18 SPECIAL AREAS

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.

18.1 MOTUROA ISLAND ZONE

CONTEXT

Moturoa Island is an area where the land owners have taken the initiative in preparing a development plan (refer to ***Moturoa Island Development Plan – Appendix 6A*** in ***Part 4*** of the Plan). This plan has no statutory basis but represents an appropriate level of development that is not inconsistent with the General Coastal Zone development. The plan is used as the basis for the Moturoa Island Zone and should be read in conjunction with it.

The Moturoa Island Zone therefore recognises and provides for the existing and proposed future development on the western end of Moturoa Island, whilst retaining and enhancing conservation/wildlife areas on the eastern end, which has been gazetted as a Wildlife Refuge.

The zone also provides for further development and activities, which are to be carried out in a manner which retains the character, features and landscape of the coastal environment.

18.1.1 ISSUES

18.1.1 Moturoa Island is an environment where appropriate use and development can differ from that which might apply on the mainland. Resource management needs to recognise the particular environmental constraints and opportunities that exist on the Island.

18.1.2 ENVIRONMENTAL OUTCOMES EXPECTED

18.1.2.1 A Moturoa Island Zone where development is of a scale and intensity that recognises and preserves the natural character of the coastal environment.

18.1.2.2 A Moturoa Island Zone where conservation and wildlife values are protected as part of the management of the island.

18.1.3 OBJECTIVES

18.1.3.1 To provide for development and activity on Moturoa Island including additions and external alterations to dwellings and ancillary buildings and facilities for the storage of pleasure craft.

18.1.3.2 To ensure that development upon Moturoa Island is carried out in a manner that recognises the attractive, unspoilt nature of the Island as a prominent landscape feature, and the natural character of the coastal environment.

18.1.3.3 To provide for the continued maintenance and enhancement of the conservation/wildlife areas on the island which have been gazetted as a Wildlife Refuge.

18.1.4 POLICIES

18.1.4.1 That the western part of the island, where the existing dwellings are situated, be identified as the "development area" to recognise the existing and future development in that area.

18.1.4.2 That the eastern part of the Island (some 40ha) be identified as the "conservation area" and continue to be used for grazing and conservation/wildlife activities with provision being made for the erection and use of appropriate buildings for these purposes.

18.1.4.3 That future building additions to the existing dwellings and the building of future proposed dwellings and accessory buildings, including facilities for the storage of pleasure craft, be controlled by way of the Development Plan and by way of controlled activity consideration over the siting, scale and design of building activities and future dwellings.

18.1.4.4 That the commitment of the owners of the island to the conservation/wildlife development be accepted by the Council as reserves development in the context of any future requirements for

esplanade reserves or esplanade strips in association with proposed dwelling additions or proposed dwellings in the development area. In recognition of this continuing commitment by the owners of the island, development in accordance with the zone provisions and the development plan shall not be subject to s230 of the Act or, any amended, replacement or other legislation relating to esplanade reserves or strips.

Note: This exclusion is included in the Plan in accordance with s77 of the Act relating to rules about esplanade reserves on subdivision.

18.1.4.5 That land management practices be encouraged that minimise adverse effects on the quality of soil resources and on the quality and availability of water.

18.1.4.6 That the siting of existing and proposed dwellings and accessory buildings in the development area be in a manner which minimises the impacts of activities and development in the coastal environment and ensures sufficient land area for the satisfactory disposal of wastewater and stormwater.

18.1.4.7 That animals not be taken to the Island, apart from those which are part of controlled farming activity, or for conservation purposes, in recognition of their potential to destroy the conservation and wildlife values on the Island.

18.1.5 METHODS OF IMPLEMENTATION

DISTRICT PLAN METHODS

18.1.5.1 The rules in the Moturoa Island Zone achieve the objectives and policies outlined above.

OTHER METHODS

18.1.5.2 The landowners of Moturoa Island have voluntarily implemented a conservation/ wildlife "ethic" on a portion of the Island.

COMMENTARY

*The objectives and policies of the Moturoa Island Zone reflect, and are consistent with, the Moturoa Island Development Plan (refer **Appendix 6A**). This Plan was prepared by the landowners and reflects their intentions for the management of the island.*

The Development Plan includes protection for the natural environment. It is appropriate in terms of the purpose and principles of the Act. It is appropriate therefore, that the objectives and policies of the Moturoa Island Zone give effect and add to the general concept set out in the Development Plan.

Thus the reason why the provisions of the Moturoa Island Zone are, in some cases, more stringent than are provided for in the General Coastal Zone or the Rural Production Zone, is because the landowners support a relatively restrictive regime in order to maintain the character of the existing environment.

18.1.6 ZONE RULES

Activities in the Moturoa Island zone must comply with the zone rules in this section but the rules in ***Part 3 of the Plan - District Wide Provisions*** do not apply.

18.1.6.1 PERMITTED ACTIVITIES

An activity is a permitted activity in the Moturoa Island zone if it complies with the standards for permitted activities in ***Rules 18.1.6.1.1*** to ***18.1.6.1.8*** below.

18.1.6.1.1 LOCATION OF RESIDENTIAL ACTIVITIES

No residential activities may be located outside the building sites defined on the Moturoa Island Development Plan (***Appendix 6A***).

18.1.6.1.2 RESIDENTIAL INTENSITY

No more than 24 residential units, in addition to the existing farm house and beach cottage, may be established on Moturoa Island.

Each residential unit shall have available to it 3,000m² for stormwater and effluent disposal provided that this rule shall not limit the use of an existing dwelling.

18.1.6.1.3 VISUAL AMENITY

The following are permitted activities in the Moturoa Island Zone:

(a) any new building with a gross floor area of less than 25m²; or

(b) any alteration/addition to an existing building which does not exceed 20% of the gross floor area of the building which is being altered or added to, provided that any alteration/addition does not exceed the height of the existing building, and that any alteration/addition is to a building that existed at 28 April 2000.

Note: New buildings with a gross floor area of more than 25m^2 are not a permitted activity.

18.1.6.1.4 BUILDING HEIGHT

The maximum building height of any building shall be 5m.

18.1.6.1.5 WATER SETBACK

No new buildings shall be erected within 30m of the line of MHWS.

18.1.6.1.6 SCALE OF FARM BUILDINGS

The maximum site coverage of buildings associated with the farming use of Moturoa Island shall not exceed 400m².

18.1.6.1.7 NOISE

All activities shall be so conducted as to ensure that noise from the site shall not exceed the following noise limits at or within the notional boundary of any dwelling not on the same site within the Moturoa Island Zone, or at or within the notional boundary of any dwelling in the General Coastal Zone:

0700 to 2200 hrs 55 dBA L_{10}

2200 to 0700 hrs 45 dBA L_{10} and

70 dBA L_{max}

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 section 16 of the Act.

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"*.

18.1.6.1.8 HELICOPTER LANDING AREA

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

18.1.6.2 CONTROLLED ACTIVITIES

An activity is a controlled activity in the Moturoa Island Zone if:

(a) it does not comply with any one of the following ***Rules 18.1.6.1.3 Visual Amenity***; ***18.1.6.1.4 Building Height*** or ***18.1.6.1.5 Water Setback***; but

(b) it complies with all the other standards for permitted activities in this zone; and

(c) it complies with ***Rules 18.1.6.2.1 Visual Amenity***; ***18.1.6.2.2 Building Height*** and ***18.1.6.2.3 Water Setback*** below.

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

If an activity does not comply with the standards for a controlled activity, it will be a non-complying activity.

18.1.6.2.1 VISUAL AMENITY

The following are controlled activities in the Moturoa Island Zone:

(a) any new buildings; or

(b) any alteration/addition to an existing building which does not exceed 40% of the gross floor area of the building which is being altered or added to, provided that any alteration/addition

does not exceed the height of the existing building, provided that the alteration/addition is to a building that existed at 28 April 2000.

When considering a controlled activity application under this rule the Council will restrict the exercise of its control to:

(i) the size, height, bulk and siting of the structure in relation to ridgelines and natural features;

(ii) the colour and reflectivity of the structure;

(iii) the extent to which planting can mitigate visual effects;

(iv) the location and design of associated vehicle access, manoeuvring and parking areas;

(v) the extent to which the structure will be visually obtrusive;

(vi) the degree to which the landscape will retain the qualities that give it naturalness and visual value.

18.1.6.2.2 BUILDING HEIGHT

The maximum height of any building shall be 7m.

When considering a controlled activity application under this rule the Council will restrict the exercise of its control to:

(a) the visual effects on the natural character of the coastal environment;

(b) landscaping of the site.

18.1.6.2.3 WATER SETBACK

No new buildings shall be erected within 26m of the line of MHWS.

When considering a controlled activity application under this rule the Council will restrict the exercise of its control to:

(a) the visual effects on the natural character of the coastal environment;

(b) landscaping of the site.

18.1.6.3 DISCRETIONARY ACTIVITIES

18.1.6.3.1 HELICOPTER LANDING AREA

A helicopter landing area within 200m of the nearest boundary of any of the Residential or Coastal Residential Zones.

18.2 WATEA STRUCTURE PLAN

CONTEXT

Land to the west of the existing urban areas of Haruru Falls will be progressively developed to accommodate the future growth of the Paihia-Haruru Falls area more or less in accordance with the Watea Structure Plan, which has been prepared by the landowner. The District Plan implements the structure plan in part by zoning land for commercial and residential purposes to the west of the existing urban development. Beyond the urban zoning, land is zoned Rural Production or Rural Living so as to ensure that the future development of the area is not compromised by inappropriate use, development or subdivision. Future zoning will be implemented by the Council by way of a Plan Change as the demand for urban land requires.

The Watea Structure Plan (refer ***Appendix 6B*** in ***Part 4*** of the Plan) contains a general outline of how the area is to be developed. Its purpose is to guide the Council, landowners and developers by identifying the general roading and reserves network which is to be established through the area. Some roading will be developed by the Council, but most will be developed as land is subdivided.

The subdivision of the area will be expected to follow the general pattern illustrated in the structure plan, and to this end, as the Council zones new areas for further development, it will implement the structure plan by applying the zoning pattern indicated on that plan. The subsequent development will be in accordance with the relevant zoning.

18.2.1 ISSUES

18.2.1.1 Urban development requires the provision of infrastructure and community facilities. The expansion of urban development onto a greenfield site at Watea, where the land is mainly in one ownership, presents an opportunity to integrate and coordinate the development of infrastructure and community facilities.

18.2.2 ENVIRONMENTAL OUTCOMES EXPECTED

18.2.2.1 The progressive development of the Paihia-Haruru Falls area to accommodate future growth in a way that creates an environment with high amenity values and promotes sustainable management of natural and physical resources.

18.2.3 OBJECTIVES

18.2.3.1 To provide for the future urban expansion of the Paihia-Haruru Falls area in a way which will create an environment with high amenity values and a sustainable use of natural and physical resources.

18.2.3.2 To provide for a wide range of urban activities including residential, recreational, community and business activities in a comprehensive and co-ordinated manner.

18.2.4 POLICIES

18.2.4.1 That the progressive urban expansion of the urban area of Paihia-Haruru Falls be enabled in accordance with the Watea Structure Plan.

18.2.4.2 That a new roading structure, be progressively developed as indicated generally on the Watea Structure Plan.

18.2.4.3 That a network of reserves be developed to link residential areas separate from the main roading network and to provide the opportunity for pedestrian and cycleway networks.

18.2.4.4 That infrastructural services will be developed in association with staged release of land for urban development.

18.2.5 METHODS OF IMPLEMENTATION

18.2.5.1 The implementation of the Watea Structure Plan is by way of rules in the District Plan and, at the appropriate time, by a Plan Change to extend the area of urban zoning.

COMMENTARY

The main reason for adopting the objectives, policies and methods of this special area is that they take advantage of an opportunity that does not occur frequently in the development of urban areas. The

opportunity arose because land at Watea, which is in an appropriate location to provide for the expansion of the Paihia-Haruru Falls area, is in one ownership.

Furthermore, the owner prepared a structure plan which indicated how the proposed development of the land could be integrated with the surrounding area. The objectives, policies and methods of this special area support the structure plan and incorporate its provisions into the District Plan. In so doing, the Council adopts and takes over the structure plan. The methods in this section will ensure that development takes place in accordance with the structure plan.

18.2.6 RULES

Activities affected by this section of the Plan must comply not only with the rules in this section, but also with the relevant standards applying to the zone in which the activity is located (refer to ***Part 2 Environment Provisions***) and with other relevant standards in ***Part 3 – District Wide Provisions***.

18.2.6.1 DISCRETIONARY ACTIVITIES

18.2.6.1.1 SUBDIVISION

Any subdivision that:

(a) is generally in accord with the Watea Structure Plan (refer to ***Appendix 6B***); and

(b) implements the layout of roads or reserves shown in the Watea Structure Plan; and

(c) is in accord with the policies in ***Section 18.2.4***; and

(d) complies with the relevant provisions of the intended future zonings shown on the Structure Plan shall be a non-notified discretionary activity.

Note: Development on an approved subdivision in the area covered by the Watea Structure Plan will be subject to the rules that apply in the relevant zone.

18.2.6.2 NON-COMPLYING ACTIVITIES

18.2.6.2.1 SUBDIVISION

Notwithstanding that a subdivision may be permitted, controlled, discretionary or non-complying under the subdivision rules of ***Chapter 13*** any subdivision of land within the area covered by the Watea Structure Plan (refer to ***Appendix 6B***) that:

(a) does not generally accord with the Watea Structure Plan (refer to ***Appendix 6B***); or

(b) does not implement the layout of roads or reserves shown on the Structure Plan; or

(c) does not generally accord with the policies in ***Section 18.2.4*** shall be a non-complying activity.

18.2.7 ASSESSMENT CRITERIA

In exercising its discretion under this rule, the Council shall have particular regard to the following matters:

(a) How the proposed subdivision implements the Watea Structure Plan.

(b) The integration of the proposed subdivision with existing and/or approved development on land covered by the Watea Structure Plan.

(c) The extent to which the proposed subdivision complies with the relevant provisions and standards of the intended future zonings shown on the Watea Structure Plan.

(d) The ability for the proposed subdivision/development to be connected to infrastructure services and utility services.

In addition, the Council shall have regard to the assessment criteria applying to subdivision generally in ***Section 13.10***.

18.3 WAIMATE NORTH ZONE

CONTEXT

Whilst rural in nature, the Waimate North Zone (refer to ***Appendix 6C*** and ***Zone Maps***) is unique. It is an area with both distinctive physical features and a legacy of Maori and European settlement. The result of human occupation of the land, particularly since the mid 1800's, has been the development of a landscape that has heritage value and outstanding visual qualities. This is expressed in the present day roading pattern, the buildings and other historic and cultural elements, the settlement pattern, characterized by low-density lifestyle blocks, and the park-like rural character in which puriri and other indigenous and exotic specimen trees are a significant part.

The visual quality of the existing environment of Waimate North Zone has been developed over many years by landowners in the area. Their efforts have benefited the whole District and need to be supported if the outstanding character of the landscape is to be retained or enhanced. For this reason, while retaining some consistency with the standards applying to the Rural Production Zone, special zone provisions have been inserted in the Plan that contain specific measures designed to assist landowners to protect and enhance the historic and visual character of the area.

18.3.1 ISSUES

18.3.1.1 The unique combination of natural character, managed landscapes and historic elements, could be adversely affected by inappropriate subdivision, use and development.

18.3.1.2 There is a high demand for lifestyle blocks in the Waimate North Zone and the effects of development on lifestyle blocks can adversely affect the historic and visual character of the area.

18.3.1.3 Existing farms are surrounded by lifestyle blocks. Economic realities make it difficult for existing landowners to carry on farming and can create pressure to alter the landscape in ways that may not contribute to the retention or enhancement of the historic and visual character of the area.

18.3.1.4 Puriri trees form one of the special elements of the character of the Waimate North Zone but could be removed as a result of development.

18.3.1.5 Views of, and over, the historic landscapes of the Waimate North area can be compromised by inappropriate development.

18.3.2 ENVIRONMENTAL OUTCOMES EXPECTED

18.3.2.1 The outstanding visual character of the Waimate North Zone is protected and enhanced.

18.3.2.2 The historic legacy and heritage value of the Waimate North Zone is preserved and maintained.

18.3.2.3 Subdivision, use and development in the Waimate North Zone that is carried out in a manner that maintains and/or enhances the unique historic and visual qualities of the area.

18.3.3 OBJECTIVES

18.3.3.1 To maintain and enhance the natural character, landscapes, historic heritage values, and park-like vistas of the Waimate North Zone.

18.3.3.2 To manage the subdivision, use and development of the Waimate North Zone in a way that contributes to the social, economic and cultural well being of the Waimate North Zone community in particular, and the wider community in general.

18.3.3.3 To promote and encourage the enhancement of the historic and visual character of the Waimate North Zone.

18.3.4 POLICIES

18.3.4.1 That the protection of the special character and values of the Waimate North Zone is achieved primarily by voluntary measures.

18.3.4.2 That community awareness of the benefits of enhancing the landscape in the Waimate North Zone is promoted.

18.3.4.3 That incentives for protection and enhancement of areas of significant indigenous vegetation and significant habitats of indigenous fauna, and for protection and enhancement of outstanding landscapes and natural features be applied (refer to development bonus provisions under ***Rule 18.3.6.4.3***).

18.3.4.4 That the effects of activities that could compromise the heritage and/or landscape values of the Waimate North Zone be avoided, remedied, or mitigated.

18.3.5 METHODS OF IMPLEMENTATION

DISTRICT PLAN METHODS

18.3.5.1 Policies are implemented in part through the Waimate North Zone rules, and in part through the provisions in ***Part 3 - District Wide Provisions***.

OTHER METHODS

18.3.5.2 The Council will encourage the protection of landscapes, areas of indigenous vegetation and habitat, and/or historic places or features by various means, including covenant, registration, or imposition of reserve status when considering conditions of consent for resource consents.

18.3.5.3 The Council may waive fees for resource consents where conditions of consent achieve protection of the special elements of the area.

18.3.5.4 A database of areas under statutory protection is held by the Council and will be updated as further information becomes available. The database includes a register of areas volunteered by land owners for protection.

18.3.5.5 Land owners may choose to volunteer land and suitable areas for protection can be identified by community Landcare groups in consultation with landowners.

18.3.5.6 The Council will, provide information to land owners on land care methods.

18.3.5.7 The Council will recognise and support efforts by land owners for protection of the visual and historic values of the Waimate North Zone.

COMMENTARY

The unique visual and heritage character of Waimate North, and the desire by the Council and landowners to ensure its protection and enhancement, provides the rationale for establishing the Waimate North Zone. It is considered that not only the physical environment itself, but also the people who live in it and who view it, will benefit from the achievement of the objectives of the Waimate North Zone.

It was also considered that, although Waimate North is a rural area and a working landscape, to which normal controls on the effects of rural activities could be applied, its special character warrants special consideration in respect of objectives, policies and methods.

Consequently, in addition to the normal rural controls, there is an emphasis on development bonuses or incentives, to be provided where people voluntarily protect or enhance the character of the area.

The bonus provisions may be applied in a variety of circumstances that cannot be predicted in advance. For this reason, the Council has reserved a wide discretion to decide the details of the bonus that is appropriate in particular circumstances.

There are also non regulatory methods such as sharing of information, recognizing the efforts of landowners, liaising with community groups, and supporting the initiatives of the Waimate North Landcare Trust. These will encourage and support the voluntary measures provided for in the Waimate North Zone.

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.

18.3.6 RULES

Activities in the Waimate North zone must comply not only with the Waimate North 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***).

18.3.6.1 PERMITTED ACTIVITIES

An activity is a permitted activity in the Waimate North Zone if:

(a) it complies with the standards for permitted activities set out in ***Rules 18.3.6.1.1*** to ***18.3.6.1.11*** below; and
(b) it complies with the relevant standards for permitted activities set out in ***Part 3 of the Plan - District Wide Provisions***.

18.3.6.1.1 RESIDENTIAL INTENSITY

Residential development shall be limited to one unit per 4ha of land. In all cases the land shall be developed in such a way that each unit shall have at least 3,000m^2 for its exclusive use surrounding the unit plus a minimum of 3.7ha elsewhere on the property.

Except that this rule shall not limit the use of an existing site or a site created pursuant to ***Rule 13.7.2.1*** (***Table 13.7.2.1***), for a single residential unit for a single household, provided that all other standards for permitted activities are complied with.

18.3.6.1.2 SCALE OF ACTIVITIES

For activities other than those provided for in the in the exemption below, the total number of persons 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 8 persons per 4ha of net site area. 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 farming and plantation forestry activities, provided that the activity shall comply with the requirements of s16 of the Act.

18.3.6.1.3 BUILDING HEIGHT

The maximum height of any building shall be 10m.

18.3.6.1.4 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 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.

18.3.6.1.5 STORMWATER MANAGEMENT

The maximum proportion or amount of the gross site area covered by buildings and other impermeable surfaces shall be 15% or 5,000m^2, whichever is the lesser.

18.3.6.1.6 SETBACK FROM BOUNDARIES

Buildings are permitted activities in terms of this rule if they are:

(a) located 75m or more from the road boundaries of SH1, Te Ahu Ahu, Showgrounds and/or Waikaramu Roads;

(b) located 10m or more from any other site boundary, except that on any site with an area less than 4,000m^2, this setback shall be 3m on any internal 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.

18.3.6.1.7 TRANSPORTATION

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

18.3.6.1.8 KEEPING OF ANIMALS

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

18.3.6.1.9 NOISE

All activities shall be so conducted 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 any other rural zone:

0700 to 2200 hrs 55dBA L_{10}

2200 to 0700 hrs 45dBA L_{10} and

70dBA L_{max}

Exemptions: The foregoing limits shall not apply to activities periodically required by farming practice, provided that the activity shall comply with the requirements of s16 of the Act.

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"*.

18.3.6.1.10 HELICOPTER LANDING AREA

A helicopter landing area shall be at least 200m from the nearest boundary of any Residential Zone.

18.3.6.1.11 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 12.5% or 4200m^2, whichever is the lesser, of the gross site area.

18.3.6.2 CONTROLLED ACTIVITIES

An activity is a controlled activity in the Waimate North Zone if:

(a) it complies with all of the standards for permitted activities except for ***Rules 18.3.6.1.5 Stormwater Management*** and ***18.3.6.1.11 Building Coverage*** above; and

(b) it complies with ***Rules 18.3.6.2.1 Stormwater Management*** and/or ***18.3.6.2.2 Building Coverage*** 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.

18.3.6.2.1 STORMWATER MANAGEMENT

The maximum proportion or amount of the gross site area covered by buildings and other impermeable surfaces shall be 20% or 8,000m^2, whichever is the lesser.

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

18.3.6.2.2 BUILDING COVERAGE

Any new building or alteration/addition to an existing building is a controlled activity if the total Building Coverage of a site does not exceed 15% or 6000m^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;

(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: *The provision of outdoor living spaces, and effects on outdoor living spaces is out of scope in the context of residential activities. For further information refer to Operative plan \| Far North District Council.*

(e) the extent to which the cumulative visual effects of all the buildings impact on landscapes, adjacent sites and the surrounding environment;
NOTE*: Visual outlook and visual domination effects from private property out of scope. For further information refer to Operative plan \| Far North District Council.*

(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*: Visual outlook and visual domination effects from private property out of scope. For further information refer to Operative plan \| Far North District Council.*

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

(h) the extent to which non-compliance affects the privacy, outlook and enjoyment of private open spaces on adjacent sites.
NOTE: *The provision of outdoor living spaces, and effects on outdoor living spaces is out of scope in the context of residential activities. Visual outlook and visual domination effects from private property out of scope For further information refer to Operative plan \| Far North District Council.*

18.3.6.3 RESTRICTED DISCRETIONARY ACTIVITIES

An activity is a restricted discretionary activity in the Waimate North Zone if:

(a) It does not comply with ***Rules 18.3.6.1.7 Transportation*** and/or ***18.3.6.1.9 Noise*** as set out above; but

(b) It complies with all of the other rules for permitted and controlled activities under ***Rules 18.3.6.1*** and ***18.3.6.2***; and

(c) It complies with ***Rules 18.3.6.3.1 Transportation*** and/or ***18.3.6.3.2 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.

18.3.6.3.1 TRANSPORTATION

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

18.3.6.3.2 NOISE

In assessing an application resulting from a breach of ***Rule 18.3.6.1.9 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 national boundary of another site;

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

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

18.3.6.4 DISCRETIONARY ACTIVITIES

An activity is a discretionary activity in the Waimate North Zone if:

(a) it does not comply with one or more of the standards for permitted, controlled or restricted discretionary activities in the Waimate North Zone; and

(b) it complies with ***Rules 18.3.6.4.1 Residential Intensity***; ***18.3.6.4.2 Integrated Development***; ***18.3.6.4.3 Development Bonus*** and ***18.3.6.4.4 Helicopter Landing Area*** below; and

(c) 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*** in ***Part 2 Environment Provisions*** and ***Section 18.3.7*** below.

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

18.3.6.4.1 RESIDENTIAL INTENSITY

Residential development shall be limited to one unit per 2ha of land. In all cases the land shall be developed in such a way that each unit shall have at least 2,000m² for its exclusive use surrounding the unit plus a minimum of 1.8ha elsewhere on the property.

Except that this rule shall not limit the use of an existing site or a site created pursuant to ***Rule 13.7.2.1*** (***Table 13.7.2.1***) for a single residential unit for a single household, provided that all other standards for discretionary activities are complied with.

18.3.6.4.2 INTEGRATED DEVELOPMENT

Notwithstanding the rules in this zone relating to the management of the effects of activities, an application for integrated development of activities only on Maori freehold land and Maori customary land and Crown land reserved for Maori (as defined in Te Ture Whenua Act 1993) may be made, where the proposed development does not comply with one or more of the rules.

This rule applies to Maori customary land, Maori freehold land and Crown land reserved for Maori land for activities including papakainga housing, and marae and associated buildings.

Integrated development plans will be considered in the context of other whanau and hapu lands in the vicinity, including an acknowledgement of areas of open space, reserve, natural vegetation and other amenities already provided by the land owning groups concerned.

A management plan for integrated development under this rule shall include information on the following where relevant and necessary for a sufficient understanding of the proposal:

(a) a plan showing the location of the property (including property boundaries), topography, adjoining uses, location of the activities proposed in the application, including identified building platforms, existing vegetation (type and location), drainage patterns, existing and proposed access road/s, location of any outstanding landscapes or natural features, location of any covenanted or otherwise protected areas;

(b) a description of the purpose of the application and the activities which are proposed;

(c) a description of the degree (if any) to which the proposed development will exceed the standards set for permitted, controlled, restricted discretionary and discretionary activities in the Waimate North Zone;

(d) details of the staging (if any) which is proposed;

(e) a description of any heritage resources on the property;

(f) other information which is relevant to any assessment of the effects of the application, is as follows:

  (i) details of provisions made for sewage and stormwater disposal;

  (ii) details of any earthworks;

  (iii) details of the geotechnical aspects of the property;

  (iv) details of any natural hazard areas and the measures which will be taken to avoid any adverse effects;

  (v) details of the measures (if any) to protect indigenous vegetation and habitats, outstanding landscapes and natural features, heritage resources and riparian margins;

  (vi) the extent to which areas of open space, reserves, natural vegetation and other amenities are already provided by the land owning group on other whanau and hapu lands in the vicinity.

In assessing an application under this rule the Council will have regard to the following matters:

(i) the objectives and policies of the Waimate North Zone and the Plan;

(ii) the degree to which the application exceeds the standards for the Waimate North Zone and ***in Part 3 – District Wide Provisions***;

(iii) the degree to which the potential effects of the application have been avoided, remedied and or mitigated;

(iv) any other matter which it determines to be relevant to the application.

Note: Attention is drawn to ***Rule 13.9.2 Management Plans*** which provides for a once-off opportunity for integrated development which results in superior outcomes to more traditional forms of use and development which is not either Maori freehold land, Maori customary land or Crown land reserved for Maori (as defined in Te Ture Whenua Act 1993).

18.3.6.4.3 DEVELOPMENT BONUS

(a) Where a landowner wishes to permanently protect a view shaft, an area of indigenous vegetation or habitat, and/or a landscape or heritage feature, or undertakes to plant an area of indigenous vegetation, the Council may grant consent to increase the residential intensity beyond the level set under ***Rule 18.3.6.4.1*** above.

The Council will require that the covenant, or other legal instrument, is registered on the title of the site before this bonus can be given effect to.

In determining the level of residential intensity that may be granted by the Council under this rule, reference will be made to the assessment criteria under ***Section 18.3.7***.

(b) Where a landowner undertakes to set new buildings back more than 100m from the road boundaries of SH1, Te Ahu Ahu, Showgrounds or Waikaramu Roads, and where development of new buildings will not increase the number of accessways to the above mentioned roads, residential intensity may be increased to one unit per 1ha of land. Each

unit shall have at least 2,000m^2 for its exclusive use surrounding the unit and 0.8ha elsewhere on the property.

The Council will require that the building location is registered on the title of the site before this bonus can be given effect to.

(c) Where a landowner wishes to permanently protect a view shaft, an area of indigenous vegetation or habitat, and/or a landscape or heritage feature, or undertakes to plant an area of indigenous vegetation, the Council may grant consent to locate new buildings closer to SH1, Te Ahu Ahu, Showgrounds and Waikaramu Roads than allowed for under ***Rule 18.3.6.1.6(a)*** above.

The Council will require that the covenant, or other legal instrument, is registered on the title of the site before this bonus can be given effect to.

In determining the level of dispensation from ***Rule 18.3.6.1.6(a)*** that may be granted by the Council under this rule, reference will be made to the assessment criteria under ***Section 18.3.7***.

(d) Where a landowner wishes to permanently protect a view shaft, an area of indigenous vegetation or habitat, and/or a landscape or heritage feature, or undertakes to plant an area of indigenous vegetation, the Council may grant consent to an application to subdivide one or more bonus lots. The new lot(s) can be either from the parent title on which the area to be protected or revegetated is located, or on another title.

The new lot(s) may be created in addition to the rights to subdivide which otherwise apply, and may include the area to be protected or revegetated. The minimum area of a bonus lot shall be 2,000m^2.

The Council will require that a covenant, or other legal instrument, is registered on the title of the site before this bonus can be given effect to.

In determining the amount of bonus which may be granted by the Council under this rule, reference will be made to the assessment criteria under ***Section 18.3.7***.

The Council may impose, as a condition of consent to any application for a development bonus, a requirement that a bond be paid, to be refunded when the Council is satisfied that the conditions attached to that consent have been complied with.

The Council may provide assistance in respect of any such application by waiving resource consent charges. It may also provide assistance with fencing and fees associated with achieving formal protection.

18.3.6.4.4 HELICOPTER LANDING AREA

A helicopter landing area within 200m of the nearest boundary of any Residential Zone.

18.3.7 ASSESSMENT CRITERIA

The matters set out in s104 and s105, and in Part II of the Act, apply to the consideration of all resource consents for land use activities.

In considering whether or not to grant consent or impose conditions, the Council shall also have regard to the relevant assessment matters outlined in ***Chapter 11*** in ***Part 2 of the Plan – Environment Provisions***.

In addition to the above, the Council shall also apply the relevant assessment matters set out below:

(a) The elements which make up the unique character of the Waimate North Zone, in particular whether consent to an application will result in the permanent protection of a view shaft or an area of significant indigenous vegetation or habitat or a heritage item, or in the planting of an area of indigenous vegetation, or in the protection of such other items as the Council may determine will help to achieve the objectives of the Waimate North Zone.

(b) The extent to which the activity may impact adversely on the unique character of the Waimate North Zone.

(c) The extent to which adverse effects on areas of indigenous vegetation and habitat are avoided, remedied or mitigated.

(d) The extent to which any measures, whether existing or proposed, will result in the protection and enhancement of any area being protected.

(e) Whether any agreement by a landowner to protect and/or enhance any area is registered with the Council.

(f) Proposals for the relocation of endangered species and/or replanting or restoration of habitats and indigenous vegetation.

(g) The extent to which identified building locations conserve the low density of visible buildings and park like rural character of the Waimate North Zone.

(h) The extent to which vehicular accessways are minimised through the use of existing accessways, sharing of accessways and avoidance of newly formed accessways, wherever practicable.

18.4 HORTICULTURAL PROCESSING ZONE

CONTEXT

This zone applies to property described as Lot 2 and part of Lot 3, DP196433 Waipapa Road, Kerikeri (refer ***Zone Map 83*** and ***Appendix 6G*** in ***Part 4***).

The purpose of the zone is to provide for the continuing operation of horticultural processing and storage facilities at the Kericold Storage Limited site at Waipapa Road, Kerikeri.

This is an existing operation which is a significant contributor to the economic life of the Far North District.

The existing operation is industrial in character but its raw material is horticultural produce from the surrounding rural area. As a "rural" industry it has been generally accepted as an appropriate activity on its site. For this reason, and also in terms of economic efficiency, further expansion of the existing operation on its existing site can be accepted, provided that any adverse effects are contained on site.

Although the environmental effects of horticultural processing activity may be the same as for general industry, the perceived effects of industry on the surrounding community are likely to be negative. For this reason the activities permitted in the zone are restricted to horticultural processing, storage and associated ancillary activities.

The zone therefore enables the further expansion of the horticultural processing and storage facilities, provided that these activities are carried out in a manner which does not adversely affect the character and amenity of the surrounding environment.

18.4.1 ISSUES

18.4.1.1 Processing facilities for horticultural products contribute to the ability of the community to provide for their social and economic well being, but have the potential to cause adverse effects on the environment generally, and in particular, on the character and amenity values of surrounding areas.

18.4.1.2 An increase in the capacity of processing facilities for horticultural produce will be necessary as a result of increasing production in the District. If the community is to benefit from the extra economic activity that this will generate, processing facilities must be enabled to establish or expand.

18.4.2 ENVIRONMENTAL OUTCOMES EXPECTED

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

18.4.2.2 Horticultural processing facilities that are compatible with surrounding rural residential environments, and which contribute to the needs and well being of the people of the District.

18.4.3 OBJECTIVES

18.4.3.1 To provide for the needs of the horticultural processing industry, while protecting the character and amenity of the surrounding area.

18.4.3.2 To avoid, remedy or mitigate adverse effects of new or additional horticultural processing facilities in the zone.

18.4.3.3 To avoid, remedy or mitigate adverse environmental effects of activities on adjoining land.

18.4.4 POLICIES

18.4.4.1 That the effects of activities that could compromise the character and amenity values of the area be avoided, remedied or mitigated.

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

18.4.4.3 That all activities should provide for a stormwater disposal system incorporating Low Impact Design principles.

COMMENTARY

The reason for establishing the Horticultural Processing Zone is to enable the continuing operation of an industry that is of benefit to the Far North District. The industry is based on processing produce from the surrounding countryside.

While the effects of the industry on the environment are at present minor, the expansion of the industry and/or the changing nature of the activities surrounding the land owned and occupied by the horticultural processing industry may cause that situation to change. The zone therefore makes provision for expansion of the existing horticultural processing industry with controls to ensure that effects on the environment are minor. The zone also provides certainty that the area within the zone cannot be used for more general industrial purposes without a resource consent and the accompanying assessment of effects on the environment.

18.4.5 METHODS OF IMPLEMENTATION

DISTRICT PLAN METHODS

18.4.5.1 The zone rules achieve the objectives and policies outlined above.

18.4.5.2 The landowners will be encouraged to provide buffer areas on the property to mitigate any potential effects of the land use activities within the zone.

18.4.6 ZONE RULES

Activities in the Horticultural Processing 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***).

18.4.6.1 PERMITTED ACTIVITIES

An activity is a permitted activity in the Horticultural Processing Zone if:

(a) it is an activity that involves, or is ancillary to, the processing and/or storage of horticultural produce or, in the case of Lot 2 DP196433, is used for water storage and treatment purposes; and

(b) it complies with the standards for permitted activities set out in ***Rules 18.4.6.1.1*** to ***18.4.6.1.7*** below; and

(c) 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***.

18.4.6.1.1 BUILDING HEIGHT

The maximum building height for a permitted activity is 12m.

18.4.6.1.2 VISUAL AMENITY AND ENVIRONMENTAL PROTECTION

(a) All buildings and outdoor storage shall be set back a minimum distance of 10m, and all parking areas shall be set back a minimum distance of 6m from any boundary of the zone (other than a boundary with an Industrial or Commercial Zone, or a road boundary), within which a minimum 3m width of landscaping shall be provided, except where legal access is required to gain access to a site.

(b) All buildings and outdoor storage and parking areas shall be set back a minimum distance of 6m from a road boundary. At least 50% of that part of the site between the road boundary and a parallel line 6m there from, where is it not occupied by buildings, shall be landscaped.

(c) Any landscaping required by this rule 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.

(d) The landscaping shall include evergreen tree species capable of reaching a height of 6m planted so as to provide a visual screen on the boundary of the zone (other than a boundary with an Industrial or Commercial Zone, or the road boundary). This landscaping shall be undertaken at the time of subdivision or the construction of new buildings on a site and shall be maintained to provide visual mitigation including the replacement of diseased or damaged trees.

18.4.6.1.3 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 20dB, and between any boundary and any room used for sleeping is no less than 30dB. 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.

18.4.6.1.4 TRANSPORTATION

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

18.4.6.1.5 KEEPING OF ANIMALS

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

18.4.6.1.6 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	65dBA L_{10}
2200 to 0700 hours	55dBA L_{10} and
	80dBA L_{max}

(b) All activities shall be conducted so as to ensure that noise from the site as measured at or within the notional boundary of any dwelling in any rural environment zone:

0700 to 2200 hours	55dBA L_{10}
2200 to 0700 hours	45dBA L_{10} and
	70dBA 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"*.

18.4.6.1.7 BUILDING AND IMPERMEABLE SURFACE SITE COVERAGE

The maximum percentage of the net site area covered by buildings and impermeable surfaces shall be 30%.

18.4.6.2 CONTROLLED ACTIVITIES

An activity is a controlled activity in the Horticultural Processing Zone if:

(a) it complies with all of the standards for permitted activities except for ***Rules 18.4.6.1.4 Transportation*** or ***18.4.6.1.7 Building and Impermeable Surface Site Coverage*** above; and

(b) it complies with ***Rules 18.4.6.2.1 Transportation*** and ***18.4.6.2.2 Building and Impermeable Site Coverage*** 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. The Council will not require the written approval of affected parties in respect of a controlled activity application in this zone.

18.4.6.2.1 TRANSPORTATION

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

18.4.6.2.2 BUILDING AND IMPERMEABLE SURFACE SITE COVERAGE

Where the maximum percentage of the net areas of any site covered by buildings and impermeable surfaces exceeds 30%, but does not exceed 60%, an activity is a controlled activity.

An application under this rule will not require the written approval of affected persons and will not be notified.

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 of buildings;

(b) the extent to which building site coverage and impermeable surfaces contribute to the total catchment impermeability and the provisions of any catchment or drainage plan for that catchment;

(c) 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.

18.4.6.3 RESTRICTED DISCRETIONARY ACTIVITIES

An activity is a restricted discretionary activity in the Horticultural Processing Zone if:

(a) it does not comply with any of the following ***Rules 18.4.6.1.1 Building Height***; ***18.4.6.1.3 Noise Mitigation for Residential Activities***; ***18.4.6.1.6 Noise***; ***18.4.6.2.1 Transportation*** and/or ***18.4.6.2.2 Building and Impermeable Surface Site Coverage*** as set out above; but

(b) it complies with all of the other rules for permitted and controlled activities under ***Rules 18.4.6.1*** and ***18.4.6.2***; and

(c) it complies with ***Rules 18.4.6.3.1 Building Height***; ***18.4.6.3.2 Building and Impermeable Surface Site Coverage***; ***18.4.6.3.3 Transportation***, ***18.4.6.3.4 Noise Mitigation for Residential Activities*** and ***18.4.6.3.5 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.

18.4.6.3.1 BUILDING HEIGHT

The maximum building height for a restricted discretionary activity is 15m.

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.

18.4.6.3.2 BUILDING AND IMPERMEABLE SURFACE SITE COVERAGE

If the maximum building impermeable surface site coverage of an activity exceeds 60% of the net site area it will be a restricted discretionary activity.

In considering an application under this rule 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 of buildings;

(b) the extent to which building site coverage and impermeable surfaces contribute to the total catchment impermeability and the provisions of any catchment or drainage plan for that catchment;

(c) 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.

18.4.6.3.3 TRANSPORTATION

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

18.4.6.3.4 NOISE MITIGATION FOR RESIDENTIAL ACTIVITIES

In assessing an application resulting from a breach of ***Rule 18.4.6.1.3 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.

18.4.6.3.5 NOISE

In assessing a breach of ***Rule 18.4.6.1.6 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.

18.4.6.4 DISCRETIONARY ACTIVITIES

An activity is a discretionary activity in the Horticultural Processing Zone if:

(a) 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

(b) 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 18.4.6.1***; ***18.4.6.2*** and ***18.4.6.3*** above, or

(c) is not a permitted activity under ***Rule 18.4.6.1*** 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.

18.5 POINT VERONICA ZONE

CONTEXT

This zone is applied to Point Veronica, Opua, in the Bay of Islands, an area to which special development rights were granted by Plan Change No. 2 to the Bay of Islands Scheme in 1980. Subsequent development in this area has been controlled by the conditions of the development plan, and this special zone reflects these controls.

The special zone includes some of the provisions of the Coastal Living Zone, but extra controls are also imposed to encourage the retention of bush cover and visual amenity through the imposition of building platforms and height restrictions.

18.5.1 ISSUES

18.5.1.1 Development of land in this zone is subject to a Development Plan (refer ***Appendix 6D***) and associated policies. These are designed to maintain a certain minimum level of amenity and protection of the natural environment and include controls related to specified building platforms, setbacks from boundaries and maximum building height. However, in the absence of a special zone which includes the Development Plan, there is the possibility that future development could be approved which would not be in accordance with it. The issue therefore relates to certainty. Without the provisions of this zone there is insufficient certainty that the conditions originally agreed upon will continue to be applied.

18.5.2 ENVIRONMENTAL OUTCOMES EXPECTED

18.5.2.1 Residential development on the coast in the vicinity of Point Veronica characterised by relatively high levels of visual amenity and protection of the natural environment.

18.5.3 OBJECTIVES

18.5.3.1 To create and maintain a residential area with high design and amenity standards.

18.5.3.2 To retain ecological and landscape values and slope stability on sites within the zone.

18.5.3.3 To preserve views to and from the zone.

18.5.4 POLICIES

18.5.4.1 That uses permitted in this zone are limited to those that are directly associated with the residential concept for the development.

18.5.4.2 That controls on development in this zone are in accordance with a Development Plan (refer ***Appendix 6D***) in respect of specified building platforms, setbacks from boundaries and maximum building height.

COMMENTARY

*The objectives and policies of the Point Veronica Zone reflect, and are consistent with, the Point Veronica Development Plan (refer **Appendix 6D**). This Plan was prepared by the original landowner and reflected their intention for the development of the land. Subsequently land owners are giving effect to the Development Plan.*

The Development Plan includes protection for the natural environment. It is appropriate in terms of the purpose and principles of the Act that the objectives and policies of the Point Veronica Zone give effect, and add to, the general concept set out in the Development Plan.

Thus the reason why the provisions of the Point Veronica Zone are, in some cases, more stringent than are provided for in the generic zones, is because the landowners support a relatively restrictive regime in order to maintain the character of the existing environment.

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.

18.5.5 METHODS OF IMPLEMENTATION

DISTRICT PLAN METHODS

18.5.5.1 The rules in the Point Veronica Zone, and in relevant parts of ***Chapter 12***, will achieve the objectives and policies outlined above.

18.5.6 ZONE RULES

Activities in the Point Veronica zone must comply not only with the zone rules, but also the 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***).

18.5.6.1 PERMITTED ACTIVITIES

An activity is a permitted activity in the Point Veronica Zone if:

(a) it complies with the standards for permitted activities set out in ***Rules 18.5.6.1.1*** to ***18.5.6.1.12*** below; and
(b) it complies with the relevant standards for permitted activities set out in ***Part 3 of the Plan – District Wide Provisions***.

18.5.6.1.1 RESIDENTIAL INTENSITY

Each site may contain a single residential unit for a single household provided it complies with the Development Plan set out in (***Appendix 6D***).

In addition a minor household unit not exceeding 65m^2 may be constructed as part of, or adjoining, the principal residential unit, provided:

(a) the minor household unit adjoins or is part of the structure of the main residential unit;
(b) the minor household unit is retained in the same ownership as the main residential unit on the site.

NOTE: *The definition of minor unit already contains the 65m2 size, and remains within scope for the purpose of classifying an activity - see above. So whether or not the size is also included within this provision doesn't change anything. However this may be overridden by the NES-DMRU and a larger minor unit may be achievable. For further information refer to Operative plan \| Far North District Council.*

For the purposes of this rule, a "minor household unit" is defined as a one bedroom unit used as a residence of a socially dependent relative of the household living in the principal dwelling on the site.

18.5.6.1.2 ACCESSORY BUILDINGS

Buildings that are accessory to any permitted activity are a permitted activity provided that any such accessory building complies with the Development Plan set out in ***Appendix 6D***.

For the purposes of this rule, "accessory buildings" is defined as a building, the use of which is incidental to that of any other building or buildings on the site, and in relation to a site on which no building has been erected, incidental to a use which may be permitted on such a site, provided that the building is part of or adjoining the main residential unit.

18.5.6.1.3 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 1 person per 2,000m² of net site area. 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;

(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.

18.5.6.1.4 BUILDING HEIGHT

Where it is proposed to construct a building in a location where a maximum building height is not specified on the Development Plan set out in (***Appendix 6D***), the maximum height of any building shall be 8m.

18.5.6.1.5 SUNLIGHT

Where it is proposed to construct a building in a location where a height to boundary standard is not specified on the Development Plan set out in (***Appendix 6D***), 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 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.

18.5.6.1.6 IMPERMEABLE SURFACES

The maximum proportion or amount of the gross site area which may be covered by buildings and other impermeable surfaces shall be 10% or 1,000m², whichever is the lesser.

18.5.6.1.7 SCREENING FOR NEIGHBOURS NON-RESIDENTIAL ACTIVITIES

Except along boundaries adjoining a Commercial or Industrial zone, outdoor areas which are to be used for manufacturing, altering, repairing, dismantling or processing of any materials, live produce, goods or articles, shall be screened from adjoining sites by landscaping, walls, fences, or a combination thereof to at least 1.8m in height along the length of the area used for such purposes. Where such screening is by way of landscaping it shall be for a minimum depth of 2m.

Note: This rule shall not apply to a single residential unit on a single site.

18.5.6.1.8 TRANSPORTATION

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

18.5.6.1.9 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.

18.5.6.1.10 KEEPING OF ANIMALS

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

18.5.6.1.11 NOISE

All activities shall be so conducted 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 any site in the Residential, Russell Township or Coastal Residential Zones, or at or within the notional boundary at any dwelling in any other rural or coastal zone:

0700 to 2200 hours 55dBA L_{10}

2200 to 0700 hours 45dBA L_{10} and

70dBA L_{max}

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.

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"*.

18.5.6.1.12 HELICOPTER LANDING AREA

Helicopter landing areas are not permitted.

18.5.6.2 RESTRICTED DISCRETIONARY ACTIVITIES

An activity is a restricted discretionary activity in the Point Veronica Zone if:

(a) it does not comply with any of the following ***Rules 18.5.6.1.3 Scale of Activities***; ***18.5.6.1.4 Building Height***; ***18.5.6.1.5 Sunlight***; ***18.5.6.1.8 Transportation*** and/or ***18.5.6.1.11 Noise*** as set out above; but

(b) it complies with all of the other rules for permitted activities under ***Rule 18.5.6.1***; and

(c) it complies with ***Rules 18.5.6.2.1 Scale of Activities***; ***18.5.6.2.2 Building Height***; ***18.5.6.2.3 Sunlight***; ***18.5.6.2.4 Transportation*** and ***18.5.6.2.5 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.

18.5.6.2.1 SCALE OF ACTIVITIES

In assessing an application resulting from a breach of ***Rule 18.5.6.1.3 Scale of Activities*** the matters to which the Council will restrict its discretion are:

(a) 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;
NOTE: *Visual domination effects from private property out of scope. For further information refer to Operative plan | Far North District Council.*

(b) 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;

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

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

(e) 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;

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

18.5.6.2.2 BUILDING HEIGHT

Where it is proposed to construct a building in a location where height is not specified on the Development Plan set out in (***Appendix 6D***), the maximum height of any building shall be 9m.

When considering a restricted discretionary activity under this rule the Council will restrict the exercise of its discretion to matters relating 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: *Visual domination effects from private property out of scope. For further information refer to Operative plan | Far North District Council.*

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

18.5.6.2.3 SUNLIGHT

Where it is proposed to construct a building in a location where height to boundary standards are not specified on the Development Plan set out in (***Appendix 6D***), 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, for a length not exceeding 25% of the relevant boundary (refer to Definition of Recession Plane in ***Chapter 3 Definitions***).

When considering a restricted discretionary activity under this rule the Council will restrict the exercise of its discretion to matters relating 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: *Visual domination effects from private property out of scope. For further information refer to Operative plan | Far North District Council.*

(b) the location and proximity of adjacent residential units, and the outdoor space used by those units;
NOTE: *Effects on outdoor living spaces is out of scope in the context of residential activities. For further information refer to Operative plan | Far North District Council.*

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

18.5.6.2.4 TRANSPORTATION

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

18.5.6.2.5 NOISE

In assessing an application resulting from a breach of ***Rule 18.5.6.1.11 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.

18.5.6.3 DISCRETIONARY ACTIVITIES

An activity is a discretionary activity in the Point Veronica Zone if:

(a) it complies with ***Rules 18.5.6.3.1 Residential Intensity***; ***18.5.6.3.2; Accessory Buildings***; ***18.5.6.3.3 Impermeable Surfaces*** and ***18.5.6.3.4 Helicopter Landing Area*** below; 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 18.5.6.1*** and ***18.5.6.2*** 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***.

18.5.6.3.1 RESIDENTIAL INTENSITY

(a) minor household units which do not comply with the standards for permitted activities are

discretionary activities;

(b) residential units, to a maximum of two units per site, are a discretionary activity.

18.5.6.3.2 ACCESSORY BUILDINGS

Accessory buildings which do not comply with the rules for permitted activities are discretionary activities.

18.5.6.3.3 IMPERMEABLE SURFACES

The maximum proportion or amount of the gross site area covered by buildings and other impermeable surfaces shall be 15% or 1,500m² whichever is the lesser.

18.5.6.3.4 HELICOPTER LANDING AREA

Any helicopter landing area.

18.6 CARRINGTON ESTATE ZONE

CONTEXT

The land within the Carrington Estate Zone is an area which is being developed for recreational and tourist facilities, i.e. golf course, country club, winery and accommodation, within the framework of resource consents previously approved under the provisions of the Transitional District Plan. The approved components of the development and the extent of the zone are defined on the Carrington Estate Development Plan (the Development Plan) and accompanying Schedule (the Schedule) (refer to ***Carrington Estate Development Plan – Appendix 6E*** in ***Part 4*** of the Plan).

This Development Plan, in conjunction with the provisions of the Transitional District Plan, therefore has a statutory basis and constitutes what has been accepted by Council as an appropriate level of development that is not inconsistent with the particular characteristics of this environment and which contributes to the economy of the District.

The purpose of the zone is therefore twofold:

- to allow the previously approved development concept to be implemented with an appropriate level of flexibility; and
- to set a framework under which any future changes in scope or additional development can be fully assessed in terms of environmental effects.

The conditions of the consents therefore form the basis for the provisions of the Carrington Estate Zone, which recognises and provides for the existing and proposed future development on these properties, whilst retaining and enhancing extensive areas of open space and protecting coastal and cultural values.

The zone also ensures that any further development and activities not included in the Development Plan are to be carried out in a manner which retains the character, features and landscape of the environment plus recognising the contribution the properties make to the adjoining coastal features.

18.6.1 ISSUES

18.6.1.1 Carrington Estate (the Estate) is an environment where appropriate use and development, based on approved resource consents, has been initiated within a defined sustainable environment. Although the area is rural in character, within the Estate there are recreational and tourist related activities in addition to productive uses, and hence the area does not typify the generic rural zones within the Plan. Full achievement of the approved development, which was also supported by the Environment Court, will be difficult to achieve within the term of the existing consents unless special provision is made. In addition, the area is close to the coast and its future resource management needs to recognise the sensitivity of this particular environment in order to maintain the particular values and character which have been recognised as appropriate for the Estate.

18.6.2 ENVIRONMENTAL OUTCOMES EXPECTED

18.6.2.1 Development at a scale and intensity that recognises and preserves the natural character of the properties and adjoining coastal environment.

18.6.2.2 The protection and enhancement of landscape, amenity and character values.

18.6.2.3 Recognition and protection of the cultural values pertaining to the coastal areas, streams and waterways.

18.6.3 OBJECTIVES

18.6.3.1 To provide for the previously approved development and activities at Carrington Estate within an established development concept.

18.6.3.2 To ensure that development within the Estate is carried out in a manner that recognises the attractive and prominent landscape features and retains and protects the natural character and cultural values of the adjoining environment.

18.6.3.3 To provide for the continued maintenance and enhancement of the Estate facilities.

18.6.4 POLICIES

18.6.4.1 That the existing and future recreational and tourist related development of the Estate be recognised.

18.6.4.2 That those parts of the Estate identified for open space and recreational activities are retained for such purposes.

18.6.4.3 That buildings, or additions to buildings and accessory buildings are controlled by way of rules which embody the conditions of the approved resource consents in respect of siting, scale and design.

18.6.4.4 That land disturbance within the development is minimal in order to preserve any existing vegetation.

18.6.4.5 That buildings are not located or re-sited closer to the coast than those indicated on the Development Plan and that the natural and cultural values of the coastal areas are protected.

18.6.5 METHODS OF IMPLEMENTATION

DISTRICT PLAN METHODS

18.6.5.1 The inclusion of rules in the Carrington Estate Zone, along with those in ***Part 3*** of the Plan, particularly ***Chapter 12***, will achieve the objectives and policies outlined above.

OTHER METHODS

18.6.5.2 The landowner of Carrington Estate has, through securing approved resource consents, given effect to creating a sustainable environment which provides for amenity levels which are appropriate to this environment.

COMMENTARY

*The objectives and policies of the Carrington Estate Zone reflect, and are consistent with, the Carrington Estate Development Plan (refer **Appendix 6E**). This plan reflects the outcomes of Resource Consents approved by Council. The landowner is progressively giving effect to the development plan.*

The Development Plan includes protection for the natural environment. It is appropriate in terms of the purpose and principles of the Act that the objectives and policies of the Carrington Estate Zone give effect and add to the general concept set out in the Development Plan. The provisions of the Carrington Estate Zone are, in some cases, more stringent than are provided for in the generic zones, as the landowner supports a relatively restrictive regime in order to maintain the character of the existing and future environment.

18.6.6 ZONE RULES

Permitted and controlled activities in the Carrington Estate Zone must comply with the zone rules and the Resource Consent Applications 1990480, 1990480/A, and 1990481, including all supporting information, approved conditions and other documentation approved by Council in compliance with those conditions, as embodied in the Development Plan and accompanying Schedule, and the consent decisions.

Activities in the Carrington Estate Zone must comply not only with the zone rules but also with the relevant rules in ***Part 3 of the Plan – District Wide Provisions***. However, where a rule in ***Part 3*** and a rule in this zone address the same issue, the rules in the Carrington Estate Zone shall take precedence.

18.6.6.1 PERMITTED ACTIVITIES

An activity is a permitted activity in the Carrington Estate Zone if

(a) it was approved under RC 1990480, RC 1990480/A or RC 1990481; and

(b) it complies with all the standards for permitted activities set out in ***Rules 18.6.6.1.1 to 18.6.6.1.12*** below; and

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

18.6.6.1.1 BUILDINGS AND/OR ACTIVITIES

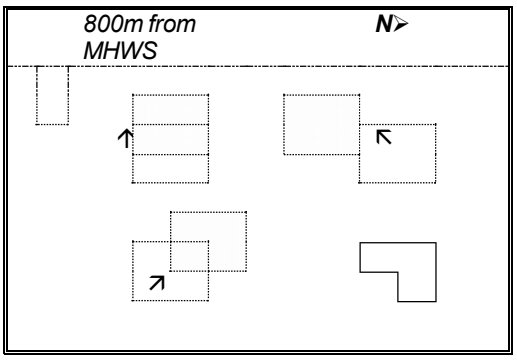
Buildings and/or activities shall be sited in accordance with the Development Plan (refer ***Appendix 6E***) except that in the case of buildings, the relocation of the building(s) is permitted provided that:

(a) the relocated building footprint remains within or adjoining the approved building footprint as shown on the Development Plan;

(b) the relocated footprint is no larger than the approved building footprint as shown on the Development Plan; and

(c) the relocated building footprint remains 800m or more landward of MHWS (mean high water spring).

These three examples are shown diagrammatically below:



18.6.6.1.2 RESIDENTIAL INTENSITY

Residential intensity shall not exceed 230 accommodation units adjacent to the golf course and 113 travellers' accommodation units at the Country Club and Winery. These residential intensity levels may be substituted between villas/condominiums and hotel/overnight accommodation units within the Country Club and Winery on a basis of one villa/condominium unit equalling three hotel/overnight accommodation units for each villa/condominium unit.

18.6.6.1.3 BUILDING HEIGHT

The maximum height of any building shall be 10m.

18.6.6.1.4 SET BACK FROM BOUNDARIES

No building shall be erected within 10m of any site boundary.

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.

18.6.6.1.5 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 boundary of any site in the Residential or Coastal Residential Zone, or at or within the notional boundary of any dwelling in any other rural or coastal zone:

0700 to 2200 hours 55dBA L_{10}

2200 to 0700 hours 45dBA L_{10} and

70dBA 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"*.

18.6.6.1.6 SIGNS

Signs related to the development on the site are permitted on the property provided that only one sign per site can be located within the 10m setback from the road boundary. Signs in this road setback can be single or double sided and may be illuminated but must not exceed $1m^2$ in area. For double–sided signs this size limit refers to the dimensions of the sign, not the total area of information displayed. No flashing or animated signs are permitted.

18.6.6.1.7 ACCESS, PARKING AND LOADING

Access, internal roading, parking and loading spaces shall be provided in accordance with the Development Plan layout and the rates and criteria specified in ***Table 1*** of the Schedule attached to the Carrington Estate Zone provisions, and in the conditions of the consents.

18.6.6.1.8 BUILDING MATERIALS AND FINISHES

All buildings shall be completed in the materials and colour schemes identified in the Design Guidelines in the Development Plan Schedule and as further detailed on Drawings RC1 to RC8 (Country Club) and RC3 (Winery) submitted with the consent applications which may be inspected at Council's office.

18.6.6.1.9 LANDSCAPING

Landscaping of the completed stages of the development shall be undertaken in accordance with the Design Guidelines identified in the Development Plan Schedule.

18.6.6.1.10 HELICOPTER PAD

One helicopter landing pad is permitted within the development. The pad shall be used only for the operation of helicopters between the hours of 0700 and 2200 except in cases of emergency.

18.6.6.1.11 EARTHWORKS AND VEGETATION CLEARANCE

Excavation, land clearance and roading works associated with the buildings and activities identified on the Development Plan are permitted if they are undertaken in accordance with the conditions of the Resource Consents. All earthworks shall be trimmed and finished to blend into the existing contours.

18.6.6.1.12 HELICOPTER LANDING AREA

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

18.6.6.2 CONTROLLED ACTIVITIES

An activity is a controlled activity in the Carrington Estate Zone if:

(a) it was approved under RC 1990480, RC 1990480/A or RC 1990481; and

(b) it complies with all of the standards for permitted activities except for ***Rule 18.6.6.1.1 Buildings and/or Activities***;

(c) it complies with ***Rules 18.6.6.2.1 Buildings and/or Activities*** below; and

(d) it complies with the relevant standards for permitted or controlled activities set out in ***Part 3 of the Plan – District Wide Provisions***, other than those sections of ***Part 3*** that are addressed in the Carrington Estate Zone.

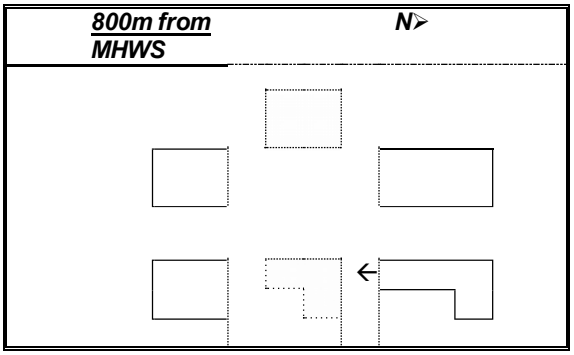
The Council must approve an application for a land use consent for a controlled activity but it may impose conditions on that consent. Such applications do not require written approvals or notification.

18.6.6.2.1 BUILDINGS AND/OR ACTIVITIES

(a) The relocation of building footprints away from the original footprint, and/or the relocation of activities as contained within the Development Plan are a controlled activity, provided that the size of the relocated building footprint or activity is no larger than that contained in the Development Plan; and

(b) the relocated building footprint or activity remains 800m or more landward of MHWS.

Both these examples are shown diagrammatically below:



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

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

(ii) ☐the extent to which the building(s) or activities may reduce outlook and privacy of adjacent properties;

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

(iv) the extent to which the proposal meets the design and landscaping criteria identified in the Development Plan Schedule;

(v) the extent to which the location and design of access, manoeuvring space, loading bays and parking spaces comply with the conditions of consent as identified in the Development Plan Schedule.

18.6.6.3 RESTRICTED DISCRETIONARY ACTIVITIES

An activity is a restricted discretionary activity in the Carrington Estate Zone if:

(a) it does not comply with any of the following ***Rules 18.6.6.1.1 Building and/or Activities***; ***18.6.6.1.4 Set Back from Boundaries***; ***18.6.6.1.7 Access, Parking and Loading***; ***18.6.6.1.8 Building Materials and Finishes***; ***18.6.6.1.9 Landscaping***; ***18.6.6.1.11 Earthworks and Vegetation Clearance*** and ***18.6.6.2.1 Relocation of Buildings and/or Activities*** as set out above; but

(b) it complies with all of the other rules for Permitted and Controlled activities under ***Rules 18.6.6.1*** and ***18.6.6.2*** above; and

(c) it complies with ***Rules 18.6.6.3.1 Building and/or Activities***, ***18.6.6.3.2 Setback from Boundaries***, ***18.6.6.3.3 Noise***, ***18.6.6.3.4 Building Materials and Finishes***, ***18.6.6.3.5 Landscaping*** and ***18.6.6.3.6 Earthworks and Vegetation Clearance*** 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***, other than those sections of ***Part 3*** that are addressed in the Carrington Estate Zone.

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

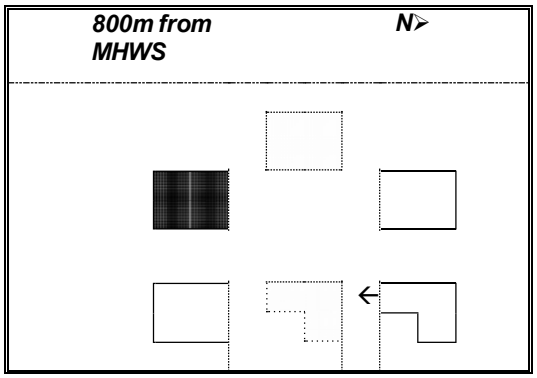
In assessing an application for a restricted discretionary activity, the Council will restrict the exercise of its discretion to the specific matters listed for each rule below, or where there is no rule, to the specific matters listed below under the appropriate heading.

Where applications are made under ***Rule 18.6.6.3 Restricted Discretionary Activities*** the Environmental Defence Society and Te Runanga A Iwi O Ngati Kahu shall be considered affected parties.

18.6.6.3.1 BUILDINGS AND/OR ACTIVITIES

The relocation of, and enlargement/extension of, building footprints and/or activities approved in accordance with the Development Plan (refer ***Appendix 6E***) are a restricted discretionary activity provided that the enlargement/extension is no more than 40% over and above the approved building footprint and/or activity as shown on the Development Plan.

Examples are shown diagrammatically below.



In assessing an application on 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 development on the site and adjacent sites, in particular with the external scale and proportion of buildings or activities on the site and on adjacent site;

(b) the extent to which the buildings(s) or activities may reduce outlook and privacy of adjacent properties;

(c) the extent to which the activity may adversely affect the coastal environment;

(d) the extent to which the activity may adversely affect cultural and spiritual values;

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

(f) the extent to which the proposal meets the design and landscaping criteria identified in the Development Plan Schedule;

(g) the extent to which the location and design of access, manoeuvring space, loading bays and parking spaces comply with the conditions of consent as identified in the Development Plan Schedule.

18.6.6.3.2 SETBACK FROM BOUNDARIES

In assessing an application resulting from a breach of ***Rule 18.6.6.1.4 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;

(b) the extent to which the buildings restrict visibility for access and egress of vehicles;

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

18.6.6.3.3 NOISE

In assessing an application resulting from a breach of ***Rule 18.6.6.1.5 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.

18.6.6.3.4 BUILDING MATERIALS AND FINISHES

In assessing an application resulting from a breach of ***Rule 18.6.6.1.8 Building Materials and Finishes*** the matters to which the Council will restrict its discretion are:

(a) the extent to which the building adversely affects the existing character of the Estate development;

(b) the visual appearance of the building from other parts of the zone;
NOTE: *Effects on views from neighbouring properties cannot be taken into account. For further information refer to Operative plan | Far North District Council.*

(c) the extent to which landscaping, in particular the planting of indigenous species, can mitigate adverse visual effects.

18.6.6.3.5 LANDSCAPING

In assessing an application resulting from a breach of ***Rule 18.6.6.1.9 Landscaping*** the matters to which the Council will restrict its discretion are:

(a) the extent to which landscaping is appropriate to the character of the activity;

(b) the extent of visible change to the landscape of the estate which may result from the activity;

(c) the extent to which the activity affects the character of the locality in terms of coastal values.

18.6.6.3.6 EARTHWORKS AND VEGETATION CLEARANCE

In assessing an application resulting from a breach of ***Rule 18.6.6.1.11 Earthworks and Vegetation Clearance*** the matters to which the Council will restrict its discretion are:

(a) any effects on stormwater flow within the site and to or from other properties in the vicinity of the site;

(b) any effects on water quality;

(c) any loss of visual amenity or natural character of the coastal environment;

(d) any effects on the sustainability of areas of indigenous vegetation and habitats of indigenous flora and fauna;

(e) any effects on cultural and spiritual values.

18.6.6.4 DISCRETIONARY ACTIVITIES

An activity is a discretionary activity in the Carrington Estate zone if:

(a) it does not comply with one or more of the standards for permitted, controlled or restricted discretionary activities in this zone as set out under ***Rules 18.6.6.1***; ***18.6.6.2*** and ***18.6.6.3*** above; but

(b) it complies with ***Rules 18.6.6.4.1 Residential Intensity, 18.6.6.4.2 Integrated Development*** and ***18.6.6.4.3 Helicopter Landing Area*** below; and

(c) 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;*** other than those sections of ***Part 3*** that are addressed in the Carrington Estate zone

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***.

Where applications are made under ***Rule 18.6.6.4 Discretionary Activities*** the Environmental Defence Society and Te Runanga-a-Iwi o Ngati Kahu shall be considered affected parties.

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

18.6.6.4.1 RESIDENTIAL INTENSITY

Residential accommodation units and guest rooms on any site in addition to those outlined in ***Rule 18.6.6.1.2***.

18.6.6.4.2 INTEGRATED DEVELOPMENT

Notwithstanding the rules in this zone relating to the management of the effects of activities, an application for integrated development of activities on a site may be made where the proposed development does not comply with one or more of the rules.

Once implementation of a development proposal in which consent is granted under this rule has been commenced, no further consents for integrated development can be granted in respect of the land to which the consent applies.

If integrated development is proposed for land in the Carrington Estate Zone having an area less than 2ha, it will be treated as a notified application.

For the purpose of this rule “integrated development” means development of activities over part or all of a property, in accordance with an integrated management plan which sets out the proposed development in the context of the whole property and its surroundings.

While this rule applies to all land it is anticipated that it will be of particular value in respect of integrated development of ancestral land for activities including papakainga housing and marae, where subdivision is not possible. The rule also provides for the integrated development of ancestral land in a culturally sensitive manner.

Integrated Development Plans will be considered in the context of other whanau and hapu lands in the vicinity, including an acknowledgement of areas of open space, reserve, natural vegetation and other amenities already provided by the land owning groups concerned.

A management plan for integrated development under this rule should include information on the following:

(a) a plan showing the location of the property (including property boundaries), topography, adjoining uses, location of the activities proposed in the application, existing vegetation (type and location), drainage patterns, existing and proposed access road/s, location of any outstanding landscapes or natural features, location of any covenanted or otherwise protected areas;

(b) a description of the purpose of the application and the activities which are proposed;

(c) a description of the degree (if any) to which the proposed development will exceed the standards set for permitted, controlled, restricted discretionary and discretionary activities in the zone;

(d) details of the staging (if any) which is proposed;

(e) a description of any heritage resources on the property;

(f) other information which is relevant to any assessment of the effects of the application, which may include;

(g) details of provisions made for sewage and stormwater disposal and the proposals for avoiding, remedying or mitigating any adverse effects on receiving environments of stormwater flows;

(h) details of any earthworks;

(i) details of the geotechnical aspects of the property;

(j) details of any natural hazard areas and the measures which will be taken to avoid any adverse effects;

(k) details of the measures (if any) to protect indigenous vegetation and habitats, outstanding landscapes and natural features, heritage resources and riparian margins.

In assessing an application under this rule the Council will have regard to the following matters:

(i) the objectives and policies of the Plan;

(ii) the degree to which the application exceeds the standards for the zone;

(iii) the degree to which the potential effects of the application have been avoided, remedied or mitigated;

(iv) any other matter which it determines to be relevant to the application.

18.6.6.4.3 HELICOPTER LANDING AREA

A helicopter landing area within 200m of the nearest boundary of any of the Residential or Coastal Residential Zones.

18.7 KAURI CLIFFS ZONE

CONTEXT

Kauri Cliffs Zone forms part of a wider, single-ownership land holding, comprising a substantial number of allotments, which is located between Matauri Bay to the north and Takou Bay to the south. The total land holding fronts onto the coast and extends some distance inland. The Kauri Cliffs Zone is located inland from the coast (part of which has an Outstanding Landscape notation).

Kauri Cliffs has been developed as a championship standard golf course, with associated lodge and also separate guest cottage accommodation. The complex is internationally recognised as a prestigious golfing facility. As such it contributes to the economic growth, tourism and employment opportunities of the District. Further complementary development is proposed and this will add positively to the economic impact of the development on the District.

The Kauri Cliffs development is unique in the District and has requirements that would not be ideally accommodated by the normal provisions of the District Plan, partly because the Kauri Cliffs development area would fall within two or more zones. Consequently it is considered that the continued operation and development of the Kauri Cliffs development is best managed and enabled by applying a “special zone” within the District Plan.

The Kauri Cliffs Zone recognises and provides for the management and development of an international standard golfing facility, whose focus is on the protection and enhancement of the zone’s natural, conservation and environmental values. Areas of native bush on the property, which includes the largest Kauri tree within privately owned land, are the subject of land covenants, including a covenant with the Queen Elizabeth II National Trust.

The Kauri Cliffs Zone includes an 18-hole links course and tourist accommodation facilities. The existing links course has been located on rolling plateau land, set well back from the coastline. The coastal margin, which has been protected from development, ranges in width from 100m to over 500m and is subject to the General Coastal Zone provisions of the District Plan. Similarly, the coastal edge is subject to the Outstanding Landscape provisions of the District Plan (***Chapter 12.1***). Inland, excluded from the Kauri Cliffs Zone, are farming and forestry lands, which are subject to the Rural Production and Mineral Zones of the District Plan.

The development of the Kauri Cliffs Zone is controlled by rules applying to four “environments” within the zone. These are:

- Lodge sub-zone
- Golf playing sub-zone
- Golf living sub-zone
- Natural heritage sub-zone

These sub-zones provide specifically for development and activities, which are to be carried out in a manner that retains the character, features and landscape of the Kauri Cliffs Zone. These “sub-zones” are shown in ***Appendix 6F***.

18.7.1 ISSUES

18.7.1.1 The controls within the District Plan are necessarily wide-ranging and based around broad land use categories, such as rural, urban and coastal environments. The Recreational Activities and Conservation Zones have been specifically directed towards reserve lands held in public ownership. None of these zones directly addresses the resource management issues that apply to a special “single focus” facility that is unique both within the district and nationally.

18.7.2 ENVIRONMENTAL OUTCOMES EXPECTED

18.7.2.1 A Kauri Cliffs Zone, where development is:

(a) directly related to, or ancillary to, the establishment, maintenance and use of an international standard golfing facility;

(b) of a scale and intensity that recognises and preserves the natural character of the coastal and rural environments.

18.7.2.2 A Kauri Cliffs Zone, where:

(a) conservation and wildlife values are protected as part of the development and management of golfing and golfing-related facilities;

(b) the effects of activities are compatible with the effects of activities in the surrounding General Coastal and Rural Production Zones;

(c) further growth is accommodated in a way that creates an environment with high amenity values and promotes management of the natural and physical resources within the Kauri Cliffs Zone.

18.7.3 OBJECTIVES

18.7.3.1 To enable the development, maintenance and operation of an international standard golfing facility.

18.7.3.2 To provide for tourist related and other residential accommodation.

18.7.3.3 To ensure that future development in the Kauri Cliffs Zone is carried out in a manner that recognises the coastal and rural qualities and values of the environment.

18.7.3.4 To manage and protect the natural and physical resources of the Kauri Cliffs Zone.

18.7.4 POLICIES

18.7.4.1 That the existing golf course development be maintained and enhanced, consistent with its status as an internationally recognised facility.

18.7.4.2 That development of future golf courses within the "Golf playing sub-zone" is enabled, having regard to the need to sustainably manage the natural and physical resources within the Kauri Cliffs Zone

18.7.4.3 That land management practices be encouraged that minimise adverse effects on the quality of soil and water resources.

18.7.4.4 That the existing Kauri Cliffs Lodge and associated tourist accommodation facilities be recognised and provided for, with opportunities for a limited extension of the existing guest cottage accommodation.

18.7.4.5 That tourist and golf-related activities be enabled in association with the existing Kauri Cliffs Lodge.

18.7.4.6 That opportunities for "golf living" activities consistent with an open rural landscape character be provided within those parts of the Kauri Cliffs Zone which are located more than 0.5km inland from the coast.

18.7.4.7 That the siting of buildings be undertaken in a manner which minimises the impacts of activities and development in the coastal environment and ensures that sufficient land area is available for the satisfactory disposal of wastewater and stormwater.

18.7.4.8 That road and air access to Kauri Cliffs be maintained and enhanced.

18.7.4.9 That land adjacent to the Kauri Cliffs Zone be developed and managed in accordance with the relevant zone controls of the District Plan to ensure that the high environmental values of the Kauri Cliffs Zone are maintained and enhanced.

18.7.5 METHODS OF IMPLEMENTATION

DISTRICT PLAN METHODS

18.7.5.1 The rules of the Kauri Cliffs Zone achieve the objectives and policies outlined above.

OTHER METHODS

18.7.5.2 The protection and enhancement of natural values within the Kauri Cliffs Zone will be achieved through the voluntary actions of the landowners, including:

(a) protecting areas of native vegetation;

(b) conserving extensive areas of the coastal margin and excluding them from development consideration;

(c) the planting of indigenous species only;

(d) measures to encourage biodiversity and improved wildlife values;

(e) controlling the number of golf playing visitors using the golf course facilities at any given time.

18.7.6 RULES

Activities in the Kauri Cliffs Zone must comply with the following rules which apply in place of the other rules of the District Plan, unless otherwise stated.

18.7.6A LODGE SUB-ZONE

18.7.6A.1 PERMITTED ACTIVITIES

An activity is a permitted activity in the Lodge sub-zone if:

(a) it is one of the activities set out in ***Rule 18.7.6A.1.1*** and it complies with ***Rule 18.7.6A.1.2*** below; and

(b) it complies with the relevant standards for permitted activities set out in ***Part 3 of the Plan – District Wide Provisions***, with the exception of rules in ***Chapter 15.1 Traffic, Parking and Access*** and ***Rule 17.2.6.2 Discretionary Activities*** (***Designations and Utility Services***).

18.7.6A.1.1 SPECIFIC ACTIVITIES

The following are permitted activities within the Lodge sub-zone:

(a) all existing facilities and activities associated with the Lodge, as existed on 30 June 2003;

(b) travellers accommodation and ancillary facilities;

(c) conferences;

(d) golf and other related or ancillary recreational and retail activities;

(e) eating and dining facilities;

(f) activities associated with golf tournaments;

(g) repairs/maintenance to buildings;

(h) infrastructural facilities associated with the operation and maintenance of the Lodge and associated accommodation;

(i) formation, maintenance and upgrading of vehicle access, tracks and roads;

(j) landing and take-off of helicopters at the existing Kauri Cliffs helicopter landing area and at other sites within the Kauri Cliffs Zone, provided that such activities at the latter sites comply with *NZS 6807 "Noise Management and Land Use Planning for Helicopter Landing Areas"*.

18.7.6A.1.2 BUILDINGS

The following are permitted within the Lodge sub-zone:

(a) any new building with a gross floor area less than 25m²; or

(b) any new alteration/addition to an existing building which does not exceed 20% of the gross floor area of the building which is being altered or added to, provided that any alternation/addition does not exceed the height of the existing building.

18.7.6A.2 CONTROLLED ACTIVITIES

An activity is a controlled activity in the Lodge sub-zone if:

(a) It is not one of the specific activities set out in ***Rule 18.7.6A.1.1*** or;

(b) it does not comply with one or more of the standards for permitted activities in this zone as set out under ***Rule 18.7.6A.1***; but

(c) it complies with ***Rules 18.7.6A.2.1*** and/or ***18.7.6A.2.2*** below; and

(d) it complies with the relevant standards for permitted or controlled activities set out in ***Part 3 of the Plan – District Wide Provisions*** with the exception of rules in ***Chapter 15.1 Traffic, Parking and Access*** and ***Rule 17.2.6.2 Discretionary Activities*** (***Designations and Utility Services***).

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

18.7.6A.2.1 ADDITIONS AND ALTERATIONS TO EXISTING BUILDINGS

Additions and alterations to existing buildings not exceeding a maximum of 40% of the gross floor area of the building which is being altered or added to.

18.7.6A.2.2 NEW BUILDINGS

New accommodation buildings (guest cottages – 8 maximum) not otherwise permitted provided the height limit of any such buildings does not exceed 9m.

18.7.6A.2.3 ASSESSMENT CRITERIA

Applications for controlled activities in the Lodge sub-zone pursuant to ***Rules 18.7.6A.2.1*** and ***18.7.6A.2.2*** above will be treated as non notified applications and will be assessed having regard to the following matters:

(a) the size, height, bulk and siting of the structure in relation to existing buildings;

(b) the colour and reflectivity of the structure and the extent to which it integrates with existing buildings;

(c) the extent to which planting assists the integration of the structure into the environment;

(d) the location and design of associated vehicle access, manoeuvring and parking area;

(e) the degree to which the landscape will retain its open character and visual value;

(f) the frequency and timing of helicopter take-offs and landings, mitigation measures (including noise buffers and routing approach paths).

18.7.6A.3 DISCRETIONARY ACTIVITIES

An activity is a discretionary activity in the Lodge sub-zone if:

(a) it does not comply with one or more of the standards for controlled activities in this zone as set out under ***Rule 18.7.6A.2*** 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*** with the exception of rules in ***Chapter 15.1 Traffic, Parking and Access*** and ***Rule 17.2.6.2 Discretionary Activities*** (***Designations and Utility Services***).

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

18.7.6B GOLF PLAYING SUB-ZONE

18.7.6B.1 PERMITTED ACTIVITIES

An activity is a permitted activity in the Golf playing sub-zone if:

(a) it is one of the activities set out in ***Rule 18.7.6B.1.1*** and complies with the standards for permitted activities set in ***Rules 18.7.6B.1.2*** to ***18.7.6B.1.6*** below; and

(b) it complies with the relevant standards for permitted activities set out in ***Part 3 of the Plan – District Wide Provisions***, with the exception of rules in ***Chapter 15.1 Traffic, Parking and Access*** and ***Rule 17.2.6.2 Discretionary Activities*** (***Designations and Utility Services***).

18.7.6B.1.1 SPECIFIC ACTIVITIES

The following are permitted activities within the Golf playing sub-zone:

(a) all existing facilities and activities, as existed on 30 June 2003;

(b) golfing and other related or ancillary recreational activities;

(c) activities associated with golf tournaments and other permitted activities within the Golf playing sub-zone;

(d) facilities associated with golf playing and golf course maintenance;

(e) establishment and maintenance of golf courses;

(f) formation, maintenance and upgrading of vehicle access, tracks and roads.

18.7.6B.1.2 BUILDINGS

Buildings are permitted activities provided that they comply with all the standards for permitted activities in the Golf playing sub-zone.

18.7.6B.1.3 PURPOSE OF BUILDINGS

All new buildings within the Golf playing sub-zone shall be ancillary to the golf activities of the site.

18.7.6B.1.4 BUILDING HEIGHT

The maximum height of any building shall be 8m.

18.7.6B.1.5 IMPERMEABLE SURFACES

The maximum proportion or amount of the gross site area covered by new buildings and impermeable surfaces within the Golf playing sub-zone, excluding vehicle access, tracks and roads, shall be 10% or 1000m² which ever is the lesser.

18.7.6B.1.6 HELICOPTER MOVEMENTS

Landing and take-off of helicopters at the existing Kauri Cliffs helicopter landing area and at other sites within the Kauri Cliffs Zone, provided that such activities at the latter sites comply with *NZS 6807 "Noise Management and Land Use Planning for Helicopter Landing Areas"*.

18.7.6B.2 RESTRICTED DISCRETIONARY ACTIVITIES

An activity is a restricted discretionary activity in the Golf playing sub-zone if:

(a) it does not comply with one or more of the standards for permitted activities in this zone as set out under ***Rules 18.7.6B.1*** above; but

(b) it complies with the relevant standards for permitted, controlled or restricted discretionary activities set out in ***Part 3 of the Plan – District Wide Provisions*** with the exception of rules in ***Chapter 15.1 Traffic, Parking and Access*** and ***Rule 17.2.6.2 Discretionary Activities*** (***Designations and Utility Services***).

Applications for restricted discretionary activities in the Golf playing sub-zone will be treated as non notified applications and will be assessed having regard to:

(i) any adverse visual effects on the natural environment and the extent to which mitigation measures ensure that such effects are no more than minor;

(ii) the extent to which the replacement planting of any indigenous vegetation mitigates the loss of established vegetation more than 6m in height;

(iii) the extent to which the proposal has been formulated to avoid, remedy or mitigate adverse effects, on any archaeological resources or natural fauna;

(iv) the extent to which any proposed measures will result in the protection and enhancement of the ecological values of the area;

(v) the frequency and timing of helicopter take-offs and landings. Mitigation measures (including noise buffers and routing approach paths);

(vi) the character and appearance of new 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.

18.7.6C GOLF LIVING SUB-ZONE

18.7.6C.1 PERMITTED ACTIVITIES

An activity is a permitted activity in the Golf living sub-zone if:

(a) it is one of the activities set out in ***Rule 18.7.6C.1.1*** and complies with the standards for permitted activities set in ***Rules 18.7.6C.1.2*** and ***18.7.6C.1.3*** below; and

(b) it complies with the relevant standards for permitted activities set out in ***Part 3 of the Plan – District Wide Provisions*** except that:

  (i) where buildings are located on approved building platforms shown on an approved subdivision consent plan; and/or

  (ii) road access is shown on an approved subdivision consent plan;

  then ***Rules 12.7.6.1.1 Setback from Lakes, Rivers and the Coastal Marine Area***, ***12.7.6.1.2 Setbacks From Smaller Lakes, Rivers and Wetlands*** and rules in ***Chapter 15.1 Traffic, Parking and Access*** and ***Rule 17.2.6.2 Discretionary Activities*** (***Designations and Utility Services***) do not apply.

18.7.6C.1.1 SPECIFIC ACTIVITIES

The following are permitted activities within the Golf living sub-zone:

(a) accommodation and ancillary buildings located within building platforms identified on an approved subdivision plan;

(b) facilities associated with golf playing and golf course maintenance;

(c) activities associated with golf tournaments;

(d) landing and take-off of helicopters at the existing Kauri Cliffs helicopter landing area and at other sites within the Kauri Cliffs zone, provided that such activities at the latter sites comply with *NZS 6807 "Noise Management and Land Use Planning for Helicopter Landing Areas"*;

(e) stock keeping and grazing;

(f) formation, maintenance and upgrading of vehicle access, tracks and roads.

18.7.6C.1.2 BUILDINGS

Buildings are permitted activities provided that they comply with all the standards for permitted activities in the Golf living sub-zone.

18.7.6C.1.3 BUILDING HEIGHT

The maximum height of any building shall be 9m.

18.7.6C.2 RESTRICTED DISCRETIONARY ACTIVITY

The subdivision of up to 60 new lots for residential (golf living) purposes, is a restricted discretionary activity provided that:

(a) no lot is less than 4,000m^2 in area;

(b) the subdivision is otherwise undertaken in accordance with ***Rules 13.7*** to ***13.11*** (***Chapter 13 Subdivision***) but excluding ***Rule 13.7.2.1***;

(c) on-site treatment and disposal of wastewater is provided for; and

(d) the building platforms are specified on an approved plan of subdivision.

The provisions of ***Rule 13.10*** shall apply when assessing any proposed subdivision within the Golf living sub-zone.

Applications for restricted discretionary activities within the Golf living sub-zone will be treated as non notified applications provided the written approval of owners of land adjoining the lots to be subdivided has been obtained, and will be assessed having regard to:

(i) the extent to which the activity may impact adversely on the unique character of the Kauri Cliffs Zone;

(ii) the extent to which any adverse effects on areas of indigenous vegetation and habitat are avoided, remedied or mitigated;

(iii) the effect on adjoining activities.

18.7.6C.3 DISCRETIONARY ACTIVITIES

An activity is a discretionary activity in the Golf living sub-zone if:

(a) it does not comply with one or more of the standards for permitted or restricted discretionary activities in this zone as set out under ***Rules 18.7.6C.1*** and ***18.7.6C.2*** above; but

(b) it complies with the relevant standards for permitted activities set out in ***Part 3 of the Plan – District Wide Provisions*** except that:

  (i) where buildings are located on approved building platforms shown on an approved subdivision consent plan and/or

  (ii) road access is shown on an approved subdivision consent plan.

  then ***Rules 12.7.6.1.1 Setbacks from Lakes, Rivers and Coastal Marine Area***, ***12.7.6.1.2 Setbacks From Smaller Lakes, Rivers and Wetlands*** and rules in ***Chapter 15.1 Traffic, Parking and Access*** and ***Rule 17.2.6.2 Discretionary Activities*** (***Designations and Utility Services***) do not apply.

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

18.7.6D NATURAL HERITAGE SUB-ZONE

The provisions of ***Chapter 9.6 Conservation Zone*** shall apply to the Natural heritage sub-zone of the Kauri Cliffs Zone.

18.8 ORONGO BAY SPECIAL PURPOSE ZONE

CONTEXT

The Orongo Bay Special Purpose Zone has been established to provide for activities that can be accommodated within the boundaries of the zone. These include a limited range of service-oriented commercial activities, suitable land for which is limited on the Russell Peninsula. The type of activities envisaged would be incompatible with the character of the Russell Township commercial areas, but would be appropriate in this zone if undertaken in an integrated manner which recognises the sensitivity of the surrounding environment.

Council has recognised the need for the provision of such facilities in this area which is experiencing growth rates in excess of most other parts of the District and where the demand for coastal lifestyle living will require the provision of commercial activities to service such growth.

Because the site is surrounded by the Coastal Living Zone and a sensitive coastal environment, the rules applying to this special zone differ from those generally applying to the Commercial Zone elsewhere in the District. These recognise the need to ensure that the adjoining Coastal Living environment, Orongo Bay and the integrity of the adjacent marine farming operations are not unduly compromised, while providing for the needs of people and communities.

The "special zone" is being created in an area adjacent to the coast and lifestyle developments and accordingly a precautionary approach has been taken to the development of objectives, policies and rules ensuring development of the zone in an integrated manner with due regard for the surrounding environment, for example with the restoration and enhancement of ecological corridors.

18.8.1 ISSUES

18.8.1.1 The coastal marine area, and in particular the marine farming, and the amenity of the coastal environment could be unduly compromised through inappropriate subdivision, use and development, therefore comprehensive integrated management techniques are to be used within this zone .

18.8.1.2 There is a continuing demand for coastal lifestyle properties which will require the provision of and access to the relevant service activities envisaged for the zone.

18.8.2 ENVIRONMENTAL OUTCOMES EXPECTED

18.8.2.1 Environmental controls that take account of the needs of commercial activities on the site but also ensure that the amenity of adjacent areas and the sustainability of natural and physical resources are safeguarded.

18.8.2.2 A limited range of service-orientated commercial facilities that are compatible with the surrounding coastal environment and which contribute to the needs and well being of the people of the District.

18.8.2.3 The development and ongoing management of all land in the Orongo Bay Special Purpose Zone in an integrated manner and in accordance with the Outline Concept Plan (refer ***Appendix 6H***) and a Comprehensive Development Plan approved by Council.

18.8.2.4 No adverse effects on the waters of Orongo Bay and, in particular, the operation of the oyster farms as a result of activities within the Orongo Bay Special Purpose Zone.

18.8.3 OBJECTIVES

18.8.3.1 To provide for service-orientated commercial development within Orongo Bay so as to enable people and communities to provide for their social, economic and cultural wellbeing.

18.8.3.2 To reduce pressure on the township of Russell for similar commercial development that could impact on the heritage and amenity values of Russell Township.

18.8.3.3 To avoid, remedy or mitigate adverse effects of activities on adjoining land and the coastal environment.

18.8.3.4 To ensure development in the Orongo Bay Special Purpose Zone is undertaken on a comprehensively-managed and integrated basis, including the ongoing arrangements for ownership, operation and maintenance of infrastructure, and maintenance of landscaping and restored ecological corridors.

18.8.4 POLICIES

18.8.4.1 That the development and ongoing management of the Orongo Bay Special Purpose Zone be carried out in an integrated manner in accordance with the Outline Concept Plan (refer ***Appendix 6H***) and a Comprehensive Development Plan approved by Council.

18.8.4.2 That the effects of activities that could compromise the character and values of the surrounding area be avoided, remedied, or mitigated through the compliance with the Outline Concept Plan, standards detailed in the rules and conditions of consent.

18.8.4.3 That standards be applied that protect visual amenity and environmental values within the Orongo Bay Special Purpose Zone, adjacent zones and the coastal marine area.

18.8.4.4 That all works required to achieve the expected environmental outcomes are designed and implemented prior to the construction of new buildings or the commencement of new land use activities or are covered by a suitable bond arrangement agreed to by Council and in accordance with Council's *"Policy 3102: Bonds and Undertakings" (1998)* for the implementation of the approved design for the restoration and ecological enhancement works.

18.8.4.5 That stormwater and effluent disposal systems do not result in suspended solids, industrial by-products, oil, or other contaminated substance or waste entering any stormwater collection system or authorized discharge systems in concentrations that are likely to pose any hazard to human health or to the adjoining coastal environment of Orongo Bay, noting in particular the use of the adjoining waters for oyster farming.

18.8.4.6 That prior to any subdivision, use or development on any site within the zone, Council will require the preparation of a Comprehensive Development Plan to be submitted as a resource consent application as a Restricted Discretionary Activity.

18.8.4.7 Any activity that has the potential to introduce any hazardous material(s), including via leakage and/or spillage of hazardous material(s) into the coastal environment is inappropriate.

COMMENTARY

The reason for establishing the Orongo Bay Special Purpose Zone is to provide for the development of commercial activities to service the Russell Peninsula recognising the limitations on such development in the commercial zone within Russell Township. It also recognises that there are few locations suitable for commercial development within the Russell Peninsula and that the area is experiencing growth which requires facilities and services to provide for the well-being of the communities.

The sensitive nature of the coastal environment surrounding the zone and the existence of marine farming operations in the adjacent waters requires that additional controls to those generally applying to other commercial zones within the District to ensure that adverse effects on the environment are avoided, remedied or mitigated.

*The objectives and policies of the Orongo Bay Special Purpose Zone reflect, and are consistent with the Outline Concept Plan (refer **Appendix 6H**). This plan was prepared by the original landowner and reflected their intention for the development of the land.*

18.8.5 METHODS OF IMPLEMENTATION

18.8.5.1 The rules in the Orongo Bay Special Purpose Zone, and in relevant sections of ***Part 3 - District Wide Provisions*** will achieve the objectives and policies outlined above.

18.8.6 ZONE RULES

Activities within the Orongo Bay Special Purpose 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 allowed by the Orongo Bay Special Purpose 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 ***Resource 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***).

18.8.6.1 PERMITTED ACTIVITIES

An activity is a permitted activity in the Orongo Bay Special Purpose Zone if:

(a) it complies with the standards for permitted activities set out in ***Rules 18.8.6.1.1*** to ***18.8.6.1.13*** below; and

(b) it complies with the relevant standards for permitted activities set out in ***Part 3 of the Plan – District Wide Provisions***; and

(c) it complies generally with the Outline Concept Plan contained in ***Appendix 6H***; and

(d) it complies with a Comprehensive Development Plan approved by Council for the zone; and

(e) planting of ecological corridors (in accordance with the Outline Concept Plan contained in ***Appendix 6H***), landscaping, and integrated stormwater and effluent treatment, collection and disposal works (in accordance with a Comprehensive Development Plan approved by Council) have been completed.

18.8.6.1.1 BUILDING HEIGHT

The maximum height of any building in the Orongo Bay Special Purpose Zone shall be 10m.

18.8.6.1.2 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 any site boundary which adjoins any Coastal Living or Recreational Zone (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.

18.8.6.1.3 VISUAL AMENITY

(a) all buildings, outdoor storage and car parking shall be set back a minimum distance of 10m from all road boundaries and the area of the setback shall be landscaped, as depicted on the Outline Concept Plan (refer ***Appendix 6H***). Planting depth shall be 6m wide along Aucks Road frontage, 10m wide along Russell Road frontage, 20m wide around "the knoll" adjacent to Russell Road and 5m wide adjacent to the sports field and adjacent Coastal Living Zones. Landscaping shall not be required at the point where legal access is created to the site; and

(b) any landscaping 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; and

(c) the landscaping shall include a variety of indigenous tree and shrub species planted so as to provide a solid visual screen on the boundary of the zone. Species selection should include a predominance of species found in the immediate local area and contribute to the coastal character. This landscaping shall be undertaken prior to the construction of new buildings on a site or shall be subject to a bond agreed to by Council and in accordance with Council's *"Policy 3120: Bonds and Undertakings" (1998)* to ensure implementation within three years and before buildings are occupied and shall be maintained to provide visual mitigation including the replacement of diseased or damaged trees. All landscaping requirements shall be included and detailed in a Comprehensive Development Plan; and

(d) freestanding signage shall be limited to a single double-sided pylon sign of not more than $12m^2$ at the site entrance off Aucks Road and a single double-sided pylon sign of not more than $6m^2$ and no greater than 4m in height at the site entrance off Russell Road. Signs on buildings shall comply with ***Rules 16.6*** and ***16.7*** and shall not be illuminated after 2200 hours; and

(e) the exterior of all buildings are to be coloured within the BS5252 standard colour palette range with a reflectance value of 30% or less or are constructed of natural materials which fall within this range.

18.8.6.1.4 SETBACK FROM BOUNDARIES

(a) no building or any impermeable surface shall be permitted on any part of the site identified for landscape and amenity planting, riparian planting or wetland planting on the Outline Concept Plan (refer ***Appendix 6H***) or a Comprehensive Development Plan approved by Council; and

(b) all buildings shall be setback at least 10m from Aucks Road and Russell Road frontages and 3m from any planting identified on the Outline Concept Plan (refer ***Appendix 6H***).

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 applies 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.

18.8.6.1.5 TRANSPORTATION

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

18.8.6.1.6 NOISE

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	65dBA L_{10}
2200 to 0700 hours	55dBA L_{10} and 80dBA L_{max}

All activities within the zone shall be conducted so as to ensure that noise measured at any point within any site or at or within the notional boundary of any dwelling in any coastal environment zone shall not exceed:

0700 to 2200 hours	55dBA L_{10}
2200 to 0700 hours	45dBA L_{10} and 70dBA 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"*.

18.8.6.1.7 IMPERMEABLE SURFACES

The maximum proportion of the gross site area (excluding any part of the site identified for esplanade reserve, landscape and amenity planting, riparian planting or wetland planting on the Outline Concept Plan – refer ***Appendix 6H***) which may be covered by buildings and other impermeable surfaces shall be 80%.

18.8.6.1.8 STORMWATER

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

(a) the activity is within an existing consented urban stormwater management plan or discharge consent from the Northland Regional Council; and

(b) all discharges meet the Regional Coastal Plan for Northland General Quality Standard CA.

18.8.6.1.9 SPECIFIC ACTIVITIES

The following activities are permitted within the Orongo Bay Special Purpose Zone provided that they meet all other permitted activity standards in ***18.8.6.1***:

(a) garden centres;

(b) building supply centres (trade and retail);

(c) self storage facilities;

(d) vehicle and boat display and sales;

(e) small scale manufacturing;

(f) tradesmen's workshops/repair centres;

(g) repairs/maintenance to buildings where such are permanently on site for the purposes of any permitted or consented activity;

(h) general store (excluding supermarkets);

(i) facilities associated with the sports ground, e.g. club rooms.

18.8.6.1.10 RIPARIAN RESTORATION

Riparian restoration planting and maintenance is permitted provided that the width of planting within the riparian restoration area (refer Outline Concept Plan in ***Appendix 6H***) shall be no less than 40m total width (including the margins) and where adjacent to the harbour bed shall be no less than 20m wide. The riparian restoration area is to be fenced so as to exclude stock. All riparian restoration planting and maintenance requirements shall be included and detailed in a Comprehensive Development Plan.

18.8.6.1.11 UTILITY SERVICES

The installation of utility services is permitted provided that these services are underground.

18.8.6.1.12 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 20dBA L_{10}, and between any room used for sleeping is no less than 30dBA L_{10}. 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.

18.8.6.1.13 ILLUMINATION

Any artificial lighting is permitted provided that it complies with ***Rule 16.6.1.1***.

18.8.6.2 CONTROLLED ACTIVITIES

An activity is a controlled activity in the Orongo Bay Special Purpose Zone if:

(a) it does not comply with any one of the following ***Rules 18.8.6.1.2 Sunlight***; ***18.8.6.1.5 Transportation*** or ***18.8.6.1.8 Stormwater***; and

(b) it complies with all the other standards for permitted activities in this zone; and

(c) it complies with ***Rules 18.8.6.2.1 Sunlight***; ***18.8.6.2.2 Transportation***, ***18.8.6.2.3 Stormwater*** or ***18.8.6.2.4 Access*** below; and

(d) it complies with the relevant standards for permitted or controlled activity in ***Part 3 of the Plan – District Wide Provisions***; and

(e) it complies with a Comprehensive Development Plan approved by Council for the zone.

The Council must approve an application for land use consent for a controlled activity but may impose conditions on that consent. The Council will not require the written approval of affected parties in respect of a controlled application in this zone.

In assessing an application for a controlled use under this rule Council will exercise its control in respect to the following matters:

(i) The extent to which the proposal meets the standards for controlled activities in ***Rules 18.8.6.2.1*** to ***18.8.6.2.4***.

18.8.6.2.1 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 any site boundary' which adjoins any Coastal Living or Recreational 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;

(b) the location and proximity of adjacent residential units, and the outdoor space used by those units;
NOTE: *Effects on outdoor living spaces is out of scope in the context of residential activities. For further information refer to Operative plan | Far North District Council.*

(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.

18.8.6.2.2 TRANSPORTATION

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

18.8.6.2.3 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 via a piped connection laid at least 600mm into the net area of the site; 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 (including biological and viral contaminants) in stormwater leaving the site do not pose an immediate or long term hazard to human health or the adjoining coastal environment with particular care being given to the standards required in the receiving waters of Orongo Bay.

Note: In order to meet the conditions listed above Council will require 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" Auckalnd Regional Council (2003)*.

18.8.6.2.4 ACCESS

Access to the Orongo Bay Special Purpose Zone is limited to a single entry/exit point on Aucks Road and to a single entry/exit point on Russell Road provided that the access points comply with chapter 26 of Council's *"General Bylaws: Control of Vehicle Crossings" (2002)* and Austroads' *"Guide to Traffic Engineering Practice Part 5 – Intersections at Grade" (2001)*.

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

(a) the sight distances associated with the vehicle access to the road;

(b) any existing safety problems on the roads affected;

(c) with respect to effects in local neighbourhoods, the ability to mitigate adverse effects through the design and location of access;

(d) with respect to the effects of through traffic on arterial roads, any measures such as right-turn bays, flush medians, left-turn declaration tapers etc proposed to be installed on the road as part of the development to accommodate traffic turning into and out of the site.

18.8.6.3 RESTRICTED DISCRETIONARY ACTIVITIES

An activity is a restricted discretionary activity in the Orongo Bay Special Purpose Zone if:

(a) it does not comply with any one of the following ***Rules 18.8.6.1.1 Building Height***; ***18.8.6.1.6 Noise*** or ***18.8.6.1.9 Specific Activities***; but

(b) it complies with all the other standards for permitted and controlled activities in this zone under ***Rules 18.8.6.1*** and ***18.8.6.2***; and

(c) it complies with ***Rules 18.8.6.3.1 Building Height***, ***18.8.6.3.2 Noise*** and ***18.8.6.3.3 Comprehensive Development Plan*** 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.

18.8.6.3.1 BUILDING HEIGHT

The maximum height of any building in the Orongo Bay Special Purpose Zone shall be 11m.

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

(a) the extent to which the coastal environment and adjacent Coastal Living or Recreational Activies zoned properties and public road corridors will be adversely affected in terms of visual domination, overshadowing, loss of privacy and loss of access to sunlight and daylight; ***NOTE:*** *Visual domination effects from private property out of scope. For further information refer to Operative plan \| Far North District Council.*

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

18.8.6.3.2 NOISE

In assessing an application resulting from a breach of ***Rule 18.8.6.1.6 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 effectiveness of operation in relation to the surrounding environment;

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

18.8.6.3.3 COMPREHENSIVE DEVELOPMENT PLAN

Prior to any subdivision, use or development on any site within the zone, Council will require the preparation of a Comprehensive Development Plan to be submitted as a resource consent application as a Restricted Discretionary Activity to contain the following information:

(a) the internal design of the site including location of any proposed lots, appearance, design, use of materials and scale of all buildings;

(b) external access to the Orongo Bay Special Purpose Zone provided that this is limited to a single entry/exit point on Aucks Road and to a single entry/exit point on Russell Road;

(c) internal access ways, car parking, vehicle circulation and storage areas;

(d) location of all infrastructure and services including stormwater and effluent collection, treatment and disposal;

(e) a comprehensive stormwater and effluent management plan detailing location of plant and disposal areas, collection, treatment (including use of detention ponds), disposal methods, and ongoing control and management with particular attention to the treatment standards required to meet the use of adjoining coastal marine area waters for oyster farming (refer *Regional Coastal Plan for Northland General Quality Standard CA*). This is to include provision for effluent from the three Coastal Living lots contiguous to the site. If the riparian restoration area (refer Outline Concept Plan in ***Appendix 6H***) is to be used to receive water then appropriate standards and monitoring are to be included;

(f) a landscape plan and a riparian restoration plan prepared by suitably qualified persons showing the nature of all landscaping and ecological restoration and enhancement, including planting implementation, fencing, maintenance, bonding and formal protection mechanisms (such as vesting in Council or covenanting) to achieve the visual amenity and riparian restoration rules for the zone, and the integrated management of the riparian and wetland areas depicted on the Outline Concept Plan in ***Appendix 6H***;

(g) details of all requirements for earthworks including the management of run-off during construction;

(h) signage and illumination;

(i) requirements for any vegetation clearance;

(j) proposals for any staging of development within the zone;

(k) details of the types of activities to be permitted within the zone;

(l) the methods to be employed to ensure that the Comprehensive Development Plan applies to and binds any other owner of the land or part thereof.

In particular the Comprehensive Development Plan should incorporate low impact design measures to ensure that stormwater is managed and monitored to ensure hydrological neutrality in peak volumes and duration to avoid or mitigate adverse effects on receiving environments, particularly with regard to the oyster farms in Orongo Bay.

In assessing an application under this provision, the Council may require more detail to be provided and will restrict the exercise of its discretion to:

(i) the adequacy of the Comprehensive Development Plan;

(ii) the degree to which the Comprehensive Development Plan gives effect to the NZ Coastal Policy Statement;

(iii) the degree to which the Comprehensive Development Plan gives effect to the Regional Policy Statement for Northland and is consistent with the Regional Coastal Plan for Northland;

(iv) the district-wide objectives and policies the objectives and policies of this zone; including, where relevant, the objectives and policies applying generally to the coastal environment set out in ***Sections 10.3*** and ***10.4***;

(v) the degree to which potential adverse effects on the environment have been identified and avoided as far as practicable, and where it is not practicable to avoid any adverse effects , those have been remedied or mitigated;

(vi) the degree to which the proposal restores and enhances the natural character of the coastal environment and riparian areas and protects them from inappropriate subdivision, use and development;

(vii) whether landscape, visual and amenity characteristics of the site and adjacent areas are maintained, protected or enhanced and the degree to which regard is had of the LA4 Landscape Assessment report (1995);

(viii) whether the proposals to ensure long-term protection and enhancement of indigenous flora and fauna are adequate and the need for conditions to ensure ongoing compliance with such proposals;

(ix) the sight distances associated with the vehicle access to the roads affected; any existing safety problems on the roads affected; with respect to effects in local neighbourhoods the ability to mitigate adverse effects through the design and location of access; and with respect to the effects of through traffic on arterial roads any measures such as right-turn bays, flush medians, left-turn declaration tapers etc. proposed to be installed on the road as part of the development to accommodate traffic turning into and out of the site;

(x) the extent to which planting proposals utilize indigenous flora appropriate to the locality and the extent to which local genetic stock is used;

(xi) the proposals to recognize and provide for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga;

(xii) effects of the development on the use and management of public land in the vicinity of the site;

(xiii) the degree to which the proposal avoids natural hazards including fire hazards;

(xiv) the appropriateness of the location of building envelopes, building design and appearance;

(xv) the appropriateness of proposals for treatment, collection and disposal of stormwater and effluent;

(xvi) whether bonds are necessary to assist in achieving the Comprehensive Development Plan;

(xvii) the extent to which information and proposed management measures are provided by suitably qualified persons;

18.8.6.3.4 SPECIFIC USES

In assessing an application resulting from a breach of ***Rule 18.8.6.1.9 Specific Uses*** the matters to which the Council will restrict its discretion are:

(a) the degree to which the proposed use is compatible with those uses specifically set out set out in ***Rule 18.8.6.1.9***; and

(b) the degree to which the proposed use is compatible with the provisions of a Comprehensive Development Plan approved by Council.

18.8.6.4 NON-COMPLYING ACTIVITIES

An activity is a non-complying activity in this zone if:

(a) it does not comply with the standards for a permitted, controlled or restricted discretionary activity, or

(b) it does not comply with the provisions in a Comprehensive Development Plan approved by Council; or

(c) It involves construction of any building prior to completion of riparian restoration planting, landscaping and stormwater and effluent treatment works.

18.8.6.4.1 HAZARDOUS SUBSTANCES

Any activity that has the potential to introduce any hazardous material(s), including via leakage and/or spillage of hazardous material(s) into the coastal environment. Any activity that would be controlled or discretionary under ***Rules 12.8.6.2*** or ***12.8.6.3*** is a non-complying activity in this zone.

18.8.6.4.2 ACCESS

Any external access that does not comply with ***Rule 18.8.6.2.4*** or ***Rule 18.8.6.3.3(b)*** is a non-complying activity in this zone.

18.8.6.4.3 SIGNAGE

Any external signage that does not comply with ***Rule 18.8.6.1.3(d)*** is a non-complying activity in this zone.

18.8.6.5 PROHIBITED ACTIVITIES

18.8.6.5.1 SOLID WASTE DISPOSAL

The disposal of solid waste (including sewage sludge or remnants) on any site within the zone is a prohibited activity.

18.9 QUAIL RIDGE COUNTRY CLUB ZONE

CONTEXT

The Site & Development Concept

This zone applies to Lot 1 DP 311575 and Lot 4 DP 78387 at Kerikeri. The Quail Ridge Country Club Zone covers an area of approximately 16.9ha at the southern end of Rainbow Falls Road, adjacent to the Department of Conservation managed Kerikeri River scenic reserve and walkway. The Country Club, which has resort and retirement village elements, is planned to be developed in stages over a number of years.

The Country Club, or village, will contain a mix of residential units including individual dwellings, duplexes, small groups of townhouses, and multi storey apartments. At the centre of the site will be a clubhouse, 40 bed care facility and serviced apartments. All residential units will be held under licence to occupy arrangements and no subdivision other than possible boundary adjustments will occur.

A range of recreational facilities will be provided, along with a variety of formal and informal landscaped areas. A pedestrian bridge is planned across the Kerikeri River which will link the village with the town centre and nearby golf course. It will also provide for enhanced public access to the adjacent scenic reserve and walkways.

Concept Master Plan

The principal development components expected on the land, and its staging, are defined on the 'Quail Ridge Country Club Concept Master Plan' (includes Master Plan; Setout Plan; Staging Plan) and the Landscape Enhancement Plan in ***Appendix 6I*** in ***Part 4*** of the District Plan. The Concept Master Plan has been prepared taking into account a number of site development constraints and opportunities, including:

- The proximity of the site to the Rainbow Falls - Kerikeri River reserve and walkway system and extensive reserve boundary along the western and southern sides of the river.
- The limited site frontage onto Rainbow Falls Road and need for a safe entrance/exit, along with a network of internal roads and pedestrian ways.
- The varying contours of the site and surrounding area and existing stormwater outlets through the reserve areas to the west.
- The views able to be obtained from the more elevated parts of the site over the developing residential areas to the northeast and the golf course to the southwest.
- The relatively steep scarp that separates the low southern plateau from the rest of the site and provision of road and pedestrian linkages through it to the pedestrian bridge.
- The large trees on the site and the need to integrate them into the development layout.

The layout is based around the centrally located administration/recreation area and a circular internal roading system leading to and from it.

Access & Services

Rainbow Falls Road is to be widened to cater for the project. Secondary road access is possible in the future as the land to the northeast is developed and connected to Waipapa Road and in turn the Heritage Bypass.

The village aims to be connected to the township's water supply system. However a supply may be available from the Rainbow Falls Irrigation Scheme, which is an existing private water scheme serving the site. On site storage tanks and ornamental ponds are also to be provided. Water obtained from the private supply would need to be treated to potable standards prior to supply for residential use.

Wastewater is to be treated and disposed of on site until the town's treatment plant is upgraded and connection is available.

Stormwater is to be collected in a network of piped and open swale drains on the site and after treatment discharged though the Department of Conservation controlled land to the Kerikeri River.

Kerikeri -Waipapa Structure Plan

The site is identified in the Kerikeri - Waipapa Structure Plan (2007) as being part of an "Urban (Medium Intensity) Residential 4 policy area (UR4)", which lies between the Kerikeri River, Waipapa Road and the Heritage Bypass. All of the land in the UR4 area is shown as being within the "Wastewater Reticulation Area of Benefit 2006-2016 LTCCP". The Structure Plan also acknowledges that there is a trend towards an increasingly ageing population in the Kerikeri area, and that development and growth is required to support this trend.

The UR4 area is identified in the Structure Plan as having a 'medium priority' for rezoning. It is also subject to 'triggers' on "wastewater infrastructure provision and a public accessway linking across Kerikeri River." The accessway and wastewater servicing 'triggers' have been taken into account in developing the Concept Master Plan, servicing proposals and the 'special area' zone for the land.

Purpose & Key Components of the Zone

The purpose of the zone is to allow the village to be progressively established in accordance with the Quail Ridge Country Club Concept Master Plan and sets a framework under which any future changes to the built form, access and servicing can be fully assessed in terms of environmental effects. The Concept Master Plan approach is very similar to that adopted for other 'special areas' in the District Plan, notably Carrington Estate, Kauri Cliffs and Point Veronica.

The Quail Ridge Country Club zone is similar to the Residential zone with various forms of residential and low impact recreational facilities provided for. The number of units on the site is limited to the number (273) shown on the Concept Master Plan. A 'general' building height limit of 8m applies, with provision for higher buildings in the three defined locations, where the two-storey care facility (9m high) and the two three-storey apartment (11.5m high) buildings are planned.

The zone has rules on building setbacks, impermeable surfaces and landscaping that take into account the site setting and form of development. There is no rule on traffic intensity. The rules on the design of internal roads and provision of parking reflect the low speed, largely 'retirement' nature of the village.

There are no zone based rules on subdivision. The ***District Wide Rule*** in the Plan at Chapter ***13.7.1*** on boundary adjustments (as controlled activities) will apply to the site.

18.9.1 ISSUES

18.9.1.1 The site is located close to the Kerikeri River, the township, golf course and the Heritage Bypass. Effective connections to these facilities whilst protecting the natural character and amenity values of the surrounding area is important.

18.9.1.2 There is a high demand for retirement village type facilities in the Kerikeri area and wider Far North District.

18.9.1.3 Provision of the necessary infrastructure and community facilities for village residents needs to be staged and related to wider Council initiatives for the greater Kerikeri area.

18.9.1.4 With a reasonably intensive residential development on the site the protection of significant landscape features, including large specimen trees, is important, as is the extent and form of landscaped open space areas.

18.9.1.5 A degree of flexibility needs to be built into the zone provisions to account for changes in resident's building preferences and changing market conditions.

18.9.2 ENVIRONMENTAL OUTCOMES EXPECTED

18.9.2.1 The development of a 'country club', catering primarily for people approaching or in retirement, that is of a form and intensity that protects the amenity and other environmental values of the site and surrounding area.

18.9.2.2 The provision of a pedestrian bridge and walkway facilities that enhance the adjacent reserves and wider Kerikeri area.

18.9.2.3 The provision of roads and utility services to cater for village residents and protect the environmental qualities of the surrounding area.

18.9.3 OBJECTIVES

18.9.3.1 To provide for the staged development of a residential village in accordance with a Concept Master Plan and provision of pedestrian bridge/walkways, roads and utility services linked to future development of the surrounding area.

18.9.3.2 To ensure that residential and other development of the site is carried out in a manner that protects and enhances the ecological, heritage, landscape and amenity values of the site and surrounding area.

18.9.4 POLICIES

18.9.4.1 That the Concept Master Plan form the basis of the village development and the provision of recreational facilities and utility services be linked to it.

18.9.4.2 That multi storey buildings be generally confined to the environmentally suitable locations shown in Stage 2 shown on the Concept Master Plan.

18.9.4.3 That buildings, roads and other facilities be sited and designed in a manner that recognises the predominantly retirement village nature of the village and the sensitivity of adjacent reserve and rural lifestyle areas.

18.9.4.4 That significant areas of the site be retained as landscaped open space and for recreational activities.

18.9.4.5 That provision is made for the relocation of buildings, roads and other activities within the site subject to appropriate environmental quality standards being maintained.

18.9.5 METHODS OF IMPLEMENTATION

18.9.5.1 The objectives and policies will be met through the Concept Master Plan and special rules for the Quail Ridge Country Club zone, along with the ***District Wide Rules in Part 3*** of the Plan applying to the site.

18.9.5.2 The objectives and policies will also be met by the landowners of the Quail Ridge Country Club undertaking a number of access, servicing and environmental initiatives including:

a) Upgrading and widening of Rainbow Falls Road,

b) Planning for the provision of a pedestrian bridge across the Kerikeri River,

c) Supplementary on site water collection and storage facilities,

d) Fencing of all site boundaries and associated screen type landscaping,

e) Controls on the number and type of domestic animals held on the site,

f) Comprehensive landscaping of the site, including creation of pond and wetland features,

g) Protection of a stand of bush on the site and a weed control programme, and;

h) Transfer of an area of land to the Crown as an addition to the adjacent scenic reserve.

COMMENTARY

The Quail Ridge Country Club Concept Master Plan provides for a form and intensity of residential development that is consistent with the purpose and principles of the Act, and the Kerikeri – Waipapa Structure Plan. The Council recognises the sensitivity of the surrounding area, particularly the adjacent scenic reserve, and need to maintain its amenity values. The zone provisions are, in some respects (e.g. boundary setbacks, building design and appearance and site fencing/landscaping), more stringent than are provided for in the Residential and other 'generic' zones, applying to other land in the Kerikeri area.

18.9.6 ZONE RULES

18.9.6.1 PERMITTED ACTIVITIES

18.9.6.1.1 USE OF LAND FOR RETIREMENT VILLAGE PURPOSES

The use, maintenance and repair of the land, buildings and ancillary facilities and structures within the Quail Ridge Country Club zone for a retirement village.

18.9.6.1.2 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 boundary of any site in the adjacent Conservation, Residential or Rural Living zones, or at or within the notional boundary of any dwelling in any zone:

0700 to 2200 hours	55 dBA L10
2200 to 0700 hours	45 dBA L10 and 70 dBA Lmax

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"*.

18.9.6.1.3 SIGNS

Signs are to be located either:

(a) immediately adjacent to the Rainbow Falls Road frontage of the site and shall comply with the permitted activity standards for signs in the Residential zone in ***Part 3 of the Plan - District Wide Provisions***; or be

(b) located elsewhere on the site and not be visible from adjacent properties, including the adjoining scenic reserve.

18.9.6.1.4 KEEPING OF ANIMALS

The site shall not be used for a boarding or breeding kennel or cattery or for factory farming or for the keeping of mustelids. Domestic pets may only be kept in accordance with the specified pet policy.

18.9.6.2 CONTROLLED ACTIVITIES

The construction of a residential unit (including the care facility) and any other building is a controlled activity in the Quail Ridge Country Club zone if:

(a) it is shown on the Concept Master Plan in ***Appendix 6I.A***; and

(b) it complies with all the standards for permitted activities and for controlled activities below; and

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

18.9.6.2.1 RESIDENTIAL INTENSITY

The number of residential units, including the care facility, shall not exceed 273, except that if a connection is not available to the Kerikeri township wastewater scheme the total number of residential units, including the care facility, shall not exceed 238.

18.9.6.2.2 BUILDINGS AND/OR ACTIVITIES

Buildings and/or activities shall be sited in accordance with the Concept Master Plan,

except that in the case of any house, duplex or townhouse shown on the Concept Master Plan, the relocation elsewhere within the site and an increase in footprint area by up to 10% is also a controlled activity, provided that:

(a) the relocated building footprint complies with all other controlled activity standards; and

(b) the total number of houses, duplexes and townhouses on the site does not exceed 193, being the total number of these unit types shown on the Concept Master Plan;

(c) the relocated building footprint is within the area identified for houses, duplexes and townhouses on the Concept Master Plan

except that in the case of ponds, recreational facilities and roads, including service lanes, shown on the Concept Master Plan, the relocation and any increase in footprint area is also a controlled activity provided that :

(i) the activities are relocated to a position that is no closer to any site boundary, and

(ii) the impermeable surface standard and all other controlled activity standards; are met, and

(iii) the resultant location of such facilities and services are still in general accordance with the Concept Master Plan and the Landscape Enhancement Plan.

(*Explanation: This rule enables the three 'conventional' forms of residential unit to be relocated and slightly increased in size provided the total number of these units on the site remains the*

same and all the other rules applying to the site are met. It also enables the roads and other facilities to be moved under certain circumstances.)

18.9.6.2.3 BUILDING HEIGHT

(a) The maximum height of any dwelling, duplex, townhouse or accessory building shall be 8m.

(Explanation: This rule is the same as that applying in the Residential zone).

(b) The maximum height of the clubhouse and the care facility/serviced apartment building, shall be 9m.

(Explanation: This rule is the same as that applying in the Rural Living zone).

(c) The maximum height of the two independent living apartment buildings shall be 11.5m.

(Explanation: This rule applies only to the two apartment buildings shown on the Concept Master Plan).

18.9.6.2.4 SETBACK FROM BOUNDARIES

No building shall be erected within 7.5m of any site boundary.

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.

(Explanation: This setback is considerably more than the 3m minimum setback in the Rural Living zone and the 3m (road) and 1.2m (other boundaries) minimum setback in the Residential zone).

18.9.6.2.5 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 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.

(Explanation: This rule is the same as that applying in the Rural Living zone).

18.9.6.2.6 BUILDING DESIGN & APPEARANCE

(a) All buildings are to be of a New Zealand residential vernacular nature. Exotic or unusual forms such as 'A' frames, domes and towers are not permitted. Kitset, prefabricated and relocated buildings are also not permitted.

(b) The roof forms of all dwellings, duplexes and townhouses are to be simple and have gable or hip variations with either soft barges or parapet roof ends.

(c) All exterior walls and roofs are to be finished in neutral or dark colours suited to the landscape setting. They shall have a reflectivity value of less than 40% as illustrated on the Resene BS5282 colour range. This restriction does not apply to doors or window joinery.

18.9.6.2.7 IMPERMEABLE SURFACES

The maximum site area covered by buildings and other impermeable surfaces on the site shall be 42%.

(Explanation: This is in line with the Concept Master Plan).

18.9.6.2.8 EARTHWORKS

Earthworks shall only be undertaken in association with any buildings, roading and activities identified on the Concept Master Plan and in accordance with the conditions of any resource consent granted by the Regional Council or by the Far North District Council.

18.9.6.2.9 FENCING & LANDSCAPING

A fence and visual screen of native plants and other shrubs is to be provided and maintained along the site boundaries. The fence is to be designed to prevent people and pets from readily accessing the adjacent scenic reserve and adjoining land whilst the planted visual screen is to be designed to screen the fence and adjacent buildings on the Country Club site from people visiting the Rainbow Falls and those using the riverbank walkway. In order to avoid concern for the potentially stark appearance of the fence on the boundaries of the site, a minimum of 25% of the length of the site boundaries shall be arranged so that the landscape planting is on the outer side of the fence, with the fence then set back from the boundary,

Plans and specifications of the fencing and landscaping required in respect of each stage of the development shall be provided to the Council with each application for resource consent for the respective development stages and the work shall be completed before the residential units in each stage are occupied.

The landscaping is to be arranged in general accordance with the Landscape Enhancement Plan.

18.9.6.2.10 ON SITE ACCESS, PARKING & LOADING

The access, internal roading, parking and loading provisions in ***Part 3*** and ***Appendix 3*** of the Plan - ***District Wide Provisions*** shall apply to the site, except in respect of the following matters;

(a) Internal Roads

No of Dwelling Units	Sealed Width (m)	Maximum Gradient	Normal Camber	Surfacing/ Edge	Footpath	Stormwater Drain
1 – 5	3.5	1 in 8	3%	Sealed, concrete / -	-	-
6 – 30	5.5	1 in 8	3%	Sealed, concrete / Edge Beam	-	Swale
More than 30	6.0	1 in 8	3%	Sealed, concrete / Edge Beam	-	Swale

(b) Service Lanes

3.5m seal with passing bays as necessary.

(c) Parking

Care facilities - 1 space for every 2 beds

Clubhouse - 1 space for every 2 staff

Serviced apartments - 1 space per unit

Plans and specifications of the internal site access and parking shall be provided to the Council and the work completed before the residential units in each stage are occupied.

Plans and specifications of the service lane shall be provided to the Council and the work completed before the Stage 2 residential units are occupied.

18.9.6.2.11 OFF SITE ROAD IMPROVEMENTS

Plans and specifications of the corner widening on Rainbow Falls Road shall be provided to the Council for its approval prior to the commencement of the work and the work shall be completed before the Stage 1 residential units are occupied.

Plans and specifications for the complete widening of Rainbow Falls Road to a 7 metre width plus the provision of a footpath on at least one side of the road, shall be provided for the approval of the Council and the work completed in accordance with the approved plans before the serviced apartments and bed care units in Stage 2 are occupied.

Plans and specifications for the provision of a slip lane at the intersection of Rainbow Falls Road and Waipapa Road shall be provided for the approval of the Council and the work completed in accordance with the approved plans when the Council undertakes its planned upgrading of Waipapa Road.

(Explanation: In relation to Rainbow Falls Road, the cost of the corner widening, road widening and footpath will be met by the developer. The cost of the work to the intersection of Rainbow Falls Road and Waipapa Road will be shared by the developer with the Council)

18.9.6.2.12 BUSH PROTECTION, WEED & PEST CONTROL

The small stand of predominantly native bush on the site escarpment shall be formally protected once the internal access road through part of it to Stage 5 is constructed. A weed and pest control programme for this protected area shall also be shall be initiated at the same time as the internal road access through to Stage 5 has been constructed.

Information and plans of the area to be protected and the weed and pest control programme that is to be initiated shall be provided to the Council as part of the first application for resource consent to construct buildings within Stage 5, or Stage 4 if Stage 5 is not to proceed. The plans shall identify the areas to be protected and detail the protection mechanisms to be utilized. The mechanisms shall include legal as well as physical protection.

The weed and pest control programme shall address the measures to be utilised to manage and eradicate weed and pest species and state how these measures are to be managed on an on going basis.

If Stage 5 is not developed then the formal protection of the bush and weed and pest control programme shall be undertaken before Stage 4 is completed.

18.9.6.2.13 CONTROL OF DOMESTIC PETS

A mechanism for effectively limiting the number of domestic pets on the site and their possible movement into the adjacent scenic reserve shall be provided to the Council before any residential units are occupied.

The pets policy shall address the following matters:

- Signage to be erected at any entry / exit points to the adjacent Department of Conservation managed reserves advising of the prohibition on dogs entering or roaming in these reserves.
- The terms and conditions of the pets policy being incorporated into a license to occupy for every resident as conditions of the license.

18.9.6.2.14 STORMWATER, WATER SUPPLY & WASTEWATER FACILITIES

Plans and specifications of the on site stormwater, water supply and wastewater facilities in each stage shall be provided to the Council and the facilities made operational before the associated residential units in the stage are occupied.

18.9.6.2.15 CONTROLS

The Council must approve an application for land use consent for a controlled activity but it may impose conditions on that consent. Such applications do not require written approvals or notification.

In granting an application under this rule Council may impose conditions only in respect of the following matters over which it has reserved control:

- Residential Intensity
- Building Design & Appearance
- Fencing & Landscaping
- On Site Access, Parking & Loading
- Off Site Road Improvements
- Bush Protection, Weed & Pest Control
- Control of Domestic Pets
- Stormwater, Wastewater & Water Supply Facilities and the Management of these Facilities.

18.9.6.3 RESTRICTED DISCRETIONARY ACTIVITIES

An activity is a restricted discretionary activity in the zone if:

(a) it does not comply with any of the following rules for controlled activities: ***Rule 18.9.6.2.1 Residential Intensity, 18.9.6.2.3 Building Height; 18.9.6.2.4 Set Back from Boundaries; 18.9.6.2.5 Sunlight; 18.9.6.2.6 Building Design & Appearance; 18.9.6.2.7 Impermeable Surfaces; 18.9.6.2.8 Earthworks; 18.9.6.2.9 Fencing & Landscaping, 18.9.6.2.10 On Site Access Loading & Parking, 18.9.6.2.11 Off Site Road Improvements, 18.9.6.2.12 Bush Protection & Weed Control, 18.9.6.2.13 Control of Domestic Pets, 18.9.6.2.1.14 Stormwater, Wastewater &, Water Supply Facilities***, or

(b) it does not comply with ***Rule 18.9.2.1.2 - Buildings and/or Activities***, but it complies with ***Rule 18.9.6.3.1 Building and/or Activities*** 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***, other than those sections of ***Part 3*** that are addressed in the Quail Ridge Country Club zone.

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. Where applications are made under this rule all adjoining land owners and occupiers, including the Department of Conservation, should be considered affected parties.

18.9.6.3.1 BUILDINGS AND/OR ACTIVITIES

A - Building Footprint Changes to the Clubhouse, Buildings Used for Recreational Purposes & Accessory Buildings

The relocation and enlargement/extension of the clubhouse, any building used for recreational purposes, or accessory building shown on the Concept Master Plan is a restricted discretionary activity, provided that the relocated building footprint adjoins the approved building footprint shown on the Concept Master Plan and the enlargement/extension is no more than 10% over and above the building footprint shown on the Concept Master Plan, and the controlled activity standards are met.

(Explanation: This rule enables the community related buildings on the site to be slightly relocated and minor increases in floor area made, provided the other rules in the zone are met.)

In assessing an application under this rule 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 site and adjacent sites, in particular with the external scale and proportions of buildings or activities on the site and on adjacent sites;

(b) the extent to which the buildings(s) or activities may reduce the outlook and privacy of adjacent properties,

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

(d) the extent to which the location and design of any associated vehicle access, manoeuvring space, loading bays and parking spaces comply with the consents and/or ***Part 3 of the Plan - District Wide Provisions***; and

(e) the extent to which the proposal impacts on the Landscape Enhancement Plan.

B - Building Footprint Changes to Apartments & Care Facility Building

The relocation and enlargement/extension of any apartment and/or care building shown on the Concept Master Plan is a restricted discretionary activity provided that the relocated building footprint adjoins the approved building footprint shown on the Concept Master Plan and the enlargement/extension is no more than 10% over and above the building footprint shown on the Concept Master Plan and the controlled activity standards are met.

(Explanation: This rule enables the larger multi storey buildings to be slightly relocated and minor increases in floor area made, provided the other rules in the zone are met.)

In assessing an application under this rule the matters to which the Council will restrict its discretion are:

(a) the extent to which the proposal is in keeping with the character and form of development on the site and adjacent sites, in particular with the external scale and proportion of buildings or activities on the site and on adjacent sites;

(b) the extent to which the buildings(s) or activities may reduce outlook and privacy of adjacent properties;

(c) the extent to which the activity may adversely affect use of adjacent reserve areas;

(d) the ability to mitigate any adverse effects on the surrounding environment for example by way of building design, external appearance and landscaping;

(e) the extent to which any associated access, manoeuvring space, loading bays and parking spaces comply with the Plan rules; and

(f) the extent to which the proposal impacts on the Landscape Enhancement Plan.

18.9.6.3.2 SETBACK FROM BOUNDARIES

In assessing an application resulting from a breach of ***Rule 18.9.6.2.4 - 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, particularly reserves;

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

(c) the ability to mitigate any adverse effects on the environment, for example by way of building design, appearance or planting.

18.9.6.3.3 SUNLIGHT

In assessing an application resulting from a breach of ***Rule 18.9.6.2.5 - Sunlight***, the matters to which the Council will restrict its discretion are:

(a) the extent to which adjacent properties are adversely affected in terms of visual domination, overshadowing, loss of privacy and loss of access to sunlight and daylight; and
NOTE: *Visual domination effects from private property out of scope. For further information refer to Operative plan \| Far North District Council.*

(b) the location and proximity of adjacent residential units and the outdoor space used by those units.
NOTE: *Effects on outdoor living spaces is out of scope in the context of residential activities. For further information refer to Operative plan \| Far North District Council.*

18.9.6.3.4 BUILDING DESIGN & APPEARANCE

In assessing an application resulting from a breach of ***Rule 18.9.6.2.6 - Building Design & Appearance***, the matters to which the Council will restrict its discretion are:

(a) the extent to which the building adversely affects the amenity values and character of the site and surrounding area;

(b) the visibility of the building from adjacent reserves and other public vantage points; and

(c) the extent to which landscaping, in particular the planting of indigenous species, can mitigate adverse landscape and visual effects.

18.9.6.3.5 IMPERMEABLE SURFACES

In assessing an application resulting from a breach of ***Rule 18.9.6.2.7 - Impermeable Surfaces***, the matters to which the Council will restrict its discretion are:

(a) the extent to which impermeable surfaces contribute to total catchment impermeability;

(b) the extent to which low impact design principles have been used;

(c) the visual and amenity related effects of the additional impermeable surfaces; and

(d) the degree to which mitigation measures are proposed and their likely effectiveness.

18.9.6.3.6 EARTHWORKS

In assessing an application resulting from a breach of ***Rule 18.9.6.2.8 - Earthworks***, the matters to which the Council will restrict its discretion are:

(a) any effects on stormwater flow within the site and to or from other properties in the vicinity of the site;

(b) any effects on water quality;

(c) any loss of visual amenity;

(d) any effects on the sustainability of areas of indigenous vegetation and habitats of indigenous flora and fauna; and

(e) any effects on cultural heritage

18.9.6.3.7 FENCING & LANDSCAPING

In assessing an application resulting from a breach of ***Rule 18.9.6.2.9 - Fencing & Landscaping***, the matters to which the Council will restrict its discretion are:

(a) the extent, form and quality of the fencing and landscaping being provided; and

(b) the extent to which the breach affects the amenity values and character of adjacent reserve areas;

18.9.6.3.8 NOISE

In assessing an application resulting from a breach of ***Rule 18.9.6.1.2 - 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; and

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

18.9.6.4 DISCRETIONARY ACTIVITIES

An activity is a discretionary activity in the zone if:

(a) it complies with ***Rule 18.9.6.2.1 Residential Intensity***, 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***; other than

those sections of ***Part 3*** that are addressed in the Quail Ridge Country Club zone,

(c) but it does not comply with one or more of the standards for permitted, controlled or restricted discretionary activities in this zone as set out under ***Rule 18.9.6.1*** (other than ***Rule 18.9.6.2.1 Residential Intensity***); and ***Rules 18.9.6.3.2, 18.9.6.3.3, 18.9.6.3.4, 18.9.6.3.5, 18.9.6.3.6, 18.9.6.3.7and 18.9.6.3.8***, 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*** of the Plan. Where applications are made under this rule all adjoining land owners and occupiers, including the Department of Conservation, should be considered affected parties.

18.9.6.5 NON-COMPLYING ACTIVITIES

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

18.9.6.6 SUBDIVISION

No subdivision is provided for in the zone other than any possible boundary adjustments.