

Proposed Plan Change (PPC4)

**Provisions that are to be treated as Operative
from 16 November 2020**

Text proposed to be deleted shown as **bold strikethrough**, proposed additional text shown in **bold italics**.

Item #	Plan Section	Amendment Proposed	Reason for Proposed Amendment
3	4 Definition of “Commercial Service”	Amend the definition as follows: Means the provision of goods, services and traveller's accommodation principally for commercial gain, including camping grounds, caravan/trailer home parks, <i>self storage unit facilities</i> , a depot for the maintenance, repair and storage of vehicles, machinery, equipment and materials and the storage and use of <i>hazardous substances</i> but does not include <i>produce stalls or markets</i> .	The definitions of “commercial service” and “industrial activity” have created uncertainty about which “self-storage unit facilities” and “maintenance, repair and storage of vehicles, machinery, equipment and materials” fit under. This is a particular issue for the Rural Zone and Coastal Zone within which “commercial services” and “industrial activity” have a different activity status (in parts, and the whole of the Zone, respectively). In conjunction with Item 7, this amendment is to provide clarification.
7	4 Definition of “Industrial Activity”	Amend the definition as follows: Means any land, <i>building</i> or part of a <i>building</i> used for the processing, assembly, servicing, testing, repair, packaging, storage or manufacture of a product or produce, including the maintenance, repair and storage of vehicles, machinery, equipment and materials <i>used in conjunction with this activity</i> , and includes <i>industrial</i> training activities, and the storage and use of <i>hazardous substances</i> associated with an industrial activity, but does not include <i>mineral</i> extraction.	The definitions of “commercial service” and “industrial activity” have created uncertainty about which “self-storage unit facilities” and “maintenance, repair and storage of vehicles, machinery, equipment and materials” fit under. This is a particular issue for the Rural Zone and Coastal Zone within which “commercial services” and “industrial activity” have a different activity status (in parts, and the whole of the Zone, respectively). In conjunction with Item 3, this amendment is to provide clarification.
8	4 Definition of “Minor Dwelling Unit”	Amend the definition as follows: Means a self-contained residential unit that is ancillary to the principal dwelling (or an additional dwelling) and is held in common ownership with the principal dwelling (or an additional dwelling) on the same site, which can be attached to the principal dwelling (or an additional dwelling) or be a detached stand-alone building <i>Means a self-contained residential unit which:</i>	Plan Change 1 (operative 16 September 2019) introduced the provisions for “Minor Dwelling Units”. It makes better sense for the elements of the definition that apply to minor dwelling units throughout the relevant zones to be included in the definition in Section 4 of the Plan. This helps provide clarity for Plan users when determining activity status for minor dwelling units as opposed to additional dwellings.

		<p><i>(i) has a maximum gross floor area (excluding associated decks to be used for outdoor recreation and associated accessory buildings) of:</i></p> <p><i>a) 50m²; or</i></p> <p><i>b) 60m² when Lifemark™ Design Certified, or another certification acceptable to Council to demonstrate that the minor dwelling unit is designed to be functional for elderly and/or disabled occupants.</i></p> <p>NOTE: To qualify for Lifemark™ Design certification, minor dwelling units are required to be designed in accordance with, and assessed against, the Lifemark™ Design Standards and must achieve at least the entry-level “3-star” rating. For further information refer to: www.lifemark.co.nz or www.hauraki-dc.govt.nz; and;</p> <p><i>(ii) is ancillary to a dwelling on the same site; and;</i></p> <p><i>(iii) is held in common ownership with the dwelling on the same site.</i></p> <p><i>(iv) can be attached to the dwelling or be a detached stand-alone building.</i></p> <p><i>(v) may only have associated with it a single garage/carport and a garden shed. The total roof area of the garage/carport and garden shed shall be no greater than 25m².</i></p>	
20	<p>5.1</p> <p>Rural Zone</p> <p>5.1.4.3</p> <p>Traffic Noise Sensitivity</p>	<p>Amend 5.1.4.3; Restricted Discretionary Activities; RD1 by including a new (4) as follows:</p> <p>(4) Traffic Noise Sensitivity</p> <p>a) The location of the dwelling in relation to the formed carriageway of the state highway,</p>	<p>Through the appeals process Traffic Noise Sensitivity rules were added to the Zone Development Standards. To apply to depart from these is a Restricted Discretionary Activity.</p> <p>The RMA requires Restricted Discretionary Activities to be assessed against the ‘Matters over which Council has restricted</p>

	<p>addition of Restricted Discretionary Activity Matters</p>	<p>b) The location of the bedrooms and main living room within the dwelling in relation to the formed carriageway of the state highway,</p> <p>c) The extent and location of the main glazing to bedrooms and living areas,</p> <p>d) The mitigation methods proposed – building materials, construction method and the internal noise level that will be achieved,</p> <p>e) The outcomes of any consultation with the New Zealand Transport Agency, and</p> <p>whether they are likely to avoid or mitigate potential adverse traffic noise effects or potential reverse sensitivity effects on the State Highway (to apply to a - e above).</p> <p>f) Whether there are other design features that will provide the required ventilation without the need for ventilating windows or a ventilation system</p> <p>g) Whether the ventilation system proposed will provide a comfortable living environment as well as the required level of ventilation.</p>	<p>its discretion’. Conditions can only be imposed addressing those matters.</p> <p>No matters over which Council restricted its discretion were added to the Hauraki Section of the District Plan, these therefore need to be added.</p>
<p>31</p>	<p>5.4 Coastal Zone 5.4.4.3 Traffic Noise Sensitivity; addition of Restricted Discretionary Activity Matters</p>	<p>Amend 5.4.4.3; Restricted Discretionary Activities; RD1 by including a new (4) as follows:</p> <p>(4) Traffic Noise Sensitivity</p> <p>a) The location of the dwelling in relation to the formed carriageway of the state highway,</p> <p>b) The location of the bedrooms and main living room within the dwelling in relation to the formed carriageway of the state highway,</p> <p>c) The extent and location of the main glazing to bedrooms and living areas,</p>	<p>Through the appeals process Traffic Noise Sensitivity rules were added to the Zone Development Standards. To apply to depart from these is a Restricted Discretionary Activity.</p> <p>The RMA requires Restricted Discretionary Activities to be assessed against the ‘Matters over which Council has restricted its discretion’. Conditions can only be imposed addressing those matters.</p> <p>No matters over which Council restricted its discretion were added to the Hauraki Section of the District Plan, these therefore need to be added.</p>

	<p>addition of Restricted Discretionary Activity Matters</p>	<p>d) The mitigation methods proposed – building materials, construction method and the internal noise level that will be achieved,</p> <p>e) The outcomes of any consultation with the New Zealand Transport Agency, and</p> <p>whether they are likely to avoid or mitigate potential adverse traffic noise effects or potential reverse sensitivity effects on the State Highway (to apply to a - e above).</p> <p>f) Whether there are other design features that will provide the required ventilation without the need for ventilating windows or a ventilation system</p> <p>g) Whether the ventilation system proposed will provide a comfortable living environment as well as the required level of ventilation.</p>	
<p>32</p>	<p>5.4 Coastal Zone 5.4.4.1 5.4.4.4 5.4.6 Activity Specific Standards – Home Occupations</p>	<p>Amend 5.4.4.1 Permitted Activities by adding:</p> <p>P13 ONE PRODUCE STALL PER HOLDING</p> <p>Amend 5.4.4.4 Discretionary Activities by adding:</p> <p>D11 PRODUCE STALLS THAT DO NOT MEET THE ACTIVITY SPECIFIC STANDARDS IN RULE 5.4.6(6)</p> <p>Amend 5.4.6 Activity Specific Standards by adding:</p> <p>(6) PRODUCE STALL</p> <p>(a) No produce stall shall be operated where it obtains its access from a state highway.</p> <p>(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.</p>	<p>Currently Produce Stalls are not provided for in the Coastal Zone as a permitted, controlled, restricted discretionary or discretionary activity and therefore default to a non-complying activity status.</p> <p>This is not consistent with provisions in the DAL Area of the Rural Zone where Produce Stalls are provided for as a permitted activity, and discretionary where the activity specific standards are not met.</p> <p>Given the mainly rural nature of the Coastal Zone it is appropriate to provide for Produce Stalls in a similar way to the DAL Area of the Rural Zone and this is what is being proposed.</p> <p>The Coastal Zone is identified as a DAL.</p>

		<p>(c) The produce stall and any land used in conjunction with it for retail display shall be located at least:</p> <ul style="list-style-type: none"> (i) 20m from every front boundary of the holding; (ii) 10m from every other boundary of the holding; (iii) 60 metres from an intersection with a state highway. <p>(d) Activity specific standards (b) and (c) above shall not apply to a produce stall where:</p> <ul style="list-style-type: none"> (i) the area of land or building on the property used as a produce stall does not exceed 2m² in total; and (ii) there is a minimum road seal width adjacent to the stall, from the centreline to the edge of the seal, of 3.0 metres; and (iii) there is parking of a minimum width of 2.5 metres for at least one motor vehicle, off the formed road and adjacent to the stall, that is not a driveway or internal access, with a 4 metre taper at each end; and (iv) the produce stall is located at least 60 metres from a state highway; and (v) there is a minimum stopping sight distance of 200 metres, along the road carriageway to the stall. 	
33	<p>5.5 Karangahake Gorge Zone 5.5.4.3</p>	<p>Amend 5.5.4.3; Restricted Discretionary Activities; RD1 by including a new (3) as follows:</p> <p>(3) Traffic Noise Sensitivity</p>	<p>Through the appeals process Traffic Noise Sensitivity rules were added to the Zone Development Standards. To apply to depart from these is a Restricted Discretionary Activity.</p> <p>The RMA requires Restricted Discretionary Activities to be assessed against the 'Matters over which Council has restricted</p>

	<p>Traffic Noise Sensitivity; addition of Restricted Discretionary Activity Matters</p> <p>addition of Restricted Discretionary Activity Matters</p>	<p>a) The location of the dwelling in relation to the formed carriageway of the state highway,</p> <p>b) The location of the bedrooms and main living room within the dwelling in relation to the formed carriageway of the state highway,</p> <p>c) The extent and location of the main glazing to bedrooms and living areas,</p> <p>d) The mitigation methods proposed – building materials, construction method and the internal noise level that will be achieved,</p> <p>e) The outcomes of any consultation with the New Zealand Transport Agency, and</p> <p>whether they are likely to avoid or mitigate potential adverse traffic noise effects or potential reverse sensitivity effects on the State Highway (to apply to a - e above).</p> <p>f) Whether there are other design features that will provide the required ventilation without the need for ventilating windows or a ventilation system</p> <p>g) Whether the ventilation system proposed will provide a comfortable living environment as well as the required level of ventilation.</p>	<p>its discretion’. Conditions can only be imposed addressing those matters.</p> <p>No matters over which Council restricted its discretion were added to the Hauraki Section of the District Plan, these need to be added.</p>
39	<p>5.7</p> <p>Residential Zone</p> <p>5.7.4.3</p> <p>Restricted Discretionary Activities</p> <p>Traffic Noise Sensitivity</p>	<p>Amend 5.7.4.3; Restricted Discretionary Activities; RD1 by including a new (6) as follows:</p> <p>(6) Traffic Noise Sensitivity</p> <p>a) The location of the dwelling in relation to the formed carriageway of the state highway,</p> <p>b) The location of the bedrooms and main living room within the dwelling in relation to the formed carriageway of the state highway,</p>	<p>Through the appeals process Traffic Noise Sensitivity rules were added to the Zone Development Standards. To apply to depart from these is a Restricted Discretionary Activity.</p> <p>The RMA requires Restricted Discretionary Activities to be assessed against the ‘Matters over which Council has restricted its discretion’. Conditions can only be imposed addressing those matters.</p>

	<p>addition of Restricted Discretionary Activity Matters</p>	<p><i>c) The extent and location of the main glazing to bedrooms and living areas,</i></p> <p><i>d) The mitigation methods proposed – building materials, construction method and the internal noise level that will be achieved,</i></p> <p><i>e) The outcomes of any consultation with the New Zealand Transport Agency, and</i></p> <p><i>whether they are likely to avoid or mitigate potential adverse traffic noise effects or potential reverse sensitivity effects on the State Highway (to apply to a - e above).</i></p> <p><i>f) Whether there are other design features that will provide the required ventilation without the need for ventilating windows or a ventilation system</i></p> <p><i>g) Whether the ventilation system proposed will provide a comfortable living environment as well as the required level of ventilation.</i></p>	<p>No matters over which Council restricted its discretion were added to the Hauraki Section of the District Plan, these therefore need to be added.</p>
<p>51</p>	<p>5.8</p> <p>Low Density Residential Zone</p> <p>5.8.4.3</p> <p>Traffic Noise Sensitivity</p> <p>addition of Restricted Discretionary Activity Matters</p>	<p>Amend 5.8.4.3; Restricted Discretionary Activities; RD1 by including a new (5) as follows:</p> <p>(5) Traffic Noise Sensitivity</p> <p><i>a) The location of the dwelling in relation to the formed carriageway of the state highway,</i></p> <p><i>b) The location of the bedrooms and main living room within the dwelling in relation to the formed carriageway of the state highway,</i></p> <p><i>c) The extent and location of the main glazing to bedrooms and living areas,</i></p> <p><i>d) The mitigation methods proposed – building materials, construction method and the internal noise level that will be achieved,</i></p>	<p>Through the appeals process Traffic Noise Sensitivity rules were added to the Zone Development Standards. To apply to depart from these is a Restricted Discretionary Activity.</p> <p>The RMA requires Restricted Discretionary Activities to be assessed against the ‘Matters over which Council has restricted its discretion’. Conditions can only be imposed addressing those matters.</p> <p>No matters over which Council restricted its discretion were added to the Hauraki Section of the District Plan, these therefore need to be added.</p>

		<p><i>e) The outcomes of any consultation with the New Zealand Transport Agency, and</i></p> <p><i>whether they are likely to avoid or mitigate potential adverse traffic noise effects or potential reverse sensitivity effects on the State Highway (to apply to a - e above).</i></p> <p><i>f) Whether there are other design features that will provide the required ventilation without the need for ventilating windows or a ventilation system</i></p> <p><i>g) Whether the ventilation system proposed will provide a comfortable living environment as well as the required level of ventilation.</i></p>	
61	<p>5.10</p> <p>Township Zone</p> <p>5.10.4.3</p> <p>Traffic Noise Sensitivity</p> <p>addition of Restricted Discretionary Activity Matters</p>	<p>Amend 5.10.4.3; Restricted Discretionary Activities; RD1 by including a new (6) as follows:</p> <p>(6) Traffic Noise Sensitivity</p> <p><i>a) The location of the dwelling in relation to the formed carriageway of the state highway,</i></p> <p><i>b) The location of the bedrooms and main living room within the dwelling in relation to the formed carriageway of the state highway,</i></p> <p><i>c) The extent and location of the main glazing to bedrooms and living areas,</i></p> <p><i>d) The mitigation methods proposed – building materials, construction method and the internal noise level that will be achieved,</i></p> <p><i>e) The outcomes of any consultation with the New Zealand Transport Agency, and</i></p> <p><i>whether they are likely to avoid or mitigate potential adverse traffic noise effects or potential reverse sensitivity effects on the State Highway (to apply to a - e above).</i></p>	<p>Through the appeals process Traffic Noise Sensitivity rules were added to the Zone Development Standards. To apply to depart from these is a Restricted Discretionary Activity.</p> <p>The RMA requires Restricted Discretionary Activities to be assessed against the ‘Matters over which Council has restricted its discretion’. Conditions can only be imposed addressing those matters.</p> <p>No matters over which Council restricted its discretion were added to the Hauraki Section of the District Plan, these therefore need to be added.</p>

		<p><i>f) Whether there are other design features that will provide the required ventilation without the need for ventilating windows or a ventilation system</i></p> <p><i>g) Whether the ventilation system proposed will provide a comfortable living environment as well as the required level of ventilation.</i></p>	
63a	<p>5.11</p> <p>Town Centre Zone</p> <p>5.11.4.4</p> <p>Discretionary Activities; D5</p> <p>provision for “repairs”</p>	<p>Amend 5.11.4.4 D5 (Discretionary Activities) as follows:</p> <p>D5 FARM MACHINERY SALES AND REPAIR</p>	<p>Clarification is needed that the servicing and repair of farm machinery associated with the sale of that machinery, are a Permitted Activity in the Town Centre Zone.</p> <p>These activities fall within the definition of “Service Industrial Activities” which in turn falls within the definition of “Business Activity” – which is a Permitted Activity in the Town Centre Zone.</p>
68	<p>5.17</p> <p>Martha Mineral Zone</p> <p>5.17.4.1</p> <p>Permitted Activities; P7</p>	<p>Amend 5.17.4.1, Permitted Activities P7 as follows:</p> <p>P7 TEMPORARY USES AND BUILDINGS MEETING PART (a) AND (c) OF THE DEFINITION</p>	<p>The definition of Temporary Uses and Buildings contains three components, (a)-(c). It was an oversight to restrict P7 to only temporary uses and buildings meeting part (a) of the definition.</p> <p>Within the Martha Mineral Zone it would also make sense for temporary uses and buildings meeting part (c) of the definition to be permitted activities (i.e. “Drilling to determine ground conditions (geotechnical investigations) and/or to undertake ground water monitoring.”) as is the case in every other Zone where temporary activities are a permitted activity.</p> <p>The effect of not making this change is that temporary uses and buildings consistent with part (c) of the definition would continue to be non-complying activities, which is somewhat of a nonsense in the Martha Mineral Zone.</p>