

### 15. RESIDENTIAL ZONE

#### 15.1 PERMITTED ACTIVITIES

The following activities are permitted activities in the Residential Zone provided activities comply with all relevant conditions in Rule 15.6 and Chapters 21, 22, 23 and 24.

- (a) Residential activities.
- (b) Accessory buildings.
- (c) Relocated buildings up to and including 40m<sup>2</sup> in gross floor area.
- (d) Visitor accommodation for up to four persons per site within any residential dwelling unit and/or family flat.
- (e) Home occupations.
- (f) Open space.
- (g) The construction, alteration of, and addition to, and demolition of buildings and structures for any permitted activity.
- (h) Use of 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.
- (i) 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 sale or auction of land or premises.
  - (v) Health and safety signs.
- (j) The following network utilities and energy activities:
  - (i) The construction, operation, maintenance and upgrading of network utilities.
  - (ii) Domestic scale renewable energy devices.
- (k) Within the Flood Hazard Overlay Areas only, the following activities:
  - (i) Soil conservation, erosion protection, river control or flood protection works undertaken by, or on behalf of supervised by, Horizons Regional Council.
  - (ii) Maintenance or minor upgrading of existing network utilities.

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- (iii) Installation of underground network utilities.
- (iv) New above ground lines including support poles.
- (v) New network utility masts.
- (vi) New network utility cabinets/buildings.

Notes:

- For the definitions of 'maintenance' and 'minor upgrading' refer to Rules 22.1.10(a) and (c) in relation to existing network utilities.
  - 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.
- (l) 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.
- (m) 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.
- (n) 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 15.6.30.*
- (o) Temporary activities.
- (p) Temporary military training activities.
- (q) State Integrated Schools listed in Schedule 4.
- (r) Earthworks (Refer to Rule 15.4(i)(v) Earthworks within the heritage setting of a Group 1 or 2 building or structure and Rule 15.4(j)(ii) Earthworks within a site that is listed in Schedule 2 – Historic Heritage).

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- (s) Soil conservation, erosion protection, river control or flood protection works undertaken by, or on behalf of Horizons Regional Council.

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.
- 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.

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### 15.2 CONTROLLED ACTIVITIES

The following activities are controlled activities in the Residential Zone provided activities comply with all relevant conditions in Rule 15.7 and Chapters 21, 22, 23 and 24. Refer to Rule 15.7 for matters of control and conditions:

- (a) The placement of any relocated building and/or accessory building on any site. (Refer Rule 15.7.1)

Except

Any relocated buildings up to and including 40m<sup>2</sup> in gross floor area.

- (b) Earthquake strengthening of any Group 2 building listed in Schedule 2 - Historic Heritage. (Refer Rule 15.7.2)
- (c) Any temporary filming activity that does not comply with the permitted activity duration conditions in Rule 15.6.32(b)(i). (Refer Rule 15.7.3)
- (d) Any temporary military training activity that does not comply with the permitted activity conditions in Rule 15.6.33. (Refer Rule 15.7.4)
- (e) Any subdivision of land, ~~except within the Tararua Road Growth Area Overlay.~~ (Refer Rule 15.7.5)
- (f) Any boundary adjustment subdivision within a Flood Hazard Overlay Area. (Refer Rule 15.7.6)
- (g) Any dwelling within the Fairfield Road Special Residential Overlay Area. (Refer Rule 15.7.7)

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### 15.3 RESTRICTED DISCRETIONARY ACTIVITIES

The following activities are restricted discretionary activities in the Residential Zone provided activities comply with all relevant conditions in Rule 15.8. Refer to Rule 15.8 for matters of discretion and conditions.

- (a) Any permitted activity which does not comply with any conditions in Rule 15.6 and Chapters 21, 22, 23 and 24. (Refer Rule 15.8.1)
- (b) Any controlled activity which does not comply with any conditions in Rule 15.7. (Refer Rule 15.8.2)
- (c) Within Flood Hazard Overlay Areas any permitted activities that do not comply with the permitted activity conditions in Rule 15.6.16. (Refer Rule 15.8.6)
- ~~(d) Any subdivision of land within the Tararua Road Growth Area Overlay. (Refer Rule 15.8.7)~~
- (e) Any subdivision where the lots would not be serviced by a reticulated wastewater system. (Refer to Rule 15.8.11)
- (f) Any Medium Density Development within the Medium Density Overlay Area in Levin, Foxton Beach and Waitarere Beach. (Refer Rule 15.8.9)
- (g) Earthquake strengthening of any Group 1 building listed in Schedule 2 - Historic Heritage. (Refer Rule 15.8.12)
- (h) 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 15.8.13)
- (i) Remote advertising signs. (Refer Rule 15.8.14)
- (j) Community Entrance signs. (Refer Rule 15.8.14)

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.

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### 15.4 DISCRETIONARY ACTIVITIES

The following activities are discretionary activities in the Residential Zone:

- (a) Any activity that is not a permitted, controlled, restricted discretionary or a non-complying activity.
- (b) Any subdivision that is not in accordance with the requirements as specified in a Structure Plan in Schedule 8.
- (c) Two or more residential dwelling units/family flats per site.

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- (d) Any Medium Density Development within the Medium Density Overlay in Levin, Foxton Beach and Waitarere Beach that does not comply with the restricted discretionary activity conditions in Rule 15.8.9.
- (e) New community facilities or additions and alterations to existing community facilities (including education facilities and grounds) for community activities including services having a social, community ceremonial, educational, recreational, worship, or spiritual purpose.
- (f) Community Entrance signs that do not comply with the restricted discretionary activity conditions in Rule 15.8.13(b)(i).
- (g) Lines and support structures (including towers, masts and poles) for conveying electricity at a voltage exceeding 110kV.
- (h) Any activities within the Flood Hazard Overlay Areas that are not listed as a permitted or restricted discretionary activities, 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 15.1(j)).
  - (iii) Any subdivision of land (except for boundary adjustments which are a controlled activity under Rule 15.2(f)).
  - (iv) Any activity involving storage of hazardous substances.
  - (v) Visitor accommodation.
- (i) 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.
- (j) 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.

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- (k) 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 15.6.30.
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### 15.5 NON-COMPLYING ACTIVITIES

The following activities are non-complying activities in the Residential Zone:

- (a) ~~Any new vehicular access to State Highway 57 within the Tararua Road Growth Area Overlay.~~
- (b) Any Medium Density Development outside the Medium Density Overlay Area.
- (c) Demolition or destruction of a Group 1 building, structure or a site listed in Schedule 2 – Historic Heritage.
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### 15.6 CONDITIONS FOR PERMITTED ACTIVITIES

The following conditions shall apply to all permitted activities:

#### 15.6.1 Number of Residential Dwelling Units and Family Flats

- (a) One residential dwelling unit per site.
- (b) One family flat of up to 50m<sup>2</sup> in maximum gross floor area plus a covered verandah up to 10m<sup>2</sup> per site.

#### 15.6.2 Maximum Building Height

- (a) No part of any building shall exceed a height of 8.5 metres.

Except

No part of any accessory building or family flat shall exceed 4.5 metres in height.

#### 15.6.3 Daylight Setback Envelope

- (a) No part of any building shall encroach outside an envelope created, in relation to each site boundary except a boundary with a street, by a line drawn vertically 2.7 metres above the ground level at the boundary and inclined at an angle of 45 degrees (1:1 slope) inwards from that point.

#### 15.6.4 Building Setback From Boundaries

- (a) No building shall be located closer than 4 metres from any road boundary, except that a 5 metre long vehicle standing space shall be provided between the road boundary and any structure housing a vehicle where the vehicle takes direct access to the structure from the road.

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- (b) No building shall be located closer than 1.5 metres from any other site boundary.

Except

Accessory buildings shall be located no closer than 1 metre from any other site boundary unless adjoining landowners' written consent is obtained.

- ~~(c) Within the Tararua Road Growth Area Overlay the following additional building setbacks apply:~~

~~(i) No building shall be located closer than 10 metres from the State Highway 57 road boundary; and~~

~~(ii) No building shall be located closer than 8 metres from an Industrial Zone boundary.~~

- (d) Within the Fairfield Road Special Residential Overlay Area the following additional building setback applies:

(i) No building shall be located closer than 3 metres from any other site boundary.

Note: Refer to Rule 15.6.24 for vehicle access space requirements.



### 15.6.5 Separation Distance Between Detached Residential Dwelling Units

- (a) No detached residential dwelling unit shall be located closer than 3 metres from any other detached residential dwelling unit.

### 15.6.6 Private Outdoor Living Area

- (a) All residential dwelling units shall have a private outdoor living area which is at least 40m<sup>2</sup> in area and capable of containing a circle 4 metres in diameter.

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### 15.6.7 Maximum Building Coverage

- (a) On sites greater than 500m<sup>2</sup> the proportion of any net site area covered by buildings shall not exceed 35%.
- (b) On sites 500m<sup>2</sup> or smaller the proportion of any net site area covered by buildings shall not exceed 40%.
- (c) There shall be no building coverage requirements for network utilities on sites less than 200m<sup>2</sup>.

### 15.6.8 Accessory Buildings

- (a) On sites less than 710m<sup>2</sup> the total maximum gross floor area of all accessory buildings shall not exceed 60m<sup>2</sup>.
- (b) On sites between 710m<sup>2</sup> and 1,000m<sup>2</sup> the total maximum gross floor area of all accessory buildings shall not exceed 8.5% of the net site area.
- (c) On sites greater than 1,000m<sup>2</sup> the total maximum gross floor area of all accessory buildings shall not exceed 85m<sup>2</sup>.
- (d) Accessory buildings shall not project forward of a principal residential dwelling unit;

Except

Where there is no demonstrable area to the side or rear of a principal residential dwelling unit to accommodate an accessory building, an accessory building with a maximum gross floor area of 36m<sup>2</sup> is permitted forward of the principal residential unit.

### 15.6.9 Fencing

- (a) Front Road Boundary
  - (i) The maximum height of a fence or wall sited on the boundary or within 1 metre from the boundary shall comply with at least one of the following:
    - 1.5 metres where the fence or wall fronts a front road boundary; or
    - 2 metres where the fence or wall fronts a front road boundary and at least the upper 0.5 metres of the fence is at least 50% transparent.
- (b) Other Boundaries
  - (i) The maximum height of a fence or wall sited on the boundary or within 1 metre from the boundary shall not exceed 2 metres.

### 15.6.10 Home Occupations

- (a) ~~A home occupation shall not exceed 50m<sup>2</sup> of total floor area dedicated to this activity.~~ The total floor area dedicated to home occupations on a site shall not exceed 50m<sup>2</sup>.



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### 15.6.11 Noise

- (a) Noise from any activity shall not exceed the following limits when measured at, or within, any point within any other site:
- (i) On any day -
- 7.00am – 7.00pm: 55dB  $L_{Aeq(15mins)}$
  - 7.00pm – 10.00pm: 50dB  $L_{Aeq(15mins)}$
  - 10.00pm – 7.00am: 40dB  $L_{Aeq(15mins)}$
  - 10.00pm – 7.00am: 65dB  $L_{max}$
- (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 works shall be measured, assessed, managed and controlled in accordance with the provisions of NZS 6803:1999 Acoustics – Construction noise.
- (d) The noise limits in Rule 15.6.11(a) and (b) shall not apply to the following activities:
- (i) Fire and civil emergency sirens.
- (ii) Construction, maintenance and demolition work.
- (iii) The operation of the Main North Island Trunk Railway.
- (iv) 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.
- (v) Temporary military training activities.
- (vi) Temporary events.

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.

### 15.6.12 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.

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- (iv) NZS 4403:1976 Code of Practice for Storage, Handling, and Use of Explosives, and any subsequent amendments.

### 15.6.13 Noise Insulation

- (a) 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<sub>Aeq</sub> (1 hour) inside bedrooms.
- (ii) 40dBA L<sub>Aeq</sub> (1 hour) inside other habitable rooms.

Compliance with this Rule 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.

### 15.6.14 Light Spill

- (a) The spill of light from any outdoor artificial lighting shall not exceed 10 lux (lumens per square metre) when measured at the boundary of an adjoining residential site. The maximum lux shall be measured horizontally or vertically at the site boundary.

### 15.6.15 Odour

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

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.

### 15.6.16 Flood Hazard Overlay Area

- (a) Within a Flood Hazard Overlay Area earthworks shall not exceed 20m<sup>3</sup> per site within any 12 month period.

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.

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- (b) Within a Flood Hazard Overlay Area, 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 40m<sup>2</sup> per site.

Except 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.

- (c) Within a Flood Hazard Overlay Area, earthworks associated with the installation of underground network utilities shall reinstate ground level as close as practicable to its state prior to disturbance.
- (d) Within a Flood Hazard Overlay Area, new network utility cabinets/buildings shall not exceed 5m<sup>2</sup> gross floor area.

### 15.6.17 Storage of Goods and Materials

- (a) All areas used for the storage of goods, materials or waste products shall be maintained in a tidy condition and shall be screened from view from adjoining residential properties and from roads.

### 15.6.18 Unsightly Buildings

- (a) No building shall be left unfinished, ~~or constructed,~~ or be permitted to deteriorate such become in such a state so that its external appearance adversely affects the amenity ~~is a distraction from the amenities~~ of the neighbourhood in which it is situated.

### 15.6.19 Wrecked Motor Vehicles

- (a) No wrecked and/or unroadworthy vehicle or vehicles shall be placed or located on a residential property where any such vehicle may be viewed from any public place or road.

For the purpose of this condition:

- “Vehicle” shall include any car, bus, truck, van, motorcycle, trailer or house bus or caravan, and
- “Wrecked and Unroadworthy” shall include any of the above which is unregistered and/or unwarranted and/or beyond reasonable repair and includes vehicles being stripped for sale or disposal of parts.

### 15.6.20 Water Supply

- (a) All sites shall be provided with a water supply to meet the capacity and quality requirements of the activities undertaken on the site in accordance with Chapter 24.

### 15.6.21 Wastes Disposal

- (a) All wastes (including sewage, effluent, and refuse) that are generated or stored on any site shall be collected, treated, and disposed of in a manner that avoids any significant adverse effects or nuisance for adjoining properties.

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### 15.6.22 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.

### 15.6.23 Engineering Works

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

### 15.6.24 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.
- (b) Where no garage or carport exists, space shall be retained to enable the future development of vehicle access no less than 2.5 metres wide between the road and the rear of the site.

### 15.6.25 Vehicle Parking, Manoeuvring, and Loading

- (a) All activities, ~~except network utilities on sites less than 200m<sup>2</sup>~~, shall be provided with vehicle parking spaces, manoeuvring areas, and loading facilities in accordance with the permitted activity conditions in Chapter 21.

### 15.6.26 Safety and Visibility at Road and Rail Intersection

- (a) No building or structure shall be erected, no materials shall be ~~placed~~ deposited, or vegetation planted that would obscure the railway level crossing approach sight triangles ~~distances from any road and rail intersection as detailed shown in Diagram 4 (Rule 21.1.11 in Chapter 21—Traffic Sight Lines at Road and Rail Intersections)~~.

### 15.6.27 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 specified in this part of the District Plan shall also apply to any network utility or associated structures.

### 15.6.28 Hazardous Substances

- (a) All activities using or storing hazardous substances shall comply with the Hazardous Substances Classification parameters for the Residential Zone in Chapter 23 and shall comply with the permitted activity conditions in that Chapter.

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### 15.6.29 Signs

- (a) All signs shall comply with the Maximum Face Area set out in Table 15-1.

Table 15-1: Maximum Face Area for Signs

Type of Sign	Maximum Face Area (m <sup>2</sup> ) per site
Official signs	N/A
Temporary signs	3m <sup>2</sup>
Signs advertising the sale or auction of land or premises	2m <sup>2</sup> (combined total area of signs)
<del>Advertising</del> <u>Public information</u> 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 <sup>2</sup>
A permanent free standing sign, which may be double sided, for each frontage of the site	1m <sup>2</sup> (on one side)
Public facility signs including any church, school or hall	2m <sup>2</sup>
<u>Health and safety signs</u>	<u>N/A</u>

- (b) Any temporary sign shall be displayed for no longer than two (2) calendar months ~~in every calendar year~~ of a 12 month period and removed within seven (7) days after the event. Temporary signs do not need to be on the site of the temporary activity.
- (c) 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.
- (d) 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.
- (e) No sign shall be illuminated.
- (f) No signs attached to a building shall exceed the highest point of the roof.
- (g) No sign shall be erected on or adjacent to a road which will:
- obstruct the line of sight of any corner, bend, intersection or vehicle crossing;
  - obstruct, obscure or impair the view of any traffic sign or signal;
  - physically obstruct or impede traffic or pedestrians;
  - resemble or be likely to be confused with any traffic sign or signal;
  - use reflective materials that may interfere with a road user's vision;

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- (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).
- (h) The minimum lettering sizes in Table 15-2 below shall apply to all signs located within 15 horizontal metres of a road:

**Table 15-2: Minimum Lettering Sizes for Signs**

	<b>Posted speed limit 70kph and above</b>
Maximum number of words	6 or symbols
Maximum number of characters	40
Minimum lettering height	160mm

### 15.6.30 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.

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- (iii) The removal of broken branches, dead wood or diseased vegetation (as confirmed by a qualified arborist).
- (iv) Required as an emergency work.

### 15.6.31 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 Māori 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.

### 15.6.32 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 and maximum building coverage standards set out in 15.6.2 and 15.6.7; and
  - (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: 80dB<sub>L<sub>Aeq</sub></sub> (10 mins).
    - Activities other than amplified sound: 70dB<sub>L<sub>Aeq</sub></sub> (10 mins).
    - Crowd noise is exempt from these limits.
- (b) In addition to the other permitted activity conditions, temporary filming activities, shall comply with the following:
  - (i) The total occupation of the site for filming activities shall not exceed seven (7) consecutive days.
  - (ii) All temporary buildings and structures are exempt from the maximum height and maximum building coverage standards set out in 15.6.2 and 15.6.7.

### 15.6.33 Temporary Military Training Activities

- (a) All temporary military training activities shall, in addition to the other conditions, also comply with the following conditions:

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- (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 any noise sensitive activity.

Noise levels shall be measured and assessed in accordance with that Standard as if it were construction noise.

~~Noise resulting from the use of explosives and small arms shall not occur between 8.00pm and 7.00am the following day and shall otherwise comply with Section 8.1.4 of NZS 6803:1999.~~

- (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 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 15-3; or
- If minimum separation distances in Table 15-3 cannot be met:
  - Daytime sound levels do not exceed a peak sound pressure level of 120 dBC when measured at the site boundary; and



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- Night time sound levels do not exceed a peak sound pressure level of 90 dBC when measured at the 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 15-3: 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 site within the Residential Zone</u>
<u>1. Live firing of weapons and single or multiple explosive events</u>	<u>7.00am to 7.00pm (daytime hours)</u>	<u>At least 1500m</u>
	<u>7.00pm to 7.00am (night time hours)</u>	<u>At least 4500m</u>
<u>2. Firing of blank ammunition</u>	<u>7.00am to 7.00pm (daytime hours)</u>	<u>At least 750m</u>
	<u>7.00pm to 7.00am (night time hours)</u>	<u>At least 2250m</u>

### 15.7 MATTERS OF CONTROL AND CONDITIONS FOR CONTROLLED ACTIVITIES

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

#### 15.7.1 Relocated Buildings (Refer to Rule 15.2(a))

- (a) Matters of Control
- (i) The length of time taken to re-construct, repair, or refurbish the building.
  - (ii) 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;

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- reinstatement of any porches, terraces, baseboards and steps;
  - replacement of broken window panes, broken or rotten timber, guttering, drainpipes;
  - reinstatement of that part of a dwelling where a chimney has been removed;
  - reinstatement of the site and access to the site; or
  - details and length of time to complete site landscaping.
- (iii) A bond, of the nature provided for in the RMA, further secured by deposits of cash with the District Council, bank guarantee, or otherwise, to the satisfaction of the District 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 Services Manager at the cost of the applicant. The required work will be expected to be completed within 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 relevant permitted activity conditions in other parts of the District Plan.
- (c) Non-Notification
- (i) Under section 77D of the RMA, an activity requiring resource consent under Rule 15.7.1 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)

### 15.7.2 Historic Heritage – Buildings (Refer to Rule 15.2(b))

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

### 15.7.3 Temporary Filming Activities (Refer to Rule 15.2(c))

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

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- (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.
  - (viii) The actual and potential adverse effects on recreation, 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.

### 15.7.4 Temporary Military Training Activities (Refer to Rule 15.2(d))

- (a) Matters of Control
- (i) ~~The avoidance, remedying or mitigating of any adverse effects on the environment.~~
  - (ii) The size and positioning of buildings and structures;
  - (iii) The measures used to avoid, remedy or mitigate adverse effects from excavation;
  - (iv) 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;
  - (v) 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
  - (vi) The provision of safe and efficient vehicular access and on-site car parking to avoid, remedy or mitigate potential traffic effects.

### 15.7.5 Subdivision of Land (Refer to Rule 15.2(e))

- (a) Matters of Control
- (i) The design and layout of the subdivision, including the size, shape and position of any lot, including the future land use and development of each lot. In addition, the location of building sites, separation distances, orientation of buildings, and screening/landscape treatment.

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- (ii) The amalgamation of any proposed allotments or balance areas to existing titles of land.
  - (iii) 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.
  - (iv) The provision of servicing, including water supply, wastewater systems, stormwater management and disposal, streetlighting, telecommunications and electricity and, where applicable gas.
  - (v) Provision of reserves, esplanade reserves, esplanade strips and access strips, including connections to existing and future reserves.
  - (vi) Effects on significant sites and features, including natural, cultural, archaeological and historical sites.
  - (vii) Site contamination remediation measures and works.
  - (viii) Avoidance or mitigation of natural hazards. (Note: Refer to the “Risks and Responsibilities: Report of the Manawatu-Wanganui Regional Lifelines Project” (No. 2005/EXT/622) prepared by the Manawatu-Wanganui CDEM Group for information about natural hazards that may be relevant to the subject site).
  - (ix) Management of construction effects, including traffic movements, hours of operation, noise, earthworks and erosion and sediment control.
  - (x) Staging of the subdivision.
  - (xi) In accordance with any applicable Structure Plan in Schedule 8.
  - (xii) Compliance with the Council’s Subdivision and Development Principles and Requirements (Version: November 2012).
  - (xiii) Those matters described in Sections 108 and 220 of the RMA.
- (b) Conditions
- (i) Minimum Allotment Area and Shape

Each allotment shall comply with the following site area and shape factor standards for each settlement set out in below.

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Table 15-4: Standards Applying to Subdivision and Residential Dwelling Units

Type of Allotment, or Subdivision	Pre-Requisite Conditions	Minimum Net Site Area/ Minimum Average Site Area	Minimum Shape Factor
<b>Levin, Foxton, Foxton Beach and Shannon</b>			
Residential Allotments (other than infill subdivision allotments)	Nil	330m <sup>2</sup> provided that the average area of all allotments which are available for residential purposes shall be not less than 600 square metres. In calculating this averaged area, any allotment or balance area having an area larger than 680 square metres shall be counted as having 680 square metres. Averaging applies only to subdivisions creating more than 2 new allotments.	18 metres diameter
Residential Infill Allotments	The allotment being subdivided shall be contained in a Certificate of Title issued before 1.3.91; and  Shall have no more than 1200 square metres area and contain no buildings; or	330m <sup>2</sup>	13 metres diameter
	Shall have no more than 2025 square metres area and shall contain a residential building or buildings.  Subdivisions shall not create more than 3 infill allotments.		
Shannon Special Residential Zone Thomson Street/ Nathan Terrace	Nil	2,000m <sup>2</sup>	20 metres diameter
Fairfield Road Special Residential Overlay	Nil	1,000m <sup>2</sup> provided that the average area of all allotments which are available for residential purposes shall be not less than 1500m <sup>2</sup> .	20 metres diameter
Residential Allotments Within the Low Density Overlay	Nil	1,000m <sup>2</sup> provided that the average area of all allotments which are available for residential purposes shall be not less than 2,000m <sup>2</sup> .	18 metres diameter

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Type of Allotment, or Subdivision	Pre-Requisite Conditions	Minimum Net Site Area/ Minimum Average Site Area	Minimum Shape Factor
<b>Waitarere Beach, Mangaore and Tokomaru</b>			
Residential Allotments	Where reticulated sewerage disposal is available	800m <sup>2</sup>	18 metres diameter
Low Density Area	Where reticulated sewerage disposal is available	1,000m <sup>2</sup> Minimum average site area of 2,000m <sup>2</sup>	18 metres diameter
<b>Hokio Beach and Waikawa Beach</b>			
Residential Allotments	Where reticulated sewerage disposal is <del>not</del> available	800m <sup>2</sup>	18 metres diameter
<u>Boundary Adjustment</u>	<u>Where reticulated sewerage disposal is not available</u>	<u>800m<sup>2</sup></u>	<u>18 metres diameter</u>
Low Density Area	Where reticulated sewerage disposal is not available	1,000m <sup>2</sup> Minimum average site area of 2,000m <sup>2</sup>	18 metres diameter
<b>Ohau and Manakau</b>			
Residential Allotments (Ohau West and Manakau)	Where reticulated sewerage disposal is <del>not</del> available	2,000m <sup>2</sup>	18 metres diameter
<u>Boundary Adjustment</u>	<u>Where reticulated sewerage disposal is not available</u>	<u>2,000m<sup>2</sup></u>	<u>18 metres diameter</u>
Residential Allotments (Ohau East)	Where reticulated sewerage disposal is not available	85,000m <sup>2</sup>	18 metres diameter

Note: In calculating the minimum average site area, any allotment or balance area having an area larger than 5000m<sup>2</sup> shall be counted as having 5000m<sup>2</sup>.

(ii) Water Supply Disposal, Wastewater and Other Services

All subdivisions shall comply with the requirements as specified set out in Chapter 24.

(iii) Roads and Access

All subdivisions shall comply with the requirements as specified in Chapter 21.

(iv) Network Utilities

There shall be no minimum site area requirements for lots for network utility purposes.

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### (v) Structure Plans

Where any land is within a Structure Plan area in Schedule 8, all subdivisions shall be in accordance with the requirements as specified in the Structure Plan.

### 15.7.6 Boundary Adjustment - Flood Hazard Overlay Areas (Refer Rule 15.2(f))

#### (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.

### 15.7.7 Fairfield Road Special Residential Overlay Area (Refer Rule 15.2(g))

#### (a) Matters of Control

- (i) The protection of the seventeen Phoenix Palms and yew hedge on the site, including in relation to the siting of any dwelling, except where the palms and the hedge have to be removed to accommodate one single road (including road reserve) into the property.

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## 15.8 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:

### 15.8.1 Non-compliance with Permitted Activity Conditions (Rule 15.6) and Permitted Activity Conditions in Chapters 21, 22, 23 and 24. (Refer to Rule 15.3(a)):

#### (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.

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### 15.8.2 Non-Compliance with Controlled Activity Conditions Rule 15.7 (Refer to Rule 15.3(b))

(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.

### 15.8.3 Non-Compliance with Road Setback Rule 15.6.4(a) (Refer to Rule 15.3(a))

(a) Matters of Discretion

- (i) The effect of the design and appearance of the building on the overall streetscape, amenities and character of the locality.
- (ii) The effect of the proposal on the safety, efficiency, or convenience of any adjoining road or footpath.
- (iii) Where the building is intended to house vehicles, the ability to gain access into and out of the building from the road without interfering with the safety or convenience of any road or footpath user.
- (iv) The effect of the building's location on opportunities for access to the rear of the site.
- ~~(v) Within the Tararua Road Growth Area Overlay, effect on the residential amenity given the noise, vibration and air pollution effects of State Highway 57. In assessing effects full consideration will be given to the noise and vibration standards contained in Rules 15.6.11 and 15.6.12.~~

### 15.8.4 Non-Compliance with Fencing Rule 15.6.9 (Refer to Rule 15.3(a))

(a) Matters of Discretion

- (i) The height, design and visual appearance of the fence
- (ii) The impact of the fence on the existing street character
- (iii) The visual contribution the fence makes to the streetscene
- (iv) The impact that the fence may have on the perceived safety of motorists and pedestrians

(b) Non-Notification

- (i) Under Section 77D of the RMA, an activity requiring resource consent under Rule 15.8.4 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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### 15.8.5 Non-Compliance with Home Occupations Rule 15.6.10 (Refer to Rule 15.3(a))

- (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 occupation shall not exceed 70m<sup>2</sup> of total gross floor area dedicated to this activity. The total floor area dedicated to home occupations on a site, shall not exceed 70m<sup>2</sup>.

### 15.8.6 Flood Hazard Overlay Areas (Refer to Rule 15.3(c))

- (a) Matters of Discretion
  - (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 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.

### ~~15.8.7 Subdivision within the Tararua Road Growth Area Overlay (Refer Rule 15.3(d))~~

- ~~(a) Matters of Discretion~~
  - ~~(i) Those matters specified in Chapters 21 and 24.~~
  - ~~(ii) The degree to which the allotment/s are subject to, or likely to be subject to, material damage by erosion, falling debris, subsidence, slippage, or inundation and seismic events.~~
  - ~~(iii) The amalgamation of any allotments and/or balance areas with other land owned by the subdivider.~~
  - ~~(iv) The design and layout of proposed urban areas.~~

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- ~~(v) The amenity effects caused by noise, vibration and air pollution effects of State Highway 57.~~
- ~~(vi) The amenity effects on existing and proposed residential areas (should design standards contained in the Design Guide not be complied with or should proposals not be in accordance with the Structure Plan – Schedule 5).~~
- ~~(vii) The transportation, movement, streetscape and community effects of not providing all residential accesses, buffer strips and landscaping as shown on the Structure Plan and as described in the Design Guide – Schedule 5.~~

### ~~15.8.8 Land use within the Tararua Road Growth Area Overlay (Refer to Rule 15.3(a))~~

#### ~~(a) Matters of Discretion~~

- ~~(i) Any permitted or controlled activity within the Tararua Road Growth Area Overlay, which does not comply with any condition in Rules 15.6 and 15.7 and Chapters 21, 22, 23 and 24, the matters over which Council will exercise its discretion shall be restricted to the following:~~
  - ~~• Avoiding, remedying or mitigating of any effects deriving from non-compliance with the particular condition(s) that is not met.~~
  - ~~• The design and layout of proposed urban areas.~~
  - ~~• The amenity effects caused by noise, vibration and air pollution effects of State Highway 57 at the boundary of residential properties.~~
  - ~~• The amenity effects on existing and proposed residential areas (should design standards contained in Schedule 5 – Tararua Growth Area Design Guide not be complied with or should proposals not be consistent with the Structure Plan).~~
  - ~~• The transportation, movement, streetscape and community effects of not providing all residential accesses, buffer strips and landscaping as shown on the Structure Plan and as described in Schedule 5 – Tararua Growth Area Design Guide.~~

### **15.8.9 Medium Density Development within Levin, Foxton Beach and Waitarere Beach (Refer to Rule 15.3(f))**

#### **(a) Matters of Discretion**

- (i) Matters in Schedule 10 - Medium Density Residential Design Guide.**
- (ii) The site layout and configuration of residential units.**
- (iii) The provision of quality on-site amenity.**
- (iv) The management of stormwater, wastewater, water supply and other servicing.**
- (v) The design and appearance of buildings, fencing and hard surfacing, and their maintenance.**

## 15 RULES: Residential Zone

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- (vi) The maintenance of amenity values at the site boundary and management of adverse effects on adjoining and adjacent properties.
  - (vii) The potential visual effects of the development and level of change to the character of the existing urban environment.
  - (viii) The design and ongoing maintenance of landscaping within the site.
  - (ix) The provision of adequate carparking, manoeuvring and safe access to the site.
  - (x) The management of traffic generated and potential adverse effects on the safety and efficiency of the street network.
  - (xi) The contribution to the range and type of residential dwelling units to the settlement.
- (b) Conditions
- (i) Minimum average net site area of 225m<sup>2</sup> per residential dwelling unit.
  - (ii) Compliance with the Permitted Activity Standards, except where specifically identified in other rules below.
  - (iii) Building Setback From Boundaries:
    - no building shall be located closer than 4 metres from any road boundary, except that a 5 metres long vehicle standing space shall be provided between the road boundary and any structure housing a vehicle where the vehicle takes direct access to the structure from the road; and
    - no building shall be located closer than 3 metres on one external side (or rear) site boundary and 1.5 metres on all other remaining site boundaries.
  - (iv) Separation Distance Between Detached Residential Dwelling Units:
    - no detached residential dwelling unit shall be located closer than 3 metres from any other detached residential dwelling unit on the site.
  - (v) No more than two residential dwelling units shall share a common side wall.
  - (vi) All ground floor residential dwellings units shall have private outdoor living area which meets the following requirements:
    - minimum area: 20m<sup>2</sup>;
    - minimum dimension: 2.5 metres diameter circle;
    - directly accessible from the main living area of the residential dwelling unit; and
    - kept free of access to other units, driveways, manoeuvring areas, parking spaces, dedicated utility space and accessory buildings.

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- (vii) All above ground residential dwelling units shall have a balcony or deck for a private outdoor living area which meets the following requirements:
- minimum areas: 15m<sup>2</sup>;
  - minimum dimension: 2.5 metres diameter circle;
  - directly accessible from the main living area of the residential unit; and
  - kept free of access to other units and dedicated utility space.
- ~~(viii) All residential dwelling units shall be provided with a utility space of at least 10m<sup>2</sup> and an outdoor lockable storage compartment of at least 3m<sup>2</sup> which meets the following requirements:~~
- ~~• Minimum dimension: 1 metre; and~~
  - ~~• Kept free of access to other unit's driveways, manoeuvring areas, parking spaces, private outdoor space and accessory buildings.~~
- (ix) The proportion of any site covered by buildings shall not exceed 50%.
- (x) A concurrent subdivision application for a fee simple or unit title mechanism is required to provide for the individual titles and the collective management of the common areas.
- (c) Non-Notification
- (i) Under Section 77D of the RMA, an activity requiring resource consent under Rule 15.8.9 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)).

### **15.8.10 Non-Compliance with Allotment Size (Rule 15.7.5(b)(i)) Within Tokomaru, Mangaore, Waitarere Beach, Hokio Beach, Ohau, Waikawa Beach and Manakau (Refer Rule 15.3(b))**

- (a) Matters of Discretion
- (i) Where the area of any allotment is reduced to less than the minimum standard:
- The soil conditions of the allotment(s) and capacity for satisfactory drainage from existing or anticipated effluent soakage fields; and
  - Whether or not the overall low-density character of the area will be compromised by the proposed subdivision and subsequent development, having regard to the topography of the locality and the proposed configuration of allotments.

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- Additional traffic generated by subdivision relative to capacity of existing roads.

### **15.8.11 Subdivision where reticulated wastewater is not available Hokio Beach, Waikawa Beach, Manakau and Ohau (West) (Refer Rule 15.3(e))**

(a) Matters of Discretion

- (i) The ability to provide on-site effluent disposal and meet environmental standards required by Horizons Regional Council.

(b) Conditions

- (i) Demonstrate compliance with the Minimum Net Site Area/Minimum Average Site Area as set out in Table 15-4 Standards Applying to Subdivision and Residential Dwelling Units (Rule 15.7.5(b));
- (ii) Demonstrate compliance with the servicing, road, access, network utility and structure plan conditions set out in Rule 15.7.5(b)(ii) – (v).

### **15.8.12 Historic Heritage – Buildings (Refer Rule 15.3(g))**

(a) Matters of Discretion

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

### **15.8.13 Historic Heritage – Signs (Refer Rule 15.3(h))**

(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.
- (v) The number of any signs.

### **15.8.14 Signs (Refer Rule 15.3(i) and 15.3(j))**

(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.
- (iv) The impact of the sign on traffic safety and the efficiency of the transport network.

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- (v) The approval of NZTA where the sign fronts a State Highway.
- (vi) Cumulative effects arising from other signs in the vicinity.
- (b) Conditions
  - (i) The maximum face area of a Community Entrance sign is 9.0m<sup>2</sup>.
- (c) Non-Notification:
  - (i) Under Section 77D of the RMA, an activity requiring resource consent under Rule 15.8.13 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)).

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

### 15.8.15 Temporary Activities (Refer Rule 15.3(a) and 15.3(b))

- (a) Matters of Discretion
  - (i) The duration of the temporary activity, including daily hours of operation.
  - (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.
  - (viii) The actual and potential adverse effects on the recreation, heritage or cultural values, and any measures to avoid, remedy or mitigate these effects.
- (b) Conditions
  - (i) Submit a draft management plan demonstrating how the temporary activity avoids, remedies or mitigates adverse effects generated by the activity.

## 15.9 RESIDENTIAL (DEFERRED) ZONE

Areas of Residential (Deferred) Zone are identified on the Planning Maps.

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Until such time that deferred status is uplifted, the rules of the Rural Zone shall apply within any area identified as Residential (Deferred) Zone on the Planning Maps.

Residential (Deferred) Zone will cease to have effect and the Residential Zone provisions will apply when either of the following occurs:

- For an area not covered by a Structure Plan in the District Plan, a District Plan Change is approved incorporating a Structure Plan for the area; or
- For an area covered by a Structure Plan in the District Plan, the passing of a Council resolution that there is adequate capacity in a local-authority operated reticulated infrastructure to service the particular area of land subject to the Residential (Deferred) Zones.

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### 16. INDUSTRIAL ZONE

#### 16.1 PERMITTED ACTIVITIES

The following activities are permitted activities in the Industrial Zone provided activities comply with all relevant conditions in Rule 16.6 and Chapters 21, 22, 23 and 24.

- (a) Industrial activities.
- (b) Wholesale Trade (including building supplies).
- (c) Vehicle service stations.
- (d) Commercial garages.
- (e) Motor vehicle sales yards and premises for vehicle hire.
- (f) Residential accommodation ancillary to, and necessary for, the operation of any permitted activity.
- (g) Veterinary clinics.
- (h) Activities servicing the needs of persons engaged within the zone and including canteens, cafes, dining rooms, recreational facilities and activities.
- (i) Open space.
- (j) Community activities.
- (k) Relocated buildings up to and including 40m<sup>2</sup> in gross floor area.
- (l) The construction, alteration of, and addition to, and demolition of buildings and structures for any permitted activity.
- (m) The following types of signs:
  - (i) Advertising signs, including public facility or information signs identifying a building, property or business.
  - (ii) Remote advertising signs.
  - (iii) Official signs.
  - (iv) Temporary signs.
  - (v) Signs advertising sale or auction of land or premises.
  - (vi) Health and safety signs.
- (n) The following network utilities and energy activities:
  - (i) The construction, operation, maintenance and upgrading of network utilities.

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- (ii) Domestic scale renewable energy devices.
- (o) Within the Flood Hazard Overlay Areas only the following activities:
  - (i) Soil conservation, erosion protection, river control or flood protection works undertaken by, or on behalf supervised by of Horizons Regional Council.
  - (ii) Maintenance or minor upgrading of existing network utilities.
  - (iii) Installation of underground network utilities.
  - (iv) New above ground lines including support poles.
  - (v) New network utility masts.
  - (vi) New network utility cabinets/buildings.

Notes:

- For the definitions of 'maintenance' and 'minor upgrading' refer to Rules 22.1.10(a) and (c) in relation to existing network utilities.
- 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.
- (p) 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.
- (q) 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.
- (r) 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 16.6.21.

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- (s) Temporary activities.
- (t) Temporary military training activities.
- (u) The above list of permitted activities do not apply to the Stevensons Structural Engineers site being all the land zoned Industrial on Karaka Street and State Highway 57, Tokomaru, comprising a total of 1.8593 hectares. (Refer Rule 16.2(h))
- (v) Earthworks (Refer to Rule 16.4(f)(v) Earthworks within the heritage setting of a Group 1 or 2 building or structure and Rule 16.4(g)(ii) Earthworks within a site that is listed in Schedule 2 - Historic Heritage).
- (w) Soil conservation, erosion protection, river control or flood protection works undertaken by, or on behalf of Horizons Regional Council.

### 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.
- 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 Plan apply to such activities.

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### 16.2 CONTROLLED ACTIVITIES

The following activities shall be controlled activities in the Industrial Zone provided activities comply with all relevant conditions in Rule 16.7 and Chapters 21, 22, 23 and 24. Refer to Rule 16.7 for matters of control and conditions:

- (a) Any subdivision of land, except within the Tararua Road Growth Area Overlay. (Refer Rule 16.7.1)
- (b) Any boundary adjustment subdivision within the Flood Hazard Overlay Area. (Refer Rule 16.7.2)
- (c) The placement of any Relocated building on any site. (Refer Rule 16.7.3)  
Except  
Any relocated buildings up to and including 40m<sup>2</sup> in gross floor area.
- (d) Earthquake strengthening of any Group 2 building listed in Schedule 2 - Historic Heritage. (Refer Rule 16.7.4)

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- (e) Any temporary filming activity that does not comply with the permitted activity duration condition in Rule 16.6.23(b)(i). (Refer Rule 16.7.5)
  - (f) Any temporary military training activity that does not comply with the permitted activity conditions in Rule 16.6.24. (Refer Rule 16.7.6)
  - (g) Within the Tararua Road Growth Area Overlay, all activities identified in Rule 16.1 shall be controlled activities subject to complying with the conditions in Rule 16.6 ~~(apart from Rule 16.6.2(a)(ii)) and complying with conditions in~~ Rule 16.7.7. (Refer Rule 16.7.7)
  - (h) Activities and buildings associated with steel fabrication including the cutting, drilling and welding of steel; industrial processes associated with manipulation and manufacture of steel products including sandblasting and the application of protective coatings; engineering and draftsman work associated with the design and manufacture of structural steel and all ancillary activities connected with primary activities specified above on the Stevensons Structural Engineers site being all the land zoned Industrial on Karaka Street and State Highway 57, Tokomaru, comprising a total of 1.8593 hectares. (Refer Rule 16.7.8)
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### 16.3 RESTRICTED DISCRETIONARY ACTIVITIES

The following activities shall be restricted discretionary activities in the Industrial Zone provided activities comply with all relevant conditions in Rule 16.8. Refer to Rule 16.8 for matters of discretion and conditions:

- (a) Any permitted activity which does not comply with any condition in Rule 16.6 and Chapters 21, 22, 23 and 24 of this District Plan shall be a restricted discretionary activity. (Refer Rule 16.8.1)
- (b) Any controlled activity which does not comply with any condition in Rule 16.7 shall be a restricted discretionary activity. (Refer Rule 16.8.2)
- (c) Any permitted activity within a Flood Hazard Overlay Area that does not comply with the permitted activity standards in Rule 16.6.20. (Refer Rule 16.8.3)
- (d) Any subdivision of land within the Tararua Road Growth Area Overlay. (Refer Rule 16.8.5)
- (e) Earthquake strengthening of any Group 1 building listed in Schedule 2 - Historic Heritage. (Refer Rule 16.8.6)
- (f) 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 16.8.7)

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.

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### 16.4 DISCRETIONARY ACTIVITIES

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

- (a) Any activity that is not a permitted, controlled, restricted discretionary activity or a non-complying activity is a discretionary activity.
- (b) Retail activities.
- (c) Residential activities, except residential activities provided for Rule 16.1(f).
- (d) Lines and support structures (including towers, masts and poles) for conveying electricity at a voltage exceeding 110kV.
- (e) Any activity within the Flood Hazard Overlay Area that is not listed as a permitted or restricted discretionary 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 16.1(j)).
  - (iii) Any subdivision of land (except for boundary adjustments which are a controlled activity under Rule 16.2(b)).
  - (iv) Any activity involving storage of hazardous substances.
  - (v) Visitor accommodation.
- (f) 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.
- (g) 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.

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- (h) 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 16.6.21.
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### 16.5 NON-COMPLYING ACTIVITIES

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

- (a) Demolition or destruction of a Group 1 building or structure or a site listed in Schedule 2 – Historic Heritage.
- (b) Any heavy industrial activity listed in Schedule 13 within the Tararua Road Growth Area Overlay, Low Impact Industrial Area (Schedule 5).
- (c) Any new access to State Highway 57 within the Tararua Road Growth Area Overlay.
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### 16.6 CONDITIONS FOR PERMITTED ACTIVITIES

The following conditions shall apply to all permitted activities:

#### 16.6.1 Maximum Building Height

- (a) No part of any building shall exceed a height of 12 metres.
- (b) Within the Low Impact Industrial Area of the Tararua Road Growth Area Structure Plan, no part of any building shall exceed a height of 10 metres.

#### 16.6.2 Sites Adjoining Residential Zone, Greenbelt Residential Zone, Open Space Zone or Rural Zone

- (a) Where a site adjoins the Residential Zone, Greenbelt Residential Zone, Open Space Zone or Rural Zone, the following conditions shall apply:
- (i) All buildings and structures adjoining either the Residential Zone, Greenbelt Residential Zone, Open Space Zone or Rural Zone shall comply with the daylight setback envelope of the Residential Zone.
- (ii) All buildings and structures shall be setback 4.5 metres from the Residential Zone boundary, Greenbelt Residential Zone boundary, Open Space Zone boundary or Rural Zone boundary.
- (iii) All buildings, outdoor carparking, storage, servicing and loading areas shall be screened by a close-boarded fence made of solid material with a minimum height of 1.2 metres and a maximum height of 2metres.

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### 16.6.3 Sites with Frontage to State Highway 1

- (a) No building shall be located closer than 10 metres from the State Highway 1 (Oxford Street, or Main Road South, Levin, and Johnston Street and Russell Street, Foxton) road boundary.
- (b) The area between any building or carpark and the front road boundary shall include a landscaping strip. This landscaping strip shall comply with the following conditions:
  - (i) A minimum width of 2 metres.
  - (ii) Planting shall include at least one specimen tree capable of growing to 5 metres in height within 10 years of planting for every 7 metres of site frontage.
  - (iii) At least 75% of the landscaping strip shall be covered by shrubs.
  - (iv) The landscaping strip shall be planted so as to provide separation between on-site pedestrian and vehicle activities and pedestrian/vehicular activities taking place on the street.

### 16.6.4 Signs

- (a) All permitted signs shall comply with the following:
  - (i) All signs shall comply with the maximum height, and where adjoining a Residential, Greenbelt Residential or Open Space Zone, the applicable daylight setback for the adjoining Zone shall apply.
  - (ii) All signs attached to buildings shall not exceed the highest point of the roof.
  - (iii) All signs extending over a footpath shall be a minimum of 2.5 metres above the foot path and 450mm setback from the kerb of a road or road boundary.
  - (iv) Any temporary sign shall be displayed for no longer than two (2) calendar months of a 12 month period ~~in every calendar year~~ and removed within seven (7) days after the event. Temporary signs do not need to be on the site of the temporary activity.
  - (v) 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.

### 16.6.5 Noise

- (a) Noise from any activity shall not exceed the following limits when measured at, or within any point, within any site in the Residential, Greenbelt Residential, or Rural Zones:
  - (i) On any day -
    - 7.00am – 7.00pm: 55dB L<sub>Aeq</sub> (15mins)
    - 7.00pm – 10.00pm: 50dB L<sub>Aeq</sub> (15mins)

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- 10.00pm – 7.00am: 40dB  $L_{Aeq}$  (15mins)
  - 10.00pm – 7.00am: 65dB ( $L_{max}$ )
- (b) Noise from any activity shall not exceed 65dB  $L_{Aeq}$  at any time, when measured at, or within, any other site in the Industrial, Commercial or Open Space Zones.
- (c) 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.
- (d) Construction, maintenance and demolition works shall be measured, assessed, managed and controlled in accordance with the provisions of NZS 6803:1999 Acoustics – Construction noise.
- (e) The noise limits in Rule 16.6.5(a), 16.6.5(b) and 16.6.5(c) shall not apply to the following activities:
- (i) Fire and civil emergency sirens.
  - (ii) Construction, maintenance and demolition work.
  - (iii) The operation of the Main North Island Trunk Railway.
  - (iv) 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.~~
  - (v) Temporary Military Training Activities.
  - (vi) Temporary events.

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.

### 16.6.6 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.



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### 16.6.7 Odour

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

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.

### 16.6.8 Light Spill

- (a) The spill of light from any artificial lighting shall not exceed 10 lux (lumens per square metre) onto any site within the Residential Zone. The maximum lux shall be measured horizontally or vertically at the Residential Zone site boundary.

### 16.6.9 Storage Areas

- (a) All areas used for the storage of goods, materials, or waste products shall be screened from view from the Residential, Greenbelt Residential, Rural and Open Space Zones, roads and other public spaces by solid screening such as fences or planting.

### 16.6.10 Unsightly Buildings

- (a) No building shall be left unfinished, ~~or constructed,~~ or be permitted to deteriorate such become in such a state so that its external appearance adversely affects the amenity ~~is a distraction from the amenities~~ of the neighbourhood in which it is situated.

### 16.6.11 Water Supply

- (a) All sites shall be provided with a water supply to meet the capacity and quality requirements of the activities undertaken on the site in accordance with Chapter 24.

### 16.6.12 Wastes Disposal

- (a) All wastes (including sewage, effluent, and refuse) that are generated or stored on any site shall be collected, treated, and disposed of in a manner that avoids any significant adverse effects or nuisance for adjoining properties.

### 16.6.13 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 and shall include bunding sufficient to avoid run-off contaminated with hazardous substances, including oil into stormwater drains.

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### 16.6.14 Engineering Works

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

### 16.6.15 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.

### 16.6.16 Vehicle Parking, Manoeuvring, and Loading

- (a) All activities, ~~except network utilities on sites less than 200m<sup>2</sup>~~, shall be provided onsite vehicle parking, manoeuvring areas, and loading facilities as required in Chapter 21.

### 16.6.17 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).

### 16.6.18 Network Utilities

- (a) All network utilities and structures associated with network utilities shall comply with the permitted activity conditions in Chapter 22.
- (b) All other permitted activity conditions specified in this Chapter of the District Plan shall also apply to any network utility or associated structure.

### 16.6.19 Hazardous Substances

- (a) All activities using, ~~or storing,~~ transporting or disposing of hazardous substances shall comply with the Hazardous Substances Classification parameters for the Industrial Zone in Chapter 23 and shall comply with the permitted activity conditions in that Chapter.

### 16.6.20 Flood Hazard Overlay Area

- (a) Within a Flood Hazard Overlay Area earthworks shall not exceed 20m<sup>3</sup> per site within any 12 month period.

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.

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- (b) Within a Flood Hazard Overlay Area, 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 40m<sup>2</sup> per site.

Except 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.

- (c) Within a Flood Hazard Overlay Area, earthworks associated with the installation of underground network utilities shall reinstate ground level as close as practicable to its state prior to disturbance.
- (d) Within a Flood Hazard Overlay Area, new network utility cabinets/buildings shall not exceed 5m<sup>2</sup> gross floor area.

### 16.6.21 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.

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- (iii) The removal of broken branches, dead wood or diseased vegetation (as confirmed by a qualified arborist).
- (iv) Required as an emergency work.

### 16.6.22 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 Māori 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.

### 16.6.23 Temporary Activities

- (a) In addition to the permitted activity conditions, temporary events, such as, but not limited to, festivals, sports events, and markets, shall comply with following standards:
  - (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 and screening standards set out in 16.6.1 and 16.6.2(a)(iii).
  - (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: 80dB  $L_{Aeq}$  (10 mins).
    - Activities other than amplified sound: 70dB  $L_{Aeq}$  (10 mins).
    - Crowd noise is exempt from these limits.
- (b) In addition to the other 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.
  - (ii) All temporary filming buildings and structures are exempt from the maximum height and screening standards set out in 16.6.1 and 16.6.2(a)(iii).

### 16.6.24 Temporary Military Training Activities

- (a) All temporary military training activities shall comply with the following conditions:
  - (i) No permanent structures shall be constructed.

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- (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 that Standard as if it were construction noise.

~~Noise resulting from the use of explosives and small arms weapons shall not occur between 8.00pm and 7.00am the following day and shall otherwise comply with Section 8.1.4 of NZS 6803:1999.~~

- (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 16-1; or
  - If minimum separation distances in Table 16-1 cannot be met:
    - Daytime sound levels do not exceed a peak sound pressure level of 120 dBC when measured at the notional boundary of any noise

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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 the 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 16.1: 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>

### 16.7 MATTERS OF CONTROL AND CONDITIONS FOR CONTROLLED ACTIVITIES

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

#### 16.7.1 Subdivision of Land (Refer Rule 16.2(a))

- (a) Matters of Control

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- (i) The design and layout of the subdivision, including the size, shape and position of any lot, including the future land use and development of each lot. In addition, the location of building sites, separation distances, orientation of buildings, and screening/landscape treatment.
  - (ii) The amalgamation of any proposed allotments or balance areas to existing titles of land.
  - (iii) 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.
  - (iv) The provision of servicing, including water supply, wastewater systems, stormwater management and disposal, streetlighting, telecommunications and electricity and, where applicable gas.
  - (v) Provision of reserves, esplanade reserves, esplanade strips and access strips, including connections to existing and future reserves.
  - (vi) Effects on significant sites and features, including natural, ecological, cultural, archaeological and historical sites.
  - (vii) Site contamination remediation measures and works.
  - (viii) Avoidance or mitigation of natural hazards. (Note: Refer to the “Risks and Responsibilities: Report of the Manawatu-Wanganui Regional Lifelines Project” (No. 2005/EXT/622) prepared by the Manawatu-Wanganui CDEM Group for information about natural hazards that may be relevant to the subject site).
  - (ix) Management of construction effects, including traffic movements, hours of operation, noise, earthworks and erosion and sediment control.
  - (x) Staging of the subdivision.
  - (xi) In accordance with any applicable Structure Plan in Schedule 8.
  - (xii) Compliance with the Horowhenua District Council Engineering requirements.
  - (xiii) Those matters described in Sections 108 and 220 of the RMA.
- (b) Conditions
- (i) All lots shall demonstrate compliance with the permitted activity conditions, except no minimum lot area requirement applies.
  - (ii) Water Supply, Wastes and Surfacewater Disposal, and Other Services: All subdivisions shall comply with the conditions in Chapter 24.
  - (iii) Roads and Access: All subdivisions shall comply with the conditions in Chapter 21.

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### 16.7.2 Flood Hazard Overlay Areas (Refer Rule 16.2(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 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.

### 16.7.3 Relocated Buildings (Refer Rule 16.2(c))

(a) Matters of Control

- (i) The length of time taken to re-construct, repair, or refurbish the building.
- (ii) 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, rainpipes;
  - 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.
- (iii) A bond, of the nature provided for in the RMA, further secured by deposits of cash with the District Council, bank guarantee, or otherwise, to the satisfaction of the District 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 Services Manager at the cost of the applicant. The required work will be expected to be completed within a 12 month period. Portions of the bond may be refunded as substantial portions of the work are completed.

(b) Conditions



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- (i) Relocated buildings shall comply, in all respects, with the relevant permitted activity conditions in other parts of the District Plan.
- (c) Non-Notification
  - (i) Under section 77D of the RMA, an activity requiring resource consent under Rule 16.7.3 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))

### 16.7.4 Historic Heritage – Buildings (Refer Rule 16.2(d))

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

### 16.7.5 Temporary Filming Activities (Refer Rule 16.2(e))

- (a) Matters of Control
  - (i) The hours of operation of the temporary filming activity;
  - (ii) The size and positioning of temporary buildings and structures;
  - (iii) The provision 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

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scale of the temporary filming activity and the nature of the potential effects on local amenity.

### 16.7.6 Temporary Military Training Activities (Refer Rule 16.2(f))

(a) Matters of Control

- ~~(i) The avoidance, remedying or mitigating of any adverse effects on the environment.~~
- (ii) The size and positioning of buildings and structures;
- (iii) The measures used to avoid, remedy or mitigate adverse effects from excavation;
- (iv) 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;
- (v) 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
- (vi) The provision of safe and efficient vehicular access and on-site car parking to avoid, remedy or mitigate potential traffic effects.

### 16.7.7 Tararua Road Growth Area Overlay (Refer Rule 16.2(g))

(a) Matters of Control

In addition to the other rules in Rule 16.7, the matters over which Council reserves its control for the Tararua Road Growth Area Overlay are as follows:

- (i) Site design, landscape design, lighting, signage and stormwater; and,
- (ii) Construction method and management plan, which will include but not be limited to consideration of traffic routing, hours of operation, noise, dust and vibration suppression measures, erosion and sediment control plans and site screening / hoarding.
- (iii) In exercising its control Council shall have regard to the extent that the proposal is consistent with the Tararua Growth Area Design Guide and Tararua Road Growth Area Structure Plan (Refer Schedule 5) and the manner in which amenity of existing businesses and residential properties is affected during construction.

(b) Conditions

- (i) Buildings shall be set back 10 metres from Tararua Road and Arapaepae Road (State Highway 57) within the Tararua Road Growth Area Overlay.
- ~~(ii) Retail and commercial activities shall be subject to the following conditions:~~

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- ~~No more than 250m<sup>2</sup> or 25% whichever is the smaller, of the gross floor area of a building or part of a building used by an activity shall be used for retailing; and,~~
  - ~~No more than 40% of the gross floor area of a building or part of a building used by any activity shall be used for retailing and office purposes combined.~~
- ~~(iii) Any building fronting onto Tararua Road, or adjoining or facing across a road from the Tararua Road Growth Area Overlay residential area shall be set back from the boundary by not less than:~~
- ~~15 metres from Tararua Road.~~
  - ~~8 metres from Tararua Road Growth Area Residential Area.~~

### 16.7.8 Stevensons Structural Engineers Site (Refer Rule 16.2(h))

#### (a) Matters of Control

- (i) The location of points of access to ensure any adverse effects on traffic efficiency and safety are adequately avoided, remedied or mitigated.
- (ii) The height, location, colour and design of buildings to ensure that adverse visual effects and impact on amenity of neighbours is adequately avoided, remedied or mitigated.
- (iii) To impose controls on outdoor activities together with other conditions necessary to ensure compliance with the District Plan's noise standards and otherwise avoid, remedy or mitigate adverse effects of noise.
- (iv) The imposition of requirements in the form of conditions for landscaping and fencing and controls on the activity to avoid, remedy or mitigate adverse visual effects.
- (v) To mitigate adverse effects associated with signage.
- (vi) The imposition of conditions to avoid, remedy or mitigate on-site effects including stormwater runoff, potential hazards or contamination and the provision of network services.
- (vii) The imposition of conditions under Section 108 RMA.

#### (b) Conditions

- (i) The performance conditions under Rule 16.6 excluding Rule 16.6.5 are met.
- (ii) The following noise standard is met:
  - No activity shall give rise to noise which, when measured at the notional boundary of any residential dwelling existing as at 1 September 2010 and located outside the Industrial Zone, exceeds the following noise limits:

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On any day:

- 7.00am to 10.00pm – 60dB  $L_{Aeq(15mins)}$
- 10.00pm to 7.00am – 60dB  $L_{Aeq(15mins)}$
- 10.00pm to 7.00am – 65dBA  $L_{max}$

All 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.

- (iii) No vehicular access shall be on to State Highway 57.
  - (iv) The hours of operation shall be limited to 6.00am – 7.00pm (Monday – Sunday).
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### 16.8 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:

#### 16.8.1 Non-compliance with Permitted Activity Conditions (Rule 16.6), and Permitted Activity Conditions in Chapters 21, 22, 23 and 24. (Refer Rule 16.3(a))

(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.

#### 16.8.2 Non-Compliance with Controlled Activity Conditions. (Refer Rule 16.3(b))

(a) Matters of Discretion

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

#### 16.8.3 Flood Hazard Area Overlay (Refer Rule 16.3(c))

(a) Matters of Discretion

- (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.

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- (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 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.

### 16.8.4 Within the Tararua Road Growth Area Overlay non-compliance with Permitted Activity Conditions (Rule 16.6), Controlled Activity Conditions (Rule 16.7) and Permitted Activity Conditions in Chapters 21, 22, 23 and 24. (Refer Rule 16.3(a))

- (a) Matters of Discretion
  - (i) Matters in Schedule 5 – Tararua Road Growth Area Structure Plan and Design Guide.
  - (ii) The location, layout, design and appearance of the development, including buildings.
  - (iii) The management of stormwater, wastewater, water supply and other servicing.
  - (iv) The maintenance of amenity values and reverse sensitivity effects at the growth area boundary and management of adverse effects on adjoining and adjacent properties, particular adjoining residential and rural areas.
  - (v) The provision of adequate carparking, manoeuvring and safe access to the site.
  - (vi) The management of traffic generated and potential adverse effects on the safety and efficiency of the street network.
  - (vii) Avoiding, remedying or mitigating of any effects deriving from non-compliance with the particular condition(s) that is not met;
  - ~~(viii) Where performance standards in respect of floor space for retail, showrooms and commercial activities are exceeded or that space is used for the retail of products not manufactured on the premises, then discretion will also include:
    - Traffic effects;
    - The effect of the non-compliance on the role and function of the commercial centre as an important community and social resource and as employment location for the community of Horowhenua; and,~~

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- ~~Townscape and amenity effects.~~

(b) Conditions

- (i) All other aspects of the activity shall comply with any relevant conditions.

### 16.8.5 Subdivision within the Tararua Road Growth Area Overlay (Refer Rule 16.3(d))

(a) Matters of Discretion

- (i) Matters listed in Rule 16.7.1 Subdivision of Land;
- (ii) Matters in Schedule 5 - Tararua Road Growth Area Structure Plan and Design Guide;
- (iii) Those matters specified in Chapters 21~~2~~ and 24;
- (iv) The degree to which the allotment/s are subject to, or likely to be subject to, material damage by erosion, falling debris, subsidence, slippage, or inundation and seismic events;
- (v) The amalgamation of any allotments and/or balance areas with other land owned by the subdivider;
- (vi) The design and layout of proposed urban areas;
- (vii) The amenity effects caused by noise, vibration and air pollution effects of State Highway 57;
- (viii) The amenity effects on existing ~~and proposed~~ residential areas should design standards contained in the Design Guide not be complied with or should proposals not be consistent with the Structure Plan; and,
- (ix) The transportation, movement, streetscape and community effects of not providing the internal roading network and accesses to the external roading network~~all residential accesses~~, buffer strips and landscaping as shown on the Structure Plan and as described in the Design Guide.
- (x) ~~In the Tararua Growth Area Overlay~~ The design and positioning of any vehicular access on to Tararua Road, Winiata Street and Perth Street, landscape design and signage.

In exercising this control Council shall have regard to the extent that the proposal is consistent with the Tararua Growth Area Structure Plan and complies with the Tararua Road Growth Area Design Guide (refer Schedule 5).

(b) Conditions

- (i) All lots shall demonstrate compliance with the permitted activity conditions, except no minimum lot area requirement applies.
- (ii) Water Supply, Wastes and Surfacewater Disposal, and Other Services: All subdivisions shall comply with the conditions in Chapter 24.

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- (iii) Roads and Access: All subdivisions shall comply with the conditions in Chapter 21.
- (c) Non-Notification
  - (i) Under section 77D of the RMA, an activity requiring resource consent in relation to Rule 16.8.5 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)).

### 16.8.6 Historic Heritage – Buildings (Refer Rule 16.3(e))

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

### 16.8.7 Historic Heritage – Signs (Refer Rule 16.3(f))

- (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.

### 16.8.8 Temporary Activities (Refer Rule 16.3(a))

- (a) Matters of Discretion
  - (i) The duration of the temporary activity, including daily hours of operation;
  - (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;

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- (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 affects on the recreation, ecological, heritage or cultural values, and any measures to avoid, remedy or mitigate these effects.
- (b) Conditions
- (i) Submit a draft management plan demonstrating how the temporary activity avoids, remedies or mitigates adverse effects generated by the activity.



### 17. COMMERCIAL ZONE

#### 17.1 PERMITTED ACTIVITIES

The following activities are permitted activities in the Commercial Zone provided activities comply with all relevant conditions in Rule 17.6 and Chapters 21, 22, 23 and 24.

- (a) Retail activities.
- (b) Commercial activities.
- (c) Entertainment activities.
- (d) Visitor accommodation.
- (e) Commercial garages.
- (f) Vehicle service stations.
- (g) Community activities.
- (h) Marae and Marae-based activities.
- (i) Recreation facilities.
- (j) Public conveniences.
- (k) Open space.
- (l) Car parks.
- (m) Relocated buildings up to and including 40m<sup>2</sup> in gross floor area.
- (n) The construction, alteration of, addition to, and demolition of buildings and structures for any permitted activity.
- (o) The following types of signs:
  - (i) Advertising signs, including public facility or information signs identifying a building, property or business.
  - (ii) Remote advertising signs.
  - (iii) Official signs.
  - (iv) Temporary signs.
  - (v) Signs advertising sale or auction of land or premises.
  - (vi) Health and safety signs.
- (p) The following network utilities and energy activities:

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- (i) The construction, operation, maintenance and upgrading of network utilities.
- (ii) Domestic scale renewable energy devices.
- (q) Within the Flood Hazard Overlay Areas only the following activities:
  - (i) Soil conservation, erosion protection, river control or flood protection works undertaken by, or on behalf of ~~supervised by~~, Horizons Regional Council.
  - (ii) Maintenance or minor upgrading of existing network utilities.
  - (iii) Installation of underground network utilities.
  - (iv) New above ground lines including support poles.
  - (v) New network utility masts.
  - (vi) New network utility cabinets/buildings.
- Notes:
  - For the definitions of 'maintenance' and 'minor upgrading' refer to Rules 22.1.10(a) and (c) in relation to existing network utilities.
  - 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.
- (r) Within the Foxton Beach, Waitarere Beach and Manakau Pedestrian Overlay Areas, residential activities.
- (s) Within the Levin, Foxton and Shannon Pedestrian Overlay Areas, residential activities above ground floor.
- (t) Within the Foxton and Shannon Town Centre Character/Heritage Overlay Areas, the redevelopment, alteration, and repair of existing buildings which do not change the external building form (floor area and height) of the existing building.
- (u) Within the Foxton and Shannon Town Centre Character/Heritage Overlay Areas, the total or partial demolition or removal of buildings and structures (where not listed in Schedule 2 - Historic Heritage).
- (v) 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.
- (w) Where a site is listed in Schedule 2 – Historic Heritage, the following are permitted activities:

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- (i) Maintenance and repair of existing lawns, gardens, structures (including fences), buildings and signage on any site.
  - (ii) Removal of vegetation on any site.
  - (x) 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 17.6.23.
- (y) Temporary activities.
  - (z) Temporary military training activities.
  - (aa) Earthworks (Refer to Rule 17.4(h)(v) Earthworks within the heritage setting of a Group 1 or 2 building or structure and Rule 17.4(i)(ii) Earthworks within a site that is listed in Schedule 2 - Historic Heritage).
  - (bb) Soil conservation, erosion protection, river control or flood protection works undertaken by, or on behalf of Horizons Regional Council.

### 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.
- 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.

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### 17.2 CONTROLLED ACTIVITIES

The following activities shall be controlled activities in the Commercial Zone provided activities comply with all relevant conditions in Rule 17.7 and Chapters 21, 22, 23 and 24. Refer to Rule 17.7 for matters of control and conditions.

- (a) Any subdivision of land. (Refer Rule 17.7.1).

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- (b) Any boundary adjustment subdivision within the Flood Hazard Overlay Areas. (Refer Rule 17.7.2)
  - (c) The placement of any relocated building. (Refer Rule 17.7.3)  
Except  
Any relocated buildings up to and including 40m<sup>2</sup> in gross floor area.
  - (d) Earthquake strengthening of any Group 2 building listed in Schedule 2 - Historic Heritage. (Refer Rule 17.7.4)
  - (e) Any temporary filming activity that does not comply with the permitted activity duration condition in Rule 17.6.25(b)(i). (Refer Rule 17.7.5)
  - (f) Any temporary military training activity that does not comply with the permitted activity conditions in Rule 17.6.26. (Refer Rule 17.7.6)
- 

### 17.3 RESTRICTED DISCRETIONARY ACTIVITIES

The following activities shall be restricted discretionary activities in the Commercial Zone provided activities comply with all relevant conditions in Rule 17.8. Refer to Rule 17.8 for matters of discretion and conditions.

- (a) Any permitted activity which does not comply with any conditions in Rule 17.6 and Chapters 21, 22, 23 and 24. (Refer Rule 17.8.1)
- (b) Any controlled activity which fails to comply with any controlled activity condition in Rule 17.7 and Chapter 21, 22, 23 and 24 of this District Plan shall be a restricted discretionary activity (Refer Rule 17.8.2).
- (c) Within the Foxton and Shannon Town Centre Character/Heritage Overlay Areas and the Foxton Tourism Overlay Area the following activities:
  - (i) The development of new buildings (Refer Rule 17.8.3)
  - (ii) Any external additions and alterations to existing buildings that do not comply with the permitted activity conditions. (Refer Rule 17.8.3)
- (d) Supermarkets with a gross floor area exceeding 3,000m<sup>2</sup> within a Large Format Retail Overlay Area. (Refer Rule 17.8.4)
- (e) Within a Flood Hazard Overlay Area, any permitted activity that does not comply with the permitted activity conditions in Rule 17.6.22. (Refer Rule 17.8.5)
- (f) Earthquake strengthening of any Group 1 building listed in Schedule 2 - Historic Heritage. (Refer Rule 17.8.6)
- (g) 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 17.8.7)

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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.

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### 17.4 DISCRETIONARY ACTIVITIES

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

- (a) Any activity that is not a permitted, controlled, restricted discretionary or non-complying activity is a discretionary activity.
- (b) Retail activity with a gross floor area exceeding 1,000m<sup>2</sup> outside of a Large Format Retail Overlay Area.
- (c) Retail activity (excluding supermarkets) with a gross floor area exceeding 3,000m<sup>2</sup> within a Large Format Retail Overlay Area.
- (d) Within Levin, Foxton and Shannon Pedestrian Overlay Areas, any residential activities at ground floor level.
- (e) Within a Pedestrian Overlay Area:
  - (i) Vehicle service stations
  - (ii) Commercial garages
- (f) Lines and support structures (including towers, masts and poles) for conveying electricity at a voltage exceeding 110kV.
- (g) Any activity within the Flood Hazard Overlay Area that is not listed as a permitted or restricted discretionary 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 17.1(p)).
  - (iii) Any subdivision of land (except for boundary adjustments which are a controlled activity under Rule 17.2(b)).
  - (iv) Any activity involving storage of hazardous substances.
  - (v) Visitor accommodation.
- (h) 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.

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- (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.
  - (i) 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.
  - (j) 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 17.6.23.
- 

### 17.5 NON-COMPLYING ACTIVITIES

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

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

### 17.6 CONDITIONS FOR PERMITTED ACTIVITIES

The following conditions shall apply to all permitted activities:

#### 17.6.1 Maximum Building Height

- (a) Within the Pedestrian Overlay Area in Levin, no part of any building shall exceed a height of 15 metres.
- (b) Within the Pedestrian Overlay Area in all other towns, no part of any building shall exceed a height of 8.5 metres.
- (c) Outside of the Pedestrian Overlay Area in all towns, no part of any building shall exceed a height of 8.5 metres.

#### 17.6.2 Building Frontage and Size

- (a) Within the Pedestrian Overlay Areas in Levin, Foxton and Shannon, the following conditions apply:
  - (i) All buildings shall be built to the front road boundary of the site.
  - (ii) All buildings shall have display windows along the ground floor road frontage. At least 60% of ground floor facade surface shall be display space or

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transparent window or doors. The minimum window area shall be kept clear and not be boarded up, painted or covered by signage.

- (iii) No building shall have a continuous featureless façade/blank wall on the ground floor road frontage wider than 6 metres. A featureless façade or blank wall is a flat or curved wall surface without any openings, glazing or columns, recesses, niches or other architectural detailing.
  - (iv) All buildings shall have a maximum ground floor road frontage width for individual tenancies of 15 metres.
  - (v) Within the Pedestrian Area Overlay in Levin, all building frontages shall have a minimum height of 6 metres.
- (b) In Levin, Outside the Pedestrian Overlay Area in Levin, the following conditions apply:
- (i) Minimum building setback of 3 metres from the front road boundary, except no minimum building setback is required for the front boundary on Oxford Street, Levin. For sites fronting Oxford Street, Levin, where a building is not built up to the front boundary, the space between the building and front boundary shall be landscaped along the frontage of the site in compliance with the standard below.
  - (ii) The area between the building or carpark and front road boundary shall include a landscaping strip. This landscaping strip shall comply with the following conditions:
    - A minimum width of 2 metres.
    - Planting shall include at least one specimen tree capable of growing to 5 metres in height within 10 years of planting for every 7 metres of site frontage.
    - At least 75% of the landscaping shall be covered by shrubs.
    - The landscaping strip shall be planted so as to provide separation between on-site pedestrian and vehicle activities and pedestrian/vehicular activities taking place on the street.
  - (iii) No building shall have a continuous featureless façade/blank wall on the ground floor road frontage wider than 10 metres. A featureless façade or blank wall is a flat or curved wall surface without any openings, glazing or columns, recesses, niches or other architectural detailing.
- (c) In Foxton, Outside the Pedestrian Overlay Area in Foxton, the following conditions apply:
- (i) No minimum building setback applies to the front boundary.
  - (ii) The maximum gross floor area of any building shall not exceed 500m<sup>2</sup>.
  - (iii) All buildings shall have display windows along the ground floor road frontage. At least 60% of ground floor facade surface shall be display space or

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transparent window or doors. The minimum window area shall be kept clear and not be boarded up, painted or covered by signage.

- (iv) The area between any on-site carpark and the front road boundary shall include a landscaping strip. This landscaping strip shall comply with the following conditions:
- A minimum width of 2 metres.
  - Planting shall include at least one specimen tree capable of growing to 5 metres in height within 10 years of planting for every 7 metres of site frontage.
  - At least 75% of the landscaping strip shall be covered by shrubs.
  - The landscaping strip shall be planted so as to provide separation between on-site pedestrian and vehicle activities and pedestrian/vehicular activities taking place on the street.
- (v) No building shall have a continuous featureless façade/blank wall on the ground floor road frontage wider than 10 metres. A featureless façade or blank wall is a flat or curved wall surface without any openings, glazing or columns, recesses, niches or other architectural detailing.
- (d) In Foxton Beach, Waitarere Beach and Manakau, the following conditions apply:
- (i) No building shall be setback more than 5 metres from the front road boundary.
- (ii) All buildings, except for residential dwelling units, shall have display windows along the ground floor road frontage. At least 50% of ground floor facade surface shall be display space or transparent window or doors. The minimum window area shall be kept clear and not be boarded up, painted or covered by signage.
- (iii) The area between the front road boundary and any on-site carpark and the front road boundary with a frontage of more than 6 metres shall include a landscaping strip. This landscaping strip shall comply with the following conditions:
- A minimum width of 2 metres.
  - Planting shall include at least one specimen tree capable of growing to 5 metres in height within 10 years of planting for every 7 metres of site frontage.
  - The landscaping strip shall be covered by at least 75% of shrubs.
  - The landscaping strip shall be planted so as to provide separation between on-site pedestrian and vehicle activities and pedestrian/vehicular activities taking place on the street.



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- (iv) No building shall have a continuous featureless façade/blank wall on the ground floor road frontage wider than 10 metres. A featureless façade or blank wall is a flat or curved wall surface without any openings, glazing or columns, recesses, niches or other architectural detailing.

### 17.6.3 Verandahs

- (a) Any parts of a building fronting a street or other public space shall have a verandah. The verandah shall comply with the following conditions:
  - (i) A minimum clearance of 2.5 metres directly above the footpath or formed ground surface.
  - (ii) A maximum clearance of 4 metres (measured at the base of the verandah fascia) directly above the footpath or from ground surface.
  - (iii) Extend for the full length of the building.
  - (iv) Extend outwards from the front of the building to the far side of the kerbing less than 450mm, or the verandah extends out 3 metres whichever is the lesser.
  - (v) Provide continuous shelter with any adjoining verandah or pedestrian shelter.
- (b) Or where a building is setback from the front boundary, a canopy of at least 2 metres in depth shall be provided over the full width of the main entrance to the building.

### 17.6.4 Sites Adjoining Residential Zone or Open Space Zone

- (a) Where a site adjoins the Residential Zone or Open Space Zone, the following conditions shall apply:
  - (i) All buildings and structures shall comply with the daylight setback envelope of the adjoining Residential Zone or Open Space Zone.
  - (ii) All buildings and structures shall be setback 4.5 metres from the Residential Zone or Open Space Zone boundary.
  - (iii) All outdoor carparking, storage, servicing and loading areas shall be screened by a close-boarded fence made of solid material with a minimum height of 1.2 metres and a maximum height of 2 metres.
  - (iv) Servicing of activities shall not occur between the hours of 10.00pm and 7.00am.

### 17.6.5 Signs

- (a) All permitted signs shall comply with the following:
  - (i) All signs on a site shall comply with the maximum height, and where applicable daylight setback for the Zone.
  - (ii) All signs attached to buildings shall not exceed the highest point of the roof.

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- (iii) All signs extending over a footpath shall be a minimum of 2.2 metres above the footpath and setback 450mm from the kerb of a road.
  - (iv) Any temporary sign shall be displayed for no longer than two (2) calendar months of a 12 month period every calendar year and removed within seven (7) days after the event. Temporary signs do not need to be on the site of the temporary activity.
  - (v) 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.
- (b) Any permitted signs within the Foxton and Shannon Town Centre Character/Heritage Overlay Areas; or attached to any building or structure, or within the heritage setting of any Group 1 or 2 building or structure, or site listed in Schedule 2 – Historic Heritage; shall comply with the conditions in Rule 17.6.5(a) above as well as the following:
- (i) All signs shall have a total combined maximum face area of 6m<sup>2</sup>.
  - (ii) All signs shall not extend above the building parapet.

### 17.6.6 Noise

- (a) Noise from any activity shall not exceed the following limits when measured at, or within, any point in any site in the Residential, Greenbelt Residential, or Rural Zones:
- (i) On any day:
    - 7.00am – 7.00pm: 55dB L<sub>Aeq</sub> (15mins).
    - 7.00pm – 10.00pm: 50dB L<sub>Aeq</sub> (15mins).
    - 10.00pm - 7.00am: 40dB L<sub>Aeq</sub> (15mins).
    - 10.00pm – 7.00am: 65dB L<sub>(max)</sub>.
- (b) Noise from any activity shall not exceed 65dB L<sub>Aeq</sub> at any time, when measured at, or within, any other site in the Industrial, Commercial or Open Space Zones.
- (c) 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.
- (d) Construction, maintenance and demolition works work shall be measured, assessed, managed and controlled by in accordance with the provisions of NZS6803:1999 Acoustics – Construction noise.
- (e) The noise limits in Rule 17.6.6(a), ~~and~~ 17.6.6(b) and 17.6.6(c) shall not apply to the following activities:
- (i) Fire and civil emergency sirens.
  - (ii) Construction, maintenance and demolition work.

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- (iii) The operation of the Main North Island Trunk Railway.
- (iv) 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.~~
- (v) Temporary Military Training Activities.
- (vi) Temporary events.

Notwithstanding the above rules, Section 16 of the Resource Management Act 1991 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.

### 17.6.7 Noise Insulation

- (a) Any habitable room in a building used by a noise sensitive activity shall be protected from noise arising from outside the building by ensuring the external sound insulation level achieves the following minimum performance standard:

- (i)  $D_{nT,w} + C_{tr} > 25 \text{ dB}$

Compliance with this performance standard shall be achieved by ensuring habitable rooms are designed and constructed in a manner that:

- (ii) ~~a~~Accords with the schedule of typical building construction set out in Commercial Zone, Appendix 1 "Noise Insulation Construction Schedule"; or
  - (iii) ~~a~~Accords with an acoustic design certificate signed by a suitably qualified acoustic engineer stating the design as proposed will achieve compliance with the above performance standard.
- (b) Ventilation: Where bedrooms with unopenable windows are proposed, a positive supplementary source of fresh air ducted from outside is required at the time of fit-out. For the purposes of this requirement, a bedroom is any room intended to be used for sleeping. The supplementary source of air is to achieve a minimum of 7.5 litres per second per person.

### 17.6.8 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.

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### 17.6.9 Odour

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

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.

### 17.6.10 Light Spill

- (a) The spill of light from any artificial lighting shall not exceed 10 lux (lumens per square metre) onto any site within the Residential Zone. The maximum lux shall be measured horizontally or vertically at the Residential Zone site boundary.

### 17.6.11 Unsightly Buildings

- (a) No building shall be left unfinished, ~~or constructed,~~ or be permitted to deteriorate such become in such a state so that its external appearance adversely affects the amenity ~~is a distraction from the amenities~~ of the neighbourhood in which it is situated.

### 17.6.12 Storage Areas

- (a) All areas used for the storage of goods, materials, or waste products shall be screened from view from the Residential Zone, Open Space Zone, roads and other public spaces by solid screening such as fences or planting.

### 17.6.13 Water Supply

- (a) All sites shall be provided with a water supply to meet the capacity and the quality requirements of the activities undertaken on the site in accordance with Chapter 24.

### 17.6.14 Wastes Disposal

- (a) All wastes (including sewage, effluent and refuse) that are generated or stored on any site shall be collected, treated and disposed of in a manner that avoids any significant adverse effects for adjoining properties.

### 17.6.15 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.

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### 17.6.16 Engineering Works

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

### 17.6.17 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.

### 17.6.18 Vehicle Parking, Manoeuvring, and Loading

Note: Activities within any Pedestrian Overlay Area are not required to provide on-site vehicle parking spaces, but where parking is provided compliance is required with the conditions in Chapter 21 (except the minimum number of carparks).

- (a) Outside of any Pedestrian Overlay Area, the following conditions apply:
- (i) All activities, ~~except network utilities on sites less than 200m<sup>2</sup>~~, shall provide on-site vehicle parking, manoeuvring areas and loading facilities as required in Chapter 21.
- (ii) Any surface or ground level parking area shall not exceed a maximum width of 10 metres along the site road frontage or 40% of the site frontage whichever is the lesser. Where the parking area is located on the site frontage, the area between the carpark and front road boundary shall include a landscaping strip. This landscaping strip shall comply with the following conditions
- A minimum width of 2 metres.
  - Planting shall include at least one specimen tree capable of growing to 5 metres in height within 10 years of planting for every 7 metres of site frontage.
  - The landscaping strip shall be covered by at least 75% of shrubs.
  - The landscaping strip shall be planted so as to provide separation between on-site pedestrian and vehicle activities and pedestrian/vehicular activities taking place on the street.

### 17.6.19 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 4( Chapter 21-Traffic Sight Lines at Road and Rail Intersections).

### 17.6.20 Network Utilities

- (a) All network utilities and structures associated with network utilities shall comply with the permitted activity conditions in Chapter 22.

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- (b) All other permitted activity conditions specified in this Chapter of the District Plan shall also apply to any network utility or associated structure.

### 17.6.21 Hazardous Substances

- (a) All activities using or storing hazardous substances shall comply with the Hazardous Substances Classification parameters for the Commercial Zone in Chapter 23 and shall comply with the permitted activity conditions in that Chapter.

### 17.6.22 Flood Hazard Overlay Area

- (a) Within a Flood Hazard Overlay Area earthworks shall not exceed 20m<sup>3</sup> per site within any 12 month period.

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, 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 40m<sup>2</sup> per site.

Except 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.

- (c) Within a Flood Hazard Overlay Area, earthworks associated with the installation of underground network utilities shall reinstate ground level as close as practicable to its state prior to disturbance.
- (d) Within a Flood Hazard Overlay Area, new network utility cabinets/buildings shall not exceed 5m<sup>2</sup> gross floor area.

### 17.6.23 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.

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- (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.

### 17.6.24 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 Māori 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.

### 17.6.25 Temporary Activities

- (a) In addition to the permitted activity conditions, temporary events, such as, but not limited to festivals, sports events, and markets, shall comply with following standards:
  - (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 building height, building frontage and size, and verandah standards set out in Rules 17.6.1, 17.6.2 and 17.6.3.
  - (v) Noise from any temporary event 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:

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- Amplified Sound including sound testing: 80dB  $L_{Aeq}$  (10 mins)-
  - Activities other than amplified sound: 70dB  $L_{Aeq}$  (10 mins)-
  - Crowd noise is exempt from these limits.
- (b) In addition to the other 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.
  - (ii) All temporary filming buildings and structures are exempt from the maximum building height, building frontage and size, and verandah standards set out in Rules 17.6.1, 17.6.2 and 17.6.3.

### 17.6.26 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 that Standard as if it were construction noise.
  - (v) Noise generated from any fixed source (other than weapons firing and 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.



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- (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 17-1; or
- If minimum separation distances in Table 17-1 cannot be met:
  - 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 17-1: Separation Distances for Temporary Military Training Activities involving explosives and 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>

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2. Firing of blank ammunition	7.00am to 7.00pm (daytime)	At least 750m
	7.00pm to 7.00am (night time)	At least 2250m

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### 17.7 MATTERS OF CONTROL AND CONDITIONS FOR CONTROLLED ACTIVITIES

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

#### 17.7.1 Subdivision of Land. (Refer Rule 17.2(a))

##### (a) Matters of Control

- (i) The design and layout of the subdivision, including the size, shape and position of any lot, including the future land use and development of each lot. In addition, the location of building sites, separation distances, orientation of buildings, and screening/landscape treatment.
- (ii) The amalgamation of any proposed allotments or balance areas to existing titles of land.
- (iii) 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.
- (iv) The provision of servicing, including water supply, wastewater systems, stormwater management and disposal, streetlighting, telecommunications and electricity and, where applicable gas.
- (v) Provision of reserves, esplanade reserves, esplanade strips and access strips, including connections to existing and future reserves.
- (vi) Effects on significant sites and features, including natural, ecological, cultural, archaeological and historical sites.
- (vii) Site contamination remediation measures and works.
- (viii) Avoidance or mitigation of natural hazards. (Note: Refer to the “Risks and Responsibilities: Report of the Manawatu-Wanganui Regional Lifelines Project” (No. 2005/EXT/622) prepared by the Manawatu-Wanganui CDEM Group for information about natural hazards that may be relevant to the subject site).
- (ix) Management of construction effects, including traffic movements, hours of operation, noise, earthworks and erosion and sediment control.
- (x) Staging of the subdivision.

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(xi) Compliance with the Councils Subdivision and Development Principles and Requirements (Version: November 2012).

(xii) Those matters described in Sections 108 and 220 of the RMA.

(b) Conditions

(i) All lots shall demonstrate compliance with the relevant permitted activity conditions, except no minimum lot area requirement applies.

(ii) Water Supply, Wastes and Surfacewater Disposal, and Other Services: All subdivisions shall comply with the conditions in Chapter 24.

(iii) Roads and Access: All subdivisions shall comply with the conditions in Chapter 21.

### 17.7.2 Boundary Adjustments - Flood Hazard Overlay Area. (Refer Rule 17.2(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.

### 17.7.3 Relocated Buildings. (Refer Rule 17.2(c))

(a) Matters of Control

(i) The length of time taken to re-construct, repair, or refurbish the building;

(ii) 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 baseboards and steps;
- replacement of broken window panes, broken or rotten timber, guttering, drainpipes;
- reinstatement of the site and access to the site; and
- details and length of time to complete site landscaping.

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- (iii) A bond, of the nature provided for in the Resource Management Act 1991, further secured by deposits of cash with the District Council, bank guarantee, or otherwise, to the satisfaction of the District Council, to ensure compliance with consent conditions. The bond is to 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 Services Manager, at the cost of the applicant. The required work will be expected to be completed within 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 relevant permitted activity conditions in other parts of the District Plan.
- (c) Non-Notification
- (i) Under section 77D of the RMA, an activity requiring resource consent under Rule 17.7.3 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)).

### 17.7.4 Historic Heritage – Buildings. (Refer Rule 17.2(d))

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

### 17.7.5 Temporary Filming Activities. (Refer Rule 17.2(e))

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

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- (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.

### 17.7.6 Temporary Military Training Activities. (Refer Rule 17.2(f))

- (a) Matters of Control
  - (i) ~~The avoidance, remedying or mitigating of any adverse effects on the environment.~~
  - (ii) The size and positioning of buildings and structures;
  - (iii) The measures used to avoid, remedy or mitigate adverse effects from excavation.
  - (iv) 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;
  - (v) 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
  - (vi) 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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## 17.8 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:

### 17.8.1 Non-compliance with Permitted Activity Conditions (Rule 17.6) Permitted Activity Conditions in Chapters 21, 22, 23 and 24 of this Plan. (Refer Rule 17.3(a))

- (a) Matters of Discretion

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- (i) Avoiding, remedying or mitigating of any effects deriving from non-compliance with the particular condition(s) that is not met except where specified in Rules below:

### 17.8.2 Non-Compliance with Controlled Activity Conditions. (Refer Rule 17.3(b))

(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 rules below:

### 17.8.3 New buildings, additions and alterations to existing buildings in the Foxton and Shannon Town Centre Character/Heritage Overlay Areas and the Foxton Tourism Area. (Refer Rule 17.3(c))

(a) Matters of Discretion

- (i) Design, external appearance and siting of the building or structure.
- (ii) Matters in the Foxton and Shannon Town Centre Character/Heritage Overlay Area Design Guide in Schedule 5.

(b) Under section 77D of the RMA, an activity requiring resource consent in relation to Rule 17.8.3 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)).

### 17.8.4 Supermarkets within the Large Format Retail Overlay Area. (Refer to Rule 17.3(d))

(a) Matters of Discretion

- (i) Design, external appearance and siting of the building, including the space around buildings.
- (ii) Landscaping.
- (iii) Location and design of site access (pedestrian and vehicular), parking and servicing.
- (iv) Traffic effects, including effects on the transport network from the volume and type of traffic generated.
- (v) Effects on the vitality and vibrancy of the town centres.

### 17.8.5 Flood Hazard Overlay Area. (Refer Rule 17.3(e))

(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 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.

### **17.8.6 Historic Heritage – Buildings. (Refer Rule 17.3(f))**

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

### **17.8.7 Historic Heritage – Signs. (Refer Rule 17.3(g))**

- (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.

### **17.8.8 Temporary Activities. (Refer Rule 17.3(a))**

- (a) Matters of Discretion:
  - (i) The duration of the temporary activity, including daily hours of operation;
  - (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;

## 17 RULES: Commercial Zone

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- (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 recreation, ecological, heritage or cultural values, and any measures to avoid, remedy or mitigate these effects.
- (b) Conditions
- (i) Submit a draft management plan demonstrating how the temporary activity avoids, remedies or mitigates adverse effects generated by the activity.



## 17 RULES: Commercial Zone

### Appendix 1: Commercial Zone - Noise Insulation Construction Schedule

Under Rule 17.6.7, any habitable room in a building used by a noise sensitive activity shall achieve a minimum external sound insulation level. This schedule describes the minimum requirements necessary to achieve an external sound insulation level of  $D_{nT,w} + C_{tr} > 30$  dB.

Building Element	Minimum Construction Requirement	
External Walls of Habitable Rooms	Stud Walls: Exterior cladding:	20 mm timber or 9mm compressed fibre cement sheet over timber frame (100 mm x 50 mm). *
	Cavity infill:	Fibrous acoustic blanket (batts or similar of a minimum mass of 9 kg/m <sup>3</sup> ) required in cavity for all exterior walls. Minimum 90 mm wall cavity.
	Interior lining:	One layer of 12 mm gypsum plasterboard. Where exterior walls have continuous cladding with a mass of greater than 25 kg/m <sup>2</sup> (e.g. brick veneer or minimum 25 mm stucco plaster), internal wall linings need to be no thicker than 10 mm gypsum plasterboard.
	Combined superficial density:	Minimum not less than 25 kg/m <sup>2</sup> being the combined mass of external and internal linings excluding structural elements (e.g. window frames or wall studs) with no less than 10 kg/m <sup>2</sup> on each side of structural elements.
	Mass Walls:	190 mm concrete block, strapped and lined internally with 10 mm gypsum plaster board, or 150 mm concrete wall.
Glazed Areas of Habitable Rooms	Glazed areas up to 10% of floor area:	6 mm glazing single float
	Glazed areas between 10% and 35% of floor area:	6 mm laminated glazing
	Glazed areas greater than 35% of floor area:	Require a specialist acoustic report to show conformance with the insulation rule.
	Frames to be aluminum window frames with compression seals.	
Skillion Roof	Cladding:	0.5 mm profiled steel or 6 mm corrugated fibre cement, or membrane over 15mm thick ply, or concrete or clay tiles.
	Sarking:	17mm plywood (no gaps).
	Frame:	Minimum 100 mm gap with fibrous acoustic blanket (batts or similar of a mass of 9 kg/m <sup>3</sup> ).
	Ceiling:	Two layers of 10 mm gypsum plaster board (no through ceiling lighting penetrations unless correctly acoustically rated). Fibrous acoustic blanket (batts or similar of a minimum mass of 9 kg/m <sup>3</sup> ).
	Combined Superficial density:	Combined mass of cladding and lining of not less than 25 kg/m <sup>2</sup> with no less than 10 kg/m <sup>2</sup> on each side of structural elements.

## 17 RULES: Commercial Zone

Building Element	Minimum Construction Requirement	
Pitched Roof (all roofs other than skillion roofs)	Cladding:	0.5 mm profiled steel or tiles, or membrane over 15mm thick ply.
	Frame:	Timber truss with 100 mm fibrous acoustic blanket. (batts or similar of a minimum mass of 9 kg/m <sup>3</sup> ) required for all ceilings.
	Ceiling:	12 mm gypsum plaster board.
	Combined Superficial density:	Combined mass with cladding and lining of not less than 25 kg/m <sup>2</sup> .
Floor areas open to outside	Cladding:	Under-floor areas of non-concrete slab type floors exposed to external sound will require a cladding layer lining the underside of floor joists of not less than 12 mm ply
	Combined superficial density:	Floors to attain a combined mass not less than 25kg/m <sup>2</sup> for the floor layer and any external cladding (excluding floor joists or bearers).
External Door to Habitable Rooms	Solid core door (min 25 kg/m <sup>2</sup> ) with compression seals (where the door is exposed to exterior noise).	

### Notes:

- The table refers to common specifications for timber size. Nominal specifications may in some cases be slightly less than the common specifications stated in the schedule for timber size.
- In determining the insulating performance of roof/ceiling arrangements, roof spaces are assumed to have no more than the casual ventilation typical of the jointing capping and guttering detail used in normal construction.
- To satisfy compliance with this Schedule a certificate from a suitably qualified person will be required confirming compliance.

### 18. GREENBELT RESIDENTIAL ZONE

#### 18.1 PERMITTED ACTIVITIES

The following activity is a permitted activity in the Greenbelt Residential Zone provided:

- It is not a discretionary, restricted discretionary, controlled, or non-complying activity; and
  - It complies with all relevant conditions in Rule 18.6 below and Chapters 21, 22, 23 and 24 and the definitions in Chapter 26 where applicable.
- (a) Residential activities.
  - (b) One Residential dwelling unit and one family flat per lot.
  - (c) Accessory buildings.
  - (d) Visitor accommodation for up to four persons within a residential dwelling unit.
  - (e) Home occupations.
  - (f) Primary productive activities.
  - (g) Open space.
  - (h) Temporary activities and buildings associated with that activity.
  - (i) Use of community facilities in existence at 1 August 1996 (including education facilities and grounds) for community activities including services having a social, community, ceremonial, cultural, educational, recreational, worship, or spiritual purpose.
  - (j) Network utilities and any structures associated with network utilities.
  - (k) Activities for soil conservation, erosion protection, river control or flood protection works undertaken by, or supervised by, the Horizons Regional Council or other agencies including Tangata Whenua responsible for the management of these works and activities.
  - (l) Temporary military training activities.
  - (m) Advertising signs located on the site to which the activity relates.
  - (n) Official signs.
  - (o) The clearance, modification, damage, destruction or removal of indigenous vegetation or habitats of indigenous fauna.
  - (p) The minor trimming and maintenance of a Scheduled Notable Tree in order to maintain its state of health.

## **18 RULES: Greenbelt Residential Zone**

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- (q) The removal of a Scheduled Notable Tree by Council where this is required as an emergency work.
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### **18.2 CONTROLLED ACTIVITIES**

The following shall be controlled activities in the Greenbelt Residential Zone:

- (a) Any subdivision of land (Refer Rule 18.7.1 and 18.7.2), except subdivision (other than a boundary adjustment or the creation of an allotment that is for the exclusive use of a network utility) in the Greenbelt Residential (Foxton Beach North Overlay) Zone.
  - (b) The placement of any Relocated residential dwelling unit and/or accessory building on any site (Refer Rule 18.7.3).
  - (c) Any Temporary Military Training activities that is not a permitted activity (Refer Rule 18.7.4).
- 

### **18.3 RESTRICTED DISCRETIONARY ACTIVITIES**

- (a) Any permitted or controlled activity which fails to comply with any condition in Rules 18.6 and 18.7 and Chapters 21-24 and Chapter 28 of this Plan shall be a restricted discretionary activity, except where those activities are listed as a discretionary or non-complying activity.
  - (b) Subdivision in the Greenbelt Residential (Foxton Beach North Overlay) Zone that is not a controlled activity and that complies with the applicable conditions in Rule 18.8(h). The Department of Conservation must be notified of any subdivision application subject to this rule but otherwise the notification provisions of the Resource Management Act 1991 shall apply.
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### **18.4 DISCRETIONARY ACTIVITIES**

- (a) Any activity that is not a permitted, controlled, restricted discretionary, activity, or a non-complying activity is a discretionary activity.
- (b) Intensive farming.
- (c) Any subdivision that does not comply with the conditions for Controlled Activities in Rule 18.7.2, with the exception of subdivision in the Greenbelt Residential Waitarere Rise overlay that does not comply with Rule 18.7.2(a) and subdivision in the Greenbelt Residential (Foxton Beach North Overlay) that complies with Rule 18.8(h).
- (d) Any subdivision of land that contains all or part of a site with any heritage feature identified in Schedule 2 of this Plan.

## **18 RULES: Greenbelt Residential Zone**

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### **18.5 NON-COMPLYING ACTIVITIES**

- (a) Any subdivision that is not in accordance with the requirements as specified in a Structure Plan in Schedule 8 is a non-complying activity.
- (b) Any building or structure within 12 metres either side of the centre line of high voltage (110kV or more) transmission line.
- (c) Any subdivision within the Greenbelt Residential Waitarere Rise Overlay that does not comply with the conditions for controlled activities in Rule 18.7.2, or as a restricted discretionary activity in Rule 18.8(d), or as a discretionary activity is a non-complying activity.
- (d) Any building or structure within the area identified as 'buffer area' in the Greenbelt Residential (Foxton Beach North Overlay) Site Plan contained in Schedule 14.
- (e) Any dwelling, building or structure (except for a weir, outlet structure, fence, walkway or pedestrian bridge in any area in the Greenbelt Residential (Foxton Beach North Overlay) Zone set aside as open space as a result of a condition on a resource consent granted after 1 June 2012 unless full details of the proposed dwelling, building or structure were provided to the Council and were approved by the Council in writing within the decision to grant the consent that required the area to be set aside as open space.
- (f) Any subdivision of an allotment, including a balance lot, in the Greenbelt Residential (Foxton Beach North Overlay) Zone that was created pursuant to a consent granted under Rule 18.3(b) or 18.4(c), excluding:
  - (i) A boundary adjustment subdivision where no additional lots are created;
  - (ii) A subdivision for the sole purpose of creating an allotment exclusively for a network utility;
  - (iii) A subdivision of a balance lot to implement a further stage of development shown on a comprehensive development plan previously submitted to Council with a successful application for consent under Rule 18.3(b) or Rule 18.4(c).

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### **18.6 CONDITIONS FOR PERMITTED ACTIVITIES**

The following performance conditions shall apply to all permitted activities.

#### **18.6.1 Maximum Building Height**

- (a) No part of any building shall exceed a height of 8.5 metres, except accessory buildings shall not exceed 6 metres in height.

## **18 RULES: Greenbelt Residential Zone**

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### **18.6.2 Daylight Setback Envelope**

- (a) No part of any building shall encroach outside an envelope created, in relation to each site boundary, except a boundary with a street, by a line drawn vertically 2.7 metres above the ground level at the boundary and inclined at an angle of 45 degrees (1:1 slope) inwards from that point.

### **18.6.3 Building Setback From Boundaries and Separation Distances**

- (a) No building shall be located closer than 9 metres from any road boundary or private road/accessway boundary, except that in the Greenbelt Residential (Foxton Beach North Overlay) Zone the setback shall be 5 metres
- (b) No building shall be located closer than 3 metres from any other site boundary;
- (c) No building shall be located closer than 15 metres from any State Highway boundary;
- (d) No buildings shall be located closer than 15 metres from any bank or stream edge;
- (e) No buildings shall be located closer than 15 metres from any Significant Natural Area where the boundary is defined by the perimeter fence line, or where the area is not fenced, the mapped boundary as identified on the Planning Maps.
- (f) No dwelling shall be located closer than 15 metres from any Rural Zone boundary.
- (g) No dwelling shall be located closer than 15 metres from any railway boundary;
- (h) No building or structure shall be located closer than 32 metres either side of the centreline of any high voltage (110kV or more) transmission line.

### **18.6.4 Separation Distance Between Detached Residential Dwelling Units**

- (a) No detached residential dwelling unit shall be located closer than 3 metres from any other detached residential dwelling unit.

### **18.6.5 Safety and Visibility at Road and Rail Intersection**

- (a) No person shall be permitted to erect any structure, or deposit any materials, or plant any tree that would obscure the sight distances from any road and rail intersection as shown in Diagram 1 (Chapter 21 - Traffic Sight Lines at Road and Rail Intersections).

- (b) Where any vehicle access crosses a rail level crossing, it shall be formed at the same level as the level crossing for 20 metres either side of the level crossing.

Note: Any person proposing to build within or adjacent to a level crossing should contact the New Zealand Railways Corporation for calculation of the view lines for the crossing.

### **18.6.6 Maximum Building Coverage**

- (a) The proportion of any site covered by buildings, other than network utilities on sites less than 200m<sup>2</sup>, shall not exceed 35% of the net site area.

## **18 RULES: Greenbelt Residential Zone**

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### **18.6.7 Minimum Net Site Area Per Unit**

- (a) Each residential dwelling unit shall have a minimum net site area, i.e. site available exclusively for that unit in accordance with the standards set out in Table 18-1. Residential unit site requirements i.e. minimum area and shape factor must conform with subdivision allotment standards even though the land may not be undergoing subdivision.

### **18.6.8 Noise**

- (a) No activity shall give rise to any noise which, when measured at any boundary of the site, exceeds the following noise levels:
- (i) On Any Day -
- 7.00am – 10.00pm: 55dBA (L10)
  - 10.00pm – 7.00am: 40dBA (L10)
  - 10.00pm – 7.00am: 65dBA(A) (Lmax)
- (ii) The above Rules relating to noise shall not apply to fire and civil emergency sirens.
- (iii) All noise shall be measured and assessed in accordance with N.Z. 6801:1991 "Methods of Measuring Sound" and 6802:1991 "Assessment of Environmental Sound".
- (iv) All noise emitted in the course of any construction work shall comply with N.Z.S. 6803:1984.

Note: Notwithstanding this rule, Section 16 of the RMA imposes a duty on every person to avoid unreasonable noise.

### **18.6.9 Odour**

- (a) No activity shall give rise to offensive odours able to be detected at the boundary of any adjoining residential property or at the boundary of any property in any residential zone. For the purpose of this condition, an offensive odour is that odour which can be detected and is considered to be offensive by at least two independent observers; including at least one council officer.

### **18.6.10 Storage of Goods and Materials**

- (a) All areas used for the storage of goods, materials, vehicles or waste products shall be maintained in a tidy condition and shall be screened from view from adjoining residential properties and from roads.

### **18.6.11 Water Supply**

- (a) All sites shall be provided with a water supply to meet the capacity and quality requirements of the activities undertaken on the site.

## **18 RULES: Greenbelt Residential Zone**

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### **18.6.12 Wastes Disposal**

- (a) All wastes (including sewage, effluent, and refuse) that are generated or stored on any site shall be collected, treated, and disposed of in a manner that avoids any significant adverse effects or nuisance for adjoining properties.

### **18.6.13 Surfacewater Disposal**

- (a) All activities shall make provision for the collection, treatment, and disposal of surfacewater run-off in a manner that avoids any significant adverse effects or nuisance.

### **18.6.14 Development within Stopbanks**

- (a) No development including buildings and earthworks shall be permitted within 20 metres from the inland toe of authorised stop banks. Flood protection works undertaken by Horizons Regional Council shall be exempt from the 20 metre setback.

### **18.6.15 Engineering Works**

- (a) All activities subdivisions and developments shall comply with the requirements as specified in Chapter 24 relating to engineering works and land development.

### **18.6.16 Vehicle Access**

- (a) All activities shall be provided with practicable vehicle access from a public road that is not obtained by crossing a railway line in accordance with the requirements as specified in Chapter 21.

### **18.6.17 Vehicle Parking, Manoeuvring, and Loading**

- (a) All activities, except network utilities on sites less than 200m<sup>2</sup>, shall be provided with vehicle parking spaces, manoeuvring areas, and loading facilities as specified in Chapter 21.

### **18.6.18 Hazardous Substances**

- (a) The threshold hazard factor for all activities using or storing hazardous substances shall not exceed 'low', as specified in Chapter 23, and all activities involving hazardous substances shall comply with the permitted activity conditions specified in Chapter 23.

### **18.6.19 Advertising Signs**

- (a) The following advertising signs may be displayed:
  - (i) Any complying temporary sign having a total face area not exceeding 2m<sup>2</sup>.
  - (ii) Any public information sign identifying the name only of any building property or business and which has a face area not exceeding 1m<sup>2</sup>.



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- (iii) Any public facility sign including any church, school or hall which has a face area not exceeding 2m<sup>2</sup>;
- (iv) Any sign advertising the sale or auction of land or premises which shall have a combined total face area not exceeding 2m<sup>2</sup> and be removed from the site within 5 working days of settlement of the sale;
- (v) All on-site signs attached to buildings which do not exceed the profile of the building.

provided that all signs comply with the following:

- Only one permanent free standing sign for each frontage of the site shall be permitted. It may be double sided.
- Comply with the following specifications:

	Posted speed limit less than 70kph	Posted speed limit 70kph and above
Maximum number of words	11 or symbols	6 or symbols
Maximum number of characters	90	40
Minimum lettering height	120mm	160mm

- Shall not exceed 4 metres in height.
- Not be flashing, animated, trivision, lasers or aerial or which could produce glare or could dazzle.

### 18.6.20 Network Utilities

- (a) All network utilities and structures associated with network utilities shall comply with the conditions as specified in Chapter 22. All other relevant conditions specified in this part of the Plan shall also apply to any network utility or associated structures.

### 18.6.21 Protection of Areas of Significant Indigenous Vegetation and Significant Habitats if Indigenous Fauna

- (a) Indigenous vegetation clearance, modification, damage, destruction or removal may not take place in an area which:
  - (i) Is within the coastal foredune area (as defined in the proposed Manawatu-Wanganui land and water plan i.e. MHWS to 200 metres inland of the first line of vegetation); or
  - (ii) Is an area of 0.5 hectares or greater irrespective of land ownership which has an actual or emerging predominance of indigenous tree species of any height located landward of the coastal foredune area as defined in paragraph (i) above and less than 100 metres in elevation above sea level. For the purpose of this rule, if the greater part of the area to be cleared is below 100 metres in elevation above sea level, then this rule applies; or
  - (iii) Is an area of 1 hectare or greater irrespective of land ownership which has an actual or emerging dominance of indigenous tree species of any height

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located more than 100 metres in elevation above sea level. For the purpose of this rule, if the greater part of the area to be cleared is above 100 metres in elevation above sea level. Then this rule applies.

- (iv) Contains indigenous trees (excluding manuka/kanuka) over 6 metres in height, unless the area to be cleared is less than 500 square metres in any 10 year period; or
- (v) Contains manuka or kanuka over 6 metres in height in the coastal environment as identified on the Planning Maps, unless the area to be cleared is less than 500 square metres in any 10 year period; or
- (vi) Is a wetland over 100 square metres in area with an average width of at least 5 metres; or
- (vii) Is within 10 metres or a third or higher order stream/river (mapped at 1:50,000) or a lake or wetland, or a permanent flowing stream or river that feeds a wetland(s) or lake(s) within the coastal environment as identified on the Planning Maps. What constitutes a third or higher order stream is to be determined pursuant to Strahler's 1952 Classification System and as otherwise defined in Part 25 of the Plan under the heading "Stream Order"; or
- (viii) Contains rare or threatened species defined in Schedule – Threatened Species; or

Indigenous vegetation clearance, modification, damage, destruction or removal does not include:

- Vegetation that has grown under the canopy of a plantation forest
  - Scattered trees, shrubs and scrub amongst pasture or horticultural land or production forestry land; or
  - Actions necessary for the avoidance of imminent danger to human life; or
  - Actions necessary for the current operation and maintenance of existing infrastructure, including roads, tracks, drains, stream or river access, structures and fence lines and the maintenance, replacement and upgrading of network utilities consistent with Rule 22.1.10 of this Plan; or
  - The disturbance or damage (but not destruction) of indigenous vegetation as the consequence of harvesting of plantation forest; including where the harvesting involves:
- (ix) The lifting and/or dragging of logs, and/or
  - (x) The construction and maintenance of forestry roads and stream crossings.
    - And the modification is temporary and minor and does not compromise the ecological functioning of the area;
    - Diseased vegetation that creates an environmental or ecological risk.

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### **18.6.22 Protection of Heritage Features**

- (a) No activity or development work shall result in any modification, demolition, alteration or removal of any heritage feature identified in Schedule 2 of this Plan. However, normal maintenance and repair work will be permitted.
- (b) No activity is permitted within the dripline of a Scheduled Notable Tree where that activity could result in any adverse effect on the tree.
- (c) No person may remove, destroy or damage a tree that may adversely affect the values for which it was considered worthy of protection.
- (d) Council may grant consent as a discretionary activity where it is satisfied that one or more of the following circumstances exist:
  - (i) The tree is dead or diseased
  - (ii) The tree has become a danger to life, is causing damage to property, or is likely to do so.

### **18.6.23 Temporary Military Training Activities**

- (a) All Temporary Military Activities shall, in addition to the aforesaid conditions, also comply with the following conditions:
  - (i) The written consent of the owner shall have been obtained;
  - (ii) No permanent structures may be constructed;
  - (iii) The activity shall not require excavation (permanent or mechanical), unless provided for in this District Plan;
  - (iv) Flying activity shall be in compliance with Civil Aviation regulations or in agreement with the local controlling authority;
  - (v) The activity shall be limited to a period not exceeding thirty-one days;
  - (vi) Noise from any temporary military training activity shall not exceed the noise levels provided for the activity in the Noise Conditions for permitted activities for the particular zone.”

### **18.6.24 Sites of significance to Tangata Whenua**

- (a) No activity or development shall lead to the modification, demolition or removal of any site of significance to Iwi where such site has been identified to Council prior to the time that any activity or development is proposed.

### **18.6.25 Fencing**

- (a) The maximum height of a fence on a boundary shall not exceed 2 metres.

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### **18.6.26 Unsightly Buildings**

- (a) No building shall be left unfinished, or constructed, or become in such a state so that its external appearance is a distraction from the amenities of the neighbourhood in which it is situated.

### **18.6.27 Wrecked Motor Vehicles**

- (a) No wrecked and/or unroadworthy vehicle or vehicles shall be placed or located on a residential property where any such vehicle may be viewed from any public place or road.

For the purpose of this condition:

- “Vehicle” shall include any car, bus, truck, van, motorcycle, trailer or house bus or caravan, and
- “Wrecked and Unroadworthy” shall include any of the above which is unregistered and/or unwarranted and/or beyond reasonable repair and includes vehicles being stripped for sale or disposal of parts.

### **18.6.28 Vibration**

- (a) No activity shall create any vibration which exceeds the limits in NZS/ISO 2631.2:1989 – Continuous and Shock-Induced Vibration in Buildings and NZS 4403:1976 – Code of Practice for Storage, Handling, and Use of Explosives, and any subsequent amendments.

### **18.6.29 Waitarere Rise Overlay Effluent Disposal Rate**

- (a) Any onsite effluent treatment system installed shall not pump grey water to the reticulated system at a rate of more than 0.50 litres/second.

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## **18.7 MATTERS OF CONTROL AND CONDITIONS FOR CONTROLLED ACTIVITIES**

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

### **18.7.1 Subdivision of Land**

#### Controlled Matters

The matters over which Council reserves its control are as follows:

- (a) The design and layout of the subdivision, including the size, shape and position of any lot, distribution of open space, including the future land use and development of each lot. In addition, the location of building sites, separation distances, orientation of buildings, and screening/landscape treatment.
- (b) 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.

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- (c) The provision of servicing, including water supply, wastewater systems, stormwater management and disposal, streetlighting, telecommunications and electricity.
- (d) Provision of reserves, esplanade reserves, esplanade strips and access strips, including connections to existing and future reserves.
- (e) Effects on significant sites and features, including natural, cultural and historical sites.
- (f) Site contamination remediation measures and works.
- (g) Avoidance or mitigation of natural hazards.
- (h) Management of construction effects, including traffic movements, hours of operation, noise, earthworks and erosion and sediment control.
- (i) Staging of the subdivision.
- (j) Whether the development is generally in accordance with any applicable Structure Plan in Schedule 8.
- (k) Whether the development is generally in accordance with the Greenbelt Residential Design Guide in Schedule 7.
- (l) Compliance with the Horowhenua District Council Engineering requirements.
- (m) Those matters described in Section 108 and 220 of the RMA

### Assessment Criteria

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

### 18.7.2 Conditions

- (a) Minimum Allotment Area and Shape:

Each allotment shall comply with the following site area and shape factor standards in Table 18-1.

**Table 18-1 Standards Applying to Subdivision and Residential Dwelling Units**

<b>Type of Allotment, or Subdivision</b>	<b>Minimum Area Per Allotment/Site</b>	<b>Minimum Shape Factor</b>
Greenbelt Residential General Serviced	2000 square metres	20 metres diameter
Greenbelt Residential General Unserviced	5000 square metres	20 metres diameter
Greenbelt Residential Waitare Rise Overlay	4000 square metres	55 metres diameter (excluding any areas subject to rights of way)

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Note 1: "Greenbelt Residential General Serviced" refers to the areas within the 'Greenbelt Residential Zone' that are serviced by Council's reticulated water and wastewater infrastructure, such as Levin and Foxton Beach.

Note 2: "Greenbelt Residential General Unserviced" refers to the areas within the 'Greenbelt Residential Zone' that are not serviced by Council's reticulated water and wastewater infrastructure, such as Waikawa Beach and Manakau.

Note 3: "Greenbelt Residential Waitarere Rise Overlay" refers to the area identified on the Planning Maps.

- (b) Water Supply, Wastewater Disposal, and Other Services: All subdivisions shall comply with the requirements as specified set out in Chapter 24.
- (c) Roads and Access: All subdivisions shall comply with the requirements as specified in Chapter 21.
- (d) Network Utilities Lots: There shall be no minimum site area requirements for lots for network utility purposes.
- (e) Structure Plan: All subdivisions shall be in accordance with the requirements of the Structure Plan for the area in Schedule 8.
- (f) Subdivision of land containing a natural habitat of indigenous species;  
Where an application is received for the subdivision of land containing all or part of a natural habitat and where a development is, or may be proposed within the vicinity of the area, Council may require one or more of the following conditions:
  - Covenanted the area
  - Creation of a buffer zone to avoid, remedy, or mitigate 'edge effects' associated with development.
  - Specific design for any on site wastewater or stormwater disposal system associated with a dwelling
  - Provision for the undergrounding of services.

### 18.7.3 Relocated Buildings

#### Controlled Matters

The matters over which Council reserves its control are as follows:

- (a) The length of time taken to re-construct, repair, or refurbish the building.
- (b) 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.
- (c) A bond, of the nature provided for in the RMA, further secured by deposits of cash with the District Council, bank guarantee, or otherwise, to the satisfaction of the District Council, to ensure compliance with consent conditions. The bond is to 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 Services Manager at the cost of the applicant. The required work will be expected to be completed within a 12 month period. Portions of the bond may be refunded as substantial portions of the work are completed.
- (d) The payment of administrative charges.

### Conditions

- (a) Relocated buildings shall comply, in all respects, with the conditions specified for permitted activities in other relevant parts of the Plan.

### 18.7.4 Temporary Military Training Activities

#### Controlled Matters

The matters over which Council reserves its control are as follows:

- (a) The avoidance, remedying or mitigating any adverse effects on the environment.
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## 18.8 MATTERS OF DISCRETION AND CONDITIONS FOR RESTRICTED DISCRETIONARY ACTIVITIES

The matters over which the Council will exercise its discretion in granting or refusing any application shall be limited to the effect of the particular non-compliance on the environment.

### Matters of Discretion

- (a) In the case of any building located closer to the road boundary of a site than the minimum standard distance, the matters over which Council will exercise its discretion shall be limited to the following:
- (i) The effect of the design and appearance of the building on the overall amenities and character of the locality; and
  - (ii) The effect of the proposal on the safety, efficiency, or convenience of any adjoining road or footpath; and
  - (iii) Where the building is intended to house vehicles, the ability to gain access into and out of the building from the road without interfering with the safety or convenience of any road or footpath user; and

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- (iv) The effect of the building's location on opportunities for access to the rear of the site.
- (b) In the case of any building or structure within 12-32 metres either side of the centre line of high voltage (110kV or more) transmission lines, the matters over which Council will exercise its discretion shall be limited to the following:
  - (i) The design or location of buildings and structures to enable the Transmission line to be efficiently used, operated and accessed;
  - (ii) Building orientation with regard to the location and visual impacts of the transmission lines;
  - (iii) Measures necessary to ensure the transmission line's security and minimise risk of injury or property damage from or to transmission lines;
  - (iv) Measures to ensure public safety, such as compliance with the New Zealand Electrical Code of Practice for Electrical Safety Distances: NZECP: 34:2001;
  - (v) The manner in which adverse effects associated with reverse sensitivity are avoided, remedied or mitigated.
- (c) Any subdivision within 32 metres of the centre line of high voltage (110kV or more) transmission lines, the matters over which Council will exercise its discretion shall be limited to the following:
  - (i) The lot design and configuration to enable the transmission line to be efficiently used, operated and accessed;
  - (ii) Future building location and orientation with regard to the location and visual impacts of the transmission lines;
  - (iii) Measures necessary to ensure the transmission line's security and minimise risk of injury or property damage from or to transmission lines;
  - (iv) Measures to ensure public safety, such as compliance with the New Zealand Electrical Code of Practice for Electrical Safety Distances: NZECP: 34:2001;
  - (v) The manner in which adverse effects associated with reverse sensitivity are avoided, remedied or mitigated.
- (d) In the case of any subdivision within the Greenbelt Residential Waitarere Rise Overlay that does not comply with the minimum shape factor standard, the subdivision shall be a restricted discretionary activity. The matters over which Council will exercise its discretion shall be limited to the following:
  - (i) The effect of the lot shape on the character and amenity of the Waitarere Rise subdivision development.
  - (ii) The ability to construct a future dwelling on any allotment to comply with Rule 18.6.
  - (iii) The environmental effects of the reduced minimum shape factor.

In the case of subdivision provided for in Rule 18.3(d), the activity shall comply with the following conditions:



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- (i) The minimum shape factor is no less than 50 metres diameter (excluding any areas subject to rights of way);
- (ii) The minimum area per allotment/site is no less than 4000m<sup>2</sup>; and
- (iii) That the number of lots with a minimum shape factor below 55 metres diameter (excluding any areas subject to rights of way) is no more than 15% of the lots in any proposed subdivision application
- (iv) That the reduced minimum shape factor shall be due to one of the following:
  - A geometrical constraint created by the Structure Plan layout and or the external boundaries that leave an odd or difficult shape to deal with.
  - Physical features including contour limitations.
  - Significant features such as historic sites.
- (e) In the case of any subdivision within the Greenbelt Residential (Foxton Beach North Overlay) Zone, the matters over which Council will exercise its discretion shall be limited to the following matters:
  - (i) The design and layout of the subdivision, including the size, shape and position of any lot, distribution of open space, including the future land use and development of each lot, and the provision of an appropriate incorporated Community Owned Management Structure for the ownership, management, and maintenance of open space. In addition, the location of building sites, separation distances, orientation of buildings, and screening/landscape treatment;
  - (ii) The provision of any new roads, cycleways, footpaths, provision of linkages to existing roads, 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 of servicing, including water supply, wastewater systems, stormwater management and disposal, streetlighting, telecommunications and electricity, and, where those services are to be privately owned, the provision of an appropriate incorporated Community Owned Management structure for their ownership, management, and maintenance;
  - (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, geological and historical sites;
  - (vi) Site contamination remediation measures and works;
  - (vii) Avoidance or mitigation of natural hazards;
  - (viii) Management of construction effects, including traffic movements, hours of operation, noise, earthworks and erosion and sediment control;
  - (ix) Staging of the subdivision;

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- (x) Whether the proposal is consistent with the Greenbelt Residential Foxton Beach North Design Guide in Schedule 14;
- (xi) Compliance with the Horowhenua District Council Engineering requirements; and
- (xii) Those matters described in Section 108 and 220 of the Resource Management Act 1991
- (xiii) Provision for an incorporated Community Owned Management Structure for the ownership, management, and maintenance of open space.
- (xiv) In the case of Water Supply, Wastewater Disposal, and Other Services: Compliance with the requirements as specified in Chapter 24.
- (xv) In the case of Roads and Access: Compliance with the requirements as specified in Chapter 21.

### Conditions

- (f) In the case of subdivision provided for in Rule 18.3(b), the activity shall comply with the following conditions:
  - (i) Minimum Allotment Area and Shape:

Each allotment shall comply with the following site area and shape factor standards in Table 18-2.

**Table 18-2 Standards Applying to Subdivision and Residential Dwelling Units**

Type of Allotment, or Subdivision	Minimum Area Per Allotment/Site	Minimum Shape Factor
Greenbelt Residential (Foxton Beach North Overlay) Serviced	330 square metres	15 metres diameter
Greenbelt Residential (Foxton Beach North Overlay) Unserviced	5000 square metres	20 metres diameter

Note 1: "Greenbelt Residential (Foxton Beach North Overlay) Serviced" refers to the areas which are serviced either by Council's reticulated water and wastewater infrastructure or by private infrastructure that has either been approved as part of an earlier subdivision consent or which is included as an integral part of the development being proposed.

Note 2: "Greenbelt Residential (Foxton Beach North Overlay Unserviced" refers to the areas within the 'Greenbelt Residential Zone' which are not serviced either by Council's reticulated water and wastewater infrastructure or by comprehensive private infrastructure.

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- (ii) Minimum Average Lot Area and Open Space
- Allotments created shall comply with the minimum average area per allotment set out in Table 18-3.
  - Each subdivision shall comply with the maximum and minimum open space requirements set out in Table 18-3.

Table 18-3 Average Lot Area and Open Space Standards Applying to Subdivision

Type of Allotment, or Subdivision	Minimum Open Space (P)	Maximum Open Space (P)	Minimum Average Area Per Allotment/Site (square metres)
Greenbelt Residential (Foxton Beach North Overlay) Zone	0.3	0.7	$= \left( \frac{A(1-P)}{3500} (1+P) \right)$

Note 1:

A = Total parent lot area (square metres)

P = Percentage of Open Space (as a decimal e.g. 0.5), which includes roads and buffer areas.

Note 2: The calculation of the average allotment area and open space is only to be applied to the stage being developed.

- (iii) A comprehensive development plan must be prepared for each stage and/or the entire site that demonstrates connectivity between development stages.

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

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### 18.9 CONDITIONS FOR DISCRETIONARY ACTIVITIES

The conditions specified for permitted activities shall, where appropriate, be referred to as a guideline when determining whether or not any resource consent should be granted and any conditions of such consent.

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### 18.10 GREENBELT RESIDENTIAL (DEFERRED) ZONE

Areas of Greenbelt Residential (Deferred) Zone are identified on the Planning Maps.

Until such time that deferred status is uplifted, the rules of the Rural Zone shall apply within any area identified as Greenbelt Residential (Deferred) Zone or Greenbelt Residential (Foxton Beach North Overlay) Zone (Deferred).

To meet the requirements for uplifting the deferred zone status either of the following must be satisfied:

- (a) Greenbelt Residential (Deferred) Zone will cease to have effect and the Greenbelt Residential Zone provisions will apply when either of the following occurs:

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- For an area not covered by a Structure Plan in the District Plan, a District Plan Change is approved incorporating a Structure Plan for the area; or
  - For an area covered by a Structure Plan in the District Plan, the passing of a Council resolution that there is adequate capacity in a local-authority operated reticulated infrastructure to service the particular area of land subject to the Greenbelt Residential (Deferred) Zones.
- (b) The Greenbelt Residential (Foxton Beach North Overlay) (Deferred) Zone will cease to have effect and the Greenbelt Residential (Foxton Beach North Overlay) provisions will apply, without further formality, when a Council resolution is passed confirming that:
- All land within the Greenbelt Residential (Foxton Beach North Overlay) Zone has been subject of a subdivision consent granted under Rule 18.3(b) or 18.4(c) and 60% of the resulting lots within the overlay area have been issued with individual certificates of title and sold.

Note: An applicant that considers that such a resolution should be passed, should complete and submit to the Council the certification form contained in Schedule 14.

### 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 40m<sup>2</sup> 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:

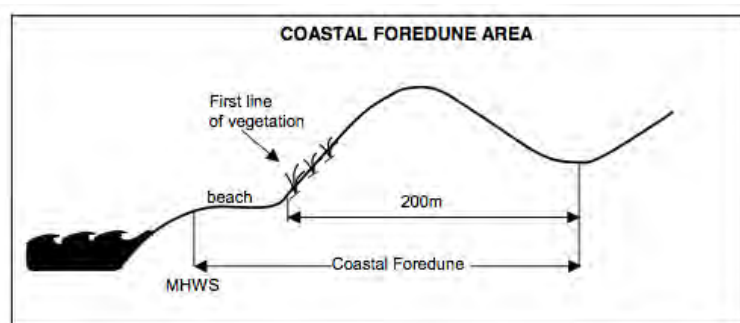
- For the definitions of 'maintenance' and 'minor upgrading' refer to Rules 22.1.10(a) and (c) in relation to existing network utilities.
  - All activities, buildings and structures within the Moutoa Floodway are controlled by Horizons Regional Council under its designation for this area.
  - Refer 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 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, 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.

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### 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 40m<sup>2</sup> 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).

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### 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.

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## 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

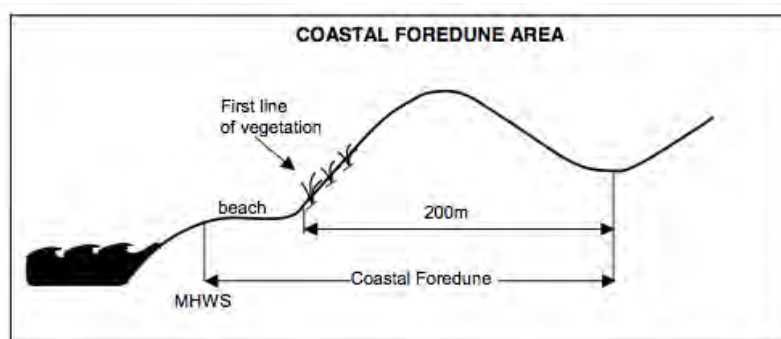
- (a) Any permitted work to a listed tree in Schedule 3 - Notable Trees, or any activity within the drip line of a listed Notable Tree, that does not comply with the permitted activity conditions in Rule 19.6.27.

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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.

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## 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.

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## 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 70m<sup>2</sup> in maximum gross floor area plus a covered verandah up to 10m<sup>2</sup> per site.

Except on sites of 5,000m<sup>2</sup> or less, the maximum gross floor area of the family flat shall not exceed 50m<sup>2</sup> plus covered verandah up to 10m<sup>2</sup> 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 5,000m<sup>2</sup> or less, where the following setbacks apply:

- (i) 10 metres from any District road boundary;
  - (ii) 15 metres from any State Highway boundary;
  - (iii) 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 50m<sup>2</sup> 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<sub>Aeq</sub> (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<sub>Aeq</sub> (1 hour) inside bedrooms.
  - (ii) 40dBA L<sub>Aeq</sub> (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<sub>Aeq (15mins)</sub>
  - 7.00pm – 10.00pm: 50B L<sub>Aeq (15mins)</sub>
  - 10.00pm 7.00am: 40dB L<sub>Aeq (15mins)</sub>
  - 10.00pm – 7.00am: 65dB L<sub>Amax</sub>
- (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 5m<sup>2</sup> gross floor area.

### 19.6.11 Flood Hazard Overlay Area

- (a) Within a Flood Hazard Overlay Area (excluding Moutoa Floodway) earthworks shall not exceed 20m<sup>3</sup> 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 40m<sup>2</sup> 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 5m<sup>2</sup> 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 200m<sup>2</sup>~~, 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 <sup>2</sup> ) per site
Official signs	N/A
Temporary signs	3m <sup>2</sup>
Signs advertising the sale or auction of land or premises.	2m <sup>2</sup> (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 <sup>2</sup>
A permanent free standing sign, which may be double sided, for each frontage of the site.	1m <sup>2</sup> (on one side)
Public facility signs including any church, school or hall.	2m <sup>2</sup>
<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**

	<b>Posted speed limit 70kph and above</b>
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 m<sup>2</sup> 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<sub>Aeq</sub> (10 mins)
    - Activities other than amplified sound: 70dBA L<sub>Aeq</sub> (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 200m<sup>2</sup>.

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 400m<sup>2</sup>;
- (ii) Separate minimum reserve area of 200m<sup>2</sup> 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/m<sup>2</sup>/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 <sup>2</sup>	NA	NA	NA	NA	NA
Coastal Lakes	0 (boundary adjustment)	NA	NA	5000m <sup>2</sup>	NA	NA	NA	NA	NA
Foxton Dunefields	0 (boundary adjustment)	NA	NA	5000m <sup>2</sup>	NA	NA	NA	NA	NA
	1	10ha	Before 10/01/09	5000m <sup>2</sup>	NA	NA	NA	NA	NA
	2	20ha	Before 10/01/09	5000m <sup>2</sup>	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 <sup>2</sup>	NA	NA	NA	NA	NA
	1 (lot shall contain an existing dwelling – note 2)	NA	Before 10/01/09	5000m <sup>2</sup>	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 <sup>2</sup>	NA	NA	NA	NA	NA
Levin-Koputaroa Non Versatile Land	1	3ha	Before 10/01/09	5000m <sup>2</sup>	NA	NA	NA	NA	NA
Levin-Koputaroa Non Versatile Land	2	6ha	Before 10/01/09	5000m <sup>2</sup>	NA	NA	NA	NA	NA
Levin-Koputaroa Versatile Land	1 (lot shall contain an existing dwelling – note 2)	NA	Before 10/01/09	5000m <sup>2</sup>	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 <sup>2</sup>	NA	NA	NA	NA	NA
Levin-Ohau Non Versatile Land	1	3ha	Before 10/01/09	5000m <sup>2</sup>	NA	NA	NA	NA	NA
Levin-Ohau Non Versatile Land	2	6ha	Before 10/01/09	5000m <sup>2</sup>	NA	NA	NA	NA	NA
Levin-Ohau Versatile Land	1 (lot shall contain an existing dwelling – note 2)	NA	Before 10/01/09	5000m <sup>2</sup>	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 <sup>2</sup>	NA	NA	NA	NA	NA
	1	4ha	Before 10/01/09	7000m <sup>2</sup>	NA	NA	NA	NA	NA
Moutoa-Opiki Plains	0 (boundary adjustment)	NA	NA	5000m <sup>2</sup>	NA	NA	NA	NA	NA
	1 (lot shall contain an existing dwelling – note 2)	NA	Before 10/01/09	5000m <sup>2</sup>	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 <sup>2</sup>	NA	NA	NA	NA	NA
Tararua Terraces Non Versatile Land	1	5ha	Before 10/01/09	7000m <sup>2</sup>	NA	NA	NA	NA	NA
Tararua Terraces Versatile Land	1 (lot shall contain an existing dwelling – note 2)	NA	Before 10/01/09	5000m <sup>2</sup>	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 50m<sup>2</sup> 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, there 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 50m<sup>2</sup>.
- (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 70m<sup>2</sup> 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 9m<sup>2</sup>.
- (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 5,000m<sup>2</sup> 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 5000m<sup>2</sup> 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.

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*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 <sup>2</sup>	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 <sup>2</sup>	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 <sup>2</sup>	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 <sup>2</sup>	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 <sup>2</sup>	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 <sup>2</sup>	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 <sup>2</sup>	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.



### 20. OPEN SPACE ZONE

#### 20.1 PERMITTED ACTIVITIES

The following activities are permitted activities in the Open Space Zone provided an activity complies with all relevant conditions in Rule 20.6 and Chapters 21, 22, 23 and 24.

- (a) Recreation activities.
- (b) Grazing.
- (c) Use of, and any internal alterations of 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.
- (d) Construction, alteration of, addition to, and demolition of buildings and structures for any permitted activity.
- (e) Relocated buildings up to and including 40m<sup>2</sup> in gross floor area.
- (f) The following types of signs:
  - (i) Signs displaying recreation activity sponsors;
  - (ii) Signs displaying the name of individual parks and reserves;
  - (iii) Wayfinding signs including information and map boards, directions;
  - (iv) Community wellbeing signs;
  - (v) Advertising signs located on the site to which the activity relates, including public facility or information signs identifying a building, property or business;
  - (vi) Official signs;
  - (vii) Temporary signs;
  - (viii) Signs advertising sale or auction of land or premises.
  - (ix) Health and safety signs.
- (g) The following network utilities and energy activities:
  - (i) The construction, operation maintenance and upgrading of network utilities.
  - (ii) Domestic scale renewable energy devices.
- (h) Within the Flood Hazard Overlay Areas only the following activities:

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- (i) Soil conservation, erosion protection, river control or flood protection works undertaken by, or on behalf of ~~supervised by~~, Horizons Regional Council.
- (ii) Maintenance or minor upgrading of existing network utilities.
- (iii) Installation of underground network utilities.
- (iv) New above ground lines including support poles.
- (v) New network utility masts.
- (vi) New network utility cabinets/buildings.

### Notes:

- For the definitions of 'maintenance' and 'minor upgrading' refer to Rules 22.2.10(a) and (c) in relation to existing network utilities.
  - 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.
- (i) 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.
  - (j) 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.
  - (k) 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 20.6.20.*
- (l) Temporary activities.
  - (m) Temporary military training activities.

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- (n) Earthworks within the Coastal Outstanding Natural Feature and Landscape.
- (o) Earthworks (Refer to Rules 20.4(h)(v) Earthworks within a heritage setting of a Group 1 or 2 building or structure, 20.4(i)(ii) Earthworks within a site that is listed in Schedule 2 - Historic Heritage, and 20.5(c) Earthworks within an Outstanding Natural Feature and Landscape).
- (p) Soil conservation, erosion protection, river control or flood protection works undertaken by, or on behalf of Horizons Regional Council.

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.
- 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.

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### 20.2 CONTROLLED ACTIVITIES

The following activities shall be controlled activities in the Open Space Zone provided activities comply with all relevant conditions in Rule 20.7 and Chapters 21, 22, 23 and 24. Refer to 20.7 for matters of control and conditions.

- (a) The subdivision of land. (Refer Rule 20.7.1)
- (b) Any boundary adjustment subdivision within Flood Hazard Overlay Areas. (Refer Rule 20.7.2)

Except

Any relocated buildings up to and including 40m<sup>2</sup> in gross floor area.

- (c) The placement of any relocated building on any site. (Refer Rule 20.7.3)
- (d) Earthquake strengthening of any Group 2 building included in Schedule 2 - Historic Heritage. (Refer Rule 20.7.4)
- (e) Any temporary filming activity that does not comply with permitted activity duration condition in Rule 20.6.22(b)(i). (Refer Rule 20.7.5)
- (f) Any temporary military training activity that does not comply with the permitted activity conditions in Rule 20.6.23. (Refer Rule 20.7.6)

### 20.3 RESTRICTED DISCRETIONARY ACTIVITIES

The following activities shall be restricted discretionary activities in the Open Space Zone provided activities comply with all relevant conditions in Rule 20.8. Refer to Rule 20.8 for matters of discretion and conditions.

- (a) Any permitted activity which does not comply with any condition in Rule 20.6 and Chapters 21, 22, 23 and 24 (Rule 20.8.1).
- (b) Any controlled activity which does not comply with any condition in Rule 20.7.
- (c) Any permitted activity within a Flood Hazard Overlay Area that does not comply with the permitted activity conditions in Rule 20.6.11 (Rule 20.8.3).
- (d) New community activities and any external additions to existing community facilities. (Rule 20.8.4)
- (e) Earthquake strengthening of any Group 1 building listed in Schedule 2 - Historic Heritage. (Rule 20.8.5)
- (f) Any sign 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. (Rule 20.8.6)
- (g) Community Entrance signs. (Refer Rule 20.8.7(b))
- (h) Remote advertising signs. (Refer Rule 20.8.7)
- (i) 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 5 metres in height.
  - (ii) Buildings, additions and alterations that do not exceed 5 metres 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.

For the purposes of this Rule, 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.
- (j) 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 30 metres vertically below a ridge or hilltop, measured from the roofline of the house.

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- (ii) Primary production buildings.
- (iii) Buildings for temporary activities.

For the purposes of this Rule, 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.

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.

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### 20.4 DISCRETIONARY ACTIVITIES

The following activities shall be discretionary activities in the Open Space Zone:

- (a) Any activity that is not a permitted, controlled, restricted discretionary or a non-complying activity.
- (b) Commercial activities.
- (c) Residential activities.
- (d) Any activity within a Flood Hazard Overlay Area that is not listed as a permitted or restricted discretionary 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 20.1(g)).
  - (iii) Any subdivision of land (except for boundary adjustments which are a controlled activity under Rule 20.2(a)).
  - (iv) Any activity involving storage of hazardous substances.
  - (v) Visitor accommodation.
- (e) 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 20.6.20.
- (f) Any building or network utility with a height of more than 3 metres and less than 7 metres on any land shown or specified as an Outstanding Natural Feature and Landscape on the Planning Maps.
- (g) Any buildings, structures and the subdivision of land (excluding boundary adjustments) in the Coastal Natural Character and Hazards Overlay Area identified on Planning Maps.

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- (h) 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.
- (i) 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.

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### 20.5 NON-COMPLYING ACTIVITIES

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

- (a) Industrial activities.
- (b) Demolition or destruction of a Group 1 building, structure or a site listed in Schedule 2 – Historic Heritage – Buildings, Structures and Sites.
- (c) 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.  

Note: Bundling of class of consent will not be applied where a line crosses a stream that is an Outstanding Natural Feature and Landscape.
- (d) Any wind energy facility on any land within an Outstanding Natural Feature and Landscape on the Planning Maps.

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### 20.6 CONDITIONS FOR PERMITTED ACTIVITIES

#### 20.6.1 Maximum Height

- (a) No part of any building shall exceed a height of 8.5 metres.

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- (b) All poles, support structures and fixtures associated with artificial lighting shall not exceed a height of 13.5 metres.

### 20.6.2 Fence Height

- (a) The maximum height of a fence on a boundary shall not exceed 2 metres.

### 20.6.3 Daylight Setback Envelope

- (a) No part of any building shall encroach outside an envelope created, in relation to a Residential or Rural Zone boundary, by a line drawn vertically 2.7 metres above the ground level at the boundary and inclined at an angle of 45 degrees (1:1 slope) inwards from that point.

### 20.6.4 Building and Structure Setbacks

- (a) All buildings and structures shall be setback 4.5 metres from the Residential Zone and Rural Zone boundary.
- (b) All buildings and structures greater than 10m<sup>2</sup> shall be setback 4 metres from the front (road) boundary.

### 20.6.5 Maximum Building Coverage

- (a) The proportion of any site covered by buildings shall not exceed 5%.

Except

The proportion of any site covered by buildings shall not exceed 10% for the following domains and parks:

- (i) Easton Park / Potaka Park, Foxton (Refer Planning Map 15A);
  - (ii) Victoria Park, Foxton (Refer Planning Map 14);
  - (iii) Holben Reserve, Foxton Beach (Refer Planning Map 13);
  - (iv) Donnelly Park, Levin (Refer Planning Map 27);
  - (v) Playford Park, Levin (Refer Planning Maps 28 & 30);
  - (vi) Western Park, Levin (Refer Planning Maps 24);
  - (vii) Weraroa Domain, Levin (Refer Planning Map 27);
  - (viii) Shannon Domain, Shannon (Refer Planning Map 21);
  - (ix) Levin Domain, Levin (Refer Planning Maps 27A & 27B); and
  - (x) Moynihan Park, Shannon (Refer Planning Map 21).
- (b) For the purposes of Rule 20.6.5, boardwalks, cycle tracks, bridges, playground equipment and temporary buildings are excluded as 'buildings' in the calculation of building coverage.

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### 20.6.6 Light Spill

- (a) The spill of light from any artificial lighting shall not exceed 10 lux (lumens per square metre) onto any site within the Residential Zone. The maximum lux shall be measured horizontally or vertically at the Residential Zone site boundary.

### 20.6.7 Noise

- (a) Noise from any activity shall not exceed the following limits when measured at, or within, any point in any site in the Residential, Greenbelt Residential or Rural Zone:
- (i) On Any Day -
- 7.00am – 7.00pm: 55dB  $L_{Aeq(15mins)}$
  - 7.00pm – 10.00pm: 50dB  $L_{Aeq(15mins)}$
  - 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) The noise limits in Rule 20.6.7(a) and (b) shall not apply to:
- (i) Fire and civil emergency sirens.
  - (ii) Construction, maintenance and demolition work.
  - (iii) The operation of the Main North Island Trunk Railway.
  - (iv) Vehicles being driven on a road (within the meaning of Section 2(1) of the Transport Act 1962), or vehicles used for the purpose of maintaining parks and reserves within a site as part of, or compatible with, a normal residential activity.
  - (v) Temporary military training activities.
  - (vi) Temporary events.

Note: Notwithstanding this rule, 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.

### 20.6.8 Vibration

- (a) No activity shall create any vibration which exceeds the limits in the following standards:



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- (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.

### 20.6.9 Odour

- (a) No activity shall give rise to offensive or objectionable odours able to be detected at the boundary of any adjoining residential property or at the boundary of any property in any other zone in the Residential Zone.
- (b) 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.

### 20.6.10 Storage of Goods and Materials

- (a) All areas used for the storage of goods, materials or waste products shall be maintained in a tidy condition and shall be screened from view from adjoining properties in the Residential Zone and from roads.

### 20.6.11 Flood Hazard Overlay Areas

- (a) Within a Flood Hazard Overlay Area earthworks shall not exceed 20m<sup>3</sup> per site within any 12 month period.

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, 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 40m<sup>2</sup> per site.

Except 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.

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- (c) Within a Flood Hazard Overlay Area, earthworks associated with the installation of underground network utilities shall reinstate ground level as close as practicable to its state prior to disturbance.
- (d) Within a Flood Hazard Overlay Area, new network utility cabinets/buildings shall not exceed 5m<sup>2</sup> gross floor area.

### **20.6.12 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.

### **20.6.13 Engineering Works**

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

### **20.6.14 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.

### **20.6.15 Safety and Visibility at Road and Rail Intersections**

- (a) No building or structure shall be erected, no materials shall be placed, or vegetation planted that would obscure the railway level crossing approach sight triangles as detailed in Rule 21.1.11 in Chapter 21.

### **20.6.16 Vehicle Parking, Manoeuvring, and Loading**

- (a) All activities, ~~except network utilities on sites less than 200m<sup>2</sup>~~, shall be provided onsite vehicle parking, manoeuvring areas, and loading facilities as required in Chapter 21.

### **20.6.17 Network Utilities**

- (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 specified in this part of the District Plan shall also apply to any network utility or associated structures.

### **20.6.18 Hazardous Substances**

- (a) All activities using or storing hazardous substances shall comply with the Hazardous Substances Classification parameters for the Open Space Zone in Chapter 23 and shall comply with the permitted activity conditions in that Chapter.

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### 20.6.19 Signs

- (a) All signs shall comply with the Maximum Face Area set in Table 20-1.

**Table 20-1: Maximum Face Area for Signs**

Type of Sign	Maximum Face Area (m <sup>2</sup> ) per site
Official signs	N/A
Temporary signs	3m <sup>2</sup>
Signs advertising the sale or auction of land or premises.	2m <sup>2</sup> (combined total area of signs)
<del>Advertising</del> 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 <sup>2</sup>
A permanent free standing sign, which may be double sided, for each frontage of the site.	1m <sup>2</sup> (on one side)
Public facility signs including any church, school or hall.	2m <sup>2</sup>
Sponsorship signs	No limit
Wayfinding signs	No limit
Community wellbeing signs	3m <sup>2</sup>
<u>Health and safety signs</u>	<u>N/A</u>

- (b) Any temporary sign shall be displayed for no longer than two (2) calendar months of a 12 month period every calendar year and removed within seven (7) days after the event. Temporary signs do not need to be on the site of the temporary activity.
- (c) 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.
- (d) 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.
- (e) No sign shall be illuminated.
- (f) All signs attached to buildings shall not exceed the highest point of the roof.
- (g) 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;

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- (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).
- (h) The minimum lettering sizes in Table 20-2 below shall apply to all signs located within 15 horizontal metres of a road:

**Table 20-2: Minimum Lettering Sizes for Signs**

	Posted speed limit 70kph and above
Maximum number of words	6 or symbols
Maximum number of characters	40
Minimum lettering height	160mm

### 20.6.20 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

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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.

### 20.6.21 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 Māori 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.

### 20.6.22 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 and maximum building coverage standards set out in Rules 20.6.1 and 20.6.5.
  - (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, or Greenbelt Residential Zones:
    - Amplified Sound including sound testing: 80dB L<sub>Aeq</sub> (10 mins).
    - Activities other than amplified sound: 70dB L<sub>Aeq</sub> (10 mins).
    - Crowd noise is exempt from these limits.
- (b) In addition to the other 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.
  - (ii) All temporary buildings and structures are exempt from the maximum height and maximum building coverage standards set out in Rules 20.6.1 and 20.6.5.

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### 20.6.23 Temporary Military Training Activities

(a) All temporary military training activities shall, in addition to the other conditions, also 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 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 that Standard 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:

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- The separation distances identified in Table 20-3; or
- If minimum separation distances in Table 20-3 cannot be met:
  - 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 20-3: 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>

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### 20.7 MATTERS OF CONTROL AND CONDITIONS FOR CONTROLLED ACTIVITIES

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

#### 20.7.1 Subdivision of Land (Refer Rule 20.2(a))

##### (a) Matters of Control

- (i) The design and layout of the subdivision, including the size, shape and position of any lot, including the future land use and development of each lot. In addition, the location of building sites, separation distances, orientation of buildings, and screening/landscape treatment.
- (ii) The amalgamation of any proposed allotments or balance areas to existing titles of land.
- (iii) 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.
- (iv) The provision of servicing, including water supply, wastewater systems, stormwater management and disposal, streetlighting, telecommunications and electricity, and where applicable gas.
- (v) Provision of reserves, esplanade reserves, esplanade strips and access strips, including connections to existing and future reserves.
- (vi) Effects on significant sites and features, including natural, cultural, archaeological and historical sites.
- (vii) Site contamination remediation measures and works.
- (viii) Avoidance or mitigation of natural hazards. (Note: Refer to the “Risks and Responsibilities: Report of the Manawatu-Wanganui Regional Lifelines Project” (No. 2005/EXT/622) prepared by the Manawatu-Wanganui CDEM Group for information about natural hazards that may be relevant to the subject site).
- (ix) Management of construction effects, including traffic movements, hours of operation, noise, earthworks and erosion and sediment control.
- (x) Staging of the subdivision.
- (xi) Compliance with the Council’s Subdivision and Development Principles and Requirements (Version: November 2012).
- (xii) Those matters described in Sections 108 and 220 of the RMA.

##### (b) Conditions

- (i) All lots shall demonstrate compliance with the permitted activity conditions, except no minimum lot area requirement applies.



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- (ii) Water Supply, Wastes and Surfacewater Disposal, and Other Services: All subdivisions shall comply with the conditions in Chapter 24.
- (iii) Roads and Access: All subdivisions shall comply with the conditions in Chapter 21.

### 20.7.2 Boundary Adjustments - Flood Hazard Overlay Areas (Refer Rule 20.2(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.

### 20.7.3 Relocated Buildings (Refer Rule 20.2(c))

#### (a) Matters of Control

- (i) The length of time taken to re-construct, repair, or refurbish the building;
- (ii) 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 baseboards and steps
  - replacement of broken window panes, broken or rotten timber, guttering, drainpipes
  - reinstatement of the site and access to the site
  - details and length of time to complete site landscaping

- (b) A bond, of the nature provided for in the RMA, further secured by deposits of cash with the District Council, bank guarantee, or otherwise, to the satisfaction of the District 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 Services 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.

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(c) Conditions

- (i) Relocated buildings shall comply, in all respects, with the relevant permitted activity conditions in other parts of the Plan.

### 20.7.4 Historic Heritage – Buildings (Refer Rule 20.2(d))

(a) Matters of Control

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

### 20.7.5 Temporary Filming Activities (Refer Rule 20.2(e))

(a) Matters of Control

- (i) The hours of operation of the temporary filming activity;
- (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 clean-up;
- (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, 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.

### 20.7.6 Temporary Military Training Activities (Refer Rule 20.2(f))

(a) Matters of Control

- ~~(i) The avoidance, remedying or mitigating of any adverse effects on the environment.~~

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- (ii) The size and positioning of buildings and structures;
  - (iii) The measures used to avoid, remedy or mitigate adverse effects from excavation.
  - (iv) 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;
  - (v) 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
  - (vi) 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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### 20.8 MATTERS OF DISCRETION AND CONDITIONS FOR RESTRICTED DISCRETIONARY ACTIVITIES

#### 20.8.1 Non-compliance with Permitted Activity Conditions (Rule 20.6) and Permitted Activity Conditions in Chapters 21, 22, 23 and 24 of this Plan. (Refer Rule 20.3(a))

- (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.

#### 20.8.2 Non-compliance with Controlled Activity Conditions (Refer Rule 20.3(b))

- (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.

#### 20.8.3 Flood Hazard Overlay Areas (Refer Rule 20.3(c))

- (a) Matters of Discretion
  - (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.

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- (iii) Avoidance or mitigation measures to address the risks from natural hazards.
- (iv) The effects 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.

### **20.8.4 Community Activities (Refer Rule 20.3(d))**

- (a) Matters of Discretion
  - (i) Bulk and location of buildings;
  - (ii) Noise generated by the activity and the measures used to avoid, remedy or mitigate adverse effects on the amenity of the surrounding area;
  - (iii) Duration of the proposed community activity;
  - (iv) Provision for carparking to meet the demand generated by the activity and the measures used to avoid, remedy or mitigate adverse effects on the safety and efficiency of the road network; and
  - (v) The nature and magnitude of adverse effects on the character and amenity of the open space and surrounding area.
  - (vi) Whether the proposed activity is compatible with other activities within the park or reserve, and is complementary to the open space values.

### **20.8.5 Historic Heritage – Buildings (Refer Rule 20.3(e))**

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

### **20.8.6 Historic Heritage – Signs (Refer Rule 20.3(f))**

- (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.

## 20 RULES: Open Space Zone

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### 20.8.7 Signs (Refer Rule 20.3(g) and Rule 20.3(h))

(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.
- (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.
- (vi) Cumulative effects arising from other signs in the vicinity

(b) Conditions

- (i) The maximum face area of a Community Entrance sign shall 9m<sup>2</sup>.

(c) Non-Notification:

- (i) Under Section 77D of the RMA, an activity requiring resource consent in relation to Rule 20.8.7 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)).

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

### 20.8.8 Temporary Activities (Refer Rule 20.3(a))

(a) Matters of Discretion

- (i) The duration of the temporary activity, including daily hours of operation;
- (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 clean-up;
- (vi) The actual and potential adverse effects on the amenity of the surrounding environment, and any measures to avoid, remedy or mitigate these effects;

## 20 RULES: Open Space Zone

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- (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, heritage or cultural values, and any measures to avoid, remedy or mitigate these effects.
- (b) Conditions
- (i) Submit a draft management plan demonstrating how the temporary activity avoids, remedies or mitigates adverse effects generated by the activity.

## **21 RULES: Vehicle Access, Parking, Loading & Rooding**

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### **21. VEHICLE ACCESS, PARKING, LOADING & ROADING**

This section sets out the standards, conditions and requirements for vehicle access, parking, loading and roading.

#### **21.1 CONDITIONS FOR VEHICLE ACCESS, PARKING, LOADING & ROADING**

All activities shall comply with the following requirements (in addition to the rules and permitted activity conditions for each zone):

##### **21.1.1 Vehicular and Pedestrian Accessways Design Standards**

- (a) Rooding Hierarchy
  - (i) All proposed new roads shall connect with and be compatible with Council's rooding hierarchy set out in Rule 21.1.8.
  - (ii) All public road carriageways shall provide for two lanes of moving traffic.
- (b) Alignment of Roads
  - (i) The alignment of all roads shall be such that they can be negotiated during all weather conditions and comply with minimum sight distance standards for road safety. Horizontal and vertical alignments shall be designed in accordance with NZS 4404:2010.
  - (ii) Pedestrian access shall be provided between no-exit roads or where necessary to improve connectivity and be designed for user safety.
- (c) Turning Circles for Cul-de-Sac
  - (i) All cul-de-sacs shall be provided with an area where light vehicles may turn without reversing manoeuvres onto "through" roads. Each cul-de-sac shall be of such design and dimension to enable larger vehicles to reverse from the cul-de-sac.
- (d) Vehicle Access
  - (i) All vehicle access points shall be sited in accordance with Table 21-1, ~~and~~ Table 21-2 and Rule 21.1.6.
  - (ii) No vehicle access shall have a gradient in excess of 1 in 8.
- (e) Design Dimensions and Formation
  - (i) All accessways shall be formed as prescribed in Table 21-3.
  - (ii) Provision shall be made for the collection and disposal of all surface water run-off and containment of water-borne contaminants and the maintenance thereof.

## 21 RULES: Vehicle Access, Parking, Loading & Rooding

- (iii) Any vehicle access which crosses a water way shall incorporate culvert crossings appropriate to the volume of water in the water way and the traffic load on the access.

Note: Horizons Regional Council may have additional requirements relating to the quality and quantity of surface water discharged to any waterway, and to the type of activities permitted in waterways (e.g. culvert crossings).

### 21.1.2 Road Intersections (Other than State Highways)

- (a) Minimum distances between intersections shall be as prescribed in Table 21-2.
- (b) New road intersections shall have minimum sight distances for traffic on adjoining roads in accordance with NZS 4404:2010.

Note: Sight distances are measured at a height of 1.15 metres above ground level.

- (c) The kerb line radius at intersections shall not be less than 6 metres. Intersections with arterial routes shall be specifically designed to provide for bus and heavy vehicle use.
- (d) Any road intersection shall have a minimum permitted angle of 70 degrees.

Note: The preferred angle of road intersection is 90 degrees. Carriageway alignment may be offset from the road alignment to improve intersection angle. Roads intersecting at T-intersections should be offset by at least 40 metres, where practicable.

- (e) Corner splays for road purposes shall be vested as road, and shall have minimum horizontal dimension(s) of 6 metres. Rights of way and private roads shall give due consideration to visibility splays especially if accessing onto footpaths and cycleways.

Table 21-1 Sight Distances for Accessways

Posted Road Speed (km/hr)	Minimum Sight Stopping Distance for Accessways (metres)
50	60
70	96
80	115
100	170

### 21.1.3 Vehicle Crossings to the State Highways

- (a) Vehicle crossings on the State Highways shall be permitted provided:
- (i) There is no alternative road where physical access can be achieved;
- (ii) There is no more than one vehicle crossing (up to 6 metres in width) to each property;



## 21 RULES: Vehicle Access, Parking, Loading & Rooding

- (iii) The location of the vehicle crossing and its use shall comply with NZTA requirements and the Transit Planning Policy Manual, Appendix 5B Accessway standards and guidelines.

Note: Under Section 51(2) TNZA 1989, the written permission of NZTA must be obtained prior to commencement of any work on any State Highway.

### 21.1.4 Vehicle Crossings to all Arterial, Collector and Local Roads

- (a) For sites in the Residential, Commercial, Industrial, Greenbelt Residential and Open Space Zones, which have frontage of 30 metres or less to an arterial, collector or local road, no more than one vehicle crossing place shall be permitted.
- (b) For sites in the Residential, Commercial, Industrial, Greenbelt Residential and Open Space Zones which have frontage of more than 30 metres to an arterial, collector or local road, no more than two vehicle crossings shall be permitted, provided there is a minimum distance of 7.5 metres between those crossings unless Table 21-2 applies.
- (c) For sites not provided for in Rules 21.1.4(a) or 21.1.4(b) vehicle crossing spacing shall be permitted and comply with Table 21-2.

Table 21-2 Intersections and Vehicle Crossing Spacing

85 <sup>th</sup> Percentile speed*  (Kms/hr)	Separation Distances (m)					
	Intersection Spacing		Vehicle Crossing Spacing from Intersections		Vehicle Crossing Spacing	
	Arterial & Collector	Local	Arterial & Collector	Local	Arterial & Collector	Local
100	800	500	200	40	200	105
80	800	400	100	40	100	70
70	400	220	40	30	55	40
60	200	80	50	20	-	-
50	150	60	20	12	-	-

\*As measured. If road count measurements are not available, adopt posted speed.

Note: The above separation distances are based on the District's Rooding Hierarchy and speed environment of the roads in the District.

### 21.1.5 Vehicle Crossing Separation from Railway Level Crossings

- (a) New vehicle crossings shall be located a minimum of 30 metres from a railway level crossing.

## 21 RULES: Vehicle Access, Parking, Loading & Rooding

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### 21.1.6 Construction of Vehicle Crossings

(a) Where an ~~activity development~~ or subdivision involves the creation of a vehicle crossing the following ~~vehicle crossing standards shall apply:~~

~~(i) State Highways~~

~~The formation of the vehicle crossing and its use shall comply with Council's Subdivision and Development Principles and Requirements (Version: November 2012) Appendix One - Vehicle Crossings.~~

~~(ii) Council Roads/Private Accessways~~

~~Vehicle crossings shall comply with Council's Subdivision and Development Principles and Requirements (2012) Appendix One - Vehicle Crossings.~~

### 21.1.7 Formation Standards

(a) Standards for Pedestrian Facilities

(i) As part of any new road in Residential, Commercial, Industrial, Greenbelt Residential and Open Space Zones, pedestrian footpaths shall be provided. Pedestrian footpaths shall be surfaced over their full width with a permanent surfacing layer and designed to minimise any surface water flow across the footpath.

(ii) The longitudinal profile of footpaths shall be designed to avoid depressions from vehicular crossings where space permits.

(iii) Pram, mobility scooter and wheelchair crossings shall be provided in pedestrian footpaths at road intersections.

(iv) Footpath ~~cross-fall gradients~~ and ramps gradients shall not exceed 1 in 8 except where steps or other safety measures are provided.

(b) Standards for Roads & Accessways

(i) The consent holder or developer shall form and construct all roads to comply with NZS 4404 Land Development and Subdivision Infrastructure and Council's Subdivision and Development Principles and Requirements (Version: November 2012). shall prevail where those provisions alter NZS 4404:2010 unless otherwise stated.

(ii) The consent holder or developer shall form and construct all shared access ways, private ways, and private roads to comply with Table 21-3.

(iii) In addition to the requirements of Table 21-3, all shared accessways in the Greenbelt Residential zone shall be sealed from the road carriageway to a distance of at least 10 metres inside the property boundary.

(iv) In addition to the requirements of Table 21-3 passing bays are to be provided every 50 metres for all shared accessways in the Rural and Greenbelt Residential Zones that are over 150m long and have a formed width less than 5 metres

## 21 RULES: Vehicle Access, Parking, Loading & Roading

- (v) All roads vested with Council shall be formed and sealed to an all-weather hard surface standard and shall incorporate provision for surface water drainage.

Table 21-3 Accessway Dimensions

Plan Zone	Number of Allotments/Site Served	Required Minimum Legal Width	Required Minimum Formation	Maximum Permitted Length
Rural	Up to 2	6m	2.5m formed and metalled to an all-weather standard	3km
	more than 2	8-10m	5m formed and metalled to an all-weather standard	3km
Residential	Up to 3	3.5m	3m formed and sealed to an all-weather standard	50m
	4 or more	5m	4m formed and sealed to an all-weather standard	50m
Greenbelt Residential	Up to 3	6m	4m formed and metalled to an all-weather standard	150m
	4 or more	8m	5m formed and metalled to an all-weather standard	150m
Greenbelt Residential Waitarere Rise Overlay	1	3m	2.5 formed and metalled to an all-weather standard	150m
	Up to 3	6m	4m formed and metalled to an all-weather standard	150m
	4 or more	8m	5m formed and metalled to an all-weather standard	150m
Greenbelt Residential (Foxton Beach North Overlay)	Up to 3	6m	4m formed and metalled to an all-weather standard	150m
	4 or more	8m	5m formed and metalled to an all-weather standard	150m
Residential and Greenbelt Residential (excluding Greenbelt Residential Waitarere Rise Overlay and Greenbelt Residential (Foxton Beach North Overlay))	1	3m	2.5m formed and sealed to an all-weather standard	50m
	Up to 3	3.5m	3m formed and sealed to an all-weather standard	50m
	4 or more	5m	4m formed and sealed to an all-weather standard	50m

## 21 RULES: Vehicle Access, Parking, Loading & Roading

Plan Zone	Number of Allotments/Site Served	Required Minimum Legal Width	Required Minimum Formation	Maximum Permitted Length
Commercial	3 or less	4.5m	4.5m formed and sealed to an all-weather standard	50m
	4 or more	7m	6m formed and sealed to an all-weather standard	100m
Industrial	1 or more	6m	5m formed and sealed to an all-weather standard where 2 or more allotments are served by the access	100m

- (vi) In addition to the requirements of Table 21-3, all shared accessways in the Greenbelt Residential (Foxton Beach North Overlay) Zone shall be sealed from the road carriageway to a distance of at least 10 metres inside the property boundary.
- (vii) In addition to the requirements of Table 21-3 passing bays are to be provided every 50 metres for all shared accessways in the Greenbelt Residential (Foxton Beach North Overlay) Zone that are over 150 metres long and have a formed width less than 5 metres.

### (c) Standards for Rail Level Crossings Safety and Visibility at Road and Rail Intersections

~~No structure or materials shall be placed, or trees planted that would obscure the sight distances from any road to a road intersection or rail level crossing as shown in Diagram 1 – Traffic Sight Lines at Road and Rail Intersections (Page 21-14).~~

- (i) Where any accessway crosses a rail level crossing, it shall be formed at the same level as the level crossing for 20 metres both sides of the level crossing and shall be approved by New Zealand Railways Corporation.

### (d) Cycleways

- (i) Cycle traffic shall be provided for within road carriageways. Road design shall ensure adequate and safe lane width and riding surfaces to incorporate both cycles and vehicles.
- (ii) Where cycle traffic is not provided for within the road carriageways separate shared pedestrian/cycle paths, not forming part of a road carriageway, shall be provided with a minimum width of 1.8 metres.

### 21.1.8 Roading Hierarchy

The following definitions have been used in identifying the roading hierarchy.

**Arterial** – Road which forms part of the network of important district arterial routes that predominantly carry through traffic and the major traffic movements within and between settlements.

## 21 RULES: Vehicle Access, Parking, Loading & Rooding

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**Collector** – Locally preferred routes forming a link between the arterial roads and residential, commercial, industrial, open space and rural areas. Although having a major through traffic function, they also serve adjacent properties.

**Local** – Roads with the main function of providing access to properties and connectivity within a local area.

<b>Arterial</b>	<b>Collector</b>
Foxton Beach Road	Arapaepae Road (Not SH57)
Foxton-Shannon Road	Bartholomew Road
Hokio Beach Road (Levin) (from State Highway 1 to Moutere Road)	Bath Street
Ladys Mile	Cambridge Street
Mangahao Road to Blackwood Drive	Gladstone Road from Tararua Road (North)
Queen Street (Levin)	Hickford Road
Robinson Street	Himatangi Block Road
Roslyn Road (Levin)	Kawiu Road
Union Street	Koputaroa Road
Waitarere Beach Road (Rural)	Liverpool Street
	MacArthur Street
	Main Street, Foxton
	Mako Mako Road
	Manakau South Road
	McKenzie Street
	Motuiti Road
	Muhunoa East Road to Arapaepae Road
	Queen Street (East) (Rural)
	Queenwood Road
	Salisbury Street
	Seabury Avenue
	South Manakau Road

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### Arterial

### Collector

Tane Road

Tararua Road

Tavistock Road

Tiro Tiro Road

Victoria Street, Foxton

Waikawa Beach Road

Waitohu Valley Road

Weraroa Road

Wylie Road

### Local Roads

All other roads.

#### 21.1.9 Vehicle Parking Standards

##### (a) Obligation to Provide Vehicle Parking

- (i) Where there are multiple activities on a site, and each activity requires vehicle parking in terms of this District Plan, the total vehicle parking required shall be the combined total requirement for all activities.
- (ii) Loading bays and spaces may be counted as parking space(s) according to the number of parking spaces able to be accommodated.

##### (b) Parking for the Disabled

- (i) Any activity that is required by other legislation (notably the Disabled Persons Community Welfare Act 1975 and the Building Code) to provide specific vehicle parking spaces for the disabled, shall provide the parking spaces required by that legislation in addition to the requirements set out in Rule 21.1.9(h).

##### (c) Alternative Provision for Vehicle Parking

Where it is not reasonable or is physically impracticable to make provision for the required off-street parking within the site of the activity, Council may accept alternative parking provision in either of the following ways:

- (i) The required parking may be provided on a nearby site provided that site is sufficiently close to the site of the activity so as to effectively accommodate the vehicles expected to be generated by the activity; or

## 21 RULES: Vehicle Access, Parking, Loading & Rooding

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- (ii) Council may require, in lieu of the provision of vehicle parking spaces, a contribution towards the cost of constructing or maintaining public vehicle parking spaces. The amount of the contribution shall be the value of the area of land that would be required to accommodate the number of parking spaces and access aisles required by this District Plan plus the cost of constructing the carparks and associated aisles. In all cases the area of land for the calculation of the contribution required shall not exceed 25m<sup>2</sup> per parking space; or
  - (iii) As set out under Clause 3.3.6 of NZS 4404:2010.
- (d) Vehicle Access and Manoeuvring Space to be provided
- Each required vehicle parking space shall be provided with practical vehicular access from a public road. Sufficient manoeuvring space shall be provided to enable vehicles to enter and leave the parking area in a forward direction in the following situations:
- (i) Where the site gains access from a State Highway; or
  - (ii) The vehicle parking area contains more than three (3) parking spaces; or
  - (iii) Any of the parking spaces are located further than 30 metres from the road; or
  - (iv) Where the site is a rear site with access by way of an access leg or driveway.
- (e) Vehicle Parking Spaces and Access Aisles to Remain Clear
- (i) The space that is dedicated on any site for vehicle parking and access shall remain unobstructed by other activities and shall not be diminished by the storage of goods or erection of any structure.
- (f) Design of Vehicle Parking Spaces
- (i) Each required parking space shall be of usable shape and have a minimum dimension to accommodate a 90 percentile car tracking curve with manoeuvring space in accordance with AS/NZS 2890.1:2004 Parking facilities-Off street car parking and AS/NZS 2890.6:2009 for off street parking for people with disabilities.
- (g) Standard of Formation for Vehicle Parking Spaces
- (i) In the Residential, Commercial, Industrial, Greenbelt Residential and Open Space Zones, all vehicle parking spaces and access aisles required by this Plan shall be formed, metalled, and surfaced to an all-weather hard surface standard and shall be provided with surface water drainage and containment of water borne contaminants which shall be regularly maintained by the owner in accordance with the requirements of Rule 24.2.4.
  - (ii) In the Rural Zone, all vehicle parking spaces and access aisles required by this Plan shall be formed and metalled to an all-weather standard and shall be provided with surface water drainage and containment of water borne contaminants which shall be regularly maintained by the owner in accordance with the requirements of Rule 24.2.4.

## 21 RULES: Vehicle Access, Parking, Loading & Rooding

- (iii) All parking areas that are available to the public shall be provided with night lighting.
  - (iv) Any parking area which comprises five (5) or more parking spaces and which adjoins a residential zone except where the parking area is associated with Council recreational areas or within road reserve shall be screened along the boundary adjoining that Residential Zone by planting or a solid screen fence not less than 1.5 metres in height.
  - (v) All parking areas, short term stopping areas and access thereto shall have, adjacent to their boundary with any road and footpath, a permanent barrier or raised kerb to prevent vehicles entering or leaving the site at any point other than the approved vehicle access crossing point. "Trip" hazards are not to be created.
- (h) Number of Vehicle Parking Spaces Required
- (i) Vehicle parking spaces shall be provided for activities within the site at the following rates:

**Table 21-4 Vehicle Parking Space Ratios**

Activity	Number of Spaces Required
Churches, Church Halls	1 per 10 persons the church or hall is designed to accommodate; except that where a church and hall exist together, the maximum requirement shall be the number of spaces required for either the church or hall, whichever is the greater.
Commercial Activities	1 per 70m <sup>2</sup> gross floor area.
Community Activities	1 per 5 persons the hall or building is designed to accommodate or the activity is expected to attract.
Day-care, Child Care Centres, Kindergartens	1 per staff member; plus 1 per 10 persons to be accommodated in the centre.
Entertainment and Activities, and Places of Assembly	1 per 2 staff; plus 1 per 5 persons the building is designed to accommodate.
Garden Centres and Horticultural Nurseries	1 per 20m <sup>2</sup> gross floor area or any retail shop; plus 1 per 100m <sup>2</sup> of display or storage area.
Home Occupations	1 space in addition to any other spaces required for the principal activity on the site.
Hospitals	1 per 3 patient beds.
Premises Hiring Goods, Materials, Equipment, and Vehicles	1 per 45m <sup>2</sup> gross floor area.
Licensed Clubs, Hotels and Taverns	1 per 3 staff; plus 1 per 5m <sup>2</sup> gross floor area of all bar, dining, or other areas open to the public.



## 21 RULES: Vehicle Access, Parking, Loading & Roading

Activity	Number of Spaces Required
Industrial Activities	1 per 60m <sup>2</sup> gross floor area of any building; and 1 per 100m <sup>2</sup> used for outside storage.
Marae and Marae-based facilities	1 per 10 persons the facility is designed to accommodate.
Medical and Veterinary Centres	1 per staff member; plus 2 for each practitioner's room within the building.
Motor Vehicle Repair Services and Commercial Garages	4 per work bay; where each work bay may count as 1 vehicle parking space.
Recreation Areas	
Sports Fields	25 per sports field
Court Sports	4 per court
Clubrooms	2 per 10m <sup>2</sup> of gross floor area
Grandstands	1 for each 2 persons
Bowling Alley	3 per lane
Bowls	2.5 per rink
Residential Activities	<u>12</u> spaces per residential dwelling unit. <u>1 space per family flat.</u> 1 space per residential dwelling unit within a Medium Density Development.
Rest Homes and Facilities for the Care of the Elderly	1 per 2 staff; plus 1 per 5 persons the facility is designed to accommodate.
Restaurants & Cafes	1 per 4 persons the dining and function area is designed to accommodate.
Schools – Primary & Intermediate	1 per staff member.
Schools – Secondary	1 per staff member; plus 1 per 15 students, 17 and over.
Retail Activities and Retail Shops	1 per 20m <sup>2</sup> gross floor area (only applies in the Commercial Zone).
Neighbourhood Shop	2 in street layby.
Road-Side Sales Activities	1 per 20m <sup>2</sup> gross floor area.
Vehicle Service Stations	In addition to the lanes and standing space provided in association with any fuel dispenser - 1 per 20m <sup>2</sup> of any retail shop; plus 4 per work bay or car wash facility where a work bay may be counted as a vehicle parking space.
Visitor Accommodation	2 for employees, and 1 per accommodation room for let.

## 21 RULES: Vehicle Access, Parking, Loading & Rooding

Activity	Number of Spaces Required
Visitor Accommodation in a Residential Dwelling Unit	1 space per accommodation room for let in addition to any spaces required for the principal (residential) activity on site.

Note: Parking standards do not apply to sites within:

- (i) the Commercial Zone Pedestrian Area Overlay
- (ii) Commercial Zone in Foxton Beach (except for the properties on the corner of Seabury Avenue and Dawick Street legally described as Lots 3 and 4 DP 91336 and Lots 1 and 2 DP 333144)
- (iii) Commercial Zone in Waitarere Beach
- (iv) Commercial Zone in Manakau

Note: Parking standards do not apply to network utilities.

Note: Where the calculation of required vehicle parking spaces results in a fraction of a whole space, any fraction less than or equal to one half shall be disregarded; and any fraction over one half shall count as one space.

### 21.1.10 Vehicle Loading Conditions

- (a) Obligation to Provide Loading Facilities
  - (i) Every activity shall make provision for the off-street loading and unloading of goods onto or from delivery vehicles associated with that activity.
  - (ii) Where any activity is changed (and or upgraded) or any building erected or altered, provision for loading or unloading facilities within the site shall be sufficient to serve the operations or activities undertaken on the site.

- (b) Vehicle Access to be Provided

Each required loading space shall be provided with practical vehicular access from a public road. Loading spaces and access aisles are to remain clear. The space that is dedicated on any site for loading and unloading of vehicles shall remain unobstructed by other activities and shall not be diminished by the storage of goods or erection of any structure. Sufficient manoeuvring space shall be provided to enable vehicles to enter and leave the site in a forward direction in the following situations:

- (i) Where the site gains access from a State Highway; or
- (ii) The vehicle parking area contains more than three (3) parking spaces; or
- (iii) Any of the parking spaces is located further than 30 metres from the road; or
- (iv) Where the site is a rear site with access by way of an access leg or driveway onto an Arterial or Collector road.

- (c) Loading Spaces and Access Aisles to Remain Clear

## 21 RULES: Vehicle Access, Parking, Loading & Rooding

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- (i) The space that is dedicated on any site for loading and unloading of vehicles shall remain unobstructed by other activities and shall not be diminished by the storage of goods or erection of any structure.
- (d) Design of Loading Spaces
  - (i) Each required loading space shall be of usable shape and have a minimum length of 8.5 metres, minimum width of 3.5 metres, and minimum clear height of 4.5 metres. Sufficient manoeuvring space shall be provided to accommodate an 8 metre rigid two-axle truck using a 12.5 metre radius tracking curve as per NZTA's RTS 18, New Zealand on-road tracking curves for heavy motor vehicles. Additional information regarding design can be obtained from AS 2890.2:2002 Parking Facilities-Off street commercial vehicle facilities. On industrial and commercial sites where articulated vehicles are likely to be used, the layout shall be designed to accommodate such vehicles.

Note: If insufficient design causes conflict in traffic movements then restrictions may be placed on the type of heavy motor vehicle allowed to load or unload on the site.

- (e) Conditions of Construction of Loading Spaces
  - (i) All required loading spaces and access aisles required by this District Plan shall be formed and surfaced to an all-weather hard surface standard and shall be provided with surface water drainage and containment of water-borne contaminants that shall be regularly maintained by the Lot owner in accordance with the requirements of Rule 24.2.4, with the exception of rural loading spaces not imposing on road reserve which can be metalled to an all-weather hard surface standard.
- (f) Farm Loading Ramps
  - (i) Farm loading ramps shall be designed so that vehicles using the ramp do not have to reverse onto or off an Arterial or Collector Route, or park on any part of the carriageway of any road while loading or unloading.
  - (ii) The minimum sight distance from any farm loading ramp which is designed so that vehicles using it have to park on any part of a non-arterial or non-collector route shall be 115 metres. If this sight distance is not available, the landowner shall provide advance warning to approaching traffic that the loading or unloading is taking place.

### 21.1.11 Railway Level Crossing Requirements

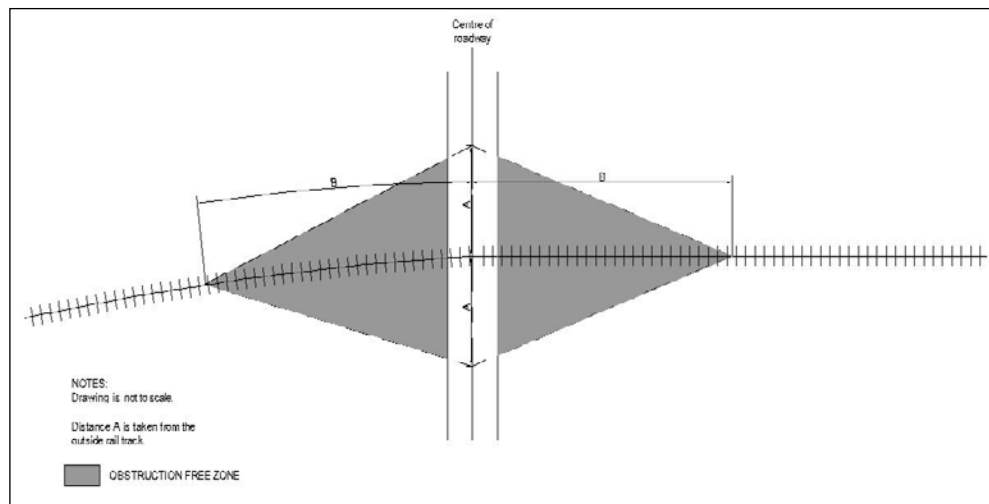
- (a) Activities and Subdivision near Existing Level Crossings
  - (i) Maintaining the sight triangle requirements set out in this rule is important to maintain clear visibility around level crossings to reduce the risk of collisions.
  - (ii) The requirements set out in (b) below apply only to level crossings without alarms or barriers arms, while the requirements set out in (c) below apply to all level crossings.
  - (iii) All the requirements set out in this rule apply during both the construction and operation stages of any land use activities or subdivision.

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### (b) Approach Sight Triangles at Level Crossings without Alarms and/or Barrier Arms

- (i) A road vehicle driver when approaching a level crossing with signs and without alarms or barrier arms needs to be able to either:
- see a train and stop before the crossing; or
  - to continue at the approach speed and cross the level crossing safely.
- (ii) No new visual obstructions are permitted within the approach sight triangles (shaded areas) shown diagrammatically in Diagram 1, irrespective of whether any visual obstructions already exist. The required sight triangles to achieve this are 30 metres from the outside rail (approach distance along road) and 320 metres along the railway track.

**Diagram 1: Approach Sight Triangles For Level Crossings**



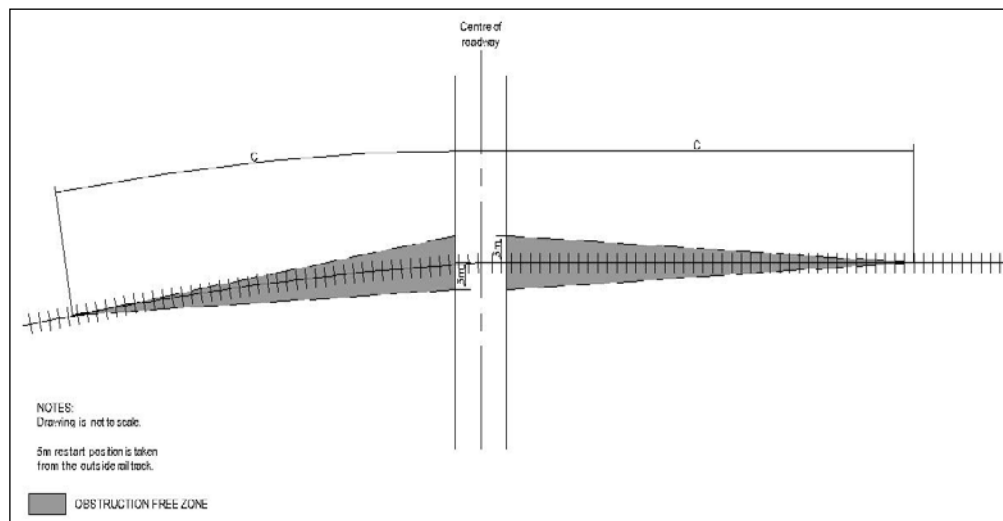
### (c) Restart Sight Triangles for all Level Crossings

A road vehicle driver when stopped at the level crossing needs to be able to see far enough along the railway to be able to start off, cross and clear the level crossing safely before the arrival of any previously unseen train.

- (i) No new visual obstructions are permitted within the restart sight triangles (shaded areas), shown diagrammatically in Diagram 2, irrespective of whether any visual obstructions already exist. The restart sight triangle is measured 5 m back from the outside rail and distance C is specified in the table below depending on the type of control.

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**Diagram 2: Restart Sight Triangles for Level Crossings**



**Table 21.5 Required Restart Sight Distances For Level Crossings**

<b>Required approach visibility along tracks C (m)</b>		
<b>Signs only</b>	<b>Alarms only</b>	<b>Alarms and boom gates</b>
677 m	677 m	60 m

**Notes:**

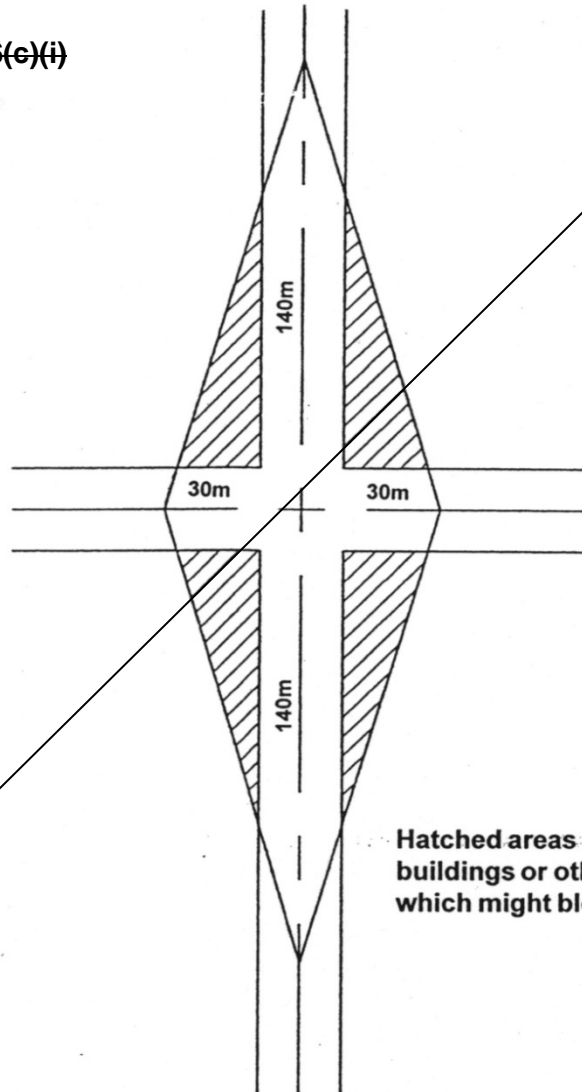
1. The dimensions in Diagrams 1 and 2 apply to a single set of rail tracks only. For each additional set of tracks, add 25 metres to the along-track distance in Diagram 1, and 50 metres to the along-track distance in Diagram 2.
2. All figures are based on the sighting distance formula used in NZTA Traffic Control Devices Manual 2008, Part 9 Level Crossings. The formulae in this document are performance based. However, for the purpose of this rule, the parameters are fixed to enable easy application. The parameters used are:
  - A train speed of 110 kph and a single set of rail tracks
  - A vehicle approach speed of 20 kph
  - A fall of 8 % on the approach to the level crossing and a rise of 8 % at the level crossing
  - 25 metre design truck
  - 90° angle between road and rail.

# 21 RULES: Vehicle Access, Parking, Loading & Rooding

DIAGRAM 1

## TRAFFIC SIGHT LINES AT ROAD AND RAIL INTERSECTIONS

Refer Rule 21.1.6(c)(i)



Hatched areas are to be kept clear of buildings or other obstructions which might block sight lines

Centre of road or Railway

Measurements are in Metres

### 22. UTILITIES AND ENERGY RULES

The rules contained in this section take precedence over any other zone rules that may apply to utilities in the District Plan, unless specifically stated to the contrary.

For any Telecommunication or Radiocommunication facilities / activities that are located within a legal road reserve, please refer to the Resource Management (National Environmental Standard for Telecommunications Facilities) Regulations 2008.

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

#### 22.1 CONDITIONS FOR PERMITTED ACTIVITIES

The following conditions shall apply to all permitted activities:

##### 22.1.1 Gas Pressure

- (a) Any new pipelines for natural or manufactured gas and necessary incidental equipment including household connections and compressor stations shall be limited to a gauge pressure not exceeding 2000 kilopascals.

##### 22.1.2 Electricity Voltage

- (a) Any new electricity lines and associated transformers shall be limited to a voltage up to and including 110kV.

##### 22.1.3 Radio Frequency Radiation

- (a) That all telecommunication, radio communication or ancillary devices comply with the New Zealand Standard NZS 2772.1 (1999) Radiofrequency Fields: Part 1 Maximum Exposure Levels – 3 KHz to 300 KHz and with NZS 6609.2:1990 – Radiofrequency Radiation: Part 2: Principles and Methods of Measurements 300 KHz to 100 GHz.

##### 22.1.4 Sites Adjoining the Residential Zone

- (a) Notwithstanding any other conditions, where it is proposed to locate any network utility structure on a site adjoining the Residential Zone, the performance conditions of the adjoining Residential Zone in relation to setbacks from boundaries and daylight setback envelope shall apply ~~in relation to the height and location of any~~ network utility structure.

## **22 RULES: Utilities and Energy**

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### **22.1.5 Undergrounding of Services**

- (a) All new electricity, gas (natural and manufactured) and telecommunication supply lines shall be reticulated underground in the Residential, Greenbelt Residential, Commercial and Industrial Zones.

Note: electricity supply lines in this rule do not include high voltage

- (b) In the Coastal Environment, Coastal Lakes, Manakau Downlands, and Hill Country Landscape Domains including all areas of Outstanding Natural Features and Landscapes identified on the Planning Maps, new electricity reticulation lines and telecommunications and cable television supply lines shall be reticulated underground where this will not adversely affect the values of the natural area.
- (c) Earthworks associated with installing and maintaining underground reticulated services are permitted activities.

### **22.1.6 Underground Services - Reinstatement**

- (a) Where network utilities or associated structures are located underground, the ground surface and any vegetation disturbed in the course of installation shall be repaired or replaced as soon as practicable after installation.

### **22.1.7 Height, Size and Location of Network Utility Buildings**

- (a) A network utility building shall not have a floor area in excess of 50m<sup>2</sup>.
- (b) The height of a network utility building shall not exceed the following (excluding pole-mounted street lights):
- (i) 15 metres in the Rural Zone.
  - (ii) 8 metres in those parts of the Coastal Environment, Coastal Lakes, Manakau Downlands, Hill Country Landscape Domains that are not identified as Outstanding Natural Features and Landscapes on the Planning Maps.
  - (iii) 3 metres in Outstanding Natural Features and Landscapes identified on the Planning Maps.
  - (iv) 8.5 metres in the Residential Zone.
  - (v) 8.5 metres in the Commercial Zone, except in the Pedestrian Area Overlay in Levin.
  - (vi) 15 metres in the Commercial Zone in the Pedestrian Area Overlay in Levin.
  - (vii) 15 metres in the Industrial Zone.
  - (viii) 8.5 metres in the Open Space Zone.

Note: Refer to each Zone Chapter for the activity status for proposals which do not comply with these conditions.



## 22 RULES: Utilities and Energy

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- (c) Network utility building may encroach the minimum building setbacks in the applicable zone in which it is located, except they shall be setback 3 metres from any boundary when located on a site in the Residential Zone, or site adjoining the Residential Zone.

### 22.1.8 Height of Network Utility Masts, Pylons, Towers Aerials and other Structures

- (a) All masts, pylons, towers, support structure, aerials, antennas and other structures associated with network utilities and domestic scale renewable energy device shall not exceed the following maximum height requirements:
- (i) 13.5 metres in the Residential Zone, Greenbelt Residential Zone and Open Space Zone.
  - (ii) ~~13.5~~ 15 metres in the Commercial Zone, except in the Pedestrian Area Overlay in Levin.
  - (iii) 20 metres in the Commercial Zone in the Pedestrian Area Overlay in Levin.
  - (iv) ~~20~~ 25 metres in the Industrial Zone.

This maximum height is not to be exceeded by the support structure, aerial or antenna mounting or the aerial or antenna whether affixed to the land, a building or an existing mast, tower or pole, except for lightning rods where they do not exceed:

- 1m<sup>2</sup> in area on any one site or,
  - 2 metres above the building or structure to which it is attached or,
  - 600mm in diameter.
- (v) 20 metres in the Rural Zone, other than Rural zoned parts of the Coastal Environment, Coastal Lakes, Manakau Downlands and Hill Country Landscape Domains.
- (vi) No masts, pylons, towers, aerials or other structures associated with network utilities with a height of more than 3 metres shall be located on Rural zoned land shown as an Outstanding Natural Feature and Landscape or have a height of more than 8 metres on those Rural zoned parts of the Coastal Environment, Coastal Lakes, Manakau Downlands, and Hill Country Landscape Domains that are not an Outstanding Natural Landscape and Feature shown on the Planning Maps.
- (vii) 25 metres in the Commercial Zone in the Pedestrian Area Overlay in Levin and Rural Zone where antennas of more than one network utility operator are co-located on the same mast.

Note: Refer to each Zone Chapter for the activity status for proposals which do not comply with these conditions.

- (b) All wind monitoring masts shall comply with the following conditions:
- (i) Maximum Height: 80 metres.
  - (ii) Maximum Diameter: ~~250~~500mm.

## 22 RULES: Utilities and Energy

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- (iii) Minimum Setback: ~~500 metres from all boundaries~~ Equal to the height of the wind monitoring mast from any boundary under separate ownership and subject to any guy wires being anchored outside the building setback requirements for the zone.
- (iv) Equipment: Limited to instrumentation necessary to record and log wind direction and speed.

### 22.1.9 Antennas

- (a) No dish antennae shall exceed:
  - (i) 2 metres in diameter in the Residential, Greenbelt Residential and Open Space Zones.
  - (ii) 2.5 metres in diameter in the Commercial, Industrial and Rural Zones.
- (b) No panel antenna shall exceed 2.5 metres in any dimension in all zones.

### 22.1.10 Maintenance, Replacement and Upgrading Network Utilities including Generation and Distribution Utilities for Renewable Source of Energy

- (a) The maintenance and replacement of the following utilities:
  - (i) Existing transformers and lines above ground for conveying electricity at all voltages and capacities.
  - (ii) Existing telecommunication lines.
  - (iii) Existing telecommunication and radiocommunication facilities.
  - (iv) Existing buildings and depots.
  - (v) Existing weather radar.
  - (vi) Existing river protection works.
  - (vii) Existing gas transmission and distribution facilities.
  - (viii) Council network utilities.
- (b) The trimming, felling and removal of vegetation and non-notable trees.
  - (i) The trimming, felling and removal of vegetation and non-notable trees, in part or whole, to retain the operational efficiency of overhead wires or utility networks.

Note: For the purpose of this rule, the term “maintenance and replacement” shall mean any work or activity necessary to continue the operation and/or functioning of an existing utility and shall also provide for the replacement of an existing line, telecommunication line, building, structure or other facility with another of the same or similar height, size or scale, within the same or similar position and for the same or similar purpose; and the addition of extra lines to existing poles or other support structures; and the replacement of existing conductors.

## 22 RULES: Utilities and Energy

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The activities permitted by this Condition are not required to comply with the other conditions in Chapter 22.

- (c) Minor upgrading of electricity and associated telecommunications lines, where the term “minor upgrading” shall mean an increase in the carrying capacity, efficiency or security of electricity and associated telecommunications lines, utilising the existing support structures or structures of a similar scale and character, and includes:
- (i) Addition of circuits and conductors.
  - (ii) Reconductoring of the line with higher capacity conductors.
  - (iii) Resagging of conductors.
  - (iv) Addition of longer or more efficient insulators.
  - (v) Addition of earthwires, which may contain telecommunication lines, earthpeaks and lightning rods.
  - (vi) Addition of electrical fittings.
  - (vii) Tower replacement in the same location or within the existing alignment of the transmission line corridor.
  - (viii) Replacement of existing cross arms with cross arms of an alternative design;
  - (ix) Increase in tower height only to achieve compliance with the clearance distances specified in the New Zealand Electrical Code of Practice for Electrical Safe Distances NZECP 34:2001.

Minor upgrading shall not include any increase in the voltage of the line above 110kV unless the line was originally constructed to operate at a higher voltage but has been operating at a reduced voltage.

Note: The activities permitted by this condition are not required to comply with other conditions in Chapter 22.

### 22.2 **RESTRICTED DISCRETIONARY ACTIVITIES**

#### 22.2.1 **The following activities shall be Restricted Discretionary Activities:**

- (a) Any activities not complying with the Permitted Activity Conditions in Rule 22.1 shall be Restricted Discretionary Activities, with the exercise of the Council's discretion being restricted to the matter(s) specified in the assessment matters in 25.7.12.

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### 23. HAZARDOUS SUBSTANCES

#### 23.1 EXEMPTIONS – HAZARDOUS SUBSTANCES

##### 23.1.1 The following hazardous substances, facilities and activities are not subject to the provisions of this chapter:

- (a) Fuel contained in tanks of motor vehicles, agricultural and forestry equipment, boats, aircraft, locomotives and small engines and the storage of fuel for a primary production activity where it complies with the Guidelines for Above Ground Fuel Storage on Farms (Environmental Protection Authority, January 2012).
- (b) Storage and use of hazardous substances for private domestic purposes. (For the purposes of this Rule "stored in domestic quantities" means, in relation to flammable substances, up to 50 litres of substances with a flash point lower than 23° celsius and up to 100 litres of substances with a flash point of between 23° and 60° celsius, stored in containers with a capacity no greater than 15 litres.)
- (c) Storage for retail sale of hazardous substances packaged for private domestic purposes. (For the purposes of this clause "packaged in domestic quantities" means, in relation to flammable substances, substances with a flash point of up to 60° celsius, packaged in containers with a capacity no greater than 15 litres.)
- (d) Storage of compressed gases in the following quantities:
  - (i) LPG - 100 kg.
  - (ii) Other flammable gases - 100m<sup>3</sup>.
  - (iii) Oxygen - 200m<sup>3</sup>.
  - (iv) Toxic gases - 250 kg.
- (e) Storage ~~superphosphate or lime or similar fertilisers~~ or lime on farms for the purpose of primary production activities in the Rural Zone where that storage is in accordance with the Fertiliser Group Standards (corrosive (HSR002569), oxidising (HSR002570, subsidiary hazard HSR002571) and Toxic (HSR002572) 2006.

Note: The exemptions specified in Rule 23.1 are still subject to the requirements in the Horizons Regional Council Proposed One Plan for fertiliser and agrichemical use.

- (f) Milk, other than at an industrial milk collection or processing facility.
- (g) Storage of up to 50,000 litres of liquid organic food or beverages, other than milk.
- (h) Gas and oil pipelines.
- (i) Electricity zone substations, distribution substations and transformers containing up to 1,000 litres of oil.
- (j) Solid hazardous wastes contained in waste disposal facilities.

## 23 RULES: Hazardous Substances

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- (k) Trade waste or sewage stored, transported, treated or disposed of, in trade waste sewage treatment or disposal facilities authorised by Council or Horizons Regional Council.
- (l) Facilities using genetically modified or new organisms.
- (m) Use and storage of agrichemicals covered by, and in accordance with New Zealand Standard 8409:2004 Management of Agrichemicals.

### Explanation and Reasons

*The exemptions cover hazardous substances held or used in such a manner that control by this part of the District Plan is not warranted. This is either because of the small quantities of substances involved, or the impracticality of exercising control, or because industry codes of practice provide adequate levels of security, or because controls under other parts of the RMA and other legislation deal with the hazard.*

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## 23.2 PERMITTED ACTIVITIES

### 23.2.1 The following activities shall be Permitted Activities, provided they comply with all of the Conditions for Permitted Activities:

- (a) Any activity listed as a permitted activity in the relevant zone and involves the storage of hazardous substances which are not identified in Section 23: Hazardous Substances Appendix 1 - 'Table 23-1: Classification of Hazardous Substances'.
  - (b) Any activity listed as a permitted activity in the relevant zone and involves the storage of hazardous substances in quantities not exceeding those specified in the permitted column in Section 23: Hazardous Substances Appendix 1 - 'Table 23-2: Quantity Limits for Hazardous Substances' for the relevant zone.
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## 23.3 CONTROLLED ACTIVITIES

### 23.3.1 The following activities shall be Controlled Activities:

- (a) The retail sale of fuel, up to a storage of 100,000 litres of petrol and up to 50,000 litres of diesel in all zones ~~excluding the Rural Zone and the Industrial Zone~~, in underground storage tanks, provided it can be demonstrated that the following Codes of Practice are adhered to:
  - Below Ground Stationary Container Systems for Petroleum - Design and Installation HSNOCOP 44, EPA, 2012.
  - Below Ground Stationary Container Systems for Petroleum - Operation HSNOCOP 45, EPA, 2012.
- (b) The retail sale of LPG, with a storage of up to six tonnes of LPG (in either single vessel storage) ~~of LPG~~ or in an exchange facility for portable LPG cylinders, provided it can be demonstrated that the following standard is adhered to:

## 23 RULES: Hazardous Substances

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- Australian and New Zealand Standard 1596:2008 Storage and Handling of LP Gas.
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### 23.4 RESTRICTED DISCRETIONARY ACTIVITIES

#### 23.4.1 The following activities shall be Restricted Discretionary Activities:

- (a) Any activity listed as a permitted activity in the relevant zone and does not comply with any of the conditions for permitted activities in Rule 23.6.
  - (b) Any activity listed as a permitted activity in the relevant zone and involves the storage of hazardous substances in quantities exceeding those specified in the permitted column but not exceeding those specified in the discretionary column identified in Chapter 23: Hazardous Substances Appendix 1 - 'Table 23-2: Quantity Limits for Hazardous Substances' for the relevant zone.
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### 23.5 DISCRETIONARY ACTIVITIES

#### 23.5.1 The following activities shall be a Discretionary Activity:

- (a) Any activity listed as a permitted activity in the relevant zone and involves the storage of hazardous substances in quantities exceeding those specified in the discretionary column identified in Chapter 23: Hazardous Substances Appendix 1 - 'Table 23-2: Quantity Limits for Hazardous Substances' for the relevant zone.
  - (b) The retail sale of fuel in all zones where the storage of petrol in underground storage tanks exceeds 100,000 litres or the storage of diesel in underground storage tanks exceeds 50,000 litres of diesel.
  - (c) The retail sale of LPG where the storage of LPG exceeds six tonnes (involving either single or multi vessel storage).
- 

### 23.6 CONDITIONS FOR PERMITTED ACTIVITIES

#### 23.6.1 Site Design

- (a) Any part of a hazardous facility which is involved in the manufacture, mixing, packaging, storage, loading, unloading, transfer, use or handling of hazardous substances must be designed, constructed and operated in a manner which prevents:
  - (i) The occurrence of any off-site adverse effects from the above listed activities on people, ecosystems, physical structures and/or other parts of the environment unless permitted by a resource consent; and

## 23 RULES: Hazardous Substances

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- (ii) The contamination of air, land and/or water (including groundwater, potable water supplies and surface waters) in the event of a spill or other type of release of hazardous substances.

### 23.6.2 Site Layout

- (a) The hazardous facility must be designed in a manner to ensure that separation between on-site facilities and the property boundary is sufficient for the adequate protection of neighbouring facilities, land uses and sensitive environments.

### 23.6.3 Storage of Hazardous Substances

- (a) The storage of any hazardous substances must be carried out in a manner that prevents:
- (i) The unintentional release of the hazardous substance; and
  - (ii) The accumulation of any liquid or solid spills or fugitive vapours and gases in enclosed off-site areas.
- (b) There shall be no storage of hazardous substances within 20 metres of the landward edge of the beds Waipunahau (Lake Horowhenua) and the Hokio Stream.

### 23.6.4 Site Drainage Systems

- (a) Site drainage systems for any hazardous facility must be designed, constructed and operated in a manner that prevents the entry or discharge of hazardous substances into the stormwater and/or wastewater systems unless permitted by the network utility operator.

Note: Suitable means of compliance includes clearly identified stormwater grates and access holes, roofing, sloped pavements, interceptor drains, containment and diversion valves, oil-water separators, sumps and similar systems.

### 23.6.5 Spill Containment Systems

- (a) Any parts of the hazardous facility site where a hazardous substance spill may occur must be serviced by suitable spill containment systems that are:
- (i) constructed from impervious materials resistant to the hazardous substances used, stored, manufactured, mixed, packaged, loaded, unloaded or otherwise handled on the site and for liquid hazardous substances:
    - able to contain the maximum volume of the largest tank present plus an allowance for stormwater or fire water; or
    - for drums or other smaller containers, able to contain 50 percent of the maximum volume of substances stored plus an allowance for stormwater or fire water; and



## 23 RULES: Hazardous Substances

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- (ii) able to prevent the entry of any spill or other unintentional release of hazardous substances, or any contaminated stormwater and/or fire water into site drainage systems unless permitted by a network utility operator.

Note: Suitable means of compliance include graded floors and surfaces, bunding, roofing, sumps, fire water catchments, overflow protection and alarms, and similar systems.

### 23.6.6 Stormwater

- (a) All stormwater grates on the site of any hazardous facility shall be clearly labelled "stormwater only".

### 23.6.7 Washdown Areas

Any part of the hazardous facility site where vehicles, equipment or containers that are or may have become contaminated with hazardous substances are washed, must be designed, constructed and managed to prevent any contaminated wash water from:

- (i) Entry or discharge into the stormwater drainage or the wastewater systems unless permitted by the relevant network utility operator; and
- (ii) Discharge into or onto land and/or water (including groundwater and potable water supplies) unless specifically provided for in a resource consent for the discharge of contaminants.

Note: Suitable means of compliance include roofing, sloped pavements, interceptor drains, containment and diversion valves, oil-water separators, sumps and similar systems.

### 23.6.8 Underground Storage Tanks

- (a) Underground storage tanks shall be designed, constructed and managed to prevent any leakage and spills.
- (b) The design, construction and procedures to ensure ongoing management of underground tanks for the storage of petroleum products shall be certified by suitably qualified professional.

Note: The following may assist in complying with Rule 23.6.8:

- (i) Using materials that are resistant to the hazardous substances concerned
- (ii) Using secondary containment facilities in areas of environmental sensitivity
- (iii) Providing leak detection or monitoring system which capable of detecting a failure or breach in the structural integrity of the primary containment vessel
- (iv) Adherence to the Codes of Practice for 'Below Ground Stationary Container Systems for Petroleum - Design and Installation: HSNOCOP 44, EPA, 2012' and 'Below Ground Stationary Container Systems for Petroleum – Operation: HSNOCOP 45, EPA, 2012'.

## **23 RULES: Hazardous Substances**

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### **23.6.9 Signage**

- (a) Any hazardous facility shall install signs and labels to communicate the nature of the substances stored, used or otherwise handled.

### **23.6.10 Waste Management**

- (a) Any process waste or waste containing hazardous substances shall be managed to prevent:
    - (i) The waste entering or discharging into the stormwater drainage system
    - (ii) The waste entering or discharging into the wastewater system unless permitted by the utility operator
    - (iii) The waste discharging into or onto land and/or water (including groundwater and potable water supplies) unless specifically provided for in a resource consent for the discharge of contaminants.
  - (b) The storage and management of any process waste or waste containing hazardous substance on the site shall at all times comply with the performance standards specified for hazardous substances.
  - (c) All waste containing hazardous substances shall be disposed of to facilities holding the necessary consents, or be serviced by a registered waste disposal contractor.
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## **23.7 MATTERS OF CONTROL FOR CONTROLLED ACTIVITIES**

The matters over which Council has reserved its control for each controlled activity are listed below.

### **23.7.1 Retail Sale of Fuel and LPG**

- (a) Controlled Matters

The Council reserves control over the following matters:

- (i) Location, site layout, and siting and design of structures, including materials, floors and yard surfaces.
  - (ii) Installation and operation of the facility.
  - (iii) Spill contingency and emergency management.
  - (iv) Non-structural measures to be taken to minimise the risk of adverse effects on the environment.
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## **23 RULES: Hazardous Substances**

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### **23.8 MATTERS OF DISCRETION FOR RESTRICTED DISCRETIONARY ACTIVITIES**

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

#### **23.8.1 Non-compliance with Permitted Activity Conditions (Rule 23.6) or Exceeding Permitted Activity Quantities set out in Rule 23.2.1(b):**

- (a) Matters of Discretion
  - (i) Avoiding, remedying or mitigating of any effects deriving from the non-compliance with the particular condition(s) that is not met.
  - (ii) Effects and risks to the surrounding environment, including consideration of the pattern of subdivision, land use (particular sensitive activities), roading or infrastructure services in the locality.
  - (iii) Conditions relating to the hazardous substance that the application relates to.
  - (iv) Spill contingency and emergency management.
  - (v) Adherence to health and safety and/or environmental management systems, including relevant Codes of Practice.

### Appendix 1: Hazardous Substances Classification and Quantity

The full description of HSNO classes, sub-classes and categories as well as explanations of terms used are contained in the Hazardous Substances Regulations. Detailed information on the application of the HSNO classification system to individual substances is available from the Environmental Protection Authority (EPA).

The Tables in this Appendix are intended only for defining the status of a proposed land use activity under the RMA, and not for any purpose under HSNO or other legislation.

It is important to note that:

- A number of HSNO classes or sub-classes that do not have a significant hazard rating in the land-use planning context are omitted from the Tables.
- Where a substance has more than one HSNO subclass applied the quantity limit for storage as a permitted activity will be based on the most restrictive threshold for that substance in Table 23-2.
- Examples of common substances are given only as an indication of substances with hazardous characteristics that may be associated with land use in the District.

Table 23-1 below sets out a description of the classification of hazardous substances, whilst Table 23-2 sets out the quantity limits for each type of hazardous substance in the different zones.

## 23 RULES: Hazardous Substances

Table 23-1: Classification of Hazardous Substances

Hazardous Substance Type	Examples (included but not limited to)	HSNO Class/Category	Characteristics	Health and Safety Hazard <sup>1</sup>
Explosive Substances	Nitrate mixtures, nitro compounds, chlorate mixtures, gunpowder, or nitro compound adapted and exclusively used in the preparation or manufacture of cartridges for small arms, or for flares; ammunition/detonators (excluding those purchased for personal sporting or recreational small arms use)	1.1	Substances and articles that have a mass explosion hazard.	Fire/explosion (High hazard)
		1.2	Substances and articles that have a projection hazard but not a mass explosion hazard.	Fire/explosion (Medium hazard)
		1.3	Substances and articles that have a fire hazard and either a minor blast hazard or a minor projection hazard or both.	Fire/explosion (Low hazard)
		1.5	Very insensitive substances that have a mass explosion hazard.	Fire/explosion (Low hazard)
Flammable gases	LPG, acetylene, hydrogen, methane	2.1.1A	a) Ignitable when in a mixture of 13% or less by volume with air; or b) Has a flammable range with air of at least 12%, regardless of	Fire/explosion (High hazard)
		2.1.2A Flammable Aerosols	An aerosol comprising 45% or more by mass of flammable ingredients.	Fire/explosion (High hazard)
		LPG		Fire/explosion (Medium hazard)

## 23 RULES: Hazardous Substances

Hazardous Substance Type	Examples (included but not limited to)	HSNO Class/Category	Characteristics	Health and Safety Hazard <sup>1</sup>
Flammable liquids	Liquid fuels, solvents, adhesives etc: Petrol, ethyl alcohol, methyl alcohol, Isopropyl alcohol, acetone, benzene, toluene, butylamine, MIBK Kerosene, styrene monomer, cyclohexanene, turpentine, butyl methacrylate, chlorobenzene, ethoxyethanol Diesel, petroleum oils	3.1A	A flash point of less than 23°C and an initial boiling point of less than or equal to 35°C.	Fire/explosion (Very high hazard)
		3.1B	A flash point of less than 23°C and an initial boiling point of greater than 35°C.	Fire/explosion (Medium hazard)
		3.1C	A flash point of greater than or equal to 23°C but less than or equal to 60°C.	Fire/explosion (Medium hazard)
		3.1D	A flash point of greater than 60°C but less than or equal to 93°C.	Fire/explosion (Low hazard)

## 23 RULES: Hazardous Substances

Hazardous Substance Type	Examples (included but not limited to)	HSNO Class/Category	Characteristics	Health and Safety Hazard <sup>1</sup>
Liquid desensitised explosives	Nitroglycerine mixture/Solution Nitrocellulose solution	3.2A 3.2B 3.2C	a) A substance that: (i) is listed as a liquid desensitized explosive and is assigned Packing Group I, II or III in the UN Model Regulations; or b) A liquid desensitised explosive that: (i) is formed from an explosive of Class I by adding a desensitizing agent to form a liquid that no longer meets the threshold for Class I; and (ii) is not listed in the UN Model Regulations and is not assigned a Packing Group.	Fire/explosion (High hazard)
Flammable solids – readily combustible solids and solids that may cause fire through friction	Red phosphorus, ammonium picrate, picric acid, monomethylamine nitrate, nitrocellulose, trinitrobenzene, magnesium and aluminium powders Alkali metals e.g. sodium, potassium, lithium, calcium, magnesium, metal hydrides, metal carbides	4.1.1A	A substance that burns rapidly or the reaction spreads rapidly or may cause fire through low friction in the relevant tests of the UN Manual of Tests and Criteria.	Fire/explosion (Medium hazard)

## 23 RULES: Hazardous Substances

Hazardous Substance Type	Examples (included but not limited to)	HSNO Class/Category	Characteristics	Health and Safety Hazard <sup>1</sup>
		4.1.1B	A substance that has lower ratings than 4.1.1A in the relevant tests of the UN Manual of Tests and Criteria.	Fire/explosion (Low hazard)
Self-reactive substances	Azocarbamides, benzene sulphohydrazine, diazonium salts	4.1.2A 4.1.2B	A thermally unstable substance that propagates a detonation or rapid deflagration or violent effect or thermal explosion in the relevant tests of the UN Manual of Tests and Criteria.	Fire/explosion (High hazard)
		4.1.2C 4.1.2D	A substance with lower ratings than the above two categories in the relevant tests.	Fire/explosion (Medium hazard)
		4.1.2E 4.1.2F 4.1.2G	A substance with even lower ratings than the above two categories in the relevant tests.	Fire/explosion (Low hazard)



## 23 RULES: Hazardous Substances

Hazardous Substance Type	Examples (included but not limited to)	HSNO Class/Category	Characteristics	Health and Safety Hazard <sup>1</sup>
Solid desensitised explosives	Nitroglycerine – solid, desensitised	4.1.3A 4.1.3B 4.1.3C	a) A substance with one of the specified UN serial numbers listed in the UN Model Regulations; or b) A solid desensitised explosive that is formed from an explosive of Class I by adding a desensitising agent to form a solid substance that no longer meets the threshold for Class I.	Fire/explosion (High hazard)
Spontaneously combustible substances	A variety of metallic, organic and inorganic compounds and mixtures	4.2A Spontaneously combustible and pyrophoric substances	a) A solid substance that does not meet the criteria for subclass 4.1.2, but ignites within 5 minutes on contact with air under the relevant test conditions in the UN Manual of Tests and Criteria; or b) A substance that does not meet the criteria for subclass 4.1.2, but is a liquid which ignites or chars the filter paper under the relevant test conditions.	Fire/explosion (High hazard)

## 23 RULES: Hazardous Substances

Hazardous Substance Type	Examples (included but not limited to)	HSNO Class/Category	Characteristics	Health and Safety Hazard <sup>1</sup>
		4.2B Spontaneously combustible and self- heating substances	A substance that does not meet the criteria for subclass 4.1.2 but meets specified criteria under the relevant test conditions.	Fire/explosion (High hazard)
		4.2C Spontaneously combustible and self- heating substances	A substance that does not meet the criteria for subclass 4.1.2, which, depending on quantity, meets specified criteria under the relevant test conditions.	Fire/explosion (Medium hazard)
Solids that emit flammable gas when in contact with water	Compounds derived from reactive metals e.g. compounds of aluminium, calcium, lithium, magnesium, potassium, phosphorus, sodium	4.3A	a) A substance that emits a gas that ignites when a small quantity of the substance is brought into contact with water; or b) A substance that reacts readily with water at ambient temperatures such that the rate of evolution of flammable gas is 10 litres/kg over any 1 minute.	Fire/explosion (High hazard)

## 23 RULES: Hazardous Substances

Hazardous Substance Type	Examples (included but not limited to)	HSNO Class/Category	Characteristics	Health and Safety Hazard <sup>1</sup>
		4.3B	A substance that reacts readily with water at ambient temperatures such that the maximum rate of evolution is 20 litres/kg per hour.	Fire/explosion (High hazard)
		4.3C	A substance that reacts slowly with water at ambient temperatures so that the maximum rate of evolution of flammable gas is 1 litre/kg per hour.	Fire/explosion (Medium hazard)
Oxidising substances – liquids or solids	Water treatment chemicals e.g. pool chlorine granules	5.1.1A	a) A substance listed as 5.1 in the UN Model Regulations and assigned Packing Group I; or b) A solid that when mixed with dry cellulose either spontaneously ignites or exhibits a mean burning time less than that of a specified reference material; or c) A liquid that when mixed with dry cellulose forms a mixture that either spontaneously ignites or exhibits a mean pressure rise time less than that of a specified reference material.	Fire/explosion (High hazard)

## 23 RULES: Hazardous Substances

Hazardous Substance Type	Examples (included but not limited to)	HSNO Class/Category	Characteristics	Health and Safety Hazard <sup>1</sup>
	Chromates, bromates, chlorates, chlorites, nitrates, permanganates	5.1.1B	<p>a) A substance listed as 5.1 in the UN Model Regulations and assigned Packing Group II; or</p> <p>b) A solid that does not meet the criteria of 5.1.1A and that when mixed with dry cellulose forms a mixture that exhibits a mean burning time equal to or less than a specified reference material; or</p> <p>c) A liquid that does not meet the criteria of 5.1.1A and that when mixed with dry cellulose forms a mixture that exhibits a mean pressure rise time less than or equal to that of a specified reference material.</p>	Fire/explosion (High hazard)

## 23 RULES: Hazardous Substances

Hazardous Substance Type	Examples (included but not limited to)	HSNO Class/Category	Characteristics	Health and Safety Hazard <sup>1</sup>
		5.1.1C	<p>a) A substance listed as 5.1 in the UN Model Regulations and assigned Packing Group III; or</p> <p>b) A solid that does not meet the criteria of 5.1.1A or B and that when mixed with dry cellulose forms a mixture that exhibits a mean burning time equal to or less than that of a specific reference material; or</p> <p>c) A liquid that does not meet the criteria of 5.1.1A or B and that when mixed with dry cellulose forms a mixture that exhibits a mean pressure rise time less than or equal to that of a specified reference material.</p>	Fire/explosion (Medium hazard)
Oxidising substances – gases	Oxygen gas	5.1.2A	<p>a) A gas that is listed as 5.1 in the UN Model Regulations; or</p> <p>b) A gas that causes or contributes to combustion of other material at a faster rate than air.</p>	Fire/explosion (High hazard)

## 23 RULES: Hazardous Substances

Hazardous Substance Type	Examples (included but not limited to)	HSNO Class/Category	Characteristics	Health and Safety Hazard <sup>1</sup>
Organic Peroxides	Any organic peroxide	5.2A 5.2B	A substance that propagates a detonation or rapid deflagration or violent effect or thermal explosion in the relevant tests of the UN Manual of Tests and Criteria.	Fire/explosion (High hazard)
		5.2C 5.2D	A substance with lower ratings than 5.2A or B in the relevant tests.	Fire/explosion (Medium hazard)
Toxic substances	A wide range of industrial and commercial chemicals including compounds derived from arsenic, cadmium, copper, chromium, lead, nickel, mercury (including amalgams), zinc. Cyanides, methyl bromide, acrylamide, phenols, chlorophenols, aniline, oxalates	6.1A	Oral toxicity: LD50 of less than or equal to 5 mg/kg Dermal toxicity: LD50 of less than or equal to 50 mg/kg Inhalation toxicity (gas): LC50 of less than or equal to 100 ppm Inhalation toxicity (vapour): LC50 of less than or equal to 0.5 mg/l Inhalation toxicity (dust/mist): LC50 of less than or equal to 0.05 mg/l	Human health (High hazard)

## 23 RULES: Hazardous Substances

Hazardous Substance Type	Examples (included but not limited to)	HSNO Class/Category	Characteristics	Health and Safety Hazard <sup>1</sup>
		6.1B	Oral toxicity: LD50 of greater than 5 mg/kg but less than or equal to 50 mg/kg Dermal toxicity: LD50 of greater than 50 mg/kg but less than or equal to 200 mg/kg Inhalation toxicity (gas): LC50 of greater than 100 ppm but less than or equal to 500 ppm Inhalation toxicity (vapour) LC50 of greater than 0.5 mg/l but less than or equal to 2.0 mg/l Inhalation toxicity (dust/mist) LC50 of greater than 0.05 mg/l but less than or equal to 0.5 mg/l	Human health (High hazard)

## 23 RULES: Hazardous Substances

Hazardous Substance Type	Examples (included but not limited to)	HSNO Class/Category	Characteristics	Health and Safety Hazard <sup>1</sup>
		6.1C	Oral toxicity: LD50 of greater than 50 mg/kg but less than or equal to 300 mg/kg Dermal toxicity: LD50 of greater than 200 mg/kg but less than or equal to 1000 mg/kg Inhalation toxicity (gas): LC50 of greater than 500 ppm but less than or equal to 2500 ppm Inhalation toxicity (vapour) LC50 of greater than 2.0 mg/l but less than or equal to 10.0 mg/l Inhalation toxicity (dust/mist) LC50 of greater than 0.5 mg/l but less than or equal to 1.0 mg/l	Human health (Medium hazard)
Radioactive material		N/A <sup>2</sup>		



## 23 RULES: Hazardous Substances

Hazardous Substance Type	Examples (included but not limited to)	HSNO Class/Category	Characteristics	Health and Safety Hazard <sup>1</sup>
Corrosive substances	Acids e.g. nitric, sulphuric, hydrochloric, hydrofluoric acids; trichloro acetic acid. Alkalis e.g. sodium, potassium and lithium hydroxides, zinc chloride, zirconium tetrachloride, sulphur chlorides, silicon tetrachloride, phosphorus pentoxide, ferric chloride, phenolsuphonic acid, hydroxylamine sulphate, hexyltrichlorosilane, ethanolamine	8.2A	Data indicate irreversible destruction of dermal tissue following brief exposure.	Human health (High hazard)
		8.2B	Data indicate irreversible destruction of dermal tissue following moderate exposure.	Human health (Medium hazard)
		8.2C	Data indicate irreversible destruction of dermal tissue following lengthy exposure (up to four hours).	Human health (Low hazard)
Ecotoxic substances	Variety of organic and inorganic compounds, mixtures and materials that may or may not be classified in other HSNO categories	9.1A	Substances that are very ecotoxic in the aquatic environment Acute aquatic toxicity value <sup>3</sup> of less than or equal to 1 mg/l	Environment (High hazard)

## 23 RULES: Hazardous Substances

Hazardous Substance Type	Examples (included but not limited to)	HSNO Class/Category	Characteristics	Health and Safety Hazard <sup>1</sup>
		9.1B	Substances that are ecotoxic in the aquatic environment Chronic aquatic toxicity <sup>4</sup> of less than or equal to 1 mg/l and a) acute aquatic toxicity value of greater than 1 mg/l but less than 10 mg/l; and b) not rapidly degradable or is bioaccumulative, or is not rapidly degradable and is bioaccumulative.	Environment (Medium hazard)
		9.1C	Substances that are harmful in the aquatic environment Chronic aquatic toxicity of less than or equal to 1 mg/l and: a) acute aquatic toxicity value of greater than 10 mg/l but less than 100 mg/l; and b) not rapidly degradable or is bioaccumulative or, is not rapidly degradable and is bioaccumulative.	Environment (Medium hazard)

## 23 RULES: Hazardous Substances

Hazardous Substance Type	Examples (included but not limited to)	HSNO Class/Category	Characteristics	Health and Safety Hazard <sup>1</sup>
		9.1D	Substances that are slightly harmful in the aquatic environment or are otherwise designed for biocidal action a) Acute aquatic toxicity value of greater than 1 mg/l but less than 100 mg/l, but does not meet classification criteria for 9.1A, 9.1B or 9.1C; or b) Chronic aquatic toxicity value is less than or equal to 1 mg/l but does not meet classification criteria for 9.1B or 9.1C; or c) Not rapidly degradable and is bioaccumulative but does not meet classification criteria for 9.1A, 9.1B or 9.1C.	Environment (Low hazard)

<sup>1</sup> Source: Land Use Planning Guide for Hazardous Facilities Appendix A: HFSP Rating Criteria for Hazardous Substances, Ministry for the Environment.

<sup>2</sup> Radioactive substances are controlled under the Radiation Protection Act by the National Radiation Laboratory of the Ministry of Health.

<sup>3</sup> 'Acute aquatic toxicity value' means the lowest value expressed in units of milligrams of a substance per

(a) fish LC50 data after a 96-hour exposure period; or

(b) crustacean EC50 data after a 48-hour exposure period; or

(c) algal, or other aquatic plant EC50 data after a 72-hour exposure period.

<sup>4</sup> 'Chronic aquatic toxicity' means the lowest value expressed in units of milligrams of a substances per litre of water from chronic fish, crustacean, algal, or other aquatic plant NOEC (no observed effect concentration) data.

## 23 RULES: Hazardous Substances

Table 23-2: Quantity Limits for Hazardous Substances

### Residential Zone

Hazardous Substance Type	HSNO category	Permitted <sup>1</sup>	Discretionary <sup>1</sup>
Explosive substances (liquids, powders or solids)	1.1	1 kg	1 kg
	1.2	10 kg	10 kg
	1.3	35 kg	35 kg
	1.5	35 kg	35 kg
Flammable gases	2.1.1A	10 kg	10 kg
	2.1.1A	12 m <sup>3</sup>	12 m <sup>3</sup>
	2.1.2A	10 kg	0.01 10 kg
	2.1.2A	12 m <sup>3</sup>	12 m <sup>3</sup>
	LPG	300 kg	300kg
Flammable liquids <sup>2</sup>	3.1A (above ground)	120 kg	120 kg
	3.1.A (underground)	1.2 tonnes	1.2 tonnes
	3.1B (above ground)	120 kg	120 kg
	3.1B (underground)	1.2 tonnes	1.2 tonnes
	3.1C (above ground)	360 kg	360 kg
	3.1C (underground)	3.6 tonnes	3.6 tonnes
	3.1D (above ground)	1.2 tonnes	1.2 tonnes
	3.1D (underground)	11.8 tonnes	11.8 tonnes
Liquid desensitised explosives	3.2A, 3.2B and 3.2C	10 kg	10 kg
Flammable solids	4.1.1A	100 kg	100 kg
	4.1.1B	350 kg	350 kg
Self-reactive solid substances	4.1.2A	10 kg	10 kg
	4.1.2B	10 kg	10 kg
	4.1.2C	100 kg	100 kg
	4.1.2D	100 kg	100 kg
	4.1.2E	350 kg	350 kg
	4.1.2F	350 kg	350 kg
	4.1.2G	350 kg	350 kg
Solid desensitised explosives	4.1.3A, 4.1.3B and 4.1.3C	10 kg	10 kg
Spontaneously combustible substances	4.2A	10 kg	10 kg
	4.2B	10 kg	10 kg
	4.2C	100 kg	100 kg
Solids that emit flammable gases in contact with water	4.3A	10 kg	10 kg
	4.3B	10 kg	10 kg
	4.3C	100 kg	100 kg
Oxidising substances (solids, liquids)	5.1.1A (solid)	35 kg	35 kg
	5.1.1A (liquid, powder)	10 kg	10 kg
	5.1.1B (solid)	35 kg	35 kg
	5.1.1B (liquid, powder)	10 kg	10 kg
	5.1.1C (solid)	350 kg	350 kg
	5.1.1C (liquid, powder)	100 kg	100 kg
Oxidising gases	5.1.2A	10kg	10kg
	5.1.2A	12m <sup>3</sup>	12m <sup>3</sup>
Organic peroxides	5.2A (solid)	30 kg	30 kg

## 23 RULES: Hazardous Substances

Hazardous Substance Type	HSNO category	Permitted <sup>1</sup>	Discretionary <sup>1</sup>
	5.2A (liquid or powder)	10 kg	10 kg
	5.2B (solid)	35 kg	35 kg
	5.2B (liquid, powder)	10 kg	10 kg
	5.2C (solid)	360 kg	360 kg
	5.2C (liquid, powder)	120 kg	120 kg
	5.2D (solid)	360 kg	360 kg
	5.2D (liquid, powder)	120 kg	120 kg
	5.2E (solid)	1.1 tonnes	1.1 tonnes
	5.2E (liquid, powder)	350 kg	350 kg
	5.2F (solid)	1.1 tonnes	1.1 tonnes
	5.2F (liquid, powder)	350 kg	350 kg
	5.2G (solid)	1.1 tonnes	1.1 tonnes
	5.2G (liquid, powder)	350 kg	350 kg
	Toxic substances	6.1A (solid)	35 kg
6.1A (liquid, powder)		10 kg	10 kg
6.1A (gas)		0.06m <sup>3</sup>	0.06m <sup>3</sup>
6.1B (solid)		35 kg	35 kg
6.1B (liquid, powder)		10 kg	10 kg
6.1B (gas)		0.06m <sup>3</sup>	0.06m <sup>3</sup>
6.1C (solid)		360 kg	360 kg
6.1C (liquid, powder)		120 kg	120 kg
6.1C (gas)		0.18m <sup>3</sup>	0.18m <sup>3</sup>
6.1D (solid)		1.1 tonnes	1.1 tonnes
6.1D (liquid, powder)		360 kg	360 kg
6.1D (gas)		0.6m <sup>3</sup>	0.6m <sup>3</sup>
6.3A and 6.3B (solid)		180 kg	180 kg
6.3A and 6.3B (liquid, powder)		60 kg	60 kg
6.4A (solid)		180 kg	180 kg
6.4A (liquid, powder)		60 kg	60 kg
6.5 – 6.9 (solid)		35 kg	35 kg
6.5 – 6.9 (liquid, powder)		10 kg	10 kg
Corrosive substances	8.1 (solid)	35 kg	35 kg
	8.1 (liquid, powder)	10 kg	10 kg
	8.2A (solid)	35 kg	35 kg
	8.2A (liquid, powder)	10 kg	10 kg
	8.2B (solid)	360 kg	360 kg
	8.2B (liquid, powder)	120 kg	120 kg
	8.2C (solid)	1.1 tonnes	1.1 tonnes
	8.2C (liquid, powder)	360 kg	360 kg
	8.3 (solid)	35 kg	35 kg
	8.3 (liquid, powder)	10 kg	10 kg
Ecotoxic substances	9.1A (solid) (further than 30m from watercourse)	100 kg	100 kg
	9.1A (solid) (within 30m of watercourse)	35 kg	35 kg
	9.2A, 9.3A and 9.4A	35kg	35kg

## 23 RULES: Hazardous Substances

Hazardous Substance Type	HSNO category	Permitted <sup>1</sup>	Discretionary <sup>1</sup>
	(solid)		
	9.1A (liquid, powder) (further than 30m from watercourse)	35kg	35kg
	9.1A (liquid, powder) (within 30m of watercourse)	10 kg	10 kg
	9.2A, 9.3A and 9.4A (liquid, powder)	10 kg	10 kg
	9.1B (solid) (further than 30m from watercourse)	1.1 tonnes	1.1 tonnes
	9.1B (solid) (within 30m of watercourse)	350 kg	350 kg
	9.2B, 9.3B, 9.4B (solid)	350 kg	350 kg
	9.1B (liquid, powder) (further than 30m from watercourse)	350 kg	350 kg
	9.1B (liquid, powder) (within 30m of watercourse)	100 kg	100 kg
	9.2B, 9.3B, 9.4B (liquid, powder)	100 kg	100 kg
	9.1C (solid) (further than 30m from watercourse)	3.6 tonnes	3.6 tonnes
	9.1C (solid) (within 30m of watercourse)	1.2 tonnes	1.2 tonnes
	9.2C, 9.3C, 9.4C (solid)	1.2 tonnes	1.2 tonnes
	9.1C (liquid, powder) (further than 30m from watercourse)	1.2 tonnes	1.2 tonnes
	9.1C (liquid, powder) (within 30m of watercourse)	400 kg	400 kg
	9.2C, 9.3C, 9.4C (liquid, powder)	400 kg	400 kg
	9.1D (solid) (further than 30m from watercourse)	3.6 tonnes	3.6 tonnes
	9.1D (solid) (within 30m of watercourse)	1.2 tonnes	1.2 tonnes
	9.2D, 9.3D, 9.4D (solid)	1.2 tonnes	1.2 tonnes
	9.1D (liquid, powder) (further than 30m from watercourse)	1.2 tonnes	1.2 tonnes
	9.1D (liquid, powder) (within 30m of watercourse)	400 kg	400 kg
	9.2D, 9.3D, 9.4D (liquid, powder)	400 kg	400 kg

## 23 RULES: Hazardous Substances

### Industrial Zone

Hazardous substance type	HSNO category	Permitted <sup>1</sup>	Discretionary <sup>1</sup>
Explosive substances (liquids, powders or solids)	1.1	60 kg	120 kg
	1.2	60 kg	120 kg
	1.3	1.8 tonnes	3.6 tonnes
	1.5	1.8 tonnes	3.6 tonnes
Flammable gases	2.1.1A	600 kg	1200 kg
	2.1.1A	600 m <sup>3</sup>	1200 m <sup>3</sup>
	2.1.2A	600 kg	1200 kg
	2.1.2A	600 m <sup>3</sup>	1200 m <sup>3</sup>
	LPG	15 tonnes	30 tonnes
Flammable liquids <sup>2</sup>	3.1A (above ground)	6 tonnes	12 tonnes
	3.1.A (underground)	60 tonnes	120 tonnes
	3.1B (above ground)	6 tonnes	12 tonnes
	3.1B (underground)	60 tonnes	120 tonnes
	3.1C (above ground)	18 tonnes	36 tonnes
	3.1C (underground)	180 tonnes	360 tonnes
	3.1D (above ground)	60 tonnes	120 tonnes
	3.1D (underground)	600 tonnes	1200 tonnes
Liquid desensitised explosives	3.2A, 3.2B and 3.2C	600 kg	1.2 tonnes
Flammable solids	4.1.1A	6 tonnes	12 tonnes
	4.1.1B	18 tonnes	36 tonnes
Self-reactive solid substances	4.1.2A	600 kg	1.2 tonnes
	4.1.2B	600 kg	1.2 tonnes
	4.1.2C	6 tonnes	12 tonnes
	4.1.2D	6 tonnes	12 tonnes
	4.1.2E	18 tonnes	36 tonnes
	4.1.2F	18 tonnes	36 tonnes
	4.1.2G	18 tonnes	36 tonnes
Solid desensitised explosives	4.1.3A, 4.1.3B and 4.1.3C	600 kg	1.2 tonnes
Spontaneously combustible substances	4.2A	600 kg	1.2 tonnes
	4.2B	600 kg	1.2 tonnes
	4.2C	6 tonnes	12 tonnes
Solids that emit flammable gases in contact with water	4.3A	600 kg	1.2 tonnes
	4.3B	600 kg	1.2 tonnes
	4.3C	6 tonnes	12 tonnes
Oxidising substances (solids, liquids)	5.1.1A (solid)	1.8 tonnes	3.6 tonnes
	5.1.1A (liquid, powder)	600 kg	1.2 tonnes
	5.1.1B (solid)	1.8 tonnes	3.6 tonnes
	5.1.1B (liquid, powder)	600 kg	1.2 tonnes
	5.1.1C (solid)	6 tonnes	12 tonnes
Oxidising gases	5.1.2A (tonnes)	0.6	1.2
	5.1.2A (m <sup>3</sup> )	600	1200
Organic peroxides	5.2A (solid)	1.8 tonnes	3.6 tonnes
	5.2A (liquid or powder)	600 kg	1.2 tonnes
	5.2B (solid)	1.8 tonnes	3.6 tonnes

## 23 RULES: Hazardous Substances

Hazardous substance type	HSNO category	Permitted <sup>1</sup>	Discretionary <sup>1</sup>
	5.2B (liquid, powder)	600 kg	1.2 tonnes
	5.2C (solid)	18 tonnes	36 tonnes
	5.2C (liquid, powder)	6 tonnes	12 tonnes
	5.2D (solid)	18 tonnes	36 tonnes
	5.2D (liquid, powder)	6 tonnes	12 tonnes
	5.2E (solid)	54 tonnes	108 tonnes
	5.2E (liquid, powder)	18 tonnes	36 tonnes
	5.2F (solid)	54 tonnes	108 tonnes
	5.2F (liquid, powder)	18 tonnes	36 tonnes
	5.2G (solid)	54 tonnes	108 tonnes
	5.2G (liquid, powder)	18 tonnes	36 tonnes
Toxic substances	6.1A (solid)	1.8 tonnes	3.6 tonnes
	6.1A (liquid, powder)	600 kg	1.2 tonnes
	6.1A (gas)	3 m <sup>3</sup>	6 m <sup>3</sup>
	6.1B (solid)	1.8 tonnes	3.6 tonnes
	6.1B (liquid, powder)	600 kg	1.2 tonnes
	6.1B (gas)	3 m <sup>3</sup>	6 m <sup>3</sup>
	6.1C (solid)	18 tonnes	36 tonnes
	6.1C (liquid, powder)	6 tonnes	12 tonnes
	6.1C (gas)	9 m <sup>3</sup>	18 m <sup>3</sup>
	6.1D (solid)	54 tonnes	108 tonnes
	6.1D (liquid, powder)	18 tonnes	36 tonnes
	6.1D (gas)	30 m <sup>3</sup>	60 m <sup>3</sup>
	6.3A and 6.3B (solid)	9 tonnes	18 tonnes
	6.3A and 6.3B (liquid, powder)	3 tonnes	6 tonnes
	6.4A (solid)	9 tonnes	18 tonnes
	6.4A (liquid, powder)	3 tonnes	6 tonnes
	6.5 – 6.9 (solid)	1.8 tonnes	3.6 tonnes
6.5 – 6.9 (liquid, powder)	600 kg	1.2 tonnes	
Corrosive substances	8.1 (solid)	1.8 tonnes	3.6 tonnes
	8.1 (liquid, powder)	600 kg	1.2 tonnes
	8.2A (solid)	1.8 tonnes	3.6 tonnes
	8.2A (liquid, powder)	600 kg	1.2 tonnes
	8.2B (solid)	18 tonnes	36 tonnes
	8.2B (liquid, powder)	6 tonnes	12 tonnes
	8.2C (solid)	54 tonnes	108 tonnes
	8.2C (liquid, powder)	18 tonnes	36 tonnes
	8.3 (solid)	1.8 tonnes	3.6 tonnes
8.3 (liquid, powder)	600 kg	1.2 tonnes	
Ecotoxic substances	9.1A (solid) (further than 30m from watercourse)	5.4 tonnes	10.8 tonnes
	9.1A (solid) (within 30m of watercourse)	1.8 tonnes	3.6 tonnes
	9.2A, 9.3A and 9.4A (solid)	1.8 tonnes	3.6 tonnes
	9.1A (liquid, powder)	1.8 tonnes	3.6 tonnes



## 23 RULES: Hazardous Substances

Hazardous substance type	HSNO category	Permitted <sup>1</sup>	Discretionary <sup>1</sup>
	(further than 30m from watercourse)		
	9.1A (liquid, powder) (within 30m of watercourse)	600 kg	1.2 tonnes
	9.2A, 9.3A and 9.4A (liquid, powder)	600 kg	1.2 tonnes
	9.1B (solid) (further than 30m from watercourse)	54 tonnes	108 tonnes
	9.1B (solid) (within 30m of watercourse)	18 tonnes	36 tonnes
	9.2B, 9.3B, 9.4B (solid)	18 tonnes	36 tonnes
	9.1B (liquid, powder) (further than 30m from watercourse)	6 tonnes	12 tonnes
	9.1B (liquid, powder) (within 30m of watercourse)	2 tonnes	4 tonnes
	9.2B, 9.3B, 9.4B (liquid, powder)	2 tonnes	4 tonnes
	9.1C (solid) (further than 30m from watercourse)	180 tonnes	360 tonnes
	9.1C (solid) (within 30m of watercourse)	60 tonnes	120 tonnes
	9.2C, 9.3C, 9.4C (solid)	60 tonnes	120 tonnes
	9.1C (liquid, powder) (further than 30m from watercourse)	60 tonnes	120 tonnes
	9.1C (liquid, powder) (within 30m of watercourse)	20 tonnes	40 tonnes
	9.2C, 9.3C, 9.4C (liquid, powder)	20 tonnes	40 tonnes
	9.1D (solid) (further than 30m from watercourse)	180 tonnes	360 tonnes
	9.1D (solid) (within 30m of watercourse)	60 tonnes	120 tonnes
	9.2D, 9.3D, 9.4D (solid)	60 tonnes	120 tonnes
	9.1D (liquid, powder) (further than 30m from watercourse)	60 tonnes	120 tonnes
	9.1D (liquid, powder) (within 30m of watercourse)	20 tonnes	40 tonnes
	9.2D, 9.3D, 9.4D (liquid, powder)	20 tonnes	40 tonnes

## 23 RULES: Hazardous Substances

### Commercial Zone

Hazardous substance type	HSNO category	Permitted <sup>1</sup>	Discretionary <sup>1</sup>
Explosive substances (liquids, powders or solids)	1.1	10 kg	20 kg
	1.2	100 kg	200 kg
	1.3	350 kg	700 kg
	1.5	350 kg	700 kg
Flammable gases	2.1.1A	100 kg	200 kg
	2.1.1A	120 m <sup>3</sup>	240 m <sup>3</sup>
	2.1.2A	100 kg	200 kg
	2.1.2A	120 m <sup>3</sup>	240 m <sup>3</sup>
	LPG	3 tonnes	6 tonnes
Flammable liquids <sup>2</sup>	3.1A (above ground)	1.2 tonnes	2.4 tonnes
	3.1.A (underground)	12 tonnes	24 tonnes
	3.1B (above ground)	1.2 tonnes	2.4 tonnes
	3.1B (underground)	12 tonnes	24 tonnes
	3.1C (above ground)	3.6 tonnes	7.2 tonnes
	3.1C (underground)	36 tonnes	72 tonnes
	3.1D (above ground)	12 tonnes	24 tonnes
	3.1D (underground)	120 tonnes	240 tonnes
Liquid desensitised explosives	3.2A, 3.2B and 3.2C	100 kg	200 kg
Flammable solids	4.1.1A	1.2 tonnes	2.4 tonnes
	4.1.1B	3.6 tonnes	7.2 tonnes
Self-reactive solid substances	4.1.2A	100 kg	200 kg
	4.1.2B	100 kg	200 kg
	4.1.2C	1.2 tonnes	2.4 tonnes
	4.1.2D	1.2 tonnes	2.4 tonnes
	4.1.2E	3.6 tonnes	7.2 tonnes
	4.1.2F	3.6 tonnes	7.2 tonnes
	4.1.2G	3.6 tonnes	7.2 tonnes
Solid desensitised explosives	4.1.3A, 4.1.3B and 4.1.3C	100 kg	200 kg
Spontaneously combustible substances	4.2A	100 kg	200 kg
	4.2B	100 kg	200 kg
	4.2C	1.2 tonnes	2.4 tonnes
Solids that emit flammable gases in contact with water	4.3A	100 kg	200 kg
	4.3B	100 kg	200 kg
	4.3C	1.2 tonnes	2.4 tonnes
Oxidising substances (solids, liquids)	5.1.1A (solid)	350 kg	700 kg
	5.1.1A (liquid, powder)	100 kg	200 kg
	5.1.1B (solid)	350 kg	700 kg
	5.1.1B (liquid, powder)	100 kg	200 kg
	5.1.1C (solid)	3.6 tonnes	7.2 tonnes
Oxidising gases	5.1.1C (liquid, powder)	1.2 tonnes	2.4 tonnes
	5.1.2A (tonnes)	0.1	0.2
Organic peroxides	5.1.2A	120 m <sup>3</sup>	240 m <sup>3</sup>
	5.2A (solid)	300 kg	600 kg
	5.2A (liquid or powder)	100 kg	200 kg
	5.2B (solid)	350 kg	700 kg

## 23 RULES: Hazardous Substances

Hazardous substance type	HSNO category	Permitted <sup>1</sup>	Discretionary <sup>1</sup>
	5.2B (liquid, powder)	100 kg	200 kg
	5.2C (solid)	3.6 tonnes	7.2 tonnes
	5.2C (liquid, powder)	1.2 tonnes	2.4 tonnes
	5.2D (solid)	3.6 tonnes	7.2 tonnes
	5.2D (liquid, powder)	1.2 tonnes	2.4 tonnes
	5.2E (solid)	10 tonnes	20 tonnes
	5.2E (liquid, powder)	3.6 tonnes	7.2 tonnes
	5.2F (solid)	10 tonnes	20 tonnes
	5.2F (liquid, powder)	3.6 tonnes	7.2 tonnes
	5.2G (solid)	10 tonnes	20 tonnes
	5.2G (liquid, powder)	3.6 tonnes	7.2 tonnes
Toxic substances	6.1A (solid)	350 kg	700 kg
	6.1A (liquid, powder)	100 kg	200 kg
	6.1A (gas)	0.6 m <sup>3</sup>	1.2 m <sup>3</sup>
	6.1B (solid)	350 kg	700 kg
	6.1B (liquid, powder)	100 kg	200 kg
	6.1B (gas)	0.6 m <sup>3</sup>	1.2 m <sup>3</sup>
	6.1C (solid)	3.6 tonnes	7.2 tonnes
	6.1C (liquid, powder)	1.2 tonnes	2.4 tonnes
	6.1C (gas)	1.8 m <sup>3</sup>	3.6 m <sup>3</sup>
	6.1D (solid)	11000 kg	22 tonnes
	6.1D (liquid, powder)	3.6 tonnes	7.2 tonnes
	6.1D (gas)	6 m <sup>3</sup>	12 m <sup>3</sup>
	6.3A and 6.3B (solid)	1.8 tonnes	3.6 tonnes
	6.3A and 6.3B (liquid, powder)	600 kg	1.2 tonnes
	6.4A (solid)	18 tonnes	36 tonnes
	6.4A (liquid, powder)	600 kg	1.2 tonnes
	6.5 – 6.9 (solid)	350 kg	700 kg
6.5 – 6.9 (liquid, powder)	100 kg	200 kg	
Corrosive substances	8.1 (solid)	350 kg	700 kg
	8.1 (liquid, powder)	100 kg	200 kg
	8.2A (solid)	350 kg	700 kg
	8.2A (liquid, powder)	100 kg	200 kg
	8.2B (solid)	3.6 tonnes	7.2 tonnes
	8.2B (liquid, powder)	1.2 tonnes	2.4 tonnes
	8.2C (solid)	11 tonnes	22 tonnes
	8.2C (liquid, powder)	3.6 tonnes	7.2 tonnes
	8.3 (solid)	350 kg	700 kg
8.3 (liquid, powder)	100 kg	200 kg	
Ecotoxic substances	9.1A (solid) (further than 30m from watercourse)	1.1 tonnes	2.2 tonnes
	9.1A (solid) (within 30m of watercourse)	350 kg	700 kg
	9.2A, 9.3A and 9.4A (solid)	350 kg	700 kg
	9.1A (liquid, powder)	350 kg	700 kg

## 23 RULES: Hazardous Substances

Hazardous substance type	HSNO category	Permitted <sup>1</sup>	Discretionary <sup>1</sup>
	(further than 30m from watercourse)		
	9.1A (liquid, powder) (within 30m of watercourse)	100 kg	200 kg
	9.2A, 9.3A and 9.4A (liquid, powder)	100 kg	200 kg
	9.1B (solid) (further than 30m from watercourse)	11 tonnes	22 tonnes
	9.1B (solid) (within 30m of watercourse)	3.6 tonnes	7.2 tonnes
	9.2B, 9.3B, 9.4B (solid)	3.6 tonnes	7.2 tonnes
	9.1B (liquid, powder) (further than 30m from watercourse)	3.6 tonnes	7.2 tonnes
	9.1B (liquid, powder) (within 30m of watercourse)	1.2 tonnes	2.4 tonnes
	9.2B, 9.3B, 9.4B (liquid, powder)	1.2 tonnes	2.4 tonnes
	9.1C (solid) (further than 30m from watercourse)	36 tonnes	7.2 tonnes
	9.1C (solid) (within 30m of watercourse)	12 tonnes	2.4 tonnes
	9.2C, 9.3C, 9.4C (solid)	12 tonnes	24 tonnes
	9.1C (liquid, powder) (further than 30m from watercourse)	12 tonnes	24 tonnes
	9.1C (liquid, powder) (within 30m of watercourse)	4 tonnes	8 tonnes
	9.2C, 9.3C, 9.4C (liquid, powder)	4 tonnes	8 tonnes
	9.1D (solid) (further than 30m from watercourse)	36 tonnes	72 tonnes
	9.1D (solid) (within 30m of watercourse)	12 tonnes	24 tonnes
	9.2D, 9.3D, 9.4D (solid)	12 tonnes	24 tonnes
	9.1D (liquid, powder) (further than 30m from watercourse)	12 tonnes	24 tonnes
	9.1D (liquid, powder) (within 30m of watercourse)	4 tonnes	8 tonnes
	9.2D, 9.3D, 9.4D (liquid, powder)	4 tonnes	8 tonnes

## 23 RULES: Hazardous Substances

### Open Space Zone

Hazardous substance type	HSNO category	Permitted <sup>1</sup>	Discretionary <sup>1</sup>
Explosive substances (liquids, powders or solids)	1.1	6 kg	12 kg
	1.2	60 kg	120 kg
	1.3	180 kg	360 kg
	1.5	180 kg	360 kg
Flammable gases	2.1.1A	60 kg	120 kg
	2.1.1A	60 m <sup>3</sup>	120 m <sup>3</sup>
	2.1.2A	60 kg	120 kg
	2.1.2A	60 m <sup>3</sup>	120 m <sup>3</sup>
	LPG	1.5 tonnes	3 tonnes
Flammable liquids <sup>2</sup>	3.1A (above ground)	600 kg	1.2 tonnes
	3.1.A (underground)	6 tonnes	12 tonnes
	3.1B (above ground)	600 kg	1.2 tonnes
	3.1B (underground)	6 tonnes	12 tonnes
	3.1C (above ground)	1.8 tonnes	3.6 tonnes
	3.1C (underground)	18 tonnes	36 tonnes
	3.1D (above ground)	6 tonnes	12 tonnes
	3.1D (underground)	60 tonnes	120 tonnes
Liquid desensitised explosives	3.2A, 3.2B and 3.2C	60 kg	120 kg
Flammable solids	4.1.1A	600 kg	1.2 tonnes
	4.1.1B	1.8 tonnes	3.6 tonnes
Self-reactive solid substances	4.1.2A	60 kg	120 kg
	4.1.2B	60 kg	120 kg
	4.1.2C	600 kg	1.2 tonnes
	4.1.2D	600 kg	1.2 tonnes
	4.1.2E	1.8 tonnes	3.6 tonnes
	4.1.2F	1.8 tonnes	3.6 tonnes
	4.1.2G	1.8 tonnes	3.6 tonnes
Solid desensitised explosives	4.1.3A, 4.1.3B and 4.1.3C	60 kg	120 kg
Spontaneously combustible substances	4.2A	60 kg	120 kg
	4.2B	60 kg	120 kg
	4.2C	600 kg	1.2 tonnes
Solids that emit flammable gases in contact with water	4.3A	60 kg	120 kg
	4.3B	60 kg	120 kg
	4.3C	600 kg	1.2 tonnes
Oxidising substances (solids, liquids)	5.1.1A (solid)	180 kg	360 kg
	5.1.1A (liquid, powder)	60 kg	120 kg
	5.1.1B (solid)	180 kg	360 kg
	5.1.1B (liquid, powder)	60 kg	120 kg
	5.1.1C (solid)	1.8 tonnes	3.6 tonnes
Oxidising gases	5.1.1C (liquid, powder)	600 kg	1.2 tonnes
	5.1.2A	60 kg	120 kg
Organic peroxides	5.1.2A	60 m <sup>3</sup>	120 m <sup>3</sup>
	5.2A (solid)	180 kg	360 kg
	5.2A (liquid or powder)	60 kg	120 kg
	5.2B (solid)	180 kg	360 kg

## 23 RULES: Hazardous Substances

Hazardous substance type	HSNO category	Permitted <sup>1</sup>	Discretionary <sup>1</sup>
	5.2B (liquid, powder)	60 kg	120 kg
	5.2C (solid)	1.8 tonnes	3.6 tonnes
	5.2C (liquid, powder)	600 kg	1.2 tonnes
	5.2D (solid)	1.8 tonnes	3.6 tonnes
	5.2D (liquid, powder)	600 kg	1.2 tonnes
	5.2E (solid)	5.4 tonnes	108 tonnes
	5.2E (liquid, powder)	1.8 tonnes	3.6 tonnes
	5.2F (solid)	5.4 tonnes	108 tonnes
	5.2F (liquid, powder)	1.8 tonnes	3.6 tonnes
	5.2G (solid)	5.4 tonnes	108 tonnes
	5.2G (liquid, powder)	1.8 tonnes	3.6 tonnes
Toxic substances	6.1A (solid)	180 kg	360 kg
	6.1A (liquid, powder)	60 kg	120 kg
	6.1A (gas)	0.3 m <sup>3</sup>	0.6 m <sup>3</sup>
	6.1B (solid)	180 kg	360 kg
	6.1B (liquid, powder)	60 kg	120 kg
	6.1B (gas)	0.3 m <sup>3</sup>	0.6 m <sup>3</sup>
	6.1C (solid)	1.8 tonnes	3.6 tonnes
	6.1C (liquid, powder)	600 kg	1.2 tonnes
	6.1C (gas)	0.9 m <sup>3</sup>	1.8 m <sup>3</sup>
	6.1D (solid)	5.4 tonnes	108 tonnes
	6.1D (liquid, powder)	1.8 tonnes	3.6 tonnes
	6.1D (gas)	3 m <sup>3</sup>	6 m <sup>3</sup>
	6.3A and 6.3B (solid)	900 kg	1.8 tonnes
	6.3A and 6.3B (liquid, powder)	300 kg	600 kg
	6.4A (solid)	900 kg	1.8 tonnes
	6.4A (liquid, powder)	300 kg	600 kg
	6.5 – 6.9 (solid)	180 kg	360 kg
6.5 – 6.9 (liquid, powder)	60 kg	120 kg	
Corrosive substances	8.1 (solid)	180 kg	360 kg
	8.1 (liquid, powder)	60 kg	120 kg
	8.2A (solid)	180 kg	360 kg
	8.2A (liquid, powder)	60 kg	120 kg
	8.2B (solid)	1.8 tonnes	3.6 tonnes
	8.2B (liquid, powder)	600 kg	1.2 tonnes
	8.2C (solid)	5.4 tonnes	108 tonnes
	8.2C (liquid, powder)	1.8 tonnes	3.6 tonnes
	8.3 (solid)	180 kg	360 kg
8.3 (liquid, powder)	60 kg	120 kg	
Ecotoxic substances	9.1A (solid) (further than 30m from watercourse)	600 kg	1.2 tonnes
	9.1A (solid) (within 30m of watercourse)	200 kg	400 kg
	9.2A, 9.3A and 9.4A (solid)	200 kg	400 kg
	9.1A (liquid, powder)	200 kg	400 kg

## 23 RULES: Hazardous Substances

Hazardous substance type	HSNO category	Permitted <sup>1</sup>	Discretionary <sup>1</sup>
	(further than 30m from watercourse)		
	9.1A (liquid, powder) (within 30m of watercourse)	70 kg	150 kg
	9.2A, 9.3A and 9.4A (liquid, powder)	70 kg	150 kg
	9.1B (solid) (further than 30m from watercourse)	5.4 tonnes	108 tonnes
	9.1B (solid) (within 30m of watercourse)	1.8 tonnes	3.6 tonnes
	9.2B, 9.3B, 9.4B (solid)	1.8 tonnes	3.6 tonnes
	9.1B (liquid, powder) (further than 30m from watercourse)	1.8 tonnes	3.6 tonnes
	9.1B (liquid, powder) (within 30m of watercourse)	600 kg	1.2 tonnes
	9.2B, 9.3B, 9.4B (liquid, powder)	600 kg	1.2 tonnes
	9.1C (solid) (further than 30m from watercourse)	18 tonnes	36 tonnes
	9.1C (solid) (within 30m of watercourse)	6 tonnes	12 tonnes
	9.2C, 9.3C, 9.4C (solid)	6 tonnes	12 tonnes
	9.1C (liquid, powder) (further than 30m from watercourse)	6 tonnes	12 tonnes
	9.1C (liquid, powder) (within 30m of watercourse)	2 tonnes	4 tonnes
	9.2C, 9.3C, 9.4C (liquid, powder)	2 tonnes	4 tonnes
	9.1D (solid) (further than 30m from watercourse)	18 tonnes	36 tonnes
	9.1D (solid) (within 30m of watercourse)	6 tonnes	12 tonnes
	9.2D, 9.3D, 9.4D (solid)	6 tonnes	12 tonnes
	9.1D (liquid, powder) (further than 30m from watercourse)	6 tonnes	12 tonnes
	9.1D (liquid, powder) (within 30m of watercourse)	2 tonnes	4 tonnes
	9.2D, 9.3D, 9.4D (liquid, powder)	2 tonnes	4 tonnes

## 23 RULES: Hazardous Substances

### Rural Zone

Hazardous substance type	HSNO category	Permitted <sup>1</sup>	Discretionary <sup>1</sup>
Explosive substances (liquids, powders or solids)	1.1	30 kg	60 kg
	1.2	300 kg	600 kg
	1.3	900 kg	1.8 tonnes
	1.5	900 kg	1.8 tonnes
Flammable gases	2.1.1A	300 kg	600 kg
	2.1.1A	300 m <sup>3</sup>	600 m <sup>3</sup>
	2.1.2A	300 kg	600 kg
	2.1.2A	300 m <sup>3</sup>	600 m <sup>3</sup>
	LPG	7.5 tonnes	15 tonnes
Flammable liquids <sup>2</sup>	3.1A (above ground)	3 tonnes	6 tonnes
	3.1.A (underground)	30 tonnes	60 tonnes
	3.1B (above ground)	3 tonnes	6 tonnes
	3.1B (underground)	30 tonnes	60 tonnes
	3.1C (above ground)	9 tonnes	18 tonnes
	3.1C (underground)	90 tonnes	180 tonnes
	3.1D (above ground)	100 tonnes	200 tonnes
	3.1D (underground)	300 tonnes	600 tonnes
Liquid desensitised explosives	3.2A, 3.2B and 3.2C	300 kg	600 kg
Flammable solids	4.1.1A	3 tonnes	6 tonnes
	4.1.1B	9 tonnes	18 tonnes
Self-reactive solid substances	4.1.2A	300 kg	600 kg
	4.1.2B	300 kg	600 kg
	4.1.2C	3 tonnes	6 tonnes
	4.1.2D	3 tonnes	6 tonnes
	4.1.2E	9 tonnes	18 tonnes
	4.1.2F	9 tonnes	18 tonnes
	4.1.2G	9 tonnes	18 tonnes
Solid desensitised explosives	4.1.3A, 4.1.3B and 4.1.3C	300 kg	600 kg
Spontaneously combustible substances	4.2A	300 kg	600 kg
	4.2B	300 kg	600 kg
	4.2C	3 tonnes	6 tonnes
Solids that emit flammable gases in contact with water	4.3A	300 kg	600 kg
	4.3B	300 kg	600 kg
	4.3C	3 tonnes	6 tonnes
Oxidising substances (solids, liquids)	5.1.1A (solid)	900 kg	1.8 tonnes
	5.1.1A (liquid, powder)	300 kg	600 kg
	5.1.1B (solid)	900 kg	1.8 tonnes
	5.1.1B (liquid, powder)	300 kg	600 kg
	5.1.1C (solid)	9 tonnes	18 tonnes
Oxidising gases	5.1.1C (liquid, powder)	3 tonnes	6 tonnes
	5.1.2A	300 kg	600 kg
Organic peroxides	5.1.2A	300 m <sup>3</sup>	600 m <sup>3</sup>
	5.2A (solid)	900 kg	1.8 tonnes
	5.2A (liquid or powder)	300 kg	600 kg
	5.2B (solid)	900 kg	1.8 tonnes



## 23 RULES: Hazardous Substances

Hazardous substance type	HSNO category	Permitted <sup>1</sup>	Discretionary <sup>1</sup>
	5.2B (liquid, powder)	300 kg	600 kg
	5.2C (solid)	9 tonnes	18 tonnes
	5.2C (liquid, powder)	3 tonnes	6 tonnes
	5.2D (solid)	9 tonnes	18 tonnes
	5.2D (liquid, powder)	3 tonnes	6 tonnes
	5.2E (solid)	27 tonnes	54 tonnes
	5.2E (liquid, powder)	9 tonnes	18 tonnes
	5.2F (solid)	27 tonnes	54 tonnes
	5.2F (liquid, powder)	9 tonnes	18 tonnes
	5.2G (solid)	27 tonnes	54 tonnes
	5.2G (liquid, powder)	9 tonnes	18 tonnes
Toxic substances	6.1A (solid)	900 kg	1.8 tonnes
	6.1A (liquid, powder)	300 kg	600 kg
	6.1A (gas)	1.5 m <sup>3</sup>	3 m <sup>3</sup>
	6.1B (solid)	900 kg	1.8 tonnes
	6.1B (liquid, powder)	300 kg	600 kg
	6.1B (gas)	1.5 m <sup>3</sup>	3 m <sup>3</sup>
	6.1C (solid)	9 tonnes	18 tonnes
	6.1C (liquid, powder)	3 tonnes	6 tonnes
	6.1C (gas)	4.5 m <sup>3</sup>	9 m <sup>3</sup>
	6.1D (solid)	27 tonnes	54 tonnes
	6.1D (liquid, powder)	9 tonnes	18 tonnes
	6.1D (gas)	14.8 m <sup>3</sup>	29.6 m <sup>3</sup>
	6.3A and 6.3B (solid)	4.5 tonnes	9 tonnes
	6.3A and 6.3B (liquid, powder)	1.5 tonnes	3 tonnes
	6.4A (solid)	4.5 tonnes	9 tonnes
	6.4A (liquid, powder)	1.5 tonnes	3 tonnes
	6.5 – 6.9 (solid)	900 kg	1.8
6.5 – 6.9 (liquid, powder)	0.3	600 kg	
Corrosive substances	8.1 (solid)	900 kg	1.8 tonnes
	8.1 (liquid, powder)	300 kg	600 kg
	8.2A (solid)	900 kg	1.8 tonnes
	8.2A (liquid, powder)	300 kg	600 kg
	8.2B (solid)	9 tonnes	18 tonnes
	8.2B (liquid, powder)	3 tonnes	6 tonnes
	8.2C (solid)	27 tonnes	54 tonnes
	8.2C (liquid, powder)	9 tonnes	18 tonnes
	8.3 (solid)	900 kg	1.8 tonnes
8.3 (liquid, powder)	300 kg	600 kg	
Ecotoxic substances	9.1A (solid) (further than 30m from watercourse)	2.7 tonnes	5.4 tonnes
	9.1A (solid) (within 30m of watercourse)	900 kg	1.8 tonnes
	9.2A, 9.3A and 9.4A (solid)	900 kg	1.8 tonnes
	9.1A (liquid, powder)	900 kg	1.8 tonnes

## 23 RULES: Hazardous Substances

Hazardous substance type	HSNO category	Permitted <sup>1</sup>	Discretionary <sup>1</sup>
	(further than 30m from watercourse)		
	9.1A (liquid, powder) (within 30m of watercourse)	300 kg	600 kg
	9.2A, 9.3A and 9.4A (liquid, powder)	300 kg	600 kg
	9.1B (solid) (further than 30m from watercourse)	27 tonnes	54 tonnes
	9.1B (solid) (within 30m of watercourse)	9 tonnes	18 tonnes
	9.2B, 9.3B, 9.4B (solid)	9 tonnes	18 tonnes
	9.1B (liquid, powder) (further than 30m from watercourse)	9 tonnes	18 tonnes
	9.1B (liquid, powder) (within 30m of watercourse)	3 tonnes	6 tonnes
	9.2B, 9.3B, 9.4B (liquid, powder)	3 tonnes	6 tonnes
	9.1C (solid) (further than 30m from watercourse)	90 tonnes	180 tonnes
	9.1C (solid) (within 30m of watercourse)	30 tonnes	60 tonnes
	9.2C, 9.3C, 9.4C (solid)	30 tonnes	60 tonnes
	9.1C (liquid, powder) (further than 30m from watercourse)	30 tonnes	60 tonnes
	9.1C (liquid, powder) (within 30m of watercourse)	10 tonnes	20 tonnes
	9.2C, 9.3C, 9.4C (liquid, powder)	10 tonnes	20 tonnes
	9.1D (solid) (further than 30m from watercourse)	90 tonnes	180 tonnes
	9.1D (solid) (within 30m of watercourse)	30 tonnes	60 tonnes
	9.2D, 9.3D, 9.4D (solid)	30 tonnes	60 tonnes
	9.1D (liquid, powder) (further than 30m from watercourse)	30 tonnes	60 tonnes
	9.1D (liquid, powder) (within 30m of watercourse)	10 tonnes	20 tonnes
	9.2D, 9.3D, 9.4D (liquid, powder)	10 tonnes	20 tonnes

### 24. SUBDIVISION AND DEVELOPMENT

#### OVERVIEW

This Chapter sets out the standards, conditions and matters over which the Council has reserved its discretion for subdivision and development. This includes the obligations resting with developers in terms of providing services to subdivisions or developments either as permitted activities or as those activities requiring resource consent. The intention is to ensure that the reasonable direct on and off site effects on infrastructure of a development are avoided, remedied or mitigated by the developer. These obligations are in addition to any requirement to pay a development contribution.

Development contributions are required in order to ensure that the existing levels of services provided by a Council are not reduced or diluted by on-going development in the community. Developers who create a demand on infrastructure and reserves should contribute towards the cost of ensuring that there is no loss in the level of service that was being provided before the development took place.

Development contributions are provided for under the Local Government Act 2002 (principally Sections 197 to 211). The Council's Development Contributions Policy is set out within the Council's Long Term Plan.

Development contributions will be applied to any activity that triggers a demand for additional services as set out in the Development Contributions Policy. Development contributions apply to both activities requiring resource consent as well as those permitted by the District Plan.

Sections 229 – 237 of the RMA set out the provisions for Esplanade Reserves and Esplanade strips. The Council's Development Contribution Policy does not affect the Council's rights relating to Esplanade Reserves and Esplanade Strips under the RMA and referred to in 24.2.5 of this Chapter of the District Plan.

#### 24.1 CONDITIONS FOR SUBDIVISION AND DEVELOPMENT

All activities shall comply with the following requirements (in addition to the rules and permitted activity conditions for each zone):

##### 24.1.1 General Standard of Compliance

- (a) Development and subdivision design and construction shall comply with the requirements of NZS 4404:2010 Land Development and Subdivision Infrastructure and Council's Subdivision and Development Principles and Requirements (Version: November 2012). Council's Subdivision and Development Principles and Requirements (Version: November 2012) shall prevail where those provisions alter NZS 4404:2010 unless otherwise stated.
- (b) All public road reserves shall be at least 20 metres wide and of sufficient width to provide for vehicle carriageway, footpaths and cycle lanes (as required), public utilities, street lighting, reticulated services, drainage, landscaping, and kerb-side vehicle parking.

## **24 RULES: Subdivision and Development**

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- (c) For any road, lane or right of way serving up to 12 dwelling units and has no through traffic, road reserves shall be at least 10-12 metres wide.

### **24.1.2 Vehicular Access**

- (a) Vehicular Access to Serve the Development
  - (i) For vehicular access connecting the site, and all allotments, with a public road, the developer shall pay the full and actual cost of the works.
- (b) Upgrading of Existing Roads to Serve the Development
  - (i) Where a development requires the upgrading of the existing road to serve the development, the developer shall pay the full and actual costs of upgrading the existing road to meet the needs of the development.

### **24.1.3 Water Supply**

- (a) Water Supply to the Development
  - (i) The developer shall pay the full and actual cost of providing a development with, or connecting it to a supply of potable water where a Council approved water connection is available.
- (b) Upgrading of Existing Reticulated Water Supply
  - (i) Where a development requires the upgrading of the existing reticulated water supply, the developer shall pay the full and actual costs of upgrading the existing reticulated water supply to meet the needs of the development.

Note: Additional and separate resource consents may be required from Horizons Regional Council for the taking of water where no reticulated system is available.

### **24.1.4 Wastewater Disposal**

- (a) Wastewater Disposal to Serve the Development
  - (i) The developer shall pay the full and actual cost of providing for the collection, treatment, and disposal of all sewage wastewater that is reasonably expected to be generated by the development where a Council approved sewer connection is available.
- (b) Upgrading of the Existing Reticulated Wastewater Supply
  - (i) Where a development requires the upgrading of the existing reticulated wastewater supply system, the developer shall pay the full and actual costs of upgrading the existing reticulated wastewater supply system to meet the needs of the development.

Note: Additional and separate resource consents may be required from Horizons Regional Council for any independent discharge of wastewater.

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### 24.1.5 Surface Water Disposal

#### (a) Surface Water Disposal to Serve the Development

The developer shall pay the full and actual cost of providing for a surface water disposal system sufficient for the on-site disposal of all surface water and containment of water borne contaminants that can be expected to be generated by the development.

## 24.2 CONDITIONS FOR ACTIVITIES REQUIRING RESOURCE CONSENT

All activities that require resource consent shall comply with the following requirements (in addition to the rules and permitted activity conditions for each zone):

### 24.2.1 General Standard of Compliance

- (a) Development and subdivision design and construction shall comply with the requirements of NZS 4404:2010 Land Development and Subdivision Infrastructure and Council's Subdivision and Development Principles and Requirements (Version: November 2012). Council's Subdivision and Development Principles and Requirements (Version: November 2012) shall prevail where those provisions alter NZS 4404:2010 unless otherwise stated.

### 24.2.2 Water Supply

#### (a) Water Supply to Serve the Development or Subdivision

- (i) The developer shall pay the full and actual cost of providing a development with, or connecting it to a supply of potable water, where a Council approved water connection is available.
- (ii) Any shared potable water supply provided for communal use and not part of a Council reticulated supply shall comply with the Drinking-Water Standards for New Zealand 2005.

#### (b) Water Supply to Serve Expected Future Development of Other Land

- (i) Where the site of the proposed development or subdivision contains or adjoins other land which is expected to be subdivided or developed in the future; and where the future development or subdivision of that other land would rely on water supply by way of pipes reticulated through the land which is the subject of the proposed development or subdivision, the developer or subdivider shall provide for and construct water supply reticulation through the proposed development or subdivision to such a standard as is expected to be necessary to provide adequate supply to that other land.

Note: Where this requirement results in the developer or subdivider incurring design and construction costs in excess of those that would be required to serve the proposed development or subdivision, Council may reimburse the additional costs to the developer or subdivider. Costs shall be determined on the basis of the estimated or actual costs of design and construction incurred at the time of the proposed development or subdivision, and calculated based on the additional costs to install the larger capacity water supply reticulation and associated infrastructure.

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### 24.2.3 Wastewater Disposal

- (a) Wastewater Disposal to be Provided to Serve the Development or Subdivision
  - (i) The developer shall pay the full and actual cost of providing for the collection, treatment, and disposal of all sewage wastes that are reasonably expected to be generated by the development or subdivision, where a Council approved sewer connection is available.
- (b) Sewerage Reticulation to Serve Expected Future Development of Other Land
  - (i) Where the site of the proposed development or subdivision contains or adjoins other land which is expected to be subdivided or developed in the future; and where the future development or subdivision of that other land would rely on sewage disposal reticulation by way of pipes reticulated through the land which is the subject of the proposed development or subdivision, the developer or subdivider shall provide for and construct sewage disposal reticulation through the proposed development or subdivision to such a standard as is expected to be necessary to provide adequate reticulation to that other land.

Note: Where this requirement results in the developer or subdivider incurring design and construction costs in excess of those that would be required to serve the proposed development or subdivision, Council may reimburse the additional costs to the developer or subdivider. Costs shall be determined on the basis of the estimated or actual costs of design and construction incurred at the time of the proposed development or subdivision, and calculated based on the additional costs to install the larger capacity sewage reticulation and associated infrastructure.

### 24.2.4 Surface Water Disposal

- (a) Surface Water Disposal Systems to Serve the Development or Subdivision.
  - (i) The developer shall provide a satisfactory system for the collection and containment of contaminants and disposal of surface water on site. Such provision shall avoid creating or worsening any ponding or inundation to surrounding upstream and downstream properties. All designs shall take into account winter ground water levels and groundwater mounding. Overland flow paths shall be designed and protected by easements.
  - (ii) The surface water collection system shall provide for the collection and control of all surface water within the land being developed or subdivided together with drainage from the entire catchment upstream of the proposed development or subdivision.

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

- (b) Surface Water Disposal Systems to Serve Expected Future Development of Other Land
  - (i) Where the site of the proposed development or subdivision contains or adjoins other land which is expected to be subdivided or developed in the future; and where the future development or subdivision of that other land

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would rely on surface water disposal reticulation through the land which is the subject of the proposed development or subdivision, the developer or subdivider shall provide for and construct surface water disposal reticulation through the proposed development or subdivision to such a standard as is expected to be necessary to provide adequate reticulation to that other land.

Note: Where this requirement results in the developer or subdivider incurring design and construction costs in excess of those that would be required to serve the proposed development or subdivision, Council may reimburse the additional costs to the developer or subdivider. Costs shall be determined on the basis of the estimated or actual costs of design and construction incurred at the time of the proposed development or subdivision, and calculated based on the additional costs to install the larger capacity surface water reticulation and associated infrastructure.

### 24.2.5 Esplanade Reserves/Strips

#### Subdivision

The following apply in all Zones:

- (a) An esplanade reserve shall be required where an allotment of less than 4 hectares is to be created adjacent to the water bodies listed in Group 1 in Schedule 12 – Priority Water Bodies.

(This clause shall not apply to Lake Horowhenua).

- (b) All esplanade reserves required by (a) above shall be vested in the Council, and have a minimum width of 50 metres, where adjacent to the Tasman Sea (from MHWS) and 20 metres, where adjacent to any other Group 1 Schedule 12 - Priority Water Bodies.

- (c) An esplanade strip shall be required and created where an allotment of less than 4 hectares is to be created adjacent to the water bodies listed in Group 2 in Schedule 12 – Priority Water Bodies.

(This clause shall not apply to the Hokio Stream).

- (d) All esplanade strips required by (c) above shall have a minimum width of 10 metres.

- (e) Where an allotment of less than 4 hectares is to be created adjacent to any water body not listed in the tables above and the water body is a river over 3 metres in width or a lake over 8 hectares, Council may require an esplanade reserve or strip to be created for one or more of the purposes set out in Section 229 of the RMA. Whether a reserve or strip is required and its width will be determined by the Council having considered the matters set out under (g) below.

- (f) It may be necessary, for one or more of the purposes set out in Section 229 of the RMA, that an esplanade reserve or strip be created when allotments of more than 4 hectares are created. In such cases, Council shall pay to the registered proprietor of that allotment compensation in terms of Section 237F of the RMA unless the registered proprietor agrees otherwise.

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- (g) The Council may reduce or waive esplanade reserves or strips where it is demonstrated to the satisfaction of Council that circumstances make the required width or esplanade area impracticable. In considering a reduction in width or waiver, Council will consider the following:
- (i) The values for which the water body was identified as being significant in Schedule 12 – Priority Water Bodies.
  - (ii) Natural and ecological values, including the riparian vegetation, water quality, potential for erosion, and the impact of flooding.
  - (iii) The protection of wahi tapu, mahinga kai and other taonga, as well as the provision of access to areas of importance to Māori.
  - (iv) Topography along the margins of the water body which makes access unworkable.
  - (v) The need for public access to and along the water body.
  - (vi) The rights of property owners and the security of private property.
  - (vii) The benefits and costs of the provision and maintenance of esplanade reserves and strips.
  - (viii) Risks from natural hazards and to public health and safety.
  - (ix) The width of any adjoining esplanade reserve or strip.
  - (x) The width of the river or stream concerned.
- (h) Council may require reserves to be fenced to protect the values of the reserve, which may include a stock proof fence (seven (7) wire post and batten fence, or equivalent). Stiles over fences or other devices may also be required to maintain or improve public access.
- (i) Notwithstanding the above requirements, in all Zones, an esplanade reserve or strip is not required where a subdivision is:
- (i) For a minor adjustment to an existing cross-lease or unit title due to the increase in the size of the allotment by alterations to the building outline or the addition of accessory buildings;
  - (ii) Boundary Adjustment; or
  - (iii) Solely due to land being subdivided for a network utility or reserve purpose.

### **Land Use**

In all Zones, the following requirements apply:

- (a) Where a land use consent application relates to a site that adjoins and/or includes part of a water body listed in Schedule 12 – Priority Water Bodies, Council may impose a condition of consent requiring an esplanade reserve or esplanade strip for one or more of the purposes set out in Section 229 of the RMA. In deciding whether an esplanade reserve or strip is required, the Council will consider the matters listed in 24.2.5(g) above.



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### 24.2.6 Access Strips

- (a) The creation of an access strip may be appropriate where land being subdivided includes, adjoins and/or can provide enhanced public access to a:
- Water body listed in Schedule 12 – Priority Water Bodies;
  - Significant habitat of indigenous fauna or area of significant indigenous vegetation;
  - Historic Heritage Building, Structure or Site listed in Schedule 2.
- (b) Notwithstanding any other provisions or rules in the District Plan, in respect of any unscheduled water body, heritage item or site or area of significant conservation values, an access strip shall only be created where there is a demonstrated need for public access or protection of conservation or recreational values.

### 24.2.7 Utility Services

- (a) Utility services shall be provided in accordance with ~~the permitted conditions in Rule 22.4~~ Council's Subdivision and Development Principles and Requirements (Version: November 2012).

### 24.2.8 Earthworks

- (a) The developer shall be responsible for the full and actual costs of any earthworks.

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