

Section 58 – Road Zone

58.1 Zone Description

The Road Zone covers formed roads that are vested in the Council for the purpose of road. Formation of a road includes gravelling, metaling, sealing or permanently surfacing. Unformed legal roads (paper roads) and state highways are not included in this Zone. Unformed roads and state highways take on the adjoining zone to the highway/unformed road or the entire width of the state highway/unformed road if it adjoins the coastal marine area. The rules in Section 42 Transport apply to the formation of unformed roads. Where the construction of a new road is completed and the road is vested in the Council, a rezoning to Road Zone will follow the subdivision and construction process.

58.2 Zone Purpose

The Road Zone is an enabling zone, to enable transportation and access activities, but also to provide for a wide range of other activities that customarily take place on roads. As all land in the Road Zone is Council-owned, many activities are controlled through the Council Bylaw, and are subject to permission from the Council's Roading Manager, and/or are managed by other legislation.

The [Resource Management \(National Environmental Standards for Telecommunication Facilities\) Regulations 2008](#) provide for telecommunication facilities, telecommunication equipment cabinets, and installation or replacement of masts and antennas and on existing structures, in the Road Zone.

The rules in Section 42 Transport address all the transport infrastructure in this zone.

58.3 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).

Where a structure is located in an adjacent zone but encroaches into the Road Zone, the adjacent zone rules apply and the Road Zone rules do not apply.

The **Road Zone** is over public land managed by **the Council**. Any activity within the **Road Zone**, unless part of a **designation**, will also need to gain approval from **the Council** separate from any resource consent process under the **RMA**.

Activity Table			
Activity	PER (S 58.4)	DIS (S 58.5)	NC (S 58.6)
Activities not provided for			
Activities not provided for in the Plan		R 8	
Activities not provided for in Section 58			R 9
Building removal			
Demolition	R 7		
Partial demolition	R 7		
Removal	R 7		
Commercial			
Restaurant	R 1		
Community			
Emergency service training, military training	R 2		
Festival, event	R 3		
Informal recreation	R 1		
Public amenity	R 1		
Scientific equipment, navigational aid	R 1		
Earthworks			
Earthworks	R 4		
Earthworks not within a kauri hygiene zone	R 4		
Earthworks within a kauri hygiene zone	R 5		
Noise			
Noise not covered by another Rule in Section 58	R 6		
Residential			
Temporary living place	R 2		
Water, wastewater, stormwater and solid waste			
Other water, wastewater, stormwater infrastructure	R 1		
Refuse transfer station, recycling operation	R 1		
Non-regulatory method			
Measures to prevent the spread of kauri dieback disease		M 1	

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](#).

58.4 Permitted Activities

Rule 1: Informal recreation; Public amenity; Refuse transfer station, recycling operation; Restaurant; Scientific equipment, navigational aid; Other water, wastewater, stormwater infrastructure; Emergency service training, military training

1. An activity listed in Rule 1 is a permitted activity provided it meets the standards in Table 3 at the end of Section 58.
2. An activity that is not permitted under Rule 1.1 is a restricted discretionary activity.
3. The Council restricts its discretion to matter 1 in Table 4 at the end of Section 58.

Rule 2: Temporary living place

1. A temporary living place is a permitted activity.

Note:

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

Rule 3: 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 $L_{Aeq(15\ min)}$ and 70 dB $L_{AF\ max}$; 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) It lasts no longer than 12 consecutive hours.
2. A festival, event that is not permitted under Rule 3.1 is a restricted discretionary activity.
3. The Council restricts its discretion to matters 1-3 and 5 in Table 4 at the end of Section 58.

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.*
3. *Where a Festival, event has direct access onto or adjoins a State highway, the event organisers should contact the NZ Transport Agency to determine their traffic management requirements.*

Rule 4: Earthworks; Earthworks not within a kauri hygiene zone

1. Earthworks not within a kauri hygiene zone are a permitted activity provided:
 - a) They are for utility installation, maintenance, upgrading and/or removal by the Council or a network utility operator;

OR

 - b)
 - (i) They meet the standards in Table 1; and
 - (ii) Silt and sediment resulting from the earthworks remains within the site; and
 - (iii) Any uncovered earth is stabilised within 3 months from when work started; and
 - (iv) Any surplus excavated material is reused on the site or is removed from the site within 3 months from when the material was first excavated; and
 - (v) 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.
2. Earthworks not within a kauri hygiene zone and are not permitted under Rule 4.1 a) or b) are a restricted discretionary activity.
3. The Council restricts its discretion for earthworks under Rule 4.2 to matters 1 and 2 in Table 4 at the end of Section 58.

Table 1 – Minimum Setback Distance of Earthworks

1. From the <u>Road Zone</u> boundary to the toe of a fill (without a legally established retaining wall)	Equal to the maximum <u>height</u> of the fill
2. From the <u>Road Zone</u> boundary 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. From the <u>Road Zone</u> boundary to the crest of a cut (without a legally established retaining wall)	0.3 m (also see 2. above)
4. From the <u>Road Zone</u> boundary	Equal to the maximum <u>height</u> of the retaining wall

Note:

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

Rule 5: Earthworks within a kauri hygiene zone

1. Earthworks within a kauri hygiene zone are a permitted activity provided they are for gardening that:
 - a) Is within a maximum area surface disturbance of 250m² within the kauri hygiene zone; and
 - b) Is no deeper than 300mm below the ground surface; and
 - c) Uses only handheld tools; and
 - d) Avoids disturbance or movement of soil when cutting lawns; and
 - e) When planting uses either:
 - (i) sterilised seeds; or
 - (ii) cuttings free of soil; or
 - (iii) accredited *Phytophthora agathidicida* free plants; or
 - (iv) plants within the same kauri hygiene zone with root system less than 300 mm deep; and
 - f) The kauri hygiene zone boundary is readily identifiable; and
 - g) Retains spoil and organic material within the kauri hygiene zone where it cannot enter any waterbody or flow onto adjoining kauri trees; and
 - h) The following hygiene procedures are undertaken
 - (i) All equipment and footwear used is cleaned of all soil and organic material prior to entry into or exit from the kauri hygiene zone; and
 - (ii) Where gardening is being undertaken within a kauri hygiene zone and a specific access point(s) is being used, that access point(s) must include a hygiene station where hand-held equipment, clothing and footwear is cleaned immediately before entering into and exiting from a kauri hygiene zone.
 - i) The hygiene station must include the materials specified in Table 5 at the end of Section 58.
 - j) All hand-held equipment, clothing and footwear must be cleaned of all soil immediately before entry to the kauri hygiene zone. Any soil or organic material removed during this before-entry cleaning must remain outside the kauri hygiene zone; and
 - k) All hand-held equipment, clothing and footwear must be cleaned of all soil immediately before exit from the kauri hygiene zone. Any soil or organic material removed during this before-exit cleaning must remain inside the kauri hygiene zone in a location where it cannot enter any waterbody or flow to any adjoining kauri trees; and
 - l) The only living plant material that can enter a kauri hygiene zone is either sterilised seeds, or accredited *Phytophthora agathidicida* free plants, or plant cuttings free of any soil; and
 - m) A plant (or plants) with a root system less than 300 mm deep may be shifted around within the same kauri hygiene zone.
2. Earthworks within a kauri hygiene zone for the following activities are a controlled activity provided that a Kauri Dieback Disease Risk Management Plan (“management plan”) is prepared in accordance with Rule 5.4 below and submitted with an application for resource consent:
 - a) Installation of fenceposts undertaken with handheld equipment; or
 - b) Utility installation, maintenance, upgrading and/or removal by the Council or a network utility operator.
3. The Council reserves its control over matters in the management plan under Rule 5.2 to:
 - a) The extent to which a Kauri Dieback Disease Risk Management Plan is prepared and implemented; and
 - b) Monitoring and reporting requirements

4. Earthworks within a kauri hygiene zone and are not a permitted activity under Rule 5.1 or a controlled activity under Rule 5.2 are a restricted discretionary activity, provided that:
 - a) A Kauri Dieback Disease Risk Management Plan (“management plan”) is prepared, approved, and implemented; and
 - b) The management plan shall include the matters specified in Table 6 at the end of Section 58.
 - c) A report must be submitted annually to the Council until completion of the consented earthworks using a form 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); and
 - 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; and
 - 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 Rule 5.4.b) above; and
 - f) Until a final annual report is submitted, 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.
5. The Council restricts its discretion for earthworks under Rule 5.4 to:
 - a) Matters 1 and 2 in Table 4 at the end of Section 58; 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; and
 - c) Where cultivation occurs in the kauri hygiene zone:
 - i) The extent of cultivation within the kauri hygiene zone; and
 - ii) Whether monitoring and reporting requirements are included in the Kauri Dieback Disease Risk Management Plan.
6. Earthworks that are not a restricted discretionary activity under Rule 5.4 are a discretionary activity.

Note:

1. Also see Method 1: Measures to prevent the spread of kauri dieback disease.
2. For diagrams illustrating the above setback distances, refer to 'Earthworks' in Section 3 Definitions.
3. [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.
4. 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.
5. Consent may be required from the Waikato Regional Council. You are advised to check the Waikato Regional Plan prior to starting the earthworks.
6. 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.
7. Earthworks in close proximity to any electricity distribution line can be dangerous. The New Zealand Electrical Code of Practice for Electrical Safety Distances (NZECP 34:2001) applies to earthworks and the operation of mobile machinery within close proximity to all electric lines.
8. Section 330 of the RMA provides for emergency works for preventative or remedial action.

Rule 6: Noise not covered by another rule in Section 58

1. Noise not covered by another rule in Section 58 is a permitted activity provided:
 - a) It is from a transportation activity; or
 - b) It is from emergency service 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 2.
2. Noise not covered by another rule in Section 58 that is not permitted under Rule 6.1 is a restricted discretionary activity.
3. The Council restricts its discretion to matter 1 in Table 4 at the end of Section 58.

Table 2 – Maximum noise level standards			
Time period	L _{Aeq} (15 min)	L _{AF max}	Measured at
1. At all times	70 dB	Pedestrian Core Zone only: 70 dB from 10 pm to 7 am the following day	The receiving site at any point within the: <ul style="list-style-type: none"> - Airfield Zone - Commercial Zone - Gateway Zone - Industrial Zone - Light Industrial Zone - Marine Service Zone - Pedestrian Core Zone - Recreation Active Zone - Road Zone
2. Monday to Saturday 7 am to 10 pm	60 dB	N/A	At any point within the <u>notional boundary</u> of a <u>site</u> within any other zone not listed above.
3. Sunday 7 am to 6 pm	60 dB	N/A	
4. At all other times	50 dB	65 dB	

Note:

1. Rule 6.1 a) includes temporary noise from motorised vehicles, airplanes, and similar transportation activities.
2. Rule 6.1 e) 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 and s328 of the RMA.

Rule 7: Demolition; Partial demolition; Removal

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

58.5 Discretionary Activities

Rule 8: Activities not provided for in the Plan

1. An activity not listed in the Activity Table at the beginning of Section 58 and not in the Activity Summary Table (in Section 1.8) is a discretionary activity.

58.6 Non-Complying Activities

Rule 9: Activities not provided for in Section 58

1. An activity that is not listed in the Activity Table at the beginning of Section 58, but is listed in the Activity Summary Table (in Section 1.8) and is not a district-wide activity is a non-complying activity.

58.7 Assessment Standards, Matters and Criteria

Table 3 - Standards

1. Maximum height of any permanent building is 12 m.
2. Maximum height in relation to boundary of a Residential Area of any permanent building is 3 m & 45°.
3. Maximum lux level received at any point beyond the site, as measured vertically and horizontally is 5 lux.

Table 4 – Restricted Discretionary Activity Matters

- 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. Positive and adverse effects on adjacent sites and the local community**
 - a) The extent to which adverse effects from the activity do not affect adjacent sites, such as: odour, fumes, dust or light spill.
 - b) Whether the frequency and duration, including the proposed hours of the activity and any effects in 2 a) above are tolerable.
 - c) The extent to which positive effects from the activity contribute to the economic, social and cultural wellbeing of the local community.
- 3. Effects on the safety and efficiency of the transport network**
 - a) The extent to which the activity has potential to distract vehicle drivers.
 - b) Whether the activity detrimentally impacts on the ability to maintain the road.
 - c) Whether adequate consideration has been given to parking and where this is provided.
- 4. Off-site effects from earthworks**
 - a) Whether existing infrastructure and utilities are protected.
 - b) Whether the activity detrimentally impacts on the ability to maintain the road.
 - c) Whether adequate consideration has been given to parking and where this is provided.
- 5. Utility infrastructure provision and location (including easements) for water, wastewater, solid waste, stormwater, electricity, telecommunications**
 - a) Whether the provision of wastewater, water and solid waste is adequate for the number of people anticipated and the duration of the activity.
 - b) Whether the extension of existing above-ground utility infrastructure is appropriate.

Table 5 – The hygiene station must include the following materials:

- (i) a container to enable the cleaning of hand-held equipment, clothing and footwear; and
- (ii) clean water and spray bottles; and
- (iii) implements capable of removing soil from hand-held equipment, clothing and footwear; and
- (iv) paper towels; and
- (v) clean plastic bags for removed clothing and footwear; and
- (vi) 2% Sterigene or 70% methylated spirits for spraying cleaned hand-held equipment, clothing and footwear; and
- (vii) alcohol wipes for wiping down sensitive electronic equipment.

Table 6 – The Kauri Dieback Disease Risk Management Plan shall include the following matters:

1. The purpose of the management plan setting out the procedures that will be followed to avoid the risk of the spread of kauri dieback disease where the soil and organic matter from earthworks within the kauri hygiene zone is proposed to be confined in a larger kauri dieback disease containment zone; and
2. The management plan must contain:
 - a. The objectives of the management plan; and
 - b. A map or maps showing:
 - i. The area that the management plan applies to; and
 - ii. The location of each kauri tree within that area and its associated kauri hygiene zone; and
 - iii. Locations where access to the kauri hygiene zone will be prevented (e.g. by fencing off, covering the soil with a protective surface); and
 - 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; and
 - 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; and
 - vii. Location of any bund(s) or other means to be used if necessary to prevent washdown water entering any stream or flowing to any adjoining kauri trees.
 - c. The method by which the boundaries of any kauri hygiene zone and kauri dieback disease containment zone will be clearly marked out; and
 - 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; and
 - 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; and
 - f. The water management procedures to be used:
 - i. Can washdown at this site occur at least 30 m from a water course? Yes/No
 - ii. Can water at this site be drained away from any neighbouring kauri trees? Yes/NoIf 'No' to either of the above, the procedures required will be one of the following:
 - (a) A bund or bunds will be provided to ensure washdown water does not enter streams or drain toward any neighbouring kauri trees (as shown on the map(s) under Rule 5.4 b) ii) b above; or
 - (b) Washdown will be undertaken at an identified facility where water does not enter the stormwater system; and
 - g. The contact details of the person responsible for the implementation of the management plan.

Method 1: 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 (“kauri hygiene zone”) commenced or undertaken after this District Plan comes into effect may require a resource consent from the Council.

Where earthworks within a kauri hygiene zone have existing use rights under section 10 RMA or an Existing Use Certificate issued under section 139A RMA, they may be continued within the limits authorised by section 10 or section 139A RMA. Establishing whether such earthworks are authorised can be a demanding process. Landowners who intend continuing earthworks within a kauri hygiene zone in reliance on section 10 RMA may wish to take professional advice so they are aware of applicable parameters.

Persons undertaking earthworks within a kauri hygiene zone in reliance on 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 website.

<https://www.kauriprotection.co.nz/resources/best-practice-guides>

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.

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

Table 7 – Checklist for earthworks undertaken within a kauri hygiene zone

Clearly define <u>kauri hygiene zone</u> , 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 <u>kauri hygiene zone</u> ?	YES/NO
For washdown on- <u>site</u> define the appropriate washdown facility	YES/NO
Is the washdown facility within the <u>kauri hygiene zone</u> ?	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 <u>site</u> within the <u>kauri hygiene zone</u> ?	YES/NO
For off- <u>site</u> 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