

11. Rural Zone

11.1 Introduction

- 11.1.1 The natural rural resources form the basis of most development in the Waitomo District. They comprise the interrelated elements of geology, soils, topography, drainage, climate and vegetation. Social, economic and cultural factors are then superimposed on these natural physical factors. They include settlement patterns, transport networks, technology and economic factors.
- 11.1.2 The rural areas of the District support a wide range of activities including farming, forestry, tourism and recreation. These activities have positive social and economic effects for the District and are important to the regional and national economy. The Rural Zone is a productive working environment. There is a need to weigh the positive effects of rural productive activities against the environmental controls required, and to consider issues of reverse sensitivity related to new residential or other sensitive forms of development. "Reverse sensitivity" refers to situations where new activities moving into an area are more sensitive to the effects of existing established activities, hence creating a conflict. This can lead to the new activities attempting to reduce the effects of existing activities. The Council wishes to see rural productive activities continue and recognises that in most cases the activities can be carried out with minor effects on others and on the environment. The relatively sparse development of some rural parts of the District helps to reduce conflicts between activities. There is also a standalone section called the Special Industrial Activities section that applies to specified sites containing existing industrial activities in the Rural Zone. Rural Zone activities are provided for on these scheduled sites to the extent set out in Section 13.
- 11.1.3 Therefore generally the rural area is an area where rural activities do not need to be controlled by the Council, subject to them being sustainably managed and to there being no significant adverse effects on the environment. Large scale forestry is considered to be a particularly sustainable land use on lands of steep slope and poor soils where erosion risk and degradation of water quality are particular issues. Exceptions to this approach arise where there is particular pressure for use of significant areas, such as tourism at Waitomo Caves and Mokau, or where particularly sensitive environmental areas are involved. These include important karst and the cave systems therein. In many cases the sensitive natural areas (such as areas of significant indigenous vegetation) are in public ownership and have been included in the Conservation zone. However an overlay policy area (the Landscape Policy Area) is included in the Waitomo Caves and Mokau areas to manage the potential environmental effects and conflict arising from intensive tourist use. In this Policy Area additional rules apply (see Section 12 of the Plan).
- 11.1.4 The karst landscape and associated caves are a special feature of the Waitomo District. The effects of land development and other human activities on cave systems is somewhat uncertain and is the subject of continuing scientific study. However there is sufficient concern about some forms of development such as quarrying or large scale land disturbance to mean that some rules are needed to ensure that effects on karst and the associated cave systems are considered. Some of the cave systems are of national or international significance and would be outstanding natural features in terms of the Resource Management Act.
- 11.1.5 In an international paper entitled "Karst Terrains: Environmental Changes and Human Impact", Huppert, Burri, Forti and Cigna discuss cave environments and tourist impacts. They discuss energy levels in caves:
- High energy caves, those which experience high energy events on a regular basis. An example would be those caves that undergo periodic flooding.
 - In moderate energy caves the most significant forces may be running water, persistent wind, or even the activities of animals.
 - In low energy caves the highest energy may be a falling drop of water.
- 11.1.5.1 According to this classification, high energy passages will be minimally affected by tourist activities because such passages will be rearranged by rockfall or flooding within a year. In moderate energy passages, which often have the most abundant display of speleothems, the presence of visitors may have more lasting effect. A visit to a low energy cave may have more serious implications because in a very short time interval more energy could be released than the cave had experienced in perhaps a thousand years. The change caused by a group of tourists may be profound and the speleothems quickly destroyed.

- 11.1.5.2 Speleothem is a collective term for stalactites (a limestone "icicle"), stalagmites, flowstones and other types of cave decoration. They generally form over geologic time out of groundwater slowly trickling into and through caves. Some less common speleothems include delicate gypsum flowers, twisting helictites, nests of cave pearls and selenite needles.
- 11.1.6 The Department of Conservation at the request of Council has produced a schedule of significant karst features in the Waitomo District. It is included as Appendix 6 to this Plan. The information used is the best available to date, but it is being regularly updated and refined. Where significant changes to the schedule occur a plan change will be initiated. The schedule ranks the features from A - E. Category A is international significance, Category B is national significance, Category C is regional significance, Category D is high significance and Category E is local significance. These features have been shown on the planning maps, and together with the schedule, will be referred to when assessing land use consents that could affect them. There are numerous other caves within the District which fall below this ranking system and therefore are not directly recognised within this zone.
- Note: The proposed Waikato Regional Plan contains specific provisions in regards to earthworks, cleanfilling, overburden disposal and river and lake bed structures in karst systems and should be referred to before undertaking any works near or in any karst system, whether or not specifically identified in this Plan.
- 11.1.7 Section 6(c) of the Act requires that areas of significant indigenous vegetation and significant habits of indigenous fauna be protected. Many such areas in the Waitomo District are already protected by virtue of other statutes or covenants under, for example, the Conservation Act or the Queen Elizabeth II National Trust. However there is no suitable comprehensive District wide information available which would enable Council to identify and map areas of significant indigenous vegetation. Therefore the Rules in this Plan, being Discretionary Activity Rule 11.5.4.5 which requires resource consent to clear indigenous vegetation, and Assessment Criteria in Rule 11.6.3, create a process whereby significance can be assessed on a case by case basis. Appropriate protection measures can then be developed where significant indigenous vegetation is identified.
- 11.1.8 The Proposed Regional Plan contains rules controlling all aspects of water quality. In order to avoid duplication and inappropriate overlap of functions the District Plan does not contain specific rules relating to water quality. However to fulfil the District Council's obligations in relation to the effects of land use on water quality this District Plan includes controls on the location of various activities, including the implementation of zones and a policy area and the inclusion of separation distances in the Rural Zone. The objectives and policies in this section of the Plan are intended to provide guidance to the consent authority when it is considering an application for a discharge permit, a land use consent or a subdivision consent, that has potential effects on water quality. The District Council may impose conditions on any such consent it has jurisdiction over, to ensure the objectives and policies of this section of the Plan are achieved.
- 11.1.9 However the overall approach in the Rural zone is to minimise controls on rural activities so there are no unnecessary barriers to productive land use, while ensuring that the rural environment is protected from the significant adverse effects of activities.

11.2 Resource Management Issues

- 11.2.1 The use and development of natural resources in the Rural Zone, and the positive benefits of rural production, allows people to provide for their own economic and social well-being, and contributes to the well-being of the District at large.
- 11.2.2 The Rural Zone is a productive working environment. New activities moving in to the Rural Zone may be sensitive to the effects of established activities within this working environment, creating a conflict. The situation is often referred to as "reverse sensitivity".
- 11.2.3 Earthworks and vegetation clearance and other forms of land development (including farming and forestry development, down slope cultivation, tracking, roading construction and maintenance), if inadequately managed, may increase the risk of erosion and thus increase the risk of adverse effects on water quality and the degradation of eco-systems and habitats.
- 11.2.4 Earthworks, vegetation clearance and land development for rural activities may damage or destroy sites of archaeological, historical and cultural significance.
- 11.2.5 Indigenous forests are an integral part of the rural environment. The clearance of significant tracts of indigenous vegetation may result in the loss of important habitats for native species, increased erosion and adverse effects on water quality, and loss of amenity values.

- 11.2.6 Afforestation, if appropriately managed, may assist in the stabilisation of land, reduce run off and erosion hazard and improve water quality.
- 11.2.7 Cave systems contain features that can may be sensitive to changes in the flows of air, water, sediment and energy through the cave. Land disturbance, such as earthworks and vegetation clearance (especially around cave entrances) may disrupt these processes. Direct physical damage or destruction to features may also arise from external land disturbance or from internal works within caves.
- 11.2.8 The intensive farming of animals (usually within buildings) may create adverse effects such as odour, dust emissions, noise and effects on water quality from effluent disposal.
- 11.2.9 Effluent associated with the agricultural use of land may degrade water courses and ground or coastal water, including significant estuaries.
- 11.2.10 Heavy vehicles typically associated with rural land uses such as forestry, extractive industry, dairying and other stock and product movements, may adversely affect the safe and efficient operation of roads through the damage caused to the road surface and conflicting traffic patterns between through traffic and turning vehicles.
- 11.2.11 Extractive industry may adversely affect the amenity of rural areas through the discharge of stormwater, dust emissions and noise and visual effects, and may have adverse effects on habitat values.
- 11.2.12 Effluent discharge associated with residential use of rural land may degrade ground water and watercourses, and significant estuaries.
- 11.2.13 Concentrated residential development may adversely affect the visual character of the rural environment and the natural character of the coastal environment.
- 11.2.14 Public access to and protection of riparian margins of significant water bodies and the coast may be hindered by residential development in rural areas.
- 11.2.15 The establishment, management and retention of vegetative cover of riparian margins has benefits for soil conservation, water quality, natural character and habitat for indigenous flora and fauna.
- 11.2.16 Forestry may have adverse effects in terms of loss of sunlight and daylight to neighbouring properties, and may cause icing on roads.
- 11.2.17 New or expanded activities in the rural area may have adverse effects on existing physical resources (including roads and reticulated services) that are required to be sustainably managed.
- 11.2.18 Buildings close to boundaries, and large non-farm buildings, may have adverse effects on sunlighting, privacy, landscape and rural amenity.
- 11.2.19 Farming of species with known pest potential may result in adverse effects on indigenous flora and fauna if not adequately controlled.

11.3 Objectives

- 11.3.1 To promote the Rural Zone as a productive working environment where the use and development of its natural resources, consistent with meeting environmental safeguards, is encouraged. *Issues 11.2.1, 11.2.2*
- 11.3.2 To ensure that significant cave systems and other karst features are protected from adverse effects. *Issues 11.2.3, 11.2.7*
- 11.3.3 To ensure that significant archaeological, historical and cultural features are protected from adverse effects arising from the removal of vegetation, or other development of land. See also Section 21, Heritage Resources. *Issues 11.2.4*
- 11.3.4 To protect areas of significant indigenous vegetation and significant habitat of indigenous fauna. *Issues 11.2.5, 11.2.19*
- 11.3.5 To ensure that rural development and land use does not give rise to increased erosion and thus degradation of water quality. *Issues 11.2.6, 11.2.7*

11.3.6	To ensure that the discharge of effluent from activities in the Rural Zone does not adversely affect the quality of ground or coastal waters, or water courses, and that the discharge of odour, smoke and dust to air does not detract from the amenity of the locality.	<i>Issues 11.2.8, 11.2.9, 11.2.12, 11.2.15</i>
11.3.7	To promote efficient and effective management of the District's physical resources of roading, land drainage, and bulk services.	<i>Issues 11.2.10, 11.2.16, 11.2.17</i>
11.3.8	To promote use of rural land in a manner which encourages maintenance and enhancement of amenity values of the rural environment, protects outstanding natural features and landscapes from inappropriate use and development, and preserves the natural character of the coastal environment, wetlands, lakes and rivers, and their margins.	<i>Issues 11.2.11, 11.2.14, 11.2.15, 11.2.16, 11.2.18, 11.2.19</i>
11.3.9	To encourage maintenance and enhancement of rural visual character.	<i>Issues 11.2.13, 11.2.18</i>
11.3.10	To encourage the retention of indigenous vegetation, or establishment and management of suitable woody species, along the margins of streams, lakes, rivers and estuaries in the rural area to aid bank stability, protect water quality and enhance aquatic ecosystems.	<i>Issues 11.2.9, 11.2.15</i>
11.3.11	To ensure that rural activities and lawfully established industrial activities in the rural area are not adversely affected by the location of new activities with expectations of high amenity values.	<i>Issues, 11.2.17</i>
11.3.12	To ensure the adverse effects of rural buildings situated close to boundaries, and large non-farm buildings, are avoided, remedied or mitigated.	<i>Issues 11.2.18</i>

11.4 Policies

11.4.1	To ensure the Rural Zone functions as a productive working environment where the use and development of its natural resources, consistent with meeting environmental safeguards, is encouraged.	<i>Objective 11.3.1</i>
11.4.2	To avoid, remedy or mitigate any adverse effects of vegetation clearance, extractive industry, earthworks, tourism developments, or other rural activities on karst and cave systems therein, with the approach dependent on the significance and sensitivity of the particular cave or karst features.	<i>Objective 11.3.2</i>
11.4.3	To avoid, remedy or mitigate the adverse effects of rural development on sites, areas or landscapes of significance in terms of their contribution to amenity or their archaeological, historical, cultural or ecological importance.	<i>Objective 11.3.3</i>
11.4.4	To avoid, remedy or mitigate any effects of the use or development of rural land that gives rise to erosion which adversely affects water quality.	<i>Objective 11.3.5, 11.3.10</i>
11.4.5	To avoid, remedy or mitigate the adverse environmental effects of removal of indigenous vegetation from the margins of streams, rivers, lakes and the sea.	<i>Objective 11.3.8, 11.3.10</i>
11.4.6	To promote voluntary preservation of indigenous vegetation, including that along riparian margins.	<i>Objective 11.3.10</i>
11.4.7	To avoid, remedy or mitigate the adverse effects of disposal of effluent, such as contamination of groundwater and water courses, from all uses of land and water, and to ensure that appropriate and adequate services or processes are in place or are adopted.	<i>Objective 11.3.6</i>
11.4.8	To avoid rural developments which rely upon the use of on-site drainage fields located in areas subject to inundation.	<i>Objective 11.3.6, 11.3.8</i>
11.4.9	To ensure that new lots created in rural areas are a sufficient size to be capable of meeting the requirements of the Regional Councils in respect of disposal of wastes.	<i>Objective 11.3.6, 11.3.8</i>
11.4.10	To avoid, remedy or mitigate the adverse effects of removal of areas of significant indigenous vegetation and significant habitat of indigenous fauna.	<i>Objective 11.3.4, 11.3.8, 11.3.10</i>

- | | | |
|---------|--|---|
| 11.4.11 | To avoid, remedy or mitigate the visual and landscape effects of damage or destruction of outstanding landscape features such as limestone bluffs, other karst features, or indigenous vegetation which contribute to the amenity of the area. | <i>Objectives</i>
11.3.2, 11.3.8,
11.3.9 |
| 11.4.12 | To ensure that all rural activities, including extractive industries, are established and operated so as to avoid, remedy or mitigate adverse effects on amenity or on neighbours, or on significant karst features. | <i>Objectives</i>
11.3.2, 11.3.8,
11.3.9, 11.3.12 |
| 11.4.13 | To encourage mitigation of the adverse effects of all rural activities, including afforestation and forestry clearance, on adjacent sites. Particularly that mitigation should occur in areas that are visually sensitive, including areas with significant tourist resources, areas of high landscape quality and in the coastal environment. | <i>Objectives</i>
11.3.2, 11.3.8,
11.3.9 |
| 11.4.14 | To ensure that uses of rural land within the coastal environment avoid, remedy or mitigate adverse effects on the amenity of this area, particularly the existing level of natural character. | <i>Objectives</i>
11.3.8, 11.3.10 |
| 11.4.15 | To encourage development in areas that are, or are scheduled to be, served by adequate roading and reticulated services, or are self contained for water supply and effluent disposal. Where services are not available or scheduled to serve any new development, the cost of avoiding, mitigating or remedying any adverse environmental effects on infrastructure should be met by the new development. In assessing costs of the adverse effects on infrastructure of a new development, any existing infrastructural deficiencies must first be recognised, and any costs of remedying deficiencies should not fall only on the new user. | <i>Objectives</i>
11.3.7 |
| 11.4.16 | To discourage activities that are sensitive to the effects of rural or rural/industrial activities from locating where they could potentially conflict with the operation of lawfully established rural and rural/industrial activities. | <i>Objectives</i>
11.3.11 |
| 11.4.17 | To avoid, remedy or mitigate the adverse effects of rural buildings situated close to boundaries, and large non-farm buildings, on sunlighting, privacy, landscaping and amenity. | <i>Objectives</i>
11.3.12 |

11.5 Rules

11.5.1 Activity Classification

11.5.1.1 Permitted Activities

Any activity that complies with the Conditions for Permitted Activities set out in Rules 11.5.3 and 11.5.4, subject to Rule 11.5.2 and the provisions of Section 12, Landscape Policy Area.

11.5.1.2 Restricted Discretionary Activities

Any activity that does not comply with one or two of the Conditions for Permitted Activities in Rule 11.5.3 and 11.5.4. Discretion is restricted to the subject matter of the Condition that is not complied with. This rule does not apply to Rule 11.5.2.1 and 11.5.2.2.

11.5.1.3 Discretionary Activities

Any activity described as a Discretionary Activity in Rule 11.5.2, and any activity that does not comply with three or more of the Conditions for Permitted Activities set out in Rule 11.5.4. See also Rule 11.5.4.5 for Discretionary Activity rules relating to clearance of indigenous vegetation.

11.5.1.4 Non-Complying Activities

Any activity identified as a non-complying activity in Rule 11.5.2 or 11.5.3.

11.5.2 Karst Systems

11.5.2.1 For any land overlying features described in Appendix 6 (and indicated on the Planning Maps as karst overlay) then notwithstanding Rules 11.5.1.1, 11.5.1.2 and 11.5.4.6 all extractive industries are:

- (a) a discretionary activity for cave systems in categories C to E.
- (b) a non-complying activity for cave systems in categories A and B.

Advisory note: Rule 11.5.2.1 prevails over the forestry quarrying activities regulated under the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017. Regulation 6(3)(b) states that a rule in a plan may be more stringent than the regulations if the rule manages any activities in any karst geology that is identified in a district plan.

11.5.2.2 For any land overlying features described in Appendix 6 (and indicated on the Planning Maps as karst overlay) then notwithstanding Rules 11.5.1.1, 11.5.1.2 and 11.5.4.5 (a) – (f) clearance of more than 0.5 of a hectare of indigenous vegetation in any one calendar year shall be a non-complying activity for cave systems in categories A, B.

Note: See Rule 11.5.4.5 and Assessment Criteria 11.6.3 for methods of assessment of indigenous vegetation.

Advisory note: Rule 11.5.2.2 prevails over the indigenous vegetation clearance activities regulated under the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017. Regulation 6(3)(b) states that a rule in a plan may be more stringent than the regulations if the rule manages any activities in any karst geology that is identified in a district plan.

11.5.2.3 For any land overlying features described in Appendix 6 (and indicated on the Planning Maps as karst overlay), then notwithstanding Rule 11.5.2.2 and Rule 11.5.4.5 (a) – (f), any clearance of vegetation or earthworks or fill placement within 50m upslope of an entry or opening into any cave or associated karst formation is a Restricted Discretionary Activity.

Advisory note: Rule 11.5.2.3 prevails over the non-indigenous vegetation clearance, earthworks and forestry quarrying activities regulated under the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017. Regulation 6(3)(b) states that a rule in a plan may be more stringent than the regulations if the rule manages any activities in any karst geology that is identified in a district plan.

11.5.2.4 For any land overlying features described in Appendix 6 (and indicated on the Planning Maps as karst overlay), establishment of structures in, artificial entrances to, or other modification that causes loss of cave features, or change to cave processes, shall be a Restricted Discretionary Activity.

Advisory note: Rule 11.5.2.4 prevails over the earthworks and forestry quarrying activities regulated under the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017. Regulation 6(3)(b) states that a rule in a plan may be more stringent than the regulations if the rule manages any activities in any karst geology that is identified in a district plan.

Note 1: The proposed Waikato Regional Plan (September 1998) contains specific provisions in regards to earthworks, cleanfilling, overburden disposal and river and lake bed structures in karst systems and should be referred to before undertaking any works near or in any karst system, whether or not specifically identified in this Plan.

Note 2: Karst features shown on the Planning Maps are an indicative position of the caves identified in Appendix 6. Determination of the need for a resource consent will be based on the information in Appendix 6 in conjunction with the information on the Planning Maps.

11.5.3 General Provisions

The General Provisions below must also be complied with for the proposal to be a permitted activity.

- 16 Roads and Vehicle Access
- 17 Hazardous Substances
- 18 Air Quality
- 19 Signs
- 20 Noise
- 21 Heritage Resources
- 24 Landscaping
- 25 Financial Contributions and Esplanade Reserves
- 26 Subdivision
- 27 Natural Hazards

Note: The diversion of any stream, the taking or discharge of water and the establishment of any in stream structure may require consent from the Regional Council.

11.5.4 Conditions for Permitted Activities

11.5.4.1 **Buildings**

*Policies 11.4.12,
11.4.17*

- | | | |
|-----|---------------------------------|--|
| (a) | Front Yard: | 10 metres minimum |
| (b) | Side Yard: | 10 metres minimum |
| (c) | Rear Yard: | 10 metres minimum |
| (d) | Height in relation to boundary: | 3 metres plus 1 metre for every metre from the boundary to the structure. |
| (e) | Maximum Height: | 10 metres |
| (f) | Maximum building area: | 200m ² , except for dwellings and buildings for farming and forestry activities where no limit applies. |

Note: The New Zealand Electrical Code of Practice of Electrical Safety Distances (NZ ECP: 34 1993) should be considered when selecting a building site.

11.5.4.2 **Forestry**

*Policies 11.4.12,
11.4.13*

Forestry planting shall not be undertaken:

- (a) Within 30 metres of any existing dwelling, school building, church building, marae building or land zoned Residential; or
- (b) Within 10 metres of any boundary of an adjoining site; or
- (c) Within any position that will cause or prolong icing of the pavement of any road through shading effects;

unless the written consent of the adjoining owner and occupier is first obtained.

Rules 11.5.4.2(a) to (c) do not apply to planting of deciduous trees of any height, or other species not exceeding a mature height of 6 metres.

Advisory note: Rule 11.5.4.2 does not apply to afforestation activities regulated under the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017. Those regulations prevail over this rule in relation to plantation forestry activities.

11.5.4.3 **Scale of Activity**

*Policies 11.4.1,
11.4.1.7,
11.4.12*

- (a) The number of persons employed on-site at any one time shall not exceed 5 persons, except that this rule does not apply to farming, or forestry, or extractive industry, or emergency service activities.
- (b) Maximum number of persons accommodated in residential institution, tourist accommodation or otherwise as paying guests or clients: 10.
- (c) All rural activities under this Rule shall be self contained for the disposal of rubbish, industrial waste and effluent, or shall be capable of connection to established reticulation or services.

11.5.4.4 **Drainage and Effluent Fields**

Policies 11.4.8

Effluent and drainage systems shall not be located within areas which are subject to inundation.

11.5.4.5 **Indigenous Vegetation**

Policies 11.4.1,
11.4.5, 11.4.10,
11.4.13

Within the Rural Zone the removal or clearance of indigenous vegetation, or indigenous wetland vegetation, shall be a Discretionary Activity subject to assessment for significance under Assessment Criteria 11.6.3.

This Rule does not apply to the following forms of clearance or removal of indigenous vegetation which shall be Permitted Activities:

- (a) The harvesting of indigenous vegetation under a sustainable forest management plan that has been approved under s67(f) of the Forests Amendment Act 1993.
- (b) The trimming of indigenous vegetation for the purposes of maintaining security of supply of overhead services.
- ~~(c) Any impacts on the understorey of plantation forests as a result of harvesting those forests.~~
- (d) Indigenous vegetation affected by normal maintenance of existing productive pasture and productive forests, and maintenance of existing tracks and fences, provided that on the banks of any water body bank stability is maintained and vegetation is retained as far as practicable.
- (e) Establishment of new tracks and fences through indigenous vegetation where the clearance of indigenous vegetation is no more than 10 metres in width and the track or fence line is constructed to farming best practice, provided that the indigenous vegetation to be cleared lies more than 10 metres from any water body.
- (f) Clearance of indigenous vegetation whose area to be cleared does not contain significant indigenous vegetation or habitat (refer to Assessment Criteria 11.6.3).

Note 1: The Waikato Regional Plan contains Rules relating to the clearance of vegetation in 'high risk erosion areas', and adjacent to watercourses, and Rules relating to tracking and earthworks. Resource consents may be required from the Waikato Regional Council for these activities.

Note 2: Clearance of indigenous vegetation in the Landscape Policy Area of the Rural Zone is the subject of specific provisions in Rule 12.5.1.4.

Note 3: For the purposes of Rule 11.5.4.5(f) refer to Methods and Incentives 11.7.1.

Advisory note: Rule 11.5.4.5 does not apply to indigenous vegetation clearance activities regulated under the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017. Those regulations prevail over these rules in relation to plantation forestry activities. Rule 11.5.4.5(c) is removed to avoid conflicting with the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.

11.5.4.6 **Earthworks and Extractive Industries**

Policies 11.4.1,
11.4.2, 11.4.4,
11.4.5, 11.4.11,
11.4.12

Earthworks, farm quarries and extractive industries may occur on any site provided that:

- (a) The activity, including placement of overburden, is no closer than 10 metres from any stream or water body, or the boundary of the Coastal Marine Area, except that this Rule does not apply to stream crossings or culverts.

Note: Stream crossings and culverts may be subject to consent from the Regional Council.

- (b) The site is self contained, or can be made self contained, for the entrapment of any contaminants, including silt and dust.
- (c) The land disturbance or overburden placement does not threaten the stability or integrity of any adjoining property.
- (d) The activity does not breach Rule 11.5.2, Karst Systems, Rule 11.5.3, General Provisions, and Conditions for Permitted Activities in Rules 11.5.4.1 to 11.5.4.5.
- (e) No more than 2,000m³ of soils, minerals, and overburden are moved or removed in any one calendar year.
- (f) Extractive industries shall not operate beyond the hours of operation set out below if they are located within 100m of any existing dwelling (as at 1 June 1999) on any site other than the site on which the extractive industry is located.

Mondays to Saturday : 8.00am - 6.00pm
Sundays and Public Holidays : 8.00am - 2.00pm

Advisory note: Rules 11.5.4.6(a)-(c) and (e)-(f) do not apply to earthworks and forestry quarrying activities regulated under the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017. Those regulations prevail over these rules in relation to plantation forestry activities.

Advisory note: Rule 11.5.4.6(d) prevails over the earthworks and forestry quarrying activities regulated under the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017. Regulation 6(3)(b) states that a rule in a plan may be more stringent than the regulations if the rule manages any activities in any karst geology that is identified in a district plan.

11.5.4.6A **Earthworks Ancillary to Forestry**

Rule 11.5.4.6(e) does not apply to earthworks ancillary to forestry.

Advisory note: Rule 11.5.4.6A does not apply to earthworks activities regulated under the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017. Those regulations prevail over this rule in relation to plantation forestry activities.

11.5.4.7 **Intensive Farming**

*Policies 11.4.7,
11.4.12,
11.4.13, 11.4.17*

Any building used for intensive farming activities, and any permanent feedlot, shall be sited:

- (a) Not less than 150 metres from any dwelling on an adjoining site.
- (b) Not less than 500 metres from any Residential Zone.
- (c) Not less than 30 metres from any site boundary.

Note: The taking or discharge of water or effluent, or a discharge to air (odour), may require consent from the Regional Council.

11.5.4.8 **Wastewater Treatment Plants and Ponds**

*Policies 11.4.7,
11.4.12, 11.4.13*

Wastewater treatment plants and ponds shall be located no closer than 50m to a property boundary, and no closer than 250 metres to a dwelling on another property.

11.5.4.9 **Fencing Standards for Deer and Goat Farms**

- (a) Fencing of all deer farms shall meet the more stringent of the following standards:
 - The Appendix setting out boundary fencing specifications for Non-Risk/Non-Regulated areas in the "Deer QA On Farm Quality Assurance Programme" – August 2003 – Issue No.7, Published by Deer Industry New Zealand; or
 - The Wild Animal Control Act 1977.

(b) Fencing of all goat farms shall meet the following minimum standards:

- Bulldozed line.
- 9 wire (kept tight at all times), constructed of high tensile 2.5mm diameter galvanized steel, the bottom wire shall be placed 80mm above ground level and above that wires placed at the following intervals – 100, 100, 100, 110, 120, 135, 150 and 165mm. The top wire shall be approximately 50mm below the top of the post.
- No internal stays.
- Posts to be at the following spaces:

-	Less than 30o ground slope	5m
-	30o to less than 45o	4m
-	45o or more	3m
- Battens to be at 1m intervals.

11.6 Assessment Criteria for Discretionary Activities

11.6.1 The relevant Objectives and Policies of the Rural Zone and, if applicable, those of the "General Provisions" where standards are not met.

11.6.2 The anticipated adverse effects resulting from the activity and its impact on the following matters:

- (a) Landforms and the karst and cave network and particularly the effects on cave systems identified in Appendix 6 and the category of caves affected, and their special features.
- (b) Amenity and archaeological, historical and cultural heritage.
- (c) The integrity of areas of significant indigenous vegetation and significant habitats of indigenous fauna.
- (d) The quality of soil, water bodies, streams and rivers.
- (e) The quality of groundwater.
- (f) The safe and efficient operation of the district infrastructure and physical resources, including road.
- (g) Air quality, particularly related to dust, smoke and odour.
- (h) The noise level associated with the proposal and its effects on neighbouring properties.
- (i) The stability of the ground and its proneness to inundation.
- (j) The rehabilitation proposed and its likely end use.
- (k) The role of vegetation in riparian management.

Note 1: Riparian activities may result in adverse effects on the habitat of trout and indigenous species, including tuna (long fin and short fin eels), piharau (lamprae), inanga (whitebait), poroka (cockabully), koaro (glaxias brevipinnis), kokopu (glaxias postvectis), kaingo (tidal cockles), koura (freshwater crayfish) and kairo (freshwater mussels/pipi). The spawning habitat of trout is particularly vulnerable during the months April to August.

Note 2: The Botanical Society has information relevant to the Waitomo District. Extracts from their records are included in Appendix 10 of this Plan for information only.

Note 3: Sites of geological significance are recorded by the New Zealand Geopreservation Society. Further details of those sites can be obtained from the 'Inventory of Important Geological Sites and Landforms in the Waikato Region' edited by Jill A Kenny and Bruce Hayward – 1993, or from the Department of Conservation.

Note 4: Where an assessment is required under 11.6.2 and 11.6.3 applicants should discuss assessment processes with Council. Council may require applicants to furnish an assessment by a suitably experienced or qualified party.

11.6.3 Additional Assessment Criteria for Discretionary Activities for removal or clearance of indigenous vegetation.

11.6.3.1 The following criteria are to be used to identify areas of significant indigenous vegetation and significant habitats of indigenous fauna as they exist at the time the criteria are being applied:

Previously Assessed Site:

- (a) It is indigenous vegetation or habitat for indigenous fauna that has been specially set aside by statute or covenant for protection and preservation unless the site can be shown to meet none of the following Criteria (c) – (k).

- (b) It is indigenous vegetation or habitat recommended for protection by the Nature Heritage Fund or Nga Whenua Rahui committees, or the Queen Elizabeth the Second National Trust Board of Directors, unless it can be shown to meet none of the following Criteria (c) – (k).

Ecological Values:

- (c) It is vegetation or habitat that is currently habitat for indigenous species or associations of indigenous species that are:
- i) Threatened with extinction, or
 - ii) Endemic to the Waikato Region¹
- (d) It is indigenous vegetation or habitat type that is under-represented (10% or less of its known or likely original extent remaining) in an Ecological District, or Ecological Region, or nationally.
- (e) It is indigenous vegetation or habitat that is, and prior to human settlement was, nationally uncommon such as karst ecosystems.
- (f) It is wetland habitat for indigenous plant communities and/or indigenous fauna communities² that has not been created and subsequently maintained for or in connection with:
- i) Waste treatment; or
 - ii) Wastewater renovation; or
 - iii) Hydro electric power lakes; or
 - iv) Water storage for irrigation; or
 - v) Water supply storage;
- unless in those instances they meet the criteria in the report by Whaley KJ, Clarkson BD and Leathwick JR (1995) entitled "Assessment of the Criteria used to Determine 'Significance' of Natural Areas in Relation to Section 6(c) of the Resource Management Act 1991"³
- (g) It is an area of indigenous vegetation or naturally occurring habitat that is large relative to other examples in the Waikato Region of similar habitat types, and which contains all or almost all indigenous species typical of that habitat type⁴.
- (h) It is aquatic habitat⁵ that is a portion of a stream, river, lake, wetland, intertidal mudflat or estuary, and their margins, that is critical⁶ to the self sustainability of an indigenous species within a catchment of the Waikato Region and which contains healthy, representative populations of that species.
- (i) It is an area of indigenous vegetation or habitat that is a healthy and representative example of its type because:
- i) Its structure, composition, and ecological processes are largely intact; and
 - ii) If protected from the adverse effects of plant and animal pests and of adjacent landuse (e.g. stock, discharges, eroision), can maintain its ecological sustainability⁷ over time.
- (j) It is an area of indigenous vegetation or habitat that forms part of an ecological sequence⁸ that is either not common in the Waikato Region or an ecological district, or is an exceptional, representative example of its type.

Role in Protecting Ecologically Significant Area:

- (k) It is an area of indigenous vegetation or habitat for indigenous species (which habitat is either naturally occurring or has been established as a mitigation measure) that forms, either on its own or in combination with other similar areas, an ecological buffer, linkage or corridor and which is necessary to protect any site identified as significant under Criteria (a) – (j) from external adverse effects.

Note 1: Contact the Department of Conservation for the most recent list of nationally uncommon and threatened species. A schedule of regionally uncommon species can be obtained from the Waikato Regional Council. See also Appendix 9 for threatened plant species.

Note 2: The Waikato Regional Plan has specific requirements relating to activities affecting wetlands.

Note 3: Riparian activities may result in adverse effects on the habitat of trout and indigenous species, including tuna (long fin and short fin eels), piharau (lamprae), inanga (whitebait), poroka (cockabully), koaro (glaxias brevipinnis), kokopu (glaxias postvectis), kaingo (tidal cockles), koura (freshwater crayfish) and kairo (freshwater mussels/pipi). The spawning habitat of trout is particularly vulnerable during the months April to August. These factors should be considered under any criteria relating to bodies of water.

Note 4: Some areas of indigenous vegetation have been identified by the Department of Conservation

¹ See Section 28, Definitions, for definition of endemic to the Waikato Region.

² Does not include exotic rush/pasture communities.

³ This report is available for viewing at the Waitomo District Council offices in Te Kuiti or at the Environment Waikato offices in Hamilton.

⁴ This criterion is not intended to select the largest example only in the Waikato Region of any habitat type.

⁵ Excluding artificial water bodies, except those created for the maintenance and enhancement of Biodiversity or as mitigation for a consented activity.

⁶ Critical means essential for a specific component of the life cycle and includes breeding and spawning grounds, juvenile nursery areas, important feeding areas and migratory pathways.

⁷ See Section 28, Definitions for definition of ecological sustainability.

⁸ See Section 28, Definitions for definition of ecological sequence.

as Recommended Areas for Protection. Further details of those sites can be obtained from the Department of Conservation.

Note 5: Plant and animal pests may have adverse effects on significant indigenous vegetation and significant habitats of indigenous fauna. Pest control is the primary responsibility of the Regional Council who administer a Regional Pest Management Strategy (RPMS). However this is complemented by rules in this plan relating to fencing of deer and goat farms (see Rule 11.5.4.9). The Waikato RPMS contains information and rules in relation to the responsibilities of private land occupiers regarding the control of plant and animal pests on land that they occupy.

Note 6: Where an assessment is required under 11.6.3 applicants should discuss assessment processes with Council. Council may require applicants to furnish an assessment by a suitably experienced or qualified party. See also Method 11.7.1.

Note 7: Council will not charge any fee for the processing of a resource consent application under this rule.

11.7 Methods and Incentives

11.7.1 For the purposes of Rule 11.5.4.5(f) and on application to Council, Council will fund an ecological assessment for any area of indigenous vegetation or habitat that is proposed to be cleared up to 30 hectares in size. The purpose of this assessment is to establish whether or not the area of vegetation is significant as assessed against the criteria provided in 11.6.3. This assessment will be carried out by a suitably qualified and experienced ecologist. The assessment report shall include a scaled map and/or aerial photograph showing any areas of significant indigenous vegetation or significant habitat of indigenous fauna, and an assessment of these areas. For any proposals to clear over 30 hectares of vegetation the Council may seek a cost sharing arrangement with the applicant for any ecological assessment work.

11.7.2 Council accepts there are community benefits arising from the preservation of significant indigenous vegetation, and that responsibility and potential costs may be imposed upon the landowner. Council will address funding issues to ensure these costs are appropriately shared when developing Strategic and Annual Plans. Heritage Protection Orders provide opportunity to protect a site, and for Council to reimburse costs.

11.7.3 Where an application for land use consent or subdivision consent is received by the Council and it is considered to have implications for water quality it will be referred to the Regional Council for comment on water quality issues and to establish the degree of liaison between the Councils that is needed to process it.

11.7.4 Non regulatory methods and/or voluntary protection of significant indigenous vegetation and habitat will be encouraged to complement regulatory methods of protection. Council will encourage the voluntary preservation of indigenous vegetation along riparian margins, and the acquisition of Esplanade Reserves on subdivision. Incentives may be offered to promote voluntary preservation of appropriately protected indigenous vegetation, including that along riparian margins.

11.7.5 The Council operates a rates relief policy for privately owned lands containing appropriately protected indigenous vegetation. A full copy of the policy can be examined in Council's Policy Manual. The policy currently includes the following categories of land:

1. Land containing a minimum cover of virgin or cut-over regenerating forest of 90% of the title area or land use assessment area;

or

Land subject to the conditions described in the Second Schedule, Part I(e) or (o) of the Rating Powers Act 1988, i.e.

- i) An open space covenant under s22 of the Queen Elizabeth the Second National Trust Act 1977; or
 - ii) A heritage covenant under s6 of the Historic Places Act 1993; or
 - iii) A conservation covenant under s77 of the Reserves Act 1977; or
 - iv) A declaration of protected land under s76 of the Reserves Act 1977; or
 - v) A covenant for conservation purposes under s27 and 27A of the Conservation Act 1987; or
 - vi) Maori reservation land designated for natural, historic or cultural conservation purposes under s340 of the Te Ture Whenua Act 1993 or under s439 of the Maori Affairs Act 1953. In particular s439(12) and other Maori land that is specifically designated to the satisfaction of Council and/or gazetted for those purposes.
 - vii) Other land which is specifically designated reservation for natural, historic or cultural purposes under a management agreement for conservation purposes under s38 of the Reserves Act 1977, or s29 of the Conservation Act 1987. Provided that representation has been made to Council on any management plan and Council consents to the designation.
2. Land having Heritage Order status under the Resource Management Act 1991.
 3. Land in special cases where under the District Plan Council is satisfied the preservation of particular, natural or historic or cultural features which are seen as desirable or of benefit to the district are encouraged by the granting of rates relief.

The policy provides for full remission of rates on qualifying areas of land. Council staff should be contacted to assess compliance with the policy.

11.7.6 The Council will progressively develop a database of information on indigenous vegetation areas and habitat as that information becomes available. The database will include:

- a) Sites that are under statutory protection such as open space covenants under the Queen Elizabeth II National Trust Act 1977, heritage covenants under the Historic Places Act 1993, public reserves and conservation covenants under the Reserves Act 1977, Maori reservation land under the Te Ture Whenua Act 1993, and covenants under the Conservation Act 1987.
- b) Sites covered by plans or permits granted under the Forest Act 1949.
- c) Sites volunteered for protection by landowners.
- d) Sites identified through published information and surveys.
- e) Sites protected by conditions on resource consents.
- f) Sites identified in ecological reports funded by Council pursuant to Method 11.7.1 or provided to Council in support of applications for resource consent.

This database will be made freely available.

11.8 Anticipated Environment Outcomes

- (a) A karst landscape and associated cave system maintained and protected
- (b) Retention of the district archaeological, cultural and historical resources of significant indigenous vegetation
- (c) Maintenance of significant indigenous vegetation
- (d) A reduction in erosion hazards, and associated pollution, and the safeguarding of the life supporting capacity of soils
- (e) Maintenance of the quality of ground and coastal water
- (f) A safe and efficient infrastructure network
- (g) A high level of air quality
- (h) Maintenance and enhancement of riparian margins.