

Section 4 - Rural Zone

4.1 Introduction

- 4.1.1 Waipā District is largely characterised by an exceptionally productive rural sector, arising from the existence of high class soils. 37% of the District is classified as containing high class soils, representing over 9% of the high class soils nationally. 12% of the District is classified as peat soils, representing roughly 8% of peat soils nationally. Maintaining this resource for rural production is of critical importance to the District.
- 4.1.2 The Rural Zone is primarily a pastoral rural working environment that is reliant on the rural land and soil resource of the District, and is largely typified by an open rural landscape. Dairy farming is the main rural land use in the District, followed by beef, and sheep farming. Horticulture is also a prominent contributor to the District. Although there are fewer properties involved in the equine industry, it is also a very significant contributor to the economy of the Waipā District.
- 4.1.3 Over time, the nature of dairy farming has changed due to a number of economic drivers. These trends include an increase in average farm area and stocking rate per hectare, coupled with an increase in the use of off farm supplements. The use of feed pads to facilitate supplementary feeding while reducing pasture damage has also been growing (Waikato Regional Council technical publication 2009/28). The changing nature of farming practice has resulted in changes to the scale and nature of actual and potential effects on the environment. The appropriate methods to address these effects are a key issue for the Plan.
- 4.1.4 A variety of other rural based industrial uses can occur in the Rural Zone, as can mineral extraction, forestry, tourism and home occupations. Retaining rural character and amenity when making provision for activities that require a rural setting, or provide for lifestyle choices is important. The Rural Zone of the District has a boundary with several urban environments including Cambridge, Te Awamutu, and Hamilton City; and also borders Hamilton Airport, the Mystery Creek Event Centre, and the Karāpiro Lake Domain, as well as a number of rural marae/papakāinga. The relationship between development in the Rural Zone and urban areas and other activities needs to be carefully managed to protect the character, operation and growth of these locations in addition to maintaining rural character and amenity values.
- 4.1.5 There are a number of policy and statutory documents that provide direction to the outcomes sought through this Plan. These include, national and regional policy statements and plans, the Treaty of Waitangi and the Waikato River Vision and Strategy. The Future Proof Growth Strategy and Implementation Plan 2009 and the Waipa District Growth Strategy also provide direction on the anticipated settlement pattern of the District including the Rural Zone. The partnership principle embodied within the various Treaty of Waitangi settlements is important and also needs to be reflected within the provisions of this Plan.
- 4.1.6 This section of the Plan builds on the directions in National Policy Statements and the Waikato Regional Policy Statement. A key strategy for implementing these directions is encouraging rural land uses to internalise effects (e.g. by requiring setbacks for buildings and activities) while recognising that seasonal farming activities will have effects that cannot be completely internalised due to their scale and nature (e.g. harvesting and grazing). The intention of this section is to set the framework to enable continued use of the Rural Zone for a wide range of rural productive activities while continuing to emphasise the need to internalise adverse effects, and avoid cumulative adverse effects of land use activities on the environment. In

respect of mineral and aggregate extraction and intensive farming sites, it is expected that total internalisation of effects will occur as far as it is practicable.

- 4.1.7 Located within the Rural Zone is the Tokanui Dairy Research Centre which includes a Research Farm and Campus. The purpose of the Tokanui Dairy Research Centre is to provide for activities and facilities related to dairy research, which have the potential to directly benefit dairying within the Waipā District, the Waikato Region and nationwide. Within the Core Campus Area it is anticipated that additional buildings could be established and used for dairy research related activities. It is also anticipated that some research activities could take place on the surrounding farmland within the property. This property up until 1992 was designated as the “Tokuani Agricultural Research Farm”.
- 4.1.8 A number of National Grid transmission lines traverse the Rural Zone of Waipā District. The subdivision, use and development of land is controlled within a defined National Grid Corridor to ensure potential adverse effects are appropriately addressed. The greatest level of restriction on landowners is within the National Grid Yard (particularly the support structures) which is the area that is closest to the transmission line and where there is the greatest potential for adverse effects to occur. The restrictions recognise that the greatest potential effects are generated by sensitive activities and intensive development. Notwithstanding such restrictions, any lawfully established activities within the National Grid Corridor can continue as long as they meet the criteria for existing use rights in the Act or are a permitted activity.
- 4.1.9 The management of subdivision within the National Grid Corridor is addressed in Section 15 (Infrastructure, Hazards, Development and Subdivision).
- 4.1.10 The dairy industry is extremely important to the economic and social well-being of the District, the Region and New Zealand. The dairy farms in the District are highly productive and are significant contributors to the total volume of milk produced in the Waikato Region. Technological advancements in dairy research in a range of areas, including environmental performance, are of fundamental importance to the production and performance of the industry as a whole.
- 4.1.11 In addition to supporting economic growth, the Rural Zone supports Waipā residents by providing opportunities for passive and active recreation, and it is also valued for its character and amenity. A key part of rural character and amenity is the District’s landscapes, areas of natural vegetation, lakes and water bodies.
- 4.1.12 Rural character is a broad concept, defined by the various elements that make up the rural environment. These elements help to distinguish the differences between those areas that are urban or large lot residential, from those which are rural. The elements that define the District’s rural character are:
- (a) Areas of vegetation (in a natural state or managed, indigenous and/or exotic), such as pasture used for grazing stock, crops, forest and scrub, riparian stream margins, lakes and wetlands; and
 - (b) Open landscapes containing natural features and scenic vistas including flat to rolling terrain, volcanic cones, streams, lakes, peat lakes, rivers and wetlands that are largely free from development; and
 - (c) Low density widely spaced built form, with dwellings and farm buildings dispersed in the wider landscape; and
 - (d) Land uses of a predominantly production or rural working nature such as farming and related farm storage sheds, stock yards, farm animals and houses, and the widespread

use of machinery supporting the principal productive land use. The characteristic noises and odours of farming are part of the rural working nature of the Rural Zone; and

- (e) Occasional papakāinga and marae with associated activities and events; and
- (f) Infrequent rural based industry (see definition) sites such as cool stores and wineries, as well as infrequent mineral and aggregate extraction sites, intensive farming operations and rural service providers such as agricultural contractors; and
- (g) Infrequent tourism or traveller accommodation based facilities generally associated with landscape features; and
- (h) Generally un-serviced land with a lack of urban infrastructure such as reticulated water and wastewater systems; and
- (i) An extensive network of roads with varying traffic levels, primarily without kerbs, footpaths or other urban structures such as street lighting, unless required for road safety reasons. Higher traffic levels occur on State Highways, arterial and some collector roads; and
- (j) Occasional local temporary events and activities such as equestrian hunts, farm open days, local fund raising events, pony club, and associated events and activities in rural community halls; and
- (k) Recreational hunting.

4.1.13 The policies and rules in this Plan seek to find a balance between economically driven farming practice and amenity, landscape, biological, cultural and social values.

4.1.14 In recognition of the scale of potential effects that deer and goats are known to have on indigenous vegetation, industry standards relating to deer and goat farming have been adopted for such activities within one kilometre of a significant natural area or bush stand in order to assist in managing potential effects relating to the grazing of deer and goats.

4.2 Resource Management Issues

Rural resources

4.2.1 The life supporting capacity of the land, soil and water resources can be adversely affected by land use activities.

4.2.2 The cultural, environmental and economic values of land, soil and water resources are adversely affected by land use activities that degrade those resources.

4.2.3 The storage, treatment and disposal of solid and liquid wastes can have adverse effects on the environment, cultural values and amenity.

Rural activities: farming

4.2.4 There is a need to protect the rural land resource, including high class soils, peat soils, and other rural resources (including water bodies) from activities that are not directly reliant on these resources.

4.2.5 The level of productivity in the rural environment can be compromised by the location of buildings (including dwellings), and other activities that are not related to rural production.

- 4.2.6 Rural activities can be impacted upon when incompatible and/or non-rural activities locate nearby causing conflict. Additionally, marae, papakāinga and urban area amenity and function can be adversely affected when either rural or non-rural activities are permitted to occur close to marae, papakāinga and urban areas or areas defined for future growth.
- 4.2.7 Farming and other rural based activities, including intensive farming can have adverse effects on rural amenity through the size and location of buildings, on the water quality of peat lakes, rivers and water bodies; and on soil productivity, particularly high class soils and peat soils.
- 4.2.8 There is a need to provide for additional dwellings to house farm workers on larger or more intensive farms; however, this needs to be balanced against anticipated levels of growth and the desire to focus development in specific locations.
- 4.2.9 Flexibility in land use practices and some activities is required to provide for lifestyle and economic choices such as home occupations. Some activities are required to locate in the Rural Zone to support the principal activities in the zone, such as rural-based industry. While it is important to make provision for these activities, rural character, amenity, landscape and environmental values shall still be retained.

Intensive farming

- 4.2.10 Activities undertaken as part of intensive farming activities create potential adverse effects including noise, visual amenity, rural character or landscape effects, and odour that need to be carefully managed through controls on location, size and management practices.

Rural activities: mineral extraction

- 4.2.11 There is a need to identify and manage suitable routes for aggregate movement, and to protect access to aggregates and mineral resources from noise sensitive activities that are not directly reliant on these resources.
- 4.2.12 While mineral resources are a strategically important natural resource, mineral exploration, extraction and processing can have adverse effects on high class soils, water bodies, rural amenity, landscape values and infrastructure such as road networks. The scale and type of effect depends on the characteristics of the extracted material, the technique used and the sensitivity of the surrounding environment.
- 4.2.13 In order to make provision for mineral extraction activities where effects from the activity are not able to be fully internalised, the Plan provides for the identification of mineral extraction areas (which are sites where mineral extraction activities occur) and associated quarry buffer areas, through either a resource consent process or by way of a plan change.
- 4.2.14 Where mineral extraction areas and quarry buffer areas are to be imposed and identified on the Planning Maps, the mineral extraction area must contain enough land to enable the effects of the mineral extraction activity to be contained on site as far as is practicable. It is also important that that quarry buffer areas are only imposed where rigorous assessment of potential adverse effects has been undertaken, methods that will facilitate internalisation of effects have been assessed, alternatives have been considered and the extent of the quarry buffer area is justified.
- 4.2.15 Consideration of new or extended quarry buffer areas associated with identified regionally significant mineral extraction activities and/or identified significant mineral resources shall give effect to the relevant policies and requirements of the Regional Policy Statement. The Regional

Policy Statement sets out the criteria to determine the significance of any mineral resource and the Waikato Regional Council is working towards mapping these locations. See also Section 4A – Significant Mineral Extraction Zone.

Rural activities: forestry

- 4.2.16 Forestry activities, particularly harvesting, can adversely affect road and rail infrastructure and the location of tree plantings can have an adverse effect on the amenity and safety of adjacent properties and electricity transmission and distribution infrastructure.

Rural character

- 4.2.17 The character of the District’s rural environment, as outlined in paragraph 4.1.12, is dominated by open space, flat to rolling terrain, remnants of indigenous vegetation and views to the volcanic cones of Maungatautari, Pirongia and Kakepuku. Rural character has the potential to be eroded by development, subdivision, signs and other activities which can conflict with that character (also refer to Section 15 - Infrastructure, Hazards, Development and Subdivision and Section 25 - Landscapes and Viewshafts).

Rural community

- 4.2.18 Social and local community services, such as childcare facilities and the use of rural community halls, need to be provided for where the effects can be appropriately managed.
- 4.2.19 There is a need to provide for the sustainable development of papakāinga within the District to enable tāngata whenua to reconnect with areas they have strong cultural associations with.
- 4.2.20 Temporary events and activities contribute to community social and cultural well-being and occur in the rural area on an irregular basis.

Other activities: Hamilton International Airport

- 4.2.21 Hamilton International Airport is a resource of regional significance that requires protection. The location of noise sensitive activities within close proximity to the airport can result in adverse reverse sensitivity effects on the operation and future development of the airport.

Other activities: tourism

- 4.2.22 Tourism activities and facilities can contribute to community well-being and enable enhancement of the natural features they are based around. The number, scale and effects of tourism activities can however compromise the productive nature of the Rural Zone, rural character and amenity, and the natural features that the activity is dependent upon. Careful management of tourism activities is required.

Other activities: Tokanui Dairy Research Centre

- 4.2.23 The Tokanui Dairy Research Centre is a regionally and nationally significant site essential to the ongoing development of the agricultural economy, but the buildings and types of activity undertaken on the site are different to farming activities generally undertaken in the Rural Zone.

Health and well-being of the Waikato and Waipā Rivers

- 4.2.24 Development within the Rural Zone has the potential to adversely affect the health and well-being of the Waikato and Waipā Rivers. Careful consideration should be given to the following; (but not limited to) potential impacts of vegetation clearance, earthworks, effluent and stormwater runoff and the provision of infrastructure within river catchments.

National Grid transmission lines for the conveyance of electricity

- 4.2.25 National Grid transmission lines for the conveyance of electricity are considered to be a resource of national and regional significance that requires protection. The location of activities within National Grid Corridors have the potential to result in adverse effects, including reverse sensitivity effects, on the operation, maintenance, upgrading and future development of the National Grid network and result in sensitive activities locating where they are most vulnerable to the effects, including risks, associated with the line.

4.3 Objectives and Policies

Please also refer to the objectives and policies of Parts C, Part E and Part F, as relevant.

Objective - Rural resources

- 4.3.1 To maintain or enhance the inherent life supporting capacity, health and well-being of rural land, ecosystems, soil and water resources.

Policy - Health and well-being of the Waikato and Waipā Rivers

- 4.3.1.1 To give effect to the directions and outcomes in the Waikato River Vision and Strategy and the Waipā Accord through District Plan provisions relating to building setbacks, earthworks, farming activities, non-farming activities, intensive farming, rural based industries and solid and liquid waste.

Policy - Avoid adverse effects on Water Catchment Areas

- 4.3.1.2 To avoid, remedy or mitigate the adverse effects of development, subdivision and activities on Water Catchment Areas as identified on the Planning Maps.

Policy - Avoid adverse effects on aquatic and riparian ecosystems (including lakes)

- 4.3.1.3 To avoid, remedy or mitigate adverse effects of development, subdivision and activities on the quality of the District's ground and surface water resource, and promote the enhancement of their ecological and cultural values by:

- (a) Maintaining or enhancing the life supporting capacity of water bodies; and
- (b) Maintaining or enhancing the ability to use aquatic ecosystems as mahinga kai (a food source); and
- (c) Where appropriate, maintaining or enhancing the availability of water bodies for recreation; and
- (d) Enhancing ecological corridors and riparian margins.

Advice Note: See also the objectives, policies and rules of the Waikato Regional Plan.

Policy - Protect the rural soil resource

- 4.3.1.4 The versatility and life supporting capacity of the District's rural land and soil resource, particularly high class soils and peat soils, are protected from development, subdivision or activities that would prevent its future use for primary production, or its ability to maintain the District's ecological/biodiversity values.

Policy - Solid and liquid waste management

- 4.3.1.5 The storage and disposal of solid and liquid waste is undertaken in a manner that remedies or mitigates effects on the environment and adjacent properties that cannot be avoided.

Advice Note: Rules relating to the location of disposal fields for domestic wastewater are found in Section 15 - Infrastructure, Natural Hazards, Development and Subdivision and in the Waikato Regional Plan. The Waikato Regional Plan also contains rules relating to discharges of solid and liquid waste to the environment.

Policy - Earthworks

- 4.3.1.6 To ensure that earthworks are carried out in a manner that avoids adverse effects on infrastructure, between properties and on water bodies.

Objective - Rural activities: farming

- 4.3.2 The capacity of rural areas and rural resources to support farming activities and lawfully established rural based activities is maintained.

Policy - Management of rural resources

- 4.3.2.1 Manage rural resources so that farming activities can continue to establish and operate.

Policy - Rural environment

- 4.3.2.2 Recognise and protect the continued operation of the Rural Zone as a pastoral working environment.

Policy - Farming activities to avoid adverse effects

- 4.3.2.3 Manage farming activities so that they do not result in adverse effects on the environment or adjacent sites by ensuring:

- (a) Buildings are located appropriately; and
- (b) Adverse effects, are avoided, remedied or mitigated.

Policy - Farm buildings and activities to internalise adverse effects

- 4.3.2.4 Farm buildings and activities shall be located and scaled to minimise adverse effects on rural character and amenity.

Policy - Equine industry

- 4.3.2.5 To enable the activities of the equine industry to be undertaken within the rural areas of the District.

Policy - Storage and processing of horticultural and agricultural produce grown on the holding

- 4.3.2.6 To enable the storage and initial processing of horticultural or agricultural produce grown on the same holding as part of a farming activity.

Policy - Goat and deer fencing

- 4.3.2.7 To ensure that good practice fencing standards for deer and goat populations are undertaken in proximity to significant natural areas.

Objective - Rural activity: shelterbelts, woodlots, and commercial forestry

- 4.3.3 To ensure commercial and/or woodlot forestry and shelterbelts do not have an adverse effect on the environment, the amenity of adjacent properties, or on infrastructure such as roads, railway lines, electricity transmission and distribution lines, and boundary fence lines.

Policy - Forestry to avoid adverse effects

- 4.3.3.1 Manage woodlot and commercial forestry so that it does not result in adverse effects on the environment by ensuring:
- (a) Woodlot and commercial forestry is located appropriately and does not adversely affect the safety or daylight access to adjacent properties; and
 - (b) Woodlot and commercial forestry does not adversely affect transmission and distribution lines for the conveyance of electricity; and
 - (c) Reverse sensitivity issues and adverse effects from harvesting operations on roads, and the effects of erosion are avoided.

Policies - Land stability and biodiversity benefits of planting

- 4.3.3.2 To promote land stability and erosion control by allowing the planting of woodlot or commercial forestry.
- 4.3.3.3 To encourage planting of indigenous vegetation to enhance indigenous biodiversity values within the District and to improve slope stability.

Policy - Shelterbelts

- 4.3.3.4 To manage the location and height of shelterbelts to avoid adverse effects of shading on adjacent sites and adverse effects on infrastructure including electricity lines.

Policy - Planted indigenous forestry

- 4.3.3.5 To allow planted indigenous forestry outside of significant natural areas and bush stands.

Objective - Rural based industry

- 4.3.4 To enable appropriate rural based industry to locate and operate within the Rural Zone.

Policy - Adverse effects

- 4.3.4.1 To ensure that rural based industry activities are designed and located to internalise adverse effects on the environment as far as practicable.

Policy - Scale and location of rural based industry

4.3.4.2 The scale and location of rural based industry shall:

- (a) Be consistent with the capacity, design and function of the roading hierarchy; and
- (b) Not adversely affect rural character; and
- (c) Take potential reverse sensitivity issues into account.

Objective - Rural activity: mineral and aggregate prospecting, exploration and extraction

4.3.5 To meet the District's and Region's mineral and aggregate needs from predominantly local sources and ensure that the location, use and development of the District's mineral and aggregate resources is provided for, subject to the management of the adverse effects associated with such activities.

Policy - Mineral prospecting and exploration

4.3.5.1 Mineral prospecting and exploration are enabled provided that the adverse effects of the activities are not significant.

Policy - Farm quarries

4.3.5.2 To enable the operation of farm quarries where small quantities of sand or aggregate are extracted primarily for use on the same holding.

Policies - Mineral extraction

4.3.5.3 Mineral extraction activities are managed so that the adverse effects of the activities are internalised, or avoided, remedied or mitigated as far as practicable through methods such as management, mitigation and rehabilitation plans that address matters such as:

- (a) Managing dust, noise, vibration, access and illumination to maintain amenity values, particularly during the night time; and
- (b) Ensuring buildings and structures are appropriately located in relation to boundaries, and of an appropriate scale; and
- (c) Undertaking remedial measures during extraction operations; and
- (d) Requiring sites to be rehabilitated and ensuring appropriate materials are used for this purpose.

4.3.5.4 The scale and location of mineral extraction shall:

- (a) Be consistent with the capacity, design and function of the roading hierarchy; and
- (b) Not adversely affect rural character.

4.3.5.5 To recognise:

- (a) That mineral extraction is constrained by the location of the resource; and
- (b) The importance of maintaining a supply of extracted minerals; and
- (c) The need to identify other significant mineral resources as required, in conjunction with the Regional Council, and to provide for their future extraction and use.

Policy - Avoid reverse sensitivity

- 4.3.5.6 To avoid reverse sensitivity effects and ensure utilisation of mineral resources is not constrained by managing the establishment of noise sensitive activities including subdivision, use and development within quarry buffer areas and adjacent to routes identified for aggregate movement.

Policy - Deferred Zones and future growth areas

- 4.3.5.7 Mineral extraction activities shall not compromise the use or staging of Deferred Zones or future growth areas.

Policies - Identification and imposition of a quarry buffer area and a mineral extraction area in conjunction with a mineral extraction activity

- 4.3.5.8 To provide for the identification and imposition of quarry buffer areas and mineral extraction areas on the Planning Maps where these are undertaken in conjunction with a new or existing consented mineral extraction activity.

- 4.3.5.9 To ensure that quarry buffer areas associated with mineral extraction areas are only imposed where:

- (a) The mineral extraction area contains an adequate area of land which will enable the effects of the mineral extraction activity to be contained on the site as far as is practicable; and
- (b) The extent of the quarry buffer area is minimised as far as practicable; and
- (c) The imposition of the quarry buffer area will not unduly inhibit the use of surrounding land for the carrying out of other activities; and
- (d) Alternatives to the imposition of a quarry buffer area have been adequately considered; and
- (e) The extent of the quarry buffer area and mineral extraction area have taken into account the adverse effects of the mineral extraction activity; and
- (f) All methods of internalising effects have been evaluated, considered and adopted where practical.

Policy - Process for uplifting a Quarry Buffer Area

- 4.3.5.10 To provide for Quarry Buffer Areas to be uplifted in whole or in part where there are no mineral extraction activities being undertaken and the rehabilitation of the site is complete or where the adverse effects for which the buffer was imposed no longer apply (e.g. processing plant has been relocated).

Objective - Intensive farming

- 4.3.6 Intensive farming activities are located and managed to avoid, remedy and mitigate adverse effects on the environment, landscape, character and amenity as far as practicable.

Policy - Adverse effects

- 4.3.6.1 Manage intensive farming activities, so that they do not result in adverse effects on the environment by ensuring:

- (a) They are located appropriately; and

- (b) Measures to internalise effects within the site boundary are employed as far as practicable.

Policy - Effects on rural character

- 4.3.6.2 Intensive farming activities should not create an aggregation of buildings that adversely affects rural character and amenity.

Policy - Scale and location

- 4.3.6.3 Intensive farming activities shall be of a scale and location that:
 - (a) Is consistent with the capacity, design and function of the roading network; and
 - (b) Minimises the effect rural character.

Policy - Poultry farming

- 4.3.6.4 To ensure that the effects of poultry farming on the environment are managed so that:
 - (a) Buildings and activities are setback from boundaries to maintain rural character and amenity and to avoid reverse sensitivity effects; and
 - (b) Measures such as maximum stocking rates and management plans are employed to internalise effects within the site boundary as far as practicable.

Objective - Rural character

- 4.3.7 Rural character and amenity is maintained.

Policies - Rural character

- 4.3.7.1 Land use activities should be at a density, scale, intensity and location to maintain rural character.
- 4.3.7.2 Rural character and associated amenity values shall be maintained by ensuring rural land uses predominate in the Rural Zone, and buildings are of an appropriate scale and location.
- 4.3.7.3 Ribbon development or residential cluster development shall be avoided.

Policy - Character of Rangiāowhia Ridge

- 4.3.7.4 To maintain the open nature of the Rangiāowhia Ridge by managing the bulk and location of development.

Policy - Rural character of entrance roads

- 4.3.7.5 To preserve the rural character of entrance roads to towns and villages and maintain a distinct delineation between urban and rural areas by avoiding aggregations of buildings and non-farming uses.

Policies - Rural dwellings

- 4.3.7.6 To maintain the rural character and to meet the anticipated future settlement pattern in the Rural Zone by limiting the number of dwellings in the Rural Zone.

- 4.3.7.7 Any farm workers dwelling shall be directly associated with the scale and intensity of the farming activities on site, and should not exceed one dwelling per 40ha of holding. Advice Note: Please also refer to Policy 15.3.4.3 – Avoiding subdivision of secondary dwellings.

Policy - Marae and papakāinga development

- 4.3.7.8 To enable sustainable marae and papakāinga development as a recognised part of rural character, subject to providing for adequate servicing and managing potential adverse effects.

Policy - Community centres

- 4.3.7.9 To enable the use and development of community centres (i.e. halls) as a recognised part of rural character where activities provide for the health and well-being of the community and service or support an identified local need.

Policy - Temporary events

- 4.3.7.10 Temporary events associated with rural character are enabled subject to control of potential and actual adverse effects.

Policy - Fortified sites

- 4.3.7.11 To ensure that rural amenity is not adversely affected by the presence of fortified sites.

Policy - Rangiāowhia Ridge: building setback area

- 4.3.7.12 Buildings within the Rangiāowhia Ridge building setback area shall complement and maintain the low and open scale of existing development, particularly in relation to St Paul's Church and other heritage buildings.

Policy - Relocated buildings

- 4.3.7.13 Relocated buildings shall not detract from the amenity of the area they are located within by ensuring that exterior maintenance and painting is undertaken.

Policy - Residential Based Visitor Accommodation

- 4.3.7.14 Residential Based Visitor Accommodation is enabled where the scale of the activity is such that it:
- (a) Maintains rural character, including in the scale and design of buildings and their location on the site; and
 - (b) Provides for on-site parking and vehicle manoeuvring areas; and
 - (c) Mitigates adverse effects related to traffic generation, access and noise to the extent that they do not result in adverse effects on rural character and amenity or on the surrounding transport network; and
 - (d) Internalises adverse effects and should not cause adverse effects that would result in farming activities being prevented or constrained from operating.

Objective - Rural amenity: setbacks

- 4.3.8 To maintain rural character and amenity and avoid reverse sensitivity effects.

Policy - Transport network boundaries

- 4.3.8.1 Buildings and activities are set back from road boundaries and railway tracks to maintain safety, rural character and amenity, and to avoid reverse sensitivity effects.

Policy - Internal boundaries

- 4.3.8.2 Buildings and activities are set back from rear and side boundaries to maintain rural character and amenity and avoid reverse sensitivity effects.

Policy - Buildings, enclosures and pens for the keeping of animals

- 4.3.8.3 Enclosures for the housing, keeping, and/or feeding of animals are set back from boundaries to avoid adverse effects on adjoining sites.

Objective - Rural amenity: signs

- 4.3.9 To ensure that signs do not have an adverse impact on the amenity values of the Rural Zone, landscape values, heritage values, or public safety.

Policy - Signs to reflect local character and transport environment

- 4.3.9.1 Ensure that signs reflect the rural character and amenity values of the surrounding environment, including any identified landscapes, significant natural areas, viewshafts, and the nature of the adjacent transport environment, by restricting the location, size, number, and content of signs.

Policy - Location of signs

- 4.3.9.2 Avoid the establishment of signs in the Rural Zone which are not related to the site on which they are located.

Policy - Signs to avoid adverse effects

- 4.3.9.3 Avoid signs that are illuminated, moving, or flashing, or which are likely to create a visual hazard or interfere with the safe and efficient use of roads, railways, airports, or water bodies.

Policy - Temporary signs

- 4.3.9.4 Manage the location, size, number, and type of temporary signs to minimise short-term impact, and to avoid adverse effects on local amenity values and public safety.

Policy - Traffic safety

- 4.3.9.5 The design, location and content of signs shall not adversely affect the safe functioning of roads.

Objective - Rural amenity: noise and vibration

- 4.3.10 To maintain rural amenity while enabling the operation of noise and vibration generating farming activities within the Rural Zone.

Policy - Noise: rural farming activities

- 4.3.10.1 Enable the generation of noise and vibration arising from legitimate farming activities, while mitigating adverse effects as far as practicable.

Policy - Noise: rural activities

- 4.3.10.2 To ensure that the adverse effects of noise generated by rural activities are avoided, remedied or mitigated.

Policy - Noise: frost fans

- 4.3.10.3 Frost fans shall be located and operated to minimise adverse effects on adjacent properties.

Policy - Noise: reverse sensitivity: strategic roads and railways

- 4.3.10.4 Dwellings and associated residential development located adjacent to strategic roads and/or railways shall provide sufficient acoustic treatment to protect the level of amenity anticipated in the Rural Zone.

Objective - Development on sites adjoining heritage items

- 4.3.11 To ensure development on sites adjoining heritage items do not adversely affect the values of the heritage item(s).

Policy - Development on sites adjoining heritage items

- 4.3.11.1 Development on sites adjoining heritage items shall not adversely affect the character and values of the heritage item(s).

Objective - Non-farming activities

- 4.3.12 Only non-farming activities that have a functional and compelling requirement to locate in the Rural Zone should be enabled to locate in the Rural Zone.

Policies - Non-farming activities

- 4.3.12.1 To limit non-farming activities in rural areas except for activities that:
- (a) Have a functional and compelling reason to establish in a rural area; and
 - (b) Do not result in any further loss of land from primary production purposes; and
 - (c) Maintain rural character.

Activities that do not meet these criteria should be accommodated in urban areas.

- 4.3.12.2 The introduction of non-farming activities in rural areas shall not prevent or constrain intensive farming activities from operating.

Policy - Reverse sensitivity

- 4.3.12.3 Non-farming activities in rural areas shall internalise adverse effects and should not cause adverse effects that would result in farming activities being prevented or constrained from operating.

Objective - Tourism

- 4.3.13 To enable nature tourism activities that promote outstanding landscapes or significant natural areas, and agritourism in the immediate environs of Mystery Creek Events Zone and Lake Karāpiro Events Zone.

Policy - Nature tourism

- 4.3.13.1 Nature tourism activities that are directly reliant on and either within, or immediately adjoining outstanding natural features and landscapes, and significant landscape features at a district level will be encouraged where:
- (a) Farming activities and existing mineral extraction activities are not compromised; and
 - (b) The scale and nature of the adverse effects from the activity, including on the landscape or feature itself and connections with the transport network can be appropriately mitigated.

Policies - Agritourism

- 4.3.13.2 To enable agritourism where the activity supports a hub of activities within the immediate environs of the Mystery Creek Events Zone and Lake Karāpiro Events Zone, and where the:
- (a) Primary production focus of the Rural Zone is not compromised; and
 - (b) Scale and nature of the adverse effects from the activity, including servicing and connections with the transport network can be appropriately mitigated; and
 - (c) The activity will not adversely affect the health and well-being of the Waikato River.
- 4.3.13.3 Tourism facilities beyond that envisaged in Policies 4.3.13.1 and 4.3.13.2 should locate within the urban areas of the District.

Objective - Hamilton International Airport

- 4.3.14 To enable the ongoing operation and development of Hamilton International Airport.

Policy - Continued operation and reverse sensitivity

- 4.3.14.1 To recognise the importance of Hamilton International Airport for the District and the region, and to enable the efficient and safe operation of Hamilton International Airport by:
- (a) Controlling noise sensitive activities within the Air Noise Boundary (ANB), the SEL 95 Boundary and the Outer Control Boundary (OCB) to avoid reverse sensitivity effects; and
 - (b) Controlling activities at both ends of runways to mitigate the risk of accidents.

Policy - Airport noise and mitigation

- 4.3.14.2 To require the Hamilton International Airport to manage operational noise, monitor noise levels, and to provide appropriate mitigation to existing and lawful residential activities within the SEL 95 Boundary.

Policy - Hamilton Airport: possible future growth area

- 4.3.14.3 To recognise the potential for the future extension of the Hamilton Airport Strategic Node over land to the west of Hamilton Airport identified in Appendix S1.

Objectives - Narrows Concept Plan area

- 4.3.15 To provide for activities within the Narrows Concept Plan area which complement the operation and expansion of Hamilton International Airport, enable the construction of Southern Links and support the establishment of the Te Awa Cycleway.
- 4.3.15A To enable new activities which protect and enhance the environmental and heritage features within the area and promote opportunities for new visitor experiences.
- 4.3.15B To provide for new rural based industry that is of a scale and intensity that maintains the rural character and amenity values of the locality.

Policies - Narrows Concept Plan area

- 4.3.15.1 To support the relocation and reconfiguration of activities within the Concept Plan area to facilitate the construction of Airport related infrastructure, Southern Links and the Te Awa Cycleway.
- 4.3.15.2 To enable the retention within the Concept Plan area of heritage items and activities that have an established connection with the land.
- 4.3.15.3 To provide for activities that will complement the recreational value and attraction of the proposed Te Awa Cycleway.
- 4.3.15.4 To enable activities that support enhanced public access and appreciation of the Waikato River margins.
- 4.3.15.5 To ensure that rural based industry activities are designed and located to internalise adverse effects on the environment.
- 4.3.15.6 The scale and location of rural based industry shall:
 - (a) Be consistent with the capacity, design and function of the roading hierarchy; and
 - (b) Not adversely affect the character and amenity values of the locality; and
 - (c) Take potential reverse sensitivity issues into account.

Objective - Cambridge Future Growth Area C3

- 4.3.16 To ensure that the attributes and unique qualities of Future Growth Area C3 are recognised and not compromised by subdivision and development within the Rural Zone prior to a structure plan being approved.

Policy - Cambridge Future Growth Area C3

- 4.3.16.1 To ensure that subdivision and development within Future Growth Area C3 occurs in a co-ordinated and holistic manner, proposals for interim development should:
 - (a) Complement the recreational value and attraction of the Te Awa cycleway; and
 - (b) Support enhanced public access and appreciation of the Waikato River margins; and
 - (c) Ensure that new activities demonstrate how they integrate with the surrounding environs and activities, including St Peters School; and

- (d) Ensure infrastructure is considered and provided in a manner which will enable integration with anticipated future uses within Future Growth Area C3 and Future Growth Area C2, as outlined in Appendix S1.

Advice Notes:

1. Refer to Appendix S1 (page S1-2) for a map of the C3 Future Growth Area.
2. Refer to Objective 1.3.2 and associated policies in Section 1 – Strategic Policy Framework.

Objective - The significance of the Tokanui Dairy Research Centre

- 4.3.17 To recognise and provide for the continued operation and development of the regionally and nationally significant Tokanui Dairy Research Centre and Core Campus Area.

Policy - Continued operation of the Tokanui Dairy Research Core Campus Area

- 4.3.17.1 To enable the regionally and nationally significant Core Campus Area of the Tokanui Dairy Research Centre to undertake agricultural research and education related activities provided that the rural character and amenity of the surrounding environment is maintained.

Objective - National Grid transmission networks

- 4.3.18 To recognise and provide for the ongoing operation, maintenance and development of the National Grid electricity transmission network.

Policies - Management of activities within National Grid Corridors

- 4.3.18.1 To recognise the importance of the National Grid network in enabling communities to provide for their economic and social well-being and to provide for the ongoing operation, maintenance and development of the Grid through the management of activities within identified setbacks and corridors.
- 4.3.18.2 To ensure safe and efficient use and development of the National Grid and to protect the National Grid from the adverse effects of activities adjacent to it.
- 4.3.18.3 To avoid inappropriate land use and development within the National Grid Yard to ensure that the operation, maintenance, upgrading and development of the electricity transmission network is not compromised and to minimise the potential for nuisance effects.
- 4.3.18.4 To avoid the establishment of new sensitive activities within the National Grid Yard in order to minimise adverse effects on and from the National Grid, including adverse effects on health and safety, amenity and nuisance effects, and reverse sensitivity effects.
- 4.3.18.5 To not foreclose operation or maintenance options or, to the extent practicable, the carrying out of routine and planned upgrade works.

4.4 Rules

The rules that apply to activities are contained in:

- (a) *The activity status tables and the performance standards in this zone; and*
- (b) *The activity status tables and the performance standards in Parts E District Wide Provisions and Part F District Wide Natural and Cultural Heritage of the Plan. Advice Notes:*

1. Works in close proximity to any electricity line can be dangerous. Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001 is mandatory for all buildings, earthworks and mobile plant within close proximity to all electric lines. Compliance with the Plan does not ensure compliance with the Code.
2. Vegetation to be planted within or near electric lines should be selected and/or managed to ensure that it will not result in that vegetation breaching the Electricity (Hazards from Trees) Regulations 2003. To discuss works, including tree planting, near any electrical line, contact the line operator.

4.4.1 Activity Status Tables

4.4.1.1	Permitted activities The following activities must comply with the performance standards of this zone
(a)	One principal dwelling per viable certificate of title outside of quarry buffer areas.
(b)	One secondary dwelling of 70m ² GFA or less excluding garaging, per holding outside of quarry buffer areas.
(c)	Residential activities.
(d)	Farming activities and associated underpass and bridging for stock movement.
(e)	Home occupations.
(f)	Conservation blocks – (Including Reserves under the Reserves Act 1977) and conservation activities, other than buildings and activities associated with education and tourism.
(g)	Mineral exploration and prospecting activities.
(h)	Planting of commercial forestry, woodlot forestry or planted indigenous forestry.
(i)	Accessory buildings to any permitted activity.
(j)	Demolition, removal of buildings and structures, except those listed in Appendix N1 - Heritage Items.
(k)	Relocated buildings, except where the site is listed in Appendix N1 - Heritage Items.
(l)	Within the Tokanui Dairy Research Centre Core Campus Area (as shown on Planning Maps), rural research facility and ancillary activities including education and conference facilities, laboratories, engineering workshops, staff offices and facilities, field days and pilot plants for researching the processing and manufacturing of dairy products.
(m)	Earthworks
(n)	Farm quarries.
(o)	Urupa under Te Ture Whenua Māori Act 1993 and private cemeteries under the Burial and Cremation Act 1964.
(p)	Temporary buildings including ablution and storage sheds incidental to a construction project.
(q)	Temporary events.
(r)	Signs
(s)	Passive recreational uses.
(t)	Earthworks within the National Grid Yard that comply with Rule 4.4.2.75.
(u)	Within the Narrows Concept Plan area: (i) Outdoor pursuits; (ii) Outdoor education, outside of the Air Noise Boundary; (iii) Cycling and walking tracks and associated parking areas; (iv) One principal dwelling per viable certificate of title outside of the Air Noise Boundary, Runway Protection Area and the Southern Links Designation; (v) Any activity listed in Rules 4.4.1.1(c) to 4.4.1.1(s) above.
(v)	Harvesting of commercial and/or woodlot forestry complying with Rule 4.4.2.59.
(w)	Poultry farming in accordance with Rule 4.4.2.5 where the maximum stocking density does not exceed 34kg of live weight per square metre or 15 birds per square metre, whichever is greater.
(x)	Pasture reinstatement.
(y)	Residential Based Visitor Accommodation

Advice Note: Attention should also be given to the Waipa District Control of Signs and Sale of Goods Bylaw 2007 and the Public Places Bylaw 2007, and the relevant sections of the Waipa District Urban Reserves Management Plan.

4.4.1.2	Controlled activities The following activities must comply with the performance standards of this zone
(a)	Harvesting of woodlot and/or commercial forestry not complying with Rule 4.4.2.59. Matters over which Council reserves its control are: <ul style="list-style-type: none"> ▪ Vehicle access, parking and loading; and ▪ Effects on the road network and other infrastructure; and ▪ Effects on any water supply catchment infrastructure and/or operation; and ▪ Effects on indigenous biodiversity; and ▪ Erosion and sediment control measures; and ▪ Hours of operation; and ▪ Dust; and ▪ Noise; and ▪ Mitigation (financial contribution or works) where road network improvements are required to address identified adverse effects resulting from the increased heavy vehicle trip generation. These matters will be considered in accordance with the assessment criteria in Section 21.

Advice Note: The location and formation of access points from the site to a public road must meet the requirements of Section 16 - Transportation of this Plan.

4.4.1.3	Restricted discretionary activities The following activities must comply with the performance standards of this zone
(a)	Dwellings within the Quarry Buffer Area shown on the Planning Maps. Assessment will be restricted to the following matters: <ul style="list-style-type: none"> ▪ Location of the dwelling; and ▪ The likely adverse effects of the mineral extraction activities; and ▪ Noise and vibration mitigation; and ▪ Reverse sensitivity on mineral extraction activities; and ▪ Landscaping and visual amenity. These matters will be considered in accordance with the assessment criteria in Section 21.
(b)	Frost fans. Assessment will be restricted to the following matters: <ul style="list-style-type: none"> ▪ Height, bulk and location of the frost fan(s) and their proximity to residential activities on an adjacent or adjoining site, or a Residential Zone or Large Lot Residential Zone; and ▪ Number of blades; and ▪ Operating conditions; and ▪ Noise. These matters will be considered in accordance with the assessment criteria in Section 21.
(c)	Any activity (other than farming or rural based industry) within the Runway Protection Area shown on Planning Maps that isn't listed as a discretionary or prohibited activity. Assessment will be restricted to the following matters: <ul style="list-style-type: none"> ▪ Effects on the operational safety and performance of the Hamilton International Airport and its associated lighting and navigational aids; and ▪ The risk of exposure to aircraft related accidents. These matters will be considered in accordance with the assessment criteria in Section 21. Advice Note: The Operator of Hamilton International Airport shall be considered an affected party for any resource consent assessed under these criteria.

4.4.1.3	<p>Restricted discretionary activities</p> <p>The following activities must comply with the performance standards of this zone</p>
(d)	<p>Buildings associated with the rural research facility at the Tokanui Dairy Research Centre which are located outside of the Core Campus Area (as shown on Planning Maps).</p> <p>Assessment will be restricted to the following matters:</p> <ul style="list-style-type: none"> ▪ Visual effects on surrounding properties; and ▪ Transport and traffic related effects; and ▪ Vehicle access; and ▪ Effects on rural character and amenity; and ▪ Lighting and glare; and ▪ Water supply, wastewater and stormwater disposal; and ▪ Reverse sensitivity effects; and ▪ Effect on archaeological or cultural sites. <p>These matters will be considered in accordance with the assessment criteria in Section 21.</p>
(e)	<p>Poultry farming in accordance with Rule 4.4.2.6.</p> <p>Assessment will be restricted to the following matters:</p> <ul style="list-style-type: none"> ▪ The amenity effects of the poultry farming activity; and ▪ Wind and climate patterns; and ▪ Visual impact of buildings and landscape planting; and ▪ Topography and geographical features affecting odour, dust and visual effects; and ▪ Traffic effects; and ▪ The provision of a Management Plan. <p>These matters will be considered in accordance with the assessment criteria in Section 21.</p> <p>Activities that fail to comply with this rule will require a resource consent for a discretionary activity.</p>
(f)	<p>Construction of new buildings within the Rangiaowhia Ridge building setback area.</p> <p>Assessment will be restricted to the following matters:</p> <ul style="list-style-type: none"> ▪ Effect on the character of the existing buildings, and St Pauls church, on the Rangiaowhia Ridge, set amongst mature trees; and ▪ Amenity, bulk and scale, location; and ▪ Relationship to heritage buildings; and ▪ Retention of views to St Paul's church. <p>These matters will be considered in accordance with the assessment criteria in Section 21.</p>
(g)	<p>Agritourism and nature tourism activities in the Narrows Concept Plan area.</p> <p>Assessment will be restricted to the following matters:</p> <ul style="list-style-type: none"> ▪ Effects on the natural resources of the Waikato River margin and environmental features; and ▪ Traffic effects; and ▪ Water supply, wastewater treatment and disposal and stormwater management; and ▪ Consistency with the Narrows Concept Plan development principles; and ▪ The extent to which any activity has regard to the Narrows Concept Plan; and ▪ Cultural matters associated with the Waikato River. <p>These matters will be considered in accordance with the assessment criteria in Section 21.</p>
(h)	<p>Education activities (outside of the Air Noise Boundary and Runway Protection Area) within the Narrows Concept Plan area.</p> <p>Assessment will be restricted to the following matters:</p> <ul style="list-style-type: none"> ▪ Association with activities within the Concept Plan area; and ▪ Traffic effects; and ▪ Water supply, wastewater treatment and disposal and stormwater management; and ▪ Visual and amenity effects; and

4.4.1.3	<p>Restricted discretionary activities</p> <p>The following activities must comply with the performance standards of this zone</p>
	<ul style="list-style-type: none"> Measures to avoid reverse sensitivity in respect of Airport noise; and Consistency with the Narrows Concept Plan development principles; and The extent to which any activity has regard to the Narrows Concept Plan; and Cultural matters associated with the Waikato River. <p>These matters will be considered in accordance with the assessment criteria in Section 21.</p>
(i)	<p>Rural based Industry within the Narrows Concept Plan area.</p> <p>Assessment will be restricted to the following matters:</p> <ul style="list-style-type: none"> Traffic effects; and Water supply, wastewater treatment and disposal and stormwater management; and Visual and amenity effects; and Measures to avoid reverse sensitivity in respect of airport noise; and Effects on the operational safety and performance of the Hamilton International Airport and its associated lighting and navigational aids; and The risk of exposure to aircraft related accident; and Consistency with the Narrows Concept Plan development principles; and The extent to which any activity has regard to the Narrows Concept Plan; and Cultural matters associated with the Waikato River. <p>These matters will be considered in accordance with the assessment criteria in Section 21.</p>
(j)	<p>Relocation or extension of visitor accommodation (outside of the Air Noise Boundary and Runway Protection Area) existing within the Narrows Concept Plan area.</p> <p>Assessment will be restricted to the following matters:</p> <ul style="list-style-type: none"> Association with activities within the Concept Plan area; and Traffic effects; and Water supply, wastewater treatment and disposal and stormwater management; and Visual and amenity effects; and Measures to avoid reverse sensitivity in respect of Airport noise; and Consistency with the Narrows Concept Plan development principles; and The extent to which any activity has regard to the Narrows Concept Plan; and Cultural matters associated with the Waikato River. <p>These matters will be considered in accordance with the assessment criteria in Section 21.</p>
(k)	<p>Any permitted or controlled activity not complying with one rule for a permitted or controlled activity within the Narrows Concept Plan area except Rule 4.4.2.70.</p> <p>Assessment will be restricted to the subject matter of the rule that is not complied with.</p> <p>These matters will be considered in accordance with the assessment criteria in Section 21.</p>
(l)	<p>Scheduled engine testing that exceeds the standard in Rule 4.4.2.38 by up to 5dBA is a restricted discretionary activity.</p> <p>Assessment will be restricted to the following matters:</p> <ul style="list-style-type: none"> Appropriate mitigation of the adverse night time acoustic effects inside affected dwellings (for example, sleep disturbance) of unscheduled engine testing. <p>No other assessment criteria will be applied to an application for a restrict discretionary activity in accordance with this rule.</p>
(m)	<p>Farm workers dwellings that comply with the provisions of Rule 4.4.2.79(a) to (d).</p> <p>Assessment will be restricted to the following matters:</p> <ul style="list-style-type: none"> Site suitability; and Site layout and services; and Landscaping; and Potential reverse sensitivity effects on any adjoining rural activities; and Proximity to farm effluent storage facilities; and Justification for the additional dwelling; and

4.4.1.3	<p>Restricted discretionary activities</p> <p>The following activities must comply with the performance standards of this zone</p>
	<ul style="list-style-type: none"> ▪ The extent to which the building is designed to be relocated. These matters will be considered in accordance with the assessment criteria in Section 21. Activities which fail to comply with Rule 4.4.2.79(a) to (d) will require a resource consent for a discretionary activity.
(n)	Any permitted or controlled activity that does not comply with the performance standards in 4.4.2, except for those specified in Rule 4.4.1.4(a) or as specified in 4.4.2.

4.4.1.4	Discretionary activities
(a)	<p>Any permitted, controlled or restricted discretionary activity that fails to comply with:</p> <ul style="list-style-type: none"> (i) Rule 4.4.2.1 (b), (c) & (d) - Minimum building setback from roads (ii) Rule 4.4.2.3 - Dwellings adjoining marae (iii) Rule 4.4.2.4 - Minimum setback for the confinement of animals (iv) Rule 4.4.2.11 - Special height requirements for Hamilton International Airport (v) Rule 4.4.2.13 - Processing and storage of produce grown on site (vi) Rule 4.4.2.14 - Housing and keeping of pigs (vii) Rules 4.4.2.15, 4.4.2.16, 4.4.2.20 to 4.4.2.22 - Noise (viii) Rule 4.4.2.25 to 4.4.2.27 - Noise insulation: noise sensitive activities (ix) Rules 4.4.2.28 to 4.4.2.41 - Airport noise (x) Rule 4.4.2.44 to 4.4.2.45 - Signs (xi) Rules 4.4.2.49 to 4.4.2.50 - Temporary construction buildings (xii) Rules 4.4.2.51 to 4.4.2.53 - Temporary events (xiii) Rule 4.4.2.61(b), (c), (e), (f) & (g) - Home occupations (xiv) Rules 4.4.2.62 to 4.4.2.69 - Activities within the Air Noise Boundary (ANB), the SEL 95 Boundary and the Outer Control Boundary (OCB) (xv) Rule 4.4.2.70 - Maximum building coverage of new buildings in the Narrows Concept Plan Area (xvi) Rule 4.4.2.71 - Set back from Waikato River for the Narrows Concept Plan Area (xvii) Rule 4.4.2.74 - Earthworks (xviii) Rule 4.4.2.80 - Fencing for goat farming (xix) Rules 4.4.2.81 to 4.4.2.82 - Fencing for deer farming
(b)	Restricted discretionary activity not complying with one or more rules for a restricted discretionary activity.
(c)	Farm workers dwellings that do not comply with Rule 4.4.2.79(a) to (d).
(d)	Community centre, marae and papakāinga.
(e)	Agritourism and nature tourism facilities.
(f)	Education facilities.
(g)	Rural based industry.
(h)	Mineral extraction activities except where located within 500m (minimum) from Lakes Cameron, Koromatua, Mangahia, Mangakaware, Maratoto, Ngārotoiti, Ngāroto, Rotomānuka, Rotopataka, Ruatuna and Rotopiko/Serpentine as measured at maximum annual water level.
(i)	Intensive farming, and Poultry farming that does not comply with the minimum setbacks in Rule 4.4.2.5 or with Rule 4.4.2.6.
(j)	Visitor accommodation and education facilities (includes aviation educational training) between the OCB (Ldn55) and the ANB (Ldn55).
(k)	Boarding or breeding kennels or catteries.
(l)	Aviation educational training within the ANB (Ldn55).
(m)	Identification and imposition of a quarry buffer area and a mineral extraction area in conjunction with a new or existing mineral extraction activity.

4.4.1.5	Non-complying activities
(a)	Any building or activity that fails to comply with: <ul style="list-style-type: none"> (i) Rule 4.4.2.1(a) - Minimum building setback from roads (ii) Rule 4.4.2.17 - Helicopter noise (iii) Rules 4.4.2.42 to 4.4.2.43 - Frost fans (iv) Rule 4.4.2.48 - Solid and liquid waste storage and spreading setbacks (v) Rules 4.4.2.55 and 4.4.2.56 - Identification and imposition of a quarry buffer area and mineral extraction area on the Planning Maps. (vi) Rule 4.4.2.60 - Planted indigenous forestry (vii) Rule 4.4.2.61(a) or (d) - Home occupations (viii) Rules 4.4.2.74 and 4.4.2.75 - Earthworks
(b)	All other activities not listed in activity status table Rules 4.4.1.1 to 4.4.1.4 and not listed as a prohibited activity.
(c)	Mineral extraction activities located within 500m of Lakes Cameron, Koromatua, Mangahia, Mangakaware, Maratoto, Ngārotoiti, Ngāroto, Rotomānuka, Rotopataka, Ruatuna and Rotopiko/Serpentine as measured at maximum annual water level.
(d)	Fortified sites.
(e)	Scheduled engine testing that exceeds the standard in Rule 4.4.2.38 by more than 5dBA.
(f)	Within the National Grid Yard: <ul style="list-style-type: none"> (i) Any building or addition to a building for a National Grid Sensitive Activity. (ii) Any change of use to a National Grid Sensitive Activity or the establishment of a new National Grid Sensitive Activity. (iii) Buildings for intensive farming activities, commercial greenhouses, and dairy/milking buildings. (iv) Any building, structure or earthworks which fail to comply with Rules 4.4.2.75, 4.4.2.76 or 4.4.2.77.
(g)	Farm workers dwellings that do not comply with Rule 4.4.2.79(e).

4.4.1.6	Prohibited activities The following activities are prohibited and no resource consent will be approved
(a)	Within the Runway Protection Area shown on the Planning Maps, places of assembly, service stations, dwellings, residential activities, visitor accommodation, hospitals, camping grounds, and educational facilities.
(b)	Inside the ANB shown on Planning Maps: dwellings, visitor accommodation, and educational facilities (except aviation education training).

4.4.2

Performance Standards

The following rules apply to activities listed as permitted, controlled or restricted discretionary.

Where rules are not complied with resource consent will be required in accordance with the rules in the activity status table or as identified in the performance standards, and will be assessed against the relevant objectives and policies. In the case of controlled and restricted discretionary activities, the assessment will be restricted to the matters over which control or discretion has been reserved, in accordance with the relevant assessment criteria contained in Section 21. For discretionary activities Council shall have regard to the assessment criteria in Section 21. The criteria in Section 21 are only a guide to the matters that Council will consider and shall not restrict Council's discretionary powers.

Rule - Minimum building setback from road boundaries

4.4.2.1

The minimum building setback from road boundaries shall be:

- | | | |
|-----|--|-----|
| (a) | For dwellings, and for buildings less than 100m ² | 15m |
| (b) | For buildings over 100m ² (other than dwellings) | 30m |

Provided that:

- | | | |
|-----|--|-----|
| (c) | For dwellings and buildings adjacent to a designated State Highway | 30m |
| (d) | For dwellings and buildings adjacent to the Waikato Expressway (Designation D20) | 35m |

Activities that fail to comply with Rule 4.4.2.1(a) will require a resource consent for a non-complying activity.

Activities that fail to comply with Rules 4.4.2.1(b) to 4.4.2.1(d) will require a resource consent for a discretionary activity.

Rule - Minimum setbacks from internal site boundaries

4.4.2.2 The minimum building setback from internal site boundaries shall meet the following:

- | | | |
|-----|--|-----|
| (a) | Dwellings | 15m |
| (b) | Dwellings on sites 1ha or less | 10m |
| (c) | Accessory buildings to dwellings less than or equal to 100m ² | 10m |
| (d) | All other buildings less than or equal to 250m ² | 15m |
| (e) | All other buildings greater than 250m ² | 25m |

Provided that buildings may be erected up to any common boundary with an adjoining site which is in the same holding.

Activities that fail to comply with this rule will require a resource consent for a restricted discretionary activity with the discretion being restricted over:

- The provision of daylight and sunlight into neighbouring buildings; and
- Visual and aural privacy; and
- The general appearance/effect on the openness and character; and
- The safety and efficiency of traffic flow; and
- Access around the site; and
- Effects on surrounding properties; and
- Potential reverse sensitivity effects on any adjoining rural activities.

These matters will be considered in accordance with the assessment criteria in Section 21.

Rule - Dwellings adjoining marae

4.4.2.3 No dwelling shall be placed or constructed so that it has doors, windows, verandahs or outdoor living areas with a direct line of sight to the nominal mahau (veranda) or marae ātea (area in front of the Whare Nui) area on existing marae.

Activities that fail to comply with this rule will require a resource consent for a discretionary activity.

Rule - Minimum setback for confinement of animals

4.4.2.4 The minimum setbacks for any milking shed, shearing shed, stable, yard, pen, feed lot or pad, loafing barn, building or similar enclosure (excluding paddocks where ground cover is maintained) for the confinement or housing of any animal (except domestic pets) shall be:

- (a) From any internal boundary on sites 1.5ha or

	less where the area for the confinement of animals is less than 50m ²	15m
(b)	From any internal boundary on sites greater than 1.5ha and less than 3ha where the area for the confinement of animals is less than 50m ²	25m
(c)	From any internal boundary on sites less than 3ha where the area for the confinement of animals is greater than 50m ²	50m
(d)	From any internal boundary on sites less than 3ha where any area is used to house or enclose 3 pigs or more	50m
(e)	From any internal boundary on sites greater than 3ha	50m
(f)	From any boundary with a Marae Development Zone, Large Lot Residential Zone or Residential Zone	100m

Provided that the area used for the confinement of animals may be established up to any common boundary with an adjoining site which is in the same holding.

Activities that fail to comply with this rule will require a resource consent for a discretionary activity.

Rules - Poultry farming

4.4.2.5 The following requirements apply to any land, building, yard, pen or similar enclosure used for poultry farming where the maximum stocking density does not exceed 34kg of live weight per square metre or 15 birds per square metre, whichever is greater:

- (a) Minimum setback of 50m from any internal boundary; and
- (b) Minimum setback of 100m from any boundary with a Marae Development Zone, Large Lot Residential Zone or Residential Zone; and
- (c) Provision of a Management Plan addressing the matters detailed in 21.1.4.20(g)(ii)-(xvii); and
- (d) Documentation must be maintained that records the matters of performance listed in (a) to (c) above. These records shall be made available on request by a Council enforcement officer.

Activities which fail to comply with Rules 4.4.2.5(c) or 4.4.2.5(d) and/or the maximum stocking density is greater than 34kg of live weight per square metre or 15 birds per square metre, will require a resource consent for a restricted discretionary activity and will be assessed in accordance with Rule 4.4.2.6.

Activities which fail to comply with Rules 4.4.2.5(a) or 4.4.2.5(b) will require a resource consent for a discretionary activity.

4.4.2.6 Where the provisions of Rule 4.4.2.5(c) or 4.4.2.5(d) cannot be met and/or the maximum stocking density is greater than 34kg of live weight per square metre or 15 birds per square metre, then the minimum building setbacks for poultry farming shall be:

- | | | |
|-----|---|------|
| (a) | From any internal boundary | 250m |
| (b) | From any boundary with a Marae Development Zone, Large Lot Residential Zone or Residential Zone | 500m |

(c) From the road boundary

215m

Provided that such measurement is to be from the perimeter of the proposed and/or existing sheds (external walls) housing animals, exclusive of spray irrigation areas.

Activities will be a restricted discretionary activity, with the discretion being restricted over:

- The amenity effects of the poultry farming activity; and
- Wind and climate patterns; and
- Visual impact of buildings and landscape planting; and
- Topography and geographical features affecting odour, dust and visual effects; and
- Traffic effects; and
- The provision of a Management Plan.

These matters will be considered in accordance with the assessment criteria in Section 21.

Activities which fail to comply with this rule will require a resource consent for a discretionary activity.

Rule - Minimum building setback from the boundary of a significant natural area

- 4.4.2.7 The minimum building setback from the boundary of a significant natural area shall be at least 10m. Provided that this rule does not apply to wetlands.

Advice Notes:

1. For the purposes of this rule the boundary of a significant natural area (SNA) is considered to be the edge of the continuous canopy of the SNA at the time of building construction.
2. Refer to Rule 26.4.2.1 for setbacks from lakes and water bodies.

Activities that fail to comply with this rule will require a resource consent for a restricted discretionary activity with discretion being restricted over:

- Effects on the significant natural area vegetation and biodiversity.

This matter shall be considered in accordance with the assessment criteria in Section 21.

Rule - Building setback from commercial forestry

- 4.4.2.8 The minimum building setback from the tree line of commercial forestry shall be 30m.

Activities that fail to comply with this rule will require a resource consent for a restricted discretionary activity with the discretion being restricted over:

- Potential effects on activities within the building in terms of safety, shading/loss of daylight, and amenity; and
- Effects on surrounding properties; and
- Reverse sensitivity effects on future harvesting of the commercial forest.

These matters will be considered in accordance with the assessment criteria in Section 21.

Rule - Height of buildings

- 4.4.2.9 Buildings in all areas except for those affected by the approach surfaces, transitional surfaces, horizontal surface, conical surface, as delineated on the Planning Maps for Hamilton International Airport and also in Appendix O9 shall not exceed 12m in height above ground level.

Activities that fail to comply with this rule will require a resource consent for a restricted discretionary activity with the discretion being restricted over:

- Visual effects including bulk, scale and location of the building; and

- Effects on rural character and amenity; and
- Effects on surrounding properties; and
- Loss of daylight to adjoining sites.

These matters will be considered in accordance with the assessment criteria in Section 21.

Rule - Maximum building coverage

4.4.2.10 The maximum amount of a site which can be covered by buildings is:

- (a) 3% for sites of one hectare or more.
- (b) 10% for sites less than one hectare.

Provided that this rule does not apply to the Tokanui Dairy Research Centre or to dwellings.

Advice Note: Buildings for the processing and/or storage of horticultural or floricultural produce are subject to Rule 4.4.2.13.

Activities that fail to comply with this rule will require a resource consent for a restricted discretionary activity with the discretion being restricted over:

- Visual effects including bulk, scale and location of the building; and
- Effect on high class soils; and
- Effects of traffic generation; and
- Effects on identified landscapes or cultural values; and
- Effects on rural character.

These matters will be considered in accordance with the assessment criteria in Section 21.

Rule - Special height requirements for Hamilton International Airport

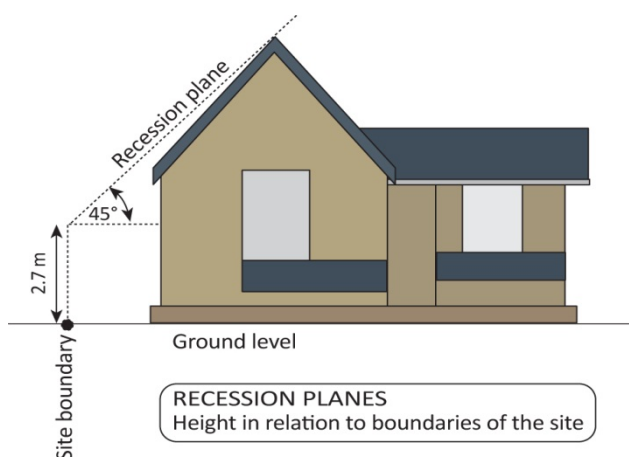
4.4.2.11 The following height requirements apply in the vicinity of Hamilton International Airport:

- (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 Planning Maps for Hamilton International Airport and also in Appendix O9.
- (b) No object including any part of a building, structure, tree, or other object or plant growth (other than wire fences less than 1.2m high) are permitted within 200m of the centre of the VOR facility (refer Appendix O9). Outside of a 200m 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 55.4m above Moturiki datum and rising at an angle of 3.5° above the horizontal.

Activities that fail to comply with this rule will require a resource consent for a discretionary activity.

Rule - Daylight control

4.4.2.12 No building shall penetrate a recession plane at right angles to a boundary inclined inwards and upwards at an angle of 45° from 2.7m above the ground level of the front, side or rear boundaries of a site.



Activities that fail to comply with this rule will require a resource consent for a restricted discretionary activity with the discretion being restricted over:

- Visual effects including bulk, scale and location of the building; and
- Effects on rural character and amenity; and
- Effects on surrounding properties; and
- Loss of daylight to adjoining sites.

These matters will be considered in accordance with the assessment criteria in Section 21.

Rule - Processing and storage of produce grown on site

- 4.4.2.13 Buildings for the processing and/or storage of horticultural or floricultural produce shall only be used for produce grown on the site or holding (other than honey and bee products) and shall not exceed 250m² GFA (including packing sheds, cold storage).

Advice Note: If buildings are used for produce brought in from off site, then the use becomes a rural based industry.

Activities that fail to comply with this rule will require consent for a resource consent discretionary activity.

Rule - Housing and keeping of pigs

- 4.4.2.14 Except for outdoor (extensive) pig farming where groundcover is maintained; 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 12 pigs older than eight weeks at any one time of which not more than five are sows.

Activities that fail to comply with this rule will require a resource consent for a discretionary activity.

Rule - Noise

- 4.4.2.15 Noise generating activity other than that from farm animals including farm dogs, agricultural vehicles (when not being used for recreational purposes), agricultural machinery or equipment (including produce packing facilities where the only produce packed is grown on site) operated and maintained in accordance with the manufacturer's specifications and in accordance with accepted management practices (e.g. for milking, spraying, harvesting, packing and the like, but not including frost fans) and provided that the best practicable option (including the option for the activity to take place at another time of the day), is adopted to ensure that the emission of noise does not exceed a reasonable level; shall be conducted and buildings

located, designed and used to ensure that they do not exceed the following limits within the notional boundary of any dwelling (excluding dwellings within mineral extraction sites):

- | | | |
|-----|--------------------------------|--------------|
| (a) | Day time - 7.00am to 10.00pm | 50dBA (Leq) |
| (b) | Night time - 10.00pm to 7.00am | 40dBA (Leq) |
| (c) | Night time single noise event | 70dBA (Lmax) |

The noise levels shall be measured and assessed in accordance with the requirements of NZS 6801:2008 – Acoustics – Environmental Sound and assessed in accordance with NZS 6802:2008 – Acoustics – Environmental Noise. Provided that this rule shall not apply to the use or testing of station and vehicle sirens or alarms used by emergency services.

Activities that fail to comply with this rule will require a resource consent for a discretionary activity.

Rule - Mineral extraction air blast over pressure

- 4.4.2.16 The air blast over pressure from blasting activities within the notional boundary of any dwelling not owned or controlled by the quarry owner or operator undertaking the air blast over pressure blasting activity shall not exceed 115dBA 95 percentile, 120dBL maximum.

Activities that fail to comply with this rule will require a resource consent for a discretionary activity.

Rule - Helicopter noise

- 4.4.2.17 Helicopter landings and take offs shall be in accordance with NZS6807:1994 Noise Management and Landing Use Planning for Helicopter Landing Areas where there are more than 10 landings per annum.

Advice Note: This rule does not apply to any helicopter movement associated with military or emergency purposes.

Activities that fail to comply with this rule will require a resource consent for a non-complying activity.

Rule - Vibration

- 4.4.2.18 Vibration emanating from a site shall not exceed the limits recommended in and be measured and assessed in accordance with New Zealand Standard NZS 4403:1996 Code of Practice for Storage, Handling, and Use of Explosives.

Activities that fail to comply with this rule will require consent for a restricted discretionary activity, with the discretion being restricted over:

- Safety; and
- Time and duration of effect; and
- Effects on buildings and structures, either on site or on surrounding properties.

These matters will be considered in accordance with the assessment criteria in Section 21.

Rule - Construction noise

- 4.4.2.19 Construction noise emanating from a site shall meet the limits recommended in and be measured and assessed in accordance with New Zealand Standard NZS 6803:1999 Acoustics – Construction Noise.

Activities that fail to comply with this rule will require a resource consent for a restricted discretionary activity with the discretion being restricted over:

- Time and duration of effect; and
- Effects on surrounding properties.

These matters will be considered in accordance with the assessment criteria in Section 21.

Rules - Noise: audible bird scaring devices

4.4.2.20 Any audible bird scaring devices shall be operated as follows:

- (a) Only between sunrise and sunset; and
- (b) At a frequency of not more than six clusters of up to three shots from gas operated devices or three multiple shot from firearms in rapid succession per device in any 60 minute period of the day; and
- (c) At a maximum density of one device per 10ha of crop.

4.4.2.21 The noise from any bird-scaring device shall not exceed 85dBA unweighted peak level at a Residential Zone boundary or the notional boundary of a dwelling on any Rural Zone property.

Activities that fail to comply with these rules will require a resource consent for a discretionary activity.

Rule - Noise: wind farms

4.4.2.22 Wind farm noise shall be managed and measured in accordance with NZS 6808:2010, Acoustics – Wind Farm Noise.

Activities that fail to comply with this rule will require a resource consent for a discretionary activity.

Rules - Noise: temporary military activities

4.4.2.23 Noise measured from a line 20m from and parallel to the façade of any dwelling or the legal boundary where this is closest to the dwelling shall not exceed the following limits:

Time (any day)	Noise Limits		
	L10	L95	Lmax
0630 - 0730	60	45a	70
0730 - 1800	75	60	90
1800 - 2000	70	55	85
2000 - 0630 (except as provided for below)	35	-	65
For no more than 5 days in any 4 week period:			
2000 - 0630	40	-	65

4.4.2.24 Noise resulting from the use of explosives shall not exceed 122dBA between 6.30am to 8.00pm. No noise resulting from the use of explosives shall be generated outside of these hours.

Advice Note: All noise levels shall be measured and assessed in accordance with the requirements of NZS 6801:2008 – Acoustics – Environmental Sound and assessed in accordance with NZS 6802:2008 – Acoustics – Environmental Noise.

Activities that fail to comply with Rules 4.4.2.23 and 4.4.2.24 will require a resource consent for a restricted discretionary activity with the discretion being restricted over:

- Noise; and
- Vehicle access.

These matters will be considered in accordance with the assessment criteria in Section 21.

Rules - Noise insulation: noise sensitive activities

4.4.2.25 Where a noise sensitive activity is proposed to be located within 40m of a railway track, the building shall be insulated so that it achieves the following noise levels:

- | | | |
|-----|------------------------------|-----------------|
| (a) | Inside bedrooms | 35dB LAeq (1hr) |
| (b) | Inside other habitable rooms | 40dB LAeq (1hr) |

4.4.2.26 Where a noise sensitive activity is proposed to be located within:

- (a) 40m of State Highways 1, 1B, 3, 21 and 39 (as measured from the edge of the carriageway) where the posted speed limit is less than 70km/hour; or
- (b) 80m of State Highways 1, 1B, 3, 21 and 39 (as measured from the edge of the carriageway) where the posted speed limit is equal to or greater than 70km/hour; or
- (c) 100m of the Waikato Expressway section of State Highway 1 or any other designated State Highway (as measured from the edge of the carriageway or the edge of the designation if the carriageway location has not been confirmed in writing by the Requiring Authority); or
- (d) The Cambridge North Road Noise Effects Area as identified on the Planning Maps;

then the building shall be insulated so that it achieves the following noise levels:

- | | | |
|-----|---|------------------|
| (i) | Inside habitable rooms (including bedrooms) | 40dB LAeq (24hr) |
|-----|---|------------------|

4.4.2.27 Where a noise sensitive activity is proposed to be located within 40m of a road boundary along Taotaoroa Road, Buckland Road, Karapiro Road or Whitehall Road south of the entrance to Whitehall Quarry, the building shall be insulated so that it achieves the following noise levels:

- | | | |
|-----|------------------------------|-----------|
| (a) | Inside bedrooms | 35dBA Leq |
| (b) | Inside other habitable rooms | 40dBA Leq |

Advice Note: A report from an experienced practitioner shall be submitted at the time of application to demonstrate compliance with this Rules 4.4.2.25 to 4.4.2.27.

Activities that fail to comply with Rules 4.4.2.25 to 4.4.2.27 will require a resource consent for a discretionary activity.

Rules - Airport noise

4.4.2.28 The Hamilton International Airport shall be operated so that the day/night level (Ldn) produced by aircraft operations does not exceed:

- | | | |
|-----|---|-------|
| (a) | At or outside the ANB as shown on the Planning Maps | 65dBA |
| (b) | At or outside the OCB as shown on the Planning Maps | 55dBA |

4.4.2.29 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:

- (a) Aircraft engine testing; and
- (b) Aircraft landing or taking off in an emergency; and
- (c) Emergency flights required to rescue persons from life threatening situations or to transport patients, human organs or medical personnel in a medical emergency; and
- (d) Aircraft using the airport due to unforeseen circumstances as an essential alternative to landing at another scheduled airport; and
- (e) Aircraft undertaking fire fighting duties.

- 4.4.2.30 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 and Appendix O10, excluding those aircraft movements specified in Rule 4.4.2.29(a) to (e).

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

Activities that fail to comply with Rules 4.4.2.28 to 4.4.2.30 will require a resource consent for a discretionary activity.

Rules - Airport noise mitigation programme

- 4.4.2.31 Within the SEL 95 Boundary, where an existing residential activity was lawfully established:
- (a) Before 10 August 2011; or
 - (b) A resource consent or building consent for a residential activity was granted before 10 August 2011; and
 - (c) Hamilton International Airport proposes to commence scheduled wide body jet operations between 10.00pm and 7.00am on more than three occasions per week;

Then (d) to (f) shall apply:

- (d) 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 Council. The Offer shall be made not later than two months before the commencement of scheduled wide body jet operations between 10.00pm and 7.00am on more than three occasions per week; and
- (e) The treatment measures shall achieve the standards of acoustical treatment and ventilation set out in Rules 4.4.2.65 to 4.4.2.67; and
- (f) 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; and

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

4.4.2.32 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:

- (a) Within 12 months of this rule becoming operative; or
- (b) Within six months of the third unscheduled engine testing event in any calendar year, whichever of (a) or (b) occurs first.

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

4.4.2.34 Noise from engine testing (scheduled and unscheduled) shall be monitored at all times other than those referred to in Rule 4.4.2.32(b) above and the results shall be reported to Council annually.

4.4.2.35 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 operate between 10.00pm and 7.00am.

4.4.2.36 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 4.4.2.28 to 4.4.2.41 to manage the noise effects of airport operations, aircraft taking off and landing, aircraft carrying out a missed approach for training purposes, circuit training and aircraft taxiing. The NMP shall include but not be limited to the following matters:

- (a) Management of noise emissions at night with particular emphasis on the methods adopted to effectively manage the noise effects of general aviation traffic after 10.00pm; and
- (b) Procedures for receiving and addressing noise complaints; and
- (c) Methods for managing the effects of noise caused by scheduled and unscheduled engine testing; and
- (d) Operation and location of noise monitoring equipment; and
- (e) 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.

4.4.2.37 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:

- (a) The noise level (L10) as measured within the notional boundary of any building used for residential purposes shall not exceed the following limits;
 - (i) Monday to Sunday - 7.00am to 9.00pm 55dBA
 - (ii) At all other times 45dBA
- (b) No single event noise level Lmax shall exceed 70dBA at night time (10.00pm to 7.00am).

Advice Note: 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.

4.4.2.38 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:

- (a) Within the boundary of the residential properties east of SH3 (as identified on Planning Map 19 – Special Amenity Area):
 - (i) Leqn 50dBA
 - (ii) Lmax 80dBA
- (b) Within the notional boundary of any other dwelling:
 - (i) Leqn 45dBA
 - (ii) Lmax 75dBA

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

4.4.2.39 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 Council once a year and be available to Council for inspection at any reasonable time and upon reasonable notice.

Advice Note: Monitoring may be undertaken by calculation based on field measurements. The monitoring requirement specified in the above rule will be fully satisfied by the provision of monitoring data provided by the operators of the Hamilton Airport in accordance with Rules 4.4.2.32 to 4.4.2.35.

4.4.2.40 Exemptions to undertake engine testing that does not comply with Rule 4.4.2.38 are permitted where:

- (a) There is a requirement to undertake essential unscheduled engine testing between the hours of 10.00pm and 7.00am; or
- (b) The aircraft has a scheduled passenger and/or freight landing at Hamilton International Airport within 18 hours of the engine testing taking place; or
- (c) The engine testing is necessary to return the aircraft to scheduled services as soon as practically possible; or
- (d) The engine testing cannot be completed outside the hours of 10.00pm and 7.00am without disruption to flying schedules.

4.4.2.41 Exemptions from Rule 4.4.2.38 are subject to the following conditions:

- (a) The essential unscheduled engine testing must be notified to the Operator of Hamilton International Airport and Council by the aircraft testing operator as soon as the need for it is known; and
- (b) 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 Council 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

- (c) 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
- (d) The noise shall not exceed Lmax 85dBA within the boundary or notional boundary of any dwelling; and
- (e) The cumulative duration of engine running time shall not exceed 30 minutes with a maximum cumulative duration of five minutes at high power settings; and
- (f) 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
- (g) The essential unscheduled engine testing must be undertaken in the following locations:
 - (i) The ATR72 aircraft and any others able to be accommodated within the Eagle Air enclosure should be positioned in that run-up noise enclosure; and
 - (ii) 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).
- (h) For any aircraft to rely on this exemption it must be either:
 - (i) One of the following aircraft types: Beechcraft 1900D, ATR72, Boeing 737-300, Boeing 737-800; or
 - (ii) Be of a type certified by an acoustic consultant as being able to undertake engine testing in the locations referred to in (g) above and still meet the Lmax limit in (d) above.

Activities that fail to comply with Rules 4.4.2.31 to 4.4.2.41 will require a resource consent for a discretionary activity, except for scheduled engine testing that exceeds Rule 4.4.2.38 by up to 5dBA which is a restricted discretionary activity refer to Rule 4.4.1.5(e) and scheduled engine testing that exceeds Rule 4.4.1.3(l) which is a non-complying activity.

Rules - Frost fans

- 4.4.2.42 Noise generated by frost fans shall not exceed 55dBA Leq (15mins) when assessed within the notional boundary of a dwelling on any other site in the Rural Zone, or within the site boundary of any Large Lot Residential Zone or Residential Zone.
- 4.4.2.43 Frost fans shall only be operated when the local air temperature drops to, or below 2 degrees centigrade, recorded at a height above ground relevant to the height of the bud or fruit being protected.

Activities that fail to comply with Rules 4.4.2.42 and 4.4.2.43 will require a resource consent for a non-complying activity.

Rules - Signs

- 4.4.2.44 The following signs are permitted:
 - (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(s) shall exceed the following:

- (i) In the Tokanui Dairy Research Centre the maximum total area of a sign is 3m² and the total areas of signs on a site shall not exceed 5m².
- (ii) In all other instances 1.2m² visible in any one direction with a maximum area of 2.4m².
- (b) Signs advertising that the land or premises are for sale or lease. The maximum size of each sign shall be no more than 2m² and no more than four signs are permitted on a site at any one time.
- (c) A sign erected on a construction site giving details of the project. The maximum total area of the sign shall be no more than 2m² and no more than one sign is permitted on a site at any one time.
- (d) Within the Tokanui Dairy Research Centre, signs giving information on forthcoming field days and displayed not more than 90 days before and three days after the event.
- (e) Signs of any materials erected by Council, New Zealand Transport Agency, or the Automobile Association for the direction and control of traffic.
- (f) Health and Safety at Work Act 2015 related signs.

Provided that in all cases:

- (i) Signs shall relate to activities authorised under the District Plan and shall be located on the site to which they relate; and
- (ii) Signs shall not be internally illuminated, flashing, incorporate fluorescent or moving materials such as flags or be painted in colours that are used on traffic signals; and
- (iii) All signs shall be 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; and
- (iv) A freestanding sign shall be placed so that no part is more than 2m above ground level; and
- (v) Signs shall be placed so that they do not block sight distances at entranceways and shall be no closer than 20m to a road intersection; and
- (vi) Signs shall be removed where the goods, services or events to which the sign relates are no longer available, or no longer relevant to that site or building.

4.4.2.45 Signs giving information on forthcoming events, elections, cultural, religious, educational or sporting events and displayed not more than 90 days before and three days after the event or such lesser time as may be prescribed by legislation; provided that there shall be no more than one sign per site, it shall not exceed 3m² and shall be setback 15m from any strategic road.

Provided that in all cases:

- (a) Signs shall not be internally illuminated, flashing, incorporate fluorescent or moving materials such as flags or be painted in colours that are used on traffic signals; and
- (b) All signs shall be 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; and
- (c) A freestanding sign shall be placed so that no part is more than 2m above ground level; and

- (d) Signs shall be placed so that they do not block sight distances at entranceways and shall be no closer than 20m to a road intersection; and
- (e) Signs shall be removed within three days of the conclusion of the event.

Provided that relevant the zone based or district wide rules apply where they are more restrictive. Refer to Section 22 - Heritage and Archaeology and Section 25 - Landscapes and Viewshafts.

Advice Note: Specific rules for signs located in identified landscapes areas are contained in Section 25 - Landscapes and Viewshafts.

Activities that fail to comply with Rules 4.4.2.44 and 4.4.2.45 will require a resource consent for a discretionary activity.

Rule - Solid and liquid waste generated off-site

- 4.4.2.46 The storage volume of non hazardous solid or liquid waste and/or by-product generated off site and suitable as a fertiliser or soil conditioner shall not exceed 100m³ per holding.

Advice Note: Rules relating to the location of disposal fields for domestic wastewater are found in Section 15 - Infrastructure, Natural Hazards, Development and Subdivision and in the Waikato Regional Plan. The Waikato Regional Plan also contains rules relating to discharges of solid and liquid waste to the environment.

Activities that fail to comply with this rule will require a resource consent for a restricted discretionary activity with the discretion being restricted over:

- Effects on rural character and amenity; and
- The type of by-product or waste proposed to be stored; and
- Location and scale of the storage facility; and
- Effects on surrounding properties.

These matters will be considered in accordance with the assessment criteria in Section 21.

Rule - Solid and liquid waste storage and spreading setbacks

- 4.4.2.47 The storage and spreading of any non hazardous solid or liquid waste and/or by-product as a fertiliser or soil conditioner shall be at least:

- (a) 100m from any existing dwellings or marae buildings on a separate holding.
- (b) 15m from the boundary of any adjoining holding.

Advice Note: Rules relating to the location of disposal fields for domestic wastewater are found in Section 15 - Infrastructure, Natural Hazards, Development and Subdivision and in the Waikato Regional Plan. The Waikato Regional Plan also contains rules relating to discharges of solid and liquid waste to the environment.

Activities that fail to comply with this rule will require a resource consent for a restricted discretionary activity with the discretion being restricted over:

- Effects on rural character and amenity; and
- The type of by-product or waste proposed to be stored or spread; and
- Location and scale of the storage facility; and
- Effects on surrounding properties.

These matters will be considered in accordance with the assessment criteria in Section 21.

- 4.4.2.48 Unless otherwise authorised under Rules 4.4.2.46 or 4.4.2.47 above, the disposal of solid waste shall be in landfill sites or at transfer stations approved by Council, provided that this rule shall not apply to the disposal of carcasses in offal pits, the composting of vegetation and the burying of non-toxic solid wastes on holdings where they are produced.

Activities that fail to comply with this rule will require a resource consent for a non-complying activity.

Rules - Temporary construction buildings

- 4.4.2.49 Temporary construction buildings shall only be used in conjunction with, and for the duration of, a construction project located on or adjacent to the same site as the construction project.
- 4.4.2.50 Temporary construction buildings are only permitted for one calendar year and shall comply with the minimum building setback requirements of the Rural Zone.

Activities that fail to comply with Rules 4.4.2.49 and 4.4.2.50 will require a resource consent for a discretionary activity.

Rules - Temporary event

- 4.4.2.51 All temporary buildings and works associated with a temporary event shall be removed and the site returned to its original condition within five working days of the temporary event ceasing.
- 4.4.2.52 A temporary event that is likely to attract more than 200 vehicles will require a Traffic Management Plan. The Traffic Management Plan shall be submitted to, and approved by the relevant road controlling authority no less than one month prior to the event commencing.
- 4.4.2.53 Temporary events shall not:
- (a) Occur more than two times per calendar year in total on any one site or holding; and
 - (b) Exceed the following durations individually or consecutively:
 - (i) Motorised sport or amplified outdoor musical events or concerts - one days duration (excluding preparation time); or
 - (ii) Other activities two days duration (excluding preparation time); and
 - (c) Occur outside of the hours of 7.00am to 10.00pm; and
 - (d) Exceed 500 attendees; and
 - (e) Occur on a site within 500m of a Residential Zone or Large Lot Residential Zone boundary.

Advice Note: Refer to the New Zealand Building Code – G1 – Personal Hygiene for the minimum number of toilets that should be provided, and for rubbish disposal provisions.

Activities that fail to comply with Rules 4.4.2.51 to 4.4.2.53 will require a resource consent for a discretionary activity.

Rule - Farm quarries

- 4.4.2.54 The material extracted shall:
- (a) Not exceed 1000m³ in any calendar year; and
 - (b) Be extracted not for pecuniary gain and primarily for use on the source land holding.

Advice Notes:

1. Resource consents may be required from the Waikato Regional Council.

2. Where material is extracted for pecuniary gain and/or not primarily for use on the source land holding, the activity becomes a mineral extraction activity.

Activities that fail to comply with this rule will require a resource consent for a restricted discretionary activity with the discretion being restricted over:

- The extent of the activity and the ability to internalise adverse effects; and
- The lifespan of the operation and potential for the site to be rehabilitated; and
- The extent to which off-site effects, will inhibit the use of surrounding land; and
- Landscaping; and
- Heavy vehicle movements.

These matters will be considered in accordance with the assessment criteria in Section 21.

Rules - Identification and imposition of a quarry buffer area and mineral extraction area on the Planning Maps

4.4.2.55 Where an application is made to identify and impose a quarry buffer area and a mineral extraction area on the Planning Maps, in conjunction with a new or existing mineral extraction activity, that application shall include information which establishes that:

- (a) The mineral extraction area contains an adequate area of land which will enable the effects of the mineral extraction activity to be contained on the site as far as is practicable.
- (b) The boundaries and extent of the quarry buffer area and mineral extraction area have taken into account:
 - (i) Surrounding land uses; and
 - (ii) The effects of noise, explosions, vibrations, smell, smoke, dust, glare, fumes and any discharge of contaminants into the air or water; and
 - (iii) Visual effects including the likely adverse effects on the appearance of the environs for residents from excavations, heaps, dumps, spoil or other materials, processing plant and buildings; and
 - (iv) Any water bodies, identified features, sites, items or areas; and
 - (v) Topography and prevailing weather patterns, particularly wind patterns.
- (c) The boundaries of the quarry buffer area have been minimised as far as possible through consideration of:
 - (i) Alternative locations; and
 - (ii) Alternative methods including internalisation of effects; and
 - (iii) Measures including location of processing plant, activity design, setbacks, landscaping or planting; and
 - (iv) The proposed life span of the operation, timing, nature and extent of rehabilitation works proposed that would contribute to the ability for the quarry buffer area to be uplifted.

In addition:

- (d) The application must include a noise assessment report prepared by a suitably qualified acoustic expert certifying the boundaries and extent of the mineral extraction area and the quarry buffer area which should identify:
 - (i) The time and frequency that the activity occurs; and

- (ii) The duration of noise and/or vibration continuance; and
- (iii) Any adverse effects on adjacent properties and/or activities; and
- (iv) Any special characteristics of the noise and/or vibration and subsequent effects on health and safety and on the amenity values of the surrounding environment; and
- (v) How the operation and management of the mineral extraction activity will avoid or minimise potential effects on neighbouring properties; and
- (vi) Mitigation proposals to address potential noise and vibration effects; and
- (vii) Whether the topography of the area influences sound propagation, particularly the effects of blasting.

Advice Note: Council may select a suitably qualified independent expert to assess or review information as per the provisions of section 92(2) of the Resource Management Act 1991, regarding the extent and boundaries of the mineral extraction area and the quarry buffer area.

Activities that fail to comply with this rule will require a resource consent for a non-complying activity.

4.4.2.56 A quarry buffer area and a mineral extraction area imposed in conjunction with a new or existing mineral extraction activity may be identified on the Planning Maps, provided that:

- (a) The site or sites are subject to an approved resource consent for the identification and imposition of a quarry buffer area and a mineral extraction area in conjunction with a new or existing mineral extraction activity; and
- (b) Council has resolved that a quarry buffer area and a mineral extraction area imposed in conjunction with a new or existing mineral extraction activity, may be identified on the Planning Maps.

Activities that fail to comply with this rule will require a resource consent for a non-complying activity.

Rule - Uplifting of a Quarry Buffer Area

4.4.2.57 A Quarry Buffer Area identified on the Planning Maps may be uplifted in whole or part, provided that:

- (a) Rehabilitation of the site is completed; and
- (b) The area is no longer required for mineral extraction activities; and
- (c) The quarry operator has identified in writing, the areas of the Quarry Buffer Area that are no longer required; and
- (d) Council has resolved that the Quarry Buffer Area identified on the Planning Maps may be uplifted in whole or part.

Activities that fail to comply with this rule will require a resource consent for a restricted discretionary activity with the discretion being restricted over:

- The extent to which the rehabilitation of the site is complete; and
- The extent to which the mineral extraction activities on the remainder of the site are able to internalise adverse effects.

These matters will be considered in accordance with the assessment criteria in Section 21.

Rule - Tree planting

4.4.2.58 No trees within a woodlot forest, commercial forest or shelterbelt which are or are likely to grow to more than 6m in height shall be planted closer than any of the distances specified below:

- (a) 30m from any dwelling on an adjoining site; or
- (b) 30m from any site boundary of the Residential Zone or Large Lot Residential Zone or Marae Development Zone; or
- (c) 20m from any strategic arterial road and 10m from any other road or railway; or
- (d) 10m to a vertical line directly below an overhead power or telephone line; or
- (e) 5m from the edge of any lake or from the banks of any water bodies except trees which are planted for river protection works, soil conservation or for conservation planting.

Activities that fail to comply with this rule will require a resource consent for a restricted discretionary activity with the discretion being restricted over:

- Effects on adjacent properties; and
- Effects on infrastructure and utilities; and
- Effects on water bodies as a result of potential tree fall and/or harvesting.

These matters will be considered in accordance with the assessment criteria in Section 21.

Rule - Harvesting of commercial and/or woodlot forestry

4.4.2.59 Harvesting of forestry, by way of:

- (a) Clear felling of less than 4ha per calendar year per holding; or
- (b) Continuous cover forestry generating up to 80 loaded truck and trailers loads per calendar year per holding.

Provided that:

- (i) The forestry to be harvested is not located within a water supply catchment; and
- (ii) Access onto the road network is via a Council approved heavy vehicle entrance; and
- (iii) No harvesting related activity occurs on the road reserve; and
- (iv) The harvesting operation shall occur between 1 November and 31 May.

Activities that fail to comply with this rule will require a resource consent for a controlled activity in accordance with Rule 4.4.1.2(a).

Rule - Planted indigenous forestry

4.4.2.60 Planted indigenous forestry shall not occur within a significant natural area (Appendix N5), bush stand (Appendix N8) or on other land which meets the criteria for determining significance of indigenous biodiversity as identified in the Regional Policy Statement.

Advice Notes:

1. Planted indigenous forestry may be established adjoining a significant natural area.
2. Harvesting activities may require a resource consent for a controlled activity under Rule 4.4.1.2(a).

Activities that fail to comply with this rule will require a resource consent for a non-complying activity.

Rule - Home occupations

- 4.4.2.61 Exclusive of permanent residents who refer to the site as their home and permanent address, no more than two people shall be engaged in a home occupation in a dwelling including any building accessory thereto, provided that:
- (a) The principal operator of the home occupation must be a permanent resident on the site to which the home occupation relates; and
 - (b) The total gross floor area in the dwelling or accessory buildings used for the home occupation, (excluding visitor accommodation as part of residential activities), shall not exceed 50m²; and
 - (c) Any outdoor area associated with the home occupation shall be visually screened from any public place, shall not encroach on any building setback, and shall not exceed 100m²; and
 - (d) There shall be no sale of goods or services from the site other than those produced on the site, and the building space associated with retail activity shall not exceed 20m²; and
 - (e) Any storage of equipment, machinery or goods associated with the home occupation shall be visually screened from any dwelling on an adjoining property or public place; and
 - (f) A home occupation shall generate no more than 20 vehicle movements per day; and
 - (g) The number of paying guests who are provided with board and lodging and/or meals shall not exceed ten people at any one time.

Activities that fail to comply with Rules 4.4.2.61(a) or 4.4.2.61(d) will require a resource consent for a non-complying activity.

Activities that fail to comply with Rules 4.4.2.61(b), 4.4.2.61(c), 4.4.2.61(e) to 4.4.2.61(g) will require a resource consent for a discretionary activity.

Rules - Activities within the Air Noise Boundary (ANB), the SEL 95 Boundary and the Outer Control Boundary (OCB)

- 4.4.2.62 All noise sensitive activities within the ANB, the SEL 95 Boundary and the OCB as shown on the Planning Maps shall incorporate appropriate acoustical treatment to ensure that a noise level not exceeding 40dBA (Ldn) shall be achieved inside the building. For residential activities including residential activities ancillary to any other activity, visitor accommodation and education facilities, this rule shall only apply to habitable rooms and shall include extensions and additions to existing residential activities and visitor accommodation.
- 4.4.2.63 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 O10 and in accordance with the following adjustments to the dBA level to establish an unweighted external source spectrum for aircraft noise:

External aircraft noise octave band adjustments for sound insulation design

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

Advice Note: Adjustments derived from ASTM E 1332-90 (2003) Table 1.

- 4.4.2.64 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 40dBA 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 acoustic design solutions in the building:
 - (i) Standard external cladding with minimum surface density of 8kgs/m²; and
For the purpose of this rule, brick, concrete, plaster, timber or plastic weatherboard and fibre cement board cladding complies with the minimum standard.
 - (ii) Internal wall linings of gypsum plasterboard of at least 12mm thickness or similar density material; and
 - (iii) Continuous ceiling linings without cut-outs and of gypsum plasterboard of at least 10mm 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, concrete tiles, or butynol on 15mm plywood; and
 - (vi) Standard external window and door glazing of minimum 6mm 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% of the room's total floor area.
 - (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 Rule 4.4.2.64 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 Rule 4.4.2.64 shall be provided with sleeping areas complying with the 'other habitable rooms' requirements.

Ventilation standards

- 4.4.2.65 Ventilation systems shall meet the following standards:

Room type	Outdoor air ventilation rate (air changes per hour)	
	Low setting*	High setting*
Principal living rooms	1 - 2 ac / hr	Min. 15 ac / hr
Other habitable rooms	1 - 2 ac / hr	Min. 5 ac / hr
(a) Each system shall 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 three stages. (b) 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°C heat rise when the airflow is set to the low setting. (c) Each heating system is to have a minimum of two equal heating stages. (d) If air conditioning is provided to any space then the high setting ventilation requirement for that space is not required. (e) For non-habitable rooms the ventilation requirements of the NZ Building Code shall apply.		

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

Room type	Noise level measured at least 1m from the diffuser (Leq dBA)	
	Low setting	High setting
Habitable Rooms excluding sleeping areas	35	40
Sleeping areas	30	35

4.4.2.67 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 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 O10 and in accordance with the following adjustments to the dBA level to establish an unweighted external source spectrum for aircraft noise:

External aircraft noise octave band adjustments for sound insulation design

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

Advice Note: 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.

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

Ventilation standards

Room type	Outdoor air ventilation rate (air changes per hour)	
	Low setting*	High setting*
Sleeping areas	1 - 2 ac / hr	Min. 5 ac / hr
<ol style="list-style-type: none"> Each system shall 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 three 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°C heat rise when the airflow is set to the low setting. Each heating system is to have a minimum of two 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. 		

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

Room type	Noise level measured at least 1m from the diffuser (Leq dBA)	
	Low setting	High setting
Sleeping areas	30	35

Activities that fail to comply with Rules 4.4.2.62 to 4.4.2.69 will require a resource consent for a discretionary activity.

Rule - Maximum building coverage of new buildings in the Narrows Concept Plan Area

4.4.2.70 The maximum site coverage for buildings within the Narrows Concept Plan area shall be 3% of the gross site area.

Activities that fail to comply with this rule will require a resource consent for a discretionary activity.

Rule - Set back from Waikato River for the Narrows Concept Plan Area

4.4.2.71 All structures, stormwater and wastewater collection, treatment and disposal systems, shall be set back 45m from the top of the bank of the Waikato River except for the Te Awa Cycleway.

Activities that fail to comply with this rule will require a resource consent for a discretionary activity.

Rules - Tokanui Dairy Research Centre Core Campus Area

4.4.2.72 Total building coverage for agricultural research activities within the area identified as the "Core Campus Area" within the Tokanui Dairy Research Centre (as shown on Planning Maps) shall not exceed 1ha.

4.4.2.73 The maximum number of full time employees within the Core Campus Area shall be no more than 20.

Activities that fail to comply with Rules 4.4.2.72 and 4.4.2.73 will require a resource consent for a restricted discretionary activity with the discretion being restricted over:

- Visual effects on surrounding properties; and
- Effects on rural character and amenity; and
- Reverse sensitivity effects; and
- Lighting and glare; and
- Vehicle access; and
- Transport and traffic related effects; and
- Water supply, wastewater and stormwater disposal.

These matters will be considered in accordance with the assessment criteria in Section 21.

Rules - Earthworks

4.4.2.74 Earthworks (excluding mineral extraction activities), shall not exceed a total volume of 1000m³ in a single activity or in cumulative activities in any calendar year, provided that this rule shall not apply to earthworks incidental to an approved resource consent or building consent, tillage

of land associated with the growing of crops, construction, maintenance and upgrading of farm tracks, farm silage pits or existing drains.

Advice Notes:

1. In the event that any artefacts, human remains or evidence of historic human activity are discovered, there is a procedure under the Heritage New Zealand Pouhere Taonga Act 2014 that must be followed.
2. There are additional earthworks restrictions in Section 25 - Landscapes and Viewshafts if a property is located within an identified landscape.
3. Waikato Regional Plan contains rules requiring resource consent for new or deeper drainage work within 200m of any wetland or lake listed in Section 3.7.7 of the Waikato Regional Plan.
4. There are additional earthworks rules in Section 26 - Lakes and Water bodies relating to setbacks from lakes and water bodies.
5. Earthworks within 23m of a lake or water bodies require resource consent. Refer Section 26 - Lakes and Water bodies.
6. Earthworks complying with permitted activity standards or subject to resource consent requirements under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011, are exempt from additional resource consent requirements.

Activities that fail to comply with this rule will require a resource consent for a discretionary activity.

4.4.2.75 Any earthworks within a National Grid Yard must:

(a) Around National Grid pole support structures:

- (i) Be no deeper than 300mm within 2.2m of a National Grid pole support structure or stay wire; and
- (ii) Be no deeper than 750mm between 2.2m to 5m from a National Grid pole support structure or stay wire.

Provided that vertical holes not exceeding 500mm in diameter beyond 1.5m from the outer edge of pole support structure or stay wire are exempt from (i) and (ii) above.

(b) Around National Grid tower support structures:

- (i) Be no deeper than 300mm within 6m of the outer visible edge of a National Grid tower; and
- (ii) Be no deeper than 3m between 6m to 12m from the outer visible edge of a National Grid tower.

Provided that vertical post holes for a rural fence or horticultural structure not exceeding 500mm in diameter beyond 5m from the visible outer edge of the tower support structure foundation are exempt from (i) above.

(c) Anywhere within the National Grid Yard:

- (i) Not create an unstable batter that will affect a transmission support structure; and
- (ii) Not result in a reduction in the ground to conductor clearance distances below what is required by Table 4 of NZECP34.

Provided that the following are exempt from Rule 4.4.2.75(a) and (b) above:

- (i) Earthworks undertaken by a network utility operator; or
- (ii) Earthworks undertaken as part of agricultural or domestic cultivation, or repair, sealing or resealing of a road, footpath, driveway or farm track.

Activities that fail to comply with this rule will require a resource consent for a non-complying activity.

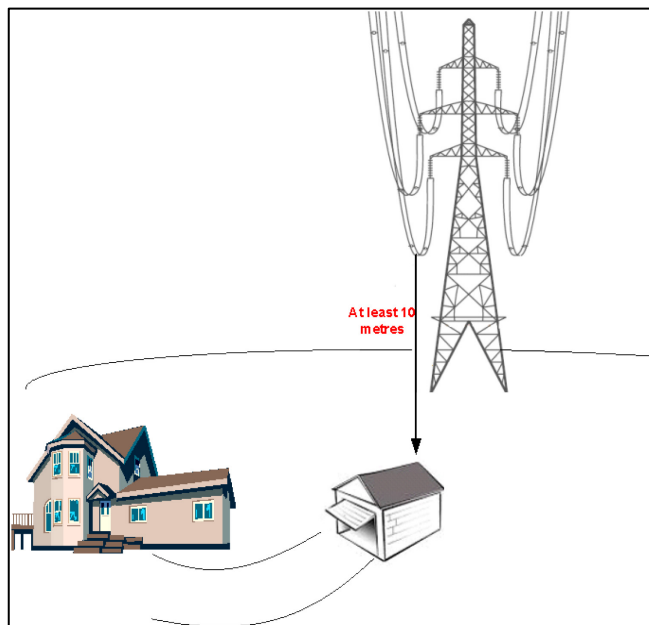
Rules - Buildings and structures within the National Grid Yard

4.4.2.76 Buildings and structures on all sites under the National Grid Conductors (wires), within any part of the National Grid Yard, are permitted if they meet the following:

- (a) Are internal alterations to a building used for a National Grid Sensitive Activity that do not extend the building footprint, or increase the height of the building; and/or
- (b) Are a fence; and/or
- (c) Are network utilities within a transport corridor or any part of electricity infrastructure that connects to the National Grid; and/or
- (d) Are an uninhabitable building for farming activities, excluding commercial greenhouses, buildings for intensive farming activities, or milking/dairy sheds (excluding ancillary structures); and/or
- (e) Are uninhabited horticultural buildings or structures; and/or
- (f) Any public sign required by law or provided by any statutory body in accordance with its powers under any Act.

Provided that all buildings and structures must comply with at least one of the following:

- (i) Have a minimum vertical clearance of 10m below the lowest point of the conductor associated with National Grid lines (refer diagram below); or
- (ii) Demonstrate that safe electrical clearance distances are maintained under all National Grid line operating conditions.



Activities that fail to comply with this rule will require a resource consent for a non-complying activity.

4.4.2.77 Buildings and structures around the National Grid Support Structures shall be setback a minimum of 12m from a National Grid Support Structure, provided that the following buildings and structures are exempt from this rule:

- (a) A Network utility within a transport corridor or any part of electricity infrastructure that connects to the National Grid; or
- (b) A fence less than 2.4m in height and more than 5m from the nearest National Grid Support Structure; or
- (c) A horticultural structure between 8m and 12m from a single pole support structure that:
 - (i) Meets the requirements of the New Zealand Electrical Code Of Practice for Electrical Safe Distances for separation distances from the conductor (NZECP34:2001); and
 - (ii) Is no more than 2.5m high; and
 - (iii) Is removable or temporary, to allow a clear working space 12m from the pole support structure when necessary for maintenance and emergency repair purposes; and
 - (iv) Allows all weather access to the pole support structure and a sufficient area for maintenance equipment, including a crane.

Activities that fail to comply with this rule will require a resource consent for a non-complying activity.

Rule - Relocated buildings

4.4.2.78 A relocated building over 40m² GFA shall meet the following requirements:

- (a) A Building Relocation Inspection Report shall accompany an application for a building consent. The Building Relocation Inspection Report shall be prepared by one of the following suitably qualified and experienced people:
 - (i) A Waipa District Council Building Compliance Officer (or equivalent); or
 - (ii) A member of the New Zealand Institute of Building Surveyors; or
 - (iii) A licensed building practitioner (carpenter or design category); or
 - (iv) A building inspector from the local authority where the building is being relocated from; and
- (b) If the Building Relocation Inspection Report has been prepared by a person other than a Waipa District Council Building Compliance Officer (or equivalent position), the accuracy and completeness of the Building Relocation Inspection Report must be confirmed by a Waipa District Council Building Compliance Officer (or equivalent position) by undertaking an on-site inspection of the relocated building once it has been relocated; and should the Waipa District Council Building Compliance Officer determine that the relocated building requires external repair works in addition to that identified in the submitted Building Relocation Inspection Report in order to achieve a tidy and workmanlike external appearance, then:
 - (i) The owner of site to which the building is to be relocated will be contacted and must agree in writing to the additional works within 2 weeks of notification of the requirement for additional works. The additional works then become part of the Building Relocation Inspection Report.
- (c) All required repairs and maintenance identified in the Building Relocation Inspection Report to reinstate the exterior of the relocated building, including painting, if required, shall be completed within 6 months of the relocated building being delivered to the site; and

- (d) The owner of site to which the building is to be relocated must supply a signed declaration to Council that the reinstatement work required by the Building Relocation Inspection Report will be completed within 6 months of the relocated building being delivered to the site.

Provided that this rule shall not apply to new buildings which are designed for or intended to be used on a site which are erected off the site either in whole or in parts and transported to the site.

Advice Notes:

1. Relocated buildings less than 40m² are not required to comply with this rule but are required to comply with the relevant rules in 4.4.2.
2. Information requirements for a Building Relocation Inspection Report are detailed in Section 21.2.27.
3. The onsite inspection by a Waipa District Council Building Compliance Officer (or equivalent position) shall occur at the time of foundation inspection for the Building Consent process, and will not incur additional costs.

Activities that fail to comply with this rule will resource a resource consent for a restricted discretionary activity with the discretion being restricted over:

- Condition of the exterior of the building; and
- Repairs and works identified for action in Council approved or certified Building Relocation Inspection Report; and
- Reinstatement works; and
- Timing for completing any required works.

These matters will be considered in accordance with the assessment criteria in Section 21.

Rule - Farm workers' dwellings

4.4.2.79 The requirements for farm workers' dwellings shall be:

- (a) One farm workers' dwelling per holding; and
- (b) The minimum size of the holding shall be 40ha; and
- (c) The farm workers' dwelling shall be relocatable; and
- (d) The farm workers' dwelling shall not be located in whole or in part within the areas identified in Rule 15.4.2.39 with the exception that the dwelling can be located on high class soils.
- (e) In the event that a farm workers' dwelling constructed after 1 April 2015 is no longer required, the land surrounding the dwelling shall not be subdivided under the provisions of the Subdivision of a Surplus Dwelling in the Rural Zone Rules 15.4.2.30 to 15.4.2.35.

Activities will be a restricted discretionary activity with the discretion being restricted over:

- Site suitability; and
- Site layout and services; and
- Landscaping; and
- Potential reverse sensitivity effects on any adjoining rural activities; and
- Proximity to farm effluent storage facilities; and
- Justification for the additional dwelling; and
- The extent to which the building is designed to be relocated.

These matters will be considered in accordance with the assessment criteria in Section 21. Activities which fail to comply with Rule 4.4.2.79(a) to 4.4.2.79(d) will require a resource consent for a discretionary activity.

Activities which fail to comply with Rule 4.4.2.79(e) will require a resource consent for a non-complying activity.

Rule - Fencing for goat farming

- 4.4.2.80 All fences inside or within 1km of within a significant natural area (Appendix N5) or bush stand (Appendix N8) must meet and be maintained to meet the requirements of the New Zealand Recommended Code of Practice for Goat Farming September 2000.

Activities that fail to comply with this rule will require a resource consent for a discretionary activity.

Rules - Fencing for deer farming

- 4.4.2.81 For land within an area regulated by the Department of Conservation, deer shall be fenced according to the provisions of the Deer Farming Notice, No 5 2008 pursuant to section 12A of the Wild Animal Control Act 1977.
- 4.4.2.82 For areas not regulated by the Department of Conservation, deer shall be fenced according to the boundary fencing specifications of Deer Industry New Zealand.

Activities that fail to comply with Rules 4.4.2.81 and 4.4.2.82 will require a resource consent for a discretionary activity.

Rule - Pasture reinstatement

- 4.4.2.83 Vegetation clearance of manuka and/or kanuka and/or tree ferns on land previously in pastoral use for the purpose of maintaining or reinstating pasture shall comply with the following:
- (a) Not occur within 10m of a water body; and
 - (b) Vegetation to be cleared shall be less than 15 years old and less than 5m in height.

Advice Notes:

1. Refer also to the provisions in Section 24 – Indigenous Biodiversity
2. Note where indigenous vegetation is to be removed or modified under Rule 4.4.2.83 there may be a need to verify the age of regeneration kanuka, manuka or tree ferns to avoid the possibility of carrying out an unauthorised activity. The Waikato Regional Aerial Photography project has data available which may be used to verify age if required.

Activities that fail to comply with this rule will require a resource consent for a restricted discretionary activity with the discretion being restricted over:

- Area and location of vegetation to be removed; and
- Effect on ecological and biodiversity values; and
- Effect on at risk or threatened species; and
- Effects on the relationship of tāngata whenua with their ancestral lands, water sites, wāhi tapu, and other taonga; and
- Remediation and mitigation measures including consideration of the no net loss principle.

These matters will be considered in accordance with the assessment criteria in Section 21.

Rules - Residential Based Visitor Accommodation

- 4.4.2.84 Residential Based Visitor Accommodation is permitted if it accommodates no more than 15 people:
- (a) Where there are permanent residents staying on a site they will be included in the maximum number of people able to be accommodated overnight.

- 4.4.2.85 There shall be no more than two temporary living spaces such as tents, caravans, motor vans or campervans used at any time for Residential Based Visitor Accommodation.
- 4.4.2.86 Residential Based Visitor Accommodation is permitted if the dwelling contains:
- (a) One bathroom for up to 10 guests.
 - (b) Two bathrooms for 10 – 15 guests.

Activities which fail to comply with this rule will require a resource consent for a discretionary activity.

4.5 Assessment Criteria

4.5.1 Controlled activities and Restricted Discretionary activities

For controlled and restricted discretionary activities the assessment will be restricted to the matters over which control or discretion has been reserved, in accordance with the relevant assessment criteria contained in Section 21. Resource consent conditions can only be imposed over the matters which control or discretion has been reserved.

4.5.2 Discretionary activities

For discretionary activities Council shall have regard to the assessment criteria in Section 21. The criteria in Section 21 are only a guide to the matters that Council will consider and shall not restrict Council's discretionary powers.