

BEFORE THE ENVIRONMENT COURT
I MUA I TE KOOTI TAIAO O AOTEAROA

Decision No. [2019] NZEnvC 044

IN THE MATTER of the Resource Management Act 1991

AND of an appeal pursuant to Clause 14 of the
First Schedule to the Act

BETWEEN DIRECTOR-GENERAL OF
CONSERVATION
(ENV-2016-AKL-000149)

BLACKJACK FARMS LIMITED & ELLIOT &
GLEN
(ENV-2016-AKL-000080)

WAIHI GOLD COMPANY LIMITED
(ENV-2016-AKL-000099)

MINISTRY OF BUSINESS, INNOVATION
AND EMPLOYMENT
(ENV-2016-AKL-000109)

ROYAL FOREST AND BIRD
PROTECTION SOCIETY OF NEW
ZEALAND INCORPORATED
(ENV-2016-AKL-000143)

COROMANDEL WATCHDOG OF
HAURAKI INCORPORATED
(ENV-2016-AKL-000145)

Appellants

AND THAMES-COROMANDEL DISTRICT
COUNCIL
Respondent

Court:

Principal Environment Judge LJ Newhook
Environment Commissioner RM Dunlop
Environment Commissioner RM Bartlett
Environment Commissioner K Prime (at July 2018 hearing)
Dr M Gerth – Special Advisor (at July 2018 hearing)



Hearing: at Thames, 27 November 2017, and 9 July 2018; joint memoranda filed 9 August 2018 and 25 February 2019.

Appearances: Ms T Crossen in November for Appellant, and Ms V Tumai in July
Mr J Milne for Waikato Regional Council
Ms D Riley in November 2017 and Mr A Green in July 2018 for Respondent
Mr M Meier for Federated Farmers
Mr S Christensen for Waihi Gold Company Ltd
Mr D Sieling for himself and family interests

Date of Decision: 15 March 2019

Date of Issue: 18 March 2019

**FINAL DECISION¹ OF THE ENVIRONMENT COURT CONCERNING DISTRICT
PLAN REGULATION OF ACTIVITIES AGAINST KAURI DIE-BACK DISEASE**

REASONS

Introduction

[1] On 13 August 2018 the Court issued a first interim decision concerning district plan regulation of activities on account of kauri dieback disease.²

[2] We held that regulation of activities in the vicinity of kauri trees is within jurisdiction under the RMA.

[3] On 19 December 2018 we issued a second interim decision on the matter³ in which we ruled on disputes among the parties concerning the shape of plan provisions on the subject. We also directed the respondent to provide a copy of the decision to parties who had presented a draft consent order concerning wording of the Minerals section in the proposed district plan, and seeking input in the interests of consistency with the rulings in the second interim decision in the present proceedings.

[4] We directed the parties to confer on detailed wording for the Rural Zone amendments, together with corresponding provisions for the Rural Lifestyle, Conservation Zones, and the Minerals section. We indicated that we preferred a joint

¹ Final Decision, subject however to further activity under s293 RMA.

² [2018] NZEnvC 133.

³ [2018] NZEnvC 244.



submission of detailed draft wording.

Decision

[5] The parties responded on 25 February with a memorandum of draft plan provisions for the relevant chapters.

[6] With minor changes we have made, the provisions are now finalised and to be incorporated into the proposed district plan. The Court has changed the wording of "kauri hygiene area" back to "kauri hygiene zone" and "kauri dieback disease containment area" to "kauri dieback disease containment zone". The final forms of the provisions are in the 6 relevant chapters of the PDP attached to this decision.

[7] The Council will now undertake the necessary next steps directed by us under s293 RMA, concerning zones (principally urban) in which there is no provision for regulation of the kind directed in these proceedings. We direct a progress report be lodged by 25 April 2019.

For the Court:



L J Newhook

Principal Environment Judge



BLACKJACK FARMS LTD

CHRISTOPHER CYRIL KING AND CHRISTINE
ALISON FLETCHER

COROMANDEL PROPERTY OWNERS ALLIANCE

NORTHERN LAND PROPERTY

ROYAL FOREST AND BIRD PROTECTION
SOCIETY OF NEW ZEALAND INC

CLARE WARD FAMILY TRUST AND OTHERS

FEDERATED FARMERS

PIETER DIRK SIELING

COROMANDEL WATCHDOG OF HAURAKI INC

DEAN GLEN, CLAIRE ELLIOT AND SOL GLEN
AND BLACKJACK FARMS LTD

DIRECTOR GENERAL OF CONSERVATION

ENVIRONMENTAL DEFENCE SOCIETY INC

KEITH VERNON

MINISTRY OF BUSINESS, INNOVATION AND
EMPLOYMENT

SUE EDENS

TASMAN BUILDINGS LTD

WAIHI GOLD COMPANY LTD

WAIKATO REGIONAL COUNCIL

WILSON BAY LTD

Section 274 parties
(Mining topic)



Section 3 - Definitions

(New Definitions requested A62, A69)

Some terms used in the Plan are defined in an act, a national policy statement under the **RMA**, the **Waikato Regional Policy Statement** or the **Waikato Regional Plan**. For these terms (definition in *italics*), the Plan uses the definitions from these documents. These sourced definitions are included in this section for the Plan user's information, accurate to April 2016. However if the definition has changed in the source document since that date, the source document's definition applies.

Where a Plan provision mentions an organisation, the provision also applies to any future organisation that supersedes that organisation.

Access Terms

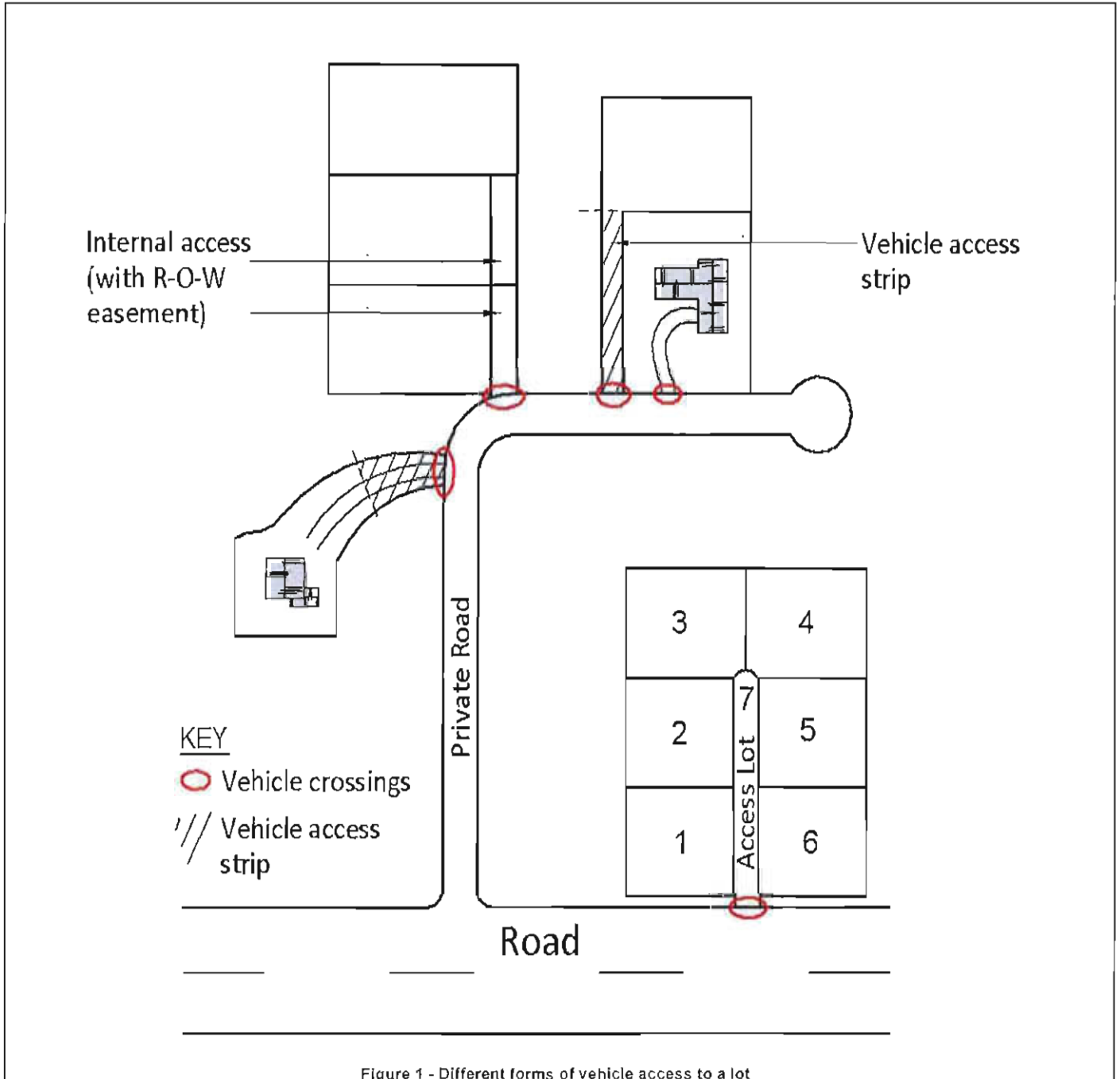


Figure 1 - Different forms of vehicle access to a lot

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Access Lot means a lot which provides legal access or part of the legal access to one or more lots, and which is held in the same ownership or by tenancy-in-common in the same ownership as the lot(s) to which it provides legal access.

Access Way has the same meaning as in [section 315 of the Local Government Act 1974](#).

"Access way means any passage way, laid out or constructed by the authority of the council or the Minister of Works and Development or, on or after 1 April 1988, the Minister of Lands for the purposes of providing the public with a convenient route for pedestrians from any road, service lane, or reserve to another, or to any public place or to any railway station, or from one public place to another public place, or from one part of any road, service lane, or reserve to another part of that same road, service lane, or reserve."

Internal Access means a shared access arrangement (e.g. access lot, shared access strips) which provides the legal vehicle access from two or more dwellings/household units or lots to a road.

Private Way has the same meaning as in [section 315 of the Local Government Act 1974](#).

"Private way means any way or passage whatsoever over private land within a district, the right to use which is confined or intended to be confined to certain persons or classes of persons, and which is not thrown open or intended to be open to the use of the public generally; and includes any such way or passage as aforesaid which at the commencement of this Part exists within any district."

Right-of-Way Easement means a legal right for a person to cross private land owned by another person, usually applying only to a specific strip of land necessary for the person or vehicle to cross.

Road means a smoothed or paved surface made for travelling by motor vehicles that is usually either on public land, or on land that is to be vested as public land as a condition of subdivision consent.

Vehicle Access Strip means the narrow portion of a rear lot less than 10 m wide used exclusively for pedestrians and vehicles to enter and exit the main portion of the rear lot from the street frontage.

Vehicle Crossing means the formed and constructed vehicle entry/exit point from the carriageway of any road, up to and including that portion of the road boundary of the site across which a vehicle enters a site, and includes any bridge, culvert or kerbing.

Accessory Building

Accessory Building means any building that is incidental to a dwelling on a site. Where the site has no dwelling, an accessory building is any building that is used for a residential purpose. A dwelling or minor unit is not an accessory building.

Addition

Addition means, when referring to a building, an increase in the building's exterior bulk in any direction.

Alteration

Alteration refer to 'Historic Heritage Terms'.

Afforestation

Afforestation refer to 'Forestry Terms'.

Airfield

Airfield means activities and/or buildings that directly relate to air transport activities. Examples include, but are not limited to:

- Hangar, aircraft repair workshop, aircraft fuel storage
- Passenger terminal for flights
- Runways, aeroplane parking areas
- Airshow festival
- Movement of planes, helicopters, hot air balloons.

Airstrip

Airstrip means land used for landing, loading and take-off of airplanes (excluding planes not large enough to carry a person). It does not include runways as part of an airfield.

Amateur Radio Configuration

Amateur Radio Configuration means the antennas, aerials (including rods, wires and tubes) and associated supporting structures which are owned and used by licenced amateur radio operators. It does not include Network Utilities.

Amenity

Amenity and the corresponding amenity values has the same meaning as in [section 2 of the Resource Management Act 1991](#).

"Amenity values means those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes."

Animal Boarding or Breeding Facility

Animal Boarding or Breeding Facility means a place where domestic animals are boarded or bred for commercial gain.

Archaeological Site

Archaeological Site refer to 'Historic Heritage Terms'.



Area Yard

Area Yard refer to 'Yard Terms'.

Balance Lot

Balance Lot refer to 'Lot Terms'.

Beachcare

Beachcare means a programme involving the Regional Council and other groups to protect and restore beach and dune systems through weed eradication, beach profile shaping, planting beach-appropriate indigenous plants, and providing limited access routes and infrastructure.

Beachfront Yard

Beachfront Yard refer to 'Yard Terms'.

Biodiversity

Biodiversity has the same meaning as biological diversity in section 2 of the Resource Management Act 1991.

"Biological diversity means the variability among living organisms, and the ecological complexes of which they are a part, including diversity within species, between species, and of ecosystems."

Biodiversity offset

Biodiversity offset means measurable conservation outcomes resulting from actions which are designed to address residual adverse effects on biodiversity impacts arising from project development after appropriate avoidance, minimisation, remediation and mitigation measures have not been taken. Biodiversity offsets must address the following principles:

1. No net loss - The offsetting proposal achieves no net loss and preferably a net gain of biodiversity.
2. Additional conservation outcomes - Biodiversity outcomes are above and beyond results that would have occurred if the offset was not proposed.
3. Limits to offsetting - Biodiversity offsetting should not be applied to justify impacts on vulnerable and irreplaceable biodiversity.
4. Proximity - The offsetting proposal should be located close to the application site, where this will achieve the best ecological outcomes.
5. Like for like - Offsetting measures re-establish or protect the same or similar type of ecosystem to that which is adversely affected.
6. Long term outcomes - The offset's positive ecological outcomes last at least as long as the effects of the application activity, and preferably in perpetuity.
7. Timing - The delay between the loss of biodiversity through development and the gain or maturation of ecological outcomes is minimised.
8. Any offsetting proposal will include biodiversity management plans prepared in accordance with good practice.

Building

Building means any structure, whether temporary or permanent, movable or immovable, but excludes any of the following:

- Structure no higher than 1.5 m;
- A maximum of two freestanding structures per lot no greater than 0.3 m wide (maximum horizontal dimension), and no higher than an additional one fifth of the maximum permitted height or HRB standard in the applicable zone whichever is the most restrictive;
- A vehicle that can be driven/towed to a different location;
- A tent/marquee without a foundation not erected permanently;
- One freestanding enclosed structure per lot that is:
 - Accessory to an existing dwelling on the lot; and
 - Gross floor area no greater than 10 m²; and
 - No higher than 3.5 m; and
 - Not closer than the measure of its own height to the nearest lot boundary (i.e. within a 45° plane from the boundary); and
 - Has no sanitary, potable water or cooking facilities; and
 - Not used for sleeping;
- Minor gardening/landscaping structures less than 2.5 m high (e.g. pergola, trellis);
- Structure authorised by the Council or Waikato Regional Council for erosion control or flood protection;
- Fence no higher than 2 m from the lowest adjoining ground level;
- Telecommunication small-cell unit no greater than 0.7 m high by 0.5 m wide by 0.3 m deep;

For building exemptions in relation to height, see Height.

'Building' includes but is not limited to the erection, relocation, addition, alteration, maintenance and repair of a building (except for where these terms are specifically used and have meaning in the Plan). An activity that includes these actions is assessed against the rule to which the building relates. For example, alteration of a single dwelling is assessed against the standards and other provisions of 'One dwelling per lot'.

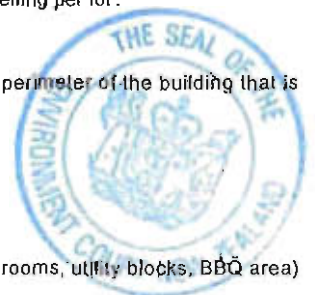
Building Platform

Building Platform means the land directly beneath a building(s) and an area of land evenly distributed around the perimeter of the building that is no larger than half the area beneath the building(s).

Campground

Campground means where people stay for one or more nights in:

- A tent without a foundation; and/or
 - A vehicle that can be driven/towed to a different location;
- used for sleeping, with a tariff paid. A campground may include buildings for communal purposes (e.g. kitchen, bathrooms, utility blocks, BBQ area) on the site for visitors to use, but does not include any buildings used for sleeping (refer to visitor accommodation).



Canal Frontage Yard

Canal Frontage Yard refer to 'Yard Terms'.

Coastal Marine Area

Coastal Marine Area has the same meaning as in [section 2 of the Resource Management Act 1991](#).

"Coastal Marine Area means the foreshore, seabed, and coastal water, and the air space above the water -

- a) Of which the seaward boundary is the outer limits of the territorial sea:
- b) Of which the landward boundary is the line of mean high water springs, except that where that line crosses a river, the landward boundary at that point shall be whichever is the lesser of -
 - i) One kilometre upstream from the mouth of the river; or
 - ii) The point upstream that is calculated by multiplying the width of the river mouth by 5."

Coastal Edge Escarpment Forest

Coastal Edge Escarpment Forest - Coastal forest and treeland which is dominated by mature indigenous coastal tree species, such as pohutakawa and can include flaxland and shrubland where these form an indigenous vegetation mosaic with treeland and which is no further than 150m inland from MHWS.

Commercial Area

Commercial Area means the Commercial Zone, Gateway Zone and Pedestrian Core Zone.

Commercial Recreation/ Event Facility

Commercial Recreation/Event Facility means a permanent facility that provides organised recreational and/or event services. Any on-site purchase of goods is an accessory activity and incidental to the principal recreation/event activity. If purchase of goods is more than accessory and incidental, this is a General commercial activity.

Commercial recreation/event facility includes but is not limited to:

- Centre for private functions;
- Outdoor adventure activities;
- Tracks for horses, hobby trains, quad bikes, or their rental.

Community Facility

Community Facility means a building and surrounding area, not otherwise defined in the Plan, where the primary purpose is to provide a community service(s). It includes the regular and occasional activities for which the facility is designed or planned, that occur in the facility.

- The service may be profit or non-profit;
- The activity may occur inside and/or outside the building, but the core of the activity is in the building;
- The service may be exclusive to members;
- It may include a public amenity.

Community facility may include, but is not limited to:

- Group gatherings (e.g. church, religious centre, hall, clubroom);
- Education (e.g. school, adult education, kura kaupapa, kohanga reo, library);
- Health services (e.g. health centre, hospital);
- Recreation (e.g. indoor multi-purpose recreation hall, coastguard building, lifesaving stand).
- Emergency services (e.g. police, fire or ambulance services).

Comprehensive Residential Development

Comprehensive Residential Development means development of a site for three or more dwellings which is planned integrating buildings, site layout, private and communal outdoor spaces, access and urban design. The dwellings may be attached by a common wall and/or a common ceiling/floor (i.e. semi-detached dwelling, terrace house or apartment). The subdivision consent is submitted either with or after the land use consent.



Example of terrace house (left), apartment (right)

The Council

The Council means the Thames-Coromandel District Council, or any committee, organisation or person to whom the Thames-Coromandel District Council's powers, duties, and discretions under the Plan have been lawfully delegated under the provisions of any Act.

Council-approved contractor

Council-approved contractor means a person who through experience and/or qualification, the Council considers to hold specialist knowledge and expertise.



Defended Area

Defended Area refer to 'Natural Hazard Terms'.

Demolition

Demolition refer to 'Historic Heritage Terms'.

Defended Area refer to 'Natural Hazard Terms'.

Demolition refer to 'Historic Heritage Terms'.

Designation

Designation has the same meaning as in section 166 of the Resource Management Act 1991.

"Designation means a provision made in a district plan to give effect to a requirement made by a requiring authority under section 168 or section 168A or clause 4 of Schedule 1."

Duneland

Duneland - areas composed of sand built by wind or the flow of water and that have a vegetation cover dominated by indigenous duneland species which are naturally occurring within the Coromandel Ecological Region. Duneland can be located by identifying suitable underlying soil types (e.g. as shown on geological maps).

Dwelling

Dwelling means a building, buildings, or portion of a building that contains in a contiguous area one kitchen, at least one toilet and at least one habitable room, that is not otherwise defined in the Plan. The dwelling has its own access from the outside or from a shared foyer. The dwelling may have more than one kitchen, however if the kitchen forms part of a second contiguous area that can be defined as a dwelling (as per above), it is a second dwelling or minor unit.

A dwelling also includes activities and structures (not buildings) accessory to a dwelling (for example gardening, pets, keeping of bees, fowl) that are not otherwise managed in the Plan.

NOTE

1. Livestock, birds and bees accessory to a dwelling are managed by the Council's Bylaw.

Earthworks

Earthworks means the disturbance of land by excavating, blasting, moving, depositing and any associated compacting of soil or rock.

Earthworks exclude disturbance caused by the replacement and/or removal of a fuel storage system as defined in the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.

Illustration of setback distances of earthworks:

Figure 2 - Unsupported Fill

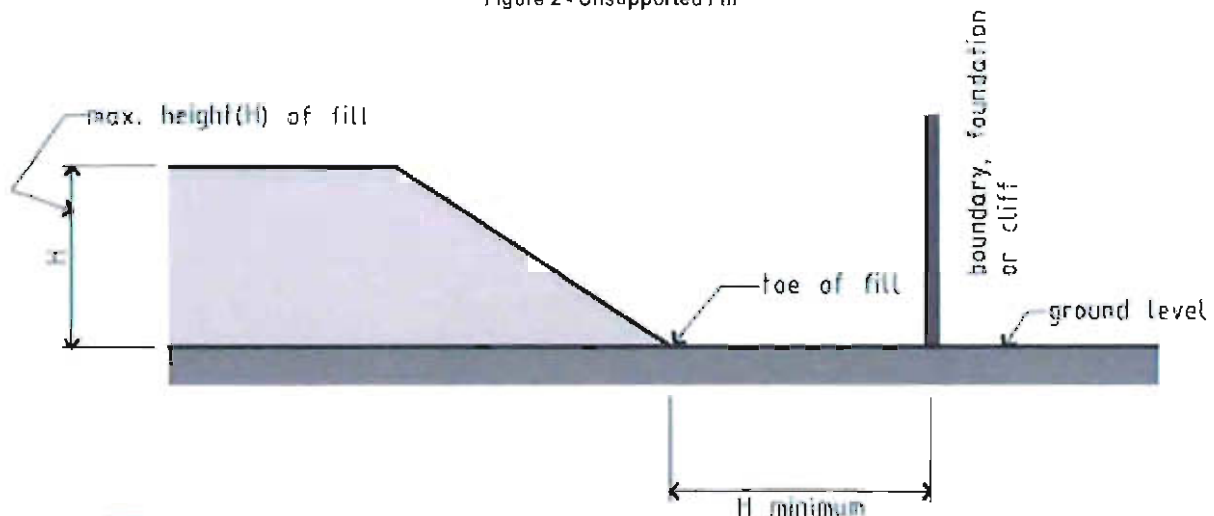


Figure 3 - Unsupported Cut

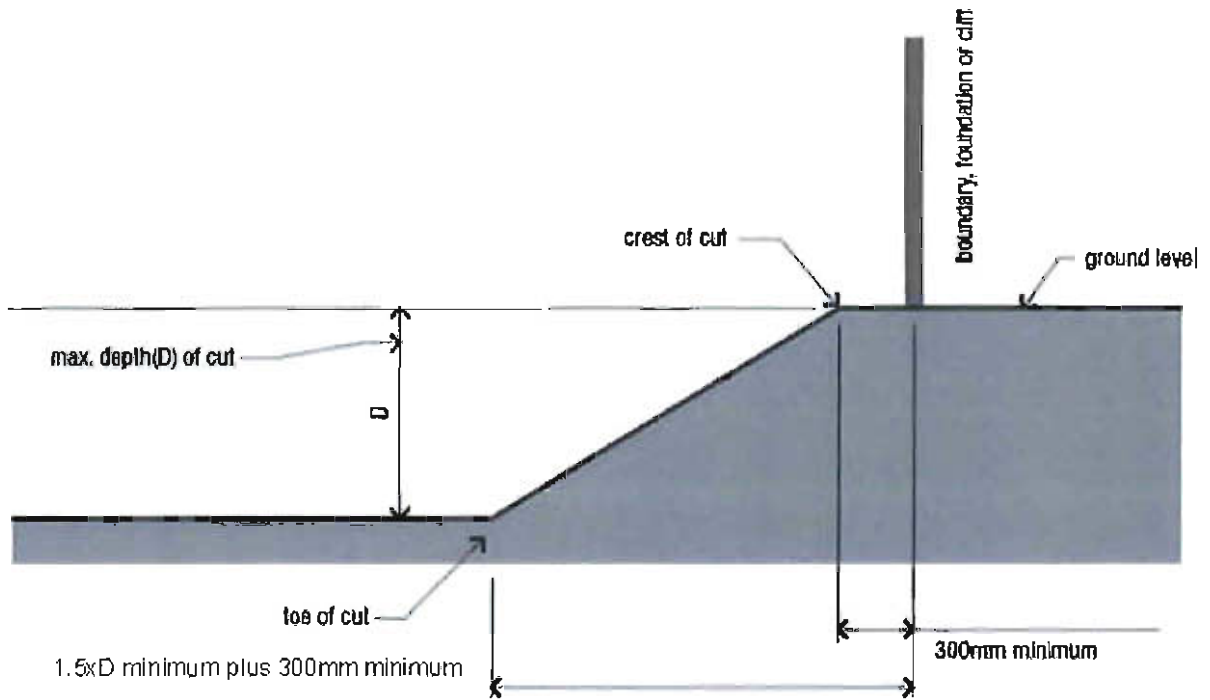


Figure 4 - Fill Supported by Retaining Wall

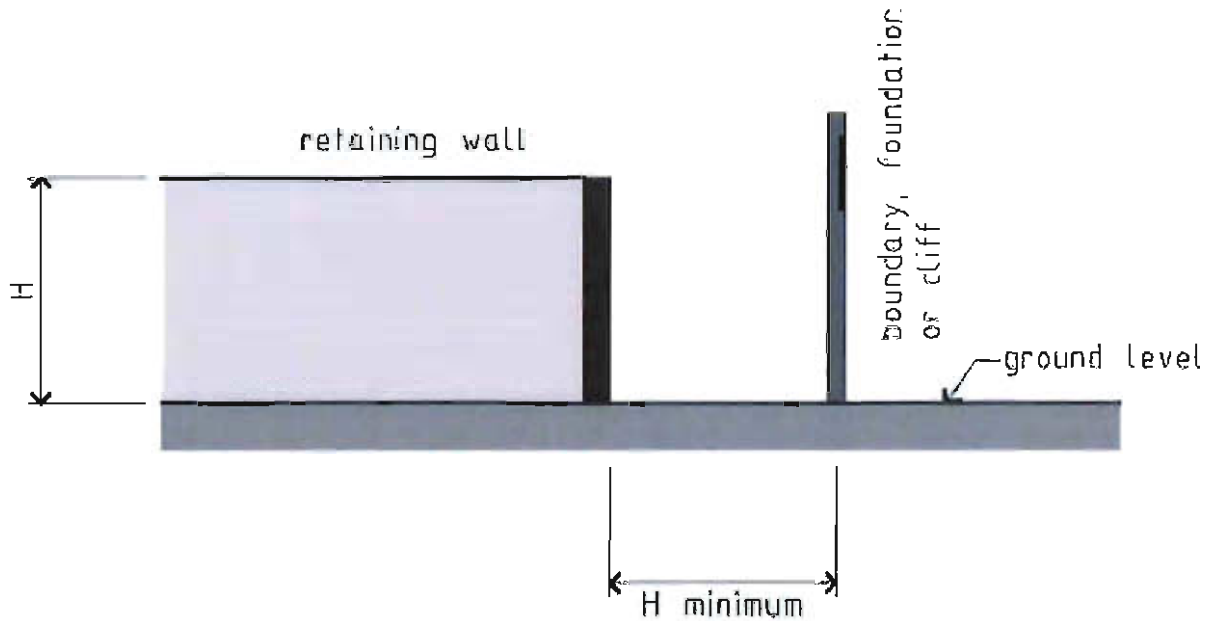
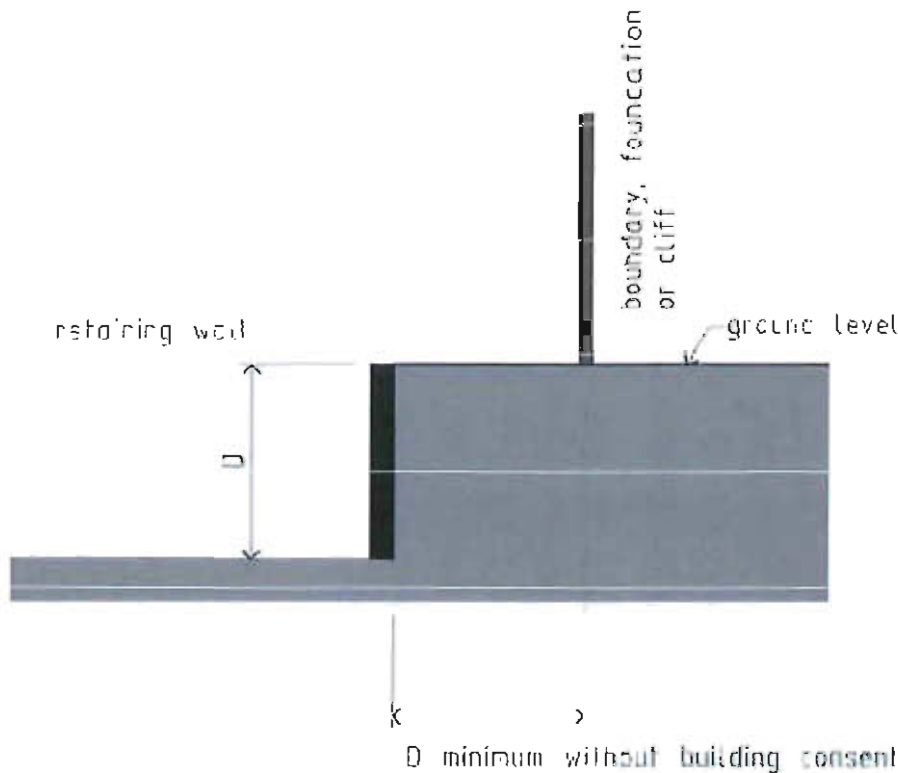


Figure 5 - Cut Supported By Retaining Wall



Electricity or Telecommunication Facility

Electricity or Telecommunication Facility means a building, not otherwise defined in the Plan, but including National Grid facilities, that houses a component(s) of an electrical or telecommunication network. Examples include:

- Substation
- Transformer and switching station
- Phone box
- Telecommunication shelter or cabinet, telecommunication depot/workshop

Emergency Service Training

Emergency Service Training means emergency response training exercises. It includes, but is not limited to, training for first aid, fire fighting, search and rescue, police response. It may include temporary buildings, but none that remain after the training period finishes.

Enhancement

Enhancement means, when referring to an indigenous ecosystem, to improve the physical and functional integrity of an existing Indigenous ecosystem and includes long term management, (e.g. stock exclusion, pest and weed control).

Environment

Environment has the same meaning as in section 2 of the Resource Management Act 1991.

"Environment includes -

- a) Ecosystems and their constituent parts, including people and communities; and
- b) All natural and physical resources; and
- c) Amenity values; and
- d) The social, economic, aesthetic, and cultural conditions which effect the matters stated in paragraphs a) to c) or which are affected by those matters."

Environmental compensation

Environmental compensation means any action (works, services, protection, restoration, enhancement, or restrictive covenants) as compensation for unavoids, unremedied and unmitigated adverse effects of the activity for which consent is being sought, including actions that provide measurable biodiversity outcomes that address residual adverse biodiversity effects arising from project development and which do not meet the thresholds of a biodiversity offset.

Exploration

Exploration refers to 'Mining Terms'.

Farming

Farming means the feeding, raising, breeding, growing, extracting and/or harvesting of animals, plants or fungi, or products from them. Activities and



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buildings accessory to farming that are not otherwise referenced in the Plan are included in this definition.

Farming does not include afforestation, goat farming, or intensive farming. For small-scale farming, refer to dwelling and home business.

Fence

Fence means any linear man-made barrier, whether metal, plastic, concrete or otherwise, that is erected in a yard. It includes a gate and a wall.

Festival, Event

Festival, Event means a temporary gathering of people on a site for organised activities, celebrations and occasions. Examples of a festival, event include:

- Outdoor games, a school or training activity;
- Jamborees; public markets, fairs, concerts, community fundraising activities;
- A club or organisation gathering;
- Weddings, but not regular weddings on the same site (see Commercial Recreation/Event Facility).

It excludes activities that meet other definitions.

Flood Hazard Risk Assessment

refer to 'Natural Hazard Terms'.

Flood Flow Area

Flood Flow Area refer to 'Natural Hazard Terms'.

Flood Hazard Risk Assessment

Flood Hazard Risk Assessment refer to 'Natural Hazard Terms'.

Floodplain Forest

Floodplain Forest - Forest or shrubland that is found, or would have been found, on low-lying alluvial substrates subject to flooding and that has vegetation dominated by at least 80% of indigenous floodplain forest/shrubland species, which are naturally occurring within the Coromandel Ecological Region. These areas are located by identifying suitable underlying flood levels using the TCDC Flood Hazard/Regional Scale Flood Hazard Maps.

Forest

Forest - Woody vegetation in which the cover of trees and shrubs in the canopy is > 80% and in which tree cover exceeds that of shrubs. Trees are woody plants > 10 cm dbh. Tree ferns 3-10 cm dbh are treated as trees.

Forestry Terms

Afforestation means a new tree plantation for wood products on land not previously planted in trees, or a new tree plantation not covered by existing use rights. Afforestation includes all phases of the production cycle, such as planting, stand maintenance, harvesting and mechanical land preparation (wind rowing, mounding slash, etc.), and maintaining infrastructure ancillary to afforestation (roads, tracks, landings, etc.) but excludes associated wood processing activities, for example sawmills and pulp and paper production, except for the operation of mobile sawmill facilities on a site no longer than 3 months in any 12 month period.

Plantation forestry means an existing forest of trees that have been specifically planted and managed for commercial gain by harvesting and re-planting for the production of timber or other wood products. Plantation forestry includes all phases of the production cycle such as re-planting, stand maintenance, harvesting and mechanical land preparation (wind rowing, mounding slash, etc.) and establishing and maintaining infrastructure ancillary to plantation forestry (roads, tracks, landings, etc.), but excludes associated wood processing activities, for example sawmills and pulp and paper production, except for the operation of mobile sawmill facilities on a site no longer than 3 months in any 12 month period.

For the avoidance of doubt, for both 'Afforestation' and 'Plantation Forestry', 'wood products' means end products made of wood, e.g. timber, wood pellets, etc. This does not include other products from trees, such as oil, pollen, nectar for honey, fruit, etc. For this activity, refer to the 'farming' definition. It also does not include removing old trees or sporadic tree removal and using its wood products incidental to the main purpose of the tree, e.g. using a fallen tree for firewood.

For the purposes of the definition of 'Afforestation', 'tree plantation' does not include trees planted for gardening, erosion prevention, ecological restoration, shelter belts, shade/shelter for stock, or to provide firewood for the owners or occupiers of the land.

Formal Recreation

Formal Recreation means a facility specifically designed for an organised sport(s) and/or other organised recreational activity. This does not restrict more casual sports and other recreation activities from using the facility. It may be for profit. Examples of formal recreation include:

- Ball court, Sports field
- BMX/cycle track, skate park
- Observation stand and player and spectator infrastructure.

Front Lot

Front Lot refer to 'Lot Terms'.

Front Yard

Front Yard refer to 'Yard Terms'.

Garage

Garage means a non-habitable building or non-habitable room, principally used for storing vehicles. It includes a carport.

General Commercial

General Commercial means an activity, not otherwise defined in the Plan, where the primary purpose of the activity is the sale of goods and services to the general public.

General Commercial includes but is not limited to:

- Hire centres;
- Offices;
- Personal services, like hairdressing, banking, real estate agents, veterinary clinics;
- Retail outlets/shops.

General Commercial does not include:

- Service station;
- Restaurant;
- Repair of motor vehicles (refer to Industrial).

Gross Floor Area

Gross Floor Area means the sum of all the building floors of the site. It includes mezzanines and balconies. Gross Floor Area does not include:

- Uncovered stairways.
- Floor space in terraces, balconies, decks or porches that are uncovered.

The gross floor area is measured from the outside of exterior wall framing or from the centrelines of walls separating two uses within a building.

Ground Level

Ground Level means the finished level of the ground at the time of the completion of the most recent subdivision of that land, or 26 April 1986, whichever is more recent (26 April 1986 was the notification date of the first District Scheme Review).

The height of the ground level shall be expressed in terms of Auckland Vertical Datum 1946 (AVD1946). Heights taken from retrospective data recorded in terms of an alternative vertical height level datum can be converted to AVD1946 using conversion tables available from the Council.

Habitable Room

Habitable Room has the same meaning as habitable space in [Schedule 1 of the Building Regulations 1992](#).

"Habitable space a space used for activities normally associated with domestic living, but excludes any bathroom, laundry, water-closet, pantry, walk-in wardrobe, corridor, hallway, lobby, clothes-drying room, or other space of a specialised nature occupied neither frequently nor for extended periods."

Hapū

Hapū has the same meaning as in the Waikato Regional Policy Statement.

"Collections of whānau groups living together in close location to one another and who extend from a common ancestor."

Hard Defence

'Hard' Defence refer to 'Natural Hazard Terms'.

Hazardous Facility

Hazardous Facility means a site involving hazardous substances where these substances are used, stored, handled and disposed of, including their transportation only within the site.

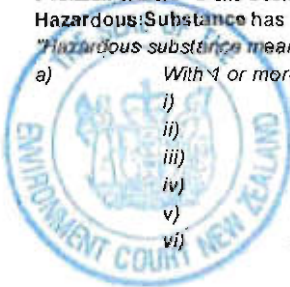
Hazardous facilities do not include the incidental use and storage of hazardous substances in minimal domestic scale quantities, retail outlets for domestic scale use of hazardous substances (i.e. hardware shops, home garden centres), fuel in motor vehicles, boats and small engines, gas and oil pipelines, trade waste sewers and waste treatment and disposal facilities.

Hazardous Substance

Hazardous Substance has the same meaning as in [section 2 of the Hazardous Substances and New Organisms Act 1996](#).

"Hazardous substance means, unless expressly provided otherwise by regulations, any substance -

- a) *With 1 or more of the following intrinsic properties:*
- i) *explosiveness;*
 - ii) *flammability;*
 - iii) *a capacity to oxidise;*
 - iv) *corrosiveness;*
 - v) *toxicity (including chronic toxicity);*
 - vi) *ecotoxicity, with or without bioaccumulation; or*



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- b) Which on contact with air or water (other than air or water where the temperature or pressure has been artificially increased or decreased) generates a substance with any 1 or more of the properties specified in paragraph a)."

Heavy Vehicle

Heavy Vehicle means a vehicle that has a gross vehicle weight exceeding 3.5 tonnes.

Height

Height means the vertical distance between ground level at any point and the highest part of a building (or other object measured) above that point.

Height in relation to boundary (HRB) means height measured from the computer freehold register (certificate of title) boundary or building line restriction, if applicable, at a specific height and extended upwards at a specified angle along the shortest horizontal distance from the boundary to the relevant part of the building for which the height limit is being determined.

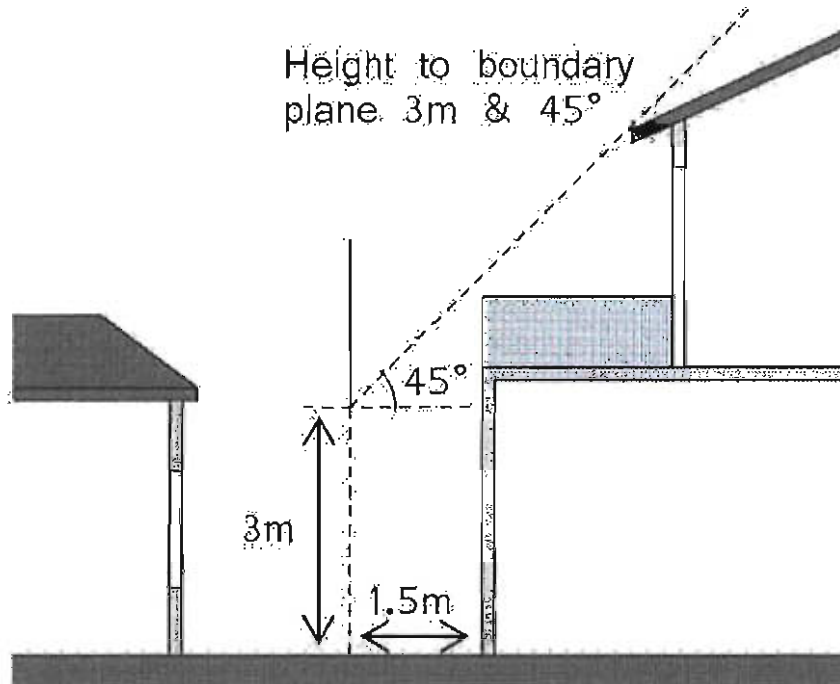


Figure 6 - Example of HRB for a Residential Zone side yard

Height Exclusions: No more than one item is excluded when measuring building height or HRB if it is no greater than 2 m long (maximum horizontal dimension) when measured above the maximum permitted height or HRB, and no higher than 1.5 m above the maximum permitted height or HRB standard in the applicable rule.

The HRB standard does not apply along the boundary of a right-of-way easement, access lot or vehicle access strip nearest the building being assessed for compliance, but does apply along the next (more distant) boundary.

Helipad

Helipad means an identified landing area for helicopter landing, loading and take-off but does not include refuelling, servicing, a hangar, or a freight handling facility. With these facilities, the activity is an Airfield.

High Class Soils

High Class Soils has the same meaning as in the [Waikato Regional Policy Statement](#).

"High class soils - those soils in Land Use Capability Classes I and II (excluding peat soils) and soils in Land Use Capability Class IIIe1 and IIIe5, classified as Allophanic Soils, using the New Zealand Soil Classification."

High Flood Hazard Area

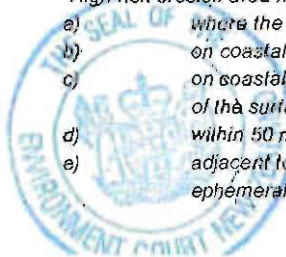
High Flood Hazard Area refer to 'Natural Hazard Terms'.

High Risk Erosion Area

High Risk Erosion Area has the same meaning as in the [Waikato Regional Plan](#).

"High risk erosion area means any part of any activity (where the activity is not otherwise permitted):

- where the pre-existing slope of the land exceeds 25 degrees; or
- on coastal frontal dunes on the East Coast; or
- on coastal sand country on the West Coast (Mokeu to Kariotahi) where loose sands are at the ground surface or within 10 centimetres of the surface; or
- within 50 metres landward of the coastal marine area of an estuary, except in the landward margin of an authorised stopbank; or
- adjacent to water bodies (including ephemeral watercourses draining catchments greater than 100 hectares, but excluding any other ephemeral rivers or streams), where:



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- i) *the land slope is between 0 degrees to 15 degrees – within 10 metres from any lake, wetland or the bed of a river or lake, or*
- ii) *the land slope is greater than 15 degrees – within that distance from the wetland, the bed of a river or lake, or from mean high water springs to the first point at which the slope reduces to 15 degrees or less, or 100 metres (whichever is the lesser, outside the minimum distance described in i))."*

Historic Heritage Terms

Alteration means a change to the fabric or characteristics of a building exterior including (but not limited to) the removal and replacement of walls, windows, or roofs with a different material or a different location. This also applies to internal structures where these are identified in the Historic Heritage Schedule.

Archaeological Site has the same meaning as in [section 6 of the Heritage New Zealand Pouhere Taonga Act 2014](#).

Archaeological site means, subject to section 42(3), -

- a) *any place in New Zealand, including any building or structure (or part of a building or structure), that—*
 - i) *was associated with human activity that occurred before 1900 or is the site of the wreck of any vessel where that wreck occurred before 1900; and*
 - ii) *provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand; and*
- b) *includes a site for which a declaration is made under section 43(1)."*

Demolition means the destruction or removal of 30% or more of the building footprint of a building or structure.

Historic Heritage has the same meaning as in [section 2 of the Resource Management Act 1991](#).

"a) *means those natural and physical resources that contribute to an understanding and appreciation of New Zealand's history and cultures, deriving from any of the following qualities:*

- (i) *archaeological;*
- (ii) *architectural;*
- (iii) *cultural;*
- (iv) *historic;*
- (v) *scientific;*
- (vi) *technological; and*

b) *includes—*

- (i) *historic sites, structures, places, and areas; and*
- (ii) *archaeological sites; and*
- (iii) *sites of significance to Māori, including wāhi tapu; and*
- (iv) *surroundings associated with the natural and physical resources*

Historic Heritage Area means an area shown as an overlay in the Planning Maps containing historic heritage that contributes to an understanding and appreciation of both the District's and New Zealand's history.

Historic Heritage Curtilage means land surrounding and integral to a historic heritage item, including the landscaping and planting area, which is relevant to retaining and interpreting the item's historic heritage significance.

Historic Heritage Item means a building, structure or combination of buildings/structures listed in a historic heritage schedule in the Plan, and includes the historic heritage curtilage.

Land Disturbance means any earthworks that will destroy, modify or damage an archaeological site or site of significance to Māori identified in the Plan. Examples of land disturbance include:

- Forestry tracks, planting and harvesting;
- Development such as building platforms, topsoil stripping, access ways, roads and telecommunication infrastructure;
- Earthworks for stock races or farm tracks, fencing or landscaping.

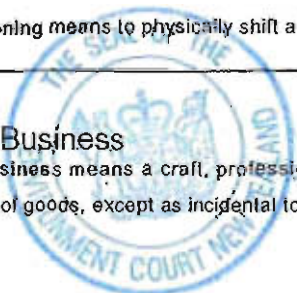
Maintenance and/or Repair means the regular and on-going protective care of an archaeological site or area, or a Site of Significance to Māori to prevent deterioration. It also means the restoration of a historic heritage item (including part of the heritage item) or a building in a historic heritage area to a good or sound condition. It may include painting, plumbing, guttering, water washing, patching, piecing-in, re-piling, splicing and consolidating existing materials. It includes the replacement of minor components; such as individual bricks, cut stone, timber sections, tiles and slates, a fire place, and telecommunication or electricity connections made to the same or similar location on the building. The repair of buildings should use the original or similar material, colour, texture, form, design and strength to the part being replaced.

Removal means to physically shift a building, in whole or in part, from its existing site to another site.

Repositioning means to physically shift a building, in whole or in part, within its own site and includes raising the item.

Home Business

Home Business means a craft, profession or service that is accessory to a dwelling on the same site. Home business does not include on-site purchase of goods, except as incidental to the home business. **(Additional words requested A62)**



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Indigenous Vegetation

Indigenous Vegetation means vegetation that meets the definition of Indigenous in the [Waikato Regional Policy Statement](#).
"Indigenous – in relation to species, native to or occurring naturally in New Zealand as opposed to introduced by humans."

Industrial

Industrial means the manufacturing, processing, assembly, repair, transport, distribution and/or storage of any materials, goods, products, vehicles or industry related equipment. An office accessory to an industrial activity is included in this definition. A home business or mining activity is not an industrial activity. An activity described above that is accessory and incidental to another activity, for example stockpiling of farm materials on a farm, home delivery of goods purchased, is not an Industrial activity.

Industrial Area

Industrial Area means the Industrial Zone, Light Industrial Zone and Marine Service Zone.

Informal Recreation

Informal Recreation means outdoor sport, hunting, play and leisure activities that use outdoor space, public amenities and/or existing privately-owned buildings and structures. It includes plantings, landscaping and ground maintenance. It does not include Formal Recreation (see definition).

Impermeable Surface

Impermeable Surface means any building or surface on the land which effectively creates a physical barrier to water penetration on the surface of any part of the land but excludes paths less than 1 m wide.

Intensive Farming

Intensive Farming means a primary production activity which does not rely on the productive capacity of soil on site and is predominantly carried out in buildings, sheltered enclosures, structures or tanks. Examples of intensive farming may include farming of the following, if they meet this definition:

- Mushrooms;
- Fish/shellfish/aquatic organisms;
- Poultry;
- Pigs;
- Rabbits.

Intensive farming excludes:

- The greenhouse production of plants;
- Pastoral farming where feed and/or fertiliser is brought in to supplement the grazing of pasture.

Internal Access

Internal Access refer to 'Access Terms'.

Iwi

Iwi has the same meaning as in the [Waikato Regional Policy Statement](#).

"A large number of whānau groups or collections of hapū who have common ancestry."

Iwi authority

Iwi authority has the same meaning as in section 2 of the [Resource Management Act 1991](#).

"Iwi authority means the authority which represents an iwi and which is recognised by that iwi as having authority to do so."

Kaitiakitanga

Kaitiakitanga has the same meaning as in [section 2 of the Resource Management Act 1991](#).

"Kaitiakitanga means the exercise of guardianship by the tangata whenua of an area in accordance with tikanga Maori in relation to natural and physical resources; and includes the ethic of stewardship."

Kaupapa Māori

Kaupapa Māori means Māori philosophy, principles or approach, which is applied to a topic, activity or custom.

Kauri Hygiene Zone

Kauri hygiene zone is an area three times the maximum radius of the canopy dripline of New Zealand kauri trees in the area the subject of proposed earthworks.

Kauri Dieback Disease Containment Zone

Kauri dieback disease containment zone is the area identified in an approved Kauri Dieback Disease Risk Management Plan within which all soil and organic material from earthworks within a kauri hygiene zone is contained (unless it is transported off-site to an approved landfill for disposal).

Kitchen

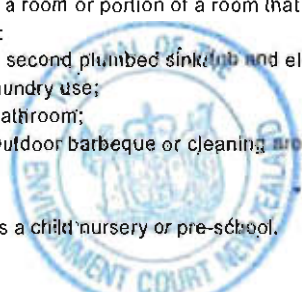
Kitchen means a room or portion of a room that incorporates a plumbed sink/tub, and an electrical outlet.

A kitchen is not:

- A second plumbed sink/tub and electrical outlet, in the same building as the first plumbed sink/tub and electrical outlet, that is for laundry use;
- Bathroom;
- Outdoor barbeque or cleaning area.

Kōhanga

Kōhanga means a child nursery or pre-school.



Kura

Kura means school.

Land Disturbance

Land Disturbance refer to 'Historic Heritage Terms'.

LAeq

LAeq refer to 'Noise Terms'.

LAF max

LAF max refer to 'Noise Terms'.

LC peak

LC peak refer to 'Noise Terms'.

Legal Protection

Legal Protection for the purpose of protecting indigenous biodiversity and subdivision means a covenant in perpetuity with the Council, Queen Elizabeth II National Trust or Nga Whenua Rahui.

Lifeline Utility

Lifeline Utility has the same meaning as in section 4 of the [Civil Defence Emergency Management Act 2002](#).

"Lifeline utility means an entity named or described in Part A of Schedule 1, or that carries on a business described in Part B of Schedule 1."

Limited Access Road

Limited Access Road means any road declared to be a limited access road under the provisions of either the Local Government Act 1974 or the Government Roading Powers Act 1989, including the corresponding provisions of any former enactments.

Living Room

Living Room means a kitchen or dining room or lounge or sunroom or fully enclosed patio/verandah. It does not include a bathroom, basement rumpus room, bedroom, laundry, or other rooms.

Loading Bay

Loading Bay means a space where a vehicle servicing the activity is able to park entirely on the site while it is loaded or unloaded, without impeding the movement of other vehicles on and off-site.

Lot Terms

Balance Lot means the largest part of a lot that remains following subdivision.

Front Lot means a lot with at least one road frontage greater than 10 m. A 'corner lot' and 'through lot' with two road frontages is included in this definition.

Lot means all adjoining allotment(s) (as defined in section 218 of the Resource Management Act - see below) held within one computer freehold register (also known as certificate of title). Where there is a registered cross lease flats plan, each exclusive use area identified on the flats plan constitutes a lot under this Plan. 'Site' has the same meaning.

"2. In this Act, the term allotment means—

- a) any parcel of land under the [Land Transfer Act 1952](#) that is a continuous area and whose boundaries are shown separately on a survey plan, whether or not—
 - i) The subdivision shown on the survey plan has been allowed, or subdivision approval has been granted, under another Act; or
 - ii) A subdivision consent for the subdivision shown on the survey plan has been granted under this Act; or
- b) any parcel of land or building or part of a building that is shown or identified separately -
 - i) On a survey plan; or
 - ii) On a licence within the meaning of Part 7A of the [Land Transfer Act 1952](#); or
- c) any unit on a unit plan; or
- d) any parcel of land not subject to the [Land Transfer Act 1952](#).

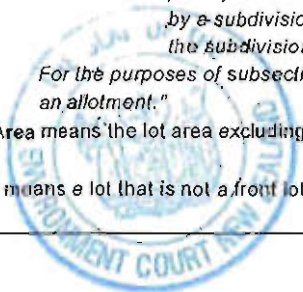
3. For the purposes of subsection 2, an allotment that is -

- a) Subject to the [Land Transfer Act 1952](#) and is comprised in 1 certificate of title or for which 1 certificate of title could be issued under that Act; or
- b) Not subject to that Act and was acquired by its owner under 1 instrument of conveyance - shall be deemed to be a continuous area of land notwithstanding that part of it is physically separated from any other part by a road or in any other manner whatsoever, unless the division of the allotment into such parts has been allowed by a subdivision consent granted under this Act or by a subdivisional approval under any former enactment relating to the subdivision of land.

4. For the purposes of subsection (2), the balance of any land from which any allotment is being or has been subdivided is deemed to be an allotment."

Net Lot Area means the lot area excluding any vehicle access strip or right-of-way easement.

Rear Lot means a lot that is not a front lot.



Low Flood Hazard Area

Low Flood Hazard Area refer to 'Natural Hazard Terms'.

Mana Whenua

Mana Whenua has the same meaning as in [section 2 of the Resource Management Act 1991](#).

"Mana whenua means customary authority exercised by an iwi or hapu in an identified area."

Manoeuvring Area

Manoeuvring Area means a defined area used by vehicles to move from the vehicle crossing place to any parking space or loading bay. It includes all driveways and aisles and may be part of an Internal access or vehicle access strip.

Māori Land

Māori Land means both Māori customary land, Māori freehold land and general land owned by Maori, as described in section 129(2) in [Te Ture Whenua Māori Act 1993](#), where the land is managed under [Te Ture Whenua Māori Act 1993](#) and the Maori Land Court, and cannot be sold outside of the hapū/iwi unit without first being alienated by the Maori Land Court.

(2) For the purposes of this Act,–

- a) land that is held by Māori in accordance with *tikanga Māori* shall have the status of Maori customary land:
- b) land, the beneficial ownership of which has been determined by the Māori Land Court by freehold order, shall have the status of Māori freehold land:
- c) land (other than Māori freehold land) that has been alienated from the Crown for a subsisting estate in fee simple shall, while that estate is beneficially owned by a Māori or by a group of persons of whom a majority are Māori, have the status of General land owned by Māori:"

Marae

Marae means a site set apart for the common use of a Maori community, and includes a complex of buildings that may include a meeting house, dining hall, kitchen, dormitory, camping areas, childcare, home business activities, and other accessory uses.

Maintenance

Maintenance refer to 'Historic Heritage Terms'.

Marine Equipment Storage, Maintenance and Harvesting

Marine Equipment Storage, Maintenance and Harvesting means the storage and maintenance of marine equipment used for operating a marine activity that occurs on land, or in or on the water. It also includes the removal, storage and transport of marine produce and other material from the marine equipment. It does not include further processing of marine produce. Marine equipment includes, but is not limited to: buoys, ropes, racks, nets, cray pots, shellfish dredges.

Mauri

Mauri has the same meaning as in the [Waikato Regional Policy Statement](#).

"The life principle instilled in objects by Atua (supernatural beings). Mauri is also the life principle that gives being and form to all things in the universe."

Mean High Water Springs

Mean High Water Springs has the same meaning as in the Glossary of the [Waikato Regional Plan](#).

"Mean High Water Springs: The place on the shore where spring high tides reach on average over a period of time (often recognised by the upper line of debris on the beach)."

Medium Flood Hazard Area

Medium Flood Hazard Area refer to 'Natural Hazard Terms'.

Mineral

Mineral refer to 'Mining Terms'.

Mineral Processing

Mineral Processing refer to 'Mining Terms'.

Minimum Exclusive Area (MEA)

Minimum Exclusive Area (MEA) means that part of a lot which must be set aside for the exclusive use of the occupants of the dwelling to which it relates, and may include easements for water, wastewater, stormwater, electricity and communications infrastructure.

Where a cross-lease flat plan exists, the respective areas associated with each house are deemed to be MEAs, and all standards apply as if it were an MEA. MEA does not include any right of way, access lot or private way.

Front MEA

Front MEA is an MEA with 10 m of road frontage. Rear MEA is an MEA that is not a Front MEA.



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Mining Terms

Comprehensive Mine Development - an activity that comprises of at least two mining activities with at least one of the activities being mineral extraction (surface mining or underground mining) and for which resource consent is applied for concurrently.

Exploration has the same meaning as in section 2 of the Crown Minerals Act 1991.

"Exploration means any activity undertaken for the purpose of identifying mineral deposits or occurrences and evaluating the feasibility of mining particular deposits or occurrences of 1 or more minerals; and includes any drilling, dredging, or excavations (whether surface or subsurface) that are reasonably necessary to determine the nature and size of a mineral deposit or occurrence; and to explore has a corresponding meaning."

For the avoidance of doubt, exploration includes associated activities as listed in the Plan definition of 'mining'.

Mineral has the same meaning as in section 2 of the Crown Minerals Act 1991.

"Mineral means a naturally occurring inorganic substance beneath or at the surface of the earth, whether or not under water; and includes all metallic minerals, non-metallic minerals, fuel minerals, precious stones, industrial rocks and building stones, and a prescribed substance within the meaning of the Atomic Energy Act 1943."

Mineral Processing means an industrial activity to take, win, extract, treat, process or separate, by means of chemical reactions or other non-earthwork methods, a mineral existing in its natural state in land, or a chemical substance from that mineral, for the purpose of obtaining the mineral or chemical substance. Mineral processing may be integrated with a mining extraction activity on one site, or may be done on a separate site.

Mineral processing may include the following accessory activities, when directly related to mineral processing:

- Construction, maintenance, and operation of any buildings, structures, land improvements, and any machinery and equipment.
- Deposit or discharge of minerals, material, debris, tailings, refuse, or wastewater

Mineral Processing includes associated activities as listed in the Plan definition of 'Mining'.

Mining means to take, win, or extract, by means of earthworks, a mineral existing in its natural state in land but does not include prospecting, exploration, mineral processing or waste rock/tailings storage. To 'mine' has a corresponding meaning. In the Plan, 'mining' is separated into 'surface mining', 'underground mining' and 'quarrying'.

Mining includes, but is not limited to:

- Transportation of soil, rock or minerals to and from the site;
- Removal and replacement of overburden;
- Temporary stacking, deposition or storage of soil, rock, or minerals;
- Construction, maintenance, and operation of any buildings, structures, land improvements, and any machinery and equipment, related to this activity such as drilling rigs and temporary accommodation;
- Earthworks, including tracking;
- Dewatering;
- Vegetation removal.

Prospecting has the same meaning as in section 2 of the Crown Minerals Act 1991.

"Prospecting -

- a) *means any activity undertaken for the purpose of identifying land likely to contain mineral deposits or occurrences; and*
- b) *includes the following activities:*
 - i) *geological, geochemical, and geophysical surveying;*
 - ii) *aerial surveying;*
 - iii) *taking samples by hand or hand held methods;*
 - iv) *taking small samples offshore by low-impact mechanical methods.*

Quarry means the surface excavation, extraction, screening and/or crushing of bulk aggregate rock, sand and stone where no chemical or physical separation of minerals from the aggregate rock and stone occurs. The term also includes ancillary earthworks, removing and deposition of overburden, soil, spoil or other materials, treatment of stormwater and rehabilitation works including clean fill, and associated activities as listed in the Plan definition of 'Mining'. Quarrying has the same meaning and both 'Quarry' and 'Quarrying' exclude instances where all excavated material is used on-site.

Surface Expression in the context of 'underground mining without surface expression'. 'Surface expression' refers to any activity, equipment or thing located on the land surface associated with the relevant underground mining operation, including but not limited to: mine infrastructure or equipment such as vents, portals or machinery associated with the mining activity of any nature, whether temporary or permanent; any shafts, openings or workings associated with the mining activity.

Surface Mining means mining from under or on the land surface utilising open pit, open cast or other recognised surface mining techniques, methods and equipment. It does not include quarrying. It includes associated activities as listed in the Plan definition of 'Mining'.

Underground Mining means mining that occurs underground, utilising shafts, adits, tunnelling and other recognised underground mining techniques, methods and equipment, and also includes:

- Surface disturbance associated with underground mining;
- Backfilling of the void with waste rock and aggregate;
- Emergency exits and ventilation shafts;
- Temporary stockpiles of material to be used as road base, backfill or ore pads;
- Water treatment facilities.

It also includes associated activities as listed in the Plan definition of 'Mining'.

Waste Rock/Tailings Storage means the long-term above-ground collection and storage of waste rock/material and/or tailings resulting from the physical and/or chemical mineral extraction process. It also includes associated activities as listed in the Plan definition of 'Mining'.



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Minor Unit

Minor Unit means a separate building or part of a building that:

- is accessory to a dwelling on the same site; and
- has only one kitchen and one bathroom, and at least one habitable room; and
- has a gross floor area (excluding a garage) no greater than 60 m² if it is Lifemark™ Design certified or has another certification that it is functional for elderly and disabled residents; otherwise its gross floor area (excluding a garage) is no greater than 50 m²; and
- There is only one minor unit on a site. Any subsequent buildings that meets the above criteria is a dwelling.

Minor Upgrading of an Electricity or Telecommunication Line

Minor Upgrading of an Electricity or Telecommunication Line means an increase in the carrying capacity, efficiency or security of an electrical or telecommunication operation that uses the existing support structures, or structures with a similar scale, character, bulk and form. It includes maintenance, limited upgrading and replacement.

Examples of minor upgrading include:

- The addition of circuits, wires, lines or conductors;
 - The re-conducting of the line with higher capacity wires, lines or conductors;
 - The re-sagging of wires, lines or conductors;
 - The bonding of conductors;
 - The addition of longer or more efficient insulators;
 - The addition of earth wires which may contain telecommunication lines, earthpeaks and lightning rods;
 - The addition of electrical fittings;
 - The replacement of support structures using the same dimensions, or dimensions that are no more than 50% wider and 1 m higher, and are located within the existing alignment of the line or within 5m of the existing support structures being replaced;
 - The replacement of existing cross arms with cross arms of an alternative design;
- An increase in support structure height required to comply with the [New Zealand Electrical Code of Practice 34:2001 \(NZECP 34:2001\)](#).

Minor upgrading does not include:

- Additional support structures that meet the definition of a 'Building' in this Plan;
- Increasing the voltage of an electricity line above a maximum of 33 kV unless the line has been constructed to operate over 33 kV but has been operating at a voltage lower than that;

Multi-modal Transport

Multi-modal Transport means a transport system that contains and supports various modes (e.g. walking, cycling, private automobile, public transport) and connections among modes, so each mode fulfills its optimal role in the overall transport system.

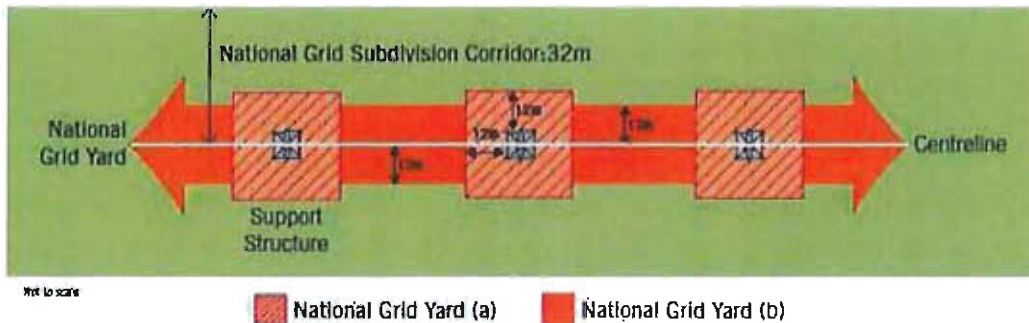


National Grid

National Grid means the assets owned or operated by Transpower New Zealand Limited.

National Grid Yard means:

- a) the area located 12 metres in any direction from the outer edge of a National Grid Support Structure; and
- b) the area located 12 metres either side of the centreline of any overhead National Grid Transmission Line.



National Grid Subdivision Corridor means the area which is within 32 metres either side of the centreline of any overhead National Grid Transmission Line.

Transmission Line in relation to the National Grid has the same meaning as the definition in the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (NESETA).

National Grid Support Structure means a tower or pole that supports conductors as part of a Transmission Line and includes the hardware associated with the structure (such as insulators, cross-arms, and guy-wires) and the structure's foundations.

National Grid Sensitive Activity includes schools, residential buildings and hospitals.

Natural Hazard Terms

Defended Area means land that is within an identified flood hazard area but is protected from a design river flood event by a flood defence that is managed by the Waikato Regional Council. A Defended Area is not, by itself, a flood defence, although there may be flood defences within this Defended Area.

Flood Flow Area means an area that is not part of a river floodway but could be flooded with flowing water, possibly from ephemeral flowpaths in the hills. If these floodwaters struck a building, the water flow could force waves up the side of the building.

Flood Hazard Risk Assessment means an assessment carried out by a suitably qualified expert of the potential flood hazard risk in relation to a proposed development on a particular site. The assessment may cover, but is not limited to: on and off-site effects, displacement or diversion of water, the efficiency and appropriateness of any proposed mitigation measures.

'Hard' Defence means controlled disruption of natural processes by using solid man-made structures to reduce erosion, flood peaks and/or achieve the stabilisation of shorelines and riparian areas. Examples include: groynes, concrete sea walls, rock revetments, river stopbanks. This can be a coastal defence, flood defence or other natural hazard defence.

High Flood Hazard Area means an area where flood waters have the potential to impede a person's ability to rescue themselves or others. When the flow depth exceeds 1 m (i.e. adult waist depth), a person's ability to navigate through water flow (both on foot and using a vehicle) is restricted, therefore impeding the rescue of themselves and others. Structural damage is likely when the flow speed exceeds 2 m/s. See flood hazard classification diagram below.

Low Flood Hazard Area means an area where the flood waters allow an able-bodied person to manoeuvre through water flow. Light vehicles (cars and motorbikes) may be restricted by flow depth. Buildings may sustain superficial damage. See flood hazard classification diagram below.

Medium Flood Hazard Area means an area where flood waters have the potential to cause a person to become unstable and unable to manoeuvre. Only heavy vehicles or specialist 4 wheel-drive vehicles are likely to be able to navigate through the water. Buildings with structurally weak points, such as doors and windows, are likely to be damaged when the flow speed exceeds 1 m/s. See flood hazard classification diagram below.

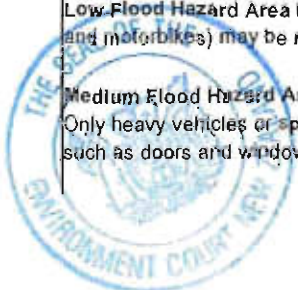
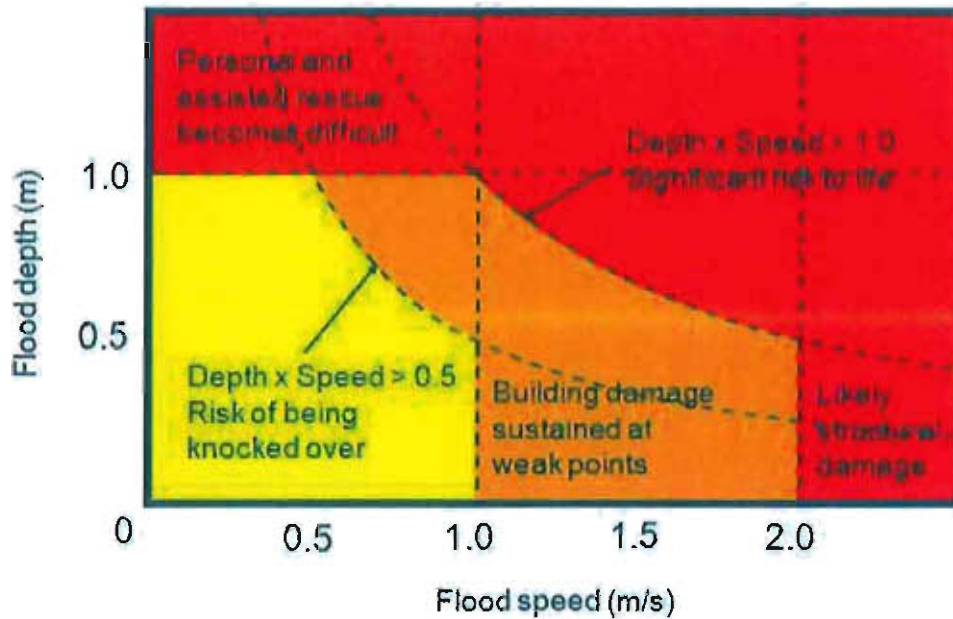


Figure 7 - Flood hazard classification

Flood hazard classification



Natural Hazard has the same meaning as in section 2 of the [Resource Management Act 1991](#).

"Natural hazard means any atmospheric or earth or water related occurrence (including earthquake, tsunami, erosion, volcanic and geothermal activity, landslip, subsidence, sedimentation, wind, drought, fire, or flooding) the action of which adversely affects or may adversely affect human life, property, or other aspects of the environment."

Natural Hazard Defence means a 'soft' or 'hard' defence with a primary purpose to avoid or mitigate a natural hazard risk to an area. Flood defences, coastal defences, and coastal erosion defences are all forms of natural hazard defences that defend against a particular natural hazard or group of natural hazards. Examples include, but are not limited to: culvert, detention dam, floodgate, floodwall, pump station, river training groyne, spillway, stopbank, artificial channels, weir, rock rip-rap, bridge, earth stabilisation planting, wetland, dune restoration, geotextile wall.

Ponding Area means an area where the combined depth and speed of floodwaters in the design river flood event is unlikely to impede the manoeuvrability or stability of the average person. Damage to property is likely to be mainly due to inundation and deposition of sediment.

Residual Risk has the same meaning as in the [Waikato Regional Policy Statement](#).

"Residual risk—the risk associated with existing natural hazard structural defences such as stopbanks and seawalls, including the risk of failure of a defence or of a greater than design event occurring."

Residual Risk Area has the same meaning as 'Residual Risk Zone' in the [Waikato Regional Policy Statement](#).

"Residual risk zone—an area subject to residual risk—that is the area that would be at risk from a natural hazard event but for a structural defence."

'Soft' Defence means the use of ecological principles and natural character processes to reduce erosion, flood peaks and/or achieve the stabilisation of shorelines and riparian areas, while enhancing habitat and improving aesthetics. A 'soft' defence may include 'hard' components as long as they harness natural character processes, (e.g. an inter-tidal reef, or geotextile bags filled with natural material and buried under dunes). Other examples of 'soft' defence: re-contoured and planted sand dunes, wetlands for stormwater retention. This can be a coastal defence, flood defence or other natural hazard defence.

Stormwater Flow Area means an area that is not part of a river floodway but could be flooded with flowing water. This water is likely to be less than 0.5 m high and may be exacerbated by an overflowing stormwater network.

Net Lot Area

Net Lot Area refers to 'Lot Terms'.

Network Utilities

Network Utilities means infrastructure for supplying the following services to multiple users: road, rail and airfield, electricity, water, sewerage and stormwater reticulation, telecommunications, and hydrocarbons.



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Network Utility Operator

Network Utility Operator has the same meaning as in [section 166 of the Resource Management Act 1991](#).

"Network utility operator means a person who—

- a) Undertakes or proposes to undertake the distribution or transmission by pipeline of natural or manufactured gas, petroleum, biofuel, or geothermal energy; or
- b) Operates or proposes to operate a network for the purpose of—
 - i) telecommunication as defined in section 5 of the [Telecommunications Act 2001](#); or
 - ii) radiocommunication as defined in section 2(1) of the [Radiocommunications Act 1989](#); or
- c) Is an electricity operator or electricity distributor as defined in section 2 of the [Electricity Act 1992](#) for the purpose of line function services as defined in that section; or
- d) Undertakes or proposes to undertake the distribution of water for supply (including irrigation); or
- e) Undertakes or proposes to undertake a drainage or sewerage system; or
- f) Constructs, operates, or proposes to construct or operate, a road or railway line; or
- g) Is an airport authority as defined by the [Airport Authorities Act 1966](#) for the purposes of operating an airport as defined by that Act; or
- h) Is a provider of any approach control service within the meaning of the [Civil Aviation Act 1990](#); or
- i) Undertakes or proposes to undertake a project or work prescribed as a network utility operation for the purposes of this definition by regulations made under this Act. -

and the words network utility operation have a corresponding meaning."

Noise Terms

L_{Aeq} means a level that is the energy-averaged sound level or constant level that is equivalent to all of the sound energy experienced during the measurement period (the measurement period, if specified, is given in parentheses).

LAF max means the maximum audible sound level during the period of measurement (the measurement period, if specified, is given in parentheses).

LC peak means the maximum sound level, including audible and inaudible (air pressure changes) sounds, during the period of measurement (the measurement period, if specified, is given in parentheses).

Noise Sensitive Activity encompasses: dwelling, minor unit, building designed for large gatherings of people, education and childcare facility, hospital, health clinic, residential care facility, commercial office, visitor accommodation. **(A62)**

Notional Boundary

Notional Boundary means, when referring to a dwelling, or building used for temporary or permanent accommodation, the closer of 1) or 2) to that dwelling or building:

- 1) A line 20 m from and parallel to the exterior wall of the dwelling or building used for temporary or permanent accommodation; or
- 2) The lot boundary.

Other water, wastewater, stormwater infrastructure

Other water, wastewater, stormwater infrastructure means water, wastewater or stormwater infrastructure that is not provided for separately in the Plan. For the avoidance of doubt the following activities are not included: refuse transfer station, recycling operation, sanitary landfill, wastewater treatment plant, treated waste disposal site (including composting), water treatment plant, and reservoir.

Side/Rear Yard

Side/Rear Yard refer to 'Yard Terms'.

Outdoor Space

Outdoor Space means an area of private open space with no buildings on it. It is dedicated to the residents of a dwelling, or possibly more than one dwelling if a comprehensive development, for their exclusive use. It is not used for vehicle parking, access or manoeuvring. It is located completely within the same lot as the dwelling.

Papakāinga

Papakāinga has the same meaning as in the [Waikato Regional Policy Statement](#).

"The idea of a homestead, an area or local vicinity that holds close kinship ties. Often used to describe housing in association with a marae or pa, or otherwise on Māori land."

The Plan

The Plan means the Thames-Coromandel District Plan.

Plantation Forestry

Plantation Forestry refer to 'Forestry Terms'

Ponding Area

Ponding Area refer to 'Natural Hazard Terms'.



Potable Water

Potable Water has the same meaning as potable in section 69G of the Health Act 1956.

"Potable, in relation to drinking water, means water that does not contain or exhibit any determinants to any extent that exceeds the maximum acceptable values (other than aesthetic guideline values) specified in the drinking-water standards."

Primary Production

Primary Production means extraction or production of raw materials for the economy. This includes agriculture, forestry, fishing and quarrying.

Privacy Buffer

Privacy Buffer means a straight-line, unobstructed distance between opposing dwellings, as measured between the main living room window of each dwelling, where within that distance there can be no direct line of sight between the windows. This can be avoided by moving the windows further apart or erecting a permanent visual barrier between them.

Private Way

Private Way refer to 'Access Terms'.

Produce Stall

Produce Stall means any land, building or part of a building that is used for the sale and display (including advertising) of primary produce, or crafts produced by a home business, produced on the same site as the stall.

Prospecting

Prospecting refer to 'Mining Terms'.

Public Amenity

Public Amenity means a small structure, building or activity that enhances the use and enjoyment of public areas. It includes, but is not limited to:

- Junior and youth playground equipment;
- Park seat, picnic table, shade sail, rubbish bin;
- Toilet, changing room, showers;
- Pest management, planting/maintenance.

Quarry

Quarry refer to 'Mining Terms'.

Rear Lot

Rear Lot refer to 'Lot Terms'.

Recreation Area

Recreation Area means the Conservation Zone, Recreation Active Zone and Recreation Passive Zone.

Regionally Significant Infrastructure

Regionally Significant Infrastructure has the same meaning as in the [Waikato Regional Policy Statement](#) (a) to (h) only.

"Regionally significant infrastructure - includes:

- a) *pipelines for the distribution or transmission of natural or manufactured gas or petroleum;*
- b) *infrastructure required to permit telecommunication as defined in the Telecommunications Act 2001;*
- c) *radio apparatus as defined in section 2(1) of the Radio Communications Act 1989;*
- d) *the national electricity grid, as defined by the Electricity Industry Act 2010;*
- dd) *a network (as defined in the Electricity Industry Act 2010);*
- e) *infrastructure for the generation and/or conveyance of electricity that is fed into the national grid or a network (as defined in the Electricity Industry Act 2010);*
- f) *significant transport corridors as defined in Map 6.1 and 6.1A;*
- g) *lifeline utilities, as defined in the Civil Defence and Emergency Management Act 2002, and their associated essential infrastructure and services;*
- ga) *municipal wastewater treatment plants, water supply treatment plants and bulk water supply, wastewater conveyance and storage systems, municipal supply dams (including Mangatangi and Mangatawhiri water supply dams) and ancillary infrastructure;*
- h) *flood and drainage infrastructure managed by Waikato Regional Council;*

Removal

Removal refer to 'Historic Heritage Terms'.

Repair

Repair refer to 'Historic Heritage Terms'.

Repositioning

Repositioning refer to 'Historic Heritage Terms'.

Requiring Authority

Requiring Authority has the same meaning as in [section 166 of the Resource Management Act 1991](#) -

- "Requiring authority means -*
- a) *A Minister of the Crown; or*



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- b) A local authority; or
c) A network utility operator approved as a requiring authority under Section 167."

Residential

Residential means the use of a dwelling or a building accessory to a dwelling for any domestic or related purpose, but excludes visitor accommodation.

Residential Area

Residential Area means the Coastal Living Zone, Extra Density Residential Zone, Low Density Residential Zone, Residential Zone, Village Zone and Waterfront Zone.

Residential Care Facility

Residential Care Facility means a site where more than six people or more than one family stay for one or more nights for a tariff and who are given personal care by at least one non-family-related care or service provider who may or may not live on-site.

Residual Risk

Residual Risk (excluding residual risk relating to natural hazards which is defined separately - refer to 'Natural Hazard Terms') means the level of risk that remains after risk avoidance or mitigation measures have been implemented.

Residual Risk Area

Residual Risk Area - refer to 'Natural Hazard Terms'.

Restaurant

Restaurant means a site where the sale of ready-to-eat food and drink is the principal activity on-site. This includes 'take-away' and 'drive-through' food outlets. (A62)

Restoration

Restoration means, when referring to an indigenous ecosystem, to re-create a fully-functional healthy indigenous ecosystem, either where it may have existed in the past, or in a remnant patch of indigenous vegetation that is degraded and not functioning as an indigenous ecosystem. It includes long term management (e.g. stock exclusion, pest and weed control and legal protection).

Reverse Sensitivity

Reverse Sensitivity means the vulnerability of a lawfully established activity to complaint, constraint or curtailment from new, altered or intensified subdivision, use or development. It arises when a lawfully established activity causes potential, actual or perceived adverse environmental effects on the new/altered/intensified activity, to the point where the new activity may seek to restrict the operation, require mitigation of effects, or otherwise constrain the established activity.

Riparian Margin

Riparian Margin has the same meaning as riparian areas in the [Waikato Regional Policy Statement](#).

"Riparian areas – the strip of land adjacent to a water body and which contributes, or may contribute, to the maintenance and enhancement of the natural functioning, quality and character of the water body."

Right-Of-Way Easement

Right-Of-Way Easement refer to 'Access Terms'.

RMA

RMA means the [Resource Management Act 1991](#), and includes all amendments to it.

Road

Road refer to 'Access Terms'.

Rūnanga

Rūnanga means council.

Rural Area

Rural Area means the Rural Lifestyle Zone and Rural Zone.

Sanitary Landfill

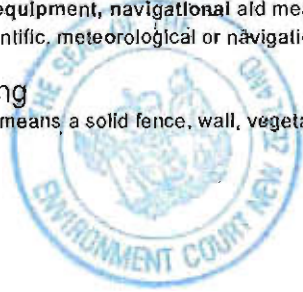
Sanitary Landfill means a solid waste facility, at which solid waste is deposited on or into the land as fill for the purpose of permanent disposal or storage for a period of time exceeding six months. This includes special treatment and disposal of hazardous waste.

Scientific equipment, navigational aid

Scientific equipment, navigational aid means a structure(s) or building(s) to mark locations, provide warnings, collect and transmit data, or serve similar scientific, meteorological or navigational purposes. This may include telecommunication and electrical connections.

Screening

Screening means a solid fence, wall, vegetation or earth berm used to shield from view a building, structure, rubbish, or pile of materials.



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Scrub

Scrub - Woody vegetation in which the cover of shrubs and trees in the canopy is > 80% and in which shrub cover exceeds that of trees. Shrubs are woody plants < 10 cm dbh.

Sensitive activities

Sensitive activities has the same meaning as in the [Waikato Regional Policy Statement](#).

"Sensitive activities – activities that are affected by the adverse effects typically associated with some lawful activities, for example, dust, spray or noise from a quarry/port facility or rural production activity, noise in an entertainment precinct or smells from a sewage treatment facility."

(Additions requested A62)

Within the National Grid Buffer Overlay, this "includes schools, residential buildings and hospitals as per the National Policy Statement for Electricity Transmission."

Service Station

Service Station means a site where the primary activity is the sale of motor fuels (excluding for marine vehicles - see 'Industrial'). A service station's accessory activities, if any, must be one or more of the following:

- Sale of hydrocarbon products and other accessory vehicle inputs, such as fuel additives and antifreeze;
- Sale of parts and accessories for motor vehicles;
- Maintenance and servicing of motor vehicles;
- The sale of convenience items including food;
- Ablution facilities;
- Car wash facilities.

Shape Circle

Shape Circle means a circle that can be drawn completely within a proposed lot without overlapping a lot boundary, any private way covered by a right-of-way easement, or building line restriction.

Shrubland

Shrubland - Vegetation in which the cover of Indigenous shrubs in the canopy is 20-80% and in which the shrub cover exceeds that of any other growth form or bare ground.

Sign

Sign means any symbol, display or device intended to attract attention which is visible from outside the site. It includes those affixed to, painted on or incorporated within the design of a structure or building. It also includes any structure erected specifically to support or enhance the sign.

Significant Indigenous Vegetation and Significant Habitat of Indigenous Fauna

Significant Indigenous Vegetation and Significant Habitat of Indigenous Fauna has the same meaning as in the [Waikato Regional Policy Statement](#).

"Any area that meets one or more of the criteria in Section 11A."

Previously assessed site

1. It is indigenous vegetation or habitat for indigenous fauna that is currently, or is recommended to be, set aside by statute or covenant or by the Nature Heritage Fund, or Nga Whenua Rahui committees, or the Queen Elizabeth the Second National Trust Board of Directors, specifically for the protection of biodiversity, and meets at least one of criteria 3-11.

Ecological values

2. In the Coastal Marine Area, it is indigenous vegetation or habitat for indigenous fauna that has reduced in extent or degraded due to historic or present anthropogenic activity to a level where the ecological sustainability of the ecosystem is threatened.
3. It is vegetation or habitat that is currently habitat for indigenous species or associations of Indigenous species that are:
 - classed as threatened or at risk, or
 - endemic to the Waikato region, or
 - at the limit of their natural range.
4. It is indigenous vegetation, habitat or ecosystem type that is under-represented (20% or less of its known or likely original extent remaining) in an Ecological District, or Ecological Region, or nationally.
5. It is indigenous vegetation or habitat that is, and prior to human settlement was, nationally uncommon such as geothermal, chenier plain, or karst ecosystems, hydrothermal vents or cold seeps.
6. It is wetland habitat for indigenous plant communities and/or indigenous fauna communities (excluding exotic rush/pasture communities) that has not been created and subsequently maintained for or in connection with:
 - waste treatment;
 - wastewater renovation;
 - hydro electric power lakes (excluding Lake Taupō);
 - water storage for irrigation; or



- water supply storage;
unless in those instances they meet the criteria in Whaley et al. (1995).
7. It is an area of indigenous vegetation or naturally occurring habitat that is large relative to other examples in the Waikato region of similar habitat types, and which contains all or almost all indigenous species typical of that habitat type. Note this criterion is not intended to select the largest example only in the Waikato region of any habitat type.
 8. It is aquatic habitat (excluding artificial water bodies, except for those created for the maintenance and enhancement of biodiversity or as mitigation as part of a consented activity) that is within a stream, river, lake, groundwater system, wetland, intertidal mudflat or estuary, or any other part of the coastal marine area and their margins, that is critical to the self-sustainability of an indigenous species within a catchment of the Waikato region, or within the coastal marine area. In this context "critical" means essential for a specific component of the life cycle and includes breeding and spawning grounds, juvenile nursery areas, important feeding areas and migratory and dispersal pathways of an indigenous species. This includes areas that maintain connectivity between habitats.
 9. It is an area of indigenous vegetation or habitat that is a healthy and representative example of its type because:
 - its structure, composition, and ecological processes are largely intact; and
 - if protected from the adverse effects of plant and animal pests and of adjacent land and water use (e.g. stock, discharges, erosion, sediment disturbance), can maintain its ecological sustainability over time.
 10. It is an area of indigenous vegetation or habitat that forms part of an ecological sequence, that is either not common in the Waikato region or an ecological district, or is an exceptional, representative example of its type.
- Role in protecting ecologically significant area**
11. It is an area of indigenous vegetation or habitat for indigenous species (which habitat is either naturally occurring or has been established as a mitigation measure) that forms, either on its own or in combination with other similar areas, an ecological buffer, linkage or corridor and which is necessary to protect any site identified as significant under criteria 1-10 from external adverse effects."

Site

Site refer to definition of 'Lot'. (A31)

Site Coverage

Site Coverage means the portion of the net site area expressed as a percentage that is covered by all buildings, including exterior wall cladding, but excluding any water tank and its supporting infrastructure, and any eave, balcony, verandah, fence or retaining wall that is no greater than 0.6 m wide. Site coverage includes any portion of eave, balcony, verandah, fence or retaining wall that is greater than 0.6 m wide (also see 'building' definition).

Site Development Plan

Site Development Plan means a plan that contains a purpose, rules, one or more spatial diagrams or plans, and other information that guides the specific development of a site. It supersedes overlay rules, zone rules and district-wide rules.

'Soft' Defence

'Soft' Defence refer to 'Natural Hazard Terms'.

Solar Panel

Solar Panel means an array of components forming a panel that uses the sun's energy to generate heat or electricity.

Solid Fence

Solid Fence means a fence or section of a fence where less than 40 % is transparent over any 1 m² square section of fence (e.g. wood batten fence, garden hedge, stone or brick wall, cement blocks, trellis with plants on it).

Stabilised

Stabilised means (when referring to earthworks) covering all exposed soil with vegetative and/or structural measures, such as pavement, gravel, hydro-seeding with a 90% strike rate, re-vegetation or mulching.

Stormwater Flow Area

Stormwater Flow Area refer to 'Natural Hazard Terms'.

Street Utility

Street Utility means small structures to enhance a road's function and amenity for road users. It includes, but is not limited to:

- Road signs;
- Parking meters;
- Traffic lights;
- Lamp posts;
- Bus stops (not a depot).

Structure

Structure means something built, constructed or installed by people. It excludes vegetation, earthworks, and minor gardening structures that can be easily removed by hand.



Structure Plan

Structure Plan means a guide to the development or redevelopment of a large area of land by defining the future development and land use patterns, areas of open space, the layout and nature of infrastructure (including transportation links), and other key features for managing the effects of development of this area.

Subdivision

Subdivision has the same meaning as subdivision of land in [section 218 of the Resource Management Act 1991](#).

- 1) *In this Act, the term subdivision of land means—*
- (a) *the division of an allotment—*
 - (i) *by an application to the Registrar-General of Land for the issue of a separate certificate of title for any part of the allotment; or*
 - (ii) *by the disposition by way of sale or offer for sale of the fee simple to part of the allotment; or*
 - (iii) *by a lease of part of the allotment which, including renewals, is or could be for a term of more than 35 years; or*
 - (iv) *by the grant of a company lease or cross lease in respect of any part of the allotment; or*
 - (v) *by the deposit of a unit plan, or an application to the Registrar-General of Land for the issue of a separate certificate of title for any part of a unit on a unit plan; or*
 - (b) *an application to the Registrar-General of Land for the issue of a separate certificate of title in circumstances where the issue of that certificate of title is prohibited by section 226,—*

and the term subdivide land has a corresponding meaning."

Surface Mining

Surface Mining refer to 'Mining Terms'.

Tangata Whenua

Tangata Whenua has the same meaning as in [section 2 of the Resource Management Act 1991](#).

"Tangata whenua, in relation to a particular area, means the iwi, or hapu, that holds mana whenua over that area."

Taonga

Taonga has the same meaning as in the [Waikato Regional Policy Statement](#).

"Treasures, or valuable items. Taonga is a broad concept and includes physical and metaphysical assets such as te reo and intellectual property and the traditional knowledge and use of these, social organisations and the arts."

Temporary Living Place

Temporary Living Place means where people stay for one or more nights in:

- A tent without a foundation, and/or;
- A vehicle that can be driven or towed to a different location;

used for sleeping, without a tariff paid. No building is included in this activity. The term 'temporary' in this definition refers to the form of accommodation, not necessarily the duration of time on the site.

Tikanga Māori

Tikanga Māori has the same meaning as in [section 2 of the Resource Management Act 1991](#).

"Tikanga Māori means Māori customary values and practices."

Title

Title means part of a lot, a lot or one or more lots constituting a complete Computer Freehold Register, also known as a Certificate of Title.

Treaty settlement land

Treaty settlement land means land that has been returned by the Crown or a Crown entity to mana whenua of the district by a vesting of fee simple title through Treaty settlement processes.

Underground Mining

Underground Mining refer to 'Mining Terms'.

Urupā

Urupā has the same meaning as in the [Waikato Regional Policy Statement](#).

"Burial ground or cemetery."

Vehicle Access Strip

Vehicle Access Strip refer to 'Access Terms'.

Vehicle Crossing

Vehicle Crossing refer to 'Access Terms'.

Visitor Accommodation

Visitor Accommodation means where a person stays in a building for one or more nights but for less than 50 days per calendar year for a tariff. If the



stay is for more than 50 days per calendar year, refer to residential activities in the applicable zone's Activity Table.

Wāhi tapu

Wāhi tapu has the same meaning as in section 6 of the [Heritage New Zealand Pouhere Taonga Act 2014](#).

"Wāhi tapu means a place sacred to Māori in the traditional, spiritual, religious, ritual, or mythological sense."

Waste Rock/Tailings Storage

Waste Rock/Tailings Storage refer to 'Mining Terms'.

Water Body

Water Body has the same meaning as in [section 2 of the Resource Management Act 1991](#).

"Water body means fresh water or geothermal water in a river, lake, stream, pond, wetland, or aquifer, or any part thereof, that is not located within the coastal marine area."

Wetland

Wetland has the same meaning as in [section 2 of the Resource Management Act 1991](#).

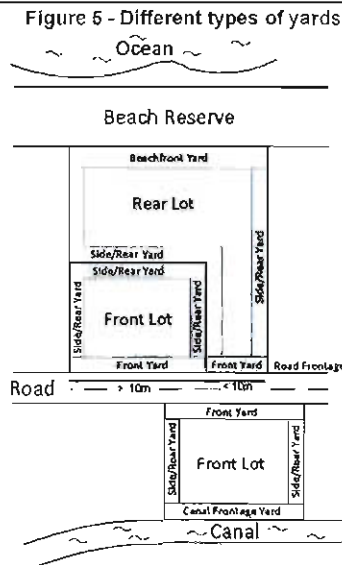
"Wetland includes permanently or intermittently wet areas, shallow water, and land water margins that support a natural ecosystem of plants and animals that are adapted to wet conditions."

Whanau

Whanau has the same meaning as in the [Waikato Regional Plan](#).

"Family, extended family grouping."

Yard Terms



Area Yard means a yard that extends away from the specific Area (e.g. Industrial Area) mentioned.

Beachfront Yard means a yard fronting the Beachfront Yard line in the Planning Maps.

Canal Frontage Yard means a yard fronting a man-made canal. This yard also forbids structures higher than 0.5 m above ground level; except for a non-solid fence enclosing a swimming pool or deck that is no higher than the minimum legal requirement.

Front Yard means a yard fronting a formed road or state highway, but not a service lane.

Pauanui Airfield Amenity Yard means a 12m yard applying to properties having a contiguous boundary with the northern side of the Pauanui Airfield, between Pauanui Boulevard and Sheppard Avenue.

Side/Rear Yard means a yard that applies on a boundary where no other yard applies.

Yard means a space between a boundary and a line parallel to the boundary that is a specified distance from it, where no buildings can be located.

Yard Exclusion Eaves can extend up to 0.6 m within a yard boundary. This Yard Exclusion shall not apply to the Canal Frontage Yard at Pauanui.



Section 6 - Biodiversity

6.1 BACKGROUND

Biodiversity is the number and variety of living organisms, including animals and plants found within a region and the variability within and between species, and within and between ecosystems. A key part of this variety is indigenous vegetation and species that originate in this country, and are living or naturally occurring in the District. The Council has a number of obligations for indigenous biodiversity. Under the Resource Management Act (RMA) sustainable management involves safeguarding the life-supporting capacity of ecosystems. The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna is a matter of national importance. The RMA also requires the Council to have particular regard to the maintenance and enhancement of amenity values, the intrinsic value of ecosystems and to control the effects of the use of land for the maintenance of indigenous biodiversity. The Waikato Regional Policy Statement (RPS) also requires the Council to maintain the full range of ecosystem types, their extent and the indigenous biodiversity that those ecosystems can support.

The Coromandel Peninsula stands out from most other ecological regions in the Waikato for having a diverse and unique array of indigenous plant and animal species. The persistence of this richness in the Coromandel can be attributed to the large and interconnected remnant areas of indigenous forests and wetlands, combined with a relatively late invasion of animal pests to the area. Although large portions of the once extensively forested peninsula have been cleared or strongly modified by human activity in the past, more than half the District is still covered in indigenous forest and scrubland and a third of the District's land area is public conservation land. There are 107 known nationally At Risk or Threatened species (51 flora species and 56 fauna species) within the District, some of which are not found elsewhere. Species are considered At Risk or Threatened either due to predatory/competitor pressure or lack of habitat or both. While there is good representation of lowland forest on the steep ranges, other ecosystems, such as duneland, wetlands and coastal forest, have been reduced in area and/or ecological viability. As habitat area is progressively reduced in extent and quality, the rate of species loss often increases. This loss is exacerbated by the effects of animal and plant pests. Providing land use incentives through subdivision rules is an effective way for the Plan to help maintain and enhance the biodiversity values of these underrepresented natural areas.

The Waikato Regional Council Technical Report 2010/36 (Waikato Report 2010/36) identifies potential 'Significant Natural Areas' (SNAs) across the District. SNAs contain indigenous habitats of flora and fauna with potential biodiversity values worthy of protection. These potential SNAs were identified using the 11 criteria for determining significant indigenous vegetation and significant habitats of indigenous fauna in the RPS, and then further assessed to determine the level of significance (local, regional, national or international). These are remnant areas which often provide the last refuge for many At Risk and Threatened species. The Council used the SNA report and threatened environment data as the basis for identifying locations to be targeted for priority biodiversity management in the District. However, because the Waikato Report 2010/36 is based on a desk-top assessment and has not been ground truthed its maps have not been adopted into the Plan as identified SNAs.

Priority locations for biodiversity management in the Rural Zone have been mapped in Section 38 Subdivision. Incentives for subdivision are offered where a priority area is set aside for restoration or enhancement and protection. Subdivision incentives are also provided for in the Rural Lifestyle Zone where biodiversity values are restored or enhanced.

Areas of indigenous vegetation and habitats of indigenous fauna are managed by the rules in Section 29 Biodiversity. These rules address the main activities that affect areas of indigenous vegetation and habitats of indigenous fauna in the District. Proposed subdivision, use or development that requires resource consent for vegetation clearance will be required to undertake an ecological assessment using the criteria in the Waikato Regional Policy Statement for determining the significance of indigenous biodiversity as part of the consenting process. As SNAs are confirmed, the Council will monitor the most appropriate technique(s) to record their locations and, for biodiversity management, this may result in future plan changes. To maintain or enhance indigenous biodiversity, a planned approach to ecosystem restoration and protection is needed. Outside of the Plan, the Council's Biodiversity Strategy includes non-regulatory

methods to maintain and enhance biodiversity. Land Information Memoranda will also notify people where a property is identified by the Waikato Report 2010/36 as having a potential significant natural area.

The funding of the District's biodiversity is going to be a major challenge for the District going forward. There is little point in 'locking new areas up for protection' if there are not long-term funding streams for basic maintenance especially: boundary fencing; weed and pest control for the areas that have already been reserved. The Council will work collaboratively with landowners, the appropriate government agencies, adjacent district council and the regional council on this critical issue.

Kauri dieback disease caused by *Phytophthora agathidicida* is a lethal threat to the survival of kauri. The disease is present in the Thames-Coromandel District. It is spread through the movement of soil contaminated with *Phytophthora agathidicida* and is managed through standards and assessment matters in the earthworks rules of the Conservation Zone, Rural Zone and Rural Lifestyle Zone to limit the spread of the pathogen.

6.2 ISSUES

1. Subdivision, use and development can contribute to the continued loss and reduction of the District's indigenous biodiversity resulting in:
 - a) Loss of resilience, and increased vulnerability of ecosystems and species;
 - b) A decline in extent, health and quality of ecosystems and species, including by kauri dieback disease;
 - c) Cumulative loss or degradation of ecosystem services or species;
 - d) Loss of amenity and cultural values;
 - e) Loss of economic opportunities; and
 - f) Loss of choices for future generations.
2. The health and ecological functioning of indigenous ecosystems and habitats is reliant upon management measures and the identification of opportunities for restoration, enhancement and protection including the creation of ecological buffers, connections and corridors.
3. The loss of habitat that supports or provides a key life-cycle function for indigenous species listed as 'Threatened' or 'At Risk' in the New Zealand Threat Classification System Lists or taxa listed as threatened by the International Union of Natural and Natural Resources.

6.3 OBJECTIVES AND POLICIES

Objective 1

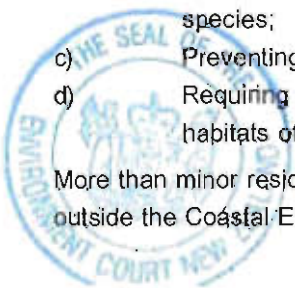
The full range of the District's indigenous ecosystems and biodiversity is maintained in a healthy and functional state, and restored or enhanced where appropriate.

Policy 1a

Subdivision, use and development shall protect areas of significant indigenous vegetation and significant habitats of indigenous fauna by:

- a) Avoiding the loss or degradation of areas of significant indigenous vegetation and significant habitats of indigenous fauna in preference to remediation or mitigation;
- b) Avoiding the loss of habitat that supports or provides a key life function for Threatened or At Risk indigenous species;
- c) Preventing the spread of kauri dieback disease; and
- d) Requiring that any unavoidable adverse effects on areas of significant indigenous vegetation and significant habitats of indigenous fauna are remedied or mitigated.

More than minor residual adverse effects on significant indigenous vegetation and significant habitats of indigenous fauna, outside the Coastal Environment, that cannot be avoided, remedied or mitigated in accordance with a) - d) above shall be



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offset, or if biodiversity offsetting cannot be reasonably achieved, shall be addressed through environmental compensation.

Policy 1b

To achieve Policy 1a, where indigenous vegetation clearance requires resource consent, the significance of the vegetation to be cleared shall be assessed in the context of the larger area of vegetation on the site as part of a resource consent application using the criteria in Section 11.A of the Waikato Regional Council Policy Statement 2016.

Policy 1c

Subdivision, use and development that has adverse effects on non-significant indigenous vegetation and non-significant habitats of indigenous fauna should:

- a) Retain the viability, integrity and sustainability of the area by for example, the use of buffers to protect and support the indigenous biodiversity values present; and
- b) Consider and address any threat of increased risk from plant and animal pests; and
- c) Prevent the spread of kauri dieback disease; and
- d) Maintain, enhance or restore ecological corridors and connections linking indigenous ecosystems, habitat fragments and, wetlands and dune systems; and
- e) Consider on-going management of priority locations mapped in Section 38 Subdivision, including legal protection, restoration, enhancement, pest control and stock exclusion; and
- f) Provide for the temporary loss of indigenous vegetation associated with plantation forestry cycles.

Significant residual adverse effects on non-significant vegetation and non-significant habitats of indigenous fauna, outside the **Coastal Environment**, that cannot be avoided, remedied or mitigated should be offset, or if biodiversity offsetting cannot be achieved, shall be addressed through environmental compensation.

Policy 1d

Subdivision resulting in restoration or enhancement of indigenous biodiversity shall be considered in the **Rural Area** where indigenous biodiversity is increased, and legally protected in perpetuity, by one or more of the following:

- a) Restoring or enhancing priority locations mapped in Section 38 Subdivision, identified for protection;
- b) Contributing to the establishment of mountain to sea corridors of terrestrial and aquatic ecosystems;
- c) Reconnecting fragmented ecosystems (on land and via waterways);
- d) Establishing buffers to an underrepresented or threatened indigenous ecosystem;
- e) Creating an ecological stepping stone or corridor to link indigenous vegetation;
- f) Maintaining or enhancing habitat of nationally Threatened or At Risk indigenous species;
- g) Restoring or enhancing indigenous habitats adjoining wetlands, rivers, springs, coastal cliffs, dunes, estuaries and fragmented forests;
- h) Establishing self-sustaining pest free areas;
- i) Restoring or enhancing rare ecosystems.

Policy 1e

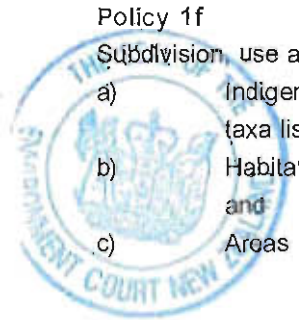
The maintenance, operation and minor upgrading of lawfully established infrastructure and network utilities and the reasonable use and enjoyment of land with minor adverse effects on biodiversity shall be provided for. This may include:

- a) The collection of material for traditional Maori cultural practices; and
- b) Actions necessary to avoid loss of life, injury or serious damage to property.

Policy 1f

Subdivision, use and development in the **Coastal Environment** shall avoid adverse effects on:

- a) Indigenous taxa listed as 'Threatened' or 'At Risk' in the New Zealand Threat Classification System lists or taxa listed as threatened by the International Union of Nature and Natural Resources; and
- b) Habitats of indigenous species where the species are at the limit of their natural range, or are naturally rare; and
- c) Areas containing nationally significant examples of indigenous community types; and



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- d) Indigenous ecosystems and vegetation types that are threatened in the Coastal Environment, or are naturally rare; and
- e) Areas set aside for full or partial protection of indigenous biological diversity under legislation; and shall avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of subdivision, use and development on:
- f) Areas of predominately indigenous vegetation in the Coastal Environment;
- g) Indigenous habitats in the Coastal Environment that are important during the vulnerable life stages of Indigenous species and for recreational, commercial traditional or cultural purposes;
- h) Indigenous ecosystems and habitats that are only found in the Coastal Environment and are vulnerable to modification, including estuaries, lagoons, coastal wetlands, dunelands, intertidal zones, rocky reef systems, eelgrass and saltmarsh;
- i) Habitats, including areas and routes, important to migratory species; and
- j) Ecological corridors, and areas important for linking or maintaining biological values.

6.4 NON-REGULATORY METHODS

1. *The Council will support provision of biodiversity advice and information to landowners.*
2. *The Council will review its Biodiversity Strategy.*
3. *The Council will include reference to the Waikato Regional Council SNA Technical Report 2010/36 in Land Information Memoranda for properties that have been identified as containing potential Significant Natural Areas.*
4. *Where an ecological assessment of vegetation significance is required for any proposal to remove indigenous vegetation under Section 29 Biodiversity the Council will appoint an ecologist and pay for the full cost of the assessment.*

The circumstances in which the Council will not pay for an ecological assessment to determine significance are:

- a) *where an application relates to a subdivision under Section 38 of the District Plan;*
or
- b) *where an area is protected by a conservation covenant registered or encumbered with the Council, or Queen Elizabeth II National Trust, or Ngā Whenua Rahui.*

Assessments to identify areas of significant indigenous vegetation will be undertaken using the criteria in the Waikato Regional Policy Statement.

Where an assessment is required the Council will consult with the landowner/applicant to agree on the suitability of an ecologist to prepare the assessment. A suitably qualified person is one who:

- a) *holds a recognised professional qualification(s) and has relevant experience in terrestrial ecology and biodiversity to be able to undertake an assessment using the criteria for determining the significance of indigenous biodiversity contained in the Waikato Regional Policy Statement; or*
 - b) *has relevant experience in relation to the matters set out in a) above and is approved by the Council prior to undertaking the assessment.*
5. *The Council may initiate future plan change/s to include areas confirmed as significant indigenous vegetation or areas of significant habitat of indigenous fauna through resource consent or other processes.*



Section 37 - Mining Activities

37.1 BACKGROUND

Lying in the Hauraki Epithermal Zone the District contains a range of mineral resources, industrial rocks and building stones. Mineral extraction and quarry activities carried out in the District need to be managed carefully to prevent adverse effects on high natural values, wāhi tapu and archaeological sites. This is particularly important because of the District's geomorphology with steep slopes, occasional heavy rainfall events, extensive vegetation cover and vast stretches of coastline.

Mining Activities have been provided for according to the level of effects that they are likely to have on the environment. The Rural Zone does not provide for industrial activities other than those supporting farming and marine activities. However, the Plan acknowledges that mineral resources need to be extracted where they occur and that it can be more efficient to process and store extracted material near the extraction site. Therefore, the Plan provides for 'Mineral Processing' and 'Waste rock/tailings storage' as discretionary activities in the Rural Zone provided that a Plan for a 'Comprehensive Mine Development' is submitted for Council approval together with a resource consent application. Applications for comprehensive mining activities will be publicly notified since they are not anticipated within the Rural Zone.

Given the geological and geochemical make-up of the District, Mineral processing and Waste rock/tailings storage might not be able to be undertaken without the potential for long-term adverse effects on the environment and the community. In these cases, the Council will work with the minerals industry and the NZ Transport Agency to identify suitable routes for mineral movement for off-site processing according to Implementation Method 6.8.4 of the WRC RPS.

The Council does not have any information to enable it to map significant mineral resources (identified through WRC / RPS criteria 6.8.1 a)-g). Nonetheless the Plan includes policies (Section 15 Policy 2e, Section 16 Policy 2a, and Section 24 Policy 2b) that are aimed at protecting, as appropriate, access to significant mineral resources. Areas where mineral extraction might be viable have not been identified or mapped by the Thames-Coromandel District Council.

There are numerous quarries within the District that operate under either existing use rights or resource consent. There are also a number of private, small scale quarries that provide aggregate for farmers' on-site use.

NOTE

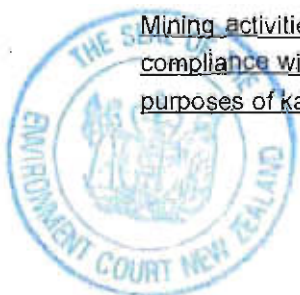
1. All other sections of the Plan apply to the activities listed in Section 37.2.

37.2 ACTIVITY TABLE AND USER INFORMATION

The Activity Table lists mining activities and their respective rules. Rules are for both the activity and associated activities that fall within the definition of the specific activity.

The district-wide rules are part of a hierarchy of rules. There may be zone rules, other district-wide rules, overlay rules or special purpose provisions that also apply to the activity and site. Where there is conflict between rules the rule hierarchy applies to the extent of the conflict (see Section 1 Background and How to Use the Plan for more information).

Mining activities involving earthworks will also need to comply with the Part VIII Zone Rules and assess compliance with the 'Earthworks' rule for the zone in which the mining activity is located, including for the purposes of kauri dieback disease management.



Comprehensive Mine Development Rule 5: An activity that complies with all the standards of the Comprehensive Mine Development Rule is a discretionary activity. An activity that does not comply with one or more of the standards of the Comprehensive Mine Development Rule is a non-complying activity if it is not affected by a mapped Overlay. If it is within a mapped Overlay it is a prohibited activity.

When considering an application for resource consent for an activity that is classed as a discretionary activity or as a non-complying activity the Council will consider all relevant overlay, zone and district-wide objectives and policies that apply to the activity or to the site or sites where that activity occurs.

When considering an application for resource consent for an activity that is classed as a discretionary activity or a non-complying activity, the Council will have regard to the standards for permitted activities on the same site as part of the context of the assessment of effects on the environment.

Any activity applied for under Section 37.2 that involves indigenous vegetation clearance will also need to comply with the provisions of Section 29, Biodiversity.

ACTIVITY TABLE	
Comprehensive Mine Development	R5
Exploration	R 2
Mineral processing	R 6
Prospecting	R 1
Quarrying	R 3
Surface mining	R 4
Underground mining	R 4
Waste rock/tailings storage	R 6

NOTE

1. Works in close proximity to any electricity line can be dangerous. Compliance with the New Zealand Electrical Code of Practice 34:2001 is mandatory for all buildings and mobile plant within close proximity to all electricity lines.
2. Vegetation to be planted near electricity lines should be selected and/or managed to ensure that it will not result in the vegetation breaching the Electricity (Hazards from Trees) Regulations 2003.
3. All discretionary activities under Rule 5 and all non-complying activities shall be publicly notified.
4. The activity status of mining activities in different zones/areas are outlined in Table 1 in Rule 7 and the activity status of mining activities in mapped Overlays are outlined in Table 1A in Rule 8.

37.3 PERMITTED ACTIVITIES

RULE 1 Prospecting

1. Prospecting is a **permitted activity**, ~~except in the Outstanding Natural Character Overlay where it is a **non-complying activity**.~~ provided that:
 - a) ~~It is not within an Outstanding Natural Character Overlay; or~~
 - b) ~~It is not within a kauri hygiene zone; or~~
 - c) If it is within a kauri hygiene zone, all vehicles, equipment and footwear shall be cleaned of all soil and organic material prior to entry into or exit from the zone.



2. Prospecting in an Outstanding Natural Character Overlay or if it is not a permitted activity under Rule 1.1 c) is a **non-complying activity**.

37.4 CONTROLLED ACTIVITIES

RULE 2 Exploration

1. Exploration is a **controlled activity**, provided:
 - a) It is in the Industrial Area, the Rural Area or the Conservation Zone outside any mapped Overlays; and
 - b) No more than 150 m² of indigenous vegetation is cleared and the vegetation to be cleared is not identified by a suitably qualified ecologist as significant using the criteria for determining significance of indigenous biodiversity in the Waikato Regional Policy Statement; and
 - c) Prior to commencing exploration a rehabilitation plan is provided to the Council detailing the steps that will be undertaken (including timeframes) to rehabilitate the site upon completion of exploration; and
 - d) Trenching and costeaning does not exceed a maximum cross section area of 6 m², and
 - e) Progressive rehabilitation of trenching is to be undertaken, such that no more than 50 metres of trenching is left open at any one time; and
 - f) Exploration drilling is subject to a maximum drilling pad size of 150m², and with no more than four drilling pads per hectare in any 12-month period, and a maximum operational work duration of six months per drill pad; and
 - g) All of the permitted standards and thresholds for earthworks and noise that apply in the zone where the activity is proposed are met; and
[“Placeholder” for kauri dieback provision]
 - h) No blasting takes place.
2. The Council-reserves its control to demonstrated compliance with the standards in Rule 2.1 a)-h).
3. Exploration that is not a controlled activity under Rule 2.1 b) – 2.1 g) is a **restricted discretionary activity**.
4. Exploration that is not a controlled activity under Rule 2.1 h) is a **restricted discretionary activity** provided it
 - a) Meets all the standards in Table 2A; and
 - b) Includes details of the exploration blasting programme with the application.
5. The Council restricts its discretion to all the matters in Table 3 at the end of Section 37 and in Table 1 at the end of Section 29.
6. Exploration that is not a controlled activity under Rule 2.1 a) or that is not a restricted discretionary activity under Rule 2.4 is a **discretionary activity**.
7. Exploration (with or without blasting) within a mapped overlay takes on the activity status as set out in Table 1A in Rule 8.



NOTES

1. *The rules in Section 39 Transport apply to exploration.*
2. *For the purposes of Rule 1g) earthworks thresholds as per Table 2 in Section 56 (Rural Zone) and Table 1 in Section 46 (Industrial Zone) will be calculated as they apply to 20 ha for the Rural Zone and 1000m² for the Industrial Zone. In the Conservation Zone thresholds will need to be agreed with the Department of Conservation as part of an access arrangement.*
3. *For the purposes of the controlled standard in Rule 2.1 b) in Section 37, Rule 2.1 and Rule 2.2 in Section 29 does not apply. The rules in Section 29 apply to all other aspects of Section 37.*
4. *For the purposes of Rule 2.1 f), a temporary campsite may be established on a drilling pad.*
5. *Rule 2 includes the following activities: associated machinery and equipment, removal and replacement of topsoil and overburden, temporary stacking, deposition or storage of soil, rock or minerals, transportation of soil, rock or minerals to and from the site, earthworks, and the use of portacoms for a camp site. It does not include tracking, dewatering, construction, maintenance and operation of any additional buildings, structures, or land improvements.*

37.5 RESTRICTED DISCRETIONARY ACTIVITIES**RULE 3 Quarrying**

1. Quarrying is a **restricted discretionary activity** provided it:
 - a) Meets all the standards in Table 2; and
 - b) Includes a site management plan with the application which includes:
 - i) A map showing the site, the boundaries of the activity and any proposed area for expansion;
 - ii) A map showing topography, drainage, water bodies, existing vegetation cover and any other significant landforms or features;
 - iii) A map showing the location of existing and proposed buildings;
 - iv) A map showing the location of any existing or proposed plant or machinery to be used in a fixed position;
 - v) A map showing the location and dimensions of existing or proposed overburden storage and deposition areas and stockpiles of mineral resource;
 - vi) Details of the anticipated lifespan of the operation and any staging of excavation works;
 - vii) A map showing existing and proposed vehicle entrance/exit and parking areas;
 - viii) Details of the anticipated average daily number of heavy vehicle movements to and from the quarry;
 - ix) Details of existing and proposed setbacks, buffers, landscaping and screening measures;
 - x) Details of existing or proposed methods of overburden stripping and quarry material extraction; and

- xi) Details of the excavation and blasting programme.
2. The Council restricts its discretion to:
 - a) Matters 2-8 in Table 3 at the end of Section 37; and
 - b) In the Rural Zone and Rural Lifestyle Zone, where the area of the proposed Quarrying activity includes kauri hygiene zone(s), the extent to which the Kauri Dieback Disease Risk Management Plan is likely to be effective in avoiding the spread of kauri dieback disease.
 3. Quarrying that is not a restricted discretionary activity under Rule 3.2 is a discretionary activity.
 4. Quarrying that is not provided for as a restricted discretionary activity in Table 1 in Rule 7 or Table 1A in Rule 8 takes on the activity status set out in those Tables (whichever is more restrictive).

Note:

1. *The activity status for quarrying includes the expansion of existing quarries.*

37.6 DISCRETIONARY ACTIVITIES

RULE 4 Surface mining

Underground mining

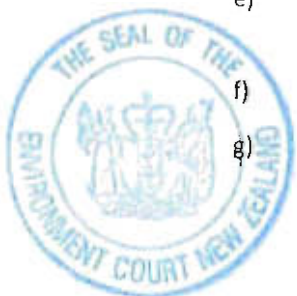
1. An activity listed in Rule 4 is a discretionary activity provided:
 - a) It is in the Rural Zone; and
 - b) It is outside any mapped Overlay; and
 - c) A report prepared by a suitably qualified ecologist has been submitted with the proposal which identifies any significant indigenous vegetation or significant habitats of indigenous fauna located within the area affected by the activity, in accordance with the criteria for determining significance of indigenous biodiversity in the Waikato Regional Policy Statement; and
 - d) Any surface expression associated with the activity is located outside any area that has been identified as an area of significant indigenous vegetation or significant habitats of indigenous fauna in the ecological report; and
 - e) It complies with all information requirements in 37.9 Table 5 at the end of Section 37; and
 - f) It includes a site management plan with the application which includes:
 - i. The size, scale and location of each individual activity
 - ii. A detailed account of the receiving environment including of adjacent land uses; and
 - iii. A summary of the consultation undertaken during project development with key stakeholders and affected and potentially affected parties; and
 - iv. A map showing the site, the boundaries of the activity and any proposed area for expansion; and
 - v. A map showing topography, drainage, water bodies, existing vegetation cover and any other significant landforms or features; and
 - vi. A map showing the location of existing and proposed buildings; and
 - vii. A map showing the location of any existing or proposed plant or machinery to be used



- in a fixed position; and
- viii. A map showing the location and dimensions of existing or proposed overburden storage and deposition areas and stockpiles of mineral resource; and
 - ix. Details of the anticipated lifespan of the operation and any staging of excavation stockpiling and deposition works; and
 - x. A map showing existing and proposed vehicle entrance/exit and parking areas; and
 - xi. Details of the anticipated average daily number of heavy vehicle movements to and from the site; and
 - xii. Details of existing and proposed setbacks, buffers, landscaping and screening measures; and
 - xiii. Details of proposed methods of overburden stripping and processing; and
 - xiv. Details of the excavation and blasting program; and
 - xv. Details and quantities of hazardous substances to be used and stored on the site and to be transported to and from the site.
2. An activity listed in Rule 4 will be assessed against all relevant Objectives and Policies of the Plan and against the specific discretionary matters set out in Table 4.
 3. An activity listed in Rule 4 that is not a discretionary activity under 4.1a) takes on the activity status as set out in Table 1 in Rule 7.
 4. An activity listed in Rule 4 that is not a discretionary activity under 4.1b) takes on the activity status as set out in Table 1A in Rule 8. ~~at the end of Section 37.~~
 5. An activity listed in Rule 4 that is not a discretionary activity under 4.1c) and/or 4.1d) and/or 4.1.e) and/or 4.1f) is a **non-complying activity**.

RULE 5 Comprehensive Mine Development

1. An activity listed in Rule 5 is a **discretionary activity** provided:
 - a) It is in the Rural Zone; and
 - b) It is outside any mapped Overlay; and
 - c) A report prepared by a suitably qualified ecologist has been submitted with the proposal which identifies any significant indigenous vegetation or significant habitats of indigenous fauna located within the area affected by the activity, in accordance with the criteria for determining significance of indigenous biodiversity in the Waikato Regional Policy Statement; and
 - d) Any surface expression associated with the activity is located outside any area that has been identified as an area of significant indigenous vegetation or significant habitats of indigenous fauna in the ecological report; and
 - e) The activity is not located in areas where high class soils for primary production are present; and
 - f) It complies with all information requirements in 37.9 Table 5 at the end of Section 37; and
 - g) It includes a site management plan with the application which includes:



- i) The size, scale and location of each individual activity; and
 - ii) A detailed account of the receiving environment including of adjacent land uses; and
 - iii) A map showing any known, historical mine tunnels in the area that may be affected by the proposal; and
 - iv) A summary of the consultation undertaken during project development with key stakeholders and affected and potentially parties; and
 - v) A map showing the site, the boundaries of the activity and any proposed area for expansion; and
 - vi) A map showing topography, drainage, water bodies, existing vegetation cover and any other significant landforms or features; and
 - vii) A map showing the location of existing and proposed buildings; and
 - viii) A map showing the location of any existing or proposed plant or machinery to be used in a fixed position; and
 - ix) A map showing the location and dimensions of existing or proposed overburden storage and deposition areas and stockpiles of mineral resource; and
 - x) Details and quantities of hazardous substances to be used and stored on the site and to be transported to and from the site; and
 - xi) Details of the anticipated lifespan of the operation and any staging of excavation stockpiling and deposition works; and
 - xii) A map showing existing and proposed vehicle entrance/exit and parking areas; and
 - xiii) Details of the anticipated average daily number of heavy vehicle movements to and from the site; and
 - xiv) Details of existing and proposed setbacks, buffers, landscaping and screening measures; and
 - xv) Details of proposed methods of overburden stripping and processing; and
 - xvi) Details of the excavation and blasting program.
2. An activity listed in Rule 5 will be assessed against all relevant Objectives and Policies of the Plan and against the specific discretionary matters set out in Table 4.
 3. An activity that does not comply with Rule 5.1.a) takes on the activity status listed in Rule 7 Table 1.
 4. An activity that does not comply with Rule 5.1.b) is a **prohibited activity**.
 5. An activity that does not comply with one or more of the standards in 5.1 c) - g) is a **non-complying activity**.

37.7 NON-COMPLYING ACTIVITIES

RULE 6 Mineral Processing

Waste rock/tailings storage

1. An activity listed in Rule 6 that is not part of a Comprehensive Mine Development is a **non-complying**



activity in the Rural Zone outside any mapped Overlays.

- An activity listed in Rule 6 that is not a non-complying activity under Rule 6.1 takes on the activity status listed in Rule 7 Table 1 or Rule 8 Table 1A, whichever is more restrictive.

37.8 ACTIVITY STATUS TABLE ZONES

RULE 7 Activity Status Table Zones

- The activity status of an activity listed in Section 37.3, 4, 5 and 6 is shown in Table 1.

Table 1 - Activity Status										
Zone/Area	Prospecting	Exploration without blasting	Exploration with blasting ⁺	Mineral processing	Quarrying	Surface mining	Underground mining	Waste rock/tailings storage	Comprehensive Mine Development	
Rural	Permitted	Controlled	Restricted discretionary	Non-complying	Restricted discretionary	Discretionary	Discretionary	Non-complying	Discretionary	
Rural Lifestyle		Restricted discretionary		Non-complying						
Industrial		Controlled		Discretionary	Restricted discretionary	Prohibited	Discretionary	Non-complying	Non-complying	
Light Industrial		Restricted discretionary		Discretionary	Restricted discretionary			Prohibited	Prohibited	
Marine Service				Non-complying	Non-complying			Prohibited		
Airfield				Non-complying	Non-complying	Non-complying	Discretionary	Prohibited		
Road				Non-complying	Non-complying	Non-complying	Discretionary	Prohibited		
Commercial				Prohibited	Prohibited	Prohibited	Prohibited	Prohibited		
Gateway		Restricted discretionary		Controlled	Restricted discretionary	Non-complying	Discretionary	Non-complying	Discretionary	Prohibited
Pedestrian Core						Prohibited	Prohibited	Prohibited	Prohibited	
Conservation			Prohibited			Prohibited	Prohibited	Prohibited		
Open Space			Prohibited			Prohibited	Prohibited	Prohibited		
Recreation Active			Prohibited			Non-complying	Prohibited	Non-complying	Prohibited	
Recreation Passive		Discretionary*	Prohibited							
Coastal Living		Permitted	Restricted discretionary	Restricted discretionary	Prohibited	Prohibited	Prohibited	Non-complying	Prohibited	
Extra Density Residential	Prohibited				Prohibited	Non-complying		Prohibited		
Low Density Residential	Prohibited				Prohibited	Prohibited	Non-complying	Prohibited		
Residential	Prohibited				Prohibited	Prohibited	Non-complying	Prohibited		
Village	Prohibited				Prohibited	Prohibited	Non-complying	Prohibited		
Waterfront	Prohibited	Prohibited	Prohibited	Non-complying	Prohibited					



Northern Coromandel Restricted Area				Prohibited	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited
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- * Underground mining without surface expression in the Recreation Passive Zone is a **discretionary activity**. Where there is surface expression within the Recreation Passive Zone the activity is a **non-complying activity**.
- + Exploration with blasting that does not meet the standards in Table 2A and does not include all the details of the exploration blasting programme with the application is a **discretionary activity**.
2. Where Exploration is a controlled activity, the Council reserves its control to demonstrated compliance with standards in Rule 2.1 a)-h).
3. Where Exploration is a restricted discretionary activity, the Council restricts its discretion to:
- All the matters in Table 3 at the end of Section 37 and in Table 1 at the end of Section 29; and
 - In the Rural Lifestyle Zone, where the area of the proposed exploration activity includes kauri hygiene zone(s), the extent to which the Kauri Dieback Disease Risk Management Plan is likely to be effective in avoiding the spread of kauri dieback disease.
4. Where Quarrying is a restricted discretionary activity the Council restricts its discretion to:
- Matters 2-8 in Table 3 at the end of Section 37; and
 - In the Rural Zone and Rural Lifestyle Zone, where the area of the proposed Quarrying activity includes kauri hygiene zone(s), the extent to which the Kauri Dieback Disease Risk Management Plan is likely to be effective in avoiding the spread of kauri dieback disease.

RULE 8 Activity Status Table Overlays

1. The activity status of a mining activity located in an overlay is shown in Table 1A.

Table 1A - Activity Status Table Overlays				
Activity	Outstanding Natural Features and Landscapes	Outstanding Natural Character	High Natural Character	Coastal Environment Line (outside mapped overlays)
Prospecting	Permitted	Non-complying	Permitted	Permitted
Exploration without Blasting	Discretionary	Non-complying	Non-complying	Discretionary
Exploration with Blasting	Discretionary	Non-complying	Non-complying	Discretionary
Underground mining without surface expression	Non-complying	Non-complying	Non-complying	Prohibited
Underground mining with	Non-complying	Prohibited	Prohibited	Prohibited



surface expression				
Surface Mining	Prohibited	Prohibited	Prohibited	Prohibited
Mineral Processing	Prohibited	Prohibited	Prohibited	Prohibited
Quarrying	Prohibited	Prohibited	Prohibited	Non-complying
Waste Rock/Tailings Storage	Prohibited	Prohibited	Prohibited	Prohibited
Comprehensive Mine Development	Prohibited	Prohibited	Prohibited	Prohibited

37.9 ASSESSMENT STANDARDS, MATTERS AND CRITERIA

Table 2 - Quarry Standards	
1.	<p>Extraction noise</p> <p>Extraction activities (e.g. overburden stripping and stockpiling) where they are of limited duration and are not part of the overall sound emission from the ongoing operation of the quarry, shall comply with and be measured and assessed in accordance with <i>NZS 6803:1999 Acoustics - Construction Noise</i>.</p>
2.	<p>Air blast overpressure</p> <p>The air blast overpressure from blasting activities within the Quarry Site, as measured within the notional boundary of any dwelling not owned or controlled by the quarry operator as at 13 December 2013, does not exceed 120 dBC (peak) or 126 dB linear (peak) at a statistically demonstrated 90 % compliance confidence limit with an absolute upper criterion of 122 dBC (peak) or 128 dB linear (peak).</p>
3.	<p>Ground vibration exposure</p> <p>Ground vibration exposure resulting from activities using explosives or similar impulsive and energetic materials must not occur beyond:</p> <ol style="list-style-type: none"> One second blast duration as defined by the delay timing; and One event per day; and Monday to Saturday, and not on public holidays; and 7 am to 8 pm; and 5 mm/second (V_{max}) peak amplitude
4.	<p>Variance in vibration</p> <p>The 99 percentile ground vibration levels (V_{max}) resulting from activities involving continuous or intermittent vibration (e.g. rock crushing, metal screening) must not exceed the background vibration level ($V_{Background}$) by more than 0.5 mm/second.</p>

Table 2A – Exploration with blasting – Standards



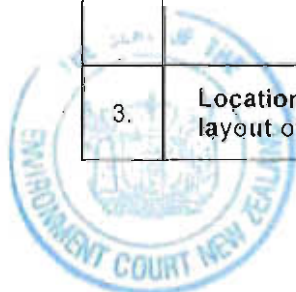
1.	Blast duration is a maximum of 1 second
2.	Blasts only occur between 7 am and 6pm on Monday to Saturday (excluding public holidays)
3.	There are not more than 3 blasts per site per day and no more than 21 blasts per site in a calendar year
4.	The peak amplitude (Vmax) does not exceed 5.0 mm/second
5.	Overpressure (Pmax) does not exceed 120dB
6.	Bulk sampling with a maximum volume of up to 400m ³ per 100ha.
7.	Exploration tunnels with a maximum volume of excavated material not exceeding 450 m ² being covered to a height of 2 metres.

NOTE:

1. For the purpose of the above standard blast event means an individual or number of linked individual blasts of no more than the total duration specified.
2. All measurements shall be taken at or within the boundary of any property not owned by the agency responsible for the blasting, or for the Rural Zone, the notional boundary.
3. Vibration measurements are to be taken in the ground not within a building.

Table 3 - Restricted Discretionary Activity Matters

Matter		Assessment Criteria	
1.	Effects of not meeting the standard(s)	a)	Whether actions (if any) taken to avoid, remedy, or mitigate the adverse effects of not meeting the standard(s) in Rule 2.1 are, or can be, effective.
2.	Effects on neighbouring sites	a)	The extent to which any adverse effects such as odour, fumes, noise, smoke, liquid spray, dust, vibration, overpressure, light spill, or stormwater runoff from the activity affect neighbouring sites.
		b)	The frequency and duration of effects on neighbouring sites.
		c)	Whether the effects of stormwater runoff can be contained within the site.
		d)	Whether stormwater management is proposed to manage sediment runoff.
		e)	The effect of light spill at night.
		f)	Whether the activity will adversely affect existing lawfully established activities in the vicinity of the site.
3.	Location, design and layout of the activity	a)	Whether the activity is of a size and scale appropriate to the zone.



		b)	Whether the location and operation of the activity has an effect on the purpose of the zone.
		c)	Whether the location and height of buildings are consistent with the yard and height standards in the underlying zone.
		d)	The extent to which landscaping and planting can integrate buildings, structures and machinery, which are fixed to land, into the surrounding landscape.
		e)	Whether the location and operation of the activity will adversely affect the carrying capacity, standard or status of the existing road(s) servicing the site.
		f)	The degree to which the activity is visible from the ocean, or public places/view points.
4.	The suitability of the site for the scale of the proposed activity	a)	Whether the site can accommodate all aspects of the activity without compromising amenity values of neighbouring sites.
		b)	Whether adequate buffers can be established to remedy or mitigate the adverse effects of the activity and contain them on the site.
5.	Utility infrastructure provision and location (including easements) for water, wastewater, solid waste, stormwater, electricity, telecommunications	a)	Whether the location of infrastructure on a site is appropriate.
		b)	Whether easements are necessary.
		c)	Whether appropriate provision is made for the management of water, stormwater and wastewater.
		d)	The extent to which the activity may undermine the integrity of any high voltage transmission line.
6.	Off-site effects from earthworks	a)	Whether existing infrastructure and utilities are protected.
		b)	The extent to which changes in water drainage to and from adjacent sites because of the earthworks may cause adverse effects, such as ponding, erosion, drainage or flooding.
		c)	Whether mitigation measures are implemented to avoid earthwork debris being carried into adjacent properties, waterways, estuaries and harbours, also taking into account cumulative effects.



7.	Roads and access	a)	Whether access requirements and heavy traffic movement has the potential to undermine the efficient operation of the road network.
		b)	Whether improvements to existing roads, including extensions and upgrades are required to provide access and accommodate the additional traffic movement.
8.	Positive effects	a)	Whether the proposed activity will positively contribute to the District's economic viability and vitality.
9.	Site remediation/ rehabilitation	a)	The extent to which proposed plans, actions and monitoring will remedy contamination and other adverse effects on landscape, infrastructure, and natural character.
		b)	The extent to which the site is rehabilitated so it can be used for a productive purpose or restores natural character.
		c)	Whether the site remediation/rehabilitation plan will ensure that the site is remedied and/or rehabilitated over the long term, and addresses residual safety and pollution risks once the activity is completed.

Table 4 - Specific Discretionary Activity Matters			
Matter		Assessment Criteria	
1.	Effects of not meeting the standard(s)	a)	Whether actions (if any) taken to avoid, remedy, or mitigate the adverse effects of not meeting the standard(s) in Rule 27 (Section 56) are, or can be, effective.
2.	Appropriateness of location, scale and intensity of the activity	a)	Whether the activity is consistent with relevant Objectives and Policies of Section 15 'Development and Growth' of the Plan.
		b)	Whether the activity is contrary to the unique constraints and opportunities of each settlement in the District as set out in Section 15 Objective 10 and subservient policies.



		c)	The extent to which the activity is consistent with relevant principles of Appendix 4 (<u>Rural Subdivision Design Principles and Guidelines</u>).
		d)	Whether the proposed location of processing plants and waste rock/tailings storage is appropriate and able to absorb areas that will remain permanently contaminated.
		e)	Whether the activity detracts from the vitality and viability of existing industries.
		f)	Whether the scale and nature of the activity is suitable for the overall context of the location.
3.	Natural Hazards	a)	Whether it can be demonstrated that the activity is located away from areas that are prone to natural hazards unless potential risks arising from these activities to people, property or the environment can be minimized to an acceptable level.
		b)	Whether the potential for cumulative effects of multiple natural hazards affecting the site have been adequately considered when choosing the location of the activity.
4.	Location, design and layout of the activity	a)	Whether the activity is of a size and scale appropriate for the Rural Zone.
		b)	Whether the location and operation of the activity has adverse effects on the purpose of the Zone.
		c)	The extent to which the location and height of buildings are consistent with the yard and height standards in the Rural Zone.
		d)	The extent to which landscaping and planting can integrate buildings, structures and machinery, which are fixed to land, into the surrounding landscape.
		e)	Whether the location and operation of the activity will adversely affect the carrying capacity, standard or status of the existing road(s) servicing the site.
		f)	The degree to which the activity is visible from the ocean, or public places/viewpoints.



5.	The suitability of the site for the scale of the proposed activity	a)	Whether the site can accommodate all aspects of the activity without compromising amenity values of neighbouring sites.
		b)	Whether adequate buffers can be established to remedy or mitigate the adverse effects of the activity and contain them on the site.
6.	Utility infrastructure provision and location (including easements) for water, wastewater, solid waste, stormwater, electricity, telecommunications	a)	Whether the location of infrastructure on a site is appropriate.
		b)	Whether easements are necessary.
		c)	Whether appropriate provision is made for the management of water, stormwater and wastewater.
		d)	The extent to which the activity may undermine the integrity of any high voltage transmission line.
7.	Roads and access	a)	Whether access requirements and heavy traffic movement will not undermine the efficient operation of the road network.
		b)	Whether improvements to existing roads, including extensions and upgrades that are required to provide access and accommodate the additional traffic.
8.	Water and Wastewater Infrastructure	a)	The activity is located and designed so that it does not adversely affect the sustainable use of Council and privately-owned water and waste water infrastructure.
9.	Land Stability and Erosion Control	a)	The extent to which the activity may result in the instability of land or damage to structures.
10.	Effects on neighbouring sites	a)	Measures are implemented to ensure that any discharge of dust, noise and vibration beyond the boundary of the site is avoided or limited such that it does not cause nuisance.
11.	Positive effects	a)	Whether the proposed activity will positively contribute to the District's economic viability and vitality.
		b)	The degree to which the activity will positively contribute to local employment, livelihood and social well-being.

37.9 INFORMATION REQUIREMENTS

Applications for activities in Section 37.5 must be accompanied by an Assessment of Environmental Effects (AEE) in accordance with Schedule 4 of the RMA. The AEE must be appropriate to the nature and scale of





the proposed activity and its associated potential or actual environmental effects and must include the matters in Table 5 below.

Table 5 Information Requirements		
An Application for Activities under Section 37.5 will be accompanied by:		
1.	AEE	<p>An Assessment of Environmental Effects including a cost benefit analysis.</p>
2.	A Mine Closure Plan	<p>The Mine Closure Plan is prepared according to industry best practice. It addresses all aspects of the mining operation. Implementation of the Mine Closure Plan will achieve all requirements of Objective 3 in Section 14 and will identify any residual liabilities including steps to be taken to indemnify the Council for any residual costs and costs arising from uninsurable risks (e.g. by using bonds).</p> <p>The closure plan will be risk-based and will be prepared acknowledging stakeholder concerns.</p> <p>Where a pit lake is part of the proposed mining activity the Mine Closure Plan will address the potential for pit lake contamination from the surrounding geology and influencing climatic conditions and suggest any necessary monitoring of contaminant leaching during the operational and post-operational phase of the proposed mining activity.</p> <p>The Mine Closure Plan will be drafted in cognisance that full legal and financial responsibility for its implementation will sit with the respective owner of the facilities at the time post de-commissioning. Provision for bonds shall be made to cover all costs to achieve maintenance, management, monitoring and legal compliance of no-longer operative mining sites and associated structures and facilities. Bonds shall be reviewed according to consent conditions to allow for adjustment to changing circumstances and needs.</p> <p>The Mine Closure Plan will be based on adaptive management. It should identify relevant experience from other mine sites and research, and how lessons learned from these are to be applied.</p> <p>The Mine Closure Plan will demonstrate that appropriate systems for closure performance monitoring and maintenance and for record keeping and management are in place.</p> <p>Any changes and updates to the Mine Closure Plan shall be submitted to the Council for approval according to resource consent conditions and made publically available.</p>





2012-13 aerial photo is for reference only and is "Coloured from the LINZ Data Service and licensed by Waikato Regional Aerial Photography Service (WRAPS) 2012 for use under the Creative Commons Attribution 3.0 New Zealand license."

<p>Figure 1</p> <p>Northern Coromandel Restricted Area</p>	<p>Legend</p> <ul style="list-style-type: none"> Cadastral Boundary Northern Coromandel Restricted Area <p><small>Data sourced from COC database. COPYRIGHT RESERVED. LandscapeAerial.com © 2012. All Rights Reserved. New Zealand's Best Aerial System (NZ) LUNDA COPY RIGHT RESERVED.</small></p>
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Section 43 - Conservation Zone

43.1 ZONE DESCRIPTION

About a third of the District, some 74,000 ha, is public conservation land. It is held in public ownership and administered by the Department of Conservation (DOC). This land has historic heritage, landscape, natural character, scientific, indigenous biodiversity and recreation values. The rivers, streams and wetlands within public conservation land also have important habitat, cultural and recreational values.

As well as preserving indigenous biodiversity, outstanding natural features and landscapes and natural character, the conservation land also plays an important role in the health, wealth and wellbeing of the District and New Zealand's communities.

DOC land has a system of permissions and concessions for land use under the Waikato Conservation Management Strategy (WCMS), the Conservation Act 1987 and other legislation. This does not remove the role and functions of the RMA and the Plan, with one exception: Crown activities within public conservation land are not bound by the Plan as long as they are consistent with the WCMS (or any other management strategy/plan under the Conservation Act 1987) are operated by the Crown, and do not have a significant adverse effect beyond the public conservation land boundary (Section 4(3) RMA). Activities undertaken by a third party that require a concession from DOC to operate a commercial activity on Public Conservation Land are still required to comply with the rules of the Plan.

43.2 ZONE PURPOSE

The Conservation Zone provisions only apply to Crown activities that are not consistent with the WCMS and/or have a significant adverse effect beyond the public conservation land boundary, as well as non-Crown activities. For these activities, the Conservation Zone provides for use and development that maintains or enhances the values of public conservation land.

43.3 ACTIVITY TABLE AND USER INFORMATION

The Activity Table groups activities under broad headings and provides a rule and section number to go to as a starting point. In the table the following abbreviations are used:

R = Rule S = Section

The zone rules are part of a hierarchy of rules. There may be overlay rules, district wide rules or special purpose provisions that also apply to the activity and site. Where there is conflict between rules the rule hierarchy applies to the extent of the conflict (see Section 1 Background and How to Use the Plan for more information).

Rules in the Plan do not apply to Crown activities covered by section 4(3) of the RMA.

Activities proposed in the Conservation Zone must have the prior approval of the Department of Conservation as the land administering authority.



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ACTIVITY TABLE				
ACTIVITY	S 43.4	S 43.5	S 43.6	S 43.7
ACTIVITIES NOT PROVIDED FOR				
Activities not provided for in the Plan			R 20	
Activities not provided for in Section 43				R 22
BUILDING REMOVAL				
Demolition	R 7			
Partial demolition	R 7			
Removal	R 7			
COMMERCIAL				
Campground		R 19		
Commercial recreation/event facility	R 1			
General commercial	R 2			
Restaurant	R 3			
Visitor accommodation		R 19		
COMMUNITY				
Community facility	R 1			
Emergency service training, military training	R 4			
Festival, event	R 5			
Formal recreation		R 18		
Informal recreation	R 4			
Public amenity	R 15			
Scientific equipment, navigational aid	R 4			
EARTHWORKS				
Earthworks	R 6			
FARMING AND FORESTRY				
Afforestation	R 10			
Farming	R 11			
NOISE				
Noise not covered by another rule in Section 43	R 12			
RESIDENTIAL				
Accessory building	R 15			
One dwelling per lot	R 16			
Temporary living place	R 4			
Two or more dwellings per lot	R 16			
WATER, WASTEWATER, STORMWATER AND SOLID WASTE				
Other water, wastewater and stormwater infrastructure	R 8			

(Additional Activities requested A62)



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NOTE

1. Works in close proximity to any electricity line can be dangerous. Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) is mandatory for all buildings and mobile plant within close proximity to all electricity lines.
2. Vegetation to be planted near electricity lines should be selected and/or managed to ensure that it will not result in the vegetation breaching the Electricity (Hazards from Trees) Regulations 2003.

43.4 PERMITTED ACTIVITIES

RULE 1 Commercial recreation/event facility Community facility

1. An activity listed in Rule 1 is a **permitted activity** provided:
 - a) It meets the standards in Table 3 at the end of Section 43; and
 - b) In the **Coastal Environment**, it meets the specific standards in Table 4 at the end of Section 43; and
 - c) All vehicle parking, loading and manoeuvring is provided for within the Conservation Zone.
2. An activity that is not permitted under Rule 1.1 is a **restricted discretionary activity**.
3. The Council restricts its discretion to matters 1, 3, 6-8, 10, 11 and 12 in Table 5 at the end of Section 43.
4. A resource consent application under Rule 1.2 shall be assessed without public notification under Sections 95 and 95A of the RMA.

RULE 2 General commercial

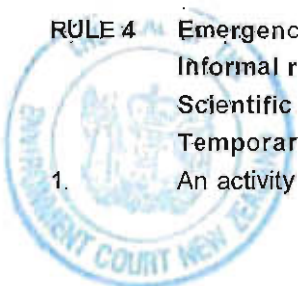
1. General commercial is a **permitted activity** provided:
 - a) It meets the standards in Table 3 at the end of Section 43; and
 - b) In the **Coastal Environment**, it meets the specific standards in Table 4 at the end of Section 43; and
 - c) All vehicle parking, loading and manoeuvring is provided for within the Conservation Zone; and
 - d) It is accessory to, or completely supports or services a recreation activity; and
 - e) Any buildings erected under this rule are either temporary or the activity has a gross floor area less than 30 m².
2. General commercial that is not permitted under Rule 2.1 a), b) or c) is a **restricted discretionary activity**.
3. The Council restricts its discretion to matters 1, 3, 6-8, 10, 11 and 12 in Table 5 at the end of Section 43.
4. General commercial that is not permitted under Rule 2.1 d) or e) is a **discretionary activity**.

RULE 3 Restaurant

1. A restaurant is a **permitted activity** provided:
 - a) It meets the standards in Table 3 at the end of Section 43; and
 - b) In the **Coastal Environment**, it meets the specific standards in Table 4 at the end of Section 43; and
 - c) All vehicle parking, loading and manoeuvring is provided for within the Conservation Zone; and
 - d) Any buildings erected under this rule are either temporary or the activity has a gross floor area less than 30 m².
2. A restaurant that is not permitted under Rule 3.1 a), b) or c) is a **restricted discretionary activity**.
3. The Council restricts its discretion to matters 1, 3, 6-8, 10, 11 and 12 in Table 5 at the end of Section 43.
4. A restaurant that is not permitted under Rule 3.1 d) is a **discretionary activity**.

RULE 4 Emergency service training, military training Informal recreation Scientific equipment, navigational aid Temporary living place

1. An activity listed in Rule 4 is a **permitted activity**.



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NOTE

1. *Temporary living places are controlled under the Bylaw for Standards of Camping on Private Property 2015.*

RULE 5

(A62)

Festival, event

1. **A festival, event, and any noise from it, is a permitted activity provided:**
 - a) **Electronically amplified noise and vehicle noise at the notional boundary of adjacent sites from 10 pm to 7 am the following day is no louder than 40 dB LAeq(15 min) and 70 dB LAF max; and**
 - b) **The noise of any helicopter associated with the festival, event complies with the standards in NZS 6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas (excluding Section 5: Land Use Planning); and**
 - c) **No buildings are erected (under this rule) that remain after the festival, event finishes; and**
 - d) **It lasts no longer than 24 consecutive hours.**
2. **A festival, event that is not permitted under Rule 5.1 is a restricted discretionary activity.**
3. **The Council restricts its discretion to matters 1-6, 3 and 11 in Table 5 at the end of Section 43.**

NOTE

1. *After 10 pm, the Council may apply excessive noise provisions under sections 326 - 328 of the RMA if noise, particularly electronically amplified noise, is excessive for the location and event.*
2. *The Council recommends event planners contact the Area Manager prior to the festival, event.*

RULE 6 Earthworks

1. Earthworks are a **permitted activity** provided:
 - a) They are not within a kauri hygiene zone; and
 - i) They are for flood defence installation, maintenance or removal commissioned by the Waikato Regional Council; or
 - ii) They are for drainage works installed below ground level where the ground surface is fully restored and planted within 3 months from when work started; or
 - iii) They are for land cultivation or domestic gardening; or
 - iv) They are for utility installation, maintenance, upgrading and/or removal by the Council or a network utility operator; or
 - v) They are for ecosystem protection, rehabilitation or restoration works (e.g. conservation covenants, works involved with pest management) including a Beachcare activity or other beach and dune restoration activity authorised by the Council or the Waikato Regional Council; or
 - vi) They are to establish a building platform, and the earthworks are completed, and covered by a building or stabilised by vegetative or structural measures to prevent erosion, within 3 months from when work started; or
 - vii) They are required to:
 - a. Construct a fence line provided that they comply with standard 6 in Table 1; or
 - b. Create a new driveway or track provided they comply with the standards in Table 2; or
 - c. Maintain a fence line, or driveway, or track; or
 - d. Maintain the legal width of a State Highway network, or a legal right of way; or
 - e. Maintain an operational farm; or
 - f. Operate a plantation forestry activity; or
 - viii) They are for temporary stream and river gravel extraction and crushing facilities; or
 - ix) They meet the following standards:
 - a. The standards in Table 1; and
 - b. Silt and sediment resulting from the earthworks remains within the site; and



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- c. For fills/cuts to be assessed separately for the purpose of the Table 1 standards, a flat 'terrace' between fills/cuts must have a width perpendicular to the adjoining fill/cut that is more than twice the height of the adjoining fill/cut above the terrace. Otherwise, the earthworks are treated as one fill/cut; and
 - d. In the **Coastal Environment**, any surplus excavated material is reused on the site or is removed from the site within 3 months from when work started; and
 - e. In the **Coastal Environment**, the earthworks are stabilised within 3 months from when the work started; and
 - f. In the **Coastal Environment**, they meet the earthworks thresholds in Table 2.
- 2A. Earthworks that are within a kauri hygiene zone are a **restricted discretionary activity** for which a Kauri Dieback Disease Risk Management Plan (the management plan) must be prepared, approved and implemented.
- a) The purpose of a Kauri Dieback Disease Risk Management Plan is to set out the procedures that will be followed to avoid the risk of the spread of kauri dieback disease by ensuring that the soil and organic matter from earthworks within the kauri hygiene zone is confined in a larger kauri dieback disease containment zone.
 - b) A Kauri Dieback Disease Risk Management Plan must contain:
 - a. The objectives of the management plan;
 - b. A map or maps showing:
 - i. The area that the management plan applies to;
 - ii. The location of each kauri tree within that area and its associated kauri hygiene zone;
 - iii. Locations where access to the kauri hygiene zone will be prevented (e.g. by fencing off, covering the soil with protective surface);
 - iv. The boundary of the kauri dieback disease containment zone beyond which soil and organic material from a kauri hygiene zone will not be transported;
 - v. Equipment and vehicle cleaning points (which are to be located within the kauri dieback disease containment zone); and
 - vi. Any water bodies, fences, roads, tracks or structures within the kauri dieback disease containment zone.
 - c. The method by which the boundaries of any kauri hygiene zone and kauri dieback disease containment zone will be clearly marked out;
 - d. The procedures to be followed to ensure that any vehicles, equipment and personnel are cleaned of all soil and organic material prior to entry into or exit from the kauri dieback disease containment zone;
 - e. The procedures to ensure that any soil, sludge or organic material not retained within the kauri hygiene zone is either stored within the kauri dieback disease containment zone or transported in a sealed vehicle to an approved Kauri Dieback Programme landfill;
 - f. The water management procedures to be used so that:
 - i. Washdown occurs at least 30 m from a water course; and
 - ii. Water drains away from any neighboring kauri trees; and
 - iii. If the requirement at i. and ii. above cannot be met, washdown water is contained within an impervious bund; and
 - iv. If on-site washdown is impracticable, washdown is undertaken at an identified facility where water does not drain into the stormwater system;



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and

v. Washdown of vehicles, machinery, tools and footwear used in a kauri hygiene zone occurs within the area.

g. The contact details of the person responsible for the implementation of the management plan.

- c) A report must be submitted annually to the Council using templates, forms and/or check-lists provided by the Council, recording all earthworks undertaken in the kauri dieback disease containment zone (including the date, type of equipment and vehicle used, the cleaning procedures followed and the disposal location of all disturbed soil and organic material).
- d) The Council will review the annual report and may require amendments to the management plan to ensure the continued effectiveness of the management plan.
- e) The consent holder's annual report shall include any proposed amendment to the management plan. (An amendment to the management plan does not take effect until the Council confirms in writing the amendment meets the requirements in (a) (ii) above).
- f) Up to date records of all earthworks undertaken in the kauri dieback disease containment zone, since the earthworks reported in the most recent annual report submitted to the Council, must be made available to the Council as soon as practicable after a request for them is received.

2B. The Council restricts its discretion for earthworks under Rule 7.2A to:

- a) Matters 1, 3, 8 and 17 in Table 7 at the end of Section 56; and
- b) The extent to which the Kauri Dieback Disease Risk Management Plan is likely to be effective in avoiding the spread of kauri dieback disease.

3A. Earthworks that are not a permitted activity under Rule 7.1 a) i) to ix) are a restricted discretionary activity.

3B. The Council restricts its discretion for earthworks under rule 7.3A to matters 1, 3, 8 and 17 in Table 7 at the end of Section 56.

4. Earthworks that are not a restricted discretionary activity under Rule 7.2A are a discretionary activity.

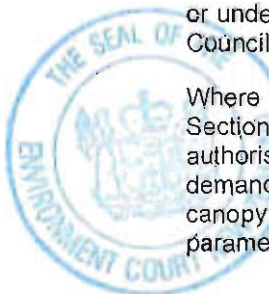
NOTE

- Building Act requirements may be triggered for some earthworks, such as where work is needed because land instability threatens a building and retaining walls.*
- All earthworks must comply with Heritage New Zealand Pouhere Taonga Act 2014, which protects recorded, suspected and unrecorded archaeological sites from destruction, damage and modification.*
- Consent may be required from the Waikato Regional Council. You are advised to check the Waikato Regional Plan prior to starting the earthworks.*
- Guidelines to avoid the discharge of earth material are available in: 'Erosion and Sediment Control - Guidelines for Soil Disturbing Activities'. Waikato Regional Council Technical Report No. 2009/02. January 2009. Available at www.waikatoregion.govt.nz.*
- Earthworks in close proximity to any electricity distribution line can be dangerous. The New Zealand Electrical Code of Practice 34:2001 applies to all earthworks and the operation of mobile machinery within close proximity to all electric lines.*

OTHER METHOD: Measures to prevent the spread of kauri dieback disease

Earthworks within three times the maximum radius of the canopy dripline of a New Zealand kauri tree commenced or undertaken after this District Plan comes into effect require a restricted discretionary activity consent from the Council.

Where earthworks within three times the maximum radius of the canopy dripline have existing use rights under Section 10 RMA or an Existing Use Certificate under Section 139A RMA they may be continued within the limits authorised by Section 10 or Section 139A. Establishing whether such earthworks are authorised can be a demanding process. Landowners who intend continuing earthworks within three times the maximum radius of the canopy dripline in reliance of s 10 RMA may wish to take professional advice so they are aware of applicable parameters.



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Persons undertaking earthworks within three times the maximum radius of the canopy dripline of a New Zealand kauri tree in reliance of Section 10 and/or Section 139A RMA are also strongly encouraged to make themselves familiar with the kauri dieback disease hygiene disposal procedures, - including information on approved disposal sites for soil and organic material – at the following websites.

<https://www.kauridieback.co.nz/media/1462/best-practice-guidelines-land-disturbance-activities-around-kauri.pdf>

<https://www.kauridieback.co.nz/media/1464/best-practice-guidelines-vehicles-and-heavy-machinery-hygiene.pdf>

http://kauridieback.co.nz/media/1355/bpg-landfill-disposal-of-contaminated-material_v21_final_signed.pdf

Where persons proceed in reliance on Section 10 and/or Section 139A RMA they are strongly encouraged to apply the following checklist.

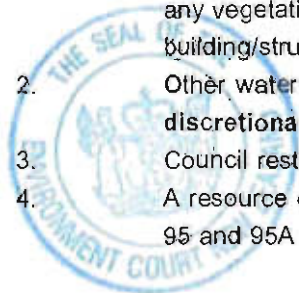
Table Y: Checklist for earthworks undertaken within a kauri hygiene zone

Clearly define kauri hygiene zone, entry and exit points	YES/NO
List all vehicles, machinery and equipment to be used	YES/NO
Has all equipment and footwear been cleaned of soil and organic material and sprayed with Sterigene before entering the kauri hygiene zone?	YES/NO
For washdown on-site define the appropriate washdown facility	YES/NO
Is the washdown facility within the kauri hygiene zone?	YES/NO
Is the washdown facility at least 30 m away from a water course or waterbody?	YES/NO
Is the wash down facility draining away from any kauri trees?	YES/NO
Will a bund be used because drainage is not practicable?	YES/NO
Will all soils and mud be physically removed by brush or compressed air before washdown?	YES/NO
Will soil and organic material be left on site within the kauri hygiene zone?	YES/NO
For off-site washdown is the vehicle or trailer to be used to transport machinery sealed?	YES/NO
Will washdown occur in a purpose-built washdown facility?	YES/NO
Does the facility to be used drain its wastewater into the stormwater system?	YES/NO
Will a truck wash facility be used?	YES/NO
Will the washdown water be used to irrigate farmland?	YES/NO
Will a Council depot be used for washdown?	YES/NO
Will the truck or trailer be cleaned and sprayed with Sterigene and will liners be disposed of?	YES/NO

Further information on responsible management of earthworks for kauri dieback purposes may be obtained from the Thames-Coromandel District Council, Waikato Regional Council or Department of Conservation.

RULE 8 Other water, wastewater, stormwater infrastructure

1. Other water, wastewater, stormwater infrastructure is a **permitted activity** provided the ground surface and any vegetation that has been disturbed is reinstated upon completion of works unless covered by a building/structure or landscaping.
2. Other water, wastewater, stormwater infrastructure that is not permitted under Rule 8.1 is a **restricted discretionary activity**.
3. Council restricts its discretion to matters 1, 4 and 7 in Table 5 at the end of Section 43.
4. A resource consent application under Rule 8.2 shall be assessed without public notification under Sections 95 and 95A of the RMA.



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RULE 10 Afforestation

1. Afforestation is a **permitted activity** provided:
 - a) It is not in the **Coastal Environment**; and
 - b) It meets the standards in Table 3 at the end of Section 43; and
 - c) It meets the setback standards in Table 1; and
 - d) The forest is managed and operated to maintain the forest canopy at one or more levels without clear felling; and
 - e) Prior to the afforestation starting, a forest plan is submitted to the Council that details the following information:
 - i) The legal description, location and area of planting; and
 - ii) Species choice; and
 - iii) The location of roads, tracks, landings and skid sites, and transport routes from harvest to the state highway; and
 - iv) Proposed post-harvest replanting or regeneration; and
 - v) Method of removal of all trees of the plantation forest species (whether planted or self-seeded) within the Table 1 setbacks before they reach 10 m in height; and
 - vi) Whether at risk or threatened indigenous fauna (e.g. kiwi, frogs, bats etc) are present on the site and the steps proposed to safely relocate or protect them.

Table 1 - Setback standards for afforestation

1.	From an existing dwelling on an adjoining site	20 m
2.	From a Residential Area	20 m
3.	From the boundary of any adjoining site under different ownership without written approval of the adjoining land owner being obtained	10 m
4.	No trees are to be planted where, at the tree harvest height; they could shade an adjacent sealed road between 10 am and 2 pm on the shortest day of the year.	

2. Afforestation that is not permitted under Rule 10.1 is a restricted **discretionary activity**.
3. The Council restricts its discretion to all the matters in Table 5 at the end of Section 43.

NOTE

1. *To avoid doubt, a forest under a Sustainable Forest Management Permit from the Ministry for Primary Industries or its predecessors meets the standard in Rule 10.1 d).*

RULE 11 Farming

1. Farming is a **permitted activity**, provided:
 - a) It meets the standards in Table 3 at the end of Section 43; and
 - b) In the **Coastal Environment**, it meets the specific standards in Table 4 at the end of Section 43; and
 - c) It maintains public access to the coast and existing tracks; and
 - d) Pest plants and animals are controlled or eradicated as part of the farming operation; and
 - e) The public has opportunities to access the farm.
2. Farming that is not permitted under Rule 11.1 is a restricted **discretionary activity**.
3. The Council restricts its discretion to matters 1-12 in Table 5 at the end of Section 43.

RULE 12 Noise not covered by another rule in Section 43

1. Noise not covered by another rule in Section 43 is a **permitted activity** provided:
 - a) It is from a recreational activity, excluding amplified music; or
 - b) It is from emergency service training or emergency response activities; or
 - c) It is from military training; or
 - d) It is from the temporary use of an emergency electricity generator; or
 - e) It is from a temporary site or building maintenance activity between 7 am and 8 pm; or
 - f) It is from a temporary construction activity that complies with NZS 6803:1999 Acoustics –



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- Construction noise; or
g) It meets the noise standards in Table 2.

Table 2 - Maximum Noise Level Standards				
Measured at		Time period	L _{Aeq} (15 min)	L _{AF max}
1.	The receiving site at any point within the: <ul style="list-style-type: none"> Industrial Zone Light Industrial Zone Marine Service Zone Recreation Active Zone Road Zone 	At all times	70 dB	N/A
2.	At any point within the notional boundary of a site within any other zone not listed above	Monday to Saturday 7 am to 10 pm	50 dB	N/A
3.		Sunday 7 am to 6 pm	50 dB	N/A
4.		At all other times	40 dB	65 dB

2. Noise not covered by another rule in Section 43 that is not permitted under Rule 12.1 is a **restricted discretionary activity**.
3. The Council restricts its discretion to matters 1 and 3 in Table 5 at the end of Section 43.

NOTE

1. Rule 12.1 a) includes temporary noise from voices, playground equipment, loudspeaker announcements, and similar recreational activities.
2. Rule 12.1 d) includes noise from lawn mowing, waterblasting, leaf blowing, and similar temporary maintenance activities. It does not include home business activities.
3. Noise will be measured and assessed in accordance with NZS 6801:2008 Acoustics – Measurement of Environmental Sound and NZS 6802:2008 Acoustics – Environmental Noise.
4. Activities may be subject to the excessive noise provisions set out in s326 to s328 of the RMA.

RULE 15 Accessory building Public amenity

1. An activity listed in Rule 15 is a **permitted activity** provided:
- It meets the standards in Table 3 at the end of Section 43; and
 - In the **Coastal Environment**, it meets the specific standards in Table 4 at the end of Section 43.
2. An activity that is not permitted under Rule 15.1 is a **restricted discretionary activity**.
3. The Council restricts its discretion to matters 1 and 12 in Table 5 at the end of Section 43.

NOTE

1. An accessory building or other structure may need a building consent. Contact the Council to check this.

RULE 16 One dwelling per lot Two or more dwellings per lot

1. An activity listed in Rule 16 is a **permitted activity** provided:
- It meets the standards in Table 3 at the end of Section 43; and
 - In the **Coastal Environment**, it meets the specific standards in Table 4 at the end of Section 43; and
 - It is solely used as a residence by Department of Conservation staff or volunteers who work in the surrounding Conservation Zone.
2. An activity that is not permitted under Rule 16.1 is a **restricted discretionary activity**.
3. The Council restricts its discretion to matters 1-12 in Table 5 at the end of Section 43



43.5 RESTRICTED DISCRETIONARY ACTIVITIES

RULE 17 Demolition

Partial demolition Removal

1. Demolition, partial demolition or removal of a building is a **permitted activity**.

RULE 18 Formal recreation

1. Formal recreation is a **restricted discretionary activity** provided:
 - a) It meets the standards in Table 3 at the end of Section 43; and
 - b) In the **Coastal Environment**, it meets the specific standards in Table 4 at the end of Section 43; and
 - c) All vehicle parking and manoeuvring is provided for on-site.
2. Council restricts its discretion to matters 1-12 in Table 5 at the end of Section 43.
3. Formal recreation that is not a restricted discretionary activity under Rule 18.1 is a **discretionary activity**.

RULE 19 Campground

Visitor accommodation

1. An activity listed in Rule 19 is a **restricted discretionary activity** provided:
 - a) It meets the standards in Table 3 at the end of Section 43; and
 - b) In the **Coastal Environment**, it meets the specific standards in Table 4 at the end of Section 43; and
 - c) All vehicle parking, loading and manoeuvring is provided for within the Conservation Zone.
2. The Council restricts its discretion to matters 1-12 in Table 5 at the end of Section 43.
3. An activity that is not permitted under Rule 19.1 is a **discretionary activity**.

NOTE

1. *This rule will only apply to a campground or visitor accommodation that is not a Department of Conservation activity, or that has effects outside the boundary of public conservation land, in accordance with section 4(3) of the RMA.*

43.6 DISCRETIONARY ACTIVITIES

RULE 20 Activities not provided for in this Plan

1. An activity not listed in the Activity Table at the beginning of Section 43 and not in the Activity Summary Table (in Section 1.8) is a **discretionary activity**.

43.7 NON-COMPLYING ACTIVITIES

RULE 22 Activities not provided for in Section 43

1. An activity that is not listed in the Activity Table at the beginning of Section 43, but is listed in the Activity Summary Table (in Section 1.8) and is not a district-wide activity is a **non-complying activity**.

43.8 ASSESSMENT STANDARDS, MATTERS AND CRITERIA

Table 3 - Standards

1.	Maximum height	8 m
2.	Maximum height in relation to site boundary	2 m and 45°
3.	Maximum lux level received at any point beyond the Conservation Zone, as measured vertically and horizontally	1 lux

(Additional Standards requested A62)



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Table 4 - Specific Standards		
Standard	Roof	Exterior Walls
1. Colour	Exterior building colours are selected from the British Standard BS5252 numbers 00-24 in Appendix 5; or are a COLOURSTEEL ® colour.	Exterior building colours are selected from the British Standard BS5252 numbers 00-24 in Appendix 5; or are a COLOURSTEEL ® colour. OR Are a natural timber material.
2. Reflectivity	Has a reflective value no greater than 25%.	Have a reflective value of no greater than 35%.
3.	Windows must have a reflective value no greater than 15%.	

Table 5 - Restricted Discretionary Activity Matters		
Matter	Assessment Criteria	
1. Effects of not meeting the standard(s)	a)	Whether actions (if any) taken to address the adverse effects of not meeting the standard(s) are appropriate and effective.
2. The suitability of the site for the scale of the proposed activity	a)	Whether the site can accommodate all aspects of the activity while maintaining conservation values.
	b)	Whether the site is an appropriate location for the activity, and what alternatives have been considered.
	c)	The location of noise sensitive activities in relation to the proposed activity and the extent to which they will be affected.
	d)	Whether the provision of wastewater, water and solid waste is adequate for the number of people anticipated and the duration of the activity.
3. Positive and adverse effects on adjacent sites and the local community	a)	The extent to which any adverse effects from the activity affect adjacent sites, such as: odour, fumes, dust, smoke, liquid, spray, vibration, bulk, glare or stormwater runoff.
	b)	Whether the frequency and duration, including the proposed hours, of the activity and of any effects in 3 a) above are tolerable.
	c)	Whether these effects are appropriate to occur in the Conservation Zone, or in whichever zone the effects are received.
	a)	Whether the provision and location of utility infrastructure on-site is appropriate.
	b)	The extent to which the activity may impact on the capacity or integrity of reticulation networks.
	c)	Whether the activity should be connected to existing reticulation networks.
	d)	Whether easements are appropriate.
	e)	Whether there is technical and practical potential for co-location of utility infrastructure on a site.



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4.	Utility infrastructure provision and location (including easements) for water, wastewater, solid waste, stormwater, electricity, telecommunications	<p>f) The number and voltage of electrical lines (conductors) and the ability to reduce the number of overhead lines.</p> <p>g) The extent to which technical and functional needs require the proposed location of the utility infrastructure.</p> <p>h) The extent to which the utility infrastructure contributes to the functioning and well-being of the community.</p> <p>i) Whether the extension of existing above ground utility infrastructure is appropriate.</p> <p>j) The extent to which the activity will contribute to central and regional government energy policy objectives and renewable energy targets.</p> <p>k) Whether the provision of wastewater, water and solid waste is adequate for the number of people anticipated and the duration of the activity.</p>
5.	Location, design and layout of buildings	<p>a) Whether the design and scale of the activity is in keeping with the character and form of the surrounding landscape.</p> <p>b) Whether the location and operation of the activity affects adjacent land uses.</p> <p>c) Whether the size, scale and appearance of the activity is suitable to the site.</p> <p>d) The degree to which the architectural elements of the building assist the building to harmonise with and recede into the surrounding landscape.</p> <p>e) The extent of open space provided on the site.</p> <p>f) The extent to which landscape planting has been provided for to assist with the integration of buildings and structures into the surrounding landscape.</p> <p>g) Whether the building/s have a viable use beyond the festival, event.</p> <p>h) The extent to which the building/s comply with the standards in Table 3.</p>
6.	Traffic generation, vehicle parking and access	<p>a) The carrying capacity, standard and status of the road(s) servicing the site.</p> <p>b) Whether vehicles can safely enter and exit the site.</p> <p>c) Whether the proposed vehicle access points will impact on the safe and efficient operation of the road.</p> <p>d) The extent to which the layout and location of the activity is a safe distance from the road front boundary of the site.</p> <p>e) Where the activity involves the use of roads, whether an approved traffic management plan is in place.</p> <p>f) Whether consultation and approval is needed from the roading authority.</p>



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		g)	Whether the site can provide adequate parking for the size of the activity or whether offsite parking arrangements are appropriate.
7.	Vegetation clearance	a)	The extent of proposed vegetation clearance and the degree to which mitigation measures can minimise visual effects.
		b)	Whether the activity is screened to create a visual appearance compatible with other structures and built forms in the landscape.
		c)	Whether the activity breaks the visual continuity of the landscape.
		d)	The extent to which the clearance will affect indigenous biodiversity.
8.	Light spill	a)	The extent to which light spill from the activity into adjacent sites is avoided or minimised.
		b)	The intensity of lighting when viewed from a distance.
9.	Off-site effects from earthworks	a)	The extent to which changes in water drainage to and from adjacent sites because of the earthworks may cause adverse effects, such as ponding, erosion, drainage or flooding.
		b)	Whether mitigation measures avoid earthwork debris being carried into adjacent properties, waterways, estuaries and harbours, also taking into account cumulative effects.
		c)	The extent to which proposed mitigation measures will minimise effects during and after the activity.
10.	Maintenance or enhancement of biodiversity, water bodies, landscapes and natural character, including associated historic, cultural, scientific and recreation values	a)	The extent to which indigenous habitat, landscape and natural character features, or scientific, historic heritage, cultural or scenic areas are maintained or enhanced and incorporated into reserve management.
		b)	Whether the activity creates or retains linkages between indigenous ecosystems.
		c)	The extent to which the activity does not adversely affect aquatic ecosystems and natural processes.
11.	Effects on Sites of Significance to Māori sites and the cultural/traditional relationship of Māori with their ancestral land	a)	Whether the activity adversely affects a site of significance to Māori.
		b)	Whether consultation is needed to assess the effects on the relationship of Māori with their ancestral land and who should be consulted.
12.	Colour and reflectivity	a)	Whether the selected colour palette integrates with the surrounding landscape.
		b)	Whether the building will be visually recessive and have low reflectivity.
		a)	Whether after harvesting the ground is replanted with trees or other vegetative cover within a reasonable time period (e.g. less than 3 months).



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13.	Adverse visual effects on the landscape (from plantation forestry activities)	b)	Whether roads, tracks, landings and skid sites are located to minimise adverse visual effects on the landscape.
		c)	The extent to which harvesting is staged to mitigate significant adverse visual effects on the landscape.
14.	Buffers from Outstanding Natural Features and Landscapes , Residential Areas, adjacent sites, streams, wetlands and sealed roads	a)	Whether appropriately-sized buffers from the Outstanding Natural Features and Landscapes Overlay, Residential Areas, adjacent sites, streams, wetlands and sealed roads are in place and are maintained during plantation forestry operations.

(Additional Matters requested A62, A69)



Section 56 - Rural Zone

56.1 ZONE DESCRIPTION

The Rural Zone is the area inland from the coastline up to the Conservation Zone, which generally runs down the 'spine' of the District. This area contains most of the District's farmland and productive forests along with areas of indigenous vegetation, wetlands and natural landforms.

56.2 ZONE PURPOSE

The Rural Zone is predominantly a working environment and effects such as noise, odour, contaminants and traffic from primary production activities are to be expected. Productive areas, and a range of other activities, including those that support the tourism industry, contribute to the District's wellbeing through economic activity and income generation. The 'right to farm' recognises that there are established expectations regarding the rural amenity levels associated with the primary activities in a Rural Zone. However, this needs to be balanced against the other special values in the Rural Area, for example the coastal environment, biodiversity, historic heritage, landscape and natural character and natural hazards, which are mostly expressed through the overlays in the Plan. New or emerging activities must acknowledge that these amenity levels are integral to the Zone's character and diversity. Some other components (both positive and negative) that contribute to the character of the Rural Zone include:

- A much higher proportion of open space compared to Residential, Commercial and Industrial Areas;
- A much lower population compared to Residential, Commercial and Industrial Areas;
- Less infrastructure compared to Residential, Commercial and Industrial Areas;
- Prevalence of natural features and open space over the built environment;
- The presence of farm animals and significant areas in pasture, crops, forestry or indigenous vegetation;
- Roads which may be sealed (but can be narrow) and roads that are unsealed.

Lot sizes and density standards in the Rural Zone have been established to provide for the sustainable use and development of primary production activities and those involving other natural resources, while ensuring those values that contribute to the rural character of the Zone are retained and enhanced.

56.3 ACTIVITY TABLE AND USER INFORMATION

The Activity Table groups activities under broad headings and provides a rule and section number to go to as a starting point. In the table the following abbreviations are used:

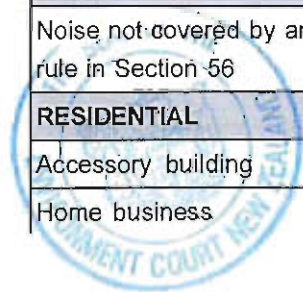
R = Rule S = Section

The zone rules are part of a hierarchy of rules. There may be overlay rules, district wide rules or special purpose provisions that also apply to the activity and site. Where there is conflict between rules the rule hierarchy applies to the extent of the conflict (see Section 1 Background and How to Use the Plan for more information).

ACTIVITY TABLE				
ACTIVITY	S 56.4	S 56.5	S56.6	S 56.7
ACTIVITIES NOT PROVIDED FOR				
Activities not provided for in the Plan			R 30	
Activities not provided for in Section 56				R 32

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BUILDING REMOVAL				
ACTIVITY TABLE				
ACTIVITY	S 56.4	S 56.5	S56.6	S 56.7
Demolition	R 15			
Partial demolition	R 15			
Removal	R 15			
COMMERCIAL				
Animal boarding or breeding facility		R 24		
Animal sale yards		R 25		
Campground	R 4			
Commercial recreation/event facility	R 1			
Produce stall	R 2			
Visitor accommodation	R 3			
COMMUNITY				
Amateur radio configuration	R 8			
Community facility		R 29A	R 31	
Emergency service training, military training	R 5			
Festival, event	R 6			
Formal recreation			R 31	
Informal recreation	R 5			
Scientific equipment, navigational aid	R 18			
EARTHWORKS				
Earthworks	R 7			
FARMING AND FORESTRY				
Afforestation	R 16			
Farming	R 23			
Goat farming	R 19			
Intensive farming		R 26		
INDUSTRIAL				
Industrial		R 27		
Marine equipment storage, maintenance and harvesting		R 28		
NOISE				
Noise not covered by another rule in Section 56	R 20			
RESIDENTIAL				
Accessory building	R 18 & 17A			
Home business	R 21			



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ACTIVITY TABLE				
ACTIVITY	S 56.4	S 56.5	S56.6	S 56.7
Minor unit	R 17 & 17A			
One dwelling per lot	R 17 & 17A			
Temporary living place	R 5			
Two or more dwellings per lot		R 29		
WATER, WASTEWATER, STORMWATER AND SOLID WASTE				
Other water, wastewater, stormwater infrastructure	R 22			
Refuse transfer station, recycling operation			R 31	
Sanitary landfill			R 31	
Wastewater treatment plant, treated waste disposal site (including composting)			R 31	
Water treatment plant, reservoir	R 22			

(Additional Activities requested A62)

NOTE

1. Works in close proximity to any electricity line can be dangerous. Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) is mandatory for all buildings and mobile plant within close proximity to all electricity lines.
2. Vegetation to be planted near electricity lines should be selected and/or managed to ensure that it will not result in the vegetation breaching the Electricity (Hazards from Trees) Regulations 2003.

56.4 PERMITTED ACTIVITIES

RULE 1 Commercial recreation/event facility

1. A commercial recreation/event facility is a **permitted activity** provided:
 - a) It does not occur in a building; and
 - b) All vehicle parking, loading and manoeuvring is provided for on-site.
2. A commercial recreation/event centre that is not permitted under Rule 1.1 is a **discretionary activity**.

NOTE

1. The commercial recreation/event facility may have as a permitted activity, accessory buildings that are used for storage provided the main recreation/event does not occur in a building.

RULE 2 Produce stall

1. A produce stall is a **permitted activity** provided:
 - a) It meets the standards in Table 5 at the end of Section 56, excluding standard 1 (front yard); and
 - b) The maximum area used for the produce stall is no greater than 30 m² (excluding any area required for on-site vehicle parking and manoeuvring); and
 - c) No additional vehicle access points are required; and
 - d) It is not located on a site that gains access from a state highway; and
 - e) In the **Coastal Environment**, it meets the specific standards in Table 6 at the end of Section 56.
2. A produce stall that is not permitted under Rule 2.1 is a **restricted discretionary activity**.
3. The Council restricts its discretion to matters 1, 2 and 11 in Table 7 at the end of Section 56.
4. A resource consent application under Rule 2.2 shall be assessed without public or limited notification under Sections 95, 95A and 95B of the RMA.



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NOTE

1. Rules controlling vehicle access, parking and manoeuvring are in [Section 39 Transport](#).

RULE 3 Visitor accommodation

1. Visitor accommodation is a **permitted activity** provided:
 - a) There are no more than 12 tariff-paid visitors staying on-site at any one time; and
 - b) The activity occurs within an existing dwelling, minor unit or accessory building.
2. Visitor accommodation that is not permitted under Rule 3.1 a) and/or b) is a **restricted discretionary activity**.
3. The Council restricts its discretion to matters 2, 5 and 6 in Table 7 at the end of Section 56.

NOTE

1. Rules controlling vehicle access, parking and manoeuvring are in [Section 39 Transport](#).
2. An extension to a dwelling, minor unit or accessory building to accommodate visitor accommodation is not provided for under Rule 3.

RULE 4 Campground

For visitor vehicles (e.g. motorhomes and caravans) only:

1. A campground is a **permitted activity** provided:
 - a) No more than two visitor vehicles used for sleeping are on-site; and
 - b) All visitor vehicles used for sleeping comply with NZS 5465:2001 Self Containment of Motor Caravans and Caravans, and display documentation of this compliance at all times; and
 - c) No buildings are erected.

All campground activities:

2. A campground that is not permitted under Rule 4.1 is a **restricted discretionary activity** provided:
 - a) It meets the standards in Table 5 at the end of Section 56; and
 - b) All vehicle parking and manoeuvring is provided for on-site; and
 - c) In the **Coastal Environment**, it meets the specific standards in Table 6 at the end of Section 56.
3. The Council restricts its discretion to matters 2, 4-7 and 11 in Table 7 at the end of Section 56.
4. A campground that is not a restricted discretionary activity under Rule 4.2 is a **discretionary activity**.

NOTE

1. Rules controlling vehicle access, parking and manoeuvring are in [Section 39 Transport](#).

RULE 5 Emergency service training, military training

Informal recreation

Temporary living place

1. An activity listed in Rule 5 is a **permitted activity**.

NOTE

1. Temporary living places are controlled under the *Bylaw for Standards of Camping on Private Property 2015*.

RULE 6 Festival, event (A62)

1. A festival, event, and any noise from it, is a **permitted activity** provided:
 - a) Electronically amplified noise and vehicle noise at the notional boundary of adjacent sites from 10 pm to 7 am the following day is no louder than 40 dB LAeq (15 min) and 70 dB LAF max; and
 - b) The noise of any helicopter associated with the festival, event complies with the standards in NZS 6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas (excluding Section 5: Land Use Planning); and
 - c) All vehicle parking and manoeuvring associated with the activity is contained on the site; and
 - d) No buildings are erected (under this rule) that remain after the festival, event finishes; and
 - e) It lasts no longer than 24 consecutive hours; and
 - f) There are no more than 250 people on the site.
2. A festival, event that is not permitted under Rule 6.1 is a **restricted discretionary activity**.
3. The Council restricts its discretion to matter 1, 2, 6, 7, 12 and 13 in Table 7 at the end of Section 56.

NOTE

1. Rules controlling vehicle access, parking and manoeuvring are in [Section 39 Transport](#).



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2. *After 10 pm, the Council may apply excessive noise provisions under sections 326 - 328 of the RMA if noise, particularly electronically amplified noise, is excessive for the location and event.*
3. *The Council recommends event planners contact the Area Manager prior to the festival, event.*

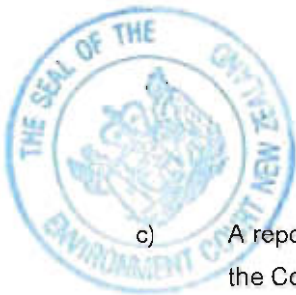
RULE 7 Earthworks

1. Earthworks are a **permitted** activity provided:
 - a) They are not within a kauri hygiene zone; and
 - i) They are for flood defence installation, maintenance or removal commissioned by the Waikato Regional Council; or
 - ii) They are for drainage works installed below ground level where the ground surface is fully restored and planted within 3 months from when work started; or
 - iii) They are for land cultivation or domestic gardening; or
 - iv) They are for utility installation, maintenance, upgrading and/or removal by the Council or a network utility operator; or
 - v) They are for ecosystem protection, rehabilitation or restoration works (e.g. conservation covenants, works involved with pest management) including a Beachcare activity or other beach and dune restoration activity authorised by the Council or the Waikato Regional Council; or
 - vi) They are to establish a building platform, and the earthworks are completed, and covered by a building or stabilised by vegetative or structural measures to prevent erosion, within 3 months from when work started; or
 - vii) They are required to:
 - a. Construct a fence line provided that they comply with standard 6 in Table 1; or
 - b. Create a new driveway or track provided they comply with the standards in Table 2; or
 - c. Maintain a fence line, or driveway, or track; or
 - d. Maintain the legal width of a State Highway network, or a legal right of way; or
 - e. Maintain an operational farm; or
 - f. Operate a plantation forestry activity; or
 - viii) They are for temporary stream and river gravel extraction and crushing facilities; or
 - ix) They meet the following standards:
 - a. The standards in Table 1; and
 - b. Silt and sediment resulting from the earthworks remains within the site; and
 - c. For fills/cuts to be assessed separately for the purpose of the Table 1 standards, a flat 'terrace' between fills/cuts must have a width perpendicular to the adjoining fill/cut that is more than twice the height of the adjoining fill/cut above the terrace. Otherwise, the earthworks are treated as one fill/cut; and
 - d. In the Coastal Environment, any surplus excavated material is reused on the site or is removed from the site within 3 months from when work started; and
 - e. In the Coastal Environment, the earthworks are stabilised within 3 months from when the work started; and
 - f. In the Coastal Environment, they meet the earthworks thresholds in Table 2.
- 2A. Earthworks that are within a kauri hygiene zone are a **restricted discretionary** activity for which a Kauri Dieback Disease Risk Management Plan (the management plan) must be prepared, approved and implemented.



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- a) The purpose of a Kauri Dieback Disease Risk Management Plan is to set out the procedures that will be followed to avoid the risk of the spread of kauri dieback disease by ensuring that the soil and organic matter from earthworks within the kauri hygiene zone is confined in a larger kauri dieback disease containment zone.
- b) A Kauri Dieback Disease Risk Management Plan must contain:
- a. The objectives of the management plan;
 - b. A map or maps showing:
 - i. The area that the management plan applies to;
 - ii. The location of each kauri tree within that area and its associated kauri hygiene zone;
 - iii. Locations where access to the kauri hygiene zone will be prevented (e.g. by fencing off, covering the soil with protective surface);
 - iv. The boundary of the kauri dieback disease containment zone beyond which soil and organic material from a kauri hygiene zone will not be transported;
 - v. Equipment and vehicle cleaning points (which are to be located within the kauri dieback disease containment zone); and
 - vi. Any water bodies, fences, roads, tracks or structures within the kauri dieback disease containment zone.
 - c. The method by which the boundaries of any kauri hygiene zone and kauri dieback disease containment zone will be clearly marked out;
 - d. The procedures to be followed to ensure that any vehicles, equipment and personnel are cleaned of all soil and organic material prior to entry into or exit from the kauri dieback disease containment zone;
 - e. The procedures to ensure that any soil, sludge or organic material not retained within the kauri hygiene zone is either stored within the kauri dieback disease containment zone or transported in a sealed vehicle to an approved Kauri Dieback Programme landfill;
 - f. The water management procedures to be used so that:
 - i. Washdown occurs at least 30 m from a water course; and
 - ii. Water drains away from any neighboring kauri trees; and
 - iii. If the requirement at i. and ii. above cannot be met, washdown water is contained within an impervious bund; and
 - iv. If on-site washdown is impracticable, washdown is undertaken at an identified facility where water does not drain into the stormwater system; and
 - v. Washdown of vehicles, machinery, tools and footwear used in a kauri hygiene zone occurs within the area.
 - g. The contact details of the person responsible for the implementation of the management plan.
- c) A report must be submitted annually to the Council using templates, forms and/or check-lists provided by the Council, recording all earthworks undertaken in the kauri dieback disease containment zone (including the date, type of equipment and vehicle used, the cleaning procedures followed and the disposal location of all disturbed soil and organic material).
- d) The Council will review the annual report and may require amendments to the management plan to ensure the continued effectiveness of the management plan.



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- e) The consent holder's annual report shall include any proposed amendment to the management plan. (An amendment to the management plan does not take effect until the Council confirms in writing the amendment meets the requirements in (a) (ii) above).
- f) Up to date records of all earthworks undertaken in the kauri dieback disease containment zone, since the earthworks reported in the most recent annual report submitted to the Council, must be made available to the Council as soon as practicable after a request for them is received.
- 2B. The Council restricts its discretion for earthworks under Rule 7.2A to:
- b) Matters 1, 3, 8 and 17 in Table 7 at the end of Section 56; and
- c) The extent to which the Kauri Dieback Disease Risk Management Plan is likely to be effective in avoiding the spread of kauri dieback disease.
- 3A. Earthworks that are not a permitted activity under Rule 7.1 a) i) to ix) are a **restricted discretionary activity**.
- 3B. The Council restricts its discretion for earthworks under rule 7.3A to matters 1, 3, 8 and 17 in Table 7 at the end of Section 56.
4. Earthworks that are not a restricted discretionary activity under Rule 7.2A are a **discretionary activity**.

Table 1 - Minimum Setback Distance of Earthworks

1.		to the toe of a fill (without a legally established retaining wall)	Equal to the maximum height of the fill
2.	From a site boundary, a building foundation, or a cliff (1:2 gradient or steeper)	to the toe of a cut (without a legally established retaining wall)	Equal to 1.5 times the maximum depth of the cut (also see 3. below)
3.		to the crest of a cut (without a legally established retaining wall)	0.3 m (also see 2. above)
4.		to top or bottom of a legally established retaining wall supporting a fill or a cut	Equal to the maximum height of the retaining wall

NOTE

1. For diagrams illustrating the above setback distances, refer to 'Earthworks' in Section 3 Definitions.

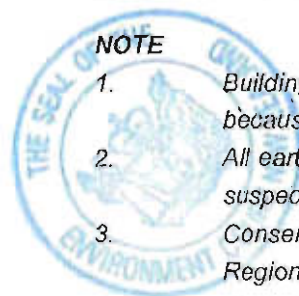
5.	From buried Council-owned wastewater, stormwater or water pipes	The depth of the pipe plus the pipe radius (i.e. a 45° setback zone either side of the pipe)
6.	Earthworks outside of the Coastal Environment are not within 5 metres of a permanent waterbody wider than 3 metres, except for stream crossings which are consented or otherwise authorised by the Waikato Regional Council; and/or constructing and maintaining fence lines.	

Table 2 - Earthworks Thresholds

1.	Maximum area per site per calendar year	10,000 m ² (1 ha)
2.	Maximum volume per site per calendar year	2,500 m ³
3.	Maximum height of any fill and/or cut	5 m
4.	Maximum duration of work within any calendar year	3 months

NOTE

1. *Building Act 2004 requirements may be triggered for some earthworks, such as where work is needed because land instability threatens a building and retaining walls.*
2. *All earthworks must comply with Heritage New Zealand Pouhere Taonga Act 2014, which protects recorded, suspected and unrecorded archaeological sites from destruction, damage and modification.*
3. *Consent may be required from the Waikato Regional Council. You are advised to check the Waikato Regional Plan prior to starting the earthworks.*
4. *Guidelines to avoid the discharge of earth material are available in: Erosion and Sediment Control -*



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Guidelines for Soil Disturbing Activities. Waikato Regional Council Technical Report No. 2009/02. January 2009. Available at <http://www.waikatoregion.govt.nz>.

5. *Earthworks in close proximity to any electricity distribution line can be dangerous. The New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) applies to all earthworks and the operation of mobile machinery within close proximity to all electric lines.*
6. *See also the Waikato Regional Plan for permitted activity standards and consent requirements relating to gravel extraction.*

OTHER METHOD: Measures to prevent the spread of kauri dieback disease

Earthworks within three times the maximum radius of the canopy dripline of a New Zealand kauri tree commenced or undertaken after this District Plan comes into effect require a restricted discretionary activity consent from the Council.

Where earthworks within three times the maximum radius of the canopy dripline have existing use rights under Section 10 RMA or an Existing Use Certificate under Section 139A RMA they may be continued within the limits authorised by Section 10 or Section 139A. Establishing whether such earthworks are authorised can be a demanding process. Landowners who intend continuing earthworks within three times the maximum radius of the canopy dripline in reliance of s 10 RMA may wish to take professional advice so they are aware of applicable parameters.

Persons undertaking earthworks within three times the maximum radius of the canopy dripline of a New Zealand kauri tree in reliance of Section 10 and/or Section 139A RMA are also strongly encouraged to make themselves familiar with the kauri dieback disease hygiene disposal procedures, - including information on approved disposal sites for soil and organic material – at the following websites.

<https://www.kauridieback.co.nz/media/1462/best-practice-guidelines-land-disturbance-activities-around-kauri.pdf>

<https://www.kauridieback.co.nz/media/1464/best-practice-guidelines-vehicles-and-heavy-machinery-hygiene.pdf>

http://kauridieback.co.nz/media/1355/bpg-landfill-disposal-of-contaminated-material_v21_final_signed.pdf

Where persons proceed in reliance on Section 10 and/or Section 139A RMA they are strongly encouraged to apply the following checklist.

Table Y: Checklist for earthworks undertaken within a kauri hygiene zone

Clearly define kauri hygiene zone, entry and exit points	YES/NO
List all vehicles, machinery and equipment to be used	YES/NO
Has all equipment and footwear been cleaned of soil and organic material and sprayed with Sterigene before entering the kauri hygiene zone?	YES/NO
For washdown on-site define the appropriate washdown facility	YES/NO
Is the washdown facility within the kauri hygiene zone?	YES/NO
Is the washdown facility at least 30 m away from a water course or waterbody?	YES/NO
Is the wash down facility draining away from any kauri trees?	YES/NO
Will a bund be used because drainage is not practicable?	YES/NO
Will all soils and mud be physically removed by brush or compressed air before washdown?	YES/NO
Will soil and organic material be left on site within the kauri hygiene zone?	YES/NO
For off-site washdown is the vehicle or trailer to be used to transport machinery sealed?	YES/NO
Will washdown occur in a purpose-built washdown facility?	YES/NO
Does the facility to be used drain its wastewater into the stormwater system?	YES/NO
Will a truck wash facility be used?	YES/NO
Will the washdown water be used to irrigate farmland?	YES/NO



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Will a Council depot be used for washdown?	YES/NO
Will the truck or trailer be cleaned and sprayed with Sterigene and will liners be disposed of?	YES/NO

Further information on responsible management of earthworks for kauri dieback purposes may be obtained from the Thames-Coromandel District Council, Waikato Regional Council or Department of Conservation.

RULE 8 Amateur radio configuration

1. An amateur radio configuration is a **permitted activity** provided:
 - a) Any building/structure meets the standards in Table 5 at the end of Section 56, excluding standard 4 (maximum building height) and standard 6 (maximum height in relation to boundary); and
 - b) Any building/structure does not exceed 15 m in height; and
 - c) In the **Coastal Environment**, any building/structure meets the specific standards in Table 6 at the end of Section 56.
2. An amateur radio configuration that is not permitted under Rule 8.1 is a **restricted discretionary activity**.
3. The Council restricts its discretion to matters 1, 7 and 11 in Table 7 the end of Section 56.

RULE 15 Demolition

Partial demolition

Removal

1. Demolition, partial demolition or removal of a building is a **permitted activity**.

RULE 16 (A29, A40)

1. **Afforestation**
Afforestation is a **permitted activity** provided:
 - a) It meets the standards in Table 5 at the end of Section 56; and
 - b) It meets the setback standards in Table 3 and no exotic tree of the plantation species, whether planted or self-seeded, grows more than 10 m high in the setback area; and

EITHER

 - c) The area to be covered by trees is less than 4 ha.

OR

 - d) It is not in the **Coastal Environment**; and
 - e) Prior to the afforestation starting, a forest plan is submitted to the Council that details the following information:
 - i) The legal description, location and area of planting; and
 - ii) The approximate age of trees on harvest; and
 - iii) The location of roads, tracks, landings and skid sites, and transport routes from harvest to the State Highway; and
 - iv) The location of setbacks based on Table 3; and
 - v) The location of any known archaeological site, site of significance to Māori or historic heritage site; and
 - vi) The method of removal of all trees of the plantation forest species (whether planted or self-seeded) within the Table 3 setbacks before they reach 10 m in height; and
 - vii) Whether at risk or threatened indigenous fauna (e.g. kiwi, frogs, bats etc.) are present on the site and the steps proposed to safely relocate or protect them.
 - f) Any stormwater, silt controls, fire breaks or landscape improvements are not located on the unformed margins of public roads.
2. Afforestation that is not permitted under Rule 16.1 is a **restricted discretionary activity**.
3. The Council restricts its discretion to matters 1, 3, 8-11, 15 and 16 in Table 7 at the end of Section 56.

NOTE
1. Consent may be required by the Waikato Regional Council; check with them prior to starting any afforestation works.

Table 3 - Setback Standards for Afforestation (A29, A40)

No.	Setback Standard	Distance (m)
1.	From any existing off-site dwelling	40 m
2.	From a Residential Area	40 m
3.	From the boundary of an adjoining land under different ownership without written approval of the adjoining land owner being obtained	10 m
4.	From an Outstanding Natural Features and Landscapes Overlay	30 m
5.	From a permanent stream or wetland draining an upstream catchment of 50 ha or less	5 m
6.	From a permanent stream or wetland draining an upstream catchment of more than 50 ha	10 m

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7.	From the Coastal Marine Area	10 m
8.	No trees are to be planted where, at the tree harvest height, they could shade an adjacent sealed road between 10 am and 2 pm on the shortest day of the year.	

RULE 17 Minor unit

One dwelling per lot

1. An activity listed in Rule 17 is a **permitted** activity provided:
 - a) It is not in the green shaded areas in the Waikawau Bay as shown in Figure 1 at 56.9.2
 - b) It meets the standards in Table 5 at the end of Section 56; and
 - c) It is more than 40 m from plantation forestry; and
 - d) In the **Coastal Environment** it meets the specific standards in Table 6 at the end of Section 56 or it complies with a memorial registered against the title to meet a condition of the subdivision consent creating that allotment specifying standards for colour and reflectivity; and
 - e) In the **Coastal Environment** the site is equal to or is greater than 20 hectares; or
 - f) For sites less than 20 hectares in the **Coastal Environment**:
 - i) The maximum gross floor area of the dwelling is 350 m² or 10% site coverage, whichever is less; and
 - ii) The dwelling and/or minor unit is to be located on an allotment that was consented after 29 April 2016; or
 - iii) The dwelling and/or minor unit is to be located on an allotment that was consented before 29 April 2016 and there is a memorial registered against the title to meet a condition of the subdivision consent creating that allotment specifying standards, where relevant, which must be complied with in relation to location, colour, reflectivity, building bulk and design.
2. An activity that is not permitted under Rule 17.1 (a) or f) ii) or f) iii) is a **controlled** activity provided:
 - a) In relation to f)iii) above it meets the standards in b) - e) below where these are not addressed in the memorial registered against the title to meet a condition of the subdivision consent creating that allotment.
 - b) It meets the specific standards in Table 6 at the end of Section 56; and
 - c) It meets the standards in Table 5 at the end of Section 56 excluding site coverage; and
 - d) It is more than 40 m from plantation forestry; and
 - e) The maximum gross floor area of the dwelling is 350 m² or 10% site coverage, whichever is less or in green shaded areas in the Waikawau Bay area shown in Figure 1 at 56.9.2 the combined maximum gross floor area of the dwelling, accessory building and minor unit is 400m² or 10% site coverage, whichever is less.
3. Controlled activities under Rule 17.2 shall be assessed without public or limited notification under Sections 95A and 95B of the Resource Management Act unless special circumstances exist or notification is required under section 95B (2) and (3).
4. The Council reserves its control over all matters in Table 6A at the end of section 56 or where there is a memorial registered against the title to meet a condition of the subdivision consent creating that allotment, only those matters in Table 6A not addressed by that memorial.
5. For an activity included in the green shaded areas in the Waikawau Bay area as shown in Figure 1 at 56.9.2 Council reserves its control over all matters in Table 6A whether or not there are any memorials of the kind referred to in 4.
6. An activity that is not permitted under Rule 17.1 excluding f) ii) or f) iii) or a controlled activity under Rule 17.2 is a **restricted discretionary** activity.
7. The Council restricts its discretion to matters in Table 6A and matters 1, 4 and 11 in Table 7 at the end of Section 56.

Rule 17A Accessory Buildings on Section 2 Block VI Harataunga Survey District Dwellings on Section 2 Block VI Harataunga Survey District
Minor unit on Section 2 Block VI Harataunga Survey District



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1. An activity in Rule 17A is a permitted activity provided:
 - a) That there are no more than 30 dwellings and associated accessory buildings, and these are located in the 'Ecovillage Housing Area' shown on Diagram A in 56.9.1 below; and
 - b) There are no more than six (6) minor units located in the 'Ecovillage Housing Area' shown on Diagram A in 56.9.1 below; and
 - c) Each dwelling, minor unit or accessory building meets the standards in Table 5 at the end of Section 56 (excluding '5. maximum site coverage') and;
 - d) The maximum site coverage of the 'Ecovillage Housing Area' is 2%; and
 - e) The maximum building footprint for a dwelling, a minor unit and associated accessory building(s) is 450m²; and
 - f) Each dwelling and minor unit shall have vehicle access to Waikanae Valley Road.
2. A minor unit that is not permitted under Rule 17A.1 b) is a **restricted discretionary activity**, provided that no more than 30 minor units are constructed on Section 2 Block VI Harataunga Survey District.
3. The Council restricts its discretion to matters 2,4,6,7, and 12 in Table 7 in Section 56.
4. An activity that is not a permitted activity under Rule 17A.1 a), c) - f), or a restricted discretionary activity under Rule 17A.2 is a **discretionary activity**.

NOTE

1. *Vehicle access within Section 2 Block VI Harataunga Survey District may be shared by more than one dwelling.*
2. *'Building Footprint' in Rule 17A means the gross floor area of a building at the ground floor level only.*

RULE 18 Accessory building

Scientific equipment, navigational aid

1. An activity listed in Rule 18 is a **permitted activity** provided it meets the standards in Table 5 at the end of Section 56.
2. An activity that is not permitted under Rule 18.1 is a **restricted discretionary activity**.
3. The Council restricts its discretion to matters 1, 4 and 11 in Table 7 at the end of Section 56.

NOTE

1. *An accessory building or other structure may need a building consent. Contact the Council to check this.*
2. *The maximum gross floor area of accessory buildings is relevant to the activity status of dwellings and minor units under Rule 17 above where they are within the green shaded areas in the Waikawau Bay area shown in Figure 1 at 56.9.2 (refer Rule 17.2d)).*

RULE 19 Goat farming

1. Goat farming is a **permitted activity** provided:
 - a) It meets the standards in Table 5 at the end of Section 56; and
 - b) The Council has been advised in writing of the nature of any new goat farming activity, including the expansion of an existing farm or the introduction of any new species; and
 - c) The goats are contained within a fence that meets the following requirements:
 - i) The bottom wire is no more than 70 mm from the ground;
 - ii) There are 9 wires of high tensile 2.5 mm diameter galvanised steel, which are kept tight at all times;
 - iii) The wire spacing intervals are 100, 100, 100, 110, 120, 135, 161 and 165 mm from the bottom wire;
 - iv) The top wire is approximately 61 mm from the top of the fence post;
 - v) There are no internal stays;
 - vi) The posts are spaced 5 m for ground slopes < 30 degrees, 4 m for ground slopes 30 to < 45 degrees, 3 m for ground slopes > 45 degrees;
 - vii) Battens are at 1 m intervals;
 - viii) Where a water body crosses the boundary of the area to be fenced, a fence which meets the minimum fencing requirements above is constructed alongside the water body with a setback of at least 5 m from the edge of the bed of the water body;



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- ix) Where the fence is situated on a slope > 30 degrees the bottom wire is barbed wire instead of high tensile wire; and
 - d) In the **Coastal Environment**, it meets the specific standards in Table 6 at the end of Section 56.
2. Goat farming that that is not permitted under Rule 19.1 is a **discretionary activity**.
3. The Waikato Regional Council and the Department of Conservation shall be notified of a resource consent application under Rule 19.2.

RULE 20 Noise not covered by another rule in Section 56

1. Noise not covered by another rule in Section 56 is a **permitted activity** provided:
- a) It is from a farming or forestry activity; or
 - b) It is from emergency service training or emergency response activities; or
 - c) It is from military training; or
 - d) It is from the temporary use of an emergency electricity generator; or
 - e) It is from a temporary site or building maintenance activity between 7 am and 8 pm; or
 - f) It is from a temporary construction activity that complies with NZS 6803:1999 Acoustics – Construction noise; or
 - g) It meets the noise standards in Table 4.
2. Noise not covered by another rule in Section 56 that is not permitted under Rule 20.1 is a **restricted discretionary activity**.
3. The Council restricts its discretion to matter 1 in Table 7 at the end of Section 56.

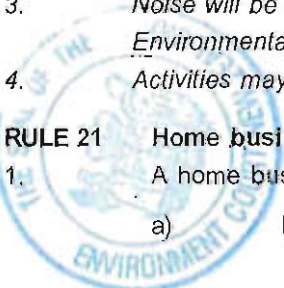
Table 4 - Maximum Noise Level Standards				
	Measured at	Time period	L _{Aeq} (15 min)	L _{AF max}
1.	<ul style="list-style-type: none"> • The receiving site at any point within the: • • Airfield Zone • Commercial Zone • Industrial Zone • Light Industrial Zone • Marine Service Zone • Recreation Active Zone • Road Zone 	At all times	70 dB	N/A
2.	At any point within the notional boundary of a site	Monday to Saturday 7 am to 10 pm	50 dB	N/A
3.	within any other zone not	Sunday 7 am to 6 pm	50 dB	N/A
4.	listed above	At all other times	40 dB	65 dB

NOTE

1. Rule 20.1 a) includes temporary noise from animals, harvesting, cultivation, fertilising, spraying, and similar farming and forestry activities.
2. Rule 20.1 d) includes noise from lawn mowing, waterblasting, leaf blowing, and similar temporary maintenance activities. It does not include home business activities.
3. Noise will be measured and assessed in accordance with NZS 6801:2008 Acoustics – Measurement of Environmental Sound and NZS 6802:2008 Acoustics – Environmental Noise.
4. Activities may be subject to the excessive noise provisions set out in s326 to s328 of the RMA.

RULE 21 Home business

1. A home business is a **permitted activity** provided:
- a) It meets the standards in Table 5 at the end of Section 56; and



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- b) No noxious or dangerous odour or fumes from the home business are detected outside the site; and
 - c) No dust, smoke, liquid, spray or particles from the home business are discharged from the site; and
 - d) No electromagnetic interference with the operation of household equipment occurs outside the site; and
 - e) The home business is carried out by resident(s) of the dwelling, and no more than two people who do not reside in the dwelling; and
 - f) All vehicle parking, loading and manoeuvring is provided for on-site; and
 - g) In the **Coastal Environment**, it meets the specific standards in Table 6 at the end of Section 56.
2. A home business that is not permitted under Rule 21.1 is a **restricted discretionary activity**.
3. The Council restricts its discretion to matters 1, 2 and 11 in Table 7 at the end of Section 56.

NOTE

1. *Rules controlling vehicle access, parking and manoeuvring are in Section 39 Transport.*

RULE 22 Other water, wastewater, stormwater infrastructure

Water treatment plant, reservoir

1. An activity listed in Rule 22 is a **permitted activity** provided:
- a) Any building/structure meets the standards in Table 5 at the end of Section 56; and
 - b) The ground surface and any vegetation that has been disturbed is reinstated upon completion of works unless covered by a building/structure or landscaping; and
 - c) In the **Coastal Environment**, any building/structure meets the specific standards in Table 6 at the end of Section 56.
2. An activity that is not permitted under Rule 22.1 is a **restricted discretionary activity**.
3. The Council restricts its discretion to matters 1 and 7 in Table 7 at the end of Section 56.

RULE 23 Farming

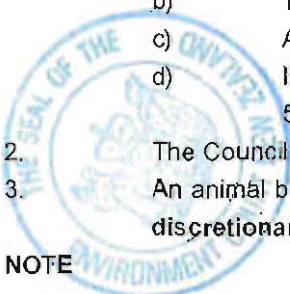
1. Farming is a **permitted activity** provided:
- a) In the **Coastal Environment**, buildings associated with the activity meet the specific standards in Table 6 at the end of Section 56; and
 - b) Buildings associated with the activity meet the standards in Table 5 at the end of Section 56; except that:
 - i) Yard standards do not apply to fences and artificial permeable shelters (e.g. bird netting, shade/frost cloth); and
 - ii) The height in relation to boundary standard does not apply to fences or artificial permeable shelters (e.g. bird netting, shade/frost cloth) if they are more than 16 m from any off-site dwelling.
2. An activity that is not permitted under Rule 23.1 is a **restricted discretionary activity**.
3. The Council restricts its discretion to matters 1 and 11 in Table 7 at the end of Section 56.

56.5 RESTRICTED DISCRETIONARY ACTIVITIES

RULE 24 Animal boarding or breeding facility

1. An animal boarding or breeding facility is a **restricted discretionary activity** provided:
- a) It meets the standards in Table 5; and
 - b) The activity is set back 30 m from side and rear yards; and
 - c) All vehicle parking, loading and manoeuvring is provided for on-site; and
 - d) In the **Coastal Environment**, it meets the specific standards in Table 6 at the end of Section 56.
2. The Council restricts its discretion to matters 2, 4-6 and 11 in Table 7 at the end of Section 56.
3. An animal boarding or breeding facility that is not a restricted discretionary activity under Rule 24.1 is a **discretionary activity**.

NOTE



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1. *Rules controlling vehicle access, parking and manoeuvring are in Section 39 Transport.*

RULE 25 Animal sale yards

1. An animal sale yards is a **restricted discretionary** activity provided:
 - a) Any building associated with the activity meets the standards in Table 5 at the end of Section 56; and
 - b) All vehicle parking and manoeuvring is provided for on-site; and
 - c) In the **Coastal Environment**, it meets the specific standards in Table 6 at the end of Section 56.
2. The Council restricts its discretion to matters 2, 4, 6 and 11 in Table 7 at the end of Section 56.
3. An animal sale yards that is not a restricted discretionary activity under Rule 25.1 is a **discretionary activity**.

RULE 26 Intensive farming

1. Intensive farming is a **restricted discretionary** activity provided:
 - a) The maximum site coverage is 10%; and
 - b) The maximum lux level received at any point beyond the site, as measured vertically and horizontally, is 1 lux; and
 - c) All yards are 100 m; and
 - d) The maximum building height is 10 m; and
 - e) All vehicle parking, loading and manoeuvring is provided for on-site; and
 - f) No building under this Rule is located within 100 m of State Highway 25 between The 309 Road and Moewai Road.
2. The Council restricts its discretion to matters 2, 4-7 and 11 in Table 7 at the end of Section 56.
3. Intensive farming that is not a restricted discretionary activity under Rule 26.1 is a **discretionary activity**.

NOTE

1. *Rules controlling vehicle access, parking and manoeuvring are in Section 39 Transport.*

RULE 27 Industrial

1. Industrial is a **restricted discretionary** activity provided:
 - a) It meets the standards in Table 5 at the end of Section 56, except standards 4 and 6 (maximum height and height in relation to boundary); and
 - b) The maximum height is 10 m; and
 - c) It is only to service, or uses materials sourced from, a farming, forestry or marine activity; and
 - d) There is no retail of materials, goods or product from the site under this rule; and
 - e) All vehicle parking, loading and manoeuvring is provided for on-site; and
 - f) No building under this Rule is located within 100 m of State Highway 25 between The 309 Road and Moewai Road.
2. The Council restricts its discretion to matters 2, 4-7 and 11 in Table 7 at the end of Section 56.
3. Industrial that is not a restricted discretionary activity under Rule 27.1 is a **non-complying activity**.

NOTE

1. *Rules controlling vehicle access, parking and manoeuvring are in Section 39 Transport.*

RULE 28 Marine equipment storage, maintenance and harvesting

1. Marine equipment storage, maintenance and harvesting is a **restricted discretionary** activity provided:
 - a) It meets the standards in Table 5, except for standards 4 and 6 (maximum height and height in relation to boundary); and
 - b) The maximum building height is 10 m; and
 - c) Side/rear yards are 30 m; and
 - d) All vehicle parking, loading and manoeuvring is provided for on-site; and
 - e) No building under this Rule is located within 100 m of State Highway 25 between The 309 Road and Moewai Road; and



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- f) In the Coastal Environment, it meets the specific standards in Table 6 at the end of Section 56.
2. The Council restricts its discretion to matters 2, 4-7 and 11 in Table 7 at the end of Section 56.
3. Marine equipment storage, maintenance and harvesting that is not a restricted discretionary activity under Rule 28.1 is a discretionary activity.

NOTE

1. Rules controlling vehicle access, parking and manoeuvring are in Section 39 Transport.

RULE 29 Two or more dwellings per lot

1. Two or more dwellings per lot is a restricted discretionary activity provided:
- It is not in the Coastal Environment; and
 - Each dwelling is within a minimum exclusive area (MEA) that meets the standards, as if each MEA were a lot, in:
 - Table 5 at the end of Section 56; and
 - Section 38 Subdivision Table 2.12 Rural Zone; and
 - Each dwelling has legal vehicle access to a formed road; and
 - Any new dwelling is more than 40 m from plantation forestry.
2. The Council restricts its discretion to matters 2, 4-9, 11 and 14 in Table 7 at the end of Section 56.
3. A resource consent application under Rule 29.1 shall be assessed without public notification under Sections 95 and 95A of the RMA.
4. Two or more dwellings per lot that is not a restricted discretionary activity under Rule 29.1 is a discretionary activity.

RULE 29A Community facility on Section 2 Block VI Harataunga Survey District

1. A community facility on Section 2 Block VI Harataunga Survey District is a restricted discretionary activity provided:
- It meets the standards in Table 5 at the end of Section 56; and
 - It is located in the 'Ecovillage Housing Area' shown on Diagram A in 56.9.1 below.
2. The Council restricts its discretion to matters 2, 4-8, and 12 in Table 7 at the end of Section 56.
3. A resource consent application under Rule 29A.1 shall be assessed without the public notification under Sections 95 and 95A of the RMA.
4. A community facility on Section 2 Block VI Harataunga Survey District that is not a restricted discretionary activity under Rule 29A.1 is a discretionary activity.

56.6 DISCRETIONARY ACTIVITIES

RULE 30 Activities not provided for in the Plan

1. An activity not listed in the Activity Table at the beginning of Section 56 and not in the Activity Summary Table (in Section 1.8) is a discretionary activity.

RULE 31 Community facility

Formal recreation

Refuse transfer station, recycling operation

Sanitary landfill

Wastewater treatment plant, treated waste disposal site (including composting)

1. An activity listed in Rule 31 is a discretionary activity provided:
- It meets the standards in Table 5 at the end of Section 56; and
 - In the Coastal Environment, it meets the specific standards in Table 6 at the end of Section 56.
2. An activity listed in Rule 31 that is not a discretionary activity under Rule 31.1 is a non-complying activity.

56.7 NON-COMPLYING ACTIVITIES

RULE 32 Activities not provided for in Section 56

1. An activity that is not listed in the Activity Table at the beginning of Section 56, but is listed in the Activity Summary Table (in Section 1.8) and is not a district-wide activity is a non-complying activity.



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56.8 ASSESSMENT STANDARDS, MATTERS AND CRITERIA

Table 5 - Standards			
1.	Front yard	a)	15 m
		b)	20 m adjoining a state highway
2.	Beachfront yard	7.5 m	
3.	Conservation Zone yard	25 m	
4.	Maximum building height	8 m	
5.	Maximum site coverage	10 %	
6.	Maximum height in relation to boundary of the lot	2 m and 45°	
7.	Maximum lux level received at any point beyond the site, as measured vertically and horizontally	1 lux	

Table 6 - Specific Standards				
Standard		Roof	Exterior Walls	
1.	Colour	Exterior building colours are selected from the British Standard BS5252 numbers 00-24 in Appendix 5; or are a COLORSTEEL ® colour.	a)	
			Exterior building colours are selected from the British Standard BS5252 numbers 00-24 in Appendix 5; or are a COLORSTEEL ® colour.	
			OR are:	
			b) A natural timber material;	
			c) A natural stone material.	
2.	Reflectivity	Has a reflective value no greater than 25%.	Has a reflective value of no greater than 35%.	
3.	Windows must have a reflective value no greater than 15%.			

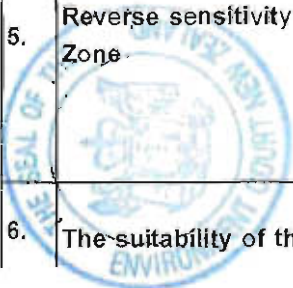
Table 6A - Controlled Activity Matters	
Matter	
1.	Building bulk, design and colour
2.	Integration with the natural landform and vegetation cover
3.	Landscape and plantings

Table 7 - Restricted Discretionary Matters			
Matter		Assessment Criteria	
1.	Effects of not meeting the standard(s)	a)	Whether actions (if any) taken to avoid, remedy, or mitigate the adverse effects of not meeting the standard(s) are appropriate and effective.
2.	Positive and adverse effects on adjacent sites and	a)	The extent to which any adverse effects such as odour, fumes, noise, smoke, liquid spray, dust, vibration, light spill, or stormwater runoff from the activity do not affect residential and other activities on adjacent sites.
		b)	Whether the frequency and duration of the activity and any effects in 2 a) are tolerable.



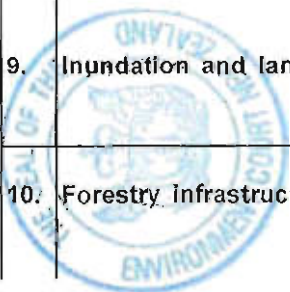
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	the local community	c)	Whether these effects will maintain or enhance the amenity and character of the Rural Zone, or the zone where the effects are received.
		d)	The extent to which positive effects from the activity contribute to the economic, social and cultural wellbeing of the local community.
3.	Erosion and sediment control measures	a)	Whether the effects of stormwater runoff can be contained within the site.
		b)	Whether stormwater management is proposed to control sediment runoff.
		c)	The extent to which any soil erosion resulting from vegetation clearance or removal can be effectively mitigated.
4.	Location, design and layout of the activity	a)	Whether the activity is of a size and scale appropriate to the Zone.
		b)	Whether the location and design of the activity has an effect on the purpose of the Zone.
		c)	Whether the activity is not located on high class soils unless the activity relies on these soils.
		d)	The extent to which the location of the activity maintains the natural land contour and does not dominate the natural landform.
		e)	The extent to which landscaping and planting can integrate buildings and structures into the surrounding landscape.
		f)	Whether the location and operation of the activity is within the carrying capacity, standard and status of the existing road(s) servicing the site.
		g)	The extent to which the location of the activity minimises fire risk.
		h)	Whether the activity does not protrude into the skyline or sea backdrop.
		i)	The degree to which architectural elements of the building can assist with the integration of buildings and structures into the surrounding landscape.
		j)	Whether the location of a sensitive activity will not cause reverse sensitivity effects on the State Highway.
5.	Reverse sensitivity on activities expected in the Zone	a)	The amenity levels expected by the activity and suitability of the activity in the Rural Zone.
		b)	The extent to which the activity is compatible with the primary and industrial activities expected in the Rural Zone.
		c)	Whether the activity will compromise the operation of existing lawfully established rural activities.
6.	The suitability of the site for the scale of the	a)	Whether the site can accommodate the activity without compromising rural amenity values.



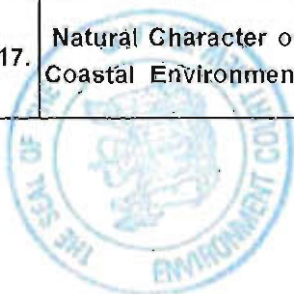
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	proposed activity	b) The degree to which areas of open space are maintained on the site.
		c) The extent to which the site can accommodate all aspects of the activity without causing adverse effects that are more than minor.
		d) Whether the site is an appropriate location for the activity, and what alternatives have been considered.
		e) The location of noise sensitive activities in relation to the proposed activity and the extent to which they will be affected.
		f) Whether the provision of wastewater, water and solid waste is adequate for the number of people anticipated and the duration of the activity.
7.	Utility infrastructure provision and location (including easements) for water, wastewater, solid waste, stormwater, electricity, telecommunications	a) Whether the provision and location of utility infrastructure on-site is appropriate.
		b) The extent to which the proposed infrastructure improves the resilience and security of the network.
		c) Whether easements are necessary.
		d) Whether appropriate provision is made for the management of water, stormwater and wastewater.
		e) Whether there is technical and practical potential for the co-location of utility infrastructure on a site.
		f) The extent to which technical and functional needs require the proposed location of the utility infrastructure.
		g) The extent to which the utility infrastructure contributes to the functioning and well-being of the community.
		h) Whether the extension of existing above ground utility infrastructure is appropriate.
		i) The extent to which the activity will contribute to central and regional government energy policy objectives and renewable energy targets.
8.	Off-site effects from earthworks	a) The extent to which changes in water drainage due to earthworks causing adverse effects, such as ponding, erosion, drainage or flooding is avoided or remedied.
		b) Whether mitigation measures are proposed to avoid earthworks debris being carried into adjacent properties, waterways, estuaries and harbours, also taking into account cumulative effects.
9.	Inundation and land instability	a) Whether the development's inundation risk, including coastal inundation over the next 100 years, and/or land instability risk is acceptable (see Section 10.1 Natural Hazards Background).
10.	Forestry Infrastructure and replanting	a) The length of time between replanting of trees or other vegetative cover.
		b) The location of roads, tracks, landings and skid sites.



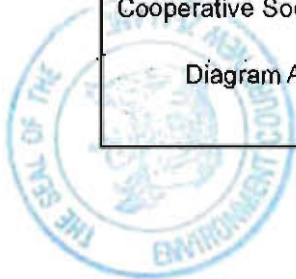
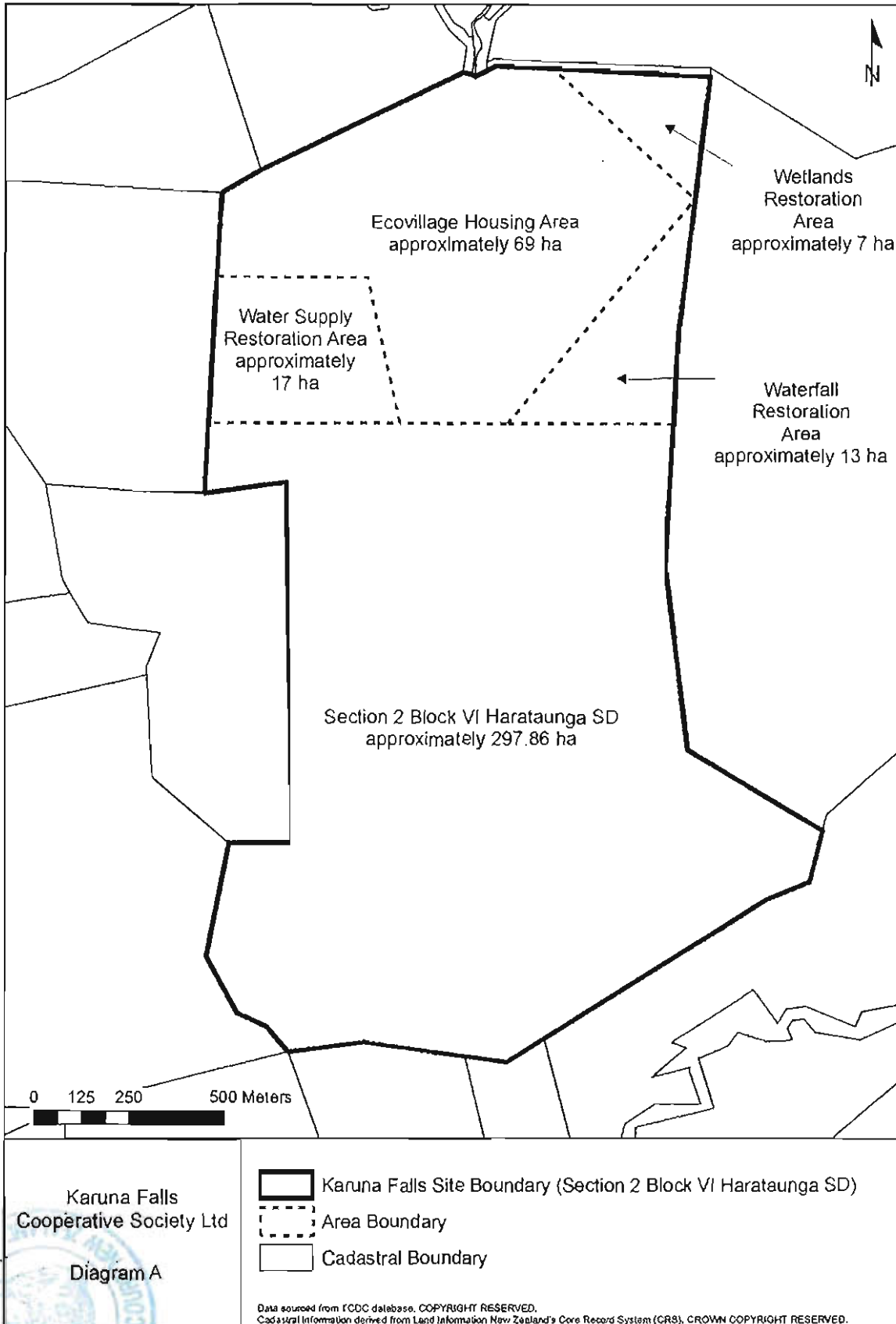
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		c)	If any threatened or at risk indigenous fauna (kiwi, frogs etc.) are present, the extent of arrangements proposed to safely relocate or protect them.
11. Colour and reflectivity		a)	Whether the exterior building colours for the roof and walls are selected from the British Standard BS5252 numbers 00-24 in Appendix 5 or are otherwise visually recessive within the surrounding landscape.
		b)	Whether the reflective value of the building roof is no greater than 25%; the exterior walls is no greater than 35% and the windows are no greater than 15% or they are not visible beyond the boundaries of the site.
12. Roading, vehicle parking and access		a)	Whether consultation and approval is needed from the roading authority.
		b)	Where the activity involves the use of roads, whether an approved traffic management plan is in place.
		c)	Whether traffic associated with the activity will have an adverse effect on the safety and efficiency of the roading network.
13. New permanent buildings		a)	Whether the building/s have a viable use beyond the festival, event.
		b)	The extent to which the building/s comply with the standards in Table 5; and Table 6 if in the Coastal Environment.
14. Internal access and private way		a)	The extent to which effects from additional traffic movements and any related nuisance factors affect shared users of an existing internal access or private way.
15. Adverse visual effects on the landscape (from plantation forestry activities)		a)	Whether after harvesting the ground is replanted with trees or other vegetative cover within a reasonable time period (e.g. less than 3 months).
		b)	Whether roads, tracks, landings and skid sites are located to minimise adverse visual effects on the landscape.
		c)	The extent to which harvesting is staged to mitigate significant adverse visual effects on the landscape.
16. Buffers from Outstanding Natural Features and Landscapes Overlays, Residential Areas, adjacent sites, streams, wetlands and sealed roads		a)	Whether appropriately-sized buffers from the Outstanding Natural Features and Landscapes Overlay, Residential Areas, adjacent sites, streams, wetlands and sealed roads are in place and are maintained during plantation forestry operations.
17. Natural Character of waterbodies outside of the Coastal Environmental		a)	The extent to which the earthworks has adverse effects on the natural character of any permanent waterbody.



56.9 DIAGRAMS

56.9.1 Karuna Falls Cooperative Society Ltd



56.9.2 Waikawau Bay Area (for the purpose of Rule 17 and Rule 18)

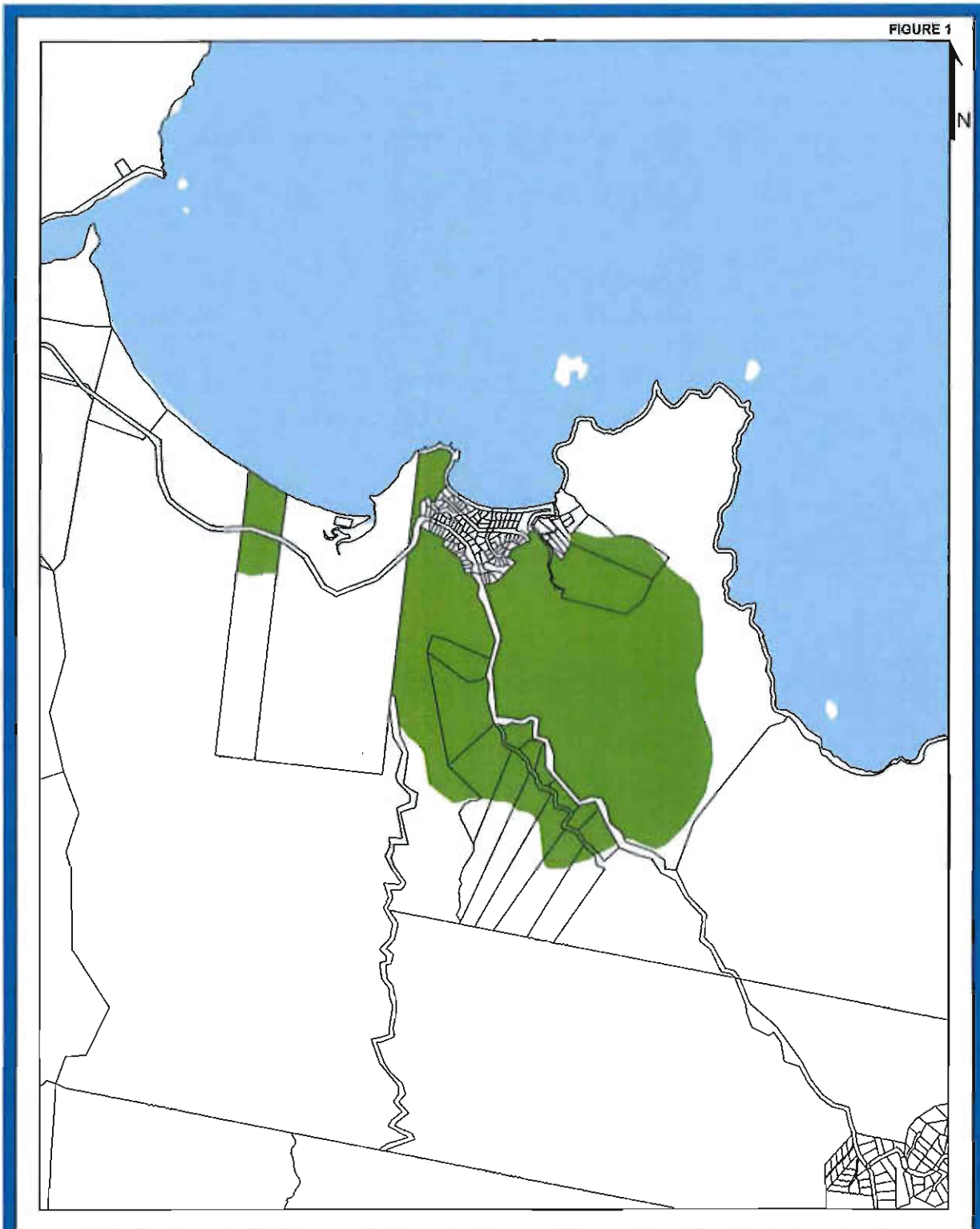


FIGURE 1
Waikawau Bay Area
 (for the purpose of Rule 17 and Rule 18)
PROPOSED DISTRICT PLAN - Appeals Version
 Scale 1:26,000 at A4 Paper Size

0 0.15 0.3 0.6 0.9 1.2 1.5 km

Cadastral information derived from Land Information New Zealand's Core Record System (CRS). CROWN COPYRIGHT RESERVED.

**THAMES
COROMANDEL
DISTRICT COUNCIL**

MAP PRINTED
May 2018



Section 57 - Rural Lifestyle Zone

57.1 ZONE DESCRIPTION

The Rural Lifestyle Zone generally comprises land on the periphery of settlements. The transition from productive rural land to rural lifestyle land is mainly expressed in terms of residential intensity, lot sizes and land use activity.

Lot sizes in the Rural Lifestyle Zone are considerably smaller than those in the Rural Zone. They have been created to enable areas of rural land to be managed as part-time farms or 'lifestyle blocks'. Any intensification of land use and development beyond that provided in the Plan is likely to impact on the character and amenity values of the Rural Lifestyle Zone.

57.2 ZONE PURPOSE

The Rural Lifestyle Zone is a transition area between settlements and productive rural land.

It is a zone close to settlements where residents can enjoy the benefits of a rural lifestyle and its associated amenity at a short distance from areas where support services and infrastructure are provided. The Zone also serves as a buffer between settlements and the Rural Zone. This assists with the management of effects from farming and forestry activities on neighbouring settlements (and vice versa). The Rural Lifestyle Zone provides an area where both rural and low density residential activities can co-exist. Some of the other elements that contribute to the character of a Rural Lifestyle Zone include:

- A higher proportion of open space and privacy compared to Residential, Commercial and Industrial Areas, but a lower proportion when compared to the Rural Zone; and
- A lower proportion of people compared to Residential, Commercial and Industrial Areas; and
- Self-sufficiency in terms of water, wastewater and stormwater services; and
- Prevalence of natural features over the built environment; and
- Greater presence of farm animals and areas in pasture, crops, forestry or indigenous vegetation but of a smaller scale when compared to the Rural Zone.

57.3 ACTIVITY TABLE AND USER INFORMATION

The Activity Table groups activities under broad headings and provides a rule and section number to go to as a starting point. In the table the following abbreviations are used:

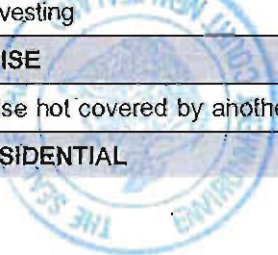
R = Rule S = Section

The zone rules are part of a hierarchy of rules. There may be overlay rules, district wide rules or special purpose provisions that also apply to the activity and site. Where there is conflict between rules the rule hierarchy applies to the extent of the conflict (see Section 1 Background and How to Use the Plan for more information).



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ACTIVITY TABLE				
ACTIVITY	S 57.4	S 57.5	S 57.6	S 57.7
ACTIVITIES NOT PROVIDED FOR				
Activities not provided for in the Plan			R 23	
Activities not provided for in Section 57				R 25
BUILDING REMOVAL				
Demolition	R 15			
Partial demolition	R 15			
Removal	R 15			
COMMERCIAL				
Animal boarding or breeding facility			R 24	
Animal sale yards			R 24	
Campground	R 4			
Commercial recreation/event facility	R 1			
Produce stall	R 2			
Visitor accommodation	R 3			
COMMUNITY				
Amateur radio configuration	R 8			
Community facility			R 24	
Emergency service training, military training	R 5			
Festival, event	R 6			
Formal recreation			R 24	
Informal recreation	R 5			
Residential care facility			R 24	
Scientific equipment, navigational aid	R 17			
EARTHWORKS				
Earthworks	R 7			
FARMING AND FORESTRY				
Afforestation	R 16			
Farming	R 17			
Goat farming	R 18			
Intensive farming			R 24	
INDUSTRIAL				
Industrial			R 24	
Marine equipment storage, maintenance and harvesting			R 24	
NOISE				
Noise not covered by another rule in Section 57	R 19			
RESIDENTIAL				



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ACTIVITY TABLE				
ACTIVITY	S 57.4	S 57.5	S 57.6	S 57.7
Accessory building	R 17			
Home business	R 20			
Minor unit	R 17			
One dwelling per lot	R 17			
Temporary living place	R 5			
Two or more dwellings per lot		R 22		
WATER, WASTEWATER, STORMWATER AND SOLID WASTE				
Other water, wastewater, stormwater infrastructure	R 21			

(Additional Activities requested A62)

NOTE

1. Works in close proximity to any electricity line can be dangerous. Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001 is mandatory for all buildings and mobile plant within close proximity to all electricity lines.
2. Vegetation to be planted near electricity lines should be selected and/or managed to ensure that it will not result in the vegetation breaching the Electricity (Hazards from Trees) Regulations 2003.

57.4 PERMITTED ACTIVITIES

RULE 1 Commercial recreation/event facility

1. A commercial recreation/event facility is a **permitted activity** provided:
 - a) It does not occur in a building; and
 - b) All vehicle parking, loading and manoeuvring is provided for on-site.
2. A commercial recreation/event facility that is not permitted under Rule 1.1 is a **discretionary activity**.

RULE 2 Produce stall

1. A produce stall is a **permitted activity** provided:
 - a) It meets the standards in Table 5 at the end of Section 57, excluding the front yard (Table 5.1); and
 - b) The maximum area used for the produce stall is no greater than 30 m² (excluding the area required for on-site vehicle parking and manoeuvring); and
 - c) All vehicle parking, loading and manoeuvring is provided for on-site; and
 - d) No additional vehicle access points are required; and
 - e) It is not located on a site that gains access from a state highway.
2. A produce stall that is not permitted under Rule 2.1 is a **restricted discretionary activity**.
3. The Council restricts its discretion to matters 1 and 2 in Table 7 at the end of Section 57.
4. A resource consent application under Rule 2.2 shall be assessed without public or limited notification under Sections 95, 95A and 95B of the RMA.

NOTE

1. Rules controlling vehicle access, parking and manoeuvring are in Section 39 Transport.

RULE 3 Visitor accommodation

1. Visitor accommodation is a **permitted activity** provided:
 - a) There are no more than 12 tariff-paid visitors staying on-site at any one time; and
 - b) The activity occurs within an existing dwelling, minor unit or accessory building.
2. Visitor accommodation that is not permitted under Rule 3.1 a) and/or b) is a **restricted discretionary activity**.
3. The Council restricts its discretion to matters 2, 5 and 6 in Table 7 at the end of Section 57.

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NOTE

1. Rules controlling vehicle access, parking and manoeuvring are in **Section 39 Transport**.
2. An extension to a dwelling, minor unit or accessory building to accommodate visitor accommodation is not provided for under Rule 3.

RULE 4 Campground

For visitor vehicles (e.g. motorhomes and caravans) only:

1. A campground is a **permitted activity** provided:
 - a) No more than two visitor vehicles used for sleeping are on-site; and
 - b) All visitor vehicles used for sleeping comply with NZS 5465:2001 Self Containment of Motor Caravans and Caravans, and display documentation of this compliance at all times; and
 - c) No buildings are erected.

All campground activities:

2. A campground that is not permitted under Rule 4.1 is a **restricted discretionary activity** provided:
 - a) It meets the standards in Table 5 at the end of Section 57; and
 - b) All vehicle parking and manoeuvring is provided for on site; and
 - c) In the **Coastal Environment**, it meets the specific standards in Table 6 at the end of Section 57.
3. The Council restricts its discretion to matters 2, 4-7 and 11 in Table 7 at the end of Section 57.
4. A campground that is not a restricted discretionary activity under Rule 4.2 is a **discretionary activity**.

NOTE

1. Rules controlling vehicle access, parking and manoeuvring are in **Section 39 Transport**.

RULE 5 Emergency service training, military training

Informal recreation

Temporary living place

1. An activity listed in Rule 5 is a **permitted activity**.

NOTE

1. Temporary living places are controlled under the *Bylaw for Standards of Camping on Private Property 2015*.

RULE 6

(A62) Festival, event

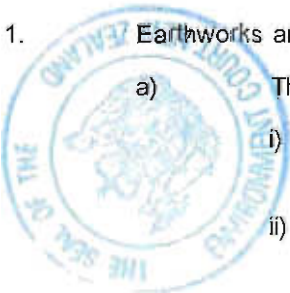
1. A festival, event and any noise from it is a **permitted activity** provided:
 - a) Electronically amplified noise and vehicle noise at the notional boundary of adjacent sites from 10 pm to 7 am the following day is no louder than 40 dB LAeq (16 min) and 70 dB LAF max; and
 - b) The noise of any helicopter associated with the festival, event complies with the standards in NZS 6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas (excluding Section 5: Land Use Planning); and
 - c) All vehicle parking and manoeuvring associated with the activity is contained on the site; and
 - d) No buildings are erected (under this rule) that remain after the festival, event finishes; and
 - e) It lasts no longer than 24 consecutive hours; and
 - f) There are no more than 250 people on the site.
2. A festival, event that is not permitted under Rule 6.1 is a **restricted discretionary activity**.
3. The Council restricts its discretion to matters 1, 2, 6, 7, 12 and 13 in Table 7 at the end of Section 57.

NOTE

1. Rules controlling vehicle access, parking and manoeuvring are in **Section 39 Transport**.
2. After 10 pm, the Council may apply excessive noise provisions under sections 326-328 of the RMA if noise, particularly electronically amplified noise, is excessive for the location and event.
3. The Council recommends event planners contact the Area Manager prior to the festival, event.

RULE 7 Earthworks

1. Earthworks are a **permitted activity** provided:
 - a) They are not within a kauri hygiene zone; and
 - i) They are for flood defence installation, maintenance or removal commissioned by the Waikato Regional Council; or
 - ii) They are for drainage works installed below ground level where the ground surface is



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- fully restored and planted within 3 months from when work started; or
- iii) They are for land cultivation or domestic gardening; or
 - iv) They are for utility installation, maintenance, upgrading and/or removal by the Council or a network utility operator; or
 - v) They are for ecosystem protection, rehabilitation or restoration works (e.g. conservation covenants, works involved with pest management) including a Beachcare activity or other beach and dune restoration activity authorised by the Council or the Waikato Regional Council; or
 - vi) They are to establish a building platform, and the earthworks are completed, and covered by a building or stabilised by vegetative or structural measures to prevent erosion, within 3 months from when work started; or
 - vii) They are required to:
 - a. Construct a fence line provided that they comply with standard 6 in Table 1; or
 - b. Create a new driveway or track provided they comply with the standards in Table 2; or
 - c. Maintain a fence line, or driveway, or track; or
 - d. Maintain the legal width of a State Highway network, or a legal right of way; or
 - e. Maintain an operational farm; or
 - f. Operate a plantation forestry activity; or
 - viii) They are for temporary stream and river gravel extraction and crushing facilities; or
 - ix) They meet the following standards:
 - a. The standards in Table 1; and
 - b. Silt and sediment resulting from the earthworks remains within the site; and
 - c. For fills/cuts to be assessed separately for the purpose of the Table 1 standards, a flat 'terrace' between fills/cuts must have a width perpendicular to the adjoining fill/cut that is more than twice the height of the adjoining fill/cut above the terrace. Otherwise, the earthworks are treated as one fill/cut; and
 - d. In the Coastal Environment, any surplus excavated material is reused on the site or is removed from the site within 3 months from when work started; and
 - e. In the Coastal Environment, the earthworks are stabilised within 3 months from when the work started; and
 - f. In the Coastal Environment, they meet the earthworks thresholds in Table 2.

2A. Earthworks that are within a kauri hygiene zone are a **restricted discretionary activity** for which a Kauri Dieback Disease Risk Management Plan (the management plan) must be prepared, approved and implemented.

- a) The purpose of a Kauri Dieback Disease Risk Management Plan is to set out the procedures that will be followed to avoid the risk of the spread of kauri dieback disease by ensuring that the soil and organic matter from earthworks within the kauri hygiene zone is confined in a larger kauri dieback disease containment zone.

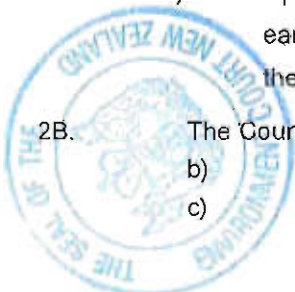
b) A Kauri Dieback Disease Risk Management Plan must contain:

- a. The objectives of the management plan;
- b. A map or maps showing:
 - i. The area that the management plan applies to;
 - ii. The location of each kauri tree within that area and its associated kauri hygiene zone;



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- iii. Locations where access to the kauri hygiene zone will be prevented (e.g. by fencing off, covering the soil with protective surface);
 - iv. The boundary of the kauri dieback disease containment zone beyond which soil and organic material from a kauri hygiene zone will not be transported;
 - v. Equipment and vehicle cleaning points (which are to be located within the kauri dieback disease containment zone); and
 - vi. Any water bodies, fences, roads, tracks or structures within the kauri dieback disease containment zone.
- c. The method by which the boundaries of any kauri hygiene zone and kauri dieback disease containment zone will be clearly marked out;
- d. The procedures to be followed to ensure that any vehicles, equipment and personnel are cleaned of all soil and organic material prior to entry into or exit from the kauri dieback disease containment zone;
- e. The procedures to ensure that any soil, sludge or organic material not retained within the kauri hygiene zone is either stored within the kauri dieback disease containment zone or transported in a sealed vehicle to an approved Kauri Dieback Programme landfill;
- f. The water management procedures to be used so that:
- i. Washdown occurs at least 30 m from a water course; and
 - ii. Water drains away from any neighboring kauri trees; and
 - iii. If the requirement at i. and ii. above cannot be met, washdown water is contained within an impervious bund; and
 - iv. If on-site washdown is impracticable, washdown is undertaken at an identified facility where water does not drain into the stormwater system; and
 - v. Washdown of vehicles, machinery, tools and footwear used in a kauri hygiene zone occurs within the area.
- g. The contact details of the person responsible for the implementation of the management plan.
- c) A report must be submitted annually to the Council using templates, forms and/or check-lists provided by the Council, recording all earthworks undertaken in the kauri dieback disease containment zone (including the date, type of equipment and vehicle used, the cleaning procedures followed and the disposal location of all disturbed soil and organic material).
- d) The Council will review the annual report and may require amendments to the management plan to ensure the continued effectiveness of the management plan.
- e) The consent holder's annual report shall include any proposed amendment to the management plan. (An amendment to the management plan does not take effect until the Council confirms in writing the amendment meets the requirements in (a) (ii) above).
- f) Up to date records of all earthworks undertaken in the kauri dieback disease containment zone, since the earthworks reported in the most recent annual report submitted to the Council, must be made available to the Council as soon as practicable after a request for them is received.
- 2B. The Council restricts its discretion for earthworks under Rule 7.2A to:
- b) Matters 1, 3, 8 and 17 in Table 7 at the end of Section 56; and
 - c) The extent to which the Kauri Dieback Disease Risk Management Plan is likely to be effective in avoiding the spread of kauri dieback disease.



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- 3A. Earthworks that are not a permitted activity under Rule 7.1 a) i) to ix) are a restricted discretionary activity.
- 3B. The Council restricts its discretion for earthworks under rule 7.3A to matters 1, 3, 8 and 17 in Table 7 at the end of Section 56.
4. Earthworks that are not a restricted discretionary activity under Rule 7.2A are a discretionary activity.

Table 1 - Minimum Setback Distance of Earthworks

1.		to the toe of a fill (without a legally established retaining wall)	Equal to the maximum height of the fill
2.	From a site boundary, a building foundation, or a cliff (1:2 gradient or steeper)	to the toe of a cut (without a legally established retaining wall)	Equal to 1.5 times the maximum depth of the cut (also see 3. below)
3.		to the crest of a cut (without a legally established retaining wall)	0.3 m (also see 2. above)
4.		to top or bottom of a legally established retaining wall supporting a fill or a cut	Equal to the maximum height of the retaining wall

NOTE

1. For diagrams illustrating the above setback distances, refer to 'Earthworks' in Section 3 Definitions.

5.	From buried Council-owned wastewater, stormwater or water pipes	The depth of the pipe plus the pipe radius (i.e. a 45° setback zone either side of the pipe)
6.	Earthworks outside of the Coastal Environment are not within 5 metres of a permanent waterbody wider than 3 metres, except for stream crossings which are consented or otherwise authorised by the Waikato Regional Council; and/or constructing and maintaining fencelines.	

Table 2 - Earthworks Thresholds

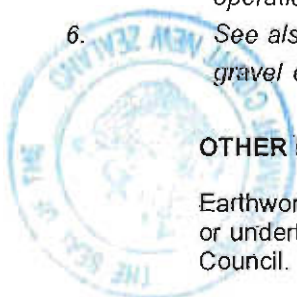
1.	Maximum area per site per calendar year	5,000 m ²
2.	Maximum volume per site per calendar year	1,000 m ³
3.	Maximum height of any fill and/or cut	5 m
4.	Maximum duration of work within any calendar year	3 months

NOTE

- Building Act 2004 requirements may be triggered for some earthworks, such as where work is needed because land instability threatens a building and retaining walls.
- All earthworks must comply with [Heritage New Zealand Pouhere Taonga Act 2014](#), which protects recorded, suspected and unrecorded archaeological sites from destruction, damage and modification.
- Consent may be required from the Waikato Regional Council. You are advised to check the Waikato Regional Plan prior to starting the earthworks.
- Guidelines to avoid the discharge of earth material are available in: *Erosion and Sediment Control - Guidelines for Soil Disturbing Activities*. Waikato Regional Council Technical Report No. 2009/02. January 2009. Available at www.waikatoregion.govt.nz
- Earthworks in close proximity to any electricity distribution line can be dangerous. The New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) applies to all earthworks and the operation of mobile machinery within close proximity to all electric lines.
- See also the Waikato Regional Plan for permitted activity standards and consent requirements relating to gravel extraction.

OTHER METHOD: Measures to prevent the spread of kauri dieback disease

Earthworks within three times the maximum radius of the canopy dripline of a New Zealand kauri tree commenced or undertaken after this District Plan comes into effect require a restricted discretionary activity consent from the Council.



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Where earthworks within three times the maximum radius of the canopy dripline have existing use rights under Section 10 RMA or an Existing Use Certificate under Section 139A RMA they may be continued within the limits authorised by Section 10 or Section 139A. Establishing whether such earthworks are authorised can be a demanding process. Landowners who intend continuing earthworks within three times the maximum radius of the canopy dripline in reliance of s 10 RMA may wish to take professional advice so they are aware of applicable parameters.

Persons undertaking earthworks within three times the maximum radius of the canopy dripline of a New Zealand kauri tree in reliance of Section 10 and/or Section 139A RMA are also strongly encouraged to make themselves familiar with the kauri dieback disease hygiene disposal procedures, - including information on approved disposal sites for soil and organic material – at the following websites.

<https://www.kauridieback.co.nz/media/1462/best-practice-guidelines-land-disturbance-activities-around-kauri.pdf>

<https://www.kauridieback.co.nz/media/1464/best-practice-guidelines-vehicles-and-heavy-machinery-hygiene.pdf>

http://kauridieback.co.nz/media/1355/bpg-landfill-disposal-of-contaminated-material_v21_final_signed.pdf

Where persons proceed in reliance on Section 10 and/or Section 139A RMA they are strongly encouraged to apply the following checklist.

Table Y: Checklist for earthworks undertaken within a kauri hygiene zone

Clearly define kauri hygiene zone, entry and exit points	YES/NO
List all vehicles, machinery and equipment to be used	YES/NO
Has all equipment and footwear been cleaned of soil and organic material and sprayed with Sterigene before entering the kauri hygiene zone?	YES/NO
For washdown on-site define the appropriate washdown facility	YES/NO
Is the washdown facility within the kauri hygiene zone?	YES/NO
Is the washdown facility at least 30 m away from a water course or waterbody?	YES/NO
Is the wash down facility draining away from any kauri trees?	YES/NO
Will a bund be used because drainage is not practicable?	YES/NO
Will all soils and mud be physically removed by brush or compressed air before washdown?	YES/NO
Will soil and organic material be left on site within the kauri hygiene zone?	YES/NO
For off-site washdown is the vehicle or trailer to be used to transport machinery sealed?	YES/NO
Will washdown occur in a purpose-built washdown facility?	YES/NO
Does the facility to be used drain its wastewater into the stormwater system?	YES/NO
Will a truck wash facility be used?	YES/NO
Will the washdown water be used to irrigate farmland?	YES/NO
Will a Council depot be used for washdown?	YES/NO
Will the truck or trailer be cleaned and sprayed with Sterigene and will liners be disposed of?	YES/NO

Further information on responsible management of earthworks for kauri dieback purposes may be obtained from the Thames-Coromandel District Council, Waikato Regional Council or Department of Conservation.



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RULE 8 Amateur radio configuration

1. An amateur radio configuration is a **permitted activity** provided:
 - a) Any building/structure meets the standards in Table 5 at the end of Section 57, excluding standard 5 (maximum building height) and standard 6 (maximum height in relation to boundary); and
 - b) Any building/structure does not exceed 15 m in height; and
 - c) The maximum area of any building/structure does not exceed 100 m²; and
 - e) In the **Coastal Environment**, any building/structure meets the specific standards in Table 6 at the end of Section 57.
2. An amateur radio configuration that is not permitted under Rule 8.1 is a **restricted discretionary activity**.
3. The Council restricts its discretion to matters 1, 7 and 11 in Table 7 the end of Section 57.

RULE 15 Demolition

Partial demolition Removal

1. Demolition, partial demolition or removal of a building is a **permitted activity**.

RULE 16 Afforestation

1. Afforestation is a **permitted activity** provided:
 - a) It meets the standards in Table 5 at the end of Section 57; and
 - b) It meets the setback standards in Table 3 and no exotic tree of the plantation species, whether planted or self-seeded, grows more than 10 m high in the setback area; and

EITHER

 - c) The area to be covered by trees is less than 4ha.

OR

 - d) It is not in the **Coastal Environment**; and
 - e) Prior to the afforestation starting, a forest plan is submitted to the Council that details the following information:
 - i) The legal description, location and area of planting; and
 - ii) The approximate age of trees on harvest; and
 - iii) The location of roads, tracks, landings and skid sites, and transport routes from harvest to the state highway; and
 - iv) The location of setbacks based on Table 3 standards, and
 - v) The location of any known archaeological site, site of significance to Māori or historic heritage site; and
 - vi) The method of removal of all trees of the plantation forest species (whether planted or self-seeded) within the Table 3 setbacks before they reach 10 m in height.
2. Afforestation that is not permitted under Rule 16.1 is a **restricted discretionary activity**.
3. The Council restricts its discretion to matters 1, 3, 8-11, 15 and 16 in Table 7 at the end of Section 57.

NOTE

1. *Consent may be required by the Waikato Regional Council; check with them prior to starting any afforestation works.*

Table 3 - Setback Standards for Afforestation

1.	From any existing off-site dwelling	40 m
2.	From a Residential Area	40 m
3.	From the boundary of adjoining land under different ownership without written approval of the adjoining land owner being obtained	10 m
4.	From an Outstanding Natural Features and Landscapes Overlay	30 m
5.	From a permanent stream or wetland draining an upstream catchment of 50 ha or less	5 m

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Table 3 - Setback Standards for Afforestation

Table 3 - Setback Standards for Afforestation		
6.	From a permanent stream or wetland draining an upstream catchment of more than 50 ha	10 m
7.	No trees are to be planted where, at the tree harvest height, they could shade an adjacent sealed road between 10 am and 2 pm on the shortest day of the year.	

RULE 17 Accessory building

Farming

Minor unit

One dwelling per lot

Scientific equipment, navigational aid

1. An activity listed in Rule 17 is a **permitted activity** provided:
 - a) It meets the standards in Table 5 at the end of Section 57; and
 - b) Any new dwelling or minor unit is more than 40 m from plantation forestry; and
 - c) In the **Coastal Environment**, it meets the specific standards in Table 6 at the end of Section 57.
2. An activity that is not permitted under Rule 17.1 is a **restricted discretionary activity**.
3. The Council restricts its discretion to matters 1, 4, 10 and 11 in Table 7 at the end of Section 57.

NOTE

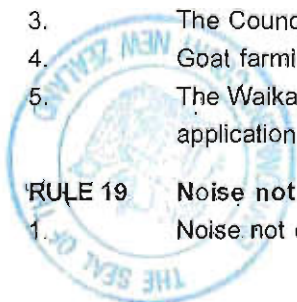
1. *An accessory building or other structure may need a building consent. Contact the Council to check this.*

RULE 18 Goat farming

1. Goat farming is a **permitted activity** provided:
 - a) It meets the standards in Table 5 at the end of Section 57; and
 - b) The Council has been advised in writing of the nature of any new goat farming activity, including the expansion of an existing farm or the introduction of any new species; and
 - c) The goats are contained within a fence that meets the following requirements:
 - i) The bottom wire is no more than 70 mm from the ground;
 - ii) There are 9 wires of high tensile 2.5 mm diameter galvanised steel, which are kept tight at all times;
 - iii) The wire spacing intervals are 100, 100, 100, 110, 120, 135, 160 and 165 mm from the bottom wire;
 - iv) The top wire is approximately 60 mm from the top of the fence post;
 - v) There are no internal stays;
 - vi) The posts are spaced 5 m for ground slopes < 30 degrees, 4 m for ground slopes 30 to < 45 degrees, 3 m for ground slopes > 45 degrees;
 - vii) Battens are at 1 m intervals;
 - viii) Where a water body crosses the boundary of the area to be fenced, a fence which meets the minimum fencing requirements above is constructed alongside the water body with a setback of at least 5 m from the edge of the bed of the water body;
 - ix) The bottom wire is barbed wire instead of high tensile wire where the fence is situated on a slope > 30 degrees.
 - d) In the **Coastal Environment**, it meets the specific standards in Table 6 at the end of Section 57.
2. Goat farming that that is not permitted under Rule 18.1 a) or d) is a **restricted discretionary activity**.
3. The Council restricts its discretion to matters 1, 2, 4 and 11 in Table 7 at the end of Section 57.
4. Goat farming that that is not permitted under Rule 18.1 b) or c) is a **discretionary activity**.
5. The Waikato Regional Council and the Department of Conservation shall be notified of a resource consent application under Rule 18.4.

RULE 19 Noise not covered by another rule in Section 57

1. Noise not covered by another rule in Section 57 is a **permitted activity** provided:



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- a) It is from a farming or forestry activity; or
 - b) It is from emergency service training or emergency response activities; or
 - c) It is from military training; or
 - d) It is from the temporary use of an emergency electricity generator; or
 - e) It is from a temporary site or building maintenance activity between 7 am and 8 pm; or
 - f) It is from a temporary construction activity that complies with NZS 6803:1999 Acoustics – Construction noise; or
 - g) It meets the noise standards in Table 4.
2. Noise not covered by another rule in Section 57 that is not permitted under Rule 19.1 is a **restricted discretionary activity**.
 3. The Council restricts its discretion to matter 1 in Table 7 at the end of Section 57.

Table 4 - Maximum Noise Level Standards

	Measured at	Time period	L _{Aeq} (15 min)	L _{AF max}
1.	The receiving site at any point within the: <ul style="list-style-type: none"> • Airfield Zone • Commercial Zone • Industrial Zone • Light Industrial Zone • Marine Service Zone • Recreation Active Zone • Road Zone 	At all times	70 dB	N/A
2.	At any point within the notional boundary of a site within any other zone not listed above	Monday to Saturday 7 am to 10 pm	50 dB	N/A
3.		Sunday 7 am to 6 pm	50 dB	N/A
4.		At all other times	40 dB	65 dB

NOTE

1. Rule 19.1 a) includes temporary noise from animals, harvesting, cultivation, fertilising, spraying, and similar farming and forestry activities.
2. Rule 19.1 d) includes noise from lawn mowing, waterblasting, leaf blowing, and similar temporary maintenance activities. It does not include home business activities.
3. Noise will be measured and assessed in accordance with NZS 6801:2008 Acoustics – Measurement of Environmental Sound and NZS 6802:2008 Acoustics – Environmental Noise.
4. Activities may be subject to the excessive noise provisions set out in s326 to s328 of the RMA.

RULE 20 Home business

1. A home business is a **permitted activity** provided:
 - a) It meets the standards in Table 5 at the end of Section 57; and
 - b) No noxious or dangerous odour or fumes from the home business are detected outside the site; and
 - c) No dust, smoke, liquid, spray or particles from the home business are discharged from the site; and
 - d) No electromagnetic interference with the operation of household equipment occurs outside the site; and
 - e) The home business is carried out by a resident(s) of the dwelling, and no more than two people who do not reside in the dwelling; and
 - f) All vehicle parking, loading and manoeuvring is provided for on-site; and



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- g) In the Coastal Environment, it meets the specific standards in Table 6 at the end of Section 57.
2. A home business that is not permitted under Rule 20.1 is a **restricted discretionary activity**.
3. The Council restricts its discretion to matters 1, 2 and 11 in Table 7 at the end of Section 57.

NOTE

1. *Rules controlling vehicle access, parking and manoeuvring are in Section 39 Transport.*

RULE 21 Other water, wastewater, stormwater infrastructure

1. Other water, wastewater or stormwater infrastructure is a **permitted activity** provided:
- a) Any building/structure meets the standards in Table 5 at the end of Section 57; and
 - b) The ground surface and any vegetation that has been disturbed is reinstated upon completion of works unless covered by a building/structure or landscaping; and
 - c) In the Coastal Environment, any building/structure meets the specific standards in Table 6 at the end of Section 57.
2. Other water, wastewater or stormwater infrastructure that is not permitted under Rule 21.1 is a **restricted discretionary activity**.
3. The Council restricts its discretion to matters 1, 2, 7 and 11 in Table 7 at the end of Section 57.
4. A resource consent application under Rule 21.2 shall be assessed without public or limited notification under Sections 95, 95A and 95B of the RMA.

57.5 RESTRICTED DISCRETIONARY ACTIVITIES

RULE 22 Two or more dwellings per lot

1. Two or more dwellings per lot are a **restricted discretionary activity** provided:
- a) It is not in the Coastal Environment; and
 - b) Each dwelling is within a minimum exclusive area (MEA) of 2 ha and meets the standards in Table 5 at the end of Section 57; and
 - c) Each dwelling has legal vehicle access to a formed road; and
 - d) Any new dwelling is more than 40 m from plantation forestry.
2. The Council restricts its discretion to matters 1, 2, 4, 6, 7, 10 and 14 in Table 7 at the end of Section 57, and all the matters in Table 5 in Section 38 Subdivision.
3. A resource consent application under Rule 22.2 shall be assessed without public notification under Sections 95 and 95A of the RMA.
4. Two or more dwellings per lot that is not a restricted discretionary activity under Rule 22.1 is a **discretionary activity**.

57.6 DISCRETIONARY ACTIVITIES

RULE 23 Activities not provided for in the Plan

1. An activity not listed in the Activity Table at the beginning of Section 57, and not in the Activity Summary Table (in Section 1.8) is a **discretionary activity**.

RULE 24 Animal boarding or breeding facility

Animal sale yard

Community facility

Formal recreation

Intensive farming

Industrial

Marine equipment storage, maintenance and harvesting

Residential care facility

1. An activity listed in Rule 24 is a **discretionary activity** provided:

a) It meets the standards in Table 5 at the end of Section 57; and



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b) In the Coastal Environment any building associated with the activity meets the specific standards in Table 6 at the end of Section 57.

2. An activity that is not a discretionary activity under Rule 24.1 is a non-complying activity.

57.7 NON-COMPLYING ACTIVITIES

RULE 25 Activities not provided for in Section 57

1. An activity that is not listed in the Activity Table at the beginning of Section 57, but is listed in the Activity Summary Table (in Section 1.8) and is not a district-wide activity is a non-complying activity.

57.8 ASSESSMENT STANDARDS, MATTERS AND CRITERIA

Table 5 - Standards			
1.	Front yard	a)	15 m
		b)	20 m adjoining state highway
2.	Beachfront yard		7.5 m
3.	Conservation Zone yard		25 m
4.	Side/rear yard		5 m
5.	Maximum building height		8 m
6.	Maximum height in relation to lot boundary		2 m and 45°
7.	Maximum site coverage		10 %
8.	Maximum lux level received at any point beyond the site, as measured vertically and horizontally		1 lux

(Additional Standards requested A62)

Table 6 - Specific Standards				
Standard		Roof	Exterior Walls	
1.	Colour	Exterior building colours are selected from the British Standard BS5252 numbers 00-24 in Appendix 5; or are a COLOURSTEEL® colour.	a)	Exterior building colours are selected from the British Standard BS5252 numbers 00-24 in Appendix 5; or are a COLOURSTEEL® colour.
			OR are:	
			b)	Are a natural timber material;
			c)	A natural stone material
2.	Reflectivity	Has a reflective value no greater than 25%	Have a reflective value no greater than 35%.	
3.	Windows must have a reflective value no greater than 15%.			

Table 7 - Restricted Discretionary Activity Matters			
Matter		Assessment Criteria	
1.	Effects of not meeting the standard(s)	a)	Whether actions (if any) taken to avoid, remedy, or mitigate the adverse effects of not meeting the standard(s) are appropriate and effective.
		a)	The extent to which any adverse effects such as odour, fumes, noise, smoke, liquid spray, dust, vibration, light spill, or stormwater runoff from the activity do not affect adjacent sites.

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Table 7 - Restricted Discretionary Activity Matters	
Matter	Assessment Criteria
2. Positive and adverse effects on adjoining sites and the local community	b) Whether the frequency and duration of any effects in 2 b) above are tolerable.
	c) Whether these effects will maintain or enhance the amenity and character of the Rural Lifestyle Zone, or the zone where the effects are received.
	d) The extent to which positive effects from the activity contribute to the economic, social and cultural wellbeing of the local community.
3. Erosion and sediment control measures	a) Whether the effects of stormwater runoff can be contained within the site.
	b) Whether stormwater management is proposed to control sediment runoff.
	c) The extent to which any soil erosion resulting from vegetation clearance or removal can be effectively mitigated.
4. Location, design and layout of the activity	a) Whether the activity is of a size and scale appropriate to the zone.
	b) Whether the location and design of the activity has an effect on the purpose of the zone.
	c) The extent to which the location of the activity maintains the natural land contour and does not dominate the natural landform.
	d) The extent to which landscaping and planting can integrate buildings and structures into the surrounding landscape.
	e) Whether the location and operation of the activity is within the carrying capacity, standard or status of the existing road(s) servicing the site.
	f) Whether the location of a sensitive activity will have reverse sensitivity effects on a state highway.
5. Reverse sensitivity on activities expected in the Zone	a) The amenity levels expected by the activity and suitability of the activity in the Rural Lifestyle Zone.
	b) The extent to which the activity is compatible with other permitted activities in the zone.
6. The suitability of the site for the scale of the proposed activity	a) Whether the site can accommodate all aspects of the activity without compromising rural lifestyle amenity values.
	b) The extent to which areas of open space are maintained on the site.
	c) The extent to which the site can accommodate all aspects of the activity without causing adverse effects that are more than minor.
	d) Whether the site is an appropriate location for the activity, and what alternatives have been considered.
	e) The location of noise sensitive activities in relation to the proposed activity and the extent to which they will be affected.
	f) Whether the provision of wastewater, water and solid waste is adequate for the number of people anticipated and the duration of the activity.
	a) Whether the provision and location of utility infrastructure on-site is appropriate.



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Table 7 - Restricted Discretionary Activity Matters

Matter		Assessment Criteria	
7.	Utility Infrastructure provision and location (including easements) for water, wastewater, solid waste, stormwater, electricity, telecommunications	b)	The extent to which the proposed Infrastructure improves the resilience and security of the network.
		c)	Whether easements are necessary.
		d)	Whether appropriate provision is made for the management of water, stormwater and wastewater that is not reliant on public infrastructure.
		e)	Whether there is technical and practical potential for the co-location of utility infrastructure on a site.
		f)	The extent to which technical and functional needs require the proposed location of the utility infrastructure.
		g)	The extent to which the utility infrastructure contributes to the functioning and well-being of the community.
		h)	Whether the extension of existing above ground utility infrastructure is appropriate.
		i)	The extent to which the activity will contribute to central and regional government energy policy objectives and renewable energy targets.
		8.	Off-site effects from earthworks
b)	Whether sediment and erosion control measures are implemented to avoid earthwork debris being carried into adjacent properties, waterways, estuaries and harbours, also taking into account cumulative effects.		
9.	Inundation and land instability	a)	Whether the development's inundation risk, including coastal inundation over the next 100 years, and/or land instability risk, is acceptable (See Section 10.1 Natural Hazards Background.
10.	Forestry infrastructure and replanting	a)	The length of time between replanting of trees or other vegetative cover.
		b)	The location of roads, tracks, landings and skid sites.
11.	Colour and reflectivity	a)	Whether the selected colour palette integrates with the surrounding landscape.
		b)	Whether the building will be visually recessive and have low reflectivity.
12.	Roading, vehicle parking and access	a)	Whether consultation and approval is needed from the roading authority.
		b)	Where the activity involves the use of roads, whether an approved traffic management plan is in place.
		c)	Whether traffic associated with the activity will have an adverse effect on the safety and efficiency of the roading network.
13.	New permanent buildings	a)	Whether the building/s have a viable use beyond the festival, event.
		b)	The extent to which the building/s comply with the standards in Table 5; and Table 6 if in the Coastal Environment.
14.	Internal access and private way	a)	The extent to which effects from additional traffic movements and any related nuisance factors affect shared users of an existing internal access or private way.



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Table 7 - Restricted Discretionary Activity Matters

Matter		Assessment Criteria	
15.	Adverse visual effects on the landscape (from plantation forestry activities)	a)	Whether after harvesting the ground is replanted with trees or other vegetative cover within a reasonable time period (e.g. less than 3 months).
		b)	Whether roads, tracks, landings and skid sites are located to minimise adverse visual effects on the landscape.
		c)	The extent to which harvesting is staged to mitigate significant adverse visual effects on the landscape.
16.	Buffers from Outstanding Natural Features and Landscapes Overlays, Residential Areas, adjacent sites, streams, wetlands and sealed roads	a)	Whether appropriately-sized buffers from the Outstanding Natural Features and Landscapes Overlay, Residential Areas, adjacent sites, streams, wetlands and sealed roads are in place and are maintained during plantation forestry operations.

(Additional Matters requested A62)

