

5.1 RURAL ZONE

5.1.1 ZONE PURPOSE

- (1) Apart from those areas specifically zoned as Conservation, Coastal, Karangahake or Reserve Zones most of the land outside of the towns and townships of the District is within the Rural Zone.
- (2) The Rural Zone is almost exclusively a farming area covering the fertile Hauraki Plains and Waihi Basin areas, the western foothills of the Hapuakohe Range, the eastern hills of the Waihi Basin and the foothills of the Coromandel and Kaimai-Mamaku Ranges. Predominantly dairy farming is concentrated on the plains area. Horticulture is predominantly located in the Waihi Basin. Extensive grazing and production forestry occurs in the hill country. The rural land resource is one of the most valued of the natural and physical resources in the District. Important mineral resources are located within the Rural Zone.
- (3) Most of the land in the Rural Zone is in pasture or under cultivation. Areas of commercial forestry are located particularly on the western ranges, and extractive industry occurs in a number of locations. In other locations within the Rural Zone, protection of public water supply sources, water and/or soil conservation and land management considerations require that the land either remain undeveloped or the current ground cover remain undisturbed, or that the land is carefully managed.
- (4) There are significant natural areas (eg stands of indigenous vegetation), outstanding natural features and landscapes and district amenity landscapes within the rural area, that require protection from adverse effects of some activities. The protection provisions for indigenous biodiversity of significance in the Rural Zone are supplemented by other general provisions relating to less significant indigenous biodiversity.
- (5) The Rural Zone is of a generally open character, with buildings mainly limited to dwellings and other buildings directly associated with rural production activities.

5.1.2 OBJECTIVES AND POLICIES

(1) OBJECTIVE 1

To ensure a range of compatible rural land use activities can be undertaken, which benefit from the productive potential, location and rural character of the zone.

(a) Policies

Objective 1 will be achieved by implementation of the following policies:

- (i) Rural production activities that require the use of land with productive capability should be able to locate on land with such value.
- (ii) Land use activities which do not rely on land with high productive capability (including urban development and rural lifestyle activities) should not be sited on land with high productive capability, except where the character, scale and intensity

of those activities ensures that the land remains available for other activities in future that can utilise its high productive capability.

- (iii) Ensure buildings (including dwellings) and rural activities maintain the amenity value of a predominantly open rural character and the productive use of the land.
- (iv) Activities with a functional or legitimate need for a rural location should not be established in rural areas unless they are able to be undertaken without constraining the lawful operation of rural production activities which are carried out in accordance with accepted management practices.

(b) Reasons

- (i) To protect rural production resources identified as being significant to the District for rural production activities requiring land with productive capability.
- (ii) To achieve a flexible approach to land use management with emphasis being placed on the effects of activities.
- (iii) To achieve a flexible approach to subdivision management.
- (iv) To retain the open character of the rural area.

(2) OBJECTIVE 2

To preserve and enhance the open rural landscape character of the zone.

(a) Policies

Objective 2 will be achieved by implementation of the following policy:

- (i) Ensure the erection of buildings does not detract from the open rural landscape character values of the Rural Zone.

(b) Reasons

- (i) To maintain and enhance important amenity values in the District.

Note: Refer to section 6.3.3 for the objectives and policies relating to the Outstanding Natural Landscape Area and District Amenity Landscape Area within the Rural zone.

(3) OBJECTIVE 3

To provide for the investigation and utilisation of mineral resources including on-site processing and use of these resources by associated industries,

(a) Policies

Objective 3 will be achieved by implementation of the following policies:

- (i) Recognise that important mineral resources are located within the Rural Zone and that these minerals can only be extracted from where they are found.
- (ii) Require that the adverse effects of mineral investigation, extraction activities (including overburden cleanfills) and associated industrial activities be avoided, remedied or mitigated.

- (iii) Provide for associated industries to co-locate with extractive industries to encourage on-site processing of minerals.
- (iv) Recognise that the voids and other landscape features created by mining activities may be appropriate for a range of other uses (including recreational and industrial), and to allow for such uses in a manner where adverse effects are avoided, remedied or mitigated.

(b) Reasons

- (i) The District includes areas which are currently being mined or are known to have potential for the discovery of mineral resources.
- (ii) The environmental effects of investigating mineral resources potential needs to be managed in an appropriate manner.
- (iii) The on-site processing and use of mineral resources may result in significant cost and environmental savings by reducing transportation requirements.
- (iv) The voids and other landscape features created by some mining activities are a physical resource that should be used and developed in a manner that avoids, remedies or mitigates potential adverse effects.

(4) OBJECTIVE 4

To ensure that adverse effects of a land use activity on the environment or on the amenities of neighbours are avoided, remedied or mitigated.

(a) Policies

Objective 4 will be achieved by implementation of the following policies:

- (i) Require that all effluent is able to be safely disposed of to protect human health, and there is no associated smell nuisance from effluent or any other aspect of the activity.
- (ii) Ensure the implications of land use activities for the safety and efficiency of the roading network (especially through the integration of land uses with the roading network) are properly addressed.
- (iii) Other adverse effects (eg noise, smell, glare, vibration, visual) on the environment and amenity of the District (particularly where they are near to residential or other sensitive activities) should where practicable be avoided, or remedied or mitigated.
- (iv) Development in natural hazard areas that is likely to be adversely affected by such hazards should be avoided, where necessary, in preference to mitigating adverse hazard effects.

(b) Reasons

- (i) Whilst accepting that a range of activities should be provided for in the Rural Zone, care must be taken to ensure that: any adverse effect arising from the activities does not result in traffic hazard or traffic safety problems; nor that any dangerous, public health related or nuisance elements arise; and that there is minimal detracting from the amenities of the locality either at present or in the future, including cumulatively.

(5) OBJECTIVE 5

To recognise and provide for the development and use of ancestral Maori Land in a manner that recognises the cultural based housing needs and traditions associated with such land.

(a) Policies

Objective 5 will be achieved by implementation of the following policies:

- (i) Residential activities (Papakāinga) should be able to be developed and carried out on Maori land, where the effects on the environment can be avoided, remedied or mitigated.

(b) Reasons

- (i) The relationship of Maori, including their culture and traditions, with ancestral lands is required to be recognised and provided for as a Matter of National Importance as stipulated in the Act, and this is partly given effect to by supporting traditional Maori cultural living on Maori land.
- (ii) The District Plan also needs to take into account the Principles of the Treaty of Waitangi.
- (iii) The Marae Development Zone (Section 5.9) provides for wider Maori development than purely residential.

5.1.3 ENVIRONMENTAL RESULTS

- (1) The main expected environmental result of the Rural Zone is to facilitate productive uses of land that are compatible with retaining the open character and environmental amenity of the rural area and which promote the sustainable management of the physical and natural resources of the rural area.
- (2) It is recognised that in addition to traditional farming and forestry activities there is a need to accommodate a diverse range of opportunities for land use activities that enhance the social, economic and cultural wellbeing of the rural community. Some of these activities may have adverse effects that are incompatible with each other. Such activities should be managed to ensure the effects do not detrimentally impact on the physical and natural resources, other rural activities or the amenities of existing residents.
- (3) Within the rural zones, certain areas/features have been identified as being significant resources worthy of protection. Such areas/features include significant ecological areas, built heritage, areas of high scenic quality and important landscape features. The result sought with

regard to such areas is that they are not adversely affected by the impacts of land use and subdivision activities.

5.1.4 ACTIVITY STATUS

Activities and their *accessory uses*, and *buildings* (unless otherwise stated) are *Permitted*, *Controlled*, *Restricted Discretionary*, *Discretionary*, *Non Complying* or *Prohibited* according to the Activity Status Table below:

5.1.4.1 PERMITTED ACTIVITIES

Those activities listed below are a *Permitted Activity*, unless otherwise specified and subject to compliance with the:

- *Zone Development Standards* specified in Rule 5.1.5;
- Activity Specific Standards specified in Rule 5.1.6;
- Conservation and Heritage provisions in Section 6.0;
- Specific and District Wide provisions in Section 7.0; and
- District Wide Performance Standards in Section 8.0.

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| P1 | <i>DRAINAGE WORKS AND RIVER CONTROL WORKS</i> Note : Resource consent may be required from the Waikato Regional Council for these activities |
| P2 | PEDESTRIAN WALKWAYS (INCLUDING SEATING AND TABLES), CYCLEWAYS AND JOGGING TRACKS OUTSIDE OF THE OUTSTANDING NATURAL LANDSCAPE AREA (REFER TO ACTIVITY SPECIFIC STANDARD 5.1.6(4)) |
| P3 | PEDESTRIAN WALKWAYS (INCLUDING SEATING AND TABLES), CYCLEWAYS AND JOGGING TRACKS IN THE OUTSTANDING NATURAL LANDSCAPE AREA (REFER TO ACTIVITY SPECIFIC STANDARD 5.1.6(8)) |
| P4 | ONE <i>DWELLING</i> ON EACH <i>CERTIFICATE OF TITLE</i> CONTAINING UP TO 40 HECTARES OF LAND (EXCLUDING <i>DWELLINGS</i> AND ADDITIONS THERETO AND <i>ACCESSORY BUILDINGS</i> AND ADDITIONS THERETO IN THE OUTSTANDING NATURAL LANDSCAPE AREA, DISTRICT AMENITY LANDSCAPE AREA OR PIAKO FLOOD <i>PONDING AREA</i>) (REFER TO ACTIVITY SPECIFIC STANDARD 5.1.6(4)) |
| P5 | TWO <i>DWELLINGS</i> ON EACH <i>CERTIFICATE OF TITLE</i> CONTAINING 40 OR MORE HECTARES OF LAND (EXCLUDING <i>DWELLINGS</i> AND ADDITIONS THERETO AND <i>ACCESSORY BUILDINGS</i> AND ADDITIONS THERETO IN THE OUTSTANDING NATURAL LANDSCAPE AREA, DISTRICT AMENITY LANDSCAPE AREA, OR PIAKO FLOOD <i>PONDING AREA</i>) (REFER TO ACTIVITY SPECIFIC STANDARD 5.1.6(4)) |
| P6 | ONE <i>DWELLING</i> ON EACH <i>CERTIFICATE OF TITLE</i> CONTAINING UP TO 40 HECTARES OF LAND IN THE DISTRICT AMENITY LANDSCAPE AREA (REFER TO ACTIVITY SPECIFIC STANDARD 5.1.6(7)) |
| P7 | TWO <i>DWELLINGS</i> ON EACH <i>CERTIFICATE OF TITLE</i> CONTAINING 40 OR MORE HECTARES OF LAND IN THE DISTRICT AMENITY LANDSCAPE AREA (REFER TO ACTIVITY SPECIFIC STANDARD 5.1.6(7)) |

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| P8 | <i>ACCESSORY BUILDINGS TO DWELLINGS</i> IN THE OUTSTANDING NATURAL LANDSCAPE AREA (REFER TO ACTIVITY SPECIFIC STANDARD 5.1.6(6)) OR IN THE DISTRICT AMENITY LANDSCAPE AREA (REFER TO ACTIVITY SPECIFIC STANDARD 5.1.6(7)) |
| P9 | <i>FORESTRY</i> (OUTSIDE THE PIAKO FLOOD <i>PONDING AREA</i> , OUTSTANDING NATURAL LANDSCAPE AREA AND DISTRICT AMENITY LANDSCAPE AREA) (REFER TO ACTIVITY SPECIFIC STANDARD 5.1.6(4)) |
| P10 | EXISTING <i>FORESTRY</i> IN THE OUTSTANDING NATURAL LANDSCAPE AREA (AT 26 SEPTEMBER 2014), INCLUDING <i>ACCESSORY BUILDINGS</i> (REFER TO ACTIVITY SPECIFIC STANDARD 5.1.6(6)) |
| P11 | <i>FORESTRY</i> IN THE DISTRICT AMENITY LANDSCAPE AREA INCLUDING <i>ACCESSORY BUILDINGS</i> (REFER TO ACTIVITY SPECIFIC STANDARD 5.1.6(7)) |
| P12 | <i>FARMING</i> (EXCLUDING ADDITIONS TO AND NEW <i>BUILDINGS</i> WHERE IN THE OUTSTANDING NATURAL LANDSCAPE AREA AND DISTRICT AMENITY LANDSCAPE AREA OR PIAKO FLOOD <i>PONDING AREA</i>) (REFER TO ACTIVITY SPECIFIC STANDARD 5.1.6(4)) |
| P13 | ADDITIONS TO AND NEW <i>BUILDINGS</i> ACCESSORY TO <i>FARMING</i> WHERE IN THE OUTSTANDING NATURAL LANDSCAPE AREA (REFER TO ACTIVITY SPECIFIC STANDARD 5.1.6(6)) AND DISTRICT AMENITY LANDSCAPE AREA (REFER TO ACTIVITY SPECIFIC STANDARD 5.1.6(7)) |
| P14 | TRACKS, DRIVEWAYS, OUTSIDE OF THE OUTSTANDING NATURAL LANDSCAPE AREA (REFER TO ACTIVITY SPECIFIC STANDARD 5.1.6(4)) |
| P15 | TRACKS, DRIVEWAYS IN THE OUTSTANDING NATURAL LANDSCAPE AREA (REFER TO ACTIVITY SPECIFIC STANDARD 5.1.6(8)) |
| P16 | ONE <i>PRODUCE STALL</i> PER <i>HOLDING</i> (REFER TO ACTIVITY SPECIFIC STANDARD 5.1.6(1)) (EXCEPT IN THE OUTSTANDING NATURAL LANDSCAPE AREA OR PIAKO FLOOD <i>PONDING AREA</i>) (REFER TO ACTIVITY SPECIFIC STANDARD 5.1.6(4)) |
| P17 | <i>HOME/FARM STAY</i> |
| P18 | <i>HOME OCCUPATION</i> (REFER TO ACTIVITY SPECIFIC STANDARDS 5.1.6(2) AND (4)) |
| P19 | <i>PROSPECTING</i> |
| P20 | <i>EXPLORATION</i> (EXCLUDING <i>EXPLORATION</i> IN THE OUTSTANDING NATURAL LANDSCAPE AREA AND DISTRICT AMENITY LANDSCAPE AREA) (REFER TO ACTIVITY SPECIFIC STANDARDS 5.1.6(3)(a) AND 5.1.6(4)) |
| P21 | <i>TEMPORARY USES AND BUILDINGS</i> (INCLUDING <i>TEMPORARY MILITARY TRAINING</i>) (REFER TO ACTIVITY SPECIFIC STANDARD 5.1.6(4)) |
| P22 | REMOVAL OR DEMOLITION OF <i>BUILDINGS</i> |
| P23 | <i>ACCESSORY BUILDINGS</i> ASSOCIATED WITH A <i>MINOR DWELLING UNIT</i> (REFER TO 5.1.6(7) AND DEFINITION OF <i>MINOR DWELLING UNIT</i>). |

5.1.4.2 CONTROLLED ACTIVITIES

Those activities listed below are a *Controlled Activity* unless otherwise specified and subject to compliance with the:

- *Zone Development Standards* specified in Rule 5.1.5;
- Activity Specific Standards in Rule 5.1.6;
- Conservation and Heritage provisions in Section 6.0;
- Specific and District Wide provisions in Section 7.0; and
- District Wide Performance Standards in Section 8.0.

Conditions may be imposed in relation to the matters over which control has been reserved, as specified below.

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| <p>C1</p> | <p><i>PAPAKAINGA HOUSING</i> (EXCEPT IN OUTSTANDING NATURAL LANDSCAPE AREA AND DISTRICT AMENITY LANDSCAPE AREA OR PIAKO FLOOD <i>PONDING AREA</i>) (refer to Activity Specific Standards 5.1.6(4) & (5))</p> <p>Matters over which Council has reserved control are:</p> <p>(1) Site layout</p> <p style="padding-left: 20px;">(a) Whether <i>buildings</i> are sufficiently set back from the boundaries of the neighbouring properties to avoid causing a nuisance to neighbouring <i>holdings</i> by way of obstruction of views, noise, glare and loss of privacy.</p> <p style="padding-left: 20px;">(b) Whether the layout of the housing on the <i>site</i> maintains an open character in keeping with the locality when viewed from public vantage points and adjacent properties.</p> <p>(2) Location and design of vehicle access</p> <p style="padding-left: 20px;">(a) Whether traffic movements resulting from the activity will have any significant impact on the safe and efficient operation of any public <i>road</i>. Pertinent matters for consideration in this regard are:</p> <p style="padding-left: 40px;">(i) the carrying capacity, standard and status in the roading hierarchy of the route concerned;</p> <p style="padding-left: 40px;">(ii) the means by which any likely traffic hazard can be avoided or mitigated.</p> <p>(3) Carparking</p> <p style="padding-left: 20px;">(a) The ability of the <i>site</i> to accommodate the necessary parking and on-site <i>manoeuvring areas</i>.</p> <p style="padding-left: 20px;">(b) Carparking areas on-site should be visually obvious to drivers from the <i>road</i>.</p> <p style="padding-left: 20px;">(c) Carparking should be designed so vehicles can manoeuvre on-site and are not required to reverse onto the <i>road</i>.</p> |
| <p>C2</p> | <p><i>EXPLORATION</i> (EXCLUDING <i>EXPLORATION</i> IN THE OUTSTANDING NATURAL LANDSCAPE AREA AND DISTRICT AMENITY LANDSCAPE AREA) <u>NOT</u> MEETING ONE OR MORE OF THE ACTIVITY SPECIFIC STANDARDS IN 5.1.6(3)(a) FOR <i>PERMITTED ACTIVITIES</i> AND NOT EXCEEDING THE ACTIVITY SPECIFIC STANDARD 5.1.6(3)(c) FOR <i>CONTROLLED ACTIVITIES</i></p> |

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| C3 | <p><i>EXPLORATION</i> IN THE OUTSTANDING NATURAL LANDSCAPE AREA AND DISTRICT AMENITY LANDSCAPE AREA (REFER TO ACTIVITY SPECIFIC STANDARD 5.1.6(3)(b))</p> <p>Matters over which Council has reserved control for C2 and C3 are:</p> <p>(1) Location of vegetation and/or land clearances</p> <p>(a) Whether the location of an individual clearance in relation to other clearance(s) has the effect of creating an inappropriate contiguous clearance.</p> <p>(2) Timing/number of vegetation and/or land clearances</p> <p>(a) Whether the timing and/or number of individual clearances should be staged in order that the rehabilitation of adjoining clearances is undertaken before new clearances are created.</p> <p>(3) Management and rehabilitation</p> <p>(a) The adequacy of management and rehabilitation plans to ensure the long term appearance and stability of any disturbed/excavated area including surplus earth disposal areas (including the possible use of performance bonds or other mechanisms) aimed to return the disturbed area to the same or similar state as existed prior to the clearance.</p> <p>(b) The extent to which existing <i>indigenous</i> or other vegetation which contributes to visual <i>amenity</i> and/or biodiversity values is retained, the reasons why clearance is proposed and the ability to rehabilitate the area to similar values.</p> <p>(c) Whether earthworks and/or tracks associated with the activity have been located or minimised to reduce any adverse visual impact.</p> |
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5.1.4.3 RESTRICTED DISCRETIONARY ACTIVITIES

Those activities listed below are a *Restricted Discretionary Activity* subject to compliance with the:

- Conservation and Heritage provisions in Section 6.0;
- Specific and District Wide provisions in Section 7.0; and
- District Wide Performance Standards in Section 8.0.

The matters over which the *Council* has restricted its discretion are specified for each *Restricted Discretionary Activity* listed below.

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| RD1 | <p>ANY PERMITTED ACTIVITY OR CONTROLLED ACTIVITY THAT DOES NOT MEET THE ZONE DEVELOPMENT STANDARDS IN RULE 5.1.5 FOR A PERMITTED OR CONTROLLED ACTIVITY AND DOES NOT EXCEED THE ZONE DEVELOPMENT STANDARDS IN RULE 5.1.5 FOR A RESTRICTED DISCRETIONARY ACTIVITY</p> <p>Matters over which Council has restricted its discretion are:</p> <p>The <i>Council</i> will restrict the exercise of its discretion to the ability of the activity or development to achieve the particular environmental result of the <i>Zone Development Standards</i> in Rule 5.1.5 for which compliance is not met and the following relevant matters.</p> <p>(1) Height and Daylighting</p> |
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- (a) The extent that topographical and *site* conditions (including easements) restrict the area or shape of the *site* that is suitable and available for building.
- (b) The desirability of maintaining consistency in design and appearance with existing *buildings* on the *site*.
- (c) The need to preserve existing trees, vegetation or important physical characteristics of the *site*.
- (d) Whether the boundary to which the standard relates is a common boundary with an area of permanent open space, the use of which will not be detrimentally affected by any increased shading or loss of visual *amenity*.
- (e) Whether the property adjoining the *site* is sufficiently higher and therefore the adjoining property will not be detrimentally affected.
- (f) Where the standard(s) is/are not met due to penetration by a dormer window, gable or similar roof feature, whether that will have a minor effect on the *amenities* of the neighbouring site.
- (g) The extent to which it is necessary to minimise the physical disturbance to the landscape and the landforms.
- (h) The degree to which *amenity value* and privacy of adjoining properties is affected by matters such as shading and loss of daylight.
- (i) The extent to which the *building* visually intrudes on any Outstanding Natural Landscape Area or District Amenity Landscape Area, and what measures are proposed to reduce the visual effects of that intrusion.
- (j) Whether the *building* will detract from any view or vista which contributes to the aesthetic coherence of a locality, and if it does, what measures can and will be taken to reduce the detraction to an acceptable level or remove it completely.
- (k) Where in proximity to the inland Coastal Zone boundary, whether the *building* will detract from and/or adversely affect the natural character of the coastal *environment*.

(2) Yards (Buildings)

- (a) The extent that topographical and *site* conditions restrict the area or shape of the *site* that is available and suitable for building.
- (b) The degree to which the functioning of the *site* and/or the activity can be improved by not meeting the standard.
- (c) Whether there is a need to preserve existing trees, vegetation or important physical characteristics of the *site*.
- (d) The extent to which the provision of daylight and sunlight into the neighbouring properties and the visual and aural privacy of neighbouring sites will be affected.
- (e) The extent to which the safe and efficient functioning of the street or *road* will be compromised.

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| <p>(f) Whether the detrimental effects (including reverse sensitivity effects) of building in the <i>yard</i> can be reduced or avoided.</p> <p>(g) Whether the <i>yard</i> functions (including separation, <i>landscaping</i> and service provision) will be provided on the <i>site</i> by other means, or are they unnecessary.</p> <p>(3) Yards (<i>Shelter Belts</i> and <i>Forestry</i>)</p> <p>(a) The extent to which the safe and efficient functioning of the street or <i>road</i> will be compromised, through shading and obscuring visibility.</p> <p>(b) The potential of the tree root system to cause damage to the <i>road</i> pavement.</p> <p>(c) The extent to which the provision of daylight and sunlight into the neighbouring properties will be affected.</p> <p>(4) Traffic Noise Sensitivity</p> <p>(a) The location of the dwelling in relation to the formed carriageway of the <i>state highway</i>,</p> <p>(b) The location of the bedrooms and main living room within the dwelling in relation to the formed carriageway of the <i>state highway</i>,</p> <p>(c) The extent and location of the main glazing to bedrooms and living areas,</p> <p>(d) The mitigation methods proposed – building materials, construction method and the internal noise level that will be achieved,</p> <p>(e) The outcomes of any consultation with the New Zealand Transport Agency, and whether they are likely to avoid or mitigate potential adverse traffic noise effects or potential reverse sensitivity effects on the <i>State Highway</i> (to apply (a) – (e) above).</p> <p>(f) Whether there are other design features that will provide the required ventilation without the need for ventilating windows or a <i>ventilation system</i>,</p> <p>(g) Whether the <i>ventilation system</i> proposed will provide a comfortable living environment as well as the required level of ventilation.</p> | <p>RD2 ANY <i>PERMITTED ACTIVITY</i> OR <i>CONTROLLED ACTIVITY</i> THAT DOES NOT MEET THE ACTIVITY SPECIFIC STANDARDS IN RULE 5.1.6(4) IN THE AREA IDENTIFIED ON THE PLANNING MAPS AS “<i>SUBJECT TO INUNDATION</i>”</p> <p>Matters over which Council has restricted its discretion are:</p> <p>(1) Design of buildings</p> <p>(a) Whether the <i>building</i> or extension to the <i>building</i> and associated access is designed in such a manner that the <i>building</i> and access to the <i>building</i> will be free from inundation.</p> <p>(b) Whether the <i>building</i> or extension to the <i>building</i> and access to it will have any consequential flooding effects on the remainder of the <i>site</i> and other sites also subject to potential inundation.</p> |
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| <p>(2) Earthworks/Impermeable covering</p> <p>(a) Whether the excavation or placement of fill is carried out in a manner that ensures erosion of the exposed ground and/or fill face during inundation will be minor and not cumulatively affect the functioning of the Flood Ponding Zone.</p> <p>(b) Whether the extension of the impermeable covering (building and/or hard surfaces) and access will have any consequential inundation effects on the remainder of the site and other <i>sites</i> also subject to potential inundation and any other adjacent sites.</p> <p>(c) Whether any fill material will leach into the water and create a pollution hazard (particularly where vegetation is removed).</p> <p>(3) Planting</p> <p>(a) Whether any proposed planting contributes to the control of stormwater runoff, erosion control and the flood ponding purpose of the adjoining Flood Ponding Zone.</p> <p>(b) Whether the planting will inhibit the ability of the Flood Ponding Zone to achieve that purpose and/or have a consequential adverse effect on other sites also subject to potential inundation. For example vegetation should not impede the free flow of water during the flood ponding/inundation process (both filling and emptying).</p> |
| <p>RD3 BUILDINGS (INCLUDING DWELLINGS (EXCEPT PAPAINGA HOUSING) AND ADDITIONS THERETO IN A DISTRICT AMENITY LANDSCAPE AREA THAT DO NOT MEET THE ACTIVITY SPECIFIC STANDARDS IN RULE 5.1.6(7))</p> <p>Matters over which Council has restricted its discretion are:</p> <p>(1) The design of the <i>building</i>, including <i>height</i>, <i>size/scale</i>, external finish, colour and reflectance value to avoid, remedy or mitigate the adverse effects on the landscape, including, for example:</p> <p>(a) use of varied rooflines to create shade effects and break up the bulk of the roofline;</p> <p>(b) lowered building height;</p> <p>(c) amount and reflectivity of glass;</p> <p>(d) use of a colour similar to a colour in the Hauraki District Council landscape colour chart (refer to 6.3.7).</p> <p>(2) The visibility of the <i>building</i> from public viewing points, having regard to the accessibility of the viewing point.</p> <p>(3) The extent to which the <i>building</i> and any associated curtilage will be visually prominent (particularly in relation to nearby or backdrop <i>indigenous vegetation</i>) and/or break a skyline or interrupt the form of ridges, hills or prominent slopes.</p> <p>(4) Whether the District Amenity Landscape Area has the capacity to absorb change, having regard to existing and consented developments in the immediate locality and</p> |

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| | <p>any benefits that may arise from the clustering of <i>buildings</i>, or if other more suitable sites should be used.</p> <p>(5) Whether the <i>building</i> is located where vegetation and/or landform can provide a backdrop, or the planting of trees and shrubs, the shaping of earth and other landscape features around the <i>building</i> can reduce the visual dominance of the <i>building</i> and assist with its integration into the landscape.</p> <p>(6) The <i>Zone Development Standards</i> in Rule 5.1.5.</p> |
| RD4 | <p>ACCESSORY BUILDINGS TO EXISTING DWELLINGS, TO FARMING AND TO EXISTING FORESTRY, IN AN OUTSTANDING NATURAL LANDSCAPE AREA, THAT DO NOT MEET THE ACTIVITY SPECIFIC STANDARDS IN RULE 5.1.6(6)</p> <p>Matters over which Council has restricted its discretion are:</p> <p>(1) The design of the <i>building</i>, including <i>height</i>, <i>size/scale</i>, <i>external finish</i>, <i>colour</i> and <i>reflectance value</i>.</p> <p>(2) The appropriateness of the building site having regard to geotechnical conditions and <i>site suitability</i>.</p> <p>(3) The visibility of the <i>building</i> from public viewing points, having regard to the accessibility of the viewing point.</p> <p>(4) The extent to which the <i>building</i> and any associated curtilage will be visually prominent (particularly in relation to nearby or backdrop <i>indigenous vegetation</i>) and/or break a skyline or interrupt the form of ridges, hills or prominent slopes.</p> <p>(5) Whether the Outstanding Natural Landscape Area has the capacity to absorb change, having regard to existing and consented developments in the immediate locality and any benefits that may arise from the clustering of <i>buildings</i>.</p> <p>(6) Whether the <i>building</i> is located where vegetation and/or landform can provide a backdrop, or the design of any <i>landscaping</i> around the <i>building</i> can mitigate any visual effects.</p> <p>(7) Whether physical access to the <i>building</i> follows the contours of the land and minimises the visual impact of cut and fill.</p> <p>(8) The design and siting of services (especially overhead services) to the <i>building</i> and the ability of these services to follow natural contours, and whether the visual effects can be lessened by proposed <i>landscaping</i>.</p> <p>(9) Whether the location of the building site and access thereto minimises the removal of or modification to <i>indigenous vegetation</i>, and the extent of earthworks that will be potentially visually prominent.</p> <p>(10) The <i>Zone Development Standards</i> in Rule 5.1.5.</p> |
| RD5 | <p>ADDITIONS TO EXISTING BUILDINGS (INCLUDING DWELLINGS) IN THE PIAKO FLOOD PONDING AREA, WHERE OTHERWISE PROVIDED FOR IN THE RURAL ZONE (OUTSIDE THE PIAKO FLOOD PONDING AREA) AS A PERMITTED OR CONTROLLED ACTIVITY</p> <p>Matters over which Council has restricted its discretion are:</p> <p>(1) Design of Buildings</p> |

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| | <p>(a) Whether the <i>building</i> is designed in such a manner that the <i>site</i> can still practically accommodate the same flood ponding volume.</p> <p>(2) Removal of Vegetation /Impermeable Surface Covering</p> <p>(a) Whether any proposed measures to retain the ponding volume are adequate.</p> <p>(b) The cumulative effect of works on the functioning of the flood <i>ponding area</i>.</p> |
| RD6 | <p>TRACKS, DRIVEWAYS IN THE OUTSTANDING NATURAL LANDSCAPE AREA THAT DO NOT MEET THE ACTIVITY SPECIFIC STANDARDS IN RULE 5.1.6(8)</p> <p>Matters over which Council has restricted its discretion are:</p> <p>(1) Whether the track or driveway follows the contours of the land and minimises the visual impact of cut and fill.</p> <p>(2) Whether the visual effects can be lessened by proposed <i>landscaping</i>.</p> <p>(3) Whether the location of the track or driveway minimises the removal of or modification to <i>indigenous vegetation</i>, and the extent of earthworks that will be potentially visually prominent.</p> |
| RD7 | <p>PEDESTRIAN WALKWAYS (INCLUDING SEATING AND TABLES), CYCLEWAYS AND JOGGING TRACKS IN THE OUTSTANDING NATURAL LANDSCAPE AREA THAT DO NOT MEET THE ACTIVITY SPECIFIC STANDARDS IN RULE 5.1.6(8)</p> <p>Matters over which Council has restricted its discretion are:</p> <p>(1) Whether the track or driveway follows the contours of the land and minimises the visual impact of cut and fill.</p> <p>(2) Whether the visual effects can be lessened by proposed <i>landscaping</i>.</p> <p>(3) Whether the location of the track or driveway minimises the removal of or modification to <i>indigenous vegetation</i>, and the extent of earthworks that will be potentially visually prominent.</p> |
| RD8 | <p>ON A CERTIFICATE OF TITLE CONTAINING UP TO 40 HECTARES OF LAND:</p> <p>ONE <i>MINOR DWELLING UNIT</i> ACCESSORY TO A <i>DWELLING</i> (EXCLUDING IN THE OUTSTANDING NATURAL LANDSCAPE AREA OR PIAKO FLOOD <i>PONDING AREA</i>) (REFER TO ACTIVITY SPECIFIC STANDARD 5.1.6(9)).</p> <p>ON A CERTIFICATE OF TITLE CONTAINING 40 HECTARES OR MORE OF LAND:</p> <p>ONE <i>MINOR DWELLING UNIT</i> ACCESSORY TO A FIRST <i>DWELLING</i> (EXCLUDING <i>DWELLINGS</i> IN THE OUTSTANDING NATURAL LANDSCAPE AREA OR PIAKO FLOOD <i>PONDING AREA</i>) (REFER TO ACTIVITY SPECIFIC STANDARD 5.1.6(9)).</p> <p>ONE <i>MINOR DWELLING UNIT</i> ACCESSORY TO A SECOND <i>DWELLING</i> (EXCLUDING <i>DWELLINGS</i> IN THE OUTSTANDING NATURAL LANDSCAPE AREA OR PIAKO FLOOD <i>PONDING AREA</i>) (REFER TO ACTIVITY SPECIFIC STANDARD 5.1.6(9)).</p> <p>Matters over which Council has restricted its discretion are:</p> <p>(1) Landscape, visual and amenity effects.</p> <p>(2) Effects on the privacy of neighbouring properties and dwellings.</p> <p>(3) Potential nuisance effects on neighbouring properties and dwellings.</p> <p>(4) Adequacy of provision for domestic effluent disposal, potable water supply, stormwater drainage.</p> <p>(5) Adequacy of outdoor recreation space.</p> |

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| (6) | Access, parking and manoeuvring. |
| (7) | Traffic effects. |
| (8) | Location of the <i>minor dwelling unit</i> and orientation to enable daylight penetration for both the <i>minor dwelling unit</i> and associated <i>dwelling</i> . |
| (9) | The location and use of <i>buildings</i> and <i>structures</i> including garaging and decks to be used in association with the <i>minor dwelling unit</i> . |
| (10) | Methods to ensure compliance with Activity Specific Standard 5.1.6(7). |

5.1.4.4 DISCRETIONARY ACTIVITIES

Those activities listed below are a *Discretionary Activity* (except where otherwise specified*) and shall be assessed against the relevant criteria in Rule 5.1.7.

Note: The Conservation and Heritage provisions in Section 6.0 and the Specific and District Wide provisions in Section 7.0 also apply and may alter the *Discretionary Activity* status for the activities specified below or require additional resource consents.

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| D1 | ONE <i>DWELLING</i> ON EACH <i>CERTIFICATE OF TITLE</i> IN THE OUTSTANDING NATURAL LANDSCAPE AREA |
| D2* | MULTIPLE <i>DWELLINGS</i> (MORE THAN ONE <i>DWELLING</i> ON EACH <i>CERTIFICATE OF TITLE</i> CONTAINING LESS THAN 40 HECTARES OF LAND, OR MORE THAN TWO <i>DWELLINGS</i> ON EACH <i>CERTIFICATE OF TITLE</i> CONTAINING 40 OR MORE HECTARES OF LAND) EXCLUDING IN THE OUTSTANDING NATURAL LANDSCAPE AREA |
| D3 | <i>PAPAKAINGA HOUSING</i> IN THE OUTSTANDING NATURAL LANDSCAPE AREA AND DISTRICT AMENITY LANDSCAPE AREA |
| D4* | <i>PRODUCE MARKET</i> AND MORE THAN ONE <i>PRODUCE STALL</i> PER <i>HOLDING</i> |
| D5 | <i>PRODUCE STALLS</i> IN THE OUTSTANDING NATURAL LANDSCAPE AREA |
| D6* | <i>HELICOPTER LANDING AREA OR AIRSTRIP</i> |
| D7* | <i>FACTORY FARMING</i> ACTIVITIES WHICH COMPLY WITH THE STANDARDS FOR <i>NON-DOMESTIC EFFLUENT DISPOSAL</i> IN PERFORMANCE STANDARD 8.5.2 |
| D8* | <i>INDUSTRIAL ACTIVITY</i> EXCLUDING THE WHOLESALE STORAGE AND DISTRIBUTION OF MOTOR SPIRITS (INCLUDING LPG AND CNG) |
| D9 | <i>COMMERCIAL SERVICE, COMMUNITY FACILITY, EDUCATION AND TRAINING FACILITY</i> OUTSIDE THE PLAINS AND WAIHI BASIN AREAS (REFER TO MAPS M1 – M4) |
| D10* | DEPOTS AND <i>RURAL CONTRACTOR DEPOTS</i> FOR THE MAINTENANCE, REPAIR AND STORAGE OF VEHICLES, MACHINERY, EQUIPMENT AND MATERIALS ASSOCIATED WITH AND USED FOR RURAL ACTIVITIES, NOT OTHERWISE PROVIDED FOR AS A <i>PERMITTED ACTIVITY</i> |
| D11* | <i>LANDFILLS</i> |
| D12* | ANY <i>PERMITTED, CONTROLLED</i> OR <i>DISCRETIONARY ACTIVITY</i> IN THE RESERVE (ACTIVE) ZONE, WHERE NOT OTHERWISE PROVIDED FOR IN P2, P19, P20, C2 or RD7 ABOVE |
| D13* | <i>EXPLORATION</i> NOT OTHERWISE PROVIDED FOR AS A <i>PERMITTED</i> OR <i>CONTROLLED ACTIVITY</i> |
| D14* | <i>UNDERGROUND MINING, SURFACE MINING, AND MINING OPERATIONS</i> |

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| D15* | <i>ANIMAL FEEDLOTS</i> |
| D16* | <i>INTENSIVE OUTDOOR FARMING</i> |
| D17* | <i>BOARDING, BREEDING AND TRAINING OF ANIMALS (FACILITIES)</i> |
| D18 | ANY <i>PERMITTED</i> OR <i>CONTROLLED</i> ACTIVITY THAT DOES NOT MEET THE ZONE DEVELOPMENT STANDARDS IN RULE 5.1.5 FOR A <i>RESTRICTED DISCRETIONARY</i> ACTIVITY |
| D19 | ANY <i>PERMITTED</i> OR <i>CONTROLLED</i> ACTIVITY THAT DOES NOT MEET THE ACTIVITY SPECIFIC STANDARDS IN RULE 5.1.6 AND IS NOT OTHERWISE PROVIDED FOR AS A <i>RESTRICTED DISCRETIONARY</i> ACTIVITY |
| D20* | ANY <i>BUILDING</i> OR <i>BUILDING</i> ADDITION LOCATED PARTIALLY OR ENTIRELY OUTSIDE A BUILDING ENVELOPE THAT HAS BEEN DEFINED BY <i>CONDITION</i> OF A RESOURCE CONSENT FOR <i>SUBDIVISION</i> |
| D21* | <i>FORESTRY</i> IN THE OUTSTANDING NATURAL LANDSCAPE AREA |
| D22 | A <i>MINOR DWELLING UNIT</i> ACCESSORY TO A <i>DWELLING</i> PROVIDED FOR IN RULE 5.1.4.3(RD8) AS A <i>RESTRICTED DISCRETIONARY</i> ACTIVITY THAT DOES NOT MEET THE ACTIVITY SPECIFIC STANDARDS IN RULE 5.1.6(9) |

**Discretionary Activities* D2, D4, D6 to D8, D10 to D17, D20 and D21 are a *Non Complying Activity* where located in the Piako Flood Ponding Area.

5.1.4.5 NON COMPLYING ACTIVITIES

Those activities listed below are a *Non Complying Activity*.

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| NC1 | NEW <i>BUILDINGS</i> (INCLUDING <i>DWELLINGS</i> AND <i>MINOR DWELLING UNITS</i>) IN THE PIAKO FLOOD PONDING AREA |
| NC2 | <i>DISCRETIONARY ACTIVITIES</i> D2, D4, D6 to D8, D10 to D17, D20 and D21 WHERE LOCATED IN THE PIAKO FLOOD PONDING AREA |
| NC3 | ANY ACTIVITY NOT OTHERWISE PROVIDED FOR AS A <i>PERMITTED, CONTROLLED, RESTRICTED DISCRETIONARY, DISCRETIONARY</i> OR <i>PROHIBITED</i> ACTIVITY |

5.1.4.6 PROHIBITED ACTIVITIES

Those activities listed below are a *Prohibited Activity*.

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| THERE ARE NO <i>PROHIBITED</i> ACTIVITIES |
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5.1.5 ZONE DEVELOPMENT STANDARDS

- (1) The following relevant *Zone Development Standards* shall be met by all *Permitted* and *Controlled Activities* unless otherwise stated.
- (2) For *Controlled Activities*, where *Council* has reserved control over specified matters in Rule 5.1.4.2, and for *Restricted Discretionary Activities* in Rule 5.1.4.3, where *Council* has restricted

its discretion to specific matters, more restrictive development standards than those specified in the table below may be imposed as *conditions* of consent.

- (3) The following relevant *Zone Development Standards* shall be used as a guide in assessing any *Discretionary* and *Non Complying Activities*.

| Development Standard* | Parameter | | Environmental Result |
|--|---|---|--|
| | Permitted and Controlled | Restricted Discretionary | |
| Maximum Height | 11.0 metres (except in the Outstanding Natural Landscape and District Amenity Landscape Areas). | 15.0 metres (except in the Outstanding Natural Landscape and District Amenity Landscape Areas). | To ensure that the <i>height of buildings</i> is compatible with the activities permitted in the <i>zone</i> as well as the landscape, <i>amenity</i> and character of both the <i>zone</i> that the <i>building</i> is located in and any adjoining <i>zone</i> . |
| | 8.0 metres (in the Outstanding Natural Landscape and District Amenity Landscape Areas). | 11.0 metres (in the Outstanding Natural Landscape and District Amenity Landscape Areas). | |
| Daylight Control (refer to definition for explanatory diagram) | No <i>building</i> shall project above 2.0 metres in <i>height</i> at any <i>holding</i> boundary and not project above a 45° plane into the <i>holding</i> up to the maximum <i>height</i> . | No restriction | To ensure no <i>building</i> unreasonably overshadows any neighbouring property, thereby restricting daylight and ventilation between <i>buildings</i> . |
| Minimum Yards (Building) | <i>Front Yard</i> : 12 metres (except from <i>state highways</i> for those <i>buildings</i> as set out in the <i>rule</i> below). | <i>Front Yard</i> : 12 metres | To allow flexibility in <i>site</i> layout while still maintaining the <i>amenities</i> of the <i>site</i> and adjoining sites and mitigating reverse sensitivity effects from new noise sensitive activities. |
| | <i>Front Yard</i> : 20 metres (from <i>state highways</i>) for new <i>dwellings</i> erected or placed on the <i>site</i> after 14 September 2012 (and any subsequent additions to those <i>dwellings</i>). | | |
| | <i>Other yards</i> : 12 metres, except that: (a) any <i>building</i> or enclosure used for the housing and keeping of any animals (including milking sheds and stock yards) are not permitted within 50 metres of the boundary of the <i>holding</i> ; (b) for <i>certificates of title</i> of 2,500m ² or less, the <i>yard</i> may be reduced to 3 metres for <i>residential purposes</i> including <i>accessory buildings</i> ; (c) any new <i>dwellings</i> erected or placed on the <i>site</i> after 14 September 2012 (and any subsequent additions to those <i>dwellings</i>) are not permitted within 20 metres of the boundary of the railway <i>designation</i> (ref G1a on Planning Maps 17, 23, 28, 29, G1, G3 & G5) . | <i>Other yards</i> : Nil | |
| | <i>Front Yard</i> : 10 metres. | <i>Front yard</i> : Nil | |

| Development Standard* | Parameter | | Environmental Result |
|-----------------------------------|--|--------------------------|---|
| | Permitted and Controlled | Restricted Discretionary | |
| <i>Shelter Belts and Forestry</i> | <i>Other yards: Nil.</i> Except that where the <i>yard</i> boundary adjoins a <i>sensitive zone</i> boundary, the <i>yard</i> shall be 10 metres. | <i>Other yards: Nil</i> | To maintain traffic safety, protect the physical <i>road</i> and maintain the <i>amenities</i> of adjoining sensitive land uses. |
| Traffic Noise Sensitivity | <p>(a) All new <i>habitable room(s)</i> where located within 80 metres of the formed carriageway of a <i>state highway</i> shall meet an internal road-traffic design sound level of $40dBL_{Aeq(24hr)}$ with ventilating windows open.</p> <p>(b) An acoustic design report from a suitably qualified and experienced acoustics expert shall be provided to the <i>Council</i> demonstrating compliance with (a) above at the time of building consent application.</p> <p>(c) Where the requirements of (a) above can only be met with windows and doors closed a <i>ventilation system</i> shall be installed for the new <i>habitable room(s)</i>.</p> <p>(d) The requirements of (a) above shall not apply where:</p> <p>(i) the nearest façade of the new <i>habitable room(s)</i> is between 50 and 80 metres from the formed carriageway of the <i>state highway</i> and there is a solid <i>building</i>, fence, wall or landform that blocks the line of sight from all parts of all windows and doors to the new <i>habitable room(s)</i> to any part of the formed carriageway of the <i>state highway</i> (where that part of the <i>state highway</i> is within 80 metres of the façade of the new <i>habitable room(s)</i>); or</p> <p>(ii) it can be demonstrated by way of prediction or measurement by a suitably qualified and experienced acoustics expert that the road traffic noise level from the <i>state highway</i> is less than $55dBL_{Aeq(24hr)}$ on all facades of the new <i>habitable room(s)</i>; or</p> <p>(iii) the <i>habitable rooms</i> are added to or altered within a <i>dwelling</i> existing at 26 September 2014.</p> | No restriction | To allow flexibility of <i>site</i> layout while protecting the <i>amenity</i> of sensitive uses, where located in proximity to high speed environment and/or high traffic volume <i>state highways</i> , from potential adverse traffic noise effects. |

*These *Zone Development Standards* shall not apply to “*Temporary Uses and Buildings*” covered by clause (b) of the definition in Section 4 for “*Temporary Uses and Buildings*” and to “*Prospecting*” and “*Exploration*”.

5.1.6 ACTIVITY SPECIFIC STANDARDS

(1) PRODUCE STALL

- (a) No *produce stall* shall be operated where it obtains its access from a *state highway*.
- (b) The area of land or *building* used as a *produce stall* shall not exceed 30m² in total, excluding the area required for off-street parking and *manoeuvring*.
- (c) The *produce stall* and any land used in conjunction with it for retail display shall be located at least:
 - (i) 20m from every front boundary of the *holding*;
 - (ii) 10m from every other boundary of the *holding*;
 - (iii) 60 metres from an intersection with a *state highway*.
- (d) Activity specific standards (b) and (c) above shall not apply to a *produce stall* where:
 - (i) the area of land or *building* on the *property* used as a *produce stall* does not exceed 2m² in total; and
 - (ii) there is a minimum *road* seal width adjacent to the stall, from the centreline to the edge of the seal, of 3.0 metres; and
 - (iii) there is parking of a minimum width of 2.5 metres for at least one motor vehicle, off the formed *road* and adjacent to the stall, that is not a driveway or *internal access*, with a 4 metre taper at each end; and
 - (iv) the *produce stall* is located at least 60 metres from a *state highway*; and
 - (v) there is a minimum stopping sight distance of 200 metres, along the *road* carriageway to the stall.

(2) HOME OCCUPATIONS

- (a) At least one person, including the principal operator of the *home occupation*, shall reside on the *site*.
- (b) A *home occupation* involving the care, tuition and/or accommodation of no more than five persons at any one time (in addition to the owner(s)/operator(s)) may be undertaken provided the activity and accommodation is principally undertaken within the *dwelling*.
- (c) A *Rural Contractor Depot* shall not occupy an area exceeding 500m², and shall not be operated within 50 metres of the boundary of the *holding* and 100 metres from any existing *dwelling* or *visitor accommodation* facility that is located on a certificate of title that is in a different ownership to that of the *Rural Contractor Depot* operator.
- (d) Except for (b) and (c) above, the *home occupation* shall be carried out wholly within the *dwelling* or an associated *accessory building* erected or modified for the purpose,

provided that the *gross floor area* of the *dwelling* or *accessory building* used for the *home occupation* shall not exceed 30% of the total *gross floor area* of the *dwelling* and associated *accessory buildings* on the *site*.

- (e) Not more than one person from outside the household residing on the *site* shall be employed in the *home occupation*.
- (f) Apart from the external parking of vehicles and machinery associated with a *Rural Contractor Depot*, there shall be no exterior display, external storage of materials or other indication of the *home occupation* or variation from the rural and/or residential character of the property visible from a public place or adjoining neighbouring property.
- (g) The *home occupation* shall be operated so as not to attract pedestrian or vehicular traffic (other than traffic directly associated with the operation of the *home occupation*, eg rural contractor vehicles returning) between the hours of 10.00pm and 7.00am the following day.
- (h) The *home occupation* may not use equipment which creates electrical interference with television and radio sets on neighbouring properties.
- (i) Only goods directly produced or assembled by the *home occupation* may be sold or offered for sale from the *site* on which the *home occupation* is conducted - in accordance with the rules for *produce stalls*. Assembled means putting together pre-fabricated parts to make a product.
- (j) *Home occupations* shall not include a business or trade that involves panel beating, spray painting or mechanical repairs to vehicles and machinery (other than mechanical repairs to vehicles and machinery directly associated with the *home occupation*, eg repair of rural contractor's truck).

(3) EXPLORATION

(a) PERMITTED ACTIVITIES

- (i) Trenching and costeaning is subject to a maximum cross section area of 6m².
- (ii) Progressive rehabilitation of trenching is to be undertaken, such that no more than 50 metres of trenching is left open at any one time.
- (iii) *Exploration* drilling is subject to a maximum drilling pad size of 200m².
- (iv) Bulk sampling is subject to a maximum of 500m³ of material per 100 hectares.
- (v) *Exploration* tunnels are subject to the maximum volume of excavated material not to result in more than 500m² of surface area being covered, to a maximum height of 2 metres.
- (vi) Rehabilitation measures are proposed.
- (vii) For *exploration* activities within an *area subject to inundation* as identified on the planning maps, activity specific standard 5.1.6(4) also applies.

(b) CONTROLLED ACTIVITIES – within Outstanding Natural Landscape Area and District Amenity Landscape Area

- (i) Trenching and costeaning is subject to a maximum cross section area of 6m².

- (ii) Progressive rehabilitation of trenching is to be undertaken, such that no more than 50 metres of trenching is left open at any one time.
 - (iii) *Exploration* drilling is subject to a maximum drilling pad size of 200m².
 - (iv) Bulk sampling is subject to a maximum of 500m³ of material per 100 hectares in the Outstanding Natural Landscape Area and 1000m³ of material per 100 hectares in the District Amenity Landscape Area.
 - (v) *Exploration* tunnels are subject to the maximum volume of excavated material not to result in more than 500m² of surface area being covered in the Outstanding Natural Landscape Area and 1000m² square metres of surface area being covered in the District Amenity Landscape Area, to a maximum height of 2 metres.
 - (vi) Rehabilitation measures are proposed.
 - (vii) For *exploration* activities within an *area subject to inundation* as identified on the planning maps, activity specific standard 5.1.6(4) also applies.
- (c) **CONTROLLED ACTIVITIES – Outside Outstanding Natural Landscape Area and District Amenity Landscape Area**
- (i) Trenching and costeaning is subject to a maximum cross section area of 6m².
 - (ii) Progressive rehabilitation of trenching is to be undertaken, such that no more than 50 metres of trenching is left open at any one time.
 - (iii) *Exploration* drilling is subject to a maximum drilling pad size of 200m².
 - (iv) Bulk sampling is subject to a maximum of 2000m³ of material per 100 hectares.
 - (v) *Exploration* tunnels are subject to the maximum volume of excavated material not to result in more than 2000m² of surface area being covered, to a maximum height of 2 metres.
 - (vi) Rehabilitation measures are proposed.
 - (vii) For *exploration* activities within an *area subject to inundation* as identified on the planning maps, activity specific standard 5.1.6(4) also applies.

(4) **LAND SUBJECT TO INUNDATION AS IDENTIFIED ON THE PLANNING MAPS**

- (a) No more than 5% of the area within the *site* that is *subject to inundation* as identified on the planning maps shall be covered by *buildings* and/or covered in an impermeable surface or vegetation (other than grass or similar), or otherwise made unavailable to inundation (eg by bunding or solid fencing), or be subject to *exploration*, excavation and filling.

(5) **PAKAKAINGA HOUSING**

- (a) Access is not from a *state highway*.
- (b) The land concerned shall be *Maori* multiple owned freehold *land* or otherwise be under the jurisdiction of the Maori Land Court.

- (c) The land concerned shall be vested in Trustees whose authority is defined in a Trust Order or other empowering instrument which will ensure as far as practicable that:
 - (i) the freehold of the land remains vested in the trustees without power of sale; and
 - (ii) the occupation and/or beneficial interest in the land is restricted to members of the whanau group for whose use and benefit the land is held.
- (d) An average of at least 2500m² of net land area to be provided per *dwelling* and associated *accessory buildings* (including *dwellings* and associated *accessory buildings* provided for as a *Permitted Activity*).

(6) ACCESSORY BUILDINGS (TO DWELLINGS, FARMING, FORESTRY) IN OUTSTANDING NATURAL LANDSCAPE AREA

- (a) The area of *accessory building* shall be:
 - (i) *New Accessory Buildings* - Maximum area: 100m² per *building*.
 - (ii) Additions to existing *Accessory Buildings* – Total area of addition and existing *building*: 100m² per *building*.
 - (iii) Total building coverage shall not exceed 2% of the *certificate of title* or 500m², whichever is the larger, for *certificates of title* up to (and including) 5 hectares in area.
 - (iv) Total building coverage shall not exceed 1000m² per *title*, for *certificates of title* exceeding 5 hectares in area.
- (b) The exterior surfaces (walls, joinery and roof) shall be of a colour selected from the Hauraki District Council landscape colour chart (extract from British Standard Colour Range – BS5252), or constructed of materials which fall within this colour range. Refer to Section 6.3.7.
- (c) The reflectivity value of the exterior surfaces (walls, joinery and roof) shall not exceed 32%.
- (d) No mirror glass shall be used in the exterior walls or roof.

Standards (a) (i) to (iv) above shall not apply where the *building* is located within a building envelope that has been defined by a *condition* of a resource consent for *subdivision*. Refer to Rule 5.1.4.4 D20 for *buildings* located partially or entirely outside a defined building envelope.

(7) DWELLINGS, MINOR DWELLING UNITS AND ADDITIONS THERETO AND ACCESSORY BUILDINGS TO DWELLINGS, MINOR DWELLING UNITS, FARMING AND FORESTRY IN DISTRICT AMENITY LANDSCAPE AREA

- (a) The exterior surfaces (walls, joinery and roof) shall be of a colour selected from the Hauraki District Council landscape colour chart (extract from British Standard Colour Range – BS5252) or constructed of materials which fall within this colour range. Refer to Section 6.3.7.
- (b) The reflectivity value of the exterior surfaces (walls, joinery and roof) shall not exceed 32%.

- (c) No mirror glass shall be used in the exterior walls or roof.
- (8) **TRACKS, DRIVEWAYS, PEDESTRIAN WALKWAYS, CYCLEWAYS AND JOGGING TRACKS IN OUTSTANDING NATURAL LANDSCAPE AREA**
- (a) Gradient shall not exceed 1:8.
- (b) Cut and fill batter faces shall be a maximum of 2 metres in height.
- (c) All batter faces shall be planted or hydroseeded during the first planting season after batter face construction.
- (9) **RESTRICTED DISCRETIONARY ACTIVITY STANDARDS FOR MINOR DWELLING UNITS (REFER TO 5.1.4.3 RD8)**
- (a) A *minor dwelling unit* must be located on a *site* with a *net site area* of no less than 2,500m².
- (b) A *minor dwelling unit* located on a *site* that is *subject to inundation* as identified on the planning maps must not result in a breach of Activity Specific Standard 5.1.6(4).
- (c) A *minor dwelling unit* located in the District Amenity Landscape Area must comply with Activity Specific Standard 5.1.6(7).
- (d) Bulk and location
- (i) A *minor dwelling unit* must be located to comply with the following Zone Development Standards for *Permitted* and *Controlled Activities* (refer to 5.1.5):
- (1) Maximum *height*;
 - (2) *Daylight control*;
 - (3) Minimum *Yards (Building)*; and:
 - (4) Traffic noise sensitivity.
- (ii) A *minor dwelling unit* must be located within 20 metres of its associated *dwelling* on the same *site*, measured from the closest external wall of the associated *dwelling* to the closest external wall of the *minor dwelling unit*.
- (iii) A *minor dwelling unit* must share the same vehicle entrance and driveway access as its associated *dwelling* on the same *site*.
- (e) Domestic wastewater treatment and disposal
- (i) A *minor dwelling unit* that is not connected to the reticulated sewerage system must show details of the design and lay-out of the proposed on-site domestic effluent system including evidence that the system either complies with the *permitted activity* standards of the Waikato Regional Plan or the terms of a site specific discharge consent.

5.1.7 ASSESSMENT CRITERIA FOR DISCRETIONARY ACTIVITIES

When assessing any application for a *Discretionary Activity*, Council shall have regard to the relevant *development standards*, activity specific standards, environmental results and assessment criteria for *Permitted*, *Controlled* and *Restricted Discretionary Activities* in Rules 5.1.4 to 5.1.6, and the relevant General and Activity Specific assessment criteria below, and any other matters it considers appropriate.

5.1.7.1 GENERAL ASSESSMENT CRITERIA

- (1) The degree to which *buildings*, other *structures* and activities will adversely affect the rural landscape characteristics, particularly in relation to the open rural character.
- (2) Whether the activity and any *buildings* and *structures* located within the Outstanding Natural Landscape Area and District Amenity Landscape Area are of a scale, intensity, exterior colour and reflectivity which are in keeping with the natural character and landscape values of the Outstanding Natural Landscape Area or District Amenity Landscape Area.
- (3) Whether the activity should be located so that any actual or potentially productive land is not prejudiced from being used for purposes directly related to the inherent productive capability of the land.
- (4) Whether traffic movements resulting from the activity will have any significant impact on the safe and efficient operation of any *road*. Pertinent matters for consideration in this regard are:
 - (a) the carrying capacity, standard and status in the roading hierarchy of the *road* concerned;
 - (b) the ability of the *site* to accommodate the activity requirements for on-site parking, loading and *manoeuvring areas*;
 - (c) the means by which any likely adverse traffic effects can be avoided, remedied or mitigated;
 - (d) the access, parking and loading standards for *Permitted Activities* which shall be used as a guideline in assessing applications for *Discretionary Activities*;
 - (e) the comments of New Zealand Transport Agency on the possible adverse effects on the safe and efficient operation of the *state highway* network.
- (5) The degree to which the activity will cause demands for the uneconomic or premature upgrading or extension of public services, including roading, which are not in the interests of the Region, the District or locality.
- (6) Whether *buildings* are sufficiently set back from the boundaries of neighbouring properties to avoid causing a nuisance by way of overshadowing, obstruction of views, noise, glare and loss of privacy.
- (7) The degree to which the location of *buildings* is such as to retain clear visibility along rural *roads* and to provide space for vehicle access and loading on the *site* clear of the *road*.
- (8) Whether features of the proposal including the location, design, and colour of *buildings* and *structures*, the planting of trees and shrubs, and the shaping of earth avoid, remedy or mitigate any adverse effect on the existing landscape.

- (9) The extent to which existing native bush, or other vegetation which contributes to visual *amenity* and/or biodiversity values (as assessed against the criteria in 6.2.5.8), is retained and the reasons why any clearance is proposed.
- (10) Whether development adjacent to either the Conservation Zones, the Karangahake Gorge Zone or the Coastal Zone creates a situation where the *buildings* and activities dominate or detract from the natural *environment* of those *zones*.
- (11) Whether drainage and/or peat mining will have an adverse effect on the function and ecological values of the Kopuatai and Torehape Peat Domes.
- (12) Whether any *exploration, mining, earthworks* and/or tracks and driveways necessary to accommodate the activity would create a significant adverse visual impact, particularly in the Outstanding Natural Landscape Area and District Amenity Landscape Area.
- (13) Whether any *signs* proposed detract from the *amenities* of the area.
- (14) The extent to which the activity is self-contained, with regard to stormwater drainage, effluent disposal and water supply, within the boundaries of the *site* on which the activity is located (except where reticulated services are provided).
- (15) The extent to which wastes, spoil, sawdust, effluent etc are to be disposed of so as to avoid, remedy or mitigate nuisance for surrounding residents, damage to property, and pollution of the *environment*.
- (16) Whether the nature of the activity has the potential to create nuisance and health and safety effects, which cannot effectively or practically be controlled by mitigation measures.
- (17) The extent to which exterior storage areas of vehicles, equipment, machinery, materials, waste etc is located, or suitably screened from neighbouring properties and any public *road* or place, to avoid, remedy or mitigate any detriment to *amenity*.
- (18) Whether the hours of operation are appropriate having regard to those persons likely to be affected by the activity.
- (19) The adequacy of management and rehabilitation plans to ensure the long term stability of any disturbed/excavated area including waste disposal areas (including the possible use of performance bonds or other mechanisms designed to ensure long term stability).
- (20) Whether access to known *mineral* deposits will be compromised by the proposal concerned.
- (21) Whether the activity and any *buildings* and *structures* are of a scale and intensity which are in keeping with the character and *amenity values* of the existing rural *environment*.
- (22) The extent to which the activity and any *building* or *structure* maintains or enhances the cultural or heritage values of the locality.

5.1.7.2 ADDITIONAL DWELLINGS

- (1) The extent of the loss of land with high productive potential.
- (2) The necessity for additional *dwellings* to effectively manage the productive use of the land or support other lawfully established rural based activities on the *holding*.

5.1.7.3 PRODUCE MARKETS AND MORE THAN ONE PRODUCE STALL

- (1) Whether the position and orientation of the stalls or market will cause a distraction to passing motorists, thereby potentially leading to traffic hazards.
- (2) Whether the stalls or market, and land used in conjunction with them for retail display, are located a safe distance from the front boundary of the *property* to minimise traffic hazards.
- (3) The extent to which the proposal complies with the performance standards for the *zone*.
- (4) Whether the methods proposed for disposal of sewage and stormwater and the provision of a potable water supply are appropriate for the scale of development proposed, and can be effectively maintained.

5.1.7.4 HELICOPTER LANDING AREAS AND AIRSTRIPS

- (1) Whether the proposed flight paths to and from the *helicopter landing area* or *airstrip* will adversely impact on existing activities in the area, and/or the values of the Conservation Zones and any *Significant Natural Areas*. The following matters will be considered:
 - (a) hazard from aircraft movements
 - (b) noise (NZS 6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas, shall be used in the management, control and assessment of noise effects)
 - (c) ground access and traffic
 - (d) hours of operation
 - (e) the frequency of aircraft movements
 - (f) intrusion into the visual *environment*
 - (g) effect on *amenity values* in the surrounding area
 - (h) whether the use is temporary or intermittent.

5.1.7.5 FACTORY FARMING AND ANIMAL FEEDLOTS

- (1) Whether the design of the *buildings* and/or operation of the activity will ensure that all animals to be housed or kept cannot escape and that rodents or other animal pests can be managed.
- (2) Whether appropriate buffer distances from existing and likely future activities on adjoining and nearby properties are achieved, in order that potential adverse effects of noise, odour and traffic can be avoided, remedied or mitigated. Regard shall be had to the Code of Practice - Pig

Farming (New Zealand Pork Industry Board) 2nd Edition, August 1993, when considering an *intensive pig farming* operation.

- (3) Whether the proposed management of effluent (including location of effluent disposal areas) is to be undertaken in a manner which reduces any likely adverse effects (particularly smell) on nearby activities.
- (4) The extent to which features have been incorporated into the design to reduce potential nuisance problems such as noise, smell and glare.

5.1.7.6 INTENSIVE OUTDOOR FARMING

- (1) Whether the number and intensity of animals is at a level which makes the adverse effects of the *intensive outdoor farming* activity difficult to avoid, remedy or mitigate.
- (2) Whether the animals are located at sufficient distances from adjoining and nearby existing and likely future activities in order that potential adverse effects can be avoided, remedied or mitigated.
- (3) Whether the proposed management of effluent (including location of effluent disposal areas) is to be undertaken in a manner which reduces any likely adverse effects (particularly smell) on nearby activities.
- (4) Whether there are management aspects of the proposed activity (eg rotation of animals around the *site*, time that animals are in any one location, screening/*landscaping*) that will avoid or reduce any likely adverse effects arising.

5.1.7.7 INDUSTRIAL ACTIVITY

- (1) Whether it is established that there are particular characteristics of the use - either relating to location, area of land, relationship with other uses - which has a resource relationship that provides environmental benefits, that makes it suitable to be located in the Rural Zone.
- (2) Whether the scale of the use is in keeping with the character of the rural locality.
- (3) In the case of *industrial activities*, *rural contractor depots*, and any activity retailing motor spirits (including CNG and LPG and other fuels), refuelling motor vehicles on the *site* regard shall be had to the following:
 - (a) the Ministry of Transport (Traffic Safety Services) Standards for Petrol Stations (1983) or any substitution to that publication;
 - (b) the ability of the *site* to accommodate within its boundaries storage and filling facilities, standing room for vehicles waiting to be refuelled and any isolation distances required by the Environmental Protection Authority;
 - (c) the availability of water for fire fighting purposes;
 - (d) possible risks and hazards associated with the proposal and the community's perceptions of such risks and hazards;
 - (e) any resulting restrictions imposed on the use of adjacent land, and any cumulative effects of existing, adjacent hazardous activities;

- (f) the recommendation of the NZ Fire Service regarding fire safety.

5.1.7.8 UNDERGROUND MINING, SURFACE MINING, MINING OPERATIONS, EXPLORATION AND LANDFILLS

- (1) Whether public safety and security are adequately provided for.
- (2) Whether acceptable plans for the rehabilitation of all the disturbed areas, once earthworks have ceased, have been provided, including implementation programmes.

5.1.7.9 BOARDING, BREEDING AND TRAINING OF ANIMALS

- (1) Whether the design of the *buildings* and/or operation of the activity will ensure that all animals to be housed or kept cannot escape and that rodents or other animal pests can be managed.
- (2) Are the animals located at sufficient distances from adjoining and nearby existing and likely future activities in order that potential adverse effects of noise, odour and traffic can be avoided, remedied or mitigated.
- (3) Is the proposed management of effluent (including location of effluent disposal areas) to be undertaken in a manner which reduces any likely adverse effects (particularly smell) on nearby activities.
- (4) The extent to which features have been incorporated into the design to reduce potential nuisance problems such as noise, smell and glare.