

21 DISTRICT WIDE LAND USE RULES

NOTE:

- (i) The permitted activity rules listed below shall apply within all Environmental Zones and Management Areas unless otherwise specified under the rules below.
- (ii) All of the listed permitted activities under this section shall also comply with the relevant standards for permitted activities specified within the underlying Environmental Zones and Management Areas unless otherwise stated in the rules below.

21.1 Permitted Activities

The following are permitted activities, provided they comply with the relevant standards for permitted activities specified below and within the underlying Environmental Zones and Management Areas.

21.1.1 Notable Trees and Street Trees

- (a) Any activity affecting any tree listed in [Appendix 1.4](#) which meets the following standards:
 - (i) No activity shall result in more than minor trimming of any tree in [Appendix 1.4](#), where minor trimming means:
 - (1) The removal of broken branches, deadwood or diseased vegetation;
 - (2) The removal of branches interfering with buildings, structures, overhead wires or utility networks, but only to the extent that the branches are touching those buildings, or structures, or interfering with those overhead wires or utility networks; or
 - (3) Other trimming necessary to maintain the health of a listed tree, certified by a person with an appropriate level of expertise.
 - (ii) The minor trimming of any tree shall not adversely affect the health or appearance of the tree.
 - (iii) No activity within the earth below the dripline of a listed tree shall result in:
 - (1) The destruction, removal or partial removal of the listed tree;
 - (2) The alteration of existing ground levels by excavation or deposition of soil including thrust boring and directional drilling;
 - (3) The covering of the ground by any building or structure or the storage of goods, including the parking of vehicles;
 - (4) The laying of any impervious surface; or

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- (5) The discharge of any toxic substance hazardous to the tree, unless a person with an appropriate level of expertise certifies that the health of the tree will not be adversely affected.

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(b) Any activity affecting any street tree which meets the following standards:

- (i) No activity shall result in more than minor trimming of any street tree, where minor trimming means:
 - (1) The removal of broken branches, deadwood or diseased vegetation;
 - (2) The removal of branches interfering with buildings, structures, overhead wires or utility networks, but only to the extent that the branches are touching those buildings, or structures, or within the Growth Limit Zone for overhead wires or utility networks; and
 - (3) All trimming is to be certified by a person with an appropriate level of expertise.

Note: For the purposes of the above rule, the "Growth Limit Zone" is the area surrounding an overhead wire or network utility as specified in the Electricity (Hazards from Trees) Regulations 2003.

- (ii) The minor trimming of any tree shall not adversely affect the health or appearance of the tree.

Exception:

- (i) Any activity affecting a street tree is a permitted activity where the work is undertaken in accordance with the Council Street Tree Policy.

21.1.2 Sites of Historic Heritage Value

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(a) Minor repairs and maintenance of any heritage item identified as a site of Historic Value in [Appendix 1.7](#) which meet the following standards:

- (i) The work is confined to conservation, reassembly, reinstatement, repair or stabilisation of the original character, fabric or detailing of the heritage item; and
- (ii) The work is carried out to the same design, using original or similar materials to those originally used and does not detract from the form, character and appearance of the heritage item.

Note: For the purpose of the above rule -

"Maintenance" means the protective care of a place.

A place of heritage value should be maintained regularly and preferably according to a conservation plan, except in circumstances where it is appropriate for places to remain without intervention. In relation to buildings and structures, maintenance means carrying out any work which:

- (1) is for the purposes of keeping the building and/or structure in good condition; and

- (2) does not result in any increase in the area of land occupied by the structure; and
- (3) does not change the character, scale and intensity of any effects of the structure on the environment (except to reduce any adverse effects or increase any positive effects) but does not include upgrading.

“Repair” means making good decayed or damaged material.

Repair of material or of a site should be with original or similar materials. Repair of a technically higher standard than the original workmanship or materials may be justified where the life expectancy of the site or material is increased, the new material is compatible with the old and any heritage value is not diminished.

Note: This standard applies to the scheduled buildings and structures listed in the Schedule in [Appendix 1.7](#). The Heritage Inventory held by the District Councils describes the key heritage features associated with each listed building and structure. These features may include external and internal items and attributes, as well as the land and features immediately surrounding the scheduled building or structure where such land and features are intrinsically related to or have an effect on the historic heritage values of the heritage item.

Note: The Historic Places Act 1993 provides for identification, protection, preservation and conservation of the nation’s historic and cultural heritage. An archaeological site is defined as a place associated with pre-1900 human activity and is able to provide evidence relating to the history of New Zealand. An authority is required from the New Zealand Historic Places Trust if there is reasonable cause to suspect an archaeological site (recorded or unrecorded) may be modified, damaged or destroyed when undertaking any activity. An authority from the Historic Places Trust is required for such activities whether or not the land on which the archaeological site may be present, is identified in the Plan, or resource consent has been granted.

21.1.3 Historic Heritage Precincts

South Wairarapa District

(a) **Minor repairs and maintenance of any premises within the Historic Heritage Precincts listed in [Appendix 1.8](#) which meet the following standards:**

- (i) The work is confined to conservation, reassembly, reinstatement, repair or stabilisation of the original character, fabric or detailing of the premises;
- (ii) The work is carried out to the same design, using original or similar materials to those originally used and does not detract from the form, character and appearance of the premises.
- (iii) For the South Wairarapa District, the work is consistent with the South Wairarapa Town Centres Design Guidelines in [Appendix 8](#).

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Note: For the purpose of the above rule –

“Maintenance” means the protective care of a place.

A place of heritage value should be maintained regularly and preferably according to a conservation plan, except in circumstances where it is appropriate for places to remain without intervention. In relation to buildings and structures, maintenance means carrying out any work which:

- (1) is for the purposes of keeping the building and/or structure in good condition; and
- (2) does not result in any increase in the area of land occupied by the structure; and
- (3) does not change the character, scale and intensity of any effects of the structure on the environment (except to reduce any adverse effects or increase any positive effects) but does not include upgrading.

“Repair” means making good decayed or damaged material.

Repair of material of a site should be with original or similar materials. Repair of a technically higher standard than the original workmanship or materials may be justified where the life expectancy of the site or material is increased, the new material is compatible with the old and any heritage value is not diminished.

Advice Note: it is possible that archaeological sites may be affected by the proposed work. Evidence of archaeological sites may include burnt and fire cracked stones, charcoal, rubbish heaps including shell, bone and/or glass and crockery, ditches, banks, pits, old building foundations, artefacts of Maori and European origin or human burials. The applicant is advised to contact the New Zealand Historic Places Trust if the presence of an archaeological site is suspected. Work affecting archaeological sites is subject to a consenting process under the Historic Places Act 1993. If any activity associated with this proposal, such as earthworks, fencing or landscaping, may modify, damage or destroy any archaeological site(s), an authority (consent) from the New Zealand Historic Places Trust must be obtained for the work to proceed lawfully. The Historic Places Act 1993 contains penalties for unauthorised site damage.

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(b) Signs within the Commercial and Industrial Zones in the Historic Heritage Precincts listed in [Appendix 1.8](#) which meet the following standards:

- (i) No individual sign exceeds 2m² in area (all faces). Total signage on any one building shall not exceed 4m² in area.
- (ii) No sign is illuminated by any means other than directional lighting.
- (iii) Signs are located above verandahs but within the parapet height or suspended within verandahs.
- (iv) One free-standing sign per site, and shall not exceed 0.5m² in area (all faces).

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- (c) No works relating to any premises within the Historic Heritage Precincts in [Appendix 1.8](#) except for works within the Queen Elizabeth Park Precinct which are provided for in the Park Management Plan (including amendments), and except for works within the Nopps and Norris Reserves in the Masters Crescent Precinct which are provided for in the respective Reserve Management Plans, and except for works otherwise excluded in the relevant Council's Heritage Inventory.

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Exception:

- (i) All internal works to a building are exempt from complying with the above requirements, unless the building is listed in [Appendix 1.7](#) as a Site of Historic Value (refer to Rule 21.1.2(a)) and the particular value of the interior is specified in the Heritage Inventory held by the Councils.

21.1.4 Outstanding Landscapes

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- (a) Any activity or structure within an area identified as an Outstanding Landscape in [Appendix 1.1](#) which meets the following standards:
- (i) Earthworks do not exceed 100m³ per site in any 12 month period;
 - (ii) Structures are less than or equal to 200m² in total gross floor area per site.

21.1.5 Significant Natural Areas

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- (a) Maintenance of any listed area in the Schedule of Significant Natural Areas in [Appendix 1.3](#) which is limited to:
- (i) The removal of broken branches, deadwood or diseased vegetation;
 - (ii) The pruning of branches which are part of the main structure of the tree that are interfering or overhanging buildings, but only up to 1.0 metres from the external walls or roof of that building;
 - (iii) The removal of vegetation to maintain existing fencelines and access across existing tracks;
 - (iv) The removal of vegetation to erect new fencelines around the perimeter of the Significant Natural Area.
 - (v) The minor trimming of vegetation within the Growth Limit Zones surrounding an existing overhead wire or existing network utility as specified in the Electricity (Hazards from Trees) Regulations 1993;
 - (vi) The removal of exotic species;
 - (vii) Activities are carried out subject to and in accordance with any specific covenants or other legal agreements entered into with the District Council, or Wellington Regional Council, or Department of Conservation, or QEII Trust;
 - (viii) The removal of plant pests identified in the Operative Wellington Region Plant Pest Management Strategy.

21.1.6 Indigenous Vegetation and Habitats

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- (a) Any activity involving disturbance, removal, damage or destruction ("modification") of kanuka, manuka and tauhinu.
- (b) Any activity involving disturbance, removal, damage or destruction ("modification") of naturally occurring indigenous vegetation (excluding kanuka, manuka and tauhinu) which is more than 4 metres high, or which has a trunk diameter of more than 30 centimetres measured at a height of 1.4 metres above the ground, provided that no more than 10% of the total area of indigenous vegetation is "modified" per site up to a maximum of 200m² in any 5 year period.
- (c) The removal of up to 50m³ of timber per 10-year period per Certificate of Title for personal use.
- (d) The harvesting of indigenous timber undertaken in accordance with an approval under Part IIIA of the Forests Act 1949.
- (e) The disturbance, removal, damage or destruction of naturally occurring indigenous vegetation that has grown under the canopy of a plantation forest.
- (f) The clearance or modification of indigenous vegetation that has been planted and managed specifically for commercial production forestry, horticulture or agriculture purposes.
- (g) The disturbance or damage, but not destruction of naturally occurring indigenous vegetation as a consequence of harvesting of plantation forest, including where the harvesting involves:
 - (i) The lifting and/or dragging of logs;
 - (ii) The construction and maintenance of forestry roads and stream crossings.
- (h) The disturbance, removal, damage or destruction ("modification") of naturally occurring indigenous vegetation by any network utility operator to ensure the safety and integrity of any network utility or to maintain access to the network utility.
- (i) The disturbance, removal, damage or destruction ("modification") of naturally occurring indigenous vegetation associated with the maintenance of existing access tracks, fencelines and firebreaks and the construction of new fencelines and firebreaks.
- (j) Any activity involving disturbance, removal, damage or destruction ("modification") of indigenous vegetation and habitats necessary for the avoidance of imminent danger to human life or property.
- (k) Activities are carried out subject to and in accordance with any specific covenants or other legal agreements entered into with the District Council, or Wellington Regional Council, or Department of Conservation, or QEII Trust.

Note: An approval under Part IIIA of the Forests Act 1949 means the harvesting of indigenous timber carried out under an approved sustainable forest management plan or permit that has been approved by the Secretary of Forestry under Part IIIA of the Forests Act 1949 (as amended by the Forests Act Amendment Act 1993).

21.1.7 Wetland Restoration and Enhancement

- (a) Any planting of indigenous wetland species and removal of exotic species (including weed and pest removal) within a wetland.

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21.1.8 Reserves

- (a) The use and development of any Council or crown owned land for reserve purposes, recreational activities and facilities.
- (b) The use and development of any land managed in accordance with an Approved Reserve Management Plan.

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21.1.9 Significant Waterbodies

- (a) Earthworks within 25 metres of any Significant Waterbody listed in [Appendix 1.9](#) for the following purposes:
 - (i) The maintenance of drains, fences, man-made dams, access tracks and roads;
 - (ii) Approaches to culverts.

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21.1.10 Activities on the Surface of Freshwater

- (a) Any activity, excluding motorised commercial recreation, on the surface of any freshwater body (including wetlands, rivers and lakes) which meets the following standard:
 - (i) Structures shall be:
 - (1) Less than 10 square metres in gross floor area; and
 - (2) Located on or above the surface of water for less than two months within a twelve-month period.

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Note: Activities on, under or over freshwater may require resource consent from the Wellington Regional Council.

21.1.11 **Glare and Outdoor Artificial Light**

- (a) The emission of **outdoor artificial** light (including glare) meets the following standards:
 - (i) A maximum artificial light level of 8 lux (lumens per square metre) measured at 1.5m above ground level at the site boundary.
 - (ii) Within the Dark Sky Management Area identified within Appendix 15, all outdoor lighting shall have a colour temperature of light emitted of 3000K Kelvin or lower.
 - (iii) Within the Dark Sky Management Area identified within Appendix 15, all outdoor lighting with a light output of 500 lamp

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lumens or greater shall be shielded or tilted so as to not emit any light at or above a horizontal plane measured at the light source.

Exception:

- (iv) Lighting controlled by motion-activated switches limiting the duration of illumination to less than five (5) minutes after activation are exempt from complying with standards (ii) and (iii) above.

(b) Outdoor Sports Lighting at Recreation Facilities

Within the Dark Sky Management Area identified within **Appendix 15**, the emission of light from outdoor sports lighting at Recreational Facilities which meets the following standards:

- (i) All outdoor sports lighting shall have a colour temperature of light emitted of 4000K Kelvin or lower.
- (ii) Outdoor sports lighting shall be designed to the illumination levels recommended in Australian Standard AS 2560 Guide to sports lighting, all parts. Maximum permitted illumination level is to be that recommended for “Level 3” competition standard. The lighting designs initial levels shall not exceed the recommended average service illuminance level by more than 50% and shall meet the recommended uniformity.
- (iii) Luminous intensity from any light source for any viewing angles at 1.5m height, at a distance of 45m beyond the field shall not exceed 1000 candela.
- (iv) Outdoor sports lighting shall not operate between 10pm and 7am.
- (v) All outdoor sports lighting shall provide the following controls:
 - (1) Automatic curfew controls to ensure the lighting is off between 10pm and 7am.
 - (2) Local control to turn lights on and off.
 - (3) If the lighting has a lighting level for competition, it shall also have a selectable lower lighting level for training.

21.1.12 Dust and Odour

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(a) The generation of airborne contaminants meets the following standard:

- (i) No nuisance at or beyond the boundary of the site to the extent it causes an adverse effect. This standard applies to contaminants which are not subject to a discharge consent and which are temporary or intermittent in nature, including:
 - (1) Dust;
 - (2) Offensive or objectionable odour.

21.1.13 Noise

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(a) Noise Emission Levels shall be subject to zone rules for noise, and shall comply with the standards below.

(b) General

- (i) Sound levels shall be measured in accordance with NZS 6801:1999 "*Acoustics – Measurement of Sound*", and assessed in accordance with NZS 6802:1991 "*Assessment of Environmental Sound*".

(c) Construction Noise

- (i) Construction noise shall be measured and assessed in accordance with NZS6803:1999 "*Acoustics – Construction Noise*" and shall not exceed the noise limits set out in Table 2 of that Standard for the timeframes stated.
- (ii) Provided that the provisions of the standard related to the duration of construction events and the more or less stringent noise limits applicable in such circumstances shall apply.

(d) Airblast

- (i) Airblast overpressure from blasting on any land or in water shall not exceed a peak sound pressure level of 115dBZ (peak) at any point within the notional boundary of any dwelling, homestay residential unit, healthcare or educational facility, hospital or rehome;
- (ii) Except as elsewhere provided in this Plan, all use of explosives on any site shall be in accordance with Australian Standard AS 2187.2 – 1993 *Explosives – Storage, Transport and Use*, Part 2 Use of Explosives;
- (iii) Airblast shall be measured in accordance with the NZS6801:1999 "*Acoustics – Measurement of Sound*" and assessed in accordance with the provisions of AS 2187.2 – 1993 *Explosives – Storage, Transport and Use* Part 2.

Note:

Vibration will be assessed as required either as excessive noise under Part 12 of the Act or as unreasonable noise under Section 16 of the Act.

Where NZS 6802:1991 does not include assessment of the type of noise in question, other appropriate Standards may be used as specified in the definition for "Noise Emission Level".

21.1.14 Derelict Vehicles

- (a) The storage of no more than one derelict vehicle per site where it is visible from any adjacent property or a public place.

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21.1.15 Access to Premises

- (a) No fortifications shall be placed on any property so as to preclude or inhibit entry by the Police or any authorised officer.

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21.1.16 Temporary Activities

Temporary activities which meet the following standards:

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- (a) **Activities ancillary to or incidental to building and construction shall be:**
 - (i) Limited either to the duration of the project or for a period not exceeding 12 months, whichever is the lesser;
 - (ii) Within construction noise limits set out in 21.1.13.
- (b) **Sporting events, public meetings, concerts, galas, market days, temporary retail activities, entertainment, recreational and festive events shall be restricted to:**
 - (i) Hours of operation: 7am – 10pm;
 - (ii) Duration: not exceeding five days in total in any six-month period;
 - (iii) Temporary events are exempt from all other District-wide standards in [Section 21.1](#) and for the respective standards in the Environmental Zone the event is located in.
- (c) **All material and debris from demolished, or partly demolished buildings shall be removed from a site within 2 months of the demolition being completed.**
- (d) **No building work being undertaken to the exterior of a building shall be suspended for a period of longer than 6 months.**
- (e) **Any temporary storage of goods or materials shall not exceed 6 months in duration.**
- (f) **Buildings (including tents, mobile homes and prefabricated buildings) used for temporary activities must be readily movable, meet any setback requirements of this Plan, and must be removed from the site within 12 months of the commencement of the activity.**
- (g) **Any temporary sign shall be permitted provided it complies with the following standards:**
 - (i) The total face area of all signs (permanent and temporary signs) per site shall be no greater than 5.0m².

- (ii) Any one sign shall not exceed 3.0m².
- (iii) The maximum height of any sign shall not exceed 6.0 metres.
- (iv) Any temporary sign advertising an event, or General or Local Body Elections shall not be displayed for more than 8 weeks before and shall be removed within 7 days after the date of the event.
- (v) Any temporary sign advertising the sale or auction of a property (real estate sign) shall be located on the site to which they relate, and not exceed 3.0m².
- (vi) No sign shall be located on any public road or other public place.
- (vii) No sign shall be located where it conceals the required sight distances from any access or intersection in [Appendix 5](#).
- (viii) No sign shall be located where it conceals the visibility of an existing official sign or traffic-controlling device.
- (ix) No sign shall use reflective materials, or be illuminated, flashing or moving.
- (x) The following minimum letter/character height standards for signs in the 70-100 km/hr speed zones shall be:

Speed	Main Message	Property Name	Second Message
70 kph	200 mm	150 mm	100 mm
80 kph	250 mm	175 mm	125 mm
100 kph	300 mm	200 mm	150 mm

Exception:

- (i) Official Traffic Signs are excluded from complying with the above standards provided they comply with the Land Transport Rule: Traffic Control Devices 2004 and the Manual of Traffic Signs and Marking (MOTSAM).
- (h) Temporary filming activities on a site for a duration of up to 3 months.**

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Coastal Environment Management Area

(a) Structures

- (i) In that part of the Coastal Environment Management Area that is within the Rural Zone, any new structure on an existing lot is a permitted activity provided it meets all of the following standards:
 - (1) No part of any structure shall be located above the 40m contour above MHWS;
 - (2) No part of any structure shall be located closer than 50m (in both the seaward and landward direction) from the steepest part of a terrace or escarpment;
 - (3) The structure shall be located on slopes of less than 20°;
 - (4) No part of any structure shall exceed 7 metres in height above natural ground level;

- (5) All buildings shall use as exterior materials:
 - (a) Natural stone; or
 - (b) Natural timber provided any stains and protectants used do not contain colorants to change the natural colour of the timber (for example, to green or red); or
 - (c) Another material painted or finished in visually muted, recessive colours, from British Standard 5252 A01 to C40 inclusive, with a reflective value of 60% or less.

(b) Number of Dwellings

- (i) In that part of the Coastal Environment Management Area that is within the Rural Zone, one dwelling per Certificate of Title.

(c) Earthworks

- (i) In that part of the Coastal Environment Management Area that is within the Rural Zone, earthworks shall not exceed any of the following standards:
 - (1) For sites less than 20 hectares in area:
 - (a) 1.5 metres (cut or fill) measured vertically;
 - (b) Where earthworks exceed 1.5 metres (cut or fill) measured vertically, those earthworks shall not exceed 3.0 metres (cut or fill) measured vertically and shall not exceed a distance of 20 metres in continuous horizontal length;
 - (2) For sites of 20 hectares or greater in area:
 - (a) 3.0 metres (cut or fill) measured vertically;
 - (b) Where earthworks exceed 3.0 metres (cut or fill) measured vertically, those earthworks shall not exceed 4.5 metres (cut or fill) measured vertically and shall not exceed a distance of 500 metres in continuous horizontal length.

21.1.18 Foreshore Protection Area

- (a) **Any structure constructed or located within the Foreshore Protection Area, being 50 metres landward of Mean High Water Springs for all areas, except as otherwise identified in the Planning Maps, shall comply with the following standards:**
 - (i) Fences shall not exceed 1.8m in height;
 - (ii) Structures shall not exceed 3 metres in height and shall not exceed 15m² gross floor area (GFA) per site.
 - (iii) Structures shall not be used for habitable purposes.

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- (iv) Earthworks associated with the construction and maintenance of a fence to a maximum 0.5 metres (cut or fill) measured vertically.

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21.1.19 Faultline Hazard Area

- (a) Any new structure containing a habitable room, or additions or alterations to a habitable room of an existing structure shall not be constructed or located within the Faultline Hazard Area identified on the Planning Maps.

21.1.20 Flood Hazard Area and Erosion Hazard Area

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- (a) Any activity within the Flood Hazard Area or Erosion Hazard Area that does not involve one or more of the following:
 - (i) The erection, placement, alteration of or addition to any non-habitable structure greater than 4 metres in height or with a gross floor area (GFA) of greater than 15m².
 - (ii) Earthworks of more than 20m³ per site within any 12 month period;
 - (iii) The addition or alteration to an existing building for habitable use (refer [Rule 21.4.7](#));
 - (iv) The erection, placement, or conversion of a building for habitable use (refer Rule 21.6(r)).

Exception:

- (i) Soil conservation works, riparian enhancement programmes and river control works carried out or supervised by the Wellington Regional Council.

Note 1: In addition to the Flood Hazard Area and Erosion Hazard Area, the Planning Maps show a “hazard alert” area. The ‘Flood Alert Area’ gives information on a few specific areas vulnerable to floods beyond the Flood Hazard Area, where flood events have occurred or been investigated. There are other areas which may have a similar hazard but which have not been specifically identified or investigated. However, floods of a shorter return period may still affect this area as a result of different circumstances, for example by a rise in riverbed level or a stopbank breach. Any resource consent for land use and subdivision as a discretionary or non-complying activity under another rule in this Plan, shall consider and address the risks from flooding as an additional matter for consideration.

Note 2: Any works within the Flood Hazard Area and/or Erosion Hazard Area may require resource consent from the Wellington Regional Council.

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21.1.21 Soil Conservation and River Control Works

- (a) All soil conservation, flood protection, river control works and riparian protection schemes carried out or supervised by the Wellington Regional Council.

21.1.22 Hazardous Substances and Facilities

- (a) The total quantity of hazardous substances on the site shall not exceed the quantities for the relevant zone specified as a Permitted

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Activity in “[Appendix 2.1: Hazardous Facilities Consent Status Table](#)”, and shall comply with the following standards:

(i) Site Design

Any part of a hazardous facility which is involved in the manufacture, mixing, packaging, storage, loading, unloading, transfer, use or handling of hazardous substances must be designed, constructed and operated in a manner which prevents:

- (1) The occurrence of adverse off-site effects from the above listed activities on people, ecosystems, physical structures and/or other parts of the environment unless permitted by a resource consent;
- (2) The contamination of air, land and/or water (including aquifers, potable water supplies and surface waters) in the event of a spill or other type of release of hazardous substances.

(ii) Site Layout

The hazardous facility must be designed in a manner to ensure that separation between on-site facilities and the property boundary is sufficient for the adequate protection of neighbouring facilities, land uses and sensitive environments.

(iii) Site Drainage Systems

Site drainage systems must be designed, constructed and operated in a manner that prevents the entry of hazardous substances into the stormwater and/or sewerage systems unless permitted to do so by the network utility operator responsible for those stormwater and/or sewerage systems.

(iv) Spill Containment Systems

Any parts of the hazardous facility site where a hazardous substances spill may occur must be serviced by suitable spill containment systems that are:

- (1) Constructed from impervious materials resistant to the hazardous substances used, stored, manufactured, mixed, packaged, loaded, unloaded or otherwise handled on the site;
- (2) For liquid hazardous substances:
 - (a) Able to contain the maximum volume of the largest container present plus an allowance for stormwater or fire water; and
 - (b) Where the substances are stored in drums or other small packaging that the spill containment system is able to contain 50% of the maximum volume of substances stored plus an allowance for stormwater or fire water;
- (3) Able to prevent the entry of any spill or other unintentional release of hazardous substances, or any contaminated stormwater and/or fire water into site drainage systems unless permitted to do so by a network utility operator;

For the purposes of this rule, 'suitable' shall mean compliance with the above include graded floors and surfaces, bunding, roofing, sumps, fire water catchments, overflow protection and alarms, and similar systems.

(v) Waste Management

- (1) Any process waste or waste containing hazardous substances shall be managed to prevent:
 - (a) The waste entering or discharging into the stormwater drainage system;
 - (b) The waste entering or discharging into the sewerage system unless permitted by the network utility operator responsible for that sewerage system;
 - (c) The waste discharging into or onto land and/or water unless permitted by resource consent.
- (2) The storage and management of any process waste or waste containing hazardous substance on the site shall at all times comply with the performance standards specified for hazardous substances.
- (3) All waste containing hazardous substances shall be disposed of to facilities holding the necessary consents, or be serviced by a registered waste disposal contractor.

(vi) Radioactive Materials

- (1) Any hazardous facility that involves the use or storage of radioactive materials with an activity below that specified as an exempt activity in the Radiation Protection Regulations 1982.

Exemptions:

The following are exempt from complying with the above standards:

- (i) Consumer products for domestic purposes provided they are stored in their original containers and used according to the manufacturers' instructions;
- (ii) Retail sale and related storage of hazardous substances in closed containers having volumes intended for domestic purposes;
- (iii) Fuel or safety equipment in motor vehicles, boats or small engines;
- (iv) Safety ammunition and small fireworks that are subject to the Hazardous Substances (Fireworks) Regulations 2001.
- (v) Fuel in service stations in volumes not exceeding 100,000 litres of petrol in underground tanks, 50,000 litres of diesel in

underground tanks and either 12 tonnes of LPG in an underground storage tank or 6 tonnes of LPG in an aboveground single storage vessel, where the associated activities comply with the following relevant code of practice or standard:

- (1) Code of Practice for the Design, Installation and Operation of Underground Petroleum Systems (Dept. of Labour, 1992);
- (2) AS 1596:2002 Storage and Handling of LPG.
- (vi) Agrichemical use, storage, transportation and disposal where these activities are carried out in compliance with NZS8409:2004 Management of Agrichemicals.
- (vii) Storage of fuel for primary production activities in the Rural (Primary production) Zone and Rural (Special) Zone where it complies with the Guidelines for Safe Above-Ground Fuel Storage on Farms (Dept of Labour October 2001).
- (viii) Trade waste sewers and stormwater drainage;
- (ix) Oil and gas pipelines.

Note: Discharges from a hazardous facility may require resource consent from the Wellington Regional Council.

21.1.23 Activities within Contaminated Land

- (a) **Subsurface investigations of contaminated land in [Appendix 3.1](#) and on potentially contaminated land previously or currently used for an activity or industry listed on the modified Wairarapa Hazardous Activity and Industry List (Wairarapa HAIL) in [Appendix 3.2](#), to determine the presence, extent and nature of any contamination is a Permitted Activity provided that it complies with the following conditions:**

- (i) The subsurface investigations are supervised by a suitably qualified environmental scientist; and
- (ii) A subsurface sampling report prepared by a suitably qualified environmental scientist recording the findings of the investigations shall be provided to the Council.

Note: Refer to [Appendix 3.2](#) for guidance on the nature and level of sampling and reporting.

- (b) **The redevelopment of potentially contaminated land previously or currently used for an activity or industry listed on the modified Wairarapa Hazardous Activity and Industry List (Wairarapa HAIL) at [Appendix 3.2](#) that, following subsurface investigations, is determined to be safe for the intended use is a Permitted Activity, provided that:**

- (i) A subsurface sampling report prepared by a suitably qualified environmental scientist shall be provided to the Council confirming the potentially contaminated land is safe for the intended use.

Note: Refer to [Appendix 3.2](#) for guidance on the nature and level of sampling and reporting.

- (c) **The use or redevelopment of contaminated land in [Appendix 3.1](#) and land previously or currently used for an activity or industry listed on the modified Wairarapa Hazardous Activity and Industry List (Wairarapa HAIL) in [Appendix 3.2](#) confirmed as being contaminated land, that has been remediated to a level which is safe for the intended use is a Permitted Activity, provided that:**
- (i) A remediated report prepared by a suitably qualified environmental scientist shall be provided to the Council.

For the purpose of this rule (**Error! Reference source not found.** (a), (b) and (c)) “redevelopment” means any activity that would exacerbate or increase exposure to the potential contaminant(s) that is reasonably expected to have an adverse effect on human health or the environment (e.g. habitation, regular occupation, exposure through disturbance (e.g. earthworks) of contaminants. The Guidelines listed in [Appendix 3.2](#) provide direction on exposure levels for contaminants and adverse effects on human health or the environment.

21.1.24 Network Utilities and Energy Generation Facilities

- (a) **The construction, maintenance and upgrading of network utilities and energy generation facilities which meets the following standards:**

- (i) **Maximum Height and Setbacks**

All above ground network utility and meteorological structures, except lines, poles, towers, masts, aerials, antennas and their brackets or attachments, must comply with the maximum height standards, maximum height to boundary, and minimum building setback, for the Environmental Zone in which they are located, except as follows:

- (1) In the case of aerials and antennas, and their brackets or attachments, that are located on buildings, these may exceed the maximum height and maximum height to boundary standards for the Environmental Zone in which they are located by no more than 5 metres.
- (2) Aerials and antennas attached to masts, poles and towers may exceed the maximum height for masts, poles and towers as set out in sub-clause (3) below and the maximum height for the Environmental Zone in which they are located, by no more than 5 metres. The maximum height to boundary shall not apply to the boundary of a road, road reserve or service lane. The minimum building setback and maximum height to boundary shall not apply to the boundary of a road, road reserve or service land.
- (3) In the case of masts, poles and towers (except as provided for under Rules 21.1.24(a)(ix)(1) (i) and (j)), these shall comply with a maximum height of:

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- (a) 20 metres in Rural, Commercial and Industrial Zones.
 - (b) 12 metres in Residential Zone.
 - (c) 10 metres in road, road reserve or service lane for any Environmental Zone.
- (ii) Antennas
 - Residential Zone:
 - (1) No dish antenna shall exceed 2m in diameter;
 - (2) No panel antenna shall exceed 2.5m in any dimension;
 - Rural, Commercial and Industrial Zones:
 - (3) No dish antenna shall exceed 5m in diameter;
 - (4) No panel antenna shall exceed 2.5m in any dimension.
- (iii) Building
 - (1) No building located above ground for network utility purposes shall exceed 10m² in gross floor area.
 - (2) Buildings used for network utilities purposes may encroach the minimum building setbacks in the respective Environmental Zone in which it is located, subject to compliance with the following:
 - (a) 3 metres from any boundary when located on a site in the Residential Zone, or adjoining the Residential Zone;
 - (b) Compliance with the Noise Standards for the respective Environmental Zone in which it is located.
- (iv) Radiofrequency Exposure
 - (1) The maximum exposure levels shall not exceed the levels specified in NZS 2772:1999 *“Radiofrequency fields - Maximum exposure levels - 3 kHz to 300 GHz”*;
 - (2) Maximum exposure levels shall be 3kHz to 300GHz in areas normally accessible to the public.
- (v) High Voltage Electricity Transmission Lines
 - (1) Lines for conveying electricity shall have a voltage up to and including 110kV;
 - (2) Setback 20 metres from dwellings.
- (vi) Water Supplies
 - (1) Water supply and irrigation schemes and all related drains, channels, pipes and necessary incidental equipment for the conveyance of water.
- (vii) Wastewater and Stormwater
 - (1) Underground pumping stations and pipe networks for the conveyance or drainage of water or sewage, and necessary incidental equipment.

(viii) Traffic Management

- (1) Traffic management and control structures, street lighting, and street furniture.

Refer to the National Environmental Standards for Electricity Transmission Activities and National Environmental Standards for Telecommunications Activities where appropriate

(ix) Existing Network Utilities

- (1) The operation, maintenance, repair, minor upgrading and removal of existing network utilities, including existing towers, masts, poles, aerials, antennas, lines, support structures, transformers and substations.

Note: For the purposes of the above rule, “minor upgrading” means an increase in the carrying capacity, efficiency or security of electricity and telecommunication facilities, utilising the existing support structures or structures of a similar scale and character, and includes:

- (a) Addition of circuits and conductors;
- (b) Reconductoring of the line with higher capacity conductors;
- (c) Resagging of conductors;
- (d) Addition of longer or more efficient insulators;
- (e) Addition of earthwires (which may contain telecommunication lines), earthpeaks and lightning rods;
- (f) Addition of electrical fittings;
- (g) Replacement of an existing overhead line with another of similar character and scale;
- (h) Support structure replacement that does not exceed the existing support structure dimensions, and is in the same location (except as provided for under Rules 21.1.24(a)(ix)(1) (i) and (j));
- (i) Tower replacement on existing electricity lines of 110kV or greater, where the replacement structure does not increase the tower height by more than 10% (including foundations and earth peaks); and where the structure is located within an area around the existing tower that is no more than 1.5 times the width of the existing tower base footprint.
- (j) Pole replacement on existing electricity lines of 110kV or greater, where replacement pole does not increase the height by more than 10% (including foundations and earth peaks); and where the replacement pole is located within an area that is within 2m, measured as a horizontal distance, from the pole it replaces.
- (k) Cross arm replacement that does not exceed the existing cross arm dimensions by more than 15%.

Note: It does not include an increase in line voltage above 110kV unless the line was originally constructed

to operate at the higher voltage but has been operating at a reduced voltage or without the original number of conductors it was constructed to carry.

(x) Existing Energy Generation Facilities

- (1) Any activity involving the operation, maintenance and minor upgrading of existing energy generating facilities and associated structures.

Note: For the purpose of the above rule –

“Maintenance” means all activities associated with the protective care and monitoring of a hydro dam, wind turbine or power station and associated structures, in order to prevent decay, structural fatigue, erosion or dilapidation and includes maintenance of surrounds and water areas.

“Minor upgrading” means structural improvement, repair and replacement of worn or technically deficient parts of the powerhouse, hydro dams, wind turbines and structures, substations, switchyards, intake, control and diversion structures, wells, pipes, tunnels, cables, other equipment and accessory buildings and structures of similar character and scale, and includes associated drilling, earthworks and vegetation removal. Also extensions to existing buildings and structures, and erection of new buildings and structures provided they meet the standards for permitted activities within the relevant Zone and the District-wide rules.

(xi) Undergrounding of Lines and Pipes

- (1) All new lines, cables and pipes in the Residential, Commercial and Industrial Zones shall be constructed underground.
- (2) No new poles shall be erected in the Residential, Commercial and Industrial Zones, other than replacing existing poles.

(xii) Reinstatement

- (1) That continuous vegetative cover shall be established over any natural ground surface disturbed for the construction, upgrade, maintenance or repair of any network utility.

(xiii) Noise Limits

- (1) Sound levels from network utilities within road reserve shall comply with the noise limits for the adjoining zone at any point within 1.5 metres of any façade of a building used for residential purposes. A façade correction of minus 3 dB shall apply in addition to the assessment provisions of NZS 6802:1991 “*Assessment of Environmental Sound*”.

21.1.25 Roads, Access, Parking & Loading Areas

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- (a) **All new roads, intersections, access, parking and loading areas shall be provided in accordance with the provisions of [Appendix 5](#) – Requirements for Roads, Access, Parking and Loading.**
- (b) **Access**
 - (i) All sites and activities shall have safe and practicable vehicle access from a public road. All vehicle crossings and intersections shall be positioned and constructed in accordance with the standards in [Appendix 5](#).
- (c) **Parking and Loading**
 - (i) **Provision of On-Site Parking and Loading**
 - (1) Every activity shall provide off-street parking and loading for vehicles associated with the activity and vehicles expected to visit or be stored on the site in connection with the activity, in accordance with [Table 21.1.25.1](#) below.
 - (2) Where any activity is changed or any building erected or altered, sufficient vehicle parking and loading shall be provided to meet the demands generated by the altered activity or building, in accordance with [Table 21.1.25.1](#) below.
 - (3) On sites where there are multiple activities, and each activity requires vehicle parking in terms of this Plan, the total parking required shall be the combined total requirement for all activities. The Council will consider reducing parking requirements, where it is demonstrable that parking demands generated by each activity do not occur simultaneously and that operational hours or arrangements of those activities means shared parking will occur.
 - (4) Loading bays and spaces may be counted as parking space(s) according to the number of parking spaces able to be accommodated.
 - (ii) **Number of Vehicle Parking Spaces**
 - (1) Where the calculation of required vehicle parking spaces results in a fraction of a whole space, any fraction less than or equal to one half shall be disregarded; and any fraction over one half shall count as one space.
 - (2) The area of required spaces, access drives, or aisles provided within a building shall be excluded from the gross floor area (GFA) of the building.
 - (3) Vehicle parking spaces shall be provided for activities in accordance with [Table 21.1.25.1](#). If an activity is not listed, then the standard for the activity listed that is closest in nature to that proposed activity shall be applied. Parking requirements do not apply to temporary activities.

Table 21.1.25.1 – Parking Requirements

Activity	Parking spaces required
Accommodation Activities	1 per accommodation unit, room, or campsite, plus 1 per 2 employees
Childcare Centre	1 per employee, plus 1 per 10 persons to be accommodated in the centre.
Commercial Activities (including, but not limited to retail, supermarkets and offices)	1 per 45m ² GFA, plus 1 per 100m ² outdoor display area
Educational Facilities (primary and secondary)	1 per employee
Educational Facilities (tertiary)	1 per employee plus 1 per 10 students
Emergency Service Facilities	1 per 100m ² GFA, plus 1 per on duty staff member (excluding volunteers)
Entertainment facility	1 per 3 persons the facility is designed to accommodate
Health Facility	4 per practitioner
Hospital	1 per bed the facility is designed to accommodate, plus 1 per 2 staff members on site
Industrial Activities	1 per 50m ² GFA
Place of Assembly	1 per 4 persons the place is designed to accommodate
Residential Activities	1 per residential unit
Restaurant	1 per 4 persons the facility is designed to accommodate.
Resthome	1 per 4 beds the facility is designed to accommodate, plus 1 per employee on site.
Sports fields and playing fields	1 for every 3 participants (design capacity)
Tavern	1 per 10m ² GFA

Note 1: GFA means Gross Floor Area and includes office space associated with the primary industrial activity not commercial offices or retail space.

Note 2: Where an existing building within the Commercial Zone is being used by a permitted activity the requirements outlined above do not need to be met.

For the purposes of the above parking requirements the following definitions shall apply:

Accommodation Activities – (parking requirements) activities including associated land and buildings used for accommodating people on a temporary basis; includes but is not limited to hotels, motels, and camping grounds but excludes homestays that do not exceed four people.

Education facility – (parking requirement) facilities including associated land and buildings used for the purposes of learning and training, including facilities for preschool, primary, secondary, tertiary and adult learning.

Health facility – (parking requirement) facilities including associated land and buildings used for the purposes of providing healthcare to the community and include but is not

limited to dentistry, veterinary and medical centres or clinics but excluding hospitals.

Hospital - (parking requirement) facilities including associated land and buildings used for the purposes of providing 24 hour healthcare service to the community.

Industrial Activities – (parking requirement) activities including associated land and buildings used for manufacturing, fabricating, processing, packing or storage of goods, substances or vehicles, and the servicing and repair of goods and vehicles whether by machinery or hand.

Office – (parking requirement) an activity including associated buildings or part of a building where people are engaged in a profession, business or administrative activity and includes but is not restricted to financial, law or accountancy firms, valuers, banks, architects, engineers and real estate agents.

Outdoor display area – (parking requirement) an outdoor space provided for the display of retail goods or services for purchase and excludes parking, landscaping or other similar required areas.

Outdoor recreation facility – (parking requirement) any activity whose aim is the active enjoyment of outdoor sport and includes but is not limited to grounds used for netball, rugby, cricket, and golf.

Place of Assembly – any facility and associated land and buildings for the general assembly of people engaged in deliberation, education, worship or entertainment and includes, but is not exclusive to indoor recreation facilities, theatre, marae, cinemas, halls, conference facilities, churches and education facilities.

Practitioner – person(s) who provides the principal health or veterinary services to patients including, but not limited to, doctors, physiotherapists, dentists and veterinary surgeons, but excluding support staff.

Residential unit – a self-contained residential accommodation unit to be used exclusively by one household unit and includes residential units within multi-unit and retirement village developments.

Rest Home – a facility including associated land and buildings providing care to dependent persons in a live-in situation.

Restaurant – a premises for the preparation, sale and consumption of food and drink, including cafes.

Retail – the use of land, a building or parts of a building where goods are sold and/or displayed for sale, or are offered for hire.

Tavern – any premises used or intended to be used principally for the provision of liquor and other refreshment to the public; and which is licensed as such under the Sale of Liquor Act 1989.

- (iii) Parking for the Disabled
 - (1) Any activity shall provide parking for the disabled in accordance with NZS 4121:2001 *Design for Access and Mobility – Buildings and Associated Facilities*.
- (iv) Vehicle Access and Manoeuvring Space
 - (1) Each required vehicle park shall have practical access from a public road. Sufficient manoeuvring space shall be provided to enable vehicles to enter and exit the site in a forward direction.

Exception: The requirement to exit and enter a site in a forward direction shall not apply to a front lot in the Residential Zone where a garage is attached to a dwelling and that obtains access to a District Arterial, Collector or Local Road. This exception does not apply where access is obtained directly from the State Highway or a Strategic Arterial Road.

Note: The hierarchy of roads is identified in Volume 2 of the Plan: Maps.
- (v) Vehicle Parking Spaces and Access Aisles to Remain Clear
 - (1) Dedicated vehicle parking space and access shall remain unobstructed by other activities and shall not be diminished by storage of goods or erection of any structure.
- (vi) Design of Vehicle Parking and Loading Spaces
 - (1) Every parking space shall be designed and constructed in accordance with AS/NZS 2890.1:2004 *Parking Facilities*.
 - (2) Each required loading space shall be of usable shape and have a minimum length of 7.5 metres, minimum width of 3.5 metres, and minimum clear height of 4.5 metres. Sufficient manoeuvring space shall be provided to accommodate a 90 percentile two-axle truck. In the Commercial and Industrial Zones where articulated vehicles are to be used, the layout shall be designed to accommodate such vehicles.
- (vii) Standards of Construction of Vehicle Parking Spaces
 - (1) All required vehicle parking spaces and access aisles shall be formed, sealed and marked, and shall be provided with surface water drainage.

21.1.26 Water Supply, Wastewater and Stormwater

- (a) All new water systems, waste water systems and stormwater systems shall be provided in accordance with NZS 4404:2004 *“Land Development and Subdivision Engineering”*.

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Financial Contributions

- (a) All financial contributions shall be in accordance with the requirements of [Section 23](#).

Aerodrome Protection

(a) Aerodrome Obstacle Limitation Surfaces

- (i) No building, other structure, mast or tree shall be located in the Aerodrome Obstacle Limitation Surfaces so as to penetrate the 1:50 approach slopes, the transitional slopes or the horizontal surface.

The Obstacle Limitation Surfaces are shown on the Planning Maps and defined in [Appendix 11](#). They comprise land in the shape of a fan, located at the ends of the landing/takeoff strips and vertically below the take-off/approach slopes of the strips.

(b) Air Noise Boundaries

- (i) Any additions or alterations to a habitable room of an existing noise sensitive activity within the Outer Air Noise Boundary (50 dBA) as shown on the Planning Maps shall be designed and constructed in compliance with one of the following:

(1) Between the 50 and 55 dBA noise contour:

- (a) By production of a design certificate from an appropriately qualified and experienced acoustic engineer, certifying that an internal noise level not exceeding Ldn 40dBA will be achieved by construction in accordance with the proposed design; or
- (b) Incorporation of the following accepted acoustic design solutions in the building:
- Standard external cladding with minimum surface density of 8 kilograms per square metre such as brick, concrete, plaster, timber or plastic weatherboard and fibre cement; and
 - Internal wall linings of gypsum plasterboard of at least 12mm thickness or similar density material; and
 - Continuous ceiling linings without cut-outs and of gypsum plasterboard of at least 10mm thickness or similar density material; and
 - Fibrous thermal insulation batts (not polystyrene) in external wall and ceiling cavities; and
 - Standard roof cladding of steel, tiles, metal tiles or butynol; and
 - Standard external window and door glazing of a minimum 5mm thickness; and
 - Aluminium external joinery fitted with airtight seals throughout; and

- Room glazing with a total area of no more than 50 percent of the room's total floor area.
- (2) Between the 55 and 60 dBA noise contour:
 - (a) Compliance with 21.1.28(b)(i)(1) above; and
 - (b) Incorporation of a mechanical ventilation system in accordance with the New Zealand Building Code. Such a ventilation system shall not create more than L_{eq} 40 dBA in the principal living room, no more than L_{eq} 30 dBA in any bedroom, and no more than L_{eq} 40 dBA in any hallway, in each building. Noise levels from the mechanical systems shall be measured at least 1 metre away from any diffuser; and
 - (c) A mechanical extractor fan ducted to the outside to serve any cooking hob, if such extractor fan is not already installed and in sound working order.

21.2 Controlled Activities

The following are Controlled Activities:

21.2.1 Network Utilities

- (a) **Network utility structures (other than masts and poles) above ground not exceeding 4m² in gross floor area and/or 2m in height within legal road reserve.**

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The matters over which control is reserved are:

- (i) Height and design;
- (ii) Siting;
- (iii) Screening and landscape treatment;
- (iv) Safe and efficient operation of the road network.

21.2.2 Hazardous Facilities

- (a) **Any hazardous facility where the total quantity of hazardous substances of any hazard classification on the site is in the range of the quantities for the relevant zone specified as a Controlled Activity in the Hazardous Facilities Consent Status Table ([Appendix 2](#)), and the activity complies with the permitted activity performance standards in Rule 21.1.22 above.**

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The matters over which control is reserved are:

- (i) Location, design, installation and operation of the facility;
- (ii) Spill contingency and emergency management;
- (iii) General risks to the environment.

- (b) **Any hazardous facility which involves the use or storage of radioactive materials with an activity in excess of that specified as an exempt activity in the Radiation Protection Regulations 1982 but below 100 terabecquerels.**

The matters over which control is reserved are:

- (i) Location, design, installation and operation of the facility;
- (ii) Spill contingency and emergency management;
- (iii) General risks to the environment.

21.2.3 Wetland Restoration and Enhancement

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- (a) **Any modification to indigenous vegetation within a wetland for enhancement and restoration purposes, including the planting of exotic species (but not weed or pest removal), shall be a controlled activity.**

The matters over which control is reserved are:

- (i) The removal, damage or modification of indigenous vegetation;
- (ii) Changes to the hydrology of the wetland;
- (iii) The species for planting;
- (iv) Ongoing wetland management.

21.2.4 Meteorological Structures

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- (a) **Any Meteorological structure in the Rural (Primary Production) or Rural (Special) Zones that exceeds the maximum height standard specified in Rule 21.1.24, and complies with the standards for a Controlled Activity.**

The matters over which control is reserved are:

- (i) Height;
- (ii) Siting;
- (iii) Design;
- (iv) Duration of installation.

Assessment Criteria

Controlled activities are to be assessed against the relevant assessment criteria set out in [Section 22](#).

Notification and Service of Applications

An application for resource consent for controlled activities made under this rule need not be notified; and need not be served on affected persons.

21.3 Standards for Controlled Activities:

(a) Meteorological structures

- (i) Maximum height of 100 metres;
- (ii) Minimum setback of a horizontal distance between the centre of any structure and the site boundary shall be no less than 1.5 times the height of the structure;
- (iii) Minimum dwelling setback of a horizontal distance between the centre of any structure and any dwelling (excluding a dwelling located on the site on which the structure is located) shall be no less than 4 times the height of the structure.

21.4 Restricted Discretionary Activities

The following are Restricted Discretionary Activities:

21.4.1 Work Undertaken on a Notable Tree or Street Tree

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- (a) Any work undertaken on a Notable Tree listed in [Appendix 1.4](#) or any Street Tree not undertaken in accordance with the standards for permitted activities, or which involves removing or pruning the tree.

Discretion is restricted to the following matters:

- (i) Ensuring that any adverse effects on the tree's health are avoided, remedied or mitigated through the use of appropriate arboricultural techniques;
- (ii) Ensuring that the work undertaken minimises any alteration to the particular factors which led to the tree being scheduled;
- (iii) Options for the tree's management, including relocation or protection;
- (iv) Disposal of timber;
- (v) Archival recording; and
- (vi) Replacement planting.

21.4.2 Indigenous Vegetation

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- (a) Any disturbance, removal, damage or destruction ("modification") of indigenous vegetation within 20 metres of a river or a water body. This rule does not apply to entirely artificially created water bodies (e.g. duck ponds, existing farm drains) or vegetation in gardens.
- (b) Any disturbance, removal, damage or destruction ("modification") of indigenous vegetation not complying with the permitted activity standards in [Rule 21.1.6](#).

Discretion is restricted to the following matters:

- (i) The significance of the affected indigenous vegetation or habitat of indigenous fauna in terms of ecological, intrinsic, cultural or amenity values.

- (ii) The extent to which an area of affected indigenous vegetation or habitat of indigenous fauna and its inter-relationship with other habitats or areas of indigenous vegetation represents or exemplifies the components of the natural diversity of a larger reference area.
- (iii) The sustainability of the habitat or area of vegetation proposed to be modified or damaged or of any adjoining habitat of vegetation to an area proposed to be affected.
- (iv) Whether any affected area of indigenous vegetation is naturally occurring or has been artificially created.
- (v) The degree to which the vegetation or habitat is threatened or is uncommon in the ecological district within which it is located.
- (vi) Whether any affected area contains a vegetation type or species of flora or fauna that is regionally rare or threatened.

Notification and service of Application

An application for resource consent for restricted discretionary activities made under Rule 21.4.2 need not be notified; and need not be served on affected persons.

reference source

21.4.3 Structures in the Coastal Environment Management Area

- (a) **Any structure not complying with the permitted activity standards for structures in the Coastal Environment Management Area.**

Discretion is restricted to the following matters:

- (i) Design and appearance of buildings and outdoor areas;
- (ii) Landscape treatment and screening;
- (iii) Effects on the natural character and landscape values;
- (iv) Effects of activities on adjacent properties and public open spaces;
- (v) Effects on any historic, cultural or archaeological site;
- (vi) Risks from natural hazards;
- (vii) Access.

reference source

21.4.4 Earthworks in the Coastal Environmental Management Area

- (a) **In that part of the Coastal Environment Management Area that is within the Rural Zone, earthworks that do not comply with the standards in Rule 21.1.17(c).**

Discretion is restricted to the following matters:

- (i) The location, extent, timing and duration of the activity.
- (ii) Effects on the risks from natural hazards, including instability and flooding.
- (iii) Effects on the natural character and landscape values.
- (iv) Effects on areas of significance to tangata whenua and archaeological sites.

- (v) Methods to avoid, remedy or mitigate the adverse effects.
- (vi) Rehabilitation measures, including recontouring and revegetation.

21.4.5 Significant Waterbodies

- (a) **Any earthworks with 25 metres of any Significant Waterbody listed in [Appendix 1.9](#) that is not permitted under Rule 21.1.9.**

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Discretion is restricted to the following matters:

- (i) The location, extent, timing and duration of the activity.
- (ii) Effects on the risks from natural hazards, including erosion and flooding.
- (iii) Effects on natural character and landscape values.
- (iv) Effects on ecological values, including the aquatic values of the waterbody.
- (v) Effects on recreational values and public access.
- (vi) Effects on areas of significance to tangata whenua and archaeological sites.
- (vii) Methods to avoid, remedy or mitigate the adverse effects.
- (viii) Rehabilitation measures, including recontouring and revegetation.

21.4.6 Motorised commercial recreation on the surface of freshwater

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- (a) **Any motorised commercial recreation on the surface of freshwater.**

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Discretion is restricted to the following matters:

- (i) The scale, character and nature of the activity, including the frequency and size of watercraft associated with the activity.
- (ii) Potential for conflict between the activity/structure and other users of the same waterbody.
- (iii) Effects of activities on land associated with the proposed activity including the impact on public access.
- (iv) Extent to which the activity will reduce opportunities for recreational activities.
- (v) Effects of the activity on the intrinsic and natural values of the waterbody.

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21.4.7 Flood Hazard Area and Erosion Hazard Area

- (a) Any activity within the Flood Hazard Area or Erosion Hazard Area that does not comply with the standards in Rules 21.1.20 (i) – (iii).

Discretion is restricted to the following matters:

- (i) The effects of the activity on the likelihood of flooding and/or erosion, or increase in its magnitude, including to other properties.
- (ii) Risks to people and property.
- (iii) Mitigation measures to manage the risks from flooding or erosion.

21.4.8 Network Utility Structures within Road Reserve

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- (a) Network utility masts, antennas, aerials, poles, lines and support structures within legal road that are not permitted or controlled activities.

Discretion is restricted to the following matters:

- (i) Structure size;
- (ii) The location and siting of the structure within the legal road;
- (iii) The design and external appearance of the structure;
- (iv) The safety of road users.

21.4.9 Buildings within 20m of a High Voltage Transmission Line

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- (a) Any building within 20 metres of the centre line of a high voltage (110kV or more) transmission line (as shown on the Planning Maps).

Discretion is restricted to the following matters:

- (i) The design or location of buildings to enable the transmission line to be efficiently used, operated and accessed;
- (ii) Building orientation with regard to the location and visual impacts of the transmission lines;
- (iii) Measures necessary to ensure the transmission line's security;
- (iv) Compliance with the New Zealand Electrical Code of Practice for Electrical Safety Distances: NZECP: 34:2001;
- (v) Any consultation with the owners of the transmission lines; and
- (vi) The manner in which adverse effects associated with reverse sensitivity are avoided, remedied or mitigated.

21.4.10 Activities within Contaminated Land

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- (a) Any activity (including site remediation or redevelopment) on Contaminated Land as listed in [Appendix 3.1](#).

Discretion is restricted to the following matters:

- (i) The nature and extent of the contamination;

- (ii) The risk posed by contaminants to public health and safety;
 - (iii) Earthworks including any methods to control the release of contaminants into the environment;
 - (iv) The suitability of the land for its proposed end use; and
 - (v) The approach to the remediation and on-going management of the contaminated land and the mitigation measures (including monitoring) proposed to avoid adverse effects on public health, safety and the environment.
- (b) **Any redevelopment (including the remediation) of any land previously or currently used for an activity or industry listed on the modified Wairarapa Hazardous Activity and Industry List (Wairarapa HAIL) in [Appendix 3.2](#), except as provided for in Rules [Error! Reference source not found.](#) (b) and (c).**

For the purpose of this rule, “redevelopment” means any activity that would exacerbate or increase exposure to the potential contaminant(s) that is reasonably expected to have an adverse effect on human health or the environment (e.g. habitation, regular occupation, exposure through disturbance (e.g. earthworks) of contaminants). The Guidelines listed in [Appendix 3.2](#) provide direction on exposure levels for contaminants and adverse effects on human health or the environment.

Discretion is restricted to the following matters:

- (i) The nature and extent of the contamination;
- (ii) The risk posed by contaminants to public health and safety;
- (iii) Earthworks including any methods to control the release of contaminants into the environment;
- (iv) The suitability of the land for its proposed end use; and
- (v) The approach to the remediation and on-going management of the contaminated land and the mitigation measures (including monitoring) proposed to avoid adverse effects on public health, safety and the environment.

21.4.11 Noise Sensitive Activities within Outer Air Noise Boundary

- (a) **Any new noise sensitive activity located within the Outer Air Noise Boundary (50dBA contour) as shown on the Planning Maps.**

Discretion is restricted to the following matters:

- (i) Acoustic insulation measures;
- (ii) Other acoustic mitigation measures;
- (iii) Location of the proposed activity;
- (iv) Other measures necessary to protect the operational requirements of the Aerodrome.

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21.4.12 Goat Farming

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- (a) **Any goat farming within 2km of the Rural (Conservation Management) Zone.**

Discretion is restricted to the following matters:

- (i) The area and location of the activity in relation to (ii) - (v) below;
- (ii) The risk of reinvasion should goats escape from the site (i.e. proximity to conservation land, or features that act as natural corridors to invasion);
- (iii) The ability to confine goats within the site (i.e. some terrain can be difficult to fence effectively due to such factors as steepness, watercourses, vegetation, etc), and the suitability of fences for effectively containing the goats on the property (having regard to “The New Zealand Recommended Code of Practice for Goat Farming”: Mohair New Zealand 2000);
- (iv) The method of disposing of the goats in the event of the activity being discontinued.
- (v) Potential effect on indigenous vegetation and habitat for indigenous fauna on the site or in the adjacent conservation area.

21.4.13 Financial Contributions

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- (a) **Any financial contributions (excluding for subdivisions) not in accordance with the requirements of [Section 23](#).**

Discretion is restricted to the following matters:

- (i) Matters listed in [Section 23](#).

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21.4.14 Roads, Access, Parking and Loading Areas

reference source

- (a) **Any activity that does not comply with the requirements in Rule 21.1.25.**

Discretion is restricted to the following matters:

- (i) Development and site characteristics;
- (ii) Access;
- (iii) Availability of alternative private or public access, parking or loading areas;
- (iv) Design, layout, number and standard of parking and loading areas;
- (v) Design and construction of roads and access;
- (vi) Financial contributions.

21.4.15 Meteorological Structures

- (a) Any meteorological structure that does not comply with the standards for permitted activities and is not otherwise specified as a Controlled Activity.

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Discretion is restricted to the following matters:

- (i) Siting and design;
- (ii) Duration of installation;
- (iii) Height.

21.4.16 Helicopter Landing Areas

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- (a) Any helicopter landing area.

Discretion is restricted to the following matters:

- (i) Hours of operation;
- (ii) Flight frequency;
- (iii) Approach and departure flight paths minimising overflight of residential activities;
- (iv) Application of non-statutory guidelines, such as HAI Fly Neighbourly Guidelines;
- (v) The extent of servicing and status as a heliport.

21.4.17 Water Supply, Wastewater and Stormwater

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- (a) Any activity that does not comply with the requirements in Rule 21.1.26

Discretion is restricted to the following matters:

- (i) Potable water supply, water storage and treatment;
- (ii) Wastewater collection, treatment and disposal;
- (iii) Stormwater collection, treatment and disposal; and
- (iv) Financial contributions.

Assessment Criteria

Restricted discretionary activities are to be assessed under the relevant assessment criteria set out in [Section 22](#).

21.5 Standards for Restricted Discretionary Activities

- (a) Helicopter Landing Area

- (i) No helicopter movement (landing or departure) shall result in noise levels exceeding L_{max} 70 dBA during 10pm to 7am or L_{max} 90 dBA at all other times, when measured at the notional boundary.

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21.6 Discretionary Activities

The following are Discretionary Activities:

- (a) Any activity that does not comply with the standards for permitted activities or is otherwise not specified as a controlled, or restricted discretionary activity.

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- (b) Any earthworks or structures not complying with the permitted activity standards in any outstanding landscape listed in [Appendix 1.1 Outstanding Landscapes](#).

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- (c) Any modification, alteration, disturbance or destruction of any outstanding natural feature listed in [Appendix 1.2 Outstanding Natural Features](#).

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- (d) Modification or damage to, or destruction of, or within, any Significant Natural Areas listed in [Appendix 1.3](#).

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- (e) Any modification, alteration, disturbance or destruction of any archaeological site, geological site, waahi tapu, or area of significance to tangata whenua listed in [Appendix 1.5 Archaeological and Geological Sites](#) and [Appendix 1.6 Sites of Significance to Tangata Whenua](#).

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- (f) Any alteration, addition, relocation, reconstruction, partial demolition or total demolition not complying with the permitted activity standards for any heritage item listed in [Appendix 1.7 Heritage Items](#), except for relocation and demolition of a Category 1 item under Rule 21.7(a).

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- (g) The following activities within the Historic Heritage Precincts listed in [Appendix 1.8](#):

- (i) New buildings, including accessory buildings and the premises;
- (ii) Alteration, addition or reconstruction of any buildings;
- (iii) Signs within the Residential Zone;
- (iv) Demolition, removal or relocation of structures and buildings.

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- (h) Any repairs and maintenance in any Historic Heritage Precinct listed in [Appendix 1.8](#) and located in the Masterton District.

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- (i) Boarding kennels and catteries.

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- (j) Wind energy facilities.

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- (k) Any activity within the Greytown Future Development Area that is not consistent with the Structure Plan for this area.

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- (l) Any activity involving the disturbance, removal, damage or destruction (“modification”) of a wetland, except for planting restoration and enhancement work provided for in Rules 21.1.7 and 21.2.3.

- (m) Development Concept Plan in a Future Development Area.

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- (n) Any hazardous facility where the total quantity of hazardous substances of any hazard classification on the site is in the range of the quantities for the relevant zone specified as a Discretionary

Activity in the Hazardous Facilities Consent Status Table ([Appendix 2](#)), and the activity complies with the permitted activity performance standards in Rule 21.1.22 above.

- (o) Any activity within a Future Development Area for which there is no approved Development Concept Plan and which is not otherwise a permitted activity in the Rural Zone. Policy Error! Reference source not found.
- (p) Any helicopter landing area that does not comply with the standards for a restricted discretionary activity in Rule 21.5(a)(i). Policy Error! Reference source not found.
- (q) Earthworks within the Foreshore Protection Area (except as provided for in Rule 21.1.18(a)(iv)). Policy Error! Reference source not found.
- (r) The erection, placement, or conversion of a building for habitable use within the Flood Hazard Area or Erosion Hazard Area. Policy Error! Reference source not found. and Error! Reference source not found.

Assessment Criteria

Discretionary activities will be assessed against, but not limited to, the relevant assessment criteria set out in [Section 22](#).

21.7 Non-Complying Activities

The following are Non-Complying Activities:

- (a) Relocation or demolition of any structure or building listed as a [Category 1 item in Appendix 1.7](#) Heritage Items. Category 1 item in Reference source not found.

