environment. They have the potential to increase reverse sensitivity, fragment high class soils and undermine the primacy for primary production. Such activities which do have a functional or operational need to locate in the rural environment could apply for consent and would be supported by a policy framework that clearly sets out the circumstances when such activities could be appropriate in the rural environment.

Existing non-rural activities that are out of zone should be addressed through either changes to zoning or a schedule in the Plan. I do not support retrofitting provisions in the DP to provide for such activities as this may be taken as supporting non rural activities seeking a rural location in the future.

15. Reverse sensitivity (EIC Pg 41)

The s42A Report is recommending that Policy 5.3.7 Reverse sensitivity be deleted and a new policy 'Separation of incompatible activities' be inserted. While I support the reframing of the policy I do not support the reframed policy as it changes the balance and does not clearly address the issue of reverse sensitivity. I have proposed a new policy which gives effect to the RPS direction for managing reverse sensitivity to 'avoid or minimise' the potential for reverse sensitivity. In addition if a definition is included it should be the definition from the RPS.

Mr Cleese (RS 93) does not accept the additional setbacks sought to Rule 22.3.7.2 for sensitive activities. I disagree. A setback of 100m will ensure that reverse sensitivity effects from activities and effects such as spraying, noise, smoke, dust and odour are avoided or minimised to give effect to the RPS.

16. Artificial crop protection structures (EIC Pg 57)

My EIC sets out a suite of provisions to provide for artificial crop protection structures. The recommendation in Hearing 5 is that the definition of building from the National Planning Standards applies to the Plan. Where an artificial crop protection structure is only vertical it will not be classed as a building as it has no 'roof'. However there is uncertainty where a structure includes horizontal cover and whether it constitutes a 'roof'. To address this uncertainty I consider that the most appropriate option is that there are standalone provisions for artificial crop protection structures that are not contingent on a definition of building. This approach ensures that provisions are included to address potential adverse effects on amenity while still enabling growers to utilise high class soils for horticultural production.

Mr Cleese (RS92) appears to not appreciate the importance of such structures and that they are not solid buildings – the cloth can be looked through. It is also important to maximise the use of high class soils.

17. Worker accommodation (EIC Pg 54)

Worker accommodation is a critical issue for growers. I have supported a bespoke response to provide limited accommodation as a permitted activity and a restricted discretionary rule where larger facilities

are required. The intent of the provisions is to avoid establishing 'dwellings' that may then be sought to be subdivided. I have supported the evidence of Nicola Wingrove for Surveying Company, Hannah Ritchie for NZ Pork, and Rebecca Sanders for T & G Global who have also sought provisions for worker accommodation. Their statements reinforce the need for worker accommodation in the district and the potential for perverse outcomes if this matter is not addressed.

Mr Cleese (RS 36-44) does not accept the need for worker accommodation and the reasons set out in my EIC. He recommends cursory changes that do not address the core issue. The conditions for minor dwellings are not appropriate to be applied to purpose built worker accommodation of a dormitory nature.

18. Noise (EIC Pg 62)

I support the use of the term noise sensitive activities and also seek to ensure that bird scaring devices are included as part of rural production noise.

19. Earthworks - Biosecurity (EIC Pg 65)

My EIC supports a submission by Pork for inclusion of provisions for burial of material infected by unwanted organisms under the Biosecurity Act 1993 as part of ancillary rural earthworks. I set out the reasons why this provision is needed to ensure that there can be a timely and appropriate response to a biosecurity incursion that necessitates burial of infected material. Mr Cleese (RS 50) is recommending that this be accepted and I support that recommendation

20. Buildings – setbacks, (EIC Pg 68)

I do not support the proposed setbacks to water bodies as they are excessive and unreasonable.

I seek addition to Rule 22.3.7.2 to provide setbacks for sensitive land uses from rural industry. There are setbacks for residential activities from primary production but not for other sensitive land uses.

Therefore I propose that there is a setback for such sensitive land uses from rural production activities to ensure that reverse sensitivity effects are avoided or minimised to give effect to the RPS.

Lynette Wharfe

25 September 2020

Appendix 1 – Activity framework for Rural environment

Activity	Activity status
<p><i>Primary production</i> is provided for: -</p>	
<ul style="list-style-type: none"> • Agricultural, pastoral, horticultural activities are enabled 	PA
<ul style="list-style-type: none"> • <i>Mining and quarrying</i> provided for subject to conditions 	PA - default to RDA
<ul style="list-style-type: none"> • <i>Intensive indoor primary production</i> provided for subject to conditions 	PA – default to RDA
<ul style="list-style-type: none"> • <i>Forestry</i> 	NES Forestry
<p><i>Rural industry</i> and services – have a direct relationship with primary production. Would include packhouses, coolstores, feed mills and animal feed production, rural contractor depots, rural trucking depots, agricultural and horticultural research centres</p>	PA subject to conditions
<p>Non- primary production related activities that have an <i>operational or functional need</i> to locate in a rural location. Activities reasonably anticipated would include network infrastructure, recreational activities that require a rural or open space setting including equestrian and horse training centres, walking or cycling trails, conservation activities.</p>	Default to RDA
<p>Existing non-rural related services 'out of zone'</p>	PA subject to conditions
<p>Non-rural related services such as industrial or commercial activities, and places of public assembly such as childcare, health facilities, (including retirement villages) educational facilities and spiritual activities, tourism and recreational activities not dependent on rural resource, visitor accommodation</p>	Default to DA
<p>Rural residential / Rural lifestyle</p>	Provide through schedule or re-zoning D or NC
	NC - Locate in specific Rural Lifestyle zones AND
	NC status for subdivision under X ha in rural zone

Appendix 2 Clean Version Text Amendments – Lynette Wharfe for HortNZ

Note – Does not include Huntly Power Station rules

Chapter 5: Rural Environment

The following objectives and policies apply to the Rural Zone.

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

- Agricultural Research Centres (Policy 5.316)
- Huntly Power Station Coal and Ash Water (Policy 5.3.17)
- Whaanga Coast Development Areas (Policy 5.3.18); and
- Hamilton's Urban Expansion Area (Objective 5.5.1 and Policies 5.5.1 and 5.5.2)

5.1 THE RURAL ENVIRONMENT

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

5.1.1 Objective – The Rural Environment

- (a) Subdivision, use and development within the rural environment is provided for where:
- (i) High class soils are protected for rural production activities;
 - (ii) Primary production activities and activities that require a rural location, are managed while maintaining or enhancing the rural environment;
 - (iii) Urban subdivision, use and development in the rural environment is avoided.
 - (iv) Rural lifestyle activities are directed to defined locations away from high class soils and the effects of scattered rural lifestyle on rural production on high class soils are avoided and minimised in other areas of the rural area.

5.2 PRODUCTIVE VERSATILITY OF RURAL RESOURCES

5.2.1 Objective– rural resources

- (a) Maintain or enhance the:
- (i) Inherent life-supporting capacity, accessibility, and versatility of soils, in particular high class soils;
 - (ii) The health and wellbeing of rural land and natural ecosystems and water resources.

5.2.2 Policy – High class soils

- (a) Soils, in particular high class soils, are retained for their primary productive value.

5.2.3 Policy – Effects of subdivision and development on soils

- (a) Subdivision, use and development are directed away from high class soils and minimises the fragmentation of productive rural land, particularly where high class soils are located.

5.3 RURAL CHARACTER AND AMENITY

5.3.1 Objective – rural character and amenity

- (a) Rural character and amenity are maintained.

Policy 5.3.2 – Contributing elements to rural character and amenity values

1.1 Rural character and amenity includes the following elements:

- a. A rural working environment
- b. Some activities are seasonal in nature
- c. Intensity of development reflecting the rural production environment, such as buildings and structures for rural production and domestic purposes.
- d. Varying levels of noise associated with seasonal and intermittent rural production activities.
- e. Relatively open space and low density of development
- f. Odours, noise and dust typical of rural activities.
- g. Generally low levels of vehicle traffic with seasonal fluctuations.
- h. the presence of large numbers of farmed animals and extensive areas of plant vine or fruit crops and areas of forestry
- i. accessory buildings and structures (including crop support and artificial crop protections structures) across the landscape.

Policy 5.3.23 –Rural production activities

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

Policy 5.3.X Activities that require a rural location

Provide for activities that have a functional need or operational need for a rural location that are managed to ensure that:

- i) Their scale, intensity and built form are in keeping with rural character
- ii) They maintain a level of amenity in keeping with the rural character of the rural environment

- iii) They minimise reverse sensitivity effects on existing rural production activities, intensive farming, mineral extraction or rural industrial activities.

Policy 5.3.XX Non-rural activities

1.2 Activities that have no direct relationship with primary production activities or have a functional need or operational need for a rural location should be avoided

5.3.5 Policy – Rural industry

- (a) Provide for rural industry activities which have a direct relationship with primary production activities and require a rural location.
- (b) Rural industries and services are managed to ensure their scale, intensity and built form is in keeping with the character of the Rural Zone and avoid reverse sensitivity effects on adjacent rural production activities
- (c) Avoid locating industrial and commercial activities within the Rural that do not have a genuine reliance on a functional connection with primary production activities or a functional or operational need to be located in the rural zone.

5.3.6 Policy – Intensive Farming activities

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

5.3.7 Policy – Reverse sensitivity effects

Policy 5.3.7 Reverse sensitivity effects

- a) Avoid or minimise the potential for reverse sensitivity effects on primary production activities, rural industry, and strategic infrastructure by:
 - i. Locating sensitive activities away from primary production activities, rural industry, and strategic infrastructure
 - ii. Use of setbacks and design of subdivision or development to provide separation of sensitive activities
- b) Ensuring that the adverse effects of primary production activities, rural industry, and strategic infrastructure are avoided, remedied or mitigated as far as practicable.

Policy 5.3.8 – Density of Residential Units and buildings

- (a) Maintain an open and spacious rural character through:
 - (i) Providing for residential units as an ancillary element to primary production activities
 - (ii) Limiting provision of residential units to no more than one per Record of Title, except for particularly large titles where a minimum of 40ha is provided for each residential unit;
 - (iii) Limiting the size, location, and number of minor residential units and requiring such units to be ancillary to an existing residential unit;

- (iv) Avoiding buildings and structures for non-rural activities dominating land on adjoining properties, public reserves, the coast or water bodies
- (b) Provide for papakainga housing within Maaori freehold land; and
- (c) Provide for worker accommodation for primary production activities.

Policy 5.3.9 – Rural Subdivision

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

5.3.10 Policy – Temporary events

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

5.3.11 Policy – Home businesses

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

5.3.12 Policy – Meremere Dragway

- (a) Support the ongoing operation and activities at the Meremere Dragway.

5.3.13 Policy – Waste management activities

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

5.3.14 Policy - Signs

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

5.3.15 Policy – Noise and vibration

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

between aggregate extraction activities and dwellings or identified building platforms on another site.

- (viii) Manage noise to minimise effects on existing adjacent noise sensitive activities, as far as practicable.

5.3.16 Policy – Outdoor lighting

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

5.3.5 18 Policy – Earthworks activities

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

5.3.19 Policy – Specific area – Agricultural research centres

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

5.3.20 Policy – Specific area – Huntly Power Station – Coal and ash management

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

5.4 Minerals and Extractive Industries

5.4.1 Objective – Extractive activities

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

Policy 5.4.2 – Management of extractive activities

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

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

DEFINITIONS

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

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

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

- f) landscaping and rehabilitation work, including clean filling;
- g) ancillary buildings and structures (such as weighbridges, laboratories, site offices and residential accommodation necessary for security and custodial purposes;
- h) internal roads and access tracks; and
- i) quarrying activities.

It includes all activities and structures associated with underground coal gasification, including pilot and commercial plants and the distribution of gas. It excludes prospecting and exploration activities.

It does not include a farm quarry or ancillary rural earthworks.

Farm quarry

Means the extraction of minerals or aggregate for use ancillary to farming and horticulture, and only used within the property of extraction. No extracted material (including any aggregate) shall be removed from the property of origin and there shall be no retail or other sales of such material. Common uses of aggregate include farm and forestry tracks, access ways and hardstand areas. This does not include extractive industry.

Rural production noise

Means noise generated by rural production vehicles, any aircraft used for aerial spraying or fertiliser application (excluding aerodromes), mobile farming machinery or equipment and farm animals, including farm dogs. It includes bird scaring devices does not include fixed equipment or facilities, and frost fans.

Rural production activities

Means

- (a) Any agricultural, pastoral, horticultural, aquacultural, or apicultural activity having as its primary purpose the production of any livestock, fish, poultry, or crop using the in-situ soil, water and air as the medium for production; and:
- b) Includes initial processing, as an ancillary activity of produce such as cutting, cleaning, grading, chilling, freezing, packaging and storage
- c) Includes any land and buildings used for the production of commodities from (a) and used for the initial processing of commodities in (b) and includes greenhouses, indoor hydroponics, pack houses and coolstores; but
- d) Excludes further processing of those commodities into a different product;
- e) Includes loading areas for helicopters and airstrips for top dressing and spraying for rural production activities
- f) Includes on-farm agricultural and horticultural research activities;

g) Excludes intensive farming.

Greenhouse	Greenhouses are a totally enclosed structure where plants are grown in a controlled environment.
Horse training centre	Means facilities for the housing and training of horses, and includes training tracks and arenas (both indoor and outdoor), but does not include any form of racing or show jumping or other activity to which the general public is permitted, whether or not an entrance fee is paid.
Intensive indoor primary production	Means primary production activities that principally occur within buildings and involve growing fungi, or keeping or rearing of livestock (excluding calf-rearing for a specified time period) or poultry.
Meremere dragway activity	Means an activity at Meremere Dragway as shown on the planning maps that involves motor propulsion to provide entertainment, education or training for the general public or to an individual participating in the activity; It includes but is not limited to ancillary non-motorised recreation and commercial activities, driver training or education, police or security training, and vehicle testing
Mineral	<p>Has the same meaning as in section 2 of the Crown Minerals Act 1991.</p> <p>Means a naturally-occurring inorganic substance beneath or at the surface of the earth, whether or not under water; and includes all metallic minerals, non-metallic minerals, fuel minerals, precious stones, industrial rocks and building stones, and a prescribed substance within the meaning of the Atomic Energy Act 1945.</p> <p>For clarity, mineral for the purpose of the Plan includes coal and aggregate.</p>
Motorised sport and recreation	Means a recreation facility used for participating in or viewing land-based motor sports. It includes car, truck, go-kart and motorbike racing tracks and accessory facilities such as club rooms/clubhouses, spectator stands, lighting and associated support structures, mechanical workshops and fuel storage and pumps. It excludes activities located within either the Motor Sport and Recreation Zone, or Meremere Dragway activity, which are subject to separate definitions.
Official sign	Means all signs required or provided for under any statute or regulation, or are otherwise related to aspects of public safety.
Produce stall	Means any land, building or part of any building that is used for the sale of farm and garden produce grown or produced on the site on which the produce stall is sited, or grown or produced on a site owned or leased by the same landowner. It includes the use of a trailer, handcart, barrow or similar structure, whether temporary or permanent. Weighing and packaging is part of the activity of a

Reverse sensitivity	<p>produce stall.</p> <p>Means the vulnerability of a lawfully established activity to a new activity or land use. It arises when a lawfully established activity causes potential, actual or perceived adverse environmental effects on the new activity, to a point where the new activity may seek to restrict the operation or require mitigation of the effects of the established activity.</p>
Rural industry	<p>Means an industry or business undertaken in a rural environment that directly supports, services, or is dependent on primary production. It includes packhouses and coolstores that handle produce sourced from other sites, feed mills and animal feed production, and rural contractors' depots <u>and rural businesses</u>. It excludes waste disposal and extractive activities.</p>
Worker accommodation	<p>Means the use of land and buildings for the sole purpose of accommodating the short term labour requirement for primary production activities configured as a series of detached buildings for sleeping, cooking and ablutions</p>

Commented [LW1]: Added for clarity that rural industry includes rural businesses

CHAPTER 22: RURAL ZONE

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

22.1 Land Use – Activities

Rules 22.1.1 – 22.1.6 – Permitted to prohibited activities

22.1.1 – Prohibited activities

PR1	Any building, structure, objects or vegetation that obscure the sight line of the Raglan navigation beacons for vessels entering Whaingaroa (Raglan Harbour) (refer to Appendix 7).
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Rule 22.1.2 – Permitted Activities

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

Activity		Activity specific conditions
P1	Rural production activities	Nil
P4.2	A Marae Complex or Papakaainga Housing Development on Maaori Freehold Land or on Maaori Customary Land.	<ul style="list-style-type: none"> (a) Land Use – Effects in Rule 22.2; (b) Land Use – Building in Rule 22.3 except: <ul style="list-style-type: none"> (i) Rule 22.3.1 (Number of dwellings) does not apply; (ii) Rule 22.3.2 (Minor Dwellings) does not apply; (iii) Rule 22.3.3 (Buildings and structures in Landscape and Natural Character Areas) does not apply; (iv) Rule 22.3.4 (Building Height) does not apply; (v) Rule 22.3.6 (Building Coverage) does not apply; (c) Building height does not exceed 7.5m in any of the following areas: <ul style="list-style-type: none"> (i) Outstanding Natural Landscape; (ii) Outstanding Natural Feature; (iii) Outstanding Natural Character Area of the coastal environment; (iv) High Natural Character Area of the coastal environment; (d) A Concept Management Plan is provided, with either: <ul style="list-style-type: none"> (i) A Licence to Occupy at the time of lodgement of the building consent application where the land is vested in trustees whose authority is defined in a Trust Order and/or a Maaori Incorporation; or (ii) Where a Trust Order or Maaori Incorporation does not exist, one of the following instruments is provided to Council at the time of lodgement of the building consent application: <ul style="list-style-type: none"> A. A lease; or B. An Occupation Order of the Māori Land Court.
P 3	A temporary event	<ul style="list-style-type: none"> (a) The event occurs no more than 3 6 times per consecutive 12 month period; (b) The duration of each event is less than 72 hours; (c) It may operate between 7.30am to 8:30pm Monday to Sunday;

		<p>(d) Temporary structures are:</p> <ul style="list-style-type: none"> (i) erected no more than 2 days before the event occurs; (ii) removed no more than 3 days after the end of the event; <p>(e) The site is returned to its previous condition no more than 3 days after the end of the event;</p> <p>(f) There is no direct site access from a national route or regional arterial road.</p>
P 4	Cultural event on Maaori Freehold Land containing a Marae Complex	Nil
P 5	A home business	<ul style="list-style-type: none"> (a) It is wholly contained within a building; (b) The storage of materials or machinery associated with the home occupation is either wholly contained within a building, or where outside occupies no more than 100m² of site area and is located where it is not visible from other sites or public roads; (c) No more than 2 people who are not permanent residents of the site are employed at any one time; (d) Unloading and loading of vehicles or the receiving of customers or deliveries only occur after 7:00am and before 7:00pm on any day; (e) Machinery can be operated after 7:30am and up to 7:00pm on any day; (f) The home business shall not occupy more than 200m² in total within buildings and outdoor storage areas.
P 6	Meremere Dragway Activity	<ul style="list-style-type: none"> (a) Land Use – Effects in Rule 22.2; and (b) Land Use – Building in Rule 22.3.
P6	Afforestation not in an Outstanding Natural Landscape or Outstanding Natural Feature	<p>(a) Be undertaken in accordance with Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017. Where compliance is not achieved with the permitted activity standards in the NES, then the activity is subject to the activity status as set out in the NES.</p>

P7	Forestry	Be undertaken in accordance with Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017. Where compliance is not achieved with the permitted activity standards in the NES, then the activity is subject to the activity status as set out in the NES
P8	Produce stall	Nil
P1	Home stay	(a) Have no more than 5 guests.
P12	Equestrian Centre	Nil
P13	Horse Training Centre	Nil
P14	Visitors' Accommodation	(a) Have no more than 5 guests; and (b) Be within a building that was existing as at date of decision .
P15	Residential	Nil
P16	Emergency services training and management activities	Nil
P17	Conservation activity	Nil
P18		(a)
P19		(i)
P20	Worker accommodation	1. The relevant Zone standards for yards, height, and daylight protection are complied with. 2. Used solely for part of the year to meet labour requirements in the horticulture sector 3. Comprise of communal kitchen and eating area and separate sleeping and ablution facilities 4. Accommodate up to 12 workers 5. Provide 1 parking space per 6 workers to be accommodated 6. Complies with Code of Practice for Able Bodied Seasonal Workers, published by Dept of Building and Housing 2008
P21	Artificial crop protection structures	1.3 Green or black cloth shall be used on vertical faces within 30m of the boundary of the property except as provided for in 3 below:

Commented [LW2]: Childcare to discretionary

Commented [LW3]: Atawhai rezoned to Rural Lifestyle

		<p>1. Any colour may be used on horizontal surfaces.</p> <p>2. Yard, daylight and site coverage requirements shall not apply.</p> <p>3. Within 30 metres of property boundaries a different colour cloth may be used where the written approval of the owner(s) of the immediately adjoining property, or roading authority is obtained and provided to the Council.</p>
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22.1.3 Restricted Discretionary Activities

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

Activity	Matters of Discretion
<p>RD1</p> <p>(a) Intensive indoor primary production that meets all of the following conditions:</p> <ul style="list-style-type: none"> (i) Land Use – Effects in Rule 22.2 (ii) Land Use – Building in Rule 22.3 (iii) Building coverage does not exceed 3% of the site: <ul style="list-style-type: none"> A. Rule 22.3.6 (Building Coverage) does not apply; (iv) Building height does not exceed 15m; <ul style="list-style-type: none"> A. Rule 22.3.4 (Building Height) does not apply; <p>(b) Intensive indoor primary production is not located in:</p> <ul style="list-style-type: none"> (i) An Outstanding Natural Feature; (ii) An Outstanding Natural Landscape; (iii) A Significant Amenity Landscape; (iv) An Outstanding Natural Character Area; or (v) A High Natural Character Area <p>(c) For intensive pig farming, buildings and outdoor enclosures are set back at least:</p> <ul style="list-style-type: none"> (i) 300 metres from any site boundary; (ii) From any boundary of a Residential, Village or Country Living Zone: <ul style="list-style-type: none"> A. 1200 metres (500 or fewer pigs); or B. 2000 metres (more than 500 pigs); <p>(d) For housed or free-range poultry that meets the definition for intensive farming, and all other intensive farming, buildings and outdoor enclosures are set back at least:</p> <ul style="list-style-type: none"> (i) 300 metres from any site boundary; 	<p>(a) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (i) traffic effects; (ii) effects on amenity values, including visual impact, landscaping; (iii) location, type and scale of development; (iv) noise effects; and (v) odour and dust except where a Certificate of Compliance or resource consent has been obtained from the Waikato Regional Council for air discharges. (vi) Whether the farm will operate in accordance with an approved farm Environment Plan or relevant industry codes of practice.

	and (ii) 500 metres from any boundary of a Residential, Village and Country Living Zone.	
RD2	(a) Rural Industry, including packhouses and coolstores that handle produce sourced from other sites, feed mills and animal feed production, and rural contractors' depots and <u>rural businesses</u> ; that meet the following conditions: (i) Not in an Urban Expansion Area; (ii) Is not an extractive activity.	(a) Council's discretion is restricted to the following matters: (i) Whether the scale and nature of the activity is consistent with managing urban growth through the consolidation of townships and the extent to which it is necessary to locate in the Rural Zone; (ii) The extent to which the activity is either dependent on primary production or the functional or operational need to locate in the Rural Zone (iii) effects on rural character and amenity and immediately adjoining neighbours with particular regard to the bulk and location of buildings, (iv) location, type and scale of development; (v) nuisance effects including: light spill and glare, odour, dust, noise; (i) traffic effects.
RD3		(i)
RD4	(i)	(vi)
RD5	Emergency service facilities	(a) Council's discretion is restricted to the following matters: (i) effects on rural character and amenity, (ii) location, type and scale of development; (iii) nuisance effects including: light spill and glare, odour, dust, noise; (iv) traffic effects.

Commented [LW4]: Added for clarity from deleting rural commercial that rural industry includes rural businesses

Commented [LW5]: Education facilities to Discretionary

Commented [LW6]: Rural commercial includes as rural industry

RD6	<p>Agricultural and horticultural research facilities that meet the following condition:</p> <p>(i) Not in an Urban Expansion Area.</p> <p>Note: For research activities undertaken within an Agriculture Research Centre Specific Area, Section 22.5 applies.</p>	<p>(a) Council's discretion is restricted to the following matters:</p> <p>(i) Effects on rural character and amenity;</p> <p>(ii) Nuisance effects including light spill and glare, odour, dust, and noise;</p> <p>(iii) Traffic effects;</p> <p>(iv) Reverse sensitivity effects on existing rural production activities, intensive farming, rural industry, or mineral extraction activities;</p> <p>(v) Whether the scale and nature of the activity is consistent with managing urban growth through the consolidation of townships.</p>
RD7	<p>An extractive activity or waste management activity located within an Aggregate Extraction Area, Coal Mining Area or Extractive Resource Area.</p>	<p>(a) Council's discretion is restricted to the following matters:</p> <p>(i) effects on rural character and amenity;</p> <p>(ii) location, type and scale of development;</p> <p>(iii) nuisance effects including: dust, noise, vibration, odour and light spill;</p> <p>(iv) industry best practice and use of management plans;</p> <p>(v) traffic effects;</p> <p>(vi) erosion and sediment control; and</p> <p>(vii) rehabilitation and end use including back filling.</p>

RD8	<p>Atawhai Assisi Retirement (Lot 1 DPS21156) alterations and additions that increase net floor area and that meet all of the following conditions:</p> <p>(a) Land Use – Effects in Rule 22.2; (b) Land Use – Building in Rule 22.3 except: (i) Rule 22.3.1 (Number of dwellings) does not apply; (ii) Rule 22.3.2 (Minor Dwellings) does not apply; (iii) Rule 22.3.6 (Building Coverage) does not apply.</p>	<p>(a) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (i) effects on rural character and amenity; (ii) The visual and amenity effects of building bulk and scale; (iii) Connectivity to existing towns and villages, including connections to existing walkways, roads, and public transport; (iv) Connectivity to public reticulated water supply and wastewater, or the adequacy of services provided on-site; (v) Reverse sensitivity effects on existing rural production activities, intensive indoor primary production, rural industry, or mineral extraction activities; (vi) Traffic effects.
RD 9	Worker accommodation	<p>(a) Council's discretion is restricted to the following matters:</p> <p>1.4 1. <i>Methods to avoid, remedy or mitigate the effects on existing activities, including the provision of screening, landscaping and methods for noise control</i></p> <p>1.5 2. <i>The extent to which the application complies with the Code of Practice for Able Bodied Seasonal Workers, published by Dept of Building and Housing 2008.</i></p> <p>1.6</p>
RD 10	Artificial crop protection structures	<p>Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> i) Amenity values ii) Traffic effects

22.1.4 Discretionary Activities

(1) The activities listed below are discretionary activities.

D1	Any permitted activity that does not comply with one or more of the activity specific condition in Rule 22.1.2
D2	Any activity that does not comply with {Rule 22.1.3 RD1}
D3	A waste management facility located outside an Aggregate Extraction Area, Coal Mining Area or Extractive Resource Area.
D4	Hazardous waste storage, processing or disposal.
D5	An education facility or child care facility
D6	A correctional facility
D7	An extractive activity located outside an Aggregate Extraction Area, Coal Mining Area or Extractive Resource Area.
D8	Visitors' Accommodation for 6 or more people or that is within a building that was constructed after <i>date of decision</i> .
D9	Motorised sport and recreation
D10	Transport depot
D11	Place of Assembly
D12	Afforestation of any part of an Outstanding Natural Landscape or Outstanding Natural Feature.
D13	A dog or cat boarding, daycare, breeding or training establishment
D14	Home stay for 6 or more guests.

22.1.5 Non-Complying Activities

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

NC1	Construction of a building located on an indicative road prior to that road being constructed and vested in Council.
NC2	(a) An extractive activity located within all or part of any of the following landscape and natural character areas: (i) Outstanding Natural Feature; (ii) Outstanding Natural Landscape; (iii) High natural character area; (iv) Outstanding Natural Character area.
NC3	(a) A waste management facility located within all or part of any of the following landscape and natural character areas: (i) Outstanding Natural Feature; (ii) Outstanding Natural Landscape; (iii) High Natural Character area; or (iv) Outstanding Natural Character Area.
NC4	(a) The following activities located within the Urban Expansion Area: (i) intensive farming; (ii) storage, processing or disposal of hazardous waste; (iii) correctional facility;

	(iv) extractive activity; (v) industrial activity, including-rural industry; (vi) agricultural and horticultural research facilities; (viii) motorised sport and recreation; (x) transport depot.
NC5	(a) Industrial activity, excluding a rural industrial activity (b) Commercial activity, excluding a produce stall or rural commercial activity
NC6	Any other activity that is not listed as Prohibited, Permitted, Restricted Discretionary or Discretionary.

22.2 Land Use Effects

22.2.1 Noise

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

22.2.1.1 Noise – General

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

Rule 22.2.1.2 – Frost Fans

P1	(a) Noise generated by a frost fan must not exceed 55dB (L _{Aeq}) when measured at the notional boundary on any site in the Rural Zone and within any site in the Country Living Zone, Village Zone or Residential Zone. (b) Noise levels must be measured in accordance with the requirements of New Zealand Standard NZS 6801:2008 Acoustics - Measurement of Environmental Sound. (c) Noise levels must be assessed in accordance with the requirements of New Zealand Standard NZS 6802:2008 Acoustic- Environmental noise.
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RD1	<p>(a) Noise generated by a frost fan that does not comply with Rule 22.2.1.2 P1.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (i) effects on amenity values; (ii) the location and proximity of the fan to existing noise sensitive activities; (iii) Noise sound levels at any point within the notional boundary of any dwelling on another site. (iv) the adequacy of any mitigation to mitigate noise effects
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22.2.1.3 Noise – Construction

P1	<p>(a) Construction noise generated from a construction site must not exceed meet the limits in New Zealand Standard NZS 6803:1999 (Acoustics – Construction Noise).</p> <p>(b) Construction noise must be measured and assessed in accordance with the requirements of New Zealand Standard NZS6803:1999 'Acoustics – Construction Noise'.</p>
RD1	<p>(a) Construction noise that does not comply with Rule 22.2.1.3 P1.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (i) effects on amenity values; (ii) hours and days of construction; (iii) noise levels; (iv) timing and duration; (v) methods of construction.

22.2.2 Glare and Artificial Light Spill

P1	<p>(a) Illumination from glare and artificial light spill shall not exceed 10 lux measured horizontally and vertically at the notional boundary on any other site in the Rural Zone; at any road boundary or within any other site in the Residential, Village or Country Living Zones;</p> <p>(b) Rule 22.2.2 P1 (a) does not apply to vehicles used in rural production activities and agricultural equipment.;</p>
RD1	<p>(a) Illumination from glare and artificial light spill that does not comply with Rule 22.2.2 P1</p> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (i) effects on amenity values; (ii) light spill levels on other sites; (iii) road safety; (iv) duration and frequency; (v) location and orientation of the light source; (vi) mitigation measures; (vii) location and orientation of the light source.

22.2.3 Earthworks

- (1) Rule 22.2.3.1 – Earthworks General, provides the permitted rules for earthworks in the Rural Zone. These rules do not apply to earthworks for subdivision or extractive activities.
- (2) There are specific standards for earthworks within rules:
 - (a) Rule 22.2.3.2 – Earthworks - Maaori Sites and Maaori Areas of Significance
 - (b) Rule 22.2.3.3 – Earthworks - Significant Natural Areas
 - (c) Rule 22.2.3.4 – Earthworks – within Landscape and Natural Character Areas

22.2.3.1 Earthworks – General

P1	<ul style="list-style-type: none"> (i) Except as otherwise specified in Rule 22.2.3.2, Rule 22.2.3.3 or Rule 22.2.3.4 Ancillary rural earthworks; (ii) A farm quarry where the volume of aggregate extracted does not exceed 1000m³ in any single consecutive 12 month period; (iii) Earthworks required to form a building platform that will be subject to a building consent-where undertaken in accordance with NZS 4431:1989 Code of Practice for Earth Fill for Residential Development (b) Earthworks ancillary to a conservation activity must meet the following conditions: <ul style="list-style-type: none"> (i) Sediment resulting from the earthworks is retained on the site through implementation and maintenance of erosion and sediment controls.
P2	<p>With the exception of earthworks for the activities listed in Rule 22.2.3.1 P1</p> <ul style="list-style-type: none"> (a) Earthworks within a site must meet all of the following conditions: <ul style="list-style-type: none"> (i) Do not exceed a volume of more than 1000m³ and an area of more than 2000m² in any single consecutive 12 month period; (ii) The total combined depth of any excavation (excluding drilling) or filling does not exceed 3m above or below natural ground level; (iii) Take place on land with a maximum slope of 1:2 (1 vertical to 2 horizontal); (iv) Earthworks are setback a minimum of 1.5m from all boundaries; (v) Areas exposed by earthworks are stabilised on completion and re-vegetated to achieve 80% ground cover within 6 months of the commencement of the earthworks; (vi) Sediment resulting from the earthworks is retained on the site through implementation and maintenance of erosion and sediment controls;
P3	<p>With the exception of earthworks for the activities listed in Rule 22.2.3.1 P1</p> <ul style="list-style-type: none"> (i) Earthworks using imported fill material or cleanfill must meet all of the following conditions: (ii) Do not exceed a total volume of 500m³ in any single consecutive 12 month period; (iii) Do not exceed a depth of 1m above natural ground level; (iv) The slope of the resulting filled area in stable ground does not exceed a maximum slope of 1:2 (1 vertical to 2 horizontal); (v) Fill material is setback a minimum of 1.5m from all boundaries;

	<ul style="list-style-type: none"> (vi) Areas exposed by filling are revegetated to achieve 80% ground cover within 6 months of the commencement of the filling; (vii) Sediment resulting from the filling is retained on the site through implementation and maintenance of erosion and sediment controls.
RD1	<ul style="list-style-type: none"> (a) Earthworks that do not comply with Rule 22.2.3.1 P1, P2, or P3. (b) Council's discretion shall be limited to the following matters: <ul style="list-style-type: none"> (i) amenity values and landscape effects; (ii) volume, extent and depth of earthworks; (iii) nature of fill material; (iv) contamination of fill material or cleanfill; (v) location of the earthworks to waterways, significant indigenous vegetation and habitat; (vi) compaction of the fill material; (vii) volume and depth of fill material; (viii) protection of the Hauraki Gulf Catchment Area; (ix) geotechnical stability; (x) flood risk, including natural water flows and established drainage paths; (xi) land instability, erosion and sedimentation; (xii) effects on the safe, effective and efficient operation, maintenance and upgrade of infrastructure, including access.
<p><i>Drafting note: Rules relating to earthworks in proximity to Transpower's transmission network are to be included. It is recommended that these are located in the Infrastructure chapter as a single cross-zone rule package.</i></p>	

22.2.6 Signs

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

22.2.6.1 Signs – General

- P1
 - (a) A public information sign erected by a government agency or an official sign.
 - (b) Signs that are located within a building or that are not visible from a road or adjoining site.
 - (c) Signs permitted by (a) or (b) are not subject to P2.
- P2 (a) A sign must comply with all of the following conditions:
 - (i) It is the only sign on the site;
 - (ii) The sign is wholly contained on the site;
 - (iii) The sign does not exceed 3m²;
 - (iv) The sign height does not exceed 3m;
 - (v) The sign is not illuminated,
 - (vi) The sign does not contain any moving parts, fluorescent, flashing or revolving lights or reflective materials;
 - (vii) The sign is set back at least 50m from a state highway and the Waikato Expressway;

- (viii) The sign is not attached to a notable tree identified in Schedule 30.2 (Notable Trees), except for the purpose of identification;
- (ix) The sign is not attached to a heritage item listed in Schedule 30.1(Historic Heritage Items) except for the purpose of identification and interpretation;
- (x) The sign is is for the purpose of identification and interpretation of a Maori site of significance listed in Schedule 30.3 (Maaori Sites of Significance)
- (xi) The sign relates to:
 - A. Goods or services available on the site; or
 - B. A property name sign.

- P3
- (i) A real estate sign relating to the site on which it is located must comply with all of the following conditions:
 - (ii) Have more than 3 signs per site;
 - (iii) The sign is not illuminated;
 - (iv) The sign does not contain any moving parts, fluorescent, flashing or revolving lights or reflective materials;
 - (v) The sign does not exceed 3m²;
 - (vi) Any real estate sign shall be removed within 20 working days of the sale or lease being settled

- RD1
- (a) Any sign that does not comply with Rule 22.2.6.1 P1, P2 or P3.
 - (b) Council's discretion is restricted to the following matters:
 - (i) amenity values;
 - (ii) rural character of the locality;
 - (iii) effects on traffic safety;
 - (iv) effects of glare and artificial light spill;
 - (v) content, colour and location of the sign;
 - (vi) effects on notable trees;
 - (vii) effects on the heritage values of any heritage item due to the size, location, design and appearance of the sign;
 - (viii) effects on cultural values of any Maaori site of significance;
 - effects on notable architectural features of the building.

22.2.6.2 Signs - effects on traffic

P1	<p>(a) Any sign directed at road users must meet the following conditions:</p> <ul style="list-style-type: none"> (i) Not imitate the content, colour or appearance of any traffic control sign; (ii) Be located at least 60m from controlled intersections, pedestrian crossings and railway crossings; (iii) Not obstruct sight lines of drivers turning into or out of a site entrance and intersections; (iv) Contain no more than 40 characters and no more than 6 words, symbols, or graphics; (v) Have lettering that is at least 200mm high; and (vi) Where the sign directs traffic to a site entrance, it must be at least: <ul style="list-style-type: none"> A. 175m from the entrance on roads with a speed limit of 80 km/hr or less; or B. 250m from the entrance on roads with a speed limit of more than 80km/hr.
D1	Any sign that does not comply with Rule 22.2.6.2 P1.

22.3 Land Use – Building

22.3.1 Number of dwellings within a lot

P1	(a) One residential unit within a lot Record of Title containing an area less than 40ha; (b) Within a 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; (c) Any residential unit(s) under Rule 22.3.1 P1 (a) and (b) must not be located within any of the following landscape and natural character areas: (i) Outstanding Natural Feature; (ii) Outstanding Natural Landscape; (iii) Outstanding Natural Character Area; (iv) High Natural Character Area.
D1	A residential unit that complies with Rule 22.3.1 P1(a) or (b) and is located within an area listed in (c).
NC1	A residential unit that does not comply with Rule 22.3.1 P1(a) or (b).

22.3.2 Minor dwelling

P1	(a) One minor residential unit not exceeding 120m ² gross floor area (excluding accessory buildings) within a Record of Title (i) The minor residential unit shall be located on the same Record of Title as an existing residential unit and shall: (ii) Be located within 100m of the existing residential unit; (iii) Share a single driveway access with the existing residential unit.
D1	A minor residential unit that does not comply with Rule 22.3.2.P1.

22.3.4 Height

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

22.3.4.1 Height – Building General

P1	The maximum height of any building or structure associated with i) a residential activity is 10m ii) a primary production activity or rural industry is 15m For hose drying towers associated with emergency service facilities the maximum height is 15m. Note: the height of frost fans is subject to Rule 22.3.4.2
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P2	In a Significant Amenity Landscape the maximum height of any building must not exceed 10m, except where the building has a reflectivity of more than 40% the maximum height must not exceed 7.5m.
D1	Any building that does not comply with Rule 22.3.4.1 P1 or P2.

22.3.4.2 Height – Frost Fans

P1	(a) The height of the support structure for a frost fan must not exceed 10.5m; and (b) The fan blades must not rotate higher than 13.5m above ground level.
D1	Any frost fan that does not comply with Rule 22.3.4.2 P1.

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

P1	A building, structure or vegetation must not protrude through any Airport Obstacle Limitation Surface as shown on the planning maps. Where the Airport Obstacle Limitation Surface is lower than the height otherwise permitted in Rule 22.3.4.1 or 22.3.4.2, then the lesser surface height applies. Note: refer Appendix N for determining the permitted height.
NC1	A building, structure or vegetation that does not comply with Rule 22.3.4.3 P1

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

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

22.3.5 Daylight admission

P1	A building or structure (excluding artificial crop protection structures) 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.
RD1	(a) A building that does not comply with Rule 22.3.5 P1. (b) Council's discretion is restricted to the following matters: (i) Height of the building; (ii) Design and location of the building; (iii) Admission of daylight and sunlight to the site and other site; (iv) Privacy on any other site; (v) Amenity values of the locality.

22.3.6 Building coverage

P1	(a) The total building coverage (excluding artificial crop protection structures) must not exceed: (b) 4% of the site area for sites smaller than 10ha; or (ii) 5000m ² for sites larger than 10ha.
RD1	A building for primary production activities or rural industry that does not comply with Rule 22.3.6 P1.
D1	A building that does not comply with Rule 22.3.6 P1

22.3.7 Building setbacks

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

22.3.7.1 Building Setbacks – All boundaries

P1	(a) A habitable building located on a Record of Title less than 1.6ha must be set back a minimum of: (i) 7.5m from the road boundary; (ii) 17.5m from the centre line of an indicative road; (iii) 25m from the boundary of an adjoining site that is 6ha or more; (iv) 12m from the boundary of an adjoining site that is less than 6ha.
P2	(a) A non-habitable building located on a Record of Title less than 1.6ha must be set back a minimum of: (i) 7.5m from the road boundary; (ii) 17.5m from the centre line of an indicative road; (iii) 12m from every boundary other than a road boundary.
P3	(a) A habitable building located on a Record of Title 1.6ha or more must be set back a minimum of: (i) 12m from the road boundary; (ii) 22m from the centre line of an indicative road; (iii) 25m from every boundary other than a road boundary.
P4	(a) A non-habitable building (excluding artificial crop protection structures) located on

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

Rule 22.3.7.2 – Building setback – sensitive land uses

P1	<ul style="list-style-type: none"> (a) Any building for a sensitive land use must be set back a minimum of: <ul style="list-style-type: none"> (i) 5m from the designated boundary of the railway corridor; (ii) 15m from a national route or regional arterial road; (iii) 35m from the designated boundary of the Waikato Expressway; (iv) 200m from an Aggregate Extraction Area or Extractive Resource Area containing a sand resource; (v) 500m from an Aggregate Extraction Area or Extractive Resource Area containing a rock resource, or a Coal Mining Area; (vi) 100m from a site in the Tamahere Commercial Areas A and C; (vii) 300m from the boundary of another site containing an intensive farming activity; (viii) 300m from oxidation ponds that are part of a municipal wastewater treatment facility on another site; (ix) 30m from a municipal wastewater treatment facility where the treatment process is fully enclosed. (x) 100m from the boundary of another site containing a rural industry (xi) 100m from the boundary of another site containing a rural production activity where the sensitive land use is not a residential activity.
D1	Any building for a sensitive land use that does not comply with Rule 22.3.7.2 P1.

22.3.7.4 Building – Noise Sensitive Activities

P1	<ul style="list-style-type: none"> (a) Construction of, or addition, or alteration to a building containing a noise sensitive activity must comply with Appendix 1 (Acoustic Insulation) within: <ul style="list-style-type: none"> (i) The Airport Noise Outer Control Boundary; (ii) 350m of the Huntly Power Station site boundary; (iii) The Waikato Gun Club Noise Control Boundary.
RD1	<ul style="list-style-type: none"> (a) Construction of, or addition, or alteration to a building that does not comply with a condition in Rule 22.3.7.4 .P1. (b) Council's discretion is restricted to the following matters:

	<ul style="list-style-type: none"> (i) internal design sound levels; (ii) on-site amenity values; and (iii) potential for reverse sensitivity effects.
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22.3.7.5 Building setback – water bodies

P1	<p>(a) Any building other than provided for under Rules P2 or P3 must be set back a minimum of:</p> <ul style="list-style-type: none"> (i) 30m from the margin of any; <ul style="list-style-type: none"> A. Lake with a size of 8ha or more; and B. Wetland; (ii) 20m from the bank of any river with an average width of 3m or more (other than the Waikato River and Waipa River); (iii) 20m from the banks of the Waikato River and Waipa River; (iv) 12m from the bank of any river with an average width of 3m or less; (v) 12m from the margin of any lake with a size of less than 8ha; and (vi) 32m from mean high water springs.
P2	A public amenity building, or maimai used for temporary waterfowl hunting purposes, of up to 25m ² in size. And a pump shed within any building setback identified in Rule 22.3.7.5.
P3	
RD1	<p>(a) Any building that does not comply with Rule 22.3.7.5 P1, P2 or P3.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (i) The size of the adjacent waterbody and the landscape, ecological, cultural and recreational values associated with it; (ii) Erosion and sediment control measures; (iii) The functional or operational need for the building to be located close to the waterbody; (iv) Effects on public access to the waterbody; (v) The ability to retain an open and spacious rural character and amenity.

Commented [LW7]: Included in P2 above

22.3.7.6 Building setback – Environmental Protection Area

P1	Any building must be set back a minimum of 3m from an Environmental Protection Area identified on the planning maps.
D1	Any building that does not comply with Rule 22.3.7.6 P1

22.5 Specific Area – Agriculture Research Centres

22.5.1 Application of Rules

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

22.5.2 Permitted Activities – Agricultural and Horticultural Research

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

Activity		Activity specific conditions
P1	An agricultural or horticultural research activity, including laboratories and administrative facilities	Nil
P2	An education facility, including conference and teaching facilities	(a) that is incidental to agricultural or horticultural research
P3	An industrial activity	(a) that is incidental to agricultural or horticultural research
P4	A trade or engineering workshop	(a) that is incidental to agricultural or horticultural research
P5	Intensive farming	(a) that is incidental to agricultural or horticultural research (b) where an associated building and animal feedlot are located at least 200m inside any boundary of an Agricultural Research Centre site.
P6	The on-site disposal or storage of solid organic waste or cleanfill	(a) that is incidental to agricultural or horticultural research (b) where the solid organic waste or cleanfill is generated on the site
P7	A staff facility, including: (1) a recreational facility (2) Staff dwellings	(a) that is incidental to agricultural or horticultural research (b) Any dwelling is located at least

	(3) Cafeterias and cafés (4) Social clubs	200m from the site containing Inghams Feed Mill in Hamilton City Council's jurisdiction
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22.5.3 Discretionary Activities – Agricultural and Horticultural Research

(a) The activities listed below are discretionary activities.

D1	Any activity that does not comply with Rule 22.5.2 P1-P7.
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22.5.4 Building Height – within a Campus

P1	A building or structure within a campus identified on the planning maps must not exceed a height of 15m.
RD1	(a) A building or structure that does not comply with Rule 22.5.4 P1. (b) Council's discretion is restricted to the following matter: (i) effects on visual amenity.

22.5.5 Building Coverage – within a Campus

P1	Building coverage must not exceed 70% of a campus identified on the planning maps.
RD1	(a) Building coverage that does not comply with Rule 22.5.5 P1. (a) Council's discretion is restricted to the following matters: (i) effects on visual amenity; and (ii) stormwater management.

2. COUNTRY LIVING RULES

- PX** Tamahere Eventide Retirement Village (Lot 1 & Lot 2 DPS88165 & Pt Lot 2 DPS2182) and Tamahere Country Club Retirement Village (*insert CT ref*) maintenance, operation, and alteration.
- (a) The alterations do not increase net floor area.
 - (b) Land Use – Effects in Rule 23.2;
 - (c) Land Use – Building in Rule 23.3 except:
 - (i) Rule 23.3.1 (Number of dwellings) does not apply;
 - (ii) Rule 23.3.2 (Minor Dwellings) does not apply;Rule 22.3.6 (Building Coverage) does not apply.
- RDX** Tamahere Eventide Retirement Village (Lot 1 & Lot 2 DPS88165 & Pt Lot 2 DPS2182) and Tamahere Country Club Retirement Village (*insert CT ref*) alterations and additions that increase net floor area and that meet all of the following conditions:
- (a) Land Use – Effects in Rule 23.2;
 - (b) Land Use – Building in Rule 23.3 except:
 - (i) Rule 23.3.1 (Number of dwellings) does not apply;
 - (ii) Rule 23.3.2 (Minor Dwellings) does not apply;
 - (iii) Rule 23.3.6 (Building Coverage) does not apply.
 - (a) Council’s discretion is restricted to the following matters:
 - (i) effects on rural character and amenity;
 - (ii) The visual and amenity effects of building bulk and scale;
 - (iii) Connectivity to existing towns and villages, including connections to existing walkways, roads, and public transport;
 - (iv) Connectivity to public reticulated water supply and wastewater, or the adequacy of services provided on-site;
 - (v) Reverse sensitivity effects on existing rural production activities, intensive farming, rural industry, or mineral extraction activities;
 - (vi) Traffic effects.
- DX** Retirement Villages not otherwise provided for in Rule **PX or RDX**.