



19.0 RURAL ZONE

19.1 Zone Statement

Most of the rural areas of the District are covered by a single Rural Zone. The resources of importance within the Rural Zone include soils, climate, rural landscape and amenity, water, transport infrastructure, and heritage sites. There are also significant areas of indigenous vegetation, wildlife habitats and aquatic habitats within the Rural Zone. The eastern half of the District contains relatively unmodified indigenous forest ecosystems, a kokako population and other threatened indigenous fauna.

Approximately half of the South Waikato District is covered in forestry which is generally located in the southern half of the District. Plantation forestry is considered to be a series of different activities (including planting, spraying, thinning, harvesting and replanting). However, in the interests of efficiency and to provide a reasonable level of certainty to forest owners and investors, forestry shall be regarded as a single activity in the Rural Zone with Permitted Activity status subject to the same specified Performance Standards for every activity in the Zone.

Pastoral farming, particularly dairy farming, is the main agricultural activity in the balance of the rural area of the District.

A number of land use practices in the rural areas of the District have the potential to adversely affect the environment and therefore need to be addressed in the District Plan. The potential adverse effects on the environment that Council is seeking to avoid, remedy, or mitigate include, but are not restricted to, the following:

- (i) address effects on the productive potential of land and especially soils within the District;
- (ii) loss of amenity values including adverse effects on the landscape of the District;
- (iii) adverse effects associated with traffic generation and movement within the District on both the roading network and on adjacent land uses and people;
- (iv) noise effects;
- (v) effects on sites and areas of ecological, heritage, or cultural value, (including the loss of historic and archaeological sites);
- (vi) degradation of water quality, loss of significant habitats for indigenous species and loss of significant indigenous vegetation;
- (vii) effects on the health and safety of people caused by hazardous substances, natural hazards, and other effects;



- (viii) A wide range of activities are provided for as Permitted Activities subject to Performance Standards. Provided that these activities conform to the Performance Standards, any actual or potential adverse effects on the environment should be minor. Subdivisional rules have been developed to reflect and assist in achieving the intended outcomes for the Rural Zone.

In addition to the Planning Objectives stated in Section 3 of the District Plan, and the objectives and policies stated in Part B of the District Plan, all activities in the Rural Zone are subject to the following provisions.

19.2 Objectives

- 19.2.1 Provision made in the Rural Zone for a wide range of activities that do not adversely affect the environment and will allow primary produce to be processed within the District.
- 19.2.2 Protect and conserve the potential of soils in the District for productive rural uses by present and future generations.
- 19.2.3 Conserve the potential of the rural land resource for use by a wide range of rural activities.
- 19.2.4 To enable a range of size of rural properties for primary production activities and rural, non-residential activities to meet the needs of existing and future land users.
- 19.2.5 Minimise potential incompatibilities between activities in rural areas.
- 19.2.6 Protect and enhance those attributes of the District's rural environment that promote the "clean green" image and make it an attractive place in which to live.
- 19.2.7 Avoid locating residential activities that potentially restrict or create conflict with the operations of existing primary production activities and rural based activities, including hydro electric power generation activities.
- 19.2.8 Avoid subdivision that creates a pattern of ribbon development.
- 19.2.9 Avoid subdivision that results in ad hoc residential scale development.
- 19.2.10 Protect subdivision activities from the adverse effects of natural hazards.

19.3 Policies



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- 19.3.1 To provide for a wide range of activities in the Rural Zone including activities which complement the productive activities of the Zone by utilising the primary produce.
- 19.3.2 To encourage land use practices that will enhance environmental quality and the "clean green" image of the District.
- 19.3.3 To control any actual or potential adverse effects on the environment by the use of performance standards for all activities in the Zone.
- 19.3.4 To apply rules for the subdivision of all rural land on a non-discriminatory basis, (i.e. all subdivisions will be assessed on equal terms as opposed to favouring subdivisions for certain activities).
- 19.3.5 To consider all subdivision proposals based on their environmental effects on the resources of the District.
- 19.3.6 To minimise the potential for adverse effects of rural residential living at the interface of the Rural Zone and other Zones.
- 19.3.7 To provide for the better use and management of marginal land by encouraging non-productive based subdivision to occur on such land, i.e. for activities that do not rely on the productive nature of soils.
- 19.3.8 To encourage the legal protection of areas and sites of recognised value to the District and communities (e.g. covenants, heritage order, and inclusion in the Heritage Inventory).
- 19.3.9 To minimise the creation of new entrances to rural lots from State highways and other major traffic routes within the District.
- 19.3.10 To provide for the subdivision of land for uses or activities for which a land use resource consent has been granted by Council.
- 19.3.11 To monitor the effects of Council's objectives, policies and rules based on the following criteria:
- (i) fragmentation of rural land;
 - (ii) loss or degradation of rural landscape or character;
 - (iii) loss or degradation of community valued features, eg sites of ecological, cultural or historic value;
 - (iv) activity conflicts;
 - (v) pressure on roading and other services;
 - (vi) traffic conflicts.



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- 19.3.12 Ensure adequate separation between potentially incompatible residential activities and established primary production activities and rural based industries where noise, odour, glare and or privacy may limit amenity values for new residents.
 - 19.3.13 Adopt a minimum size of 4 hectares for properties to be subdivided for Small Rural Sites to protect the productive capability of the soils, avoid the long term development of rural residential settlement in the rural area, and to minimise incompatibility with established neighbouring rural activities.
 - 19.3.14 Adopt a maximum number of two sites being created for all subdivisions for Small Rural Sites to avoid encouraging the long term demand for rural residential living in the rural area.
 - 19.3.15 Adopt a minimum size of 30 hectares for properties to be subdivided for Rural Sites to protect the productive capability of the soils, avoid the long term development of rural residential settlement in the rural area, and to minimise incompatibility with established neighbouring activities.
 - 19.3.16 Subdivision, use and development in the rural area should not compromise existing natural character, and not provide for sprawling or sporadic residential development and not contribute to or be located in areas affected by natural hazards.
 - 19.3.17 Provide for the subdivision of land for rural residential living in locations specifically zoned for this purpose so as to avoid ad hoc, sprawling or sporadic residential development. .
 - 19.3.18 Have regard to the cumulative adverse effects resulting from the location, scale and density of residential development on the natural character and amenity values of the rural area.

19.4 Methods to Achieve Objectives and Policies

A range of activities have been classified as Permitted, Controlled, or Discretionary based on the actual or potential adverse effects on the environment that could result from each activity.

In addition to the classification of activities and the development of Performance Standards for all activities in the Rural Zone, a range of other methods have been adopted to help achieve the objectives for the Zone. These are:

- (i) Subdivision and developmental requirements (Section 18) which includes performance standards relating to engineering details such as access, roads, water, sewerage and provision of other infrastructure.
- (ii) Good practice design guides, promotional material and public education.



- (iii) Liaison with Environment Waikato to ensure that all activities within the Rural Zone will comply with all Performance Standards and rules in the Waikato Regional Plan regarding discharges and emissions, or timeframes for compliance with Regional Plans as agreed upon.

Subdivision within the Rural Zone will be controlled by rules as detailed in Section 19.10.

19.5 Permitted Activities

The following activities are Permitted in the Rural Zone provided they conform to the Performance Standards specified in Section 19.9.

- (i) Any activity which falls within the definition of "farming activity" as specified in the Definitions Section of this District Plan.
- (ii) Forestry.
- (iii) Dwellinghouses subject to the following restrictions in numbers:

Area of Property	Maximum Number of Dwellings
0 - 4ha	2
>4ha - 50ha	3
>50ha - 70ha	4
>70ha	5

Note: For the purposes of this rule "property" means one Certificate of Title.

- (iv) Accessory buildings (excluding dwelling houses).
- (v) Reserves under the Reserves Act 1977 or the Te Ture Whenua Maori Act 1993 (also known as "The Maori Land Act 1993") and other reserves for nature conservation, scenic and historic purposes.
- (vi) Bee keeping and ancillary activities, including extraction, processing and packaging of honey and associated products.
- (vii) Home occupations.
- (viii) Home Stays for up to 8 persons.
- (ix) Disposal of up to 5,000m³ of cleanfill material deposited on a site in any one year.
- (x) Putaruru Timber Museum located on Pt Lot 6 DP 19039, Pt Lot 1 DP35861, and Lot 1 DPS 5345 and identified on Planning Maps 3 and 4.



- (xi) Kingleith Waste Disposal System located on Pt Lot 2 DP 18970, Pt Lot 2 DP 19831, Pt DP 19832, Pt Lot 1 DP 20269, and Pt Lot 2 DPS 51282 and identified on Planning Map Nos. 10,12,13, and 44.
- (xii) Portable chipping, post preparation or sawmills, all of which are to be used for a limited period (not exceeding 2 months) and using wood grown on the same property.
- (xiii) Veterinary clinics and animal boarding facilities.
- (xiv) Roadside stalls and market places fronting onto roads other than State highways.
- (xv) Golf Courses and related club houses.
- (xvi) Recreation activity, excluding club or commercial outdoor recreation activities involving land based motorsports or firearms.
- (xvii) Marae developments (excluding papakaianga housing developments).
- (xviii) Existing country halls.
- (xix) The spreading of agricultural effluent including dairy factory liquid byproducts and wastes as a fertilizer and/or for irrigation purposes.
- (xx) Residential Storage and Activity.
- (xxi) Information centres and public kiosks promoting the South Waikato District (except where gaining access from a State Highway).

19.6 Controlled Activities

The following activities are Controlled in the Rural Zone provided they conform to the Performance Standards specified in Section 19.9.

- (i) Subdivisions which comply with the Performance Standards contained in Section 19.10 and do not involve the subdivision of property that contains a heritage feature identified in the 'Heritage Inventory Record Form' in Appendix B.
- (ii) Structures which meet the performance standards specified in Section 19.9 except as follows:
 - a. Side and rear yards may be reduced to 0 metres with the written consent of the adjoining property owner(s) sharing the relevant boundary. Site elevation plans must be signed by the owners giving their written consent.

The criteria contained in Section 5 (Administration) and Section 18 (Subdivision and Development) of the District Plan shall be used when considering a resource consent application for a Controlled Activity in the Rural Zone.



19.7 Discretionary Activities

The following Activities are Discretionary in the Rural Zone.

- (i) Any activity listed as a Permitted Activity in Section 19.5 that does not conform to the Performance Standards in Section 19.9 for the Rural Zone.
- (ii) Subdivisions which do not comply with the Performance Standards contained in Section 19.10, except as provided by Rule 19.10.3.
- (iii) The subdivision of property that contains a heritage feature identified in the 'Heritage Inventory Record Form' in Appendix B.
- (iv) Intensive animal farming.
- (v) Club or group outdoor recreation activities including motorsports, firearms and organised sport.
- (vi) Service stations.
- (vii) Licensed premises.
- (viii) Roadside stalls and market places fronting onto State highways.
- (ix) Papakaianga housing.
- (x) Agricultural contractors' depots.
- (xi) Country stores.
- (xii) Any industry which is ancillary to farming or forestry of any kind, including premises used for the manufacture of milk products, abattoirs, timber processing, stock yards and sale yards.
- (xiii) Mining and quarrying.
- (xiv) Disposal of more than 5,000m³ of cleanfill material deposited on a site in any one year.
- (xv) Home Stays for more than 8 persons.
- (xvi) Tourism Developments
- (xvii) Information Centres and Public Kiosks promoting the South Waikato District where gaining access from a State Highway.

Resource consent applications for Discretionary Activities in the Rural Zone will be assessed according to the Performance Standards in Section 19.9 and the criteria contained in Section 5 (Administration) of the District Plan.

19.8 Non-complying Activities



Activities that are not Permitted, Controlled, or Discretionary will be Non-complying and assessed according to the Performance Standards in Section 19.9 and the criteria contained in Section 5 (Administration) of the District Plan.

Non-residential storage and activity is a Non-Complying Activity in the Rural Zone.

19.9 Performance Standards for all Activities

To avoid, remedy or mitigate any actual or potential adverse effect on the environment, the following Performance Standards are required to be met for Permitted and Controlled Activities, and used as a guide for assessing Discretionary and Non-complying Activities.

19.9.1 Landscape and Amenity Values

All buildings shall conform to the following bulk and location requirements to minimise any adverse effects on the landscape or amenity values of the Rural Zone.

19.9.1.1 Yard Requirements For Site Development

Minimum Yard Requirement	Residential and Associated Accessory Buildings	All Other Buildings and Structures	Buildings Housing Animals
Front Yards	15 metres	15 metres	50 metres
Side Yards	3 metres	15 metres	50 metres
Rear Yards	3 metres	15 metres	50 metres

19.9.1.2 Coverage

5% maximum coverage for all permitted buildings provided that this figure can be increased to 10% for Certificates of Title of 1 hectare or less.

There shall be at least 2,500m² surrounding and including each dwelling house on a site.

19.9.1.3 Height

Maximum Height - 10 metres.



Note: No building, structure, mast, tree or other object shall penetrate any of the approach/departure slopes, transitional side slopes or horizontal surface as shown on Planning Map No 45. Where the ground rises so that it penetrates or becomes close to the approach/departure slopes or transitional side slopes then these slopes may be adjusted in conformity with the contours of the ground so as to provide a vertical clearance of 10m above ground level.

19.9.1.4 **Separation**

Minimum distance of 5 metres between dwellings.

19.9.1.5 **Deleted** (by Plan Change 15 – effective 17/05/06)

19.9.1.6 **Home Occupations**

19.6.1.6.1 Home occupations as defined in the definitions section on lots less than or equal to 4 hectares in the Rural Zone shall comply with the following performance standards:

- (i) The activity shall not generate more than 2 heavy vehicle movements per day (i.e. One heavy vehicle visit per day) and any heavy vehicle movements shall be between the hours of 7.00am and 7.00pm, and
- (ii) No more than four full time equivalent persons in total shall be engaged in the commercial activity on the site, and at least one of the four persons must be living permanently on the site and be the principal operator of the home occupation activity (i.e. no person shall establish a home occupation on another person's site).

19.6.1.6.2 Home occupations as defined in the definitions section on lots greater than 4 hectares shall comply with the following performance standards in the Rural Zone:

- (i) No more than eight full time equivalent persons in total shall be engaged in the total commercial activity on the site, and at least one of the eight persons must be living permanently on the site and be the principal operator of the home occupation activity (i.e. No person shall establish a home occupation on another person's site).

Note: there is no restriction on the number or hours of operation for heavy vehicle movements included in the total number of vehicle movements for lots greater than four hectares.”



19.9.2 **Part B : District Wide Planning Provisions**

Every activity undertaken in the Rural Zone is required as a Performance Standard to comply with the rules detailed in Part B of the District Plan.

The following table provides a guide to the sections in Part B of the District Plan and reference should be made to the particular sections of Part B that are relevant to the activity.

Section	Resource Management Issue/Potential Effect
5	Administration
6	Tangata Whenua
7	Water
8	Air Quality
9	Transportation
10	Public Works and Network Utilities
11	Natural Hazards
12	Landscape and Amenity Values
13	Solid Waste Management
14	Noise
15	Heritage and Ecological Protection
16	Signs
17	Hazardous Substances
18	Subdivision and Development

19.9.3 **Spreading of Agricultural Effluent**

Spreading of agricultural effluent shall be undertaken in accordance with all requirements of Environment Waikato and shall not be undertaken within 50 metres of a dwelling house or a property boundary; within 20 metres of any river, stream, or lake.

19.10 Subdivision

In addition to the provisions of Section 18 (Subdivision and Development) all subdivisions in the Rural Zone shall comply with the following Performance Standards.



19.10.1 **Rural Sites**

Site Area

- (i) Minimum - 2500m² (exclusive of accessways)
- (ii) Average site area per subdivision - at least 10 ha including the balance area.

Number of Sites

The maximum number of sites per subdivision application created (including the balance area) under this rule shall be 3 (i.e. 2 additional). The minimum area required for a subdivision under this Rule is 30 hectares.

19.10.2 **Small Rural Sites (including lifestyle blocks)**

Site area

- (i) Minimum - 2500m²(exclusive of accessways)
- (ii) Average site area per subdivision - at least 2 ha

Number of Sites

The maximum number of sites per subdivision application created (including the balance area) under this rule shall be 2 (i.e. one additional). The minimum area required for a subdivision under this Rule is 4 hectares.

19.10.3 Failure to meet any of the following standards shall require the subdivision to be considered as a Non-Complying Activity:

- Minimum site area prior to subdivision - 30 hectares under Rule 19.10.1;
- Minimum site area prior to subdivision - 4 hectares under Rule 19.10.2
- Creation of an additional number of sites greater than permitted under Rule 19.10. 1 or Rule 19.10.2

In all other circumstances where the standards are not met, then an application is a Discretionary Activity.

Assessment Criteria to consider where performance standards are departed from for subdivision for 'Rural Sites' under Rule 19.10.1 and 'Small Rural Sites' under Rule 19.10.2 either as a Discretionary Activity or Non-Complying Activity:



1. The site is no longer capable of a primary production activity or an ancillary 'rural' use;
2. The balance area provides for the continued operation of primary production activities;
3. The use of land is unlikely to result in significant changes to the physical character of the local area and the productive capability of the land resource;
4. The site boundaries and topography constrain effective land management for primary production purposes and other permitted activities in the Rural Zone;
5. The subdivision does not lead to, or result in an expectation that the site or locality will require provision of public infrastructure services (water supply, stormwater disposal, sewerage treatment, extension to the public road network) in the foreseeable future;
6. The subdivision does not reduce the versatility of the land and soil resource in the Rural Zone.
7. The subdivision does not lead to the location of impractical, unsafe accessways and any adverse effects on the local road or State highway safety or function, or any adverse effects on rail safety or function;
8. The subdivision does provide for the effective management of reverse sensitivity issues, including those associated with the rail network, through buffers, set backs internally, or new dwellings being designed and constructed to meet internal sound levels of AS/NZ 2017:2000 (where dwellings are to be constructed within 80 metres of a State highway in a 100km/h zone or 40 metres of a State highway in a 50km/h zone).
9. The subdivision does protect archaeological, cultural or historic sites of a national, regional or district significance;
10. The extent to which subdivision design avoids the creation of ribbon development along a public road; and
11. Matters referred to in section 106 Resource Management Act 1991.
12. The extent to which the objectives and policies of the Zone are met and promoted;
13. Whether the subdivision and development can occur without generating adverse effects, including cumulative effects, on the functioning, character and amenity of the area, adjoining land uses and adjoining Zones
14. The outcome of any consultation with potentially affected persons;
15. The extent to which structures, earthworks, drainage or vegetation clearance would affect ecological, landscape or landform values of the area, or natural character of the margins of lakes and rivers, the risks of land instability, erosion or inundation, and revegetation measures;
16. The extent to which an adequate setback can be provided for a building platform so as to not compromise the consented hydro-electric generation activities on the Waikato River.

19.10.4 Physically Separated Sites



Sites may also be created by subdividing an existing site where each proposed site is totally separated from any other site within the subdivision by:

- (i) a permanent watercourse not less than 3 metres in width,
- (ii) a State highway or an existing legal public road currently maintained by Council or formed to Council's standard as specified in Section 18,
- (iii) a railway, or
- (iv) a severe or substantial landform feature such as a cliff, ravine or the like,
- (v) Lot size minimum - 2500m².

19.10.5 **Environmental Protection Sites**

- (i) Activity status - subdivision under this rule shall be a Discretionary Activity.
- (ii) The purpose of this subdivision is to permit the creation of separate sites around features of value to the community and for which legal protection of the feature will be created. Protection shall be by way of a memorandum of encumbrance, consent notice, or covenant, or other legal instrument that will be registered on the Certificate of Title of the land concerned (unless Council resolves otherwise). Such instrument shall run with the title of the land in perpetuity. All costs associated with compliance with this requirement shall be met by the applicant.
- (iii) Sites for residential purposes may be created in conjunction with the legal protection in perpetuity for natural features of value to the community.
- (iv) Natural features of value means
 - a. Areas of native bush.
 - b. Lakes, wetlands, waterways, and other ecologically or scientifically valuable features.
 - c. Areas, sites, and structures of archaeological, historical or cultural significance.
 - d. Significant landscape features.
- (v) The applicant shall submit with the subdivision application a certificate from an appropriately qualified independent person that the feature in question is of such significance to the



community as to warrant its preservation in the public interest.

This certification is to be accompanied by a report prepared by the certifier detailing the attributes of the feature recommended for preservation and including any protective or enhancement measures necessary to ensure its maintenance or preservation.

(vi) **Site Area**

Where sites are being created for residential purposes around a natural feature of value to the community the following shall apply:

- a. *Minimum Area* - every residential site shall have a minimum area of 2500m² exclusive of the feature being protected and need not be included nor be contiguous with the feature itself. Such areas shall comply with Section 18 (Subdivision and Development).
- b. *Number of Sites* - 1 site for every separate feature type to be protected provided that where the feature type concerned covers an area of 20ha or more, one site per 10ha of feature may be permitted.
- c. *Balance Area* - the balance of the land being subdivided shall contain an area of at least 2500m² and shall comply with the provisions of Section 18 (Subdivision and Development).

These rules shall be read in conjunction with the provisions of Section 15 (Heritage and Ecological Protection) and Section 18 (Subdivision and Development).

19.10.6 **Sites for Other Uses**

- (i) Sites may be created to accommodate:
 - a. An existing or proposed use which is a Permitted Activity or for which a resource consent has been granted; or
 - b. An existing use in terms of Section 10 of the Act.
- (ii) The balance of the land being subdivided shall comprise an area of at least 2500m². This area shall comply with the provisions of Section 18 (Subdivision and Development).

19.10.7 **Boundary Adjustment**



The boundaries between land comprised in existing Certificates of Title may be adjusted in providing all resulting sites comply with the Performance Standards (e.g. site area) for the zone.

19.11 Principal Reasons

Rural areas comprise the majority of the land in the South Waikato District. The District Plan has made adequate provision for a wide range of activities in the Rural Zone, while ensuring that any resultant adverse effects on the environment are contained within acceptable limits.

19.12 Anticipated Environmental Results

The intended outcome in the Rural Zone is to encourage a wide range of rural activities, while retaining high levels of amenity values, and encouraging the sustainable management of these activities to avoid, remedy or mitigate adverse effects on the environment.