

Section 5:

ZONES

5.1 RURAL ZONE

5.1.1 ZONE PURPOSE

- (1) Apart from those areas specifically zoned as Conservation, Coastal, Karangahake or Reserve Zones most of the land outside of the towns and townships of the District is within the Rural Zone.
- (2) The Rural Zone is almost exclusively a *farming* area covering the fertile Hauraki Plains and Waihi basin area, the western foothills of the Hapuakohe Range, the eastern hills of the Waihi basin and foothills of the Coromandel and Kaimai-Mamaku Ranges. Intensive dairying is concentrated on the plains area. Horticulture is predominantly located in the Waihi Basin. Extensive grazing occurs in the hill country. The rural land resource is one of the most valued of the natural and physical resources in the District. Important mineral resources are located within the Rural Zone.
- (3) Most of the land in the Rural Zone is in pasture or under cultivation. Areas of commercial forestry are located particularly on the Western Ranges and extractive industry occurs in a number of locations. In other locations within the Rural Zone, protection of water supply sources, water and soil conservation and land management considerations require that the land either remain undeveloped or the present ground cover remain undisturbed.
- (4) There are areas of ecological significance (eg stands of indigenous vegetation) and outstanding natural features and landscapes within the rural area that require protection from adverse effects of some activities.

5.1.2 OBJECTIVES AND POLICIES

(1) OBJECTIVE 1

To ensure a range of compatible rural land use activities can be undertaken, which benefit from the productive potential, location and rural character of the zone.

(a) Policies

Objective 1 will be achieved by implementation of the following policies:

- (i) Rural activities that require the use of land with high productive capability should be able to locate on land with such value.
- (ii) Rural and other land use activities which do not rely on the productive capability of the land should be able to locate on land with such characteristics, only where the character, scale and intensity of these activities are compatible with the open rural landscape.
- (iii) Ensure *buildings* (including *dwellings*) and rural activities maintain the amenity value of a predominantly open rural character and the productive use of the land.
- (iv) Protect significant ecological areas and outstanding landscapes.

- (v) Allow the creation of a range of different lot sizes that is compatible with and recognises the potential productivity of the land and preserves that potential.
- (vi) Protect areas of cultural, historic and archaeological significance and areas of high scenic and landscape quality.

(b) Reasons

- (i) To protect resources identified as being significant to the District.
- (ii) To achieve a flexible approach to land use management with emphasis being placed on the effects of activities.
- (iii) To achieve a flexible approach to subdivision management.
- (iv) To retain the open character of the rural area.

(2) OBJECTIVE 2

To protect, preserve and enhance the significant landscape character of the natural environment of the *zone*.

(a) Policies

Objective 2 will be achieved by implementation of the following policies:

- (i) Ensure that landscape features of particular significance in the District are protected.
- (ii) Ensure the erection of *buildings*, *earthworks* and removal of indigenous vegetation do not detract from the significant landscape character of the natural environment.
- (iii) Secure suitable public access to the coastline, rivers and streams.

(b) Reasons

- (i) The District Plan needs to recognise and provide for Matters of National Importance stipulated in the Act and as identified within the District.
- (ii) To maintain and enhance important amenity values in the District.

(3) OBJECTIVE 3

To protect areas of significant indigenous vegetation and significant habitats of indigenous fauna (ecological areas).

(a) Policies

- (i) Objective 3 will be achieved by the implementation of the following policies:
- (ii) Identify and protect significant indigenous vegetation ecosystems and wildlife habitats (ecological areas) on private land.
- (iii) Encourage and facilitate private landowner initiatives to protect identified significant ecological areas.
- (iv) Ensure that the clearance of significant indigenous vegetation is minimised.

(b) Reasons

- (i) The District Plan has to recognise and provide for Matters of National Importance as stipulated in the Act and as identified in the District.
- (ii) The District Plan also needs to maintain and enhance important amenity values and to recognise and have regard to the intrinsic values of ecosystems in the District.

(4) OBJECTIVE 4

To provide for the investigation and utilisation of mineral resources.

(a) Policies

Objective 4 will be achieved by the implementation of the following policies:

- (i) Require that the adverse effects of mineral investigation and extraction activities be avoided, remedied or mitigated.
- (ii) Recognise that the Martha Mine operates and the Golden Cross Mine rehabilitation occurs under existing Mining Licences granted under previous legislation, but that future mining operations will come within the provisions of the Resource Management Act 1991.

(b) Reasons

- (i) The District includes areas which are known to have potential for the discovery of mineral resources.
- (ii) The environmental effects of investigating mineral resources potential needs to be managed in an appropriate manner.

(5) OBJECTIVE 5

To ensure that any adverse effect of a land use activity on the environment or on the amenities of neighbours is avoided, remedied or mitigated.

(a) Policies

Objective 5 will be achieved by the implementation of the following policies:

- (i) Require that all effluent is able to be safely disposed of and there is no associated smell nuisance from effluent or any other aspect of the activity.
- (ii) Ensure the implications of land use activities for the roading network (especially the safety and efficiency) are properly addressed.
- (iii) Require off-street parking and loading facilities, and safe vehicle access to be provided and constructed so as to prevent dust and other nuisance.
- (iv) Other adverse effects (eg noise, smell, glare, vibration, visual) on the environment and amenity of the District (not only the rural areas) should preferably be avoided, or at least remedied or mitigated.
- (v) Control development in hazard areas.

(b) Reasons

- (i) Whilst accepting that a range of activities should be provided for in the Rural Zone, care must be taken to ensure that any adverse effect does not result in any traffic hazard or traffic safety problem, any dangerous, public health related or nuisance element arising, any detraction from the amenities of the locality either at present or in the future, including cumulatively.

(6) OBJECTIVE 6

To recognise and provide for the relationship of Maori, their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga.

(a) Policies

Objective 6 will be achieved by the implementation of the following policies:

- (i) *Marae* related activities should be able to be developed and carried out on Maori land, where the effects on the environment can be avoided, remedied or mitigated.

(b) Reasons

- (i) The District Plan has to recognise and provide for Matters of National Importance as stipulated in the Act and as identified in the District.
- (ii) The District Plan also needs to take into account the Principles of the Treaty of Waitangi.

5.1.3 ENVIRONMENTAL RESULTS

- (1) The main expected environmental result of the Rural Zone is to facilitate productive uses of land that are compatible with retaining the open character and environmental amenity of the rural area and which promote the sustainable management of the physical and natural resources of the rural area.
- (2) It is recognised that in addition to traditional *farming* and *forestry* activities there is a need to accommodate a diverse range of opportunities for land use activities that enhance the social, economic and cultural wellbeing of the rural community. Some of these activities may have adverse effects that are incompatible with each other. Such activities should be managed to ensure the effects do not detrimentally impact on the natural environment, other rural activities or the amenities of existing residents.
- (3) Within the rural zones, certain areas/features have been identified as being significant resources worthy of protection. Such areas/features include significant ecological areas, built heritage, areas of high scenic quality and important landscape features. The result sought with regard to such areas is that they are not adversely affected by the impacts of land use and subdivision activities.

5.1.4 ACTIVITY STATUS

- (1) Activities and their accessory uses and buildings (unless otherwise stated) are Permitted, Controlled, Restricted Discretionary, Discretionary, Non Complying or Prohibited according to the Activity Status Table below:

(2) PERMITTED ACTIVITIES	
Those activities listed below are a <i>Permitted Activity</i> , unless otherwise specified and subject to compliance with the:	
<ul style="list-style-type: none"> • Zone Development Standards specified in Rule 5.1.5; • Activity Specific Standards specified in Rule 5.1.6; • Conservation and Heritage provisions in Section 6.0; • Specific and District Wide provisions in Section 7.0; and • District Wide Performance Standards in Section 8.0. 	
P1	<i>Drainage works</i>
P2	Pedestrian walkways (including seating and tables), cycleways and jogging tracks
P3	One <i>dwelling</i> on each <i>certificate of title</i> containing up to 40 hectares of land
P4	Two <i>dwellings</i> on each <i>certificate of title</i> containing 40 or more hectares of land
P5	<i>Forestry</i>
P6	<i>Farming</i>
P7	One <i>produce stall</i> per <i>holding</i> (refer to Activity Specific Standard 5.1.6 (1))
P8	<i>Home/Farm Stay</i>
P9	<i>Home Occupation</i> (refer to Activity Specific Standard 5.1.6(2))
P10	<i>Prospecting</i>
P11	<i>Exploration</i> (refer to Activity Specific Standard 5.1.6(3))
P12	<i>Temporary uses and buildings</i> (including <i>temporary military training</i>)
P13	Removal or demolition of <i>buildings</i>
(3) CONTROLLED ACTIVITIES	
Those activities listed below are a <i>Controlled Activity</i> unless otherwise specified and subject to compliance with the:	
<ul style="list-style-type: none"> • Activity Specific Standards in Rule 5.1.6; • Conservation and Heritage provisions in Section 6.0; • Specific and District Wide provisions in Section 7.0; and • District Wide Performance Standards in Section 8.0. 	
Conditions may be imposed in relation to the matters over which control has been reserved, as identified in the Assessment Criteria for Controlled Activities in Rule 5.1.7.	
C1	<i>Whanau Marae</i> and <i>Marae</i> (refer to Activity Specific Standard 5.1.6(4))
(4) RESTRICTED DISCRETIONARY ACTIVITIES	
Those activities listed below are a <i>Restricted Discretionary Activity</i> subject to compliance with the:	
<ul style="list-style-type: none"> • Conservation and Heritage provisions in Section 6.0; and shall be assessed against the relevant criteria in Rule 5.1.8.	
RD1	Any Permitted Activity or Controlled Activity that does not meet the Rural Zone Development Standards for a Permitted or Controlled Activity and does not exceed the Rural Zone Development Standards for a Restricted Discretionary Activity set out in Rule 5.1.5

RD2	Any extension to a building in the area noted on the Planning Maps as “Subject to Flooding”
RD3	Any covering of the existing ground with an impermeable surface in the area noted on the Planning Maps as “Subject to Flooding”
RD4	<i>Earthworks</i> including excavation and/or placement of <i>cleanfill</i> in the area noted on the Planning Maps as “Subject to Flooding”
RD5	Planting in the area noted on the Planning Maps as “Subject to Flooding”
RD6	<i>Building</i> in a Landscape Area
RD7	Any Permitted Activity or Controlled Activity required to provide a Transportation Impact Assessment in accordance with Rule 8.4.1.3(5)
(5)	DISCRETIONARY ACTIVITIES
	Those activities listed below are a <i>Discretionary Activity</i> and shall be assessed against the relevant criteria in Rule 5.1.9.
	Note: The Conservation and Heritage provisions in Section 6.0 also apply and may alter the <i>Discretionary Activity</i> status for the activities specified below.
D1	Multiple <i>dwelling</i> s (more than one <i>dwelling</i> on each <i>certificate of title</i> containing less than 40 hectares of land, or more than two <i>dwelling</i> s on each <i>certificate of title</i> containing 40 or more hectares of land)
D2	<i>Produce Market</i> and more than one <i>Produce Stall</i> per holding
D3	<i>Helipad or Airstrip</i>
D4	<i>Factory Farming</i> activities which comply with the standards for non-domestic effluent disposal in Performance Standard 8.5.2
D5	<i>Industrial Activity</i> excluding: <ul style="list-style-type: none"> • the wholesale storage and distribution of motor spirits (including LPG and CNG); and • <i>Commercial Service, Community Facility, Education and Training Facility</i> outside the Plains and Waihi Basin Areas
D6	Depots and rural contractor depots for the maintenance, repair and storage of vehicles, machinery, equipment and materials associated with and used for rural activities
D7	<i>River control works</i>
D8	<i>Landfills</i>
D9	Any Permitted, Controlled or Discretionary Activity in the Reserve (Active) Zone
D10	<i>Underground mining, surface mining and mining operations</i>
D11	<i>Animal feedlots</i>
D12	<i>Intensive outdoor farming</i>
D13	<i>Windfarms</i>
D14	<i>Boarding, breeding and training of animals</i>
D15	Any Permitted or Controlled Activity that does not meet the Zone Development Standards for a Restricted Discretionary Activity
D16	Any Permitted or Controlled Activity that does not meet the Activity Specific Standards
(6)	NON COMPLYING ACTIVITIES
	Those activities listed below are a <i>Non Complying Activity</i> .
NC1	Any activity not provided as a Permitted, Controlled, Restricted Discretionary, Discretionary or Prohibited Activity
(7)	PROHIBITED ACTIVITIES
	Those activities listed below are a <i>Prohibited Activity</i> .
	There are no prohibited activities

5.1.5 ZONE DEVELOPMENT STANDARDS

- (1) The following relevant Development Standards shall be met by all Permitted, Controlled and Restricted Discretionary Activities unless otherwise stated.
- (2) For Controlled Activities, where Council has reserved control over specified matters in Section 5.1.7, more restrictive Development Standards may be imposed as conditions of consent.
- (3) The following relevant Development Standards shall be used as a guide in assessing any Discretionary and Non Complying Activities.

Development Standard	Parameter		Environmental Result
	Permitted and Controlled	Restricted Discretionary	
Maximum Height	11.0 metres	15.0 metres	To ensure that the <i>height of buildings</i> is compatible with the activities permitted in the <i>zone</i> as well as the landscape, amenity and character of both the <i>zone</i> that the <i>building</i> is located in and any adjoining <i>zone</i> .
Daylight Control	No <i>building</i> shall project above 2.0 metres in <i>height</i> at any <i>holding</i> boundary and not project above a 45° plane into the <i>holding</i> up to the maximum <i>height</i> .	No restriction	To ensure no <i>building</i> unreasonably overshadows any neighbouring property, thereby restricting <i>daylight</i> and ventilation between <i>buildings</i> .
Minimum Yards (Building)	<p><i>Front Yard</i>: 12 metres.</p> <p><i>Other yards</i>: 12 metres for residential and all other purposes, except that any <i>building</i> or enclosure used for the housing and keeping of any animals (including milking sheds and stock yards) are not permitted within 50 metres of the boundary of the holding.</p>	<p><i>Front Yard</i>: 12 metres</p> <p><i>Other yards</i>: None</p>	To allow flexibility in <i>site</i> layout while still maintaining the amenities of the <i>site</i> and adjoining <i>sites</i> .
Minimum Yards (Shelter Belts and Forestry)	<p><i>Front Yard</i>: 10 metres.</p> <p><i>Other yards</i>: None.</p> <p>Except that where the boundary of a <i>sensitive zone</i>, the <i>yard</i> shall be 10 metres.</p>	<p><i>Front yard</i>: None</p> <p><i>Other yards</i>: None</p>	To allow flexibility in <i>site</i> layout while still maintaining the amenities of the <i>site</i> , traffic safety and protecting the physical road.

5.1.6 ACTIVITY SPECIFIC STANDARDS

(1) PRODUCE STALL

- (a) No *produce stall* shall be operated where it obtains its access from a state highway.
- (b) The area of land or *building* used as a *produce stall* shall not exceed 30m² in total, excluding the area required for off-street parking and manoeuvring.
- (c) The *produce stall* and any land used in conjunction with it for retail display shall be located at least:

- (i) 20m from every front boundary.
- (ii) 10m from every other boundary of *holding*.

(2) HOME OCCUPATIONS

- (a) At least one person, including the principal operator of the *home occupation*, shall reside on the site.
- (b) A *home occupation* involving the care, tuition and/or accommodation of no more than five persons at any one time in addition to the owner(s)/operator(s) may be undertaken provided the activity and accommodation is principally undertaken within the *dwelling*.
- (c) Except for (b) above, the *home occupation* shall be carried out wholly within the dwelling or an associated accessory building erected or modified for the purpose, provided that the gross floor area of the dwelling or accessory building used for the *home occupation* shall not exceed 30% of the total gross floor area of the dwelling and associated accessory buildings on the site.
- (d) Not more than one person from outside the household residing on the site shall be employed in the *home occupation*.
- (e) There shall be no exterior display, external storage of materials or other indication of the *home occupation* or variation from the rural and/or residential character of the property visible from a public place.
- (f) The *home occupation* shall be operated so as not to attract pedestrian or vehicular traffic (other than traffic directly associated with the operation of the *home occupation* eg rural contractor vehicles returning) between the hours of 10.00pm and 7.00am the following day.
- (g) The *home occupation* may not use equipment which creates electrical interference with television and radio sets on neighbouring properties.
- (h) Only goods directly produced by the *home occupation* may be sold or offered for sale from the site on which the *home occupation* is conducted.
- (i) Home occupations shall not include a business or trade that involves panel beating, spray painting or mechanical repairs to vehicles and machinery (other than mechanical repairs to vehicles and machinery directly associated with the *home occupation* eg repair of rural contractors truck).

(3) EXPLORATION

- (a) Trenching and costeaning is subject to a maximum cross section area of 6m³.
- (b) Progressive rehabilitation of trenching is to be undertaken, such that no more than 50 metres of trenching is left open at any one time.
- (c) *Exploration* drilling is subject to a maximum drilling pad size of 200 square metres.
- (d) Bulk sampling is subject to a maximum of 500 cubic metres of material per 100 hectares.

- (e) *Exploration* tunnels are subject to the maximum volume of excavated material is not to result in more than 500 square metres of surface area being covered, to a maximum height of 2 metres.
- (f) Rehabilitation measures are proposed.

(4) WHANAU MARAE AND MARAE

- (a) Access is not from a State Highway.
- (b) The land concerned shall be Maori multiple owned freehold land or otherwise be under the jurisdiction of the Maori Land Court.
- (c) The land concerned shall be vested in Trustees whose authority is defined in a Trust Order or other empowering instrument which will ensure as far as practicable that:
 - (i) the freehold of the land remains vested in the trustees without power of sale; and
 - (ii) the occupation and/or beneficial interest in the land is restricted to members of the whanau group for whose use and benefit the *Marae* is gazetted.
- (d) The performance standards specified for the Marae Development Zone shall be met.

5.1.7 ASSESSMENT CRITERIA FOR CONTROLLED ACTIVITIES

The degree to which the following guidelines are achieved will be assessed by Council in evaluating applications for controlled activities:

5.1.7.1 WHANAU MARAE AND MARAE

(1) SITE LAYOUT

- (a) Whether *buildings* are sufficiently set back from the boundaries of the neighbouring properties to avoid causing a nuisance to neighbouring holdings by way of overshadowing, obstruction of views, noise, glare and loss of privacy.

(2) LOCATION AND DESIGN OF VEHICLE ACCESS

- (a) Whether traffic movements resulting from the activity will have any significant impact on the safe and efficient operation of any public *road*. Pertinent matters for consideration in this regard are:
 - (i) the carrying capacity, standard and status in the roading hierarchy of the route concerned;
 - (ii) the means by which any likely traffic hazard can be avoided or mitigated;
 - (iii) the comments of New Zealand Transport Agency on the possible adverse effects on the safe and efficient operation of the State Highway network.

(3) CARPARKING

- (a) The ability of the *site* to accommodate the necessary parking and on-site manoeuvring areas.
- (b) Carparking on-site should be visually obvious from the road to drivers.
- (c) Carparking should be designed so vehicles can manoeuvre on-site and are not required to reverse onto the road.

5.1.8 ASSESSMENT CRITERIA FOR RESTRICTED DISCRETIONARY ACTIVITIES

5.1.8.1 ZONE DEVELOPMENT STANDARDS

The *Council* will restrict the exercise of its discretion to the ability of the activity or development to achieve the particular environmental result of the Zone Development Standards in Rule 5.1.5 for which compliance is not met and the following relevant criteria.

(1) HEIGHT AND DAYLIGHTING

- (a) The extent that topographical and site conditions (including easements) restrict the area or shape of the site that is suitable and available for building.
- (b) The desirability of maintaining consistency in design and appearance with existing buildings on the site.
- (c) The need to preserve existing trees, vegetation or important physical characteristics of the site.
- (d) Whether the boundary to which the standard relates is a common boundary with an area of permanent open space, the use of which will not be detrimentally affected by any increased shading or loss of visual amenity.
- (e) Whether the property adjoining the site is sufficiently higher and therefore the adjoining property will not be detrimentally affected.
- (f) Where the standard(s) is penetrated by a dormer window, gable or similar roof feature, whether that will have a minor effect on the amenities of the neighbouring site.
- (g) The extent to which it is necessary to minimise the physical disturbance to the landscape and the landforms.
- (h) The degree to which matters such as shading, loss of daylight, amenity value and privacy of adjoining properties is affected.
- (i) The extent to which the building visually intrudes on any significant ridgeline or skyline or significant landscape and what measures are proposed to reduce the visual effects of that intrusion.
- (j) Whether the building will detract from any view or vista, which contributes to the aesthetic coherence of a locality, and if it does, what measures can and will be taken to reduce the detraction to an acceptable level or remove it completely.

(2) YARDS

- (a) The extent that topographical and site conditions restrict the area or shape of the site that is available and suitable for building.
- (b) The degree to which the functioning of the site and or the activity can be improved.
- (c) Whether there is a need to preserve existing trees, vegetation or important physical characteristics of the site.
- (d) The extent to which the provision of daylight and sunlight into the neighbouring properties and the visual and aural privacy of neighbouring sites will be affected.
- (e) The extent to which the safe and efficient functioning of the street or road will be significantly compromised.
- (f) Whether the detrimental effects of building in the yard can be reduced or avoided.
- (g) Whether the yard functions (including separation, landscaping and service provision) will be provided on the site by other means, or are they unnecessary.

5.1.8.2 VEHICULAR PROVISIONS

- (1) Where a Transportation Impact Assessment is required regard will be had to the assessment criteria in Rule 8.4.1.4.

5.1.8.3 LAND “SUBJECT TO FLOODING”

In addition to any of the above relevant criteria, the following criteria will be used to assess a Restricted Discretionary Activity in the area identified on the Planning Maps as being “Subject to Flooding”:

(1) DESIGN OF BUILDINGS

- (a) Whether the extension of the *building* and associated access is designed in such a manner that the building and access to the building will be free from flooding.
- (b) Will the extension of the *building* and access to it have any consequential flooding effects on the remainder of the site and other sites also subject to potential flooding.

(2) EARTHWORKS/IMPERMEABLE COVERING

- (a) Whether the placement of fill is carried out in a manner that ensures erosion of the exposed ground and/or fill face during flooding will be minor and not cumulatively affect the functioning of the Flood Ponding Zone.
- (b) Will the extension of the impermeable covering (*building* and/or hard surfaces) and access to it have any consequential flooding effects on the remainder of the site and other sites also subject to potential flooding.
- (c) Whether any fill material will leach into the water and create a pollution hazard (particularly where vegetation is removed).

(3) PLANTING

- (a) Whether any proposed planting contributes to the control of stormwater runoff, erosion control and the flood ponding purpose of the adjoining Flood Ponding Zone.
- (b) Does the planting inhibit the ability of the Flood Ponding Zone to achieve that purpose and/or have a consequential adverse effect on other sites also subject to potential flooding. For example vegetation should not impede the free flow of water during the flood ponding process (both filling and emptying).

5.1.8.4 BUILDING IN A LANDSCAPE AREA

- (1) The design of the building, including height, size/scale, external finish, colour and reflectance value;
- (2) The appropriateness of the building site having regard to geotechnical conditions and site suitability;
- (3) The visibility of the building from public viewing points, having regard to the accessibility of the viewing point;
- (4) The extent to which the building and any associated curtilage will be visually prominent (particularly in relation to nearby or backdrop indigenous vegetation) and/or break a skyline or interrupt the form of ridges, hills or prominent slopes;
- (5) Whether the landscape area has the capacity to adsorb change having regard to existing and consented developments in the immediate locality and any benefits that may arise from the clustering of buildings;
- (6) Whether the building is located where vegetation and/or landform can provide a backdrop or the design of any landscaping around the building can mitigate any visual effects;
- (7) Physical access to the building follows the contours of the land and minimises cut and fill; and
- (8) The design and siting of access and services (especially overhead services) to the building and the ability of the visibility of these services to follow natural contours and the visual effects be lessened by proposed landscaping.

5.1.9 ASSESSMENT CRITERIA FOR DISCRETIONARY ACTIVITIES

When assessing any application for a Discretionary Activity, *Council* shall have regard to the relevant development standards, specific activity standards, environmental results and assessment criteria for permitted, controlled and restricted discretionary activities in Rules 5.1.5 – 5.1.8, the relevant General and Activity Specific assessment criteria below, and any other matters it considers appropriate.

5.1.9.1 GENERAL ASSESSMENT CRITERIA

- (1) The degree to which buildings, other structures and activities will adversely affect the rural landscape characteristics, particularly in relation to the open rural character.
- (2) Whether the activity should be located so that any actual or potentially productive land is not prejudiced from being used for purposes directly related to the inherent productive capability of the land.
- (3) Whether traffic movements resulting from the activity will have any significant impact on the safe and efficient operation of any public *road*. Pertinent matters for consideration in this regard are:
 - (a) the carrying capacity, standard and status in the roading hierarchy of the route concerned;
 - (b) the ability of the *site* to accommodate the necessary parking and on-site manoeuvring areas;
 - (c) the means by which any likely traffic hazard can be avoided or mitigated;
 - (d) the access, parking and loading standards for permitted activities that shall be used as a guideline in assessing applications for discretionary activity;
 - (e) the comments of New Zealand Transport Agency on the possible adverse effects on the safe and efficient operation of the State Highway network.
- (4) The degree to which the activity will cause demands for the uneconomic or premature upgrading or extension of public services, including roading which are not in the interests of the District or locality.
- (5) Whether *buildings* are sufficiently set back from the boundaries of neighbouring properties to avoid causing a nuisance to neighbouring holdings by way of overshadowing, obstruction of views, noise, glare and loss of privacy.
- (6) The degree to which the location of buildings is such as to retain clear visibility along rural roads and to provide space for vehicle access and loading on the *site* clear of the *road*.
- (7) Whether features of the proposal including the location, design, and colour of *buildings* and structures, the planting of trees and shrubs, and the shaping of earth avoids, remedies or mitigates any adverse effect on the existing landscape.
- (8) The extent to which existing native bush, or other vegetation which contributes to visual amenity is retained and the reasons why any clearance is proposed.
- (9) Whether development adjacent to either Conservation Zone, Karangahake Gorge Zone and the Coastal Zone creates a situation where the *buildings* and activities dominate or detract from the natural environment.

- (10) Whether drainage and/or peat mining will have an adverse effect on the function and ecological values of the Kopuatai and Torehape Peat Domes.
- (11) Whether any *earthworks* and/or tracks necessary to accommodate the activity would create a significant adverse visual impact.
- (12) Whether any signs proposed detract from the amenities of the area.
- (13) The extent to which the activity is self-contained, with regard to stormwater drainage, effluent disposal and water supply within the boundaries of the *site* on which the activity is located (except where reticulated services are provided).
- (14) The extent to which wastes, spoil, sawdust, effluent etc are to be disposed of so as to avoid, remedy or mitigate nuisance for surrounding residents, damage to property, and pollution of the environment.
- (15) Whether the nature of the activity has the potential to create nuisance noise & vibration which cannot effectively or practically be controlled by mitigation measures.
- (16) The extent to which exterior storage areas of vehicles, equipment, machinery, materials, waste etc is located or suitably screened from neighbouring properties and any public *road* to avoid, remedy or mitigate any detriment to amenity.
- (17) Whether the hours of operation are appropriate having regard to those persons likely to be affected by the activity.
- (18) The adequacy of management and rehabilitation plans to ensure the long term stability of any disturbed/excavated area including waste disposal areas (including the possible use of performance bonds or other mechanisms designed to ensure long term stability).
- (19) Whether access to known mineral deposits will be compromised by the proposal concerned.
- (20) Whether the activity and any building and structures are of a scale and intensity which is in keeping with the character and amenity values of the existing rural environment.
- (21) The extent to which the activity and any building and structures maintains or enhances the cultural or heritage values of the locality.

5.1.9.2 PRODUCE MARKETS AND MORE THAN ONE PRODUCE STALL

- (1) The extent to which the position and orientation of the stalls or market will avoid distracting the attention of passing motorists.
- (2) Whether the stalls or market and land used in conjunction with it for retail display is located a safe distance from the front boundary of the property.
- (3) The extent to which the proposal complies with the performance standards for the zone.
- (4) Whether the methods proposed for disposal of sewage and stormwater and the provision of a potable water supply are appropriate for the scale and development proposed, and can be effectively maintained.

5.1.9.3 HELIPADS AND AIRSTRIPS

- (1) Whether the proposed flight paths to and from the helipad or airstrip will adversely impact on existing permitted activities in the area, and/or the values of either Conservation Zone and protected *sites* of ecological significance. The following matters will be considered:
 - (a) hazard from aircraft movements
 - (b) noise
 - (c) ground access and traffic
 - (d) hours of operation
 - (e) the frequency of aircraft movements
 - (f) intrusion into the visual environment
 - (g) effect on amenity values in the surrounding area

5.1.9.4 FACTORY FARMING AND ANIMAL FEEDLOTS

- (1) Whether the design of the *buildings* and/or operation of the activity will ensure that all animals to be housed or kept cannot escape or that rodents or other animals can be managed.
- (2) Are the animals located at sufficient distances from adjoining and nearby existing and likely future activities in order that potential adverse effects of noise, odour and traffic can be avoided, remedied or mitigated.
- (3) Is the proposed management of effluent (including location of effluent disposal areas) to be undertaken in a manner which reduces any likely adverse effects (particularly smell) on nearby activities.
- (4) The extent to which features have been incorporated into the design to reduce potential nuisance problems such as noise, smell and glare.
- (5) Whether appropriate buffer distances are achieved, having regard to the existing and likely activities on adjoining and nearby properties. Regard shall be had to the Code of Practice - Pig Farming (New Zealand Pork Industry Board) 2nd Edition, August 1993, when considering an *intensive pig farming* operation.

5.1.9.5 INTENSIVE OUTDOOR FARMING

- (1) Are the number and intensity of animals at a level which makes the operation of the *farming* activity difficult to avoid, remedy or mitigate any adverse effects of the operation.
- (2) Are the animals located at sufficient distances from adjoining and nearby existing and likely future activities in order that potential adverse effects can be avoided, remedied or mitigated.
- (3) Is the proposed management of effluent (including location of effluent disposal areas) to be undertaken in a manner which reduces any likely adverse effects (particularly smell) on nearby activities.

- (4) Are there management aspects of the proposed activity (eg rotation of animals around the *site*, time that animals are in any one location, screening/landscaping) that will avoid or reduce any likely adverse effects arising.

5.1.9.6 WINDFARMS

- (1) To what extent does the number, density, location, colour and design of the towers and any accessory *buildings* and transmission lines avoid, remedy or mitigate any visual and landscape adverse effects.
- (2) Whether there are activities existing or likely to exist that will potentially be adversely affected by noise generated by the turbines.
- (3) Adverse impact on bird and bat movement/migration.
- (4) Will the extent of *earthworks* for the creation of *building* platforms and access tracks create adverse visual effects that cannot be avoided, remedied or mitigated.

5.1.9.7 INDUSTRIAL ACTIVITY

- (1) Whether it is established that there are particular characteristics of the use, either relating to location, area of land, relationship with other uses which require that it be located in the rural area.
- (2) Whether the scale of the use is in keeping with the character of the rural locality.
- (3) In the case of industrial activities and rural contractors depots and any activity retailing motor spirits (including CNG and LPG and other fuels) by refuelling motor vehicles on the *site* regard shall be had to the following:
 - (a) the Ministry of Transport (Traffic Safety Services) Standards for Petrol Stations (1983) or any substitution to that publication;
 - (b) the ability of the *site* to accommodate within its boundaries storage and filling facilities, standing room for vehicles waiting to be refuelled and any isolation distances required by ERMA;
 - (c) the availability of water for fire fighting purposes;
 - (d) possible risks and hazards associated with the proposal and the community's perceptions of such risks and hazards;
 - (e) any resulting restrictions imposed on the use of adjacent land, and any cumulative effects of existing, adjacent hazardous activities;
 - (f) the recommendation of the NZ Fire Service regarding fire safety.

5.1.9.8 UNDERGROUND MINING, SURFACE MINING, MINING OPERATIONS, AND LANDFILLS

- (1) Whether public safety and security is adequately provided for.
- (2) Whether acceptable plans for the rehabilitation of all disturbed areas have been provided including implementation programmes.

5.1.9.9 BOARDING, BREEDING AND TRAINING OF ANIMALS

- (1) Whether the design of the *buildings* and/or operation of the activity will ensure that all animals to be housed or kept cannot escape or that rodents or other animals can be managed.

5.2 CONSERVATION INDIGENOUS FOREST ZONE

5.2.1 ZONE PURPOSE

- (1) The purpose of the Conservation (Indigenous Forest) Zone is to recognise and maintain the importance of the indigenous forest cover in terms of its role in providing a sustainable ecological base for the District and Region, protecting its high significance as a wildlife habitat as well as its important scenic, scientific and recreational value, and for its water and soil functions. For the most part, this outcome is met through the land being in public ownership and managed by the Department of Conservation, and by way of designation by the Hauraki District *Council* for Water Supply Catchment purposes.
- (2) The land is predominantly covered with indigenous forest some of which is regenerating and contains a diversity of forest types, and a number of rare or threatened plants and animal species. A significant portion of the *zone* covers the Coromandel and Kaimai-Mamaku Forest Parks managed by the Department of Conservation under the Conservation Act 1987, together with a number of smaller areas gazetted under the Reserves Act 1977, either as scenic, historic or scientific reserves.
- (3) The forest cover, particularly on the Coromandel, Kaimai-Mamaku and Hapuakohe Ranges also serves a critical hydrological role in terms of water and soil management and is important in maintaining a high water quality standard of the streams within the catchment as a source of water supply to nearby towns and to the productive lowlands. Certain areas are designated as water supply catchments by the Hauraki District *Council*.
- (4) The link between the Coromandel and Kaimai - Mamaku Forest Park ecosystems has become known as the "Hauraki Ecological Corridor". The Corridor is an active link for both flora and fauna, which is reduced to a narrow width in the Karangahake Gorge area. This narrow width, combined with the presence of State Highway No.2 and the Ohinemuri River, makes the link vulnerable. Parts of the Corridor are outside the Conservation (Indigenous Forest) Zone, and the Karangahake Gorge Zone and various other methods (including education and consultation) are used to enhance the ecological, landscape and scenic amenity of the Corridor in this area.
- (5) It is known that a variety of mineral resources are present in parts of the Conservation (Indigenous Forest) Zone, due to the historical and present investigation of mineral deposits and there are existing prospecting licences for the investigation of these resources.

5.2.2 OBJECTIVES AND POLICIES

- (1) **OBJECTIVE 1**
To protect the *biological diversity* and natural character values of the *zone*.
- (2) **OBJECTIVE 2**
To maintain the soil and water protection function of the *zone*.

(3) OBJECTIVE 3

To recognise the scientific, educational, historic, cultural, recreational and *amenity values* of the *zone*.

(a) Policies

Objectives 1 to 3 will be achieved by implementation of the following policies:

- (i) Recognise in the administration of the *zone* the protection of the botanical and wildlife values, natural character and soil and water protection roles of the *zone*.
- (ii) Maintain the net total area of *indigenous vegetation* cover including areas of regenerating *indigenous vegetation*.
- (iii) Minimise ground surface disturbance in the *zone*.
- (iv) Recognise that the conservation values of the Conservation (Indigenous Forest) Zone may vary within the *zone*.

(4) OBJECTIVE 4

To facilitate efficient conservation management and public use and enjoyment without having an adverse effect on natural, historical, cultural or recreational values of the *zone* and the *amenity values* of adjacent *zones*.

(a) Policies

Objective 4 will be achieved by the implementation of the following policies:

- (i) Recognise that the Department of Conservation and the District *Council* may carry out emergency, conservation protection, enhancement and enjoyment works within the *zone* where required and on public land which is the responsibility of those bodies.
- (ii) Avoid, remedy or mitigate the adverse effects of activities that have the potential to compromise, damage or destroy the *indigenous vegetation ecosystems* or the *amenity values* of adjacent land uses.

(5) OBJECTIVE 5

To facilitate further investigation of the location, type and extent of *mineral* resources, in a manner that is consistent with other objectives and policies of the *zone*.

(6) OBJECTIVE 6

To avoid, remedy or mitigate the adverse effects of *prospecting, exploration* and *mining* activities.

(a) Policies

- (i) Objectives 5 and 6 will be achieved by implementation of the above relevant policies for the *zone*.

(b) Reasons for all Objectives and Policies

- (i) The principal reasons for the adoption of the Objectives and Policies for the Conservation (Indigenous Forest) Zone are set out in the Environmental Results below. The role of the Department of Conservation as manager of most of the *zone* has been recognised. *Council* wishes to retain the ability to manage activities which can potentially have effects beyond the boundaries of the *zone* regardless of whether such activities are undertaken by the Department of Conservation or some other agency. Accordingly, any activities including day to day *management activities* must comply with the development and performance standards established for the *zone*. The rules of the *zone* apply to all parties, including the Department of Conservation.
- (ii) The conservation values of the *zone* include the matters referred to in Objectives 1 to 4. Critical to the maintenance and enhancement of such values is the retention of *indigenous vegetation* cover (including areas of *indigenous vegetation* regeneration). Accordingly, any activity involving the disturbance or clearance of *indigenous vegetation* or disturbance of the ground surface is strictly controlled and would only be permitted where adverse effects could be remedied or mitigated.
- (iii) It is understood that Department of Conservation wishes to adhere to the District Plan notwithstanding that the Department may, in certain circumstances, not be bound by the Rules of the District Plan (refer Section 4 RMA).
- (iv) It is recognised that there is a *mineral* resource within the *zone*. However, detail on the location, extent, quality, practicality of its extraction or any other characteristics requires further investigation. Such investigation and any subsequent *mining* shall be undertaken in a manner consistent with the objectives and policies of the *zone*.

5.2.3 ENVIRONMENTAL RESULTS

- (1) To recognise and maintain the importance of the *indigenous vegetation* cover in terms of its role in providing a sustainable ecological base for the District and Region, its habitat, scenic, scientific, cultural and recreational value, and its water and soil functions.
- (2) The amenities of adjacent land users (including infrastructure items) are not adversely affected by activities in the Conservation (Indigenous Forest) Zone.

5.2.4 ACTIVITY STATUS

- (1) Activities and their accessory uses, buildings and structures (unless otherwise stated) are Permitted, Controlled, Restricted Discretionary, Discretionary, Non Complying or Prohibited according to the Activity Status Table below:

Note: Any works/activities undertaken on Department of Conservation land also require prior approval from the respective conservancy.

(2) PERMITTED ACTIVITIES	
Those activities listed below are a <i>Permitted Activity</i> , unless otherwise specified and subject to compliance with the:	
<ul style="list-style-type: none"> • Zone Development Standards specified in Rule 5.2.5; • Conservation and Heritage provisions in Section 6.0; • Specific and District Wide provisions in Section 7.0; and • District Wide Performance Standards in Section 8.0. 	
P1	<i>Management activities</i> carried out by, or on behalf of the land controlling authority (Department of Conservation or <i>Council</i>) for one or more of the following purposes: <ul style="list-style-type: none"> (i) Protection or enhancement of ecological, historic, soil and water, landscape, recreational or <i>amenity values</i> of the zone
P2	<i>Prospecting</i>
(3) CONTROLLED ACTIVITIES	
Those activities listed below are a <i>Controlled Activity</i> unless otherwise stated and, subject to compliance with the:	
<ul style="list-style-type: none"> • Zone Development Standards specified in Rule 5.2.5; • Activity Specific Standards 5.2.6 • Conservation and Heritage provisions in Section 6.0; • Specific and District Wide provisions in Section 7.0; and • District Wide Performance Standards in Section 8.0. 	
Conditions may be imposed in relation to the matters over which control has been reserved, as identified in the Assessment Criteria for Controlled Activities in Rule 5.2.7.	
C1	<i>Exploration</i> (refer to Activity Specific Standard 5.2.6(1))
(4) RESTRICTED DISCRETIONARY ACTIVITIES	
Those activities listed below are a <i>Restricted Discretionary Activity</i> subject to compliance with the:	
<ul style="list-style-type: none"> • Conservation and Heritage provisions in Section 6.0; and shall be assessed against the relevant criteria in Rule 5.2.8.	
RD1	Any Permitted Activity or Controlled Activity that does not meet the Zone Development Standards for a Permitted or Controlled Activity and does not exceed the Zone Development Standards for a Restricted Discretionary Activity
RD2	Any Permitted Activity or Controlled Activity required to provide a Transportation Impact Assessment in accordance with Rule 8.4.1.3(5)
(5) DISCRETIONARY ACTIVITIES	
Those activities listed below are a <i>Discretionary Activity</i> and shall be assessed against the relevant criteria in Rule 5.2.9.	
D1	Any Permitted or Controlled Activity that does not meet the Zone Development Standards for a Restricted Discretionary Activity
D2	Any other activity undertaken either by the Department of Conservation or Hauraki District Council and <i>exploration</i> not otherwise provided for as a permitted or controlled activity
(6) NON COMPLYING ACTIVITIES	
Those activities listed below are a <i>Non Complying Activity</i> .	
NC1	Any activity not provided as a Permitted, Controlled, Restricted Discretionary, Discretionary or Prohibited Activity
(7) PROHIBITED ACTIVITIES	
Those activities listed below are a <i>Prohibited Activity</i> .	
There are no Prohibited Activities	

5.2.5 ZONE DEVELOPMENT STANDARDS

- (1) The following relevant Development Standards shall be met by all Permitted, Controlled and Restricted Discretionary Activities unless otherwise stated.
- (2) For Controlled Activities, where Council has reserved control over specified matters in Section 5.2.7, more restrictive Development Standards may be imposed as conditions of consent.
- (3) The following relevant Development Standards shall be used as a guide in assessing any Discretionary and Non Complying Activities.

Development Standard	Parameter		Environmental Result
	Permitted and Controlled	Restricted Discretionary	
Maximum Height	6.0 metres	8.0 metres	To ensure that the <i>height</i> of <i>buildings</i> is compatible with the activities permitted in the <i>zone</i> as well as the landscape, amenity and character of both the <i>zone</i> that the <i>building</i> is located in and any adjoining <i>zone</i> .
Minimum Yards (<i>applies only at the zone boundaries</i>)	<i>Front Yard</i> : 12 metres	<i>Front Yard</i> : 12 metres	To allow flexibility in <i>site</i> layout while still maintaining the amenities of the <i>zone</i> and any adjoining <i>zones</i> .
	<i>Other yards</i> : 6 metres for accommodation purposes, 12 metres for other purposes.	<i>Other yards</i> : None	
Maximum Indigenous Vegetation Clearance	Up to 200m ² /100ha of access right/year of contiguous <i>indigenous vegetation</i> cover or <i>indigenous vegetation</i> maintenance plantings.	N/A	To ensure that the effects of the <i>indigenous vegetation</i> clearance on the indigenous flora and fauna of the locality and the amenity and visual impacts in any adjoining <i>zone</i> is minimised.
Maximum Land Surface Disturbance	A maximum of 200m ² /100ha of access right/year.	N/A	To ensure that the effects of the land surface disturbance on the indigenous flora and fauna of the locality and the amenity and visual impacts in any adjoining <i>zone</i> is minimised.

5.2.6 ACTIVITY SPECIFIC STANDARDS

(1) EXPLORATION

- (a) Trenching and costeaming is subject to a maximum cross section area of 6m³.
- (b) Progressive rehabilitation of trenching is to be undertaken, such that no more than 50 metres of trenching is left open at any one time.
- (c) *Exploration* drilling is subject to a maximum drilling pad size of 200 square metres.
- (d) Bulk sampling is subject to a maximum of 500 cubic metres of material per 100 hectares.

- (e) *Exploration* tunnels are subject to the maximum volume of excavated material is not to result in more than 500 square metres of surface area being covered, to a maximum height of 2 metres.
- (f) Rehabilitation measures are proposed.

5.2.7 ASSESSMENT CRITERIA FOR CONTROLLED ACTIVITIES

In assessing an application for a Controlled Activity the *Council* reserves control over the following relevant matters:

5.2.7.1 EXPLORATION

(1) LOCATION OF VEGETATION AND/OR LAND CLEARANCES

- (a) Whether the location of an individual clearance in relation to other clearance(s) has the effect of creating an inappropriate contiguous clearance.

(2) TIMING/NUMBER OF VEGETATION AND/OR LAND CLEARANCES

- (a) Whether the timing and/or number of individual clearances should be staged in order that the rehabilitation of adjoining clearances is undertaken before new clearances are created.

(3) MANAGEMENT AND REHABILITATION

- (a) The adequacy of management and rehabilitation plans to ensure the long term appearance and stability of any disturbed/excavated area including surplus earth disposal areas (including the possible use of performance bonds or other mechanisms) aimed to return the disturbed area to the same or similar state as existed prior to the clearance.

5.2.8 ASSESSMENT CRITERIA FOR RESTRICTED DISCRETIONARY ACTIVITIES

The *Council* will restrict the exercise of its discretion to the ability of the activity or development to achieve the particular environmental result of the Zone Development Standards in Rule 5.2.5 for which compliance is not met and the following relevant assessment criteria:

5.2.8.1 ZONE DEVELOPMENT STANDARDS

The *Council* will restrict the exercise of its discretion to the ability of the activity or development to achieve the particular environmental result of the Zone Development Standards in Rule 5.2.5 for which compliance is not met and the following relevant criteria.

(1) HEIGHT AND DAYLIGHTING

- (a) The extent that topographical and site conditions (including easements) restrict the area or shape of the site that is suitable and available for building.
- (b) The desirability of maintaining consistency in design and appearance with existing buildings on the site.
- (c) The need to preserve existing trees, vegetation or important physical characteristics of the site.
- (d) Whether the boundary to which the standard relates is a common boundary with an area of permanent open space, the use of which will not be detrimentally affected by any increased shading or loss of visual amenity.
- (e) Whether the property adjoining the site is sufficiently higher and therefore the adjoining property will not be detrimentally affected.
- (f) Where the standard(s) is penetrated by a dormer window, gable or similar roof feature, whether that will have a minor effect on the amenities of the neighbouring site.
- (g) The extent to which it is necessary to minimise the physical disturbance to the landscape and the landforms.
- (h) The degree to which matters such as shading, loss of daylight, amenity value and privacy of adjoining properties is affected.
- (i) The extent to which the building visually intrudes on any significant ridgeline or skyline or significant landscape and what measures are proposed to reduce the visual effects of that intrusion.
- (j) Whether the building will detract from any view or vista, which contributes to the aesthetic coherence of a locality, and if it does, what measures can and will be taken to reduce the detraction to an acceptable level or remove it completely.

(2) YARDS

- (a) The extent that topographical and site conditions restrict the area or shape of the site that is available and suitable for building.
- (b) The degree to which the functioning of the site and or the activity can be improved.
- (c) Whether there is a need to preserve existing trees, vegetation or important physical characteristics of the site.
- (d) The extent to which the provision of daylight and sunlight into the neighbouring properties and the visual and aural privacy of neighbouring sites will be affected.
- (e) The extent to which the safe and efficient functioning of the street or road will be significantly compromised.
- (f) Whether the detrimental effects of building in the yard can be reduced or avoided.
- (g) Whether the yard functions (including separation, landscaping and service provision) will be provided on the site by other means, or are they unnecessary.

5.2.9 ASSESSMENT CRITERIA FOR DISCRETIONARY ACTIVITIES

When assessing any application for a Discretionary Activity, *Council* shall have regard to the relevant development standards, specific activity standards, environmental results and assessment criteria for permitted, controlled and restricted discretionary activities in Rules 5.2.5 – 5.2.8, the relevant General and Activity Specific assessment criteria below, and any other matters it considers appropriate.

5.2.9.1 GENERAL ASSESSMENT CRITERIA

- (1) The effects of the activity on the indigenous flora and fauna of the locality and *zone*. In particular, such assessments shall include, but not be limited to:
 - (a) the extent to which the activity will adversely affect the *indigenous vegetation* canopy;
 - (b) the effects on the habitat of indigenous fauna;
 - (c) the proposals for rehabilitation of disturbed areas;
 - (d) the measures proposed to avoid accelerated erosion;
 - (e) the overall effect on the health and diversity of the *indigenous vegetation*.

Development proposals will need to demonstrate that the adverse effects on the *indigenous vegetation* cover and associated habitat are being avoided, remedied or mitigated.
- (2) The effects of the activity on the *Hauraki Ecological Corridor* including, but not limited to:
 - (a) adverse effects on the functioning of the Corridor;
 - (b) the potential for the proposal to enhance the ecological, landscape and scenic *amenity values* of the Corridor;
 - (c) proposals to provide additional land for conservation purposes which may enhance the values of the Corridor.
- (3) The visual impact of the activity in particular the degree to which prominent visual features such as ridgelines, and skylines are affected as viewed from inside and outside the *zone*.
- (4) The effects of the activity particularly with regard to the generation of noise, dust, fumes, smoke or odours which may be noxious, dangerous or offensive to persons undertaking recreational, scientific, educational or cultural activities in the *zone* or may affect properties outside the *zone*.
- (5) Whether traffic movements resulting from the activity will have any significant impact on the safe and efficient operation of any public *road*. Pertinent matters for consideration in this regard are:
 - (a) the carrying capacity, standard and status in the roading hierarchy of the route concerned;
 - (b) the ability of the *site* to accommodate the necessary parking and on-site manoeuvring areas;
 - (c) the means by which any likely traffic hazard can be avoided or mitigated;
 - (d) the access, parking and loading standards for permitted activities that shall be used as a guideline in assessing applications for discretionary activity;

- (e) the comments of New Zealand Transport Agency on the possible adverse effects on the safe and efficient operation of the State Highway network.
- (6) The degree to which the activity will cause demands for the uneconomic or premature upgrading or extension of public services, including roading which are not in the interests of the District or locality.
- (7) Whether the activity and any building and structures are of a scale and intensity which is in keeping with the character and amenity values of the existing rural environment.

5.3 CONSERVATION WETLAND ZONE

5.3.1 ZONE PURPOSE

- (1) The purpose of the Conservation Wetland Zone is one of conservation and protection of the wetland complex comprising the Kopuatai Peat Dome (and the mineralised wetlands adjoining and near to the western boundary of the Dome) and the Torehape Peat Dome. The wetland complex covers an area of over 10,000 hectares and extends into the adjoining Matamata Piako District.
- (2) The Kopuatai Peat Dome is the most intact peat dome/restiad bog in the southern hemisphere. It is also the largest remaining freshwater wetland in the North Island. Kopuatai is of special value for maintaining the genetic and ecological diversity of the Waikato region. It supports a number of plant and animal species that are endemic to New Zealand, notably the greater jointed rush and black mudfish.
- (3) The Kopuatai is listed as a wetland of international importance under the Ramsar Convention, especially as a waterfowl habitat. The Ramsar convention was prepared by the International Union for the Conservation of Nature and Natural Resources (IUCN) and is an agreement that signatory governments (which include New Zealand) will comply with the content of the Convention. The Convention establishes criteria for identifying natural resources of international importance, including wetlands. The IUCN is a United Nations body. The Kopuatai Peat Dome is a Government Purposes (Wetland Management) Reserve administered by the Department of Conservation. The following areas also have the same reserve status and adjoin the Kopuatai reserve:
 - Patetonga Lake
 - Patterson's Lagoon
 - Flax Block
- (4) The Kopuatai wetland complex is also an essential natural component of the flood control measures which separate, control and help drain the Piako and Waihou river systems within the District. The elevation of the peat (and therefore its effectiveness in flood prevention) is dependant upon its water content.
- (5) The Torehape Peat Dome is located a short distance to the north west of the Kopuatai reserve. This is a remnant peat dome of some 650 hectares in area and is also administered by the Department of Conservation as a Government Purposes (Wildlife Management) Reserve. It is an area significant for several rare or threatened plant and animal species.
- (6) The Torehape Peat Dome has been extensively modified by grazing and drainage carried out during the last century. The surrounding areas have been drained and converted to pasture with a consequential lowering of the ground level resulting in a partial drying out of the conservation area of the dome. Threats to this wetland include drainage, nuisance plant infestations and peat mining on the margins of the wetland.
- (7) Because of their natural hydrological function and high significance as a natural habitat for both wildlife and flora as well as being of scientific interest and of recreational value, the purpose of the *zone* is to generally maintain the land in its present condition and not allow

development within these wetland areas which would reduce the water content, or remove the peat.

5.3.2 OBJECTIVES AND POLICIES

(1) **OBJECTIVE 1**

To preserve and protect the *biological diversity* and the natural character values of the wetlands in the *zone*.

(2) **OBJECTIVE 2**

To maintain the flood control functions of the wetlands.

(3) **OBJECTIVE 3**

To recognise the educational, economic and scientific role and historic and cultural values of the wetlands.

(a) **Policies**

Objectives 1 - 3 will be achieved by the implementation of the following policies:

- (i) Recognise in the administration of the *zone*, the protection of botanical and wildlife values, the natural character and flood control functions of the area.
- (ii) Maintain and manage the existing *indigenous vegetation* cover including areas of regenerating *indigenous vegetation*.
- (iii) Maintain and control ground levels.

(4) **OBJECTIVE 4**

To ensure that activities within the *zone* do not have adverse effects beyond the *zone* boundary.

(5) **OBJECTIVE 5**

To provide for recreational uses of the wetlands to the extent compatible with the other objectives of the *zone* and the wetland's legal status.

(a) **Policies**

Objectives 4 - 5 will be achieved by the implementation of the following policies:

- (i) Recognise that the Department of Conservation may carry out emergency, conservation protection, enhancement and enjoyment works within the *zone*.
- (ii) Avoid, remedy or mitigate the adverse effects of activities on adjacent land uses.

(b) Reasons for all Objectives and Policies

- (i) The principal reasons for the adoption of the Objectives and Policies for the Conservation (Wetland) Zone are set out in the anticipated Environmental Result. The role of the Department of Conservation as manager of all land in the *zone* has been recognised. *Council* wishes to retain the ability to manage activities which may have effects beyond the boundaries of the *zone* regardless of whether such activities are undertaken by the Department of Conservation or some other agency. Accordingly, any activities including day to day *management activities* must comply with the development and performance standards established for the *zone*. The rules of the *zone* apply to all parties, including the Department of Conservation.
- (ii) The conservation and flood management values of the zone are set out in Objectives 1-3 above in particular. Critical to the maintenance and enhancement of such values are the retention of *indigenous vegetation* cover and the maintenance of present ground levels. Accordingly, any activity involving the clearance of *indigenous vegetation* cover or which may change present ground levels is strictly controlled.
- (iii) It is understood that Department of Conservation wishes to adhere to the Plan notwithstanding that the department may, in certain circumstances, not be bound by the Rules of the District Plan (refer Section 4 RMA).

5.3.3 ENVIRONMENTAL RESULTS

- (1) The expected environmental result of the *zone* is one of conservation and protection of the wetland complex in its natural state as a matter of national importance. The zoning recognises the importance of the wetland complex as a wildlife habitat of international significance, its conservation value in terms of being the largest lowland peat bog which still remains in New Zealand and which still retains its original vegetation, and its natural hydrological function in the flood management of the catchment. The maintenance of the *indigenous vegetation* cover and ground surface levels are essential components of the anticipated environmental result of the *zone*.
- (2) Whilst this outcome is for the most part met through the Crown's ownership and legal status of the land under the management of the Department of Conservation, the zoning is a means of bringing the management of the wetlands within the provisions of the District Plan and of informing the public of the important ecological and hydrological functions of this area.

5.3.4 ACTIVITY STATUS

- (1) Activities and their accessory *uses, buildings* and *structures* (unless otherwise stated) are Permitted, Controlled, Restricted Discretionary, Discretionary, Non Complying or Prohibited according to the Activity Status Table below:

Note: Any works/activities undertaken on Department of Conservation land also require prior approval from the Waikato Conservancy.

<p>(2) PERMITTED ACTIVITIES</p> <p>Those activities listed below are a <i>Permitted Activity</i>, unless otherwise specified and subject to compliance with the:</p> <ul style="list-style-type: none"> • Activity Specific Standards specified in Rule 5.3.5; • Conservation and Heritage provisions in Section 6.0; • Specific and District Wide provisions in Section 7.0; and • District Wide Performance Standards in Section 8.0. 	
P1	<p><i>Management activities</i> carried out by, or on behalf of the Department of Conservation for one or more of the following purposes:</p> <p>(a) Protection or enhancement of ecological, historic, soil and water, landscape, recreational or <i>amenity values</i> of the <i>zone</i></p>
P2	<p>The construction, maintenance and use of maimai on licensed sites for duck shooting, provided there is no disturbance of present ground levels, exotic (excluding pasture) and <i>indigenous vegetation</i> cover or water levels</p>
P3	<p>Excavations and minor works to maintain established ponds for duck shooting, provided there is no disturbance of surrounding ground levels, exotic (excluding pasture) and <i>indigenous vegetation</i> cover or water levels</p>
<p>(3) CONTROLLED ACTIVITIES</p> <p>Those activities listed below are a <i>Controlled Activity</i> unless otherwise stated and subject to compliance with the:</p> <ul style="list-style-type: none"> • Activity Specific Standards specified in Rule 5.3.5; • Conservation and Heritage provisions in Section 6.0 • Specific and District Wide provisions in Section 7.0; and • District Wide Performance Standards in Section 8.0. <p>Conditions may be imposed in relation to the matters over which control has been reserved, as identified in the Assessment Criteria for Controlled Activities in Rule 5.3.6.</p> <p>There are no Controlled Activities</p>	
<p>(4) RESTRICTED DISCRETIONARY ACTIVITIES</p> <p>Those activities listed below are a <i>Restricted Discretionary Activity</i> subject to compliance with the:</p> <ul style="list-style-type: none"> • Conservation and Heritage provisions in Section 6.0; <p>and shall be assessed against the relevant criteria in Rule 5.3.7.</p> <p>There are no Restricted Discretionary Activities</p>	
<p>(5) DISCRETIONARY ACTIVITIES</p> <p>Those activities listed below are a <i>Discretionary Activity</i> and shall be assessed against the relevant criteria in Rule 5.3.8</p>	
D1	<p>Any <i>management activities</i> carried out by or on behalf of the Department of Conservation which are not provided for as a Permitted Activity</p>
<p>(6) NON COMPLYING ACTIVITIES</p> <p>Those activities listed below are a <i>Non Complying Activity</i>.</p>	
NC1	<p>Any activity not provided as a Permitted, Controlled, Restricted Discretionary, Discretionary or Prohibited Activity</p>
<p>(7) PROHIBITED ACTIVITIES</p> <p>Those activities listed below are a <i>Prohibited Activity</i>.</p>	
PR1	<p><i>Underground mining, surface mining and mining operations</i></p>

5.3.5 ACTIVITY SPECIFIC STANDARDS

- (1) There are no Activity Specific Standards for this Zone.

5.3.6 ASSESSMENT CRITERIA FOR CONTROLLED ACTIVITIES

- (1) There are no controlled activities in this Zone and therefore there are no assessment criteria for controlled activities.

5.3.7 ASSESSMENT CRITERIA FOR RESTRICTED DISCRETIONARY ACTIVITIES

- (1) There are no restricted discretionary activities in this Zone and therefore there are no assessment criteria for controlled activities.

5.3.8 ASSESSMENT CRITERIA FOR DISCRETIONARY ACTIVITIES

- (1) When assessing any application for a Discretionary Activity, *Council* shall have regard to the relevant assessment criteria below, and any other matters it considers appropriate.
- (a) The effects of the activity on the indigenous flora and fauna of the locality and *zone*.
 - (b) Whether the proposed activity will have a beneficial effect on the management of the wetland ecosystem.
 - (c) The effects of the activity on the hydrological function of the zone.
 - (d) The effects of the activity particularly with regard to the generation of noise, dust, fumes, smoke or odours which may be noxious, dangerous or offensive to persons undertaking recreational, scientific, educational or cultural activities in the *zone* or may affect properties outside the *zone*.

5.4 COASTAL ZONE

5.4.1 ZONE PURPOSE

- (1) The Coastal Zone encompasses the coastal environment. The Coastal Zone includes an outstanding natural landscape area of high scenic quality. There are also areas of ecological significance (eg stands of *indigenous vegetation*) and outstanding natural features (eg Whiritoa blowhole) within the Coastal Zone that require protection from adverse effects of activities.
- (2) A significant portion of the Hauraki District is within the drainage catchment of the Hauraki Gulf Marine Park Act 2000. While the Coastal Zone is also within this catchment, it is the part of the District that comprises the landward features of the coastal environment that differentiate it from the rest of the drainage catchment. The Coastal Zone is one way to give effect to the provisions of ss7 & 8 of the Hauraki Gulf Marine Park Act 2000.
- (3) The Hauraki District Council boundary follows the southern coast of the Firth of Thames and the east coast of the Coromandel Peninsula. The following description of the Hauraki District Coastline provides background as to how the coastal marine area and coastal environment have been defined in the District Plan.
- (4) **FIRTH OF THAMES**
 - (a) The Firth of Thames coastline, from Miranda to the Waihou River mouth consists of soft mudflats, mangrove forest and some intermingled salt marsh. The Firth wetland is one of New Zealand's three most important coastal stretches for wading birds and has been accorded International status as a Conservation Area by the International Union for Conservation of Nature and Natural Resources (IUCN) based on the Ramsar Convention. The area has also been identified as a "Regionally Significant Coastal Environment" in terms of its coastal landscape, and is also an "Area of Significant Conservation Value" in the Waikato Regional Coastal Plan.
 - (b) A flood control stopbank extends along the coast from the Waihou River to Waitakaruru. This has been designated by the Waikato Regional Council. Land on the seaward side of the stopbank is generally tidal, although in places there is some rough pasture on these tidal flats. The land designated for flood control is owned by the Waikato Regional Council. On the landward side of the stopbank is farmland in private ownership.
 - (c) From Waitakaruru to Miranda the coast has been stopbanked by the Hauraki District Council other than for a short section in the vicinity of Miranda Hot Springs Oasis where Front Miranda Road acts as the stopbank. The stopbank itself and land on the seaward side to the coast is in private ownership and in places farmed up to the mangrove edge of the wetland.

(5) COASTAL MARINE AREA

In relation to the Firth of Thames area, the *coastal marine* area is shown on the Planning Maps and its inland boundary has been defined as follows:

(a) Firth of Thames

- (i) The seaward toe of the stopbank from the Waihou River to the Waitakaruru River.
- (ii) The seaward toe of the stopbank from the Waitakaruru River to the District boundary south of Miranda. In the section where there is no stopbank, the seaward toe of Front Miranda Road.

(b) Waihou River

- (i) The top of the stopbank, upstream to a point one kilometre upstream from the river mouth.

(c) Piako River

- (i) The top of the stopbank, upstream to a point five times the width of the river mouth.

(d) Waitakaruru River

- (i) The top of the stopbank from the Firth of Thames upstream to a point five times the width of the river mouth.

(6) COASTAL ENVIRONMENT

The coastal environment in the Firth of Thames locality is considered to coincide with inland boundary of the coastal marine area as described above, as well as the following:

(a) Waihou River

- (i) Upstream to the northern side of the 1928 Kopu Bridge.

(b) Piako River

- (i) Upstream to a point approximately 600 metres on the northern side of the Pipiroa Bridge (SH 25).

- (c) The flat, developed farmland on the landward side of the stopbank and -Miranda Road does not exhibit any of the characteristics specified in the definition of the Coastal Environment in the Waikato Regional Coastal Plan, nor does it form a back-drop to the coastal environment.

(7) THE EASTERN COASTLINE

This coastline is dominated by a series of bays and several sandy beaches with estuarine systems fed by river valleys. These are interspaced by rocky headlands and steep hills with near vertical rocky cliffs. The hill country along this coastline is predominantly pasture and native scrub, with remnants of native bush. Key features of the coastline are:

(a) Otahu Catchment and Estuary

- (i) Otahu Catchment is largely forested and is drained by the Otahu River and tributaries to the Otahu Estuary. This estuary covers approximately 110ha

providing significant vegetation associations and wildlife habitat. The southern boundary of the Otahu River near the eastern coastline and centre line of the river further inland form the district boundary with TCDC. Whangamata is located on the northern side of the Otahu River.

- (ii) The Otahu estuary and catchment is one of only a few areas left on the Coromandel Peninsula which provides a reasonably intact natural sequence of habitat from the upper reaches of stream tributaries in the ranges to the marine habitats of the ocean.
- (iii) In the Waikato Regional Coastal Plan the estuary and river is identified as an "Area of Significant Conservation Value". The majority of the area was identified as a "Natural Area of Ecological Significance ("Outstanding") in the First Review of the Hauraki District Plan and as being of "Regional" and "High" significance in the Second Review.

(b) Coastline from Otahu Estuary to Whiritoa

- (i) Rocky coastal cliffs covered in remnant coastal forest in parts, rocky platforms and sandy coves dominate the coastline south to Whiritoa. Other than a short stretch between Opito Point and Te Papiri Point, the coastal fringe from Whiritoa to the Otahu River mouth is in Crown ownership and managed by DoC (Waimana Recreation Reserve, marginal strip reserved from sale). Public access is accordingly assured.

(c) Whiritoa

- (i) Whiritoa contains a diverse range of important habitats including significant sand dune vegetation associations. The Ramarama Estuary and wetland and Whiritoa Lagoon were identified in the First Review of the Hauraki District Plan as "Outstanding Areas of Ecological Significance" and as being of "Regional" and "High" significance in the Second Review.
- (ii) The Waimana Recreation Reserve and Te Ramarama Scenic Reserve provide protection to parts of these ecologically important lagoon areas. Most of the wetland area and Whiritoa Lagoon are in private ownership. The sand dunes along the coast in front of Whiritoa are a District Council reserve (part recreation reserve; part esplanade reserve).
- (iii) The Residential zoning of Whiritoa extends up to the recreation and esplanade reserves covering the foredune area.
- (iv) Beachcare works have been put in place by the Whiritoa Beachcare Group in association with *Council*.

(d) Otonga Point - Mataora Bay - Boat Bay

- (i) This area of coast is dominated by a rugged stretch of rocky coastal cliffs interrupted by sandy bays (Mataora Bay, Homunga Bay, Boat Bay). The land adjoining Mataora Bay is in private ownership, thus public access has been restricted. These areas remain largely in their natural state backed by pohutukawa forest on the coastal cliffs.
- (ii) This stretch of coastline is one of the last remaining natural vegetated coastal cliff areas on the east Coromandel coast.

- (iii) Public access is provided by a narrow strip (Crown Land reserved from sale) which extends over the portion of the coastline from south of Mataora Bay to the Orokawa Domain North at Homunga Bay. A narrow section of reserve extends along most of the coastline south of Homunga Bay, across Boat Bay to the district boundary (which is located to the north of the large Orokawa Scenic Reserve).
- (e) **Coastal Marine Area**
 - (i) Along the Eastern Coastline the *coastal marine* area has been defined as follows and is shown on the Planning Maps.
- (f) **Otahu River/Waiharakeke Stream**
 - (i) Line of mean high water springs inland to north of where the Waiharakeke Stream and the Otahu River meet.
- (g) **Rest of Eastern Coastline**
 - (i) Line of mean high water springs.
- (h) **Coastal Environment**
 - (i) The Coastal Environment (ie the Coastal Zone) along the eastern coastline has been defined following an analysis of landscape and natural character values and encompasses special features, including the following:
 - (1) Bush clad land at the head of the Otahu Estuary.
 - (2) Te Ramarama Estuary/Stream area at Whiritoa.
 - (3) Mataora Bay - ridgeline immediately forming backdrop to the bay.
 - (4) Orokawa Domain North (Homunga Bay) - bush cover.
 - (5) Boat Bay - bush covered steep coastal margin with wide bush covered gully backdrop.
 - (ii) The Coastal Environment (ie the Coastal Zone) includes all important gullies and other coastal features along this part of the coastline.

5.4.2 OBJECTIVES AND POLICIES

(1) OBJECTIVE 1

To preserve the natural character of the coastal environment and ensure its protection from inappropriate subdivision, use and development.

(a) Policies

Objective 1 will be achieved by implementation of the following policies:

- (i) Protect, preserve and enhance the landscape character of the coastal environment.
- (ii) Identify landscape features of particular significance and ensure that particular regard is had to protecting those features.
- (iii) Protect areas of significant *indigenous vegetation* and significant habitats of indigenous fauna (ecological areas).

- (iv) Ensure the erection of *buildings, earthworks* (particularly cuttings associated with creating access tracks) and removal of *indigenous vegetation* does not detract from the significant landscape character of the coastal environment, particularly along the margins of the coast, estuaries, rivers and streams.
- (v) Encourage and recognise private landowner initiatives to protect identified significant ecological areas.
- (vi) Liaise with the Waikato Regional Council and the Department of Conservation to ensure a consistent and coordinated approach to resource management in the coastal environment is adopted.

(b) Reasons

- (i) The achievement of Objective 1 is a matter of national importance. To be achieved, the coastal environment needs to be defined and control mechanisms put in place to preserve its natural character and protect it from inappropriate subdivision, use and development.

(2) OBJECTIVE 2

To maintain and enhance public access to and along the coastal marine area, while preserving conservation values.

(a) Policies

- (i) Objective 2 will be achieved by implementation of the following policies:
- (ii) Liaise with statutory organisations (eg Department of Conservation) and community groups with an interest in the coastal resource (eg fishing clubs, conservation groups) to determine the locations where access, reserves and strips are needed for recreation purposes.
- (iii) Ensure that public access and use is compatible with the preservation of conservation values.
- (iv) Liaise with landowners to develop methods within which public access to and use of the coastal environment does not unreasonably interfere with the landowner's ability to use and 'enjoy' the land.

(b) Reasons

- (i) The achievement of Objective 2 is a matter of national importance. The ability to obtain access to the coastal marine area is considered by most New Zealanders to be a right and not a privilege.

5.4.3 ENVIRONMENTAL RESULTS

- (1) The expected environmental result sought is to ensure the natural character of the coastal environment is preserved and that the coastal environment is protected from inappropriate subdivision, use and development. *Council* will also seek to ensure public access is maintained and enhanced to and along the coastal marine area.

- (2) In the management of the coastal environment, the *Council* will seek a close liaison with agencies responsible for resource management in the coastal marine area section of the coastal environment. These agencies are the Waikato Regional Council and the Department of Conservation.

5.4.4 ACTIVITY STATUS

- (1) Activities and their *accessory uses, buildings and structures* (unless otherwise stated) are Permitted, Controlled, Restricted Discretionary, Discretionary, Non Complying or Prohibited according to the Activity Status Table below:

(2) PERMITTED ACTIVITIES	
Those activities listed below are a <i>Permitted Activity</i> , unless otherwise specified and subject to compliance with the:	
<ul style="list-style-type: none"> • Zone Development Standards specified in Rule 5.4.5; • Activity Specific Standards specified in Rule 5.4.6; • Conservation and Heritage provisions in Section 6.0 • Specific and District Wide provisions in Section 7.0; and • District Wide Performance Standards in Section 8.0. 	
P1	Land management activities associated with identified areas of significant <i>indigenous vegetation</i> and areas of land to be retired from active primary production and planted in indigenous vegetation, including planting and management of <i>indigenous vegetation</i> , the removal of exotic trees and vegetation, pest destruction, weed removal and perimeter fencing
P2	<i>Farming</i> (excluding farm <i>buildings</i>)
P3	<i>Home Occupations</i> within an existing <i>dwelling</i> (refer to Activity Specific Standard 5.4.6(1))
P4	Pedestrian walkways (including seating and tables), cycleways and jogging tracks
P5	<i>Home/Farm Stay</i> within an existing <i>dwelling</i>
P6	<i>Prospecting</i>
P7	<i>Temporary uses and buildings</i> (including temporary military training)
P8	Removal or demolition of <i>buildings</i>
(3) CONTROLLED ACTIVITIES	
Those activities listed below are a <i>Controlled Activity</i> unless otherwise specified and, subject to compliance with the:	
<ul style="list-style-type: none"> • Zone Development Standards specified in Rule 5.4.5; • Activity Specific Standards specified in Rule 5.4.6; • Conservation and Heritage provisions in Section 6.0 • Specific and District Wide provisions in Section 7.0; and • District Wide Performance Standards in Section 8.0. 	
Conditions may be imposed in relation to the matters over which control has been reserved, as identified in the Assessment Criteria for Controlled Activities in Rule 5.4.7.	
C1	One <i>dwelling</i> and accessory buildings on each <i>certificate of title</i> containing up to 40 hectares of land
C2	Farm <i>buildings</i>
C3	<i>Prospecting</i>
C4	<i>Exploration</i> (refer to Activity Specific Standard 5.4.6(2))

(4) RESTRICTED DISCRETIONARY ACTIVITIES	
Those activities listed below are a <i>Restricted Discretionary Activity</i> subject to compliance with the:	
<ul style="list-style-type: none"> • Conservation and Heritage provisions in Section 6.0; and shall be assessed against the relevant criteria in Rule 5.4.8. 	
RD1	Any Permitted Activity or Controlled Activity that does not meet the Zone Development Standards for a Permitted or Controlled Activity and does not exceed the Zone Development Standards for a Restricted Discretionary Activity set out in Rule 5.4.5
RD2	Any Permitted or Controlled Activity required to provide a Transportation Impact Assessment in accordance with Rule 8.4.1.3(5)
(5) DISCRETIONARY ACTIVITIES	
Those activities listed below are a <i>Discretionary Activity</i> and shall be assessed against the relevant criteria in Rule 5.4.9.	
Note: The Conservation and Heritage provisions in Section 6.0 also apply and may alter the <i>Discretionary Activity</i> status for the activities specified below.	
D1	<i>Forestry</i>
D2	<i>Indigenous vegetation removal</i>
D3	<i>Earthworks</i>
D4	Tourism activities
D5	More than one <i>dwelling</i> on each <i>certificate of title</i> containing 40 or more hectares of land
D6	Any Permitted, Controlled or Discretionary Activity in the Reserve (Passive) zone not otherwise provided for as a Permitted Activity under P6
(6) NON COMPLYING ACTIVITIES	
Those activities listed below are a <i>Non Complying Activity</i> .	
NC1	Any activity not provided for as a Permitted, Controlled, Restricted Discretionary, Discretionary or Prohibited Activity
(7) PROHIBITED ACTIVITIES	
Those activities listed below are a <i>Prohibited Activity</i> .	
There are no prohibited activities	

5.4.5 ZONE DEVELOPMENT STANDARDS

- (1) The following relevant Development Standards shall be met by all Permitted, Controlled and Restricted Discretionary Activities unless otherwise stated.
- (2) For Controlled Activities, where Council has reserved control over specified matters in Section 5.4.7, more restrictive Development Standards may be imposed as conditions of consent.
- (3) The following relevant Development Standards shall be used as a guide in assessing any Discretionary and Non Complying Activities.

Development Standard	Parameter		Environmental Result
	Controlled	Restricted Discretionary	
Maximum Height	8.0 metres	11.0 metres	To ensure that the <i>height of buildings</i> is compatible with the activities permitted in the <i>zone</i> as well as the landscape, amenity and character of both the <i>zone</i> that the <i>building</i> is located in and any adjoining <i>zone</i> .
Daylight Control	No <i>building</i> shall project above 2.0 metres in <i>height</i> at any other <i>site</i> boundary and not project above a 45° plane into the site up to the maximum <i>height</i>	No restriction	To ensure no <i>building</i> unreasonably overshadows any neighbouring property, thereby restricting daylight and ventilation between <i>buildings</i> .
Minimum Yards (Buildings)	Front Yard: 12 metres	Front Yard: 12 metres	To allow flexibility in site layout while still maintaining the amenities of the site and adjoining sites.
	<i>Other yards</i> : 12 metres for residential and other purposes. Any <i>building</i> or enclosure used for the housing and keeping of any animals (including milking sheds) is not permitted within 50 metres of the boundary of the <i>holding</i> .	<i>Other yards</i> : Nil	
Minimum Yards (Shelter Belts)	Front Yard: 10 metres <i>Other yards</i> : None, except where the boundary of the Coastal Zone adjoins a <i>sensitive zone</i> boundary, the yard shall be 10 metres.	Front Yard: None <i>Other yards</i> : None	To allow flexibility in site layout while still maintaining the amenities of the site, traffic safety and protecting the physical road.

5.4.6 ACTIVITY SPECIFIC STANDARDS

(1) HOME OCCUPATIONS

- (a) At least one person, including the principal operator of the *home occupation*, shall reside on the site.
- (b) A *home occupation* involving the care, tuition and/or accommodation of no more than five persons at any one time in addition to the owner(s)/operator(s) may be undertaken provided the activity and accommodation is principally undertaken within the *dwelling*.
- (c) Except for .b above, the *home occupation* shall be carried out wholly within the dwelling or an associated accessory building erected or modified for the purpose, provided that the gross floor area of the dwelling or accessory building used for the *home occupation* shall not exceed 30% of the total gross floor area of the dwelling and associated accessory buildings on the site.
- (d) Not more than one person from outside the household residing on the site shall be employed in the *home occupation*.
- (e) There shall be no exterior display, external storage of materials or other indication of the *home occupation* or variation from the rural, coastal and/or residential character of the property visible from a public place.

- (f) The *home occupation* shall be operated so as not to attract pedestrian or vehicular traffic (other than traffic directly associated with the operation of the *home occupation* eg rural contractor vehicles returning) between the hours of 10.00pm and 7.00am the following day.
- (g) The *home occupation* may not use equipment which creates electrical interference with television and radio sets on neighbouring properties.
- (h) Only goods directly produced by the home occupation may be sold or offered for sale from the site on which the home occupation is conducted.
- (i) Home occupations shall not include a business or trade that involves panel beating, spray painting or mechanical repairs to vehicles and machinery (other than mechanical repairs to vehicles and machinery directly associated with the *home occupation* eg repair of rural contractors truck).

(2) **EXPLORATION**

- (a) Trenching and costeaming is subject to a maximum cross section area of 6m³.
- (b) Progressive rehabilitation of trenching is to be undertaken, such that no more than 50 metres of trenching is left open at any one time.
- (c) *Exploration* drilling is subject to a maximum drilling pad size of 200 square metres.
- (d) Bulk sampling is subject to a maximum of 500 cubic metres of material per 100 hectares.
- (e) *Exploration* tunnels are subject to the maximum volume of excavated material is not to result in more than 500 square metres of surface area being covered, to a maximum height of 2 metres.
- (f) Rehabilitation measures are proposed.

5.4.7 ASSESSMENT CRITERIA FOR CONTROLLED ACTIVITIES

The degree to which the following guidelines are achieved will be assessed by *Council* in evaluating applications for controlled activities:

5.4.7.1 DWELLINGS AND OTHER BUILDINGS

(1) **SITE LAYOUT AND BUILDING DESIGN**

- (a) Whether *buildings* are sufficiently set back from the boundaries of neighbouring properties to avoid causing a nuisance to neighbouring holdings by way of overshadowing, obstruction of views, noise, glare and loss of privacy.
- (b) Whether the location of the proposed building especially in relation to ridgelines and the coastal edge and its prominence when viewed from public places is such that it does no adversely affect the visual and amenity values of these features.
- (c) Are there features of the proposed *building* including the:

- (i) design (eg varied roofline profile to create shade effects and break up the bulk of the roofline);
 - (ii) bulk (especially lowered *height*);
 - (iii) colour and reflectivity of external materials that complement the colours of the surrounding environment;
 - (iv) amount and reflectivity of glass, especially tinted glass and glass areas that are shaded by eaves;
 - (v) avoids, remedies or mitigates any adverse effect on the existing landscape.
- (d) Whether the planting of trees and shrubs, the shaping of earth and other landscape features reduce the visual dominance of the building and assist with its integration into the landscape.
- (e) The degree to which the location of *buildings* is such as to retain clear visibility along rural *roads* and to provide space for vehicle access and loading on the site clear of the *road*.

5.4.7.2 EXPLORATION

(1) LOCATION OF VEGETATION AND/OR LAND CLEARANCES

- (a) Whether the location of an individual clearance in relation to other clearance(s) has the effect of creating an inappropriate contiguous clearance.

(2) TIMING/NUMBER OF VEGETATION AND/OR LAND CLEARANCES

- (a) Whether the timing and/or number of individual clearances should be staged in order that the rehabilitation of adjoining clearances is undertaken before new clearances are created.

(3) MANAGEMENT AND REHABILITATION

- (a) The adequacy of management and rehabilitation plans to ensure the long term appearance and stability of any disturbed/excavated area including surplus earth disposal areas (including the possible use of performance bonds or other mechanisms) aimed to return the disturbed area to the same or similar state as existed prior to the clearance.

5.4.8 ASSESSMENT CRITERIA FOR RESTRICTED DISCRETIONARY ACTIVITIES

The *Council* will restrict the exercise of its discretion to the ability of the activity or development to achieve the particular environmental result of the Zone Development Standards in Rule 5.4.5 for which compliance is not met and the following relevant criteria.

5.4.8.1 ZONE DEVELOPMENT STANDARDS

(1) HEIGHT AND DAYLIGHTING

- (a) The extent that topographical and site conditions (including easements) restrict the area or shape of the site that is suitable and available for building.
- (b) The desirability of maintaining consistency in design and appearance with existing buildings on the site.
- (c) The need to preserve existing trees, vegetation or important physical characteristics of the site.
- (d) Whether the boundary to which the standard relates is a common boundary with an area of permanent open space, the use of which will not be detrimentally affected by any increased shading or loss of visual amenity.
- (e) Whether the property adjoining the site is sufficiently higher and therefore the adjoining property will not be detrimentally affected.
- (f) Where the standard(s) is penetrated by a dormer window, gable or similar roof feature, whether that will have a minor effect on the amenities of the neighbouring site.
- (g) The extent to which it is necessary to minimise the physical disturbance to the landscape and the landforms.
- (h) The degree to which matters such as shading, loss of daylight, amenity value and privacy of adjoining properties is affected.
- (i) The extent to which the building visually intrudes on any significant ridgeline or skyline or significant landscape and what measures are proposed to reduce the visual effects of that intrusion.
- (j) Whether the building will detract from any view or vista, which contributes to the aesthetic coherence of a locality, and if it does, what measures can and will be taken to reduce the detraction to an acceptable level or remove it completely.

(2) YARDS

- (a) The extent that topographical and site conditions restrict the area or shape of the site that is available and suitable for building.
- (b) The degree to which the functioning of the site and or the activity can be improved.
- (c) Whether there is a need to preserve existing trees, vegetation or important physical characteristics of the site.
- (d) The extent to which the provision of daylight and sunlight into the neighbouring properties and the visual and aural privacy of neighbouring sites will be affected.
- (e) The extent to which the safe and efficient functioning of the street or road will be significantly compromised.
- (f) Whether the detrimental effects of building in the yard can be reduced or avoided.
- (g) Whether the yard functions (including separation, landscaping and service provision) will be provided on the site by other means, or are they unnecessary.

5.4.8.2 VEHICULAR PROVISIONS

- (1) Where a Transportation Impact Assessment is required regard will be had to the assessment criteria in Rule 8.4.1.4.

5.4.9 ASSESSMENT CRITERIA FOR DISCRETIONARY ACTIVITIES

When assessing any application for a Discretionary Activity, *Council* shall have regard to the relevant development standards, specific activity standards, environmental results and assessment criteria for permitted, controlled and restricted discretionary activities in Rules 5.4.5 – 5.4.8, the relevant General and Activity Specific assessment criteria below, and any other matters it considers appropriate.

5.4.9.1 GENERAL ASSESSMENT CRITERIA

- (1) Whether the activity and any building and structures are of a scale and intensity which preserves the natural character and amenity values of the coastal environment. Particular aspects making up the natural character include:
 - (a) dunes;
 - (b) foreshore;
 - (c) headlands;
 - (d) coastal vegetation including bush;
 - (e) streams, lagoons, estuary areas;
 - (f) visual backdrop including fields, forest areas, ridges, skylines, prominent geographic features;
 - (g) habitat values; and
 - (h) quietness and peacefulness.
- (2) Whether the proposal is appropriate having regard to the Objectives of the Coastal Zone.
- (3) Whether public access to and along the coastal marine area is maintained and enhanced.
- (4) The extent to which the activity and any building and structures maintains or enhances the cultural or heritage values of the locality.
- (5) Whether traffic movements resulting from the activity will have any significant impact on the safe and efficient operation of any public *road*. Pertinent matters for consideration in this regard are:
 - (a) the carrying capacity, standard and status in the roading hierarchy of the route concerned;
 - (b) the ability of the *site* to accommodate the necessary parking and on-site manoeuvring areas;
 - (c) the means by which any likely traffic hazard can be avoided or mitigated;
 - (d) the access, parking and loading standards for permitted activities that shall be used as a guideline in assessing applications for discretionary activity;

- (e) the comments of New Zealand Transport Agency on the possible adverse effects on the safe and efficient operation of the State Highway network.
- (6) The degree to which the activity will cause demands for the uneconomic or premature upgrading or extension of public services, including roading which are not in the interests of the District or locality.
- (7) Whether any signs proposed detract from the amenities of the area.
- (8) The extent to which the activity is self-contained, with regard to stormwater drainage, effluent disposal and water supply within the boundaries of the *site* on which the activity is located (except where reticulated services are provided).
- (9) Whether the nature of the activity has the potential to create nuisance noise which cannot effectively or practically be controlled by mitigation measures.
- (10) Whether the hours of operation are appropriate having regard to those persons likely to be affected by the activity.

5.4.9.2 FORESTRY

- (1) The extent to which exterior storage areas of vehicles, equipment, machinery, materials, waste etc is located or suitably screened from neighbouring properties, the coast and coastal margin and any public *road* to avoid, remedy or mitigate any detriment to amenity values.
- (2) Whether activities including land preparation, planting, management, silviculture and harvesting that are to be undertaken ensure the visual amenity of the area is not significantly affected. Important in this regard are:
 - (a) the retention of the existing landform;
 - (b) the need to retain existing indigenous vegetation;
 - (c) the need to ensure that areas are planted immediately following ground preparation;
 - (d) that harvesting is carried out in sections of a scale such that the visual impact is minimised and the land areas so cleared are replanted or otherwise rehabilitated within one year of harvesting.
- (3) Whether the clearance of the exotic vegetation will enable the establishment of *indigenous vegetation* to occur and what rehabilitation is proposed.

5.4.9.3 CLEARANCE OF INDIGENOUS VEGETATION (either as a discrete activity or as part of a controlled or discretionary activity)

- (1) The extent to which existing native bush, or other vegetation which contributes to visual amenity is retained.
- (2) Whether the best practicable option has been taken to minimise any damage, modification or disturbance to existing vegetation as part of the removal of exotic vegetation or individual trees. Consideration of the best environmental outcome, relevant health and safety

requirements and the effectiveness and efficiency of the methods to be used will be considered in relation to the 'best practicable option'.

- (3) Where the clearance is required for maintenance of fencelines, keeping separation from existing power lines, the safety of the *road* network or other situation, can the vegetation removed be replaced with vegetation more suitable to the position.

5.4.9.4 TOURISM ACTIVITIES

- (1) Whether the size of the camping ground or motor camp, number of sites, car parks, and scale of buildings are in keeping with the character of the coastal environment.
- (2) The extent to which the activity is self-contained, with regard to stormwater drainage, effluent disposal and water supply within the boundaries of the site on which the activity is located (except where reticulated services are provided), including whether the infrastructure is designed to ensure it is of a standard capable of servicing the camping ground or motor camp, assuming 100% capacity.

5.5 KARANGAHAKE GORGE ZONE

5.5.1 ZONE PURPOSE

- (1) The Karangahake Gorge Zone encompasses the outstanding natural features and landscapes within the Karangahake Gorge, including the following natural features:
 - (a) Ohinemuri River;
 - (b) Waitawheta River;
 - (c) Owharoa Falls; and
 - (d) Mt Karangahake.
- (2) In addition, the Karangahake Gorge includes steep rock cliffs, vegetation (both regenerating *indigenous vegetation* and exotic vegetation), historic examples of the gold mining era and recreation activities. Although the landscape has been significantly modified over the years, the combination of the dramatic physical geography, regenerating *indigenous vegetation* and historic heritage makes the area outstanding within Hauraki District.
- (3) It is noted that the mixed indigenous and exotic vegetative cover is not of sufficient ecological significance in its own right to meet the standard of being an “area of significant *indigenous vegetation* or significant habitat of indigenous fauna”. However, the protection of vegetation from disturbance and clearance for visual amenity reasons has the consequential effect of providing additional vegetative cover between the Coromandel and Kaimai - Mamaku Forest Parks. This will assist in the provision of the Hauraki Ecological Corridor for flora and fauna to pass between these two Conservation Parks.
- (4) The Karangahake Gorge is made up of a number of individual features and elements that on their own are not significant, but in combination for the Hauraki District and wider community, make the Karangahake Gorge an outstanding landscape.

5.5.2 OBJECTIVES AND POLICIES

(1) OBJECTIVE 1

To protect the outstanding natural features, landscape and amenity values of the Karangahake Gorge from inappropriate subdivision, use and development.

(a) Policies

Objective 1 will be achieved by implementation of the following policies:

- (i) Protect, preserve and enhance the landscape character of the Karangahake Gorge environment.
- (ii) Identify landscape features of particular significance in the Karangahake Gorge and ensure that particular regard is had to protecting those features.
- (iii) Protect areas of *indigenous vegetation* and habitats of indigenous fauna (ecological areas).

- (iv) Ensure the erection of *buildings, earthworks* and removal of *indigenous vegetation* does not detract from the significant landscape character and amenity values of the Karangahake Gorge.
- (v) Encourage and recognise private landowner initiatives to protect identified significant ecological areas.
- (vi) Liaise with the Department of Conservation to ensure a consistent and coordinated approach to resource management in the Karangahake Gorge environment is adopted.

(b) Reasons for Objective 1

- (i) The District Plan needs to recognise and provide for Matters of National Importance stipulated in the Act and as identified within the District.
- (ii) To maintain and enhance important amenity values in the District.

(2) OBJECTIVE 2

To maintain and enhance public access to and along the Ohinemuri and Waitawheta Rivers.

(a) Policies

Objective 2 will be achieved by implementation of the following policy:

- (i) Provide for public access where that is compatible with the preservation of conservation values and does not unreasonably interfere with the landowner's ability to use and 'enjoy' the land.

(b) Reasons for Objective 2

- (i) The achievement of Objective 2 is a matter of national importance. The ability to obtain access to the Ohinemuri and Waitawheta Rivers is considered by most New Zealanders to be a right and not a privilege.

5.5.3 ENVIRONMENTAL RESULTS

- (1) The protection of the outstanding natural features, landscape and amenity values of the Karangahake Gorge from inappropriate subdivision, use and development.
- (2) Providing appropriate public access to environments that the community uses for recreation purposes, and which contribute to the community's social, economic, and cultural wellbeing and health.

5.5.4 ACTIVITY STATUS

- (1) Activities and their *accessory uses* and *buildings* (unless otherwise stated) are Permitted, Controlled, Restricted Discretionary, Discretionary, Non Complying or Prohibited according to the Activity Status Table below:

(2) PERMITTED ACTIVITIES	
Those activities listed below are a <i>Permitted Activity</i> subject to compliance with the:	
<ul style="list-style-type: none"> • Zone Development Standards specified in Rule 5.5.5; • Activity Specific Standards specified in Rule 5.5.6; • Conservation and Heritage provisions in Section 6.0; • Specific and District Wide provisions in Section 7.0; and • District Wide Performance Standards in Section 8.0. 	
P1	Land management activities associated with identified areas of significant <i>indigenous vegetation</i> and areas of land to be retired from active primary production and planted in <i>indigenous vegetation</i> , including planting and management of <i>indigenous vegetation</i> , the removal of exotic trees and vegetation, pest destruction, weed removal and perimeter fencing
P2	Maintenance of existing walking tracks
P3	Creation of walkway/cycleways
P4	<i>Exotic tree removal</i> (refer to Activity Specific Standard 5.5.6(2))
P5	<i>Home/Farm Stay</i> accessory to an existing <i>Dwelling</i> .
P6	<i>Home Occupations</i> accessory to an existing <i>Dwelling</i>
P7	<i>Prospecting</i>
P8	<i>Temporary uses and buildings</i> (including temporary military training)
P9	Removal or demolition of <i>buildings</i>
(3) CONTROLLED ACTIVITIES	
Those activities listed below are a <i>Controlled Activity</i> subject to compliance with the:	
<ul style="list-style-type: none"> • Zone Development Standards specified in Rule 5.5.5; • Activity Specific Standards in Rule 5.5.6; • Conservation and Heritage provisions in Section 6.0 • Specific and District Wide provisions in Section 7.0; and • District Wide Performance Standards in Section 8.0. 	
Conditions may be imposed in relation to the matters over which control has been reserved, as identified in the Assessment Criteria for Controlled Activities in Rule 5.5.7.	
C1	<i>Exploration</i> (refer Activity Specific Standard 5.5.6(1))
C2	<i>Passive Recreation</i> not provided for under P2 and P3 above as a Permitted Activity
C3	Alterations and additions to existing <i>dwellings</i> and farm buildings
(4) RESTRICTED DISCRETIONARY ACTIVITIES	
Those activities listed below are a <i>Restricted Discretionary Activity</i> subject to compliance with the:	
<ul style="list-style-type: none"> • Conservation and Heritage provisions in Section 6.0; and shall be assessed against the relevant criteria in Rule 5.5.8.	
RD1	Any Permitted Activity or Controlled Activity that does not meet the Zone Development Standards for a Permitted or Controlled Activity and does not exceed the Zone Development Standards for a Restricted Discretionary Activity set out in Rule 5.5.5
RD2	Any Permitted or Controlled Activity required to provide a Transportation Impact Assessment in accordance with Rule 8.4.1.3(5)

(5) DISCRETIONARY ACTIVITIES	
Those activities listed below are a <i>Discretionary Activity</i> and shall be assessed against the relevant criteria in Rule 5.5.9.	
Note: The Conservation and Heritage provisions in Section 6.0 also apply and may alter the <i>Discretionary Activity</i> status for the activities specified below.	
D1	One <i>dwelling</i> on each <i>certificate of title</i> containing up to 40 hectares of land
D2	Two or more <i>dwellings</i> on each <i>certificate of title</i> containing 40 or more hectares of land
D3	<i>Farming</i>
D4	Clearance of <i>indigenous vegetation</i> .
D5	Removal of an exotic tree not provided for under Permitted Activity P4
(6) NON COMPLYING ACTIVITIES	
Those activities listed below are a <i>Non Complying Activity</i> .	
NC1	Any activity not provided as a Controlled, Restricted Discretionary, Discretionary or Prohibited Activity.
(7) PROHIBITED ACTIVITIES	
Those activities listed below are a <i>Prohibited Activity</i> .	
PR1	<i>Surface mining</i> and <i>mining operations</i>

5.5.5 ZONE DEVELOPMENT STANDARDS

- (1) The following relevant Development Standards shall be met by all Permitted, Controlled and Restricted Discretionary Activities unless otherwise stated.
- (2) For Controlled Activities, where Council has reserved control over specified matters in Section 5.5.7, more restrictive Development Standards may be imposed as conditions of consent.
- (3) The following relevant Development Standards shall be used as a guide in assessing any Discretionary and Non Complying Activities.

Development Standard	Parameter		Environmental Result
	Controlled	Restricted Discretionary	
Maximum Height	8.0 metres	15.0 metres	To ensure that the <i>height of buildings</i> is compatible with the activities permitted in the <i>zone</i> as well as the landscape, amenity and character of both the <i>zone</i> that the <i>building</i> is located in and any adjoining <i>zone</i> .
Daylight Control	No <i>building</i> or <i>structure</i> shall project above 2.0 metres in height at any other <i>site</i> boundary and not project above a 45° plane into the site up to the maximum <i>height</i> .	No Restriction	To ensure no <i>building</i> unreasonably overshadows any neighbouring property, thereby restricting daylight and ventilation between <i>buildings</i> .
Minimum Yards	Front Yard: 12 metres	Front Yard: 12 metres	To allow flexibility in site layout while

Development Standard	Parameter		Environmental Result
	Controlled	Restricted Discretionary	
(Building)	<p><i>Other yards:</i> 12 metres for residential and other purposes.</p> <p>Any <i>building</i> or enclosure used for the housing and keeping of any animals (including milking sheds) is not permitted within 50 metres of the boundary of the <i>holding</i>.</p>	<p><i>Other yards:</i> None</p>	still maintaining the amenities of the site and adjoining sites.

5.5.6 ACTIVITY SPECIFIC STANDARDS

(1) EXPLORATION

- (a) Trenching and costeaming is subject to a maximum cross section area of 6m³.
- (b) Progressive rehabilitation of trenching is to be undertaken, such that no more than 50 metres of trenching is left open at any one time.
- (c) *Exploration* drilling is subject to a maximum drilling pad size of 200 square metres.
- (d) Bulk sampling is subject to a maximum of 500 cubic metres of material per 100 hectares.
- (e) *Exploration* tunnels are subject to the maximum volume of excavated material is not to result in more than 500 square metres of surface area being covered, to a maximum height of 2 metres.
- (f) Rehabilitation measures are proposed.

(2) EXOTIC TREE REMOVAL

- (a) Trimming or pruning of a tree necessary because of disease or age and which will not result in the death, destruction or irreparable damage to the tree.
- (b) Minor pruning or shaping necessary to maintain or enhance the value of the tree.
- (c) Removal (partial or total) of any tree for safety and emergency purposes.

5.5.7 ASSESSMENT CRITERIA FOR CONTROLLED ACTIVITIES

The degree to which the following guidelines are achieved will be assessed by *Council* in evaluating applications for controlled activities:

5.5.7.1 ALTERATION TO EXISTING DWELLINGS & BUILDINGS

(1) SITE LAYOUT AND BUILDING DESIGN

- (a) Whether *buildings* are sufficiently set back from the boundaries of neighbouring properties to avoid causing a nuisance to neighbouring holdings by way of overshadowing, obstruction of views, noise, glare and loss of privacy.
- (b) Whether features of the proposed *building* including the location (especially in relation to ridgelines and its prominence when viewed from any public places), design, bulk (especially *height*), colour, reflectivity of material, the planting of trees and shrubs, and the shaping of earth avoids, remedies or mitigates any adverse effect on the existing landscape.
- (c) Whether the location of the proposed building especially in relation to ridgelines and the coastal edge and its prominence when viewed from public places is such that it does no adversely affect the visual and amenity values of these features.
- (d) Are there features of the proposed *building* including the:
 - (i) design (eg varied roofline profile to create shade effects and break up the bulk of the roofline);
 - (ii) bulk (especially lowered *height*);
 - (iii) colour and reflectivity of external materials that complement the colours of the surrounding environment;
 - (iv) amount and reflectivity of glass, especially tinted glass and glass areas that are shaded by eaves;
 - (v) avoids, remedies or mitigates any adverse effect on the existing landscape.
- (e) Whether the planting of trees and shrubs, the shaping of earth and other landscape features reduce the visual dominance of the building and assist with its integration into the landscape.

5.5.7.2 PROSPECTING AND EXPLORATION (either as a discrete activity or as part of another controlled activity)

(1) LOCATION OF VEGETATION AND/OR LAND CLEARANCES

- (a) Whether the location of an individual clearance in relation to other clearance(s) has the effect of creating an inappropriate contiguous clearance.

(2) TIMING/NUMBER OF VEGETATION AND/OR LAND CLEARANCES

- (a) Whether the timing and/or number of individual clearances should be staged in order that the rehabilitation of adjoining clearances is undertaken before new clearances are created.

(3) MANAGEMENT AND REHABILITATION

- (a) The extent to which exterior storage areas of vehicles, equipment, machinery, materials, waste etc is located or suitably screened from neighbouring properties and any public road to avoid, remedy or mitigate any detriment to the landscape character.
- (b) The adequacy of management and rehabilitation plans to ensure the long term appearance and stability of any disturbed/excavated area including surplus earth disposal areas (including the possible use of performance bonds or other mechanisms) aimed to return the disturbed area to the same or similar state as existed prior to the clearance.

5.5.8 ASSESSMENT CRITERIA FOR RESTRICTED DISCRETIONARY ACTIVITIES

5.5.8.1 ZONE DEVELOPMENT STANDARDS

The *Council* will restrict the exercise of its discretion to the ability of the activity or development to achieve the particular environmental result of the Zone Development Standards in Rule 5.5.5 for which compliance is not met and the following relevant criteria.

(1) HEIGHT AND DAYLIGHTING

- (a) The extent that topographical and site conditions (including easements) restrict the area or shape of the site that is suitable and available for building.
- (b) The desirability of maintaining consistency in design and appearance with existing buildings on the site.
- (c) The need to preserve existing trees, vegetation or important physical characteristics of the site.
- (d) Whether the boundary to which the standard relates is a common boundary with an area of permanent open space, the use of which will not be detrimentally affected by any increased shading or loss of visual amenity.
- (e) Whether the property adjoining the site is sufficiently higher and therefore the adjoining property will not be detrimentally affected.
- (f) Where the standard(s) is penetrated by a dormer window, gable or similar roof feature, whether that will have a minor effect on the amenities of the neighbouring site.
- (g) The extent to which it is necessary to minimise the physical disturbance to the landscape and the landforms.
- (h) The degree to which matters such as shading, loss of daylight, amenity value and privacy of adjoining properties is affected.
- (i) The extent to which the building visually intrudes on any significant ridgeline or skyline or significant landscape and what measures are proposed to reduce the visual effects of that intrusion.

- (j) Whether the building will detract from any view or vista, which contributes to the aesthetic coherence of a locality, and if it does, what measures can and will be taken to reduce the detraction to an acceptable level or remove it completely.

(2) YARDS

- (a) The extent that topographical and site conditions restrict the area or shape of the site that is available and suitable for building.
- (b) The degree to which the functioning of the site and or the activity can be improved.
- (c) Whether there is a need to preserve existing trees, vegetation or important physical characteristics of the site.
- (d) The extent to which the provision of daylight and sunlight into the neighbouring properties and the visual and aural privacy of neighbouring sites will be affected.
- (e) The extent to which the safe and efficient functioning of the street or road will be significantly compromised.
- (f) Whether the detrimental effects of building in the yard can be reduced or avoided.
- (g) Whether the yard functions (including separation, landscaping and service provision) will be provided on the site by other means, or are they unnecessary.

5.5.8.2 VEHICULAR PROVISIONS

- (1) Where a Transportation Impact Assessment is required regard will be had to the assessment criteria in Rule 8.4.1.4.

5.5.9 ASSESSMENT CRITERIA FOR DISCRETIONARY ACTIVITIES

When assessing any application for a Discretionary Activity, *Council* shall have regard to the relevant development standards, specific activity standards, environmental results and assessment criteria for permitted, controlled and restricted discretionary activities in Rules 5.5.5 – 5.5.8, the relevant General and Activity Specific assessment criteria below, and any other matters it considers appropriate.

5.5.9.1 GENERAL ASSESSMENT CRITERIA

- (1) Whether the activity and any building and structures are of a scale and intensity which preserves the natural character and amenity values of the Karangahake environment. Particular aspects making up the natural character include:
 - (a) vegetation including bush;
 - (b) streams and rivers;
 - (c) visual backdrop including fields, forest areas, ridges, skylines, prominent geographic features;

- (d) habitat values; and
 - (e) quietness and peacefulness.
- (2) Whether the proposal is appropriate having regard to the Objectives of the Karangahake Zone.
 - (3) Whether public access to and along the margins of streams and rivers is maintained and enhanced.
 - (4) The extent to which the activity and any building and structures maintains or enhances the landscape, cultural or heritage values of the locality.
 - (5) Whether traffic movements resulting from the activity will have any significant impact on the safe and efficient operation of any public *road*. Pertinent matters for consideration in this regard are:
 - (a) the carrying capacity, standard and status in the roading hierarchy of the route concerned;
 - (b) the ability of the *site* to accommodate the necessary parking and on-site manoeuvring areas;
 - (c) the means by which any likely traffic hazard can be avoided or mitigated;
 - (d) the access, parking and loading standards for permitted activities that shall be used as a guideline in assessing applications for discretionary activity;
 - (e) the comments of New Zealand Transport Agency on the possible adverse effects on the safe and efficient operation of the State Highway network.
 - (6) The degree to which the activity will cause demands for the uneconomic or premature upgrading or extension of public services, including roading which are not in the interests of the District or locality.
 - (7) Whether any signs proposed detract from the amenities of the area.
 - (8) The extent to which the activity is self-contained, with regard to stormwater drainage, effluent disposal and water supply within the boundaries of the site on which the activity is located (except where reticulated services are provided).
 - (9) Whether the nature of the activity has the potential to create nuisance noise which cannot effectively or practically be controlled by mitigation measures.
 - (10) Whether the hours of operation are appropriate having regard to those persons likely to be affected by the activity.

5.5.9.2 DWELLINGS, HOME/FARM STAYS AND HOME OCCUPATIONS

- (1) Whether features of the proposed *building* including the location (especially in relation to ridgelines and its prominence when viewed from any public places), design, bulk (especially *height*), colour, reflectivity of material, the planting of trees and shrubs, and the shaping of earth avoids, remedies or mitigates any adverse effect on the existing landscape.

5.5.9.3 FARMING

- (1) Refer to General Assessment Criteria Rule 5.5.9.1

5.5.9.4 CLEARANCE OF INDIGENOUS & EXOTIC VEGETATION (either as a discrete activity or as part of another discretionary activity)

- (1) The extent to which existing native bush, or other vegetation which contributes to visual amenity is retained.
- (2) Whether the best practicable option has been taken to minimise any damage, modification or disturbance to existing vegetation as part of the removal of exotic vegetation or individual trees. Consideration of the best environmental outcome, relevant health and safety requirements and the effectiveness and efficiency of the methods to be used, will be considered in relation to the 'best practicable option'.
- (3) Whether the clearance of the exotic vegetation will enable the establishment of *indigenous vegetation* to occur and what rehabilitation is proposed.
- (4) Where the clearance is required for maintenance of fencelines, keeping separation from existing power lines, the safety of the *road* network or other situation, can the vegetation removed be replaced with vegetation more suitable to the position.

5.6 URBAN AREAS OF THE TOWNS AND TOWNSHIPS

5.6.1 BACKGROUND

(1) PURPOSE

- (a) The purpose of this section of the Plan is to provide an overview of the sustainable management approach for urban areas of the District. Each of the individual zones within urban areas (eg residential, town centre, industrial) has a specific planning framework that sets out the purpose, objectives and policies for each zone to explain and manage the urban resource in a sustainable manner. This section of the Plan will provide an overview of the interrelationship between these various urban zones within each town or township itself, as well as an outline of the relationship between each of these towns or townships with one another in the District.

(2) GENERAL

- (a) The function, shape and character of each of the urban areas within the District have developed as a result of historical factors coupled with existing trends/demand factors. The provisions of the District Plan (zones and rules) also have an important part to play in directing and guiding the development of the urban areas, in conjunction with other methods including development and implementation of asset management plans, town centre plans and community outcomes.
- (b) The various zones have been identified on the Planning Maps in locations that not only reflect the existing development patterns, but also potential development and growth opportunities. These opportunities are based upon the research that was undertaken as part of the Review process. This research included demographics, land capabilities, servicing constraints and potentials, natural and physical constraints, natural hazards and the effects of climate change, urban design considerations, analysis of previous resource consents, analysis of complaints or compliance problems associated with particular activities and land availability for various activities (amongst other factors).

(3) SUSTAINABLE MANAGEMENT

- (a) The sustainable management of urban areas can be summarised as:
- ... developing the potential of the urban areas consistent with the demands of the community and the protection of the natural and physical environment.
- (b) This summary is implemented in the District Plan by:
- (i) Providing for Waihi, Paeroa and Ngatea as the main urban centres of commerce, industry, residential, community and civic activities.
- (ii) Accommodating urban growth in the main towns of Ngatea, Paeroa and Waihi generally within defined urban boundaries to provide for foreseeable demands within and beyond the ten year planning period.

- (iii) Confining townships (apart from residential and industrial expansion in Kerepehi, and some residential expansion in Turua and Mackaytown/Karangahake) to existing urban boundaries. Also in some cases, recognising restrictions or constraints on development due to servicing, instability and natural hazards which have resulted in a minor reduction of some urban area township boundaries (eg. Waitakaruru).
- (iv) Placing urban areas into a "hierarchy", depending on the function or servicing capability, as follows:
 - (1) **Major Serviced Urban Towns**
 - Waihi** – Commercial and industrial service centre for the Waihi Ward supported by large residential population and a tourist destination focused around the mining heritage and active mining activities of the town.
 - Paeroa** – Civic, commercial and transport node of the District supported by a large residential and rural population.
 - Ngatea** – Service centre for the Plains Ward supported by a strong residential community and rural population.
 - (2) **Major Serviced Urban Townships**
 - Kerepehi** – Industrial and service hub and community focus centre.
 - Turua** – Residential and community focus centre.
 - (3) **Secondary Rural Partly Serviced Townships**
 - Waikino** - low density, well vegetated 'hamlet style' Karangahake Gorge residential community
 - Waitakaruru** – small residential community and community focus centre for northern part of the District
 - Mackaytown/Karangahake** – low density, well vegetated 'hamlet style' Karangahake Gorge residential communities
 - (4) **Coastal Partly Serviced Townships**
 - Whiritoa** – Coastal residential settlement
- (v) Using the Low Density Residential Zone to provide variety of living choice and to create a buffer between some parts of the urban areas and the adjoining Rural Zone, and to direct low density residential living to locations where it can support the major serviced urban towns.
- (vi) Encouraging an urban form and development that minimises a reliance on fossil fuel use, protecting areas/sites with significant natural/built quality and greater attention given to areas/sites with particular physical characteristics, such as susceptibility to natural hazards, stability or slope which may require extensive earthworks or protection to enable development (Environmental Sustainable Design).

5.6.2 RESOURCE MANAGEMENT ISSUES

- (1) Integration of the various natural and physical resources within urban areas to ensure that they are used and developed in a sustainable manner that results in achieving quality urban design outcomes and amenity standards that ensure urban areas are developed to recognise their distinctive character so that they are interesting, convenient, accessible environments to live in and visit.
- (2) The role that each urban area plays, needs to be clearly identified in order that expenditure on services can be rationalised and development can be guided to appropriately serviced areas. The urban areas sustainable management summary and the role of each urban area can be used as one of the criteria in the assessment of activities requiring a resource consent (discretionary and non complying) and for future changes of urban zoning.

5.6.3 ENVIRONMENTAL RESULTS

- (1) That the urban areas of the District develop in a manner that:
 - (a) Makes optimum use of the urban servicing infrastructure physical resource;
 - (b) Does not expand onto land of high productive potential where this can be avoided;
 - (c) Avoids natural hazards or identified natural and physical resources of significance; and
 - (d) Uses the least resources to keep the urban areas functioning effectively.
 - (e) Recognise their distinctive character and makes them interesting, convenient, accessible environments to live in and visit.
- (2) In this way, urban development will be undertaken in a manner which sustains the potential of natural and physical resources to meet the reasonably foreseeable needs of the future generations.

5.6.4 OBJECTIVES AND POLICIES – ALL URBAN AREAS

(1) OBJECTIVE 1

To manage the development of urban areas in a way that maintains and enhances the physical infrastructure resource and uses the least amount of natural and physical resources (including land and energy resources).

(a) Policies

Objective 1 will be achieved by implementation of the following policies:

- (i) Determine the extent of urban areas based on the function they serve, the ability to provide public services to each urban area, and natural and physical constraints.
- (ii) Zone sufficient land for urban activities (eg residential, township, industrial) to provide for the existing and potential needs for the next 10 year planning period.
- (iii) Provide services appropriate to existing and potential demand.

(2) OBJECTIVE 2

To achieve an urban form for each urban area that maintains and enhances existing character and identity, minimises reliance on fossil fuel use, protects areas with significant natural quality and does not create or increase natural hazard risks.

(a) Policies

Objective 2 will be achieved by implementation of the objectives and policies set out for each of the urban areas below and the urban zones, in addition to the following policies:

- (i) Strategic and spatial growth analysis will be used to assist in setting the function, direction and form of urban growth for each urban area.
- (ii) Promote Environmental Sustainable Design (ESD) to ensure the wellbeing of residents and users is enhanced and adverse impacts on the environment minimised.

5.6.5 OBJECTIVES AND POLICIES - WAIHI

(1) OBJECTIVE 1

To enable the people and community of Waihi to provide for its service town role to the surrounding rural area, as well as its role in the mining and tourist industries, at the same time as maintaining an attractive residential environment.

(a) Policies

Objective 1 will be achieved by implementation of the following policies:

- (i) Make adequate provision for Waihi Town and its role as a service town to the surrounding rural areas as well as its role in the mining and tourist industries.
- (ii) Recognise the significance of mining and the ongoing associated developments on the social and economic wellbeing of the residents of Waihi, subject to maintaining the amenity values of Waihi.
- (iii) Recognise and protect the Goldfields Steam Train complex, protect buildings and sites for their historic importance, and seek to retain and enhance of other heritage features (eg. group of historic "Miners Cottages").
- (iv) Provide some low density residential areas at the edge of Waihi as an alternative living choice.
- (v) Recognise the location of existing industrial activities and provide for the location of new industrial activities.
- (vi) Protect the amenity of adjoining environments from adverse effects of commercial, mining and industrial activities.

(2) OBJECTIVE 2

To enable and encourage development that responds to and enhances the distinctive natural and built character of Waihi.

(a) Policies

Objective 2 will be achieved by implementation of the following policies:

- (i) Enhance the mainstreet historic mining character of the central area in respect of the form, scale, bulk, location, heritage and architecture of buildings and infrastructure.
- (ii) Respect the existing townscape character of Waihi (street layout, existing residential character, cottages) in new development and encourage visual and physical linkages to local features such as the Pumphouse, Waitete Stream, Ohinemuri River, hills of the Coromandel Range (to the north of Waihi).
- (iii) Enhance the presence of town centre heritage/character buildings and local landmarks through streetscape design and any redevelopment/development initiatives that may affect the viewing quality and appreciation of these buildings/features.
- (iv) Use the natural features around Waihi to define the boundaries of the urban area (eg the Ohinemuri River, the Waitete Stream, the hills to the north and west).
- (v) Restrict administrative, commercial and business activities to the Central Business Area, while recognising the economic benefit of appropriately located and well designed large format retail developments outside of this area, in a manner that does not adversely affect the efficient functioning and community focus of the town centre.
- (vi) Maintain and enhance the amenity of the residential environment in the Residential and Low Density Residential zones.

5.6.6 OBJECTIVES AND POLICIES - PAEROA

(1) OBJECTIVE 1

To enable the people and community of Paeroa to provide the resources and infrastructure to meet the demands that Paeroa faces as the "central" urban area of the District, due to its location at the intersection of transport routes, the location of administration and civic activities (central, regional and local government), substantial industrial, recreation and residential activities in the town and its importance to tangata whenua.

(a) Policies

Objective 1 will be achieved by implementation of the following policies:

- (i) Restrict administrative, commercial and business activities to the Central Business Area, while recognising the economic benefit of appropriately located and well designed large format retail developments outside of this area, in a manner that does not adversely affect the efficient functioning and community focus of the town centre.

- (ii) Recognise the location of existing industrial activities and seek to direct future industrial growth to the land between Coronation Street and State Highway 2.
- (iii) Provide some low density residential areas on the hills to the north and east of Paeroa as an alternative living choice.
- (iv) Provide for recreational activities, particularly on the Paeroa Domain and Centennial Park to proceed and expand.
- (v) Provide for the development of the four marae in the immediate vicinity of Paeroa.
- (vi) Use the natural features of the Ohinemuri River, the hills to the east and the lower lying land to the north-west and south as the boundaries to the town. The good quality soils to the north also act as a limiting factor to urban expansion in this direction.

(2) OBJECTIVE 2

To ensure land use and development occurs in an integrated manner that recognises the constraints of natural conditions and enhances the built environment.

(a) Policies

Objective 2 will be achieved by implementation of the following policies:

- (i) Ensure new development supports a safe and convenient open space network (streets and walkways) of high amenity that provide connections to existing development and maximises the potential for future links to surrounding areas.
- (ii) Encourage adaptive reuse or innovative development of the vacant railway land without compromising its possible future use for transport purposes.
- (iii) Protect the amenity of adjoining environments from adverse effects of commercial and industrial activities.
- (iv) Maintain and enhance the amenity of the residential environment in the Residential and Low Density Residential zones.
- (v) Enhance the presence of town centre heritage/character buildings and local landmarks through streetscape design and any redevelopment/development initiatives that may affect the viewing quality and appreciation of these buildings/features.
- (vi) Respect the existing townscape character of Paeroa (street layout, existing residential character) in new residential developments.
- (vii) Protect and enhance local vistas towards the Paeroa Post Office Building and the Karangahake Gorge and Ranges.

5.6.7 OBJECTIVES AND POLICIES - NGATEA

(1) OBJECTIVE 1

To enable the people and community of Ngatea to provide for its service town role to surrounding rural areas, and its role as a liveable residential and recreation centre.

(a) Policies

Objective 1 will be achieved by implementation of the following policies:

- (i) Encourage the development of a compact, high amenity Central Business Area.
- (ii) Recognise the active recreation activities that occur on the Ngatea Domain and encourage improved integration of these activities with the remainder of the Central Business Area.
- (iii) Retain the established open street frontage character within existing and new residential areas.

(2) OBJECTIVE 2

To ensure land use and development occurs in an integrated manner that recognises the constraints of natural conditions and enhances the built environment.

(a) Policies

Objective 2 will be achieved by implementation of the following policies:

- (i) Use the natural feature of the Piako River to form the eastern boundary of the town.
- (ii) Ensure new development supports a safe and convenient open space network (streets and walkways) of high amenity that provides connections to existing development and maximises the potential for future links to surrounding areas.
- (iii) Recognise that current and presently anticipated residential growth rates require proactive management to accommodate future residential living within the constraints of natural hazards and residual risks.
- (iv) Restrict administrative, commercial and business activities to the Central Business Area.

5.6.8 OBJECTIVES AND POLICIES - KEREPEHI

(1) OBJECTIVE 1

To ensure a liveable and attractive residential environment for the community of Kerepehi while supporting the needs of existing and emerging industrial activities, and recognising the role that the Kerepehi Marae plays for tangata whenua.

(a) Policies

Objective 1 will be achieved by implementation of the following policies:

- (i) Provide for industrial activities that are likely to establish on the former dairy factory site and on the industrial land to the north of Kerepehi Town Road in a manner that does not detract from the amenities of the town and the state highway frontage.
- (ii) Manage the existing mixture of commercial, light service industrial and residential activities in some parts of the town to ensure high quality living and work environments.

- (iii) Recognise and provide for some additional residential land to support the anticipated need for additional housing associated with existing and future industrial developments within the town.
- (iv) Recognise and provide for the development of the Kerepehi Marae.

5.6.9 OBJECTIVES AND POLICIES - TURUA

(1) OBJECTIVE 1

To recognise and protect the attractiveness of Turua as a residential environment in its own right, and manage any adverse effects that may result from the mixture of commercial, service and industrial activities in parts of the township.

(a) Policies

Objective 1 will be achieved by implementation of the following policies:

- (i) Seek to rationalise land use on the western side of Hauraki Road in favour of residential activities, with limited expansion due to the low lying nature of surrounding land and the quality of the soils for productive purposes.
- (ii) Confine the mixture of residential, commercial and industrial activities to the area located on the eastern side of Hauraki Road.
- (iii) Encourage a focus, or hub of activities to develop around Bagnall Square that enhances the unique aspects of Turua – the Waihou River and jetty and view out towards the Coromandel-Kaimai Ranges.

5.6.10 OBJECTIVES AND POLICIES - SECONDARY RURAL PARTLY SERVICED TOWNSHIPS

(1) OBJECTIVE 1

To enable the people and communities of these Townships to provide for their wellbeing, while recognising the "special" characteristics and restrictions to development in Waikino, Mackaytown, Karangahake, and Waitakaruru.

(a) Policies

Objective 1 will be achieved by implementation of the following policies:

- (i) Continue to provide for existing residential activities over all of the areas presently used as such in Mackaytown, Karangahake and Waikino, while taking into account the unserviced nature of the Townships (particularly for effluent disposal).
- (ii) Provide for some mixed use activities in the small service centre of Waitakaruru to sustain its community focus in the locality in a manner that does not rely on existing use rights.

5.6.11 OBJECTIVES AND POLICIES - WHIRITOA

(1) OBJECTIVE 1

To enable the people and community of Whiritoa to provide for residential living in a manner which maintains residential amenity, protects important natural features (eg coast, lagoons), recognises natural hazards (coastal erosion) and does not adversely affect the safe and efficient operation of State Highway No. 25.

(a) Policies

Objective 1 will be achieved by implementation of the following policies:

- (i) Restrict residential activities to existing areas.
- (ii) Protect the coastal and wetland/estuary margins from activities that have an adverse effect on those environments.
- (iii) Restrict the extent and type of activities and developments that can occur in areas of coastal erosion hazard potential.
- (iv) Limit the commercial area of Whiritoa, recognising the seasonal variation and demand for these activities.

5.6.12 REASONS FOR ALL OBJECTIVES AND POLICIES

- (1) Urban areas generate significant demands for energy and other resources in their day-to-day functioning and development. "Unplanned" development and expansion can lead to wasteful use of resources, poor urban design, natural hazard risks, adverse impact on amenity values and the loss of rural land for productive purposes.
- (2) Each town and township has a role to play in the development and ongoing functioning of the District, as well as having social, cultural, civic and spiritual components that contribute to the wellbeing of the community. As such, each town and township needs to be appropriately catered for under the District Plan.

5.7 RESIDENTIAL ZONE

5.7.1 ZONE PURPOSE

- (1) The Residential Zone covers those areas of the District that have previously been zoned for residential purposes with some minor expansion in some settlements where the land has been demonstrated to be suitable for residential purposes to meet the foreseeable future demand.
- (2) The Residential Zone enables a variety of residential activities to establish and some compatible non residential activities in a manner that ensures that the amenity and character of the residential areas is protected.
- (3) The settlements of Waikino, Mackaytown and Karangahake have a servicing constraint (no reticulated sewage treatment and disposal). As such, the performance and subdivision standards for these settlements have been set at a level that enables servicing on site and recognises a lower density of development that characterises these settlements.
- (4) The boundaries of the residential areas in part reflect the physical constraints, historical factors and financial ability to service these areas. Physical boundaries and natural hazards have defined the residential areas (eg flooding, hills, Ohinemuri River in Paeroa: Waitete Stream, Ohinemuri River and mining areas in Waihi: and Piako River in Ngatea). The policies of protecting land of high potential for food production purposes has also constrained not only residential but all urban development.

5.7.2 OBJECTIVES AND POLICIES

(1) OBJECTIVE 1

To provide for residential development that maintains and enhances neighbourhood amenities and qualities, particularly the open character and the set back of buildings from street boundaries.

(a) Policies

Objective 1 will be achieved by implementation of the following policies:

- (i) Prescribe performance standards (height, yards, coverage, etc) and assessment criteria, which have been developed over a number of years and have been accepted by the community as an effective way to maintain residential amenity qualities.
- (ii) Provide for residential development where servicing constraints do not exist.
- (iii) Provide for higher density residential development (comprehensive residential developments), where these can be accommodated in a manner that promotes good urban design and does not detract from the character of the locality.
- (iv) Provide services to a standard that can meet the demands of the intensity of development.

- (v) Exclude incompatible non residential activities.

(b) Reasons

- (i) Residential areas are places where people seek to carry out home and leisure activities free from the detrimental effects of noise, fumes, dust and other adverse effects that can be associated with work, business, recreation and other activities.
- (ii) There are negative effects associated with living in higher densities. These effects can be reduced and/or avoided by building within the limits of specified performance standards and adopting good urban design principles.
- (iii) The use of resources, including land and services, can be reduced by higher density living and the containment of residential activities.
- (iv) The wellbeing of the community can be improved by providing for the type of residential environment people want.

(2) OBJECTIVE 2

To develop residential areas free from the effects of hazards.

(a) Policies

Objective 2 will be achieved by implementation of the following policies:

- (i) Identify hazards such as flooding, filled areas and mine shafts on either the district plan maps and/or Council's Land Information Memoranda and other information systems.
- (ii) Discourage the development of land for residential purposes within the area designed for flood ponding purposes in Paeroa.
- (iii) In areas known to be subject to flooding establish building floor levels to avoid risk to human life and mitigate risk to dwellings and communal buildings.
- (iv) Avoid intensive residential development and subdivision in areas known to be subject to flooding.
- (v) Place constraints on development in areas of coastal erosion hazard potential at Whiritoa.

(b) Reasons

- (i) Most hazards are of such a nature that no intervention or identification is required within the District Plan. Rather, any hazards are of a "site specific" nature, which can be properly addressed through other mechanisms such as the PIM and LIM systems, and the provisions of the Building Act.
- (ii) Flooding is a recognised hazard that is appropriate to include in the District Plan as it is of a general nature applying to identified areas.
- (iii) The effects of coastal erosion at Whiritoa would increase if inappropriate development occurred on or near the fore dune area.

(3) OBJECTIVE 3

To avoid, remedy or mitigate any adverse effect of residential and non-residential developments on the environment and character of the locality.

(a) Policies

Objective 3 will be achieved by implementation of the following policies:

- (i)** Ensure development and subdivision is designed and located to:
 - (1) integrate well with the immediate locality;
 - (2) contribute positively to the streetscape;
 - (3) provide occupants of dwellings with a reasonable outlook, access to sufficient open space and reasonable aural and visual privacy.
- (ii)** Ensure development and subdivision can be effectively serviced by local infrastructure or in a manner that does not have a detrimental effect on the environment.
- (iii)** Ensure development and subdivision can safely cater for on site traffic, parking and servicing needs.

(b) Reasons

- (i)** The Resource Management Act 1991 promotes the management (by various means) of the effects of activities on the environment. The manner in which residential activities are allowed to develop must be in accordance with that emphasis.
- (ii)** A limited range of non residential activities can operate without detriment to the residential environment, as long as their effects are maintained within specific limits. The ability of activities to remain within these limits needs to be monitored, as does the appropriateness of the limits themselves.
- (iii)** Community expectations for environmental quality are continually changing (usually to require greater residential amenity), and the performance standards reflect that community expectation.

5.7.3 ENVIRONMENTAL RESULTS

- (1)** The primary expected environmental result of this zone is to maintain, develop and enhance a resource and an environment to meet the residential needs of the existing and future communities.
- (2)** To meet the changing residential needs of the community in terms of increased density, the range of residential accommodation types and the high standard of residential amenity desired by the community.
- (3)** The establishment of non-residential activities that complement the surrounding residential area and enhance, where appropriate, the amenity and character of the neighbourhood.

5.7.4 ACTIVITY STATUS

- (1) Activities and their accessory uses, buildings (unless otherwise stated) are Permitted, Controlled, Restricted Discretionary, Discretionary, Non Complying or Prohibited according to the Activity Status Table below:

<p>(2) PERMITTED ACTIVITIES</p> <p>Those activities listed below are a <i>Permitted Activity</i> unless otherwise specified and subject to compliance with the:</p> <ul style="list-style-type: none"> • Zone Development Standards specified in Rule 5.7.5; • Activity Specific Standards specified in Rule 5.7.6; • Conservation and Heritage provisions in Section 6.0 • Specific and District Wide provisions in Section 7.0; and • District Wide Performance Standards in Section 8.0. 	
P1	<i>Residential Activities</i>
P2	<i>Home Occupations</i> (refer to Activity Specific Standard 5.7.6(1))
P3	<i>Homestay</i>
P4	<i>Passive Recreation</i>
P5	<i>Prospecting</i>
P6	<i>Exploration</i> not involving more than 20 m ³ of excavation per allotment in any one year
P7	<i>Temporary uses and buildings</i> (including <i>Temporary Military Training</i>)
P8	Demolition and removal of <i>buildings</i>
<p>(3) CONTROLLED ACTIVITIES</p> <p>Those activities listed below are a <i>Controlled Activity</i> unless otherwise specified and subject to compliance with the:</p> <ul style="list-style-type: none"> • Zone Development Standards specified in Rule 5.7.5; • Activity Specific Standards specified in Rule 5.7.6; • Conservation and Heritage provisions in Section 6.0 • Specific and District Wide provisions in Section 7.0; and • District Wide Performance Standards in Section 8.0. <p>Conditions may be imposed in relation to the matters over which control has been reserved, as identified in the Assessment Criteria for Controlled Activities in Rule 5.7.7.</p>	
C1	<i>Education and Training Facilities and Offices</i> not exceeding 150m ² <i>gross floor area</i> (refer to Activity Specific Standard 5.7.6(2))
C2	<i>Community Housing and Visitor Accommodation</i> accommodating no more than ten persons (including live in staff) (See Activity Specific Standard 5.7.6(3))
C3	<i>Comprehensive Residential Development</i> in Waihi and Paeroa only (refer to Activity Specific Standard 5.7.6(4))
<p>(4) RESTRICTED DISCRETIONARY ACTIVITIES</p> <p>Those activities listed below are a <i>Restricted Discretionary Activity</i> subject to compliance with the:</p> <ul style="list-style-type: none"> • Conservation and Heritage provisions in Section 6.0; <p>and shall be assessed against the relevant criteria in Rule 5.7.8.</p>	
RD1	Any Permitted or Controlled Activity that does not meet the Zone Development Standards in Rule 5.7.5 for a Permitted or Controlled Activity and does not exceed the Zone Development Standards in Rule 5.7.5 for a Restricted Discretionary Activity
RD2	Any extension to a building in the area noted on the Planning Maps as "Subject to Flooding"

RD3	Any covering of the existing ground with an impermeable surface in the area noted on the Planning Maps as Subject to Flooding”
RD4	Excavation and/or fill in the area noted on the Planning Maps as “Subject to Flooding”
RD5	Any Permitted or Controlled Activity required to provide a Transportation Impact Assessment in accordance with Rule 8.4.1.3(5)
(5)	DISCRETIONARY ACTIVITIES Those activities listed below are a <i>Discretionary Activity</i> and shall be assessed against the relevant criteria in Rule 5.7.9. Note: The Conservation and Heritage provisions in Section 6.0 also apply and may alter the <i>Discretionary Activity</i> status for the activities specified below.
D1	Any Restricted Discretionary Activity that does not meet the Zone Development Standards in Rule 5.7.5 for a Restricted Discretionary Activity
D2	<i>Home Occupations, Community Housing, Visitor Accommodation, Education and Training Facilities, Offices and Childcare Facilities</i> not otherwise provided for either as a Permitted or Controlled Activity
D3	<i>Community Facilities</i>
D4	<i>Underground Mining</i>
D5	<i>Dairy</i>
(6)	NON COMPLYING ACTIVITIES Those activities listed below are a <i>Non Complying Activity</i> .
NC1	Any activity not provided as a Permitted, Controlled, Restricted Discretionary, Discretionary or Prohibited Activity
(7)	PROHIBITED ACTIVITIES Those activities listed below are a <i>Prohibited Activity</i> .
PR1	<i>Surface Mining and mining operations</i>

5.7.5 ZONE DEVELOPMENT STANDARDS

- (1) The following relevant Development Standards shall be met by all Permitted, Controlled and Restricted Discretionary Activities unless otherwise stated.
- (2) For Controlled Activities, where Council has reserved control over specified matters in Section 5.7.7, more restrictive Development Standards may be imposed as conditions of consent.
- (3) The following relevant Development Standards shall be used as a guide in assessing any Discretionary and Non Complying Activities.

Development Standard	Parameter		Environmental Result
	Permitted and Controlled	Restricted Discretionary	
Maximum Height	8.0 metres	9.0 metres	To ensure that the height of buildings is compatible with the activities permitted in the zone as well as the landscape, amenity and character of both the zone that the building is located in and any adjoining zone.

Development Standard	Parameter		Environmental Result
	Permitted and Controlled	Restricted Discretionary	
<i>Daylight Control</i>	No <i>building</i> shall project above 2.0 metres in <i>height</i> at any site boundary and not project above a 45° plane into the site up to the maximum <i>height</i> .	No restriction	To ensure no building unreasonably overshadows any neighbouring property, thereby restricting daylight and ventilation between buildings.
Minimum Yards	<i>Front Yard:</i> <ul style="list-style-type: none"> • 4.5 metres (except for Ngatea) • 7.5 metres (Ngatea only) 	<i>Front Yard:</i> <ul style="list-style-type: none"> • 4.5 metres (except for Ngatea) • 7.5 metres (Ngatea only) 	To allow flexibility in site layout while still maintaining the amenities of the site and adjoining sites To provide an open streetscape that allows for planting and ensures the traffic function of the road is not compromised.
	<i>Other yards:</i> 1.5 metres, except for rear lots there shall be at least two yards of 4.5 metres.	<i>Other yards:</i> None	
Maximum Site Coverage	35% (excluding a <i>Comprehensive Residential Development</i>) 45% for <i>Comprehensive Residential Development</i>	40% (excluding a <i>Comprehensive Residential Development</i>) 50% for <i>Comprehensive Residential Development</i>	To limit the scale and intensity of building development to a level appropriate to the character and amenity of the area. In areas not served by reticulated stormwater and sewerage disposal systems, an adequate area for on-site stormwater and effluent disposal is maintained to avoid adverse effects on adjacent properties and the environment.
Density	525m ² minimum <i>Net Site Area</i> per <i>dwelling</i> (excluding <i>Comprehensive Residential Developments</i>).	525m ² minimum <i>Net Site Area</i> per <i>dwelling</i> .	To enable an intensity of development that is appropriate to the character of the towns and to maintain a certain level of amenity for <i>residential activities</i> within the <i>zone</i> .
<i>Outdoor Living Area</i>	Minimum Area: 60m ² plus 10m ² for each additional bedroom over 2. Minimum Dimension: Can contain an 8.0 metre diameter circle.	Minimum Area: 60m ² plus 10m ² for each additional bedroom over 2. Minimum Dimension: Can contain an 8.0 metre diameter circle.	To protect residential amenities such as privacy, quietness and outdoor space.
<i>Outdoor Service Area</i>	Minimum Area: 20m ² Minimum Dimension: 3.0 metres (refer to Activity Specific Standard 5.7.6.3 for <i>Community Housing</i> and <i>Visitor Accommodation</i>)	None	To provide a separate area suitable for general storage, clothes drying and rubbish bin storage, in order that areas for outdoor living, parking or access do not get used for this purpose, thereby detracting from the function and amenity of the <i>zone</i> .

Development Standard	Parameter		Environmental Result
	Permitted and Controlled	Restricted Discretionary	
<i>Privacy and Separation</i>	<p>(A) For <i>buildings</i> on the same allotment:</p> <p>(i) No part of a <i>dwelling/household unit</i> and any other building shall protrude through a plane rising at an angle of 45° commencing at an elevation of 2 metres at a line midway between the <i>dwelling/household unit</i> and the other <i>building</i>.</p> <p>(ii) No wall of a <i>dwelling/household unit</i> shall be sited closer than 3.0m to the wall of another <i>building</i> (including another <i>dwelling/household unit</i>), unless it is accessory to the <i>dwelling/household unit</i>.</p> <p>(iii) Where the <i>buildings</i> are attached by adjoining or common walls, the above separation setbacks are not required between those <i>buildings</i>.</p> <p>(B) All <i>dwellings/household units</i> on the same allotment shall be arranged so that:</p> <p>(i) a sight line drawn from any point on the main glazing of the living room in one <i>dwelling</i> does not penetrate the main glazing of the living room of any other <i>dwelling/household unit</i> unless:</p> <p>(1) such glazing is 6m apart; or</p> <p>(2) the angle between the two planes of that glazing is > 120°</p>	None	To protect existing and future residential amenities, particularly where two storey living and comprehensive housing development has the potential to detrimentally affect environmental qualities such as privacy, quietness and space.

Development Standard	Parameter		Environmental Result
	Permitted and Controlled	Restricted Discretionary	
<p><i>Privacy and Separation</i> (Contd)</p>	<p>(3) where the living rooms of both <i>dwelling/household units</i> are at ground floor level screening is provided in the form of close boarded or similar fences, or planting of not less than 1.8 metres in <i>height</i>.</p> <p>(ii) No windows of all habitable rooms (apart from the main glazing of the living room) in one <i>dwelling/household unit</i> shall face towards the window of any habitable room in any other <i>dwelling/household unit</i> unless:</p> <p>(1) the separation is at least 6 metres; or</p> <p>(2) the window sill is 1.7 metres above either finished ground or upper floor level; or</p> <p>(3) the angle between the two planes of the glazing is > 120° ; or</p> <p>(4) where the habitable rooms are at ground floor level screening is provided in the form of close boarded or similar fences, or planting of not less than 1.8 metres in <i>height</i>.</p> <p>(C) A balcony or window of a habitable room of a <i>dwelling/household unit</i> at above ground floor level shall be set back 6 metres from any boundary (excluding the road boundary or adjoining <i>internal access</i> or <i>access strip</i> of 3 metres width or more) unless:</p> <p>(i) windows are at an angle of 60° or greater to the boundary; or</p>		

Development Standard	Parameter		Environmental Result
	Permitted and Controlled	Restricted Discretionary	
<i>Privacy and Separation (Contd)</i>	<p>(ii) the window sill is 1.7 metres above finished upper floor level; or</p> <p>(iii) opaque or obscure glazing is provided; or</p> <p>(iv) the side of the balcony facing the adjoining boundary is enclosed with non see through materials.</p>		

5.7.6 ACTIVITY SPECIFIC STANDARDS

(1) HOME OCCUPATIONS

- (a) At least one person, including the principal operator of the home occupation, shall reside on the site.
- (b) A *home occupation* involving the care, tuition and/or accommodation of no more than five persons at any one time in addition to the owner(s)/operator(s) may be undertaken provided the activity and accommodation is principally undertaken within the *dwelling*.
- (c) Except for (b) above, all other *home occupations* shall be carried out wholly within the *dwelling* or an *accessory building* erected or modified for the purpose, provided that the gross floor area of the *dwelling* or *accessory building* used for the *home occupation* including any area used for retail sales shall not exceed 30% of the total gross floor area of *buildings* on the site.
- (d) Not more than one person from outside the household residing on the site shall be employed in the home occupation.
- (e) There shall be no exterior display, external storage of materials or other indication of the home occupation or variation from the residential character of the property.
- (f) The home occupation shall be operated so as not to attract pedestrian or vehicular traffic between the hours of 10.00pm and 7.00am the following day.
- (g) The home occupation may not use equipment which creates electrical interference with television and radio sets on neighbouring properties.
- (h) Only goods directly produced by the home occupation may be sold or offered for sale from the site on which the home occupation is conducted.
- (i) Home occupations shall not include a business or trade that involves panel beating, spray painting, mechanical repairs to vehicles and machinery, engineering work, animal boarding or bee keeping.

(2) EDUCATION AND TRAINING FACILITIES AND OFFICES

- (a) The activity shall be operated so as not to attract pedestrian or vehicular traffic between the hours of 7.00pm and 7.00am the following day.
- (b) No exterior indication of the activity, including the display or storage of materials, shall be visible from the street, except for permitted signage and parking.
- (c) For education and training facilities there shall be no more than 10 students or children being cared on the site at any one time.
- (d) The activity shall be designed to ensure that the maximum occupancy of fulltime equivalent staff on the site is four.
- (e) Education and training facilities shall not have their vehicular access to or from a no exit road.
- (f) Education and training facilities shall not include courses involving practice in panel beating, spray painting of vehicles or engineering.

(3) COMMUNITY HOUSING AND VISITOR ACCOMMODATION

- (a) The total gross floor area of the *building(s)* used for the activity (excluding accessory buildings not used for accommodation purposes) shall not exceed 250m².
- (b) Any restaurants or other associated non residential activities are excluded.
- (c) An outdoor service area with minimum dimensions specified in Rule 5.7.5 shall be provided, except that where a fully equipped laundry (both washing and drying machines are provided) the minimum required outdoor service area can be reduced to 10m² and minimum dimension reduced to 2 metres.

(4) COMPREHENSIVE RESIDENTIAL DEVELOPMENT

- (a) The minimum *net site area* shall be 5000m².
- (b) The minimum *net site area* per dwelling shall be 350m².
- (c) Includes an area capable of containing a 50 metre by 50 metre square excluding any required yard setbacks.
- (d) No vehicular access to or from a no exit road.

5.7.7 ASSESSMENT CRITERIA FOR CONTROLLED ACTIVITIES

The degree to which the following guidelines are achieved will be assessed by Council in evaluating applications for controlled activities:

5.7.7.1 DESIGN AND APPEARANCE OF BUILDINGS

- (1) Buildings should be of a residential scale and appearance, to reflect a residential not a commercial façade.

5.7.7.2 SITE LAYOUT

- (1) Buildings, utility areas and activities should be arranged in order that visual and aural privacy is maintained for dwellings on the same and adjoining allotments.
- (2) For *Comprehensive Residential Developments*, buildings should not be grouped in one part of the site to avoid dominance of buildings and expanse of carparking in another part of the site.
- (3) For *Comprehensive Residential Developments*, any communal facilities (eg. recreation and leisure and communal dining facilities) should be centrally located on the site or buffered from adjoining residential property boundaries by residential buildings.
- (4) For *Education and Training Facilities* and *Visitor Accommodation* outdoor living areas should be separated from the main living areas on adjoining residential properties unless suitably screened to minimise noise levels.

5.7.7.3 LOCATION AND DESIGN OF VEHICLE ACCESS

- (1) Access from the road to the property boundary should be located as far as practicable from the boundary of an adjoining residential property in order to reduce the effects (noise, fumes) of vehicle movements.
- (2) For *comprehensive residential developments*, the internal circulation for pedestrians and vehicles to be integrated and designed to provide for the safety of residents and visitors.
- (3) Internal accesses and on site carparking should be located as far from adjoining residential property boundaries as is practicable and buffered by either buildings, landscaping or screening.

5.7.7.4 LANDSCAPE DESIGN

- (1) Landscaping should be carried out in a manner that reinforces the residential character of the area, by screening any service areas or buildings, and planting trees that will grow to a sufficient height to reduce the scale of buildings.
- (2) Parking and vehicle access areas should be screened from adjoining residential properties by landscape strips.

5.7.7.5 CARPARKING

- (1) Carparking within two metres of an adjoining residential boundary should be screened using close boarded fences and/or landscaping to provide a physical barrier to reduce or remove the effects of glare from headlights, exhaust fumes, noise and dust.
- (2) Carparking on-site should be visually obvious from the street to drivers. Landscaping and signs can assist in defining the access point and the parking area.
- (3) Carparking should be designed so vehicles can manoeuvre on-site and are not required to reverse onto the road.

5.7.8 ASSESSMENT CRITERIA FOR RESTRICTED DISCRETIONARY ACTIVITIES

The Council will restrict the exercise of its discretion to the ability of the activity or development to achieve the particular environmental result of the Zone Development Standards in Rule 5.7.5 for which compliance is not met and the following relevant assessment criteria:

5.7.8.1 ZONE DEVELOPMENT STANDARDS

(1) HEIGHT AND DAYLIGHTING

- (a) The extent that topographical and site conditions (including easements) restrict the area or shape of the site that is suitable and available for building.
- (b) The desirability of maintaining consistency in design and appearance with existing buildings on the site.
- (c) The need to preserve existing trees, vegetation or important physical characteristics of the site.
- (d) Whether the boundary to which the standard relates is a common boundary with an area of permanent open space, the use of which will not be detrimentally affected by any increased shading or loss of visual amenity.
- (e) Whether the property adjoining the site is sufficiently higher and therefore the adjoining property will not be detrimentally affected.
- (f) Where the standard(s) is penetrated by a dormer window, gable or similar roof feature, whether that will have a minor effect on the amenities of the neighbouring site.
- (g) The extent to which it is necessary to minimise the physical disturbance to the landscape and the landforms.
- (h) The degree to which matters such as shading, loss of daylight, amenity value and privacy of adjoining properties is affected.
- (i) The extent to which the building visually intrudes on any significant ridgeline or skyline or significant landscape and what measures are proposed to reduce the visual effects of that intrusion.

- (j) Whether the building will detract from any view or vista, which contributes to the aesthetic coherence of a locality, and if it does, what measures can and will be taken to reduce the detraction to an acceptable level or remove it completely.

(2) YARDS

- (a) The extent that topographical and site conditions restrict the area or shape of the site that is available and suitable for building.
- (b) The degree to which the functioning of the site and or the activity can be improved.
- (c) Whether there is a need to preserve existing trees, vegetation or important physical characteristics of the site.
- (d) The extent to which the provision of daylight and sunlight into the neighbouring properties and the visual and aural privacy of neighbouring sites will be affected.
- (e) The extent to which the safe and efficient functioning of the street or road will be significantly compromised.
- (f) Whether the detrimental effects of building in the yard can be reduced or avoided.
- (g) Whether the yard functions (including separation, landscaping and service provision) will be provided on the site by other means, or are they unnecessary.

(3) SITE COVERAGE

- (a) The ability of the existing on-site disposal methods to cope with additional stormwater and/or disposal of septic tank effluents.
- (b) Whether there are known stormwater/sewerage effluent disposal problems in the area.
- (c) The degree to which negative effects in terms of changing the character or visual amenity of the area can be mitigated or removed through the use of such techniques as landscaping, building design, exterior finish, set back from boundaries or reduced height.
- (d) The extent to which open space within the site and/or in the near vicinity can reduce the impact of the building(s) in terms of character or visual amenity.

(4) OUTDOOR SERVICE AREA

- (a) The extent to which the functions of the *outdoor service area* can be adequately provided by other means (eg. storage area provided within a garage or carport to be built with the dwelling or other building on the site).
- (b) Whether there are other communal service facilities provided which are readily accessible to and useable by the activity on the site.

(5) PRIVACY AND SEPARATION

- (a) Whether the purpose of the separation, privacy and screening standards can be met to the same or similar level by some other method.

- (b) Whether there are existing developments on the same or adjoining allotments such that it would make compliance with the standards impracticable.
- (c) Where the existing situation fails to meet these standards, whether the proposed development will increase the degree to which the residential amenities are already detrimentally affected.

5.7.8.2 VEHICULAR PROVISIONS

- (1) Where a Transportation Impact Assessment is required regard will be had to the assessment criteria in Rule 8.4.1.4.

5.7.8.3 LAND “SUBJECT TO FLOODING”

In addition to the above relevant criteria, the following criteria will be used to assess a Restricted Discretionary Activity in the area identified on the Planning Maps as being “Subject to Flooding”:

(1) DESIGN OF BUILDINGS

- (a) Whether the extension of the *building* and associated access is designed in such a manner that the building and access to the building will be free from flooding.
- (b) Will the extension of the *building* and access to it have any consequential flooding effects on the remainder of the site and other sites also subject to potential flooding.

(2) EARTHWORKS/IMPERMEABLE COVERING

- (a) Whether the placement of fill is carried out in a manner that ensures erosion of the exposed ground and/or fill face during flooding will be minor and not cumulatively affect the functioning of the Flood Ponding Zone.
- (b) Will the extension of the impermeable covering (*building* and/or hard surfaces) and access to it have any consequential flooding effects on the remainder of the site and other sites also subject to potential flooding.
- (c) Whether any fill material (particularly where vegetation is removed) will leach into the water and create a pollution hazard.

(3) PLANTING

- (a) Whether any proposed planting contributes to the control of stormwater runoff, erosion control and the flood ponding purpose of the adjoining Flood Ponding Zone.
- (b) Does the planting inhibit the ability of the Flood Ponding Zone to achieve that purpose and/or have a consequential adverse effect on other sites also subject to potential flooding. For example vegetation should not impede the free flow of water during the flood ponding process (both filling and emptying).

5.7.9 ASSESSMENT CRITERIA FOR DISCRETIONARY ACTIVITIES

When assessing any application for a Discretionary Activity, *Council* shall have regard to the relevant development standards, specific activity standards, environmental results and assessment criteria for permitted, controlled and restricted discretionary activities in Rules 5.7.5 – 5.7.8, the relevant General and Activity Specific assessment criteria below, and any other matters it considers appropriate.

5.7.9.1 GENERAL ASSESSMENT CRITERIA

- (1) Whether traffic movements resulting from the activity will have any significant impact on the safe and efficient operation of any public *road*. Pertinent matters for consideration in this regard are:
 - (a) the carrying capacity, standard and status in the roading hierarchy of the route concerned;
 - (b) the ability of the *site* to accommodate the necessary parking and on-site manoeuvring areas;
 - (c) the means by which any likely traffic hazard can be avoided or mitigated;
 - (d) the access, parking and loading standards for permitted activities that shall be used as a guideline in assessing applications for discretionary activity;
 - (e) the comments of New Zealand Transport Agency on the possible adverse effects on the safe and efficient operation of the State Highway network, where access is from or in the vicinity of a state highway.
- (2) The degree to which the activity will cause demands for the uneconomic or premature upgrading or extension of public services, including roading which are not in the interests of the District or locality.
- (3) Whether *buildings* are sufficiently set back from the boundaries of neighbouring properties to avoid causing a nuisance by way of overshadowing, obstruction of views, noise, glare and loss of privacy.
- (4) The degree to which the location of *buildings* is such as to retain clear visibility along urban roads and to provide space for vehicle access and loading on the *site* clear of the road.
- (5) The extent to which the development's design maintains or enhances the anticipated scale, character and amenity of the residential neighbourhood.
- (6) The extent and quality of any proposed landscaping and/or retention of existing vegetation on the site and the effectiveness of planting in enhancing the streetscape of the area.
- (7) The location of carparking on site in relation to residential activities (both on and off site) and the extent of adverse effects on the visual and aural privacy of these residential activities.
- (8) The extent of potential reduction in the availability of on street parking for residents, occupants or visitors to the site or neighbourhood.
- (9) Whether any signs proposed detract from the amenities of the area.

- (10) The extent to which the activity is self-contained, with regard to stormwater drainage, effluent disposal and water supply within the boundaries of the *site* on which the activity is located (except where reticulated services are provided).
- (11) Whether the nature of the activity has the potential to create nuisance noise which cannot effectively or practically be controlled by mitigation measures.
- (12) Whether the hours of operation are appropriate having regard to those persons likely to be affected by the activity.
- (13) Whether the activity and any building and structures are of a scale and intensity which is in keeping with the character, amenity and ambience values of the existing urban environment.

5.7.9.2 UNDERGROUND MINING

- (1) Whether public safety is adequately provided for and adverse effects of vibration in the ground can be adequately mitigated.

5.8 LOW DENSITY RESIDENTIAL ZONE

5.8.1 ZONE PURPOSE

- (1) Low Density Residential development areas are designed to satisfy a particular demand from people wishing to live in a semi-rural setting, but to have minimal involvement in farming activities. By providing these low density residential areas, the use of good agricultural land for urban purposes would be avoided, thereby sustaining such land for productive purposes for future generations.
- (2) In addition, such areas could be adequately serviced, where services are available or economically viable. Sporadic urban development can lead to demand for services which are uneconomic and/or physically difficult to provide.
- (3) The demand for low density residential living on smaller blocks is evident. While the Resource Management Act 1991 does not specifically charge *Council* with the requirement to preserve land of high actual or potential value for productive purposes, such land is a finite resource that is required to be sustained to meet not only the existing needs but also the needs of future generations.
- (4) Low density residential developments can lead to detrimental effects on the environment. Such detrimental effects can include groundwater contamination from septic tanks, or dust damage to horticultural crops from increased vehicular traffic. By creating specific Low Density Residential Zones (with the appropriate performance standards), and providing the services in a manner that is sustainable and uses the minimum of resources to provide and maintain them, these effects can either be avoided or minimised.
- (5) The Low Density Residential Zone in this District Plan covers those areas zoned Rural Residential in the previous District Plan and also extends to new areas in Paeroa (Range Street), Waikino (Old Waitekauri Road) and Mackaytown (Edwin Street).

5.8.2 OBJECTIVES AND POLICIES

(1) OBJECTIVE 1

To retain good quality land for existing and future rural productive purposes.

(a) Policy

Objective 1 will be achieved by implementation of the following policy:

- (i) Provide for low density residential activities in a number of locations on land suitable for that activity and of lesser quality for productive purposes.

(b) Reasons

- (i) This objective and policy are complementary to the objectives and policies in the Rural Zone, which seek to maintain the potential of productive land.
- (ii) A range of low density residential locations needs to be provided to cater for the market demands.

(2) OBJECTIVE 2

To provide areas that is attractive for development and can be serviced to appropriate standards.

(a) Policies

Objective 2 will be achieved by implementation of the following policies:

- (i) Locate low density residential development adjacent to the main urban areas, and in locations that can be readily serviced.
- (ii) Provide differing lot sizes appropriate to the amenity and character of the locality.
- (iii) Protect and enhance the residential amenities of the *zone* (eg privacy, space, quiet).

(b) Reasons

- (i) Low density residential development has the potential to detrimentally affect the environment. The requirement that development meets appropriate standards, can avoid those effects.
- (ii) Services and standards should clearly be to a level appropriate to the low density residential lifestyle. Should services be installed at close to a residential standard, this would lead to pressure for the areas to develop into residential areas. This would lead to subsequent pressure to have more low density residential land made available.

(3) OBJECTIVE 3

To ensure that low density residential development does not detrimentally effect the environment.

(a) Policies

Objective 3 will be achieved by implementation of the following policies:

- (i) Ensure minimal disturbance to natural landforms such as ridges, streams, knolls, gullies and to waterbodies during subdivision and subsequent development.
- (ii) Require services to be provided where available to avoid or minimise any detriment to the environment.

(b) Reasons

- (i) As in Objectives 1 and 2 above.

(4) OBJECTIVE 4

To sustain the existing urban areas.

(a) Policies

Objective 4 will be achieved by implementation of the following policies:

- (i) Seek to locate low density residential developments adjacent to existing urban areas where such development would not hinder their development and/or consolidation.

(b) Reasons

- (i) Low density residential development can assist in sustaining the economic, social and cultural viability of the towns.
- (ii) Allowing low density residential development on the outskirts of the town in areas that are not likely to be suitable for more intensive residential development in the future due to topographical and/or infrastructure servicing constraints.

5.8.3 ENVIRONMENTAL RESULTS

- (1) The expected environmental result for this *zone* is to provide and sustain a low density residential style of living on land of lesser value for productive purposes and in a manner that does not detrimentally affect the natural and physical environment.

5.8.4 ACTIVITY STATUS

- (1) Activities and their accessory uses, buildings and structures (unless otherwise stated) are Permitted, Controlled, Restricted Discretionary, Discretionary, Non Complying or Prohibited according to the Activity Status Table below:

(2) PERMITTED ACTIVITIES	
Those activities listed below are a <i>Permitted Activity</i> subject to compliance with the:	
<ul style="list-style-type: none"> • Zone Development Standards specified in Rule 5.8.5; • Activity Specific Standards in Rule 5.8.6; • Conservation and Heritage provisions in Section 6.0 • Specific and District Wide provisions in Section 7.0; and • District Wide Performance Standards in Section 8.0. 	
P1	<i>Residential Activities</i>
P2	<i>Home Occupations</i> (refer to Activity Specific Standard 5.8.6(1))
P3	<i>Homestay</i>
P4	Pedestrian walkways, cycleways and jogging tracks
P5	<i>Prospecting</i>
P6	<i>Exploration</i> involving not more than 20m ³ of excavation per allotment in any one year
P7	<i>Temporary uses and buildings</i> (including <i>Temporary Military Training</i>)

P8	Demolition and removal of <i>buildings</i>
(3)	CONTROLLED ACTIVITIES Those activities listed below are a <i>Controlled Activity</i> , subject to compliance with the: <ul style="list-style-type: none"> • Zone Development Standards specified in Rule 5.8.5; • Activity Specific Standards specified in Rule 5.8.6; • Conservation and Heritage provisions in Section 6.0 • Specific and District Wide provisions in Section 7.0; and • District Wide Performance Standards in Section 8.0. Conditions may be imposed in relation to the matters over which control has been reserved, as identified in the Assessment Criteria for Controlled Activities in Rule 5.8.7.
	There are no Controlled Activities
(4)	RESTRICTED DISCRETIONARY ACTIVITIES Those activities listed below are a <i>Restricted Discretionary Activity</i> subject to compliance with the: <ul style="list-style-type: none"> • Conservation and Heritage provisions in Section 6.0; and shall be assessed against the relevant criteria in Rule 5.8.8.
RD1	Any Permitted or Controlled Activity that does not meet the Zone Development Standards for a Permitted or Controlled Activity and does not exceed the Zone Development Standards in Rule 5.8.5 for a Restricted Discretionary Activity
RD2	Any Permitted or Controlled Activity required to provide a Transportation Impact Assessment in accordance with Rule 8.4.1.3(5)
(5)	DISCRETIONARY ACTIVITIES Those activities listed below are a <i>Discretionary Activity</i> and shall be assessed against the relevant criteria in Rule 5.8.9. Note: The Conservation and Heritage provisions in Section 6.0 also apply and may alter the <i>Discretionary Activity</i> status for the activities specified below.
D1	Any Restricted Discretionary Activity that does not meet the Zone Development Standards for a Restricted Discretionary Activity
D2	<i>Home Occupations</i> not otherwise provided for as a Permitted Activity
D3	<i>Visitor Accommodation</i>
D3	<i>Underground mining</i>
(6)	NON COMPLYING ACTIVITIES Those activities listed below are a <i>Non Complying Activity</i> .
NC1	Any activity not provided as a Permitted, Controlled, Restricted Discretionary, Discretionary or Prohibited Activity
(7)	PROHIBITED ACTIVITIES
PR1	<i>Surface Mining</i> and <i>mining operations</i>

5.8.5 ZONE DEVELOPMENT STANDARDS

- (1) The following relevant Development Standards shall be met by all Permitted, Controlled and Restricted Discretionary Activities unless otherwise stated.
- (2) For Controlled Activities, where Council has reserved control over specified matters in Section 5.8.7, more restrictive Development Standards may be imposed as conditions of consent.

- (3) The following relevant Development Standards shall be used as a guide in assessing any Discretionary and Non Complying Activities.

Development Standard	Parameter		Environmental Result
	Permitted and Controlled	Restricted Discretionary	
Maximum Height	8.0 metres	10.0 metres	To ensure that the <i>height of buildings</i> is compatible with the activities permitted in the <i>zone</i> as well as the landscape, amenity and character of both the <i>zone</i> that the <i>building</i> is located in and any adjoining <i>zone</i> .
Daylight Control	No <i>building</i> shall project above 2.0 metres in <i>height</i> at any site boundary and not project above a 45° plane into the site up to the maximum <i>height</i> .	No Restriction	To ensure no <i>building</i> unreasonably overshadows any neighbouring property, thereby restricting daylight and ventilation between <i>buildings</i> .
Minimum Yards	Front Yard: 7.5 metres	Front Yard: 7.5 metres	To allow flexibility in site layout while still maintaining the amenities of the site and adjoining sites. To provide an open streetscape that allows for planting and ensures the traffic function of the road is not compromised.
	Other yards: 6.0 metres (Orchard Road/Parry Palm Avenue Area, Waihi), otherwise 10 metres	Other yards: None	
Maximum Site Coverage	30%	40%	To limit the scale and intensity of building development to a level appropriate to the character and amenity of the area. In areas not served by reticulated stormwater and sewerage disposal systems, an adequate area for on-site stormwater and effluent disposal is maintained to avoid adverse effects on adjacent properties and the environment.
Density	Orchard Road/Parry Palm Avenue Area, Waihi: Single <i>dwelling per certificate of title</i> with a minimum residential area of 700m ² . All other Areas: Single <i>dwelling per certificate of title</i> with a minimum residential area of 1000m ²	Orchard Road/Parry Palm Avenue Area, Waihi: Single <i>dwelling per certificate of title</i> with a minimum residential area of 700m ² . All other Areas: Single <i>dwelling per certificate of title</i> with a minimum residential area of 1000m ²	To maintain a low intensity of development that is appropriate to the character of the area and to ensure a certain level of amenity within the <i>zone</i> .
Outdoor Living Area	Minimum Area: 60m ² plus 10m ² for each additional bedroom over 2. Minimum Dimension: Can contain an 8.0 metre diameter circle.	Minimum Area: 60m ² plus 10m ² for each additional bedroom over 2. Minimum Dimension: Can contain an 8.0 metre diameter circle.	To protect residential amenities such as privacy, quietness and outdoor space.

Development Standard	Parameter		Environmental Result
	Permitted and Controlled	Restricted Discretionary	
<i>Outdoor Service Area</i>	Minimum Area: 20m ² Minimum Dimension: 3.0 metres	None	To provide a separate area suitable for general storage, clothes drying and rubbish bin storage, in order that areas for outdoor living, parking or access do not get used for this purpose, thereby detracting from the function and amenity of the zone.

5.8.6 ACTIVITY SPECIFIC STANDARDS

(1) HOME OCCUPATIONS

- (a) At least one person, including the principal operator of the *home occupation*, shall reside on the site.
- (b) A *home occupation* involving the care, tuition and/or accommodation of no more than six persons at any one time in addition to the owner(s)/operator(s) may be undertaken provided the activity and accommodation is principally undertaken within the *dwelling*.
- (c) Except for (b) above, all other *home occupations* shall be carried out wholly within the *dwelling* or an *accessory building* erected or modified for the purpose, provided that the gross floor area of the *dwelling* or *accessory building* used for the *home occupation* including any area used for retail sales shall not exceed 30% of the total gross floor area of *buildings* on the site.
- (d) There shall be no exterior display or external storage of materials associated with the *home occupation*, excluding permitted signage.
- (e) The *home occupation* shall be operated so as not to attract pedestrian or vehicular traffic between the hours of 10.00pm and 7.00am the following day.
- (f) The *home occupation* may not use equipment which creates electrical interference with electrical equipment on neighbouring properties.
- (g) Only goods directly produced or assembled by the *home occupation* may be sold or offered for sale from the site on which the *home occupation* is conducted.
- (h) *Home occupations* shall not include a business or trade that involves panel beating, spray painting or mechanical repairs to vehicles and machinery, engineering works, animal boarding facilities or bee keeping.

5.8.7 ASSESSMENT CRITERIA FOR CONTROLLED ACTIVITIES

- (1) There are no Controlled Activities and hence there are no Controlled Activity Assessment Criteria.

5.8.8 ASSESSMENT CRITERIA FOR RESTRICTED DISCRETIONARY ACTIVITIES

The *Council* will restrict the exercise of its discretion to the ability of the activity or development to achieve the particular environmental result of the Zone Development Standards in Rule 5.8.5 for which compliance is not met and the following relevant assessment criteria:

5.8.8.1 ZONE DEVELOPMENT STANDARDS

(1) HEIGHT AND DAYLIGHTING

- (a) The extent that topographical and site conditions (including easements) restrict the area or shape of the site that is suitable and available for *building*.
- (b) The desirability of maintaining consistency in design and appearance with existing buildings on the site.
- (c) The need to preserve existing trees, vegetation or important physical characteristics of the site.
- (d) Whether the boundary to which the standard relates is a common boundary with an area of permanent open space, the use of which will not be detrimentally affected by any increased shading or loss of visual amenity.
- (e) Whether the property adjoining the site is sufficiently higher and therefore the adjoining property will not be detrimentally affected.
- (f) Where the standard(s) is penetrated by a dormer window, gable or similar roof feature, whether that will have a minor effect on the amenities of the neighbouring site.
- (g) The extent to which it is necessary to minimise the physical disturbance to the landscape and the landforms.
- (h) The degree to which matters such as shading, loss of daylight, amenity value and privacy of adjoining properties is affected.
- (i) The extent to which the building visually intrudes on any significant ridgeline or skyline or significant landscape and what measures are proposed to reduce the visual effects of that intrusion.
- (j) Whether the building will detract from any view or vista, which contributes to the aesthetic coherence of a locality, and if it does, what measures can and will be taken to reduce the detraction to an acceptable level or remove it completely.

(2) YARDS

- (a) The extent that topographical and site conditions restrict the area or shape of the site that is available and suitable for *building*.
- (b) The degree to which the functioning of the site and or the activity can be improved.
- (c) Whether there is a need to preserve existing trees, vegetation or important physical characteristics of the site.

- (d) The extent to which the provision of daylight and sunlight into the neighbouring properties and the visual and aural privacy of neighbouring sites will be affected.
- (e) The extent to which the safe and efficient functioning of the street or *road* will be significantly compromised.
- (f) Whether the detrimental effects of *building* in the yard can be reduced or avoided.
- (g) Whether the yard functions (including separation, *landscaping* and service provision) will be provided on the site by other means, or are they unnecessary.

(3) SITE/ZONE COVERAGE

- (a) The ability of the existing stormwater and/or sewerage systems or on-site disposal methods to cope with additional stormwater and/or disposal of sewerage effluents.
- (b) Whether there are known stormwater/sewerage effluent disposal problems in the area and/or sufficient permeable surface remains for onsite disposal systems.
- (c) The degree to which negative effects in terms of changing the character or visual amenity of the area can be mitigated or removed through the use of such techniques as *landscaping*, *building* design, exterior finish, set back from boundaries or reduced *earthworks*.
- (d) The extent to which open space within the site and/or in the near vicinity can reduce the impact of the *building(s)* in terms of character or visual amenity.

(4) OUTDOOR SERVICE AREA

- (a) Whether there are communal service facilities provided which are readily accessible to and useable by the activity on the site.
- (b) The extent to which the functions of the outdoor service area can be adequately provided by other means (eg. storage area provided within a garage or other accessory building).

5.8.8.2 VEHICULAR PROVISIONS

- (1) Where a Transportation Impact Assessment is required regard will be had to the assessment criteria in Rule 8.4.1.4.

5.8.9 ASSESSMENT CRITERIA FOR DISCRETIONARY ACTIVITIES

When assessing any application for a Discretionary Activity, *Council* shall have regard to the relevant development standards, specific activity standards, environmental results and assessment criteria for permitted, controlled and restricted discretionary activities in Rules 5.8.5 – 5.8.8, the relevant General and Activity Specific assessment criteria below, and any other matters it considers appropriate.

5.8.9.1 GENERAL ASSESSMENT CRITERIA

- (1) Whether traffic movements resulting from the activity will have any significant impact on the safe and efficient operation of any public *road*. Pertinent matters for consideration in this regard are:
 - (a) the carrying capacity, standard and status in the roading hierarchy of the route concerned;
 - (b) the ability of the *site* to accommodate the necessary parking and on-site manoeuvring areas;
 - (c) the means by which any likely traffic hazard can be avoided or mitigated;
 - (d) the access, parking and loading standards for permitted activities that shall be used as a guideline in assessing applications for discretionary activity;
 - (e) the comments of New Zealand Transport Agency on the possible adverse effects on the safe and efficient operation of the State Highway network.
- (2) The degree to which the activity will cause demands for the uneconomic or premature upgrading or extension of public services, including roading which are not in the interests of the District or locality.
- (3) Whether *buildings* are sufficiently set back from the boundaries of neighbouring properties to avoid causing a nuisance to neighbouring holdings by way of overshadowing, obstruction of views, noise, glare and loss of privacy.
- (4) The degree to which the location of *buildings* is such as to retain clear visibility along urban roads and to provide space for vehicle access and loading on the *site* clear of the *road*.
- (5) Whether any signs proposed detract from the amenities of the area.
- (6) The extent to which the activity is self-contained, with regard to stormwater drainage, effluent disposal and water supply within the boundaries of the *site* on which the activity is located (except where reticulated services are provided).
- (7) Whether the nature of the activity has the potential to create nuisance noise which cannot effectively or practically be controlled by mitigation measures.
- (8) Whether the hours of operation are appropriate having regard to those persons likely to be affected by the activity.
- (9) Whether the activity and any building and structures are of a scale and intensity which is in keeping with the character, amenity and ambience values of the existing urban environment.

5.8.9.2 UNDERGROUND MINING

- (1) Whether public safety is adequately provided for and adverse effects of vibration in the ground can be adequately mitigated.

5.9 MARAE DEVELOPMENT ZONE

5.9.1 ZONE PURPOSE

- (1) The provision of a specific *zone* in which Maori people can undertake ongoing development of their culture, traditions and social infrastructure, is one way in which *Council* is seeking to give effect to the principles of Te Tiriti o Waitangi (Treaty of Waitangi). Other provisions in this District Plan which also seek to achieve this objective, include:
 - (a) Smaller *marae*, kokiri centres, kohanga reo and other activities permitted in zones where in keeping with the objectives and policies of the *zone*.
 - (b) Recognition and protection of ancestral lands, water, sites, waahi tapu and other taonga through them being within Conservation, Reserve or Coastal Zones.
 - (c) Identification of waahi tapu should this be requested by the tangata whenua.
- (2) The Marae Development Zone recognises and provides for the social, cultural, educational, economic, traditional and residential activities associated with a *marae*. The *zones* are presently applied to existing *marae* or sites that have a resource consent to establish a *marae* complex. However, the *zone* can be extended onto land adjoining an existing *marae* or applied to new sites. This will be achieved either through plan changes or at the time of review.
- (3) The activities and performance standards contained in this *zone* are designed to avoid, remedy or mitigate the effects of *marae* based activities on areas outside the Marae Development Zone. Control of detrimental effects within the *zone* are matters for the Trust responsible for the *marae* to develop and enforce. All developments within the *zone* will, however have to comply with other relevant legislation and controls (eg Building Act 2004).

5.9.2 OBJECTIVES AND POLICIES

(1) OBJECTIVE 1

To assist Maori people of the District to maintain and enhance their culture, traditions, economy and society, in order that their wellbeing (*mauri*), health (*waiora*) and ability to implement the principles of Te Tiriti o Waitangi are within their own control and management.

(a) Policies

Objective 1 will be achieved by implementation of the following policies:

- (i) Recognise existing and future major *marae* as the focal and essential part in the development of Maori culture, traditions, society and economy.

(ii) Use other methods in the District Plan (eg identifying urupa) to recognise and promote the relationship Maori people have with the District.

(iii) Use methods outside the District Plan to assist Maori people to achieve the results they desire.

(b) Reasons

(i) The provision for *marae* development is one way that *Council*, through its District Plan can give effect to some of the principles of Te Tiriti o Waitangi, particularly the ability of Maori people to exercise rangitiratanga (governship).

(ii) *Council* recognises and wishes to accept responsibility for its role in undertaking the functions devolved from central government (eg resource management).

(2) OBJECTIVE 2

To ensure that the activities undertaken within the *zone* do not detract from the environment (both within and outside the *zone*), and amenity values of neighbouring residents.

(a) Policies

(i) Objective 2 will be achieved by implementation of the following policies:

(ii) Place some of the responsibility for the protection of the environment from any adverse effects of activities within the *marae* areas on the Trust which controls the land.

(b) Reasons

(i) Some protection of the amenity and environment outside the *zone*, from activities within the Marae Development Zone is needed.

(ii) *Council* considers that within the *marae* areas, Maori people should decide the most appropriate level of amenity and environmental quality to be maintained for themselves.

(iii) A mix of activities is required to enable the *marae* to develop its focus as the centre of social, educational, health, cultural and economic activities. A limited amount of retailing is provided for in order to sell products or services produced or available in the *zone*. The limitation is required to ensure that the scale of the commercial activities does not compete with the commercial viability and hence vitality of the Town Centres.

5.9.3 ENVIRONMENTAL RESULTS

(1) To maintain and enhance a resource (including physical, cultural and social resources), that will contribute to the ongoing development of Maori culture, society and economy.

(2) Development of activities within the zone without detriment to the environment and amenity both within and outside the zone.

5.9.4 ACTIVITY STATUS

- (1) Activities and their *accessory uses*, and *buildings* (unless otherwise stated) are Permitted, Controlled, Restricted Discretionary, Discretionary, Non Complying or Prohibited according to the Activity Status Table below:

(2) PERMITTED ACTIVITIES	
Those activities listed below are a <i>Permitted Activity</i> unless otherwise specified and subject to compliance with the:	
<ul style="list-style-type: none"> • Zone Development Standards specified in Rule 5.9.5; • Activity Specific Standards specified in Rule 5.9.6; • Conservation and Heritage provisions in Section 6.0 • Specific and District Wide provisions in Section 7.0; and • District Wide Performance Standards in Section 8.0. 	
P1	<i>Marae</i> and <i>marae</i> complexes (including papakainga housing, Kohanga reo, Kokiri centres, urupa (burial grounds) and health centres)
P2	Sale of products, goods and services produced as part of any of the above on site activities, from a <i>building</i> limited to 50m ² of gross retail floor area (ie one <i>building</i> per separate zoned area)
P3	<i>Passive and Active Recreation</i>
P4	<i>Drainage works</i>
P5	<i>Prospecting</i>
P6	<i>Exploration</i> involving not more than 20m ³ of excavation per allotment in any one year
P7	<i>Temporary uses and buildings</i> (including <i>temporary military training</i>)
P8	Removal or demolition of <i>buildings</i>
(3) CONTROLLED ACTIVITIES	
Those activities listed below are a <i>Controlled Activity</i> unless otherwise specified and subject to compliance with the:	
<ul style="list-style-type: none"> • Zone Development Standards specified in Rule 5.9.5; • Activity Specific Standards specified in Rule 5.9.6; • Conservation and Heritage provisions in Section 6.0 • Specific and District Wide provisions in Section 7.0; and • District Wide Performance Standards in Section 8.0. 	
Conditions may be imposed in relation to the matters over which control has been reserved, as identified in the Assessment Criteria for Controlled Activities in Rule 5.9.7.	
There are no Controlled Activities	
(4) RESTRICTED DISCRETIONARY ACTIVITIES	
Those activities listed below are a <i>Restricted Discretionary Activity</i> subject to compliance with the:	
<ul style="list-style-type: none"> • Conservation and Heritage provisions in Section 6.0; and shall be assessed against the relevant criteria in Rule 5.9.8.	
RD1	Any Permitted or Controlled Activity that does not meet the Zone Development Standards in Rule 5.9.5 for a Permitted or Controlled Activity and does not exceed the Zone Development Standards in Rule 5.9.5 for a Restricted Discretionary Activity
RD2	Any Permitted or Controlled Activity required to provide a Transportation Impact Assessment in accordance with Rule 8.4.1.3(5)

(5) DISCRETIONARY ACTIVITIES	
Those activities listed below are a <i>Discretionary Activity</i> and shall be assessed against the relevant criteria in Rule 5.9.9.	
Note: The Conservation and Heritage provisions in Section 6.0 also apply and may alter the <i>Discretionary Activity</i> status for the activities specified below.	
D1	Any Restricted Discretionary Activity that does not meet the Zone Development Standards in Rule 5.9.5 for a Restricted Discretionary Activity
D2	<i>Exploration</i> involving more than 20m ³ of excavation per allotment in any one year
D3	<i>Underground mining</i>
(6) NON COMPLYING ACTIVITIES	
Those activities listed below are a <i>Non Complying Activity</i> .	
NC1	Any activity not provided for as a Permitted, Controlled, Restricted Discretionary, Discretionary or Prohibited Activity
(7) PROHIBITED ACTIVITIES	
Those activities listed below are a <i>Prohibited Activity</i> .	
PR1	<i>Surface mining</i> and <i>mining operations</i>

5.9.5 ZONE DEVELOPMENT STANDARDS

- (1) The following relevant Development Standards shall be met by all Permitted, Controlled and Restricted Discretionary Activities unless otherwise stated.
- (2) For Controlled Activities, where Council has reserved control over specified matters in Section 5.9.7, more restrictive Development Standards may be imposed as conditions of consent.
- (3) The following relevant Development Standards shall be used as a guide in assessing any Discretionary and Non Complying Activities.

Development Standard	Parameter		Environmental Result
	Permitted and Controlled	Restricted Discretionary	
Maximum <i>Height</i>	9.0 metres	11.0 metres	To ensure that the <i>height of buildings</i> is compatible with the activities permitted in the <i>zone</i> as well as the landscape, amenity and character of both the <i>zone</i> that the <i>building</i> is located in and any adjoining <i>zone</i> .
<i>Daylight Control</i>	At the boundary with any other <i>zone</i> , no <i>building</i> or <i>structure</i> shall project above the maximum <i>height</i> of any <i>building</i> permitted on the adjoining boundary and not project above a 45° plane into the site up to the maximum <i>height</i> .	No Restriction	To ensure no <i>building</i> unreasonably overshadows any neighbouring property, thereby restricting daylight and ventilation between <i>buildings</i> .

Development Standard	Parameter		Environmental Result
	Permitted and Controlled	Restricted Discretionary	
Minimum Yards	<i>Front Yard: 4.5 metres</i>	<i>Front Yard: 4.5 metres</i>	To provide an open streetscape that allows for planting and ensures the traffic function of the <i>road</i> is not compromised. To allow flexibility in site layout while still maintaining the amenities of the adjoining sites
	<i>Other yards: Nil, except where adjoining any other zone, the yard shall be 3.0 metres.</i>	<i>Other yards: None</i>	

5.9.6 ACTIVITY SPECIFIC STANDARDS

- (1) There are no Activity Specific Standards for this *zone*.

5.9.7 ASSESSMENT CRITERIA FOR CONTROLLED ACTIVITIES

- (1) There are no Controlled Activities and hence there are no Controlled Activity Assessment Criteria.

5.9.8 ASSESSMENT CRITERIA FOR RESTRICTED DISCRETIONARY ACTIVITIES

The *Council* will restrict the exercise of its discretion to the ability of the activity or development to achieve the particular environmental result of the Zone Development Standards in Rule 5.9.5 for which compliance is not met and the following relevant assessment criteria:

5.9.8.1 ZONE DEVELOPMENT STANDARDS

(1) HEIGHT AND DAYLIGHTING

- (a) The extent that topographical and site conditions (including easements) restrict the area or shape of the site that is suitable and available for *building*.
- (b) The desirability of maintaining consistency in design and appearance with existing buildings on the site.
- (c) The need to preserve existing trees, vegetation or important physical characteristics of the site.
- (d) Whether the boundary to which the standard relates is a common boundary with an area of permanent open space, the use of which will not be detrimentally affected by any increased shading or loss of visual amenity.
- (e) Whether the property adjoining the site is sufficiently higher and therefore the adjoining property will not be detrimentally affected.

- (f) Where the standard(s) is penetrated by a dormer window, gable or similar roof feature, whether that will have a minor effect on the amenities of the neighbouring site.
- (g) The extent to which it is necessary to minimise the physical disturbance to the landscape and the landforms.
- (h) The degree to which matters such as shading, loss of daylight, amenity value and privacy of adjoining properties is affected.
- (i) The extent to which the building visually intrudes on any significant ridgeline or skyline or significant landscape and what measures are proposed to reduce the visual effects of that intrusion.
- (j) Whether the building will detract from any view or vista, which contributes to the aesthetic coherence of a locality, and if it does, what measures can and will be taken to reduce the detraction to an acceptable level or remove it completely.

(2) **YARDS**

- (a) The extent that topographical and site conditions restrict the area or shape of the site that is available and suitable for *building*.
- (b) The degree to which the functioning of the site and or the activity can be improved.
- (c) Whether there is a need to preserve existing trees, vegetation or important physical characteristics of the site.
- (d) The extent to which the provision of daylight and sunlight into the neighbouring properties and the visual and aural privacy of neighbouring sites will be affected.
- (e) The extent to which the safe and efficient functioning of the street or *road* will be significantly compromised.
- (f) Whether the detrimental effects of *building* in the yard can be reduced or avoided.
- (g) Whether the yard functions (including separation, *landscaping* and service provision) will be provided on the site by other means, or are they unnecessary.

5.9.8.2 VEHICULAR PROVISIONS

- (1) Where a Transportation Impact Assessment is required regard will be had to the assessment criteria in Rule 8.4.1.4.

5.9.9 ASSESSMENT CRITERIA FOR DISCRETIONARY ACTIVITIES

When assessing any application for a Discretionary Activity, *Council* shall have regard to the relevant development standards, specific activity standards, environmental results and assessment criteria for permitted, controlled and restricted discretionary activities in Rules 5.9.5 – 5.9.7, the relevant General and Activity Specific assessment criteria below, and any other matters it considers appropriate.

5.9.9.1 GENERAL ASSESSMENT CRITERIA

- (1) Whether traffic movements resulting from the activity will have any significant impact on the safe and efficient operation of any public *road*. Pertinent matters for consideration in this regard are:
 - (a) the carrying capacity, standard and status in the roading hierarchy of the route concerned;
 - (b) the ability of the *site* to accommodate the necessary parking and on-site manoeuvring areas;
 - (c) the means by which any likely traffic hazard can be avoided or mitigated;
 - (d) the access, parking and loading standards for permitted activities that shall be used as a guideline in assessing applications for discretionary activity;
 - (e) the comments of New Zealand Transport Agency on the possible adverse effects on the safe and efficient operation of the State Highway network.
- (2) The degree to which the activity will cause demands for the uneconomic or premature upgrading or extension of public services, including roading which are not in the interests of the District or locality.
- (3) Whether any signs proposed detract from the amenities of the area.
- (4) The extent to which the activity is self-contained, with regard to stormwater drainage, effluent disposal and water supply within the boundaries of the site on which the activity is located (except where reticulated services are provided).
- (5) Whether the nature of the activity has the potential to create nuisance noise which cannot effectively or practically be controlled by mitigation measures.
- (6) Whether the hours of operation are appropriate having regard to those persons likely to be affected by the activity.
- (7) Whether *buildings* are sufficiently set back from the boundaries of neighbouring properties to avoid causing a nuisance to neighbouring holdings by way of overshadowing, obstruction of views, noise, glare and loss of privacy.