

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.
- (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 (168.74) 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. (127.7)(127.8)
- (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 controls 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 controls can apply. However, additional landscaping to mitigate the potential impacts of industrial activities on the adjoining rural amenities is provided. To the north of Kerepehi Town Road, a 20 metre wide strip of land along the western boundary of the Industrial Zone has been zoned Reserve (Passive). Twelve metres width of this 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 are 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. (181.185)
- (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 are 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

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:

5.12.4.1 PERMITTED ACTIVITIES

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

- *Zone Development Standards* specified in Rule 5.12.5;
- Activity Specific Standards specified in Rule 5.12.6;
- Conservation and Heritage provisions in Section 6.0
- Specific and District Wide provisions in Section 7.0; and
- District Wide Performance Standards in Section 8.0.

P1*	<i>INDUSTRIAL AND WAREHOUSE ACTIVITIES</i>
P2*	<i>SERVICE STATIONS</i>
P3*	CAR, CARAVAN AND BOAT SALES/SERVICE/REPAIRS AND VALET
P4*	FARM MACHINERY SALES AND REPAIR
P5*	TRADE DEPOTS (PLUMBING, ELECTRICAL, CABINET MAKING, BUILDING ETC) NOT ASSOCIATED WITH A <i>RETAIL ACTIVITY</i>
P6*	<i>FACTORY SHOPS AND ANCILLARY RETAIL OUTLETS TO INDUSTRIAL, TRADE DEPOT AND WAREHOUSE ACTIVITIES</i>
P7	<i>PROSPECTING</i>
P8	<i>EXPLORATION INVOLVING NOT MORE THAN 20M³ OF EXCAVATION PER ALLOTMENT IN ANY ONE YEAR</i>
P9	<i>TEMPORARY USES AND BUILDINGS (INCLUDING TEMPORARY MILITARY TRAINING)</i>
P10	DEMOLITION AND REMOVAL OF <i>BUILDINGS</i>

* *Permitted Activities* P1 to P6 are a *Controlled Activity* where located on *sites* fronting and/or having access to a *State Highway* or *Arterial Road*, and/or are located on *sites* within an *Amenity Protection Area* (refer to Rule 5.12.4.2)

5.12.4.2 CONTROLLED ACTIVITIES

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

- *Zone Development Standards* specified in Rule 5.12.5;
- Activity Specific Standards specified in Rule 5.12.6;
- Conservation and Heritage provisions in Section 6.0

- Specific and District Wide provisions in Section 7.0; and
- District Wide Performance Standards in Section 8.0.

Conditions may be imposed in relation to the matters over which control has been reserved, as specified below.

C1	<p style="color: red; font-weight: bold;">ANY PERMITTED ACTIVITY LISTED ABOVE ON SITES FRONTING AND/OR HAVING ACCESS TO A STATE HIGHWAY OR ARTERIAL ROAD - REFER TO PLANNING MAPS L1 TO L3). (127.11)</p> <p>Matters over which Council has reserved control are:</p> <p>(1) Design and appearance of buildings</p> <p style="padding-left: 20px;">(a) The extent to which the <i>buildings</i> are designed to present an attractive facade to the <i>road</i>, 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.</p> <p>(2) Site Layout</p> <p style="padding-left: 20px;">(a) To what extent have <i>buildings</i> and outdoor activities been set back from front boundaries to allow room on the front of the <i>property</i> for <i>landscaping</i>, access and parking areas, and also to ensure that <i>buildings</i> do not visually dominate the streetscape as viewed from the <i>road</i>;</p> <p style="padding-left: 20px;">(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 <i>road</i>, or disruption to activities on site;</p> <p style="padding-left: 20px;">(c) Whether storage yards and servicing areas are sited away from the road or screened from the <i>road</i> to minimise visual impact.</p> <p>(3) Location and design of vehicle access</p> <p style="padding-left: 20px;">(a) Whether access to and from <i>sites</i> has been located and designed to minimise any detrimental effects on the safety and efficiency of the transport network;</p> <p style="padding-left: 20px;">(b) Whether the access points are located so as to be readily visible to drivers thereby enabling safe slowing and acceleration distances;</p> <p style="padding-left: 20px;">(c) For <i>state highways</i>, whether the access points meet the NZTA <i>State Highway Standards</i>. (181.189)</p> <p>(4) Landscape Design</p> <p style="padding-left: 20px;">(a) Whether the <i>site</i> has been landscaped in a manner that:</p> <p style="padding-left: 40px;">(i) enhances the appearance of industrial <i>development</i> from the <i>state highway</i> or <i>arterial road</i>;</p> <p style="padding-left: 40px;">(ii) visually softens any hard or bleak surfaces;</p> <p style="padding-left: 40px;">(iii) screens unsightly parts of the <i>development</i>;</p> <p style="padding-left: 40px;">(iv) complements the design and appearance of <i>buildings</i> to present an attractive facade to the <i>road</i>;</p>
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	<p>(v) does not screen the drivers view of access points or <i>signs</i> identifying the business located on the <i>site</i>;</p> <p>(vi) contributes to an avenue effect through the planting of trees of a type and in a location to produce such an effect.</p>
C2	<p>ANY PERMITTED ACTIVITY LISTED ABOVE ON SITES LOCATED WITHIN AN AMENITY PROTECTION AREA. (93.85)(191.85)(127.12)</p> <p>Matters over which the Council has reserved control are:</p> <p>(1) Design and appearance of buildings</p> <p>(a) The extent to which <i>buildings</i> are designed in a manner which is complementary and sensitive to the existing and potential <i>amenities</i> of the surrounding residential and reserve zone <i>environments</i> in terms of scale, form and harmony;</p> <p>(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;</p> <p>(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 <i>residential buildings</i> and <i>property</i>.</p> <p>(2) Site Layout</p> <p>(a) Whether <i>buildings</i>, 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 <i>zone</i>;</p> <p>(b) To what extent have factors such as wind direction, <i>landscaping</i>, and <i>yards</i> been used to assist in the minimising of nuisance elements (eg. noise, odours, particulates).</p> <p>(3) Location and design of vehicle access</p> <p>(a) To what extent has access to and from a <i>site</i> been located as far as practicable, or as appropriate in the circumstances, from the boundary of an adjoining Residential Zone.</p> <p>(4) Landscape Design</p> <p>(a) Whether the <i>site</i> has been landscaped in a manner that:</p> <p>(i) softens the visual impact of industrial uses on the Residential or Reserve Zone;</p> <p>(ii) provides a permanent physical buffer between the Residential or Reserve Zone and Industrial Zone;</p> <p>(iii) screens unsightly parts of <i>development</i>;</p> <p>(iv) reduces undesirable elements of <i>industrial activities</i> such as, particulates and glare;</p>

- (v) reduces the scale of *buildings* (particularly their *height*) by incorporating trees capable of growing to a *height* similar to the *buildings*.

5.12.4.3 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;
- Specific and District Wide provisions in Section 7.0; and
- District Wide Performance Standards in Section 8.0.

The matters over which the *Council* has restricted its discretion are specified for each *restricted discretionary activity* listed below.

RD1 ANY PERMITTED ACTIVITY OR CONTROLLED ACTIVITY THAT DOES NOT MEET THE ZONE DEVELOPMENT STANDARDS IN RULE 5.12.5 FOR A PERMITTED OR CONTROLLED ACTIVITY AND DOES NOT EXCEED THE ZONE DEVELOPMENT STANDARDS IN RULE 5.12.5 FOR A RESTRICTED DISCRETIONARY ACTIVITY

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.

Matters over which *Council* has restricted its discretion are:

- (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.

<p>(i) The extent to which the <i>building</i> visually intrudes on any significant ridgeline or skyline or significant landscape and what measures are proposed to reduce the visual effects of that intrusion.</p> <p>(j) Whether the <i>building</i> 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.</p> <p>(2) Yard</p> <p>(a) The extent that topographical and <i>site</i> conditions restrict the area or shape of the <i>site</i> that is available and suitable for building.</p> <p>(b) The degree to which the functioning of the <i>site</i> and or the activity can be improved.</p> <p>(c) Whether there is a need to preserve existing trees, vegetation or important physical characteristics of the <i>site</i>.</p> <p>(d) The extent to which the provision of daylight and sunlight into the neighbouring <i>properties</i> and the visual and aural privacy of neighbouring <i>sites</i> will be affected.</p> <p>(e) The extent to which the safe and efficient functioning of the street or <i>road</i> will be significantly compromised.</p> <p>(f) Whether the detrimental effects of building in the <i>yard</i> can be reduced or avoided.</p> <p>(g) Whether the <i>yard</i> functions (including separation, <i>landscaping</i> and service provision) will be provided on the <i>site</i> by other means, or are they unnecessary.</p> <p>(3) Site coverage</p> <p>(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.</p> <p>(b) Whether there are known stormwater/sewerage effluent disposal problems in the area.</p> <p>(c) The degree to which negative effects in terms of changing the character or <i>visual</i> amenity of the area can be mitigated or removed through the use of such techniques as <i>landscaping</i>, building design, exterior finish, set back from boundaries or reduced <i>height</i>.</p> <p>(d) The extent to which open space within the <i>site</i> and/or in the near vicinity can reduce the impact of the <i>building(s)</i> in terms of character or <i>visual amenity</i>.</p>	<p>RD2 ANY PERMITTED ACTIVITY OR CONTROLLED ACTIVITY THAT DOES NOT MEET THE ACTIVITY SPECIFIC STANDARDS IN RULE 5.12.6(1) IN THE AREA IDENTIFIED ON THE PLANNING MAPS AS "SUBJECT TO INUNDATION"</p> <p>Matters over which the Council has restricted its discretion are:</p> <p>(1) Design of buildings</p>
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<p>(a)</p> <p>(b)</p> <p>(2)</p> <p>(a)</p> <p>(b)</p> <p>(c)</p> <p>(3)</p> <p>(a)</p> <p>(b)</p>	<p>Whether the <i>building</i> or extension to the <i>building</i> and associated access is designed in such a manner that the <i>building</i> and access to the <i>building</i> will be free from inundation.</p> <p>Will the <i>building</i> or extension of the <i>building</i> and access to it have any consequential flooding effects on the remainder of the <i>site</i> and other <i>sites</i> also subject to potential inundation.</p> <p>Earthworks/impermeable covering</p> <p>Whether the placement of fill is carried out in a manner that ensures erosion of the exposed ground and/or fill face during inundation will be minor and not cumulatively affect the functioning of the Flood Ponding Zone. (168.76)</p> <p>Will the extension of the impermeable covering (<i>building</i> and/or hard surfaces) and access have any consequential inundation effects on the remainder of the <i>site</i> and other <i>sites</i> also subject to potential inundation and any other adjacent <i>sites</i>.</p> <p>Whether any fill material will leach into the water and create a pollution hazard (particularly where vegetation is removed).</p> <p>Planting</p> <p>Whether any proposed planting contributes to the control of stormwater runoff, erosion control and the flood ponding purpose of the adjoining Flood Ponding Zone.</p> <p>Does the planting inhibit the ability of the Flood Ponding Zone to achieve that purpose and/or have a consequential adverse effect on other <i>sites</i> also subject to potential inundation. For example vegetation should not impede the free flow of water during the flood ponding/inundation process (both filling and emptying).</p>
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5.12.4.4 DISCRETIONARY ACTIVITIES

Those activities listed below are a *Discretionary Activity* and shall be assessed against the relevant criteria in Rule 5.12.7.

Note: The Conservation and Heritage provisions in Section 6.0 and the Specific and District Wide provisions in Section 7.0 also apply and may alter the *Discretionary Activity* status for the activities specified below or require additional resource consents.

D1	ANY FACTORY SHOP AND ANCILLARY RETAIL OULET WHICH DOES NOT COMPLY WITH THE ACTIVITY SPECIFIC STANDARDS IN RULE 5.12.6(2)
D2	EXPLORATION NOT PROVIDED FOR AS A PERMITTED ACTIVITY. (93.88)(191.88)
D3	UNDERGROUND MINING
D4	RESIDENTIAL ACCOMMODATION IN ASSOCIATION WITH ANY PERMITTED AND/OR CONTROLLED ACTIVITY, BUT NOT EXCEEDING ONE DWELLING PER ACTIVITY.
D5	COMMUNITY FACILITY

D6 INDOOR SPORTS FACILITY

5.12.4.5 NON COMPLYING ACTIVITIES

Those activities listed below are a *Non Complying Activity*

NC1 ANY ACTIVITY NOT PROVIDED AS A PERMITTED, CONTROLLED, RESTRICTED DISCRETIONARY, DISCRETIONARY OR PROHIBITED ACTIVITY Submission in relation to Mining & Mining Operations, and Education/Training Activities and Facilities

5.12.4.6 PROHIBITED ACTIVITIES

Those activities listed below are a *Prohibited Activity*.

PR1 SURFACE MINING

5.12.5 ZONE DEVELOPMENT STANDARDS

- (1) The following relevant *Zone Development Standards* shall be met by all *Permitted* and *Controlled Activities* unless otherwise stated.
- (2) For *Controlled Activities*, where *Council* has reserved control over specified matters in Rule 5.12.4.2, and for *Restricted Discretionary Activities* in Rule 5.12.4.3, where *Council* has restricted its discretion to specific matters, more restrictive *Development Standards* than those specified in the table below may be imposed as *conditions* of consent.
- (3) The following relevant *Zone Development Standards* shall be used as a guide in assessing any *Discretionary* and *Non Complying Activities*.

For Temporary Uses and Buildings (covered by clause (b) of the definition), submission requests that the following standards do not apply. (168.88)

Development Standard	Parameter		Environmental Result
	Permitted and Controlled	Restricted Discretionary	
Maximum <i>Height</i> within the Industrial Zone at:			
(a) Ngatea (<i>properties</i> immediately fronting Orchard West Road (SH 2) as shown on Planning Map C);	N/A	N/A	
(b) Kerepehi (whole zone); and	N/A		
(c) Dean Crescent, Waihi	N/A	N/A	

Development Standard	Parameter		Environmental Result
	Permitted and Controlled	Restricted Discretionary	
(d) Elsewhere in the zone	15.0 metres	No restriction	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 <i>landscape</i> , <i>amenity</i> 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 any <i>zone</i> boundary and not project above a 45° plane into the <i>site</i> up to the maximum <i>height</i> .	No restriction	To ensure no <i>building</i> unreasonably overshadows any neighbouring <i>property</i> in another <i>zone</i> , thereby restricting daylight and ventilation between <i>buildings</i> .
Minimum yards	Front Yard: Nil (181.59) Objection in relation to SHWYs only	N/A (181.59) Objection in relation to SHWYs only	To allow flexibility in <i>site</i> layout while still maintaining the <i>amenities</i> of the <i>site</i> and adjoining <i>sites</i> .
	Other yards: 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.	Nil	
<i>Site/Zone Coverage</i>	85% of the <i>site</i>	100% of the <i>site</i>	To limit the scale and intensity of building <i>development</i> to a level appropriate to the character and <i>amenity</i> of an area.

5.12.6 ACTIVITY SPECIFIC STANDARDS

(1) LAND SUBJECT TO INUNDATION AS IDENTIFIED ON THE PLANNING MAPS

- (a) No more than 45% of the area within the *site* that is *subject to inundation* as identified on the planning maps shall be covered by *buildings* and/or covered in an impermeable surface or vegetation (other than grass or similar), or otherwise made unavailable to

inundation (eg. by bunding or solid fencing), or be subject to *exploration*, excavation and filling.

(2) ANCILLARY FACTORY SHOPS AND RETAIL OUTLETS (P6)

- (a) The maximum *gross floor area* of an ancillary *factory shop* or retail outlet shall not exceed 100m² or 25% of the *gross floor area* of the principal activity whichever is the lesser; or
- (b) Where the principal activity occurs predominantly outdoors, the maximum *gross floor area* of an ancillary *factory shop* or retail outlet shall not exceed 100m² or 25% of the *net site area* (excluding any required vehicle parking and *manoeuvring space*) whichever is the lesser. (168.77)

5.12.7 ASSESSMENT CRITERIA FOR DISCRETIONARY ACTIVITIES

When assessing any application for a *Discretionary Activity*, Council shall have regard to the relevant *development standards*, activity specific standards, environmental results and assessment criteria for *permitted*, *controlled* and *restricted discretionary activities* in Rules 5.12.4 to 5.12.6, and the relevant General and Activity Specific assessment criteria below, and any other matters it considers appropriate.

5.12.7.1 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*; (181.23)
 - (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 activities*;
 - (e) the comments of New Zealand Transport Agency on the possible adverse effects on the safe and efficient operation of the *State Highway network*. (181.47)
- (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) 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*.
- (4) Whether the nature of the activity has the potential to create nuisance and health and safety effects, such as noise, vibration and dust which cannot effectively or practically be controlled by mitigation measures.
- (5) 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*.

- (6) Whether the hours of operation are appropriate having regard to those persons likely to be affected by the activity.

5.12.7.2 FACTORY SHOP/ANCILLARY RETAIL ACTIVITY

- (1) Whether the proposal conflicts with *Council's* objectives relating to the protection of the function of major traffic routes (ie. *state highways* and *arterial roads*) and in particular will it lead to strip commercial *development* of an ad hoc nature.
- (2) Whether a location on a major traffic 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 transport network to safely accommodate the anticipated traffic, provided that in the case of *state highways* and *arterial roads*, 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 Centres of Waihi and Paeroa.
- (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*.

5.12.7.3 UNDERGROUND MINING AND EXPLORATION

- (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.

5.12.7.4 RESIDENTIAL ACCOMMODATION/COMMUNITY FACILITY/INDOOR SPORTS FACILITY

- (1) The extent to which the activity serves the need of an *industrial/warehouse activity* or is more appropriate in an industrial location than to other areas.
- (2) If the establishment of the activity would adversely effect the efficient functioning of the *zone*.
- (3) The scale and intensity of the activity and its compatibility with surrounding activities.

- (4) The extent to which adequate measures have been undertaken to separate the activity from the actual and potential effects of the surrounding *industrial activities* (both on the same and adjacent *sites*).
- (5) The extent to which alternative *sites* or locations have been considered.
- (6) The extent to which the internal noise of any *habitable room* does not meet 40dBA L₁₀, with the doors and windows shut.

5.13 PAEROA FLOOD PONDING ZONE

5.13.1 ZONE PURPOSE

- (1) The Paeroa 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 Paeroa 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 Paeroa 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 Paeroa Flood Ponding Zone, to a greater extent than currently occurs in parts of the residential and industrial zones.
- (5) The boundaries of the Paeroa Flood Ponding Zone have been redefined using recently obtained LIDAR information and an updated catchment analysis taking into account the effects of climate change. 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 inundation. 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.
- (6) The Paeroa Flood Ponding Zone is one of a comprehensive suite of provisions in the District Plan to address the management of water throughout the District. These provisions and an explanation of how each of them works and integrates with each other is included in Section 7.1: Water Supply Catchments, Flood Management, River Control and Coastal Inundation Control.

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

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:

5.13.4.1 PERMITTED ACTIVITIES

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

- *Zone Development Standards* specified in Rule 5.13.5;
- Activity Specific Standards specified in Rule 5.13.6;
- Conservation and Heritage provisions in Section 6.0

- Specific and District Wide provisions in Section 7.0; and
- District Wide Performance Standards in Section 8.0.

P1	WATER AND SOIL CONSERVATION WORKS
P2	GRAZING OF ANIMALS

5.13.4.2 CONTROLLED ACTIVITIES

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

- *Zone Development Standards* specified in Rule 5.13.5;
- Activity Specific Standards specified in Rule 5.13.6;
- Conservation and Heritage provisions in Section 6.0
- Specific and District Wide provisions in Section 7.0; and
- District Wide Performance Standards in Section 8.0.

Conditions may be imposed in relation to the matters over which control has been reserved, as specified below.

THERE ARE NO *CONTROLLED ACTIVITIES*.

5.13.4.3 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;
- Specific and District Wide provisions in Section 7.0; and
- District Wide Performance Standards in Section 8.0.

The matters over which the *Council* has restricted its discretion are specified for each *restricted discretionary activity* listed below.

THERE ARE NO *RESTRICTED DISCRETIONARY ACTIVITIES*.

5.13.4.4 DISCRETIONARY ACTIVITIES

Those activities listed below are a *Discretionary Activity* and shall be assessed against the relevant criteria in Rule 5.13.7.

Note: The Conservation and Heritage provisions in Section 6.0 and the Specific and District Wide provisions in Section 7.0 also apply and may alter the *Discretionary Activity* status for the activities specified below or require additional resource consents.

D1	STANDS AND PLANTATIONS OF TREES
D2	REMOVAL OF STANDS AND PLANTATIONS OF TREES, OR VEGETATION
D3	ANY COVERING OF THE EXISTING GROUND WITH AN IMPERMEABLE SURFACE
D4	ANY EXTENSION TO AN EXISTING <i>BUILDING</i> OR ACTIVITY (NOT OTHERWISE PROVIDED FOR AS A <i>PERMITTED ACTIVITY</i>)

5.13.4.5 NON COMPLYING ACTIVITIES

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

NC1	ANY ACTIVITY NOT PROVIDED AS A <i>PERMITTED, CONTROLLED, RESTRICTED DISCRETIONARY, DISCRETIONARY</i> OR <i>PROHIBITED ACTIVITY</i>
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5.13.4.6 PROHIBITED ACTIVITIES

Those activities listed below are a *Prohibited Activity*.

PR1	<i>SURFACE MINING AND MINING OPERATIONS</i>
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5.13.5 ZONE DEVELOPMENT STANDARDS

- (1) There are no *Zone 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 DISCRETIONARY ACTIVITIES

When assessing any application for a *Discretionary Activity*, *Council* shall have regard to the relevant assessment criteria below, and any other matters it considers appropriate.

5.13.7.1 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.

5.13.7.2 REMOVAL OF VEGETATION /IMPERMEABLE SURFACE COVERING refer to D2, D3 and D4

- (1) Whether the measures to retain the ponding volume are adequate.
- (2) The cumulative effect of works on the functioning of the *zone*.

5.13.7.3 PLANTING – refer to D1

- (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 1953, 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. (156.1)(156.2)
- (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 effects 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

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:

5.15.4.1 PERMITTED ACTIVITIES

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

- *Zone Development Standards* specified in Rule 5.15.5;
- Activity Specific Standards specified in Rule 5.15.6;
- Conservation and Heritage provisions in Section 6.0
- Specific and District Wide provisions in Section 7.0; and
- District Wide Performance Standards in Section 8.0.

P1	PASSIVE RECREATION AND YOUTH PLAY AREAS (EXCLUDING BUILDINGS)(89.10)(63.11) Submissions in relation to walkways, cycleways & jogging tracks only.
P2	INDOOR AND OUTDOOR SPORTS OF ALL TYPES (EXCLUDING BUILDINGS) AND EXCLUDING SPORTS GROUNDS, MOTOR SPORTS, FIREARM SPORTS AND SWIMMING POOLS
P3	THE PROVISION, SALE OR HIRE OF GOODS, FOOD AND REFRESHMENTS (EXCLUDING BUILDINGS AND THE SALE OF LIQUOR) ANCILLARY TO AND ASSOCIATED WITH ANY RECREATION ACTIVITIES
P4	PROSPECTING
P5	EXPLORATION INVOLVING NOT MORE THAN 20M ³ OF EXCAVATION PER RESERVE IN ANY ONE YEAR
P6	TEMPORARY USES AND BUILDINGS (INCLUDING TEMPORARY MILITARY TRAINING)
P7	DEMOLITION AND REMOVAL OF BUILDINGS AND STRUCTURES

5.15.4.2 CONTROLLED ACTIVITIES

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

- *Zone Development Standards* specified in Rule 5.15.5;
- Activity Specific Standards specified in Rule 5.15.6;
- Conservation and Heritage provisions in Section 6.0
- Specific and District Wide provisions in Section 7.0; and
- District Wide Performance Standards in Section 8.0.

Conditions may be imposed in relation to the matters over which control has been reserved, as specified below.

C1	BUILDINGS ASSOCIATED WITH PERMITTED ACTIVITIES (EXCLUDING CLUBROOMS AND PREMISES FOR THE SALE OF LIQUOR) : (181.194)(submission in relation to SHWYs only)
C2	SPORTS GROUNDS, SWIMMING POOLS AND ASSOCIATED ACCESSORY BUILDINGS (EXCLUDING CLUBROOMS AND PREMISES FOR THE SALE OF LIQUOR) (181.194)(submission in relation to SHWYS only)

C3	PUBLIC SHELTERS AND TOILETS (submission in relation to SHWYS only) (181.194)
C4	EMERGENCY SERVICES AND TRAINING FACILITIES (181.194) (submission in relation to SHWYs only)
C5	SINGLE ACCESSORY HOUSEHOLD UNIT FOR MANAGEMENT PURPOSES PER RESERVE (181.194) (submission in relation to SHWYs only)
<p>Matters over which Council has reserved control for C1 to C5 are:</p> <p>(1) Design and appearance of buildings</p> <p>(a) The extent to which the scale, design and appearance of the <i>building</i> is sensitive to the character and landscape of the reserve and the <i>amenities</i> of surrounding <i>properties</i>.</p> <p>(b) The degree to which the exterior finish (colour and cladding) is complementary to the colours found in the surrounding landscape.</p> <p>(c) Whether the <i>building</i> will integrate with existing <i>buildings</i> 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.</p> <p>(2) Site layout</p> <p>(a) To what extent does the <i>building</i> obscure or detract from the features (particularly trees, landscape and views) that are of value within the reserve.</p> <p>(b) Whether the <i>building</i> is required to be located in close proximity to other activities and <i>buildings</i> on the reserve to make for ease of access between them.</p> <p>(c) Does the <i>building</i> and any associated access, parking and <i>turning areas</i> need to be located in a manner which requires minimal disturbance to vegetation, landscape or recreational features/<i>structures</i> on the reserve.</p> <p>(d) To what extent has the <i>site layout</i> of the <i>building</i>, <i>sports grounds</i> or swimming pool (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.</p> <p>(e) Whether the safety and efficiency of the <i>road</i> network will be adversely affected by the ingress and egress of vehicles associated with the <i>building</i> or <i>sports grounds</i>, and is the access and any associated carpark area(s) suitably located to minimise the effect of traffic on the <i>amenities</i> of surrounding <i>properties</i>.</p> <p>(3) Landscape design</p> <p>(a) Are any negative visual effects of the <i>building</i>, and any associated access, parking and <i>turning areas</i> on the <i>amenities</i> of the reserve and surrounding <i>properties</i> reduced by <i>landscaping</i>.</p> <p>(b) Whether any <i>landscaping</i> complements and enhances the existing types, form and location of trees and vegetation.</p>	

5.15.4.3 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;
- Specific and District Wide provisions in Section 7.0; and
- District Wide Performance Standards in Section 8.0.

The matters over which the *Council* has restricted its discretion are specified for each *restricted discretionary activity* listed below.

<p>RD1</p> <p>ANY <i>PERMITTED ACTIVITY</i> OR <i>CONTROLLED ACTIVITY</i> THAT DOES NOT MEET THE <i>ZONE DEVELOPMENT STANDARDS</i> IN RULE 5.15.5 FOR A <i>PERMITTED</i> OR <i>CONTROLLED ACTIVITY</i> AND DOES NOT EXCEED THE <i>ZONE DEVELOPMENT STANDARDS</i> IN RULE 5.15.5 FOR A <i>RESTRICTED DISCRETIONARY ACTIVITY</i></p> <p>Matters over which the <i>Council</i> has restricted its discretion are:</p> <p>The <i>Council</i> will restrict the exercise of its discretion to the ability of the activity or <i>development</i> to achieve the particular environmental result of the <i>Zone Development Standards</i> in Rule 5.15.5 for which compliance is not met and the following relevant assessment criteria:</p> <p>(1) <i>Height and Daylighting</i></p> <p>(a) The extent that topographical and <i>site</i> conditions (including easements) restrict the area or shape of the <i>site</i> that is suitable and available for building.</p> <p>(b) The desirability of maintaining consistency in design and appearance with existing <i>buildings</i> on the <i>site</i>.</p> <p>(c) The need to preserve existing trees, vegetation or important physical characteristics of the <i>site</i>.</p> <p>(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 <i>amenity</i>.</p> <p>(e) Whether the <i>property</i> adjoining the <i>site</i> is sufficiently higher and therefore the adjoining <i>property</i> will not be detrimentally affected.</p> <p>(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 <i>amenities</i> of the neighbouring <i>site</i>.</p> <p>(g) The extent to which it is necessary to minimise the physical disturbance to the landscape and the landforms.</p> <p>(h) The degree to which matters such as shading, loss of daylight, <i>amenity</i> value and privacy of adjoining <i>properties</i> is affected.</p> <p>(i) The extent to which the <i>building</i> visually intrudes on any significant ridgeline or skyline or significant landscape and what measures are proposed to reduce the visual effects of that intrusion.</p> <p>(j) Whether the <i>building</i> 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</p>
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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 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*).

(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.

5.15.4.4 DISCRETIONARY ACTIVITIES

Those activities listed below are a *Discretionary Activity* and shall be assessed against the relevant criteria in Rule 5.15.7.

Note: The Conservation and Heritage provisions in Section 6.0 and the Specific and District Wide provisions in Section 7.0 also apply and may alter the *Discretionary Activity* status for the activities specified below or require additional resource consents.

D1	ANY PERMITTED OR CONTROLLED ACTIVITY THAT DOES NOT MEET THE ZONE DEVELOPMENT STANDARDS IN RULE 5.15.5 FOR A RESTRICTED DISCRETIONARY ACTIVITY
D2	MOTOR SPORTS AND FIREARM SPORTS
D3	COMMUNITY FACILITY
D4	PREMISES REQUIRING A LIQUOR LICENCE
D5	EXPLORATION NOT PROVIDED FOR AS A PERMITTED ACTIVITY (93.93)(191.93)

5.15.4.5 NON COMPLYING ACTIVITIES

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

NC1	ANY ACTIVITY NOT PROVIDED AS A PERMITTED, CONTROLLED, RESTRICTED DISCRETIONARY, DISCRETIONARY OR PROHIBITED ACTIVITY Submission In relation to Mining & Mining Operations only.
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5.15.4.6 PROHIBITED ACTIVITIES

Those activities listed below are a *Prohibited Activity*.

PR1	SURFACE MINING AND MINING OPERATIONS (93.95)(191.95) Submission in relation to Mining Operations
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5.15.5 ZONE DEVELOPMENT STANDARDS

- (1) The following relevant *Zone Development Standards* shall be met by all *Permitted* and *Controlled Activities* unless otherwise stated.
- (2) For *Controlled Activities*, where *Council* has reserved control over specified matters in Rule 5.15.4.2, and for *Restricted Discretionary Activities* in Rule 5.15.4.3, where *Council* has restricted its discretion to specific matters, than those specified in the table below more restrictive *Development Standards* may be imposed as *conditions* of consent.

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

For Temporary Uses and Buildings (covered by clause (b) of the definition), submission requests that the following standards do not apply. (168.89)

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, <i>amenity</i> 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	
<i>Daylight Control</i>	No <i>building</i> or <i>structure</i> 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 <i>site</i> up to the maximum <i>height</i>	No Restriction	To ensure no <i>building</i> unreasonably overshadows any neighbouring <i>property</i> , thereby restricting daylight and ventilation between <i>buildings</i> .
Minimum <i>Yards</i>	<i>Front Yard</i> : 5.0 metres, except public toilets which may be sited up to road boundary. (181.60) Objection in relation to SHWYs only	<i>Front Yard</i> : 5.0 metres, except public toilets which may be sited up to road boundary. (181.60) Objection in relation to SHWYs only	To allow flexibility in <i>site</i> layout while still maintaining the <i>amenities</i> of the <i>site</i> and adjoining <i>residential sites</i> . To provide an open streetscape that allows for planting and ensures the traffic function of the <i>road</i> 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.	<i>Other yards</i> : Nil	
Maximum <i>Site Coverage</i>	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 <i>amenity</i> character of the reserve.

Development Standard	Parameter		Environmental Result
	Permitted and Controlled	Restricted Discretionary	
<i>Building Floor Area for Single Accessory Household Unit only</i>	150m ² maximum <i>GFA</i>	150m ² maximum <i>GFA</i>	To enable an intensity of residential <i>development</i> that is appropriate to the function of the <i>zone</i> .
<i>Outdoor Service Area</i>	10m ² , 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 <i>properties</i> .	Nil	To provide a separate screened area suitable for general storage, clothes drying and rubbish bin storage that does not detract from the function and <i>amenity</i> 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 <i>amenities</i> is reduced by providing certain periods of the day that are free from the activities which affect those residential <i>amenities</i> , whilst enabling reasonable public use of the reserve..
	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 DISCRETIONARY ACTIVITIES

When assessing any application for a *Discretionary Activity*, Council shall have regard to the relevant *development standards*, activity specific standards, environmental results and assessment criteria for *permitted*, *controlled* and *restricted discretionary activities* in Rules 5.15.4 to 5.15.6, and the relevant General and Activity Specific assessment criteria below, and any other matters it considers appropriate.

5.15.7.1 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*; (181.24)
 - (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 activities*;
 - (e) the comments of New Zealand Transport Agency on the possible adverse effects on the safe and efficient operation of the *State Highway network*. (181.48)
- (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 and health and safety effects, such as noise, vibration and dust, 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* maintain or enhance the cultural or heritage values of the locality.

5.15.7.2 MOTOR SPORTS AND FIREARM SPORTS

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

5.15.7.3 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.

5.15.7.4 EXPLORATION

- (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.

5.16 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 7.3 - 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

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:

5.16.4.1 PERMITTED ACTIVITIES

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

- *Zone Development Standards* specified in Rule 5.16.5;
- Activity Specific Standards specified in Rule 5.16.6;
- Conservation and Heritage provisions in Section 6.0;
- Specific and District Wide provisions in Section 7.0; and
- District Wide Performance Standards in Section 8.0.

P1	PASSIVE RECREATION (excluding <i>buildings</i>) (89.11)(63.12) Submissions in relation to walkways, cycleways & jogging tracks only.
P2	RIVER CONTROL WORKS
P3	PROSPECTING
P4	EXPLORATION INVOLVING NOT MORE THAN 20M ³ OF EXCAVATION PER ALLOTMENT IN ANY ONE YEAR
P5	TEMPORARY USES AND BUILDINGS (INCLUDING TEMPORARY MILITARY TRAINING)

P6 DEMOLITION AND REMOVAL OF BUILDINGS

5.16.4.2 CONTROLLED ACTIVITIES

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

- *Zone Development Standards* specified in Rule 5.16.5;
- Activity Specific Standards specified in Rule 5.16.6;
- Conservation and Heritage provisions in Section 6.0;
- Specific and District Wide provisions in Section 7.0; and
- District Wide Performance Standards in Section 8.0.

Conditions may be imposed in relation to the matters over which control has been reserved, as specified below.

C1	RESERVE MAINTENANCE EQUIPMENT ROOMS/SHEDS. (181.198)(submission in relation to SHWYs only)
C2	PUBLIC SHELTERS AND TOILETS. (181.198) (submission in relation to SHWYs only)
C3	ANY ACCESSORY BUILDING ASSOCIATED WITH A PERMITTED ACTIVITY (181.198) (submission in relation to SHWYs only)
<p>Matters over which the Council has reserved control for C1, C2 and C3 are:</p> <p>The degree to which the following guidelines are achieved will be assessed by Council in evaluating applications for <i>controlled activities</i>: (168.79)</p> <p>(1) Design and appearance of buildings</p> <p style="margin-left: 20px;">(a) The extent to which the scale, design and appearance of the <i>building</i> is sensitive to the character and landscape of the reserve and the <i>amenities</i> of surrounding <i>properties</i>.</p> <p style="margin-left: 20px;">(b) The degree to which the exterior finish (colour and cladding) is complementary to the colours found in the surrounding landscape.</p> <p style="margin-left: 20px;">(c) Whether the <i>building</i> will integrate with existing <i>buildings</i> 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.</p> <p>(2) Site layout</p> <p style="margin-left: 20px;">(a) To what extent does the <i>building</i> obscure or detract from the features (particularly trees, landscape and views) that are of value within the reserve.</p> <p style="margin-left: 20px;">(b) Whether the <i>building</i> is required to be located in close proximity to other activities and <i>buildings</i> on the reserve to make for ease of access between them.</p> <p style="margin-left: 20px;">(c) Does the <i>building</i> and any associated access, parking and <i>turning areas</i> need to be located in a manner which requires minimal disturbance to vegetation, landscape or other recreational features/<i>structures</i> on the reserve.</p> <p style="margin-left: 20px;">(d) Whether the ingress and egress of vehicles associated with the <i>building</i>, and</p>	

	any associated carpark area(s) are suitably located to minimise the effect of traffic on the residential <i>amenities</i> of surrounding <i>properties</i> .
(3)	Landscape design
(a)	Are any negative visual effects of the <i>building</i> , and any associated access, parking and <i>turning areas</i> on the <i>amenities</i> of the reserve and surrounding <i>properties</i> reduced by <i>landscaping</i> .
(b)	Whether any <i>landscaping</i> complements and enhances the existing types, form and location of trees and vegetation.

5.16.4.3 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;
- Specific and District Wide provisions in Section 7.0; and
- District Wide Performance Standards in Section 8.0.

The matters over which the *Council* has restricted its discretion are specified for each *restricted discretionary activity* listed below.

RD1	<p>ANY PERMITTED OR CONTROLLED ACTIVITY THAT DOES NOT MEET THE ZONE DEVELOPMENT STANDARDS IN RULE 5.16.5 FOR A PERMITTED OR CONTROLLED ACTIVITY AND DOES NOT EXCEED THE ZONE DEVELOPMENT STANDARDS IN RULE 5.16.5 FOR A RESTRICTED DISCRETIONARY ACTIVITY.</p> <p>Matters over which the Council has restricted its discretion are:</p> <p>The <i>Council</i> will restrict the exercise of its discretion to the ability of the activity or <i>development</i> to achieve the particular environmental result of the <i>Zone Development Standards</i> in Rule 5.16.5 for which compliance is not met and the following relevant assessment criteria:</p> <p>(1) Height and Daylighting</p> <p>The extent that topographical and <i>site</i> conditions (including easements) restrict the area or shape of the <i>site</i> that is suitable and available for building.</p> <p>(a) The desirability of maintaining consistency in design and appearance with existing <i>buildings</i> on the <i>site</i>.</p> <p>(b) The need to preserve existing trees, vegetation or important physical characteristics of the <i>site</i>.</p> <p>(c) 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 <i>amenity</i>.</p> <p>(d) Whether the <i>property</i> adjoining the <i>site</i> is sufficiently higher and therefore the adjoining <i>property</i> will not be detrimentally affected.</p> <p>(e) Where the standard(s) is penetrated by a dormer window, gable or similar roof feature, whether that will have a minor effect on the <i>amenities</i> of the</p>
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neighbouring *site*.

- (f) The extent to which it is necessary to minimise the physical disturbance to the landscape and the landforms.
- (g) The degree to which matters such as shading, loss of daylight, *amenity value* and privacy of adjoining *properties* is affected.
- (h) 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.
- (i) 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 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*.

5.16.4.4 DISCRETIONARY ACTIVITIES

Those activities listed below are a *Discretionary Activity* and shall be assessed against the relevant criteria in Rule 5.16.7.

Note: The Conservation and Heritage provisions in Section 6.0 and the Specific and District Wide provisions in Section 7.0 also apply and may alter the *Discretionary Activity* status for the activities specified below or require additional resource consents.

D1	ANY PERMITTED OR CONTROLLED ACTIVITY THAT EXCEEDS THE ZONE DEVELOPMENT STANDARDS IN RULE 5.16.5 FOR A RESTRICTED DISCRETIONARY ACTIVITY.
D2	EXPLORATION NOT PROVIDED FOR AS A PERMITTED ACTIVITY. (93.100)(191.100)

5.16.4.5 NON COMPLYING ACTIVITIES

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

NC1	ANY ACTIVITY NOT PROVIDED AS A PERMITTED, CONTROLLED, RESTRICTED DISCRETIONARY, DISCRETIONARY OR PROHIBITED ACTIVITY. (87.84)
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5.16.4.6 PROHIBITED ACTIVITIES

Those activities listed below are a *Prohibited Activity*.

PR1	SURFACE MINING AND MINING OPERATIONS (93.102)(191.102) Submission in relation to Mining Operations.
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5.16.5 ZONE DEVELOPMENT STANDARDS

- (1) The following relevant *Zone Development Standards* shall be met by all *Permitted* and *Controlled Activities* unless otherwise stated.
- (2) For *Controlled Activities*, where *Council* has reserved control over specified matters in Section 5.15.4.2, and for *Restricted Discretionary Activities* in Rule 5.15.4.3, where *Council* has restricted its discretion to specific matters, more restrictive *Development Standards* than those specified in the table below may be imposed as *conditions* of consent.
- (3) The following relevant *Zone Development Standards* shall be used as a guide in assessing any *Discretionary* and *Non Complying Activities*.

For Temporary Uses and Buildings (covered by clause (b) of the definition), submission requests that the following standards do not apply. (168.90)

Development Control	Parameter		Environmental Result
	Permitted and Controlled	Restricted Discretionary	
Maximum Height	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, <i>amenity</i> and character of both the <i>zone</i> that the <i>building</i> is located in and any adjoining <i>zone</i> .
Daylight Control	No <i>building</i> or <i>structure</i> shall project above 2.0 metres in <i>height</i> at sensitive <i>zone</i> boundaries and not project above a 45° plane into the <i>site</i> up to the maximum <i>height</i> .	No Restriction	To ensure no <i>building</i> unreasonably overshadows any neighbouring <i>property</i> , thereby restricting daylight and ventilation between <i>buildings</i> .
Minimum Yards	Front Yard: 5.0 metres, except public toilets which may be sited up to road boundary. (181.61) Objection in relation to SHWYs only	Front Yard: 5.0 metres, except public toilets which may be sited up to road boundary (181.61) Objection in relation to SHWYs only	To allow flexibility in <i>site</i> layout while still maintaining the <i>amenities</i> of the <i>site</i> and adjoining <i>residential sites</i> . To provide an open streetscape that allows for planting and ensures the traffic function of the <i>road</i> 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: Nil	
Maximum Site Coverage	Total <i>building</i> coverage on the individual reserve shall not exceed 1% or 250m ² gross floor area, whichever is the greater.	Total <i>building</i> coverage on the individual reserve shall not exceed 2% or 400m ² gross floor area, whichever is the greater	To prevent large <i>buildings</i> detracting from the open space and <i>amenity</i> 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 DISCRETIONARY ACTIVITIES

When assessing any application for a *Discretionary Activity*, Council shall have regard to the relevant *development standards*, activity specific standards, environmental results and assessment criteria for *permitted*, *controlled* and *restricted discretionary activities* in Rules 5.16.4 to 5.16.6, and the relevant General and Activity Specific assessment criteria below, and any other matters it considers appropriate.

5.16.7.1 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*; (181.25)
 - (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 activities*;
 - (e) the comments of New Zealand Transport Agency on the possible adverse effects on the safe and efficient operation of the *State Highway network*. (181.49)
- (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 and health and safety effects, such as noise, vibration and dust, 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.

5.16.7.2 EXPLORATION

- (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.

5.17 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 First Review 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 to extend the Martha Mine were subsequently granted by both Hauraki District Council and the Waikato Regional Council and confirmed by the Environment Court in June 1999. Effect has been and is being given to those consents. In 2006, the “Stability Cutback” on the southern side of the pit was undertaken to enable compliance with the conditions of the Mining Licence that require that the pit faces be left in a stable and safe condition. 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 and the results of the risk analysis. 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). Within the consented project area of this zone, surface mining and ancillary activities, are Permitted Activities, subject to meeting the relevant conditions set out in the Mining Licence and land use consent (refer to Rules P1 and P2). The conditions of Land Use Resource Consent 97/98-105, in conjunction with the conditions of the Mining Licence, the various Management Plans required under these documents and the Memorandum of Understanding entered into with Hauraki District Council (93.103)(191.103) are considered to be effective methods to manage the activities within the Martha Mine. In areas no longer required for rehabilitation of the Martha Mine, EMMA has been replaced with an appropriate zoning.
- (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 historic 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 Mine and that re-contouring of the land will be the best manner in which to reduce the possibility of earth movements arising from historic underground workings. For those parts of the Martha Mineral Zone which now extend over

the hazard zones that lie outside of the consented project area, the provisions of the extended Martha Mineral Zone have provided for mining as a discretionary activity (refer to Rule D2).

- (6) Surface mining is a prohibited activity in the urban zones adjoining the Martha Mineral Zone. Accordingly, any proposal to extend the mine beyond the new Martha Mineral Zone boundary by means of surface mining, will require a change to the District Plan. (93.104)(191.104)

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 and its processing areas, 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. (93.105)(191.105)
- (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 1991. 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) Hazard zones associated with historic underground workings have been identified since the First Review of the Hauraki District Plan. The risks to land use activities arising from the hazards associated with the historic underground workings need 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 natural and physical 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

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:

5.17.4.1 PERMITTED ACTIVITIES

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

- *Zone Development Standards* specified in Rule 5.17.5;
- Activity Specific Standards specified in Rule 5.17.6;
- Conservation and Heritage provisions in Section 6.0;
- Specific and District Wide provisions in Section 7.0; and
- District Wide Performance Standards in Section 8.0.

P1*	ANY ACTIVITY CONDUCTED IN ACCORDANCE WITH THE RELEVANT TERMS AND <i>CONDITIONS</i> OF, AND WITHIN THE AREA COVERED BY MINING LICENCE 32 2388 AFTER ITS EXPIRY DATE OF 16 JULY 2017
P2*	ANY ACTIVITY CONDUCTED IN ACCORDANCE WITH THE RELEVANT TERMS AND <i>CONDITIONS</i> OF, AND WITHIN THE AREA COVERED BY LAND USE RESOURCE CONSENT 97/98-105 AFTER ITS EXPIRY DATE OF 15 JUNE 2019
P3	ANY OF THE FOLLOWING RECREATION ACTIVITIES: (a) PEDESTRIAN WALKWAYS, CYCLEWAYS AND JOGGING TRACKS (INCLUDING BRIDGES); AND (89.12) (63.13) (b) PLANTED AREAS AND STANDS OF TREES; AND (c) ASSOCIATED MAINTENANCE ACTIVITIES
P4	<i>PASSIVE RECREATION ACTIVITIES</i> LOCATED OUTSIDE THE “MEDIUM” AND “HIGH” UNDERGROUND WORKINGS HAZARD (SHAFTS AND STOPES) ZONES AS SHOWN ON FIGURE 5 OF THE “WAIHI SUBSIDENCE REPORT, GNS SCIENCE CONSULTANCY REPORT 2006/235, OCTOBER 2008” INCLUDED IN SECTION 5.17.8
P5	<i>PROSPECTING</i> AND <i>EXPLORATION</i>
P6	GRAZING OF ANIMALS AND ASSOCIATED ACCESSORY BUILDINGS (93.107)(191.107)

NOTE*

Until Rules P1 & P2 come into effect after the dates specified, any activity conducted within the areas of the *zone* covered by, and within the terms and *conditions* of Mining Licence 32 2388 and/or Land Use Resource Consent 97/98 – 105 is not subject to the provisions of the Martha Mineral Zone.

5.17.4.2 CONTROLLED ACTIVITIES

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

- *Zone Development Standards* specified in Rule 5.17.5;
- Activity Specific Standards specified in Rule 5.17.6;
- Conservation and Heritage provisions in Section 6.0;
- Specific and District Wide provisions in Section 7.0; and
- District Wide Performance Standards in Section 8.0.

Conditions may be imposed in relation to the matters over which control has been reserved, as specified below.

THERE ARE NO *CONTROLLED ACTIVITIES*

5.17.4.3 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;
- Specific and District Wide provisions in Section 7.0; and
- District Wide Performance Standards in Section 8.0.

The matters over which the *Council* has restricted its discretion are specified for each *restricted discretionary activity* listed below.

RD1 *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* IN RULE 5.17.5 FOR A *RESTRICTED DISCRETIONARY ACTIVITY*.

Matters over which the *Council* has restricted its discretion are:

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:

(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.

<p>(3) Zone coverage</p> <p>(a) The degree to which negative effects in terms of changing the character or visual <i>amenity</i> of the area can be mitigated or removed through the use of such techniques as <i>landscaping</i>, building design, exterior finish, set back from boundaries or reduced <i>height</i>.</p> <p>(b) The extent to which open space within the <i>site</i> and/or in the near vicinity can reduce the impact of the <i>building(s)</i> in terms of character or visual <i>amenity</i>.</p>
<p>RD 2 ANY OF THE RECREATION ACTIVITIES LISTED IN <i>PERMITTED ACTIVITY P4</i> THAT ARE LOCATED IN EITHER THE “HIGH” OR “MEDIUM” UNDERGROUND WORKINGS HAZARD (SHAFTS AND STOPES) ZONES SHOWN ON FIGURE 5 OF THE “WAIHI SUBSIDENCE REPORT, GNS SCIENCE CONSULTANCY REPORT 2006/235, OCTOBER 2008” INCLUDED IN SECTION 5.17.8.</p> <p>Matters over which the Council has restricted its discretion are:</p> <p>(1) The matters specified for Rule 5.17.4.3 - RD1.</p> <p>(2) Whether the recreation activity is compatible with either the ongoing <i>mining</i> activities or proposed rehabilitation.</p> <p>(3) 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.</p>

5.17.4.4 DISCRETIONARY ACTIVITIES

Those activities listed below are a *Discretionary Activity* and shall be assessed against the relevant criteria in Rule 5.17.7.

Note: The Conservation and Heritage provisions in Section 6.0 and the Specific and District Wide provisions in Section 7.0 also apply and may alter the *Discretionary Activity* status for the activities specified below or require additional resource consents.

<p>D1 <i>PERMITTED ACTIVITIES P3 & P4 THAT EXCEED THE ZONE DEVELOPMENT STANDARDS IN RULE 5.17.5 FOR A RESTRICTED DISCRETIONARY ACTIVITY.</i></p>
<p>D2 <i>UNDERGROUND AND SURFACE MINING AND MINING OPERATIONS NOT OTHERWISE PROVIDED FOR AS A PERMITTED ACTIVITY.</i></p>

5.17.4.5 NON COMPLYING ACTIVITIES

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

<p>NC1 <i>ANY ACTIVITY NOT PROVIDED AS A PERMITTED, CONTROLLED, RESTRICTED DISCRETIONARY OR DISCRETIONARY ACTIVITY.</i></p>
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5.17.4.6 PROHIBITED ACTIVITIES

Those activities listed below are a *Prohibited Activity*.

THERE ARE NO *PROHIBITED ACTIVITIES*

5.17.5 ZONE DEVELOPMENT STANDARDS

- (1) The *Zone Development 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 as at the date of their respective expiries.
- (2) The following *Zone Development Standards* shall apply to *Permitted Activities* P3 and P4 and *Restricted Discretionary Activities* RD1 and RD2 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, <i>amenity</i> 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 <i>property</i> , 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 <i>road</i> 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 <i>road</i> boundary where this coincides with the <i>zone</i> boundary.	To allow flexibility in <i>site</i> layout while still maintaining the <i>amenities</i> of the <i>zone</i> and adjoining <i>residential</i> or reserve <i>sites</i> .
	<i>Other Yards</i> : 3.0 metres at <i>sensitive zone</i> boundaries, otherwise nil.	<i>Other Yards</i> : Nil	
<i>Zone Coverage</i>	Total <i>building</i> coverage shall not exceed 1% or 250m ² <i>gross floor area</i> , whichever is the greater.	Total <i>building</i> coverage shall not exceed 2% or 400m ² <i>gross floor area</i> , whichever is the greater	To prevent large <i>buildings</i> detracting from the open space and <i>amenity</i> 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 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 5.17.4 to 5.17.6, and the relevant assessment criteria below, and any other matters it considers appropriate.

5.17.7.1 GENERAL ASSESSMENT CRITERIA

- (1) With respect to the *zone development 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 *zone development 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.

5.17.8 DIAGRAM OF HISTORIC UNDERGROUND WORKINGS RISK ANALYSIS

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

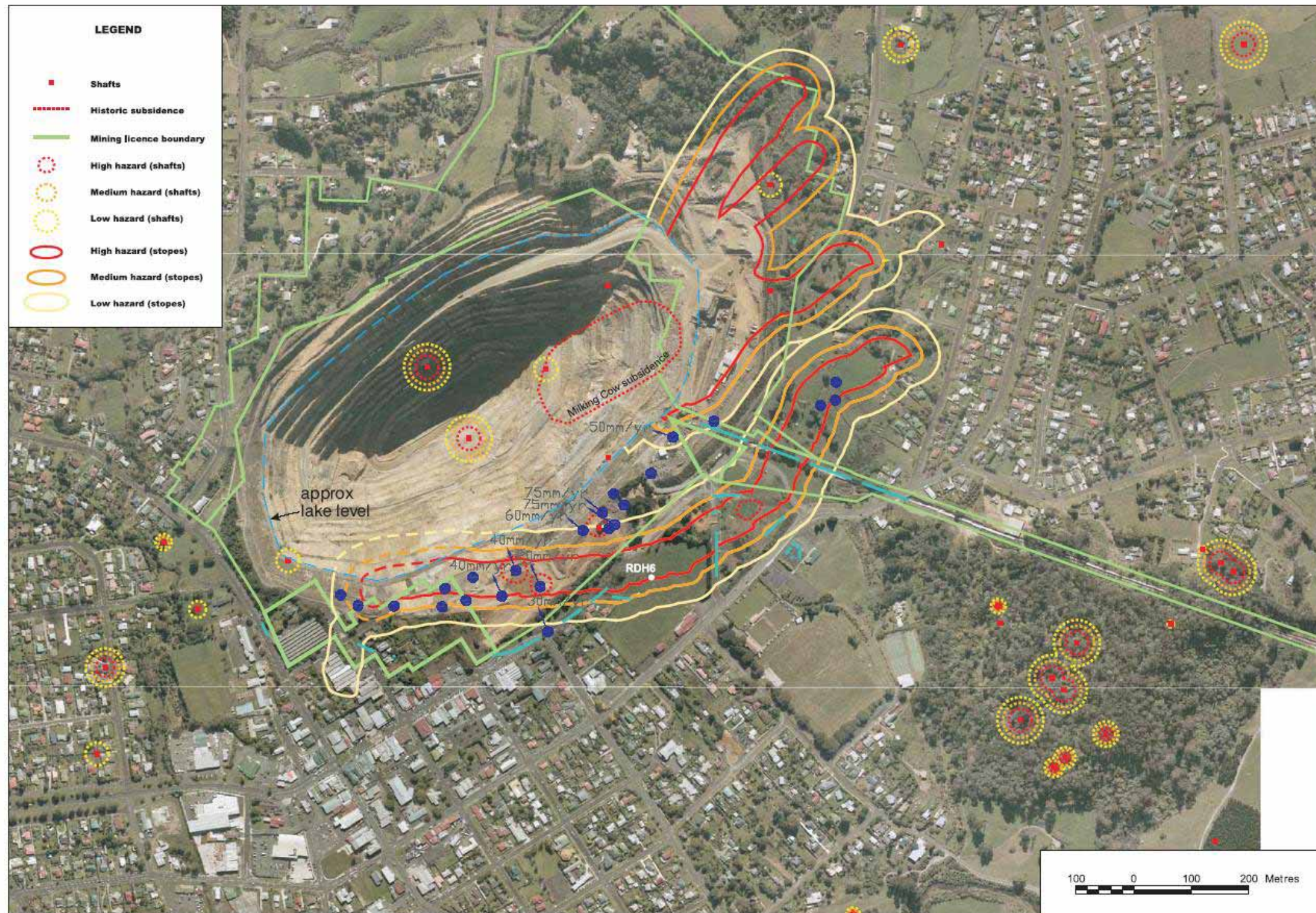


Figure 5: Aerial photo of Waihi showing collapse areas, the open pit and probabilistic hazard zones – circles around shafts, elongated areas above lodes (from the August 2002 GNS Report). The Edward South hazard zones were changed in the 2003 GNS report and 'Martha' stopes have been added - this report.

5.18 GOLDEN CROSS MINERAL ZONE (181.78)(181.94)(181.242)

5.18.1 ZONE PURPOSE (76.8)

- (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 23 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 or planted in indigenous vegetation. 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 (76.11)(76.12)

(1) OBJECTIVE 1 (76.9)

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. (76.10)

(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. (76.13)

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. (76.14)

(b) Closure and rehabilitation of the area is completed, such that the long term uses of the area within this zone operate in an appropriate and sustainable environment. (76.16)

5.18.4 ACTIVITY STATUS

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:

NOTE:

Any activity conducted within the area and within the terms of Mining Licence 32 2954 until it expires in 23 April 2020 is not subject to the provisions of this zone. (76.15)

5.18.4.1 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 OF MINING LICENCE 32 2954 ONCE IT HAS EXPIRED ON 23 APRIL 2020 (REFER TO ACTIVITY SPECIFIC STANDARD 5.18.5(1)). (76.17)

5.18.4.2 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, as specified below.

THERE ARE NO CONTROLLED ACTIVITIES (76.24)(76.25)

5.18.4.3 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;
- Specific and District Wide provisions in Section 7.0; and
- District Wide Performance Standards in Section 8.0.

The matters over which the *Council* has restricted its discretion are specified for each *restricted discretionary activity* listed below.

THERE ARE NO RESTRICTED DISCRETIONARY ACTIVITIES

5.18.4.4 DISCRETIONARY ACTIVITIES

Those activities listed below are a *Discretionary Activity* and shall be assessed against the relevant criteria in Rule 5.18.6.

Note: The Conservation and Heritage provisions in Section 6.0 and the Specific and District Wide provisions in Section 7.0 also apply and may alter the *Discretionary Activity* status for the activities specified below or require additional resource consents.

THERE ARE NO DISCRETIONARY ACTIVITIES (76.29 – 33)

5.18.4.5 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. (76.34)
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5.18.4.6 PROHIBITED ACTIVITIES

Those activities listed below are a *Prohibited Activity*.

THERE ARE NO <i>PROHIBITED ACTIVITIES</i>

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. (76.36)

5.18.6 ASSESSMENT CRITERIA FOR DISCRETIONARY ACTIVITIES

- (1) There are no *Discretionary Activities* and therefore there are no Assessment Criteria for *Discretionary Activities*. (76.37)