

PART TWO

ZONES and POLICY AREAS

8. Residential Zone

8.1. Introduction

8.1.1. Waitomo District contains a range of sizes and types of settlements. Within them the residential environments vary from suburban Te Kuiti to unserviced groups of houses in the rural area. There are acknowledged problems of water or sewer services in some of the smaller settlements such as Mokau and Benneydale.

There is no significant pressure for residential growth in the settlements. Therefore most residential issues revolve around ensuring adequate levels of amenity while also allowing flexibility to enable people to carry out a range of activities.

8.2. Resource Management Issues

8.2.1. For coastal residential settlements, such as Mokau, Awakino and Marokopa the preservation of the natural character of the coastal environment and the potential for pollution of coastal waters from effluent.

8.2.2. The pollution of groundwater and associated possible health risks from septic tank effluent. Some unserviced settlements include houses on small sections that may not comply with minimum on-site sewage disposal areas required by the Regional Councils.

8.2.3. The effect of main roads carrying heavy traffic volumes through residential areas may be significant. These effects may include noise, safety of pedestrians, conflicts of through traffic with local traffic and airborne pollution in the form of fumes and dust.

8.2.4. Further development of residential areas that are unserviced or inadequately serviced in respect of water supply, sewage disposal or roading has the potential to create health, safety or pollution problems.

8.2.5. The construction of houses close to boundaries, particularly houses that are more than single storeyed, may create overshadowing and loss of daylight and sunlight to neighbouring properties.

8.2.6. In urban areas the creation of small residential lots and more intensive development may lead to fewer large gardens and trees, and a consequential reduction in the spacious character that is an important aspect of the visual amenity of the residential areas. In addition more intensive development may lead to conflicts between vehicles and pedestrians.

8.2.7. Where residential activities are adjacent to commercial and industrial activities there is potential for some adverse environmental effects such as noise, dust and visual effects.

8.2.8. Some areas on the fringes of Te Kuiti township which could otherwise be attractive for residential development have significant limitations in terms of slope stability.

8.3 Objectives

8.3.1 To ensure that residential development in coastal settlements does not adversely affect the natural character of the coastal environment. *Issue 8.2.1*

8.3.2 To ensure that the quality of coastal and ground waters are not adversely affected by effluent discharged from septic tanks, holding tanks, or sewage and stormwater systems within residential areas. *Issues 8.2.2, 8.2.4*

8.3.3 To avoid, remedy or mitigate adverse effects such as traffic noise, pedestrian safety and conflicts of heavy traffic volumes by design, provision and maintenance of measures to ensure residential roads and streets are developed and used in a manner that is complementary to residential activity. *Issue 8.2.3*

8.3.4 To ensure that developments within residential areas do not significantly impact on neighbouring properties through loss of sunlight or overshadowing. *Issue 8.2.3*

8.3.5 To avoid, remedy or mitigate adverse effects of industrial and commercial activities on the amenity or character of existing residential areas. *Issue 8.2.7*

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| 8.3.6 | To ensure living spaces for residential activities are provided in a manner which recognises a need for reasonable outdoor open space and vehicle access requirements. | <i>Issue 8.2.6</i> |
| 8.3.7 | To ensure that development within the residential areas of Te Kuiti avoid, remedy or mitigate problems associated with slope instability. | <i>Issue 8.2.8</i> |
| 8.3.8 | To ensure that development within residential areas does not adversely affect the safe and efficient operation of the District's main transportation routes. | <i>Issue 8.2.3</i> |

8.4 Policies

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| 8.4.1 | To avoid, remedy or mitigate the adverse effects of residential development encroaching on significant landforms or other sensitive parts of the coastal environment. | <i>Objective 8.3.1</i> |
| 8.4.2 | To avoid, remedy or mitigate the effects of residential development which relies on the use of on-site sewage disposal fields in areas subject to inundation. | <i>Objective 8.3.2</i> |
| 8.4.3 | To ensure adequate services are in place to avoid pollution or contamination of ground or surface waters, or coastal waters. | <i>Objective 8.3.2</i> |
| 8.4.4 | To avoid, remedy or mitigate the adverse effects of noise emissions in residential areas. | <i>Objectives 8.3.3, 8.3.5</i> |
| 8.4.5 | To avoid, remedy or mitigate the adverse effects of development on neighbouring properties such as shading, and loss of daylight. | <i>Objective 8.3.4</i> |
| 8.4.6 | To encourage the provision of sufficient outdoor open space and access for every household unit. | <i>Objective 8.3.6</i> |
| 8.4.7 | To encourage safe and convenient vehicle and pedestrian access within residential areas. | <i>Objectives 8.3.3, 8.3.8</i> |
| 8.4.8 | To avoid the siting of residential development on land subject to slope instability unless measures can be implemented to avoid instability. | <i>Objective 8.3.7</i> |
| 8.4.9 | To avoid, remedy or mitigate the environmental effects of non-residential land uses located within the residential area and in neighbouring zones, such that a standard of amenity value consistent with the residential receiving environment is achieved. | <i>Objective 8.3.5</i> |

8.5 Rules

8.5.1 Activity Classifications

8.5.1.1 Permitted Activities

- (a) Any activity which complies with the Conditions for Permitted Activities set out in Rules 8.5.2 and 8.5.3, except for Industrial Activities,
- (b) A hospital on Lot 1 DPS 75279, Lot 1 DPS 8442, and Lot 2 DPS 1923 (Te Kuiti Hospital site as identified on Planning Map 36) which complies with the conditions for Permitted Activities set out in Rules 8.5.2 and 8.5.3.1 (a) to (e).
- (c) A fire station which complies with the conditions for Permitted Activities set out in Rules 8.5.2 and 8.5.3.1 (a) to (e) on the following legal descriptions:
 - Section 63 Block X Mapara Survey District (Benneydale Fire Station site as identified on Planning Map 30A)
 - Lots 5 and 7 DP 11222 (Piopio Fire Station site as identified on Planning Map 18A)

8.5.1.2 Restricted Discretionary Activities

Any activity that does not comply with one or two of the Conditions for Permitted Activities in Rules 8.5.2 and 8.5.3. Discretion is restricted to the subject matter of the Condition that is not complied with.

8.5.1.3 Discretionary Activities

Any activity that does not comply with three or more of the Conditions set out in Rules 8.5.2 and 8.5.3, and any Industrial Activity that complies with the Conditions set out in Rules 8.5.2 and 8.5.3.

8.5.1.4 Non-complying Activities

Any other activity that does not comply with Rules 8.5.1.2 or 8.5.1.3.

8.5.2 General Provisions

The General Provisions below must also be complied with for the proposal to be a permitted activity:

- 16 Roads and Vehicle Access
- 17 Hazardous Substances
- 18 Air Quality
- 19 Signs
- 20 Noise
- 21 Heritage Resources
- 24 Landscaping
- 25 Financial and Reserves Contributions
- 26 Subdivision
- 27 Natural Hazards

Note: The Regional Plan includes specific rules relating to earthworks, especially where there may be adverse effects on bodies of water.

8.5.3 Conditions for Permitted Activities

8.5.3.1 Buildings

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| (a) Front Yard: 5 metres minimum | <i>Policies 8.4.4,
8.4.6</i> |
| (b) Side Yards and rear yards: 1.5 metres minimum | <i>Policies 8.4.5,
8.4.6</i> |
| (c) Height in Relation to Boundary: No part of any building shall exceed 3m plus 1m for every metre the structure is from the site boundary. | <i>Policies 8.4.5,
8.4.6</i> |
| (d) Maximum Height: 9 metres. | <i>Policy 8.4.5</i> |
| (e) Maximum Site Coverage: 35% | <i>Policy 8.4.5</i> |
| (f) Maximum Building Area for non-residential activities: 160m ² gross floor area. | <i>Policy 8.4.9</i> |
| (g) Maximum number of carparks provided for non-residential activities unless required otherwise by Rule 16.5.6.3: 5. | <i>Policies 8.4.7,
8.4.9</i> |
| (h) Maximum number of persons employed in a business or commercial activity: 3. | <i>Policy 8.4.9</i> |
| (i) Maximum number of persons accommodated in a residential institution or tourist accommodation or otherwise as paying guests or clients: 5. | <i>Policy 8.4.9</i> |

8.5.3.2 **Drainage/Effluent Fields**

- (a) Effluent and drainage fields shall not be located within areas subject to *Policies 8.4.2, 8.4.8* inundation and instability.
- (b) Where septic tanks are proposed they must be accommodated within an area no smaller than 2,500m² which is wholly contained within the site. *Policy 8.4.3*
- (c) Where available all developments shall be connected to Council stormwater and sewage disposal systems. *Policy 8.4.3*

8.5.3.3 **Hours of Operation**

Non-residential activities shall operate only between the hours of: *Policies 8.4.4, 8.4.9*

Monday to Friday: 8:00 am to 5:30 pm
Saturday, Sundays
and all Public Holidays: 8:00 am to 12 noon

Hospitals and Fire Stations identified in Rule 8.5.1.1, Police Stations identified in Section 23 of this Plan, and other emergency services are exempted from this Rule.

8.5.3.4 **Instability**

See Rule 27.5.2 *Policy 8.4.8*

8.5.4 Assessment Criteria for Discretionary Activities

8.5.4.1 The relevant Objectives and Policies of the Residential Zone and the Objectives and Policies of the General Provisions where a condition is contravened.

8.5.4.2 The anticipated adverse effects resulting from the area of non-compliance and it's impact on the following matters:

- (a) the level of privacy or access to daylight
- (b) the quality of coastal or ground waters
- (c) the existing residential amenity (both visual and noise)
- (d) the District's main transport routes
- (e) the existing infrastructure
- (f) the historic or visual character of the existing residential areas
- (g) the stability of the site or its proneness to inundation.

8.6 **Anticipated Environmental Outcomes**

- (a) A residential environment with a high level of amenity
- (b) Retention of the natural character of the coastal environment
- (c) Maintenance of the quality of the District's ground and coastal water quality
- (d) Residential development which preserves privacy, avoids overshadowing and maintains the spacious character of existing residential areas
- (e) A residential environment in which noise does not adversely affect people
- (f) Residential development which is not prone to inundation or instability concerns
- (g) The safe and efficient movement of vehicles and pedestrians within the District's residential areas.

9. **Business Zone**

9.1.1. The Business zone accommodates the main areas of commerce and retail activities in the District. The largest of these areas is at Te Kuiti. These areas are generally somewhat less sensitive to environmental effects than others. Therefore there are few limitations on the range of activities permitted in this zone. Business owners are able to make their own decisions as to how to establish and operate their businesses.

9.2. **Resource Management Issues**

9.2.1. Where commercial and light industrial activities are adjacent to residential or rural activities there is the potential for adverse effects such as noise, dust, smoke and odour, and loss of residential or rural amenity to occur.

9.2.2. Traffic volumes generated by commercial and light industrial uses may adversely affect main traffic routes.

9.2.3. Townships have a high level of amenity because of their low density of development, and their largely residential character. This amenity may be adversely affected by light industrial or commercial uses due to increased noise levels, adverse visual effects and the discharge of dust and other emissions to air.

9.2.4. The safety and convenience of pedestrians using main commercial areas in towns.

9.3 **Objectives**

9.3.1 To ensure that development in business areas avoids, remedies or mitigates environmental effects on the level of visual amenity presently enjoyed by adjacent rural or residential areas. *Issue 9.2.1*

9.3.2 To avoid, remedy or mitigate adverse effects, such as traffic noise, pedestrian safety, conflicting traffic patterns, and the premature upgrading of infrastructure, by designing, providing and maintaining roads and other infrastructure in a manner that is complementary to business activity. *Issue 9.2.2*

9.3.3 To maintain or enhance the level of amenity within the business sectors of the District's urban centres by avoiding, remedying or mitigating adverse effects associated with increased noise, or dust, smoke and odour into air. *Issue 9.2.3*

9.3.4 To ensure that the emission of noise from business activities does not adversely impact on residential or rural activities where the Business Zone is adjacent to residential or rural areas. *Issue 9.2.1*

9.3.5 To ensure the safety and efficiency of traffic using business areas and for through traffic and to ensure the safety of pedestrians. *Issues 9.2.2, 9.2.4*

9.3.6 To recognise the contribution of heritage values to the character and appearance of existing business areas. To recognise the contribution of heritage values to the character and appearance of existing business areas. *Issues 9.2.1, 9.2.3*

9.4 **Policies**

9.4.1 To encourage business activities to be designed so as to ensure that adverse effects, such as reductions in pedestrian safety, conflicting traffic patterns and the over burdening of infrastructure is avoided, remedied or mitigated. *Objectives 9.3.1, 9.3.2, 9.3.3, 9.3.5*

9.4.2 To encourage the use of land within business areas in a manner which mitigates any adverse effects on the visual amenity, overshadowing, noise effects, and effects on air quality from dust, smoke and odour for adjacent residential and rural properties. *Objective 9.3.4*

9.4.3 To ensure that development provides its own servicing infrastructure or meets the cost of any required infrastructure upgrading. *Objective 9.3.2*

9.4.4 To ensure that development avoids, remedies or mitigates any adverse effects on heritage values within the existing business areas. *Objective 9.3.6*

9.5 Rules

9.5.1 Activity Classifications

9.5.1.1 *Permitted Activities*

- (a) Any activity which complies with the conditions for Permitted Activities set out in Rules 9.5.2 and 9.5.3.
- (b) A fire station on Sec 14 Blk VIII Te Kuiti Maori Township (Te Kuiti Fire Station) which complies with the conditions for Permitted Activities set out in Rules 9.5.2 and 9.5.3.1.

9.5.1.2 *Restricted Discretionary Activities*

Any activity that does not comply with one or two of the Conditions for Permitted Activities in Rules 9.5.2 and 9.5.3. Discretion is restricted to the subject matter of the Condition that is not complied with.

9.5.1.3 *Discretionary Activities*

Any activity that does not comply with three or more of the Conditions for Permitted Activities set out in Rules 9.5.2 and 9.5.3.

9.5.2 General Provisions

The General Provisions below must also be complied with for the proposal to be a permitted activity:

- 16 Roads and Vehicle Access
- 17 Hazardous Substances
- 18 Air Quality
- 19 Signs
- 20 Noise
- 21 Heritage Resources
- 24 Landscaping
- 25 Financial and Reserves Contributions
- 26 Subdivision
- 27 Natural Hazards

9.5.3 Conditions for Permitted Activities

9.5.3.1 *Buildings*

- (a) Front Yard: Nil
- (b) Side Yard: Nil, unless adjacent to a property zoned Residential or Rural where the minimum yard shall be 5 metres. *Policy 9.4.2*
- (c) Rear Yard: Nil, unless adjacent to a property zoned Residential or Rural where the minimum yard shall be 5 metres. *Policy 9.4.2*
- (d) Height in Relation to Boundary: No building shall exceed 3 metres plus 1 metre for every metre the structure is from any site boundary adjoining land zoned Residential or Rural. *Policy 9.4.2*
- (e) Maximum Height: 12 metres. *Policy 9.4.2*

9.5.3.2 *Drainage/Effluent Fields*

- (a) Where septic tanks are proposed they must be accommodated within an area no smaller than 2500m² which is wholly contained within the site. *Policy 9.4.3*
- (b) Where available all developments shall be connected to Council stormwater and sewage disposal systems. *Policy 9.4.3*

9.5.4 Assessment Criteria for Discretionary Activities

9.5.4.1 The relevant Objectives and Policies of the Business Zone and, where applicable, the Objectives and Policies of the General Provisions where a condition is contravened.

9.5.4.2 The anticipated adverse effects resulting from the area of non-compliance and its impact on the following matters:

- (a) the level of privacy and or daylighting enjoyed within adjacent residential areas
- (b) the existing amenity of the areas (including visual, air quality and noise)
- (c) the safe and efficient movement of traffic on the District's main transport routes
- (d) the existing infrastructure
- (e) the historic or visual character of existing business areas.

9.6 Anticipated Environmental Outcomes

- (a) Maintenance and enhancement of existing levels of amenity and heritage values within the business area, and within rural and residential areas adjacent to business or industrial areas.
- (b) The safe and efficient movements of pedestrians and vehicles within commercial and industrial areas.
- (c) The protection of the District's significant transportation routes and other infrastructure.
- (d) The preservation of the quality of the District's soil, air and water resources.

10. Industrial Zone

10.1 Introduction

10.1.1 There are a range of different types of industries throughout the Waitomo District. Many of them are established in rural areas and are dealt with in the Rural zone provisions. However there are areas of industrial activity in Te Kuiti and Piopio which have been zoned Industrial. In these areas there is no need for many controls on the nature of activities but there are controls on their environmental effects, so as to provide protection to neighbours.

10.2 Resource Management Issues

10.2.1 Some industries may adversely affect the quality of air, water and soil through the emissions of pollutants into the atmosphere or through the discharge of wastes into water and/or land.

10.2.2 Industry typically requires an extensive network of infrastructure to meet their servicing requirements, especially in regard to the treatment and disposal of wastes. These requirements may place significant stress on existing services to the extent that they no longer operate effectively, and increase the risk of malfunction and pollution.

10.2.3 The appearance of some industrial activities may degrade the visual amenity of an area. In some instances industrial facilities are difficult to effectively screen or design so as to be visually attractive.

10.2.4 Industrial areas may adversely affect the level of amenity enjoyed by adjacent residential activities or commercial facilities especially in regard to the emission of noise, glare from security lighting and appearance.

10.2.5 Some industrial development in Te Kuiti is on land that is subject to nuisance flooding or instability.

10.2.6 Heavy vehicles associated with industrial uses may adversely affect the operation of the District's major transportation routes by reducing pedestrian safety, creating conflict with other vehicle movements and leading to additional maintenance requirements on roads.

10.2.7 Residential uses within industrial zones may hinder the development and operation of existing industrial activities because of expectations as to amenity levels for people living in these areas.

10.3 Objectives

10.3.1 To ensure that industrial activities are located, designed and managed so as to avoid, remedy or mitigate any potential or adverse effects on the air, water and soil resources of the District, including adverse effects associated with the discharge of wastes associated with industry. *Issue 10.2.1*

10.3.2 To ensure that new industrial developments are serviced in a manner that avoids, remedies or mitigates any effects on the operation or capacity of existing infrastructure. *Issue 10.2.2*

10.3.3 To ensure that industrial activities are designed and operated so as to avoid, remedy or mitigate significant adverse effects on the amenity of nearby residential, rural and business zones. *Issues 10.2.3, 10.2.4*

10.3.4 To ensure that industrial development within or on the fringes of Te Kuiti is designed so as to avoid, remedy or mitigate problems associated with land instability and nuisance flooding. *Issue 10.2.5*

10.3.5 To avoid, remedy or mitigate adverse traffic effects by ensuring that heavy traffic from industrial activities does not create traffic conflicts and reductions in pedestrian safety. *Issue 10.2.5*

10.3.6 To ensure that industrial activities are not adversely affected by the location of non-industrial activities. *Issue 10.2.6*

10.4 Policies

- 10.4.1 The location, design and management of activities within industrial areas should mitigate any significant adverse effects on air quality, or on ground or surface water. *Objective 10.3.1*
- 10.4.2 Where practicable industrial uses should be connected to bulk reticulated services or be self-contained in terms of services when that is not practicable. *Objective 10.3.2*
- 10.4.3 The connection of new industrial developments to existing bulk services should avoid, remedy or mitigate adverse effects on existing infrastructure by meeting any costs of extending or maintaining that infrastructure. *Objective 10.3.2*
- 10.4.4 The design, construction and operation of uses within industrial areas should mitigate any adverse effects upon the visual amenity of nearby Residential, Rural and Business zones. *Objective 10.3.3*
- 10.4.5 Industrial activities should not be sited on land subject to instability or nuisance flooding unless measures can be implemented to reduce the risk of those hazards to an acceptable level. *Objective 10.3.4*
- 10.4.6 Industrial activities should be designed and operated so as to minimise traffic conflicts with other vehicles or with pedestrians. *Objective 10.3.4*
- 10.4.7 Non-industrial activities that are sensitive to the effects of industry should not be located where they could potentially limit the operations of established or approved industrial activities. *Objective 10.3.5*

10.5 Rules

10.5.1 Activity Classifications

10.5.1.1 **Permitted Activities**

Any activity which complies with the Conditions for Permitted Activities set out in Rules 10.5.2 and 10.5.3, except for the activities set out in Rule 10.5.1.2.

10.5.1.2 **Restricted Discretionary Activities**

Any activity that does not comply with one or two of the Conditions for Permitted Activities in Rules 10.5.2 and 10.5.3. Discretion is restricted to the subject matter of the Condition that is not complied with.

10.5.1.3 **Discretionary Activities**

Any activity that does not comply with three or more of the conditions for Permitted Activities set out in Section 10.5.2 and 10.5.3, and Residential Accommodation, Travellers Accommodation, Hospitals and Educational Establishments.

10.5.2 General Provisions

The General Provisions below must also be met for the proposal to be considered a permitted activity.

- 16 Roads and Vehicle Access
- 17 Hazardous Substances
- 18 Air Quality
- 19 Signs
- 20 Noise
- 21 Heritage Resources
- 24 Landscaping
- 25 Financial and Reserves Contributions
- 26 Subdivisions
- 27 Natural Hazards

10.5.3 Conditions for Permitted Activities

10.5.3.1 **Buildings**

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| (a) | Front Yard: | 5 metres minimum, except that this rule shall not apply to service station signage and canopies. | <i>Policy 10.4.4</i> |
| (b) | Side Yard: | Nil, unless adjacent to a property zoned Residential, Rural or Business, where the minimum yard shall be 5 metres. | <i>Policy 10.4.4</i> |
| (c) | Rear Yard: | Nil, unless adjacent to a property zoned Residential, Rural or Business, where the minimum yard shall be 10 metres. | <i>Policy 10.4.4</i> |
| (d) | Height in relation to Boundary: | No part of any building shall exceed 3m plus 1m for every metre the structure is from any site boundary adjoining land zoned Residential, Rural or Business. | <i>Policy 10.4.4</i> |
| (e) | Maximum Height: | 12 metres | <i>Policy 10.4.5</i> |

10.5.3.2 **Drainage, and Effluent Disposal**

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| (a) | Effluent disposal areas shall not be located within areas which are subject to inundation. | <i>Policy 10.4.5</i> |
| (b) | All developments shall be connected to bulk stormwater and sewage disposal systems where they are available. | <i>Policy 10.4.2</i> |

10.5.3.3 **Flooding/Instability**

See Rule 27.5.2 *Policy 10.4.5*

10.5.4 Assessment Criteria for Discretionary Activities

10.5.4.1 The relevant Objectives and Policies of the Industrial Zone and, the Objectives and Policies of the General Provisions where a condition is contravened.

10.5.4.2 The anticipated adverse effects resulting from the area of non-compliance and its impact on the following matters:

- (a) the level of privacy and/or daylighting enjoyed within adjacent residential areas
- (b) the quality of coastal or ground waters
- (c) the existing amenity of the areas (both visual and noise)
- (d) the safety and efficiency of District's main transport routes
- (e) the existing infrastructure
- (f) the quality of the soil and air, and health and safety of people and communities

10.6 **Anticipated Environmental Outcomes**

- (a) A high standard of air, water and soil quality
- (b) An infrastructure of suitable scale and capacity servicing industrial facilities.
- (c) A high standard of visual amenity within Industrial Areas, and adjacent areas.
- (d) A coastal environment with largely undisturbed natural character and where the integrity of coastal processes and significant ecosystems are still intact.
- (e) Industrial development which is not subject to flooding or stability concerns.
- (f) Transportation infrastructure which operates safely and efficiently and is not adversely affected by heavy vehicles associated with industrial uses.
- (g) Non-industrial activities that minimise adverse environmental effects on the industrial areas and avoid or mitigate adverse affects on industrial activities on themselves.

11. Rural Zone

11.1 Introduction

11.1.1 The natural rural resources form the basis of most development in the Waitomo District. They comprise the interrelated elements of geology, soils, topography, drainage, climate and vegetation. Social, economic and cultural factors are then superimposed on these natural physical factors. They include settlement patterns, transport networks, technology and economic factors.

11.1.2 The rural areas of the District support a wide range of activities including farming, forestry, tourism and recreation. These activities have positive social and economic effects for the District and are important to the regional and national economy. The Rural Zone is a productive working environment. There is a need to weigh the positive effects of rural productive activities against the environmental controls required, and to consider issues of reverse sensitivity related to new residential or other sensitive forms of development. "Reverse sensitivity" refers to situations where new activities moving into an area are more sensitive to the effects of existing established activities, hence creating a conflict. This can lead to the new activities attempting to reduce the effects of existing activities. The Council wishes to see rural productive activities continue and recognises that in most cases the activities can be carried out with minor effects on others and on the environment. The relatively sparse development of some rural parts of the District helps to reduce conflicts between activities. There is also a standalone section called the Special Industrial Activities section that applies to specified sites containing existing industrial activities in the Rural Zone. Rural Zone activities are provided for on these scheduled sites to the extent set out in Section 13.

11.1.3 Therefore generally the rural area is an area where rural activities do not need to be controlled by the Council, subject to them being sustainably managed and to there being no significant adverse effects on the environment. Large scale forestry is considered to be a particularly sustainable land use on lands of steep slope and poor soils where erosion risk and degradation of water quality are particular issues. Exceptions to this approach arise where there is particular pressure for use of significant areas, such as tourism at Waitomo Caves and Mokau, or where particularly sensitive environmental areas are involved. These include important karst and the cave systems therein. In many cases the sensitive natural areas (such as areas of significant indigenous vegetation) are in public ownership and have been included in the Conservation zone. However an overlay policy area (the Landscape Policy Area) is included in the Waitomo Caves and Mokau areas to manage the potential environmental effects and conflict arising from intensive tourist use. In this Policy Area additional rules apply (see Section 12 of the Plan).

11.1.4 The karst landscape and associated caves are a special feature of the Waitomo District. The effects of land development and other human activities on cave systems is somewhat uncertain and is the subject of continuing scientific study. However there is sufficient concern about some forms of development such as quarrying or large scale land disturbance to mean that some rules are needed to ensure that effects on karst and the associated cave systems are considered. Some of the cave systems are of national or international significance and would be outstanding natural features in terms of the Resource Management Act.

11.1.5 In an international paper entitled "Karst Terrains: Environmental Changes and Human Impact", Huppert, Burri, Forti and Cigna discuss cave environments and tourist impacts. They discuss energy levels in caves:

- High energy caves, those which experience high energy events on a regular basis. An example would be those caves that undergo periodic flooding.
- In moderate energy caves the most significant forces may be running water, persistent wind, or even the activities of animals.
- In low energy caves the highest energy may be a falling drop of water.

11.1.5.1 According to this classification, high energy passages will be minimally affected by tourist activities because such passages will be rearranged by rockfall or flooding within a year. In moderate energy passages, which often have the most abundant display of speleothems, the presence of visitors may have more lasting effect. A visit to a low energy cave may have more serious implications because in a very short time interval more energy could be released than the cave had experienced in perhaps a thousand years. The change caused by a group of tourists may be profound and the speleothems quickly destroyed.

11.1.5.2 Speleothem is a collective term for stalactites (a limestone "icicle"), stalagmites, flowstones and other types of cave decoration. They generally form over geologic time out of groundwater slowly trickling into and through caves. Some less common speleothems include delicate gypsum flowers,

twisting helictites, nests of cave pearls and selenite needles.

- 11.1.6 The Department of Conservation at the request of Council has produced a schedule of significant karst features in the Waitomo District. It is included as Appendix 6 to this Plan. The information used is the best available to date, but it is being regularly updated and refined. Where significant changes to the schedule occur a plan change will be initiated. The schedule ranks the features from A - E. Category A is international significance, Category B is national significance, Category C is regional significance, Category D is high significance and Category E is local significance. These features have been shown on the planning maps, and together with the schedule, will be referred to when assessing land use consents that could affect them. There are numerous other caves within the District which fall below this ranking system and therefore are not directly recognised within this zone.

Note: The proposed Waikato Regional Plan contains specific provisions in regards to earthworks, cleanfilling, overburden disposal and river and lake bed structures in karst systems and should be referred to before undertaking any works near or in any karst system, whether or not specifically identified in this Plan.

- 11.1.7 Section 6(c) of the Act requires that areas of significant indigenous vegetation and significant habits of indigenous fauna be protected. Many such areas in the Waitomo District are already protected by virtue of other statutes or covenants under, for example, the Conservation Act or the Queen Elizabeth II National Trust. However there is no suitable comprehensive District wide information available which would enable Council to identify and map areas of significant indigenous vegetation. Therefore the Rules in this Plan, being Discretionary Activity Rule 11.5.4.5 which requires resource consent to clear indigenous vegetation, and Assessment Criteria in Rule 11.6.3, create a process whereby significance can be assessed on a case by case basis. Appropriate protection measures can then be developed where significant indigenous vegetation is identified.

- 11.1.8 The Proposed Regional Plan contains rules controlling all aspects of water quality. In order to avoid duplication and inappropriate overlap of functions the District Plan does not contain specific rules relating to water quality. However to fulfil the District Council's obligations in relation to the effects of land use on water quality this District Plan includes controls on the location of various activities, including the implementation of zones and a policy area and the inclusion of separation distances in the Rural Zone. The objectives and policies in this section of the Plan are intended to provide guidance to the consent authority when it is considering an application for a discharge permit, a land use consent or a subdivision consent, that has potential effects on water quality. The District Council may impose conditions on any such consent it has jurisdiction over, to ensure the objectives and policies of this section of the Plan are achieved.

- 11.1.9 However the overall approach in the Rural zone is to minimise controls on rural activities so there are no unnecessary barriers to productive land use, while ensuring that the rural environment is protected from the significant adverse effects of activities.

11.2 Resource Management Issues

- 11.2.1 The use and development of natural resources in the Rural Zone, and the positive benefits of rural production, allows people to provide for their own economic and social well-being, and contributes to the well-being of the District at large.

- 11.2.2 The Rural Zone is a productive working environment. New activities moving in to the Rural Zone may be sensitive to the effects of established activities within this working environment, creating a conflict. The situation is often referred to as "reverse sensitivity".

- 11.2.3 Earthworks and vegetation clearance and other forms of land development (including farming and forestry development, down slope cultivation, tracking, roading construction and maintenance), if inadequately managed, may increase the risk of erosion and thus increase the risk of adverse effects on water quality and the degradation of eco-systems and habitats.

- 11.2.4 Earthworks, vegetation clearance and land development for rural activities may damage or destroy sites of archaeological, historical and cultural significance.

- 11.2.5 Indigenous forests are an integral part of the rural environment. The clearance of significant tracts of indigenous vegetation may result in the loss of important habitats for native species, increased erosion and adverse effects on water quality, and loss of amenity values.

- 11.2.6 Afforestation, if appropriately managed, may assist in the stabilisation of land, reduce run off and

erosion hazard and improve water quality.

- 11.2.7 Cave systems contain features that can may be sensitive to changes in the flows of air, water, sediment and energy through the cave. Land disturbance, such as earthworks and vegetation clearance (especially around cave entrances) may disrupt these processes. Direct physical damage or destruction to features may also arise from external land disturbance or from internal works within caves.
- 11.2.8 The intensive farming of animals (usually within buildings) may create adverse effects such as odour, dust emissions, noise and effects on water quality from effluent disposal.
- 11.2.9 Effluent associated with the agricultural use of land may degrade water courses and ground or coastal water, including significant estuaries.
- 11.2.10 Heavy vehicles typically associated with rural land uses such as forestry, extractive industry, dairying and other stock and product movements, may adversely affect the safe and efficient operation of roads through the damage caused to the road surface and conflicting traffic patterns between through traffic and turning vehicles.
- 11.2.11 Extractive industry may adversely affect the amenity of rural areas through the discharge of stormwater, dust emissions and noise and visual effects, and may have adverse effects on habitat values.
- 11.2.12 Effluent discharge associated with residential use of rural land may degrade ground water and watercourses, and significant estuaries.
- 11.2.13 Concentrated residential development may adversely affect the visual character of the rural environment and the natural character of the coastal environment.
- 11.2.14 Public access to and protection of riparian margins of significant water bodies and the coast may be hindered by residential development in rural areas.
- 11.2.15 The establishment, management and retention of vegetative cover of riparian margins has benefits for soil conservation, water quality, natural character and habitat for indigenous flora and fauna.
- 11.2.16 Forestry may have adverse effects in terms of loss of sunlight and daylight to neighbouring properties, and may cause icing on roads.
- 11.2.17 New or expanded activities in the rural area may have adverse effects on existing physical resources (including roads and reticulated services) that are required to be sustainably managed.
- 11.2.18 Buildings close to boundaries, and large non-farm buildings, may have adverse effects on sunlighting, privacy, landscape and rural amenity.
- 11.2.19 Farming of species with known pest potential may result in adverse effects on indigenous flora and fauna if not adequately controlled.

11.3 Objectives

- 11.3.1 To promote the Rural Zone as a productive working environment where the use and development of its natural resources, consistent with meeting environmental safeguards, is encouraged. *Issues*
11.2.1, 11.2.2
- 11.3.2 To ensure that significant cave systems and other karst features are protected from adverse effects. *Issues*
11.2.3, 11.2.7
- 11.3.3 To ensure that significant archaeological, historical and cultural features are protected from adverse effects arising from the removal of vegetation, or other development of land. See also Section 21, Heritage Resources. *Issues*
11.2.4
- 11.3.4 To protect areas of significant indigenous vegetation and significant habitat of indigenous fauna. *Issues*
11.2.5, 11.2.19
- 11.3.5 To ensure that rural development and land use does not give rise to increased erosion and thus degradation of water quality. *Issues*
11.2.6, 11.2.7

11.3.6	To ensure that the discharge of effluent from activities in the Rural Zone does not adversely affect the quality of ground or coastal waters, or water courses, and that the discharge of odour, smoke and dust to air does not detract from the amenity of the locality.	<i>Issues</i> 11.2.8, 11.2.9, 11.2.12, 11.2.15
11.3.7	To promote efficient and effective management of the District's physical resources of roading, land drainage, and bulk services.	<i>Issues</i> 11.2.10, 11.2.16, 11.2.17
11.3.8	To promote use of rural land in a manner which encourages maintenance and enhancement of amenity values of the rural environment, protects outstanding natural features and landscapes from inappropriate use and development, and preserves the natural character of the coastal environment, wetlands, lakes and rivers, and their margins.	<i>Issues</i> 11.2.11, 11.2.14, 11.2.15, 11.2.16, 11.2.18, 11.2.19
11.3.9	To encourage maintenance and enhancement of rural visual character.	<i>Issues</i> 11.2.13, 11.2.18
11.3.10	To encourage the retention of indigenous vegetation, or establishment and management of suitable woody species, along the margins of streams, lakes, rivers and estuaries in the rural area to aid bank stability, protect water quality and enhance aquatic ecosystems.	<i>Issues</i> 11.2.9, 11.2.15
11.3.11	To ensure that rural activities and lawfully established industrial activities in the rural area are not adversely affected by the location of new activities with expectations of high amenity values.	<i>Issue</i> 11.2.17
11.3.12	To ensure the adverse effects of rural buildings situated close to boundaries, and large non-farm buildings, are avoided, remedied or mitigated.	<i>Issue</i> 11.2.18
11.4	Policies	
11.4.1	To ensure the Rural Zone functions as a productive working environment where the use and development of its natural resources, consistent with meeting environmental safeguards, is encouraged.	<i>Objective</i> 11.3.1
11.4.2	To avoid, remedy or mitigate any adverse effects of vegetation clearance, extractive industry, earthworks, tourism developments, or other rural activities on karst and cave systems therein, with the approach dependent on the significance and sensitivity of the particular cave or karst features.	<i>Objective</i> 11.3.2
11.4.3	To avoid, remedy or mitigate the adverse effects of rural development on sites, areas or landscapes of significance in terms of their contribution to amenity or their archaeological, historical, cultural or ecological importance.	<i>Objective</i> 11.3.3
11.4.4	To avoid, remedy or mitigate any effects of the use or development of rural land that gives rise to erosion which adversely affects water quality.	<i>Objective</i> 11.3.5, 11.3.10
11.4.5	To avoid, remedy or mitigate the adverse environmental effects of removal of indigenous vegetation from the margins of streams, rivers, lakes and the sea.	<i>Objective</i> 11.3.8, 11.3.10
11.4.6	To promote voluntary preservation of indigenous vegetation, including that along riparian margins.	<i>Objective</i> 11.3.10
11.4.7	To avoid, remedy or mitigate the adverse effects of disposal of effluent, such as contamination of groundwater and water courses, from all uses of land and water, and to ensure that appropriate and adequate services or processes are in place or are adopted.	<i>Objective</i> 11.3.6
11.4.8	To avoid rural developments which rely upon the use of on-site drainage fields located in areas subject to inundation.	<i>Objective</i> 11.3.6, 11.3.8
11.4.9	To ensure that new lots created in rural areas are a sufficient size to be capable of meeting the requirements of the Regional Councils in respect of disposal of wastes.	<i>Objective</i> 11.3.6, 11.3.8
11.4.10	To avoid, remedy or mitigate the adverse effects of removal of areas of significant indigenous vegetation and significant habitat of indigenous fauna.	<i>Objective</i> 11.3.4, 11.3.8, 11.3.10

11.4.11	To avoid, remedy or mitigate the visual and landscape effects of damage or destruction of outstanding landscape features such as limestone bluffs, other karst features, or indigenous vegetation which contribute to the amenity of the area.	<i>Objectives</i> 11.3.2, 11.3.8, 11.3.9
11.4.12	To ensure that all rural activities, including extractive industries, are established and operated so as to avoid, remedy or mitigate adverse effects on amenity or on neighbours, or on significant karst features.	<i>Objectives</i> 11.3.2, 11.3.8, 11.3.9, 11.3.12
11.4.13	To encourage mitigation of the adverse effects of all rural activities, including afforestation and forestry clearance, on adjacent sites. Particularly that mitigation should occur in areas that are visually sensitive, including areas with significant tourist resources, areas of high landscape quality and in the coastal environment.	<i>Objectives</i> 11.3.2, 11.3.8, 11.3.9
11.4.14	To ensure that uses of rural land within the coastal environment avoid, remedy or mitigate adverse effects on the amenity of this area, particularly the existing level of natural character.	<i>Objectives</i> 11.3.8, 11.3.10
11.4.15	To encourage development in areas that are, or are scheduled to be, served by adequate roading and reticulated services, or are self contained for water supply and effluent disposal. Where services are not available or scheduled to serve any new development, the cost of avoiding, mitigating or remedying any adverse environmental effects on infrastructure should be met by the new development. In assessing costs of the adverse effects on infrastructure of a new development, any existing infrastructural deficiencies must first be recognised, and any costs of remedying deficiencies should not fall only on the new user.	<i>Objectives</i> 11.3.7
11.4.16	To discourage activities that are sensitive to the effects of rural or rural/industrial activities from locating where they could potentially conflict with the operation of lawfully established rural and rural/industrial activities.	<i>Objectives</i> 11.3.11
11.4.17	To avoid, remedy or mitigate the adverse effects of rural buildings situated close to boundaries, and large non-farm buildings, on sunlighting, privacy, landscaping and amenity.	<i>Objectives</i> 11.3.12

11.5 Rules

11.5.1 Activity Classification

11.5.1.1 **Permitted Activities**

Any activity that complies with the Conditions for Permitted Activities set out in Rules 11.5.3 and 11.5.4, subject to Rule 11.5.2 and the provisions of Section 12, Landscape Policy Area.

11.5.1.2 **Restricted Discretionary Activities**

Any activity that does not comply with one or two of the Conditions for Permitted Activities in Rule 11.5.3 and 11.5.4. Discretion is restricted to the subject matter of the Condition that is not complied with. This rule does not apply to Rule 11.5.2.1 and 11.5.2.2.

11.5.1.3 **Discretionary Activities**

Any activity described as a Discretionary Activity in Rule 11.5.2, and any activity that does not comply with three or more of the Conditions for Permitted Activities set out in Rule 11.5.4. See also Rule 11.5.4.5 for Discretionary Activity rules relating to clearance of indigenous vegetation.

11.5.1.4 **Non-Complying Activities**

Any activity identified as a non-complying activity in Rule 11.5.2 or 11.5.3.

11.5.2 Karst Systems

11.5.2.1 For any land overlying features described in Appendix 6 (and indicated on the Planning Maps as karst overlay) then notwithstanding Rules 11.5.1.1, 11.5.1.2 and 11.5.4.6 all extractive industries are:

- (a) a discretionary activity for cave systems in categories C to E.
- (b) a non-complying activity for cave systems in categories A and B.

11.5.2.2 For any land overlying features described in Appendix 6 (and indicated on the Planning Maps as karst overlay) then notwithstanding Rules 11.5.1.1, 11.5.1.2 and 11.5.4.5 (a) – (f) clearance of more than 0.5 of a hectare of indigenous vegetation in any one calendar year shall be a non-complying activity for cave systems in categories A, B.

Note: See Rule 11.5.4.5 and Assessment Criteria 11.6.3 for methods of assessment of indigenous vegetation.

11.5.2.3 For any land overlying features described in Appendix 6 (and indicated on the Planning Maps as karst overlay), then notwithstanding Rule 11.5.2.2 and Rule 11.5.4.5 (a) – (f), any clearance of vegetation or earthworks or fill placement within 50m upslope of an entry or opening into any cave or associated karst formation is a Restricted Discretionary Activity.

11.5.2.4 For any land overlying features described in Appendix 6 (and indicated on the Planning Maps as karst overlay), establishment of structures in, artificial entrances to, or other modification that causes loss of cave features, or change to cave processes, shall be a Restricted Discretionary Activity.

Note 1: The proposed Waikato Regional Plan (September 1998) contains specific provisions in regards to earthworks, cleanfilling, overburden disposal and river and lake bed structures in karst systems and should be referred to before undertaking any works near or in any karst system, whether or not specifically identified in this Plan.

Note 2: Karst features shown on the Planning Maps are an indicative position of the caves identified in Appendix 6. Determination of the need for a resource consent will be based on the information in Appendix 6 in conjunction with the information on the Planning Maps.

11.5.3 General Provisions

The General Provisions below must also be complied with for the proposal to be a permitted activity.

- 16 Roads and Vehicle Access
- 17 Hazardous Substances
- 18 Air Quality
- 19 Signs
- 20 Noise
- 21 Heritage Resources
- 24 Landscaping
- 25 Financial Contributions and Esplanade Reserves
- 26 Subdivision
- 27 Natural Hazards

Note: The diversion of any stream, the taking or discharge of water and the establishment of any in stream structure may require consent from the Regional Council.

11.5.4 Conditions for Permitted Activities

11.5.4.1 **Buildings**

*Policies 11.4.12,
11.4.17*

- (a) Front Yard: 10 metres minimum
- (b) Side Yard: 10 metres minimum
- (c) Rear Yard: 10 metres minimum
- (d) Height in relation to boundary: 3 metres plus 1 metre for every metre from the boundary to the structure.
- (e) Maximum Height: 10 metres
- (f) Maximum building area: 200m², except for dwellings and buildings for farming and forestry activities where no limit applies.

Note: The New Zealand Electrical Code of Practice of Electrical Safety Distances (NZ ECP : 34 1993) should be considered when selecting a building site.

11.5.4.2 **Forestry**

Forestry planting shall not be undertaken:

- (a) Within 30 metres of any existing dwelling, school building, church building,

- marae building or land zoned Residential; or
- (b) Within 10 metres of any boundary of an adjoining site; or
 - (c) Within any position that will cause or prolong icing of the pavement of any road through shading effects;

*Policies 11.4.12,
11.4.13*

unless the written consent of the adjoining owner and occupier is first obtained.

Rules 11.5.4.2(a) to (c) do not apply to planting of deciduous trees of any height, or other species not exceeding a mature height of 6 metres.

11.5.4.3 **Scale of Activity**

*Policies 11.4.1, 11.4.7,
11.4.12*

- (a) The number of persons employed on-site at any one time shall not exceed 5 persons, except that this rule does not apply to farming, or forestry, or extractive industry, or emergency service activities.
- (b) Maximum number of persons accommodated in residential institution, tourist accommodation or otherwise as paying guests or clients: 10.
- (c) All rural activities under this Rule shall be self contained for the disposal of rubbish, industrial waste and effluent, or shall be capable of connection to established reticulation or services.

11.5.4.4 **Drainage and Effluent Fields**

Policies 11.4.8

Effluent and drainage systems shall not be located within areas which are subject to inundation.

11.5.4.5 **Indigenous Vegetation**

*Policies 11.4.1,
11.4.5,
11.4.10,
11.4.13*

Within the Rural Zone the removal or clearance of indigenous vegetation, or indigenous wetland vegetation, shall be a Discretionary Activity subject to assessment for significance under Assessment Criteria 11.6.3.

This Rule does not apply to the following forms of clearance or removal of indigenous vegetation which shall be Permitted Activities:

- (a) The harvesting of indigenous vegetation under a sustainable forest management plan that has been approved under s67(f) of the Forests Amendment Act 1993.
- (b) The trimming of indigenous vegetation for the purposes of maintaining security of supply of overhead services.
- (c) Any impacts on the understorey of plantation forests as a result of harvesting those forests.
- (d) Indigenous vegetation affected by normal maintenance of existing productive pasture and productive forests, and maintenance of existing tracks and fences, provided that on the banks of any water body bank stability is maintained and vegetation is retained as far as practicable.
- (e) Establishment of new tracks and fences through indigenous vegetation where the clearance of indigenous vegetation is no more than 10 metres in width and the track or fence line is constructed to farming best practice, provided that the indigenous vegetation to be cleared lies more than 10 metres from any water body.
- (f) Clearance of indigenous vegetation whose area to be cleared does not contain significant indigenous vegetation or habitat (refer to Assessment Criteria 11.6.3).

Note 1: The Waikato Regional Plan contains Rules relating to the clearance of vegetation in 'high risk erosion areas', and adjacent to watercourses, and Rules relating to tracking and earthworks. Resource consents may be required from the Waikato Regional Council for these activities.

Note 2: Clearance of indigenous vegetation in the Landscape Policy Area of the Rural Zone is the subject of specific provisions in Rule 12.5.1.4.

Note 3: For the purposes of Rule 11.5.4.5(f) refer to Methods and Incentives 11.7.1.

11.5.4.6 **Earthworks and Extractive Industries**

*Policies 11.4.1,
11.4.2,
11.4.4,
11.4.5,
11.4.11,
11.4.12*

Earthworks, farm quarries and extractive industries may occur on any site provided that:

- (a) The activity, including placement of overburden, is no closer than 10 metres from any stream or water body, or the boundary of the Coastal Marine Area, except that this Rule does not apply to stream crossings or culverts.

Note: Stream crossings and culverts may be subject to consent from the Regional Council.

- (b) The site is self contained, or can be made self contained, for the entrapment of any contaminants, including silt and dust.
- (c) The land disturbance or overburden placement does not threaten the stability or integrity of any adjoining property.
- (d) The activity does not breach Rule 11.5.2, Karst Systems, Rule 11.5.3, General Provisions, and Conditions for Permitted Activities in Rules 11.5.4.1 to 11.5.4.5.
- (e) No more than 2,000m³ of soils, minerals, and overburden are moved or removed in any one calendar year.
- (f) Extractive industries shall not operate beyond the hours of operation set out below if they are located within 100m of any existing dwelling (as at 1 June 1999) on any site other than the site on which the extractive industry is located.

Mondays to Saturday: 8.00am - 6.00pm
Sundays and Public Holidays: 8.00am - 2.00pm

11.5.4.6A **Earthworks Ancillary to Forestry**

Rule 11.5.4.6(e) does not apply to earthworks ancillary to forestry.

11.5.4.7 **Intensive Farming**

*Policies 11.4.7,
11.4.12,
11.4.13,
11.4.17*

Any building used for intensive farming activities, and any permanent feedlot, shall be sited:

- (a) Not less than 150 metres from any dwelling on an adjoining site.
(b) Not less than 500 metres from any Residential Zone.
(c) Not less than 30 metres from any site boundary.

Note: The taking or discharge of water or effluent, or a discharge to air (odour), may require consent from the Regional Council.

11.5.4.8 **Wastewater Treatment Plants and Ponds**

*Policies 11.4.7,
11.4.12,
11.4.13*

Wastewater treatment plants and ponds shall be located no closer than 50m to a property boundary, and no closer than 250 metres to a dwelling on another property.

11.5.4.9 **Fencing Standards for Deer and Goat Farms**

- (a) Fencing of all deer farms shall meet the more stringent of the following standards:
- The Appendix setting out boundary fencing specifications for Non-Risk/Non-Regulated areas in the "Deer QA On Farm Quality Assurance Programme" – August 2003 – Issue No.7, Published by Deer Industry New Zealand; or
 - The Wild Animal Control Act 1977.
- (b) Fencing of all goat farms shall meet the following minimum standards:
- Bulldozed line.
 - 9 wire (kept tight at all times), constructed of high tensile 2.5mm diameter galvanized steel, the bottom wire shall be placed 80mm above ground level and above that wires

placed at the following intervals – 100, 100, 100, 110, 120, 135, 150 and 165mm. The top wire shall be approximately 50mm below the top of the post.

- No internal stays.
- Posts to be at the following spaces:
 - Less than 30o ground slope 5m
 - 30o to less than 45o 4m
 - 45o or more 3m
- Battens to be at 1m intervals.

11.6 Assessment Criteria for Discretionary Activities

11.6.1 The relevant Objectives and Policies of the Rural Zone and, if applicable, those of the “General Provisions” where standards are not met.

11.6.2 The anticipated adverse effects resulting from the activity and its impact on the following matters:

- (a) Landforms and the karst and cave network and particularly the effects on cave systems identified in Appendix 6 and the category of caves affected, and their special features.
- (b) Amenity and archaeological, historical and cultural heritage.
- (c) The integrity of areas of significant indigenous vegetation and significant habitats of indigenous fauna.
- (d) The quality of soil, water bodies, streams and rivers.
- (e) The quality of groundwater.
- (f) The safe and efficient operation of the district infrastructure and physical resources, including road.
- (g) Air quality, particularly related to dust, smoke and odour.
- (h) The noise level associated with the proposal and its effects on neighbouring properties.
- (i) The stability of the ground and its proneness to inundation.
- (j) The rehabilitation proposed and its likely end use.
- (k) The role of vegetation in riparian management.

Note 1: Riparian activities may result in adverse effects on the habitat of trout and indigenous species, including tuna (long fin and short fin eels), piharau (lamprae), inanga (whitebait), poroka (cockabully), koaro (glaxias brevipinnis), kokopu (glaxias postvectis), kaingo (tidal cockles), koura (freshwater crayfish) and kairo (freshwater mussels/pipi). The spawning habitat of trout is particularly vulnerable during the months April to August.

Note 2: The Botanical Society has information relevant to the Waitomo District. Extracts from their records are included in Appendix 10 of this Plan for information only.

Note 3: Sites of geological significance are recorded by the New Zealand Geopreservation Society. Further details of those sites can be obtained from the ‘Inventory of Important Geological Sites and Landforms in the Waikato Region’ edited by Jill A Kenny and Bruce Hayward – 1993, or from the Department of Conservation.

Note 4: Where an assessment is required under 11.6.2 and 11.6.3 applicants should discuss assessment processes with Council. Council may require applicants to furnish an assessment by a suitably experienced or qualified party.

11.6.3 Additional Assessment Criteria for Discretionary Activities for removal or clearance of indigenous vegetation.

11.6.3.1 The following criteria are to be used to identify areas of significant indigenous vegetation and significant habitats of indigenous fauna as they exist at the time the criteria are being applied:

Previously Assessed Site:

- (a) It is indigenous vegetation or habitat for indigenous fauna that has been specially set aside by statute or covenant for protection and preservation unless the site can be shown to meet none of the following Criteria (c) – (k).
- (b) It is indigenous vegetation or habitat recommended for protection by the Nature Heritage Fund or Nga Whenua Rahui committees, or the Queen Elizabeth the Second National Trust Board of Directors, unless it can be shown to meet none of the following Criteria (c) – (k).

Ecological Values:

- (c) It is vegetation or habitat that is currently habitat for indigenous species or associations of

- indigenous species that are:
- i) Threatened with extinction, or
 - ii) Endemic to the Waikato Region¹
- (d) It is indigenous vegetation or habitat type that is under-represented (10% or less of its known or likely original extent remaining) in an Ecological District, or Ecological Region, or nationally.
- (e) It is indigenous vegetation or habitat that is, and prior to human settlement was, nationally uncommon such as karst ecosystems.
- (f) It is wetland habitat for indigenous plant communities and/or indigenous fauna communities² that has not been created and subsequently maintained for or in connection with:
- i) Waste treatment; or
 - ii) Wastewater renovation; or
 - iii) Hydro electric power lakes; or
 - iv) Water storage for irrigation; or
 - v) Water supply storage;
- unless in those instances they meet the criteria in the report by Whaley KJ, Clarkson BD and Leathwick JR (1995) entitled "Assessment of the Criteria used to Determine 'Significance' of Natural Areas in Relation to Section 6(c) of the Resource Management Act 1991"³
- (g) It is an area of indigenous vegetation or naturally occurring habitat that is large relative to other examples in the Waikato Region of similar habitat types, and which contains all or almost all indigenous species typical of that habitat type⁴.
- (h) It is aquatic habitat⁵ that is a portion of a stream, river, lake, wetland, intertidal mudflat or estuary, and their margins, that is critical⁶ to the self sustainability of an indigenous species within a catchment of the Waikato Region and which contains healthy, representative populations of that species.
- (i) It is an area of indigenous vegetation or habitat that is a healthy and representative example of its type because:
- i) Its structure, composition, and ecological processes are largely intact; and
 - ii) If protected from the adverse effects of plant and animal pests and of adjacent landuse (e.g. stock, discharges, eroision), can maintain its ecological sustainability⁷ over time.
- (j) It is an area of indigenous vegetation or habitat that forms part of an ecological sequence⁸ that is either not common in the Waikato Region or an ecological district, or is an exceptional, representative example of its type.

Role in Protecting Ecologically Significant Area:

- (k) It is an area of indigenous vegetation or habitat for indigenous species (which habitat is either naturally occurring or has been established as a mitigation measure) that forms, either on its own or in combination with other similar areas, an ecological buffer, linkage or corridor and which is necessary to protect any site identified as significant under Criteria (a) – (j) from external adverse effects.

Note 1: Contact the Department of Conservation for the most recent list of nationally uncommon and threatened species. A schedule of regionally uncommon species can be obtained from the Waikato Regional Council. See also Appendix 9 for threatened plant species.

Note 2: The Waikato Regional Plan has specific requirements relating to activities affecting wetlands.

Note 3: Riparian activities may result in adverse effects on the habitat of trout and indigenous species, including tuna (long fin and short fin eels), piharau (lamprae), inanga (whitebait), poroka (cockabully), koaro (glaxias brevipinnis), kokopu (glaxias postvectis), kaingo (tidal cockles), koura (freshwater crayfish) and kairo (freshwater mussels/pipi). The spawning habitat of trout is particularly vulnerable during the months April to August. These factors should be considered under any criteria relating to bodies of water.

Note 4: Some areas of indigenous vegetation have been identified by the Department of Conservation

¹ See Section 28, Definitions, for definition of endemic to the Waikato Region.

² Does not include exotic rush/pasture communities.

³ This report is available for viewing at the Waitomo District Council offices in Te Kuiti or at the Environment Waikato offices in Hamilton.

⁴ This criterion is not intended to select the largest example only in the Waikato Region of any habitat type.

⁵ Excluding artificial water bodies, except those created for the maintenance and enhancement of Biodiversity or as mitigation for a consented activity.

⁶ Critical means essential for a specific component of the life cycle and includes breeding and spawning grounds, juvenile nursery areas, important feeding areas and migratory pathways.

⁷ See Section 28, Definitions for definition of ecological sustainability.

⁸ See Section 28, Definitions for definition of ecological sequence.

as Recommended Areas for Protection. Further details of those sites can be obtained from the Department of Conservation.

Note 5: Plant and animal pests may have adverse effects on significant indigenous vegetation and significant habitats of indigenous fauna. Pest control is the primary responsibility of the Regional Council who administer a Regional Pest Management Strategy (RPMS). However this is complemented by rules in this plan relating to fencing of deer and goat farms (see Rule 11.5.4.9). The Waikato RPMS contains information and rules in relation to the responsibilities of private land occupiers regarding the control of plant and animal pests on land that they occupy.

Note 6: Where an assessment is required under 11.6.3 applicants should discuss assessment processes with Council. Council may require applicants to furnish an assessment by a suitably experienced or qualified party. See also Method 11.7.1.

Note 7: Council will not charge any fee for the processing of a resource consent application under this rule.

11.7 Methods and Incentives

11.7.1 For the purposes of Rule 11.5.4.5(f) and on application to Council, Council will fund an ecological assessment for any area of indigenous vegetation or habitat that is proposed to be cleared up to 30 hectares in size. The purpose of this assessment is to establish whether or not the area of vegetation is significant as assessed against the criteria provided in 11.6.3. This assessment will be carried out by a suitably qualified and experienced ecologist. The assessment report shall include a scaled map and/or aerial photograph showing any areas of significant indigenous vegetation or significant habitat of indigenous fauna, and an assessment of these areas. For any proposals to clear over 30 hectares of vegetation the Council may seek a cost sharing arrangement with the applicant for any ecological assessment work.

11.7.2 Council accepts there are community benefits arising from the preservation of significant indigenous vegetation, and that responsibility and potential costs may be imposed upon the landowner. Council will address funding issues to ensure these costs are appropriately shared when developing Strategic and Annual Plans. Heritage Protection Orders provide opportunity to protect a site, and for Council to reimburse costs.

11.7.3 Where an application for land use consent or subdivision consent is received by the Council and it is considered to have implications for water quality it will be referred to the Regional Council for comment on water quality issues and to establish the degree of liaison between the Councils that is needed to process it.

11.7.4 Non regulatory methods and/or voluntary protection of significant indigenous vegetation and habitat will be encouraged to complement regulatory methods of protection. Council will encourage the voluntary preservation of indigenous vegetation along riparian margins, and the acquisition of Esplanade Reserves on subdivision. Incentives may be offered to promote voluntary preservation of appropriately protected indigenous vegetation, including that along riparian margins.

11.7.5 The Council operates a rates relief policy for privately owned lands containing appropriately protected indigenous vegetation. A full copy of the policy can be examined in Council's Policy Manual. The policy currently includes the following categories of land:

1. Land containing a minimum cover of virgin or cut-over regenerating forest of 90% of the title area or land use assessment area;

or

Land subject to the conditions described in the Second Schedule, Part I(e) or (o) of the Rating Powers Act 1988, i.e.

- i) An open space covenant under s22 of the Queen Elizabeth the Second National Trust Act 1977; or
- ii) A heritage covenant under s6 of the Historic Places Act 1993; or
- iii) A conservation covenant under s77 of the Reserves Act 1977; or
- iv) A declaration of protected land under s76 of the Reserves Act 1977; or
- v) A covenant for conservation purposes under s27 and 27A of the Conservation Act 1987; or
- vi) Maori reservation land designated for natural, historic or cultural conservation purposes under s340 of the Te Ture Whenua Act 1993 or under s439 of the Maori Affairs Act 1953. In particular s439(12)

and other Maori land that is specifically designated to the satisfaction of Council and/or gazetted for those purposes.

- vii) Other land which is specifically designated reservation for natural, historic or cultural purposes under a management agreement for conservation purposes under s38 of the Reserves Act 1977, or s29 of the Conservation Act 1987. Provided that representation has been made to Council on any management plan and Council consents to the designation.
2. Land having Heritage Order status under the Resource Management Act 1991.
 3. Land in special cases where under the District Plan Council is satisfied the preservation of particular, natural or historic or cultural features which are seen as desirable or of benefit to the district are encouraged by the granting of rates relief.

The policy provides for full remission of rates on qualifying areas of land. Council staff should be contacted to assess compliance with the policy.

11.7.6 The Council will progressively develop a database of information on indigenous vegetation areas and habitat as that information becomes available. The database will include:

- a) Sites that are under statutory protection such as open space covenants under the Queen Elizabeth II National Trust Act 1977, heritage covenants under the Historic Places Act 1993, public reserves and conservation covenants under the Reserves Act 1977, Maori reservation land under the Te Ture Whenua Act 1993, and covenants under the Conservation Act 1987.
- b) Sites covered by plans or permits granted under the Forest Act 1949.
- c) Sites volunteered for protection by landowners.
- d) Sites identified through published information and surveys.
- e) Sites protected by conditions on resource consents.
- f) Sites identified in ecological reports funded by Council pursuant to Method 11.7.1 or provided to Council in support of applications for resource consent.

This database will be made freely available.

11.8 Anticipated Environment Outcomes

- (a) A karst landscape and associated cave system maintained and protected
- (b) Retention of the district archaeological, cultural and historical resources of significant indigenous vegetation
- (c) Maintenance of significant indigenous vegetation
- (d) A reduction in erosion hazards, and associated pollution, and the safeguarding of the life supporting capacity of soils
- (e) Maintenance of the quality of ground and coastal water
- (f) A safe and efficient infrastructure network
- (g) A high level of air quality
- (b) Maintenance and enhancement of riparian margins.

12. Landscape Policy Area

12.1 Introduction

- 12.1.1 The Landscape Policy Area is an “overlay” Policy Area covering land in two parts of the District; the Waitomo Caves locality and the Mokau-Awakino coastal area. These two areas contain features and landscapes that are particularly sensitive to change. In both cases these sensitive natural features form the basis of tourism development. In the case of Waitomo Caves the tourism development is a long standing feature involving large numbers of tourists visiting daily (about 450,000 annually to the Waitomo Glowworm Caves). Most of these visitors come to the Caves themselves but over recent years the attractions have diversified into adventure tourism and other similar activities. The common natural resource that forms the basis of most visitor attractions is the karst and cave systems therein.
- 12.1.2 The Mokau-Awakino coastal strip is a young tourism area which has potential for further growth. Its key features are the wild and unspoilt west coast beaches and the associated coastal environment.
- 12.1.3 Both areas are essentially rural in character and a Rural Zone will continue to apply to the majority of the land affected. However the Landscape Policy Area introduces another “layer” of controls specifically designed to protect the rural landscape values and the natural features of the areas.

12.2 Resource Management Issues

- 12.2.1 Tourism in the Waitomo District relies heavily on the existence of natural resources, the most notable of which is the karst and cave systems therein. These systems are very sensitive to development.
- 12.2.2 The predicted expansion of tourists visiting the attractions in and around the Waitomo Caves is likely to place considerable strain upon the physical resources presently servicing this community.
- 12.2.3 Waitomo Village has developed in a manner which is heavily linked to the historical background of the area. This connection needs to be maintained in any expansion, redevelopment or new development proposed in this area.
- 12.2.4 New development or tourist facilities along the Waitomo Caves Road can lead to adverse environmental effects of inadequate servicing, and effects on the landscape and entrance corridor to the Village.
- 12.2.5 The development of Mokau and Awakino as tourist destinations will place an increased level of demand upon services which have very limited capacity.
- 12.2.6 Loss of open spaces could destroy the landscape character of the Waitomo Village.
- 12.2.7 The skylines and ridgelines around the Waitomo Village are very sensitive to development.
- 12.2.8 Increasing tourism in the Mokau – Awakino coastal strip could result in adverse environmental effects on habitats, flora, fauna and ecosystems unless it is appropriately managed.

12.3 Objectives

- 12.3.1 To ensure that development does not significantly affect the special qualities of the natural environment in the Waitomo Caves and Mokau-Awakino coastal areas, while recognising the land in the area is predominantly used for pastoral farming purposes. *Issues 12.2.1, 12.2.8*
- 12.3.2 To ensure that any development within Waitomo Caves Village does not adversely affect the existing historical and rural character of the area. *Issues 12.2.3 & 12.2.6*
- 12.3.3 To maintain and enhance the safe and efficient operation of Waitomo Caves Road by avoiding, remedying or mitigating adverse effects associated with the location of traffic generating activities and their parking areas. *Issues 12.2.2 & 12.2.4*
- 12.3.4 To ensure that development does not adversely affect the natural character and habitat values of the coastal environment of Mokau and Awakino. *Issues 12.2.1, 12.2.5, 12.2.8*
- 12.3.5 To ensure that visitor facilities are established in appropriate locations such that adverse effects on traffic safety and on the environment are avoided, remedied or mitigated. *Issues 12.2.1, 12.2.4, 12.2.8*

12.4 Policies

- 12.4.1 To avoid, remedy or mitigate the adverse effects of development on significant landforms or other sensitive areas. *Objective 12.3.1*
- 12.4.2 To control earthworks, land disturbance and vegetation clearance that could adversely affect karst systems and the caves therein. *Objective 12.3.1*
- 12.4.3 To avoid, remedy or mitigate the adverse effects of land use on ground, surface or coastal waters. *Objective 12.3.4*
- 12.4.4 To require siting and design of buildings in the Landscape Policy Area to protect and enhance the existing historical character, where appropriate, to protect and enhance the rural and natural amenity values of the landscape, and to protect and enhance habitat values. *Objectives 12.3.1, 12.3.2 & 12.3.4*
- 12.4.5 To encourage safe and readily accessible vehicle and pedestrian access within or surrounding tourist areas. *Objective 12.3.3*
- 12.4.6 To avoid, remedy or mitigate the adverse effects of road side development within a corridor adjacent to the Waitomo Caves Road. *Objective 12.3.3*
- 12.4.7 To avoid, remedy or mitigate the adverse effects of visitor facilities by encouraging the provision of safe and environmentally acceptable facilities for casual tourists, such as overnight parking areas, dump stations, and rubbish disposal facilities. *Objectives 12.3.3, 12.3.5*
- 12.4.8 To recognise and provide incentives for voluntary measures by the community which protect and enhance the natural and amenity values of the District. The incentives are detailed in Section 11.7 of this Plan. *Objective 12.3.1*

12.5 Rules

- 12.5.1 Activity Classification for Landscape Policy Area where it overlies the Rural, Residential or Business Zones. These rules do not apply where it overlies the Conservation Zone.

12.5.1.1 **Permitted Activities**

Any activity which is a permitted activity in the relevant underlying zone unless it is a controlled or discretionary activity in accordance with Rules 12.5.1.2, 12.5.1.3, or 12.5.1.4.

12.5.1.2 **Controlled Activities**

Any building between 100 and 200m² gross floor area in the Rural zone.

Policy 12.4.4

12.5.1.3 **Restricted Discretionary Activities**

Any activity that is a restricted discretionary activity in the relevant underlying zone, unless it is a controlled or discretionary activity in accordance with Rules 12.5.1.2 or 12.5.1.4

12.5.1.4 **Discretionary Activities**

- (a) Any earthworks or land disturbance in excess of an area of 1,000m² in the Rural zone, excepting cultivation, drainage, track maintenance, and benching for fencing construction which is a Permitted Activity.
- (b) Above ground telecommunications and electricity lines.
- (c) Telecommunications and radiocommunications masts, antennas, satellite dishes and accessory structures.
- (d) Buildings that exceed 200m² gross floor area in the Rural zone.

- (e) Industrial activities.
- (f) Clearance of any area of indigenous vegetation in the Rural zone.
- (g) Signs which would otherwise be permitted or controlled activities within 50 metres of Waitomo Caves Road, from State Highway 3 to a point 1 kilometre east of the Waitomo Valley Road intersection.
- (h) Any activity that is a discretionary activity in the relevant underlying zone.

12.5.2 General Provisions

The following General Provisions must also be complied with for the proposal to be a permitted activity.

- 16. Roads and Vehicle Access
- 17. Hazardous Substances
- 18. Air Quality
- 19. Signs
- 20. Noise
- 21. Heritage Resources
- 24. Landscaping
- 25. Financial Contributions and Esplanade Reserves
- 26. Subdivision
- 27. Natural Hazards

12.5.3 Assessment Criteria for Controlled and Discretionary Activities

- (a) The extent to which buildings and structures are located close to skylines and ridgelines or on exposed hillsides. Generally buildings and structures should be located at least 25 vertical metres below significant ridgelines and skylines.
- (b) The location of buildings and structures relative to Waitomo Caves Road, and the extent to which they may detract from the existing open rural landscape adjoining the road.
- (c) The location of buildings and structures between State Highway 3 and the coastline in the Mokau-Awakino coastal area and the extent to which they could detract from the natural character of the coastal environment.
- (d) The extent and location of landscaping proposed to screen or soften the visual effects of buildings and structures.
- (e) The external design, construction and finish of structures and the extent to which they use forms, materials and colours that are sympathetic to the landscape.
- (f) The extent, scale and location of proposed roads, accesses and earthworks, and proposals for the rehabilitation and recontouring back to natural ground shapes.
- (g) The size and nature of any quarry or mine, its proximity to cave systems and any likely risk it poses to that system particularly as a result of stormwater runoff or interference with underground waterways and any proposals to avoid or remedy these effects.
- (h) The extent to which activities in the Landscape Policy Area, including the removal of indigenous vegetation, complies with Rural Zone Assessment Criteria 11.6.

Note 1: The Waitomo community has commissioned a Development Plan prepared by Di Lucas and Associates. The Development Plan reflects community views and applicants may wish to refer to it when preparing their applications.

Note 2: The Waitomo Caves Landcare Group, as a group and through its advisors, are developing strong environmental themes into farming practice in the Waitomo catchment. Council may refer applications for resource consent to the Waitomo Caves Landcare Group for comment when assessing the environmental impacts of new activities within that catchment.

12.6 Anticipated Environmental Outcomes

- (a) Protection of natural physical resources of importance to the tourism industry.
- (b) Protection of important landscape features.
- (c) Maintenance of amenity values in the Waitomo Caves locality and Mokau-Awakino coastal areas.

13. Special Industrial Activities

13.1 Introduction

13.1.1 There are several important activities established in the rural areas of the District that have been there for many years and represent a considerable investment of resources. They contribute significantly to the social, cultural and economic wellbeing of people and the community by providing materials and services to the economy and by providing employment.

13.1.2 They have been recognised as special industrial activities because of this importance and because they are not necessarily provided for otherwise in the Rural Zone. The intention of the Special Industrial Activities Section is to reinforce the existing use rights or other permissions that the activities may have, at the same time implementing sufficient controls to ensure that adverse effects are avoided, remedied or mitigated. The Special Industrial Activities section is a standalone section that applies only to the scheduled sites. Other rules of the Plan do not apply except to the extent of providing guidance when assessing resource consent applications. Rural Zone activities are also provided for on the scheduled sites in case the scheduled activities cease or in case there is a need for some interim activities to take place. It should be noted that the special industrial activities specified in this plan must also comply with any relevant regional rules imposed by Environment Waikato.

13.2 Resource Management Issues

13.2.1 Some industries involve the use of rural resources and therefore have limited locational choice.

13.2.2 Some industries have adverse environmental effects such as noise, and dust emissions that are difficult to contain and may affect residential or other sensitive activities.

13.3 Objectives

13.3.1 To recognise that some industries can only be established in locations where they have access to natural resources. *Issue 13.2.1*

13.3.2 To ensure that industrial activities located in rural areas do not adversely affect existing residences. *Issue 13.2.2*

13.4 Policies

13.4.1 Industrial activities in rural areas should be operated so as to meet acceptable standards at the nearest residence. *Objective 13.3.2*

13.4.2 The expansion of existing industrial activities should take into account any adverse effects on neighbours and on the environment. *Objective 13.3.2*

13.4.3 To recognise some existing industrial activities in rural areas. *Objective 13.3.1*

13.5 Rules

13.5.1 Activity Classification *Policies 13.4.1 & 13.4.2*

The scheduled sites for Special Industrial Activities are shown on the planning maps. The rules in this section apply only to those sites and are a standalone set of rules except to the extent provided below.

13.5.1.1 Permitted Activities

- (a) Any activity listed in the Schedule in 13.7 below.
- (b) Any expansion, redevelopment or addition to the activities listed in the Schedule in 13.7 provided that the effects of the activity remain the same or similar in character, intensity and scale.
- (c) Any permitted activity under Rule 11.5.1.1 of the Rural Zone.

13.5.1.2 Restricted Discretionary Activities

- (a) Any expansion, redevelopment or addition to the activities listed in the Schedule in 13.7 that does not comply with Rule 13.5.1.1(a) or (b). Discretion is restricted to the matters set out in Rule 13.5.2 below.

- (b) Any restricted discretionary activity under Rule 11.5.1.2 of the Rural Zone.

13.5.1.3 **Discretionary Activities**

Any discretionary activity under Rule 11.5.1.3 of the Rural Zone.

13.5.2 Assessment Criteria for Restricted Discretionary and Discretionary Activities

- (a) The extent of compliance with the noise standards set out in Section 20.
- (b) The effects of vehicle traffic on roads and highways.
- (c) The extent to which dust and glare can be controlled so as not to adversely effect neighbouring activities.
- (d) The extent of compliance with the Conditions for Permitted Activities for the Industrial Zone in Rule 10.5.3 excluding Rule 10.5.3.1(e).
- (e) For any activities under Rules 13.5.1.2 or 13.5.1.3 the Assessment Criteria for Discretionary Activities and Restricted Discretionary Activities in the Rural Zone in Rule 11.6.

13.6 **Anticipated Environmental Outcomes**

Industrial activities whose effects on other activities in the rural area are avoided, remedied or mitigated.

13.7 **Schedule of Special Industrial Activities**

*Policy
13.4.3*

Note: the location of Special Industrial Activities is shown in the Planning Maps.

ACTIVITY	LOCATION
Ravensdown Lime Limestone Quarry	Waitomo Valley Road
McDonalds Lime Limestone Quarry	Oparure Road
Supreme Lime Limestone Quarry	Mangarino Road
Symonds Quarry	Sommerville Road
Rorisons Serpentine Quarry	Kohua Road
Piopio Quarry	State Highway 3
Omya NZ Ltd Plant	Hangatiki East Road
Benneydale Meat Works	State Highway 30
Peacockes Quarry	State Highway 30
Greywacke Quarry	State Highway 30
Wairere Hydro Power Station	Aria Road
Mokauiti Hydro Power Station	Totoro Road

Note: Activities seeking access directly onto a State Highway will have to meet Transit New Zealand's standards for that access. See Rule 16.5.6.1 of this Plan, Vehicle Access to State Highways.

14. Conservation Zone

14.1 Introduction

- 14.1.1 The Waitomo District contains several areas of land administered by the Department of Conservation. Major areas include the Whareorino and the Tawarau Forests. There are many other ecologically significant areas such as the Waitomo Scenic Reserve, Mapara Wildlife Management Reserve, parts of the Pureora Forest and the Mahoenui Scientific Reserve. Conservation land includes marginal strips and stewardship land, that also has protected status. Department of Conservation lands form the majority of the Conservation zone.
- 14.1.2 The Conservation Zone also applies to reserves under the Reserves Act 1977 and to some private land that is the subject of covenants under the Queen Elizabeth II National Trust. There are requirements under the Reserves Act to be met as well as the requirements of the Resource Management Act. Some private land not subject to any form of covenant but having high conservation values, is included in the zone.
- 14.1.3 Section 4 of the Resource Management Act 1991 states that any land use of the Crown within the boundaries of land administered under the Conservation Act 1987 is exempted from its requirements. The activity or work must be consistent with a Conservation Management Strategy, Conservation Management Plan or other management plan prepared under the Conservation Act or other Acts specified in the First Schedule of that Act. It is subject to the proviso that the activity does not have a significant effect outside the boundaries of the land.
- 14.1.4 By implication land use activities carried out by agencies other than the Crown on Conservation land are subject to the provisions of the Resource Management Act.
- 14.1.5 Because both the Crown and Council have duties prescribed by this legislation there is a degree of duplication. In addition to resource users having to comply with this plan, the Department of Conservation must also be consulted and their approval obtained before any activity can proceed on land administered by them.
- 14.1.6 Control and management of this land in accordance with the objectives and policies set out in this section of the Plan will largely be achieved by public ownership and the implementation of Conservation Management Strategies and reserves management plans. However the zoning is a means of informing the public about the conservation values of the land. It also ensures activities within the zone do not have significant adverse effects on neighbouring land. The Conservation Zone does not cover all land with conservation values in the District such as esplanade reserves, Crown Land Reserved from sale, and unformed public road adjacent to water. Conservation issues are also addressed in other sections of this plan, particularly Sections 12, 21, 24 and 27.

14.2 Resource Management Issues

- 14.2.1 Destruction of or damage to areas of significant indigenous vegetation and significant habitats of indigenous fauna.
- 14.2.2 Destruction of or damage to sensitive karst and included cave systems as a result of increasing or uncontrolled use.
- 14.2.3 Adverse effects on the landscape and heritage values of the District through removal of vegetation or loss of geomorphic features.
- 14.2.4 Adverse effects on water quality as a result of land disturbance, particularly on steep land, and removal of vegetation.
- 14.2.5 Adverse effects on the natural character of the coastal environment as a result of land disturbance, removal of vegetation and building development.
- 14.2.6 Adverse effects on sites or areas of value to tangata whenua.
- 14.2.7 The adverse effects of buildings on the foreshore on public access to and along the coastal marine area.
- 14.2.8 Adverse effects on sites and/or structures of historic value.

14.3 Objectives

- | | | |
|--------|---|------------------------------|
| 14.3.1 | To preserve areas of significant indigenous vegetation from damage. | <i>Issue 14.2.1</i> |
| 14.3.2 | To protect karst and included cave systems from damage. | <i>Issue 14.2.2</i> |
| 14.3.3 | To maintain and enhance natural habitats and ecosystems, especially those which support indigenous fauna such as kokako, whitebait and the Mahoenui giant weta. | <i>Issues 14.2.1, 14.2.4</i> |
| 14.3.4 | To ensure that the natural character and existing landscape of the coastal environment is maintained and enhanced. | <i>Issues 14.2.5, 14.2.7</i> |
| 14.3.5 | To protect sites and areas of value to tangata whenua. | <i>Issue 14.2.6</i> |
| 14.3.6 | To ensure that public access to and along the coastal marine area is maintained and where possible, enhanced. | <i>Issue 14.2.9</i> |
| 14.3.7 | To ensure that coastal waters and ground and surface waters are not adversely affected by effluent disposal from development. | <i>Issue 14.2.8</i> |
| 14.3.8 | To protect sites and/or structures of historic value. | <i>Issue 14.2.6, 14.2.10</i> |

14.4 Policies

- | | | |
|---------|---|--|
| 14.4.1 | To ensure that areas of significant indigenous vegetation are identified, assessed and managed in accordance with their values. | <i>Objective 14.3.1</i> |
| 14.4.2 | To ensure that appropriate vegetation is maintained over and around significant karst and included cave systems. | <i>Objective 14.3.2</i> |
| 14.4.3 | To encourage the control of pests in areas of significant indigenous vegetation. | <i>Objectives 14.3.1, 14.3.3</i> |
| 14.4.4 | To ensure that development within the Conservation Zone does not damage the habitats or ecosystems supporting significant native species such as kokako, whitebait and Mahoenui giant weta. | <i>Objective 14.3.3</i> |
| 14.4.5 | To facilitate a co-ordinated approach with the Department of Conservation and any other administrative bodies in management of land within the Conservation Zone. | <i>Objectives 14.3.1 14.3.8</i> |
| 14.4.6 | To encourage the removal of inappropriate structures that restrict public access to and along the coastal marine area. | <i>Objective 14.3.6</i> |
| 14.4.8 | To encourage the provision of esplanade reserves or other appropriate forms of public access and environmental protection adjoining all coastal Conservation Zone areas. | <i>Objective 14.3.6</i> |
| 14.4.9 | To ensure that development on land adjacent to the Conservation zone does not adversely affect habitats or ecosystems within the zone. | <i>Objectives 14.3.1, 14.3.3, 14.3.4</i> |
| 14.4.10 | To encourage development that within the Conservation Zone recognises and protects sites and/or structures of historic value. | <i>Objective 14.3.8</i> |
| 14.4.11 | To ensure that development within the Conservation Zone protects sites and areas of value to tangata whenua. | <i>Objective 14.3.5</i> |

14.5 Rules

14.5.1 Activity Classifications

14.5.1.1 **Permitted Activities**

- (a) Any conservation activity carried out by or approved by the land controlling authority in accordance with a Conservation Management Strategy, a Reserve Management Plan under the Reserves Act 1977, or in accordance with any other Act of Parliament or regulations that specifically apply to the land, or in accordance with the requirements of a covenant. *Policies 14.4.1, 14.4.3, 14.4.5 & 14.4.2*
- (b) The collection of plant or animal matter for scientific research or Maori cultural purposes if approved by the land controlling authority. *Policies 14.4.4 & 14.4.9*

14.5.1.2 **Discretionary Activities**

Policy 14.4.8

- (a) Visitor indoor and outdoor recreational activities not otherwise included in Rule 14.5.1.1.
- (b) Subdivision
- (c) Any conservation activity not otherwise included in Rule 14.5.1.1
- (d) Harvesting of any exotic plantation forest (but not replanting of exotic forest), grazing and access.

14.5.1.3 **Non-complying Activities**

- (a) Any activity not included in Rules 14.5.1.1 and 14.5.1.2 *Policy 14.4.6*

Note 1: Not all lands administered by the Department of Conservation, specifically marginal strips, stewardship lands, or closed roads are shown as Conservation Zone on the Planning Maps due to difficulties of scale. If in doubt regarding administration of such lands contact the Department of Conservation. Similarly other publicly owned riparian lands such as unformed public roads are not shown as Conservation Zone due to difficulties of scale.

Note 2: All activities carried out on land in the Conservation Zone are subject to the approval of the land controlling authority.

14.5.2 Assessment Criteria for Discretionary Activities

- 14.5.2.1 The provisions of the relevant Conservation Management Strategy and Management Plans for Reserves for other parts of the Conservation Zone.
- 14.5.2.2 The effect of the proposal on any significant ecosystems and/or habitats of flora and fauna
- 14.5.2.3 The mitigation measures proposed to avoid, remedy or mitigate any adverse effects which have been identified or are anticipated
- 14.5.2.4 The results of consultation with the Department of Conservation or other relevant land controlling authority.
- 14.5.2.5 The anticipated adverse effects resulting from any area of non-compliance and its impact on the area's amenity and sites or areas of archaeological, historical, ecological or cultural significance.
- 14.5.2.6 The extent to which the natural character of the land or coast is maintained.
- 14.5.2.7 The extent to which the proposal would maintain or enhance public access to the coastal marine area or to the margins of rivers or lakes.

14.6 Incentives

The Council operates a rate relief policy for areas of privately-owned indigenous vegetation that is either protected by appropriate covenants or meets other requirements in terms of containing a minimum cover of virgin or cut-over revegetating forest of at least 90% of the title area. The policy provides for full remission of rates on qualifying areas of land. Council staff should be contacted to assess compliance with the policy.

14.7 Anticipated Environmental Outcomes

- 14.7.1 The maintenance and enhancement of the natural character of land in the zone, including the coast.
- 14.7.2 The protection of indigenous vegetation on land in the Conservation Zone.
- 14.7.3 The maintenance and enhancement of water quality and the protection of karst and cave systems located within the Conservation Zone.
- 14.7.4 The protection of significant habitats of indigenous fauna within the Conservation Zone.
- 14.7.5 The maintenance and enhancement of public access to the coast and the margins of lakes and rivers.
- 14.7.6 Development within the zone that is sensitive to the natural character of the area.

14A Te Maika Zone

14A.1 Introduction

- 14A.1.1 A special zone has been applied to the Te Maika Peninsula and an adjacent area of land known as Totara Point being all the lands in the historical Parawai Maori Township. Most of this land is administered by the Te Maika Trust representing the interests of the beneficial owner, Te Arikini Dame Te Atairangikaahu. The trustees exercise mana whenua (customary authority over an identified area) over those lands at Te Maika vested in them. They act on behalf of the beneficial owner. The Trust also has regard for kaitiakitanga (exercise of guardianship) for the area. Although it is privately owned, the land has some unique features and wilderness/conservation values that make a separate zoning of some form appropriate.
- 14A.1.2 At the beginning of the 18 century Te Maika was occupied by the Ngati Toa, a tribe of Tainui connection led by the warlike fighting chief Te Rauparaha. Te Rauparaha made a 'nuisance' of himself and eventually the Waikato-Maniapoto confederation of tribes, under the leadership of Te Wherowhero, forced him from the area. Te Maika became the food basket for the coastal and inland tribes, which had supported Te Wherowhero in the split with Te Rauparaha. Seasonal parties used Te Maika as a summer camp for the gathering of kaimoana to be shared by their hapu. No one tribe claimed prior right to resources. When the harsh weather came Te Maika was left to the elements and the summer food gatherers returned home. Te Maika has continued to this day in similar vein. It is occupied in summer and is more or less desolate in winter. The remoteness of Te Maika has a special appeal to some people and offers a peaceful holiday retreat to bach owners, many of whom have a long association with the area.
- 14A.1.3 The main Te Maika peninsula is bounded by cliffs, rock outcrops and sandy beaches on the western side, and sandy beaches on the east which adjoins the Kawhia Harbour. The underlying subdivision of various parcels at Te Maika peninsula and Totara Point is shown on ML 13904 and ML 13904A prepared in 1903. Although public roads are surveyed and established on ML 13904 and ML 13904A, they remain unformed. The coastal/wilderness character of the area is accentuated by there being no reticulated electricity service or physical road access. There is no intention to provide physical road access or reticulated electricity, as the isolation is one of the area's attractions. In order to protect the fragile ground cover the Trustees propose to restrict the use of wheeled vehicles on the peninsula to the minimum necessary to service the area. In these respects it is a unique locality.
- 14A.1.4 The whole of the main peninsula is surrounded by public lands in the form of either esplanade reserves or public roads. Totara Point, which is part of Te Maika Trust lands, is an historic pa site to which there is no public access. Totara Point has no publicly owned land on the foreshore except for a small length of unformed public road.
- 14A.1.5 The Te Maika Zone is intended to reflect the unique environmental character of the area, and the fact that nearly all the land is under the control of the Te Maika Trustees who wish to see low key development compatible with its isolation and wilderness character. The northern headland part of the Te Maika Zone (the Te Maika settlement) is covered by the Te Maika Zone Structure Plan, while the landward section of the Te Maika Zone has the same controls as the Conservation Zone in the District Plan with the addition of extensive farming and a limited number of dwellings.

14A.2 Issues

- 14A.2.1 Adverse effects on the natural character of the coastal environment as a result of land disturbance, removal of vegetation and building development.
- 14A.2.2 Adverse effects on archaeological sites or areas of value to tangata whenua.
- 14A.2.3 Adverse effects of buildings and associated services, including roads, on the natural character of the coastal environment at Te Maika.
- 14A.2.4 Adverse effects on coastal waters and wetlands of effluent disposal from buildings at Te Maika and other adverse effects on wetlands.
- 14A.2.5 The adverse effects of buildings on the foreshore on public access to and along the coastal margin.
- 14A.2.6 Coastal erosion that forms part of normal coastal processes can cause conflict with existing buildings and new buildings established close to the coastline.

14A.3 Objectives

- 14A.3.1 To ensure that the natural character, biodiversity values and existing landscape of the coastal environment at Te Maika is maintained and enhanced. *Issues 14A.2.1, 14A.2.3*
- 14A.3.2 To protect archaeological sites and areas of value to tangata whenua. *Issue 14A.2.2*
- 14A.3.3 To ensure that coastal waters and ground and surface waters are not adversely affected by effluent disposal from development and that wetlands are maintained. *Issue 14A.2.4*
- 14A.3.4 To ensure that adequate public access to and along the coastal margin is provided and where possible, enhanced. *Issue 14A.2.5*
- 14A.3.5 To ensure that the effects of coastal erosion processes on development at Te Maika are regularly reviewed. *Issues 14A.2.6*

14A.4 Policies

- 14A.4.1 To provide for limited and controlled forms of development at Te Maika that maintains the wilderness/coastal values. *Objectives 14A.3.1, 14A.3.3*
- 14A.4.2 To encourage the retiring and planting of coastal escarpment areas in ecologically appropriate native association species. *Objective 14A.3.1*
- 14A.4.3 To ensure that all developments, activities or subdivisions are designed, constructed or operated so as to avoid, remedy or mitigate any adverse effects upon archaeological sites and areas of value to tangata whenua. *Objective 14A.3.2*
- 14A.4.4 To encourage the removal of inappropriate structures that restrict public access to and along the coastal marine area. *Objective 14A.3.4*
- 14A.4.5 To encourage the provision of esplanade reserves or other appropriate forms of public access and environmental protection consistent with the practicality of access and extent of coastal erosion. *Objective 14A.3.4*
- 14A.4.6 To regularly review the coastal erosion monitoring and protection mechanisms to ensure relevance to the Te Maika environment. *Objective 14A.3.5*
- 14A.4.7 To rationalise land status and ownership of the land so that:
a) land containing houses (except for those on existing freehold titles) is controlled by the Te Maika Trust on behalf of the beneficial owner; and
b) accessways and open space areas to be agreed are set aside for managed public use or for environmental protection purposes. *Objective 14A.3.1, 14A.3.4*

14A.5 Methods

Te Maika Zone

Purpose

- 14A.5.1 Enable development on those areas of the Te Maika Zone outside the Te Maika Zone Structure Plan consistent with the provisions of the Conservation Zone in addition to limited provision for dwellings and extensive farming.

14A.6 Te Maika Zone Structure Plan

- 14A.6.1 To enable low impact development to occur while protecting heritage resources and maintaining and enhancing the natural character and special wilderness isolation of the Te Maika Peninsula, in accordance with a management planning approach developed and implemented in conjunction with the Te Maika Trust and bach owners. The Te Maika Zone Structure Plan comprises three diagrams A, B and C that are a guide to the future management of Te Maika, and is one of the methods of sustainably managing the northern part of Te Maika peninsula.

To achieve this purpose:

14A.6.1.1 Recognise and enhance the natural character of the open coastal and harbour environment through fencing and retiring coastal escarpment areas and wetlands, ecological planting, management of public access, clustered housing development and on site servicing to:

- (a) Enable low impact development to continue with no significant adverse environmental effects;
- (b) Ensure that coastal, ground and surface waters are not adversely affected by effluent disposal from development;
- (c) Provide public access to and around the coastal margin consistent with maintaining public safety and protecting sensitive coastal areas from erosion.

14A.6.1.2 Enable through control of location, scale, form and function a coastal settlement with no significant adverse environmental effects on the coastal environment or its natural, historical or ecological values.

14A.6.1.3 Consistent with the purpose of the zone, development within the zone is to occur in the absence of formed public or private roads, with continued reliance on access by sea and existing and new pedestrian accessways.

14A.6.1.4 Enable development on the Te Maika Peninsula in accordance with the Te Maika Zone Structure Plan Diagram "A" which provides for:

- (a) Residential cluster housing areas, with associated native incremental planted and retired areas.
- (b) Retirement and ecological planting of coastal escarpment open space with appropriate native vegetation.
- (c) Protective planting and access management of the eastern and northeastern foreshore and dune margins with access structures where appropriate.
- (d) Retirement of unstable slopes and gullies and control of inflows into the wetland area behind the eastern foreshore.
- (e) A network of areas which are free from buildings and may include:
 - ◆ Accessways (public access corridors that are grassed, maintained and suitable for pedestrian access only)
 - ◆ Coastal Escarpment Open Space and Inland Open Space Areas
 - ◆ Open areas grazed for maintenance and fire protection purposes
 - ◆ Wetland Open Space.

14A.6.1.5 Enable development on the Te Maika Peninsula in accordance with the Te Maika Zone Structure Plan Diagram "B" which provides for:

Active management of the sensitive eastern foreshore with restoration planting of eroding areas
Public access via unformed public accessways located behind the coastal foreshore dwellings.
Coastal structures for pedestrian access where appropriately identified.

14A.6.1.6 Enable development on the Te Maika Peninsula in accordance with the Te Maika Zone Structure Plan Diagram "C". This will be achieved by:

- (a) The Council will initiate the stopping of Maika Street with the landward area containing the existing dwellings being transferred to the Te Maika Trustees, the middle portion to be vested in the Council as an Esplanade Reserve of varying width (being the maximum width possible but if necessary less than 20 m) and the portion seaward of Mean High Water Springs to vest in the Crown. The stopping of Maika Street shall include a plan of proposed subdivision of land to be stopped, in accordance with Te Maika Zone Structure Plan Diagram C.
- (b) The council will initiate the uplifting of the Quarry Reserve status from Allot 44, Blk I, Parawai Maori Township and transfer the land to the Te Maika Trust.
- (c) The setting of a coastal erosion benchmark line corresponding with the right lined new property boundary of the esplanade reserve to be vested on the stopping of Maika Street, which shall indicate when coastal erosion processes will trigger relocation of the dwellings. When baches in Cluster 1 are deemed by Council to be threatened by coastal erosion they will be relocated to a safe location at the bach owner's expense.
- (d) The Council, in consultation with the Department of Conservation, will initiate amendments to the boundaries of the esplanade reserve (Lot 64 DPS 60648), quarry reserve (Lot 44, Blk I, Parawai Maori Township) and any public road, together with uplifting of the reserve status, to create an appropriate lot for the existing Robbins Family bach. The lot shall be of the minimum practicable

size so as to minimise any impact on the functions of the esplanade reserve. The position of the esplanade reserve boundary shall also be the coastal erosion benchmark line, which shall indicate when coastal erosion processes will trigger relocation of any dwelling in Cluster 9.

(Note: Although the boundary adjustment process can be initiated by the Council its outcome is dependent on processes specified in the Reserves Act 1977).

- (a) When any bach in Cluster 9 is deemed by Council to be threatened by coastal erosion by reference to the coastal erosion benchmark line it shall be relocated to a safe location at the bach owners expense.

Activity Status and Rules for Subdivision

14A.6.2 Te Maika Zone

14A.6.2.1 Permitted Activities in those areas of the Te Maika Zone outside the Te Maika Zone Structure Plan Diagram A shall be:

- (a) Any Permitted activity in the Conservation Zone in accordance with Rule 14.5.1.1.
- (b) One dwelling house and accessory building on each site held in a separate certificate of title.
- (c) One dwelling and accessory buildings on any allotment existing at 1st June 1999, whether held in a separate certificate of title or not, provided that the area of the allotment is in excess of 1.5 hectares.
- (d) Farming, except intensive farming and the pastoral farming of goats, deer and cattle.

14A.6.2.2 Conditions for Permitted Activities in the Te Maika Zone are:

- (a) Earthworks for any building shall not exceed 250m³.
- (b) Earthworks for tracking and access shall not exceed 250m³.
- (c) Earthworks cuttings shall not exceed 3 metres in height.
- (d) Compliance with Section 21 Heritage Resources and Section 27 Natural Hazards.

Note: Section 21 includes an outline of the requirements of the Historic Places Act 1993 and the need to verify the presence of archaeological sites prior to commencing earthworks.

14A.6.3 Te Maika Zone Structure Plan

14A.6.3.1 The subdivision of land within the Residential Clusters as shown on Te Maika Zone Structure Plan Diagram "A" shall be a controlled activity provided it meets the following standards and terms:

- (a) The minimum Lot size within any Residential Cluster shall be sufficient to enable adequate disposal of domestic effluent.
- (b) A qualified archaeologist has provided written confirmation that the Lot(s) are free of archaeological sites or that the appropriate consent has been obtained from the New Zealand Historic Places Trust under the Historic Places Act 1993. (The provisions of Section 21 of this plan shall also apply.)
- (c) A qualified geotechnical engineer has provided written confirmation that:
 - ♦ the Lot(s) are physically suitable for residential use and development as assessed by reference to the provisions of this rule; and
 - ♦ suitable effluent disposal can be achieved on site with preference given to composting toilets or equivalent technology with systems which do not require discharge of liquid waste; and
 - ♦ the site of any residential building and any area for on site effluent or grey water disposal is at least 900 millimetres above ground water level.; and
 - ♦ impermeable areas are minimised and stormwater disposal methods are used which minimise runoff in excess of that naturally occurring from the site.
 - ♦ For subdivision within Cluster 9, confirmation that the seaward boundary of the Lots are outside Coastal Hazard Area A as shown on Planning Map 1B.
- (d) Provision has been made for public and legal access to, through and around each Lot within each Residential Cluster with linkages to the open grazed areas.
- (e) For subdivision in Residential Clusters 2 – 9 provision has been made to retire, fence and plant with native association species an area of "Coastal Escarpment Open Space" that is equivalent to the area of the Lots to be subdivided, whether those Lots have existing dwellings on them or not and recognising any planting or land retirement activity that has already occurred.
- (f) For subdivision in Residential Cluster 1 provision has been made to establish the wetland reserve, retire and plant esplanade areas, erect fences, install boardwalks and sand ladders and all other works from the sand ladder north of Cluster 9 to the bridge south of Cluster 1, all as shown on Te Maika Zone Structure Plan Diagram B.

- 14A.6.3.2 For any subdivision in Residential Clusters 1 and 9 the esplanade reserve may be less than 20 metres wide and shall be of an appropriate width for the purpose.
- 14A.6.3.3 External alterations to existing buildings and replacement of existing buildings with new buildings within the Residential Clusters shown on Te Maika Zone Structure Plan Diagram "A" shall be a controlled activity provided it meets the following standards and terms:
- (a) There shall be only one residential dwelling and one storage or implement shed on each site.
 - (b) The minimum front yard for any building is 3 metres.
 - (c) The minimum side and rear yards for any building is 1.5 metres.
 - (d) The maximum site coverage is 35%.
 - (e) The maximum height for any building is 4 metres in Cluster 1 and 5 metres in the other Residential Clusters.
 - (f) There is provision for a composting toilet (or equivalent technology) either within the building or within the Lot when any habitable building is constructed.
 - (g) Buildings are to be painted so as to comply with the following recommended Colour Guidelines for side cladding and roof materials taken from BS 2660:
 - ♦ Group 2 2-027 – 2-029 inclusive
 - ♦ Group 3 3-035 – 3-038 inclusive
3-042 – 3-045 inclusive
 - ♦ Group 4 4-047 – 4-050 inclusive
 - ♦ Group 5 5-058 – 5-061 inclusive
5-063 – 5-065 inclusive
 - ♦ Group 6 6-066 – 6-067 inclusive
6-072 – 6-073 inclusive
 - (h) For new replacement buildings in Cluster 1 and Cluster 9, a qualified geotechnical engineer (or equivalent suitably qualified person) has provided written confirmation that the building site is not at risk from coastal erosion processes.
 - (i) Compliance with the permitted activity standards for earthworks in 14A.6.2.2 (a).
- 14A.6.3.4 The relocation of any existing building to a new position on the same site within Residential Cluster 1 and 9 or to another Residential Cluster as shown on Te Maika Zone Structure Plan Diagram "A" shall be a permitted activity in accordance with Rule 27.5.2.3 a)(ii) providing the provisions of 14A.6.3.3 (a) to (i) are complied with. Such relocation will be undertaken when the local authority deems that baches in Cluster 1 or 9 are subject to erosion and at the bach owner's expense.
- 14A.6.3.5 Permitted Activities in those areas within the Te Maika Zone Structure Plan but outside the Residential Clusters:
- (a) Any Permitted activity in the Conservation Zone in accordance with Rule 14.5.1.1.
 - (b) One dwellinghouse and accessory buildings on any allotment existing at 1st June 1999, whether held in a separate certificate of title or not, provided that the area of the allotment is in excess of 1.5 hectares.
 - (c) Farming, except intensive farming and pastoral farming of goats, deer or cattle.
- 14A.6.3.6 **Restricted Discretionary Activities:**
- (a) Any subdivision that does not meet the standards and terms in Rule 14A.6.3.1. The matters over which Council shall exercise its discretion shall be limited to the following:
 - ♦ the suitability of the Lot(s) for residential use and development;
 - ♦ the extent to which suitable effluent disposal can be achieved on site by way of a composting toilet or equivalent technology;
 - ♦ the extent to which the site of any residential building and any area for on site effluent and grey water disposal is at least 900 millimetres above ground water level.; and
 - ♦ the extent to which stormwater disposal methods are used which minimise runoff in excess of that naturally occurring from the site.
 - ♦ the extent to which the Lot(s) are threatened by coastal erosion, including the need to set aside a foreshore esplanade reserve for protective purposes.
 - ♦ for residential clusters 1 and 9 the extent to which provision has been made for a 10 metre wide accessway behind the dwellings;

- (b) Any external building alterations or new building that does not meet the standards and terms in Rule 14A.6.3.3. The matters over which Council shall exercise its discretion shall be limited to the following:
- ♦ The extent to which the level of privacy or access to daylight is compromised.
 - ♦ The quality of coastal or groundwater including wetlands.
 - ♦ The stability of the site or its proneness to inundation or coastal erosion processes
 - ♦ The historic or visual character of the existing residential area.
- (c) Any other activity not provided for in Rules 14A.6.3.1 to 14A.6.3.5. The matters over which Council shall exercise its discretion shall be limited to the following:
- ♦ The extent to which the level of privacy or access to daylight is compromised.
 - ♦ The quality of coastal or groundwater including wetlands.
 - ♦ The stability of the site or its proneness to inundation or coastal erosion processes
 - ♦ The historic or visual character of the existing residential area.
 - ♦ The extent to which the activity is consistent with the Te Maika Structure Plan.

14A.6.3.7 Esplanade Reserve:

Any esplanade reserve created as a result of the stopping of public roads adjoining the sea may be less than 20m in width provided that they adequately contribute to environmental protection and erosion protection.

14A.6.4 Anticipated Environmental Outcomes

- 14A.6.4.1 Development within the Te Maika Zone that is sensitive to the natural character of the area.
- 14A.6.4.2 The maintenance and enhancement of the natural character of the land in the Te Maika Zone, including the coast.
- 14A.6.4.3 The maintenance and enhancement of public access to the coastal margins of the Te Maika Zone, consistent with public safety and environmental protection.
- 14A.6.4.4 The protection and increased stability of the eastern and northern foredune systems.
- 14A.6.4.5 The protection of archaeological sites, waahi tapu and other sites of significance to tangata whenua.