

APPENDIX 27

SCHEDULED AREAS



Scheduled Area A Tongaporutu-Whitecliffs Station

SCHEDULED AREA A

Tongaporutu-Whitecliffs Station

Specific provision for the use, subdivision and development of Tongaporutu-Whitecliffs Station (herein referred to as “the property”), and applies specifically to Lot 1 DP4866 in CT K4/792, Lot 5 DP4866 in CT A3/403, Mohakatino Parininihi No 3A and 3B Blocks in CT E4/180, Mohakatino Parininihi No 3D Block No 1 in CT 91/130, Mohakatino Parininihi No 3C Block in CT 100/ 107, Mohakatino Parininihi No 3D Block in CT K4/901, part Lot 2 DP4866 part Mohakatino Parininihi No 2 Block in CT D44/113, Section 12 Block 4 Mimi SD in CT F4/975, and Section 3 Block 11 Mimi SD in CT G1/530, as referred to on Part G, Map 1, and as identified as Scheduled Area A on the planning maps.

The provisions recognise and provide for the significant natural values identified by the COUNCIL and the Department of Conservation in terms of section 6 of the Resource Management Act. The provisions also recognise the concepts of KAITIAKITANGA and stewardship in terms of section 7 of the ACT, and the protection of customary rights, although this appendix does not abrogate any requirements for consultation with local TANGATA WHENUA.

The unique treatment of this property is due to a unique combination of factors that exist on the property including its very large size with multiple titles containing/adjacent to significant landmarks and natural landscapes, its isolation from almost all other privately owned properties, its inclusion of/proximity to significant existing public reserves, covenanted forest land and natural habitats, its highly visible position at the northern entrance to the district and its history as an ancient Maori entrance to the district.

Tongaporutu-Whitecliffs Station is an area of almost 500ha in two significant blocks adjacent to the coast stretching from the Tongaporutu River seaward of State Highway 3, south to the Paranihi Ridge adjoining the Whitecliffs Conservation Area. Prior to European settlement the land was extensively occupied by Maori and contains many WAAHI TAPU and ARCHAEOLOGICAL SITES. The property includes a number of areas covenanted to the Minister of Conservation for their natural values under section 77 of the Reserves Act 1977 and section 27 of the Conservation Act 1987. The areas covenanted comprise about one third of the property area.

The property has coastal and wilderness values, qualities and characteristics which make it both attractive to development, such as ecotourism and also vulnerable to environmental degradation. Over 40 rare indigenous species including the Kiwi have been identified on the property and the adjoining Whitecliffs Conservation Area. Much of the land is inaccessible by public ROAD, and it is possible that future scattered subdivision and development could occur across the whole of the area (including development of accesses and other INFRASTRUCTURE). The specific rules that have been developed for this property enable the application of the development potential that would otherwise apply to the whole of the property to be concentrated in parts of the property where they will not compromise or threaten the maintenance and enhancement of significant coastal or natural values.

Rules

The provisions identified in Part A to E will only apply when SIGNIFICANT NATURAL AREA 6 identified on the property is registered and covenanted in accordance with the Deed of Agreement to enter into a Covenant, dated 4 April 2003.

Part A Erection of BUILDINGS in the COASTAL HAZARD AREA

27.1 Conditions for a permitted activity

- a) The BUILDING is for the purposes of temporary accommodation or ancillary purposes; and
- b) The BUILDING is able to be relocated within 24 hours; and
- c) The BUILDING along with any associated services does not exacerbate or increase the likelihood of coastal erosion (certification by a registered engineer may be required to demonstrate compliance with this condition at the time that a BUILDING consent is sought).

27.2 Discretionary activity

1. If 27.1 (a)-(c) do not apply then the provisions of Rule OL10 will apply and the erection of BUILDINGS in the COASTAL HAZARD AREA will be a discretionary activity.
[cross reference to rule OL10]

Part B Construction of ROADS in the COASTAL POLICY AREA

27.3 Standards and terms for a controlled activity

- 1 The construction of ROADS within the COASTAL POLICY AREA is a controlled activity.
- 2 The COUNCIL has restricted the exercise of its control to the following matters:
 - i) Methods to reduce the impact of the ROAD on the natural character of the coastal environment.
 - ii) The primary function of the ROAD, and whether its location promotes public access to the coast.
[cross reference to rule OL15]

Part C Maximum number and location of HABITABLE BUILDINGS

27.4 Conditions for a permitted activity

- 1 Up to six HABITABLE BUILDINGS may be located on Lot 1 DP4866 in CT K4/792 in the area identified in Part H, Map 2 provided that the separation distance between the BUILDINGS (measured as a minimum distance wall to wall between the closest BUILDINGS) does not exceed 50m and the minimum distance to the closest HABITABLE BUILDING on another ALLOTMENT is not less than 300m.

27.5 Standards and terms for a controlled activity

- 1 Two to six HABITABLE BUILDINGS (excluding TEMPORARY BUILDINGS) may be grouped together, provided that the separation distance between the BUILDINGS (measured as a minimum distance wall to wall between the closest BUILDINGS) does not exceed 50m and the minimum distance to the closest HABITABLE BUILDING outside the group is not less than 300m.
- 2 The matters over which control is reserved are:

- i) The visual impact of the exterior of the BUILDING from any public place, including the impact on the natural character of the coast and any OUTSTANDING LANDSCAPE.
- ii) Location, design and appearance of the BUILDING.
- iii) Landscaping and planting.

27.6 Discretionary activity

- 1 HABITABLE BUILDINGS which exceed the number in a group of six HABITABLE BUILDINGS or which do not meet the minimum or maximum specified separation distances in Rule 27.5 1 and 27.5 2, shall be a discretionary activity. This rule shall apply regardless of the location of lot boundaries.
- 2 The COUNCIL has restricted the exercise of its discretion to these matters for land-use consent:
 - i) the effects of the additional HABITABLE BUILDING(S) on the character of the area particularly in terms of dominance of open space over built form, scale, bulk and HEIGHT.
 - ii) the design and location of the additional HABITABLE BUILDING(S) on the ALLOTMENT.
 - iii) the extent to which the additional HABITABLE BUILDING(S) will adversely affect OUTSTANDING or REGIONALLY SIGNIFICANT LANDSCAPES.
 - iv) the extent to which the additional HABITABLE BUILDING(S) will adversely affect the natural character of the coastal environment.
 - v) any adverse visual effects on the New Plymouth entrance corridors.
 - vi) the ability of existing topography or vegetation to mitigate any adverse visual effects of the additional HABITABLE BUILDING(S) on the rural character.
 - vii) the ability to mitigate adverse visual effects of the additional HABITABLE BUILDING(S) on the character of the area through screening, planting, BUILDING design and location.
Note: same assessment criteria as in Rur12.

27.7 Total maximum number of HABITABLE BUILDINGS

Conditions for a permitted activity

- 1 The maximum number of HABITABLE BUILDINGS that can be located on any lot within the land included in Part G, Map 1 of this appendix shall be determined on the basis of the number of ALLOTMENTS in the property at that time multiplied by two, minus the number of HABITABLE BUILDINGS on any other lots within the property (excluding habitable buildings forming part of a papakainga).

Discretionary activity

- 2 Anything greater than the maximum number of HABITABLE BUILDINGS specified in Rule 27.7 (1).
[cross reference to rule Rur12]

Part D Relocation of BUILDINGS

27.8 Conditions for a permitted activity

- 1 RELOCATION of HABITABLE BUILDINGS of five or more years old shall be a permitted activity, subject to compliance with all other relevant rules in the plan (including rules in this appendix).
[cross reference to rule Rur33]

Part E Minimum ALLOTMENT size

27.9 Standards and terms for a controlled activity

- 1 The minimum ALLOTMENT size shall be 4ha, except that in addition:
 - a) one ALLOTMENT of not less than 1,000m² or two ALLOTMENTS of not less than 4,000m² each may be subdivided out of the area of land covered by each certificate of title existing at the date the plan is deemed to be operative, and
 - b) an additional single ALLOTMENT of not less than 700m² is allowed for each of the eight titles which contain a SNA that is formally protected through a covenant, is allowed as a controlled activity, provided that in all cases the balance ALLOTMENT is not less than 4ha in area.

The ALLOTMENTS in a) and b) may be located anywhere within the total area of the land included in this appendix, except that no more than a cluster of six lots of the size specified with contiguous boundaries shall have any boundary within 300m of another lot of the size specified in a) and b), and no certificate of title existing at the date the plan is deemed to be operative contains more than six lots of the sizes specified in a) and b).

An application for lots under a) and b) shall indicate which existing certificate of title in the property the specific lot allocation relates to, and the COUNCIL may apply a consent notice to all the land within that title limiting the allocation of lots less than 4ha in area available on that title to the number that remain available under a) and b).

- 2 For controlled activities, matters over which control is reserved are:
 - a) Design and layout of the subdivision, including position of boundaries.
 - b) Development of the subdivision and SITES having regard to:
 - i) appropriate VEHICLE access; and
 - ii) provision and location of services
 - c) Works to mitigate against adverse effects on the natural character of the coast.
 - d) Provision of public space areas for recreation, conservation or pedestrian/cycle access purposes.
 - e) works to mitigate against the adverse effects of natural and/or other hazards
 - f) Alteration of contour, earthworks and clearance of vegetation.
 - g) Easement requirements.
 - h) Financial contributions.

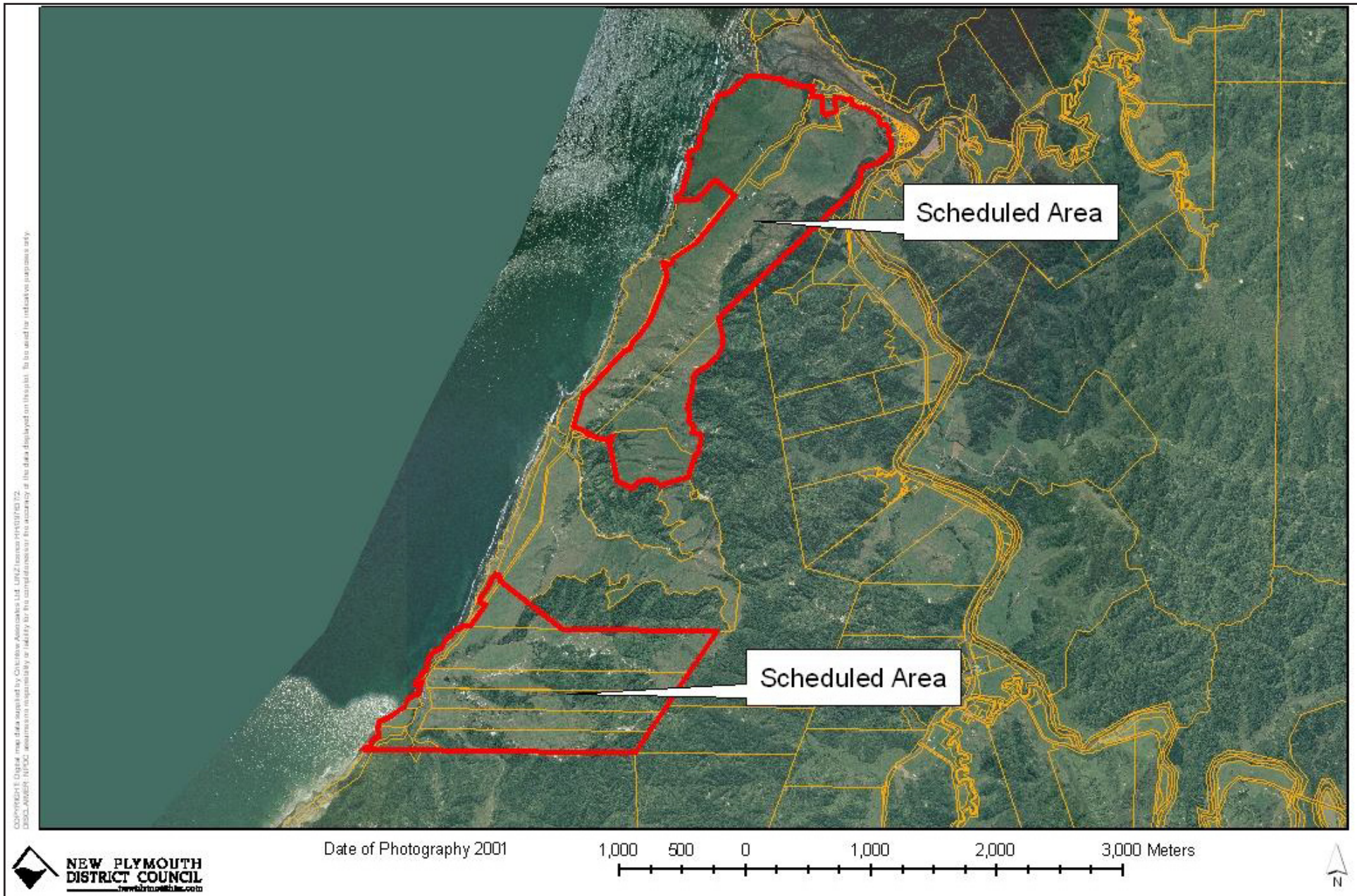
27.10 Discretionary Activity

- 1 Lots which do not meet the standards and terms for a controlled activity are discretionary activities.
[cross reference to rule Rur78]

Part F Traffic generation

27.11 Conditions for a permitted activity

- 1 The maximum traffic generation parameters in Rur101, 102 shall apply to the property on a per SITE basis, except that the VEHICLE EQUIVALENT MOVEMENTS for the property shall be combined and shall be measured at the northern ROAD entrance to the property and shall exclude all trips for informal recreational activities associated with the availability of public access to and through the land and all movements within and between the SITES comprising the property.
[cross reference to rule Rur101, 102]



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