

19. RURAL ZONE

Note to District Plan Users:

The Rural zone is subject to a number of map overlays, including those that identify Landscape Domains and Outstanding Natural Features and Landscapes.

In the situation where there are overlapping overlays, the most onerous provisions would be applied. For example where a property is located within both the Hill Country Landscape Domain and the Tararua Ranges Outstanding Natural Feature and Landscape, the provisions relating to the Outstanding Natural Feature and Landscape by virtue of being more onerous, would override the provisions relating to the Hill Country Landscape Domain.

19.1 PERMITTED ACTIVITIES

The following activities are permitted activities in the Rural Zone provided activities comply with all relevant conditions in Rule 19.6 and Chapters 21, 22, 23 and 24.

- (a) Primary production activities.
- (b) ~~Residential activities~~ One residential dwelling unit and one family flat per site on sites up to 40 hectares.
- (c) Two residential dwelling units and one family flat per site on sites between 40 hectares up to 100 hectares.
- (d) Three residential dwelling units and one family flat per site on sites 100 hectares and over.
- (e) Relocated buildings up to and including 40m² in gross floor area.
- (f) Marae and marae based facilities and activities.
- (g) Visitor accommodation for up to four persons/people per site within any residential dwelling unit and/or family flat.
- (h) Home occupations.
- (i) Open space.
- (j) The construction, alteration of, addition to, and demolition of buildings and structures for any permitted activity.
- (k) Use of, and internal alterations to, existing community facilities (including education facilities and grounds) for community activities including services having a social, community, ceremonial, cultural, educational, recreational, worship, or spiritual purpose.
- (l) Activities on the surface of any water body which is of a recreational nature and may include boating, water-skiing, recreational fishing or other like activity.
- (m) Within land administered by the Department of Conservation:

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- (i) Construction, maintenance and removal of temporary accommodation (huts) and toilets, visitor information signs, staff accommodation, information centres, storage sheds, camping grounds, and sale of retail goods to visitors.
 - (ii) Commercial guiding and outdoor recreation activities.
 - (iii) Species protection and conservation management work including construction and demolishing enclosures, traps, restoration and revegetation work and scientific research.
 - (iv) Control of pest~~Nexious plants~~ and animal pests ~~control~~.
- (n) The following network utilities and electricity generation activities:
- (i) The construction, operation, maintenance and minor upgrading of network utilities.
 - (ii) Wind monitoring masts.
 - (iii) Domestic scale renewable energy device.
 - (iv) The operation, maintenance, refurbishment, enhancement and minor upgrading of an existing energy generation facility, ~~except where significant external modification is involved~~ including an increase in floor area of up to 15% of the existing gross floor area.
- (o) The following types of signs:
- (i) Advertising signs located on the site to which the activity relates, including public facility or information signs identifying a building, property or business.
 - (ii) Official signs.
 - (iii) Temporary signs.
 - (iv) Signs advertising the sale or auction of land or premises.
 - (v) Health and safety signs.
- (p) Within the Flood Hazard Overlay Areas (including Moutoa Floodway) only, the following activities:
- (i) Primary production activities.
 - (ii) Soil conservation, erosion protection, river control or flood protection works undertaken by, or on behalf of~~supervised by~~, the Horizons Regional Council.
 - (iii) Maintenance or minor upgrading of existing network utilities.
 - (iv) Installation of underground network utilities
 - (v) New above ground lines including support poles
 - (vi) New network utility masts
 - (vii) New network utility cabinets/buildings

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Notes:

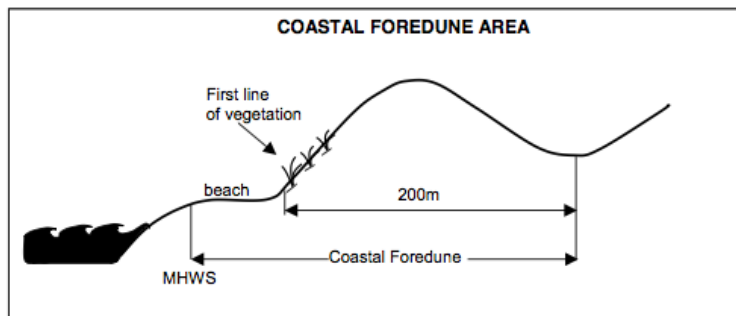
- For the definitions of 'maintenance' and 'minor upgrading' refer to Rules 22.1.10(a) and (c) in relation to existing network utilities.
 - All activities, buildings and structures within the Moutoa Floodway are controlled by Horizons Regional Council under its designation for this area.
 - Refer to rules in Horizons Regional Council's Proposed One Plan relating to activities in the bed of lakes and rivers, for land adjacent to rivers ~~zoned for river and flood control~~, all land use activities in the coastal marine area, coastal foredunes, areas with flood control and drainage schemes, and erosion protection works that cross or adjoin mean high water springs.
 - The rules associated with Network Utilities are contained within Chapter 22.
- (q) Soil conservation, erosion protection, river control or flood protection works undertaken by, or on behalf of Horizons Regional Council.
- (r) Where a building or structure is listed in Schedule 2 – Historic Heritage the following are permitted activities:
- (i) The maintenance, redecoration and repair of the interior and exterior of a Group 1 or 2 building or structure.
 - (ii) Internal alteration of a Group 2 building.
- (s) Where a site is listed in Schedule 2 – Historic Heritage, the following are permitted activities:
- (i) Maintenance and repair of existing lawns, gardens, structures (including fences), buildings and signage on any site.
 - (ii) Removal of vegetation on any site.
- (t) Where a tree is listed in Schedule 3 – Notable Trees the following are permitted activities:
- (i) The removal or partial removal of a Notable Tree.
 - (ii) Any activities within the drip line of a Notable Tree.
 - (iii) Any trimming and maintenance of a Notable Tree.
- Note: The above activities must comply with all Conditions for Permitted Activities specified in Rule 19.6.27.*
- (u) Temporary activities.
- (v) Temporary military training activities.
- (w) Earthworks within both the Coastal Outstanding Natural Feature and Landscape and Coastal Fore-dune Area, being the strip of land between the coastal marine area and a line roughly parallel with the beach, extending 200 metres inland of the first line of vegetation, for which a consent is not required by the Manawatu-

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Wanganui Regional Council, or for which a consent has been granted by the Manawatu-Wanganui Regional Council and has been provided to the Council prior to any earthworks being undertaken.

- (x) Earthworks within the Coastal Outstanding Natural Feature and Landscape, but outside the Coastal Foredune Area, being the strip of land between the coastal marine area and a line roughly parallel with the beach, extending 200 metres inland of the first line of vegetation, that comply with the following:
- (i) No more than 2.5 metres (cut or fill) measured vertically
 - (ii) Where earthworks exceed 2.5 metres (cut or fill) measured vertically, those earthworks shall not exceed 3.5 metres (cut or fill) measured vertically and shall not exceed a distance of 50 metres in continuous horizontal length
 - (iii) Where the earthworks are to be undertaken on a dune, the vertical height of the dune, or any part of that dune, prior to the earthworks shall be no greater at any point than 10 metres from toe to summit.
 - (iv) All disturbed surfaces shall be revegetated within 6 months of the completion of the earthworks.

Note: The figure below illustrates the Coastal Foredune Area.



- (y) Maintenance of flood control, erosion control, or drainage works by or on behalf of the Manawatu River Estuary, Coastal and Lake Horowhenua Outstanding Natural Features and Landscapes.
- (z) Earthworks (Refer to Rules 19.4.10(a)(v) Earthworks within the heritage setting of a Group 1 or 2 building or structure, 19.4.11(a)(ii) Earthworks within a site that is listed in Schedule 2- Historic Heritage, and 19.5.3(a) Earthworks within an Outstanding Natural Feature and Landscape).
- (aa) Buildings and development within the Muhunua West Forest Park Overlay.

Note: National Environmental Standards:

- For any activities on contaminated or potentially contaminated land, refer to the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.
- For any Telecommunication or Radiocommunication facilities / activities that are located within a legal road reserve, refer to the Resource Management (National Environmental Standard for Telecommunications Facilities) Regulations 2008.

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- For any activities involving the operation, maintenance, upgrading, relocation, or removal of an existing transmission line that is part of the national grid, as defined in the regulation, refer to the National Environmental Standards for Electricity Transmission Activities Regulations 2009. The regulations contain a separate code of rules for those activities listed. Except as provided for by the regulation, no rules in this District Plan apply to such activities.

19.2 CONTROLLED ACTIVITIES

The following activities shall be controlled activities in the Rural Zone provided activities comply with all relevant conditions in Rule 19.7 and Chapters 21, 22, 23 and 24. Refer to Rule 19.7 for matters of control and conditions.

- (a) Any subdivision of land (Refer Rule 19.7.1 and 19.7.2).
- (b) Any boundary adjustment subdivision within Flood Hazard Overlay Areas (Refer Rule 19.7.4)
- (c) Road-side sales activities on roads other than State Highways (Refer Rule 19.7.5).
- (d) The placement of any relocated building and/or accessory building (Refer Rule 19.7.6).

Except

Any relocated buildings up to and including 40m² in gross floor area.

- (e) Habitable buildings within a buffer of 800 metres of the Wastewater Treatment Plant, Mako Mako Road, Levin as identified on the Planning Map (Refer Rule 19.7.7).

Note: The buffer zone shall be measured from and applied to all land within 800 metres of the peripheral boundary of the Levin Wastewater Treatment Plant being Part Section 24, Lot 1 DP 28296 and Lot 1 DP 30808 as designated at D114 in Schedule 1.

- (f) Earthquake strengthening of any Group 2 building listed in Schedule 2 - Historic Heritage (Refer Rule 19.7.8).
- (g) Any temporary filming activity that exceeds the duration standard set out in Rule 19.6.29(b)(i). Refer (Rule 19.7.9).
- (h) Any temporary military training activity that does not comply with the permitted activity conditions in Rule 19.6.30. (Refer Rule 19.7.10).

19.3 RESTRICTED DISCRETIONARY ACTIVITIES

The following activities shall be restricted discretionary activities in the Rural Zone provided activities comply with all relevant conditions in Rule 19.8. Refer to Rule 19.8 for matters of discretion and conditions.

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19.3.1 Non-compliance with Permitted Activity

- (a) Any permitted activity which does not comply with any condition in Rule 19.6 or Chapters 21, 22, 23 and 24 of this District Plan shall be a restricted discretionary activity except for activities that are specified as discretionary activities or non-complying activities in Rules 19.4 and 19.5. (Refer Rule 19.8.1)

Where resource consent applications involve activities within the National Grid Corridor, Council will forward copies of applications to Transpower as an affected party.

19.3.2 Non-compliance with Controlled Activity

- (a) Any controlled activity (excluding subdivision) which does not comply with any condition in Rule 19.7 or Chapters 21, 22, 23 and 24 of this District Plan shall be a restricted discretionary activity except for activities that are specified as discretionary activities or non-complying activities in Rules 19.4 and 19.5. (Refer Rule 19.8.2)

19.3.3 Flood Hazard Overlay Areas (excluding Moutoa Floodway)

- (a) Any permitted activity within a Flood Hazard Overlay Area (excluding Moutoa Floodway) that does not comply with the permitted activity standards in Rule 19.6.11. (Refer Rule 19.8.4)

19.3.4 Historic Heritage

- (a) Earthquake strengthening of any Group 1 building listed in Schedule 2 - Historic Heritage. (Refer Rule 19.8.5)
- (b) Any signs attached to, or within the heritage setting of, a building, structure or site listed in Schedule 2 – Historic Heritage that do not comply with the relevant permitted activity conditions. (Refer Rule 19.8.6)

19.3.5 Remote Advertising Signs

- (a) Any remote advertising sign. (Refer Rule 19.8.7)

19.3.6 Subdivision in all Rural Landscape Domains

- (a) Within all Rural Landscape Domains, any subdivision that does not comply with any condition in Rules 19.6 and 19.7.2 and Chapters 21, 22, 23 and 24 of this District Plan, provided that the conditions for Controlled Activities in Rule 19.7.3 are met. (Refer Rule 19.8.12)
- (b) Any subdivision with access to a State Highway or Limited Access Road provided the standards for Controlled Activities in Rules 19.7.2 and 19.7.3 are met. (Refer Rule 19.8.13)
- (c) Any subdivision with access over or under the North Island Main Trunk Railway Line, provided the standards for Controlled Activities in Rules 19.7.2 and 19.7.3 are met. (Refer Rule 19.8.14)

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- (d) Any subdivision that creates a Conservation Lot except in the Hill Country landscape domain, provided the subdivision complies with the all conditions for Controlled Activities in Rules 19.7.2 and 19.7.3 (except for the number of additional lots that can be created and the Parent title issued date or consent issued date), and the conditions for Restricted Discretionary Activities in Rule 19.8.12 are met. (Refer Rule 19.8.15)
- (e) Any subdivision within 32 metres of the centre line of High Voltage Transmission Lines provided the standards for Controlled Activities in Rules 19.7.2 and 19.7.3 are met. (Refer Rule 19.8.16)

Where resource consent applications involve activities within the National Grid Corridor, Council will forward copies of applications to Transpower as an affected party.

19.3.7 Subdivision and Buildings in Individual Landscape Domains

- (a) Any subdivision within the Foxton Dunefields, Moutoa-Opiki Plains, Tararua Terraces, Levin-Koputaroa, Levin-Ohau, Kuku and Manakau Downlands Landscape Domains that does not comply with any of the conditions for Controlled Activities in Rule 19.7.3, provided that the conditions for Restricted Discretionary Activities in Rule 19.8.18 are met. (Refer Rule 19.8.17)
- (b) Buildings within those parts of the Coastal Environment and Coastal Lakes Landscape Domains that are not Outstanding Natural Features and Landscapes except for:
 - (i) Buildings, additions and alterations that do not exceed 5m in height.
 - (ii) Buildings, additions and alterations that do not exceed 5m in height and are on a dune or part of a dune that is no greater than 10m from toe to summit.
 - (iii) Primary production buildings.
 - (iv) Buildings for temporary activities. (Refer Rule 19.8.10)

Note: For the purpose of Rule 19.3.7 Primary Production Building means any building used principally to support primary production activities. This shall include buildings used for storage and management of stock but shall exclude buildings used in total or in part for residential activities.

- (c) Buildings within those parts of the Hill Country Landscape Domain that are not Outstanding Natural Features and Landscapes except for:
 - (i) Buildings, additions and alterations that do not exceed 5 metres in height and that are located 20 metres vertically below an Important Ridgeline (as identified on the Planning Maps), measured from the roofline of the house.
 - (ii) Primary production buildings.
 - (iii) Buildings for temporary activities. (Refer Rule 19.8.11)

Note: For the purpose of Rule 19.3.7 Primary Production Building means any building used principally to support primary production activities. This shall include buildings used for storage and management of stock but shall exclude buildings used in total or in part for residential activities.

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19.3.8 Outstanding Natural Features and Landscapes

- (a) Any new or upgraded flood control, erosion control, or drainage works carried by or on behalf of the Manawatu-Wanganui Regional Council within a Flood Control or Drainage Scheme located in the Manawatu River Estuary, Coastal and Lake Horowhenua Outstanding Natural Feature and Landscapes. (Refer Rule 19.8.19)

19.3.9 Buildings and Structures in the Waikawa Beach - Strathnaver Coastal Natural Character Area Overlay

- (a) Any buildings and structures in the Waikawa Beach - Strathnaver Coastal Natural Character Area Overlay. (Refer Rule 19.8.8)

19.3.10 Aggregate Extraction

- (a) Aggregate extraction activities not within Outstanding Natural Features and Landscapes. (Refer Rule 19.8.9)

Note: Refer to Chapter 25 for Assessment Criteria as a guide for preparing an assessment of environmental effects to accompany a resource consent application for any of the above activities.

19.4 DISCRETIONARY ACTIVITIES

The following activities shall be discretionary activities in the Rural Zone:

19.4.1 General

- (a) Any activity that is not a permitted, controlled, restricted discretionary, or non-complying activity is a discretionary activity.

19.4.2 Residential Density

- (a) Two or more residential dwelling units or family flats per site on sites up to 40 hectares.
- (b) Three or more residential dwelling units or family flats per site on sites between 40 hectares up to 100 hectares.
- (c) Four or more residential dwelling units or family flats per site on sites 100 hectares and over.

19.4.3 Community Entrance Signs

- (a) Community Entrance signs that do not comply with the restricted discretionary activity conditions in Rule 19.8.7(b)(i).

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19.4.4 Community Facilities

- (a) New community facilities or external additions and alterations to existing community facilities (including education facilities and grounds) for community activities including services having a social, community, ceremonial, cultural, educational, recreational, worship, or spiritual purpose.

19.4.5 Buildings and Network Utilities - Outstanding Natural Feature and Landscape

- (a) Any building or network utility with a height of more than 3m and less than 7m on any land shown or specified as an Outstanding Natural Feature and Landscape on the Planning Maps.

19.4.6 Network Utilities and Electricity Generation

- (a) Lines and support structures (including towers, masts and poles) for conveying electricity at a voltage exceeding 110kV.
- (b) Wind energy facilities.

19.4.7 Buildings, Structures and Subdivision in the Coastal Natural Character and Hazard Overlay Area

- (a) Any buildings, structures and the subdivision of land (excluding boundary adjustments) in the Coastal Natural Character and Hazard Overlay Area identified on the Planning Maps.

For the purposes of this rule, 'structures' does not include permanent or temporary structures designed to assist or restrict pedestrian access (such as fences, bollards, timber walkways and steps) or for passive recreation use (such as picnic tables, barbeques, and rubbish/recycling bins).

19.4.8 Flood Hazard Overlay Area (excluding Moutoa Floodway)

- (a) Any activity within the Flood Hazard Overlay Areas (excluding Moutoa Floodway) that is not listed as a permitted or controlled activity, including but not limited to the following:
 - (i) Any erection, placement, alteration of or addition to any habitable building or structure.
 - (ii) Any new network utilities (except installation of underground network utilities, above ground lines, network utility masts, and network utility cabinets/buildings which are a permitted activity under Rule 19.1(n))
 - (iii) Any subdivision of land (except for boundary adjustments which are a controlled activity under Rule 19.2(b)).
 - (iv) Any activity involving ~~use~~, storage or disposal of hazardous substances.
 - (v) Visitor accommodation.

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19.4.9 Moutoa Floodway

- (a) Any permitted activity within the Moutoa Floodway that does not comply with the permitted activity conditions in Rule 19.6.10.
- (b) Any activities (including buildings, and structures) ~~and activities~~ within the Moutoa Floodway that are not listed as a permitted activity under Rule 19.1(p).
- (c) Any subdivision of land within the Moutoa Floodway.

19.4.10 Historic Heritage – Buildings and Structures

- (a) Where a building or structure is listed in Schedule 2 – Historic Heritage, the following are discretionary activities:
 - (i) Alteration to, or relocation of, a Group 1 or 2 building or structure.
 - (ii) Demolition of a Group 2 building or structure.
 - (iii) Subdivision within the heritage setting of a Group 1 or 2 building or structure.
 - (iv) New building or additions to an unlisted building located within the heritage setting of a Group 1 or 2 building or structure.
 - (v) Earthworks within the heritage setting of a Group 1 or 2 building or structure.

Any application made under 19.4.10 must demonstrate a regard for policies detailed under Chapter 13 of this Plan, in addition to assessment criteria under 25.7.16, the ICOMOS New Zealand Charter 2010 referenced in this Plan by association, and the Foxton and Shannon Town Centre Design Guide and the Foxton and Shannon Town Centre Heritage Overlay Areas within the Proposed District Planning Maps, in undertaking maintenance, conservation and other works on any heritage building, structure or site identified in Schedule 2 Historic Heritage.

19.4.11 Historic Heritage – Sites

- (a) Where a site is listed in Schedule 2 – Historic Heritage, the following are discretionary activities:
 - (i) New building or the extension of the footprint of an existing building or structure on a site.
 - (ii) Earthworks.
 - (iii) Subdivision of land.

19.4.12 Notable Trees

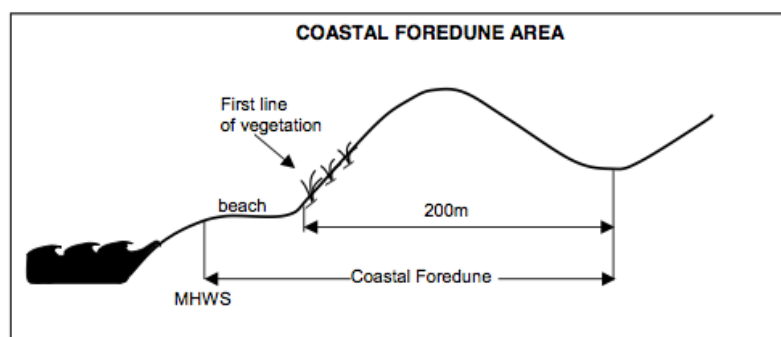
- (a) Any permitted work to a listed tree in Schedule 3 - Notable Trees, or any activity within the drip line of a listed Notable Tree, that does not comply with the permitted activity conditions in Rule 19.6.27.

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19.4.13 Subdivision in All Landscape Domains

- (a) Any subdivision creating a Conservation Lot that does not comply with the conditions for Restricted Discretionary Activities in Rule 19.8.15, or is within the Hill Country Landscape Domain is a Discretionary Activity.
- (b) Any subdivision of land that contains all or part of a site with any heritage feature identified in Schedule 2: Heritage Features – Structures of this District Plan is a Discretionary Activity.
- (c) Earthworks within both the Coastal Outstanding Natural Feature and Landscape and Coastal Foredune Area, being the strip of land between the coastal marine area and a line roughly parallel with beach, extending 200 metres inland of the first line of vegetation, that are not permitted or restricted discretionary activity.

Note: The figure below illustrates the Coastal Foredune Area.



19.4.14 Subdivision, Building and Structures in Individual Landscape Domains

- (a) Any subdivision in the Coastal Environment, Coastal Lakes, and Hill Country Landscape Domains that does not comply with the conditions for Controlled Activities in Rule 19.7.3 is a Discretionary Activity provided that the conditions for Discretionary Activities in Rule 19.9.1 are met.
- (b) Any subdivision in the Moutoa-Opiki Plains and Kuku Landscape Domains that does not comply with the conditions for Controlled Activities in Rule 19.7.3, or Restricted Discretionary Activities in Rule 19.8.18, provided that the conditions for Discretionary Activities in Rule 19.9.1 are met.
- (c) Any subdivision in the Foxton Dunefields, Tararua Terraces, Levin-Koputaroa, Levin-Ohau, and Manakau-Downlands Landscape Domain that does not comply with the conditions for Controlled Activities in Rule 19.7.3, or Restricted Discretionary Activities in Rule 19.8.18 is a Discretionary Activity.
- (d) Network Utilities with a height of more than 8m located within those parts of the Coastal Environment, Coastal Lakes, Manakau Downlands, and Hill Country Landscape Domains that are not identified as Outstanding Natural Features and Landscapes on the Planning Maps.

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19.4.15 Subdivision in the Waikawa Beach - Strathnaver Coastal Natural Character Area Overlay

- (a) Any subdivision of land (excluding boundary adjustments) in the Waikawa Beach - Strathnaver Coastal Natural Character Area Overlay.

19.4.16 Buildings, Structures and Subdivision in the Waikawa Beach - Strathnaver Coastal Hazard Area Overlay

- (a) Any buildings, structures and subdivision of land (excluding boundary adjustments) in the Waikawa Beach - Strathnaver Coastal Hazard Area Overlay identified on the Planning Maps.

19.4.17 Subdivision in the Muhunua West Forest Park Coastal Natural Character and Hazard Area Overlay

- (a) Any subdivision of land (excluding boundary adjustments) in the Muhunua West Forest Park Coastal Natural Character and Hazard Area Overlay.

19.4.18 Aggregate Extraction

- (a) Aggregate extraction activities within Outstanding Natural Features and Landscapes.

Discretionary activities will be assessed but not restricted to the relevant assessment criteria set out in Chapter 25 and the matters set out in Rule 19.9.

19.5 NON-COMPLYING ACTIVITIES

The following shall be non-complying activities in the Rural Zone:

19.5.1 Subdivision in all Landscape Domains

- (a) Any subdivision with access to a State Highway or Limited Access Road which does not meet the conditions for Controlled Activities in Rules 19.7.2 and 19.7.3, Restricted Discretionary Activities in Rules 19.8.17(b) and 19.8.18 or Discretionary Activity in Rule 19.9.1.
- (b) Any subdivision with access over or under the North Island Main Trunk Railway Line, which does not meet the conditions for Controlled Activities in Rule 19.7.2 and 19.7.3, Restricted Discretionary Activities in Rule 19.8.14, or Discretionary Activity in Rule 19.9.1.

Note: The Council does not consider level crossing access over the North Island Main Trunk Railway Line to constitute legal and physical access in terms of Section 106(1)(c) of the RMA.

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19.5.2 Subdivision and Buildings in Individual Landscape Domains

- (a) Any subdivision within the Coastal Environment, Coastal Lakes, and Hill Country Landscape domains that is not a Controlled Activity, or does not comply with the minimum conditions for Discretionary Activities in Rule 19.9.1.
- (b) Any subdivision within the Moutoa-Opiki Plains and Kuku Landscape domains that is not a Controlled Activity, Restricted Discretionary Activity, or does not comply with the minimum conditions for Discretionary Activities in Rule 19.9.1.

19.5.3 Outstanding Natural Features and Landscapes

- (a) Any building or network utility with a height of more than 7 metres, or earthworks on any land shown or specified as an Outstanding Natural Feature and Landscape on the Planning Maps, except for earthworks on land that is within the Coastal Outstanding Natural Feature and Landscape that are permitted, limited discretionary, or discretionary activities.

Note: Bundling of class of consent will not be applied where a line crosses a stream that is an Outstanding Natural Feature and Landscape.

- (b) Any wind energy facility on any land within an Outstanding Natural Feature and Landscape on the Planning Maps.

19.5.4 Historic Heritage – Buildings, Structures and Sites

- (a) Demolition or destruction of a Group 1 building, structure or a site listed in Schedule 2 – Historic Heritage.

19.5.5 National Grid Corridor

- (a) Any activity within the National Grid Corridor that does not comply with conditions in Rule 19.6.14.

19.6 CONDITIONS FOR PERMITTED ACTIVITIES

The following conditions shall apply to all permitted activities:

19.6.1 ~~Residential Dwelling Units and Family Flats~~

- (a) One residential dwelling unit per site.
- (b) ~~One~~ Family flat of up to 70m² in maximum gross floor area plus a covered verandah up to 10m² per site.

Except on sites of 5,000m² or less, the maximum gross floor area of the family flat shall not exceed 50m² plus covered verandah up to 10m² per site.

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19.6.2 Maximum Building Height

- (a) No part of any building intended for residential activities shall exceed a height of 10 metres.
- (b) No part of any other building shall exceed a height of 15 metres.

19.6.3 Daylight Setback Envelope

- (a) Where a site adjoins the Residential Zone, the daylight setback requirement for the Residential Zone shall apply as if all buildings on the site were part of the Residential Zone.

19.6.4 Building Setbacks from Boundaries and Separation Distances

- (a) All buildings shall comply with the following setbacks:
 - (i) 10 metres from any District road boundary;
 - (ii) 15 metres from any State Highway boundary;
 - (iii) 10 metres from any other site boundary;
 - (iv) 15 metres from any bank or stream edge;
 - (v) 20 metres from the bed of any water body listed in Schedule 12 – Priority Water Bodies.

Except on sites of 5,000m² or less, where the following setbacks apply:

- (vi) 10 metres from any District road boundary;
 - (vii) 15 metres from any State Highway boundary;
 - (viii) 3 metres from any other site boundary;
 - (ix) 10 metres from any residential dwelling unit on any other site;
 - (x) 15 metres from any bank or stream edge;
 - (xi) 20 metres from the bed of any water body listed in Schedule 12 – Priority Water Bodies.
- (b) All residential dwelling units, family flats and sensitive activities shall comply with the following additional setbacks and separation distances:
 - (i) 300 metres from any building containing an existing intensive farming activity on any other site;
 - (ii) 150 metres from any piggery effluent storage and treatment facilities or human effluent storage and treatment facilities (excluding domestic wastewater systems) on any other site;
 - (iii) 20 metres from any other farm (e.g. dairy and poultry) effluent storage and treatment facilities on any other site.

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- (iv) 30 metres from the edge of an existing plantation forest under separate ownership.
- (v) 200 metres from existing aggregate extraction activities on the Ohau River (area shown on the Planning Maps).
- (c) Any building used for intensive farming activity shall comply with the following setbacks and separation distances:
 - (i) 300 metres from any residential dwelling unit, family flat and other sensitive activities on any other site;
 - (ii) 50 metres from any site boundary;
 - (iii) 600 metres from any Residential, Greenbelt Residential, Open Space, ~~Industrial~~ or Commercial Zone.

19.6.5 Home Occupations

- (a) ~~A~~ Home occupations shall not exceed 50m² in total gross floor area dedicated to this activity.

19.6.6 Noise Insulation

- (a) Any habitable room in a new noise sensitive activity or any alteration(s) to an existing noise sensitive activity constructed within 40 metres (measured from the nearest painted edge of the carriageway) of a State Highway, or land that is subject to a notice of requirement or designation for a State Highway shall be designed, constructed and maintained to meet an internal noise level of 40dBA L_{Aeq} (24 hours).
 - (i) Compliance with Rule 19.6.6(a) shall be achieved by, prior to the construction of any noise sensitive activity, an acoustic design certificate from a suitably qualified acoustic engineer is to be provided to Council demonstrating that the above internal sound levels will be achieved.
- (b) Any habitable room in a new noise sensitive activity or any alteration(s) to an existing noise sensitive activity constructed within 30 metres (measured from the nearest edge of the rail corridor) of the North Island Main Trunk Railway shall be designed, constructed and maintained to meet an internal noise level of:
 - (i) 35dBA L_{Aeq} (1 hour) inside bedrooms.
 - (ii) 40dBA L_{Aeq} (1 hour) inside other habitable rooms.

Compliance with Rule 19.6.6(b) shall be achieved by, prior to the construction of any noise sensitive activity, an acoustic design certificate from a suitably qualified acoustic engineer is to be provided to Council demonstrating that the above internal sound levels will be achieved.

19.6.7 Noise

- (a) Noise from any activity shall not exceed the following limits when measured at, or within, any point within any other site:

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- (i) On any day -
- 7.00am – 7.00pm: 55dB $L_{Aeq(15mins)}$
 - 7.00pm – 10.00pm: 50B $L_{Aeq(15mins)}$
 - 10.00pm 7.00am: 40dB $L_{Aeq(15mins)}$
 - 10.00pm – 7.00am: 65dB L_{Amax}
- (b) Sound levels shall be measured and assessed in accordance with the provisions of NZS 6801:2008 Acoustics – Measurement of environmental sound and assessed in accordance with the provisions of NZS 6802:2008 Acoustics – Environmental noise.
- (c) Construction, maintenance and demolition work shall be measured, assessed, managed and controlled in accordance with the provisions of NZS 6803:1999 Acoustics – Construction noise.
- (d) Except the noise limits in Rule 19.6.7 (a) and (b) shall not apply to:
- (i) Fire and civil emergency sirens.
 - (ii) Audible bird scaring devices.
 - (iii) Mobile sources associated with primary production activities and temporary activities required by normal agricultural and horticulture practice, such as cropping and harvesting.
 - (iv) Construction, maintenance and demolition work.
 - (v) The operation of the Main North Island Trunk Railway.
 - (vi) Vehicles being driven on a road (within the meaning of Section 2(1) of the Transport Act 1962), or within a site as part of, or compatible with, a normal residential activity.
 - (vii) Temporary Military Training Activities.
 - (viii) Temporary events.
- (e) Audible bird-scaring devices (including firearms) shall comply with the following conditions:
- (i) Devices shall not operate between sunset and sunrise.
 - (ii) Devices shall not be used within ~~any Residential Zone or within~~ 200m of a Residential zone boundary.
 - (iii) Impulsive noise from bird-scaring devices shall not exceed ASEL 65dB when assessed at any point within the notional boundary of any dwelling on any other site.
 - (iv) There shall be no more than 12 events per hour on any site within 500 metres of a dwelling.

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- (v) For the purpose of this rule, an 'event' includes clusters of up to three shots from gas operated devices, or three multiple shots from a firearm in rapid succession.

Notwithstanding the above rules, Section 16 of the RMA imposes a duty on every occupier of land and any person carrying out an activity in, on, or under, a water body to adopt the best practicable option to avoid unreasonable noise.

19.6.8 Vibration

- (a) No activity shall create any vibration which exceeds the limits in the following standards:
 - (i) AS 2670.1-2001 Evaluation of human exposure to whole-body vibration – General requirements.
 - (ii) AS 2670.2-1990 Evaluation of human exposure to whole-body vibration - Continuous and shock-induced vibration in buildings (1 to 80 Hz).
 - (iii) DIN 4150-3:1999 Effects of vibration on structures.
 - (iv) NZS 4403:1976 – Code of Practice for Storage, Handling and Use of Explosives, and any subsequent amendments.

19.6.9 Odour

- (a) No activity shall give rise to offensive or objectionable odours able to be detected at the boundary of any adjoining property.

Note: For the purpose of this condition, an offensive or objectionable odour is that odour which can be detected and is considered to be offensive or objectionable by at least two independent observers; including at least one Council officer. In determining whether an odour is offensive or objectionable, the "FIDOL factors" may be considered (the frequency; the intensity; the duration; the offensiveness (or character); and the location of the odour). Section 14.2 of the Proposed One Plan as well as the Good Practice Guide for Assessing and Managing Odour in New Zealand (Ministry for the Environment, 2003) contains further guidance.

19.6.10 Moutoa Floodway

- (a) No earthworks, buildings or structures are permitted in the Moutoa Floodway.

Exceptions

- (i) Earthworks associated with the installation of underground network utilities provided the ground is reinstated as close as practicable to its state prior to disturbance.
- (ii) Network utility cabinets/buildings not exceeding 5m² gross floor area.

19.6.11 Flood Hazard Overlay Area

- (a) Within a Flood Hazard Overlay Area (excluding Moutoa Floodway) earthworks shall not exceed 20m³ per site within any 12 month period.

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Except, the earthworks volume limit does not apply to tracks where the existing ground level is not altered by greater than 0.1 metres in any 12 month period or to the installation of underground network utilities undertaken in accordance with (c) below.

- (b) Within a Flood Hazard Overlay Area (excluding Moutoa Floodway), the erection, placement, alteration of or addition to any non-habitable structure, with an unsealed or permeable floor shall not exceed a gross floor area of 40m² per site.

Exceptions:

- (i) ~~Except, the~~ The above two standards (a) and (b) do not apply to any soil conservation and river/flood control works carried out by or on behalf of Horizons Regional Council.
- (ii) The standard in (b) above does not apply to non-habitable structures/buildings or activities for primary production activities. For the purposes of this rule, "non-habitable" means a structure where people will not sleep.
- (iii) The standards in (a) above do not apply to aggregate extraction activities.
- (c) Within a Flood Hazard Overlay Area (excluding Moutoa Floodway), earthworks associated with the installation of underground network utilities shall reinstate ground level as close as practicable to its state prior to disturbance and the standards in (a) above do not apply.
- (d) Within a Flood Hazard Overlay Area (excluding Moutoa Floodway), new network utility cabinets/buildings shall not exceed 5m² gross floor area.

19.6.12 Earthworks– Specific Landscape Domains

- (a) Earthworks, other than cut for a building platform, on land that is not an Outstanding Natural Landscape and Feature, shall not exceed the following:
- (i) Coastal Environment and Coastal Lakes Landscape Domains
- 2.5 metres (cut or fill) measured vertically
 - Where earthworks exceed 2.5 metres (cut or fill) measured vertically, those earthworks shall not exceed 3.5 metres (cut or fill) measured vertically and shall not exceed a distance of 50 metres in continuous horizontal length.
 - Where earthworks are to be undertaken on a dune, the vertical height of the dune, or any part of that dune, prior to the earthworks shall be no greater at any point than 10m from toe to summit.

Exception:

Earthworks provisions shall not apply to production forestry harvesting on a dune 10 metres in height or lower.

- (ii) Hill Country Landscape Domain
- 3 metres (cut or fill) measured vertically

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- Where earthworks exceed 3 metres (cut or fill) measured vertically, those earthworks shall not exceed 5 metres (cut or fill) measured vertically and shall not exceed a distance of 100 metres in continuous horizontal length.

Exception:

Earthworks provisions shall not apply to production forestry harvesting.

(iii) Foxton Dunefields Landscape Domain

- 3 metres (cut or fill) measured vertically
- Where earthworks exceed 3m (cut or fill) measured vertically, those earthworks shall not exceed 5 metres (cut or fill) measured vertically and shall not exceed a distance of 50 metres in continuous horizontal length.
- Where earthworks are to be undertaken on a dune, the vertical height of the dune, or any part of that dune, prior to the earthworks shall be no greater at any point than 10 metres from toe to summit.

Exception:

Earthworks provisions shall not apply to production forestry harvesting on a dune 10 metres in height or lower.

- (b) All disturbed surfaces shall be revegetated within 6 months of the completion of the earthworks.

Note 1: The term earthworks does not include activities such as digging post holes, cultivation of crops, planting trees, burials, drilling bores, digging offal pits and installation of services where these activities do not reshape or recontour the land.

Note 2: Earthworks does not include gravel extraction and other works within the bed of a waterbody. This is managed by the Regional Council.

19.6.13 Sites of Significance to Tangata Whenua

- (a) No activity or development shall ~~lead to the modification, demolition or removal of~~ modify, demolish or remove any sites of significance to Maori where such site has been identified to Council and recorded by the Council in a register of sites prior to the time that any activity or development is proposed.

19.6.14 National Grid ~~Transmission Line~~ Corridor

- (a) All buildings shall comply with New Zealand Electrical Code of Practice of Electrical Safety Distances (NZECP 34:2001).
- (b) No building or sensitive activity shall be located closer than:
- (i) 10 metres either side of the centreline of any high voltage (110kV) transmission line shown on the Planning Maps.

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- (ii) 12 metres either side of the centreline ~~and support structures~~ of any high voltage (220kV or more) transmission line shown on the Planning Maps.
- (iii) 12 meters from the outer edge of any support structure of any high voltage transmission line shown on the Planning Maps.

Note: The requirements of New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP34:2001) also need to be met and contact should be made with the line owner.

Exceptions:

The following are exempt from the setback requirements in Rule 19.6.14(b):

- Fences up to 2.5 metres in height
 - Mobile machinery and equipment
 - Utilities within a road or rail corridor and electricity infrastructure
 - Crop support structures and crop protection structures that meet the requirements of New Zealand Electrical Code of Practice of Electrical Safety Distances (NZECP 34:2001) for minimum distance beneath conductors and are 12 metres from the support structure of high voltage transmission lines.
 - Crop support structures and crop protection structures (including any connected catenary or support cables or wires) that are at least 8 metres from the outer edge of a pole (not tower) support structure of high voltage transmission line and that:
 - Meet the requirements of New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) for minimum distance beneath conductors: and
 - Are no more than 2.5 metres high; and
 - Are removable or temporary, to allow a clear working space 12 metres from the pole when necessary for maintenance purposes; and
 - Allow all weather access to the pole and a sufficient area for maintenance equipment, including a crane.
 - Non-habitable buildings associated with primary production activities (excluding milking sheds) that meet the requirements of New Zealand Electrical Code of Practice of Electrical Safety Distances (NZECP 34:2001) for minimum distance beneath conductors and are 12 metres from the support structure of high voltage transmission lines.
 - Recreational activities and facilities.
- (c) Earthworks
- (i) Earthworks around Poles shall be:

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- No deeper than 300mm within 2.2 metres of a transmission pole support structure or stay wire; and
- No deeper than 750mm between 2.2 to 5 metres from a transmission pole support structure or stay wire.

Except that:

Vertical holes not exceeding 500mm diameter beyond 1.5 metres from the outer edge of a pole support structure or stay wire are exempt from 19.6.14 (c)(i)(a) and (c)(i)(b) above.

(ii) Earthworks around Towers shall be:

- No deeper than 300mm within 6 metres of the outer visible edge of a transmission tower support structure; and
- No deeper than 3 metres between 6 to 12 metres from the outer visible edge of a transmission tower support structure.

(iii) Earthworks 12 metres either side of a high voltage transmission line shall not:

- Create an unstable batter that will affect a transmission support structure; and/or
- Result in a reduction of the existing conductor clearance distances as required by NZECP34:2001.

Exceptions:

The following activities are exempt from 19.6.14 (c)(i), (c)(ii) and (c)(iii) above:

- Earthworks undertaken by a Network Utility operator; or
- Earthworks undertaken as part of agricultural or domestic cultivation, or repair, sealing or resealing of a road, footpath or driveway.

19.6.15 Planting Setbacks for Plantation Forestry and Shelterbelt Planting

- (a) No plantation forest shall be planted within 10 metres from any ~~site~~-boundary of a site under separate ownership or road.
- (b) No plantation forest shall be planted within 25 metres from any existing residential dwelling unit of a site under separate ownership.
- (c) Vegetation planted to form a shelterbelt for more than 20 metres in length shall not exceed 6 metres in height from ground level within 10 metres horizontal distance from any ~~site~~-boundary of a site under separate ownership or road.
- (d) No plantation forest or shelterbelt shall be planted or allowed to grow in any position which could result in any icing of any public road carriageway as a result of shading of the road between 10.00am and 2.00pm on the shortest day.

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19.6.16 ~~Forestry and Timber Harvesting~~

- (a) Managed revegetation for any primary production activity of harvested forestry areas shall be undertaken as soon as practicable after harvesting has occurred.

~~Note: Resource Consents may be required from Horizons Regional Council in respect of soil disturbance and vegetation clearance for the purposes of soil conservation.~~

19.6.17 Wastes Disposal

- (a) All ~~wastes (including sewage, effluent, and refuse,)~~ compost and recyclable materials including scrap metal that are generated or stored on any site shall be collected, treated, and disposed of in a manner that avoids, remedies or mitigates any significant adverse effects or nuisance for:
- (i) an adjoining property;
 - ~~(ii) roads and road users;~~
 - (iii) any natural habitat or indigenous species;
 - ~~(iv) any channel, stream or water body;~~
 - (v) any outstanding landscape or natural feature.

In particular, in accordance with Chapter 24 of this District Plan.

Note: On-site domestic wastewater systems for residential dwelling units are to comply with the requirements in the Horizons Regional Council Proposed One Plan.

Note: For farm and other effluent treatment and disposal systems, resource consent may be required from Horizons Regional Council.

19.6.18 Water Supply

- (a) All activities occurring on any site shall be supplied with sufficient water suitable for consumption by the people and by the livestock associated with the activity/activities and in accordance with Chapter 24.

19.6.19 Surfacewater Disposal

- (a) All activities shall make provision for the management of stormwater as means of dealing with water quantity and water quality to avoid significant adverse effects or nuisance.

Note: Discharge of stormwater to land or drainage systems is also regulated by the Proposed One Plan and may require resource consent from Horizons Regional Council.

19.6.20 Engineering Works

- (a) All activities, subdivision and development shall comply with the permitted activity conditions in Chapter 24.

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19.6.21 Vehicle Access

- (a) All activities shall be provided with practicable vehicle access from a public road in accordance with the permitted activity conditions in Chapter 21.

19.6.22 Vehicle Parking, Manoeuvring, and Loading

- (a) All activities, ~~except network utilities on sites less than 200m²~~, shall be provided onsite vehicle parking, manoeuvring areas, and loading facilities as required in Chapter 21

19.6.23 Safety and Visibility at Road and Rail Intersection

- (a) No building or structure shall be erected, no materials shall be ~~deposited~~ placed, or vegetation planted that would obscure the railway level crossing approach sight ~~distances~~ triangles from any road and rail intersection as shown detailed in Rule 21.1.11 in ~~Diagram 1~~ (Chapter 21 Traffic Sight Lines at Road and Rail Intersections).

19.6.24 Network Utilities and Energy

- (a) All network utilities and structures associated with network utilities shall comply with the permitted activity conditions in Chapter 22.
- (b) All other relevant conditions in this part of the District Plan shall also apply to any new network utilities or upgrade of any network utility or associated structures which are not able to meet the permitted activity conditions under Rule 22.1.10.

19.6.25 Hazardous Substances

- (a) All activities using or storing hazardous substances shall comply with the Hazardous Substances Classification parameters for the Rural Zone in Table 23.2 in Chapter 23 and shall comply with all relevant permitted activity standards in that Chapter.

19.6.26 Signs

- (a) All signs shall relate to, or be associated with, services, products or events available or occurring on the site on which the sign is located, except where specifically provided for as a permitted activity including official signs, temporary signs or signs for the sale or auction of land.
- (b) All signs shall comply with the Maximum Face Area set in Table 19-1.

Table 19-1: Maximum Face Area for Signs

Type of Sign	Maximum Face Area (m ²) per site
Official signs	N/A
Temporary signs	3m ²
Signs advertising the sale or auction of land or premises.	2m ² (combined total area of signs)

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<u>Advertising</u> Public information signs, located on the site to which the activity relates identifying the building, property or business which can include a sign attached to the building.	1m ²
A permanent free standing sign, which may be double sided, for each frontage of the site.	1m ² (on one side)
Public facility signs including any church, school or hall.	2m ²
<u>Health and safety signs</u>	<u>N/A</u>

- (c) Any temporary sign shall be displayed for no longer than two (2) calendar months of ~~every one (1) year~~ a 12 month period and removed within seven (7) days after the event, and which do not need to be on the site of the temporary activity.
- (d) Signs advertising the sale or auction of land or premises shall be removed within 10 days of the property being sold, leased or withdrawn from the market.
- (e) All signs shall comply with the height, and where applicable recession plane requirements, but shall not be required to comply with rules relating to setbacks from road boundaries.
- (f) No sign shall be illuminated.
- (g) All signs attached to buildings shall not exceed the highest point of the roof.
- (h) No sign shall be erected on, or adjacent to, a road which will:
- (i) obstruct the line of sight of any corner, bend, intersection or vehicle crossing;
 - (ii) obstruct, obscure or impair the view of any traffic sign or signal;
 - (iii) physically obstruct or impede traffic or pedestrians;
 - (iv) resemble or be likely to be confused with any traffic sign or signal;
 - (v) use reflective materials that may interfere with a road user's vision;
 - (vi) use flashing or revolving lights; or
 - (vii) project light onto the road so as to cause a hazard or distraction to users of the road (including pedestrians).
- (i) The minimum lettering sizes in Table 19-2 below shall apply to all signs located within 15 horizontal metres of a road:

Table 19-2: Minimum Lettering Sizes

	Posted speed limit 70kph and above
Maximum number of words	6 or symbols
Maximum number of characters	40

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Minimum lettering height	160mm
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19.6.27 Notable Trees

- (a) Any removal or partial removal of a tree listed in Schedule 3 - Notable Trees shall comply with the following conditions:
- (i) Council has confirmed the tree is dead; or
 - (ii) Removal or partial removal is required as an emergency work to safeguard life or habitable buildings from immediate danger (as confirmed by a qualified arborist).
- (b) Within the drip line of any tree listed in Schedule 3 - Notable Trees, any activities shall not involve the following works:
- (i) The construction of any building or structure.
 - (ii) The laying of overhead or underground services.
 - (iii) Any sealing, paving, soil compaction, or any other impervious surfaces.
 - (iv) The alteration of existing ground levels by excavation or deposition of soil including thrust boring and directional drilling.
 - (v) The discharge of any toxic hazardous substance.
- (c) Any trimming and maintenance of a tree listed in Schedule 3 - Notable Trees shall be limited to:
- (i) Minor trimming necessary to maintain the health of the tree where the work is carried out by, or under the supervision of, a qualified arborist who has advised the Council in advance of the work to be carried out.
 - (ii) the removal of branches interfering with buildings, structures, overhead wires or utility networks, but only to the extent that they are touching those buildings, or structures, or ~~interfering with~~ likely to compromise the effective operation of those overhead wires or utility networks and only where the work is carried out by, or under the supervision of a qualified arborist who has advised the Council in advance of the work to be carried out.
 - (iii) The removal of broken branches, dead wood or diseased vegetation (as confirmed by a qualified arborist).
 - (iv) Required as an emergency work.

19.6.28 Activities on the Surface of the Water

- (a) Any activity on the surface of any lake or river shall not exclusively occupy any defined area of water for more than 8 hours per day, for more than seven (7) consecutive days.
- (b) Any structure erected, moored, or placed on ~~or above~~ any water surface ~~but excluding any bridge or other structure forming part of the roading resource, or the~~

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~~maintenance, replacement or upgrading of network utilities, shall not exceed 10 m² gross floor area and shall not exceed 3 metres height of the water surface.~~

Note: The Proposed One Plan manages all structures in, on, or under the beds of rivers and lakes. Therefore, any anchors or piles used in conjunction with any structure permitted by the Rule 19.6.28(b) must be assessed against the Horizons Regional Council Proposed One Plan in terms of Section 13 of the RMA.

Further, any works in relation to the damming or diversion of any water; or discharges to water must be assessed against the Proposed One Plan in terms of Sections 14 and 15 of the RMA.

~~Additional resource consents or permits may be required from Horizons Regional Council in respect of other aspects of the activity including structures on the bed of any river or lake; damming or diversion of any water; or discharges to water in terms of Sections 13, 14 and 15 of the RMA.~~

19.6.29 Temporary Activities

- (a) In addition to the other permitted activity conditions, temporary events, including but not limited to festivals, sports events, and markets, shall comply with the following conditions:
- (i) The duration of any temporary event shall not exceed seven (7) consecutive days. For the purpose of this rule, 'day' means a whole day, or part of a day.
 - (ii) Any temporary event shall operate between the hours of 7.00am – 10.00pm.
 - (iii) The duration of a series of temporary events shall not exceed a cumulative period of 30 days in a calendar year.
 - (iv) All temporary buildings and structures are exempt from the maximum height standards set out in Rule 19.6.2.
 - (v) Noise from any temporary events shall not exceed the following noise levels, at any site in the Residential Zone, at the notional boundary of any noise sensitive activity within the Rural Zone, or anywhere within the site boundary of any noise sensitive activity within the Commercial, Industrial, Open Space or Greenbelt Residential Zones.
 - Amplified Sound including sound testing: 80dBA L_{Aeq} (10 mins)
 - Activities other than amplified sound: 70dBA L_{Aeq} (10 mins)
 - Crowd noise is exempt from these limits.
- (b) In addition to the permitted activity conditions, temporary filming activities, shall comply with the following conditions:
- (i) The total occupation of the site for filming activities shall not exceed seven (7) consecutive days.
- (c) All temporary buildings and structures are exempt from the maximum building height standard set out in Rule 19.6.2.

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19.6.30 Temporary Military Training Activities

(a) All temporary military training activities shall comply with the following conditions:

- (i) No permanent structures shall be constructed.
- (ii) The activity shall not require excavation (permanent or mechanical), unless provided for in this District Plan.
- (iii) The duration of any temporary military training activity shall not exceed 31 consecutive days.
- (iv) Noise generated from mobile sources (other than weapons firing and use of explosives) shall be assessed in accordance with and not exceed the limits as set out in ~~Table 2 of~~ NZS 6803:1999 Acoustics - Construction Noise. ~~when applied at the notional boundary of any noise sensitive activity.~~

Noise levels shall be measured and assessed in accordance with NZS 6803:1999 Acoustics – Construction noise as if it were construction noise.

- (v) Noise generated from any fixed source (other than weapons firing and/or use of explosives) shall not exceed the following limits when measured at the notional boundary of any noise sensitive activity, or any Residential Zone or Greenbelt Residential Zone site boundary:

- On any day -

- 7.00am – 7.00pm: 55 dB $L_{Aeq(15min)}$
- 7.00pm – 10.00pm: 50 dB $L_{Aeq(15min)}$
- 10.00pm – 7.00am: 45 dB $L_{Aeq(15min)}$
- 10.00pm – 7.00am: 75 dB L_{AFmax}

Noise levels shall be measured and assessed in accordance with the provisions of NZS 6801:2008 Acoustics - Measurement of environmental sound and assessed in accordance with the provisions of NZS 6802:2008 Acoustics - Environmental noise.

- (vi) Noise generated from the use of helicopters shall be assessed in accordance with NZS6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas and comply with the limits set out therein.

Noise levels shall be measured in accordance with NZS6801:2008 Acoustics - Measurement of Sound.

- (vii) Any training activities involving the use of explosives and/or firing of weapons shall comply with either:

- The separation distances identified in Table 19-3; or
- If minimum separation distances in Table 19-3 cannot be met:

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- Daytime sound levels do not exceed a peak sound pressure level of 120 dBC when measured at the notional boundary of any noise sensitive activity, or any Residential Zone or Greenbelt Residential Zone site boundary; and
- Night time sound levels do not exceed a peak sound pressure level of 90 dBC when measured at or within the 20 metre notional boundary of any noise sensitive activity, or any Residential Zone or Greenbelt Residential Zone site boundary; and
- Provided the New Zealand Defence Force produces and undertakes the activity in accordance with a Noise Management Plan submitted to the Council at least 15 working days prior to the activity being undertaken (refer 28.2.6 for information requirements for Noise Management Plan).

Table 19-3: Separation Distances for Temporary Military Training Activities involving explosives and/or weapons.

<u>Type of military noise source</u>	<u>Standards</u>	
	<u>Time (Monday to Sunday)</u>	<u>Separation distance required from any residential dwelling unit or building used for noise sensitivity activities in any Zone, and any site within the Residential Zone or Greenbelt Residential Zone</u>
<u>1. Live firing of weapons and single or multiple explosive events</u>	<u>7.00am to 7.00pm (daytime)</u>	<u>At least 1500m</u>
	<u>7.00pm to 7.00am (night time)</u>	<u>At least 4500m</u>
<u>2. Firing of blank ammunition</u>	<u>7.00am to 7.00pm (daytime)</u>	<u>At least 750m</u>
	<u>7.00pm to 7.00am (night time)</u>	<u>At least 2250m</u>

19.6.31 **Buildings and development within the Muhunua West Forest Park Overlay**

- (a) Buildings and development within the Muhunua West Forest Park Overlay that are in accordance with approved Management Plan (Council File Reference SUB 2729/2008).

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19.7 MATTERS OF CONTROL AND CONDITIONS FOR CONTROLLED ACTIVITIES

The matters over which the Council reserves its control and the conditions are detailed below for each controlled activity:

19.7.1 Subdivision of Land (Refer Rule 19.2(a))

(a) Matters of Control

- (i) The size, shape and location of any allotment including:
- the avoidance of close density urban patterns of subdivision;
 - the maximisation and consolidation of usable areas of Highly Versatile soils for primary production;
 - the provision of sufficient land for effluent disposal storage and treatment from existing and proposed systems;
 - the ability to construct a future dwelling on any allotment to comply with Rule 19.6.4;
 - the location of existing intensive farming activities;
 - the protection of any natural habitat and any required buffer zone surrounding that habitat required to protect natural values;
 - the relationship of the subdivision to existing or designated high voltage transmission lines;
 - the degree to which a proposed Conservation Lot is likely to avoid, remedy or mitigate the adverse effects on any natural habitat that would be adversely affected by the subdivision.
- (ii) The provision of any new roads, cycleways, footpaths, provision of linkages to existing roads, access over or under railway lines, the diversion or alteration of any existing roads, the provision of access, passing bays, parking and manoeuvring areas, and any necessary easements.
- (iii) The provision and design of servicing and network utilities, including water supply, wastewater systems, stormwater management and disposal, streetlighting, telecommunications and electricity.
- (iv) Provision of reserves, esplanade reserves, esplanade strips and access strips, including connections to existing and future reserves.
- (v) Effects on significant sites and features, including natural, cultural and historic heritage sites.
- (vi) The degree to which the proposed subdivision would adversely affect the existing landscape character and amenity values of the area, including the effects of development resulting from subdivision such as the siting and design of buildings.

- (vii) The effects of earthworks and modifications to the landscape character, particularly on the values of any outstanding natural feature, outstanding landscape, natural habitat and the Lake Horowhenua and Hokio Stream catchments.
- (viii) Protection and revegetation of the riparian margins of waterways, including the protection and enhancement of the ecological health of waterways.
- (ix) The protection and enhancement of any natural habitat of indigenous species within the subdivision.
- (x) The management of potential reverse sensitivity effects, including but not limited to noise, vibration, odour, dust and visual effects
- (xi) Site contamination remediation measures and works.
- (xii) Avoidance or mitigation of natural hazards.
- (xiii) Management of construction effects, including traffic movements, hours of operation, noise, earthworks and erosion and sediment control.
- (xiv) The staging of development and timing of any works.
- (xv) Subdivision design generally in accordance with the Horowhenua Rural Subdivision Design Guide (Schedule 6).
- (xvi) Compliance with the Horowhenua District Council's Engineering requirements.
- (xvii) Those matters described in Sections 108 and 220 of the RMA.

Controlled Activities are to be assessed against the relevant assessment criteria set out in Chapter 25.

Note to District Plan Users in Interpreting Subdivision Rules

It is first necessary to consider rules that are applicable to any property within the Rural Zone regardless of the location of the property. Requirements that apply to all Rural Zone properties are set out under the headings '...All Landscape Domains'.

Secondly it is necessary to consider rules that are applicable to the property, based on its location within the rural environment. The rural environment has been divided into 10 Landscape Domains (more details about these Domains can be found in Chapter 2 of this District Plan). Each Landscape Domain has specific rules and requirements that are applicable to the properties located within it. The rules and requirements for each Landscape Domain can be found under the headings 'Individual Landscape Domains' where they are then separated into individual domain based headings. A property may be subject to more than one Landscape Domain.

Two issues of assessment arise; first, the status of the activity and second, the provisions against which the proposal will be assessed.

Where more than one activity status applies to a proposal the most restrictive applies.

If a subdivision proposal is within more than one Landscape Domain, the most restrictive activity status applies to the application as a whole. This will not be the case only where the balance lot is the trigger for the most restrictive activity status and has a Building Area that complies with the conditions of All Landscape Domains, and meets the minimum area for a lot in the Landscape Domain in which the balance lot Building Area is identified. In order for the Council to assess this, the application plan must specify the new lots to be created, the balance lot, and identify a Building Area within the balance lot.

Where a more restrictive activity status would have been required because it was triggered by the balance lot but is not applied as discussed above, it is also not necessary to assess the application against the objectives, policies, and rules of the Landscape Domain that applies to the balance lot.

The issue also arises where a proposal requires consent under the provisions applicable to 'All Landscape Domains' and also within its own Landscape Domain. For example, a subdivision proposal within the Foxton Dunefields Landscape Domain is a Controlled Activity. However if the same proposal involves creating a new access onto State Highway 1, under the provisions applying to all Landscape Domains in the Rural Zone, the proposal is a Restricted Discretionary Activity.

The more restrictive activity status in this case is the Restricted Discretionary Activity status and therefore although the proposal needs to be considered against both sets of provisions, it will be assessed as a Restricted Discretionary Activity.

Amalgamated Lots: For the purpose of the subdivision rules and conditions where any allotment has been or is to be amalgamated or held together on the same Certificate of Title with another adjoining allotment on the same survey plan, or any land of an adjoining owner in accordance with a condition of subdivision, the combined area shall be deemed to be a single allotment for the purpose of determining compliance with the subdivision rules and conditions within this District Plan.

19.7.2 Subdivision Conditions applying to all Rural Landscape Domains (Refer Rule 19.2(a))

Any subdivision shall comply with all of the following conditions:

- (a) Public Works and Network Utilities: Any lots created exclusively for public works, network utility operations, reserves and access shall not comply with the minimum area requirements and shall not be counted as part of any lot entitlement where they form part of a subdivision creating other lots, except any lot for the exclusive use of network utilities shall not exceed a maximum lot area of 200m².

To avoid any doubt, this exclusion does not apply to lots that would accommodate wind energy generating facilities and ancillary equipment.

- (b) Water Supply, Wastes and Surface Water Disposal, and Other Services: All subdivisions shall comply with the conditions set out in Chapter 24.
- (c) Roads and Access: All subdivisions shall comply with the conditions set out in Chapter 21.

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- (d) Financial Contributions for Reserves and Biological Diversity: All subdivisions shall comply with the conditions set out in Chapter 24.
- (e) Esplanade Reserves/Strips: All subdivisions shall comply with the conditions set out in Rule 24.2.5.
- (f) Building Area and Effluent Disposal Area: Any vacant lot (except for those lots to be used exclusively as a site for network utilities or public works including reserves or access) shall contain a Building Area and Effluent Disposal Area in compliance with the requirements below. These areas shall be shown on the Scheme Plan at the time of application. Any lot containing existing buildings and/or an existing effluent disposal system shall ensure that all new boundaries are sited to ensure that the existing buildings and/or effluent disposal system comply with the requirements of Rule 19.6 Conditions for Permitted Activities.

Note: For the purpose of the subdivision rules in Chapter 19, an existing dwelling is one that is in existence at 10/01/2009 or has been legally established and constructed prior to 10/01/2009.

For the purpose of this rule, a Building Area shall comply with the following:

- (i) Shape factor of 18 metres by 18 metres; and
- (ii) Setback of 9 metres from any right of way boundary or road boundary of any road that is not a State Highway; and
- (iii) Setback of 15 metres from the road boundary of any road that is a State Highway; and
- (iv) Setback of 9 metres from any side or rear boundary; and
- (v) Setback of 15 metres from any bank or edge of a river, stream, wetland, or waterway; and
- (vi) Setback of 15 metres from any Significant Natural Area
- (vii) Setback of 20 metres from the inland toe of authorised stopbanks
- (viii) Setback of 32 metres from the centre line of High Voltage Transmission line; and
- (ix) Not located within any flooding or inundation hazard area identified on the Horowhenua Flooding and Ponding Maps.

For the purpose of this rule, an Effluent Disposal Area shall comply with the following:

- (i) Minimum area of 400m²;
- (ii) Separate minimum reserve area of 200m² on the same lot for future use;
- (iii) 20 metres separation distance between any neighbouring disposal fields;
- (iv) Setback of 1.5 metres from any boundary;

(v) Setback of 20 metres from any river, lake, natural wetland or artificial water course or coastal marine area;

(vi) No part of the area shall have a gradient over 18 degrees (3 horizontal – 1 vertical);

OR

(vii) Be a design for effluent fields based on soil type and other considerations as detailed in Horizons Regional Council Manual for On-Site Wastewater Design and Management which will include:

- A maximum discharge to land not to exceed 2000 Litres/day per disposal field, and
- Have suitable soils and groundwater conditions, and the loading rate shall not exceed 3 Litres/m²/day.

Note: Once approved, the development of each lot does not necessarily need to be restricted to the Building Areas and Effluent Disposal Areas identified on the proposed Scheme Plan. It should be noted that where an area is to be used that is not within an area identified at the time of the subdivision, then the proposal will require a more stringent assessment prior to the granting of the Building Consent.

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19.7.3 Conditions applying to Individual Rural Landscape Domains

(a) Lot Design and Parameters: Any subdivision shall comply with all of the following conditions for the respective landscape domain:

Landscape Domain	Number of additional lots that can be created	Minimum Parent title size	Parent title issued date or consent issued date (note 1)	Minimum lot size	Maximum lot size	Minimum balance lot size	Minimum average lot size	Minimum Road frontage	Minimum Shape factor
Coastal Environment	0 (boundary adjustment)	NA	NA	5000m ²	NA	NA	NA	NA	NA
Coastal Lakes	0 (boundary adjustment)	NA	NA	5000m ²	NA	NA	NA	NA	NA
Foxton Dunefields	0 (boundary adjustment)	NA	NA	5000m ²	NA	NA	NA	NA	NA
	1	10ha	Before 10/01/09	5000m ²	NA	NA	NA	NA	NA
	2	20ha	Before 10/01/09	5000m ²	NA	NA	NA	NA	NA
Hill Country	0 (boundary adjustment)	NA	NA	NA	NA	NA	NA	NA	NA
Kuku	0 (boundary adjustment)	NA	NA	5000m ²	NA	NA	NA	NA	NA
	1 (lot shall contain an existing dwelling – note 2)	NA	Before 10/01/09	5000m ²	1ha	10ha	NA	NA	NA
	1 or more	20ha	NA	10ha	NA	NA	NA	100m	100m diameter
Levin-Koputaroa Any Soil	0 (boundary adjustment)	NA	NA	5000m ²	NA	NA	NA	NA	NA
Levin-Koputaroa Non Versatile Land	1	3ha	Before 10/01/09	5000m ²	NA	NA	NA	NA	NA
Levin-Koputaroa Non Versatile Land	2	6ha	Before 10/01/09	5000m ²	NA	NA	NA	NA	NA
Levin-Koputaroa Versatile Land	1 (lot shall contain an existing dwelling – note 2)	NA	Before 10/01/09	5000m ²	1ha	10ha	NA	NA	NA
Levin-Koputaroa Versatile Land	1 or more	20ha	NA	10ha	NA	NA	NA	100m	100m diameter
Levin-Ohau Any Soil	0 (boundary adjustment)	NA	NA	5000m ²	NA	NA	NA	NA	NA
Levin-Ohau Non Versatile Land	1	3ha	Before 10/01/09	5000m ²	NA	NA	NA	NA	NA
Levin-Ohau Non Versatile Land	2	6ha	Before 10/01/09	5000m ²	NA	NA	NA	NA	NA
Levin-Ohau Versatile Land	1 (lot shall contain an existing dwelling – note 2)	NA	Before 10/01/09	5000m ²	1ha	10ha	NA	NA	NA

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Landscape Domain	Number of additional lots that can be created	Minimum Parent title size	Parent title issued date or consent issued date (note 1)	Minimum lot size	Maximum lot size	Minimum balance lot size	Minimum average lot size	Minimum Road frontage	Minimum Shape factor
Levin-Ohau Versatile Land	1 or more	20ha	NA	10ha	NA	NA	NA	100m	100m diameter
Manakau Downlands	0 (boundary adjustment)	NA	NA	7000m ²	NA	NA	NA	NA	NA
	1	4ha	Before 10/01/09	7000m ²	NA	NA	NA	NA	NA
Moutoa-Opiki Plains	0 (boundary adjustment)	NA	NA	5000m ²	NA	NA	NA	NA	NA
	1 (lot shall contain an existing dwelling – note 2)	NA	Before 10/01/09	5000m ²	1ha	20ha	NA	NA	NA
	1 or more	40ha	NA	20ha	NA	NA	NA	100m	100m diameter
Tararua Terraces (Any Soil)	0 (boundary adjustment)	NA	NA	7000m ²	NA	NA	NA	NA	NA
Tararua Terraces Non Versatile Land	1	5ha	Before 10/01/09	7000m ²	NA	NA	NA	NA	NA
Tararua Terraces Versatile Land	1 (lot shall contain an existing dwelling – note 2)	NA	Before 10/01/09	5000m ²	1ha	15ha	NA	NA	NA
Tararua Terraces Versatile Land	1 or more	30ha	NA	15ha	NA	NA	NA	100m	100m diameter

Note:

1. The Parent Title Issued Date means the date that the Certificate of Title for the site being subdivided was issued. The Consent Issued Date means the date that the subdivision resource consent for the site was issued.
2. The existing dwelling shall have a gross floor area of greater than 50m² and shall not have been approved by Council as a second dwelling. The dwelling shall be one that is in existence at 10/01/2009 or has been legally established and constructed prior to the 10/01/2009.
3. Versatile Land means rural zoned land identified on Planning Maps as containing LUC Class I or II soil. Non Versatile Land means land that is not identified on Planning Maps as containing LUC Class I or II soil.
4. If the Versatile Land (LUC Class 1 and 2) boundary passes through the area being subdivided, for the purposes of determining which rules apply, where a site is located within a landscape domain that has separate subdivision rules for titles containing Versatile Land, the following criteria shall be used:
 - a. Where the proposed subdivision would:

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- i. not result in any titles being created within the area(s) of land containing Versatile Land, and
- ii. where the Versatile Land is retained as a single allotment

then the subdivision shall be assessed using the rules relating to titles containing no Versatile Land.

- b. Where any subdivision would result in the titles being created within area(s) of land containing highly versatile land (i.e. new boundaries through the areas of versatile land) then the landscape domain rules relating to titles containing Versatile Land shall be applied.
5. If there is doubt regarding the accuracy of the mapped soil records identifying versatile land, a site specific soil survey and report shall be prepared by a suitably qualified and experienced person in soil science and independently peer reviewed by another suitably qualified and experienced person in soil science to determine the soil classification for the area. The classification is to be based on the criteria as detailed in Land Use Capability (LUC) system of Landcare Research NZ Limited. The site specific soil survey shall identify the classification and location of the LUC Class 1 or 2 for the subject area, with the application of the relevant subdivision rules to be based on the soil classification determined by the site specific soil surveys and reports.
6. NA means Not Applicable.
- (b) Vehicle Access: If there are two or more adjacent rear lots they shall share a single vehicle access and shall be designed in accordance with the requirement for accessways under this District Plan.
 - (c) Boundary Adjustment: For any boundary adjustment subdivision, no minimum lot size applies where the lot contains an existing dwelling and effluent disposal system.

19.7.4 Boundary Adjustments in Flood Hazard Overlay Area (Refer Rule 19.2(b))

(a) Matters of Control

- (i) The probability and magnitude of the natural hazard event, and the type, scale and distribution of the risks from the natural hazard. Includes consideration of the influence of climate change, adopting a precautionary approach for the frequency and intensity of events.
- (ii) The location, nature, scale and design of the allotments, their intended use, and the degree to which people or property are put at risk as a result of the subdivision.
- (iii) Avoidance or mitigation measures to address the risks from natural hazards.
- (iv) The effects of the mitigation measures in terms of any increasing the likelihood of erosion, inundation or any other hazard event occurring, or increasing its magnitude on the site and to other properties which may or may not currently be at risk from the effects of the natural hazards.

19.7.5 Road-Side Sales Activities (Refer Rule 19.2(c))

(a) Matters of Control

- (i) The location of buildings.
- (ii) The location of entrance and exit lanes and the configuration and dimensions of access driveways and vehicle parking and turning areas.
- (iii) The location and design of any advertising sign.

(b) Conditions

- (i) The maximum gross floor area of premises used for retail sales shall not exceed 50m².
- (ii) In all other respects, road-side sales activities shall comply with the relevant conditions for permitted activities.

19.7.6 Relocated Buildings (Refer Rule 19.2(d))

(a) Matters of Control

- (i) Conditions for upgrading the exterior of the building and upgrading and reinstating the site, including any one or more of the following:
 - redecoration or reinstatement of any roof or exterior cladding.
 - reinstatement of any porches, terraces, baseboards and steps.
 - replacement of broken window panes, broken or rotten timber, guttering, drainpipes.

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- reinstatement of that part of a dwelling where a chimney has been removed.
 - reinstatement of the site and access to the site.
 - details and length of time to complete site landscaping.
- (ii) The length of time taken to reconstruct, repair or refurbish the building.
- (iii) A bond, of the nature provided for in the RMA, further secured by deposits of cash with the Council, bank guarantee, or otherwise, to the satisfaction of the Council, to ensure compliance with consent conditions. The bond shall be paid prior to the movement of the building to its new site, and shall be to the value of the work required, as assessed by a suitably qualified person approved by the Environmental Manager, at the cost of the applicant. The required work will be expected to be completed within the period set out in the bond documentation (usually a 12 month period). Portions of the bond may be refunded as substantial portions of the work are completed.
- (b) Conditions
- (i) Relocated buildings shall comply, in all respects, with the conditions specified for permitted activities in other relevant parts of the District Plan.

19.7.7 Habitable buildings within the 800 metre buffer zone of the Wastewater Treatment Plant, Mako Mako Road, Levin as identified on the Planning Maps (refer Rule 19.2(e))

- (a) Matters of Control
- (i) That in respect of any dwelling house or other habitable building, the residential use shall endure only for so long as that use does not otherwise constrain the continued lawful operation of the Levin Wastewater Treatment Plant, i.e. as if that residential dwelling unit or habitable building had not been erected and the land was being used only for the grazing of animals or other such activity associated with primary production as defined in Chapter 25 of this District Plan. Any consent granted under this rule is to register a Consent Notice or Covenant on the Certificate of Title of the property to the effect that the owners, occupiers and their successors, acknowledge the presence of the wastewater treatment plant in the vicinity and will not seek to constrain its continued lawful operation.

19.7.8 Historic Heritage – Buildings (Refer Rule 19.2(f))

- (a) Matters of Control
- (i) The potential effects of earthquake strengthening work on the heritage values associated with the building.

19.7.9 Temporary Filming Activities (Refer Rule 19.2(g))

- (a) Matters of Control
- (i) The hours of operation of the temporary filming activity;

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- (ii) The size and positioning of temporary buildings and structures;
 - (iii) The provisions of safe and efficient vehicular access and car parking for staff, service delivery and customers or the public;
 - (iv) Where appropriate, the provision of safe pedestrian entry and exit;
 - (v) The provision for waste collection, storage and site cleanup;
 - (vi) The actual and potential adverse effects on the amenity of the surrounding environment, and any measures to avoid, remedy or mitigate these effects;
 - (vii) The actual and potential adverse effects on the safety and efficiency of the road network, and any measures to avoid, remedy or mitigate these effects; and
 - (viii) The actual and potential adverse effects on the recreation, ecological, heritage or cultural values, and any measures to avoid, remedy or mitigate these effects.
- (b) Conditions
- (i) The duration of the temporary filming activity shall not exceed 31 consecutive days. For the purpose of this rule, 'day' means a whole day, or part of a day.
 - (ii) Submit a draft management plan demonstrating how the temporary filming activity avoids, remedies or mitigates adverse effects on local amenity. The scale and detail of this draft management plan is to be commensurate with the scale of the temporary filming activity and the nature of the potential effects on local amenity.

19.7.10 Temporary Military Training Activities (Refer Rule 19.2(h))

- (a) Matters of Control
- ~~The avoidance, remedying or mitigating any adverse effects on the environment.~~
- (i) The size and positioning of buildings and structures;
 - (ii) The measures used to avoid, remedy or mitigate adverse effects from excavation.
 - (iii) Methods to manage effects on the amenity and character of the area as a result of non-compliance with the noise and duration permitted activity conditions;
 - (iv) The actual and potential adverse effects on the safety and efficiency of the road network, as a result of additional traffic generation for a prolonged period of time; and
 - (v) The provision of safe and efficient vehicular access and on-site car parking to avoid, remedy or mitigate potential traffic effects.

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19.8 MATTERS OF DISCRETION AND CONDITIONS FOR RESTRICTED DISCRETIONARY ACTIVITIES

The matters over which Council has restricted its discretion for each restricted discretionary activity, and the conditions for each activity, are detailed below:

19.8.1 Non-Compliance with Permitted Activity Conditions (Rule 19.6) and Chapters 21, 22, 23 and 24 (Refer Rule 19.3.1)

(a) Matters of Discretion

- (i) Avoiding, remedying or mitigating of any effects deriving from non-compliance with the particular condition(s) that is not met, except where specifically identified in other rules below.

(b) Non-Notification

Where a resource consent application for earthworks in the Foxton Dunefields Landscape Domain is subject to Rule 19.3.1 due to a failure to comply with Rule 19.6.12, the Department of Conservation must be notified where the earthworks activity is to be undertaken west of State Highway 1, but otherwise, pursuant to section 77D of the RMA, such an application shall not be subject to limited notification and shall not be publicly notified, except where:

- (i) The Council decides special circumstances exist (pursuant to Section 95A(4) or
- (ii) The applicant requests public notification (pursuant to 95A(2)(b)).

19.8.2 Non-Compliance with Controlled Activity Conditions (Rule 19.7) and Chapters 21, 22, 23 and 24 (Refer Rule 19.3.2)

(a) Matters of Discretion

- (i) Avoiding, remedying or mitigating of any effects deriving from non-compliance with the particular condition(s) that is not met, except where specifically identified in other rules below.

19.8.3 Home Occupations (Refer Rule 19.3.1)

(a) Matters of Discretion

- (i) Avoiding, remedying or mitigating of any effects deriving from non-compliance with the particular condition(s) that are not met.

(b) Conditions

- (i) ~~A~~ Home occupations shall not exceed 70m² of total gross floor area dedicated to this activity.

19.8.4 Flood Hazard Overlay Areas (excluding Moutoa Floodway) (Refer Rule 19.3.3)

(a) Matters of Discretion

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- (i) The probability and magnitude of the natural hazard event, and the type, scale and distribution of the risks from the natural hazard. Includes consideration of the influence of climate change, adopting a precautionary approach for the frequency and intensity of events.
- (ii) The location, nature, scale and design of the buildings, earthworks or allotments, its intended use, including whether the building, earthworks or use is temporary or permanent, and the degree to which people or property are put at risk as a result of the activity.
- (iii) Avoidance or mitigation measures to address the risks from natural hazards.
- (iv) The effects of the mitigation measures in terms of increasing the likelihood of erosion, inundation or any other hazard event occurring, or increasing its magnitude, including to other properties which may or may not currently be at risk from the effects of the natural hazards.
- (v) The effects on the effectiveness of existing flood hazard avoidance or mitigation measures, including works and structures within river and drainage schemes, natural landforms that protect against inundation, and overland stormwater flow paths.

19.8.5 Historic Heritage – Buildings (Refer Rule 19.3.4(a))

- (a) Matters of Discretion
 - (i) The potential effects of earthquake strengthening work on the heritage values associated with the building.

19.8.6 Historic Heritage – Signs (Refer Rule 19.3.4(b))

- (a) Matters of Discretion
 - (i) The colour and materials of any sign;
 - (ii) The design of any sign;
 - (iii) The location of any sign;
 - (iv) The size of any sign; and
 - (v) The number of any signs.

19.8.7 Signs (Refer Rule 19.3.5)

- (a) Matters of Discretion
 - (i) The size, siting, design and content of the sign;
 - (ii) The effects on character and amenity values;
 - (iii) The likely duration that the sign will be in place;

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- (iv) The impact of the sign on traffic safety and the efficiency of the transport network;
 - (v) The approval of NZTA where the sign fronts a State Highway; and
 - (vi) Cumulative effects arising from other signs in the vicinity.
- (b) Conditions
- (i) The maximum face area of a Community Entrance sign is 9m².
- (c) Non-Notification:

Under Section 77D of the RMA, an activity requiring resource consent under Rule 19.8.7 shall not be publicly notified, except where:

- (i) The Council decides special circumstances exist (pursuant to Section 95A(4)), or
- (ii) The applicant requests public notification (pursuant to Section 95A(2)(b)).

Note: For consent applications involving activities close to State Highways, the New Zealand Transport Agency may be an affected party for the purposes of limited notification.

19.8.8 Buildings and Structures in the Waikawa Beach - Strathnaver Coastal Natural Character Area Overlay (Refer Rule 19.3.9)

- (a) Matters of Discretion
- (i) Design, siting, external appearance of building or structure
 - (ii) Impact on natural character of coastal area.
- (b) Non-Notification:

Under Section 77D of the RMA an activity requiring resource consent under Rule 19.8.8 shall not be subject to limited notification and shall not be publicly notified, except where:

- (i) The Council decides special circumstances exist (pursuant to Section 95A(4) or
- (ii) The applicant request public notification (pursuant to Section 95A(2)(b)).

19.8.9 Aggregate Extraction not within Outstanding Natural Features and Landscapes (Refer Rule 19.3.9)

- (a) Matters of Discretion
- (i) The location, extent, duration (life span) and hours of operation of the activity.
 - (ii) The character of the site and surrounding area, including the location of the resource and proximity to existing dwellings.

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- (iii) The site layout, including location and extent of the extraction areas, processing facilities and stockpiles
- (iv) The effects on traffic safety and movements
- (v) The effects of noise, dust, lighting and vibration, with particular consideration of crushing (if proposed)
- (vi) The effects on any significant site or feature, including but not limited to, the natural character of the river and their margins, areas of significant indigenous vegetation and significant habitats of indigenous fauna, sites of significance to tangata whenua, and historic heritage.
- (vii) The effects from the storage, use and transportation of hazardous substances.
- (viii) The effects on public access when located adjacent to a waterbody
- (ix) The rehabilitation of the site
- (x) Measures to avoid, remedy or mitigate the adverse effects.

19.8.10 Buildings in Coastal Environment and Coastal Lakes Landscape Domains (Refer Rule 19.3.7(b))

- (a) Matters of Discretion
 - (i) Design, siting with particular respect to proximity to Outstanding Natural Features and Landscape boundary
 - (ii) External appearance and landscaping.
- (b) Non-Notification:

Applications pursuant to this rule need not be publicly notified or served on affected parties.

19.8.11 Buildings in Hill Country Landscape Domains (Refer Rule 19.3.7(c))

- (a) Matters of Discretion
 - (i) Design, siting, external appearance and landscaping.
- (b) Non-Notification:

Applications pursuant to this rule need not be publicly notified or served on affected parties.

19.8.12 Subdivision in all Rural Landscape Domains (Refer Rule 19.3.6)

- (a) Matters of Discretion
 - (i) Potable water supply, water storage and treatment;

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- (ii) Wastewater collection, treatment and disposal;
 - (iii) Stormwater collection, treatment and disposal; and
 - (iv) Design, layout, size, number and location of lots.
 - (v) Design generally in accordance with the Rural Subdivision Design Guide (Schedule 6)
 - (vi) The matters not complied with in relation to Rule 19.6.4.
 - (vii) The suitability of the building area, and the potential for reverse sensitivity effects.
- (b) Conditions
- (i) A Conservation Lot: Any subdivision that includes the provision of a Conservation Lot in accordance with the provisions below shall be entitled to:
 - Create 2 additional lots (one of which must be the Conservation Lot) beyond the number of lots specified within the Controlled Activity rules for the Landscape Domain in which the site is located, or
 - Undertake a subdivision that creates a maximum of 2 lots (one of which must be the Conservation Lot) from a Certificate of Title that has been issued after 10/01/2009.
 - (ii) A Conservation Lot shall comply with the following conditions:
 - The lot shall contain an area of at least 5,000m² of indigenous vegetation, wetland or other biological or scientific significance and be clearly defined on the application.
 - The subdivision shall result in the whole of the area required for conservation being contained in a single lot and being physically and legally protected in perpetuity. An agreement regarding an encumbrance, such as a consent notice, covenant or other legal instrument must be entered into before the issue of the Section 224 certificate under the Resource Management Act, such instrument is to be registered on the Certificate(s) of Title of the relevant lot(s). Alternatively ownership of the Conservation Lot may be transferred to an appropriate public body such as the Council or Department of Conservation subject to the agreement of this body. The encumbrance, covenant, consent notice or other legal instrument shall be in accordance with the relevant terms of the Reserves Act 1977 or Queen Elizabeth II National Trust Act 1977 to the effect that the stand of native bush or other feature of significance be fenced with a stock proof fence where appropriate, kept free of livestock, be protected in perpetuity, and shall include enforcement and penalty provision. The encumbrance such as a consent notice, covenant or legal instrument is to be prepared by a Solicitor at the applicant's expense.
 - Where the Conservation Lot is not held in common ownership or is to be transferred to a public body it may contain a house site.

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- Where a house site associated with the Conservation Lot is intended it must be on the property which contains the feature to be protected, but it may be distant from the feature. An area of at least 5000m² exclusive of the area being protected shall be available to accommodate a dwelling and associated effluent disposal systems and fields. There is no maximum lot size for a Conservation Lot.
- Where the area to be protected has not been previously recorded by Council as a Significant Natural Area or Natural Habitat, the applicant shall provide certification from an appropriately qualified independent person. The certification shall be accompanied by a report prepared by the certifier detailing the attributes of the area recommended for protection and including ongoing management detailing any protective, enhancement or other measures deemed appropriate.
- Management Plans detailing the ongoing management of the Conservation Lot shall be provided for areas that have been previously recorded by Council as a Significant Natural Area or Natural Habitat.

19.8.13 All Rural Landscape Domains - Access to a State Highway or Limited Access Road (Refer Rule 19.3.6(b))

- (a) Matters of Discretion
 - (i) The approval of New Zealand Transport Agency as road controlling authority for State Highways and Limited Access Roads, or Horowhenua District Council for any Limited Access Roads not controlled by New Zealand Transport Agency being obtained; and
 - (ii) The location and design of access onto the State Highway network or Limited Access Road.
- (b) Non-Notification
 - (i) In respect of Rule 19.3.6(b), applications need not be notified.

19.8.14 All Rural Landscape Domains - Access over or under the North Island Main Trunk Railway Line (Refer Rule 19.3.6(c))

- (a) Matters of Discretion
 - (i) The approval from New Zealand Railways Corporation as the rail controlling authority for the railway lines being obtained; and
 - (ii) Location and design of access over or under the North Island Main Trunk Railway Line.

Note: The above two rules only apply to subdivision applications that have access to a State Highway or Limited Access Road or over or under the North Island Main Trunk Railway Line.

- (b) Non-Notification
 - In respect of Rule 19.3.6(c), applications need not be notified.

The approach currently adopted by the Council is to refuse subdivision consent applications where the approval from the relevant controlling authority (New Zealand Transport Agency, New Zealand Railways Corporation, or Horowhenua District Council) cannot be obtained.

The Council does not consider level crossing access over the North Island Main Trunk Railway Line to constitute legal and physical access in terms of Section 106(1)(c) of the Resource Management Act 1991.

19.8.15 All Rural Landscape Domains - Creation of a Conservation Lot except in the Hill Country Landscape Domain (Refer Rule 19.3.6(d))

(a) Matters of Discretion

- (i) The assessment criteria for Conservation Lots.
- (ii) The design, layout, size, number and location of lots, including frontage width and access.
- (iii) The impact on the productive capability and life-supporting capacity of highly versatile soils.

(b) Non-Notification

In respect of Rule 19.3.6(d), the written approval of affected persons will not be necessary. Notice of applications need not be served on affected persons and applications need not be notified.

19.8.16 All Rural Landscape Domains - within 32 metres of the centre line of High Voltage Transmission Lines (Refer Rule 19.3.6(e))

(a) Matters of Discretion

- (i) Measures necessary to protect existing high voltage transmission lines and people's health and safety.

(b) Non-Notification

In respect of Rule 19.3.6(e), for the purposes of notification/non-notification, Transpower New Zealand Limited may be identified as a potentially affected party.

19.8.17 Individual Landscape Domains (Refer Rule 19.3.7)

(a) Matters of Discretion

- (i) The matters not complied with in relation to Rule 19.7.3.
- (ii) Design, layout, size, number and location of lots, including frontage width and access.
- (iii) Methods to avoid or mitigate the external effects of primary production activities on the proposed lots, including buffer setbacks, dwelling siting and planting.

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- (iv) Design generally in accordance with the Rural Subdivision Design Guide (Schedule 6).
- (b) Conditions (refer to Table in 19.8.18)

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19.8.18 Conditions for Individual Landscape Domains

(a) Lot Design and Parameters: Any subdivision shall comply with all of the following conditions for the respective landscape domain:

Landscape Domain	Number of additional lots that can be created	Minimum Parent title size	Parent title issued date or date consent issued (note 1)	Minimum lot size	Minimum balance lot size	Minimum average lot size	Balancing Lot (note 2)	Minimum Road frontage	Minimum Shape factor
Foxton Dunefields	0 (Boundary Adjustment)	NA	NA	NA	NA	NA	NA	NA	NA
	1 or more	20ha	Before 10/01/09	5000m ²	NA	NA	3ha	NA	NA
Kuku	1 or more	20ha	NA	10ha	10ha	NA	NA	NA	NA
Levin-Koputaroa	0 (Boundary Adjustment)	NA	NA	NA	NA	NA	NA	NA	NA
Levin-Koputaroa Non Versatile Land	1 or more	NA	Before 10/01/09	5000m ²	NA	3ha (note 3)	NA	NA	NA
Levin-Koputaroa Versatile Land	1 or more	20ha	Before 10/01/09	NA	NA	10ha (note 4)	NA	100m	100m diameter
Levin-Ohau	0 (Boundary Adjustment)	NA	NA	NA	NA	NA	NA	NA	NA
Levin-Ohau Non Versatile Land	1 or more	NA	Before 10/01/09	5000m ²	NA	3ha (note 3)	NA	NA	NA
Levin-Ohau Versatile Land	1 or more	20ha	Before 10/01/09	NA	NA	10ha (note 4)	NA	100m	100m diameter
Manakau Downlands	0 (Boundary Adjustment)	NA	NA	NA	NA	NA	NA	NA	NA
	1 or more	10ha	Before 10/01/09	7000m ²	50% of parent title (note 5)	2ha (note 6)	NA	NA	NA
Moutoa-Opiki Plains	1 or more	40ha	NA	20ha	20ha	NA	NA	NA	NA
Tararua Terraces	0 (Boundary Adjustment)	NA	NA	NA	NA	NA	NA	NA	NA
Tararua Terraces Non Versatile Land	1 or more	15ha	Before 10/01/09	7000m ²	50% of parent title (note 5)	NA	2ha	NA	NA
Tararua Terraces Versatile Land	1 or more	30ha	Before 10/01/09	NA	NA	15ha (note 7)	NA	100m	100m diameter

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Notes:

1. The Parent Title Issued Date means the date that the Certificate of Title for the site being subdivided was issued. The Consent Issued Date means the date that the subdivision resource consent for the site was issued.
2. Balancing lot means for every lot with an area equal to or less than the specified size, there shall be a lot with an area greater than the specified size.
3. When calculating the minimum average lot size, any lot larger than 10 hectares shall be given a nominal size of 10 hectares.
4. When calculating the minimum average lot size, any lot larger than 15 hectares shall be given a nominal size of 15 hectares.
5. A single balance lot of at least 50% of the area of the original title or titles to be subdivided shall be provided as part of the subdivision. The balance lot may be owned in common by the owners of other lots within the subdivision. Where the balance lot is held in separate ownership it may contain a house site or existing dwelling.
6. When calculating the minimum average lot size, any lot larger than 20 hectares shall be given a nominal size of 20 hectares. Averaging shall only be applied where 2 or more additional lots are being created.
7. When calculating the minimum average lot size, any lot larger than 20 hectares shall be given a nominal size of 20 hectares.
8. Versatile Land means rural zoned land identified on Planning Maps as containing LUC Class I or II soil. Non Versatile Land means land that is not identified on Planning Maps as containing LUC Class I or II soil.
9. If the Versatile Land (LUC Class 1 and 2) boundary passes through the area being subdivided, for the purposes of determining which rules apply, where a site is located within a landscape domain that has separate subdivision rules for titles containing Versatile Land, the following criteria shall be used:
 - a. Where the proposed subdivision would:
 - i. not result in any titles being created within the area(s) of land containing Versatile Land, and
 - ii. where the Versatile Land is retained as a single allotmentthen the subdivision shall be assessed using the rules relating to titles containing no Versatile Land.
 - b. Where any subdivision would result in the titles being created within area(s) of land containing highly versatile land (i.e. new boundaries through the areas of versatile land) then the landscape domain rules relating to titles containing Versatile Land shall be applied.
10. If there is doubt regarding the accuracy of the mapped soil records identifying versatile land, a site specific soil survey and report may be prepared by a suitably qualified and experienced person in soil science and independently peer reviewed by another suitability qualified and experienced person in soil science to determine the soil classification for the area. The classification is to be based on the criteria as detailed in Land Use Capability (LUC) system of Landcare Research NZ Limited. The site specific soil survey shall identify the classification and location of the LUC Class 1 or 2 for the subject area, with the application of the relevant subdivision rules to be based on the soil classification determined by the site specific soil surveys and reports.

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11. NA means Not Applicable.

- (b) Vehicle Access: If there are two or more adjacent rear lots they shall share a single vehicle access and shall be designed in accordance with the requirement for accessways under this District Plan.
- (c) Manakau Downlands: Where three or more additional lots are being created, the maximum number of rural hamlet lots in any one cluster shall be 10. The cluster is a grouping of the lots (or dwellings) in one part of the subdivision, with the remainder as open space. Where the topography dictates more than one cluster of rural hamlet lots within the subdivision, the hamlet lots shall be grouped together and each group shall accommodate at least three hamlet lots.

19.8.19 Outstanding Natural Features and Landscapes (Refer Rule 19.3.8)

- (a) Matters of Discretion
 - (i) Methods to avoid or mitigate visual or amenity effects of the works.
- (b) Non-Notification:
 - (i) Under section 77D of the RMA, an activity requiring resource consent under Rule 19.3.8 shall not be publicly notified, except where:
 - The Council decides special circumstances exist (pursuant to Section 95A(4)); or
 - The applicant requests public notification (pursuant to Section 95A(2)(b)).

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19.9 CONDITIONS FOR DISCRETIONARY ACTIVITIES

19.9.1 Conditions for Individual Landscape Domains

(a) Lot Design and Parameters: Any subdivision shall comply with all of the following conditions for the respective landscape domain:

Landscape Domain	Number of additional lots that can be created	Minimum Parent title size	Parent title issued date or consent issued date (note 1)	Minimum lot size	Minimum balance lot size	Minimum average lot size
Coastal Environment	0 (Boundary Adjustment)	NA	NA	NA	NA	NA
	1 or more	20ha	Before 10/01/09	5000m ²	50% of parent lot (note 2)	5ha (note 3)
Coastal Lakes	0 (Boundary Adjustment)	NA	NA	NA	NA	NA
	1 or more	20ha	Before 10/01/09	5000m ²	50% of parent lot (note 2)	5ha (note 3)
Hill Country	1 or more	NA	NA	40ha (note 4)	NA	NA
Kuku	0 (Boundary Adjustment)	NA	NA	NA	NA	NA
	1 or more	NA	NA	NA	NA	10ha (note 5)
Moutoa-Opiki Plains	0 (Boundary Adjustment)	NA	NA	NA	NA	NA
	1 or more	NA	NA	NA	NA	20ha (note 6)

Notes:

1. The Parent Title Issued Date means the date that the Certificate of Title for the site being subdivided was issued. The Consent Issued Date means the date that the subdivision resource consent for the site was issued.
2. A single balance lot of at least 50% of the area of the original title or titles to be subdivided shall be provided as part of the subdivision. The balance lot may be owned in common by the owners of other lots within the subdivision. Where the balance lot is held in separate ownership it may contain a house site or existing dwelling.
3. When calculating the minimum average lot size, any lot larger than 40 hectares shall be given a nominal size of 40 hectares. Averaging shall only be applied where more than 2 additional lots are being created.
4. Any lot on which a building is intended, is to have a nominated building and effluent disposal area for the future building.

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5. When calculating the minimum average lot size, any lot larger than 15 hectares shall be given a nominal size of 15 hectares.
6. When calculating the minimum average lot size, any lot larger than 25 hectares shall be given a nominal size of 25 hectares.
7. NA means Not Applicable.