9 RECREATION/CONSERVATION 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

A large part of the area of the District has been set aside or reserved for recreation and conservation purposes. This reflects not only the need and opportunities for recreation in the District, but also the need for protection of areas of high conservation value, including indigenous vegetation and habitats of indigenous fauna.

Only a small proportion of the land that is included in the recreation / conservation environment is private land. Most of the land that is included is esplanade reserves, public land administered by the Department of Conservation or land owned by the Council. Management of this land must reflect the reasons for its protection or reservation, and the aspirations of the community. In some cases, appropriate management will include development of public facilities and structures. In other cases, the need to conserve the physical environment will dictate that little development occurs.

9.1 ISSUES

9.1.1 Areas which have been set aside or reserved for recreation and conservation can be subjected to pressure for use and development inconsistent with the reasons for which the land has been set aside or reserved.

9.1.2 Inadequate management of animals and plants with pest potential (including existing identified pests) on publicly owned land causes pest problems for land owners in the vicinity.

9.1.3 The effects of recreational activities on the surface of water extend to adjoining land.

9.1.4 Invasion of animals and plants with pest potential (including existing identified pests) from private land to public estate is an issue affecting the management of these lands.

9.2 ENVIRONMENTAL OUTCOMES EXPECTED

9.2.1 Recreation and conservation areas are managed and used consistent with the reasons for which they were set aside or reserved.

9.2.2 Integrated management of the effects of recreational activities, particularly where these activities take place on the surface of water but require land-based facilities, e.g. boat ramps.

9.3 OBJECTIVES

9.3.1 To protect recreation and conservation areas for the purposes for which they have been set aside or reserved.

9.3.2 To identify and preserve areas that have high conservation value.

9.3.3 To ensure integrated management of the effects of recreational activities, especially where these cross the land/water interface.

9.4 POLICIES

9.4.1 That existing recreation and conservation areas be managed so as to ensure that the effects of activities remain similar to the existing situation or enhanced.

9.4.2 That areas identified as having a high priority for protection for conservation purposes and which are included in the Conservation or Recreational Activities Zone are managed so that the effects of activities in those areas do not compromise conservation values.

9.4.3 That the effects of recreational activities, especially where these cross the land/water interface, are managed by the regulatory authorities in an integrated way.

9.4.4 That the effects of activities in the vicinity of recreation and conservation areas are managed so that recreation and conservation areas are not compromised.

9.5 METHODS OF IMPLEMENTATION

DISTRICT PLAN METHODS

9.5.1 Policies are implemented through rules in the Plan.

9.5.2 The Plan provides for financial contributions for the acquisition of areas suitable for recreation and conservation (refer ***Chapter 14***).

9.5.3 Recreational Activities and Conservation Zones will be identified in the ***Zone Maps***.

OTHER METHODS

9.5.4 Prepare reserve management plans (under the Reserves Act 1977) for all Council reserves stating the purpose/s of the reserve and including a concept plan.

9.5.5 The Council will purchase land where this is desirable in terms of the objectives of this chapter and as resources permit.

9.5.6 Prepare plan changes from time to time in order to incorporate esplanade reserves in the Conservation Zone.

9.5.7 That funding be provided in the Annual Plan for the control of animal and plant pests on Council-owned land.

9.5.8 The Council will liaise with the Northland Regional Council when applications are received for land-based facilities associated with recreational activities on the surface of water and when carrying out its functions under the Reserves Act 1977.

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

COMMENTARY

The objectives, policies and methods are designed to be conservative in the sense that the effects of any change in the recreation/conservation environment will be carefully considered before it is permitted.

Recognition of the need to protect this environment also gives rise to the Council's stated intention to purchase more land where this would help achieve the environment's objectives. Land purchase is often the most direct and effective way of 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.

9.6 RECREATIONAL ACTIVITIES ZONE

CONTEXT

The Recreational Activities Zone identifies and manages areas of reserve and recreation land administered by the Council or other agencies where the Council considers the retention of such areas is necessary to provide the appropriate mix of recreation choices or to preserve the natural, amenity and heritage values of a community.

With the consent of the owner, the zone may also apply to privately owned land having potential for recreational purposes or which is already developed for recreational purposes.

Note: Where Recreational Activities zoning applies to privately owned land, public access is at the discretion of the landowner.

The Council will add to its reserve stock through the process of requiring contributions on subdivision or development (refer ***Chapter 14 Financial Contributions***) based on the identified reserves needs of the various communities in the District.

The zone complements the provisions of management plans which are required to be prepared for reserves by the Reserves Act 1977.

9.6.1 ISSUES

These issues supplement those set out in ***Section 9.1***.

9.6.1.1 Recreational activities are beneficial to the well-being of people and communities but can have adverse effects on land adjoining the particular recreational activity.

9.6.1.2 Because recreation land is generally public it can be subject to pressure for development from the public, for activities that are not always consistent with the purpose for which the land was acquired, or the purpose which has been assigned to it by the community.

9.6.2 ENVIRONMENTAL OUTCOMES EXPECTED

These outcomes supplement those set out in ***Section 9.2***.

9.6.2.1 A network of areas that provide for the recreational activity needs of the community and are compatible with activities on adjoining land.

9.6.3 OBJECTIVES

These objectives supplement those set out in ***Section 9.3***.

9.6.3.1 To ensure suitable and adequate area is available for the recreational needs of people.

9.6.3.2 To ensure that the effects of the use and development of recreational areas are compatible with the surrounding environment.

9.6.4 POLICIES

These policies supplement those set out in ***Section 9.4***.

9.6.4.1 That existing recreational areas are retained for recreational purposes unless it is demonstrated that comparable recreational opportunities can be provided otherwise, or that the land can serve the community better if put to an alternative use.

9.6.4.2 That existing recreational areas are used and developed in a way which will ensure that any adverse effects on the surrounding area are avoided, remedied or mitigated.

9.6.4.3 That the land-based effects of recreational activities which occur mainly on the water are managed in an integrated way.

COMMENTARY

The reason for the objectives and policies in the Recreational Activities Zone is that it is important for the health and well-being of the population of the District that provision is made for recreational activities. These include both active and passive recreational activities, and may occur either on public or privately owned land. For this reason there is an emphasis on the retention and expansion of areas set aside for recreation.

The objectives and policies recognise that the need for recreational activities increases as the population of the district increases. They also recognise that recreational activities can have off site or other adverse effects that need to be managed.

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.

9.6.5 ZONE RULES

Activities in the Recreational Activities 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***).

9.6.5.1 PERMITTED ACTIVITIES

An activity is a permitted activity in the Recreational Activities Zone if:

(a) it complies with the standards for permitted activities set out in ***Rules 9.6.5.1.1*** to ***9.6.5.1.14*** below; and
(b) it complies with the relevant standards for permitted activities set out in ***Part 3 of the Plan - District Wide Provisions***.

9.6.5.1.1 PURPOSE OF BUILDINGS

All new buildings shall be directly for, or ancillary to, the principal recreational activities on the site.

9.6.5.1.2 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:

8 persons per 400m² (sewered)

8 persons per 3,000m² (unsewered)

Provided that:

(a) this number may be exceeded for a period totalling not more than 3 days in any 1 week period where the increased number of persons is a direct result of activities ancillary to the primary activity on the site; and
(b) this number may be exceeded where persons are engaged in constructing or establishing an activity (including environmental enhancement) on the site;
(c) this number may be exceeded where persons are visiting marae.

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

9.6.5.1.3 BUILDING HEIGHT

The maximum height of any building shall be 8m.

9.6.5.1.4 SUNLIGHT

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

9.6.5.1.5 STORMWATER MANAGEMENT

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

9.6.5.1.6 SETBACK FROM BOUNDARIES

The minimum building setback from road boundaries shall be 3m. The minimum building setback from all other boundaries shall be 2m.

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

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

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

9.6.5.1.7 TRANSPORTATION

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

9.6.5.1.8 HOURS OF OPERATION

Hours of operation shall be limited to between the hours 0700 - 2200 Monday to Sunday provided that these hours may be exceeded on 30 days of every year; and

Provided that this rule does not apply:

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

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

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

(d) where there is a reserve management plan or bylaw allowing an activity to operate outside the specified hours.

9.6.5.1.9 SCREENING FOR NEIGHBOURS

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 in the Residential, Conservation, Russell Township and Coastal Residential Zones 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.

9.6.5.1.10 OUTDOOR ACTIVITIES

Any activity may be carried out outside except that any commercial retailing, manufacturing, altering, repairing, dismantling or processing activities of a permanent nature, shall be carried out within a building.

9.6.5.1.11 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.

9.6.5.1.12 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 site in the Residential, Coastal Residential or Russell Township Zones, or at or within the notional boundary of any dwelling in any other rural or coastal zones:

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"*.

9.6.5.1.13 HELICOPTER MOVEMENTS

There shall be no landing or takeoff of any helicopters except:

(a) in accordance with a resource consent; or

(b) in the case of a medical or other emergency.

9.6.5.1.14 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 8% of the gross site area.

9.6.5.2 RESTRICTED DISCRETIONARY ACTIVITIES

An activity is a restricted discretionary activity in the Recreational Activities Zone if:

(a) it does not comply with any one of the following ***Rules 9.6.5.1.2 Scale of Activities***; ***9.6.5.1.3 Building Height***; ***9.6.5.1.4 Sunlight***, ***9.6.5.1.5 Stormwater Management***; ***9.6.5.1.6 Setback from Boundaries***; ***9.6.5.1.7 Transportation***; ***9.6.5.1.12 Noise*** and/or ***9.6.5.1.14 Building Coverage*** as set out above; but

(b) it complies with all of the other rules for permitted activities under ***Rule 9.6.5.1***; and

(c) it complies with ***Rule 9.6.5.2.1 Scale of Activities***; ***9.6.5.2.2 Building Height***; ***9.6.5.2.3 Stormwater Management***; ***9.6.5.2.4 Transportation***; ***9.6.5.2.5 Sunlight***; ***9.6.5.2.6 Setback from Boundaries***; ***9.6.5.2.7 Noise*** and ***9.6.5.2.8 Building Coverage*** 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.

9.6.5.2.1 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:

8 persons per 300m² (sewered)

8 persons per 2,000m² (unsewered)

Provided that:

(a) this number may be exceeded for a period totalling not more than 3 days in any 1 week period where the increased number of persons is a direct result of activities ancillary to the primary activity on the site; and

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

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

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

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

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

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

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

(iii) 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;

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

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

(vi) 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;

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

9.6.5.2.2 BUILDING HEIGHT

The maximum height of any building shall be 10m.

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;

(c) 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.

9.6.5.2.3 STORMWATER MANAGEMENT

The maximum proportion or amount of the gross site area covered by buildings and other impermeable surfaces shall be 15% or 1,000m², whichever is the lesser.

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

(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;

(m) consistency with stormwater management aspects of relevant Reserve Management Plans approved under the Reserves Act 1977.

9.6.5.2.4 TRANSPORTATION

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

9.6.5.2.5 SUNLIGHT

In assessing an application resulting from a breach of ***Rule 9.6.5.1.4 Sunlight*** the matters to which the Council will restrict its discretion are:

(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.

9.6.5.2.6 SETBACK FROM BOUNDARIES

In assessing an application resulting from a breach of ***Rule 9.6.5.1.6 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.

9.6.5.2.7 NOISE

In assessing an application resulting from a breach of ***Rule 9.6.5.1.12 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.

9.6.5.2.8 BUILDING COVERAGE

Any new building or alteration/addition to an existing building is a restricted discretionary activity if the total Building Coverage of a site does not exceed 12.5% or 850m^2, whichever is the lesser, of the gross site area.

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

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

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

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

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

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

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

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

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

(i) consistency with building coverage aspects of relevant Reserve Management Plans approved under the Reserves Act 1977.

9.6.5.3 DISCRETIONARY ACTIVITIES

An activity is a discretionary activity in the Recreational Activities Zone if:

(a) it complies with ***Rules 9.6.5.1.1 Purpose of Buildings*** for permitted activities above; and

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

(c) it does not comply with one or more of the other standards for permitted or restricted discretionary activities in this zone as set out under ***Rules 9.6.5.1*** and ***9.6.5.2*** 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.

9.7 CONSERVATION ZONE

Context

The Conservation Zone identifies and sets aside "conservation" areas in order to ensure the preservation of natural character, the protection of areas of significant indigenous vegetation and/or habitat, the maintenance of access to lakes, rivers and the coastal marine area and the recognition of the relationship of Maori and their culture with ancestral lands, water, sites and other taonga.

The Conservation Zone is applied to esplanade reserves, public land administered by the Department of Conservation and other existing reserves which exist primarily for a conservation function. It is also applied in some circumstances to land adjacent to the coastal marine area and rivers where the Council has given a high priority to the protection of the land from inappropriate use and development.

The setting aside of new conservation areas will be achieved through the provision of esplanade reserves and strips or other alternative means upon subdivision or development (see ***Chapter 14 Financial Contributions***).

9.7.1 ISSUES

These issues supplement those set out in ***Section 9.1***.

9.7.1.1 Land set aside for conservation purposes contributes to the protection of natural and physical resources but, because of these values, is subject to pressure from activities that may not be compatible with the values.

9.7.1.2 Activities on conservation land may not be consistent with the conservation values of that land but may have potential to cause adverse effects on adjoining land.

9.7.2 ENVIRONMENTAL OUTCOMES EXPECTED

These outcomes supplement those set out in ***Section 9.2***.

9.7.2.1 A network of areas of land managed to protect their conservation values, in which activities that are compatible with, or complementary to, the conservation value of the land are enabled to establish, and which do not cause adverse effects outside the conservation areas.

9.7.3 OBJECTIVES

These objectives supplement those set out in ***Section 9.3***.

9.7.3.1 To protect the conservation values and the natural and physical resources of the district for present and future generations.

9.7.3.2 To ensure the use, development and protection of land zoned conservation is consistent with the conservation values of the site, and avoids adverse effects on the surrounding environment.

9.7.3.3 To protect the historic values of conservation areas.

9.7.3.4 To provide for recreational and educational opportunities that are compatible with the protection of natural and historic resources.

9.7.4 POLICIES

These policies supplement those set out in ***Section 9.4***.

9.7.4.1 That the existing conservation values of areas be maintained or enhanced.

9.7.4.2 That existing conservation areas are used and developed in a way which will avoid adverse effects on the conservation values of the site and which will avoid adverse effects on the surrounding area.

9.7.4.3 That land zoned Conservation is permanently protected through the use of protective mechanisms (including acquisition as an esplanade reserve where appropriate as a financial contribution arising from subdivision or land use activities). See ***Chapter 14*** for the implementation of this policy.

9.7.4.4 That areas worthy of conservation are identified and provided permanent protection.

9.7.4.5 That the net effect of activities within the Conservation Zone should not degrade or diminish the total biodiversity and ecological functioning of the values contained within it.

COMMENTARY

The reason for the objectives and policies in the Conservation Zone is that it is important that the natural and physical resources of the District, and particularly indigenous vegetation and habitats, the coastal margins and heritage areas, are protected from inappropriate subdivision, use and development. The inclusion of these resources in the Conservation Zone enables policies and methods to be applied that will protect the value of the areas, while allowing appropriate use and development.

Appropriate use and development includes that which will not damage the resource and those that have an educational emphasis. If the special values of the areas within the Conservation Zone are better understood they will be more sensitively managed and used.

9.7.5 ZONE RULES

Activities in the Conservation 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***).

9.7.5.1 PERMITTED ACTIVITIES

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

(a) it complies with the standards for permitted activities set out in ***Rules 9.7.5.1.1*** to ***9.7.5.1.11*** below; and
(b) it complies with the relevant standards for permitted activities set out in ***Part 3 of the Plan - District Wide Provisions***.

9.7.5.1.1 PURPOSE OF BUILDINGS

All new buildings shall be directly for, or ancillary to, the principal conservation activities of the site.

9.7.5.1.2 SCALE OF ACTIVITIES

The total number of people engaged in any activities on a site, which involves overnight accommodation, whether or not they are employed in the activity, making use of any facilities, but excluding people who normally reside on the site or are members of the household shall not exceed 8 persons per 20ha 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 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.

9.7.5.1.3 BUILDING HEIGHT

The maximum height of any building shall be 8m.

9.7.5.1.4 SUNLIGHT

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

9.7.5.1.5 STORMWATER MANAGEMENT

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

9.7.5.1.6 SCREENING FOR NEIGHBOURS

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 in the Residential, Conservation, Russell Township and Coastal Residential Zones 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.

9.7.5.1.7 KEEPING OF ANIMALS

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

9.7.5.1.8 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 site in the Residential, Coastal Residential or Russell Township Zones, 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 restricted duration required by normal farming and plantation forestry activities. Provided that the activity shall comply with the requirements of section 16 of the Act.

Noise Measurement and Assessment:

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

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

Construction Noise:

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

9.7.5.1.9 HELICOPTER MOVEMENTS

There shall be no landing or takeoff of any helicopter except:

(a) in accordance with a resource consent; or

(b) in the case of a medical or other emergency; or

(c) where it is necessary for the management of the land.

9.7.5.1.10 SETBACK FROM BOUNDARIES

No building for residential purposes shall be erected closer than 100m from any zone boundary with the Minerals Zone.

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.

9.7.5.1.11 BUILDING COVERAGE

Any new building or alteration/addition to an existing building is a permitted activity if the total Building Coverage of a site does not exceed 8% or 800m^2, whichever is the lesser, of the gross site area.

9.7.5.2 RESTRICTED DISCRETIONARY ACTIVITIES

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

(a) it does not comply with any one of the following ***Rules 9.7.5.1.3 Building Height***; ***9.7.5.1.4 Sunlight***; ***9.7.5.1.7 Keeping of Animals***; ***9.7.5.1.8 Noise*** and ***9.7.5.1.10 Setback from Boundaries*** as set out above; but

(b) it complies with ***Rules 9.7.5.2.1 Keeping of Animals***; ***9.7.5.2.2 Building Height***; ***9.7.5.2.3 Sunlight***; ***9.7.5.2.4 Noise*** and ***9.7.5.2.5 Setback from Boundaries***; *and*

(c) it complies with all of the other rules for permitted activities under ***Rules 9.7.5.1*** above; 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.

9.7.5.2.1 KEEPING OF ANIMALS

Any building or 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 the Russell Township Zones where the distance shall be 600m.

The matters to which the Council will restrict its discretion are:

(a) the location and proximity of adjoining residential units;

(b) the potential for further residential subdivision in the vicinity;

(c) the number and type of animals;

(d) the extent to which any adverse effects may be mitigated, having regard to:
  (i) the frequency and nature of management and supervision;
  (ii) means of ventilation;
  (iii) building design, including soundproofing;
  (iv) method of effluent management and disposal;
  (v) noise;
  (vi) odour;
  (vii) likely presence of vermin;

(e) the extent to which prevailing climatic conditions and landscaping may reduce adverse effects;

(f) any recognised standards promulgated by industry groups;

(g) likely effects on indigenous vegetation and habitats of indigenous fauna.

9.7.5.2.2 BUILDING HEIGHT

The maximum height of any building shall be 10m.

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;

(c) 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.

9.7.5.2.3 SUNLIGHT

In assessing an application resulting from a breach of ***Rule 9.7.5.1.4 Sunlight*** the matters to which the Council will restrict its discretion are:

(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.

9.7.5.2.4 NOISE

In assessing an application resulting from a breach of ***Rule 9.7.5.1.8 Noise*** the matters to which the Council will restrict its discretion are:

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

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

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

9.7.5.2.5 SETBACK FROM BOUNDARIES

In assessing an activity resulting from a breach of ***Rule 9.7.5.1.10 Setback from Boundaries*** the matters to which the Council will restrict its discretion are:

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

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

(c) the effectiveness of any mitigation measures proposed;

(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.

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 owner and/or mine or quarry operator is obtained, the applicant will be non–notified.

9.7.5.3 DISCRETIONARY ACTIVITIES

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

(a) it complies with ***Rule 9.7.5.1.1 Purpose of Buildings*** for permitted activities above; and

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

(c) it does not comply with one or more of the other standards for permitted or restricted discretionary activities in this zone as set out under ***Rules 9.7.5.1*** and ***9.7.5.2*** 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.