

## 5.10 TOWNSHIP ZONE

### 5.10.1 ZONE PURPOSE

- (1) The Township Zone is applied to those parts of the rural settlements where existing land use activity comprises a mixture of commercial, light industrial (service) and/or residential activities. The purpose of this *zone* is to allow for the change in use of *buildings* and land between commercial, residential, community or light industrial activities, without the restrictions inherent in a single purpose zone. Removing unnecessary zoning restrictions provides an incentive for businesses to establish in the smaller settlements, thereby assisting in halting and reversing any population decline.
- (2) Any adverse effects of activities in this *zone* are controlled by bulk and location requirements and performance standards.

### 5.10.2 OBJECTIVES AND POLICIES

#### (1) OBJECTIVE 1

To provide for commercial, community, residential and light industrial activities to support and strengthen the viability of the smaller townships in a manner that avoids, remedies or mitigates adverse environmental effects of those activities.

##### (a) Policies

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

- (i) Provide for a mixture of activities in the *zone*.
- (ii) Ensure that adverse effects of activities within the *zone* are avoided, remedied or mitigated on the environments within the *zone* and adjoining *zones*.

##### (b) Reasons

- (i) The range of activities provided for in this *zone* has the potential to create conflict between them. This is because the effects and the needs of activities, may be incompatible with other activities in the *zone*.
- (ii) The use of performance standards and assessment as discretionary activities are methods to ensure the amenity values of the *zone* are maintained.
- (iii) The zoning and activity listing provide flexibility to allow activities to change and develop.
- (iv) The *zone* recognises the wide range of activities located in the townships.

#### (2) OBJECTIVE 2

To maintain a sufficient "land bank" to provide for new township activities to develop.

**(a) Policies**

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

- (i) Monitor the uptake of land and *buildings* and the type of activities in the *zone*.
- (ii) Rezone appropriate parcels of land for township activities when the availability of unoccupied land or *buildings* within the Township Zone is low.

**(b) Reasons**

- (i) In order to allow township activities to establish and operate, there needs to be land and/or *buildings* available. Using other *zones* (eg residential) for township activities is to be avoided.

**5.10.3 ENVIRONMENTAL RESULTS**

- (1) To maintain and enhance a resource and an environment that meets the retail, business and community needs of the townships and in doing so enables the townships to also act as community foci for the surrounding areas.
- (2) The flexibility to accommodate a range of retail, business and community activities needs to be provided without detriment to the environment and the amenities of the townships and adjoining zones.

**5.10.4 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:

<b>(2) PERMITTED ACTIVITIES</b>
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"> <li>• Zone Development Standards specified in Rule 5.10.5;</li> <li>• Activity Specific Standards specified in Rule 5.10.6;</li> <li>• Conservation and Heritage provisions in Section 6.0</li> <li>• Specific and District Wide provisions in Section 7.0; and</li> <li>• District Wide Performance Standards in Section 8.0.</li> </ul>
<b>P1</b> Any <i>Retail Activity, Business Activity, and Community Activity</i>
<b>P2</b> <i>Residential Activities</i>
<b>P3</b> <i>Passive Recreation</i>
<b>P4</b> <i>Prospecting</i>
<b>P5</b> <i>Exploration</i> involving not more than 20m <sup>3</sup> of excavation per allotment in any one year
<b>P6</b> <i>Temporary uses and buildings</i> (including <i>Temporary Military Training</i> )
<b>P7</b> Demolition and removal of <i>buildings</i>

<b>(3) CONTROLLED ACTIVITIES</b>	
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"> <li>• Zone Development Standards specified in Rule 5.10.5;</li> <li>• Activity Specific Standards specified in Rule 5.10.6;</li> <li>• Conservation and Heritage provisions in Section 6.0</li> <li>• Specific and District Wide provisions in Section 7.0; and</li> <li>• District Wide Performance Standards in Section 8.0.</li> </ul>	
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 5.10.7.	
There are no Controlled Activities	
<b>(4) RESTRICTED DISCRETIONARY ACTIVITIES</b>	
Those activities listed below are a <i>Restricted Discretionary Activity</i> subject to compliance with the:	
<ul style="list-style-type: none"> <li>• Conservation and Heritage provisions in Section 6.0;</li> </ul> and shall be assessed against the relevant criteria in Rule 5.10.8.	
<b>RD1</b>	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 in Rule 5.10.5 for a Restricted Discretionary Activity
<b>RD2</b>	Any Permitted Activity required to provide a Transportation Impact Assessment in accordance with Rule 8.4.1.3(5)
<b>(5) DISCRETIONARY ACTIVITIES</b>	
Those activities listed below are a <i>Discretionary Activity</i> and shall be assessed against the relevant criteria in Rule 5.10.9.	
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.	
<b>D1</b>	Any Restricted Discretionary Activity that does not meet the Zone Development Standards for a Restricted Discretionary Activity
<b>(6) NON COMPLYING ACTIVITIES</b>	
Those activities listed below are a <i>Non Complying Activity</i> .	
<b>NC1</b>	Any activity not provided as a Permitted, Restricted Discretionary, Discretionary or Prohibited Activity
<b>(7) PROHIBITED ACTIVITIES</b>	
Those activities listed below are a <i>Prohibited Activity</i> .	
<b>P1</b>	<i>Surface mining and mining operations</i>

### 5.10.5 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 5.10.7, 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>	8.0 metres	10.0 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> .
<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 <i>building</i> unreasonably overshadows any neighbouring property, thereby restricting daylight and ventilation between <i>buildings</i> .
Minimum Yards	<i>Front Yard</i> : 4.5 metres	<i>Front Yard</i> : 4.5 metres for residential activities, otherwise none.	To allow flexibility in site layout while still maintaining the amenities of the site and adjoining sites.
	<i>Other yards</i> : 1.5 metres for residential activities, otherwise 3.0 metres.	<i>Other yards</i> : None	A greater <i>yard</i> for <i>buildings</i> where people are likely to gather or activities of a noisy nature are to be undertaken is appropriate to assist with mitigating amenity effects on adjoining sensitive land uses.  To provide an open streetscape that allows for planting and ensures the traffic function of the road is not compromised.
<i>Site Coverage</i>	50%	75%	To provide a balance between flexibility for on site development and maintaining sufficient area for off street parking appropriate to the character and on street capacity of the township.  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 for <i>dwelling</i> /house hold units only	525m <sup>2</sup> minimum <i>Net Site Area</i> per dwelling.	525m <sup>2</sup> minimum <i>Net Site Area</i> per dwelling	To enable an intensity of development that is appropriate to the character of the township and to maintain a certain level of amenity for residential activities within the <i>zone</i> .
<i>Outdoor Living Area</i>	Minimum Area: 60m <sup>2</sup> plus 10m <sup>2</sup> for each additional bedroom over 2.	Minimum Area: 60m <sup>2</sup> plus 10m <sup>2</sup> for each additional bedroom over 2.	To provide an area of useable, accessible open space for recreation and leisure.
	Minimum Dimension: Can contain an 8.0 metre diameter circle.	Minimum Dimension: Can contain an 8.0 metre diameter circle.	

Development Standard	Parameter		Environmental Result
	Permitted and Controlled	Restricted Discretionary	
<i>Outdoor Service Area</i>	Minimum Area: 20m <sup>2</sup>  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.

Development Standard	Parameter		Environmental Result
	Permitted and Controlled	Restricted Discretionary	
Privacy and Separation	<p><b>(A)</b> For <i>buildings</i> on the same allotment:</p> <p><b>(i)</b> No part of a <i>dwelling/household unit</i> and any other <i>building</i> 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><b>(ii)</b> No wall of a <i>dwelling/household unit</i> shall be sited closer than 3.0 m 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><b>(iii)</b> 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>(B)</b> All <i>dwellings/household units</i> on the same allotment shall be arranged so that:</p> <p><b>(i)</b> 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 &gt; 120°</p> <p>(3) where the living rooms of both <i>dwellings/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>	None	To protect existing and future residential amenities, particularly where two storey living and multi <i>dwelling</i> 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	
Privacy and Separation (Contd)	<p><b>(ii)</b> No windows of all habitable rooms (apart from the main glazing of the living room) in one dwelling/household unit shall face towards the window of any habitable room in any other dwelling/household unit 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 &gt; 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><b>(C)</b> A balcony or window of a habitable room of a <i>dwelling/household unit</i> at above ground floor level shall be setback 6 metres from any boundary (excluding the <i>road</i> boundary or adjoining <i>internal access</i> or <i>access strip</i> of 3 metres width or more) unless:</p> <p><b>(i)</b> windows are at an angle of 60° or greater to the boundary; or</p> <p><b>(ii)</b> the window sill is 1.7 metres above finished upper floor level; or</p> <p><b>(iii)</b> opaque or obscure glazing is provided; or</p> <p><b>.iv</b> the side of the balcony facing the adjoining boundary is enclosed with non see through materials.</p>		

### 5.10.6 ACTIVITY SPECIFIC STANDARDS

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

### 5.10.7 ASSESSMENT CRITERIA FOR CONTROLLED ACTIVITIES

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

### 5.10.8 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 5.10.5 for which compliance is not met and the following relevant assessment criteria:

#### 5.10.8.1 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 stormwater and/or sewerage systems or 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 other accessory *building*).
- (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.

#### 5.10.8.2 VEHICULAR PROVISIONS

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

#### 5.10.9 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 5.10.5 – 5.10.7, the relevant General and Activity Specific assessment criteria below, and any other matters it considers appropriate.

##### 5.10.9.1 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 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) The extent to which wastes, spoil, sawdust, effluent etc is to be disposed of so as to avoid, remedy or mitigate nuisance for surrounding residents, damage to property, and pollution of the environment.
- (8) Whether the nature of the activity has the potential to create nuisance noise which cannot effectively or practically be controlled by mitigation measures.
- (9) Whether the hours of operation are appropriate having regard to those persons likely to be affected by the activity.
- (10) 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 township environment.

## 5.11 TOWN CENTRE ZONE

### 5.11.1 ZONE PURPOSE

- (1) For the most part, town centre activities have developed within clear functional areas separate from, but alongside other urban activities such as residential and industrial. These areas have formed over time through both market forces and public controls (zoning). It can be expected that the vast majority of businesses will continue to locate in these areas. This plan seeks to maintain that clear separation in order that the specific requirements and effects of town centre activities can be maintained and managed, but more importantly to provide a clear defined central heart to the principal towns.
- (2) The Town Centre Zone provides for a broad range of business activities whether these be retail, administration or light industry. This provides for a degree of flexibility (by removing arbitrary zoning boundaries) for the business community to react to changes occurring both in the New Zealand and global markets. The amenities within and at the edge of the central areas need to be recognised in the standards for managing the effects of business activities. Accordingly some bottom line standards are required to address potential adverse effects such as traffic, and amenity (for pedestrians and adjoining residential activities).
- (3) The controlled activity status has been used for those parts of the Town Centre Zone that have frontage and vehicular access to the main roads into and out of towns. The controlled activity conditions can relate to the design and appearance of *buildings*, and design of access to minimise conflicts with traffic flows and pedestrian movement.
- (4) The Town Centre Zone has been provided in the following locations:
  - (a) **Ngatea** – Both sides of State Highway 2 from River Road to Darlington Street. No significant extension to the town centre area is proposed or considered necessary at this time. The zoning recognises the long established business area of the town and due to the variety of *building* setbacks from the state highway street frontage the development standards recognise that the ability to enhance pedestrian amenities with verandah cover is not feasible.
  - (b) **Paeroa** – the established town centre area is on both sides of State Highway 2 extending from Victoria Street to Marshall Street, with a pedestrian shopping core between Mackay and William Streets. It is proposed to extend the Town Centre Zone to add depth and encompass the mixture of established commercial and industrial businesses adjacent to the central area at the northern and southern ends, and to the west to increase flexibility for redevelopment and changes in business opportunities by removing arbitrary zoning distinctions.
  - (c) **Waihi** – the established town centre is on both sides of Seddon Street extending from Devon Street to Gilmour Street, with a pedestrian shopping core between State Highway 2 and Mueller Street. The existing town centre has substantial depth on the southern side of Seddon Street and it is proposed to balance this with an extension to the Town Centre Zone on the northern side of Seddon Street to encompass the

industrial area in the Martha Street vicinity, and to include the former and new Mitre 10 sites at the western end.

### 5.11.2 OBJECTIVES AND POLICIES

#### (1) OBJECTIVE 1

To ensure the development of business, retail and community activities does not create a detriment to the amenities of adjoining areas or lead to wasteful use of resources (especially land and infrastructure).

##### (a) Policies

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

- (i) Consolidate business, retail and community facilities and activities within the areas presently used for and recognised as the "town centre".
- (ii) Allow for development of extensions to the town centres in areas which add "depth" to the town centre.
- (iii) Restrict the level of retailing and home occupation activities in the industrial and residential areas respectively.
- (iv) Activities sited, designed and operated to avoid, remedy or mitigate adverse amenity effects on adjacent residential and reserve areas.

##### (b) Reasons

- (i) Commercial areas have specific requirements that need to be provided for, such as access, parking, servicing and direct association with compatible activities.
- (ii) The viability of town centres can be undermined by allowing town centre activities to locate in other areas.

#### (2) OBJECTIVE 2

To provide for a safe, convenient, pleasant and environmentally friendly environment for business, shopping and community activities.

##### (a) Policies

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

- (i) Segregate, wherever possible, pedestrian and vehicular traffic.
- (ii) Require the provision of verandahs over defined pedestrian areas, to protect pedestrians from the effects of the elements.
- (iii) Adopt parking and traffic management controls and practices that seek to avoid congestion and parking problems and enhance pedestrian safety and amenity.
- (iv) Ensure the maintenance of sunlight and daylight into adjoining residential properties, **and** into areas of public open space (footpaths, reserves).
- (v) Ensure that a continuity of display window frontage is maintained in the main pedestrian areas.

- (vi) Ensure activities located on main traffic routes and/or that attract large numbers of vehicles are located and designed such that potential adverse effects on the traffic movement, efficiency and safety and adverse effects on pedestrians are avoided, remedied or mitigated.

**(b) Reasons**

- (i) Vehicular traffic can have a detrimental effect on the amenities of town centre areas, particularly for pedestrians. However, most of the activities rely on the pedestrians being able to move around the centre in a pleasant atmosphere.
- (ii) Vehicles cannot and should not be excluded from the town centres, as ready access contributes to the economic viability of town centres.
- (iii) Other factors such as protection from the weather and provision of attractive public spaces contribute to the amenity of town centres.
- (iv) There are many actions outside the District Plan which will contribute to the economic viability of the town centres.

**(3) OBJECTIVE 3**

To enable a range of business activities, without generating adverse effects on the function of the town centres as community focal points.

**(a) Policies**

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

- (i) Large format retail activities to be located outside of the defined pedestrian areas.
- (ii) Activities which have the potential to cause objectionable or noxious effects shall be excluded from the Town Centre Zone.

**(b) Reasons**

- (i) Recognises Council's policy direction of continuing to provide for business activities without distinguishing between the traditional activity types of commercial and industrial and focus on managing the effects.

**(4) OBJECTIVE 4**

To maintain and enhance the historical style and scale of *buildings* which contribute to the attractive character of the town centres of Paeroa and Waihi.

**(a) Policies**

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

- (i) Ensure *building* design is consistent with and reflects the design principles for the pedestrian areas of the town centres of Paeroa and Waihi.

**(b) Reasons**

- (i) To ensure *building* development responds to existing valued built features to help create vibrant pedestrian town centres with high amenity value.

**5.11.3 ENVIROMENTAL RESULTS**

- (1) To maintain and enhance a resource and an environment that has had substantial finance and resources invested into it.
- (2) To create an environment that promotes business activity and user enjoyment, particularly for pedestrians.
- (3) The reduction in resource use, particularly of non-renewable resources, contributed to through promoting a compact commercial area, reducing traffic conflict and ensuring optimum use is made of existing services and infrastructure.
- (4) Maintain and enhance the visual street appeal and overall pleasantness of the pedestrian areas of Paeroa and Waihi for shoppers and visitors.

**5.11.4 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:

<b>(2) PERMITTED ACTIVITIES</b>
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"> <li>• Zone Development Standards specified in Rule 5.11.5;</li> <li>• Activity Specific Standards specified in Rule 5.11.6;</li> <li>• Conservation and Heritage provisions in Section 6.0</li> <li>• Specific and District Wide provisions in Section 7.0; and</li> <li>• District Wide Performance Standards in Section 8.0.</li> </ul>
<b>P1</b> Any <i>Administrative Activity</i> , <i>Business Activity</i> , <i>Community Activity</i> and <i>Retail Activity</i> , except where specifically listed as a Controlled Activity, Restricted Discretionary Activity, Discretionary, Non Complying or Prohibited Activity
<b>P2</b> <i>Residential Activities</i> located above ground floor level (except for a pedestrian entry lobby)
<b>P3</b> <i>Prospecting</i>
<b>P4</b> <i>Exploration</i> involving not more than 20m <sup>3</sup> of excavation per allotment in any one year
<b>P5</b> <i>Temporary uses and buildings</i> (including <i>Temporary Military Training</i> )
<b>P6</b> Demolition and removal of <i>buildings</i>

<b>(3) CONTROLLED ACTIVITIES</b> 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"> <li>• Zone Development Standards specified in Rule 5.11.5;</li> <li>• Activity Specific Standards specified in Rule 5.11.6;</li> <li>• Conservation and Heritage provisions in Section 6.0</li> <li>• Specific and District Wide provisions in Section 7.0; and</li> <li>• District Wide Performance Standards in Section 8.0.</li> </ul> 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 5.11.7.	
<b>C1</b>	The erection of new buildings, Additions to or Alteration of Building Facades (including Verandahs) where fronting a Pedestrian Frontage Street identified on the Planning Maps for Paeroa and Waihi
<b>C2</b>	Any Permitted Activity where the site does not adjoin a Pedestrian Frontage Street identified on the Planning Maps but has frontage and/or access to main traffic routes (ie. Strategic Highway, Regional or District Arterial, refer Section 7.8 & Planning Map No. (tba))
<b>C3</b>	<i>Parking Lots and Parking Buildings</i> where the site does not adjoin a Pedestrian Frontage Street identified on the Planning Maps and has frontage and/or access to main traffic routes (ie. Strategic Highway, Regional or District Arterial, refer Section 7.8 & Planning Map No. (tba))
<b>(4) RESTRICTED DISCRETIONARY ACTIVITIES</b> Those activities listed below are a <i>Restricted Discretionary Activity</i> subject to compliance with the: <ul style="list-style-type: none"> <li>• Conservation and Heritage provisions in Section 6.0;</li> </ul> and shall be assessed against the relevant criteria in Rule 5.11.8	
<b>RD1</b>	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 in Rule 5.11.5 for a Restricted Discretionary Activity
<b>RD2</b>	Verandahs that do not meet the Zone Development Standard for a Permitted or Controlled Activity
<b>RD3</b>	Any Permitted or Controlled Activity required to provide a Transportation Impact Assessment in accordance with Rule 8.4.1.3(5)
<b>(5) DISCRETIONARY ACTIVITIES</b> Those activities listed below are a <i>Discretionary Activity</i> and shall be assessed against the relevant criteria in Rule 5.11.9. 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.	
<b>D1</b>	Any Restricted Discretionary Activity that does not meet the Zone Development Standards for a Restricted Discretionary Activity
<b>D2</b>	<i>Service Station</i>
<b>D3</b>	Transport depots (taxi, bus)
<b>D4</b>	<i>Drive Through Service Activities</i>
<b>D5</b>	Car, caravan and boat sales/service/repairs and valet
<b>D6</b>	Farm machinery sales and repair
<b>D7</b>	Trade depots (plumbing, electrical, cabinet making, building etc) not associated with a retail activity
<b>D8</b>	<i>Underground Mining</i>
<b>(6) NON COMPLYING ACTIVITIES</b> Those activities listed below are a <i>Non Complying Activity</i>	
<b>NC1</b>	Any activity not provided as a Permitted, Controlled, Restricted Discretionary, Discretionary or Prohibited Activity

<b>(7) PROHIBITED ACTIVITIES</b>	
Those activities listed below are a <i>Prohibited Activity</i> .	
<b>PR1</b>	<i>Surface Mining</i>

### 5.11.5 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 5.11.7, 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	10.0 metres	12.0 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 at any Residential or Reserve Zone boundaries 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 residential property, or reserve thereby restricting daylight and ventilation between <i>buildings</i> or outdoor living area or recreation open space.
Minimum Yards	Front Yard: None	Front Yard: None	To allow flexibility in site layout and reinforce and enclose development to create a dominant central core and enhanced environment for pedestrians.
	Other Yards: None, except where adjoining a Residential or Reserve Zone the <i>yard</i> shall be 3.0 metres.	Other yards: None	
Net Floor Area	Each household unit shall have a minimum net floor area of 70m <sup>2</sup> .	Each household unit shall have a minimum net floor area of 70m <sup>2</sup> .	The minimum <i>net floor area</i> will ensure a reasonable amenity standard for the occupants of each household unit.
Gross Floor Area	For any retail activity the gross leasable area of the individual <i>building</i> tenancy or ownership it occupies where fronting onto a Pedestrian Frontage Street shall not exceed 400m <sup>2</sup> .	For any retail activity the gross leasable area of the individual <i>building</i> tenancy or ownership it occupies where fronting onto a Pedestrian Frontage Street shall not exceed 400m <sup>2</sup> .	To prevent large format retailing dominating the pedestrian areas of the Town Centres and detract from the pedestrian ambience of these areas.

Development Standard	Parameter		Environmental Result
	Permitted and Controlled	Restricted Discretionary	
<i>Outdoor Living Area</i>	<p>Each household unit shall provide an area of open space such as a balcony, deck, garden or terrace which shall:</p> <p>(a) be a minimum area of 6m<sup>2</sup> and a minimum dimension of 2 metres.</p>	<p>Each household unit shall provide an area of open space such as a balcony, deck, garden or terrace which shall:</p> <p>(a) be a minimum area of 6m<sup>2</sup> and a minimum dimension of 2 metres.</p>	<p>The minimum outdoor living court will ensure a reasonable amenity standard for the occupants of each household unit.</p>
<i>Pedestrian Frontage</i>	<p>On a site which adjoins a Pedestrian Frontage Street identified on the Planning Maps:</p> <p>(a) the activity shall be undertaken in a <i>building</i> that:</p> <p>(i) is not setback from the <i>road</i> frontage at ground floor level and that extends across the full width of the site;</p> <p>(ii) has at least 75% of the facade of the ground floor wall facing the street comprising clear glass and be capable of being used for the display of goods and services to passing pedestrians.</p>	<p>On a site which adjoins a Pedestrian Frontage Street identified on the Planning Maps:</p> <p>(a) the activity shall be undertaken in a <i>building</i> that:</p> <p>(i) has up to 70% of the facade adjoining the street frontage and any <i>building</i> setback shall not be more than 5 metres;</p> <p>(ii) has at least 50% of the facade of the ground floor wall facing the street comprising clear glass and be capable of being used for the display of goods and services to passing pedestrians.</p>	<p>Maintain pedestrian ambience through open and interesting building facades, contributing to the community foci of the town centre.</p>
<i>Verandahs</i>	<p>Every <i>building</i> which fronts a Pedestrian Frontage Street shall provide continuity of pedestrian shelter along the entire length of the property frontage.</p> <p>The verandah shall have a minimum depth of 3 metres except it shall not overhang a carriageway.</p> <p>Where the distance from face of kerb to the face of the <i>building</i> is less than 3.5 metres the verandah shall terminate 0.5 metres behind face of kerb.</p>	<p>Alternative verandah design or none.</p>	<p>Maintain the amenity of the zone by protecting pedestrians from adverse climatic elements and ensure verandahs are designed and constructed so they are not a hazard to the public.</p>

Development Standard	Parameter		Environmental Result
	Permitted and Controlled	Restricted Discretionary	
	<p>The underside of verandahs shall be no less than 2.7 metres nor more than 3.6 metres above the average finished level of the footway and so related to its neighbour to provide continuity of <i>height</i> and cover.</p> <p>Verandah posts are permitted provided that:</p> <p><b>(a)</b> They shall not be used for structural support of the verandah where the verandah posts are located on any part of a street; and</p> <p><b>(b)</b> No verandah post is to be located within 0.5 metres of the kerb face.</p>		
Screening	<p><b>(a)</b> Any storage or service areas (including mechanical, electrical and utility equipment, refuse and recycling activities) not enclosed within a <i>building</i>, shall be fully enclosed or screened from public view from a street, reserve or Ohinemuri Riverbank by solid walls/fences not less than 1.8 metres in <i>height</i>.</p> <p><b>(b)</b> On sites which adjoin a Residential Zone or an adjoining site used principally for a residential activity (existing prior to the date at which this district plan became operative), a solid wall/fence with a minimum <i>height</i> of 1.8 metres shall be erected to screen adjoining residential properties except for that part where a <i>building</i> abuts the boundary.</p>	None	To maintain the visual amenities of adjacent residential activities.

Development Standard	Parameter		Environmental Result
	Permitted and Controlled	Restricted Discretionary	
Hours of Use	6.00 am to 11.00 pm on all days where the activity is located 50 or more metres from a Residential Zone boundary.	No restriction	To maintain the amenity values (particularly aural) of adjacent residential activities.

### 5.11.6 ACTIVITY SPECIFIC STANDARDS

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

### 5.11.7 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:

#### 5.11.7.1 DESIGN AND APPEARANCE OF BUILDINGS

- (1) **FOR SITES FRONTING AND/OR HAVING ACCESS TO MAIN TRAFFIC ROUTES :**
- (a) the extent to which the *buildings* are designed to present an attractive facade to the street, and include such features as the main public entrance, advertising and window display. In particular, features such as the service or loading entrance, extractor and air conditioning units should be located on side or rear walls.
- (2) **FOR SITES FRONTING A PEDESTRIAN FRONTAGE STREET IN PAEROA AND WAIHI**
- Assessment criteria and design guidelines for Paeroa and Waihi to be developed.

#### 5.11.7.2 SITE LAYOUT

- (1) **FOR SITES FRONTING AND/OR HAVING ACCESS TO MAIN TRAFFIC ROUTES;**
- (a) to what extent have *buildings* and outdoor activities been set back from front boundaries to allow room on the front of the property for *landscaping*, access and parking areas, and also to ensure that *buildings* do not visually dominate the streetscape as viewed from the *road*;
- (b) whether parking and loading areas have been located to be readily visible to drivers and conveniently accessible in order to minimise disruption to traffic flows on the street, or disrupt the activities on site;

- (c) whether storage *yards* and servicing areas are sited away from the street or screened from the street to minimise visual impact.

### 5.11.7.3 LOCATION AND DESIGN OF VEHICLE ACCESS

- (1) **FOR SITES FRONTING AND/OR HAVING ACCESS TO MAIN TRAFFIC ROUTES;**
  - (a) whether access to and from sites has been located and designed to minimise any detrimental effects on the safety and efficiency of the street system;
  - (b) whether the access points are located so as to be readily visible to drivers thereby enabling safe slowing and acceleration distances.

### 5.11.8 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 5.11.5 for which compliance is not met, and the relevant assessment criteria below.

#### 5.11.8.1 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.

**5.11.8.2 PEDESTRIAN FRONTAGE IN PAEROA AND WAIHI**

- (1) Assessment criteria and design guidelines for Paeroa and Waihi to be developed.

**5.11.8.3 VERANDAHS**

- (1) Whether the pedestrian amenity of shelter can be provided in another way to the same or similar level that the standards seek to achieve.
- (2) Whether there are factors such as the nature of the activity, the location of the site and the nature of surrounding activities, which mean that the volume of pedestrian traffic is so low that verandahs are not required.
- (3) Whether the facade of the existing building has architectural and/or historical features worthy of protection which will be covered or destroyed by the addition of the verandah, and there is no other practical way to provide the pedestrian shelter.
- (4) Whether or not there are verandahs on adjoining buildings or sites and it is unlikely that any verandahs will be built on these sites.
- (5) Whether non-compliance with the standards, would enable a verandah to be constructed which would achieve a better harmony in design and character with an existing building which has architectural merit or historical significance.

#### 5.11.8.4 HOURS OF USE

- (1) The extent to which the siting and orientation of the building and/or activity provides a sufficient buffer to adjoining residential properties and/or the orientation of the residential building and activities on the adjoining property are such that adverse effects will not detract from residential amenity values.

#### 5.11.8.5 VEHICULAR PROVISIONS

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

#### 5.11.9 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 5.11.5 – 5.11.7, the relevant General and Activity Specific assessment criteria below, and any other matters it considers appropriate.

##### 5.11.9.1 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 residential properties/ reserves to avoid causing a nuisance to neighbouring residential

properties/reserves 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 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) Whether the nature of the activity has the potential to create nuisance noise which cannot effectively or practically be controlled by mitigation measures.
- (7) The extent to which exterior storage areas is located or suitably screened from neighbouring properties and any public *road* to avoid, remedy or mitigate any detriment to amenity.
- (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 and amenity values of the existing town centre environment.
- (10) Whether the location of the activity and the access arrangements will create a “dead” space in the building frontage, thereby interrupting pedestrian movement beyond this point.
- (11) Whether the building is designed to enhance pedestrian shopping amenities by maintaining continuity of display window frontage and pedestrian shelter along identified Pedestrian Frontages.
- (12) Is carparking located so as to be readily visible to motorists, in order that the parking facilities are easy to find and use and in a manner that does not significantly detract from the pedestrian amenity of the street.
- (13) Whether the volume and type of traffic generated by the activity is such that the pedestrian shopping amenities of the area are detrimentally affected.

#### 5.11.9.2 SERVICE STATION

- (1) The form and location of the activity, buildings and structures relative to neighbouring buildings and streetscape.
- (2) The extent to which the location of the buildings and forecourt enables pedestrian linkages within the Town Centre Zone.
- (3) The location and design of signage, storage arrangements and visible building services such as air conditioning and utility access points.
- (4) The extent to which continuous blank wall surfaces are avoided, in order that the external appearance of every building contributes to an interesting visual environment.
- (5) The extent to which the proposal is likely to have an adverse effect on amenity of any nearby Residential Zone.
- (6) The extent to which it is possible to effectively screen the proposal from the adjacent activities by means of landscaping and/or fencing.
- (7) The extent to which it is possible to design, install or otherwise manage exterior lighting and noise effects so as to avoid nuisance to any nearby Residential Zone properties.

- (8) Whether the stormwater disposal system is designed so as to collect and channel potentially contaminated stormwater to an interceptor system.
- (9) Whether the proposal is designed to meet the hazardous substances standards. Underground tanks should be so designed and installed in such a manner as to comply with the Code of Practice for Petroleum Storage.

#### 5.11.9.3 TRANSPORT DEPOTS

- (1) The form and location of the activity, buildings and structures relative to neighbouring buildings and streetscape.
- (2) The extent to which the location of the buildings enables pedestrian linkages within the Town Centre Zone.
- (3) The location and design of signage, storage arrangements and visible building services such as air conditioning and utility access points.
- (4) The extent to which continuous blank wall surfaces are avoided, in order that the external appearance of every building contributes to an interesting visual environment.
- (5) The extent to which the proposal is likely to have an adverse effect on amenity of any nearby Residential Zone.
- (6) The extent to which it is possible to effectively screen the proposal from the adjacent activities by means of landscaping and/or fencing.
- (7) The extent to which it is possible to design, install or otherwise manage exterior lighting and noise effects so as to avoid nuisance to any nearby Residential Zone properties.
- (8) Whether the stormwater disposal system is designed so as to collect and channel potentially contaminated stormwater to an interceptor system.
- (9) Whether the proposal is designed to meet the hazardous substances standards.

#### 5.11.9.4 DRIVE THROUGH SERVICE ACTIVITIES

- (1) The form and location of the activity, buildings and structures relative to neighbouring buildings and streetscape.
- (2) The extent to which the location of the buildings and forecourt enables pedestrian linkages within the Town Centre Zone.
- (3) The location and design of signage, storage arrangements and visible building services such as air conditioning and utility access points.
- (4) The extent to which continuous blank wall surfaces are avoided, in order that the external appearance of every building contributes to an interesting visual environment.
- (5) The extent to which the proposal is likely to have an adverse effect on amenity of any nearby Residential Zone.

- (6) The extent to which it is possible to effectively screen the proposal from the adjacent activities by means of landscaping and/or fencing.
- (7) The extent to which it is possible to design, install or otherwise manage exterior lighting and noise effects so as to avoid nuisance to any nearby Residential Zone properties.

#### **5.11.9.5 UNDERGROUND MINING**

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

## 5.12 INDUSTRIAL ZONE

### 5.12.1 ZONE PURPOSE

- (1) For the most part, industrial activities have developed in the urban areas within clear functional areas separate from, but alongside other urban activities such as residential. This plan seeks to maintain that clear separation in order that the specific requirements and effects of industrial activities can be maintained and managed.
- (2) The Industrial Zone provides for an extensive range of industrial and service activities. The potential adverse environmental impacts of industrial activity can be significant. For the natural environment, emissions of heat, dust, fumes and waste material can all have detrimental effects on the air, water and ground quality. The impacts of noise, vibration, dust, fumes, glare and traffic have the potential to detrimentally affect the amenities of residential, commercial and community environments. Activities involving noxious, hazardous or offensive elements are specifically provided for in some locations of the Industrial Zone.
- (3) The Amenity Protection Area (APA) has been provided primarily in those locations where the *zone* boundary is adjoining the Residential and Reserve Zones and covers those properties located immediately within the Industrial Zone. Industrial activities are permitted in the APA with the majority of activities treated as controlled activities, in order that conditions can be imposed on an activity to minimise or avoid any negative effects of the industrial activity on adjoining activities.
- (4) The controlled activity status has also been used for those parts of the Industrial Zone that are visible from and have vehicular access to the main *roads* into and out of towns. The controlled activity conditions can relate to the design and appearance of *buildings*, the manner in which outside areas are used, areas to be landscaped and design of access to minimise conflicts with traffic flows.
- (5) Land that is suitable and available for industrial activities is a finite resource. This land resource is further constrained by the need to carefully locate industrial activities due to the potential for adverse environmental effects. Accordingly, activities which could locate in other *zones*, especially retailing, are non-complying activities. The Industrial Zone is to be used mainly for activities that cannot be readily accommodated elsewhere.
- (6) The Industrial Zone has been provided in the following locations:
  - (a) **Ngatea – Kohunui Street.** Due to its separation from the rest of the town and the existing activities, less restrictive development standards apply;
  - (b) **Kerepehi** – this area to the east of the town provides the majority of Greenfield land for industrial purposes in the District and it has been developed in order that less restrictive development standards can apply. However, additional landscaping to mitigate the potential impacts of industrial activities on the adjoining rural amenities is provided. The APA includes a 12 metre wide yard which is to be landscaped to form dense screening along the western boundary.
  - (c) **Paeroa** – the established industrial areas around Grey Street and Coronation Street/Opukeko Road provide for service industrial activities. There is potential for

further industrial expansion towards SH 2 and north of Opukeko Road if demand, flood hazard mitigation and infrastructure availability permits.

- (d) **Waihi** – existing industrial areas in the vicinity of Dean Crescent and Victoria Street accommodate the majority of the existing industrial activities. No additional industrial land has been zoned as part of this review. Given the established nature of development within the Waihi Town boundaries, if there were any demand for industrial development it is anticipated it would be outside the existing Waihi urban area.

## 5.12.2 OBJECTIVES AND POLICIES

### (1) OBJECTIVE 1

To provide for industrial and associated activities, that support and strengthen the economic base of the District generally and the main urban areas in particular and to provide future employment opportunities.

#### (a) Policies

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

- (i) Recognise areas presently used for industrial activity.
- (ii) Restrict from the industrial areas, those activities that would hinder industrial activities establishing and/or would be more suitably located in other areas.
- (iii) Recognise that there is other legislation, organisations and procedures that will to a certain degree control the adverse effects of industrial activities.
- (iv) Industrial, service and limited retailing activities are located and provided for in a manner that avoids, remedies or mitigates any adverse environmental effects on adjoining land and activities, the viability of town centres and the traffic function of main traffic routes.
- (v) Industrial activities that involve noxious, hazardous or offensive elements are located and provided for in a manner that avoids, remedies or mitigates the adverse environmental effects of those activities on adjoining activities and *zones*, and on the traffic function of main traffic routes.

### (2) OBJECTIVE 2

To promote and safeguard the health, safety, convenience, amenity and general welfare of inhabitants and workers within industrial *zones* and in adjacent non-industrial *zones*.

#### (a) Policies

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

- (i) Recognise that there is other legislation, organisations and procedures that will to a certain degree control the adverse effects of industrial activities.
- (ii) Industrial, service and limited retailing activities are located and provided for in a manner that avoids, remedies or mitigates any adverse environmental effects on

adjoining land and activities, the viability of town centres and the traffic function of main traffic routes.

- (iii) Industrial activities that involve noxious, hazardous or offensive elements are located and provided for in a manner that avoids, remedies or mitigates the adverse environmental effects of those activities on adjoining activities and *zones*, and on the traffic function of main traffic routes.

**(3) OBJECTIVE 3**

To consolidate the Town Centres.

**(a) Policies**

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

- (i) Recognise areas presently used for industrial activity and providing for expansion of industrial activities into appropriate areas.
- (ii) Restrict from the industrial areas, those activities that would hinder industrial activities establishing and/or would be more suitably located in other areas.

**(b) Reasons for all Objectives and Policies**

- (i) The site and environmental requirements for industrial activities are specific. It is therefore appropriate to provide for these activities in a way that allows them to operate, without creating a detriment to the environment or amenity of adjoining areas.
- (ii) Zoning, along with activity listing, is a valid technique to use to exclude activities that would inhibit the establishment and ongoing operation of industrial activities.
- (iii) Recognition must be given to the fact that industrial activities have the potential to significantly impact on the environment and amenity of the District. Control and management of the external effects of these activities is a function required under the Resource Management Act 1991 that can be carried out through the District Plan.

**5.12.3 ENVIRONMENTAL RESULTS**

- (1) To maintain and enhance an industrial resource (including land, *buildings* and services) for future generations.
- (2) The operation of industrial activities needs to be managed and controlled to ensure that the amenities of the environment, which are enjoyed by people and communities (eg clean air, quiet) are continually enhanced and improved.
- (3) The physical environment is also to be protected and improved. Particular attention should be given to ensuring the pollution of air, water and the ground is avoided.
- (4) The efficient movement of traffic on the main traffic routes through the industrial area should not be compromised by vehicles gaining access to and from individual industrial sites. Poorly

planned or untidy industrial *buildings* and activities should not compromise the objective of creating an attractive entrance to the towns for persons using main traffic routes.

**5.12.4 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:

<b>(2) PERMITTED ACTIVITIES</b>	
Those activities listed below are a <i>Permitted Activity</i> unless otherwise specified and outside of the Amenity Protection Area, subject to compliance with the:	
<ul style="list-style-type: none"> <li>• Zone Development Standards specified in Rule 5.12.5;</li> <li>• Activity Specific Standards specified in Rule 5.12.6;</li> <li>• Conservation and Heritage provisions in Section 6.0</li> <li>• Specific and District Wide provisions in Section 7.0; and</li> <li>• District Wide Performance Standards in Section 8.0.</li> </ul>	
<b>P1</b>	<i>Industrial, warehouse, mining operations</i> or industrial training activities
<b>P2</b>	<i>Service Stations</i>
<b>P3</b>	Car, caravan and boat sales/service/repairs and valet
<b>P4</b>	Farm machinery sales and repair
<b>P5</b>	Trade depots (plumbing, electrical, cabinet making, building etc) not associated with a retail activity
<b>P6</b>	<i>Factory shops</i> and other retail outlets ancillary to <i>industrial, service, training and warehouse</i> activities, provided that the retail trading floor space does not exceed 100m <sup>2</sup>
<b>P7</b>	<i>Prospecting</i>
<b>P8</b>	<i>Exploration</i> involving not more than 20m <sup>3</sup> of excavation per allotment in any one year
<b>P9</b>	<i>Temporary uses and buildings</i> (including <i>Temporary Military Training</i> )
<b>P10</b>	Demolition and removal of <i>buildings</i>
<b>(3) CONTROLLED ACTIVITIES</b>	
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"> <li>• Zone Development Standards specified in Rule 5.12.5;</li> <li>• Activity Specific Standards specified in Rule 5.12.6;</li> <li>• Conservation and Heritage provisions in Section 6.0</li> <li>• Specific and District Wide provisions in Section 7.0; and</li> <li>• District Wide Performance Standards in Section 8.0.</li> </ul>	
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 5.12.7.	
<b>C1</b>	Any permitted activity listed above on sites fronting and/or having access to Main Traffic Routes (i.e. Strategic Highway, Regional Arterial or District Arterial - refer to Section 7.8 & Planning Map ?),
<b>C2</b>	Any permitted activity listed above on sites located within the Amenity Protection Area.
<b>C3</b>	Any permitted activity listed above located on a site within the Industrial <i>zone</i> north of Kerepehi Town Road and west of State Highway 2 once the 12 metre wide landscape strip has been created and planted along the western <i>zone</i> boundary.

<b>(4) RESTRICTED DISCRETIONARY ACTIVITIES</b>	
Those activities listed below are a <i>Restricted Discretionary Activity</i> subject to compliance with the:	
<ul style="list-style-type: none"> <li>Conservation and Heritage provisions in Section 6.0;</li> </ul> and shall be assessed against the relevant criteria in Rule 5.12.8	
<b>RD1</b>	Any extension to a building in the area noted on the Planning Maps as "Subject to Flooding".
<b>RD2</b>	Any covering of the existing ground with an impermeable surface in the area noted on the Planning Maps as "Subject to Flooding".
<b>RD3</b>	Excavation and/or fill in the area noted on the Planning Maps as "Subject to Flooding".
<b>RD4</b>	Any Permitted or Controlled Activity required to provide a Transportation Impact Assessment in accordance with Rule 8.4.1.3(5).
<b>(5) DISCRETIONARY ACTIVITIES</b>	
Those activities listed below are a <i>Discretionary Activity</i> and shall be assessed against the relevant criteria in Rule 5.12.9.	
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.	
<b>D1</b>	Any <i>factory shop</i> and ancillary <i>retailing activity</i> which does not comply with the permitted activity requirements.
<b>D2</b>	<i>Prospecting</i> and <i>exploration</i> not provided for as a permitted activity.
<b>D3</b>	<i>Underground Mining</i>
<b>D4</b>	Any permitted or controlled activity that does not meet the Zone Development Standards specified in Rule 5.12.5.
<b>D5</b>	Any permitted activity listed above located on a site within the <i>zone</i> north of Kerepehi Town Road and west of State Highway 2 where the 12 metre wide landscape strip has <b>not</b> been created and planted along the western boundary.
<b>D6</b>	Residential accommodation in association with any permitted and/or controlled activity, but not exceeding one <i>dwelling</i> per activity.
<b>(6) NON COMPLYING ACTIVITIES</b>	
Those activities listed below are a <i>Non Complying Activity</i>	
<b>NC1</b>	Any activity not provided as a Permitted, Controlled, Restricted Discretionary, Discretionary or Prohibited Activity
<b>(7) PROHIBITED ACTIVITIES</b>	
Those activities listed below are a <i>Prohibited Activity</i> .	
<b>PR1</b>	<i>Surface Mining</i>

## 5.12.5 ZONE DEVELOPMENT STANDARDS

- The following relevant Development Standards shall be met by all Permitted, Controlled and Restricted Discretionary Activities unless otherwise stated.
- For Controlled Activities, where Council has reserved control over specified matters in Section 5.12.7, more restrictive Development Standards may be imposed as conditions of consent.
- 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	
<p>Maximum <i>Height</i> within the Industrial Zone at:</p> <p>(a) Ngatea (properties immediately fronting Orchard West Road (SH 2) as shown on Planning Map C);</p> <p>(b) Kerepehi (whole zone); and</p> <p>(c) Dean Crescent, Waihi</p> <p>(d) Elsewhere in the zone</p>	<p>N/A</p> <p>N/A</p> <p>N/A</p> <p>15.0 metres</p>	<p>N/A</p> <p>N/A</p> <p>None</p>	<p>To ensure that the <i>height of buildings</i> is compatible with the activities permitted in the zone as well as the landscape, amenity and character of both the zone that the <i>building</i> is located in and any adjoining zone.</p>
<i>Daylight Control</i>	No <i>building</i> or <i>structure</i> shall project above 2.0 metres in <i>height</i> at any zone 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 in another zone, thereby restricting daylight and ventilation between <i>buildings</i> .
Minimum yards	<i>Front Yard</i> : Nil	N/A	To allow flexibility in site layout while still maintaining the amenities of the site and adjoining sites.
	<i>Other yards</i> : Nil Except that: Where the boundary of the Industrial Zone adjoins a Residential Zone or Reserve Zone, the <i>yard</i> shall be 3.0 metres.	No restriction	
	At Kerepehi, west of State Highway 2 and north of Kerepehi Town Road, and within the Amenity Protection Area a 12 metre <i>yard</i> along the western zone boundary will apply. This <i>yard</i> will be for landscaping purposes only (refer to Rule 9.3.12 Landscaping).  (Note: The provisions of the Amenity Protection Area also apply within the area shown on the relevant planning maps).	No restriction	

Development Standard	Parameter		Environmental Result
	Permitted and Controlled	Restricted Discretionary	
Site/Zone Coverage	85% of the site	100% of the site	To limit the scale and intensity of <i>building</i> development to a level appropriate to the character and amenity of an area.

### 5.12.6 ACTIVITY SPECIFIC STANDARDS

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

### 5.12.7 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:

#### 5.12.7.1 DESIGN AND APPEARANCE OF BUILDINGS

- (1) **FOR SITES IN THE AMENITY PROTECTION AREAS:**
- (a) the extent to which *buildings* are designed in a manner which is complementary and sensitive to the existing and potential amenities of the surrounding residential and reserve zone environments in terms of scale, form and harmony;
  - (b) whether *building* features such as major entranceways, doors and windows, and service uses such as extractor fans and airconditioning units, are located so as to direct the transmission of any nuisance elements such as noise, dust, glare and smell away from any residential and reserve areas;
  - (c) whether *building* features such as windows, balconies and outside access to second level and higher, have been located or designed to minimise any adverse effect on the privacy and outlook of neighbouring residential *buildings* and property.
- (2) **FOR SITES FRONTING AND/OR HAVING ACCESS TO MAIN TRAFFIC ROUTES (REFER TO SECTION 7.8 & PLANNING MAP NO. (TBA)):**
- (a) the extent to which the *buildings* are designed to present an attractive facade to the street, and include such features as the main public entrance, advertising and window display. In particular, features such as the service or loading entrance, extractor and air conditioning units should be located on side or rear walls.

#### 5.12.7.2 SITE LAYOUT

- (1) **FOR SITES IN THE AMENITY PROTECTION AREAS:**

- (a) whether *buildings*, outdoor activities, including storage areas, refuse and waste holding areas, loading/unloading areas, parking and servicing areas have been sited so as to minimise the transmission of any nuisance elements such as noise, dust, glare or smell to any residential or reserve *zone*;
  - (b) to what extent have factors such as wind direction, *landscaping*, and *yards* been used to assist in the minimising of nuisance elements.
- (2) **FOR SITES FRONTING AND/OR HAVING ACCESS TO MAIN TRAFFIC ROUTES (REFER TO SECTION 7.8 & PLANNING MAP NO. (TBA):**
- (a) to what extent have *buildings* and outdoor activities been set back from front boundaries to allow room on the front of the property for landscaping, access and parking areas, and also to ensure that *buildings* do not visually dominate the streetscape as viewed from the *road*;
  - (b) whether parking and loading areas have been located to be readily visible to drivers and conveniently accessible in order to minimise disruption to traffic flows on the street, or disrupt the activities on site;
  - (c) whether storage yards and servicing areas are sited away from the street or screened from the street to minimise visual impact.
- (3) In addition to the assessment criteria set out above, the following specific criteria are to be used when assessing activities located on sites within the block of land north of Kerepehi Town Road and west of State Highway 2.
- (a) whether, *buildings*, outdoor activities, including storage areas, refuse and waste holding areas, loading/unloading areas, parking and servicing areas at Kerepehi within the *zone* to the west of SH2 and north of Kerepehi Town Road, have been sited so as to reduce the visual impact of any industrial activity and not to adversely impact on the 12 metre landscaping amenity *yard* along the western *zone* boundary.

### 5.12.7.3 LOCATION AND DESIGN OF VEHICLE ACCESS

- (1) **FOR SITES IN THE AMENITY PROTECTION AREAS:**
- (a) to what extent has access to and from a site been located as far as practicable or as appropriate in the circumstances from the boundary of an adjoining Residential Zone.
- (2) **FOR SITES FRONTING AND/OR HAVING ACCESS TO MAIN TRAFFIC ROUTES (REFER TO SECTION 7.8 & PLANNING MAP NO. (TBA):**
- (a) whether access to and from sites has been located and designed to minimise any detrimental effects on the safety and efficiency of the street system;
  - (b) whether the access points are located so as to be readily visible to drivers thereby enabling safe slowing and acceleration distances.

- (3) In addition to the assessment criteria set out above, the following specific criteria are to be used when assessing activities located on sites within the block of land north of Kerepehi Town Road and west of State Highway:
- (a) to what extent has access to and from a site been located as far as practicable or as appropriate in the circumstances from the boundary of an adjoining Rural Zone.

#### 5.12.7.4 LANDSCAPE DESIGN

- (1) Whether the site in the Amenity Protection Area has been landscaped in a manner that:
- (a) softens the visual impact of industrial uses on the Residential or Reserve Zone;
- (b) provides a permanent physical buffer between the Residential or Reserve Zone and Industrial Zone;
- (c) screens unsightly parts of development;
- (d) reduces undesirable elements of industrial activities such as noise, dust and glare;
- (e) reduces the scale of *buildings* (particularly their *height*) by incorporating trees capable of growing to a *height* similar to the *buildings*.
- (2) Whether the site fronting a main traffic route has been landscaped in a manner that:
- (a) enhances the appearance of industrial development from main arterial traffic routes;
- (b) visually softens any hard or bleak surfaces;
- (c) screens unsightly parts of the development;
- (d) complements the design and appearance of *buildings* to present an attractive facade to the street;
- (e) does not screen the drivers view of access points or signs identifying the business located on the site;
- (f) contributes to an avenue effect through the planting of trees of a type and in a location to produce such an effect.
- (3) In addition to the assessment criteria set out above, the following specific criteria are to be used when assessing activities located on sites within the block of land north of Kerepehi Town Road and west of State Highway
- Whether sites have been landscaped in a manner that:
- (a) softens the visual impact of industrial activities when viewed form Rural or Residential zones;
- (b) provides a permanent landscape buffer along the western boundary of the *zone*;
- (c) reduces undesirable elements of industrial activities;

- (d) reduces the scale of industrial *buildings* (particularly their *height*) by incorporating trees capable of growing to a *height* similar to the *buildings*;
- (e) retains the existing trees along the western boundary where they will assist in establishing the landscaping in the long term.

### 5.12.8 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 5.12.5 for which compliance is not met, and the relevant assessment criteria below.

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”:

#### 5.12.8.1 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 stormwater and/or sewerage systems or 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.

**5.12.8.2 DESIGN OF BUILDINGS**

- (1) Whether the *building* or extension to the *building* and associated access is designed in such a manner that the *building* and access to the *building* will be free from flooding.
- (2) Will the *building* or 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.

### 5.12.8.3 EARTHWORKS/IMPERMEABLE COVERING

- (1) 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.
- (2) 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.
- (3) Whether any fill material will leach into the water and create a pollution hazard (particularly where vegetation is removed).

### 5.12.8.4 PLANTING

- (1) Whether any proposed planting contributes to the control of stormwater runoff, erosion control and the flood ponding purpose of the adjoining Flood Ponding Zone.
- (2) 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).

## 5.12.9 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 5.12.5 - 5.12.7, the relevant General and Activity Specific assessment criteria below, and any other matters it considers appropriate.

### 5.12.9.1 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 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) 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.
- (9) Whether the hours of operation are appropriate having regard to those persons likely to be affected by the activity.
- (10) 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 environment.
- (11) For any industrial or manufacturing activity, or hazardous substance process, manufacture or storage:
  - (a) The proximity of the site in relation to the residential and recreational areas and sensitive land activities.
  - (b) The effect on other activities provided for in the zone.
  - (c) The possible transmission of any nuisance elements on to adjacent sites and zones.
  - (d) The dispersion of air pollutants and gases as affected by: the topography of the site and surrounding area; climatic conditions such as prevailing winds and temperature inversions.
  - (e) The adequacy of measure to prevent ground and water pollution.
  - (f) Anticipated traffic volumes generated by the proposed activity and other traffic implications. The capacity of the site and the adjacent street systems to safely accommodate the anticipated vehicles and pedestrian traffic which is likely to be generated by the proposal.
  - (g) The size and shape of the site, and access to and from the site, with respect to the operation of emergency services.
  - (h) Possible risks and hazards associated with the proposal and the community's perception of such risks and hazards.

- (i) Any resulting restrictions imposed on the use of adjacent land, and any cumulative effects of existing, adjacent hazardous activities.
- (j) Where a proposal involves the storage and/or use of hazardous substances, reference to Section 7.6, needs to be made.

#### 5.12.9.2 ANCILLARY RETAIL ACTIVITY

- (1) Whether the proposal conflicts with Council's objectives relating to the protection of the main traffic routes and in particular will it lead to strip commercial development of an ad hoc nature.
- (2) Whether a location on a major arterial route is reasonably necessary to serve the surrounding industrial area or in respect of those commercial uses appropriate to an industrial zone, to best serve the general public.
- (3) The anticipated traffic volumes generated by the proposal, the means of access to and from the site and the capacity of the adjacent street system to safely accommodate the anticipated traffic, provided that in the case of the main traffic routes, preference shall be given to alternative access arrangements.
- (4) The ease of entry and exit to the site including the visibility of access points.
- (5) Whether the proposal significantly conflicts with Council's objectives relating to the sustainability of the Town Centre.
- (6) The availability of appropriately located commercially zoned land able to accommodate such uses.
- (7) Whether the public interest would be best served by an industrial location.
- (8) Whether the bulky nature of the goods or other such characteristics makes it more appropriate that they be sold in industrial rather than commercial areas.
- (9) Whether any ancillary retail activity is clearly subsidiary to and reasonably associated with the principal use of the site.

#### 5.12.9.3 UNDERGROUND MINING AND MINING OPERATIONS

- (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.

## 5.13 FLOOD PONDING ZONE

### 5.13.1 ZONE PURPOSE

- (1) The Flood Ponding Zone applies to land within the town of Paeroa and is designed to accommodate only those activities and developments which do not compromise the primary function of the area for managing floodwaters associated with the Hape Stream (Main Drain) that has a design flood 50 year return period (2% AEP). Stormwater systems connected to the Hape Stream carry the majority of the town's stormwater, which then discharges into the Ohinemuri River.
- (2) During periods of high rainfall when the Ohinemuri River is high, water cannot drain into it by gravity discharge through the floodgates. Pumps operate to supplement and replace the gravity discharge, until the river level drops. The Flood Ponding Zone acts as a buffer storage for the local catchment runoff which can exceed the capacity of the floodgates and pumps, and of the main drain to deliver the water to the outlets.
- (3) The Flood Ponding Zone covers areas of flat land of low contour either in public reserve ownership or private land largely undeveloped and used for grazing in the vicinity of the Main Drain which is known to be a ponding area from past flooding events and by design.
- (4) The area of the *zone* is such that the existing developments within it do not compromise the flood ponding function. Encroachment in the past has already reduced the original design capacity. Any additional *building*, paving, or change in the land contour or ground cover has the potential to adversely affect the ability of the land to either absorb rainwater or store flood water. Individually, such changes may be very minor, but cumulatively these individual changes can result in the effects of flooding being extended beyond the boundaries of the Flood Ponding Zone, to a greater extent than currently occurs in parts of the residential and industrial *zones*.
- (5) The boundaries of the Flood Ponding Zone have been redefined using recently obtained LIDAR information. A pragmatic approach has been adopted to define the zone boundary as closely as possible to property boundaries. This minimises the area of private land that is subject to the zone. As a consequence, there are now balance areas that are known to be subject to flooding. A specific rule has been included in each of the relevant zones with respect to this matter to ensure the area required for flood ponding purpose is not compromised.

### 5.13.2 OBJECTIVES AND POLICIES

#### (1) OBJECTIVE 1

To protect the urban resources of Paeroa from the effects of flooding, and to maintain the ponding design capacity.

#### (a) Policies

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

- (i) Restrict activities in the area used for flood ponding purposes to those that will not compromise or be incompatible with that purpose.
- (b) **Reasons**
  - (i) Flooding is a natural hazard (increased through human activities and the consequences of climate change). It is a function of *Council* under the Act to control land use activities in a manner that avoids or mitigates the effects of natural hazards.
  - (ii) The use of this restrictive *zone* and rules serves to highlight how important it is to protect urban resources from the effects of flooding and the "key" role that this flood ponding function has.
  - (iii) While actions such as catchment works may help control in the longer term the effects of catchment runoff, the flood ponding areas will still be required for their purpose.

### 5.13.3 ENVIRONMENTAL RESULTS

- (1) The expected environmental result of this *zone* is to control the effects of flooding to protect the urban resources of Paeroa and at the same time enable the people of Paeroa to maintain their social, economic and cultural wellbeing and their health and safety.

### 5.13.4 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)	<p><b>PERMITTED ACTIVITIES</b></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"> <li>• Zone Development Standards specified in Rule 5.13.5;</li> <li>• Activity Specific Standards specified in Rule 5.13.6;</li> <li>• Conservation and Heritage provisions in Section 6.0</li> <li>• Specific and District Wide provisions in Section 7.0; and</li> <li>• District Wide Performance Standards in Section 8.0.</li> </ul>
P1	Water and soil conservation works
P2	Grazing of animals

<b>(3) CONTROLLED ACTIVITIES</b>	
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"> <li>• Zone Development Standards specified in Rule 5.13.5;</li> <li>• Activity Specific Standards specified in Rule 5.13.6;</li> <li>• Conservation and Heritage provisions in Section 6.0</li> <li>• Specific and District Wide provisions in Section 7.0; and</li> <li>• District Wide Performance Standards in Section 8.0.</li> </ul>	
Conditions may be imposed in relation to the matters over which control has been reserve, as identified in the Assessment Criteria for Controlled Activities in Rule 5.13.7.	
There are no controlled activities.	
<b>(4) RESTRICTED DISCRETIONARY ACTIVITIES</b>	
Those activities listed below are a <i>Restricted Discretionary Activity</i> subject to compliance with the:	
<ul style="list-style-type: none"> <li>• Conservation and Heritage provisions in Section 6.0;</li> </ul> and shall be assessed against the relevant criteria in Rule 5.13.8	
There are no restricted discretionary activities.	
<b>(5) DISCRETIONARY ACTIVITIES</b>	
Those activities listed below are a <i>Discretionary Activity</i> and shall be assessed against the relevant criteria in Rule 5.13.9.	
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.	
<b>D1</b>	Stands and plantation of trees
<b>D2</b>	<i>Earthworks</i>
<b>D3</b>	Removal of stands and plantations of trees, or vegetation
<b>D4</b>	Any covering of the existing ground with an impermeable surface
<b>D5</b>	Any extension to an existing <i>building</i> or activity (not otherwise provided for as a permitted activity)
<b>(6) NON COMPLYING ACTIVITIES</b>	
Those activities listed below are a <i>Non Complying Activity</i> .	
<b>NC1</b>	Any activity not provided as a Permitted, Controlled, Restricted Discretionary, Discretionary or Prohibited Activity
<b>(7) PROHIBITED ACTIVITIES</b>	
Those activities listed below are a <i>Prohibited Activity</i> .	
<b>PR1</b>	<i>Surface Mining and mining operations</i>

### 5.13.5 ZONE DEVELOPMENT STANDARDS

- (1) There are no Development Standards specified for this *zone*.

### 5.13.6 ACTIVITY SPECIFIC STANDARDS

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

### 5.13.7 ASSESSMENT CRITERIA FOR CONTROLLED ACTIVITIES

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

### 5.13.8 ASSESSMENT CRITERIA FOR RESTRICTED DISCRETIONARY ACTIVITIES

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

### 5.13.9 ASSESSMENT CRITERIA FOR DISCRETIONARY ACTIVITIES

The degree to which the following guidelines are achieved will be assessed by *Council* in evaluating applications for discretionary activities and any other matters it considers appropriate.

#### 5.13.9.1 DESIGN OF BUILDINGS

- (1) Whether the *building* is designed in such a manner that the site can still practically accommodate the same flood ponding volume.

#### 5.13.9.2 REMOVAL OF VEGETATION / EARTHWORKS / IMPERMEABLE COVERING SURFACE refer to D2 and D4

- (1) Whether the measures to retain the ponding volume are adequate.
- (2) Whether the fill is carried out in a manner that ensures erosion of the fill face during flooding will be minor and not significantly affect the functioning of the *zone*.
- (3) Whether any fill material will leach into the water and create a pollution hazard.
- (4) The cumulative effect of works on the functioning of the *zone*.

#### 5.13.9.3 PLANTING – refer to D1 and D3

- (1) Whether any proposed planting contributes to the control of stormwater runoff, erosion control and the flood ponding purpose of the *zone*.
- (2) Does the planting inhibit the ability of the flood ponding areas to achieve that purpose. For example vegetation should not impede the free flow of water during the flood ponding process (both filling and emptying).

## 5.14 RESERVE ZONES

### 5.14.1 ZONE PURPOSE

- (1) In establishing the Reserve zones in this District Plan, Council's major aim has been to give due recognition to the importance that reserve areas play in people's lives and the valuable contribution they make to the health and well-being of the natural environment and of the community.
- (2) The Resource Management Act 1991 defines amenity values as:  
"those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes".
- (3) Reserves are one of those natural or physical resources that are part of amenity values.
- (4) The manner in which the use, development and management of the natural and physical resources of the reserves is carried out can contribute to meeting the requirements of Part 2 of the Resource Management Act 1991.
- (5) It is also recognised that recreational needs are changing both in type and scale. Many factors have caused an increased demand for more diverse and improved facilities. These include an increasing amount of leisure time, increased public mobility, better health and life expectancy, improved communications, and changing social attitudes towards recreation (including an expectation of attractive facilities).
- (6) The District's parks and gardens provide many opportunities for both active and passive recreational activities and this is reflected in the zoning patterns. Two different types of reserves have been identified, in terms of their function and the effects of activities within them, rather than by their size.
- (7) The Reserve (Passive) Zone includes neighbourhood and local recreation reserves, esplanade, historic, amenity, local purpose reserves (war memorials, toilets), picnic/rest areas, water and soil conservation, coastal protection, tree and vegetation protection and archaeological/cultural. In the Reserve (Passive) Zone, *buildings* and structures (apart from those immediately related to the activity) are not provided for.
- (8) The Reserve (Active) Zone includes organised sports facilities, racecourses, the Goldfields Historic Railway and showgrounds. In the Reserve (Active) Zone, *buildings* and structures ancillary to these activities (clubrooms, grandstands, carparks) are provided for as permitted, controlled or discretionary activities. Rules on height, yards, noise and other rules to protect the amenity of adjoining or nearby residential zoned land are provided.
- (9) The options available to provide for reserves in the District Plan are by:
  - (a) Designation;
  - (b) Zoning;
  - (c) Providing for recreation and reserve activities within a general zone (eg residential).

- (10) In promoting the Reserve zones approach to provide for most of the reserve requirements in the District, *Council* wishes to recognise that:
- (a) Although a number of reserves are owned and administered by *Council*, there are other reserves in private ownership (Paeroa Racecourse, Waihi A&P Association) or owned by other public bodies (Department of Conservation) that need to be appropriately provided for in the District Plan; and
  - (b) A significant number of reserves were never vested or classified under the Reserves Act 1977 or the Conservation Act 1987 and therefore cannot be designated.
- (11) The designation and general zoning provisions do not adequately provide for these situations, whereas the provision of specific reserve zones does provide a flexible and effective means of recognising reserve activities.
- (12) While the zoning in this District Plan provides a specific approach to dealing with all reserves, other legislation provides for management of the reserves outside the District Plan. In particular, management plans prepared under the Reserves Act 1977 and provisions under the Wildlife Act 1955, and Conservation Act 1987 can be used for management purposes. The Reserves Act establishes a classification system for the reserves covered by it, which is to ensure the control, management, development, use, maintenance and preservation of reserves for their appropriate purpose. Reserves can be classified as recreation, historic, scenic, nature, scientific, government purpose or local purpose.
- (13) The Reserves Act requires management plans to be prepared for the reserves covered, in accordance with the classified purpose of the reserve. The Reserve zones in this District Plan do not preclude these procedures being undertaken.
- (14) Reserves and the facilities within them have to provide for the needs of a number of "customers" and some of these customers can be thought of as follows:
- (a) When the customer is the "environment", the reserve may need to protect an ecosystem, a wetland, a lake, a river, a landscape or indigenous flora and fauna.
  - (b) When the customer is the Maori community, the reserve may need to protect the culture and traditions associated with ancestral lands, waters, sites, waahi tapu, urupa, taonga or archaeological sites.
  - (c) When the customer is the active sportsperson, the reserve needs to provide for a wide range of indoor and outdoor activities.
  - (d) For the overseas visitor the reserve may need to protect an historic or scenic feature that contributes to the tourist experience of visiting New Zealand.
- (15) The two reserve zone approach used in this District Plan, provides the "umbrella" under which the development of individual reserves can be accommodated and provided for, using the management plan process.
- (16) The two reserve zones are needed in addition to the Conservation Indigenous Forest Zone and Conservation Wetland Zone, as the objectives and outcomes for each are different. Essentially, the two conservation zones seek to conserve and protect specific resources on public land, while the reserve zones seek to provide for a range of active and passive recreation activities.
- (17) The effect of activities in the reserves (especially the Reserve (Active) Zone) have the potential to detrimentally affect the amenities and qualities of adjoining areas. The "social and

commercial" aspects of some reserve activities (where consumption of alcohol is involved or a band is playing) need to be managed to ensure the detrimental effects of such activities do not impact on adjoining areas. Also, some reserve activities themselves create detrimental effects, such as noise (eg motorcycle racing, gun clubs). These activities have been provided for in the District Plan as discretionary activities in the Reserve (Active) Zone.

### 5.14.2 ENVIRONMENTAL RESULTS

- (1) The environmental result of the reserve zones is to maintain and enhance a variety of natural and physical reserve resources that contribute to the health and well-being of the natural environment and the community.
- (2) Protection of specific historic, scenic, cultural, natural, physical and scientific features can be achieved within the provisions of the zones.

### 5.14.3 OBJECTIVES AND POLICIES

#### (1) OBJECTIVE 1

To provide for the reserve needs of the community in order to promote the health and well-being of the populace.

#### (2) OBJECTIVE 2

To protect natural and physical resources that are matters of national importance or are of significant value to the community.

##### (a) Policies

Objectives 1 and 2 will be achieved by implementation of the following policies:

- (i) Provide for active and passive recreation opportunities, as well as protection of ecological, historic and other environmental resources.
- (ii) Recognise that the reserve zones are general "back stop" mechanisms for managing reserves, and that for example, the management plan process under the Reserves Act 1977 provides the mechanism to deal with the management of individual reserve areas.

##### (b) Reasons

- (i) Providing people with opportunities for recreation, is one way which enables the community to provide for its health, social and cultural wellbeing.
- (ii) One means of protecting significant and/or important features is through public ownership (*Council*). Where this cannot be achieved, then the provisions of the reserve zones can be used to protect and manage such features.
- (iii) Other mechanisms for achieving the outcomes of the reserve zones need to be recognised.

## 5.15 RESERVE (ACTIVE) ZONE

### 5.15.1 ZONE PURPOSE

- (1) The Reserve (Active) Zone provides for active recreation and social needs of the local and wider community. These reserves provide a community focal point, as well as for a range of organised indoor/outdoor team and individual sports. Some reserves also serve a regional function and act as tourist attractions, for example, the Goldfields Historic Railway, Paeroa Racecourse, Waihi A & P Association grounds and the Ngatea Domain.
- (2) A policy of promoting the multi-purpose use of reserves is encouraged by providing for a range of recreational and community activities.
- (3) Performance standards are designed to ensure *buildings* are of a scale appropriate to the zone and to safeguard the amenity values of surrounding properties. The social and commercial aspects of some recreation activities need to be provided for as these are an integral component of many recreation activities.

### 5.15.2 OBJECTIVES AND POLICIES

(Refer to Reserve Zones 5.14.3 for general objectives and policies).

#### (1) OBJECTIVE 1

To provide for a variety of passive and active recreational and social uses compatible with both the functions of the reserve and the amenities of the reserve.

##### (a) Policies

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

- (i) Provide for *buildings* or structures to be used for multiple use recreation activities where that is possible and practicable.
- (ii) Recognise that social and commercial activities are an integral part of larger scale recreation activities.
- (iii) Encourage both active and passive reserve activities.
- (iv) Recognise that the management plan process under the Reserves Act 1977 provides the mechanism to deal with the detailed management of individual reserves.

#### (2) OBJECTIVE 2

To conserve those natural features which contribute significantly to the amenities of the reserve.

**(a) Policies**

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

- (i) Identify, protect and conserve trees, bush, landscape, scientific, wildlife, botanical, historic or scenic features of value.
- (ii) Protect the topography and landforms within the reserve from detrimental modification.

**(3) OBJECTIVE 3**

To safeguard the safety and efficiency of the *road* network and the health, amenity and general welfare of adjoining or nearby residents from the detrimental effects of some reserve activities.

**(a) Policies**

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

- (i) Ensure that recreation activities with potential to attract significant traffic and generate significant adverse amenity effects on surrounding sensitive land uses are appropriately managed.
- (ii) Control the design and appearance of *buildings* and structures on the reserves.

**(b) Reasons for Objectives 1, 2 and 3**

- (i) Refer to reasons in Reserve Zone (Section 5.14.3) for Objectives 1 & 2.
- (ii) The range and type of activities existing and likely to establish in the Reserve (Active) Zone, require flexible provisions.
- (iii) Activities located on a reserve can have effects which are detrimental to the neighbouring amenities and the *road* network. Such effects include loss of privacy, noise, traffic and lighting. These effects need to be appropriately managed.

### 5.15.3 ENVIRONMENTAL RESULTS

- (1) To provide for the active recreation and reserve needs of both the local and wider community, in a way that sustains the functional efficiency of the reserve to cater for a number of passive and active reserve activities.
- (2) Due to the scale and type of activities that are existing and likely to locate on these reserves, the potential negative impacts for the road network and adjoining sensitive activities need to be avoided, remedied or mitigated to an acceptable level.

### 5.15.4 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:

<b>(2) PERMITTED ACTIVITIES</b>	
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"> <li>• Zone Development Standards specified in Rule 5.15.5;</li> <li>• Activity Specific Standards specified in Rule 5.15.6;</li> <li>• Conservation and Heritage provisions in Section 6.0</li> <li>• Specific and District Wide provisions in Section 7.0; and</li> <li>• District Wide Performance Standards in Section 8.0.</li> </ul>	
<b>P1</b>	<i>Passive Recreation and Youth Play Areas (excluding buildings)</i>
<b>P2</b>	Indoor and Outdoor Sports of all types (excluding <i>buildings</i> ) and excluding <i>Sports Grounds, Motor Sports, Firearm Sports</i> and swimming pools
<b>P3</b>	The provision, sale or hire of goods, food and refreshments (excluding <i>buildings</i> and the sale of liquor) ancillary to and associated with any recreation activities
<b>P4</b>	<i>Prospecting</i>
<b>P5</b>	<i>Exploration</i> involving not more than 20m <sup>3</sup> of excavation per reserve in any one year
<b>P6</b>	<i>Temporary uses and buildings (including Temporary Military Training)</i>
<b>P7</b>	Demolition and removal of <i>buildings</i> and <i>structures</i>
<b>(3) CONTROLLED ACTIVITIES</b>	
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"> <li>• Zone Development Standards specified in Rule 5.15.5;</li> <li>• Activity Specific Standards specified in Rule 5.15.6;</li> <li>• Conservation and Heritage provisions in Section 6.0</li> <li>• Specific and District Wide provisions in Section 7.0; and</li> <li>• District Wide Performance Standards in Section 8.0.</li> </ul>	
Conditions may be imposed in relation to the matters over which control has been reserved, identified in the Assessment Criteria for Controlled Activities in Rule 5.15.7.	
<b>C1</b>	<i>Buildings</i> associated with Permitted Activities (excluding <i>Clubrooms</i> and premises for the sale of liquor)
<b>C2</b>	<i>Sports Grounds, Swimming Pools</i> and associated <i>accessory buildings</i> (excluding <i>Clubrooms</i> and premises for the sale of liquor)
<b>C3</b>	Public shelters and toilets
<b>C4</b>	<i>Emergency Services and Training Facilities</i>
<b>C5</b>	Single Accessory Household Unit for management purposes per reserve
<b>(4) RESTRICTED DISCRETIONARY ACTIVITIES</b>	
Those activities listed below are a <i>Restricted Discretionary Activity</i> subject to compliance with the:	
<ul style="list-style-type: none"> <li>• Conservation and Heritage provisions in Section 6.0;</li> </ul> and shall be assessed against the relevant criteria in Rule 5.15.8	
<b>RD1</b>	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 in Rule 5.15.5 for a Restricted Discretionary Activity
<b>RD2</b>	Any Permitted or Controlled Activity required to provide a Transportation Impact Assessment in accordance with Rule 8.4.1.3(5)

<b>(5) DISCRETIONARY ACTIVITIES</b>	
Those activities listed below are a <i>Discretionary Activity</i> and shall be assessed against the relevant criteria in Rule 5.15.9.	
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.	
<b>D1</b>	Any Permitted or Controlled Activity that does not meet the Zone Development Standards in Rule 5.15.5 for a Restricted Discretionary Activity
<b>D2</b>	<i>Motor Sports and Firearm Sports</i>
<b>D3</b>	<i>Community Facility</i>
<b>D4</b>	Premises requiring a liquor licence
<b>D5</b>	<i>Exploration</i> not provided for as a permitted activity
<b>(6) NON COMPLYING ACTIVITIES</b>	
Those activities listed below are a <i>Non Complying Activity</i> .	
<b>NC1</b>	Any activity not provided as a Permitted, Controlled, Restricted Discretionary, Discretionary or Prohibited Activity
<b>(7) PROHIBITED ACTIVITIES</b>	
Those activities listed below are a <i>Prohibited Activity</i> .	
<b>PR1</b>	<i>Surface mining and mining operations</i>

### 5.15.5 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 5.15.7, 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 (excluding floodlighting and goal posts)	11.0 metres (excluding floodlighting and goal posts)	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> .
	15.0 metres (for floodlighting)	15 metres (for floodlighting)	
	No maximum for goal posts	No maximum for goal posts	

Development Standard	Parameter		Environmental Result
	Permitted and Controlled	Restricted Discretionary	
<i>Daylight Control</i>	No <i>building</i> or structure shall project above 2.0 metres in <i>height</i> at <i>sensitive zone</i> boundaries 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	<i>Front Yard</i> : 5.0 metres, except public toilets which may be sited up to <i>road</i> boundary.	<i>Front Yard</i> : 5.0 metres, except public toilets which may be sited up to <i>road</i> boundary.	To allow flexibility in site layout while still maintaining the amenities of the site and adjoining residential 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> : 8.0 metres, except for public shelters, toilets and Single Accessory Household Unit where the <i>yard</i> shall be 3.0 metres at <i>sensitive zone</i> boundaries, otherwise nil.	Other yards: None	
Maximum Site Coverage	Total <i>building</i> coverage on the individual reserve shall not exceed 50%	Total <i>building</i> coverage on the individual reserve shall not exceed 75%	To prevent expansive <i>building</i> coverage detracting from the open space and amenity character of the reserve.
Building Floor Area for Single Accessory Household Unit only	150m <sup>2</sup> maximum GFA	150m <sup>2</sup> maximum GFA	To enable an intensity of residential development that is appropriate to the function of the <i>zone</i> .
<i>Outdoor Service Area</i>	10m <sup>2</sup> , with a minimum dimension of 2.5 metres.  A close boarded or solid fence or screen planting with a minimum <i>height</i> of 1.8 metres shall be erected to screen the <i>Outdoor Service Area</i> from within the reserve, a public <i>road</i> and adjoining properties.	None	To provide a separate screened area suitable for general storage, clothes drying and rubbish bin storage that does not detract from the function and amenity of the <i>zone</i> and the surrounding locality.
Hours of Use	The use of any <i>building</i> (excluding public toilets and residential accommodation) shall be limited to: 0700hr – 2330hr – Sunday to Thursday 0700hr – 2400hr – Friday and Saturday	The use of any <i>building</i> (excluding public toilets and residential accommodation) shall be limited to: 0700hr – 2330hr – Sunday to Thursday 0700hr – 2400hr – Friday and Saturday	To ensure that conflict with and detraction for surrounding residential amenities is reduced by providing certain periods of the day that are free from the activities which effect those residential amenities.

Development Standard	Parameter		Environmental Result
	Permitted and Controlled	Restricted Discretionary	
	The hours of operation of floodlighting shall be limited to 0800hr – 2330hr – Monday to Sunday	The hours of operation of floodlighting shall be limited to 0800hr – 2300hr – Monday to Sunday	

### 5.15.6 ACTIVITY SPECIFIC STANDARDS

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

### 5.15.7 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:

#### 5.15.7.1 DESIGN AND APPEARANCE OF BUILDINGS

- (1) The extent to which the scale, design and appearance of the *building* is sensitive to the character and landscape of the reserve and the amenities of surrounding properties.
- (2) The degree to which the exterior finish (colour and cladding) is complementary to the colours found in the surrounding landscape.
- (3) Whether the *building* will integrate with existing buildings on the reserve in design and appearance, not necessarily to look the same, but to be complementary in terms of scale, shape, colour and exterior materials.

#### 5.15.7.2 SITE LAYOUT

- (1) To what extent does the *building* obscure or detract from the features (particularly trees, landscape and views) that are of value within the reserve.
- (2) Whether the *building* is required to be located in close proximity to other activities and *buildings* on the reserve to make for ease of access between them.
- (3) Does the *building* and any associated access, parking and turning areas need to be located in a manner which requires minimal disturbance to vegetation, landscape or recreational features/structures on the reserve.
- (4) To what extent has the site layout of the *building* or sports grounds (particularly those accommodating noise generating activities) taken into account the nature of adjoining land activities and provided adequate separation distances and visual and aural screening from residential boundaries.

- (5) Whether the safety and efficiency of the road network will be adversely affected by the ingress and egress of vehicles associated with the *building* or sports grounds, and is the access and any associated carpark area(s) suitably located to minimise the effect of traffic on the amenities of surrounding properties.

### 5.15.7.3 LANDSCAPE DESIGN

- (1) Are any negative visual effects of the *building*, and any associated access, parking and turning areas on the amenities of the reserve and surrounding properties reduced by *landscaping*.
- (2) Whether any *landscaping* complements and enhances the existing types, form and location of trees and vegetation.

### 5.15.8 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 5.15.5 for which compliance is not met and the following relevant assessment criteria:

#### 5.15.8.1 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 stormwater and/or sewerage systems or 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 court* can be adequately provided by other means (eg. storage area provided within a garage or other accessory *building*).

**(5) HOURS OF USE FOR FLOODLIGHTING**

- (a) The extent to which the siting of and purpose for which the floodlighting is required is sufficiently separated from surrounding properties to avoid a visual and noise nuisance.
- (b) Whether the nature of the activities (both existing and potential) on surrounding properties is such that any effects from the recreation activities would not be noticed.

**5.15.8.2 VEHICULAR PROVISIONS**

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

**5.15.9 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 5.15.5 - 5.15.7, the relevant General and Activity Specific assessment criteria below, and any other matters it considers appropriate.

**5.15.9.1 GENERAL ASSESSMENT CRITERIA**

- (1) The provisions of an operative or proposed reserve management plan and the classification of the reserve under the Reserves Act 1997 or the Conservation Act 1987.
- (2) 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.
- (3) 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.
- (4) 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.

- (5) The degree to which the location of *buildings* is such as to retain clear visibility along roads and to provide space for vehicle access and loading on the *site* clear of the road.
- (6) Whether any signs proposed detract from the amenities of the area.
- (7) 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).
- (8) Whether the nature of the activity has the potential to create nuisance noise which cannot effectively or practically be controlled by mitigation measures.
- (9) The extent to which exterior storage areas are located or suitably screened from neighbouring properties and any public road to avoid, remedy or mitigate any detriment to amenity.
- (10) Whether the hours of operation are appropriate having regard to those persons likely to be affected by the activity.
- (11) 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 environment.
- (12) Whether the activity and any building and structures are of a scale and intensity which are in keeping with the character and amenity values of the existing environment.
- (13) The extent to which the activity and any building and structures maintains or enhances the cultural or heritage values of the locality.

#### 5.15.9.2 MOTOR SPORTS AND FIREARM SPORTS

- (1) Whether public safety is adequately provided for.

#### 5.15.9.3 COMMUNITY FACILITY

- (1) The extent to which the activity will be compatible with the scale of other buildings in the surrounding area and will not result in visual domination as a result of building coverage which is out of character with the locality.
- (2) The extent to which the activity is in keeping with the character and amenity of the locality and can enhance or complement the area.

## 5.16 RESERVE (PASSIVE) ZONE

### 5.16.1 ZONE PURPOSE

- (1) The Reserve (Passive) Zone includes neighbourhood and local recreation reserves, esplanade, historic, amenity, local purpose reserves (war memorials, toilets), picnic/rest areas, water and soil conservation, coastal protection, tree and vegetation protection and archaeological/cultural.
- (2) The *zone* provides for passive types of recreation, such as walking, kite flying, picnic facilities and playgrounds. In general, *buildings* are limited (apart from those immediately related to the activity).
- (3) Some reserves within the *zone* will have very limited recreation use, as their purpose is to protect vegetation, landforms, historic/archaeological sites and *buildings* or have a specific function which excludes recreation use (eg drainage, plantation, segregation).
- (4) The Reserve (Passive) Zone has also been used to indicate those situations where esplanade reserves are already in existence or where *Council* will be looking to obtain esplanade reserves. (Refer to Section 7.2 - RIPARIAN MARGINS AND ESPLANADES)
- (5) Therefore, the range of activities and the performance standards in this *zone* are "narrow", which reflects the purposes of the zone.

### 5.16.2 OBJECTIVES AND POLICIES

(Refer to Reserve Zones 5.14.3 for general objectives and policies).

#### (1) OBJECTIVE 1

To provide for passive recreation and reserve activities that enhance the function of the reserve itself and contribute to its amenity.

##### (a) Policies

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

- (i) Identify, protect and conserve trees, bush, landscape, scientific, wildlife, botanical, historic or scenic features of value.
- (ii) Protect the topography and landforms within the reserve from inappropriate modification.

#### (2) OBJECTIVE 2

To limit physical structures to those which either add to the public's enjoyment of the reserve or enhance the environment of the reserve, without significantly detracting from the amenities of the reserve and the surrounding area.

**(a) Policies**

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

- (i) Control the design, appearance, number and location of *buildings* and *structures* on the reserves.
- (ii) Ensure that *buildings* and *structures* do not dominate or detract from the open space and /or environmental qualities of the reserve and surrounding area.

**(b) Reasons for Objectives 1 and 2**

- (i) Refer to reasons in Reserve Zone (Section 5.14.3) for Objectives 1 and 2.
- (ii) Due to the "passive" nature of activities permitted in the zone, careful assessment of the effects of activities, *buildings* and *structures* needs to be given.

**5.16.3 ENVIRONMENTAL RESULTS**

- (1) To provide for the passive recreation and reserve needs of the community in a way that sustains the reserve and its environmental qualities for use by future generations.

**5.16.4 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:

<b>(2) PERMITTED ACTIVITIES</b>
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"> <li>• Zone Development Standards specified in Rule 5.16.5;</li> <li>• Activity Specific Standards specified in Rule 5.16.6;</li> <li>• Conservation and Heritage provisions in Section 6.0;</li> <li>• Specific and District Wide provisions in Section 7.0; and</li> <li>• District Wide Performance Standards in Section 8.0.</li> </ul>
<b>P1</b> <i>Passive Recreation</i>
<b>P2</b> <i>River Control Works</i>
<b>P3</b> <i>Prospecting</i>
<b>P4</b> <i>Exploration</i> involving not more than 20m <sup>3</sup> of excavation per allotment in any one year
<b>P5</b> <i>Temporary uses and buildings</i> (including <i>Temporary Military Training</i> )
<b>P6</b> Demolition and removal of <i>buildings</i>

<b>(3) CONTROLLED ACTIVITIES</b> 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"> <li>• Zone Development Standards specified in Rule 5.16.5;</li> <li>• Activity Specific Standards specified in Rule 5.16.6;</li> <li>• Conservation and Heritage provisions in Section 6.0;</li> <li>• Specific and District Wide provisions in Section 7.0; and</li> <li>• District Wide Performance Standards in Section 8.0.</li> </ul> Conditions may be imposed in relation to the matters over which control has been reserved, identified in the Assessment Criteria for Controlled Activities in Rule 5.16.7.	
<b>C1</b>	Reserve maintenance equipment rooms/sheds.
<b>C2</b>	Public shelters and toilets.
<b>C3</b>	Any <i>accessory building</i> associated with a Permitted Activity
<b>(4) RESTRICTED DISCRETIONARY ACTIVITIES</b> Those activities listed below are a <i>Restricted Discretionary Activity</i> subject to compliance with the: <ul style="list-style-type: none"> <li>• Conservation and Heritage provisions in Section 6.0;</li> </ul> and shall be assessed against the relevant criteria in Rule 5.16.8.	
<b>RD1</b>	Any Permitted or Controlled Activity that does not meet the Zone Development Standards for Permitted or Controlled Activities in Rule 5.16.5 and does not exceed the Zone Development Standards for a Restricted Discretionary Activity.
<b>RD2</b>	Any Permitted or Controlled Activity required to provide a Transportation Impact Assessment in accordance with Rule 8.4.1.3(5).
<b>(5) DISCRETIONARY ACTIVITIES</b> Those activities listed below are a <i>Discretionary Activity</i> and shall be assessed against the relevant criteria in Rule 5.16.9. 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.	
<b>D1</b>	Any Permitted or Controlled Activity that exceeds the Zone Development Standards in Rule 5.16.5 for a Restricted Discretionary Activity.
<b>D2</b>	<i>Exploration</i> not provided for as a Permitted Activity.
<b>(6) NON COMPLYING ACTIVITIES</b> Those activities listed below are a <i>Non Complying Activity</i> .	
<b>NC1</b>	Any activity not provided as a Permitted, Controlled, Restricted Discretionary, Discretionary or Prohibited Activity.
<b>(7) PROHIBITED ACTIVITIES</b> Those activities listed below are a <i>Prohibited Activity</i> .	
<b>PR1</b>	<i>Surface Mining</i> and <i>mining operations</i>

### 5.16.5 ZONE DEVELOPMENT STANDARDS

- (1) The following Development Controls shall apply to all Permitted, Controlled and Restricted Discretionary Activities and shall be used as a guide in assessing any Discretionary and Non Complying Activities.

Development Control	Parameter		Environmental Result
	Permitted and Controlled	Restricted Discretionary	
<i>Maximum Height</i>	4.0 metres	6.0 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>	No <i>building</i> or <i>structure</i> shall project above 2.0 metres in <i>height</i> at sensitive <i>zone</i> boundaries 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	<i>Front Yard</i> : 5.0 metres, except public toilets which may be sited up to road boundary.	<i>Front Yard</i> : 5.0 metres, except public toilets which may be sited up to road boundary	To allow flexibility in site layout while still maintaining the amenities of the site and adjoining residential sites.  To provide an open streetscape that allows for planting and ensures the traffic function of the road is not compromised.
	Other Yards: 3.0 metres where adjoining another <i>zone</i> boundary, other than an Industrial or Town Centre Zone	Other Yards: None	
Maximum <i>Site Coverage</i>	Total <i>building</i> coverage on the individual reserve shall not exceed 1% or 250m <sup>2</sup> <i>gross floor area</i> , whichever is the greater.	Total <i>building</i> coverage on the individual reserve shall not exceed 2% or 400m <sup>2</sup> <i>gross floor area</i> , whichever is the greater	To prevent large <i>buildings</i> detracting from the open space and amenity character of the reserve.

### 5.16.6 ACTIVITY SPECIFIC STANDARDS

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

### 5.16.7 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:

#### 5.16.7.1 DESIGN AND APPEARANCE OF BUILDINGS

- (1) The extent to which the scale, design and appearance of the *building* is sensitive to the character and landscape of the reserve and the amenities of surrounding properties.
- (2) The degree to which the exterior finish (colour and cladding) is complementary to the colours found in the surrounding landscape.
- (3) Whether the *building* will integrate with existing buildings on the reserve in design and appearance, not necessarily to look the same, but to be complementary in terms of scale, shape, colour and exterior materials.

#### 5.16.7.2 SITE LAYOUT

- (1) To what extent does the *building* obscure or detract from the features (particularly trees, landscape and views) that are of value within the reserve.
- (2) Whether the *building* is required to be located in close proximity to other activities and buildings on the reserve to make for ease of access between them.
- (3) Does the *building* and any associated access, parking and turning areas need to be located in a manner which requires minimal disturbance to vegetation, landscape or other recreational features/structures on the reserve.
- (4) Whether the ingress and egress of vehicles associated with the *building*, and any associated carpark area(s) are suitably located to minimise the effect of traffic on the residential amenities of surrounding properties.

#### 5.16.7.3 LANDSCAPE DESIGN

- (1) Are any negative visual effects of the *building*, and any associated access, parking and turning areas on the amenities of the reserve and surrounding properties reduced by *landscaping*.
- (2) Whether any *landscaping* complements and enhances the existing types, form and location of trees and vegetation.

#### 5.16.8 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 5.16.5 for which compliance is not met and the following relevant assessment criteria:

### 5.16.8.1 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 stormwater and/or sewerage systems or 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.

**5.16.8.2 VEHICULAR PROVISIONS**

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

**5.16.9 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 5.16.5 - 5.16.7, the relevant General and Activity Specific assessment criteria below, and any other matters it considers appropriate.

**5.16.9.1 GENERAL ASSESSMENT CRITERIA**

- (1) The provisions of an operative or proposed reserve management plan and the classification of the reserve under the Reserves Act 1977 or the Conservation Act 1987.
- (2) 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.

- (3) 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.
- (4) 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.
- (5) The degree to which the location of *buildings* is such as to retain clear visibility along roads and to provide space for vehicle access and loading on the *site* clear of the *road*.
- (6) Whether any signs proposed detract from the amenities of the area.
- (7) 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).
- (8) Whether the nature of the activity has the potential to create nuisance noise which cannot effectively or practically be controlled by mitigation measures.
- (9) The extent to which exterior storage areas are located or suitably screened from neighbouring properties and any public *road* to avoid, remedy or mitigate any detriment to amenity.
- (10) Whether the hours of operation are appropriate having regard to those persons likely to be affected by the activity.
- (11) Whether the activity and any building and structures are of a scale and intensity which are in keeping with the character, amenity and ambience values of the existing environment.
- (12) The extent to which the activity and any building and structures maintains or enhances the cultural or heritage values of the locality.

## 5.17 MARTHA MINERAL ZONE

### 5.17.1 ZONE PURPOSE

- (1) Martha Mine has been operating as an open pit gold and silver mine in Waihi since 1988. The original mine operates subject to the terms and conditions of Mining Licence 32 2388, issued under the Mining Act 1971 and various water rights granted under the Water and Soil Conservation Act 1967. The mining licence was granted in 1987.
- (2) The licence covers an area of approximately 400 hectares, comprising two main elements, an open pit and the processing and waste disposal area, linked by conveyor. The open pit is situated generally within the urban confines of Waihi township.
- (3) The Operative Hauraki District Plan recognised that an extension to the then existing Martha Mine was likely within the planning period of that District Plan. The area subject to the Mining Licence was zoned “Martha Mineral Zone”, while the area in which an application to extend the Martha Mine was likely, retained the existing zoning, but provided an overlay of the “Extended Martha Mineral Area (EMMA)” within which resource consent applications to extend the Martha Mine could be considered. Resource consents were subsequently granted by both Hauraki District Council and the Waikato Regional Council in June 1999 to extend the Martha Mine. Effect has been and is being given to those consents. In 2006, the “Stability Cutback” on the southern side of the pit was undertaken. The relocation of the Pumphouse was a consequential action of that work.
- (4) It is appropriate that this District Plan develops on the provisions of the previous First Review District Plan by recognising and providing for the Martha mining project as currently consented to. Therefore this District Plan contains a *zone*, the Martha Mineral Zone, the boundary of which generally equates to the June 1999 boundary of the consented project (EMMA). In areas no longer required for rehabilitation of the Martha Mine, either the Martha Mineral Zone or EMMA has been removed and replaced with an appropriate zoning. Within the consented project area only of this *zone*, *surface mining* and ancillary activities, are Permitted Activities, subject to meeting the conditions set out in the current mining licence and land use consent. The conditions of Land Use Resource Consent 97/98-105, in conjunction with the conditions of the Mining Licence and the Memorandum of Understanding are considered to be effective methods to manage the activities within the Martha Mine.
- (5) The risk analysis of the historic underground workings by GNS has been completed and has identified historic underground working areas having low, medium and high hazards for land use activities. The majority of these underground working areas are within land owned by Newmont Waihi Gold (‘NWG’). The historic underground working areas that have been identified as having low, medium and high hazard have been incorporated into the Martha Mineral zone. Recent geotechnical information and analysis has identified that there are areas of instability at the eastern end of the Martha Mineral Zone and that re-contouring of the land may be the best manner in which to reduce the possibility of earth movements arising from historic underground workings. The provisions of the extended Martha Mineral Zone have provided for earthworks and mining as discretionary activities (ie the portion of the extended

Martha Mineral Zone does not provide for an extension to the existing mine without obtaining resource consent approval).

- (6) Should any proposal to extend the mine involve activities beyond the new Martha Mineral Zone boundary, a change to the District Plan will be required (*surface mining* is a prohibited activity in the urban zones adjoining the Martha Mineral Zone).
- (7) There is only one private residential property (as Lot 1 DPS 88349) within the Martha Mineral Zone that is not owned by Newmont Waihi Gold. Newmont Waihi Gold accepts the land use restrictions that would apply to any residential activities on its land. Parts of Lot 1 DPS 88349 and access (both legal and physical) to the property are over land that has a mixture of low, medium and high hazards for residential activities. In order for residential use to be undertaken on those parts of the property that are not subject to medium and high hazards, any use of the land beyond that afforded 'existing use rights' needs to be considered through the discretionary activity resource consent process.

## 5.17.2 OBJECTIVES AND POLICIES

### (1) OBJECTIVE 1

To provide for the utilisation of the *mineral* resource in a sustainable manner.

#### (a) Policies

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

- (i) Recognise the development of the mine, its ongoing rehabilitation and its longer term likely uses.
- (ii) Provide for the social, economic and cultural well being of the people of the District and for their health and safety.
- (iii) Ensure that the amenity values of Waihi and the wider community are protected.
- (iv) Recognise that the risks associated with the historic underground working areas require a mixture of approaches to avoid, remedy or mitigate those hazards and provide for appropriate longer term land use activities.

#### (b) Reasons

- (i) The Martha Mine is an economically and environmentally significant development in the District. It is subject to a Mining Licence issued under the former Mining Act 1971 and resource consents granted under the Resource Management Act. In addition, the Martha Mine Project was recognised at a policy level in the First Review of the Hauraki District Plan through the provision of objectives and policies and the "Extended Martha Mineral Area" applying to urban zones around Martha Mine. Given these circumstances, specific recognition of and provision for the activity is necessary in this District Plan. The special purpose *zone* for the Martha Mine is also included in recognition of the value of the Martha *mineral* resource and decisions already made to develop that resource.
- (ii) The risks to land use activities arising from the hazards associated with the historic underground workings needs to be managed in a variety of ways in order that those risks can be addressed and suitable longer term land uses established.

### 5.17.3 ENVIRONMENTAL RESULTS

- (1) To provide for the social and economic well being of the residents of Waihi and the wider District as a consequence of the utilisation of the Martha *mineral* resource in a manner that promotes the sustainable management of resources.
- (2) To ensure that the rehabilitation of the area once *mining* is completed is such that the long term uses of the area within this zone provide an appropriate and sustainable environment for Waihi.
- (3) To ensure the residential amenity values and the natural environment are afforded appropriate protection.

### 5.17.4 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:

<b>(2) PERMITTED ACTIVITIES</b>
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"> <li>• Zone Development Standards specified in Rule 5.17.5;</li> <li>• Activity Specific Standards specified in Rule 5.17.6;</li> <li>• Conservation and Heritage provisions in Section 6.0;</li> <li>• Specific and District Wide provisions in Section 7.0; and</li> <li>• District Wide Performance Standards in Section 8.0.</li> </ul>
<b>P1</b> Any activity conducted in terms of Mining Licence 32 2388 once it has expired in 2017
<b>P2</b> Any activity conducted in terms of Land Use Resource Consent 97/98-105 once it has expired in 2019
<b>P3</b> Any of the following recreation activities: <ol style="list-style-type: none"> <li>(a) Pedestrian walkways, cycleways and jogging tracks (including bridges);</li> <li>(b) Planted areas and stands of trees.</li> </ol>
<b>P4</b> Any of the following recreation activities located in the “low” underground workings hazard (shafts and stopes) areas shown on Figure 5 of the “Waihi Subsidence Report, GNS Science Consultancy Report 2006/235, October 2008” included as <b>Figure A</b> at the end of this zone: <ol style="list-style-type: none"> <li>(a) Seating and tables, barbeque facilities, public artwork/sculptures;</li> <li>(b) <i>Children’s playgrounds;</i></li> <li>(c) <i>Temporary Uses and Buildings;</i></li> <li>(d) Reserve maintenance equipment rooms/sheds;</li> <li>(e) Public shelters and toilets; and</li> <li>(f) Any accessory <i>building</i> associated with a Permitted Activity.</li> </ol>
<b>P5</b> <i>Prospecting and exploration</i>

<b>(3) CONTROLLED ACTIVITIES</b> 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"> <li>• Zone Development Standards specified in Rule 5.17.5;</li> <li>• Activity Specific Standards specified in Rule 5.17.6;</li> <li>• Conservation and Heritage provisions in Section 6.0;</li> <li>• Specific and District Wide provisions in Section 7.0; and</li> <li>• District Wide Performance Standards in Section 8.0.</li> </ul> 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 5.17.7.	
There are no controlled activities	
<b>(4) RESTRICTED DISCRETIONARY ACTIVITIES</b> Those activities listed below are a <i>Restricted Discretionary Activity</i> subject to compliance with the: <ul style="list-style-type: none"> <li>• Conservation and Heritage provisions in Section 6.0;</li> </ul> and shall be assessed against the relevant criteria in Rule 5.17.8.	
<b>RD1</b>	Permitted Activities P3 & P4 that do not meet the Zone Development Standards in Rule 5.17.5 for a permitted activity and do not exceed the Zone Development Standards for a Restricted Discretionary Activity.
<b>(5) DISCRETIONARY ACTIVITIES</b> Those activities listed below are a <i>Discretionary Activity</i> and shall be assessed against the relevant criteria in Rule 5.17.9. 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.	
<b>D1</b>	Permitted Activities P3 & P4 that exceed the Zone Development Standards in Rule 5.17.5 for a Restricted Discretionary Activity.
<b>D2</b>	Any of the recreation activities listed in Permitted Activity P4 that are located in either the “high” or “medium” underground workings hazard (shafts and stopes) areas shown on Figure 5 of the “Waihi Subsidence Report, GNS Science Consultancy Report 2006/235, October 2008” included as <b>Figure A</b> at the end of this zone.
<b>D3</b>	<i>Underground and surface mining and mining operations.</i>
<b>D4</b>	Residential use of that part of the property at Grey Street (legally described as Lot 1 DPS 88349) that is outside the “high” or “medium” underground workings hazard (shafts and stopes) areas shown on Figure 5 of the “Waihi Subsidence Report, GNS Science Consultancy Report 2006/235, October 2008” included as section 5.17.10 at the end of this zone.
<b>(6) NON COMPLYING ACTIVITIES</b> Those activities listed below are a <i>Non Complying Activity</i> .	
<b>NC1</b>	Any activity not provided as a Permitted, Controlled, Restricted Discretionary or Discretionary Activity.
<b>(7) PROHIBITED ACTIVITIES</b> Those activities listed below are a <i>Prohibited Activity</i> .	
There are no prohibited activities	

## NOTE :

Any activity conducted within the area and within the terms of Mining Licence 32 2388 until it expires in 2017 and/or Land Use Resource Consent 97/98 – 105 until it expires in 2019, is not subject to the provisions of this zone.

### 5.17.5 ZONE DEVELOPMENT STANDARDS

- (1) The performance standards for Permitted Activities P1 and P2 carried out in the Martha Mineral Zone will be the conditions applying to Mining Licence 32 2388 and/or Land Use Resource Consent 97/98-105
- (2) The following Development Controls shall apply to Permitted Activities P3 and P4 and Restricted Discretionary Activity RD1 and shall be used as a guide in assessing any Discretionary or Non Complying Activities.

Development Control	Parameter		Environmental Result
	Permitted and Controlled	Restricted Discretionary	
Maximum <i>Height</i>	4.0 metres	6.0 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> .
<i>Daylight Control</i>	No <i>building</i> shall project above 2.0 metres in <i>height</i> at the <i>zone</i> boundaries and not project above a 45° plane into the <i>zone</i> 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 <i>Yards</i>	<i>Front Yard</i> : 5.0 metres at the <i>zone</i> boundary, except public toilets which may be sited up to road boundary where this coincides with the <i>zone</i> boundary.	<i>Front Yard</i> : 5.0 metres, at the <i>zone</i> boundary except public toilets which may be sited up to road boundary where this coincides with the <i>zone</i> boundary.	To allow flexibility in site layout while still maintaining the amenities of the <i>zone</i> and adjoining residential sites.
	<i>Other Yards</i> : 3.0 metres at <i>sensitive zone</i> boundaries, otherwise nil.	<i>Other Yards</i> : None	
<i>Zone Coverage</i>	Total <i>building</i> coverage shall not exceed 1% or 250m <sup>2</sup> <i>gross floor area</i> , whichever is the greater.	Total <i>building</i> coverage shall not exceed 2% or 400m <sup>2</sup> <i>gross floor area</i> , whichever is the greater	To prevent large <i>buildings</i> detracting from the open space and amenity character of the <i>zone</i> .

### 5.17.6 ACTIVITY SPECIFIC STANDARDS

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

### 5.17.7 ASSESSMENT CRITERIA FOR CONTROLLED ACTIVITIES

- (1) There are no Controlled Activities and therefore there are no Assessment Criteria for Controlled Activities.

### 5.17.8 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 5.17.5 for which compliance is not met and the following relevant assessment criteria:

#### 5.17.8.1 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) ZONE COVERAGE**

- (a) 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*.
- (b) 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.

**5.17.9 ASSESSMENT CRITERIA FOR DISCRETIONARY ACTIVITIES**

When assessing any application for a Discretionary Activity, *Council* shall have regard to the relevant development standards, environmental results and assessment criteria for permitted and restricted discretionary activities in Rules 5.17.5 – 5.17.7, the relevant Activity Specific assessment criteria below, and any other matters it considers appropriate.

**5.17.9.1 ASSESSMENT CRITERIA FOR DISCRETIONARY ACTIVITIES D1 & D3**

- (1) With respect to the zone development performance standards, Council will have regard to them for assessment purposes, in particular where either the activity or the adverse effects of the activity are in close proximity to the boundary between the Martha Mine Zone and any other adjoining or adjacent zone boundary. However, Council recognises that because of the nature of the mining activities and the existing mining licence and/or resource consent conditions, the performance standards may not always be relevant or appropriate.
- (2) Whether landscaping can avoid, remedy or mitigate the adverse effects of mining operations and mining. In particular, whether the landscaping provides a visual buffer with respect to:
  - (a) screening unsightly and disturbed areas from other land beyond the Martha Mine Zone
  - (b) providing a visually attractive outlook without blocking intermediate and distant views

- (c) softening any hard or bleak surfaces
- (3) Whether adequate public safety measures (eg fencing and bunds) have been provided, particularly with respect to any open pit.
- (4) Whether the methods proposed to avoid, remedy or mitigate the adverse effects of the activities are practical and effective.
- (5) Whether the proposed rehabilitation of the site and adjacent areas during and following the cessation of mining activities (including open pit, conveyor, waste disposal areas and surface infrastructure eg roads, plant and equipment) is undertaken and results in a landscape, features and facilities that are appropriate within the context of the environment they are located within.

With respect to proposed post-mining landscapes and features (lakes, reserves, recreation areas), their appropriateness within the environment they are located in, will be considered in relation to such matters as:

- (a) The visual appearance of rehabilitated areas.
- (b) Public access and safety.
- (c) Structural engineering and environmental integrity.
- (d) The provision of community and/or recreational facilities.

#### 5.17.9.2 ASSESSMENT CRITERIA FOR DISCRETIONARY ACTIVITY D2

- (1) Whether the recreation activity is compatible with either the ongoing mining activities or proposed rehabilitation.
- (2) Whether adequate investigations have been undertaken and/or whether the design of the recreation activity incorporates sufficient safety provisions to ensure that any risks arising from the hazard are reduced to an acceptable level.

#### 5.17.9.3 ASSESSMENT CRITERIA FOR DISCRETIONARY ACTIVITY D4

- (1) Whether adequate investigations have been undertaken and/or whether the design of the residential activity incorporates sufficient safety provisions to ensure that any risks arising from the hazard are reduced to an acceptable level.
- (2) Whether adequate legal and physically safe access is available to the site to ensure that any risks arising from access over a hazard area are reduced to acceptable levels.

5.17.10 Diagram of Martha Mineral Zone

Figure 5 of the Waihi Subsidence Report, GNS Science Consultancy Report 2006/235, October 2008

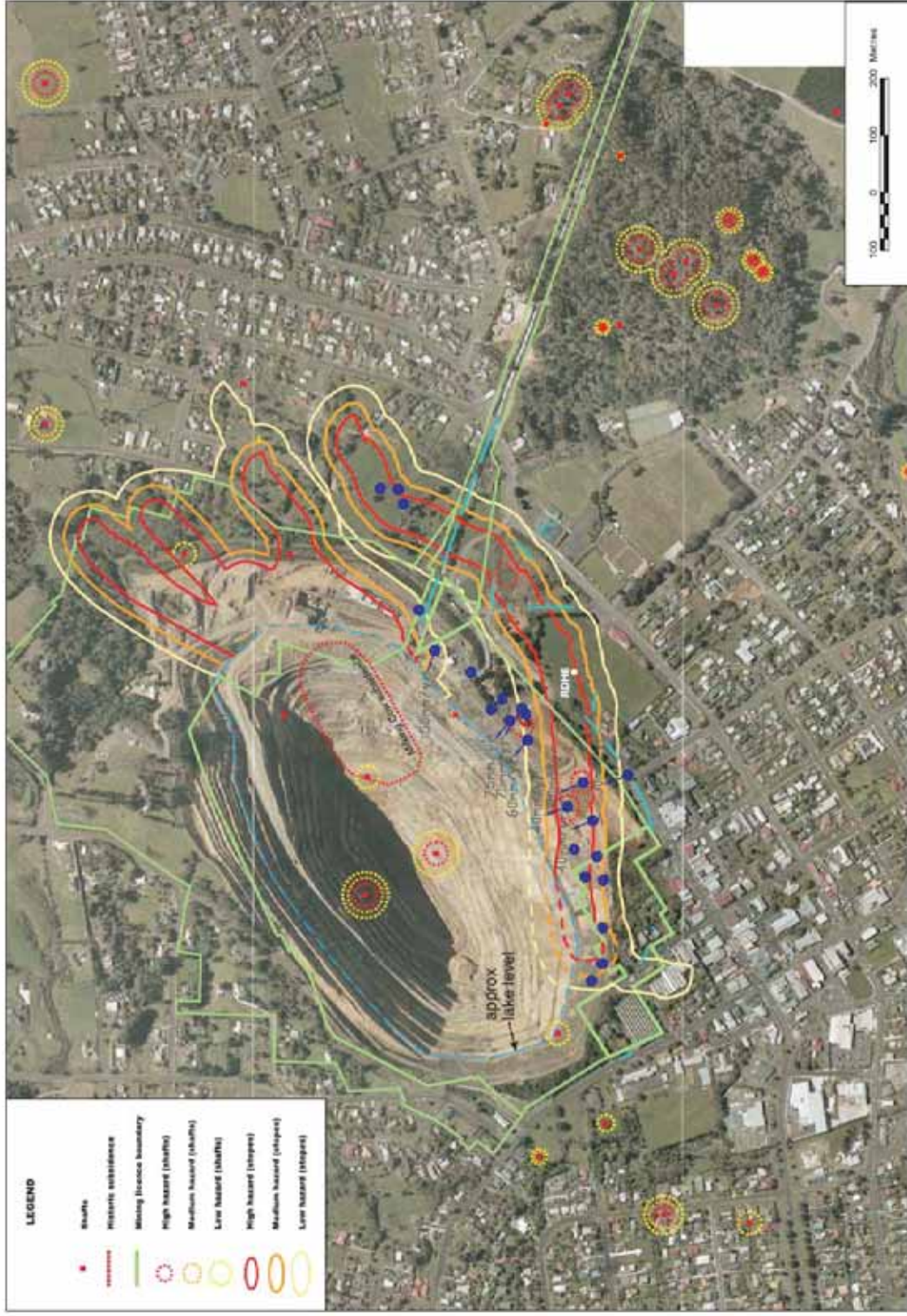


Figure 5: Aerial photo of Waihi showing collapse areas, the open pit and probabilistic hazard zones - circles around shafts, elongated areas above lodges (from the August 2002 GNS Report). The Edward South hazard zones were changed in the 2003 GNS report and 'Martha' stopes have been added - this report. 75mm/yr - Movement and direction

Section 5.17: Martha Mineral Zone

## 5.18 GOLDEN CROSS MINERAL ZONE

### 5.18.1 ZONE PURPOSE

- (1) Golden Cross Mine operated in the Waitekauri Valley between 1990 and the end of 1993 when closure and rehabilitation of the mine commenced.
- (2) The closure and rehabilitation of the mine operates subject to the terms and conditions of Mining Licence 32 2954, issued under the Mining Act 1971 and various water rights granted under the Water and Soil Conservation Act 1967. Within the *zone*, rehabilitation and closure activities are managed under Mining Licence 32 2954 and continue to be subject to the provisions of the Mining Act 1971 and the Crown Minerals Act 1991. Mining Licence 32 2954 expires in April 2020.
- (3) The licence covers an area of 388.9 hectares, comprising:
  - (a) Former Open Pit (now largely filled)
  - (b) Underground Areas (2 areas now largely filled)
  - (c) Process Plant (in part)
  - (d) Tailings Disposal
  - (e) Waste Rock Disposal
  - (f) Waste Water Treatment and Disposal
- (4) The First Review of the District Plan recognised and provided for the Golden Cross mine to continue to operate in its rehabilitation and closure phase. Rehabilitation and closure has been ongoing with the first four of five phases being implemented and approved as being completed. The fifth and final phase of the rehabilitation and closure plan is anticipated during the life of this District Plan.
- (5) There are parts of the Golden Cross Mineral Zone that were either never actively mined (eg significant areas of indigenous vegetation) or have now been rehabilitated and closed and now used for farming purposes. Therefore it is appropriate that this Second Review of the District Plan contains a *zone*, the Golden Cross Mineral Zone, the boundary of which equates to the boundary of the area still to be rehabilitated and closed within the existing mining licence. Within this *zone*, rehabilitation and closure activities are Permitted Activities, subject to meeting the rehabilitation and closure conditions set out in the current *mining* licence.
- (6) Within the lifetime of this District Plan, it is anticipated that the current monitoring and rehabilitation regime will continue. No specific longer term use of the site is known at this time. If during the lifetime of this District Plan, a proposal for the longer term use of the site is developed, the private plan change provisions of the RMA can be used (if necessary) to provide suitable resource management provisions.

### 5.18.2 OBJECTIVE AND POLICY

#### (1) OBJECTIVE 1

To enable the closure and rehabilitation of the Golden Cross mine project to be completed in an environmentally sustainable manner.

##### (a) Policy:

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

- (i) Ensure the provisions of the District Plan do not hinder the ongoing closure and rehabilitation of the site.

##### (b) Reason for the Objective and Policy

- (i) The last part of the Golden Cross Mine is currently and for the foreseeable future subject to ongoing monitoring, closure and rehabilitation. Given these circumstances, specific recognition of and provision for this phase of the project is necessary in the Plan.

### 5.18.3 ENVIRONMENTAL RESULTS

(1) The expected environmental results for the Golden Cross Mineral Zone are:

- (a) Current operations meet the conditions of the existing licence and other permits which provide protection to the natural environment.
- (b) Closure and rehabilitation of the area is completed, such that the long term uses of the area within this *zone* provide an appropriate and sustainable environment.

### 5.18.4 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 *Permitted Activity* unless otherwise specified and subject to compliance with the:

- Activity Specific Standards specified in Rule 5.18.5;
- Conservation and Heritage provisions in Section 6.0;
- Activity Specific and District Wide provisions in Section 7.0; and
- District Wide Performance Standards in Section 8.0.

**P1** Any closure and rehabilitation activity conducted in terms Mining Licence 32 2954 once it has expired in 2020.

**(3) CONTROLLED ACTIVITIES**

Those activities listed below are a *Controlled Activity* unless otherwise specified and subject to compliance with the:

- Activity Specific Standards specified in Rule 5.18.5;
- 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.

Conditions may be imposed in relation to the matters over which control has been reserved, identified in the Assessment Criteria for Controlled Activities in Rule 5.18.6.

There are no Controlled Activities

**(4) RESTRICTED DISCRETIONARY ACTIVITIES**

Those activities listed below are a *Restricted Discretionary Activity* subject to compliance with the:

- Conservation and Heritage provisions in Section 6.0; and shall be assessed against the relevant criteria in Rule 5.18.7.

There are no Restricted Discretionary Activities

**(5) DISCRETIONARY ACTIVITIES**

Those activities listed below are a *Discretionary Activity* and shall be assessed against the relevant criteria in Rule 5.18.8.

Note: The Conservation and Heritage provisions in Section 6.0 also apply and may alter the *Discretionary Activity* status for the activities specified below.

There are no Discretionary Activities

**(6) NON COMPLYING ACTIVITIES**

Those activities listed below are a *Non Complying Activity*.

**NC1** Any closure or rehabilitation activity that does not comply with the Activity Specific Standards in Rule 5.18.5.

**(7) PROHIBITED ACTIVITIES**

Those activities listed below are a *Prohibited Activity*.

There are no prohibited activities

**NOTE:**

Any activity conducted within the area and within the terms of Mining Licence 32 2954 until it expires in 2020 is not subject to the provisions of this zone.

**5.18.5 ACTIVITY SPECIFIC STANDARDS**

(1) The following standard shall apply to Permitted Activity P1 and shall be used as a guide in assessing Non Complying Activity NC1:

- (a) Phase 5 rehabilitation and/or closure plan shall be submitted for approval and be approved in accordance with ML 32 2954.

#### **5.18.6 ASSESSMENT CRITERIA FOR CONTROLLED ACTIVITIES**

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

#### **5.18.7 ASSESSMENT CRITERIA FOR RESTRICTED DISCRETIONARY ACTIVITIES**

- (1) There are no Restricted Discretionary Activities and hence there are no Assessment Criteria for Restricted Discretionary Activities.

#### **5.18.8 ASSESSMENT CRITERIA FOR DISCRETIONARY ACTIVITIES**

- (1) There are no Discretionary Activities and hence there are no Assessment Criteria for Discretionary Activities.