

29 Rural Residential Zone

29.1 Zone Statement

The Rural Residential Zone provides an opportunity for people to live in a rural environment but to have little or no involvement in primary production. Rural residential areas are provided in selected locations which have been identified as suitable for the establishment of rural 'lifestyle' type living. These locations have also been selected to ensure that the potential loss of options for productive use of rural land is limited, and without the potential for conflict that can occur between rural 'lifestyle' and production activities. This enables the balance of the rural land resource to be retained for production purposes in the future. This approach contributes to meeting the 'lifestyle' component of the rural and urban property market in the district.

The locations for rural residential activity are predominantly adjacent to the three main settlements of Tokoroa, Tirau and Putāruru, along with several locations near Council reserves adjacent to the Waikato River. In such riverside localities however the land may be subject to inundation and erosion hazards, and may also comprise land managed for hydroelectric power generation. Buildings and developments adjacent to the Waikato River also have the potential to compromise extensions of the Waikato River Trails. Building platforms therefore need to be sited and set back with care from river margins and hydro operating easement boundaries.

Some of the identified rural residential locations are within identified significant natural areas, or identified outstanding or significant amenity landscapes. They also have areas of indigenous biodiversity, and ecosystems with values that should be recognised and provided for. Provisions have been included to recognise and protect the significant natural areas and landscape values of these areas, with a focus on the location and design of dwellings. These provisions will also assist toward achieving the Vision and Strategy for the Waikato River.

A Development Concept Plan is required to accompany any application for a rural residential subdivision. The concept plan shall demonstrate the overall compatibility of the present subdivision with possible future development of the property, including provision of infrastructure services, stormwater management, and connectivity with the road network.

29.2 Anticipated Environmental Results

The Rural Residential Zone is intended to achieve the following anticipated environmental results:

- Patterns of subdivision that cluster residential living environments into the overall character of the rural landscape
- Rural residential living environments in a predominantly rural area that accommodate the existing amenity values and the operation of established rural activities
- Defined rural residential living environments adjacent to Council reserves that do not detract from the natural, landscape and ecological values of the riparian margins of the Waikato River and give effect to the Vision and Strategy for the Waikato River
- Infrastructure services are provided by property owners in a manner that promotes the sustainable management of resources
- The lawful operation of existing rural land uses and network utilities are not constrained by the introduction of new rural-residential land uses in the locality.
- Buildings and structures are set back from waterways a sufficient distance to avoid natural hazards and modification of waterways and riparian margins, to preserve natural character and to give effect to the Vision and Strategy for the Waikato River.

The Rural Residential Zone is a method to implement the objectives and policies contained within Chapter 5 Objectives and Policies for the District's Rural Areas. Chapter 6 Objectives and Policies for Managing the District's Natural and Landscape Values is also relevant if the particular location is within an identified landscape shown on the planning maps or includes a significant natural area.

29.3 Activities

29.3.1 Permitted Activities

The following are Permitted Activities in the Rural Residential Zone provided they comply with the Performance Standards set out in Rule 29.4 below.

- a) Farming
- b) Forestry
- c) One dwelling per site, except in the Lake Arapuni, Horahora Road (Lot 1 DPS 21946) and Horahora Road north areas as defined on the planning maps
- d) Accessory buildings, except in the Lake Arapuni, Horahora Road (Lot 1 DPS 21946) and Horahora Road north areas
- e) Recreation and sporting activities on parks and reserves
- f) Pedestrian tracks and cycleways and associated facilities such as seating, tables and toilets
- g) Home occupations
- h) Visitor accommodation, except in the Lake Arapuni, Horahora Road (Lot 1 DPS 21946) and Horahora Road north areas
- i) Education and childcare facilities
- j) Carparks
- k) The storage, treatment, piping and spreading of agricultural effluent
- l) Disposal of up to 5,000m³ of cleanfill material (sourced from another site) deposited on a site in any one year, except within a significant natural area identified in Appendix E, or within an outstanding or significant amenity landscape
- la) Emergency Service Facilities
- lb) Relocatable buildings
- m) Modifications to a Built Heritage Feature identified as permitted in the relevant Heritage Inventory Record form in Appendix B
- n) Minor works on a built heritage feature listed in Appendix B
- o) Any change of activity otherwise permitted on the site which is unrelated to the purpose for which the built heritage feature was scheduled and which does not detract from the values for which it was scheduled
- p) Clearance of indigenous vegetation, land disturbance and drainage that is a permitted activity under Rule 14.4.1.

29.3.2 Controlled Activities

The following are controlled activities in the Rural Residential Zone provided they comply with the Performance Standards set out in Rule 29.4 below:

- a) One dwelling per site in the Lake Arapuni, Horahora Road (Lot 1 DPS 21946) and Horahora Road north areas as defined on the planning maps
- b) Accessory buildings in the Lake Arapuni, Horahora Road (Lot 1 DPS 21946) and Horahora Road north areas
- c) Visitor accommodation in the Lake Arapuni, Horahora Road (Lot 1 DPS 21946) and Horahora Road north areas
- d) Marae development and papakāinga.

- e) Internal alterations on buildings with identified interiors in Appendix B: Built Heritage Inventory, necessary for the primary purpose of improving structural performance, fire safety or physical access.
- f) External alterations to buildings identified in Appendix B: Built Heritage Inventory, necessary for the primary purpose of improving structural performance, fire safety or physical access.
- g) Clearance of indigenous vegetation, land disturbance and drainage that is a controlled activity under Rule 14.4.2.

The specific matters where control is reserved are identified in Rules 8.3.1a) to c) and i) and shall be used when considering a resource consent application for a controlled activity in the Rural Residential Zone.

29.3.3 Restricted Discretionary Activities

The following are restricted discretionary activities in the Rural Residential Zone:

- a) Any activity listed in Rule 29.3.1 or Rule 29.3.2 that does not conform to the Performance Standards in Rule 29.4
- b) Any building that does not conform to the building setbacks in Rule 29.4.2, subject to an application providing a geotechnical assessment to assess potential erosion and instability threats for those identified building sites.
- c) Clearance of indigenous vegetation, land disturbance and drainage that is a controlled activity under Rule 14.4.3.

The specific matters where discretion is reserved are identified in Rules 8.3.3 and 8.3.4 and shall be used when considering a resource consent application for a restricted discretionary activity in the Rural Residential Zone.

29.3.4 Discretionary Activities

Activities that are not permitted, controlled, restricted discretionary or non-complying will be discretionary activities in the Rural Residential Zone.

The following are also discretionary activities in the Rural Residential Zone:

- a) More than one dwelling per site
- b) Veterinary services
- c) Animal boarding facilities
- d) Craft workshops and studios
- e) Places of assembly
- f) Modifications to a Built Heritage Feature identified as discretionary in the relevant Heritage Inventory Record form in Appendix B excluding alterations necessary for the primary purpose of improving structural performance, fire safety or physical access.

The assessment criteria contained in Rule 8.4 shall be used when considering a resource consent application for a Discretionary Activity in the Rural Residential Zone, with the Performance Standards in Rule 29.4 used as a guide for assessment purposes.

29.3.5 Non-Complying Activities

The following are Non-complying Activities in the Rural Residential Zone:

- a) Intensive farming
- b) Mineral exploration, mining and quarrying
- c) Any industry which is ancillary to farming or forestry, including premises used for the manufacture of milk products, abattoirs, timber processing, stock yards and sale yards
- d) Outdoor storage

- e) Any building that does not comply with the requirement for a geotechnical assessment under Rule 29.3.3b)
- f) Within the National Grid Yard:
 - i) Any building or addition to a building for a sensitive activity
 - ii) Any change of use to a sensitive activity or the establishment of a new sensitive activity
 - iii) Any building, structure or earthworks not permitted by Rule 29.4.2 d) or da).
- g) Clearance of indigenous vegetation, land disturbance and drainage that is a non-complying activity under Rule 14.4.4.
- h) Modifications to, or demolition of, a Built Heritage Feature identified as non-complying in the relevant Heritage Inventory Form in Appendix B.

The objectives and policies contained within Chapter 5 Objectives and Policies for the District's Rural Areas shall be used when considering a resource consent application for a non-complying activity in the Rural Residential Zone, with the Performance Standards in Rule 29.4 used as a guide for assessment purposes.

29.4 Performance Standards

The following Performance Standards apply to all activities specified in Rule 29.3.1 (Permitted Activities) or Rule 29.3.2 (Controlled Activities), and to restricted discretionary activities in the zone if granted. Failure to comply with one or more of the performance standards results in that activity being a restricted discretionary activity.

29.4.1 Building Setbacks from Boundaries

- a) The minimum building setback requirements for dwellings and accessory buildings are:
 - i) 10 metres from the front boundary
 - ii) 5 metres from side and rear boundaries
- b) All buildings housing animals must be set back at least 25 metres from any property boundary, excluding a road boundary
- c) The minimum building setback requirements for all other buildings are 10 metres from all boundaries.

29.4.2 Other Building Setbacks, and Earthworks

- a) All buildings must be setback at least 25 metres from the top of the bank of the Waikato River, and from hydro-electric power operating easements at least 25 metres
- b) All buildings must be set back at least 20 metres from:
 - i) the bed of any river or lake
 - ii) the edge of any wetland with an area greater than 0.5 hectares

ADVISORY NOTE: The Waikato Regional Plan should also be consulted to ensure that there are no additional resource consents required from the Regional Council for structures within or in close proximity to waterways, or the modification of waterways.

- c) Within any part of a National Grid Yard:
 - i) Under the National Grid Conductors (wires)
 - a) All buildings and structures within any part of the National Grid Yard must:

- If they are for a sensitive activity, not involve an increase in the building height or footprint where alterations and additions to existing buildings occur, or
 - be a fence, or
 - be Network Utilities within a transport corridor or any part of electricity infrastructure that connects to the National Grid, or
 - be an uninhabitable farm building or structure for farming activities (but not a milking/dairy shed, or intensive farm building (excluding ancillary structures)), or
 - be an uninhabited horticultural building or structure, or
 - be an official sign, and
- b) All buildings or structures permitted by a) above, must comply with at least one of the following conditions:
- A minimum vertical clearance of 10m below the lowest point of the conductor associated with a National Grid transmission line, or
 - Demonstrate that safe electrical clearance distances are maintained under all transmission line operating conditions as required by NZECP34.
- ii) Activities around National Grid support structures
- a) Buildings and structures shall be at least 12m from a National Grid support structure unless it is a:
- Network Utility within a transport corridor or any part of electricity infrastructure that connects to the National Grid
 - Fence less than 2.5m in height and more than 5m from the nearest support structure.
 - Horticultural Structure between 8m and 12m from a single pole support structure that:
 - meets the requirements of the New Zealand Electrical Code Of Practice for Electrical Safe Distances for separation distances from the conductor (NZECP34:2001);
 - is no more than 2.5m high
 - is removable or temporary, to allow a clear working space 12 metres from the pole when necessary for maintenance and emergency repair purposes; and
 - allow all weather access to the pole and a sufficient area for maintenance equipment, including a crane.
- iii) Any earthworks within a National Grid Yard shall:
- a) Around Poles
- i) Be no deeper than 300mm within 2.2 metres of a National Grid pole support structure or stay wire; and
 - ii) Be no deeper than 750mm between 2.2 to 5 metres from a National Grid 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 (i) and (ii) above
- b) Around Towers
- iii) Be no deeper than 300mm within 6 metres of the outer visible edge of a National Grid tower support structure; and
 - iv) Be no deeper than 3 metres between 6 to 12 metres from the outer visible edge of a National Grid tower support structure.
- c) Anywhere within the National Grid Yard
- v) Shall not create an unstable batter that will affect a National Grid support structure; and/or

- vi) Shall not result in a reduction in the ground to conductor clearance distances as required by table four of NZECP34:2001.

Provided that

- 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 (including a farm track), footpath or driveway.

are exempt from (i) to (iv) above

ADVISORY NOTES: Works close to any electricity line can be dangerous. Compliance with NZCEP34:2001 is mandatory for all buildings, earthworks and mobile plant within close for Safe Distances proximity to all electric lines.

Vegetation to be planted within the transmission or sub-transmission corridors should be selected and/or managed so that it does not breach the Electricity (Hazards from Trees) Regulations 2003. To discuss works, including tree planting, near any electrical line, contact the line operator.

- d) Vegetation damage, earthworks, and mechanical cultivation shall not be carried out within 10 metres of the edge of a wetland or lake, or within the riparian setback to the banks of a nominated river or stream listed in Table 1 of Rule 29.4.12.

29.4.3 Site Coverage

- a) The maximum amount of the site which can be covered by buildings is 10%

Note: The maximum site coverage for Emergency Service Facilities is 50%

- b) The maximum floor area of any building is 500m².

29.4.4 Height

- a) Maximum Building Height - 8 metres

Note: The maximum height for Emergency Service Facilities is 15m

- b) Maximum Height in Relation to Boundary - No part of any building shall protrude through a plane rising at an angle of 45 degrees commencing at an elevation of 3 metres measured at the boundary
- c) No building, structure, mast, tree or other object shall penetrate any of the Tokoroa Airport approach/departure slopes, transitional side slopes or horizontal surface as shown on Planning Map No 44. 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.

29.4.5 Building Materials and Reflectivity

Cladding materials and paint colours on all buildings shall not exceed a reflectivity value of 40% when applying British Standard 5252:1976. Roof cladding shall be a minimum of 5% darker than the walls and other vertical claddings.

29.4.6 Scale of Activity

- a) Visitor accommodation shall provide services for no more than 8 persons at any one time (excluding staff) per site

- b) Education and childcare facilities shall provide services for no more than 8 persons at any one time (excluding staff) per site
- c) No new direct vehicle accesses onto the state highway shall be created

29.4.7 Noise Vibration and Glare

Noise, vibration and glare from any activity in the zone shall comply with the provisions of Chapter 15.

29.4.8 Parking, Loading and Access

Provision of on-site car parking, loading spaces and vehicular access shall be in accordance with Chapter 11 Parking, Loading and Access.

29.4.9 Dust and Silt Control

- a) There shall be no dust nuisance beyond the boundary of the site from which the dust is sourced. A dust nuisance will occur if there is visible evidence of suspended solids in the air beyond the boundary of the site; and/or there is visible evidence of suspended solids traceable from a dust source settling on the ground, building or structure on a neighbouring site or water.
- b) All silt shall be contained within the site it is sourced, and any stockpiles of loose material shall be contained or maintained in such a manner to prevent dispersal of material into the air.

29.4.10 Hazardous Substances

Storage or use of hazardous substances shall comply with Appendix G (Hazardous Substances).

29.4.11 Natural Hazards

- a) The floor level of any habitable building shall be at least 0.5 metres above the 1% design flood level.

29.4.12 Riparian Management

- a) Vegetation damage, earthworks, and mechanical cultivation shall not be carried out within 10 metres of the edge of a wetland or lake greater than 0.5 hectares, or within the riparian setback to the banks of a nominated river or stream, listed in Table 1, except for the following purpose:
 - i) Required for the removal or control of pest plants;
 - ii) Consequential damage to vegetation as a result of harvesting adjacent production trees;
 - iii) Necessary as part of the maintenance of lawfully established roads, tracks, earth dams, structures, or fences, all provided the clearance is within 2 metres of the road, track, earth dam, structure or fence;
 - iv) Necessary to protect, maintain or upgrade hydro-electric power generating infrastructure, or to prevent or remedy erosion that may adversely affect the operation of hydro-electric power generating infrastructure;
 - v) Required for construction of fencing for conservation purposes to exclude stock or pest animals;
 - vi) Removal of vegetation that endangers human life or existing structures, or that poses a risk to the integrity of, the safe use of, or access to existing network utilities.
- b) Farming shall also comply with the following standards:

- i) Stock water shall be provided from a reticulated system on-farm
- ii) In the following nominated catchments properties adjacent to or with boundaries to the rivers and streams listed in Table 1 below also shall comply with the following performance standards:
 - Stock proofing fencing shall be constructed on stable ground and no closer than the riparian setback to the banks of a nominated river or stream;
 - Tracks, accessways and races shall not be constructed closer than the riparian setback to the banks of a nominated river or stream;

Table 1:

Map Identification No.	Catchment	River or Stream	Riparian Setback (metres from edge of waterbody (river, perennial stream excluding a wetland))
	Waikato River	Main stem Waikato River	20 metres
		Large Streams	10 metres
1	Waiomou	Kakahu Stream	10 metres
2	Waiomou	Waiomou Stream	10 metres
3	Waihou	Waimakariri Stream	10 metres
4	Waihou	Waihou River	10 metres
5	Oraka	Mangatapu Stream	10 metres
6	Oraka	Mangakotaha/Waione Stream	10 metres
7	Oraka	Oraka Stream	10 metres
8	Pokaiwhenua	Ngutuwera Stream	10 metres
9	Pokaiwhenua	Pokaiwhenua Stream	10 metres
10	Pokaiwhenua	Whakauru Stream	10 metres
11	Pokaiwhenua	Matarawa Stream	10 metres
12	Pokaiwhenua	Waioraka Stream	10 metres
13	Waipa	Raparahi Stream	10 metres
14	Kopakorahi	Kopakorahi Stream	10 metres
15	Central Maraetai	Unnamed	10 metres
16	Opareiti	Oparaeiti Stream	10 metres
17	Mangaharakeke	Matakatau Stream	10 metres
18	Whangapoa	Rahopakapaka Stream	10 metres
19	Whangapoa	Matahana Stream	10 metres
		Small Streams	5 metres

ADVISORY NOTE:

'Large streams' in the South Waikato District comprise streams with stream order classifications of 4 (four) or larger in the NIWA River Environment Classification.

'Small Streams' in the South Waikato District comprise all perennial streams with a stream order classification of 3 (three) or smaller in the NIWA River Environment Classification, excluding the Waikato River and 'Large Streams' as defined above.

Refer to Chapter 9 for relevant definitions.

A map showing these streams is attached as Appendix J. Large Stream names are given, and the GPS coordinates for the upper location of the stream order classification. Stream numbers used in the table are also used on the relevant map.

- c) Forestry shall comply with the following performance standard:
 - i) forestry shall be planted no closer than 5 metres from any perennial river or stream.

29.4.13 Spreading of Agricultural Effluent

Storage, treatment, piping and spreading of agricultural effluent including dairy factory liquid by-products and wastes as a fertiliser and/or for irrigation purposes, shall not be undertaken within 50 metres of a dwelling or property boundary, or within 20 metres of the edge of a waterbody (wetlands, or the banks of any river, stream or lake). This rule does not apply to spreading dry manure or fertiliser.

29.4.14 Signage

- a) One free-standing double-sided sign or sign that is attached to a building per property is permitted
- b) No sign shall exceed 3m² in area, with no dimension being greater than 2 metres, and be no more than 2 metres in height above the adjacent ground level
- c) The sign must advertise the name of a business located on the property or otherwise relate to an activity located on the property
- d) Information and promotional signs erected by the Council, and official signs are permitted. Such signs need not comply with a) to c) above
- e) In a speed environment of 70km/h and over, a sign must not incorporate reflective materials, flashing illumination, aerial display, animated display, moving display or any other non-static two or three dimensional mechanism designed to catch attention.
- f) Signs shall not detrimentally affect traffic safety by creating a visual obstruction or by causing confusion to motorists.
 - i) A sign must not mimic the design, wording, graphics, shape or colour of an official traffic sign
 - ii) A sign may not prevent the driver of a vehicle from having a clear and unobstructed view of official traffic signs or signals, approaching or merging traffic or any corner, bend, intersection or vehicle crossing.
- g) The owner of a sign shall be responsible for ensuring that it is well maintained
- h) The minimum lettering size and maximum number of words on signs shall meet the standards in Rules 12.4.3 e) to g).
- i) Signage on the Built Heritage Features listed in the inventory in Appendix B and on the sites where those features are located shall comply with Rule B1 of Appendix B: Built Heritage Inventory.

29.4.15 Permitted Activity Performance Standards for Relocatable Buildings

- a) Any relocatable building intended for use as a dwelling (excluding previously used garages and accessory buildings) must have been designed, built and used as a dwelling.
- b) A building pre-inspection report by an independent Licenced Building Practitioner (design) or building surveyor shall accompany the application for a building consent for the destination site prior to relocation. That report is to identify:

- i) All reinstatement works that are to be completed to the exterior of the building, and
 - ii) Proposed insulation to meet Clause H1 (energy efficiency) of the New Zealand Building Code (for Zone 2) for underfloor and ceiling insulation (compliance is to be ascertained in accordance with the compliance document for the New Zealand Building Code, Clause H1 Energy Efficiency - third edition, or any equivalent solution.)
- c) The building shall be located on permanent foundations approved by building consent, no later than 2 months of the building being moved to the site.
- d) All other reinstatement work and insulation required by the building inspection report and the building consent to reinstate the exterior of any relocatable dwelling shall be completed within 12 months of the building being delivered to the site. Reinstatement work is to include connections to all infrastructure services, and closing in and ventilation of the foundations.
- e) The proposed owner of the relocatable building must certify to the Council that all reinstatement work will be completed within the 12 month period of the building being delivered to the site.

29.4.16 Landscape Values

Activities involving works within outstanding natural landscapes, outstanding natural features or significant amenity landscapes as shown on the planning maps, shall comply with Rule 14.3.

29.5 Other Rules

The following chapters may also be relevant:

- Chapter 10 (Subdivision) in respect of the subdivision of land
- Chapter 12 (Temporary Activities) in respect of events, temporary structures and temporary signage
- Chapter 13 (Network Utilities and Infrastructure) in respect of construction and maintenance of network utility structures
- Chapter 16 (Activities on the Surface of the Water) in respect of activities on lakes and rivers