

Settlement Zone | Te Rohe Noho Kainga

Overview

This zone applies to ten settlements in the district. Te Waitere, Kinohaku, Marokopa, Awakino, Mokau and Taharoa are the coastal settlements. The townships of Maniaiti/Benneydale, Hangatiki and Aria are located inland. Te Maika also has settlement zoning, but because it is a multi-zoned precinct, the rules for this township must be located separately in the Te Maika precinct (PREC7) chapter. The purpose of the settlement zone is to provide opportunities for the growth and development of these townships at an appropriate scale, while managing adverse effects on the environment.

In comparison to the towns of Te Kūiti and Piopio, townships in the settlement zone have distinctly smaller populations - ranging from approximately 50 to 500 persons - and offer a narrower range of services. The population projections undertaken by Waitomo District Council, indicate that over the lifetime of this plan, the population in these settlements is likely to marginally increase by 1 to 2 new dwellings per year. A review of vacant land found that there is capacity within existing zoned land to meet this level of demand:

Settlement	In the coastal environment	Number of vacant lots (2019)	Average lot sizes (2019)	Servicing
Te Waitere	Yes	9	800m ²	Reticulated wastewater
Kinohaku	Yes	6	1000m ²	No services
Marokopa	Yes	30	800m ²	No services
Awakino	Yes	28	750m ²	Stormwater
Mokau	Yes	74	800m ²	Reticulated water
Taharoa	Yes	25	-	Privately reticulated wastewater and water
Te Maika	Yes	31	800m ²	No services (no electricity)
Maniaiti/Benneydale	No	70	800m ²	Reticulated wastewater & water
Hangatiki	No	1	1000m ²	No services
Aria	No	78	1000m ²	No services

There are, however, drivers for change:

- The creation of the Timber Trail close to Maniaiti/Benneydale has the potential for increased economic benefits for the community.
- House prices in the settlements are affordable when compared to other locations.

- The location of development may be influenced by the potential effects of coastal erosion.
- Infrastructure upgrades, such as access to fibre for Maniaiti/Benneydale, Marokopa and Mokau, coupled with the nationwide growth of online business and services could increase demand for work from home options and/or start-up businesses.

These drivers may impact on the future location of development within settlements as well as altering the level of demand. The availability of infrastructure (wastewater and water) will also impact on ability and intensity of growth within the settlements.

Mokau, Awakino, Marokopa, Taharoa, Te Waitere, Kinohaku, and Te Maika are located within the coastal environment overlay. Their proximity to the sea means that their populations vary seasonally, and this gives rise to different effects. Mokau has the greatest current population base, and the widest range of existing services including a school. Mokau is also the settlement in the district that is exposed to the highest level of risk from coastal erosion. Awakino is located north of Mokau and offers visitor accommodation, a hotel and service station. Marokopa is set at the mouth of the Marokopa River and is a much loved King Country holiday destination and home to a close-knit community.

The settlement of Taharoa has developed to provide accommodation for people working at Taharoa Ironsands Mine. There is a kura, a number of other community facilities and the area is serviced by a private water and wastewater system. The future growth and development of Taharoa is linked to ongoing development of the ironsands mining operation. Te Waitere and Kinohaku are located on the southern side of Kawhia Harbour. Similar to the other coastal settlements, these two communities are very isolated but are supported by large farming hinterlands.

Te Maika is located on a peninsula and forms the southern part of the entrance to Kawhia Harbour. Most of the land is owned by the Te Maika Trust. The settlement is very isolated, has no permanent residents and is only accessible by boat. The Te Maika peninsula also contains significant environmental features which are required to be protected and managed. For each of the coastal settlements, development needs to be undertaken with care. The provisions of the New Zealand Coastal Policy Statement 2010 (NZCPS), the Waikato Regional Coastal Plan and the Waikato Regional Policy Statement provide important direction for future development.

Under section 74 of the Act, this plan must be in accordance with the NZCPS. This plan gives effect to the NZCPS in several different sections, but principally through the provisions in this zone and through the coastal environment chapter. The key NZCPS directions relevant to this zone are:

- Recognising that the protection of coastal values does not preclude use and development within appropriate limits.
- Maintaining and enhancing public walking access to the coast.
- Ensuring new development is located away from coastal hazards.

The key directions from the Waikato Regional Coastal Plan and the Waikato Regional Policy Statement are:

- Development must be setback from the coastal edge to preserve natural character, avoid natural hazards and to allow wetlands, dunes and beaches to migrate inland.
- Maintain and enhance public access. Approximately 85% of the district's coastline is not publicly accessible.

- Development must allow for the potential effects of sea level rise.

Maniaiti/Benneydale, Hangatiki and Aria are all located inland. Maniaiti/Benneydale and Aria have a range of facilities including schools, local clubs, community halls and shops. These settlements support expansive rural areas which extend into Taupo and Ruapehu Districts. Hangatiki is largely zoned as a tourism zone but has small pockets of land that are zoned settlement to provide for existing residential properties.

The existing services provided by these settlements are important and their continued provision is vital for the future of these communities. To promote the future growth and development of housing, visitor accommodation, commercial services and retail activities, this zone enables a range of permitted activities at an appropriate scale and level of effect. Flexibility has also been provided to promote work from home opportunities which recognise the limited employment opportunities in the settlements. This plan envisages that these settlements will develop incrementally over time into mixed use environments in response to demand. Historically Mokau and Maniaiti/Benneydale have been the settlements of highest growth. For this reason, Waitomo District Council has undertaken a Town Concept Plan for both communities to facilitate a planned and co-ordinated approach to future development.

One outcome of the Mokau Town Concept Plan is the creation of the Mokau commercial precinct. The existing commercial area of Mokau serves the local population, surrounding rural area, and people travelling along State Highway 3. A high proportion of Mokau's population are holiday home owners and as a consequence, at weekends, during the whitebaiting season and over summer there is higher demand for goods and services. Currently, there are a limited range of commercial services provided in Mokau. However, it is important for the future sustainability of Mokau that a wider range of activities and services are enabled. The commercial precinct seeks to encourage this outcome. Additionally, it is recognised that over time there may be some demand for industrial activities to locate within Mokau. While no industrial zone is provided in the township, it is anticipated some industrial activities will occur within the Mokau commercial precinct (PREC4).

Part of the settlement zone at Hangatiki is also in the amenity precinct (PREC6) which is located along the State Highway 37 corridor between Hangatiki and Waitomo Caves Village, and between Hangatiki along State Highway 3 to the northern boundary of the district. This area was identified as part of an extensive landscape policy area in the previous district plan. This plan does not identify the same extensive area, instead prioritising the State Highway corridors as areas of rural character requiring maintenance and enhancement. As a multi-zoned precinct, the provisions are located separately in the amenity precinct (PREC6) chapter.

Objectives

Refer also to the relevant objectives in Part 2 District - Wide Matters

- SETZ-01.** Enable a mix of residential, community, educational and commercial activities and emergency service facilities of an appropriate scale, to locate within the zone.
- SETZ-02.** Light industrial development is appropriately located and is of a nature and scale where any adverse effects can be adequately managed.

- SETZ-03.** Maintain and enhance amenity values as far as practicable while recognising the mixed-use nature of the zone.
- SETZ-04.** Recognise the economic and employment benefits of visitor accommodation by enabling a range of accommodation options.
- SETZ-05.** Ensure new development does not exceed available capacities for servicing and infrastructure.
- SETZ-06.** Preserve the natural character of the coastal environment and enhance public access where practicable.
- SETZ-07.** Enable mana whenua to express their cultural traditions and values through the provision of hapū-focused, papakāinga housing developments.
- SETZ-08.** Recognise and provide for the relationship that mana whenua have with their ancestral sites, ancestral lands, water, wāhi tapu, and other taonga including the coastal environment.
- SETZ-09.** Promote the community aspirations identified in the Town Concept Plans by encouraging all new land use activities and redevelopment opportunities to implement the key moves and actions they contain.
- SETZ-010.** Ensure new development is designed and located to manage significant risks from natural hazards.

Policies

Refer also to the relevant policies in Part 2 District - Wide Matters

- SETZ-P1.** Within this zone, provide for a range of activities while ensuring that developments maintain and enhance amenity by:
1. Requiring land use activities and development to be appropriately located and of a density, scale and intensity that maintains the settlement's character; and
 2. In Maniaiti/Benneydale and Mokau, encouraging achievement of the outcomes specified in the key moves of the relevant Town Concept Plan; and
 3. Managing maximum floor space requirement so that the scale, location and operation of activities are consistent with the capacity, design and function of the roading hierarchy; and
 4. Ensuring new development contributes to the consolidation of activities within the settlement zone boundaries; and
 5. Encouraging new and innovative commercial, tourism and retail activities, whether these are temporary or permanent; and
 6. Encouraging the reuse of vacant buildings; and
 7. Enabling activities which provide for the health and well-being of the community and support an identified local need; and
 8. Protecting cultural and heritage features; and

9. Where a landscape is scheduled over the settlement zone, requiring activities to protect and enhance the natural landscape setting; and
10. Encouraging activities which support enhanced public access to the coast, lakes and river margins as appropriate.

SETZ-P2. Manage the actual and potential reverse sensitivity effects between residential activities and commercial and community activities by:

1. Managing the hours of operation of activities; and
2. Ensuring the bulk, design, scale and intensity of structures used for non-residential activities does not detract from local residential character; and
3. Employing screening, landscaping, height, building coverage, and bulk and location controls as the primary means of maintaining the amenity values and character of the zone in respect of privacy, access to sunlight and overshadowing; and
4. Managing noise and traffic effects by directing commercial and community activities to specific locations within the zone; and
5. Ensuring adequate provision is made for on-site parking and vehicle manoeuvring areas and requiring activities to mitigate adverse effects related to traffic generation during night-times and early mornings; and
6. Enabling appropriately scaled and located commercial and community activities only where the design maintains zone amenity, quality and character, and where servicing issues are appropriately addressed.

SETZ-P3. Within the Mokau commercial precinct:

1. Promote developments which increase levels of community self-sufficiency, in a way and at a rate that supports local employment opportunities and increases the range of goods and services available for residents and visitors; and
2. Enable light industrial activities and motor vehicle repair garages of an appropriate scale and nature, provided that adverse effects on adjoining activities are managed and the future capacity of the commercial precinct to meet projected demand is not significantly affected; and
3. Ensure the height and scale of any new structure is in keeping with its surroundings; and
4. Direct more intensive housing developments - co-housing, papakāinga and tiny house developments – away from the commercial precinct and into the settlement zone to maintain capacity for commercial activities; and
5. Avoid the establishment of primary production activities; and
6. Encourage developments that implement the outcomes specified in the key moves of the Mokau Town Concept Plan.

SETZ-P4. Encourage a range of housing options where these are consistent with the key elements of the zone's amenity and character and at a density commensurate with the existing or planned infrastructure of the settlement.

- SETZ-P5.** Encourage appropriately scaled and located commercial and community activities to provide for local employment, to enhance the economic and social wellbeing of residents and to provide activities and services for visitors.
- SETZ-P6.** Recognise the potential employment benefits that home businesses can provide in settlements and enable local enterprise while minimising the adverse effects on adjoining properties as far as practicable.
- SETZ-P7.** Land use activities and development should be restricted to a density, scale and intensity and be located appropriately, in order to maintain the zone's character and amenity. This policy particularly applies to, but is not limited to large scale retail activities and heavy industrial activities.
- SETZ-P8.** Ensure that amenity and safety is maintained within the zone and that reverse sensitivity effects are minimised by:
1. Requiring that activities and structures are set back from road and internal boundaries and incorporate landscaping; and
 2. Requiring noise sensitive activities located adjacent to State Highways and/or railways to provide sufficient acoustic treatment to protect the level of amenity anticipated in the zone; and
 3. Ensuring activities do not compromise the safe operation of the land transport network; and
 4. Minimising the effects of activities that detract from the amenity of other sites within the surrounding environment while recognising that by providing for a mixture of activities, the level of effect and the anticipated amenity is different from the residential zone; and
 5. Recognising that at the interface with the general rural zone, farming, forestry and quarrying activities are an established and accepted component of the rural environment and may generate noise, odour, dust and visual effects; and
 6. Maintaining building coverage standards to ensure structures and activities retain the character of open space and connection to the natural landscape particularly in the coastal environment and landscapes of high amenity value; and
 7. Managing the keeping of animals to a level that is compatible with the amenity expectations of the zone; and
 8. Avoiding the establishment of fortified sites.
- SETZ-P9.** Minimise the potential for residential based visitor accommodation to generate adverse traffic and noise effects on adjoining properties by restricting maximum occupancy.
- SETZ-P10.** Visitor accommodation developments should be of a scale that is consistent with existing structures in the settlement and must manage the potential adverse effects including those arising from noise and traffic generation.
- SETZ-P11.** Where camping grounds are proposed, ensure there is adequate servicing, parking and the proposal includes measures to reduce the

potential for adverse effects by managing landscaping, the layout and design and proximity of activities to site boundaries.

- SETZ-P12.** Industrial activities are generally not compatible with the anticipated level of amenity in the settlement zone, however some activities of a light industrial nature, such as motor vehicle repair garages, may be appropriate where:
1. The activity provides an important service for the community and contributes to economic development and employment; and
 2. Any new structures or extensions are of a scale that is consistent with existing structures in the settlement; and
 3. The activity is adequately serviced and can provide appropriate onsite parking and vehicle manoeuvring; and
 4. Any potential adverse effects including the management of light spill, noise sources, the position of the vehicle access(es), the effects of traffic generation and the location of outdoor storage areas can be appropriately addressed.
- SETZ-P13.** Where reticulated water, wastewater or stormwater networks are not available, restrict the scale and intensity of development and subdivision to ensure it can be serviced by on site non-reticulated water, wastewater and stormwater methods.
- SETZ-P14.** Ensure traffic generated by new development does not compromise the safety or efficiency of the transport network.
- SETZ-P15.** In the coastal settlements, inappropriate subdivision, use and development must be avoided, and the distinctive natural character of the coastal environment shall be preserved by:
1. Requiring buildings and structures to be setback from coastal margins; and
 2. Avoiding development on or adjoining the coastal margins that inhibits public access to the coastal marine area; and
 3. Encouraging the provision of esplanade reserves or other appropriate forms of public access; and
 4. Taking into account the effects of coastal hazards and the impact of climate change on sea levels.
- SETZ-P16.** Where a resource consent is required for an activity, ensure subdivision, use or development does not adversely affect the relationship that mana whenua have with their ancestral sites, ancestral lands, water, sites wāhi tapu, and other taonga.
- SETZ-P17.** Provide for buildings and activities that enable mana whenua to connect with their ancestral sites, ancestral lands, water, sites wāhi tapu, and other taonga.
- SETZ-P18.** Adequate assessment of the natural hazard risk must be undertaken prior to the establishment of new development. Some areas may not

be appropriate for development if the natural hazard risk cannot be appropriately managed.

Rules

The rules that apply to the settlement zone are contained in the tables listed below. To undertake any activity, it must comply with the rules listed in:

- SETZ - Table 1 - Activities Rules; and
- SETZ - Table 2 - Performance Standards; and
- SETZ – Table 3 – Activities Rules – Mokau commercial precinct (PREC4); and
- Any relevant provision in Part 2 District-Wide Matters.

Where an activity breaches more than one rule, the most restrictive status shall apply to the activity.

[Refer to Part 1 - How the Plan Works](#) for an explanation of how to use this plan, including activity status abbreviations.

SETZ - Table 1 – Activities Rules

<p>The rules in this table apply to the settlement zone outside of Mokau commercial precinct (PREC4)</p> <p>The provisions for Te Maika are in the Te Maika precinct (PREC7) chapter</p>	
SETZ-R1.	Residential units, minor residential units, duplex dwellings and show homes
SETZ-R2.	Co-housing, papakāinga and tiny house developments
SETZ-R3.	Residential based visitor accommodation
SETZ-R4.	Marae complex
SETZ-R5.	Emergency service facilities
SETZ-R6.	Accessory buildings ancillary to any permitted activity
SETZ-R7.	Construction, additions and alteration of buildings for any permitted activity
<p>Activity status: PER</p> <p>Where:</p> <ol style="list-style-type: none"> All of the performance standards in SETZ –Table 2 are complied with; and Show homes are subject to the same requirements as a residential unit. <p><i>Note: Where the building is listed in SCHED1 - Heritage Buildings and Structures, also see the historic heritage chapter.</i></p> <p><i>Note: For Te Waitere, Kinohaku, Marokopa, Awakino, Mokau and Taharoa the rules in the coastal environment chapter also apply.</i></p> <p><i>Note: Where building work is carried out (for example to join two tiny houses together by a walkway or create a permanent deck) or where kitchen and bathroom plumbing fittings need to be connected to reticulated water or wastewater systems or septic tank systems, the tiny house becomes a building.</i></p>	
<p>Activity status where compliance is not achieved with SETZ-S1 to SETZ-S11: RDIS</p> <p>Activity status where compliance is not achieved with SETZ-S12 to SETZ-S16: DIS</p> <p>Where the activity is RDIS, the matters over which discretion is restricted are:</p> <p>(a) The matters of discretion associated with any performance standard which cannot be complied with in SETZ -Table 2.</p>	
SETZ-R8.	Home businesses
<p>Activity status: PER</p> <p>Where:</p> <ol style="list-style-type: none"> No more than two full time equivalent persons who do not reside on the site are employed in the home business, except in tiny house developments where only the people living on the site can be engaged in the home business; and The hours of operation for the home business are between 7am and 7pm Monday to Friday and 	
<p>Activity status where compliance is not achieved: DIS</p>	

<p>between 9am and 5pm Saturday, Sunday and Public Holidays; and</p> <p>3. The home business and household(s) combined must not generate more than 22 vehicle movements to the site per 24 hour period; and</p> <p>4. Any outdoor storage must be screened from any road or public space; and</p> <p>5. A home business may include home based child care but must not be any of the following activities: panel beating, spray painting, motor vehicle repair or wrecking, fibre glassing activities involving heavy vehicles, sheet metal work, wrought iron work, activities involving scrap metal or demolition materials or hazardous waste substances, activities involving fish or meat processing, funeral parlours, boarding or breeding kennels or catteries. In the settlement zone these activities are industrial activities.</p>	
<p>SETZ-R9.</p> <p>SETZ-R10.</p> <p>SETZ-R11.</p> <p>SETZ-R12.</p> <p>SETZ-R13.</p> <p>SETZ-R14.</p> <p>SETZ-R15.</p> <p>SETZ-R16.</p>	<p>Cafes, restaurants, clubrooms and licensed premises, coffee carts and food trucks</p> <p>Retail activities and pop-up shops where the total gross floor area does not exceed 150 m² per site</p> <p>Commercial services and indoor fitness centres</p> <p>Educational facilities and community facilities, libraries and museums</p> <p>Tourism facilities where the total gross floor area does not exceed 150 m² per site</p> <p>Healthcare facilities where the total gross floor area does not exceed 150 m² per site</p> <p>Hire of motorised and non-motorised vehicles and recreational equipment and ancillary repair of vehicles/equipment being hired where the total gross floor area does not exceed 150 m² per site</p> <p>Visitor accommodation</p>
<p>Activity status: PER</p> <p>Where:</p> <p>1. All of the performance standards in SETZ –Table 2 are complied with; and</p> <p>2. In Mokau the activities must occur on front sites adjacent to State Highway 3 or Oha Street; or</p> <p>3. In Marokopa the activities must occur on front sites adjacent to Marokopa Road or Rauparaha Street; or</p>	<p>Activity status where compliance is not achieved: DIS</p>

<p>4. In Maniaiti/Benneydale the activities must occur on front sites adjacent to State Highway 30 or Maniaiti Road; or</p> <p>5. In Taharoa the activities must occur on front sites adjacent to Taharoa Road or Kiwi Street; or</p> <p>6. In Awakino, Aria, Kinohaku and Te Waitere the activities may anywhere in the settlement zone but must occur on front sites.</p> <p><i>Note: Outside of the areas specified in (2) to (6) and in Hangatiki, these activities are discretionary activities.</i></p> <p><i>Note: For the avoidance of doubt nothing in this rule precludes anybody from living on site</i></p>	
SETZ-R17.	Housing and keeping of animals
<p>Activity status: PER</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The number of poultry must not exceed 5 per site and must not include any roosters; and 2. Sites may be used for grazing of horses and farm animals but pigs must not be kept within the settlement zone; and 3. A maximum of two beehives are permitted per site only where the net site area is equal to or greater than 1000 m² and; <ol style="list-style-type: none"> (i) The site is not adjacent to an educational facility or a community facility; and (ii) The beehive(s) are located at least 5 m from any site boundary. 	<p>Activity status where compliance is not achieved: DIS</p>
SETZ-R18.	Demolition and/or removal of buildings and structures
<p>Activity status: PER</p> <p><i>Note: Where the building is listed in SCHED1 - Heritage Buildings and Structures, see the historic heritage chapter.</i></p>	<p>Activity status where compliance is not achieved: N/A</p>
SETZ-R19.	Boarding houses and retirement villages
<p>Activity Status: RDIS</p> <p>Matters over which discretion is restricted:</p> <ol style="list-style-type: none"> (a) The size, design, location, construction and materials used; and (b) Effects on the streetscape and amenity of the area; and (c) The provision of adequate infrastructure to service the activity; and 	<p>Activity status where compliance is not achieved: N/A</p>

<ul style="list-style-type: none"> (d) The level of on-site amenity, landscaping and outdoor living space provided to residents; and (e) Adverse effects on the safe, efficient and effective operation of the transport network, giving particular consideration to pedestrian and cyclist safety; and (f) Parking, manoeuvring and access; safety and efficiency, including the provision of sufficient off-street parking and the effects of traffic generation; and (g) Consideration of reverse sensitivity effects; and (h) The extent to which the key moves in the relevant Town Concept Plan has been considered and provided for. 	
SETZ-R20.	Motor vehicle repair garages
<p>Activity Status: RDIS</p> <p>Where:</p> <p>1. All of the performance standards in SETZ - Table 2 are complied with.</p> <p>Matters over which discretion is restricted:</p> <ul style="list-style-type: none"> (a) The layout, design and location of activities on the site, including the workshop, parking and loading areas; and (b) The time and duration of the noise effect and the anticipated noise level; and (c) Effects on the streetscape and amenity of the area; and (d) Adverse effects on the safe, efficient and effective operation of the road transport network, giving particular consideration to pedestrian and cyclist safety; and (e) Parking, manoeuvring and access; safety and efficiency, including the provision of sufficient off-street parking and the effects of traffic generation; and (f) The extent to which topographical and geographical features, landscaping and screening on the site will assist in the management of effects; and (g) Consideration of reverse sensitivity effects. 	<p>Activity status where compliance is not achieved: DIS</p>
SETZ-R21.	Camping grounds
<p>Activity Status: RDIS</p> <p>Where:</p>	<p>Activity status where compliance is not achieved: DIS</p>

1. All of the performance standards in SETZ - Table 2 are complied with.

Matters over which discretion is restricted:

- (a) The layout, design and location of activities on the site, including lighting, indoor and outdoor communal areas and facilities such as playgrounds and swimming pools, and their proximity to activities on adjacent sites; and
- (b) The size, design, location, construction and materials used; and
- (c) Effects on the streetscape and amenity of the area; and
- (d) The time and duration of the noise effect and the anticipated noise level; and
- (e) Adverse effects on the safe, efficient, and effective operation of the road transport network, giving particular consideration to pedestrian and cyclist safety; and
- (f) Parking, manoeuvring and access; safety and efficiency, including the provision of sufficient off-street parking and the effects of traffic generation; and
- (g) Consideration of reverse sensitivity effects; and
- (h) The extent to which topographical and geographical features, landscaping and screening on the site will assist in the management of effects.

SETZ-R22.	Service stations
SETZ-R23.	Helipads and helicopter landings sites
Activity status: DIS <i>Note: SETZ-R23 does not apply to landing of aircraft by emergency services or any other aircraft in the event of an emergency. Also see the temporary activities chapter.</i>	Activity status where compliance is not achieved: N/A
SETZ-R24.	Activities not otherwise listed in Table 1
SETZ-R25.	Industrial activities
Activity status: DIS	Activity status where compliance is not achieved: N/A

SETZ-R26.	Primary production activities
SETZ-R27.	Large format retail and outdoor retail activities
Activity status: NC	Activity status where compliance is not achieved: N/A
SETZ-R28.	Fortified sites
Activity status: PR	Activity status where compliance is not achieved: N/A

SETZ - Table 2 - Performance Standards

SETZ-S1.	Minimum setback from road boundaries
<ol style="list-style-type: none"> The minimum setback from road boundaries for any building adjacent to any road must be at least 5 m; and There is no setback requirement in the Mokau commercial precinct (PREC4); and For the avoidance of doubt, a tiny house is a building for the purpose of this rule. 	<p>Matters over which discretion is restricted:</p> <ol style="list-style-type: none"> Visual effects including bulk, scale and location of the building; and The provision of daylight and sunlight into neighbouring buildings; and Effects on surrounding properties, character and amenity; and Ability to soften the visual impact of the building from nearby residential properties and adjoining road boundaries, including retention of any existing mature trees and landscaping; and Potential reverse sensitivity effects on any adjoining activities; and Parking, manoeuvring and access; safety and efficiency, including the provision of sufficient off-street parking and the effects of traffic generation.
SETZ-S2.	Minimum setback from internal boundaries
<ol style="list-style-type: none"> The minimum setback for buildings from internal site boundaries must be 2.5 m, provided that: <ol style="list-style-type: none"> The eaves of any building may encroach into the required setback by not more than 600 mm; and 	<p>Matters over which discretion is restricted:</p> <ol style="list-style-type: none"> Visual effects including bulk, scale and location of the building; and

<p>(ii) In all locations, no building or eave shall encroach into any vehicle accessway, service lane, driveway, or other vehicle access point;</p> <p>AND</p> <p>2. Buildings may be erected up to any common boundary with an adjoining site which is in the same holding; and</p> <p>3. This rule does not apply to common walls of duplex dwellings; and</p> <p>4. Decks, balconies and terraces more than 1.5 m in height from ground level and located along any internal boundary must be setback 3 m; and</p> <p>5. For the avoidance of doubt a tiny house is a building for the purpose of this rule.</p> <p><i>Note: All buildings and structures, must also comply with NATC-R2, CEH-R1 and CEH-R2.</i></p>	<p>(b) The provision of daylight and sunlight into neighbouring buildings; and</p> <p>(c) Effects on surrounding properties, character and amenity; and</p> <p>(d) Ability to soften the visual impact of the building from nearby residential properties and adjoining road boundaries, including retention of any existing mature trees and landscaping; and</p> <p>(e) Potential reverse sensitivity effects on any adjoining activities.</p>
<p>SETZ-S3.</p>	<p>Height</p>
<p>1. In Te Waitere, Kinohaku, Marokopa, Awakino, Mokau and Taharoa, structures must not exceed 8 m in height as measured from ground level; and</p> <p>2. In Aria, structures must not exceed 8 m in height as measured from ground level; and</p> <p>3. In Maniaiti/Benneydale and Hangatiki, structures must not exceed 10 m in height as measured from ground level.</p>	<p>Where the activity is RDIS, the matters over which discretion is restricted for SETZ-S3.1 are listed in CE-R4.</p> <p>Where the activity is RDIS, the matters over which discretion is restricted for SETZ-S3.2 are listed in NFL-R4.</p> <p>Where the activity is RDIS, the matters over which discretion is restricted for SETZ-S3.3 are:</p> <p>(a) Visual effects including bulk, scale and location of the structure; and</p> <p>(b) The provision of daylight and sunlight into neighbouring buildings; and</p> <p>(c) Effects on surrounding properties, character and amenity; and</p> <p>(d) Ability to soften the visual impact of the structure from nearby residential properties and adjoining road boundaries, including retention of any existing mature trees and landscaping; and</p> <p>(e) Potential reverse sensitivity effects on any adjoining activities.</p>

SETZ – S4.	Height in relation to boundary
<p>1. No structure or stored materials shall penetrate a recession plane at right angles to a boundary inclined inwards and upwards at an angle of 45° from 3 m above the ground level of the road or internal boundaries of a site. See Figure - SETZ 1, provided that:</p> <p>(i) Where an internal boundary of a site abuts a driveway or right of way the recession plane may be measured from points 3 m above the furthest boundary of the drive way or right of way.</p>	<p>Matters over which discretion is restricted:</p> <ul style="list-style-type: none"> (a) Visual effects including bulk, scale and location of the structure or materials; and (b) The provision of daylight and sunlight into neighbouring buildings; and (c) Effects on surrounding properties, privacy, character and amenity; and (d) Ability to soften the visual impact of the structure or materials from nearby residential properties and adjoining road boundaries, including retention of any existing mature trees and landscaping; and (e) Potential reverse sensitivity effects on any adjoining activities.

Figure – SETZ 1 – Height in relation to boundary



SETZ-S5.	Screening of site boundaries
<p>1. The activities listed in PREC4-R3 to PREC4-R12 and SETZ-R9 – SETZ-R16 and SETZ-R20 to SETZ-R21 must comply with the following:</p> <p>(i) Where an activity has an internal site boundary that adjoins a site containing a residential activity or a vacant site, the internal boundary of the site adjoining the residential activity or a vacant site must be screened by a solid fence or wall 2 m in height as measured from ground level; and</p>	<p>Matters over which discretion is restricted:</p> <ul style="list-style-type: none"> (a) Visual effects including bulk, scale and location of the building or activity; and (b) Other methods employed to soften the visual impact of the building, building or activity from the adjoining site or road; and (c) Topographical and geographical features affecting the ability to provide the required fencing or landscaping; and

<p>(ii) Except in PREC4, where a site adjoins a road, the road boundary must be landscaped to a minimum depth of 2 m, except for the required access and egress points. The landscaping must consist of either grass and/or a combination of groundcovers, shrubs and/or trees.</p>	<p>(d) Species of plants and height at time of planting; and</p> <p>(e) The extent to which the key moves in the relevant Town Concept Plan have been considered and provided for.</p>
SETZ-S6.	Hours of operation
<ol style="list-style-type: none"> 1. The activities listed in SETZ-R9 to SETZ-R15 and SETZ-R20 must not operate outside the hours of Monday to Sunday 7am – 8pm, including the loading and unloading of goods; and 2. The activities listed in PREC4-R4 to PREC4-R12 must not operate outside the hours of Monday to Sunday 7am – 9pm, including the loading and unloading of goods. 	<p>Matters over which discretion is restricted:</p> <ol style="list-style-type: none"> (a) The layout, design and location of activities on the site, including parking areas, loading areas and outdoor seating areas; and (b) The time and duration of the noise effect and the anticipated noise level; and (c) Effects on surrounding properties, character and amenity; and (d) Whether the scale, intensity and character of the activity is appropriate in the context of the site and receiving environment; and (e) The extent to which topographical and geographical features, landscaping and screening on the site will assist in the management of effects.
SETZ-S7.	Maximum floor space within PREC4
<ol style="list-style-type: none"> 1. The maximum floor space used for permitted activities listed in PREC4-R4 to PREC4-R12 must not exceed 250 m² gross floor area per site. 	<p>Matters over which discretion is restricted:</p> <ol style="list-style-type: none"> (a) Parking, manoeuvring and access; safety and efficiency, including the provision of sufficient off-street parking and the effects of traffic generation; and (b) The layout, design and location of activities on the site, including parking areas, loading areas and vehicle access points; and (c) Whether the scale, intensity and character of the activity is appropriate in the context of the site and receiving environment; and (d) Effects on surrounding properties, character and amenity; and (e) Potential reverse sensitivity effects on any adjoining activities.

SETZ-S8.	Site layout	
1. For activities listed in PREC4-R3 to PREC4-R12 and SETZ-R9 to SETZ-R16, the main public entrance into a building must be orientated so that is parallel to the road boundary of the site.		Matters over which discretion is restricted: <ul style="list-style-type: none">(a) The ability to provide opportunities for landscaping; and(b) The extent to which the key moves in the relevant Town Concept Plan have been considered and provided for; and(c) The extent to which the proposed landscaping is able to soften the visual impact of the building; and(d) The location of parking and loading areas; and(e) Visibility of the public entrance of the building from the road.
SETZ-S9.	Residential based visitor accommodation	
1. The maximum occupancy must not exceed six guests at any one time.		Matters over which discretion is restricted: <ul style="list-style-type: none">(a) The effect on surrounding properties, character and amenity; and(b) Parking, manoeuvring and access; safety and efficiency, including the provision of sufficient off-street parking and the effects of traffic generation; and(c) Potential reverse sensitivity effects on any adjoining activities.
SETZ-S10.	Minimum setback from the designation boundary of a rail corridor	
Refer to TRAN-R9.		
SETZ-S11.	Maximum height of fences and freestanding walls	
1. No fences, walls or a combination of these structures, whether they are separate or joined together, must not exceed 2 m in height as measured from ground level.		Matters over which discretion is restricted: <ul style="list-style-type: none">(a) Visual effects including bulk, scale and location of the structure; and(b) Other methods employed to soften the visual impact of the structure from the adjoining site or road; and(c) Topographical and geographical features affecting the ability to provide the required fencing.

SETZ-S12.	Maximum building coverage
<p>1. The maximum total building coverage on a site must not exceed 35% of the net site area.</p>	<p>Activity status where compliance is not achieved: DIS</p> <p>Activity status where compliance is not achieved for emergency service facilities: CON</p> <p>Council's control is reserved over the following matters:</p> <ul style="list-style-type: none"> (a) The layout, design and location of buildings on the site; and (b) Effects on the streetscape and amenity of the area; and (c) Management of stormwater.
SETZ-S13.	Maximum number of residential units – sites serviced by wastewater reticulation
<p>1. One residential unit per 450 m² of net site area, except sites less than 450 m² existing on 20 October 2022 may erect one residential unit on the site; and</p> <p>2. Either one minor residential unit with a maximum gross floor area of 70 m² excluding garaging or one tiny house per site.</p> <p>OR</p> <p>3. One set of duplex dwellings per 800 m² of net site area; or</p> <p>4. A co-housing development comprising of no more than 6 household units where 400 m² of net site area is provided per residential unit; or</p> <p>5. A tiny house development comprising of no more than 6 tiny houses where 200 m² of net site area is provided per tiny house; or</p> <p>6. A papakāinga development comprising of no more than 6 papakāinga units where 200 m² of net site area is provided per unit.</p>	<p>Activity status where compliance is not achieved: DIS</p>

SETZ-S14.	Maximum number of residential units – sites not serviced by wastewater reticulation	
<ol style="list-style-type: none"> One residential unit per 2500 m² of net site area; and Either one minor residential unit with a maximum gross floor area of 70 m² excluding garaging or one tiny house per site. <p>OR</p> <ol style="list-style-type: none"> One set of duplex dwellings per 2500 m² of net site area; or Co-housing, papakāinga and tiny house developments of no more than 6 residential units/tiny houses respectively, must be on a site of sufficient size to contain the treatment and disposal of wastewater and stormwater resulting from any development within the site boundaries. 		Activity status where compliance is not achieved: DIS
SETZ-S15.	Minimum outdoor service space – papakāinga, co-housing, compact housing and tiny house developments	
<ol style="list-style-type: none"> Each development must provide one communally accessible outdoor service space with a minimum area of 10 m² which must be screened so that it is not visible from the road boundary of the site. 		Activity status where compliance is not achieved: DIS
SETZ-S16.	Servicing	
<ol style="list-style-type: none"> Where a connection to the Council's reticulated water supply system is not available, all developments must have an independent potable water supply for activities on the site; and Where a connection to the Council's reticulated wastewater system is not available, all developments must be on a site of sufficient size to contain the treatment and disposal of wastewater resulting from any development within the site boundaries; and All developments must be on a site of sufficient size to enable on site detention and disposal of stormwater (as measured in a 10% AEP); and Where water is not supplied by Council or a private community supply, each site must provide access to a water supply for firefighting purposes that is: 		Activity status where compliance is not achieved: DIS

- (i) Accessible to firefighting equipment; and
- (ii) Between 6 and 90 m from any building housing a residential activity on the site; and
- (iii) Located on the site except where the specified volume or flow of water is in a water body that is within the required distances; and
- (iv) Either stores at least 45,000 litres of water or provides at least 25 litres of water per second for 30 minutes.

Note: Further advice and information about managing fire risk and storage of water for firefighting purposes can be obtained from Fire and Emergency New Zealand and SNZ PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice (refer Table 1 and 2).

Note: Stormwater and wastewater disposal, and ground and surface water takes may require a resource consent from the Waikato Regional Council or the Manawatu Whanganui Regional Council. Also see the Waikato Regional Council Stormwater Management Guidelines.

AREA SPECIFIC MATTERS

Settlement Zone

Mokau Commercial Precinct (PREC4)



SETZ - Table 3 – Activities Rules – Mokau commercial precinct (PREC4)

The rules in this table only apply within the Mokau commercial precinct (PREC4)	
PREC4-R1.	Residential units, minor residential units, duplex dwellings and show homes
PREC4-R2.	Residential based visitor accommodation
PREC4-R3.	Visitor accommodation
PREC4-R4.	Retail activities including pop up shops
PREC4-R5.	Commercial services and indoor fitness centres
PREC4-R6.	Cafes, restaurants, clubrooms and licensed premises, coffee carts and food trucks
PREC4-R7.	Tourism facilities
PREC4-R8.	Healthcare facilities and emergency service facilities
PREC4-R9.	Educational facilities and community facilities, libraries and museums
PREC4-R10.	Hire of motorised and non-motorised vehicles and recreational equipment and ancillary repair of vehicles/equipment being hired

PREC4-R11.	Theatres and cinemas	
PREC4-R12.	Motor vehicle repair garages	
PREC4-R13.	Accessory buildings ancillary to any permitted activity	
PREC4-R14.	Construction, additions and alteration of buildings for any permitted activity	
<p>Activity status: PER</p> <p>Where:</p> <ol style="list-style-type: none"> 1. All of the performance standards in SETZ –Table 2 are complied with; and 2. Show homes are subject to the same requirements as a residential unit. <p><i>Note: Where the building is listed in SCHED1 - Heritage Buildings and Structures, also see the historic heritage chapter.</i></p> <p><i>Note: The rules in the coastal environment chapter also apply.</i></p>		<p>Activity status where compliance is not achieved with SETZ-S1 to SETZ-S11: RDIS</p> <p>Activity status where compliance is not achieved with SETZ-S12 to SETZ-S16: DIS</p> <p>Where the activity is RDIS, the matters over which discretion is restricted are:</p> <ol style="list-style-type: none"> (a) The matters of discretion associated with any performance standard which cannot be complied with in SETZ –Table 2.
PREC4-R15.	Home businesses	
<p>Activity status: PER</p> <p>Where:</p> <ol style="list-style-type: none"> 1. No more than two full time equivalent persons who do not reside on the site are employed in the home business, except in tiny house developments where only the people living on the site can be engaged in the home business; and 2. The hours of operation for the home business are between 7am and 7pm Monday to Friday and between 9am and 5pm Saturday, Sunday and Public Holidays; and 3. The home business and household(s) combined must not generate more than 22 vehicle movements to the site per 24 hour period; and 4. Any outdoor storage area must be screened from any road or public space; and 5. A home business may include home based child care but must not be any of the following activities: Panel beating, spray painting, motor vehicle repair or wrecking, fibre glassing, activities involving heavy vehicles, sheet metal work, wrought iron work, activities involving scrap metal or demolition materials or hazardous waste substances, activities involving fish or meat processing, funeral parlours, boarding or breeding kennels or catteries. In the 		<p>Activity status where compliance is not achieved: DIS</p>

settlement zone these activities are industrial activities .	
PREC4-R16.	Housing and keeping of animals
Activity status: PER Where: <ol style="list-style-type: none"> 1. The number of poultry must not exceed 5 per site and must not include any roosters; and 2. Sites may be used for grazing of horses and farm animals but pigs must not be kept; and 3. A maximum of two beehives are permitted per site only where the net site area is equal to or greater than 1000 m² and; <ol style="list-style-type: none"> (i) The site is not adjacent to an educational facility or a community facility; and (ii) The beehive(s) are located at least 5 m from any site boundary. 	Activity status where compliance is not achieved: DIS
PREC4-R17.	Demolition and / or removal of buildings and structures
Activity Status: PER <i>Note: Where the building is listed in SCHED1 - Heritage Buildings and Structures, see the historic heritage chapter.</i>	Activity status where compliance is not achieved: N/A
PREC4-R18.	Industrial activities
Activity Status: RDIS Matters over which discretion is restricted: <ol style="list-style-type: none"> (a) The effect on streetscape, surrounding properties, character and amenity; and (b) The effects associated with layout, design and location of the activity, including noise, operating hours and outdoor storage; and (c) The level of on-site amenity provided including the use of design features and landscaping to improve interface with the pedestrian environment and the location of the main public entrance into the building; and (d) Adverse effects on the safe, efficient and effective operation of the road transport network, giving particular consideration to pedestrian and cyclist safety; and (e) Parking, manoeuvring and access; safety and efficiency, including the provision of sufficient off-street parking and the effects of traffic generation; and 	Activity status where compliance is not achieved: N/A

(f) The positive effects of repurposing the building or site; and (g) The extent to which the key moves in the Mokau Town Concept Plan have been considered and provided for; and (h) Potential reverse sensitivity effects on any adjoining activities; and (i) The matters of discretion associated with any performance standard which cannot be complied with in SETZ - Table 2.	
PREC4-R19.	Marae complex, co-housing, tiny house and papakāinga developments
PREC4-R20.	Activities not otherwise listed in SETZ - Table 3
Activity status: DIS	
Activity status where compliance is not achieved: N/A	
PREC1-R21.	Fortified sites
PREC1-R22.	Hazardous waste processing or disposal
Activity status: PR	
Activity status where compliance is not achieved: N/A	

Advice notes

Accidental discovery protocol

In the event that an unidentified archaeological site or a wāhi tapu site is located during works, the following applies:

- *Work must cease immediately at that place and within 20m around the site;*
- *Heritage New Zealand Regional Archaeologist must be notified and apply for the appropriate authority if required;*
- *Notify the appropriate iwi groups or kaitiaki representative of the discovery and ensure site access to enable appropriate cultural procedures and tikanga to be undertaken, as long as all statutory requirements under legislation are met (New Zealand Pouhere Taonga Act 2014);*
- *If human remains (koiwi) are uncovered then the Heritage New Zealand Regional Archaeologist, NZ Police and the appropriate iwi groups or kaitiaki representative must be notified. Remains are not to be moved until such time as iwi and Heritage New Zealand have responded;*
- *Works affecting the archaeological site and any human remains (koiwi) must not resume until appropriate authority and protocols are completed.*

If the protocol is not adhered to then Heritage New Zealand can take out prosecution proceedings under the New Zealand Pouhere Taonga Act 2014.

Contaminated land

If the site is contaminated or potentially contaminated refer to the contaminated land chapter and the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS) 2011.

Regional Council consents

A resource consent for some earthworks may also be required from the Waikato Regional Council.

Works in close proximity to any electricity line

Works in close proximity to any electricity line can be dangerous. Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001 is mandatory for all buildings, earthworks and mobile plant within close proximity to all electric lines. Compliance with the Plan does not ensure compliance with the Code.

Landscaping

Where the site is adjacent to a State Highway, consultation with the New Zealand Transport Agency on appropriate tree species and the location of planting is advisable.
