

## Part 23B Coastal Zone

### 23B.1 Activity Status Rules - Coastal Zone

#### 23B.1.1 Permitted Activities

The following activities are Permitted Activities in the Coastal Zone if they meet all the standards for Permitted Activities in RULE 23B.2. Permitted Activities must also meet the applicable RULES in Parts [7](#), [8](#), [10](#), [11](#), [12](#), [15](#), [22](#), [50](#), [51](#), [52](#), [53](#) and [54](#) of the plan.

Note:

Within the following list, the words in CAPITALS are defined in [Part 50](#).

1. FARMING
2. HORTICULTURE including GREENHOUSE(S)
3. CONSERVATION FORESTRY
4. PRODUCTION FORESTRY complying with Rules 23B.2.1.4 and 23B.2.2.5
5. One DWELLING HOUSE per RURAL LOT except a) where a restrictive covenant or a resource consent prevents the erection of a dwelling
6. Two DWELLING HOUSES per RURAL LOT where the LOT is larger than 40ha
7. HOME OCCUPATIONS (including FARM STAY ACCOMMODATION)
8. MARAE
9. PAPA KAAINGA HOUSING
10. One PRODUCE STALL per SITE except where access to the stall is to or from a state highway or motorway
11. Portable sawmills on SITES for no more than 6 months in any 12 month period (Note: where on SITE for longer than 6 months, see "RURAL INDUSTRY AND SERVICES)
12. SIGNS: Refer to [Part 15](#)
13. The use and DEVELOPMENT of public RESERVES, including the erection of BUILDINGS and structures in compliance with approved reserve management plans. Where buildings are not in compliance with an approved reserve management plan they shall not exceed 50 square metres in floor area
14. RURAL AIRSTRIPS
15. The ongoing maintenance, UPGRADE and repair of flood protection, land drainage and erosion control works
16. New flood protection, land drainage and erosion control works, in accordance with an approved Land Drainage Asset Management Plan or the Lower Waikato Waipa Control Scheme Asset Management Plan 1997 (or any subsequent versions thereof)
17. ON SITE PRIMARY PRODUCE MANUFACTURING
18. Farmers' Market
19. FARMING VISIT, PUBLIC GARDEN or MARAE VISIT
20. EQUESTRIAN CENTRE and ancillary retailing of RIDING EQUIPMENT where associated with an EQUESTRIAN CENTRE or HORSE TRAINING CENTRE.

21. ACCESSORY BUILDINGS and ANCILLARY ACTIVITIES for any of the above.

### 23B.1.2 Controlled Activities

The following activities are Controlled Activities in the Coastal Zone if they meet all the standards for Controlled Activities in 23B.2. Controlled Activities must also meet the applicable rules in Parts 7, 8, 10, 11, 12, 15, 22, 50, 51, 52, 53 and 54 of the plan. The Council may exercise control over those of the matters listed in Rule 23A.3 as are relevant to the activity.

Note:

Within the following list, the words in CAPITALS are defined in Part 50.

1. Additions and alterations to existing COMMUNITY FACILITIES including halls, CHURCHES, SCHOOLS, and clubs
2. CEMETERIES
3. SIGNS: Refer to Part 15
4. FREE RANGE POULTRY FARMING
5. ACCESSORY BUILDINGS and ANCILLARY ACTIVITIES.

Notes:

- (a) Controlled Activities require a resource consent, and consent shall be granted. An application must be submitted in the prescribed format (available from the Council).
- (b) Applications will be assessed primarily in terms of the matters set out in Rule 23B.3, and any conditions of consent will only relate to those matters.
- (c) The information submitted with the application must be in terms of Rule 52 but only to the extent needed to enable a thorough assessment in terms of Rule 23B.3. The application must also clearly demonstrate compliance with the stated performance standards applicable to the activity.
- (d) An application for a Controlled Activity may be considered without public notification or with limited notification, where the Council so determines, in terms of section 95 of the Act.

### 23B.1.3 Restricted Discretionary Activities

The following activities are Restricted Discretionary Activities in the Coastal Zone if they meet all the standards and criteria for Restricted Discretionary Activities in Rule 23B.4. Restricted Discretionary Activities must also meet the applicable RULES in Parts 7, 8, 10, 11, 12, 22, 50, 51, 52, 53 and 54 of the plan and shall meet the Permitted Activity standards for SIGNS (Part 15). The Council may grant or refuse consent to a Restricted Discretionary Activity application, and if granted, may attach conditions of consent.

Note:

Within the following list, the words in CAPITALS are defined in Part 50.

1. Permitted and Controlled Activities that do not meet the Permitted Activity or Controlled Activity standards respectively for:
  - (a) HEIGHT

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- (b) Outstanding natural features identified in Schedules to [Part 5](#) of the plan
  - (c) YARDS
  - (d) DEVELOPMENT SETBACK
  - (e) SITE Suitability
  - (f) Natural Hazards
  - (g) DWELLING HOUSE within separation distance from an existing INTENSIVE FARMING activity
  - (h) DWELLING HOUSE sited outside a SPECIFIED BUILDING AREA
  - (i) SLEEPOUT
  - (j) PRODUCTION FORESTRY
2. One DWELLING HOUSE on a ROAD SEVERANCE LOT
  3. PAPA KAAINGA HOUSING that does not meet the Permitted Activity standards.
  4. SUBSIDIARY DWELLING
  5. INTENSIVE FARMING
  6. RURAL INDUSTRY AND SERVICES, PACKHOUSE and coolstore
  7. POULTRY HATCHERIES
  8. BOARDING KENNELS AND BREEDING KENNELS OR CATTERIES and dog training grounds
  9. CAFÉ/RESTAURANT on the same site and associated with FARMING, ACTIVE RECREATION, EQUESTRIAN CENTRE, PRODUCE STALL or ON SITE PRIMARY PRODUCE MANUFACTURING
  10. Expansion of an existing lawfully established non-residential activity as at 28 September 2010 not otherwise provided for by, or identified, in the PLAN
  11. ACTIVE RECREATION excluding MOTORISED SPORTS
  12. ACCESSORY BUILDINGS and ANCILLARY ACTIVITIES for any of the above.

### Notes:

- (a) Restricted Discretionary Activities require a resource consent, and the consent may be granted or refused. An application must be submitted in the prescribed format (available from the Council).
- (b) Applications will be assessed primarily in terms of the matters set out in [Rule 23B.4](#), and any conditions of consent will only relate to those matters.
- (c) The information submitted with the application must be in terms of [Part 52](#) but only to the extent needed to enable a thorough assessment in terms of [Rule 23B.4](#). The application must also clearly demonstrate compliance with the stated performance standards applicable to the activity.
- (d) An application for a Restricted Discretionary Activity may be considered without public notification or with limited notification, where the Council so determines, in terms of section 95 of the Act.
- (e) Except where special circumstances exist, applications for restricted discretionary activities in Rules 7 and 8 above will be considered without notification.

### 23B.1.4 Discretionary Activities

The following activities are Discretionary Activities in the Coastal Zone if they meet all the standards and criteria for Discretionary Activities in Rule 23B.5. Discretionary Activities must also meet the applicable rules in Parts 7, 8, 10, 11, 12, 15, 22, 50, 51, 52, 53 and 54 of the plan. The Council may grant or refuse consent to a Discretionary Activity application, and may attach conditions of consent.

Note:

Within the following list, the words in CAPITALS are defined in [Part 50](#).

1. [Deleted]
2. [Deleted]
3. ACTIVE RECREATION involving MOTORISED SPORTS
4. RURAL AERIAL SERVICE
5. CAMPING GROUNDS and TEMPORARY LIVING PLACES
6. SPECIAL HOUSING DEVELOPMENTS
7. SCHOOLS, COMMUNITY FACILITIES and CHURCHES
8. HOME OCCUPATIONS not meeting the standards for that activity under Rule 23B.2.2.1
9. Flood protection, land drainage and erosion control works not provided for in Rule 23B.1.1
10. TRAVELLERS' ACCOMMODATION
11. ACCESSORY BUILDINGS and ANCILLARY ACTIVITIES for any of the above.

Notes:

- (a) Discretionary Activities require a resource consent, and the consent may be granted or refused. An application must be submitted in the prescribed format (available from the Council).
- (b) Applications will be assessed in terms of the matters set out in [Part 53](#), and where consent is granted, conditions of consent may be imposed.
- (c) The information submitted with the application must be in terms of [Part 52](#).

### 23B.1.5 Non-Complying Activities

The following activities are Non-Complying Activities in the Coastal Zone. The Council may grant or refuse consent to a Non-Complying Activity application, and may attach conditions of consent.

Note:

Within the following list, the words in CAPITALS are defined in [Part 50](#).

1. A DWELLING HOUSE on a LOT consented to under RULE 22.8 of the Operative District Plan or Ordinance 616.3 of the Franklin Section of the Transitional District Plan where there is an encumbrance restricting the right to erect a DWELLING HOUSE

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2. [Deleted]
3. Any activities not provided for under Rules 23B.1.1 or 23B.1.2 or 23B.1.3 or 23B.1.4 or that is not prohibited by Rule 23B.1.6
4. PROSPECTING or EXPLORATION for MINERALS, MINERAL EXTRACTION AND PROCESSING, AGGREGATE EXTRACTION ACTIVITIES
5. [Deleted]
6. ACCESSORY BUILDINGS and ANCILLARY ACTIVITIES for any of the above

Notes:

- (a) Non-complying Activities require a resource consent, and the consent may be granted or refused. An application must be submitted in the prescribed format (available from the Council).
- (b) Applications will be assessed in terms of the matters set out in [Part 53](#), the Objectives and Policies of the Plan, and where appropriate, the matters applying to Controlled, Restricted Discretionary or Discretionary Activities. Where consent is granted, conditions of consent may be imposed.
- (c) The information submitted with the application must be in terms of [Part 52](#).

### 23B.1.6 Prohibited Activities

The following activities are Prohibited Activities in the Coastal Zone.

Note:

Within the following list, the words in CAPITALS are defined in [Part 50](#).

1. The keeping of mustellids or MUSTELLID FARMING (e.g. ferrets, fitches, stoats, weasels) under any circumstances anywhere in the zone
2. ACCESSORY BUILDINGS and ANCILLARY ACTIVITIES for any of the above

Notes:

Prohibited Activities cannot be applied for and therefore cannot be granted a resource consent. A plan change can be initiated privately or by Council as a way of proposing a change to a Prohibited Activity rule in the plan.

## 23B.2 Performance and Development Standards - Coastal Zone

### 23B.2.1 All Permitted and Controlled Activities

All Permitted and Controlled Activities in the Coastal Zone shall, unless otherwise stated, meet the following standards.

#### 1. HEIGHT

3m plus the shortest horizontal distance between the part of the BUILDING being measured and the boundary of the LOT, unless the written consents of the owners and occupiers of the abutting SITES have been obtained provided that where the LOT is within the flight path of a public AIRFIELD, the lower HEIGHT restriction shall apply.

#### 2. FRONT YARD

For all BUILDINGS on SITES having frontage to a legal ROAD, a FRONT YARD as set out below shall apply, in addition to any distance specified by a ROAD widening designation:

- 20 metres where the SITE has frontage to any National or District Arterial Route or Collector ROAD and as identified in [Rule 9.4](#).
- 10 metres in all other situations.

#### 3. All other YARDS

- (a) 10 metres or this may be reduced where written neighbours' consent has been obtained or
- (b) 3 metres on LOTS with an average width of less than 40 metres existing at 30 September 2003. This may be reduced where written neighbours' consent has been obtained.
- (c) Poles and posts less than 13.5 metres in height and a diameter of less than 1 metre are exempt from the YARD requirements specified in a) and b) (refer to [Part 15](#)).

#### 4. Outstanding Natural Features Identified In the Schedules to [Part 5](#) of the plan

No activity shall cause the modification, damage or result in the destruction of any part of any outstanding natural feature and no activity shall be located closer than 30 metres to any outstanding natural feature as listed in Schedules [5A](#) or [5B](#) of the plan.

#### 5. SIGNS

Refer to [Part 15.4](#).

#### 6. Separation distance where animals kept within BUILDINGS or enclosures

Animals kept within a BUILDING structure or other enclosure shall be no closer than 12 metres to the nearest boundary of the SITE unless the owners and occupiers of the land abutting the SITE have given their written consent, in which case the lesser distance agreed to shall apply. Note: The original of the owners and occupiers written consent shall be supplied to Council to be held on the relevant property file. Refer to definition of Permitted Activity.

#### 7. DEVELOPMENT SETBACK

- (a) No part of any BUILDING, structure or wastewater disposal field may be sited within 30 metres of the edge of a river, lake, WETLAND (all as defined in s2 of the Act), or stream and any Outstanding

Natural Feature identified in the Schedules to [Part 5](#) of the plan (excluding 5C). This rule does not apply to artificial water retention areas (e.g. ponds or sediment retention areas).

- (b) Earthworks for flood protection, land drainage and erosion control works in accordance with Rule 23B.1.1 are exempt from this rule.

### **8. SITE Suitability**

BUILDINGS shall be located on a safe and stable building platform along with sufficient land for effluent disposal including a reserve soakage field.

### **9. Natural Hazards**

BUILDINGS shall be sited so as to avoid or mitigate the potential effects of natural hazards including those unstable sandy areas within the Tasman Coast Management Area.

### **10. DWELLING HOUSE within separation distance from an existing INTENSIVE FARMING activity**

No part of any new DWELLING HOUSE on a LOT created before 11 July 2006 shall be sited within 300 metres of an existing INTENSIVE FARMING activity.

The distance shall be measured from the edge of any BUILDING associated with the INTENSIVE FARMING activity. The INTENSIVE FARMING activity sites to which the separation distance apply are as follows:

- (i) those established by a resource consent (land use) which has been given effect to at the time of receipt of the application for the DWELLING HOUSE;
- (ii) those which hold existing use rights under section 10 of the Act;
- (iii) those specifically zoned for or established through a resource consent granted by the authority of adjacent territorial local authorities.

These provisions do not apply to additions and alterations to an existing DWELLING HOUSE.

### **11. DWELLING HOUSE sited outside a SPECIFIED BUILDING AREA**

- (a) No new DWELLING HOUSE shall be sited outside of any SPECIFIED BUILDING AREA that is identified on a certificate of title.
- (b) The intended issue the identification of the SPECIFIED BUILDING AREA on the certificate of title was to address.

Explanation: Development near the coast or a river, lake, wetland or stream must acknowledge the special character and importance of the land/water interface. A building setback cannot take the place of good design but it can minimise the likelihood that a structure will interfere with the aesthetic coherence and natural functioning of the interface. The set back facilitates the future vesting or purchase of esplanade reserve and essential maintenance work. It may also reduce the risk of damage due to the overtopping of stream banks, unusually high tides (in low lying areas), or coastal erosion. Earthworks over certain limits need to be assessed on a case-by-case basis.

### **23B.2.2 Specific Permitted and Controlled Activities**

The following Permitted and Controlled Activities in the Coastal Zone shall, unless otherwise stated, meet the standards set out below in addition to the general PERFORMANCE STANDARDS for all

Permitted and Controlled Activities (RULE 23B.2.1).

**23B.2.2.1 FARM STAY ACCOMMODATION, and HOME OCCUPATIONS**

**23B.2.2.2 One PRODUCE STALL per SITE**

**23B.2.2.3 PAPA KAAINGA HOUSING**

**23B.2.2.4 FARMERS' MARKET**

**23B.2.2.5 SLEEPOUT**

**23B.2.2.6 PRODUCTION FORESTRY – Coastal Zone**

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**23B.2.2.1 FARM STAY ACCOMMODATION, and HOME OCCUPATIONS**

- Complies with the standards in Rule 23A.2.2.2.

**23B.2.2.2 ONE PRODUCE STALL PER SITE – COASTAL ZONE**

The Rules in Part 23A.2.2.3 One Produce Stall per Site apply.

**23B.2.2.3 PAPA KAAINGA HOUSING – COASTAL ZONE**

**1. Proximity to MARAE**

The site is within one kilometre of an existing marae or has the written approval of the relevant marae committee.

**2. Subdivision**

PAPA KAAINGA HOUSING shall not be subdivided into separate titles.

**3. SITE COVERAGE**

Maximum 35%

**4. Vehicular Access, Parking & Manoeuvring**

Part 51 applies.

**5. Provision for future on-SITE PARKING SPACE**

- (a) Where any BUILDING plans for a DWELLING HOUSE do not make specific provision for an on-SITE PARKING SPACE, garage or car-port, no part of any BUILDING on the SITE shall prevent the future formation on the SITE of at least one PARKING SPACE and associated vehicle access complying with all of the following:
- (i) PARKING SPACE minimum dimensions: 3m wide by 5m long.
  - (ii) Vehicle Access to that PARKING SPACE:
    - Minimum Width: 2.5 metres
    - Maximum gradient: 1:5
    - Minimum turning arcs: Must comply with [Diagram 51.E](#)
    - Design: No reverse manoeuvring onto a national route, district arterial route or collector route as defined in [Part 9.4](#).
- (b) The Council may require the applicant to provide a plan and contours that demonstrate that this standard will be met.



**23B.2.2.4 FARMERS' MARKET**

The rules in 23A.2.2.7 FARMERS' MARKET apply.

**23B.2.2.5 SLEEPOUT**

The rules in Part 23A.2.2.8 SLEEPOUT apply.

**23B.2.2.6 PRODUCTION FORESTRY – Coastal Zone**

PRODUCTION FORESTRY in accordance with Rule 23B.1.1.4A shall be:

- (i) Set back from the edge of a river, stream, lake or WETLAND by 10 metres; and
- (ii) Set back from an archaeological site\* by 20 metres.

(\*defined by the Heritage New Zealand Pouhere Taonga Act 2014)

## 23B.3 Controlled Activity Matters - Coastal Zone

### 23B.3.1 All Controlled Activities - Coastal Zone

All Controlled Activities shall comply with the applicable performance and DEVELOPMENT standards for Controlled Activities (Rule 23B.2) and in assessing and granting consent to a Controlled Activity, the Council may exercise control over those of the following matters that are relevant to the proposal:

#### 1. Access and Parking

- (a) The location and design of vehicular and pedestrian access to and from the SITE and motor vehicle parking and LOADING. The requirements of [Part 5 I](#) will be used as a guide.
- (b) The location and design of vehicular access and parking and LOADING areas to ensure they are adequate and safe given the type and frequency of vehicle movements to and from the SITE and the traffic movement function of adjoining ROADS (refer to [Part 9](#) of the PLAN).

#### 2. BUILDINGS (including additions and alterations) and Landscape

- (a) The avoidance or mitigation of adverse effects of BUILDINGS on the amenity and natural character of the coastal environment, with regard to:
  - (i) The HEIGHT, location, design and external appearance (including materials and colours and their reflectivity) of BUILDINGS and other structures, including SIGNS, and
  - (ii) Landscape design and general SITE layout so as to ensure that BUILDINGS, other structures, earthworks and vehicle access will not:
    - visually detract from the amenity values of DWELLING HOUSES on adjacent properties and;
    - be visually prominent or compromise the line and form of ridgelines, headlands or promontories or the natural character of the coastal environment.

Where necessary, landscaping and screen planting should be located, constructed and maintained to achieve this.

#### 3. SITE Suitability

The scale of the BUILDINGS, to ensure the SITE is suitable for, and can physically accommodate the proposed waste treatment and disposal methods and the type, style and nature of the waste treatment and disposal methods proposed given the nature of the activity.

#### 4. Stormwater

The landscaping, SITE layout, EARTHWORKS, BUILDINGS, access, parking and other works including stormwater control and disposal to ensure the use of the SITE as a whole is served by an 'effective stormwater disposal system' as outlined in [RULE 22B.9.1.8](#).

#### 5. Effects of EARTHWORKS or FARM QUARRY

The extent to which the BUILDINGS EARTHWORKS or other modifications of the land or ECOSYSTEM proposed will be likely to add to or create a natural hazard, or be visually intrusive.

### 23B.3.2 Specific Controlled Activities - Coastal Zone

The following Controlled Activities shall comply with the applicable performance and DEVELOPMENT standards for Controlled Activities (Rule 23B.2) and in assessing and granting consent to a Controlled Activity, the Council may exercise control over those of the matters set out in 23B.3.1 and those of the following matters that are relevant to the proposal:

#### **23B.3.2.1 ADDITIONS AND ALTERATIONS TO EXISTING HALLS, CHURCHES SCHOOLS AND CLUBS – COASTAL ZONE**

#### **23B.3.2.2 FREE RANGE POULTRY FARMING**

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#### **23B.3.2.1 ADDITIONS AND ALTERATIONS TO EXISTING HALLS, CHURCHES SCHOOLS AND CLUBS – COASTAL ZONE**

##### **1. Scale**

Ensure that the scale and nature of the additions and alteration works do not adversely affect the amenity of the surrounding area. Conditions may be imposed limiting the extent of any additions or alterations.

#### **23B.3.2.2 FREE RANGE POULTRY FARMING**

1. The provision of buffer areas, with BUILDINGS and areas used for the FREE RANGE POULTRY FARMING operation (including areas for the treatment and/or disposal of wastes and composting) setback at least 20 metres from the boundaries of the SITE.
2. The ability to avoid, remedy or mitigate any potential adverse effects from odour, dust, noise or traffic, on surrounding properties.
3. The requirement for a management plan for the FREE RANGE POULTRY FARMING activity including:
  - (a) Number and density of birds
  - (b) Environmental objectives, use of best practice, performance reviews and checklists
  - (c) Construction protocols;
  - (d) BUILDINGS and outdoor area details including ventilation and litter management;
  - (e) Water and feeding systems;
  - (f) Harvest and cleanout, and dead bird and vermin management;
  - (g) Landscape planting and maintenance;
  - (h) Wastewater and stormwater and overland flow management;
  - (i) Air quality and odour management;
  - (j) Traffic management;
  - (k) Noise management;
  - (l) Hazardous substances management;
  - (m) Monitoring, maintenance, records and reporting; and
  - (n) Protocols for consultation with adjoining neighbours.

4. The need for monitoring or review conditions.

## 23B.4 Assessment Criteria for Restricted Discretionary Activities - Coastal Zone

### 23B.4.1 For all Restricted Discretionary Activities

The Council will restrict its discretion to the following matters, those matters listed in Part 53 and the matters listed in 23B.4.1 when considering resource consent applications for Restricted Discretionary Activities.

#### 1. Access and parking

The location and design of vehicular and pedestrian access to and from the SITE and motor vehicle parking and LOADING. The requirements of [Part 51](#) will be used as a guide.

In particular, that the location and design of vehicular access and parking and LOADING areas is adequate and safe given the type and frequency of vehicle movements to and from the SITE and the traffic movement function of adjoining ROADS (refer to [Part 9](#) of the plan).

#### 2. BUILDINGS (including Additions and Alterations) and Landscape

(a) The Council will restrict its discretion to the following matters:

- Building design, height, materials and finishes and location;
- Earthworks and extent of alterations to existing topography including sensitive ridgelines;
- Landscaping (including removal of existing indigenous vegetation); and
- Where a SPECIFIED BUILDING AREA is identified on a certificate of title the existence of that SPECIFIED BUILDING AREA and previous matters addressed will be taken into account in the consideration of the following assessment criteria.

(b) Assessment Criteria

- (i) Whether BUILDINGS avoid, remedy or mitigate adverse effects on the amenity and natural character of the coastal environment, with regard to:
- The HEIGHT, location, design and external appearance (including materials and colours and their reflectivity) of BUILDINGS and other structures, including SIGNS, and
  - Landscape design and general SITE layout so as to ensure that BUILDINGS, other structures, earthworks and vehicle access will not:
    - visually detract from the amenity values of DWELLING HOUSES on adjacent properties where there is a BUILDING HEIGHT or YARD infringement; and
    - result in significant alteration to existing landscape and vegetation; and
    - be visually prominent or compromise the line and form of ridgelines, headlands or promontories or the natural character of the coastal environment.

Where necessary, landscaping and screen planting should be located, constructed and maintained to achieve this.

#### 3. Wastewater and Stormwater Treatment and/or Disposal

Whether the SITE is able to accommodate the proposed activity. In particular, that there is an

effective stormwater disposal system as outlined in [Rule 22B.9.1.8](#), and that wastewater can be adequately treated and disposed of on the SITE or there is a suitable alternative method for treatment and disposal.

#### **4. Soils**

Where any SITE contains VERSATILE LAND, the Council will consider the extent to which any proposed BUILDINGS, structures or DEVELOPMENTS preclude or compromise the use or availability of this land for activities that directly rely on them. Depending on the scale and nature of the effects in any particular case, the Council will consider the range of alternative locations available within the SITE, and the practicalities of other locations for part or all of what is proposed. The Council may decline consent to the application or may impose conditions requiring alternative locations within the SITE for all or some of the proposed BUILDINGS, structures or DEVELOPMENTS where necessary to avoid or mitigate any adverse effect.

#### **5. Outstanding Natural Features**

The effect on outstanding natural features as listed in Schedules [5A](#), [5B](#) or [5C](#). In particular, with regard to the outstanding features listed, ensure that the activity will not:

- (a) result in the irreparable damage or destruction of any habitat of INDIGENOUS animals, whether terrestrial or aquatic, or
- (b) result in the damage or removal of INDIGENOUS or exotic vegetation, other than for the purposes of improving habitats of animals, the functioning of ECOSYSTEMS or the hydrological functioning of WETLANDS, or
- (c) create an adverse effect that would compromise the visual integrity of any outstanding natural feature

and the Council will assess the extent to which the activity adversely affects the physical or biological integrity of any natural feature.

#### **6. Heritage items**

The extent to which the activity is likely adversely to affect known heritage items including items of significance to tangata whenua.

#### **7. Yards**

The extent to which any reduction in the YARD will:

- (a) Adversely affect the safe and efficient flow of traffic
- (b) Increase the impact of ROAD NOISE within the BUILDING
- (c) Adversely affect coastal amenity values or coastal landscape character
- (d) Result in the loss of a buffer between the activity and any adjacent activity that is sensitive to its effects.

Note: For applications relating to state highways and motorways, the applicant is required to obtain the comments of the New Zealand Transport Agency prior to the application being processed. These comments should form part of the application.

#### **9. DEVELOPMENT SETBACKS have the following purpose:**

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- The preservation of the natural character of streams, rivers, lakes or WETLANDS and their margins as required by section 6(a) of the Act.
- Maintaining and enhancing the natural functioning of the adjacent streams, rivers, lakes or WETLANDS.
- Maintaining and enhancing water quality.
- Avoiding the effects of natural hazards.

Any adverse effects on streams, rivers, lakes or WETLANDS. In particular, with regard to streams, rivers, lakes or WETLANDS, ensure that the activity will not:

- (a) result in the damage or destruction of any habitat of INDIGENOUS animals, whether terrestrial riparian margins or aquatic, or
- (b) result in the damage or removal of INDIGENOUS or exotic vegetation, other than for the purposes of improving habitats of animals, the functioning of ECOSYSTEMS or the hydrological functioning of WETLANDS.

Where the DEVELOPMENT STANDARD is not met, the Council needs to be satisfied that the above purposes are not compromised. Further that compliance with the setback distances would result in more significant adverse effects, than any development in the setbacks. The Council needs to be satisfied that compliance with the setbacks would:

- compromise existing landscape features; or
- result in the damage or destruction of notable trees or stands of bush; or
- require extensive earthworks to obtain a safe building platform; or
- result in natural land forms such as ridge lines and headlands being interrupted by buildings and structures; or prevent an existing building or structure from being replaced, repaired or renewed on the same site following its damage or destruction by fire or natural causes.

### **10. DWELLING HOUSE within separation distance from an existing INTENSIVE FARMING activity**

In assessing the likely impact of a new DWELLING HOUSE within the desired separation distance for potential reverse sensitivity, the Council shall restrict its discretion to the following matters and may impose conditions in respect of each:

- (i) Any reverse sensitivity effect which may arise from the proposed residential development in respect of any lawfully existing activities (“relevant existing activity”) in the vicinity. Sensitivity of proposed residents is to be considered in respect of the nature, scale and size of the residential development and its location and topographical relationship to, and distance and bearing from, the relevant existing activity. As a reverse sensitivity effect may be present only in certain circumstances, the following factors will be relevant and should be taken into account:
  - a. The frequency of the relevant adverse effect;
  - b. The duration of the relevant adverse effect and time of exposure;
  - c. The character and intensity of the relevant adverse effect;
  - d. The location of the relevant adverse effect;
  - e. Previous experiences of people with the relevant adverse effect;
  - f. Existing levels of sensitivity;
  - g. Whether or not mitigation measures can be put in place;

- h. The effects of the relevant established existing activity in the particular environment having regard to factors such as direction and velocity of wind and air movement and the extent to which mitigation of adverse effects is reasonable.
- i. Whether mitigation of the reverse sensitivity effect by the applicant is reasonable by way of design (including acoustic measures), earthworks, planting, landscaping or location. This can either be by increasing the separation from the INTENSIVE FARMING activity, or by changing the bearing from the INTENSIVE FARMING activity by moving a DWELLING HOUSE within the lot.
- j. Evidence of consultation with the operator of the INTENSIVE FARMING activity.

### **Additional Information Requirements for Resource Consent**

In addition to the requirements of [Part 52](#), the following information should be provided with an application for resource consent:

- (a) Plan detailing the location of the DWELLING HOUSE and its access in relation to the existing INTENSIVE FARMING activity including BUILDINGS and outdoor areas, prevailing winds and site topography.
- (b) Landscape plan detailing existing and proposed planting or landscaping to provide visual screening of the existing INTENSIVE FARMING activity
- (c) Evidence of consultation with the operator of the INTENSIVE FARMING activity.

### **11. DWELLING HOUSE sited outside a SPECIFIED BUILDING AREA**

In assessing the likely impact of a new DWELLING HOUSE sited outside of any SPECIFIED BUILDING AREA identified on a certificate of title the Council shall consider:

- (a) reverse sensitivity effects where adjoining FARMING, HORTICULTURAL, INTENSIVE FARMING (and associated RURAL INDUSTRY AND SERVICE activities) and MINERAL EXTRACTION AND PROCESSING activities.
- (b) SITE suitability and natural hazards.

### **23B.4.2 Specific Restricted Discretionary Activities**

The Council will restrict its discretion to the following matters, those matters listed in Part 53 and the matters listed in 23B.4.1, when considering resource consent applications for Restricted Discretionary Activities.

#### **23B.4.2.1 One DWELLING HOUSE on a ROAD SEVERANCE**

#### **23B.4.2.2 INTENSIVE FARMING**

#### **23B.4.2.3 RURAL INDUSTRY AND SERVICES (including saleyards)**

#### **23B.4.2.4 SUBSIDIARY DWELLING**

#### **23B.4.2.5 [Deleted]**

#### **23B.4.2.6 BOARDING KENNELS AND BREEDING KENNELS OR CATTERIES and training grounds**

#### **23B.4.2.7 CAFÉ / RESTAURANT on the same site and associated with FARMING,**



**ACTIVE RECREATION, EQUESTRIAN CENTRE, PRODUCE STALL or  
ON SITE PRIMARY PRODUCE MANUFACTURING**

**23B.4.2.8 Expansion of an existing lawfully established non-residential activity as at 28 September 2010 not otherwise provided for by, or identified, in the plan**

**23B.4.2.9 ACTIVE RECREATION excluding MOTORISED SPORTS**

**23B.4.2.10 PRODUCTION FORESTRY – Coastal Zone**

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**23B.4.2.1 ONE DWELLING HOUSE ON A ROAD SEVERANCE – COASTAL ZONE**

The ROAD SEVERANCE is of an adequate size, shape and physical suitability to accommodate a DWELLING HOUSE without having any adverse effects on the function of the ROAD or the character of the area. In particular:

- (a) there is a safe and stable BUILDING platform;
- (b) sewage and stormwater can be adequately treated and/or disposed of within the SITE;
- (c) the erection of a DWELLING HOUSE will not shade any neighbouring DWELLING HOUSE;
- (d) the safe and efficient operation of the ROAD will not be compromised by the DEVELOPMENT of the SITE or the vehicular access position or design;
- (e) the proposed DEVELOPMENT does not compromise any potential the SITE has for accommodating a range of activities provided for in the zone; and
- (f) that consent would not lead to a concentration of developed ROAD SEVERANCES in the one vicinity, which could result in a cluster of DWELLING HOUSES or 'ribbon' DEVELOPMENT along a ROAD.

**23B.4.2.2 INTENSIVE FARMING – COASTAL ZONE**

**1. POULTRY FARMING (within BUILDINGS)**

- (a) The proposed activity will not adversely affect an existing quarantine station. New POULTRY operations should be kept 500 metres from any quarantine station.
- (b) There are adequate measures for the control of odour, dust, NOISE, and flies and vermin from any aspect of the operation. The operation of the activity shall not result in an offensive or objectionable odour to the extent that it causes an adverse effect at or beyond the boundary of the site.
- (c) The SITE is suitable for and can physically accommodate proposed waste treatment and disposal methods given the number of animals accommodated and the volume of wastes generated. Or alternatives are provided.
- (d) Conditions may be imposed on the method of FARMING, and the design, layout and use of all BUILDINGS and areas associated with the FARMING operation.
- (e) Buffer areas are an easy practical method to mitigate adverse effects. Buffer areas of the following distances will be used as a guideline:  
All BUILDINGS and areas used for the FARMING operation (including areas for the treatment and/or disposal of wastes and composting) should be:
  - (i) at least 500 metres from the boundary of a Residential, Village or Rural Residential Zone;
  - (ii) at least 100 metres from any existing DWELLING HOUSE on an adjacent property, including those separated by a ROAD; and

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- (iii) at least 20 metres from the boundaries of the SITE;

provided that where a DWELLING HOUSE has been erected on a neighbouring property after the date the INTENSIVE FARMING operation had been established and the INTENSIVE FARMING operation has been in regular operation then the 100 metres guideline does not apply.

- (f) Where an activity is proposed within these buffer areas the applicant will have to demonstrate that adverse effects are avoided or remedied.

### 3. Pigs

- (a) The Pork Industry Board Code of Practice will be used to guide assessment of pig FARMING activities as well as the relevant criteria listed under POULTRY FARMING.
- (b) Buffer areas are an easy practical method to mitigate adverse effects. Buffer areas of the following distances will be used as a guideline.
- (c) All BUILDINGS and areas used for the FARMING operation (including areas for the treatment and/or disposal of wastes and composting) shall be:
  - (i) at least 1,200 metres (less than 500 pigs) or 2,000 metres (500 or more pigs) from the boundary of a Residential, Village or Rural Residential Zone;
  - (ii) at least 300 metres from existing DWELLING HOUSES on neighbouring properties, including those separated by a ROAD or river;
  - (iii) at least 20 metres from the boundaries of the SITE;
  - (iv) OR, such buffer distances as the Pork Industry Board Code of Practice recommends.
- (d) The operation of the activity shall not result in an offensive or objectionable odour to the extent that it causes an adverse effect at or beyond the boundary of the site.

### 4. Mushrooms

The criteria for mushroom farming shall be the same as that for POULTRY (within BUILDINGS) in 2. above.

### 5. All INTENSIVE FARMING Activities

That there is minimal impact on adjoining DWELLING HOUSES. Matters that will be considered include:

- (i) visual impact
- (ii) NOISE
- (iii) Odour - the operation of the activity shall not result in an offensive or objectionable odour at or beyond the boundary of the site.
- (iv) dust
- (v) traffic generation
- (vi) vermin

### 23B.4.2.3 RURAL INDUSTRY AND SERVICES, PACKHOUSE and Coolstore – COAST ZONE

### **1. Open Space Rural or Coastal Character**

Any structures associated with the activity or processing of raw materials, natural resources or produce shall be of such a scale and nature that they do not compromise the open space character of the rural area.

### **2. Disposal of Waste**

Any waste material generated from the processing of raw materials, natural resources or produce can be adequately disposed of.

### **3. Scale of activity**

The scale of the proposed activity is appropriate to the size and location of the SITE.

In general only vehicles, machinery and equipment used by the contractor in the daily operation of the contracting business should be stored, repaired or maintained on the SITE.

### **4. HAZARDOUS SUBSTANCES**

The storage handling disposal and transportation of HAZARDOUS SUBSTANCES including fuel, oil and chemicals will be safely carried out.

### **5. Additional Matters Relating to RURAL INDUSTRY AND SERVICES**

(a) Control of nuisance

There are adequate measures for the control of light spill and glare, odour, dust, NOISE, and flies and vermin from any aspect of the operation.

(b) SITE suitability

The SITE is suitable for, and can physically accommodate, proposed:

- (i) waste treatment and disposal methods,
- (ii) the number of animals accommodated in saleyards or the processing facility and the volume of wastes generated.
- (iii) vehicle access, loading and car parking

(c) Operational aspects and SITE layout

Conditions may be imposed on the method of and hours of operation, management plans, signage, traffic generation and the landscape treatment/screening, design, layout and use of all BUILDINGS and areas associated with the activity.

(d) Potential conflicts

Its proximity to potentially conflicting activities shall be avoided.

#### **23B.4.2.4 SUBSIDIARY DWELLING**

##### **1. Performance Standards**

Any SUBSIDIARY DWELLING shall comply with the relevant Performance and Development Standards-Coastal Zone set out in Rule 23B.2.1 and with the following performance standards, but shall otherwise be a non-complying activity:

(a) Use of Subsidiary Dwelling

Only one SUBSIDIARY DWELLING shall be approved on any SITE and shall be used for the purpose

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of housing either;

- DEPENDENT RELATIVES of the occupants of the principal dwelling on the SITE; or
- Full or part time equivalent employees and their family or SEASONAL WORKERS, engaged in FARMING or HORTICULTURE activities on the SITE, or on sites associated by ownership, lease or contract with the SITE; provided that a SUBSIDIARY DWELLING may not be established under this Rule on a lot having an area greater than 40ha.

### (b) Size of Dwelling

- The SUBSIDIARY DWELLING for a DEPENDENT RELATIVE shall be no greater than 65 square metres in area excluding decks and garaging.
- The SUBSIDIARY DWELLING for full or part time equivalent employees and their family, engaged in FARMING or HORTICULTURE activities shall be no greater than 120 square metres in area excluding decks and garaging.
- The SUBSIDIARY DWELLING for SEASONAL WORKERS shall be no greater than 120 square metres in area excluding decks and may consist of a dormitory or equivalent with only a single kitchen facility accommodating a multiple number of seasonal workers.

### (c) Location Of Dwelling / Eligible Site

- The SUBSIDIARY DWELLING for a DEPENDENT RELATIVE shall be located within 6 metres of the principal dwelling on the SITE and shall share the same driveway access as the principal dwelling.
- The SUBSIDIARY DWELLING for full or part time equivalent employees and their family or SEASONAL WORKERS, engaged in FARMING or HORTICULTURE activities shall be located on a SITE with a size greater than 5 hectares.

### (d) Dwelling not to be Subdivided

- The SUBSIDIARY DWELLING shall be held in the same certificate of title as the principal dwelling on the site. (Note under Rule 22.6 any subdivision of a SUBSIDIARY DWELLING from the principal DWELLING HOUSE is a Prohibited Activity).

### (e) Subsequent Use of the Dwelling and Ceasing of Consent.

In the event of a SUBSIDIARY DWELLING ceasing to be occupied by the person for which approval was given, then the building shall not be used for any other residential purposes or other activities other than those consistent with the definition of SUBSIDIARY DWELLING or in compliance with the zone provisions or the building shall be immediately removed from the site or modified to comply as a permitted activity accordingly.

## 2. Assessment of Application

In determining any application for a SUBSIDIARY DWELLING the Council must be satisfied as to the following:

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- (a) **Separate Dwelling Required** The application shall demonstrate that a separate dwelling is required on the SITE for the purpose of accommodating DEPENDENT RELATIVES or employees engaged in FARMING or HORTICULTURE activities or SEASONAL WORKERS and that it would be unworkable to provide the required accommodation by way of other permitted buildings such as a sleep-out or an extension to an existing dwelling on the SITE.
- (b) **Whether Accommodation is needed**  
All applications for a SUBSIDIARY DWELLING shall be accompanied by two separate written signed statements from the owner of the SITE on which the SUBSIDIARY DWELLING is to be located that:
- In the case of accommodation for DEPENDENT RELATIVES, the applicant shall demonstrate that the occupants of the both dwellings have a close relationship and that the extent and nature of the dependence of the occupants of one household, on the assistance of the other, is such that they are required to be located on the same SITE.
  - In the case of employees engaged in FARMING or HORTICULTURE activities or SEASONAL WORKERS, the applicant shall demonstrate that the volume and nature of the work requires employees, additional to those living in the principal dwelling, to live on the SITE and it is impracticable for the employee(s) to commute given the nature of the work being undertaken or to meet the requirements of a recognised seasonal employers scheme.
  - The extent to which the SUBSIDIARY DWELLING for employees engaged in FARMING or HORTICULTURE activities or for SEASONAL WORKERS avoids, remedies or mitigates adverse effects on rural character. This may be achieved by locating adjoining the principal dwelling or in close proximity to other existing buildings or structures associated with the site's FARMING or HORTICULTURE activities.

### **23B.4.2.5** [Deleted]

### **23B.4.2.6 BOARDING KENNELS AND BREEDING KENNELS OR CATTERIES and training grounds**

- (a) Buffer areas are an easy practical method to mitigate adverse effects. Buffer areas of the following distances will be used as a guideline.
- (i) All SITES used for breeding or boarding cats, should be no less than 2000 square metres in area.
  - (ii) All SITES used for breeding, boarding or training dogs should be no less than 1 hectare in area.
  - (iii) All buildings used for accommodating dogs and cats and areas used for the disposal of waste should be located as close to the centre of the site as possible and at least 500 metres from any existing residential zone boundary.
- (b) All boarding establishments shall be designed and managed generally in accordance with the Guidelines for Minimum Standards and Conditions in Pet Boarding Establishments or any subsequent document prepared by the Boarding Kennel and Cattery Association of New Zealand (Inc) or its successor.

- (c) The applicant shall demonstrate that all buildings and facilities to accommodate dogs shall be constructed in accordance with appropriate acoustic engineering practice and standards to mitigate adverse effects of noise upon surrounding residents.
- (d) That there is minimal impact on adjoining DWELLING HOUSES. Matters that will be considered include:
- (i) visual impact
  - (ii) NOISE
  - (iii) odour - the operation of the activity shall not result in an offensive or objectionable odour to the extent that it causes an adverse effect at or beyond the boundary of the site.
  - (iv) dust
  - (v) traffic generation
  - (vi) vermin

**23B.4.2.7 CAFÉ / RESTAURANT on the same site and associated with FARMING, ACTIVE RECREATION, EQUESTRIAN CENTRE, PRODUCE STALL or ON SITE PRIMARY PROI MANUFACTURING**

The matters in [Part 23A.4.2.8](#) apply.

**23B.4.2.8 Expansion of an existing lawfully established non-residential activity as at 28 September 2010 not otherwise provided for by, or identified, in the plan**

The matters in [Part 23A.4.2.9](#) apply.

**23B.4.2.9 ACTIVE RECREATION excluding MOTORISED SPORTS**

The matters in [Part 23A.4.2.10](#) apply.

**23B.4.2.10 PRODUCTION FORESTRY – Coastal Zone**

1. Notwithstanding the above, the Council will not have regard to those matters listed in [Part 53](#) and the matters listed in 23B.4.1 and will restrict its discretion to only the following matters:

- (i) Where not setback from the edge of a river, stream, lake or WETLAND:
  - significant indigenous terrestrial and aquatic vegetation and habitat
  - future harvesting
- (ii) Where not setback from an archaeological site:
  - archaeological sites
  - future harvesting

2. Assessment Criteria

In considering whether adverse effects are avoided, remedied or mitigated, the following matters shall be taken into account:

- (i) Where not setback from the edge of a river, stream, lake or WETLAND;
  - The effects on the natural character of the margins of lakes, rivers, streams and wetlands.
  - The extent to which the activity maintains existing indigenous vegetation

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patterns.

- The extent to which the activity adversely affects the physical integrity of any natural feature.
- The extent to which the activity maintains any natural or biological processes necessary to ensure the functioning of the natural feature.
- The extent to which the activity adversely affects aquatic ecosystems.

(ii) Where not setback from an archaeological site;

- The extent to which the activity adversely affects any archaeological site or place of significance to tangata whenua.

23B.5 Assessment Criteria for Discretionary Activities - Coastal Zone

23B.5.1 All Discretionary Activities - Coastal Zone

1. The standards for Permitted and Controlled Activities will be used as a guide in the assessment of the application.
2. The Controlled Activity matters over which the Council may exercise control may be applied to a Discretionary Activity consent.
3. The assessment criteria for Restricted Discretionary Activity applications (in Rule 23B.4 above) may be used for assessing a Discretionary Activity application.
4. Refer to [Part 53](#) of the plan for general Discretionary Activity assessment criteria.
5. Regard shall be had to the Objectives and Policies of the district plan in assessing a Discretionary Activity application.

23B.5.2 Specific Discretionary Activities - Coastal Zone

In assessing an application for one of the specific Discretionary Activities listed below, the Council will assess the activity in terms of the matters set out in 23B.5.1 and those of the following matters that are relevant to the proposal.

**23B.5.2.1 Coastal Environment**

- (a) The extent to which the activity is of a scale, location and design which enables its integration with the existing pattern of subdivision, use and DEVELOPMENT.
- (b) The extent to which the activity maintains and where practicable enhances existing vegetation patterns.
- (c) The extent to which the activity adversely affects the physical integrity of any natural feature.
- (d) The extent to which the activity maintains any physical or biological processes necessary to ensure the functioning of the natural feature.
- (e) The extent to which the activity adversely affects aquatic ecosystems, including water quality, aquatic habitat and fish passage.
- (f) The extent to which the activity recognises and protects known heritage values including tangata whenua values.
- (g) The effects on the natural character of and public access to the coastal environment and the margins of lakes and rivers.

**23B.5.2.2 RURAL AERIAL SERVICES – Assessment Criteria**

In addition to those matters specified in 23.A.5.1 in considering specific Discretionary Activity Applications, the Council will consider the following matters:

1. Site Layout and Access
2. Landscape treatment and Screening
3. Air Emissions
4. Traffic Safety and Movements
5. Adverse impacts arising from flight path over adjacent properties



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6. Aircraft Safety and Movements

7. Noise

All helicopter activity shall be operated within the noise parameters contained in NZS 6807:1994 'Noise Management and Land Use Planning for Helicopter Landing Areas', or its successor.

8. Fuel Storage and Refuelling

9. Storage of Hazardous Substances

10. Lighting

11. Waste and Stormwater Disposal

12. Monitoring and Review

13. Financial Contributions

**23B.5.2.3** [Deleted]

**23B.5.2.4** [Deleted]

### **23B.5.2.5 FARM STAY ACCOMMODATION AND HOME OCCUPATIONS**

In addition to those matters specified in 23B.5.1 in considering specific Discretionary Activity applications, the Council will consider the following matters:

1. Wastewater Treatment and/or Disposal

That wastewater can be adequately treated and disposed of on the SITE or there is a suitable alternative method for treatment and disposal.