

Section 34 – Natural Character of the Coastal Environment

34.1 Activity Table and User Information

Activity Table		
Activity	HNC (S34.2)	ONC (S34.3)
Building/s	R 1	R 10
Clearing <u>indigenous vegetation</u>	-	R 11
<u>Earthworks</u>	R 2	R 12
Operation, <u>maintenance</u> , minor upgrading or <u>removal</u> of an electricity or telecommunication line	R 3	R 13
<u>Sign</u>	R 4	R 14
<u>Solar panel</u>	R 5	R 15
<u>Afforestation</u>	R 6	R 19
Dwellings	R 7	R 16
Wind turbine	R 8	R 17
Above-ground electricity or telecommunication line	R 9	R 17
<u>Electricity or telecommunication facility</u>	R 9	R 17
<u>Amateur radio configuration</u>	R 9	R 18
Telecommunication mast, tower, dish, antenna and any ancillary equipment	R 9	R 18
<u>Subdivision</u> creating one or more additional lots	-	R 18

34.2 High Natural Character

Rule 1: Building/s

1. Building/s (excluding any buildings associated with aboveground electricity or telecommunications line or facilities) that are a permitted, controlled or restricted discretionary activity in the underlying zone and district-wide rules, and that are not listed as an activity in Section 34.2, retain their activity status provided that they are limited to:
 - a) For building/s other than those provided for in (b) and (c) below, one additional building with a maximum gross floor area of 50m²; and
 - b) For building/s accessory to farming operational at 29 April 2016:
 - i) There is a maximum of two additional building/s per site except, for sites equal to or greater than 200ha there is a maximum of four additional buildings; and

- ii) The combined gross floor area of the additional building/s no more than 110m² except, for sites equal to or greater than 200ha the combined gross floor area is no more than 220m²; and
 - iii) The building/s are either located within 20m of each other and any other buildings on the site; or
 - iv) The building /s are located a minimum of 250m away from each other and any other building/s on the site; or
 - c) For building/s on Māori Land or Treaty settlement land:
 - i) There is a maximum of two additional building/s per site except, for sites equal to or greater than 200ha there is a maximum of four additional buildings; and
 - ii) The combined gross floor area of the additional building/s is no more than 110m² except, for sites equal to or greater than 200ha the combined gross floor area is no more than 220m²; and
 - iii) The building /s are either located within 20m of each other and any other buildings on the site; or
 - iv) The building/s are located a minimum of 250m away from each other and any other building/s on the site;
 - d) The building is not within:
 - i) 10m of the bed of a permanent river, lake, stream, pond or wetland (excluding farm drains); and
 - e) The building meets the standards in Table 1 in Section 34.4.
2. Building/s that do not retain their activity status under Rule 1.1 are restricted discretionary activity.
 3. Building/s which do not comply with Rule 1.1 b) or c) shall be assessed without public or limited notification under Sections 95A and 95B of the [Resource Management Act 1991](#) unless special circumstances exist or notification is required under section 95B(2) and (3).
 4. The Council restricts with discretion to matters 2-6 in table 2 in Section 34.4.

Rule 2: Earthworks

1. Earthworks that are a permitted activity in the underlying zone and district-wide rules retain their activity status provided:
 - a) They are for ecosystem protection, rehabilitation or restoration works (e.g. beachcare, conservation covenants, works involved with pest management riparian fencing, including crossings and their approaches consented, permitted or otherwise authorised by Waikato Regional Council); or
 - b) They are required for maintenance or repair work or cultivation activities as part of a farming activity operational at 29 April 2016; or
 - c) They are required to maintain or repair the width or function of an existing:
 - i) fenceline;
 - ii) operational legal road;
 - iii) legal right of way;
 - iv) road, track, driveway, or drain existing at 29 April 2016; or
 - v) to undertake works following a natural event to restore the width or function of an existing fence line, track, driveway or drain existing at 29 April 2016: or

- d) It is for the purpose of, maintaining, minor upgrading, operating, or removal of an electricity or telecommunication line or facility; or
- e) it is required for the installation of network utilities in the Road Zone or the installation of network utility service connections within existing formed tracks and driveways; or
- f) It is boring or thrusting required for the installation of underground utility cables or pipes; or
- g) The work is authorised or undertaken by the Waikato Regional Council and occurs within 10 m of the bed of a permanent river, stream, lake or pond, more than 1 m wide; or
- h) They are earthworks that meet the requirements of any of i) to iv) as follows:
 - i) The maximum volume is 10m³ per site per calendar year: or
 - ii) The earthworks are part of the farming activity operational at 29 April 2016 and are for new tracks up to 5 m in width and meet the standards in Table 1 or for new drains; or
 - iii) The earthworks are part of a farming activity operational at 29 April 2016 required for construction of a building permitted under Rule 1.1; or
 - iv) The earthworks are permitted for a building permitted on Māori Land or Treaty settlement land under Rule 1.1; and

except for crossings and drain connections permitted by Rule 2.1 a) they are not within 10 m of the bed of a permanent river, lake, stream or pond or wetlands (excluding farm drains)
- 2. Earthworks that are not permitted under Rule 2.1 excluding 2.1 h) ii) are a restricted discretionary activity provided:
 - a) The maximum volume is 200 m³ per site per calendar year; and
 - b) The maximum face height is 1.5m; or
 - c) They are required to establish a building platform and any associated utility services including driveways (not otherwise provided for in Rule 2.1 e), g) or h) iii) or iv)).
- 3. The Council restricts its discretion to matters 1, 3, 4, 6, and 7 in table 2 in Section 34.4.
- 4. Earthworks that are not permitted under Rule 2.1 h) ii) are a restricted discretionary activity.
- 5. The Council restricts its discretion to matters 1,3,4,5,6 and 7 in Table 2 in Section 34.4.
- 6. Earthworks that are not a restricted discretionary activity under Rule 2.2 are a non complying activity.

Note:

1. *Kauri dieback disease is a significant threat to the kauri trees in the district. Refer to www.kauridieback.co.nz for more information. To protect against this disease, the Department of Conservation recommends using the following procedures for earthworks within three times the radius of the canopy dripline of a kauri tree (the potential contamination area):*
 - a) *Define the potential contamination areas for individual trees or a stand of trees.*
 - b) *Establish an entry/exit point by each potential contamination area where vehicles and equipment are cleaned of all soil and organic material when moving into, out of, and between contamination areas.*
 - c) *Do not transport soil or organic material from within a potential contamination area to outside a potential contamination area or vice versa, unless disposing to landfill.*
 - d) *Earthworks in potential contamination areas should be done during dry soil conditions. This reduces equipment contamination and makes cleaning easier.*

Table 1 - Earthworks standards for new tracks per site per calendar year

1. Maximum volume per site per calendar year is 350 m³
2. Maximum height of any fill and cut combine is 3 m
3. Maximum length of fill and cut that exceeds 2m in height vertically along length of track is 30 m
4. Reinstatement: all cut and fill slopes are re-grassed as soon as practicable

Rule 3: Operation, maintenance, minor upgrading or removal of an electricity or telecommunication line or facility

1. Operation, maintenance, minor upgrading or removal of an electricity or telecommunication line or facility is a permitted activity.

Rule 4: Sign

1. A sign is a permitted activity provided:
 - a) It is erected by a government organisation, network utility operator or a local authority; or
 - b) It is on a site for no more than 7 consecutive days; or
 - c) It is required by a statute or regulation; or
 - d) It is erected as part of ecological protection, rehabilitation or restoration works.

OR

- e) There is no more than one sign per site; and
 - f) The maximum area of the sign does not exceed 1 m²; and
 - g) Where it is freestanding, the maximum height does not exceed 1.8 m; and
 - h) It relates to a lawfully established activity on the site.
2. A sign that is not permitted under Rule 4.1 is a restricted discretionary activity.
 3. The Council restricts its discretion to matter 2 in Table 2 in Section 34.4.
 4. A resource consent application under Rule 4.2 shall be assessed without public or limited notification under sections 95, 95A and 95B of the RMA.

Rule 5: Solar panel

1. A solar panel is a permitted activity provided:
 - a) It is attached to an existing building; or
 - b) Where a solar panel is a building the maximum area of a solar panel is no more than 50 m²; and
 - c) It has a reflective value of no more than 15%.
2. A solar panel that is not permitted under Rule 5.1 is a restricted discretionary activity.
3. The Council restricts its discretion to matters 2 and 3 in Table 2 in Section 34.4.
4. A resource consent application under Rule 5.2 shall be assessed without public or limited notification under sections 95, 95A and 95B of the RMA.

Rule 6: Afforestation

1. Afforestation is a restricted discretionary activity provided:
 - a) The trees are not a *Pinus* species; and
 - b) The trees are not planted in lines; and
 - c) The forest is managed and operated to maintain the forest canopy at one or more levels without clear felling.
2. The Council restricts its discretion to matters 1 and 5 in Table 2 in Section 34.4.
3. Afforestation that is not a restricted discretionary activity under Rule 6 is a non-complying activity.

Rule 7: Dwellings

1. Dwellings in a High Natural Character area are a restricted discretionary activity provided:
 - a) There is only one dwelling within the Natural Character Area on the lot; and
 - b) It is not within 10 m of the bed of a permanent river, lake, stream or pond or wetland; and
 - c) It meets the standards in 1-3 in Table 1 in Section 34.4.
2. The Council restricts its discretion to matters 1-3, 5 and 6 in Table 2 in Section 34.4
3. Dwellings that are not a restricted discretionary activity under Rule 7. 1 are a noncomplying activity, except dwellings on Māori land or Treaty settlement land that are not a restricted discretionary activity under Rule 7.1 are a discretionary activity.
4. Where the dwelling is the only dwelling on the lot the resource consent application under Rule 7.1 shall be assessed without public or limited notification under Sections 95A and 95B of the [Resource Management Act 1991](#).

Rule 8: Wind turbine

1. A wind turbine is a restricted discretionary activity.
2. The Council restricts its discretion to matters 2, 3 and 5 in Table 2 in Section 34.4

Rule 9: Above ground electricity or telecommunication line; Amateur radio configuration; Electricity or telecommunication facility; Telecommunication mast, tower, dish, antenna and any ancillary equipment

1. An activity listed in Rule 9 is a discretionary activity.

34.3 Outstanding Natural Character

Rule 10: Building/s

1. Building/s (excluding any buildings associated with aboveground electricity or telecommunication line or facilities) that are a permitted, controlled or restricted discretionary activity in the underlying zone and district wide rules, and that are not otherwise listed as an activity in Section 34.3, retain their activity status provided;
 - a) The maximum gross floor area of all buildings for other buildings is no more than 25 m² per site; and
 - b) The maximum building height is no more than 5 m; and
 - c) The building is not within 10 m;
 - i) of the bed of a permanent river, lake, stream or pond or wetland (excluding farm drains); or
 - ii) a wetland; and
 - d) The building meets the standards in Table 1 in section 34.4.
2. Building/s that do not retain the activity status under Rule 10.1 are a discretionary activity.

Rule 11: Clearing indigenous vegetation

1. Clearing indigenous vegetation is a permitted activity provided:
 - a) Where is it indigenous coastal edge escarpment forest, wetland, duneland or floodplain forest/scrub vegetation, the sum of all clearance undertaken under d) to f) does not exceed 250m² per site per annum;
 - b) It is within 10m of:
 - i) An existing dwelling; or
 - ii) A proposed dwelling with resource consent or;
 - c) The area to be cleared is:
 - i) existing domestic garden; or
 - ii) horticulture that was established prior to 29 April 2016; or
 - iii) for maintenance or reinstatement of pasture through the removal of regenerating manuaka (*leptospermum scoparium* var. *scoparium*) or kanuka (*Kunzea robusta*) or tree ferns or scattered rushes in pasture on a farm established prior to 29 April 2016, and the vegetation to be cleared is less than 15 years old and 6m in height; or
 - d) It is for the collection of material for traditional Māori cultural practices; or
 - e) It is for ecosystem protection, rehabilitation or restoration works (e.g. beachcare, conservation covenants, removing plant pests as identified in the Waikato Regional Pest Management Plan, riparian, fencing, including crossings and their approaches that are consented, permitted or otherwise authorised by the Waikato Regional Council); or
 - f) The work is authorised or undertaken by the Waikato Regional Council and occurs within 10 m of the bed of a permanent river, stream, lake or pond, more than 1 m wide; or
 - g) It is either no more than 5m either side of lawfully established network utility infrastructure (excluding an existing formed road) or in accordance with the [Electricity \(Hazards from Trees\) Regulations 2003](#); and
 - i) it is for the operation, maintenance and minor upgrading, or removal of an existing electricity or telecommunication line or facility; and

- ii) it is undertaken or commissioned by the network utility operator; or
 - h) It is no more than 5m wide and it is to maintain a driveway or existing track; or
 - i) It is a strip if no more than 3.5m wide for land survey work or maintaining an existing fenceline; or
 - j) It is to maintain the existing width of a legal right of way or existing formed road; or
 - k) It is within the building platform of a proposed dwelling with resource consent or within a building platform approved at the time of subdivision; or
 - l) It is necessary to avoid loss of life, injury, or serious damage to property; or
 - m) It is no more than 500m²
 - i) For clearance of manuaka (*leptospermum scoparium* var. *scoparium*) or kanuka (*Kunzea robusta*) for non-commercial domestic use within 18 months of felling; and
 - ii) Except for crossings and their approaches permitted by Rule 11.1(e), it is not within 10m of the bed of a permanent river, lake, stream or pond or wetland (excluding farm drains); and
 - iii) It is not indigenous coastal edge escarpment forest, wetland, duneland or floodplain forest/scrub vegetation.
2. Clearing indigenous vegetation that is not a permitted activity under Rule 11.1 to a) to l) and Rule 11.1 m) i) and ii) is a discretionary activity
 3. Clearing indigenous vegetation that is not a permitted activity under Rule 11.1 m) iii) is a non-complying activity

Rule 12: Earthworks

1. Earthworks that are a permitted activity in the underlying zone and district-wide rules retain their activity status provided:
 - a) They are for ecosystem protection, rehabilitation or restoration works (e.g. beachcare, conservation covenants, works involved with pest management, riparian fencing, including crossings and their approaches consented, permitted or otherwise authorised by Waikato Regional Council); or
 - b) They are required to maintain or repair the existing width or function of a:
 - i) fence line;
 - ii) operational legal road;
 - iii) legal right of way
 - iv) track, driveway or drain that was operational at 29 April 2016; or
 - c) They are required for operation maintenance, minor upgrading or removal of an existing electricity or telecommunication line or facility; or
 - d) It is required for the installation of network utilities in the Road Zone or the installation of network utility service connections within existing formed tracks and driveways; or
 - e) It is boring or thrusting required for the installation of underground utility cables or pipes.
2. Earthworks for a building platform and any associated utility services are a discretionary activity.
3. Earthworks that are not permitted under Rule 12.1 are a discretionary activity.

Note:

1. *Kauri dieback disease is a significant threat to the kauri trees in the district. Refer to www.kauridieback.co.nz for more information. To protect against this disease, the Department of Conservation recommends using the following procedures for earthworks within three times the radius of the canopy dripline of a kauri tree (the potential contamination area):*
 - a) *Define the potential contamination areas for individual trees or a stand of trees.*
 - b) *Establish an entry/exit point by each potential contamination area where vehicles and equipment are cleaned of all soil and organic material when moving into, out of, and between contamination areas.*
 - c) *Do not transport soil or organic material from within a potential contamination area to outside a potential contamination area or vice versa, unless disposing to landfill.*
 - d) *Earthworks in potential contamination areas should be done during dry soil conditions. This reduces equipment contamination and makes cleaning easier.*

Rule 13: Operation, maintenance, minor upgrading or removal of an electricity or telecommunication line or facility

1. Operation, maintenance, minor upgrading or removal of an electricity or telecommunication line or facility is a permitted activity.

Rule 14: Sign

1. A sign is a permitted activity provided:
 - a) It is erected by a government organisation, network utility operator or a local authority; or
 - b) It is on a site for no more than 7 consecutive days; or
 - c) It is required by a statute or regulation; or
 - d) It is erected as part of ecological protection, rehabilitation or restoration works.

OR

- e) There is no more than one sign per site; and
 - f) The maximum area of the sign does not exceed 0.5 m²; and
 - g) Where it is freestanding, the maximum height does not exceed 1.8 m; and
 - h) It relates to a lawfully established activity on the site.
2. A sign that is not permitted under Rule 14.1 is a restricted discretionary activity.
 3. The Council restricts its discretion to matters 2 and 3 in Table 2 in Section 34.4.
 4. A resource consent application under Rule 14.2 shall be assessed without public or limited notification under sections 95, 95A and 95B of the RMA.

Rule 15: Solar panel

1. A solar panel is a permitted activity provided:
 - a) It is attached to an existing building; or
 - b) Where a solar panel is a building the maximum area of solar panel is no more than 25m²; and
 - c) It has a maximum building height of no more than 5 m; and
 - d) It has a reflective value of no more than 15%.
2. A solar panel that is not permitted under Rule 15.1 is a discretionary activity.

Rule 16: Dwellings

1. Dwellings in an Outstanding Natural Character area are a discretionary activity provided there is only one dwelling within the Outstanding Natural Character area on that lot.
2. Dwellings that are not a discretionary activity under Rule 16.1 are a non-complying activity, except dwellings on Māori Land or Treaty settlement land that are not a discretionary activity under Rule 16.1 are a discretionary activity.

Rule 17: Above ground electricity or telecommunication line; Electricity or telecommunication facility; Wind turbine

1. An activity listed in Rule 17 is a discretionary activity.

Rule 18: Amateur radio configuration; Subdivision creating one or more additional lots; Telecommunication mast, tower, dish, antenna and any ancillary equipment

1. An activity listed in Rule 18 is a non-complying activity provided that subdivision creating one or more additional lots includes an ONC area and the new lot/s created (excluding the balance lot) and/or any new house sites resulting from the subdivision are within that part of the property covered by the overlay.
2. Subdivision creating one or more additional lots on Māori Land or Treaty settlement land is a discretionary activity.

Note

1. *For avoidance of doubt where the newly created lot/s (excluding the balance lot) and/or any new house sites are not within that part of the property covered by the overlay then the Rules in Section 41 Subdivision apply and those in Rule 34.3.18 do not.*

Rule 19: Afforestation

1. An activity listed in Rule 19 is a prohibited activity.

34.4 Natural Character Overlay Assessment Standards, Matters and Criteria

Table 1 – Natural Character Standards

1. Maximum wall reflectivity is 30 %
2. Maximum roof reflectivity is 20 %
3. Maximum window reflectivity is 15 %
4. The highest point of any building must be below the nearest ridgeline

Table 2 – Natural Character and Restricted Discretionary Matters

1. Location and extent of earthworks

- a) Whether the earthworks significantly adversely affect the values and characteristics of the natural character area identified in Table 1 in Section 8 and, if so, whether alternative locations have been considered.
- b) Whether they are part of the on-going nature of a farming activity or other lawfully established activity existing 29 April 2016.
- c) The extent to which the earthworks are minimised and whether it is practicable to remedy or mitigate the adverse effects.
- d) Whether the effects of the earthworks on natural character values and characteristics will be temporary or permanent.
- e) The extent to which the earthworks will retain the natural character values and characteristics of the natural character area.
- f) The extent to which the earthworks are sympathetic to the natural landform and maintain natural contours.
- g) The extent to which a buffer or other mitigation works protect wetlands, rivers and their margins from nearby earthworks.

2. Location, design and visibility of buildings/structures

- a) Whether the design and layout of the building/structure will be visually prominent.
- b) The extent to which the building or structure is designed and located to be visually unobtrusive from any public road and public place.
- c) Whether the building or structure is designed and sited so that values and characteristics of the natural character area are preserved.
- d) The extent to which the colours, materials and design of the building or structure blend in with the surrounding landform and vegetation and reduce reflectivity.
- e) Whether the buildings, structures and site are designed to minimise light spill at night.
- f) Whether additional measures can be taken to reduce reflectivity from the building or structure.
- g) Whether the building or structure has a functional or operational need to be in the proposed location, the extent of any social, economic or cultural benefits and the extent to which alternative locations have been considered.

Table 2 – Natural Character and Restricted Discretionary Matters

3. Alternative locations of buildings/structures

- a) Whether the activity needs to be located within the natural character area.
- b) Whether the buildings or structures significantly adversely affect the values and characteristics of the natural character area identified in Table 1 in Section 8 and, if so, whether alternative locations have been considered.
- c) Whether locating the activity within the natural character area is required to enable reasonable residential or farming use of the lot.
- d) Whether the location is on a previously approved building platform.

4. Vegetation planting for effect mitigation purposes

- a) Whether any restoration/enhancement/rehabilitation planting would mitigate earthworks required for the activity.

5. Cumulative effects

- a) Whether the effects of the activity, in combination with effects of other existing activities and/or effects likely to arise over time, will degrade the natural character values and characteristics identified in Table 1 in Section 8.

6. Development of Māori land or Treaty settlement land

- a) Whether the activity recognises and provides for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga.

7. Waterbodies and wetlands

- a) The extent to which the activity has adverse effects on the quality, natural functioning and ecological values of any permanent waterbody or wetland.