



12.8.9

12.8.9.1

12.8.9.1.1

12.8.9.1.2

Objective

12.8.9.1.2.1

Objective

12.8.9.1.2.2

Objective

12.8.9.1.2.3

Objectives from other chapters

12.8.9.1.3

Policy

12.8.9.1.3.1

Policy

12.8.9.1.3.2

Policy

12.8.9.1.3.3

SPECIAL 9 (WAIWERA TOURIST AND ENTERTAINMENT) ZONE

Zone Issues, Objectives, Policies and Description

Issues

Refer to section 12.2.

Objectives

To enable the establishment of a hotel and tourist related activities.

To protect the natural coastal and landscape values of the area.

To avoid, remedy or mitigate the adverse effects of the activities on adjoining sites.

Readers should note that Objectives from the following chapters are also relevant:

Chapter 5 - Natural Hazards

Chapter 17 - Cultural Heritage

Chapter 18 - Urban Land Modification and Vegetation Protection

Chapter 19 - Utilities

Chapter 20 - Hazardous Substances and Contaminated Sites

Chapter 21 - Transportation and Access

Chapter 22 - Financial Contributions and Works

Chapter 23 - Subdivision and Servicing

Policies

Activities within the Zone should be sited and designed so that adverse visual effects on the coastal environment are avoided, remedied and mitigated.

(This policy seeks to achieve Objectives 12.8.9.1.2.2 and 12.8.9.1.2.3)

Activities within the Zone should be sited and designed so that adverse effects on adjoining sites are avoided, remedied or mitigated.

(This policy seeks to achieve Objective 12.8.9.1.2.3)

Policies from the following chapters are also relevant:

Chapter 5 - Natural Hazards

Chapter 17 - Cultural Heritage

Chapter 18 - Urban Land Modification and Vegetation Protection

Chapter 19 - Utilities

Chapter 20 - Hazardous Substances and Contaminated Sites

Chapter 21 - Transportation and Access

Chapter 22 - Financial Contributions and Works

Chapter 23 - Subdivision and Servicing



Explanation and Reasons

This explanation and reasons relate to Policies 12.8.9.1.3.1 to 12.8.9.1.3.2.

The policies are to ensure the natural and recreational values of the location are protected. They are also intended to ensure that activities which occur in the Zone do not create adverse effects on the neighbouring land and properties and the landscape values of the coastal environment.

12.8.9.1.4

Description

The Zone recognises the importance of Waiwera as a regional tourist attraction. It applies to land to the seaward side of Waiwera Place at Waiwera, and includes the site of the hotel (Area A), and the land occupied by the hot pools (Area B). This Zone is to allow the expansion of the existing commercial activities in the area, to include a wide variety of tourist, recreational and conference activities.

Rule 12.8.9.2

Activity Rules

Rule 12.8.9.2.1

Activities in the Special 9 (Waiwera Tourist and Entertainment) Zone shall comply with the following:

- (a) All Permitted and Controlled Activities in the Activity Table in Rule 12.8.9.2.2, shall comply with Rule 12.8.9.3 Development Controls and Performance Standards, and any other relevant Rule in the Plan, **except** for a hotel, including conference facilities, that is generally in accordance with that approved by the Council on 7 March 1989, which shall be subject to the controls contained in the conditions of approval.
- (b) All Controlled Activities in the Activity Table in Rule 12.8.9.2.2 will be assessed against the criteria set out in 12.8.9.4.
- (c) All Discretionary Activities in the Activity Table in Rule 12.8.9.2.2 will be assessed against the criteria set out in 12.8.9.6 Discretionary Activities: Assessment Criteria, any other relevant Discretionary Activity Assessment Criteria in any other chapter of this Plan and the relevant matters in section 104 of the Act.

Rule 12.8.9.2.2
Activity Table

Activity Table

In the following table:

- P = Permitted Activity**
- C = Controlled Activity**
- RD = Restricted Discretionary Activity**
- D = Discretionary Activity**
- NC = Non-complying Activity**
- NA = Not Applicable**

Note: Words in Capitals are defined in Chapter 3 - Definitions



ACTIVITY	AREA A (Lots 1 and 2 DP 59280 and Lots 8 and 9 DP 51637)	AREA B (Lots 1 and 2, DP 64622 and Lots 22, 23 and 24 DP 46799)
Any Permitted or Controlled Activity which does not comply with the Development Controls and Performance Standards in Rule 12.8.9.3	D	D
Any activity not listed in this Activity Table	NC	NC
The ERECTION, addition to or alteration of BUILDINGS and ACCESSORY BUILDINGS for Permitted Activities	P	P
The ERECTION, addition to or alteration of BUILDINGS and ACCESSORY BUILDINGS for Controlled Activities	C	C
The DEMOLITION or removal of BUILDINGS except those protected by a Rule in this Plan	P	P
Bottling of mineral water from the SITE	NC	D
The ERECTION, addition to or alteration of BUILDINGS exceeding 9m but not exceeding 18m maximum HEIGHT, for any Permitted, Controlled or Discretionary Activity, and not being a hotel, including conference facilities, that is generally in accordance with that approved by the Council on 7 March 1989 and subject to the controls contained in the conditions of approval	D	D
BOARDING HOUSES	C	C



ACTIVITY	AREA A (Lots 1 and 2 DP 59280 and Lots 8 and 9 DP 51637)	AREA B (Lots 1 and 2, DP 64622 and Lots 22, 23 and 24 DP 46799)
CAMPING GROUNDS	P	NC
Casinos	D	D
Conference facilities	C	NC
Facilities for the promotion of physical health	C	P
Hotel, including conference facilities, of 15m maximum height, as approved by the Council on 7 March 1989	P	NA
Hotel not being a Permitted Activity	C	NC
HOUSEHOLD UNITS - Single and multiple to a maximum of two HOUSEHOLD UNITS per site	P	P
HOUSEHOLD UNITS - MULTIPLE UNITS not provided for as a Permitted Activity and not exceeding 1 HOUSEHOLD UNIT per 275m ² NET SITE AREA, where there are no other activities established on the same site [Amendment 171]	C	C
Indoor and outdoor recreation facilities, including swimming pools	D	P
OFFICES ancillary to any Permitted Activity or approved Controlled or Discretionary Activity	P	P
OFFICES ancillary to any Controlled Activity	C	C
Refreshment facilities including RESTAURANTS, accommodating a maximum of 250 diners	C	P
SHOPS ancillary to any Permitted Activity or approved Controlled or Discretionary Activity	C	P



ACTIVITY	AREA A (Lots 1 and 2 DP 59280 and Lots 8 and 9 DP 51637)	AREA B (Lots 1 and 2, DP 64622 and Lots 22, 23 and 24 DP 46799)
Taverns and bars	C	C
Tourist related facilities, not otherwise provided for	D	NC
TRAVELLERS' ACCOMMODATION	C	NC
District Wide Activities	<i>See Chapter 16 - General Rules</i>	
EARTHWORKS and Vegetation and WETLAND MODIFICATION Activities	<i>See Chapter 18 - Urban Land Modification and Vegetation Protection</i>	
Transport Activities	<i>See Chapter 21 - Transportation and Access</i>	
Use and Storage of HAZARDOUS SUBSTANCES	<i>See Chapter 20 - Hazardous Substances and Contaminated Sites</i>	
UTILITIES	<i>See Chapter 19 - Utilities</i>	

Rule 12.8.9.3

**Rule 12.8.9.3.1
Maximum Height and Height
in Relation to Boundary**

**Rule 12.8.9.3.2
Yards**

Development Controls and Performance Standards

The following requirements relate to all Permitted and Controlled Activities, **except** a hotel, including conference facilities, that is generally or in detail in accordance with that approved by the Council on 7 March 1989, which shall be subject to the controls contained in the conditions of approval.

Maximum Height and Height in Relation to Boundary

- (a) The maximum height of any building shall not exceed 9 metres except as provided for in the Activity Table in Rule 12.8.9.2.2.
- (b) No part of any building shall exceed a height equal to 3 metres plus the shortest horizontal distance between that part of the building and any site boundary.

Yards

The following minimum yards shall apply:



- (a) Front Yards Area A - 5m
Area B - Nil.
- (b) Side and Rear Yards 3m, provided that this shall not prevent the erection of fencing up to 3m in height in any yard.

Rule 12.8.9.3.3
Use of Yards

Use of Yards

- (a) Yards shall be unoccupied and unobstructed by any buildings, parts of buildings, decks, terraces or steps, except that eaves may overhang any yard by not more than 0.3 of a metre.

Rule 12.8.9.3.4
Maximum Site Coverage

Maximum Site Coverage

The maximum building coverage shall be:

- (a) Area A - 40%
- (b) Area B - 50%

Rule 12.8.9.3.5
Screening

Screening

- (a) Parking Areas
Any parking area which is sited within 6 metres of a boundary of a site which is not within the Special 9 Zone, shall be screened from neighbouring properties by a live hedge or close boarded fence, or other solid or closed fence not less than 1.8 metres high. This provision shall not apply where the abutting land is within the Special 9 Zone.
- (b) Loading and Service Areas
Where any storage, service or loading area located in this zone is visible from an adjoining Residential, Open Space or Retail Service Zone or a public street, such an area shall be screened by a close boarded fence or wall not less than 1.8 metres high.

Explanation and Reasons

This explanation and reasons relate to Rules 12.8.9.3.1 to 12.8.9.3.5.

These Rules are intended to ensure that the amenity values of adjoining sites are not adversely affected. This is achieved by providing a degree of separation and screening between the activities on the site and adjoining residential areas, and ensuring that the buffer areas are kept and used in a manner which does not detract from the amenity values of the adjoining sites. The limit on site coverage is to ensure that the intensity of development does not detract from the amenity values of the area and adjoining sites.

Rule 12.8.9.3.6
Noise

Noise

- (a) The noise controls in Rule 16.9 in Chapter 16 - General Rules shall apply **except** that:
 - (i) The reference in Rule 16.9.2.1.1 to a residentially zoned site shall for the purpose of this Rule apply to a residentially zoned **or** used site.



(ii) Rule 16.9.2.1.3 shall apply as if this Zone was a Retail Service Zone.

Explanation and Reasons

See the explanation and reasons for the rules in Chapter 16 - General Rules.

Rule 12.8.9.3.7
Additional Controls Relating To Multiple Household Units

Additional Controls Relating To Multiple Household Units

The requirements of Rule 8.10.6.1, Private Open Space - High Intensity Residential Zone, Chapter 8 - Residential, shall apply.

Explanation and Reasons

See the explanation and reasons for the rules in Chapter 8 - Residential.

Rule 12.8.9.3.8
Rules in Other Chapters of the Plan

Rules in Other Chapters of the Plan

Relevant rules in other chapters of the Plan shall also be complied with.

Chapter 18 - Urban Land Modification and Vegetation Protection

Chapter 16 - General Rules **except** as required by Rule 12.8.9.3.6 in this section.

Chapter 17 - Cultural Heritage

Chapter 19 - Utilities

Chapter 20 - Hazardous Substances and Contaminated Sites

Chapter 21 - Transportation and Access

Chapter 22 - Financial Contribution and Works

Chapter 23 - Subdivision and Servicing

Rule 12.8.9.4

Controlled Activities: Matters for Control and Assessment Criteria

In accordance with section 76 (3A) of the Act, the Council will limit its control to the matters listed against each specified activity when considering resource consent applications for Controlled Activities.

Rule 12.8.9.4.1
All Controlled Activities

All Controlled Activities Except Multiple Household Units

Rule 12.8.9.4.1.1
Matters for Control

Matters for Control

The Council will limit its control to the following matters:

- (a) Design, scale, layout and external appearance of buildings.
- (b) Layout of activities.
- (c) Noise.
- (d) Hours of operation.
- (e) Traffic movement.



12.8.9.4.1.2

Assessment Criteria

Amenity values

Sunlight and daylight

Hours of operation

Traffic and parking

Assessment Criteria

When considering an application the Council will have regard to the following criteria:

- (a) Whether the scale, layout or design of the activity will have an adverse effect on the amenity values of the area, such as visual impact or overbearing effects from buildings, both on adjoining sites and on the natural coastal environment.
- (b) Whether the activity will have an adverse effect on the access of direct sunlight and daylight, causing shading to adjoining sites.
- (c) Whether the proposed hours of operation have the potential to create a noise nuisance for adjoining residential activities.
- (d) Whether traffic generation and parking demand will create adverse effects including those on the safe and efficient operation of the road network, and whether the effects are to be avoided, remedied or mitigated.

Explanation and Reasons

The location of the Zone in the middle of a residential zone means that buildings for the activities allowed could have an adverse effect on the adjoining sites, and on the wider coastal environment. It is therefore appropriate that buildings be assessed to ensure that such effects do not occur, or that the effects are avoided, remedied or mitigated.

Some of the activities also involve the gathering of people, often at night and in particular, departing the site late at night, resulting in noise from the people and vehicles. The activities could also involve the playing of music, which can be a nuisance and adversely affect the amenity values of adjoining sites. The matters for control will enable the potential effects to be considered and conditions to be put in place to address any adverse effects.

Rule 12.8.9.4.2

Multiple Household Units

Household Units - Multiple Household Units Not Provided for as a Permitted Activity and Not Exceeding One Household Unit per 275m² net site area, Where there are No Other Activities on the Site

Rule 12.8.9.4.2.1

Matters for Control

Matters for Control

The Council will limit its control to the following matters:

- (a) The matters set out in Rule 8.12.2.1.1 in *Chapter 8 - Residential*.

12.8.9.4.2.2

Assessment Criteria

Assessment Criteria

When considering an application the Council will have regard to the following assessment criteria:

- (a) The relevant assessment criteria in 8.12.2.1.2 in *Chapter 8 - Residential*. Where the criteria refer to "High Intensity Residential Zone" read "Special 9 Zone".



Rule 12.8.9.5
**Restricted Discretionary
Activities**

Explanation and Reasons

See the explanation and reasons for Rule 8.12.2.1.

**Restricted Discretionary Activities: Matters for Discretionary and
Assessment Criteria**

There are no Restricted Discretionary Activities in this Zone other than the subdivision of land.

12.8.9.6
Discretionary Activities

Discretionary Activities: Assessment Criteria

Without limiting the exercise of its discretion, for all Discretionary Activity resource consent applications in the Special 9 Zone, the Council will have regard to the following Assessment Criteria and any relevant Discretionary Activity Assessment Criteria in any other chapter of this Plan, and the relevant matters set out in section 104 of the Act.

Refer to the relevant Assessment Criteria in section 12.9.

Rule 12.8.9.7

Subdivision

The subdivision of land in this Zone is a Restricted Discretionary Activity.

Rule 12.8.9.7.1
Development Controls

Development Controls for Subdivision

Rule 12.8.9.7.1.1
**Subdivision for Household
Units**

Subdivision for Household Units

The subdivision Rules in Rule 8.14, *Chapter 8 - Residential*, applying to the High Intensity Residential Zone shall apply to subdivisions for household units in the Special 9 Zone.

Rule 12.8.9.7.1.2
**Rules in Other Parts of the
Plan**

Rules in Other Parts of the Plan

Rules in *Chapter 23 - Subdivision and Servicing* shall also be complied with.

Rule 12.8.9.7.2
**Restricted Discretionary
Activities**

**Restricted Discretionary Activities: Matters for Discretion and Assessment
Criteria; Subdivision for Other Activities**

In accordance with sections 76 (3B) and 105 (3A) of the Act, the Council will restrict its discretion to the matters listed, in addition to the matters set out in *Chapter 23 - Subdivision and Servicing*, when considering resource consent applications for Restricted Discretionary Activities.



Rule 12.8.9.7.2.1
Matters for Discretion

Matters for Discretion

The Council will restrict its discretion to the following matters:

- (a) Design and layout of the subdivision.

12.8.9.7.2.2
Assessment Criteria

Assessment Criteria

When considering an application the Council will have regard to the following assessment criteria:

- (a) Whether any sites to be created are of such a size and shape that they will accommodate the intended activities, and/or enable the erection of buildings in accordance with the Development Controls for the zone.

Site size and shape

Explanation and Reasons

The size and shape of a site can influence the ability of buildings to meet the development controls. It is therefore important that the design of a subdivision enables the development controls to be achieved and avoids adverse effects on adjoining sites.