

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 Plan 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 is a matter 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 and 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 rangatiratanga (governorship).
- (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*	<i>MARAE AND MARAE COMPLEXES (INCLUDING PAKAINGA HOUSING, EDUCATION/ TRAINING ACTIVITIES AND FACILITIES, URUPA (BURIAL GROUNDS) AND HEALTH CENTRES)</i>
P2*	<i>SALE OF PRODUCTS, GOODS AND SERVICES PRODUCED AS PART OF ANY OF THE ABOVE ON-SITE ACTIVITIES, FROM A BUILDING LIMITED TO 50M² OF GROSS RETAIL FLOOR AREA (IE ONE BUILDING PER SEPARATE ZONED AREA)</i>
P3*	<i>PASSIVE RECREATION AND YOUTH PLAY AREAS</i>
P4	<i>DRAINAGE WORKS AND RIVER CONTROL WORKS</i>
P5	<i>PROSPECTING</i>
P6	<i>EXPLORATION INVOLVING NOT MORE THAN 20M³ OF EXCAVATION PER ALLOTMENT IN ANY ONE YEAR</i>
P7	<i>TEMPORARY USES AND BUILDINGS (INCLUDING TEMPORARY MILITARY TRAINING)</i>
P8	<i>REMOVAL OR DEMOLITION OF BUILDINGS</i>
P9*	<i>RESIDENTIAL ACTIVITIES</i>
P10	<i>HOMESTAY</i>

* *Permitted Activities* P1 to P3 and P9 within the Marae Development Zone at Mataora Bay shall comply with Activity Specific Standard 5.9.6(1).

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	<p>ANY <i>PERMITTED</i> OR <i>CONTROLLED ACTIVITY</i> THAT DOES NOT MEET THE <i>ZONE DEVELOPMENT STANDARDS</i> IN RULE 5.9.5 FOR A <i>PERMITTED</i> OR <i>CONTROLLED ACTIVITY</i> AND DOES NOT EXCEED THE <i>ZONE DEVELOPMENT STANDARDS</i> IN RULE 5.9.5 FOR A <i>RESTRICTED DISCRETIONARY ACTIVITY</i></p> <p>Matters over which <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 development to achieve the particular environmental result of the <i>Zone Development Standards</i> in Rule 5.9.5 for which compliance is not met and the following relevant assessment criteria:</p> <p>(1) <i>Height and Daylighting</i></p> <p>(a) The extent that topographical and <i>site</i> conditions (including easements) restrict the area or shape of the <i>site</i> that is suitable and available for building.</p> <p>(b) The desirability of maintaining consistency in design and appearance with existing <i>buildings</i> on the <i>site</i>.</p> <p>(c) The need to preserve existing trees, vegetation or important physical characteristics of the <i>site</i>.</p> <p>(d) Whether the boundary to which the standard relates is a common boundary with an area of permanent open space, the use of which will not be detrimentally affected by any increased shading or loss of visual <i>amenity</i>.</p> <p>(e) Whether the property adjoining the <i>site</i> is sufficiently higher and therefore the adjoining property will not be detrimentally affected.</p>
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- (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.
- (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.
- (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.
- (k) Where the Marae Development Zone land is within the coastal *environment*, (at Mataora Bay), the extent of visual intrusion and dominance of the *building(s)* (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.

(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 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 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 <i>PERMITTED</i> OR <i>CONTROLLED</i> ACTIVITY THAT DOES NOT MEET THE <i>ZONE DEVELOPMENT STANDARDS</i> IN RULE 5.9.5 FOR A <i>RESTRICTED DISCRETIONARY</i> ACTIVITY
D2	<i>SPORTS GROUNDS</i> , <i>INDOOR SPORT</i> AND/OR <i>SWIMMING POOL COMPLEXES</i> AND <i>ASSOCIATED ACCESSORY BUILDINGS</i>
D3	<i>EXPLORATION</i> NOT OTHERWISE PROVIDED FOR AS A <i>PERMITTED</i> ACTIVITY
D4	<i>UNDERGROUND MINING</i>
D5	<i>PERMITTED ACTIVITIES</i> P1 TO P3 AND P9 WITHIN THE <i>MARAE DEVELOPMENT ZONE</i> AT <i>MATAORA BAY</i> THAT DO NOT MEET THE <i>ACTIVITY SPECIFIC STANDARDS</i> IN RULE 5.9.6(1)

5.9.4.5 NON COMPLYING ACTIVITIES

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

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

Those activities listed below are a *Prohibited Activity*.

PR1	<i>SURFACE MINING</i> AND <i>MINING OPERATIONS</i>
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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*.

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</i> of <i>buildings</i> is compatible with the activities permitted in the <i>zone</i> as well as the <i>landscape</i> , <i>amenity</i> and character of both the <i>zone</i> that the <i>building</i> is located in and any adjoining <i>zone</i> .

Development Standard *	Parameter		Environmental Result
	Permitted and Controlled	Restricted Discretionary	
<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 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 property, thereby restricting daylight and ventilation between <i>buildings</i> .
Minimum Yards	<i>Front Yard</i> : 12 metres	<i>Front Yard</i> : 12 metres	To provide an open streetscape that allows for planting and ensures the traffic function of the <i>road</i> is not compromised. To allow flexibility in <i>site</i> layout while still maintaining the <i>amenities</i> of the adjoining sites , and the natural character of the coastal <i>environment</i> .
	<i>Other Yards</i> : Nil, except where adjoining any other <i>zone</i> , the <i>yard</i> shall be 12.0 metres or 100 metres from any boundary adjacent to the coast.	<i>Other Yards</i> : 100 metres from any boundary adjacent to the coast, otherwise nil.	

*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*”.

5.9.6 ACTIVITY SPECIFIC STANDARDS

(1) BUILDINGS AND STRUCTURES WITHIN THE MARAE DEVELOPMENT ZONE AT MATAORA BAY

- (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 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.
- (d) The building platform shall be sited 20 metres vertically and horizontally from the crest of any prominent headland or ridgeline visible from the coast.

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 *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.
- (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) Whether 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 (including the possible use of performance bonds or other mechanisms) to ensure the long term stability of any disturbed/excavated area including waste disposal areas.

5.9.7.3 ACTIVITIES/DEVELOPMENT WITHIN THE COASTAL ENVIRONMENT

- (1) Whether the activity and any *buildings* and *structures* are of a scale, intensity and character to protect coastal natural character and recognise the potential for coastal erosion.

