

## 2. RURAL ZONE

### 2.1 ZONE STATEMENT

#### 1. Landscape Character Areas

The Rural Zone comprises various Landscape Character Areas which are discussed in Part 1 of the District Plan - Objectives and Policies. Most of the District is a general farming area with a mature, orderly and attractive landscape. There are, however, large parts of the District which have outstanding natural features and landscapes and these are identified in the District Plan as Special Landscape Character Areas which warrant extra care and protection, and comprise the following areas:

- HILL COUNTRY AREAS
- STATE HIGHWAY 3 SCENIC CORRIDOR
- WAIKATO RIVER AND LAKE ENVIRONS

These Special Landscape Character Areas and the General Farming Area are described as follows:

##### a) Hill Country Areas

- MT KAKEPUKU
- MT MAUNGATAUTARI
- MT PIRONGIA

These areas include the slopes of Mt Pirongia, Mt Kakepuku and Mt Maungatautari which form the focal point of many views in the lower Waikato Region. Because they rise out of a fairly flat Waipa landscape they are visible from all parts of the District, and beyond. They are very susceptible to adverse effects on the appearance of the landscape by changes in land use because there is very little screening between viewer and the mountain slopes and volcanic cone.

The main purpose of the Rules for the Special Landscape Character Areas is to ensure that the outstanding landscape features and the general appearance of the volcanic cones and hillslopes are protected against land use changes and buildings that could have an adverse effect on the amenity values of the area. The Mt Maungakawa foothills have been excluded from these areas because the

landscape quality is not as high as the remainder of the hill country areas and is able to absorb changes in land use more readily without significant adverse effects on the landscape. The lower western slopes of Mt Maungatautari have been excluded for the same reason.

##### b) State Highway 3 Scenic Corridor

The District possesses some of the most visually attractive pastoral landscape in the country. This can be viewed with greatest advantage from roads following ridges, in particular those between Hamilton and Te Awamutu.

The scenic corridor between Hamilton and Te Awamutu is located on either side of State Highway 3. A comparatively narrow strip between Ohaupo and Te Awamutu was protected in the previous Waipa District Scheme and this has been widened, and extended to include the area between Hamilton and Ohaupo, in this Plan. The intention is to continue this protection so that the landscape quality of this corridor will be preserved.

The important features of the scenic corridor are that for much of its length the road is on a ridge and there are views left and right off the road out to the volcanic cones and down to the peat lakes and into the lush farming landscape. There are a number of groups of houses along this road sited on knolls or below the road and in places are at road level which blocks views. The sense of enclosure and then openness are one of the features of this road. Development along the route includes commercial, rural-residential, some urban and rural, as well as horticultural.

Future development should ensure that buildings are small scale: long or tall buildings which block views should be avoided. Buildings should be placed below the road level. Large buildings should be avoided, as should shelterbelts alongside the road.

The road corridor between Hamilton and Cambridge does not require similar preservation. The land is generally flat with knolls, very large trees and hedgerows and buildings and activities are generally well screened from the Highway. The landscape quality of the Highway and its environs is not as high

as the views from State Highway 3, and the area could readily absorb changes in land use without significant adverse effects on the appearance of the area or views from the Highway, **provided that** the scale of planting remains the same or is increased.

c) **Waikato River and Lake Environs**

- LAKE KARAPIRO LANDSCAPE as seen from State Highway 1
- REMAINDER of Lake Karapiro
- WAIKATO RIVER south of Horahora Bridge
- LAKE ARAPUNI

The Waikato River Valley contains some of the most high quality landscape in the District. The River is unusual because of the difficulty of obtaining views into it, so that when one does gain a view from the road the view is very special.

Many of the smaller tributaries of the Waikato have not yet carved out river terraces for themselves. Where the streams and rivers have carved out either one or a number of river terraces, they are very distinct and deeply incised; this being the reason why the rivers are so difficult to see.

In places there is native bush alongside the streams and rivers but mostly they are edged with scrub or pasture and groups of trees.

The river terraces offer a superb screen for uses which have unacceptable visual impacts and several large industries, power stations and Mystery Creek Showgrounds are sited on the river terraces. However, they are poor areas for noisy activities because noise tends to drift across or travel up or down the river. Temperature inversions above the river and localised air movements tend to contribute to the increased noise transferences around the Waikato River. Except for the rolling landscape, the lower river terraces are the best places to site unsightly uses, **provided that** they are not too noisy and do not adversely affect Maori ancestral lands, water sites, waahi tapu and other taonga.

However some of these river terraces have a very high landscape quality and therefore should be protected from such development. This applies particularly to

the Waikato River east of Cambridge, Lake Karapiro and Lake Arapuni.

## 2. General Farming Area

The General Farming Area occupying most of the remainder of the District is used for dairy farming and has developed to a high degree of efficiency, and now generally presents a mature, orderly and attractive rural landscape. Sheep and mixed farming together with stud farms and horse training establishments are also to be found in the District and there is a scatter of intensive agricultural uses such as orchards, cropping, vineyards and market gardens. This diversification is a trend that is expected to continue.

The area includes several distinct landscape character areas but no special rules for preservation of the landscape will apply in this general farming area. However, in considering any application for a resource consent for activities the **Council** will have regard to the general Rural Objectives and Policies referred to in Part I of the District Plan.

The landscape character areas included in the remainder of the District are:

- Rolling farmland;
- Alluvial flats and Waipa River Valley;
- Moanatuatua and Rukuhia Swamps;
- Hamilton-Cambridge State Highway Corridor;
- Mt Maungakawa; and
- Peat Lakes (apart from those included in the State Highway 3 Scenic Corridor and the Waikato River and Lake Environs).

## 3. Prime Agricultural Land

In order to protect the intrinsic productive potential of prime agricultural land, activities which would permanently reduce that potential are discouraged or excluded from the Rural Zone.

Effects on prime agricultural land such as soil coverage and/or compaction will only be acceptable where they are necessary for the effective use of the land by a lawfully established activity. This will mean that **existing** activities such as farming can continue to operate and adapt to changing production requirements but new activities will generally be restricted to those which do not affect the productive potential of the District's prime agricultural land resource.

#### 4. Public Works Which are Not Designated

Some organisations which may designate land for a public work, or project or work or for other purposes may choose not to do so. This may be because the activity is located throughout all parts of the District. It is necessary that provision be made for these activities in all parts of the District for maintaining the health, safety and general welfare of residents and visitors but to ensure as far as is reasonably possible that any adverse effects of their operations on the area in which they are located are avoided or mitigated.

The effects of some public works may be similar in character to the effects of other activities which are located or will be located in the various zones in the District. For example a Council works' depot is similar to a private contractor's yard and a public school will have a similar effect upon 'amenity values' as a private school.

As far as is possible and practicable public works which are not 'designated' in the District Plan will generally be required to comply with the rules for the zone in which they are located.

#### 5. Utility Services

Refer to Rule 12 – Utility Services.

(Refer Part 1 Section 2.3, Part 2 Section 12 - Utility Services, Policies RU1-RU17, Rules 2.4, 2.5, 2.6)

## 2.2

### ANTICIPATED ENVIRONMENTAL RESULTS

1. Preservation of the natural character of rivers, streams and lakes and wetlands and their margins.
2. Protection of outstanding natural features and landscapes.
3. Maintain and enhance the high quality character of the landscape and areas of [indigenous](#) vegetation.
4. Protection of significant indigenous wildlife and plant habitats.
5. Maintenance and possible enhancement of public access to rivers and lakes, topographical features and other places of interest.
6. Ensure that the effects of users of recreational waters do not compromise water quality or adversely affect significantly the

ecological value of waterways to the detriment of other users or the environment.

7. Ensure that land management practices in farming, [forestry](#) or other development activity do not adversely affect the quality of the natural resources, and enhance the environment wherever possible.
8. Avoidance of unnecessary damage to natural resources which may be needed in the future.
9. Sustain the potential of [prime agricultural land](#) for future primary productive use.
10. Protection of Maori traditional values and avoidance, remedy or mitigation of adverse effects on Maori ancestral lands, water sites, waahi tapu, or other taonga.
11. Safe movement of vehicles on [Primary Roads](#) without adverse effects from activities on adjoining properties.
12. Avoidance of activities that are incompatible with amenity values in rural areas.
13. Avoidance or mitigation of adverse effects on amenity values in rural areas including:
  - air and water pollution;
  - malodorous conditions;
  - excessive noise and glare;
  - avoidance of excessive lighting;
  - untidy buildings and site usage; and
  - obtrusive [signs](#).

## 2.3

### ACTIVITIES

**NOTE:** *Rural Residential Areas are located in the Rural Zone and are subject to the provisions of the Rural Zone Rules. Rural Residential subdivisions are dealt with under Rules 10.6.1(2) – (3A).*

#### 2.3.1 RULE - Categories of Activities

(Refer to Policies AD4(1), CO19)

1. In addition to the activities listed in Rule 1.4.1, any other activity which complies with all the conditions specified in Rule 2.4 and is not contrary to Rule 2.5 (Special Landscape Character Areas) shall be a **Permitted Activity**.
2. In addition to the activities listed in Rule 1.4.2, any activity which complies with all the conditions specified in Rule 2.4 but does not comply with Rule 2.5 (Special Landscape Character Areas) shall be a **Controlled Activity**.
3. In addition to the activities listed in Rule 1.4.3, any activity which does not comply

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with any one or more of the conditions for Permitted Activities (specified in Rule 2.4), or Controlled Activities (specified in Rule 2.6.1A), shall be a **Discretionary Activity** or a **Non-Complying Activity** in relation to the Rule with which it does not comply as is specified in that Rule.

### 4. The following shall be a **Non Complying Activity**:

- a) Fortified Site(s)

(Refer to Policies RU54A, RU54B, IN15, IN15A, CO24, CO24A)

### 5. The following activities shall be **Prohibited Activities** in Rural Zones:

- a) Any activity on, under or above a road **except** for the following activities:

- any activity exercising common law rights in relation to roads, including the passage of pedestrians, vehicles and animals except as may be prohibited or controlled by legislation or Bylaw;
- any activity which is allowed by statutory legalisation other than the Resource Management Act or which may be permitted by the **Council** pursuant to authority under any Bylaw, the Local Government Act 1974 or the Public Works Act 1981 or by any other legislation;
- any activity which is allowed by New Zealand Transport Agency in the case of a state highway; and
- the grazing of grassed portions of road reserves and unformed roads.

(Refer to Policy RU63-2.3.4.6)

- b) The **erection** and occupation of a **dwellinghouse** on a site which has its only vehicle access from and frontage to an unformed road.

- c) Any activity listed in Administration - Rule 1.4.4.

- d) The following new activities shall be prohibited inside the Air Noise Boundary (Ldn 65), shown on Planning Maps:

- All **residential activities**;
- **Travellers' accommodation**; and
- Educational activity (except aviation education and training).

(Refer to Rule 2.4.24)

## 2.4

### CONDITIONS FOR PERMITTED ACTIVITIES

*NOTE: In addition to the following conditions, special restrictions apply to particular sites identified on the Planning Maps, such as historic sites. Attention is also drawn to known physical hazards which are recorded on separate hazard maps maintained by the **Council**.*

(Refer to Policies AD4, RC1, RC7, RU35, RU36, RU41-RU51, RU54, RU63, RS61-RS66)

#### 2.4.1 Protection of **Indigenous Trees** and **Vegetation and Habitat of Indigenous Fauna**

##### 1. **Indigenous Vegetation**

No person shall clear, cause, or allow to be cleared any indigenous vegetation including trees except:

- a) Where it constitutes a fire hazard;
- b) For the maintenance of power lines;
- c) Where it is required for the purposes of Rule 2.4.5 - Tree Planting and Vegetation in Relation to Roads;
- d) To maintain **existing** access routes;
- e) To protect established pasture and **woodlots** from encroachment by indigenous vegetation such as bracken fern, ring fern, manuka and kanuka;
- f) To clear and maintain lines for fences in order to exclude animals from areas of indigenous vegetation; or
- g) Where it is required during harvesting of trees.

**provided that** this Rule shall not apply to any land included in an open space covenant under Section 22 of the Queen Elizabeth the Second National Trust Act 1977.

For the purposes of this Rule the 'clearing of vegetation' shall not include the grazing or harvesting of pasture.

Activities which do not comply with Rule 2.4.1 (1) shall require a resource consent for a **Discretionary Activity** which shall be considered in accordance with Rule 2.7.2.

(Refer to Policies HG4, RS73, RU18-RU22, RU33, RU37, RU38, RU63-2.3.4.4, RU63-2.3.4.5, RU63-2.3.4.15, RS69, Rule 2.7.2)

##### 2. **Excavations**

- a) No alteration shall be made to landform or any physical feature on any **holding** which involves:

- The **removal of topsoil**, except as is necessary to provide for stable building areas, access, drainage work and **utility services**;
- The recontouring, excavation or depositing on any one holding of more than 1000m<sup>3</sup> of spoil, soil or other materials (excluding farm silage pits or drainage work), in a single activity or cumulative activities in any one year period;

**provided that** this Rule shall not apply to an existing use within the meaning of Section 10 of **the Act** or to farm tracks.

- b) This Rule 2.4.1(2) shall not apply to ‘**Mineral Extraction**’ which may only be undertaken by resource consent for a **Discretionary Activity** in accordance with the criteria in Rule 2.7.4.

‘**Exploration**’ and ‘**Prospecting**’ which do not comply with Rule 2.4.1(2) shall be **Controlled Activities** and shall be considered under Rule 2.6.3.

Any alteration to landform except ‘Exploration’ and ‘Prospecting’ which does not comply with Rule 2.4.1(2) shall require a resource consent for a **Discretionary Activity** which shall be considered in accordance with Rules 2.7.2 and 2.7.3.

*NOTE: ‘Mineral Extraction’ may only be undertaken in accordance with the criteria in Rule 2.7.4.*

*(Refer to Policies RU18-RU21, RU33, RU37, RU38, RU55-RU60, RU63-2.3.4.7, RU63-2.3.4.8, RU63-2.3.4.16, Rules 2.6.3, 2.7.2, 2.7.3)*

### 3. Natural Water Bodies

No person shall divert or modify any stream, river or lake including the reclamation or drainage of wetlands except in accordance with Sections 13 and 14 of the Act and any standard of the Waikato Regional Council.

Any activity which does not comply with Rule 2.4.1(3) is required to comply with any Rule which may be applicable in the Waikato Regional Plan and may require a resource consent.

*(Refer to Policies RU18-RU21, RU33, RU37, RU38, RU63-2.3.4.3)*

#### 2.4.2 RULE - Protection of Prime Agricultural Land

No site shall be used for an activity which will prevent the future use of the site for the

production of vegetation by the establishment of new buildings and/or hard surface areas, **provided that** this Rule shall not apply to:

- up to two **dwellinghouses** and **accessory buildings**;
- any building or soil coverage ancillary to any lawfully established activity;
- **existing** and proposed **marae** and associated buildings including dwellinghouses on multiple owned Maori land;
- any activity listed in Rule 1.4.1 - Permitted Activities.

Activities which do not comply with this Rule 2.4.2 shall require a resource consent for a **Discretionary Activity** which shall be considered in accordance with Rule 2.7.10.

*(Refer to Objective RU1, Policies IN13, RU39-RU46, RU63-2.3.4.9, Rule 2.7.10)*

#### 2.4.3 RULE - Protection of Peat Lakes and their Margins

1. For the purpose of this Rule the Waipa peat lakes as shown on the Planning Maps are:

Cameron	Maratoto	Rotopataka
Koromatua	Ngarotoiti	Ruatuna
Mangahia	Ngaroto	Serpentine
Mangakaware	Rotomanuka	

2. No activity shall be allowed which:

- a) modifies the natural **indigenous** vegetation composition within 50 metres of the edge of any peat lake measured at its maximum annual water level; or
- b) involves any land drainage which will alter the hydrological regime of any peat lake;

**provided that** this Rule shall not apply to conservation measures undertaken by the **Council**, the Waikato Regional Council or any conservation organisation approved by the District Council.

Any activity which does not comply with Rule 2.4.3 shall require a resource consent for a **Discretionary Activity** and shall be considered in accordance with Rule 2.7.2.

*(Refer to Policies RU18-RU21, RU33-RU35, RU37, RU38, RU63-2.3.4.1, RU63-2.3.4.3, RU63-2.3.4.15, RS69, RS73, Rule 2.7.2)*

#### 2.4.4 RULE - Tree Planting, Management and Harvesting

(Refer to Rule 2.5 for Conditions for Permitted Activities in the Special Landscape Character Areas)

1. Any single tree or trees within a plantation or shelterbelt of trees which are likely to grow to more than 6 metres in height shall be planted no closer than 10 metres to a vertical line directly below an overhead power or telephone line. Trees may be planted closer than 10 metres to power and telephone lines with the written approval of the owner or organisations responsible for the lines.
2. Neither any single tree, nor any trees within a plantation or shelterbelt which is or are likely to grow to more than 6 metres in height shall be planted-
  - closer than 30 metres from any residential building on an adjoining site; or
  - closer than 30 metres from any site boundary of any allotment of 2 hectares or less which has a separate certificate of title and which does not contain a residential building; or
  - closer than 30 metres from any site boundary of any Residential Zone or Rural Residential Area; or
  - in any position which would have an adverse effect on Maori ancestral land, water sites, waahi tapu and other taonga.
3. Trees which are likely to grow to more than 6 metres in height shall be planted no closer than 6 metres from the edge of any lake or from the banks of any river **except** trees which are planted for river protection works or soil conservation or for conservation measures undertaken by the **Council**, Waikato Regional Council and conservation organisations approved by Council.

#### NOTES:

1. For tree planting and harvesting in relation to any public drain refer to 'The Waipa District Drainage Bylaw 1991' (refer to Rule 2.4.16).
2. The Council will monitor all *forestry* activities and will have particular regard to the quality of self-regulation by *forest* owners and the implementing of the New Zealand Forest Code of Practice, Logging Industry Research Organisation (revised June 1993).

The planting and growth of trees which do not comply with Rule 2.4.4.1, 2.4.4.2 and 2.4.4.3 shall be **Discretionary Activities** in relation to

these matters and shall be considered under Rule 2.7.18.

(Refer to Policies RU18-RU21, RU47, RU48, RU50, RU51, RU63-2.3.4.10, RU63-2.3.4.11, RU63-2.3.4.15)

#### 2.4.5 RULE - Tree Planting and Vegetation in Relation to Roads

1. Shelterbelts and trees shall be set back from sharp bends in rural roads and at intersections so that sight distances for vehicles in their normal travelling positions on the road shall not be less than 100 metres on **Secondary Roads** and 180 metres on **Primary Roads** and 250 metres on Primary Roads where 100 km/hr speed zones are in existence.
2. No tree, plantation of trees, or vegetation shall be planted or allowed to grow in any position which could result in any icing of the roadway pavement being perpetuated as a result of shading of the road.

Activities which do not comply with Rules 2.4.5 (1) and (2) shall be **Non-Complying Activities** in relation to these matters.

(Refer to Policies RU50, RU51, RU63-2.3.4.10, RU63-2.3.4.11, RU63-2.3.4.15)

#### 2.4.6 RULE - Number of Dwellings on a Site

(Note: Refer to Rule 2.6.1A for numbers of dwellings in the Lake Karapiro Rural Residential Area.)

1. Up to two dwellinghouses shall be allowed on any site

#### provided that:

- a) One dwellinghouse not exceeding 70m<sup>2</sup> in gross floor area is to be used for dependent relatives of the occupiers of the principal dwelling on the same site;
- b) The site shall have a frontage or a legally reserved vehicular right of way to a road which is formed, constructed, and maintained to the **Council's** road standards;
- c) The **site area** shall be of sufficient size for the satisfactory disposal on the site of sewage and waste water by septic tank or other approved method;
- d) The vehicle entrance to the site shall comply with Rule 2.4.10;
- e) The site is physically suitable for the **erection** of a dwelling and is not within

an area identified on the Council's hazard maps or if it is in such an area the owner shall provide satisfactory evidence that the hazard can be avoided, remedied or mitigated to the satisfaction of the Council;

f) Where the site constitutes a road severance, stopped road or closed road it is capable of accommodating a dwellinghouse in that:

- sufficient site area and shape is available in order to comply with the minimum site area and minimum setback standards and conditions of the Plan;
- the site is suitable for a building under Rule 1.7.1;
- the site complies with the requirements of the Waikato Regional Council for the disposal of waste water and sewage; and
- vehicular access to the site complies with Rule 2.4.10.

g) No dwelling shall be constructed closer than 500m to a site used for [mineral extraction](#) or a site for which a resource consent has been granted for mineral extraction.

2. In a **Rural Residential Area** as shown on the District Planning Maps more than one dwellinghouse may be erected on a site provided that:

- a) it is possible for a separate Certificate of Title to be created for each dwellinghouse on the site which complies with the requirements of Rule 10.6.1(3) - Standards in Rural Residential Areas for [Farm Parks](#) and Rule 10.4.2.3 - Standard of Subdivisional Works in All Areas; and
- b) there is no condition specified in any consent notice under Section 221 of [the Act](#) preventing further land subdivision.

*NOTE: This Rule will allow for individual Certificates of Title to be created under the Unit Titles Act 1972 or the Land Transfer Act 1952 using the cross lease or company lease method, as may be appropriate.*

Activities which do not comply with the conditions of Rule 2.4.6(1)(g) shall require a resource consent for a **Discretionary Activity** which shall be considered in accordance with Rule 2.7.17.

Activities which do not comply with the conditions of Rule 2.4.6 other than 2.4.6.1(g) shall be **Discretionary Activities** and shall be considered in accordance with Rule 2.7.13.

*(Refer to Objectives RU1, RS1, Policies RS62, RS66, RS73, RS68, RS69, RS71, RS73, RU41-RU46, RU56, Rules 1.7.1, 2.7.13, 2.7.14, 2.7.17)*

#### 2.4.7 RULE - Multiple Units on a Site

Where more than one serviced building (excluding [accessory buildings](#)) is erected on a site, all services shall comply with services that would be required if the site were being subdivided to create separate titles for each serviced building.

Activities which do not comply with the requirements of Rule 2.4.7 in relation to the provision of services to each building shall be **Discretionary Activities** and shall be considered under Rule 1.6.2.2.

*(Refer to Policies SU17, SU20, Rule 1.6.2.2)*

#### 2.4.8 RULE - Minimum Site Area and Minimum Site Frontage for Any Activity

1. The minimum site area and site frontage for any activity on an allotment with a frontage to a [Primary Road](#) shall be a **Discretionary Activity** and shall be considered under Rule 1.6.2.2 **provided that** this Rule shall not apply to lots for:

- dwellinghouses allowed under Rule 2.4.6;
- an activity operated by a farmer incidental to [farming activities](#); or
- [forestry](#) activities.

2. The minimum site area for any activity shall comply with the minimum land area requirements of the Waikato Regional Council for the satisfactory disposal of sewage and waste water

**provided that** where no sewage or waste water will be produced on a site by that activity there shall be no minimum site area.

Activities which do not comply with Rule 2.4.8.2 shall be **Non-Complying Activities** in relation to this matter.

*(Refer to Policies IN13, RU63, TR1, TR2, TR3, RS78-RS80, Rule 1.6.2.2)*

#### 2.4.9 RULE - Size of Activities

1. The Rule shall not apply to farming and [forestry](#) activities and activities included in Rule 2.4.20.

2. Activities shall not exceed the following standards:

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- a) The aggregate floor area of buildings and/or land area used for the non-farming activity shall not exceed 100m<sup>2</sup> **provided** that this condition shall not apply to that part of a dwellinghouse used solely for residential activity.
- b) The number of persons engaged in the activity at any one time on the site shall not exceed five persons.
- c) The number of guests who are provided with board and lodging and/or meals shall not exceed ten persons at any one time.

Activities which do not comply with the requirements of Rule 2.4.9 shall require a resource consent for a **Discretionary Activity** which shall be considered in accordance with Rule 2.7.10.

(Refer to Policies CO22, CO23, IN13, RU63-2.3.4.9, RU63-2.3.4.12, RU63-2.3.4.13, Rule 2.7.10)

### 2.4.10 RULE - Access to Sites

1. Only one vehicular access from a **Primary Road** shall be allowed to each allotment which has a frontage to a Primary Road

**provided that** a vehicular access shall not be allowed in cases where a site can have an alternative vehicular access from a **Secondary Road**.

2. The minimum site distance in both directions along a road from the centre line at the boundary of any entrance/exit to a site shall be as follows:
  - a) In the case of roads which are State Highways the entrance/exit shall comply with the requirements of Appendix 16 - 'State Highway Vehicle Crossings and Intersections'.
  - b) In the case of roads which are not State Highways the entrance/exit shall comply with the requirements of the **Waipa District Council Code of Practice for Land Development and Subdivision**: May 1995 and Amendments, and the RTS Standard No.6 'Guidelines for Visibility at Driveways'.
3. In the case of roads vested in the District Council all work on vehicle crossings within a road reserve giving access to a site shall be carried out by agreement with the **Council** before any work is started in accordance with this Rule.
4. In the case of roads under the control of New Zealand Transport Agency all work on

vehicle crossings shall be approved by New Zealand Transport Agency before any work is started.

5. In the case of declared Limited Access Roads, the provisions of Section 346 of the Local Government Act 1974 and the Government Roading Powers Act 1989 apply to access from a Limited Access Road as defined in those Acts.
6. This Rule shall not apply to access to crash gates providing emergency access to Hamilton Airport.

Activities which do not comply with Rule 2.4.10 shall be **Non-Complying Activities**.

(Refer to Policies IN13, RU63-2.3.4.6, TR1-TR3, TR9, Rule 2.4.20)

*NOTE: Reference should be made to the Waipa District Council Code of Practice for Land Development and Subdivision for construction and formation requirements for access to sites from District roads.*

*The approval of New Zealand Transport Agency is required for the construction of an access to sites from a State Highway.*

### 2.4.11 RULE - Loading Requirements in Rural Zones

1. All loading and unloading of vehicles shall be carried out completely clear of a legal road reserve.

**Except that** the following activities shall be exempt from the provisions of this Rule:

- a) Passenger carrying vehicles setting down or picking up passengers **and**
  - b) Rural mail delivery contractors or anyone delivering to or collecting from mail boxes sited in conformity with these Rules **and**
  - c) Vehicles, machines, and materials being used to construct or maintain roads or public services or network utilities.
2. Stock loading ramps shall be constructed no closer than 15m to a legal road reserve boundary with **manoeuvring space** sufficient for trucks to manoeuvre without encroaching on the road reserve. The means of ingress to and egress from any platform, ramp or loading area from and to the roadway of any paved or metalled road shall be sited and constructed and maintained to standards satisfactory to the District Council and no new such facilities shall be constructed

without written permission having first been obtained.

3. For the purposes of this Rule 'roadway' shall have the same meanings as defined in The Traffic Regulations 1956:

*'Roadway' means that portion of the road used or reasonably used for the time being for vehicular traffic in general.*

Activities which do not comply with Rule 2.4.11 shall be **Discretionary Activities** in relation to this matter and shall be considered under Rule 1.6.2.2.

*(Refer to Policies RU63-2.3.4.6, TR1, TR9, Rule 1.6.2.2)*

#### 2.4.12 RULE - Manoeuvring Space

Sufficient vehicle manoeuvring space shall be provided on a site in order to ensure that vehicles do not need to reverse on to or off a road

**provided that** this Rule shall not apply where the site is less than 1000m<sup>2</sup> and has a road boundary which is not a **Primary Road** and is occupied only by a single dwellinghouse and topographical constraints preclude the **erection** of buildings, including the dwellinghouse, in such a position that on-site manoeuvring space is possible.

Activities which do not comply with Rule 2.4.12 shall be **Non-Complying Activities** in relation to this matter.

*(Refer to Policies RU63-2.3.4.6, TR1, TR9)*

#### 2.4.13 RULE - Building Setback from Road Boundaries

*(Refer to corresponding Rules 1.7.11, 1.7.12, 1.7.13)*

1. The minimum setback from a road boundary for all buildings including **accessory buildings** shall be as follows:

Rural-Residential Areas:

<b>Primary Roads</b>	15m
Other roads	10m

Remainder of Rural Zone:

All roads	15m
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**provided that** in the remainder of the Rural Zone a building may be located closer to a road boundary than 15m, but not less than 10m in cases where a suitable building cannot be constructed in a conforming

position but only in the following circumstances:

- where the maximum depth of a front site is less than the road frontage of the site; or
- where the maximum depth of a **corner site** measured at right angles to its shortest frontage is less than the length of that frontage: or
- where the depth of a site will be reduced due to road widening or other public works and a building of reasonable size cannot be located in a conforming position; or
- where there are legal restraints preventing complying siting (e.g. easements).

Activities which do not comply with Rule 2.4.13 shall be **Non-Complying Activities** in relation to this matter.

*(Refer to Policies NS9, RU63-2.3.4.1, RU63-2.3.4.13, TR1, Rule 2.4.21, Part 3 Section 12.1)*

#### 2.4.14 RULE - Building Setback from Internal Site Boundaries

*(Refer to corresponding Rules 1.7.11, 1.7.12, 1.7.13, 1.7.16)*

The minimum setback from internal site boundaries shall be as follows:

- Dwellinghouses including **accessory buildings** 10m  
Dwellinghouses and accessory buildings in Rural Residential Policy Areas and rural properties less than 1ha 5m
- Buildings housing animals, including milking sheds and shearing sheds 30m
- Other buildings (includes implement sheds) 15m

**provided that** this rule does not apply to an extension to an existing dwellinghouse or accessory building which has a floor area of 30% or less of the existing building and the extent of the non-compliance is not increased.

Activities which do not comply with Rule 2.4.14 shall be **Non-Complying Activities** in relation to this matter.

*(Refer to Policy RU63-2.3.4.1, Part 3 Section 12.1)*

#### 2.4.15 RULE - Buildings in Relation to Lakes and Rivers

*(Refer to corresponding Rule 1.7.16)*

### Rural Zone Rules

No building shall be erected within 23m of the edge of any lake or river.

#### Provided that

- a) all buildings shall comply with Rule 2.4.3 - Protection of Peat Lakes and their Margins;
- b) this Rule shall not apply to any structure or part of any structure erected in, on, under or over the bed of any river or lake for which a resource consent has been granted by the Waikato Regional Council; and
- c) this Rule shall not apply to a maimai not exceeding 16m<sup>2</sup> in floor area.

Activities which do not comply with Rule 2.4.15 shall be **Non-Complying Activities** in relation to this matter.

(Refer to Policies RU23-RU26, RU32-RU34, RU63-2.3.4.1)

#### 2.4.16 RULE - Protection of Public Drains

NOTE: The provisions of 'The Waipa District Drainage Bylaw 1991' apply to all public drains in the District.

(Refer to Policies RU63-2.3.4.1, Rule 2.4.4)

#### 2.4.17 RULE - The Housing and Keeping of Animals

1. Any yard, pen, feed lot, feed pad, loafing barn or similar enclosure or building for the confinement of birds, cattle, sheep, horses or other animals (except pigs) for periods in excess of 48 hours in which they are sustained on supplementary feed while so confined shall be located at least:
  - a) 30m from any **site boundary**, **provided that** buildings may be erected up to any common boundary with an adjoining site which is in the same ownership **provided further that** buildings may be erected closer to an **internal site boundary** in cases where the written consent of the owner of the adjoining site alongside which the setback is to be reduced is first obtained and submitted to the **Council**;
  - b) 100m from any boundary of any Residential Zone;
  - c) 50m from any dwellinghouse on an adjoining site; and
  - d) 25m from any dwellinghouses on the same site.

This rule shall not apply to small domestic pets and farm working dogs.

2. No land, building, yard, pen or similar enclosure shall be used for the keeping, raising and/or breeding of pigs and their progeny in excess of the following:

- a) Not more than 12 pigs older than 8 weeks at any one time of which not more than 5 are breeding animals.
- b) For **Outdoor (extensive) Pig Farming** there are no restrictions on stock numbers provided groundcover is maintained.

Any activity which does not comply with Rule 2.4.17 shall require a resource consent for a **Discretionary Activity** which shall be considered in accordance with Rule 2.7.5.

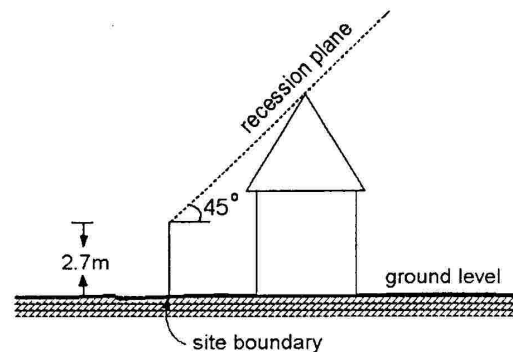
NOTE: '**Intensive Pig Farming**' is a Discretionary Activity under Rule 2.7.6.

(Refer to Policies RU47, RU48, RU54, RU63-2.3.4.1, RU63-2.3.4.2, RU63-2.3.4.9, Rule 2.4.25)

#### 2.4.18 RULE - Height of Structures and Trees etc.

1. **Maximum Height of Structures** - 12m but subject in all cases to Rule 2.4.18(2).

**Provided that** no structure shall penetrate a **recession plane** at right angles to a boundary inclined inwards and upwards at an angle of 45° from 2.7 metres above the finished **ground level** of the front, side or rear boundaries of a site.



#### 2. Special Height Requirements for Airfields

The following **height** requirements apply in the vicinity of Hamilton Airport:

- a) No object including any part of a building, structure, tree, or other object or plant growth, shall penetrate any of the approach surfaces, transitional surfaces, horizontal surface, conical surface, as delineated on the District Planning Maps

2, 6, 10, 22, 23 and 25 for Hamilton Airport and also in Appendix 5.

- b) No object including any part of a building, structure, tree, or other object or plant growth (other than wire fences less than 1.2 metres high) are permitted within 200 metres of the centre of the VOR facility (refer Appendix 5). Outside of a 200 metre radius from the facility, no object including any part of a building, structure, tree or other object or plant growth may be erected which will be above a conical surface centred at the centre of the VOR facility, originating at a level of 55.4 metres above Moturiki datum and rising at an angle of 3.5° above the horizontal.

### 3. Maximum Height of Structures in Lake Karapiro Rural Residential Area shown on Planning Map 29A – 8m.

Any activity which does not comply with Rule 2.4.18(1) shall be a **Discretionary Activity** in relation to this matter and shall be considered in accordance with Rule 2.7.8.

Any activity which does not comply with Rules 2.4.18(2) or 2.4.18(3) shall be a **Non-Complying Activity** in relation to this matter except that any activity on building site 10 on Unit B shown on Planning Map 29A which does not comply with Rule 2.4.18(3) but does not exceed 10m in height shall be a **Discretionary Activity**.

*(Refer to Policies RS82-RS84, RU63-2.3.4.1, RU63-2.3.4.15, TR1, TR11, Rule 2.7.8)*

#### 2.4.19 RULE - Temporary Buildings

Temporary buildings including temporary offices, storage sheds, storage yards, builders' workshops and other similar buildings and uses which are required incidental to a building or construction project, but only for the duration of that project, and not for a period exceeding 12 months, unless the consent of the **Council** to a longer period is obtained as a **Controlled Activity** under Rule 1.7.7, **provided that** no such temporary building shall be erected prior to the issue of a building consent for the **erection** of the permanent building on the site.

Activities which do not comply with Rule 2.4.19 shall be **Non-Complying Activities** in relation to this matter.

*NOTE: Other temporary buildings are included in Rule 1.7.7.*

*(Refer to Policy RU1, Rule 1.7.7)*

#### 2.4.20 RULE - Sale of Goods

1. There shall be no display of goods for sale other than the sale of produce or plants grown on the site or **handcrafts** made on the site.
2. The **floor space** of buildings or part of a building or area of land to be used for the sale of produce or handcrafts shall not exceed 20 m<sup>2</sup>.
3. No building or land shall be constructed and/or used for the sale of produce or handcrafts on a site with a frontage to a **Primary Road**.
4. No building or land shall be constructed and/or used for the sale of produce or handcrafts on a site with a frontage to a **Secondary Road** which does not comply with Rule 2.4.10(2).

Activities which do not comply with Rules 2.4.20(1), (2) and (4) shall be **Non-Complying Activities**.

Activities which do not comply with Rules 2.4.20(3) shall be **Discretionary Activities** and shall be considered under Rule 2.7.16.

*(Refer to Policies TR1, TR9, RU54, RU63-2.3.4.10, RU63-2.3.4.12, RU63-2.3.4.13, CO18, CO22, CO23, Rules 2.4.10.2, 2.7.16)*

#### 2.4.21 RULE - Vehicle Parking

Off-street **parking spaces** shall be provided in accordance with the requirements of Appendix 6.

Spaces associated with dwellinghouses shall be located in a position on which a **garage** or **carport** could be erected in accordance with Rules 2.4.13 and 2.4.14.

In cases where a building consent is required the location of off-street parking spaces as required by this Rule shall be shown on the plans accompanying the building consent application.

Garages and carports may only be located closer to a road on a site of a dwellinghouse in accordance with the requirements of Rule 2.4.13.

Parking spaces for activities other than dwellinghouses shall be located at least 20m from street boundaries.

Activities which do not comply with Rule 2.4.21 shall be **Discretionary Activities** and shall be considered under Rule 2.7.11.

*(Refer to Objective TR1, Policies RU63-2.3.4.13, TR1, TR6, Rules 2.4.13, 2.4.14, Appendix 6)*

**2.4.22 RULE - Signs**

1. Signs on State Highways are controlled by a New Zealand Transport Agency signs bylaw. Signs on roads vested in the District Council are controlled by the Council pursuant to Section 357 of the Local Government Act 1974 or the Waipa District Council Bylaw - 'Control of Advertising Signs and Sale of Goods in Public Places 1992'.
2. The following signs are allowed:

**provided** except in the case of (d) below they are located on the land or buildings for which they provide information;

**provided further that** in cases where an activity for which the sign is to give information is located on one or more on adjoining sites the signs which are allowed as follows shall apply to the combination of the sites as a whole and not to individual sites:

- a) A sign giving information such as the name or street number of premises, the business carried on, names of people occupying premises, and hours of operation; but containing no reference to particular products. No such sign shall exceed 1.2m<sup>2</sup> sign area visible in any one direction with a maximum of 2.4m<sup>2</sup> in total.
- b) Signs advertising that the land or premises are for sale or lease. Maximum size of each sign 2m<sup>2</sup>. Not more than 4 signs at any time.
- c) A sign erected on a construction site giving details of the project. Maximum total area of sign 2m<sup>2</sup>.
- d) Signs giving information on forthcoming elections or cultural, religious, educational or sporting events and displayed not more than 90 days before and 3 days after the event or such lesser time as may be prescribed by legislation. Maximum size 2m<sup>2</sup>, maximum total area of signs on one site 3m<sup>2</sup>.
- e) Signs for sales or hire of goods allowed under Rule 2.4.20 but not more than two signs placed on the property. No such sign shall exceed 1.2m<sup>2</sup> sign area visible in any one direction with a maximum of 2.4m<sup>2</sup> in total.
- f) For service stations, one sign of an approved 'emblem' type on the site of each petrol service station, and two free-standing pole mounted signs shall be permitted on a site where the frontage of

all buildings is set back more than 5m from a road boundary, **provided that** each sign does not exceed 8m in height and 4m<sup>2</sup> in area.

**Provided that** in all cases signs are:

- i) Not internally illuminated, and do not incorporate fluorescent or moving materials such as flags, and are not painted in colours restricted for use on traffic signs;
- ii) Placed so that where attached to a building no part protrudes above the eaves or parapet, or where attached to a fence or wall no part protrudes above the top of the fence or wall; or where free-standing are placed so that no part is more than 8 metres above ground level; and
- iii) Placed no closer than 20m to a road intersection.

Activities not provided for in Rule 2.4.22 shall be considered **Non-Complying Activities**. Other activities which do not comply with Rule 2.4.22 shall be **Discretionary Activities** and shall be considered under Rule 2.7.12.

(Refer to Objective TR1, Policies RS11, RU61, RU62, RU63-2.3.4.13, TR1, TR9, CO23)

**2.4.23 RULE - Noise**

1. All activities shall be conducted and buildings located, designed and used to ensure that noise levels within the boundaries of any site which is zoned Residential or within the notional boundary of any rural dwelling shall not exceed the following limits:

**All Activities (Except Mineral Extraction Activities):**

Day Time	7.00am - 8.00pm	50dBA(L10)
Night Time	8.00pm - 7.00am	40dBA(L10)

**Mineral Extraction Activities**

Day Time	7.00am - 8.00pm	55dBA(L10)
Night Time	8.00pm - 7.00am	40dBA(L10)

No single event noise level L<sub>max</sub> shall exceed 65dBA between 10.00pm and 7.00am.

The noise levels shall be measured and assessed in accordance with the requirements of NZS 6801:1991 Measurement of Sound and NZS 6802:1991 Assessment of Environment Sound.

**Exclusions**

Nothing in the foregoing clauses shall apply to farm animals including farm dogs, and to agricultural vehicles, agricultural machinery or equipment (including produce packing facilities) operated and maintained in accordance with the manufacturer's specifications in accordance with accepted management practices (e.g. for milking, spraying, harvesting, packing, frost control and the like).

2. **Audible Bird Scaring Devices**

Any audible bird scaring devices must be operated at all times in accordance with the Code of Practice set out in Appendix 17.

3. **Construction Noise**

Construction noise emanating from a site where construction is ancillary to the principal use shall meet the limits recommended in and be measured and assessed in accordance with New Zealand Standard NZS 6803P:1984 The Measurement and Assessment of Noise from Construction, Maintenance and Demolition Work.

Activities, other than Mineral Extraction Activities, which do not comply with the requirements of Rule 2.4.23 shall be **Discretionary Activities** and shall be considered under Rule 2.7.9.

Mineral Extraction Activities not exceeding the Day Time noise level of 55dBA (L10) **outside** of Day Time hours (7.00am - 8.00pm) shall be **Discretionary Activities** and shall be considered under Rule 2.7.9. Other Mineral Extraction Activities which do not comply shall be **Non-Complying Activities**.

(Refer to Objectives NS1, NS2, Policies NS1, NS2, NS4-NS8, RU63, CO23, Rule 2.7.9)

**2.4.24 RULE Activities in Special Noise Areas; within the Air Noise Boundary, the SEL 95 Boundary and the Outer Control Boundary.**

1. In addition to any other rules in this Plan the following table specifies the status of noise sensitive activities according to whether they are located inside the Air Noise Boundary (Ldn 65) or between the Outer Control Boundary (Ldn 55) and the Air Noise Boundary as shown on the Planning Maps:

Table 2.1: Activity Status of Noise Sensitive Activities

<u>Activity</u>	<u>Status of Activity</u>	
	<u>Inside the Air Noise Boundary (Ldn 65)</u>	<u>Between the Outer Control Boundary (Ldn 55) and the Air Noise Boundary (Ldn 65)</u>
<u>a) Residential Activities including Residential Activities Ancillary to any other activity.</u>	<u>Prohibited</u>	<u>Permitted</u>
<u>b) Travellers Accommodation</u>	<u>Prohibited</u>	<u>Discretionary</u>
<u>c) Education facilities (except aviation educational training)</u>	<u>Prohibited</u>	<u>Discretionary</u>
<u>d) Aviation Educational Training</u>	<u>Discretionary</u>	<u>Discretionary</u>

In accordance with Rule 2.4.24.11 activities not provided for in Table 2.1 are Non-Complying Activities.

2. All activities in Table 2.1 above shall incorporate appropriate acoustical treatment to ensure that a noise level not exceeding 40dBA (Ldn) shall be achieved inside the building. For residential activities and travellers accommodation this rule shall only apply to habitable rooms and shall include extensions and additions to existing residential activities and travellers accommodation.

The internal noise level shall be calculated in accordance with the predicted external noise level at the subject site shown on the plan of Ldn contours at Appendix 39 and in accordance with the following adjustments to the dBA level to establish an unweighted external source spectrum for aircraft noise:

Table 2.2 External Aircraft Noise Octave Band Adjustments for Sound Insulation Design

<u>63 Hz</u>	<u>125 Hz</u>	<u>250 Hz</u>	<u>500 Hz</u>	<u>1 kHz</u>	<u>2 kHz</u>	<u>4 kHz</u>
<u>6</u>	<u>5</u>	<u>0</u>	<u>-3</u>	<u>-6</u>	<u>-8</u>	<u>-11</u>

Adjustments derived from ASTM E 1332-90 (2003) Table 1

**3. Prior to issuing a building consent for any building incorporating a noise**

sensitive activity to which this rule applies, compliance with the rule shall be demonstrated by the following:

(a) by production of a design certificate from an appropriately qualified and experienced acoustic engineer, certifying that an internal noise level not exceeding Ldn 40dB will be achieved by construction in accordance with the proposed design; OR

(b) for residential activities between the OCB and ANB incorporation of the following accepted acoustic design solutions in the building

(i) standard external cladding with minimum surface density of 8 kilograms per square metre such as brick, concrete, plaster, timber or plastic weatherboard and fibre cement, and

(ii) internal wall linings of gypsum plasterboard of at least 12 millimetres thickness or similar density material, and

iii) continuous ceiling linings without cut-outs and of gypsum plasterboard of at least 10 millimetres thickness or similar density material, and

iv) fibrous thermal insulation batts (not polystyrene) in wall and ceiling cavities, and

(v) standard roof cladding of steel, tiles, metal tiles or butynol on 15mm plywood, and  
(vi) standard external window and door glazing of minimum 6 millimetres thickness or equivalent double glazing, and

(vii) aluminium external joinery fitted with airtight seals throughout, and

(viii) room glazing with a total area of no more than 50 percent of the room's total floor area.

AND

(c) For residential activities where it is necessary to have doors and windows closed to achieve the acoustic standard an alternative ventilation system that complies with Table 2.3 shall be provided. For travellers accommodation where it is necessary to have doors and windows closed to achieve the acoustic standard an alternative ventilation system that complies with Table 2.3 shall be provided with sleeping areas complying with the 'other habitable rooms' requirements.

Table 2.3 Ventilation Standards

<u>Room Type</u>	<u>Outdoor Air Ventilation Rate (Air Changes Per Hour)</u>	
	<u>Low Setting*</u>	<u>High Setting*</u>
<u>Principal living rooms</u>	<u>1 - 2 ac / hr</u>	<u>Min. 15 ac / hr</u>
<u>Other habitable rooms</u>	<u>1 - 2 ac / hr</u>	<u>Min. 5 ac / hr</u>

\* Each system must be able to be individually switched on and off and when on, be controlled across the range of ventilation rates by the occupant with a minimum of 3 stages.

Each system providing the low setting flow rates is to be provided with a heating system which is able to provide the incoming air with 12 degC heat rise when the airflow is set to the low setting. Each heating system is to have a minimum of 2 equal heating stages.

If air conditioning is provided to any space then the high setting ventilation requirement for that space is not required.

For non-habitable rooms the ventilation requirements of the NZ Building Code shall apply.

Noise from ventilation systems shall not exceed the following noise limits:

<u>Room Type</u>	<u>Noise Level Measured at Least 1m from the Diffuser (Leq dBA)</u>	
	<u>Low Setting</u>	<u>High Setting</u>
<u>Habitable rooms (excluding sleeping areas)</u>	<u>35</u>	<u>40</u>
<u>Sleeping areas</u>	<u>30</u>	<u>35"</u>

4. In addition to other rules in the OCB all residential activities are permitted inside the SEL 95 Boundary shown on the Planning Maps provided that the buildings incorporate appropriate acoustical treatment to ensure that indoor sound levels stated below are not exceeded:

The internal Sound Exposure Level ("SEL") from aircraft noise shall not exceed 65dBA in all sleeping areas of new residential activities and extensions or additions to existing residential activities.

The internal noise level shall be calculated in accordance with the predicted external noise level at the subject site as shown on the plan of SEL contours in Appendix 39 with the following adjustments to the dBA level to establish an unweighted external source spectrum for aircraft noise:

Table 2.4 External Aircraft Noise Octave Band Adjustments for Sound Insulation Design

<u>63 Hz</u>	<u>125 Hz</u>	<u>250 Hz</u>	<u>500 Hz</u>	<u>1 kHz</u>	<u>2 kHz</u>	<u>4 kHz</u>
<u>6</u>	<u>5</u>	<u>0</u>	<u>-3</u>	<u>-6</u>	<u>-8</u>	<u>-11</u>

Adjustments derived from ASTM E 1332-90 (2003) Table 1

Prior to issuing a building consent for any building to which this rule applies, compliance with the rule shall be demonstrated by production of a design certificate from an appropriately qualified and experienced acoustic engineer certifying that the above internal noise level will be achieved by construction in accordance with the proposed design.

Where it is necessary to have doors and windows closed to achieve the acoustic standard an alternative ventilation system shall be provided as follows:

Table 2.5 Ventilation Standards

<u>Room Type</u>	<u>Outdoor Air Ventilation Rate (Air Changes per Hour)</u>	
	<u>Low Setting*</u>	<u>High Setting*</u>
<u>Sleeping areas</u>	<u>1 - 2 ac / hr</u>	<u>Min. 5 ac / hr</u>
<p><u>* Each system must be able to be individually switched on and off and when on, be controlled across the range of ventilation rates by the occupant with a minimum of 3 stages.</u></p> <p><u>Each system providing the low setting flow rates is to be provided with a heating system which is able to provide the incoming air with an 12 degC heat rise when the airflow is set to the low setting. Each heating system is to have a minimum of 2 equal heating stages.</u></p> <p><u>If air conditioning is provided to any space then the high setting ventilation requirement for that space is not required.</u></p>		

Noise from ventilation systems shall not exceed the following noise limits:

<u>Room Type</u>	<u>Noise Level Measured at Least 1m from the Diffuser (Leq dBA)</u>	
	<u>Low Setting</u>	<u>High Setting</u>
<u>Sleeping areas</u>	<u>30</u>	<u>35</u>

5. The Airport shall be operated so that the day/night level (Ldn) produced by aircraft operations shall not exceed:
  - a) 65dBA at or outside the Air Noise Boundary as shown on the Planning Maps.
  - b) 55dBA at or outside the Outer Control Boundary as shown on the Planning Maps.

The daily Ldn shall be measured in accordance with NZS6805:1992 'Airport Noise Management and Land Use Planning' and shall be logarithmically averaged over a three month period. For the purposes of this Rule aircraft operations shall include aircraft flights, aircraft taking off and landing, and aircraft taxiing, but excludes;

- i) Aircraft engine testing; and
- ii) Aircraft landing or taking off in an emergency; and
- iii) Emergency flights required to rescue persons from life threatening situations or to transport patients, human organs or medical personnel in a medical emergency; and
- iv) Aircraft using the airport due to unforeseen circumstances as an essential alternative to landing at another scheduled airport; and
- v) Flights required to meet the needs of a national or civil defence emergency declared under the Civil Defence Act 1983; and
- vi) Aircraft undertaking fire fighting duties.

6. The Airport shall be operated so that the Sound Exposure Level (SEL) produced by aircraft operations between 10.00pm and 7.00am shall not exceed SEL 95dBA at or outside the SEL 95 Boundary as shown on the Planning Maps, excluding those aircraft movements specified in Rule 2.4.24.5 (i) – (vi).

The SEL shall be measured in accordance with NZS6805:1992 'Airport Noise Management and Land Use Planning.

Any operations that result in an SEL that exceeds the levels in this rule shall be a Discretionary Activity.

7. Noise Mitigation Programme

- a) Within the SEL 95 Boundary, where an existing residential activity was lawfully established;

- i) Before 10 August 2011; or
- ii) A resource consent or building consent for a residential activity was granted before 10 August 2011; and
- iii) Hamilton International Airport proposes to commence scheduled wide body jet operations between 10pm and 7am on more than three occasions per week;

The Operator of Hamilton International Airport shall make an offer to the owners to install (“the Offer”), and if the Offer is accepted shall install acoustic treatment and related ventilation measures (“the Treatment Measures”) to achieve an internal acoustic environment in the existing or consented sleeping areas of the buildings (with all external doors of the building and all windows of the habitable rooms closed) of SEL 65dBA provided that no such Offer shall be required in respect of any site owned by the Operator of Hamilton International Airport. The offer shall include all building consent and certification fees payable to the Council. The Offer shall be made not later than two months before the commencement of scheduled wide body jet operations between 10pm and 7am on more than three occasions per week.

b) The Treatment Measures shall achieve the standards of acoustical treatment and ventilation set out in Rule 2.4.24.4.

c) The Offer shall be made on the following basis:

- i) any structural or other changes required under the Building Act or otherwise, to enable the installation of the Treatment Measures shall be at the expense of the Operator of Hamilton International Airport, except that nothing in this clause shall require the Airport Operator to fund any measures required to bring a building up to the standard required in any building bylaws or any provisions of any statute that applied when the building or relevant part was constructed or to improve the standard of finishes in the building;
- ii) it will remain open for acceptance on a willing participant basis for three years from the date on which it was made after which time the Operator of Hamilton International Airport’s obligations under this rule will be deemed to be fulfilled; and
- iii) where the Operator of Hamilton International Airport installs any Treatment Measures the Operator shall

provide the Council with a certificate from a suitably qualified person nominated by the Operator and approved by the Council, that the installation of those Measures has been properly undertaken in accordance with sound practice.

8. a) The Operator of Hamilton International Airport shall carry out full time in-field noise monitoring. The noise monitoring shall be carried out in accordance with the Noise Management Plan (NMP) and shall be commenced;

- i) Within 12 months of this rule becoming operative, or
- ii) Within 6 months of the third unscheduled engine testing event in any calendar year,

whichever of i) or ii) occurs first.

b) Noise from aircraft operations shall be monitored annually for a period of not less than 3 months (during a busy period of aircraft movements). Monitoring shall demonstrate the noise level at the Air Noise Boundary. The results of the monitoring shall be reported to the Council annually.

c) Noise from engine testing (scheduled and unscheduled) shall be monitored at all times other than those referred to in (b) above and the results shall be reported to the Council annually.

d) The Operator of Hamilton International Airport shall maintain a register of aircraft types that comply with the SEL 95 Boundary and are therefore permitted to operated between 10pm and 7am.

e) The Operator of Hamilton International Airport shall implement and maintain a Noise Management Plan (NMP). The NMP shall set out the measures to be used by the Operator, subject to Rules 2.4.24.1-6 to manage the noise effects of airport operations and from overflying aircraft. The NMP shall include but not be limited to the following matters;

- i) Management of noise emissions at night with particular emphasis on the methods adopted to effectively manage the noise effects of GA traffic after 10pm.

- ii) Procedures for receiving and addressing noise complaints.
  - iii) Methods for managing the effects of noise caused by scheduled and unscheduled engine testing.
  - iv) Operation and location of noise monitoring equipment.
  - v) Formation and composition of an Airport Community Liaison Group to facilitate communication between residents near the airport, WRAL, airport users and the Waipa and Waikato District Councils.
9. Land use activities, including the maintenance of aircraft, but excluding engine testing and the operation of aircraft within the Airport area, shall comply with the following conditions:

The average maximum noise level (L10) as measured within the notional boundary of any building used for residential purposes shall not exceed the following limits:

Monday to Sunday 7.00am to 9.00pm	55dBA
At all other times	45dBA

No single event noise level  $L_{max}$  shall exceed 70dBA at night time (10.00pm to 7.00am).

The noise levels shall be measured and assessed in accordance with the requirements of NZS 6801:2008 Acoustics - Measurement of Sound and NZS 6802:2008 Acoustics – Environmental Noise

- 10 (a) Noise from the testing of aircraft shall not exceed the following noise limits when measured in accordance with the requirements of NZS 6801:2008 Acoustics Measurement of Sound.

	$L_{eqn}$	$L_{max}$
Within the boundary of the residential properties east of SH3 (as identified on Planning Map 23)	50dBA	80dBA
Within the notional boundary of any other dwelling	45dBA	75dBA

$L_{eqn}$  is defined as the logarithmic average of the hourly  $L_{eqn}$  values from 10.00pm to 7.00am the following day, calculated as a rolling average over the last seven nights.

- 10 (b) Noise from night time engine testing shall be monitored by the operator to determine the total noise dose from engine testing that has been generated over the last seven days. A summary of these results shall be provided to the Council once a year and be available to the Council for inspection at any reasonable time and upon reasonable notice

*NOTE: Monitoring may be undertaken by calculation based on field measurements.*

10 (c) Exemptions to undertake engine testing that does not comply with Rule 24.2.4.10(a) are permitted where:

- (i) there is a requirement to undertake essential unscheduled engine testing between the hours of 10pm and 7am and;
- (ii) the aircraft has a scheduled passenger and/or freight landing at Hamilton International Airport within 18 hours of the engine testing taking place and;
- (iii) the engine testing is necessary to return the aircraft to scheduled services as soon as practically possible and;
- (iv) the engine testing cannot be completed outside the hours of 10pm and 7am without disruption to flying schedules.

10 (d) Exemptions from Rule 24.2.4.10(a) are subject to the following conditions:

- i) the essential unscheduled engine testing must be notified to the Operator of Hamilton International Airport and Waipa District Council (WDC) by the aircraft testing operator as soon as the need for it is known and;
- ii) As soon as practically possible after the essential unscheduled engine testing is completed the aircraft testing operator shall send to the Operator of Hamilton International Airport and WDC a report which shall include details of the date, time, location, duration, type of aircraft, engine power setting, the reasons for it being an exemption, and proof the aircraft was on a scheduled flight to Hamilton Airport and;
- iii) The Operator of Hamilton International Airport is to maintain a register of any exemptions under this rule, and the register is to be made publicly available and;
- iv) The noise shall not exceed  $L_{max}$  85dBA within the boundary or notional boundary of any dwelling and;
- v) The cumulative duration of engine running time shall not exceed 30 minutes with a maximum cumulative duration of 5 minutes at high power settings and;

vi) The total time from first engine on to last engine off, including any engine off time between run-ups, shall not exceed 90 minutes and;

vii) The essential unscheduled engine testing must be undertaken in the following locations:

- The ATR72 aircraft and any others able to be accommodated with the Eagle Air enclosure should be positioned in that run-up noise enclosure;
- All other aircraft are to be positioned on the main runway facing north at the intersection with runway 07-25 (unless weather conditions require the aircraft to be south facing); and

viii) For any aircraft to be able to rely on this exemption it must be either:

- One of the following aircraft types: Beechcraft 1900D, ATR72, Boeing 737-300, Boeing 737-800; or
- Be of a type certified by an acoustic consultant as being able to undertake engine testing in the locations referred to in (vii) above and still meet the  $L_{max}$  limit in (iv) above."

11. Construction noise emanating from a site where construction is ancillary to the principal use shall meet the limits recommended in and be measured and assessed in accordance with New Zealand Standard NZS 6803P:1984 - The Measurement and Assessment of Noise from Construction, Maintenance and Demolition Work.

Activities which do not comply with the requirements of Rule 2.4.24.9 shall be **Discretionary Activities** and shall be considered under Rule 2.7.9.

Activities which do not comply with the requirements of the remainder of Rule 2.4.24 shall be **Non-Complying Activities** unless stated otherwise in the Rule.

(Refer to Objectives NS1, NS2, Policies NS1-NS3, NS6-NS8, RU63, Part 1 Section 1.9.9, Rule 2.7.9)

#### **2.4.24A RULE – Activities within the Runway Protection Area**

1. The following activities shall be prohibited activities within the Runway

Protection Area shown on Planning Maps 2, 6, 22 and 23:

- Places of assembly;
- Service stations;
- Residential activities;
- Travellers accommodation;
- Hospitals;
- Camping grounds;
- Educational activities.

2. With the exception of Farming Activities which shall be permitted, any activity or subdivision which is otherwise permitted or controlled activity in the underlying zone that the Runway Protection Area applies to shall be a Restricted Discretionary Activity if located within the Runway Protection Area shown on Planning Maps 2, 6, 22 and 23 and shall be considered under Rule 2.8.1.

#### **2.4.25 RULE - Smoke, Fumes, Dust and Odour**

Activities shall not emit any smoke, fumes, dust or odour which is discernible without instruments at or beyond any boundary of the site.

This requirement shall not apply to:

1. Any domestic heating appliance, barbecue, or traditional cooking fire;
2. Any fire permitted under a permit issued by the District Council;
3. Any discharge of smoke, fumes, dust or odour for which a Discharge Permit has been issued by the Regional Council; and
4. Any farming activity and housing and keeping of pigs allowed by Rule 2.4.17.2.

Activities which do not comply with this Rule shall be **Discretionary Activities** and shall be considered under Rules 1.6.2.2 and 2.7.6 (where relevant).

(Refer to Policies AD3, CO23, RU63-2.3.4.2, RU63-2.3.4.9, RU63-2.3.4.10, Part 3 Section 22)

*NOTE: Attention is drawn to the obligation to comply with any relevant Rules in the Regional Plan or Proposed Regional Plan, and any other relevant District Bylaws.*

#### **2.4.26 RULE - Electrical Interference**

The provisions of Regulation 48 of the Electricity Regulations 1993 apply to the use of any fittings or electrical appliance.

*NOTE: Regulation 48 of the Electricity Regulations 1993 states:*

#### 48. QUALITY OF SUPPLY

1. No person shall use or continue to use any fittings or electrical appliance that unduly interferes with the satisfactory supply of electricity to any other person, or that impairs the safety of, or unduly interferes with the operation of any electrical appliance or fittings.
2. Compliance with ECP 86 shall be deemed to be compliance with subclause (1) of this regulation, in respect of interference from harmonics.'

Activities which do not comply with Rule 2.4.26 shall be **Non-Complying Activities** in relation to this matter.

(Refer to Policies AD3, RU63, CO23)

#### 2.4.27 RULE - Glare

1. No activity shall result in greater than a 10 lux spill (horizontal and vertical) of light on to any adjoining residential property, measured 2m inside the boundary of the neighbouring property.

**provided that** the amount of light that may be spilled on to a neighbouring property may be increased by not more than 100% in cases where the activity on the neighbouring property is not a **residential activity** and the provisions of (2) below are not contravened.

2. No operation or activity shall be conducted so that direct or indirect illumination creates a nuisance to occupants of adjoining or nearby sites.
3. No building shall be constructed and/or left unfinished and/or clad in any protective material or cover which could reflect sufficient light to detract from the amenities of the neighbourhood or cause discomfort to any person resident in the locality. Material used in the construction or cladding or protection of a building where discomfort is likely to occur should have a reflective value not greater than 20%.
4. The Rule shall not apply to lighting or glare from vehicles used in **farming activities** and agricultural equipment.

Activities which do not comply with the requirements of Rule 2.4.27 shall be **Non-Complying Activities**.

(Refer to Policies AD3, RU63)

#### 2.4.24 RULE - Reserve Contributions

1. Where one or more dwellinghouses are erected on any allotment, a financial contribution for the provision of reserves shall be made to **Council** for each dwellinghouse.
2. The value of the contribution shall be \$1,889 including GST (as at 30 September 2005) and adjusted annually by the CPI Index published by the Department of Statistics.
3. This Rule shall not apply to:
  - (a) any dwellinghouse for which a financial contribution has been paid to the Council under Rule 10.7 for the creation of a separate allotment on which a dwellinghouse is located; or
  - (b) the first house on any Certificate of Title existing on or before 28.07.99.

Activities which do not comply with Rule 2.4.28 shall be **Non-Complying Activities**.

(Refer to Policies RC8, RC9, SU23)

#### 2.4.25 RULE - Potentially Hazardous Substances

(See also Rule 1.7.21)

The storage and use of potentially hazardous substances as specified in Appendix 9 shall be limited to quantities available to the public without restriction for use on that site.

Activities which do not comply with Rule 2.4.29 shall be **Discretionary Activities** and shall be considered under Rule 2.7.15.

(Refer to Objectives RU1, Policies RU54, RU63, SW7, Rule 2.7.15)

#### 2.4.26 RULE - Solid and Liquid Waste Disposal

1. Waste material shall not be deposited and/or stored in the open:

**provided that** this Rule shall not apply to;

- a) vegetable wastes used for stock food on the **holding** on which it is deposited and/or stored; or
  - b) biodegradable unprocessed solid organic matter that has value as a soil conditioner or fertiliser.
2. The disposal of solid waste shall be in landfill sites or at transfer stations approved by the **Council**:

**provided that** this Rule shall not apply to the disposal of carcasses in offal pits, the composting of vegetable wastes and the burying of non-toxic solid wastes on holdings where they are produced;

**provided also** that this Rule shall not apply to waste from 'exploration' and 'mining operations' and 'excavations' which are a Permitted Activity under Rule 2.4.1.

3. Not more than 100m<sup>3</sup> of liquid waste or any by-product which is not produced on a holding shall be stored and/or disposed of on that holding.
4. The spreading or disposal of liquid waste or any by-product shall comply with all requirements of the Waikato Regional Council and the location of the areas where it is spread or disposed shall be at least:
  - a) 100m from any existing dwellinghouse or residential activity which is on land held in a separate Certificate of Title; and
  - b) 15m from any site boundary.

Activities which do not comply with Rule 2.4.30(1) and (2) shall be **Non-Complying Activities**.

Activities which do not comply with Rule 2.4.30(3) and (4) shall be **Discretionary Activities** and shall be considered under Rule 2.7.7.

*(Refer to Objectives SW1-SW5, Policies RU63-2.3.4.2, RU63-2.3.4.9, SW1, SW6)*

#### **2.4.27 RULE - Railways and Land Designated for Railway Purposes**

1. No person shall construct or operate a railway line which is not designated in the District Plan.
2. No activity shall be undertaken on, under or above land within the boundaries of a railway which is not included in the activities permitted by a designation of the railway.
3. No activity shall be undertaken on, under or above land which is not designated in the District Plan and which is not part of the operational facilities of the railway.

Activities which do not comply with the requirements of Rule 2.4.31 shall be **Non-Complying Activities**.

*(Refer to Objectives PW1-PW2, Policies TRI, TRI0)*

#### **2.4.28 RULE - Resiting and Use of Existing Buildings**

No building shall be resited and used for any purpose:

- a) within 50m of any site boundary; or
- b) in a Rural Residential Area

**provided that** this Rule shall not apply to new factory-made prefabricated dwellinghouses or other new prefabricated buildings or previously used single storey buildings which have less than 40m<sup>2</sup> floor space or the resiting of buildings on the same site.

Buildings which do not comply with the requirements of Rule 2.4.32 shall be **Controlled Activities** in relation to this matter and shall be considered under Rule 2.6.2.

*(Refer to Part 1 Section 3.5, Objective RS1, Policies RU63-2.3.4.1, RS69, Rule 2.6.2)*

#### **2.4.29 RULE – Buildings Associated with Beekeeping**

Buildings for beekeeping and associated activities shall be located at least:

- a) 30m from any internal site boundary provided that buildings may be erected up to any common boundary with an adjoining site which is in the same ownership provided further that buildings may be erected closer to an internal site boundary in cases where the written consent of the owner of the adjoining site alongside which the setback is to be reduced is first obtained and submitted to Council.
- b) 100m from any boundary of any Residential Zone; and
- c) 50m from any dwellinghouse on an adjoining site.

Any activity which does not comply with Rule 2.4.33 shall require a resource consent for a Discretionary Activity which shall be considered in accordance with Rule 2.7.5.

#### **2.4.30 RULE – Payment of a Water Supply Upgrading Fee**

1. Where the second and any subsequent additional dwellinghouses are erected on any allotment that is within a reticulated Water Supply Scheme, a Water Supply Upgrading Fee towards the additional capital costs to provide a water supply for each additional dwellinghouse shall be paid to Council at the time of uplifting a building consent.

2. The amount of the Water Supply Upgrading Fee shall be:

Water Supply Scheme	Water Supply Upgrading Fee per additional dwellinghouse as at September 2005 and adjusted annually by the Transfund Price Adjustment Formula
Te Awamutu & Pirongia	\$1,930.00 (GST inclusive)
Cambridge	\$2,336.00 (GST inclusive)
Karapiro Village	\$1,159.00 (GST inclusive)
Kihikihi	\$910.00 (GST inclusive)
Ohaupo (except for Ohaupo South Rural Residential Policy Area)	\$2,569.00 (GST inclusive)
Ohaupo South Rural Residential Policy Area	\$6,814.00 (GST inclusive) <b>Adjusted September 2008</b>
Pukerimu (inside original water supply scheme boundary)	\$759.00 (GST inclusive)
Pukerimu (outside original water supply scheme boundary)	\$759.00 (GST inclusive) plus \$257.00 per hectare

3. This Rule shall not apply to any dwellinghouse for which a Water Supply Fee has been paid to the Council under Rule 10.8.5.2 for the creation of a separate allotment on which a dwellinghouse is located.

Activities which do not comply with Rule 2.4.34 shall be **Non Complying Activities** in relation to this matter.

(Refer to Objective FC1, Policies FC1, FC2)

#### 2.4.31 RULE – Payment of a Sewage Upgrading Fee

- Where the second and any subsequent additional dwellinghouses are erected on any allotment that is within a reticulated Sewage Scheme, a Sewage Upgrading Fee towards the additional capital costs to provide a sewage supply for each additional dwellinghouse shall be paid to Council at the time of uplifting a building consent.
- The amount of the Sewage upgrading Fee shall be:

Sewage Scheme	Sewage Upgrading Fee per additional dwellinghouse as at September 2005 and adjusted annually by the Transfund Price Adjustment Formula
Te Awamutu	\$1,930.00 (GST inclusive)
Cambridge and Karapiro Village	\$1,565.00 (GST inclusive)
Templeview	\$2,713.00 (GST inclusive)

- This Rule shall not apply to any dwellinghouse for which a Sewage Upgrading Fee has been paid to the Council under Rule 10.8.5.3 for the creation of a separate allotment on which a dwellinghouse is located.

Activities which do not comply with Rule 2.4.35 shall be **Non Complying Activities** in respect of this matter.

(Refer to Objective FC1, Policies FC1, FC2)

#### 2.4.32 RULE – Payment of a Road Improvement Fee

- Where the second and any subsequent additional dwellinghouses are erected on any allotment in the Rural Zone, a Road Improvement Fee towards the additional capital costs to maintain and upgrade the road for each additional dwellinghouse shall be paid to Council at the time of uplifting a building consent.
- The amount of the Road Improvement Fee shall be \$3,804.00 inclusive of GST (as at September 2005 and adjusted annually by the Transfund Price Adjustment Formula).

##### Except that

The amount of the Road Improvement Fee within the Ohaupo South Rural Residential Policy Area shall be \$25,018 inclusive of GST (as at 30 September 2008 and adjusted annually by the Transfund Price Adjustment Formula).

- This Rule shall not apply to any dwellinghouse for which a Road Improvement Fee has been paid to the Council under Rule 10.8.5.4 for the creation of a separate allotment on which a dwellinghouse is located.

Activities which do not comply with Rule 2.4.36 shall be **Non Complying Activities** in respect of this matter.

(Refer to Objective FC1, Policies FC1, FC2)

## 2.5 CONDITIONS FOR PERMITTED ACTIVITIES IN SPECIAL LANDSCAPE CHARACTER AREAS

(Refer to Policies RUI-RUI7, RU35, RU36, RU47-RU49)

### 2.5.1 RULE - Special Landscape Character Areas

The conditions for Permitted Activities (Rule 2.4) are deemed to be the conditions for Permitted Activities within the Special Landscape Character Areas.

### 2.5.2 RULE - Structures

Notwithstanding the conditions for Permitted Activities (Rule 2.4) the following further conditions shall apply to Permitted Activities in the Special Landscape Character Areas as shown on the Planning Maps:

- a) No structure shall be erected with the exception of the following:
- fences for containing stock and boundary fences; or
  - any buildings not exceeding 3m in height and 20m<sup>2</sup> in floor area; or
  - **Marae** and associated buildings including **dwellinghouses** on multiple owned Maori land; or
  - dwellinghouses or accessory buildings to the dwellinghouse and farm buildings which are visible from and within 2 kilometres of a public road or the Waikato River and its associated lakes if-
    - i) they are erected in a part of the Special Landscape Character Area that is outside a Rural Residential Policy Area; and
    - ii) the whole of the structure including the roof is below the level of the skyline when viewed from a height of 1.5 metres from a public road or from the Waikato River and its associated lakes; and
    - iii) as to height-
      - the structure does not penetrate a height plane 8 metres parallel to the ground;
    - iv) as to size-
      - the total size of the structure does not exceed or form part of a structure that will after construction exceed 350m<sup>2</sup> in floor area; and
    - v) the whole of the walls of the structure are finished so that they are either of-
      - A. unpainted natural timber board or batten; or
      - B. uncoated brick or stone, or any surface coated with paint, stain or varnish, but in each case in the colours, or a combination of the colours, set out in Appendix 21; or
      - C. a combination of A. and B. above **PROVIDED ALWAYS THAT** this part of this Rule does not apply to an extension of an existing dwellinghouse or accessory building thereto or farm

building which has a floor area of 30% or less of the existing building; and

(Note: the term “walls” does not include windows, doors, guttering or the like)

- vi) the whole of the roof of the structure is finished in the colours, or a combination of the colours, set out in Appendix 21 **PROVIDED ALWAYS THAT** this part of this Rule does not apply to an extension of an existing dwelling or accessory building thereto or farm building which has a floor area of 30% or less of the existing building.

(Note: the term “roof” does not include barge boards or the like)

- b) Tracks and roads shall be formed and constructed so that the batters of cuts and fills created by such formation shall be regressed within a period of 12 months.
- c) No **forest** shall be planted.
- d) No structure, artificial screening, tree or tree within a plantation or shelterbelt shall be planted or placed such that it obstructs or intrudes upon views from the length of State Highway within the Landscape Character Area.

**The provisions of Rule 2.5.2 will not apply to activities or structures which are not visible from, or are 2 kilometres or more from, a public road or the Waikato River and its associated lakes.**

The term “public road” shall for the purposes of Rule 2.5.2 mean a road which at the date of the approval of the Plan is formed, or formed and sealed.

Activities which do not comply with Rule 2.5.2 shall be **Controlled Activities** and shall be considered under Rule 2.6.1 or 2.6.1A.

*(Refer to Policies IN13, RS33, RS41, RS42, RS53- RS55, RS58, RS69, RS74-RS76, RU1-RU21, RU41-RU46, RU50-RU52, RU63-2.3.4.1, RU63-2.3.4.10, RU63-2.3.4.15)*

## 2.6 CONTROLLED ACTIVITIES - MATTERS OVER WHICH COUNCIL EXERCISES CONTROL

*(Refer to Policy AD4(3))*

### 2.6.1 RULE - Special Landscape Character Areas

1. Standards and terms for Controlled Activities in the Special Landscape Character Areas:

The conditions for Permitted Activities (Rule 2.4) are deemed to be the standards and terms for Controlled Activities within the Special Landscape Character Areas.

2. Matters over which the Council shall exercise its control for the purposes of protecting the visual amenity of outstanding landscapes are-
  - a) The location of structures relative to the skyline, headlands or other promontory and exposed hillside or existing vegetation;
  - b) The location of structures, artificial screening, trees and shelter belts with respect to obstructing views from the State Highway 3;
  - c) The external design, construction and finish of structures including the reflectivity of the finish and how closely the finish blends with background colours and nearby buildings;
  - d) The extent, scale and location of roads or other vehicular tracks;
  - e) The extent and location of exotic forests relative to established native trees and natural landscape features;
  - f) The extent to which such activities will be obtrusively visible including consideration of distance;
  - g) The extent to which measures are taken to avoid, remedy, or mitigate effects such as considering alternative options and locations having regard to the costs and benefits involved.
3. Non-Notification - the written approval of affected persons will not be necessary in respect of matters over which the Council shall exercise its control under this Rule.
4. Assessment Criteria - in determining the conditions to be imposed, if any, Council will have regard to the provisions of the 'Guidelines for Activities in the Special Landscape Character Areas' included in Part 5 of the District Plan - Design Guidelines.

**The Guidelines are intended to give both a degree of certainty as to the form of appropriate development and sufficient freedom of interpretation to allow an alternative design response if it can be shown to meet the policies for the Special Landscape Character Areas.**

*(Refer to Policies IN13, RS33, RS41, RS42, RS53-RS55, RS58, RS69, RS74-RS76, RU1-*

*RU21, RU41-RU46, RU50-RU52, RU63-2.3.4.1, RU63-2.3.4.10, RU63-2.3.4.15, RU63-2.3.4.16)*

### **2.6.1A RULE – Lake Karapiro Rural Residential Area**

1. Notwithstanding Rules 2.4 and 2.5.2, but subject to Rule 2.6.1A.3 below, in the Lake Karapiro Rural Residential Area shown on Planning Map 29A not more than one dwellinghouse located on each of the building sites shown on that Planning Map or on any other building site that has been approved by Council as part of a subdivision consent shall be a Controlled Activity. For the purposes of this Rule “building site” means an area of land labelled as a building site on Planning Map 29A.
  - a) The standards and terms for Controlled Activities in the Lake Karapiro Rural Residential Area are:
    - The conditions for Permitted Activities (Rule 2.4) are deemed to be the standards and terms for Controlled Activities within the Lake Karapiro Rural Residential Area.
  - b) Matters over which the Council shall exercise its control:
    - i) integration of structures into the surrounding landscape through the external design, construction, finish and colour of structures;
    - ii) the extent, scale and location of driveways or other vehicular tracks;
    - iii) the nature and timing of planting to give effect to the landscape concept plans included in Appendix 20, and any other landscape plans approved by Council as part of a subdivision consent under Rule 10.6.1.3A;
    - iv) the protection of existing significant vegetation;
    - v) the extent and nature of landscaping planting in addition to that shown on the landscape concept plans included in Appendix 20;
    - vi) provision for ongoing maintenance of existing and proposed landscape planting;
    - vii) the design of landscaping so as to screen or soften the appearance of buildings and access roading as viewed

from outside the Lake Karapiro Rural Residential Area.

**NOTE:** Council will require an application to be accompanied by a plan or plans showing the location of existing and proposed structures, existing and proposed vegetation and other landscaping features, and the location of existing and proposed vehicle access, to enable Council to exercise appropriate control over the matters listed above.

- c) Non-Notification – the written approval of affected persons will not be necessary in respect of applications under Rule 2.6.1A.1. Applications may accordingly be considered without notification.
  - d) Assessment Criteria – in determining the conditions to be imposed, if any, Council will be guided by the extent to which the proposal will meet the provisions of the “Guidelines for Activities in the Special Landscape Character Areas” included in Part 5 of the District Plan – Design Guidelines.
2. Where any dwellinghouse is not located on a building site shown on Planning Map 29A then it shall be a **Discretionary Activity** (see Rule 2.7.19).
  3. Notwithstanding any other Rule the maximum number of dwellinghouses permitted in the Lake Karapiro Rural Residential Area shall be shown on Planning Map 29A. The maximum numbers are 9 dwellinghouses in Unit A, 16 dwellinghouses in Unit B and 15 dwellinghouses in Unit C. Any dwellinghouses that exceed the maximum numbers for each Unit shall be a **Non-Complying Activity**.

*(Refer to Policies RS69, RU1-RU4, RU8-RU13, RU18-RU21, RU63-2.3.4.1)*

### 2.6.2 RULE - Resiting and Use of Existing Buildings

1. Matters over which the Council shall exercise its control:
  - a) The conditions of materials used in its construction;
  - b) The requirements of the Building Act 1991 and whether or not any defects in the building can be rectified;
  - c) The appearance and finish of the building on its new site; and
  - d) Landscaping of the site including tree planting.

2. In cases where the Council considers it necessary that certain essential works be carried out to improve the external appearance of the building:
  - a) a bank guaranteed performance bond may be imposed by Council equal to 220% of the estimated costs of any works required to be carried out as condition of approval; and
  - b) a time limit may be set in which the work will be required to be completed.

*(Refer to Objective RS1, Part 1 Section 3.5, Policies RS69, RU63 - 2.3.4.1, Rule 2.4.32)*

### 2.6.3 RULE - Exploration and Prospecting for Minerals

Matters over which the Council shall exercise its control:

- a) The need to rehabilitate part or the whole of a site on which an exploration activity is to be undertaken to its state at the date of the application by such measures as levelling and backfilling, planting trees and other vegetation, and removing structures, plant and machinery.
- b) Where the exploration site is located within the Special Landscape Character Areas the matters referred to in Rule 2.6.1.

*(Refer to Policies RU18-RU21, RU33, RU37, RU38, RU55-RU60, RU63-2.3.4.7, RU63-2.3.4.8, RU63-2.3.4.16, Rule 2.4.1.2)*

## 2.7 CRITERIA FOR ASSESSING DISCRETIONARY ACTIVITIES

*(Refer to Policy AD4(4), IN10, IN13)*

### 2.7.1 RULE - General

Without restricting the Council’s ultimate discretion in any way the following Rules set out the matters which the Council will have regard to in determining whether to grant consent and what conditions, if any, to impose.

*(Refer to Part 1 Section 1.9.5(4))*

### 2.7.2 RULE - Protection of Indigenous Trees and Vegetation and Habitat of Indigenous Fauna

1. Any resource consent application shall describe the use of land which does not comply with Rule 2.4.1 and shall submit the following information:
  - a) A site plan detailing the area affected by any activity which does not comply with

- Rule 2.4.1. The site plan shall show contours at 5m intervals, rivers, lakes etc. in order to give a general impression of the type of country within which the activity is to take place.
- b) A statement showing the staging of work with:
    - Estimated duration of the activity; and
    - Whether the activity is to be a staged programme or total clearing or selective clearing or a combination.
  - c) A programme indicating the restoration of the areas affected and the subsequent proposed use of those areas.
  - d) Existing potential or capability of the soil in terms of production and any change expected after restoration.
  - e) Proposals for protection of any forest in relation to the edges of rivers, streams, roads, areas prone to erosion or areas of wetland as required by the Waikato Regional Council.
  - f) Outline of any proposal for protection of the visual amenities with respect to tourist routes or resorts in the area and in particular any proposals to alleviate straight interfaces between cleared land and remnant areas of forest or other vegetation.
2. In considering an application for a resource consent for a Discretionary Activity the Council has not restricted the exercise of its discretion and will have regard to the following matters:
    - a) the likely adverse effects on the botanical, ecological, wildlife habitat and scenic value of indigenous trees and vegetation, and water areas;
    - b) the likely adverse effects of drainage, excavation and filling including:
      - a risk of detritus entering any water course;
      - a risk of instability or potential instability of surrounding land and whether an alternative is available;
      - a risk of inundation or flooding;
    - c) the need to obtain a practicable building site, access, parking area or the installation of services on the land;
    - d) the practical utilisation of the land for farming or other activities;
- e) the reasonable requirements of a landowner to engage in farming activities and utilise indigenous trees or bush as timber for fencing, firewood or other limited uses on their own land;
  - f) the visual effect on the existing character of the rural area; and
  - g) the likely adverse effects on Maori ancestral land, water sites, waahi tapu and other taonga.
- (Refer to Policy HG4, RS69, RS73, RU18-RU22, RU33, RU37, RU38, RU63-2.3.4.4, RU63-2.3.4.5, RU63-2.3.4.7, RU63-2.3.4.15, Rule 2.4.1.1)
- ### 2.7.3 RULE - Excavations (Not including 'Mineral Extraction')
1. Any resource consent application shall describe the use of the land which does not comply with Rule 2.4.1.2 and shall submit the following information:
    - a) A site plan detailing the area affected by the activity which does not comply with Rule 2.4.1.2. The site plan shall show contours at 2m intervals, all existing water bodies including public and private drains, bridges and culverts, areas of indigenous trees and vegetation and exotic trees over 4m in height.
    - b) A development plan showing the details of any excavation including areas of cut and fill, any alteration to existing and proposals for new water bodies including public and private drains, bridges and culverts.
    - c) A landscape plan where appropriate indicating the proposed restoration of cut faces and/or batters with planting or other means in order to ensure that the excavation and fill area do not have an adverse effect on the appearance of the locality.
  2. In determining whether to grant consent and what conditions, if any, to impose the Council shall have regard to Section 104 of the Act and to the following matters:
    - a) the likely adverse effects on the botanical, ecological, wildlife habitat and scenic value of indigenous trees and vegetation, and water areas;
    - b) the likely adverse effects of drainage, excavation and filling including:
      - a risk of detritus entering any watercourse;

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- a risk of instability or potential instability of surrounding land and whether an alternative is available;
  - a risk of inundation or flooding;
- c) the need to obtain a practicable building site, access, **parking area** or the installation of services on the land;
- d) the visual effect on the existing character of the rural area; and
- e) the likely adverse effects on Maori ancestral land, water sites, waahi tapu and other taonga.

(Refer to Policies RU37, RU38, RU18-RU21, RU33, RU63-2.3.4.7, RU63-2.3.4.8, Rule 2.4.1.2)

#### 2.7.4 RULE - Mineral Extraction which does not comply with Rule 2.4.1(2)

1. This Rule shall be in addition to any provision of the Crown Minerals Act 1991 and Amendments.
2. A resource consent application shall describe the methods of operation and plant required and an assessment of the following matters in relation to the effects of the activity on the environment:
  - a) The location of the working area and the location and method of storage of stripped topsoil and subsoil and the proposals for its future use in the progressive restoration of the site;
  - b) Any adverse effects on adjoining or nearby properties, and on the appearance of the locality from **excavations**, heaps, dumps, spoil or other materials and buildings and machinery operations;
  - c) Any adverse effects caused by the operations of any quarry, workings, plant, or vehicles including the effects of noise, explosions, vibrations, smell, smoke, dust, glare, fumes and any discharge of contaminants into the air or water and proposals for avoiding or mitigating any adverse effects;
  - d) Proposals for the progressive rehabilitation of parts of and the whole of the site of the quarry including levelling and backfilling and by planting grass and trees and other vegetation, and for the removal of structures, plant and machinery; and
  - e) The hours of operation of the quarry, and any need to reduce the working hours

because of the proximity of other land uses including **dwellinghouses**.

3. In determining whether to grant consent and what conditions, if any, to impose the **Council** shall have regard to Section 104 of **the Act** and to the following matters:
  - a) The likely adverse effect on the botanical, ecological, wildlife habitat, and landscape character of the locality in which the activity is to be located;
  - b) The likely effects on **existing** natural features, rivers, lakes and wetland areas;
  - c) The likely cumulative effects of granting consent to the activity on the sustainability of the District's resource of **prime agricultural land**;
  - d) The likely adverse effects on Maori ancestral lands, water sites, waahi tapu and other taonga; and
  - e) The likely adverse effects of surface quarrying including:
    - any risk of detritus entering natural water areas;
    - any risk of instability or potential instability of the land or adjoining land;
    - any risk of inundation or flooding;
    - the physical suitability of the land for surface quarrying; and
    - the likely adverse effects on persons in the locality from the operations of the surface quarrying including the use of vehicles on local roads.

(Refer to Policies RU18-RU21, RU33, RU37, RU38, RU55-RU60, RU63-2.3.4.7, RU63-2.3.4.8, RU63-2.3.4.16, Rule 2.4.1.2)

#### 2.7.5 RULE - The Housing and Keeping of Animals

1. For the purpose of this Rule 'the housing and keeping of animals' excludes '**intensive pig farming**' under Rule 2.7.6, but includes buildings used for beekeeping and associated activities.
2. In determining whether to grant consent and what conditions, if any, to impose the **Council** shall have regard to Section 104 of **the Act** and to the following matters:
  - a) The likely adverse effects on the occupants of nearby dwellinghouses and residential areas;
  - b) The possible nuisance that may be created because of noise, smell, vermin,

- flies and other objectionable characteristics of the activity;
- c) Any possible ways and means of avoiding or mitigating the likely nuisance; and
- d) The extent to which high hedging is used to mitigate effects associated with beekeeping.

(Refer to Policies RU47, RU48, RU54, RU63-2.3.4.1, RU63-2.3.4.2, RU63-2.3.4.9, Rule 2.4.17)

### 2.7.6 RULE - Intensive Pig Farming

1. For the purpose of this Rule 'intensive pig farming' means in addition to the definition in Section 13 Definitions, the keeping, raising and/or breeding of pigs and their progeny in excess of the requirements of Rule 2.4.17.
2. Any resource consent application shall include a description of the piggery and its operation and an assessment of the following matters in relation to the effects of the piggery on the environment:
  - a) The location of the piggery and the siting of all **existing** and proposed buildings and structures, trees and other vegetation, rivers, streams and other water bodies, and any existing or proposed effluent or stormwater drainage systems and treatment facilities;
  - b) The number of pigs and their progeny, the type of intensive pig farming to be undertaken and a general description of the operation of the piggery, and solid and liquid waste disposal; and
  - c) The liability of the land to river or surface flooding.
3. In determining whether to grant consent and what conditions, if any, to impose the **Council** shall have regard to Section 104 of the **Act** and to the following matters:
  - a) The likely cumulative effect of granting consent to the piggery on the sustainability of the District's resource of **prime agricultural land**;
  - b) The likely effects on Maori ancestral land, water sites, waahi tapu and other taonga;
  - c) The likely effects on persons living and working in the locality from noise, smell, traffic and nuisances such as vermin and flies;

- d) The likely effects of the piggery on the landscape characteristics of the area; and
- e) The need for landscaping of the site and particularly the planting of trees.

*NOTE: Applicants should have regard to the publication 'Code of Practice - Pig Farming' New Zealand Pork Industry Board 1990, Edition 1993.*

(Refer to Policies RU47, RU48, RU54, RU63-2.3.4.1, RU63-2.3.4.2, RU63-2.3.4.9, Rule 2.4.17)

### 2.7.7 RULE - Storage and/or Disposal of Liquid Waste or any By-product

1. Any application for consent to store upon a **holding** more than 100m<sup>3</sup> of liquid waste or any by-product which is not produced on that holding and which is to be disposed of on that holding shall:
  - a) Describe the proposed by-product storage and its operation and the portion of the holding on which the stored by-product is to be spread and an assessment of the following matters in relation to the effects on the environment of the storage and subsequent disposal:
    - the location and siting of any proposed pits, tanks or structures and any access roads;
    - the means by which the by-product is to be transported to the holding and utilised in the holding; and
    - the type of by-product proposed to be stored with full detail of its likely content and with a report from a suitably qualified consultant as to the effect upon the soil of that holding or on any particular proposed crop on that holding of the spreading of that by-product in the quantity which is to be stored.
2. In determining whether to grant consent and what conditions, if any, to impose the **Council** shall have regard to Section 104 of the **Act** and to the following matters:
  - a) The likely cumulative effects of granting consent on the sustainability of the District's resource of **prime agricultural land**;
  - b) The likely effects on persons living and working in the locality from noise, smell, traffic and nuisances such as vermin and flies;

- c) The likely effects of the storage of the by-product on the landscape characteristics of the area; and
- d) The need for landscaping of the site and particularly the planting of trees.

*(Refer to Objectives SW1-SW5, Policies RU63-2.3.4.2, RU63-2.3.4.9, SW1, SW6, Rule 2.4.30)*

### 2.7.8 RULE - Height of Structures

1. In determining whether to grant consent for a structure of a height in excess of that permitted by Rule 2.4.18(1) and what conditions, if any, to impose the Council shall have regard to Section 104 of the Act and to the following matters:
  - a) The visual impact of the structure on the scenic and landscape qualities of the area in which it is likely to be located;
  - b) The effects buildings may have on neighbours and neighbouring properties and in particular:
    - any additional shading of gardens, buildings or crops;
    - blocking of daylight to adjoining residential buildings; and
    - loss or obstruction of views or outlook enjoyed by the occupants of existing residential dwellings;

except in cases where Section 104(6) of the Resource Management Act applies.

*(Refer to Policies RS82-RS84, RU63-2.3.4.1, Rule 2.4.18)*

### 2.7.9 RULE - Effects of Noise

1. In determining whether to grant consent for an activity with noise levels exceeding those set out in Rules 2.4.23 and 2.4.24.5 and what conditions, if any, to impose the Council shall have regard to Section 104 of the Act and to the following matters:
  - a) The maximum noise levels of the proposed activity;
  - b) The frequency that the noisy activity takes place;
  - c) The length of time that the noise continues;
  - d) Special characteristics of the noise;
  - e) The likely adverse effects of noise on other activities in the locality (includes cumulative effects); and

- f) Any possible means of mitigating the effects of the noise.

2. In granting any consent the Council may impose conditions including maximum noise levels and the days and the times during the day on which the noise may be created, and requirements for the mitigation of the effects of noise.

*(Refer to Objectives NS1, NS2, Policies NS1, NS2, NS4-NS8, RU63, RU63-2.3.4.9, CO23, Rules 2.4.23, 2.4.24.5)*

### 2.7.10 RULE - Activities which Limit the Future Use of Rural Land

1. This Rule shall not apply to mineral extraction which is dealt with under Rule 2.7.4.
2. Any resource consent application shall describe the use of land and/or buildings proposed and shall submit the following information:
  - a) The location and size of all existing and proposed buildings and land uses and structures;
  - b) The location of all trees and other vegetation, rivers, streams, drains and other water bodies;
  - c) The location of all existing and proposed utility services for water, sewage and stormwater disposal, telephone, electricity and gas;
  - d) The location and size of all existing and proposed access places from any public or private road and the location of all off-road parking areas and their layout of spaces in accordance with Rules 2.4.10 and 2.4.21; and
  - e) The soil characteristics of the site in terms of its natural fertility and drainage and potential for growing crops and/or pasture and other vegetation.
3. In determining whether to grant consent for an activity which does not comply with Rule 2.4.2 and what conditions, if any, to impose the Council shall have regard to Section 104 of the Act and to the following matters:
  - a) The likely effect on the botanical, ecological, wildlife habitat and landscape character of the locality in which the activity is to be located;
  - b) the likely effects on existing natural features, rivers, lakes and wetland areas;

- c) the likely effects on Maori ancestral lands, water sites, waahi tapu and other taonga;
- d) the likely effects on the sustainable management of the land resource;
- e) the likely effects on the operation of any other Permitted Activity in the Rural Zone, by emission of noise, fumes, dust, smoke or glare or by any other form of pollution;
- f) the advantages of processing local products or materials on or near their sites of origin;
- g) the potential for the proposed activity and associated land uses to cause interference with the traffic movement along [Primary Roads](#); and
- h) the operation of the activity and the effect it may have on the amenity enjoyed by the existing and future residents of the locality.

(Refer to Objectives RUI, TRI, Policies IN13, CO22, CO23, RU39, RU40, RU63-2.3.4.9, RU63-2.3.4.12, RU63-2.3.4.13, TRI, Rules 2.4.2, 2.4.9)

#### **2.7.11 RULE - Variation in Parking Requirements**

1. In determining whether to grant consent to reduce the minimum number of off-street [parking spaces](#) as required by Rule 2.4.21 and what conditions, if any, to impose the [Council](#) shall have regard to Section 104 of [the Act](#) and to the following matters:

Where it is shown to the Council's satisfaction that the full parking requirement need not be met because of such factors as:

- a) The small number of persons likely to be on the site at any time;
- b) The low volume of service, delivery, and visitor traffic likely to be generated by the site;
- c) Any physical characteristics of the site that may affect its ability to accommodate off-street parking; and
- d) Any other factors considered by Council to be relevant.

2. The Council may adopt one of the following alternatives or any combination of the following alternatives as may apply:

- a) Council may waive or fully or partially dispense with the requirement.
- b) Council may require a setback for on-street parking, with or without a change in the number of spaces to be provided, and may require the full cost to be borne by the owner or developer.
- c) Council may require the developer to enter into a bond to put into effect one of the following alternatives:
  - physically provide the parking spaces when required; or
  - enter into an agreement with other adjacent developers to provide and maintain a jointly used parking site.

The exact time and manner of discharging the bond shall be decided by or be executed to the satisfaction of Council.

(Refer to Objective TRI, Policies TRI, TR6, RU63-2.3.4.13, Rule 2.4.21)

#### **2.7.12 RULE - Variation in Signage Requirements**

1. In determining whether to grant consent for an activity which does not comply with Rule 2.4.22 and what conditions, if any, to impose the [Council](#) shall have regard to Section 104 of [the Act](#) and to the following matters:

- a) The size, location and content of the [sign](#) and the extent to which this would affect traffic safety by distracting driver attention; and
- b) The extent to which [signs](#) would be out of keeping with what already exists in the immediate vicinity.

2. The Council may impose conditions on Discretionary Activity consent to:

- a) Ensure that signs and buildings do not cause or contribute to visual clutter or detract from the [existing](#) character of an area;
- b) Coordinate or limit other signs currently displayed on the site; and
- c) Ensure that a [sign](#) or signs do not adversely affect traffic safety or contribute to traffic hazard.

(Refer to Objective TRI, Policies RS11, RU61, RU62, RU63-2.3.4.13, TRI, TR9, Rule 2.4.22)

**2.7.13 RULE - Number of Dwellings on a Site**

1. Dwellinghouses additional to the dwellinghouses permitted under Rule 2.4.6 may be constructed and occupied on a site only as follows:
  - a) Not more than three additional dwellinghouses for persons required to live on the site as a condition of employment.
  - b) Not more than three additional dwellinghouses on Maori ancestral land or multiple-owned land for persons claiming ancestral tangata whenua and hapu status to the area.

*(Refer to Rule 2.7.14 - 'Papakainga Development' for the construction of more than five dwellinghouses on a site.)*

2. The site on which any additional dwelling is located shall comply with the requirements of the proviso to Rule 2.4.6 (b-g).
3. The bulk and location of dwellings on a site shall generally comply with the Site Performance Rules 2.4.
4. In determining whether to grant consent to more dwellinghouses than is allowed under Rule 2.4.6, and what conditions, if any, to impose the Council shall have regard to Section 104 of the Act and the Assessment of Effects prepared by the applicant and to other relevant matters.

*(Refer to Objectives RS1, RU1, Policies RS69, RS71, RS73-RS76, RU1, RU41-RU46, Rules 2.4.6, 2.7.14)*

**2.7.14 RULE - Papakainga Development**

1. Application
  - a) A resource consent application to construct and occupy dwellinghouses in a Maori village shall include a development plan which shall include the following information which may be relevant according to the number of dwellinghouses in the village:
    - overall development;
    - stages of development;
    - provision of services;
    - access, parking and any proposed roads or roadways;
    - amenity planting and landscaping; and
    - the proposed location of dwellinghouses and other activities.
  - b) The application shall include all information required by Rule 1.5.3 as

though the proposal was an application for a subdivision of land under that Rule.

- c) Any subsequent amendment to the development plan shall be approved by the Council in consultation with the Iwi Consultative Committee as a Controlled Activity before any further development proceeds in accordance with the amended plan.
2. In determining whether to grant consent and what conditions, if any, to impose the Council shall have regard to Section 104 of the Act, and to the comments of the Iwi Consultative Committee and to the following matters:
  - a) The Objectives and Policies of the Rural Zone in Part 1 of the District Plan;
  - b) The avoidance of development fronting on to and with vehicular access directly from a Primary Road as shown on the Planning Maps;
  - c) The standard of the internal road or roadway system and its ability to service the proposed residential development;
  - d) The layout of dwellings and proposed landscaping as they relate to existing features of the site, particularly notable trees and landforms or any adjoining important environmental features of the locality;
  - e) The design and appearance of buildings in order that they are not a detraction from the natural character and amenities of the area;
  - f) The avoidance of land use conflicts within the development by means of the orientation of buildings, the use of fences and planting schemes;
  - g) The methods of sewage, stormwater and rubbish disposal and the provision of a reliable potable water supply;
  - h) The subdivisional and bulk and location requirements for uses as though the land was zoned Residential; and
  - i) Any other Rule relevant to residential development shall be applied in so far as that Rule has not been modified by any of the foregoing matters.

*NOTE: See definition of 'Papakainga Development' in Section 13 - Definitions.*

In considering a resource consent application the Council will also have regard to the Te Ture Whenua Maori Act 1993.

*(Refer to Objectives RS1, RU1, Policies RS69, RS73-RS76, RU41-RU46, Rules 2.4.6, 2.7.13)*

### 2.7.15 RULE - Potentially Hazardous Substances

In determining whether to grant consent to the use of potentially hazardous substances as specified in Rule 2.4.29 and Appendix 9 in greater quantities than are available to the public without restriction and what conditions, if any, to impose the Council shall have regard to Section 104 of the Act and to the following matter:

- a) Whether there is a particular need to store and/or use greater quantities of potentially hazardous substances and whether proposed safety measures are considered by the Council to be adequate in the particular site circumstances.

*(Refer to Objectives RU1, Policies RU54, RU63, SW7, Rule 2.4.29)*

### 2.7.16 RULE - Sale of Goods

1. Any resource consent application shall describe the use of land and/or buildings and where appropriate the reasons why an exception is necessary from Rule 2.4.20 and shall submit the following information:

- a) The location and size of all existing and proposed buildings and land uses and structures; and
- b) The location and size of all existing and proposed access places from any public or private road and the location of all off-road parking areas and their layout of spaces in accordance with Rules 2.4.10 and 2.4.21.

2. In determining whether to grant consent for an activity which does not comply with Rule 2.4.20 and what conditions, if any, to impose the Council shall have regard to Section 104 of the Act and to the following matters:

- a) The likely cumulative effect on the sustainability of the District's resource of prime agricultural land; and
- b) The effect of the activity on the free flow of vehicular traffic along any road and on traffic safety.

*(Refer to Policies TR1, TR9, RU54, RU63-2.3.4.10, RU63-2.3.4.12, RU63-2.3.4.13, CO18, CO22, CO23, Rules 2.4.10, 2.4.20, 2.4.21)*

### 2.7.17 RULE - Dwellings in Relation to Mineral Extraction Areas

In determining whether to grant consent to construct and occupy a dwellinghouse closer than 500m to a site used for mineral extraction or a site for which a resource consent has been

granted for these activities the Council will have regard to the following matters:

- a) The likely adverse effects on persons in the dwellinghouse caused by the operations of any quarry, workings, plant or vehicles including the effects of noise, explosions, vibrations, smell, smoke, dust, glare, fumes and any discharge of contaminants into the air or water;
- b) The likely adverse effects on the appearance of the environs of the dwellinghouse from excavations, heaps, dumps, spoil or other materials and buildings;
- c) Whether the occupation of a dwellinghouse could unduly limit mineral extraction operations or compromise continuing extractions of the natural resource; and
- d) The proposals for avoiding or mitigating any adverse effects.

*(Refer to Objectives RU1, RSI, Policies RU56, RS69, RS73, Rule 2.4.6.1(g))*

### 2.7.18 RULE – Tree Planting

In determining whether to grant consent for tree planting which does not comply with Rule 2.4.4 and what conditions, if any, to impose, the Council shall have regard to Section 104 of the Act and to the following matters-

- a) the likely shading, dropping of debris and visual effects on any existing or proposed residence;
- b) the likely adverse effect on Maori ancestral land, water sites, waahi tapu and other taonga;
- c) the likely effects on overhead power and telephone lines;
- d) the likely effects on existing natural features, river, lakes and wetland areas;
- e) the likely adverse effects of excluding the planting of trees along the strips specified in Rule 2.4.4.

*(Refer to Policies RU18-RU21, RU47, RU48, RU50, RU51, RU63-2.3.4.10, RU63-2.3.4.11, RU63-2.3.4.15)*

### 2.7.19 RULE – Dwellings in Lake Karapiro Rural Residential Area

1. Any resource consent application under Rule 2.6.1A to locate dwellinghouses outside the building sites shown on Planning Map 29A shall submit a landscape and visual assessment that sets out the effects of the amended dwellinghouse site and recommends actions to remedy or mitigate any adverse effects. For the purposes of this Rule "building site" means an area of land labelled as a building site on Planning Map 29A.

2. In considering an application for resource consent for a Discretionary Activity under this Rule the Council has not restricted the exercise of its discretion and will have regard to the following matters:
- the location of structures relative to the skyline, headlands or other promontory, and exposed hillsides;
  - the visual effects of the building, especially as viewed from any public place;
  - the extent to which existing vegetation is retained to screen or soften the effects of the building;
  - the extent of earthworks required and proposals for rehabilitation and recontouring of earthworked areas to natural grades;
  - the external design, construction, finish and colour of the structure;
  - the extent and nature of landscape planting proposed including provision for ongoing maintenance of planting and whether this will remedy or mitigate the effects of the building;
  - the extent to which the landscape concept plans included in Appendix 20 are implemented.
3. In determining the conditions to be imposed, if any, Council will be guided by the extent to which the proposal will meet the provisions of the “Guidelines for Activities in the Special Landscape Areas” included in Part 5 of the District Plan – Design Guidelines

*(Refer to Policies RS69, RU1-RU4, RU8-RU13, RU18-RU21, RU63-2.3.4.1*

## **2.8 CRITERIA FOR ASSESSING RESTRICTED DISCRETIONARY ACTIVITIES**

### **2.8.1 RULE – Activities within the Runway Protection Area**

1. Council will restrict its discretion to effects on the operational safety and performance of the airport and its associated lighting and navigational aids and the public’s and property’s risk of exposure to aircraft related accidents. In assessing the effects of an activity particular regard will be given to the following:

- Avoidance of the release of substances that might impair visibility or otherwise interfere with the operation of aircraft including the creation of smoke, dust and steam.

- The extent to which the use and concentration of dangerous substances that might pose a risk of explosion or fire is avoided.

- The extent to which light beams or reflective glare which could interfere with pilot vision are avoided.

- The extent to which production of radio or electrical interference which could affect aircraft communications or navigation equipment is avoided.

- The design of landscaping or other activities so as to avoid attracting significant bird numbers.

- The extent to which large numbers of people on any site are avoided.

2. The Operator of Hamilton International Airport shall be considered an affected party for any resource consent under this rule.

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