10 COASTAL ENVIRONMENT

Transitional consenting

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

CONTEXT

The Far North District has a long and varied coastline, containing eight major harbour systems. Because of its long coastline the District has a large amount of land in the coastal environment. The coastal environment of the Far North is one of the more valuable resources of the District. The value is related to its landscape, ecology, history, settlement and land use patterns, and consequently its attraction as a place to visit and to live either permanently or temporarily. Much of the coastline and the coastal environment is relatively undeveloped in the sense that there are relatively few buildings, roads or other built development. It therefore has a predominantly natural character, which includes a variety of landscapes ranging from indigenous forest to plantation and pasture. However, the past decade has been witness to an increasing pressure for the development of coastal areas mainly on the east coast of the Far North.

As a result of this development, the natural character of the coastal environment is being changed due to effects of land use activities such as noise, traffic, visual effects of development and (in some places) alterations of vegetation patterns.

The statutory context for the provisions of the coastal environment are found particularly in s6(a) of the Act, the NZ Coastal Policy Statement, the Regional Policy Statement for Northland, the Regional Coastal Plan and any other regional plans. Section 6(a) requires that, in relation to managing the use, development and protection of natural and physical resources, all persons exercising powers and functions under the Act shall recognise and provide for the preservation of the natural character of the coastal environment and the protection of it from inappropriate subdivision, use and development as one matter of national importance. The wording of the Act recognises the tension that can exist between land use and land management practices and the sustainable management of natural resources.

Section 6 of the Act also refers to the need to recognise and provide for the protection of outstanding features and landscapes (which can include coastal), protection of significant indigenous vegetation and habitats of indigenous fauna, maintenance and enhancement of public access to the coast, and the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga, protection of historic heritage from inappropriate subdivision and protection of recognised customary activities.

It is in relation to this context that the provisions of the coastal environment, and in particular the General Coastal Zone, have been developed, noting the emphasis on integrated management and enhancement opportunities for subdivision use and development included in the management plan provisions in ***Rule 13.9.2*** and the ***Integrated Development Rule***.

Natural processes and systems necessary for maintaining coastal landforms, such as vegetation and water quality are also being adversely affected by land use activities, both within and outside the coastal environment.

The increasing amount of development is leading to an increasing demand for access.

Access to areas of the coast suitable for public recreation is insufficient relative to the demand, while other parts which contain sensitive vegetation or habitat for sensitive indigenous fauna, or are subject to natural hazards such as coastal erosion, need to be protected from human access. Although maintenance and enhancement of access to the coast is desirable, public access should not be provided to all parts of the coastline. On some beaches only foot access is appropriate as vehicles may threaten or kill indigenous plants and birds living and nesting within the coastal area. Certain areas may require extra protection.

Council is in the process of developing both an Open Space Strategy and a Coastal Access Strategy which will assist Council in the strategic acquisition and/or development of land for public access purposes. Council has already identified areas in and around Kerikeri which are a priority for public access as part of the 2000 structure planning process. This led to Esplanade Priority Areas for Kerikeri being incorporated into the District Plan (see ***Chapter 14***). Once the Open Space and Coastal Access Strategies have been completed, Council will give effect to these through a District Plan Change by incorporating further Esplanade Priority Areas.

Tangata whenua have a close relationship with the coastal environment. Coastal waters were and are still an important source of kaimoana. As a result settlements were established along the coast and these are reflected today in the location of ancestral land (whenua tuku iho). Papakainga housing on ancestral land is

acknowledged in the New Zealand Coastal Policy Statement as an activity that should be provided for.

Tangata whenua are, however, unable to gain access to some areas of the coastal environment for traditional kaimoana gathering, fishing, ancestral lands and sites of significance to Maori including waahi tapu.

The cumulative effects of development in coastal areas are significant as these can be viewed from the water, from adjacent land, or from other settlements across the water.

Coastal landscapes encompass a range of values including ecological, natural, cultural, spiritual, amenity, heritage, recreational, social and economic values.

The diversity of coastal types within the District and the way in which the coastal environment has been developed in different areas calls for a resource management regime that provides for that diversity and such differences. For this reason this chapter sets out general objectives and policies that apply throughout the coastal environment of the District policies specific to certain parts of the District, and objectives and policies specific to each of the coastal zones. The objectives include reference to management plans. This is a tool which is set out in detail in subsequent chapters. Management plans provide a method of subdividing land which provides better environmental outcomes and development which is innovative and comprehensively planned.

10.1 ISSUES

10.1.1 The Act requires that the natural character of the coastal environment is preserved. Natural character can be adversely affected by inappropriate subdivision, use and development. The preservation of natural character requires that limitations be placed on further development in some of the District's coastal areas. Some areas already compromised by development are not necessarily appropriate for further development.

10.1.2 The coastal environment includes areas of both land and sea. Activities on the land within the coastal environment can have effects on the sea and vice versa.

10.1.3 Public access to and along the coast is insufficient in places and needs to be enhanced. Public access can have positive effects in terms of recreation, access to seafood, commercial activity and education. The issue is partly addressed in ***Chapter 14*** of the Plan and/or in the LTCCP. The Council is undertaking work to identify areas where access is inadequate and will be initiating a plan change to give effect to that work. However, public access, and particularly access by vehicles, can also have negative effects in respect to public safety and enjoyment of the coast, the protection of indigenous vegetation and habitats of indigenous species, sensitive cultural and heritage sites and areas, and damage to landforms.

10.1.4 Tangata whenua have a close cultural relationship with the coastal environment but often are unable to exercise that relationship, for example because of lack of protection of or limited access to places of special value such as waahi tapu, tauranga waka, mahinga kai, mahinga mataitai, mahinga waimoana and taonga raranga. The Act requires that the relationship of Maori and their culture and traditions with their taonga is recognised and provided for. See also ***Chapter 2*** of the Plan and in particular ***Sections 2.5*** and ***2.6*** and Council's "*Tangata Whenua Values and Perspectives (2004)".*

10.1.5 While the cumulative effects of development in the coastal environment can and often do detract from its natural character, this is not inevitable. Subdivision, use and development can provide opportunities for restoration and rehabilitation of natural character, and the maintenance and enhancement of amenity (including legal public access to and along the coast), cultural, heritage, landscape and ecological values. More specifically, development can assist to achieve sustainable management because:

(a) without an input of capital land management practices are unlikely to change in many locations, and subdivision is one way of generating such an input;

(b) improved public access to the coast (including access for tangata whenua) is more likely with small lot subdivision which allows Council to take land for esplanade reserves and strips. Council generally cannot afford to acquire such access where land is subdivided in lots of greater than 4ha and compensation is payable if reserves are taken;

(c) integrated and innovative subdivision design, especially on a catchment basis, can provide more environmentally sustainable results (but may not be viable in all locations);

(d) trade offs are required. Improved access and management of natural resources can be at the expense of more built development.

Such development still needs careful development and controls because:

(i) the process is not risk free. Care is needed at the time of consenting to ensure that environmental benefits occur through management plans and/or conditions to require such things as pest control and re-vegetation/plant control where appropriate;

(ii) threats to natural character can arise from too intense development including the spread and intensification of built development with the subdivision of nearby properties (including development under the management plan provisions) and/or ongoing subdivision;

(iii) non-regulatory methods also have a role e.g. assistance with riparian planting, soil conservation advice, rates relief, negotiated public access.

10.1.6 Natural processes and systems in the coastal environment can be compromised by subdivision, use and development that is not sensitive to, or that does not take account of, the susceptibility of those processes and systems.

10.1.7 Parts of the coastal environment are subject to natural hazards such as coastal erosion. Careful management of subdivision, use and development in the coastal environment is necessary in order that the effects of natural hazards do not cause hardship and danger to people in the District and to ensure that future subdivision, use and development generally avoids the need for hazard protection works.

10.1.8 The nature of the natural character of the coastal environment of the District changes from place to place. The implication of this is that management measures designed to preserve the natural character need to be flexible so they can be tailored to suit particular parts of the coast.

10.1.9 Activities within the coastal marine area, particularly in mooring areas and at boat ramps, cause associated demands on land-based resources. These have the potential to cause adverse effects on the environment if not managed appropriately.

10.1.10 There is pressure for the expansion of coastal settlements, particularly in the Coastal Residential Zone. Further subdivision, use and development of these settlements can have adverse effects on the natural character of the coastal environment.

10.1.11 Activities having a functional need for a coastal location and access to the sea, such as wharves and boat haul-out facilities, can be important for the well being of the community. It is important that these activities are able to be established in a limited range of suitable locations, recognising that there is potential for conflict between activities with a functional need and other activities.

10.1.12 Subdivision use and development may lead to an increased demand for water in a part of the District where summer shortfalls are common.

10.1.13 The amenity, cultural, heritage, landscape and ecological values of the coastal environment can be reduced through inappropriate subdivision, use and development, including incompatible location of roads and accessways, transmission lines and other forms of infrastructure, and cumulative effects.

10.2 ENVIRONMENTAL OUTCOMES EXPECTED

10.2.1 The natural character of the coastal environment is preserved.

10.2.2 The landscape and visual qualities of the coastline and the coastal environment are protected from inappropriate subdivision, use and development.

10.2.3 Wherever possible, development is consolidated in existing settled areas to provide medium and low density settlements along the coastline.

10.2.4 Public access to the coastal marine areas via low impact methods in appropriate locations is improved through increased opportunities for access and through capital expenditure.

10.2.5 The relationship between Maori and their ancestral lands, water, sites, wahi tapu and other taonga is recognised and provided for in the coastal environment, including improved access for identified cultural and traditional purposes.

10.2.6 Areas of significant indigenous vegetation and significant habitats of indigenous fauna, outstanding landscapes and natural features, and land compromised by past land management practices, and the open space and amenity values of the coastal environment are maintained, restored and/or enhanced.

10.2.7 Adequate services for the land-based activities associated with maritime facilities including mooring areas and boat ramps are provided.

10.2.8 Activities and development occurs in a manner that is compatible with the historic heritage and amenity values of the coastal environment.

10.2.9 Non residential activities that have a functional relationship with the coast are provided for in an environmentally appropriate manner.

10.2.10 Sufficient water storage is provided to meet the present and likely future needs of coastal communities.

10.3 OBJECTIVES

10.3.1 To manage coastal areas in a manner that avoids adverse effects from subdivision, use and development. Where it is not practicable to avoid adverse effects from subdivision use or development, but it is appropriate for the development to proceed, adverse effects of subdivision use or development should be remedied or mitigated.

10.3.2 To preserve and, where appropriate in relation to other objectives, to restore, rehabilitate protect, or enhance:

(a) the natural character of the coastline and coastal environment;

(b) areas of significant indigenous vegetation and significant habitats of indigenous fauna;

(c) outstanding landscapes and natural features;

(d) the open space and amenity values of the coastal environment;

(e) water quality and soil conservation (insofar as it is within the jurisdiction of the Council).

10.3.3 To engage effectively with Maori to ensure that their relationship with their culture and traditions and taonga is identified, recognised, and provided for.

10.3.4 To maintain and enhance public access to and along the coast whilst ensuring that such access does not adversely affect the natural and physical resources of the coastal environment, including Maori cultural values, and public health and safety.

10.3.5 To secure future public access to and along the coast, lakes and rivers (including access for Maori) through the development process and specifically in accordance with the ***Esplanade Priority Areas*** mapped in the District Plan.

10.3.6 To minimise adverse effects from activities in the coastal environment that cross the coastal marine area boundary.

10.3.7 To avoid, remedy or mitigate adverse effects on the environment through the provision of adequate land-based services for mooring areas, boat ramps and other marine facilities.

10.3.8 To ensure provision of sufficient water storage to meet the needs of coastal communities all year round.

10.3.9 To facilitate the sustainable management of natural and physical resources in an integrated way to achieve superior outcomes to more traditional forms of subdivision, use and development through management plans and integrated development.

10.4 POLICIES

10.4.1 That the Council only allows appropriate subdivision, use and development in the coastal environment. Appropriate subdivision, use and development is that where the activity generally:

(a) recognises and provides for those features and elements that contribute to the natural character of an area that may require preservation, restoration or enhancement; and

(b) is in a location and of a scale and design that minimises adverse effects on the natural character of the coastal environment; and

(c) has adequate services provided in a manner that minimises adverse effects on the coastal environment and does not adversely affect the safety and efficiency of the roading network; and

(d) avoids, as far as is practicable, adverse effects which are more than minor on heritage features, outstanding landscapes, cultural values, significant indigenous vegetation and significant habitats of indigenous fauna, amenity values of public land and waters and the natural functions and systems of the coastal environment; and

(e) promotes the protection, and where appropriate restoration and enhancement, of areas of significant indigenous vegetation and significant habitats of indigenous fauna; and

(f) recognises and provides for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga; and

(g) where appropriate, provides for and, where possible, enhances public access to and along the coastal marine area; and

(h) gives effect to the New Zealand Coastal Policy Statement and the Regional Policy Statement for Northland.

10.4.2 That sprawling or sporadic subdivision and development in the coastal environment be avoided through the consolidation of subdivision and development as far as practicable, within or adjoining built up areas, to the extent that this is consistent with the other objectives and policies of the Plan.

10.4.3 That the ecological values of significant coastal indigenous vegetation and significant habitats are maintained in any subdivision, use or development in the coastal environment.

10.4.4 That public access to and along the coast be provided, where it is compatible with the preservation of the natural character and amenity, cultural, heritage and spiritual values of the coastal environment, and avoids adverse effects in erosion prone areas.

10.4.5 That access by tangata whenua to ancestral lands, sites of significance to Maori, maahinga mataitai, taiapure and kaimoana areas in the coastal marine area be provided for in the development and ongoing management of subdivision and land use proposals and in the development and administration of the rules of the Plan and by non-regulatory methods. Refer ***Chapter 2,*** and in particular ***Section 2.5***, and Council's "*Tangata Whenua Values and Perspectives (2004)".*

10.4.6 That activities and innovative development including subdivision, which provide superior outcomes and which permanently protect, rehabilitate and/or enhance the natural character of the coastal environment, particularly through the establishment and ongoing management of indigenous coastal vegetation and habitats, will be encouraged by the Council.

10.4.7 To ensure the adverse effects of land-based activities associated with maritime facilities including mooring areas and boat ramps are avoided, remedied or mitigated through the provision of adequate services, including where appropriate:

(a) parking;

(b) rubbish disposal;

(c) waste disposal;

(d) dinghy racks.

10.4.8 That development avoids, remedies or mitigates adverse effects on the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga.

10.4.9 That development avoids, where practicable, areas where natural hazards could adversely affect that development and/or could pose a risk to the health and safety of people.

10.4.10 To take into account the need for a year-round water supply, whether this involves reticulation or on-site storage, when considering applications for subdivision, use and development.

10.4.11 To promote land use practices that minimise erosion and sediment run-off, and storm water and waste water from catchments that have the potential to enter the coastal marine area.

10.4.12 That the adverse effects of development on the natural character and amenity values of the coastal environment will be minimised through:

(a) the siting of buildings relative to the skyline, ridges, headlands and natural features;

(b) the number of buildings and intensity of development;

(c) the colour and reflectivity of buildings;

(d) the landscaping (including planting) of the site;

(e) the location and design of vehicle access, manoeuvring and parking areas.

10.5 METHODS OF IMPLEMENTATION

DISTRICT PLAN METHODS

10.5.1 That land be zoned to provide for a level of development that is appropriate to the particular area and is consistent with protection of the coastal environment.

10.5.2 Integrated development is provided for in the rules to enable tangata whenua to utilise ancestral land.

10.5.3 Low Impact Design principles are preferred in order to avoid and mitigate the adverse environmental effects of runoff from increased areas of impermeable surfaces within or adjoining existing developed areas.

10.5.4 The provisions of Chapter 12 (Landscape and Natural Features; Indigenous Flora and Fauna; Lakes, Rivers, Wetlands and the Coastline and Natural Hazards) will achieve Policies 10.4.1(b) and 10.4.3.

10.5.5 Control visual obtrusiveness of new development through zone rules.

10.5.6 The provisions of Chapter 14 (Financial Contributions) will achieve Policies 10.4.4 and 10.4.5.

10.5.7 Acquire suitable locations for public access (including access for Maori to sites of importance for cultural and traditional purposes such as waahi tapu, tauranga waka, mahinga kai, mahinga mataitai, mahinga waimoana and taonga raranga) to the coast as opportunities arise.

10.5.8 Provide for existing higher density urban areas in the coastal environment through urban zones.

10.5.9 The provisions of ***Chapter 13 - Subdivision*** will help to achieve all of the policies but particularly ***Policies 10.4.1, 10.4.2, 10.4.4*** and ***10.4.10***.

OTHER METHODS

10.5.10 Priorities will be set for capital expenditure from the Council's reserve accounts for improving access to existing esplanade reserves and unformed Crown roads and for the management and enhancement of the natural character of land administered by the Council in the coastal environment.

10.5.11 The Council will consult with tangata whenua to identify suitable locations for tangata whenua access to the coast and will have regard to any iwi resource management plan and regulations relating to the conservation or management of taiapure fisheries, and any customary fisheries regulations and bylaws relating to mataitai fisheries. The Council will also seek the advice of tangata whenua as to the relationships with cultural and traditional values and taonga that should be recognised and provided for. This may result in Plan Changes or in other non-regulatory methods of recognising and protecting these activities and customary values.

10.5.12 The Council will establish or review bylaws controlling persons or vehicles on public land within the coastal environment.

10.5.13 The Council will liaise with the Northland Regional Council and with the Department of Conservation in order to achieve its objectives for the coastal environment.

10.5.14 The Council will, as resources permit, prepare and make available educative and publicity material concerning the preservation, rehabilitation or enhancement of the natural character of the coastal environment.

10.5.15 The Council will liaise with the Regional Council to determine the most effective and efficient means of ensuring adverse effects from the land-based demands of marine facilities including mooring areas and boat ramps are avoided, remedied or mitigated.

10.5.16 In conjunction with the Northland Regional Council, explore the feasibility of setting up a register of contractors who are specially trained in good environmental practices and licensed to carry out their work in accordance with approved codes of practice. This could result in work undertaken by a licensed contractor that complies with the relevant code of practice not requiring a property–specific resource consent.

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

10.5.18 The Council will investigate the need for, and opportunities to provide, additional water storage for new and existing coastal settlements.

10.5.19 The Council will develop:

(a) an Open Space Strategy to ensure appropriate acquisition and/or development of land in a manner that contributes to the recreation strategic direction. This strategy will include consideration of issues related to coastal access and the development of premier parks to contribute to our community's sense of place; and

(b) a Coastal Access Strategy

to be implemented as a Plan Change to the District Plan.

10.5.20 The Council will encourage all applicants to actively engage with Maori in the coastal environment through early dialogue when developing subdivision and land use proposals to ensure that adverse effects on the relationship of Maori with their culture, traditions and taonga are avoided, remedied or mitigated.

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

COMMENTARY

Much of the coastal environment is characterised by mainly rural activities. However, the coastal environment has an added dimension due to its proximity to the sea, which means that the resource management methods that apply in the rest of the rural area are not entirely appropriate.

The objectives, policies and methods in the coastal environment are therefore necessary in order to achieve the protection of the unique and natural character of the coastal environment, while at the same time, enabling appropriate use and development.

In assessing what is appropriate, the objectives, policies and methods recognise the need of people and communities to enjoy the coastal environment, but also to protect it for future generations and also for ecological reasons. Support and encouragement of rehabilitation and enhancement, where this is possible, will assist in achieving the objectives.

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

10.6 GENERAL COASTAL ZONE

CONTEXT

The General Coastal Zone covers the largest area of all the zones in the coastal environment. This zone is generally rural with a coastal focus and natural character predominates.

The General Coastal Zone includes controls on development to preserve the natural character of the coastal environment and protect it from inappropriate subdivision and use. Due to the potential vulnerability of the natural environment, more is expected from developers of land in this zone in the way of preserving, and restoring the environment as part of development proposals.

The General Coastal Zone has controls aimed at preserving natural character and the restoration and enhancement of areas which may have been compromised by past land management practices. These controls reflect its coastal location and the inherent sensitivity of the coastal and adjoining marine environment and the vulnerability of these areas to change and development.

10.6.1 ISSUES

These issues supplement those set out in ***Section 10.1***.

10.6.1.1 The preservation of the natural character of the General Coastal Zone, which is required by the Act, can be put under pressure by development that is not sympathetic to that character.

10.6.1.2 Many people are dependant on the use of land in the General Coastal Zone for their livelihood. Controls designed to sustainably manage natural and physical resources in this zone can impinge on the ability of people to continue to use their land for their livelihood.

10.6.1.3 Subdivision can permanently alter the appearance and use of land. Consequently it is desirable not only that subdivision is environmentally sensitive but also that it is subject to strict controls, including assessment criteria, to ensure that sustainable management of the coastal environment can be achieved.

10.6.2 ENVIRONMENTAL OUTCOMES EXPECTED

These outcomes supplement those set out in ***Section 10.2***.

10.6.2.1 A General Coastal Zone where a wide variety of activities take place in a manner that is consistent with the sustainable management of natural and physical resources.

10.6.2.2 A General Coastal Zone where the natural character of the coastal environment is preserved from inappropriate subdivision, use and development.

10.6.2.3 A pattern of development which takes proper account of and provides appropriately for the management of the natural and physical resources of the coastal environment.

10.6.3 OBJECTIVES

These objectives supplement those set out in ***Section 10.3***.

10.6.3.1 To provide for appropriate subdivision, use and development consistent with the need to preserve its natural character.

10.6.3.2 To preserve the natural character of the coastal environment and protect it from inappropriate subdivision, use and development.

10.6.3.3 To manage the use of natural and physical resources (excluding minerals) in the general coastal area to meet the reasonably foreseeable needs of future generations.

10.6.4 POLICIES

These policies supplement those set out in ***Section 10.4***.

10.6.4.1 That a wide range of activities be permitted in the General Coastal Zone, where their effects are compatible with the preservation of the natural character of the coastal environment.

10.6.4.2 That the visual and landscape qualities of the coastal environment in be protected from inappropriate subdivision, use and development.

10.6.4.3 Subdivision, use and development shall preserve and where possible enhance, restore and rehabilitate the character of the zone in regards to s6 matters, and shall avoid adverse effects as far as practicable by using techniques including:

(a) clustering or grouping development within areas where there is the least impact on natural character and its elements such as indigenous vegetation, landforms, rivers, streams and wetlands, and coherent natural patterns;

(b) minimising the visual impact of buildings, development, and associated vegetation clearance and earthworks, particularly as seen from public land and the coastal marine area;

(c) providing for, through siting of buildings and development and design of subdivisions, legal public right of access to and use of the foreshore and any esplanade areas;

(d) through siting of buildings and development, design of subdivisions and provision of access, that recognise and provide for the relationship of Maori with their culture, traditions and taonga including concepts of mauri, tapu, mana, wehi and karakia and the important contribution Maori culture makes to the character of the District. (Refer ***Chapter 2*** and in particular ***Section 2.5*** and Council's *"Tangata Whenua Values and Perspectives (2004)"*;

(e) providing planting of indigenous vegetation in a way that links existing habitats of indigenous fauna and provides the opportunity for the extension, enhancement or creation of habitats for indigenous fauna, including mechanisms to exclude pests;

(f) protecting historic heritage through the siting of buildings and development and design of subdivisions.

10.6.4.4 That controls be imposed to ensure that the potentially adverse effects of activities are avoided, remedied or mitigated as far as practicable.

10.6.4.5 Maori are significant land owners in the General Coastal Zone and therefore activities in the zone should recognise and provide for the relationship of Maori and their culture and traditions, with their ancestral lands, water, sites, waahi tapu and other taonga and shall take into account the principles of the Treaty of Waitangi.

10.6.4.6 The design, form, location and siting of earthworks shall have regard to the natural character of the landscape including terrain, landforms and indigenous vegetation and shall avoid, remedy or mitigate adverse effects on those features.

COMMENTARY

The objectives and policies of the General Coastal Zone are a subset of those for the coastal environment. As such they are aimed at a particular zone within the coastal environment and the particular constraints and opportunities inherent in the environment of that zone. They are intended to be as flexible, permissive and enabling as possible given the statutory requirement to preserve the natural character of the coastal environment.

This statutory requirement is given effect to by reducing the amount of built development that is allowed as of right compared with the Rural Production Zone. Also, the form of development is controlled in order to achieve the compatibility with the natural environment that is foreshadowed by the objectives and policies.

The objectives and policies recognise that some control or regulation of activities is necessary in order to ensure that environmental conditions are maintained. In addition however, they provide for flexibility through case by case assessments where activities do not comply with the rules.

There are roads within the District that have comparatively high levels of vehicle use (over 1,000 vehicle movements per day). There are also areas such as Department of Conservation reserves that are particularly sensitive to increased traffic movements. Both of these require particular consideration in terms of the management of traffic effects.

10.6.5 ZONE RULES

Activities in the General Coastal 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***).

10.6.5.1 PERMITTED ACTIVITIES

An activity is a permitted activity in the General Coastal Zone if:

(a) it complies with the standards for permitted activities set out in ***Rules 10.6.5.1.1*** to ***10.6.5.1.11*** below; and

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

10.6.5.1.1 VISUAL AMENITY

The following are permitted activities in the General Coastal Zone:

(a) any new building(s) not for human habitation provided that the gross floor area of any new building permitted under this rule, does not exceed 50m² or for human habitation provided that the gross floor area does not exceed 25m^2; and

(b) the exterior is 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; or

(c) any alteration/addition to an existing building which does not exceed 50m^2, 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; or

(d) renovation or maintenance of any building.

Note: The effect of this rule is that a resource consent is needed for any new building(s) not for human habitation with a gross floor area of greater than 50m^2 or any building(s) for human habitation with a gross floor area of greater than 25m^2.

10.6.5.1.2 RESIDENTIAL INTENSITY

Residential development shall be limited to one unit per 20ha of land. In all cases the land shall be developed in such a way that each unit shall have at least 3,000m² for its exclusive use surrounding the unit plus a minimum of 19.7ha 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.

Note: There is a separate residential activity rule applying to Papakainga Housing (refer to ***Rule 10.6.5.2.1***).

10.6.5.1.3 SCALE OF ACTIVITIES

The total number of people engaged at any one period of time in activities on a site, including employees and persons making use of any facilities, but excluding people who normally reside on the site or are members of the household shall not exceed 4 persons per site or 1 person per 1ha of net site area whichever is the greater.

Provided that:

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

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

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

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

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

10.6.5.1.4 BUILDING HEIGHT

The maximum height of any building shall be 8m.

10.6.5.1.5 SUNLIGHT

No part of any building shall project beyond a 45 degree recession plane as measured inwards from any point 2m vertically above ground level on any site boundary (refer to definition of

Recession Plane in ***Chapter 3 - Definitions***), except 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.

10.6.5.1.6 STORMWATER MANAGEMENT

The maximum proportion of the gross site area covered by buildings and other impermeable surfaces shall be 10%.

10.6.5.1.7 SETBACK FROM BOUNDARIES

(a) no building shall be erected within 10m of any site boundary, except that on any site with an area of less than 5,000m², this setback shall be 3m from any site boundary;

(b) no building for residential purposes shall be erected closer than 100m from the boundary of the Minerals Zone.

Where an application is made in terms of this rule, the owner and/or operator of any mine or quarry within the adjacent Minerals zone shall be considered an affected party. The written approval of the mine or quarry owner and/or operator shall be obtained. Where this approval cannot be obtained, the Council will consider the application as a discretionary activity application.

Provided that no building set-back shall be required in respect of any boundary which adjoins a Maritime Exemption Area and the proposed activity occupies space within the General Coastal Zone and the Maritime Exemption Area.

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

Note 1: Rules in ***Chapter 12.4 Natural Hazards*** control the location of buildings in the Coastal Hazard Areas.

Note 2: 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.

10.6.5.1.8 TRANSPORTATION

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

10.6.5.1.9 KEEPING OF ANIMALS

Any building, compound or part of a site used for factory farming, boarding kennels or a cattery shall be located no closer than 50m from any site boundary except for a boundary which adjoins the Residential, Coastal Residential or Russell Township Zones where the distance shall be a minimum of 600m.

10.6.5.1.10 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 boundary of any other site in this zone, or at any site zoned Residential, Russell Township or Coastal Residential, or at or within the notional boundary of any dwelling in any other rural or coastal zone:

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

10.6.5.1.11 HELICOPTER LANDING AREA

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

10.6.5.2 CONTROLLED ACTIVITIES

An activity is a controlled activity in the General Coastal Zone if:

(a) it complies with all of the standards for permitted activities above, except for ***Rule 10.6.5.1.1 Visual Amenity*** and ***10.6.5.1.5 Stormwater Management*** above; and

(b) it complies with ***Rules 10.6.5.2.1 Papakainga Housing***, ***10.6.5.2.2 Visual Amenity*** or ***10.6.5.2.3 Stormwater Management*** 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 land use consent for a controlled activity but it may impose conditions on that consent.

10.6.5.2.1 PAPAKAINGA HOUSING

Papakainga housing is a controlled activity in the General Coastal Zone provided that:

(a) it complies with all the standards for permitted activities in this zone and in ***Part 3 of the Plan - District Wide Provisions***, except for the standards for visual amenity and residential intensity; and

(b) each residential unit has at least 3,000m² surrounding the unit for its exclusive use.

Provided that the amount of land elsewhere on the site, in addition to the 3,000m² surrounding the unit, is not less than that which is required for the discretionary activity residential intensity standard (refer to ***Rule 10.6.5.4.1*** below).

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

(i) the number and location of dwellings;

(ii) the location and standard of access;

(iii) screening and planting.

NOTE: *The presence of planting can be considered, but cannot require a particular area of landscaping. For further information refer to interpretation document.*

10.6.5.2.2 VISUAL AMENITY

Any new building(s) or alteration/additions to an existing building that does not meet the permitted activity standards in ***Rule 10.6.5.1.1*** are a controlled activity where the new building or building alteration/addition is located entirely within a building envelope that has been approved under a resource consent.

When considering an application under this provision the Council will restrict the exercise of its discretion to matters relating to:

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

(ii) the colour and reflectivity of the building;

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

NOTE: *The presence of planting can be considered, but cannot require a particular area of landscaping. For further information refer to interpretation document.*

(iv) any earthworks and/or vegetation clearance associated with the building;

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

(vi) the extent to which the building and any associated overhead utility lines will be visually obtrusive;

(vii) the cumulative visual effects of all the buildings on the site;

(viii) the degree to which the landscape will retain the qualities that give it its naturalness, visual and amenity values;

(ix) 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 interpretation document.*

(x) 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 dominance effects on adjacent privately owned sites out of scope in relation to views from private property. For further information refer to interpretation document.*

(xi) 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. For further information refer to interpretation document.*

10.6.5.2.3 STORMWATER MANAGEMENT

The maximum proportion or amount of the gross site area covered by buildings and other impermeable surfaces shall be 15% or 4,000m^2, whichever is the lesser.

In order for an activity to be regarded as a controlled activity, a report must be prepared to demonstrate the likely effects of the activity on stormwater run-off and the means of mitigating run-off to no more than the levels that would result from the permitted threshold of buildings and other impermeable surface coverage in ***Rule 10.6.5.1.6***. Any report required by this rule shall be prepared by a Chartered Professional Engineer or other suitably qualified person and must be provided to Council with an application for resource consent.

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

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

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

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

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

(c) any cumulative effects on total catchment impermeability;

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

(e) the physical qualities of the soil type;

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

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

(h) the extent to which landscaping and vegetation may reduce adverse effects;

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

10.6.5.3 RESTRICTED DISCRETIONARY ACTIVITIES

An activity is a restricted discretionary activity in the General Coastal Zone if:

(a) it does not comply with any one of the following ***Rules 10.6.5.1.1 Visual Amenity***; ***10.6.5.1.4 Building Height***; ***10.6.5.1.5 Sunlight***; ***10.6.5.1.7 Setback from Boundaries*** and/or ***10.6.5.1.10 Noise***; but

(b) it complies with all of the other rules for permitted activities under ***Rules 10.6.5.1*** and ***10.6.5.2***; and

(c) it complies with ***Rules 10.6.5.3.1 Visual Amenity***; ***10.6.5.3.2 Building Height***; ***10.6.5.3.3 Sunlight***; ***10.6.5.3.4*** and ***Setback from Boundaries***; ***10.6.5.3.5 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.

10.6.5.3.1 VISUAL AMENITY

The following are restricted discretionary activities in the General Coastal Zone:

(a) any new building(s); or

(b) alteration/addition to an existing building

that do not meet the permitted activity standards in ***Rule 10.6.5.1.1*** where the new building or building alteration/addition is located partially or entirely outside a building envelope that has been approved under a resource consent.

When considering an application under this provision the Council will restrict the exercise of its discretion to matters relating to:

(i) the location of the building;

(ii) the size, bulk, and height of the building in relation to ridgelines and natural features;

(iii) the colour and reflectivity of the building;

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

NOTE: *The presence of planting can be considered, but cannot require a particular area of landscaping. For further information refer to interpretation document.*

(v) any earthworks and/or vegetation clearance associated with the building;

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

(vii) the extent to which the building and any associated overhead utility lines will be visually obtrusive;

(viii) the cumulative visual effects of all the buildings on the site;

(ix) the degree to which the landscape will retain the qualities that give it its naturalness, visual and amenity values;

(x) 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 interpretation document.*

(xi) 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 dominance effects on adjacent privately owned sites out of scope in relation to views from private property. For further information refer to interpretation document.*

(xii) 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. For further information refer to interpretation document.*

10.6.5.3.2 BUILDING HEIGHT

The maximum height of any building shall be 9m.

When considering an application under this provision 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 dominance effects on adjacent privately owned sites out of scope in relation to views from private property. For further information refer to interpretation document.*

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

10.6.5.3.3 SUNLIGHT

No part of any building shall project beyond a 45 degree recession plane as measured inwards from any point 3m vertically above ground level on any site boundary (refer to definition of Recession Plane in ***Chapter 3 - Definitions***), for a length not exceeding 25% of the relevant boundary.

When considering an application under this provision 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 dominance effects on adjacent privately owned sites out of scope in relation to views from private property. For further information refer to interpretation document.*

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

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

10.6.5.3.4 SETBACK FROM BOUNDARIES

In assessing an application resulting from a breach of ***Rule 10.6.5.1.7 Setback from Boundaries*** the matters to which the Council will restrict its discretion are:

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

NOT*E: Effects on outlook of adjacent privately owned sites out of scope. For further information refer to interpretation document.*

(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 surrounding environment, for example by way of planting;

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

(e) for residential purposes located within 100m of Minerals Zone:

  (i) the position of the building platform(s) in relation to the mine or quarry;

  (ii) the likelihood of the mine or quarry causing environmental effects, especially noise and the loss of amenity values, that will impact adversely on the occupiers of the proposed residential building;

(iii) the effectiveness of any mitigation measures proposed.

Where an application is required under this rule, the owner and/or operator of any mine or quarry within the adjacent Minerals zone shall be considered an affected party. Where the written approval of the mine or quarry owner and/or operator has been obtained, the application will be non-notified.

10.6.5.3.5 NOISE

In assessing an application resulting from a breach of ***Rule 10.6.5.1.10 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 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.

10.6.5.4 DISCRETIONARY ACTIVITIES

An activity is a discretionary activity in the General Coastal Zone if:

(a) it complies with ***Rules 10.6.5.4.1 Residential Intensity***; ***10.6.5.4.2 Transportation***; ***10.6.5.4.3 Scale of Activities*** and ***10.6.5.4.5 Helicopter Landing Areas*** and/or ***10.6.5.4.4 Integrated Development*** 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 10.6.5.1***; ***10.6.5.2*** and ***10.6.5.3*** above.

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

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

10.6.5.4.1 RESIDENTIAL INTENSITY

Residential development shall be limited to one unit per 6ha 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 5.8ha 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.

10.6.5.4.2 TRANSPORTATION

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

10.6.5.4.3 SCALE OF ACTIVITIES

Where the total number of people engaged at 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, does not comply with ***Rule 10.6.5.1.3*** it is a discretionary activity.

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.

10.6.5.4.4 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 for activities including papakainga housing, 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, reserves, 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, 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, is as follows:
  (i) details of provisions made for sewage and stormwater disposal, including Low Impact Design for reduced site impermeable area;
  (ii) (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 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.

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 for land which is not either Maori freehold land, Maori customary land or Crown land reserved for Maori (as defined in Te Ture Whenua Act 1993).

10.6.5.4.5 HELICOPTER LANDING AREA

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

10.6.5.5 NON-COMPLYING ACTIVITIES

An activity is a non-complying activity in the General Coastal Zone if it:

(a) 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) does not comply with one or more of the standards for a discretionary activity in this zone as set out under ***Rules 10.6.5.4*** above.

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

10.7 COASTAL LIVING ZONE

CONTEXT

The Coastal Living Zone is similar in purpose to the Rural Living Zone. It is distinguished from the Rural Living Zone by its coastal location. The zone provides an area of transition between residential settlement on the coast and the General Coastal Zone. The difference is expressed mainly in residential intensity and lot sizes.

The zone applies to those areas of the coastal environment which have already been developed but which still maintain a high level of amenity associated with the coast. These areas have been identified as having an ability to absorb further low density, mainly rural residential development, without detriment to their overall coastal character. The zone therefore allows rural residential development to occur and thereby reduces pressure for development in the General Coastal Zone whilst retaining, as far as possible, the character, features and landscapes of this part of the coastal environment.

10.7.1 ISSUES

These issues supplement those set out in ***Section 10.1***.

10.7.1.1 Rural residential development on relatively small lots adjoining the coast is a popular and appropriate form of development in some parts of District. However, this can have adverse effects on the natural character and physical environment of the coastal environment and on water quality.

10.7.1.2 Because of the generally smaller lot sizes, rural residential development in the coastal environment can have adverse visual effects and consequently can affect the amenity of the area for adjoining land owners and the public.

10.7.2 ENVIRONMENTAL OUTCOMES EXPECTED

These outcomes supplement those set out in ***Section 10.2***.

10.7.2.1 A Coastal Living Zone in which rural residential development occurs in appropriate locations.

10.7.2.2 A Coastal Living Zone in which development does not detract from the natural character of the coastal environment, and does not cause adverse effects to natural and physical resources in the coastal environment.

10.7.3 OBJECTIVES

These objectives supplement those set out in ***Section 10.3***.

10.7.3.1 To provide for the well being of people by enabling low density residential development to locate in coastal areas where any adverse effects on the environment of such development are able to be avoided, remedied or mitigated.

10.7.3.2 To preserve the overall natural character of the coastal environment by providing for an appropriate level of subdivision and development in this zone.

10.7.4 POLICIES

These policies supplement those set out in ***Section 10.4***.

10.7.4.1 That the adverse effects of subdivision, use, and development on the coastal environment are avoided, remedied or mitigated.

10.7.4.2 That standards be set to ensure that subdivision, use or development provides adequate infrastructure and services and maintains and enhances amenity values and the quality of the environment.

10.7.4.3 Subdivision, use and development shall preserve and where possible enhance, restore and rehabilitate the character of the zone in regards to s6 matters, and shall avoid adverse effects as far as practicable by using techniques including:

(a) clustering or grouping development within areas where there is the least impact on natural character and its elements such as indigenous vegetation, landforms, rivers, streams and wetlands, and coherent natural patterns;

(b) minimising the visual impact of buildings, development, and associated vegetation clearance and earthworks, particularly as seen from public land and the coastal marine area;

(c) providing for, through siting of buildings and development and design of subdivisions, legal public right of access to and use of the foreshore and any esplanade areas;

(d) through siting of buildings and development, design of subdivisions, and provision of access that recognise and provide for the relationship of Maori with their culture, traditions and taonga including concepts of mauri, tapu, mana, wehi and karakia and the important contribution Maori culture makes to the character of the District (refer ***Chapter 2***, and in particular ***Section 2.5***, and Council's "*Tangata Whenua Values and Perspectives (2004)"*);

(e) providing planting of indigenous vegetation in a way that links existing habitats of indigenous fauna and provides the opportunity for the extension, enhancement or creation of habitats for indigenous fauna, including mechanisms to exclude pests;

(f) protecting historic heritage through the siting of buildings and development and design of subdivisions.

COMMENTARY

The Coastal Living Zone is designed generally to manage the transition from Coastal Residential to General Coastal. It is an area that is both rural and urban or semi-urban and in the coastal environment. Consequently it is an area in which there is potential for tension between rural activities that provide a livelihood for the owners, and those that are primarily residential, with an emphasis on amenity and lifestyle.

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

10.7.5 ZONE RULES

Activities in the Coastal Living 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***).

10.7.5.1 PERMITTED ACTIVITIES

An activity is a permitted activity in the Coastal Living Zone if:

(a) it complies with the standards for permitted activities set out in ***Rules 10.7.5.1.1*** to ***10.7.5.1.13*** below; and

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

10.7.5.1.1 VISUAL AMENITY

The following are permitted activities in the Coastal Living Zone:

(a) any new building(s), provided that the gross floor area of any new building(s) permitted under this rule does not exceed 50m²; or

(b) any alteration/addition to an existing building which does not exceed 30% 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.

(c) replacement of any building so long as the replacement does not exceed the building envelope occupied by the previous building; or

(d) renovation or maintenance of any building.

10.7.5.1.2 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 3,000m² 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.

Note: There is a separate residential activity rule applying to Papakainga Housing (refer to ***Rule 10.7.5.2.1***)

10.7.5.1.3 SCALE OF ACTIVITIES

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

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

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

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

10.7.5.1.4 BUILDING HEIGHT

The maximum height of any building shall be 8m.

10.7.5.1.5 SUNLIGHT

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

10.7.5.1.6 STORMWATER MANAGEMENT

The maximum proportion or amount of the gross site area which may be covered by buildings and other impermeable surfaces shall be 10% or 600m^2 whichever is the lesser.

10.7.5.1.7 SETBACK FROM BOUNDARIES

Buildings shall be set back a minimum 10m from any site boundary, except that on any site with an area less than 5,000m² this set back shall be 3m from any site boundary.

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

Note 1: Rules in ***Chapter 12.4 Natural Hazards*** control the location of buildings in the Coastal Hazard Areas.

Note 2: 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.

10.7.5.1.8 SCREENING FOR NEIGHBOURS NON-RESIDENTIAL ACTIVITIES

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

10.7.5.1.9 TRANSPORTATION

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

10.7.5.1.10 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.

10.7.5.1.11 KEEPING OF ANIMALS

Any building, compound, or part of a site used for factory farming, boarding kennels or a cattery, shall be located no closer than 50m from any site boundary, except for a boundary which adjoins the Residential, Coastal Residential or Russell Township Zones, where the distance shall be a minimum of 600m.

10.7.5.1.12 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	55 dBA L_{10}
2200 to 0700 hours	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 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"*.

10.7.5.1.13 HELICOPTER LANDING AREA

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

10.7.5.2 CONTROLLED ACTIVITIES

An activity is a controlled activity in the Coastal Living Zone if:

(a) it complies with all of the standards for permitted activities except for ***Rule 10.7.5.1.1 Visual Amenity*** above; and

(b) it complies with ***Rules 10.7.5.2.1 Papakainga Housing*** or ***10.7.5.2.2 Visual Amenity*** 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.

10.7.5.2.1 PAPAKAINGA HOUSING

Papakainga housing is a controlled activity in the Coastal Living Zone provided that:

(a) it complies with all the standards for permitted activities in this zone and in ***Part 3 of the Plan - District Wide Provisions***, except for the standards for visual amenity and residential intensity; and

(b) each residential unit has at least 3,000m² surrounding the unit for its exclusive use.

Provided that the amount of land elsewhere on the site, in addition to the 3,000m² surrounding the unit, is not less than that which is required for the discretionary activity residential intensity standard (refer to ***Rule 10.7.5.4.1***).

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

(i) the number and location of dwellings;

(ii) the location and standard of access;

(iii) screening and planting.

NOTE: *The presence of planting can be considered, but cannot require a particular area of landscaping. For further information refer to interpretation document.*

10.7.5.2.2 VISUAL AMENITY

Any new building(s) or alteration/additions to an existing building that does not meet the permitted activity standards in ***Rule 10.7.5.1.1*** are a controlled activity where the new building or building alteration/addition is located entirely within a building envelope that has been approved under a resource consent.

When considering an application under this provision the Council will restrict the exercise of its discretion to matters relating to:

(i) the size, bulk, and height of the building or utility services in relation to ridgelines and natural features;

(ii) the colour and reflectivity of the building;

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

NOTE: *The presence of planting can be considered, but cannot require a particular area of landscaping. For further information refer to interpretation document.*

(iv) any earthworks and/or vegetation clearance associated with the building;

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

(vi) the extent to which the building will be visually obtrusive;

(vii) the cumulative visual effects of all buildings on the site;

(viii) the degree to which the landscape will retain the qualities that give it its naturalness, visual and amenity values;

(x) 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 interpretation document.*

(xi) 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 dominance effects on adjacent privately owned sites out of scope in relation to views from private property. For further information refer to interpretation document.*

(xii) 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. For further information refer to interpretation document.

10.7.5.3 RESTRICTED DISCRETIONARY ACTIVITIES

An activity is a restricted discretionary activity in the Coastal Living Zone if:

(a) it does not comply with any one of the following ***Rules 10.7.5.1.1 Visual Amenity***; ***10.7.5.1.3 Scale of Activities***; ***10.7.5.1.4 Building Height***; ***10.7.5.1.5 Sunlight***; ***10.7.5.1.6 Stormwater Management; 10.7.5.1.7 Setback from Boundaries***; ***10.7.5.1.9 Transportation***; ***10.7.5.1.12 Noise*** and/or ***10.7.5.2.2 Visual Amenity*** as set out above; but

(b) it complies with all of the other rules for permitted and controlled activities under ***Rules 10.7.5.1*** and ***10.7.5.2***; and

(c) it complies with ***Rules 10.7.5.3.1 Visual Amenity***; ***10.7.5.3.2 Building Height***; ***10.7.5.3.3 Sunlight***; ***10.7.5.3.4 Transportation***; ***10.7.5.3.5 Scale of Activities***; ***10.7.5.3.6 Setback from Boundaries***; ***10.7.5.3.7 Noise*** and ***10.7.5.3.8 Stormwater Management*** 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.

10.7.5.3.1 VISUAL AMENITY

The following are restricted discretionary activities in the Coastal Living Zone:

(a) any new building(s); or

(b) any alteration/addition to an existing building

that do not meet the permitted activity standards in ***Rule 10.7.5.1.1*** where the new building or building alteration/addition is located partially or entirely outside a building envelope that has been approved under a resource consent.

When considering an application under this provision the Council will restrict the exercise of its discretion to matters relating to:

(i) the location of the building;

(ii) the size, bulk, and height of the building or utility services in relation to ridgelines and natural features;

(iii) the colour and reflectivity of the building;

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

NOTE: *The presence of planting can be considered, but cannot require a particular area of landscaping. For further information refer to interpretation document.*

(v) any earthworks and/or vegetation clearance associated with the building;

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

(vii) the extent to which the building will be visually obtrusive;

(viii) the cumulative visual effects of all the buildings on the site;

(ix) the degree to which the landscape will retain the qualities that give it its naturalness, visual and amenity values;

(x) 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 interpretation document.*

(xi) 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 dominance effects on adjacent privately owned sites out of scope in relation to views from private property. For further information refer to interpretation document.*

(xii) 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. For further information refer to interpretation document.*

10.7.5.3.2 BUILDING HEIGHT

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 dominance effects on adjacent privately owned sites out of scope in relation to views from private property. For further information refer to interpretation document.*

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

10.7.5.3.3 SUNLIGHT

No part of any building shall project beyond a 45 degree recession plane as measured inwards from any point 3m vertically above ground level on any site boundary (refer to definition of Recession Plane in ***Chapter 3 - Definitions***) for a length not exceeding 25% of the relevant boundary.

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 dominance effects on adjacent privately owned sites out of scope in relation to views from private property. For further information refer to interpretation document.*

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

NOTE: *Effects on outdoor living spaces is out of scope in the context of residential activities.. For further information refer to interpretation document.*

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

10.7.5.3.4 TRANSPORTATION

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

10.7.5.3.5 SCALE OF ACTIVITIES

In assessing an application resulting from a breach of ***Rule 10.7.5.1.3 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 dominance effects on adjacent privately owned sites out of scope in relation to views from private property. For further information refer to interpretation document.*

(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.

10.7.5.3.6 SETBACK FROM BOUNDARIES

In assessing an application resulting from a breach of ***Rule 10.7.5.1.7 Setback from Boundaries*** the matters to which the Council will restrict its discretion are:

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

NOTE: *Effects on outlook of adjacent privately owned sites out of scope. For further information refer to interpretation document.*

(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 surrounding environment, for example by way of planting;

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

10.7.5.3.7 NOISE

In assessing an application resulting from a breach of ***Rule 10.7.5.1.12 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.

10.7.5.3.8 STORMWATER MANAGEMENT

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.

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

to:

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

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

(c) any cumulative effects on total catchment impermeability;

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

(e) the physical qualities of the soil type;

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

(g) 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;

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

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

(j) any recognised standards promulgated by industry groups;

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

(l) the extent to which the proposal has considered and provided for climate change.

10.7.5.4 DISCRETIONARY ACTIVITIES

An activity is a discretionary activity in the Coastal Living Zone if:

(a) it complies with ***Rules 10.7.5.4.1 Residential Intensity***; ***10.7.5.4.4 Helicopter Landing Area*** and/or ***10.7.5.4.3 Integrated Development*** 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 10.7.5.1***, ***10.7.5.2*** and ***10.7.5.3*** above.

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

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

10.7.5.4.1 RESIDENTIAL INTENSITY

Residential development shall be limited to one unit per 5,000m² 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 3,000m² elsewhere on the property.

Except that this rule shall not limit the use of an existing site for a single residential unit for a single household.

10.7.5.4.2 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 and Maori freehold land and Crown land reserved for Maori for activities including papakainga housing, 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, reserves, 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, 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, shall include:

(i) details of provisions made for sewage and stormwater disposal, including Low Impact Design for reduced site impermeable area;

(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 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.

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 for land which is not either Maori freehold land, Maori customary land or Crown land reserved for Maori (as defined in Te Ture Whenua Act 1993).

10.7.5.4.3 HELICOPTER LANDING AREA

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

10.8 COASTAL RESIDENTIAL ZONE

CONTEXT

The creation of this zone recognises the need and demand which exists for residential development on the coast. It also recognises that development can have adverse effects on the coastal environment. These effects are managed both through the areal extent of the zone and the rules which it contains.

The Coastal Residential Zone provides for the most intensive development of all the zones in the coastal environment. It is applied in areas where an urban residential style and scale of development exists now. It enables the further development of these areas in a way which retains, as far as possible, the natural character of the coastal environment.

The Coastal Residential Zone is similar to the Residential Zone but has slightly different environmental standards reflecting the character of the small coastal settlements to which it is applied.

10.8.1 ISSUES

These issues supplement those set out in ***Section 10.1***.

10.8.1.1 Small coastal settlements provide for the well-being of people and communities but can affect the natural character of the coastal environment.

10.8.1.2 There is pressure for the expansion of coastal settlements. Further subdivision, use and development of these settlements can have adverse effects on the natural character of the coastal environment.

10.8.2 ENVIRONMENTAL OUTCOMES EXPECTED

These outcomes supplement those set out in ***Section 10.2***.

10.8.2.1 A Coastal Residential Zone in which urban settlements are designed and located in a way that provides for the welfare of people, and preserves the natural character of the coastal environment.

10.8.2.2 A Coastal Residential Zone in which subdivision, use and development is appropriately located in relation to the need to preserve the natural character of the coastal environment.

10.8.3 OBJECTIVES

These objectives supplement those set out in ***Section 10.3***.

10.8.3.1 To enable the development of residential activity in and around existing coastal settlements.

10.8.3.2 To protect the coastline from inappropriate subdivision, use and development.

10.8.3.3 To enable the development of coastal settlements where urban amenity and coastal environmental values are compatible.

10.8.4 POLICIES

These policies supplement those set out in ***Section 10.4***.

10.8.4.1 That standards in the zone enable a range of housing types and forms of accommodation to be provided, recognising the diverse needs of the community and the coastal location of the zone.

10.8.4.2 Non-residential activities within the Coastal Residential Zone shall be designed, built, and located so that any effects that are more than minor on the existing character of the residential environment or the scale and intensity of residential activities, are avoided, remedied or mitigated.

10.8.4.3 That residential activities have sufficient land associated with each household unit to provide for outdoor space and sewage disposal.

10.8.4.4 That the portion of a site covered in buildings and other impermeable surfaces be limited to enable open space and landscaping around buildings and avoid or mitigate the effects of stormwater runoff on receiving environments

10.8.4.5 That provision be made for ensuring sites have adequate access to sunlight and daylight.

10.8.4.6 That activities with net effects greater than a single residential unit could be expected to have, be required to minimise adverse effects on the amenity values and general peaceful enjoyment of any adjacent residential activities.

10.8.4.7 That provision be made to ensure a reasonable level of privacy and amenity for inhabitants of buildings.

COMMENTARY

This Plan identifies the need to provide for both additional development in existing coastal settlements, and for expansion of new residential development in coastal settlements in appropriate places.

The Council does not see the need, at this stage in the development of the district, to establish elaborate controls for coastal settlements. Generally speaking the objectives and policies are similar to those in the Residential Zone, but the thresholds of the standards are slightly more restrictive because of the need to preserve the natural character of the coastal environment.

The aim is to maintain a relatively "low key" or low impact form of development in coastal settlements because this will be most appropriate, in terms of the impact of those settlements, in the coastal environment.

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

10.8.5 ZONE RULES

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

Particular attention is drawn to:

(a) ***Chapter 12 Natural and Physical Resources*** (and the ***District Plan Maps***);

(b) ***Chapter 13 Subdivision***;

(c) ***Chapter 14 Financial Contributions***;

(d) ***Section 15.1 Traffic, Parking and Access***;

(e) ***Chapter 16 Signs and Lighting***;

(f) ***Chapter 17 Designations and Utility Services*** (and the ***Zone Maps***).

10.8.5.1 PERMITTED ACTIVITIES

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

(a) it complies with the standards for permitted activities set out in ***Rules 10.8.5.1.1*** to ***10.8.5.1.16*** below; and

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

10.8.5.1.1 RELOCATED BUILDINGS

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

10.8.5.1.2 RESIDENTIAL INTENSITY

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

Sewered sites: 800m²

Unsewered sites: 3,000m²

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

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

10.8.5.1.3 SCALE OF ACTIVITIES

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

2 persons per 800m² (sewered)

2 persons per 3,000m² (unsewered)

Provided that:

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

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

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

In determining the total number of people engaged at any one period to 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.

10.8.5.1.4 BUILDING HEIGHT

The maximum height of any building shall be 8m.

10.8.5.1.5 SUNLIGHT

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

(a) a building may exceed this standard for a maximum distance of 10m along any one boundary other than a road boundary, provided that the maximum height of any building where it exceeds the standard is 2.7m (refer to Recession Plane Diagram B within the definition of Recession Plane in ***Chapter 3 – Definitions***); and

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

10.8.5.1.6 STORMWATER MANAGEMENT

The maximum proportion or amount of the gross site area covered by buildings and other impermeable surfaces shall be 50% or 1,000m², whichever is the lesser.

10.8.5.1.7 SETBACK FROM BOUNDARIES

(a) the minimum building setback from road boundaries shall be 3m; and

(b) the minimum setback from any boundary apart from a road boundary is 1.2m except that no set-back is required for a maximum total length of 10m along any one such boundary; and

(c) not less than 50% of that part of the site between the road boundary and a parallel line 2m therefrom shall be landscaped.

NOTE: *Area of landscaping is out of scope, and this rule indicates an area (depth) to be landscaped but it also requires a length to be landscaped in relation to character and screening, but effects of a reduced width cannot be considered. For further information refer to interpretation document.*

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

Note: Rules in ***Chapter 12.4 Natural Hazards*** control the location of buildings in the Coastal Hazard Areas.

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.

10.8.5.1.8 SCREENING FOR NEIGHBOURS NON-RESIDENTIAL ACTIVITIES

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

10.8.5.1.9 OUTDOOR ACTIVITIES

Any activity may be carried out outside except that any commercial non-residential activity involving manufacturing, altering, repairing, dismantling or processing of any materials, live produce, goods or articles shall be carried out within a building.

10.8.5.1.10 TRANSPORTATION

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

10.8.5.1.11 SITE INTENSITY - NON RESIDENTIAL ACTIVITIES

The maximum net site area of any site for activities other than residential units shall be 1,000m² for sewered sites, and 5,000m² for unsewered sites, except that this area may be exceeded for public reserves without buildings.

10.8.5.1.12 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.

10.8.5.1.13 KEEPING OF ANIMALS

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

10.8.5.1.14 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 the Residential or Russell Township Zones, or at or within the notional boundary of any dwelling in a rural or coastal zone:

0700 to 2200 hours	55 dBA L_{10}
2200 to 0700 hours	45 dBA L_{10} and
	70 dBA L_{max}

Noise Measurement and Assessment:

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

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

Construction Noise:

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

10.8.5.1.15 HELICOPTER LANDING AREA

Helicopter landing areas are not permitted.

10.8.5.1.16 BUILDING COVERAGE

Any new building or alteration/addition to an existing building is a permitted activity if the total Building Coverage of a site does not exceed 45% or 900m^2, whichever is the lesser, of the gross site area.

10.8.5.2 RESTRICTED DISCRETIONARY ACTIVITIES

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

(a) it does not comply with any one of the following ***Rules 10.8.5.1.2 Residential Intensity***; ***10.8.5.1.3 Scale of Activities***; ***10.8.5.1.4 Building Height***; ***10.8.5.1.5 Sunlight***; ***10.8.5.1.6 Stormwater Management***; ***10.8.5.1.7 Setback from Boundaries***; ***10.8.5.1.10 Transportation***; and ***10.8.5.1.14 Noise*** as set out above; but

(b) it complies with all of the other rules for permitted activities under ***Rules 10.8.5.1***; and

(c) it complies with ***Rules 10.8.5.2.1 Residential Intensity***; ***10.8.5.2.2 Scale of Activities***; ***10.8.5.2.3 Building Height***; ***10.8.5.2.4 Sunlight***; ***10.8.5.2.5 Transportation***; ***10.8.5.2.6 Setback from Boundaries***; ***10.8.5.2.7 Noise*** and ***10.8.5.2.8 Stormwater Management*** 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.

10.8.5.2.1 RESIDENTIAL INTENSITY

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

Sewered sites: 600m²

Unsewered sites: 2,000m²

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

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

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

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

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

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

NOTE: *Open space as it relates to outdoor living space for a residential activity is out of scope. For further information refer to interpretation document.*

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

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

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

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

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

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

(j) the ability to provide adequate opportunity for landscaping and buildings and for all outdoor activities associated with the residential unit(s) permitted on the site;

NOTE: *The presence of planting can be considered, but cannot require a particular area of landscaping. For further information refer to interpretation document.*

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

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

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

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

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

10.8.5.2.2 SCALE OF ACTIVITIES

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

4 persons per 800m² (sewered)

4 persons per 3,000m² (unsewered)

Provided that:

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

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

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

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

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

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

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

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

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

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

10.8.5.2.3 BUILDING HEIGHT

The maximum height of any building shall be 9m.

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

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

NOTE: *Visual dominance effects on adjacent privately owned sites out of scope in relation to views from private property. For further information refer to interpretation document.*

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

10.8.5.2.4 SUNLIGHT

No part of any building shall project beyond a 45 degree recession plane as measured inwards from any point 3m vertically above ground level on any site boundary (refer to definition of Recession Plane in ***Chapter 3 - Definitions***) for a length not exceeding 25% of the relevant boundary.

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;

NOTE: *Visual dominance effects on adjacent privately owned sites out of scope in relation to views from private property. For further information refer to interpretation document.*

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

NOTE: *Effects on outdoor living spaces is out of scope in the context of residential activities. For further information refer to interpretation document.*

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

10.8.5.2.5 TRANSPORTATION

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

10.8.5.2.6 SETBACK FROM BOUNDARIES

In assessing an application resulting from a breach of ***Rule 10.8.5.1.7 Setback from Boundaries*** the matters to which the Council will restrict its discretion are:

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

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

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

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

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

10.8.5.2.7 NOISE

In assessing an application resulting from a breach of ***Rule 10.8.5.1.14 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.

10.8.5.2.8 STORMWATER MANAGEMENT

The maximum proportion of the gross site area covered by buildings and other impermeable surfaces shall be 60%, unless Low Impact Design has been used to reduce site impermeability and consent has been obtained from the Northland Regional Council for any stormwater discharge from any area of more than 1,000m².

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

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

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

(c) any cumulative effects on total catchment impermeability;

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

(e) the physical qualities of the soil type;

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

(g) 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;

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

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

(j) any recognised standards promulgated by industry groups;

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

(l) the extent to which the proposal has considered and provided for climate change.

10.8.5.3 DISCRETIONARY ACTIVITIES

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

(a) it complies with ***Rules 10.8.5.1.12 Hours of Operation Non-Residential Activities*** and ***10.8.5.1.13 Keeping of Animals*** for permitted activities above; and

(b) it complies with ***Rules 10.8.5.3.1 Building Coverage*** and ***10.8.5.3.2 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;*** but

(d) it does not comply with one or more of the other standards for permitted or restricted discretionary activities in this zone as set out under ***Rules 10.8.5.1*** and ***10.8.5.2*** 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***.

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

10.8.5.3.1 BUILDING COVERAGE

Any new building or alteration/addition to an existing building is a discretionary activity if the total Building Coverage of a site does not exceed 55% of the gross site area.

10.8.5.3.2 HELICOPTER LANDING AREA

Any helicopter landing area.

10.9 RUSSELL TOWNSHIP ZONE

CONTEXT

Russell occupies a unique place in New Zealand's past. The historic role of the settlement and its gradual evolution into what we today know as a quiet but popular tourist town have afforded it a special significance.

In recognition of that significance, the Russell community has indicated a desire for resource management methods that maintain and enhance those characteristics of the natural and physical resources in Russell which contribute to its unique character, its heritage and amenity values. These provisions are not solely related to the heritage values in Russell, which are dealt with in more detail by other provisions in the Plan (***Section 12.5A - Heritage Precincts***), but rather the environment within which the people of Russell live.

10.9.1 ISSUES

These issues supplement those set out in ***Section 10.1***.

10.9.1.1 The historic and amenity values of Russell could be adversely affected by development that is not sensitive to the physical and cultural environment of the town and its surrounds, and particularly the ability of the receiving environment to accommodate the effects of development.

10.9.1.2 Russell is both a residential and a commercial centre and the relationship between these activities contributes to the character of the town. This character could be affected if the existing balance of activities is significantly altered.

10.9.2 ENVIRONMENTAL OUTCOMES EXPECTED

These outcomes supplement those set out in ***Section 10.2***.

10.9.2.1 A Russell Township Zone in which activities and development occur in a way that is compatible with the historic heritage and amenity values of Russell, and where there are no significant adverse effects on the environment.

10.9.2.2 The intrinsic character of Russell and its significance as New Zealand's oldest European settlement is recognised and preserved by controlling development within defined boundaries.

10.9.3 OBJECTIVES

These objectives supplement those set out in ***Section 10.3***.

10.9.3.1 To achieve the continued growth and development of Russell in a way which maintains its special historic and amenity values and minimises adverse effects on the natural environment.

10.9.4 POLICIES

These policies supplement those set out in ***Section 10.4***.

10.9.4.1 That opportunities be provided for activities to establish within the zone at a level of effect consistent with the existing development.

10.9.4.2 That residential activities have sufficient land associated with each household unit to provide for outdoor space, and where a reticulated sewerage system is not provided, sufficient land for on-site effluent disposal.

10.9.4.3 That the portion of a site or of a development that is covered in buildings and other impermeable surfaces be limited to allow for open space and landscaping around buildings and to reduce total impermeable area and its adverse hydrological, ecological and amenity effects.

10.9.4.4 That sites, and the buildings and activities which may locate on those sites, have adequate access to sunlight and daylight.

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

10.9.4.6 That a reasonable level of privacy and peaceful enjoyment be provided for residents.

10.9.4.7 That the significance of Russell is recognised and its intrinsic historic value is preserved by protecting its special character.

10.9.4.8 That the special character of Russell be protected by:

(a) providing additional controls in areas of Russell where groups of buildings, places or objects have significant historical associations or characteristics and protecting those buildings which are most important as examples of period styles;

(b) retaining the visual dominance of natural landforms in the Russell Township Basin and Gateway area (as defined on ***Maps 89*** and ***HP4***);

(c) ensuring development in the Gateway Area of Matauwhi Bay (as defined on ***Maps 89*** and ***HP4***) reflects its role as an entrance to Russell and that activities are of a scale and size that is consistent with that of Russell itself and appropriate to the character of the Bay;

(d) maintaining as far as practicable the informal blending of land uses that have evolved to contribute to the village atmosphere of Russell;

(e) protecting and fostering the small size and pedestrian scale of Russell; and

(f) ensuring public works and the provision of utility services are carried out in a manner consistent with the special character of Russell.

COMMENTARY

Russell Township occupies an important place in the history of settlement in New Zealand. It also has an attractive physical setting. This sets it apart from many other parts of the district. While Russell is not alone in the Far North in claiming to be unique, the Russell community has expressed a desire that the Plan make specific provision for the management of resources in the town and its surround. This desire has resulted in the provisions of the Russell Township Zone.

In general the objectives and policies of the Russell Township Zone are similar to those in the Residential and Coastal Residential Zones. There are however, slightly higher environmental thresholds, reflecting the more sensitive physical and cultural environment.

The provisions of the Russell Township Zone are complemented by the provisions of The Strand, Wellington Street and Christ Church Heritage Precincts.

Two significant environmental issues in Russell that are dealt with in the objectives and policies are stormwater runoff from impermeable surfaces, and effluent from sewerage systems. Both of these matters have potential to adversely affect the environment if they are not controlled in an appropriate way.

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

10.9.5 ZONE RULES

Activities in the Russell Township 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***), particularly ***Section 12.5A Heritage Precincts***;

(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***).

10.9.5.1 PERMITTED ACTIVITIES

An activity is a permitted activity in the Russell Township Zone if:

(a) it complies with the standards for permitted activities set out in ***Rules 10.9.5.1.1*** to ***10.9.5.1.14*** below; and

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

10.9.5.1.1 RELOCATED BUILDINGS

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

10.9.5.1.2 RESIDENTIAL INTENSITY

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

Sewered sites: 1,000m²

Unsewered sites: 3,000m².

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

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

10.9.5.1.3 SCALE OF ACTIVITIES

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

2 persons per 1,000m² (sewered)

2 persons per 3,000m² (unsewered)

Provided that:

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

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

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

In determining the total number of people engaged at any one period to 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.

10.9.5.1.4 BUILDING HEIGHT

The maximum height of any building shall be 7.2m.

10.9.5.1.5 BUILDING SCALE

The maximum net ground floor area of all the buildings on the site shall not exceed 20% of the net site area; except where a site is within the Russell Township Basin and Gateway Area or within a Heritage Precinct, all as defined on ***Maps 89*** and ***HP4***, the maximum net floor area of all buildings on the site shall not exceed 20% of the net site area, provided that this may be exceeded on sites with a net site area less than 400m² such that the maximum net floor area may be up to 80m².

10.9.5.1.6 SUNLIGHT

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

(a) a building may exceed this standard for a maximum distance of 10m along any one boundary other than a road boundary, provided that the maximum height of any building where it exceeds the standard is 2.7m (refer to Recession Plane Diagram B within the definition of Recession Plane in ***Chapter 3 – Definitions***); and

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

10.9.5.1.7 STORMWATER MANAGEMENT

The maximum proportion of the gross site area covered by buildings and other impermeable surfaces shall be 35%.

10.9.5.1.8 SETBACK FROM BOUNDARIES

(a) the minimum building setback from road boundaries shall be 3m; and

(b) the minimum setback from any boundary other than a road boundary shall be 1.2m, except that no setback is required for a maximum total length of 10m along any one such boundary; and

(c) not less than 50% of that part of the site between the road boundary and a parallel line 6m there-from shall be landscaped.

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.

10.9.5.1.9 OUTDOOR ACTIVITIES

Any activity may be carried out outside except that any commercial non-residential activity involving manufacturing, altering, repairing, dismantling or processing of any materials, live produce, goods or articles shall be carried out within a building.

10.9.5.1.10 TRANSPORTATION

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

10.9.5.1.11 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 which have a predominantly residential function such as lodges, motels, homestays.

10.9.5.1.12 KEEPING OF ANIMALS

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

10.9.5.1.13 NOISE

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

0700 to 2200 hours	55 dBA L_{10}
2200 to 0700 hours	45 dBA L_{10} and
	70 dBA L_{max}

Noise Measurement and Assessment:

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

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

Construction Noise:

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

10.9.5.1.14 HELICOPTER LANDING AREA

Helicopter landing areas are not permitted.

10.9.5.2 RESTRICTED DISCRETIONARY ACTIVITIES

An activity is a restricted discretionary activity in the Russell Township Zone if:

(a) it does not comply with any one of the following ***Rules 10.9.5.1.2 Residential Intensity***; ***10.9.5.1.3 Scale of Activities***; ***10.9.5.1.4 Building Height***; ***10.9.5.1.5 Building Scale***; ***10.9.5.1.6 Sunlight***; ***10.9.5.1.7 Stormwater Management***; ***10.9.5.1.8 Setback from Boundaries***; ***10.9.5.1.10 Transportation***; and ***10.9.5.1.13 Noise*** as set out above; but

(b) it complies with all of the other rules for permitted activities under ***Rules 10.9.5.1***; and

(c) it complies with ***Rules 10.9.5.2.1 Residential Intensity***; ***10.9.5.2.2 Scale of Activities***; ***10.9.5.2.3 Building Height***; ***10.9.5.2.4 Building Scale***; ***10.9.5.2.5 Sunlight***; ***10.9.5.2.6 Setback from Boundaries***; ***10.9.5.2.7 Transportation***; ***10.9.5.2.8 Noise*** and ***10.9.5.2.9 Stormwater Management*** 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:

(i) where the consent relates to an activity within the Russell Township Basin and Gateway Area, as defined on ***Maps 89*** and ***HP4***, the Council may impose conditions in relation to those matters set out in ***Assessment Criteria 11.21***; and

(ii) the specific matters listed for each rule below, or where there is no rule, to the specific matters listed below under the appropriate heading.

10.9.5.2.1 RESIDENTIAL INTENSITY

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

Sewered sites: 800m²

Unsewered sites: 2,000m².

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

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

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

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

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

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

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

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

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

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

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

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

(j) the ability to provide adequate opportunity for landscaping and buildings and for all outdoor activities associated with the residential unit(s) permitted on the site;

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

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

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

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

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

10.9.5.2.2 SCALE OF ACTIVITIES

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

4 persons per 1,000m² (sewered)

4 persons per 3,000m² (unsewered)

Provided that:

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

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

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

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

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

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

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

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

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

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

10.9.5.2.3 BUILDING HEIGHT

The maximum height of any building shall be 9m.

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

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

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

10.9.5.2.4 BUILDING SCALE

The maximum net ground floor area of all the buildings on the site shall not exceed 25% of the net site area; except where the site is within the Russell Township Basin and Gateway Area or within a Heritage Precinct, all as defined on ***Maps 89*** and ***HP4***, the maximum net floor area of all buildings on the site shall not exceed 20% of the net site area, provided that this may be exceeded on sites with a net site area less than 400m² where the maximum net floor area may be up to 100m².

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

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

(b) the extent of the building area and the scale of the building and the extent to which they are compatible with both the built and natural environments in the vicinity.

10.9.5.2.5 SUNLIGHT

No part of any building shall project beyond a 45 degree recession plane as measured inwards from any point 3m vertically above ground level on any site boundary (refer to definition of Recession Plane in ***Chapter 3 - Definitions***) for a length not exceeding 25% of the relevant boundary.

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

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

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

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

10.9.5.2.6 SETBACK FROM BOUNDARIES

The minimum building setback from road boundaries shall be 1.5m.

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

When considering a restricted discretionary activity under this rule, the Council will restrict the exercise of its discretion to matters relating to:

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

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

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

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

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

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.

10.9.5.2.7 TRANSPORTATION

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

10.9.5.2.8 NOISE

In assessing an application resulting from a breach of ***Rule 10.9.5.1.13 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.

10.9.5.2.9 STORMWATER MANAGEMENT

The maximum proportion site area covered by buildings and other impermeable surfaces shall be 40%.

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

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

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

(c) any cumulative effects on total catchment impermeability;

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

(e) the physical qualities of the soil type;

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

(g) 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;

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

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

(j) any recognised standards promulgated by industry groups;

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

(l) the extent to which the proposal has considered and provided for climate change.

10.9.5.3 DISCRETIONARY ACTIVITIES

An activity is a discretionary activity in the Russell Township Zone if:

(a) it complies with ***Rules 10.9.5.1.11 Hours of Operation Non-Residential Activities*** and ***10.9.5.1.12 Keeping of Animals*** for permitted activities above; and

(b) it complies with ***Rule 10.9.5.3.2 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***; but

(d) 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 10.9.5.1*** and ***10.9.5.2*** above.

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

10.9.5.3.1 HELICOPTER LANDING AREA

Any helicopter landing area.

10.10 SOUTH KERIKERI INLET ZONE

CONTEXT

The South Kerikeri Inlet Zone is located along the southern edge of the Kerikeri Inlet and as such forms a part of the maritime gateway to the historic settlement of Kerikeri. Whilst predominantly rolling pastoral country, the landform also includes low-lying backshore flats, coastal flanks and areas of very steep and unstable terrain.

While much of the coastal margin of the inner Kerikeri inlet has been urbanised, the coastal margins of this area retain their natural qualities being relatively free of built structures. The open spaces and rural nature of the area provide visual relief from the other more modified areas of the coast. Its visual importance is increased given its proximity to the more urbanised area of adjacent Kerikeri Township. It is an area of "contrast" between the more urbanised areas to the west and the lower lying area to the east. The Okura River to the west and the Waitangi Wetland to the east form natural boundaries that set this area apart.

Because of its undulating nature, the entire area is not visible from any one location. The more elevated portions of the land which are visible from a wide area and those slopes facing the Inlet are particularly sensitive. Other areas are more introspective and contained. The natural character, open space and rural nature of the area are important to the visual context of the wider area.

10.10.1 ISSUES

These issues supplement those set out in ***Section 10.1.***

10.10.1.1 The natural, open, rural and coastal character of the South Kerikeri Inlet Zone can come under pressure by development that is not sympathetic to that character.

10.10.1.2 Because of the generally smaller lot sizes, rural residential development in the coastal environment can have adverse visual effects and consequently can affect the amenity of the area for adjoining land owners and the public.

10.10.2 ENVIRONMENTAL OUTCOMES EXPECTED

These outcomes supplement those set out in ***Section 10.2.***

10.10.2.1 A South Kerikeri Inlet Zone in which rural residential development occurs in appropriate locations that have the capacity to absorb such development.

10.10.2.2 A South Kerikeri Inlet Zone in which development does not detract from the open, rural and coastal nature of its natural character, and does not cause adverse effects to natural and physical resources in the coastal environment.

10.10.3 OBJECTIVES

These objectives supplement those set out in ***Section 10.3.***

10.10.3.1 To maintain the combination of open, rural, coastal and natural characteristics of the Zone.

10.10.3.2 To provide for the wellbeing of people by enabling low-density residential development at appropriate locations taking into account the potential adverse effects on the coastal environment.

10.10.3.3 To ensure that while enabling low-density development the adverse effects on the environment of such development are avoided, remedied or mitigated particularly in areas of high visual sensitivity.

10.10.4 POLICIES

These policies supplement those set out in ***Section 10.4.***

10.10.4.1 Subdivision, use and development shall preserve and where possible enhance, restore and rehabilitate the coastal-rural character of the zone in regards to Section 6 matters, and shall avoid adverse effects as far as practicable by using techniques including:

(a) clustering and grouping development (including new buildings) within areas where there is the least impact on natural character and its elements such as indigenous vegetation, landforms, rivers, streams and wetlands, and coherent natural patterns and on open space and rural amenity values, including by clustering and grouping development (including new

buildings) outside the visually sensitive areas of the South Kerikeri Inlet Zone as defined on ***Map 84***;

(b) appropriately integrating design and land use within the visually sensitive areas of the South Kerikeri Inlet Zone to maintain and enhance natural and rural amenity values associated with a broad-scale and coherent visual pattern of simple and uncluttered open spaces;

(c) minimising the visual impact of buildings, development, and associated vegetation clearance and earthworks, particularly as seen from public land and the coastal marine area;

(d) providing for, legal public right of access to and use of the foreshore and any esplanade areas through the siting of buildings and development and design of subdivisions;

(e) through siting of buildings and development, design of subdivisions, and provision of access that recognise and provide for the relationship of Maori with their culture, traditions and taonga including concepts of mauri, tapu, mana, wehi and karakia and the important contribution Maori culture makes to the character of the district (refer Chapter 2, and in particular section 2.5, and Council's "Tangata Whenua Values and Perspectives (2004)");

(f) providing planting of indigenous vegetation in a way that links existing habitats of indigenous fauna and provides the opportunity for the extension, enhancement or creation of habitats for indigenous fauna, including mechanisms to exclude pests;

(g) protecting historic heritage, and in particular of the Kerikeri Basin Heritage Precinct, through the careful siting of buildings and development and design of subdivisions in areas less visually sensitive;

(h) ensuring development reflects the role of the area as a maritime entrance to Kerikeri and that activities are of a scale and size that is consistent with the natural character of the zone.

10.10.4.2 That standards are set to ensure that subdivision, use or development provides adequate infrastructure and services and that open space and rural amenity values and the quality of the environment are maintained and enhanced.

10.10.4.3 That a wide range of activities be permitted in the South Kerikeri Inlet Zone, where their effects are compatible with the preservation of the natural character of the coastal and rural environment.

10.10.4.4 That the visual and landscape qualities of the coastal and rural environment are protected from inappropriate subdivision, use and development.

COMMENTARY

The objectives and policies of the South Kerikeri Inlet Zone are a subset of those for the coastal and rural environment. As such they are aimed at a particular area within the coastal-rural environment and the particular constraints and opportunities inherent in the environment of this area. They are intended to be as flexible, permissive and enabling as possible given the statutory requirement to preserve the natural character of the coastal environment and the sensitivity that parts of that landscape have for the wider area.

*The objectives and policies recognise that the rural-coastal character of the South Kerikeri Inlet Zone is particularly at risk from inappropriate urban intensification as the Kerikeri urban area expands, partly because of the proximity of the Waitangi Wetland, but also because of the existing residential areas to the west and east. However, because of the topography, there is potential for integrating discrete areas of built development with not more than minor effects. The landscape features of this area suggest that accommodating increased levels of development would be better absorbed by clustering development in appropriate places and maximising the visible areas of pastoral open space that is "uncompromised" or uncluttered by built development rather than spreading such development throughout the whole area. To assist development and subdivision in managing potential visual impacts, land within the zone has been identified in terms of its visual sensitivity (see **Map 84**). Subdivision is enabled as a restricted-discretionary activity where land is not of high sensitivity (**Rule 13.7.2.1 Table 7**). Otherwise subdivision is by way of a management plan only (**Rule 13.9.2**).*

10.10.5 ZONE RULES

Activities in the South Kerikeri Inlet 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***).

10.10.5.1 PERMITTED ACTIVITIES

An activity is a permitted activity in the South Kerikeri Inlet Zone if:

(a) it complies with the standards for permitted activities set out in ***Rules 10.10.5.1.1*** to ***10.10.5.1.13*** below; and

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

10.10.5.1.1 VISUAL AMENITY

The following are permitted activities in the South Kerikeri Inlet Zone:

(a) Any new building(s) not for human habitation provided that the gross floor area does not exceed 50m^2 or for human habitation provided that the gross floor area does not exceed 25m^2; and

(b) the exterior is coloured within the BS5252 standard colour palette range with reflectance value of 30% or less or are constructed of natural materials that fall within this range; or

(c) Any alteration/addition to an existing building which does not exceed 30% 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; or

(d) Replacement of any building so long as the replacement does not exceed the building envelope occupied by the previous building; or

(e) Renovation or maintenance of any building.

10.10.5.1.2 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 3,000m² 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 7)*** for a single residential unit for a single household.

10.10.5.1.3 SCALE OF ACTIVITIES

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

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.

10.10.5.1.4 BUILDING HEIGHT

The maximum height of any building shall be 8m.

10.10.5.1.5 SUNLIGHT

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

10.10.5.1.6 STORMWATER MANAGEMENT

The maximum proportion or amount of the gross site area which may be covered by buildings and other impermeable surfaces shall be 10% or 600m^2 whichever is the lesser.

10.10.5.1.7 SETBACK FROM BOUNDARIES

Buildings shall be set back a minimum 10m from any site boundary, except that on any site with an area less than 5,000m² this set back shall be 3m from any site boundary.

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

Note 1: Rules in ***Chapter 12.4 Natural Hazards*** control the location of buildings in the Coastal Hazard Areas.

Note 2: 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.

10.10.5.1.8 SCREENING FOR NEIGHBOURS NON-RESIDENTIAL ACTIVITIES

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.

10.10.5.1.9 TRANSPORTATION

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

10.10.5.1.10 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.

10.10.5.1.11 KEEPING OF ANIMALS

Any building, compound, or part of a site used for factory farming, boarding kennels or a cattery, shall be located no closer than 50m from any site boundary, except for a boundary which adjoins the Residential or Coastal Residential Zones, where the distance shall be a minimum of 600m.

10.10.5.1.12 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 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	55 dBA L_{10}
2200 to 0700 hours	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 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"*.

10.10.5.1.13 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.

10.10.5.2 CONTROLLED ACTIVITIES

An activity is a controlled activity in the South Kerikeri Inlet Zone if:

(a) it complies with all of the standards for permitted activities except for ***Rule 10.10.5.1.1 Visual Amenity*** above; and

(b) it complies with ***Rule 10.10.5.2.1 Visual Amenity*** 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.

10.10.5.2.1 VISUAL AMENITY

Any new building(s) or alteration/additions to an existing building that does not meet the permitted activity standards in ***Rule 10.10.5.1.1*** are a controlled activity where the new building or building alteration/addition is located entirely within a building envelope that has been approved under a resource consent.

When considering an application under this provision the Council will restrict the exercise of its discretion to matters relating to:

(i) the size, bulk, and height of the building or utility services in relation to areas of high sensitivity (as defined on ***Map 84***), ridgelines and natural features;

(ii) the colour and reflectivity of the building;

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

(iv) any earthworks and/or vegetation clearance associated with the building;

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

(vi) the extent to which the building will be visually obtrusive;

(vii) the cumulative visual effects of all buildings on the site;

(viii) the degree to which the landscape will retain the qualities that give it its naturalness, visual and amenity values;

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

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

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

10.10.5.3 RESTRICTED DISCRETIONARY ACTIVITIES

An activity is a restricted discretionary activity in the South Kerikeri Inlet Zone if:

(a) it does not comply with any one of the following ***Rules 10.10.5.1.1 Visual Amenity***; ***10.10.5.1.3 Scale of Activities***; ***10.10.5.1.4 Building Height***; ***10.10.5.1.5 Sunlight***; ***10.10.5.1.6 Stormwater Management***; ***10.10.5.1.7 Setback from Boundaries***; ***10.10.5.1.9 Transportation***; ***10.10.5.1.12 Noise*** and/or ***10.10.5.2.1 Visual Amenity*** as set out above; but

(b) it complies with all of the other rules for permitted and controlled activities under ***Rules 10.10.5.1*** and ***10.10.5.2***; and

(c) it complies with ***Rules 10.10.5.3.1 Visual Amenity***; ***10.10.5.3.2 Building Height***; ***10.10.5.3.3 Sunlight***; ***10.10.5.3.4 Transportation***; ***10.10.5.3.5 Scale of Activities***; ***10.10.5.3.6 Setback from Boundaries***; ***10.10.5.3.7 Noise*** and ***10.10.5.3.8 Stormwater Management*** 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.

10.10.5.3.1 VISUAL AMENITY

The following are restricted discretionary activities in the South Kerikeri Inlet Zone:

(a) any new building(s); or

(b) any alteration/addition to an existing building

that do not meet the permitted activity standards in ***Rule 10.10.5.1.1*** where the new building or building alteration/addition is located partially or entirely outside a building envelope that has been approved under a resource consent.

When considering an application under this provision the Council will restrict the exercise of its discretion to matters relating to:

(i) the location of the building;

(ii) the size, bulk, and height of the building or utility services in relation to areas of high sensitivity (as defined on ***Map 84***), ridgelines and natural features;

(iii) the colour and reflectivity of the building;

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

(v) any earthworks and/or vegetation clearance associated with the building;

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

(vii) the extent to which the building will be visually obtrusive;

(viii) the cumulative visual effects of all the buildings on the site;

(ix) the degree to which the landscape will retain the qualities that give it its naturalness, visual and amenity values;

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

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

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

10.10.5.3.2 BUILDING HEIGHT

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;

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

10.10.5.3.3 SUNLIGHT

No part of any building shall project beyond a 45 degree recession plane as measured inwards from any point 3m vertically above ground level on any site boundary (refer to definition of Recession Plane in ***Chapter 3 - Definitions***), for a length not exceeding 25% of the relevant boundary.

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;

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

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

10.10.5.3.4 TRANSPORTATION

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

10.10.5.3.5 SCALE OF ACTIVITIES

In assessing an application resulting from a breach of ***Rule 10.10.5.1.3 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;

(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.

10.10.5.3.6 SETBACK FROM BOUNDARIES

In assessing an application resulting from a breach of ***Rule 10.10.5.1.7 Setback from Boundaries*** the matters to which the Council will restrict its discretion are:

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

(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 surrounding environment, for example by way of planting;

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

10.10.5.3.7 NOISE

In assessing an application resulting from a breach of ***Rule 10.10.5.1.12 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.

10.10.5.3.8 STORMWATER MANAGEMENT

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.

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

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

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

(c) any cumulative effects on total catchment impermeability;

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

(e) the physical qualities of the soil type;

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

(g) 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;

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

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

(j) any recognised standards promulgated by industry groups;

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

(l) the extent to which the proposal has considered and provided for climate change.

10.10.5.4 DISCRETIONARY ACTIVITIES

An activity is a discretionary activity in the South Kerikeri Inlet Zone if:

(a) it complies with ***Rules 10.10.5.4.1 Residential Intensity*** *and/or* ***10.10.5.4.3 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 10.10.5.1***, ***10.10.5.2*** and ***10.10.5.3*** above.

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

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

10.10.5.4.1 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 3,000m² for its exclusive use surrounding the unit, plus a minimum of 1.7 ha elsewhere on the property.

Except that this rule shall not limit the use of an existing site for a single residential unit for a single household.

10.10.5.4.2 HELICOPTER LANDING AREA

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