

PART 24 RULE 24 – WETLAND CONSERVATION ZONE

For the avoidance of doubt, and notwithstanding the rules which follow, all activities (or applications for consent for such activities) must also comply with such other provisions as may affect the activity or site and that are specified in Parts 7, 8, 10, 11, 12, 15, 22, 26, 50, 51, 52 and 53 of this Plan. Where the activity involves the use of a SIGN erected on private property, the SIGN shall be consistent with matters set out in Rule 15.4.

NOTE: Under Section 13 of the Resource Management Act, various activities in relation to the bed of any river or lake require a resource consent from the Regional Council - unless specifically allowed by a rule in a Regional Plan. Activities related to the bed of a lake or river do not therefore come under the jurisdiction of the District Plan.

24.1 PERMITTED ACTIVITIES

The activities listed below are *Permitted*, and do not require a resource consent, if they comply in all respects with Rule 24.5 (GENERAL PERFORMANCE STANDARDS).

(NOTE: Within the following list, the words in CAPITALS are defined in Rule 50)

- Wetland and wildlife habitats conservation, where wetlands and habitats are managed to protect their natural values;
- Wildlife management activities;
- Beekeeping;
- PASTORAL FARMING, on land already cleared and used for that purpose as at 11 July 1989;
- The ongoing maintenance, UPGRADE and repair of flood protection, land drainage and erosion control works;
- The taking, by tangata whenua, of food and plant resources and select species of timber appropriate for carving; provided that the landowner's approval has been obtained prior to entering land held in private ownership;
- Weirs for water level restoration associated with wetland and habitat management;
- Existing surface water activities associated with existing sand extraction operations on the Waikato River.

24.2 CONTROLLED ACTIVITIES

i. *Controlled* activities require a resource consent, but the consent *shall* be granted. An application must be submitted in the prescribed format (available from the Council).

ii. Applications will be assessed primarily in terms of the matters set out in Rule 24.6, and any conditions of consent will only relate to those matters.

iii. The information submitted with the application must be in terms of Rule 52 but only to the extent needed to enable a thorough assessment in terms of Rule 24.6. The application must also clearly demonstrate compliance with the stated performance standards applicable to the activity.

iv. An application for a *Controlled* activity may be considered without public notification where Council so determines in terms of Section 94 of the Act. (This is a *non-notified* application in terms of the Act).

v. The activities listed below are *Controlled* activities in the *Wetland Conservation Zone* if they comply with Rule 24.5 (GENERAL PERFORMANCE STANDARDS).

(NOTE: Within the list, the words in CAPITALS are defined in Rule 50)

- ACCESSORY BUILDINGS and structures, not exceeding 30 square metres in area, for any of the *Permitted* activities listed in Rule 24.1.

24.3 DISCRETIONARY ACTIVITIES

- i. *Discretionary* activities require a resource consent, and the consent may be granted (conditionally or unconditionally) or refused. An application must be submitted in the prescribed format (available from the Council).
- ii. Applications will be assessed in terms of the matters set out in Rule 53 and where appropriate those matters in Rule 23, and conditions of consent may be imposed.
- iii. The information submitted with the application must be in terms of Rule 52.
- iv. An application for a *Discretionary* activity may be considered without public notification where Council so determines in terms of Section 94 of the Act. (This is a *non-notified* application in terms of the Act).
- v. The activities listed below are *Discretionary* activities in the *Wetland Conservation Zone*.

(NOTE: Within the list, the words in CAPITALS are defined in Rule 50)

- One DWELLING HOUSE per RURAL LOT;
- The winning and processing of sand occurring naturally in the area, which may include the use of vessels or structures (such as barges) for transporting sand across the surface of the river;
- ACCESSORY BUILDINGS for the foregoing activities;
- EARTHWORKS exceeding a total volume of 25 cubic metres or a total area of 250 square metres.
In assessing applications for earthworks consideration will be given to those matters set out in Rule 24.6.2 and Rule 23.9.2.9;
- Any alteration to landforms, trees or other vegetation, or any other physical feature which involves:
 - the diversion or modification of natural watercourses, rivers or ponding areas,
 - the clearing of trees or other vegetation, or
 - earthworks and excavation, including the depositing of spoil, soil or other materials;
- Erosion and flood control works.

24.4 NON-COMPLYING ACTIVITIES

- i. *Non-complying* activities require a resource consent, and the consent may be granted or refused. An application must be submitted in the prescribed format (available from the Council).
- ii. Applications will be assessed in terms of the matters set out in Rule 53, and where consent is granted, conditions of consent may be imposed.
- iii. The information submitted with the application must be in terms of Rule 52.
- iv. The activities listed below are *Non-complying* activities in the *Wetland Conservation Zone*.

- Any other activity to the extent that it is not provided for as a *Permitted, Controlled, Restricted Discretionary* or *Discretionary* activity;
- Any other activity to the extent that it is not provided for as a *Permitted, Controlled, Restricted Discretionary* or *Discretionary* activity.

24.5 GENERAL PERFORMANCE STANDARDS

The *Permitted* activities listed in Rule 24.1 and the *Controlled* activities listed in Rule 24.2 shall comply with the following general performance standards.

24.5.1 HEIGHT

No part of any building shall exceed a height equal to 3 metres plus the shortest horizontal distance between that part of the building and the nearest legal boundary; provided that this standard shall not apply where the written consent/s of the owners and occupiers of the abutting sites have been obtained.

24.5.2 DEVELOPMENT SETBACKS

- *Coastal Marine Area:* All buildings and structures on land adjoining the coastal marine area shall be erected at least 60 metres inland of mean high water springs;
- *Lakes and Rivers:* All buildings and structures, including wastewater disposal fields, shall be erected at least 30 metres from the edge of a stream, river or lake

except that development setbacks shall not apply to:

- structures and ongoing maintenance, UPGRADE and repair associated with flood protection, land drainage and erosion control works; or
- buildings and structures on islands in the Waikato River; or
- weirs for water level restoration associated with wetland and habitat management; or
- maimais and whitebait stands.

24.5.3 FRONT YARD

For all buildings on sites having frontage to a legal road, a front yard of

- 20 metres for:
 - State Highways 1, 2 and 22 including Motorways;
 - East/ Mill Road, west of Motorway;
 - Glenbrook Road - Glenbrook Waiuku Road to intersection with Cornwall Road Waiuku;
 - Hunua Road to Cowan Road;
 - Puni Road Waiuku Road,
- 10 metres for all other roads

(in addition to any distance specified by a road widening designation) shall apply.

24.5.4 SIGNS

- Standard deleted as a result of Plan Change 8.

24.5.5 EARTHWORKS

EARTHWORKS shall not exceed a total volume of 25 cubic metres or a total area of 250 square metres. Earthworks for flood protection, land drainage and erosion control works in accordance with Rule 24.1 are exempt from this Rule.

In assessing applications for earthworks consideration will be given to those matters set out in Rule 24.6.2 and Rule 23.9.2.9.

24.6 ASSESSMENT OF CONTROLLED ACTIVITIES

In granting consent to a *Controlled* activity the Council will assess the activity in terms of the following matters over which it has reserved control, and conditions of consent will only relate to these matters (and such other matters as may be provided for in the Act).

24.6.1 ACCESS, PARKING AND MOORING

The location and design of motor vehicle, boat and pedestrian access to and from a site and parking, mooring and loading areas. The requirement of Rule 51 will be used as a guide.

In particular, the Council will consider the extent to which the location and design of motor vehicle, boat or pedestrian access and parking, mooring and loading areas are adequate and safe given the type and frequency of vehicle, boat or people movements to and from the site and the traffic movement function of adjoining roads (refer also to Part 9).

24.6.2 ECOSYSTEMS

The functioning of ecosystems, including effects on plants and animals and their habitats: In particular, that the activity will not:

- result in the damage or destruction of any habitat of indigenous animals, whether terrestrial or aquatic; or
- result in the damage or removal of indigenous vegetation, other than for the purposes of improving habitats of indigenous animals, the functioning of ecosystems or the hydrological functioning of wetlands; or
- visually compromise natural features or the natural character of the coastal environment or otherwise detract from the visual qualities of the surrounding area.

24.6.3 EFFECTS ON SOIL AND WATER RESOURCES

That the activity will not:

- cause or contribute to land or soil erosion or the contamination of water resources, particularly through siltation; or
- compromise the hydrological functioning of wetlands within the Zone.