

## 5.4 COASTAL ZONE

### 5.4.1 ZONE PURPOSE

- (1) The Coastal Zone is a major subset of the coastal environment within the Hauraki District Plan. The Zone encompasses those parts of the coastal environment where the features of the coast comprise a dominant element ie "...areas where coastal processes, influences or qualities are significant..." (Policy 1(2)(c) New Zealand Coastal Policy Statement 2010), 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. This area is where, although some elements of its coastal setting and context are displayed, the degree of physical and visual separation from many coastal elements, patterns and processes has the effect of imparting an overall quality of 'coastal context' rather than true coastal environment. Land having a 'coastal context' quality has been zoned Rural, where less rigorous land use and subdivision assessment and control (eg activities provided for and activity status) is required.
- (2) The Coastal Zone is identified as a District Amenity Landscape area of high scenic quality. There are also Significant Natural Areas (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 differentiates it from the rest of the drainage catchment. The Coastal Zone is one way to give effect to the provisions of Sections 7 and 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 Coastal Zone includes significant cultural and other values to Tangata Whenua.
- (5) 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.
- (6) **FIRTH OF THAMES**
  - (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 downstream 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 downstream 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 generally coincides with the top of the stopbanks and also coincides with the landward boundary of the Coastal Zone.

**(7) THE EASTERN COASTLINE**

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 110 hectares 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 Thames-Coromandel District. 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 land south of the estuary 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 this District Plan.

**(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 the 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 this District Plan.
- (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 northern part of the Orokawa Scenic Reserve 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 southern part of the 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 approximately 600 metres north of 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, the Marae Development Zone at Mataora Bay, the public land along the coast (which is in the Reserve (Passive) Zone), and other public land (eg. Orokawa Scenic Reserve) administered by the Department of Conservation to the north and south of Whiritoa which is zoned Conservation (Indigenous Forest).

(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. 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.

**(a) Policies**

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

- (i) Preserve and enhance the landscape character of the coastal environment.
- (ii) Identify in the District Plan landscape features of particular significance, and recognise that there are cultural features of significance to tangata whenua, and ensure that particular regard is had to protecting those features.

- (iii) Protect indigenous flora and fauna values that provide important elements of natural character, including areas of significant indigenous vegetation and significant habitats of indigenous fauna.
- (iv) Maintain and enhance the significant landscape character of the coastal environment, particularly along the margins of the coast, estuaries, rivers and streams, by controlling the erection of buildings, earthworks (including cuttings associated with creating access tracks), forestry and removal of indigenous vegetation.
- (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.
- (vii) Recognise that parts of the coastal environment contain rural production activities that support rural areas and these will continue to operate and develop, and can accommodate in appropriate places, other activities that support rural areas within appropriate limits.

**(b) Reasons**

- (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.

**(a) Policies**

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

- (i) Liaise with statutory organisations (eg Department of Conservation), tangata whenua with respect to cultural values, 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.
- (ii) Ensure that public access and use is compatible with the preservation of conservation values.
- (iii) Liaise with landowners to develop methods within which public access to and use of the coastal marine area does not unreasonably interfere with the landowner's ability to use and 'enjoy' the land.

**(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 tangata whenua and most New Zealanders to be a right and not a privilege.

**Note:** The objectives and policies in Section 6.3 Protection of Outstanding Natural Features and Landscapes and District Amenity Landscapes are also applicable to the Coastal Zone.

### 5.4.3 ENVIRONMENTAL RESULTS

- (1) The expected environmental result sought is to ensure the natural character of the coastal environment and cultural values of importance to tangata whenua are 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.
- (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. In addition, Council will liaise with tangata whenua to ensure cultural values are known and can be recognised.

### 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

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.

<b>P1</b>	LAND MANAGEMENT PRACTICES , INCLUDING PLANTING OF <i>INDIGENOUS VEGETATION</i> , THE REMOVAL OF EXOTIC TREES AND VEGETATION, PLANT AND ANIMAL PEST CONTROL, AND PERIMETER FENCING OF <i>INDIGENOUS VEGETATION</i> AND AREAS OF LAND TO BE RETIRED FROM ACTIVE PRIMARY PRODUCTION AND PLANTED IN <i>INDIGENOUS VEGETATION</i>
<b>P2</b>	<i>FARMING</i> (EXCLUDING FARM <i>BUILDINGS</i> WITHIN THE FIRTH OF THAMES AREA OF THE COASTAL ZONE) (REFER TO ACTIVITY SPECIFIC STANDARD 5.4.6(1))
<b>P3</b>	<i>HOME OCCUPATIONS</i> (REFER TO ACTIVITY SPECIFIC STANDARD 5.4.6(2))
<b>P4</b>	PEDESTRIAN WALKWAYS (INCLUDING SEATING AND TABLES), CYCLEWAYS AND JOGGING TRACKS
<b>P5</b>	<i>HOME/FARM STAY</i>
<b>P6</b>	<i>PROSPECTING</i>

<b>P7</b>	<i>TEMPORARY USES AND BUILDINGS (INCLUDING TEMPORARY MILITARY TRAINING)</i>
<b>P8</b>	REMOVAL OR DEMOLITION OF <i>BUILDINGS</i>
<b>P9</b>	ONE <i>DWELLING</i> ON EACH <i>CERTIFICATE OF TITLE</i> CONTAINING UP TO 40 HECTARES OF LAND (EXCLUDING WITHIN THE FIRTH OF THAMES AREA OF THE COASTAL ZONE) (REFER TO ACTIVITY SPECIFIC STANDARD 5.4.6(1))
<b>P10</b>	TWO <i>DWELLINGS</i> ON EACH <i>CERTIFICATE OF TITLE</i> CONTAINING 40 OR MORE HECTARES OF LAND (EXCLUDING WITHIN THE FIRTH OF THAMES AREA OF THE COASTAL ZONE) (REFER TO ACTIVITY SPECIFIC STANDARD 5.4.6(1))
<b>P11</b>	REMOVAL OF <i>INDIGENOUS VEGETATION</i> NOT SCHEDULED AS A <i>SIGNIFICANT NATURAL AREA</i> IN 6.2.6 (REFER TO ACTIVITY SPECIFIC STANDARD 5.4.6(3))
<b>P12</b>	<i>FORESTRY</i> (EXCLUDING WITHIN THE FIRTH OF THAMES AREA OF THE COASTAL ZONE) (REFER TO ACTIVITY SPECIFIC STANDARDS 5.4.6(1) AND 5.4.6(4))
<b>P13</b>	ONE <i>PRODUCE STALL</i> PER <i>HOLDING</i> (REFER TO ACTIVITY SPECIFIC STANDARD 5.4.6(6))

#### 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.

<b>C1</b>	<i>EXPLORATION</i> (REFER TO ACTIVITY SPECIFIC STANDARD 5.4.6(5))
	<b>Matters over which the Council has reserved control are:</b>
	<b>(1) Location of vegetation and/or land clearances</b>
	<b>(a)</b> Whether the location of an individual clearance in relation to other clearance(s) has the effect of creating an inappropriate contiguous clearance.
	<b>(2) Timing/number of vegetation and/or land clearances</b>
	<b>(a)</b> 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.
	<b>(3) Management and rehabilitation</b>
	<b>(a)</b> The adequacy of management and rehabilitation plans (including the possible use of performance bonds or other mechanisms) to ensure the long term appearance and stability of any disturbed/excavated area including surplus earth disposal areas, and whether they are aimed at returning the disturbed area to the same or similar state as existed prior to the clearance.
	<b>(b)</b> The extent to which existing <i>indigenous</i> or other vegetation which contributes to natural character and/or biodiversity values is retained, the reasons why the clearance is proposed and the ability to rehabilitate the area to similar

values.

- (c) Whether earthworks and/or tracks associated with the activity have been located or minimised to reduce any adverse visual impact, particularly where visible from the *coastal marine area*.

#### 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** 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

**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 5.4.5 for which compliance is not met and the following relevant 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/are not met due to penetration 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, in order to preserve the natural character of the coastal *environment*.
- (h) The degree to which *amenity* value and privacy of adjoining properties is affected by matters such as shading and loss of daylight.
- (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, in order to preserve the natural



character of the coastal *environment*.

- (j) Whether the *building* will detract from any view or vista which contributes to the aesthetic coherence of a locality and natural character of the coastal *environment*, 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 (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 by not meeting the standard.
- (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.
- (h) The extent of visual intrusion and dominance of the *building* (including associated *earthworks* and vehicle accesses) beyond the *site* when viewed from the *coastal marine area*, and whether the detrimental effects can be reduced or avoided through measures such as building design, siting, physical site features and vegetation.
- (i) Whether the reverse sensitivity effects of erecting a *dwelling* in the *front yard* along a *state highway* can be mitigated or reduced.

**(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 of 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 properties will be affected.

**(4) Traffic Noise Sensitivity**

- (a) The location of the dwelling in relation to the formed carriageway of the *state highway*,
- (b) The location of the bedrooms and main living room within the dwelling in relation to the formed carriageway of the *state highway*,
- (c) The extent and location of the main glazing to bedrooms and living areas,
- (d) The mitigation methods proposed – building materials, construction method and the internal noise level that will be achieved,
- (e) The outcomes of any consultation with the New Zealand Transport Agency, and

	<p>Whether they are likely to avoid or mitigate potential adverse traffic noise effects or potential reverse sensitivity effects on the <i>state highway</i> (to apply to (a) – (e) above).</p> <p><b>(f)</b> Whether there are other design features that will provide the required ventilation without the need for ventilating windows or a <i>ventilation system</i>,</p> <p><b>(g)</b> Whether the <i>ventilation system</i> proposed will provide a comfortable living environment as well as the required level of ventilation.</p>
<b>RD2</b>	<p><b>BUILDINGS (INCLUDING DWELLINGS AND ADDITIONS THERETO) THAT DO NOT MEET THE ACTIVITY SPECIFIC STANDARDS IN RULE 5.4.6(1).</b></p> <p><b>Matters over which Council has restricted its discretion are:</b></p> <p><b>(1)</b> The design of the <i>building</i>, including <i>height</i>, size/scale, external finish, colour and reflectance value, to avoid, remedy or mitigate the adverse effects on the coastal landscape including, for example:</p> <p><b>(a)</b> use of varied roof line to create shade effects and break up the bulk of the roofline</p> <p><b>(b)</b> lowered building height</p> <p><b>(c)</b> amount and reflectivity of glass</p> <p><b>(d)</b> use of a colour similar to a colour in the Hauraki District Council landscape colour chart (refer to 6.3.7).</p> <p><b>(2)</b> The visibility of the <i>building</i> from public viewing points, having regard to the accessibility of the viewing point.</p> <p><b>(3)</b> The extent to which the <i>building</i> and any associated curtilage will be visually prominent (particularly in relation to the <i>coastal marine area</i> and nearby or backdrop <i>indigenous vegetation</i>) and/or break a skyline or interrupt the form of ridges, hills or prominent slopes.</p> <p><b>(4)</b> Whether the coastal landscape has the capacity to absorb change, having regard to existing and consented developments in the immediate locality and any benefits that may arise from the clustering of <i>buildings</i>, or if other more suitable sites should be used.</p> <p><b>(5)</b> Whether the <i>building</i> is located where vegetation and/or landform can provide a backdrop, or planting of trees and shrubs, the shaping of earth and other landscape features around the <i>building</i> can reduce the visual dominance of the <i>building</i> and assist with the integration into the landscape.</p> <p><b>(6)</b> The <i>Zone Development Standards</i> in Rule 5.4.5.</p>

**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.

<b>D1*</b>	<i>FORESTRY THAT DOES NOT MEET ACTIVITY SPECIFIC STANDARD 5.4.6(4)</i>
<b>D2*</b>	<i>INDIGENOUS VEGETATION REMOVAL PROVIDED FOR AS A PERMITTED ACTIVITY AND NOT COMPLYING WITH ACTIVITY SPECIFIC STANDARD 5.4.6(3)</i>

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<b>D3*</b>	TOURISM ACTIVITIES
<b>D4*</b>	MULTIPLE <i>DWELLINGS</i> (MORE THAN ONE <i>DWELLING</i> ON EACH <i>CERTIFICATE OF TITLE</i> CONTAINING LESS THAN 40 HECTARES OF LAND OR MORE THAN TWO <i>DWELLINGS</i> ON EACH <i>CERTIFICATE OF TITLE</i> CONTAINING 40 OR MORE HECTARES OF LAND)
<b>D5*</b>	ANY <i>PERMITTED, CONTROLLED</i> OR <i>DISCRETIONARY ACTIVITY</i> IN THE RESERVE (PASSIVE) ZONE NOT OTHERWISE PROVIDED FOR AS A <i>PERMITTED ACTIVITY</i> , OR A <i>CONTROLLED ACTIVITY</i> UNDER C1
<b>D6</b>	ANY <i>PERMITTED</i> OR <i>CONTROLLED ACTIVITY</i> THAT DOES NOT MEET THE ZONE DEVELOPMENT STANDARDS IN RULE 5.4.5 FOR A <i>RESTRICTED DISCRETIONARY ACTIVITY</i>
<b>D7</b>	<i>HOME OCCUPATIONS</i> THAT DO NOT MEET THE ACTIVITY SPECIFIC STANDARDS IN RULE 5.4.6(2)
<b>D8</b>	ANY <i>BUILDING</i> OR <i>BUILDING ADDITION</i> LOCATED PARTIALLY OR ENTIRELY OUTSIDE A BUILDING ENVELOPE THAT HAS BEEN DEFINED BY <i>CONDITION</i> OF RESOURCE CONSENT FOR A <i>SUBDIVISION</i>
<b>D9</b>	<i>EXPLORATION</i> THAT DOES NOT MEET THE ACTIVITY SPECIFIC STANDARDS IN RULE 5.4.6(5)
<b>D10</b>	<i>COMMERCIAL SERVICE</i>
<b>D11</b>	<i>PRODUCE STALLS</i> THAT DO NOT MEET THE ACTIVITY SPECIFIC STANDARDS IN RULE 5.4.6(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*.

<b>NC1</b>	<i>DISCRETIONARY ACTIVITIES</i> D1 TO D5 WHERE LOCATED IN THE FIRTH OF THAMES AREA OF THE COASTAL ZONE
<b>NC2</b>	ANY ACTIVITY NOT OTHERWISE PROVIDED FOR AS A <i>PERMITTED, CONTROLLED, RESTRICTED DISCRETIONARY, DISCRETIONARY</i> OR <i>PROHIBITED ACTIVITY</i>

#### 5.4.4.6 PROHIBITED ACTIVITIES

Those activities listed below are a *Prohibited Activity*.

THERE ARE NO <i>PROHIBITED ACTIVITIES</i>
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#### 5.4.5 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 5.4.4.2, 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*.

Development Standard*	Parameter		Environmental Result
	Permitted and Controlled	Restricted Discretionary	
Maximum Height	8.0 metres	11.0 metres	To ensure that the <i>height</i> of <i>buildings</i> is compatible with the activities permitted in the <i>zone</i> as well as the landscape, <i>amenity</i> and character of both the <i>zone</i> that the <i>building</i> is located in and any adjoining <i>zone</i> .
<i>Daylight Control</i> (refer to definition for explanatory diagram)	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 property, thereby restricting daylight and ventilation between <i>buildings</i> .
Minimum Yards ( <i>Buildings</i> )	<i>Front Yard</i> : 12 metres (except from <i>state highways</i> for those <i>buildings</i> as set out in the <i>rule</i> below).	<i>Front Yard</i> : 12 metres	To allow flexibility in <i>site</i> layout while still maintaining the <i>amenities</i> of the <i>site</i> and adjoining sites, mitigating reverse sensitivity effects from new noise sensitive activities, and preserving the natural character of the coastal <i>environment</i> .
	<i>Front Yard</i> : 20 metres (from <i>state highways</i> for new <i>dwellings</i> erected or placed on the <i>site</i> after 14 September 2012 (and any subsequent additions to those <i>dwellings</i> )).	<i>Front Yard</i> : 12 metres	
	<i>Other yards</i> : 12 metres, except that: <b>(a)</b> 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> <b>(b)</b> any <i>building</i> shall be no closer than 100 metres to the seaward Coastal Zone boundary.	<i>Other yards</i> : Nil, except that: <b>(a)</b> any <i>building</i> shall be no closer than 100 metres to the seaward Coastal Zone boundary.	

Development Standard*	Parameter		Environmental Result
	Permitted and Controlled	Restricted Discretionary	
Minimum Yards ( <i>Shelter Belts and Forestry</i> )	<p><i>Front Yard</i>: 10 metres</p> <p><i>Other yards</i>: Nil, except where the boundary of the Coastal Zone adjoins a <i>sensitive zone</i> boundary, the <i>yard</i> shall be 10 metres, except where Rule 5.4.6(4) applies.</p>	<p><i>Front Yard</i>: Nil</p> <p><i>Other yards</i>: Nil</p>	To allow flexibility in <i>site</i> layout while still maintaining the <i>amenities</i> of the <i>site</i> and adjoining sensitive sites and traffic safety, and protecting the physical <i>road</i> , and the natural character of the coastal <i>environment</i> .
Traffic Noise Sensitivity	<p>(a) All new <i>habitable room(s)</i> where located within 80 metres of the formed carriageway of a <i>state highway</i> shall meet an internal road-traffic design sound level of <math>40dBL_{Aeq(24hr)}</math> with ventilating windows open.</p> <p>(b) An acoustic design report from a suitably qualified and experienced acoustics expert shall be provided to the <i>Council</i> demonstrating compliance with (a) above at the time of building consent application.</p> <p>(c) Where the requirements of (a) above can only be met with windows and doors closed a <i>ventilation system</i> shall be installed for the new <i>habitable room(s)</i>.</p> <p>(d) The requirements of (a) above shall not apply where:</p> <p>(i) the nearest <i>façade</i> of the new <i>habitable room(s)</i> is between 50 and 80 metres from the formed carriageway of the <i>state highway</i> and there is a solid building, fence, wall or landform that blocks the line of sight from all parts of all windows and doors to the new <i>habitable room(s)</i> to any part of the formed carriageway of the <i>state highway</i> (where that part of the <i>state highway</i> is within 80 metres of the <i>façade</i> of the new <i>habitable room(s)</i>); or</p> <p>(ii) it can be demonstrated</p>	No restriction	To allow flexibility of <i>site</i> layout while protecting the <i>amenity</i> of sensitive uses, where located in proximity to high speed environment and/or high traffic volume <i>state highways</i> , from potential adverse traffic noise effects.

Development Standard*	Parameter		Environmental Result
	Permitted and Controlled	Restricted Discretionary	
	by way of prediction or measurement by a suitably qualified and experienced acoustics expert that the road traffic noise level from the <i>state highway</i> is less than $55dBL_{Aeq(24hr)}$ on all facades of the new <i>habitable room(s)</i> ; or  (iii) the <i>habitable rooms</i> are added to or altered within a <i>dwelling</i> existing at 26 September 2014.		

\*These *Zone Development Standards* shall not apply to “*Temporary Uses and Buildings*” covered by clause (b) of the definition in Section 4 for “*Temporary Uses and Buildings*” and to “*Prospecting*” and “*Exploration*”.

## 5.4.6 ACTIVITY SPECIFIC STANDARDS

### (1) DWELLINGS AND ADDITIONS THERETO AND ACCESSORY BUILDINGS TO FARMING AND FORESTRY

- (a) The exterior surfaces (walls, joinery and roof) shall be of a colour selected from the Hauraki District Council landscape colour chart (extract from British Standard Colour Range – BS5252) or of materials which fall within this colour range. Refer to Section 6.3.7.
- (b) The reflectivity value of the exterior surfaces (walls, joinery and roof) shall not exceed 32%.
- (c) No mirror glass shall be used in the exterior walls.

### (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) The *home occupation* for an activity other than provided for 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 contractor's truck).

**(3) INDIGENOUS VEGETATION REMOVAL**

- (a) The destruction or clearance of *indigenous vegetation* not scheduled as a *Significant Natural Area* in 6.2.6 shall not involve the destruction or clearance of any pohutukawa or puriri trees with a diameter at breast height of 25cm or greater.

**(4) FORESTRY**

- (a) The separation distance of an exotic *forestry* plantation from the seaward coastal boundary shall be 50 metres. This standard shall not apply to the replanting of an established exotic *forestry* plantation existing at 14 September 2012.

**(5) EXPLORATION**

- (a) Trenching and costeaning are subject to a maximum cross section area of 6m<sup>2</sup>.
- (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 200m<sup>2</sup>.
- (d) Bulk sampling is subject to a maximum of 500m<sup>3</sup> of material per 100 hectares.
- (e) *Exploration* tunnels are subject to the maximum volume of excavated material not to result in more than 500m<sup>2</sup> of surface area being covered, to a maximum height of 2 metres.
- (f) Rehabilitation measures are proposed.

**(6) PRODUCE STALL**

- (a) No *produce stall* shall be operated where it obtains its access from a *state highway*.
- (b) The area of land or *building* used as a *produce stall* shall not exceed 30m<sup>2</sup> 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:
- (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*.
- (d) Activity specific standards (b) and (c) above shall not apply to a *produce stall* where:
- (i) The area of land or *building* on the *property* used as a *produce stall* does not exceed 2m<sup>2</sup> 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



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- (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.

#### 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

- (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 *road* concerned;
  - (b) the ability of the *site* to accommodate the activity requirements for on-site parking, loading and *manoeuvring areas*;

- (c) the means by which any likely adverse traffic effects can be avoided, remedied 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.
- (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 or support other lawfully established rural-based activities on the *holding*.

#### 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 the coast and coastal margin, to avoid, remedy or mitigate any detriment to the coastal natural character values.
- (2) Whether activities that are to be undertaken including land preparation, planting, management, silviculture and harvesting ensure the visual *amenity* of the coastal location is not significantly affected. Important in this regard are:
- (a) the retention of the existing landform, scale and shape of the forest, and tree species;
  - (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 a manner that minimises potential siltation and erosion effects and the land areas so cleared are replanted or otherwise rehabilitated within one year of harvesting.

#### 5.4.7.4 CLEARANCE OF INDIGENOUS VEGETATION (either as a discrete activity or as part of a *Controlled or Discretionary Activity*)

- (1) The extent of the vegetation clearance proposed relative to the total indigenous vegetated area on the *holding*, and the contribution the vegetation provides to natural coastal landscape qualities.
- (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 another situation, can the vegetation removed be replaced with vegetation more suitable to the position and coastal location.
- (4) Whether the vegetation to be removed is naturally occurring or has been artificially created.
- (5) Whether the vegetation is of cultural importance to *tangata whenua*.
- (6) The ecological significance of the vegetation having regard to the criteria in 6.2.5.8, notwithstanding that the vegetation is not scheduled in 6.2.6 as a *Significant Natural Area*.
- (7) The relationship of the vegetation to any adjacent *Significant Natural Area* scheduled in 6.2.6 and whether it contributes to an ecological corridor.
- (8) The form and ecological value of the remaining vegetation, including edge effects, retention of corridors and relationship to natural landform.
- (9) The extent to which any proposed measures will result in the protection and enhancement of the ecological values.

#### 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 AND COMMERCIAL SERVICE ACTIVITIES

- (1) Whether the size of the accommodation *buildings*, camping ground or motor camp, and the 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*.
- (6) The extent to which the *commercial service* activity has a functional need to locate and operate in the Coastal Zone.
- (7) Positive contributions of tourism and *commercial service* activities to enhance opportunities for people to enjoy and experience the coastal *environment*.