

36.0 Rural Zones One and Two

36.1 Permitted Activities

The following activities shall be permitted without a resource consent where together with any relevant definition they conform to the conditions for Permitted Activities as well as the general rules:

- Abrasive blasting;
- Application of Agrichemicals;
- Clean fill, offal pits and rural rubbish disposal sites;
- Commercial forestry in Rural Zone Two;
- Community and recreational activities carried out on existing school sites;
- Cultivation;
- Discharges as specified in Rule 36.1.7;
- Erection of buildings provided that only one dwellinghouse per allotment is allowed as a Permitted Activity;
- Excavation;
- Farm airstrips and helipads;
- Farming;
- Hazardous facilities with an effects ratio no greater than 0.2;
- Home occupations;
- Homestay limited to not more than five visitors;
- Land disturbance;
- Marae and marae based activities on specifically identified sites;
- Parks, reserves;
- Pest management carried out in accordance with a national or regional pest management strategy;
- Racing stables, boarding kennels, catteries and buildings accessory thereto;
- River control and drainage, and road works;
- The keeping of domestic livestock;
- Vegetation clearance; and
- Woodlot, conservation and protection forestry.

Conditions for Permitted Activities

36.1.1 Infrastructure and Services

36.1.1.1 Parking

Vehicle parking shall be provided in the following circumstances:

- a) Any lot used to provide for a dwelling as a Permitted Activity shall contain at least one off road vehicle parking space formed and with an all weather surface, except where the work necessary to provide such a space would require a resource consent. Such a space should be located on the lot so that vehicle access may be achieved in a manner that does not detract from the safe and efficient operation of any road; or

- b) Any other activity shall provide for at least one car parking space per 50m² of gross floor area of the building devoted to that activity. All such car parking spaces should be located on the lot containing the activity so that vehicle access may be achieved in a manner that does not detract from the safe and efficient operation of any road.

36.1.1.1.2 Provided that any lot served entirely by boat or air access shall be exempt from parking requirements.

36.1.1.2 Vehicle Access

Any driveway formed on a lot for a Permitted Activity shall not exceed a gradient of 1:6.

36.1.1.3 Traffic Generation

No activity may cause any adverse effect on the capacity of the adjoining road network as a result of traffic generation associated with the activity.

36.1.2 Amenities

36.1.2.1 Height

The maximum permitted height of any building shall be 10 metres.

36.1.2.2 Fire Safety Setback

Residential Units and accessory buildings shall be set back at least 35 metres from existing commercial forestry.

36.1.2.3 Daylight Control - Applicable to Lots Less than 4,000m²

36.1.2.3.1 No part of any building shall exceed a height equal to the recession plane angle determined by the application of Figure 25.2 and 25.3 of the Definitions Section. To determine the maximum permitted height in relation to boundaries on the lot the diagram in Figure 25.2 (Recession Plane Indicator) must be viewed within the lot, and orientated north. The angle of inclination relative to a particular boundary is determined by the angle on the diagram in Figure 25.3 adjacent to that boundary.

36.1.2.3.2 Except as provided elsewhere in the Plan, where a lot boundary abuts the street or road no part of any building should exceed a height limit imposed by a line drawn at an angle of 55° from the horizontal and originating and drawn at right angles from a point 2 metres above the boundary of the lot where it abuts the street or road.

36.1.2.4 Yards - Applicable to Lots Greater than 4,000m²

- Front yard minimum depth requirement 8 metres.
- Rear yard minimum depth requirement 8 metres.
- Side yard minimum depth requirement 5 metres.

Except that:

- Where the lot adjoins the Coastal Marine Zone 20 metres
- Where the yard adjoins the bank of any permanently flowing river 8 metres

36.1.2.5 Site Coverage

Not more than 15% of the area of the site may be covered by permanent buildings, provided that greenhouses utilising the soils of the site are exempted from the site limitation.

36.1.2.6 Gross Dwelling Area

The gross dwelling area of any dwelling located or to be located on a lot of less than 4,000m² shall not exceed 10% of the area of the lot on which it is located.

36.1.3 Conservation, Amenity and Heritage

36.1.3.1 Heritage

Refer to Rules on Heritage. (Refer to General Rules).

36.1.3.2 Protection of Sites of Ecological, Archaeological and Cultural Significance

36.1.3.2.1 No activity shall modify the botanical, ecological or wildlife values identified in Appendix B and shown on the relevant Planning Maps.

36.1.3.2.2 No land disturbance may damage or adversely affect any identified site of iwi significance unless expressly agreed to in writing by the iwi who have jurisdiction or manawhenua over it.

36.1.3.2.3 Any person unearthing or otherwise disturbing any historical, cultural, archaeological artefact or waahi tapu of significance to iwi during the course of a land disturbance operation shall cease work immediately and report the discovery to the Council. Work may not recommence unless expressly agreed to in writing by the iwi who have jurisdiction or manawhenua over it, the New Zealand Historic Places Trust or a resource consent to a Discretionary Activity has been obtained.

36.1.3.2.4 No land disturbance may damage or adversely affect any historical, cultural or registered archaeological artefact or site unless an authority to do so has been granted by the New Zealand Historic Places Trust.

36.1.3.3 Hazards/Riparian Management

36.1.3.3.1 Except for internal alterations within an existing structure, building activity is not a Permitted Activity within the coverage of the Natural Hazards overlay identified on the Planning Maps.

36.1.3.3.2 Unless specified in the schedule of water bodies and Table 1 in Appendix I and the Ecology Maps in Volume Three, or to the contrary elsewhere in the Plan, all proposed buildings and structures shall be set back at least 8 metres from the top of any bank of any river, or where there is a stopbank at least 8 metres from the landward toe of that stopbank, except that this shall not apply to road structures across rivers. Buildings and structures shall be set back at least 20 metres from the coast, lakes and wetlands.

36.1.3.3.3 Exception - Road Structures

Provided that all road maintenance and enhancement activity in respect of existing roads, occurring within the legal road, and all flood bank maintenance necessary to protect the road structure, shall be a Permitted Activity.

36.1.3.4 Noise

Except for the aerial application of fertiliser and agrichemicals all permitted activities shall be conducted so as to ensure that noise arising from such activities does not exceed the following noise limit at or within the boundary of any land zoned Urban Residential or within the notional boundary of any dwelling on another site on land zoned Rural One or Rural Two:

- 0700 hours - 2200 hours Monday to Friday, and 0700 hours - 1200 hours Saturday 55 dBA L10
- On any day between 0700 - 2200 hours No L_{max} limit
- At all other times including any public holiday 45 dBA L10 and 75 dBA L_{max}

36.1.3.4.1 Construction Noise

Construction noise shall not exceed the recommended limits in and shall be measured and assessed in accordance with the provisions of NZS6803P:1984 The Measurement and Assessment of Noise from Construction, Maintenance and Demolition Work.

36.1.3.4.2 Exception

Except where expressly provide elsewhere noise shall be measured in accordance with the provisions of NZS 6801:1991 Measurement of Sound, and assessed on accordance with NZS 6802:1991 Assessment of Environmental Sound.

Notwithstanding the conditions in Rule 36.1.3.4, above, the following exemptions to that rule shall apply.

36.1.3.4.2.1 Generators

Any generator or wind powered equipment used solely for the generation of electricity shall be so operated that noise emissions measured at the notional boundary of any dwelling in any zone shall not exceed the following limit:

- At all times 55 dBA L10

Provided that the activity shall be no louder than necessary, and shall comply with the requirements of section 16 of the Act.

36.1.3.4.2.2 Bird-scaring Device

Any audible bird scaring device shall be so operated that any noise emission measured at the notional boundary of any dwelling in any zone shall not exceed a peak sound pressure level without frequency weighting of 85 dBA, provided that:

- a) Where the property bounds a public road the devices shall be sited in compliance with the operational siting requirements applicable to public roads;
- b) No bird-scaring device shall be operated within:
 - 100 metres of public road;
 - 100 metres of any rural or residential dwelling and if sited at this minimum distance from a public road or dwelling shall have an approved anti-noise baffle erected immediately behind the device between the dwelling or the public road;

- 250 metres of any other bird-scaring device; or
 - a radius of 800 metres of any public or private hospital.
- c) No bird-scaring device shall:
- Be set to operate at any greater frequency than 12 times in any period of one hour; or
 - Be operated between 1900 hours and 0630 hours prior to the introduction of daylight saving and 2000 hours and 0700 hours during daylight saving hours.

36.1.3.4.2.3 Noise Sensitive Activities

- a) Any new dwelling house, visitor accommodation or other habitable building located within 300 metres of any frost fan not within the same site shall be designed and constructed so that within the external building envelope surrounding any bedroom (when the windows are closed), airborne sound insulation meets the following single-number rating for airborne sound insulation, determined in accordance with AS/NZS ISO 717.1:2004 Acoustics - Rating of sound insulation in buildings and of building elements Part 1 - Airborne sound insulation:

Dwellings located less than 300m and more than 200m from the nearest frost fan $D_{nT,w} + C_{tr50-3150} \geq 27$ dB

Dwellings located less than 200m and more than 100m from the nearest frost fan $D_{nT,w} + C_{tr50-3150} \geq 32$ dB

Dwellings located less than 100m from the nearest frost fan $D_{nT,w} + C_{tr50-3150} \geq 37$ dB

- b) For the purposes of this rule, "external building envelope" means an envelope defined by the outermost physical parts of the building, normally the cladding and roof.
- c) Sub-clauses a) and b) of this rule shall also apply to any alteration of an existing dwelling house, visitor accommodation or other habitable building located within 300 metres of the closest frost fan selected for the purpose of sub-clause a) of this rule, where a new bedroom forms part of the alteration. For the avoidance of doubt only the new bedroom has to be treated in accordance with paragraphs a) and b) of this rule.
- d) For the purpose of this rule, "frost fan" includes any lawfully established frost fan, and includes a proposed frost fan for which a resource consent has been granted and "site" has the meaning of "single land holding".

36.1.3.4.2.4 Rural Activities

Activities in Rural Zones One and Two required by normal rural practice provided that the activity shall be no louder than necessary, and shall comply with the requirements of section 16 of the Act.

36.1.3.4.2.5 Blasting

36.1.3.4.2.5.1 Airblast Overpressure

Airblast overpressure from blasting on any land shall not exceed a peak non-frequency weighted (Linear or Flat) level of 115 dBA, provided this level may be exceeded by up to 5% of the total number of blasts over any 12 month period. The level should not exceed 120 dB (Linear Peak) at any time.

36.1.3.4.2.5.2 Vibration

Vibration from a site due to blasting shall not exceed a peak particle velocity of 5mm per second provided this level may be exceeded on up to 5% of the total number of blasts over a period of 12 months. The level shall not exceed 10mm per second at any time.

36.1.3.4.2.6 Vibration**Inside Buildings**

Vibration from a site measured inside any dwelling in any zone shall not exceed a peak particle velocity of 0.1 metres per second.

36.1.5 Land Disturbance

Any land disturbance activity which meets the conditions below is a Permitted Activity.

36.1.5.1 General Conditions

- a) Any increase in the concentration of suspended sediment shall not be more than 20% as measured by the 'black disk' method, notwithstanding that the concentration of suspended sediment in run-off water shall not exceed 200 grams/cubic metre at any point of discharge to any receiving water. The effects on the receiving water are to be measured at a distance downstream of two widths of the receiving watercourse or 50 metres, whichever is the lesser;
- b) No woody material of greater than 100mm diameter shall be left in any permanently flowing river, lake, wetland or sea as a result of a land disturbance operation; and
- c) All land disturbance sites are to be stable when subject to a storm event of return frequency probability of 10% or less.

36.1.5.1.1 Exception

Except any land disturbance activity that does not comply with the above conditions or is in an area identified as a hazard area that is required for the purposes of constructing or providing access to any structure requiring a building permit under the Building Act 1991, shall not be a Permitted Activity, with no restriction on the exercise of Council's discretion.

36.1.5.2 Cultivation**36.1.5.2.1 Contour Cultivation**

Cultivation is to be parallel to the contour of the land, with the exception that on lands of slope greater than 20°, up to 15% of the cultivated area may be cultivated at an angle to the contour, and trenching or cable laying may be carried out at an angle to the contour.

36.1.5.2.2 Riparian Management Zones

No cultivation is to take place within riparian management zones as specified in the schedule of water bodies and Table 1 in Appendix I and as mapped in Ecology Maps in Volume Three Maps, except trenching for cable laying and post holes for utility line support structures.

36.1.5.2.3 Revegetation

The vegetation cover of a cultivation site shall be restored within 24 months of the end of the operation, to a level where the amount of bare ground is no more than 20% greater than prior to the land disturbance taking place.

36.1.5.3 Excavation and Filling**36.1.5.3.1 Gradients**

The gradient of any side cut excavation must not exceed an average of 9.5° (1:6) and must not exceed 11.3° (1:5) along any length of more than 20 metres.

36.1.5.3.2 Water Control and Culverts

Stormwater controls, water tables cut-offs, and culverts are to be installed to ensure that erosion does not occur on the inside edge of the cut. No culvert size less than 300mm may be used to drain any side-cut excavation.

36.1.5.3.3 Stabilisation

Batters and side castings are to be stabilised by appropriate measures such as seeding, compacting, drainage and/or other methods of revegetation.

36.1.5.3.4 Run-off

Run-off from water tables or surfaces of side cut excavations is to be directed to stable land areas.

36.1.5.3.5 Crossings

River crossings are to be stable and maintained as suitable for fish passage in fish bearing stretches of the river.

36.1.5.3.6 Riparian Areas

Except for direct approaches to bridges, crossings and fords; maintenance of rail and public roads; and trenching for cable laying, no excavation or filling must take place within riparian management zones as specified in the schedule of water bodies in Appendix I and as mapped in Ecology Maps in Volume Three, or in a manner or location where the General Conditions for Land Disturbance cannot be complied with.

36.1.5.3.7 Slope

Any excavation or filling on land greater than 20° and less than 35° slope, provided the activity complies with Rules 36.1.5.3.1 to 36.1.5.3.6 above and not more than 1,000m³ may be excavated/filled in any two year period.

36.1.5.3.8 Backfilling

All earth not required to be placed in a trench shall be removed from the land disturbance site, and placed in a stable location. Where a resource consent is required for placement of the fill, this shall be obtained prior to the start of work.

36.1.5.4 Vegetation Clearance**36.1.5.4.1 Vegetation clearance is a Permitted Activity provided that:**

- a) Blading or root-raking shall not be used to clear vegetation on slopes of more than 20°;
- b) Burning shall not be carried out on Class 7e or Class 8 land, when the Fire Weather Index Parameters for the burn are:

- Drought code - 200 or higher, or
- Build up index - 40 or higher

as notified by the Rural Fire Authority for the burn area, pursuant to the Forest and Rural Fires Act 1977; or

- c) The proposed vegetation clearance site is not within any Riparian Management Zone specified in Appendix I of Volume Two and the ecology maps in Volume Three of the Plan; and
- d) The vegetation clearance site shall be revegetated within 24 months of the end of the operation, to a level where the amount of bare ground is no more than 20% greater than prior to vegetation clearance taking place;
- e) Top soil shall not be removed to a depth greater than 20mm over more than 15% of any vegetation clearance site;
- f) No more than 0.2 hectare of coastal broadleaved scrub and shrubland is cleared, per Certificate of Title within any 12 month period; or
- g) No more than 0.2 hectare of indigenous vegetation on ultramafic substrate is cleared, per Certificate of Title within any 12 month period; or
- h) No more than 0.2 hectares of indigenous forest cleared, per Certificate of Title, within a 12 month period; or
- i) Naturally occurring indigenous wetland vegetation or naturally occurring indigenous duneland vegetation shall not be cleared; and

If the vegetation clearance is:

- Under plantation forest or
- Within 50 metres of a plantation forest,

and is reasonably necessary to enable the management or harvesting of an existing plantation forest, then conditions (f)-(i) do not apply and the vegetation clearance is permitted subject to conditions (a)-(e).

36.1.5.4.2 Riparian Management Zone

Woody vegetation, Sedges (*Carex* spp.) Native Toe Toe (*Cortaderia* spp.), and Flax (*Phormium* spp.), shall not be removed by chemical, fire or mechanical means within any riparian management zones as specified in Appendix I and Ecology Maps in Volume Three.

Exceptions to this rule are:

- a) Existing plantations of commercial forest; or
- b) Other exotic trees occupying less than 100 metres per kilometre of legal riparian boundary; or
- c) Plant pests (including those listed in regional or national pest management strategies); or
- d) Vegetation within 10 metres either side of the centreline of a public road or which is otherwise impairing the safe and efficient use of that road.

- 36.1.5.4.3** Where vegetation clearance has been undertaken in accordance with Rule 36.1.5.4.2 (a) - (d) above, the following conditions must be met:
- (i) Any trees that can be felled as specified above shall be directionally felled away from the waterbody, except wood vegetation leaning over a waterbody, which may be felled in accordance with safety practices;
 - (ii) Except as above no logs may be dragged through the bed of any flowing river, or through any lake or wetland;
 - (iii) The vegetation clearance site shall be revegetated within 24 months of the end of the operation, to a level where the amount of bare ground is no more than 20% greater than prior to vegetation clearance taking place;
 - (iv) Top soil shall not be removed to a depth greater than 20mm over more than 15% of any vegetation clearance site.

36.1.6 Hazardous Facilities (District Function)

36.1.6.1 Effects Ratio

Any activity having an 'effects ratio' no greater than 0.2 shall be a Permitted Activity. The 'effects ratio' shall be calculated in accordance with the Hazardous Facility Screening Procedure set out in Appendix C.

36.1.6.2 Site Design Conditions

- a) Any part of the site where liquid or solid hazardous or environmentally damaging substances are stored or used shall be effectively sealed with materials which are resistant to the substance(s);
- b) Any part of the site where liquid or solid hazardous or environmentally damaging substances are stored or used shall be sealed and bunded so that the equivalent of the maximum of the largest container within the bunded area could be contained and excluded from the stormwater system if a spill occurs. In areas where drums are stored, the bunded area shall be able to contain half of the maximum amount of the material stored;
- c) Any bunds shall be constructed from materials which are resistant to the substance that the bund is designed to contain, so as to prevent the substance entering the soil;
- d) All stormwater grates shall be clearly marked;
- e) Storage of petroleum products in underground tanks shall comply with the most recent version of the Code of Practice for Design, Installation and Operation of Underground Petroleum Storage Systems;
- f) Any part of the site where solid or liquid hazardous or environmentally damaging substances are loaded or unloaded shall be sealed, bunded, and drained to the satisfaction of the Council;
- g) All vehicle accessways onto that part of a hazardous facility site where hazardous and environmentally damaging substances are loaded or unloaded shall have cut-off drains installed which are not directly connected to the stormwater system;

- h) Any part of the site where vehicles, equipment or containers that have or may have become contaminated with hazardous or environmentally damaging substances are washed, shall be sealed, banded and drained so that process effluent (run-off) from the washdown area is discharged into the foulwater system, or collected and stored in tanks for removal by a suitable trade waste contractor; and
- i) A record will be kept of the quantities of hazardous wastes stored on-site, or taken away to disposal.

36.1.6.3 Hazardous Waste Management Conditions

- a) The storage of hazardous waste on the site shall be in suitable containers that are either covered or located in a roofed area;
- b) A waste audit shall be undertaken for all premises generating hazardous waste substances in volumes greater than 6m³/week;
- c) All sites where hazardous waste substances or waste containing hazardous substances is, or may be generated must provide appropriate and sustainable disposal procedures. Hazardous waste disposal in or outside the district may only be to facilities which are formally approved by the Council; and
- d) A record will be kept of the quantities of hazardous wastes stored on the site, or taken away to disposal.

36.1.6.4 Fire Safety

All hazardous facilities where flammable hazardous substances are either used or stored shall have adequate fire safety equipment in place in compliance with the requirements of the Dangerous Goods Regulations from time to time in force.

36.1.6.5 Signage

All hazardous facilities shall be adequately signposted according to the most recent version of the Code of Practice for Warning Signs for Premises Storing Hazardous Substances of the New Zealand Chemical Industry Council.

36.1.6.6 Emergency and Evacuation Plan

All hazardous facilities shall have in place an emergency and evacuation plan which deals with possible on-site accidents involving hazardous substances. A current copy of the plan may be lodged with the Council.

36.1.7 Discharges

36.1.7.1 Domestic Wastewater Management

Provision must be made for the satisfactory management of all domestic wastewater in accordance with the requirements of the Plan. The requirements of the Plan are deemed to have been met where all domestic wastewater is connected to a public system expressly designed for this purpose or the conditions for on-site domestic wastewater discharges (Rule 36.1.7.2) are met.

36.1.7.2 The Discharge of Domestic Wastewater to Land

The discharge of domestic wastewater, through any on-site wastewater management system lawfully established without resource consent prior to 21 April 2005, into land is a Permitted Activity providing:

- 36.1.7.2.1** A public sewer is not located within 30 metres of the lot boundary or 60 metres of the closest building on the lot to be serviced.
- 36.1.7.2.2** Garbage grinders are not installed in any building that the on-site wastewater management system services.
- 36.1.7.2.3** The rate of discharge does not exceed 2000 litres per day, averaged over any one week period.
- 36.1.7.2.4** There is no increase in the rate of discharge due to an increased occupancy of the building(s) that the on-site wastewater management system serves following an extension or alteration of the building(s).
- 36.1.7.2.5** The domestic wastewater, following primary treatment, is able to infiltrate through at least 600mm of unsaturated soil or, following secondary treatment, is able to infiltrate through at least 300mm of unsaturated soil.
- 36.1.7.2.6** There is no ponding of any domestic wastewater, or no run-off or infiltration of any contaminant beyond the property boundary or into any surface waterbody, groundwater or coastal water or drainage channel.
- 36.1.7.2.7** The on-site wastewater management system is maintained in an efficient operating condition at all times.
- 36.1.7.2.8** No objectionable odours can be detected.

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36.1.7.3 Dairy Effluent Disposal

The discharge of contaminants (but excluding hazardous substances) from dairy sheds, or dairy washdown facilities onto or into land in circumstances which may result in that contaminant entering groundwater shall be a Permitted Activity provided that:

- a) The discharge shall not be within 20 metres of a surface waterbody or over any unconfined aquifer or drainage channel;
- b) There shall be no run-off of contaminants into surfacewater resulting from the discharge of the contaminant onto or into land;
- c) The total nitrogen loading on the area to be used for discharging shall not exceed 200kg N/ha/yr;
- d) When discharging effluent a buffer zone of a minimum 10 metres in width is to be maintained between the area of discharge and any property boundary;
- e) The washwater collection, containment and application system shall not be within 20 metres of the boundary of any neighbouring property without that person's prior written consent, a copy of which shall be forwarded to the Council;
- f) The washwater collection and containment system shall not be within 20 metres of any surface waterbody;
- g) The washwater collection, containment and application system shall not be within 20 metres of any area identified by tangata whenua as being of special value, or any filed archaeological site;
- h) There shall be no spray drift beyond the boundary of the land to which the effluent is discharged;
- i) No objectionable odours shall be able to be detected at or beyond the legal boundary of the land to which the effluent is discharged;
- j) There shall be contingency measures in place to ensure that there is no contravention of the above conditions in the event of system failure or adverse climatic conditions;
- k) The system will be monitored by the Council to ensure there is compliance with the above conditions; and
- l) The discharge, after reasonable mixing shall not breach the water quality standard set for the waterbody in Appendix H.

36.1.7.4 Point Source and Non Point Source Stormwater

The discharge of point source stormwater, to land or natural water, by gravity and/or the discharge of non point source stormwater, to land or any natural water; shall be a Permitted Activity provided that;

- a) The discharge shall not cause any significant erosion or inundation of land;
- b) The discharge shall not have any significant adverse effect on water quality;

- c) The discharge shall not have any adverse effect on any fisheries, wildlife habitats or recreational values of any waterbody; and
- d) The discharge does not contain stormwater from an area where hazardous substances are stored unless:
 - Hazardous substances cannot enter the stormwater; or
 - There is an interceptor system in place to collect hazardous contaminants or diverted contaminated stormwater to a trade waste system;
- e) The above provisions do not apply to the drainage of naturally occurring wetlands or lakes;

Note: The discharge of stormwater into the Coastal Marine Area is dealt with in the rules for the Coastal Marine Zone.

36.1.7.5 Clean Fill

The discharge into and onto land of any contaminant other than:

- Hazardous substances;
- Combustible or organic materials;
- Any other contaminant subject to chemical or biological breakdown; and
- Liquids or sludges;

is a Permitted Activity provided that the following conditions are met.

36.1.7.5.1 Conditions

- a) That the clean fill material is not to be deposited within the riparian management zones as specified in Appendix I and Ecology Maps in Volume Three; and
- b) That the filled area is covered with at least 200mm of topsoil, when infilling has been completed, to allow the site to return to a natural vegetated state.

36.1.7.6 Offal Pits

The discharge of any contaminant into or onto land in association with the disposal of offal is a Permitted Activity provided that the following conditions are met.

36.1.7.6.1 Conditions

- a) Only animal and offal wastes, clean fill and organic matter generated on the site or property may be deposited in the disposal pit;
- b) The disposal pit shall be located no less than 50 metres from any waterbody or bore;
- c) The location and depth of the disposal area shall be situated so as to not have an adverse effect on groundwater quality;
- d) The discharge shall contain no hazardous substances;
- e) All offal pits shall be kept covered at all times when not being added to; and
- f) No objectionable odours shall be discernible beyond the boundary of the property.

36.1.7.7 Rural Rubbish Disposal Sites

The discharge of any contaminant into or onto land associated with the disposal of farm related solid waste is a Permitted Activity on properties of more than 2 hectares, provided that the following conditions are met:

- a) The waste does not include hazardous substances, including residues in containers;
- b) The waste disposal area is to be sited so that no discharge can enter water at any time or under any circumstances, and shall be a minimum of;
 - 50 metres from any surface waterbody, water supply bore, or coastal marine area or drainage channel; and
 - 1 metre above the level of the ground water table at all times;
- c) The waste disposal area is to be sited a minimum of 100 metres from any property boundary or dwelling;
- d) The waste comprises only waste generated on that property; and
- e) The surface area of the waste disposal site does not exceed 100m².

36.1.7.8 Making of Silage and Composting Greenwaste

The discharge of any contaminant associated with the making and storage of silage or the composting of green waste is a Permitted Activity, provided that the following conditions are met.

36.1.7.8.1 Conditions

- a) The discharge shall occur no less than 50 metres from any surfacewater, groundwater bore or coastal water or drainage channel; and
- b) The discharge shall not lead directly into or adversely affect any ground-water, surfacewater or coastal water.

36.1.7.9 Spray Application of Agrichemicals

36.1.7.9.1 Domestic Use

The discharge of a contaminant or contaminants onto land or into air in connection with the spray application of agrichemicals on domestic or residential properties is a permitted activity provided that the person responsible for the activity shall:

- a) Apply sprays in accordance with the manufacturers recommendations;
- b) Notify the Council as soon as practicable (within one hour) in the case of accidental discharge into a waterbody;
- c) Take all reasonable steps to ensure that no spray drift occurs beyond the boundary of the property; and
- d) Apply sprays in a manner which does not cause or is not likely to cause deposition into surfacewaters.

36.1.7.9.2 Application in Public Places

The discharge of a contaminant or contaminants onto land or into air in connection with the spray application of agrichemicals in areas to which the public has ready access including, but not limited to:

- Roadsides, railways and other access ways;
- Public areas other than reserves administered by local authorities, (e.g. carparks);
- Public areas administered by government departments, other than reserves and recreation areas;
- Areas administered by sports clubs or educational institutes; and
- Areas associated with industrial, trade or commercial premises to which the public has unrestricted access;

Unless the activity involves the discharge of contaminants onto or into a flowing surfacewater, or bed of any river or lake is a Permitted Activity, provided that the following conditions are met:

- 36.1.7.9.2.1** The person responsible for the activity shall give due regard to:
- a) Wind speed and direction in the method of application of spray;
 - b) The selection of nozzle size and pressure of spray units to prevent or minimise the potential for spray drift;
 - c) The dilution of spray solutions to the proper concentration for application;
 - d) Upon request of the Council or neighbouring property owner make available for inspection a current programme for the application of agrichemicals;
 - e) Apply sprays in accordance with the manufacturers' recommendations;
 - f) Notify the Council as soon as practicable (within one hour) in the case of accidental discharge into a waterbody; and
 - g) Apply sprays in a manner which does not cause or is not likely to cause significant deposition into water.
- 36.1.7.9.2.2** Woody vegetation, Sedges (*Carex* spp.), Native Toe Toe (*Cortaderia* spp.), and Flax (*Phormium* spp.), shall not be removed by chemical means within riparian management zones as specified in Appendix I and ecology maps in Volume Three.
- The exceptions to this rule are:
- a) Existing plantations of commercial forestry trees;
 - b) Other exotic trees occupying less than 100 metres length per kilometre of legal riparian boundary;
 - c) Plant pests (including those listed in regional or national pest management strategies);
 - d) Vegetation within 10 metres either side of the centreline of a public road or which is otherwise impairing the safe and efficient use of that road.
- 36.1.7.9.2.2.1** Vegetation outside the riparian management zones as specified in Appendix I and the Ecology maps in Volume Three shall not be cleared by chemical means unless provided for as a Permitted Activity in Rule 36.1.5.4.1
- 36.1.7.9.2.4** The following qualifications shall be held at all times after 1 January 2000:
- a) Every person undertaking the application of agrichemicals shall hold or be under training for a current GROWSAFE Standard certificate or an equivalent qualification;

- b) Every contractor undertaking the land-based application of agrichemicals shall be a registered chemical applicator, or hold an equivalent qualification; and
- c) Every pilot undertaking the aerial application of agrichemicals shall hold a current GROWSAFE Agrichemical Rating, or an equivalent qualification.

36.1.7.9.2.5 The property owner or manager shall keep records of agrichemical use in accordance with Section 5.9 - Agrichemical Users' Code of Practice (NZS 8409:1995: New Zealand Agrichemical Education Trust), and shall make such records available to the Council on request.

36.1.7.9.3 Application - Farming, Horticulture, Forestry

The discharge of a contaminant or contaminants onto land or into air in connection with the spray application of agrichemicals is a Permitted Activity on land used for livestock or pastoral farming, horticulture, or forestry by the owner or occupier of the land, or by any person authorised by the owner or occupier of the land to carry out the activity, or by any other agency carrying out statutory powers in relation to the activity; unless the activity involves the discharge of contaminants onto or into any surfacewater or coastal water, provided that the following conditions are met:

36.1.7.9.3.1 The person responsible for the activity shall:

- a) Take reasonable steps to notify any owner or occupier of a dwellinghouse which lies within 100 metres of land to be sprayed, of an intention to spray prior to the spraying taking place; give due regard to:
 - Wind speed and direction in the method of application of spray;
 - The selection of nozzle size and pressure of spray units to prevent or minimise the potential for spray drift; and
 - The dilution of spray solutions to the proper concentration for application.
- b) Keep specific records of the type of each spray applied, the volume of spray used, the date, and the locality and upon request of the Council or neighbouring property owner make available for inspection a current programme for the application of agrichemicals;
- c) Apply sprays strictly in accordance with the manufacturers' instructions;
- d) Notify the Council as soon as practicable (within one hour), in the case of accidental discharge into a waterbody;
- e) Apply sprays in a manner which does not cause or is not likely to cause significant deposition into surfacewater; and
- f) Take all reasonable steps to ensure that no spray drift occurs beyond the boundary of the property.

36.1.7.9.3.2 Woody vegetation, Sedges (*Carex* spp.), Native Toe Toe (*Cortaderia* spp.), and Flax (*Phormium* spp.), shall not be removed by chemical means within riparian management zones as specified in Appendix I and ecology maps in Volume Three.

The exceptions to this rule are:

- Existing plantations of commercial forestry trees.

- Other exotic trees occupying less than 100 metres length per kilometre of legal riparian boundary;
- Plant pests (including those listed in regional or national pest management strategies);
- Vegetation within 10 metres either side of the centreline of a public road or which is otherwise impairing the safe and efficient use of that road.

36.1.7.9.3.3 Vegetation outside the riparian management zones as specified in Appendix I and the Ecology maps in Volume Three shall not be cleared by chemical means unless provided for as a Permitted Activity in Rule 36.1.5.4.1

36.1.7.9.3.4 All reasonable care shall be exercised in the application of agrichemicals so as to ensure that spray drift does not pass beyond the legal boundary of the area of land on which the agrichemical is discharged. Reasonable care shall be deemed to have been exercised when the agrichemical has been mixed and applied in accordance with Part 5 of the Agrichemical Users' Code of Practice (NZS 8409:1995: New Zealand Agrichemical Education Trust).

36.1.7.9.3.5 The following qualifications shall be held at all times after 1 January 2000 -

- a) Every contractor undertaking the land-based application of agrichemicals shall be a registered chemical applicator, or hold an equivalent qualification; and
- b) Every pilot undertaking the aerial application of agrichemicals shall hold a current GROWSAFE Agrichemical Rating, or an equivalent qualification.

36.1.7.9.3.6 The property owner or manager shall keep records of agrichemical use in accordance with Section 5.9 - Agrichemical Users' Code of Practice (NZS 8409:1995: New Zealand Agrichemical Education Trust), and shall make such records available to the Council on request.

36.1.7.10 Application of Fertiliser

The discharge of fertiliser or other contaminants applied to soil for the purpose of modifying the physical or chemical characteristics of the soil, other than agricultural effluent, is a Permitted Activity, provided the following conditions are met:

- a) All reasonable steps shall be taken to avoid contaminants entering water, directly or indirectly, as a result of the discharge;
- b) All reasonable steps shall be taken to avoid adverse effects occurring beyond the boundary of the property as a result of the activity; and
- c) The total nitrogen loading from the application of fertiliser shall not exceed 200kg N/ha/yr.

36.1.7.11 General Rules Relating to Odour

36.1.7.11.1 Conditions

- a) Any person undertaking an activity resulting in the discharge of odorous or potentially odorous contaminants into air, shall adopt the best practicable option to avoid, remedy or mitigate any adverse effects resulting from that discharge of odour; and

- b) Notwithstanding the generality of the above condition, no person shall discharge contaminants into air that results in odour beyond the boundary of the premises that, in the opinion of a Council officer, is offensive or objectionable.

36.1.7.12 General Rules Relating to Dust Emissions

Any person undertaking an activity resulting in the emission of dust shall adopt the best practicable option to avoid adverse effects resulting from the dust emissions on the receiving environment.

The discharge of non-toxic dusts from any process vent or stack is a Permitted Activity subject to the following conditions.

36.1.7.12.1 Conditions

- a) Any air pollution control equipment and dust collection system shall be designed to achieve a particulate discharge rate of 125m^3 (corrected to 0 degrees Celsius, 1 atmosphere pressure, dry gas basis) and at no time shall emissions exceed $250\text{mg}/\text{m}^3$ (corrected to 0 degrees Celsius, 1 atmosphere pressure, dry gas basis); and
- b) No particles in the emission shall be larger than 0.5 millimetres in diameter.

36.1.7.13 Abrasive Blasting Operations

36.1.7.13.1 Non Mobile Source

The discharge of contaminant into air from abrasive blasting, other than from a mobile source, is a Permitted Activity provided the following conditions are complied with.

36.1.7.13.1.1 Conditions

- a) The surface to be blasted shall not contain any lead, zinc, arsenic, chromium, cadmium, copper, mercury, tributyl tin or thorium-based compounds;
- b) When using dry abrasive blasting techniques, all items shall be blasted within an abrasive blasting enclosure, and air extracted from the enclosure shall be filtered so that there is no visible discharge of dust;
- c) When using wet abrasive blasting techniques, there shall be no discharge of water spray beyond the boundary of the subject property;
- d) The discharge shall not raise the ambient dust deposition rate by more than $4\text{g}/\text{m}^2$ per 30 days at any point beyond the boundary of the subject property; and
- e) Sand or any other material used for abrasive blasting shall contain not more than 5% free silica on a dry weight basis, and shall not be reused.

36.1.7.13.2 Mobile Source

The discharge of contaminant into air from abrasive blasting using a mobile source and wet abrasive blasting techniques is a Permitted Activity provided the following conditions are complied with.

36.1.7.13.2.1 Conditions

- a) The surface to be blasted shall not contain any lead, zinc, arsenic, chromium, cadmium, copper, mercury, tributyl tin or thorium-based compounds;

- b) The Council and owners or occupiers of properties adjacent to the subject property shall be notified of the location, date and duration of the proposed abrasive blasting operation at least 5 working days before the commencement of the work;
- c) Sand or any other material used for abrasive blasting shall contain not more than 5% free silica on a dry weight basis;
- d) The operator shall so far as is practicable collect all debris and used blasting materials;
- e) All collected debris and used blasting materials shall be removed from the site daily and when operations are completed;
- f) There shall be no discharges of water spray beyond the boundary of the subject property, or beyond 50 metres of the discharge when sited on public land; and
- g) There shall be no visible discharge of dust beyond the boundary of the subject property, or beyond 50 metres of the discharge when sited on public land.

36.1.7.14 Air Discharges from Industrial and Trade Premises

Any discharge to air of contaminants from industrial and trade premises shall comply with the conditions for discharges to air prescribed for the Urban Industrial Zone.

36.1.7.15 Incineration

36.1.7.15.1 The discharge of contaminants to air from incineration of untreated wood, vegetation, newspapers, magazines and cardboard shall be a Permitted Activity provided that:

- a) The waste is incinerated in an incinerator;
- b) The waste is generated on the property where incineration occurs;
- c) The waste being incinerated shall not include:
 - Car tyres;
 - Plastic agricultural containers; and
 - Hazardous substances or containers of hazardous substances.
- d) Does not cause offensive or objectionable smoke or particulate deposition beyond the boundary of the property.

36.1.7.16 Other Discharges to Air

Any discharge of contaminants to air associated with any Permitted Activity is also a Permitted Activity provided:

- a) There is no discharge which is noxious, toxic, dangerous, offensive or objectionable, at or beyond the boundary of the property, or which has or is likely to have an adverse effect on the environment.
- b) The discharger at all times, adopts the best practicable option to avoid, remedy or mitigate any adverse effects on the environment.

36.1.8 Commercial Forestry

Establishment of new forestry on lots in Rural Zone Two shall be a Permitted Activity provided that the following conditions are met.

36.1.8.1 Conditions

- a) No trees may be planted or allowed to grow in a position where they will prevent direct access of sunlight onto any carriageway of a formed road, between the hours of 10.00 am and 2.00 pm on the shortest day of the year and where the topography is not already preventing direct access of sunlight onto the carriageway;
- b) No trees may be planted on land within 10 metres of an adjoining property boundary unless the written consent of the adjoining property owner is first deposited with the Council;
- c) No trees may be planted within 35 metres of any existing residential unit not located on the same;
- d) No trees may be established within the riparian management zones as specified in Appendix I and Ecology Maps in Volume Three.
- e) No trees may be planted on land within 100 metres of the boundary of any Residential Zone measured at right angles to the boundary of such zone;
- f) Without the written consent of the users of a legally established water supply no trees may be planted on land within a radius of 70 metres of the intake point of a domestic water supply, such radius to encompass the required portion of the circumference of a circle as is necessary to protect the water flowing down the lie of the land into the intake point; except that in cases where the intake point on any domestic water supply is nearer to the crest line of a catchment than 70 metres, the crest line of the catchment shall be substituted for the distance of 70 metres; and
- g) No trees may be planted on land that is of a slope greater than 35°.

36.2 Controlled Activities

Application must be made for a resource consent for a Controlled Activity with respect to the following:

- Discharges as specified in Rule 36.2.3 and large scale composting;
- Excavation exceeding 1,000m³ on land of greater than 20° slope and less than 35° slope but complying with the requirements of Rule 36.1.5.3;
- Intensive farming;
- Sale of farm produce from a rural selling place (other than on a state highway); and
- Cultivation of riparian management zones on slopes of 0° -20° as specified in Appendix I and the Ecology Maps in Volume Three.
- Erection and use of frost fans

36.2.1 The Sale of Farm Produce from a Rural Selling Place

36.2.1.1 Matters Over Which Control is Reserved

The Council shall give consideration to the following criteria in assessing an application to erect a rural selling place from which farm produce is sold:

- a) The farm produce offered or displayed for sale is that which is grown on a farming unit owned or leased by the grower of such produce;
- b) That the sale takes place from a rural selling place that is roofed and enclosed on at least three sides and is of such an appearance that it does not detract from the natural qualities of the locality in which it is situated;
- c) The rural selling place should provide parking for vehicles at the rate of one space per 5m² of rural selling place and provide manoeuvring space such that vehicles do not need to reverse off the property;
- d) The rural selling place shall be so located such that it does not create a traffic hazard, and where deemed necessary acceleration and deceleration lanes with tapers of 1 in 10 shall be provided at the expense of the developer so that the road width at the entry/exit shall be up to a minimum of 7 metres from the road centreline;
- e) Any earthworks necessary for the creation of a building platform, or access shall be such that they create a minimum disturbance to the landform character of the site; and
- f) Development proposals shall ensure that any run-off or stormwater resulting from the establishment of the activity does not lead to siltation or sedimentation or a reduction in water quality in watercourses.

36.2.1.2 Conditions

In granting consent to erect a rural selling place from which farm produce is sold, the Council may impose conditions relating to any or all of the following matters:

- a) Drainage and effluent disposal;
- b) Water supply, water storage and treatment;
- c) The design and appearance of the building;
- d) The location of the building;
- e) The need for and design of acceleration and deceleration lanes; and
- f) Any other matters to avoid the creation of a traffic hazard.

36.2.2 Intensive Farming

36.2.2.1 Matters Over Which Control is Reserved

The Council shall give consideration to the following criteria in assessing an application to establish intensive farming:

- a) Any earthworks necessary for the creation of building platforms or access shall be such that they create minimum disturbance to the landform and character of the site;

- b) Development proposals should ensure that any run-off of stormwater resulting from the establishment of the activity does not lead to siltation or sedimentation or a reduction in water quality in watercourses;
- c) Location of all effluent disposal and treatment systems (these must be sited so as not to cause a nuisance to other properties in the vicinity, by creating an offensive odour or airborne waste particles or cause run-off to adjacent waterways which would be detrimental to the health of flora and fauna, ecological habitats and the vegetation of the coastal environment);
- d) The method by which liquid effluent shall be treated;
- e) The method by which solid wastes shall be disposed of;
- f) The location of buildings relative to other activities; and
- g) The location of any proposed water supply, its quantity, quality and the impact on the resource.

36.2.2.2 Conditions

In granting consent to establish an intensive farm the Council may impose conditions relating to any or all of the following matters:

- a) Drainage and effluent disposal;
- b) Discharge of contaminants;
- c) The duration of a consent;
- d) Earthworks;
- e) The location and construction of vehicle entry, egress, manoeuvring and parking;
- f) The design and appearance of buildings; and
- g) Water supply, water storage and treatment.

36.2.3 Discharges

36.2.3.1 The discharge of contaminants (but excluding hazardous substances) from intensive farms, piggeries, animal dips or washdown facilities onto or into land in circumstances which may result in that contaminant (or any other contaminant emanating as a result of natural processes from that contaminant) entering groundwater.

36.2.3.2 The discharge of septic tank sludge onto or into land.

36.2.3.3 The discharge of winery processing waste onto or into land.

36.2.3.4 Standards

- a) The discharge shall not be within 20 metres of a surface waterbody or over any unconfined aquifer;
- b) There shall be no run-off of contaminants into surfacewater resulting from the discharge of the contaminant onto or into land;
- c) The total nitrogen loading on the area to be used for discharging shall not exceed 200kg N/ha/yr;

- d) When discharging effluent a buffer zone of a minimum 10 metres in width is to be maintained between the area of discharge and any property boundary; and
- e) The maximum loading rate of effluent onto any part of irrigable land shall not exceed either 25mm depth per application or at a higher rate provided there is no elevation of ground water nitrogen concentrations such as that existing or reasonably foreseeable uses of receiving ground water or surfacewater would be compromised.

36.2.3.5 Matters Over Which Control is Reserved

- a) The location of the points of discharge and the area the discharge will cover;
- b) Type and concentration of the contaminant to be discharged;
- c) Volume, rate, timing and duration of the discharge;
- d) Spray drift and odour;
- e) Actual and potential adverse effects on the groundwater as a result of pathogenic organisms and nutrient loading;
- f) System breakdown emergency procedures.

36.2.3.6 Conditions

In granting consent the Council may impose conditions relating to any or all of the following matters:

- a) The best practicable option to prevent or minimise any actual or likely adverse effects on the environment;
- b) Duration of the consent;
- c) Adherence to any relevant code or part of a Code of Practice;
- d) Compliance monitoring programme;
- e) Financial contribution and/or bond; and
- f) Administrative charges.

36.2.4 Composting of Fish and Animal Waste

36.2.4.1 Standards

- a) Any person undertaking the composting of organic waste materials such as fish wastes, animal wastes, or other potentially odorous materials, shall adopt the best practicable option to ensure that the process does not generate odour that, in the opinion of an officer, is offensive or objectionable;
- b) Any raw materials such as fish material, animal material, chicken material including manure, or other potentially odorous materials, shall be in good condition before processing commences. The raw materials shall be stored on site in such a manner that prevents spoiling;
- c) Raw materials shall be blended as soon as practicable with other compostable materials. If this cannot be undertaken prior to spoiling of raw materials, then any spoilt raw material shall be immediately removed from the premises and disposed of in a sanitary landfill;

- d) Raw materials likely to cause odour shall be blended with other compostable materials and the composting pile covered with a minimum of 200 millimetres of bark or similar material;
- e) The composting pile shall be constructed in such a manner to ensure good air flow through the pile in that the composting process is essentially aerobic. Forced ventilation of the composting piles may be required at the discretion of the Council as a condition of the grant of any consent; and
- f) Leachate shall be collected, or otherwise controlled and disposed in a complying manner. Any leachate collected or stored on the premises shall not generate odour.

36.2.4.2 Conditions

In granting consent the Council may impose conditions relating to any or all of the following matters:

- a) The best practicable option to prevent or minimise any actual or likely adverse effects on the environment;
- b) Duration of the consent;
- c) Compliance monitoring programme;
- d) Financial contribution and/or bond; and
- e) Administrative charges.

36.2.5 Excavation over 1,000m³

36.2.5.1 Standards

36.2.5.1.1 Gradients

The gradient of any side cut excavation must not exceed an average of 9.5° (1:6) and must not exceed 11.3° (1:5) along any length of more than 20 metres.

36.2.5.1.2 Water Control and Culverts

Stormwater controls, watertable cut-offs and culverts are to be installed to ensure that erosion does not occur on the inside edge of the cut. No culvert size less than 300mm may be used to drain any side cut excavation.

36.2.5.1.3 Stabilisation

Batters and side castings are to be stabilised by appropriate measures such as seeding, compacting, drainage and/or other methods of revegetation.

36.2.5.1.4 Run-off

Run-off from watertables or surfaces of side cut excavations is to be directed to stable land areas.

36.2.5.1.5 Crossings

Stream crossings are to be stable and suitable for fish passage in fish bearing stretches of the river.

36.2.5.1.6 Retaining Walls

Retaining walls and other structures are to be designed in accordance with good engineering practice.

36.2.5.1.7 Riparian Areas

Except for direct approaches to bridges, crossings and fords, maintenance of rail and public roads and trenching for cable laying, no excavation or filling may take place within riparian management zones as specified in the schedule of water bodies and Table 1 in Appendix I and as mapped in Ecology Maps in Volume Three, or in a manner where the General Conditions for Land Disturbance for permitted activities, can not be complied with.

36.2.5.1.8 Underground Utilities

Other than excavations associated with the installation and maintenance of underground utilities, no utilities are to be exposed or damaged by the excavation.

36.2.5.2 Matters Over Which Control is Reserved

Council will retain control over any aspects of controlled land disturbance activities which may affect:

- a) The natural clarity of any permanently flowing river, lake, wetland or the sea, and the levels of suspended sediment in any discharge from a land disturbance site;
- b) The entry of any woody organic material into any permanently flowing river, lake, wetland or the sea;
- c) The restoration of vegetation cover on any vegetation clearance or cultivated site;
- d) The removal of topsoil on any vegetation clearance site;
- e) The need for protection of any historical, cultural or archaeological artefact or site; and
- f) The stability of any excavation site when subject to storm events.

36.2.6 Cultivation of riparian management zones on slopes of 0° - 20° as specified in Appendix I and the Ecology Maps in Volume Three.

36.2.6.1 Matters Over Which Control is Reserved

- a) The effects on the natural clarity of any river, lake, wetland or the sea;
- b) The effects of the entry of any woody material into any river, lake, wetland or the sea;
- c) The effects on natural hazard management, including stability of riparian management zones and river control matters;
- d) Protection of riparian habitat diversity;
- e) Protection of instream habitat;
- f) Provision of physical public access where legal public access is provided for.

36.2.7 Erection and Use of Frost Fans

The construction use and maintenance of a frost fan is a Controlled Activity provided that the activity conforms to the following standards and terms:

36.2.7.1 Standards and Terms

36.2.7.1.1 Noise from a frost fan shall not exceed 55 dB LAeq (15min):

- a) at a distance of 300 metres from the device; or
- b) at any point within the notional boundary of any existing dwelling, visitor accommodation or other habitable building (other than on the property on which the frost fan is situated);

whichever is the least distance.

36.2.7.1.2 a) Subject to (b), sound levels shall be measured 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;

- b) Noise from a frost fan which has special audible characteristics such as tonality or impulsiveness, shall have a 5 dB penalty added to the measured level before compliance with rule 36.2.7.1.1 is assessed except that:

- (i) where the Reference Method in the Standard is used to determine the penalty, the value of the penalty shall be a value in the range 0.1 dB to 6.0 dB as determined by that method;

- c) for the avoidance of doubt, NZS 6801:1991 and NZS 6802: 1991 do not apply.

36.2.7.1.3 The frost fan shall only be operated for protection of crops from frost from bud burst to harvest, with the exception that frost fans may also be operated in the following circumstances:

- a) For the purposes of maintenance and testing, limited to operation between 8am to 5pm on any day; or
- b) For compliance monitoring at any time when the monitoring is undertaken by the Council or, where the monitoring is undertaken by a third party, when the Council has been notified.

36.2.7.1.4 When protecting crops from potential frost damage, a frost fan shall only be operated in wind speeds not greater than 8 km/hr (averaged over periods not greater than 5 minutes) and when the local air temperature is less than 1°C. For the purposes of this rule, temperature shall be measured within the property to be protected, for vineyards at the lowest fruiting wire and for other crops at the lowest point of the bud height (above ground level) of the plants being protected.

36.2.7.1.5 The frost fan shall not be located within 500 metres of an Urban Residential or Rural Township Zone, or within 300 metres of a Rural Residential Zone.

36.2.7.2 Information Requirements

An application shall include the following information:

- a) Details of the proposed frost fan(s), including make and model, manufacturers' specifications, blade type and configuration, drive motor details, and design speed of the tips of the blades.
- b) plan showing the location of the proposed frost fan(s) (with accurate NZTM coordinates) and area it is designed to cover.
- c) A plan showing the location of the nearest dwelling, visitor accommodation or habitable building, or the nearest zone of a residential nature, and the distance to it.
- d) Detail of all means to ensure the performance of the frost fan and noise levels remain as predicted, including measures to govern the blade tip speed and the cut-off mechanism for winds exceeding 8 km per hour.
- e) A report prepared by an appropriately qualified and experienced acoustic consultant addressing the following:
 - a full and detailed description of the proposed frost fan;
 - prediction of the noise contours of the proposed frost fan based on operational parameters specifically identified in the report for the particular location where the frost fan is proposed to operate, except where that frost fan has been certified by a body approved by the Council and the proposed fan is to be located and operated in accordance with that certification;

36.2.7.3 Matters Over Which the Council Will Exercise Control

The Council reserves control over and may impose conditions with respect to:

- a) Operational requirements of the frost fans.
- b) Orientation, rotational constraints, speed of the frost fan power source or frost fan blade set and engine muffling.
- c) Operation of the frost fan for maintenance purposes.
- d) Recording information about the use of the frost fan, including temperature and windspeed at the area being protected.
- e) Monitoring and reporting.
- f) The provision of contact details for the vineyard owner/manager.
- g) The review of conditions.

36.3 Limited Discretionary Activities

- Minor Non Compliance;
- Activities within Riparian Management Zones as specified in Appendix I and Ecology Maps in Volume Three; and
- Commercial Forestry.
- The discharge of domestic wastewater authorised by resource consent prior to 21 April 2005, or the discharge of domestic wastewater through any on-site wastewater management system installed after 21 April 2005, into or onto land.

36.3.1 Minor Non Compliance

Minor non-compliance with the conditions for Permitted Activities may be permitted to the extent specified below and will be considered by way of a Limited Discretionary Consent:

- Access gradients - up to 5% of the specified standard;
- Buildings encroaching into any required yard;
- Buildings encroaching the height envelope created by the recession plane angles by a maximum of 1 metre in any direction;
- Buildings exceeding the maximum permitted height by up to a maximum of 20% of the specified condition;
- Buildings exceeding the maximum permitted site coverage by up to a maximum of 20% of the specified condition; and
- Parking requirements where site circumstances make it impracticable to comply with conditions;
- Activities within Riparian Management Zones as specified in Appendix I and the Ecology maps in Volume Three; and
- Commercial Forestry.

36.3.1.1 Limits to the Council's Discretion

In each of the above cases the Council's discretion shall be limited to a consideration of the adverse effects expected to directly result from the proposed non-compliance; together with such matters listed in Rule 36.3.1.2 below as are relevant to the non-compliance.

All applications for minor non-compliance shall be non-notified, however, the Council may require the written approval of every person who may in the Council's judgement be adversely affected by the granting of the consent for non-compliance unless it is considered unreasonable in the circumstances to require such approval.

36.3.1.2 Matters for Consideration in the Exercise of Council's Discretion

In considering any application for minor non-compliance the Council will in the exercise of its discretion give consideration to the following matters.

The non-compliance should not:

- a) Diminish the natural character of the locality, having regard to the natural character areas identified in Appendix Two, Volume One;
- b) Have any significant effect on the rural landscape;

- c) Have any adverse effect on adjoining properties; and
- d) Adversely affect on-site vehicle manoeuvring or car parking areas or affect the safe flow of traffic on adjoining roads.

36.3.1.3 Conditions

Any resource consent may include conditions relating to any one or more of the following:

- a) The bulk and location of buildings and structures including fences;
- b) The protection of public and private amenity values;
- c) The design and appearance of any buildings;
- d) Landscape design and appearance and site layout;
- e) The protection of the roading network and any traffic impacts; and
- f) Bonds or covenants to secure the performance of consent conditions.

36.3.2 Activities within Riparian Management Zones (specified in Appendix I and Ecology Maps in Volume Three)

- Establishment or replanting of commercial forestry;
- Vegetation clearance except for commercial forestry trees and plant pests, including those listed in the Regional or National Pest Management Strategies;
- Excavation and filling;
- Cultivation of swales and cultivation of slopes over 20°.

36.3.2.1 Matters to which Council has restricted the exercise of its discretion:

- a) The effects of natural clarity of any river, lake, wetland or the sea;
- b) The effects of the entry of any woody material into any river, lake, wetland or the sea;
- c) The effects on natural hazard management, including stability of riparian management zones and river control matters;
- d) Protection of riparian habitat diversity;
- e) Protection of in-stream habitat.
- f) Provision of physical public access where legal public access is provided for.

36.3.3 Commercial forestry

Commercial forestry in the Rural One Zone in areas:

- Not identified in the Plan as a natural hazard;
- Not identified in the Plan as having significant landscape values;
- Not identified in the Plan as having ecological values

will be considered as limited discretionary.

36.3.3.1 Matters for Consideration in the Exercise of Council's Discretion

- a) Impacts on tangata whenua and their relationship with ancestral lands, and in particular on waahi tapu and other taonga;
- b) The effects of land use change on legal water supplies;
- c) The effects of exotic wilding tree spread onto reverting shrublands that are susceptible to wildling establishment;
- d) The effects on transport infrastructure;
- e) The conditions listed for commercial forestry as a Permitted Activity in the Rural Two zone;
- f) Methods employed to avoid or mitigate damage to riparian areas during any clearance, planting or harvest work.

36.3.3.2 Limits to Council's Discretion

36.3.3.2.1 Council's discretion shall be limited to consideration of the potentially adverse effects that directly result from commercial forestry and that are specified above.

36.3.3.2.2 Applications for commercial forestry as a Limited Discretionary Activity may be considered on a notified or non-notified basis, depending on circumstances of each individual application.

Note: Any aspect of forestry establishment operations that:

- Involve the removal of indigenous forest;
- Involve land disturbance operations to establish the forest;
- Affect areas identified in the Plan as a natural hazard;
- Affect areas identified in the Plan as having significant landscape values;
- Affect areas identified in the Plan as having significant ecological values;
- Affect riparian management zones as identified in Appendix I of the Plan;

may require further consents pursuant to the provisions of the Plan relevant to those matters.

36.3.4 The Discharge of Domestic Wastewater Authorised by Resource Consent Prior to 21 April 2005, or the Discharge of Domestic Wastewater, Through any On-site Wastewater Management System Installed after 21 April 2005, into or onto Land.

36.3.4.1 Standards and Terms

- (a) The domestic wastewater shall not be discharged into soil determined to be Category 1, 4, 5 or 6 soil (in accordance with the Council's guidelines for the investigation, design, installation and maintenance of on-site wastewater management systems) if it is proposed to use a conventional on-site wastewater management system; and

- (b) The term of the discharge permit shall not exceed 15 years;

36.3.4.2 Matters to which the Council has restricted the exercise of its discretion

- (a) The proximity of the discharge to any surface water, groundwater or coastal water and any actual or potential adverse effects of the discharge on water quality;
- (b) The proximity of the discharge to any public sewer;
- (c) The proximity of the discharge to other discharges of domestic wastewater and the potential for cumulative effects;
- (d) The potential for the discharge to adversely affect the quality of water in any river or aquifer, or in the coastal marine area;
- (e) The potential for the discharge to initiate instability or make existing instability worse;
- (f) The extent to which the proposed on-site wastewater management system complies with the Council's guidelines for the investigation, design, installation and maintenance of on-site wastewater management systems;
- (g) The site conditions, including the nature of the soil and soil depth;
- (h) The nature of the on-site wastewater management system and the appropriateness of the system to the site conditions;
- (i) The capacity of the treatment unit and the level of treatment;
- (j) The rate and method of discharge;
- (k) The size of the land application area and alternative locations for the land application area;
- (l) The necessity for monitoring the performance of the on-site wastewater management system; and
- (m) The management and maintenance of the on-site wastewater management system, including the ability to access the on-site system for maintenance purposes.; and
- (n) Alternative on-site wastewater management systems.

36.4 Discretionary Activities

Application must be made for a Resource Consent for a Discretionary Activity for the following:

- **Activities listed as Permitted or Controlled Activities which do not comply with standards and/or conditions or with the provisions for minor non-compliance dealt with as limited discretionary activities;**
- **Activity listed as a Permitted Activity and either adversely affecting or being affected by any hazard area identified on the Planning Maps as a hazardous area;**

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- Activity listed as a Permitted Activity or Controlled Activity which modifies a botanical, ecological or wildlife value within an ecologically significant or sensitive area identified in Appendix B and shown on relevant Planning Maps;
- Additional residential accommodation;
- Camping grounds;
- Cemeteries and crematoria;
- Vegetation clearance of more than 0.2ha of coastal broadleaved scrub and shrubland, per Certificate of Title, except where plantation forestry exemptions in rule 36.1.5.4.1 exist;
- Vegetation clearance of more than 0.2ha of indigenous vegetation on ultramafic substrate, per Certificate of Title, except where plantation forestry exemptions in rule 36.1.5.4.1 exist;
- Vegetation clearance of more than 0.2ha of indigenous forest, per Certificate of Title, except where plantation forestry exemptions in rule 36.1.5.4.1 exist;
- Vegetation clearance of naturally occurring indigenous duneland vegetation or naturally occurring indigenous wetland vegetation, except where plantation forestry exemptions in rule 36.1.5.4.1 exist;
- Commercial activities, and sale of farm produce from a rural selling place on a state highway;
- Commercial airstrips and helipads;
- Commercial forestry in Rural One Zone which is located within areas identified as a natural hazard area in Volume Three Maps; or a area of Outstanding Landscape in Volume Three Maps; or a area of Ecological Value identified in Volume Two, Appendix B and Volume Three Maps;
- Community facilities;
- Effluent treatment ponds;
- Gravel extraction;
- Landfill - discharge of contaminants to land, air and water;
- Marae and marae-based activities;
- Quarrying and mineral extraction;
- Refuse transfer stations;
- Relocated Structures;
- Rural industry and equipment for marine based activities;
- Service stations;
- Visitor accommodation; and
- Wineries; and
- Building construction in riparian management zones as identified in Appendix I and the Ecology Maps in Volume Three;
- New dairy farming.

36.4.1 General Assessment Criteria

Any application for a Discretionary or Non-Complying Activity shall be considered in terms of the following criteria. In addition, there may also be prescribed assessment criteria and standards which apply to particular activities. In the case of a Discretionary Activity to vary the conditions for a Permitted Activity an application may only be granted to the extent provided for in the applicable Standards and Terms and will be assessed in terms of the general criteria applicable to all discretionary activities.

36.4.2 Matters for Assessment

In addition to any specific standards set out in Rule 36.4.3 the General Assessment Criteria set out in Rule 36.4.2 shall be applied to Discretionary and Non Complying Activities.

- 36.4.2.1** Any relevant objectives, policies and rules of the Plan.
- 36.4.2.2** Any relevant objectives, policies and rules of the New Zealand Coastal Policy Statement.
- 36.4.2.3** Any relevant objectives, policies and rules of any policy, statement or plan having jurisdiction over the rural area prepared under the Resource Management Act.
- 36.4.2.4** The requirements of section 104 of the Act.
- 36.4.2.5** The assessment criteria for Controlled Activities in the rural zones where relevant.
- 36.4.2.6** The likely effects of the proposal on:
 - 36.4.2.6.1** The locality and wider community and in particular:
 - a) Whether the proposal will enhance or maintain the amenity values of the surrounding area;
 - b) The efficient use and development of resources having regard to the versatility of the area;
 - c) Whether the proposal creates unreasonable demand for services or infrastructure at a cost to the wider community;
 - d) Whether the proposal contributes to the character of the surrounding area and helps maintain the cultural values of the community; and
 - e) Whether the proposal has any adverse effects on roading, traffic movement or road safety.
 - 36.4.2.6.2** The amenities of the area and in particular whether the proposal would:
 - a) Visually intrude on any significant ridgeline or significant landscape; and
 - b) Detract from any view or vista which contribute to the aesthetic coherence of a locality.
 - 36.4.2.6.3** Whether the proposal would:
 - ensure the protection of significant indigenous vegetation and habitats of indigenous fauna; and
 - avoid, remedy or mitigate adverse effects on terrestrial or marine ecosystems.
 - Diminish the natural character of the locality, having regard to the natural character areas identified in Appendix Two, Volume One.

36.4.2.6.4 Natural and physical resources so that any proposal:

- a) Complements any building or other feature constructed by people in the locality which contributes to the character of the locality;
- b) Maintains the future use potential of any renewable resource;
- c) Should not have an adverse effect on the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga;
- d) Does not have an adverse effect on any known historic place or archaeological site;
- e) Provides for the efficient use and development of resources;
- f) Avoids, remedies or mitigates adverse effects on water quality and quantity; and
- g) Does not increase any risk from natural hazards.

36.4.2.6.5 In terms of the discharge of contaminants and the use of hazardous substances that any proposal:

- a) Does not create risk to the community and includes any measures to prevent or mitigate against any impacts from hazards;
- b) Does not involve the use of hazardous substances or hazardous installations such that there shall be any risk to the environment, locality or wider community; and
- c) Does not generate noise, dust, fumes, smoke or odours, which are likely to be noxious or dangerous to any occupier of an adjoining property.

36.4.2.6.6 Whether the proposed land use activity or subdivision is likely to have any effects on the physical and natural environment or community such that some form of financial contribution is necessary and should be imposed as a condition of consent. A financial contribution may be required in the following circumstances (except for a single dwellinghouse on one lot) or as otherwise required in the Plan where:

- a) Any activity will lead to increased pressure on or demand for the use of any public reserve, facilities or infrastructure including roads, walkways, refuse disposal systems;
- b) Any activity is likely to impact negatively upon the development capability of any adjoining land in terms of sewage servicing capacity;
- c) Any activity lends or will lend to a situation where off-site effects can be mitigated, but unless required by condition of consent be at the cost of the Council; and
- d) Where the proposal will create a need for public works, services, reserves, or capital expenditure.

36.4.3 Particular Criteria and Standards Applicable to Listed Discretionary Activities

The criteria specified for any particular Discretionary Activity as listed below shall be considered in addition to the general assessment criteria set out in Rule 36.4.2 above.

36.4.3.1 Relocated Structures

Permission to erect or re-erect, in whole or in part, an existing structure moved to a site within the Rural Zone may be given, but subject to the approval of a non-notified application for a Discretionary Activity. Resource consent must be obtained before the building's re-erection.

The application is to be accompanied by an assessment of effects that address the Fourth Schedule of the Act and the following additional matters:

36.4.3.1.1 Assessment Criteria

- a) The age and architectural design of the building to be relocated and of those other buildings in the vicinity of the proposed site;
- b) The external appearance of the building and its compatibility with the standard of other buildings in the vicinity of the proposed site; and
- c) The effect on the visual amenities of the area in the vicinity of the proposed site.

36.4.3.1.2 Matters Over Which Council Will Retain Control

- a) The building shall be reinstated to a standard of external appearance consistent with structures on properties in the immediate vicinity of the new site;
- b) Landscaping of the new site shall be carried out in accordance with a landscape plan prepared by a landscape professional;
- c) The applicant shall arrange a bond with the Council to cover the cost of the reinstatement work;
- d) All reinstatement work shall be completed within six months of the building being moved to the proposed site; and
- e) The developer shall notify the Council prior to moving the structure to the proposed site.

Note: All relocated buildings must fully comply with the rules for permitted activities for the zone and all other relevant rules.

36.4.3.1.3 Conditions

Any resource consent may include conditions relating to any one or more of the following:

- a) The bulk and location of buildings and on structures including fences;
- b) The protection of public and private amenity values;
- c) The design and appearance of any buildings;
- d) Landscape design and appearance and site layout;
- e) The protection of the roading network and any traffic impacts; and
- f) Bonds or covenants to secure the performance of consent conditions.

36.4.3.2 Sale of Farm Produce from a Rural Selling Place on a State Highway

36.4.3.2.1 Standard

No building associated with the activity shall be closer than 30 metres to the state highway frontage of the site.

36.4.3.2.2 Assessment Criteria

The Council shall give consideration to the following criteria in assessing an application for a Discretionary Activity to erect a rural selling place from which farm produce is sold:

- a) The farm produce offered or displayed for sale is that which is grown on a farming unit owned or leased by the grower of such produce;
- b) That the sale takes place from a rural selling place that is roofed and enclosed on at least three sides and is of such an appearance that it does not detract from the natural qualities of the locality in which it is situated;
- c) The rural selling place should provide parking for vehicles at the rate of 1 space per 5m² of rural selling place and provide manoeuvring space such that vehicles do not need to reverse off the property;
- d) The rural selling place shall be so located such that it does not create a traffic hazard, and where deemed necessary acceleration and deceleration lanes with tapers of 1 in 10 shall be provided at the expense of the developer so that the road width at the entry/exit shall be up to a minimum of 7 metres from the road centreline;
- e) Any earthworks necessary for the creation of a building platform, or access shall be such that they create a minimum disturbance to the landform character of the site; and
- f) Development proposals shall ensure that any run-off or stormwater resulting from the establishment of the activity does not lead to siltation or sedimentation or a reduction in water quality in watercourses.

36.4.3.4 Rural Industry

36.4.3.4.1 Standards

- a) The activity must not lead to any adverse effect on the quality or quantity of any water systems in the area;
- b) The buildings or land use activities must be located in a manner and on that part of the lot where they will have least impact on the visual amenity of the locality;
- c) The activity shall not create a need to upgrade any public infrastructure at unreasonable costs to the ratepayers of the district;
- d) Pollution control measures including leachate control shall ensure no short, long-term or cumulative effects, detrimental to the land or water system resulting from the activity;
- e) Provision for adequate parking of motor vehicles shall be provided off the road and adjacent to the activity. All parking areas shall be appropriately landscaped to protect visual amenity values;
- f) Large reflective surfaces shall not be permitted in the vicinity of any airstrip where they are likely to cause a danger to aircraft; and
- g) The activity shall not have an adverse effect on road safety or road traffic movements.

36.4.3.5 Community Facilities

36.4.3.5.1 Standards

- a) Building yard requirements shall be the same as for Permitted Activities;
- b) A minimum land area of 2000m² for every 100 persons shall be provided for;
- c) Such activities shall be situated on a road with appropriate carrying capacity and entrances and exists must be a satisfactory minimum distance from intersections (generally 20 metres);
- d) The number of persons to be accommodated must not exceed 200 unless:
 - The site is separated from dwellings on neighbouring properties by non residential activities such as reserves; or
 - The area of the site is in excess of the ratio required by Rule 36.4.3.5.1(b) above.
- e) The maximum number of persons able to be accommodated by any building on the site shall be no more than 400. The parking requirement may be waived where the site is serviced solely by water and/or air access;
- f) There shall be all weather off street parking for one vehicle for every four persons a building is designed to accommodate;
- g) All facilities must be appropriately landscaped to the Council's satisfaction to ensure the amenities of the locality are preserved;
- h) All existing native bush, or other vegetation which contributes to visual amenity shall be retained, except where it is necessary to remove vegetation to create a building platform, or where sufficient landscape planting of appropriate species is provided to ensure that buildings are integrated with the natural elements of the surrounding landscape;
- i) Any earthworks necessary for the creation of building platforms or access shall be such that they create minimum disturbance to the landform and character of the site;
- j) Development proposals shall ensure that any run-off of stormwater resulting from the establishment of the activity does not lead to siltation, sedimentation or a reduction of water quality in natural watercourses;
- k) The scale, form and exterior colours of proposed buildings shall be such that they are integrated with and be complementary to forms in the surrounding natural landscape; and
- l) The activity shall not have an adverse effect on road safety or road traffic movements.

36.4.3.6 Visitor Accommodation, Restaurants, Licensed Premises

36.4.3.6.1 Standards

Where any proposed facility is designed primarily for providing for the consumption of liquor on the premises the following standards shall be met:

- a) The hours of operation shall be appropriate to maintaining the amenity and cultural character of the immediate area;
- b) Seating shall be provided for at least 75% of the patrons;
- c) Vehicle parking shall be provided for at the rate of one space for every two persons the facility is designed to accommodate;

- d) All associated vehicle parking shall either be contained on the site or permitted on the street only when it does not conflict with other parking needs of the activities in the area;
- e) The activity shall be located so that there is no adverse impact on traffic safety including access to the facility; and
- f) The scale, form and exterior finish of buildings shall be such that they are integrated and complementary to forms in the surrounding natural and physical landscape.

36.4.3.6.2 For all other activities apart from Rule 36.4.3.6.1 above, the following standards shall be met:

- a) The hours of operation shall be appropriate to maintaining the amenity and cultural character of the immediate area;
- b) Vehicle parking shall be provided for at the rate of one space for every four persons the facility is designed to accommodate;
- c) All associated vehicle parking shall either be contained on the site or permitted on the street only when it does not conflict with other parking needs of the activities in the area. The requirements for parking may be waived in circumstances where the site is serviced solely by water and/or air access;
- d) The activity shall be located so that there is no adverse impact on traffic safety including access to the facility;
- e) The development shall be appropriately landscaped in accordance with a landscape plan approved by the Council;
- f) The scale, form and exterior finish of buildings are such that they are integrated with and complementary to forms in the surrounding natural and physical landscape; and
- g) The activity shall not have an adverse effect on road safety or road traffic movements.

36.4.3.7 Camping Grounds

36.4.3.7.1 Standards

- Access to the camping facility for motor vehicles shall be formed before the use commences. Such access shall be provided in such a manner as to avoid the creation of a traffic hazard;
- Vehicle parking shall be provided for at the rate of one space per camp site and cabin. The requirements for parking may be waived in circumstances where the site is serviced solely by water and/or air access;
- There must be the ability to provide sufficient additional car parking so that no detrimental impact on use of adjoining roads occurs and so that visual amenity is maintained;
- All camp sites and buildings shall be landscaped to the satisfaction of Council so that the visual character of the locality is not compromised by the activity; and
- All boundaries of the camping facility shall be landscaped in accordance with a landscape plan approved by the Council.
- The activity shall not have an adverse effect on road safety or road traffic.

36.4.3.8 Commercial Airstrips and Helipads

36.4.3.8.1 Assessment Criteria

Without limiting the scope of section 88(4)(b) and the Fourth Schedule of the Act, the matters to be assessed shall also include:

- a) Hazard from aircraft movements;
- b) Noise;
- c) Ground access and traffic;
- d) Intrusion into the visual environment;
- e) Effect on amenity values in the surrounding area;
- f) Effects of development on natural and physical resources; and
- g) Hours of operation.

36.4.3.8.2 Standards

- a) The following shall be the maximum permitted noise levels generated by the use of helipads as received at the boundary of an adjoining site.

Zone	Sel dB(A)	Ldn dB(A)
Residential and Recreation Activities	85	55
Rural Activities - within 20 metres of a dwelling	85	55
Commercial and Industrial Activities	90	60

- b) The Ldn values are to be calculated based on a daily average to be determined over a period of a week;
- c) Ldn values are to be calculated from typical flight paths based on the technique described in Report DOT-FAA-EE-82-16 or any subsequent document approved by the Department of Health or Civil Aviation Division, MOT. All calculations or measurements are to be certified by a registered acoustical engineer;
- d) All rescue or emergency helicopter and fixed wing aircraft movements included in the calculations are to be based on the daily average movements over the six months prior to the week in respect of which levels are to be calculated;
- e) The flight operations log of any aircraft operating at the strip or pad is to be open for inspection by the Council;
- f) All aircraft using the facility are to be FAA noise certified or hold a comparable New Zealand certification as approved by the Department of Health or Ministry of Transport Civil Aviation Division, such that by calculation it can be shown that the noise performance standards, or any standards imposed by way of conditions of consent will be complied with;
- g) During the first year following the grant of any consent a referee (who shall be an acoustics engineer) retained by the operator of the facility and approved by the Council shall undertake a quarterly audit with a view to determining whether the facility has been operated in accordance with consent conditions;

- h) Thereafter, the audit shall be undertaken at annual intervals at a time to be determined by the Council, subject to the Council having the right to call for additional audits in the event of it having reason to believe that there has either been a significant change in some factor upon which consent conditions have been based or that the facility has being operated in contravention of consent conditions;
- i) No ground running for engine testing is to be carried out on site; and
- j) The activity shall not have an adverse effect on road safety or road traffic movements.

36.4.3.9 Landfills

The discharge of contaminants onto or into land, and discharge into air or water associated with a solid waste landfill.

36.4.3.9.1 Assessment Criteria

- a) The characteristics of the receiving environment including the current and likely future uses of that environment, and in particular any actual or potential effects on :
 - Surfacewater quality;
 - Groundwater quality;
 - Air quality; and
 - The coastal environment.
- b) Site proneness to erosion, inundation or subsidence;
- c) Effects related to the management of the site and its operation;
- d) Effects related to the nature of material to be discharged and potential by-products;
- e) Practical alternatives to use of the proposed site;
- f) Possible alternative receiving environments (ie; other than land);
- g) The mitigation measures, safeguards, and contingency plans to be used to help prevent or reduce any actual or potential adverse effects;
- h) The impact on natural and cultural values;
- i) The impact of traffic on the locality;
- j) Measures to control the effects of litter; and
- k) The need for financial contributions in the form of money, land, works, services, or any combination thereof. Such financial contributions may be required as a condition of any resource consent granted and shall be made for the purposes of:
 - Mitigating any adverse effects of the activity on air, water, or soil quality, or the life-supporting capacity of ecosystems;
 - Remedying any significant adverse effects on land or water, or cultural or amenity values, beyond the site of past or present contaminant discharges; and
 - Restoration of the site through contouring and revegetation.

36.4.3.9.2 Standards

- a) The establishment of a landfill over an unconfined aquifer shall be prohibited;
- b) The landfill shall be sealed such that leachate cannot escape except through a controlled structure;
- c) Any leachate discharge shall be collected and disposed of in an appropriate manner, for example by recycling through the landfill or by treatment;
- d) The landfill shall be managed in a manner that minimises intrusion from external sources of water;
- e) Discharged material shall not be placed within 1500 metres of a surface waterbody;
- f) As far as practicable, only wastes that can safely be accommodated in the landfill without adverse effects on the environment beyond the site are to be discharged;
- g) No gaseous substance or substance likely to form a noxious, reactive or toxic gas (other than landfill gas) once placed in the landfill, is to be discharged;
- h) Tip face burning shall be a Prohibited Activity;
- i) Prior to commencing operation, a contingency plan shall be prepared, designed to remedy or mitigate any actual or potential adverse environmental effects that might arise, beyond those permitted by the consent from the operation of the landfill (including effects that may arise after waste disposal operations have ceased). The contingency plan shall include details of proposed environmental indicators, and trigger levels for implementation of relevant parts of the contingency plan;
- j) The consent holder shall ensure that all staff and other persons engaged at the landfill are fully aware of the consent conditions;
- k) The consent holder shall undertake monitoring of the following groundwater quality parameters at three monthly intervals:
 - PH Total Alkalinity
 - Temperature Ammoniacal Nitrogen
 - Conductivity BOD5 /COD
 - Nitrate Nitrogen Chloride
 - Hardness Iron (soluble)
- l) The landfill shall be registered on the Hazards Register; and
- m) No hazardous waste may be disposed of in the landfill unless:
 - Accepted hazardous wastes are mixed with mature refuse appropriately, and disposed in discrete cells with low permeability capping and lining material;
 - The landfill site and operation has leachate capture and either; recirculation, treatment, or disposal to sewage treatment facility;

- The landfill site and operation has an appropriately designed and operated leachate and groundwater quality surveillance programme which indicates insignificant levels of groundwater contamination and will be regularly monitored for potentially hazardous constituents following acceptance;
- The operator applies cover on a daily basis and low permeability intermediate and final cover;
- The site has adequate low permeability/attenuating lining materials and appropriate subsoil conditions as evaluated by a detailed hydrogeological investigation;
- The site is further than 3km from any significant point of water abstraction and use within the same hydrogeological catchment;
- The site is securely fenced and has personnel in attendance during all times of operation capable of assessing whether documentation with wastes is adequate. Additionally, personnel must be available who can decide how to evaluate specific wastes and determine the required disposal option, and who are fully instructed in the requirements for safe handling of the particular waste both for themselves and other landfill users. Where wastes are proposed to be accepted, appropriate testing (concentration and leachability of constituents) should be carried out;
- The site has at least a 4 metres depth of well compacted refuse available above the site base;
- The site has acceptable control of stormwater, and applies cover at least on a weekly basis;
- The site is further than 1km from any significant point of water extraction and use;
- The closure is to include a low permeability protective cap;
- The site is further than 500 metres from residential areas;
- The site is located and engineered such that extreme meteorological events will not cause significant mobilisation of wastes by such processes as erosion, wave action, and stormwater run-off; and
- The operation has in place appropriate operational, quality assurance, emergency response, and post closure management plans.

36.4.3.10 Effluent Treatment Ponds, Facilities, Associated Plant, Outfall Structures, Land Irrigation Systems

The discharge of contaminants onto or into land air and water associated with on-site effluent treatment and treatment of reticulated sewage shall be a Discretionary Activity.

36.4.3.10.1 Assessment Criteria

When assessing resource consent applications for discharges from reticulated sewerage systems the following matters will be considered:

- a) The nature of the contaminants entering the sewerage system and being discharged to land from the system;
- b) Whether trade wastes are present in the system and any steps taken or required in order to:

- Monitor industrial and trade wastes entering the system; and
 - Minimise the adverse effects of industrial and trade wastes on the treatment of the effluent, including any steps to encourage cleaner production practices in industries discharging wastes to the system.
- c) The extent to which stormwater is able to enter the system, and any steps taken or required to avoid, remedy or mitigate the effects of system overload by stormwater;
 - d) Any steps taken or required to avoid accidental discharges from the system and the potential effects of any accidental discharges that may occur;
 - e) The extent to which the effluent is treated prior to the discharge entering any water;
 - f) Any actual or potential effects of the discharge on surfacewater, coastal water and groundwater;
 - g) Any effects of any odour or other contaminant discharged to air, as the result of the discharge;
 - h) Any actual or potential effect of the discharge on human health or amenity and on the health and functioning of plants, animals or ecosystems;
 - i) Any other uses or values of the discharge site and surrounding area, including any values placed on the site by tangata whenua; and
 - j) The Ministry of Health Guidelines for the Safe Use of Sewage Effluent and Sewage Sludge on Land 1992.

36.4.3.11 Cemeteries and Crematoria

36.4.3.11.1 Assessment Criteria

- a) Any facility shall be of a scale and intensity such that other activities in the locality are not detrimentally impacted by a loss of visual or lifestyle amenity values;
- b) Traffic likely to result from the activity shall be able to be absorbed by the existing roading system without creating a need for any upgrading using public funds;
- c) Access to the facility shall be such that any potential for traffic hazard is mitigated or avoided; and
- d) All buildings should be designed so that their scale, form and exterior finish is complementary to those of the surrounding area and landscape.

36.4.3.11.2 Standards

A cemetery shall not be established closer than 100 metres from any potable water source.

36.4.3.12 Quarrying and Mineral Extraction

36.4.3.12.1 Assessment Criteria

- a) The extent to which the activities of vegetation clearance and the excavation and removal of material associated with mining impact on amenity values, heritage values, landscapes values, and natural conservation values;

- b) The extent to which roads or buildings impact on amenity values, heritage values, landscape values, and natural conservation values;
- c) The ability of the proposal to rehabilitate the site after mining so:
 - That the long-term stability of the site is ensured;
 - That the landforms or vegetation on finished areas are visually integrated into the landscape;
 - That the land is returned to its original productive capacity, where appropriate; and
 - That water and soil values are protected.
- d) The ability to minimise dust, noise, lighting and vibration so that amenity or natural conservation values are not at risk;
- e) The ability to provide a contingency plan for early mine closure, including an evaluation of the risk to the neighbouring community and environment;
- f) The ability to provide a bond to the Council annually for the purpose of rehabilitating operation areas in the event of a premature closure;
- g) The ability to adequately monitor the operations and its effects on the receiving environment;
- h) The extent to which the proposal will adversely affect water quality and quantity; and
- i) Any actual or potential adverse effect on road traffic movements or road safety.

36.4.3.12.2 Standards

- a) Any spillages of aggregate, sand or other mineral onto roadways within the premises, roadways in the immediate vicinity of the premises, railway lines, loading points or any other exposed surface must be removed as soon as is practicable;
- b) Any stockpiles shall be maintained in such a way as to minimise fugitive dust emissions, particularly during aggregate transfer operations. It may be necessary to either provide shelter from prevailing winds by surrounding or covering the stockpiles or keeping the surface of the stockpile wet;
- c) All stockpiles shall be maintained so as to prevent the spread of stockpile material beyond designated areas;
- d) The movement of vehicles across unsealed surfaces shall be kept to a practicable minimum;
- e) All sealed areas shall be kept clean and free of accumulations of deposited dust or other material;
- f) Any crushing, screening and/or conveying operations shall be operated in a manner to minimise emissions of dust. It may be necessary to install sprays to prevent excessive dust emissions;
- g) The process shall be operated in such a manner as to prevent deposition of solid material on property owned or occupied by persons other than those who carry out the activity that in the opinion of a Council officer, causes, or is likely to cause adverse effects to the environment, in particular nuisance;

- h) No adverse effect on road traffic movements or road safety;
- i) Woody vegetation (except for plantation trees and noxious plants under the Noxious Plants Act 1978) shall not be removed by chemical, fire or mechanical means within 8 metres of any permanently flowing river, or any lake, wetland or sea;
- j) Run-off from water tables, stormwater drains or excavation surfaces is to be directed to stable land areas;
- k) Batters and side castings are to be stabilised by appropriate measures such as seeding, compacting, drainage and/or other methods and revegetation;
- l) The natural clarity of any permanently flowing river, lake wetland or sea shall not be conspicuously reduced due to sediment or sediment laden discharge originating from the site of the quarrying and/or mineral extraction;
- m) The quarry and/or mineral extraction site is to be stable when subject to a storm event of return frequency of 1 in 10 years or less;
- n) No vehicle may be operated within 8 metres of any permanently flowing river, or the margin of any wetland, lake or sea; and
- o) Stormwater controls are to be installed to ensure that sediment is not transported to adjacent land or to any permanent flowing river, or to any wetland, lake or sea.

36.4.3.13 Gravel Extraction

36.4.3.13.1 Assessment Criteria

- a) The effects of the activity on vegetation and the form and shape of the bed and banks of the river;
- b) The location and form of stream crossings;
- c) The operation of machinery involved in the extraction, transport and processing of gravel;
- d) The effects of the activity on any structures in, on or over the bed and banks of the river; and
- e) The final form, including the variety of channel widths and depths, of the bed of the river and the banks of the river.

36.4.3.14 Vegetation Clearance

36.4.3.14.1 Standards

- a) Any increase in the concentration of suspended sediment shall not be more than 20% as measured by the 'black disk' method, notwithstanding that the concentration of suspended sediment in run-off water shall not exceed 200 grams/cubic metre at any point of discharge to any receiving water. The effects on the receiving water are to be measured at a distance downstream of two widths of the receiving watercourse or 50 metres, whichever is the lesser;

- b) No woody material of greater than 100mm diameter shall be left in any permanently flowing river, lake, wetland or sea as a result of vegetation clearance;
- c) All vegetation clearance sites are to be stable when subject to a storm event of return frequency probability of 10% or less;
- d) No logs may be dragged through the bed of any flowing river, or through any lake or wetland;
- e) The vegetation cover of a vegetation clearance site shall be restored within 24 months of the end of the operation, to a level where the amount of bare ground is no more than 20% greater than prior to the land disturbance taking place; and
- f) Top soil shall not be removed to a depth greater than 20mm over more than 15% of any vegetation clearance site.

36.4.3.14.2 Assessment Criteria

- a) Whether the application adequately avoids, remedies or mitigates adverse effects on indigenous vegetation and habitats of indigenous fauna.
- b) In assessing consent applications for the clearance of any indigenous vegetation, Council will consider the significance of the vegetation affected (including the presence of rare or endangered plant or animal species) and the impact of the proposal on ecological values of the area. Council will also take into account the extent of the reduction on the indigenous vegetation type in the District, should the application proceed, and the impact on the sustainability of that indigenous vegetation type.

36.4.3.15 New Dairy Farms

36.4.3.15.1 Standards

New dairy farm activities should be established in such a manner to ensure that no surface, ground, and coastal water quality, and wetland is adversely affected by the operation of the dairy farm.

36.4.3.15.2 Assessment Criteria

- a) The extent to which the proposed dairy farming operation is consistent with the policies for new dairy farms in this Plan.

36.4.4 Resource Consent Conditions

Any resource consent may include conditions relating to any one or more of the following:

- a) All those matters contained in section 108 of the Act;
- b) Bonds or covenants to secure the performance of consent conditions;
- c) Control of land disturbance;
- d) Drainage and effluent disposal;
- e) Financial contributions in accordance with the requirements of the Plan;
- f) Landscape design and appearance, and site layout;
- g) Operation of vehicles within riparian areas;
- h) Riparian controls for vegetation clearance and excavation;

- i) The bulk and location of buildings;
- j) The design and appearance of any buildings;
- k) The protection of any iwi, heritage or archaeological sites or features;
- l) The protection of any significant environmental feature;
- m) The protection of future roading options and the management of traffic impacts;
- n) The protection or enhancement of amenity values;
- o) The protection or enhancement of the quality and quantity of natural waters or water systems;
- p) Water control, culverts, stabilisation of batters, and control of run-off; and
- q) Water supply, water storage and treatment.

36.5 Non-Complying Activities

- Any activity other than a Prohibited Activity which is neither a Permitted Activity, Controlled Activity, Limited Discretionary Activity, nor a Discretionary Activity shall be deemed to be a Non-Complying Activity.

36.6 Prohibited Activities - being activities for which no resource consent shall be granted.

- The disposal of hazardous waste substances to land (other than into an approved hazardous waste landfill) or water.
- The combustion of:
 - materials associated with the recovery of metals from insulated electrical cables; or
 - materials and metals used in motor vehicles; or
 - any other PVC plastic, or rubber tyres, treated timber, or agricultural chemical wastes.
- The establishment of a landfill over an unconfined aquifer;
- Tip face burning.
- The discharge of domestic wastewater, through any soak pit established after 21 April 2005, into land.