

Chapter 4

Mixed Activity Zone



MIXED ACTIVITY ZONE

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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*.

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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.