

Section 3 Zone Objectives, Policies, Rules and Methods

Section 3.1 Rural Zone

The District's rural areas, defined as the Rural Zone, predominantly supports farming related activities but also provides for a range of land uses, such as infrastructure and renewable electricity generation activities. The character of the rural area is one where there is a mix of activities that require a rural location. The protection and maintenance of the life supporting capacity and productive value of the land resource, is of critical importance to the District's socio-economic and cultural wellbeing. Inappropriate land use and development can give rise to a range of adverse effects and careful consideration should be given to the location and nature of activities to promote sustainable land use and development. Many areas within the Rural Zone are valued for their rural character and amenity and the Rural Zone can be an attractive location for residential activities. The Rural Settlement Areas provide for the consolidation or clustering of development around those existing established areas. Inappropriate subdivision, land use and development can give rise to a range of adverse effects on the District's rural environments and can result in the inefficient use of natural and physical resources. The location and nature of activities, particularly those that can be sensitive to farming activities, should be given careful consideration in order to promote sustainable growth and development and ensure integration with rural environments. The Mountains Overlay encompasses the mountainous areas of the Rural Zone, where Council seeks to protect and enhance the soil resource and the natural character of the area.

Rural

Objective RURAL.1

Subdivision, land use and development in the Rural Zone shall be undertaken in a manner that maintains the life supporting capacity and productive value of the land resource.

Objective RURAL.2

Maintain amenity values, including rural character.

Policy RURAL.1

Recognise the benefits of subdivision, land use and development in providing for growth and development of the District, whilst avoiding, remedying or mitigating adverse effects on the environment.

Explanation: Well planned subdivision, land use and development can provide a framework for the sustainable growth and development of the District. Farming and non-farming activities are key contributors to the socio-economic wellbeing of the District. However, adverse effects can arise from the nature and scale and the physical or built form, of some rural activities. Land use and development should integrate with infrastructure and transportation networks and careful consideration should be given to the location and nature of activities in order to avoid, remedy or mitigate adverse environmental effects. The District contains a diverse range of activities within the rural area that contribute to the continued growth and development of agriculture, such as the Woodlands Research Farm and other industry monitor farms.

Policy RURAL.2

Manage subdivision, land use and development in a manner that maintains or enhances amenity values, including rural character and landscapes.

Explanation: Subdivision, land use and development should be sympathetic to rural character and amenity values, and enhance these where possible.

The dominant character of the District's rural working landscapes includes reasonable separation between dwellings to maintain privacy and a sense of openness, the clustering of dwellings with other farm buildings and structures, a generally low background noise level but with some intermittent and/or seasonal noise from rural activities, clean air but with some significant short term and/or seasonal odour associated with farming activities.

Policy RURAL.3

Avoid, remedy or mitigate reverse sensitivity effects.

Explanation: The Rural Zone provides for a range of activities that may at times be incompatible with each other. Further, rural character and amenity values can serve as an attraction for residential activity in the Rural Zone. However, character associated with working rural environments can give rise to conflict between land use activities and result in reverse sensitivity. Conflict between land use activities can occur where neighbouring or nearby land uses are not compatible. In the Rural Zone some farming and intensive farming activities can generate significant noise, lighting, odour and dust effects. In many cases these effects should be avoided, remedied or mitigated. Such effects should be reasonably expected within the Rural Zone and it is preferable that the management of these effects do not result in undue restrictions on farming and intensive farming activities.

Policy RURAL.4

Subdivision, land use and development shall be undertaken in a manner that:

1. Promotes sustainable land use and soil management practices.
2. Maintains the life supporting capacity and productive value of the land resource.
3. Avoids or mitigates erosion, sedimentation and instability of soils, particularly on hill country land.

Explanation: The District's land and soil resources are a key contributor to the socio-economic wellbeing of the District. The control of inappropriate subdivision, land use and development of land and soil resources can protect and maintain the productive use of land and ensure that the economic value of these resources is preserved. Land use practices should ensure soil properties are maintained or enhanced and erosion, compaction, nutrient loss and soil disturbance are avoided or minimised, this is particularly critical for high value soils and soils on hill country land. These soils provide highly productive farming land, suitable for a range of rural production activities. The District's hill country can be prone to erosion and instability and inappropriate activities can give rise to adverse effects including sedimentation and slips. Fragmentation of rural properties for rural-residential subdivision can potentially reduce the productive use of land in the Rural Zone.

Policy RURAL.5

Recognise that rural-residential activity may be appropriate in locations where:

1. Soils are not identified as being of high value.
2. Integration can be achieved with infrastructure and transportation networks.

3. Sites are not subject to significant risk from natural hazards.
4. Allotment size, shape and configuration maintains open rural character.
5. Consolidation can be achieved within and around existing residential areas and Rural Settlement Areas.

Explanation: There are townships in the District that are zoned Rural but are essentially Urban in their layout. Many of these have been shown on the planning maps as Rural Settlement Areas. This policy recognises that it may be appropriate to provide for ongoing residential development and growth in these areas. Other rural-residential activity independent of any farming or intensive farming activity may be appropriate, however, it must be undertaken in a manner that maintains open rural character, achieves the efficient use of soil and land resources and connectivity with existing infrastructure.

Policy RURAL.6

Avoid rural-residential activity in locations where the ongoing cost of maintenance of roading infrastructure will have adverse effects on the wider community.

Explanation: Additional demands on roading infrastructure associated with rural-residential activity can place costs on local communities and ratepayers. Council's role is to maintain infrastructure in accordance with the relevant Asset Management Plans and rural-residential activity can in some situations lead to an unsustainable demand for funding. Funding maintenance of infrastructure whilst trying to limit costs on ratepayers can result in Council having to prioritise spending and other activities missing out. Refusal of consent applications that adversely affect the economic wellbeing of the wider community and ratepayers is consistent with the sustainable management of natural and physical resources.

Policy RURAL.7

Recognise the benefits of gravel extraction, whilst ensuring that adverse effects are avoided, remedied or mitigated.

Explanation: On site mineral extraction can provide for socio-economic wellbeing by reducing the time and financial costs of sourcing gravel from elsewhere, while minimising the transport of rock or gravel for activities which assist in reducing the wear on the roading network. However, these extraction and associated processing activities can give rise to adverse environmental effects. Careful consideration should be given to the location and nature of these activities to manage any adverse effects and should include the implementation of a robust management and monitoring plan as part of any resource consent application.

Policy RURAL.8

Avoid, remedy or mitigate the adverse effects of earthworks.

Explanation: Earthworks are often necessary as part of day to day farming activities or land use and development activities. Earthworks can give rise to a range of adverse effects, including effects on slope and soil stability, biological diversity, visual amenity, water quality and heritage (including archaeological) values. Earthworks should be managed through the implementation of a robust methodology and works supervision procedures to avoid adverse effects. Industry specific Standards and Guidelines provide one way of demonstrating these methods and procedures and achievement of the required environmental outcomes. Particular consideration should be given to the avoidance of effects on water and soil quality and public health.

Policy RURAL.9

Avoid, remedy or mitigate reverse sensitivity effects on infrastructure and network utility operations.

Explanation: Infrastructure and network utility operations provide an important essential service to the Southland District and wider national networks. To ensure the continuation of this essential service the presence and function of the infrastructure should be recognised and careful consideration given to preventing the establishment and expansion of sensitive activities where they are to be located in the vicinity of existing or proposed infrastructure.

The National Grid network has been identified on planning maps and rules established to provide for minimum setbacks to address safety, operation and maintenance of the Lines and Support Structures. This will enable Council to prevent sensitive activities, or the expansion of existing sensitive activities, from locating where they would affect or be affected by the National Grid network.

Policy RURAL.10

Manage subdivision, land use and development in a manner that maintains or enhances the residential amenity values within the Rural Settlement Areas.

Explanation: The amenity and character of the Rural Settlement Areas is distinct from the rest of the Rural Zone in that it provides for more consolidated development while still ensuring amenity values on neighbouring properties are managed through controls such as the height in relation to boundary requirements.

Mountains Overlay

Objective MTO.1

The soil resource and natural character of the area encompassed by the Mountains Overlay shall be maintained.

Policy MTO.1

To avoid, remedy or mitigate the adverse effects on natural character and soil resources within the Mountains Overlay.

Explanation: The siting, design and location of buildings and structures can detract from the natural character of the mountains and can give rise to adverse effects, particularly visual effects and effects on biodiversity. If it is considered that a proposal is likely to generate these effects then there are additional rules, objectives and policies in other parts of the plan that will apply in addition to this policy. These relate to Biodiversity (Section 2.2) and Natural Features and Landscapes (Section 2.3). Earthworks and other land use practices can also give rise to adverse effects on the soil resource. Subdivision, land use and development within areas encompassed by the Mountain Overlay must avoid, remedy or mitigate these effects.

Policy MTO.2

To avoid, remedy or mitigate the adverse effects of Wilding Trees in the Mountains Overlay, while providing for soil conservation and flood protection works.

Explanation: Certain tree species in the Mountains Overlay can adversely affect other properties and have effects on biodiversity. However, some of these same species provide an effective river management tool for Southland Regional Council.

Rural Zone Rules

Note: district-wide rules

The following district-wide sections of the District Plan may apply in addition to any relevant Rural Zone Rules to activities undertaken in the Rural Zone. If one or more of the district-wide rules is breached, the activity will require consent in respect of those rules:

- Biodiversity - Section 2.2
- Historic Heritage - Section 2.5
- Subdivision - Section 2.6
- Waste, Hazardous Substances and Contaminated Land - Section 2.8
- Energy, Minerals and Infrastructure - Section 2.9
- Noise - Section 2.11
- Signage - Section 2.12
- Water and Surface Water Activities - Section 2.13
- Financial Contributions - Section 2.14.

The rules in the Infrastructure Section override zone and district wide provisions of the District Plan in relation to the activities to which that Section applies. Other than in relation to the Definitions in the District Plan, no rule in any other Section shall apply to an activity dealt with by the Infrastructure Section, unless specific cross reference is made.

Rule RURAL.1 - Permitted Activities

The following activities are **Permitted Activities** in the Rural Zone provided they meet the General Rural Standards:

1. **Farming Activity** and any other activity that utilises the productive value of the soil resource (excluding those activities specified below) is a permitted activity.
2. **(1) Dwellings outside of Rural Settlement Areas** are permitted provided that:
 - (a) **Maximum number** is one dwelling per Computer Freehold Register, with **Additional Staff Dwellings** as follows:
 - (i) one dwelling per 50 hectare - 100 hectare property;
 - (ii) two dwellings per 101 hectare - 150 hectare property;
 - (iii) three dwellings per 151 hectare - 300 hectare property;
 - (iv) four dwellings per 301 hectare - 1,000 hectare property;
 - (v) five dwellings per 1,001 hectare property.
 - (b) **Setbacks**
Any dwelling complies with the following setbacks:
 - (i) 150 metres from any existing dwelling, or consented dwelling or building platform, not in the same ownership. For the avoidance of doubt dwellings on the same property can be closer to each other than 150 metres;
 - (ii) 20 metres from the boundary of a State Highway where the speed limit exceeds 80 km/hr;
 - (iii) 4.5 metres from a boundary with any other road;

- (iv) 30 metres from a wetland or bed of a river or lake;
- (v) 300 metres from the property boundary of an intensive farming activity in separate ownership;
- (vi) 300 metres from a consented milking shed or wintering shed in separate ownership;
- (vii) 150 metres from a wastewater treatment facility property boundary (excluding waste disposal areas associated with domestic on-site wastewater disposal system);
- (viii) 200 metres from a gravel or mineral extraction activity where the consented volume to be extracted is more than 50,000 m³;
- (ix) within the Visual Amenity Landscape Overlay 20 metres from the boundary of any formed road; and 4.5 metres from the boundary of an unformed road;
- (x) complies with RURAL.7(7) National Grid Yards.

(c) **Height**

- (i) the maximum height of the dwelling is 9 metres above natural ground level;
 - (ii) the height of the building in relation to the external property boundaries complies with Height in Relation to Boundaries and the Height Recession Diagram in Rural Zone General Standards Rule RURAL.7(6);
 - (iii) within the Visual Amenity Landscape Overlay the maximum height of the dwelling is 6.5 metres above natural ground level.
- (d) The building site and access to that site are not identified as being seaward of the Coastal Hazard Line as shown on the District Plan Maps.
- (e) The site is not identified as being within an area of Outstanding Natural Features and Landscapes as shown on the District Plan Maps.
- (f) **Materials** - Within the Visual Amenity Landscape Overlay external building materials and colours are to be recessive with a maximum reflectance value of 40%. (Note: this does not apply to glazing, natural or stained timber, solar panels or building trims such as fascia boards, soffits and window frames.)
- (g) Any new or relocated dwelling, located within:
- (i) 40 metres of the closest railway track;
 - (ii) where there is no track in place, 35 metres from the nearest boundary of the railway designation;
 - (iii) 80 metres of the seal edge of a State Highway that has a speed limit of 70 km/hr and greater or 40 metres of the seal edge of a State Highway that has a speed limit of less than 70 km/hr;

shall be designed, sited and constructed to ensure that the internal noise levels for dwellings do not exceed 35 dB $L_{Aeq}(1 \text{ hr})$ inside bedrooms or 40 dB $L_{Aeq}(1 \text{ hr})$ inside other habitable spaces.

(2) Dwellings within a Rural Settlement Area are permitted provided that:

- (a) Any dwelling is setback 4.5 metres from a boundary with any road.
- (b) Any new or relocated dwelling, located within:
 - (i) 40 metres of the closest railway track;
 - (ii) where there is no track in place, 35 metres from the nearest boundary of the railway designation;
 - (iii) 80 metres of the seal edge of a State Highway that has a speed limit of 70 km/hr and greater or 40 metres of the seal edge of a State Highway that has a speed limit of less than 70 km/hr;

shall be designed, sited and constructed to ensure that the internal noise levels for dwellings do not exceed 35 dB $L_{Aeq}(1 \text{ hr})$ inside bedrooms or 40 dB $L_{Aeq}(1 \text{ hr})$ inside other habitable spaces.

- (c) **Height**
 - (i) the maximum height of the dwelling is 9 metres above natural ground level;
 - (ii) within the Visual Amenity Landscape Overlay the maximum height of the dwelling is 6.5 metres above natural ground level;
 - (iii) the height of the building in relation to the external property boundaries complies with Height in Relation to Boundaries and the Height Recession Diagram in Rural Zone General Standards Rule RURAL.7(6).
 - (d) **Materials** - Within the Visual Amenity Landscape Overlay external building materials and colours are to be recessive with a maximum reflectance value of 40%. (**Note:** this does not apply to glazing, natural or stained timber, solar panels, or building trims such as the fascia boards, soffits and window frames.)
 - (e) The building site and access to that site are not identified as being seaward of the Coastal Hazard Line as shown on the District Plan Maps.
Note: Where a reticulated system is not provided, dwellings will need to ensure they can adequately dispose of wastewater in accordance with the relevant Regional Council rules and AS/NZS 1547:2012 On-Site Domestic Wastewater Management. It should not be assumed that an area of land held in an individual Computer Freehold Register/Certificate of Title is suitable for on-site wastewater disposal. Site restrictions including the lack of suitable land may preclude the site from being used for on-site wastewater disposal. Further guidance on on-site wastewater requirements in the Rural Settlement Areas is available from Council.
3. **Accessory Buildings** are permitted provided that:
- (a) The accessory building complies with the following setbacks:
 - (i) 1 metre from the side property boundaries;
 - (ii) the height of the building in relation to the external property boundaries complies with Height in Relation to Boundaries and the Height Recession Diagram in Rural Zone General Standards Rule RURAL.7(6);
 - (iii) 4.5 metres from the boundary of a road or State Highway;
 - (iv) within the Visual Amenity Landscape Overlay (except within the Rural Settlement Overlay) is set back at least 20 metres from the boundary of a formed road or State Highway, and 4.5 metres from the boundary of an unformed road;
 - (v) within the Visual Amenity Landscape Overlay the maximum height of the Accessory Building is 6.5 metres above natural ground level;
 - (vi) within the Visual Amenity Landscape Overlay external building materials and colours are to be recessive with a maximum reflectance value of 40%. (**Note:** this does not apply to glazing, natural or stained timber, solar panels or building trims such as fascia boards, soffits and window frames);
 - (vii) compliance with RURAL.7(7) National Grid Yards.
 - (b) The maximum height of the accessory building is 9 metres above natural ground level.
 - (c) The site is not identified as being within an area of Outstanding Natural Features and Landscapes as shown on the District Plan Maps.
4. **Other Buildings** are permitted provided that:
- (a) The maximum height of the building is 12 metres above the natural ground level.
 - (b) The height of the building in relation to the external property boundaries complies with Height in Relation to Boundaries and the Height Recession Diagram in Rural Zone General Standards Rule RURAL.7(6).
 - (c) Above ground agricultural effluent ponds shall be setback:

- (i) at least 200 metres from a dwelling, a consented dwelling or an approved building platform in separate ownership;
 - (ii) at least 50 metres from the boundary of any other property;
 - (iii) at least 50 metres from any water body, artificial watercourse or coastal marine area;
 - (iv) at least 100 metres from a water abstraction point.
- (d) Milking sheds, and wintering sheds shall be set back at least:
- (i) at least 300 metres from a dwelling; a consented dwelling or an approved building platform in separate ownership;
 - (ii) at least 300 metres from the Urban Zone;
 - (iii) at least 100 metres from a State Highway or Regional Arterial Road, 50 metres from any other formed road and 4.5 metres from the boundary of an unformed road;
 - (iv) at least 100 metres from the boundary of any land managed under the Conservation Act 1987, Reserves Act 1977, and National Parks Act 1980;
 - (v) at least 100 metres from the marine and coastal area, or wetland lake or river;
 - (vi) within the Visual Amenity Landscape Overlay external building materials and colours are to be recessive with a maximum reflectance value of 40% (Note: this does not apply to glazing, natural or stained timber, solar panels or building trims such as fascia boards, soffits and window frames).
- (e) The building shall not exceed 1,500 m² in gross floor area.
- (f) Within the Visual Amenity Landscape Overlay the maximum height of the building is 7.5 metres above the natural ground level.
- (g) Within the Visual Amenity Landscape Overlay it is setback at least 100 metres from a State Highway or Regional Arterial Road and 50 metres from any other road.
- (h) Within the Visual Amenity Landscape Overlay the Maximum footprint of the building does not exceed 1,000 m².
- (i) Compliance with RURAL.7(7) National Grid Yards.
- (j) The site is not identified as being within an area of Outstanding Natural Features and Landscapes as shown on the District Plan Maps.
- (k) The building shall be setback 4.5 metres from the boundary of any road.
- (l) The building shall not shade a road between 10.00 am and 2.00 pm on the shortest day of the year.
5. **Cleanfills** are a permitted activity provided that:
- (a) They involve less than 500 m³ (volume) of cleanfill material per property.
 - (b) They do not alter the existing ground level by more than 2 metres in height and more than 5 metres in depth.
 - (c) Prior to any deposition of cleanfill material notice in writing of the location where the cleanfill material will be deposited is given to Council.
 - (d) No cleanfill is deposited within 20 metres of any water body, including wetlands and coastal water.
 - (e) The cleanfill operation complies with the permitted activity standards for noise.
 - (f) No cleanfill is deposited within 50 metres of any site listed as Historic Heritage in Schedule 5.2.
 - (g) No cleanfill is deposited within 50 metres of any property boundary if above ground, and 20 metres if below ground.
 - (h) The activity is not undertaken in an area of Outstanding Natural Features and Landscapes as shown on the District Plan Maps.

- (i) The area of cleanfill activity is reinstated as soon as practicable after the fill has been completed.

Note: Southland Regional Council also has requirements regarding disposal of waste in these sites, please check the Regional Water Plan to ensure compliance with these is achieved.

6. **(1) Extraction of gravel or rock** is permitted provided that:
- (a) The volume extracted shall not exceed 1,500 m³ in any 12 month period per property.
 - (b) The extracted material is used on the same property.
 - (c) The material is not transported on a formed legal road.
 - (d) The extraction site (excluding the working face of the extraction) is progressively rehabilitated and rehabilitation is completed within 12 months upon the completion of the maximum permitted volume or by 31 March each year, whichever occurs the earliest.
 - (e) The extraction site is set back a minimum of 100 metres from a site containing any existing dwelling other than a dwelling on the same property.
 - (f) The extraction site and stock piles are not within 20 metres of a water body greater than 1 metre in width, wetland, coastal water or flood protection works, or a property boundary.
 - (g) Sufficient sediment control is provided to prevent sedimentation entering a water body, or wetland or coastal water.
 - (h) The extraction site does not affect any archaeological site identified on the District Plan Maps, except where an Archaeological Authority has been granted by Heritage New Zealand pursuant to the Heritage New Zealand Pouhere Taonga Act 2014, or confirmation is provided that no archaeological authority is required.
 - (i) The activity is not undertaken in an area of Outstanding Natural Features and Landscapes as shown on the District Plan Maps.
- (2) Extraction of Gravel or Rock between 1,500 m³ - 5,000 m³** is permitted provided that:
- (a) The volume extracted shall not exceed 5,000 m³ in any 12 month period per property.
 - (b) The extracted material is used on the same property.
 - (c) The material is not transported on a formed legal road.
 - (d) The extraction site (excluding the working face of the extraction) is progressively rehabilitated and rehabilitation is completed within 12 months upon the completion of the maximum permitted volume or by 31 March each year, whichever occurs the earliest.
 - (e) The extraction site is set back a minimum of 300 metres from a site containing an existing dwelling other than a dwelling on the same property.
 - (f) The extraction site and stock piles are not within 100 metres of a property boundary.
 - (g) The extraction site and stock piles are not within 20 metres of a water body greater than 1 metre in width, wetland, coastal water or flood protection works.
 - (h) Sufficient sediment control is provided to prevent sedimentation entering a watercourse, or wetland or coastal water.
 - (i) The extraction site does not affect the site of any item listed in the District Plan Historic Heritage in Schedule 5.2 except where an Archaeological Authority has been granted by Heritage New Zealand.
 - (j) The activity is not undertaken in an area of Outstanding Natural Features and Landscapes as shown on the District Plan Maps.
 - (k) The extraction site is not visible from a public place.

Note: Southland Regional Council also has requirements regarding disposal of waste in these sites, please check the Regional Water Plan to ensure compliance with these is achieved.

Note: Gravel extraction associated with any plantation forestry activity is managed under the NES for Plantation Forestry, except where it is within an Outstanding Natural Features and

Landscapes Overlay, in which case the rules in this plan prevail over the NES for Plantation Forestry.

7. **Earthworks within a Riparian Margin** are permitted provided that:
- (a) The volume of earthworks in the riparian margin must not exceed 25 m³ and must not include the cumulative disturbance of more than 20 linear metres in any 200 metre length of riparian margin per property.
 - (b) Earthworks are carried out such that:
 - (i) trenches for the purpose of installing pipes, lines or cables are backfilled and compacted within 48 hours of excavation; and
 - (ii) all areas of bare ground created by the activity are protected from soil erosion as soon as practicable.

Notes:

- (a) For the avoidance of doubt this rule can be used to undertake 20 metres of work on each side of the water body.
 - (b) Southland Regional Council also has requirements regarding activities in close proximity to water bodies, please check the Regional Water Plan to ensure compliance with these is achieved.
8. **(1) Earthworks** that:
- (a) In any 12 month period, do not exceed, the disturbance of more than 1,000 m³ (volume) of land per property and
 - (i) is greater than 20 metres from a waterbody that do not alter the existing ground level by more than 5 metres in depth or 2 metres in height;
 - (ii) is within 20 metres of a waterbody that do not alter the existing ground level by more than 2 metres in depth or height; or
 - (b) Are required for construction and maintenance of tracking under RURAL.1(1) Farming. are permitted provided that the activity:
 - (i) shall not be undertaken at an elevation greater than 700 metres above mean sea level, with the exception of earthworks ancillary to fencing, track construction, maintenance and firebreak activities;
 - (ii) shall not be undertaken on slopes of more than 20° except cultivation, tracking or domestic gardening; and/or cause slope instability;
 - (iii) shall protect any stockpiles of material and all areas of bare ground created by the activity from soil erosion as soon as practicable;
 - (iv) shall not be undertaken within 5 metres of the bed of any surface waterbody, including wetlands and coastal water, or flood protection works, except cultivation of a field or domestic gardening;
 - (v) shall not be undertaken on a contaminated or potentially contaminated piece of land unless it is in accordance with the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 contained in Schedule 5.8;
 - (vi) does not affect any archaeological site identified on the District Plan Maps, except where an Archaeological Authority has been granted by Heritage New Zealand pursuant to the Heritage New Zealand Pouhere Taonga Act 2014, or confirmation is provided that no archaeological authority is required;
 - (vii) is not undertaken in an area of Outstanding Natural Features and Landscapes as shown on the District Plan Maps;

- (viii) where earthworks is required for, or in conjunction with, Rule RURAL.1(8)(1)(b) “Construction and maintenance of tracking under RURAL.1(1) Farming”:
- all formation surfaces with an inwards crossfall shall be drained by watertable;
 - cut-offs or culverts shall be constructed or installed so as to prevent scour, gullyng, or other erosion of the formed or constructed surface;
 - fill shall not be placed over woody vegetation;
 - all areas of fill including any formation surface overlying fill but excluding side casting shall be compacted;
 - fill batters shall be constructed and vegetated where appropriate, to a standard that is adequate to avoid batter erosion or failure;
 - spoil shall be disposed of by end-hauling where the formation by side casting of any road or track crosses any unstable site or crush zone.

(2) Earthworks within National Grid Yards are permitted provided that:

- (a) Earthworks within 2.2 metres of a pole support structure or stay wire shall not be greater than 300 mm in depth.
- (b) Earthworks between 2.2 metres and 5 metres of a pole support structure or stay wire shall not be greater than 750 mm in depth.
- (c) Earthworks within 12 metres of the outer edge of the visible foundation of a tower support structure shall not be greater than 300 mm in depth.
- (d) Earthworks shall not compromise transmission support structure stability.
- (e) Earthworks shall not result in a reduction of the existing conductor clearance distance above the ground as required in NZECP 34:2001.

Provided that the following activities are exempt from (a) and (b) above:

- (i) earthworks undertaken by a Network Utility Operator; or
- (ii) earthworks undertaken as part of agricultural or domestic cultivation, or repair, sealing or resealing of a road, footpath or driveway.

Note: Southland Regional Council also has requirements regarding activities in close proximity to water bodies, please check the Regional Water Plan to ensure compliance with these is achieved

Note: These standards do not apply to the removal and replacement of underground petroleum storage tanks undertaken in accordance with the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011.

Note: District wide rules relating to the clearance of indigenous vegetation are contained in Section 2.2 – Biodiversity of the District Plan.

9. **Prospecting for Minerals** is permitted provided that:

- (a) The volume extracted shall not exceed 200 m³ per 5 hectares for pits and 1,000 m³ per 5 hectares for trenches.
- (b) Within 12 months of the completion of the extraction activity areas disturbed by such activities shall be restored and rehabilitated to a standard not less than that previously existing.
- (c) The extraction site and stock piles are not within 20 metres of a water body greater than 1 metre in width, wetland, coastal water or flood protection works.
- (d) Sufficient sediment control is provided to prevent sedimentation entering a water body, or wetland or coastal water.
- (e) The extraction site does not affect any archaeological site identified on the District Plan Maps, except where an Archaeological Authority has been granted by Heritage New Zealand pursuant to the Heritage New Zealand Pouhere Taonga Act 2014, or confirmation is provided that no archaeological authority is required.

- (f) The activity is not undertaken in an area identified as being an area of Outstanding Natural Features and Landscapes.
 - (g) It shall not be undertaken on a contaminated or potentially contaminated piece of land unless it is in accordance with the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 contained in Schedule 5.8.
10. **Visitor Accommodation** (involving five or less paying guests) is permitted.
11. **Home Occupations** are permitted provided that:
- (a) A maximum of 30 m² of the gross floor area of the residential or accessory buildings on the property is used for the operation of the home occupation.
 - (b) No more than 10 m² of the property shall be used as an outdoor display area for the operation of the home occupation and associated storage of goods, materials or equipment at any one time.
 - (c) The home occupation is not operated outside of the hours of:
 - 7.30 am - 9.00 pm, Monday to Saturday; and
 - 7.30 am - 6.00 pm, Sundays and public holidays.
12. **Produce Stalls** are permitted provided that:
- (a) There is only one produce stall per property.
 - (b) The stall is no greater than 10 m² in area.
 - (c) The produce displayed for sale has been produced on the property on which it is offered for sale.
13. **Markets and car boot sales not exceeding 20 stall holders/sellers** are permitted provided that:
- (a) The farmers' market or car boot sale shall not operate outside the hours of:
 - 7.30 am - 6.00 pm, Monday to Sunday and public holidays.
 - (b) The farmers' market or car boot sale shall not occur more than 12 times per calendar year.
 - (c) The site on which the farmers' market or car boot sale occurs shall be returned to its original condition the day of the event.
 - (d) There shall be no direct access to sites of farmers' markets or car boot sales from a State Highway or Regional Arterial Road.
 - (e) Adequate provision is made for carparking, waste collection and disposal including provision of toilet facilities.
 - (f) A Traffic Management Plan prepared in accordance with the Code of Practice for Temporary Traffic Management has been submitted to Council.
14. **Temporary Events** are permitted provided that:
- (a) The temporary event does not exceed six days in any calendar year.
 - (b) The temporary event shall not operate outside of the hours of:
 - 7.30 am - 10.00 pm, Monday to Saturday; and
 - 7.30 am - 6.00 pm, Sundays and public holidays.
 - (c) Any structures associated with that event shall be erected:
 - (i) no more than seven days before the event occurs; and
 - (ii) removed no more than seven days after the end of the event.
 - (d) The site on which the temporary event occurs shall be returned to its original condition no more than three days after the end of the event.
 - (e) Adequate provision is made for waste collection and disposal including provision of toilet facilities.

Note: Any access for temporary event shall require approval from the relevant road controlling authority (Southland District Council or New Zealand Transport Authority), this will require submission and approval of a Traffic Management Plan.

15. **Forestry Activities** are permitted provided that:
- (a) No forestry activity shall affect any archaeological site identified on the District Plan Maps, except where an Archaeological Authority has been granted by Heritage New Zealand pursuant to the Heritage New Zealand Pouhere Taonga Act 2014, or confirmation is provided that no archaeological authority is required.
 - (b) The activity is not undertaken in an area identified as being an area of Outstanding Natural Features and Landscapes.

Note: Useful resources for anyone undertaking Forestry Activities are the Environmental Code of Practice for Plantation Forestry (ECOP) 2007 and the New Zealand Forest Road Engineering Manual (2012).

Note: The National Environmental Standard for Plantation Forestry Regulations 2017 provides for Forestry Activities including earthworks. However, the District Plan may be more stringent than the NES with regard to Outstanding Natural Features and Landscapes and Archaeological Sites. This rule therefore prevails over the National Environmental Standard.

Note: District Wide rules relating to clearance of indigenous vegetation are contained in Section 2.2 – Biodiversity of the District Plan and apply to clearance of vegetation prior to afforestation.

16. **Activities on Council Reserves and Taramea (Howells Point)** that comply with an approved management plan.

Note: Any activity on a reserve will still require authority from the administering body responsible for managing the reserve. This rule overrides specific Zone and Overlay requirements and all general standards.

17. **Existing Electricity Generation Facilities**

The operation, maintenance, refurbishment, enhancement and minor upgrading and any associated earthworks for any existing electricity generation facilities.

18. **Soil Conservation and River Protection Works**

The planting of Crack Willow (*Salix fragilis*) for the purpose of the repair and/or maintenance of existing soil conservation and river protection works undertaken by Southland Regional Council within the reaches shown in Schedule 5.13 is permitted provided that the planting is sourced from that reach.

Note: In relation to Rule RURAL.1(18) repair and/or maintenance includes lopping, layering (process of felling the existing tree on the ground while maintaining adequate connection with the stump such that vigorous regrowth is encouraged), retrieval and replanting or removing whole trees to fill gaps in river edge protection as a result of flood events.

19. **Intermittent Aircraft Activity**

Intermittent aircraft departures and landings that do not meet the definition of an airport under the RMA.

20. **Feedpads** are permitted provided that:

- (a) They shall be set back at least 200 metres from an existing dwelling, consented dwelling or building platform in separate ownership.

21. Woodlands Agricultural Research Farm as shown on Planning Map 38 and in Schedule 5.15:

- (a) Farming for the purposes of Agricultural Research Activities.
- (b) Buildings associated with Agricultural Research Activities within the Research Building Area shown on the plan in Schedule 5.15 provided that:
 - (i) the maximum height of the building does not exceed 12 metres above the natural ground level;

- (ii) the building does not exceed 1,500 m² in gross floor area.

Note: Farm landfills and dead holes (offal pits) in the Rural Zone are activities managed through the Southland Regional Council's Regional Water Plan. Anyone undertaking these activities should consider the applicable rules.

Rule RURAL.2 - Controlled Activities

The following activities are **Controlled Activities** in the Rural Zone provided they comply with the General Rural Standards:

1. **Forestry** that does not meet Rule RURAL.1.15 - Forestry Activities and is not undertaken in an area identified as being an area of Outstanding Natural Features and Landscapes;
The matter over which Council reserves its control are:

1. Effects on items listed in the District Plan Historic Heritage in Schedule 5.2.

Note: This rule prevails over the National Environmental Standard for Plantation Forestry 2017 regulations.

2. **Papakainga Housing** provided that:

(a) The maximum building coverage of the property shall be 35%.

(b) The General Rural Standards are complied with.

The matters over which Council reserves its control are:

1. Visual effects.
2. The standard of the vehicular access to the site of the activity and the standard of the approach road(s).
3. The provision of adequate on site wastewater disposal, power and telecommunication services.
4. Building height and location including setbacks from boundaries.
5. The need for financial contributions and bonds.

3. **Animal Boarding Activity not exceeding 10 dogs and catteries not exceeding 20 cats provided that:**

Buildings or any part of a building used for Animal Boarding Activity shall be set back a minimum of 50 metres from:

- (a) A dwelling in separate ownership.
- (b) A consented dwelling in separate ownership.
- (c) An approved building platform in separate ownership.
- (d) The Urban Zone.

The matters over which Council reserves its control are:

1. Noise.
2. The standard of vehicular access to the site of the activity, on-site parking and the standard of the approach road(s).
3. The provision of adequate on site disposal of waste.
4. Hours of operation.
5. Lighting.
6. Signage.
7. The need for financial contributions and bonds.

4. **Plant nurseries/garden centres not exceeding 1,000 m² of retail floor area**

The matters over which Council reserves its control are:

- (a) Noise.

- (b) The standard of vehicular access to the site of the activity, on-site parking and the standard of the approach road(s).
- (c) The provision of adequate on site disposal of waste.
- (d) Hours of operation.
- (e) Lighting.
- (f) Signage.
- (g) The need for financial contributions and bonds.

Rule RURAL.3 - Restricted Discretionary Activities

1. Any permitted activity that fails to comply with only ONE performance standard:
 - (a) Within that permitted activity rule; OR
 - (b) Rule RURAL.7 - General Rural Standards; and
 - (c) Is not located within a National Grid Yard or area of Outstanding Natural Features and Landscapes as shown on the District Plan Maps.

is a **Restricted Discretionary Activity**.

The matters over which Council has restricted its discretion are:

1. The degree and effects of non-compliance with the condition or the performance standard.
2. The need for financial contributions.
3. The risk of natural hazards.

Rule RURAL.4 - Discretionary Activities

The following activities are **Discretionary Activities** in the Rural Zone:

1. Any activity that cannot be undertaken as a Permitted, Controlled or Restricted Discretionary Activity and is not listed as a Non-Complying or Prohibited Activity is a Discretionary Activity.

Rule RURAL.5 - Non-Complying Activities

1. Buildings to be erected in an area of Outstanding Natural Features and Landscapes are **Non-Complying Activities**.
2. Any activity that fails to comply with any of the performance conditions in relation to:
 - (a) Rule RURAL.1(8)(2) - Earthworks in relation to Earthworks adjacent to the National Grid Yards;
 - (b) Rule RURAL.7(7) - National Grid Yards
 shall be a Non-Complying Activity and Transpower New Zealand will be considered an affected party.

Rule RURAL.6 - Prohibited Activities

The following activities are **Prohibited Activities** in the Rural Zone:

1. **Noise Sensitive Activities - Manapouri Airport**
Noise Sensitive Activities within a Noise Sensitive Activity Exclusion Zone as shown on the District Plan Maps, excluding activities ancillary to the principal use of the land as an airport.
2. **Buildings in the Lakeside Protection Area** over 12 metres in height are Prohibited Activities.

Rule RURAL.7 - General Rural Standards

All activities shall comply with the following General Rural Standards:

1. **Lighting and Glare**

- (a) All on site lighting shall be designed and maintained so there is no spill of light above the horizontal plane and it is directed away from adjacent properties and roads.
- (b) The spill of light from artificial lighting (excluding street lights and traffic signals) on to any other site shall not exceed 8 lux (horizontal and vertical) when measured at the boundary of any other site.
- (c) Artificial lighting shall not dazzle or distract road users or interfere with any traffic aids or signals.

2. Transportation Standards including Access

All activities shall comply in all aspects with the provisions set out in the Southland District Council Subdivision, Land Use and Development Bylaw 2012 - relating to carparking numbers, dimensions, access, loading and manoeuvring.

3. Vegetation

- (a) Vegetation shall not be planted or allowed to grow in a position which will prevent a driver of a vehicle from having a clear and unobstructed view of official traffic signs or signals, rapid numbers, approaching or merging traffic or any corner, bend, intersection or vehicle crossing.
- (b) Vegetation shall not be planted or allowed to grow in a position that will reduce the effectiveness of road lighting.
- (c)
 - (i) vegetation shall not be planted, or allowed to grow, in a position that will continuously shade a road between the hours of 10.00 am and 2.00 pm on the shortest day of the year;
 - (ii) vegetation shall not be allowed to grow in a position that will continuously shade an existing dwelling, consented dwelling, building platform or building between the hours of 10.00 am and 2.00 pm on the shortest day of the year;
 - (iii) the exception to this standard is where topography is already preventing the direct access of sunlight on to the road or where the vegetation existed at the time of notification of the District Plan.
- (d) Vegetation shall be maintained in a condition which prevents damage to the road surface, road structures or drainage devices.

4. Noise

Except as provided in Rule NSE.3 and Rule NSE.4 to Rule NSE.11, noise from all activities shall not exceed the following limits:

Table 5 Noise from all activities shall not exceed the following limits

	Day time (7.00 am - 10.00 pm inclusive)		Night time (All other times)	
	LAeq (15 min)	LAF,max	LAeq (15 min)	LAF,max
When measured at the boundary of any property zoned:				
Rural Zone (including Mountains Overlay)	65 dB	85 dB	45 dB	70 dB
When measured at any point within the notional boundary of any dwelling on an adjoining property zoned:				
Rural Zone	50 dB	75 dB	40 dB	70 dB

Note: The day time noise limits are intended to provide amenity for outdoor activities. Night time noise limits are intended to allow for sleep amenity.

Where an activity shares a boundary with another Zone the activity must comply with the more restrictive noise limit.

Note: Noise and Vibration associated with plantation forestry activities is managed under regulation 98 of the National Environmental Standard for Plantation Forestry Regulations 2017 and prevail over the District Plan rules.

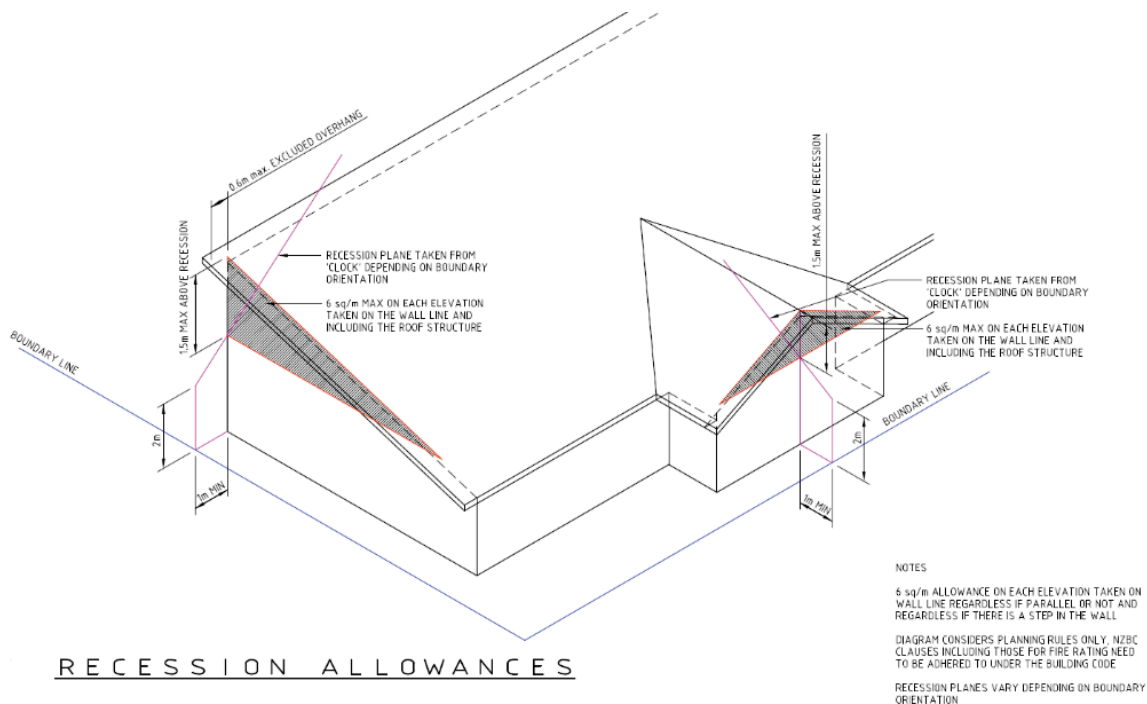
5. **Signage**

Compliance with the relevant signage standards as set out in Section 2.12 - Signage.

6. **Height of Buildings in Relation to Boundaries**

- (a) The maximum height of any structure shall be determined by a recession plane which commences at 2 metres above the line of each boundary and then slopes at an upward angle as determined by the Height Recession Diagram below, up to the maximum height specified, except that:
 - (i) a minor breach of the recession plane is permitted provided the parts of the structure that protrude through the recession plane do not exceed 1.5 metres in height and a total area of 6 m² on each elevation. The area and height of the breach shall be measured as outlined in the diagram below and include solar heating devices that breach the recession plane;
 - (ii) no account shall be taken of those items outlined in Clause 2 of the height definition.
- (b) In determining height, the rolling height method shall be used (see definition of Height).

Figure 3 Recession Allowances



Height Recession Diagram

With both the site plan and the clock diagram below pointing north, place the edge of the clock on the inside of the site boundary. Where the 'clock' touches the boundary indicates the recession angle for that boundary. An example has been provided to assist with the interpretation of the rule.

Figure 4 Height Recession Diagram

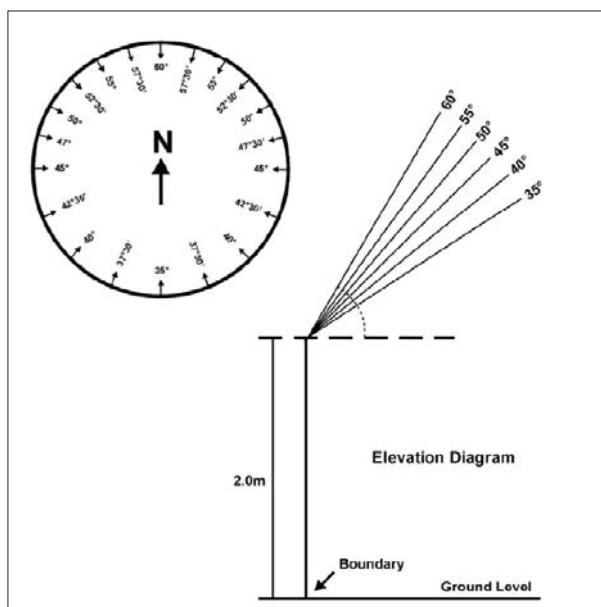
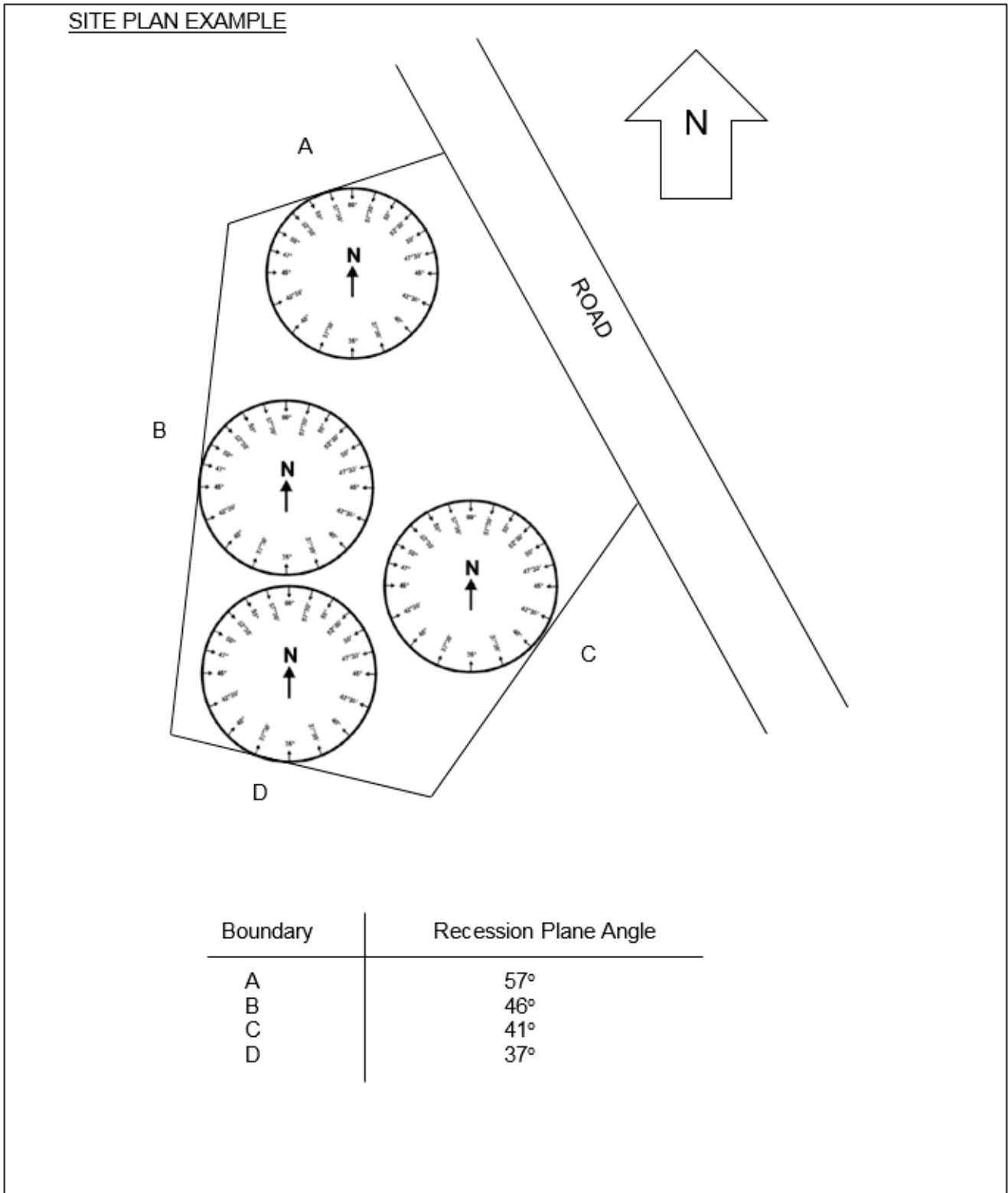


Figure 5 Site Plan Example



7. National Grid Yards

- (a) Setback from National Grid Support Structures

No building or structure shall be located within 12 metres (in any direction) of the visible outer edge of a National Grid support structure, with the following exceptions:

- i) fencing up to 2.5 metres in height that is at least 5 metres from the outer edge of any support structure;
 - ii) network utilities within a transport corridor or any part of electricity infrastructure that connects to the National Grid.
- b) Setbacks from the centreline of National Grid Lines
- No building or structure shall be erected within 12 metres from the centreline of a National Grid Line that is designed to operate at or over 110 kV provided that this rule does not apply to:
- i) accessory buildings (excluding swimming pools) and structures associated with residential activities that are:
 - a. less than 10 m² in area
 - b. under 2.5 metres in height
 - c. at least 12 metres from the visible outer edge of any support structures and
 - d. not used for habitation.
 - ii) fencing of up to 2.5 metres in height that is at least 5 metres from the visible outer edge of any support structure;
 - iii) alterations to existing buildings that do not increase the building envelope or footprint provided that they are at least 12 metres from the visible outer edge of any support structure;
 - iv) network utilities within a transport corridor or any part of electricity infrastructure that connects to the National Grid;
 - v) buildings and structures associated with permitted farming or horticultural activities provided that they are:
 - a. sited at least 12 metres from the visible outer edge of any support structure;
 - b. not a milking shed (excluding the stockyards and ancillary platforms), a wintering shed or other intensive farming building, a commercial glass house/ hothouse, or packing shed;
 - c. no closer than 10 metres vertically from the lowest point of a conductor associated with a National Grid line, or otherwise maintain a safe separation distance as set out in the New Zealand Code of Practice for Electrical Safe Distances (NZECP34);
 - d. not a dwelling.
- c) Sensitive Activities shall be at least 12 metres from a National Grid support structure and centreline of a National Grid line shown on the planning maps as High Voltage Line.

Note: NZECP 34:2001 was prepared under the Electricity Act 1992 and sets minimum safe electrical distance requirements primarily to protect persons and property, vehicles and mobile plant. Compliance with this code is mandatory. Compliance with these provisions will not necessarily ensure compliance with this code.