

Section 5:

ZONES

Note: - Pursuant to Section 86B(3) of the Resource Management Act 1991 the following rules will have immediate legal effect from the date of public notice (24 August 2010) of the Proposed District Plan. They are denoted with a bar in the right margin. These rules are –

- 5.2.4
- 5.2.5
- 5.2.6
- 5.3.4
- 5.3.5

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5.1 RURAL ZONE (76.7) (181.227)(193.1)

5.1.1 ZONE PURPOSE (183.57)(183.55)

- (1) Apart from those areas specifically zoned as Conservation, Coastal, Karangahake or Reserve Zones most of the land outside of the towns and townships of the District is within the Rural Zone.
- (2) The Rural Zone is almost exclusively a farming area covering the fertile Hauraki Plains and Waihi basin area, the western foothills of the Hapuakohe Range, the eastern hills of the Waihi basin and foothills of the Coromandel and Kaimai-Mamaku Ranges. Intensive dairying is concentrated on the plains area. Horticulture is predominantly located in the Waihi Basin. Extensive grazing occurs in the hill country. The rural land resource is one of the most valued of the natural and physical resources in the District. Important mineral resources are located within the Rural Zone.
- (3) Most of the land in the Rural Zone is in pasture or under cultivation. Areas of commercial forestry are located particularly on the Western Ranges and extractive industry occurs in a number of locations. In other locations within the Rural Zone, protection of water supply sources, water and soil conservation and land management considerations require that the land either remain undeveloped or the current ground cover remain undisturbed. (93.16)(191.16)
- (4) There are significant natural areas (eg stands of indigenous vegetation) and outstanding natural features and landscapes within the rural area that require protection from adverse effects of some activities. (183.56)

5.1.2 OBJECTIVES AND POLICIES

(1) OBJECTIVE 1

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

(a) Policies

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

- (i) Rural production activities that require the use of land with productive capability should be able to locate on land with such value.
- (ii) Land use activities which do not rely on land with high productive capability (including urban development and rural lifestyle activities) should not be sited on land with high productive capability, except where the character, scale and intensity of those activities ensures that the land remains available for other activities in future that can utilise its high productive capability. (87.22)(183.60)
- (iii) Ensure buildings (including dwellings) and rural activities maintain the amenity value of a predominantly open rural character and the productive use of the land. (58.68) (87.23)(183.61)

- (iv) Protect significant natural areas and outstanding natural features and landscapes. (87.24)(183.62)
- (v) Activities with a functional or legitimate need for a rural location should not be established in rural areas unless they are able to be undertaken without constraining the lawful operation of rural production activities which are carried out in accordance with accepted management practices. (87.25)(183.63)
- (vi) Protect areas of cultural, historic and archaeological significance and areas of high scenic and landscape quality. (87.26)(183.64)

(b) Reasons

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

(2) OBJECTIVE 2

To protect, preserve and enhance the significant landscape character of the natural environment of the zone. (87.27)(183.65)

(a) Policies

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

- (i) Ensure that natural features and landscapes of district wide significance in the District are protected. (87.28)(183.66)
- (ii) Ensure the erection of buildings, earthworks and removal of indigenous vegetation do not detract from the significant landscape character of the natural environment. (87.29)(183.67)

(b) Reasons

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

(3) OBJECTIVE 3

To protect areas of significant indigenous vegetation and significant habitats of indigenous fauna (significant natural areas). (87.31)(183.68)

(a) Policies

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

- (i) Identify and protect significant indigenous vegetation ecosystems and wildlife habitats (significant natural areas) on private land. (163.13)(163.14)(183.69)
- (ii) Encourage and facilitate private landowner initiatives to protect identified significant and other natural areas. (87.32)(183.70)

- (iii) Ensure the maintenance of indigenous biodiversity by avoiding, remedying or mitigating the adverse effects from use and development. (87.33)(183.71)
- (iv) Provide appropriate mechanisms to assess indigenous biodiversity for 'significance'. (87.34)(183.72)

(b) Reasons

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

(4) OBJECTIVE 4 (87.35)

To provide for the investigation and utilisation of mineral resources including on-site (93.21)(191.21) processing and use of these resources by associated industries,

(a) Policies (93.28)(191.18)(181.159)

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

- (i) Require that the adverse effects of mineral investigation, extraction activities (including overburden cleanfills) and associated industrial activities be avoided, remedied or mitigated.
- (ii) Recognise that the voids created by mining activities may be appropriate for a range of other uses (including recreational and industrial) and to allow for such uses in a manner where adverse effects are avoided, remedied or mitigated.

(b) Reasons

- (i) The District includes areas which are currently being mined or are known to have potential for the discovery of mineral resources.
- (ii) The environmental effects of investigating mineral resources potential needs to be managed in an appropriate manner.
- (iii) The on-site (93.22)(191.22) processing and use of mineral resources may result in significant cost and environmental savings by reducing transportation requirements.
- (iv) The voids created by some mining activities are a physical resource that should be used and developed in a manner that avoids, remedies or mitigates potential adverse effects.

(5) OBJECTIVE 5

To ensure that any adverse effect of a land use activity on the environment or on the amenities of neighbours is avoided, remedied or mitigated. (87.37)(183.73)(183.74)

(a) Policies

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

- (i) Require that all effluent is able to be safely disposed of to protect human health, and there is no associated smell nuisance from effluent or any other aspect of the activity. (87.38)
- (ii) Ensure the implications of land use activities for the roading network (especially the safety and efficiency) are properly addressed. (87.39)(181.160)
- (iii) Require off-street parking and loading facilities, and safe vehicle access to be provided and constructed so as to maintain the safety and efficiency of the adjacent transport network, and to prevent dust and other nuisance. (87.40)
- (iv) Other adverse effects (eg noise, smell, glare, vibration, visual) on the environment and amenity of the District (not only the rural areas) should preferably be avoided, or at least remedied or mitigated. (87.41)
- (v) Control development in hazard areas. (87.42)(183.76)

(b) Reasons

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

(6) OBJECTIVE 6

To recognise and provide for the development and use of ancestral Maori Land in a manner that recognises their cultural based housing needs and traditions associated with such land. (183.77)(183.78)(185.15)

(a) Policies

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

- (i) Residential activities (Papakāinga) should be able to be developed and carried out on Maori land, where the effects on the environment can be avoided, remedied or mitigated. (185.16)

(b) Reasons (185.17)

- (i) The relationship of Maori, including their culture and traditions, and relationships with ancestral lands is required to be recognised and provided for as a Matter of National Importance as stipulated in the Act and, this is partly given effect to by supporting traditional Maori cultural living on Maori land.
- (ii) The District Plan also needs to take into account the Principles of the Treaty of Waitangi.

5.1.3 ENVIRONMENTAL RESULTS

- (1) The main expected environmental result of the Rural Zone is to facilitate productive uses of land that are compatible with retaining the open character and environmental amenity of the

rural area and which promote the sustainable management of the physical and natural resources of the rural area.

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

5.1.4 ACTIVITY STATUS

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:

5.1.4.1 PERMITTED ACTIVITIES

Those activities listed below are a *Permitted Activity*, unless otherwise specified and subject to compliance with the: (87.44)

- *Zone Development Standards* specified in Rule 5.1.5;
- *Activity Specific Standards* specified in Rule 5.1.6;
- *Conservation and Heritage provisions* in Section 6.0;
- *Specific and District Wide provisions* in Section 7.0; and
- *District Wide Performance Standards* in Section 8.0.

P1	<i>DRAINAGE WORKS AND RIVER CONTROL WORKS</i> (87.45)(183.90)
P2	<i>PEDESTRIAN WALKWAYS (INCLUDING SEATING AND TABLES), CYCLEWAYS AND JOGGING TRACKS</i> (89.1)(63.2)
P3	<i>ONE DWELLING ON EACH CERTIFICATE OF TITLE CONTAINING UP TO 40 HECTARES OF LAND (EXCEPT IN THE LANDSCAPE PROTECTION AREA OR PIAKO FLOOD PONDING AREA, INCLUDING ADDITIONS TO AN EXISTING DWELLING)</i> (38.1)(64.1)(58.69)(106.1)(168.32)(64.1)(87.113)(106.2)(114.7)(126.29)(129.11)(131.2)(147.38) (176.7)(180.14)(183.91)
P4	<i>TWO DWELLINGS ON EACH CERTIFICATE OF TITLE CONTAINING 40 OR MORE HECTARES OF LAND (EXCEPT IN THE LANDSCAPE PROTECTION AREA OR PIAKO FLOOD PONDING AREA, INCLUDING ADDITIONS TO AN EXISTING DWELLING)</i> (38.2)(58.70)(106.2)(168.33)(87.46)(87.114)(90.15)(106.1)(115.10)(116.10)(126.30)(129.12)
P5	<i>FORESTRY (OUTSIDE THE PIAKO FLOOD PONDING AREA AND EXCLUDING ADDITIONS</i>

	TO AND NEW ACCESSORY BUILDINGS WHERE IN THE LANDSCAPE PROTECTION AREA) (87.47)(87.115)
P6	FARMING (EXCLUDING ADDITIONS TO AND NEW BUILDINGS WHERE IN THE LANDSCAPE PROTECTION AREA OR PIAKO FLOOD PONDING AREA) (87.48)(87.116)
P7	ONE PRODUCE STALL PER HOLDING (REFER TO ACTIVITY SPECIFIC STANDARD 5.1.6 (1)) (EXCEPT IN THE LANDSCAPE PROTECTION AREA OR PIAKO FLOOD PONDING AREA) (87.117)
P8	HOME/FARM STAY
P9	HOME OCCUPATION (REFER TO ACTIVITY SPECIFIC STANDARD 5.1.6(2))
P10	PROSPECTING
P11	EXPLORATION (REFER TO ACTIVITY SPECIFIC STANDARD 5.1.6(3))
P12	TEMPORARY USES AND BUILDINGS (INCLUDING TEMPORARY MILITARY TRAINING)
P13	REMOVAL OR DEMOLITION OF BUILDINGS

5.1.4.2 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 5.1.5;
- Activity Specific Standards in Rule 5.1.6;
- Conservation and Heritage provisions in Section 6.0;
- Specific and District Wide provisions in Section 7.0; and
- District Wide Performance Standards in Section 8.0.

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

C1	PAPAKAINGA HOUSING (EXCEPT IN THE LANDSCAPE PROTECTION AREA OR PIAKO FLOOD PONDING AREA) (refer to Activity Specific Standard 5.1.6(5))
	Matters over which Council has reserved control are:
	(1) Site layout
	(a) Whether <i>buildings</i> are sufficiently set back from the boundaries of the neighbouring <i>properties</i> to avoid causing a nuisance to neighbouring <i>holdings</i> by way of obstruction of views, noise, glare and loss of privacy
	(b) Whether the layout of the housing on the <i>site</i> maintains an open character in keeping with the locality when viewed from public vantage points and adjacent <i>properties</i> .
	(2) Location and design of vehicle access
	(a) Whether traffic movements resulting from the activity will have any significant impact on the safe and efficient operation of any public <i>road</i> . Pertinent

matters for consideration in this regard are:

- (i) the carrying capacity, standard and status in the roading hierarchy of the route concerned;
- (ii) the means by which any likely traffic hazard can be avoided or mitigated

(3) Carparking

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

5.1.4.3 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 5.1.5* FOR A *PERMITTED* OR *CONTROLLED* ACTIVITY AND DOES NOT EXCEED THE *ZONE DEVELOPMENT STANDARDS* IN *RULE 5.1.5* FOR A *RESTRICTED DISCRETIONARY ACTIVITY*

Matters over which *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 5.1.5* for which compliance is not met and the following relevant matters.

(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. (87.53)
- (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. (87.54)
- (k) Along the Firth of Thames, whether the *building* will detract from and/or adversely affect the natural character of the coastal *environment*. (87.55)

(2) Yards (Buildings)

- (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 (including reverse sensitivity 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) Yards (Shelter Belts and Forestry)

- (a) The extent to which the safe and efficient functioning of the street or *road* will be compromised, through shading and obscuring visibility.
- (b) The potential of the tree root system to cause damage to the *road* pavement.
- (c) The extent to which the provision of daylight and sunlight into the

neighbouring <i>properties</i> will be affected.	
RD2	<p>ANY <i>PERMITTED</i> ACTIVITY OR <i>CONTROLLED</i> ACTIVITY THAT DOES NOT MEET ACTIVITY SPECIFIC STANDARDS IN RULE 5.1.6(4) IN THE AREA IDENTIFIED ON THE PLANNING MAPS AS “<i>SUBJECT TO INUNDATION</i>”</p> <p>Matters over which Council has restricted its discretion are:</p> <p>(1) Design of buildings</p> <p>(a) 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>(b) 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>(2) Earthworks/impermeable covering</p> <p>(a) 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. (168.34)</p> <p>(b) 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>(c) Whether any fill material will leach into the water and create a pollution hazard (particularly where vegetation is removed).</p> <p>(3) Planting</p> <p>(a) Whether any proposed planting contributes to the control of stormwater runoff, erosion control and the flood ponding purpose of the adjoining Flood Ponding Zone.</p> <p>(b) Does the planting inhibit the ability of the Flood Ponding Zone to achieve that purpose and/or have a consequential adverse effect on other <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>
RD3	<p>BUILDINGS (INCLUDING DWELLINGS) AND ADDITIONS THERETO IN A LANDSCAPE PROTECTION AREA, WHERE OTHERWISE PROVIDED FOR IN THE RURAL ZONE AS A PERMITTED OR CONTROLLED ACTIVITY (44.5)(58.71) (168.35)(87.57)(87.119)(126.31)(129.13)(169.1)(176.8)180.13)(182.3)(187.8)(188.8)(189.8) (187.9) (188.9) (189.9)</p> <p>Matters over which Council has restricted its discretion are:</p> <p>(1) The design of the <i>building</i>, including <i>height</i>, <i>size/scale</i>, <i>external finish</i>, <i>colour</i> and <i>reflectance value</i>; (44.2)(85.1)(54.6)</p> <p>(2) The appropriateness of the <i>building site</i> having regard to <i>geotechnical conditions</i> and <i>site suitability</i>; (44.1)(85.2)</p> <p>(3) The <i>visibility</i> of the <i>building</i> from public viewing points, having regard to the</p>

	<p>accessibility of the viewing point; (85.3)</p> <p>(4) The extent to which the <i>building</i> and any associated <i>curtilage</i> will be visually prominent (particularly in relation to nearby or backdrop <i>indigenous vegetation</i>) and/or break a skyline or interrupt the form of ridges, hills or prominent slopes; (85.5)</p> <p>(5) Whether the landscape protection area has the capacity to adsorb change having regard to existing and consented <i>developments</i> in the immediate locality and any benefits that may arise from the clustering of <i>buildings</i>;</p> <p>(6) Whether the <i>building</i> is located where vegetation and/or landform can provide a backdrop or the design of any <i>landscaping</i> around the <i>building</i> can mitigate any visual effects;</p> <p>(7) Physical access to the <i>building</i> follows the contours of the land and minimises the visual impact of cut and fill; and</p> <p>(8) The design and siting of access and services (especially overhead services) to the <i>building</i> and the ability of these services to follow natural contours and the visual effects be lessened by proposed <i>landscaping</i>.</p> <p>(9) Whether the location of the building site and access thereto minimises the removal or modification to <i>indigenous vegetation</i> and the extent of <i>earthworks</i> that will be potentially visually prominent.</p> <p>(10) The <i>Zone Development Standards</i> in Rule 5.1.5.</p> <p>Add Note</p>
RD4	<p>ADDITIONS TO EXISTING <i>BUILDINGS</i> (INCLUDING <i>DWELLINGS</i>) IN THE PIAKO FLOOD PONDING AREA, WHERE OTHERWISE PROVIDED FOR IN THE RURAL ZONE AS A <i>PERMITTED OR CONTROLLED ACTIVITY</i></p> <p>Matters over which Council has restricted its discretion are:</p> <p>(1) Design of Buildings</p> <p>(a) Whether the <i>building</i> is designed in such a manner that the <i>site</i> can still practically accommodate the same flood ponding volume.</p> <p>(2) Removal of Vegetation /Impermeable Surface Covering</p> <p>(a) Whether the measures to retain the ponding volume are adequate.</p> <p>(b) The cumulative effect of works on the functioning of the flood ponding area</p>

5.1.4.4 DISCRETIONARY ACTIVITIES

Those activities listed below are a *Discretionary Activity* (except where otherwise specified*) and shall be assessed against the relevant criteria in Rule 5.1.7.

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*	MULTIPLE DWELLINGS (MORE THAN ONE DWELLING ON EACH CERTIFICATE OF TITLE CONTAINING LESS THAN 40 HECTARES OF LAND, OR MORE THAN TWO DWELLINGS ON EACH CERTIFICATE OF TITLE CONTAINING 40 OR MORE HECTARES OF LAND) (64.2)(58.73)(126.33)(169.3)
D2*	PRODUCE MARKET AND MORE THAN ONE PRODUCE STALL PER HOLDING
D3*	HELIPAD OR AIRSTRIP (87.58)
D4*	FACTORY FARMING ACTIVITIES WHICH COMPLY WITH THE STANDARDS FOR NON-DOMESTIC EFFLUENT DISPOSAL IN PERFORMANCE STANDARD 8.5.2
D5*	INDUSTRIAL ACTIVITY EXCLUDING THE WHOLESALE STORAGE AND DISTRIBUTION OF MOTOR SPIRITS (INCLUDING LPG AND CNG)
D6*	COMMERCIAL SERVICE, COMMUNITY FACILITY, EDUCATION AND TRAINING FACILITY (51.5) OUTSIDE THE PLAINS AND WAIHI BASIN AREAS
D7*	DEPOTS AND RURAL CONTRACTOR DEPOTS FOR THE MAINTENANCE, REPAIR AND STORAGE OF VEHICLES, MACHINERY, EQUIPMENT AND MATERIALS ASSOCIATED WITH AND USED FOR RURAL ACTIVITIES (87.59)
D8*	LANDFILLS (87.60)
D9*	ANY PERMITTED, CONTROLLED OR DISCRETIONARY ACTIVITY IN THE RESERVE (ACTIVE) ZONE, WHERE NOT OTHERWISE PROVIDED FOR IN P2 ABOVE (168.39)
D10*	UNDERGROUND MINING, SURFACE MINING AND MINING OPERATIONS (87.61)(93.26)(191.26)(93.16)(191.181)
D11*	ANIMAL FEEDLOTS (87.62)(187.3)(188.3)(189.3)
D12*	INTENSIVE OUTDOOR FARMING (87.63)(187.4)(188.4)(189.4)
D13*	BOARDING, BREEDING AND TRAINING OF ANIMALS (168.40)(87.64)
D14	ANY PERMITTED OR CONTROLLED ACTIVITY THAT DOES NOT MEET THE ZONE DEVELOPMENT STANDARDS IN RULE 5.1.5 FOR A RESTRICTED DISCRETIONARY ACTIVITY
D15	ANY PERMITTED OR CONTROLLED ACTIVITY THAT DOES NOT MEET THE ACTIVITY SPECIFIC STANDARDS IN RULE 5.1.6 AND IS NOT OTHERWISE PROVIDED FOR AS A RESTRICTED DISCRETIONARY ACTIVITY (submission in opposition in relation to exploration only) (93.27)(191.27)

* Discretionary Activities D1 to D14 are a Non Complying Activity where located in the Piako Flood Ponding Area.

5.1.4.5 NON COMPLYING ACTIVITIES

Those activities listed below are a Non Complying Activity.

NC1	NEW BUILDINGS (INCLUDING DWELLINGS) IN THE PIAKO FLOOD PONDING AREA
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NC2	DISCRETIONARY ACTIVITIES D1 TO D13 WHERE LOCATED IN THE PIAKO FLOODING POND AREA
NC3	ANY ACTIVITY NOT OTHERWISE PROVIDED FOR AS A PERMITTED, CONTROLLED, RESTRICTED DISCRETIONARY, DISCRETIONARY OR PROHIBITED ACTIVITY (87.65)(187.6)(188.6)(189.6)

5.1.4.6 PROHIBITED ACTIVITIES

Those activities listed below are a *Prohibited Activity*.

THERE ARE NO PROHIBITED ACTIVITIES (48.3)

**5.1.5 ZONE DEVELOPMENT STANDARDS
(181.62)(181.79)(181.95)(181.107)(183.80)(183.85)**

- (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 5.1.4.2, and for *Restricted Discretionary Activities* in Rule 5.1.4.3, 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. (168.80)

Development Standard	Parameter		Environmental Result
	Permitted and Controlled	Restricted Discretionary	
Maximum Height	11.0 metres	15.0 metres	To ensure that the <i>height of buildings</i> is compatible with the activities permitted in the <i>zone</i> as well as the landscape, <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> shall project above 2.0 metres in <i>height</i> at any <i>holding</i> boundary and not project above a 45° plane into the <i>holding</i> up to the maximum <i>height</i> .	No restriction	To ensure no <i>building</i> unreasonably overshadows any neighbouring <i>property</i> , thereby restricting <i>daylight</i> and ventilation between <i>buildings</i> .
Minimum Yards (Building)	Front Yard: 12 metres (except from <i>State Highways</i> for	Front Yard: 12 metres (181.50) Submission in	To allow flexibility in <i>site</i> layout while still maintaining the <i>amenities</i> of the

Development Standard	Parameter		Environmental Result
	Permitted and Controlled	Restricted Discretionary	
	<p><i>residential purposes).</i></p> <p><i>Front Yard: 20 metres (from State Highways for residential purposes).</i></p>	<p><i>opposition in relation to SHWYs only</i></p>	<p>site and adjoining sites.</p>
	<p><i>Other yards: 12 metres, except that:</i></p> <p>(a) any <i>building</i> or enclosure used for the housing and keeping of any animals (including milking sheds and stock yards) are not permitted within 50 metres of the boundary of the <i>holding</i>;</p> <p>(b) for Certificates of Title of 2,500m² or less, the <i>yard</i> may be reduced to 3 metres for <i>residential purposes</i> including <i>accessory buildings</i>.</p>	<p><i>Other yards: Nil</i></p>	
Shelter Belts and Forestry	<p><i>Front Yard: 10 metres.</i></p>	<p><i>Front yard: Nil</i></p>	<p>To maintain traffic safety, protect the physical <i>road</i> and maintain the <i>amenities</i> of adjoining sensitive land uses.</p>
	<p><i>Other yards: Nil.</i></p> <p>Except that where the <i>yard</i> boundary adjoins a more <i>sensitive zone</i>, the <i>yard</i> shall be 10 metres.</p>	<p><i>Other yards: Nil</i></p>	
	<p>Daylight Control (168.41)</p> <p>No shelter belt or forestry shall project above 2.0 metres in height at any holding boundary and not project above a 45° plane into the holding</p>	<p>No Restriction</p>	

5.1.6 ACTIVITY SPECIFIC STANDARDS

(1) PRODUCE STALL (87.49)

- (a)** No produce stall shall be operated where it obtains its access from a state highway. (181.162)
- (b)** The area of land or building used as a produce stall shall not exceed 30m² in total, excluding the area required for off-street parking and manoeuvring.

- (c) The *produce stall* and any land used in conjunction with it for retail display shall be located at least: (181.163)
 - (i) 20m from every front boundary.
 - (ii) 10m from every other boundary of *holding*.

(2) **HOME OCCUPATIONS**

- (a) At least one person, including the principal operator of the *home occupation*, shall reside on the *site*.
- (b) A *home occupation* involving the care, tuition and/or accommodation of no more than five persons at any one time in addition to the owner(s)/operator(s) may be undertaken provided the activity and accommodation is principally undertaken within the *dwelling*.
- (c) Except for (b) above, the *home occupation* shall be carried out wholly within the *dwelling* or an associated *accessory building* erected or modified for the purpose, provided that the *gross floor area* of the *dwelling* or *accessory building* used for the *home occupation* shall not exceed 30% of the total *gross floor area* of the *dwelling* and associated *accessory buildings* on the *site*.
- (d) Not more than one person from outside the household residing on the *site* shall be employed in the *home occupation*.
- (e) There shall be no exterior display, external storage of materials or other indication of the *home occupation* or variation from the rural and/or residential character of the *property* visible from a public place. (44.4)
- (f) The *home occupation* shall be operated so as not to attract pedestrian or vehicular traffic (other than traffic directly associated with the operation of the *home occupation* eg rural contractor vehicles returning) between the hours of 10.00pm and 7.00am the following day.
- (g) The *home occupation* may not use equipment which creates electrical interference with television and radio sets on neighbouring *properties*.
- (h) Only goods directly produced or assembled by the *home occupation* may be sold or offered for sale from the *site* on which the *home occupation* is conducted.
(Note: Assembled means putting together pre-fabricated parts to make a product)
- (i) *Home occupations* shall not include a business or trade that involves panel beating, spray painting or mechanical repairs to vehicles and machinery (other than mechanical repairs to vehicles and machinery directly associated with the *home occupation* eg repair of rural contractors truck).

(3) **EXPLORATION**

- (a) Trenching and costeaning is subject to a maximum cross section area of 6m².
- (b) Progressive rehabilitation of trenching is to be undertaken, such that no more than 50 metres of trenching is left open at any one time.
- (c) *Exploration* drilling is subject to a maximum drilling pad size of 200 square metres.

- (d) Bulk sampling is subject to a maximum of 500 cubic metres of material per 100 hectares.
- (e) *Exploration* tunnels are subject to the maximum volume of excavated material not to result in more than 500 square metres of surface area being covered, to a maximum height of 2 metres.
- (f) Rehabilitation measures are proposed.
- (g) For *exploration* activities within an *area subject to inundation* as identified on the planning maps, activity specific standard 5.1.6(4) also applies. (93.29)(191.29)(93.18)(191.183)

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

- (a) No more than 5% 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*, (93.30)(191.30) excavation and filling.

(5) PAKAKAINGA HOUSING

- (a) Access is not from a *State Highway*
- (b) The land concerned shall be Maori multiple owned freehold land or otherwise be under the jurisdiction of the Maori Land Court.
- (c) The land concerned shall be vested in Trustees whose authority is defined in a Trust Order or other empowering instrument which will ensure as far as practicable that:
 - (i) the freehold of the land remains vested in the trustees without power of sale; and
 - (ii) the occupation and/or beneficial interest in the land is restricted to members of the whanau group for whose use and benefit the land is held.
- (d) An average of at least 2500m² of net land area to be provided per *dwelling* and associated *accessory buildings* (including *dwellings* and associated *accessory buildings* provided for as a *permitted activity*).

5.1.7 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 5.1.4 to 5.1.6, and the relevant General and Activity Specific assessment criteria below, and any other matters it considers appropriate.

5.1.7.1 GENERAL ASSESSMENT CRITERIA

- (1) The degree to which *buildings*, other *structures* and activities will adversely affect the rural landscape characteristics, particularly in relation to the open rural character.
- (2) Whether the activity should be located so that any actual or potentially productive land is not prejudiced from being used for purposes directly related to the inherent productive capability of the land.
- (3) Whether traffic movements resulting from the activity will have any significant impact on the safe and efficient operation of any *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*; (181.14)
 - (c) the means by which any likely traffic hazard can be avoided or mitigated;
 - (d) the access, parking and loading standards for *permitted activities* 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*. (58.75)(126.34)(181.38)
- (4) The degree to which the activity will cause demands for the uneconomic or premature upgrading or extension of public services, including roading which are not in the interests of the District or locality.
- (5) Whether *buildings* are sufficiently set back from the boundaries of neighbouring *properties* to avoid causing a nuisance to neighbouring *holdings* by way of overshadowing, obstruction of views, noise, glare and loss of privacy.
- (6) The degree to which the location of *buildings* is such as to retain clear visibility along rural *roads* and to provide space for vehicle access and loading on the *site* clear of the *road*.
- (7) Whether features of the proposal including the location, design, and colour of *buildings* and *structures*, the planting of trees and shrubs, and the shaping of earth avoids, remedies or mitigates any adverse effect on the existing landscape.
- (8) The extent to which existing native bush, or other vegetation which contributes to visual *amenity* and/or biodiversity values is retained and the reasons why any clearance is proposed.
- (9) Whether *development* adjacent to either the Conservation Zones, the Karangahake Gorge Zone or the Coastal Zone creates a situation where the *buildings* and activities dominate or detract from the natural *environment* of those *zones*.
- (10) Whether drainage and/or peat mining will have an adverse effect on the function and ecological values of the Kopuatai and Torehape Peat Domes.
- (11) Whether any *earthworks* and/or tracks necessary to accommodate the activity would create a significant adverse visual impact.
- (12) Whether any *signs* proposed detract from the *amenities* of the area.

- (13) The extent to which the activity is self-contained, with regard to stormwater drainage, effluent disposal and water supply within the boundaries of the *site* on which the activity is located (except where reticulated services are provided).
- (14) The extent to which wastes, spoil, sawdust, effluent etc are to be disposed of so as to avoid, remedy or mitigate nuisance for surrounding residents, damage to property, and pollution of the *environment*.
- (15) Whether the nature of the activity has the potential to create nuisance and health and safety effects, such as noise, vibration and dust (93.31)(191.31)(104.19)(191.184), which cannot effectively or practically be controlled by mitigation measures.
- (16) The extent to which exterior storage areas of vehicles, equipment, machinery, materials, waste etc is located or suitably screened from neighbouring *properties* and any public *road* or place to avoid, remedy or mitigate any detriment to *amenity*.
- (17) Whether the hours of operation are appropriate having regard to those persons likely to be affected by the activity.
- (18) The adequacy of management and rehabilitation plans to ensure the long term stability of any disturbed/excavated area including waste disposal areas (including the possible use of performance bonds or other mechanisms designed to ensure long term stability).
- (19) Whether access to known *mineral* deposits will be compromised by the proposal concerned.
- (20) Whether the activity and any *building* and *structures* are of a scale and intensity which are in keeping with the character and *amenity* values of the existing rural *environment*.
- (21) The extent to which the activity and any *building* or *structure* maintains or enhances the cultural or heritage values of the locality.

5.1.7.2 ADDITIONAL DWELLINGS

- (1) The extent of the loss of land with high productive potential
- (2) The necessity for additional *dwellings* to effectively manage the productive use of the land.

5.1.7.3 PRODUCE MARKETS AND MORE THAN ONE PRODUCE STALL

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

5.1.7.4 HELIPADS AND AIRSTRIPS

- (1) Whether the proposed flight paths to and from the *helipad* or *airstrip* will adversely impact on existing *permitted activities* in the area, and/or the values of either the Conservation Zones and any *significant natural areas*. The following matters will be considered: (168.44)
- (a) hazard from aircraft movements
 - (b) noise (NZS 6807:1994 Noise Management and Land Use Planning for *Helicopter Landing Areas*, shall be used in the management, control and assessment of noise effects)
 - (c) ground access and traffic
 - (d) hours of operation
 - (e) the frequency of aircraft movements
 - (f) intrusion into the visual *environment*
 - (g) effect on *amenity* values in the surrounding area

5.1.7.5 FACTORY FARMING AND ANIMAL FEEDLOTS

- (1) Whether the design of the *buildings* and/or operation of the activity will ensure that all animals to be housed or kept cannot escape and that rodents or other animals can be managed.
- (2) Are the animals located at sufficient distances from adjoining and nearby existing and likely future activities in order that potential adverse effects of noise, odour and traffic can be avoided, remedied or mitigated. (168.46)
- (3) Is the proposed management of effluent (including location of effluent disposal areas) to be undertaken in a manner which reduces any likely adverse effects (particularly smell) on nearby activities.
- (4) The extent to which features have been incorporated into the design to reduce potential nuisance problems such as noise, smell and glare.
- (5) Whether appropriate buffer distances are achieved, having regard to the existing and likely activities on adjoining and nearby *properties*. Regard shall be had to the Code of Practice - Pig Farming (New Zealand Pork Industry Board) 2nd Edition, August 1993, when considering an *intensive pig farming* operation. (168.47)

5.1.7.6 INTENSIVE OUTDOOR FARMING

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

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

5.1.7.7 INDUSTRIAL ACTIVITY

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

5.1.7.8 UNDERGROUND MINING, SURFACE MINING, MINING OPERATIONS, EXPLORATION AND LANDFILLS

- (1) Whether public safety and security is adequately provided for.
- (2) Whether acceptable plans for the rehabilitation of all disturbed areas have been provided including implementation programmes. (52.5)(160.7)

5.1.7.9 BOARDING, BREEDING AND TRAINING OF ANIMALS

- (1) Whether the design of the *buildings* and/or operation of the activity will ensure that all animals to be housed or kept cannot escape and that rodents or other animals can be managed.
- (2) Are the animals located at sufficient distances from adjoining and nearby existing and likely future activities in order that potential adverse effects of noise, odour and traffic can be avoided, remedied or mitigated.

- (3) Is the proposed management of effluent (including location of effluent disposal areas) to be undertaken in a manner which reduces any likely adverse effects (particularly smell) on nearby activities.
- (4) The extent to which features have been incorporated into the design to reduce potential nuisance problems such as noise, smell and glare.

5.2 CONSERVATION (INDIGENOUS FOREST) ZONE

5.2.1 ZONE PURPOSE

- (1) The purpose of the Conservation (Indigenous Forest) Zone is to recognise and maintain the importance of the indigenous forest cover in terms of its role in providing a sustainable ecological base for the District and Region, protecting its high significance as a wildlife habitat as well as its important landscape, scenic, scientific and recreational value, and for its water and soil functions. For the most part, this outcome is met through the land being in public ownership and managed by the Department of Conservation, and by way of designation by the Hauraki District Council for Water Supply Catchment purposes.
- (2) The land is predominantly covered with indigenous forest some of which is regenerating and contains a diversity of forest types, and a number of rare or threatened plants and animal species.(163.15) A significant portion of the zone covers the Coromandel and Kaimai-Mamaku Forest Parks managed by the Department of Conservation under the Conservation Act 1987, together with a number of smaller areas gazetted under the Reserves Act 1977, either as scenic, historic or scientific reserves.
- (3) The forest cover, particularly on the Coromandel, Kaimai-Mamaku and Hapuakohe Ranges also serves a critical hydrological role in terms of water and soil management and is important in maintaining a high water quality standard of the streams within the catchment as a source of water supply to nearby towns and to the productive lowlands. Certain areas are designated as water supply catchments by the Hauraki District Council.
- (4) The link between the Coromandel and Kaimai - Mamaku Forest Park ecosystems has become known as the "Hauraki Ecological Corridor". The Corridor is an active link for both flora and fauna, which is reduced to a narrow width in the Karangahake Gorge area. This narrow width, combined with the presence of State Highway No.2 and the Ohinemuri River, makes the link vulnerable. Parts of the Corridor are outside the Conservation (Indigenous Forest) Zone, and the Karangahake Gorge Zone and various other methods (including education and consultation) are used to enhance the ecological, landscape and scenic amenity of the Corridor in this area.
- (5) The zone is also identified as an 'Outstanding Natural Landscape' because of its distinctive elevated landform, homogeneity of bush cover, general absence of other land uses and structures and large viewing audience.
- (6) It is known that a variety of mineral resources are present in parts of the Conservation (Indigenous Forest) Zone (93.33)(191.33), due to the historical and present investigation of mineral deposits and there are existing prospecting and exploration licences (93.34)(191.34)(104.22)(191.187) for the investigation of these resources.

5.2.2 OBJECTIVES AND POLICIES

(1) OBJECTIVE 1

To protect and enhance the biological diversity and outstanding landscape character values of the zone.

(2) OBJECTIVE 2

To protect and enhance the soil and water protection function of the zone.

(3) OBJECTIVE 3

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

(a) Policies

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

- (i) Recognise in the administration of the zone the protection of the significant botanical and wildlife values (163.16), natural landscape character and soil and water protection roles of the zone.
- (ii) Maintain the net total area of indigenous vegetation cover including areas of regenerating indigenous vegetation.
- (iii) Minimise ground surface disturbance in the zone.
- (iv) Recognise that the conservation values of the Conservation (Indigenous Forest) Zone may vary within the zone.

(4) OBJECTIVE 4

To facilitate efficient conservation management and public use and recreational and visitor opportunities without having a significant adverse effect on biodiversity, landscape, historical, or cultural values of the zone and the amenity values of adjacent zones.

(a) Policies

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

- (i) Recognise that the Department of Conservation and the District Council may carry out emergency, conservation protection, enhancement works and where appropriate provide and manage recreational facilities within the zone on public land which is the responsibility of those bodies.
- (ii) Avoid, remedy or mitigate the significant adverse effects of activities that have the potential to compromise, damage or destroy the indigenous vegetation (163.17) ecosystems or the amenity values of adjacent land uses.

(5) OBJECTIVE 5

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

(6) OBJECTIVE 6

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

(a) Policies

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

(7) REASONS FOR ALL OBJECTIVES AND POLICIES

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

5.2.3 ENVIRONMENTAL RESULTS

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

5.2.4 ACTIVITY STATUS

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

5.2.4.1 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 5.2.5;
- Conservation and Heritage provisions in Section 6.0;
- Specific and District Wide provisions in Section 7.0; and
- District Wide Performance Standards in Section 8.0.

P1	<p>MANAGEMENT ACTIVITIES CARRIED OUT BY, OR ON BEHALF OF THE LAND CONTROLLING AUTHORITY (DEPARTMENT OF CONSERVATION OR COUNCIL) FOR ONE OR MORE OF THE FOLLOWING PURPOSES:</p> <p>(I) PROTECTION OR ENHANCEMENT OF ECOLOGICAL, HERITAGE, SOIL AND WATER, LANDSCAPE, RECREATIONAL OR AMENITY VALUES OF THE ZONE 89.2)(63.3)</p> <p>Submissions in opposition in relation to walkways, cycleways & jogging tracks</p>
P2	<i>PROSPECTING</i>

5.2.4.2 CONTROLLED ACTIVITIES

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

- *Zone Development Standards* specified in Rule 5.2.5;
- Activity Specific Standards 5.2.6
- Conservation and Heritage provisions in Section 6.0;
- Specific and District Wide provisions in Section 7.0; and
- District Wide Performance Standards in Section 8.0.

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

C1	<p>EXPLORATION (REFER TO ACTIVITY SPECIFIC STANDARD 5.2.6(1) (104.25)(191.190)</p> <p>Matters over which the Council has reserved control are:</p> <p>(1) Location of vegetation and/or land clearances</p> <p style="padding-left: 20px;">(a) Whether the location of an individual clearance in relation to other clearance(s) has the effect of creating an inappropriate contiguous clearance.</p> <p>(2) Timing/number of vegetation and/or land clearances</p> <p style="padding-left: 20px;">(a) Whether the timing and/or number of individual clearances should be staged in order that the rehabilitation of adjoining clearances is undertaken before new clearances are created.</p> <p>(3) Management and rehabilitation</p> <p style="padding-left: 20px;">(a) The adequacy of management and rehabilitation plans to ensure the long term appearance and stability of any disturbed/excavated area including surplus earth disposal areas (including the possible use of performance bonds or other mechanisms) aimed to return the disturbed area to the same or similar state as existed prior to the clearance.</p>
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5.2.4.3 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 <i>PERMITTED</i> ACTIVITY OR <i>CONTROLLED</i> ACTIVITY THAT DOES NOT MEET THE <i>ZONE DEVELOPMENT STANDARDS</i> IN RULE 5.2.5 FOR A <i>PERMITTED</i> OR <i>CONTROLLED</i> ACTIVITY AND DOES NOT EXCEED THE <i>ZONE DEVELOPMENT STANDARDS</i> IN RULE 5.2.5 FOR A <i>RESTRICTED DISCRETIONARY</i> 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 5.2.5 for which compliance is not met and the following relevant assessment criteria:</p> <p>(1) Height</p> <p style="padding-left: 20px;">(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 style="padding-left: 20px;">(b) The desirability of maintaining consistency in design and appearance with existing <i>buildings</i> on the <i>site</i>.</p>
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- (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 compromised.
- (f) Whether the detrimental effects of building in the *yard* can be reduced or avoided.
- (g) Whether the *yard* functions (including separation, *landscaping* and service provision) will be provided on the *site* by other means, or are they unnecessary.

5.2.4.4 DISCRETIONARY ACTIVITIES

Those activities listed below are a *Discretionary Activity* and shall be assessed against the relevant criteria in Rule 5.2.7.

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 5.2.5 FOR A RESTRICTED DISCRETIONARY ACTIVITY
D2	ANY OTHER ACTIVITY UNDERTAKEN EITHER BY THE DEPARTMENT OF CONSERVATION OR HAURAKI DISTRICT COUNCIL AND EXPLORATION NOT OTHERWISE PROVIDED FOR AS A CONTROLLED ACTIVITY (168.50)(93.40)(191.40)(104.28)(191.192)

5.2.4.5 NON COMPLYING ACTIVITIES (93.43)(191.43)

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

NC1	ANY ACTIVITY NOT PROVIDED AS A PERMITTED, CONTROLLED, RESTRICTED DISCRETIONARY, DISCRETIONARY OR PROHIBITED ACTIVITY (93.44)(191.44)
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5.2.4.6 PROHIBITED ACTIVITIES (159.4)

Those activities listed below are a *Prohibited Activity*.

THERE ARE NO PROHIBITED ACTIVITIES

5.2.5 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 5.2.4.2, and for *Restricted Discretionary Activities* in Rule 5.2.4.3, 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*.

Development Standard	Parameter		Environmental Result
	Permitted and Controlled	Restricted Discretionary	
Maximum Height	6.0 metres	8.0 metres	To ensure that the <i>height</i> of <i>buildings</i> is compatible with the activities permitted in the <i>zone</i> as well as the landscape, <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> .
Minimum Yards (<i>Other yards apply only at the zone boundaries</i>)	Front Yard: 12 metres (181.51)	Front Yard: 12 metres (181.51) Submission in opposition in relation to SHWYs only	To allow flexibility in <i>site</i> layout while still maintaining the <i>amenities</i> of the <i>zone</i> and any adjoining <i>zones</i> .
	Other yards: 6 metres for accommodation purposes, 12 metres for other purposes.	Other yards: Nil	

5.2.6 ACTIVITY SPECIFIC STANDARDS

(1) EXPLORATION (93.46)(191.46)(104.29)(191.194)

- (a) Trenching and costeaming is subject to a maximum cross section area of 6m²
- (b) Progressive rehabilitation of trenching is to be undertaken, such that no more than 50 metres of trenching is left open at any one time.
- (c) *Exploration* drilling is subject to a maximum drilling pad size of 200 square metres.
- (d) Bulk sampling is subject to a maximum of 500 cubic metres of material per 100 hectares.
- (e) *Exploration* tunnels are subject to the maximum volume of excavated material is not to result in more than 500 square metres of surface area being covered, to a maximum height of 2 metres.
- (f) Up to 200m²/100ha of access right/year of contiguous *indigenous vegetation* cover or *indigenous vegetation* maintenance plantings may be cleared.
- (g) A maximum land disturbance of 200m²/100ha of access right/year.
- (h) Rehabilitation measures are proposed.

5.2.7 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

5.2.4 to 5.2.6, and the relevant General and Activity Specific assessment criteria below, and any other matters it considers appropriate.

5.2.7.1 GENERAL ASSESSMENT CRITERIA

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

Development proposals will need to demonstrate that the adverse effects on the *indigenous vegetation* cover and associated habitat are being avoided, remedied or mitigated.
- (2) The effects of the activity on the *Hauraki Ecological Corridor* including, but not limited to:
 - (a) adverse effects on the functioning of the Corridor;
 - (b) the potential for the proposal to enhance the ecological, landscape and scenic *amenity values* of the Corridor;
 - (c) proposals to provide additional land for conservation purposes which may enhance the values of the Corridor.
- (3) The visual impact of the activity in particular the degree to which prominent visual features such as ridgelines, and skylines are affected as viewed from inside and outside the *zone*.
- (4) The effects of the activity particularly with regard to the generation of noise, dust, fumes, smoke or odours which may be noxious, dangerous or offensive to persons undertaking recreational, scientific, educational or cultural activities in the *zone* or may affect *properties* outside the *zone*.
- (5) Whether traffic movements resulting from the activity will have any significant impact on the safe and efficient operation of any *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*; (181.15)
 - (c) the means by which any likely traffic hazard can be avoided or mitigated; (181.27)
 - (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.
- (6) The degree to which the activity will cause demands for the uneconomic or premature upgrading or extension of public services, including roading which are not in the interests of the District or locality.

- (7) Whether the activity and any *buildings* and *structures* are of a scale and intensity which are in keeping with the character and *amenity* values of the *zone* and adjacent rural *environment*.

5.3 CONSERVATION (WETLAND) ZONE

5.3.1 ZONE PURPOSE

- (1) The purpose of the Conservation Wetland Zone is one of conservation, protection and enhancement of the wetland complex comprising the Kopuatai Peat Dome (and the mineralised wetlands adjoining and near to the western boundary of the Dome) and the Torehape Peat Dome. The wetland complex covers an area of over 10,000 hectares and extends into the adjoining Matamata Piako District.
- (2) The Kopuatai Peat Dome is the most intact peat dome/restiad bog in the southern hemisphere. It is also the largest remaining freshwater wetland in the North Island. Kopuatai is of special value for maintaining the genetic and ecological diversity of the Waikato region. It supports a number of plant and animal species that are endemic to New Zealand, notably the greater jointed rush and black mudfish. A number of indigenous vegetation types contained within the Kopuatai are nationally and regionally priority threatened flora and fauna, some of which are listed as National Critical. Contributing to this threat status is the change in vegetation composition from indigenous vegetation communities to communities dominated by introduced species.
- (3) The Kopuatai is listed as a wetland of international importance under the Ramsar Convention, especially as a waterfowl habitat. The Ramsar convention was prepared by the International Union for the Conservation of Nature and Natural Resources (IUCN) and is an agreement that signatory governments (which include New Zealand) will comply with the content of the Convention. The Convention establishes criteria for identifying natural resources of international importance, including wetlands. The IUCN is a United Nations body. The Kopuatai Peat Dome is a Government Purposes (Wetland Management) Reserve administered by the Department of Conservation. The following areas also have the same reserve status and adjoin the Kopuatai reserve:
 - Patetonga Lake
 - Patterson's Lagoon
 - Flax Block
- (4) The Kopuatai wetland complex is also an essential natural component of the flood control measures which separate, control and help drain the Piako and Waihou river systems within the District. The elevation of the peat (and therefore its effectiveness in flood prevention) is dependant upon its water content.
- (5) The Torehape Peat Dome is located a short distance to the north west of the Kopuatai reserve. This is a remnant peat dome of some 650 hectares in area and is also administered by the Department of Conservation as a Government Purposes (Wildlife Management) Reserve. It is an area significant for several rare or threatened plant and animal species.
- (6) The Torehape Peat Dome has been extensively modified by grazing and drainage carried out during the last century. The surrounding areas have been drained and converted to pasture with a consequential lowering of the ground level resulting in a partial drying out of the conservation area of the dome. Threats to this wetland include drainage, nuisance plant infestations and peat mining on the margins of the wetland.

- (7) Because of their natural hydrological function and high significance as a natural habitat for both wildlife and flora as well as being of scientific interest and of recreational value, the purpose of the zone is to generally maintain the land in its present condition and not allow development within these wetland areas which would reduce the water content, or remove the peat.

5.3.2 OBJECTIVES AND POLICIES

(1) OBJECTIVE 1

To preserve, protect and enhance the biological diversity and the outstanding natural character values of the wetlands in the zone.

(2) OBJECTIVE 2

To maintain the flood control functions of the wetlands.

(3) OBJECTIVE 3

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

(a) Policies

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

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

(4) OBJECTIVE 4

To enable recreational use of the wetlands to the extent compatible with the other objectives of the zone and the wetland's legal status, and the amenities of the area beyond the zone boundary.

(a) Policies

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

- (i) Recognise that the Department of Conservation may carry out emergency, conservation protection, enhancement and other works associated with the recreational values of the zone.
- (ii) Avoid, remedy or mitigate the significant adverse effects of activities on adjacent land uses.

(b) Reasons for all Objectives and Policies

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

5.3.3 ENVIRONMENTAL RESULTS

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

5.3.4 ACTIVITY STATUS

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 works/activities undertaken on Department of Conservation land also require prior approval from the Waikato Conservancy (eg. maimai construction; excavation works).

5.3.4.1 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 5.3.5;
- Conservation and Heritage provisions in Section 6.0;
- Specific and District Wide provisions in Section 7.0; and
- District Wide Performance Standards in Section 8.0.

P1	<p>MANAGEMENT ACTIVITIES CARRIED OUT BY, OR ON BEHALF OF THE DEPARTMENT OF CONSERVATION FOR ONE OR MORE OF THE FOLLOWING PURPOSES:</p> <p>(a) PROTECTION OR ENHANCEMENT OF ECOLOGICAL, HISTORIC, SOIL AND WATER, LANDSCAPE, RECREATIONAL OR AMENITY VALUES OF THE ZONE (89.3)(63.4) Submissions in opposition in relation to walkways, cycleways, jogging tracks only.</p>
P2	<p>THE CONSTRUCTION, MAINTENANCE AND USE OF MAIMAI ON LICENSED SITES FOR DUCK SHOOTING, PROVIDED THERE IS NO DISTURBANCE OF PRESENT <i>GROUND LEVELS</i>, EXOTIC (EXCLUDING PASTURE) AND <i>INDIGENOUS VEGETATION</i> COVER OR WATER LEVELS</p>
P3	<p>EXCAVATIONS AND MINOR WORKS TO MAINTAIN ESTABLISHED PONDS FOR DUCK SHOOTING, PROVIDED THERE IS NO DISTURBANCE OF SURROUNDING <i>GROUND LEVELS</i>, EXOTIC (EXCLUDING PASTURE) AND <i>INDIGENOUS VEGETATION</i> COVER OR WATER LEVELS</p>

5.3.4.2 CONTROLLED ACTIVITIES

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

- Activity Specific Standards specified in Rule 5.3.5;
- Conservation and Heritage provisions in Section 6.0
- Specific and District Wide provisions in Section 7.0; and
- District Wide Performance Standards in Section 8.0.

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

THERE ARE NO *CONTROLLED ACTIVITIES*

5.3.4.3 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*

5.3.4.4 DISCRETIONARY ACTIVITIES

Those activities listed below are a *Discretionary Activity* and shall be assessed against the relevant criteria in Rule 5.3.6.

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.

D1 ANY *MANAGEMENT ACTIVITIES* CARRIED OUT BY OR ON BEHALF OF THE DEPARTMENT OF CONSERVATION WHICH ARE NOT PROVIDED FOR AS A *PERMITTED ACTIVITY*

5.3.4.5 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*

5.3.4.6 PROHIBITED ACTIVITIES (159.5)

Those activities listed below are a *Prohibited Activity*.

PR1 *UNDERGROUND MINING, SURFACE MINING AND MINING OPERATIONS* (100.1)(100.4)

5.3.5 ACTIVITY SPECIFIC STANDARDS

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

5.3.6 ASSESSMENT CRITERIA FOR DISCRETIONARY ACTIVITIES

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

- (a) The effects of the activity on the indigenous flora and fauna of the locality and *zone*.

- (b) Whether the proposed activity will have a beneficial effect on the management of the wetland ecosystem.
- (c) The effects of the activity on the hydrological function of the *zone*.
- (d) The effects of the activity particularly with regard to the generation of noise, dust, fumes, smoke or odours which may be noxious, dangerous or offensive to persons undertaking recreational, scientific, educational or cultural activities in the *zone* or may affect *properties* outside the *zone*.

5.4 COASTAL ZONE (36.14)(181.230)(193.2)

5.4.1 ZONE PURPOSE (183.98)(183.99)(183.101)(183.111)(185.19)

- (1) The Coastal Zone is a major subset of the coastal environment. There is no clear definition of the coastal environment, but a conceptual model of dividing the coastal environment into four areas set out below, has been developed and used to assist in defining the boundary;
- sub-tidal;
 - inter-tidal;
 - coastal dominance; and
 - coastal influence.
- (2) The Coastal Zone encompasses those parts of the last two areas of the coastal environment set out above, where the features of the coast comprise a dominant element and it is considered that land use and subdivision activities need to be subject to more specific assessment and control. It is recognised that the Coastal Zone may not in some instances exactly mirror the boundary of the wider coastal environment. In those parts of the coastal environment outside the Coastal Zone, less rigorous land use (eg activities provided for and activity status) and subdivision assessment and control is required. The Coastal Zone includes an outstanding natural landscape area of high scenic quality. There are also Significant Natural Areas (eg. stands of indigenous vegetation) and outstanding natural features (eg Whiritoa blowhole) within the Coastal Zone that require protection from adverse effects of activities.
- (3) A significant portion of the Hauraki District is within the drainage catchment of the Hauraki Gulf and therefore subject to the provisions of the Hauraki Gulf Marine Park Act 2000. While the Coastal Zone is also within this catchment, it is that part of the District which comprises the landward features of the coastal environment that differentiate it from the rest of the drainage catchment. The Coastal Zone is one way to give effect to the provisions of Sections 7 & 8 of the Hauraki Gulf Marine Park Act 2000. The subdivision and development provisions of the Rural Zone in particular give effect to the remainder of the Hauraki Gulf Marine Park catchment area.
- (4) The Hauraki District Council boundary follows the southern coast of the Firth of Thames and the east coast of the Coromandel Peninsula. The following description of the Hauraki District coastline provides background as to how the coastal marine area and coastal environment have been defined in the District Plan.
- (5) **FIRTH OF THAMES (185.20)**
- (a) The Firth of Thames coastline, from Miranda to the Waihou River mouth consists of soft mudflats, mangrove forest and some intermingled salt marsh. The Firth wetland is one of New Zealand's most important coastal stretches for wading birds and has been accorded International status as a Conservation Area by the International Union for Conservation of Nature and Natural Resources (IUCN) based on the Ramsar Convention. The area has also been identified as a "Regionally Significant Coastal

Environment" in terms of its coastal landscape, and is also an "Area of Significant Conservation Value" in the Operative Waikato Regional Coastal Plan.

(b) A flood control stopbank extends along the coast from the Waihou River to Waitakaruru. This has been designated by the Waikato Regional Council. Land on the seaward side of the stopbank is generally tidal, although in places there is some rough pasture on these tidal flats. The land designated for flood control is generally owned by the Waikato Regional Council or is in some form of public ownership. On the landward side of the stopbank is farmland in private ownership.

(c) From Waitakaruru to Miranda the coast has been stopbanked by the Hauraki District Council other than for a short section on the northern boundary of the Western Plains Drainage District, where Front Miranda Road acts as the stopbank. The stopbank itself and land on the seaward side to the coast is in private ownership and in places farmed up to the mangrove edge of the wetland. Part of the stopbank area is designated by the Hauraki District Council.

(d) Coastal Marine Area

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

(i) Firth of Thames

Seaward of mean high water springs, except where specified at the river mouths as set out below.

(ii) Waihou River

Mean high water springs upstream to a point one kilometre upstream from the river mouth (ie upstream of the 1928 Kopu Bridge).

(iii) Piako River

Mean high water springs, upstream to a point five times the width of the river mouth (ie approximately 600 metres upstream of Pipiroa Bridge).

(iv) Waitakaruru River

Mean high water springs, upstream to a point five times the width of the river mouth.

(e) Coastal Environment & Coastal Zone

The coastal environment along the Firth of Thames coincides with the top of the stopbanks and also coincides with the boundary of the Coastal Zone.

(6) THE EASTERN COASTLINE (185.21)

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

(a) Otahu Catchment and Estuary

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

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

(ii) The Otahu estuary and catchment is one of only a few areas left on the Coromandel Peninsula which provides a reasonably intact natural sequence of habitat from the upper reaches of stream tributaries in the ranges to the marine habitats of the ocean.

(iii) In the Waikato Regional Coastal Plan the estuary and river are identified as an "Area of Significant Conservation Value". The majority of the area was identified as a "Natural Area of Ecological Significance ("Outstanding") in the First Review of the Hauraki District Plan and as being a Significant Natural Area of "Regional" significance in the Second Review.

(b) Coastline from Otahu Estuary to Whiritoa

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

(c) Whiritoa

(i) Whiritoa contains a diverse range of important habitats including significant sand dune vegetation associations. The Ramarama Estuary and wetland and Whiritoa Lagoon were identified in the First Review of the Hauraki District Plan as "Outstanding Areas of Ecological Significance" and as being a Significant Natural Area of "Regional" significance in the Second Review.

(ii) The Waimana Recreation Reserve and Te Ramarama Scenic Reserve provide protection to parts of these ecologically important lagoon areas. Most of the wetland area and Whiritoa Lagoon are in private ownership. The sand dunes along the coast in front of Whiritoa are a District Council reserve (part recreation reserve; part esplanade reserve).

(iii) The Residential zoning of Whiritoa extends up to the recreation and esplanade reserves covering the foredune area.

(iv) Beachcare works have been put in place by the Whiritoa Beachcare Group in association with Council.

(d) Otonga Point - Mataora Bay - Boat Bay

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

(ii) This stretch of coastline is one of the last remaining natural vegetated coastal cliff areas on the east Coromandel coast.

(iii) Public access is provided by a narrow strip (Crown Land reserved from sale) which extends over the portion of the coastline from south of Mataora Bay to the Orokawa Domain North at Homunga Bay. A narrow section of reserve extends along most of the coastline south of Homunga Bay, across Boat Bay to the district boundary (which is located to the north of the large Orokawa Scenic Reserve).

(e) Coastal Marine Area

Along the Eastern Coastline the coastal marine area has been defined as the line of mean high water springs up to a point where the Waiharakeke Stream and the Otahu River meet.

(f) Coastal Environment & Coastal Zone

(i) The Coastal Zone along the eastern coastline has been defined following an analysis of landscape and natural character values and encompasses special features, including the following:

(1) Bush clad land at the head of the Otahu Estuary.

(2) Te Ramarama Estuary/Stream area at Whiritoa.

(3) Mataora Bay - ridgeline immediately forming backdrop to the bay.

(4) Boat Bay - bush covered steep coastal margin with wide bush covered gully backdrop.

(ii) The coastal environment includes all of the Coastal Zone and in some parts includes ridgelines that form a more distant inland visual backdrop, which are in the Rural Zone and the Orokawa Domain which is in the Conservation (Indigenous Forest) Zone.

(iii) The established coastal settlement of Whiritoa is also within the coastal environment, and retains its urban zonings rather than being included in the Coastal Zone, as the settlement is substantially developed and the District Plan provisions applying at Whiritoa will retain its coastal settlement character.

5.4.2 OBJECTIVES AND POLICIES

(1) OBJECTIVE 1

To preserve the natural character of the coastal environment and ensure its protection from inappropriate subdivision, use and development. (87.70)

(a) Policies (87.71)(183.102)(183.104)(185.23)

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

(i) Protect, preserve and enhance the landscape character of the coastal environment.

(ii) Identify landscape features of particular significance and ensure that particular regard is had to protecting those features.

(iii) Protect areas of significant indigenous vegetation and significant habitats of indigenous fauna (Significant Natural Areas). (183.105)

(iv) Ensure the erection of buildings, earthworks (particularly cuttings associated with creating access tracks) and removal of indigenous vegetation does not detract from the significant landscape character of the coastal environment, particularly along the margins of the coast, estuaries, rivers and streams. (183.106)

(v) Encourage and recognise private landowner initiatives to protect identified Significant Natural Areas.

(vi) Liaise with the Waikato Regional Council, adjoining territorial authorities and the Department of Conservation to ensure a consistent and coordinated approach to resource management in the coastal environment is adopted.

(b) Reasons (185.24)

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

(2) OBJECTIVE 2

To maintain and enhance public access to and along the coastal marine area, while preserving conservation values. (183.107)

(a) Policies

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

(i) Liaise with statutory organisations (eg Department of Conservation) and community groups with an interest in the coastal resource (eg fishing clubs, conservation groups) to determine the locations where access, reserves and strips are needed for recreation purposes. (183.108)

(ii) Ensure that public access and use is compatible with the preservation of conservation values. (183.109)

(iii) Liaise with landowners to develop methods within which public access to and use of the coastal environment does not unreasonably interfere with the landowner's ability to use and 'enjoy' the land. (183.110)

(b) Reasons

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

5.4.3 ENVIRONMENTAL RESULTS

(1) The expected environmental result sought is to ensure the natural character of the coastal environment is preserved and that the coastal environment is protected from inappropriate subdivision, use and development. Council will also seek to ensure public access is maintained and enhanced to and along the coastal marine area. (185.25)

(2) In the management of the coastal environment, the Council will seek a close liaison with agencies responsible for resource management in the coastal marine area section of the coastal environment. These agencies are the Waikato Regional Council and the Department of Conservation. (185.26)

5.4.4 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:

5.4.4.1 PERMITTED ACTIVITIES (87.77)

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

- *Zone Development Standards* specified in Rule 5.4.5;
- *Activity Specific Standards* specified in Rule 5.4.6;
- *Conservation and Heritage provisions* in Section 6.0
- *Specific and District Wide provisions* in Section 7.0; and
- *District Wide Performance Standards* in Section 8.0.

P1	<i>LAND MANAGEMENT ACTIVITIES ASSOCIATED WITH IDENTIFIED SIGNIFICANT NATURAL AREAS, OTHER AREAS OF INDIGENOUS VEGETATION AND AREAS OF LAND TO BE RETIRED FROM ACTIVE PRIMARY PRODUCTION AND PLANTED IN INDIGENOUS VEGETATION, INCLUDING PLANTING AND MANAGEMENT OF INDIGENOUS VEGETATION, THE REMOVAL OF EXOTIC TREES AND VEGETATION, PEST DESTRUCTION, WEED REMOVAL AND PERIMETER FENCING (168.53)</i>
P2	<i>FARMING (EXCLUDING FARM BUILDINGS) (87.72)</i>
P3	<i>HOME OCCUPATIONS WITHIN AN EXISTING DWELLING (REFER TO ACTIVITY SPECIFIC STANDARD 5.4.6(1))</i>
P4	<i>PEDESTRIAN WALKWAYS (INCLUDING SEATING AND TABLES), CYCLEWAYS AND JOGGING TRACKS (89.4)(63.5)</i>
P5	<i>HOME/FARM STAY WITHIN AN EXISTING DWELLING</i>
P6	<i>PROSPECTING</i>
P7	<i>TEMPORARY USES AND BUILDINGS (INCLUDING TEMPORARY MILITARY TRAINING)</i>
P8	<i>REMOVAL OR DEMOLITION OF BUILDINGS (141.3)</i>

5.4.4.2 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 5.4.5;
- *Activity Specific Standards* specified in Rule 5.4.6;
- *Conservation and Heritage provisions* in Section 6.0
- *Specific and District Wide provisions* in Section 7.0; and
- *District Wide Performance Standards* in Section 8.0.

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

C1	<p>ONE DWELLING AND ACCESSORY BUILDINGS ON EACH CERTIFICATE OF TITLE (EXCEPT WITHIN THE FIRTH OF THAMES AREA OF THE COASTAL ZONE) (87.73)(87.74)(91.1)(183.112)</p> <p>Matters over which the Council has reserved control are:</p> <p>(1) Site layout and building design</p> <p>(a) Whether <i>buildings</i> are sufficiently set back from the boundaries of neighbouring <i>properties</i> to avoid causing a nuisance to neighbouring <i>holdings</i> by way of overshadowing, obstruction of views, noise, glare and loss of privacy.</p> <p>(b) Whether the location of the proposed <i>building</i> especially in relation to ridgelines and the coastal edge and its prominence when viewed from public places is such that it does not adversely affect the visual and <i>amenity</i> values of these features.</p> <p>(c) Are there features of the proposed <i>building</i> that avoids, remedies or mitigates any adverse effect on the existing landscape including the:</p> <p style="margin-left: 20px;">(i) design (eg varied roofline profile to create shade effects and break up the bulk of the roofline);</p> <p style="margin-left: 20px;">(ii) bulk (especially lowered <i>height</i>);</p> <p style="margin-left: 20px;">(iii) colour and reflectivity of external materials that complement the colours of the surrounding <i>environment</i>, and</p> <p style="margin-left: 20px;">(iv) amount and reflectivity of glass, especially tinted glass and glass areas that are shaded by eaves.</p> <p>(d) Whether the planting of trees and shrubs, the shaping of earth and other landscape features reduce the visual dominance of the <i>building</i> and assist with its integration into the landscape.</p> <p>(e) The degree to which the location of <i>buildings</i> is such as to retain clear visibility along rural <i>roads</i> and to provide space for vehicle access and loading on the <i>site</i> clear of the <i>road</i>. (168.54)</p>
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C2	<p>FARM BUILDINGS (EXCEPT WITHIN THE FIRTH OF THAMES AREA OF THE COASTAL ZONE) (87.75)(183.113)</p> <p>Matters over which the Council has reserved control are the same as for C1</p>
C3	<p>EXPLORATION (REFER TO ACTIVITY SPECIFIC STANDARD 5.4.6(2))</p> <p>Matters over which the Council has reserved control are:</p> <p>(1) Location of vegetation and/or land clearances</p> <p>(a) Whether the location of an individual clearance in relation to other clearance(s) has the effect of creating an inappropriate contiguous clearance.</p> <p>(2) Timing/number of vegetation and/or land clearances</p> <p>(a) Whether the timing and/or number of individual clearances should be staged in order that the rehabilitation of adjoining clearances is undertaken before new clearances are created.</p> <p>(3) Management and rehabilitation</p> <p>(a) The adequacy of management and rehabilitation plans to ensure the long term appearance and stability of any disturbed/excavated area including surplus earth disposal areas (including the possible use of performance bonds or other mechanisms) aimed to return the disturbed area to the same or similar state as existed prior to the clearance.</p>

5.4.4.3 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 ACTIVITY OR CONTROLLED ACTIVITY THAT DOES NOT MEET THE ZONE DEVELOPMENT STANDARDS IN RULE 5.4.5 FOR A PERMITTED OR CONTROLLED ACTIVITY AND DOES NOT EXCEED THE ZONE DEVELOPMENT STANDARDS IN RULE 5.4.5 FOR A RESTRICTED DISCRETIONARY ACTIVITY</p> <p>Matters over which the Council has restricted its discretion are:</p> <p>The Council 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 5.4.5 for which compliance is not met and the following relevant criteria.</p> <p>(1) Height and Daylighting (183.115)</p> <p>(a) The extent that topographical and <i>site</i> conditions (including easements) restrict</p>
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- 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. (91.1)
- (2) **Yards (Buildings)** (183.116)
- (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. (181.121)
 - (f) Whether the detrimental effects (including reverse sensitivity 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)	Yards (<i>Shelter Belts and Forestry</i>) (183.117)
(a)	The extent to which the safe and efficient functioning of the street or <i>road</i> will be compromised, through shading and obscuring visibility.
(b)	The potential of the tree root system to cause damage to the <i>road</i> pavement.
(c)	The extent to which the provision of daylight and sunlight into the neighbouring properties will be affected.

5.4.4.4 DISCRETIONARY ACTIVITIES.

Those activities listed below are a *Discretionary Activity* (except where otherwise specified*) and shall be assessed against the relevant criteria in Rule 5.4.7.

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*	FORESTRY (87.76)
D2*	INDIGENOUS VEGETATION REMOVAL (87.78)(183.118)
D3*	TOURISM ACTIVITIES
D4*	MORE THAN ONE DWELLING ON EACH CERTIFICATE OF TITLE CONTAINING 40 OR MORE HECTARES OF LAND (87.79)(87.80)
D5*	ANY PERMITTED, CONTROLLED OR DISCRETIONARY ACTIVITY IN THE RESERVE (PASSIVE) ZONE NOT OTHERWISE PROVIDED FOR AS A PERMITTED ACTIVITY UNDER P4 (168.55)
D6	ANY PERMITTED OR CONTROLLED ACTIVITY THAT DOES NOT MEET THE ZONE DEVELOPMENT STANDARDS IN RULE 5.4.5 FOR A RESTRICTED DISCRETIONARY ACTIVITY
D7	ANY PERMITTED ACTIVITY THAT DOES NOT MEET THE ACTIVITY SPECIFIC STANDARDS IN RULE 5.4.6

* *Discretionary Activities* D1 to D5 are a *Non Complying Activity* where located in the Firth of Thames area of the Coastal Zone

5.4.4.5 NON COMPLYING ACTIVITIES

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

NC1	ANY ACTIVITY NOT OTHERWISE PROVIDED FOR AS A PERMITTED, CONTROLLED, RESTRICTED DISCRETIONARY, DISCRETIONARY OR PROHIBITED ACTIVITY (87.81)
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5.4.4.6 PROHIBITED ACTIVITIES

Those activities listed below are a *Prohibited Activity*.

THERE ARE NO PROHIBITED ACTIVITIES

5.4.5 ZONE DEVELOPMENT STANDARDS (181.64)(181.82)(181.97)(181.109)

(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 5.4.4.2, and for *Restricted Discretionary Activities* in Rule 5.4.4.3, 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. (168.81)

Development Standard	Parameter		Environmental Result
	Controlled	Restricted Discretionary	
Maximum Height	8.0 metres	11.0 metres	To ensure that the <i>height of buildings</i> is compatible with the activities permitted in the <i>zone</i> as well as the landscape, <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> shall project above 2.0 metres in <i>height</i> at any other <i>site</i> boundary and not project above a 45° plane into the <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 (Buildings)	Front Yard: 12 metres (except from <i>State Highways</i>). Front Yard: 20 metres (from <i>State Highways</i>)	Front Yard: 12 metres (181.52) 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> .

Development Standard	Parameter		Environmental Result
	Controlled	Restricted Discretionary	
	<p><i>Other yards: 12 metres, except that:</i></p> <p>(a) any <i>building</i> or enclosure used for the housing and keeping of any animals (including milking sheds and stock yards) are not permitted within 50 metres of the boundary of the <i>holding</i>;</p>	<p><i>Other yards: Nil</i></p>	
<p>Minimum Yards (<i>Shelter Belts</i>)</p>	<p><i>Front Yard: 10 metres</i></p> <p><i>Other yards: None, except where the boundary of the Coastal Zone adjoins a sensitive zone boundary, the yard shall be 10 metres.</i></p>	<p><i>Front Yard: Nil</i></p> <p><i>Other yards: Nil</i></p>	<p>To allow flexibility in <i>site</i> layout while still maintaining the <i>amenities</i> of the <i>site</i>, traffic safety and protecting the physical <i>road</i>.</p>

5.4.6 ACTIVITY SPECIFIC STANDARDS

(1) HOME OCCUPATIONS

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

(h) Only goods directly produced or assembled by the *home occupation* may be sold or offered for sale from the *site* on which the *home occupation* is conducted.

(Note: Assembled means putting together pre-fabricated parts to make a product)

(i) *Home occupations* shall not include a business or trade that involves panel beating, spray painting or mechanical repairs to vehicles and machinery (other than mechanical repairs to vehicles and machinery directly associated with the *home occupation* eg repair of rural contractors truck).

(2) EXPLORATION

- (a)** Trenching and costeaning are subject to a maximum cross section area of 6m²
- (b)** Progressive rehabilitation of trenching is to be undertaken, such that no more than 50 metres of trenching is left open at any one time.
- (c)** *Exploration* drilling is subject to a maximum drilling pad size of 200 square metres.
- (d)** Bulk sampling is subject to a maximum of 500 cubic metres of material per 100 hectares.
- (e)** *Exploration* tunnels are subject to the maximum volume of excavated material is not to result in more than 500 square metres of surface area being covered, to a maximum height of 2 metres.
- (f)** Rehabilitation measures are proposed.

5.4.7 ASSESSMENT CRITERIA FOR 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 5.4.4 to 5.4.6, and the relevant General and Activity Specific assessment criteria below, and any other matters it considers appropriate.

5.4.7.1 GENERAL ASSESSMENT CRITERIA (183.119)

- (1)** Whether the activity and any *buildings* and *structures* are of a scale and intensity which preserves the natural character and *amenity* values of the coastal *environment*. Particular aspects making up the natural character include:
 - (a)** dunes;
 - (b)** foreshore;
 - (c)** headlands;
 - (d)** coastal vegetation including bush;
 - (e)** streams, lagoons, estuary areas;
 - (f)** visual backdrop including fields, forest areas, ridges, skylines, prominent geographic features;
 - (g)** habitat values; and
 - (h)** quietness and peacefulness.
- (2)** Whether the proposal is appropriate having regard to the Objectives of the Coastal Zone.
- (3)** Whether public access to and along the *coastal marine area* is maintained and enhanced.
- (4)** The extent to which the activity and any *buildings* and *structures* maintain or enhance the cultural or heritage values of the locality.

- (5) Whether traffic movements resulting from the activity will have any significant impact on the safe and efficient operation of any public *road*. Pertinent matters for consideration in this regard are:
- (a) the carrying capacity, standard and status in the roading hierarchy of the route concerned; (181.4)
 - (b) the ability of the *site* to accommodate the necessary parking and on-site *manoeuvring areas*; (181.16)
 - (c) the means by which any likely traffic hazard can be avoided or mitigated; (181.28)
 - (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. (181.40)
- (6) The degree to which the activity will cause demands for the uneconomic or premature upgrading or extension of public services, including roading which are not in the interests of the District or locality.
- (7) Whether any *signs* proposed detract from the *amenities* of the area.
- (8) The extent to which the activity is self-contained, with regard to stormwater drainage, effluent disposal and water supply within the boundaries of the *site* on which the activity is located (except where reticulated services are provided).
- (9) Whether the nature of the activity has the potential to create nuisance and health and safety effects, such as noise, vibration and dust which cannot effectively or practically be controlled by mitigation measures.
- (10) Whether the hours of operation are appropriate having regard to those persons likely to be affected by the activity.

5.4.7.2 ADDITIONAL DWELLINGS

- (1) The necessity for additional *dwellings* to effectively manage the productive use of the land.

5.4.7.3 FORESTRY

- (1) The extent to which exterior storage areas of vehicles, equipment, machinery, materials, waste etc are located or suitably screened from neighbouring *properties*, the coast and coastal margin and any public *road* to avoid, remedy or mitigate any detriment to *amenity* values.
- (2) Whether activities including land preparation, planting, management, silviculture and harvesting that are to be undertaken ensure the visual *amenity* of the area is not significantly affected. Important in this regard are:
- (a) the retention of the existing landform;
 - (b) the need to retain existing *indigenous vegetation*;

- (c) the need to ensure that areas are planted immediately following ground preparation;
- (d) that harvesting is carried out in sections of a scale such that the visual impact is minimised and the land areas so cleared are replanted or otherwise rehabilitated within one year of harvesting.

(3) Whether the clearance of the exotic vegetation will enable the establishment of *indigenous vegetation* to occur and what rehabilitation is proposed.

(4) Whether the clearance of the exotic vegetation will provide the opportunity for the setting back of replanted exotic vegetation from water margins and the establishment of riparian planting of *indigenous vegetation* alongside streams and other water bodies, thereby contributing to improved water quality and ecological values.

5.4.7.4 CLEARANCE OF INDIGENOUS VEGETATION (either as a discrete activity or as part of a controlled or discretionary activity) (183.120)

(1) The extent to which existing native bush, or other vegetation which contributes to visual *amenity* is retained. (185.27)

(2) Whether the best practicable option has been taken to minimise any damage, modification or disturbance to existing vegetation as part of the removal of exotic vegetation or individual trees. Consideration of the best environmental outcome, relevant health and safety requirements and the effectiveness and efficiency of the methods to be used will be considered in relation to the 'best practicable option'.

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

5.4.7.5 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.

5.4.7.6 TOURISM ACTIVITIES

(1) Whether the size of the accommodation buildings, camping ground or motor camp, number of sites, car parks, and scale of *buildings* are in keeping with the character of the coastal *environment*.

(2) The extent to which the activity has the potential to adversely affect the visual *amenity* and natural character of the coastal *environment* and the ability to avoid or mitigate such impact by screening or other actions.

(3) Whether any active recreational activities (including motorised bike and 4WD activities, *education facilities*, and associated club and other *buildings* and vehicle access) are of a

scale (including number of visitors and persons required to carry out the activity), location, nature and have hours of operation that are compatible with the natural character and *amenity* values of the coastal *environment*.

- (4) The extent to which the activity is self-contained, with regard to stormwater drainage, effluent disposal and water supply within the boundaries of the *site* on which the activity is located (except where reticulated services are provided), including whether the infrastructure is designed to ensure it is of a standard capable of servicing the accommodation building, camping ground or motor camp, assuming 100% capacity.
- (5) The background sound level of the surrounding *environment* and whether the *best practicable option* of reducing noise levels has been used. Whether the character and level of noise is suitable having regard to the other activities being carried out in the vicinity and the natural character of the coastal *environment*.

5.5 KARANGAHAKE GORGE ZONE (55.2)(104.31)(131.4)(181.231)(191.196)

5.5.1 ZONE PURPOSE (185.28)

(1) The Karangahake Gorge Zone encompasses the outstanding natural features and landscapes within the Karangahake Gorge, including the following natural features:

- (a) Ohinemuri River;
- (b) Waitawheta River;
- (c) Owharoa Falls; and
- (d) Mt Karangahake.

(2) In addition, the Karangahake Gorge includes steep rock cliffs, vegetation (both regenerating indigenous vegetation and exotic vegetation), historic examples of the gold mining era and recreation activities. Although the landscape has been significantly modified over the years, the combination of the dramatic physical geography, regenerating indigenous vegetation and historic heritage makes the area outstanding within Hauraki District.

(3) It is noted that although there are some parts within the zone that contain Significant Natural Areas, for the balance of the zone, the mixed indigenous and exotic vegetative cover is not of sufficient ecological significance in its own right to meet the standard of being an "area of significant indigenous vegetation or significant habitat of indigenous fauna" (ie a Significant Natural Area). However, the protection of vegetation from disturbance and clearance for visual amenity reasons has the consequential effect of providing additional vegetative cover between the Coromandel and Kaimai - Mamaku Forest Parks. This will assist in the provision of the Hauraki Ecological Corridor for flora and fauna to pass between these two Conservation Parks.

(4) The Karangahake Gorge is made up of a number of individual features and elements that on their own are not significant, but in combination, for the Hauraki District and wider community, make the Karangahake Gorge an outstanding landscape.

5.5.2 OBJECTIVES AND POLICIES

(1) OBJECTIVE 1

To protect the outstanding natural features, landscape and amenity values of the Karangahake Gorge from inappropriate subdivision, use and development. (181.167)

(a) Policies

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

- (i) Protect, preserve and enhance the landscape character of the Karangahake Gorge environment.
- (ii) Identify landscape features of particular significance in the Karangahake Gorge and ensure that particular regard is had to protecting those features.

- (iii) Protect areas of indigenous vegetation and habitats of indigenous fauna.
- (iv) Ensure the erection of buildings, earthworks and removal of vegetation does not detract from the outstanding landscape character and amenity values of the Karangahake Gorge.
- (v) Encourage and recognise private landowner initiatives to protect identified significant natural areas.
- (vi) Liaise with the Department of Conservation to ensure a consistent and coordinated approach to resource management in the Karangahake Gorge environment is adopted. (185.29)
- (vii) Liaise with New Zealand Transport Agency to ensure that developments within the Karangahake Gorge are undertaken in a manner that recognises the importance of SH2 as a sub-regional highway and the Karangahake Gorge as a tourist attraction of district significance. (183.121)

(b) Reasons for Objective 1

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

(2) OBJECTIVE 2

To maintain and enhance public access to and along the Ohinemuri and Waitawheta Rivers. (185.30)

(a) Policies

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

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

(b) Reasons for Objective 2

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

5.5.3 ENVIRONMENTAL RESULTS

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

5.5.4 ACTIVITY STATUS

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:

5.5.4.1 PERMITTED ACTIVITIES

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

- *Zone Development Standards* specified in Rule 5.5.5;
- *Activity Specific Standards* specified in Rule 5.5.6;
- *Conservation and Heritage provisions* in Section 6.0;
- *Specific and District Wide provisions* in Section 7.0; and
- *District Wide Performance Standards* in Section 8.0.

P1	LAND MANAGEMENT ACTIVITIES ASSOCIATED WITH IDENTIFIED SIGNIFICANT NATURAL AREAS, OTHER AREAS OF INDIGENOUS VEGETATION AND AREAS OF LAND TO BE RETIRED FROM ACTIVE PRIMARY PRODUCTION AND PLANTED IN INDIGENOUS VEGETATION, INCLUDING PLANTING AND MANAGEMENT OF INDIGENOUS VEGETATION, THE REMOVAL OF EXOTIC TREES AND VEGETATION, PEST DESTRUCTION, WEED REMOVAL AND PERIMETER FENCING (168.56)(163.18)
P2	MAINTENANCE OF EXISTING WALKING TRACKS
P3	CREATION OF PEDESTRIAN WALKWAYS (INCLUDING SEATING AND TABLES), CYCLEWAYS AND JOGGING TRACKS (89.5)(63.6)(117.5)
P4	EXOTIC TREE(S) REMOVAL (REFER TO ACTIVITY SPECIFIC STANDARD 5.5.6(2))
P5	HOME/FARM STAY WITHIN AN EXISTING DWELLING.
P6	HOME OCCUPATIONS WITHIN AN EXISTING DWELLING (REFER TO ACTIVITY SPECIFIC STANDARD IN 5.5.6(3))
P7	PROSPECTING (104.32)(191.197)
P8	TEMPORARY USES AND BUILDINGS (INCLUDING TEMPORARY MILITARY TRAINING)(59.2)(125.2)
P9	REMOVAL OR DEMOLITION OF BUILDINGS (141.4)

5.5.4.2 CONTROLLED ACTIVITIES

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

- *Zone Development Standards* specified in Rule 5.5.5;
- *Activity Specific Standards* in Rule 5.5.6;
- *Conservation and Heritage provisions* in Section 6.0

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

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

C1	<p>EXPLORATION (Refer Activity Specific Standard 5.5.6(1)) (93.45)(93.48)(191.48)(104.33)(191.198)</p> <p>Matters over which the Council has reserved control are:</p> <p>(1) Location of vegetation and/or land clearances</p> <p style="padding-left: 20px;">(a) Whether the location of an individual clearance in relation to other clearance(s) has the effect of creating an inappropriate contiguous clearance.</p> <p>(2) Timing/number of vegetation and/or land clearances</p> <p style="padding-left: 20px;">(a) Whether the timing and/or number of individual clearances should be staged in order that the rehabilitation of adjoining clearances is undertaken before new clearances are created.</p> <p>(3) Management and rehabilitation</p> <p style="padding-left: 20px;">(a) The extent to which exterior storage areas of vehicles, equipment, machinery, materials, waste etc is located or suitably screened from neighbouring <i>properties</i> and any public <i>road</i> to avoid, remedy or mitigate any detriment to the landscape character.</p> <p style="padding-left: 20px;">(b) The adequacy of management and rehabilitation plans to ensure the long term appearance and stability of any disturbed/excavated area including surplus earth disposal areas (including the possible use of performance bonds or other mechanisms) aimed to return the disturbed area to the same or similar state as existed prior to the clearance. (104.36)</p>
C2	<p>PASSIVE RECREATION NOT PROVIDED FOR UNDER P2 AND P3 ABOVE AS A PERMITTED ACTIVITY</p> <p>Matters over which the Council has reserved control are:</p> <p>(1) Whether any <i>signs</i> proposed detract from the <i>amenities</i> of the area.</p> <p>(2) The extent to which the activity is self-contained, with regard to stormwater drainage, effluent disposal and water supply within the boundaries of the <i>site</i> on which the activity is located (except where reticulated services are provided).</p> <p>(3) Whether the nature of the activity has the potential to create nuisance noise which cannot effectively or practically be controlled by mitigation measures.</p> <p>(4) The extent to which exterior storage areas are located or suitably screened from neighbouring <i>properties</i> and any public <i>road</i> to avoid, remedy or mitigate any detriment to <i>amenity</i>.</p> <p>(5) Whether the hours of operation are appropriate having regard to those persons likely to be affected by the activity.</p> <p>(6) Whether the activity and any <i>building</i> and <i>structures</i> are of a scale and intensity</p>

	<p>which are in keeping with the character, <i>amenity</i> and ambience values of the existing <i>environment</i>.</p>
C3	<p>ADDITIONS TO EXISTING <i>DWELLINGS</i> AND FARM <i>BUILDINGS</i> (NOT OTHERWISE PROVIDED FOR UNDER 5.5.4.3 RD2)</p> <p>Matters over which the <i>Council</i> has reserved control are:</p> <p>(1) <i>SITE LAYOUT AND BUILDING DESIGN</i></p> <p>(a) Whether <i>buildings</i> are sufficiently set back from the boundaries of neighbouring <i>properties</i> to avoid causing a nuisance to neighbouring <i>holdings</i> by way of overshadowing, obstruction of views, noise, glare and loss of privacy.</p> <p>(b) Whether features of the proposed <i>building</i> including the location (especially in relation to ridgelines and its prominence when viewed from any public places), design, bulk (especially <i>height</i>), colour, reflectivity of material, the planting of trees and shrubs, and the shaping of earth avoids, remedies or mitigates any adverse effect on the existing landscape. (168.57)</p> <p>(c) Whether the location of the proposed <i>building</i> especially in relation to ridgelines and its prominence when viewed from public places is such that it does no adversely affect the visual and <i>amenity</i> values of these features.</p> <p>(d) Are there features of the proposed <i>building</i> that avoids, remedies or mitigates any adverse effect on the existing landscape including the:</p> <p>(i) design (eg varied roofline profile to create shade effects and break up the bulk of the roofline);</p> <p>(ii) bulk (especially lowered <i>height</i>);</p> <p>(iii) colour and reflectivity of external materials that complement the colours of the surrounding <i>environment</i>; and</p> <p>(iv) amount and reflectivity of glass, especially tinted glass and glass areas that are shaded by eaves.</p> <p>(e) Whether the planting of trees and shrubs, the shaping of earth and other landscape features reduce the visual dominance of the <i>building</i> and assist with its integration into the landscape.</p> <p>(f) Where vegetation is required to be removed to accommodate the <i>development</i>, whether the total area of <i>building</i> and the location of the <i>building</i> footprint and the location of services, is inconsistent with the retention of vegetation that contributes to the <i>amenity</i> and ecological values. (168.58)</p>
C4	<p>ONE <i>DWELLING</i> ON EACH <i>CERTIFICATE OF TITLE</i> NOT OTHERWISE PROVIDED FOR UNDER 5.5.4.3 RD2</p> <p>Matters over which the <i>Council</i> has reserved control are the same as applies to C3</p>

5.5.4.3 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 ACTIVITY OR CONTROLLED ACTIVITY THAT DOES NOT MEET THE ZONE DEVELOPMENT STANDARDS IN RULE 5.5.5 FOR A PERMITTED OR CONTROLLED ACTIVITY AND DOES NOT EXCEED THE ZONE DEVELOPMENT STANDARDS IN RULE 5.5.5 FOR A RESTRICTED DISCRETIONARY ACTIVITY</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 5.5.5 for which compliance is not met and the following relevant 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>
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<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) Yards</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 compromised. (181.122)</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>RD2 ADDITIONS TO EXISTING <i>DWELLINGS</i> AND FARM BUILDINGS AND ONE <i>DWELLING</i> ON EACH <i>CERTIFICATE OF TITLE</i>, WHERE CLEARANCE OF VEGETATION (OTHER THAN PASTURE) IS REQUIRED TO ACCOMMODATE THE:</p> <ul style="list-style-type: none"> • ADDITION TO THE EXISTING <i>DWELLING</i> OR FARM BUILDING; OR • THE NEW <i>DWELLING</i>; AND/OR • PROVISION OF SERVICES OR VEHICULAR ACCESS. (168.59) <p>Matters over which the Council has reserved control are:</p> <p>(1) Where vegetation is required to be removed to accommodate the <i>development</i>, whether the total area of <i>building</i> and the location of the <i>building</i> footprint and the location of services, is inconsistent with the retention of vegetation that contributes to the <i>amenity</i> and ecological values.</p> <p>(2) The <i>Zone Development Standards</i> in Rule 5.5.5.</p>	

5.5.4.4 DISCRETIONARY ACTIVITIES

Those activities listed below are a *Discretionary Activity* and shall be assessed against the relevant criteria in Rule 5.5.7

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	TWO OR MORE DWELLINGS ON EACH CERTIFICATE OF TITLE CONTAINING 40 OR MORE HECTARES OF LAND
D2	FARMING
D3	CLEARANCE OF INDIGENOUS VEGETATION (163.19)
D4	REMOVAL OF EXOTIC TREE(S) NOT PROVIDED FOR UNDER PERMITTED ACTIVITY P4
D5	ANY PERMITTED OR CONTROLLED ACTIVITY THAT DOES NOT MEET THE ZONE DEVELOPMENT STANDARDS IN RULE 5.5.5 FOR A RESTRICTED DISCRETIONARY ACTIVITY
D6	ANY PERMITTED OR CONTROLLED ACTIVITY THAT DOES NOT MEET THE ACTIVITY SPECIFIC STANDARDS IN RULE 5.5.6

5.5.4.5 NON COMPLYING ACTIVITIES

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

NC1	ANY ACTIVITY NOT PROVIDED AS A CONTROLLED, RESTRICTED DISCRETIONARY, DISCRETIONARY OR PROHIBITED ACTIVITY.
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5.5.4.6 PROHIBITED ACTIVITIES

Those activities listed below are a *Prohibited Activity*.

PR1	SURFACE MINING AND MINING OPERATIONS (93.51)(191.51)(104.39)(191.204)
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5.5.5 ZONE DEVELOPMENT STANDARDS (181.67)(181.83)(181.98)(181.110)

- (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 5.5.4.2, and for *Restricted Discretionary Activities* in Rule 5.5.4.3, 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. (168.82)

Development Standard	Parameter		Environmental Result
	Controlled	Restricted Discretionary	
Maximum Height	8.0 metres	15.0 metres	To ensure that the <i>height of buildings</i> is compatible with the activities permitted in the <i>zone</i> as well as the <i>landscape, 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 any other <i>site</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> , thereby restricting daylight and ventilation between <i>buildings</i> .
Minimum Yards (Building)	Front Yard: 12 metres (except from <i>State Highways</i>). Front Yard: 20 metres (from <i>State Highways</i>).	Front Yard: 12 metres (181.53)	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: 12 metres , except that: (a) any <i>building</i> or enclosure used for the housing and keeping of any animals (including milking sheds and stock yards) are not permitted within 50 metres of the boundary of the <i>holding</i> ;	Other yards: Nil	

5.5.6 ACTIVITY SPECIFIC STANDARDS

(1) EXPLORATION (93.52)(191.52)(104.40)(191.205)

- (a) Trenching and costeaning are subject to a maximum cross section area of 6m²
- (b) Progressive rehabilitation of trenching is to be undertaken, such that no more than 50 metres of trenching is left open at any one time.
- (c) Exploration drilling is subject to a maximum drilling pad size of 200 square metres.

- (d) Bulk sampling is subject to a maximum of 500 cubic metres of material per 100 hectares.
- (e) *Exploration* tunnels are subject to the maximum volume of excavated material not to result in more than 500 square metres of surface area being covered, to a maximum height of 2 metres.
- (f) Vegetation removal is restricted to 50m².
- (g) Rehabilitation measures are proposed.

(2) EXOTIC TREE(S) REMOVAL

- (a) Trimming or pruning of a tree(s) necessary because of disease or age and which will not result in the death, destruction or irreparable damage to the tree.
- (b) Minor pruning or shaping necessary to maintain or enhance the value of the tree(s).
- (c) Removal (partial or total) of any tree(s) for safety and emergency purposes.
- (d) Removal (partial or total) of any tree or group of trees where rehabilitation measures for the area around the cleared tree(s) with planting of *indigenous vegetation* is proposed.
(163.20)

(3) HOME OCCUPATIONS

- (a) At least one person, including the principal operator of the *home occupation*, shall reside on the *site*.
- (b) A *home occupation* involving the care, tuition and/or accommodation of no more than five persons at any one time in addition to the owner(s)/operator(s) may be undertaken provided the activity and accommodation is principally undertaken within the *dwelling*.
- (c) The *home occupation* for an activity other than provided in (b) above, shall be carried out wholly within the *dwelling*, provided that the *gross floor area* of the *dwelling* used for the *home occupation* shall not exceed 30% of the total *gross floor area* of the *dwelling* and associated *accessory buildings* on the *site*.
- (d) Not more than one person from outside the household residing on the *site* shall be employed in the *home occupation*.
- (e) There shall be no exterior display, external storage of materials or other indication of the *home occupation* or variation from the rural, coastal and/or residential character of the *property* visible from a public place. (168.60)
- (f) The *home occupation* shall be operated so as not to attract pedestrian or vehicular traffic (other than traffic directly associated with the operation of the *home occupation* eg rural contractor vehicles returning) between the hours of 10.00pm and 7.00am the following day.
- (g) The *home occupation* may not use equipment which creates electrical interference with television and radio sets on neighbouring *properties*.
- (h) Only goods directly produced or assembled by the *home occupation* may be sold or offered for sale from the *site* on which the *home occupation* is conducted.
(Note: Assembled means putting together pre-fabricated parts to make a product)

- (i) *Home occupations* shall not include a business or trade that involves panel beating, spray painting of mechanical repairs to vehicles and machinery (other than mechanical repairs to vehicles and machinery directly associated with the *home occupation* eg repair of rural contractors truck).

5.5.7 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 5.5.4 to 5.5.6, and the relevant General and Activity Specific assessment criteria below, and any other matters it considers appropriate.

5.5.7.1 GENERAL ASSESSMENT CRITERIA (185.31)

- (1) Whether the activity and any *buildings* and *structures* are of a scale and intensity which preserves the outstanding natural character and *amenity* values of the Karangahake *environment*. Particular aspects making up the natural character include:
- (a) vegetation including bush;
 - (b) streams and rivers;
 - (c) visual backdrop including fields, forest areas, ridges, skylines, prominent geographic features;
 - (d) habitat values; and
 - (e) quietness and peacefulness.
- (2) Whether the proposal is appropriate having regard to the Objectives of the Karangahake Zone.
- (3) Whether public access to and along the margins of streams and rivers is maintained and enhanced.
- (4) The extent to which the activity and any *buildings* and *structures* maintain or enhance the landscape, cultural or heritage values of the locality.
- (5) Whether traffic movements resulting from the activity will have any significant impact on the safe and efficient operation of any public *road*. Pertinent matters for consideration in this regard are: (183.122)
- (a) the carrying capacity, standard and status in the roading hierarchy of the route concerned; (181.5)
 - (b) the ability of the *site* to accommodate the necessary parking and on-site *manoeuvring areas*; (181.17)
 - (c) the means by which any likely traffic hazard can be avoided or mitigated; (181.29)
 - (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. (181.41)
- (6) The degree to which the activity will cause demands for the uneconomic or premature upgrading or extension of public services, including roading which are not in the interests of the District or locality.
- (7) Whether any *signs* proposed detract from the *amenities* of the area.
- (8) The extent to which the activity is self-contained, with regard to stormwater drainage, effluent disposal and water supply within the boundaries of the *site* on which the activity is located (except where reticulated services are provided).
- (9) Whether the nature of the activity has the potential to create nuisance and health and safety effects, such as noise, vibration and dust, which cannot effectively or practically be controlled by mitigation measures.
- (10) Whether the hours of operation are appropriate having regard to those persons likely to be affected by the activity.
- (11) Refer also to the assessment criteria in 5.5.7.4 where clearance of indigenous and/or exotic vegetation is proposed as part of the activity.

5.5.7.2 DWELLINGS, HOME/FARM STAYS AND HOME OCCUPATIONS

- (1) Whether features of the proposed *building* including the location (especially in relation to ridgelines and its prominence when viewed from any public places), design, bulk (especially *height*), colour, reflectivity of material, the planting of trees and shrubs, and the shaping of earth avoids, remedies or mitigates any adverse effect on the existing landscape.
- (2) Refer also to the assessment criteria in 5.5.7.4 where clearance of indigenous and/or exotic vegetation is proposed as part of the activity.

5.5.7.3 FARMING

- (1) Refer to General Assessment Criteria Rule 5.5.7.1

5.5.7.4 CLEARANCE OF INDIGENOUS AND/OR EXOTIC VEGETATION (either as a discrete activity or as part of another *discretionary activity*) (185.32)

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

- (3) Whether the clearance of the exotic vegetation will enable the establishment of *indigenous vegetation* to occur and what rehabilitation is proposed.
- (4) Where the clearance is required for maintenance of fencelines, keeping separation from existing power *lines*, the safety of the *road* network or other situation, can the vegetation removed be replaced with vegetation more suitable to the position.

5.5.7.5 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.

5.6 URBAN AREAS OF THE TOWNS AND TOWNSHIPS

5.6.1 BACKGROUND

(1) PURPOSE

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

(2) GENERAL

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

(3) SUSTAINABLE MANAGEMENT

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

existing urban boundaries. Also in some cases, recognising restrictions or constraints on development due to servicing, instability and natural hazards which have resulted in a minor reduction of some urban area township boundaries (eg. Waitakaruru).

- (iv) Placing urban areas into a "hierarchy", depending on the function or servicing capability, as follows:

(1) Major Serviced Urban Towns

- a. **Waihi** – Commercial and industrial service centre for the Waihi Ward supported by large residential population and a tourist destination focused around the mining heritage and active mining activities of the town.
- b. **Paeroa** – Civic, commercial and transport node of the District supported by a large residential and rural population.
- c. **Ngatea** – Service centre for the Plains Ward supported by a strong residential community and rural population.

(2) Major Serviced Urban Townships

- a. **Kerepehi** – Industrial and service hub and community focus centre.
- b. **Turua** – Residential and community focus centre.

(3) Secondary Rural Partly Serviced Townships

- a. **Waitakaruru** – small residential community and community focus centre for northern part of the District.
- b. **Waikino/Mackaytown/Karangahake** – low density, well vegetated 'hamlet style' Karangahake Gorge residential communities.

(4) Coastal Partly Serviced Townships

- a. **Whiritoa** – Coastal residential settlement

- (v) Using the Low Density Residential Zone to provide variety of living choice and to create a buffer between some parts of the urban areas and the adjoining Rural Zone, and to direct low density residential living to locations where it can support the major serviced urban towns.
- (vi) Encouraging an urban form and development that minimises a reliance on fossil fuel use, protecting areas/sites with significant natural/built quality and greater attention given to areas/sites with particular physical characteristics, such as susceptibility to natural hazards, stability or slope which may require extensive earthworks or protection to enable development (Environmental Sustainable Design).

5.6.2 RESOURCE MANAGEMENT ISSUES

- (1) Integration of the various natural and physical resources within urban areas to ensure that they are used and developed in a sustainable manner that results in achieving quality urban design outcomes and amenity standards that ensure urban areas are developed to recognise

their distinctive character so that they are interesting, convenient, accessible environments to live in and visit.

- (2) The role that each urban area plays, needs to be clearly identified in order that expenditure on services can be rationalised and development can be guided to appropriately serviced areas. The urban areas sustainable management summary and the role of each urban area can be used as one of the criteria in the assessment of activities requiring a resource consent (discretionary and non complying) and for future changes of urban zoning.

5.6.3 OBJECTIVES AND POLICIES – ALL URBAN AREAS

(1) OBJECTIVE 1

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

(a) Policies

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

- (i) Determine the extent of urban areas based on the function they serve, the ability to provide public services to each urban area, and natural and physical constraints.
- (ii) Zone sufficient land for urban activities (eg residential, town centre, industrial, township & recreation) to provide for the existing and potential needs for the next 10 year planning period.
- (iii) Provide services appropriate to existing and potential demand.
- (iv) Develop structure plans to manage and ensure a well planned and integrated approach to the development of new growth areas.

(2) OBJECTIVE 2

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

(a) Policies

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

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

- (iii) Ensure the location and development of residential and business activities is free from natural hazard constraints and minimises adverse effects on natural character, ecological, heritage and cultural values.

(3) OBJECTIVE 3

Urban areas and towns recognised and maintained as hubs for community, cultural, economic and education purposes and continue to be a desirable place to 'live, work and play'.

(a) Policies

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

- (i) Ensure activities located in urban areas do not detract from the vitality of the town centres.
- (ii) Ensure development occurs in a scale and form appropriate and compatible with the character of the established urban environs.
- (iii) Ensure the built environment including subdivision design is well planned and integrated with the transport network and existing infrastructure.
- (iv) Maintenance of key residential amenity attributes such as privacy, access to sunlight, and avoidance of nuisance effects such as noise, dust, smell and vibration. (93.50)(191.50)(93.53)(191.53)(104.41)(183.138)(191.206)
- (v) Restrict residential and business activities in inappropriate locations where such activities have the potential to give rise to adverse effects on sensitive receiving environments.

5.6.4 OBJECTIVES AND POLICIES - WAIHI

(1) OBJECTIVE 1

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

(a) Policies

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

- (i) Make adequate provision for Waihi Town and its role as a service town to the surrounding rural areas as well as its role in the mining and tourist industries.
- (ii) Recognise the significance of mining and the ongoing associated developments on the social and economic wellbeing of the residents of Waihi, subject to maintaining the amenity values of Waihi.
- (iii) Recognise and protect the Goldfields Steam Train complex, protect buildings and sites for their historic importance, and seek to retain and enhance of other heritage features (eg. group of historic "Miners Cottages").

- (iv) Provide some low density residential areas at the edge of Waihi as an alternative living choice.
- (v) Recognise the location of existing industrial activities and provide for the location of new industrial activities.
- (vi) Protect the amenity of residential environments from adverse effects of commercial, mining and industrial activities.

(2) OBJECTIVE 2

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

(a) Policies

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

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

5.6.5 OBJECTIVES AND POLICIES - PAEROA

(1) OBJECTIVE 1

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

(a) Policies

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

- (i) Concentrate administrative, commercial and business activities to the Central Business Area in a manner that does not detract from the amenities of the town and the state highway frontage, while recognising the economic benefit of appropriately located and well designed large format retail developments outside of this area, in a manner that does not adversely affect the efficient functioning and community focus of the town centre..
- (ii) Recognise the location of existing industrial activities and seek to direct future industrial growth to the land between Coronation Street and State Highway 2.
- (iii) Provide some low density residential areas on the hills to the north and east of Paeroa as an alternative living choice.
- (iv) Provide for recreational activities, particularly on the Paeroa Domain and Centennial Park to proceed and expand.
- (v) Provide for the development of the four marae in the immediate vicinity of Paeroa.
- (vi) Use the natural features of the Ohinemuri River, the hills to the east and the lower lying land to the north-west and south as the boundaries to the town. The good quality soils to the north also act as a limiting factor to urban expansion in this direction.

(2) OBJECTIVE 2

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

(a) Policies

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

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

- (vii) Protect and enhance local vistas towards the Paeroa Post Office Building and the Karangahake Gorge and Ranges.

5.6.6 OBJECTIVES AND POLICIES - NGATEA

(1) OBJECTIVE 1

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

(a) Policies

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

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

(2) OBJECTIVE 2

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

(a) Policies

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

- (i) Use the natural feature of the Piako River to form the eastern boundary of the town.
- (ii) Ensure new residential development supports a safe and convenient open space network (streets and walkways) of high amenity that provides connections to existing development and maximises the potential for future links to surrounding areas.
- (iii) Recognise that current and presently anticipated residential growth rates require proactive and integrated management to accommodate future residential living within the constraints of natural hazards and residual risks.
- (iv) Concentrate administrative, commercial and business activities to the Central Business Area in a manner that does not detract from the amenities of the town and the state highway frontage.

5.6.7 OBJECTIVES AND POLICIES – KEREPEHI

(1) OBJECTIVE 1

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

(a) Policies

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

- (i) Provide for industrial activities that are likely to establish on the former dairy factory site and on the industrial land to the north of Kerepehi Town Road in a manner that does not detract from the amenities of the town and the state highway frontage.
- (ii) Manage the existing mixture of commercial, light service industrial and residential activities in some parts of the town to ensure high quality living and work environments.
- (iii) Recognise and provide for some additional residential land to support the anticipated need for additional housing associated with existing and future industrial developments within the town.
- (iv) Recognise and provide for the development of the Kerepehi Marae.

5.6.8 OBJECTIVES AND POLICIES - TURUA

(1) OBJECTIVE 1

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

(a) Policies

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

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

5.6.9 OBJECTIVES AND POLICIES - SECONDARY RURAL PARTLY SERVICED TOWNSHIPS

(1) OBJECTIVE 1

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

(a) Policies

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

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

5.6.10 OBJECTIVES AND POLICIES - WHIRITOA

(1) OBJECTIVE 1

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

(a) Policies

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

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

5.6.11 REASONS FOR ALL OBJECTIVES AND POLICIES

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

wellbeing of the community. As such, each town and township needs to be appropriately catered for under the District Plan.

5.6.12 ENVIRONMENTAL RESULTS

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

5.7 RESIDENTIAL ZONE

5.7.1 ZONE PURPOSE

- (1) The Residential Zone covers those areas of the District that have previously been zoned for residential purposes with some minor expansion in some settlements where the land has been demonstrated to be suitable for residential purposes to meet the foreseeable future demand.
- (2) The Residential Zone enables a variety of residential activities to establish, and some compatible non residential activities, in a manner that ensures that the amenity and character of the residential areas is protected.
- (3) The settlements of Waikino, Mackaytown and Karangahake have a servicing constraint (no reticulated sewage treatment and disposal). As such, the performance and subdivision standards for these settlements have been set at a level that enables servicing on site and recognises a lower density of development that characterises these settlements.
- (4) The boundaries of the residential areas in part reflect the physical constraints, historical factors and financial ability to service these areas. Physical boundaries and natural hazards have defined the residential areas (eg flooding, hills, Ohinemuri River in Paeroa: Waitete Stream, Ohinemuri River and mining areas in Waihi: and Piako River in Ngatea). The policies of protecting land of high productive capability for food production purposes has also constrained not only residential but all urban development.
- (5) The residential areas of the District are characterised by low density, low rise housing development and are generally low noise environments with low volumes of through traffic. Poor house design and siting can lead to a loss of sunlight, daylight and privacy. More intensive development is provided for where the layout is well planned to minimise these adverse effects and where infrastructure and other urban amenities are available.
- (6) Residential growth areas have been identified in Paeroa and Waihi and in some of the smaller settlements. Structure planning exercises have been undertaken for the majority of these growth areas to ensure a well planned and integrated approach to transport networks, infrastructure and zoning and to avoid adverse impacts upon identified areas of landscape, biodiversity, heritage and cultural value.

5.7.2 OBJECTIVES AND POLICIES

(1) OBJECTIVE 1

To provide for residential development that maintains and enhances neighbourhood amenities and qualities consistent with the aspirations of the individual communities within those areas.

(a) Policies

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

- (i) By requiring activities in residential areas to be sited, designed and operated in such a way that avoids, remedies or mitigates adverse noise, privacy and traffic

effects on health, safety and amenity values through performance standards that have been accepted by the community as an effective way to maintain residential amenity qualities. (93.56)(191.56)

- (ii) Provide for residential development where servicing constraints do not exist and ensure any required infrastructure upgrades are borne by the development.
- (iii) Provide for higher density residential development (comprehensive residential developments), where these can be accommodated in a manner that promotes good urban design and does not detract from the character of the locality.
- (iv) Provide services to a standard that can meet the demands of the intensity of development.
- (v) Provide flexibility for the development and operation of a range of non residential activities which are not incompatible in scale, intensity and character with the residential area in which they are located.

(b) Reasons

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

(2) OBJECTIVE 2

To develop residential areas free from the effects of hazards.

(a) Policies

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

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

(b) Reasons

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

(3) OBJECTIVE 3

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

(a) Policies

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

- (i) Ensure development and subdivision is designed and located to:
 - (1) integrate well with the immediate locality;
 - (2) contribute positively to the streetscape;
 - (3) provide occupants of dwellings with a reasonable outlook, access to sufficient open space and reasonable aural and visual privacy.
- (ii) Ensure development and subdivision can be effectively serviced by local infrastructure or in a manner which can protect the health and safety of residents and does not have a detrimental effect on the environment.
- (iii) Ensure development and subdivision can safely cater for on site traffic, parking and servicing needs and has safe and practical vehicular access to a public road.
(181.173)

(b) Reasons

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

5.7.3 ENVIRONMENTAL RESULTS

- (1) The primary expected environmental result of this zone is to maintain, develop and enhance a resource and an environment to meet the social and economic needs of the existing and future communities.
- (2) To meet the changing residential needs of the community in terms of increased density, the range of residential accommodation types and the high standard of residential amenity desired by the community.
- (3) The establishment of non-residential activities that complement the surrounding residential area and enhance, where appropriate, the amenity and character of the neighbourhood.
- (4) The development of anticipated future residential growth areas co-ordinated with Council's infrastructure planning and asset management programme which integrate with established communities.

5.7.4 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:

5.7.4.1 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 5.7.5;
- Activity Specific Standards specified in Rule 5.7.6;
- Conservation and Heritage provisions in Section 6.0
- Specific and District Wide provisions in Section 7.0; and
- District Wide Performance Standards in Section 8.0.

P1	ONE DWELLING PER CERTIFICATE OF TITLE (19.2)(10.2)(168.62)
P2	HOME OCCUPATIONS (REFER TO ACTIVITY SPECIFIC STANDARD 5.7.6(1))
P3	HOMESTAY
P4	PASSIVE RECREATION (89.6)(53.7) Submission in opposition in relation to walkways, cycleways & jogging tracks only.
P5	PROSPECTING
P6	DRAINAGE WORKS
P7	EXPLORATION NOT INVOLVING MORE THAN 20 M ³ OF EXCAVATION PER ALLOTMENT IN ANY ONE YEAR
P8	TEMPORARY USES AND BUILDINGS (INCLUDING TEMPORARY MILITARY TRAINING)
P9	DEMOLITION AND REMOVAL OF BUILDINGS

5.7.4.2 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 5.7.5;
- Activity Specific Standards specified in Rule 5.7.6;
- Conservation and Heritage provisions in Section 6.0
- Specific and District Wide provisions in Section 7.0; and
- District Wide Performance Standards in Section 8.0.

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

C1	<i>EDUCATION AND TRAINING FACILITIES AND OFFICES</i> (REFER TO ACTIVITY SPECIFIC STANDARD 5.7.6(2))
C2	<i>COMMUNITY HOUSING AND VISITOR ACCOMMODATION</i> (REFER TO ACTIVITY SPECIFIC STANDARD 5.7.6(3))
C3	COMPREHENSIVE RESIDENTIAL DEVELOPMENT IN WAIHI AND PAEROA ONLY (REFER TO ACTIVITY SPECIFIC STANDARD 5.7.6(4)) (21.4)(58.82)(168.64)
For C1, C2 & C3 - Matters over which Council has reserved control are:	
(1)	Design and appearance of buildings
	(a) <i>Buildings</i> should be of a residential scale and appearance, to reflect a residential not a commercial façade.
(2)	Site Layout
	(a) <i>Buildings</i> , utility areas and activities should be arranged in order that visual and aural privacy is maintained for <i>dwellings</i> on the same and adjoining allotments.
	(b) For <i>Education and Training Facilities, Community Housing and Visitor Accommodation, outdoor living areas</i> should be separated from the main living areas on adjoining <i>residential properties</i> unless suitably screened to minimise noise levels.
	(c) For <i>Comprehensive Residential Developments, buildings</i> should not be grouped in one part of the <i>site</i> , to avoid dominance of <i>buildings</i> and expanses of carparking in another part of the <i>site</i> .
	(d) For <i>Comprehensive Residential Developments</i> , any communal facilities (eg. recreation and leisure and communal dining facilities) should be centrally located on the <i>site</i> or buffered from adjoining residential <i>property</i> boundaries by residential <i>buildings</i> .
(3)	Location and design of vehicle access
	(a) Access from the <i>road</i> to the <i>property</i> boundary should be located as far as practicable from the boundary of an adjoining residential <i>property</i> in order to reduce the effects (noise, fumes) of vehicle movements.
	(b) Internal accesses and on site carparking should be located as far from adjoining residential <i>property</i> boundaries as is practicable and buffered by either <i>buildings</i> ,

	<p><i>landscaping</i> or screening.</p> <p>(c) For <i>comprehensive residential developments</i>, the internal circulation for pedestrians and vehicles to be integrated and designed to provide for the safety of residents and visitors.</p>
(4)	<p>Landscape design</p> <p>(a) <i>Landscaping</i> should be carried out in a manner that reinforces the residential character of the area, and screens any service areas</p> <p>(b) Parking and vehicle access areas should be screened from adjoining residential <i>properties</i> by landscape planting, where alternative screening is not provided or appropriate to provide a physical barrier to reduce or remove the effects of glare from headlights, exhaust fumes, noise and dust.</p>
(5)	<p>Carparking</p> <p>(a) Carparking on-site should be visually obvious from the street to drivers. <i>Landscaping</i> and <i>signs</i> can assist in defining the access point and the parking area.</p> <p>(b) Carparking should be designed so vehicles can manoeuvre on-site and are not required to reverse onto the <i>road</i>.</p> <p>(c) Adequate on-site parking should be provided to accommodate the demands of occupiers and visitors, particularly where the <i>site</i> adjoins or has access to an <i>Arterial Road</i>.</p>

5.7.4.3 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 <i>PERMITTED</i> OR <i>CONTROLLED</i> ACTIVITY THAT DOES NOT MEET THE <i>ZONE DEVELOPMENT STANDARDS</i> IN RULE 5.7.5 FOR A <i>PERMITTED</i> OR <i>CONTROLLED</i> ACTIVITY AND DOES NOT EXCEED THE <i>ZONE DEVELOPMENT STANDARDS</i> IN RULE 5.7.5 FOR A <i>RESTRICTED DISCRETIONARY</i> ACTIVITY</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 5.7.5 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>
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- (b) The desirability of maintaining consistency in design and appearance with existing *buildings* on the *site*.
- (c) The need to preserve existing trees, vegetation or important physical characteristics of the *site*.
- (d) Whether the boundary to which the standard relates is a common boundary with an area of permanent open space, the use of which will not be detrimentally affected by any increased shading or loss of visual *amenity*.
- (e) Whether the *property* adjoining the *site* is sufficiently higher and therefore the adjoining *property* will not be detrimentally affected.
- (f) Where the standard(s) is penetrated by a dormer window, gable or similar roof feature, whether that will have a minor effect on the *amenities* of the neighbouring *site*.
- (g) The extent to which it is necessary to minimise the physical disturbance to the landscape and the landforms.
- (h) The degree to which matters such as shading, loss of daylight, *amenity* value and privacy of adjoining *properties* is affected.
- (i) The extent to which the *building* visually intrudes on any significant ridgeline or skyline or significant landscape and what measures are proposed to reduce the visual effects of that intrusion.
- (j) Whether the *building* will detract from any view or vista, which contributes to the aesthetic coherence of a locality, and if it does, what measures can and will be taken to reduce the detraction to an acceptable level or remove it completely.

(2) Yards

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

(3) Site coverage

<p>(a) The ability of the existing 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 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>(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 visual <i>amenity</i>.</p> <p>(4) Outdoor service area</p> <p>(a) The extent to which the functions of the <i>outdoor service area</i> can be adequately provided by other means (eg. storage area provided within a garage or carport to be built with the <i>dwelling</i> or other <i>building</i> on the <i>site</i>).</p> <p>(b) Whether there are suitable communal service facilities provided which are readily accessible to and useable by the activity on the <i>site</i>.</p> <p>(5) Privacy and Separation</p> <p>(a) Whether the purpose of the separation, privacy and screening standards can be met to the same or similar level by some other method.</p> <p>(b) Whether there are existing <i>developments</i> on the same or adjoining <i>allotments</i> such that it would make compliance with the standards impracticable.</p> <p>(c) Where the existing situation fails to meet these standards, whether the proposed <i>development</i> will increase the degree to which the residential <i>amenities</i> are already detrimentally affected.</p>	<p>RD2 ANY PERMITTED ACTIVITY OR CONTROLLED ACTIVITY THAT DOES NOT MEET THE ACTIVITY SPECIFIC STANDARD 5.7.6(5) IN THE AREA IDENTIFIED ON THE PLANNING MAPS AS "SUBJECT TO INUNDATION"</p> <p>Matters over which Council has restricted its discretion are:</p> <p>(4) Design of buildings</p> <p>(a) 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>(b) 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>(5) Earthworks/impermeable covering</p> <p>(a) 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. (168.65)</p> <p>(b) 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</p>
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	<p><i>site</i> and other <i>sites</i> also subject to potential inundation and any other adjacent <i>sites</i>.</p> <p>(c) Whether any fill material will leach into the water and create a pollution hazard (particularly where vegetation is removed).</p>
(6)	<p>Planting</p> <p>(a) Whether any proposed planting contributes to the control of stormwater runoff, erosion control and the flood ponding purpose of the adjoining Flood Ponding Zone.</p> <p>(b) Does the planting inhibit the ability of the Flood Ponding Zone to achieve that purpose and/or have a consequential adverse effect on other <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>

5.7.4.4 DISCRETIONARY ACTIVITIES

Those activities listed below are a *Discretionary Activity* and shall be assessed against the relevant criteria in Rule 5.7.7.

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 5.7.5 FOR A RESTRICTED DISCRETIONARY ACTIVITY
D2	ANY PERMITTED OR CONTROLLED ACTIVITY THAT DOES NOT MEET THE ACTIVITY SPECIFIC STANDARDS IN RULE 5.7.6 AND IS NOT OTHERWISE PROVIDED FOR AS A RESTRICTED DISCRETIONARY ACTIVITY
D3	COMMUNITY FACILITIES
D4	UNDERGROUND MINING
D5	DAIRY

5.7.4.5 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 exploration only.
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5.7.4.6 PROHIBITED ACTIVITIES

Those activities listed below are a *Prohibited Activity*.

PR1	SURFACE MINING AND MINING OPERATIONS (93.62)(191.62)
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5.7.5 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 5.7.4.2, and for *Restricted Discretionary Activities* in Rule 5.7.4.3, 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. (168.83)

Development Standard	Parameter		Environmental Result
	Permitted and Controlled	Restricted Discretionary	
Maximum Height	8.0 metres	9.0 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> shall project above 2.0 metres in <i>height</i> at any <i>site</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> , thereby restricting daylight and ventilation between <i>buildings</i> .
Minimum Yards	<i>Front Yard:</i> <ul style="list-style-type: none"> ▪ 4.5 metres (except for Ngatea) ▪ 7.5 metres (Ngatea only) (181.54) Submission in opposition in relation to SHWYs only	<i>Front Yard:</i> <ul style="list-style-type: none"> ▪ 4.5 metres (except for Ngatea) ▪ 7.5 metres (Ngatea only) (181.54) Submission in opposition 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> . To provide an open streetscape that allows for planting and ensures the traffic function of the <i>road</i> is not compromised.

Development Standard	Parameter		Environmental Result
	Permitted and Controlled	Restricted Discretionary	
	Other yards: 1.5 metres, except for rear lots there shall be at least two yards of 4.5 metres. (147.39)	Other yards: Nil	
Maximum Site Coverage	35% (excluding a <i>Comprehensive Residential Development</i>) 45% for a <i>Comprehensive Residential Development</i>	40% (excluding a <i>Comprehensive Residential Development</i>) 50% for a <i>Comprehensive Residential Development</i>	To limit the scale and intensity of <i>building development</i> to a level appropriate to the character and <i>amenity</i> of the area. In areas not served by reticulated stormwater and sewerage disposal systems, an adequate area for on-site stormwater and effluent disposal is maintained to avoid adverse effects on adjacent <i>properties</i> and the <i>environment</i> .
Outdoor Living Area	Minimum Area: 60m ² plus 10m ² for each additional bedroom over 2. Minimum Dimension: Can contain an 8.0 metre diameter circle. (147.40)	Minimum Area: 60m ² plus 10m ² for each additional bedroom over 2. Minimum Dimension: Can contain an 8.0 metre diameter circle.	To protect residential <i>amenities</i> such as privacy, quietness and outdoor space.
Outdoor Service Area	Minimum Area: 20m ² Minimum Dimension: 3.0 metres Except that, for <i>Community Housing</i> and <i>Visitor Accommodation</i> , where a fully equipped laundry facility (both washing and drying machines are provided) the minimum required <i>outdoor service area</i> can be reduced to 10m ² and minimum dimension reduced to 2 metres.	None	To provide a separate area suitable for general storage, clothes drying and rubbish bin storage, in order that areas for outdoor living, parking or access do not get used for this purpose, thereby detracting from the function and <i>amenity</i> of the <i>zone</i> .
Privacy and Separation	(a) For <i>buildings</i> on the same allotment: (i) No part of a <i>dwelling/household unit</i> and any other <i>building</i> shall protrude through a plane rising at an angle of	None	To protect existing and future residential <i>amenities</i> , particularly where two storey living and comprehensive residential <i>development</i> has the potential to

Development Standard	Parameter		Environmental Result
	Permitted and Controlled	Restricted Discretionary	
	<p>45° commencing at an elevation of 2 metres at a line midway between the <i>dwelling/household unit</i> and the other <i>building</i>.</p> <p>(ii) No wall of a <i>dwelling/household unit</i> shall be sited closer than 3.0m to the wall of another <i>building</i> (including another <i>dwelling/household unit</i>), unless it is accessory to the <i>dwelling/household unit</i>.</p> <p>(iii) Where the <i>buildings</i> are attached by adjoining or common walls, the above separation setbacks are not required between those <i>buildings</i>.</p> <p>(b) All <i>dwellings/household units</i> on the same <i>allotment</i> shall be arranged so that:</p> <p>(i) a sight line drawn from any point on the main glazing of the living room in one <i>dwelling</i> does not penetrate the main glazing of the living room of any other <i>dwelling/household unit</i> unless:</p> <ol style="list-style-type: none"> (1) such glazing is at least 6m apart; or (2) the angle between the two planes of that glazing is > 120° (3) where the living rooms of both <i>dwellings/household units</i> are at ground floor level screening is provided in the form of close boarded or similar fences, or planting of not less than 1.8 metres in <i>height</i>. <p>(ii) No windows of all <i>habitable rooms</i> (apart from the main glazing of the living room) in one <i>dwelling/household unit</i> shall face towards the window of any <i>habitable room</i> in any other <i>dwelling/household unit</i> unless:</p> <ol style="list-style-type: none"> (1) the separation is at least 6 metres; or 		<p>detrimentally affect environmental qualities such as privacy, quietness and space.</p>

Development Standard	Parameter		Environmental Result
	Permitted and Controlled	Restricted Discretionary	
	<p>(2) the window sill is at least 1.7 metres above either finished ground or upper floor level; or</p> <p>(3) the angle between the two planes of the glazing is > 120° ; or</p> <p>(4) where the <i>habitable rooms</i> are at ground floor level screening is provided in the form of close boarded or similar fences, or planting of not less than 1.8 metres in <i>height</i>.</p> <p>(c) A balcony or window of a <i>habitable room</i> of a <i>dwelling/household unit</i> at above ground floor level shall be set back at least 6 metres from any boundary (excluding the <i>road</i> boundary or adjoining <i>internal access</i> or <i>access strip</i> of 3 metres width or more) unless:</p> <p>(i) windows are at an angle of 60° or greater to the boundary; or</p> <p>(ii) the window sill is at least 1.7 metres above finished upper floor level; or</p> <p>(iii) opaque or obscure glazing is provided; or</p> <p>(iv) the side of the balcony facing the adjoining boundary is enclosed with non see through materials.</p>		

5.7.6 ACTIVITY SPECIFIC STANDARDS

(1) HOME OCCUPATIONS

- (a) At least one person, including the principal operator of the *home occupation*, shall reside on the *site*.
- (b) A *home occupation* involving the care, tuition and/or accommodation of no more than five persons at any one time in addition to the owner(s)/operator(s) may be undertaken provided the activity and accommodation is principally undertaken within the *dwelling*.
- (c) Except for (b) above, all other *home occupations* shall be carried out wholly within the *dwelling* or an *accessory building* erected or modified for the purpose, provided that the *gross floor area* of the *dwelling* or *accessory building* used for the *home occupation*

including any area used for retail sales shall not exceed 30% of the total *gross floor area of buildings* on the *site*.

- (d) Not more than one person from outside the household residing on the *site* shall be employed in the *home occupation*.
- (e) There shall be no exterior display, external storage of materials or other indication of the *home occupation* or variation from the residential character of the *property*.
- (f) The *home occupation* shall be operated so as not to attract pedestrian or vehicular traffic between the hours of 10.00pm and 7.00am the following day.
- (g) The *home occupation* may not use equipment which creates electrical interference with television and radio sets on neighbouring *properties*.
- (h) Only goods directly produced or assembled by the *home occupation* may be sold or offered for sale from the *site* on which the *home occupation* is conducted.
(Note: Assembled means putting together pre-fabricated parts to make a product)
- (i) *Home occupations* shall not include a business or trade that involves panel beating, spray painting, mechanical repairs to vehicles and machinery, engineering work, animal boarding or bee keeping.

(2) EDUCATION AND TRAINING FACILITIES AND OFFICES

- (a) The maximum *gross floor area* occupied by the activity shall not exceed 150m² per *site*. (51.8)
- (b) The activity shall be operated so as not to attract pedestrian or vehicular traffic between the hours of 7.00pm and 7.00am the following day.
- (c) No exterior indication of the activity, including the display or storage of materials, shall be visible from the street, except for permitted *signage* and parking.
- (d) For *education and training facilities* there shall be no more than 10 students or children receiving tuition or being cared for on the *site* at any one time. (51.9)
- (e) The activity shall be designed to ensure that the maximum occupancy of fulltime equivalent staff on the *site* is four.
- (f) *Education and training facilities* shall not have their vehicular access to or from a no exit road.
- (g) *Education and training facilities* shall not include courses involving practice in panel beating, spray painting of vehicles or engineering.

(3) COMMUNITY HOUSING AND VISITOR ACCOMMODATION

- (a) The total *gross floor area* of the *building(s)* used for the activity (excluding *accessory buildings* not used for accommodation purposes) shall not exceed 250m² per *site*.
- (b) No more than ten persons (including live in staff) shall be accommodated on the *site*.

(4) COMPREHENSIVE RESIDENTIAL DEVELOPMENT (21.5)(162.1)(164.1)

- (a) The minimum *net site area* shall be 5000m². (58.84)

- (b) The minimum *net site area per dwelling* shall be 350m². (58.85)
- (c) Includes an area capable of containing a 50 metre by 50 metre square excluding any required *yard setbacks*. (58.86)
- (d) No vehicular access to or from a *no exit road* or *State Highway*. (58.87)

(5) 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.

5.7.7 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 5.7.4 to 5.7.6, and the relevant General and Activity Specific assessment criteria below, and any other matters it considers appropriate.

5.7.7.1 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*; (181.18)
 - (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, where access is from or in the vicinity of a *state highway*. (181.42)
- (2) The degree to which the activity will cause demands for the uneconomic or premature upgrading or extension of public services, including roading which are not in the interests of the District or locality.
- (3) Whether *buildings* are sufficiently set back from the boundaries of neighbouring *properties* to avoid causing a nuisance by way of overshadowing, obstruction of views, noise, glare and loss of privacy.

- (4) The degree to which the location of *buildings* is such as to retain clear visibility along urban *roads* and to provide space for vehicle access and loading on the *site* clear of the *road*.
- (5) The extent to which the *development's* design maintains or enhances the anticipated scale, character and *amenity* of the residential neighbourhood.
- (6) The extent and quality of any proposed *landscaping* and/or retention of existing vegetation on the *site* and the effectiveness of planting in enhancing the streetscape of the area.
- (7) The location of carparking on site in relation to *residential activities* (both on and off site) and the extent of adverse effects on the visual and aural privacy of these *residential activities*.
- (8) The extent of potential reduction in the availability of on street parking for residents, occupants or visitors to the *site* or neighbourhood.
- (9) Whether any *signs* proposed detract from the *amenities* of the area.
- (10) The extent to which the activity is self-contained, with regard to stormwater drainage, effluent disposal and water supply within the boundaries of the *site* on which the activity is located (except where reticulated services are provided).
- (11) Whether the nature of the activity has the potential to create nuisance and health and safety effects, such as noise, vibration and dust, which cannot effectively or practically be controlled by mitigation measures.
- (12) Whether the hours of operation are appropriate having regard to those persons likely to be affected by the activity.
- (13) Whether the activity and any *building* and *structures* are of a scale and intensity which is in keeping with the character, *amenity* and ambience values of the existing urban *environment*.

5.7.7.2 UNDERGROUND MINING

- (1) Whether public safety is adequately provided for and adverse effects of vibration in the ground can be adequately mitigated.
- (2) Whether acceptable plans for the rehabilitation of all disturbed areas have been provided including implementation programmes.

5.8 LOW DENSITY RESIDENTIAL ZONE

5.8.1 ZONE PURPOSE

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

5.8.2 OBJECTIVES AND POLICIES

(1) OBJECTIVE 1

To retain land of high productive capability for existing and future rural production activities.

(a) Policy

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

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

(b) Reasons

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

(2) OBJECTIVE 2

To provide areas that are attractive for low density residential development and can be serviced to appropriate standards, and which minimise reverse sensitivity effects on existing lawfully established rural based activities.

(a) Policies

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

- (i) Locate low density residential development adjacent to the main urban areas, and in locations that can be readily serviced, and with minimal impact and demand on the transport network.
- (ii) Provide differing lot sizes appropriate to the amenity and character of the locality.
- (iii) Protect and enhance the rural-residential amenities of the zone (eg privacy, space, quiet) by controlling the scale, location and type of activities compatible with the environment they are located within.

(b) Reasons

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

(3) OBJECTIVE 3

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

(a) Policies

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

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

(b) **Reasons**

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

(4) **OBJECTIVE 4**

To sustain the existing urban areas.

(a) **Policies**

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

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

(b) **Reasons**

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

5.8.3 ENVIRONMENTAL RESULTS

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

5.8.4 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:

5.8.4.1 PERMITTED ACTIVITIES

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

- *Zone Development Standards* specified in Rule 5.8.5;
- Activity Specific Standards in Rule 5.8.6;
- Conservation and Heritage provisions in Section 6.0
- Specific and District Wide provisions in Section 7.0; and
- District Wide Performance Standards in Section 8.0.

P1	RESIDENTIAL ACTIVITIES
P2	HOME OCCUPATIONS (REFER TO ACTIVITY SPECIFIC STANDARD 5.8.6(1))
P3	HOMESTAY
P4	PEDESTRIAN WALKWAYS, CYCLEWAYS AND JOGGING TRACKS (89.7)(63.8)
P5	PROSPECTING
P6	EXPLORATION INVOLVING NOT MORE THAN 20M ³ OF EXCAVATION PER ALLOTMENT IN ANY ONE YEAR
P7	TEMPORARY USES AND BUILDINGS (INCLUDING TEMPORARY MILITARY TRAINING)
P8	DEMOLITION AND REMOVAL OF BUILDINGS

5.8.4.2 CONTROLLED ACTIVITIES

Those activities listed below are a *Controlled Activity*, subject to compliance with the:

- *Zone Development Standards* specified in Rule 5.8.5;
- Activity Specific Standards specified in Rule 5.8.6;
- Conservation and Heritage provisions in Section 6.0
- Specific and District Wide provisions in Section 7.0; and
- District Wide Performance Standards in Section 8.0.

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

THERE ARE NO CONTROLLED ACTIVITIES

5.8.4.3 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 OR CONTROLLED ACTIVITY THAT DOES NOT MEET THE ZONE DEVELOPMENT STANDARDS IN RULE 5.8.5 FOR A PERMITTED OR CONTROLLED ACTIVITY AND DOES NOT EXCEED THE ZONE DEVELOPMENT STANDARDS IN RULE 5.8.5 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 5.8.5 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.

<p>(f)</p> <p>(g)</p> <p>(3)</p> <p>(a)</p> <p>(b)</p> <p>(c)</p> <p>(d)</p> <p>(4)</p> <p>(a)</p> <p>(b)</p>	<p>Whether the detrimental effects of building in the <i>yard</i> can be reduced or avoided.</p> <p>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>Site/zone coverage</p> <p>The ability of the existing stormwater and/or sewerage systems or on-site disposal methods to cope with additional stormwater and/or disposal of sewerage effluents.</p> <p>Whether there are known stormwater/sewerage effluent disposal problems in the area and/or sufficient permeable surface remains for onsite disposal systems.</p> <p>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>, <i>building</i> design, exterior finish, set back from boundaries or reduced <i>earthworks</i>.</p> <p>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>Outdoor service area</p> <p>Whether there are communal service facilities provided which are readily accessible to and useable by the activity on the <i>site</i>.</p> <p>The extent to which the functions of the <i>outdoor service area</i> can be adequately provided by other means (eg. storage area provided within a garage or other <i>accessory building</i>).</p>
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5.8.4.4 DISCRETIONARY ACTIVITIES

Those activities listed below are a *Discretionary Activity* and shall be assessed against the relevant criteria in Rule 5.8.7.

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 5.8.5 FOR A RESTRICTED DISCRETIONARY ACTIVITY
D2	HOME OCCUPATIONS THAT DO NOT MEET ACTIVITY SPECIFIC STANDARDS IN RULE 5.8.6(1)
D3	VISITOR ACCOMMODATION
D4	UNDERGROUND MINING

D5 EXPLORATION NOT OTHERWISE PROVIDED FOR AS A PERMITTED ACTIVITY

5.8.4.5 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

5.8.4.6 PROHIBITED ACTIVITIES

PR1 SURFACE MINING AND MINING OPERATIONS (93.70)(191.70)(93.71)(191.71)

5.8.5 ZONE DEVELOPMENT STANDARDS

- (1) The following relevant *Zone Development Standards* shall be met by all *Permitted, Controlled and Restricted Discretionary Activities* unless otherwise stated.
- (2) For *Controlled Activities*, where *Council* has reserved control over specified matters in Rule 5.8.4.2, and for *Restricted Discretionary Activities* in Rule 5.8.4.3, 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. (168.84)

Development Standard	Parameter		Environmental Result
	Permitted and Controlled	Restricted Discretionary	
Maximum Height	8.0 metres	10.0 metres	To ensure that the <i>height of buildings</i> is compatible with the activities permitted in the <i>zone</i> as well as the landscape, <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> shall project above 2.0 metres in <i>height</i> at any <i>site</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> , thereby restricting daylight and ventilation between <i>buildings</i> .

Development Standard	Parameter		Environmental Result
	Permitted and Controlled	Restricted Discretionary	
Minimum Yards	Front Yard: 7.5 metres (181.55)(58.91)	Front Yard: 7.5 metres (181.55) 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: 6.0 metres (58.30)-(Orchard Road/Parry Palm Avenue Area, Waihi); otherwise 10 metres(58.92)(181.55)	Other yards: Nil	To provide an open streetscape that allows for planting and ensures the traffic function of the <i>road</i> is not compromised.
Maximum Site Coverage	30%	40%	To limit the scale and intensity of <i>building development</i> to a level appropriate to the character and <i>amenity</i> of the area. In areas not served by reticulated stormwater and sewerage disposal systems, an adequate area for on-site stormwater and effluent disposal is maintained to avoid adverse effects on adjacent <i>properties</i> and the <i>environment</i> .
Density	Orchard Road/Parry Palm Avenue Area, Waihi: Single <i>dwelling</i> per <i>certificate of title</i> with a minimum <i>residential area</i> of 300m ² . All other Areas: Single <i>dwelling</i> per <i>certificate of title</i> with a minimum <i>residential area</i> of 700m ²	Orchard Road/Parry Palm Avenue Area, Waihi: Single <i>dwelling</i> per <i>certificate of title</i> with a minimum <i>residential area</i> of 300m ² . All other Areas: Single <i>dwelling</i> per <i>certificate of title</i> with a minimum <i>residential area</i> of 700m ²	To maintain a low intensity of <i>development</i> that is appropriate to the character of the area and to ensure a certain level of <i>amenity</i> within the <i>zone</i> .
Outdoor Living Area	Minimum Area: 60m ² plus 10m ² for each additional bedroom over 2. Minimum Dimension: Can contain an 8.0 metre diameter circle. (58.94)	Minimum Area: 60m ² plus 10m ² for each additional bedroom over 2. Minimum Dimension: Can contain an 8.0 metre diameter circle.	To protect residential <i>amenities</i> such as privacy, quietness and outdoor space.

Development Standard	Parameter		Environmental Result
	Permitted and Controlled	Restricted Discretionary	
<i>Outdoor Service Area</i>	Minimum Area: 20m ² Minimum Dimension: 3.0 metres	Nil	To provide a separate area suitable for general storage, clothes drying and rubbish bin storage, in order that areas for outdoor living, parking or access do not get used for this purpose, thereby detracting from the function and <i>amenity</i> of the zone.

5.8.6 ACTIVITY SPECIFIC STANDARDS

(1) HOME OCCUPATIONS (168.66)

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

5.8.7 ASSESSMENT CRITERIA FOR 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

5.8.4 to 5.8.6, and the relevant General and Activity Specific assessment criteria below, and any other matters it considers appropriate.

5.8.7.1 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*; (181.19)
 - (c) the means by which any likely traffic hazard can be avoided or mitigated; (181.31)
 - (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*. (181.43)
- (2) The degree to which the activity will cause demands for the uneconomic or premature upgrading or extension of public services, including roading which are not in the interests of the District or locality.
- (3) Whether *buildings* are sufficiently set back from the boundaries of neighbouring *properties* to avoid causing a nuisance to neighbouring *holdings* by way of overshadowing, obstruction of views, noise, glare and loss of privacy.
- (4) The degree to which the location of *buildings* is such as to retain clear visibility along urban *roads* and to provide space for vehicle access and loading on the *site* clear of the *road*.
- (5) Whether any *signs* proposed detract from the *amenities* of the area.
- (6) The extent to which the activity is self-contained, with regard to stormwater drainage, effluent disposal and water supply within the boundaries of the *site* on which the activity is located (except where reticulated services are provided).
- (7) Whether the nature of the activity has the potential to create nuisance and health and safety effects, such as noise, vibration and dust, which cannot effectively or practically be controlled by mitigation measures.
- (8) Whether the hours of operation are appropriate having regard to those persons likely to be affected by the activity.
- (9) Whether the activity and any *building* and *structures* are of a scale and intensity which are in keeping with the character, *amenity* and ambience values of the existing urban *environment*.

5.8.7.2 UNDERGROUND MINING AND EXPLORATION

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

- (2) Whether acceptable plans for the rehabilitation of all disturbed areas have been provided including implementation programmes.

5.9 MARAE DEVELOPMENT ZONE

5.9.1 ZONE PURPOSE

- (1) The provision of a specific zone in which Maori people can undertake ongoing development of their culture, traditions and social infrastructure, is one way in which Council is seeking to give effect to the principles of Te Tiriti o Waitangi (Treaty of Waitangi). Other provisions in this District Plan which also seek to achieve this objective, include:
 - (a) Marae, kokiri centres, kohanga reo and other activities permitted in zones where in keeping with the objectives and policies of the zone.
 - (b) Provision for papakāinga (housing) on maori land in the rural area subject to compliance with relevant performance standards.
 - (c) Recognition and protection of ancestral lands, water, sites, waahi tapu and other taonga through them being within Conservation and Reserve Zones and/or listed in the heritage schedule in Section 6.0.
 - (d) Identification and protection of waahi tapu where requested by the tangata whenua.
- (2) The Marae Development Zone recognises and provides for the social, cultural, educational, economic, traditional and residential activities associated with a marae. The zones are presently applied to existing marae or sites that have a resource consent to establish a marae complex. However, the zone can be extended onto land adjoining an existing marae or applied to new sites. This will be achieved either through plan changes or at the time of review.
- (3) The activities and performance standards contained in this zone are designed to avoid, remedy or mitigate the effects of marae based activities on areas outside the Marae Development Zone. Control of detrimental effects within the zone are matters for the Trust responsible for the marae to develop and enforce. All developments within the zone will, however have to comply with other relevant legislation and controls (eg. Building Act 2004).

5.9.2 OBJECTIVES AND POLICIES

(1) OBJECTIVE 1

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

(a) Policies

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

- (i) Recognise existing and future major marae as the focal and essential part in the development of Maori culture, traditions, society and economy.
- (ii) Use other methods in the District Plan (eg identifying and protecting urupa, waahi tapu) to recognise and promote the relationship Maori people have with the District.

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

(b) Reasons

- (i) The provision for marae development is one way that Council, through its District Plan can give effect to some of the principles of Te Tiriti o Waitangi, particularly the ability of Maori people to exercise rangitiratanga (governship).
- (ii) Council recognises and wishes to accept responsibility for its role in undertaking the functions devolved from central government (eg resource management).

(2) OBJECTIVE 2

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

(a) Policies

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

- (i) Provide tangata whenua with the opportunity to establish marae as they consider appropriate, subject to compliance with relevant performance standards, particularly health and safety standards, while ensuring that the physical needs of marae can be met in terms of access, water supply and stormwater and sewage disposal, without adverse effects on the environment.
- (ii) By empowering Kaitiaki to monitor the environmental effects of the development and use of maori land within the Marae Development Zone using culturally appropriate mechanisms and processes.

(b) Reasons

- (i) Some protection of the amenity and environment outside the zone, from activities within the Marae Development Zone is needed.
- (ii) Council considers that within the marae areas, Maori people should decide the most appropriate level of amenity and environmental quality to be maintained for themselves.
- (iii) A mix of activities is required to enable the marae to develop its focus as the centre of social, educational, health, cultural and economic activities. A limited amount of retailing is provided for in order to sell products or services produced or available in the zone. The limitation is required to ensure that the scale of the commercial activities does not compete with the commercial viability and hence vitality of the Town Centres.

5.9.3 ENVIRONMENTAL RESULTS

- (1) To maintain and enhance a resource (including physical, cultural and social resources), that will contribute to the ongoing development of Maori culture, society and economy.
- (2) Development of activities within the zone without detriment to the environment and amenity both within and outside the zone.

5.9.4 ACTIVITY STATUS

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:

5.9.4.1 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 5.9.5;
- Activity Specific Standards specified in Rule 5.9.6;
- Conservation and Heritage provisions in Section 6.0
- Specific and District Wide provisions in Section 7.0; and
- District Wide Performance Standards in Section 8.0.

P1	MARAE AND MARAE COMPLEXES (INCLUDING PAPA KAINGA HOUSING, KOHANGA REO, KOKIRI CENTRES, URUPA (BURIAL GROUNDS) AND HEALTH CENTRES) (51.6)
P2	SALE OF PRODUCTS, GOODS AND SERVICES PRODUCED AS PART OF ANY OF THE ABOVE ON SITE ACTIVITIES, FROM A BUILDING LIMITED TO 50M ² OF GROSS RETAIL FLOOR AREA (IE ONE BUILDING PER SEPARATE ZONED AREA)
P3	PASSIVE RECREATION AND YOUTH PLAY AREAS (89.8)(63.9) Submissions in relation to walkways, cycleways & jogging tracks only.
P4	DRAINAGE WORKS AND RIVER CONTROL WORKS
P5	PROSPECTING
P6	EXPLORATION INVOLVING NOT MORE THAN 20M ³ OF EXCAVATION PER ALLOTMENT IN ANY ONE YEAR
P7	TEMPORARY USES AND BUILDINGS (INCLUDING TEMPORARY MILITARY TRAINING)
P8	REMOVAL OR DEMOLITION OF BUILDINGS

5.9.4.2 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 5.9.5;
- Activity Specific Standards specified in Rule 5.9.6;
- Conservation and Heritage provisions in Section 6.0
- Specific and District Wide provisions in Section 7.0; and
- District Wide Performance Standards in Section 8.0.

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

THERE ARE NO *CONTROLLED ACTIVITIES*

5.9.4.3 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* OR *CONTROLLED ACTIVITY* THAT DOES NOT MEET THE *ZONE DEVELOPMENT STANDARDS* IN RULE 5.9.5 FOR A *PERMITTED* OR *CONTROLLED ACTIVITY* AND DOES NOT EXCEED THE *ZONE DEVELOPMENT STANDARDS* IN RULE 5.9.5 FOR A *RESTRICTED DISCRETIONARY ACTIVITY*

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 5.9.5 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.

5.9.4.4 DISCRETIONARY ACTIVITIES

Those activities listed below are a *Discretionary Activity* and shall be assessed against the relevant criteria in Rule 5.9.7.

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 RESTRICTED DISCRETIONARY ACTIVITY THAT DOES NOT MEET THE ZONE DEVELOPMENT STANDARDS IN RULE 5.9.5 FOR A RESTRICTED DISCRETIONARY ACTIVITY
D2	SPORTS GROUNDS, INDOOR SPORT AND/OR SWIMMING POOL COMPLEXES AND ASSOCIATED ACCESSORY BUILDINGS
D3	EXPLORATION NOT OTHERWISE PROVIDED FOR AS A PERMITTED ACTIVITY.
D4	UNDERGROUND MINING

5.9.4.5 NON COMPLYING ACTIVITIES

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

NC1 ANY ACTIVITY NOT PROVIDED FOR AS A *PERMITTED, CONTROLLED, RESTRICTED DISCRETIONARY, DISCRETIONARY OR PROHIBITED ACTIVITY*

5.9.4.6 PROHIBITED ACTIVITIES

Those activities listed below are a *Prohibited Activity*.

PR1 *SURFACE MINING AND MINING OPERATIONS*

5.9.5 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 5.9.4.2, and for *Restricted Discretionary Activities* in Rule 5.9.4.3, 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. (168.85)

Development Standard	Parameter		Environmental Result
	Permitted and Controlled	Restricted Discretionary	
Maximum <i>Height</i>	9.0 metres	11.0 metres	To ensure that the <i>height of buildings</i> is compatible with the activities permitted in the <i>zone</i> as well as the landscape, <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> 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> , thereby restricting daylight and ventilation between <i>buildings</i> .

Development Standard	Parameter		Environmental Result
	Permitted and Controlled	Restricted Discretionary	
Minimum Yards	<p>Front Yard: 12 metres (181.56) Objection in relation to SHWYs only</p>	<p>Front Yard: 12 metres (18.156) Objection in relation to SHWYs only</p>	To provide an open streetscape that allows for planting and ensures the traffic function of the <i>road</i> is not compromised.
	<p>Other yards: Nil, except where adjoining any other <i>zone</i>, the <i>yard</i> shall be 12.0 metres.</p>	<p>Other yards: Nil</p>	To allow flexibility in <i>site</i> layout while still maintaining the <i>amenities</i> of the adjoining <i>sites</i>

5.9.6 ACTIVITY SPECIFIC STANDARDS

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

5.9.7 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 5.9.4 to 5.9.6, and the relevant General and Activity Specific assessment criteria below, and any other matters it considers appropriate.

5.9.7.1 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*; (181.20)
 - (c) the means by which any likely traffic hazard can be avoided or mitigated; (181.32)
 - (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. (181.44)
- (2) The degree to which the activity will cause demands for the uneconomic or premature upgrading or extension of public services, including roading which are not in the interests of the District or locality.
- (3) Whether any *signs* proposed detract from the *amenities* of the area.

- (4) The extent to which the activity is self-contained, with regard to stormwater drainage, effluent disposal and water supply within the boundaries of the *site* on which the activity is located (except where reticulated services are provided).
- (5) Whether the nature of the activity has the potential to create nuisance and health and safety effects, such as noise, vibration and dust which cannot effectively or practically be controlled by mitigation measures.
- (6) Whether the hours of operation are appropriate having regard to those persons likely to be affected by the activity.
- (7) Whether *buildings* are sufficiently set back from the boundaries of neighbouring *properties* to avoid causing a nuisance to neighbouring *holdings* by way of overshadowing, obstruction of views, noise, glare and loss of privacy.
- (8) The extent to which exterior storage areas of vehicles, equipment, machinery, materials, waste etc are located or suitably screened from neighbouring *properties* and any public *road* or place to avoid, remedy or mitigate any detriment to *amenity*.
- (9) The degree to which the location of *buildings* is such as to retain clear visibility along *formed roads* and to provide space for vehicle access and loading on the *site* clear of the *road*.
- (10) Whether features of the proposal including the location, design, and colour of *buildings* and *structures*, the planting of trees and shrubs, and the shaping of earth avoids, remedies or mitigates any adverse effect on the existing landscape.
- (11) The extent to which existing native bush, or other vegetation which contributes to visual *amenity* and/or biodiversity values is retained and the reasons why any clearance is proposed.
- (12) The extent to which wastes, spoil, effluent etc are to be disposed of so as to avoid, remedy or mitigate nuisance for surrounding residents, damage to property, and pollution of the *environment*.
- (13) The extent to which the activity and any *building* or *structure* maintains or enhances the cultural or heritage values of the locality.

5.9.7.2 UNDERGROUND MINING AND EXPLORATION

- (1) Whether public safety and security is adequately provided for.
- (2) The adequacy of management and rehabilitation plans to ensure the long term stability of any disturbed/excavated area including waste disposal areas (including the possible use of performance bonds or other mechanisms designed to ensure long term stability).