

Waitomo District Council

Hearing on submissions on the Proposed Waitomo District Plan

Report and Decisions of the Independent Hearing Commissioners

Decision Report:

Chapter 52. Tourism Zone

19 June 2025

Commissioners

Greg Hill (Chair)

Wikitōria Tāne

Allan Goddard

Phil Brodie

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1. Introduction

1. This Decision Report relates to all the submissions received by the Waitomo District Council (Council) on Chapter 52 – Tourism Zone. This includes related provisions within the Proposed Waitomo District Plan (PDP) such as Definitions (Chapter 9).
2. The purpose of the tourism zone is to provide for future, mixed-use development that complements the tourism focus of the Waitomo caves area, while managing its unique and sensitive environment. There are three tourism zones, two located at Hangatiki to support existing activities and the main area of zoning at Waitomo Caves Village.

2. Hearing arrangements

3. The hearing was held in person and online **on 16 and 17 July 2024 in Council's** offices at 15 Queen Street, Te Kuiti. All of the relevant information pertaining to this hearing (i.e., Section 42A Reports, legal submissions and evidence) is **contained on Council's website**.
4. The following parties submitted on this Chapter.

Submission No	Submitter
10	Waikato Regional Council
16	Fire and Emergency New Zealand
17	Waka Kotahi NZ Transport Agency
24	Ministry of Education

5. The Panel did not hear any evidence in relation to this Chapter at the hearing on 16 and 17 July 2024. However, evidence was tabled by Alec Duncan for Fire and Emergency New Zealand (FENZ).

3. Submitter evidence

6. Ms Alec Duncan on behalf of FENZ tabled evidence seeking an amendment to TOUZ-R41(4) to ensure that each development in the Tourism Zone has sufficient water for fire fighting purposes.

4. Panel decision

7. Having considered the submissions and evidence presented, the Panel acknowledges the general support for the PDP's provisions as notified. The Panel agrees with the aim of the chapter to provide for future, mixed-use development that complements the tourism focus of the Waitomo caves area, while managing its unique and sensitive environment. The Panel finds that:
 - It is necessary to enable further development of the tourism industry in Waitomo Caves Village by enabling a range of permitted activities that will support this industry such as tourism facilities, retail activities, a range of accommodation options and hospitality activities.

- Ensure that new development or re-development does not exceed available capacities for servicing and infrastructure and is co-ordinated with infrastructure provision.
 - Provide for opportunities to live and work in the Waitomo Caves Village.
 - Ensure that the current level of tourism activities in and around Hangatiki are managed appropriately.
8. In considering the evidence submitted, the Panel considers the following amendments are appropriate:
- In considering the relief sought by Ms Alex Duncan it is appropriate to amend TOUZ-P9 to allow for the use of private reticulated water schemes in the Waitomo Caves Village to service development.
 - In considering the evidence filed by the Waikato Regional Council, it is appropriate to add an advice note to TOUZ-R40 that specifies that resource consent may be required from the Waikato Regional Council where a development cannot be serviced by reticulated wastewater.
 - In considering the evidence filed by Ms Alex Duncan it is appropriate to amend TOUZ-41 to ensure all new structures (i.e. buildings) within the tourism zone or where a change of building use occurs, the existing water supply should be evaluated against the requirements of the new or changed use and if there is a difference in requirements, this should be addressed by requiring compliance with SNZ PAS 4509:2008.
9. Otherwise, unless stated in the Panel decision above, the Panel has elected to adopt the recommendations in the Section 42A Report and the Section 42A Addendum Report on this chapter.

5. Conclusion

10. The Panel accepts the recommendations in the section 42A reports and where noted above, the evidence filed by the submitters. The reasons for this are those set out in the section 42A reports, the evidence, and provided in this Decision; collectively forming the section 32AA assessment informing this Decision.
11. Overall, the Panel is satisfied that the provisions of the Chapter as amended will provide for future, mixed-use development that complements the tourism focus of the Waitomo caves area, while managing its unique and sensitive environment while managing any adverse effects.
12. The Panel accepts, accepts in part, or rejects the submissions as set out in the Section 42A Reports.

For the Hearing Panel



Greg Hill, Chair

Dated: 19 June 2025

6. Appendix 1 – Submitter table

Tourism Zone – Submission points in order of s42A report

Submission No	Submitter	Support/in part/oppose	Plan Provision	Relief Sought	Recommendation
24.73	Ministry of Education (MoE)	Support	TOUZ-P1	Retain TOUZ-P1 as notified.	Accept
17.157	Waka Kotahi	Support	TOUZ-P2	Retain as notified (not submission point X re consistently using 'transport network').	Accept
17.156	Waka Kotahi	Support	TOUZ-P11	Retain as notified.	Accept
24.74	MoE	Support	TOUZ-R6	Retain TOUZ-R6 as notified.	Accept
16.82	Fire and Emergency New Zealand (FENZ)	Support	TOUZ - Table 1 Activities Rules TOUZ-R11	Retain as notified.	Accept
24.72	MoE	Support with amendment	TOUZ-O4	Amend TOUZ-O4 as follows: ... and is co-ordinated with infrastructure provision (including additional infrastructure). And Any consequential amendments required to give effect to the matters raised in this submission.	Reject
24.03	MoE	Amend	9. Definitions	Add a new definition for 'Additional infrastructure' as follows: means:	Reject

Submission No	Submitter	Support/in part/oppose	Plan Provision	Relief Sought	Recommendation
				<p>Public open space.</p> <p>Community infrastructure as defined in section 197 of the Local Government Act 2002.</p> <p>Land transport (as defined in the Land Transport Management Act 2003) that is not controlled by local authorities.</p> <p>Social infrastructure, such as schools and healthcare facilities.</p> <p>A network operated for the purpose of telecommunications (as defined in section 5 of the Telecommunications Act 2001).</p> <p>A network operated for the purpose of transmitting or distributing electricity or gas.</p>	
FS02.02	Ara Poutama Aotearoa the Department of Corrections	Support			Reject
16.80	(FENZ)	Support	TOUZ-O4	Retain as notified.	Accept
17.155	Waka Kotahi	Support	TOUZ-O4	Retain as notified.	Accept
16.81	FENZ	Oppose	TOUZ-P9	<p>Amend as follows:</p> <p>TOUZ-P9. Where reticulated <u>water</u>, wastewater and stormwater networks are not available, restrict the scale and intensity of development and subdivision to ensure it can be serviced by on site</p>	Accept

Submission No	Submitter	Support/in part/oppose	Plan Provision	Relief Sought	Recommendation
				non-reticulated <u>water</u> , wastewater and stormwater methods.	
17.158	Waka Kotahi	Oppose	TOUZ-R35	Waka Kotahi seek that this rule is deleted and replaced in the Noise Chapter with the rule drafted in Appendix B.	Reject
10.152	Waikato Regional Council (WRC)	Oppose	TOUZ-R40	Include an advice note directing the applicant to the Waikato Regional Plan (WRP) rule framework. That way applicants will know compliance is also needed under the WRP framework.	Accept in part
16.83	FENZ	Support in part	TOUZ-R41	<p>Delete TOUZ-R41(4) and replace with the following: 4.Where a connection to Council’s reticulated water supply system compliant with the SNZ PAS 4509: 2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice is not available, or additional level of service is required, water supply and access to water supplies for firefighting shall be in accordance with the alternative firefighting water source provisions of SNZ PAS 4509: 2008.</p> <p>And</p> <p>Retain the note as notified.</p>	Accept

7. Appendix 2 – Decisions Version of the Chapter

Overview

The purpose of this zone is to provide for future, mixed-use development that complements the tourism focus of the Waitomo caves area, while managing its unique and sensitive environment. There are three tourism zones, two located at Hangatiki to support existing activities and the main area of zoning at Waitomo Caves Village. This zone is closely integrated and linked with chapters in this plan relating to signs, the amenity precinct and the karst overlay.

The Waitomo caves are one of New Zealand's most iconic and historic tourist attractions.

The caves were discovered in the late 1800s by local Māori chief Tane Tinorau who owned the land that the caves are located within. As early as 1889, tourists started to visit the caves. Construction started on the historic Waitomo Caves Hotel in 1908. Originally known as the "Government Hostel at Waitomo", the Victorian architecture of the building was added to in the art deco style in 1928. In 1957, the state owned Tourist Hotel Corporation took over the operation of the hotel. The Waitomo Caves Hotel is now in private ownership.

Pre-2020, over 500,000 domestic and international visitors visited Waitomo caves each year. The annual tourism spend in the district is estimated to be approximately \$87 million, with \$41 million attributable to the international market (Ministry of Innovation, Business and Employment, 2019). A large proportion of this spend is directly attributable to the Waitomo Caves.

Over the past few decades, tourism operators have diversified ways of experiencing the caves, with one of the most popular activities being black water rafting. This has attracted a wider range of people to the area. More recently, tourism operators are diversifying into other tourism experiences and accommodation options. There is also demand for residential accommodation for people working in and around Waitomo caves and for rural lifestyle development.

It became increasingly apparent to the residents and tourism operators that an overall plan for future development of the area was needed. In 2014, the Tere Waitomo Structure Plan was produced. In 2018, the Council incorporated this work into the Waitomo Caves Village Town Concept Plan.

The 2018 Waitomo Caves Village Town Concept Plan identifies key existing features of the village, present issues and future opportunities. The Waitomo Caves Village Town Concept Plan was produced in consultation with the New Zealand Transport Agency, community members and tourism operators. It provides a cohesive pattern for future development in the village that has been summarised into four key moves:

1. Strengthen the visitor experience for Waitomo Caves Village.
2. Establish a distinct character for Waitomo Caves Village that differentiates it from the wider Waitomo District.
3. Identify the future land uses and their character to ensure future developments meet the needs of the Waitomo Caves Village while reinforcing its identity.
4. Improve the pedestrian connectivity within the Waitomo Caves Village to enable safer and more legible connections between activities.

For each key move, the Waitomo Caves Village Town Concept Plan provides actions, plans and priorities. The Council is working in a collaborative manner with other agencies and the private sector to achieve these directions. This plan implements a number of the Waitomo Caves Village Town Concept Plan's **components** including the provision of a tourism zone which enables a range of tourism activities as well as providing the facilities and services, including residential accommodation, needed for people working in the tourism industry.

Objectives

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

- TOUZ-O1. Enable further development of the tourism industry in Waitomo Caves Village.
- TOUZ-O2. Promote increased opportunities to live and work at Waitomo Caves Village.
- TOUZ-O3. Manage the current level of tourism activities in and around Hangatiki.
- TOUZ-O4. Ensure new development or re-development does not exceed available capacities for servicing and infrastructure and is co-ordinated with infrastructure provision.

Policies

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

- TOUZ-P1. Within Waitomo Caves Village, provide for a wide range of aboveground and underground tourist facilities, recognising the unique caves environment and ensuring that developments reflect the existing design features of the Waitomo Caves Village by:
 - 1. Requiring land use activities and development to be appropriately located and of a density, scale and intensity that maintains the Waitomo Caves Village's character and amenity; and
 - 2. Encouraging the implementation of the outcomes specified in the key moves of the Waitomo Caves Village Town Concept Plan; and
 - 3. Ensuring new development contributes to the consolidation of activities within the tourism zone boundaries; and
 - 4. Encouraging new and innovative tourism and retail activities, whether these are temporary or permanent; and
 - 5. Enabling activities which provide for the health and well-being of the community and support an identified local need; and
 - 6. Protecting cultural and heritage features; and
 - 7. Requiring all activities to protect and enhance the natural environment, including the special ecological features of karst systems and the natural landscape setting; and
 - 8. Avoiding activities and development that adversely affect the health and well-being of the Upper Waipa River catchment; and
 - 9. Encouraging activities which complement the recreational values of the karst landscape and the Te Araroa trail; and

10. Encouraging activities which support enhanced public access to karst features, lakes and river margins as appropriate; and
11. Discouraging vehicle-centred activities such as service stations and takeaway food outlets with a drive through facility unless it can be demonstrated that the location and operation of the activity does not compromise local amenity, road safety or efficiency; and
12. Ensuring artificial lighting is located, designed and operated to ensure that the natural night sky is preserved as far as practicable in the Waitomo Caves Village tourism zone.

TOUZ-P2. Within the Hangatiki tourism zones, allow new development or intensification of existing land use activities only where:

1. The operation of lawfully established activities in surrounding zones are not compromised by the introduction of a new activity; and
2. The scale, intensity, timing and nature of the adverse effects from the activity can be avoided, remedied or mitigated; and
3. The scale, location and operation of the activity is consistent with the capacity, design and function of the roading hierarchy; and
4. Traffic generated by new development does not compromise road safety or efficiency.

TOUZ-P3. In all tourism zones, enable a range of housing options including minor residential units, co-housing, papakāinga and tiny house developments **where these are consistent with the key elements of the zone's amenity and character.**

TOUZ-P4. Manage the actual and potential reverse sensitivity effects between residential activities and commercial and tourism activities by:

1. Managing the location, timing and hours of operation of activities to ensure reasonable compatibility with the amenity and character of residential uses; and
2. Ensuring the bulk, design, scale and intensity of buildings is consistent with local character; and
3. Employing landscaping, height, building coverage, and bulk and location controls as the primary means of maintaining the character and amenity values of the zone in respect of privacy, access to sunlight and overshadowing; and
4. 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
5. In Waitomo Caves Village tourism zone, enabling camping grounds and larger scale tourism, commercial and visitor accommodation activities only where the design enhances zone amenity, quality and character, and where servicing issues and related effects are appropriately addressed.

TOUZ-P5. Ensure that amenity and safety is maintained within the zone and that reverse sensitivity effects are minimised by:

1. Requiring that activities and buildings are set back from road and internal boundaries; and
2. In specified circumstances, requiring that activities incorporate landscaping; and
3. 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
4. Ensuring activities do not compromise the safe operation of the land transport network; and
5. Minimising the effects of activities that detract from the amenity of other sites within the surrounding environment; and
6. Maintaining minimum permeability and building coverage standards to ensure buildings and activities protect the hydrology of underlying karst systems and retain the character of open space and connection to the natural landscape; and
7. Providing for home businesses where these are of a nature, scale and location that does not adversely affect the character of the area; and
8. Managing the keeping of animals to a level that is compatible with the amenity expectations of the zone; and
9. Avoiding the establishment of fortified sites.

- TOUZ-P6. Manage activities that propose to locate near scheduled features and sites, so that they do not diminish the qualities and values of these features, particularly avoiding any modification to abiotic and biotic cave features.
- TOUZ-P7. Minimise the potential for residential based visitor accommodation and staff accommodation associated with a tourism facility to generate adverse traffic and noise effects on adjoining properties by restricting maximum occupancy.
- TOUZ-P8. Where reticulated wastewater and stormwater networks are available, discourage development that requires servicing and infrastructure at an adverse cost to the community.
- TOUZ-P9. Where reticulated water, wastewater and 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.
- TOUZ-P10. 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.
- TOUZ-P11. 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 industrial activities.

Rules

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

- TOUZ - Table 1 - Activities Rules; and
- TOUZ - Table 2 - Performance Standards; 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.

TOUZ - Table 1 – Activities Rules

TOUZ-R1.	Tourism facilities
TOUZ-R2.	Cafes, restaurants, clubrooms and licensed premises, coffee carts and food trucks
TOUZ-R3.	Hire of motorised and non-motorised vehicles and recreational equipment and ancillary repair of vehicles/equipment being hired
TOUZ-R4.	Retail activities including pop up shops but excluding large format retail and outdoor retail activities
TOUZ-R5.	Commercial services and indoor fitness centres
TOUZ-R6.	Educational facilities and community facilities , libraries and museums
TOUZ-R7.	Visitor accommodation , camping grounds and staff accommodation associated with a tourism facility
TOUZ-R8.	Residential based visitor accommodation
TOUZ-R9.	Residential units , minor residential units and duplex dwellings
TOUZ-R10.	Co-housing , papakāinga and tiny house developments
TOUZ-R11.	Emergency services facilities
TOUZ-R12.	Accessory buildings ancillary to any permitted activity
TOUZ-R13.	Construction, addition and alteration of buildings for any permitted activity
Activity status: PER Where: 1. All of the performance standards in TOUZ –Table 2 are complied with.	
Activity status where compliance is not achieved with TOUZ-S1 to TOUZ-S10: RDIS Activity status where compliance is not achieved with TOUZ-S11 to TOUZ-S15: DIS	

<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: 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>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 TOUZ - Table 2.</p>
TOUZ-R14.	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. Any outdoor storage must be visually screened from any road or public space; and 4. 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 tourism zone these activities are industrial activities. 	<p>Activity status where compliance is not achieved: DIS</p>
TOUZ-R15.	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 Waitomo Caves Village tourism zone. Pigs may be kept in the Hangatiki tourism zones; and 	<p>Activity status where compliance is not achieved: DIS</p>

<p>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;</p> <p>(i) The site is not adjacent to an educational facility or a community facility; and</p> <p>(ii) The beehive(s) are located at least 5 m from any site boundary.</p>	
TOUZ-R16.	Demolition and/or removal of buildings and structures
<p>Activity status: PER</p> <p>Where the building is listed in SCHED1 - Heritage Buildings and Structures, see the historic heritage chapter.</p>	
<p>Activity status where compliance is not achieved: N/A</p>	
TOUZ-R17.	Service stations and motor vehicle repair garages
TOUZ-R18.	Takeaway food outlets with a drive through facility
<p>Activity Status: DIS</p> <p>Where:</p> <p>1. The activity is located in the Hangatiki tourism zones.</p>	
<p>Activity status where compliance is not achieved: NC</p>	
TOUZ-R19.	Helipads and helicopter landings sites
<p>Activity status: DIS</p> <p><i>Note: This rule does not apply to landing of aircraft by emergency services or any other aircraft in the event of an emergency. Also see the noise chapter.</i></p>	
<p>Activity status where compliance is not achieved: N/A</p>	
TOUZ-R20.	Boarding houses and retirement villages
<p>Activity status: DIS</p>	
<p>Activity status where compliance is not achieved: N/A</p>	
TOUZ-R21.	Activities not otherwise listed in Table 1
<p>Activity status: DIS</p>	
<p>Activity status where compliance is not achieved: N/A</p>	
TOUZ-R22.	Industrial activities
TOUZ-R23.	Primary production activities
TOUZ-R24.	Large format retail and outdoor retail activities
<p>Activity status: NC</p>	
<p>Activity status where compliance is not achieved: N/A</p>	

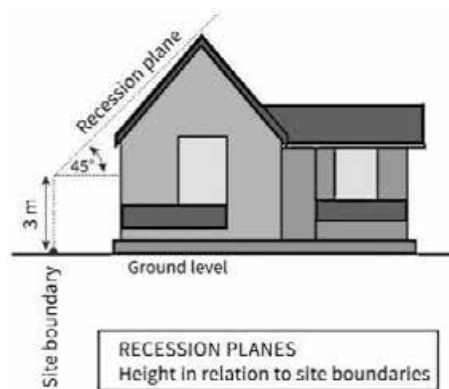
TOUZ-R25.	Fortified sites
Activity status: PR	Activity status where compliance is not achieved: N/A

TOUZ - Table 2 - Performance Standards

TOUZ-S1.	Minimum setback from road boundaries
<ol style="list-style-type: none"> 1. In the Waitomo Caves Village tourism zone the minimum setback from road boundaries for any building adjacent to any road must be at least 5 m; and 2. In the Hangatiki tourism zones, the minimum setback from road boundaries for any building adjacent to a district road must be at least 5 m; and 3. In the Hangatiki tourism zones, the minimum setback from road boundaries for any building adjacent to a designated State Highway must be at least 30 m; and 4. 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"> (a) Visual effects including bulk, scale and location of the building; and (b) The provision of daylight and sunlight into neighbouring buildings; and (c) Effects on surrounding properties, character and amenity; and (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 (e) Potential reverse sensitivity effects on any adjoining activities; and (f) Parking, manoeuvring and access; safety and efficiency, including the provision of sufficient off-street parking and the effects of traffic generation.
TOUZ-S2.	Minimum setback from internal boundaries
<ol style="list-style-type: none"> 1. The minimum setback for buildings from internal site boundaries must be 1.5 m, provided that: <ol style="list-style-type: none"> (i) The eaves of any building may encroach into the required setback by not more than 600 mm; and (ii) In all locations, no building or eave shall encroach into any vehicle accessway, service lane, driveway, or other vehicle access point; <p>AND</p> 2. Buildings may be erected up to any common boundary with an adjoining site which is in the same holding; and 3. This rule does not apply to common walls of duplex dwellings; and 	<p>Matters over which discretion is restricted:</p> <ol style="list-style-type: none"> (a) Visual effects including bulk, scale and location of the building; and (b) The provision of daylight and sunlight into neighbouring buildings; and (c) Effects on surrounding properties, character and amenity; and (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 (e) The potential effects of the building or eave encroaching into any vehicle accessway, service lane, driveway, or other vehicle access point; and

<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.</i></p>	<p>(f) Potential reverse sensitivity effects on any adjoining activities.</p>
TOUZ-S3.	Height and height in relation to boundary
<p>1. Structures must not exceed 10 m in height as measured from ground level; and</p> <p>2. 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 - TOUZ 1.</p>	<p>Matters over which discretion is restricted:</p> <p>(a) Visual effects including bulk, scale and location of the structure or materials; 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 or materials 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>

Figure – TOUZ 1 - Height in relation to boundary



TOUZ-S4.	Landscaping of road boundaries
<p>1. 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>Matters over which discretion is restricted:</p> <p>(a) Species of plants and height at time of planting; and</p> <p>(b) The extent to which the key moves in the Waitomo Caves Village Town Concept Plan have been considered and provided for; and</p> <p>(c) Visual effects including bulk, scale and location of the building or activity; and</p>

		<p>(d) Other methods employed to soften the visual impact of the building or activity from the road; and</p> <p>(e) Topographical and geographical features affecting the ability to provide the required landscaping.</p>
TOUZ-S5.	Hours of operation	
1. The activities listed in TOUZ-R1 to TOUZ-R6 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> <p>(a) The layout, design and location of activities on the site, including parking areas, loading areas and outdoor seating areas; and</p> <p>(b) The time and duration of the noise effect and the anticipated noise level; and</p> <p>(c) The reverse sensitivity effects associated with outdoor dining; and</p> <p>(d) Effects on surrounding properties, character and amenity; and</p> <p>(e) The extent to which topographical and geographical features, landscaping and screening on the site will assist in the management of effects.</p>
TOUZ-S6.	Maximum floor space	
1. The maximum floor space used for permitted activities listed in TOUZ-R1 to TOUZ-R6 must not exceed 250 m ² gross floor area, provided that this rule does not apply to any site in the Waitomo Caves Village tourism zone.		<p>Matters over which discretion is restricted:</p> <p>(a) Parking, manoeuvring and access; safety and efficiency, including the provision of sufficient off-street parking and the effects of traffic generation; and</p> <p>(b) The layout, design and location of activities on the site, including parking areas, loading areas and vehicle access points; and</p> <p>(c) Effects on surrounding properties, character and amenity; and</p> <p>(d) Potential reverse sensitivity effects on any adjoining activities.</p>
TOUZ-S7.	Site layout	
1. For the activities listed in TOUZ-R1 to TOUZ-R6, except on rear sites, the main public entrance into a building must be orientated so that is parallel to the road boundary of the site.		<p>Matters over which discretion is restricted:</p> <p>(a) The ability to provide opportunities for landscaping; and</p> <p>(b) The extent to which the key moves in the Waitomo Caves Village Town Concept Plan have been considered and provided for; and</p> <p>(c) Effects on the streetscape and the extent to</p>

		<p>which the proposal avoids blank walls facing the road; and</p> <p>(d) The location of parking and loading areas; and</p> <p>(e) Visibility of the public entrance of the building from the road.</p>
TOUZ-S8.	Residential based visitor accommodation	
TOUZ-S9.	Staff accommodation associated with a tourism facility	
1. For residential based visitor accommodation, the maximum occupancy must not exceed ten guests at any one time; and	2. For staff accommodation associated with a tourism facility, the maximum occupancy must not exceed ten staff members per site at any one time.	<p>Matters over which discretion is restricted:</p> <p>(a) The effect on surrounding properties, character and amenity; and</p> <p>(b) Parking, manoeuvring and access; safety and efficiency, including the provision of sufficient off-street parking and the effects of traffic generation; and</p> <p>(c) Potential reverse sensitivity effects on any adjoining activities.</p>
TOUZ-S10.	Impermeable surfaces	
1. Impermeable surfaces must not exceed 60% of the net site area.		<p>Matters over which discretion is restricted:</p> <p>(a) Whether effective on-site stormwater disposal can be achieved in a range of stormwater events; and</p> <p>(b) The extent to which any increase in the level of impermeable surfaces will potentially result in stormwater run-off to adjoining properties; and</p> <p>(c) Alternative methods of retaining stormwater on site.</p>
TOUZ-S11.	Maximum building coverage	
1. The maximum total building coverage on a site must not exceed 35 % of the net site area.		Activity status where compliance is not achieved: DIS
TOUZ-S12.	Minimum outdoor service space – papakāinga, co-housing and tiny house developments	
1. Each development must provide one communally accessible outdoor service space with a minimum area of 10 m ² 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

TOUZ-S13.	Maximum number of residential units – sites serviced by wastewater reticulation	
<p>The maximum number of buildings per site is:</p> <ol style="list-style-type: none"> 1. One residential unit per 450 m² of net site area, except sites less than 450 m² existing on 29 October 2022 may erect one residential unit on the site; and 2. 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"> 3. One set of duplex dwellings per 800 m² of net site area; or 4. Co-housing developments of no more than 6 household units where 400 m² of net site area is provided per residential unit; or 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 6. A papakāinga unit or papakāinga development comprising of no more than 6 papakāinga units where 200 m² of net site area is provided per unit. 		Activity status where compliance is not achieved: D I S
TOUZ-S14.	Maximum number of residential units – sites not serviced by wastewater reticulation	
<ol style="list-style-type: none"> 1. One residential unit per 2500 m² of net site area; and 2. 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"> 3. One set of duplex dwellings per 2500 m² of net site area; or 4. Co-housing developments, papakāinga developments 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. <p><i>Note: Sites not serviced by wastewater reticulation may require consent under Waikato Regional Plan.</i></p>		Activity status where compliance is not achieved: D I S

TOUZ-S15.	Servicing
<ol style="list-style-type: none"> 1. 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 2. 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 3. 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 4. Where a connection to the Council's reticulated water supply system compliant with the SNZ PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice is not available, or additional level of service is required, water supply and access to water supplies for firefighting shall be in accordance with the alternative firefighting water source provisions of SNZ PAS 4509:2008. <p><i>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).</i></p> <p><i>Note: Stormwater and wastewater disposal, and ground and surface water takes may require a resource consent from the Waikato Regional Council or the Manawātū Whanganui Regional Council.</i></p>	<p>Activity status where compliance is not achieved: DIS</p>

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;*

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- *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.

8. Appendix 3 – Section 32AA Evaluation

13. A Section 32AA evaluation is only required for any changes that are proposed to the provisions of this plan since the original Section 32 evaluation report for the proposal was completed. The Section 32AA evaluation must be undertaken at a level of detail that corresponds to the scale and significance of the changes.

Amendments

Policy

- TOUZ-P9. Where reticulated [water](#), wastewater and 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.
14. Section 32AA: It is considered that given the scale and significance of the change recommended, a section 32AA evaluation is not required.

Performance Standards

TOUZ-R40.	Maximum number of residential units – sites not serviced by wastewater reticulation
<p>1. One residential unit per 2500 m² of net site area; 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 2500 m² of net site area; or</p> <p>4. Co-housing developments, papakāinga developments 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.</p> <p><u>Note: Sites not serviced by wastewater reticulation may require consent under Waikato Regional Plan.</u></p>	<p>Activity status where compliance is not achieved: DIS</p>

15. Section 32AA: The advice note signposts plan users to check whether a resource consent is required from the Waikato Regional Council. A Section 32AA evaluation is not required given that the advice note addition makes no material change to the rule.

TOUZ-R41.	Servicing
<ol style="list-style-type: none"> 1. 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 2. 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 3. 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 4. <u>Where a connection to the Council's reticulated water supply system compliant with the SNZ PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice is not available, or additional level of service is required, water supply and access to water supplies for firefighting shall be in accordance with the alternative firefighting water source provisions of SNZ PAS 4509:2008.</u> 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:- <ol style="list-style-type: none"> (i) Accessible to firefighting equipment; and (ii) Between 6 and 90 metres 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. <p>Note: See SNZ PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice for further information about managing</p> 	<p>Activity status where compliance is not achieved: DIS</p>

Effectiveness and efficiency

16. The new performance standard will ensure where new buildings and structures cannot be connected to a Council reticulated water supply system, which is compliant with the SNZ PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice, or additional level of service is required, water supply and access to water supplies for firefighting shall be in accordance with the alternative firefighting water source provisions of SNZ PAS 4509:2008. This will ensure that new buildings and structures provide firefighting water supply to manage fire risk. This will ensure that the health and safety of people and property can be managed for new buildings and structures in this zone.

Costs and benefits

17. On balance it is considered that there will be an increase in costs due to additional infrastructure being required for firefighting purposes for new buildings and structures that cannot be provided with a complaint Council connection. However, it will decrease the risk to property through a sufficient water supply for firefighting.

Risk of acting or not acting

18. It is considered that there is sufficient information to justify the changes above. The new performance standard will ensure development can be appropriately serviced. The new performance standard ensures the health and safety of people and property with sufficient water for firefighting.

Decision about most appropriate option

19. The proposed amendment is considered to be the most effective means of achieving the objectives as it will:
- Give effect to higher order policy documents.
 - Enable the Council to fulfil its statutory obligations, including by supporting the health and safety of people.