7 URBAN ENVIRONMENT

Transitional consenting

Changes to the Resource Management Act 1991 regarding transitional resource consenting arrangements took effect from 30 October 2026. As a result, some provisions within this chapter are affected by section 104(1A) of the Resource Management Act 1991. Text highlighted in grey identifies provisions, or parts of provisions, that have been identified as affected. Explanatory notes are shown in highlighted grey and *italics* to provide further guidance on the effect of the legislative changes.

CONTEXT

Redistribution and increase of population in the District is causing a demand for the expansion of some settlements. This has the potential to cause significant effects on the environment. In particular, urban expansion requires the provision of infrastructure (roads, electricity, telecommunications, water supplies, sewage and stormwater disposal systems, and community facilities such as parks and reserves, public parking, libraries and halls). It also results in a demand for residential, commercial, industrial and community activity.

Some other settlements have declining populations and a consequent decline in associated urban activities. This can have the effect of creating a surplus of infrastructure for the activities which wish to utilise them. These resources, such as buildings, roads and service infrastructure, cannot be moved to another location. Enabling people and communities to provide for their well-being by the use of such physical resources in innovative ways which do not have significant adverse effects on the environment is as important as managing development in expanding communities.

The various urban areas within the District have distinct, and often unique, amenity values. It is this variety which contributes to the diversity of the District and to the quality of life of its residents.

Amenity is protected in this Plan by providing separate zones for housing, industry and commerce, and by establishing appropriate thresholds. The thresholds reflect the different levels of sensitivity to environmental effects of the various urban activities.

A consequence of urban development is an increase in the area of impermeable surfaces. This in turn can affect the speed, volume and quantity of runoff into streams and rivers and can result in a significant deterioration of the natural environment of streams, rivers and the coast. This can be minimised through the use of Low Impact Design principles and through catchment-based management measures.

7.1 ISSUES

7.1.1 The demand for development which leads to urban expansion and the potential for this expansion to adversely affect the character and amenity of the areas in which it occurs.

7.1.2 The intensity of urban development generates a need for community-based utility services, in order to avoid adverse effects on the environment.

7.1.3 The adverse effects on communities of under-utilised buildings and infrastructure.

7.1.4 Amenity values within urban areas can be adversely affected by inappropriate subdivision, use and development.

7.1.5 Urban development results in an increase in impermeable surfaces and a risk of environmental degradation of streams, rivers and the coast and the habitats of flora and fauna that they contain.

7.1.6 Urban development leads to an increased demand for water in a District where there are summer shortfalls.

7.1.7 Increasing the intensity of urban development may generate more traffic and a demand for roads and access to them.

7.2 ENVIRONMENTAL OUTCOMES EXPECTED

7.2.1 Urban areas developed in a manner that promotes sustainable management of natural and physical resources, while preserving the distinctive character and amenity of each area.

7.2.2 Urban areas where a wide range of activities are provided for in a manner which ensures that adverse effects on the environment are avoided, remedied or mitigated.

7.2.3 Urban areas containing a variety of residential and non-residential environments, providing for a level of amenity which is appropriate to the particular environment.

7.3 OBJECTIVES

7.3.1 To ensure that urban activities do not cause adverse environmental effects on the natural and physical resources of the District.

7.3.2 To enable the continuing use of buildings and infrastructure in urban areas, particularly where these are under-utilised.

7.3.3 To avoid, remedy or mitigate the adverse effects of activities on the amenity values of existing urban environments.

7.3.4 To enable urban activities to establish in areas where their potential effects will not adversely affect the character and amenity of those areas.

7.3.5 To achieve the development of community services as an integral and complementary component of urban development.

7.3.6 To ensure that sufficient water storage is available to meet the needs of the community all year round.

7.4 POLICIES

7.4.1 That amenity values of existing and newly developed areas be maintained or enhanced.

7.4.2 That the permissible level of effects created or received in residential areas reflects those appropriate for residential activities.

7.4.3 That adverse effects on publicly-provided facilities and services be avoided or remedied by new development, through the provision of additional services.

7.4.4 That stormwater systems for urban development be designed to minimise adverse effects on the environment.

7.4.5 That new urban development avoid:

(a) adversely affecting the natural character of the coastal environment, lakes, rivers, wetlands or their margins;

(b) adversely affecting areas of significant indigenous vegetation or significant habitats of indigenous fauna;

(c) adversely affecting outstanding natural features, landscapes and heritage resources;

(d) adversely affecting the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga;

(e) areas where natural hazards could adversely affect the physical resources of urban development or pose risk to people's health and safety;

(f) areas containing finite resources which can reasonably be expected to be valuable for future generations, where urban development would adversely affect their availability;

(g) adversely affecting the safety and efficiency of the roading network;

(h) the loss or permanent removal of highly productive and versatile soils from primary production due to subdivision and development for urban purposes.

7.4.6 That the natural and historic heritage of urban settlements in the District be protected (refer to ***Chapter 12***).

7.4.7 That urban areas with distinctive characteristics be managed to maintain and enhance the level of amenity derived from those characteristics.

7.4.8 That infrastructure for urban areas be designed and operated in a way which:

(a) avoids remedies or mitigates adverse effects on the environment;

(b) provides adequately for the reasonably foreseeable needs of future generations; and

(c) safeguards the life-supporting capacity of air, water, soil and ecosystems.

7.4.9 That the need for community services in urban areas is recognised and provided for.

7.5 METHODS OF IMPLEMENTATION

DISTRICT PLAN METHODS

7.5.1 ***Policies 7.4.1***, ***7.4.2*** and ***7.4.7*** are implemented through patterns of zoning appropriate to each urban area and the zone rules in the Plan.

7.5.2 ***Policies 7.4.3***, ***7.4.4*** and ***7.4.9*** are implemented through controls on subdivision applications

(***Chapter 13***) and on applications for land use consents.

7.5.3 Methods in ***Chapter 12 - Natural and Physical Resources***, together with the zoning pattern, will achieve ***Policies 7.4.5***, ***7.4.6*** and ***7.4.8***.

7.5.4 Financial contributions (***Chapter 14***), towards provision car parking associated with non-residential activities and esplanade areas may be required. The amount of contribution will take account of the need for such services (***Policy 7.4.3***).

7.5.5 Land suitable for urban expansion is identified in the ***Zone Maps*** (***Policy 7.4.5***) and also in structure plans e.g. the ***Watea Structure Plan*** (***Section 18.2***).

OTHER METHODS

7.5.6 The Council may promote opportunities for development, particularly of urban areas with under-utilised physical resources, through means other than the Plan e.g. Mainstreet programmes.

7.5.7 The Council will investigate the introduction of bylaws requiring on-site water storage to be provided when land is subdivided or developed within the urban environment, notwithstanding that there may be an existing reticulated water supply.

7.5.8 The Council will investigate the need for, and opportunities to provide, additional water storage for new and existing settlements, especially those in coastal locations.

7.5.9 The Council will promote the use of Low Impact Design principles to reduce site impermeability and provide education material to increase awareness.

COMMENTARY

People accept changes as an inevitable consequence of life in the Far North but they also expect some degree of certainty in the development of urban areas. Certainty as to the effects of uses they and their neighbours can make of their land contributes to their well-being. Urban areas generally involve relatively intense forms of development that require communal services in order that the effects of development can be made acceptable. Having made the investment in these services it is sensible that the community is able to make continuing use of the services.

*The Plan is not prescriptive in respect of the types of activities that can occur in the urban areas of the District. Control of development as exercised through **Policies 7.4.2**, **7.4.4**, **7.4.7** and **7.4.8** is therefore aimed at avoiding, remedying or mitigating any adverse effects that activities may have on the environment.*

*For the same reason, **Policies 7.4.1** and **7.4.9** also target the need for activities to be consistent with, or to enhance, the amenity of the area in which they are located. Equity is important in this context. The policies apply equally to all people.*

***Policies 7.4.3** and **7.4.7** recognise that urban development implies relatively high density of development. This in turn requires the provision of community-based services if amenity values and the condition of the natural and physical environment are to be maintained.*

Impermeable surfaces are inevitable as development continues to occur in the Far North District. Impermeable surfaces generate stormwater run-off that can contribute to flooding, erosion and the release of contaminants into waterways. The use of Low Impact Design principles can reduce the run-off volume and velocity, and filter contaminants. People and communities need to be considerate of the benefits of development that uses Low Impact Design principles.

7.6 RESIDENTIAL ZONE

CONTEXT

The Residential Zone enables the development of residential areas where the effects of activities permitted in the zone are compatible with sustainable development and with the existing character and amenity, which is typically medium density residential living.

The zone contains specific amenity standards designed to protect the special amenity values of residential sites on the urban fringe, specifically Lot 1 DP 28017 and Lot 1 DP 46656 (and any sites created as a result of a subdivision of these lots), and those having frontage to Kerikeri Road between Maraenui Drive and the Kerikeri Town Centre.

The zone also contains specific provisions for protecting the residential amenity of the Coopers Beachfront Estate, as defined on ***Planning Map 61***.

7.6.1 ISSUES

These issues supplement those set out in ***Section 7.1***.

7.6.1.1 Areas that are predominantly residential, or that are identified for the future development of residential activity, can be adversely affected by development that does not have a residential character, scale and intensity similar to that of existing residential development.

7.6.2 ENVIRONMENTAL OUTCOMES EXPECTED

These outcomes supplement those set out in ***Section 7.2***.

7.6.2.1 Residential areas containing a range of activities that are compatible, in terms of their effects, with the predominant residential use and character of those areas.

7.6.3 OBJECTIVES

These objectives supplement those set out in ***Section 7.3***.

7.6.3.1 To achieve the development of new residential areas at similar densities to those prevailing at present.

7.6.3.2 To enable development of a wide range of activities within residential areas where the effects are compatible with the effects of residential activity.

7.6.3.3 To protect the special amenity values of residential sites on the urban fringe, specifically Lot 1 DP 28017, Lot 1 DP 46656, Lot 1 DP 404507, Lot 1 DP 181291, Lot 2 DP 103531, Lot 1 DP 103531, Lot 2 DP 58333, Pt Lot 1 DP 58333 (and any sites created as a result of a subdivision of these lots), and those having frontage to Kerikeri Road between its intersection with SH10 and Cannon Drive.

7.6.4 POLICIES

These policies supplement those set out in ***Section 7.4***.

7.6.4.1 That the Residential Zone be applied to those parts of the District that are currently predominantly residential in form and character.

7.6.4.2 That the Residential Zone be applied to areas which are currently residential but where there is scope for new residential development.

7.6.4.3 That the Residential Zone be applied to areas where expansion would be sustainable in terms of its effects on the environment.

7.6.4.4 That the Residential Zone provide for a range of housing types and forms of accommodation.

7.6.4.5 That non-residential activities only be allowed to establish within residential areas where they will not detract from the existing residential environment.

7.6.4.6 That activities with net effects that exceed those of a typical single residential unit, be required to avoid, remedy or mitigate those effects with respect to the ecological and amenity values and general peaceful enjoyment of adjacent residential activities.

7.6.4.7 That residential activities have sufficient land associated with each household unit to provide for outdoor space, planting, parking and manoeuvring.

7.6.4.8 That the portion of a site or of a development that is covered in buildings and other impermeable surfaces be limited so as to provide open space around buildings to enable planting, and to reduce adverse hydrological, ecological and amenity effects.

NOTE: *Area of landscaping cannot be considered. For further information refer to interpretation document.*

7.6.4.9 That sites have adequate access to sunlight and daylight.

7.6.4.10 That provision be made to ensure a reasonable level of privacy for inhabitants of buildings on a site.

7.6.4.11 That the built form of development allowed on residential sites on the urban fringe, specifically Lot 1 DP 28017, Lot 1 DP 46656, Lot 1 DP 404507, Lot 1 DP 181291, Lot 2 DP 103531, Lot 1 DP 103531, Lot 2 DP 58333, Pt Lot 1 DP 58333 (and any sites created as a result of a subdivision of these lots), and those with frontage to Kerikeri Road between its intersection with SH10 and Cannon Drive remains small in scale, set back from the road, relatively inconspicuous and in harmony with landscape plantings and shelter belts.

NOTE: *Area of landscaping cannot be considered. For further information refer to interpretation document.*

COMMENTARY

This Plan identifies the need to provide for both additional development in existing residential areas, and for the expansion of residential development into new areas.

The Council does not see the need, at this stage in the development of the District, for a sophisticated array of development controls. Rather, it has established rules that are designed generally to ensure that the type of residential development that has occurred historically in the Far North can continue provided adverse environmental effects are avoided, remedied or mitigated.

However, the Plan provides flexibility for new forms of residential activity, and also non-residential activity, to locate in residential areas. It is assumed that this type of development will be the exception rather than the rule in the Residential Zone. The effect of all activity must be consistent with the residential nature of surrounding development. This is important in enabling people to make decisions about the use and development of their land, and contributes to their well-being.

The entrance to Kerikeri along Kerikeri Road from SH10 is an important part of the town's identity for local residents and visitors alike. The road side stalls, tourist orientated enterprises, extensive landscape planting and shelter belts, add to the character of the entrance to Kerikeri, which is one of a mature landscape in which built form is well integrated with the surrounding vegetation. Specific requirements for building setbacks, landscape planting and vehicle crossings along Kerikeri Road will ensure that these special amenity values are recognised and protected.

There are roads within the District that have comparatively high levels of vehicle use (over 1,000 vehicle movements per day). These require particular consideration in terms of the management of traffic effects.

7.6.5 ZONE RULES

Activities in the Residential Zone must comply not only with the zone rules but also with the relevant rules in ***Part 3 of the Plan - District Wide Provisions***. An activity may be permitted by the zone rules but may require a resource consent because it does not comply with one or more of the rules in ***Part 3***.

Particular attention is drawn to:

(a) ***Chapter 12 Natural and Physical Resources*** (and the ***District Plan Maps***);
(b) ***Chapter 13 Subdivision***;
(c) ***Chapter 14 Financial Contributions***;
(d) ***Section 15.1 Traffic, Parking and Access***;
(e) ***Chapter 16 Signs and Lighting***;
(f) ***Chapter 17 Designations and Utility Services*** (and the ***Zone Maps***).

7.6.5.1 PERMITTED ACTIVITIES

An activity is a permitted activity in the Residential Zone if:

(a) it complies with the standards for permitted activities set out in ***Rules 7.6.5.1.1*** to ***7.6.5.1.17*** below; and
(b) it complies with the relevant standards for permitted activities set out in ***Part 3 of the Plan***

- District Wide Provisions.

7.6.5.1.1 RELOCATED BUILDINGS

Buildings are permitted activities provided that they comply with all the standards for permitted activities in the Plan, and further provided that where the building is a relocated building all work required to reinstate the exterior including painting and repair of joinery shall be completed within six months of the building being delivered to the site. Reinstatement work is to include connections to all infrastructure services and closing in and ventilation of the foundations.

7.6.5.1.2 RESIDENTIAL INTENSITY

(a) Each residential unit for a single household shall have available to it a minimum net site area of:

Sewered sites: 600m²

Unsewered sites: 3,000m²

This minimum net site area may be for the exclusive use of the residential unit, or as part of land held elsewhere on the property, provided that a ratio of one residential unit per minimum net site area (as stated above) is not exceeded.

Except that this rule shall not limit the use of an existing site for a single residential unit for a single household, provided that all other standards for permitted activities are complied with.

(b) Accessory buildings on a site within the Coopers Beachfront Estate are a permitted activity provided that:

(i) there is no more than one accessory building detached from each residential unit on the site; and

(ii) any accessory building which is detached from the residential unit has a total floor area of no more than 45m^2.

7.6.5.1.3 SCALE OF ACTIVITIES

The total number of people engaged at any one period of time in activities on a site, including employees and persons making use of any facilities, but excluding people who normally reside on the site or are members of the household shall not exceed:

2 persons per 600m² (sewered)

2 persons per 3,000m² (unsewered)

Provided that:

(a) this number may be exceeded for a period totalling not more than 60 days in any 12 month period where the increased number of persons is a direct result of activities ancillary to the primary activity on the site; and

(b) this number may be exceeded where persons are engaged in constructing or establishing an activity (including environmental enhancement) on the site; and

(c) this number may be exceeded where persons are visiting marae.

In determining the total number of people engaged at any one period of time, the Council will consider the maximum capacity of the facility (for instance, the number of beds in visitors accommodation, the number of seats in a restaurant or theatre), the number of staff needed to cater for the maximum number of guests, and the number and nature of the vehicles that are to be accommodated on site to cater for those engaged in the activity.

Exemptions: The foregoing limits shall not apply to activities of a limited duration required by normal farming and plantation forestry activities, provided that the activity shall comply with the requirements of s16 of the Act.

7.6.5.1.4 BUILDING HEIGHT

The maximum height of any building shall be 8m.

7.6.5.1.5 SUNLIGHT

No part of any building shall project beyond a 45 degree recession plane as measured inwards from any point 2m vertically above ground level on any site boundary (refer to definition of Recession Plane in ***Chapter 3 - Definitions***), except that:

(a) a building may exceed this standard for a maximum distance of 10m along any one boundary other than a road boundary, provided that the maximum height of any building

where it exceeds the standard is 2.7m (refer to Recession Plane Diagram B within the definition of Recession Plane in ***Chapter 3 – Definitions***); and

(b) where a site boundary adjoins a legally established entrance strip, private way, access lot, or access way serving a rear site, the measurement shall be taken from the farthest boundary of the entrance strip, private way, access lot, or access way.

7.6.5.1.6 STORMWATER MANAGEMENT

The maximum proportion of the gross site area covered by buildings and other impermeable surfaces shall be 50%.

7.6.5.1.7 SET BACK FROM BOUNDARIES

(a) The minimum building setback from road boundaries shall be 3m, except that;

(i) no building shall be erected within 9m of any road boundary with Kerikeri Road on properties with a road frontage with Kerikeri Road between its intersection with SH10 and Cannon Drive; and

(ii) no building shall be erected within 10m of the Cobham Road boundary on Lot 1 DP 28017 and Lot 1 DP 46656 or the Kerikeri Inlet Road boundary of Lot 1 DP 404507 (and any sites created as a result of a subdivision of these lots);

(iii) no new buildings as of 25 March 2019 shall be erected within 10m of the Kerikeri Inlet boundary of Lot 2 DP 103531, Lot 1 DP 103531, Lot 2 DP 58333 and Pt Lot 1 DP 58333.

(b) The minimum set-back from any boundary other than a road boundary, on all sites other than Lot 1 DP 28017, Lot 1 DP 46656, Lot 1 DP 404507, and Lot 1 DP 181291, Lot 2 DP 103531, Lot 1 DP 103531, Lot 2 DP 58333 and Pt Lot 1 DP 58333 (and any sites created as a result of a subdivision of these lots), shall be 1.2m except that no set-back is required for a maximum total length of 10m along any one such boundary; and

(c) Not less than 50% of that part of the site between the road boundary and a parallel line 2m there from (i.e. a 2m wide planting strip along the road boundary) shall be landscaped, on all sites other than Lot 1 DP 28017, Lot 1 DP 46656, Lot 1 DP 404507, and Lot 1 DP 181291, Lot 2 DP 103531, Lot 1 DP 103531, Lot 2 DP 58333 and Pt Lot 1 DP 58333(and any sites created as a result of a subdivision of these lots). For the landscaping required on Lot 1 DP 28017 and Lot 1 DP 46656 (and any sites created as a result of a subdivision of these lots) refer to Rule 7.6.5.1.10 (b) below; and

NOTE*: Area of landscaping is out of scope, and this rule indicates an area (depth) to be landscaped, effects of a reduced width cannot be considered. For further information refer to interpretation document.*

(d) The minimum set back from any other boundary other than the road boundary on Lot 1 DP 28017, Lot 1 DP 46656, Lot 1 DP 404507, and Lot 1 DP 181291, Lot 2 DP 103531, Lot 1 DP 103531, Lot 2 DP 58333 and Pt Lot 1 DP 58333 (and any sites created as a result of a subdivision of these lots) shall be 3m.

Landscaping includes grassed areas but does not include paved areas, drive ways or car parking (refer to ***Chapter 3 Definitions***).

Attention is also drawn to the setback from ***Lakes, Rivers, Wetlands and the Coastline*** provisions in ***Chapter 12.7***.

Note: This rule does not apply to the below ground components of wastewater disposal systems. However, provisions in ***Chapter 12.7 – Lakes Rivers Wetlands and the Coastline*** still apply to below ground components of wastewater treatment systems.

Attention is also drawn to the *TP58 On-site Wastewater Systems: Design and Management Manual and the* Regional Water and Soil Plan for Northland, as consent may be required.

7.6.5.1.8 SCREENING FOR NEIGHBOURS - NON-RESIDENTIAL ACTIVITIES

Except along boundaries adjoining a Commercial or Industrial zone, outdoor areas providing for activities such as parking, loading, outdoor storage and other outdoor activities associated with non-residential activities on the site shall be screened from adjoining sites by landscaping, wall/s, close boarded fence/s or trellis/es or a combination thereof. They shall be of a height sufficient to wholly or substantially separate these areas from the view of neighbouring properties. Structures shall be at least 1.8m in height, but no higher than 2.0m, along the length of the outdoor area. Where such screening is by way of landscaping it shall be a strip of vegetation which has or will attain a minimum height of 1.8m for a minimum depth of 2m.

7.6.5.1.9 OUTDOOR ACTIVITIES

Except as otherwise provided by ***Rule 7.6.5.1.10***, any activity may be carried out outside except that any commercial non-residential activity involving manufacturing, altering, repairing, dismantling or processing of any materials, live produce, goods or articles shall be carried out within a building.

7.6.5.1.10 VISUAL AMENITY

(a) Within the Coopers Beachfront Estate (as defined on ***Planning Map 61***) domestic vehicles, and recreational vessels which are on a road trailer, may be stored on a site provided that:

(i) no materials, machinery, non-domestic vehicles or non-trailer borne vessels shall be stored; and

(ii) no repair, restoration or maintenance of any vessels shall be carried out; and

(iii) no new commercial non-residential activity involving manufacturing, altering, repairing, dismantling or processing of any materials, live produce, goods or articles, shall be carried out

on a site in the Coopers Beachfront Estate, unless stored or carried out within a building, except during the period of construction and/or maintenance of a residential unit and/or accessory buildings on the site.

(b) Prior to any building work on Lot 1 DP 28017 and Lot 1 DP 46656 located on Cobham Road, Kerikeri (and any sites created as a result of a subdivision of these lots or any amalgamation of the lots) the following shall be provided:

(i) The entire length of the road boundary, other than access points, shall be fenced using a visually permeable fence of varying heights not exceeding 1.8m and shall be planted to a depth of at least 3m from the road boundary with trees and shrubs that reflect the non weed species present along the road corridor. The planting shall predominantly visually mitigate and screen the built development within the site when viewed from the road. Full screening of all built development is not required. This fencing and planting shall be maintained in perpetuity.

(ii) All other external boundaries of the above sites, not including the road or stream boundaries, shall be fenced using a visually permeable fence not exceeding 1.8m in height and shall be planted to a depth of at least 1.5m from the site boundary with shrubs and trees that will, in time, achieve a height sufficient to ensure the mitigation and screening of buildings within the site from neighbouring properties. Full screening of all buildings is not required. This planting shall be maintained in perpetuity.

(c) Prior to any building work on Lot 1 DP 404507, and Lot 1 DP 181291, Lot 2 DP 103531, Lot 1 DP 103531, Lot 2 DP 58333 and Pt Lot 1 DP 58333 located on Kerikeri Inlet Road, Kerikeri (and any sites created as a result of a subdivision of these lots or any amalgamation of the lots) a landscaping plan that has been approved by Council showing:

- Screening of the entire length of the Kerikeri Inlet Road boundary, other than the access point, with a pittosporum hedge (or similar dense foliage evergreen hedge, or mix of species) capable of achieving a minimum height of 3m and a minimum of twenty trees capable of achieving a height of 5m within the 10m setback area behind the required hedge. Visually impermeable fencing can be installed on the road side of the hedge;
- Screening of the eastern boundary of Lot 1 DP 404507 with an evergreen hedge capable of growing to a minimum height of 3m;
- A hedge of Griselinia littoralis or similar along the western boundary of Lot 1 DP 404507 where it adjoins Lot 2 DP 103531 and Lot 1 DP 181291 to achieve a minimum height of 2.5m;
- Tree planting along the northern boundary, and within the northern third of Lot 1 DP 404507 and Lot 1 DP 181291. The proposed species must reflect the character of the area and the proximity to the stream, be capable of attaining a minimum height of 10.0 metres, and shall be resistant to Myrtle Rust. The trees shall be planted as pb95 specimens. The objective of the tree planting is to soften and fragment views of the site from the north rather than screen views.
- All planting shall be implemented and maintained in perpetuity.

7.6.5.1.11 TRANSPORTATION

Refer to ***Chapter 15 – Transportation*** for Traffic, Parking and Access rules.

7.6.5.1.12 SITE INTENSITY - NON-RESIDENTIAL ACTIVITIES

(a) except as provided in (b) hereunder, the maximum net area of activities other than residential units on any site shall be 1,000m² for sewered sites, and 5,000m² for unsewered sites, except that this area may be exceeded for public reserves without buildings;

(b) in the Coopers Beachfront Estate (as defined on ***Planning Map 61***) retail sales of goods and services (excluding home stay accommodation, rental accommodation or holiday accommodation not being a camping ground or motor camp) are not a permitted activity.

7.6.5.1.13 HOURS OF OPERATION - NON-RESIDENTIAL ACTIVITIES

(a) the maximum number of hours the activity shall be open to visitors, clients or deliveries shall be 50 hours per week; and

(b) hours of operation shall be limited to between the hours:

0700 - 2000 Monday to Friday

0800 - 2000 Saturday, Sunday and Public Holidays

Provided that this rule does not apply:

(i) where the entire activity is located within a building; and

(ii) where each person engaged in the activity outside the above hours resides permanently on the site; and

(iii) where there are no visitors, clients or deliveries to or from the site outside the above hours.

Exemptions: This rule does not apply to activities that have a predominantly residential function such as lodges, motels and homestays.

7.6.5.1.14 KEEPING OF ANIMALS

No site shall be used for factory farming, a boarding or breeding kennel or a cattery.

7.6.5.1.15 NOISE

All activities shall be conducted so as to ensure that noise from the site shall not exceed the following noise limits as measured at or within the boundary of any other site in this zone, or at or within the notional boundary of any dwelling in a rural or coastal zone:

0700 to 2200 hours 50 dBA L_{10}

2200 to 0700 hours 45 dBA L_{10} and

70 dBA L_{max}

Noise Measurement and Assessment:

Sound levels shall be measured in accordance with *NZS 6801:1991 "Measurement of Sound"* and assessed in accordance with *NZS 6802:1991 "Assessment of Environmental Sound"*.

The notional boundary is defined in *NZS 6802:1991 "Assessment of Environmental Sound"* as a line 20m from any part of any dwelling or the legal boundary where this is closer to the dwelling.

Construction Noise:

Construction noise shall meet the limits recommended in, and shall be measured and assessed in accordance with, *NZS 6803P:1984 "The Measurement and Assessment of Noise from Construction, Maintenance and Demolition Work"*.

7.6.5.1.16 HELICOPTER LANDING AREA

Helicopter landing areas are not permitted.

7.6.5.1.17 BUILDING COVERAGE

Any new building or alteration/addition to an existing building is a permitted activity if the total Building Coverage of a site does not exceed 45% of the gross site area.

7.6.5.2 CONTROLLED ACTIVITIES

An activity is a controlled activity in the Residential Zone if:

(a) it complies with all of the standards for permitted activities under ***Rules 7.6.5.1*** except for ***7.6.5.1.6 Stormwater Management***; and

(b) it complies with ***7.6.5.2.1 Stormwater Management*** below; and

(c) it complies with the relevant standards for permitted, controlled or restricted discretionary activities set out in ***Part 3 of the Plan - District Wide Provisions***.

The Council must approve an application for a land use consent for a controlled activity but it may impose conditions on that consent.

7.6.5.2.1 STORMWATER MANAGEMENT

The maximum proportion or amount of the gross site area covered by buildings and other impermeable surfaces shall be 60% or 600m², whichever is the lesser.

In order for an activity to be regarded as a controlled activity, a report must be prepared to demonstrate the likely effects of the activity on stormwater run-off and the means of mitigating run-off to no more than the levels that would result from the permitted threshold of buildings and other impermeable surface coverage in ***Rule 7.6.5.1.6***. Any report required by this rule shall be prepared by a Chartered Professional Engineer or other suitably qualified person and must be provided to Council with an application for resource consent.

Note: The Verification Method E1/VM1 in the New Zealand Building Code (1992), Clause E1 Surface Water, can be utilised to demonstrate compliance with this rule.

Note: If no report is provided with the application, or if the report cannot demonstrate the likely effects of the activity on stormwater run-off and the means of mitigating run-off, then the activity becomes a discretionary activity.

In assessing an application under this provision the Council will restrict the exercise of its discretion to:

(a) the extent to which building site coverage and Impermeable Surfaces contribute to total catchment impermeability and the provisions of any catchment or drainage plan for that catchment;

(b) the extent to which Low Impact Design principles have been used to reduce site impermeability

(c) any cumulative effects on total catchment impermeability;

(d) the extent to which building site coverage and Impermeable Surfaces will alter the natural contour or drainage patterns of the site or disturb the ground and alter its ability to absorb water;

(e) the physical qualities of the soil type;

(f) the availability of land for the disposal of effluent and stormwater on the site without adverse effects on the water quantity and water quality of water bodies (including groundwater and aquifers) or on adjacent sites;

(g) the extent to which paved, Impermeable Surfaces are necessary for the proposed activity;

(h) the extent to which landscaping and vegetation may reduce adverse effects of run-off;

(i) the means and effectiveness of mitigating stormwater runoff to that expected by permitted activity threshold.

7.6.5.3 RESTRICTED DISCRETIONARY ACTIVITIES

An activity is a restricted discretionary activity in the Residential Zone if:

(a) it does not comply with any one of the following ***Rules 7.6.5.1.2 Residential Intensity***; ***7.6.5.1.3 Scale of Activities***; ***7.6.5.1.4 Building Height***; ***7.6.5.1.5 Sunlight***; ***7.6.5.1.7 Setback from Boundaries***; ***7.6.5.1.11 Transportation***; ***7.6.5.1.15 Noise*** and/or ***7.6.5.1.17 Building Coverage*** as set out above; but

(b) it complies with all of the other rules for permitted and controlled activities under ***Rules 7.6.5.1 and 7.6.5.2***; and

(c) it complies with ***Rules 7.6.5.3.1 Residential Intensity***; ***7.6.5.3.2 Scale of Activities***; ***7.6.5.3.3 Building Height***; ***7.6.5.3.4 Sunlight***; ***7.6.5.3.5 Building Coverage***; ***7.6.5.3.6 Transportation***; ***7.6.5.3.7 Setback from Boundaries*** and ***7.6.5.3.8 Noise*** below; and

(d) it complies with the relevant standards for permitted, controlled or restricted discretionary activities set out in ***Part 3 of the Plan - District Wide Provisions***.

The Council may approve or refuse an application for a restricted discretionary activity, and it may impose conditions on any consent.

In assessing an application for a restricted discretionary activity, the Council will restrict the exercise of its discretion to the specific matters listed for each rule below, or where there is no rule, to the specific matters listed below under the appropriate heading.

7.6.5.3.1 RESIDENTIAL INTENSITY

Each residential unit for a single household shall have available to it a minimum net site area of:

Sewered sites: 300m²

Unsewered sites: 2,000m²

This minimum net site area may be for the exclusive use of the residential unit, or as part of land held elsewhere on the property, provided that a ratio of one residential unit per minimum net site area (as stated above) is not exceeded.

Except that this rule shall not limit the use of an existing site for a single residential unit for a single household, provided that all other standards for permitted, controlled or restricted discretionary activities are complied with.

In assessing an application under this provision, the Council will restrict the exercise of its discretion to:

(a) the character and appearance of building(s) and the extent to which they will be compatible with the principal activity on the site and with other buildings in the surrounding area;

(b) the siting of the building(s), decks and outdoor areas relative to adjacent properties in order to avoid visual domination and loss of privacy and sunlight to those properties;

(c) the size, location and design of open space and the extent to which trees and garden plantings are utilised for mitigating adverse effects;

(d) the ability of the immediate environment to cope with the effects of increased vehicular and pedestrian traffic;

(e) the location and design of vehicular and pedestrian access, on site vehicle manoeuvring and parking areas and the ability of those to mitigate the adverse effects of additional traffic;

(f) location in respect of the roading network – sites on local roads are not generally considered appropriate for activities which generate high levels of pedestrian and vehicular activity;

(g) noise generation and the extent to which reduction measures are used;

(h) any servicing requirements and/or constraints of the site – whether the site has adequate water supply and provision for disposal of waste products and stormwater;

(i) whether the development is designed in a way that avoids, remedies or mitigates any adverse effects of stormwater discharge from the site into reticulated stormwater systems and/or natural water bodies;

(j) the ability to provide adequate opportunity for landscaping and buildings and for all outdoor activities associated with the residential unit(s) permitted on the site;
NOTE: *The effects of outdoor living space and area of landscaping (other than for permeability) cannot be considered. For further information refer to interpretation document.*

(k) the degree to which mitigation measures are proposed for loss of open space and vegetation;

(l) any adverse effects on the life supporting capacity of soils;

(m) the suitability of sites for building and access;

(n) visual effects of site layout on the natural character of the coastal environment;

(o) the effect on indigenous vegetation and habitats of indigenous fauna.

7.6.5.3.2 SCALE OF ACTIVITIES

The total number of people engaged at any one period of time in activities on a site, including employees and persons making use of any facilities, but excluding people who normally reside on the site or are members of the same household shall not exceed:

4 persons per 600m² (sewered)

4 persons per 3,000m² (unsewered)

Provided that:

(a) this number may be exceeded for a period totalling not more than 60 days in any 12 month period where the increased number of persons is a direct result of activities ancillary to the

primary activity on the site; and

(b) this number may be exceeded where persons are engaged in constructing or establishing an activity (including environmental enhancement) on the site; and

(c) this number may be exceeded where persons are visiting marae.

In determining the total number of people engaged at any one period of time, the Council will consider the maximum capacity of the facility (for instance, the number of beds in visitors accommodation, the number of seats in a restaurant or theatre), the number of staff needed to cater for the maximum number of guests, and the number and nature of the vehicles that are to be accommodated on site to cater for those engaged in the activity.

Exemptions: The foregoing limits shall not apply to activities of a limited duration required by normal farming and plantation forestry activities, provided that the activity shall comply with the requirements of s16 of the Act.

In assessing an application under this provision the Council will restrict the exercise of its discretion to:

(i) the siting of the building(s), decks and outdoor areas relative to adjacent properties in order to avoid visual domination and loss of privacy and sunlight to those properties;

(ii) the location and design of vehicular and pedestrian access, on site vehicle manoeuvring and parking areas and the ability of those to mitigate the adverse effects of additional traffic;

(iii) the extent to which hours of operation are appropriate in terms of the surrounding environment;

(iv) noise generation and the extent to which reduction measures are used;

(v) any servicing requirements and/or constraints of the site – whether the site has adequate water supply and provision for disposal of waste products and stormwater;

(vi) where a property is adjacent to a public reserve, the potential impacts on the public use and enjoyment of that reserve.

7.6.5.3.3 BUILDING HEIGHT

The maximum height of any building shall be 9m.

In assessing an application under this provision the Council will restrict the exercise of its discretion to:

(a) the extent to which adjacent properties will be adversely affected in terms of visual domination, overshadowing, loss of privacy and loss of access to sunlight and daylight;

(b) the ability to mitigate any adverse effects by way of increased separation distances between buildings or the provision of landscaping and screening.

NOTE: *Area of landscaping out of scope. For further information refer to interpretation document.*

7.6.5.3.4 SUNLIGHT

No part of any building shall project beyond a 45 degree recession plane as measured inwards from any point 3m vertically above ground level on any site boundary (refer to definition of Recession Plane in ***Chapter 3 - Definitions***).

In assessing an application under this provision the Council will restrict the exercise of its discretion to:

(a) the extent to which adjacent properties will be adversely affected in terms of visual domination, overshadowing, loss of privacy and loss of access to sunlight and daylight;

(b) the location and proximity of adjacent residential units, and the outdoor space used by those units;

(c) the ability to mitigate any adverse effects of loss of sunlight.

7.6.5.3.5 BUILDING COVERAGE

Any new building or alteration/addition to an existing building is a restricted discretionary activity if the total Building Coverage of a site does not exceed 55% or 550m^2, whichever is the lesser, of the gross site area.

In assessing an application under this provision the Council will restrict the exercise of its discretion to:

(a) the ability to provide adequate landscaping for all activities associated with the site;

NOTE: *Size of landscaping areas out of scope for effects assessment. Views from private property also out of scope. For further information refer to interpretation document.*

(b) the extent to which building(s) are consistent with the character and scale of the existing buildings in the surrounding environment;

(c) the scale and bulk of the building in relation to the site;

(d) the extent to which private open space can be provided for future uses;

NOTE: *For further information refer to interpretation document*

(e) the extent to which the cumulative visual effects of all the buildings impact on landscapes, adjacent sites and the surrounding environment;

NOTE: *For further information refer to interpretation document*

(f) the extent to which the siting, setback and design of building(s) avoid visual dominance on landscapes, adjacent sites and the surrounding environment;

NOTE: *For further information refer to interpretation document*

(g) the extent to which landscaping and other visual mitigation measures may reduce adverse effects;

NOTE: *Size of landscaping areas out of scope for effects assessment. Views from private property also out of scope. For further information refer to interpretation document.*

(h) the extent to which non-compliance affects the privacy, outlook and enjoyment of private open spaces on adjacent sites.

NOTE: *For further information refer to interpretation document*

7.6.5.3.6 TRANSPORTATION

Refer to ***Chapter 15 – Transportation*** for Traffic, Parking and Access rules.

7.6.5.3.7 SETBACK FROM BOUNDARIES

In assessing an application resulting from a breach of ***Rule 7.6.5.1.7 Setback from Boundaries*** the matters to which the Council will restrict its discretion are:

(a) the extent to which the proposal is in keeping with the existing character and form of the street or road, in particular with the external scale, proportions and buildings on the site and on adjacent sites;

(b) the extent to which the building(s) intrudes into the street scene or reduces outlook and privacy of adjacent properties;

(c) the extent to which the buildings restrict visibility for vehicle manoeuvring;

(d) the ability to mitigate any adverse effects on the surrounding environment, for example by way of street planting;

(e) for Lot 1 DP 28017, Lot 1 DP 46656, Lot 1 DP 404507, and Lot 1 DP 181291, Lot 2 DP 103531, Lot 1 DP 103531, Lot 2 DP 58333 and Pt Lot 1 DP 58333 (and any sites created as a result of a subdivision of these lots) and sites having frontage with Kerikeri Road between its intersection with SH10 and Cannon Drive:

(i) the scale of the buildings;

(ii) the extent of setback from Kerikeri Road and Cobham Road;

(iii) the visual appearance of the site from the Kerikeri Road and Cobham Road frontage;

(iv) the extent to which the building(s) are in harmony with landscape plantings and shelter belts;

(f) the extent to which the buildings and their use will impact on the public use and enjoyment of adjoining esplanade reserves and strips and adjacent coastal marine areas.

7.6.5.3.8 NOISE

In assessing an application resulting from a breach of ***Rule 7.6.5.1.15 Noise*** the matters to which the Council will restrict its discretion are:

(a) the character, level and duration of noise from any activity as received at the boundary, or notional boundary of another site;

(b) the hours of operation in relation to the surrounding environment;

(c) the effectiveness of any noise mitigation measures proposed.

7.6.5.4 DISCRETIONARY ACTIVITIES

An activity is a discretionary activity in the Residential Zone if:

(a) it complies with ***Rules 7.6.5.1.13 Hours of Operation for Non-residential Activities*** and ***7.6.5.1.14 Keeping of Animals*** for permitted activities set out above; and

(b) it complies with the relevant standards for permitted, controlled, restricted discretionary or

discretionary activities set out in ***Part 3 of the Plan - District Wide Provisions***; but

(c) it does not comply with one or more of the other standards for permitted, controlled or restricted discretionary activities in this zone as set out under ***Rules 7.6.5.1, 7.6.5.2,*** and ***7.6.5.3*** above.

The Council may impose conditions of consent on a discretionary activity or it may refuse consent to the application. When considering a discretionary activity application the Council will have regard to the assessment criteria set out under ***Chapter 11***.

If an activity does not comply with the standards for a discretionary activity it will be a non-complying activity in this zone.

7.6.5.4.1 HELICOPTER LANDING AREA

Any helicopter landing area.

7.7 COMMERCIAL ZONE

CONTEXT

The Commercial Zone incorporates the existing commercial areas of the District. It is intended to retain the style and atmosphere of these areas, and to confirm that future commercial development in the District will be concentrated in the existing commercial areas.

The Commercial Zone enables commercial and other activities to establish in centres within urban areas so as to provide for the everyday commercial needs of the people of the District.

In these centres commercial activities will be mutually compatible, will benefit from a close locational relationship, and will be appropriate to the character and amenity of the area.

7.7.1 ISSUES

These issues supplement those set out in ***Section 7.1***.

7.7.1.1 Commercial activities are essential to the quality of life and well being of people and communities in the Far North, but have effects that can be detrimental to some people or some communities.

7.7.1.2 The public utility and convenience of areas that are predominantly commercial, or that are identified for potential commercial development, can be adversely affected by development that does not have a commercial character, scale, and intensity.

7.7.2 ENVIRONMENTAL OUTCOMES EXPECTED

These outcomes supplement those set out in ***Section 7.2***.

7.7.2.1 Commercial areas containing a wide range of activities, contributing to the everyday needs and well being of the communities they serve.

7.7.2.2 Commercial areas that are subject to environmental controls to protect their amenity and that of adjoining areas, and which avoid, remedy or mitigate adverse effects on the natural and physical resources of the District.

7.7.3 OBJECTIVES

These objectives supplement those set out in ***Section 7.3***.

7.7.3.1 To achieve the development of commercial areas in the District accommodating a wide range of activities that avoid, remedy or mitigate the adverse effects of activities on other activities within the Commercial Zone and on the natural and physical resources of the District.

7.7.4 POLICIES

These policies supplement those set out in ***Section 7.4***.

7.7.4.1 That the Commercial Zone be applied to areas which are traditional commercial centres, and also to areas where the provision of commercial activity would not have adverse environmental effects, and would contribute to the needs and well being of the community.

7.7.4.2 That the range of activities provided for in the Commercial Zone be limited only by the needs for the effects generated by the particular activity to be consistent with other activities in the zone.

7.7.4.3 That standards be applied that protect visual and environmental amenity within the Commercial Zone, and the amenity of adjacent zones.

7.7.4.4 That stormwater disposal systems do not result in suspended solids, industrial by-products, oil, or other contaminated substance or waste entering the stormwater collection system in concentrations that are likely to pose an immediate or long term hazard to human health or the environment.

COMMENTARY

The objective and policies of the Commercial Zone reflect the nature of existing commercial activity in the district. In addition however, they allow flexibility for the development of new activities in existing commercial centres. Insofar as they are based on environmental effects, the objectives and policies for the Commercial Zone are intended to provide certainty and confidence, both to the business community and to adjoining rural

and residential land owners. The Plan recognises that the effects of commercial activity, and the needs of commercial enterprises, can be managed best when specific provision is made for them through zoning.

Consideration was given to removing the distinction between commercial and industrial zones but it was decided that the different effects of industrial and commercial activities, and the different sensitivity to effects of industrial and commercial activities, are such that separate commercial and industrial zones are justified.

The objective and policies are given effect to by the following rules in ***Chapter 7.7*** *and include rules designed to manage the effects of development on infrastructure and urban amenity.*

There are roads within the District that have comparatively high levels of vehicle use (over 1,000 vehicle movements per day). These require particular consideration in terms of the management of traffic effects.

7.7.5 ZONE RULES

Activities in the Commercial Zone must comply not only with the zone rules but also with the relevant rules in ***Part 3 of the Plan - District Wide Provisions***. An activity may be permitted by the zone rules but may require a resource consent because it does not comply with one or more of the rules in ***Part 3***.

Particular attention is drawn to:

(a) ***Chapter 12 Natural and Physical Resources*** (and the ***District Plan Maps***);
(b) ***Chapter 13 Subdivision***;
(c) ***Chapter 14 Financial Contributions***;
(d) ***Section 15.1 Traffic, Parking and Access***;
(e) ***Chapter 16 Signs and Lighting***;
(f) ***Chapter 17 Designations and Utility Services*** (and the ***Zone Maps***).

7.7.5.1 PERMITTED ACTIVITIES

An activity is a permitted activity in the Commercial Zone if:

(a) it complies with the standards for permitted activities set out in ***Rules 7.7.5.1.1*** to ***7.7.5.1.12*** below; and
(b) it complies with the relevant standards for permitted activities set out in ***Part 3 of the Plan - District Wide Provisions***.

7.7.5.1.1 BUILDING HEIGHT

(a) The maximum height of any building in the following Commercial Zones shall be 10m:
    (i) Ahipara North (***Map 74***);
    (ii) Cable Bay (***Map 61***);
    (iii) Haruru Falls excluding Watea Structure Plan area (***Map 90***);
    (iv) Mangonui (***Map 62***);
    (v) Matauri Bay (***Map 69***);
    (vi) Omapere and Opononi (***Maps 110*** and ***111***);
    (vii) Opua (***Map 92***);
    (viii) Paihia Areas A2 and A3 (***Map 91***);
    (ix) Paihia Area A4 except for a distance of 6.0m from the road boundary where the maximum height shall be 3.5m provided no more than 60% of the road boundary is occupied by a building (***Map 91***);
    (x) Rawene (***Map 101***);
    (xi) Taipa (***Map 60***);
    (xii) Whangaroa (***Map 70***);
    (xiii) Whatuwhiwhi (***Map 56***);
    (xiv) any commercial zoning that coincides with a Heritage Precinct, except in Russell.
(b) The maximum height of any building in the following Commercial Zones shall be 8.5m:
    (i) Russell (***Map 89***);
    (ii) Paihia Area A1 (***Map 91***);
    (iii) Elsewhere in Paihia (***Map 91***).

    This rule does not apply to buildings erected below the existing ground level.
(c) Elsewhere in the Commercial Zone the maximum building height is 12m.

7.7.5.1.2 SUNLIGHT

No part of any building shall project beyond a 45 degree recession plane as measured inwards from any point 2m vertically above ground level on the nearest site boundary which adjoins a Residential, Coastal Residential, Russell Township, Rural Living or Coastal Living zones (refer to definition of Recession Plane in ***Chapter 3 - Definitions***), except where a site boundary adjoins a legally established entrance strip, private way, access lot, or access way serving a rear site, the measurement shall be taken from the farthest boundary of the entrance strip, private way, access lot, or access way.

7.7.5.1.3 VISUAL AMENITY AND ENVIRONMENTAL PROTECTION

(a) Along boundaries adjoining any zone other than the Commercial or Industrial Zone, outdoor areas providing for activities such as parking, loading, outdoor storage and other outdoor activities associated with non-residential activities on the site shall be screened from adjoining sites by landscaping, wall/s, close boarded fence/s or trellis/es or a combination thereof. They shall be of a height sufficient to wholly or substantially separate these areas from the view of neighbouring properties. Structures shall be at least 1.8m in height, but no higher than 2.0m, along the length of the outdoor area. Where such screening is by way of landscaping it shall be a strip of vegetation which has or will attain a minimum height of 1.8m for a minimum depth of 2m.

NOTE: *Clause (a) in the event of an infringement, views from private property cannot be considered. For further information refer to interpretation document.*

(b) At least 50% of that part of the site between the road boundary and a parallel line 3m therefrom, which is not occupied by buildings or driveways, shall be landscaped.

NOTE: *Clause (b) Would be out of scope in relation to residential activities occurring in this zone.. For further information refer to interpretation document.*

(c) Any landscaping required by these rules shall remain on the site for the duration of the activity and be maintained, and, if such landscaping dies or becomes diseased or damaged, shall be replaced.

Note: It is recommended that any landscaping required by these rules shall incorporate measures outlined for Low Impact Design principles to retain, treat and/or dispose of stormwater generated on the site.

7.7.5.1.4 SETBACK FROM BOUNDARIES

(a) Where the road frontage of a site is identified as a `Pedestrian Frontage' on the ***Zone Maps*** all buildings shall be built up to the road boundary and a veranda provided for the full frontage of the site. The veranda shall:

(i) be so related to its neighbour as to provide continuous pedestrian cover; and

(ii) have a minimum height of 3m and a maximum height of 6m above the footpath immediately below; and

(iii) be set back a minimum of 300mm and a maximum of 600mm in plan from the kerb line.

(b) The setbacks from the road boundary within the Commercial Zone in Paihia as shown on ***Map 91*** shall be as follows:

(i) Area A1: 6m;

(ii) Area A2: 6m;

(iii) Area A3: 0m;

(iv) Area A4: 0m provided no more than 60% of the road boundary is occupied by a building;

(v) Area A5: 10m (which setback shall not include the decks and staircase of the existing Bistro 40 building if that building is relocated on the site);

(vi) 6m in all other situations.

This rule does not apply to buildings erected below the existing ground level.

(c) For Area A5 on ***Map 91***, a driveway width of 3m from the eastern boundary, over the front portion of the property, extending from Marsden Road to a point which is 31m from the Marsden Road Boundary.

Attention is also drawn to the setback from ***Lakes, Rivers, Wetlands and the Coastline*** provisions in ***Chapter 12.7***.

Note: This rule does not apply to the below ground components of wastewater disposal systems. However, provisions in ***Chapter 12.7 – Lakes Rivers Wetlands and the Coastline*** still apply to below ground components of wastewater treatment systems.

Attention is also drawn to the *TP58 On-site Wastewater Systems: Design and Management Manual and the* Regional Water and Soil Plan for Northland, as consent may be required.

7.7.5.1.5 NOISE MITIGATION FOR RESIDENTIAL ACTIVITIES

Any new residential activity involving permanent or non-permanent accommodation shall be developed in such a way that the attenuation of noise between any boundary and living room is no less than 20 dB, and between any boundary and any room used for sleeping is no less than 30 dB. In the absence of forced ventilation or air-conditioning, these reductions shall be achieved with any exterior windows open.

The Council will require an acoustic design report prepared by a suitably qualified and experienced person demonstrating compliance with this requirement prior to issuing any Certificate of Compliance under s139 of the Act.

7.7.5.1.6 TRANSPORTATION

Refer to ***Chapter 15 – Transportation*** for Traffic, Parking and Access rules.

7.7.5.1.7 KEEPING OF ANIMALS

No site shall be used for factory farming, a boarding or breeding kennel or a cattery.

7.7.5.1.8 NOISE

(a) All activities within the zone shall be conducted so that noise measured at any point within any other site in the zone shall not exceed:

0700 to 2200 hours 65 dBA L_{10}

2200 to 0700 hours 55 dBA L_{10} and

80 dBA L_{max}

(b) All activities within the zone shall be conducted so as to ensure that noise measured at any point within any site in the Residential, Coastal Residential or Russell Township Zones or at or within the notional boundary of any other dwelling in any other rural or coastal zone shall not exceed:

0700 to 2200 hours 55 dBA L_{10}

2200 to 0700 hours 45 dBA L_{10} and

70 dBA L_{max}

Noise Measurement and Assessment:

Sound levels shall be measured in accordance with *NZS 6801:1991 "Measurement of Sound"* and assessed in accordance with *NZS 6802:1991 "Assessment of Environmental Sound"*.

The notional boundary is defined in *NZS 6802:1991 "Assessment of Environmental Sound"* as a line 20m from any part of any dwelling, or the legal boundary where this is closer to the dwelling

Construction Noise:

Construction noise shall meet the limits recommended in, and shall be measured and assessed in accordance with, *NZS 6803P:1984 "The Measurement and Assessment of Noise from Construction, Maintenance and Demolition Work"*.

7.7.5.1.10 ROOF PITCH

For Area A5 on ***Map 91***, if the existing Bistro 40 building is demolished or removed from the site, any replacement building or part of a building occupying the area within 31m from the Marsden Road boundary must have the same roof pitch as the principal roof pitch on the existing Bistro 40 building.

Note: Refer to ***12.5B.7 Guidelines*** for further information.

7.7.5.1.11 STORMWATER

The disposal of collected stormwater from the roof of all new buildings and new impervious surfaces provided that the activity is within an existing consented urban stormwater management plan or discharge consent.

7.7.5.1.12 HELICOPTER LANDING AREA

A helicopter landing area shall be at least 200m from the nearest boundary of any of the Residential, Coastal Residential, Russell Township or Point Veronica Zones.

7.7.5.2 CONTROLLED ACTIVITIES

An activity is a controlled activity in the Commercial Zone if:

(a) it complies with all of the standards for permitted activities except for any one of the following ***Rules 7.7.5.1.2 Sunlight, 7.7.5.1.6 Transportation*** and ***7.7.5.1.11 Stormwater*** above; and

(b) it complies with ***Rules 7.7.5.2.1 Sunlight***, ***7.7.5.2.2 Transportation*** and ***Rule 7.7.5.2.3 Stormwater*** below; and

(c) it complies with the relevant standards for permitted or controlled activities set out in ***Part 3 of the Plan - District Wide Provisions***.

The Council must approve an application for a land use consent for a controlled activity but it may impose conditions on that consent.

7.7.5.2.1 SUNLIGHT

No part of any building shall project beyond a 45 degree recession plane as measured inwards from any point 3m vertically above ground level on the nearest site boundary which adjoins the Residential, Coastal Residential, Russell Township, Coastal Living or Rural Living Zones.(refer to definition of Recession Plane in ***Chapter 3 - Definitions***).

In considering an application under this provision the Council will restrict the exercise of its control to:

(a) the extent to which adjacent properties will be adversely affected in terms of visual domination, overshadowing, loss of privacy and loss of access to sunlight and daylight;
NOTE: *Clause (a) Views from private property cannot be considered as part of visual domination. For further information refer to interpretation document.*

(b) the location and proximity of adjacent residential units, and the outdoor space used by those units;

NOTE*: Clause (b) Effects on adjacent outdoor living areas of residential units out of scope. For further information refer to interpretation document.*

(c) the ability to mitigate any adverse effects of loss of sunlight;

(d) the extent to which adjoining residential activities will be adversely affected by the length of any building on or near the common boundary.

7.7.5.2.2 TRANSPORTATION

Refer to ***Chapter 15 – Transportation*** for Traffic, Parking and Access rules.

7.7.5.2.3 STORMWATER

The disposal of collected stormwater from the roof of all new buildings and new impervious surfaces provided that:

(a) where the means of disposal of collected stormwater will be by way of piping to an approved outfall, each allotment shall be provided with a piped connection to the outfall laid at least 600mm into the net area of the allotment. This includes land allocated on a cross-lease; and

(b) the stormwater collection system shall be designed to avoid any contaminants stored or used on the site from being entrained in any stormwater discharge unless that stormwater is discharged through a stormwater interceptor system; and

(c) the site is managed such that the concentration of contaminants in stormwater leaving the site do not pose an immediate or long term hazard to human health or the environment.

Note: In order to meet the conditions listed above it is strongly recommended that the stormwater collection system be designed in accordance with the onsite volume control practices as contained in *"Technical Publication 10, Stormwater Management Devices – Design Guidelines Manual", Auckland Regional Council (2003).*

7.7.5.3 RESTRICTED DISCRETIONARY ACTIVITIES

An activity is a restricted discretionary activity in the Commercial Zone if:

(a) it does not comply with any one of the following ***Rules 7.7.5.1.1 Building Height***; ***7.7.5.1.3 Visual Amenity and Environmental Protection***; ***7.7.5.1.4 Setback from Boundaries***; ***7.7.5.1.5 Noise Mitigation for Residential Activities***; ***7.7.5.1.8 Noise***; ***7.7.5.2.1 Sunlight*** and/or ***7.7.5.2.2 Transportation***; as set out above; but

(b) it complies with all of the other rules for permitted and controlled activities under ***Rules 7.7.5.1*** and ***7.7.5.2***; and

(c) it complies with ***Rules 7.7.5.3.1 Building Height***; ***7.7.5.3.2 Transportation***; ***7.7.5.3.3 Visual Amenity & Environmental Protection***; ***7.7.5.3.4 Setback from Boundaries***; ***7.7.5.3.5 Noise Mitigation for Residential Activities***; ***7.7.5.3.6 Noise*** and ***7.7.5.3.7 Sunlight*** below; and

(d) it complies with the relevant standards for permitted, controlled or restricted discretionary activities set out in ***Part 3 of the Plan - District Wide Provisions***.

The Council may approve or refuse an application for a restricted discretionary activity, and it may impose conditions on any consent.

In assessing an application for a restricted discretionary activity the Council will restrict the exercise of its discretion to the specific matters listed for each rule below, or where there is no rule, to the specific matters listed below under the appropriate heading.

7.7.5.3.1 BUILDING HEIGHT

(a) The maximum building height of any building in the following Commercial Zones shall be 12m:
- (i) Ahipara North (***Map 74***);
- (ii) Cable Bay (***Map 61***);
- (iii) Haruru Falls except Watea Structure Plan area (***Map 90***);
- (iv) Mangonui (***Map 62***);
- (v) Matauri Bay (***Map 69***);
- (vi) Omapere and Opononi (***Maps 110*** and ***111***);
- (vii) Opua (***Map 92***);
- (viii) Rawene (***Map 101***);
- (ix) Taipa (***Map 60***);
- (x) Whangaroa (***Map 70***);
- (xi) Whatuwhiwhi (***Map 56***);
- (xii) Any commercial zoning that coincides with a Heritage Precinct, except Russell.

(b) The maximum height of any building in the following Commercial Zones shall be 10m:
- (i) Russell (***Map 89***);
- (ii) Paihia (***Map 91***).

Note: Elsewhere in the Commercial Zone there is no maximum building height.

In assessing an application under this provision the Council will restrict the exercise of its discretion to:

(i) the extent to which adjacent residential properties will be adversely affected in terms of visual domination, overshadowing, loss of privacy and loss of access to sunlight and daylight;

NOTE*: Views from private property cannot be considered as part of visual domination. For further information refer to interpretation document.*

(ii) the ability to mitigate any adverse effects by way of increased separation distances between buildings in the Commercial Zone and buildings in any adjacent Residential Zone, or the provision of landscaping and screening;

(iii) the ability to mitigate any adverse effects on heritage values where the activity is within or adjacent to a Heritage Precinct.

7.7.5.3.2 TRANSPORTATION

Refer to ***Chapter 15 – Transportation*** for Traffic, Parking and Access rules.

7.7.5.3.3 VISUAL AMENITY AND ENVIRONMENTAL PROTECTION

In assessing an application resulting from a breach of ***Rule 7.7.5.1.3 Visual Amenity and Environmental Protection*** the matters to which the Council will restrict its discretion are:

(a) the visual effect on property in the vicinity of the proposed commercial development;

NOTE: *Views from private property cannot be considered. For further information refer to interpretation document.*

(b) the scale and nature of the landscape and the resources necessary for its maintenance.

7.7.5.3.4 SETBACK FROM BOUNDARIES

In assessing an application resulting from a breach of ***Rule 7.7.5.1.4 Setback from Boundaries*** the matters to which the Council will restrict its discretion are:

(a) where a pedestrian frontage is required, the extent to which the proposal is in keeping with the existing character and form of the street or road, in particular with the external scale, proportions and buildings on the site and on adjacent sites;

(b) the extent to which the buildings and their use will impact on the public use and enjoyment of adjoining esplanade reserves and strips and adjacent coastal marine areas.

7.7.5.3.5 NOISE MITIGATION FOR RESIDENTIAL ACTIVITIES

In assessing an application resulting from a breach of ***Rule 7.7.5.1.5 Noise Mitigation for Residential Activities*** the matters to which the Council will restrict its discretion are:

(a) the degree of noise attenuation achieved by the residential activity, taking into account the risk of exposure to noise from activities in the vicinity;

(b) the hours of operation of the adjoining activity that is generating the noise;

(c) the timing and duration of the noise from adjoining sites that is affecting the site of the application.

7.7.5.3.6 NOISE

In assessing a breach of ***Rule 7.7.5.1.8 Noise*** the matters to which the Council will restrict its discretion are:

(a) the character, level and duration of noise from any activity as received at the boundary, or notional boundary of another site;

(b) the effectiveness of operation in relation to the surrounding environment;

(c) the effectiveness of any noise mitigation measures proposed.

7.7.5.3.7 SUNLIGHT

In assessing an application resulting from a breach of ***Rule 7.7.5.2.1 Sunlight*** the matters to which the Council will restrict its discretion are the same as those listed under ***Rule 7.7.5.2.1*** above.

7.7.5.4 DISCRETIONARY ACTIVITIES

An activity is a discretionary activity in the Commercial Zone if:

(a) it does not comply with one or more of the other standards for permitted, controlled or restricted discretionary activities in this zone as set out under ***Rules 7.7.5.1***; ***7.7.5.2*** and ***7.7.5.3*** above; but

(b) it complies with the relevant standards for permitted, controlled, restricted discretionary or discretionary activities set out in ***Part 3 of the Plan - District Wide Provisions***.

The Council may impose conditions of consent on a discretionary activity or it may refuse consent to the application. When considering a discretionary activity application, the Council will have regard to the assessment criteria set out under ***Chapter 11***.

If an activity does not comply with the standards for a discretionary activity, it will be a non-complying activity in this zone.

7.7.5.4.1 HELICOPTER LANDING AREA

A helicopter landing area within 200m of the nearest boundary of any of the Residential, Coastal Residential, Russell Township or Point Veronica Zones.

7.8 INDUSTRIAL ZONE

CONTEXT

The Industrial Zone includes the existing areas of industrial activity in the District and provides for the expansion of industry in these areas. By identifying a separate Industrial Zone, the Council is indicating that the effects of industrial activities are able to be managed most effectively if the activities that give rise to the effects are grouped together.

Thus, the Industrial Zone enables industrial and other activities to establish in areas where the effects of the activities are mutually compatible. These effects will be appropriate to the industrial character and amenity of the zone and differ from the standards that are appropriate in other urban zones.

7.8.1 ISSUES

These issues supplement those set out in ***Section 7.1***.

7.8.1.1 Industrial activities contribute to the ability of the communities to provide for their needs, but have the potential to cause adverse effects on the environment generally and in particular on the character and amenity values of areas of non-industrial activities.

7.8.1.2 The viability and convenience to the community of areas that are predominantly industrial or that are identified as potentially industrial can be adversely affected by development that does not have an industrial character, scale and intensity.

7.8.2 ENVIRONMENTAL OUTCOMES EXPECTED

These outcomes supplement those set out in ***Section 7.2***.

7.8.2.1 Industrial areas contributing a wide range of activities that are mutually compatible in terms of their environmental effects, and which contribute to the needs and well being of the people of the District.

7.8.2.2 Environmental controls that take account of the needs of industry but also ensure that the amenity of adjacent areas, and the sustainability of natural and physical resources in the District, is safeguarded.

7.8.3 OBJECTIVES

These objectives supplement those set out in ***Section 7.3***.

7.8.3.1 To avoid, remedy or mitigate adverse effects of new industrial activities on existing activities in the Industrial zone, and on activities on adjoining land, and on the natural and physical resources of the District.

7.8.4 POLICIES

These policies supplement those set out in ***Section 7.4***.

7.8.4.1 That the Industrial Zone be applied to those areas in which industry is a significant activity and where expansion or intensification of the industrial character can be accomplished without damage to the environment.

7.8.4.2 That the range of activities provided for in the Industrial zone be limited only by the acceptability of the effects generated by the particular activity in relation to other activities in the zone.

7.8.4.3 That standards be applied that protect visual and environmental amenity within the Industrial zone, and the amenity of adjacent zones.

7.8.4.4 All activities should provide for a stormwater disposal system incorporating Low Impact Design principles, particularly for car park and landscaped areas.

7.8.4.5 That stormwater disposal systems do not result in suspended solids, industrial by-products, oil, or other contaminated substance or waste entering the stormwater collection system in concentrations that are likely to pose an immediate or long term hazard to human health or the environment.

COMMENTARY

The reason for establishing the Industrial Zone is to provide a degree of certainty to the community. Industrial activities can have effects that are not appropriate or acceptable in areas of predominantly non-industrial activities. The creation of the Industrial Zone provides guidance as to where the community considers the type of effects typically generated by industrial activity would be appropriate.

The objectives and policies of the Industrial Zone reflect the pattern of existing industrial activity in the District. They provide flexibility for the development of new activities in areas where the activities have similar levels of acceptance of the effects generated by industrial activity.

There are roads within the District that have comparatively high levels of vehicle use (over 1000 vehicle movements per day). These require particular consideration in terms of the management of traffic effects.

7.8.5 ZONE RULES

Activities in the Industrial zone must comply not only with the zone rules but also with the relevant rules in ***Part 3 of the Plan - District Wide Provisions***. An activity may be permitted by the zone rules but may require a resource consent because it does not comply with one or more of the rules in ***Part 3***.

Particular attention is drawn to:

(a) ***Chapter 12 Natural and Physical Resources*** (and the ***District Plan Maps***);
(b) ***Chapter 13 Subdivision***;
(c) ***Chapter 14 Financial Contributions***;
(d) ***Section 15.1 Traffic, Parking and Access***;
(e) ***Chapter 16 Signs and Lighting***;
(f) ***Chapter 17 Designations and Utility Services*** (and the ***Zone Maps***).

7.8.5.1 PERMITTED ACTIVITIES

An activity is a permitted activity in the Industrial Zone if:

(a) it complies with the standards for permitted activities set out in ***Rules 7.8.5.1.1*** to ***7.8.5.1.10*** below; and

(b) it complies with the relevant standards for permitted activities set out in ***Part 3 of the Plan - District Wide Provisions***. Particular attention is drawn to ***Section 12.8 Hazardous Substances***.

7.8.5.1.1 SUNLIGHT

No part of any building shall project beyond a 45 degree recession plane as measured inwards from any point 2m vertically above ground level on the nearest site boundary which adjoins a Residential, Coastal Residential, Russell Township, Rural Living or Coastal Living zones (refer to definition of Recession Plane in ***Chapter 3 - Definitions***), except where a site boundary adjoins a legally established entrance strip, private way, access lot, or access way serving a rear site, the measurement shall be taken from the farthest boundary of the entrance strip, private way, access lot, or access way.

7.8.5.1.2 VISUAL AMENITY AND ENVIRONMENTAL PROTECTION

(a) Along boundaries adjoining any zone other than the Commercial or Industrial Zone, outdoor areas providing for activities such as parking, loading, outdoor storage and other outdoor activities associated with non-residential activities on the site shall be screened from adjoining sites by landscaping, wall/s, close boarded fence/s or trellis/es or a combination thereof. They shall be of a height sufficient to wholly or substantially separate these areas from the view of neighbouring properties. Structures shall be at least 1.8m in height, but no higher than 2.0m, along the length of the outdoor area. Where such screening is by way of landscaping it shall be a strip of vegetation which has or will attain a minimum height of 1.8m for a minimum depth of 2m.

NOTE: *Clause (a) Views from private property cannot be considered. For further information refer to interpretation document.*

(b) At least 50% of that part of the site between the road boundary and a parallel line 6m therefrom, where it is not occupied by buildings, shall be landscaped.

NOTE: *Clause (b) Would be out of scope in relation to residential activities occurring in this zone. For further information refer to interpretation document.*

(c) Any landscaping required by these rules shall remain on the site for the duration of the activity and be maintained, and if such landscaping dies, or becomes diseased or damaged, shall be replaced.

Note: It is recommended that any landscaping required by these rules shall incorporate Low Impact Design principles to retain, treat and/or dispose of stormwater generated on the site.

7.8.5.1.3 NOISE MITIGATION FOR RESIDENTIAL ACTIVITIES

Any new residential activity involving permanent or non-permanent accommodation shall be developed in such a way that the attenuation of noise between any boundary and living room is no less than 20 dB, and between any boundary and any room used for sleeping is no less than 30 dB. In the absence of forced ventilation or air-conditioning, these reductions shall be achieved with any exterior windows open.

Council will require an acoustic design report prepared by a suitably qualified and experienced person demonstrating compliance with this requirement prior to issuing any Certificate of Compliance under s139 of the Act.

7.8.5.1.4 TRANSPORTATION

Refer to ***Chapter 15 – Transportation*** for Traffic, Parking and Access rules.

7.8.5.1.5 KEEPING OF ANIMALS

No site shall be used for factory farming, a boarding or breeding kennel or a cattery.

7.8.5.1.6 NOISE

(a) All activities within the zone shall be conducted so that noise measured at any point within any other site in the zone shall not exceed:

0700 to 2200 hours 65 dBA L_{10}

2200 to 0700 hours 55 dBA L_{10} and

80 dBA L_{max}

(b) All activities within the zone shall be conducted so as to ensure that noise measured at any point within any site in the Residential, Coastal Residential or Russell Township Zone or at and within the notional boundary of any other dwelling in any other rural or coastal zone shall not exceed:

0700 to 2200 hours 55 dBA L_{10}

2200 to 0700 hours 45 dBA L_{10} and

70 dBA L_{max}

Noise Measurement and Assessment:

Sound levels shall be measured in accordance with *NZS 6801:1991 "Measurement of Sound"* and assessed in accordance with *NZS 6802:1991" Assessment of Environmental Sound"*.

The notional boundary is defined in *NZS 6802:1991 "Assessment of Environmental Sound"* as a line 20m from any part of any dwelling, or the legal boundary where this is closer to the dwelling

Construction Noise:

Construction noise shall meet the limits recommended in, and shall be measured and assessed in accordance with, *NZS 6803P:1984 "The Measurement and Assessment of Noise from Construction, Maintenance and Demolition Work"*.

7.8.5.1.7 SETBACK FROM BOUNDARIES

The minimum building setback from State Highways and arterial roads shall be 2m.

Attention is also drawn to the setback from ***Lakes, Rivers, Wetlands and the Coastline*** provisions in ***Chapter 12.7***.

Note: This rule does not apply to the below ground components of wastewater disposal systems. However, provisions in ***Chapter 12.7 – Lakes Rivers Wetlands and the Coastline*** still apply to below ground components of wastewater treatment systems.

Attention is also drawn to the *TP58 On-site Wastewater Systems: Design and Management Manual and the* Regional Water and Soil Plan for Northland, as consent may be required.

7.8.5.1.8 BUILDING HEIGHT

The maximum height of buildings in the Industrial Zone at Opua (refer ***Map 92***) is 12m. This restriction does not apply elsewhere in the Industrial Zone.

7.8.5.1.9 STORMWATER

The disposal of collected stormwater from the roof of all new buildings and new impervious surfaces provided that the activity is within an existing consented urban stormwater management plan or discharge consent.

7.8.5.1.10 HELICOPTER LANDING AREA

A helicopter landing area shall be at least 200m from the nearest boundary of any of the Residential, Coastal Residential, Russell Township or Point Veronica Zones.

7.8.5.2 CONTROLLED ACTIVITIES

An activity is a controlled activity in the Industrial Zone if:

(a) it complies with all of the standards for permitted activities except for any one of the following ***Rules 7.8.5.1.1 Sunlight, 7.8.5.1.4 Transportation*** and ***7.8.5.1.9 Stormwater*** above; and

(b) it complies with ***Rules 7.8.5.2.1 Sunlight, 7.8.5.2.2 Transportation*** and ***7.8.5.2.3 Stormwater*** below; and

(c) it complies with the relevant standards for permitted or controlled activities set out in ***Part 3 of the Plan - District Wide Provisions***.

The Council must approve an application for a land use consent for a controlled activity but it may impose conditions on that consent.

7.8.5.2.1 SUNLIGHT

No part of any building shall project beyond a 45 degree recession plane as measured inwards from any point 3m vertically above ground level on the nearest site boundary which adjoins a Residential, Coastal Residential, Russell Township, Coastal Living or Rural Living Zone (refer to definition of Recession Plane in ***Chapter 3 - Definitions***).

In considering an application under this provision the Council will restrict the exercise of its control to:

(a) the extent to which adjacent properties will be adversely affected in terms of visual domination, overshadowing, loss of privacy and loss of access to sunlight and daylight;

NOTE: *Views from private property cannot be considered. For further information refer to interpretation document.*

(b) the location and proximity of adjacent residential units, and the outdoor space used by those units;

(c) the ability to mitigate any adverse effects of loss of sunlight;

(d) the extent to which adjoining residential activities will be adversely affected by the length of any building on or near the common boundary.

7.8.5.2.2 TRANSPORTATION

Refer to ***Chapter 15 – Transportation*** for Traffic, Parking and Access rules.

7.8.5.2.3 STORMWATER

The disposal of collected stormwater from the roof of all new buildings and new impervious surfaces provided that:

(a) where the means of disposal of collected stormwater will be by the way of piping to an approved outfall, each allotment shall be provided with a piped connection to the outfall laid at least 600mm into the net area of the allotment. This includes land allocated on a cross-lease; and

(b) the stormwater collection system shall be designed to avoid any contaminants stored or used on the site from being entrained in any stormwater discharge unless that stormwater is discharged through a stormwater interceptor system; and

(c) the site is managed such that the concentration of contaminants in stormwater leaving the site do not pose an immediate or long term hazard to human health or the environment.

Note: In order to meet the conditions listed above it is strongly recommended that the stormwater collection system be designed in accordance with the onsite volume control practices as contained in *"Technical Publication 10, Stormwater Management Devices – Design Guidelines Manual", Auckland Regional Council (2003)*.

7.8.5.3 RESTRICTED DISCRETIONARY ACTIVITIES

An activity is a restricted discretionary activity in the Industrial Zone if:

(a) it does not comply with any one of the following ***Rules 7.8.5.1.2 Visual Amenity and Environmental Protection***; ***7.8.5.1.3 Noise Mitigation for Residential Activities***; ***7.8.5.1.6 Noise***; ***7.8.5.1.7 Setback From Boundaries***; ***7.8.5.2.1 Sunlight*** and/or ***7.8.5.2.2 Transportation*** as set out above; but

(b) it complies with all of the other rules for permitted and controlled activities under ***Rules 7.8.5.1*** and ***7.8.5.2***; and

(c) it complies with ***Rule 7.8.5.3.1 Transportation***; ***7.8.5.3.2 Visual Amenity and Environmental Protection***; ***7.8.5.3.3 Noise Mitigation for Residential Activities***; ***7.8.5.3.4 Noise***; ***7.8.5.3.5 Setbacks from Boundaries*** and ***7.8.5.3.6 Sunlight*** below; and

(d) it complies with the relevant standards for permitted, controlled or restricted discretionary activities set out in ***Part 3 of the Plan - District Wide Provisions***.

The Council may approve or refuse an application for a restricted discretionary activity, and it may impose conditions on any consent.

In assessing an application for a restricted discretionary activity the Council will restrict the exercise of its discretion to the specific matters listed for each rule below, or where there is no rule, to the specific matters listed below under the appropriate heading.

7.8.5.3.1 TRANSPORTATION

Refer to ***Chapter 15 – Transportation*** for Traffic, Parking and Access rules.

7.8.5.3.2 VISUAL AMENITY AND ENVIRONMENTAL PROTECTION

In assessing an application resulting from a breach of ***Rule 7.8.5.1.2 Visual Amenity and Environmental Protection*** the matters to which the Council will restrict its discretion are:

(a) the visual effect on property in the vicinity of the proposed industrial development;

(b) the scale and nature of the landscaping and the measures necessary for its maintenance.

7.8.5.3.3 NOISE MITIGATION FOR RESIDENTIAL ACTIVITIES

In assessing an application resulting from a breach of ***Rule 7.8.5.1.3 Noise Mitigation for Residential Activities*** the matters to which the Council will restrict its discretion are:

(a) the degree of noise attenuation achieved by the residential activity, taking into account the risk of exposure to noise from activities in the vicinity;

(b) the hours of operation of the adjoining activity that is generating the noise;

(c) the timing and duration of the noise from adjoining sites that is affecting the site of the application.

7.8.5.3.4 NOISE

In assessing a breach of ***Rule 7.8.5.1.6 Noise*** the matters to which the Council will restrict its discretion are:

(a) the character, level and duration of noise from any activity as received at the boundary, or notional boundary of another site;

(b) the hours of operation in relation to the surrounding environment;

(c) the effectiveness of any noise mitigation measures proposed.

7.8.5.3.5 SETBACK FROM BOUNDARIES

In assessing an application resulting from a breach of ***Rule 7.8.5.1.7 Setback from Boundaries*** the matters to which the Council will restrict its discretion are:

(a) the extent to which the building(s) reduces outlook and privacy of adjacent properties;

NOTE: *Views from private property cannot be considered. For further information refer to interpretation document.*

(b) the extent to which the building(s) restricts visibility for access and egress of vehicles;

(c) the ability to mitigate any adverse effects on the surrounding environment, for example by way of planting;

(d) the extent to which provision has been made to enable and facilitate all building maintenance and construction activities to be contained within the boundaries of the site;

(e) the extent to which the buildings and their use will impact on the public use and enjoyment of adjoining esplanade reserves and strips and adjacent coastal marine areas.

7.8.5.3.6 SUNLIGHT

In assessing an application resulting from a breach of ***Rule 7.8.5.2.1 Sunlight*** the matters to which the Council will restrict its discretion are the same as those listed under ***Rule 7.8.5.2.1*** above.

7.8.5.4 DISCRETIONARY ACTIVITIES

An activity is a discretionary activity in the Industrial Zone if:

(a) it does not comply with one or more of the other standards for permitted, controlled or restricted discretionary activities in this zone as set out under ***Rules 7.8.5.1***; ***7.8.5.2*** and ***7.8.5.3*** above, but

(b) it complies with the relevant standards for permitted, controlled, restricted discretionary or discretionary activities set out in ***Part 3 of the Plan - District Wide Provisions***.

The Council may impose conditions of consent on a discretionary activity or it may refuse consent to the application. When considering a discretionary activity application, the Council will have regard to the assessment criteria set out under ***Chapter 11***.

If an activity does not comply with the standards for a discretionary activity, it will be a non-complying activity in this zone.

7.8.5.4.1 HELICOPTER LANDING AREA

A helicopter landing area within 200m of the nearest boundary of any of the Residential, Coastal Residential, Russell Township or Point Veronica Zones.