

Section 32A Natural Character Overlay

32A.1 BACKGROUND

32A.2 ACTIVITY TABLE AND USER INFORMATION

The Activity Table in this section groups activities under ~~the High Natural Character (HNC) and Outstanding Natural Character (ONC) overlay~~ 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 HNC = High Natural Character ONC = Outstanding Natural Character

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

ACTIVITY TABLE		
ACTIVITY	HNC S32A.3	ONC S32A.4
Above-ground electricity or telecommunication line	R 8	R 18
Afforestation	R <u>95A</u>	R 19
Amateur radio configuration	R 8	R 18
Any other activity	R 1	R 11
Clearing indigenous vegetation	R 2	R 12
Earthworks	R 3	R 13
Electricity or telecommunication facility	R 8	R 18
Mineral processing	R 10	R 19
One dwelling per lot	R 6	R 16
<u>Operation, minor upgrading or removal of an electricity or telecommunication line</u>	<u>R 3A</u>	<u>R 13A</u>
Quarrying	R 10	R 19
Sign	R 4	R 14
Solar panel	R 5	R 15
Subdivision creating one or more additional lots	R 8	R 18
Subdivision creating one or more conservation lots	R 8	R 18
Subdivision for environmental benefit lots	R 8	R 18
Surface mining	R 10	R 19
Telecommunication mast, tower, dish, antenna and equipment	R 8	R 18
Two or more dwellings per lot	R 9	R 18
Underground mining (without surface expression)	R 8	R 17
Underground mining (with surface expression)	R 9	R 19
Waste rock/tailings storage	R 10	R 19
Wind turbine	R 7	R 17

32A.3 HIGH NATURAL CHARACTER OVERLAY RULES

RULE 1 Any other activity

1. Any other activity that is a permitted, controlled or restricted discretionary activity in the underlying zone and district-wide rules, and not otherwise listed in Section 32A.3, retains its activity status provided:
 - a) The maximum gross floor area of all buildings for any other activities is no more than 50 m²; and
 - b) The maximum building height is no more than 5 m; and
 - ~~c) It is not within 5 m of a permanent water body wider than 1 m; and~~
 - ~~d) It meets the standards in Table 1 in Section 32A.5.~~
2. Any other activity that does not retain its activity status under Rule 1.1 is a **restricted discretionary activity**.
3. The Council restricts its discretion to matters 1-3 in Table 2 in Section 32A.5.

RULE 2 Clearing indigenous vegetation

1. Clearing indigenous vegetation is a **permitted** activity provided:
 - a) 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); or
 - b) It is required for operation, minor upgrading or removal of an electricity or telecommunication line; or
 - c) It is required to maintain an existing fence line, or the existing-legal width of an existing operational legal-public road within the Road Zone or State Highway network, legal right of way, or an operational farm, driveway or track or is part of a plantation forestry activity~~forestry road or driveway~~; or
 - d) It is to maintain open pasture of a farming activity operational at the time Variation 1 was publically notified; or
 - e) It is no more than 5 m³ of wood per natural character area per calendar year.
2. Clearing indigenous vegetation for a building platform and any associated utility services is a **restricted discretionary activity**.
- ~~43.~~ Clearing indigenous vegetation that is not a permitted activity under Rule 2.1 is a **restricted discretionary activity**.
- ~~34.~~ The Council restricts its discretion to matter 3 in Table 2 in Section 32A.5.

RULE 3 Earthworks

1. Earthworks that are a **permitted activity** in the underlying zone and district-wide rules retain its activity status provided:
 - ~~a) It is not within 5 m of a permanent water body wider than 1 m;~~

AND

 - ~~b) It is for ecosystem protection, rehabilitation or restoration works (e.g. beachcare, conservation covenants, works involved with pest management); or~~
 - ~~b) It is required to maintain an existing fence line, or the existing-legal width of an existing operational legal-roadpublic road within the Road Zone or State Highway network, legal right of way, or an operational farm, driveway or track or is part of a plantation forestry activity~~~~forestry road or driveway~~; or

- ~~ec)~~ It is required for operation, minor upgrading or removal of an electricity or telecommunication line; or
 - ~~ed)~~ It is part of the farming activity operational at the time Variation 1 was publically notified.
2. Earthworks for a building platform and any associated utility services are a **restricted discretionary activity**.
 3. Earthworks that are not permitted under Rule 3.1 are a **restricted discretionary activity**.
 4. The Council restricts its discretion to matter 1 in Table 2 in Section 32A.5.

RULE 3A Operation, minor upgrading or removal of an electricity or telecommunication line

1. Operation, minor upgrading or removal of an electricity or telecommunication line 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
- d) There is no more than one sign per site; and
 - e) The maximum area of the sign does not exceed 1 m²; and
 - f) Where it is freestanding, the maximum height does not exceed 1.8 m; and
 - g) 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 32A.5.
 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 it is no more than 50 m²; 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 5.1 is a **restricted discretionary activity**.
3. The Council restricts its discretion to matters 2 in Table 2 in Section 32A.5.
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 5A

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 3 in Table 2 in Section 32A.5.

3. Afforestation that is not a restricted discretionary activity under Rule 5A is a **non-complying activity**.

RULE 6 One dwelling per lot

1. One dwelling per lot is a **restricted discretionary activity** provided:
 - a) It is not within 5 m of a permanent water body wider than 1 m; and
 - b) It meets the standards in Table 1 in Section 32A.
2. The Council restricts its discretion to matter 2 in Table 2 in Section 32A.5.
3. One dwelling per lot that is not a restricted discretionary activity under Rule 6.1 is a **discretionary activity**.

RULE 7 Wind turbine

1. A wind turbine is a **restricted discretionary activity** provided it is no more than 1 kilowatt (maximum power rating).
2. The Council restricts its discretion to matter 2 in Table 2 in Section 32A.5.
3. A wind turbine that is not a restricted discretionary activity under Rule 7 is a **discretionary activity**.

RULE 8 Above ground electricity or telecommunication line

Amateur radio configuration

Electricity or telecommunication facility

Subdivision creating one or more additional lots

~~Subdivision creating one or more conservation lots~~

~~Subdivision for environmental benefit lots~~

Telecommunication mast, tower, dish and associated antenna and equipment

Underground mining (without surface expression)

1. An activity listed in Rule 8 is a **discretionary activity**.

RULE 9 Afforestation

Two or more dwellings per lot

Underground mining (with surface expression)

1. An activity listed in Rule 9 is a **non-complying activity**.

RULE 10 Mineral processing

Quarrying

Surface mining

Waste rock/tailings storage

1. An activity listed in Rule 10 is a **prohibited activity**.

32A.4 OUTSTANDING NATURAL CHARACTER OVERLAY RULES

RULE 11 Any other activity

1. Any other activity that is a permitted, controlled or restricted discretionary activity in the underlying zone and district-wide rules, and not otherwise listed in Section 32A.4, retains its activity status provided:
 - a) The maximum gross floor area of all buildings for any other activities is no more than 25 m²; and
 - b) The maximum building height is no more than 5 m; and
 - ~~c) It is not within 5 m of a permanent water body wider than 1 m; and~~
 - c) It meets the standards in Table 1 in Section 32A.5.
2. Any other activity that does not retain its activity status under Rule 11.1 is a **discretionary activity**.

RULE 12 Clearing indigenous vegetation

1. Clearing indigenous vegetation is a **permitted** activity provided:
 - a) 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); or
 - b) It is required for operation, minor upgrading or removal of an electricity or telecommunication line; or
 - c) It is required to maintain an existing fence line, or the ~~legal existing~~ width of an existing ~~operational legal public~~ road within the Road Zone or State Highway network, legal right of way, or an operational farm, driveway or track or is part of a plantation forestry activity~~forestry road or driveway~~; or
 - d) It is to maintain open pasture of the farming activity operational at the time Variation 1 was publically notified; or
 - e) It is no more than 3 m³ of wood per natural character area per calendar year.
2. Clearing indigenous vegetation for a building platform and any associated utility services is a **discretionary activity**.
- ~~3. The Council restricts its discretion to matter 3 in Table 2 in Section 32A.5.~~
- 4.3. Clearing indigenous vegetation that is not a permitted activity under Rule 12.1 is a **discretionary activity**.

RULE 13 Earthworks

1. Earthworks that are a **permitted activity** in the underlying zone and district-wide rules retain its activity status provided:
 - ~~a) It is not within 5 m of a permanent water body wider than 1 m;~~
 - ~~AND~~
 - ~~b) It is for ecosystem protection, rehabilitation or restoration works (e.g. beachcare, conservation covenants, works involved with pest management); or~~
 - ~~b) It is required to maintain an existing fence line, or the existing legal width of an existing operational legal road public road within the Road Zone or State Highway network, legal right of way, or an operational farm, driveway or track or is part of a plantation forestry activity~~~~forestry road or driveway~~; or
 - ~~c) It is required for operation, minor upgrading or removal of an electricity or telecommunication line; or~~

- ~~e~~d) It is part of the farming activity operational at the time Variation 1 was publically notified.
2. Earthworks for a building platform and any associated utility services ~~are~~is a **discretionary activity**.
3. Earthworks that are not permitted under Rule 13.1 are a **discretionary activity**.

RULE 13A Operation, minor upgrading or removal of an electricity or telecommunication line

- 1. Operation, minor upgrading or removal of an electricity or telecommunication line 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
 - ~~e~~d) It is erected as part of ecological protection, rehabilitation or restoration works.
- OR
- d) There is no more than one sign per site; and
- e) The maximum area of the sign does not exceed 0.5 m²; and
- f) Where it is freestanding, the maximum height does not exceed 1.8 m; and
- g) 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 matter 2 in Table 2 in Section 32A.5.
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 it is no more than 25 m²; 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 One dwelling per lot

1. One dwelling per lot is a **discretionary activity**.

RULE 17 Wind turbine Underground mining (without surface expression)

1. An activity listed in Rule 17 -wind turbine is a **discretionary activity**.

RULE 18 Above ground electricity or telecommunication line Amateur radio configuration

Electricity or telecommunication facility
Subdivision creating one or more additional lots
~~Subdivision creating one or more conservation lots~~
~~Subdivision for environmental benefit lots~~
Telecommunication mast, tower, dish and associated antenna and equipment
Two or more dwellings per lot

1. An activity listed in Rule 18 is a **non-complying activity**.

RULE 19 Afforestation

Underground mining (with surface expression)
Mineral processing
Quarrying
Surface mining
Waste rock/tailings storage

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

32A.5 NATURAL CHARACTER OVERLAY ASSESSMENT STANDARDS, MATTERS AND CRITERIA

Table 1 – Natural Character Standards		
1.	Maximum wall reflectivity	30 %
2.	Maximum roof reflectivity	20 %
3.	Maximum window reflectivity	15%
4.	The highest point of any building or structure must be below the nearest ridgeline.	

Table 2 – Natural Character Overlay Restricted Discretionary Matters			
Matter		Assessment Criteria	
1.	Location and extent of earthworks	a)	Whether the location and extent of the earthworks are necessary.
		b)	Whether the earthworks could be located outside of the natural character area.
		c)	Whether they are part of the on-going nature of a farming activity or other lawfully established activity existing at the time Variation 1 was publically notified.
		d)	The extent to which the earthworks are minimised and whether it is practicable to remedy or mitigate the adverse effects.
		e)	Whether the effects of the earthworks on natural character values and characteristics will be temporary or permanent.
		f)	The extent to which the earthworks will retain the natural character values and characteristics of the natural character area.
		g)	The extent to which the earthworks are sympathetic to the natural landform and maintain natural contours.
		h)	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 building or structure is located away from ridgelines and prominent landforms so that it is not visible on the skyline.
		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 <u>or operational</u> need to be in the proposed location, <u>the extent of any social, economic or cultural benefits</u> and the extent to which alternative locations have been considered.
3.	The effects of clearing	a)	Whether clearing the vegetation is necessary.

	indigenous vegetation on natural character values	b a)	Whether vegetation clearance for the same purpose could be located outside of the natural character area.
		b e)	Whether the clearance is part of the on-going nature of a farming activity or other lawfully established activity existing at the time Variation 1 was publically notified.
		d c)	The extent to which removal of the vegetation retains the natural character values and characteristics of the natural character area.
		e d)	Whether the indigenous vegetation has any significant biodiversity value and provides habitat for at risk or threatened species.
		f e)	The extent to which the vegetation clearance is minimised and whether it is practicable to remedy or mitigate the adverse effects.
		f g)	The extent to which a buffer or other mitigation works protect wetlands, rivers and their margins from nearby vegetation clearance.
		h g)	Whether the effects of the vegetation clearance on natural character values and characteristics will be temporary or permanent.