



Ōpōtiki District Council
STRONG COMMUNITY STRONG FUTURE



Ōpōtiki District Plan

Ngā Tikanga Whakawhanake Whenua o Ōpōtiki
January 2021

Ōpōtiki District Council

Ōpōtiki District Plan – Operative

At its meeting of Thursday 17 December 2020 the Ōpōtiki District Council resolved to declare the Ōpōtiki District Council's Ōpōtiki District Plan 'Operative' pursuant to clause 17 (2) of Schedule 1 of the Resource Management Act 1991 (RMA). In accordance with clause 20 (1) of Schedule 1 of the RMA, the Ōpōtiki District Plan becomes operative on Tuesday 5 January 2021.

Public notification of the availability of the Ōpōtiki District Plan – Operative was given on Thursday 24 December 2020.

Date of Council resolution	Thursday 17 December 2020
Date of public notice	Thursday 24 December 2020
Ōpōtiki District Plan – Operative	Tuesday 5 January 2021



Lyn Riesterer

Mayor



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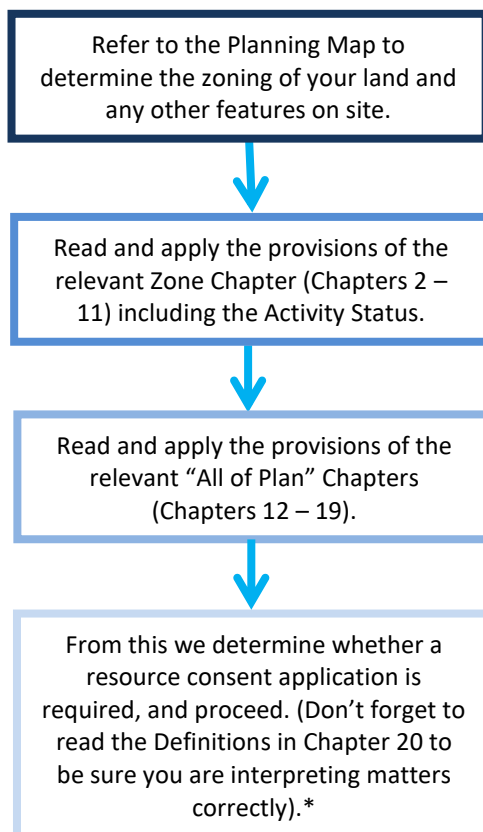
Chapter 1

Introduction



How to use the Plan

The flow chart below will help you to navigate through the District Plan process and determine whether resource consent from the *Council* is required. Staff can also provide advice on the matter.



The District Plan is a legal document which applies to all people and organisations including the *Council* and Central Government. At a minimum, it must contain:

- Objectives to be achieved by the Plan.
- Policies to achieve the objectives.
- Rules to implement the policies.

Chapter 1 provides an introduction to the Plan and its relationship to other Council documents and other agencies, significant issues facing the District and how the plan provisions work, including information required to support applications for resource consent.

* Where a term is shown as *italics*, it is used in a specific way and is defined in Chapter 20. Otherwise words have their common (dictionary) meaning. Advice Notes are shown in boxes.

Chapters 2 to 11 contain the zones which apply to all parts of the District and are identified on the Planning Maps.

Chapters 12 to 19 contain the provisions that may apply to all parts of the District. These include Subdivision, Financial Contributions and Network Utilities, as well as activities on the surface of water, indigenous vegetation management and activities in outstanding natural features and landscapes identified in Chapter 13 plus sites containing heritage items identified in Chapter 14. Natural hazards are addressed in Chapter 18.

The *Coastal Environment* Overlay in Chapter 19 contains specific objectives, policies and rules to manage activities in the Coastal Environment.

The Certificate of Title for a site may contain easements and other restrictions on development and should be checked before planning development. You may also have to comply with the requirements of a Regional Plan or National Environmental Standard.

An archaeological authority may be required for *earthworks* or works to *buildings* and structures as all pre 1900 sites, recorded or unrecorded, are protected under the Heritage New Zealand Pouhere Taonga Act 2014. Heritage New Zealand Pouhere Taonga should be consulted.

1. DISTRICT PLAN INTRODUCTION

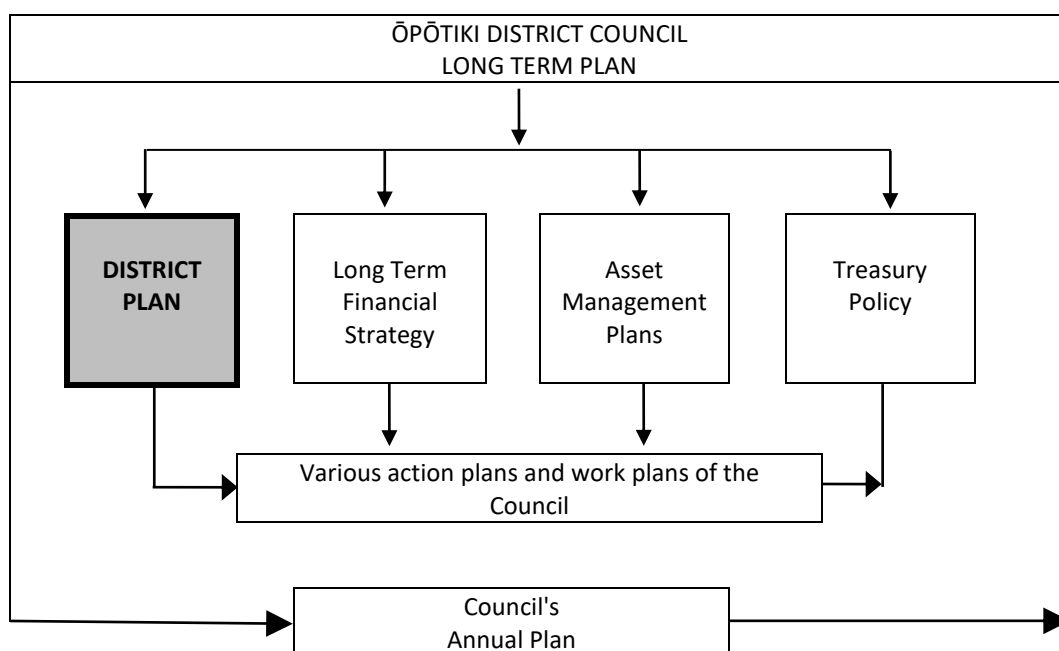
1.1 INTRODUCTION

1.1.1 The Resource Management Act 1991 (RMA) requires all district councils to have a District Plan to achieve the purpose of the RMA for sustainable management of natural and physical resources. The Plan must give effect to national and regional policy documents and has to be consistent with a range of other national, regional and local documents. The District Plan also fits into the framework of plans and strategies which the *Council* prepares to meet other legislative responsibilities and to set future directions.

1.1.2 This section explains what the District Plan does and how it is applied. It includes an explanation of the zones, activities and processes. More information on the RMA and its processes can be obtained from the Ministry for the Environment website (www.mfe.govt.nz).

1.2 RELATIONSHIP WITH OTHER COUNCIL DOCUMENTS

1.2.1 *Council's* Long Term Plan (LTP) provides the overall strategic direction for the future of the District. The LTP is prepared in consultation with the community and sets out community outcomes for the District. It looks at the long term issues for the District and how they will be addressed and funded. The LTP provides guidance for some of the District Plan objectives and policies.



- 1.2.2 Other *Council* documents such as the Infrastructure Strategy and Asset Management Plans describe how the *Council* manages major assets, such as *roads*, water supplies, sewerage networks, cemeteries and landfills. These are linked to the District Plan through designations and form the basis for calculations of financial contributions that may be required from *developers*.

1.3 RELATIONSHIP WITH OTHER AGENCIES

- 1.3.1 The RMA sets out the requirements for the District Plan in relation to plans and statutory responsibilities of other authorities and agencies.

- 1.3.2 The District Plan must give effect to any National Policy Statement (NPS), the New Zealand Coastal Policy Statement, any water conservation order, and the Bay of Plenty Regional Policy Statement. There are currently five National Policy Statements in effect:

1. New Zealand Coastal Policy Statement 2010 promotes the sustainable management of the natural and physical resources of the coastal environment, including coastal land, foreshore and seabed and coastal waters from the high tide mark to the 12 nautical mile limit. It provides objectives and policies to guide the *Council's* day to day management of the coastal environment.
2. NPS on Electricity Transmission 2008 sets out the objective and policies for managing the *National Grid* under the RMA. The NPS facilitates the operation, maintenance and upgrading of the existing transmission network and the establishment of new transmission resources.
3. NPS for Renewable Electricity Generation 2011 recognises the importance of renewable energy in New Zealand and how New Zealand will achieve the Government's target of 90 per cent of electricity from renewable sources by 2025. It provides guidance on how renewable electricity generation should be dealt with in district plans.
4. NPS for Freshwater Management 2020 recognises the national significance of fresh water and Te Mana o Te Wai (the mana of the water). It is particularly important for regional councils as it directs them to consider specific matters and to meet certain requirements when they are developing regional plans for fresh water.
5. NPS on Urban Development 2020 recognises the national significance of having well-functioning urban environments that enable all people and communities to provide for their social, economic and cultural wellbeing for their health and safety, now and into the future.

- 1.3.3 The District Plan must give effect to National Environmental Standards, which are regulations under section 43 of the Resource Management Act and apply nationally. The standards are technical standards in the form of regulations with regard to the use, development and protection of natural and physical resources. Every local authority and consent authority must observe national environmental standards. The following is a list of the current standards:
1. National Environmental Standards for Air Quality 2004 (amended 2011);
 2. National Environmental Standard for Sources of Drinking Water 2007;
 3. National Environmental Standards for Electricity Transmission Activities 2009;
 4. National Environmental Standards for Telecommunication Facilities 2016;
 5. National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011;
 6. National Environmental Standard on Plantation Forestry 2017
 7. National Environmental Standards for Freshwater 2020
 8. National Environmental Standards for Marine Aquaculture 2020
- 1.3.4 The Ōpōtiki District lies entirely within the Bay of Plenty Region. The District Plan must not be inconsistent with any regional plans which include:
1. Bay of Plenty Operative Regional Coastal Environment Plan/Proposed Regional Coastal Plan.
 2. Bay of Plenty Operative Regional Air Plan.
 3. Bay of Plenty Operative Regional Natural Resources Plan.
 4. Bay of Plenty Regional On-site Effluent Treatment Regional Plan.
- 1.3.5 *Council* must have regard to the management plans and strategies prepared under other acts, including:
1. Bay of Plenty Regional Civil Defence Plan.
 2. Regional Pest Management Strategy for the Bay of Plenty Region Decisions Version 2020.
 3. Department of Conservation (Bay of Plenty Conservancy) Conservation Management Strategy.
 4. Department of Conservation (East Coast Conservancy) Conservation Management Strategy.
 5. Planning documents recognised by an iwi authority or hapū and lodged with the *Council* (currently documents from Upokorehe and Whakatōhea have been received).
 6. District Plans of adjoining local authorities.
- 1.3.6 Council must have regard to a statutory acknowledgement in forming an opinion under the RMA as to who may be adversely affected by a resource consent for activities within, adjacent to or impacting directly on a statutory area. A statutory acknowledgement is an acknowledgement by the Crown that recognises the mana of a particular tangata whenua group in relation to cultural, spiritual, historic and traditional associations with a statutory area. A statutory area may include

an area of land, a landscape feature, a lake, river or wetland or part of the coastal marine area.

The purpose is to:

1. require consent authorities, the Environment Court and Heritage New Zealand Pouhere Taonga to have regard to the statutory acknowledgements; and
2. require relevant consent authorities to forward to the governance entity the summaries of resource consent applications for activities that would affect the area to which the statutory acknowledgement applies; and
3. enable the governance entity and any member of the relevant iwi to cite a statutory acknowledgement as evidence of the association of the iwi with the area to which the statutory acknowledgement relates.

Council records that there is a statutory acknowledgement held by Te Runanga a Ngati Awa in relation to part of the Ōhiwa Harbour which is recorded in Subpart 3 of Ngāti Awa Claims Settlement Act 2005. A list of all Treaty of Waitangi settlements and Statutory Acknowledgement areas is maintained by the Bay of Plenty Regional Council. The document is called “Nga Whakaaetanga-a-Ture Ki Te Taiao a Toi - Statutory Acknowledgements in the Bay of Plenty” and is available on the Regional Council’s website or copies are available to view at their offices.

1.4 IWI – MĀORI

1.4.1 Iwi/Māori make up a significant proportion of the population of Ōpōtiki District. The iwi and hapū within the Ōpōtiki District are:

1. Whakatōhea
 - Ngai Tamahaua
 - Ngati Ruatakena
 - Ngati Ngahere
 - Ngati Patumoana
 - Ngati Ira
 - Upokorehe
2. Ngāi Tai
3. Te Whānau a Apanui
 - Haraawaka
 - Hikorukutai
 - Hinetekahu
 - Kahurautao
 - Kaiaio

- Kauaetangohia
- Maru Haere Muri
- Nuku
- Pararaki
- Rutaia
- Tapaeururangi
- Te Ehutu
- Tūtawake.

1.4.2 Under Section 8 of the RMA, in relation to managing the use, development and protection of natural and physical resources, the *Council* is required to take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

1.4.3 The interpretation of the “Principles of the Treaty” is subject to considerable national debate. The *Council* will work in accordance with the principles of the Treaty of Waitangi with iwi and hapū to identify processes for each iwi or hapū to ensure recognition of or provision for:

1. The relationship of Māori and their culture and traditions with their ancestral land, water, sites, waahi tapu and other taonga.
2. Customary knowledge of the natural and physical resources of significance to Māori within the District.
3. Protection of *sites*, waahi tapu, ancestral taonga, areas and features of historic, spiritual or cultural significance to tangata whenua
4. Protecting the mauri of natural and physical resources.
5. Development of multiple owned *Māori land* and Papakāinga.
6. Management of activities that may affect water, coastal areas and mahinga mataitai.
7. The role of Māori in resource allocation and management.
8. On-going liaison in accordance with tikanga Māori.
9. Relevant planning documents prepared by iwi and/or hapū.

1.4.4 Throughout the life of this Plan, *Council* will continue to work in partnership with iwi, hapū or whanau, as appropriate, to develop protocols and processes which recognise, support and encourage the contribution of Māori towards a sustainable future.

1.4.5 The *Council* will develop a working relationship with iwi and hapū of the District to fulfil its responsibilities under the RMA. As part of these working relationships Council will maintain a list of iwi and hapū contact details for RMA purposes.

1.5 SIGNIFICANT RESOURCE MANAGEMENT ISSUES FOR THE DISTRICT

1.5.1 The purpose of the RMA is to promote the sustainable management of natural and physical resources as defined in Section 5. The District Plan addresses issues relevant to the *Council's* responsibilities under the RMA and sets out how this will be achieved. The issues are identified from matters brought to the *Council's* attention, public consultation, submissions on other processes such as the Long Term Plan, and the day to day operation of the District Plan.

1.5.2 The main resource management issues facing the District include:

1. Maintenance of high environmental quality.
2. Protecting the outstanding *natural features and landscapes* of the District.
3. Preserving the *natural character* of the environment, especially in the *Coastal Environment* and around the Ōhiwa Harbour.
4. Managing coastal hazards.
5. Providing for development of the Ōpōtiki Harbour and associated facilities and *industrial activities*.
6. Enabling activities which will provide employment, including industrial land.
7. Supporting a living environment that promotes the health, safety and wellbeing of the community.
8. Managing activities in the rural environment to avoid *reverse sensitivity* effects.
9. Maintaining and enabling the use of the District's rural land resource for rural production activities, including *versatile land*.
10. Managing the quality of the coastal environment.
11. Maintaining the heritage values of the Town Centre.
12. Protecting outstanding *natural features and landscapes* and significant indigenous habitats.
13. Protecting and providing for *regionally significant infrastructure*, including the land transport network.

1.6 ZONING

1.6.1 Zoning is the main technique to manage subdivision, and the use and development of land in the District. Zoning is applied to all land in the District as shown on the Planning Maps and recognises that land needs to be managed for different purposes in the District. Each zone has different objectives, policies and rules, including activity lists and standards to be met.

1.6.2 The main advantages of zones are clarity and certainty for residents and landowners and simplicity through grouping of common standards. In addition, zoning is well understood by most people who will use the Plan.

1.6.3 There are ten zones in the Plan:

1. Chapter 2 - Residential Zone

The Residential Zone comprises the residential areas in Ōpōtiki, including the Woodlands area. Most development is medium density, single *dwelling*s on separate *sites*, although there are multi-unit *buildings*. Activities such as reserves, early childhood centres and *residential care facilities* may be located in residential areas they serve. The Residential Zone provides for a healthy living environment with a high level of amenity.

2. Chapter 3 - Town Centre Zone

The Town Centre Zone provides the focus for *retail activities*, *community activities*, *commercial activities* and cultural and administrative activities. It is important to ensure that *commercial activities* and administrative activities are located in the Town Centre as well as achieving safe pedestrian movement, and maintaining the heritage values of the existing *buildings*.

3. Chapter 4 - Mixed Use Zone

The Mixed Use Zone provides for a mix of residential and *commercial activities* along the main arterial routes of State Highways 2 and 35. Activities may include *visitor accommodation* and *food selling premises*.

4. Chapter 5 - Marine Services Zone

The Marine Services Zone enables the development of the Ōpōtiki Harbour to provide marine services and to service recreational fishing charters, tourism operators and recreational users. The Marine Services Zone provides for marina services related to marina structures and activities together with accommodation providers, restaurants and shops. Aquaculture servicing and processing industries are provided for in the Harbour Industrial Zone.

5. Chapter 6 - Industrial Zone

There are two parts to the Industrial Zone in the Ōpōtiki urban area. Industrial activities benefit from lower amenity standards and good transport links. There is also the ability to locate seasonal worker accommodation on sites containing post-harvest facilities for horticulture.

6. Chapter 7 - Harbour Industrial Zone

The Harbour Industrial Zone enables the establishment of a new wharf and businesses to support the aquaculture and fishing industries. Maintaining this land for these uses is a priority. The Harbour Industrial Zone has been established on the west bank of the Waioeka River due to its accessibility to navigable waters, its elevation above *MHWS* and its potential to be accessed directly from the State Highway.

7. Chapter 8 - Rural Zone

The Rural Zone comprises all rural land in the District except for the coastal environment. The nature of land use includes horticulture on the plains, pastoral *farming*, forestry and the conservation estate.

8. Chapter 9 - Coastal Zone

The Coastal Zone applies to the coastal environment with a focus on retaining and enhancing the special landscape and *natural character* values of the coastline and its ecological values.

9. Chapter 10 - Coastal Settlement Zone

There are small mainly residential settlements along the coastline and the Ōhiwa Harbour. The effects of natural hazards are potentially significant for future development and there is a need to retain the *natural character* and landscape and amenity values.

10. Chapter 11 - Ōhiwa Harbour Zone

The Ōhiwa Harbour lies in both the Whakatāne and Ōpōtiki Districts and is important for its community, recreation, spiritual, cultural, ecological, scientific and ecological and *natural character* values. The Harbour is a taonga and of great significance to Māori and is a traditional mahinga mataitai. It contains outstanding *natural features and landscapes*.

1.7 SPECIAL NOTATIONS

1.7.1 The Plan also uses special notations to identify land subject to specific controls in addition to the zoning. These include the *Coastal Environment Overlay*, Ōhiwa Spit Coastal Hazard Overlay and the Airport Protection Area.

1.7.2 The *Coastal Environment Overlay* is the most extensive notation and applies to land in the Rural, Coastal and Ōhiwa Harbour zones between *MHWS* and the *Coastal Environment* line identified in

the Bay of Plenty Regional Policy Statement. Controls are imposed in addition to zoning to manage the effects of earthworks, buildings and structures on the natural character of the coastal environment.

1.8 STATUS OF ACTIVITIES

1.8.1 Each zone lists activities that are allowed in each zone. Some are allowed to establish without *Council's* approval (Permitted Activities) but others are only allowed where resource consent has been granted (Controlled, Restricted Discretionary, Discretionary and Non-complying Activities). The zone also specifies controls and standards that activities must comply with. Activities which are specifically identified in one particular zone are not prevented from establishing in another zone. Restrictions and controls relate not directly to activities themselves, but to the effects which may arise from the activity. In deciding whether to allow such an activity in a different zone, the *Council* will consider the effects of the activity and the characteristics of the zone in which it is to be established. The activity will be assessed in terms of compliance with the relevant Zone Standards, and consistency with objectives and policies of the Plan. Activities which are not consistent with objectives and policies for the zone may be more appropriately located in areas where the effects of the proposal can be more readily absorbed or where they have less impact.

1.8.2 There are six types of activities:

1. Permitted

A Permitted Activity is allowed by the Plan without resource consent if it complies in all respects with any standards specified in the Plan.

2. Controlled

A Controlled Activity is identified in the Plan. It must meet the standards in the zone unless otherwise specified. Resource consent is required. The *Council* must grant consent but may impose conditions only on matters of control it has specified in the Plan.

3. Restricted Discretionary

A Restricted Discretionary Activity is identified in the Plan. It must meet the standards in the Plan unless otherwise specified. Resource consent is required. The *Council* can refuse or grant consent but only in relation to matters of discretion listed in the Plan. If consent is granted conditions can be imposed on the matters of discretion listed.

4. Discretionary

A Discretionary Activity is identified by a Rule in the Plan. Resource consent is required. The standards in the Plan will be used as guidelines. The *Council* may grant or refuse its consent and, if granted, conditions may be imposed.

5. Non-complying

A Non-complying Activity is identified by a Rule in the Plan. Resource consent is required. Consent may only be granted if the activity meets one of the requirements of Section 104D of the RMA. Conditions may be imposed if consent is granted.

6. Prohibited Activities

These are activities identified by a Rule in the Plan for which no application can be made.

1.9 DESIGNATIONS

1.9.1 Designations identify land required for public works or projects. The inclusion of a designation in the District Plan may be requested by a *requiring authority*, being either a Minister of the Crown, a local authority, or a *network utility* operator approved by the Minister for the Environment.

1.9.2 Part 8 of the RMA sets out the procedure for requiring authorities to designate activities. Designated land may not be subdivided, used or developed in any way without the written consent of the *requiring authority*.

1.9.3 Designations are listed in Appendix 2 and identified on the Planning Maps. The list includes the *requiring authority*, the location of the designation, the legal description of the *site* and the purpose of the designation.

1.9.4 Any new designations lapse after five years from the date of inclusion in the District Plan if substantial progress or effort has not been made towards giving effect to the designation.

1.10 INFRASTRUCTURE

1.10.1 Infrastructure is essential to servicing the District. *Network utilities* include *buildings*, the *National Grid*, overhead lines, masts and other structures associated with communications, electricity networks, water supply, gas, sewerage network, navigation facilities, roading and waste disposal. They vary significantly in scale and function.

1.10.2 With some exceptions, *network utilities* are provided for as Permitted Activities throughout the District. An exception is in the Coastal Zone and Coastal Settlement Zone where landscape protection is a key objective. In these zones *Council* requires some control over aspects such as earthworks, location and consideration of available alternatives.

1.11 APPLICATIONS FOR RESOURCE CONSENT

1.11.1 Two types of resource consent may be required under this Plan:

1. Land use consent

Land use consent will be required for an activity identified as a Controlled, Restricted Discretionary or Discretionary Activity in the Plan and for Non-complying Activities.

2. Subdivision consent

Subdivision consent will be required for any subdivision of land where the subdivision may be a Controlled, Restricted Discretionary, Discretionary or Non-complying Activity.

1.11.2 To establish the activity, it will be necessary to consider the characteristics of the locality, the effects of the activity on the characteristics of the area and the effects of the activity on the environment.

1.11.3 Resource consent may also be required from Bay of Plenty Regional Council for some activities, especially those within coastal and *riparian areas*, including activities that discharge *contaminants*, large scale earthworks and *disturbance* of a contaminated *site*.

1.11.4 The *Council* will require information to be provided by an applicant in accordance with the Fourth Schedule to the RMA and as appropriate to the status, scale and potential effects of the activity. It will include written information, plans and floor plans. An application is incomplete unless it contains all information required to enable a proper assessment of the application. A list of information required is set out in 1.17 and is available from the *Council* office or the *Council* website (www.odc.govt.nz).

1.12 ASSESSMENT CRITERIA FOR APPLICATIONS

The following assessment criteria will be used for assessing applications for Controlled, Restricted Discretionary, and Discretionary Activities.

1.12.1 CONTROLLED ACTIVITIES

Controlled Activities are stated in the Plan. They are activities that require resource consent from *Council*. *Council* cannot refuse resource consent application for a Controlled Activity. The matters over which the Council reserves its control are stated in the relevant Chapter of the Plan. The *Council* can impose conditions on the consent only in relation to those matters.

1.12.2 RESTRICTED DISCRETIONARY ACTIVITIES

A Restricted Discretionary Activity is identified by a Rule in the Plan and the matters over which the *Council* has restricted its discretion are set out in the relevant Chapter of the Plan. The *Council* may grant or refuse consent only in relation to those matters listed and conditions are similarly restricted.

1.12.3 DISCRETIONARY ACTIVITIES

Discretionary Activities are stated in the Plan. They are activities that require resource consent from *Council*. *Council* can choose to grant or decline consent to an application for a Discretionary Activity. *Council* can also apply conditions on consent for Discretionary Activities as set out in Section 108 of the RMA. There is no restriction over the *Council's* discretion in making a decision on a Discretionary Activity.

When considering an application for a Discretionary Activity the *Council* will have regard to those matters stated in Section 104(1) of the RMA. In addition, the *Council* will have regard to matters which may include, but are not limited to, the following:

1. Design, location and appearance of the activity.
2. Effects and reverse sensitivity effects of the activity on adjoining activities and *sites* and zone interface.
3. Vehicle *access* and *site* manoeuvrability.
4. Effects on pedestrian *access*.
5. Historic heritage, archaeological and cultural resources.
6. Natural hazard risk.
7. *Temporary buildings*.
8. Disposal of effluent and solid waste.
9. Treatment of wastes produced on the *site*.
10. Water supply.
11. Effects on *waterbodies*, *indigenous vegetation* and *habitats* of indigenous fauna.
12. Effects on the coastal resource.
13. Effects of *earthworks*, *buildings* and *vegetation clearance* on the *natural character* of the coastal environment.
14. The degree to which the existing flow and type of traffic on, and the existing character of

the *road*, will be affected by the traffic generated by the activity.

15. Whether the *road* can be upgraded to cater for increased traffic and what proportion of the costs associated with *upgrading* should be borne by the applicant.
16. The scale and intensity of the activity in relation to the surrounding environment.
17. Effects on outstanding *natural feature and landscapes, wetlands, indigenous biodiversity, areas of significant indigenous vegetation, significant habitats of indigenous fauna and historic heritage*.
18. Consideration of any National Environmental Standards relevant to the proposed activity such as the “National Environmental Standard (NES) for assessing and managing *contaminants* in soil to protect human health”.
19. The effects on the ability to operate, maintain, upgrade and develop the *National Grid* including *access* to the line.
20. The effects on the ability to access, operate, maintain and upgrade Regionally Significant Infrastructure.
21. The adverse effects on the coastal environment caused by harmful aquatic organisms to be released or otherwise spread when considering the provision of marina berths, jetties and wharves.
22. Whether the marine precinct facilities have been designed and will be operated in a manner that takes all practical steps to avoid contamination of coastal waters, substrate, ecosystems and habitats that has more than minor adverse effects.
23. Public access to, along and within Waioeka and Otara Rivers and the coastal marine area.
24. Effects on navigation and safety and the need for any aids to navigation.

1.12.4 CONDITIONS OF CONSENT

In granting consent to an application for a Controlled, Restricted Discretionary, Discretionary, or Non-complying Activity, *Council* may impose conditions as stated in Sections 108, 220, or 221 of the RMA. Conditions that *Council* may choose to impose can include, but are not limited to, the following matters:

1. Hours of operation.
2. Compliance with more stringent standards for *building* setback, than generally required in the zone.
3. Planting, *landscaping, fencing, or the retention of existing vegetation, trees or natural features*.
4. The protection or maintenance of *buildings and structures, places and sites of historic heritage value*.
5. The provision of such matters as *access, or additional open space, or landscaping* to maintain amenity levels.
6. The imposition of bonds to ensure completion of required works.

7. Payment of a financial contribution where this is required by the District Plan.
8. Setting aside reserves and/or esplanade reserves or strips.
9. Consent notices to be registered on Certificates of Title.
10. Maintaining coastal values.
11. Provision of engineering reports.
12. Demarcation of *building* platforms.
13. Monitoring requirements.
14. Covenant mechanisms.
15. Pest management provisions.
16. Protection of existing network structures and facilities.

1.13 PLAN CHANGES

- 1.13.1 Any person may request a change to the District Plan under Part 2 of the First Schedule to the RMA. A request to change a District Plan must be considered by the *Council* at any time that the Plan is operative.

1.14 CROSS BOUNDARY ISSUES

- 1.14.1 Ōpōtiki district is wholly within the area of the Bay of Plenty region and adjoins Whakatāne and Gisborne districts. Effective relationships with adjoining councils are very important. It is the *Council's* philosophy that duplication of control with the Bay of Plenty Regional Council should be avoided, where practical.

- 1.14.2 There are several significant resource management issues to be addressed with adjoining councils and other agencies:

1. Protection of Ōhiwa Harbour which is a shared responsibility with Whakatāne District Council, Bay of Plenty Regional Council, Iwi and the Department of Conservation.
2. Stability of the steep lands and upper catchments of the Waioeka, Mōtū, Raukōkore, and Whangaparoa Rivers, which lie in the Gisborne District, but which drain through the Ōpōtiki District.
3. Consultation with hapū and iwi based outside the District who have an interest in the District.
4. The management, including the protection and enhancement, of the District's coastal resource.
5. Increased heavy traffic volumes may affect traffic routes within and through the District.
6. The sustainable management and use of water resources in the District.

- 1.14.3 These issues will be addressed through:
1. Regular constructive consultation.
 2. Cooperation on issues of common interest to both/all parties.
 3. Joint studies.
 4. Joint hearings.
 5. Forwarding to Whakatāne District Council applications for consent within the Harbour, where they may affect the Whakatāne District.
 6. Willingness to investigate cooperative solutions to common issues.

1.14.4 There are several *network utility* operators whose functions cross district boundaries. *Network utility* operators require consistency across district boundaries to ensure efficient use and maintenance of services. Cooperation with adjoining administrations is therefore necessary for coordinated and sustainable service provision.

1.15 MONITORING

- 1.15.1 The *Council* is required to monitor the effectiveness of the District Plan in promoting the purpose of the RMA. Under Section 35 of the RMA there are four requirements on *Council* to monitor. These are:
1. State of the environment monitoring.
 2. Suitability and effectiveness of the District Plan.
 3. Monitoring of delegated or transferred powers, functions or duties.
 4. Resource consent compliance monitoring.

1.15.2 There is an opportunity to seek the assistance of local iwi and hapū in the monitoring process where rahui can be used.

1.15.3 *Council* may seek a fee in relation to more complex resource consents to cover the costs of monitoring compliance with resource consent conditions. This additional fee will not be required in all cases, only in relation to those resource consents where additional monitoring is required throughout the duration of the consent.

1.16 EXPECTED ENVIRONMENTAL RESULTS

1.16.1 The environmental results expected are the results or outcomes expected from the combined effect of objectives, policies, rules and other methods contained in this Plan. Each section of the Plan will include expected environmental results for each zone or each area of concern.

1.16.2 The following are the environmental results expected for the Ōpōtiki District as a whole:

- A. Available zoned land to support the growth of employment in the District including the Ōpōtiki Harbour development and associated facilities and *industrial activities*
- B. The availability of a range of lifestyle choices consistent with the protection and enhancement of the District's natural and physical resources.
- C. Preservation and enhancement of the *natural character* of the Ōpōtiki coastline, Ōhiwa Harbour and the *Coastal Environment*.
- D. The protection of outstanding *natural features and landscapes*, increased awareness of the values of these areas and enhanced public *access* to these locations where it is compatible with the management of these areas.
- E. Recognition, protection and conservation of *historic heritage* and cultural sites, and increased awareness of the responsibility for the management and protection of these resources.
- F. Recognition, protection and enhancement of the District's *indigenous vegetation, habitat* and *wetland* resources.
- G. A safe and efficient *network utility* infrastructure that enables the district community to provide for their wellbeing.
- H. The maintenance and enhancement of *amenity values* of the working, living and leisure environments of the District and their environmental qualities and character.
- I. Increased awareness of the risks from natural hazards and reduction of these risks to a level acceptable to the community.

- J.** The health, safety and the social, economic and cultural well-being of the people and communities of the District is enabled.

- K.** The impacts of climate change are identified, addressed, mitigated, managed and adapted to.

- L.** Land is able to be used for rural production activities to support the social, cultural and economic well-being of the District.

- M.** Tangata whenua cultural, spiritual and archaeological values are provided for.

1.17 APPENDIX - INFORMATION REQUIRED FOR RESOURCE CONSENT APPLICATIONS

1.17.1 Introduction

The *Council* will require information to be provided by an applicant as appropriate to the status, scale and potential effects of the activity. This will include written information, plans and floor plans. An application is incomplete unless it contains the relevant form and all information required to enable a proper assessment of the application. The fee required by the *Council* for the application must be paid before the application will be received and processed. Information required for any application must meet *Council's* requirements, including but not limited to, the information set out in the following sections.

1.17.2 Written information

- (i) An assessment of the effects of the activity on the environment and against the matters set out in Part 2 of the RMA and relevant planning documents as stated in Schedule 4 of the RMA.
- (ii) A description of the activity *site* including existing uses, *buildings*, services, topography and vegetation, any habitats and *indigenous vegetation* areas, wetlands and streams, fill or excavations.
- (iii) A current Certificate of Title for all subdivision applications.
- (iv) A description of the activity for which consent is being sought, including the nature of the activity, effects from the activity, the number of people who will use the *site*, proposed hours of operation and the effect of the activity on traffic flow in the area.
- (v) A statement specifying other resource consents that the applicant may require from any consent authority and whether or not the applicant has applied and/or received such consents.
- (vi) An analysis of the suitability of the *site* for the proposed activity, having regard to topography, natural drainage networks, services on the *site* and service provision, access, *indigenous vegetation* areas, habitats of indigenous fauna, cultural heritage resources, physical features and susceptibility of the site to natural hazards.
- (vii) An analysis of any actual or potential effects that the activity may have on the environment and the ways that these effects may be avoided, remedied or mitigated.

- (viii) Any known information about recorded or unrecorded archaeological sites, heritage sites and places and sites of significance to tangata whenua and information on the effects that the activity may have on these sites of significance.
- (ix) An assessment of the effect on the *road* is to be submitted with the application for resource consent. This assessment is likely to be referred to the relevant *road* controlling authority for their written comments and recommendations unless these are provided with the application. This assessment should propose measures to avoid, remedy or mitigate any identified adverse effects.
- (x) The location of tracking and *roading* networks within the activity *site*. Including whether these *sites* will be visible from State Highways and significant landscapes.
- (xi) Effects of activities on landscapes of significance within the district, particularly coastal landscapes.
- (xii) An assessment against the 'National Environmental Standard (NES) for Assessing and Managing Contaminants in Soil to Protect Human Health 2011' when the NES applies to the activity being undertaken.

1.17.3 Additional information for sites within the Mixed Activity Zone

Included in the assessment of effects for activities within the Mixed Activity Zone, *Council* shall require information in regard to the following:

- (i) An indication of the stages of development, if applicable.
- (ii) The location of *access* to and within the *site*, and manoeuvrability areas that may be provided.
- (iii) Any on-site landscaping to be undertaken.
- (iv) The location and layout of *buildings* and distances of *buildings* to adjoining residential activities.
- (v) The location of services within the *site*.
- (vi) Noise.

1.17.4 Plans

Indicating the following at an appropriate scale:

- (i) A drawing showing the location of the *site*, with *road* names, property numbers and north point.
- (ii) A *site* plan of the activity *site* at a scale of not less than 1:200 showing :
 - (a) *Site* boundary lengths and dimensions in metres.

- (b) Location, with distances to *site* boundaries, of all existing structures which are to remain on the *site* and all proposed structures including, where applicable, balconies, verandahs, service courts and residential courts.
- (c) Proposed use of each *building*.
- (d) The position of any easements over the *site*.
- (e) Position, location and dimensions of every off-street *loading space* and the proposed *access* and manoeuvring areas including the location and width of footpath crossings necessary to serve the *site*.
- (f) Any proposed retaining walls, earthworks and landfill.
- (g) Existing trees and proposed landscaping. Areas of the landscaping should be shown together with all existing and proposed sealed areas.
- (h) The location of any exterior lighting and diagrams or models showing areas of potential light spill.
- (i) Natural watercourses and drainage patterns within and adjacent to the *site*.
- (j) The location, distances to *site* boundaries and dimensions of any *signage* to be placed on the *site*.
- (k) The means proposed to deal with all stormwater and sanitary drainage.
- (l) The location of any sewerage pipes or septic tank system including drainage fields.
- (m) The location of *indigenous vegetation* and habitats of indigenous fauna and wetlands.
- (n) Contours of the *site*.
- (o) Existing and proposed esplanade reserves or strips.
- (p) Existing and proposed protection covenant areas.

1.17.5 Floor Plans

For each proposed structure at a scale of not less than 1:100 illustrating:

- (i) Use of all parts of the structure including basements, storage and service areas. Where several floors are of the same area and use, a standard floor plan may be shown.
- (ii) Elevations of each *building* at a scale not less than 1:100 showing :
 - (a) external appearance of the *building* including doors and windows
 - (b) number of floors and their proposed usage
 - (c) structure *heights* and *height* in relation to any boundary
 - (d) maximum permitted *height* marked
 - (e) any additional *height* requested.

1.17.6 Lodgement fees

An application will not be received until the specified lodgement fee has been paid to the *Council*.

Chapter 2

Residential Zone



RESIDENTIAL ZONE

2. RESIDENTIAL ZONE

2.1 RESOURCE MANAGEMENT ISSUES

1. The generation of adverse effects from non-residential activities undertaken within the zone may compromise the predominant residential character of the zone.
2. There is a need to accommodate anticipated residential growth so that it will not result in adverse environmental effects.
3. The potential for non-residential activities, traffic through routes, unreasonable noise, dust and vibration from adjacent activities all have the potential to detract from the amenity of a residential area.
4. Non-residential activities are likely to generate higher levels of vehicle movements than residential activities, which can affect the character of the zone.
5. Effects of land use activities, such as *earthworks*, may compromise the capacity of ponding areas and overland flow paths and that, compounded with the effects from flooding, may affect some residential areas of the Ōpōtiki Township.
6. Residential *sites* need to be of sufficient size so that where on-site effluent treatment is required there will be no unacceptable adverse effects on the *site*, adjoining *sites* or on the natural and physical resources of the District.

2.2 OBJECTIVES AND POLICIES

OBJECTIVE

- 2.2.1 A high quality residential environment where residential activities are undertaken in a manner that maintains and enhances the characteristics of the zone.**

POLICIES

- 2.2.1.1 Avoid, remedy or mitigate the adverse environmental effects associated with residential expansion.
- 2.2.1.2 Avoid, remedy or mitigate the adverse effects of activities within the Residential Zone so that the quality and characteristics of the zone are maintained.
- 2.2.1.3 Management of the potential effects of activities on ponding areas so that their effect on the capacity of the ponding area is minimal.

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- 2.2.1.4 Management of activities in flood prone areas so that effects of natural hazards can be mitigated through the use of protection measures such as stopbanks, minimum floor levels or design.
- 2.2.1.5 To ensure adequate sunlight and daylight enters *dwellings*.
- 2.2.1.6 To maintain and enhance a high level of amenity on residential *sites* by requiring the provision of the following:
1. Screening of storage areas.
 2. *Building* setbacks.

OBJECTIVE

- 2.2.2 To manage potential adverse effects of non-residential activities to ensure that the activities complement the amenity values of the District's residential areas.**

POLICIES

- 2.2.2.1 Design of non-residential activities to retain a residential character, as far as practical, including compatible lighting, noise, *landscaping* and screening requirements.
- 2.2.2.2 Management of the effects of non-residential activities on the transport network to ensure safety for motorists and pedestrians.
- 2.2.2.3 Provide for non-residential activities that contribute to the health and safety and well-being of the community.

2.3 ACTIVITY STATUS

Resource consent is required for all Controlled, Restricted Discretionary, Discretionary and Non-complying activities. Resource consent is not required for Permitted activities provided all relevant standards are met.

Additional controls may apply in the following Chapters:

- Chapter 12 – Surface of Water Activities
- Chapter 13 – Landscapes, Indigenous Vegetation and Habitats
- Chapter 14 - Heritage
- Chapter 15 – Subdivision
- Chapter 16 – Financial Contributions
- Chapter 17 – Network Utilities
- Chapter 18 – Natural Hazards
- Chapter 19 – Coastal Environment Overlay

2.3.1 PERMITTED ACTIVITIES

2.3.1.1 Subject to compliance with the Zone Standards in 2.6, unless otherwise stated, the following activities may be established without resource consent from *Council*.

1. One *dwelling* per *site*.
2. Up to three *dwellings* where there is a minimum of 400m² per *dwelling* (excluding access) where a sewer connection is available and where Zone Standards in Section 2.6 can be met.
3. *Accessory buildings* and activities *accessory* to Permitted Activities.
4. Maintenance work carried out by Bay of Plenty Regional Council on established drainage and flood control scheme works.
5. Activities on reserves as provided for in the Reserves Act 1977 or in an approved Reserve Management Plan.
6. *Temporary buildings* and associated activities required for a *building* or construction project of not more than 12 months duration, provided they are removed from the *site* immediately upon completion of the project.
7. Any residential activity not listed in this Chapter that complies with the Zone Standards.
8. *Temporary military training activities* complying with Appendix 3.
9. Relocation and re-siting of *buildings*, including *factory built dwellings*.
10. *Signs* listed in 2.6.6.1.
11. *Emergency services* training and associated management activities

2.3.2 CONTROLLED ACTIVITIES

2.3.2.1 The activities listed below may only be established after resource consent has been granted by *Council*. The Council may impose conditions only in relation to the matters over which it has reserved control in 2.4. The activities must comply with the Zone Standards in 2.6, unless otherwise stated.

1. *Home occupation*.
2. *Visitor accommodation* for up to 4 visitors per night.
3. *Seasonal worker accommodation* for up to 12 people per night.
4. Community and outdoor recreation activities where any *buildings* and structures or parts of the *building* being used for the activity are less than 100m² in area.
5. *Accessory buildings* and activities *accessory* to a Controlled Activity.
6. *Temporary Military Training Activities* not complying with Appendix 3
7. Activities otherwise permitted or controlled where the *site access* is to a state highway and the written approval of NZ Transport Agency has been obtained and is submitted as part of any application.

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8. *Signs* listed in 2.6.6.2

2.3.4 RESTRICTED DISCRETIONARY ACTIVITIES

2.3.4.1 The activities listed below may only be established after resource consent has been granted by *Council*. The *Council* may refuse consent or grant consent and impose conditions only in relation to the matters over which it has restricted its discretion in 2.5. The activities must comply with the Zone Standards in 2.6, unless otherwise stated.

1. Relocation or re-siting of a *building* not complying with the Zone Standards.
2. Activities not complying with 2.6.1.2 (Height), 2.6.1.3 (Daylight Protection), 2.6.2.1 (Yards) and 2.6.2.2 (Setbacks from roads).
3. Activities not complying with 2.6.10.1 (Wastewater Connections), 2.6.11.1 (Stormwater Management), 2.6.12.1 (Water Supply) and 2.6.2.3 (Building setback from Council pipelines).

2.3.5 DISCRETIONARY ACTIVITIES

2.3.5.1 The activities listed below may only be established after resource consent has been granted by *Council*. The *Council* may refuse consent or grant consent subject to conditions. The Zone standards in 2.6 will be used as a guideline when assessing the application.

1. Up to three *dwellings* per *site* where a sewer connection is not available, and where there is a minimum *site area* of 1200m² per *dwelling*, subject to compliance with the On-site Effluent Treatment Regional Plan.
2. *Accessory buildings* and activities *accessory* to a Discretionary Activity.
3. *Residential care facilities*.
4. *Education facilities*.
5. *Places of assembly*.
6. Community and outdoor recreation activities where any *buildings* and structures, or part of the *building* being used for the activity, are more than 100m² in area.
7. *Retail activities*.
8. Commercial services.
9. *Food selling premises*.
10. *Emergency service facilities*.
11. *Visitor accommodation* for more than 4 visitors per night.
12. *Seasonal worker accommodation* for more than 12 people per night
13. Any activity with *access* from the State Highway not provided for as a Controlled Activity.

14. *Signs* listed in 2.6.6.3 or that are not provided for as a Permitted or Controlled Activity.

2.3.6 NON-COMPLYING ACTIVITIES

2.3.6.1 The activities listed below may only be established if resource consent has been granted by *Council*. The *Council* may refuse or grant consent for a non-complying activity. The Zone standards in 2.6 will be used as a guideline when assessing the application.

1. Any activity not specifically stated as a Permitted, Controlled, Restricted Discretionary or Discretionary Activity or an activity which does not comply with the Zone Standards, unless otherwise stated.

2.4 CONTROLLED ACTIVITIES: MATTERS OVER WHICH CONTROL IS RESERVED

2.4.1 The *Council* has reserved control over the following matters:

2.4.1.1 Design and appearance

1. The design and appearance of the activity and how it relates to the *amenity values* of the surrounding areas, including as relevant *height*, bulk, colour, materials and proposed *landscaping* treatment.
2. The visual effect of the activity in relation to its location, *site* boundaries and topography.
3. The manner in which the *site* is to be landscaped and how effectively it will screen the activities or enhance the *amenity values* of the area.
4. The location and appearance of signs associated with the activity.

2.4.1.2 Effects of the activity on adjoining sites

1. The size and location of *buildings* with regard to the activities on the *site* and the effect on neighbouring properties and the *amenity values* of the area.
2. Any measures to be implemented to mitigate the effects from the activity, such as visual effects, odour, noise and light spill.

2.4.1.3 Vehicle access and site manoeuvrability

1. The design and location of vehicular *access*, on-site manoeuvrability, and whether vehicles can leave and enter the *site* safely.
2. The need for service lanes and *loading spaces* associated with the activity.

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- 2.4.1.4 **Historical, archaeological and cultural values and resources**
1. The effect of the design and layout of the activities in relation to land, *buildings*, features and waterbodies which have historical and archaeological worth.
 2. The effects of the activity on archaeological and cultural values and resources of importance to Māori.
 3. The effects of the activity on heritage and conservation values, both on the *site* and on adjoining *sites*.
- 2.4.1.5 **Natural hazards**
1. The susceptibility of the *site* to natural hazards and the measures implemented to mitigate the effects of natural hazards.
 2. The extent to which the activity may accentuate the adverse effects of natural hazards.
 3. The effects of the activity on the Tarawa Creek and Duke Street ponding areas.
 4. The effects of the activity on the Waioeka-Ōtara River scheme.
 5. The effects of the activity on any overland flow path.
- 2.4.2.6 **Seasonal worker accommodation for up to 12 people**
1. Compliance with Zone Standard 2.6.14.
 2. Methods to avoid, remedy or mitigate the effects on existing activities, including the provision of screening, landscaping and methods for noise control.
 3. The extent to which the application complies with the Code of Practice for Able Bodied Seasonal Workers, published by Department of Building and Housing 2008.
- 2.4.2.7 **Temporary military training activities not complying with Appendix 3**
1. Location in relation to noise sensitive activities.
 2. Hours of operation and duration.

2.5 RESTRICTED DISCRETIONARY ACTIVITIES: MATTERS OVER WHICH DISCRETION IS RESTRICTED

2.5.1 *Council* has restricted its discretion over the following matters:

- 2.5.1.1 **Relocation or re-siting of a building that does not comply with the Zone Standards**
1. Proposed *landscaping*, including opportunities to screen the *building* during *reinstatement*;
 2. Proposed timetable for completion of re-instatement works;
 3. The appearance of the building when re-instated; and
 4. Maintenance of the *site* and surrounds during *reinstatement*.

2.5.1.2 **Activities not complying with 2.6.1.2 (Height), 2.6.1.3 (Daylight Protection), 2.6.2 (Yards), and 2.6.2.2 (Setbacks from roads)**

1. The adverse effects on the amenity in terms of:
 - (a) Shadowing.
 - (b) Physical domination.
 - (c) Privacy.
 - (d) Noise.
 - (e) Lighting.
 - (f) The degree to which the character and amenity are affected.

2.5.1.3 **Activities not complying with 2.6.10.1 (Wastewater Connections)**

1. Mitigation of effects on existing infrastructure and the environment from:
 - (a) Sewerage flow volumes.
 - (b) Sewerage flow rates.
 - (c) Sewerage flow timing.
 - (d) Sewerage connections and on-site reticulation/infrastructure specifications.
 - (e) Practicality of connection to *Council's* existing infrastructure.

2.5.1.4 **Activities not complying with 2.6.11.1 (Stormwater Management)**

1. Mitigation of effects on existing infrastructure, adjacent/downstream properties and the environment from:
 - (a) Stormwater runoff.
 - (b) Stormwater connections and on-site reticulation/infrastructure specifications.

2.5.1.5 **Activities not complying with 2.6.12.1 (Water Supply)**

1. Management of water supply demand in relation to:
 - (a) Water flow rates.
 - (b) Water flow volumes.
 - (c) Water supply connections specifications.

2.5.1.6 **Activities not complying with 2.6.2.3 (Building setback from Council pipelines)**

- (a) The obstruction of *access* to existing wastewater, water supply or stormwater reticulation.

2.6 ZONE STANDARDS

These Zone Standards apply to all permitted, controlled and restricted discretionary activities, unless otherwise stated. They will be used as a guideline when assessing applications for discretionary and non-complying activities.

Temporary Military Training Activities are exempt from complying with Zone Standards.

2.6.1 SITE REQUIREMENTS

2.6.1.1 Site Coverage

A maximum of 40% of the *site* may be covered with *buildings*.

2.6.1.2 Height

1. The maximum *height* for *buildings* within the zone is 9m. Hose drying towers associated with *emergency service* facilities may be up to 15m high.
2. Non-compliance with this standard shall be assessed as a Restricted Discretionary Activity.

2.6.1.3 Daylight protection

1. No part of any *building* shall penetrate a daylight recession plane of 45° from a *height* of 2.7m above finished ground level at any boundary.
2. Non-compliance with this standard shall be assessed as a Restricted Discretionary Activity.

2.6.1.4 Minimum site area for dwellings

The following *site* areas are exclusive of *access*:

Sewered <i>sites</i>	400m ² per <i>dwelling</i>
Unsewered <i>sites</i>	1200m ² per <i>dwelling</i>

2.6.2 YARDS

2.6.2.1 All *buildings* shall be located at least 3m from a boundary with an adjoining *site* (not being a road boundary), provided, that in relation to *dwellings* and *accessory buildings*:

1. One *yard* may be reduced to 1.5m.
2. Where a garage is incorporated in the *dwelling*, two *yards* may be reduced to 1.5m.
3. *Dwellings* and *accessory buildings* may be erected on *yards* where:
 - a. That part of the *building* which encroaches on the *yard* does not exceed either 30% of the length of the nearest boundary to the *yard* or 10m, whichever is the smaller; and
 - b. An outside pedestrian *access* is available to the rear of the *dwelling*; and

- c. Vehicle *access* is possible for septic tank maintenance where relevant.
- d. The written consent of the owners and occupiers of any sites adjoining the affected *yard* is obtained and provided to *Council* except that *accessory buildings* may be located up to 1.5m from the boundary without written consent.

Non-compliance with this standard shall be assessed as a Restricted Discretionary Activity.

2.6.2.2 Building setback from roads

1. All *buildings* shall be set back at least 4.5m from the *road* boundary.
2. Non-compliance with this standard shall be assessed as a Restricted Discretionary Activity.

2.6.2.3 Building setback from Council pipelines

1. No *building* shall be located closer than the greater of either:
 - a. 1.5m from the centre of any public sewer or public stormwater line, or
 - b. The sum of depth to the centreline of the line, plus the diameter of the line, plus 0.2m from the centre of that line.
2. Non-compliance with this standard shall be assessed as a Restricted Discretionary Activity.

2.6.3 LANDSCAPING

2.6.3.1 Screening of Storage Areas

Areas used for storage shall be screened from any public place other than service lanes and from any boundary adjoining a residential activity *site* so as to mitigate the effects of the storage area.

2.6.3.2 Visibility at intersections

To protect sight distances at the intersection of *roads* the area within 6m of the intersection of two front boundaries (or the projection of those front boundaries where they do not meet) shall be kept clear of any obstruction over 1m in *height*. This restriction shall not apply to power poles or street lights.

2.6.4 NOISE AND GLARE
2.6.4.1 Noise

1. All activities on a *site* shall be designed and conducted so as to ensure that the following noise limits are not exceeded at any point within the boundary of any Residential Zone *site*. These standards shall not apply to sirens used by *emergency services*.

Noise Limits dB		
Receiving zone	Daytime 7am to 10pm, Monday to Sunday including public holidays	Night time At all other times
Residential	50LAeq	40LAeq 70LAm _{ax}

2. Except where expressly provided elsewhere in this Plan, noise shall be measured in accordance with the provisions of NZS 6801:2008 Acoustics Measurement of Environmental Sound, and assessed in accordance with the provisions of NZS 6802:2008 Acoustics - Environmental Noise.
3. Construction noise in any zone shall not exceed the recommended limits and shall be measured and assessed in accordance with the provisions of NZS 6803:1999 Acoustics – Construction Noise.

2.6.4.2 Lighting and Glare

All exterior security lighting shall be designed, installed and maintained so that the light emitted does not overspill *site* boundaries, cause light pollution or cause distraction or glare which could affect traffic safety on adjacent *roads*.

2.6.5 LOADING AND ACCESS

2.6.5.1 On-site provision for loading and access shall be provided in relation to every activity whether new, extended or where the activity has changed, as follows:

1. Provision shall be made for the loading and unloading of service vehicles on-site, and at the rear of *sites* in such a way that no footpath or *access* to adjoining properties is blocked.
2. No vehicle *access* shall be located within 15m of an intersection.

ADVICE NOTES:

1. There are no minimum carparking requirements for the Residential Zone.
2. The application shall have regard to Appendix 6 where guidance for carparking is required.

2.6.6 SIGNS

2.6.6.1 The following signs shall be permitted subject to compliance with the standards in 2.6.6.4:

1. A *sign* with a maximum area of 0.5m² in relation to an approved *home occupation* or *visitor accommodation*, including name, type of *home occupation* and hours of operation.
2. A *temporary sign* with a maximum area of 1.8m², where the written consent of the landowner has been obtained and provided to Council.
3. *Official signs*.

2.6.6.2 A *sign* with a maximum area of 1.1m² shall be a controlled activity in relation to any public purpose or on the same *site* as any of the following activities:

1. Recreation reserves
2. Churches and other *places of assembly*
3. *Education facilities*
4. Hospitals
5. *Community activities*
6. *Visitor accommodation*
7. Tourist or special information, including places or points of special interest.

2.6.6.3 The following *signs* shall be Discretionary Activities:

1. Illuminated *signs* that are not a Permitted Activity
2. Flashing, animated, trivision, revolving lights, lasers or aerial *signs* located adjacent to a state highway.
3. Free standing *signs* located within the boundary of a state highway with a speed limit of 50km/h or less.
4. Advance warning *signs* erected on a *road*.

- 2.6.6.4 *Signs* shall not:
1. Have reflective material or illumination that flashes or moves;
 2. Obstruct or impair the view of any official traffic sign and signal or the line of sight at any corner, bend, intersection of vehicle crossing;
 3. Physically obstruct or impeded traffic or pedestrians;
 4. Resemble or be likely to be confused with any official traffic signs or signs;
 5. Use support structures that are not frangible.

ADVICE NOTES:

1. Council controls signs under the Ōpōtiki District Council Consolidated Bylaws 2020.
2. Where signs on private property will be visible from a State Highway and resource consent is required, the NZ Transport Agency should be consulted in relation to traffic safety effects. It should also be noted that NZ Transport Agency controls signs on the State highway corridor Legal Road under the NZ Transport Agency Signs on State Highway Bylaw July 2010.

2.6.7 FLOOR LEVELS

- 2.6.7.1 Floor levels shall be sufficient to ensure that water does not enter *buildings* in a 1% AEP (Annual Exceedance Probability) event within the *Coastal Environment* or 2% AEP event for areas outside the *Coastal Environment*. *Council* will determine the appropriate freeboard that needs to be added to the flood level to set the required minimum floor level.

2.6.8 RELOCATION OR RE-SITING OF A BUILDING

- 2.6.8.1 The relocation of a *building* shall comply with the following:
1. A *building* inspection report shall accompany the *building* consent for the *building*. The report shall identify all *reinstatement work* required to the exterior of the *building*.
 2. The *building* shall be located on permanent foundations approved by *building* consent no later than two months from the *building* being moved to the *site*.
 3. All work required to reinstate the exterior of the relocated *building* in accordance with the building inspection report shall be completed within 12 months of the *building* being relocated on the *site*.
 4. The proposed owner of the relocated *building* must certify to the Council that the *reinstatement work* will be completed within the 12 month period.
 5. Non-compliance with this rule shall be considered as a Restricted Discretionary Activity.

2.6.9 ON-SITE EFFLUENT DISPOSAL

2.6.9.1 Provision shall be made on-site for adequate vehicle *access* to septic tanks for maintenance purposes where relevant.

2.6.10 WASTEWATER CONNECTIONS

2.6.10.1 All new developments within any of *Council's* wastewater scheme boundaries shall connect to the *Council's* wastewater system.

2.6.10.2 All new wastewater management systems shall be designed and constructed in accordance with 17.6.8.

2.6.11 STORMWATER MANAGEMENT

2.6.10.1 A stormwater disposal system shall be provided for any residential, community or commercial activity. The stormwater management system shall be designed and constructed in accordance with Rule 17.6.9.

2.6.12 POTABLE WATER SUPPLY

2.6.11.1 A potable water supply shall be provided to each site and where connected to *Council's* water supply shall be designed and constructed in accordance with Rule 17.6.10.

2.6.13 VEHICLE ENTRANCES

2.6.13.1 Vehicle entrances shall be designed and constructed to comply with Appendix 4.

ADVICE NOTE:

Additional access width may be necessary to provide for emergency service vehicles in accordance with SNZ PAS 4509:2008 (refer 17.6.10 Advice Note)

2.6.14 SEASONAL WORKER ACCOMMODATION

1. The relevant Zone standards shall be complied with.
2. No new vehicle access shall be required to a State Highway
3. The accommodation shall be used solely for part of the year to meet labour requirements in the horticulture sector
4. The facility shall provide a combination of communal kitchen and eating areas and sleeping and ablution facilities
5. No more than 12 workers shall be accommodated.
6. The Code of Practice for Able Bodied Seasonal Workers, published by Department of Building and Housing 2008 shall be complied with.

2.7 OTHER METHODS

2.7.1 Other methods for achieving the objectives and policies of this section are:

1. The use of *Council's* capital works programmes for street paving and kerb and channelling.
2. Community and residents street beautification programmes, through the use of *landscaping* and tree planting.
3. To develop those public spaces and reserves administered by the *Council* within, and adjoining, the Residential Zone so that the parks and reserves complement the zone.
4. Through the use of *Council's* strategic planning process to identify areas for community reserves and to purchase land and develop it through *Council's* Annual Plan process.
5. Use Land Information Memoranda (LIM) and Project Information Memoranda (PIM) to provide information on known natural hazards to potential *developers* and applicants.
6. To consider the use of consent notices as a mechanism so that *buildings* are located on areas within a *site* where the effects of natural hazards can be avoided or mitigated.

2.8 EXPECTED ENVIRONMENTAL RESULTS

Environmental outcomes anticipated from the implementation of the objectives and policies of this section are:

- A.** Pleasant living environments with minimal intrusion from non-residential activity.
- B.** Diversity in residential design where desirable living standards and Zone Standards are maintained.

Chapter 3

Town Centre Zone



TOWN CENTRE ZONE

3. TOWN CENTRE ZONE

3.1 RESOURCE MANAGEMENT ISSUES

1. Activities within the zone have the potential to impede pedestrian and vehicular access and this may compromise safety and therefore limit public access.
2. Town Centre activities can adversely affect the amenity, quality and characteristics of the zone. Effects relate to the *height of buildings*, screening storage areas, the effects of parking, loading and unloading of service vehicles, the provision of signage and the generation of unreasonable noise within the zone.
3. Inadequate and poorly designed parking can adversely affect the purpose of the zone and can impact on safety for pedestrians and motorists.
4. The potential risk of flooding to the Town Centre and the effect of this on present and future activities undertaken in the area.
5. Possible loss of the retail frontage and the need to maintain continuity of retail verandahs.
6. Effects of activities undertaken within the zone may adversely affect the *amenity values* and character of neighbouring zones, particularly the Residential Zone.
7. Activities that are not managed appropriately can impact on heritage values within the zone.

3.2 OBJECTIVES AND POLICIES

OBJECTIVE

- 3.2.1 The Town Centre is vibrant, functional, attractive and pleasant with significant cultural and historic values and is a focal point for retail, commercial, cultural and community activities.**

POLICIES

- 3.2.1.1 Ensure those qualities and characteristics that comprise the zone's *amenity values* are maintained and, wherever possible, enhanced.
- 3.2.1.2 To maintain the character of the zone by ensuring that all service and storage areas on *sites* in the Town Centre are screened from public view.
- 3.2.1.3 To protect the *buildings* and facades of heritage features listed in 14.9.1 within the zone that are of heritage importance.

3.2.1.4 Manage the potential adverse effects of noise on the surrounding environment so that the qualities and characteristics of the zone are maintained or enhanced.

3.2.1.5 Enable a range of retail, commercial, cultural and community activities in the Town Centre.

OBJECTIVE

3.2.2 Avoid, remedy or mitigate the adverse effects on the retail character of the Town Centre Zone.

POLICIES

3.2.2.1 Development within the Town Centre Policy Area will be required to provide continuity of retail frontage and of verandahs.

3.2.2.2 Development within the Town Centre Policy Area is to maintain and/or enhance the character of the zone.

OBJECTIVE

3.2.3 Management of the effects of activities on pedestrian and vehicle interaction so that the character of the zone is maintained.

POLICIES

3.2.3.1 To reduce the conflict between pedestrians and traffic in Church Street by requiring appropriate *building* design and the separation of pedestrian and vehicle movements as far as practicable.

3.2.3.2 To ensure that any off-street parking is provided at appropriate locations within the zone where it will not adversely affect pedestrian safety. Financial contributions in the form of money will be required in most cases.

3.2.3.3 To manage the effects of the loading and unloading of service vehicles by providing service lanes, where these will not adversely affect pedestrian safety and efficient movement.

OBJECTIVE

3.2.4 To enable the Town Centre to continue to draw on its natural, historic and cultural heritage and to emphasise its relationship with the river and built heritage features.

POLICIES

- 3.2.4.1 To recognise the contribution of natural features to the identity and quality of the Ōpōtiki Town Centre environment and facilitate the interconnection between uses and these features. These natural features include the Ōtara and Waioeka River and their adjoining streams and physical and visual access to them.
- 3.2.4.2 To recognise the built *heritage resources* of the Ōpōtiki Town Centre as a unique feature that adds to the character and amenity of the zone.
- 3.2.4.3 To recognise Te Whakatōhea as tangata whenua and acknowledge the effect that significant successive occupation and use of the Ōpōtiki Town Centre has had on the heritage values of the zone.
- 3.2.4.4 To ensure new *buildings* are of a scale and design that enables activities at ground level and street edges to contribute positively to the amenity and the purpose of the zone.

3.3 ACTIVITY STATUS

Resource consent is required for all Controlled, Restricted Discretionary, Discretionary and Non-complying activities. Resource consent is not required for Permitted activities provided all relevant standards are met.

Additional controls may apply in the following Chapters:

- Chapter 12 – Surface of Water Activities
- Chapter 13 – Landscapes, Indigenous Vegetation and Habitats
- Chapter 14 – Heritage
- Chapter 15 – Subdivision
- Chapter 16 – Financial Contributions
- Chapter 17 – Network Utilities
- Chapter 18 – Natural Hazards
- Chapter 19 – Coastal Environment Overlay

3.3.2 PERMITTED ACTIVITIES

3.3.2.1 Subject to compliance with the Zone Standards in 3.6, unless otherwise stated, the following activities may be established without resource consent from *Council*.

1. *Visitor accommodation* on the ground floor of sites that do not front Church Street.
2. *Visitor accommodation* above ground floor level on sites that front Church Street.
3. *Commercial activities*.

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4. *Restaurants and bars.*
 5. *Retail activities.*
 6. Maintenance work carried out by Bay of Plenty Regional Council on established drainage and flood control scheme works.
 7. *Food selling premises.*
 8. Activities on reserves as provided for in the Reserves Act 1977 or in an approved Reserve Management Plan.
 9. *Temporary buildings* and associated activities required for *building* or construction projects of not more than 12 months duration.
 10. *Signs* listed in Rule 3.6.7.1.
 11. *Temporary Military Training Activities* complying with Appendix 3.
 13. Any activity not listed in the Chapter that complies with the Zone Standards.
 14. Residential accommodation above ground floor level.
 15. Relocation and re-siting of a *building*, including *factory built dwellings*.
 16. *Community corrections* activities
 17. *Seasonal Worker accommodation*
 18. *Emergency services training* and associated management activities.
 12. *Accessory buildings* and activities *accessory* to a Permitted Activity.

3.3.3 CONTROLLED ACTIVITIES

3.3.3.1 The activities listed below may only be established after resource consent has been granted by *Council*. The *Council* may impose conditions only in relation to the matters over which it has reserved control in 3.4. The activities must comply with the Zone Standards in 3.6, unless otherwise stated.

1. Public toilets.
2. *Temporary buildings* and associated activities not listed as a Permitted Activity.
3. *Emergency service* facilities
4. *Temporary Military Training Activities* not complying with [Appendix 3](#)
5. *Accessory buildings* and activities *accessory* to a Controlled Activity.

3.3.4 RESTRICTED DISCRETIONARY ACTIVITIES

3.3.4.1 The activities listed below may only be established after resource consent has been granted by *Council*. The *Council* may refuse consent or grant consent and impose conditions only in relation to the matters over which it has restricted its discretion in 3.5. The activities must comply with the Zone Standards in 3.6, unless otherwise stated.

1. *Visitor accommodation* on the ground floor of a site fronting Church Street.
2. Relocation or re-siting of a *building* not complying with 3.6.5.

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3. Activities not complying with 3.6.1.2 (Height) and 3.6.1.3 (Daylight Protection).
 4. Activities not complying with 3.6.11 (Wastewater Connections), 3.6.12 (Stormwater Management), 3.6.13 (Water Supply) and 3.6.2.2 (Building setbacks from Council pipelines).
 5. *Seasonal Worker Accommodation* providing for more than 12 people per night and/or at ground floor level
 6. *Accessory buildings* and activities *accessory* to a Restricted Discretionary Activity.

3.3.5 DISCRETIONARY ACTIVITIES

3.3.5.1 The activities listed below may only be established after resource consent has been granted by *Council*. The *Council* may refuse consent or grant consent subject to conditions. The Zone standards in 3.6 will be used as a guideline when assessing the application.

1. *Education facilities*.
2. *Places of assembly*.
3. *Community activities*.
4. *Service industries*.
5. Residential accommodation at ground floor level.
6. Service stations.
7. Signs listed in 3.6.7.2 or that are not provided for as a Permitted Activity
8. *Accessory buildings* and activities *accessory* to a Discretionary Activity.

3.3.6 NON-COMPLYING ACTIVITIES

3.3.6.1 The activities listed below may only be established if resource consent has been granted by *Council*. The *Council* may refuse or grant consent for a non-complying activity. The Zone standards in 3.6 will be used as a guideline when assessing the application.

1. Any activity not specifically stated as a Permitted, Controlled, Restricted Discretionary, or Discretionary Activity or an activity which does not comply with the Zone Standards unless otherwise stated.

3.4 CONTROLLED ACTIVITIES: MATTERS OVER WHICH CONTROL IS RESERVED

3.4.1 The **Council** has reserved control over the following matters:

3.4.1.1 Design and appearance

1. The design and appearance of the activity and how it relates to the *amenity values* of the zone.

2. The manner in which the *site* is to be landscaped and how effectively it will screen the activities or enhance the *amenity values* of the area.
3. The manner in which any beautification of the *site* assists in maintaining and enhancing the character of the zone.
4. The effects that any residential activity at the ground floor will have on the character of the zone.
5. The location and appearance of signs associated with the activity.
6. Disruption that the activity may cause to the continuity of retail frontage or continuity of verandahs within the Town Centre Policy Area.

3.4.1.2 **Effects of the activity on adjoining properties**

1. The effects of the activity on adjoining properties, particularly where the activity adjoins a Residential or Mixed Activity Zone boundary.
2. The necessity for screening associated with the activity, particularly where the activity adjoins the Residential or Mixed Activity Zone boundary.

3.4.1.3 **Vehicle access and site manoeuvrability**

1. The design and location of vehicle *access* and whether vehicles can leave and enter the *site* safely.
2. The need for service lanes, and loading and unloading activities, associated with the activity.
3. The effects that the activity will have on the parking resources available within the Town Centre Zone.

3.4.1.4 **Effect on pedestrian access**

1. The effect that the activity will have on pedestrian movement within and throughout the zone.
2. The use of any street furniture or sign that may impede safe and efficient pedestrian movement.

3.4.1.5 **Historical, archaeological and cultural values and resources**

1. The effect of the design and layout of the activities in relation to land, *buildings*, features and *waterbodies* which have historical and archaeological worth.
2. The effects of the activity on historic, archaeological and cultural values and resources of importance to Māori.
3. The effects of the activity on heritage and conservation values on the *site* and on adjoining sites.

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- 3.4.1.6 **Natural hazard occurrence**
1. The extent to which the activity may accentuate the adverse effects of natural hazards.
 2. The susceptibility of the *site* to natural hazards and the measures implemented to mitigate the effects of natural hazards.
 3. The effects that the activity may have on the Volkners Island and Tarawa Creek ponding areas.
- 3.4.1.7 **Temporary buildings**
1. The time that a *temporary building* may be required.
 2. The design and appearance of the *temporary building* to be placed on the *site*.
 3. Restoration of the *site* once the *temporary building* has been removed from the *site*.
- 3.4.1.8 **Temporary Military Training Activities not complying with Appendix 3**
1. Location in relation to noise sensitive activities.
 2. Hours of operation and duration.

3.5 RESTRICTED DISCRETIONARY ACTIVITIES: MATTERS OVER WHICH DISCRETION IS RESTRICTED

3.5.1 Council has restricted its discretion over the following matters:

3.5.1.1 Visitor accommodation on the ground floor of a site fronting Church Street and buildings and activities accessory to a Restricted Discretionary Activity

1. The design and appearance of the activity and how it relates to the *amenity values* of the zone.
2. The manner in which the *site* is to be landscaped and how effectively it will screen the activities or enhance the *amenity values* of the area.
3. The manner in which any beautification of the *site* assists in maintaining and enhancing the character of the zone.
4. The location and appearance of signs associated with the activity.
5. Disruption that the activity may cause to the continuity of retail frontage or continuity of verandahs within the Town Centre Policy Area.
6. Appearance and connectivity to the existing character of the street.

3.5.1.2 Effect on pedestrian access

1. The effect that the activity will have on pedestrian movement within and throughout the zone.

2. The use of any street furniture or signs that may impede safe and efficient pedestrian movement.

3.5.1.3 Vehicle access and site manoeuvrability

1. The design and location of vehicular *access* and whether vehicles can leave and enter the *site* safely.
2. The need for service lanes, loading and unloading activities associated with the activity.
3. The effects that the activity will have on the parking resources available within the Town Centre Zone.

3.5.1.4 Historical, archaeological and cultural resources

1. The effect of the design and layout of the activities in relation to land, *buildings*, features and *waterbodies* which have historical and archaeological worth.
2. The effects of the activity on resources of importance to Māori.
3. The effects of the activity on heritage and conservation values, both on the *site* and on adjoining sites.

3.5.1.5 The relocation or re-siting of a building not complying with 3.6.5

1. Proposed *landscaping*, including opportunities to screen the *building* during reinstatement.
2. Proposed timetable for completion of re-instatement works;
3. The appearance of the building when re-instated; and
4. Maintenance of the *site* and surrounds during reinstatement.

3.5.1.6 Activities not complying with 3.6.1.2 (Height) and 3.6.1.3 (Daylight Protection)

1. The adverse effects on the amenity of *sites* in terms of:
 - a. Shadowing.
 - b. Physical domination.
 - c. Privacy.
 - d. Lighting.

3.5.1.7 The degree to which the character and amenity of the zone is maintained by:

1. Variation in *building* form.
2. *Landscaping*.
3. *Screening*.

3.5.1.8 Activities not complying with 3.6.11 (Wastewater Connections)

1. Mitigation of effects on existing infrastructure and the environment from:
 - a. Sewerage flow volumes.
 - b. Sewerage flow rates.
 - c. Sewerage flow timing.
 - d. Sewerage connections and on-site reticulation/infrastructure specifications.
 - e. Practicality of connection to *Council's* existing infrastructure.

3.5.1.9 Activities not complying with 3.6.12 (Stormwater Management)

1. Mitigation of effects on existing infrastructure, adjacent/downstream properties and the environment from:
 - a. Stormwater runoff.
 - b. Stormwater connections and on-site reticulation/infrastructure specifications.

3.5.1.10 Activities not complying with 3.6.13 (Potable Water Supply)

1. Management of water supply demand in relation to:
 - a. Water flow rates.
 - b. Water flow volumes.
 - c. Water supply connections specifications.

3.5.1.9 Activities not complying with 3.6.2.2 (Building setback from Council pipelines)

1. The obstruction of *access* to existing wastewater, water supply or stormwater reticulation.

3.5.1.10 Natural hazard occurrence

1. The susceptibility of the site to natural hazards and the measures implemented to mitigate the effects of natural hazards
2. The effects that the activity may have on the Volkners Island and Tarawa Creek ponding areas.

3.5.1.11 Seasonal Worker Accommodation providing for more than 12 people per night

1. Those matters in 3.6.15 that are not able to be met.
2. Methods to avoid, remedy or mitigate the effects on existing activities, including the provision of screening, landscaping and methods for noise control.
3. The extent to which the application complies with the Code of Practice for Able Bodied Seasonal Workers, published by Dept of Building and Housing 2008.

3.6 ZONE STANDARDS

These Zone Standards apply to all permitted, controlled and restricted discretionary activities, unless otherwise stated. They will be used as a guideline when assessing applications for discretionary and non-complying activities.

Temporary Military Training Activities are exempt from complying with Zone Standards.

3.6.1 SITE REQUIREMENTS

3.6.1.1 Site coverage

1. No limit, subject to compliance with 3.6.2.

3.6.1.2 Height

1. The maximum *height* for structures within the zone is 9m. Hose drying towers associated with *emergency service* facilities may be up to 15m high.
2. Non-compliance with this Rule shall be considered as a Restricted Discretionary Activity.

3.6.1.3 Daylight protection

1. No part of any *building* shall penetrate a daylight recession plane of 45° from a *height* of 2.7m above finished ground level at any boundary of a Residential Zone or Mixed Activity Zone.
2. Non-compliance with this Rule shall be considered as a Restricted Discretionary Activity.

3.6.2 YARDS/SETBACKS

3.6.2.1 Setback from Zone boundary

1. All *buildings* and activities within the zone shall be set back at least 4.5m from a Residential Zone or Mixed Activity Zone boundary, except for carparking areas.

Provided that:

Setbacks shall not apply to *access* within sites and *landscaping*.

3.6.2.2 Building setback from Council pipelines

1. No *building* shall be located closer than the greater of either:
 - a. 1.5m from the centre of any public sewer or public stormwater line, or
 - b. The sum of depth to the centreline of the line, plus the diameter of the line, plus 0.2m from the centre of that line.
2. Non-compliance with this standard shall be assessed as a Restricted Discretionary Activity.

3.6.3 LANDSCAPING**3.6.3.1 Screening storage areas**

Any area used for storage shall be screened from any public place, other than service lanes, and from any boundary of a Residential Zone or Mixed Activity Zone so as to mitigate the effects of the storage area.

3.6.4 NOISE AND GLARE**3.6.4.1 Noise**

1. All activities on a *site* shall be designed and conducted so as to ensure that the following noise limits are not exceeded at any point within the boundary of any Town Centre Zone *site*.
Provided that:
 - a. At the boundary of a *site* within the Residential Zone the noise limits for the Residential Zone shall be complied with.
 - b. These standards shall not apply to sirens used by *emergency services*.

Noise Limits dB		
Receiving Zone	Daytime 7am to 10pm, Monday to Sunday including public holidays	Night time At all other times
Town Centre	70LAeq	70LAeq 85LAmx

2. Except where expressly provided elsewhere in this Plan, noise shall be measured in accordance with the provisions of NZS6801:2008 Acoustics – Measurement of Environmental Sound and assessed in accordance with the provisions of NZS 6802:2008 Acoustics – Environmental Noise.
3. Construction noise in any zone shall not exceed the recommended limits and shall be measured and assessed in accordance with the provisions of NZS 6803:1999 Acoustics - Construction Noise.

3.6.4.2 Lighting and glare

1. All exterior security lighting shall be designed, installed, and maintained so that the light emitted does not overspill *site* boundaries, or cause distraction or glare which could affect traffic safety on adjacent *roads*.

3.6.5 RELOCATION OR RE-SITING OF A BUILDING

1. A *building* inspection report shall accompany the *building* consent for the *building*.
2. The report shall identify all *reinstatement works* required to the exterior of the building.

3. The *building* shall be located on permanent foundations approved by *building* consent no later than two months from the *building* being moved to the *site*.
4. All work required to reinstate the exterior of any relocated *building* in accordance with the building inspection report shall be completed within 12 months of the *building* being relocated on the *site*.
5. The proposed owner of the relocated *building* must certify to the Council that the *reinstatement work* will be completed within the 12 month period.
6. Non-compliance with this rule shall be considered as a Restricted Discretionary Activity.

3.6.6 LOADING AND ACCESS

- 3.6.6.1 Provision for loading shall be provided in relation to every activity whether new, extended or where the activity has changed as follows:
1. Provision shall be made for the loading and unloading of service vehicles on-site and at the rear of sites in such a way that any footpath, *road* or *access* to adjoining properties is not blocked.
 2. No vehicle *access* shall be located within 15m of an intersection.

ADVICE NOTES:

1. There are no minimum carparking requirements for the Town Centre Zone.
2. The application shall have regard to Appendix 6 where guidance for carparking is required.

3.6.7 SIGNS

- 3.6.7.1 The following *signs* shall be permitted subject to meeting the standards in 3.6.7.3:
1. Maximum total area for *signs* shall be 0.5m² for each 2m of *building* frontage or *site* frontage, whichever is the lesser.
 2. *Signs* may be located:
 - (a) On the verandah fascia, but not above or below the fascia.
 - (b) Under the verandah at right angles to the *building*.
 - (c) On the shop front glazing.
 - (d) Above verandah level where they are:
 - i. Attached to the *building*.
 - ii. Of greater vertical than horizontal portions.
 - iii. Do not protrude more than 1m from the face of the *building*.
 - iv. Are at least 600mm below the top of the wall to which they are attached.
 3. Two free-standing pole-mounted *signs* shall be permitted on a *site* where the frontage of the *building* is set back more than 5m from a *road* boundary, provided that each *sign* does not exceed 5m in *height* and 4m² in area.

4. A *temporary sign* with a maximum area of 1.8m², where the written consent of the landowner has been obtained and provided to Council.
5. *Official signs*.

3.6.7.2 The following *signs* shall be Discretionary Activities:

1. Illuminated *signs* that are not a Permitted Activity
2. Flashing, animated, trivision, revolving lights or lasers or aerial *signs* situated adjacent to a state highway.
3. Free standing *signs* situated within the boundaries of a state highway with a speed limit of 50km/h or less.
4. Advance warning *signs* erected on a *road*.

3.6.7.3 *Signs* shall not:

1. Have reflective material or illumination that flashes or moves;
2. Obstruct or impair the view of any official traffic *sign* and signal or the line of sight at any corner, bend, intersection of vehicle crossing;
3. Physically obstruct or impede traffic or pedestrians;
4. Resemble or be likely to be confused with any official traffic *signs* or *signs*;
5. Use support structures that are not frangible.

ADVICE NOTES:

1. Council controls signs under the Ōpōtiki District Council Consolidated Bylaws 2020.
2. Where signs on private property will be visible from a State Highway and resource consent is required, the NZ Transport Agency should be consulted in relation to traffic safety effects. It should also be noted that NZ Transport Agency controls signs on the State highway corridor Legal Road under the NZ Transport Agency Signs on State Highway Bylaw July 2010.

3.6.9 FLOOR LEVELS

3.6.9.1 Floor levels shall be sufficient to ensure that water does not enter *buildings* in a 1% AEP event within the *Coastal Environment* or a 2% AEP event for areas outside the *Coastal Environment*. Council will determine the appropriate freeboard that needs to be added to the flood level to set the required minimum floor level.

3.6.10 TOWN CENTRE POLICY AREA

3.6.10.1 **Protection of retail frontage**

1. Within the Town Centre Policy Area, as indicated on [Planning Map 5a](#), all *buildings* fronting footpaths, arcades and pedestrian precincts shall provide display windows on the facade. Non-retail activities shall provide a similar appearance to adjacent *retail activities*.

3.6.10.2 Pedestrian shelter and continuity of verandah

1. A continuous pedestrian verandah shall be provided by every *building* within the Town Centre Policy Area, as identified on [Planning Map 5a](#):
 - a. The verandah shall have a minimum depth of 3m or terminate no less than 0.5m behind the face of the carriageway kerb, whichever is the lesser.
 - b. Where a *building* is set back further than adjoining *buildings*, the *Council* may require a verandah deeper than 3m to maintain the continuity of cover over the public footpath.
 - c. The underside of the verandah shall be between 2.6m and 3.6m above the finished level of the footpath and provide continuity of *height* and cover with adjoining verandahs.
 - d. Verandah posts are permitted provided that they are not used for structural support of the verandah.

3.6.11 WASTEWATER CONNECTIONS

1. All new developments within any of *Council's* wastewater scheme boundaries shall connect to the *Council's* wastewater system.
2. All new wastewater management systems shall be designed and constructed in accordance with 17.6.8.

3.6.12 STORMWATER MANAGEMENT

1. A stormwater disposal system shall be provided for any residential, community or business activity.
2. The stormwater management system shall be designed and constructed in accordance with Rule 17.6.9.

3.6.13 POTABLE WATER SUPPLY

1. A potable water supply shall be provided to each site and where connected to *Council's* water supply shall be designed and constructed in accordance with Rule 17.6.10.

3.6.14 VEHICLE ENTRANCES

- 3.6.14.1 Vehicle entrances shall be designed and constructed to comply with [Appendix 4](#).

ADVICE NOTE:

Additional access width may be necessary to provide for emergency service vehicles in accordance with SNZ PAS 4509:2008 (refer 17.6.10 Advice Note)

3.6.15 SEASONAL WORKER ACCOMMODATION

1. The relevant Zone standards for *yards, height* and daylight protection shall be complied with.
2. The accommodation shall be located above ground floor level on sites fronting Church Street.
3. *Access* – No new vehicle access shall be required to a State Highway
4. The accommodation shall be used solely for part of the year to meet labour requirements in the horticulture sector
5. The facility shall provide a combination of communal kitchen and eating areas and sleeping and ablution facilities
6. No more than 12 workers shall be accommodated.
7. The Code of Practice for Able Bodied Seasonal Workers, published by Department of Building and Housing 2008 shall be complied with.

3.7 OTHER METHODS

3.7.1 Other methods for achieving the objectives and policies of this section are:

1. The support of retailer initiatives to develop the pedestrian nature of the zone, and the integration of landscape features within the area.
2. A 'Main Street' beautification programme developed in partnership with the business community and the *Council*.
3. Use Land Information Memoranda (LIM) and Project Information Memoranda (PIM) to provide information on known natural hazards to potential developers and applicants.
4. To develop those public open spaces and reserves administered by the *Council* within, and adjoining, the Town Centre Zone to ensure that they complement the character of the zone.

3.8 EXPECTED ENVIRONMENTAL RESULTS

Environmental outcomes anticipated from the implementation of the objectives and policies of this section are:

- A. A cohesive retail area that functions effectively as the Town Centre Zone.
- B. A commercial and retail area of the District that meets the needs of pedestrians and motorists.
- C. A vibrant Town Centre that is a focal point for the District and its community.
- D. Increased recognition and protection for heritage items

Chapter 4

Mixed Activity Zone



MIXED ACTIVITY ZONE

4. MIXED ACTIVITY ZONE

4.1 RESOURCE MANAGEMENT ISSUES

1. Activities adjoining the regional strategic transport network can adversely affect the safety, sustainability and efficiency of the network.
2. Activities with a high level of vehicle movement need to be located in areas where they will not disrupt adjoining activities. Activities with high vehicle movements can have an adverse effect on adjoining activities.
3. *Reverse sensitivity* effects can occur between non-residential activities and residential activities and can depreciate the character of adjoining zones.
4. The need to screen storage and service areas, particularly where rubbish awaiting collection is stored, as it can depreciate the *amenity values* of adjoining properties.
5. The location of industrial activities and their potential adverse effects could depreciate the character of the zone, and adjoining properties.
6. Areas within the zone are susceptible to the effects of flooding, with some activities adjoining the Duke Street ponding area.
7. *Signs* can affect the visual environment and can accentuate roadside clutter. *Signs* can adversely affect safety and can obstruct clear visibility of traffic *signs*.

4.2 OBJECTIVES AND POLICIES

OBJECTIVE

- 4.2.1 **To manage the combination of residential and non-residential activities and where practicable avoid, remedy or mitigate adverse effects on the amenity values of the zone.**

POLICIES

- 4.2.1.1 *Sites* within the Mixed Activity Zone shall be maintained at a level that will not detract from the character of the zone, by ensuring that all service and storage areas are screened from public view.
- 4.2.1.2 Avoid, remedy or mitigate the adverse effects of *industrial activities* upon other activities within the Mixed Activity Zone.
- 4.2.1.3 Manage the potential effects of activities on ponding areas to ensure their effects on the capacity of the ponding areas and overland flow paths are minimal.

4.2.1.4 Manage activities on flood prone areas so that the effects of natural hazards can be mitigated through the use of protection measures such as stopbanks and minimum floor levels or design.

4.2.1.5 To ensure that business activities maintain or enhance the intended character of the surrounding environment.

OBJECTIVE

4.2.2 To provide a mixture of residential, commercial and community activities within the zone.

POLICIES

4.2.2.1 Enable a mix of residential, commercial and community activities to locate within the zone, whilst managing the effects on existing lawfully established activities.

OBJECTIVE

4.2.3 Manage activities to ensure vehicle movement is undertaken in a safe and efficient manner that does not adversely affect the functioning of the transport network.

POLICIES

4.2.3.1 Control the location of activities which may adversely affect the safe and efficient traffic flow on the regional strategic transport network.

4.2.3.2 Ensure that on-site manoeuvring, loading and **access** areas and service lanes are provided for in a safe and efficient manner for vehicles and pedestrians on, and adjacent to, the *site*.

4.2.3.3 Activities that front state highways are managed to recognise that highways are the entrances into the Ōpōtiki Township and *landscaping* and *building* setbacks are used to provide attractive entrance ways.

4.3 ACTIVITY STATUS

Resource consent is required for all Controlled, Restricted Discretionary, Discretionary and Non-complying activities. Resource consent is not required for Permitted activities provided all relevant standards are met.

Additional controls may apply in the following Chapters:

- Chapter 12 – Surface of Water Activities
- Chapter 13 – Landscapes, Indigenous Vegetation and Habitats
- Chapter 14 – Heritage
- Chapter 15 – Subdivision
- Chapter 16 – Financial Contributions

- Chapter 17 – Network Utilities
- Chapter 18 – Natural Hazards
- Chapter 19 – Coastal Environment Overlay

4.3.2 PERMITTED ACTIVITIES

4.3.2.1 Subject to compliance with the Zone Standards in 4.6, unless otherwise stated, the following activities may be established without resource consent from *Council*.

1. One *dwelling* per site.
2. Maintenance work carried out by the Bay of Plenty Regional Council on established drainage and flood control scheme works.
3. Activities on reserves as provided for in the Reserves Act 1977 or in an approved Reserve Management Plan.
4. *Temporary buildings* and associated activities required for a *building* or construction project of not more than 12 months duration.
5. *Visitor accommodation* for up to 4 visitors per night.
6. *Signs* listed in 4.6.12.1.
7. *Temporary military training activities* complying with Appendix 3.
8. Any activity not listed in the Chapter that complies with the Zone Standards.
9. *Commercial activities*.
10. Relocation and re-siting of a *building*, including *factory built dwellings*.
11. *Community corrections* activities.
12. *Emergency services training* and associated management activities.
13. *Emergency services* facilities.
14. *Accessory buildings* and activities *accessory* to a Permitted Activity.

4.3.3 CONTROLLED ACTIVITIES

4.3.3.1 The Council may impose conditions only in relation to the matters over which it has reserved control in 4.4. The activities must comply with the Zone Standards in 4.6, unless otherwise stated. The following activities may only be established after resource consent has been granted by *Council*.

1. *Home occupation*.
2. *Visitor accommodation* for more than 4 people per night.
3. *Retail activities accessory* to a Controlled Activity where the *total floor area* related to retailing is the lesser of either 100m² or 20% of the *total floor area*.
4. *Contractors' depots*.
5. *Food selling premises*.

-
6. *Places of assembly.*
 7. Activities otherwise permitted or controlled where the *site access* is to a state highway and the written approval of NZ Transport Agency has been obtained and is submitted as part of any application.
 8. *Signs* listed in 4.6.12.2.
 9. Up to three *dwelling*s where there is a minimum of 400m² per *dwelling* where a sewer connection is available
 10. *Temporary military training activities* not complying with Appendix 3.
 11. *Accessory buildings* and activities *accessory* to a Controlled Activity.

4.3.4 RESTRICTED DISCRETIONARY ACTIVITIES

4.3.4.1 The *Council* may refuse resource consent or grant consent and impose conditions only in relation to the matters over which it has restricted its discretion in 4.5. The activities must comply with the Zone Standards in Section 4.6, unless otherwise stated. The following activities may only be established after resource consent has been granted by *Council*.

1. Relocation or re-siting of a building not complying with Zone standards.
2. *Education facilities.*
3. Activities not complying with 4.6.1.2 (Height), 4.6.1.3 (Daylight Protection) and 4.6.2.2 (Setbacks from roads).
4. Activities not complying with 4.6.8 (Wastewater Connections), 4.6.9 (Stormwater Management), and 4.6.10 (Water Supply) and 4.6.2.3 (Building setback from Council pipelines).

4.3.5 DISCRETIONARY ACTIVITIES

4.3.5.1 The *Council* may refuse resource consent or grant consent subject to conditions. The Zone standards in 4.6 will be used as a guideline when assessing the application. The following activities may only be established after resource consent has been granted by *Council*.

1. *Service industry.*
2. *Residential care facilities.*
3. *Vehicle and machinery sales.*
4. *Temporary activities* where the *site access* is to a state highway and where the written consent of NZ Transport Agency has not been obtained.
5. *Signs* listed in 4.6.12.3 or that are not provided for as a Permitted or Controlled Activity.
6. *Service stations.*
7. *Accessory buildings* and activities *accessory* to Discretionary Activities.

4.3.6 NON-COMPLYING ACTIVITIES

4.3.6.1 The *Council* may refuse or grant resource consent for a non-complying activity. The Zone standards in 4.6 will be used as a guideline when assessing the application. The following activities may only be established if resource consent has been granted by *Council*.

1. Any activity not specifically stated as a Permitted, Controlled, Restricted Discretionary or Discretionary Activity or an activity that does not comply with the Zone Standards, unless otherwise stated.

4.4 CONTROLLED ACTIVITIES: MATTERS OVER WHICH CONTROL IS RESERVED

4.4.1 The *Council* has reserved control over the following matters:

4.4.1.1 Design and appearance

1. The design and appearance of the sign, building or activity and how it relates to the *amenity values* of the zone and surrounding areas, including as relevant *height*, bulk, colour, materials, and proposed *landscaping* treatment.
2. The visual effect of the activity in relation to its location, *site* boundaries, and topography.
3. The size and location of *buildings* with regard to the activities on the *site* and the effect on neighbouring properties and the *amenity values* of the area.
4. The manner in which the *site* is to be landscaped and how effectively it will screen the activities or enhance the *amenity values* of the area.
5. The location and appearance of *signs* associated with the activity.

4.4.1.2 Effects of the activity on adjoining sites

1. The size and location of *buildings* with regard to the activities on the *site* and the effect on neighbouring properties.
2. Any measures to be implemented to mitigate the effects from the activity, such as visual effects, odour, noise and light spill.

4.4.1.3 Vehicle access and manoeuvrability

1. The design and location of vehicular *access*, on-site manoeuvrability and whether vehicles can leave and enter the *site* safely.
2. The effect of the activity on the safety and efficiency of the strategic highway network.
3. The need for service lanes and *loading spaces* associated with the activity.

4.4.1.4 **Historical, archaeological and cultural values and resources**

1. The effect of the design and layout of the activities in relation to land, *buildings*, features and *waterbodies* which have historical and archaeological worth.
2. The effects of the activity on historic, archaeological and cultural values and resources of importance to Māori.
3. The effects of the activity on heritage and conservation values, both on the *site* and on adjoining *sites*.

4.4.1.5 **Natural hazards**

1. The extent to which the activity may accentuate the adverse effects of natural hazards.
2. The susceptibility of the *site* to natural hazards and the measures implemented to mitigate the effects of natural hazards.
3. The effects of the activity on the Duke Street ponding areas.

4.4.1.6 **Temporary Military Training Activities not complying with Appendix 3**

1. Location in relation to noise sensitive activities.
2. Hours of operation and duration.

4.5 **RESTRICTED DISCRETIONARY ACTIVITIES: MATTERS OVER WHICH DISCRETION IS RESTRICTED**

4.5.1 Council has restricted its discretion over the following matters:

4.5.1.1 **Education facilities**

1. Design and appearance of the facility.
2. Effects of the activity on adjoining property.
3. Vehicle *access* and *site* manoeuvrability.

4.5.1.2 **Relocation of a building or dwelling not complying with performance standards**

1. Proposed *landscaping*, including opportunities to screen the *building* during *reinstatement*.
2. Visibility from the *road*, public place and other residential areas.
3. Maintenance of the *site* and surrounds during *reinstatement*.

4.5.1.3 **Activities not complying with 4.6.1.2 (Height), 4.6.1.3 (Daylight Protection) and 4.6.2.2 (Setbacks from Roads)**

1. The adverse effects on the amenity of sites in terms of:

- a. Shadowing.
- b. Physical domination.
- c. Privacy.
- d. Lighting.

4.5.1.4 **Activities not complying with 4.6.8 (Wastewater Connections)**

1. Mitigation of effects on existing infrastructure and the environment from:
 - a. Sewerage flow volumes.
 - b. Sewerage flow rates.
 - c. Sewerage flow timing.
 - d. Sewerage connections and on-site reticulation/infrastructure specifications.
 - e. Practicality of connection to *Council's* existing infrastructure.

4.5.1.5 **Activities not complying with 4.6.9 (Stormwater Management)**

1. Mitigation of effects on existing infrastructure, adjacent/downstream properties and the environment from:
 - a. Stormwater runoff.
 - b. Stormwater connections and on-site reticulation/infrastructure specifications.

4.5.1.6 **Activities not complying with 4.6.9 (Potable Water Supply)**

1. Management of water supply demand in relation to:
 - a. Water flow rates.
 - b. Water flow volumes.
 - c. Water supply connections specifications.

4.5.1.7 **Activities not complying with 4.6.2.3 (Building setback from Council pipelines)**

1. The obstruction of *access* to existing wastewater, water supply or stormwater reticulation.

4.5.1.8 **Natural Hazard Occurrence**

1. The susceptibility of the site to natural hazards and the measures implemented to mitigate the effects of natural hazards
2. The effects that the activity may have on the Volkners Island and Tarawa Creek ponding areas

4.6 ZONE STANDARDS

These Zone Standards apply to all permitted, controlled and restricted discretionary activities, unless otherwise stated. They will be used as a guideline when assessing applications for discretionary and non-complying activities.

Temporary Military Training Activities are exempt from complying with Zone Standards.

4.6.1 SITE REQUIREMENTS

4.6.1.1 Site coverage

1. A maximum of 60% of the *site* may be covered with *buildings*.

4.6.1.2 Height

1. The maximum *height* for *buildings* within the zone shall be 9m. Hose drying towers associated with *emergency service* facilities may be up to 15m high.
2. Non-compliance with this standard shall be considered a Restricted Discretionary Activity.

4.6.1.3 Daylight protection

1. No part of any *building* shall penetrate a daylight recession plane of 45° from a *height* of 2.7m above finished ground level at any boundary.
2. Non-compliance with this standard shall be considered a Restricted Discretionary Activity.

4.6.1.4 Minimum site area (exclusive of access)

1. Dwellings: 400m²
2. Other activities: 800m²

4.6.2 YARDS

4.6.2.1 Separation from adjoining properties

1. All *buildings* shall be located at least 3m from a boundary with an adjoining site (not being a boundary with a road), provided that in relation to *dwellings* and *buildings accessory to dwellings*:
 - a. One *yard* may be reduced to 1.5m.
 - b. Where a garage is incorporated in the *dwelling*, two *yards* may be reduced to 1.5m.
 - c. *Dwellings* and *accessory buildings* may be erected on *yards* where:
 - i. That part of the *building* which encroaches on the *yard* does not exceed either 30% of the length of the boundary parallel to the *yard* or 10m, whichever is the smaller; and
 - ii. Pedestrian *access* is available to the rear of the *dwelling*; and

- iii. The written consent of the owners and occupiers of any sites adjoining the affected *yard* is obtained and provided to *Council* except that *accessory buildings* may be located at least 1.5m from the boundary without written consent.
2. Non-compliance with this standard shall be considered a Restricted Discretionary Activity.

4.6.2.2 **Building setbacks from roads**

1. All *buildings* shall be set back at least 9m from the *road* boundary where the *road* is a state highway.
2. On all other *roads* the *building* setback shall be 4.5m.
3. Non-compliance with this standard shall be considered a Restricted Discretionary Activity.

4.6.2.3 **Building setback from Council pipelines**

1. No *building* shall be located closer than the greater of either:
 - a. 1.5m from the centre of any public sewer or public stormwater line, or
 - b. The sum of depth to the centreline of the line, plus the diameter of the line, plus 0.2m from the centre of that line.
2. Non-compliance with this standard shall be assessed as a Restricted Discretionary Activity.

4.6.3 **LANDSCAPING**

4.6.3.1 **Screening storage areas**

Areas used for storage shall be screened from a public place, other than service lanes, and from adjoining residential activity *sites* in the Residential Zone so as to mitigate the effects of storage activities.

4.6.3.2 **Visibility at intersections**

To protect sight distances at the intersection of *roads*, the area within 6m of the intersection of two front boundaries (or the projection of those front boundaries where they do not meet), shall be kept clear of any obstruction over 1m in *height*. This restriction shall not apply to power poles or street lights.

4.6.3.3 **Screening and landscaping adjoining state highways**

Any non-residential activity that fronts onto State Highway 2 or State Highway 35 shall undertake *landscaping* along the frontage of the *site* boundary that adjoins the highway.

4.6.4 NOISE AND GLARE

4.6.4.1 Noise

1. All activities on a *site* shall be designed and conducted so as to ensure that the following noise limits are not exceeded at any point within any Mixed Activity Zone *site*. Provided that at any point within the Residential Zone the noise limits for the Residential Zone shall be complied with. These standards shall not apply to sirens used by *emergency services*.

Noise Limits dB		
Receiving Zone	Daytime 7am to 10pm, Monday to Sunday including public holidays	Night time At all other times
Mixed Activity	60LAeq	40LAeq 70LAmx

2. Except where expressly provided elsewhere in this Plan, noise shall be measured in accordance with the provisions of NZS 6801:2008 Acoustic - Measurement of Environmental Sound, and assessed in accordance with the provisions of NZS 6802:2008 Acoustics – Environmental Noise.
3. Construction noise shall not exceed the recommended limits and shall be measured and assessed in accordance with the provisions of NZS 6803:1999 Acoustics Construction Noise.

4.6.4.2 Lighting and glare

All exterior security lighting shall be designed, installed, and maintained so that the light emitted does not overspill *site* boundaries, or cause distraction or glare which could affect traffic safety on adjacent *roads*.

4.6.5 LOADING AND ACCESS

4.6.5.1 On-site provision for loading shall be provided in relation to every activity whether new, extended or where the activity is changed, as follows:

1. Provision shall be made for the loading and unloading of service vehicles on-site, and at the rear of *sites*, in such a way that no footpath or *access* to adjoining properties is blocked.
2. No vehicle *access* shall be located within 15m of an intersection.

4.6.5.2 Access to State Highway

Any activity requiring *access* to the State Highway must obtain written approval from NZ Transport Agency and a copy shall be provided with any application to Council.

ADVICE NOTES:

1. There are no minimum carparking requirements for the Mixed Activity Zone.
2. The application shall have regard to Appendix 6 where guidance for carparking is required.

4.6.6 FLOOR LEVELS

4.6.6.1 Floor levels shall be sufficient to ensure that water does not enter *buildings* in a 1% AEP (Annual Exceedance Probability) event within the *Coastal Environment* or a 2% AEP event for areas outside the *Coastal Environment*. *Council* will determine the appropriate freeboard that needs to be added to the flood level to set the required minimum floor level.

4.6.7 RELOCATION OR RE-SITING OF BUILDINGS

4.6.7.1 The relocation of a *building* shall comply with the following:

1. A *building* inspection report shall accompany the *building* consent. The report shall identify all *reinstatement work* required to the exterior of the *building*;
2. The *building* shall be located on permanent foundations approved by *building* consent no later than two months from the *building* being moved to the *site*;
3. All other work required to reinstate the exterior of the relocated *building* in accordance with the building inspection report shall be completed within 12 months of the *building* being relocated on the *site*.
4. The proposed owner of the relocated *building* must certify to the Council that the *reinstatement work* will be completed within the 12 month period.
5. Non-compliance with this Rule shall be considered as a Restricted Discretionary Activity.

4.6.8 WASTEWATER CONNECTIONS

4.6.8.1 All new developments within any of *Council's* wastewater scheme boundaries shall connect to the *Council's* wastewater system.

4.6.8.2 All new wastewater management systems shall be designed and constructed in accordance with 17.6.8.

4.6.9 STORMWATER MANAGEMENT

- 4.6.9.1 A stormwater disposal system shall be provided for any residential, community or business activity.
- 4.6.9.2 The stormwater management system shall be designed and constructed in accordance with rule 17.6.9.

4.6.10 POTABLE WATER SUPPLY

- 4.6.10.1 A potable water supply shall be provided to each site and where connected to *Council's* water supply shall be designed and constructed in accordance with rule 17.6.10.

4.6.11 VEHICLE ENTRANCES

- 4.6.11.1 Vehicle entrances shall be designed and constructed to comply with Appendix 4.

ADVICE NOTE:

Additional access width may be necessary to provide for *emergency service* vehicles in accordance with SNZ PAS 4509:2008 (refer 17.6.10 Advice Note)

2.6.12 SIGNS

- 4.6.12.1 The following signs shall be permitted subject to compliance with the standards in 4.6.12.4:
1. A *sign* with a maximum area of 0.5m² in relation to an approved *home occupation* or *visitor accommodation*, including name, type of *home occupation* and hours of operation.
 2. A *temporary sign* with a maximum area of 1.8m², where the written consent of the landowner has been obtained and provided to *Council*.
 3. *Official signs*.
- 4.6.12.2 A *sign* with a maximum area of 1.1m² shall be a controlled activity in relation to any public purpose or on the same *site* as any of the following activities:
1. Recreation reserves
 2. Churches and other *places of assembly*
 3. *Education facilities*
 4. Hospitals
 5. *Community activities*
 6. *Visitor accommodation*
 7. Tourist or special information, including places or points of special interest.

4.6.12.3 The following *signs* shall be Discretionary Activities:

1. Illuminated *signs* that are not a Permitted Activity
2. Flashing, animated, trivision, revolving lights, lasers or aerial *signs* located adjacent to a state highway.
3. Free standing *signs* located within the boundary of a state highway with a speed limit of 50km/h or less.
4. Advance warning *signs* erected on a *road*.

4.6.12.4 *Signs* shall not:

1. Have reflective material or illumination that flashes or moves;
2. Obstruct or impair the view of any official traffic *sign* and signal or the line of sight at any corner, bend, intersection of vehicle crossing;
3. Physically obstruct or impeded traffic or pedestrians;
4. Resemble or be likely to be confused with any official traffic *signs* or *signs*;
5. Use support structures that are not frangible.

ADVICE NOTES:

1. Council controls signs under the Ōpōtiki District Council Consolidated Bylaws 2020.
2. Where *signs* on private property will be visible from a State Highway and resource consent is required, the NZ Transport Agency should be consulted in relation to traffic safety effects. It should also be noted that NZ Transport Agency controls *signs* on the State highway corridor Legal Road under the NZ Transport Agency Signs on State Highway Bylaw July 2010.

4.7 OTHER METHODS

4.7.1 Other methods for achieving the objectives and policies of this section are:

1. Retailers and residents *road* beautification programmes through the use of *landscaping* and tree planting.
2. To develop those public open spaces and reserves administered by *Council* within and adjoining the Mixed Activity Zone, to ensure that the parks and reserves complement the character of the zone.
3. The use of *Council's* capital works programmes for street paving and street kerbing and channelling.
4. Use Land Information Memoranda (LIM) and Project Information Memoranda (PIM) to provide information on known natural hazards to potential developers and applicants.

4.8 EXPECTED ENVIRONMENTAL RESULTS

Environmental outcomes anticipated from the implementation of the objectives and policies of this section are:

- A.** A Mixed Activity Zone where non-residential activities and residential activities function together with a minimum of adverse effects.

- B.** Safe and efficient transport to and from state highways, and activities within the zone that do not adversely affect the state highways.

Chapter 5

Marine Services Zone



5. MARINE SERVICES ZONE

5.1 RESOURCE MANAGEMENT ISSUES

1. There is an opportunity to create a high quality marina interface with the Ōpōtiki Town commercial area which will require careful planning, design and engineering to achieve good urban design outcomes.
2. The integrity of the stopbank needs to be maintained to provide ongoing flood protection and this may include upgrade if necessary.
3. *Commercial activities* should be managed to avoid compromising the viability of existing centres.
4. *Amenity values* of activities in adjoining zones can be adversely affected by noise, glare and visual effects.
5. *Hazardous substance* use, storage, or disposal facilities within areas susceptible to natural hazards can have significant adverse effects on the quality of the environment.
6. Activities within the zone may use substances that have the potential to contaminate the site, stormwater draining from the site and adjoining natural and physical resources.
7. Inadequate provision made for site manoeuvrability and *access* to the adjacent street network can affect the efficient and effective movement of vehicles within and adjoining the zone.
8. New sensitive activities located within a marina area can result in reverse sensitivity effects.
9. The population and environment could be harmed from unwanted organisms such as flies, mites, ticks, mosquitoes (including exotic mosquitoes capable of carrying disease) or other insects which may cause a health nuisance to nearby residents.

5.2 OBJECTIVES AND POLICIES

OBJECTIVE

- 5.2.1 A Marine Services Zone that achieves good urban design outcomes at the interface between the town and Waioeka and Ōtara Rivers whilst providing for the infrastructure and operational needs of marine related industries and recreational boating.**

POLICIES

- 5.2.1.1 To provide for a marina within the Marine Services Zone subject to the Structure Plan and a comprehensive design that is functional and has high *amenity values*.
- 5.2.1.2 Establish connectivity between the town centre and the Marine Services Zone.

- 5.2.1.3 Maintain and enhance pedestrian and cycle connections through the Marine Services Zone.
- 5.2.1.4 Ensure that *access* to a marina *site* is designed so that vehicles, pedestrians and cyclists have safe and efficient *access*.
- 5.2.1.5 Provide for *temporary activities* within the Marine Services Zone to promote the public's enjoyment and use.
- 5.2.1.6 Control the location and design of *commercial/retail activities* within the zone to ensure that the qualities and characteristics of the zone are maintained and that adverse amenity effects are avoided or mitigated.
- 5.2.1.7 Avoid significant adverse effects on ecological values and avoid, remedy or mitigate other adverse effects of activities on ecological values. Any residual adverse effects are to be offset in a manner consistent with Schedule 13 of the Regional Coastal Environment Plan.
- 5.2.1.8 Ensure that there is adequate on-site parking and manoeuvring space for vehicles using the Marine Services Zone while taking into account the adjacent public *road* network.
- 5.2.1.9 Manage the effects of activities within the zone that use, store or dispose of *hazardous substances* to prevent contamination of waterways and soil.
- 5.2.1.10 Provide for limited *commercial activities* within the zone to enable a marina to function.
- 5.2.1.11 Enable a range of activities that relate to the harbour and marine environment whilst managing any adverse effects.
- 5.2.1.12 Recognise and conserve cultural values.
- 5.2.1.13 Provide for cultural activities.
- 5.2.1.14 Recognise the relationship tangata whenua have with the area.

OBJECTIVE

- 5.2.2 **Activities within the Marine Services Zone are undertaken in a manner that avoids, remedies, or mitigates the effects of natural hazards.**

POLICIES

- 5.2.2.1 Manage activities that have a need to locate in flood prone areas or areas potentially affected by coastal inundation so that the effects of hazards can be mitigated by protection measures such as stopbanks, flood gates, minimum floor levels or design.
- 5.2.2.2 Manage activities to ensure the integrity of the stopbank is maintained and where practicable enhanced.
- 5.2.2.3 Ensure that activities within the Marine Services Zone do not adversely affect the efficient functioning and capacity of ponding areas within or adjacent to the zone.

OBJECTIVE

- 5.2.3 Activities in the Marine Services Zone maintain or enhance the amenity values and public access to and along the coastal marine area.**

POLICIES

- 5.2.3.1 Ensure that the marina and associated *commercial activities* are designed and operate in a way that maintains *amenity values* of the adjacent residential and commercial areas.
- 5.2.3.2 Ensure that activities operating in the Marine Services Zone do so in a manner that maintains and enhances public access to and along the coastal marine area within the zone.
- 5.2.3.3 Ensure that any development provides for *landscaping* to enhance the visual amenity of the zone and adjacent areas.

OBJECTIVE

- 5.2.4 Activities must have a functional need to locate in the *Coastal Environment* in proximity to the wharf infrastructure.

POLICY

- 5.2.4.1 To recognise and provide for activities that need access to wharf and marine related services in the *Coastal Environment*.

5.3 ACTIVITY STATUS

Resource consent is required for all Controlled, Restricted Discretionary, Discretionary and Non-complying activities. Resource consent is not required for Permitted activities provided all relevant standards are met.

Additional controls may apply in the following Chapters:

- Chapter 12 – Surface of Water Activities
- Chapter 13 – Landscapes, Indigenous Vegetation and Habitats
- Chapter 14 – Heritage
- Chapter 15 – Subdivision
- Chapter 16 – Financial Contributions
- Chapter 17 – Network Utilities
- Chapter 18 – Natural Hazards
- Chapter 19 – Coastal Environment Overlay

5.3.2 PERMITTED ACTIVITIES

5.3.2.1 Subject to compliance with the Zone Standards in 5.6, unless otherwise stated, the following activities may be established without resource consent from *Council*.

1. Activities on reserves as provided for in the Reserves Act 1977 or in an approved Reserve Management Plan.
2. *Temporary Activities*.
3. Maintenance work carried out by Bay of Plenty Regional Council on established drainage and flood control scheme works.
4. *Temporary buildings* and associated activities required for a *building* or construction project of not more than 12 months duration.
5. *Signs* listed in 5.6.12.1.
6. *Temporary Military Training Activities* complying with Appendix 3.
7. Navigational Aids.
8. Operation of a marina facility and associated maintenance.
9. Maintenance of lawfully existing wharf facilities.
10. Cafés.
11. *Restaurants*.
12. Carparking facilities.
13. Boat storage.
14. Boat sales.
15. Boat dry stack.
16. Tourism operations.
17. Harbour Master office.
18. Loading and unloading cargo and associated cargo handling activities.
19. Chandlery.
20. Vessel refuelling.
21. On water vessel maintenance.
22. Storage of aquaculture related equipment and materials.

23. Emergency services training and associated management activities.
24. *Accessory buildings* and activities *accessory* to a Permitted Activity.

5.3.3 CONTROLLED ACTIVITIES

5.3.3.1 The activities listed below may only be established after resource consent has been granted by *Council*. The *Council* may impose conditions only in relation to the matters over which it has reserved control in 5.4. The activities must comply with the Zone Standards in 5.6, unless otherwise stated.

1. *Places of assembly*.
2. *Temporary buildings* and associated activities not listed as a Permitted Activity.
3. *Temporary activities* not listed as a Permitted Activity.
4. *Temporary military training activities* not complying with Appendix 3.

5.3.4 RESTRICTED DISCRETIONARY ACTIVITIES

5.3.4.1 The activities listed below may only be established after resource consent has been granted by *Council*. The *Council* may refuse consent or grant consent and impose conditions only in relation to the matters over which it has restricted its discretion in 5.5. The activities must comply with the Zone Standards in Section 5.6, unless otherwise stated.

1. Activities not complying with 5.6.9 (Wastewater Connections), 5.6.10 (Stormwater Management) and 5.6.11 (Water Supply).
2. Activities not complying with 5.6.2.1 (Building Coverage), 5.6.2.2 (Height), 5.6.2.3 (Daylight Protection), 5.6.3 (Yards).
3. Construction of a marina in accordance with the Marina Structure Plan in Appendix 5.9.

5.3.5 DISCRETIONARY ACTIVITIES

5.3.5.1 The activities listed below may only be established after resource consent has been granted by *Council*. The *Council* may refuse consent or grant consent subject to conditions. The Zone standards in 5.6 will be used as a guideline when assessing the application.

1. Activities on a reserve, not included in an approved Reserve Management Plan.
2. *Signs* that are not provided for as a Permitted Activity.
3. Activities not in accordance with the Marina Structure Plan in Appendix 5.9.
4. Construction of a marina that is not in accordance with the Marina Structure Plan in Appendix 5.9.

5.3.6 NON-COMPLYING ACTIVITIES

5.3.6.1 The activities listed below may only be established if resource consent has been granted by *Council*. The *Council* may refuse or grant consent for a non-complying activity. The Zone standards in 5.6 will be used as a guideline when assessing the application.

1. Any activity not specifically stated as a Permitted, Controlled, Restricted Discretionary or Discretionary Activity or an activity which does not comply with the Zone Standards, unless otherwise stated.

5.4 CONTROLLED ACTIVITIES: MATTERS OVER WHICH CONTROL IS RESERVED

5.4.1 The *Council* has reserved control over the following matters:

5.4.1.1 Design and appearance

1. The design and appearance of the activity and how it relates to the *amenity values* of the surrounding areas, including as relevant *height*, bulk, colour, materials and proposed *landscaping* treatment.
2. The visual effect of any activity in relation to its location, *site* boundaries and topography.
3. The size and location of *buildings* having regard to the activities on the *site* and the effect on neighbouring properties.
4. The manner in which the *site* is to be *landscaped* and how effectively it will screen the activities and/or enhance the *amenity values* of the area.
5. The location and appearance of any *signs* associated with the activity.
6. The location/inclusion of pedestrian and cycle access and linkages, including public access to and along the coastal marine area.

5.4.1.2 Effects of the activity on adjoining sites

1. The size and location of *buildings* having regard to the activities on the *site* and the effect on neighbouring properties and coastal environment.
2. Any measures to be implemented to mitigate the effects from the activity, such as visual effects, odour, noise and light spill.
3. Mitigation of short term construction effects.

5.4.1.3. Vehicle access and manoeuvrability

1. The design and location of vehicular *access*, on-site manoeuvrability and whether vehicles can leave and enter the *site* safely.
2. The need for service lanes and *loading spaces* associated with the activity.

5.4.1.4 Historical, archaeological and cultural values and resources

1. The effect of the design and layout of the activities in relation to land, *buildings*, features and *waterbodies* which have historical and archaeological worth.
2. The effects of the activity on historic, archaeological and cultural values and resources of importance to Māori.
3. The effects of the activity on heritage and conservation values, both on the *site* and on adjoining *sites*.

5.4.1.5 Natural hazards

1. The extent to which the activity may accelerate or worsen the adverse effects of natural hazards.
2. The susceptibility of the *site* to natural hazards and the measures implemented to mitigate the effects of natural hazards.
3. The effects of the activity on the Duke Street ponding areas.
4. The effects of the activity on the Waioeka Ōtara Rivers Scheme.

5.4.1.6 Temporary Military Training Activities not complying with Appendix 3

1. Location in relation to noise sensitive activities.
2. Hours of operation and duration.

5.5 RESTRICTED DISCRETIONARY ACTIVITIES: MATTERS OVER WHICH DISCRETION IS RESTRICTED

5.5.1 Council has restricted its discretion over the following matters:

5.5.1.1 Construction of a marina

1. Consistency with the structure plan in Appendix 5.9
2. Treatment of wastes produced on the site: The programme for the treatment of any effluent and waste from the activity, including:
 - a. A description of the composition of the effluent and waste, this should include, but is not limited to:
 - i. Rubbish from vessels.
 - ii. Sewage from vessels.
 - iii. Bilge water from vessels.

-
- iv. Recyclable material including waste oils.
 - v. Residues from vessel construction, repair and maintenance.
 - vi. Spills from refuelling operations and refuelling equipment.
- b. Whether the effluent and waste is to be treated on-site, or whether the activity will connect to *Council's* waste treatment networks.
 - c. Treatment options for the waste.
 - d. Preferred treatment option to be implemented.
 - e. A description of the management of the effects from the effluent and waste produced by the activity.
3. Management of stormwater: The programme for the collection, containment, treatment and appropriate disposal of any stormwater from the activity, including whether a stormwater drainage system has been proposed that:
- i. Has no cross-connections or high flow vents/bypasses between stormwater and wastewater.
 - ii. Clearly identifies stormwater catchpits – for example, 'drains to sea' stencils, metal dolphins or blue snapper.
 - iii. Has a shut-off valve at the last point of entry to the stormwater system prior to leaving the marina *site* to intercept any spills.
 - iv. Incorporates hard-stand bunding, slot drains, collection sumps, piping, diversion, storage and recycling of wash water and stormwater, in order to prevent the discharge to the coastal marine area of *contaminants* associated with boat cleaning, repair and maintenance.
 - v. Separates high risk working/processing areas and waste storage areas away from stormwater catchpits/slot drains or other means of entry to the stormwater system.
 - vi. Regular procedures for inspection and maintenance/cleaning of all components of the stormwater drainage system, eg. cleaning of cesspits, treatment devices, shut-off valves.
- 4. Navigation safety:
 - 5. Mechanisms to avoid the introduction of harmful aquatic organisms
 - 6. Design and appearance
 - 7. Public access: provision for public access, including pedestrian and cycle access
 - 8. Offsetting adverse effects on adjacent biodiversity site

5.5.1.2 **Activities not complying with 5.6.9 (Wastewater Connections)**

1. Mitigation of effects on existing infrastructure and the environment from:
 - a. Sewerage flow volumes.
 - b. Sewerage flow rates.
 - c. Sewerage flow timing.
 - d. Sewerage connections and on-site reticulation/infrastructure specifications.
 - e. Practicality of connection to *Council's* existing infrastructure.

5.5.1.3 **Activities not complying with 5.6.10 (Stormwater Management)**

1. Mitigation of effects on existing infrastructure, adjacent/downstream properties and the environment from:
 - a. Stormwater runoff.
 - b. Stormwater connections and on-site reticulation/infrastructure specifications.

5.5.1.4 **Activities not complying with 5.6.11 (Potable Water Supply)**

1. Management of water supply demand in relation to:
 - a. Water flow rates.
 - b. Water flow volumes.
 - c. Water supply connections specifications.

5.5.1.5 **Activities not complying with 5.5.3.3 (Building setback from Council pipelines)**

1. The obstruction of *access* to existing wastewater, water supply or stormwater reticulation.

5.5.1.6 **Activities not complying with 5.6.2.1 (Building Coverage), 5.6.2.2 (Height), 5.6.2.3 (Daylight Protection), and 5.6.3 (Yards)**

1. The adverse effects on the amenity of sites in terms of:
 - a. Shadowing
 - b. Physical domination
 - c. Privacy
 - d. Lighting.

5.5.1.7 **Natural Hazard Occurrence**

1. The susceptibility of the site to natural hazards and the measures implemented to mitigate the effects of natural hazards.
2. The effects that the activity may have on the Volkners Island and Tarawa Creek ponding areas.

5.5.1.8 Historical, archaeological and cultural values and resources

1. The effect of the design and layout of the activities in relation to land, buildings, features and waterbodies which have historical and archaeological value.
2. The effects of the activity on historic archaeological and cultural values and resources of importance to Māori.
3. The effects of the activity on heritage and conservation values, on the site and on adjoining sites.

5.5.1.9 Effects of the activity on adjoining sites

1. The size and location of *buildings* having regard to the activities on the *site* and the effect on neighbouring properties and coastal environment.
2. Any measures to be implemented to mitigate the effects from the activity, such as visual effects, odour, noise and light spill.
3. Mitigation of short term construction effects.

5.5.1.10 Vehicle access and manoeuvrability

1. The design and location of vehicular *access*, on-site manoeuvrability, and whether vehicles can leave and enter the *site* safely.
2. The need for service lanes and *loading spaces* associated with the activity.

5.6 ZONE STANDARDS

These Zone Standards apply to all permitted, controlled and restricted discretionary activities, unless otherwise stated. They will be used as a guideline when assessing applications for discretionary and non-complying activities.

Temporary Military Training Activities are exempt from complying with Zone Standards.

5.6.1 DESIGN**5.6.1.1 Marina Design**

1. The marina design shall be in general accordance with the Marina Structure Plan in Appendix 5.9.
2. Non-compliance with this Rule shall be considered a Discretionary Activity.

5.6.1.2 Activities within a Marina

1. Activities shall be located in general accordance with the Marina Structure Plan in Appendix 5.9.
2. Non-compliance with this rule shall be considered a Discretionary Activity.

5.6.2 SITE REQUIREMENTS

5.6.2.1 Building Coverage

1. The maximum footprint of a *building* shall be 1000m² unless otherwise provided for under a Reserve Management Plan.
2. Non-compliance with this rule shall be considered a Restricted Discretionary Activity.

5.6.2.2 Height

1. The maximum *height of buildings* within the zone shall be 9m.
2. Non-compliance with this rule shall be considered a Restricted Discretionary Activity.

5.6.2.3 Daylight protection

1. No part of any *building* shall penetrate a daylight recession plane of 45° from a *height* of 2.7m above finished ground level at any boundary with a Town Centre or Residential Zone.
2. Non-compliance with this rule shall be considered a Restricted Discretionary Activity.

5.6.3 YARDS

5.6.3.1 Separation from adjoining properties

1. 7.5m from a boundary with a Residential Zone.
2. Non-compliance with this rule shall be considered a Restricted Discretionary Activity.

5.6.3.2 Building setbacks from roads

1. All *buildings* shall be set back at least 4.5m from a boundary with a *road* where the land opposite is not zoned Marine Services Zone.
2. Non-compliance with this rule shall be considered a Restricted Discretionary Activity.

5.6.3.3 Building setback from Council pipelines

1. No *building* shall be located closer than the greater of either:
 - a. 1.5m from the centre of any public sewer or public stormwater line, or
 - b. The sum of depth to the centreline of the line, plus the diameter of the line, plus 0.2m from the centre of that line.
2. Non-compliance with this rule shall be assessed as a Restricted Discretionary Activity.

5.6.4 LANDSCAPING

5.6.4.1 Screening of storage areas

Any area used for storage of refuse or recycling shall be screened from a public place by *landscaping* or fencing.

5.6.4.2 Visibility at intersections

To protect sight distances at the intersection of *roads*, the area within 6m of the intersection of two front boundaries (or the projection of those front boundaries where they do not meet) shall be kept clear of any obstruction over 1m in *height*. This restriction shall not apply to power poles or street lights.

5.6.4.3 Screening and landscaping

Landscaping shall be provided along the frontage of the *site* where the land opposite is zoned Residential and along the *road* frontage of carparking areas.

5.6.5 NOISE AND GLARE

5.6.5.1 Noise

1. All activities on a *site* shall be designed and conducted so as to ensure that the following noise limits are not exceeded at any point within the Zone. Provided that at any point within the Coastal or Residential Zone the noise limits for the relevant Zone shall be complied with. These standards shall not apply to sirens used by *emergency services*.

Noise Limits dB		
Receiving Zone	Daytime 7am to 10pm, Monday to Sunday including public holidays	Night time At all other times
Marine Services Zone	65LAeq	40LAeq 70LAMax

2. Except where expressly provided elsewhere in this Plan, noise shall be measured in accordance with the provisions of NZS 6801:2008 Acoustics – Measurement of Environmental Sound, and assessed in accordance with the provisions of NZS 6802:2008 Acoustics -Environmental Noise.

3. Construction noise in any zone shall not exceed the recommended limits and shall be measured and assessed in accordance with the provisions of NZS 6803P:1999 Acoustics - Construction Noise.

5.6.5.2 Lighting and Glare

All exterior security lighting shall be designed, installed, and maintained so that the light emitted does not overspill *site* boundaries or cause distraction or glare which could affect traffic safety on adjacent *roads*.

5.6.6 LOADING AND ACCESS

5.6.6.1 Loading and access

1. Provision shall be made for the *loading spaces* for on-site and at the rear of *sites* in such a way that no footpath or *access* to adjoining properties is blocked.
2. No vehicle *access* shall be located within 15m of an intersection.

ADVICE NOTES:

1. There are no minimum carparking requirements for the Marine Services Zone.
2. The application shall have regard to Appendix 6 where guidance for carparking is required.

5.6.7 VEHICLE ENTRANCES

- 5.5.7.1 Vehicle entrance designs shall be designed and constructed to comply with Appendix 4.

ADVICE NOTE:

Additional access width may be necessary to provide for emergency service vehicles in accordance with SNZ PAS 4509:2008 (refer 17.6.10 Advice Note)

5.6.8 FLOOR LEVELS

5.6.8.1 Floor levels shall be sufficient to ensure that water does not enter *buildings* in a 1% AEP (Annual Exceedance Probability) event within the *Coastal Environment* or a 2% AEP event for areas outside the *Coastal Environment*. *Council* will determine the appropriate freeboard that needs to be added to the flood level to set the required minimum floor level.

5.6.9 WASTEWATER CONNECTIONS

5.6.9.1 All new developments within any of *Council's* wastewater scheme boundaries shall connect to the *Council's* wastewater system.

5.6.9.2 All new wastewater management systems shall be designed and constructed in accordance with 17.6.8.

5.6.10 STORMWATER MANAGEMENT

5.6.10.1 A stormwater disposal system shall be provided for any residential, community or business activity.

5.6.10.2 The stormwater management system shall be designed and constructed in accordance with Rule 17.6.9.

5.6.11 POTABLE WATER SUPPLY

5.6.11.1 A potable water supply shall be provided to each site and where connected to *Council's* water supply shall be designed and constructed in accordance with Rule 17.6.10.

5.6.11.2 WASTE MANAGEMENT

Waste containing food waste shall be stored in vermin proof containers until removed from the site.

5.6.12 SIGNS

5.6.12.1 The following *signs* shall be permitted subject to meet the standards in 5.6.12.2:

1. *Signs* attached to *buildings* provided that the total area does not exceed 4m².
2. Two free-standing pole-mounted *signs* on a *site* where the frontage of the *building* is set back more than 5m from a *road* boundary, provided that each sign does not exceed 5m in *height* and 4m² in area.
3. A *temporary sign* with a maximum area of 1.8m², where the written consent of the

landowner has been obtained and provided to Council.

4. *Official signs*

3.6.12.2 *Signs shall not:*

1. Have reflective material or illumination that flashes or moves;
2. Obstruct or impair the view of any official traffic *sign* and signal or the line of sight at any corner, bend, intersection of vehicle crossing;
3. Physically obstruct or impede traffic or pedestrians;
4. Resemble or be likely to be confused with any official traffic *signs* or *signs*;
5. Use support structures that are not frangible.

ADVICE NOTE:

1. Council controls signs under the Ōpōtiki District Council Consolidated Bylaws 2020.
2. Where signs on private property will be visible from a State Highway and resource consent is required, the NZ Transport Agency should be consulted in relation to traffic safety effects. It should also be noted that NZ Transport Agency controls signs on the State highway corridor Legal Road under the NZ Transport Agency Signs on State Highway Bylaw July 2010.

5.7 OTHER METHODS

5.7.1 Other methods for achieving the objectives and policies of this section are:

1. Using the Reserve Management Plan process under the Reserves Act 1997 to formulate a development proposal in consultation with the community.
2. Retailers and residents street beautification programmes through the use of *landscaping* and tree planting.
3. Information sharing and education through Bay of Plenty Regional Council and *Council's* association with industry.
4. Use of codes of practice to enable compliance with the Rules of the Plan.
5. Use Land Information Memoranda (LIM) and Project Information Memoranda (PIM) to provide information on existing site contamination, potential site contamination, and on adjoining activities that make use of *hazardous substances*.
6. Use Land Information Memoranda (LIM) and Project Information Memoranda (PIM) to provide information on known natural hazards to potential developers and applicants.
7. Use *Council's* capital works programmes for street paving, street kerbing and channelling.
8. Use consents from Bay of Plenty Regional Council for earthworks, land disturbance and discharges to air, land, and water.

5.8 EXPECTED ENVIRONMENTAL RESULTS

Environmental outcomes anticipated from the implementation of the objectives and policies of this section are:

- A.** A well designed marina and associated facilities that connect to the town's commercial area and provides greater opportunity for the public to enjoy the reserve and access the coastal environment.

- B.** Management of activities within the Marine Services Zone so that adverse effects on nearby residential areas are minimised.

5.9 APPENDIX

5.9.1 MARINE SERVICES ZONE STRUCTURE PLAN



Chapter 6

Industrial Zone



6. INDUSTRIAL ZONE

6.1 RESOURCE MANAGEMENT ISSUES

1. There is a potential for adverse effects from activities undertaken within the zone to reduce the amenity and productive values of the zone and also the adjacent rural land. These adverse effects include higher noise levels, generation of dust, grit and odour effects, light spill and glare and visitation to the sites from higher numbers of heavy transport vehicles.
2. Parts of the industrial areas of the Ōpōtiki Town may be adversely affected by flooding which may compromise the health and safety of people in adjoining residential areas and the quality of the Industrial Zone environment. The effects of activities such as earthworks, may compromise the capacity of ponding areas.
3. The location of hazardous substance storage, use, or disposal facilities within areas susceptible to natural hazards can have significant adverse effects on the quality of the environment.
4. Activities located within the zone use substances that have the potential to contaminate the site, stormwater draining from the site and adjoining natural and physical resources.
5. Industrial activities can give rise to adverse effects on the surrounding amenity, particularly when they are adjoining more sensitive zones such as a Rural, Residential or Mixed Use Zones within the District.
6. Activities can adversely affect the safety, sustainability and efficiency of the transport network.
7. There is a shortage of accommodation facilities for seasonal workers working in horticulture post-harvest facilities.

6.2 OBJECTIVES AND POLICIES

OBJECTIVE

- 6.2.1 Enable industrial activities to establish in industrial zones where the adverse effects of activities are managed both in the zone and between adjoining zones.**

POLICIES

- 6.2.1.1 Enable *industrial activities* to establish in the Industrial Zone without undue constraint so that the adverse effects from their activities can be managed to facilitate compliance with the Zone Standards.

INDUSTRIAL ZONE

- 6.2.1.2 Control the location of *retail activities* within the zone to ensure that the qualities and characteristics of the zone are maintained and impacts on the Town Centre Zone are minimised.
- 6.2.1.3 Ensure that there is adequate on-site manoeuvring space for vehicles using *sites* within the Industrial Zone.
- 6.2.1.4 Manage activities that wish to locate in flood prone areas so that the effects of hazards can be mitigated by protection measures such as stopbanks, minimum floor levels or design.
- 6.2.1.5 Ensure that any effects of activities within the Industrial Zone do not adversely affect the efficient functioning and capacity of ponding areas and overland flow paths.
- 6.2.1.6 Landscaping will be provided where the industrial activity is directly across the road from or directly adjoins the Residential, Rural or Mixed Activity Zone and there is potential to affect the *amenity values* of those zones.
- 6.2.1.7 To provide for the location of *seasonal worker accommodation* on the same site as *post-harvest facilities* in Industrial Zone.

OBJECTIVE

- 6.2.2 **Activities undertaken within the zone do so in a manner that avoids, remedies or mitigates their adverse effects on the receiving environment.**

POLICIES

- 6.2.2.1 Maintenance of *sites* within the Industrial Zone at a level that will not detract from the character of an adjacent zone, including requiring *landscaping* of service and storage areas where visible from adjoining zones.
- 6.2.2.2 The mitigation or avoidance of potential adverse effects such as noise, litter, glare and traffic movements, on the *site*, on adjoining *sites*, with the Industrial Zone and in adjoining zones.

OBJECTIVE

- 6.2.3 **Manage activities to ensure vehicle movement is undertaken in a safe and efficient manner that does not adversely affect the functioning of the transport network.**

POLICIES

- 6.2.3.1 To avoid, remedy or mitigate the adverse effects of Industrial Zone activities on the safety and efficiency of the transport network.

6.3 ACTIVITY STATUS

Resource consent is required for all Controlled, Restricted Discretionary, Discretionary and Non-complying activities. Resource consent is not required for Permitted activities provided all relevant standards are met.

Additional controls may apply in the following Chapters:

- Chapter 12 – Surface of Water Activities
- Chapter 13 – Landscapes, Indigenous Vegetation and Habitats
- Chapter 14 – Heritage
- Chapter 15 – Subdivision
- Chapter 16 – Financial Contributions
- Chapter 17 – Network Utilities
- Chapter 18 – Natural Hazards
- Chapter 19 – Coastal Environment Overlay

6.3.2 PERMITTED ACTIVITIES

6.3.2.1 Subject to compliance with the Zone Standards in Section 6.6, unless otherwise stated, the following activities may be established without resource consent from *Council*:

1. *Industrial activities* including food and seafood processing, packing and storage.
2. *Accessory retail activities* to a Permitted or Controlled Activity where the *total floor area* related to retailing is the lesser of either 100m² or 20% of the *total floor area*.
3. Maintenance work carried out by Bay of Plenty Regional Council on established drainage and flood control scheme works.
4. Activities on reserves as provided for in the Reserves Act 1977 or in an approved Reserve Management Plan.
5. *Temporary buildings* and associated activities required for a *building* or construction project of not more than 12 months duration.
6. *Signs* listed in 6.6.13.1.
7. Any activity that is not listed in this Chapter and which complies with the Zone Standards.
8. Sawmilling and timber processing.
9. *Temporary Military Training Activities* complying with in Appendix 3.
10. The relocation and re-siting of a *building*.
11. *Community correction activities*.
12. *Seasonal worker accommodation* for up to 24 people per night located on the same site as *post-harvest facilities*.
13. *Emergency services training* and associated management activities.

14. *Emergency service facilities.*
15. *Accessory buildings and activities accessory to a Permitted Activity.*

6.3.3 CONTROLLED ACTIVITIES

6.3.3.1 The activities listed below may only be established after resource consent has been granted by *Council*. The *Council* may impose conditions only in relation to the matters over which it has reserved control in section 6.4. The activities must comply with the Zone Standards in section 6.6, unless otherwise stated.

1. *Accessory buildings and activities accessory to a Controlled Activity.*
2. *Places of assembly.*
3. *Temporary buildings and associated activities not listed as a Permitted Activity, provided that where the site access is to a state highway, the written comments of the NZ Transport Agency will be required, and will need to be submitted as part of any application lodged.*
4. *A sign listed in 6.6.13.2.*
5. *Activities otherwise permitted or controlled where the site access is to a state highway and the written approval of NZ Transport Agency has been obtained and is submitted as part of any application.*
6. *Temporary Military Training Activities not complying with Appendix 3.*

6.3.4 RESTRICTED DISCRETIONARY ACTIVITIES

6.3.4.1 The activities listed below may only be established after resource consent has been granted by *Council*. The *Council* may refuse consent or grant consent and impose conditions only in relation to the matters over which it has restricted its discretion in 6.5. The activities must comply with the Zone Standards in Section 6.6, unless otherwise stated.

1. *Food selling premises.*
2. *Relocation or resiting of a building not complying with Zone Standards.*
3. *Activities not complying with 6.6.1.2 (Height), 6.6.1.3 (Daylight protection), 6.6.2.1 (Yards), and 6.6.2.2 (Setback from roads).*
4. *Activities not complying with 6.6.8 (Wastewater Connections), 6.6.9 (Stormwater Management), and 6.6.10 (Water Supply), and 6.6.2.3 (Building setbacks from Council pipelines).*
5. *Seasonal worker accommodation for more than 24 people per night located on the same site as post-harvest facilities.*

6.3.5 DISCRETIONARY ACTIVITIES

6.3.5.1 The activities listed below may only be established after resource consent has been granted by *Council*. The *Council* may refuse consent or grant consent subject to conditions. The Zone standards in 6.6 will be used as a guideline when assessing the application.

1. *Education facilities*.
2. Any activity involving *access* to or from the State Highway not provided for as a controlled activity.
3. *Signs* listed in 6.6.13.3 or that are not provided for as a Permitted or Controlled Activity.

6.3.6 NON-COMPLYING ACTIVITIES

6.3.6.1 The activities listed below may only be established if resource consent has been granted by *Council*. The *Council* may refuse or grant consent for a non-complying activity. The Zone standards in 6.6 will be used as a guideline when assessing the application.

1. Any activity not specifically stated as a Permitted, Controlled, Restricted Discretionary or Discretionary Activity or an activity which does not comply with the Zone Standards, unless otherwise stated.

6.4 CONTROLLED ACTIVITIES: MATTERS OVER WHICH CONTROL IS RESERVED

6.4.1 The *Council* has reserved control over the following matters:

6.4.1.1 Design and appearance

1. The design and appearance of the sign, building or activity and how it relates to the *amenity values* of the surrounding areas, including as relevant, *height*, bulk, colour, materials and proposed *landscaping* treatment.
2. The visual effect of any activity in relation to its location, *site* boundaries and topography.
3. The size and location of *buildings* with regard to the activities on the *site* and the effect on neighbouring properties.
4. The manner in which the *site* is to be landscaped and how effectively it will screen the activities or enhance the *amenity values* of the area.
5. The location and appearance of any *signs* associated with the activity.

6.4.1.2 Effects of the activity on adjoining sites

1. The size and location of *buildings* with regard to the activities on the *site* and the effect on neighbouring properties.
2. Any measures to be implemented to mitigate the effects from the activity, such as visual effects, odour, noise and light spill.

6.4.1.3 Vehicle access and manoeuvrability

1. The design and location of vehicular *access*, on-site manoeuvrability, and whether vehicles can leave and enter the *site* safely.
2. The need for service lanes and *loading spaces* associated with the activity.

6.4.1.4 Historical, archaeological and cultural values and resources

1. The effect of the design and layout of the activities in relation to land, *buildings*, features and *waterbodies* which have historical and archaeological worth.
2. The effects of the activity on historic, archaeological and cultural values and resources of importance to Māori.
3. The effects of the activity on heritage and conservation values on the site and on adjoining *sites*.

6.4.1.5 Natural hazards

1. The extent to which the activity may accentuate the adverse effects of natural hazards.
2. The susceptibility of the *site* to natural hazards and the measures implemented to mitigate the effects of natural hazards.
3. The effects of the activity on the Duke Street ponding areas.

6.4.1.6 Treatment of wastes produced on the site

1. The programme for the treatment of any effluent and waste from the activity, including:
 - a. A description of the composition of the effluent and waste.
 - b. Whether the waste is to be treated on-site or whether the activity will connect to *Council's* waste treatment networks.
 - c. Treatment options for the waste.
 - d. Preferred treatment option to be implemented.
 - e. A description of the management of the effects from the waste produced by the activity.

6.4.1.7 Temporary Military Training Activities not complying with Appendix 3

1. Location in relation to noise sensitive activities.
2. Hours of operation and duration.

6.5 RESTRICTED DISCRETIONARY ACTIVITIES: MATTERS OVER WHICH DISCRETION IS RESTRICTED

6.5.1 Council has restricted its discretion over the following matters:

6.5.1.1 Relocation or re-siting of a building not complying with Rule 6.6.7

1. Proposed *landscaping*, including opportunities to screen the *building* during reinstatement.
2. Proposed timetable for completion of re-instatement works;
3. The appearance of the building when re-instated;
4. Maintenance of the *site* and surrounds during reinstatement.

6.5.1.2 Activities not complying with 6.6.1.2 (Height), 6.6.1.3 (Daylight protection), 6.6.2.1 (Yards), and 6.6.2.2 (Setback from roads)

1. Shadowing.
2. Physical domination.
3. Privacy.
4. Lighting.

6.5.1.3 Activities not complying with 6.6.8 (Wastewater Connections)

1. Mitigation of effects on existing infrastructure and the environment from:
 - a. Sewerage flow volumes.
 - b. Sewerage flow rates.
 - c. Sewerage flow timing.
 - d. Sewerage connections and on-site reticulation/infrastructure specifications.
 - e. Practicality of connection to *Council's* existing infrastructure.

6.5.1.4 Activities not complying with 6.6.9 (Stormwater Management)

1. Mitigation of effects on existing infrastructure, adjacent/downstream properties and the environment from:
 - a. Stormwater runoff.
 - b. Stormwater connections and on-site reticulation/infrastructure specifications.

6.5.1.5 Activities not complying with 6.6.10 (Water Supply)

1. Management of water supply demand in relation to:
 - a. Water flow rates.
 - b. Water flow volumes.

c. Water supply connections specifications

6.5.1.6 **Activities not complying with Rule 6.6.2.3 (Building setback from Council pipelines)**

1. The obstruction of *access* to existing wastewater, water supply or stormwater reticulation.

6.5.1.7 **Natural Hazard Occurrence**

1. The susceptibility of the site to natural hazards and the measures implemented to mitigate the effects of natural hazards
2. The effect that the activity may have on the Volkners Island and Tarawa Creek ponding areas
3. The extent to which the activity may accentuate the adverse effects of natural hazards.

6.5.1.8 **Historical, archaeological and cultural values and resources**

1. The effect of the design and layout of the activities in relation to land, buildings, features and waterbodies which have historical and archaeological worth,
2. The effects of the activity on historic archaeological and cultural values and resources of importance to Māori
3. The effects of the activity on heritage and conservation values, both on the site and on adjoining sites.

6.5.1.9 **Seasonal worker accommodation for more than 24 people per night located on the same site as post-harvest facilities**

1. The effect of the activity on the noise amenity effects on surrounding neighbours and measures to mitigate the effects of the activity.

6.6 ZONE STANDARDS

These Zone Standards apply to all permitted, controlled and restricted discretionary activities, unless otherwise stated. They will be used as a guideline when assessing applications for discretionary and non-complying activities.

Temporary Military Training Activities are exempt from complying with Zone Standards.

6.6.1 SITE REQUIREMENTS

6.6.1.1 Site coverage

No limit, subject to compliance with Zone Standards 6.6.2 (Yards) and 6.6.5 (Parking).

6.6.1.2 Height

1. The maximum *height of buildings* within the zone is 12m. Hose drying towers associated with *emergency service* facilities may be up to 15m high.

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2. Non-compliance with this standard shall be considered a Restricted Discretionary Activity.

6.6.1.3 Daylight protection

1. No part of any *building* shall penetrate a daylight recession plane of 45° from a *height* of 2.7m above finished ground level at any boundary with a Rural, Residential or Mixed Activity Zone.
2. Non-compliance with this standard shall be considered a Restricted Discretionary Activity.

6.6.2 YARDS

6.6.2.1 Building separation from adjoining properties

1. 7.5m from a boundary with the Residential, Rural or Mixed Activity Zone.
2. Non-compliance with this standard shall be considered a Restricted Discretionary Activity.

6.6.2.2 Building setbacks from roads

1. All *buildings* shall be set back at least 4.5m from the *road* boundary where the land opposite is not zoned Industrial.
2. Non-compliance with this standard shall be considered a Restricted Discretionary Activity.

6.6.2.3 Building setbacks from Council pipelines

1. No *building* shall be located closer than the greater of either:
 - a. 1.5m from the centre of any public sewer or public stormwater line, or
 - b. The sum of depth to the centreline of the line, plus the diameter of the line, plus 0.2m from the centre of that line.
2. Non-compliance with this standard shall be assessed as a Restricted Discretionary Activity.

6.6.3 LANDSCAPING

6.6.3.1 Landscaping

1. All *industrial activities* shall provide a minimum 3m *landscaping* strip when adjoining a Rural, Residential or Mixed Activity zoned site or where the boundary is a *road* and the zone on the opposite side of that *road* is Rural, Residential or Mixed Activity Zone.
2. The 3m landscaping strip shall be planted with evergreen shrubs which will reach a minimum height of 1.8m and provide a continuous screen.

6.6.3.2 Visibility at intersections

To protect sight distances at the intersection of *roads*, the area within 6m of the intersection of two front boundaries (or the projection of those front boundaries where they do not meet) shall be kept clear of any obstruction over 1m in *height*. This restriction shall not apply to power poles or street lights.

6.6.3.3 Screening and landscaping adjoining State Highways

Any non-residential activity that fronts State Highway 2 or State Highway 35 shall provide *landscaping* along the frontage of the *site* boundary that adjoins the State Highway.

6.6.4 NOISE AND GLARE

6.6.4.1 Noise

- All activities on a *site* shall be designed and conducted so as to ensure that the following noise limits are not exceeded at any point within the boundary of any Industrial Zone *site*. Provided that at the boundary of a *site* within the Residential and Mixed Activity Zone or the notional boundary with the Rural Zone the noise limits for the relevant zone shall be complied with. These standards shall not apply to sirens used by *emergency services*.

Noise Limits dB		
Receiving Zone	Daytime 7am to 10pm, Monday to Sunday including public holidays	Night time At all other times
Industrial	75LAeq	70LAeq 80LAmx

- Except where expressly provided elsewhere in this Plan, noise shall be measured in accordance with the provisions of NZS 6801:2008 Acoustics - Measurement of Environmental Sound, and assessed in accordance with the provisions of NZS 6802:2008 Acoustics - Environmental Noise.
- Construction noise in any zone shall not exceed the recommended limits and shall be measured and assessed in accordance with the provisions of NZS 6803P:1999 Acoustics - Construction Noise.

6.6.4.2 Lighting and glare

All exterior security lighting shall be designed, installed and maintained so that the light emitted does not overspill *site* boundaries or cause distraction or glare which could affect traffic safety on adjacent *roads*.

6.6.5 LOADING AND ACCESS

1. Provision shall be made for *loading spaces* on-site and at the rear of *sites*, in such a way that no footpath or *access* to adjoining properties is blocked.
2. No vehicle *access* shall be located within 15m of an intersection.

ADVICE NOTES:

1. There are no minimum carparking requirements for the Industrial Zone.
2. The application shall have regard to Appendix 6 where guidance for carparking is required.

6.6.6 FLOOR LEVELS

6.6.6.1 Floor levels shall be sufficient to ensure that water does not enter *buildings* in a 1% AEP (Annual Exceedance Probability) event within the *Coastal Environment* or 2% AEP event for areas outside the *Coastal Environment*. *Council* will determine the appropriate freeboard that needs to be added to the flood level to set the required minimum floor level.

6.6.7 RELOCATION OR RE-SITING OF A BUILDING

6.6.7.1 The relocation of a *building* must comply with the following:

1. A *building* inspection report shall accompany the *building* consent for the *building*. The report shall identify all *reinstatement work* required to the exterior of the *building*;
2. The *building* shall be located on permanent foundations approved by *building* consent no later than two months from the *building* being moved to the *site*.
3. All work required to reinstate the exterior of the relocated *building* in accordance with the building inspection report shall be completed within 12 months of the *building* being relocated on the *site*.
4. The proposed owner of the relocated *building* must certify to the Council that the *reinstatement work* will be completed within the 12 month period.

6.6.7.2 Non-compliance with this Rule shall be considered as a Restricted Discretionary Activity.

6.6.8 WASTEWATER CONNECTIONS

6.6.8.1 All new developments within any of Council's wastewater scheme boundaries shall connect to the Council's wastewater system.

1. All new wastewater management systems shall be designed and constructed in accordance with 17.6.8.

6.6.9 STORMWATER MANAGEMENT

1. A stormwater disposal system shall be provided for any residential, community or business activity.
2. The stormwater management system shall be designed and constructed in accordance with Rule 17.6.9.

6.6.10 POTABLE WATER SUPPLY

1. A potable water supply shall be provided to each site and where connected to *Council's* water supply shall be designed and constructed in accordance with Rule 17.6.10.

6.6.11 VEHICLE ENTRANCES

6.6.11.1 Vehicle entrances shall be shall be designed and constructed to shall comply with Appendix 4.

ADVICE NOTE:

Additional access width may be necessary to provide for emergency service vehicles in accordance with SNZ PAS 4509:2008 (refer 17.6.10 Advice Note)

6.6.12 SEASONAL WORKER ACCOMMODATION

1. The activity shall operate only for *seasonal worker accommodation* associated with the post-harvest facility and/or orchard operations associated with the facility.
2. The facility shall provide a combination of communal kitchen and eating areas and sleeping and ablution facilities
3. The facility shall be constructed in accordance with the Code of Practice for Able Bodied Seasonal Workers published by Ministry of Business, Innovation and Employment 2008.
4. The facility shall be located no less than 100m from any dwelling established in an adjoining zone. This may be reduced with the written consent of the owner of the neighbouring property.

5. An outdoor recreation area shall be provided with a minimum area of 50m² for every ten workers accommodated on the site.
6. An indoor recreation or communal area shall be provided with a minimum area of 25m² for every ten workers accommodated on the site.

6.6.13 SIGNS

6.6.13.1 The following signs shall be permitted subject to compliance with the standards in 6.6.13.4:

1. A *sign* with a maximum total area of 0.5m² for each 1m of *building* frontage or *site* frontage, whichever is the lesser.
2. Two free-standing pole-mounted *signs* where the frontage of the *building* is set back more than 5m from a *road* boundary, provided that each *sign* does not exceed 5m in *height* and 4m² in area.
3. A *temporary sign* with a maximum area of 1.8m², where the written consent of the landowner has been obtained and provided to Council.
4. *Official signs*.

6.6.13.2 A *sign* with a maximum area of 1.1m² shall be a controlled activity in relation to any public purpose or on the same *site* as any of the following activities:

1. Recreation reserves
2. Churches and other *places of assembly*
3. *Education facilities*
4. Hospitals
5. *Community activities*
6. *Visitor accommodation*
7. Tourist or special information, including places or points of special interest.

6.6.13.3 The following *signs* shall be Discretionary Activities:

1. Illuminated *signs* that are not a Permitted Activity
2. Flashing, animated, trivision, revolving lights, lasers or aerial *signs* located adjacent to a state highway.
3. Free standing *signs* located within the boundary of a state highway with a speed limit of 50km/h or less.
4. Advance warning *signs* erected on a *road*.

- 6.6.13.4 *Signs* shall not:
1. Have reflective material or illumination that flashes or moves;
 2. Obstruct or impair the view of any official traffic sign and signal or the line of sight at any corner, bend, intersection of vehicle crossing;
 3. Physically obstruct or impeded traffic or pedestrians;
 4. Resemble or be likely to be confused with any official traffic signs or signs;
 5. Use support structures that are not frangible.

ADVICE NOTES:

1. Council controls signs under the Ōpōtiki District Council Consolidated Bylaws 2020.
2. Where signs on private property will be visible from a State Highway and resource consent is required, the NZ Transport Agency should be consulted in relation to traffic safety effects. It should also be noted that NZ Transport Agency controls signs on the State highway corridor Legal Road under the NZ Transport Agency Signs on State Highway Bylaw July 2010.

6.7 OTHER METHODS

- 6.7.1 Other methods for achieving the objectives and policies of this section are:
1. Retailers and residents street beautification programmes through the use of *landscaping* and tree planting.
 2. Information sharing and education through Bay of Plenty Regional Council and *Council's* association with industry.
 3. Use of industry codes of practice to enable compliance with the Rules of The Plan.
 4. Use Land Information Memoranda (LIM) and Project Information Memoranda (PIM) to provide information on existing site contamination, potential site contamination, and on adjoining activities that make use of hazardous substances.
 5. Use Land Information Memoranda (LIM) and Project Information Memoranda (PIM) to provide information on known natural hazards to potential developers and applicants.
 6. Use *Council's* capital works programmes for street paving, street kerbing and channelling.
 7. Using Land Information Memoranda to increase awareness of the need to obtain consents from Bay of Plenty Regional Council for discharges to air, land, and water.

6.8 EXPECTED ENVIRONMENTAL RESULTS

Environmental outcomes anticipated from the implementation of the objectives and policies of this section are:

- A.** An industrial area of the Ōpōtiki Township that accommodates a wide range of industrial activities.

- B.** Conscientious management of activities within the Industrial Zone where adverse effects on neighbouring residences are minimised.

Chapter 7

Harbour Industrial Zone



7. HARBOUR INDUSTRIAL ZONE

7.1 RESOURCE MANAGEMENT ISSUES

1. There is a potential for adverse effects from activities undertaken within the zone to reduce the *amenity values* of the zone and also adjacent rural land. These adverse effects include higher noise levels, generation of dust, grit, and odour effects, light spill and glare, and higher numbers of heavy transport vehicles.
2. Retail activities within the Harbour Industrial Zone have the potential to generate adverse effects on the Town Centre by detracting from its focus as the primary retail shopping area within Ōpōtiki.
3. Parts of the harbour industrial area can be adversely affected by flooding which may compromise the health and safety of people in adjoining areas and the quality of the Harbour Industrial Zone environment. The vehicle access to the State Highway is particularly vulnerable because it crosses an identified floodway.
4. Storage and servicing areas for the types of activities anticipated within the Harbour Industrial Zone can adversely affect the amenity values of adjoining zones if not appropriately located and screened.
5. Activities can adversely affect the safety, sustainability and efficiency of the transport network.
6. The successful establishment of activities in the zone will be reliant on the development of a wharf and ongoing access to it.
7. The integrity of the stopbank needs to be maintained to provide ongoing flood protection and this may include upgrades if necessary.
8. Potential for increased threats to and adverse effects on indigenous species in adjacent wetland areas.
9. The population and environment could be harmed from unwanted organisms such as flies, mites, ticks, mosquitoes (including exotic mosquitoes capable of carrying disease) or other insects which may cause a health nuisance to nearby residents.

7.2 OBJECTIVES AND POLICIES

OBJECTIVE

- 7.2.1 The infrastructure and operational needs of the aquaculture, fishing and marine industries are provided for in the zone as a matter of priority.**

POLICIES

- 7.2.1.1 Enable aquaculture and marine related industry to establish in the Harbour Industrial Zone with appropriate controls so that the adverse effects on the receiving environment from these activities and associated structures are minimised.
- 7.2.1.2 Control the location and scale of *retail activity* within the zone to ensure that the qualities and characteristics of the zone are maintained.
- 7.2.1.3 Ensure the wharf area is maintained for active operation without *buildings* or other activities adversely affecting its efficient operation as primary port infrastructure.
- 7.2.1.4 Ensure that there is adequate on-site parking and manoeuvring space for vehicles using sites within the zone.
- 7.2.1.5 Ensure that development within the Harbour Industrial Zone does not adversely affect the efficient functioning and capacity of stormwater systems.
- 7.2.1.6 Limit retail activities to those that primarily service other users located within the zone.

OBJECTIVE

- 7.2.2 The land area within the Harbour Industrial Zone is used principally for those activities that require harbour access or need to use that infrastructure to operate and support the aquaculture, fishing and marine industries.**

POLICIES

- 7.2.2.1 Provide for a range of Harbour Industrial Zone activities that rely on the proximity of the harbour margin and associated infrastructure, together with necessary complementary activities, and ensure that activities that do not require such a location are directed to other zones in the District.

OBJECTIVE

- 7.2.3 Activities within the zone are undertaken in a manner that avoids, remedies, or mitigates their adverse effects on the receiving environment.**

POLICIES

- 7.2.3.1 Ensure that sites within the zone do not detract from the character of the adjacent area by such methods as requiring service and storage areas to be screened from non-harbour industrial properties and from the harbour.

7.2.3.2 Ensure that potential adverse effects such as noise, litter, glare, and traffic movements are mitigated or avoided.

7.2.3.3 Use buffer zones to mitigate potential adverse effects on sensitive ecological areas and the surrounding rural and harbour environments.

OBJECTIVE

7.2.4. Manage activities to ensure vehicle movement is undertaken in a safe and efficient manner that does not adversely affect the functioning of the transport network.

POLICY

7.2.4.1 To avoid remedy or mitigate the adverse effects of the Harbour Industrial Zone activities on the safety and efficiency of the transport network.

OBJECTIVE

7.2.5 Activities in the zone must have a functional need to locate in proximity to infrastructure located in the Coastal Environment.

POLICY

7.2.5.1 To recognise and provide for activities that need access to wharf and marine related services in the coastal environment.

7.3 ACTIVITY STATUS

Resource consent is required for all Controlled, Restricted Discretionary, Discretionary and Non-complying activities. Resource consent is not required for Permitted activities provided all relevant standards are met.

Additional controls may apply in the following Chapters:

- Chapter 12 – Surface of Water Activities
- Chapter 13 – Landscapes, Indigenous Vegetation and Habitats
- Chapter 14 – Heritage
- Chapter 15 – Subdivision
- Chapter 16 – Financial Contributions
- Chapter 17 – Network Utilities
- Chapter 18 – Natural Hazards
- Chapter 19 – Coastal Environment Overlay

7.3.2 PERMITTED ACTIVITIES

7.3.2.1 Subject to compliance with the Zone Standards in section 7.6, unless otherwise stated, the following activities may be established without resource consent from *Council*.

1. Seafood and marine product processing, packaging and storage factories.
2. *Port Activities*.
3. Wharf structures.
4. Ice manufacturing.
5. Marine equipment sales
6. Boat construction and engineering.
7. Boat maintenance, repair, refuelling and servicing.
8. Boat lifting and storage facilities.
9. Boat ramp and trailer parking facilities.
10. *Retail activities accessory* to a Permitted or Controlled Activity where the *total floor area* related to retailing is the lesser of either 100m² or 20% of the *total floor area*.
11. Maintenance work carried out by Bay of Plenty Regional Council on drainage and flood control scheme works.
12. Maintenance works on wharf structures, travel bay, and boat ramps.
13. Activities on reserves as provided for in the Reserves Act 1977 or in an approved Reserve Management Plan.
14. *Accessory buildings* and activities *accessory* to a Permitted Activity.
15. *Temporary buildings* and associated activities required for a *building* or construction project of not more than 12 months duration.
16. Signs listed in 7.6.9.1
17. *Temporary Military Training Activities* that comply with Appendix 3.
18. *Emergency services training* and associated management activities.

7.3.3 CONTROLLED ACTIVITIES

7.3.3.1 The activities listed below may only be established after resource consent has been granted by *Council*. The Council may impose conditions only in relation to the matters over which it has reserved control in section 7.4. The activities must comply with the Zone Standards in section 7.6, unless otherwise stated.

1. *Accessory buildings* and activities *accessory* to a Controlled Activity.
2. *Food selling premises* up to 100m² GFA.
3. *Temporary Military Training Activities* not complying with Appendix 3.

7.3.4 RESTRICTED DISCRETIONARY ACTIVITIES

7.3.4.1 The activities listed below may only be established after resource consent has been granted by *Council*. The *Council* may refuse consent or grant consent and impose conditions only in relation to the matters over which it has restricted its discretion in 7.5. The activities must comply with the Zone Standards in Section 7.6, unless otherwise stated.

1. Activities not complying with 7.6.2.2 (Setbacks from roads)

7.3.5 DISCRETIONARY ACTIVITIES

7.3.5.1 The activities listed below may only be established after resource consent has been granted by *Council*. The *Council* may refuse consent or grant consent subject to conditions. The Zone standards in 7.6 will be used as a guideline when assessing the application.

1. Activities not consistent with the Harbour Industrial Zone Structure Plan.
2. Industries not otherwise listed as a Permitted or Controlled Activity.
3. *Boat, vehicle and machinery sales.*
4. Marine Education facilities.
5. *Signs* not provided for as a Permitted Activity.
6. Any Permitted or Controlled Activity which does not comply with Zone Standards, unless otherwise provided above.

7.3.6 NON-COMPLYING ACTIVITIES

7.3.6.1 The activities listed below may only be established if resource consent has been granted by *Council*. The *Council* may refuse or grant consent for a non-complying activity. The Zone standards in 7.6 will be used as a guideline when assessing the application.

1. Any activity not specifically stated as a Permitted, Controlled, Restricted Discretionary or Discretionary Activity or an activity which does not comply with the Zone Standards, unless otherwise stated.

7.4 CONTROLLED ACTIVITIES: MATTERS OVER WHICH CONTROL IS RESERVED

7.4.1 The *Council* has reserved control over the following matters:

7.4.1.1 Design and appearance

1. The design and appearance of the activity and how it relates to the *amenity values* of the surrounding areas, including relevant *height*, bulk, colour, materials, and proposed *landscaping* treatment.
2. The visual effect of any activity in relation to its location, *site* boundaries, and topography.
3. The size and location of *buildings* with regard to the activities on the *site* and the effect on neighbouring properties.
4. The manner in which the *site* is to be landscaped and how effectively it will screen the activities or enhance the *amenity values* of the area.
5. The location and appearance of any signs associated with the activity.

7.4.1.2 Effects of the activity on adjoining sites

1. The size and location of *buildings* with regard to the activities on the *site* and the effect on neighbouring properties.
2. Any measures to be implemented to mitigate the effects from the activity, such as visual effects, odour, noise, and light spill.

7.4.1.3 Vehicle access and manoeuvrability

1. The design and location of vehicular access, on-site manoeuvrability, and whether vehicles can leave and enter the *site* safely.
2. The need for carparking, service lanes, and loading and unloading activities associated with the activity.

7.4.1.4 Historical, archaeological and cultural values and resources

1. The effect of the design and layout of the activities in relation to land, *buildings*, features and *waterbodies* which have historical and archaeological worth.
2. The effects of the activity on historic, archaeological and cultural values and resources of importance to Māori.
3. The effects of the activity on heritage and conservation values, both on the *site* and on adjoining *sites*.

7.4.1.5 **Natural hazards**

1. The extent to which the activity may accentuate the adverse effects of natural hazards.
2. The susceptibility of the *site* to natural hazards and the measures implemented to mitigate the effects of natural hazards.

7.4.1.6 **Treatment of wastes produced on the site**

1. The programme for the treatment of any effluent and waste from the activity, including:
 - (a) A description of the composition of the effluent and waste.
 - (b) Whether the waste is to be treated on-site, or whether the activity will connect to *Council's* waste treatment networks.
 - (c) Treatment options for the waste.
 - (d) Preferred treatment option to be implemented.
 - (e) A description of the management of the effects from the waste produced by the activity.
 - (f) Pest control measures to prevent any additional threat to human health .
 - (g) Sealed containment of organic waste.

7.4.1.7 **Indigenous biodiversity and ecological value**

1. The degree to which the activity will adversely affect the indigenous biodiversity and ecological values of Huntress Creek sub-estuary and saltmarsh area.
2. The degree to which the activity will adversely affect *habitats* of acutely and chronically threatened species and 'originally rare' *ecosystems*.
3. The degree to which the activity will adversely affect extent and condition of rare and threatened vegetation/*ecosystem* types.
4. The ability to require 'like for like' and 'no net loss' *biodiversity* offsets/compensation or other mitigation.
5. The ability to require an assessment of indigenous *biodiversity* effects by a suitably qualified person.
6. Pest control measures to prevent any additional threat to the adjoining biodiversity areas

7.5 RESTRICTED DISCRETIONARY ACTIVITIES: MATTERS OVER WHICH DISCRETION IS RESTRICTED

7.5.1 Council has restricted its discretion over the following matters:

7.5.1.2 **Activities that cannot comply with 7.6.2.2 (Setbacks from Roads)**

1. The adverse effects on the amenity of sites in terms of:

- a. Shadowing.
- b. Physical domination.
- c. Privacy.
- d. Lighting.

7.6 ZONE STANDARDS

These Zone Standards apply to all permitted, controlled and restricted discretionary activities, unless otherwise stated. They will be used as a guideline when assessing applications for discretionary and non-complying activities.

Temporary Military Training Activities are exempt from complying with Zone Standards.

7.6.1 SITE REQUIREMENTS

7.6.1.1 Structure Plan

1. All activities shall be sited to be in general accordance with the Harbour Industrial Zone Structure Plan in Appendix 7.9.
2. No *buildings*, structures or hard surfaces shall be located within the ecological and cultural buffers.
3. The eastern ecological and cultural buffer area shall be 25m in width inland from *MHWS*.
4. The western ecological and cultural buffer shall include the land from *MHWS* to the toe of the stopbank at the river edge as identified on the Structure Plan.
5. The inland boundary of the ecological and cultural buffer shall be fenced to exclude vehicles and stock.
6. The ecological and cultural buffers shall be planted with coastal indigenous species sourced from the Ōpōtiki Ecological District. Weed and pest control shall be undertaken as part of the establishment and maintenance of the buffers.
7. Provision shall be made for pedestrian and cycle links through the site in accordance with the Structure Plan.
8. Non-compliance with this Rule shall be considered a Discretionary Activity.

7.6.1.2 Site coverage

No limit, subject to compliance with Zone Standards 7.5.2.1 and 7.5.2.2.

7.6.1.3 **Height**

1. The maximum *height* of *buildings* within the zone shall be 15m except within 5m of the ecological / cultural buffer where the maximum *height* of *buildings* shall be 9m.
2. Notwithstanding the definitions of *height* and *buildings*, aerials, lift towers, lighting poles, cranes, derricks, cargo stacking and lifting devices, conveyors, machinery rooms and flag poles are exempt from this Rule.

7.6.1.4 **Daylight protection**

No part of any *building* shall penetrate a daylight recession plane of 45° from a *height* of 2.7m above finished ground level at any boundary with a property in the Coastal Zone.

7.6.2 **YARDS**

7.6.2.1 **Separation from adjoining properties**

All *buildings* shall be set back a minimum of 7.5m from a boundary with the Coastal Zone.

7.6.2.2 **Building setbacks from roads**

All *buildings* shall be set back a minimum of 4.5m from the *road* boundary where the land opposite is not zoned Industrial.

7.6.3 **LANDSCAPING**

7.6.3.1 **Screening of storage areas**

Any area used for outdoor storage shall be screened from a public place other than a service lane, and from a Coastal Zone boundary.

7.6.3.2 **Visibility at intersections**

To protect sight distances at the intersection of *roads*, the area within 6m of the intersection of two front boundaries (or the projection of those front boundaries where they do not meet) shall be kept clear of any obstruction over 1m in *height*. This restriction shall not apply to power poles or street lights.

7.6.3.3 **Screening of industrial activities from Coastal Zone sites**

Where a site is adjoining a Coastal zone site a screened buffer must be provided. This may be in the form of a shelter belt.

7.6.4 NOISE AND GLARE

7.6.4.2 Noise

1. All activities on a *site* shall be designed and conducted so as to ensure that the following noise limits are not exceeded at any point within any other Harbour Industrial zone site. Provided that at the *notional boundary* of a *site* within the Coastal or Rural Zone the noise limits for the relevant Zone shall be complied with. These standards shall not apply to sirens used by *emergency services*.

Noise Limits dB		
Receiving Zone	Daytime 7am to 10pm, Monday to Sunday including public holidays	Night time At all other times
Harbour Industrial Zone	75LAeq	70LAeq 80LAm _{ax}

2. Except where expressly provided elsewhere in this Plan, noise shall be measured in accordance with the provisions of NZS 6801:2008 Acoustics - Measurement of Sound, and assessed in accordance with the provisions of NZS 6802:2008 Acoustics - Environmental Noise.
3. Construction noise in any zone shall not exceed the recommended limits and shall be measured and assessed in accordance with the provisions of NZS 6803:1999 Acoustics – Construction Noise.

7.6.4.3 Lighting and glare

All exterior security lighting shall be designed, installed, and maintained so that the light emitted does not overspill *site* boundaries or ecological / cultural buffer and cause light pollution, or cause distraction or glare which could affect traffic safety on adjacent *roads*.

7.6.4.4 Reflectivity

The exterior surfaces (including the roof) of any building shall have reflectivity values of between 0% and 37%

7.6.5 PARKING AND ACCESS

7.6.5.1 Parking and loading

Carparking and provision for loading shall be provided in relation to every activity whether new, extended or where the use is changed, as follows:

1. On-site carparking shall be as follows:

<i>Industrial activities</i>	1 space per 50m ² total floor area
<i>Accessory retail activities</i>	1 space per 20m ² total floor area
<i>Commercial activity</i>	1 space per 40m ² total floor area
<i>Service industries</i>	1 space per 50m ² total floor area
<i>Contractor's depots</i>	1 space per 50m ² total floor area

2. The dimensions and design standards are set out in Appendix 1
3. Provision shall be made for the loading spaces on-site, and at the rear of *sites*, in such a way that no footpath or *access* to adjoining properties is blocked.
2. No vehicle *access* shall be located within 15m of an intersection.

7.6.6 VEHICLE ENTRANCES

- 7.6.6.1 Vehicle entrances shall be designed and constructed to comply with Appendix 4.

ADVICE NOTE:

Additional access width may be necessary to provide for emergency service vehicles in accordance with SNZ PAS 4509:2008 (refer 17.6.10 Advice Note)

7.6.7 FLOOR LEVELS

- 7.6.7.1 Floor levels shall be sufficient to ensure that water does not enter *buildings* in a 1% AEP (annual exceedance probability) event. *Council* will determine the appropriate freeboard that needs to be added to the flood level to set the required minimum floor level.

7.6.8 FLOOD PROTECTION WORKS

- 7.6.8.1 Prior to any subdivision or development works being undertaken flood protection works shall be designed to ensure that flooding on land between the Harbour Industrial Zone and the State Highway is not exacerbated.

7.6.9 SIGNS

7.6.9.1 The following *signs* shall be permitted:

1. *Signs* located on *buildings* and free standing *signs* up to 4m² and 5m in *height*.
2. *Signs* visible from a State Highway that do not
 - a. Have reflective material or illumination that flashes or moves;
 - b. Obstruct or impair the view of any official traffic sign and signal, or limit the line of sight or any corner, bend, intersection or vehicle crossing
 - c. Physically obstruct or impede traffic or pedestrians
 - d. Resemble or be likely to be confused with any official traffic signs or signals and
 - e. Use support structures which are not frangible.

ADVICE NOTES:

1. Council controls signs under the Ōpōtiki District Council Consolidated Bylaws 2020.
2. Where signs on private property will be visible from a State Highway and resource consent is required, the NZ Transport Agency should be consulted in relation to traffic safety effects. It should also be noted that NZ Transport Agency controls signs on the State highway corridor Legal Road under the NZ Transport Agency Signs on State Highway Bylaw July 2010.

7.7 OTHER METHODS

7.7.1 Other methods for achieving the objectives and policies of this section are:

1. Information sharing and education through Bay of Plenty Regional Council and *Council's* association with industry.
2. Use of industry codes of practice to enable compliance with the Rules of The Plan.
3. Use Land Information Memoranda (LIM) and Project Information Memoranda (PIM) to provide information on existing *site* contamination, potential site contamination, and on adjoining activities that make use of hazardous substances.
4. Use Land information Memoranda (LIM) and Project Information Memoranda (PIM) to provide information on known natural hazards to potential developers and applicants.
5. The use of *Council's* capital works programmes for street paving, street kerbing and channelling.
6. Use Land Information Memoranda to increase awareness of the need to obtain consents from Bay of Plenty Regional Council for discharges to air, land, and water.

7.8 EXPECTED ENVIRONMENTAL RESULTS

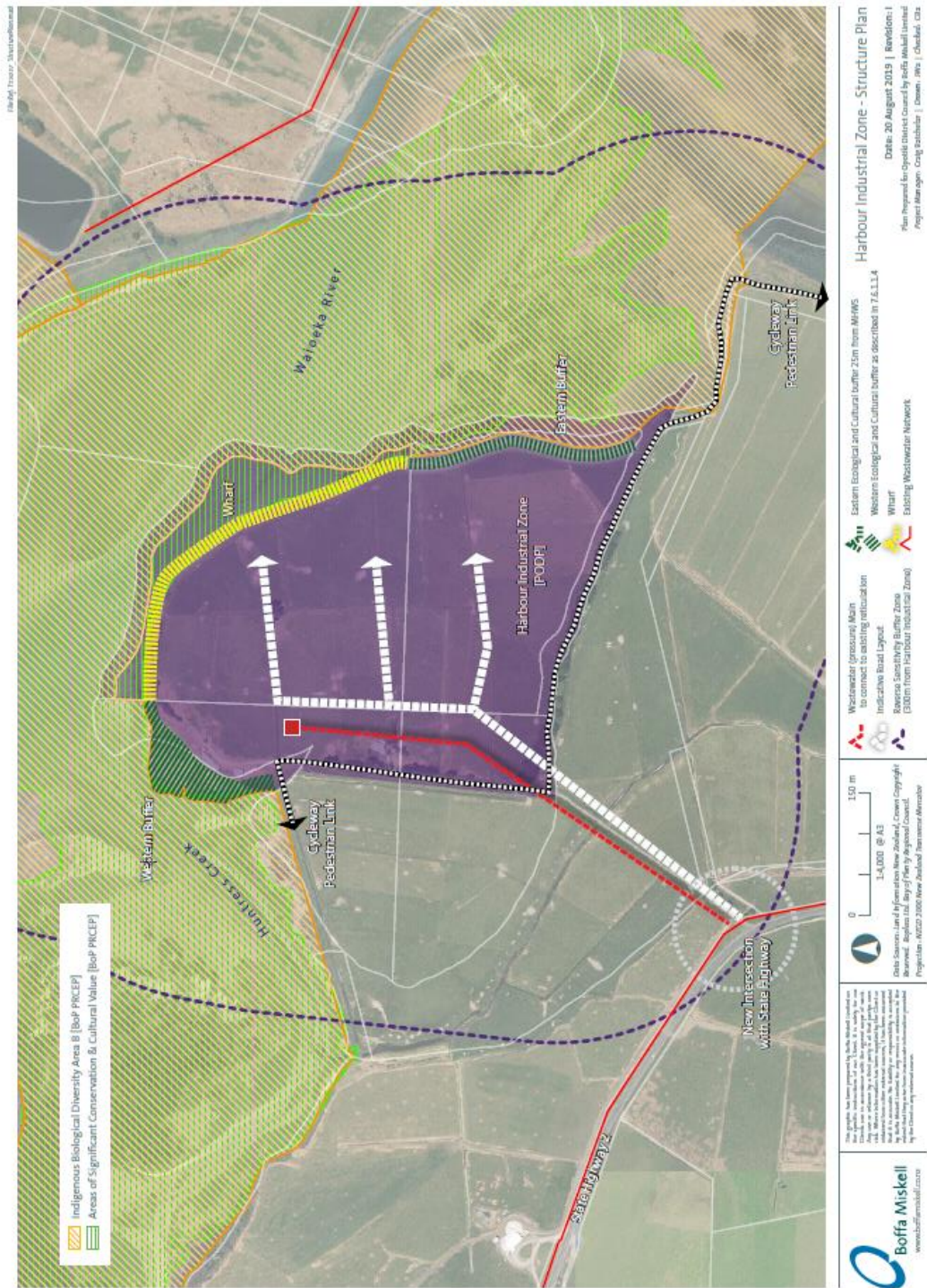
The environmental outcomes anticipated from the implementation of the objectives and policies of this section are:

- A.** A harbour industrial area of the Ōpōtiki Township that accommodates a wide range of activities that efficiently support the aquaculture and fishing industries.

- B.** Conscientious management of activities within the Harbour Industrial Zone where adverse effects on adjoining and nearby properties are minimised.

7.9 APPENDIX

HARBOUR INDUSTRIAL ZONE STRUCTURE PLAN



Chapter 8

Rural Zone



8. RURAL ZONE

8.1 RESOURCE MANAGEMENT ISSUES

1. Lack of awareness of the effects of activities in the Rural Zone that can diminish the quality of the environment.
2. Enabling rural production activities is important to maintain their contribution to the economy of the District.
3. Residential activities within the zone have the potential to adversely affect the operation of rural production activities through reverse sensitivity effects.
4. The Rural Zone comprises a large proportion of multiply owned *Māori land* and the Plan needs to allow opportunities for development of their land.
5. Residential *sites* within the zone need to be of sufficient size, so that where on-site effluent treatment is required there will be no adverse effects on the residential *site*, adjoining *sites*, or on the natural and physical resources of the District.
6. Some activities will need to be distanced from other activities, especially where residential properties adjoin the activity. Adverse effects on residential activities can include odour, visual, health, light spill, noise, dust, grit or spray drift effects.
7. Activities within the zone have the potential to adversely affect the ability of lawfully established activities (including the *National Grid*) to operate through *reverse sensitivity* effects.
8. *Amenity values* within residential properties need to be maintained so that the environmental quality of the *site* and adjoining *sites* are maintained.
9. Some animal species, such as deer and goats, must be correctly housed and fenced to avoid adverse effects on areas of significant *indigenous vegetation*.
10. The versatility and use of the rural land resource for rural production activities can be degraded and fragmented as a result of inappropriate subdivision and development.
11. Rural-residential residents in the Rural Zone need to be aware of the surrounding environment and associated rural activities that occur in this environment.
12. A biosecurity incursion could have significant adverse effects on the wellbeing of the district, particularly horticulture, and inappropriate management of such incursions can result in the unintended spread of pest species.
13. Activities can adversely affect the safety, sustainability and efficiency of the transport network.
14. Seasonal worker accommodation is an important component for the horticulture sector and needs to be located near the employment source.

8.2 OBJECTIVES AND POLICIES

OBJECTIVE

- 8.2.1 A rural environment that contributes to the economic and social wellbeing of the District and region through a range of rural activities and other lawfully established activities, where the effects of subdivision, use and development are managed to maintain the rural character of the zone and to prevent reverse sensitivity effects from compromising rural production activities and the operation of infrastructure.**

POLICIES

- 8.2.1.1 Recognise the Rural Zone as a working rural environment and ensure that residential or sensitive activities do not result in *reverse sensitivity* effects on *rural production activities*, through separation distances and other requirements.
- 8.2.1.2 Manage subdivision and development to maintain the rural character of the zone and the District's natural and physical resources.
- 8.2.1.3 Ensure the maintenance and enhancement of visual open space and vegetated character of the rural environment.
- 8.2.1.4 Maintain the rural character and *amenity values* associated with the low density rural environment.
- 8.2.1.5 Ensure that sensitive activities, including new residential activities that may lead to *reverse sensitivity* effects on existing lawfully established activities, including infrastructure, are appropriately located and managed.
- 8.2.1.6 Provide for rural industrial activities and rural services directly related to rural production activities where they have a functional requirement to locate in the Rural Zone.

8.2.2 OBJECTIVE

Enable the use of the rural land resource and in particular versatile land for rural production activities.

POLICIES

- 8.2.2.1 Subdivision, use and development should not result in a significant reduction of productive rural land use options, especially for *versatile land*, or increase *reverse sensitivity* effects on *rural production activities*.

8.2.2.2 *Versatile land* should be used and developed in a manner so that it remains available to present and future generations for *rural production activities* and is not compromised by activities that do not rely on or directly support the productive potential of the land.

8.2.3 OBJECTIVE

Avoid, remedy or mitigate adverse environmental effects of activities undertaken within the Rural Zone, while recognising and providing for rural production activities and their anticipated effects.

POLICIES

8.2.3.1 Recognise that the use, storage and transport of hazardous substances is managed through compliance with the requirements of the relevant legislation and industry standards.

8.2.3.2 Ensure that any *site* within the zone is of sufficient size to avoid or mitigate any potential effects of on-site effluent disposal-

8.2.3.3 Require landscaping of storage and service areas on sites used for industrial and commercial activities so that these do not detract from the character and amenity of the Rural Zone.

8.2.3.4 Mitigation of the potential adverse effects of new activities on waterbodies and on the amenity of established *dwellings* through measures including *landscaping*, screening and separation distances from adjoining activities.

8.2.3.5 Mitigation or avoidance of potential adverse effects, including reverse sensitivity, of new dwellings or incompatible activities on legally authorised activities.

8.2.4 OBJECTIVE

Recognise the special relationship tangata whenua have with their ancestral land.

POLICIES

8.2.4.1 To recognise and provide for the cultural, spiritual and archaeological values of tangata whenua and the desire of tangata whenua to live on and develop their ancestral lands and to protect the natural environment of their ancestral lands.

8.2.4.2 To recognise the special relationship of Māori with their ancestral land by enabling use and development of land, including *papakāinga* and associated support facilities.

8.2.5 OBJECTIVE

Enable national or regional responses to biosecurity incursions and allow for the appropriate management of plants and plant material infected by an unwanted organism.

POLICY

- 8.2.5.1 Enable disposal of plants and plant material infected by unwanted organisms that are being managed as part of a biosecurity response under the Biosecurity Act 1993.

8.2.6 OBJECTIVE

Manage activities to ensure vehicle movement is undertaken in a safe and efficient manner that does not affect the functioning of the transport network.

POLICY

- 8.2.6.1 To avoid, remedy or mitigate the adverse effects of activities on the safety and efficiency of the transport network.

8.3 ACTIVITY STATUS

Resource consent is required for all Controlled, Restricted Discretionary, Discretionary and Non-complying activities. Resource consent is not required for Permitted activities provided all relevant standards are met.

Additional controls may apply in the following Chapters:

- Chapter 12 – Surface of Water Activities
- Chapter 13 – Landscapes, Indigenous Vegetation and Habitats
- Chapter 14 – Heritage
- Chapter 15 – Subdivision
- Chapter 16 – Financial Contributions
- Chapter 17 – Network Utilities
- Chapter 18 – Natural Hazards
- Chapter 19 – Coastal Environment Overlay

8.3.1 PERMITTED ACTIVITIES

- 8.3.1.1 Subject to compliance with the Zone Standards in 8.6, the following activities may be established without resource consent from *Council*:

1. *Farming*.

2. Keeping or *farming* goats on *sites* located outside the goat management areas as shown on the Planning Maps.
3. Deer *farming*.
4. *Plantation Forestry*.
5. One *dwelling* per *site*, including relocated or re-sited *dwellings*, provided that:
 - (a) Two *dwellings* may be established where the *site* has an area in excess of 1 hectare; or
 - (b) Three *dwellings* may be established where the *site* has an area in excess of 4 hectares.
6. *Marae*.
7. *Visitor accommodation* for up to 4 visitors per night.
8. *Prospecting*.
9. *Urupa*.
10. Activities on and administered under, and consistent with, the provisions of Reserves Act 1977, Conservation Act 1987, National Parks Act 1980, and Wildlife Act 1953 or any plan or strategy approved under those Acts.
11. Maintenance work carried out by Bay of Plenty Regional Council on established drainage and flood control scheme works.
13. *Temporary military training activities* complying with Appendix 3.
14. *Temporary buildings* and associated activities required for a *building* or construction project of not more than 12 months duration.
15. A *sign* listed in 8.4.15.1.
16. Any activity that is not listed in this Chapter and which complies with the Zone Standards.
17. Activities and *buildings accessory* to a Permitted Activity.
18. Airport and ancillary activities, including fuel facilities (storage and dispensing) at Ōpōtiki Airport, on Section 1 SO 447448.
19. *Seasonal worker accommodation* for up to 12 people per night
20. *Artificial crop protection structures*.
21. *Audible bird scaring devices*
22. Frost fans
23. *Emergency services* training and associated management activities
24. Removal and disposal of plants and plant material infected by unwanted organisms, including ancillary earthworks, carried out as directed by a person authorised under the Biosecurity Act 1993.

8.3.2 CONTROLLED ACTIVITIES

- 8.3.2.1 The activities listed below may only be established after resource consent has been granted by *Council*. The *Council* may impose conditions only in relation to the matters over which it has

reserved control in section 8.4. The activities must comply with the Zone Standards in section 8.6, unless otherwise stated.

1. *Home occupations*, provided that where the site *access* is to a state highway, the written consent of the New Zealand Transport Agency shall be obtained and submitted with an application.
2. Public toilets.
3. *Temporary activities* not listed as a Permitted Activity, provided that where the site *access* is to a state highway the written consent of the New Zealand Transport Agency shall be obtained and submitted with an application.
4. Community and outdoor recreation activities where any *buildings* and structures are less than 100m² in *total floor area*.
5. *Emergency service* facilities
6. *Seasonal worker accommodation* for more than 12 people per night
7. *Temporary military training activities* not complying with Appendix 3
8. Activities and *buildings accessory* to Controlled Activities.

8.3.3 RESTRICTED DISCRETIONARY ACTIVITIES

8.3.3.1 The activities listed below may only be established after resource consent has been granted by *Council*. The *Council* may refuse consent or grant consent and impose conditions only in relation to the matters over which it has restricted its discretion in 8.5. The activities must comply with the Zone Standards in Section 8.6, unless otherwise stated.

1. *Rural selling places*.
2. Relocation or re-siting of a *building* not complying with the Zone Standards.
3. Activities not complying with 8.6.2 (Height), 8.6.3 (Daylight Protection) and 8.6.4 (Yards).
4. *Artificial Crop protection structures* not complying with 8.6.5
5. *Audible bird scaring devices* not complying with 8.6.6.1 (1))
6. Frost fans not complying with 8.6.6.1 (2)
7. *Seasonal worker accommodation* not complying with 8.6.17
8. Activities not complying with 8.6.6.2 (Lighting and Glare)
9. Activities not complying with Rule 8.6.4.3.2 (Building setbacks from waterbodies)
10. *Papakāinga*, where the maximum number of *sites* shall be 50 and where each *site* will have an area of 1200m² exclusive of *access*.
11. *Papakāinga*, where the maximum number of *sites* shall be 50, and where each *site* has an area less than 1200m² but not less than 400m² where:
 - a. Zone Standards for yards and on-site effluent disposal are complied with, and
 - b. A report by a suitably qualified and experienced person is provided to show that the *site* complies with the On-site Effluent Treatment Regional Plan.

8.3.4 DISCRETIONARY ACTIVITIES

8.3.4.1 The activities listed below may only be established after resource consent has been granted by *Council*. The *Council* may refuse consent or grant consent subject to conditions. The Zone standards in 8.6 will be used as a guideline when assessing the application.

1. *Rural Industrial activities*
2. *Intensive Farming.*
3. Keeping or *farming* of goats not provided for as a Permitted Activity.
4. Additional *dwellings* exceeding those listed as Permitted Activities.
5. Activities and *buildings accessory* to Discretionary Activities.
6. *Education facilities.*
7. *Places of assembly.*
8. *Commercial services.*
9. *Visitor accommodation* for more than 4 visitors per night.
10. Community and recreation and outdoor activities involving *buildings* and structures over 100m² in area.
11. *Contractors' Depots.*
12. Refuse recycling facilities and transfer stations.
13. Public cemeteries.
14. *Mining and quarrying.*
15. Any new activity not listed above which requires *access* from a state highway.
16. *Signs* not provided for as a Permitted Activity.
17. *Exploration.*
18. *Retail activities.*
19. *Residential care facility.*

8.3.5 NON-COMPLYING ACTIVITIES

8.3.5.1 The activities listed below may only be established if resource consent has been granted by *Council*. The *Council* may refuse or grant consent for a non-complying activity. The Zone standards in 8.6 will be used as a guideline when assessing the application.

1. *Papakāinga*, where the requirements for Restricted Discretionary Activities are not complied with.
2. Any activity not specifically stated as a Permitted, Controlled, Restricted Discretionary, or Discretionary Activity or an activity which does not comply with Zone Standards, unless otherwise stated.

8.3.6 PROHIBITED ACTIVITIES

8.3.6.1 The following activities are prohibited activities for which no resource consent shall be granted:

1. The keeping, holding or *farming* of wallaby species.
2. The keeping, holding or *farming* of ferrets, stoats and weasels (*mustela*).

8.4 CONTROLLED ACTIVITIES: MATTERS OVER WHICH CONTROL IS RESERVED

8.4.1 The Council has reserved control over the following matters:

8.4.1.1 Design and appearance

1. The design and appearance of the activity and how it relates to the *amenity values* of the surrounding areas including, where relevant, *height*, bulk, colour, materials and proposed *landscaping* treatment.
2. The visual effect of the activity in relation to its location, *site* boundaries and topography.
3. The size and location of *buildings* with regard to the activities on the *site* and the effect on neighbouring properties and the *amenity values* of the area.
4. The manner in which the *site* is to be landscaped and how effectively it will screen the activities or enhance the *amenity values* of the area.
5. Compliance with the minimum site area required per dwelling, where relevant

8.4.1.2 Effects of the activity on the adjoining site, including reverse sensitivity effects

1. The size and location of *buildings* with regard to the activities on the *site* and the effect on neighbouring properties.
2. Any measures to be implemented to mitigate the effects from the activity, such as visual effects, odour, noise and light spill.

8.4.1.3 Vehicle access and manoeuvrability

1. The design and location of vehicular *access*, on-site manoeuvrability and whether vehicles can leave and enter the *site* safely.
2. The effect of the activity on the safety and efficiency of the state highway network.
3. The need for carparking, service lanes, and loading and unloading activities associated with the activity.
4. The ability of the *site* to provide for on-site parking associated with the activity.

8.4.1.4 **Historical, cultural and archaeological values and resources**

1. The effect of the design and layout of the activities in relation to land, *buildings*, features and *waterbodies* which have historical and archaeological worth.
2. The effects of the activity on historic, archaeological and cultural values and resources of importance to Māori.
3. The effects of the activity on heritage and conservation values, both on the *site* and on adjoining *sites*.

8.4.1.5 **Effects on waterbodies, indigenous vegetation and habitats**

1. The effects of activities on *waterbodies* in, or adjoining, the *site* of the activity.
2. *Riparian management* mechanisms implemented to mitigate potential adverse effects of the activity.
3. The potential effects of the activity on areas of *indigenous vegetation* and *habitats* of indigenous fauna.

8.4.1.6 **Natural hazards**

1. The extent to which the activity may accentuate the adverse effects of natural hazards.
2. The susceptibility of the *site* to natural hazards and the measures implemented to avoid or mitigate the effects of natural hazards.
3. The effects of the activity on the Waioeka Ōtara Rivers Scheme.

8.4.1.7 **Temporary Military Training Activities not complying with Appendix 3**

1. Location in relation to noise sensitive activities.
2. Hours of operation and duration.

8.5 RESTRICTED DISCRETIONARY ACTIVITIES: MATTERS OVER WHICH DISCRETION IS RESTRICTED

8.5.1 Council has restricted its discretion over the following matters:

8.5.1.1 **Relocation and re-siting of a dwelling or building that does not comply with the Zone Standards**

1. Proposed *landscaping*, including opportunities to screen the *building* during reinstatement.
2. Proposed timetable for completion of re-instatement works;
3. The appearance of the building when re-instated; and
4. Maintenance of the *site* and surrounds during reinstatement.

8.5.1.2 **Rural Selling Places**

1. Vehicle *access* and on-site turning
 - a. The design and location of vehicular *access*, on-site manoeuvrability, and whether vehicles can leave and enter the *site* safely.
 - b. The effect of the activity on the safety and efficiency of the state highway network.
 - c. The need for carparking, service lanes and *loading* and unloading activities associated with the activity.
 - d. The ability of the *site* to provide for on-site parking associated with the activity.
2. Design and appearance
 - a. The design and appearance of the activity and how it relates to the *amenity values* of the surrounding areas including, where relevant, *height*, bulk, colour, materials and proposed *landscaping* treatment.
 - b. The visual effect of the activity in relation to its location, *site* boundaries and topography.
 - c. The size and location of *buildings* with regard to the activities on the *site* and the effect on neighbouring properties and the *amenity values* of the area.
 - d. The manner in which the *site* is to be landscaped and how effectively it will screen the activities or enhance the *amenity values* of the area.
3. Effects of the activity on the adjoining *site*
 - a. The size and location of *buildings* with regard to the activities on the *site* and the effect on neighbouring properties.
 - b. Any measures to mitigate the effects from the activity, such as visual effects, odour, noise and light spill.

8.5.1.3 **Activities not complying with 8.6.2 Height, 8.6.3 Daylight Protection and 8.6.4.1 Yards**

1. The adverse effects on the amenity in terms of:
 - a. Shadowing
 - b. Physical domination
 - c. Privacy
 - d. Noise
 - e. Lighting
 - f. The degree to which the character and amenity are affected.

8.5.1.4 **Audible Bird Scaring Devices not complying with the Noise standard in 8.6.6.1.6**

1. Location of audible bird scaring device.
2. Sound levels at any point within the *notional boundary* of any dwelling on another site.
3. Number of shots per event.

8.5.1.5 **Frost Fans not complying with the Noise Standard in 8.6.6.1.5**

1. Location of frost fan.
2. Sound levels at any point within at the *notional boundary* of any dwelling on another site.

8.5.1.6 **Seasonal worker accommodation not complying with 8.6.17**

1. Those matters in Zone Standard 8.6.17 that are not able to be met.
2. Methods to avoid, remedy or mitigate the effects on existing activities, including the provision of screening, landscaping and methods for noise control.
3. The extent to which the application complies with the Code of Practice for Able Bodied Seasonal Workers, published by Dept of Building and Housing 2008.

8.5.1.7 **Artificial crop protection structures not complying with 8.6.5**

1. The effects of non-compliance with the standards in 8.6.5.
2. The effect on the visual catchment and the sensitivity of the visual catchment, including Outstanding Natural Landscapes and Features and the Coastal Environment.

8.5.1.8 **Papakāinga**

1. The matters set out in section 8.4.
2. Whether the *site*, including its natural features, has the capacity for the number of dwellings proposed.

8.5.1.9 **Activities not complying with rule 8.6.4.3.2 (Building setbacks from Waterbodies)**

Effects on waterbodies/margins and the need for setbacks, for example ecological and habitat values, amenity, natural hazards, natural character and landscape.

8.6 ZONE STANDARDS

These Zone Standards apply to all permitted, controlled and restricted discretionary activities, unless otherwise stated. They will be used as a guideline when assessing applications for discretionary and non-complying activities.

Temporary Military Training Activities are exempt from complying with Zone Standards.

8.6.1 SITE COVERAGE

8.6.1.1 Residential activity sites

A maximum of 40% of the *site* may be covered with *buildings*.

8.6.1.2 Non-residential activity sites

No limit, subject to compliance with the other Zone Standards.

8.6.2 HEIGHT

1. The maximum *height* for *buildings* within the zone shall be 9m except for frost fans up to 12m in *height*. Hose drying towers associated with *emergency service* facilities may be up to 15m high.
2. Within the Airport Protection Area in the vicinity of Ōpōtiki Airfield, as identified on Planning Maps 5 and 5e, all *buildings*, structures, masts, trees or any other objects shall comply with Civil Aviation Authority requirements.
3. Non-compliance with this Rule shall be considered a Restricted Discretionary Activity.

8.6.3 DAYLIGHT PROTECTION

1. No part of any *building* shall penetrate a daylight recession plane of 45° from a *height* of 2.7m above finished ground level at any boundary.
2. Non-compliance with this Rule shall be considered a Restricted Discretionary Activity.

8.6.4 YARDS

8.6.4.1 Separation from adjoining properties

1. All *buildings* shall be set back at least 5m from side and rear boundaries, excluding crop protection structures and on-farm yards.
2. Non-compliance with this Rule shall be considered a Restricted Discretionary Activity.

8.6.4.2 Building setback from roads

1. All *buildings* shall be set back at least 9m from the *road* boundary.
2. Non-compliance with this Rule shall be considered a Restricted Discretionary Activity.

8.6.4.3 Building setback from waterbodies

1. No *building* shall be located closer than 25m from any *waterbody* where the *waterbody* has an average width of at least 3m.
2. Where any *waterbody* has an average width of less than 3m a setback of at least 10m is required as part of a Controlled Activity assessment.
3. Non-compliance with this Rule shall be considered a Restricted Discretionary Activity.

8.6.4.4 **Building setback from plantation forestry**

1. *Buildings* shall be set back a minimum of 30m from the boundary of an existing plantation forest in order to mitigate potential fire risk to the forest and residential *buildings*.
2. Non-compliance with this Rule shall be considered a Restricted Discretionary Activity.

8.6.5 **ARTIFICIAL CROP PROTECTION STRUCTURES**

1. Dark green or black cloth shall be used on vertical faces within 30m of the boundary of the property.
2. Green, black or white cloth shall be used on horizontal surfaces.
3. Within 30m of a property boundary, including a *road* boundary, white cloth may be used where written approval of the owner(s) of the immediately adjoining property or the *road* controlling authority (in the case of a *road*) is obtained and provided to the *Council*.
4. No setback from a side or rear boundary shall be required for an *artificial crop protection structure* except that where there is an existing lawfully established residential *building* located 5m or less from the boundary on an adjacent *lot*, a 5m setback shall be provided unless the written approval of the owner(s) of the adjacent *lot* is obtained and provided to the *Council*. The setback shall apply to a 5m envelope parallel to any face of the residential *building*.
5. No maximum *site* coverage shall apply.
6. Non-compliance with these rules or where written approval is not obtained shall be assessed as a Restricted Discretionary Activity.

8.6.6 **NOISE AND GLARE**

8.6.6.1 **Noise**

1. All activities on a *site* shall be designed and conducted to meet the following noise limits at any point within the notional boundary of any dwelling on another site within the Rural Zone.

Noise Limits dB		
Receiving Zone	Daytime 7am to 10pm, Monday to Sunday including public holidays	Night time At all other times
Rural	50LAeq	40LAeq 70LAmx

2. Except where expressly provided elsewhere in this Plan, noise shall be measured in accordance with the provisions of NZS 6801:2008 Acoustics - Measurement of Environmental Sound, and assessed in accordance with the provisions of NZS 6802:2008 Acoustics - Environmental Noise.
3. Construction noise in any zone shall be measured and assessed in accordance with the provisions of NZS 6803:1999 Acoustics - Construction Noise.
4. An *audible bird scaring device* shall:
 - a. Be operated only from half an hour before sunrise to half an hour after sunset.
 - b. Not exceed 65dB at any point within the *notional boundary* of any *dwelling* on another site in the Rural Zone or at any point within a Residential Zone (excluding any *dwelling/s* located on the same *site* as the device is being operated), unless the adjacent landowner has provided written approval to the activity and a copy has been provided to the *Council*.
 - c. Only be operated when the horticultural crop is at risk from bird damage.
 - d. Non-compliance shall be assessed as a Restricted Discretionary Activity
5. Frost fans shall be subject to the following requirement:
 - a. Noise generated by frost fans shall not exceed 60dB LAeq 10mins when assessed at the *notional boundary* of any other rural zoned *site* (excluding any *dwelling/s* located on the same *site* as the device is being operated) or at the boundary of a residential zone.
 - b. Non-compliance shall be assessed as a Restricted Discretionary Activity.
6. Noise from livestock and from vehicles and mobile machinery associated with short term farming and *plantation forestry* operations such as harvesting crops and forests shall be exempt from compliance with the noise levels specified in the table above.
7. Sirens used by *emergency services* shall be exempt from compliance with the noise levels specified in the table above.

8.6.6.2 Lighting and glare

1. All exterior security lighting shall be designed, installed and maintained so that the light emitted does not overspill *site* boundaries or cause distraction or glare which could affect traffic safety on adjacent *roads*.
2. All glasshouses and similar structures within the Airport Protection Area, as shown on Planning Maps 5 and 5e shall be treated to prevent hazardous reflected light or glare.
3. Non-compliance with this Rule shall be considered as a Restricted Discretionary Activity.

8.6.7 RELOCATION OF A BUILDING

1. A *building* inspection report shall accompany the *building* consent for the *building*. The report shall identify all *reinstatement work* required to the exterior of the *building*.
2. The *building* shall be located on permanent foundations approved by *building* consent no later than two months from the *building* being moved to the *site*.
3. All work required to reinstate the exterior of any relocated *building* in accordance with the building inspection report shall be completed within 12 months of the *building* being relocated on the *site*.
4. The proposed owner of the relocated *building* must certify to the Council that the *reinstatement work* will be completed within the 12 month period.
5. Non-compliance with this Rule shall be considered as a Restricted Discretionary Activity.

8.6.8 PARKING AND ACCESS

8.6.8.1 Parking and loading

1. On-site carparking and provision for loading shall be provided in relation to every activity that is new, extended or where the activity is changed.
2. On-site carparking shall be as follows:

<i>Residential dwellings</i>	2 spaces per dwelling
<i>Places of assembly</i>	1 space per 5 persons accommodated
<i>Visitor accommodation</i>	1 to 4 people 1 space per unit or room
	Over 4 people 1 space per unit or room plus 1 space for every 2 staff
<i>Education facilities:</i>	2 spaces for visitors plus adequate and reasonable provision for cars and buses to drop off and pick up students and:
	Preschool 1 space per staff member
	Primary 2 spaces per 3 staff members
	Secondary 1 space per 20 students
	Tertiary 1 space per 20 students
<i>Rural industries</i>	1 space per 50m ² total floor area
<i>Coolstores</i>	1 space per 500m ² total floor area
<i>Rural selling places</i>	1 space per 20m ² total floor area
<i>Contractors' depots</i>	1 space per 50m ² total floor area
<i>Home occupations</i>	1 space per 20m ² of the <i>site</i> used for the activity

<i>Outdoor recreation</i>	<i>community</i>	1 space per 20m ² of the net <i>site area</i>
<i>Community activity</i>	<i>corrections</i>	1 space for every 2 full time equivalent employees and one space for every 10 people the facility is designed to service
<i>Residential Care Facility</i>		1 space per 5 beds 1 space per 2 staff
<i>Seasonal accommodation</i>	<i>worker</i>	1 space for every 6 people accommodated on site
<i>Emergency Services facilities</i>		5 spaces per <i>emergency service</i> vehicle bay

3. The dimensions and design standards are set out in Appendix 1.
4. Provision shall be made for the loading and unloading of service vehicles on-site, in such a way that any footpath, *road*, or *access* to adjoining properties is not obstructed.

8.6.8.2 **Vehicle access**

1. Any new activity on a *site* that obtains *access* to a state highway shall gain the written approval from NZ Transport Agency and a copy shall be provided to the *Council*.

8.6.9 **VEHICLE ENTRANCES**

- 8.6.9.1 Vehicle entrances shall be designed and constructed to comply with Appendix 4.

ADVICE NOTE:

Additional access width may be necessary to provide for emergency service vehicles in accordance with SNZ PAS 4509:2008 (refer 17.6.10 Advice Note)

8.6.10 **FLOOR LEVELS**

- 8.6.10.1 Floor levels shall be sufficient to ensure that water does not enter *buildings* 1% AEP (Annual Exceedance Probability) event within the *Coastal Environment* or a 2% AEP event for areas outside the *Coastal Environment*. *Council* will determine the appropriate freeboard that needs to be added to the flood level to set the required minimum floor level.

8.6.11 ON -SITE EFFLUENT DISPOSAL

8.6.11.1 Provision shall be made on-site for adequate vehicle *access* to septic tanks for maintenance purposes.

8.6.11.2 In relation to *intensive farming*, waste and effluent disposal associated with the activity shall be located at least:

1. 500m from the nearest boundary of a *site* zoned residential, mixed activity or industrial.
2. 100m from an existing residential activity on a site in separate ownership.
3. 45m from a front boundary and from a residential activity on the same *site*.
4. 15m from any other *site* boundary.
5. 50m from any *waterbody*.

ADVICE NOTE: Resource consent may be required from the Bay of Plenty Regional Council
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8.6.12 POTABLE WATER SUPPLY

8.6.12.1 A potable water supply shall be provided to each *site* within the zone.

8.6.13 SETBACK FOR PLANTATION FORESTRY

8.6.13.1 The planting of any *plantation forestry* shall not be located closer than 15m to the boundary of any public *road*.

8.6.14 GOAT FARMING

8.6.14.1 Goat *farming* shall be permitted outside the areas shown as Goat Management Areas on the Planning Maps.

8.6.14.2 The goats shall be formally identified in accordance with the National Animal Identification and Tracing Act 2012, but must include the tagging (brass tag or plastic tag or ear-cut or tattoo) of goats with recognisable owner identification.

8.6.14.3 The goats shall be contained on *site* at all times by either a boundary fence in accordance with standards for goat fencing contained in Appendix 7 or tethered, which may include a running wire.

8.6.14.4 Written advice of the location of the goat *farming* activity shall be provided to *Council* at the time of the establishment of the goat *farming* operation.

8.6.15 DEER FARMING

1. Deer shall be kept in accordance with the National Animal Identification and Tracing Act 2012.
2. Deer shall be identified in accordance with the National Animal Identification and Tracing Act 2012.
3. Deer shall be contained on *site* at all times by a boundary fenced area in accordance with the deer fencing standard set out in Appendix 7.
4. Written advice of the location of the deer *farming* activity shall be provided to *Council* at the time of the establishment of the deer *farming* operation.

8.6.16 SIGNS

8.6.16.1 The following signs shall be permitted subject to compliance with the standards in 8.6.16.4:

1. A *sign* with a maximum area of 0.5m² in relation to an approved *home occupation* or *visitor accommodation*, including name, type of *home occupation* and hours of operation.
2. A *temporary sign* with a maximum area of 1.8m², where the written consent of the landowner has been obtained and provided to Council.
3. *Official signs*.

8.6.16.2 A *sign* with a maximum area of 1.1m² shall be a controlled activity in relation to any public purpose or on the same *site* as any of the following activities:

1. Recreation reserves
2. Churches and other *places of assembly*
3. *Education facilities*
4. Hospitals
5. *Community activities*
6. *Visitor accommodation*
7. Tourist or special information, including places or points of special interest.

8.6.16.3 The following *signs* shall be Discretionary Activities:

1. Illuminated *signs* that are not a Permitted Activity
2. Flashing, animated, trivision, revolving lights, lasers or aerial *signs* located adjacent to a state highway.
3. Free standing *signs* located within the boundary of a state highway with a speed limit of 50km/h or less.

4. Advance warning *signs* erected on a *road*.

8.6.16.4 *Signs* visible from a State highway shall not:

1. Have reflective material or illumination that flashes or moves;
2. Obstruct or impair the view of any official traffic sign and signal or the line of sight at any corner, bend, intersection of vehicle crossing;
3. Physically obstruct or impeded traffic or pedestrians;
4. Resemble or be likely to be confused with any official traffic signs or signs;
5. Use support structures that are not frangible.

ADVICE NOTES:

1. Council controls signs under the Ōpōtiki District Council Consolidated Bylaws 2020.
2. Where signs on private property will be visible from a State Highway and resource consent is required, the NZ Transport Agency should be consulted in relation to traffic safety effects. It should also be noted that NZ Transport Agency controls signs on the State highway corridor Legal Road under the NZ Transport Agency Signs on State Highway Bylaw July 2010.

8.6.17 SEASONAL WORKER ACCOMMODATION

1. The relevant Zone standards for *yards*, *height*, daylight protection and parking shall be complied with.
2. Access – No new vehicle *access* shall be required to a State Highway
3. The accommodation shall be used solely for part of the year to meet labour requirements in the horticulture sector
4. The facility shall provide a combination of communal kitchen and eating areas and sleeping and ablution facilities
5. No more than 12 workers shall be accommodated.
6. The Code of Practice for Able Bodied Seasonal Workers, published by Department of Building and Housing 2008 shall be complied with.

8.6.18 VEGETATION DISTURBANCE AND ANCILLARY EARTHWORKS IN ASSOCIATION WITH A RESPONSE UNDER THE BIOSECURITY ACT 1993

8.6.18.1 Vegetation disturbance and ancillary earthworks must comply with the following standard:

1. There shall be a minimum setback of 50m from the Coastal Marine Area or a waterbody to minimise the risk of leachate reaching the water and sediment discharge resulting from earthworks.

ADVICE NOTE:

Consent may be required from Bay of Plenty Regional Council for the removal of indigenous vegetation and for earthworks.

8.6.19 NOISE SENSITIVE ACTIVITIES NEAR STATE HIGHWAYS

1. Within 80m (measured from the nearest painted edge line of the carriageway) of a State Highway any habitable room in a new *noise sensitive activity* or any addition(s) to an existing *noise sensitive activity* constructed shall be designed, constructed and maintained to meet an internal noise level of:
 - a) 35dBA LAeq (24 hour) inside bedrooms with ventilating windows open.
 - b) 40dBA LAeq (24 hour) inside other habitable rooms with ventilating windows open.
2. Compliance with 1 shall be achieved by an acoustic design certificate from a suitably qualified acoustic engineer being provided to *Council*, prior to the construction of any *noise sensitive activity*, demonstrating that the above internal sound levels will be achieved. The building will be designed, constructed and maintained in accordance with the design certificate.
3. Where the noise level specified in 1 cannot be met with ventilating windows open, a ventilation system shall be installed for the habitable room(s).

ADVICE NOTE:

For the purpose of this rule a Ventilation System means a system complying with the Building Code (NZS 4303) for mechanical ventilation (refer Clause G4). This rule will ensure a minimum level of mechanical ventilation with ventilating windows closed.

4. Dwelling units, home occupations and other *Sensitive Activities* shall have a minimum setback (measured from the nearest painted edge of the carriageway of a State Highway) of 40m.

8.7 OTHER METHODS

8.7.1 Other methods for achieving the objectives and policies of this section are:

1. Provision by *Council* of appropriate education and information distribution programmes.
2. Encourage and support Landcare programmes as a tool to manage natural and physical resources.
3. Use of catchment management groups to enhance the quality of natural resources, particularly *waterbodies*, within defined areas.

4. Use Land Information Memoranda (LIM) and Project Information Memoranda (PIM) to provide information on known natural hazards to potential developers and applicants.
5. Have information available to the community that provides an overview of those methods that are available to the *Council* and the landowners for the management of areas of historical, botanical or ecological importance.
6. Use of mechanisms under other legislation to protect important ecological, cultural, and heritage sites, such as covenants under the Queen Elizabeth The Second National Trust Act 1977, and Ngā Whenua Rahui reserves.
7. To manage those public open spaces and reserves administered by *Council* within, and adjoining, the Rural Zone to ensure that the parks and reserves complement the character of the zone.

8.8 EXPECTED ENVIRONMENTAL RESULTS

Environmental outcomes anticipated from the implementation of the objectives and policies of this section are:

- A. Rural activities undertaken in a manner where the adverse effects on the environment are minimal.
- B. Subdivision within the zone that complements the zone's rural character.
- C. The productive potential of *versatile land* is protected.
- D. *Reverse sensitivity* effects on *rural production activities* are minimised.
- E. Opportunities for *papakāinga housing* within the District.

Chapter 9

Coastal Zone



9. COASTAL ZONE

ADVICE NOTE:

This chapter applies to the Coastal Zone which is identified in Ōpōtiki District Plan maps. There is also a *Coastal Environment* Overlay which applies to some parts of the Coastal Zone, where Chapter 19 applies additional provisions. The *Coastal Environment* is that part of the district which lies between the *Coastal Environment* line and MHWS which is identified on the planning maps. Activities located within the Coastal Zone and the *Coastal Environment* Overlay will need to meet the requirements of both Chapter 9 and 19. Where there is a conflict between provisions in this chapter and Chapter 19 or provisions elsewhere in this Plan, the provisions in Chapter 19 prevail (except in relation to Policy 17.2.2.4, which prevails in relation to the management of National Grid infrastructure within the *Coastal Environment*).

9.1 RESOURCE MANAGEMENT ISSUES

1. The location of residential activities within the zone need to be managed to ensure that adverse effects on the *amenity values*, the quality of the environment and the natural and physical resources of the District are managed.
2. The characteristics of residential properties need to be maintained so that the residential nature of the *site* and adjoining *sites* is maintained. These include managing effects such as the *height of buildings*, storage areas, parking, loading, signage, noise and glare and separation distances.
3. There are many stakeholders involved in the management of the District's coast resource and this management needs to be undertaken in an integrated manner to ensure management by all parties reduce inconsistencies and reduce duplication.
4. Increasing numbers of visitors will lead to increased pressures on the natural and physical resources of the District and the quality and integrity of the Ōpōtiki coastline.
5. The location of hazardous substances use, storage or disposal facilities within the zone have the potential to seriously adversely affect the coastal areas of the District in times of containment rupture, accidental spillage or in times of natural hazard occurrence where the facility is located on an area susceptible to flooding or erosion.
6. Sporadic and inappropriate subdivision, use and development pressure can depreciate the *natural character* and indigenous biodiversity of the coast.
7. Within the Coastal Zone there are many historical, cultural and archaeological areas of importance that can be destroyed or modified from earthworks activities.
8. Coastal areas are of importance to tangata whenua for spiritual, historical, or cultural

purposes and these need to be provided for.

9. *Sites* within the zone need to be of sufficient size so that where on-site effluent treatment is required there will be no adverse effects on the *site*, adjoining *sites* and particularly on the coastal *ecosystem*.
10. *Signs* can affect the visual environment and can accentuate roadside clutter. *Signs* can adversely affect safety and can obstruct clear visibility of traffic *signs*.
11. There is a lack of accommodation facilities to support seasonal workers and this could impact on the efficiency and economic viability of the horticultural sector.
12. Activities can adversely affect the safety, sustainability and efficiency of the transport network.
13. Some land within the Coastal Zone is used or able to be used for farming and horticulture activities. The zone provisions need to provide for such uses alongside recreational and residential uses of the zone while recognising the need to preserve the natural character of the *Coastal Environment*.
14. A biosecurity incursion could have significant adverse effects on the wellbeing of the district, particularly the horticultural industry, and inappropriate management of such incursions can result in the unintended spread of pest species.

9.2 OBJECTIVES AND POLICIES

OBJECTIVE

- 9.2.1 **Retain and, where appropriate, restore the distinctive natural character within the Coastal Zone.**

POLICIES

- 9.2.1.1 Require setback for structures and *buildings* from the coast where practicable to ensure maintenance of the coastal *ecosystem* and the *natural character* of the coastline and to enable esplanade reserves, or esplanade strips to be set aside for the future.
- 9.2.1.2 Ensure that the subdivision, use and development of land within the Coastal Zone avoids as far as practicable significant adverse effects on *natural character* and where these cannot be avoided, be remedied or mitigated.
- 9.2.1.3 Encourage voluntary actions to maintain, enhance or protect the natural character of the Coastal Zone.

OBJECTIVE

- 9.2.2 The adverse effects of inappropriate subdivision, use and development on the natural character of the Coastal Zone are avoided or are remedied or mitigated, including by providing for development in areas better able to absorb the effects of the development than other areas of the coast.**

POLICIES

- 9.2.2.1 Residential activities within the zone need to be managed and located to ensure that adverse effects on the *amenity values*, the quality of the environment, and the natural and physical resources of the District are avoided, remedied or mitigated.
- 9.2.2.2 Manage the effects of residential activities through controls on building *height*, storage areas, parking, loading, signage, noise, glare, and separation distances to ensure the amenity value of the site and adjoining sites is maintained.
- 9.2.2.3 Require residential, commercial or industrial *building* setback from *MHWS* as a means of avoiding, remedying or mitigating the adverse effects of potential coastal hazard risks.
- 9.2.2.4 Ensure that any *site* within the zone is of a sufficient size to avoid or mitigate any potential effects of the on-site disposal of effluent and to ensure that there are no adverse effects on the *Coastal Environment*.
- 9.2.2.5 Manage the effects of subdivision, use and development on the *natural character* of the Coastal Zone through avoiding inappropriate development outside existing settlements, as far as practicable, or remedying or mitigating adverse effects, while recognising that some activities, due to functional, operational or technical requirements, need to locate in the Coastal Zone.
- 9.2.2.6 Encourage subdivision, use and development within established coastal settlements to ensure that residential development is managed to avoid, remedy or mitigate the effects of sprawling subdivision on the *natural character* of the *Coastal Environment*.
- 9.2.2.7 Ensure that residential buildings within 300m of the Harbour Industrial Zone are located and designed to avoid reverse sensitivity effects on lawfully established activities in the Harbour Industrial Zone.

OBJECTIVE

- 9.2.3 To recognise and provide for tangata whenua relationships with the Coastal Zone.**

POLICIES

- 9.2.3.1 Where activities in the zone affect the relationship tangata whenua have with their cultural sites and traditions, activities are to avoid, remedy or mitigate adverse effects.
- 9.2.3.2 To take into account hapū and lwi resource environment management plans.
- 9.2.3.3 To recognise only tangata whenua can identify and evidentially substantiate their relationship and that of their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga.
- 9.2.3.4 The outcomes of consultation with tangata whenua will be taken into account when assessing resource consent applications affecting the Coastal Zone to show how the relationships of Maori and their culture and traditions with their ancestral taonga are recognised and provided for.
- 9.2.3.5 To recognise and provide for the cultural, spiritual and archaeological values of tangata whenua and the desire of tangata whenua to live on and develop their ancestral lands.
- 9.2.3.6 To recognise the special relationship of Māori with their ancestral land by enabling use and development of land including papakāinga and associated support facilities.

OBJECTIVE

- 9.2.4 Manage activities to ensure vehicle movement is undertaken in a safe and efficient manner that does not adversely affect the functioning of the transport network.**

POLICY

- 9.2.4.1 To avoid remedy or mitigate the adverse effects of activities on the safety and efficiency of the transport network.

9.2.5 OBJECTIVE

Enable rural production activities in the Coastal Zone.

POLICIES

- 9.2.5.1 To provide for rural production activities, including associated buildings and structures, recognising that these activities are integral to and contribute to the rural use of the Coastal Zone.
- 9.2.5.2 To provide for rural production activities by ensuring that adjacent residential activities do not compromise the ability to use the land for rural production purposes through reverse sensitivity effects.

9.2.6 OBJECTIVE

Enable national or regional responses to biosecurity incursions and allow for the appropriate management of plants and plant material infected by an unwanted organism.

POLICY

9.2.6.1 Enable disposal of plants and plant material infected by unwanted organisms or pests that are being managed as part of a biosecurity response under the Biosecurity Act 1993.

9.3 ACTIVITY STATUS

Resource consent is required for all Controlled, Restricted Discretionary, Discretionary and Non-complying activities. Resource consent is not required for Permitted activities provided all relevant standards are met.

Additional controls may apply in the following Chapters:

- Chapter 12 – Surface of Water Activities
- Chapter 13 – Landscapes, Indigenous Vegetation and Habitats
- Chapter 14 – Heritage
- Chapter 15 – Subdivision
- Chapter 16 – Financial Contributions
- Chapter 17 – Network Utilities
- Chapter 18 – Natural Hazards
- Chapter 19 – Coastal Environment Overlay

9.3.2 PERMITTED ACTIVITIES

9.3.2.1 Subject to compliance with the Zone Standards in section 9.6, unless otherwise stated, the following activities may be established without resource consent from *Council*.

1. *Farming*.
2. Keeping or *farming* goats on sites located outside the Goat Management Areas as shown on the planning maps.
3. *Buildings* not within an identified coastal hazard area:
 - (a) One *dwelling* per *site*.
 - (b) Two *dwellings* on any *site* 1 hectare or more in area.
 - (c) Three *dwellings* on any *site* 4 hectares or more in area.
 - (d) *Buildings accessory* to any Permitted Activity.
 - (e) Additions to existing *dwellings*.
4. *Marae*.
5. Urupā and private cemeteries.

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6. *Prospecting.*
 7. *Visitor accommodation* for up to 4 persons per night,
 8. Activities on reserves as provided for in the Reserves Act 1977 or in an approved Reserve Management Plan.
 9. Maintenance work carried out by Bay of Plenty Regional Council on established drainage and flood control scheme works.
 10. *Temporary buildings* and associated activities required for a *building* or construction project of not more than 12 months duration.
 11. *Signs* listed in 9.6.6.1
 12. *Temporary military training activities* complying with Appendix 3.
 13. Any activity that is not listed in this Chapter and which complies with the Zone Standards.
 14. Relocation and re-siting of *buildings*, including *factory built dwellings*
 15. *Seasonal Worker Accommodation* for up to 12 people per night
 16. Removal and disposal of plants and plant material infected by unwanted organisms, including ancillary earthworks, carried out as directed by a person authorised under the Biosecurity Act 1993.
 17. Existing *plantation forestry*
 18. *Artificial Crop Protection Structures*
 19. *Emergency services* training and associated management activities
 20. *Audible bird scaring devices.*

9.3.3 CONTROLLED ACTIVITIES

9.3.3.1 The activities listed below may only be established after resource consent has been granted by *Council*. The Council may impose conditions only in relation to the matters over which it has reserved control in section 9.4. The activities must comply with the Zone Standards in section 9.6, unless otherwise stated.

1. Community and outdoor recreation activities where any *buildings* and structures are less than 100m² in area.
2. *Rural selling places.*
3. *Home occupations*, provided that where the *site access* is to a State highway, the written consent of the NZ Transport Agency will be required and will need to be submitted with any application.
4. Activities listed as a Permitted Activity where the *site access* is to a State highway, provided that the written consent of the NZ Transport Agency will be required and will need to be submitted with the application.
5. Public toilets.
6. *Signs* listed in 9.6.6.2

7. *Emergency service facilities*
8. *Temporary Military Training Activities* not complying with Appendix 3.

9.3.4 RESTRICTED DISCRETIONARY ACTIVITIES

9.3.4.1 The activities listed below may only be established after resource consent has been granted by *Council*. The *Council* may refuse consent or grant consent and impose conditions only in relation to the matters over which it has restricted its discretion in 9.5. The activities must comply with the Zone Standards in Section 9.6, unless otherwise stated.

1. Relocated or re-sited *buildings* that do not comply with Rule 9.6.15 (Relocation of *buildings*).
2. *Seasonal Worker Accommodation* for more than 12 people per night
3. *Audible bird scaring devices* that do not comply with 9.6.3.1.
4. *Artificial crop protection structures* that do not comply with 9.6.14.
5. *Buildings* and activities that do not comply with 9.6.2.
6. *Papakāinga*, where the maximum number of *sites* shall be 50 and where each *site* shall have an area of 1200m² exclusive of *access*.

Provided that *sites* may be smaller than 1200m² where:

- (a) On-site investigations are undertaken by a suitably qualified and experienced person to show that the *site* complies with the On-site Effluent Treatment Regional Plan.
- (b) The investigations undertaken by a registered engineer conclude that a reduction in *lot* size will not have any adverse effects on the environment.
- (c) Where the minimum residential *site area* shall be 400m².

9.3.5 DISCRETIONARY ACTIVITIES

9.3.5.1 The activities listed below may only be established after resource consent has been granted by *Council*. The *Council* may refuse consent or grant consent subject to conditions. The Zone standards in 9.6 will be used as a guideline when assessing the application.

1. Goat *farming* in the Goat Management Areas identified on Planning Maps.
2. Activities listed as Permitted or Controlled Activities which do not meet one or more of the Zone Standards unless otherwise stated.
3. Additional *dwellings* exceeding those stated as Permitted or Controlled Activities.
4. *Visitor accommodation* for more than 4 visitors per night.
5. Community and recreation activities involving *buildings* over 100m² in area.
6. *Education facilities*.
7. *Commercial Activities*.
8. Contractors depots.
9. Wharves, jetties, slipways, and other landing facilities.

10. Public cemeteries.
11. *Places of assembly* excluding *Mārae*
12. Refuse recycling facilities and transfer stations.
13. *Rural industry*.
14. *Intensive farming*.
15. *New plantation forestry*.
16. *Mining, quarrying, and exploration* activities.
17. Activities and *buildings accessory* to a Discretionary Activity.
18. *Temporary activities* where the *access* is to a State highway and the written consent of the NZ Transport Agency has not been obtained.
19. *Signs*, as stated in 9.6.6.3.
20. Any *building* provided for as a Permitted or Controlled Activity that does not comply with 9.6.2.3.1, except for public toilets and *emergency service* facilities.
21. Retail activities.
22. *Exploration*.

9.3.6 NON-COMPLYING ACTIVITIES

9.3.6.1 The activities listed below may only be established if resource consent has been granted by *Council*. The *Council* may refuse or grant consent for a non-complying activity. The Zone standards in 9.6 will be used as a guideline when assessing the application.

1. Any activity not specifically stated as a Permitted, Controlled, Restricted Discretionary or Discretionary Activity or an activity which does not comply with the Zone Standards, unless otherwise stated.

9.4 CONTROLLED ACTIVITIES: MATTERS OVER WHICH CONTROL IS RESERVED

9.4.1 The *Council* has reserved control over the following matters:

9.4.1.1 Design and appearance

1. The design and appearance of any *buildings* or structures associated with the activity and how it relates to the *amenity values* of the surrounding areas, with emphasis on mechanisms used to mitigate any adverse effects of the *buildings* and structures. This may include the use of screening or materials that would lessen any reflectivity or glare from the *buildings*.
2. The visual effect of the activity in relation to its location, *site* boundaries and topography.

3. The size and location of *buildings* with regard to the activities on the *site* and the effects on coastal *amenity values*, and the *amenity values* on neighbouring properties.
4. The manner in which the *site* is to be landscaped and how effectively it will screen the activities or enhance the *amenity values* of the area and how the *landscaping* will maintain the character of the Coastal Zone.
5. The location and appearance of signs associated with the activity.
6. The functional need for the building or structure for farming activities in the *Coastal Environment*.

9.4.1.2 **Effects on adjoining properties**

1. The size and location of *buildings* with regard to the activities on the *site* and the effects on coastal *amenity values* and the *amenity values* on neighbouring properties.
2. Any measures to be implemented to mitigate the effects from the activity, such as visual effects, odour, noise and light spill.

9.4.1.3 **Effects on natural character, natural values, and amenity values**

1. The extent to which the activity may modify or degrade the *natural character* and **amenity values** of the coastal landscapes and *ecosystems*.
2. The effects of the activity on public access to the coast and the opportunities available from the activity for improving public access to and along the coast.
3. The effect of the design and layout of the activity in relation to coastal land, *buildings*, features and *waterbodies* which have historical, archaeological and cultural significance to the people of the District, including those which have special value to Māori. Māori values will be determined in accordance with local Iwi or Hapū.

9.4.1.4 **Vehicle access and manoeuvrability**

1. The design and location of vehicular *access*, on-site manoeuvrability and whether vehicles can leave and enter the *site* safely.
2. The effect of the activity on the safety and efficiency of the state highway network.
3. The need for carparking, service lanes and loading and unloading activities associated with the activity.
4. The ability of the *site* to provide on-site parking associated with the activity.

9.4.1.5 **Historical, cultural and archaeological and cultural values and resources**

1. The effect of the design and layout of the activities in relation to land, *buildings*, features and *waterbodies* which have historical and archaeological worth.
2. The effects of the activity on historic, archaeological and cultural values and resources of importance to Māori.

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3. The effects of the activity on heritage and conservation values, both on the *site* and on adjoining *sites*.

9.4.1.6 **Effects on water bodies, indigenous vegetation and habitats**

1. The effects of activities on *waterbodies* in or adjoining the *site* of the activity.
2. Riparian management mechanisms implemented to mitigate potential adverse effects of the activity on the coast and on *waterbodies* in or adjacent to the *site*.
3. The potential effects of the activity on coastal areas of *indigenous vegetation* and *habitats* of indigenous fauna.

9.4.1.8 **Natural hazards**

1. The susceptibility of the *site* to natural coastal hazards and the measures implemented to mitigate the effects of natural hazards. Including any investigations undertaken by the applicant in relation to natural hazard susceptibility of the *site* and the activities undertaken on the *site*.
2. The extent to which the activity may accentuate the potential adverse effects of natural hazards.

9.4.1.9 **Temporary military training activities not complying with Appendix 3**

1. Location in relation to noise sensitive activities.
2. Hours of operation and duration.

9.5 **RESTRICTED DISCRETIONARY ACTIVITIES: MATTERS OVER WHICH DISCRETION IS RESTRICTED**

9.5.1 Council has restricted its discretion over the following matters:

9.5.1.1 **Relocated and re-sited buildings not complying with Rule 9.6.12 (Relocation or re-siting of buildings)**

1. Proposed *landscaping*, including opportunities to screen the *building* during reinstatement.
2. Proposed timetable for completion of re-instatement works.
3. The appearance of the building when re-instated.
4. Maintenance of the *site* and surrounds during reinstatement.
5. The extent to which the activity avoids significant adverse effects on the *natural character* of the *Coastal Environment*.

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- 9.5.1.2 **Seasonal worker accommodation for more than 12 people per night**
1. The effect of the activity on the amenity of the surrounding environment.
 2. Any matters in Zone Standard that are not able to be met.
 3. Methods to avoid, remedy or mitigate the effects on existing activities, including the provision of screening, landscaping and methods for noise control.
 4. The extent to which the application complies with the Code of Practice for Able Bodied Seasonal Workers, published by Department of Building and Housing 2008.
- 9.5.1.3 **Historical, cultural and archaeological and cultural values and resources**
1. The effect of the design and layout of the activities in relation to land, *buildings*, features and *waterbodies* which have historical and archaeological value.
 2. The effects of the activity on historic, archaeological and cultural values and resources of importance to Māori.
 3. The effects of the activity on heritage and conservation values, both on the *site* and on adjoining *sites*.
- 9.5.1.4 **Buildings not complying with 9.6.2 (Yards)**
1. The adverse effects on the amenity in terms of:
 - a. Shadowing
 - b. Physical domination
 - c. Privacy
 - d. Noise
 - e. Lighting
 - f. The degree to which the character and amenity are affected.
- 9.5.1.5 **Artificial crop protection structures not complying with 9.6.14**
1. The extent to which the matters in 9.6.14 are able to be met.
 2. The effect on the visual catchment and the sensitivity of the catchment, including *Outstanding Natural Landscapes and Features* and the *Coastal Environment*.

9.5.1.6 Audible Bird Scaring Devices not meeting 9.6.4

1. Location of audible bird scaring device in relation to adjacent sites.
2. Sound levels at any point within the *notional boundary* of any dwelling on another site.
3. Number of shots per event.

9.5.1.7 Papakāinga

1. The matters set out in section 9.4.
2. Whether the site, including its natural features, has the capacity for the number of *dwellings* proposed.

9.6 ZONE STANDARDS

These Zone Standards apply to all permitted, controlled and restricted discretionary activities, unless otherwise stated. They will be used as a guideline when assessing applications for discretionary and non-complying activities.

Temporary Military Training Activities are exempt from complying with Zone Standards.

9.6.1 SITE REQUIREMENTS**9.6.1.1 Site coverage****1. Residential activity sites**

A maximum of 40% of the *site* may be covered with *buildings*.

2. Non-residential activity sites

No limit, subject to compliance with other Zone Standards.

9.6.1.2 Height

The maximum *height* for *buildings* within the zone is 9m.

Hose drying towers associated with *emergency service* facilities may be up to 15m high.

9.6.1.3 Daylight Protection

No part of any *building* shall penetrate a daylight recession plane of 45° from a *height* of 2.7m above finished ground level at any boundary.

9.6.2 YARDS**9.6.2.1 Separation from adjoining properties**

All *buildings* shall be set back at least 5m from side and rear boundaries.

Provided that:

1. A *dwelling* or *building accessory* to a *dwelling* may be located within side yards where the written consent of the adjoining property owner/occupier is obtained and provided to *Council*.
2. *Buildings* used for the housing or keeping of animals on a permanent basis shall be located at least 30m from any boundary other than a *road* boundary, except where the written consent of the adjoining property owner/occupier is obtained.

9.6.2.2 Building setback from roads

All *buildings* shall be set back at least 9m from the *road* boundary excluding crop protection structures and on-farm yards.

9.6.2.3 Building setback from coast

1. No *building* shall be located closer than 50m from *MHWS*.

9.6.2.4 Building setback from waterbodies

1. No *building* shall be located closer than 25m from any *waterbody* with an average width of at least 3m.

9.6.2.5 Non-compliance with this standard shall be assessed as a Restricted Discretionary Activity, except as otherwise stated.

9.6.3 LANDSCAPING

9.6.3.1 Areas used for industrial and commercial storage shall provide *landscaping* when adjoining a *dwelling* on another site or where adjacent to a public place. Such *landscaping* shall comprise a 3m landscaping strip planted with evergreen shrubs which will reach a minimum height of 1.8m and provide a continuous screen planting or fencing up to 1.8m high.

9.6.4 NOISE AND GLARE**9.6.4.1 Noise**

1. All activities on a *site* shall be designed and conducted so as to ensure that the following *noise limits* are not exceeded at any point within the *notional boundary* of any *dwelling* on

another site in the Coastal Zone:

Noise Limits dB		
Receiving Zone	Daytime	Night time
	7am to 10pm, Monday to Sunday including public holidays	At all other times
Coastal Zone	50LAeq	40LAeq 70LAm _{ax}

2. Except where expressly provided elsewhere in this Plan, noise shall be measured in accordance with the provisions of NZS 6801:2008 Acoustics – Environmental Measurement of Sound, and assessed in accordance with the provisions of NZS 6802:2008 Acoustics - Environmental Noise.
3. Construction noise in any zone shall not exceed the recommended limits and shall be measured and assessed in accordance with the provisions of NZS 6803:1999 Acoustics - Construction Noise.
4. An audible bird scaring device shall:
 - a. Be operated only from half an hour before sunrise to half an hour after sunset.
 - b. Not exceed 65dB ASEL at the *notional boundary* of any *dwelling* in the Rural Zone or at the boundary of any Residential Zone (excluding any *dwelling/s* located on the same *site* as the device is being operated), unless the adjacent landowner has provided written approval to the activity and a copy has been provided to the *Council*.
 - c. Only be operated when the horticultural crop is at risk from bird damage.
 - d. Non-compliance shall be assessed as a Restricted Discretionary Activity
5. Noise from livestock and from vehicles and mobile machinery associated with short term *farming* and *plantation forestry* operations such as harvesting crops and forests shall be exempt from compliance with the noise levels specified in the table above.
6. Sirens used by *emergency services* shall be exempt from compliance with the noise levels specified in the table above.

9.6.3.2 Lighting and glare

All exterior security lighting and floodlighting shall be designed, installed and maintained so that light emitted does not overspill the property boundaries or cause a distraction or glare which could cause a traffic hazard on adjacent *roads*.

9.6.3.3 **Habitable buildings within 300m of Harbour Industrial Zone**

1. Any habitable *buildings* in a new *dwelling* in the Coastal Zone within 300m of the Harbour Industrial Zone shall be designed, constructed and maintained to meet an internal noise level of:
 - a. 35 dB LAeq (1 hour) inside bedrooms with ventilating windows open.
 - b. 40 dB LAeq (1 hour) inside other habitable rooms with ventilating windows open.

2. Compliance with this Rule shall be confirmed by an acoustic design certificate from a suitably qualified acoustic engineer being provided to the *Council*, prior to the construction of any *noise sensitive activity*, demonstrating that the above internal sound levels will be achieved. The *building* will be designed, constructed and maintained in accordance with the design certificate.

3. Where the internal noise level cannot be met with ventilating windows open, a ventilation system shall be installed for the habitable room(s).

ADVICE NOTE: For the purpose of this Rule: Ventilation System means a system complying with the NZS 4303:1990 for mechanical ventilation (refer Clause G4). This Rule will ensure a minimum level of mechanical ventilation with ventilating windows closed.

9.6.4 **PARKING AND ACCESS**

9.6.4.1 **Parking and loading**

On-site carparking and provision for loading shall be provided in relation to every activity whether new, extended, or where the activity is changed, as follows:

1. On-site carparking and provision for loading shall be provided in relation to every activity whether new, extended or where the activity is changed, as follows:

<i>Dwellings</i>	1 space per <i>dwelling</i> in addition to parking provided in a garage or carport
<i>Places of assembly</i>	1 space per 5 persons accommodated
<i>Visitor accommodation</i>	1 to 4 people 1 space per unit Over 4 people 1 space per unit plus 2 for staff
<i>Education facilities</i>	2 spaces for visitors plus adequate and reasonable provision for cars and buses to drop off and pick up students and: Preschool 1 space per staff member

	Primary	2 spaces per 3 staff members	
	Secondary	1 space per 20 students	2. T
	Tertiary	1 space per 20 students	he dimensions
<i>Rural industrial activities</i>		1 space per 50m ² total floor area	and design
<i>Rural selling places</i>		1 space per 20m ² total floor area	standards are
<i>Contractors' depots</i>		1 space per 50m ² total floor area	set out in
<i>Home occupations</i>		1 space per 20m ² of the site used for the activity	Appendix 1.
<i>Outdoor community recreation</i>		1 space per 20m ² of the net site area	3. P
<i>Community Corrections Facilities</i>		1 space for every 2 full time equivalent employees and one space for every 10 people the facility is designed to service. .	rovision shall be made for the loading and unloading of service vehicles
<i>Emergency Services Facilities</i>		5 spaces for every emergency vehicle bay	on-site, in such a way that no
<i>Seasonal worker accommodation</i>		1 space for every 6 people accommodated on site	
		footpath, road, or access to adjoining properties is blocked.	

9.6.4.2 Vehicle access

Any activity requiring *access* to the State Highway must obtain written approval from NZ Transport Agency and a copy shall be provided with any application to Council.

9.6.5 VEHICLE ENTRANCES

9.6.5.1 Vehicle entrances shall be designed and constructed to comply with Appendix 4.

ADVICE NOTE: Additional access width may be necessary to provide for emergency service vehicles in accordance with SNZ PAS 4509:2008 (refer 17.6.10 Advice Note)

9.6.6 SIGNS

9.6.6.1 The following signs shall be permitted subject to compliance with the standards in 9.6.6.4:

1. A *sign* with a maximum area of 0.5m² in relation to an approved *home occupation* or *visitor accommodation*, including name, type of *home occupation* and hours of operation.
2. A *temporary sign* with a maximum area of 1.8m², where the written consent of the landowner has been obtained and provided to Council.
3. *Official signs*.

9.6.6.2 A *sign* with a maximum area of 1.1m² shall be a controlled activity in relation to any public purpose or on the same *site* as any of the following activities:

1. Recreation reserves
2. Churches and other *places of assembly*
3. *Education facilities*
4. Hospitals
5. *Community activities*
6. *Visitor accommodation*
7. Tourist or special information, including places or points of special interest.

9.6.6.3 The following *signs* shall be Discretionary Activities:

1. Illuminated *signs* that are not a Permitted Activity
2. Flashing, animated, trivision, revolving lights, lasers or aerial *signs* located adjacent to a state highway.
3. Free standing *signs* located within the boundary of a state highway with a speed limit of 50km/h or less.
4. Advance warning *signs* erected on a *road*.

9.6.6.4 *Signs* visible from a State highway shall not:

1. Have reflective material or illumination that flashes or moves;
2. Obstruct or impair the view of any official traffic *sign* and signal or the line of sight at any corner, bend, intersection of vehicle crossing;
3. Physically obstruct or impeded traffic or pedestrians;
4. Resemble or be likely to be confused with any official traffic *signs* or *signs*;
5. Use support structures that are not frangible.

ADVICE NOTES:

1. Council controls signs under the Ōpōtiki District Council Consolidated Bylaws 2020.
2. Where signs on private property will be visible from a State Highway and resource consent is required, the NZ Transport Agency should be consulted in relation to traffic safety effects. It should also be noted that NZ Transport Agency controls signs on the State highway corridor Legal Road under the NZ Transport Agency Signs on State Highway Bylaw July 2010.

9.6.7 FLOOR LEVELS

9.6.7.1 Floor levels shall be sufficient to ensure that water does not enter *buildings* 1% AEP (Annual Exceedance Probability) event within the *Coastal Environment* or a 2% AEP (Annual Exceedance Probability) event for areas outside the *Coastal Environment*. *Council* will determine the appropriate freeboard that needs to be added to the flood level to set the required minimum floor level.

9.6.8 ON-SITE EFFLUENT DISPOSAL

9.6.8.1 Provision shall be made on-site for adequate vehicle *access* to septic tanks for maintenance purposes:

Provided that:

In relation to intensive *farming* waste disposal and effluent disposal activity shall be located at least:

1. 500m from a Residential, Mixed Activity or Industrial Zone boundary.
2. 100m from an existing Residential Activity on a *site* in separate ownership.
3. 45m from a front boundary and from a Residential Activity on the same *site*.
4. 15m from any other *site* boundary.
5. 50m from any *waterbody*.

<p>ADVICE NOTE: Resource Consent may be required from the Bay of Plenty Regional Council for an on-site effluent treatment system.</p>

9.6.9 WATER SUPPLY

9.6.9.1 A potable water supply shall be provided to each *site* within the zone.

9.6.10 COASTAL HAZARD ASSESSMENT

9.6.10.1 Coastal hazard assessment

It should be noted that compliance with the standards in this Plan does not override *Council's* obligations under the Building Act 2004 when considering applications for *building* consents in areas with an identified coastal hazard risk. A coastal hazard assessment may be required in those circumstances.

9.6.11 SETBACK FOR PLANTATION FORESTRY

9.6.11.1 The planting of any *plantation forestry* shall not be located closer than 15m to the boundary of any public road.

9.6.12 RELOCATION OR RE-SITING OF BUILDINGS

9.6.12.1 The relocation of a *building* shall comply with the following:

1. A *building* inspection report shall accompany the *building* consent. The report shall identify all reinstatement work required to the exterior of the *building*.
2. The *building* shall be located on permanent foundations approved by *building* consent no later than two months from the *building* being moved to the *site*.
3. All other work required to reinstate the exterior of the relocated *building* in accordance with the building inspection report shall be completed within 12 months of the *building* being relocated on the *site*.
4. The proposed owner of the relocated *building* must certify to the *Council* that the reinstatement work will be completed within the 12 month period.
5. Non-compliance with this Rule shall be considered a Restricted Discretionary Activity

9.6.13 GOAT FARMING

1. Goat *farming* shall be permitted outside the areas shown as Goat Management Areas on the Planning Maps.
2. The goats shall be formally identified in accordance with the National Animal Identification and Tracing Act 2012, but must include the tagging (brass tag or plastic tag or ear-cut or tattoo) of goats with recognisable owner identification.
3. The goats shall be contained on *site* at all times by either a boundary fence in accordance with standards for goat fencing contained in Appendix 7 or tethered, which may include a running wire.
4. Written advice of the location of the goat *farming* activity shall be provided to *Council* at the time of the establishment of the goat *farming* operation.

9.6.14 DEER FARMING

1. Deer shall be kept in accordance with the National Animal Identification and Tracing Act 2012.
2. Deer shall be identified in accordance with the National Animal Identification and Tracing Act 2012.
3. Deer shall be contained on *site* at all times by a boundary fenced area in accordance with the deer fencing standard set out in Appendix 7.
4. Written advice of the location of the deer *farming* activity shall be provided to *Council* at the time of the establishment of the deer *farming* operation.

9.6.15 ARTIFICIAL CROP PROTECTION STRUCTURES

- a. Dark green or black cloth shall be used on vertical faces within 30m of the boundary of the property.
- b. Green, black or white cloth shall be used on horizontal surfaces.
- c. No setback from a side or rear boundary shall be required for an artificial crop protection structure except that where there is an existing lawfully established residential building located 5m or less from the boundary on an adjacent lot, a 5m setback shall be provided unless the written approval of the owner(s) of the adjacent lot is obtained and provided to the *Council*. The setback shall apply to a 5m envelope parallel to any face of the residential building.
- d. No maximum site coverage shall apply.
- e. Non-compliance with these rules or where the written approval is not obtained shall be assessed as a Restricted Discretionary Activity.

<p>ADVICE NOTE: Within the Coastal Environment 19.5.4 shall apply.</p>

9.6.16 SEASONAL WORKER ACCOMMODATION

1. The relevant Zone standards for yards, height, daylight protection and parking shall be complied with.
2. Access – no new vehicle access shall be required to a State Highway.
3. The accommodation shall be used solely for part of the year to meet labour requirements in the horticulture sector.
4. The facility shall provide a combination of communal kitchen and eating areas and sleeping and ablution facilities.
5. No more than 12 workers shall be accommodated.
6. The Code of Practice for Able Bodied Seasonal Workers, published by Department of Building and Housing 2008 shall be complied with.

9.6.17 VEGETATION DISTURBANCE AND ANCILLARY EARTHWORKS IN ASSOCIATION WITH A RESPONSE UNDER THE BIOSECURITY ACT 1993

Vegetation disturbance and ancillary earthworks shall comply with the following standard:

1. There shall be a minimum 50m setback from the Coastal Marine Area or a *waterbody* to minimise risk of leachate reaching the water and sediment discharge resulting from earthworks.

ADVICE NOTE: Consent may be required from the Bay of Plenty Regional Council for the removal of indigenous vegetation and for earthworks.

9.7 OTHER METHODS

9.7.1 Other methods for achieving the objectives and policies of this section:

1. Continued support for established and future community Coast Care or Dune Care programmes, including continued liaison with Bay of Plenty Regional Council in respect of these programmes.
2. Use Land Information Memoranda (LIM) and Project Information Memoranda (PIM) to provide information on known hazards to potential *developers* and applicants.
3. *Council* to undertake as part of overall state of the environment monitoring programme, an assessment of the Coastal Zones of the District to ensure that information held on these areas is kept current.
4. Support Bay of Plenty Regional Council in managing reclamation, *wetland* drainage, saltmarsh grazing, vegetation clearance, effluent discharges, rubbish dumping, earthworks and track formation
5. Seek support from DOC and regional council to provide assistance to landowners to fence *wetlands* and other *indigenous vegetation*.
6. Where private land is located adjoining the coast and a need for public access is identified then *Council* will negotiate to provide public access across the land.
7. The identification of areas for reserves through *Council's* Strategic Planning Process, and the purchase and development of reserve land through *Council's* Annual Plan process.
8. That *Council*, in association with other agencies and landowners, will explore other means of improving public *access* to the coastal environment where this is appropriate and necessary.

9.8 EXPECTED ENVIRONMENTAL OUTCOMES

Environmental outcomes anticipated from the implementation of the objectives and policies are:

- A. A high quality coastal area that is not adversely affected by land use activities.
- B. Subdivision use and development within the Coastal Zone that retains the *natural character* of the coastal area.
- C. An increase in the protection afforded to *sites* of ecological importance within the zone.

Chapter 10

Coastal Settlement Zone



10. COASTAL SETTLEMENT ZONE

10.1 RESOURCE MANAGEMENT ISSUES

1. Sporadic subdivision and development pressure can adversely affect the *natural character* of the coast, particularly where there is fragmented ad hoc development of an area.
2. The *natural character* of the coast line is adversely affected by activities which destroy or modify *habitats* and vegetation, *natural features* and *landscapes* and drainage of coastal *wetlands*.
3. Coastal areas are of importance to tangata whenua for spiritual, historical or cultural purposes and these need to be provided for.
4. Sites within the zone need to be of sufficient size so that where on-site effluent treatment is required there will be no adverse effects on the *site*, adjoining sites and particularly on the coastal environment.
5. There are areas within the Coastal Settlement Zone that are susceptible to natural hazards, particularly flooding and erosion associated with coastal processes. The location of activities can increase the effects of natural hazards.
6. In some areas adjoining the coast it is difficult to provide appropriate infrastructure and services to the community.

10.2 OBJECTIVES AND POLICIES

OBJECTIVE

- 10.2.1 Planned and cohesive development of coastal settlement areas where inappropriate subdivision, use and development is avoided and the natural character is preserved.**

POLICIES

- 10.2.1.1 Consolidation of existing coastal settlement areas to avoid inappropriate and sprawling subdivision, use and development.
- 10.2.1.2 Restrict development where adequate infrastructure and services are not, nor are likely to be, available.
- 10.2.1.3 To manage adverse noise, glare, signs and other on-site effects.
- 10.2.1.4 To ensure that the effects of activities located within the zone do not adversely affect the safety and efficiency of the transport network.

- 10.2.1.5 To require sites are of a sufficient size so that effluent disposal does not adversely affect adjoining properties, water quality or the quality, *natural character* and *amenity values* of the coastal environment.
- 10.2.1.6 Require setback for structures and buildings from the coast to preserve the *natural character* of the coastal environment wherever possible, except where there is a functional requirement to locate in the zone.
- 10.2.1.7 Control the design and scale of non-residential activities located within the zone so as to retain a residential character, as far as practical, including compatible lighting, noise, *landscaping* and screening requirements.

OBJECTIVE

- 10.2.2 Recognise and provide for the special relationship tangata whenua have with their ancestral lands.**
- 10.2.2.1 Where activities in the zone affect the relationship tangata whenua have with their cultural *sites* and traditions, activities are to avoid, remedy or mitigate adverse effects.
- 10.2.2.2 To recognise only tangata whenua can identify and evidentially substantiate their relationship and that of their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga.
- 10.2.2.3 To recognise tangata whenua needs for Papakāinga housing, *marae* and associated developments.
- 10.2.2.4 To recognise and provide for the cultural, spiritual and archaeological values of tangata whenua and the desire of tangata whenua to live on and develop their ancestral lands.
- 10.2.2.5 To recognise the special relationship of Māori with their ancestral land by enabling use and development of land, including Papakāinga and associated support facilities.

10.3 ACTIVITY STATUS

Resource consent is required for all Controlled, Restricted Discretionary, Discretionary and Non-complying activities. Resource consent is not required for Permitted activities provided all relevant standards are met.

Additional controls may apply in the following Chapters:

- Chapter 12 – Surface of Water Activities
- Chapter 13 – Landscapes, Indigenous Vegetation and Habitats
- Chapter 14 – Heritage
- Chapter 15 – Subdivision
- Chapter 16 – Financial Contributions
- Chapter 17 – Network Utilities
- Chapter 18 – Natural Hazards
- Chapter 19 – Coastal Environment Overlay

10.3.1 PERMITTED ACTIVITIES

10.3.1.1 Subject to compliance with the Zone Standards in section 10.6, unless otherwise stated, the following activities may be established without resource consent from *Council*.

1. On sites that are not located within an identified coastal hazard area:
 - (a) One *dwelling* per site
 - (b) Two or three *dwellings* per site where the minimum site area per *dwelling* is met.
 - (c) *Buildings accessory* to any Permitted Activity.
 - (d) Additions to existing *dwellings*.
2. *Marae*.
3. Urupā and private cemeteries.
4. *Farming*.
5. Keeping or *farming* goats on sites located outside the Goat Management Areas as shown on the planning maps.
6. *Visitor accommodation* for up to 4 persons per night.
7. Activities on reserves as provided for in the Reserves Act 1977 or in an approved Reserve Management Plan.
8. Maintenance work carried out by Bay of Plenty Regional Council on established drainage and flood control scheme works.
9. *Temporary activities*
10. *Temporary buildings* and associated activities required for a *building* or construction project of not more than 12 months duration.

11. *Temporary military training activities* complying with Appendix 3.
12. Any residential activity that is not listed in the Chapter that complies with the Zone Standards.
13. The relocation and re-siting of a *building*, including *factory built dwellings* .
14. A *sign* listed in 10.6.12.1
15. *Official signs*, or *signs* denoting the name of the street, number of the premises or the location or timetable or other details of any public utility or facility.
15. *Artificial crop protection structures* located in the inland side of the *Coastal Environment Line* within the Te Kaha settlement only
16. *Emergency services training* and associated management activities

10.3.2 CONTROLLED ACTIVITIES

10.3.2.1 The activities listed below may only be established after resource consent has been granted by *Council*. The *Council* may impose conditions only in relation to the matters over which it has reserved control in section 10.4. The activities must comply with the Zone Standards in section 10.6, unless otherwise stated.

1. *Accessory buildings* and activities *accessory* to Controlled Activities.
2. *Home occupations*.
3. Community and outdoor recreation activities undertaken in *buildings* and structures or parts of the *building* being used for the activity and where the activity area is less than 100m² in area.
4. Public toilets
5. *Temporary Military Training Activities* not complying with Appendix 3
6. *Papakāinga*, where the maximum number of sites shall be no more than 50 and where each *site* is to have an area of 1200m² exclusive of *access*.
Provided that sites may be smaller than 1200m² where:
 - (a) Zone Standards are complied with.
 - (b) On-site investigations are undertaken by a suitably qualified and experienced person) to show that the *site* complies with the On-site Effluent Treatment Regional Plan.
 - (c) Where the minimum residential *site* area shall be 400m².
7. Any non-residential activity not specifically provided for in this Chapter which complies with the Zone standards in 10.6.
8. Activities otherwise permitted or controlled where the *site access* is to a State highway and the written consent of NZ Transport Agency has been obtained and is submitted with the application.
9. *Emergency service facilities*.

10.3.3 RESTRICTED DISCRETIONARY ACTIVITIES

10.3.3.1 The activities listed below may only be established after resource consent has been granted by *Council*. The *Council* may refuse consent or grant consent and impose conditions only in relation to the matters over which it has restricted its discretion in 10.5. The activities must comply with the Zone Standards in Section 10.6, unless otherwise stated.

1. Relocation of a *dwelling* or *building* not complying with the Zone Performance Standards.
2. Activities not complying with 10.6.13 (Wastewater Connections), 10.6.14 (Stormwater Management) and 10.6.8 (Water Supply).
3. Activities not complying with 10.6.2.4 (Building setbacks from waterbodies)
4. *Artificial crop protection structures* not complying with 10.6.11

10.3.4 DISCRETIONARY ACTIVITIES

10.3.4.1 The activities listed below may only be established after resource consent has been granted by *Council*. The *Council* may refuse consent or grant consent subject to conditions. The Zone standards in 10.6 will be used as a guideline when assessing the application

1. *Any buildings* provided for as Permitted or Controlled Activities that do not comply with 10.6.2.3
2. Two or more *dwellings* otherwise provided for as Permitted Activities that do not comply with 10.6.1.4
3. *Additional dwellings* exceeding those stated as Permitted or Controlled Activities
4. Goat *farming* in the Goat Management Areas identified on Planning Maps.
5. Activities listed as Permitted or Controlled Activities which do not meet one or more of the Zone Standards, unless otherwise specified.
6. *Visitor accommodation* for more than 4 visitors per night.
7. Community and outdoor recreation activities are undertaken in *buildings* and structures or part of the *building* being used for the activity and where the activity area is over 100m².
8. *Education facilities*.
9. *Residential care facilities*.
10. Wharves, jetties, slipways and other landing facilities.
11. Public cemeteries.
12. *Place of assembly*.
13. Refuse recycling facilities and transfer stations.

14. Activities, where the *access* is to a State highway, where the written consent of the NZ Transport Agency has not been obtained.
15. *Retail activities*.
16. *Buildings* and activities *accessory* to a Discretionary Activity.

10.3.5 NON-COMPLYING ACTIVITIES

10.3.5.1 The activities listed below may only be established if resource consent has been granted by *Council*. The *Council* may refuse or grant consent for a non-complying activity. The Zone standards in 10.6 will be used as a guideline when assessing the application.

1. Any activity not specifically stated as a Permitted, Controlled, Restricted Discretionary or Discretionary Activity or an activity which does not comply with the Zone Standards, unless otherwise stated.

10.4 CONTROLLED ACTIVITIES: MATTERS OVER WHICH CONTROL IS RESERVED

10.4.1 The *Council* has reserved control over the following matters:

10.4.1.1 Design and appearance

1. The design and appearance of the activity and how it relates to the *amenity values* of the surrounding areas, including relevant *height*, bulk, colour, materials and proposed *landscaping* treatment.
2. The visual effect of any activity in relation to its location, *site* boundaries and topography.
3. The size and location of *buildings* with regard to the activities on the *site* and the effect on neighbouring properties.
4. The manner in which the *site* is to be landscaped and how effectively it will screen the activities or enhance the *amenity values* of the area.
5. The location and appearance of any signs associated with the activity.
6. Compliance with the minimum *site* area required per dwelling, where relevant.

10.4.1.2 Effects on adjoining properties

1. The size and location of *buildings* with regard to the activities on the *site* and the effects on coastal *amenity values* and the *amenity values* on neighbouring properties.
2. Any measures to be implemented to mitigate the effects from the activity such as visual effects, odour, noise and light spill.

10.4.1.3 Effects on the coastal resource

1. The degree to which the activity modifies or alters the *natural character* of the coastal landscape and coastal *ecosystems*, if at all.
2. The effects of the activity on public *access* to the coast and the opportunities available from the activity for improving public *access* to and along the coast.
3. The effect of the design and layout of the activities in relation to land, *buildings*, coastal features and *waterbodies* which have historical, archaeological and cultural significance to the people of the District, including those which have special value to Māori. Māori values will be determined in consultation with local Iwi or Hapu.

10.4.1.4 Vehicle access, loading and manoeuvrability

1. The design and location of vehicular *access*, on-site manoeuvrability, and whether vehicles can leave and enter the *site* safely.
2. The effect of the activity on the safety and efficiency of the roading network.
3. The adequacy of the proposed service lanes, loading and unloading activities associated with the activity.

10.4.1.5 Historical, cultural, archaeological and cultural values and resources

1. The effect of the design and layout of the activities in relation to land, *buildings*, features and *waterbodies* which have historical, cultural or archaeological worth.
2. The effects of the activity on historical, archaeological, and cultural values and resources of importance to Māori.
3. The effects of the activity on heritage and conservation values, both on the *site* and on adjoining sites.

10.4.1.6 Effects on waterbodies, indigenous vegetation and habitats

1. The effects of activities on *waterbodies*.
2. Riparian management mechanisms implemented to mitigate potential adverse effects of the activity on the coast and on *waterbodies*.
3. The potential effects of the activity on coastal areas of *indigenous vegetation* and *habitats* of indigenous fauna.

10.4.1.7 Natural hazards

1. The susceptibility of the *site* to natural coastal hazards and the measures implemented to mitigate the effects of natural hazards, including any investigations undertaken by the applicant in relation to natural hazard susceptibility of the *site* and the activities undertaken on the *site*.

2. The extent to which the activity may accentuate the potential adverse effects of natural hazards.

10.4.1.8 **Temporary Military Training Activities not complying with Appendix 3**

1. Location in relation to noise sensitive activities.
2. Hours of operation and duration

10.5 RESTRICTED DISCRETIONARY ACTIVITIES: MATTERS OVER WHICH DISCRETION IS RESTRICTED

10.5.1 Council has restricted its discretion over the following matters:

10.5.1.1 **Activities not complying with Rules 10.6.1.2 (Height), 10.6.1.3 (Daylight protection) and 10.6.2 (Yards), 10.6.11 (Artificial Crop Protection Structures)**

1. The adverse effects on the amenity in terms of:
 - a. Shadowing.
 - b. Physical dominance.
 - c. Privacy.
 - d. Noise.
 - e. Lighting.
 - f. Outlook.
2. The degree to which the character and amenity are affected.

10.5.1.2 **Relocation or re-siting of a building that does not comply with the Zone Standards.**

1. Proposed *landscaping*, including opportunities to screen the *building* during *reinstatement*.
2. Proposed timetable for completion of re-instatement works;
3. The appearance of the building when re-instated; and
4. *Maintenance* of the *site* and surrounds during *reinstatement*.
5. The duration of *reinstatement works*.

10.5.1.3 **Historical, cultural, archaeological and cultural values and resources**

1. The effect of the design and layout of the activities in relation to land, *buildings*, features and *waterbodies* which have historical, cultural or archaeological values.
2. The effects of the activity on historical, archaeological and cultural values and resources of importance to Māori.
3. The effects of the activity on heritage and conservation values, both on the *site* and on adjoining sites

10.5.1.4 **Activities not complying with 10.6.13 (Wastewater Connections)**

1. Mitigation of effects on existing infrastructure and the environment from:
 - a. Sewerage flow volumes.
 - b. Sewerage flow rates.
 - c. Sewerage flow timing.
 - d. Sewerage connections and on-site reticulation/infrastructure specifications.
 - e. Practicality of connection to *Council's* existing infrastructure.

10.5.1.5 **Activities not complying with 10.6.14 (Stormwater Management)**

- 1, Mitigation of effects on existing infrastructure, adjacent/downstream properties and the environment from:
 - a. Stormwater runoff.
 - b. Stormwater connections and on-site reticulation/infrastructure specifications.

10.5.1.6 **Activities not complying with 10.6.8 (Potable Water Supply)**

1. Management of water supply demand in relation to:
 - a. Water flow rates.
 - b. Water flow volumes.
 - c. Water supply connections specifications.

10.5.1.7 **Activities not complying with 10.6.2.4.2**

Effects on *waterbodies/margins* and the need for setbacks, for example ecological and *habitat* values, amenity, natural hazards, *natural character* and landscape.

10.5.1.8 **Artificial crop protection structures not meeting 10.6.11**

1. The effects of non-compliance with the standards in 10.6.11.
2. The effect on the visual catchment and the sensitivity of the visual catchment, including Outstanding Natural Landscapes and Features and the *Coastal Environment*.

10.6 ZONE STANDARDS

These Zone Standards apply to all permitted, controlled and restricted discretionary activities, unless otherwise stated. They will be used as a guideline when assessing applications for discretionary and non-complying activities.

Temporary Military Training Activities are exempt from complying with Zone Standards.

10.6.1 SITE REQUIREMENTS

10.6.1.1 Site coverage

A maximum of 40% of the site may be covered with *buildings*.

10.6.1.2 Height

The maximum *height* for all *buildings* and structures is 9m. Hose drying towers associated with *emergency service* facilities may be up to 15m high. Non-compliance with this standard shall be assessed as a Restricted Discretionary Activity.

10.6.1.3 Daylight protection

No part of any *building* shall penetrate a daylight recession plane of 45° from a *height* of 2.7m above finished ground level at any boundary. Non-compliance with this standard shall be assessed as a Restricted Discretionary Activity.

10.6.1.4 Minimum site area

The following *site* areas are exclusive of *access*:

- | | | |
|-----------------------|-----------------|--|
| 1. <i>Dwellings</i> : | Sewered sites | 400m ² per <i>dwelling</i> |
| | Unsewered sites | 1200m ² per <i>dwelling</i> |
| 2. Other activities: | | 1200m ² |

10.6.2 YARDS

10.6.2.1 Separation from adjoining properties

1. All *buildings* shall be located at least 3m from a boundary with an adjoining property (not being a road boundary), provided that in relation to *dwellings* and *buildings accessory to dwellings*:
 - a. One *yard* may be reduced to 1.5m.
 - b. Where a garage is incorporated in the *dwelling*, two *yards* may be reduced to 1.5m.
 - c. *Dwellings* and *accessory buildings* may be erected on *yards* where:
 - i. That part of the *building* which encroaches on the *yard* does not exceed either 30% of the length of the boundary parallel to the *yard* or 10m, whichever is the

smaller; and

- ii. Pedestrian access is available to the rear of the *dwelling*; and
 - iii. The written consent of the owners and occupiers of any properties adjoining the affected *yard* is obtained and provided to *Council*, except that *accessory buildings* may be located up to 1.5m from the boundary without written consent.
 - iv. Vehicle *access* shall be available for septic tank maintenance.
4. Non-compliance with this standard shall be assessed as a Restricted Discretionary Activity.

10.6.2.2 Building setback from roads

- 1. All *buildings* shall be set back at least 4.5m from the *road* boundary.
- 2. Non-compliance with this Rule shall be considered a Restricted Discretionary Activity.

10.6.2.3 Building setback from the coast

- 1. No *building* shall be located closer than 50m from *MHWS*, except for public toilets and *emergency service facilities* with a functional requirement to locate within 50m of *MHWS*.
- 2. Non-compliance with this Rule shall be considered a Restricted Discretionary Activity, except as otherwise stated.

10.6.2.4 Building setback from waterbodies

- 1. No *building* shall be located closer than 25m from a stream with an average width of at least 3m.
- 2. Where any *waterbody* has an average width of less than 3m a setback of at least 10m shall be required.
- 3. Non-compliance with this Rule shall be considered a Restricted Discretionary Activity, except as otherwise stated.

10.6.3 LANDSCAPING

10.6.3.1 Screening from storage areas

Any outdoor area used for storage shall be screened from a public place, other than service lanes, and from any adjoining residential *site*.

10.6.3.2 Visibility at intersections

To protect sight distances at the intersection of *roads*, the area within 6m of the intersection of two front boundaries (or the projection of those front boundaries where they do not meet) shall be kept clear of any obstruction over 1m in *height*. This restriction shall not apply to power poles or street lights.

10.6.4 NOISE AND GLARE

10.6.4.1 Noise

1. All activities on-site shall be designed and conducted so as to ensure that the following noise limits are not exceeded at any point within the *notional boundary* of any other site within the Coastal Settlement Zone. These standards shall not apply to sirens used by *emergency services*.

Noise Limits dB		
Receiving Zone	Daytime 7am to 10pm, Monday to Sunday including public holidays	Night time At all other times
Coastal Settlement Zone	50LAeq	40LAeq 70LAmx

2. Except where expressly provided elsewhere in this Plan, noise shall be measured in accordance with the provisions of NZS 6801:2008 Acoustics - Measurement of Environmental Sound and assessed in accordance with the provisions of NZS 6802:2008 Acoustics - Environmental Noise.
3. Construction noise in any zone shall not exceed the recommended limits and shall be measured and assessed in accordance with the provisions of NZS 6803:1999 Acoustics - Construction Noise.

10.6.4.2 Lighting and Glare

All exterior security lighting shall be designed, installed and maintained so that the light emitted does not overspill *site* boundaries or cause distraction of glare which could affect traffic safety on adjacent *roads*.

10.6.5 PARKING AND ACCESS

10.6.5.1 Parking and loading

On-site carparking and provision for loading shall be provided in relation to every activity whether new, reconstructed, extended or where the use is changed, as follows:

1. On-site carparking shall be provided as follows:

<i>Residential dwellings</i>	1 space per <i>dwelling</i> in addition to parking provided in a garage or carport
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<i>Places of assembly</i>	1 space per 5 persons accommodated
<i>Visitor accommodation</i>	1 to 4 people 1 space per unit Over 4 people 1 space per unit plus 2 for staff
<i>Education facilities</i>	2 spaces for visitors plus adequate and reasonable provision for cars and buses to drop off and pick up students and: Preschool 1 space per staff member Primary 2 spaces per 3 staff members Secondary 1 space per 20 students Tertiary 1 space per 20 students
<i>Home occupations</i>	1 space per 20m ² of the <i>site</i> used for the activity
<i>Residential care facility</i>	1 space per 5 beds plus 1 space per two staff
<i>Community recreation activities</i>	1 space per 20m ² of the net <i>site</i> area
<i>Community Corrections Activities</i>	One space for every 2 full time equivalent employees and one space for every 10 people the facility is designed to service)
<i>Emergency service facilities</i>	5 Spaces for every emergency vehicle bay
<i>Police stations</i>	One space per 50m ² total floor area.

2. The dimensions and design standards are set out in Appendix 1.
3. Provision shall be made for the loading and unloading of service vehicles on-site, in such a way that no footpath, *road*, or *access* to adjoining properties is blocked.
4. *Access* to any *site* shall be sufficient to allow two-way traffic flow. One point of entry and one exit or one combined entry/exit is required.

10.6.6 FLOOR LEVELS

- 10.6.6.1 Floor levels shall be sufficient to ensure that water does not enter *buildings* in a 1% AEP (Annual Exceedance Probability) event within the *Coastal Environment* or a 2% AEP (Annual Exceedance Probability) event for areas outside the *Coastal Environment*. *Council* will determine the appropriate freeboard that needs to be added to the flood level to set the required minimum floor level.

10.6.7 ON-SITE EFFLUENT DISPOSAL**10.6.7.1 On-site effluent disposal**

Provision shall be made on-site for adequate vehicle *access* to septic tanks for maintenance purposes.

Advice Note: Resource consent may be required from the Bay of Plenty Regional Council

10.6.8 WATER SUPPLY**10.6.8.1 Water supply**

A potable water supply shall be provided to each *dwelling*.

10.6.9 RELOCATION OR RE-SITING OF BUILDING

10.6.9.1 The relocation or re-siting of a *building* or *dwelling* shall comply with the following:

1. A *building* inspection report shall accompany the *building* consent for the *building*. The report shall identify all *reinstatement work* required to the exterior of the *building*.
2. The *building* shall be located on permanent foundations approved by *building* consent no later than two months from the *building* being relocated on to the *site*.
3. All work required to reinstate the exterior of any relocated *building* in accordance with the building inspection report shall be completed within 12 months of the *building* being delivered to the *site*.
4. The proposed owner of the relocated *building* must certify to the Council that the *reinstatement work* will be completed within the 12 month period.

10.6.9.2 Non-compliance with this Rule shall be considered as a Restricted Discretionary Activity.

10.6.10 VEHICLE ENTRANCES

10.6.10.1 Vehicle entrances shall be designed and constructed to comply with Appendix 4

Advice Note: Additional access width may be necessary to provide for emergency service vehicles in accordance with SNZ PAS 4509:2008 (refer 17.6.10 Advice Note)
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10.6.11 ARTIFICIAL CROP PROTECTION STRUCTURES

1. Dark green or black cloth shall be used on vertical faces within 30m of the boundary of the property.
2. Green, black or white cloth shall be used on horizontal surfaces.
3. Setbacks of 3m from a side or rear boundary shall be provided unless the written approval of the owner(s) of the immediately adjoining property is obtained and provided to the *Council*.
4. No maximum *site* coverage shall apply.
5. Non-compliance with these rules or where the written approval is not obtained shall be assessed as a Restricted Discretionary Activity.

10.6.12 SIGNS

10.6.12.1 The following signs shall be permitted subject to compliance with the standards in 10.6.13.4:

1. A *sign* with a maximum area of 0.5m² in relation to an approved *home occupation* or *visitor accommodation*, including name, type of *home occupation* and hours of operation.
2. A *temporary sign* with a maximum area of 1.8m², where the written consent of the landowner has been obtained and provided to Council.
3. *Official signs*.

10.6.12.2 A *sign* with a maximum area of 1.1m² shall be a controlled activity in relation to any public purpose or on the same *site* as any of the following activities:

1. Recreation reserves
2. Churches and other *places of assembly*
3. *Education facilities*
4. Hospitals
5. *Community activities*
6. *Visitor accommodation*
7. Tourist or special information, including places or points of special interest.

10.6.12.3 The following *signs* shall be Discretionary Activities:

1. Illuminated *signs* that are not a Permitted Activity
2. Flashing, animated, trivision, revolving lights, lasers or aerial *signs* located adjacent to a state highway.
3. Free standing *signs* located within the boundary of a state highway with a speed limit of 50km/h or less.
4. Advance warning *signs* erected on a *road*.

10.6.12.4 *Signs* visible from a State highway shall not:

1. Have reflective material or illumination that flashes or moves;
2. Obstruct or impair the view of any official traffic *sign* and signal or the line of sight at any corner, bend, intersection of vehicle crossing;
3. Physically obstruct or impeded traffic or pedestrians;
4. Resemble or be likely to be confused with any official traffic signs or signs;
5. Use support structures that are not frangible.

Advice Notes:

1. Council controls signs under the Ōpōtiki District Council Consolidated Bylaws 2020.
2. Where signs on private property will be visible from a State Highway and resource consent is required, the NZ Transport Agency should be consulted in relation to traffic safety effects. It should also be noted that NZ Transport Agency controls signs on the State highway corridor Legal Road under the NZ Transport Agency Signs on State Highway Bylaw July 2010.

10.6.13 WASTE WATER CONNECTIONS

1. All new developments within any of Council’s wastewater scheme boundaries shall connect to the Council’s wastewater system
2. All new wastewater management systems shall be designed and constructed in accordance with Rule 17.6.8.

10.6.14 STORM WATER MANAGEMENT

1. A stormwater disposal system shall be provided for any residential, community or business activity.
2. The stormwater management system shall be designed and constructed with Rule 17.6.9

10.6.15 GOAT FARMING

10.6.15.1 Goat *farming* shall be permitted outside the areas shown as Goat Management Areas on the Planning Maps.

10.6.15.2 The goats shall be formally identified in accordance with the National Animal Identification and Tracing Act 2012, but must include the tagging (brass tag or plastic tag or ear-cut or tattoo) of goats with recognisable owner identification.

- 10.6.15.3 The goats shall be contained on *site* at all times by either a boundary fence in accordance with standards for goat fencing contained in Appendix 7 or tethered, which may include a running wire.
- 10.6.15.4 Written advice of the location of the goat *farming* activity shall be provided to *Council* at the time of the establishment of the goat *farming* operation.

10.7 OTHER METHODS

10.7.1 Other methods for achieving the objectives and policies of this section are:

1. Community and residents' street beautification programmes, through the use of *landscaping* and tree planting.
2. To develop those public open spaces and reserves administered by *Council* within, and adjoining, the Coastal Settlement Zones of the District to ensure that the parks and reserves complement the zone.
3. Through *Council's* strategic planning process to identify areas for community reserves and to purchase land and develop through *Council's* Annual Plan process.
4. Use Land Information Memoranda (LIM) and Project Information Memoranda (PIM) to provide information on known hazards to potential *developers* and applicants.

10.8 EXPECTED ENVIRONMENTAL RESULTS

Environmental outcomes anticipated from the implementation of the objectives and policies of this section are:

- A. Residential areas within the *Coastal Environment* that have minimal adverse effects on the environment.
- B. Diversity of design in residential *dwelling*s where minimum standards are met.

Chapter 11

Ōhiwa Harbour Zone



11. ŌHIWA HARBOUR ZONE

11.1 RESOURCE MANAGEMENT STRATEGY

11.1.1 RESOURCE MANAGEMENT ISSUES

1. Modification through drainage, vegetation clearance, land use change, subdivision and earthworks can affect the high quality of the Ōhiwa Harbour and its cultural, ecological and recreational values.
2. The Ōhiwa Harbour straddles administrative boundaries and this can result in different administrative approaches.
3. The cultural importance of the Harbour to the community and to Upokorehe needs to be recognised.
4. Sporadic subdivision and development pressure can adversely affect the *natural character* of the Harbour, particularly where there is fragmented ad hoc development.
5. The location of structures within the Ōhiwa Harbour Zone can detract from outstanding *natural features and landscapes* within coastal margins and on or near ridgelines.
7. Effects of activities such as the visual impact of *buildings*, storage areas, parking and *signage*, as well as noise, glare, and lack of separation distances need to be managed to maintain *amenity values* and the quality of residential *sites*.
8. In some parts of the Harbour it is difficult to obtain a water supply that is suitable for human consumption.
9. The Ōhiwa Spit is subject to coastal hazard risks as the shoreline is unstable and subject to erosion and progradation cycles of around 50 - 60 years.
10. Some land within the Ōhiwa Harbour zone is used for farming and horticulture and these activities have operational requirements which need to be provided for while protecting the values of the environment.
11. Activities can adversely affect the safety, sustainability and efficiency of the transport network.
12. A biosecurity incursion could have significant adverse effects on the wellbeing of the district, particularly horticulture, and inappropriate management of such incursions can result in unintended spread of pest species.

11.2 OBJECTIVES AND POLICIES

OBJECTIVE

- 11.2.1 Protect and enhance the outstanding natural and landscape values and preserve the natural character of the Ōhiwa Harbour environment.**

POLICIES

- 11.2.1.1 To avoid as far as practicable and, where this cannot be achieved, remedy or mitigate the adverse effects of activities such as *buildings*, earthworks, accessways and tracks, especially on skylines and *ridges*, on the attributes and values of Ōhiwa Harbour, recognising that Ōhiwa Harbour is identified as an *Outstanding Natural Feature and Landscape* and an area of Outstanding Natural Character in regional planning documents.
- 11.2.1.2 To provide for the integrated management of the Ōhiwa Harbour through consultation with agencies that also have responsibilities for Harbour management.
- 11.2.1.3 To avoid, remedy or mitigate the adverse effects of subdivision, use and development in those parts of the Ōhiwa Harbour Zone which have largely been unmodified to date.
- 11.2.1.4 To preserve the *natural character* and protect the ecology of the Harbour margins by managing the use and development in the zone.
- 11.2.1.5 To provide for the continued operation of *farming* and horticulture and recognise their contribution to rural character.
- 11.2.1.6 To support measures that will make a positive contribution to *natural character*, natural features and biodiversity such as restoring or enhancing indigenous habitats and *ecosystems*, including through offsets secured through conditions of consent, where the location, scale, intensity and form is appropriate having regard to natural heritage values, and which do not cause cumulative adverse effects on *natural character*, natural features and biodiversity.

OBJECTIVE

- 11.2.2 Protect and enhance significant indigenous vegetation and habitats of indigenous fauna to maintain the ecological, botanical, scientific and educational values of the Ōhiwa Harbour and its environs.**

POLICIES

11.2.2.1 Protect and, where appropriate, enhance significant *indigenous vegetation* and *habitats* of indigenous fauna which contribute to the character of the Ōhiwa Harbour through the resource consent process, education and incentives.

11.2.2.2 Protect natural areas around the Harbour from development by the creation of reserves, retirement areas or other protection mechanisms through resource consent processes.

11.2.2.3 Protect the Ōhiwa Harbour salt marsh from the adverse effects of activities on adjacent land.

OBJECTIVE

11.2.3 The Ōhiwa Harbour is recognised as an area of cultural and historical significance to the people of the Ōpōtiki district and the Iwi and hapū of the Harbour.

POLICIES

11.2.3.1 To encourage consultation with tangata whenua who hold mana whenua within the Ōhiwa Harbour when assessing resource consents to ensure that concerns are adequately addressed.

11.2.3.2 When assessing resource consent applications within the Ōhiwa Harbour area to ensure, through consultation with appropriate agencies, that *heritage resources* are protected.

11.2.3.3 Recognise the special relationship tangata whenua have with their ancestral land.

11.2.3.4 To recognise and provide for the cultural, spiritual and archaeological values of tangata whenua and the desire of tangata whenua to live on and develop their ancestral land.

OBJECTIVE

11.2.4 Manage activities to ensure vehicle movement is undertaken in a safe and efficient manner that does not adversely affect the functioning of the transport network.

POLICY

11.2.4.1 To avoid, remedy or mitigate the adverse effects of activities on the safety and efficiency of the transport network.

OBJECTIVE

11.2.5 Enable national or regional responses to biosecurity incursions and allow for the appropriate management of plant and plant material infected by an unwanted organism.

POLICY

- 11.2.5.1 Enable disposal of plants and plant material infected by unwanted organisms that are being managed as part of a biosecurity response under the Biosecurity Act 1993.

11.3 ACTIVITY STATUS

Resource consent is required for all Controlled, Restricted Discretionary, Discretionary and Non-complying activities. Resource consent is not required for Permitted activities provided all relevant standards are met.

Additional controls may apply in the following Chapters:

- Chapter 12 – Surface of Water Activities
- Chapter 13 – Landscapes, Indigenous Vegetation and Habitats
- Chapter 14 – Heritage
- Chapter 15 – Subdivision
- Chapter 16 – Financial Contributions
- Chapter 17 – Network Utilities
- Chapter 18 – Natural Hazards
- Chapter 19 – Coastal Environment Overlay

11.3.2 PERMITTED ACTIVITIES

11.3.2.1 Subject to compliance with the Zone Standards in 11.7, unless otherwise stated, the following activities may be established without resource consent from *Council*.

1. *Farming*.
2. Keeping or *farming* goats on *sites* located outside the Goat Management Areas shown on the Planning Maps.
3. *Deer farming*.
4. *Buildings*, including relocated or *re-sited buildings*, not within a *coastal hazard area* identified on the Planning Maps, as follows:
 - (a) One *dwelling* per *site*.
 - (b) *Buildings accessory* to a Permitted Activity.
 - (c) Minor additions to existing *dwellings* and *accessory buildings*.
5. *Marae*.
6. Urupā and private cemeteries.
7. *Prospecting*.
8. *Visitor accommodation* for up to 4 people per night
9. Activities on reserves provided for by the Reserves Act 1977 or in an approved Reserve Management Plan.

10. Maintenance work carried out by Bay of Plenty Regional Council on established drainage and flood control scheme works.
11. *Temporary buildings* and associated activities required for a *building* or construction project of not more than 12 months duration.
12. *Temporary military training activities* complying with [Appendix 3](#).
13. *Signs* listed in 11.7.8.1
14. *Artificial crop protection structures*.
15. *Emergency service training* and associated management activities
16. Existing *plantation forestry*
17. *Audible bird scaring devices*
18. Removal and disposal of plants and plant material infected by unwanted organisms, including ancillary earthworks, carried out as directed by a person authorised under the Biosecurity Act 1993.
19. *Accessory buildings* and activities accessory to permitted activities

11.3.3 CONTROLLED ACTIVITIES

11.3.3.1 The activities listed below may only be established after resource consent has been granted by *Council*. The Council may impose conditions only in relation to the matters over which it has reserved control in section 11.4. The activities must comply with the Zone Standards in section 11.7, unless otherwise stated.

1. Two *dwellings* per site, not within a *coastal hazard area* identified on the Planning Maps
2. *Home occupations*, provided that where the *site access* is to a State Highway, the written consent of the NZ Transport Agency shall be obtained and submitted with the application.
3. Activities otherwise permitted or controlled where the *site access* is to a State highway and the written consent of NZ Transport Agency has been obtained and is submitted with the application.
4. *Temporary military training activities* not complying with [Appendix 3](#).
5. *Signs* listed in 11.7.8.2.

11.3.4 RESTRICTED DISCRETIONARY ACTIVITIES

11.3.4.1 The activities listed below may only be established after resource consent has been granted by *Council*. The *Council* may refuse resource consent or grant consent and impose conditions only in relation to the matters over which it has restricted its discretion in 11.5. The activities must comply with the Zone Standards in Section 11.7, unless otherwise stated.

1. Relocated *buildings* that do not comply with 11.7.13, subject to compliance with other standards in 11.7.

2. Keeping or *farming* goats that is not provided for as a permitted activity.
3. Buildings and activities otherwise permitted or controlled that are not within a *coastal hazard area* identified on the Planning Maps and do not comply with the Zone Standards in 11.7.
4. *Papakāinga*, where the maximum number of *dwellings* shall be no more than 50 and where each dwelling has an area of 1200m² exclusive of access.
Provided that sites may be smaller than 1200m² where:
 - a. Zone standards are complied with
 - b. On-site investigations are undertaken by a suitably qualified and experienced person to show that the dwelling complies with the On-site Effluent Treatment Regional Plan.
 - c. Where the minimum area per *dwelling* shall be 400m².
5. *Artificial Crop Protection Structures* not complying with 11.7.16
6. Activities not complying with 11.7.3.4.2 (*Building Setbacks from Waterbodies*)

11.3.5 DISCRETIONARY ACTIVITIES

11.3.5.1 The activities listed below may only be established after resource consent has been granted by *Council*. The *Council* may refuse resource consent or grant consent subject to conditions. The criteria in 11.6 and the Zone standards in 11.7 will be used as a guideline when assessing the application.

1. *Buildings* within 50m of *MHWS*.
2. The erection of *buildings* and structures on identified *ridgelines* where the highest point of the *building* is within 5m vertical distance from natural ground level on the *ridgeline*.
3. *Education facilities*.
5. *Signs* not listed in 11.7.8.3.
6. *New plantation forestry*

11.3.6 NON-COMPLYING ACTIVITIES

11.3.6.1 The activities listed below may only be established after resource consent has been granted by *Council*. The *Council* may refuse resource consent or grant consent subject to conditions. The Zone standards in 11.7 will be used as a guideline when assessing the application.

1. Any activity not specifically stated as a Permitted, Controlled, Restricted Discretionary or Discretionary Activity or an activity which does not comply with the Zone Standards, unless otherwise stated.

11.3.7 PROHIBITED ACTIVITIES

11.3.7.1 The following activities are prohibited activities for which no resource consent shall be granted:

1. The keeping, holding or *farming* of wallaby species.
2. The keeping, holding or *farming* of ferrets, stoats and weasels (mustela).

11.4 CONTROLLED ACTIVITIES: MATTERS OVER WHICH CONTROL IS RESERVED

11.4.1 The Council has reserved control over the following matters:

11.4.1.1 **Design and appearance**

1. The effects on the Outstanding Natural Features and Landscapes, indigenous biodiversity and *natural character* values of the Ōhiwa Harbour.
2. The design and appearance of any *buildings* or structures associated with the activity and how it relates to the *amenity values*, *natural character* values or natural features or landscapes of the surrounding areas, with emphasis on mechanisms used to mitigate any adverse effects of the *buildings* and structures. This may include the use of screening or materials that would lessen any reflectivity or glare from the *buildings*.
3. The visual effect of the activity in relation to its location, *site* boundaries and topography.
4. The size and location of *buildings* with regard to the activities on the *site* and the effects on coastal *amenity values* and the *amenity values* on neighbouring properties.
5. The manner in which the *site* is to be landscaped and how effectively it will screen the activities or enhance the amenity values of the area and how the landscaping will maintain the character of the coastal environment.
6. The location and appearance of signage associated with the activity.
7. The *functional need* for the *building* or structure for *farming* activities.

11.4.1.2 **Effects on adjoining properties**

1. Separation between residential *buildings* on the same or adjacent *sites*.
2. The size and location of *buildings* with regard to the activities on the *site* and the effects on coastal amenity values and the amenity values on neighbouring properties.
3. Any measures to be implemented to mitigate the effects from the activity, such as visual effects, odour, noise and light spill.

11.4.1.3 Historical, cultural and archaeological values and resources

1. The effect of the design and layout of the activities in relation to land, *buildings*, features and *water bodies* which have historical and archaeological values.
2. The effects of the activity on historic, archaeological and cultural values and resources of importance to Māori.
3. The effects of the activity on heritage and conservation values, both on the *site* and on adjoining *sites*.

11.4.1.4 Natural Hazards

1. The susceptibility of the site to natural coastal hazards;
2. The measures implemented to mitigate the effects of natural hazards and an increase in the risk of adverse effects including any investigations undertaken by the applicant in relation to natural hazard susceptibility of the site,
3. The activities undertaken on the site

11.4.1.5 Temporary military training activities not complying with Appendix 3

1. Location in relation to noise sensitive activities.
2. Hours of operation and duration

11.5 RESTRICTED DISCRETIONARY ACTIVITIES: MATTERS OVER WHICH DISCRETION IS RESTRICTED

11.5.1 Council has restricted its discretion over the following matters

11.5.1.1 Relocated and re-sited buildings that do not comply with Rule 11.7.14

1. Proposed *landscaping*, including opportunities to screen the *building* during *reinstatement*;
2. Proposed timetable for completion of re-instatement works;
3. The appearance of the building when re-instated;
4. Visibility from the *road*, public places, including the Ōhiwa Harbour, and other residential areas;
5. *Maintenance* of the *site* and surrounds during *reinstatement*.

- 11.5.1.2 **Goat farming in the Goat Management Areas shown on the Planning Maps**
1. Potential effect on the values associated with *natural character*, indigenous *biodiversity*, amenity and landscape, including vegetation type and density
 2. The ability to confine goats within the *site*.
 3. The area and location of the activity.
- 11.5.1.3 **Natural Hazards**
1. The susceptibility of the site to natural coastal hazards;
 2. The measures implemented to mitigate the effects of natural hazards and an increase in the risk of adverse effects including any investigations undertaken by the applicant in relation to natural hazard susceptibility of the site,
 3. The activities undertaken on the site.
- 11.5.1.4 **Historical, archaeological and cultural values and resources**
1. The effect of the design and layout of the activities in relation to items listed in 14.9.
 2. The effects of the activity on historic, archaeological and cultural values and resources of importance to Māori.
 3. The effects of the activity on heritage values, both on the *site* and on adjoining *sites*.
- 11.5.1.5 **Activities otherwise Permitted or Controlled that do not comply with Performance Standards, unless otherwise specified**
- The adverse effects on the amenity in terms of:
1. Shadowing
 2. Physical domination
 3. Privacy
 4. Noise
 5. Lighting
 6. The degree to which the character and amenity are affected.
- 11.5.1.6 Audible Bird Scaring Devices not meeting the Noise standard in 11.7.4.4
1. Location of audible bird scaring device.
 2. Sound levels at any point within the *notional boundary* of any dwelling on another site.
 3. Number of shots per event.
- 11.5.1.7 **Artificial crop protection structures not meeting 11.7.16**
1. The effects on non-compliance with the standards in 11.7.16
 2. The effect on the visual catchment and the sensitivity of the visual catchment, including Outstanding Natural Landscapes and Features and the *Coastal Environment*.

11.5.1.8 Activities not complying with 11.7.3.4.2 (Building setbacks from waterbodies)

Effects on *waterbodies*/ margins and the need for setbacks, for example ecological and *habitat* values, amenity, natural hazards, natural character and landscape.

11.5.1.9 Papakainga

1. The matters set out in section 11.4.
2. Whether the site, including its natural features, has the capacity for the number of dwellings proposed.

11.6 ASSESSMENT CRITERIA FOR DISCRETIONARY ACTIVITIES

11.6.1 In relation to *buildings* near *ridgelines*. The matters to be considered by Council will include (but will not be limited to) the following:

1. Extent of an immediate land backdrop.
2. Nature of the landform content.
3. Extent of an immediate vegetative screening.
4. Foreground vegetative screening.
5. Vegetative mitigation offered.
6. Proposed built form.
7. Proposed *building* materials and colour.
8. Associated earthworks.

11.7 ZONE STANDARDS

These Zone Standards apply to all permitted, controlled and restricted discretionary activities, unless otherwise stated. They will be used as a guideline when assessing applications for discretionary and non-complying activities.

Temporary Military Training Activities are exempt from complying with Zone Standards.

11.7.1 SITE REQUIREMENTS

11.7.1.1 Site coverage

1. A maximum *site coverage* of 1000m² for *sites* up to one 1 hectare in area.
2. A maximum *site coverage* of 2000m² for *sites* 1 hectare and over in area.

11.7.1.2 Height

1. Within the *Coastal Environment*, the maximum *height* for *buildings* and structures shall be 7m
2. Outside the *Coastal Environment* the maximum *height* shall be 8m.

11.7.1.3 **Daylight protection**

No part of any *building* shall penetrate a daylight recession plane of 45° from a *height* of 2.7m above finished ground level at any boundary.

11.7.2 **REFLECTIVITY**

The exterior surfaces (including the roof) of any *building* shall have reflectivity values of between 0% and 37%.

11.7.3 **YARDS**

11.7.3.1 **Separation from adjoining properties**

1. Except as provided below, all *buildings* shall be set back at least 5m from side and rear boundaries.
2. A *dwelling* or *building accessory* to a *dwelling* may be located within a *side yard* where the written consent of the adjoining property owner and occupier has been obtained and a copy provided to the Council.
3. *Buildings* used for the housing or keeping of animals on a permanent basis shall be located at least 30m from any boundary other than a *road* boundary, except where the written consent of the adjoining property owner and occupier has been obtained and provided to the Council.

11.7.3.2 **Building setback from roads**

1. All *buildings* shall be set back at least 9m from the *road* boundary.

11.7.3.3 **Building setback from coast**

1. No *building* shall be located closer than 50m from *MHWS*.

11.7.3.4 **Building setback from waterbodies**

1. No *building* shall be located closer than 25m from any *waterbody* where the *waterbody* has an average width of at least 3m.
2. Where any *waterbody* has an average width of less than 3m a setback of at least 10m is required as part of a Controlled Activity assessment.

11.7.3.5 Non-compliance with this Rule shall be considered a Restricted Discretionary Activity unless otherwise stated.

11.7.4 NOISE

1. All activities on a *site* shall be designed and conducted so as to ensure that the following noise limits are not exceeded at any point within the notional boundary of any *dwelling* on another site within the Ōhiwa Harbour Zone *site* or an adjoining zone.

Noise Limits dB		
Receiving Zone	Daytime 7am to 10 pm, Monday to Sunday including public holidays	Night time At all other times
Ōhiwa Harbour Zone	50LAeq	40LAeq 70LAmx

2. Except where expressly provided elsewhere in this Plan, noise shall be measured in accordance with the provisions of NZS 6801:2008 Acoustics - Measurement of Environmental Sound, and assessed in accordance with the provisions of NZS 6802:2008 Acoustics - Environmental Noise.
3. Construction noise in any Zone shall be measured and assessed in accordance with the provisions of NZS 6803:1999 Acoustics - Construction Noise.
4. An *audible bird scaring device* shall:
 - a. Be operated only from half an hour before sunrise to half an hour after sunset.
 - b. Not exceed 65dB LAe at any point within the *notional boundary* of any *dwelling* on another site in the Ōhiwa Harbour or Rural Zone, or at any point within any Residential Zone (excluding any *dwelling/s* located on the same *site* as the device is being operated), unless the adjacent landowner has provided written approval to the activity and a copy has been provided to the *Council*.
 - c. Only be operated when the horticultural crop is at risk from bird damage.
 - d. Non-compliance shall be assessed as a Restricted Discretionary Activity
5. Noise from livestock and from vehicles and mobile machinery associated with short term *farming* and *plantation forestry* operations such as harvesting crops and forests shall be exempt from compliance with the noise levels specified in the table above.
6. Sirens used by *emergency services* shall be exempt from compliance with the noise levels specified in the table above.

11.7.5 LIGHTING AND GLARE

1. All exterior lighting shall be designed, installed, and maintained so that the light emitted does not overspill *site* boundaries, cause light pollution in the night sky, or cause distraction or glare which could affect traffic safety on adjacent *roads*.

11.7.6 PARKING AND ACCESS

11.7.6.1 Parking and loading

1. On-site carparking and provision for loading shall be provided in relation to every activity that is new, extended or where the use is changed.

2. On site carparking shall be provided as follows:

Residential dwellings 1 space per *dwelling* in addition to parking provided in a garage or carport

Places of assembly 1 space per 5 persons accommodated

Visitor accommodation 1 to 4 people 1 space per unit or room

Over 4 people 1 space per unit or room plus 1 space for every 2 staff

Education facilities 2 spaces for visitors plus adequate and reasonable provision for cars and buses to drop off and pick up students and:

Preschool 1 space per staff member

Primary 2 spaces per 3 staff members

Secondary 1 space per 20 students

Tertiary 1 space per 20 students

Rural industries 1 space per 50m² *total floor area*

Rural selling places 1 space per 20m² *total floor area*

Contractors' depots 1 space per 50m² *total floor area*

Home occupations 1 space per 20m² of the *site* used for the activity

Outdoor community recreation 1 space per 20m² of the net *site area*

Community corrections facility One space for every 2 full time equivalent employees and one space for every 10 people the facility is designed to service

3. The carparking shall be in accordance with the dimensions and design standards set out in Appendix 1.
2. Provision shall be made for the loading and unloading of service vehicles on-site, in such a way that no footpath, *road*, or *access* to adjoining properties is blocked.

11.7.7 VEHICLE ENTRANCES

11.7.7.1 Vehicle entrances shall be designed and constructed to comply with Appendix 4.

Advice Note: Additional access width may be necessary to provide for emergency service vehicles in accordance with SNZ PAS 4509:2008 (refer 17.6.10)

11.7.7.2 Vehicle access from State Highways

Any new activity on a *site* that obtains access from a State Highway shall obtain written consent from NZ Transport Agency and a copy shall be provided to the *Council*.

11.7.8 SIGNS

11.7.8.1 The following *signs* shall be permitted:

1. A *sign* with a maximum area of 0.5m² in relation to an approved *home occupation* or *visitor accommodation*, including name, type of *home occupation* and hours of operation.
2. A *temporary sign* with a maximum area of 1.8m², where the written consent of the landowner has been obtained and provided to Council.
3. Double-sided free standing *sign* with a maximum area of 0.5m² for each frontage to the *site*.
4. Attached to *buildings* on the *site*, with a maximum area of 0.5m², which do not exceed the profile of the *building* where they meet the requirements of this plan.
5. *Official signs*.

11.7.8.2 A *sign* with a maximum area of 1.1m² shall be a controlled activity in relation to any public purpose or on the same *site* as any of the following activities:

1. Recreation reserves
2. Churches and other *places of assembly*
3. *Education facilities*
4. Hospitals
5. *Community activities*
6. *Visitor accommodation*
7. Tourist or special information, including places or points of special interest.

11.7.8.3 The following *signs* shall be Discretionary Activities:

1. Illuminated *signs* that are not a Permitted Activity
2. Flashing, animated, trivision, revolving lights, lasers or aerial *signs* located adjacent to a state highway.

3. Free standing *signs* located within the boundary of a state highway with a speed limit of 50km/h or less.
4. Advance warning *signs* erected on a *road*.

11.7.8.4 *Signs* visible from a State highway shall not:

1. Have reflective material or illumination that flashes or moves;
2. Obstruct or impair the view of any official traffic *sign* and signal or the line of sight at any corner, bend, intersection of vehicle crossing;
3. Physically obstruct or impeded traffic or pedestrians;
4. Resemble or be likely to be confused with any official traffic *signs* or *signs*;
5. Use support structures that are not frangible.

Advice Notes:

1. Council controls signs under the Ōpōtiki District Council Consolidated Bylaws 2020.
2. Where signs on private property will be visible from a State Highway and resource consent is required, the NZ Transport Agency should be consulted in relation to traffic safety effects. It should also be noted that NZ Transport Agency controls signs on the State highway corridor Legal Road under the NZ Transport Agency Signs on State Highway Bylaw July 2010.

11.7.9 FLOOR LEVELS

11.7.9.1 Floor levels shall be sufficient to ensure that water does not enter *buildings* in a 1% AEP (Annual Exceedance Probability) event within the *Coastal Environment* or a 2% AEP event for areas outside the *Coastal Environment*. *Council* will determine the appropriate freeboard that needs to be added to the flood level to set the required minimum floor level.

11.7.10 ON-SITE EFFLUENT DISPOSAL

11.7.10.1 Provision shall be made on-site for adequate vehicle *access* to septic tanks for *maintenance* purposes.

11.7.10.2 In relation to *intensive farming*, waste and effluent disposal activity shall be located at least:

1. 500m from the nearest boundary of a *site* zoned Residential, Mixed Activity or Industrial.
2. 100m from an existing residential activity on a *site* in separate ownership.
3. 45m from a front boundary and from a residential activity on the same *site*.
4. 15m from any other *site* boundary.
5. 50m from any *water body*.

Advice Note: Resource consent may be required from the Bay of Plenty Regional Council

11.7.11 WATER SUPPLY

11.7.11.1 A potable water supply shall be provided to each *lot* within the Zone.

11.7.11.2 All new *buildings* shall have access to a water supply for firefighting purposes in accordance with NZSA Firefighting Water Supplies Code of Practice NZS PAS 4509:2008.

11.7.12 COASTAL HAZARD ASSESSMENT

11.7.12.1 A coastal hazard assessment may be required for a permitted activity *dwelling* at the time of *building* consent. It should be noted that compliance with the standards in this Plan does not override Council's obligations under the Building Act 2004 when considering applications for *building* consents in areas with an *identified coastal hazard risk*.

11.7.13 RELOCATION OF A BUILDING

1. A *building* inspection report shall accompany the *building* consent for the *building/dwelling*. The report shall identify all *reinstatement work* required to the exterior of the *building/dwelling*.
2. The *building* shall be located on permanent foundations approved by *building* consent no later than two months from the *building* being relocated on the *site*.
3. All work required to reinstate the exterior of any relocated *building* in accordance with the building inspection report shall be completed within 12 months of the *building* being delivered to the *site*.
4. The proposed owner of the relocated *building* must certify to the Council that the reinstatement work will be completed within the 12 month period.
5. Non-compliance with this Rule shall be considered a Restricted Discretionary Activity

11.7.14 GOAT FARMING

1. Goat *farming* shall be permitted outside the areas shown as Goat Management Areas on the Planning Maps.
2. The goats shall be formally identified in accordance with the National Animal Identification and Tracing Act 2012, but must include the tagging (brass tag or plastic tag or ear-cut or tattoo) of goats with recognisable owner identification.
3. The goats shall be contained on *site* at all times by either a boundary fence in accordance with standards for goat fencing contained in Appendix 7 or tethered, which may include a running wire.

4. Written advice of the location of the goat *farming* activity shall be provided to Council at the time of the establishment of the goat *farming* operation.

11.7.15 DEER FARMING

1. Deer shall be kept in accordance with the National Animal Identification and Tracing Act 2012.
2. Deer shall be identified in accordance with the National Animal Identification and Tracing Act 2012.
3. Deer shall be contained on *site* at all times by a boundary fenced area in accordance with the deer fencing standard set out in Appendix 7.
4. Written advice of the location of the deer *farming* activity shall be provided to Council at the time of the establishment of the deer *farming* operation.

11.7.16 ARTIFICIAL CROP PROTECTION STRUCTURES

1. Dark green or black cloth shall be used on vertical faces within 30m of the boundary of the property.
2. Green, black or white cloth shall be used on horizontal surfaces.
3. No setback from a side or rear boundary shall be required for an *artificial crop protection structure* except where there is an existing lawfully established residential *building* located 5m or less from the boundary on an adjacent lot, a 5m setback shall be provided unless the written approval of the owner(s) of the adjacent lot is obtained and provided to the *Council*. The setback shall apply to a 5m envelope parallel to any face of the residential *building*.
4. No maximum *site coverage* shall apply.
5. Non-compliance with these rules or where the written approval is not obtained shall be assessed as a Restricted Discretionary Activity.

11.7.17 VEGETATION DISTURBANCE AND ANCILLARY EARTHWORKS IN ASSOCIATION WITH A RESPONSE UNDER THE BIOSECURITY ACT 1993

1. Vegetation disturbance and ancillary earthworks shall comply with the following standard:
 - a. There shall be a minimum setback of 50m from the Coastal Marine Area or a waterbody to minimize the risk of leachate reaching the water and sediment discharge resulting from earthworks.

ADVICE NOTE

Consent may be required from bay of Plenty Regional Council for the removal of indigenous vegetation and for earthworks.

11.8 OTHER METHODS

11.8.1 Other methods for achieving the objectives and policies of this section are:

1. Ongoing collaboration on the Ōhiwa Harbour Strategy 2014.
2. A protocol be developed between Ōpōtiki District Council and Whakatāne District Council for referral of resource consents for subdivision and land use consent occurring within the Ōhiwa Harbour environment.
3. Ongoing support for established and future community Coast Care and Dune Care programmes, and to liaise with Bay of Plenty Regional Council with respect to these groups.
4. Co-operation with landowners and Bay of Plenty Regional Council in the use of Farm Plans and Environment Plans to promote sustainable management practices.
5. Work with the Regional Council, landowners and the Department of Conservation to discourage grazing of *wetland* vegetation and to encourage fencing of wetlands and other indigenous vegetation.
6. Use Land Information Memoranda (LIM) and Project Information Memoranda (PIM) to provide information on known natural hazards to potential developers and applicants.
7. Work with stakeholders including the Bay of Plenty Regional Council, road controlling authorities and the community to raise public awareness of adverse effects caused by vehicle access to beaches and to identify methods to control vehicle access, including signs and physical barriers, and to enable access where appropriate.

11.9 ENVIRONMENTAL RESULTS EXPECTED

11.9.1 Environmental outcomes anticipated from the implementation of the objectives and policies are:

- A. The preservation of the *natural character* of the internationally important Ōhiwa Harbour and its environs.
- B. Allowing for appropriate development in a manner which will not compromise the significant natural values of the Ōhiwa Harbour and its environs.
- C. The important ecological, scientific and botanical values of the Ōhiwa Harbour are preserved and enhanced.
- D. The historic, cultural and spiritual significance of the Harbour is recognised and conserved.

Chapter 12

Surface of Water Activities



12. SURFACE OF WATER ACTIVITIES

ADVICE NOTES:

1. This Chapter applies to activities on the surface of freshwater (s31 RMA). The Bay of Plenty Regional Council controls surface water activities in the coastal marine area which is the area seaward of mean high water springs (MHWS) and up to 1 kilometre upstream from a river mouth (s30 RMA).
2. Resource consent may be required from the Bay of Plenty Regional Council for activities in the bed of a river or stream. Activities on the surface of the water may also require approval from the Bay of Plenty Regional Council under the provisions of the Navigational Safety Bylaw.

12.1 RESOURCE MANAGEMENT ISSUES

1. Incompatible surface of water activities on the same stretch of water may compromise safety and limit public *access*.
2. Surface of water activities may degrade water quality and damage margins of *water bodies*, destroying or modifying ecological *habitats* and important areas for breeding.
3. Surface of water activities can adversely affect the *natural character* and *amenity values* of *water bodies* and adjoining land by causing increased traffic movement, noise and light spill.
4. Surface of water activities may be incompatible with important cultural, spiritual or historic values.
5. Incompatible activities on the surface of water have the potential to create navigational hazards, limit water access and compromise safety to water users.

12.2 OBJECTIVES AND POLICIES

12.2.1 OBJECTIVE

Enabling a wide range of activities on rivers where safety and access and conflicts between activity groups can be managed.

POLICIES

12.2.1.1 Manage the location and scale of motorised and *commercial activities* to minimise conflict and risk to safety between activities on the surface of water.

12.2.1.2 Ensure that *access* is provided in appropriate locations to avoid damage to the margins of *water bodies*.

12.2.2 OBJECTIVE

Surface of water activities maintain or, where appropriate, enhance the natural character, amenity, recreational, ecological, historic heritage and cultural values of water bodies and their margins.

POLICIES

12.2.2.1 Manage the scale and effects of surface of water activities to ensure that *natural character* and the recreational and ecological values of the *water body* and its margins are maintained and, where appropriate, enhanced.

12.2.2.2 Surface of water activities should not degrade the mauri of *water bodies* and cultural values nor adversely affect historic heritage values.

12.2.2.3 Manage motorised activities on the surface of water to avoid, remedy or mitigate adverse effects on the *amenity values* of the *water bodies* and adjacent land.

12.3 ACTIVITY STATUS

Resource consent is required for all Controlled, Restricted Discretionary, Discretionary and Non-complying activities. Resource consent is not required for Permitted activities provided all relevant standards are met. Additional controls may apply in the Zone and other chapters.

12.3.2 PERMITTED ACTIVITIES

12.3.2.1 Subject to compliance with the relevant Standards the following activities may be established without resource consent from *Council*.

1. Non-motorised recreation activities.
2. Non-commercial motorised recreation activities.
3. *Temporary Military Training Activities* complying with Appendix 3.

12.3.3 CONTROLLED ACTIVITIES

12.3.3.1 The activities listed below may only be established after resource consent has been granted by *Council*. The Council may impose conditions only in relation to the matters over which it has reserved control in 12.4. The activities must comply with the relevant Zone Standards (refer 12.6).

1. *Organised water events*.
2. *Temporary Military Training Activities* not complying with Appendix 3.

12.3.4 RESTRICTED DISCRETIONARY ACTIVITIES

12.3.4.1 The activities listed below may only be established after resource consent has been granted by *Council*. The *Council* may refuse consent or grant consent and impose conditions only in relation to the matters over which it has restricted its discretion in 12.5. The activities must comply with the relevant Zone Standards (refer 12.6).

1. *Commercial operations*.
2. Houseboats.

12.3.5 DISCRETIONARY ACTIVITIES

12.3.5.1 The activities listed below may only be established after resource consent has been granted by *Council*. The *Council* may refuse consent or grant consent subject to conditions. The standards in 12.6 will be used as a guideline when assessing the application.

1. Land based structures and facilities, including jetties, wharves, or boat ramps.
2. Activities and structures not provided for above.

12.4 CONTROLLED ACTIVITIES: MATTERS OVER WHICH CONTROL IS RESERVED

12.4.1 The *Council* has reserved control over the following matters :

12.4.1.1 Frequency, duration and intensity of event

1. The number of races and the expected duration of the event.
2. The number, size and nature of vessels and attendant vehicles likely to be involved.
3. The effect on other user groups and adjacent *sites* on land.
4. Sanitation

12.4.1.2 Effects on the margins of water bodies

1. The location points for launching and retrieval of vessels and how the margins will be protected from damage.
2. Modification, damage, *disturbance* or destruction to indigenous fauna or *habitats* of indigenous flora.
3. The likelihood of bank and channel erosion as a result of the activity.

12.4.1.3 Structures associated with the activity

1. The location of any *temporary buildings* associated with the event.
2. The location of temporary *food selling premises*.

12.4.1.4 Carparking and access

1. The requirements for carparking associated with the activity.
2. The requirements for vehicular and pedestrian *access*.

12.4.1.5 Noise effects

1. Whether the noise generated from the activity is intermittent or continuous.
2. Areas likely to be adversely affected by the noise generated, especially adjacent *sites* on land.
3. The measures undertaken to avoid, remedy or mitigate the noise effects of the activity.

12.4.1.6 Light spill effects

1. Whether the activity will generate light spill effects onto properties adjoining the ***water body***.
2. Measures undertaken to avoid, remedy or mitigate the light spill effects from the activity.

12.4.1.7 Temporary military training activities not complying with Appendix 3

1. Location in relation to noise sensitive activities.
2. Hours of operation and duration.

12.5 RESTRICTED DISCRETIONARY ACTIVITIES: MATTERS OVER WHICH DISCRETION IS RESTRICTED

12.5.1 The *Council* has restricted its discretion over the following matters:

12.5.1.1 Landscapes and Indigenous Habitats

1. Location of activity:
 - a. The location and extent of the surface of water affected by the activity.
 - b. The effect on other user groups.
2. Effects on the *water body* and its margins:
 - a. The location points for launching and retrieval of vessels and how the margins will be protected from damage.
 - b. Modification, damage, *disturbance* or destruction to indigenous fauna or habitats of indigenous flora.

- c. Cultural and historic heritage values associated with the *water body*.

12.5.1.2 **Carparking and access**

1. The requirements for carparking associated with the activity.
2. The requirements for vehicular and pedestrian *access*.

12.5.1.3 **Noise effects**

1. Whether the noise generated from the activity is intermittent or continuous.
2. Areas likely to be adversely affected by the noise generated.
3. The measures undertaken to avoid, remedy or mitigate the noise effects of the activity.

12.5.1.4 **Light spill effects**

1. Whether the activity will generate light spill effects onto properties adjoining the *water body*.
2. Measures undertaken to avoid, remedy or mitigate the light spill effects from the activity.

12.6 **STANDARDS**

These Standards apply, unless otherwise stated, to all permitted, controlled and restricted discretionary activities, unless otherwise stated. They will be used as a guideline when assessing applications for discretionary and non-complying activities.

Temporary Military Training Activities are exempt from complying with these standards.

- 12.6.1 The standards in the underlying Rural or Rural Coastal Zone (as shown on the Planning Maps) shall apply to activities on the surface of water.

12.7 **OTHER METHODS**

12.7.1 Other methods for achieving the objectives and policies of this section are:

1. Provide information to local Iwi about applications which may affect them.
2. Liaise with the Bay of Plenty Regional Council, Gisborne District Council, Whakatāne District Council, and the Department of Conservation and local Iwi, where required, for the appropriate management of surface of water activities.
3. Use technical expertise from other agencies, such as Department of Conservation, Fish and Game New Zealand and other organisations to identify the potential effects of activities on the surface of the water.
4. Encourage Landcare programmes that have a focus on *riparian management areas* and sustainable management of the water and land interface.

5. Input into the review and development of Regional Navigation Safety Bylaws.

12.8 ENVIRONMENTAL RESULTS EXPECTED

Environmental results expected from the implementation of the objectives, policies and rules in this section are:

- A. Effects of surface of water activities on *natural character*, ecological, social and ecological values are minimised.
- B. Activities on the surface of water do not detract from *amenity values* of other users and adjacent land.
- C. The mauri of *water bodies* is not adversely affected.
- D. Potential conflicts between competing users are managed and avoided as far as practicable.

Chapter 13

Earthworks, Landscapes, Indigenous Vegetation and Habitats



13. EARTHWORKS, LANDSCAPES, INDIGENOUS VEGETATION AND HABITATS

ADVICE NOTE:

This chapter applies to activities in outstanding natural features and landscapes identified in 13.9.1 and 13.9.2 and to earthworks and disturbance of indigenous vegetation across all zones.

13.1 RESOURCE MANAGEMENT ISSUES

13.1.1 OUTSTANDING NATURAL FEATURES AND LANDSCAPES

1. Inappropriate land use activities and subdivision can compromise the values of the outstanding *natural features and landscapes* of the District.
2. Tracking, *roads*, earthworks and the location of *buildings* and structures, including *signs* and *network utilities*, can modify outstanding *natural features and landscapes*.
3. The location of new planting, such as *plantation forestry*, shelterbelts and cropping, can change the visual character of landscapes through loss of openness, screening, and planting near *ridgelines* and in patterns that are not sympathetic to natural contours.
4. The clearance of areas of *indigenous vegetation* for conversion to other land uses can modify valued landscapes.
5. Enabling development of multiple-owned *Māori land* may conflict with the requirement to protect outstanding *natural features and landscapes*.

13.1.2 INDIGENOUS VEGETATION AND HABITATS

1. Modification, degradation and destruction of indigenous vegetation and *habitats* of indigenous fauna through urbanisation, land development and drainage has led to a decline in *biodiversity* in the District, particularly in the lowlands.
2. All areas of *indigenous vegetation* are important to maintain indigenous *biodiversity* in the District. They contribute to its unique character and they need to be maintained or enhanced.
3. *Ecosystems* are valuable for their intrinsic values and essential to the wellbeing of people and communities. They may be destroyed or degraded by inappropriate vegetation clearance, drainage, earthworks, pests, land use change, urban development and fragmentation through subdivision.

4. There is a need for education and incentive mechanisms to provide for the sustainable management and restoration of privately owned *indigenous vegetation*, including *dunelands* and *wetlands* which are individually important and contribute to ecological corridors, enhancing indigenous fauna and conservation values.
5. Plant and animal pests have contributed to the degradation of *indigenous vegetation* and *ecosystems* and the decline of indigenous *biodiversity*.

13.1.3 WETLANDS

1. There has been a significant decline in *wetland* extent and condition within the District through inappropriate drainage, modification, land use and land development.
2. *Wetlands* are affected by activities occurring in their catchments. *Ecosystem* restoration and environmentally sensitive land management practices need to be encouraged within the catchments of *wetlands*. It is also important to maintain and enhance connectivity among freshwater *wetlands* and between *wetlands* and other *ecosystem* types such as terrestrial forests and estuaries.
3. *Wetlands* need to be maintained to sustain *ecosystem* services including *habitats* of indigenous fauna, improve water quality by filtering of pollutants and sediments and reduce flood flows.

13.1.4 NATURAL CHARACTER

1. Inappropriate management can lead to a decline in the *natural character* of the coastal environment, *wetlands*, lakes, and rivers and their margins.
2. Qualities and values of estuarine and coastal margins and riparian areas can be threatened by inappropriate *access*, land use and development.
3. Some land use activities can adversely affect estuarine and coastal margins and riparian areas, and subsequently water quality, species, *habitats* and the margins of *waterbodies*, harbours, estuaries and the open coast.

13.2 OBJECTIVES AND POLICIES

13.2.1 OBJECTIVE - OUTSTANDING NATURAL FEATURES AND LANDSCAPES

To protect outstanding natural features and landscapes from the adverse effects of inappropriate subdivision, use and development.

POLICIES

- 13.2.1.1 Adverse effects of inappropriate subdivision, use and development, including *buildings*, structures and earthworks, on the values of outstanding natural landscapes are avoided in the *Coastal Environment*.
- 13.2.1.2 Outside the *Coastal Environment* adverse effects of inappropriate subdivision, use and development, including *buildings*, structures and earthworks, on the values of outstanding natural features and landscapes are avoided and, where avoidance is not practicable, remedied or mitigated.
- 13.2.1.3 Continuation of existing *rural production activities* is recognised.
- 13.2.1.4 Change in vegetation patterns and land contour as a result of land use change associated with new activities such as *plantation forestry* or other crops is managed to minimise adverse effects to maintain or enhance the landscape values of outstanding *natural features and landscapes* identified on the Planning Maps and Appendices 13.9.1 and 13.9.2.
- 13.2.1.5 Development of multiple-owned *Māori land* is enabled in a manner consistent with the protection of *outstanding natural features and landscapes*.
- 13.2.1.6 Network utilities which have a *functional requirement* to locate in sensitive locations are allowed subject to compliance with specific design and locational rules.

13.2.2 OBJECTIVE – INDIGENOUS VEGETATION AND HABITATS

The sustainable management of indigenous vegetation and habitats of indigenous fauna to maintain and, where appropriate, enhance biodiversity of the District. This includes maintaining the overall extent of rare and threatened ecosystem types.

POLICIES

- 13.2.2.1 To avoid adverse effects of activities on indigenous biological diversity in the *Coastal Environment* that is identified under Policy 11(a) of the New Zealand Coastal Policy Statement.
- 13.2.2.2 To protect significant *indigenous vegetation* and significant *habitats* of indigenous fauna, where significance is assessed in accordance with the criteria in Appendix 13.9.3.

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- 13.2.2.3 To encourage the restoration and rehabilitation of degraded *indigenous vegetation* through plant and animal pest control and revegetation, using genetically suitable indigenous flora where appropriate and considering the *habitat* requirements of indigenous fauna.
- 13.2.2.4 To encourage the protection, restoration and management of *ecosystems* that are rare and threatened at a local (ecological district), regional or national level.
- 13.2.2.5 Outside the *Coastal Environment*:
- (a) avoid, or where this is not practicable, remedy, mitigate or offset the adverse effects of activities on indigenous *biodiversity*;
 - (b) protect indigenous *ecosystems*, rare, at risk, or threatened species;
 - (c) maintain the overall extent of rare and threatened ecosystem types;
 - (d) require restoration and rehabilitation of significant *indigenous vegetation* and habitats of indigenous fauna on or off the *site*, giving priority to the habitats and ecosystem types listed in 13.9.4 and by reference to the criteria in Appendix 13.9.3.
- 13.2.2.6 To encourage landowners through the use of a variety of methods including advocacy, education and, where possible, incentives, to recognise natural values and to protect areas of significant *indigenous vegetation* and *habitats* of indigenous fauna.
- 13.2.2.7 To promote the restoration of *ecosystems* that have been damaged or degraded to ensure their continued viability.
- 13.2.2.8 To use *riparian management areas* to protect and restore whitebait spawning *habitats*.
- 13.2.2.9 To encourage the restoration and enhancement of riparian margins to support indigenous flora and fauna *habitats*.
- 13.2.2.10 Avoid adverse effects of deer and goat *farming* through application of goat *farming* management areas and fencing standards for farmed deer and goats.
- 13.2.2.11 To restrict vehicle access to the coast, rivers and their margins in accordance with NZCPS Policy 20(1)(b).
- 13.2.3 OBJECTIVE – WETLANDS**
- Wetlands within the District continue to support indigenous flora and fauna habitats as part of a wider ecological system and the natural character of the wetlands is maintained and enhanced.**
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POLICIES

- 13.2.3.1 To protect the *natural character* and *habitat* values of *wetlands*, including maintaining their extent and ability to sustain indigenous species.
- 13.2.3.2 To avoid adverse effects on *wetlands* and encourage opportunities for restoration and rehabilitation including but not limited to conditions on resource consents requiring restoration or rehabilitation of *wetlands* on or off the site.
- 13.2.3.3 To maintain and enhance the overall extent of *wetlands* through controlling inappropriate activities and promoting best land use practice.
- 13.2.3.4 To encourage the restoration and rehabilitation of *wetlands*.

13.2.4 OBJECTIVE – NATURAL CHARACTER

Coastal and estuarine margins, wetlands and riparian areas within the District continue to support indigenous flora and fauna as part of a wider ecological system and their natural character is maintained and enhanced.

POLICIES

- 13.2.4.1 Preserve the natural character of the *Coastal Environment* and protect it from inappropriate subdivision, use and development.
- 13.2.4.2 Preserve *indigenous riparian vegetation* areas and coastal and estuarine margins within the District for their *natural character*, ecological, *biodiversity*, historical and cultural character and value.
- 13.2.4.3 To restrict vehicle access to the coast, rivers and their margins in accordance with NZCPS Policy 20(1)(a).

13.2.5 OBJECTIVE

Enable national or regional responses to biosecurity incursions and allow for the appropriate management of plants and plant material infected by an unwanted organism.

POLICY

- 13.2.5.1 Enable disposal of plants and plant material infected by unwanted organisms, including ancillary earthworks, carried out as directed by a person authorised under the Biosecurity Act 1993.

13.3 ACTIVITY STATUS

Resource consent is required for all Controlled, Restricted Discretionary, Discretionary and Non-complying activities. Resource consent is not required for Permitted activities provided all relevant standards are met. Additional controls may apply in the Zone and other chapters.

13.3.1 ACTIVITIES IN SITES LISTED IN 13.9.1 OUTSTANDING NATURAL LANDSCAPES AND 13.9.2 OUTSTANDING NATURAL FEATURES

- P = Permitted Activity**
C = Controlled Activity
RD = Restricted Discretionary Activity
D = Discretionary Activity
NC = Non-Complying Activity

	<u>Rule</u>	13.9.1 Outstanding Natural Landscapes	13.9.2 Outstanding Natural Features
	Rural Production Activities		
1.	Existing <i>lawfully established rural production activities</i> including <i>plantation forestry</i> where the effects are the same or similar in character, intensity and scale to those which existed before the proposed plan was notified (20 September 2016)	P	P
2.	<i>New Plantation Forestry</i>	D	D
3.	<i>Mining and quarrying.</i>	D	D
4.	<i>Agriforestry</i> , including establishment and/or harvesting of planted mānuka.	P	D
5.	Land based <i>aquaculture</i> , subject to compliance with 13.6.3.	P	D
6.	Exotic weed and pest animal control and eradication programmes	P	P
	Buildings and Structures		
7.	New <i>buildings accessory</i> to existing <i>farming</i> activities, subject to compliance with 13.6.3.	P	RD
8.	Maintenance and replacement of existing lawfully established <i>buildings</i> and structures, subject to compliance with 13.6.3.	P	P
9.	New <i>buildings</i> and structures where the highest point of the <i>building</i> or structure is within 5 metres vertical distance of natural ground level on a ridgeline.	D	D

13.3.2 INDIGENOUS VEGETATION CLEARANCE

The rules for Outstanding Natural Landscapes, Outstanding Natural Features and the Coastal Environment take priority over the zone rules and the more stringent activity status applies to activities. Additional rules may apply in Chapter 14 to notable trees, and in Chapter 17 to earthworks within the National Grid yard and to other network utilities.

EARTHWORKS, LANDSCAPES, INDIGENOUS VEGETATION AND HABITATS

	Rule	Outstanding Natural Landscapes in 13.9.1	Outstanding Natural Features in 13.9.2	Coastal Environment Overlay	Coastal	Coastal Settlement	Ōhiwa Harbour	Rural
	Pohutukawa							
1.	Maintenance and pruning of pohutukawa trees where such maintenance or pruning is necessary for the health of the tree or the safety of people and a report from a suitably qualified and experienced person is lodged with the <i>Council</i> before work commences, confirming that the work is necessary and outlining the methodology	P	P	P	P	P	P	P
2.	Relocation of pohutukawa including for enhancement or protective purposes, provided that a report from a suitably qualified and experienced person has been provided to <i>Council</i> before work commences	C	C	C	C	C	C	C
3	Clearance or <i>disturbance</i> of any pohutukawa tree	D	D	D	D	D	D	D
	Indigenous Vegetation Disturbance in IBDA							
4	<i>Indigenous vegetation disturbance</i> within an IBDA A identified in the BOP Regional Coastal Environment Plan	-	-	D	-	-	-	-
5	<i>Indigenous vegetation disturbance</i> within an IBDA B identified in the BOP Regional Coastal Environment Plan	-	-	RD	-	-	-	-
	All Other Indigenous Vegetation							
6	Conservation planting and management of	P	P	P	P	P	P	P

EARTHWORKS, LANDSCAPES, INDIGENOUS VEGETATION AND HABITATS

	Rule	Outstanding Natural Landscapes in 13.9.1	Outstanding Natural Features in 13.9.2	Coastal Environment Overlay	Coastal	Coastal Settlement	Ōhiwa Harbour	Rural
	<i>indigenous vegetation</i> , including replanting and rehabilitation							
7.	<i>Indigenous vegetation disturbance</i> (excluding disturbance within wetlands, indigenous estuarine vegetation or sand dune land vegetation) which affects an area less than 100m ² in any 12 month period, except as listed below	P	D	D	P	P	P	Refer Rule 13.3.2.14 & 15 below
8.	<i>Indigenous vegetation disturbance</i> , where necessary to provide for a stable <i>building</i> platform for a <i>dwelling</i> and access, and no alternative locations are available within the site.	RD	RD	Refer Rule 13.3.2.7-	Refer Rule 13.3.2.11 below	Refer Rule 13.3.2.11 below	Refer Rule 13.3.2.11 below	Refer Rule 13.2.3.14 & 15 below
9	<i>Indigenous vegetation disturbance</i> , in addition to the activities specified above where: (a) It is the removal of naturally regenerating <i>indigenous vegetation</i> that is less than 3.5 metres in height and that has regenerated following clearance in the past ten years for <i>farming</i> purposes and further clearance is required to maintain an existing <i>farming</i> operation- (b) It is required to maintain an existing fence line and is within 2m of the	P	P	P	P	P	P	P

	Rule	Outstanding Natural Landscapes in 13.9.1	Outstanding Natural Features in 13.9.2	Coastal Environment Overlay	Coastal	Coastal Settlement	Ōhiwa Harbour	Rural
	<p>fence line.</p> <p>(c) It is for maintenance of open space within 5m from an existing lawfully established <i>building</i>.</p> <p>(d) It is the removal of <i>indigenous vegetation</i> under or on the edges of an existing <i>plantation forest</i>, including skid sites, the edges of forest roads, and areas of failed planting within the forest, as well as vegetation that has regenerated in the current rotation and will be affected temporarily by forest harvesting operations.</p> <p>(e) It is within the existing formation width to maintain, existing walking and cycling tracks, driveways, public or private <i>roads</i>, and farm and forestry tracks.</p> <p>(f) The sustainable harvest of plant material for rongoa Maori (customary medicine), raranga (weaving) and mahi whakairo (carving)</p> <p>(a) Trimming indigenous vegetation to comply with the requirements of the Electricity (Hazards</p>							

EARTHWORKS, LANDSCAPES, INDIGENOUS VEGETATION AND HABITATS

	Rule	Outstanding Natural Landscapes in 13.9.1	Outstanding Natural Features in 13.9.2	Coastal Environment Overlay	Coastal	Coastal Settlement	Ōhiwa Harbour	Rural
	from Trees) Regulations 2003 or its successor or where required for the operation, maintenance, upgrade or development of the National Grid							
10.	<p><i>Indigenous vegetation disturbance</i> in addition to the activities specified above where in accordance with statute, covenants or other legal instruments including:</p> <p>(a) Consent Notice or covenant for the protection of <i>indigenous vegetation</i> and <i>habitats</i> with the Council;</p> <p>(b) Biodiversity Management Plan or a Wetland Management Agreement approved by Bay of Plenty Regional Council or a resource consent from the Bay of Plenty Regional Council</p> <p>(c) Covenant for the protection of <i>indigenous vegetation</i> and <i>habitats</i> approved by Department of Conservation,</p> <p>(d) Covenant for the protection of indigenous</p>	P	P	P	P	P	P	P

EARTHWORKS, LANDSCAPES, INDIGENOUS VEGETATION AND HABITATS

	Rule	Outstanding Natural Landscapes in 13.9.1	Outstanding Natural Features in 13.9.2	Coastal Environment Overlay	Coastal	Coastal Settlement	Ōhiwa Harbour	Rural
	<p>vegetation and habitats with the QEII Trust;</p> <p>(e) Covenant for the protection of <i>indigenous vegetation</i> and <i>habitats</i> with Ngā Whenua Rāhui;</p> <p>(f) Covenant for the protection of <i>indigenous vegetation</i> and <i>habitats</i> empowered under Treaty claims settlement legislation.; and</p> <p>(g) It is in accordance with a Conservation Management Strategy or a management plan under Reserves Act 1977, Conservation Act 1987 or Te Ture Whenua Māori Act 1993</p>							
11.	<p><i>Indigenous vegetation disturbance</i> for new <i>buildings</i> and <i>building</i> platforms not provided for above, subject to:</p> <p>(a) Vegetation clearance for a house site and its curtilage shall be no more than 250m² on land contained in one title or partition order, where a <i>building</i> consent has been issued and where there is</p>	Refer Rule 13.3.2.8 above	Refer Rule 13.3.2.8 above	Refer Rule 13.3.2.8 above	RD	RD	RD	Refer 13.3.2.1 4 & 15 below

EARTHWORKS, LANDSCAPES, INDIGENOUS VEGETATION AND HABITATS

	Rule	Outstanding Natural Landscapes in 13.9.1	Outstanding Natural Features in 13.9.2	Coastal Environment Overlay	Coastal	Coastal Settlement	Ōhiwa Harbour	Rural
	<p>no existing <i>building</i> and no suitable previously cleared land.</p> <p>(b) An access way up to 30m in length and 3m wide may be cleared to service the house site.</p> <p>(c) There shall be no disturbance of individual pohutukawa, or other coastal species greater than 3.5m in height.</p>							
12.	<i>Indigenous vegetation disturbance</i> for the construction of new walking and cycling tracks up to 1.5m wide	C	C	C	=	=	=	=
13.	<i>Disturbance of indigenous estuarine vegetation or coastal dune land vegetation</i>	D	D	D	D	D	D	D
14.	<p><i>Indigenous vegetation disturbance</i> in the Rural Zone and not within a site listed in 13.9.1 or 13.9.2, the <i>Coastal Environment</i>, Coastal, Coastal Settlement or Ōhiwa Harbour Zones:</p> <p>a. in the Ōpōtiki or Taneātua Ecological Districts, where the sum of all clearance in any five year period shall not exceed 400m²; or</p> <p>b. in the Waioeka, Motu or Pukeamaru Ecological Districts, where the sum of</p>	=	=	=	-	-	-	P

EARTHWORKS, LANDSCAPES, INDIGENOUS VEGETATION AND HABITATS

	Rule	Outstanding Natural Landscapes in 13.9.1	Outstanding Natural Features in 13.9.2	Coastal Environment Overlay	Coastal	Coastal Settlement	Ōhiwa Harbour	Rural
	all clearance in any five year period shall not exceed 2000m ²							
15.	<i>Indigenous vegetation disturbance</i> in the Rural Zone and not within a site listed in 13.9.1 or 13.9.2 or in the <i>Coastal Environment</i> that does not comply with 13.3.2.14							RD
16.	<i>Indigenous vegetation disturbance</i> over 100m ² within a 12 month period, except as otherwise provided for as a Permitted or Controlled Activity.	D	D	NC	RD	RD	RD	RD
17.	Removal and disposal, including ancillary earthworks, of plants and plant material infected by unwanted organisms carried out as directed by a person authorised under the Biosecurity Act 1993.	P	P	P	P	P	P	P
18.	Disturbance of vegetation within <i>wetlands</i>	D	D	NC	D	D	D	D

Advice Note: The Bay of Plenty Regional Council controls the modification of wetlands. Advice must be sought from the Regional Council prior to undertaking any activity in a wetland. A resource consent may be required for wetland modification, use of a wetland or disturbance of vegetation.

13.3.3 EARTHWORKS

The rules for Outstanding Natural Landscapes, Outstanding Natural Features and the Coastal Environment take priority over the zone rules and the more stringent activity status applies to activities. Additional rules apply in Chapter 17 to earthworks within the National Grid Yard and to other network utilities

EARTHWORKS, LANDSCAPES, INDIGENOUS VEGETATION AND HABITATS

	Rule	Outstanding Natural Landscapes in 13.9.1	Outstanding Natural Features in 13.9.2	Coastal Environment Overlay	Coastal	Coastal Settlement	Ōhiwa Harbour	Rural
1.	Earthworks complying with 13.6.2	P	D	P	P	P	P	P
2.	Earthworks for the following purposes: (a) Normal <i>farming</i> , agricultural and horticultural practices, such as ploughing, cultivation, harvesting crops, planting trees, root ripping, digging post holes, (b) Maintenance of drains and troughs and the installation and maintenance of associated pipe networks, and realignment of fencelines associated with normal <i>farming</i> practices; (c) Earthworks in association with an approved subdivision or for an activity which is authorised by resource consent and earthworks design forms an integral part of the application and consent conditions; (d) Earthworks including land preparation and vegetation clearance undertaken as part of an existing plantation forest. (e) Maintenance of existing walking tracks, farm and forestry tracks, driveways, <i>roads</i> and accessways within the same formation width	P	P	P	P	P	P	P
3.	<i>Land Preparation for Horticultural Planting</i> in the Coastal Zone in accordance with 13.6.2.5	NA	NA	NA	P	NA	NA	NA
4.	Earthworks for the construction of new walking and cycling tracks up to 1.5m wide subject to compliance with 13.6.2	C	C	P	P	P	P	P
5.	Earthworks that do not comply with the standard in 13.6.2	D	D	RD	RD	NA	RD	NA

13.3.4 PEST ANIMALS

The following activities apply across all zones

	Pest Animals	
1.	Keeping, holding, or <i>farming</i> of wallaby species.	Pro
2.	Keeping, holding, or <i>farming</i> of ferrets, stoats and weasels	Pro

13.4 CONTROLLED ACTIVITIES: MATTERS OVER WHICH CONTROL IS RESERVED

13.4.1 Indigenous vegetation disturbance and earthworks provided for as Controlled Activity

The Council has reserved control over the following matters:

1. The location and extent of vegetation to be cleared in relation to the minimum area required for the house and curtilage.
2. The management and protection of any rare and threatened species.
3. Protection of ecological values of remaining vegetation from the effects of domestic pests and exotic plant species (including garden varieties).
4. Mitigation and offset measures including on-going protection, maintenance and restoration of the feature, and/or planting of any indigenous species to offset that which is lost and ensure positive environmental effects from the activity.
5. The necessity for the activity and alternative methods and locations available for applicants to carry out the works or activities.
6. Measures to avoid, remedy or mitigate:
 - (a) The adverse effects of vegetation clearance on indigenous *biodiversity*, including cumulative effects;
 - (b) adverse effects on *natural character* and *natural features and natural landscapes*; and
 - (c) adverse effects on ecological linkages and corridors.
7. The treatment of the area surrounding the *building* platform and *access* to minimise adverse effects on adjoining vegetation.
8. The degree to which any clearing will adversely affect the representativeness of the *indigenous vegetation*.
9. The need for buffer planting or riparian planting to ensure positive environmental effects from the activity.
10. The legal protection and management of *indigenous vegetation*.
11. The location and design of *building* platforms and *access*.
12. The ways to achieve maintenance and enhancement of the values identified in Appendix F of the Bay of Plenty Regional Policy Statement.
13. The relationship of the activity to historic items listed in 14.9 and how the activity will mitigate any potential adverse effects

13.4.1.2 Effects of earthworks

The effects of any earthworks on the surrounding environment, including waahi tapu, sites of cultural significance, ecosystems, ecological or landscape values, any alteration to the contours of the site, stormwater management, overland flow paths, siltation and sedimentation effects, and any effects on the stability of the coastal dune system.

13.5 RESTRICTED DISCRETIONARY ACTIVITIES: MATTERS OVER WHICH DISCRETION IS RESTRICTED

13.5.1 Council has restricted its discretion over the following matters:

13.5.2 EARTHWORKS NOT COMPLYING WITH 13.6.2

1. The extent to which the activity changes the coastal land form and the stability of the coastal dune system.
2. The extent to which the activity detracts from the visual character of the coastal environment
3. The extent to which the activity avoids significant adverse effects, and avoids, remedies or mitigates other adverse effects on the natural character of the coastal environment.
4. The degree of alteration to the contours of the site and effects on overland flow paths.
5. How stormwater will be managed to avoid or minimise siltation and sedimentation effects.
6. The effects of any *earthworks* and land disturbance on waahi tapu, sites of cultural significance, or landscape value.
7. The significance of the *earthworks* in relation to landform of landscapes or features listed in 13.9.1 and 13.9.2, the effect on landscape values, and whether the activity will adversely affect significant indigenous biodiversity e.g. by enabling vehicle access or the introduction of weeds and pests to significant wildlife breeding sites.
8. Ecosystems and ecological values.
9. Re-vegetation and/or planting.
10. The benefits of and necessity for the activity and alternative methods and locations available for applicants to carry out the works or activities.

13.5.3 DISTURBANCE OF INDIGENOUS VEGETATION WITHIN IBDA

1. The scale and location of the disturbance of *indigenous vegetation* in relation to the values and characteristics of the *site* in terms of quantity, type, ecological and landscape significance.
2. How the effects of disturbance can be minimised and the final contours re-vegetated.

3. The opportunities available to enhance or restore the values of the Outstanding Natural Feature or Landscape.
4. The location of works in relation to areas of significance to tangata whenua and areas of *indigenous vegetation* including significant natural areas.
5. The significance of the *indigenous vegetation* affected as assessed in relation to 13.9.3 and 13.9.4 and the effect on ecological and biodiversity values, including rare and threatened vegetation types.
6. The potential effects on ecological and biodiversity values of *indigenous habitats* and their contribution to ecological corridors including the introduction of pests and vehicle disturbance.
7. The need for replanting of vegetation to compensate for that which is lost.
8. The treatment of the area surrounding the building platform, where relevant, so that adjoining vegetation is not adversely affected.
9. The need for buffer planting or riparian planting to ensure positive environmental effects from the activity.
10. The legal protection and management of indigenous vegetation.
11. Consideration of effects on at risk, threatened and regionally distinctive flora and fauna species
12. Consideration of effects on ecological/biodiversity values of indigenous vegetation and habitats
13. Mechanisms to protect areas of ecological values of habitats on an ongoing basis
14. Assessments by appropriately qualified ecologist
15. Legal instruments that can be used to protect and manage remaining vegetation/habitat on an ongoing basis (including fencing and pest control)
16. Site restoration and enhancement programmes
17. Development of a monitoring programme to gauge effects of the activity on ecological values
18. The benefits of and necessity for the activity and alternative methods and locations available for applicants to carry out the works or activities.
19. Pest control programme to be implemented.

13.5.4 DISTURBANCE OF INDIGENOUS VEGETATION WITHIN IBDA B

1. The location, timing, duration and extent of indigenous vegetation disturbance;
2. The location, timing, duration and extent of impact on any threatened species;
3. The protection of any of the following:
 - i. nationally rare or threatened ecosystem types;
 - ii. nationally at risk or threatened species, and regionally distinctive/endemic species;
 - iii. areas and routes important to migratory species;

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- iv. habitats important during the vulnerable life stages of indigenous species;
 - v. priority ecosystems and habitats listed in 13.9.4;
 - vi. indigenous ecosystems and habitats that are only found in the coastal environment and are particularly vulnerable to modification, including estuaries, lagoons, coastal wetlands, dunelands, intertidal zones, rocky reef systems, eelgrass and saltmarsh;
 - vii. ecological corridors, and areas important for linking or maintaining priority ecosystems and habitats listed in 13.9.4, and in the *Coastal Environment*;
 - viii. habitats of indigenous species that are important for recreational, commercial, traditional or cultural purposes –including the *Coastal Environment*
 - ix. areas assessed as significant in relation to 13.9.3 and 13.9.4.
4. The sustainability of any harvesting, including the rate and extent of any clearance;
 5. The impact of any disturbance on any ecosystem, including its long term sustainability;
 6. The degree and appropriateness of any mitigation offered to provide on-going protection, maintenance, and restoration of indigenous ecosystems and habitats, including but not limited to legal protection, fencing, planting of indigenous species, and plant and animal pest control;
 7. The cumulative effects of vegetation disturbance, subdivision, and walkways/cycleways on indigenous ecosystems, habitats, and threatened species;
 8. The degree of fragmentation of any ecosystem.
 9. The need to restrict vehicle access to the beach in sensitive locations including bird nesting areas.

Advice Note: The criteria above will be considered when assessing applications for indigenous vegetation disturbance within IBDA A as a Discretionary Activity.

13.5.5 NEW BUILDINGS AND STRUCTURES IN SITES LISTED IN 13.9.1 AND 13.9.2

1. The location, orientation and scale of the proposed *buildings* and structures.
2. The colours, finishes and reflectivity proposed to mitigate the visual effects on the landscape or feature
3. The siting, orientation, design and bulk of any *buildings* and materials used for their construction and how they will integrate the *building* or structure into the surrounding natural environment.
4. The separation of the finished *building* roofline or structure from the nearest *ridgeline*.
5. Proposed planting or *landscaping* to mitigate potential adverse visual effects of *buildings*, structures and earthworks on the values of the *site*.
6. The location and design of associated vehicle access, manoeuvring and parking areas.
7. The benefits of and necessity for the activity and alternative methods and locations available for applicants to carry out the works or activities.

13.6 PERFORMANCE STANDARDS

These Standards apply, unless otherwise stated, to all permitted, controlled and restricted discretionary activities, unless otherwise stated. They will be used as a guideline when assessing applications for discretionary and non-complying activities.

13.6.1 VEGETATION DISTURBANCE IN OUTSTANDING NATURAL FEATURES OR LANDSCAPES

13.6.1.1 Where vegetation clearance is undertaken in an Outstanding Natural Feature and Landscape, the following performance standard shall apply:

1. The area cleared and not otherwise surfaced shall be replanted with locally sourced indigenous species within the next growing season.
2. Pohutukawa trees shall not be removed or trimmed as part of vegetation *disturbance* under this rule.

13.6.2 EARTHWORKS

13.6.2.1 Earthworks undertaken in a site listed in 13.9.1 shall comply with all the following performance standards:

1. The total area shall not exceed 400m²;
2. The total volume shall not exceed 200m³;
3. The maximum cut and/or fill face shall not exceed 3m;
4. Where the earthworks are visible from a public *road*, public reserve, coastal marine area or the foreshore, bare surfaces shall be stabilised with mulch, hydroseeding or similar stabilisation mechanism; or where the earthworks are not visible from these areas, bare surfaces shall be revegetated in the next growing season.

13.6.2.2 In the Ōhiwa Harbour Zone and in the *Coastal Environment Overlay* earthworks shall not exceed 400m² in area and 200m³ in volume in any 12 month period.

13.6.2.3 In the Coastal Zone earthworks visible from a public *road*, public reserve, coastal marine area or the foreshore shall not exceed 400m² in area and 200m³ in volume in any 12 month period.

13.6.2.4 Earthworks altering land contours for horticultural planting where the land is already in rural production in the Coastal Zone outside the *Coastal Environment* shall comply with the following standards:

1. Where the *earthworks* are visible from a public road, public reserve, coastal marine area or the foreshore, exposed earth surfaces shall be stabilised with mulch, hydroseeding or similar stabilisation mechanism; or where the earthworks are not visible from these areas, bare surfaces shall be revegetated within six months of *earthworks* commencing.
2. Ensure the retention of natural overland flow paths exiting the site

13.6.2.5 The standards in 13.6.2.1 to 13.6.2.3 above shall not apply to *earthworks* listed in 13.3.3.2 or 13.3.3.3.

13.6.2.6 Non-compliance with the above rules shall be considered as a Restricted Discretionary except in sites listed in 13.9.1 where non-compliance is considered as a Discretionary Activity.

Advice Note:

Earthworks in sites listed in 13.9.2 are considered as a Discretionary Activity at any scale and resource consent is required.

13.6.3 BUILDINGS AND STRUCTURES IN SITES LISTED IN 13.9.1 OR 13.9.2

13.6.3.1 Buildings and structures in a site listed in 13.9.1 and 13.9.2 shall comply with the following performance standards:

1. All external surfaces of *buildings* shall have a maximum reflectivity value of 35% or shall be finished in natural materials that fall within this range;
2. The highest point of new *buildings* and structures, including rooflines, shall be a minimum of 5m below the natural ground level of any *ridgeline*;
3. Where the *building* or structure is to be located within an established vegetation canopy, the highest point of the *building* or structure shall not be higher than the existing canopy;
4. The maximum *height* of new *buildings* and structures shall be 7m.

13.6.4 VEGETATION DISTURBANCE AND ANCILLARY EARTHWORKS IN ASSOCIATION WITH A RESPONSE UNDER THE BIOSECURITY ACT 1993

1. Vegetation disturbance and ancillary *earthworks* shall comply with the following standard:
 - a. There shall be a minimum 50m setback from the Coastal Marine Area or a waterbody to minimise risk of leachate reaching the water and sediment discharge resulting from earthworks.

Advice Note: Consent may be required from the Bay of Plenty Regional Council for the removal of indigenous vegetation and for earthworks.

13.7 OTHER METHODS

13.7.1 Other methods for achieving the objectives and policies of this section are:

1. Raise public awareness of significant indigenous *habitats* and natural features and freshwater *ecosystems* by making information available on the importance of these areas.
2. Consult and liaise with landowners, Iwi, Bay of Plenty Regional Council, the Department of Conservation and other organisations for the management, conservation, and protection of natural resources in the District, including the protection of outstanding natural features and landscapes by retiring and fencing off of land.
3. Investigation into the use of rates relief as a method of encouraging landowners to protect areas of *indigenous vegetation*, significant natural areas and riparian areas.
4. To investigate the use of the Natural Heritage Fund and the implementation of Queen Elizabeth II National Trust Covenants or other legal mechanisms of protection within the District to ensure protection of lands with important values for *biodiversity* and to the community.
5. To promote to Iwi Ngā Whenua Rāhui to protect significant natural areas on their land.
6. Encouragement of voluntary methods of protection for riparian and *wetland* areas.
7. To investigate the opportunity for cost sharing to support ecological studies of potentially significant areas of indigenous vegetation.
8. Council development of a plan change for the mapping and inventory of areas of significant *indigenous vegetation* and *habitats* of significant indigenous fauna within and outside the *Coastal Environment* and a rule framework for the areas identified through that process to be developed in consultation with the community.
9. To control vehicle access to the beach through the 2020 reviewed Council Beach Bylaw and associated education and Bylaw enforcement, where damage to dune or other geological systems and processes or harm to ecological systems or indigenous flora and fauna might occur.
10. Council notification of a plan change to provide practical planning provisions and restrictions to give effect to Policy 20 of the NZCPS and implement Policy RA 5 of the BOP Regional Coastal Environment Plan by identifying locations in which vehicle access will be restricted and/or prohibited, and to develop an integrated rule framework in consultation with the community.

13.8 EXPECTED ENVIRONMENTAL RESULTS

Environmental outcomes anticipated from the implementation of the objectives, policies and methods of this section are:

- A. Protection and enhancement of the District's outstanding *natural features and landscapes*.
- B. Protection, enhancement, and sustainable management of significant *indigenous vegetation* and significant *habitats* of indigenous fauna.
- C. Protection and enhancement of the District's *biodiversity* resource.
- D. The restoration of *habitats* that contribute positively to the District's high environmental quality.
- E. Maintenance of rare and threatened *habitat* types, including *wetlands*, dune lands and originally rare ecosystem types.
- F. *Rural production activities* will continue to contribute to the social and economic wellbeing of the district.

13.9 APPENDICES

13.9.1 OUTSTANDING NATURAL LANDSCAPES

The following are identified as outstanding natural landscapes in the District and subject to the rules in this Chapter.

No.	Name of Outstanding Natural Landscape	Description	Values
1	Ikawhenua Forest and Urewera Forest Inland	Extensive area of contiguous native forest modified at edges along main river valleys. Large areas of cleared bush within forest have been excluded. Managed under a variety of mechanisms, for example includes part of Whirinaki Forest Park, Te Urewera, Waioeka Conservation Area, Waioeka Gorge Scenic Reserve, Urutawa Conservation Area, Toatoa Scenic Reserve and Whitikau Scenic	High Natural Science Factors: Recognised characteristic of the upland forest landscape and backdrop to the District. In a good state of preservation despite extensive historical logging. There are high natural science research values to this area with the extent of the forest coverage significant and rare with a high diversity of forest and ecosystem types. High Aesthetic Values with strong cohesive upland indigenous forest landscape

No.	Name of Outstanding Natural Landscape	Description	Values
		<p>Reserve and Ruakumara Forest Park.</p> <p>An extensive area of upland forest of national significance with high ecological values and landscape integrity in relation to landscape structure and landscape function.</p> <p>Very high cultural values.</p>	<p>patterns depicting the variety of steep to very steep upland topography and valley systems. The scale, elevation and visibility at a District Wide scale provide a striking and memorable landscape. Margins of the forest adjoining road corridors create highly memorable experiences. A high level of naturalness with human modification and settlement within the area having a relatively low impact on the scale of the landscape and extent of forested area.</p> <p>Highly Expressive of upland volcanic topography and weathered terrain and natural processes that form the landscape.</p> <p>High Transient values with varying weather conditions, forest flowering, seasonal change in river and valley systems through this landscape.</p>
2	Otamaroa Inland	<p>Steep upland range continuum from the Mangatoetoe Stream corridor to Whangaparaoa River corridor and the seaward slope of Tapuaeharuru-Tutaewhakaipiki <i>ridgeline</i> west to Otamaroa and State Highway 35. Majority of area outside of the regional boundary.</p>	<p>High Natural Science Factors: Recognised characteristic of the forest landscape and backdrop to the District. In a good state of preservation despite extensive historical logging. There are high natural science research values to this area with the extent of the forest coverage significant and rare with a high diversity of forest and ecosystem types.</p> <p>High Aesthetic Values with strong cohesive upland indigenous forest landscape patterns depicting the variety of steep to very steep upland topography and valley systems. The scale, elevation and visibility at a District Wide scale provide a striking and memorable landscape. Margins of the forest adjoining road corridors create highly memorable experiences. A high level of naturalness with human modification and settlement within the area having a relatively low impact on the</p>

No.	Name of Outstanding Natural Landscape	Description	Values
			<p>scale of the landscape and extent of forested area.</p> <p>Highly Expressive of upland volcanic topography and weathered terrain and natural processes that form the landscape.</p> <p>High Transient values with varying weather conditions, forest flowering, seasonal change in this landscape</p>
3	Steep Coastal Hills between Cape Runaway & Lottin Point	<p>Steep coastal hill land with dramatic landforms depicting the natural volcanic and coastal processes of the landscape. Productive agricultural practices occur on the land which contribute to the recognition of the coastal patterns.</p> <p>Productive rural practices have contributed to the identification of the landscape as Outstanding with the natural science and aesthetic values forming key attributes to this landscape.</p>	<p>Moderate Natural Science Factors identified with distinctive steep coastal hill face that extends to a steep rocky shoreline. Grazed pasture dominates the landscape with some remnant pockets of native vegetation and individual groupings of native shrubs and trees. The landform is rare at a regional and district scale with the composition of a rocky shoreline and steep coastal hills.</p> <p>Moderate Aesthetic values with a largely denuded landscape of limited indigenous vegetation through pastoral farming with some vegetation remaining in gullies and along the shoreline. A highly vivid and distinctive landform with the open pasture revealing the dramatic landform. Naturalness is moderate with modification to the natural biotic patterns high. Remnant native vegetation reinforces natural patterns.</p> <p>Moderately to Highly Expressive of the natural processes that formed and continue to shape this landscape.</p> <p>Low Transient values identified for this landscape.</p>

13.9.2 OUTSTANDING NATURAL FEATURES

The following are identified as outstanding natural features in the District and subject to the rules in this Chapter.

No.	Name of Outstanding Natural Feature	Description	Values
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No.	Name of Outstanding Natural Feature	Description	Values
4	Pataua Island	<p>A significant natural <i>habitat</i> within the Ohiwa Harbour, the island resides under Conservation Management.</p> <p>The island also forms part of the Region's only mainland (Ohiwa Harbour) Outstanding <i>Natural character</i> Areas, under the Regional Policy Statement.</p>	<p>Moderate to High Natural Science Factors the island provides a significant wildlife habitat to native flora and fauna with a distinctive indented coastline. The feature is well preserved and forms a significant resource for research and education and conservation monitoring. The island is a rare feature within the harbour and District.</p> <p>High Aesthetic Values with the coherence of natural patterns in good condition, with no productive land use on the island. The unmodified patterns and processes on the island result in a high level of naturalness with a highly intact and aesthetically cohesive natural system.</p> <p>Highly expressive the landform of the natural processes which form it. The island expresses strong transient values with migratory birds and high avifauna values.</p>
5	Waiotahe Spit	<p>The Waiotahi Spit forms significant dune sand spit to the mouth of the Waiotahi Estuary. The large area comprises relatively unmodified duneland landscape with very high <i>natural character</i> values at a regional level.</p>	<p>High Natural Science Factors attributed to the natural dune formation and continuing highly dynamic natural processes that continue within it. The dune landscape is well preserved and forms a significant feature of the overall Waiotahi Estuary feature.</p> <p>High Aesthetic Values attributed to the dune landforms and coherence of this formation with its native vegetation cover including Pohutukawa at the distal end of the spit. A low but significant profile the landform is a feature within the larger Waiotahi Estuary. A very high level of naturalness attributed to its lack of modification and dynamic natural processes continuing within it.</p> <p>Highly expressive of the natural processes that form it and continue to shape it on a daily basis. Transient values attributed to</p>

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No.	Name of Outstanding Natural Feature	Description	Values
			fauna and flora through seasonal change is moderate to high.
6	Pohutukawa tunnels over State Highway 2 at Waioatahe	A distinct and memorable feature and gateway to the Ōpōtiki township and Waioatahe settlement. The Pohutukawa clad coastal escarpment forms a striking tunnel through which the State Highway passes through. The feature is distinctive and iconic to the District.	<p>Moderate to High Natural Science Factors attributed to the singular grouping of Pohutukawa species along a distinctive coastal escarpment. A rare and distinct feature of the District and Region the public viewing strengthens its iconic status.</p> <p>Moderate to High Aesthetic values attributed to the composition of the Pohutukawa, road and coastal escarpment. The tunnel effect creates a highly coherent and memorable feature of the state highway.</p> <p>Low expressive values attributed to the modification of the landform, however the coastal escarpment is distinct and expressive of the volcanic, tectonic and glacial processes that formed it. The Pohutukawa provide a high transient values particularly through differing light conditions and seasonal flowering.</p>
7	Tarakeha (Opape)	Tarakeha defines the eastern end of the long open Tirohanga beach coastline east of Ōpōtiki township. This forms a gateway into the steeper and rocky coastline that extends to Cape Runaway. This headland along with other similar headlands along the coast are also recognised as areas of Very High Natural character.	<p>Moderate to High Natural science factors Tarakeha provides a steep headland with intact indigenous vegetation cover existing across the entire headland. Whilst not rare it is a distinctive feature that defines the end of an embayment.</p> <p>High Aesthetic values attributed to the prominent headland feature with native vegetation cover extending to meet the coast, uninterrupted. A highly memorable and visually prominent feature at the end of the Tirohanga beach.</p> <p>Moderately expressive the landform is expressive of the volcanic and coastal processes which have shaped it. Transient values are less evident but are attributed to the coastal processes and sea conditions.</p>
8	Haurere Point	Haurere Point defines the western end	Moderate to High Natural science factors

No.	Name of Outstanding Natural Feature	Description	Values
		<p>of the Torere beach and settlement. This headland along with other similar headlands along the coast are also recognised as areas of Very High Natural character.</p>	<p>Haurere provides a steep headland with intact indigenous vegetation cover existing across the entire headland. Whilst not rare it is a distinctive feature that defines the end of an embayment.</p> <p>High Aesthetic values attributed to the prominent headland feature with native vegetation cover extending to meet the coast, uninterrupted. A highly memorable and visually prominent feature.</p> <p>Moderately expressive the landform is expressive of the volcanic and coastal processes which have shaped it. Transient values are less evident but are attributed to the coastal processes and sea conditions.</p>
9	Pehitairi Point	<p>Pehitairi Point defines the eastern end of the Torere beach and settlement. This headland along with other similar headlands along the coast are also recognised as areas of Very High Natural character.</p>	<p>Moderate to High Natural science factors Haurere provides a steep headland with intact indigenous vegetation cover existing across the entire headland. Whilst not rare it is a distinctive feature that defines the end of an embayment.</p> <p>High Aesthetic values attributed to the prominent headland feature with native vegetation cover extending to meet the coast, uninterrupted. A highly memorable and visually prominent feature at the end of the Torere beach.</p> <p>Moderately expressive the landform is expressive of the volcanic and coastal processes which have shaped it. Transient values are less evident but are attributed to the coastal processes and sea conditions.</p>
10 11 12	Haumiaroa Point Whituare Bay Maraenui Escarpment (Whituare Bay)	<p>A collection of individually identified features as one larger feature, this coastline comprises the formation of a coastal escarpment and headlands that extend between Hawai and Haupoto. Comprising steep coastal escarpments clad with native bush cover the area is identified as having</p>	<p>Moderate to High Natural science factors this coastline provides a steep headland with intact indigenous vegetation cover existing across the entire headland. Whilst not rare it is a distinctive feature that defines the end of an embayment.</p> <p>High Aesthetic values attributed to the prominent headland feature with native</p>

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No.	Name of Outstanding Natural Feature	Description	Values
		High Natural character at a Regional level.	<p>vegetation cover extending to meet the coast, uninterrupted. A highly memorable and visually prominent feature at the end of the Torere beach. Cultural paddocks on the terrace contribute to an interplay of an arcadian landscape with the natural coastal edge.</p> <p>Moderately expressive the landform is expressive of the volcanic and coastal processes which have shaped it. Transient values are less evident but are attributed to the coastal processes and sea conditions.</p>
13	Motu River Mouth	A highly distinctive large river mouth, the Motu River provides a braided river mouth alongside a steep bush clad hill range. Identified as an area of Very High Natural character at a Regional level, the extent of the feature resides in part Regional Council and part Ōpōtiki District Council jurisdiction.	<p>High Natural Science factors relate to its large scale river mouth and dynamic nature of the river which is subject to cumulative and dramatic change. The native bush cover extends to meet the broader native bush of the Raukūmara Range which forms the backdrop to the Ōpōtiki District. The river and the surrounding bush is in a good state of preservation with some modification resulting from river access and the state highway extending over the river.</p> <p>High Aesthetic Values are attributed to the natural patterns of the braided river floor and steep native bush hills to the north of the river. The river and its margins are reknown for its distinctive and memorable landscape and are regionally significant. High naturalness values are attributed to the composition of natural patterns and processes occurring within this feature.</p> <p>Highly expressive of the fluvial processes that have occurred to form it. The transient values are equally high with a constant change occurring with the river and its river bed.</p>
14	Orangoihunui Point & Whitianga Bay, Whitianga Bay to Ohae	A large coastline dominated by a rocky shoreline and native vegetation cover.	Moderate to High Natural science factors this coastline provides a steep coastline

EARTHWORKS, LANDSCAPES, INDIGENOUS VEGETATION AND HABITATS

No.	Name of Outstanding Natural Feature	Description	Values
	Point	The area extends inland to encompass part of the vegetated coastal <i>ridgeline</i> between Waihapokopoko and Waioria Streams. Identified as having high <i>natural character</i> values at a regional scale.	with small plateau with intact indigenous vegetation cover existing across the entire coastline. High Aesthetic values attributed to the native vegetation cover extending to meet the coast, uninterrupted. A highly memorable and visually prominent coastline with the State Highway extending through the feature. Cultural paddocks and residential dwellings on the terrace contribute to an interplay of an arcadian landscape with the natural coastal edge, disrupting the naturalness of the area. Moderate to highly expressive the landform is expressive of the volcanic and coastal processes which have shaped it. Transient values are less evident but are attributed to the coastal processes and sea conditions.
15	Motunui Island and Associated Reefs	A narrow rocky shoreline iconic of this coastal landscape, the Pohutukawa clad volcanic rocky shoreline is also identified as having High <i>Natural character</i> at a regional scale.	Moderate to High Natural Science Factors attributed to the small rocky island and shoreline with pockets of native vegetation cover, being predominantly Pohutukawa. The shoreline plateau is representative of the tectonic and coastal processes that formed this landscape. High Aesthetic Values the rocky shoreline provides a sequence of headlands and embayments atopped with a plateau of cultivated rural productive land use which further accentuates the dominant coastal vegetation. Moderately expressive with intact sequencing of coastal landscape features and transient values attributed to the coastal processes and seasonal flowering of Pohutukawa.
16	Whanarua Bay	The area excludes the settlement of Whanarua Bay and is aligned to the coastal edge.	
17	Raukokore River Mouth	A distinctive river mouth, lagoon and stoney shore the feature includes the native bush along the river margins	High Natural Science factors relate to its large scale river mouth and dynamic nature of the river which is subject to cumulative

No.	Name of Outstanding Natural Feature	Description	Values
		and the dune feature at the river mouth.	<p>and dramatic change. The river and the surrounding bush is in a good state of preservation with some modification resulting from river access and the state highway extending over the river.</p> <p>High Aesthetic Values are attributed to the natural patterns of the braided river floor and native bush hills to the west of the river. High naturalness values are attributed to the composition of natural patterns and processes occurring within this feature.</p> <p>Highly expressive of the fluvial processes that have occurred to form it. The transient values are equally high with a constant change occurring with the river and its river bed.</p>
18	Oruaiti Beach, offshore rocks and Waikanapanapa cliffs	The area extends from a rocky shoreline west of Oruaiti Beach to incorporate the beach, dunes and rocky headland of Te Ahikehe Point and shoreline east of Waikanapanapa. This includes coastal fringe of Pohutukawa but does not extend into the cultivated terrace top paddocks.	<p>Moderate to High Natural Science Factors attributed to the coastal dunes and beach and rocky shoreline with pockets of native vegetation cover, being predominantly Pohutukawa. The shoreline plateau is representative of the tectonic and coastal processes that formed this landscape.</p> <p>High Aesthetic Values the rocky shoreline provides a sequence of headlands and embayments atopped with a plateau of cultivated rural productive landuse which further accentuates the dominant coastal vegetation.</p> <p>Moderately expressive with intact sequencing of coastal landscape features and transient values attributed to the coastal processes and seasonal flowering of Pohutukawa.</p>
19	Whangaparaoa dunefield, <i>wetland</i> and estuary	An extensive coastal duneland with intact cover of vegetation, <i>wetlands</i> and river system backing a long open beach.	High Natural Science Factors attributed to the natural dune formation and continuing highly dynamic natural processes that continue within it. The dune landscape is well preserved and forms a significant

No.	Name of Outstanding Natural Feature	Description	Values
			<p>feature.</p> <p>High Aesthetic Values attributed to the dune landforms and coherence of this formation with its native vegetation cover including wetland features. A moderate level of naturalness attributed to this landscape</p> <p>Highly expressive of the natural processes that form it and continue to shape it on a daily basis. Transient values attributed to fauna and flora through seasonal change is moderate to high.</p>
20 21	Kopongatahi Point Cape Runaway	Two ONF features combined to create the broader ONF which is known as Cape Runaway. The headland forms a key landmark to the turning point of the Eastern Bay of Plenty toward East Cape. A dominant headland covered in regenerating native bush cover the headland forms the largest of its kind within the District.	<p>High Natural Science Factors include the rocky shoreline and reefs, Otarawhata Island and the series of coastal headlands and bays including Papinga and Tikirau. The landform is highly representative of the coastal processes which shape it and is reflective of native vegetation patterns of the coastline.</p> <p>Moderate to High Aesthetic values are attributed to the distinctive and recognisable landform along with the regenerating native bush cover throughout. The naturalness is high and is associated with the natural coastal processes and regenerating native vegetation cover.</p> <p>Moderately expressive the feature currently has low transient values associated with vegetation cover.</p>

13.9.3 CRITERIA FOR ASSESSING SIGNIFICANT INDIGENOUS VEGETATION AND HABITATS OF INDIGENOUS FAUNA

Representativeness

- 3.1 Indigenous vegetation or habitat of indigenous fauna contains associations of indigenous species representative, typical or characteristic of the natural diversity of the District or any relevant ecological districts.

Rarity or distinctive features

- 3.2 Indigenous vegetation or habitat of indigenous fauna supports an indigenous species or associations of indigenous species threatened or rare nationally, regionally or within the relevant ecological district.
- 3.3 Indigenous vegetation or habitat of indigenous fauna can contribute to the maintenance or recovery of a species threatened or rare nationally, regionally or within the relevant ecological district.
- 3.4 Indigenous vegetation or habitat of indigenous fauna is distinctive, of restricted occurrence or at the limits of its natural distribution range or has developed as a result of factors such as natural geothermal activity, historical cultural practices, altitude, water table or soil type.
- 3.5 Indigenous vegetation or habitat of indigenous fauna is one of the largest remaining examples of its type within the District or any relevant ecological district.
- 3.6 Indigenous vegetation or habitat of indigenous fauna is significantly reduced in area and is degraded but retains key natural ecosystem functions (for example hydrology) and has a high potential for restoration.

Diversity and pattern

- 3.7 Indigenous vegetation or habitat of indigenous fauna contains a high diversity of indigenous ecosystem or habitat types, or changes in species composition, reflecting the existence of diverse natural features (for example landforms, soil types or hydrology) or communities along an ecological gradient.

Naturalness

- 3.8 Indigenous vegetation or habitat of indigenous fauna is in a natural state or healthy condition or is in an original condition.

Ecological context

- 3.9 Indigenous vegetation or habitat of indigenous fauna contributes to the ecological viability of adjoining natural areas and biological communities, by providing or contributing to an important ecological linkage or network or providing a buffer from adjacent land uses.
- 3.10 Indigenous vegetation or habitat of indigenous fauna provides habitat for indigenous species at key stages of their life cycle.

Viability and sustainability

- 3.11 Indigenous vegetation or habitat of indigenous fauna is of sufficient size and compact shape and has the capacity to maintain its ecological viability over time.
- 3.12 Indigenous vegetation or habitat of indigenous fauna supports intact habitats and healthy functioning ecosystems.
- 3.13 Indigenous vegetation or habitat of indigenous fauna can contribute to the maintenance or recovery of a species threatened or rare nationally, regionally or within the relevant ecological district.

Māori

- 3.14 Indigenous vegetation or habitat of indigenous fauna contributes to the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga.

Historical

- 3.15 Indigenous vegetation or habitat of indigenous fauna is known and valued for its connection to the history of the place.

Community association

- 3.16 Indigenous vegetation or habitat of indigenous fauna is known and valued by the immediate and wider community for its contribution to a sense of place leading to community association with or public esteem for the place or due to its value for recreation or education.
- 3.17 Indigenous vegetation or habitat of indigenous fauna is valued for the contribution it is making to research into Bay of Plenty or New Zealand ecosystems.

13.9.4 PRIORITY ECOSYSTEMS AND HABITATS FOR PROTECTION

- (a) coastal *dunelands*
- (b) freshwater wetlands
- (c) estuarine vegetation and *habitats*
- (d) *indigenous vegetation* in riparian areas
- (e) *indigenous vegetation* associated with land environments (defined by Land Environments of New Zealand at Level IV) that have 20 percent or less remaining indigenous cover
- (f) forest remnants in Ōpōtiki Ecological District
- (g) remaining *indigenous vegetation* on alluvial flats and terraces in the Tāneatua and Waioeka Ecological District
- (h) large, intact areas of primary and secondary forest
- (i) coastal forest in the Mōtū and Pukeamaru Ecological Districts
- (j) areas of *indigenous vegetation* and *habitats* which connect (provide wildlife corridors) with other areas of *indigenous vegetation*;
- (k) indigenous vegetation associated with 'originally rare' ecosystem types
- (l) habitats of rare and threatened species (particularly, locally endemic and nationally and regionally threatened species)
- (m) vegetation/ecosystem types that have been significantly reduced relative to their original extent at a local, regional and national level.

Chapter 14

Heritage



14. HERITAGE

ADVICE NOTE:

All pre 1900 sites, recorded or unrecorded, are protected under the Heritage New Zealand Pouhere Taonga Act 2014. An archaeological authority may be required for earthworks or works to buildings and structures. Heritage New Zealand Pouhere Taonga should be consulted before undertaking proposed works. This requirement applies in addition to the rules in this Plan.

14.1 RESOURCE MANAGEMENT ISSUES

1. There is insufficient information on *heritage resources* that require management and protection.
2. The effects of some land use activities have the potential to adversely affect historic places and waahi tapu, including excavation in or in close proximity to the site and can affect the stability of the foundations.
3. Earth moving and excavation activities can affect the root systems of notable trees within the District.
4. The need to recognise and protect Māori heritage sites as a matter of national importance, whilst in many cases ensuring that the exact location of such sites is not disclosed.
5. Public access to many sites of cultural significance may compromise the character or values of the heritage site.
6. There are a large number of unrecorded sites (or *heritage resources*) which may be changed or destroyed where landowners are unaware of their existence.

14.2 OBJECTIVES AND POLICIES

14.2.1 OBJECTIVE

To improve public awareness of the heritage resources that exist in the District and to improve community commitment to the recognition and protection of these resources.

POLICIES

- 14.2.1.1 Identify the resources within the District that have heritage value.
- 14.2.1.2 Provide community and resource consent applicants information on *heritage resources*, so that a better understanding of potential effects can be obtained.

14.2.1.3 Recognise the role of, and work with, other agencies (and legislation) such as Heritage New Zealand Pouhere Taonga and the New Zealand Archaeological Association.

14.2.2 OBJECTIVE

To recognise and provide for sites of cultural significance identified in Iwi and hapū resource management plans.

POLICIES

14.2.2.1 Recognise that Iwi and Hapū have sites of special importance that they may not wish to publicly disclose and ensure that these sites are treated and protected in accordance with Iwi and Hapū wishes.

14.2.2.2 Encourage the development of Iwi and Hapū resource management plans that provide information about sites of cultural significance and information about external processes that may impact on cultural resources, such as under the Resource Management Act 1991 and through Heritage New Zealand and the Department of Conservation.

14.2.2.3 Ensure subdivision use and development does not depreciate the relationship tangata whenua has with its taonga.

14.2.2.4 Recognise that only tangata whenua can identify and evidentially substantiate their relationship and that of their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga.

14.2.3 OBJECTIVE

To recognise and protect the heritage values of resources, including buildings, objects, trees and archaeological sites.

POLICIES

14.2.3.1 Destruction, demolition, partial demolition or removal of historic items listed in Appendix 14.10.1 should be avoided.

14.2.3.2 Ensure that alterations and additions to any *heritage items* listed in Appendix 14.9.1 are undertaken in such a manner that the alterations or additions do not adversely affect the heritage values of the historic item.

14.2.3.3 Ensure *signs* on heritage items listed in Appendix 14.9.1 and on the sites on which they are

located do not adversely affect heritage values and avoid unnecessary or inappropriate signage.

14.2.3.4 Ensure notable trees are protected from the adverse effects of subdivision, use and development activities, including activities located close to identified trees.

14.2.3.5 Encourage and facilitate the strengthening of buildings included in the heritage appendix to increase their ability to withstand future earthquakes while minimising the significant loss of associated heritage values.

14.2.4 OBJECTIVE

To recognise and protect the heritage values of waahi tapu sites and areas.

POLICY

14.2.4.1 Protect waahi tapu sites and areas listed in Appendix 14.10.2 from inappropriate activities including building or excavation in or on the site.

14.3 ACTIVITY STATUS

Resource consent is required for all Controlled, Restricted Discretionary, Discretionary and Non-complying activities. Resource consent is not required for Permitted activities provided all relevant standards are met. Additional controls may apply in the Zone and other chapters.

14.3.2 PERMITTED ACTIVITIES

14.3.2.1 Subject to compliance with the relevant Standards the following activities in relation to a *heritage resource* identified in Appendix 14.9.1 may be established without resource consent from *Council*.

- 1 *Maintenance and repair* of historic items listed in Appendix 14.9.1.
- 2 *One sign on buildings, structures or sites* listed in Appendix 14.9.1 or Appendix 14.9.2 subject to compliance with 14.7.1.

14.3.3 CONTROLLED ACTIVITIES

14.3.3.1 The activities listed below may only be established after resource consent has been granted by *Council*. The *Council* may impose conditions only in relation to the matters over which it has reserved control in section 14.4. The activities must comply with the relevant Standards.

- 1 Works on an historic item listed in Appendix 14.9.1 for the purposes of earthquake strengthening.
- 2 Trimming a notable tree listed in Appendix 14.9.3 for the purpose of maintaining the health or long term viability of the tree.

14.3.4 RESTRICTED DISCRETIONARY ACTIVITIES

14.3.4.1 The activities listed below may only be established after resource consent has been granted by *Council*. The *Council* may refuse consent or grant consent and impose conditions only in relation to the matters over which it has restricted its discretion in 14.5. The activities must comply with the relevant Standards.

1. *Additions and alterations* to any *heritage resource* listed in Appendix 14.9.1.
2. An additional *sign* on *buildings*, structures or sites listed in Appendix 14.9.1 subject to compliance with 14.7.2.

14.3.5 DISCRETIONARY ACTIVITIES

14.3.5.1 The activities listed below may only be established after resource consent has been granted by *Council*. The *Council* may refuse consent or grant consent subject to conditions. The standards in 14.6 will be used as a guideline when assessing the application.

1. *Signs* that do not comply with the standards for Permitted or Restricted Discretionary Activities.
2. Excavation or construction within a *site* that contains any *buildings*, structures or sites listed in Appendix 14.10.1, waahi tapu sites and areas listed in Appendix 14.10.2 or a notable tree listed in Appendix 14.9.3.

14.3.6 NON-COMPLYING ACTIVITIES

14.3.6.1 The activities listed below may only be established if resource consent has been granted by *Council*. The *Council* may refuse or grant consent for a non-complying activity. The standards will be used as a guideline when assessing the application.

1. Any activity not specifically stated as a Permitted, Controlled, Restricted Discretionary or Discretionary Activity, unless otherwise stated.
2. The *demolition, partial demolition, removal* or destruction of any *heritage resource* identified in Appendix 14.9.1.
3. The removal or destruction of a notable tree identified in Appendix 14.9.3.

14.4 CONTROLLED ACTIVITIES: MATTERS OVER WHICH CONTROL IS RESERVED

14.4.1 The *Council* has reserved control over the following matters:

14.4.1.1 Effects on notable trees

1. The trimming of any notable tree will be undertaken only after receiving advice from a trained arborist.
2. That the structure and form of the tree will not be depreciated by the trimming or treatment.
3. That the root system of the tree will not be harmed from the trimming or treatment.
4. Trimming or treatment of any tree will not affect any adjoining trees.

14.4.1.2 General matters

1. The necessity for the activity and alternative methods and locations available for applicants to carry out the works or activities.
2. The requirement for works to enable earthquake strengthening the *building*.
3. The extent to which the earthquake strengthening reserves the recognised heritage values of the historic item.
4. The nature, form and extent of the activity and the likelihood of damage, modification or destruction of archaeological sites.
5. The significance of the *heritage resource*, its condition and the importance attached to the site.
6. Whether the proposal meets the provisions of the ICOMOS New Zealand Charter for the Conservation of Place of Cultural Heritage Value.
7. Any conditions imposed in an authority issued under the Heritage New Zealand Pouhere Taonga Act 2014.

14.5 RESTRICTED DISCRETIONARY ACTIVITIES: MATTERS OVER WHICH DISCRETION IS RESTRICTED

14.5.1 Council has restricted its discretion over the following matters:

14.5.1.1 Signs

1. The extent to which the location, size and colour of the *signs* detract from the recognised character and values of the heritage item.

2. The extent to which any *sign* including supporting structures, detracts from the heritage significance or values of a heritage *building*.
3. Whether any *sign* obscures or detracts from the architectural values of the *building/structure* including decorative detailing, structural divisions, windows or doorways.
4. Whether additional *signs* will detract from the heritage details of the *building/structure*.
5. The extent to which the design of the *sign* and the graphics and the colour are compatible with the *building/structure* or site.
6. Whether the means of fixing the *sign* to a scheduled building or structure including associated cabling or wiring for illuminated *signs* will adversely affect the heritage fabric and heritage values of the scheduled building or structure.
7. Whether the intensity of illumination will adversely affect the heritage values of the building or structure.

14.5.1.2 **Additions and alterations to any heritage resource**

1. The conservation or depreciation of the resource's heritage values.
2. Structural deterioration of the *heritage resource*.
3. The degree to which any alteration or addition will affect the heritage values of the resource.
4. The use of materials and colours is consistent with the identified heritage values.
5. That the materials used are sympathetic to heritage values of the surrounding environment.
6. Destabilisation of the *site*, building, place or area of the *heritage resource* from tunnelling, digging, vibration, or excavation activities.

14.5.1.3 The effects of the alteration or addition in relation to the conservation of the resource

1. Mechanisms implemented to protect and conserve heritage values.
2. Use of design criteria including scale, design, form, style, bulk, height, colour, materials, orientation, placement of *signs* and location of site access to conserve heritage values.
3. Any fencing, screening or other physical works that assist in conserving values of the *heritage resource*.
4. The effect on the heritage values of adjoining *sites* and *heritage resources*.

14.5.1.4 The findings of any assessment carried out by qualified persons (eg. archaeologist in the case of historic sites). Such a report shall identify the heritage values of the heritage site or resource and provide an assessment of effects and proposals for avoidance or mitigation of effects, where applicable.

14.6 ASSESSMENT CRITERIA FOR DISCRETIONARY ACTIVITIES

14.6.1 The *Council* will have regard to but is not limited to the following matters when considering whether to grant or refuse consent or impose conditions:

1. The necessity for the activity and alternative methods and locations available for applicants to carry out the works or activities.
2. The nature, form and extent of the activity and the likelihood of damage, modification or destruction of archaeological sites.
3. The significance of the *heritage resource*, its condition and the importance attached to the site, where the significance of the site will be assessed against those matters stated below.
4. The findings of any assessment carried out by qualified persons (eg. archaeologist in the case of historic sites). Such a report shall identify and provide assessment of effects and proposals for avoidance and mitigation of effects where applicable.
5. Whether the proposal meets the provisions of the ICOMOS New Zealand Charter for the Conservation of Place of Cultural Heritage Value.
6. Any conditions imposed in an authority issued under the Heritage NZ Pouhere Taonga Act 2014.
7. The significance of the site will be assessed against the following matters:
 - (a) The extent to which the place reflects important or representative aspects of New Zealand history.
 - (b) The association of the place with events, persons, or ideas of importance in New Zealand history.
 - (c) The potential of the place to provide knowledge of New Zealand history.
 - (d) The importance of the place to tangata whenua.
 - (e) The community association with, or public esteem for, the place.
 - (f) The potential of the place for public education.
 - (g) The technical accomplishment or value or design of the place.
 - (h) The symbolic or commemorative value of the place.
 - (i) The importance of identifying historic places known to date from early periods of New Zealand settlement.
 - (j) The importance of identifying rare types of historic places.
 - (k) The extent to which the place forms part of a wider historical and cultural complex or historical, cultural and local landscape.
 - (l) Such additional criteria for registration of waahi tapu, waahi tapu areas, historic places and historic areas of Māori interest as may be prescribed in regulations made under the Heritage NZ Pouhere Taonga Act 2014.

8. In relation to new buildings to be constructed within a site listed in Appendix 14.9.1, the extent to which the location, bulk, scale and design of the new building detracts from the recognised heritage values of the historic item in Appendix 14.9.1 will be considered.

14.7 STANDARDS

These Standards apply to permitted, controlled and restricted discretionary activities, unless otherwise stated. They will be used as a guideline when assessing applications for discretionary and non-complying activities.

14.7.1 One *sign* of no greater than 0.5m² on *buildings*, structures or *sites* listed in Appendix 14.9.1 14.7.1 or Appendix 14.9.2 that do not have existing signage shall be a Permitted Activity provided that:

- (a) The *sign* denotes the name or purpose of the activity undertaken on the *site*.
- (b) A freestanding *sign* has a maximum *height* of 2m.
- (c) An attached *sign* is located on the ground floor level of the *building*.
- (d) The *sign* is not internally illuminated or made of reflective material.
- (e) The *sign* is not placed over features for which the *building* is noted, *building* names, plaster detailing or fretwork.
- (f) The *sign* shall not cover a window or door.
- (g) The *sign* does not protrude beyond the *building* body.
- (h) The *sign* is attached by methods appropriate to the *building* structure, being chem-set anchors or similar product for concrete or brick *buildings* and by a support system for a wooden *building*.

14.7.2 An additional *sign* on features listed in Appendix 14.9.1 that have existing *signs* shall be a Restricted Discretionary Activity, subject to compliance with the following conditions:

- (a) Additional *signs* shall not be greater than 0.25m² in area provided that:
- (b) The *sign* denotes the name or purpose of the activity undertaken on the *site*.
- (c) A freestanding *sign* has a maximum *height* of 2m.
- (d) An attached *sign* is located on the ground floor level of the *building*.
- (e) The *sign* is not internally illuminated or made of reflective material.
- (f) The *sign* is not placed over features for which the *building* is noted, *building* names, plaster detailing or fretwork.
 - i. The *sign* shall not cover a window or door
 - ii. The *sign* shall not protrude beyond the *building* body, and
 - iii. The *sign* shall be attached by methods appropriate to the *building* structure, being chem-set anchors or similar product for concrete or brick *buildings* and by a support system for a wooden *building*.

14.8 OTHER METHODS

14.8.1 Other methods for achieving the objectives and policies of this section are:

1. *Council* development of a Plan Change for a cultural heritage inventory and protective rule framework for the District in consultation with the community. The Plan Change would be based on a cultural heritage study to identify, assess and select for scheduling waahi tapu and sites of significance to Maori. As funds allow this will be checked and updated particularly where there is a high density of sites and a significant potential demand for development.
2. Encouraging landowners to protect *heritage resources* by:
 - (a) Providing information about these resources including location, value, and mechanisms available for protection.
 - (b) Providing rates relief for voluntary protection of resources on private land where such protection is of benefit to the wider community and in keeping with *Council* policy.
3. The assessment of the townships within the Ōpōtiki District and implementation of Plan Changes to recognise and protect the distinct heritage character of the townships. The Matthews and Matthews Ōpōtiki Town Centre Historic Heritage Study 2006 would be used as a background for the plan change with regard to the Ōpōtiki town centre.
4. Consultation with Iwi and Hapū to determine the most appropriate ways to protect and manage archaeological sites and waahi tapu where they are of concern for Māori heritage.
5. A Significant Archaeological Study to be undertaken for the District, with its outcomes being included for recognition and protection and appropriate rule framework within the District Plan. A Plan Change could then be developed for significant archaeological sites and related protective rules for the District in consultation with the community and Heritage New Zealand.

14.9 EXPECTED ENVIRONMENTAL RESULTS

Environmental outcomes anticipated from the implementation of the objectives, policies, and methods of this section are:

- A. Protection of *heritage resources* and an increased public awareness of their values.
- B. Increased number of *heritage resources* being protected in the District Plan for their values or managed in a way that ensures their continued existence.

14.10 APPENDICES

14.10.1 HERITAGE ITEMS

Sites of heritage value that are listed with the Heritage New Zealand Pouhere Taonga:

Register No.	Description	Locality	Category
7221	Tauranga Bridge	Waioeka Road (State Highway 2) Waioeka Gorge Okioere	I
3497	War Memorial	Road reserve in Elliott Street between Church Street and Potts Avenue intersections Ōpōtiki	II
3499	Ōpōtiki Hotel	130 Church Street, Pt Allots 31 32 Sec 1 Town of Ōpōtiki	II
3498	De Luxe Theatre (Former Regent Theatre)	127 Church Street, Lot 1 DP 2948, Lot 1 DP 9134 AK and Pt Allot 4 Sec 1 Town of Ōpōtiki	II
3503	Royal Hotel	102 Church Street, Pt Allots 27 28 Sec 2 Town of Ōpōtiki	II
3502	Courthouse	119 Church Street, Corner of Church Street and Elliott Street. Allot 447 Sec 2 Town of Ōpōtiki	II
142	Hiona St Stephens Church, Church of St Stephen the Martyr	128 Church Street Ōpōtiki	I
807	Shalfoon Brothers Shop Buildings (Former)	129 Church Street and Kelly Street and Potts Avenue Ōpōtiki	I
3504	Rostgard's Building	King Street, 99 Church Street, Lot 2 DP 9130 Ōpōtiki	II
3500	Masonic Hotel	121 Church Street, Elliott Street and Potts Avenue Ōpōtiki	II
808	Agassiz House	State Highway 2 and Matchetts Road Ōpōtiki	II
806	St John's Church	102 St John Street Ōpōtiki	II
7197	Manganuku Bridge	Waioeka Road (State Highway 2) Waioeka Gorge Wairata	II
3471	Christ Church	State Highway 35 Raukokore	I
3505	St Paul's Church	Te Kaha Church Road, Te Kaha	II
7764	Bridger's Ltd (Former)	122 Church Street and Elliott Street, Ōpōtiki	II
7740	Salvation Army Barracks (Former)	13 King Street and Service Lane, Ōpōtiki	II

HERITAGE

Register No.	Description	Locality	Category
9313	Fraser Cameron Limited	97a Church Street, Ōpōtiki	II
7765	Patterson's Buildings	104 Church Street, Ōpōtiki	II

The New Zealand Archaeological Association holds information on known archaeological **sites** within the Ōpōtiki District. It is recommended that this information be considered by consent applicants and that they seek advice where appropriate from an archaeological consultant. A list can be found at nzarchaeology.org.

14.10.2 WAAHI TAPU SITES AND AREAS

Waahi Tapu Sites and Areas that are listed with the Heritage New Zealand Pouhere Taonga:

Register No.	Description	Locality	Category
6726	Mataruia Punawai	Te Kaha Roadway and Stare Highway 35 Te Kaha	Waahi Tapu
6727	Toka A Kuku	Te Kaha Church Road Te Kaha	Waahi Tapu
9636	Owhainene Urupa and Repo	Torere	Waahi Tapu
9642	Waipae Urupa	2826 State Highway 35, Hawai; Lot 1 DP 9365 Gisborne Land District	Waahi Tapu
7455	Hiwarau	149 Hiwarau Road, Kutarere	Waahi Tapu
7463	Waiwhero	State Highway 35, Omaramutu, Ōpōtiki	Waahi Tapu Area

Waahi tapu sites registered with Heritage New Zealand:

The New Zealand Archaeological Association holds information on known archaeological *sites* within the Ōpōtiki District. It is recommended that this information be considered by consent applicants and that they seek advice where appropriate from an archaeological consultant. A list can be found at nzarchaeology.org.

14.9.3 NOTABLE TREES

Type	Location	Rural/Urban	Valuation #	GPS
Puriri <i>Vitex lucens</i>	Hukutaia Domain between 501 & 515 Woodlands Rd	Rural	7520-254-00	none
Black Beech <i>Nothofagus solandri</i>	26A Hukutaia Rd	Urban	7530-024-00 Lot 2 DP 8551	2884574/ 6345097
Rimu <i>Dacrydium cupressinum</i>	33 Bridge Street	Urban	7570-093-00	
Coastal Redwood & Kauri <i>Sequoia sempervirens</i> & <i>Agathis australis</i>	Forsyth St Reserve, cnr Bridge and Forsyth Streets, Ōpōtiki	Urban	7570-028-00 Pt Allot 308A of Sec 2 Ōpōtiki Town Rec Reserve	2885323/ 6345511
Coastal Redwood <i>Sequoia sempervirens</i>	164 Wellington St	Urban	7570-452-00 Lot 2 DP 5987	2887223/ 6345213
Maidenhair Tree <i>Ginkgo biloba</i>	Rose Garden, 87 Ford St (tree is opposite 65 Church St)	Urban	7560-283-00 Sec 1 SO 3938	2886282/ 6345794
Pohutukawa <i>Metrosideros excelsa</i>	Waiōtahe Beach Rd / SH2 (opposite 1494 SH2)	Semi-rural		2881195/ 6348064
Pohutukawa <i>Metrosideros excelsa</i>	Waiōtahe Beach Rd / SH2 (opposite 7520-059-00, SH2)	Semi-rural		2881975/ 6348000
Poplar <i>Populus deltoides</i>	On St John St on river side after Princess St intersection	Urban	(roadside)	2886551/ 6346889

HERITAGE

Type	Location	Rural/Urban	Valuation #	GPS
Kauri <i>Agathis australis</i>	74 Richard St	Urban	7560-290-00 Pt Allot 113 Sec 2 Town of Ōpōtiki	2886845/ 6346147
Oak <i>Quercus robur</i>	Forsyth St Reserve	Urban	7570-001-00 Pt Allot 308A Sec 2 Town of Ōpōtiki	2885340/ 6345622
Rimu <i>Dacrydium cupressinum</i>	Forsyth St Reserve	Urban	7570-028-00 Pt Allot 308A of Sec 2 Ōpōtiki Town Rec Reserve	2885319/ 6345549
Maidenhair Tree <i>Ginkgo biloba</i>	62 Buchanan Street	Urban	7560-584-00 Lot 4 SP 7751AK	2886944/ 6345754
Scarlet Oak	Ōpōtiki College, (on Buchanan St near intersection with Wellington Street)	Urban	7570-357-00 Lot 2 DP 3167	2886906/ 6345317
Totara <i>Podocarpus totara</i> Kauri <i>Agathis australis</i> Kahikatea Karaka	Ōpōtiki College, St John St/ SH2 (before intersection with Wellington St)	Urban	7570-357-00 Lot 2 DP 3167	none

Chapter 15

Subdivision



15. SUBDIVISION

15.1 RESOURCE MANAGEMENT ISSUES

1. Subdivision may compromise the *amenity values* and character of the surrounding environment.
2. Demands for services for development may not be financially and environmentally sustainable for the community in the long term.
3. If the land is subject to natural hazards, subdivision may increase exposure of people and assets to the hazard.
4. The subdivision of land for lifestyle *lots* can compromise the surrounding working rural environment and lead to *reverse sensitivity* effects.
5. Coastal and riparian areas, aquatic *ecosystems*, *indigenous vegetation*, and dunelands and *wetlands* need to be protected where appropriate to maintain landscape values, *amenity values*, and ecological and *biodiversity* values including important flora and fauna *habitats*.
6. The subdivision of land provides an opportunity to protect *sites* of cultural, ecological, scientific, or historical value.
7. Further subdivision can adversely affect the safe and efficient functioning of *regionally significant infrastructure* and the *National Grid*.
8. The *versatile land* in the District may be degraded and fragmented as a result of inappropriate subdivision for activities that are not for rural production.
9. Ad hoc provision for public *access* to the coast, rivers, and streams to provide for a wide range of recreational and leisure opportunities does not benefit the community or environmental values.
10. Public *access* and increasing demand for public facilities along rivers and the coastline can result in a loss of aquatic and terrestrial *habitats* and conservation values if not managed effectively.
11. Subdivision of sites identified as Hazardous Activities and Industries List sites can result in unacceptable risks to human health or the environment requiring compliance with the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health.
12. Subdivision can result in cumulative losses of *ecosystem* extent and representativeness (including rare and threatened *habitats*) through vegetation clearance for *building* sites and increased plant and animal pests.
13. Increased stormwater runoff from land developed following subdivision can decrease surface water quality (including *wetlands*) and *habitat* quality for aquatic fauna.

14. Sites created by subdivision need to be the right size for the intended use, have safe access and have connections appropriate services, according to the location and infrastructure available.

15.2 OBJECTIVES AND POLICIES

OBJECTIVE

- 15.2.1 **Subdivision within the district maintains the quality of the environment and enables the sustainable management of the natural and physical resources of the district.**

POLICIES

- 15.2.1.1 To ensure that *lots* are of a size, design and density that is consistent with the characteristics and purpose of the zone and suitable for the intended use.
- 15.2.1.2 To avoid, remedy or mitigate the adverse effects of subdivision and other land uses on ecological, landscape, heritage and cultural values.
- 15.2.1.3 To avoid the fragmentation and loss of the productive rural land and, in particular *versatile land*, by restricting subdivision for purposes other than rural production activities.
- 15.2.1.4 To ensure that subdivision does not lead to *reverse sensitivity* effects which may compromise *rural production activities*.
- 15.2.1.5 To restrict new small *lot* subdivision for rural residential purposes in sensitive rural and coastal environments.
- 15.2.1.6 To avoid subdivision of land that would result in the modification, degradation or destruction of significant natural and cultural heritage features or reduction of threatened, under-represented and originally rare *ecosystem* or vegetation types.
- 15.2.1.7 To encourage legal protection of significant natural and cultural heritage features or reduction of threatened, under-represented and originally rare *ecosystem* or vegetation type where practicable.
- 15.2.1.8 To provide for a range of rural *lot* sizes that are suitable for all types of *rural production activities* including horticulture.

15.2.2 OBJECTIVE

Subdivision of land does not adversely affect the safe and efficient functioning of regionally significant infrastructure and the National Grid and the capacity of roads and infrastructure to service new development.

POLICIES

- 15.2.2.1 To manage the effects of development so that services and *roads* associated with the subdivision are provided or upgraded to an appropriate standard.
- 15.2.2.2 To ensure safe and efficient *access* to and from the transport network by requiring *access* to be constructed in a location and to a design standard that is appropriate for their intended use.
- 15.2.2.3 To ensure new sites have services appropriate to their intended use.
- 15.2.2.4 To manage subdivision within the *National Grid Subdivision Corridor* and within 20m of the boundary of a designated *National Grid* substation to avoid compromising the operation, maintenance, upgrading and development (including *access*) of the *National Grid*.
- 15.2.2.5 To manage subdivision so that the ability to access, operate, maintain and upgrade network utilities and *Regionally Significant Infrastructure* is not compromised.

15.2.3 OBJECTIVE

An integrated network of esplanade reserves or strips is provided for public access to rivers, streams and the coast, where this is consistent with conservation values.

POLICIES

- 15.2.3.1 Esplanade reserves or esplanade strips will be required to maintain or enhance public access to the coast and the main rivers and for conservation purposes, public recreational use, mitigating natural hazards and enhancement of water quality and riparian *habitats*.
- 15.2.3.2 Esplanade reserves or esplanade strips will be required for subdivision of land resulting in *lots* four hectares or greater to achieve an integrated network for public access or for public recreation unless there is alternative access available or where there are topographic constraints or where access is incompatible with conservation values.

15.2.3.3 To give priority to acquiring esplanade reserves or strips which protect sites or features of cultural, botanical, ecological, historical or scenic significance, consulting with Iwi and Hapū where appropriate.

15.2.3.4 Public access for recreational purposes to and along esplanade strips will be restricted where necessary to protect conservation values and may be restricted from time to time in accordance with the purpose of the instrument.

15.2.4 OBJECTIVE

Recognise the special relationship tangata whenua have with their ancestral land.

POLICIES

15.2.4.1 To recognise and provide for the cultural, spiritual and archaeological values of tangata whenua and the desire of tangata whenua to live on and develop their ancestral lands and to protect the natural environment of their ancestral lands.

15.2.4.2 To recognise the special relationship of Māori with their ancestral land by enabling use and development of land, including *Papakāinga* and associated support facilities.

15.2.5 OBJECTIVE (COASTAL ENVIRONMENT)

Preserve and restore the natural character of the Ōpōtiki Coastal Environment.

POLICIES

15.2.5.1 Ensure subdivision, use and development avoids adverse effects on the natural character of the *Coastal Environment*.

15.2.5.2 Require setbacks for structures and buildings from *MHWS* to ensure maintenance of the natural character of the *Coastal Environment*.

15.2.5.3 Consolidation of existing coastal settlement areas to avoid inappropriate and sprawling subdivision, use and development to preserve the natural character of the *coastal environment*.

15.2.5.4 Avoid significant adverse effects from *earthworks* and vegetation clearance on natural landscapes.

15.2.6 OBJECTIVE (COASTAL ENVIRONMENT)

Recognise and provide for infrastructure including electricity transmission in the Coastal Environment to enable the social, economic and cultural well-being of people and communities.

POLICIES

- 15.2.6.1 Enable the location of infrastructure recognising where there is a functional need.
- 15.2.6.2 Ensure that public access is provided for in appropriate locations.
- 15.2.6.3 Ensure the effects of infrastructure on the *Coastal Environment* are managed to minimise adverse effects on the *Coastal Environment*.

15.3 SUBDIVISION STATUS

- 15.3.1 Resource consent is required for all subdivision as a Controlled, Restricted Discretionary, Discretionary and Non-complying Activity. Additional controls may apply in other Chapters.
- 15.3.2 Compliance with the Subdivision Standards in 15.4 and the General Standards in 15.5 shall be required for Controlled Activity Subdivision unless otherwise stated.
- 15.3.3 Subdivision consent may not be granted where Section 106 of the RMA applies. Refer to Section 15.5.3.
- 15.3.4 The status of subdivision shall be as set out in the table below, provided that when more than one status applies, the more restrictive status shall apply:
 - C = Controlled Activity
 - RD = Restricted Discretionary Activity
 - D = Discretionary Activity
 - NC = Non-Complying Activity

	Zone	Town Centre	Residential	Mixed Activity	Marine Services	Industrial Zone	Harbour Industrial	Rural	Coastal	Coastal Settlement	Ōhiwa Harbour	Coastal Environment
	Rule											
1	Except as otherwise required in this table, <i>lots</i> meeting requirements of Rule 15.4 and which comply with general subdivision standards in 15.5.	C	C	C	C	C	C	C	RD	RD	D	NC

SUBDIVISION

	Zone	Town Centre	Residential	Mixed Activity	Marine Services	Industrial Zone	Harbour Industrial	Rural	Coastal	Coastal Settlement	Ōhiwa Harbour	Coastal Environment
	Rule											
2	Except as otherwise required in this table, <i>lots</i> which do not meet the requirements of Rule 15.4 or general subdivision standards in 15.5.	D	D	D	D	D	D	D	D	D	D	NC
3	Boundary adjustment in accordance with Rule 15.4.8.	C	C	C	C	C	C	C	C	C	C	C
4	<i>Lots</i> for network utilities, public works, emergency services, reserves within the meaning of the Reserves Act 1977, in accordance with Rule 15.4.5.	C	C	C	C	C	C	C	C	C	C	NC
5	<i>Lots</i> created under Rules 15.4.2.2, 15.4.2.3 and 15.4.2.4.	-	-	-	-	-	-	D	D	-	D	NC
6	<i>Lots</i> created under Rules 15.4.2.2, 15.4.2.3 and 15.4.2.4 that do not comply with all the requirements	-	-	-	-	-	-	NC	NC	-	NC	NC
7	<i>Protection lots</i> in accordance with Rule 15.4.3	-	-	-	-	-	-	C	D	-	D	NC
8	<i>Protection lots</i> that do not comply with Rule 15.4.3	-	-	-	-	-	-	NC	NC	-	NC	NC
9	Subdivision of sites identified in Rule 13.9.1 or 13.9.2	D	D	D	D	D	D	D	D	D	D	NC
10	Subdivision of land where all or part of the <i>lot</i> is within the <i>National Grid Subdivision Corridor</i> , in accordance with Rule 15.4.6 or the status as set out above, whichever is more restrictive	-	-	-	-	-	-	RD	RD	RD	D	NC

SUBDIVISION

	Zone	Town Centre	Residential	Mixed Activity	Marine Services	Industrial Zone	Harbour Industrial	Rural	Coastal	Coastal Settlement	Ōhiwa Harbour	Coastal Environment
	Rule											
11	Subdivision of land where all or part of the <i>site</i> is within 20m of the boundary of a designated <i>National Grid</i> substation as identified in Appendix 2 or the status as set out above, whichever is more restrictive	-	-	-	-	-	-	RD	-	RD	-	NC
12	Subdivision of land where all or part of the <i>lot</i> is within the <i>National Grid Subdivision Corridor</i> , which does not comply with Rule 15.4.6.	-	-	-	-	-	-	NC	NC	NC	NC	NC
13	Subdivision of land on which the Gas Transmission Pipelines traverses or the status as set out above, whichever is more restrictive	RD	RD	RD	RD	RD	RD	RD	RD	RD	D	NC
14	Subdivision of land which contains indigenous vegetation meeting the criteria in 13.9.3							D	D		D	NC

15.4 SUBDIVISION STANDARDS

15.4.1 MINIMUM LOT DIMENSIONS

15.4.1.1 General Lot Dimensions

The minimum *lot* dimensions in each zone shall be as follows:

ZONE	LOT AREA (NET)	LOT AREA (NET)	FRONTAGE	DEPTH	SHAPE FACTOR
	SEWERED	NON-SEWERED			
Residential Zone	400m ²	1200m ² Refer to Rule 15.4.1.2	4m	-	17.5m diameter circle
Town Centre Zone	300m ²		10m	18m	

SUBDIVISION

ZONE	LOT AREA (NET)		FRONTAGE	DEPTH	SHAPE FACTOR
	SEWERED	NON-SEWERED			
Mixed Activity Zone	400m ²	1200m ² Refer to Rule 15.4.1.2	4m		17.5m diameter circle
Marine Services Zone	300m ²	-	10m	18m	-
Industrial Zone	500m ²	1200m ² Refer to Rule 15.4.1.2	20m	25m	-
Harbour Industrial Zone	500m ²	1200m ² Refer to Rule 15.4.1.2	20m	25m	
Rural Zone Refer to Rule 15.4.2	-	-	-	-	-
Coastal Zone Refer to Rule 15.4.2	-	-	-	-	-
Coastal Settlement Zone	400m ²	1200m ² Refer to Rule 15.4.1.2	4m	-	17.5m diameter circle
Ōhiwa Harbour Zone Refer to Rule 15.4.2.	-	-	-	-	-

15.4.1.2 Non-Sewered Lots in the Residential, Mixed Activity, Industrial, Harbour Industrial and Coastal Settlement Zones

The minimum *lot* size shall be 1200m² except where compliance with the following standards can be demonstrated:

1. The Zone Standards for *site coverage*, setbacks from adjacent *sites* and the *road* frontage and vehicle *access* to on-site effluent treatment systems can be met; and
2. A report from a suitably qualified and experienced person is provided that identifies that the *lot* and proposed use of the *lot* complies with the requirements of the Bay of Plenty Regional Council On-site Effluent Treatment Regional Plan.

15.4.2 SUBDIVISION OF LAND IN THE RURAL, COASTAL AND OHIWA HARBOUR ZONES

15.4.2.1 Subdivision of Land in the Rural, Coastal and Ōhiwa Harbour Zones that is not identified as Versatile Land on Planning Maps

Subdivision of a parent *lot* with an area of more than four hectares shall result in a minimum *lot* size of four hectares and the general requirements in Rule 15.4.2.4 shall be met.

15.4.2.2 Subdivision of Land in the Rural, Coastal and Ōhiwa Harbour Zones that is identified as Versatile Land on Planning Maps

Subdivision of a parent *lot* with an area of more than eight hectares where the land is identified as *Versatile Land* on the Planning Maps shall meet the following requirements:

1. The average density over the whole subdivision shall be at least eight hectares; and
2. The general requirements of Rule 15.4.2.4 shall be met; and
3. A report from a suitably qualified person shall be lodged with the resource consent application demonstrating how the subdivision will avoid adverse effects on:
 - (a) The accessibility, versatility and life-supporting capacity of the land (particularly *versatile land*) and soil resources of the property;
 - (b) The biophysical qualities of the soil resource; and
 - (c) The accessibility or versatility of the land and soil resources (particularly *versatile land*) of any adjoining property.

15.4.2.3 Subdivision of Land in the Rural, Coastal and Ōhiwa Harbour Zones where no more than 40% is Classified as Versatile Land

1. Where a report is provided by a suitably qualified and experienced person using the same formula as that applied in the NZLRI that at least 60% of the land held in certificate of title is Class IV to Class VIII or Class III, with a severe limitation such as a shallow soil profile, stoniness, rock outcrops, low soil moisture holding capacity, low fertility (where this is difficult to correct), salinity or toxicity, the minimum *lot* size shall be four hectares and the general requirements in Rule 15.4.2.4 shall be met;-
2. Where the parent *lot* contains less than 4ha of versatile land and the versatile land is contiguous the *versatile land* shall be retained in one *lot*; and
3. Where the parent *lot* contains more than 4ha of versatile land or the *versatile land* is not contiguous the subdivision shall minimise fragmentation of the *versatile land* as far as practicable.

15.4.2.4 Requirements for building sites in the Rural, Coastal and Ōhiwa Harbour Zones

Each *lot* shall contain a safe stable residential *building* platform that complies with setbacks for permitted activities.

15.4.3 PROTECTION LOTS IN THE RURAL, COASTAL AND ŌHIWA HARBOUR ZONES

- 15.4.3.1** One additional *lot* with a minimum area of 2000m² shall be allowed in accordance with 15.3.4 to achieve the protection of a feature described in 15.4.3.2 and 15.4.3.3, where the requirements of 15.4.3.4 are met.

- 15.4.3.2 The parent *lot* shall contain a natural feature which is identified in Rule 13.9.1 of this Plan or a Regional Plan or has been assessed by a suitably qualified and experienced person against the criteria in 13.9.3 and 13.9.4 and confirmed to be of significant value.
- 15.4.3.3 The parent *lot* shall contain a heritage resource identified in Appendix 14.10.1 or 14.10.2 or an archaeological or cultural feature. The heritage feature or archaeological or cultural feature shall be assessed by a suitably qualified and experienced person and confirmed to be of significant value.
- 15.4.3.4 The following requirements shall be met:
1. Legal protection of the feature shall be secured by a way of legal protection mechanism to *Council's* satisfaction and at the applicant's cost.
 2. A safe stable *building platform* and *access* shall be identified for each *lot* exclusive of the area to be protected.
 3. The whole feature identified within the site shall be fully protected and contained within one *lot*.
 4. The feature identified for protection may remain in the parent *lot*.
 5. A management plan or other management mechanism shall be required as part of the application for subdivision.
 6. Fencing to exclude stock from the protected area may be required in accordance with 15.5 11.

15.4.4 ACCESS REQUIREMENTS IN THE RESIDENTIAL, MIXED ACTIVITY, RURAL, OHIWA HARBOUR, COASTAL, AND COASTAL SETTLEMENT ZONES

- 15.4.4.1 All *lots* shall have frontage to a *road* which is formed to a suitable standard. Where work is required to upgrade the *road* a financial contribution may be required under Chapter 16.
- 15.4.4.2 The maximum number of *lots* that may be serviced by one *access* shall be six. A legal *road* shall be required where more than six *lots* are served.
- 15.4.4.3 The minimum *access* width required for up to six *lots* shall be as follows:
- | | |
|-----------------|----|
| 1 <i>lot</i> | 3m |
| 2 <i>lots</i> | 4m |
| 3-6 <i>lots</i> | 6m |
- 15.4.4.4 Where an access is greater than 135m in length, the minimum access width required shall be 4m to allow access by emergency services.

15.4.5 LOTS FOR NETWORK UTILITIES, PUBLIC WORKS, EMERGENCY SERVICES AND FOR RESERVES AS STATED IN THE RESERVES ACT 1977

15.4.5.1 The minimum standards for the zone shall not apply where *lots* are created for the following purposes:

1. Where land is required by a *network utility* operator.
2. Where land is required for a public work or emergency service.
3. Where land is to be set aside or vested as a reserve.
4. Where land is to become a reserve vested in the *Council*.

15.4.6 SUBDIVISION OF LAND WHERE PART OR ALL OF THE SITE IS LOCATED WITHIN THE NATIONAL GRID CORRIDOR

15.4.6.1 A *building* platform for each new *lot* shall be identified that is fully located outside the *National Grid Yard*.

15.4.7 SUBDIVISION OF LAND TRAVERSED BY GAS TRANSMISSION PIPELINES

15.4.7.1 Subdivision of land traversed by gas transmission pipelines and ancillary equipment will require written approval from First Gas Ltd as an affected party.

15.4.8 BOUNDARY ADJUSTMENT

15.4.8.1 The subdivision standards for the zone shall not apply to a subdivision for the adjustment or relocation of boundaries provided no new additional *lots* are created, and the subdivision provides for:

1. The adjustment or relocation of boundaries which will leave the *lots* with similar areas to that existing prior to subdivision; or
2. The adjustment or relocation of boundaries which result in a *lot* that is more suitable for activities provided by the zone, where it does not increase the degree of non-conformity of any existing *lot* or *lots*.
3. In the Rural, Coastal and Ōhiwa Harbour Zones, the adjustment shall not result in the reduction of rural production options for the land and in particular *versatile land* within the site.

15.5 GENERAL STANDARDS FOR SUBDIVISION

15.5.1 ENGINEERING STANDARDS

15.5.1.1 All subdivisions shall be designed to comply with *Council's* Code of Practice – Subdivision and Development, which is available from the Ōpōtiki District Council.

15.5.2 EXISTING BUILDINGS

15.5.2.1 Where there are existing *buildings*, boundaries shall be located so that the relevant setbacks from boundaries for the particular zone are met.

Provided that:

The *Council* may impose a condition to a consent for a Discretionary Activity that the *buildings* are removed or modified so that they comply with the Rules of this Plan.

15.5.3 NATURAL HAZARD

15.5.3.1 Every *lot* or *building platform* within a subdivision shall be capable of supporting a foundation suitable for any approved activity free from inundation, erosion, subsidence and slippage. Reports from persons qualified in geotechnical matters may be requested to satisfy *Council* that compliance can be achieved. In accordance with Section 106 of the Act, *Council* can decline a subdivision consent application where it considers the land to be unsuitable for subdivision. The *lot* or *building platform* shall enable compliance with the minimum floor levels specified in the Zone Chapters.

15.5.3.2 The natural hazard risk associated with any subdivision of 5 ha or more of land zoned or to be zoned for urban use shall be assessed in accordance with the Bay of Plenty Regional Policy Statement natural hazards policy and method provisions.

15.5.4 SUBDIVISION ADJOINING STATE HIGHWAYS

15.5.4.1 The subdivision of land requiring access from a state highway shall require approval from New Zealand Transport Agency and may be subject to conditions relating to *access* to state highways. The subdivision will not be processed until the approval from New Zealand Transport Agency or the *road* controlling authority has been received.

15.5.5 WATER, STORMWATER AND SEWAGE DISPOSAL: GENERAL

15.5.5.1 All subdivisions shall be planned, designed, and constructed to:

1. Protect and preserve existing natural drainage channels and wetlands, where practicable.
2. Provide a system where stormwater within the subdivision will be managed where potential adverse effects on natural water courses and adjoining properties are avoided, remedied or mitigated.
3. Ensure that water drained from the subdivision is substantially free of contaminants, including sedimentary materials, of any greater quantity than would occur in the absence of subdivision or development.
4. Ensure that waters are drained from the subdivision in a manner that will not cause erosion or flooding outside the subdivision to any greater extent than would occur in the absence of subdivision or development or provide mitigation measures appropriate to the circumstances.
5. Provide a system for sewage treatment and disposal to comply with the requirements of the Bay of Plenty Regional Council On-site Effluent Treatment Regional Plan or connect to a reticulated sewerage system.
6. Provide an adequate supply of reticulated potable water to each *lot*. Where reticulation is not practicable, a means of adequate storage and continuous supply of potable water shall be nominated for each *lot*.
7. Provision shall be made for an adequate supply of water and *access* to water supplies for firefighting purposes in accordance with New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008. Compliance with this Code of Practice can generally be achieved through connection to a Council reticulated water supply.

15.5.6 WASTEWATER CONNECTIONS

15.5.6.1 All new *lots* within any of *Council's* wastewater scheme boundaries shall connect to the *Council's* wastewater system.

15.5.6.2 All new wastewater management systems shall be designed and constructed to:

1. Adequately service each *lot*.
2. Be compatible with the existing utility network.
3. Be compatible with other utility systems.
4. Ensure no ground water or surface water intrusion occurs.
5. Include the following design features:
 - (a) Gully traps/ventilation risers shall be designed to prevent inflow of stormwater in a rainfall event with 10% probability of occurring annually.

- (b) Inspection ports shall be installed immediately adjacent to all gully traps/ventilation risers and at the property boundary and at any wyes.
- (c) Bends shall not be greater than 60%.

15.5.6.3 Where a public waste water drain or structure is laid within private property, it shall be protected by an easement in favour of *Council*.

15.5.6.4 Where any new wastewater connection will connect to an existing private line, the line shall be:

1. In good working order, both upstream and downstream from the connection point.
2. Capable of conveying the additional flows from the new connection.
3. Fitted with an inspection port at the connection point.

15.5.6.5 Where an existing line is available but cannot comply with 15.5.6.4, a new connection to the public sewer shall be required.

15.5.7 STORMWATER MANAGEMENT

15.5.7.1 A stormwater disposal system shall be provided for any residential, community or business activity or to any *lot* to be used for one or more of these activities. This disposal system shall include primary and secondary control systems that:

1. Shall be capable of disposing of and/or detaining surface water resulting from a 10% AEP 24 hour rainfall event.
2. Shall provide a secondary flow system capable of conveying surface water resulting from a 2% AEP 24 hour rainfall event, to ensure that surface water shall not enter *buildings* (detached garages excluded).

15.5.7.2 All new stormwater management systems shall be designed and constructed to:

1. Adequately service each *lot*.
2. Be compatible with the existing utility network.
3. Be compatible with other utility systems.

15.5.8 POTABLE WATER

15.5.8.1 All new *lots* within any of *Council's* water scheme boundaries shall connect to the *Council's* water reticulation system.

15.5.8.2 Domestic connections shall be 20mm in diameter and non-domestic connections shall be of a suitable size to serve the predicted demand of that *lot*. All connectors other than urban residential connections which are used solely for normal domestic supply shall be provided with an approved back flow prevention device in relation to its backflow hazard classification.

15.5.8.3 All water supply systems shall be designed and constructed to:

1. Adequately service each *lot*.
2. Be compatible with other utility systems.
3. Avoid the likelihood of contamination or leakage.
4. Ensure principal water mains are not less than 100mm in diameter.

15.5.9 UNDERGROUND SERVICES

15.5.9.1 Where appropriate, in relation to any subdivision of land involving the construction of a new street or the extension of an existing street, provision shall be made for the underground reticulation of all electric, telecommunications and gas services to the land in the subdivision, except where *Council* can be satisfied that less adverse effects will result.

15.5.10 STOCK CROSSINGS

15.5.10.1 Where a subdivision of a dairy farm is divided by a public *road* the following works shall be undertaken:

1. For dairy farms units located on *roads* with a vehicle count of at least 200 vehicle movements per day, the construction of a stock underpass that complies with *Council's* engineering standards for 'Road Box Culvert'.
2. For dairy farm units located on *roads* with a vehicle count of less than 200 vehicle movements per day, the construction of a concrete crossing shall be placed over the *road* crossing used by stock, this shall be constructed in accordance with *Council's* engineering standards for "Typical Concrete Crossing".

15.5.11 PROTECTION AND FENCING OF INDIGENOUS VEGETATION

15.5.11.1 Where a subdivision contains a significant *wetland*, a significant habitat of indigenous fauna or an area of significant *indigenous vegetation*, the area shall be protected by way of a legal mechanism and measures taken to ensure that stock does not enter.

15.5.11.2 The criteria in 13.9.3 and 13.9.4 shall be used when assessing the significance of sites or areas of *indigenous vegetation* and *habitat* for protection. A report from a suitably qualified and experienced person shall be provided to support the assessment.

15.5.12 MANAGEMENT OF PEST PLANTS

15.5.12.1 No new pest plants, as identified in the Bay of Plenty Regional Pest Management Plan, shall be introduced to any parcel of land. Where pest plants exist in an area to be subdivided a management plan for their management or eradication shall be developed as part of the application.

15.6 CONTROLLED ACTIVITIES: MATTERS OVER WHICH CONTROL IS RESERVED

15.6.1 The Council has reserved control over the following matters:

15.6.1.1 Enabling use consistent with the purpose of the Zone

1. The *lot* size and the location of *building* platforms to comply with the requirements of each zone and not compromise the continuation of permitted *lot* on adjacent sites, including *rural production activities* in the Rural Zone.

15.6.1.2 Protection of cultural, historical, ecological or archaeological sites and values

1. The need for protection of cultural, historical, ecological, or archaeological sites.
2. The use of legal mechanisms to protect cultural, historical, ecological or archaeological sites.
3. The protection of notable trees and the attachment of legal mechanisms to protect trees.
4. The requirement for pest management and fencing as part of protection.

15.6.1.3 Protection of water bodies, their margins and landscape features

1. Effects on *natural character*.
2. Mechanisms used to protect *waterbodies* and their margins by the use of esplanade reserve, esplanade strip and *riparian management* mechanisms.

3. Mechanisms used to protect *outstanding natural features and landscapes*.

15.6.1.4 **Provision of services within a subdivision**

1. Compliance with the Standards in 15.4.
2. The provision of services (water, including water for firefighting purposes, telecommunications services, and electricity) to *lots* created by subdivisions.
3. Connections to *Council* infrastructure (water, sewer, stormwater).
4. Management of stormwater effects arising from the subdivision.
5. Potential for co-location of services.
6. Potential for undergrounding of telecommunications services and electricity.
7. Provision for effluent disposal where sewer connection is not available.
8. Installation of water meters where required by *Council*.
9. Provision of *access* to and *access* within the *site*.
10. The formation of *access* and specifications for access points to State Highways.

15.6.1.5 **Stability of the site and susceptibility of the site to natural hazards**

1. The requirement for an engineer's report or a geotechnical report of the *site*.
2. The location of *sites* for *dwellings* and *buildings* away from areas of instability.
3. The requirement for a natural hazard report indicating susceptibility of the *site* to natural hazard events.

15.6.1.6 **Financial contributions**

1. The requirement for a financial contribution for reserve purposes.
2. The requirement for a financial contribution for additional loadings placed on *Council* services.
3. The requirement for a financial contribution to offset the adverse effects of activities on the environment.

15.6.1.7 **Management of effects of exotic plant and animal species, so that:**

1. Stock, deer or goats will not threaten the maintenance or restoration of the *indigenous vegetation* resource.
2. There will be no increase in predation or disturbance of flighted birds or ground nesting birds from predatory cats, dogs or mustelids.
3. Threats to maintaining the resource from existing plant pests will be managed and the introduction of additional pest plants avoided.
4. Provision is made to maintain or restore the *habitat* value of the open watercourse for indigenous species, including native plants, invertebrates, eels and fish.

15.7 RESTRICTED DISCRETIONARY ACTIVITIES: MATTERS OVER WHICH DISCRETION IS RESTRICTED

15.7.1 Council has restricted its discretion over the following matters:

15.7.1.1 Subdivision of land that is within or adjacent to the National Grid

1. The extent to which the design, construction and layout of the subdivision demonstrates that a suitable *building* platform(s) can be located outside of the *National Grid Yard* for each new *lot* to ensure adverse effects on and from the *National Grid* and on public health and safety are appropriately avoided, remedied or mitigated;
2. The provision for the on-going operation, maintenance (including *access*) and upgrade and development of the *National Grid*;
3. The risk to the structural integrity of the *National Grid*;
4. The extent to which the subdivision design and consequential development will minimise the risk of injury and/or property damage from the *National Grid* asset;
5. The extent to which the subdivision design and consequential development will minimise the potential *reverse sensitivity* on and amenity and nuisance effects of the *National Grid* asset; and
6. The extent to which *landscaping* will impact on the operation, maintenance, upgrade and development (including *access*) of the *National Grid*.
7. For Rules 15.3.4.11, 15.3.4.12 and 15.3.4.13 public notification of applications for resource consent will not be required but the written approval of the *National Grid* Operator will be required or a Limited Notification process will be followed.

15.7.1.2 Subdivision In Relation To Infrastructure Other Than The National Grid Yard

1. The ability to undertake *maintenance, upgrading, replacement* and inspection of the infrastructure, including *access*, to avoid risk of injury and/or property damage.
2. The extent to which potential adverse visual impact is mitigated through the location of the *building platforms* associated with the infrastructure.
3. The outcomes of consultation with the affected utility operator.
4. Compliance with the relevant New Zealand Standards.
5. Compliance with the New Zealand Electrical Code of Practice of Electrical Safety Distances (NZECP:34 1993).

ADVICE NOTE: Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP34:2001) is mandatory under the Electricity Act 1992. All activities regulated by NZECP34, including buildings, structures, earthworks and the operation of mobile plant, must comply with that regulation even if they are permitted by the District Plan.

15.7.1.3 Protection of cultural, historical, ecological or archaeological sites and values

1. The need for protection of cultural, historical, ecological or archaeological sites.
2. The use of legal mechanisms to protect cultural, historical, ecological or archaeological sites.
3. The protection of notable trees and the attachment of legal mechanisms to protect trees.
4. The requirement for pest management and fencing as part of protection.

15.7.1.4 Subdivision of Land in the Coastal Zone

1. Effects on *natural character*.
2. Mechanisms used to protect *waterbodies* and their margins by the use of esplanade reserve, esplanade strip, and *riparian management* mechanisms.
3. Mechanisms used to protect outstanding *natural features and landscapes*.
4. The matters to which Council has reserved its control in 15.6.1 above.

15.8 ASSESSMENT CRITERIA FOR DISCRETIONARY ACTIVITIES

15.8.1 GENERAL CRITERIA

15.8.1.1 The matters that *Council* may have particular regard to when assessing an application for a subdivision as a Discretionary Activity will include, but not be limited to, the following:

1. Provision for *riparian management* and *habitat* restoration.
2. Mechanisms used to avoid, remedy or mitigate adverse effects on *habitats* of ground nesting birds.
3. Effects of earthworks and vegetation clearance on at risk, threatened or regionally distinctive species of *indigenous vegetation* and fauna and their *habitats*, including an assessment by an appropriately qualified ecologist and mechanisms to protect areas of ecological value.
4. Provision for exclusion of stock from areas, this may include fencing.
5. Effects on public access and recreation opportunities.
6. Need for esplanade reserves or strips or other protection for *waterbody* margins.
7. Effects of *building* platforms and *access* on the visual values and significant landscapes and features in the area, including an assessment by an appropriately qualified landscape

architect, where there is the potential for landscapes or features listed in 13.9.1 or 13.9.2 to be affected.

8. Potential effects on the landscape values of the *site*.
9. The impacts on the historic heritage values of the *site*.
10. Extent to which the proposal has regard to Māori values, particularly any traditional, cultural or spiritual aspect relating to the land.
11. The ability to locate *building platforms* to comply with the requirements of each zone and not compromise the continuation of permitted Activities on adjacent sites, including *rural production activities* in the Rural Zone.
12. The pattern of subdivision and how it relates to the environmental outcomes for the zone, including *reverse sensitivity* effects.
13. Management of existing plant and animal pests, including methods used to avoid, remedy, or mitigate the adverse effects of pest weed species.
14. The potential adverse effects of fire, including fire spread.

15.8.2 SUBDIVISION IN THE OHIWA HARBOUR ZONE

15.8.2.1 The matters that *Council* may have particular regard to when assessing an application for a subdivision as a Discretionary Activity in the Ōhiwa Harbour Zone will include, but not be limited to, the following:

1. Provision of services: undergrounding services and location of *buildings* and structures away from power lines.
2. Waste disposal: potential adverse effects on water quality, mitigation of visual effects of treatment systems; use of *wetlands* to polish and finish treated effluent.
3. *Building platforms*: avoiding prominent skylines, *ridgelines* and promontories; mitigation such as reflectivity, appropriate planting and management of earthworks to minimise potential effects on water quality and visual effects.
4. Roading and accessways: location including avoiding the need to develop on prominent skylines, *ridgelines* and promontories and the management of earthworks to minimise potential effects on water quality and visual effects.
5. *Indigenous vegetation* disturbance :
 - (a) Specifying the location and disturbance of any *indigenous vegetation*, including limiting the area of vegetation clearance.
 - (b) Specifying the methods by which the *disturbance* or clearance can be undertaken.
 - (c) Require fencing off of the remaining areas of *indigenous vegetation* from the grazing of animals.
 - (d) Specify legal instruments to be used to protect and manage *indigenous vegetation* on an ongoing basis.

SUBDIVISION

- (e) Requiring a *site* rehabilitation programme to include landscape and vegetation restoration.
 - (f) Require development of a monitoring programme to gauge the effects of the activity on the *indigenous vegetation*.
6. Water courses and *riparian management*:
- (a) Require the planting of vegetation to enhance the riparian areas of the subdivision.
 - (b) Specify the location of *dwellings* and structures to any *waterbody* or to the Harbour edge.
 - (c) Require the maintenance and enhancement of existing natural drainage areas or *wetlands*.
7. Natural heritage values, cumulative adverse effects on natural character, natural features and biodiversity and proposed measures to offset adverse effects on natural character, natural features and biodiversity, including but not limited to restoring indigenous habitats and ecosystems, plant and animal pest management and providing for public open space or public access to and along the coastal marine area.

<p><u>Advice Note</u>: For the avoidance of doubt, 15.8.2.7 does not override the policy direction contained in Policy 11.2.1.1.</p>
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15.8.3 SUBDIVISION OF VERSATILE LAND IN THE RURAL, COASTAL AND ŌHIWA HARBOUR ZONES AS IDENTIFIED ON PLANNING MAPS AS PROVIDED FOR IN 15.4.2.2 AND 15.4.2.3

1. *Council* shall consider the extent to which any proposed rural residential *lots, buildings, structures* or developments preclude or compromise the use or availability of versatile land for *rural production activities* that directly rely on them.
2. Depending on the scale and nature of the effects in any particular case, the *Council* will consider the range of alternate locations available within the *site* and the practicalities of other locations for part or all of what is proposed.
3. *Council* may decline consent to the application or may impose conditions requiring alternative locations within the *site* for all or some of the proposed *buildings, structures* or developments where necessary to avoid or mitigate any adverse effect.

15.8.4 REQUIREMENTS FOR BUILDING PLATFORMS IN THE RURAL, COASTAL AND ŌHIWA HARBOUR ZONES

The Council shall consider how the residential *building platform* provides visual separation distances from residential *building platforms* on adjacent sites, by means of topographical features, distances over flat land, protected areas of vegetation or similar devices and that will not compromise the continuation of Permitted Activities, including *rural production activities*, on adjacent *lots* through *reverse sensitivity* effects.

15.8.5 MANAGEMENT OF EFFECTS OF EXOTIC PLANT AND ANIMAL SPECIES IN RELATION TO SUBDIVISION OF SITES CONTAINING SIGNIFICANT INDIGENOUS VEGETATION

The Council may consider the potential mechanisms to address the following issues:

1. The threat of stock, deer or goats to the maintenance or restoration of the *indigenous vegetation* resource.
2. Avoiding any increase in predation or disturbance of flighted birds or ground nesting birds from predatory cats, dogs or mustelids.
3. Avoiding the threat on the indigenous vegetation from existing plant pests will be managed, and the introduction of additional pest plants avoided.
4. Making provision to maintain or restore the *habitat* value of the open watercourse, for indigenous species, including native plants, invertebrates, eels and fish.

15.8.6 SUBDIVISION OF LAND IN THE COASTAL ENVIRONMENT

1. Effects on *natural character*.
2. Mechanisms used to protect *waterbodies* and their margins by the use of esplanade reserve, esplanade strip and *riparian management* mechanisms.
3. Mechanisms used to protect outstanding *natural features and landscapes*.
4. The matters to which Council has reserved its control in 15.6.1 above.

15.9 FINANCIAL CONTRIBUTIONS

15.9.1 The financial contributions payable by the subdivider or developer are stated in Chapter 16 of this Plan.

15.10 ESPLANADE RESERVES AND ESPLANADE STRIPS

15.10.1 Esplanade reserves or strips will be required on subdivision or in relation to Land Use Consents in accordance with the following Rules.

SUBDIVISION

- 15.10.1.1 An esplanade reserve with a minimum width of 20m shall be set aside adjacent to the coast and rivers with an average bed width of 3m or more where a *lot* of less than four hectares is created on subdivision or where required as a financial contribution by a condition of Land Use Consent.
- 15.10.1.2 An esplanade strip with a minimum width of 20m may be required instead of an esplanade reserve required under 15.10.1 above in the following circumstances:
1. Where the requirement for an esplanade reserve would result in an isolated pocket of reserve land without any prospect of access for public enjoyment or maintenance.
 2. Where the requirement for an esplanade strip would adequately achieve the conservation and public access objectives without alienating land from private ownership.
 3. Where, due to natural processes (including the movement of rivers and erosion of banks and coastal foreshore), an esplanade strip would be more appropriate.
- 15.10.1.3 An esplanade reserve with a minimum width of 20m may be required through resource consent process where a *lot* greater than four hectares formed on subdivision or as part of Land Use Consent, where the *Council* has identified the area as having high priority for acquisition, in the following circumstances:
1. Where land can be used for public access to and along the coast and rivers.
 2. Where the land has conservation values.
 3. Where a number of esplanade reserves exist in the locality and additional land is required for continuity.
- 15.10.1.4 An esplanade reserve or esplanade strip with a width in excess of 20m will be required where the *Council* has identified the area as having high priority for acquisition in the following circumstances:
1. To adequately protect significant natural features.
 2. To enable public *access* along the banks of rivers and the coastal foreshore.
 3. To enable greater recreational use by the public.
 4. To adequately avoid or mitigate against natural hazards.
- 15.10.1.5 A reduction in the width required for an esplanade reserve or esplanade strip shall be considered as a Non-Complying Activity. The following matters will be considered to ensure that the reduction in width of the esplanade reserve or strip would not adversely affect:
1. Conservation values including, ecological characteristics of the land, water quality, and *habitats* of flora and fauna.
 2. The *natural character* of the area.
 3. The ability to obtain *access* to and along the river bank or coastal foreshore.
 4. The public's recreational use of the land, both existing and potentially in the future.

Explanation: There may not be any current access because esplanade reserves or strips do not form a continuous network, although there may be potential for this to occur in the future.

5. The ability to avoid or mitigate natural hazards.

15.10.1.6 An application for subdivision requesting a waiver of the requirement for an esplanade reserve or esplanade strip shall be considered as a Non-Complying Activity. The requirement for an esplanade reserve or esplanade strip may be waived in the following circumstances:

1. Where the subdivision involves a boundary adjustment; or
2. To provide a level of security consistent with the purpose of a resource consent; or
3. Where the safety of people may be compromised; or
4. Where public access is impractical due to topography and/or alternative free and practical public access is available or provided; or
5. Where there are no conservation values to be protected and restoration and rehabilitation are not practicable.

15.11 OTHER METHODS

15.11.1 Other methods for achieving the objectives and policies of this section are:

1. Where public access is sought over private land, *Council* may negotiate with Iwi or the individual landowners to allow for public access to the coast. Compensation in part or in full will be available to landowners in circumstances where public access is granted over private land.
2. *Council* may, in specific circumstances, consider compensation to the landowner where rivers and streams and their margins are of outstanding significance and the land is required as reserve to ensure its protection.
3. Make use of the provisions of Biodiversity Management Plans or Riparian Management Plans administered by Bay of Plenty Regional Council, to retire suitable areas of riparian land for protection purposes. Recognition and continued support for the ongoing management responsibilities associated with the retired areas.
4. To make use of the Ngā Whenua Rahui mechanism to protect areas of importance to Iwi.
5. To investigate the use of incentives for landowners to ensure the protection of areas of cultural, botanical, ecological, historical or scenic worth.
6. Identification of land that is suitable for reserves, visitor facilities, eg toilets, boat ramps, and *visitor accommodation* and implement the development of these through the Annual Plan, Strategic Planning Process and Reserves Management Plans as appropriate.

15.12 EXPECTED ENVIRONMENTAL RESULTS

Environmental outcomes anticipated from the implementation of the objectives and policies of this section are:

- A.** Planned, integrated subdivision and consequential development within the District.
- B.** Subdivision activity that enhances the environment of the zone in which it takes place.
- C.** Subdivision that does not degrade the quality and characteristics of any zone within the District
- D.** Sites of special value are protected where appropriate.
- E.** Maintenance and enhancement of conservation values of the coast and riparian margins in the District.
- F.** Increased public access to the coast and rivers of the District for recreation.

Chapter 16

Financial Contributions



FINANCIAL CONTRIBUTIONS

16. FINANCIAL CONTRIBUTIONS

16.1 RESOURCE MANAGEMENT ISSUES

1. Land use activities generate adverse environmental effects when infrastructural systems cannot cope with additional demand.
2. New development and land use activities can reduce the quality of services available to existing users.
3. A mechanism is needed to mitigate the adverse effects of new development on the District's natural and physical resources.
4. There may be a lack of reserves and recreation land in areas of new development and this can increase demand placed on existing reserves.

16.2 OBJECTIVES AND POLICIES

16.2.1 OBJECTIVE

To ensure that new activities and development contributes positively and equitably to the sustainable management of the environment and infrastructural resources of the District.

POLICIES

16.2.1.1 To require a financial contribution as a condition of subdivision and Land Use Consents.

16.2.1.2 To ensure that a financial contribution is fair and equitable.

16.2.2 OBJECTIVE

To ensure that where loadings on infrastructural services increase, the services can continue to operate efficiently and will not adversely affect the District's natural and physical resources or compromise the quality of service provided to existing users.

POLICIES

16.2.2.1 To require a financial contribution on new development to offset any adverse environmental effects.

16.2.2.2 To allow payment of financial contributions to be staged in accordance with the planned staging of any subdivision where financial and security arrangements are entered into by *Council* and the *developer*.

16.2.2.3 To require financial contributions for land use activities and developments to offset adverse effects on the District's *roading*, water supply, sewerage, stormwater and reserves resources.

16.2.2.4 To require financial contributions for carparking where this cannot be provided on-site for a land use activity or development.

16.3 RULES

16.3.1 FINANCIAL CONTRIBUTIONS AS CONDITIONS OF CONSENT

16.3.1.1 A condition may be imposed on a subdivision or land use consent or resource consent to require payment of a financial contribution for the following purposes:

1. The mitigation of potential adverse effects arising from the activity, including any shortfall in on-site carparking.
2. Ensuring positive effects on the environment to offset adverse effects.
3. Ensuring that infrastructural services within the District continue to operate in a safe and efficient manner, such that the *developer* pays for the additional demand on infrastructure services.
4. Reserve purposes, such that the *developer* pays for the additional demand on the reserves in the District.

16.3.2 PAYMENT OF FINANCIAL CONTRIBUTIONS

16.3.2.1 A financial contribution may be required in the form of money or land. Payment in the form of money shall be required for purposes 1 to 3 above. Payment for "Purpose 4 - Reserve Purposes", may be required as land or money.

16.3.2.2 Financial contributions in the form of money required as a condition of a subdivision consent shall be paid prior to the issue of a certificate pursuant to Section 224 of the *Act* unless staging of the subdivision and payment of the financial contribution is approved as part of the consent.

16.3.2.3 Financial contributions in the form of land required as a condition of a subdivision, shall be vested in *Council* and shown on the deposit of the survey plan prior to the issue of a certificate pursuant to Section 224 of the *Act* unless staging of the subdivision and payment of the financial contribution is approved as part of the consent.

16.3.2.4 Financial contributions required as a condition of Land Use Consent shall be paid prior to the uplifting of a *building* consent. Where no *building* consent is required the contribution shall be paid before commencement of the activity or as stated in the conditions of the resource consent.

16.3.3 FINANCIAL CONTRIBUTIONS FOR CARPARKING

16.3.3.1 A financial contribution for carparking may be required where on-site carparking cannot be achieved as required for the activity in the zone. Financial contributions for carparking may be required to ensure a positive effect on the environment. The calculation for carparking shall be calculated in the manner below and includes an allowance for carparking for the disabled.

16.3.3.2 Where the District Plan requires an applicant to provide on-site carparking, and there is a shortfall, then the *Council* may charge a financial contribution for the shortfall based on the following formula for each carpark not provided:

Contribution = Value of land required + Cost of construction

$$C_p = (VI \times A + D \times A)$$

C_p = Value of contribution (\$)

VI = Value of 25m² of land in the vicinity of the off-site carpark area as determined by an independent registered valuer

A = Number of carparks required to make up the on-site shortfall

D = Cost of construction of 25m² of parking area to a permanent asphaltic concrete or concrete surface, including earthworks, pavement, kerbing, drainage and marking determined either by an independent cost assessment or from the current Construction Price Index.

16.3.3.3 The financial contributions taken by the *Council* in lieu of on-site carparking shall be used to provide, upgrade or extend *public carparking* in the vicinity of the business centre from which it is collected. It may also be used to contribute towards the cost of *public carparking* facilities that have already been constructed.

16.3.3.4 The *Council* may reduce the value of the contribution in one or more of the following circumstances:

1. The *Council* has not provided or does not intend to provide additional off-site carparking in the vicinity of the *site*.

2. The *Council* has provided carparking in the vicinity of the *site* or intends to do so and this has been or will be funded through a different funding source in *Council's* Long Term Plan, such as user fees and charges.
3. The site contains a heritage resource listed in Chapter 14 Heritage and the reduction will enable the continued use of the building and support its protection or conservation.

16.3.4 FINANCIAL CONTRIBUTION FOR SERVICE LANES

16.3.4.1 Where the District Plan indicates the formation and vesting of land for the purpose of a service lane, a development or subdivision of the land shall include a condition requiring the land to be formed to *Council's* standards specified in *Council's* Engineering Code of Practice.

16.3.5 FINANCIAL CONTRIBUTION FOR ROADING

16.3.5.1 The total cost of developing new *roads* (including unformed legal *roads*) required to service a development or subdivision shall be met entirely as a cost to the *developer*. Where a development or subdivision will generate traffic effects that require the sealing, widening or upgrading of a road, the financial contribution shall be calculated as the cost of upgrading the *road* to the required level of service specified in *Council's* Engineering Code of Practice that is directly attributable to the development or subdivision. Financial Contributions for roading will be calculated in accordance with the following formulae:

1. Financial Contribution for subdivision - Based on number of new *lots* created:

**Contribution = Cost of forming or upgrading road to the nearest Lot boundary of the site
+ Cost of upgrading road along the frontage of the site**

$$C_p = \frac{D_1 \times R_c \times L_g}{L_e + L_g} + \frac{D_2 \times R_c}{2}$$

C_p = Value of contribution (\$)

D₁= Length of *road* (km) required to be upgraded to the closest boundary of the *site*.

D₂= Length of *road* frontage (km) along the application *site*. If the development is on both sides of the *road* the length along both frontages shall be added together.

L_e= Total number of existing *lots* fronting to the *road* to be upgraded measured as D₁

L_g= Number of new *lots* created in the proposed subdivision

Rc= Cost (\$/km) of improving the affected section of *road* to the level required as determined by the predicted traffic volume and *road* hierarchy and as included in *Council's* Long Term Plan.

2. Financial Contribution for Land-use and Development - Based on traffic generation:

**Contribution = Cost of upgrading road to the nearest boundary of the site times the total traffic to be generated by the proposal
+ Cost of upgrading road along the frontage of the site**

$$C_p = \frac{D_1 \times R_c \times T_g}{T_e + T_g} + \frac{D_2 \times R_c}{2}$$

Cp = Value of contribution (\$)

D1 = Length of *road* (km) required to be upgraded to the closest boundary of the *site*.

D2 = Length of *road* frontage (km) along the application *site*. If the development is on both sides of the *road* the length along both frontages shall be added together.

Te = Total amount of traffic currently using this *road* (as vehicles per day, AADT).

Tg = Total amount of traffic generated by the development (as vehicles per day, AADT).

Rc = Cost (\$/km) of improving the affected section of *road* to the level required as determined by the predicted traffic volume and *road* hierarchy and as included in the *Council's* Long Term Plan.

16.3.6 FULL COST FINANCIAL CONTRIBUTION FOR ROADS

16.3.6.1 There are *roads* in the District that have capacity traffic for their structure. Any further subdivision on these *roads* will place additional loadings on the resource that would make it non-viable. The financial contribution shall be the full cost to accommodate additional loadings and to bring the *road* up to *Council's* standards.

16.3.6.2 The *roads* to which this applies are:

1. Rankin Road (All of the *road* length)
2. Old Creamery Road (All of the *road* length)
3. Amokura Road (From the end of the seal)
4. Tutaetoko Road (All of the *road* length)

5. Pakihi Road (From the intersection of Ōtara Road East and Pakihi Road)
6. Te Waiti Road [Ōtara] (All of the *road* length)
7. Block Access Road (All of the *road* length)
8. Motu Road (Route position 7.78)
9. Whitikau Road (All of the *road* length)
10. Takaputahi Road (All of the *road* length)
11. Waiata Road (All of the *road* length)
12. McRaes Road (All of the *road* length)
13. Redpath Road (All of the *road* length)
14. Wairata Road (From the intersection of Redpath Road and Wairata Road)

16.3.7 FINANCIAL CONTRIBUTION FOR WATER SUPPLY, SEWERAGE NETWORKS AND STORMWATER TREATMENT

16.3.7.1 The *developer* shall be responsible for the following costs:

1. The cost of the installation of services within any subdivision or development.
2. The cost of connections to *Council* services where these are available.

16.3.7.2 A financial contribution for infrastructural services shall be required as a condition of consent and paid by the *developer* to meet the following costs:

1. Additional works on the water supply, sewerage, or stormwater networks required as a consequence of the development or subdivision.
2. A financial contribution in the form of money will be required toward provision of, or upgrading of, services where the contribution shall be determined in the following manner stated in 16.3.8 for residential activities and subdivision, or in 16.3.9 for non-residential activities.

16.3.8 RESIDENTIAL ACTIVITIES AND SUBDIVISION

16.3.8.1 The financial contribution for infrastructural services shall be determined in the following manner:

$$\text{Contribution} = N \times (U_c \div L)$$

Where:

N The number of new *lots* created by the subdivision

U_c Upgrade cost of the system as determined by *Council*

L Number of new *lots* to be served by the upgrade

16.3.9 NON-RESIDENTIAL ACTIVITIES

16.3.9.1 The financial contribution for infrastructural services shall be determined in the following manner:

$$\text{Contribution} = N \times U_c$$

Where:

N Capacity of the upgrade that will be used by the activity

U_c Upgrade cost of the system as determined by *Council* in a transparent and fair manner

16.3.10 FINANCIAL CONTRIBUTION FOR RESERVES

16.3.10.1 Financial contributions for reserves shall be calculated on the basis of the number of people expected to use the reserve. The calculation takes into account the additional reserves needed to offset the adverse effects of land use activities and development and the per household unit cost of acquiring and improving reserves. The calculation takes account of the different reserves in the District, those that are neighbourhood reserves and those that are District reserves.

16.3.10.2 The financial contribution for reserve purposes shall be in the form of money or land and shall be calculated in the following manner:

$$\text{Contribution} = R_D + R_N$$

Where:

$$R_D = \frac{\text{Percentage household increase} \times \text{Total cost of District reserves}}{\text{Present number of households}}$$

$$R_N = \frac{\text{Cost of acquisition and development} \times \text{Additional neighbourhood reserves required}}{\text{Increase in households}}$$

The reserve contribution has been calculated as **\$790.00** (excluding GST) per new *lot* created.

16.4 OTHER METHODS

16.4.1 Other methods available to address the effects of subdivision and development include:

1. Development contributions could be levied on new development and subdivision to address the additional costs of providing infrastructure.

16.5 EXPECTED ENVIRONMENTAL RESULTS

Environmental results expected from the implementation of the objectives and policies of this section are:

- A.** Efficient infrastructural networks that are not adversely affected by additional loadings.
- B.** Sufficient reserves to manage population increases.
- C.** Development that contributes a fair share toward the costs of expanding services.
- D.** Adverse environmental effects can be offset.

Chapter 17

Infrastructure and Network Services



17. INFRASTRUCTURE AND NETWORK SERVICES

17.1 RESOURCE MANAGEMENT ISSUES

1. Regionally significant infrastructure and network utilities are physical resources that need to be sustainably managed to provide reliable and efficient services to the District.
2. The location and appearance of some *network utilities* can affect *amenity values* of the environment through the generation of glare, noise, vibration and visual effects.
3. *Regionally significant infrastructure* and *network utilities* have a *functional and locational requirement* to locate in residential areas and other sensitive environments which can result in adverse effects such as noise, vibration and glare effects.
4. The location and growth of trees near overhead lines and reticulation systems can compromise the function of the *network utilities* and pose safety issues.
5. *Network utilities* in some parts of the District are susceptible to natural hazards, including flooding and erosion which can disrupt service delivery and can adversely affect the surrounding environment.
6. *Renewable electricity generation* and supply needs to be provided for to reduce greenhouse gas emissions and ensure security of supply.
7. The operation, *maintenance*, development, replacement and upgrade of *regionally significant infrastructure*, including the *National Grid*, can be constrained by adverse effects from other activities.
8. New subdivision, use and development could adversely affect the safe, efficient and effective functioning of *regionally significant infrastructure*.
9. *Regionally significant infrastructure* and *network utilities* are essential for the economic and social wellbeing of the District.

17.2 OBJECTIVES AND POLICIES

OBJECTIVE

- 17.2.1** The benefits of the safe, efficient and effective operation (including maintenance, upgrade, replacement and development) of regionally significant infrastructure including network utilities within the District are recognised where adverse effects on the environment are avoided, remedied or mitigated.

POLICIES

- 17.2.1.1 Management of significant adverse effects of structures associated with *network utilities* while recognising their *functional requirements* through appropriate location, design and *landscaping* to maintain the quality of the surrounding environment.
- 17.2.1.2 Encourage *network utility* operators and developers to place equipment underground where practicable and where technically and economically feasible, when servicing new areas.
- 17.2.1.3 Where *network utility* operators propose to locate within areas susceptible to natural hazards to meet a functional requirement, to ensure that infrastructure has been designed so that the risks to and from the *network utility* can be appropriately managed.
- 17.2.1.4 Recognise the benefits of *regionally significant infrastructure, network utilities* and the *National Grid* in the District.

OBJECTIVE

- 17.2.2 Control the potential adverse effects of network utilities on sensitive environments particularly in areas of high landscape value and the Coastal Environment and on historic heritage.**

POLICIES

- 17.2.2.1 Encourage the co-location of *network utilities* in service corridors and common sites where this is practicable and appropriate.
- 17.2.2.2 In the *Coastal Environment*, ensure that upgrades to, or the development of new *network utilities* (excluding the *National Grid*) including overhead lines, structures and *buildings* are designed and located to avoid adverse effects, particularly visual effects, and effects on historic heritage values, the values and attributes of areas that are identified in 13.9.1 and 13.9.2 of the Plan as having Outstanding Natural Features and Landscapes, or taxa, ecosystems or vegetation types identified as threatened, rare or protected in the Plan in accordance with Policy 11(a) of the NZ Coastal Policy Statement.
- 17.2.2.3 In the *Coastal Environment*, ensure that upgrades to, or the development of new *network utilities* (excluding the *National Grid*) including overhead lines, structures and *buildings* are designed and located to avoid significant adverse effects and avoid, remedy of mitigate other adverse effects on taxa, ecosystems or vegetation types identified in accordance with Policy 11(b) of the NZ Coastal Policy Statement.
- 17.2.2.4 New *National Grid* infrastructure (and major upgrades) within the *Coastal Environment* and

outstanding *natural landscapes and features*, and areas of significant indigenous vegetation and significant habitats of indigenous fauna outside of the *Coastal Environment* should:

- (a) ensure that the route, site and method selection demonstrates that as far as practicable given the constraints imposed by the technical, locational or operational requirements of the network:
 - (i) For areas of significant *indigenous vegetation* and significant habitats of indigenous fauna, outstanding *natural character* areas and outstanding *natural landscapes and features*, in order of preference:
 - (A) Infrastructure will be located outside of the areas in (i);
 - (B) Infrastructure will be located in more compromised parts of the areas in (i), where that reduces adverse effects on the values of the areas in (i);
 - (C) Techniques (such as structure selection) will be used to avoid adverse effects on the areas in (i);
 - (D) Adverse effects on the areas in (i) that cannot be avoided, will be remedied or mitigated; and
 - (ii) For areas in the *Coastal Environment* referred to in policies 11(b), 13(1)(b) and 15(b) of the NZCPS, in order of preference:
 - (A) Infrastructure will be located to avoid significant adverse effects on the areas in (ii);
 - (B) Techniques (such as structure selection) will be used to avoid significant adverse effects on the areas in (ii);
 - (C) Significant adverse effects on the areas in (ii) that cannot be avoided, will be remedied or mitigated; and
- (b) Avoid, remedy or mitigate other adverse effects;
- (c) Consider offsetting for residual adverse effects on indigenous biodiversity.

while recognising that, in some circumstances, adverse effects on the values of the areas in (a)(i) and significant adverse effects on the values of the areas in (a)(ii), will need to be avoided.

Explanation: Policy 17.2.2.4 is intended to provide a comprehensive regime for the management of *National Grid* activities in the *Coastal Environment*, and in *Outstanding Natural Features and Landscapes*, and areas of significant *indigenous vegetation* and significant habitats of indigenous fauna outside of the *Coastal Environment*.

- 17.2.2.5 Outside the *Coastal Environment* priority is given to avoiding the adverse effects of substantial upgrades to, or the development of new *network utilities* on the values and attributes of areas that are identified in 13.9.1 and 13.9.2 of the Plan as *Outstanding Natural Features and Landscapes*, as well as on historic heritage. Where the avoidance of adverse effects is not

possible, the appropriateness of the substantial upgrades to, or the development of, new *network utilities* will be determined by having regard to the adverse effects of *network utilities* on the environment:

1. recognise that there may be situations where all adverse effects cannot be avoided, remedied or mitigated;
2. recognise that the adverse effects on the values and attributes of the areas can be mitigated by locating some types of *network utilities* in *road reserve*;
3. decision-makers must have regard to:
 - a. the extent to which adverse effects can be avoided, remedied or mitigated may be constrained by a *network utility's functional requirement* or operational need;
 - b. the time, duration or frequency of adverse effects;
 - c. the necessity of the *network utility* including:
 - i. the need to quickly repair and restore disrupted services;
 - ii. the impact of not operating, repairing, maintaining, upgrading, removing or developing a *network utility*;
 - d. existing *network utilities* including:
 - i. the complexity and connectedness of networks and services;
 - ii. the potential for co-location and shared use of *network utility* corridors;
 - e. anticipated outcomes for the receiving environment and the degree to which past modifications have compromised the achievement of those outcomes;
 - f. the benefits derived from the *network utility* at a local, regional and national scale;
 - g. the extent to which the *network utility* is integrated with, and necessary to support, planned urban development;
 - h. the extent to which the residual adverse effects may be offset.

OBJECTIVE

- 17.2.3 To enable the safe and efficient maintenance, upgrade, replacement and development and operation of existing network utilities by ensuring that, as far as practicable, other activities do not constrain those operations.**

POLICIES

- 17.2.3.1 To ensure that *buildings* and activities do not compromise the *maintenance*, upgrade, replacement, development and operation of existing *network utilities*, including the *National Grid*.
- 17.2.3.2 To recognise the significance of *regionally significant infrastructure* and *renewable electricity generation* and associated structures.
- 17.2.3.3 To manage subdivision within the electricity transmission corridors, including the *National Grid*.

- 17.2.3.4 To avoid reverse sensitivity effects arising from sensitive activities and inappropriate *buildings* and structures within the *National Grid Yard*.

17.3 ACTIVITY STATUS

Resource consent is required for all Controlled, Restricted Discretionary, Discretionary and Non-complying activities. Resource consent is not required for Permitted activities provided all relevant standards are met. Additional controls may apply to other activities in the Zone and other chapters.

ADVICE NOTE:

Resource Management Regulations – National Environmental Standards

- Electricity Transmission Lines:

The operation, maintenance, upgrading, relocation or removal of an electricity transmission line and ancillary structures that existed prior to 14 January 2010 is largely controlled by the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009, separate to this *Plan*.

- Telecommunications Facilities:

The National Environmental Standard for Telecommunication Facilities (NESTF) 2016 allows a variety of *telecommunications facilities* and related activities as permitted activities subject to standards, separate to this *Plan*. However, some rules in this *Plan* apply to some activities covered by the NESTF, particularly in the *Coastal Environment* and in places identified in Chapters 13 and 14. All *telecommunications facilities* are controlled by the NESTF with respect to the generation of radio frequency fields.

For clarification, where there is conflict or perceived conflict between the provisions of this *Plan* and the requirements of the NES identified above, the provisions of the NES shall apply.

17.3.1 PERMITTED ACTIVITIES

- 17.3.1.1 Subject to compliance with the Standards in section 17.6, unless otherwise stated, the following activities may occur without resource consent from *Council*.

Network Utilities

1. *Maintenance, minor upgrading and replacement* of existing lines and *network utilities*, including where sites are identified in 13.9.1, 13.9.2 and 14.10.1.
2. Above ground structures, including the construction and placement of telecommunication lines and electricity lines up to and including 110kV on *poles* where the structures are located 50 metres or more from *MHWS* or in the road reserve, except as follows:

- Within sites identified in 13.9.1 or 13.9.2 unless they are located in the road reserve or within 10m of the road reserve or in the *Coastal Environment*.
- 3. Customer connections to adjacent properties from existing telecommunication lines and electricity lines.
- 4. Telecommunications kiosks in a road reserve but not within sites identified in 13.9.1, 13.9.2, and 14.10.1 or in the *Coastal Environment*.
- 5. Customer connections to heritage resources identified in 14.10.1 where the customer connection shall not be attached to a primary feature or a front façade of the heritage building or structure identified in 14.10.1.
- 6. Network utilities within a natural hazard area identified in Chapter 18.

Amateur Radio Configurations

- 7. An amateur radio configuration including *mast*, antennas and aerials, owned and operated by a licensed amateur radio operator that is incidental to a residential activity on the same site and where the performance standards in 17.6 are met.

Activities within the National Grid Yard

- 8. Any uninhabitable accessory *building* within the *National Grid Yard* on a developed site within the Coastal Settlement Zone that existed prior to notification of this Plan.
- 9. Under wires:

The following buildings and structures (where permitted in the Zone) within the *National Grid Yard* but located more than 12m from a 110kV *National Grid* support structure foundation or stay wire:

- a. Fences less than 2.5m high
- b. Alterations and additions to existing buildings for *sensitive activities* that do not involve an increase in the building envelope or floor space.
- c. Accessory farm buildings not for habitation and structures for farming activities excluding milking sheds and buildings and structures for intensive farming
- d. *Artificial crop protection structures* and *crop support structures*, excluding commercial greenhouses and totally enclosed protective PSA structures.
- e. *Network Utilities*.
- 10. Near Support Structures:

The following activities (where permitted in the Zone) within 12 metres of a 110kV *National Grid* support structure foundation or stay wire:

 - a. *Network utilities*
 - b. *Network utilities* that form part of electricity infrastructure that connect to the *National Grid Network* utility
 - c. Fences less than 2.5m in height and more than 5m from the nearest 110kV *National*

- Grid support structure.*
- d. *Artificial crop protection structures* between 8m and 12m from a 110kV *National Grid* pole support structure that:
 - Are less than 2.5m in height; and
 - Are removable or temporary, to allow a clear working space 12m from a 110kV *National Grid* support structure when necessary for maintenance purposes; and
 - Allow all weather access to the pole and a sufficient area for maintenance equipment, including cranes; or
 - e. *Crop support structures* between 8m and 12m from a 110kV *National Grid* support structure that:
 - Are less than 2.5m in height; and
 - Are removable or temporary, to allow a clear working space 12m from a 110kV *National Grid* support structure when necessary for maintenance purposes; and
 - Allow all weather access to the pole and a sufficient area for maintenance equipment, including cranes; or
 - f. *Artificial crop protection structures* where Transpower has given written approval in accordance with clause 2.4.1 of NZECP34:2001 to be located within 8m of a 110kV *National Grid* pole support structure.
 - g. *Crop support structures* where Transpower has given written approval in accordance with clause 2.4.1 of NZECP34:2001 to be located within 8m of a 110kV *National Grid* pole support structure.
11. *Earthworks* (where permitted in the Zone) within a site that is located within any part of the *National Grid Yard*:
- a. *Earthworks* within 12 metres from the outer visible edge of any 110kV *National Grid* support structure that do not exceed a depth (measured vertically) of 300mm; provided that the following are exempt from this requirement:
 - i. *Earthworks* for a *Network Utility*.
 - ii. *Earthworks* undertaken as part of agricultural or domestic cultivation (including ploughing) or repair, sealing or resealing of a *road*, footpath, driveway or farm track.
 - iii. Vertical holes not exceeding 500mm in diameter provided that they are more than 1.5 metres from the outer edge of a pole support structure or stay,
 - b. *Earthworks* (where permitted in the Zone) that do not result in a reduction in the ground to conductor clearance distances of less than 6.5 metres (measured vertically) from a 110kV *National Grid* transmission line.

17.3.2 RESTRICTED DISCRETIONARY ACTIVITIES

17.3.2.1 The activities listed below may only be established after resource consent has been granted by *Council*. The *Council* may refuse consent or grant consent and impose conditions only in relation to the matters over which it has restricted its discretion in 17.6. The activities must comply with the relevant Standards.

1. *Network utilities* located 50m or more from *MHWS*, or within the road reserve, where one of the standards in 17.6.1 is not met, except where located in sites identified in 13.9.1 and 13.9.2.
2. Gas Transmission Pipelines, including above ground and other incidental equipment
3. Earthworks within a *National Grid Yard* that do not meet the requirements of 17.3.1.1.11.a.
4. *Masts* used for amateur radio communication activities exceeding the maximum permitted height for the zone, but not exceeding 20m
5. *Earthworks* in relation to a *network utility* that does not meet the standard in rule 17.6.4.
6. *Buildings* and activities located within 30m of above ground equipment incidental to gas transmission pipelines.

17.3.3 DISCRETIONARY ACTIVITIES

17.3.3.1 The activities listed below may only be established after resource consent has been granted by *Council*. The *Council* may refuse consent or grant consent subject to conditions. The standards in 17.6 will be used as a guideline when assessing the application.

1. The construction and placement of 110kV lines on towers.
2. The construction and placement of lines at a voltage exceeding 110kV.
3. A *network utility* in sites identified in 13.9.1, 13.9.2 or in the *Coastal Environment*, not provided for as a Permitted Activity.
4. A *network utility* not otherwise provided for.
5. *Indigenous vegetation disturbance* in relation to a *network utility* not otherwise provided for.
6. *Indigenous vegetation disturbance* in relation to a network utility exceeding the permitted standards in 17.6.3, except for disturbance of pohutukawa and within *wetlands*, indigenous estuarine vegetation and coastal duneland vegetation.

17.3.4 NON COMPLYING ACTIVITIES

The activities listed below may only be established if resource consent has been granted by *Council*. The *Council* may refuse or grant consent for a non-complying activity. The standards will

be used as a guideline when assessing the application.

17.3.4.1 *Earthworks* within a *National Grid Yard* not meeting permitted activity condition 17.3.1.1.11.b.

17.3.4.2 The following activities, buildings or structures within any part of the *National Grid Yard* on any site:

1. Any new *building* for a *sensitive activity* or addition to an existing *building* that involves an increase in the building envelope or height for a sensitive activity.
2. A change of use from a non-sensitive to a *sensitive activity* or the establishment of a new *sensitive activity*.
3. Any milking shed (excluding accessory structures and *buildings*), commercial greenhouse, protective canopy, or other *building* for an *intensive farming* activity.
4. Any activity, *building* or structure that does not comply with 17.6.6, unless otherwise listed.
5. Any building or structure within the *National Grid Yard* that is not a permitted activity under 17.3.1.9, 17.3.1.10 or 17.3.1.11.

17.4 RESTRICTED DISCRETIONARY ACTIVITIES: MATTERS OVER WHICH DISCRETION IS RESTRICTED

Council has restricted its discretion over the following matters:

17.4.1 **Activities that do not comply with one or more standards in 17.6:**

1. Visual effects:
 - a. The extent to which the visual effects of the infrastructure can be softened by landscaping without compromising the *functional requirements* of the infrastructure
 - b. The extent to which any adverse effects of the design, scale and height of the infrastructure can be internalised, modified or mitigated without compromising the *functional requirements* of the infrastructure
2. The effect on sites of landscape, indigenous vegetation, cultural or heritage value.
3. The likelihood of potential effects from natural hazard.
4. The effects of the activity on the Waioeka Otara Rivers Scheme.
5. Clearance of significant indigenous vegetation.
6. *Functional* and operational needs of and the benefits derived from infrastructure:
 - a. The extent to which the *functional* and operational requirements of the infrastructure affects or necessitates its location, site, route, method, *height* and size;
 - b. The extent to which the infrastructure or upgrade will benefit and contribute to the social, economic and cultural and environmental wellbeing of people and communities of the District; and

c. The extent to which the infrastructure improves the resilience and security of the network or utility service provided.

7. The degree to which any adverse environmental effects have been sought to be avoided or minimised, or are to be remedied or mitigated and whether measures proposed will be effective in avoiding, remedying or mitigating the adverse effects identified above.

17.4.2 Gas transmission pipelines

1. The effect on sites of landscape, *indigenous vegetation*, cultural or heritage value.
2. The likelihood of potential effects from natural hazard.
3. The benefits to be derived from the pipeline for the district and regional service connections.

17.4.3 Amateur Radio Masts

1. Whether the applicant is an amateur radio operator
2. The effect on the amenity of directly affect adjoining landowners, in relation to the increase in height
3. The effect of the additional height of the mast on the amenity of habitable rooms on directly adjoining properties.

17.4.4 Earthworks within a National Grid Yard not meeting permitted activity condition 17.3.1.1.11.a

Council restricts its discretion to the following matters.

1. Any risk to the structural integrity of the transmission line;
2. Any effects on the ability of the transmission line owner to access, operate, maintain and/or upgrade the *National Grid*;
3. The proximity of *buildings* and structures to electrical hazards;
4. Operational risks relating to health or public safety and the risk of property damage;
6. Any actual or potential reverse sensitivity effects;
7. Technical advice provided by the *National Grid* owner (Transpower); and
8. Any effects on *National Grid* support structures including the creation of an unstable batter

17.4.5 Buildings and activities within 30m of the above ground equipment incidental to the gas transmission pipeline

Council restricts its discretion to the following matters:

1. Any effects on the safe, effective and efficient operation, maintenance, replacement and upgrade of the above ground incidental equipment and the gas transmission pipeline.
2. Risks relating to health or public safety and the risk of property damage.
3. Technical advice provided by First Gas Limited.

17.5 ASSESSMENT CRITERIA FOR DISCRETIONARY ACTIVITIES

The *Council* will have regard to but is not limited to the following matters when considering whether to grant or refuse consent or impose conditions:

1. Visual

- a. The colour and finishing of *network utility* structures with regard to reflectivity and glare.
- b. Location of *network utility* structure in relation to outstanding *natural features and landscapes*.
- c. Mitigation measures in terms of planting, fencing or *landscaping*.
- d. The viability and operational and economic constraints of undergrounding of the *network utility*, including undergrounding all or part of the utility.

2. Noise and vibration effects

- a. Frequency, duration and timing of noise.
- b. Measures to avoid, remedy or mitigate the adverse effects on the environment from noise or vibration.

3. Effects on cultural and heritage resources

- a. Proximity of the *network utility* to *heritage resources* and outstanding *natural features and landscapes*.
- b. Proximity of the *network utility* to waahi tapu and other areas of importance to local Iwi or Hapū.

4. Natural hazard effects

- a. Proximity and susceptibility of the *network utility* to identified areas of natural hazards.

5. Effects on residential areas

- a. Proximity of *network utility* to residential areas and *places of assembly*.
- b. Measure to avoid, remedy or mitigate any adverse effects on residential areas and *places of assembly* from the *network utility* structure.

6. Functional Requirements

The reasons for the proposed location, *site* or route or method, taking into account functional requirements and constraints.

- a. The benefits of the facility utility to the community and beyond.
- b. The degree to which any adverse environmental effects have been sought to be avoided or minimised, or are to be remedied or mitigated.

7. **Effects on Waioeka Ōtara Rivers Scheme**

- a. Proximity of the *network utility* to stop banks, drains and other river scheme assets
- b. Measures to avoid, remedy or mitigate effects of utility works on the river scheme asset.

8. **Effects on rural activities**

- a. Proximity of network utility to rural production activities
- b. Measures to avoid, remedy or mitigate any adverse effects on rural production activities

9. **Effects on significant indigenous vegetation and significant habitats of indigenous species.**

Refer 13.5.3 and 13.5.4

17.6 STANDARDS

These Standards apply to all permitted, controlled and restricted discretionary activities, unless otherwise stated. They will be used as a guideline when assessing applications for discretionary and non-complying activities.

17.6.1 STANDARDS FOR NETWORK UTILITIES

17.6.1.1 All *network utilities* shall comply with the following Standards except for *Maintenance, minor upgrading* and *replacement* of existing lines and *network utilities*:

17.6.1.2 **Maximum *height of poles* and similar structures associated with *network utilities***

- | | |
|---|-----|
| a. Residential and Coastal Settlement Zones | 9m |
| b. Town Centre, Mixed Activity and Coastal Zones | 20m |
| c. Marine Services, Industrial, Harbour Industrial and Rural Zones
(One telecommunications operator) | 25m |
| d. Marine Services, Industrial, Harbour Industrial and Rural Zones
(antennas for 2 or more telecommunications operators) | 30m |
| e. Ōhiwa Harbour Zone | 9m |
| f. Road reserve in any zone except in the Ōhiwa Harbour Zone
and the <i>Coastal Environment</i> | 25m |
| g. Road reserve in the Ōhiwa Harbour Zone
and the <i>Coastal Environment</i> | 15m |

- 17.6.1.3 **Maximum diameter of dish antennas:**
- | | |
|--|------------|
| a. Residential and Coastal Settlement Zones | 1.5m |
| b. Town Centre and Mixed Activity Zones | No maximum |
| c. Marine Services, Industrial, and Harbour Industrial Zones | No maximum |
| d. Coastal and Rural Zones, not within <i>Coastal Environment</i> | No maximum |
| e. Sites in 13.9.1 & 13.9.2, Ōhiwa Harbour Zone and the <i>Coastal Environment</i> | 1.5m |
- 17.6.1.4 **Daylight protection in Residential Zones:**
- No part of any *network utility* shall penetrate a daylight recession plane of 45° from a *height* of 2.7m above finished ground level at any boundary where adjacent to a site zoned Residential. This Standard shall not apply to network utilities located within the road reserve or customer connections.
- 17.6.1.5 **Network Utility Structure**
- In the Ohiwa Harbour, Residential and Coastal Settlement Zones and in the *Coastal Environment*, a *network utility* structure, other than *poles* and similar structures associated with network utilities, shall have a *total floor area* of not more than 5m² and a maximum *height* of 2.5m, and shall be set a minimum distance of 10m from the nearest *dwelling*.
- 17.6.1.6 **Telecommunications Kiosks**
- The maximum *height* of a telecommunications kiosk shall be 2.5m plus an additional 1m height for any small cell or antenna. The maximum floor area shall be 1.0m².
- 17.6.2 **CUSTOMER CONNECTIONS TO HISTORIC ITEMS**
- A customer connection shall not be attached to a primary feature of a historic *building* or structure listed in Appendix 14.10.1.
- 17.6.3 **NETWORK UTILITIES WITHIN SITES LISTED IN 13.9.1 AND 13.9.2 AND IN THE COASTAL ENVIRONMENT**
- Above ground structures including masts, poles, pylons, aerials, antenna, cabinets or similar associated with *network utilities* located within a site identified in 13.9.1 or 13.9.2 and in the *Coastal Environment* shall be located in the road reserve or not further than 10m from the inland boundary of the road reserve subject to compliance with the following standards:
- a. *Indigenous vegetation disturbance* (excluding pohutukawa trees) up to 100m² to establish the structure and maintain the site, except disturbance within wetlands, indigenous estuarine vegetation and coastal duneland vegetation; and

- b. *Earthworks* outside the road reserve to establish the site and access and ongoing maintenance shall be subject to the standard in rule 17.6.4; and
- c. Structures shall have a maximum reflectivity value of 35%; and
- d. Height of the structure/s and dimension of the antennas (if any) shall be in accordance with 17.6.1.1 above.

17.6.4 EARTHWORKS IN RELATION TO A NETWORK UTILITY IN A SITE LISTED IN 13.9.1 AND 13.9.2, IN THE COASTAL AND OHIWA HARBOUR ZONES AND IN THE COASTAL ENVIRONMENT OVERLAY

The following performance standards shall apply:

- 1. The total area shall not exceed 400m²; and
- 2. The total volume shall not exceed 200m³; and
- 3. The maximum cut and/or fill face shall not exceed 3m; and
- 4. Where the earthworks are visible from a public *road*, public reserve, coastal marine area or the foreshore, bare surfaces shall be stabilised with mulch, hydroseeding or similar stabilisation mechanism; or where the *earthworks* are not visible from these areas, bare surfaces shall be revegetated in the next growing season.

17.6.5 AMATEUR RADIO CONFIGURATIONS

Amateur radio configurations shall comply with the following standards and are exempt from 17.4.1:

- 1. Antennas attached to buildings shall not exceed the point of attachment height by more than 7 metres.
- 2. The maximum number of antennas shall be 12.
- 3. *Masts* and attached antennas identified as permitted activities shall have a maximum height of 20 metres.

17.6.6 REQUIREMENTS FOR BUILDINGS AND STRUCTURES WITHIN ANY NATIONAL GRID YARD

All *buildings* and structures within a *National Grid Yard* shall provide a minimum vertical clearance distance from the lowest point of the conductor associated with a National Grid transmission line of either:

- a. 10 metres; or
- b. Demonstrate safe electrical clearance distances in accordance with Section 2 and 3 of NZECP34:2001.

ADVICE NOTE:

Transpower or a suitably qualified engineer should be contacted for assistance with clearance requirements in NZECP 34:2001.

1. Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) is mandatory under the Electricity Act 1992. All activities regulated by NZECP34, including buildings, structures, earthworks and the operation of mobile plant, must comply with that regulation. Activities should be checked for compliance even if they are permitted by the District Plan.
2. An activity, including buildings and structures, earthworks, quarrying and planting vegetation, within the *National Grid Corridor* or *National Grid Yard* may require resource consent. Transpower New Zealand Limited will be considered to be an affected party where consent is required. Where an activity requires resource consent solely because it is within the *National Grid Corridor* public notification of the application is precluded. However, limited notification will be given to Transpower unless the written approval from Transpower is provided at the time the application is lodged.
3. The Electricity (Hazards from Trees) Regulations 2003 applies to vegetation planted within the *National Grid Corridor* or near sub-transmission or distribution electricity lines and must be complied with. Vegetation to be planted within the *National Grid Yard* as shown on the District Plan Maps should be selected and/or managed to ensure that it will not result in that vegetation breaching the Electricity (Hazards from Trees) Regulations 2003 or prevent access to support structures. To discuss works, including tree planting near any electricity line especially works within the *National Grid Yard*, contact the relevant network utility operator.
4. Telecommunication facilities are subject to the requirements of the National Environmental Standard for Telecommunication Facilities 2016 and include: cabinets in and outside the road reserve; antennas on existing and new *poles* in the *road* reserve; replacement, upgrading and co-location of existing *poles* and antennas outside *road* reserve; new *poles* and antennas in rural areas; antennas on buildings; small-cell units on existing structures; telecommunications lines (underground, on the ground and overhead) and facilities in natural hazard areas.)

17.6.8 WASTEWATER

17.6.8.1 All new allotments or developments within any of *Council's* wastewater scheme boundaries shall connect to the *Council's* wastewater system. All new allotments within 200m of the Council's wastewater scheme boundaries may be required to connect to the Council's wastewater scheme.

17.6.8.2 All new wastewater management systems shall be designed and constructed to:

- 1 Adequately service each *lot*, or development.
- 2 Be compatible with the existing utility network.
- 3 Be compatible with other utility systems.
- 4 Ensure no ground water or surface water intrusion occurs.

-
- 5 Include the following design features:
- (a) Gully traps/ventilation risers shall be designed to prevent inflow of stormwater in a rainfall event with 10% probability of occurring annually.
 - (b) Inspection ports shall be installed immediately adjacent to all gully traps/ventilation risers and at the property boundary and at any wyes.
 - (c) Bends shall not be greater than 60%.
- 17.6.8.3 Where a public waste water drain or structure is laid within private property, it shall be protected by an easement in favour of *Council*.
- 17.6.8.4 Where any new wastewater connection will connect to an existing private line, said line must be:
1. In good working order, both upstream and downstream from the connection point.
 2. Capable of conveying the additional flows from the new connection.
 3. Fitted with an inspection port at the connection point.
- 17.6.8.5 Where an existing line is available but cannot comply with 17.6.8.4 above, a new connection to the public sewer will be required.
- 17.6.9 STORMWATER**
- 17.6.9.1 A stormwater disposal system shall be provided for any residential, community or business activity or to any *lot* to be used for one or more of these activities. This disposal system shall include primary and secondary control systems that:
1. Shall be capable of disposing of and/or detaining surface water resulting from a 10% AEP 24 hour rainfall event.
 2. Shall provide a secondary flow system capable of conveying surface water resulting from a 2% AEP 24 hour rainfall event, to ensure that surface water shall not enter *buildings* (detached garages excluded).
- 17.6.9.2 Any *commercial*, industrial or business activity or development shall ensure:
1. That stormwater is detained to discharge at levels no greater than the pre-development levels from a 2% AEP 24 hour rainfall event.
 2. That appropriate spill containment measures are provided to prevent potentially hazardous substances from entering the stormwater system.
- 17.6.9.3 Trade wastes directed to the stormwater system shall have appropriate measures in place to ensure contaminants/hazardous substances do not enter the stormwater system.

- 17.6.9.4 All new stormwater management systems shall be designed and constructed to:
1. Adequately service each *lot* or development.
 2. Be compatible with the existing utility network.
 3. Be compatible with other utility systems.

ADVICE NOTE:

The quality of stormwater discharges is controlled by the Bay of Plenty Regional Council.

17.6.10 WATER SUPPLY

- 17.6.10.1 Domestic connections shall be 20mm in diameter and non-domestic connections shall be of a suitable size to serve the predicted demand of that *lot*. All connectors other than urban residential connections which are used solely for normal domestic supply shall be provided with an approved back flow prevention device in relation to its backflow hazard classification.

- 17.6.10.2 All water supply systems shall be designed and constructed to:
1. Adequately service each *lot* or development, including the provision of a firefighting water supply for any habitable building in accordance with New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008.
 2. Be compatible with other utility systems.
 3. Avoid the likelihood of contamination or leakage.
 4. Ensure principal water mains are not less than 100mm in diameter.

ADVICE NOTE:

Under the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008, where a building is located more than 135m from the nearest road that has reticulated water supply (including hydrants), access should have a minimum formed width of 4m, a height clearance of 4.0m and a maximum gradient of 1 in 5 (with minimum 4.0m transition ramps of 1 in 8).

17.7 OTHER METHODS

- 17.7.1 Other methods for achieving the objectives and policies of this Section are:
1. The use of industry and *network utility* operators, codes of practice and practice guidelines.
 2. Agreements or accords between the *network utility* operators, landowners, and adjoining landowners.
 3. Undergrounding of *network utilities* to reduce visual disruption to the landscape.

17.8 EXPECTED ENVIRONMENTAL RESULTS

Environmental outcomes anticipated from the implementation of the objectives and policies of this section are:

- A. The safe and efficient functioning of *network utilities* within the District.
- B. *Network Utilities* that are located and designed to minimise significant adverse effects on the environment.
- C. Minimal visual intrusion of network utilities within the *Coastal Environment Overlay* and *outstanding natural features and landscapes* of the District.

Chapter 18

Natural Hazards



18. NATURAL HAZARDS

INTRODUCTION

A range of hazards have the potential to affect the Ōpōtiki District. These hazards include:

- Flooding
- Coastal hazards – inundation and erosion
- Earthquake
- Tsunami
- Landslides
- Volcanic activity

The *Council* seeks to build awareness through education and initiatives to support community outcomes when responding to natural hazard management. The *Council* is focused on *building* a safe and resilient community; this will include developing controls that manage use, development and subdivision where risk of natural hazards is high.

The *Council* is committed to giving effect to its responsibilities in managing natural hazards under the *Act*. The *Council* has the function of controlling any actual or potential effects of the use, development or protection of land to avoid or mitigate natural hazards.

The *Act* also requires the District Plan to give effect to the Bay of Plenty Regional Policy Statement (RPS) and the NZ Coastal Policy Statement (NZCPS). The RPS takes a risk management approach to natural hazards. Risk is the combination of likelihood and consequence. That is, the risk of a natural hazard is determined by a combination of an event's likelihood and its potential consequence ie. the amount of damage it would cause. A risk approach ensures that land use is managed so that the level of control corresponds to the level of risk. Evaluation of risk indicates when and how much risk reduction is required and when land use controls may or may not be needed. The RPS establishes a framework for identifying whether risk is high, medium or low and seeks that a high risk is reduced and that new activities achieve a low level of risk. Medium risk, while tolerable, is not desirable and opportunities to reduce risk from medium levels where it exists should be taken where practicable. NZCPS also requires areas affected by coastal hazards over the next 100 years to avoid increasing the risk of social, environmental and economic harm from coastal hazards. This also includes avoiding redevelopment or change in land use that would increase the risk of adverse effects from coastal hazards. *Council*, along with key stakeholders and our community, are committed to working toward introducing a new management regime which gives effect to the risk based approach. This project will occur within three years of the date of notification of decisions.

18.1 RESOURCE MANAGEMENT ISSUES

1. Ōpōtiki Township is subject to flood occurrences, with particular areas of the urban area subject to ponding of flood waters.
2. Accelerated land degradation has resulted from inappropriate land practices, such as clearing of steep slopes, overgrazing or over cropping of land, and poor subdivision and development design. Resultant effects include increased sediment run-off, soil structure instability, destabilisation of hill slopes, and increased downstream flooding.
3. There is potential for damage to existing and future coastal and river settlements from the effects of coastal erosion and inundation.
4. There is a need for avoidance or mitigation measures to be taken by those persons wishing to locate on areas susceptible to natural hazards, particularly river inundation and coastal hazard areas.
5. Some parts of the District are unsuitable for development due to coastal erosion and land erosion.
6. There is an increased risk of some areas in the District from flooding due to the inability of watercourses to handle run-off from intensive rainfall and inadequate on-site ponding.
7. In some instances the effects of natural hazards can be mitigated by the acquisition of esplanade areas adjoining inland and coastal *waterbodies*.
8. The ponding areas within the Ōpōtiki Township that act as natural flood water catchment areas need to be protected from development that may decrease their effectiveness.
9. The need to locate and design new subdivision, use and development so that the need for hazard protection works is avoided.
10. There is increased risk in some areas of the District from fire, particularly where there is plantation forestry and a limited capacity of water for fire-fighting purposes.
11. Giving effect to the RPS requires a natural hazard risk management approach.
12. Until District Plan provisions give effect to the RPS natural hazard risk provisions, proposals for subdivision, change or land use intensification on urban sites 5ha or greater, are to include their own natural hazard risk assessment.
13. Works to control natural hazards may adversely affect historic heritage.

18.2 OBJECTIVES AND POLICIES

OBJECTIVE

- 18.2.1 Ensuring that the effects of natural hazard occurrence within the District are avoided or mitigated when making resource management decisions.**

POLICIES

- 18.2.1.1 Control activities and the location of *buildings* to avoid or mitigate the effects of natural hazards.
- 18.2.1.2 Require detailed *site* investigations prior to subdivision, use or development of land subject to or likely to be subject to natural hazards.
- 18.2.1.3 Apply conditions on subdivision and resource consents to mitigate adverse effects of natural hazards from the use and development of land.
- 18.2.1.4 Ensure that the ponding areas of the Ōpōtiki Township are kept free from activities that affect the effectiveness of the ponding areas.
- 18.2.1.5 Require esplanade reserves or esplanade strips where appropriate as a mechanism to mitigate potential effects from natural hazards.
- 18.2.1.6 Avoid new development in areas at risk of coastal hazards in the Ōhiwa Spit Coastal Hazard Overlay.

OBJECTIVE

- 18.2.2 Encourage the use of sustainable land management practices that assist in avoiding and mitigating the effects of natural hazards on the land and coastal environment.**

POLICIES

- 18.2.2.1 Encourage land management practices that reduce soil loss.
- 18.2.2.2 Locate and design subdivision, land use and development so that the need for hazard protection works is avoided.
- 18.2.2.3 Where residential and/or business land use activities are threatened by a coastal hazard, the following options will be considered:
 1. Abandonment of *buildings* and other assets.
 2. Relocation of *buildings* and other assets.
 3. Alteration of *buildings* to reduce vulnerability (including the raising of floor levels).
 4. Soft protection works, including beach replenishment.
 5. Protection works (protection works should only be permitted where they are the best practicable option for the future).

- 18.2.3 OBJECTIVE**

An informed community aware of the natural hazards that can occur in the District, including the likely frequency, scale and intensity anticipated from these hazards.

POLICIES

- 18.2.3.1 Ensure that all *Council* databases on natural hazards are kept as current as possible.
- 18.2.3.2 Provide the community and resource consent applicants with all available information that *Council* holds on natural hazards within the District.
- 18.2.3.3 *Council* will undertake a programme of natural hazard risk assessment for the District. As this natural hazard information is obtained it will be inserted into the District Plan by way of variation or through the Plan Change process.

18.2.4 OBJECTIVE

Ensuring that hazard related works avoid adverse effects on matters of national importance.

POLICIES

- 18.2.4.1 Any hazard related works that potentially impact on matters of national importance demonstrate consideration of a range of appropriate alternatives to avoid adverse effects on finite resources.

18.3 ACTIVITY STATUS

18.3.1 PERMITTED ACTIVITIES

- 18.3.1.1 Except in the Ōhiwa Spit Coastal Hazard Overlay and subject to compliance with the relevant Standards (refer 18.6) the following activities may be established without resource consent from *Council*.
 1. Structures located within the ponding areas, as identified on Planning Maps that have a *building platform* on natural ground floor level greater than 1% AEP level.
 2. Non-habitable network utility structures located within the *Areas Sensitive to Coastal Hazards (ASCH)* are identified on planning maps.
 3. *Temporary Military Training Activities* complying with Appendix 3.

18.3.2 CONTROLLED ACTIVITIES

18.3.2.1 The activities listed below may only be established after resource consent has been granted by *Council*. The *Council* may impose conditions only in relation to the matters over which it has reserved control in section 18.4. The activities must comply with the relevant Standards (refer 18.6).

1. Structures located within the ponding areas identified on Planning Maps 5a, 5c, and 5d and 5e, except in the Ōhiwa Spit Coastal Hazard Overlay, that have a floor level less than a 1% AEP event where::
 - (a) The structure is a garage or carport; or
 - (b) The part of the structure to be so located is a basement; and
 - (c) No part of the structure will be used for residential purposes.

18.3.3 DISCRETIONARY ACTIVITIES

18.3.3.1 The activities listed below may only be established after resource consent has been granted by *Council*. The *Council* may refuse consent or grant consent subject to conditions. The standards in the relevant zone will be used as a guideline when assessing the application (refer 18.6).

1. Activities undertaken within the urban areas of the Ōpōtiki Township, excluding the Woodlands residential area, that adversely affect the functioning or capacity of the Volkners Island ponding area, including the deposition of any fill within the Volkners Island ponding area as shown on Planning Maps 5a, 5c, 5d and 5e.
2. Except in the Ōhiwa Spit Coastal Hazard Overlay a new structure requiring consent under the Building Act, other than decks, fences and internal alterations on a site located within Areas Sensitive to Coastal Hazards (ASCH) as identified in planning maps.

18.3.3.2 Activities located within Areas Sensitive To Coastal Hazards (ASCH) as identified on the Planning Maps [or identified coastal hazard areas] where a report from a suitably qualified person detailing:

- (a) The impacts of the perceived hazard on the proposed activity; and
- (b) The impacts of the proposed activity on the perceived hazard; and
- (c) Where the outcome of the report indicates there will be no significant adverse effects from the activity, or from the hazard.

18.3.4 NON- COMPLYING ACTIVITIES

The activities listed below may only be established if resource consent has been granted by

Council. The *Council* may refuse or grant consent for a non-complying activity. The standards will be used as a guideline when assessing the application.

- 18.3.4.1 Any new *building* (including structures) as defined in the Building Act 2004 within the Ōhiwa Spit Coastal Hazard Overlay. Consultation with Iwi shall be required as part of the application.

18.4 CONTROLLED ACTIVITIES: MATTERS OVER WHICH CONTROL IS RESERVED

- 18.4.1 The *Council* has reserved control over the following matters.

18.4.1.1 Natural hazard mitigation matters

1. The extent to which the effects of the hazard, or the effects of the activity on the hazard, can be remedied or mitigated.
2. The ground level or floor level *height* required to give protection.
3. Mitigation measures used to avoid, remedy or mitigate the adverse effects of erosion, falling debris, subsidence, slippage or inundation.
4. The need for the erection of sea walls and their subsequent environmental effects.
5. Adequacy of existing outfalls and any need of upgrading.
6. Any need for retention basins to regulate the rate and volume of surface run-off.

18.4.1.2 Extent of the natural hazard

1. Where the natural hazard applies only to part of the *site*, whether the proposed activity would be unaffected by the hazard and would not increase the hazard risk.
2. The extent to which the activity would worsen the risk posed by the natural hazard, or would accentuate the effects of the natural hazard.
3. The type of flooding likely to be experienced, whether it is stormwater, ponding, tidal inundation, or some combination of circumstances which could lead to surface flooding.

18.4.1.3 Stability and geology of the site

1. The need for a geotechnical assessment of the *site*.
2. The geology of the *site* including any relationship of effect on areas of actual or potential instability of the *site*. Any susceptibility of the hazard from over steepening of the slope and/or water saturation.

18.4.1.4 Excavation and fill effects

1. The nature of any fill and its effects on the stability of the *site* and the potential of the fill to become unstable during natural hazard events.
2. Whether there is a need for large excavations to be carried out in stages, with each stage being retained before the next stage is started.
3. The effects of any proposed filling being undertaken to avoid inundation and the consequential effects on the natural drainage pattern adjoining the land.
4. Effects of land contouring.

18.4.1.5 Effects on the environment and adjoining properties

1. Effects of the activity on the functioning of the District's flood ways.
2. Any flooding being accentuated on adjacent sites or of additional water being directed onto adjacent sites as a result of the activity.
3. The nature of the activity proposed, and the effect on neighbouring properties or the environment.
4. The effects of stormwater run-off on neighbouring properties.
5. Any proposed boundary drainage to protect surrounding properties.
6. Effects on significant indigenous biodiversity.

18.4.1.6 Historical, cultural and archaeological resources

1. The effect of the design and layout of the activities in relation to land, buildings, features and water bodies which have historical and archaeological values.
2. The effects of the activity on the resources of importance to Maori.
3. The effects of the activity on heritage and conservation values, both on the site and adjoining sites.

18.5 ASSESSMENT CRITERIA FOR DISCRETIONARY ACTIVITIES

18.5.1 The *Council* will have regard to but is not limited to the following matters when considering whether to grant or refuse consent or impose conditions:

18.5.2 Applications for resource consent must include as assessment of the coastal hazard risk, which is to take into account the following:

1. Erosion impacts of sea level rise: apply NH11 B providing for climate change for erosion impacts of sea level rise
2. Shoreline response to erosion and flooding: scientifically appropriate models should be used.
3. At least 100 year planning horizon.
4. Historical long term trends in the erosion or accretion of the shoreline.

5. Short term fluctuations in the shoreline.
6. Impacts of coastal inundation considering the cumulative effects of sea-level rise, storm surge and wave height under storm conditions.
7. A factor of safety.

Provided that:

- (a) With the exception of *buildings* located within the Ōhiwa Spit Coastal Hazard Overlay when resource consent application is lodged with *Council*, and is accompanied with a report from a suitably qualified person detailing:
 - i. The impacts of the perceived hazard on the proposed activity; and
 - ii. The impacts of the proposed activity on the perceived hazard; and
- (b) Where the outcome of the report indicates that the activity will not result in an increase of adverse effects from coastal hazards then the activity shall be a controlled activity.
- (c) *Buildings* within the Ōhiwa Spit Coastal Hazard Overlay shall be non-complying activities.

18.6 STANDARDS

The standards are stated in the relevant Zone chapters. Provisions in other chapters may also apply.

18.7 OTHER METHODS

18.7.1 Other methods of achieving the objective and policies of this Chapter are:

1. Utilise Sections 71 and 72 of the Building Act 2004 where *buildings* are located within hazard areas.
2. Encourage Coast Care programmes as a mechanism to ensure that the integrity of the coast and dune systems is maintained.
3. Encourage landowners to amalgamate natural hazard concerns into Environmental Plans that are lodged with the Bay of Plenty Regional Council.
4. Use consent notices as a mechanism to ensure that *buildings* within subdivisions are located on areas within a *site* where the effects of natural hazard occurrence can be avoided or mitigated.
5. As part of the overall state of the environment monitoring programme, *Council* shall:
 - i. Conduct a natural hazard assessment of the Coastal Zone and the Coastal Residential Zone; and
 - ii. Create and maintain a natural hazards register for the District.

6. Make submissions to Bay of Plenty Regional Council's Annual Plan so that the natural hazard study requirements of the Ōpōtiki District Council are considered for Annual Plan inclusion.
7. Provide information to raise landowners' awareness of the different management practices that may increase or decrease the potential threat of erosion and other natural hazards.
8. Raise community awareness of natural hazards within the District through the use of Civil Defence education programmes.
9. Through the use of Land Information Memoranda (LIM) and Project Information Memoranda (PIM) to provide information on known hazards to potential developers and applicants.
10. Preparation by Bay of Plenty Regional Council in consultation with Ōpōtiki District Council and other interested parties, of a floodplain management strategy for the Waioeka-Ōtara catchment.
11. Preparation by Bay of Plenty Regional Council in consultation with District Council's and other interested parties, of a region wide Natural Hazards Strategy.
12. Preparation by Bay of Plenty Regional Council and Ōpōtiki District Council of their respective responsibilities under the Civil Defence legislation for disaster planning, response and recovery.

18.8 EXPECTED ENVIRONMENTAL RESULTS

Below are the anticipated environmental outcomes from the implementation of the objectives and policies of this section.

- A.** Increased awareness by consent applicants and consent holders of the effects that natural hazards may have on their activities.
- B.** Placement of structures and vegetation so that the effects of natural hazards are avoided or mitigated.
- C.** Effective functioning ponding areas within the Town.

Chapter 19

Coastal Environment Overlay



19. COASTAL ENVIRONMENT OVERLAY

ADVICE NOTE:

This chapter applies to the *Coastal Environment* which is that part of the district which lies between the *Coastal Environment* line and MHWS. It comprises parts of the Coastal Zone, Ōhiwa Harbour Zone and Rural Zone. Where there is a conflict between provisions in this Chapter and provisions elsewhere in this Plan, the provisions in this Chapter prevail (except in relation to Policy 17.2.2.4, which prevails in relation to the management of the *National Grid* infrastructure within the *Coastal Environment*).

19.1 RESOURCE MANAGEMENT ISSUES

1. There are many stakeholders involved in the management of the District's coast resource and this management needs to be undertaken in an integrated manner to ensure management by all parties reduce inconsistencies and reduce duplication.
2. Increasing numbers of visitors will increase pressure on the quality and integrity of the Ōpōtiki *Coastal Environment*. However, providing for public access to and along the coastal marine area is a matter of national importance and must be provided for.
3. Sporadic and inappropriate subdivision, use and development pressure can detract from the *natural character* and indigenous biodiversity values of the *Coastal Environment*.
4. Within the *Coastal Environment* there are many historical, cultural and archaeological areas of importance that can be destroyed or modified by vegetation disturbance and *earthworks* activities.
5. Coastal areas are of importance to tangata whenua for spiritual, historical or cultural purposes and these need to be provided for.
6. Some land within the *Coastal Environment* is used or is able to be used for farming and horticulture activities and the zone provisions need to provide for such uses alongside recreational and residential uses of the zone and preservation of the natural character of the *Coastal Environment*.

ADVICE NOTE

There are established coastal settlement zoned areas which provide for consolidation in accordance with the New Zealand Coastal Policy Statement.

19.2 OBJECTIVES AND POLICIES

19.2.1 OBJECTIVE

Preserve and restore the natural character of the Ōpōtiki Coastal Environment and protect it from inappropriate subdivision, use and development.

POLICIES

- 19.2.1.1 Ensure subdivision, use and development avoids adverse effects on the values and attributes of the areas of outstanding natural character in the *Coastal Environment* including those identified in Appendix I and Appendix J of the Bay of Plenty Regional Policy Statement.
- 19.2.1.2 Ensure subdivision, use and development avoids significant adverse effects and avoids, remedies or mitigates other adverse effects on the attributes of areas of natural character in the *Coastal Environment*.
- 19.2.1.3 Require setbacks for structures and *buildings* from *MHWS* to protect natural character.
- 19.2.1.4 Encourage consolidation of new residential development within existing coastal settlements to avoid inappropriate and sprawling subdivision, use and development and to preserve *natural character*.
- 19.2.1.5 Manage subdivision, use and development to ensure that it is planned and appropriate and preserves the *natural character* of the *Coastal Environment*.
- 19.2.1.6 Avoid adverse effects of *earthworks* and *indigenous vegetation* clearance on the areas of outstanding *natural character* of the *Coastal Environment*.

19.2.2 OBJECTIVE

Protect natural features and natural landscapes from the adverse effects of inappropriate subdivision, use and development.

POLICIES

- 19.2.2.1 Avoid adverse effects of inappropriate subdivision, use and development, including *buildings*, structures and *earthworks* and *indigenous vegetation* clearance on the values of outstanding *natural features and landscapes* in the *Coastal Environment*.
- 19.2.2.2 Avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of inappropriate subdivision, use and development, including *buildings*, structures and *earthworks*

and *indigenous vegetation* clearance, on the values of natural features and landscapes in the *Coastal Environment*.

- 19.2.2.3 Require setbacks for structures and *buildings* from *MHWS* to protect the landscape values of the *Coastal Environment*.

19.2.3 OBJECTIVE

Recognise the special relationship tangata whenua have with their ancestral lands and their role as kaitiaki.

POLICIES

- 19.2.3.1 To recognise and provide for the cultural, spiritual and archaeological values of tangata whenua and the desire of tangata whenua to live on and develop their ancestral lands.

- 19.2.3.2 To recognise the special relationship of Maori with their ancestral land by enabling use and development of land, including *Papakāinga* and associated support facilities.

19.2.3.4 OBJECTIVE

Recognise and provide for infrastructure, including electricity transmission, in the Coastal Environment to enable the social, economic and cultural well-being of people and communities.

POLICIES

- 19.2.4.1 Enable the location of infrastructure recognising where there is a *functional* need.
- 19.2.4.2 Ensure that public access is provided for in appropriate locations.
- 19.2.4.3 Ensure the adverse effects of infrastructure on the *Coastal Environment* are managed in accordance with Policies 17.2.2.2, 17.2.2.3 and 17.2.2.4.

19.2.5 OBJECTIVE

Protect indigenous biological diversity in the Coastal Environment.

POLICIES

- 19.2.5.1 Avoid adverse effects of activities on indigenous biological diversity that is identified under Policy 11(a) of the New Zealand Coastal Policy Statement.

- 19.2.5.2 Avoid significant adverse effects and avoid, remedy or mitigate other adverse effects on indigenous biological diversity that is identified by Policy 11(b) of the New Zealand Coastal Policy Statement that is not protected under Policy 19.2.5.1.
- 19.2.5.3 To restrict vehicle access to the coast, rivers and their margins in accordance with NZCPS Policy 20(1)(a) and (b) while ensuring that vehicle access to the coast, rivers and their margins is provided for life saving, management and emergency purposes.
- 19.2.5.4 Encourage opportunities for restoration of indigenous habitats and ecosystems, including through resource consent conditions.

19.3 ACTIVITY STATUS

Resource consent is required for Restricted Discretionary, Discretionary and Non-complying activities. Resource consent is not required for Permitted activities provided all relevant standards are met. Additional controls apply in the relevant Zone chapter and other chapters. Rules relating to activities in an Outstanding *Natural Feature and Landscape* listed in Appendices 13.9.1 or 13.9.2 as well as to *indigenous vegetation disturbance* and *earthworks* in the *Coastal Environment* are located in Chapter 13.

19.3.1 PERMITTED ACTIVITIES

- 19.3.1.1 Subject to compliance with the relevant Standards, unless otherwise stated, the following activities may occur without resource consent from *Council*.
1. *Artificial crop protection structures*
 2. Activities otherwise permitted in the relevant Zone that comply with the standards in 19.5.
 3. Existing *plantation forestry*.

19.3.2 RESTRICTED DISCRETIONARY ACTIVITIES

- 19.3.2.1 The activities listed below may only be established after resource consent has been granted by *Council*. The *Council* may refuse consent or grant consent and impose conditions only in relation to the matters over which it has restricted its discretion in 19.4. The activities must comply with the relevant Zone Standards unless otherwise stated.
1. *Artificial crop protection structures* that do not comply with 19.5.4.

19.3.3 DISCRETIONARY ACTIVITIES

- 19.3.3.1 The activities listed below may only be established after resource consent has been granted by

Council. The *Council* may refuse resource consent or grant consent subject to conditions. The relevant standards will be used as a guideline when assessing the application.

1. *Buildings* within 50m from *MHWS*
2. The erection of *buildings* and structures on *ridgelines* where the highest point of the *building* is within 5m vertical distance from natural ground level on the *ridgeline*.
3. *Buildings* that do not comply with 19.5.1 Height, 19.5.2 Building Setback from Mean High Water Springs and 19.5.3 Reflectivity.
4. New *plantation forestry*.

19.3.4 NON-COMPLYING ACTIVITIES

19.3.4.1 The activities listed below may only be established after resource consent has been granted by *Council*. The *Council* may refuse resource consent or grant consent subject to conditions. The relevant standards will be used as a guideline when assessing the application.

1. Any activity not specifically stated as a Permitted, Restricted Discretionary or Discretionary Activity or an activity which does not comply with the Standards, unless otherwise stated.

19.4 RESTRICTED DISCRETIONARY ACTIVITIES: MATTERS OVER WHICH DISCRETION IS RESTRICTED

19.4.1 Council has restricted its discretion over the following matters:

19.4.1.1 Artificial crop protection structures not meeting 19.5.4

1. The degree of non-compliance with the matters in the standard that are not able to be met.
2. The location of the structure and its visibility from a road, the Coastal Marine Area and any public place
3. The extent to which the adverse effects on the *natural character* and values of the environment can be avoided or minimised including through the use of natural shelter, shelterbelts or other landscaping.

19.5 PERFORMANCE STANDARDS

These performance standards apply in addition to the relevant zone standards and provisions in other chapters may apply.

19.5.1 HEIGHT

19.5.1.1 The maximum *height* for all buildings and structures shall be 7m.

19.5.1.2 Non-compliance with this standard shall be considered as a Discretionary Activity.

19.5.2 BUILDING SETBACK FROM MEAN HIGH WATER SPRINGS

19.5.2.1 All *buildings* except for public toilets established in accordance with a Reserve Management Plan or *emergency service* facilities shall be located at least 50m from MHWS.

19.5.2.2 Non-compliance with this standard shall be considered as a Discretionary Activity.

19.5.3 REFLECTIVITY

19.5.3.1 The exterior surfaces (including the roof) of any *building* shall have reflectivity values of between 0% and 37%.

19.5.3.2 Non-compliance with this standard shall be considered as a Discretionary Activity.

19.5.4 ARTIFICIAL CROP PROTECTION STRUCTURES

1. Dark green or black cloth shall be used on all vertical faces.
2. Green or black cloth shall be used horizontally where the slope is over 10°.
3. The structures shall be setback at least 50m of *MHWS*.
4. No maximum site coverage shall apply.
5. The structures shall be setback 5 metres from the *road* boundary unless screened with natural shelter.
6. Where a continuous cover of white cloth is used horizontally, natural shelter shall be provided to separate blocks so that the maximum continuous cover in any one block is 5 hectares.
7. *Artificial crop protection structures* that do not comply with these standards shall be considered as a Restricted Discretionary Activity.

19.5.5 INDIGENOUS VEGETATION DISTURBANCE

19.5.5.1 *Indigenous vegetation disturbance* is regulated through Chapter 13: the rules and assessment criteria in Chapter 13 apply.

19.6 EXPECTED ENVIRONMENTAL OUTCOMES

Environmental outcomes anticipated from the implementation of the objectives and policies are:

- A. The outstanding *natural features and landscapes* of the *Coastal Environment* are protected from inappropriate subdivision, use and development.
- B. The *natural character* of the *Coastal Environment* is preserved and restored where opportunities arise.
- C. Indigenous vegetation and habitats of indigenous fauna are protected and there is an increase in the protection of sites of ecological importance within the *Coastal Environment*.

Chapter 20

Definitions



20. DEFINITIONS

The definitions included in this section are to be used for the purposes of this District Plan.

Access

Means an area of land which provides access from the road frontage to the main part of the site, except in relation to access to septic tanks where it refers to practical vehicular access for maintenance.

Accessory

Means a secondary or minor component of the main activity on a site.

Accessory building

In relation to any activity means a minor detached building or structure including but not limited to a garage, carport or storage shed, the use of which is incidental to the main building or activity on the same site.

Accessory retail activities

In relation to industrial activities means the sale of goods manufactured or assembled on site, where the retail activity is an accessory activity to that undertaken on the site.

Act

Means the Resource Management Act 1991 and any subsequent amendments.

Additions

In relation to heritage items, means an extension or increase in floor area, number of storeys or height of a building or structure. It includes the construction of new floors, walls, ceilings and roofs.

Advance warning signs

Means a sign advertising or giving information about a business or activity that is not located on the same site as the sign.

Alterations

In relation to heritage items, means any changes to the fabric or characteristics of a building involving (but not limited to) the removal or replacement of walls, windows, ceilings, floors, roofs, either internally or externally. It does not include repair or maintenance but includes structural modification.

Amenity values

Has the same meaning as Section 2(1) of the Resource Management Act 1991.

Agriforestry

Means planting species such as mānuka or other indigenous species for honey and oil production and includes mechanical harvesting.

Aquaculture related equipment and materials

Includes, but is not limited to, vessel machinery, ropes, floats, buoys, anchors, navigation lights, spare parts.

Artificial Crop Protection Structures

Means structures of permeable cloth to protect or cover crops but does not include greenhouses.

Audible Bird Scaring Devices

Means a gas gun or avian distress alarm used for the purpose of disturbing or scaring birds

Bar

Means premises where liquor is served to the public and where food must also be served.

Biodiversity

The variability among living organisms from all sources including terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are a part, this includes diversity within and between species.

Building

Means a temporary or permanent moveable or immovable structure (including a structure intended for occupation by people, animals, machinery or chattels) and includes a mechanical, electrical or other system; and a fence as defined by the Fencing Act 1987 and a vehicle or motor vehicle (including a vehicle as defined in the Land Transport Act 1998 that is immovable and is occupied by people on a permanent or long-term basis; and a mast pole or a telecommunication aerial that is on, or forms part of a, building and that is more than 7m in height above the point of its attachment or base support (except a dish aerial that is less than 2m wide and includes any 2 or more buildings that, on completion of building work, are intended to be managed as one building with a common use and a common set of ownership arrangements and includes parts of a cable car attached to or servicing a building. It does not include *artificial crop protection structures or crop support structures*.

Building platform

Means an area where a building can be established in compliance with the District Plan.

Coastal Environment

Means the land area between Mean High Water Springs (*MHWS*) and the coastal environment line as identified on the Planning Maps.

Coastal dune land vegetation

Means vegetation on sand dunes, including mixtures of indigenous and exotic species but excluding plant species identified in the Regional Pest Management Plan and National Pest Plant Accord.

Commercial operations

Means, in relation to the surface of water, business operations for tourism, entertainment, motorised recreation or the transportation of cargo or people.

Commercial activity

Means service activities offered to the public for reward, including but not limited to professional offices, commercial offices, banks, finance houses, real estate agents, travel agents but does not include motor vehicle servicing and repair.

Community activity

Means the use of land and buildings which provides social and cultural services and facilities for the general public in respect of emergency services, education, religion and leisure. Community facilities may be associated with health clinics, schools, churches, and community corrections activities.

Community corrections activity

Means the use of land and buildings for correctional administrative and non-custodial services. Services may include probation, rehabilitation and reintegration services, assessments, reporting, workshops and programmes, and offices may be used for the administration of and a meeting point for community work groups.

Conservation planting

Means the planting and management of vegetation to contribute to the protection of conservation values, including for water and soil conservation purposes, recreational, aesthetic, amenity or ecological purposes.

Contaminant

Has the same meaning as Section 2(1) of the Resource Management Act 1991.

Contractor's depots

Means land and/or buildings used for administration, and/or the storage, maintenance of equipment and machinery used in relation to a contracting business and includes trades, agricultural and horticultural services.

Council

Means the Ōpōtiki District Council or any committee or person to whom the Council's powers, duties and functions have been delegated or transferred pursuant to the Resource Management Act 1991.

Crop support structure

Means an open structure on which plants are grown.

Customer carparking

Means on-site carparking provided for customers in relation to a particular activity

Demolition

In relation to heritage items listed in Appendix 14.10.1, means to damage and demolish a building or structure.

Developer

Means and includes the holder of any resource consent for any activity involving subdivision, building or land development work of any kind.

Development plan

In relation to housing development, means a plan and such written description as is necessary to indicate the location of dwellings and any other structures or activities, access for vehicles and pedestrians, location and nature of services, source of water supply and proposed landscaping.

Dwelling

Means:

- (a) a building or group of buildings, or part of a building or group of buildings, that is—
 - (i) used, or intended to be used, only or mainly for residential purposes; and
 - (ii) occupied, or intended to be occupied, exclusively as the home or residence of not more than 1 household;
but
- (b) does not include a hostel, boarding house, or other specialised accommodation.

Earthworks

Means the alteration of land contours on any site including, without limitation, deposition, disturbance of land by moving, removing, placing or replacing soil by excavating, cutting, filling or back-filling and re-compacting existing ground, but does not include domestic and reserve gardening, quarrying and normal agricultural and horticultural practices, such as ploughing, cultivation, harvesting crops, planting trees, root ripping, digging post holes, and installation of water pipes to troughs.

ADVICE NOTE: Quarrying is separately defined and does not fall within the definition of “earthworks”.

Ecosystem

Has the same meaning as Section 2(1) of the Resource Management Act 1991.

Education facility

Means land and/or buildings used to provide regular instruction or training and includes early childhood centres, schools, community education, tertiary education institutions, works skills training centres, outdoor education centres and sports training establishments and includes their ancillary administrative and support facilities, including cultural, recreational, health, communal or accommodation.

Emergency Services

Means the New Zealand Police, New Zealand Fire Service, National Rural Fire Authority, rural fire authorities, and hospital and health services.

Emergency Services Training

Means temporary activities undertaken for training purposes including the management of such activities for **emergency services**

Exploration

Means any activity undertaken for the purpose of identifying mineral deposits or occurrences and evaluating the feasibility of mining particular deposits or occurrences of one or more minerals; and includes any drilling, dredging or excavations, where surface or sub-surface that are reasonably necessary to determine the nature and size of a mineral deposits or occurrence.

Factory built dwellings

Means new dwellings manufactured off site and transported to a site.

Farming

Means a land based activity having as its primary purpose the commercial production of any livestock or vegetative matter other than forestry. Farming includes horticulture, including growing horticultural plants or produce under cover but excludes intensive farming. It includes quarrying for rock and gravel used within the site and top dressing, spraying and associated use of airstrips and helicopter landing areas.

Food selling premises

Means premises where food is prepared and retailed for consumption on and off site, but excludes the sale of liquor.

Front yard

Means the distance specified between the road boundary and the building setback.

Functional Requirement

Means when an activity needs to be carried out at a particular location, or in a particular way, in order to be able to function safely, effectively and efficiently.

Gas Transmission Pipeline

Means any pipeline for the transmission of natural gas exceeding a gauge pressure of 2000kp.

Greenhouse

Means a totally enclosed structure where plants are grown in a controlled environment.

Ground Level

Means either the finished level of the ground after completion of earthworks authorised as part of the most recent subdivision consent or the natural level of ground if no earthworks have been undertaken. This does not include earthworks undertaken as part of the construction of a building.

Habitat

Means an environment in which a particular species or group of species lives, and comprises the physical and biotic characteristics that are relevant to the species.

Height

Means, in relation to buildings, the vertical distance between the ground level and the highest part of the building at the point of measurement except in the *Coastal Environment Overlay* and *Outstanding Natural Landscapes and Features* where height means the vertical distance between the lowest point of the building at the lowest finished ground level and the highest point of the building,

DEFINITIONS

Provided that this shall not apply to chimneys, flag poles, aerials, dish antennae 1.5 metres or less in diameter where they are fixed to the building or street lighting standards, single poles, pylons, lightning rods and omni-directional antennas not exceeding a diameter of 60mm.

Heritage resource

Heritage resource means any historic place, waahi tapu site or archaeological site as defined by the Heritage New Zealand Pouwhare Taonga Act 2014; and items, including notable trees, objects or features.

Home occupation

Means an occupation, craft, or profession, carried out in a dwelling by a resident of the dwelling concerned and not more than one other person.

Impermeable surface

Means a surface which is formed so that water cannot pass through it.

Indigenous estuarine vegetation

Means indigenous vegetation in estuaries and on their margins, where periodic inundation by brackish or saltwater is a key determinant of habitat character.

Indigenous vegetation

Means any plant species found naturally in New Zealand. This does not apply to indigenous vegetation growing up under a planted exotic forest.

Indigenous Vegetation Disturbance (Disturbance of indigenous vegetation)

Means the clearance, cutting, crushing, desiccation (herbicide treatment) or burning, removal or damage to indigenous vegetation, except:

1. For normal domestic-scale trimming and maintenance; and
2. The day-to-day maintenance of existing vehicle and walking tracks; and
3. The collection of plant material for scientific purposes; and
4. The collection of plant material by the Tangata Whenua for maintaining traditional practices of rōngoa (medicinal purposes), raranga (weaving), and mahi whakairo (carving); and
5. The removal of indigenous vegetation planted for shelter belts.

Industrial Activities

Means the production, processing, assembly, servicing, testing, repair, cleaning, painting, storage and/or warehousing of any materials, goods or products, vehicles or equipment, and also includes transportation service activities and includes tradesmen's and contractors' depots.

Intensive farming

Means raising or keeping plants or animals substantially within buildings or enclosures and includes but is not limited to poultry farming, intensive pig farming (within buildings or outdoors without ground cover being maintained), rabbit farming, mushroom farming, commercial kennels, commercial composting activities and catteries, but excludes calf rearing sheds, dairy feed pads, growing horticultural plants or produce under cover.

kV

Means one thousand volts.

Landscaping

Means the planting of trees, shrubs, and ground cover for amenity purposes and may include provision for physical features such as paving and walls.

Land Use Capability (LUC) Assessment

Means an assessment that focuses on the land's capacity for sustained productive use taking into account physical limitations, soil conservation needs and management requirements. The Land Use capability is identified on the planning maps.

Licensed premises

Means any land or buildings for which a liquor licence has been issued under the Sale and Supply of Alcohol Act 2012.

Limited access road

Has the same meaning as contained in the Government Roading Powers Act 1989.

Loading space

Means that portion of a site, including buildings, used for loading vehicles as required by this Plan and includes a loading dock.

Lot

Means an allotment as defined in Section 218 of the **Act** and includes:

1. Front lots which meet the minimum frontage standards for subdivision in the zone.

2. Rear lots which are generally located to the rear of front lots, do not meet the frontage standards in the zone, and which obtain access by way of access strip or private road.

Lot area

1. In relation to front lots, means the total site area.
2. In relation to rear lots, means the net area, exclusive of land used for access.

Mast

As part of an Amateur Radio Configuration, includes support structures.

MHWS

Means Mean High Water Springs, which is the average line of spring tide.

Maintenance and repair

In relation to historic items, means work for the purpose of weatherproofing, plumbing and electrical work restoration and for the purpose of repair (and includes works by network utilities for maintenance, minor upgrading and replacement) which includes patching, piecing in, splicing or consolidating of any original structure including the repair of materials and replacement of minor components where these are beyond repair or are missing. The replacement should be of original or similar material, and maintain a consistency in colour, texture, form and design as the original it replaces.

Maintenance, Minor upgrading and replacement

In relation to network utilities, means any work any work necessary to continue the operation and/or functioning of an existing network utility and/or structure and shall include the replacement of an existing line, pipe, structure or other facility with another of the same or similar height, size and scale within the same or similar position and for the same or similar purpose. In regard to items listed in 14.9.1 the position shall remain the same. It shall also include erosion and flood control, weed and sediment control, the maintenance of access and monitoring operations.

Māori land

Means Maori customary and freehold land as defined in Te Ture Whenua Māori Act 1993, and excludes general land owned by Māori and other land in general title.

Mārae

Means the open space in front of a meeting house located on Māori owned land, administered by Mārae Trustees and relates to the grounds within the boundaries where cultural and ceremonial occasions are centred, and shall - for the purposes of this District Plan - include buildings and structures on marae complexes where these include wharenui, wharemate, wharekai, kohanga reo, and associated ablution facilities.

Mining

Means to take, win or extract, by whatever means, a mineral existing in its natural state in land or a chemical substance from that mineral, for the purpose of obtaining the mineral or chemical substance; but does not include prospecting or exploration.

Minor upgrading

Means an increase in the power carrying capacity, efficiency, or security of electricity and telecommunication facilities, utilising the existing support structures or structures of a similar scale or character and includes:

1. the addition of telecommunications lines, circuits and/or conductors;
2. the re-conductoring of the line with higher capacity conductors;
3. the re-sagging of conductors;
4. the addition of longer more efficient insulators;
5. the addition of earthwires (which may contain telecommunication lines, earthpeaks and lightning rods);
6. the replacement or alteration of an existing telecommunication antenna.

Minor upgrading does not include:

1. an increase in the voltage of the line unless the line was originally constructed to operate at the higher voltage but has been operating at a reduced voltage.

Moturiki datum

Means sea level as established by the Department of Survey and Land Information from a tide gauge on Moturiki Island at Mount Maunganui. The point is defined as reduced level 0.00m.

Multiple dwellings

Means more than one dwelling on a site, whether attached or detached.

National Grid

Means the assets used or owned by Transpower New Zealand Limited.

National Grid Yard

Means any land located within:

- 12m either side of the centreline of a 110kV *National Grid* Transmission line on pi poles; or
- within 12m in any direction from of the visible outer edge of any *National Grid* Support Structure foundation of a 110kV National Grid transmission line

DEFINITIONS

The National Grid Yard does not apply to underground cables or any transmission line (or sections of lines) that are designated by Transpower. The measurement of setback distances from *National Grid* lines shall be taken from the centre line of the transmission line and the outer edge of any support structure. The centre line at any point is a straight line between the centre points of the two support structures at each end of the span.

National Grid Subdivision Corridor

Means the area measured either side of the centreline of above ground *National Grid* transmission lines as follows:

- 16 metres for 110 kV transmission lines on pi poles

Refer to Figure 1: Diagram to explain the definitions of National Grid Yard and National Grid Corridor

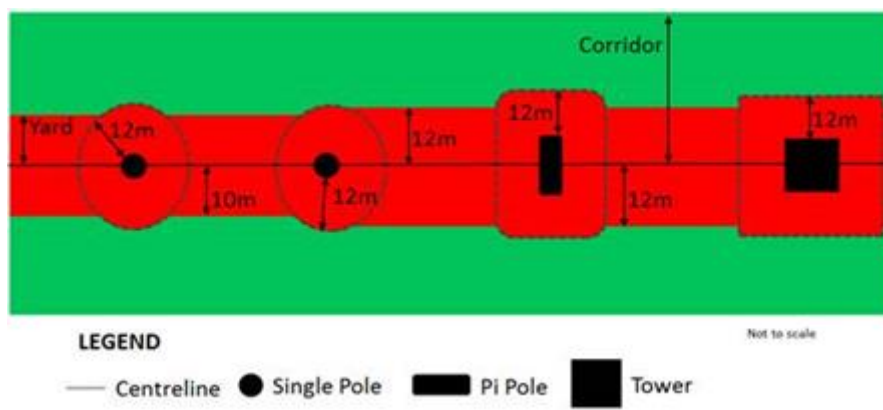


Figure 1: Diagram to explain the definitions of National Grid Yard and National Grid Subdivision Corridor

Natural character

Those attributes of the environment that give New Zealand its particular, natural and distinctive character. These qualities may be ecological, physical, spiritual, cultural, or aesthetic in nature. They include natural and modified environs.

Natural Shelter

Natural shelter under Rule 19.5.4 means a row of trees at least 9m or more in height at maturity planted at no more than 3m intervals along 90% of a boundary or length of artificially sheltered crops.

Network utility

Means any component of a network that is operated by a Network Utility Operator as defined in Section 166 of the Resource Management Act 1991.

Noise sensitive activities

Means activities which can be sensitive to the effects of noise, including habitable buildings (including dwellings, retirement villages and rest homes, and visitor accommodation), education facilities, healthcare facilities and marae.

Notional boundary

Means a line 30 metres from any part of any rural dwelling or the legal boundary where this is closer to the dwelling.

Official signs

Means all regulatory traffic and official signs approved by a road controlling authority erected on a legal road or signs required by statute.

Organised water event

Includes, but is not limited to boat races, regattas, where the event does not total more than one event more than four days in one year.

Outstanding Natural Features and Landscapes

Means those landscapes and features listed in 13.9.1 and 13.9.2 of this Plan.

Papakāinga housing

Means residential occupation of Māori land in multiple ownership.

Partial demolition

In relation to heritage items listed in Appendix 14.10.1, means to demolish a substantial part of any building or structure. Partial demolition includes facade retention which normally involves the demolition of the rear or a substantial part of a building or structure and the retention of the front or main facade and the construction of a new building behind the preserved facade. It does not include work undertaken as part of *maintenance and repair*.

Places of assembly

Means land or buildings which are used for meetings, entertainment, recreation, or similar purposes and includes churches, halls, clubrooms, theatres.

Plantation forestry

Means the activities that are undertaken for the purposes of managing planted production forestry for the production of a wide range of timber and other products, and includes planting, silviculture, construction and maintenance of access roads and landings, quarrying for rock and gravel for use on site and harvesting. It does not include processing of timber and associated products.

Pole

Means a pole, mast, lattice tower or similar structure.

Potable Water

Means drinking water that does not exceed the maximum acceptable values (other than aesthetic guideline values) specified in the drinking water standards.

Port activities

Includes:

1. Handling, storage, processing, consignment and transportation of cargo;
2. Construction, maintenance or repair of Port operational facilities;
3. Port offices and personnel facilities;
4. Navigational aids and equipment.
5. Vessel refuelling.

And also includes industrial activities that for operational purposes require location near the Port, including:

1. Commercial and recreational fishing facilities;
2. Marine storage, repair, servicing and maintenance facilities.

Post Harvest Facilities

Means packhouses, coolstores, accessory office space, seasonal worker accommodation and servicing (such as storage and catering facilities) directly associated with the post harvest operations of horticultural crops.

Practical building platform

Means an area where a building can be established in compliance with the District Plan and taking into consideration such matters as the topography of the land, effluent disposal, visual impact, protection of native forest or trees, cultural sites, and heritage sites

Professional Office

Means a building or part of a building where people are engaged in a profession, business, administrative, or health service activity.

Prospecting

Means any activity undertaken for the purpose of identifying and likely to contain exploitable mineral deposits or occurrences; and includes:

1. Geological, geochemical, and geophysical surveys
2. Aerial surveys

Where the taking of samples by hand or hand held methods, and excludes prospecting for single residential water supply.

Protection forestry

Means the planting, replanting, cultivation and management of trees for soil conservation, riparian management or river control purposes.

Protection lot

Means an allotment created to enable the legal protection of a heritage resource listed in 14.10, archaeological feature or a natural feature or landscape listed in or identified through 13.9.

Public Carparking

Means the provision of carparking available to the general public and which is the main activity on the site.

Quarrying

Means the extraction of minerals from the earth and includes that removal of overburden and the erection and maintenance of machinery and buildings and other work connected with such activities. It excludes in forest quarries for use within the site and defined as part of plantation forestry and quarrying undertaken as part of *farming*.

Regionally significant infrastructure

Means infrastructure of regional and/or national significance and includes:

1. Rotorua International, Whakatāne and Tauranga airports;
2. The regional strategic transport network as defined in the Bay of Plenty Regional Land Transport Plan or state highways as defined in the National State Highway Classification System;
3. The Bay of Plenty rail network;
4. Commercial port areas including Tauranga Harbour and its channels necessary for the operation of ports and related adjoining land and storage tanks for bulk liquids;
5. The *National Grid*, as defined by the National Policy Statement on Electricity Transmission 2008 ;
6. Facilities for the generation and/or transmission of electricity where it is supplied to the national electricity grid and/or the local distribution network.
7. Strategic telecommunications (including broadband) and radio communications facilities and networks;
8. Local authority water supply network and water treatment plants;
9. Local authority wastewater and stormwater networks, systems and wastewater treatment plants;
10. Pipelines and incidental equipment and facilities for the distribution or transmission of natural or manufactured gas or petroleum and other energy sources;
11. Regional parks; and
12. Tauranga, Rotorua and Whakatāne public hospitals.

13. Nationally and regionally significant defence facilities and activities.

Reinstatement Works

Means the repair or replacement of any rotten or defective fabric of the structure where damage has resulted from relocation, or as to comply with the provisions of the Building Act 2004. It shall include works necessary to ensure that the building is not dangerous or insanitary.

Renewable Electricity Generation

Means generation of electricity from solar, wind, hydro-electricity, geothermal, biomass, tidal, wave or ocean current energy sources.

Renewable electricity generation activities

Means the construction, operation and maintenance of structures associated with renewable electricity generation. This includes small and community-scale distributed renewable generation activities and the system of electricity conveyance required to convey electricity to the distribution network and/or the National Grid and electricity storage technologies associated with renewable electricity.

Requiring authority

Has the same meaning as Section 166 of the Resource Management Act 1991.

Residential care facility

Means an activity providing residential accommodation for eight or more people who need physical, medical, or psychiatric support and who are unable to live independently.

Restaurant

Means a commercial business providing meals with or without liquor.

Retail activity

Means an activity where goods are displayed, sold or offered for sale or hire to the general public.

Reverse Sensitivity

Means the potential for the operation of an existing lawfully established activity to be compromised, constrained or curtailed by the more recent establishment of other activities which are sensitive to the adverse environmental effects being generated by the pre-existing activity.

Ridgeline

Means, in relation to the Ōhiwa Harbour Zone, ridgelines identified on the planning maps. In relation to Outstanding Natural Features and Landscapes, it means the highest point of a ridge.

Riparian management area

Means an area of direct interaction between land and water ecosystems; that land immediately bordering or adjoining any water body.

Road

Has the same meaning as Section 2 of the Resource Management Act 1991 and Section 43 of the Government Rounding Powers Act 1989, and does not include a private road, private way or service lane.

Rural character

Includes the following elements:

- a) A predominance of natural features over human made features;
- b) High ratio of open space relative to the built environment;
- c) Significant areas of vegetation in pasture, crops, forestry and/or indigenous vegetation;
- d) A rural working production environment;
- e) Presence of farmed animals;
- f) Noises, smells and effects associated with the use of rural land for a wide range of agricultural, horticultural and forestry purposes;
- g) Low population densities relative to urban areas;
- h) Existence of some narrow and/or unsealed roads;
- i) General lack of urban infrastructure.

Rural contractor's depot

Means land and/or buildings used for administration, and/or the storage, maintenance of equipment and machinery used in relation to a rural contracting business which serves rural production activities.

Rural industry

Means an industry undertaken within the rural areas of the district, and where the industrial activity is directly related to rural production activities and includes facilities for processing, packing and storing primary products and rural contractors' depots.

Rural Production Activity

Means rural land use activities that rely on the productive capacity of land or have a functional need for a rural location such as agriculture, pastoral farming, dairying, poultry farming, pig farming, horticulture, forestry, quarrying and mining. Also included in this definition are processing and research facilities that directly service or support those rural land use activities.

Rural selling place

Means a building or buildings and associated driveways, access ways, carparking and manoeuvring areas used for the sale of produce or goods grown or crafted on-site or brought in from other sites where staff not resident on the site are employed and excludes a self service stall.

Seasonal worker accommodation

Means the use of land and buildings for the sole purpose of accommodating the short term labour requirement of a farming activity, rural industry or post harvest facility.

Sensitive Activities

In relation to the National Grid, include schools, residential buildings and hospitals.

Service Industry

Means an activity where a service is provided to the general public related to the repair and maintenance of trade and domestic goods, vehicles, articles and equipment, and also includes printing and publishing operations.

Service station

Means any activity where the dominant activity is the retail sales of motor vehicle fuels (including petrol, LPG, and diesel) and may also include one or more of the following:

1. Retail sales of kerosene, alcohol based fuels, lubricating oils, tyres and batteries, vehicle spare parts and other accessories normally associated with motor vehicles (including motorcycles, caravans, boats and trailers, and domestic equipment).
2. Warrants of fitness testing
3. Ancillary sale of convenience goods
4. The mechanical repair and servicing of motor vehicles.
5. And other retail sales subsidiary to the main use of the site.
6. Truck stops

Sign

Includes any advertising device, such as names, figures, characters, pictures, notices and placards on any surface including walls, vehicles, fences, including carving in wood or stone, to attract attention, and includes any background, frame, or other supporting structure, except for poles supporting signs. They include all parts, portions, units and materials composing the same, together with the frame, background, structure and support of anchorage thereof, and shall also include any of the foregoing things when displayed on parked vehicles and/or trailers. Sign writing on business vehicles is not included in the definition of signs, unless parked for the purpose of advertising. Signs required by statute are exempt from the provisions of the Plan.

Site

Means an area of land required for the establishment of an activity which meets the requirements of the Plan for that activity and which may include part or all of a lot or more than one lot.

1. *Front site* means a site having direct frontage to a road.
2. *Rear site* means a site located generally to the rear of another site and which obtains access by way of an access strip or private road.

Site coverage

Means that proportion of the site which may be covered by buildings or impermeable surfaces but does not include uncovered terraces or uncovered decks exceeding one metre at ground level.

Support Structure

Means any mast, tower, pole, or similar structure used or intended to be used for the support of lighting devices, lightning rods, signs, aerials, antenna and/or lines.

Telecommunications facility

Means antennas, aerials, masts and poles used in the conveyance of telecommunications as defined in the Telecommunications Act 2001, and their supporting structures.

Temporary activity

Means any activity associated with carnivals, fairs, galas, public meetings, filming, concerts sporting and other special events and associated temporary buildings and structures where such activities or structures do not remain on site for more than seven days in any one year.

Temporary building

A structure related to the construction or maintenance of an activity. The temporary building shall not exceed 10 metres², and will be removed from the site immediately upon completion of construction or maintenance activities.

Temporary living unit

Means a tent or caravan or other mobile vehicle expressly intended as temporary accommodation for holiday makers.

Temporary military training activity

Means a temporary military activity undertaken for defence purposes, as described in the Defence Act 1990.

Temporary sign

Means any sign not intended for permanent display which is erected on a site to announce a community event, electioneering, identifying a construction site, hazard identification and warning, or a real estate sign in relation to the sale of land or buildings on the same site. The sign shall be removed upon completion of the event, or upon the time the sale of any structure is unconditional.

Total floor area

Means the floor area of all floors of all buildings on a site related to a particular activity.

Traffic sight line

Means a line of site between two carriageways and not less than 1 metre above a line drawn between them.

Vehicle and machinery sales

Means the display for sale, lease or hire of motor vehicles, motorcycles, caravans, boats, trailers, and farm machinery.

Versatile land

Means land under the NZ Land Use Capability Classification System categorised as being in Classes 1, 2 and 3.

Visitor accommodation

Means accommodation provided for payment for overnight or short term visitors, and includes homestay, farmstay, motels, hotels, lodges and camping grounds, but excludes *seasonal workers accommodation*.

Waterbody

Has the same meaning as Section 2(1) of the Resource Management Act 1991.

Wetlands

Includes permanently or intermittently wet areas, shallow water and land water margins that support a natural ecosystem of plants and animals that are adapted to wet conditions. For the avoidance of doubt, the term “wetland” applies to water bodies and intermittently wet areas. The term does not apply to dry land that does not support a natural ecosystem of plants and animals that are adapted to wet conditions, and that occurs within an area commonly referred to in its entirety as a wetland. For the purposes of this plan, ‘wetland’ excludes:

1. Wetted pasture and pasture with patches of rushes.

DEFINITIONS

2. Oxidation ponds.
3. Artificial water bodies used for wastewater or stormwater treatment. This includes wetlands that have been developed primarily for effluent or stormwater treatment or disposal, but are managed to appear 'natural'.
4. Artificial Farm dams and detention dams.
5. Land drainage canals and drains.
6. Artificial Reservoirs for firefighting, domestic or municipal water supply.
7. Temporary ponded rainfall over areas that would not otherwise be considered a wetland.
8. Artificial water bodies that are not in the bed of a stream, river or lake; and are not degraded natural wetlands that have been modified. This includes artificial water bodies that are managed to appear 'natural'.

The edge of a wetland (i.e. where a wetland becomes land) should be determined by a person with appropriate expertise.

Yard

Means that part of a site which is required to be kept free of buildings, not including a fence, boundary wall or retaining wall (or combination of a fence, boundary wall or retaining wall) not exceeding 1.8 metres, provided that the eaves of a building may project over any yard by not more than 0.6 metres or one quarter of the width of the yard, whichever is the greater.

Chapter 21

Appendices

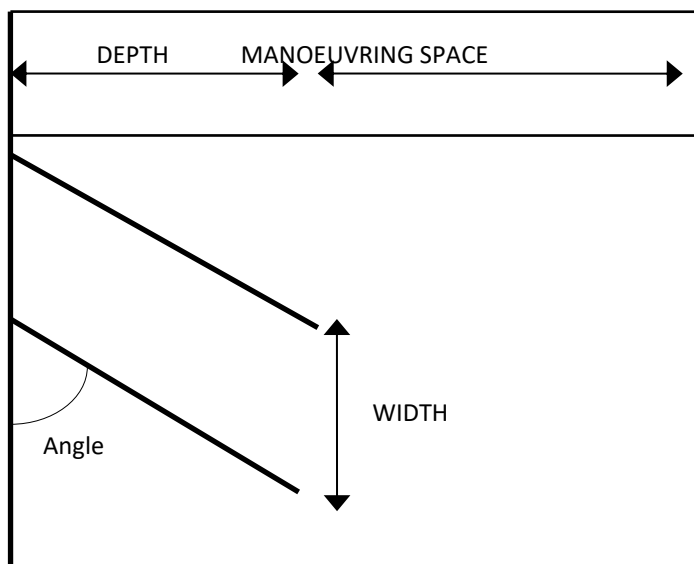


APPENDIX 1: Carparking dimensions

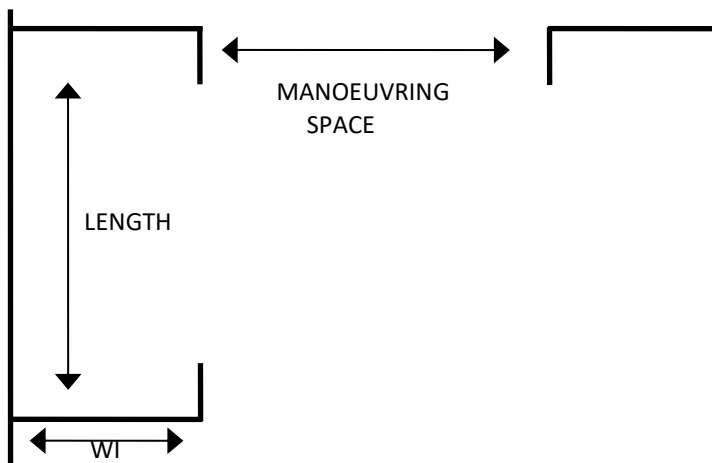
Minimum requirements for carparking spaces

Parking type	Width	Depth	Manoeuvring space	Total depth needed
Angle parking 90 ⁰	2.5m	4.9m	7.7m	12.6m
Angle parking 75 ⁰	2.5m	5.2m	6.3m	11.5m
Angle parking 60 ⁰	2.5m	5.2m	4.1m	9.3m
Angle parking 45 ⁰	2.5m	4.9m	3.7m	8.6m
Angle parking 30 ⁰	2.5m	4.0m	3.7m	7.7m
		Length		
Parallel parking	2.5m	6.1m	3.7m	

ANGLE PARKING



PARALLEL PARKING



APPENDIX 2: Designations and Requirements

Ref No.	Designating authority	Designation Purpose	Locality	Legal description
A1	Minister of Justice Department for Courts	Ōpōtiki District Courthouse	Corner of Church and Elliot Street Ōpōtiki	Blk III Ōpōtiki SD Lot 447, Sec 2 Town of Ōpōtiki
		That prior to lodging outline plans for any construction in accordance with Section 176A of the Resource Management Act 1991, the requiring authority will consult with the Heritage New Zealand Pouhere Taonga on any proposed construction work and include details of that consultation with the outline plans		
B1	Telecom New Zealand Limited	Ōpōtiki Cellular Site	Ōhiwa Harbour Road Ōpōtiki	Pt Lot 1 DP 6545 shown as Area A Plan SO 43300
B2		Ōpōtiki Exchange	Potts Avenue Ōpōtiki	Lot 1 DP 3227 and Pt Lots 2 and 3 DP 7785, Blk III Ōpōtiki SD
B3		Te Kaha Exchange	State Highway 35 Te Kaha	Lot 1 DP 8357
B4		Waihau Bay Exchange	Orete Point Road Waihau Bay	Pt Lot 4 DP 5347, Blk V, Whangaparaoa SD
C	NZ Transport Agency	To undertake maintenance, improvements, operation and use of the State Highway network.		State Highway 2 State Highway 35 Note: That the legal property width and the associated designation of the state highway network is the physical road reserve boundary
D1	Transpower New Zealand Limited	National Grid Activities (Including substation and associated ancillary infrastructure.	Corner of Te Maara Place and Copenhagen Road, Te Kaha	Sec 1 SO 8319 Blk V Te Kaha SD
D2		National Grid Activities (Including substation and associated ancillary infrastructure.	31 Gabriels Gally Road, Waiōtahe	Sec 1 SO 1818 Blk I Ōpōtiki SD
E1	Ministry of Education	Ashbrook School	Wellington Street Ōpōtiki	Lots 353, 354, 355, and Pt Lots 352, 399, 400, 401, and 402 Sec 2 Town of Ōpōtiki
E2		Kutarere School	State Highway No.2 Kutarere	Pt Lot 191A Waiotahi Parish, Blk XI, Whakatane SD.

APPENDICES

Ref No.	Designating authority	Designation Purpose	Locality	Legal description
E3		Te Kura Mana Maori Maraenui	State Highway 35 Haupoto	Pt Maraenui Blk II Tokata SD
E4		Te Kura o Omaio	State Highway 35 Omaio	Omaio 10 Blk V Haparapara SD School Reserve (Omaio) Blk V Haparapara SD
E5		Omaramutu School	RD 1 Ōpōtiki	Pt Opape 3Y1B2 Block, Blk V Waiaua SD
E6	Ministry of Education	Ōpōtiki College	St John Street Ōpōtiki	Lot 2 and Pt Lots 1 and 3 DP 14521AK and Lot 426 Sec 2 Town of Ōpōtiki Blk III Ōpōtiki SD, Pt Lots 1 and 3 DP 14521AK, Lots 1 and 2 DP 3167, Lot 1 DP 4459, Lots 276, 318, 319 Sec 2 Town of Ōpōtiki Blk III Ōpōtiki SD, Pt Lots 318 and 319 Sec 2 Town of Ōpōtiki Blk III Ōpōtiki SD
E7	Ministry of Education	Ōpōtiki School	Church Street Ōpōtiki	Lots 107 - 111 Sec 2 Town of Ōpōtiki Blk III Ōpōtiki SD, Lot 452 Sec 2 Town of Ōpōtiki Blk III Ōpōtiki SD, Lots 453 and 458 Sec 2 Town of Ōpōtiki Blk III Ōpōtiki SD
E8		Raukokore School	State Highway 35 Ōpōtiki	Pt Te Poiti No 1, Reserve Block IV and Pt School Reserve Whangaparaoa SD
E9		Te Whanau-A-Apanui Area School	State Highway 35 Te Kaha	Pt 2,3 and 4 Pt Te Kaha 8 Blk V Te Kaha SD, Pt Maori School Reserve Blk V Te Kaha, Pt Te Kaha C7 Block V Te Kaha SD
E10		Te Kura o Torere	State Highway 35 Torere	Sec 1 Blk II Waiaua SD
E11		Te Kura Kaupapa Maori o Waioeka	Waioeka Pa Road Waioeka	Lot 337A Waioeka Parish Blk XI Ōpōtiki SD, Pt Lots 337B6A and 337B6B Waioeka Parish Blk XI Ōpōtiki SD
E12	Ministry of Education	Waiotahi Valley School	Gabriels Gully Road Waiotahi	Lot 1 DP 3810 Blk I Ōpōtiki SD, Lot 2 DP 3272 and Pt Lot 4 DP 10412AK Blk I Ōpōtiki SD
E13		“Intentionally Blank”	“Intentionally Blank”	“Intentionally Blank”
E14		Te Kura Mana Maori o Whangaparaoa	State Highway 35 Whangaparaoa	Sec 2 and 3 Blk I Town of Whangaparaoa Blk II Whangaparaoa SD, Sec 3 Blk II Whangaparaoa SD

APPENDICES

Ref No.	Designating authority	Designation Purpose	Locality	Legal description
E15		Woodlands School	Hukutaia Road Woodlands	Sec 45 Hukutaia Settlement Blk VI Ōpōtiki SD
F1	Minister of Police	Ōpōtiki Police Station	King Street Ōpōtiki	Sec 1 SO 8544 Blk III Ōpōtiki SD
F2		Te Kaha Police Station	State Highway 35 Te Kaha	Lot 2 DP 8905, State Highway 35 Te Kaha
G1	Ōpōtiki District Council	Hukutaia Water Supply	Crooked Road, Hukutaia Ōpōtiki	Lot 1 DP5409 Blk VI Ōpōtiki SD
G2		Ōpōtiki Town Sewerage Scheme	Volkners Island Potts Avenue	Local Purpose Reserve Sewage Treatment, Lot 341, Pt Volkners Island Reserve Town of Ōpōtiki
G3		Ōhiwa Water Supply	Ōhiwa Harbour Road Ōhiwa	Recreation Reserve Pt Lot 92 Waiotahi Paris, Blk I Ōpōtiki SD
G4		Waihau Bay Sewerage Scheme	Otutehapari Road Waihau Bay	Local Purpose Reserve Sewage Treatment, Lot 6 DP 6105 Whangaparaoa SD
G5	Ōpōtiki District Council	Ōpōtiki Town Water Supply	Ōtara Road East Ōpōtiki	Local Purpose Reserve, Lots 3 and 4 DP 15744, Lot 1 DP 2937, Blk XII Ōpōtiki SD, Sec 12 Blk XIII Waiau SD. Local Purpose Reserve (Water Supply) Sec 4 Blk VIII, Lot 1 DP15744AK, Lot 2 DP15744AK
G6		Ōpōtiki Town Sewerage Works	Snells Road Ōpōtiki	Local Purpose Reserve (Sewerage Works) Sec 1 and Sec 2 SO 8737 Blk III, Ōpōtiki SD

APPENDIX 3: Noise Standards For Temporary Military Training Activities

Temporary Military Training Activities identified as permitted activities shall comply with the following noise standards:

1. Weapons firing and/or the use of explosives

- a. Notice is provided to the Council at least 5 working days prior to the commencement of the activity.
- b. The activity complies with the following minimum separation distances to the notional boundary of any building housing a noise sensitive activity:

0700 to 1900 hours: 500m

1900 to 0700 hours: 1,250m

- c. Where the minimum separation distances specified above cannot be met, then the activity shall comply with the following peak sound pressure level when measured at the notional boundary of any building housing a noise sensitive activity:

0700 to 1900 hours: 95 dBC

1900 to 0700 hours: 85 dBC

2. Mobile noise sources

Shall comply with the noise limits set out in Tables 2 and 3 of *NZS6803:1999 Acoustics – Construction Noise*, with reference to ‘construction noise’ taken to refer to mobile noise sources*.

Note: Mobile noise sources (other than firing of weapons and explosives) include personnel, light and heavy vehicles, self-propelled equipment, earthmoving equipment.

3. Fixed (stationary) noise sources

Shall comply with the noise limits set out in the table below when measured at the notional boundary of any building housing a noise sensitive activity*.

Time (Monday to Sunday)	L _{Aeq} (15 min)	L _{AFmax}
0700 to 1900 hours	55 dB	n.a.
1900 to 2200 hours	50 dB	
2200 to 0700 hours the next day	45 dB	75 dB

Note: Fixed (stationary) noise sources (other than firing of weapons and explosives) include power generation, heating, ventilation or air conditioning systems, or water or wastewater pumping/treatment systems.

4. Helicopter landing areas

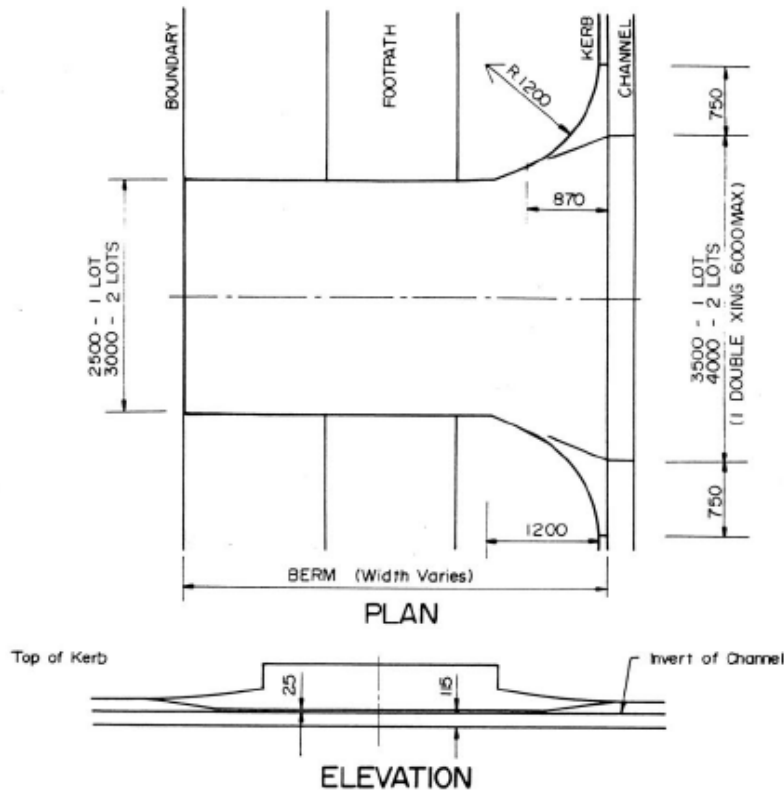
Shall comply with NZS6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas*.

* Noise levels shall be measured in accordance with NZS6801:2008 Acoustics – Measurement of Sound.

APPENDIX 4: Vehicle Entrance Designs


Vehicle Entrances shall be designed and constructed in accordance with the Ōpōtiki District Council “Code of Practice – Subdivision and Development” which are set out below. These provide a means of compliance.

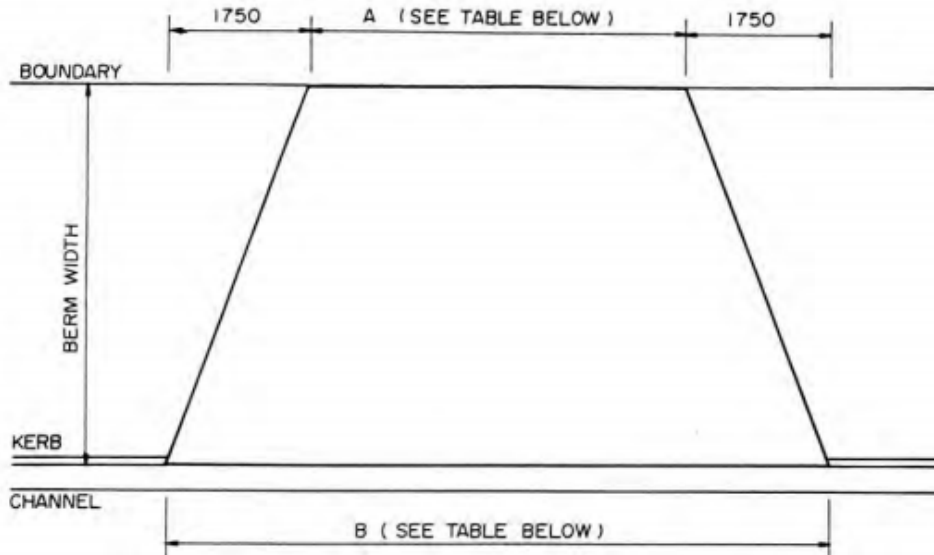
Alternative design and construction may be established where the road control authority has approved the alternate design and a copy of the approval is submitted to the Council.



Notes:

1. All concrete shall be 115 thick, have a strength of 20.0 MPa and be wood floated to a smooth surface.
2. All existing footpath to be replaced unless specifically exempted by the Engineer and the crossing shall run continuously between the kerb boundary and the property boundary.
3. If there is no existing footpath the Council will provide level pegs to ensure that the work ties in with the future footpath development.
4. The work shall be carried out in such a manner as to ensure the safety of road and footpath users.
5. Vehicle crossings shall be reinforced with hrc 665 mesh centrally placed. For more than 2 Lots refer to industrial/commercial Drawing R 09.
6. Vehicle crossings shall be in accordance with the NZ Transport Agency's Pedestrian Planning and Design Guide October 2009 (PPDG)
 - a) the maximum crossfall of the ramp shall be 2% (1:50), in accordance with Table 15.2 of the PPDG
 - b) the minimum width of a footpath shall be 1.65m, in accordance with Table 14.3 of the PPDG


	Standard Drawings	<i>Not to Scale</i>
	Vehicle Crossing Residential	R 08

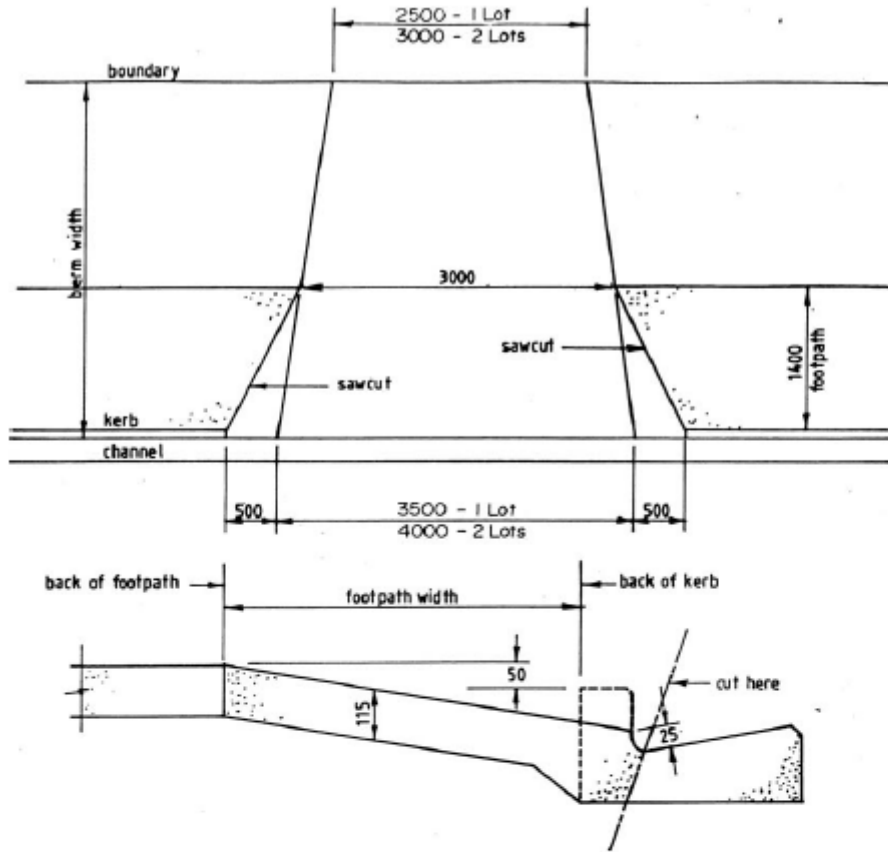


Notes:

1. The concrete including the new channel shall be 200mm thick and reinforced with one layer of hrc 665 mesh with 50mm cover from the bottom of the slab.
2. The concrete shall have a minimum crushing strength of 20MPa at 28 days and shall comply with NZS 3124:1987.
3. All existing footpath, kerb and channel are to be replaced and the crossing shall run continuously between the kerb and the property boundary.
4. If there is no existing footpath the contractor shall ensure that the work ties in with future footpath construction.
5. A 150mm thick concrete slab shall be constructed under the kerb and channel for all heavy industrial crossings.
6. The work shall be carried out in such a manner as to ensure the safety of road and footpath.


Dimension	Heavy Industrial Double Lane	Heavy Industrial Single Lane	Light Industrial Commercial Single Lane	Light Industrial Commercial Double Lane
A	7000	4500	3500	6000
B	10500	8000	7000	9500

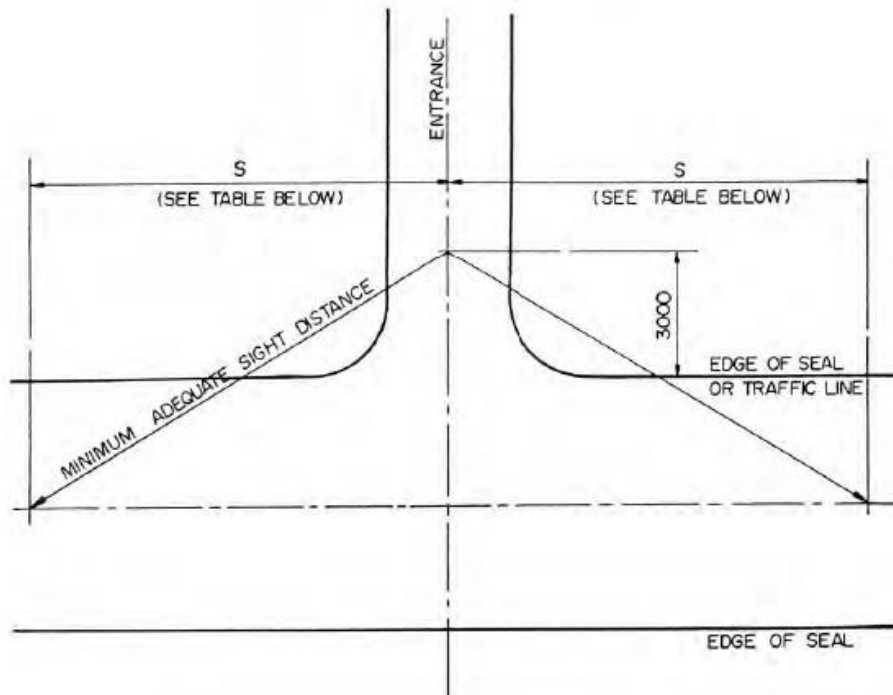
	Standard Drawings	<i>Not to Scale</i>
	Vehicle Crossing Industrial/Commercial	R 09




Notes:

1. All concrete shall be 115 thick, have a strength of 20.0 MPa and be wood floated to a smooth surface.
2. All existing footpath to be replaced unless specifically exempted by the Engineer and the crossing shall run continuously between the kerb boundary and the property boundary.
3. If there is no existing footpath the contractor shall ensure that the work ties in with the future footpath development.
4. The work shall be carried out in such a manner as to ensure the safety of road and footpath users.
5. Vehicle crossings shall be reinforced with hrc 665 mesh centrally placed. For more than 2 Lots refer to industrial/commercial Drawing R 09.
6. Vehicle crossings shall be in accordance with the NZ Transport Agency's Pedestrian Planning and Design Guide October 2009 (PPDG)
 - a) the maximum crossfall of the ramp shall be 2% (1:50), in accordance with Table 15.2 of the PPDG
 - b) the minimum width of a footpath shall be 1.65m, in accordance with Table 14.3 of the PPDG

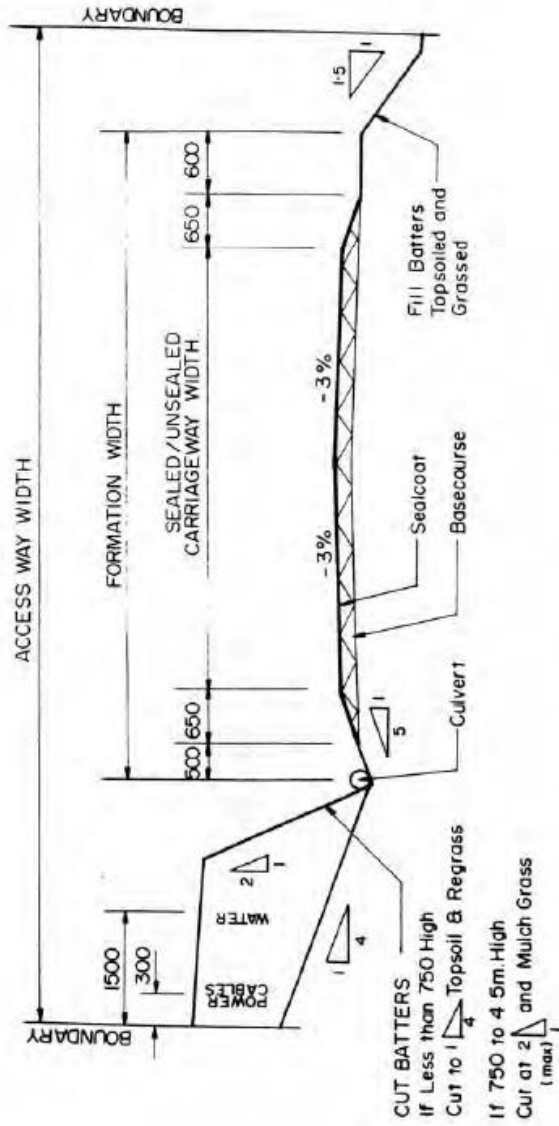
 Opotiki District Council	Standard Drawings	<i>Not to Scale</i>
	Vehicle Crossing ~ Existing Residential Footpath Behind Kerb	R 10



Design Speed of Main Road Km/h	Safe Stopping Distance (M) S
30	35
40	45
50	60
60	75
70	95
80	110
90	125
100	145
110	185

 Opotiki District Council	Standard Drawings	<i>Not to Scale</i>
	Sight Distances for Vehicle Entrances	R 25

Note: The Safe Stopping Sight Distances are only applicable to the Ōpōtiki District Local Road Network



STANDARD RURAL ACCESS WAY
MAXIMUM LENGTH 750m.

Refer to Drawing R 27 for Notes

Geometric Design will be in accordance with the "Guide to Geometric Standards to Rural Roads"



	<p>Standard Drawings</p>	<p>Not to Scale</p>
<p>Standard Rural Accessways</p>		<p>R 26</p>

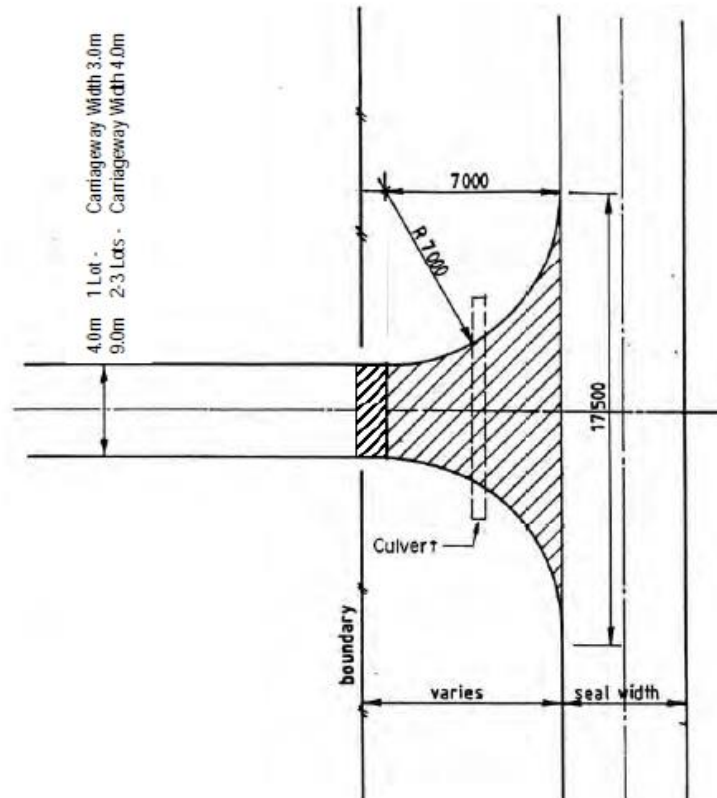
TABLE 1 – RURAL ACCESSWAY

No of Lots	Accessway Width *See Note 10	Carriageway Width	Metal Depth
1	4.0	3.0	100mm
2 - 3	9.0	4.0	
4 - 6	12.0	5.0 (sealed)	125mm

Notes:


- Passing Bays:** Shall be provided outside the minimum carriageway width at not more than 200 metre intervals. Passing Bays shall be large enough to enable a 90 percentile two axled truck to enter, park and exit in one manoeuvre. If the access serves all lots smaller than 1 hectare in size then the passing bay shall be constructed for the 90 percentile car.
- Visibility:** Minimum sight distances to be in accordance with Standard Drawing R 25.
- Dimensions:** Minimum dimensions are shown in Table 1. A grassed berm at least 2.5m shall be provided in one side of the carriageway for the provision of underground services.
- Access and Gradient:** The maximum carriageway gradient shall be 1 in 6 with the first 6 metres from edge of seal/metal at a gradient of 1 in 12. All lots relying on the access strip shall have a safe and practical access point to the formed carriageway to meet criteria herein.
- Subgrade:** Subgrade shall exclude organic or wet material and shall be trimmed and compacted. Minimum CBR 7.0 or 33mm blow with scala penetrometer.
- Basecourse:** Shall be GAP 40 or MAP 40 compacted to a dense state. Clegg impact value of 33 or better. Minimum compacted thickness shall be 100mm for unsealed access or 125mm for sealed access.
- Stormwater:** Provision shall be made for the collection and disposal of stormwater. All upstream catchment shall be provided for. Consideration shall be given to scour and/or silting. All culverts shall be 300mm dia minimum installed to manufactures recommendations.
- Sealcoat:** Shall be 2 coat chipseal Grade 4 (First Coat) and Grade 5 (Second Coat). Asphaltic concrete and cobblestone paving will be permitted subject to specific approval of details.
- Curves and Corners:** Minimum inside radius of curves shall be 9 metres.
- Accessway Width:** The legal boundary of the accessway shall include all cut and fill batters and passing bays and if necessary minimum dimensions in Table 1 shall be increased.

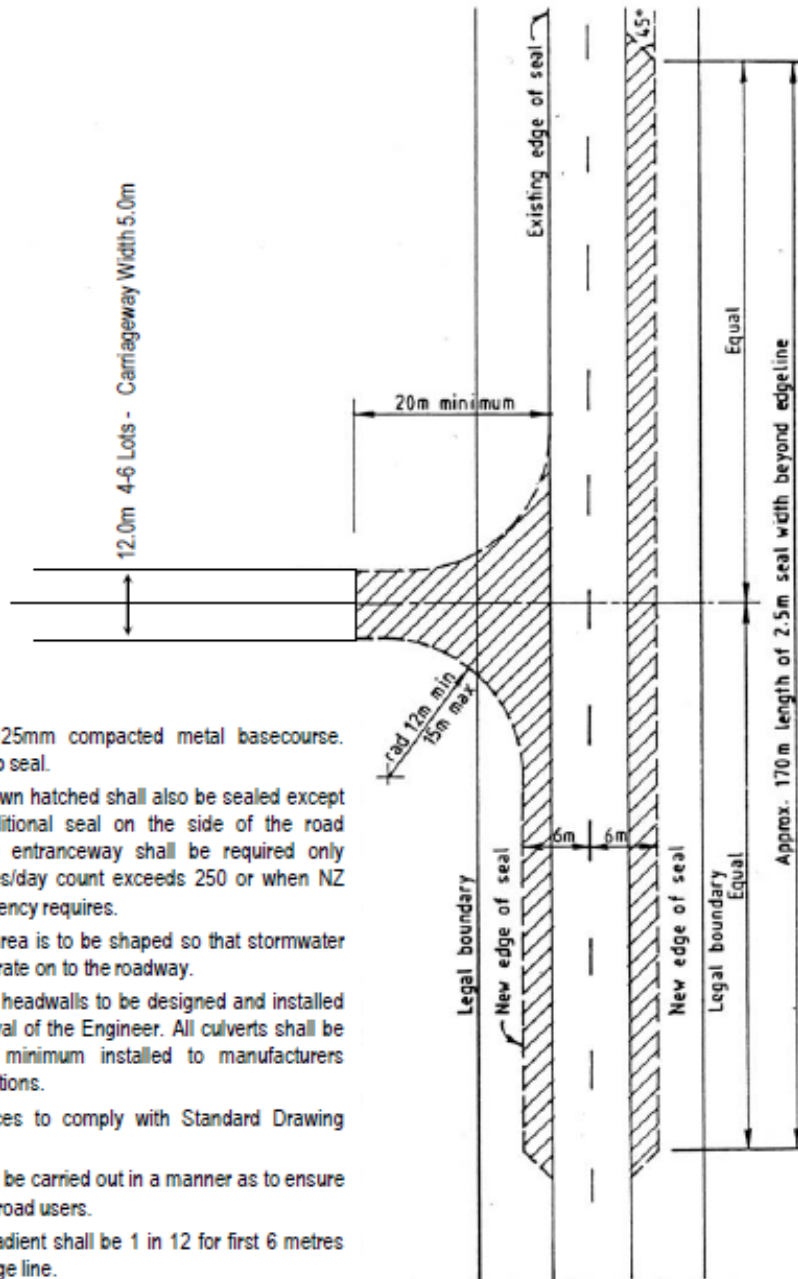
 Opotiki District Council	Standard Drawings	<i>Not to Scale</i>
	Standard Rural Access Strip	R 27



Notes:


1. Formation: 100mm compacted metal basecourse.
2. Where the road is sealed the entrance area (shown hatched) shall also be sealed. The sealed area is to be shaped so that stormwater does not migrate on to the Highway.
3. Culverts and headwalls to be designed and installed to the approval of the Engineer. All culverts shall be 300mm dia minimum installed to manufacturers recommendations.
4. Sight distances to comply with Standard Drawing R 25.
5. All work shall be carried out in a manner as to ensure the safety of road users.
6. Maximum gradient shall be 1 in 12 for first 6 metres from road edge line.
7. Refer also to Standard Drawing R 27.

 Opotiki District Council	Standard Drawings	<i>Not to Scale</i>
	Rural Vehicle Entrance (1 to 3 Lots)	R 28



Notes:

1. Formation: 125mm compacted metal basecourse. Two coat chip seal.
2. All areas shown hatched shall also be sealed except that the additional seal on the side of the road opposite the entranceway shall be required only when vehicles/day count exceeds 250 or when NZ Transport Agency requires.
3. The sealed area is to be shaped so that stormwater does not migrate on to the roadway.
4. Culverts and headwalls to be designed and installed to the approval of the Engineer. All culverts shall be 300mm dia minimum installed to manufacturers recommendations.
5. Sight distances to comply with Standard Drawing R25.
6. All work shall be carried out in a manner as to ensure the safety of road users.
7. Maximum gradient shall be 1 in 12 for first 6 metres from road edge line.
8. Refer also to Standard Drawing R 27

	Standard Drawings	<i>Not to Scale</i>
	Rural Vehicle Entrance (4 or More Lots)	R 29

APPENDIX 5: Accidental Discovery Protocol

On any site it is possible that unrecorded archaeological sites are present below ground level and may be exposed by earthworks.

1. The following accidental discovery protocol applies:
 - a. If, at any time during site works, potential kōiwi, archaeology or artefacts of Māori origin are discovered, then all site works including earth moving machinery must stop to avoid adverse effects on the kōiwi, archaeology or artefacts of Māori origin
 - b. The site owner or the site manager must immediately advise the *Council* and the kaitiaki and kaumātua of the relevant iwi representatives and Heritage New Zealand Pouhere Taonga
 - c. The site owner or the site manager must secure the site until approval to proceed with work has been granted by *Council* in consultation with iwi representatives
 - d. Further work at the site must be suspended, should iwi representatives wish to carry out their procedures and tikanga for the site and the nature of the discovery
 - e. The site owner or the site manager must immediately arrange a site inspection by iwi representatives and their advisors and statutory agencies
 - f. The site owner or the site manager must ensure that representatives are available to guide those party to the site inspection through the site
 - g. The site inspection will determine whether the discovery is likely to be extensive and whether a thorough site investigation is required
 - h. Iwi representatives will determine the tikanga for appropriate preservation, management and handling of the kōiwi, archaeology or artefacts of Māori origin that are uncovered, which may include removal of the kōiwi, archaeology or artefacts of Māori origin from the site by Mana Whenua or preservation within the site
 - i. Preservation of the kōiwi, archaeology or artefacts of Māori origin that are uncovered may require amendments to the site works to avoid adverse effects on sites of significance to iwi representatives and Māori values
 - j. Work at the site must not recommence until approval has been granted by the council in consultation with iwi representatives.

2. Where kōiwi, archaeology or artefacts of Māori origin are uncovered during site works, the *Council* will work with iwi representatives to record the following information that will contribute to their knowledge base of their Māori cultural heritage:
 - a. site location
 - b. details of content
 - c. Carbon dating.

APPENDIX 6: Carparking provision guidance

This appendix applies to the Residential Zone, the Town Centre Zone, the Mixed Activity Zone, the Marine Services Zone and the Industrial Zone.

Where minimum parking rate requirements are not included in the relevant chapter, this appendix can be used for guidance on the number of carparks.

The dimensions and design standards for carparking are set out in Appendix 1.

Residential Zone

<i>Dwellings</i>	2 spaces per <i>dwelling</i>								
<i>Home occupations</i>	1 space per 15m ² of the site used for the activity								
<i>Visitor accommodation</i>	1 to 4 people - 1 space in addition to the <i>dwelling</i> requirement Over 4 people - 1 space per unit plus 2 for staff								
<i>Community activities</i>	1 space per 20m ² of net <i>site</i> area								
<i>Residential care facility</i>	1 space per 3 beds plus one space for every two staff employed on the <i>site</i> at any one time								
<i>Education facilities</i>	2 spaces for visitors plus adequate and reasonable provision for cars and buses to drop off and pick up students and: <table> <tr> <td>Preschool</td> <td>1 space per staff member</td> </tr> <tr> <td>Primary</td> <td>2 spaces per 3 staff members</td> </tr> <tr> <td>Secondary</td> <td>1 space per 20 students</td> </tr> <tr> <td>Tertiary</td> <td>1 space per 20 students</td> </tr> </table>	Preschool	1 space per staff member	Primary	2 spaces per 3 staff members	Secondary	1 space per 20 students	Tertiary	1 space per 20 students
Preschool	1 space per staff member								
Primary	2 spaces per 3 staff members								
Secondary	1 space per 20 students								
Tertiary	1 space per 20 students								
<i>Places of assembly</i>	1 space per 10m ² <i>total floor area</i>								
<i>Retail activities</i>	1 space per 15m ² <i>total floor area</i>								
<i>Commercial Activities</i>	1 space per 20m ² <i>total floor area</i>								
<i>Food selling premises</i>	1 space per 15m ² <i>total floor area</i>								
<i>Police stations</i>	1 space per 50m ² <i>total floor area</i>								
<i>Community corrections activities</i>	1 space for every 2 full time equivalent employees and 1 space for every 10 people the facility is designed to service.								
<i>Emergency Services</i>	5 spaces per emergency service vehicle bay								
<i>Seasonal worker accommodation</i>	1 space for every 6 people accommodated on site								

Town Centre Zone

<i>Retail activities</i>		1 space per 20m ² total floor area
<i>Commercial Activities</i>		1 space per 40m ² total floor area
<i>Service industries</i>		1 space per 50m ² total floor area
<i>Police stations</i>		1 space per 50m ² total floor area
<i>Emergency Service facilities</i>		5 spaces for every emergency service vehicle bay
<i>Residential accommodation</i>		1 space per dwelling
<i>Places of assembly</i>		1 space per 5 persons
<i>Visitor accommodation (1-4)</i>		1 space per unit
<i>Visitor accommodation (4+)</i>		1 space per unit plus 2 for staff
<i>Food selling premises</i>		1 space per 20m ² total floor area
<i>Education facilities</i>		2 spaces for visitors plus adequate and reasonable provision for cars and buses to drop off and pick up students and:
	Preschool	1 space per staff member
	Primary	2 space per 20 students
	Secondary	1 space per 20 students
	Tertiary	1 space per 20 students
<i>Community activities</i>	<i>corrections</i>	1 space for every 2 full time equivalent employees and 1 space for every 10 people the facility is designed to service.
<i>Seasonal accommodation</i>	<i>worker</i>	1 space for every 6 people accommodated on site

Reduction in carparking where on-site bicycle stands are provided, where the reduction is one carparking space for every five bicycle spaces, provided that:

- a. For employee parking, where the bicycle stand(s) is secure and well-lit, and shower facilities for staff are provided, the above dispensation rate can be doubled (i.e., 2 spaces per 5 bicycle spaces provided).
- b. The maximum reduction in carparking spaces under these provisions is 10% of the number of carparking spaces.

Mixed Activity Zone

<i>Dwellings</i>	2 spaces per <i>dwelling</i>
<i>Residential care facility</i>	1 space per 5 beds plus 2 spaces for staff
<i>Places of assembly</i>	1 space per 5 persons accommodated
<i>Visitor accommodation</i>	1 to 4 people, 1 space per unit Over 4 people, 1 space per unit plus 2 for staff
<i>Education facilities</i>	2 spaces for visitors plus adequate and reasonable provision for cars and buses to drop off and pick up students and: Preschool 1 space per staff member Primary 2 spaces per 3 staff members Secondary 1 space per 20 students Tertiary 1 space per 20 students
<i>Commercial Activities</i>	1 space per 40m ² <i>total floor area</i>
<i>Accessory retail activities</i>	1 space per 20m ² <i>total floor area</i>
<i>Food selling premises</i>	1 space per 20m ² <i>total floor area</i>
<i>Service industries</i>	1 space per 50m ² <i>total floor area</i>
<i>Tradesmen's depots</i>	1 space per 50m ² <i>total floor area</i>
<i>Vehicle and machinery sales</i>	1 space per 50m ² of display area
<i>Police stations</i>	1 space per 50m ² <i>total floor area</i>
<i>Community activities</i> <i>corrections</i>	1 space for every 2 full time equivalent employees and 1 space for every 10 people the facility is designed to service
<i>Emergency service facilities</i>	5 spaces for every <i>emergency service</i> vehicle bay

Marine Services Zone

<i>Marinas</i>	0.6 space/wet berth 0.2 space/swing mooring
<i>Retail activities</i>	1 space per 20m ² <i>total floor area</i>
<i>Commercial activities</i>	1 space per 40m ² <i>total floor area</i>
<i>Food selling premises</i>	1 space per 20m ² <i>total floor area</i>
<i>Service industries</i>	1 space per 50m ² <i>total floor area</i>
<i>Places of assembly</i>	1 space per 5 persons accommodated

Industrial Zone

<i>Industrial activities</i>	1 space per 50m ² total floor area
<i>Accessory retail activities</i>	1 space per 20m ² total floor area
<i>Commercial activity</i>	1 space per 40m ² total floor area
<i>Food selling premises</i>	1 space per 20m ² total floor area
<i>Service industries</i>	1 space per 50m ² total floor area
<i>Contractors' depots</i>	1 space per 50m ² total floor area
<i>Dwelling</i>	1 space per dwelling
<i>Places of assembly</i>	1 space per 5 persons accommodated
<i>Education facilities</i>	2 spaces for visitors plus adequate and reasonable provision for cars and buses to drop off and pick up students and
	Preschool 1 space per staff member
	Primary 2 spaces per 3 staff members
	Secondary 1 space per 20 students
	Tertiary 1 space per 20 students
<i>Police stations</i>	1 space per 50m ² total floor area
<i>Community corrections activities</i>	1 space for every 2 full time equivalent employees and one space for every 10 people the facility is designed to service.
<i>Cool Stores</i>	1 space for every 500m ² total floor area.
<i>Emergency service facilities</i>	5 spaces for every 1 emergency vehicle bay
<i>Seasonal worker accommodation</i>	1 space for every 6 people accommodated

Appendix 7: Deer Fencing Standards and Goat Farming Fence Standards

Deer Fencing Standards

1. Minimum fence height above ground
2m.
2. Line wires
All line wires fastened to inside of posts with the exception of angle posts.
3. Wire spacings
Minimum of 8 wires up to 1.2m high, maximum of 150mm apart.
Minimum of 5 wires above 1.2m high, maximum of 250mm apart.
4. Height above ground to first wire
No greater than 75mm.
5. Batten and stay wire spacings
 - (a) Netting
Maximum 300mm up to 1.2m high. Above 1.2m maximum 800mm. No hinge joint netting with stay wire spacings greater than 200mm to be used for up to 1.2m in fence height.
 - (b) Battens
Maximum 600mm apart (fallow);
Maximum 800mm apart (other deer species).
6. Wire gauge
2.5mm galvanised high tensile or wire equal to or of greater tensile strength.
7. Post spacings
Maximum 5m.
8. Post sizes
 - (a) Rounds – minimum 100mm small end diameter
 - (b) Half rounds – 175mm minimum face width
 - (c) Quarter rounds – 100mm smallest face width; or

- (d) A post length of 2.7m or the operative New Zealand Deer Farmers Industry Standard, whichever is the more stringent.
9. Strainer posts
- (a) Rounds - Minimum of 175mm small end diameter; or
- (b) Minimum post length of 3.0m.
10. Strainer distances
- Maximum of 400m.
11. Stays
- Minimum of 120mm small end diameter and minimum length of 2.7m. Tie backs and internal angle stays are acceptable.
12. Footings
- Responsibility of person erecting the fence to use suitable footings according to soil types and other soil conditions.
13. Top-up fences
- Base fence must be in a sound condition, contain minimum of 8 line wires up to 1.2m with maximum wire spacings no greater than listed above. Every second post in the base of the fence will be a deer fence post. All strainer posts will be subject to the requirements above.
14. Gates
- (a) **Timber** - minimum *height* of 1.9m. Rails minimum 100mm x 25mm. Three uprights (one centred) and two diagonal stays on each side of gate. Minimum of M10 bolts to be used. Rail spacings to 0.2m high maximum 100mm apart. Above 1.2 maximum 150mm apart.
- (b) **Steel** – minimum *height* over frame of 1.9m, minimum wall thickness of 3mm. Internal diameter 25mm. Gate covered with chain link of maximum aperture of 75mm and minimum wire gauge of 3.15mm. Mesh should be laced with minimum 2mm gauged wire. Hardfill under all external gates.
15. Gate hinges
- Hinges and gudgeons to be a minimum of 20mm diameter. One hinge reversed or otherwise constructed to prevent the gate from being lifted off.
16. Gate Locks
- Must comprise a sturdy chain and padlock.

17. Hanging Gates

Hung gates must butt against the full inside surface of the latching post and open inwards.

18. Flood Gates

Fences across streams and waterways shall require a floodgate that does not allow deer to pass through. Flood gates across culverted water courses shall be on the downstream side of the culvert.

19. Staples

- (a) **Post** – minimum of 50mm in length and minimum gauge of 4.0mm
- . **Batten** – Softwood minimum of 30mm in length and minimum gauge of 3.15mm
- . **Hardwood** – minimum of 27mm x 2.8mm
- (b) Steel fasteners for concrete posts can be used.

20. Netting

No hinge joint netting with spacings greater than 200mm. Stay wire spacings shall be used below 1.2m in *height* above ground level.

Goat farming boundary fence standards:

1. Bulldozed line or benching or some other method, if required, to ensure that the bottom wire is no more than 70mm above ground level.
2. Nine wire post and batten fence, to be kept tight at all times, with no internal or external stays.
 - (a) Minimum high tensile 2.5mm diameter galvanized steel
 - (b) Bottom wire should be placed at 70 mm above ground level and, above that, wires placed at the following intervals – 100, 100, 100, 110, 120, 135, 150 and 165mm
 - (c) The top wire should be approximately 50 mm below the top of the post.
3. Bottom wire shall be barbed wire instead of high tensile wire where the fence is situated on land subject to erosion.
4. Posts to be at the following intervals:
 - (a) less than 30 degrees ground slope: 5m
 - (b) 30 degrees to less than 45 degrees: 4m
 - (c) 45 degrees or more: 3m
5. Battens to be at 1m intervals

6. All fences regularly checked and maintained to the above standards
7. Fences across streams and waterways shall require a floodgate that does not allow goats to pass through. Floodgates shall be constructed of H3 treated 100mm x 50mm timber suspended from an overhead wire or rail in such a way that the spacings will allow the passage of water but will not allow stock including goats to pass through. A cross-bar shall be positioned in the top third of the floodgate. Wire netting will not be used in floodgate construction.
8. Fences along watercourses shall be constructed alongside the *waterbody* with an appropriate setback to avoid possible slumping which may cause a breach of the fencing standard.