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Plan Overview

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District Plan Overview

1.1 The District Plan and the Resource Management Act 1991 (RMA)

1.1.1 The Western Bay of Plenty District Plan comprises this document and a separate volume of maps. It has been prepared by the Western Bay of Plenty District Council to meet its obligations under the provisions of the Resource Management Act 1991 (*RMA*).

1.1.2 The Plan relates to the whole *District* and contains relevant objectives, policies and methods (including rules) for addressing the resource management issues of the *District* for the next 10 years.

1.2 Planning Philosophy

1.2.1 The Plan states the significant resource management issues of the *District* and by way of stated objectives, what the *Council* wishes to achieve in addressing these issues. How these objectives are to be achieved are guided by policies and implemented by rules and other methods referred to in the District Plan (see Section 1.3). *Council* recognises that ultimately it is the actions of individuals that enable sustainable management to be achieved. In this regard sustainable development is defined as 'development that meets the needs of present and future generations without compromising the ability of future generations to meet the needs of the *District* and their own needs'.

1.2.2 As far as practicable the District Plan is based on the control of off-site effects. These are the effects that an activity may have on the immediate environment or the wider community. Any effects confined within the site are considered to be the concern of that landowner and/or occupier and generally are not directly addressed in the District Plan unless the activity fundamentally affects the sustainable management of natural and/or physical resources.

1.2.3 *Council* wishes to minimise unnecessary regulation while still ensuring that environmental standards are not compromised. The importance of clarity and certainty is recognised by the *Council* and accordingly zoning techniques and activity lists are utilised in the District Plan. Zoning recognises that it is appropriate to have different environmental standards for different parts of the *District*. Activity lists are intended to be generic in nature (rather than activity specific) and are based on the grouping of activities with similar effects. Applications for activities which are not provided for can still be considered (unless they are listed as a Prohibited Activity) by way of resource consents for Non-Complying Activities.

1.3 District Plan Structure

1.3.1 The District Plan comprises text and maps. The text is divided into sections with each comprised of

the following:

a. Explanatory Statement - this gives the reasons why the stated objectives and policies and associated methods have been adopted. It also helps explain the linkages between issues, objectives, policies and methods.

b. Significant Issues - these are the main resource management issues of the *District* with regard to the particular topic. They identify a need for intervention so that *Council* can promote the sustainable management of natural and physical resources. To this extent they usually state negative effects of activities which need to be addressed and resolved.

c. Objectives - these are the intended resource management outcomes. They identify what is trying to be achieved in addressing the issues and as such they embody the environmental results expected.

d. Policies - these are the means by which the objectives will be achieved and clarify what effects will be addressed to achieve the objective.

e. Rules - these are one method used to give effect to policy. They specify the type of activities catered for and the standards that need to be met.

They include provision for the following types of activities:

i. Permitted Activities - these are the activities that can proceed as of right subject to complying with the relevant stated activity performance standards. A resource consent is not required.

ii. Controlled Activities - these are activities for which the *Council* seeks to exercise some control and a resource consent is required. The extent of control and any relevant assessment criteria for these are contained in the relevant activity performance standards. The approval of affected persons is not necessary unless it is specifically required in the relevant District Plan rules. *Council* cannot refuse consent to a Controlled Activity but can impose conditions in respect of those matters of control that are specified in the District Plan.

iii. Restricted Discretionary Activities - these require a resource consent and must comply with any relevant standards and terms specified in the District Plan.

In addition, those matters to which *Council's* discretion is restricted are specified in the District Plan. Only with respect to those matters of discretion, applications may be declined or if granted consent, conditions may be imposed.

iv. Discretionary Activities - these require a resource consent and must comply with any standards and terms specified in the District Plan. Applications may be declined or if consent is granted, conditions may be imposed. Subject to assessment in terms of the relevant sections of the *RMA*, *Council's* discretion is not restricted to matters specified in the District Plan.

v. Non-Complying Activities - these require a resource consent and include any activity not specifically provided for in this District Plan (with the exception of those provided by regional plans or regional resource consents). Subject to assessment in terms of the relevant sections of the *RMA*, *Council* may decline consent or grant consent subject to

conditions.

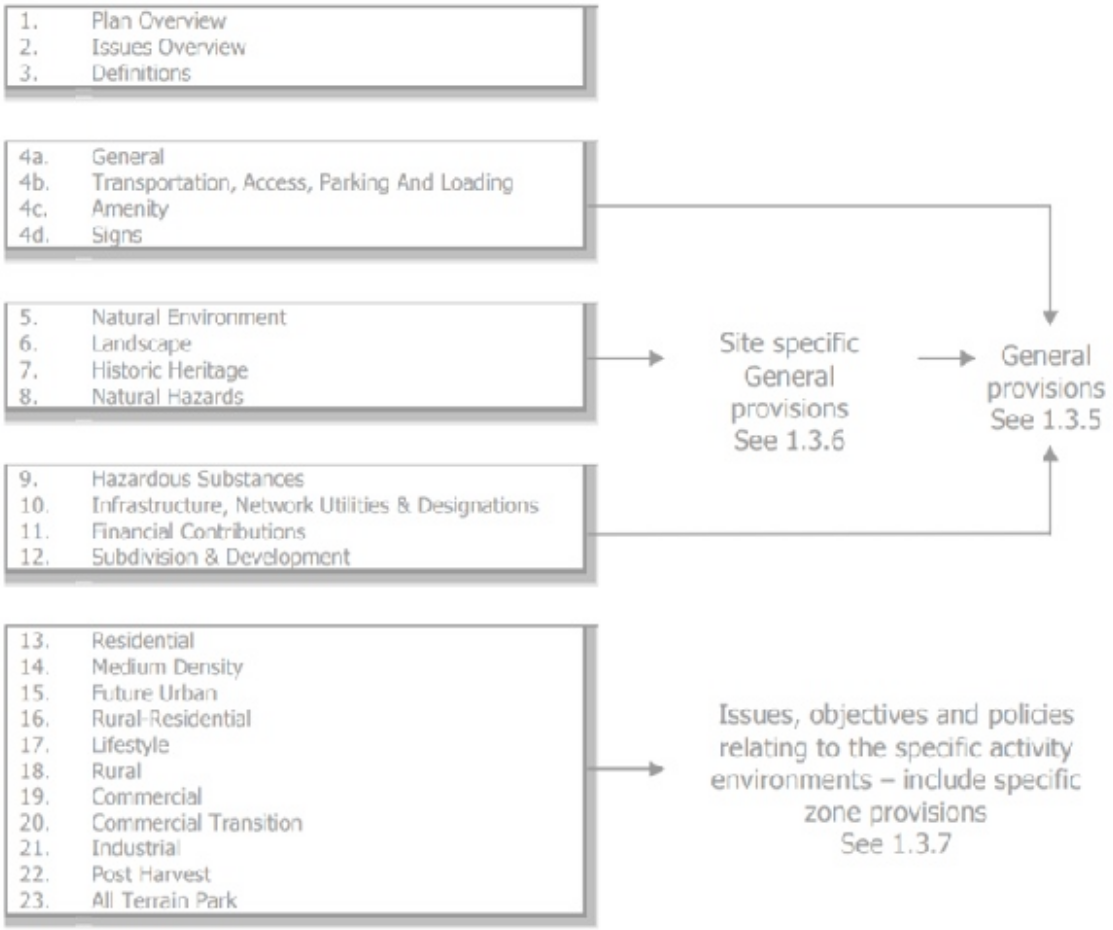
vi. Prohibited Activities - these are activities specified in the District Plan as being prohibited. No application can be made for a Prohibited Activity.

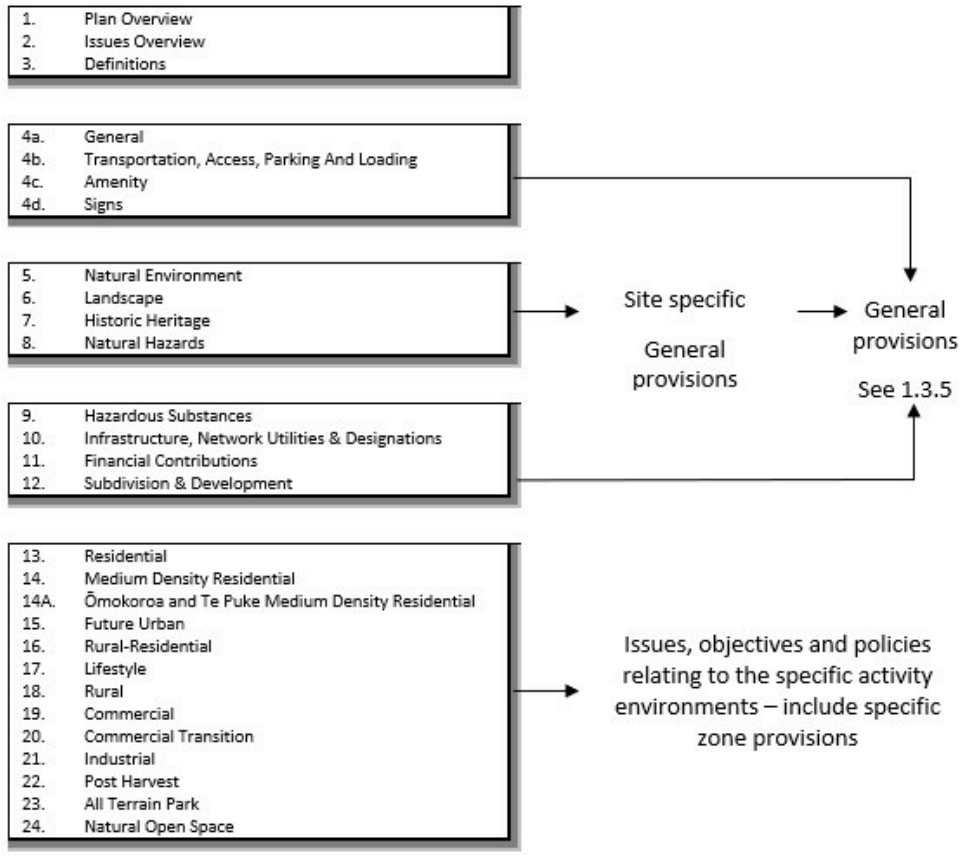
f. Activity Performance Standards - these are included in each section and provide standards to be complied with and criteria against which applications for resource consent are to be assessed. They are direct means through which adverse environmental effects are avoided, remedied or mitigated.

g. Other methods - these are methods, other than rules, that are to be administered outside of the District Plan. These include techniques such as education, *Council* providing a service (through the *Annual Plan*) or methods administered by other agencies. The other methods listed throughout the District Plan are those known at the time of notification of the District Plan. These may be subject to change through the *Annual Plan* and *LTP* and other non *RMA* processes.

1.3.2 The maps show the location of the zones and the various features referred to in the schedules. They are contained in a separate volume. They also contain the *structure plans* for the different growth areas. Appendix 7 contains additional *structure plan* information such as infrastructure schedules, cross sections, and any particular requirements for that area.

1.3.3 Layout of the District Plan





1.3.4 Sections 1 to 3 provide an overview of the District Plan and include an explanation of the District Plan structure, an overview of significant issues, and definitions. Words that are specifically defined in the District Plan are identified in the general text by being italicised.

1.3.5 Sections 4 to 12 contain general provisions which are potentially relevant to activities throughout the whole *District*, regardless of the zoning of land. While the issues, objectives and policies contained in these general sections are common across the *District*, the methods may be zone specific.

1.3.6 Sections 5 to 8 contain site specific general provisions. They apply only to land that is specifically identified on the Planning Maps or referred to in the respective zone.

1.3.7 Sections 13 to ~~23~~24 incorporate issues, objectives and policies that relate to specific activity environments and include specific zone provisions. Resource management issues should not be viewed in isolation. There is considerable overlapping of issues and accordingly to obtain a fuller understanding of an issue and how it is to be addressed it may be necessary to examine more than one District Plan section.

1.4 How to use the District Plan

1.4.1 The zoning of a particular property can be established from the Planning Maps. The maps also indicate whether any of the site specific general provisions relate to that property. Other site specific requirements will be contained within the respective zone rules, or may be included in Appendix 7 Structure Plans.

1.4.2 The respective zone sections of the District Plan set out the specific controls for activities on land in each zone. In some situations it is desirable to also look at the provisions of the specific activity environment as well as the zone (e.g. if a proposed industrial activity was being investigated in a Rural Zone it would be appropriate to consider both the specific Rural Zone provisions and the

Industrial Zone provisions). If the maps show specific indicators associated with the site (e.g. a natural hazard, historic heritage site) then the District Plan section(s) relevant to those matters should be referred to for any additional controls (Sections 5 to 8).

1.4.3 The other general provisions in Sections 4 to 12 should also be referred to, as appropriate, depending upon the nature of the proposed *development*.

1.4.4 For the structure of each section and a definition of its components, see 1.3.1.

1.5 Section 32 Analysis Documents

1.5.1 Before adopting any objective, policy or rule the *Council* must consider and evaluate alternatives, costs and benefits in order to determine whether the provisions proposed to be adopted are the most appropriate. This is known as a Section 32 Analysis and is a statutory requirement under Section 32 of the *RMA*.

1.5.2 A Section 32 report has been completed for each of the main sections of the District Plan. While these are not part of the District Plan they support and complement it by providing a more in-depth discussion of the resource management issues identified. A number of supplementary technical reports have been referenced in these Section 32 reports and have contributed to providing a full analysis of the adopted objectives, policies and methods contained within the District Plan.

1.6 Cross Boundary Issues

1.6.1 Cross boundary issues involve the integrated management of natural and physical resources across Council boundaries.

Addressing these issues will involve ongoing consultation and co-operation with other resource management agencies to ensure consistency of approach to significant resource management issues. This will involve the facilitation of joint actions to deal with cross boundary issues, consultation, liaison, and information sharing between agencies.

1.6.2 The western boundary of the *District* adjoins the Kaimai Mamaku Forest Park. This is a significant ecological, cultural and recreational resource administered by the Department of Conservation.

1.6.3 The most significant boundary is with Tauranga City. This is reflected in the use of joint studies and regular contact on common issues, and the preparation of the SmartGrowth Strategy (see Section 2).

1.6.4 Using similar approaches to other districts is another means of addressing cross-boundary issues and includes landscape assessments, coastal hazards, and significant ecological areas. This is also reflected in the role of the *Regional Council* where it has coordinated a number of workshops on region-wide issues.

1.6.5 The above approaches will continue to be used in the future along with the option of joint hearings.

1.7 Monitoring and Review

1.7.1 *Council* is obligated under the *RMA* to monitor the effectiveness of its District Plan, the implementation and performance of resource consents, the exercise of any transferred/delegated powers, and the state of the environment in relation to the *Council's* duties and responsibilities.

1.7.2 Monitoring will be undertaken on the key issues facing the *District*. Regular reports will be produced to document trends. The significance of the issue will determine the timing of data collection and the production of reports. *Council* produces an Annual Monitoring Report.

1.7.3 *Council* recognises that aspects of monitoring involve cross boundary issues and will co-ordinate with other agencies such as the *Regional Council* and the Department of Conservation to facilitate maximisation of resources.

1.7.4 *Council* recognises that the monitoring methodology has to take into account rapidly changing data capture capability necessitating a flexible approach to the process.

1.7.5 Reviews of the District Plan (or parts of it) will be based on any divergence identified in the comparison of trends with respect to the District Plan's objectives and policies.

This section contains provisions that have immediate legal effect and provisions that cease to have legal effect. See the advisory notes below each relevant provision.

Section Contents

Definitions

Definitions

"Access Lot" means a *lot* owned in common in undivided shares by the owners of two or more *lots* in a subdivision for the principal purpose of providing access from all or any of the other *allotments* in the subdivision and to an existing road or street where the interests in the access lot are recorded in the certificate of title for the *lots* having the benefit of the access lot.

"Accessory Building"/"Buildings Accessory to" means a *building* that is incidental or ancillary to any Permitted Activity but does not include facilities which when combined with an *Accommodation Facility* as defined hereunder would then comprise a *self contained dwelling* or stand alone household unit.

"Accommodation Facility" means any form of residential accommodation that is accessory to a primary *dwelling*, forms part of a primary *dwelling*, or is a stand alone facility, that does not comply with the definition of *dwelling*, *minor dwelling*, or *accessory building*. Included within this definition is; home-stays, farm-stays, bed and breakfast, boarding houses, hotels, motels, hostels and camping grounds. Excluded from this definition are *Retirement Villages* and *Rest Homes*. Occupancy is based on one person per single bed and two per double bed.

Note: Where the Accommodation Facility will solely be for the purpose of accommodating able bodied workers, an application may be made to *Council* to be exempt from providing disabled facilities when applying for a Building Consent, this is on a case by case basis and is dependent on approval by *Council's* Building Department.

"Aerial" means the part of a radio communication facility or telecommunication facility used for transmission or reception including the aerial mountings but not any supporting *mast* or similar *structure*. Without limitation this definition excludes *antennas*, dishes and earthmats, but includes lighting rods.

"All Terrain Park Activities" means recreational activities and includes the following incidental or ancillary activities directly associated with recreational activities or with the operation and management of the Park:

- *Places of assembly*, including club *buildings/structures;*
- *Accommodation facilities*, including for Park workers;
- *Education facilities;*
- *Infrastructure,* including carparks, toilets, access tracks and *signs;*
- Park works depot;
- Park information/visitors *buildings/structures;*
- Observation towers;
- *Buildings* accessory to the foregoing.

"Animal Saleyard" means land or *buildings/structures* used for the sale of farm animals.

"Annual Plan" means as defined by the Local Government Act 2002 and amendments.

"Antenna" means any device, including any dish or panel that receives or transmits radio communication or telecommunication signals. Without limitation this includes any mounting (including any head arrangement but not the *mast*) and any shroud, but does not include either an earthmat or a *mast*.

"Approved Building Site – Natural Hazards" means a site that has been approved in conjunction with a resource consent application under the *RMA* and has been approved in accordance with any natural hazard requirements contained in Section 8 (Natural Hazards) and any specific technical report to the satisfaction of

Council.

It does not include sites for which consent conditions require further investigation, sites not approved in the resource consent, and sites for which technical assessments have not been previously obtained.

"Approved Ōmokoroa Town Centre Master Plan" means the town centre master plan approved pursuant to resource consent RC11997L dated 10 May 2021 or otherwise approved by subsequent resource consent.

Note: Refer to Appendix 7 for the Ōmokoroa Town Centre Concept Master Plan.

"Aquaculture" means the breeding, hatching, cultivating, rearing, or on-growing of fish, aquatic life, or seaweed in confined areas within natural water bodies or on land (whether in *buildings/structures*, constructed ponds or other artificial water bodies), and includes ancillary activities.

"Artificial Crop Protection" means *structures* of cloth used to protect crops and/or enhance growth.

"Base Land" means the parcel of land that is to be subdivided into a unit title development by *unit plan*.

"Building/Structure" notwithstanding specific exemptions identified under the Building Act 2004, means any building/structure, or part of a building/structure, and in addition to its ordinary and usual meaning shall include the following:

a. Any retaining wall or breastwork exceeding 1.5m in *wall height* (whether above or below *ground level*);
b. Any fence or *wall* exceeding 2m in *height*;
c. Any vehicle, caravan or structure whether movable or immovable used as a place of permanent residence or business or for assembly or storage purposes;
d. Any *mast*, pole or radio or television *aerial* which exceeds 7m in *height* above the point of attachment or its base support;
e. Any permanent tent or marquee, shade-sail or air supported canopy;
f. Any part of a deck, or terrace, platform or bridge which is more than 1.5m above natural *ground level*; but does not include any fence or *wall*;
g. Any pool or tank exceeding 1m in *height* above natural *ground level* as measured directly below the building/structure, (including, without limitation any retention tank, swimming pool, spa pool, swirl pool, plunge pool or hot tub);
h. Any guttering;
i. Pergolas;
j. Carports;
k. Any other building/structure requiring building consent that will infringe daylighting and/or *yard* rules in the District Plan.

Excluded from this definition are;

- Crop support *structures*
- *Artificial Crop Protection Structures* (excluding plastic-clad shadehouses/ glasshouses)

Except that:

"Building" when used in Section 14A (Ōmokoroa and Te Puke Medium Density Residential) or in Sections 3-12 as applicable to the Ōmokoroa and Te Puke Medium Density Residential Zones means a temporary or permanent movable or immovable physical *construction* that is: (a) partially or fully roofed; and (b) fixed or located on or in land; but excludes any motorised vehicle or other mode of transport that could be moved under its own power.

"Building and Construction Wholesalers and Retailers" means the wholesaling and/or *retailing* of goods and materials used in the *construction*, repair, alteration, improvement and renovation of *buildings* and other *structures* and may include home and building display centres and garden centres.

"Building Coverage" means that proportion of the net site area which may be covered by *buildings*. For this purpose 'buildings' includes *accessory buildings*, overhangs and those parts of eaves that are more than 1m from an outside *wall*, but excludes eaves less than 1m wide, pergolas or similar *structure* of a substantially open nature, uncovered decks, uncovered terraces, uncovered steps, and swimming pools.

Except that:

"Building Coverage" when used in Section 14A (Ōmokoroa and Te Puke Medium Density Residential) means the percentage of the *net site area* covered by the building footprint.

The proposed definition of building coverage has immediate legal effect under Section 86BA (1) of the RMA. This is only to the extent that it is used to authorise as a permitted activity a residential unit in accordance with the density standards in Rule 14A.4.1 on a site which was zoned residential or medium density residential prior to Plan Change 92 being notified.

The existing definition of building coverage ceases to have legal effect under Section 86BA (2) of the RMA. This is only to the extent that it would be inconsistent with a rule authorising as a permitted activity a residential unit in accordance with the density standards in Rule 14A.4.1 on a site which was zoned residential or medium density residential prior to Plan Change 92 being notified.

This note does not form part of Plan Change 92 and will be removed when Plan Change 92 becomes operative.

"Building Footprint" within the definition of "*building coverage*" when used in Section 14A (Ōmokoroa and Te Puke Medium Density Residential) means the total area of *buildings* at ground floor level together with the area of any section of any of those *buildings* that extends out beyond the ground floor level limits of the *building* and overhangs the ground.

The proposed definition of building footprint has immediate legal effect under Section 86BA (1) of the RMA. This is only to the extent that it is used to authorise as a permitted activity a residential unit in accordance with the density standards in Rule 14A.4.1 on a site which was zoned residential or medium density residential prior to Plan Change 92 being notified.

This note does not form part of Plan Change 92 and will be removed when Plan Change 92 becomes operative.

"Cabinet" means a casing around equipment that is necessary to operate *infrastructure and network utilities*.

"Candela" is the basic unit for measuring luminous intensity from a light source in a given direction.

"Capacity Consumption" means the consumption of the available capacity of the road at the agreed Level of Service. Where the width of the road is inadequate, then the additional theoretical width shall be included in the consumption calculation.

"Cleanfill" means material consisting of natural components, such as clay, soil and rock and other materials such as concrete, brick or similar demolition products (excluding asphalt), which are free of combustible and organic materials, free of voids and which are not subject to biological or chemical breakdown and shall not be capable of leaching chemicals or toxins into the environment.

"Commercial Services" means activities that service the community including banks, post offices, insurance offices, government agencies, dry cleaners, laundries, shoe repair, locksmiths, domestic garden appliance repair and the like but does not include motor vehicle servicing and repair.

"Commercial Sexual Service" means sexual services that –

a. involve physical participation by a person in sexual acts with, and for the gratification of, another person, whether those acts are a minor or major part of their business; and
b. are provided for payment or other reward (irrespective of whether the reward is given to the person providing the services or another person).

"Common Property" means all the land and fixtures, in the unit title development except the *principal unit* and accessory units.

"Community Facilities on Māori Land" means *buildings* and outside areas and *structures* used directly in association with *buildings* on *Māori land* used for temporary *accommodation facilities*, *educational facilities, places of assembly*, health related activities, any Permitted Activities in the Rural Zone, and administration facilities, and

activities directly associated with each of these foregoing uses.

"Comprehensive Mixed Use Development" means a comprehensively planned and designed *development* with a mixture of commercial and residential activities within a two storey or multi-storey purpose built *building*.

"Conservation Forestry" means the planting and management of trees for water and soil conservation, shelter belts, and for recreational, aesthetic or scientific purposes but excludes *production forestry*.

"Construction" means any work in connection with the construction, erection, installation, carrying out, repair, *maintenance*, cleaning, painting, renewal, alteration, dismantling, removal or demolition of:

a. any *building*, erection, edifice, *structure*, *wall*, fence or chimney, whether constructed wholly or partly above or below ground;
b. any road, motorway, harbour works, railway, cableway, tramway, canal, or airfield;
c. any drainage, irrigation, or river control work;
d. any bridge, viaduct, dam, reservoir, *earthworks*, pipeline, aqueduct, culvert, drive, shaft, tunnel or reclamation;
e. any scaffolding or falsework.

Except that:

"Construction" when used in Section 14A (Ōmokoroa and Te Puke Medium Density Residential) means the *construction* and conversion, and additions and alterations to an existing *building*.

The proposed definition of construction has immediate legal effect under Section 86BA (1) of the RMA. This is only to the extent that it is used to authorise as a permitted activity a residential unit in accordance with the density standards in Rule 14A.4.1 on a site which was zoned residential or medium density residential prior to Plan Change 92 being notified.

This note does not form part of Plan Change 92 and will be removed when Plan Change 92 becomes operative.

"Council" means the Western Bay of Plenty District Council.

"Dairy" means a shop selling food and beverages and deriving the majority of its trade from the retail sale of milk, bread, and other day to day food requirements.

"Depot" means transport, tradespersons or contractors depots and includes land and *buildings/structures* which are used for the receipt, delivery, transit, and storage of goods and machinery (including mail sorting distribution centres and hire centres) and as a terminal for passenger transport services and may include the care, housing or parking of commercial vehicles in association with the operation.

"Developable Area" when used in Section 11 (Financial Contributions) and Section 14A (Ōmokoroa and Te Puke Medium Density Residential) means all land zoned Medium Density Residential except for the following:

- *Road reserves* of Ōmokoroa Road, Prole Road and Francis Road (including its extension to Ōmokoroa Road);
- Identified *structure plan* link road between Prole Road and Francis Road;
- Identified *structure plan* active reserve.
- As part of a resource consent, areas identified as unsuitable for the construction of a *residential unit by a* suitably qualified and experienced:
  - geotechnical engineer or equivalent, or
  - stormwater engineer or equivalent due to the land having stormwater management as its primary function, or
  - natural hazards engineer or equivalent due to the land being subject to one or more natural hazards.

Note: Other areas in Ōmokoroa unsuitable for the *construction* of *residential units* have already been excluded through the creation of a Natural Open Space Zone.

"Development/Land Use Development" means any work that involves the disturbance and/or an excavation of the land surface and/or the provision of services for the purposes of compliance with Resource Consent approvals or as required to fulfill the obligations of a Permitted Activity, but excludes day to day *farming* activities such as fencing, cultivation, maintenance of farm tracks, and orchard activities such as shelterbelt and tree removal and root

ripping.

It also may include the land use development process which can incorporate a multitude of activities which can be social, residential, commercial or industrial in nature and can also include building and civil *construction* activities.

"District" means the Western Bay of Plenty District.

"Drain" means an artificial watercourse used for land drainage purposes.

"Drip Line" means the line formed when a vertical line from the outmost extent of a tree's branches or canopy meets the ground.

"Dwelling" means one *self contained* residential unit designed for or occupied exclusively by one household and includes apartments, semi-detached and detached houses, home units, town houses and similar forms of residential development. A dwelling may only contain one *Kitchen Facility* and one *Kitchenette*.

Except that:

"Dwelling" when used in Sections 3-12 shall instead mean the definition of "*residential unit*" for the Ōmokoroa and Te Puke Medium Density Residential Zones.

The existing definition of dwelling ceases to have legal effect under Section 86BA (2) of the RMA. This is only to the extent that it would be inconsistent with a rule authorising as a permitted activity a residential unit in accordance with the density standards in Rule 14A.4.1 on a site which was zoned residential or medium density residential prior to Plan Change 92 being notified.

This note does not form part of Plan Change 92 and will be removed when Plan Change 92 becomes operative.

"**Dwelling envelope**" means the area of land (m²) occupied by the *dwelling* and the outdoor living area of the *dwelling*. The dwelling envelope shall not be smaller than the applicable minimum *lot* size and shall include at least:

- *Buildings/structures* associated with the *dwelling* (e.g. garage, driveway and garden shed).
- The minimum *yard* requirements associated with the *dwelling* and *buildings/structures* associated with the *dwelling*.
- Any area of occupation for exclusive use by the occupants of the *dwelling*.

"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 backfilling and recompacting of existing ground, but does not include domestic and reserve gardening, *quarrying* and normal agricultural and horticultural practices.

"Educational Facilities" means land and/or *buildings/structures* used to provide regular instruction or training and includes pre-schools, schools, tertiary education institutions, work skills training centres, outdoor education centres and sports training establishments and facilities for the care of children under the age of five, such as daycare facilities.

"Effluent Aerosols" means particles of effluent that are small enough to become airborne and carry significant distances.

"Electrical Line" means the wire, cable or conduction that transmits electricity and includes the poles, towers and pylons for supporting the lines and insulators and casings necessary for their functioning.

"Equipment Shelter" means a casing or *building/structure* located around equipment that is necessary to operate a telecommunication or radio communication network.

"Existing Urupā" means Māori burial places existing at 2 July 1994 and includes expansion of such places at their existing sites.

“Extensive Pig Farming” means the keeping of pigs outdoors at a stock density which ensures groundcover is maintained in accordance with best farming practices, including any relevant industry codes of practice, and where no fixed *buildings/structures* are used for the continuous housing of animals.

“Farming” means and includes agriculture, pastoral farming (including *extensive pig farming*), horticulture, and floriculture (including the growing of plants or vegetative matter in greenhouses or other *buildings/structures*), beekeeping, the keeping of not more than 25 poultry birds, and the keeping of up to 12 weaned pigs at least 50m from an adjoining property boundary within *buildings/structures* or outdoors in enclosed *yards* where groundcover is not continuously maintained. Excluded from this definition are *intensive farming activities* and *aquaculture*.

“Formed Road” means legal road developed with a formed carriageway and identified on *Council’s* RAMM database. Such a road may include activities or equipment associated with the safe and efficient movement of vehicles and pedestrians and includes footpaths, pedestrian and traffic *signs*, speed cameras, landscaping, traffic signals, lights, letter boxes, roadway markings and information boards. Such a road may include ancillary activities such as travellers’ rest areas and heavy vehicle weigh stations.

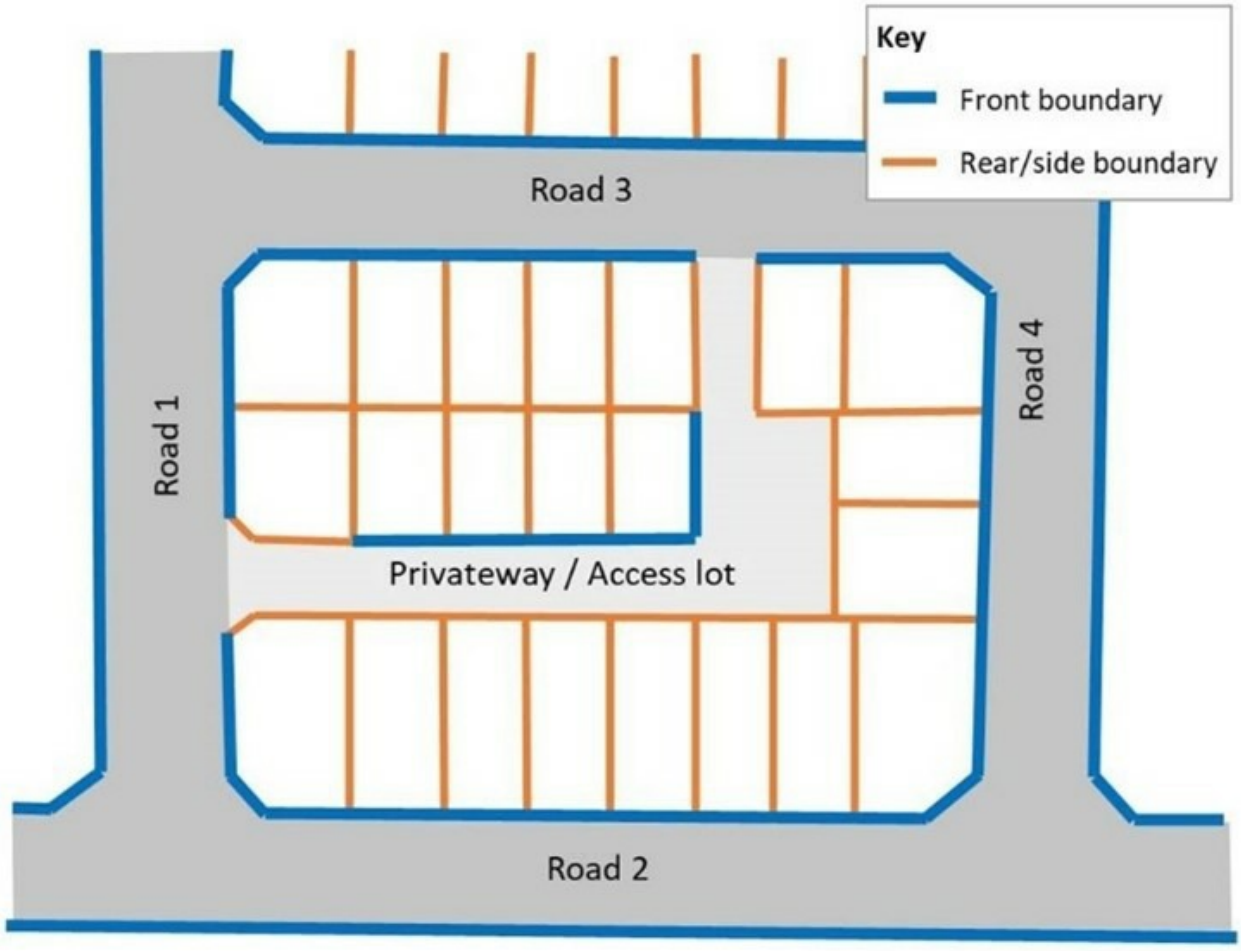
“Fresh Surface Water” means freshwater in a river, lake (including pond), stream, and open *drain* but excludes *wetland*.

"Front Boundary" when used in Section 14A (Ōmokoroa and Te Puke Medium Density Residential) and within the definition of "Front *Yard*" means all of the following:

- Road boundary (including the boundary of any *structure plan* road or designated road or paper road);
- *Privateway* boundary (for a *privateway* that serves three or more *sites*);
- *Access lot* boundary (for an *access lot* that serves three or more *sites*).

Except that:

Where a *site* has a road boundary, any other boundary of that *site* which is adjacent to any *privateway* or *access lot* shall be a side or rear boundary (see the figure below).



"Greenlane" means (in relation to the Minden Lifestyle Structure Plan Area) any one or more of the following features:

- Walkway;
- Walkway/Cycleway.

"Gross Floor Area" means the sum of the area of all floors of a *building* measured either from the exterior faces of the exterior *walls*, or from the centre line of *walls* separating two tenancies, as the circumstances may require.

~~"Ground~~
"Ground Level~~"~~" means the finished level of the ground at the time of the completion of the most recent subdivision in which additional *lots* were created, except that where no such subdivision has occurred, ground level shall be deemed to be the existing level of the ground. *Council* may require a survey to determine existing ground levels.

Except that:

"Ground Level" when used in the standards for *height* and *height in relation to boundary* in Section 14A (Ōmokoroa and Te Puke Medium Density Residential) means:

a. the actual finished surface level of the ground after the most recent subdivision that created at least one additional *allotment* was completed (when the record of title is created);
b. if the *ground level* cannot be identified under paragraph (a), the existing surface level of the ground;
c. if, in any case under paragraph (a) or (b), a retaining wall or retaining *structure* is located on the boundary, the level on the exterior surface of the retaining wall or retaining *structure* where it intersects the boundary.

The proposed definition of ground level has immediate legal effect under Section 86BA (1) of the RMA. This is only to the extent that it is used to authorise as a permitted activity a residential unit in accordance with the density standards in Rule 14A.4.1 on a site which was zoned residential or medium density residential prior to Plan Change 92 being notified.

The existing definition of ground level ceases to have legal effect under Section 86BA (2) of the RMA. This is only to the extent that it would be inconsistent with a rule authorising as a permitted activity a residential unit in accordance with the density standards in Rule 14A.4.1 on a site which was zoned residential or medium density residential prior to Plan Change 92 being notified.

This note does not form part of Plan Change 92 and will be removed when Plan Change 92 becomes operative.

"Habitable Space" means a space used for activities normally associated with domestic living but excludes any bathroom, laundry, water-closet, pantry, walk-in wardrobe, corridor, hallway, lobby, clothes-drying room, or other space of a specialised nature occupied neither frequently nor for extended periods.

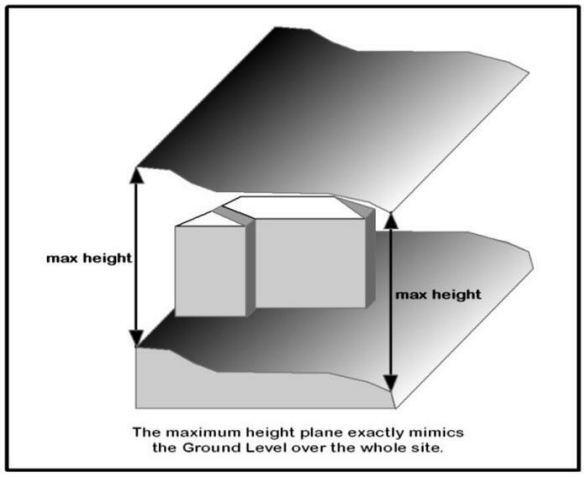
"Hazardous Facility" means any activity involving *hazardous substances* and their sites where *hazardous substances* are used, stored, handled or disposed of, and any installation or vehicles parked on site that contain *hazardous substances* but excludes vehicles or applicators being used to apply diluted agrichemical substances in a manner consistent with their intended use.

"Hazardous Substance" means substances with one or more of the following intrinsic properties:
- An explosive nature;
- An oxidising nature;
- A corrosive nature;
- Flammability;
- Acute and chronic toxicity;
- Ecotoxicity with or without bioaccumulation.
- Has one or more of the above properties on contact with air or water.

"Hedge" means a fence or boundary made up of contiguous plantings of dense bushes or shrubs.

"Height" in relation to *buildings/structures* means the vertical distance between the *ground level* at any point and the highest part of the *building/structure* directly above that point (or whichever part of the *building/structure* directly above that point is being measured) to be measured from the external envelope of the *building/structure*. Areas of cut or fill which have resulted or will result from work undertaken as part of the *construction* of a *building/structure* shall be excluded from the calculation of height.

In all cases for the purpose of calculating height account shall be taken of parapets, satellite and microwave dishes. Also any chimney, flue or other projection greater than 1m² in area and projecting more than 2m above maximum permitted height shall be included in the calculation of height. See the figure below.

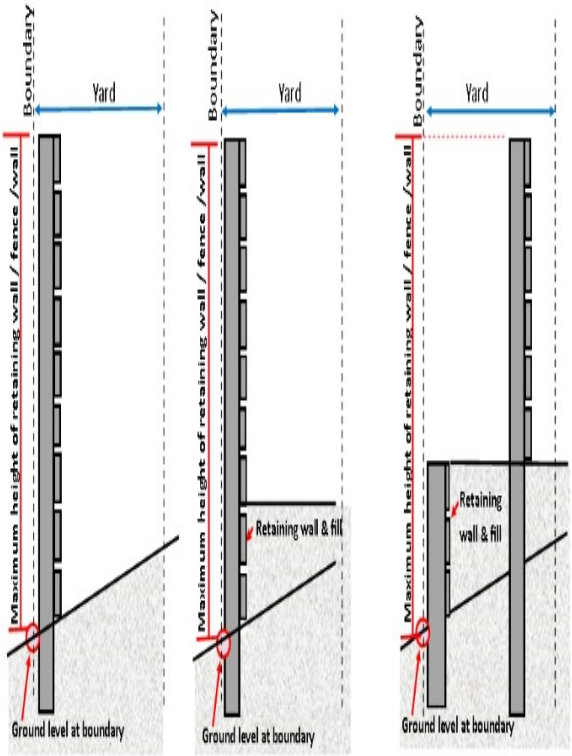


Except that:

"Height" when used in the standards for *building* and *structure* height and *height in relation to boundary* in Section 14A (Ōmokoroa and Te Puke Medium Density Residential) means the vertical distance between a specified reference point and the highest part of any feature, *structure* or *building* above that point.

Note: The specified reference point is *ground level*.

"Height" when used in the standards for fences, *walls* and retaining walls in Section 14A (Ōmokoroa and Te Puke Medium Density Residential) means the vertical distance between the *ground level* at the relevant boundary and the highest part of any fence, *wall* or retaining wall above that point to be measured from the external envelope of the fence, *wall* or retaining wall. Areas of cut or fill which have resulted or will result from work undertaken as part of the *construction* of a *building/structure* shall be excluded from the calculation of height. See the figure below.



The proposed definition of height when used in the standards for building and structure height and height in relation to boundary has immediate legal effect under Section 86BA (1) of the RMA. This is only to the extent that it is used to authorise as a permitted activity a residential unit in accordance with the density standards in Rule 14A.4.1 on a

site which was zoned residential or medium density residential prior to Plan Change 92 being notified.

The existing definition of height ceases to have legal effect under Section 86BA (2) of the RMA. This is only to the extent that it would be inconsistent with a rule authorising as a permitted activity a residential unit in accordance with the density standards in Rule 14A.4.1 on a site which was zoned residential or medium density residential prior to Plan Change 92 being notified.

This note does not form part of Plan Change 92 and will be removed when Plan Change 92 becomes operative.

"Height in Relation to Boundary" when used in Section 14A (Ōmokoroa and Te Puke Medium Density Residential) means the *height* of a *structure*, *building* or feature, relative to its distance from either the boundary of: (a) a *site*; or (b) another specified reference point.

The proposed definition of height in relation to boundary has immediate legal effect under Section 86BA (1) of the RMA. This is only to the extent that it is used to authorise as a permitted activity a residential unit in accordance with the density standards in Rule 14A.4.1 on a site which was zoned residential or medium density residential prior to Plan Change 92 being notified.

This note does not form part of Plan Change 92 and will be removed when Plan Change 92 becomes operative.

"Home Enterprise" means the use of a site for an activity which is secondary and incidental to the use of the site for residential purposes for an occupation, excluding occupations already provided as Permitted, Controlled or Discretionary Activities in the zone, which is carried out by at least one person who resides permanently on the subject site, or in the case of the Ōmokoroa and Te Puke Medium Density Residential Zones which is carried out only by people who reside permanently on the subject site.

Provided that:

"Home Enterprise" does not include *kennels/catteries*, beekeeping or *medical or scientific facilities* in the Residential Zone or Medium Density Residential Zone.

"Hotspot" means areas of high concentrations of persistent chemicals such as spills, sheep and cattle dips, spray pads or sheds, spray equipment wash down areas, bulk fuel storage, uncontrolled dumping of chemical containers, glasshouses, bio-solid sites, farm dumps, sumps, implement and fertilizer sheds and offal pits.

"Household Equivalent (HHE)" means the impact on existing *infrastructure* generated by a typical household:

From the 2006 census the average household in the *District* is 2.7 persons per occupied *dwelling*.

Household Equivalent

Infrastructure	Household Equivalent
Water	0.6m³ per day
Waste Water	0.5m³ per day
Transportation	10 vehicle movements per day

Notes:
Water is based on usage of 220 litres/person/day and 2.7 persons per household, 1 household equivalent equates to 0.6m³/day.

Waste water is calculated as 0.85 of the water usage equating to 0.5m³.

As well as average use of services, equivalence may be assessed on peak demands at the *Council's* discretion.

“Identified Significant Feature” means the whole of any area identified as being of ecological, historic heritage or landscape significance in Appendices 1, 2 or 3 of the District Plan and as shown on the Planning Maps.

“Illuminance” means the level (or amount) of light measured on a plane e.g. vertical or horizontal, and is expressed in *lux*.

"Impervious Surfaces" when used in Section 14A (Ōmokoroa and Te Puke Medium Density Residential) means an area with a surface which prevents the infiltration of rainfall into the ground and includes:

a. Roofs (whether fixed or retractable);
b. Paved areas including paths, driveways, and sealed/compacted metal parking areas;
c. Patios;
d. Swimming pools; and
e. Soil layers engineered to be impervious such as compacted clay.

For the purposes of this definition impervious surfaces excludes:

a. Any natural surface;
b. Grass and bush areas;
c. Gardens and other vegetated areas;
d. Porous or permeable paving and living roofs;
e. Permeable artificial surfaces, fields or lawns;
f. Slatted decks; and
g. Stormwater management devices.

“Industry” means and includes manufacturing, processing, packaging or dismantling activities and engineering workshops (including panelbeaters and spray painters).

“Infrastructure and Network Utilities” include activities relating to:
a. Distribution or transmission by pipeline of natural or manufactured gas, petroleum, or geothermal energy.
b. Telecommunication and radio communications as defined in Section 5 of the Telecommunications Act 2001 or Section 2(1) of the Radiocommunications Act 1989.
c. Transformation, transmission, or distribution (including reticulation) of electricity, including lines and associated support *structures.*
d. The distribution of water for supply/reticulation including irrigation.
e. Drainage or sewerage system or reticulation.
f. The generation of electricity.
g. *Construction*, operation and *maintenance* of roads and railway lines.
h. *Construction*, operation and *maintenance* of an airport as defined by the Airport Authorities Act 1966, including the provision of any approach control service within the meaning of the Civil Aviation Act 1990.
i. Undertaking a project or work described as a ‘network utility operation’ by regulations made under the *RMA*.
j. Lighthouses, navigation aids and beacons, metrological services and ancillary *structures*.
k. Structures for transport on land by cycleways, rail, roads, walkways, or any other means.
l. Any incidental activity in relation to the infra utility including without limitation, the operation, *maintenance* and *upgrading* of the network utility.

“Integrated Transportation Assessment (ITA)” means a comprehensive review of all the potential transport impacts of a development proposal. Its purpose is to identify appropriate transport information necessary to better align land use and multi-modal transport and to provide information on how the proposed development will function in terms of accessibility. A key feature of an ITA is the bringing together of all affected parties at the beginning of a development project to discuss and resolve issues.

“Intensive Farming Activities” means agricultural production activities which have no dependency on the quality of the soils occurring naturally on the site and which are either:
a. carried out within the confines of *buildings/structures* or pens or yards enclosed by fences or *walls*; or
b. undertaken in a manner which precludes the continuous *maintenance* of pasture or other groundcover.

Included in this definition are:
- Mushroom farming;
- Intensive livestock farming;

- Poultry farming involving the keeping of more than 25 birds (whether outdoors or indoors);
- Piggeries;
- *Aquaculture*
- Rabbit farming;
- Mustelid farming;
- Excluded from this definition are:
- The growing of plants or other vegetative matter in greenhouses or other covered *buildings*/*structures*;
- Temporary uses or practices which are ancillary to a principal *farming* activity, such as the wintering of stock in *buildings/structures* and calf-rearing;
- The keeping of not more than 25 poultry birds;
- *Extensive pig farming;*
- The keeping of up to 12 weaned pigs at least 50m from an adjoining property boundary within *buildings/structures* or outdoors without groundcover being continuously maintained.

"Kennels/Catteries" means land and *buildings/structures* used for the commercial accommodation and/or care of cats, dogs and other domestic pets.

"Kitchenette" means a space which may contain a sink and is generally used for the purpose of tea and coffee making, a drinks bar and/or the rinsing of utensils or tools etc but does not otherwise meet the definition of *kitchen facility*.

"Kitchen Facilities"/"Kitchen" means a room or area equipped for the preparation and/or cooking of food; this may include but not be limited to a sink, bench top or oven/ extractor unit".

"Kitchen Facility" means any space, facility or surface for the storage, preparation and/or cooking of food, the washing of utensils and the disposal of waste water, including a food preparation bench, sink, oven, stove, hotplate or separate hob, refrigerator, dish-washer and other *kitchen* appliance. This definition includes kitchenettes and tea and coffee making facilities.

"kV" means one thousand volts.

"Line" means a wire or a conductor of any other kind (including fibre optic cable) used or intended to be used for the transmission or reception of *signs*, signals, impulses, writing, images, sounds, instruction, information or intelligence by means of electromagnetic system; and includes:

a. Any pole, insulator, casing, fixture, tunnel, or other equipment or material used or intended to be used for supporting, enclosing, surrounding, or protecting any of those wire conductors; and
b. Any part of a line.

"LAmax" means the highest noise level that is allowed to occur from a single noise event.

"LAeq" means the average continuous noise level.

"Lot"/"Allotment" means a parcel of land held in a separate Certificate of Title (or two or more titles required to be held in one ownership) or multiple owned *Māori land* not necessarily held in a separate Certificate of Title and which complies with the minimum standards for a proposed new lot as set out in Section 12 but does not include a parcel of land which has been or may be disposed of separately as a *public reserve* or for other public purposes or which is to be amalgamated with existing land.

"LTP" means Long Term Plan as defined in the Local Government Act 2002 and amendments.

"Luminaire" means a complete lighting unit consisting of a lamp or lamps together with the housing designed to distribute the light, position and protect the lamps and connect the lamps to the power supply.

"Luminance" means the physical measure of the sensation of brightness expressed in candelas per metre squared (cd/m²).

"Lux" (luminous flux) means the International System of Units (SI) unit of measure for *illuminance* and is equivalent

to one lumen per square meter.

"Māori Land" means Maori Land as defined by Te Ture Whenua Māori/Māori Land Act 1993.

"Mast" means any pole, tower or similar *structure*, which is fixed to the ground and is designed to carry *aerials*, antennae or other utility network apparatus and includes a mast which forms part of a radio transmission *aerial* system but not an earthmat.

"Maintenance" means any work or activity necessary to continue the operation and/or functioning of an existing *network utility* and/or *infrastructure*, and shall include the *replacement* of an existing line, *building*, *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. It shall also include erosion and flood control, weed and sediment control, the maintenance of access and the monitoring of operations.

"Maximum Average" in relation to subdivision means the average size of all the *lots* within a subdivision plan or stage which cannot be exceeded.

In relation to more than one *dwelling* per *lot*, means the average *net land area* per *dwelling* within a single *lot* which cannot be exceeded.

"Mean High Water Spring (MHWS)" means the average line of spring high tide.

"Medical or Scientific Facilities" means professional facilities for medical or scientific activities and includes medical centres, consulting rooms, and diagnostic and other laboratories.

"Minerals 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 (whether surface or sub-surface) that are reasonably necessary to determine the nature and size of a mineral deposit or occurrence.

"Minerals Prospecting" means any activity undertaken for the purpose of identifying land likely to contain exploitable mineral deposits or occurrences; and includes aerial, geological, geochemical, and geophysical surveys; except that the taking of samples is restricted to by hand or hand held methods.

"Ministry for the Environment Contaminated Land Management Guidelines" means guidelines produced by the Ministry for the Environment and includes the following publications:

- Contaminated Land Management Guideline No. 1 - Reporting on contaminated sites in New Zealand (October 2003);
- Contaminated Land Management Guidelines No. 2 – Hierarchy and Application in New Zealand of Environmental Guideline Values (November 2003);
- Contaminated Land Management Guidelines No. 3 – Risk screening system (February 2004);
- Contaminated Land Management Guidelines No. 4 – Classification and information management protocols (August 2006);
- Contaminated Land Management Guidelines No. 5 - Site Investigation and Analysis of Soils

"Minor Dwelling" means a *dwelling* of not more than 60m² *gross floor area* plus any proposed attached or detached garage or carport (for the purpose of vehicle storage, general storage and laundry facilities). The garage area shall not be used for living accommodation.

Except that:

"Minor Dwelling" when used in Sections 3-12 shall not be applicable to the Ōmokoroa and Te Puke Medium Density Residential Zones. See "*residential unit*" definition.

The existing definition of minor dwelling ceases to have legal effect under Section 86BA (2) of the RMA. This is only to the extent that it would be inconsistent with a rule authorising as a permitted activity a residential unit in accordance with the density standards in Rule 14A.4.1 on a site which was zoned residential or medium density residential prior to Plan Change 92 being notified.

This note does not form part of Plan Change 92 and will be removed when Plan Change 92 becomes operative.

"Minor Upgrading" in relation to existing electricity lines means an increase in carrying capacity, efficiency or security of electricity and associated telecommunication lines, utilising the existing support *structures* or *structures* of a similar character, size and scale, and includes:

a. The addition of circuits and conductors.
b. The reconductoring of the *line* with higher capacity conductors.
c. The resagging of conductors.
d. The bonding of conductors.
e. The addition of longer or more efficient insulators.
f. The addition of earthwires which may contain telecommunication lines, earthpeaks and lightning rods.
g. The addition of electrical fittings.
h. Tower *replacement* in the same location or within the existing alignment of the transmission line.
i. The *replacement* of existing cross arms with cross arms of an alternative design but of a similar dimensions and scale.
j. An increase in tower *height* required to comply with the New Zealand Electrical Code of Practice 34:2001 (NZECP 34:2001).
k. *Replacement* of overhead electrical lines with another *electrical line* of similar character and scale.
l. Other *maintenance* and *replacement* activities.

"National Grid Electricity Transmission Buffer" means an area of 12m from the outer edge of the support *structures*, and 12m of the centreline of the Te Matai Transmission Line (i.e. the HAI-TMI A and OKE-TMI A) or 12m of the centreline of the Kaitemako Transmission Line (i.e. the HAI-TRK A) shown on the Planning Maps while the Transmission Lines are owned or operated by Transpower New Zealand Ltd.

"Net Lot Area" or **"Net Land Area"** means that part of an existing or proposed new *lot* which is available for *development* of the principal intended use and excludes any area available solely for access or any area providing access to other *lots* or to more than one *dwelling*.

The existing definition of net lot area or net land area ceases to have legal effect under Section 86BA (2) of the RMA. This is only to the extent that it would be inconsistent with a rule authorising as a permitted activity a residential unit in accordance with the density standards in Rule 14A.4.1 on a site which was zoned residential or medium density residential prior to Plan Change 92 being notified.

This note does not form part of Plan Change 92 and will be removed when Plan Change 92 becomes operative.

"Net Site Area" when used in Section 14A (Ōmokoroa and Te Puke Medium Density Residential) and within the definition of "*building coverage*" when used in Section 14A (Ōmokoroa and Te Puke Medium Density Residential) means the total area of the *site*, but excludes:

a. any part of the *site* that provides legal access to another *site*;
b. any part of a rear *site* that provides legal access to that *site*;
c. any part of the *site* subject to a designation that may be taken or acquired under the Public Works Act 1981.

The proposed definition of net site area has immediate legal effect under Section 86BA (1) of the RMA. This is only to the extent that it is used to authorise as a permitted activity a residential unit in accordance with the density standards in Rule 14A.4.1 on a site which was zoned residential or medium density residential prior to Plan Change 92 being notified.

This note does not form part of Plan Change 92 and will be removed when Plan Change 92 becomes operative.

"Network Utilities" refer to "*Infrastructure and Network Utilities*".

"Notional Boundary" is as defined in New Zealand Standard NZS 6801:2008 Measurement of Sound and is a line 20m from any side of a *dwelling*, or the legal boundary of the property on which the *dwelling* is located, whichever point is closer to the *dwelling*.

"Offices" means professional administrative and commercial offices and includes real estate offices, travel agents

and banks.

"Official Signs" include all regulatory, traffic and official signs approved by either a road controlling authority or under any legislation and which are erected on a legal road or motorway.

"Optimised Depreciated Replacement Cost" means the current gross replacement cost less allowances for physical deterioration, and optimised for obsolescence and relevant surplus capacity.

"Outdoor Living Space" when used in Section 14A (Ōmokoroa and Te Puke Medium Density Residential) means an area of open space for the use of the occupants of the *residential unit* or units to which the space is allocated.

The proposed definition of outdoor living space has immediate legal effect under Section 86BA (1) of the RMA. This is only to the extent that it is used to authorise as a permitted activity a residential unit in accordance with the density standards in Rule 14A.4.1 on a site which was zoned residential or medium density residential prior to Plan Change 92 being notified.

This note does not form part of Plan Change 92 and will be removed when Plan Change 92 becomes operative.

"Park and Ride Facility" means an area including *buildings/structures* that is used for transfer of people from one mode of transit to another and may include parking for private vehicles, car pooling meeting places, public and private bus transfers and rail transfers. Also known as 'Urban Transit Stations'.

"**Passenger Car Equivalent (PCE)**" means the combined number of *vehicle movements* equated to the equivalent effect of a number of passenger cars. *Vehicle movements* are converted to PCE using the following factors as the default, unless alternative evidence is provided:
Light vehicles = 1 PCE
Rigid truck and semi trailer (HCV) = 5 PCE
Truck and trailer (B train) = 10 PCE

Note:
The foregoing conversion factors are derived from the "Australia Mainroads Overtaking Lanes Guide", May 2010, which is based on section 13 of Austroads "Rural Road Design – Guide to the Geometric Design of Rural Roads 2003".

"Persistent Chemical Residues" means trace metals and pesticides. Of particular concern is Arsenic, Copper, Lead and DDT and its derivatives. However other trace metals such as Cadmium, Nickel, Zinc and Chromium are of interest as are Endosulphans (Total), Gamma-BHC (Lindane), Dieldrin, Hexachlorobenzene, and Metolachlor.

"Pest Species" means organisms such as plants and animals that are not native to New Zealand but which have become established here and are a threat to people's health, indigenous plants and animals, heritage and the economy. See the *Regional Council* for further details on the identification of these species.

"Places of Assembly" means land, *buildings, structures,* or uses on the surface of water, that involve the congregation of people for such purposes as deliberation, entertainment, cultural, recreation or similar purposes and includes places of worship, marae, halls, funeral chapels, clubrooms, taverns, restaurants, art galleries, theatres, sports fields, facilities for recreation activities and tourist facilities.

"Post Harvest Facilities" is specific to only those facilities zoned Post Harvest and includes 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.

"Principal Unit/s" means a unit or units shown as a principal unit on a *unit plan* that is designed for use as a place of residence or business.

"Privateway" has the same meaning as in Section 315 of the Local Government Act 1974 and amendments.

"Production Forestry" means the management of land for commercial wood production including the extraction of

timber therefrom and the replanting of trees but does not include the milling or processing of timber.

"Productive Crop" means a specific permanent horticultural crop that has for the previous three years produced the industry average or above for that particular crop.

"Public Reserves" means all reserves held under the Reserves Act 1977, Wildlife Act 1953, Conservation Act 1981 and National Parks Act 1980 and includes all reserves, wildlife refuges, wildlife management reserves and wildlife sanctuaries, marginal strips, stewardship areas, conservation areas, ecological areas, sanctuary areas and national parks.

"Public Trail" means a path either on or off road for the purpose of public recreational or commuter cycle or pedestrian transport or can be a bridle trail or similar. Public trail includes activities associated with creating the path, which includes pathways, bridging, boardwalks, walkways and steps, and includes related *signage* and *maintenance* activities, but excludes public trail support *infrastructure* such as public toilets and carparks.

"Quarry Effects Management Area (QEMA)" means an area of land surrounding the Cameron Quarry site at Otamarakau to manage *reverse sensitivity* effects relating to noise and other effects from the quarry operation.

"Quarrying" may include the excavation of overburden, rock, sand and clay; blasting processing (crushing, screening, washing, and blending); the storage, importation, distribution and sale of minerals including aggregate; ancillary *earthworks*; deposition of overburden; treatment of wastewater; landscaping and rehabilitation works including clean filling; and ancillary *buildings* and *structures*.

"Reflectivity" means the reflectance value of a material or colour and is determined by the amount of light they will reflect and is indicative of their likely visibility in the landscape. For example, white has a reflectance value of 100% whereas black has a reflectance value of 0%.

"Regenerating Forest" means secondary forest that has developed following earlier clearance of primary forest (see definition of *Tall Forest*), and is dominated by species such as kānuka, kamahi (Weinmannia racemosa), rewarewa, treeferns (Cyathea and Dicksonia species) or mixtures of these and other species.

"Regional Council" means the Bay of Plenty Regional Council.

"Replacement" means improvement, repair and/or replacement of worn or technically deficient aspects provided the replacement is to a similar character, size and scale.

"Residential Activity" within the definition of "*residential unit*" when used in Section 14A (Ōmokoroa and Te Puke Medium Density Residential) means the use of land and *building(s)* for people's living accommodation.

The proposed definition of residential activity has immediate legal effect under Section 86BA (1) of the RMA. This is only to the extent that it is used to authorise as a permitted activity a residential unit in accordance with the density standards in Rule 14A.4.1 on a site which was zoned residential or medium density residential prior to Plan Change 92 being notified.
This note does not form part of Plan Change 92 and will be removed when Plan Change 92 becomes operative.

"Residential Unit" when used in Section 14A (Ōmokoroa and Te Puke Medium Density Residential) or when "*dwelling*" shall instead mean "*residential unit*" as described in the definition of "*dwelling*" means a *building(s)* or part of a *building* that is used for a residential activity exclusively by one household, and must include sleeping, cooking, bathing and toilet facilities. To be used for a residential activity exclusively by one household means the the residential unit is to be *self contained.*

Note:

Within Section 11 (Financial Contributions) and Section 14A (Ōmokoroa and Te Puke Medium Density Residential) any use of the term "*residential unit*" shall also mean "*retirement village dwelling*" and "*retirement village independent apartment*".

The proposed definition of residential unit has immediate legal effect under Section 86BA (1) of the RMA. This is only to the extent that it is used to authorise as a permitted activity a residential unit in accordance with the density standards in Rule 14A.4.1 on a site which was zoned residential or medium density residential prior to Plan Change 92 being notified.
This note does not form part of Plan Change 92 and will be removed when Plan Change 92 becomes operative.

"Restaurants and other eating places" means any land and/or *buildings/structures* on or in which food and/or beverages are sold to the public generally for consumption on the premises, and may include premises licensed under the Sale of Liquor Act 1999. Part of the trade of the premises may be derived from the sale of food for consumption off the premises.

"Rest Home" means a facility that provides residential based health care with on-site (usually 24 hour) support to residents requiring nursing care or significant support with the activities of daily living. This may include a rest home or *retirement village* based hospital specialising in geriatric care.

"Retailing" means any activity on land and/or within a *building/structure* or part of a *building/structure* whereby goods and services are sold, exposed or offered for sale to the public, but does not include the sale of fuel for motor vehicles, vehicle, machinery and automotive parts sales, restaurants, warehouses*, building and construction wholesalers and retailers*, the sale of goods provided for within Rule 18.4.1 p. ii. in respect to *Rural Contractors Depots* or the storage, distribution or assembly of goods.

"Reticulated Infrastructure" means a communal or community inter-connected piped, collection, distribution, and treatment system for water supply, stormwater and wastewater systems, including any associated pumping station, treatment works and other ancillary equipment or facilities.

"Reticulated Infrastructure of Adequate Capacity" means an inter-connected piped, collection, distribution, and treatment system for water supply, wastewater and stormwater, and in addition for wastewater and stormwater, a disposal system where the pipes and other components of the system are of sufficient size and capacity to meet the peak demands of a proposed subdivision, *development* or land use activity, and in general accordance with the *Council's* Development Code.

"Retirement Village" means a complex containing *retirement village dwellings* and/or *retirement village independent apartments* for the purpose of housing people predominantly in their retirement, and may provide services for the care and benefit of the residents (including *rest homes* and hospitals), including an activities pavilion and/or other recreational facilities or meeting places for the use of the residents of that complex and visitors of residents.

The existing definition of retirement village ceases to have legal effect under Section 86BA (2) of the RMA. This is only to the extent that it would be inconsistent with a rule authorising as a permitted activity a residential unit in accordance with the density standards in Rule 14A.4.1 on a site which was zoned residential or medium density residential prior to Plan Change 92 being notified.

This note does not form part of Plan Change 92 and will be removed when Plan Change 92 becomes operative.

"Retirement Village Dwelling" means a self-contained residential unit and includes detached, semi-detached and attached houses within a *retirement village.*

The existing definition of retirement village dwelling ceases to have legal effect under Section 86BA (2) of the RMA. This is only to the extent that it would be inconsistent with a rule authorising as a permitted activity a residential unit in accordance with the density standards in Rule 14A.4.1 on a site which was zoned residential or medium density residential prior to Plan Change 92 being notified.

This note does not form part of Plan Change 92 and will be removed when Plan Change 92 becomes operative.

"Retirement Village Independent Apartment" means a self-contained residential unit that is part of a block containing multiple apartments (usually multi-level) within a *retirement village.*

The existing definition of retirement village independent apartment ceases to have legal effect under Section 86BA

(2) of the RMA. This is only to the extent that it would be inconsistent with a rule authorising as a permitted activity a residential unit in accordance with the density standards in Rule 14A.4.1 on a site which was zoned residential or medium density residential prior to Plan Change 92 being notified.

This note does not form part of Plan Change 92 and will be removed when Plan Change 92 becomes operative.

"Reverse Sensitivity" means the vulnerability of an existing lawfully established activity to other activities in the vicinity which are sensitive to adverse environmental effects that may be generated by such existing activity, thereby creating the potential for the operation of such existing activity to be constrained.

"Riparian Area or Riparian Margin" means a strip of land of varying width adjacent to the bed of a stream, river, lake or *wetland*, which contributes or may contribute to the maintenance and enhancement of the natural functioning, quality and character of the stream, river, lake or *wetland*; and the natural character of the margins of streams, rivers, lakes and *wetlands*. For the purposes of the District Plan, the definition does not include land adjacent to artificial watercourses, artificial waterbodies, and ephemeral flowpaths.

"RMA" means the Resource Management Act 1991 and Amendments.

"Road Capacity" means the volume of traffic using the width of roadway defined in tables contained in Rule 12.4.4.2. This does not mean the absolute maximum volume, but is the Level of Service for that width of roadway and as agreed with the community.

"Road Hierarchy" means the hierarchy of roads making up the *transport network* which comprise the following:

	Type of Road	Primary Function/Generalised Description	Definition
1	Motorway	To provide for the movement of regional or inter-regional traffic. Access limited to intersecting roads.	All roads declared to be motorways.
2	Expressway		All roads managed as expressways.
3	Primary Arterial	Main roads other than motorways and expressways joining significant centres of population and/or providing for national and inter-regional traffic flow.	Means those roads that form part of a network of nationally or regionally important arterial roads. Nationally important routes are managed as State Highways, whereas other primary arterial roads may be managed by territorial authorities. These routes predominantly carry through traffic, and carry the major traffic movements in and out of the *District*. The primary function of the road is traffic movement with access limited.
4	Secondary Arterial	Roads joining smaller centres of population, joining larger centres of population to nearby primary arterials or linking between primary arterials.	Means those roads that cater for traffic movement between the major areas of the *District*. The primary function of the road is traffic movement. Access may be limited to ensure the safe and efficient operation of the roading network.
5	Collector	Roads providing direct access for residential and other areas of development in urban areas, with more than one intersection to other local or collector roads.	Means those roads that are principally collecting and distributing traffic to and from the arterial road network, but may act as links between two arterial roads (being Primary Arterial Roads and/or Secondary Arterial Roads). These roads also act as local main roads supplementing Secondary Arterial Roads.
6	Local	Local through-traffic generally makes up a high proportion of traffic flow but these roads are not intended to cater for large numbers of national, regional or *District* through-traffic movements because of likely effects on the adjoining road environment and amenities, and the limited physical capabilities of such roads relative to Primary Arterial Roads and Secondary Arterial Roads. Cul-de-sacs are local roads with intersections to other local roads at one end only.	Means those roads that are intended to principally provide direct access to adjoining properties. Many local roads, except cul-de-sacs, also collect and distribute traffic to and from other roads within the *District*. Traffic flows are usually low, and these roads are intended to cater for only minimal through or extraneous traffic because of effects on the adjoining road environment and amenities, and the limited physical capabilities of such roads.

		Access may be controlled to ensure the safe and efficient function of the roading network.	
7	Service Lanes	Land vested as Road for the purpose of providing access, generally, but not limited to, to commercial and industrial activities. The service lane provides an access function only and does not provide for frontage in the case of subdivision.	Means any lane laid out or constructed for the purpose of providing the public with a side or rear access for vehicular traffic to any land. This can also apply to residential areas, for example with rear laneways.

"Road Reserve" means:

a. A formed legal road and the land, if there is any, right next to it up to the legal boundary of the adjacent land.
b. Land which is a State Highway or motorway as defined in Section 2(1) of the Government Roading Powers Act 1989, and the land, if any, right next to it up to the legal boundary of the adjacent land.

"Rural Contractors Depot" means land and/or *buildings/structures* used for the purpose of storing equipment and goods associated with a rural contracting business which wholly serves the *farming* industry.

"Rural Selling Place" means a retail activity in a rural location for plants and garden accessories, arts and crafts and unprocessed agricultural produce that are produced locally within the *District*.

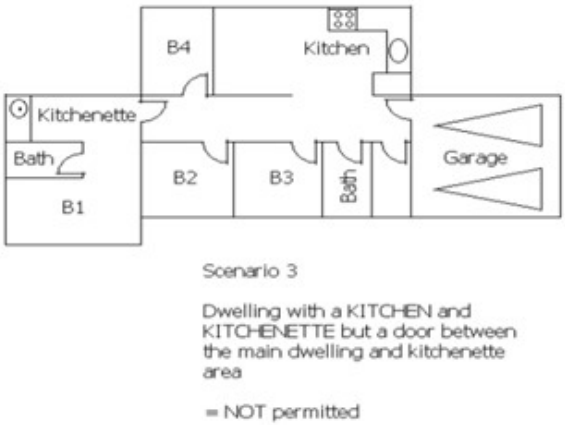
"Seasonal Worker Accommodation" is specific to *post harvest facilities* and means accommodation directly associated with the seasonal labour requirements of the horticultural industry and includes detached *buildings* (lodges, *dwellings*, relocatable modular *structures*, caravans, mobile homes and house buses) and space within or attached to a post harvest *building* or combination thereof.

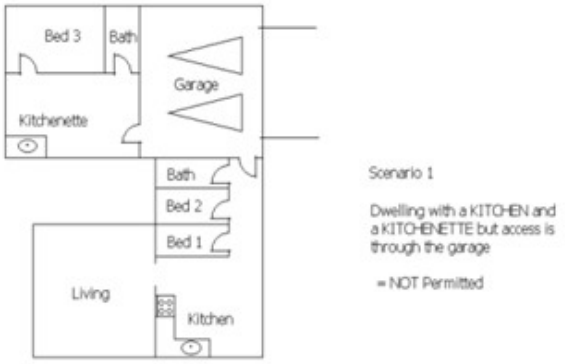
"Secondary Shrub Land" means woody vegetation in which the cover of shrubs and low-growing trees in the canopy is >80% and in which shrub cover exceeds that of trees (cf forest). Shrubs are woody plants <10cm dbh. Trees are woody plants >10 cm dbh. Secondary shrubland is dominated by indigenous species such as kānuka, mānuka (Leptospermum scoparium), karamu (Coprosma robusta), and treeferns.

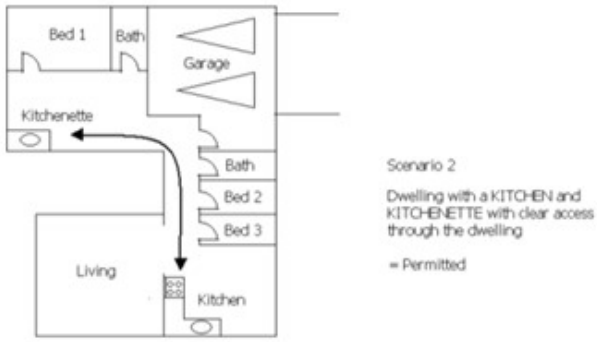
"SEL" means the Sound Exposure Level, the A-weighted sound pressure level which, if maintained constant for a period of one second, would convey the same sound energy to the receiver as is actually received from a given noise event (refer to NZS 6802:2008 Acoustics – Environmental Noise).

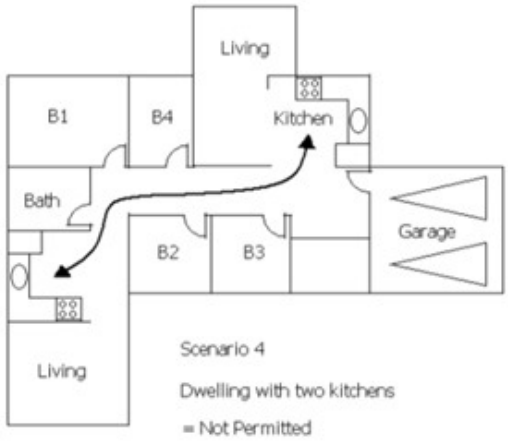
"**Self Contained**" is where a *building/dwelling* contains a *kitchen* and/or *kitchenette*, a bathroom and a living area and/or bedroom and is separated from any other self contained area by being in another *building*, or where within the same *building*, by a door, a *wall* or a garage.

For example:









"Sensitive Site" means a site that is either a school, licensed early childhood centre, a place of worship, marae or public playground.

"Service Station" means any site used for the retail sale of fuel and lubricating oils for motor vehicles and includes the sale of kerosene, diesel fuel, petrol, CNG, LPG, tyres, batteries and other accessories normally associated with motor vehicles and the sale of convenience goods and shall include premises solely or principally for the repair and servicing of vehicles provided that the repairs undertaken on the premises shall be confined to the repair of motors, motor vehicles and domestic garden equipment and shall exclude panelbeating, spray painting and heavy engineering such as engine reboring and crankshaft grinding.

"Sewered Lot" means a *lot* served by a reticulated wastewater system owned and operated by or specifically approved by *Council*.

"Shelter Belt" means a line of vegetation in one or more rows established to provide shelter from wind.

"Showhome" when used in Section 14A (Ōmokoroa and Te Puke Medium Density Residential) means a *building* that is constructed to be used as a *residential unit* but which is not occupied by a household and is used to display and advertise that type of *residential unit* and may include relocatable *signs*.

"Sign/Signage" means any name, figure, character, outline, display, notice, placard, delineation, poster, handbill, advertising device or appliance or any other things of similar nature to attract attention for advertising or information purposes, and shall include all parts, portions, units and materials composing the same, together with the frame,

background, *structure* and support or anchorage thereof, and shall also include any of the foregoing things when displayed on a stationary vehicle but shall exclude all traffic signs as detailed in the Fourth Schedule of the Traffic Regulations 1976.

For the purpose of the provisions within Section 4D, the definition of Sign is further divided into the three following types.

Low Intensity Signs	Signs which are painted or similar and have no illumination and low reflectivity.
Medium Intensity Signs	Signs which incorporate a static illuminated sign, device or symbol.
High Intensity Signs	Active signs which incorporate illumination which has a flashing or moving component.

"Soils Engineer" means a geotechnical engineer or engineering geologist who has particular training, qualification and relevant local experience with the soil conditions of the *District* and who has been subjected to an interview by an independent expert geotechnical panel to ensure they have the necessary training and qualifications, competency, professionalism and experience to undertake geotechnical assessments.

Note: *Council* holds a current list of persons who meet this definition.

"Site" when used in Section 14A (Ōmokoroa and Te Puke Medium Density Residential) means:

a. an area of land comprised in a single record of title under the Land Transfer Act 2017; or
b. an area of land which comprises two or more adjoining legally defined *allotments* in such a way that the *allotments* cannot be dealt with separately without the prior consent of the *Council*; or
c. the land comprised in a single *allotment* or balance area on an approved survey plan of subdivision for which a separate record of title under the Land Transfer Act 2017 could be issued without further consent of the *Council*; or
d. despite paragraphs (a) to (c), in the case of land subdivided under the Unit Titles Act 1972 or the Unit Titles Act 2010 or a cross lease system, is the whole of the land subject to the unit *development* or cross lease.

The proposed definition of site has immediate legal effect under Section 86BA (1) of the RMA. This is only to the extent that it is used to authorise as a permitted activity a residential unit in accordance with the density standards in Rule 14A.4.1 on a site which was zoned residential or medium density residential prior to Plan Change 92 being notified.
This note does not form part of Plan Change 92 and will be removed when Plan Change 92 becomes operative.

"Spill Light" means artificial light that falls outside of the area intended to be lighted.

"Stall" means a retail outlet for the sale of produce or goods grown or manufactured on site and which:
a. does not have frontage to or access within 30m of a State Highway;
b. occurs on a *gross floor area* not exceeding 20m²;
c. provides for any parking of motor vehicles off the *formed road* and adjacent to the stall; and
d. complies with the provisions of Section 4D relating to *signs*.

"Strategic Road Network" means that part of the *transport network* comprising secondary arterial roads, primary arterial roads, expressways and motorways.

"Structure" – refer to "Building/Structure".

"Structure Plan" means a plan for an area that identifies new areas for growth and which may also include an existing developed or zoned area. Such a plan shows proposals for *infrastructure* (roading, water supply, wastewater disposal, stormwater and recreation) that may be used as the basis for assessing the costs of *development* and any associated financial contributions.

"Substation" means those parts of works or electrical installations, being a *building*, *structure*, or enclosure, incorporating fittings that are used for the purposes of the control of the transformation, transmission, or distribution of electricity.

“Sustainable Transport Network” or “Sustainable Land Transportation Network” means one which recognises that the capacity of the *transport network* is a limited resource and that methods and techniques are required to be implemented in an integrated manner to ensure that the resource is able to meet the reasonably foreseeable needs of future generations.

“Takeaway Food Outlets” means premises where food is prepared and retailed for consumption off the premises.

“Tall Forest” means relatively large trees dominated by species such as tawa (Beilschmiedia tawa) and may have other tall canopy trees such as hīnau (Elaeocarpus dentatus) and emergent rewarewa (Knightia excelsa) and podocarps such as rimu (Dacrydium cupressinum). Forest is woody vegetation in which the cover of trees and shrubs in the canopy is >80% and in which tree cover exceeds that of shrubs. Trees are woody plants >10 cm dbh. Shrubs are woody plants < 10cm dbh.

“Temporary Military Training” means an activity undertaken for defence purposes in accordance with the Defence Act 1990.

“Transport Network” or “Transportation Network” means the land, air and sea networks that enable the public to travel to and from their residence, or for the movement of goods and people as they need to fulfill their daily private and business needs.

“Travel Management Plan” means a plan for the provision of the movement of people and goods to and from a proposed *development* or land use activity.

“Unit Plan” means a plan that is intended to be deposited under the Land Transfer Act 1952 in accordance with the Unit Titles Act 1972 (or replacement legislation).

“Upgrading/Development” means structural improvement, repair and *replacement* of work or technically deficient parts of the power house, hydro dams, separation plants, switchyards, intake, control and diversion *structures*, wells, pipes, tunnels, cables, other equipment and *accessory buildings* and *structures* of similar character and scale, and includes associated drilling, *earthworks* and vegetation removal. Also includes the extension to existing *buildings* and *structures*, and the erection of new *buildings* and *structures* up to 100m² in *gross floor area* and not exceeding the maximum *height* permitted activity standards for the zone in which they are located.

"Urban Growth Areas" means Waihī Beach (including Athenree, Bowentown and Island View), Katikati, Ōmokoroa and Te Puke.

“Vehicle and Machinery Sales” means any land and/or *buildings/structures* in which motor vehicles, caravans, boats, trailers, and farm machinery are offered for sale, lease or hire or in which the abovementioned are stored awaiting sale.

“**Vehicle Movement (VM)**” means one trip either to or from a property. For example, one passenger car visiting and then leaving the property is deemed to have generated two vehicle movements. Vehicle movements can also be expressed as ‘vehicle movements per day’ (VMPD).

“Versatile Land” is land categorized under the New Zealand Land Use Capability Classification System as being Classes I, II and III.

“Viewshaft” means a view from a Strategic Road or identified public lookout to a landscape of outstanding visual quality and of significance to the *District*.

“Visually Permeable” means a *structure* which will not obscure vision or light penetration beyond the percentage identified. For example visual permeability of 70% means that the *structure* has gaps that are transparent and the gaps cover at least 70% of the vertical surface of the *structure*.

“Wall” means vertical *structures* made of wood, steel, brick or stone or like material which are used to enclose or screen an area.

"Warehousing and Storage" means land and/or *buildings/structures* used for the receipt, storage, handling and distribution of materials, articles or goods destined for a retail outlet, trader or manufacturer. Includes the direct collection of materials, articles or goods by traders but does not include a retail premise, transport depot or bulk store.

"Western Bay of Plenty Sub-Region" or "Sub-Region" means the area comprising Western Bay of Plenty District and Tauranga City.

"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 both 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 District Plan, 'wetland' excludes:

a. Wetted pasture and pasture with patches of rushes.
b. Oxidation ponds.
c. Artificial waterbodies 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'.
d. Artificial farm dams and detention dams.
e. Land drainage canals and drains.
f. Artificial reservoirs for firefighting, domestic or municipal water supply.
g. Temporary ponded rainfall over areas that would not otherwise be considered a wetland.
h. Artificial waterbodies 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 waterbodies that are managed to appear 'natural'.
i. Artificial watercourses associated with hydroelectric power schemes.

The edge of a wetland (i.e. where a wetland becomes land) should be determined by a person with appropriate expertise.

"Yard"

All Yards

a. Yards are to relate to the one *site* only and shall be measured from the title boundaries or the inner surveyed edge of the easement over a shared driveway.
b. Where land for a *service lane* or road widening is provided, the *yard* requirements shall diminish accordingly.
c. Notwithstanding the provisions in the above rules, the following activities are permitted in yards:
    i. Open fire escapes in side or rear yards;
    ii. Parking of vehicles;
    iii. Barbecues and fencing not being *buildings/structures*;
    iv. Playground equipment unless it meets the definition of a *building/structure*;
    v. *Signs*.

For the purpose of this definition the *yard* shall be measured horizontally from the closest point of the *building/structure* to the boundary.

Front Yard means an area of land between the road boundary (including the boundary of any *Structure Plan* road or designated road or paper road) and a line parallel thereto, extending across the full width of the *lot*.

~~Except that:~~

~~where~~Where any building line is shown on the Planning Maps this line shall be substituted for the existing road boundary.

Except that:

Front Yard when used in Section 14A (Ōmokoroa and Te Puke Medium Density Residential) means an area of land between the *front boundary* and a line parallel thereto, extending across the full width of the lot.

Rear Yard means an area of land in any *lot* other than a corner *lot*, such area of land being bounded by the rear boundary of the *lot* and a line extending across the full width of the *lot*.

Except that:

a rear yard in respect of any rear *lot* means a yard which, except for any portion of the *lot* comprised in a front yard, lies between the full length of all boundaries of the *lot* and a line parallel thereto.

Side Yard means an area of land which, except for any portion of the *lot* comprised in a front or rear yard, lies between the full length of a side boundary and a line parallel thereto.

Except that:

in respect of a corner *lot* every boundary not being a road frontage shall be deemed a side boundary.

Section Contents

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General

4A. General

4A.1 Activities Not Specifically Provided For

Explanatory Statement

Activity lists are used in the District Plan to provide certainty for users and are intended to cover all likely expected activities. It is difficult for a District Plan to cover every eventuality with the use of such lists. Any activities not listed (other than those that fall within the jurisdiction of the *Regional Council*) shall, therefore, be treated as Non-Complying in order to provide a full opportunity to assess the adverse effects on the environment that the activity may give rise to.

4A.1.1 Significant Issue

The actual or potential adverse effects on the environment arising from activities not specifically provided for in the District Plan may not be able to be adequately controlled through defaulting to Discretionary Activity status in the absence of specific provisions to deal with these effects. In addition, issues of planning precedent and District Plan integrity may arise in respect of applications for activities not specifically provided for.

4A.1.2 Objective

The avoidance and/or minimisation of the likely adverse effects on the environment and on District Plan integrity arising from activities not specifically provided for in the District Plan.

4A.1.3 Policy

The adverse effects of activities not specifically provided for in the District Plan should not be of an unanticipated nature and scale nor should such activities either individually or cumulatively create the potential for the integrity of the District Plan to be undermined.

4A.1.4 Rule

With the exception of those activities that are provided for in the general provision of the District Plan, any activity that is not listed in the activity lists in the District Plan shall require a resource

consent for a Non-Complying Activity.

4A.2 Temporary Activities

Explanatory Statement

Temporary offices, storage sheds, storage yards, builder's workshops and other similar *buildings/structures* and activities incidental to a building or *construction* project are frequently in use within the *District* and should be provided for with appropriate controls.

Other temporary activities such as bazaars, military training exercises, carnivals, trade fairs, public meetings, parades, concerts and conventions occur intermittently within the *District* and should also be provided for with appropriate controls. Provision for these activities subject to performance standards recognises that in some circumstances exemptions from specific requirements are the only practical solution.

4A.2.1 Significant Issues

Temporary activities can produce adverse effects such as noise, dust and traffic generation affecting the amenity of the *District* on a short term basis.

4A.2.2 Objectives and Policies

4A.2.2.1 Objective

The amenity of the *District* is not compromised unduly by the adverse effects of temporary activities.

4A.2.2.2 Policy

Mitigate the adverse effects of temporary activities taking into consideration the scale and duration of activities.

4A.2.3 Activity Lists

4A.2.3.1 Permitted Activities

a. In any zone temporary offices, storage sheds, storage yards, builder's workshops and other similar *buildings/structures* and activities incidental to a building or *construction* project, including the relocation, removal and demolition of *buildings*/*structures*, but only for the duration of that project or a period not exceeding 12 months whichever is the lesser.

b. In any zone temporary activities which are held on a site which falls within the definition of *places of assembly* and which:

   i. Do not exceed three consecutive days in duration plus two additional days, one day for setting up prior to the event and one day to tidy up afterwards;

   ii. Do not occur more than six times in any calendar year, nor more than twice in any calendar month on the same site (provided that there shall be at least five full days between the tidy up of one event and the set up of the next event held on the same site);

iii. Do not involve the open air use of motorised vehicles (other than those vehicles used for transport to and from the site) unless the prior written consent of all adjoining neighbours is obtained including any neighbours on the immediate opposite side of an adjoining road, except that motorsport events held on public roads and *public reserves* are exempt from this rule (they are addressed through separate legislation);

iv. Do not exceed the following noise limits within the stated timeframes (as measured at any point within the *notional boundary* of any *dwelling* in a relevant zone);

Time Period		**Sound Level Not to be Exceeded**	
Day	**Hours**	**LAeq**	**LAmax**
Monday to Saturday and Public Holidays	9am to 10pm	70dB	75dB
Sunday	10am to 6pm	70dB	75dB
At all other times		40dB	65dB

v. Comply with the requirements of Section 4B (Transportation, Access, On-site Parking and Loading - but excluding Rule 4B.4.10) and Section 4C (Amenity - but excluding Rule 4C.1.3.2) of this District Plan.

c. Portable sawmilling of trees grown on the subject property in the Rural and Lifestyle Zones.

d. Sale of goods by licence issued by *Council* relating to temporary, mobile activities on *District* roads.

e. In any zone *temporary military training* activities involving air, sea and road transport where: the written consent of the owner of the property has been obtained; the activity is limited to a period not exceeding 31 days; the activity does not require the *construction* of permanent *buildings/structures*; the activity does not require *earthworks* or excavation (mechanical or permanent) unless provided for elsewhere in the District Plan, and flying activity is in compliance with civil aviation regulations or in agreement with the local controlling authority.

4A.2.3.2 Restricted Discretionary Activities

a. Carnivals, trade fairs, bazaars, conventions, concerts, parades and public meetings not otherwise permitted and to be operated on a temporary and/or intermittent basis.

b Within the Rural, Lifestyle, Rural-Residential, Future Urban, Medium Density Residential and Residential Zones temporary *buildings/structures* for hobby pursuits such as the *construction* of a boat, caravan or other *structure* not intended for commercial gain.

4A.2.4 Activity Performance Standards

a. The relevant zone Activity Performance Standards and general provisions shall be

met by all Permitted Activities and shall be used as a guide for all other activities. Any Permitted Activity which fails to comply with any of these standards shall be deemed a Restricted Discretionary Activity for the particular non-compliance.

b. Restricted Discretionary Activity criteria -

Council's discretion is restricted to actual or potential adverse environmental effects relating to the following:

i. Duration of the activity;

ii. Scale of the activity;

iii. Access;

iv. Parking (note there is no minimum number of car parks to be required);

v. Traffic generation;

vi. Noise;

vii. Dust.

4A.2.5 Matters of Discretion

4A.2.5.1 Restricted Discretionary Assessment for Carnivals, Trade Fairs, Concerts, Parades and Other Public Meetings

Council's discretion is restricted to the following:

a. Traffic effects, including the use of traffic management, to provide for the safe and efficient operation of the *transportation network*

b. Car parking (note there is no minimum number of car parks to be required)

c. Noise

d. *Signs*

e. Temporary nature of the activity

f. Number of attendees and staff

g. Overall management of the event

4A.2.5.2 Restricted Discretionary Assessment for Temporary *Buildings/Structures* for Hobby Activities

Council's discretion is restricted to the following:

a. Visual amenity

b. Temporary nature of the *building/structure*

4A.3 Activities on the Surface of Water

4A.3.1 Activities on the surface of water are variously controlled by the District *Council*, the *Regional Council*, and Maritime Safety Authority. The *Regional Council* is primarily concerned with environmental issues (water quality), allocation of water (taking), structures that affect the bed of the waterway, and in some instances navigation and safety. The Marine Safety Authority is concerned with navigation and safety of activities.

4A.3.2 In this District Plan, rivers and waterways are zoned as with the surrounding land. Any controls administered by the District *Council* shall be those of the zone in the District Plan that covers the respective water body.

Explanatory Note: In accordance with Section 33 of the *RMA*, the functions and powers held by the Western Bay of Plenty District Council in relation to the control of activities on the surface of all water bodies within the Western Bay of Plenty District, were transferred to the *Regional Council* on 22 July 1993.

Any application for a resource consent involving activities on the surface of water is to be lodged with and determined by the *Regional Council*, unless a proposed activity on the surface of water also involves land based activities requiring resource consent from the Western Bay of Plenty District Council.

4A.4 Status of Roads

4A.4.1 As well as being able to be designated, roads are provided for as activities within zones. Existing *District* roads are Permitted Activities and new *District* roads are Restricted Discretionary Activities in all zones but exclusive of Identified Significant Ecological, Landscape and Historic Heritage Features and *public reserves* (see 10.3.aj.).

4A.4.2 The rules for roads are within Section 10 and provision has been made for a limited number of *network utilities* and works within the legal *formed road*. The District Plan does not permit other activities within *formed roads*. Notwithstanding this *Council* may issue licences to temporary, mobile activities on the public road but not State Highways.

4A.4.3 The State Highways and proposed deviations/bypasses have been designated by Waka Kotahi NZ Transport Agency.

The Plan also provides for new Strategic Roads as Restricted Discretionary Activities in all zones exclusive of the Identified Significant Ecological, Landscape and Historic Heritage Features and *public reserves*. Waka Kotahi NZ Transport Agency will in the future have the choice of the designation or Discretionary Activity procedures.

4A.5 Earthworks

With the exception of the following, all *Earthworks* shall be permitted:

a. *Earthworks* which are listed as requiring resource consent elsewhere in the District Plan.

b. *Earthworks* which are undertaken in association with an activity for which a resource consent for a Discretionary or Non-Complying Activity is required.

c. Where *Earthworks* are listed as a matter of control or discretion.

4A.6 Information Required with Applications

4A.6.1 All Applications

Explanatory Note: See also Section 12.3.7 and 12.3.8 for information to be submitted with applications for subdivision consent.

The following information (as applicable) shall be submitted with any application for a resource consent:

a. A completed standard *Council* application form and check list.

b. A statement specifying all other resource consents required from any other consent authority and whether or not such consents have been obtained or applied for.

c. The known historical use of the site, including any history of horticulture, agriculture or any other use that could have resulted in *persistent chemical residues* in the soil and in particular any known *hotspots*.

If so, soil testing may be required to confirm that the land is fit for increased exposure to humans. Use of *Ministry for the Environment Contaminated Land Management Guidelines* (assisted by the explanatory note for soil acceptance criteria in Rule 12.3.8.o.) shall be used to establish this. In addition, if deemed necessary by the report, remediation of the *hotspot* or area concerned may be necessary depending on proposed future use of the area. *Ministry for the Environment Contaminated Land Management Guidelines* shall be used to guide the remediation requirements.

The Hazardous Activities and Industries List (referred to in the *Ministry for the Environment Contaminated Land Management Guidelines*) lists uses which could have contaminated the land. If *Council* is satisfied the land has no history of activities involving uses from that list, soil testing shall not be necessary.

d. A description of the subject site including:

i. Location and adjoining road (with a location plan where appropriate);

ii. Legal description (with title references);

iii. Existing uses and *buildings/structures*;

iv. Topography and vegetation;

v. Extent and nature of any filled areas or any areas subject to erosion, landslip, inundation or other natural hazards;

vi. Description of any *Identified Significant Features*, registered archaeological sites, or any other features considered to be of value to the community.

e. A description of the activity for which consent is sought, including:

i. Nature of the activity and any processes involved;

ii. Location of and means of access to the site;

iii. Nature and extent of likely traffic generation;

iv. Provision for on site parking (in cases where onsite car parking is to be provided), loading, and vehicle manoeuvring;

v. Number of people employed and to be catered for;

vi. Number of animals or poultry involved;

vii. Any proposed *earthworks*;

viii. Existing or proposed landscaping;

ix. Proposed hours of operation;

x. Location, size, and function of any proposed *signs* both on or off the site;

xi. Any proposed staging of the *development*;

xii. Any *hazardous substances* or installations involved, including the discharge of any contaminants.

f. The subjects of water supply, wastewater and stormwater reticulation and disposal are to be addressed and where these are to be provided a detailed description on how this is to be achieved is required. Aspects such as source of supply, discharge points, quantities likely, other resource consents required and the location of any waterways, *wetlands* and ponding areas shall be addressed in the report.

g. An analysis of the suitability of the site for the proposed activity, having regard to the foregoing clauses c., d., and e..

h. Identification of any tāngata whenua or Treaty of Waitangi issues.

i. Identification of persons affected and whether such persons have been consulted, including those from whom written approvals to the proposed activity have been obtained (such approvals to be submitted with the application on the standard *Council* form).

j. An assessment (in accordance with the Fourth Schedule of the *RMA*) of any actual or potential effects that the activity may have on the environment and the ways in which those adverse effects may be avoided, remedied, or mitigated. The assessment shall be in such detail as corresponds with the scale and significance of the actual or potential effects that the activity may have on the environment.

k. The identification of the location of any electricity transmission, sub-transmission and distribution feeder is required. Such lines are identified on the *Council's* Geographical Information System (GIS). An assessment of the potential effects of the activity on those lines must be included in the Assessment of Environmental

Effects (AEE).

l. Two full size original scale copies and one A4 reduced copy of each of the following plans illustrating the proposal shall be submitted, such plans to comprise:

i. A location plan of the site showing road name, street number, north point and scale;

ii. A site plan of the property (at a scale of not less than 1:200) showing:

- North point and scale;
- Site boundary lengths and other dimensions in metres;
- Location with distances to site boundaries, of all existing *buildings/structures* which are to remain on the site and all proposed *buildings/structures* (including where applicable, eaves, balconies, courts and verandas);
- Proposed use of each *building/structure*;
- Position of any easement over the site;
- Position, location and dimensions of every parking and loading space and the proposed access and manoeuvring areas;
- Proposed retaining walls, excavations and landfill;
- Levels on the site boundaries and around any *buildings/structures*, contours of the site unless the site has a uniform grade of less than 1 in 10 (this requirement shall not be applicable within the Rural Zone);
- Existing trees and proposed landscaping. Dimensioned areas of the landscaping should be shown together with all existing and proposed sealed areas;
- Water courses and drainage and sewerage pipes and other utility services within the site; and
- The means proposed to deal with all stormwater and sanitary drainage.

iii. A floor plan of each *building* (at a scale of not less than 1:100) showing use of all parts of the *building*, including basements, parking, storage or service areas.

iv. Elevations of each *building/structure* (at a scale of not less than 1:100) showing:

- External appearance of the *building/structure* including doors and windows;
- Number of floors and their proposed use;
- *Building/structure heights* and *height* in relation to any boundary;

- Relative *height* of new *buildings/structures* fixed in terms of the definition of *height* as set out in this District Plan.

4A.6.2 Information requirements for Accommodation Facilities

In addition to the information requirements above the following shall be provided with any application for an *Accommodation Facility*:

a. An assessment of financial contributions that includes details of:

i. The number of persons to use the facility;

ii. How many *household equivalents* this equates to;

iii. The expected occupancy rates for existing facilities;

iv. Available *Council* facilities to be used i.e. roading, water, wastewater, or stormwater;

v. An outline of activities and facilities provided for onsite.

b. A management plan to include:

i. Hours of operation;

ii. Terms and conditions of use;

iii. An assessment of management of effects on a regular basis e.g. noise to be controlled by staff onsite at all times.

4A.6.3 Information requirements for the creation of on-site Protection Lots or Transferable Protection Lot credits based on land for community benefit

In addition to the information requirements above the following shall also be provided;

a. Evidence that the applicant has met with *Council's* reserves staff to discuss the proposal and a record of the extent to which the proposal is supported by *Council's* reserves staff with respect to the following;

i. Plans showing the area of land which is being provided and for what particular feature type/s and purpose/s;

ii. The reasons why the provision of the land will have a significant community benefit;

iii. How legal protection is to be achieved;

iv. The number of on-site Protection Lots or Transferable Protection Lot credits proposed.

4A.7 Consent of Affected Parties – Controlled Activities

4A.7.1 Rule

In the case of a resource consent application for a Controlled Activity, the written approval of affected persons is not required and no person is required to have notice served on them unless the District Plan specifically states otherwise.

Section Contents

Transportation, Access, Parking & Loading

4B. Transportation, Access, Parking & Loading
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Transportation, Access, Parking & Loading

4B. Transportation, Access, Parking & Loading

Explanatory Statement

The roading network of the *District* is used by a range of transportation modes such as walking, cycling and vehicles, and it is important that the network is safe and is able to accommodate and encourage the integrated and comprehensive planning of a full range of transportation modes.

State Highways are a national asset and an essential part of New Zealand's *transportation network*, linking our communities, facilitating economic development, moving freight and contributing to the well-being of all New Zealanders. The efficiency of the State Highway network can affect the efficiency of transporting goods and services (and thus the national economy) to and from distribution centres such as the Port of Tauranga.

Because of the higher volumes of traffic and high number of heavy vehicles, the State Highway network requires safety measures that reflect that highway role. In addition, the higher traffic volumes and heavy vehicles may affect adjoining residents and activities. The State Highway network also provides critical local and *District* level transportation links. This role needs to be recognised alongside its national function.

Waka Kotahi NZ Transport Agency protects the safety and efficiency of the State Highway network by authorising the location and design standards of side road intersections and works in the *Road Reserve* including crossing places.

There is a need to integrate transport *infrastructure* and land use patterns to achieve an affordable, integrated, safe, responsive and sustainable land transport system. Subdivision, use and *development* of land can have adverse impacts, including cumulative impacts, on the *transportation network*. *Development* that increases traffic can impact levels of service, safety and congestion, and reduce the contribution that the *transportation network* makes to the economic prosperity of both the *District* and the wider region by making the network less effective.

A *roading hierarchy* (see 4B.4.1) indicates those roads that may require special treatment and management. The hierarchy starts with *motorways* and moves through to local roads and service lanes.

Conversely, it is important to recognise the need for future transport planning and transport *infrastructure* to consider existing and future land use activities and patterns and economic growth opportunities and to ensure economic and social wellbeing is not constrained.

The use and development of the *transport network* in the future will be affected by the availability of multi-modal transport forms that may be developed or implemented to improve energy efficiency, reduce carbon emissions and enable more sustainable management of the *transport network*.

The prime mechanism for managing on-site parking and manoeuvring areas is the Building Code. The District Plan complements the Building Code for activities that do not involve *buildings* and where loading is required. Parking and loading is necessary to preserve the adjacent road's level of service, thereby reducing congestion and maintaining the character and in some cases the pleasantness of the street environment.

Council will continue its traditional role of establishing service lanes and public carparks to relieve on-street congestion.

4B.1 Significant Issues

1. Vehicle access points from property to roads (including State Highways) have the potential to conflict with the safe and efficient operation of the *transportation network*.

2. Similarly, the changing needs and requirements of activities on land adjacent to roads also have the potential to conflict with the safety and efficiency of the *transportation network*.

3. An integrated approach to land use and *infrastructure* planning is needed in order to achieve an affordable, integrated, safe, responsible and *sustainable land transportation network*.

4. Poorly located growth and *development* can affect the function and efficient operation of the *transportation network* and may result in the potential for *reverse sensitivity* effects.

5. On-street traffic congestion in the main commercial centres of Te Puke, Katikati and Waihi Beach could result if *Council* does not continue its policy of ensuring adequate provision of effective service lanes and public carparking in such areas.

6. Walking, cycling and other non-vehicular forms of transport that help to relieve vehicle congestion on the *transportation network* are important elements of an integrated, comprehensive *transportation network*.

4B.2 Objectives and Policies

4B.2.1 Objectives

1. To provide an integrated, efficient, safe and *sustainable transportation network* that supports the social and economic wellbeing, and land use pattern of the *sub-region* as defined in this District Plan and that maintains or enhances the regional strategic linkages.

2. To provide for more efficient land use, *development* and subdivision of existing areas in a way that recognises and integrates with the functions of different road types, transport modes and the defined *transportation network*.

3. To encourage the use and development of alternative modes of transport including, but

not limited to, public transport, cycling, walking and other non-vehicular forms of transport that provide for an integrated, efficient, safe and *sustainable transport network*.

4. To provide safe and efficient public carparks in town centres.

4B.2.2 Policies

1. To recognise and provide for the existing and future *transport network* including the linkages to other districts and regions.

2. To avoid, remedy or mitigate the adverse effects of land use, *development* and subdivision on the safety, efficiency, sustainability and capacity of the *transportation network*.

3. To manage the land use, *development* and subdivision of areas to achieve compatibility with the roads they front and the wider *transportation network*, with particular regard to the potential effects on that network, including, but not limited to, the safe and efficient provision of site access at the local level and intersections within the wider network and the effects of *reverse sensitivity* experienced between the operation and use of the *transportation network* and the establishment of adjacent land uses.

4. To ensure the integrated management of road, rail, sea and air *transport networks* to facilitate the long-term efficient and sustainable management of the wider *transportation network*.

5. To recognise and provide for network wide effects of land use change on *transport networks* by assessing the effects of land use change across the networks affected.

6. To recognise and provide for the function of each road as described in the *road hierarchy*, and provide for the efficient use of that road type, by managing the intensity and form of land use, *development* and subdivision that impact on these roads.

7. To encourage the efficient use of land particularly in identified land use zones to reduce the potential impacts on the *transportation network*.

8. To ensure land use, *development* and subdivision planning provides for the implementation of multi-modal transport activities including public transport, walking and cycling facilities that address the identified need for new facilities/networks or enhance existing facilities/networks.

9. To maintain or enhance the sustainable and efficient use of arterial and collector roads through the use of transport optimisation methods and techniques (for example traffic demand management) that encourage adjacent land uses to provide access in keeping with the function of the road in the *roading hierarchy* and support alternative modes of transport.

10. The access, parking and loading effects of activities on the *transportation network* shall be avoided, remedied or mitigated with particular regard given to the level of service the road provides within the *District's roading hierarchy*.

11. Activities should be established and operate in a manner which ensures safe and effective on-site and off-site vehicle parking, manoeuvring and access and pedestrian access.

12. Provide safe, usable and attractive networks and associated linkages for pedestrians,

cyclists and motor vehicles.

13. To ensure that the amenity value and public safety in town centres are not affected by *vehicle movements* across footpaths to and from on-site parking areas.

14. That *Council* be the preferred provider of parking facilities in the town centre

4B.3 Activity Lists

4B.3.1 Controlled Activities

a. Cash in lieu for loading provisions within the Katikati and Waihi Beach town centres, as identified on the District Plan Maps, for the following activities:

- Business activities including *retailing* shops;
- Administrative, commercial and professional *offices* not in a residential *building*.

Activities that require new crossings, or activities other than Permitted Activities that increase the use of existing crossings, onto Strategic Roads subject to performance standard 4B.4.2.

4B.3.2 Restricted Discretionary Activities

a. Non-compliance with rules contained in Section 4B.4, Activity Performance Standards, shall be Restricted Discretionary, unless otherwise stated.

b. Any subdivision of land to create a maximum of one additional *lot*, where access to a legal road is obtained by crossing a railway line.

c. On-site parking in the Waihi Beach and Katikati town centres, as identified on the District Plan Maps, for the following activities:

- Business activities including *retailing* shops;
- Administrative, commercial and professional *offices* not in a residential *building*.

4B.3.3 Discretionary Activities

a. Alternative means of provision of loading as per Rule 4B.4.8, other than as provided for in Rule 4B.3.1 a.

4B.3.4 Non Complying Activities

a. Activities that require new crossings, or increase the use of existing crossings, onto Strategic Roads where:

i. For State Highways – the written approval of Waka Kotahi NZ Transport Agency is not provided; or

ii. For other Strategic Roads – the written approval of the Western Bay of Plenty District Council is not provided.

b. Any subdivision of land to create more than one additional *lot*, where access to a legal road is obtained by crossing a railway line.

4B.4 Activity Performance Standards

The following performance standards shall be met by all Permitted and Controlled Activities as listed in each zone and shall be used as a guide for all other activities.

4B.4.1 Roading Hierarchy (refer to Roading Hierarchy Map below)

a. Strategic Roads

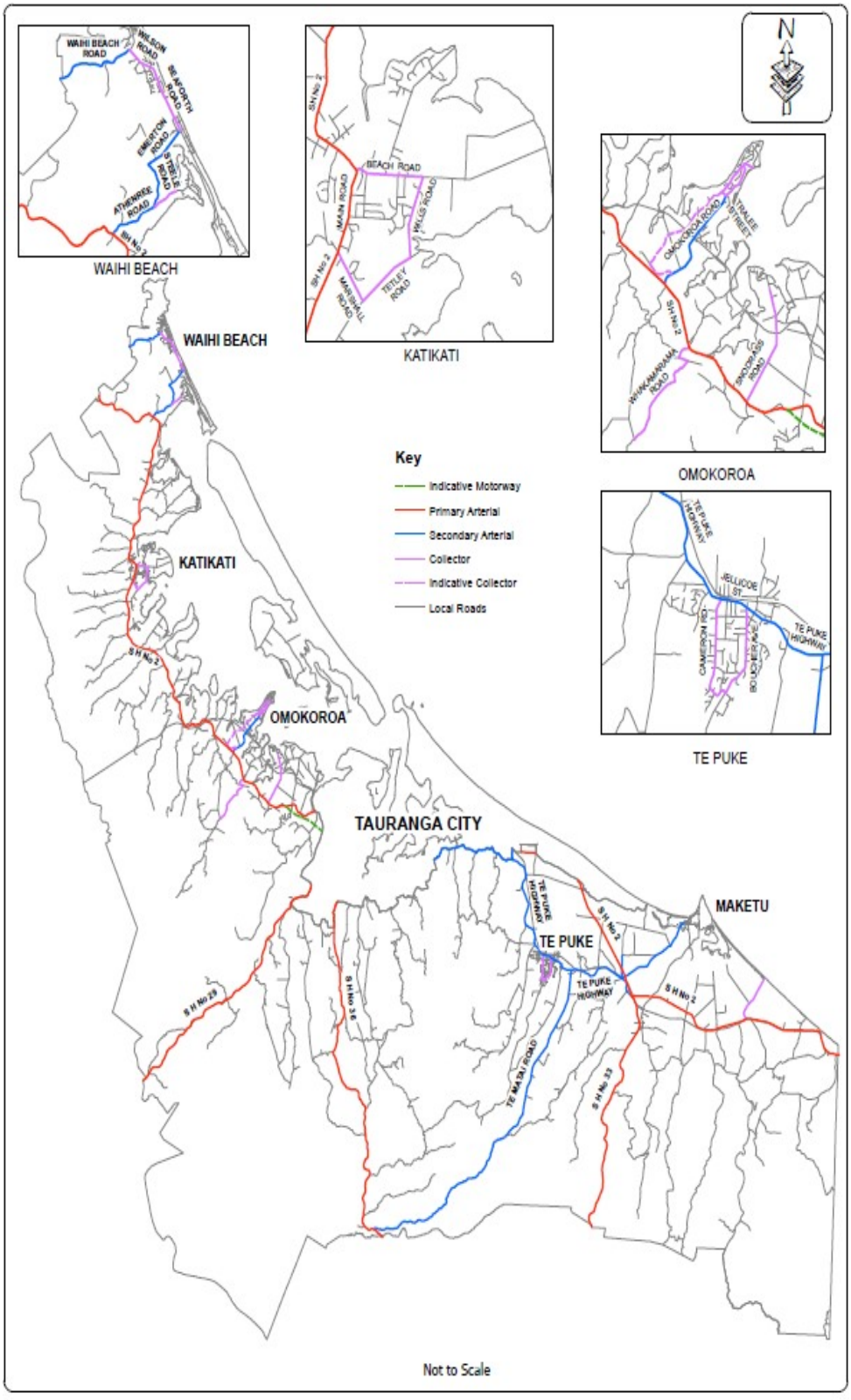
(i)	*Motorways*	Tauranga Eastern Link
		Northern Arterial
(ii)	*Expressways*	
(iii)	*Primary Arterial*	State Highway 2
		State Highway 29
		State Highway 33
		State Highway 36
(iv)	*Secondary Arterial*	Te Puke Highway Jellicoe Street Waihi Beach Road
		Athenree / Steele / Emerton Roads
		Ōmokoroa Road (SH2 to Tralee Street)
		Welcome Bay Road
		Te Matai Road
		Maketu Road
		Tara Road

b. District Roads

(i)	*Collector Roads*	Wilson Road/Seaforth Road
		Athenree Road (Steele to Koutunui Road)
		Beach Road (SH2 to Wills Road)
		Wills Road
		Tetley Road (Marshall to Wills Road)
		Marshall Road
		Ōmokoroa Road (Tralee to The Esplanade)
		Tralee Street
		Hamurana Road
		Francis Road (Ōmokoroa to Hamurana Road)

		Barrett Road
		Old Highway (Barrett to Whakamarama Road)
		Whakamarama Road (Old Highway to Youngson Road)
		Snodgrass Road (SH2 to Newnham Road)
		Cameron Road
		Boucher Ave (SH2 to Cameron Road)
		Pukehina Beach Road
(ii)	*Local Roads*	
(iii)	*Service Lanes*	

Roading Hierarchy Map



WESTERN BAY OF PLENTY DISTRICT PLAN - ROAD HIERARCHY

4B.4.2 Access to Strategic Roads

a. No crossing place shall be permitted to serve any proposed new activity that requires resource consent and/or increases the traffic movements to the site unless:

i. It is impractical for the activity to have alternative legal access to some other road; and

ii. An assessment of the effects of such access on the road including written consent from Waka Kotahi NZ Transport Agency or *Council* (where relevant) is submitted with the application. The assessment shall address traffic safety, the traffic efficiency of the road, the impracticality of achieving alternative access, the potential for adverse effects on adjacent land owners and adverse effects on the *transportation network*.

Explanatory Note:
Where any new crossing is proposed onto a State Highway, approval for that crossing needs to be obtained from Waka Kotahi NZ Transport Agency pursuant to the Government Roading Powers Act 1989.

Waka Kotahi NZ Transport Agency retains control over the design and construction standards of crossing places and road intersections with State Highways.

b. All properties with legal access to a strategic road shall provide all parking and manoeuvring on site.

4B.4.3 Access to Rural Roads (Rural, Lifestyle and Future Urban Zones) other than Strategic Roads

a. No vehicle entrance shall be constructed within:

i. 30m of a rural road intersection;

ii. 45m of a State Highway intersection where the posted speed limit on the rural road is 70km/hr or less;

iii. 60m of a State Highway intersection where the posted speed limit on the rural road is greater than 70 km/hr;

iv. i., ii. and iii. above shall be measured from the intersection of the legal road boundaries, or the edge of the road formation, whichever is closer to the entrance.

b. Each entrance shall be located in such a position as to provide complying visibility for motorists entering and leaving the property in accordance with *Council's* Development Code 2009.

c. All new rural entrances and entrances which are in a 'fixed location' at subdivision consent stage on District roads shall be designed and constructed so that heavy vehicles can enter and leave the property in a safe and convenient manner without damaging the edge of seal.

Explanatory note:
For the purpose of this rule, 'fixed location' shall be defined as an entrance serving a *privateway*, access leg or a property limited to complying and practical road frontage for entrance construction of 30m or less.

d. Where a building consent is lodged with *Council* for the *construction* of a *building* on a site, details of the entranceway will be required in the following circumstances

- Where the property does not already have an existing entrance; or
- Where there is an existing entrance and the purpose of the *building* increases the use of the entrance; or
- Where there is an existing complying entrance and it is intended that the *building* be served by any other entrance;

i. Should one or more of the above circumstances apply, the details of any existing entranceway arrangement (including information required by Rule 12.3.8 c.) and the details of a new complying entranceway or upgraded existing and complying entranceway, shall be provided for approval at the time of building consent. The entranceway shall be constructed or upgraded, and certified in accordance with the approved details and Rule 12.3.9 thereafter.

ii. As an alternative to i., an application to *Council* for a new entrance shall be made under the 'Rural Vehicle Crossing Application' procedure or its successor.

Explanatory Note:
The term "complying" in the context of the above rule refers to the location and standard of construction for the entranceway as determined by *Council's* Development Code. This rule excludes *buildings* which are a permitted activity under Rule 18.3.1.e.

e. Activities, including any Controlled, Restricted Discretionary, Discretionary or Non-Complying activities, that require new access, or increase the use of existing accesses, to rural roads shall ensure that the access and the existing road is formed and constructed to the current standards in *Council's* Development Code 2009, necessary to accommodate the increased use of the road (see Section 12.4).

f. In any subdivision (including boundary adjustments), all *lots* available for independent use shall be demonstrated as capable of being provided with an entrance that complies with *Council* access standards.

Except that this rule shall not apply to:

- Existing entrances used intermittently only and which do not provide access to an existing or proposed *dwelling*. For the purpose of this rule 'intermittent use' includes farm accesses used occasionally, but excludes dairy tanker accesses and the main working entrance of properties.
- Existing entrances to properties being subdivided by way of boundary adjustment where no additional *lots* are created and the ability to create a complying entranceway for each *lot* in the future is not compromised.

Explanatory note:

Non-compliance with this rule shall be a Restricted Discretionary Activity in respect of the particular non-compliance.

4B.4.4 Access to Urban Roads (Residential, Medium Density Residential, Rural-Residential, Natural Open Space, Commercial, and Industrial Zones) other than Strategic Roads

a. Subdividers shall normally be required to provide only those crossings where the location is fixed at the time of subdivision, such as *Privateways*. In all other cases, the crossings shall be constructed at the time of building.

b. Distance from Road Intersections - No vehicular access shall be located nearer than

8m in a Residential, Medium Density Residential, Rural-Residential or Natural Open Space Zone or nearer than 25m in a Commercial, or Industrial Zone from the road intersection, measured from the intersection of the legal road boundaries or any part of a road on which the *Council* has resolved that no vehicle may stop in accordance with the provisions of the Transport Act and any regulations pursuant to that Act.

c. The maximum gradient for a private access (vehicle crossing and driveway) serving one *lot* shall be 1 in 4.5 (22.2%) as per *Council's* Development Code Standard Drawing W436.

Explanatory Note:
This gradient has been calculated as the absolute maximum for an 85th percentile passenger car to negotiate a vehicle crossing and driveway interface with sufficient clearance, assuming the vehicle crossing has been constructed to *Council's* standards. *Council's* maximum gradients for shared access (*Privateways* or Rights of Way) are as per District Plan Rule 12.4.4.2 – Tables 1 & 2.

4B.4.5 Loading Path and Space Dimensions

Activities requiring loading facilities or servicing from heavy vehicles shall comply with the 90 percentile design two axled truck swept path and minimum loading space dimensions or a greater dimension of design where articulated vehicles or trucks and trailers are anticipated.

4B.4.6 On-site Manoeuvring

All activities shall provide manoeuvring space onsite so that all vehicles can enter and exit without reversing on to or off the road. Such manoeuvring shall be able to be executed in no more than a three-point turn.
Except that:
Dwellings in the Residential and Medium Density Residential Zone with direct access off a District Road are not required to provide for onsite manoeuvring.

4B.4.7 Parking and Loading Requirements

Every person who proposes to erect, re-erect, construct or substantially reconstruct, alter or add to a *building* on any site or who changes the use of any land or *building*, shall ensure that there is provision for parking of vehicles and loading as required in the table that follows (note there is no minimum number of carparks to be required).

Within the Waihi Beach and Katikati town centres, as identified on the District Plan Maps, parking (where parking is provided) and loading provisions for business activities, administrative, commercial and professional *offices* (as listed in the table that follows), shall be provided for in an existing or designated public car park, regardless of whether space is available on site.

For all other activities, parking and loading provisions have to be provided for on-site (regardless whether the activity is in or outside the Waihi Beach and Katikati Town Centres).

Activity	Specific Requirements
Residential Activities	
Dwellings (being one household unit).	Where car parking spaces are provided one may be 'stacked' where it does not interfere with shared access.
Dwellings (being one household unit) in town centres. - less than 55m^2 - between 55m^2 and 85m^2 - 85m^2 or greater **Explanatory Note:**	**Explanatory Note:** Where more than one car park is provided, one may be stacked provided it does not interfere with shared access.

The sizes above are measured *by gross floor area*.	
Retirement Villages/Rest Homes.	
Accommodation Facilities	
Boarding houses, Hostels, Hotel Accommodation.	
Motels, Lodges, Camping Grounds, Caravan Parks.	
Places of Assembly	
Clubrooms, *Restaurants*, Brasserie, Cafe, Hotels, Taverns exclusive of accommodation.	
Recreational and Community Activities with no *buildings.*	
Places of Worship Churches and Mortuary Chapels, Funeral Directors Halls, Theatres, Libraries, Gymnasiums, Marae and other *places of assembly.*	Participants and spectators are to be catered for with respect to bicycle parking assessed in relation to the specific activity.
Education Facilities	
Pre-schools, Kindergartens, Childcare Centres, Primary and Intermediate Schools, Educational Institutions with less than 50 pupils.	
Secondary Schools, and Educational Institutions with 50 or more pupils.	
Business Activities	
Retailing shops (including drive-in retail facilities and banks).	
Home Enterprises in the Residential, Rural, Rural Residential and Future Urban Zones.	
Administrative, Commercial and Professional *Offices* not in a residential *building*.	
Motor Vehicle and Agricultural Implement sales yards.	
Medical Centres and Veterinary Clinics.	
Service Stations and Premises for Assembly, or Repair of Motor Vehicles.	
Warehouses, *Depots*, *Building and Construction Wholesalers* (with no retail component) and Storage Facilities (indoor and outdoor), Auction Rooms.	
Building and Construction Retailers or Retailers and Wholesalers combined	
Commercial Services, Hire Centres, Dry Cleaning *Depots*, Repair Services, Tradesman's Workshops.	
Industrial Uses.	
Packhouses, Coolstores.	
Post Harvest Facilities and associated *seasonal worker accommodation* for a maximum of 75 persons and other on site ancillary activities within the Post Harvest	All carparking to be onsite.
Works and *Network Utilities*.	
Notes:	

All parking and loading spaces and manoeuvring areas shall be provided onsite exclusive of land required for service lane or road. All car parking spaces shall be suitable for a 90 percentile car.

Loading Requirements: All permitted uses, exclusive of *dwellings* and *network utilities* where facilities are not normally required to be staffed, shall be provided with at least one loading space in a location appropriate to the use. All Discretionary Activity use loading requirements shall be assessed on their merits.

Bicycle Parking: All activities must have at least one parking space for a bicycle, and depending on the activity; more parking spaces can be required.

4B.4.8 Alternative means of Provision of Parking and Loading

Council shall consider as a Discretionary Activity, or as a Restricted Discretionary Activity in the case of on-site parking in the Waihi Beach and Katikati town centres, the following alternative means of parking and loading:

a. Joint provisions of loading for several activities

i. Where several activities are established on any one site, or on several sites in any area, the *Council* may permit the developers of such activities to provide joint off-street loading areas for their common use.

ii. Where it can be shown that the loading demand of one or more of the activities occurs at a different time from that of the remaining activities, the *Council* may allow a dispensation in respect of the loading requirement for one or more of the activities;

iii. The *Council* may allow a developer to enter into an agreement to use an existing loading area as a joint area where the demand for loading of vehicles occurs at a different time from that of the existing activities, or where the *Council* considers that there is sufficient capacity to accommodate the additional vehicles;

In every case *Council* shall require written documentation of the agreement or arrangement entered into.

iv. The *Council* reserves the right to re-impose the individual requirements should circumstances change with respect to the right of any developer, owner or occupier to use the joint loading area.

Or

b. On-site parking within the Katikati and Waihi Beach town centres

i. As a Restricted Discretionary Activity, *Council* may allow on-site parking within the Katikati and Waihi Beach town centres for the following activities:

- Business activities including *retailing* shops;
- Administrative, commercial and professional *offices* not in a residential *building*.

4B.4.9 Location of Parking and Loading areas

The provision for parking and loading in respect of any site shall not be on:

a. Part of any manoeuvring area or access lane, or road.

b. Any screening required by the District Plan.

c. Any solid waste storage area required by the District Plan.

Provided that:
In Commercial and Industrial Zones manoeuvring may be on service lanes where land for service lane is given by the applicant.

d. Parking spaces shall not occupy loading spaces nor loading spaces occupy parking spaces.

e. Parking and loading spaces are to be either visible from the public road or clearly signposted at the road frontage.

4B.4.10 Formation of Parking and Loading areas

Parking and loading areas shall be sealed in Residential, Commercial and Industrial zones and metalled as a minimum in Rural-Residential, Future Urban, Rural, Lifestyle and ~~Lifestyle~~Natural Open Space Zones so as not to create a dust nuisance to adjoining properties, except in respect of the 3m of any carpark immediately adjoining Strategic Roads that shall be paved in all zones.

4B.4.11 Stack Parking

Council shall accept stacked parking only in the case of *dwellings* provided that the stacking area is exclusive of all those matters listed in 4B.4.9 above.

4B.4.12 Service Lanes

All new activities shall provide *Council* with the land for a service lane at the rear or at the side of the site as required in accordance with the Planning Maps.

The service lane widths and dimensions required from each site shall be in accordance with dimensions as stated in the relevant designation.

4B.4.13 Signs - See Section 4D.

4B.5 Matters of Control – Controlled Activities

Council shall exercise control over the following:

a. The number and nature of the required loading provisions within the Waihi Beach and Katikati town centres.

b. The location of available *Council* owned or designated public loading areas.

4B.6 Matters of Discretion for Restricted Discretionary Activities

4B.6.1 Non Compliance with Rule 4B.4.3 – Access to Rural Roads other than Strategic Roads

Council's discretion is restricted to the actual or potential adverse effects arising from the particular

non-compliance, having regard to the extent and nature of the non-compliance.

Conditions on any consent granted may include (but not necessarily be limited to) those relating to:

a. Works to improve sight distances and other safety enhancements.

b. Closure of an existing entrance.

c. The ability to relocate the entrance to a complying or less non-complying location.

d. The recommendations and findings of any *Integrated Transportation Assessment* (where relevant).

e. The upgrade of existing roads and accesses necessary to serve the activity (see Section 12.4.4).

4B.6.2 Non Compliance with Rules 4B.4.4 – 4B.4.7 and Rules 4B.4.9 – 4B.4.12 (inclusive)

Council's discretion is restricted to the actual or potential adverse effects arising from the particular non-compliance, having regard to the extent and nature of the non-compliance. Conditions on any consent granted may include (but not necessarily be limited to) those relating to:

a. The degree of non-compliance with the specific rule.

b. The mitigation of actual or potential adverse effects of the non-compliance on, or beyond the boundary of, the site.

c. The recommendations and findings of any *Integrated Transportation Assessment* (where relevant).

d. The outcomes of the respective town centre plans for Katikati and Waihi Beach.

e. The potential adverse effects on pedestrian safety, such as vehicles crossing the footpath to access on-site carparks.

f. The effects on the amenity values of the town centre, such as the impact on a continuous shop front.

g. With regard to on-site parking in the Waihi Beach and Katikati town centres, the availability of adequate land on-site to accommodate safe and convenient parking and *vehicle movements*.

4B.6.3 Subdivision Accessed over a Railway Line (see Rule 4B.3.2.b.)

Council will restrict its discretion to the following matters:

a. The ability to establish an alternative legal access that does not cross a railway line and can be formed at a later date if required.

b. Whether the alternative access can be practicably formed.

c. Whether the written approval of the railway line network owner or operator has been obtained.

4B.7 Matters of Assessment for Discretionary Activities

4B.7.1 All Discretionary Activities including (but not limited to) New Crossings, or an Increase in the Use of Existing Crossings, onto Strategic Roads

Assessment Criteria include, but are not limited to:

a. Impacts on the *road hierarchy*.

b. *Infrastructure* provision, including works to maintain the safety and function of the *transportation network*.

c. The recommendations and findings of any *Integrated Transportation Assessment*.

d. Establishment of cycleways, walkways and public transport stops.

e. Timing and staging of *development*.

4B.7.2 Alternative means of Parking and Loading

In addition to assessment criteria identified in Rule 4B.6.1 assessment criteria to be considered for alternative means of parking and loading include, but are not limited to:

a. Existing demand on parking in the immediate locality.

b. Availability of land on which public carparks may be built.

c. Traffic environment in the locality of the subject site.

d. The recommendations and findings of any *Integrated Transportation Assessment*.

4B.8 Information Requirements

4B.8.1 Information Requirements for Activities Subject to Rule 4B.3.2

An assessment of any activity's non-compliance shall be undertaken by a suitably qualified person recognised by the *Council* including a registered professional surveyor, licensed cadastral surveyor, chartered professional civil engineer or, where an *Integrated Transportation Assessment* (or other traffic assessment) is required, a suitably qualified and experienced traffic engineer, and shall include:

a. A description of the existing situation including:

   i. Specific quantification of the nature and extent of non-compliance;

   ii. Standard of existing formation.

b. Possible mitigation measures (such as works to improve sight lines or relocation of the entrance).

c. Predicted changes (if any) to the volume of traffic using the entrance following subdivision.

4B.8.2 Information Requirements for Activities Subject to Rule 4B.3.3

In addition to any other requirement of the District Plan each application shall include, as appropriate, the following:

a. An *Integrated Transportation Assessment* for the *development*. *Integrated Transportation Assessment*s should reference appropriate best practice technical guides and consultation (where undertaken) with Waka Kotahi NZ Transport Agency and should consider as a minimum the following matters:

   i. Planning and policy frameworks;

   ii. Measures to influence multi-modal travel, including encouraging passenger transport, walking and cycling;

   iii. Travel characteristics;

   iv. Land use characteristics;

   v. Assessment of adverse effects;

   vi. Mitigation of adverse effects.

b. A *Travel Management Plan* for the proposed activity.

c. An assessment of Equivalent Light *Vehicle Movements* per peak hour and per day. Daily movements shall be averaged over a seven day period.

d. An assessment of pedestrian and cycle movements to and from the proposed activity.

e. An assessment of the integration of the proposed activity with public transport.

f. Assessment of a Discretionary Activity land use consent application may include consideration of the Permitted Activity Standards and Restricted Discretionary Assessment Criteria and possible conditions as well as any other relevant criteria in the District Plan as guidelines to the determination of the application.

g. Waka Kotahi NZ Transport Agency shall be considered an affected party in any application for subdivision or *development* of land that significantly impacts on the *Strategic Road Network*.

4B.9 Other Methods

4B.9.1 Building Code

a. Vehicle manoeuvring distances, parking dimensions, queuing spaces and circulation rates, and pedestrian access are controlled by the Building Code.

   Explanatory note:
   The ‘1993 Building Code Acceptable Solution’ or its successor must be complied with at the building stage.

b. Parking and access for disabled persons are to be provided in accordance with the Building Code.

4B.9.2 Waka Kotahi NZ Transport Agency

a. Waka Kotahi NZ Transport Agency is the controlling authority for State Highways. Section 51 of the Government Roading Powers Act, 1989, lists things which are an offence to do, cause or permit on a State Highway, without the written permission of Waka Kotahi NZ Transport Agency. This includes undertaking any work on a State Highway.

4B.9.3 Department of Conservation

a. *Council* will liaise with the Department of Conservation in the identification of road ends and accessways that link with land managed by the Department.

Section Contents

Amenity

4C. Amenity
4C.1 Noise and Vibration
4C.2 Storage and Disposal of Solid Waste
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Amenity

4C. Amenity

Explanatory Statement

Amenity values have been defined by the *RMA* as those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes.

Activities can be offensive to amenity either because of the nature of the activity or the sensitivity of the surrounding environment. However the acceptable levels of amenity within the *District* will vary according to each zone and the activities that are provided for within that zone. Generally a higher level of amenity is afforded to the Residential ~~Zone~~and Medium Density Residential Zones than to the Industrial Zone while the amenity of the Rural Zone provides for the effects generated by rural production activities which may be considered inappropriate in other zones.

The activities that *Council* seek to manage for amenity purposes are noise and vibration, storage and disposal of solid waste, lighting and welding, offensive odours, *effluent aerosols*, spray drift and screening. The thresholds for these activities have been set to provide a level of amenity which is appropriate in each zone. Activities that may impact on the amenity of the zone are best located in a more appropriate zone.

4C.1 Noise and Vibration

Explanatory Statement

Council's aim is to maintain a reasonable balance between the objective of maintaining a high quality living environment free from unreasonable noise and the need to recognise that permitted and lawfully established activities in the Rural and Industrial Zones may have associated noise levels that are acceptable as part of the principal activity such as *farming*.

In some areas the loading/unloading of materials at night and the movement onsite of vehicles 24 hours a day is an issue for adjoining landowners. The noise levels of the District Plan are intended to control this type of adverse effect.

Vibration from activities has not been an issue in the *District*. In many cases *Council* can manage vibration effects through the management of noise emissions or through the provisions of the Health Act. Specific standards to manage vibration are therefore not proposed.

Reverse sensitivity is a matter that requires management throughout the *District*. This is done in a number of ways.

The Post Harvest Zone and the Tara Road Rural Residential Zone each have specific buffer provisions, as does the Cameron Quarry site which is located at Otamarakau within the Rural Zone. In the latter case, a *Quarry Effects Management Area (QEMA)* has been identified on the District Planning maps over land surrounding the site.

4C.1.1 Significant Issues

1. The potential for the operation of non-residential activities within residential areas to generate noise which detracts from existing amenity.

2. The potential for the operation of non-rural activities in rural and isolated natural environment areas to generate noise which detracts from existing amenity.

3. The potential for activities within one zone to generate noise which detracts from the existing amenity of nearby zones.

4. The perception of the rural area as being a quiet environment does not reflect the realities of the Rural Zone as a productive working environment and increases the potential for *reverse sensitivity* issues.

5. The potential for noise emissions within the Industrial Zone to adversely affect the health and safety of people within and adjacent to that zone.

4C.1.2 Objective and Policies

4C.1.2.1 Objective

An environment free of unreasonable noise in accordance with the character and amenity of the zone within which the noise is generated and received.

4C.1.2.2 Policies

1. Ensure activities do not generate noise levels inconsistent with the character and amenity of the zone in which the generated noise is received.

2. Exempt from the maximum permitted noise level requirements are those activities which are an integral part of accepted management practices of activities associated with production land in rural areas as well as other activities clearly of a temporary nature (e.g. *construction* works, military training exercises).

3. Have regard to any relevant New Zealand legislation, standards, guidelines and codes of practice, in the assessment of applications for resource consents.

4C.1.3 Activity Performance Standards

The following performance standards shall be met by all Permitted and Controlled Activities and shall be used as a guide for all other activities. Any Permitted Activity which fails to comply with any of these standards shall be deemed a Discretionary Activity for the particular non-compliance.

4C.1.3.1 Construction Noise

Construction noise shall not exceed the noise limits in, and shall be measured and assessed in accordance with the requirements of NZS 6803:1999 Acoustics – Construction Noise.

4C.1.3.2 Noise Limits

a. Noise limits for activities in Residential, Medium Density Residential, Rural-Residential, Future Urban, Rural, Lifestyle and ~~Lifestyle~~Natural Open Space Zones

i. All activities located within these zones shall be so conducted as to ensure that noise from the site shall not exceed the following noise limits within the stated timeframes at any point within the *notional boundary* of any *dwelling* in a Rural, Lifestyle or Rural-Residential Zone, or at any point within the boundary of any property within a Residential, ~~or~~Medium Density Residential, Future Urban or Natural Open Space Zone (other than the site of the activity);

Time Period		Sound Level Not to be Exceeded	
Day	**Hours**	***LAeq***	***LAmax***
Monday to Saturday	7am to 10pm	50dB	N/A
Sunday	7am to 6pm	50dB	N/A
At all other times and on public holidays		40dB	65dB

ii. Any new *dwelling* to be erected or the addition of *habitable space* to an existing *dwelling* within 200m of a Post Harvest Zone boundary shall be designed and constructed so as to ensure that with respect to the night time noise levels permitted within the Post Harvest Zone, internal noise levels do not exceed *LAeq*(15min) 30dB in bedroom and *LAeq*(15min) 40dB in other habitable rooms. Written certification of such compliance from a suitably qualified and experienced acoustic engineer shall be submitted with the building consent application for the *dwelling* concerned. Where the windows of the *dwelling* are required to be closed to achieve compliance with the aforementioned noise limits, alternative means of ventilation shall be provided in compliance with clause G4 of the New Zealand Building Code or any subsequent equivalent clause.

iii. Any new *dwelling* to be erected, or the addition of *habitable space* to an existing *dwelling,* within 300m of any existing or approved frost protection fan(s) on a title separate to that of the subject site and in different ownership shall be designed and constructed so as to ensure that, with respect to noise emitted by any existing or approved frost protection fan(s), internal noise levels do not exceed *LAeq*(15min) 30dB in any bedroom and *LAeq*(15min) 40dB in other habitable rooms.

Written certification of such compliance from a suitably qualified and experienced acoustic engineer shall be submitted with the building consent application for the *dwelling* concerned. Where the windows of the *dwelling* are required to be closed to achieve compliance with the aforementioned noise limits, alternative means of ventilation shall be provided in compliance with clause G4 of the New Zealand Building Code or any subsequent equivalent clause.

For the purposes of this rule:
Dwelling includes *minor dwelling*.

Existing means any frost protection fan which was both physically and lawfully established on a site prior to lodgement of a building consent application for the *dwelling* concerned.

Approved means any frost protection fan that is not existing but for which; resource consent has been granted; or certificate of compliance for a permitted activity has been granted; or written certification of compliance with noise limits has been provided to *Council* in accordance with Rule 4C.1.3.6 b.); prior to lodgement of a building consent application for the *dwelling* concerned.

Explanatory Notes:

To achieve the required internal noise levels for *dwellings* and the addition of *habitable space* to existing *dwellings* under this rule, consideration will need to be given to the permitted noise limits in Rule 4C.1.3.6 and to the actual noise limits that any existing or approved frost protection fan(s) are able to emit in accordance with their lawful establishment and/or approval.

b. Noise limits for activities in Industrial and Commercial Zones

i. All activities located within Industrial and Commercial Zones shall be so conducted as to ensure that noise from the site shall not exceed the following noise limits within the stated timeframes at any point within the *notional boundary* of any *dwelling* in a Rural Zone or Rural-Residential Zone, nor at any point within the boundary of any property within a Residential, ~~or~~Medium Density Residential, Future Urban or Natural Open Space Zone:

Time Period		Sound Level Not to be Exceeded	
Day	**Hours**	***LAeq***	***LAmax***
Monday to Saturday	6am to 10pm	55dB	N/A
Sunday and Public Holidays	9am to 6pm	55dB	N/A
At all other times		45dB	70dB

Ōmokoroa Light Industrial Zone

Time Period		Sound Level Not to be Exceeded	
Day	**Hours**	***LAeq***	***LAmax***
Monday to Friday	7am to 8pm	55dB	N/A
Saturday, Sunday and Public Holidays	9am to 6pm	55dB	N/A
At all other times		45dB	65dB

ii. All activities located within Industrial Zones (excluding emergency service sirens) shall be so conducted as to ensure that noise from the site shall not exceed the following noise limits within the stated

timeframes at any point within the boundary of any other property within an Industrial Zone:

Time Period	Sound Level Not to be Exceeded	
	LAeq	***LAmax***
Daytime 7am-10pm	65dB	N/A
Night time 10pm-7am	65dB	85dB

c. Noise sensitivity

i. For potentially noise-sensitive activities such as commercial *offices*, *places of assembly*, veterinary facilities, *medical or scientific facilities* ~~and~~ , *dwellings* and *accommodation facilities*, and education facilities in the Ōmokoroa Mixed Use Residential Precinct, an acoustic design certificate shall be provided at the time of building consent demonstrating the *building* has been designed so that the internal noise limits set out in the following table are not exceeded;

ii. Where windows and doors must be closed in order to meet the internal noise standards, an alternative means of ventilation shall be provided which meets all relevant requirements of the Building Code.

	Sound Level Not to be Exceeded	
	Daytime period	**Night time period**
	LAeq	***LAeq***
Offices not accessory to any industry, storage or warehousing	45dB	N/A
Residential units (habitable spaces)	45dB	30dB

d. Acoustic certification

The following provisions shall apply to Industrial Zoned sites that are either:

i. within 100m of a *dwelling* in the Rural Zone that existed as at December 2005; or

ii. within 200m of a *dwelling* within the Rangiuru Business Park that existed as at December 2005;

iii. those *lots* within the Te Puke West Industrial Zone that are within 50m of Manoeka Road as indicated on the Te Puke West *Structure Plan*:

iv. those *lots* within the Comvita Campus *Structure Plan* area that are zoned Industrial and located within 50m of Wilson Road South as indicated on the Comvita Campus *Structure Plan*.

Prior to commencement of activities on the site or building consent being approved an acoustic design report prepared by a suitably qualified and experienced acoustical engineer shall be required by the *Council*.

The report shall outline the range of activities, their potential noise levels and any noise mitigation/management measures which will be implemented to ensure compliance with the relevant noise performance standards.

e. Noise limits for activities in the Post Harvest Zone

All activities located within the Post Harvest Zone shall be conducted so as to ensure that noise from the zone shall not exceed the following noise limits within the *notional boundary* of any *dwelling* in a Rural Zone or at any point within the boundary of any property within a Residential, Medium Density Residential, Rural-Residential, or Future Urban Zone:

Time Period	Sound Level Not To Be Exceeded	
	LAeq	***LAmax***
Daytime 7am – 10pm	55dB	N/A
Night time 10pm – 7am	45dB	65dB

Provided that:

i. Night time levels may exceed *LAeq* 45dB where it is demonstrated that a noise level not exceeding *LAeq* (15min) 30dB ('the internal level') can be achieved within all bedroom and *LAeq* (15min) 40dB in other habitable rooms of any *dwelling* (existing as at 7 February 2009), located in any of the zones specified above. Before the externally measured *LAeq* 45dB noise limit can be exceeded, any necessary mitigation measures shall be installed in the *dwelling(s)* concerned and compliance with the internal level shall be certified by a suitably qualified and experienced acoustic engineer;

ii. Any new *dwelling* or any addition of *habitable space* to an existing *dwelling* to be erected in a Rural, Lifestyle, Rural Residential, Residential, Medium Density Residential or Future Urban Zone within 200m of a Post Harvest Zone boundary shall be designed and constructed so as to ensure that the internal noise levels do not exceed *LAeq*(15min) 30dB in bedrooms and *LAeq*(15min) 40dB in other habitable rooms. Written certification of such compliance from a suitably qualified and experienced acoustic engineer shall be submitted with the building consent application for the *dwelling* or alteration concerned. Where the windows of the *dwelling* are required to be closed to achieve compliance with the noise limits, alternative means of ventilation shall be provided in compliance with clause G4 of the New Zealand Building Code or any subsequent equivalent clause.

f. Noise limits for activities in the All Terrain Park Zone

i. All activities in the All Terrain Park (the Park) (except for those involving gunshot noise) shall be conducted so as to ensure that noise shall not exceed the following noise limits within the stated timeframes at any point within the *notional boundary* of any *dwelling* existing at 7 February 2009 located outside the zone.

Time Period	Sound Level Not to be Exceeded		

Day	Hours	*LAeq*	*LAmax*
Monday to Sunday	7am to 10pm	50dB	N/a
At all other times and Christmas Day, Good Friday and Easter Sunday	7am to 6pm	40dB	65dB

ii. Firing from any shooting range shall be only within the hours of 7am to 10pm and shall be so conducted as to ensure that gunshot noise does not exceed a composite noise rating (CNR) of 90 at any point within the *notional boundary* of any *dwelling* in regard to the properties in private ownership to the east of the subject site in a Rural Zone:

CNR = Y - 25 + 10 log (N) + 10 log (R);
Where: CNR=composite noise rating;
Y=dB linear peak level of the burst;
N=number of single shots or bursts per day;
R=number of rounds, or detonations, (acoustic events) per burst.

iii. Noise shall be measured and assessed in accordance with NZS6801:2008 and NZS6802:2008. Adjustments for special audible characteristics shall not apply to the assessment of gunshot noise.

g. Written approval

i. The noise levels set out in 4C.1.3.2 a. – f. above may be exceeded where the written approval is provided by all owners or occupiers of those properties or *dwellings* affected by the non-compliance.

4C.1.3.3 Exemptions from Noise Limits

a. Exemptions from noise limits for short-term activities

Subject to Rule 4C.1.5 the noise limits in Rule 4C.1.3.2 shall not apply to temporary or short-term activities as listed below, provided that the best practicable option pursuant to Section 16 of the *RMA* and manufacturers specifications for machinery, shall be adopted to ensure noise received off-site is reasonable.

The exemptions do not apply to long-term activities, and in the case of residential activities apply to domestic activities rather than commercial or business activities carried out from residential premises.

b. Exemptions for residential activities in all zones

i. Warning Devices used by Emergency Services;

ii. Short-term domestic activities e.g. lawn mowing.

c. Exemptions for rural activities in Rural Zones

i. Warning Devices used by Emergency Services;

ii. Activities required for primary production activities, including

agricultural and horticultural vehicles and equipment; aircraft used for agricultural and horticultural purposes; and portable equipment (excluding portable sawmills and frost protection fans and audible bird scaring devices) associated with agricultural and horticultural activities such as: spraying, harvesting, etc;

iii. Livestock.

d. Other exemptions

i. Noise from *construction*, maintenance and demolition (see Rule 4C.1.3.1);

ii. *Temporary Military Training* Activity;

iii. Temporary Activities (see Rule 4A.2.3.1 b. iv).

e. Noise from traffic on public roads that are legally formed and maintained is exempt from the zone rules of the District Plan

Explanatory Note:
Some roads may have specific conditions imposed by resource consent or designation.

f. Exemptions for roadside cabinets housing telecommunication equipment

Noise from roadside *cabinets* housing telecommunication equipment is subject to the requirements of the National Environmental Standard (NES) for Telecommunication Facilities. Such noise is not subject to rules in this District Plan.

4C.1.3.4 Noise Measurement and Assessment

a. For the purposes of Rule 4C.1.3.2, subject to the express provisions of these rules, sound levels should be measured in accordance with the requirements of NZS 6801:2008 Measurement of Environmental Sound, and assessed in accordance with the requirements of NZS6802:2008 Assessment of Environmental Sound;

b. The noise shall be measured with a sound level meter complying with the International Standard IEC 651 (1979): Sound Level Meters, Type 1.

Explanatory note:
Council may require any Discretionary or Non-Complying resource consent application in any zone to provide as part of the resource consent documentation evidence from an appropriately qualified independent person that the proposal shall comply with the District Plan noise levels for the site. *Council* shall consider the noise insulation methods associated with the use of generators, fans, blowers, refrigeration equipment, forklifts, outdoor loading operations, and any activity that operates between 7.00pm and 7.00am.

4C.1.3.5 Audible Bird Scaring Devices – Performance Standard for Permitted Activity

Audible bird scaring devices shall be a Permitted Activity subject to compliance with the following performance standards.

An audible bird scaring device:

a. Shall only be operated from half an hour before sunrise to half an hour after sunset.

b. Shall be set to operate at no greater frequency than 12 times in any period of one hour, that is 12 single discharges or four groups of three discharges.

c. Shall not be operated for any continuous period exceeding two seconds.

d. Shall only be operated when the horticultural crop is at risk from bird damage.

e. Shall not exceed 65dB ASEL at the *notional boundary* of any Rural, Rural Residential, Future Urban or Lifestyle *dwelling* or at the boundary of any Residential or Medium Density Residential Zone (excluding any *dwelling/s* located on the same site as the device is being operated).

f. Where those persons who experience noise levels over 65dB ASEL as described in e. above, have provided written approval to *Council* then the activity shall be permitted.

Use of any audible bird scaring device not in compliance with the above performance standards shall fall to be considered as a Restricted Discretionary Activity.

4C.1.3.6 Frost Protection Fans – Performance Standard for Permitted Activity

Frost protection fans (including portable non-fixed type) shall be a Permitted Activity subject to compliance with the following performance standards. Any frost protection fan(s) (including portable non-fixed type) that fail to meet these performance standards shall be a Restricted Discretionary Activity.

a. Noise limits

Noise from the operation of a frost protection fan or fans shall not exceed 55dB *LAeq* or 65dB *LAmax* when measured:

Rural and lifestyle zones

i. At the *notional boundary* of any *dwelling* in the Rural or Lifestyle Zone that:

- is or will be located on a title separate to that of the subject site and in different ownership; and
- was existing or approved prior to the date that certification is provided to the *Council* in accordance with b, below;

ii. At any point at or within the boundary of a property in the Rural or Lifestyle Zone that:

- is located on a title separate to that of the subject site and in different ownership; and
- did not have an existing or approved *dwelling* prior to the date that certification is provided to the *Council* in accordance with b below;

Other zones

iii. At any point at or within the boundary of any property within a Residential, Rural-Residential, Medium Density Residential or Future Urban Zone.

For the purposes of i. and ii. above:

Dwelling includes *minor dwelling*.

Existing means any *dwelling* both physically and lawfully established on a site.

Approved means any *dwelling* that is not existing but for which; resource consent has been granted; or certificate of compliance for a permitted activity has been granted; or building consent has been granted.

b. Certification that noise limits are met

Evidence of the ability to meet a. above shall be provided to *Council* prior to the installation of the frost protection fan(s) and shall include:

i. Certification from an appropriately qualified and experienced acoustic engineer that the noise limits in a. above will be met; and

ii. A plan showing the location, and Global Positioning System co-ordinates, of the frost protection fan(s) to which the certification applies.

c. Operating times for frost protection

When a frost protection fan is in operation for frost protection the frost protection fan must not start up until the air at canopy height drops to 2ºC, and shall cease operation when the rising temperature reaches 4ºC at canopy height.

d. Operating times for maintenance and testing

When a frost protection fan is operating for maintenance purposes the machine shall only be used from Monday to Friday 8am to 5pm. Testing outside these hours may only take place for urgent unforeseen maintenance purposes or for testing operational readiness.

Except that:

e. Written approval for exceeding noise limits

Noise from the operation of a frost protection fan or fans may exceed the noise levels described in a. above, if:

i. The noise to be produced by the operation of the frost protection fan(s) is assessed and determined by an appropriately qualified and experienced acoustic engineer.

The assessment shall include:

- the noise levels to be produced by the operation of the frost protection fan(s);

- identification of the non-compliances with the noise levels specified in a. above;
- a plan showing the location, and the Global Positioning System co-ordinates, of the frost protection fan(s) to which the assessment applies;

and

ii. The written approval of the owners of the land, and owners and occupiers of the *dwelling(s)* to which the non-compliances apply have provided their written approval for the non-compliances identified in the assessment provided in i. above.

and

iii. The information in i. and ii. above is provided to *Council* prior to the installation of the frost protection fan(s).

Explanatory Notes:

Fan Type - The distance required to achieve 55dB *LAeq* and 65dB *LAmax* will vary depending on the noise performance of the frost protection fan(s).

For portable frost protection fans, determination and/or certification of noise to be emitted must take into account the full range of possible operating locations for the device.

4C.1.4 Matters of Discretion

4C.1.4.1 Restricted Discretionary Activity – Audible Bird Scaring Devices

Council shall restrict its discretion to the noise levels and the consequential affect on amenity of the neighbouring properties. Notification of the application is not required. For the purposes of identifying affected persons, written approval shall be required from persons who will experience noise levels above 65dBA *SEL* (excluding a residential *dwelling* on the same property as the audible bird scaring device). Should any written approvals not be obtained from an affected person(s) notice will be served on those persons.

4C.1.4.2 Restricted Discretionary Activity - Frost Protection Fans

Council shall restrict its discretion to the following:

a. The level of noise that is to be emitted from the frost protection fan(s).

b. The effect of noise on the owners of land, and owners and occupiers of *dwellings* who will be affected by noise levels over 55dB *LAeq* and/or 65dB *LAmax*.

c. The hours of operation, duration and frequency of use of the frost protection fan(s).

d. The best practicable option for preventing or minimising adverse effects associated noise emissions. This may include, but is not limited to consideration of alternative options for frost protection, effectiveness of those alternative options, affordability, cumulative effects of existing frost protection fans in the vicinity, effects on established land uses, and proposed mitigation.

e. The operational requirements of the frost protection fan(s).

4C.1.5 Other Methods

a. Application of other statutory powers

Notwithstanding the foregoing clauses the *Council* reserves the right to use its more general statutory and regulatory powers (e.g. under relevant resource management, environmental, and health legislation and *Council's* own bylaws) to exercise appropriate control over noise in the environment.

b. Vibration

Where significant vibration effects are experienced *Council* may deal with the matter as a nuisance under the Health Act.

4C.2 Storage and Disposal of Solid Waste

Explanatory Statement

Council wishes to more effectively manage the private storage and disposal of solid waste as an adjunct to its Solid Waste Management Strategy.

Provision is made to enable onsite storage and disposal of non-toxic or non-hazardous solid wastes without resource consent, subject to meeting performance standards designed to mitigate any potential adverse effects.

The disposal of *hazardous substances* unless properly managed can cause major adverse environmental effects. Accordingly provision is made to dispose of such materials at authorised facilities only.

4C.2.1 Significant Issue

The potential for the storage and disposal of solid wastes to generate adverse environmental effects including, for example:

a. Effects on the amenity values of the surrounding area;

b. Effects on the *transportation network* and other *infrastructure and network utilities*; and

c. Effects on the safety of road users and vehicle accessways.

4C.2.2 Objective and Policies

4C.2.2.1 Objective

Protecting the environment from the adverse effects of the storage and disposal of solid wastes.

4C.2.2.2 Policy

1. Ensure the management of solid waste storage and disposal so as to avoid or minimise adverse environmental effects.

2. To encourage waste minimisation and disposal of waste only to an authorised landfill.

3. Manage the adverse effects of *cleanfill* activities on the *transportation network*, *infrastructure and network utilities*, safety and convenience of road and access users, and on the amenity of residential activities and other *sensitive sites*.

4C.2.3 Activity Lists

4C.2.3.1 Rural, Future Urban, Rural-Residential and Lifestyle Zones

a. Permitted Activities

Disposal on private land (but not to a *quarry* or authorised landfill) of the following solid waste materials:

i. *Cleanfill* material originating from off the disposal site where the total volume of material does not exceed 1,000m^3 within any 12 month period;

ii. *Cleanfill* material originating from off the disposal site where the total volume of material is more than 1,000m^3 but not greater than 5,000m^3 within any 12 month period subject to meeting both (a) and (b) below or obtaining written approval under c. below;

a. Vehicle access to the site, and the *cleanfill* disposal area, being located no less than 300m from:

- any existing or consented *dwelling*, *minor dwelling*, *accommodation facility or education facility* on a separate site in different ownership to the disposal site;
- any identified building site assessed as part of an approved subdivision consent in accordance with Rule 12.4.1.b. on a separate site in different ownership to the disposal site;
- the boundary of any *sensitive site* in different ownership to the disposal site.

b. Vehicle access to the disposal site not being via an accessway, right of way / *privateway*, access lot, private road, roadway over *Māori Land*, or any other shared driveway.

c. Where all owners and occupiers of land affected by a and b provide written approval to the *Council*.

iii. *Cleanfill* material originating from the same site on which it is to be disposed;

iv. Organic waste (e.g. shelter trimmings, home composting) that originates from the site itself.

b. Restricted Discretionary Activities

Disposal on private land (but not to a *quarry* or authorised landfill) of the following solid waste materials:

i. *Cleanfill* material originating from off the disposal site where the total

volume of material is more than 1,000m^3 but not greater than 5,000m^3 and which does not qualify as a permitted activity under Rule 4C.2.3.1 a. ii.

ii. *Cleanfill* material originating from off the disposal site where the total volume of material exceeds 5,000m^3 within any 12 month period.

c. Discretionary Activities

Storage or disposal on private land (but not to a *quarry* or authorised landfill) of solid waste (excluding *cleanfill* material) that does not originate from the site on which it is located, whether man-made or natural.

Explanatory Notes:

i. These rules do not apply to the disposal of solid waste at authorised municipal or privately managed landfills and organic waste facilities (see Rule 10.3.ay.).

ii. The volume of *cleanfill* material is calculated as a solid measure when the material is compacted in place on the disposal site.

iii. Disposal of all solid waste on private land (including cleanfill) is subject to the provisions of the Bay of Plenty Regional Natural Resources Plan.

iv. The term “consented” within Rule 4C.2.3.1 above refers to activities that have been approved through a building consent and/or resource consent (if required) and where the relevant consent or consents have not lapsed.

4C.2.3.2 All Other Zones (Residential, Medium Density, Commercial, Commercial Transition, Industrial, Post Harvest, All Terrain Park)

a. Permitted Activities

Disposal on private land (but not to a *quarry* or authorised landfill) of the following solid waste materials:

i. *Cleanfill* material whether originating from the site on which it is disposed or not;

ii. Organic waste (e.g. shelter trimmings, home composting) that originates from the site itself.

b. Discretionary Activities

Storage or disposal on private land (but not to a *quarry* or authorised landfill) of solid waste (excluding *cleanfill* material) that does not originate from the site on which it is located, whether man-made or natural.

Explanatory Notes:

i. These rules do not apply to the disposal of solid waste at authorised municipal or privately managed landfills and organic waste facilities

(see Rule 10.3.ay.).

ii. Disposal of all solid waste on private land (including *cleanfill*) is subject to the provisions of the Bay of Plenty Regional Natural Resources Plan.

4C.2.4 Activity Performance Standards

4C.2.4.1 General

The following performance standards shall be met by all Permitted and Controlled Activities and shall be used as a guide for all other activities. Unless specified otherwise, any Permitted or Controlled Activity which fails to comply with any of these standards shall be deemed a Discretionary Activity for the particular non-compliance.

a. Screening

All stand alone or ancillary outdoor solid waste storage and disposal areas shall be screened from adjacent Residential, Medium Density Residential, Future Urban, Rural-Residential, Lifestyle and Rural Zones, recreation reserves and the public road. Screening shall be as required in Section 4C.5

Except that:

Mineral exploration, mining and *quarrying* activities will be exempt from this rule as the visual mitigation of these activities shall be in accordance with Rule 18.5.9 g.

The disposal of *cleanfill* materials permitted under Rules 4C.2.3.1 a. i. and ii. shall be exempt from this screening rule (4C.2.4.1 a.).

b. Wind mitigation

All solid waste material shall be stored and disposed of in a manner that ensures it will not be blown beyond the boundaries of the site.

c. Disposal of hazardous substance

The disposal of *hazardous substances* (excluding from *dwellings*) shall be to authorised landfills that have been specifically approved to receive *hazardous substances* or to approved industry collectors such as AgRecovery or in accordance with the provisions of NZS 8409:2004 Management of Agrichemicals Appendix S 5.1.

d. Processing of cleanfill material sourced off site

All *cleanfill* material sourced from off the site shall be ready for disposal without the need for mechanical crushing and/or screening on the site where it is to be disposed.

4C.2.5 Matters of Discretion

4C.2.5.1 Restricted Discretionary Activities

Council shall restrict its discretion to the following matters and shall use them as a guide for Discretionary Activities:

a. Effects on the amenity values of the surrounding area, including effects associated with noise and disturbance, vibration, visual amenity, traffic movements, hours of operation and duration of the activity.

b. Effects associated with vehicle access to and from the site, including safety and convenience for other road and access users.

c. Effects of traffic movements on the safety, efficiency and maintenance of the *transportation network*.

d. Effects on *infrastructure and network utilities*.

e. Effects on the State Highway Network and the views of Waka Kotahi NZ Transport Agency.

f. The requirement for financial contributions for *capacity consumption* and pavement consumption as assessed in accordance with Section 11.

g. Measures to avoid, remedy or mitigate adverse effects in matters identified a. to f.

4C.3 Lighting and Welding

Explanatory Statement

Lighting and welding can have adverse effects on visual and amenity values. In particular the residential and rural environments should be protected from adverse lighting and welding effects. In addition, lighting can also create traffic safety issues, which should be avoided. Objectives, policies and rules are required to ensure that appropriate limits are applied to Permitted Activities and that appropriate assessment criteria are included for resource consent applications.

4C.3.1 Significant Issues

1. Indiscriminate lighting can have an adverse effect on adjacent properties, particularly in residential and rural areas, and on the safety of traffic movement on public roads.

2. The extension of leisure activities into the evening hours and the presence of more commercial and industrial activities in residential and rural areas has increased the demand for outdoor lighting and the potential for adverse effects on adjacent properties.

4C.3.2 Objective and Policy

4C.3.2.1 Objective

An environment free from the adverse effects of intrusive lighting and welding.

4C.3.2.2 Policy

Ensure that floodlights, security lights and welding do not detract from the amenity values of other properties, or compromise traffic safety.

4C.3.3 Activity Performance Standards

The following performance standards shall be met by all Permitted and Controlled Activities and shall be used as a guide for all other activities. Any Permitted Activity or Controlled Activity, which does not meet the performance standards, shall be deemed a Restricted Discretionary Activity and will be assessed in accordance with the Restricted Discretionary Assessment Criteria.

4C.3.3.1 Spill Light: Day Time Standards

a. A person shall not use on any premises between the hours of 7.00am to 10.00pm any artificial lighting in such a manner that the use of such lighting causes an added *illuminance* in excess of 10*lux*, measured horizontally or vertically at any point on or directly above the boundary of any land which is zoned Rural, Lifestyle, Rural Residential, Future Urban, Residential, Medium Density Residential or ~~Residential~~Natural Open Space.

b. A person shall not use on any premises between the hours of 7.00am to 10.00pm any artificial lighting in such a manner that the use of such lighting causes an added *illuminance* in excess of 100*lux*, measured horizontally or vertically at any point on or directly above the boundary of any land which is zoned Commercial or Industrial.

4C.3.3.2 Spill Light: Night Time Standards

a. A person shall not use on any premises between the hours of 10.00pm to 7.00am the following day any artificial lighting in such a manner that the use of such lighting causes an added *illuminance* in excess of 5*lux*, measured horizontally or vertically at any point on or directly above the boundary of any adjacent land which is zoned Rural, Lifestyle, Rural-Residential ~~or~~, Future Urban or Natural Open Space.

b. A person shall not use on any premises between the hours of 10.00pm to 7.00am the following day any artificial lighting in such a manner that the use of such lighting causes an added *illuminance* in excess of 5*lux*, measured horizontally or vertically at any point on or directly above the boundary of any adjacent land which is zoned Residential or Medium Density Residential.

c. A person shall not use on any premises between the hours of 10.00pm to 7.00am any artificial lighting in such a manner that the use of such lighting causes an added *illuminance* in excess of 25*lux*, measured horizontally or vertically at any point on or directly above the boundary of any adjacent land which is zoned Commercial or Industrial.

d. A person shall not use on any premises between the hours of 10.00pm to 7.00am any artificial lighting in such a manner that the use of such lighting causes an added *illuminance* in excess of 35*lux* measured horizontally or vertically at any point on or directly above a street kerb line.

Explanatory Note
Added *illuminance* means that added by the use of the artificial lighting in question above the background lighting level in the absence of that artificial lighting. In circumstances where measurements of any added *illuminance* cannot be made due to the fact that the owner will not turn off artificial lighting, measurements may be made in areas of a similar nature which are not affected by the artificial light. The result of these measurements may be used for the purposes of determining the effect of the artificial light.

4C.3.3.3 Glare: Day Time Standards

The exterior lighting on any property in the vicinity of a road or land on which there is a residential use shall be so selected, located, aimed, adjusted and screened as to ensure that the maximum luminous intensity emitted by any one *luminaire* does not exceed the limits listed in the following table:

Description		
Size of Area	**Controlling dimension (Refer Fig 5.1 of AS 4282)**	**Maximum Intensity ***
Large	>75m	7,500 cd
Medium	>25m <75m	7,500 cd
Small	<25m	2,500 cd

*Only Level 1 control *luminaries* are to be used (refer AS4282 Table 2.2. Note 1)
This table is adapted from Table 2.2 Australian Standard AS4282 – 1997 (Control of the Obtrusive Effects of Outdoor Lighting). Section 5 of AAS 4284 – 1997 can be used to determine the luminous intensity.

4C.3.3.4 Glare: Night Time Standards

The exterior lighting on any property in the vicinity of a road or land on which there is a residential use shall be so selected, located, aimed, adjusted and screened as to ensure that the maximum luminous intensity emitted by any one *luminaire* does not exceed the limits listed in the following table;

Conditions	**Recommended maximum values**		
	In Commercial or Industrial zones or at a boundary of Commercial, Industrial, Residential or ~~Industrial and~~Medium Density Residential zones	**Urban and Residential and Medium Density Residential zones**	**Rural, Lifestyle, Rural Residential, Future Urban, All Terrain Park and Post Harvest zones**
Limits apply in all directions where views of bright surfaces of *luminaire*s are likely to be troublesome to residents, from positions where such views are likely to be maintained, i.e. not where momentary or short term viewing is involved.	2,500 cd	1,000 cd	500 cd

This table is adapted from Table 2.1 Australian standard AS 4282 – 1997 (Control of the Obtrusive Effects of Outdoor Lighting). Section 5 of AS 4282 – 1997 shall be used to determine the luminous intensity.

4C.3.3.5 Artificial Lighting

The maximum *illuminance* of any artificial light shall be 150*lux* measured at any point on the site in a horizontal or vertical plane at ground level and shall comply with the following criteria;

a. the light source (lamp) shall be shielded in such a manner that all light emitted by

the *luminaire* is projected below the horizontal plane running through the lowest point of the *luminaire* from where the light is emitted;

Or

the light source shall be shielded in such a manner that the highest point of the light emitting surface of the *luminaire* is lower than the light source (lamp) and the upward wasted light output ratio (UWLOR) does not exceed 4%;

And

b. The light source shall comply with the latest revision of AS/NZS 1158 where applicable, e.g. car parks and public areas.

4C.3.3.6 Street Light Exemption

Street lighting approved by a local authority or a requiring authority shall be exempt from the provisions of Rule 4C.3.3.1 to Rule 4C.3.3.5.

4C.3.4 Matters of Discretion

4C.3.4.1 Restricted Discretionary Activity Criteria

Where an application is deemed to be a Restricted Discretionary Activity in accordance with Rule 4C.3.3, the application shall be considered in relation to the following criteria:

a. The extent of adverse effects generated by the lighting activity.

b. The surrounding land uses and anticipated future land uses provided for within the zone.

c. The potential mitigation measures and alternative lighting methods.

4C.4 Offensive Odours, Effluent Aerosols and Spray Drift

Explanatory Statement

Under the *RMA* responsibility for controlling discharges to air lies with the *Regional Council*, particularly as air quality is not a matter confined to local authority boundaries. The Regional Council's Air Plan will be the key method for addressing concerns related to odour and spray drift. Complaints about such activities should be directed to the *Regional Council* in the first instance.

However, the interrelationship between land use and air quality means that there are issues which need to be addressed under the District Plan.

Council wishes to protect residents in Residential, Medium Density Residential, Rural-Residential, Lifestyle and Rural Zones from offensive odours and *effluent aerosols* that may be produced from activities such as oxidation ponds and *intensive farming*.

Activities with such effects can degrade the amenity values of the environment. *Council* may also have to protect the activity itself from more intensive and closer activities and the potential for complaints. The issue of conflicts caused by spray drift is addressed through information sheets

attached to Land Information Memoranda in the Rural Zone.

4C.4.1 Significant Issues

1. The potential for odours generated by industrial and *intensive farming activities* to adversely impact on existing amenity.

2. The potential for agrichemical spray drift to adversely impact on the amenity of adjoining or neighbouring properties.

3. The management of the air resource under the *RMA* is the primary responsibility of the *Regional Council*, however *Council* has responsibility for the control of the adverse effects of land use activities and there is potential for overlapping regulation of this resource. In order to provide for the sustainable management of the resource *Council* needs to ensure that it complements rather than duplicates the role of the *Regional Council* and other agencies such as the Ministry of Health who may have legislative responsibilities in relation to this resource.

4C.4.2 Objective and Policy

4C.4.2.1 Objective

Minimisation of the adverse environmental effects on amenity of activities which generate odours, *effluent aerosols* and spray drift.

4C.4.2.2 Policy

Activities which generate odours, effluent or chemical aerosols should not adversely affect the amenity of neighbouring properties or the environment generally.

4C.4.3 Matters of Discretion

These matters of discretion shall only apply to those activities which have been listed as Discretionary Activities within their relevant zone.

4C.4.3.1 Discretionary Activities – Rural Zones and Industrial Zones

a. *Council* shall consider each application on its merits having regard to (but not restricted to) the current, recognised New Zealand Guidelines and Industry Codes of Practice such as pig farming, poultry farming and the utilisation of sewage and effluent on land.

b. *Council* shall also consider the following information supplied by the applicant:

   i. An assessment of the effects of the proposal and alternatives for:

   - raw materials to be used;
   - methods of waste handling and disposal;
   - process plant and *buildings*;
   - instrumentation and control systems;
   - ancillary plant *buildings*;
   - by-products handling and disposal;
   - odour treatment;
   - containment measures to reduce wind dispersal.

ii. Description of local topographical, meteorological and land use data;

c. As a condition of consent *Council* may require an annual monitoring report from the applicant that monitors and reports on complaints.

d. Future activities about the site

When considering proposals for activities or to rezone land from Rural to Future Urban or Residential, *Council* shall protect the lawfully established existing land uses in the locality and the separation distances that are required by adopted Codes of Practice to avoid, remedy or mitigate the adverse effects of odour and *effluent aerosols* from such uses.

e. Certification

Council may require any Discretionary or Non-Complying resource consent applications in any zone to provide as part of the resource consent documentation evidence from an appropriately qualified independent person that the proposal shall mitigate any potential odour problems.

Council shall consider odour management associated with human and animal effluent, activities involving animal and fish or parts thereof, fertiliser, paint varnish and chemical manufacture including the cleaning of containers, and solid waste storage and disposal.

4C.4.4 Other Methods

a. Land Information Memoranda, other education and information tools as (and if) suitable for improving the communities knowledge and awareness of sensitivities to the types of effects possibly generated from these activities.

b. The *Regional Council's* Regional Air Plan.

4C.5 Screening

Explanatory Statement

The adverse visual impacts from activities can be reduced and mitigated by the use of planting, mounding and fencing. Such measures can assist in maintaining the amenity values and character of an area whilst allowing a degree of flexibility in the location of certain activities.

4C.5.1 Significant Issue

The potential for activities adjacent to residential areas and the main entrances to towns to create adverse visual effects.

4C.5.2 Objective and Policy

4C.5.2.1 Objective

Avoidance or mitigation of the potential adverse visual effects of activities situated in prominent locations or adjacent to residential areas.

4C.5.2.2 Policy

Ensure appropriate landscaping and screening is established in conjunction with activities so as to minimise potential adverse visual impact.

4C.5.3 Activity Performance Standards

4C.5.3.1 General

The following performance standards shall be used as a guide for all Discretionary and Non-Complying Activities. ~~At~~ In Ōmokoroa ~~Stage 2~~, such screening is additional to the 10m buffer landscaping required about Industrial Zones.

a. Screening shall be by either:

i. A solid *wall* of not less than 2m in *height*, or

ii. Landscape planting to a minimum depth of 3m and a minimum height of not less than 2m (the screen must be a minimum of 1.2m high at time of planting, but must have achieved a height of 2m within 2 years), or

iii. A permeable fence (i.e. trellis or chain mesh) in conjunction with planting (i.e. vines and creepers) which will fully screen the site.

Such screening is to be maintained in good order at all times and maintenance planting shall be undertaken in the current or next planting season to achieve this.

b. Where an activity proposes landscape planting as a form of screening a landscape plan shall be submitted for *Council's* consideration. In considering an application *Council* shall have regard to the following:

i. Landscaping must have a minimum width of 3m exclusive of site access for pedestrians and vehicles at the frontage including provision for sight lines;

ii. There must be a variety of vegetation both in size and character having considered:
- The character of the *building/structure* or activity on site;
- The character of adjacent properties;
- The scale of any parking areas to be screened;
- Potential shadowing in winter of adjacent residential, medium density residential, rural-residential or rural properties or *public reserves*;
- Underground and overground services;
- Suitability of the species to the location;
- Suitability of the species to the maintenance and watering plan;
- Effects on the safety and efficiency of the roading network.

iii. The proposed landscape plan is to be certified by an appropriately qualified person as being an appropriate screening and one that will be hardy;

iv. *Council* shall apply a bond for three years to ensure the establishment and maintenance of the landscaping. The bond shall

be directly related to the actual capital and labour costs of the work.

4C.5.3.2 Screening in Industrial and Commercial Zones

The following landscape areas and requirements will be implemented either at the time of subdivision or *development* as the case may require.

a. Unless otherwise required by a rule in the District Plan any activity which has a common boundary with a Residential, Medium Density Residential, Rural-Residential, Future Urban or Rural Zone, or a public reserve shall be screened by landscape planting to a minimum depth of 3m and a minimum height of not less than 2m.
The screen must be a minimum of 1.2m high at the time of planting and be capable of achieving a height of 2m within two years.

b. Unless otherwise required by a rule in the District Plan any activity in an Industrial Zone adjoining Jellicoe Street north of the Ohineangaanga Stream bridge to Collins Lane; or State Highway 2 adjoining Wilson Road North, Maketu, shall be screened by landscape planting to a minimum depth of 3m and a minimum height of not less than 2m.

c. Katikati Industrial Zone

i. Where a property adjoins the State Highway, a 10m *yard* is required to be vested in *Council* along the State Highway boundary. Within this 10m *yard*, a 5m landscape strip is to be provided. A landscape plan for the landscape strip must be submitted to *Council* for consideration in accordance with the requirements in Rule 4C.5.3.1. The 5m landscape strip shall be in the half of the *yard* which is furthest away from the *road reserve*;

ii. The 5m of *yard* closest to the *road reserve* shall be kept clear of any landscaping other than grass lawn, paving or other flat surfacing.

iii. The landscape strip shall be planted and established by the landowner prior to vesting in *Council*, and *Council* will be responsible for ongoing maintenance of the entire 10m *yard* (landscape strip and remaining 5m of flat area), to be paid for through a targeted rate on the Katikati Industrial Area.

Provided that:
Notwithstanding paragraph c. of the definition of "*Yard*" in the District Plan, the following activities are not permitted in the 10m *yard* required under this Rule:

- the parking of vehicles;
- barbeques;
- playground equipment;
- *signs*.

Except that:
The above rule will not apply to the section of the State Highway from Marshall Road to Phillip Walter Drive where landscape screening shall be a minimum depth of 3m and a minimum height of 2m.

d. Ōmokoroa Industrial Zone

i. A 10m minimum width landscape strip shall be provided along the perimeter of the Industrial Zone or adjacent to Ōmokoroa, Hamurana and Francis Road as shown on District Plan Maps U65 and U66. The landscape strip is to be at least 10m wide and densely planted and maintained with evergreen plants, with a minimum height of 1.2m at the time of planting and 8m at maturity;

To avoid doubt:

- The 10m landscape strip on the Zone boundary is not included in the 50m measurement of the Ōmokoroa Light Industrial Zone (see also Map U66).
- The landscape strip shall be occupied and used only for the purposes of landscaping and screening and shall not be occupied by or used for any *building* or *structure*, *signage*, *infrastructure*, public road, *privateway*, vehicle parking or manoeuvring, nor by any type of storage whether temporary or permanent.

ii. *Lots* adjoining the spine road leading east off the first intersection along Ōmokoroa Road from the State Highway shall provide landscaping in accordance with 4C.5.3.1 a. ii. and iii., and 4C.5.3.1 b.

iii. Use or *development* of Lot 2 DP 483735 or Lots 1 and 2 DPS 68390 shall only occur after landscaping planting described in (i) above has been planted with respect to the *lot* being used or developed.

iv. For the boundary with the ROW serving 467 B, C, D and E Ōmokoroa Road, the *yard* shall consist of

- a close boarded timber fence (minimum of 1.8m high and of consistent design for the length of the ROW) on the Industrial Zone side of the boundary, and to be maintained in good order.
- A minimum 5m depth of planting on the Industrial Zone side of the fence, as measured from the boundary with the ROW. A landscape plan shall be submitted for *Council's* consideration in accordance with 4C.5.3.1 a. ii., and 4C.5.3.1 b.

Except that for where the ROW bisects the Industrial Zone, the parts of the ROW between the fence and the formed ROW shall be landscaped with amenity and screening planting that achieves 3m in depth and 2m in height and shall be indicated in the landscape plan.

v. Use or *development* (excluding *earthworks*) of Lot 3 DPS 28670 for industrial purposes shall occur only after landscape planting described in i. above adjacent the Stormwater and Private Conservation Reserve adjacent State Highway 2 has reached a height of 3m.

e. Te Puke West Industrial Zone

i. At the time of subdivision or comprehensive site redevelopment of land in the Te Puke Industrial Area, a 10m corridor adjacent the Te Puke Highway/Jellicoe Street will be vested in *Council* for provision of a landscape strip in keeping with the Te Puke West Industrial Area Landscape Concept. This landscape strip is to be vested in *Council*

for ongoing maintenance. Where a property adjoins the Te Puke Highway, the landscape strip may be provided in the 10m *yard*.

ii. The landscaping required for each stage of the Te Puke West Industrial Zone is to be as shown on the Te Puke West Structure Plan contained in Appendix 7.

iii. At the time of subdivision or *development* of land within Stage 1 of the Te Puke West Industrial Zone (as shown on the Staging Plan contained in Appendix 7), a 10m wide corridor adjacent to the Te Puke Highway shall be vested in *Council* so as to provide for a landscape strip consistent with the Te Puke West Structure Plan in Appendix 7. This landscape strip shall constitute the 10m *yard* adjoining the Te Puke Highway.

iv. Any subdivision or *development* of land shall provide landscape plans and planting species, at the time of subdivision of *development* in accordance with the Te Puke West Structure Plan in Appendix 7 for the particular area of land to be developed. Such planting shall be established by the developer and where on land to be vested in *Council* shall be subject to a maintenance bond to ensure successful establishment of the plantings concerned.

v. Provision shall be made for a wire mesh or other physical barrier at least 1.2m but no greater than 2m in *height* to be erected at the time of subdivision and thereafter maintained so as to prevent encroachment of any industrial activity into any esplanade or landscape strip area identified in the Te Puke West Structure Plan contained in Appendix 7.

f. Te Puna Industrial Zone

i. Any subdivision or *development* of land within the zone shall be designed, approved and developed to incorporate and illustrate amenity screen landscaping, acoustics earth bunds/fences and a stormwater collection system in accordance with the Te Puna Rural Business Park Structure Plan in Appendix 7;

ii. The area of the planted land around the zone boundary, the area of land subject to the Te Puna Station Road roadscape planting, and the stormwater ponds and overland flow path/*wetland* as shown in the Te Puna Rural Business Park Structure Plan shall all be established and vested in *Council* prior to commencement of any industrial or business activity within the zone.

The plantings and the stormwater ponds and the overland flow path/*wetland* shall be maintained for a period of three years with maintenance secured by way of an appropriate legal mechanism to *Council's* satisfaction;

iii. Secondary planting shall be provided on boundaries between land parcels in accordance with the *Structure Plan*.

iv. Landscape plans for the zone boundary, Te Puna road roadscape, and stormwater ponds and overland flowpath/*wetland* shall be prepared by a qualified landscape designer and approved by *Council*. The plan for the overland flowpath/*wetland* shall be prepared in

consultation with Pirirakau.

v. Except to the extent already provided, additional amenity screen planting shall be provided to the satisfaction of *Council* for each new *building* over 100m^2. To that end, a landscape plan by a qualified landscape designer shall be submitted with the application. The plan shall specifically identify the plant species. The plan shall also include a landscape maintenance programme for three years.

g. Comvita Campus Structure Plan

i. Any subdivision or *development* of land within the Comvita Campus *Structure Plan* area shall incorporate amenity screen landscaping in accordance with the requirements of the Comvita Campus Structure Plan in Appendix 7 for the particular area of land to be developed.

Except that:
For new or replacement landscaping along the boundary adjoining the State Highway, within 9 metres of the carriageway, species must be of a type that the trunk diameter shall not exceed 100mm at maturity.

ii. Prior to any *building/structure* being established a landscape plan shall be prepared by a suitably qualified landscape architect and be provided to the consent authority for approval. The landscape plan shall be assessed by the consent authority in accordance with the requirements of Rule 4C.5.3.1 b.

iii. For i. and ii. above, where the existing shelterbelt is retained for screening, it shall be lowered and maintained at a height of 6m.

4C.5.3.3 Screening in the Post Harvest Zone

a. All existing screening shall be retained on site, and if replaced, shall be by screening of a similar height and scale.

b. A landscape strip shall be provided on all road frontages in accordance with 4C.5.3.1 a. ii. and 4C.5.3.1 b.

c. Shelterbelt planting comprising tree species which will attain a minimum height of 8m at maturity shall be provided on the remaining boundaries.

Provided that:
Screening may be reduced in height, or located other than on the boundary, or may not be required at all where the written approval of the owner(s) of the immediately adjoining land is obtained.

Section Contents

Signs

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Signs

4D. Signs

Explanatory Statement

A significant proportion of the Western Bay of Plenty District's rural area is intensively developed for the production of horticultural crops. Much of the area developed for horticulture adjoins or is in close proximity to the four State Highways which traverse the *District*, in particular State Highway 2. Associated with this is the desire of many landowners to sell produce direct from their property to the public. The *District* is also growing in popularity as a holiday and tourist destination. Associated with this is a growth in the provision of activities to cater for demand. These activities are dependent on attracting the travelling public onto their site. A usual means of doing so is by the provision of *signs*.

Signs do have an impact on the visual amenity of the *District* and can have an affect on traffic safety. This can be both positive and negative.

The provisions in the District Plan are designed to meet the needs of the community whilst avoiding or mitigating adverse environmental effects such as on traffic safety and visual amenity.

Traffic safety is to be enhanced by providing for advance warning *signs* and through the provision of community and group signboards which will reduce the need for a proliferation of individual *signs*. Similarly, through a reduction in the need for individual *signs* it is intended that over time visual amenity, particularly in rural areas will improve. Advance warning *signs* are for traffic safety reasons, and on major roads they may be provided for on the *road reserve* subject to approval by Waka Kotahi NZ Transport Agency and *Council* as appropriate.

4D.1 Significant Issues

1. The size, type, colour, number and location of *signs* can have an adverse effect on traffic safety, the efficiency of the roading network, and visual amenity.

2. Activities attracting people to a property can have an adverse effect on traffic safety especially if the activity and entry to the property are not clearly indicated.

4D.2 Objectives and Policies

4D.2.1 Objectives

1. Maintenance and enhancement of the visual amenity of the *District* from the adverse effects of *signs* while recognising the different sensitivities of different locations.

2. Avoidance of the adverse effects of *signs* on the safe and efficient operation of roads within the *District*.

3. Mitigation of the adverse effects on traffic safety of activities which attract people to the site where the activities are taking place.

4D.2.2 Policies

1. *Signs* should be of a size, type, colour, number and/or location as to maintain and enhance the visual amenity of the respective zone.

2. *Signs* visible from roads should be positioned and designed so that the *signs* do not distract motorists or otherwise impair their ability to drive safely.

3. *Signs* should be positioned and designed so as to clearly indicate where an activity is.

4D.3 Activity Lists - Zone Specific

Note:
In addition to the zone specific activities listed below under 4D.3 there are a number of *District* wide activities listed in 4D.4 which apply within all zones.

4D.3.1 Rural, Future Urban and Post Harvest Zones

4D.3.1.1 Permitted Activities

The following Low Intensity *Signs* in the Rural and Future Urban Zone; and
The following Low or Medium Intensity *Signs* in the Post Harvest Zone

a. In conjunction with Permitted Activities

   i. *Signs* up to a maximum cumulative area of $3m^2$ per *lot* for the purposes of advertising the services offered or the sale of goods/produce manufactured or grown on the *lot* (*stalls*) on which the *signs* are to be located.

   ii. *Signs* stating the occupants name, profession, occupation, trade or property name (where these are Permitted Activities on the property).

b. Off Site Advance Warning *Signs* for activities located on roads other than Strategic Roads:

   i. Limited to one each side of the subject site with an area of no more than $1m^2$ per *sign* and located between 200m and 500m distance

from the site;

ii. Wording shall be generic in nature or use international symbols rather than incorporating specific names or logos (e.g. arts and crafts 250m) unless otherwise provided for in a resource consent.

4D.3.1.2 Non-Complying Activities

Medium and High Intensity *Signs* in the Rural and Future Urban Zones; and
High Intensity *Signs* in the Post Harvest Zone.

4D.3.2 Residential, Medium Density Residential, Lifestyle ~~and~~, Rural-Residential and Natural Open Space Zones

4D.3.2.1 Permitted Activities

The following Low Intensity *Signs*

a. A *sign* stating occupant's name, occupation, or property name limited to a maximum area of 0.5m^2.

4D.3.2.2 Non-Complying Activities

Medium and High Intensity *Signs*

4D.3.3 Commercial and Industrial Zones (except Te Puna Business Park and Ōmokoroa)

4D.3.3.1 Permitted Activities

The following Low or Medium Intensity *Signs*

Except as provided for in Rule 4D.3.4.1 a., on any site *signs* shall not exceed any combination of the following:

a. One freestanding *sign* not exceeding 10m in *height*, and up to 2m in width.

b. One freestanding *sign* not exceeding 3m in *height* and 2m in width for every 30 linear metres of road frontage.

c. *Signs*, whether painted or attached, covering up to 30% of each *wall* of the *building*, within the profile of the *building*.

Except that:

d. Where a boundary of a Commercial or Industrial Zoned property adjoins or faces (ie. across a street from) an existing or proposed reserve or a zone that is not commercial or industrial, *signs* on that property boundary shall be limited to a maximum area of 6m².

e. Where a boundary of a Commercial or Industrial Zoned property adjoins a Strategic Road, *signs* shall be limited to:

i. The physical confines of the *walls* of the *building* if the *sign* is located

on or attached to a *building*;

ii. One freestanding *sign* (single or double sided) up to a maximum of 9m in *height* and a maximum of 3m in width;

iii. On site traffic directional *signs* up to a maximum area of 0.5m^2 each.

4D.3.3.2 Discretionary Activities

High Intensity *Signs*

4D.3.4 Te Puna Business Park

4D.3.4.1 Permitted Activities

The following Low or Medium Intensity *Signs*

a. At the entrance of each road or access onto Te Puna Station Road, one composite *sign* shall be permitted, advertising the combined activities within the zone and shall be limited to a maximum of 9m in *height* and a maximum of 3m in width and a total area for each *sign* of 18m^2.

b. In conjunction with each activity, *signs* on each site shall be limited to one freestanding *sign* (single or double-sided) up to a maximum of 5m in *height* and a maximum *sign* area of 6m^2.

4D.3.4.2 Discretionary Activities

High Intensity *Signs*

4D.3.5 Ōmokoroa Commercial and Industrial Zones

4D.3.5.1 Permitted Activities

The following Low or Medium Intensity *Signs*

a. *Signs* on industrial or commercial frontages along Ōmokoroa, Hamurana, and Francis Roads and other new roads providing access to residential areas shall be limited to:

i. No more than one 1m² directional traffic and/or pedestrian *sign* up to a maximum area of 1m^2 per *lot*;

ii. A single freestanding business *sign* per site (single or double sided) up to a maximum dimension of 3m x 1.2m (*height* x width) located at the vehicular entrance to the site – perpendicular to the roadway; and

iii. A single *sign* for each business on the site mounted to the *building* façade of the businesses principal *building* to a maximum dimension of 3m x 1.2m (in any orientation) and no higher than 4.5m above *ground level*;

iv. Non-fixed (sandwich) board *signs* are not permitted.

4D.3.5.2 Discretionary Activities

High Intensity *Signs*

4D.3.6 All Terrain Park Zone

4D.3.6.1 Permitted Activities

The following Low or Medium Intensity *Signs*

a. Any *signs* erected in association with the All Terrain Park that are visible from the State Highway, shall be no greater than 5m in *height* and 3m in width (single or double sided), shall be no greater than eight in total, and shall comply with the following:

i. There shall be one *sign* located either side of Whataroa Road at its intersection with State Highway 36, for the purposes of identifying the main entrance to the site;

ii. All *signs* shall be related to activities on the All Terrain Park;

iii. Any *sign* erected that is visible from the State Highway shall be designed and constructed in accordance with Land Transport New Zealand Road Traffic Standard 7: Advertising Signs and Road Safety; as at October 2007.

b. *Signs* erected in association with the All Terrain Park and erected within the All Terrain Park Zone that are not visible from a Strategic or District Road or from a title located outside of the All Terrain Park Zone, and which have obtained written approval from *Council's* Reserves Manager

4D.3.6.2 Non-Complying Activities

High Intensity *Signs*

4D.4 Activity Lists – District Wide

4D.4.1 Permitted Activities

4D.4.1.1 Temporary Signs (all zones)

a. Signs for community activities and events

Signs advertising community activities or events provided such *signs* are not larger than $3m^2$ in area, and are displayed no longer than three months prior to the date of the activity or event. All such *signs* are to be removed within five working days after the date of the event or activity.

b. Electoral Signs

Signs related to elections provided such *signs* are not larger than $3m^2$ in area.

c. Signs advertising sale of land or buildings

Signs advertising the sale of land and/or *buildings* provided such *signs* are located on the property to which they relate.

The purpose of such *signs* is to advertise the fact that the property on which they stand is for sale. *Signs* of a more general nature promoting real estate companies, agents or similar are not permitted.

4D.4.1.2 Official Signs (all zones)

4D.4.1.3 Internal Signs

Signs on any site provided they are not visible from a Strategic Road, District Road or any other title not part of the site.

4D.4.1.4 Health and Safety Signs

Signs warning of health and safety hazards which do not exceed 0.6m^2 in area and are erected by a requiring authority or in association with an activity for which a resource consent has been granted, or in association with an activity which is listed as being permitted or any activity which has been lawfully established.

Despite Rule 4D.5.1.2, health and safety *signs* may be located in the *road reserve* in association with the activity to which they relate.

4D.4.2 Discretionary Activities

4D.4.2.1 In conjunction with land use activities for which a resource consent has been granted and any associated *sign(s)* are not listed as a Permitted Activity.

a. *Signs* located on or attached to a *building* limited to the physical confines of the *walls* of the *building*.

b. One freestanding *sign* (single or double sided) up to a maximum of 5m in *height* and a maximum of 3m in width, except where there are dual entrances that are required as a condition of a resource consent in which case a freestanding single sided *sign* shall be permitted at each entrance up to a maximum of 5m in *height* and a maximum of 3m in width each.

c. On site traffic directional *signs* up to a maximum area of 0.5m² each.

4D.4.2.2 Community Signboards

a. Communities adjoining State Highways or the Te Puke Highway (Katikati, Te Puke and Paengaroa)

i. One signboard with an area up to a maximum of 12m² at each entrance point to the township concerned;

ii. Subject matter shall be limited to the town logo and tourist related activities established by way of resource consent. Advertising is not permitted for other individual commercial businesses.

b. Communities located off State Highways (Ōmokoroa, Athenree, Maketu etc)

i. Advance warning *signs*

One sign located adjacent to the State Highway on either side of the intersection. Each sign shall not exceed 3m^2 in area and shall be located between 200m and 500m from the intersection. Sign content shall be limited to the community's name/logo, directional information and a generic message as to key facilities available which would be of interest to the travelling public.

ii. Community signboard

A single *sign structure* not exceeding 12m^2 in area located within or adjacent to the *District road reserve* at a convenient and safe distance from the State Highway intersection. *Sign* content may along with the community logo and advertising for tourist related activities and attractions also include commercial advertising for non-tourist related business.

c. The *Council* shall be responsible for establishing and administering community signboards within the *road reserve*.

4D.4.2.3 Group Signboards

This rule applies to *signs* located in the vicinity of intersections with State Highways or the Te Puke Highway where two or more lawfully established activities are located along *District* side roads.

a. Advance warning Signs

Two *signs* in total (not per activity), one either side of the intersection at a distance between 200m to 500m from the intersection. The maximum area per *sign* is 2m^2. *Sign* content shall be limited to a generic description of goods, tourist attractions/services available and directional information.

b. Group signboards

A single *structure* not exceeding 6m^2 in area located within or adjacent to the *road reserve* between 200m and 500m from the intersection with the State Highway or Te Puke Highway.

Sign content may along with advertising for tourist attractions, tourist oriented services, the sale of locally grown produce and locally produced arts and crafts also include commercial advertising for non-tourist related businesses.

The *Council* shall be responsible for establishing and administering group signboards within the *road reserve*.

4D.4.3 Non-Complying Activities

a. The erection, placement or display of any *sign* which relates to goods, services, places of interest, facilities or other activities which are not located on the site on which the *sign* is located (excludes community and group signboards and advance warning *signs* as specified in Rule 4D.4.2).

Except that:
Signs in the vicinity of the Te Puke Highway/Bell Road intersection relating to the

Papamoa shopping centre shall be Discretionary Activities subject to any such *signs* being in accordance with 4D.4.2.2 b.

b. *Signs* or other advertising mediums erected or otherwise displayed when viewed from a public place or private property, that contains words, images, models or other items, that are sexually explicit, lewd or otherwise offensive, in any zone.

Offensive is defined for the purposes of this rule as likely to cause a serious offence to ordinary members of the public who may view such object.

4D.5 Activity Performance Standards

4D.5.1 General

The following performance standards shall be met by all Permitted Activities and shall be used as a guide for all other activities. Any Permitted Activities that do not meet the performance standards shall be treated as Discretionary Activities.

4D.5.1.1 Calculation of Sign Areas

Signs may be single sided, double sided or "v" shaped (provided that the internal angle of the "v" does not exceed 90°) and their area calculated from one face only. Where the lettering is on a *wall* or fence the area of the *sign* is that enclosed by a line drawn around the perimeter of the *sign* lettering and associated artwork.

4D.5.1.2 Location of Signs

a. Except where specifically provided for, no *sign* shall be located within a legal *road reserve* nor on land other than that occupied by the activity to which the *sign* relates.

b. *Yard* requirements relating to *buildings/structures* shall not apply.

c. *Signs* shall be sited such that they do not restrict visibility to and from intersections and property accesses.

4D.5.1.3 Sign Height

Except where otherwise stated by a rule within this Section, the maximum *height* of any *sign* not the subject of separate resource consent shall be the same as that applying to *buildings/structures* within the zone in which the property concerned is located.

4D.5.1.4 Subject Matter

The subject matter of any *sign* shall be specific to the lawfully established activity to which it relates.

4D.5.1.5 Design

Signs shall not conflict with the colour combinations or shape of traffic *signs*.

4D.5.1.6 Illumination of Signs

The following performance standards shall be met by all:

- *Medium Intensity Signs* in the Commercial and Industrial Zone; and
- *Medium Intensity Signs* in the Post Harvest and All Terrain Park Zones

a. Shall be constructed to comply with the following levels of *luminance*:

Daytime: 25 *lux*
Night-time: 10 *lux*

Explanatory Note:
Luminance levels shall be measured vertically or horizontally anywhere along the affected site boundary in accordance with professional illumination engineering practice or any relevant New Zealand standard.

b. With the exception of neon and side emitting fibre optic *signs*, no light source used for the *sign* shall be visible from any adjoining site including roads and reserves.

4D.6 Matters of Discretion

a. The extent to which the nature and scale of any *sign(s)* is compatible with the surrounding environment.

b. The impact of any *sign(s)* on the amenity values of adjoining Residential and Medium Density Residential Zoned land and the surrounding environment.

c. The effect of any *sign(s)* on the open space character of recreation land.

d. The extent to which the *sign* is obtrusively visible from outside the site or zone.

e. The extent to which the *sign* is likely to give rise to a distraction to motorists and pedestrians, or create situations which are hazardous and dangerous to road users.

f. The extent to which any *sign(s)* creates visual clutter, particularly along major strategic and arterial roads.

g. The opportunity for *sign* to enhance local amenity values and character.

h. The extent to which *sign* is compatible with the scale and style of an identified historic heritage *building*.

4D.7 Other Methods

4D.7.1 Waka Kotahi NZ Transport Agency has its own bylaws that regulates the placement of *signs* on State Highway reserve.

4D.7.2 *Signs* on *District road reserve* are controlled by the Traffic Regulations and administered by the Western Bay of Plenty District Council.

4D.7.3 Off site advance warning *signs* may be located on State Highway, Regional and *District* arterial *road reserves* for traffic safety purposes. They shall be erected by (and upon request to) Waka Kotahi NZ Transport Agency and *Council* as appropriate in accordance with the requirements specified in their respective bylaws.

4D.7.4 *Council* will develop design guidelines for *signs*.

Section Contents

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Natural Hazards

8. Natural Hazards

Explanatory Statement

Introduction

The Western Bay of Plenty District is subject to a range of actual or potential natural hazards which will or may adversely affect human life, property, *infrastructure* or other aspects of the environment. These natural hazards include coastal erosion, coastal inundation, flooding from extreme rainfall, land instability, earthquake, liquefaction, tsunami and volcanic eruption.

This section imposes controls on subdivision and land use to manage natural hazard risk in accordance with *Council's* statutory responsibilities. In many cases, proposed activities can proceed in locations which are susceptible to natural hazards subject to appropriate mitigation measures. For example, relocatable *buildings* in coastal erosion areas, minimum floor levels in coastal inundation and floodable areas and specific foundation design in land instability and liquefaction areas. However, where mitigation is not feasible, avoidance will be required.

This section also recognises that in situations where the District Plan Maps may not be accurate it would be unreasonable to impose restrictions on subdivision and land use. Rules within this section allow evidence to be provided to *Council* to demonstrate that land is not susceptible to natural hazards. Such evidence is generally used to avoid unnecessary conditions on resource consents but in some instances can be used to show that an activity is permitted.

Natural Hazard Maps

It is important to note that the District Plan Maps do not identify all of the natural hazards that may affect land in the *District*. The District Plan Maps currently only identify coastal erosion, coastal inundation, flooding, land instability and liquefaction because these are the natural hazards managed through this section's rules. The District Plan Maps also only identify these natural hazards in some of the locations that may be susceptible to them. The existing level of information held on the District Plan Maps is explained in more detail under the specific headings further below.

Council is in the process of completing susceptibility mapping and risk assessment for all natural hazards across the whole of the *District* to meet the requirements of the Regional Policy Statement. This work is taking into account at least a 100-year timeframe including the effects of

climate change such as sea level rise and more extreme rainfall and will be used to update the District Plan in due course. In the meantime, all completed maps are publicly available on the Non District Plan Layers of this ePlan. This information should be used to fully understand what natural hazards are identified within an area.

All technical reports associated with the natural hazard maps held by *Council* are available on *Council's* website.

Coastal Erosion

Coastal erosion is the loss of land suddenly or over time due to coastal processes such as waves and tidal currents. The District Plan Maps identify coastal erosion areas at Waihī Beach, Pukehina and Ōmokoroa. These areas are divided into primary risk and secondary risk showing the possible extent of coastal erosion in the years 2065 and 2115 (for Waihī Beach and Pukehina) and in the years 2080 and 2130 (for Ōmokoroa). These maps take into account the future effects of sea level rise. There is also a Coastal Erosion Area – Rural shown on the District Plan Maps in rural zoned areas adjoining the open coastline e.g. Matakana Island, Maketu and east of Pukehina.

Coastal Inundation

Coastal inundation is flooding from the sea from a storm event. The District Plan Maps identify coastal inundation areas at Waihī Beach, Pukehina and Ōmokoroa. For Waihī Beach and Pukehina, these are based on a 1% AEP (1-in-100-year) event happening in the year 2115 including the future effects of sea level rise. For Ōmokoroa, these are based on a 1% AEP (1-in-100-year) event happening in the year 2130 including the future effects of sea level rise.

Flooding

Heavy rain is a common feature of the Bay of Plenty Region. Low-lying areas, especially those in proximity to watercourses are at risk from inundation, scour and sedimentation. The District Plan Maps identify floodable areas within a number of urban areas including parts of Waihī Beach, Katikati, Ōmokoroa, other settlements along the Tauranga Harbour, Te Puke, Paengaroa, Maketu, Little Waihi and Pukehina. These urban flood maps are generally based on a 2% AEP (1-in-50-year) event happening in the current day i.e. no climate change. Except, for Ōmokoroa and Te Puke, these are based on a 1% AEP (1-in-100-year) event happening in the year 2130 including the future effects of climate change (sea level rise and heavier rainfall). The District Plan Maps also identify floodable areas in many rural locations.

Land Instability

Land instability is the potential for land to slip when saturated from rainfall. The main area of known land instability is in the Minden. This area and other potentially unstable areas (including within Tanners Point, Ōmokoroa and Maketu) have been identified on the District Plan Maps.

Liquefaction

Liquefaction can occur when some saturated soils (typically silts and sands) lose strength and stiffness (temporarily behaving as a liquid rather than a solid) in response to earthquake shaking. The District Plan Maps currently only identify liquefaction within Ōmokoroa and Te Puke. These maps generally show that “Liquefaction Damage is Possible” in lower lying areas, that “Liquefaction Damage is Unlikely” in Ōmokoroa's elevated areas and that the "Liquefaction Category is Undetermined" in Te Puke's elevated areas. “Liquefaction Damage is Possible” means a probability of more than 15 percent that liquefaction-induced ground damage will be minor to moderate in a 0.2% AEP (1-in-500 year) earthquake shaking event. “Liquefaction Damage is Unlikely” means a probability of more than 85 percent that liquefaction-induced ground

damage will be none to minor in a 0.2% AEP (1-in-500-year) earthquake shaking event. The study took into account the effects of sea level rise in the lower-lying areas. "Liquefaction Category is Undetermined" means there is not enough information to determine the appropriate category with the required level of confidence.

Earthquake, Tsunami and Volcanic Eruption

The *District* adjoins the Taupo Volcanic Zone and is therefore considered to be susceptible to earthquakes and volcanic eruptions originating from outside the *District*. The *District* is also susceptible to tsunami. These natural hazards are not shown on the District Plan Maps because there are limitations in terms of addressing these through the District Plan rules. Notwithstanding these limitations, much is achievable in terms of public education and preparedness through other methods such as emergency management plans.

~~The Western Bay of Plenty District is subject to a range of actual or potential natural hazards which will or may adversely affect human life, property or other aspects of the environment. The principal hazards affecting the *District* are coastal erosion and coastal inundation (temporary flooding from storm surge), tsunami, land instability, flooding, earthquake, and volcanic eruption.~~

~~While acknowledging the *Council's* statutory responsibilities, this section recognises the constraints imposed by the nature of some potential hazards affecting the *District* as well as the limitations of the level of existing information.~~

~~Areas considered most at risk from coastal erosion and coastal inundation are those already developed for urban purposes and which adjoin the open coastline e.g. Waihi Beach (including Bowentown) and Pukehina. These stretches of coastline have been the subject of a detailed study commissioned by *Council* to identify land at risk to these coastal hazards over 0-50 and 50-100 years. The study findings are reflected on the District Plan Maps through the identification of 'Coastal Erosion Areas' and 'Coastal Inundation Areas'. The Coastal Erosion Areas have been divided into primary risk and secondary risk based on 0-50 year and 50-100 year risk timeframes with more restrictive rules applying in the primary risk area. The Coastal Inundation Areas have not been divided into risk timeframes because the same restrictions apply within both. There is also a 'Coastal Erosion Area – Rural' in place for rural zoned areas adjoining the open coastline e.g. Matakana Island, Maketu and east of Pukehina.~~

~~The main area of known land instability is in the Minden where there exists land with the potential to slip when saturated. These and other potentially unstable areas have been identified on the District Planning Maps.~~

~~Heavy rain is a common feature of the Bay of Plenty Region and this may increase with global climate change. Low-lying areas, especially those in proximity to watercourses are at risk from inundation, scour and sedimentation. Within established urban areas land known to be susceptible to flooding exists in parts of Waihi Beach, Katikati, Te Puke and Pukehina. Again, such land has been identified on the Planning Maps.~~

~~Land identified on the Planning Maps as being at risk from the foregoing hazards is subject to various controls on *development* either through District Plan rules or other methods outside the District Plan. In many cases because of the quality of existing information such identification is very 'broad brush' and where more detailed study of specific areas eliminates land from the identified potential hazard then otherwise complying *development* will be able to proceed through the resource or building consent processes without additional restriction (e.g. consent or Section 74 Building Act 2004 notices). Nevertheless there are some areas where *Council* has good information on the level of hazard risk and in these areas it is considered appropriate to control the intensification of *development*.~~

~~The Western Bay of Plenty adjoins the Taupo Volcanic Zone and is therefore considered to be subject to a high risk from earthquakes as well as at risk from volcanic eruptions originating from~~

~~outside the *District*. Notwithstanding the limitations of addressing these potential natural hazards through the District Plan, much is achievable in terms of public education and preparedness through other methods such as emergency management plans.~~

8.1 Significant Issues

1. The Western Bay of Plenty District is subject to a range of ~~actual or potential~~ natural hazards which will or may adversely affect human life or the natural or built environment. The principal hazards affecting the *District* are coastal erosion, coastal inundation, ~~tsunami~~flooding, land instability, ~~flooding~~earthquake, ~~earthquake~~liquefaction, tsunami and volcanic eruption.

2. Areas actually or potentially ~~under threat from such~~susceptible to natural hazards such as coastal erosion, coastal inundation, flooding, land instability, liquefaction and ~~flooding~~tsunami can be identified in advance. Specific areas more at risk than others from some hazards such as ~~earthquakes and~~ volcanic eruptions are more difficult to identify in advance and the potential effects ~~of the hazards themselves~~ so widespread and devastating that avoidance or control through the District Plan is not realistically possible.

3. Some areas now known to be at risk from actual or potential hazards have already been developed for urban purposes.

4. Some natural hazard avoidance, remedial, or mitigation measures have the potential to adversely impact on natural character and on significant ecological values existing within the coastal and other environments.

8.2 Objectives and Policies

8.2.1 Objectives

1. Minimisation of the risk of natural hazards to human life and the natural and built environment.

2. Protection of the existing natural character of the coastal environment and other natural features having recognised ecological, landscape or other significance to the *District*.

8.2.2 Policies

1. Adopt the best practicable options (including the ‘do nothing’ option) in the management of areas actually or potentially at risk from natural hazards and where possible adopt avoidance rather than mitigation or remedial measures.

2. Control or prevent the establishment of activities which have the potential to increase the extent to which natural hazards have or may have an adverse effect on human life or the natural or built environment.

3. Enable the *development* or redevelopment of land already subdivided or otherwise developed for urban purposes in areas now known to be at risk from natural hazards only where any likely adverse effects can be avoided or appropriately mitigated.

4. Ensure that new subdivision, land use activities or other *development* is located

and designed so as to avoid the need for further hazard protection works.

5. Ensure that where hazard protection works are necessary their form, location and design are such as to avoid or mitigate potential adverse environmental effects.

6. Enable natural ecosystems in currently undeveloped areas to migrate inland as a result of dynamic coastal processes (including sea level rise as predicted by recognised national or international agencies).

7. Encourage the conservation and enhancement of natural features such as sand dunes and *wetlands* which have the capacity to protect existing developed land.

8. Prevent the use of concrete and block work foundations, floors and *walls* in the Coastal Erosion Areas.

8.3 Activity Lists

The following rules apply to those activities which are located within Natural Hazard Features identified on the District Planning Maps.

Explanatory Note:
For the purpose of interpretation, the Coastal Erosion Area – Rural means land adjoining the open coastline, zoned Rural and within 100m of *MHWS*, and this description shall take priority over the District Planning Maps with regard to location.

8.3.1 Permitted Activities

a. All Identified Natural Hazards

i. *Buildings/Structures* within an *Approved Building Site – Natural Hazards.*

b. Stability Areas – Minden

i. *Buildings/Structures* within Stability Area - Minden C.

c. Floodable Areas

i. *Buildings/Structures* where evidence establishes:

- A *building/structure* will be located clear of the floodable area irrespective of the extent of the floodable area shown by the Planning Maps; or
- A *building/structure* will not be affected by the floodable area.

Explanatory Note
Suitable evidence may include, but is not limited to, aerial photographs, site inspections from *Council* engineers, and engineering assessments from a suitably qualified person.

ii. Support poles associated with electricity lines.

iii. Uninhabited farm *buildings/structures* including, but not limited to,

pump sheds, implement sheds and storage sheds, provided that the property owner(s) enter into an agreement with *Council* confirming that they:

- acknowledge the *building/structure* is subject to the risk of inundation from flooding;
- accept the risks of any damage to the *building/structure* and/or its contents arising from that hazard; and
- undertake not to take any action (legal or otherwise) against *Council* in relation to any damage to the *building/structure* and/or its contents as a result of the location of the *building/structure* within the Floodable Area.

d. Coastal Inundation Areas

i. Support poles associated with electricity lines

e. Liquefaction Damage is Unlikely – Ōmokoroa

i. *Buildings/Structures*

8.3.2 Controlled Activities

a. All Identified Natural Hazards

i. Updates to cross lease flat plans which incorporate consented building developments

ii. Conversion of cross lease titles to freehold titles where each cross lease title has at least one lawfully established *dwelling*

b. Stability Areas – Minden

i. Subdivision where all of the proposed *privateways* and building sites are within Stability Area - Minden C

8.3.3 Restricted Discretionary Activities

a. Coastal Erosion Area – Secondary Risk

i. *Buildings/Structures* not within an *Approved Building Site – Natural Hazards*

b. Coastal Erosion Areas

i. Subdivision of titles which are partially identified within the Coastal Erosion Area where;

- there will be no increase in the number of titles located (wholly or partially) within the Coastal Erosion Area and:
- all approved building sites are located outside of the Coastal Erosion Area.

Explanatory note:

For the purpose of this rule, subdivision excludes;

- Minor boundary adjustments (an adjustment of boundary between two adjoining *lots* which will not increase the risk or potential risk to existing *buildings/structures* or future *buildings/structures* from coastal erosion or coastal inundation) (see 12.3.3 for boundary adjustment rules)
- Updates to cross lease flat plans which incorporate consented building developments as provided for in Rule 8.3.2.a.i.
- Conversion of titles from cross lease to freehold as provided for in Rule 8.3.2.a.ii.

c. Floodable Areas and Coastal Inundation Areas

i. *Buildings/Structures* not within an *Approved Building Site – Natural Hazards*

ii. *Earthworks* over $5m^3$ except for:

- *Maintenance*, operation, upgrade and development of above ground lineal *network utility structures* and underground *network utilities* where the ground is reinstated to the same contour as existed immediately prior to the works being undertaken
- *Public trails* where the finished surface is not more than 200mm above the pre-existing *ground level*/contour and where any other ground within the surrounding area that has been disturbed is reinstated to the same contour as existed immediately prior to the works being undertaken
- *Maintenance* of existing stopbanks and drains (including the clearing of drains) carried out by or on behalf of the *Council*, *Regional Council* or the Waihi Drainage Society provided that the clearing of a *drain* only involves removal of excess material required to maintain the function of the *drain* and does not deepen, widen, realign or otherwise modify the *drain*

iii. Closed board fences, retaining walls, raised gardens, concrete and block walls

d. Stability Areas – Minden (A, B1, B2 & U)

i. *Buildings/Structures* not within an *Approved Building Site – Natural Hazards*

ii. Subdivision, except as provided for in 8.3.2.a.i. - ii.

iii. Filling, excavation and other *development*

iv. Vegetation removal

v. Disposal of stormwater and wastewater

e. Liquefaction Damage is Possible or Liquefaction Category is Undetermined - Ōmokoroa and Te Puke

i. *Buildings* (not within an *Approved Building Site – Natural Hazards*) for the following purposes:

- *Residential units*
- Garages
- Sheds which require building consent
- *Retirement villages*

- *Rest homes*
- *Accommodation facilities*
- *Education facilities*
- *Home enterprises*
- *Places of assembly*
- Hospitals
- Activities listed in Section 19.3 – Commercial
- Activities listed in Section 21.3 – Industrial

ii. Subdivision.

iii. *Infrastructure* which provides essential services to households or the wider community specifically water supply, wastewater, stormwater, roads, telecommunication, electricity generation, gas and liquid fuels.

8.3.4 Discretionary Activities

a. Coastal Erosion Areas – Primary Risk and Rural

i. *Buildings/Structures* not within an *Approved Building Site – Natural Hazards*
ii. *Construction* of new public roads
iii. *Reticulated Infrastructure*
iv. Coastal and river protection works including groynes and sea walls
v. Swimming pools

b. Coastal Erosion Area – Access Yard

i. *Buildings/Structures*

c. Floodable Areas and Coastal Inundation Areas

i. Subdivision

d. Stability Areas – Landslip and General

i. *Buildings/Structures* not within an *Approved Building Site – Natural Hazards*
ii. Subdivision
iii. Construction of new roads
iv. *Reticulated Infrastructure*

8.3.5 Prohibited Activities

a. Coastal Erosion Areas

i. More than one *dwelling* (whether a *dwelling* or *minor dwelling)*
ii. *Education facilities* for more than four persons
iii. *Accommodation facilities* for more than four persons
iv. Fixed (i.e. non-portable) solid waste management facilities including sanitary landfills and the disposal of *hazardous substances* (public or

private)

v. Subdivision of titles which are wholly identified within the Coastal Erosion Area and subdivision of titles which are partially identified within the Coastal Erosion Area but which do not qualify as Restricted Discretionary Activities under Rule 8.3.3.b.

Explanatory note:

For the purpose of this rule, subdivision excludes;

- Minor boundary adjustments (an adjustment of boundary between two adjoining *lots* which will not increase the risk or potential risk to existing *buildings/structures* or future *buildings/structures* from coastal erosion or inundation) (see 12.3.3 for boundary adjustment rules)
- Updates to cross lease flat plans which incorporate consented building developments as provided for in Rule 8.3.2.a.i.
- Conversion of titles from cross lease to freehold as provided for in Rule 8.3.2.a.ii.

8.4 Matters of Control

8.4.1 Controlled Activities – Subdivision and Buildings within Stability Area - Minden C

Council reserves control over the following matters

a. Protecting each *lot* and surrounding *lots* from instability or erosion by:

i. Managing *earthworks* within the site.

ii. Controlling the location and formation of building sites, roads, accessways, tracks or *privateways* within the subdivision.

iii. Controlling the location and type of wastewater and stormwater treatment and disposal systems.

iv. Detailing requirements for the retention or planting of vegetation including species selection that will help stabilize any cut slope or fill batter.

v. Requiring the collecting and piping of stormwater, or its management by way of soakage or discharge to ground or to natural waterways, including the collection of roof water, as appropriate.
The preference is for collection and discharge of stormwater to the base of gulleys at a rate that mimics natural catchment flow rates.

vi. Avoiding erosion or natural hazards or mitigating these hazards when they cannot be avoided;

b. Building sites should be set back from existing waterbodies and ephemeral flowpaths to the extent that any risks to *buildings/structures* from instability and flooding are avoided.

c. For subdivision and *development* in the Minden Stability Areas regard shall be had to the stability information requirements in Rule 8.6.

8.4.2 Controlled Activities – Updates to cross lease flat plans and conversion of cross lease titles to freehold titles

Council reserves control over the following matters:

a. The relevant provisions of Section 12 – Subdivision and Development.

b. The subdivision activity performance standards and matters of control which apply to controlled activity subdivisions within the applicable zone.

8.5 Matters of Discretion

8.5.1 Restricted Discretionary Activities

8.5.1.1 Coastal Erosion Area – Secondary Risk

a. Extent to which the *building/structure* is relocatable, taking into account the design, location and materials of the *building/structure*, access to remove the *building/structure,* and the ability to rehabilitate the site including the removal of all parts of *buildings/structures* and services and the reinstatement of land to protect natural character and the ability of dunes to act as a buffer against erosion.

b. Avoidance of the use of concrete and block wall foundations, *walls* and flooring, except that for sheds and garages (used for non-habitable purposes) all of these are allowed other than concrete and block walls.

c. *Buildings/structures* should be located as far away from the hazard as possible.

d. Any new information or assessment undertaken by a suitably qualified person/s which confirms that the land is not in fact subject to the natural hazard concerned.

e. The potential environmental effects of or likely to result from the proposal.

8.5.1.2 Coastal Erosion Areas

a. The extent to which the subdivision (new title boundaries and new building sites) affects the ability of any new or existing *buildings/structures* within the Coastal Erosion Area to be relocated.

8.5.1.3 Floodable Areas and Coastal Inundation Areas

a. The effect of the proposed activity (including its location and design) on the capacity of ponding areas and function of overland flow paths.

b. The appropriate minimum finished floor level of the proposed *building/structure.*

Explanatory Notes:

This is the combination of the flood/coastal inundation level plus an additional freeboard height as stipulated in *Council's* Development Code. *Council* can provide specific flood/coastal inundation levels and minimum floor levels to assist with preparing applications.

Council will consider granting consent for sheds and garages (used for non-habitable purposes) without meeting minimum finished floor levels provided the owner of the property and *building* enters into an agreement with *Council* confirming the owner:

- acknowledges that the *building* is subject to the risk of inundation from flooding or coastal inundation;

- accepts the risks of any damage to the *building* and/or its contents arising from that hazard; and

- undertakes not to take any action (legal or otherwise) against *Council* in relation to the issue of a resource consent without imposing the required minimum finished floor levels.

~~*Council* can provide specific flood levels for all Coastal Inundation Areas and for some but not all of the Floodable Areas.~~
For Waihi Beach Floodable Areas (Planning Maps A03 and U01-U04) this shall be based on the 2% AEP (inclusive of climate change).

c. Verifiable new information which demonstrates that the subject site is not in fact ~~under threat from~~susceptible to the identified hazard.

8.5.1.4 Stability Areas – Minden A, B1, B2 & U

Council shall have regard to the following matters in addition to 8.4.1:

a. Subdivision shall be accompanied by a geotechnical report prepared by a suitably qualified person showing a building site capable of being approved and confirming as a minimum that:

i. *Earthworks* required in forming each building site and access roads and/or *privateways* in the subdivision shall avoid or mitigate adverse effects on the stability of the land within the site and will have no adverse effects on the stability of adjacent land.

ii. Each building site will be required to be set back an appropriate distance, as recommended by a geotechnical engineer, from any terraces or steep slopes to the extent that there are no adverse effects on the stability of the land or any adjacent land.

iii. Stormwater and wastewater systems can be constructed and operated within each *lot* with no adverse effects on the stability of the adjacent land.

iv. For subdivision and *development* in the Minden Stability Areas regard shall be had to information requirements in Rule 8.6.

8.5.1.5 Liquefaction Damage is Possible or Liquefaction Category is Undetermined - Ōmokoroa and Te Puke

a. The extent to which the assessment has been carried out in accordance with the information requirements within 8.6.2.

b. Whether the proposal achieves a low level of natural hazard risk for *buildings*, lifeline utilities and health and safety as required by the Regional Policy Statement.

c. The identification of suitable *building* foundations, suitable *building* sites and appropriate *development* setbacks from waterways/waterbodies, sloping ground or free faces.

d. The use of ground improvement techniques such as perimeter treatment and area wide densification (compaction).

e. The extent to which lifeline *infrastructure* providing essential services to households or the wider community is avoided within areas known to be susceptible to possible liquefaction or lateral spread.

f. The design of *infrastructure* to ensure it is readily repairable should liquefaction damage occur, including placing below ground *infrastructure* at relatively shallow depths.

g. For pipe networks, the use of ductile materials (such as flexible couplings and polyethylene pipe) and pressurized systems (as opposed to gravity systems) to mitigate the effects of global and differential settlement.

h. Detailing of utility connections with *buildings* to reduce damage and to facilitate the ease and speed of repair in the case of differential settlement of *buildings* relative to the surrounding ground.

i. The timing, location, scale and nature of *earthworks* and how these may affect liquefaction risk.

j. Any verifiable information which confirms that the property should be categorised as “Liquefaction Damage is Unlikely”.

8.5.2 Discretionary/Non Complying Activities

The matters in 8.4.1 and 8.5.1 and the following matters shall be used as a guide for assessing Discretionary Activities and Non-Complying Activities:

a. Stability Areas

i. The design, location and materials of the *building/structure*

ii. The extent to which the proposal addresses any identified natural hazard.

iii. Any verifiable information which confirms that the property is in fact not under any threat from the hazard.

iv. For subdivision and *development* in the Minden Stability Areas regard shall be had to information requirements in Rule 8.6.

b. Coastal Erosion Areas – Primary Risk and Rural

i. Extent to which the *building/structure* is relocatable, taking into account the design, location and materials of the *building/structure,* access to remove the *building/structure*, and the ability to rehabilitate the site including the removal of all parts of *buildings/structures* and services and the reinstatement of land to protect natural character and the ability of dunes to act as a buffer against erosion.

ii. Avoidance of the use of concrete and block wall foundations, *walls* and flooring, except that for sheds and garages (used for non-habitable purposes) all of these are allowed other than concrete and block walls.

iii. The degree to which the ability of *buildings* or *structures* to be

relocated is affected.

iv. The extent to which the proposal addresses any identified natural hazard and the degree to which the physical risk to *buildings/structures* from coastal erosion can be avoided or mitigated.

v. Additions and alterations to existing *buildings/structures* should be landward of the existing *building/structure.*

vi. New *buildings/structures* or significant redevelopment of existing *buildings/structures* should be situated as far back from the toe of the foredunes as practicable. The most recent measurements of the toe of the foredune are available from *Council*.

vii. Imposition of consent conditions requiring that where the toe of the foredune comes within a distance of a *building/structure* which may put it at immediate risk (minimum of 8m), the *building/structure* is to be relocated a sufficient distance back from the toe of the foredune to mitigate that risk. The distances specified in the conditions will depend on the latest scientific information available to *Council*.

viii. The impact that the proposal will have on the natural character of the coastal environment, recognising the ecological values of the dune area, and dune restoration.

ix. Registration of an encumbrance instrument on the title to address any of the matters above.

x. Scientific information from a suitably qualified coastal expert which demonstrates that the land within the Coastal Erosion Area is not under any actual or potential risk from coastal erosion. For the purpose of meeting this rule any assessment of coastal hazards shall include those standards outlined in the Bay of Plenty Regional Coastal Environment Plan.

c. Floodable Areas and Coastal Inundation Areas

i. The effect of the proposed subdivision (including, but not limited to any building site, *building/structure* or earthworks) on the capacity of ponding areas and function of overland flow paths.

ii. The provision of finished site levels to mitigate adverse effects associated with inundation. For Waihi Beach (Planning Maps A03 and U01-U04) the flood level shall be based on the 2% AEP (inclusive of climate change).

iii. In the case of Floodable Areas, any verifiable new information which demonstrates that the subject site is not in fact ~~under threat from~~susceptible to flooding.

8.6 ~~Stability~~ Information Requirements ~~- The Minden Lifestyle Structure Plan Area~~

8.6.1 Stability - The Minden Lifestyle Structure Plan Area

The Minden Lifestyle *Structure Plan* area is divided into five stability risk areas i.e. A, B1, B2, C and U Stability Areas (see Planning Maps). The following provisions set out a description of each stability area followed by the stability requirements applying to *development* in that area.

a. **Stability Area A**

Description
'An area in which processes or factors have been identified which indicate that past or active erosion or mass movement is evident or is likely to occur and which presents or may present an identifiable hazard to *buildings*/*structures* within the delineated area'.

Area A may be summarised as land subject to or likely to be subject to instability.

Stability Assessment
Buildings/structures, subdivision or other *development* including excavation, filling, removal of vegetation (excluding noxious plants), disposal of stormwater or domestic wastewater into or over the area delineated will not be permitted unless the following documentation is produced to the satisfaction of the *Council*.

Geomorphological and geological evidence and a 'stability analysis' demonstrating that the proposed *development* area will not be subject to instability or be inundated by debris from upslope, and how the proposed *development* will ensure that any *building/structure* will not become damaged by land slippage arising on or off the site.

A **stability analysis** shall include:

i. Topographical Survey (if not already available);

ii. Definition of the nature and continuity of the strata over the whole area of land involved and to a depth below which slipping is most unlikely, by means of test pits and/or continuous recovery core drilling;

iii. Definition of the density, effective stress shear strength parameters, residual shear strength parameters and the sensitivity of the soil in each stratum in which sliding is possible;

iv. Definition of ground water levels and piezometric pressures in the strata during extreme infiltration conditions;

v. Analysis of possible mechanisms of failure, relevant to the specific geomorphology of the site using effective stresses;

vi. A professional opinion as to the stability of the ground.

Even with a thorough stability analysis, complete avoidance of all risk cannot be obtained and no guarantee of safety expected.

b. **Stability Area B1**

Description
'Area B1 is land where mass movement is evident or where the slope gradient is

such that instability or erosion could occur, particularly if developed'.

Area B1 may be summarised as land potentially subject to instability.

Stability Assessment
Buildings/structures, subdivision or other *development* including excavation, filling, removal of vegetation (excluding noxious plants), disposal of stormwater or domestic wastewater into or over the area delineated will not be permitted unless the following documentation is produced to the satisfaction of the *Council*.

Geomorphological and geological evidence and a 'stability analysis' as outlined in 8.6.a. demonstrating that the proposed *development* area will not be subject to instability or be inundated by debris from upslope, and how the proposed *development* will ensure that any *structure* will not become damaged by land slippage on or off the site.

Restrictions on and requirements for subdivision, *buildings/structures* or other *development* are the same as for Area A but it shall be sufficient to demonstrate that the risks of instability and damage are at an acceptable level.

c. **Stability Area B2**

Description
'Area B2 is land where the slope gradient is such that instability is not considered likely to occur, and no mass movement is evident, but is similar to land where instability and erosion has occurred elsewhere in the Western Bay of Plenty in similar materials due to cutting and/or filling and/or on site disposal of stormwater'. The risk of instability or erosion is greater in areas delineated B1 than B2.

Area B2 may be summarised as land potentially subject to instability but less so if there is no onsite disposal of sewage or stormwater concentration, no significant vegetation removal, no significant cutting or filling.

Stability Assessment
Buildings/structures, subdivision or other *development* such as excavation, filling, removal of vegetation (excluding noxious plants), disposal of stormwater or domestic wastewater into or over the area delineated will be allowed to proceed only if supported by the following documentation to the satisfaction of the *Council*.

A 'stability assessment' demonstrating that the proposed *development* will not result in the risks of instability or damage being at an unacceptable level.

A stability assessment shall include:

i. Topographical Survey (if not already available);

ii. Definition of the nature and continuity of the strata over the whole area of land involved and to a depth below which slipping is most unlikely, by means of test pits and/or drilling, and/or auguring;

iii. Assessment of the density, relative strength and the sensitivity of the soil in each stratum in which sliding is possible;

iv. Assessment of ground water levels and piezometric pressures in the strata during extreme infiltration conditions;

v. A professional opinion as to the stability and instability of the ground.

A stability assessment is likely to be sufficient where there will be no significant interference with existing vegetation, no cutting or filling in excess of 0.5m in depth and no in ground disposal of stormwater runoff.

d. **Stability Area C**

Description
'Area C is land not considered to be at risk from instability. A stability analysis or stability assessment would not generally be required'.

Council reserves control however over a number of matters relating to subdivision and *development* to ensure the protection of each *lot* and surrounding *lots* from any potential instability or erosion.

e. **Stability Area U**

Description
'Area U is land that has not undergone geotechnical analysis and therefore the risk of instability is uncertain'.

Because of this unknown risk, all subdivision and *development* occurring within Area U requires Restricted Discretionary resource consent and applications must be accompanied by a specific stability analysis to determine the level of risk and appropriate mitigation measures.

8.6.2 Liquefaction – Ōmokoroa and Te Puke

a. **Liquefaction Assessment – Liquefaction Damage is Possible or Liquefaction Category is Undetermined**

A liquefaction assessment must be prepared by a Category 1 Geo-professional or by a Category 2 Geo-professional provided that the assessment is endorsed by a Category 1 Geo-professional.

This assessment:

- Must be carried out in accordance with the MfE and MBIE "Planning and Engineering Guidance for Potentially Liquefaction Prone Land" (2017).
- Is likely to require deep geotechnical investigations such as cone penetration testing (CPT) or boreholes and could involve the identification of Rotoehu Ash horizon in the soil profile in relation to groundwater levels. However, the investigation requirements are ultimately to be determined by the Geo-professional.
- Must assess land stability and *earthworks* design for *construction* of *buildings*, roads and other *infrastructure* in accordance with best practice. Section 4.10 (DS10 Natural Hazards and *Earthworks*) of the Development Code is one means of compliance.
- Must identify suitable *building* foundations, suitable *building* sites and appropriate *development* setbacks from waterways/waterbodies, sloping ground or free faces.

The Category 1 Geo-Professional is to complete certificate 10b (geotechnical

suitability of land for *development*) and 10c (geotechnical suitability of land for *building*).

8.7 Other Methods

8.7.1 Building Act 2004

Where as a result of stability investigations the land in question is found to be subject to or likely to be subject to slippage, but the building work itself will not accelerate or worsen the situation or affect other land, then *Council* may grant a building consent subject to the title being notated that the land is subject to or is likely to be subject to slippage pursuant to Section 72 of the Building Act 2004.

This will be used to exercise control over *buildings* within identified hazard prone areas. Such controls may include restrictions relating to building design and damage liability. Information on known site specific potential natural hazards will be recorded on *Council's* Geographic Information System and provided with all Project and Land Information Memoranda.

8.7.2 Coastal Protection Works

The *construction*, repair and *maintenance* of coastal protection structures such as sea walls and the implementation of 'dune care' programmes will be achieved pursuant to *Council's* powers under other legislation including the Reserves Act 1977 and the Local Government Act 1974.

Resource consents from the *Regional Council* are required for any coastal protection works within the coastal marine area (i.e. below *MHWS*).

8.7.3 Earthworks and Vegetation Removal

Consents to these activities are likely to be also required from the *Regional Council.*

8.7.4 Civil Defence

Civil Defence plays an important education role. This, along with the emergency management plans is aimed at mitigating potential hazards as well as preparedness for emergencies.

Section Contents

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Hazardous Substances

9. Hazardous Substances

Explanatory Statement

The Western Bay of Plenty District is predominantly rural land in *farming* and horticulture and has a number of small urban centres containing a mix of industrial, commercial and residential activities. *Farming* and horticultural activities require the transportation, storage and use of a range of *hazardous substances* while some industrial and commercial activities are large users of *hazardous substances*.

The Hazardous Substances and New Organisms Act 1996 has established minimum standards to deal with such things as the identification, labelling, packaging, storage and use and disposal of *hazardous substances*. It does not provide for managing the potential effects of *hazardous substances* on sensitive environments and is not able to address particular concerns of local communities. These are the functions of local authorities under the *RMA*.

The *RMA* gives responsibility for the management of *hazardous substances* to both regional and district councils. The *Regional Council's* functions relate to the discharge of contaminants to land, air and water and the *Regional Council* manages these through its Regional Air Plan and the Regional Water and Land Plan. District councils control the use of land to manage any effect of the use, storage and transportation of *hazardous substances* on specific environments and communities within the *District* and will manage location, design and operational aspects of activities using *hazardous substances* to ensure the effects are within acceptable limits and the potential risks of significant adverse effects are low.

In relation to the transportation of *hazardous substances*, District Plan rules have not been considered necessary as this aspect is adequately controlled by separate transport legislation, New Zealand Standards and codes of practice.

Some activities are specifically excluded from the controls of the District Plan as they are either impractical to control under the District Plan, have minor potential effects or are controlled through other means or legislation. These include the storage and use of fuels in vehicles, boats etc, consumer products for domestic use, oil and gas pipelines and tradewaste sewers and their treatment and disposal facilities.

A modified Hazardous Facility Screening Procedure (HFSP) method is applied to all proposed new facilities manufacturing, using or storing *hazardous substances* or generating or disposing hazardous wastes. Facilities existing as at 21 August 2004 will not be subject to these controls unless they expand or alter their operations in a manner which falls outside the scope of Section 10 of the *RMA*.

Application of a modified HFSP method involves the use of a table which sets out allowable *hazardous substances* quantities for different HSNO classes and sub-classes, and land use zones. This table is set out under Rule 9.4. Where an activity involves *hazardous substances* exceeding the threshold quantities contained in the table, it becomes a Discretionary Activity and a resource consent is required.

Minimum performance standards are provided for all Permitted Activities. Where any one performance standard cannot be met the activity becomes a Restricted Discretionary Activity for that particular non-compliance.

Compliance with the District Plan rules does not avoid the requirement to comply with other legislation including the Hazardous Substances and New Organisms Act 1996, Building Act 2004 or their regulations.

9.1 Significant Issues

1. *Hazardous substances* and their use, storage and handling present potential sources of risk to both the environment and human health and safety.

2. If *hazardous facilities* are not appropriately located and managed the accidental release or loss of control of *hazardous substances* can adversely affect human health and water, soil and ecosystems.

3. Increasing intensification and *development* within the *District* both for primary production and business activities has the potential to increase the amount and range of *hazardous substances* used. This may in turn increase the risk to people and the environment from the use of such substances.

4. There is a diversity of land uses and business activities which use *hazardous substances* as well as a range of sensitive environments within the *District* which may be adversely affected by the inappropriate use and management of *hazardous substances*.

9.2 Objective and Policies

9.2.1 Objective

Use, storage and handling of *hazardous substances* with no significant adverse effect or risk of adverse effect on the environment or human health and safety.

9.2.2 Policies

1. Ensure the location, design and management of all new *hazardous facilities* maintain environmental and human health and safety.

2. Have regard to industry codes of practice as a method of managing *hazardous facilities* and the use, storage and handling of *hazardous substances*.

9.3 Activity Lists

9.3.1 Exceptions

The following *hazardous substances* and facilities are not subject to the provisions of this section:

a. Fuel contained in tanks of motor vehicles, boats, aircraft and small engines.

b. The storage and use of hazardous consumer products in domestic quantities, including flammable gases.

c. The storage of hazardous consumer products for sale in retail outlets, e.g. supermarkets, hardware shops and pharmacies.

d. Gas and oil pipelines.

e. Trade waste sewers, or waste treatment and disposal facilities.

f. Electrical equipment containing cooling oil up to 1,500 litres.

9.3.2 Permitted Activities

a. Any *hazardous facility* involving *hazardous substances* that are less than or equal to the threshold quantities as contained in Table 1 in Rule 9.4 for the zone in which it is located.

b. *Service stations* which store fuels not exceeding the following volumes using the following methods:

i. Petrol – 100,000 litres in underground storage tanks;

ii. Diesel – 50,000 litres in underground storage tanks;

iii. LPG – six tonnes single vessel storage;

And that comply with the relevant following codes of practice or Standard:

- Code of Practice for the Design, Installation and Operation of Underground Petroleum Systems – Department of Labour 1992 and Supplement I (1995).
- AS 1596 – 2002 Storage and Handling of LP Gas.

Are Permitted Activities for Section 9 controls only.

c. *Hazardous facilities* that are part of a Permitted Activity in the Rural Zone and that comply with the New Zealand Standard NZS8409:2004 Management of Agrichemicals.

Except that:
Those activities that exceed the quantity thresholds listed in Table 1 of Rule 9.4 under either Group 5 Land Use Zones and/or Class 9 substances located within 30m of *fresh surface water* or 50m of estuaries and harbours are Discretionary Activities.

9.3.3 Restricted Discretionary Activities

Any *hazardous facility* involving *hazardous substances* that are less than or equal to the threshold quantities contained in Table 1 in Rule 9.4 for the zone in which it is located and which fails to comply with any one of the Permitted Activity standards listed in Rule 9.5 is a Restricted Discretionary Activity for that particular non-compliance.

9.3.4 Discretionary Activities

a. Any *hazardous facility* involving *hazardous substances* that exceed the threshold quantities contained in Table 1 in Rule 9.4 for the zone in which it is located.

b. *Service stations* exceeding the limits in Rule 9.3.2.b. within the Industrial Zone.

c. Facilities primarily designed for the disposal or destruction of *hazardous substances* and hazardous wastes.

9.4 Quantity thresholds for hazardous facilities

a. When assessing a *hazardous facility* against the quantity thresholds contained on Table 1, the assessment procedure outlined in Appendix 6 shall be followed.

For the purposes of Rule 9.4, each reference in Table 1 to “Adjacent to a water body” means within 30m of Fresh Surface Water and 50m of estuaries, harbours and *wetlands*. In this context, “Fresh Surface Water” means fresh water in a river, lake (including pond), stream, modified watercourse, and drain but excludes *wetlands*. In this context, “Drain” means an open artificial watercourse used for land drainage purposes but excludes artificial watercourses on land being used for agricultural or horticultural purposes. This definition does not include modified watercourses, which are naturally formed watercourses which have been modified.

b. Where two or more *hazardous facilities* are located on one site and are separated from each other by more than 30m, each facility will be independently assessed under this rule.

Table 1: Proposed Hazardous Substance Quantity Thresholds

HSNO[1] Class	Description	HSNO Sub-Class	Land Use Zone				
			Group 1	Group 2	Group 3	Group 4	Group 5
			Rural Zone All Terrain Park Zone	Industrial Zone Post Harvest Zone	Future Urban Zone	Commercial Zone Group 1,2, or 3 within 20 m of Group 4 boundary	Residential Zone Medium Density Residential Zone Rural-Residential Zone Lifestyle Zone Natural Open Space Zone Natural Environment Areas subject to flooding Group 1, 2, 3 or 4 within 30 m of Group 5 boundary
			CSI[2] = 0.75	**CSI = 0.5**	**CSI = 0.25**	**CSI = 0.1**	**CSI = 0.02**
Class 1	Explosives	1.1	38 (kg)	25 (kg)	13 (kg)	5 (kg)	1 (kg)
		1.2	188 (kg)	125 (kg)	63 (kg)	25 (kg)	5 (kg)
		1.3 and 1.4	563 (kg)	375 (kg)	188 (kg)	75 (kg)	15 (kg)
Class 2	Flammable gases	2.1 (acetylene)	750 (kg or m3)	500 (kg or m3)	250 (kg or m3)	100 (kg or m3)	20 (kg or m3)
	LPG	LPG	2,250 (kg)	1,500 (kg)	750 (kg)	300 (kg)	300 (kg)
Class 3	Flammable liquids	3.1A-B (petrol, methylated spirits, thinners, solvents)	3,750 (litres)	2,500 (litres)	1,250 (litres)	500 (litres)	250 (litres)
		3.1C (turpentine, kerosene, oil based paints)	7,500 (litres)	5,000 (litres)	2,500 (litres)	1,000 (litres)	200 (litres)

		3.1D (diesel)	17,500 (litres)	10,000 (litres)	5,000 (litres)	2,000 (litres)	1000 (litres)
		3.2	38 litres	25 litres	13 litres	5 litres	1 litres
Class 4	Flammable solids	4.1.2A-B, 4.1.3A-C, 4.2A-B, 4.3A-B	1,125 (kg)	750 (kg)	375 (kg)	150 (kg)	30 (kg)
		4.1.1A, 4.1.2C-D, 4.2C, 4.3C	5,625 (kg)	3,750 (kg)	1,875 (kg)	750 (kg)	150 (kg)
		4.1.1B, 4.1.2E-G	16,875 (kg)	11,250 (kg)	5,625 (kg)	2,250 (kg)	450 (kg)
Class 5	Oxidising substances	5.1.1A-B (hydrogen peroxide), 5.2A-B	375 (kg)	250 (kg)	125 (kg)	50 (kg)	10 (kg)
		5.1.1C, 5.2C-D	1,125 (kg)	750 (kg)	375 (kg)	150 (kg)	30 (kg)
		5.2E-G	2,250 (kg)	1,500 (kg)	750 (kg)	300 (kg)	60 (kg)
		5.1.2A (oxygen)	188 (m3)	125 (m3)	63 (m3)	25 (m3)	8 (m3)
Class 6	Toxic substances	6.1A-B	375 (kg or litres)	250 (kg or litres)	125 (kg or litres)	50 (kg or litres)	10 (kg or litres)
		6.1A-B	2 (m3)	1 (m3)	1 (m3)	0 (m3)	0 (m3)
		6.1C	1,875(kg or litres)	1,250(kg or litres)	625(kg or litres)	250(kg or litres)	50 (kg or litres)
		6.1C	3 (m3)	2 (m3)	1 (m3)	0 (m3)	0 (m3)
		6.1D	5,625 (kg)	3,750 (kg)	1,875 (kg)	750 (kg)	150 (kg)
		6.1D (battery acid)	9 (m3)	6 (m3)	3 (m3)	1 (m3)	0 (m3)
Class 8	Corrosives	8.2A	375 (litres)	250 (litres)	125 (litres)	50 (litres)	10 (litres)

[1] Only those classes and sub-classes of *hazardous substances* that are considered to have potential for significant off-site effects are included within the Table.
[2] The Consent Status Index (CSI) is used to determine the status of an activity under the Hazardous Facility Screening Procedure. It is shown in Table 1 to indicate the basis on which the specific quantities in the table have been derived for the modified HFSP method included in the District Plan.

9.5 Activity Performance Standards

9.5.1 General

The following performance standards shall be met by all Permitted and Controlled Activities and shall be used as a guide for all other activities. Any Permitted Activity which fails to comply with any of these standards shall be deemed a Restricted Discretionary Activity for the particular non-compliance.

a. Site design

Any part of a *hazardous facility* site where *hazardous substances* are used, stored, manufactured, mixed, packaged, loaded, unloaded or otherwise handled shall be designed, constructed and operated in a manner that prevents:

i. The contamination of air, land and/or water (including groundwater and water supplies used for drinking and domestic purposes) in the event of a spill or other unintentional release of *hazardous substances*;

ii. The entry or discharge of the *hazardous substance* into the stormwater drainage system in the event of a spill or other unintentional release;

iii. The entry or discharge of the *hazardous substance* into the sewerage system in the event of a spill or other unintentional release.

b. Hazardous facility site layout

The *hazardous facility* is designed in a manner to ensure that separation between onsite facilities and the property boundary is sufficient for the protection of neighbouring facilities, land uses and sensitive environments.

c. Spill containment system

The parts of the *hazardous facility* where *hazardous substances* are used, stored manufactured, mixed, packaged, loaded or otherwise handled shall be served by a spill containment system:

i. Constructed from impervious materials resistant to the *hazardous substances* used, stored, manufactured, mixed, packaged, loaded, unloaded or otherwise handled on the site;

ii. Able to contain the maximum volume of the largest tank used, or where drums or other containers are used, able to contain half of the maximum volume of substances stored, plus an allowance for stormwater or firewater;

iii. Able to prevent any spill or other unintentional release of *hazardous substances*, and any stormwater and/or fire water that has become contaminated, from entering the stormwater drainage system;

iv. Able to prevent any spill or other unintentional release of *hazardous substances*, and any stormwater and/or fire water that has become contaminated, from discharging into or onto land and/or water (including groundwater and water supplies used for drinking and domestic purposes) unless permitted by a resource consent;

v. Maintained and operated to be effective in the event of a spill.

d. Stormwater drainage

All stormwater grates on the site shall be clearly labelled ‘Stormwater Only’.

e. Signage

All facilities must display *signage* to indicate the nature of the *hazardous substances* present. Compliance with the provisions of the Hazardous Substances and New Organisms Act 1996, the requirements of the Building Code (F8), or the Code of Practice "Signage for Premises Storing *Hazardous Substances* and Dangerous Goods” of the New Zealand Chemical Industry Council (2004) are minimum requirements.

f. Waste management

i. Any process waste or waste containing *hazardous substances* shall be managed to prevent:

- The waste entering or discharging into the stormwater drainage system.
- The waste entering or discharging into the sewerage system unless permitted by the sewerage utility operator.
- The waste discharging into or onto land and/or water (including groundwater and water supplies used for drinking and domestic purposes) unless permitted by a *Regional Council* resource consent or by a relevant rule in the regional plan.

ii. The storage of any waste containing *hazardous substance* shall be in a manner that prevents:

- The exposure to ignition sources.
- The corrosion or other alteration of the containers used for the storage of the waste.
- The unintentional release of the waste.

iii. Any facility generating waste containing *hazardous substances* shall dispose of these wastes to appropriately permitted facilities.

9.6 Matters of Discretion

Council's discretion is restricted to the following matters for Restricted Discretionary Activities, and shall be used as a guide for all Discretionary Activities.

a. The site is designed to ensure the containment of all *hazardous substances* from within the site in the event of either an intentional or unintentional spill or release. The site shall be designed to prevent the discharge of any *hazardous substance* into the surrounding water bodies (including groundwater), stormwater and sewerage systems.

b. Correct labelling and onsite *signage*.

c. Risk mitigation and management

Consideration will be given to compliance with existing approved codes of practice for storing and use of *hazardous substances*, specific spill contingency plans, emergency procedures, stormwater management and treatment, treatment and disposal procedures for wastes containing *hazardous substances*, fire safety, monitoring and maintenance procedures, appropriate site management systems, traffic safety considerations specific to the transportation of *hazardous substances*, and separation distances from any neighbouring facilities or activities for the purpose of protecting health and safety.

d. Alternatives

Where it is likely that an activity may result in significant adverse effects on people or the environment, consideration will be given to alternative locations or methods for undertaking the activity.

e. For Discretionary Activities – Traffic Effects

Traffic effects, including the use of traffic management, to provide for the safe and efficient operation of the *transportation network*.

9.7 Information Requirements

a. Where the *hazardous facility* is a Restricted Discretionary or Discretionary Activity, the consent application shall be accompanied by an assessment of environmental effects that address the relevant matters referred to below.

This shall be provided in such detail as corresponds with the scale and significance of the actual or potential effects and risks of the proposed development. An application will be assessed having regard to the following matters:

i. Consistency with the objectives, policies and rules for the relevant zone.

ii. The activity status of the *hazardous facility* had it been assessed under the Hazardous Facility Screening Procedure as outlined in the Ministry of the Environment Publication "Land Use Planning Guide for Hazardous Facilities, 2002".

iii. Risk to people and the environment.

b. A qualitative or quantitative risk assessment may be required, depending on the scale or potential effects of the proposed development. This assessment should include but not be limited to the following:

i. Identification of potential hazards, failure modes and exposure pathways;

ii. The potential effects to neighbouring activities, with emphasis on people, sensitive activities such as child care facilities, schools, *rest homes*, hospitals, shopping centres and residential areas including that resulting from the transportation of *hazardous substances*;

iii. The location of the facility in relation to the nearest aquifer, waterway, coast or other sensitive environments;

iv. The nature of the sub-soil and the site geology;

v. The distance to environmentally sensitive areas such as wildlife habitats or water catchments;

vi. Assessment of the probability and potential consequences of an accident leading to a release of a *hazardous substance* or loss of control;

vii. Identification of cumulative and/or synergistic effects;

viii. Fire safety and fire water management – comment from the New Zealand Fire Service should be provided;

ix. Adherence to health and safety and/or environmental management systems.

x. Spill contingency and emergency planning, monitoring and maintenance schedules.

xi. Site drainage and off-site *infrastructure*, e.g. stormwater drainage system, sewer type and capacity.

xii. The disposal of waters containing *hazardous substances*.

9.8 Other Methods

9.8.1 Product stewardship programmes for the recycling of agrichemical containers and product.

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Infrastructure, Network Utilities & Designations

10. Infrastructure, Network Utilities & Designations

Explanatory Statement

Infrastructure and network utilities are essential components for the effective and efficient functioning of the *District*. They contribute positive benefits to local communities and also the wider *sub-region* and the nation. These components include water and wastewater reticulation; electricity transmission, distribution and generation; roading and associated linkages; rail networks; distribution networks; telecommunication and radio communication networks and associated equipment (including privately owned *aerials*, *antennas* and *cabinets*); gas networks; solid waste disposal facilities; and schools.

Infrastructure and network utilities are provided for within the *District* by way of Permitted Activities, through obtaining appropriate resource consents, or in regards to a *network utility* operator, by way of designation. This section comprises issues, objectives, policies, rules and assessment criteria to be used for both guidance and assessment in respect of the establishment, development, operation, *maintenance* and *upgrading* of such activities. The section will also assist *Council* in assessing any notices of requirement submitted for new *infrastructure and network utilities*, as well as for the assessment of outline plans of works for activities on designated sites.

The provisions within this section apply to *infrastructure*, *network utilities* and designations throughout the *District*. However, due to their potential complexity, other sections of the District Plan may also contain provisions of relevance. For example, roads are not only referred to in this section, but also in Sections 4B and 12 relating to transportation and subdivision.

This section applies to all *infrastructure and network utilities*, not just those listed as requiring authorities. This includes all utility companies, private landowners and State-owned Enterprises.

Infrastructure and Network Utilities

In managing the effects of *infrastructure and network utilities*, recognition should be given to the essential role that these components play in the functioning of the *District*, and for the services they provide. National Policy Statements are instruments developed and implemented under the *RMA* to help local authorities decide how competing national benefits and local costs should be balanced. A National Policy Statement on Electricity Transmission is already operative while other National Policy Statements continue to be developed.

While *infrastructure and network utilities* can have local, regional and national benefits, it is recognised that the nature of some *infrastructure and network utilities* can generate environmental effects. There is also the potential for some activities undertaken in the vicinity of *infrastructure and network utilities* to lead to adverse *reverse sensitivity* effects. In some cases this can potentially impinge upon public health and safety.

Accordingly it needs to be acknowledged that the avoidance of adverse effects associated with *infrastructure and network utilities* will not always be possible. In some circumstances the effects of *infrastructure and network utilities* are addressed by other instruments e.g. relevant health and safety requirements, traffic safety measures and/or recognised National Environmental Standards. Where environmental effects are not fully addressed by other instruments, the District Plan provides a resource management framework for balancing the positive effects and benefits of *infrastructure and network utilities* with adverse environmental effects.

Designations

Under the *RMA*, public works and some private utility and *infrastructure* projects can be provided for by way of designation. Certain organisations are able to serve a notice of requirement on a territorial local authority in respect of land required to be designated for such works. These organisations have the status of a 'requiring authority' under the *RMA*.

A notice of requirement follows a similar process to that of an application for resource consent and if confirmed is included in the District Plan as a designation. The effect of designating land is to authorise the use of that land for a particular work/s (e.g. school, police station, electricity *substation*, infrastructural services).

For activities that will not be in accordance with the designation of a particular site, or in the event that the designation is uplifted or lapses, the usual District Plan provisions relating to the land apply.

10.1 Significant Issues

1. *Infrastructure and network utilities* provide systems and services essential to the maintenance and enhancement of the well-being and quality of life for the *District* and wider *sub-region* communities (particularly Tauranga City). Failure to facilitate adequate provision of these systems and services can result in the desired level of well-being and quality of life not being achieved.

2. The servicing of piecemeal growth can be both problematic and costly.

   A lack of cohesion between land use, planned *infrastructure* and equitable sources of funding can put pressure on the *District* and *sub-region's* communities, leading to unexpected funding or servicing shortfalls. This is particularly important where this servicing is for growth in adjoining districts.

3. The Western Bay of Plenty District shares a long boundary with Tauranga City. It is important to acknowledge the importance of the infrastructural and *network utility* linkages crossing the boundary between these two districts, and to ensure the appropriate integration, coordination and safeguarding of such assets.

4. The development, operation, *maintenance* and *upgrading of* some *infrastructure and network utilities* may have the potential to positively or adversely affect landscapes, streetscapes and other amenity values. Adverse effects can be in the form of visual intrusion and the generation of offensive odour, dust, noise and vibration.

5. Communities and residents use telecommunications on a day-to-day basis in a variety of forms and for a variety of purposes. The ability to continue to provide an acceptable telecommunication service level is however reliant on advancements and improvements in the telecommunication industry. As this can occur within a short timeframe in response to increased demand and technological advances, it is important that new or alternative methods for implementation be given appropriate consideration in the resource management framework provided by the District Plan.

6. The location, establishment and operation of land use activities, and undertaking of subdivision in the vicinity of *infrastructure and network utilities* may lead to *reverse sensitivity* effects that have the potential to impact upon the safe, effective and efficient operation of such *infrastructure and network utilities*.

7. The development, operation and *maintenance* and *upgrading* of *infrastructure and network utilities* has the potential to both positively and adversely affect the heath and safety of the community.

8. The locational and functional constraints associated with the development, operation, *maintenance* and *upgrading* of renewable energy electricity generation and transmission infrastructure may conflict with the protection provisions for significant ecological, landscape, and cultural values.

   Such conflict will necessitate the balancing of the benefits of the generation and transmission of renewable energy against the protection provisions contained in the District Plan.

9. The utilisation of renewable energy resources within the *District* for electricity generation can enable a significant portion of electricity to be supplied to the region's communities. Opportunities to further increase electricity generation through use of renewable energy resources should therefore be encouraged. As there can be limited opportunities for utilisation and development of renewable energy, and the ability to transmit this energy, it will be necessary to balance the benefits of

renewable energy utilisation against the sometimes competing or conflicting interests between electricity generation activities, recreational uses, values of significance to tāngata whenua and conservation of natural areas.

10. Solid waste disposal facilities can generate adverse environmental effects.

11. The functionality of flood control stopbanks, canals and drains may be compromised by adverse effects of other activities.

10.2 Objectives and Policies

10.2.1 Objectives

1. Development, operation, *maintenance* and *upgrading* of *infrastructure and network utility* systems and services so as to efficiently and effectively meet the current and foreseeable needs of the *District*.

2. To recognise that *infrastructure and network utility* systems and services provide both direct and indirect local, sub-regional and national benefits (social, economic, cultural and environmental).

3. The protection of water supply sources particularly for municipal use by both the Western Bay of Plenty District and Tauranga City.

4. The effective and efficient provision of *infrastructure and network utilities* across territorial local authority boundaries.

5. Fulfilment of the functional, locational, technical and operational requirements of different *infrastructure and network utilities* whilst avoiding, remedying or mitigating the actual or potential adverse environmental effects of such activities.

6. The establishment and management of land use activities, or undertaking of subdivision in a way that avoids, remedies or mitigates potential *reverse sensitivity* effects that may impact on the safe, effective and efficient operation of *infrastructure and network utilities*.

7. Avoidance or mitigation of adverse effects and risks from the development, operation, *maintenance* and *upgrading* of *infrastructure and network utilities*, on the health and safety of the community.

8. The sustainable utilisation and management of the *District's* natural and physical resources for electricity generation and associated critical *infrastructure* whilst ensuring that adverse effects are avoided, remedied or mitigated.

9. Minimisation of waste generation and the provision of appropriate disposal methods.

10. The efficient and effective functioning of flood protection devices.

11. The establishment of *infrastructure* associated with electricity generation and transmission of renewable energy where the actual or potential adverse affects on *Identified Significant Features*, and other ecological, cultural and amenity values can be avoided, remedied or mitigated.

10.2.2 Policies

1. Provision of *infrastructure and network utility* development should be sequenced in a way that integrates with the long-term planning and funding mechanisms of local authorities and central government policies, directions and strategies.

2. The current operation of and future opportunities for the *development*, operation, *maintenance* and *upgrading* of existing transmission corridors should be protected.

3. Where *infrastructure or network utilities* have a functional, locational, technical or operational need for a particular location, such facilities should, as far as practicable, be located and designed so as to avoid, remedy or mitigate adverse effects on:

   i. The landscape, streetscape, cultural values of an area;

   ii. Nearby residents and properties; and

   iii. Other established *infrastructure and network utilities*.

4. Assessment of resource consent applications should have regard to the functional, locational, technical and operational requirements of *infrastructure and network utilities*. Recognition shall be afforded to the requirements of, and constraints on, the efficient and effective development, operation, *maintenance*, and *upgrading* of *infrastructure and network utilities*.

5. Where technically and practically feasible, the potential adverse visual effects from *aerials*, *antennas*, dishes, *masts* and ancillary equipment should be avoided, remedied or mitigated by encouraging these components to be located on or attached to existing *buildings* and *structures* or in other similarly unobtrusive positions.

6. *Infrastructure and network utilities* should be developed, operated, maintained and upgraded in a manner that avoids, remedies or mitigates the generation and/or emission of adverse environmental effects.

7. Recognise the opportunity for electricity generation from the *District's* natural and physical resources, particularly those of a renewable nature while avoiding, remedying and mitigating adverse environmental effects.

8. The local, national and regional benefits of small-scale renewable energy use and development shall be recognised and provided for along with the efficiency of the end use of energy.

9. Adverse effects on the safe and efficient operation of transmission and distribution *infrastructure* should be avoided or mitigated to ensure that the current and future ability to develop, maintain and undertake upgrading of infrastructure transmission corridors can be undertaken.

10. New or major upgrades of existing transmission or distribution lines, should consider the extent to which the route, site and methodology will avoid, remedy or mitigate adverse effects.

11. When assessing applications for new electricity generation and transmission of renewable energy *infrastructure*, *Council* should consider the benefits to be derived and the site selection limitations (due to functional, locational, technical and operational constraints), and assess these against the protection provisions for *Identified Significant Features*, and other ecological, cultural, and amenity values where there is an ability to avoid, remedy or mitigate any potential effects.

10.3 Activity Table for Infrastructure and Network Utilities

The table below includes particular *Infrastructure and Network Utility* type activities. An activity status is assigned for each of these activities for when they are undertaken within a particular zone. Unless stated otherwise, the activities contained within the table below shall comply with the Performance Standards contained within Section 10.4 where they are relevant.

Activity		Surface of Water	Identified Significant Feature	Residential, Commercial, Industrial, Rural Zone Future Urban, Rural Residential and Lifestyle Zone	Commercial Zone	Industrial Zone	Rural Post Harvest Zone	All Terrain Park Zone (ATP)	Public Reserve	Road Reserve
Activities for Existing Infrastructure and Network Utilities										
(a)	Activities relating to the operation, *maintenance* (including vegetation trimming/removal as prescribed in the Electricity (Hazards from Trees) Regulations 2003, or other superseding legislation), removal or *replacement* of existing *infrastructure and network utilities*. **Provided that**: Within *Identified Significant Features*, these activities shall not result in: 1. The removal of trees and/or shrubs over 3m in height; 2. Vegetation disturbance/destruction/removal of greater than 1%, or being no more than 150m^2 in area of the *Identified Significant Feature* area contained within the site, in any 12 month period. 3. Greater than 50m^3 of *earthworks* within an *Identified Significant Feature*, in any 12 month period. However, if these works do result in any of 1., 2. or 3. above, then resource consent will be required. Refer to	P2	P2	P2	P2	P2	P2	P2	P2	P2

	activity status and Information Requirements of Section 5 (Natural Environment), Section 6 (Landscape) and Section 7 (Historic Heritage) for whichever *Identified Significant Feature* these works are being undertaken within.									
Transmission and Distribution Activities										
(b)	*Minor upgrading* of existing electricity transmission infrastructure, including existing transmission lines forming part of the local distribution network but excluding existing transmission lines forming part of the national grid [3]. * *Minor upgrading* activities are required to comply with *network utility* zone performance standards only.	P*	P*	P*	P*	P*	P*	P*	P*	P*
(c)	New above ground lines for conveying telecommunications, radio communications and/or electricity (for distribution or transmission) up to and including 110kV, including associated support poles and *aerials*, up to and including a total *height* of 20m. *Within areas of the road reserve, this activity shall have the same activity status as for the zone adjacent to the *road reserve*. (**Note:** There is no *height* limit for the wires connecting between support poles).	RD	RD	RD	RD	RD	P	P	RD	*
(d)	New above ground lines for conveying telecommunications, radio communications and/or electricity (for distribution or transmission). (Note: There is no *height* limit for the wires connecting between support poles).	D	D	D	D	D	D	D	D	D
(e)	New below ground *infrastructure and in Network utilities* lines in compliance with Rule 10.4.a.	P	P	P	P	P	P	P	P	P
(f)	Temporary above ground electrical and telecommunication lines to construction sites or short term recreational venues subject to *Council* being formally notified of the route, voltage/type of telecommunications link and date by which it will be removed.	P	RD	P	P	P	P	P	P	P
(g)	Single transformers and associated switching gear conveying electricity at a voltage up to and including 110kV, not exceeding an area of 6m^2 and a *height* of 2m.	NA	D	P	P	P	P	P	P	P
(h)	New transformers, *substations* and switching stations conveying electricity at a voltage up to and including 66kV and ancillary *buildings* not exceeding 30m^2 *gross floor area*.	NA	D	D	P	P	D	P	NC	NC
(i)	New *substations* and switching stations conveying electricity at a voltage including and in excess of 110kv and ancillary *buildings* not exceeding 50m^2 *gross floor area*.	NA	NC	D	P	P	D	P	NC	NC
(j)	Electrical depots for *maintenance*, *upgrading*, alteration, *construction* or security of lines or pylons provided they are situated within a substation property.	NA	NC	NC	D	P	D	P	NC	NC
Electricity Generation										
(k)	The establishment of new electricity generating schemes/plants/facilities (hydro, solar, wind, geothermal, natural gas, biomass, coal-fired) including associated and ancillary *structures* and *buildings*, for bulk power supply.	D	D	D	D	D	D	D	D	D
(l)	*Maintenance and Upgrading/Development* of existing electricity generating schemes/plants/facilities (hydro, solar, wind, geothermal, natural gas, biomass, coal-fired) including associated and ancillary *structures* and *buildings*, for power supply.	P	RD	NA	NA	NA	P	NA	P	P
(m)	The establishment of new electricity generating schemes/plants/facilities (hydro, solar, wind, geothermal, natural gas, biomass, coal-fired) for onsite domestic use in compliance with the relevant general and underlying zone Performance Standards.	RD	RD	P	P	P	P	P	D	D
Radio and Telecommunications										
(n)	Telephone exchanges.	NA	NC	RD	P	P	P	P	NC	P
(o)	Card Phone and Coin Phone Boxes.	NA	D	P	P	P	P	P	P	P
(p)	Radio, telecommunication and microwave *masts*, poles and towers up to and including 10m in *height* and 1.35m in diameter. Associated equipment to not exceed: i. *Antennas*/dishes not exceeding 2m in diameter; ii. *Aerials* and lightning rods can be included provided they do not exceed 75mm in diameter or extend higher than 12m; iii. Inclusion of weather radar allowed provided it is contained within the 10m *height* and 1.35m diameter envelope; iv. *Accessory buildings* not exceeding 30m^2 of *gross floor area*.	NA	RD	RD	NA	NA	NA	NA	RD	P[1]
(q)	Radio, telecommunication and microwave *masts*, poles and towers up to and including 20m in height and 1.35m in diameter. Associated equipment to not exceed: i. *Antennas*/dishes not exceeding 5m in diameter; ii. *Aerials* and lightning rods can be included provided they do not exceed 75mm in diameter or extend higher than 22m; iii. Inclusion of weather radar allowed provided it is contained within the 20m *height* and 1.35m diameter envelope; iv. *Accessory buildings* not exceeding 30m^2 of *gross floor area*.	NA	D	D	P	P	P	P	D	P[1]
(r)	Radio, telecommunication and microwave *masts*, poles and towers: i. Exceeding 20m in *height* and/or a *mast* greater than 1.35m in diameter: ii. *Antennas*/dishes exceeding 5m in diameter; iii. *Aerials* and lightning rods exceeding 75mm in diameter or extend higher than 22m; iv. Inclusion of weather radar that will exceed the 20m *height* and 1.35m diameter envelope; v. *Accessory buildings* exceeding 30m^2 of *gross floor area*.	NA	NC	NC	D	D	D	D	D	D[1]
(s)	When attached to a *building/structure* (other than a *mast*, pole or aerial) that complies with the maximum *height* for the zone in which the *building/structure* is or will be located, the following are provided for and may exceed the maximum *height* for the zone: i. *Aerials* up to 4m in *height*; ii. dishes not exceeding 1.8m in diameter for Residential/Medium Density Residential/Future Urban/Rural Residential/Lifestyle Zones, and 5m in diameter for all other zones; iii. *Antennas* not exceeding 1.2m^2 in area for Residential/Medium Density Residential/Future Urban and Rural Residential, and not exceeding 2m^2 in all other zones.	NA	RD	P	P	P	P	P	RD	P[1]
(t)	When attached to a *building/structure* (other than a *mast*, pole or aerial) that complies with the maximum *height* for the zone in which the *building/structure* is or will be located, a telecommunication or radio communication facility not covered by sub-clauses i.-iii. of clause (s) above, can exceed the maximum *height* for the zone in which it will be located provided it is contained within the following dimensions: i. Residential and Medium Density Residential Zones – 2m high x 1m wide x 1m long ie. 2m^3 in volume; ii. All other zones – 5m high x 1m wide x 1m long i.e. 5m^3 in volume.	NA	RD	P	P	P	P	P	RD	P[1]
(u)	Any telecommunication or radio communication facility attached to a *building/structure* and which fails to comply with either (s) or (t) above.	NA	D	D	D	D	D	D	D	D
(v)	Radio and telecommunication *cabinets* and *equipment shelters* up to 3.0m in *height* and 4m^2 *gross floor area*.	NA	D	P	P	P	P	P	P	P[1]
(w)	Radio and telecommunication ancillary *equipment shelters* that exceed the standards in (w) above.	NA	D	RD	RD	RD	RD	P	RD	RD[1]
(x)	Radio, telecommunication and *Council* depots and workshops.	NA	NC	NC	D	P	RD	P	NC	NC
Gas, Water, Wastewater and Stormwater Infrastructure										
(y)	Underground gas transmission pipelines at a pressure not exceeding 2000 kilopascals including aerial crossings of bridges, *structures* or streams and ancillary equipment including regulator stations, but not compressor stations.	NA	P[2]	P	P	P	P	P	P	P
(z)	Underground gas transmission pipelines at a pressure exceeding 2000 kilopascals including *aerial* crossings of bridges, *structures* or streams and ancillary equipment including regulator stations and compressor stations.	NA	D[2]	D	D	D	D	D	D	D
(aa)	Gas valve and takeoff stations, sales gates and regulator systems.	NA	D[2]	P	P	P	P	P	D	P
(ab)	New underground pipelines conveying water, stormwater, wastewater and associated pump stations (with above ground dimensions less than 50m^2 *gross floor area*).	NA	P[2]	P	P	P	P	P	P	P
(ac)	Water and irrigation races, open drains, channels and necessary incidental equipment. Stormwater drains and drainage channels and necessary incidental equipment.	NA	D	P	P	P	P	P	RD	P
(ad)	Sewage treatment schemes/plants/facilities (exclusive of septic tanks).	NC	NC	D	D	D	D	D	NC	NC
(ae)	Water reservoir tanks with associated and ancillary equipment.	NA	NC	D	D	P	RD	RD	D	NC
(af)	Water treatment plants.	NA	NC	RD	RD	RD	RD	RD	D	NA
(ag)	Groundwater Bores and ancillary equipment (including *maintenance* and upgrading of these).	NA	RD	P	P	P	P	P	P	P
Traffic, Transport and Structures associated with Roading										
(ah)	*Construction* of toll gantries, road widening, cycle lanes, bus lanes, heavy occupancy vehicle lanes.	NA	NA	NA	NA	NA	NA	NA	NA	P
(ai)	New *road reserves*, public roads, parking areas and service lanes, and closure thereof.	NA	NC	RD	RD	RD	RD	RD	NC	NA
(aj)	New grade separation structures and flyovers within existing *road reserves*.	NA	D	D	D	D	D	D	NC	P

(ak)	New roads, parking areas and service lanes to be established in conjunction with an approved Land Use and/or Subdivision Resource Consent, or identified on a *Council* adopted *structure plan* or reserve management plan, or identified on a Council adopted reserve concept plan in the case of the Natural Open Space Zone.	NA	P	P	P	P	P	P	P	P
(al)	Traffic-control signals, devices and *structures* (including speed camera equipment), road and traffic signs, light-poles and associated *structures* and fittings, post boxes, road furniture, landscaped gardens.	C	C	C	C	P	C	P	C	P[a]
(am)	New park and ride facilities.	NA	D	RD	P	P	RD	P	NC	RD
(an)	New railway networks and ancillary equipment.	NA	NC	D	D	P	D	D	NC	NA
(ao)	Lighthouses, navigational aids and beacons subject to the approval of the Maritime Safety Authority and/or the *Regional Council*.	P	RD	P	P	P	P	P	RD	P
(ap)	Airports.	NA	NC	NC	NC	NC	D	NC	NC	NC
(aq)	Helipads.	NA	NC	NC	D	D	D	D	NC	NA
Miscellaneous										
(ar)	Trig Stations.	NA	C	P	P	P	P	P	P	D
(as)	Subscriber terminals/*antennas* on private property up to a dimension of $1m^3$ in volume.	NA	P	P	P	P	P	P	P	P
(at)	Relocatable recycling drop-off centres less than $10m^2$ in area.	NA	D	P	P	P	P	P	P	P
(au)	Relocatable recycling drop-off centres greater than $10m^2$ in area.	NA	NC	D	P	P	D	P	D	D
(av)	Meteorological enclosures and *buildings* not exceeding $30m^2$ *gross floor area*; automatic weather stations and single anemometer *masts* provided that the anemometer *mast* does not exceed a *height* of 10m; voluntary observer sites; associated microwave links.	NA	RD	P	P	P	P	P	D	NC
(aw)	Meteorological *buildings* greater than $30m^2$ *gross floor area*.	NA	NC	D	D	RD	RD	RD	D	NC
(ax)	The installation/placement, *maintenance, replacement*, minor upgrading and testing of *Council* installed extreme adverse weather and tsunamogenic event devices.	P	P	P	P	P	P	P	P	P
(ay)	Solid Waste Management and Disposal sites, including the disposal of *hazardous substances* (private and public), Refuse Transfer Stations.	NA	NC	D	D	D	D	D	D	NA
(az)	New flood control stopbanks and necessary incidental equipment.	NA	D	D	D	D	RD	RD	D	RD
(ba)	Activities for the protection of identified *Regional Council* flood control stopbanks and drains, including the use of stock proof fences, farming of grazing animals, flood control measures by territorial or regional councils.	P	P	P	P	P	P	P	P	P
(bb)	The excavation or the digging of any drain within 20m of any flood control stopbank.	D	D	D	D	D	D	D	D	D
(bc)	*Public trails* * The activity status of a *public trail* within an *identified significant feature* shall be determined by any relevant specific provision in Sections 5, 6 and 7 of the District Plan. **In this context *Road Reserve* includes formed and unformed roads.	P	*	P	P	P	P	P	P	P**

P = Permitted C = Controlled RD = Restricted Discretionary D = Discretionary NC = Non-complying NA = not applicable

a Unless otherwise provided for within the District Plan, the erection of *signs* within public roads is controlled by *Council* or Waka Kotahi NZ Transport Agency bylaws or the Traffic Regulations 1976, Transport Act 1962 or Land Transport Act 1993.

1 **Note**:
Telecommunication facilities to be located within *road reserves* (including roadside *cabinets* and the attachment of equipment to existing *buildings*/*structures*) are subject to the requirements of the National Environmental Standard (NES) for Telecommunication Facilities. In the event of any inconsistency or conflict between the District Plan rules and the NES, the provisions of the NES shall prevail, provided that where a particular matter is not specifically covered by the NES, the District Plan rules still apply.

2 **Note**:
Ground re-instatement Rule 10.4.a.

3 **Note**:
Activities relating to the operation, *maintenance*, *upgrading*, relocation or removal of existing high voltage electricity transmission lines forming part of the national grid are subject to the requirements of the National Environmental Standards (NES) for Electricity Transmission Activities. Such activities are not subject to rules under this District Plan.

4 **Note**:
Archaeological sites are subject to a separate consent process under the Heritage New Zealand Pouhere Taonga Act 2014. The Heritage New Zealand Pouhere Taonga Act 2014 makes it unlawful for any person to destroy, damage or modify the whole or any part of an archaeological site without the prior authority of Heritage New Zealand Pouhere Taonga. This is the case regardless of whether the land on which the site is located is designated, or the activity is permitted under the District Plan or a Regional Plan or a resource or building consent has been granted. The Heritage New Zealand Pouhere Taonga Act 2014 also provides for substantial penalties for unauthorised destruction, damage or modification.

10.4 Activity Performance Standards for Infrastructure and Network Utilities

The activities within Activity Table 10.3 shall comply with the Performance Standards in 10.4 and the Performance Standards for the zone in which the activity is located. Except that activities within Table 10.3 shall be exempt from the Performance Standards for the zone in which the activity is located where those Performance Standards are inconsistent with standards already specified in either Activity Table 10.3 or the Performance Standards in 10.4.

An activity that will not comply with a Performance Standard shall be a Restricted Discretionary Activity for that particular non-compliance, unless the activity is assigned a more stringent activity status within Activity Table 10.3, then that activity status shall take precedence.

a. Ground reinstatement

i. Where the development, operation, *maintenance* or *minor upgrading* of *infrastructure or network utilities* involves ground disturbance, the ground affected shall be reinstated as far as practicable to the condition existing before the start of the activity;

ii. Where the removal of *infrastructure/network utilities* involves disturbance to the ground, the ground shall be reinstated as far as practicable to the condition of the land immediately surrounding where the activity has occurred.

b. Radiofrequency fields

Activities that transmit radiofrequency fields shall comply with the allowable exposure levels for the general public in NZS 2772.1:1999
Part 1 – Maximum Exposure Levels – 3kHz to 300GHz (or other superseding standards) measured at all places reasonably accessible to the general public.

c. Electric and magnetic fields

Exposures to ELF electric and magnetic fields shall comply with the guidelines specified by the International Commission on Non-ioninsing Radiation Protection Guidelines for limiting exposure to time varying electric magnetic fields (up to 300 GHz) (Health Physics, 1998, 74(4): 494-522) or revisions thereof and any applicable New Zealand standards or national environmental standards.

d. New Zealand Electrical Code of Practice

Activities to comply with the New Zealand Electrical Code of Practice 34:2001 (or other superseding standards).

e. Noise for Infrastructure and Network Utilities Activities

i. Wind generators for bulk power: activities shall demonstrate compliance with New Zealand Standard 6808:1988 (Acoustics - The Assessment and Measurement of Sound from Wind Turbine Generators) (or other superseding standards);

ii. (ii) Airports: activities shall demonstrate compliance with New Zealand Standard 6805:1992 (Airport Noise Management and Land Use Planning) (or other superseding standards);

iii. All noise from telecommunications *cabinets* and *equipment shelters* located in *road reserve* shall demonstrate compliance with the provisions of the National Environmental Standard for Telecommunication Facilities. Where the standard is not applicable the noise provisions of the closest adjoining zone will apply;

iv. Except that the noise limits in 4C.1 do not apply to the testing and operating of back up electricity generators to provide power supply to *network utility* operations.

f. Exemptions from daylighting and yard performance standards

Above or below ground transmission or distribution lines/pipelines for conveying: electricity; telecommunication; radio communication; gas; water; wastewater and stormwater are exempt from being required to comply with *yard* and daylighting Performance Standards.

g. Transportation, Access, Parking and Loading – See Section 4B.

h. Noise and Vibration – See Section 4C.1.

i. Storage and Disposal of Solid Wastes – See Section 4C.2.

j. Lighting and Welding – See Section 4C.3.

k. Offensive Odours, Effluent Aerosols and Spray Drift – See Section 4C.4.

l. Screening – See Section 4C.5.

Above ground: electricity; telecommunication; radio communication; (lines, *masts*, poles, support structures and attached antennae, dish, lightning rods, *aerials*, weather radar); are exempt from being required to comply with the screening requirements.

m. Signs – See Section 4D.

n. Natural Hazards - See Section 8.

o. Hazardous Substances – See Section 9.

p. Sight lines at railway crossings

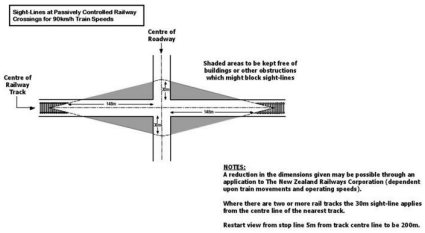
i. Where a railway and road intersect on the same level, no *building/structure* or other physical obstruction which might block the sight lines shall be permitted within the area shown on the diagram below;

ii. Other sight lines (other than that Permitted in (i) above) shall be permitted when:

a. The written consent of the railways owner/operator (or other appropriate authority) has been obtained before a building consent is issued.

b. The written consent of the railways owner/operator (or other appropriate authority) is also clearly endorsed on all relevant development plans.

Explanatory Note:
Activities permitted under clause (ii) above may be subject to conditions agreed between the *Council* and the railways owner/operator (or other appropriate authority).



q. Tauranga Airport approach path protection

While the airport is physically located within Tauranga City, the Approach Path Protection area extends into the Western Bay of Plenty District airspace as identified on the District Planning Maps.

i. Height restrictions within specified airport approach path

No *building, structure*, *mast*, tree or other object shall penetrate any of the approach slopes, transitional slopes and, an horizontal surface and surrounding sloping plans defined in the zoning specification herewith and illustrated on the District Planning Maps.

Provided that:
Where there is any conflict between these height control limits, the lowest height restriction shall prevail.

ii. Specifications

a. Approach slopes
There is an approach slope at the end of each strip. The approach slope rises on a specified gradient from its origin at the strip end and from the level of the lowest part of the formed strip end.

Each approach slope stretches over a specified horizontal distance from the strip and has sides that diverge uniformly outwards at the rate of 15% from the end corners of the strip. Each approach slope is symmetrically disposed about the exact centre line of the related strip.

b. Main approach slopes
For the purposes of this specification each of the two approach slopes of the main strip arise at a gradient of 1.6%, stretching over a horizontal distance of 15,000m and its sides diverge to a width of 4,710m at its outer end.

c. Subsidiary approach slopes
Each of the two approach slopes for the subsidiary strips arise at a gradient of 2.5%. Each approach slope stretches over a horizontal distance of 3,000m and its sides diverge to a width of 1,050m at its outer end.

d. Horizontal surface
The horizontal surface extends from above each side and from above each end of the main strip outwards for a distance of 4,500m overlaying the ground at an elevation of 45m above the level of the lowest part of the lower end of the main strip.

Each outer boundary line of the horizontal surface is extended so as to join the adjacent extended boundary line by tangential curves having a radius of 2,250m.

Sloping planes extend outwards and upwards from the periphery of the horizontal surface. They extend outwards for a horizontal distance of 1,900m and upwards at a constant gradient to reach a maximum elevation of 120m (above the level of the lowest part of the lower end of the main strip).

For the purposes of this specification, where the ground rises so that it becomes close to or penetrates the horizontal surface or its surrounding sloping planes, then the horizontal surface or surrounding sloping plane may be adjusted at that place in conformity with the natural slope of the ground level in order to provide a clearance of 10m vertically above the natural ground level.

e. Transitional slopes
These extended upwards and outwards from the sides of each approach slope at a gradient of 14.3% rising up to an elevation of 45m above the level of the lowest part of

the related strip end.

Explanatory Note:

There are no transitional slopes from the sides of the approach slopes above an elevation of 45m above the respective strip end.

Transitional slopes extend upwards and outwards from the side edges of each lighting visibility slope at a gradient of 10% and they continue to rise until they intercept a vertical plane containing the side edges of the main approach slope.

Transitional slopes also extend upwards and outwards from the sides of each strip at a gradient of 14.3% to intercept the horizontal surface.

r. Public trails

i. Any part of a *public trail* shall be a minimum of 30m from any title boundary.

Except that:

ii. Clause i. shall not apply if the *public trail* location is closer than 30m from a title boundary and the *public trail*:

- has been identified in a plan prepared under the Reserves Act 1977, the Local Government Act 2002, or the Resource Management Act 1991; or
- is on land that is an esplanade reserve, esplanade strip, formed or unformed road, or an access strip.

Provided that:

iii. A *public trail* may be located closer than 30m to a title boundary where the written approval of the owner/s of the title/s has been obtained.

10.5 Matters of Discretion

10.5.1 Assessment Criteria – Controlled Activities

For Controlled Activities, *Council* reserves control on the following matters:

a. Consistency with any relevant *Council* plan or strategy in an adopted form (e.g. *Council's* Development Code, *structure plans*, reserve management plans, built environment strategy, walking and cycling strategy, town centre plans).

b. Where the activity will result in *earthworks*/vegetation disturbance or removal, in consideration of the amenity values of the surrounding area, whether it is appropriate to require re-instatement works or planting of disturbed areas in accordance with Rule 10.4.a. and 4C.5.3.

c. Consideration of relevant matters within Sections 4A, 4B, 4C, 4D, 11 and 12 of the District Plan.

d. The potential for conflict between existing and foreseeable activities in the area, in particular the degree to which the proposed activity can:

i. Provide appropriate, safe and efficient vehicular access and onsite parking (note there is no minimum number of carparks to be required);

ii. Create suitable building platforms for *buildings/structures* to be located in a complying manner; and

iii. The ability to adequately manage stormwater.

e. The imposition of conditions in accordance with Section 108 of the *RMA* to avoid, remedy or mitigate adverse effects on the environment relating to the above matters.

10.5.2 Assessment Criteria – Restricted Discretionary Activities

For Restricted Discretionary Activities, *Council* restricts the exercise of its discretion to the following matters:

a. The degree, scale and significance of the activity not meeting either the relevant Activity Performance Standards below or relevant Activity Performance Standards of the activity zone it is located, and whether actual or potential adverse off-site effect(s) resulting from this non-compliance can be avoided, remedied or mitigated.

b. Consideration of whether non-compliance with the relevant Activity Performance Standards is a result of operational or technical constraints of an *infrastructure or network utility* activity.

c. The extent to which the activity will otherwise be consistent with the Activity Performance Standards.

d. Whether it is operationally, technically, practically and/or economically reasonable to co-locate aspects of *infrastructure and network utility* activities.

e. Consistency with any relevant *Council* plan or strategy in an adopted form (e.g. *Council's* Development Code, *structure plans*, reserve management plan, built environment strategy, walking and cycling strategy, town centre plans).

f. Where the activity will result in *earthworks*/vegetation disturbance or removal, in consideration of the amenity values of the surrounding area, whether it is appropriate to require re-instatement works or planting of disturbed areas in accordance with Rules 10.4.a. and 4C.5.3.

g. Consideration of relevant matters within Sections 4A, 4B, 4C, 4D, 11 and 12 of the District Plan.

h. The potential for conflict between existing and foreseeable activities in the area, in particular the degree to which the proposed activity can:

i. Provide appropriate, safe and efficient vehicular access & onsite parking (note there is no minimum number of carparks to be required);

ii. Create suitable building platforms for *buildings/structures* to be located in a complying manner; and

iii. The ability to adequately manage stormwater.

i. The objectives and policies in association with the above criteria.

j. The imposition of conditions in accordance with Section 108 of the *RMA* to avoid, remedy or mitigate adverse effects on the environment relating to the above matters.

10.5.3 Assessment Criteria – Discretionary Activities

For Discretionary Activities, *Council's* discretion includes but is not limited to the relevant matters contained within the General Provisions (Sections 4 – 10), Activity Performance Standards in 10.4 and those relevant within the specific activity zone that the activity will be occurring within.

10.6 Other Methods

10.6.1 Waste Minimisation

Council shall support and assist the work of the *Regional Council* as a service delivery function of *Council*. The regional co-ordination of waste minimisation and waste reduction is considered to be more comprehensive and effective than individual *Council* initiatives.

10.6.2 Contaminant-Free Stormwater

Council shall ensure the management of stormwater to avoid contamination through the Building Act 2004.

10.6.3 Regional Council Management

The Bay of Plenty Regional Council is the *Regional Council* for the Western Bay of Plenty and retains control over the following matters:

- Discharge to water, air and land (exclusive of site stormwater which is a Building Act 2004 matter controlled by the District *Council*);
- Land and Vegetation Disturbance, particularly *earthworks* relating to access and site development;
- Activities within the Coastal Marine Area;
- Use of water from streams and other water bodies, including the damming and diversion activities;
- Relevant consents for stormwater control, water supply and wastewater management systems should be sought from the *Regional Council*.

10.6.4 Other Regulations and Codes

Council assumes that all operators will comply with the relevant Regulations and Codes that minimise the risks associated with the operation of their facility and or activity.

Similarly, it is the responsibility of private landowners to ensure compliance with other regulations. Below is a list of useful guidelines where further advice can be obtained:

- Waka Kotahi NZ Transport Agency - "Guidelines for the Management of Road Traffic Noise - State Highway Improvements".
- Ministry for the Environment - various publications are available.
- Transpower New Zealand Limited – Brochures are available on "Corridor Management", "Development Guide", "Trees and Power Lines", "Tree Management Near High Voltage Transmission Lines".
- Department of Conservation.
- Tauranga City Council, Rotorua District Council, Whakatane District Council, Hauraki District Council, Matamata-Piako District Council.

10.6.5 National Environmental Standards

National environmental standards are regulations issued under Section 43 and Section 44 of the *RMA*. They prescribe technical standards, methods and other requirements for environmental matters. Territorial and regional councils must enforce these standards (or they can enforce stricter standards when the standard provides for this). In this way, national environmental standards ensure consistent minimum standards are maintained throughout all New Zealand's regions and districts. Specific detail on these can be obtained from the Ministry for the Environment.

10.7 Designations

10.7.1 General

Designations within the Western Bay of Plenty District are contained within the Schedule of Designations within Appendix 5 of the District Plan and shown on the Planning Maps. Detail and additional information on these designations, and any subsequent designations may be held on *Council* files.

This detail may include specific conditions on individual designations, and/or specific reference to the term of the Designation, which establishes the lapse period, if the designation is not given effect to.

If no such Term of Designation exists then the statutory provisions (five years from the date the District Plan is made operative) shall prevail.

Designations are provided for specifically under the *RMA* and have assessment criteria that differ from that for other activities.

10.7.2 Rules: Underlying Zoning of Designations

Subject to the provisions of the *RMA*, designated land that is to be used for any activity other than provided for by the designated purpose shall only be used in accordance with the underlying zoning for the land.

The underlying zoning of the designated land shall be the zone immediately adjoining the designation.

Where a designation runs across a number of zones and there is doubt as to the underlying zoning at some point or position of the designation, then the *Council* will assign the zoning which is predominant in that locality or area.

This section contains provisions that have immediate legal effect. See the advisory notes below each relevant provision.

Section Contents

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Financial Contributions

11. Financial Contributions

Explanatory Statement

Growth in the *District* needs to be supported by *infrastructure* provided at appropriate levels of service. If growth is not managed in an integrated manner, including the provision of *infrastructure*, the levels of service may fall short of the needs of growth or *Council* funds may need to be spent in an unplanned, ad hoc and inefficient manner.

Integration of the *Council's* funding strategy with growth management is critical to make certain that funds are spent in the most effective manner possible. Part of the funding strategy is to also ensure that those who require the expenditure pay accordingly. Financial contributions from *development* are seen as a key part of that strategy to make sure that new *development* is not subsidised by existing ratepayers.

While it is acknowledged that *development* in the *District* has positive effects, it also has the potential to adversely affect the environment (including people and communities) in a number of ways. Some of these effects cannot be adequately avoided or mitigated on a site by site basis. Rather, they need to be addressed through the provision of new or improved *infrastructure*. In some parts of the *District*, the community has already provided *infrastructure* ahead of *development*, and measures to avoid or mitigate future effects are thus already in place.

The types of adverse effects on the environment associated with new *development* that are best addressed through integrated provision of *infrastructure* include:

1. Wastewater – effects on the environment including property, people and their health, amenity, social and cultural values through pollution of soil, ground and surface water, and the coastal area including beaches and seafood; and through odour.

2. Stormwater – effects on property, human life and health, and amenity and cultural values through flooding, siltation, erosion, and pollution of waterways and coastal water.

3. Water Supply – effects on health, fire safety, amenity, economic and cultural wellbeing through adequacy and quality of supply.

4. Transportation - effects on access, mobility and safety, and social, cultural and economic wellbeing through inadequate standards for the level of use.

5. Recreation – effects on wellbeing of people and communities and cultural and amenity values through inadequate or inappropriate provision of open space and facilities.

New *development* may also have adverse effects on indigenous vegetation and habitats of indigenous fauna through inadequate protection of and provision for biodiversity.

Infrastructure financial contributions are calculated in accordance with approved development programmes. For some these will be established through *structure plans* which include schedules of works that list work to be undertaken, timing, and funding (particularly developer versus *Council*). These schedules are contained in Appendix 7. For areas not covered by *structure plans*, there are schedules of works for the respective *infrastructure* and these are contained in the respective Asset Management Plans and *Annual Plan* and/or *LTP* including development projects on the State Highways. The relevant details from the schedules are the inputs to the formulae contained in the District Plan to calculate the financial contributions.

The financial contributions for ecological protection are figures which can only be reviewed through a change to the District Plan.

Other financial contributions are calculated in accordance with formulae set out in the District Plan. The schedules of works, and hence the actual amounts payable, are able to be updated each year through the *LTP* and/or *Annual Plan* process under the Local Government Act. This is to reflect up-to-date costs, including actual expenditure, and any necessary changes in timing due to actual changes in the timing or patterns of growth. Financial contributions can also be reviewed through a plan change under the *RMA*.

A financial contribution can be imposed as a condition of a resource consent or through the building consent process in the case of one or two additional *residential units* in the Ōmokoroa and Te Puke Medium Density Residential Zones. The rules specify the level of financial contribution based on a residential or rural *lot* or *dwelling*. For other activities requiring consents, the *Council* may require that a financial contribution be paid as a specific condition of consent. The basis for determining the appropriate level of contribution will generally be the '*household equivalent'*. *Household equivalent* is a derived figure for the purposes of calculating financial contributions. It is based on a 'typical' *dwelling* and what impact it will have on *infrastructure* requirements such as water use and *vehicle movements* per day. For Commercial and Industrial Zones it is based on a typical *lot* size.

Financial contributions imposed as a condition of consent at the time that a resource consent for a subdivision, *development* or new activity is granted are paid directly to the *Council* as the relevant condition of consent provides. Financial contributions imposed through the building consent process for one or two additional *residential units* in the Ōmokoroa and Te Puke Medium Density Residential Zones are paid directly to *Council* before uplifting building consent. The potential for a time-lag between the imposition of a financial contribution condition and the payment of the contribution (up to eight years for a subdivision) can mean a significant reduction of the actual amount of the contribution because of the effect of inflation and cost escalations on the value of land and the schedules of works, unless the amount is able to be adjusted to reflect actual values and costs at the time of payment.

It is the time of giving effect to the resource consent that is relevant to *Council* as this is the time when the consented activity has an impact on the *infrastructure*. To ensure that the financial contributions collected reflect the actual costs of *infrastructure* provision, contributions which are not paid in full within two years from the commencement of the consent will be adjusted in

accordance with current values and the updated schedules of works. This is to reflect the actual inputs to the formulae for financial contributions applicable at the time of payment, and will be those as stipulated in the *Annual Plan* current at the time of payment.

Council is aware that financial contributions may cumulatively impact on the community because the levy(s) may be so high as to act as a disincentive to growth. Whilst *Council's* funding policy is based on cost recovery, there needs to be flexibility to cater for situations where the pursuit of such policy is clearly not in the wider community interest and where application of the funding policy is shown not to be fair or reasonable in particular circumstances.

To provide flexibility in dealing with such situations, as part of its *Annual Plan* process the *Council* may resolve to reduce or waive any particular financial contribution that would normally be charged during that year. Similarly *Council* may use the plan change process under the *RMA*. Challenges to the application of the formulae (such as the applicability of the *household equivalent*, *passenger car equivalent* or *capacity consumption* calculation to a particular application) will be addressed through the ~~resource~~relevant consent process. Challenges of a philosophical nature need to be directed to *Council* as a matter of policy (such as an affordable housing development). Applicants have the ability under the former to lodge an objection under the *RMA*, and on the latter to approach the appropriate policy committee of *Council*.

~~Policy UG 4A of the Bay of Plenty Regional Policy Statement states that greenfield development in urban growth areas shall achieve an average net yield of 12 dwellings or more per hectare from 1 July 2012, rising progressively to 15 dwellings or more per hectare by 1 July 2037.~~ Within the *District,* Waihi Beach (including Athenree, Bowentown and Island View), Katikati, Ōmokoroa~~,~~ and Te Puke are defined as *urban growth areas*. The *infrastructure* to accommodate the required yield is funded through financial contributions. ~~The method of assessing developable land to calculate net yield is defined in the Regional Policy Statement.~~

11.1 Significant Issues

1. Subdivision and the associated intensification of *development* and land use activity have the potential to adversely affect the environment. This can be particularly significant when cumulative adverse effects are created over time.

2. Growth in the form of new *development* and new activities creates the need for the provision of new or upgraded *infrastructure*.

3. The potential exists for the costs of providing new or upgraded *infrastructure* to be allocated in a manner disproportionate to the benefits received by the existing community and new end users.

4. Full cost recovery of *infrastructure* may act as a disincentive to growth in a manner detrimental to existing communities.

5. There may be pressure for *development* to occur ahead of the *Council's* ability to provide *infrastructure*.

6. Delays in the payment of financial contributions set through the resource consent process can impact on the funding of *infrastructure*.

7. ~~*Council* may not achieve the required average net yield of 12 *dwellings* per hectare.~~

~~8~~7. *Council* may not recover *infrastructure* costs in *urban growth areas* if ~~an average~~the planned net yield of ~~12~~ *dwellings* per hectare is not achieved.

11.2 Objectives and Policies

11.2.1 Objectives

1. Protection of the natural and physical environment and the social, economic and cultural wellbeing of people and communities from the potential adverse effects of new or intensified *development*.

2. The provision of adequate funding for and efficient utilisation of the *District's infrastructure*.

3. A financial contributions strategy which ensures that financial contributions are charged on the basis of covering the community's costs of providing *infrastructure*.

4. A financial contributions strategy which is responsive to the social, environmental and economic needs of the community.

5. Timing of *development* commensurate with the ability to make appropriate provision for *infrastructure*.

11.2.2 Policies

1. Actual or potential adverse effects on the natural and physical environment which would otherwise be created by new or intensified *development* should be avoided, remedied or mitigated through the use of financial contributions and other appropriate measures.

2. The effects of new and intensified *development* on *infrastructure* in the *District* should be mitigated through expenditure of financial contributions.

3. The costs of *infrastructure* should be allocated in an equitable manner over both existing and new users so as to ensure that such costs are not borne unfairly by the wider community.

4. Calculations to assess *infrastructure* requirements should be based on the level of service needed to meet peak demand.

5. Calculations shall not seek to do more than recoup costs actually incurred in respect of expenditure to provide *infrastructure* to deal with the effects of growth including, where appropriate, the costs of financing such *infrastructure* over time.

6. Where appropriate, contributions should be levied differentially to reflect the particular circumstances applying to different parts of the *District*.

7. Provision should be made for the updating of inputs to the calculation of financial contributions through the consent and *Annual Plan* and/or *LTP* process to reflect actual and up-to–date estimated costs of the provision of *infrastructure*.

8. The actual or potential effects of applying financial contributions should be regularly reviewed and where an identified wider community detriment or a detriment to a particular sector of the community would be created, the particular financial contribution that would otherwise be payable should be reduced or waived (as appropriate).

9. Where appropriate, financial contributions that would otherwise be payable should be reduced or waived in recognition of specific environmental protection or enhancement measures proposed to be undertaken.

10. Where appropriate, consideration will be given to the reduction or waiver of financial contributions for recreation and leisure that would otherwise be payable in recognition of a historic oversupply of recreation and leisure land.

11. Provide a mechanism whereby a financial contribution can be taken to address or offset localised effects outside any approved development programme, or in lieu of works that would otherwise be undertaken by a consent-holder.

12. The full costs of required *infrastructure* and services should be paid when subdivision and *development* requires such provision outside an approved development programme.

13. Developers who fund *infrastructure* ahead of time in an approved development programme should be refunded only at the time that development funds become available.

11.3 Application of Financial Contributions

a. Financial contributions shall not apply in the following circumstances:

i. where the need for the activity to obtain a resource consent arises solely from the provisions of Sections 5, 6 and 7 of the District Plan.

ii. where the subdivision or *development* of an *infrastructure* or *network utility* site will not create any effects on *Council's infrastructure* networks and do not require connection to *Council's* wastewater, stormwater or water supply;

iii. where there is no ability to connect (in accordance with *Council's* Development Code 2009) to a specific *infrastructure* (excluding roading) and the provision for such *infrastructure* is not included in any relevant *structure plan* or *LTP*.

iv. where financial contributions have already been paid:
- in the Residential Zones of Waihi Beach (including Bowentown, Island View and Athenree) and Katikati during a previous subdivision or land use consent based on a per net developable hectare as per Rule 11.5.2 and a density of 15 *dwellings* per hectare (in the Residential Zone) is not exceeded, or
- for stormwater in the Commercial and Industrial Zones as per Rule 11.6.4.

b. Unless specified otherwise in the rule to which a particular contribution relates, financial contributions will be charged in respect of:

i. Additional *lots* created by subdivision which will qualify for the erection of a *dwelling*, as per Rule 11.5.
All additional *dwellings* or additional *residential units* created will be charged as per the calculations included in Rule 11.5.

The proposed change to Rule 11.3 (b) (ii) has immediate legal effect under Section

86D of the RMA.

This note does not form part of Plan Change 92 and will be removed when Plan Change 92 becomes operative.

ii. Additional *lots* created by subdivision within Commercial or Industrial Zones and all additional activities created will be charged as per the calculations included in Rule 11.6.

iii. A land use consent application for an additional or significant expansion of an existing consented land use activity that will impact on existing *infrastructure* (significant expansion is an increase of more 0.5 of a *household equivalent* for services). Financial contributions will be assessed using *household equivalents*. Specific formulae are contained in Rules 11.4, 11.5 and 11.6.

iv. Land use consent applications for discretionary or non-complying land use activities where it is more appropriate to charge a financial contribution for:

- water, wastewater, stormwater and recreation and leisure based on a specific assessment;
- for transportation that is based on *passenger car equivalents (PCEs)* or specific assessments.

Specific formulae are contained in Rule 11.7.

v. Boundary adjustments (under Rule 12.3.3) deemed to create an independently usable title which did not previously exist or to significantly increase the usability of an existing title.

vi. Land use consent applications for significant expansions in the Post Harvest Zone.

c. With regard to any resource consent which is granted subject to a condition imposing a financial contribution, that condition shall provide for the amount of any financial contribution to be set as follows:

i. The resource consent condition, shall specify a financial contribution amount in dollars that may be paid in full within two years of the date of commencement of the consent;
Provided that:
Contributions not paid in full within two years of the consent commencing shall be subject to Rule 11.3.c.ii. below.

ii. Any financial contribution which is not paid in full within two years from the date of commencement of the consent shall be adjusted so that the amount of the financial contribution required by the ~~resource~~ consent shall be the amount calculated in accordance with the relevant formulae in Rules 11.4, 11.5 and 11.6 and the updated inputs to those formulae as set out in *Council's Annual Plan* current at the date of payment.

d. For a financial contribution required under the District Plan, and levied through the building consent process, for one or two additional *residential units* in the Ōmokoroa and Te Puke Medium Density Residential Zones, the financial contribution is payable immediately prior to the issue of that consent.

Proposed Rule 11.3 (d) has immediate legal effect under Section 86D of the RMA.

This note does not form part of Plan Change 92 and will be removed when Plan Change 92 becomes operative.

~~d~~e. Reductions and waivers

i. In accordance with Objective 11.2.1.4 and Policies 11.2.2.8, 11.2.2.9 and 11.2.2.10, *Council* may reduce or waive in part or in whole for a specified period or for a particular activity, any financial contribution (including a particular part(s) of the formula contained in Rules 11.4, 11.5 and 11.6) that would otherwise be charged in order to avoid or mitigate an identified detriment to the wider community or an identified detriment to a particular sector of the community that warrants attention in the better fulfilment of the *RMA's* purpose.

Assessment criteria include:

- The quantum of the contribution(s) and the market's ability to pay;
- Significant increases in the contribution(s) from one period to the next (or through the introduction of a new or revised financial contribution) that may create inequities or hardship;
- The extent that any specific environmental protection or enhancement measure requires recognition, including measures under Rule 11.4.3.

Any such reduction or waiver shall be implemented through the *Annual Plan* process or the plan change process under the *RMA*.

ii. With regard to specific applications for resource consent for additional *dwellings* on multiple owned *Māori land*, consideration will be given to the following criteria in addition to those listed in i. above with respect to the recreation and leisure financial contribution:

- Size and cost of the *dwelling* being constructed;
- Location of the property and the associated land value, extent of previous undertakings, or gifting of land or other tangible assets;
- Applicability of the *LTP* outcomes.

iii. With regard to specific applications for resource consent where:

A financial contribution for recreation and leisure is payable under Rule 11.4, and an historic oversupply of reserve land is shown by the applicant to have occurred in relation to the same applicant or their successor in title, consideration shall be given to a reduction or waiver of the financial contribution as assessed having regard to the following criteria:

- The suitability of the excess land contributed for meeting *Council's* current recreation and leisure requirements for the catchment;
- The land value of the excess recreational and leisure land calculated at the time of granting the resource consent;

- The quantity of financial contributions for recreation and leisure assessed under Rule 11.4 at the time of granting the resource consent.

Provided that:

This discretion shall only be considered where:

a. The applicant supplies conclusive evidence that:

- They are the successor in title in respect of the parent land contributing the excess land;
- The amount of excess land contributed for recreation and leisure purposes exceeds 1ha as assessed at the time of the application.

b. The application is made within ten years of the commencement of the initial consent that created the excess.

iv. Reductions may be considered where the application of the *household equivalent* or *passenger car equivalent* methods of calculation are considered to be inappropriate.

Such consideration will be through the resource consent process on a case by case basis.

11.4 The calculation of Financial Contributions as included in Council's Fees and Charges

11.4.1 Determining a Household Equivalent

a. Financial contributions are based on a *household equivalent*.

b. During the *Annual Plan* and/or *LTP* process, *Council* uses the formula in Rule 11.4.1.c. to set the;

- catchment financial contribution amounts;
- values applied to the variables within the formula;
- timing of the capital projects.

c. The formula used to determine the *household equivalent* (*HHE*) for Recreation and Leisure, Transportation, Water Supply, Wastewater, and Stormwater financial contributions for all zones (as appropriate) is as follows:

$$\frac{(CP\text{-}S) - (EP\text{-}S) + I}{L} =$$

financial contribution per *household equivalent*

Where:

CP = value of development projects for capital works within a specific catchment, including land, required to meet the needs of the existing and future community during the planning period;

EP = value of development projects within a specific catchment for that portion of the capital works required to meet the existing level of service for existing ratepayers;

S = the subsidies to be received for the specific *infrastructure* within the planning period;

L = *dwellings* and *household equivalents* estimated during the planning period;

I = Interest cost based on capital expenditure less revenue from financial contributions.

Explanatory Note:
The inputs to the formula will be updated annually through the *Annual Plan* and/or *LTP* process to reflect changes in costs and timing. Any financial contribution that is not paid in full within two years of the commencement of the resource consent shall be subject to adjustment under Rule 11.3.c.ii.

11.4.2 Council's infrastructure network to which financial contributions apply

a. Transportation

i. Except for the activities included in Rule 11.6.1, these contributions shall be levied on subdivision and land use consents as may be applicable and through the building consent process for one or two additional *residential units* in the Ōmokoroa and Te Puke Medium Density Residential Zones. The contribution is applied on the basis of the following catchments in the *District*:

- Rural and minor settlements - this is a single catchment and includes the Rural and Lifestyle Zones and all minor settlements not classified as urban catchments below.
- Urban catchments - there are separate catchments for the urban zoned areas of Waihi Beach, Katikati, Ōmokoroa (including ~~the whole of the Stage 2 *Structure Plan* area~~Rural-Residential Zones), and Te Puke.
- Strategic Transportation - this is *District*-wide.

The proposed change to the opening paragraph of Rule 11.4.2 (a) (i) has immediate legal effect under Section 86D of the RMA.

This note does not form part of Plan Change 92 and will be removed when Plan Change 92 becomes operative.

b. Water and Wastewater

i. These contributions shall be per connection and shall be levied on any subdivision or land use consent or through the building consent process for one or two additional *residential units* in the Ōmokoroa and Te Puke Medium Density Residential Zones that is in a catchment served by *Council* water and wastewater systems or future water and wastewater *infrastructure* identified in a *structure plan*.

The proposed change to Rule 11.4.2 (b) (i) has immediate legal effect under Section 86D of the RMA.

This note does not form part of Plan Change 92 and will be removed when Plan

Change 92 becomes operative.

ii. Except in the Commercial and Industrial zones, where the *household equivalent* for water is based on the connection size (see Rule 11.6.2), the *household equivalent* for water is measured at ~~0~~ 0.6m³ per day.

iii. The *household equivalent* for wastewater is measured at ~~0~~ 0.5m³ per day, which is calculated at a factor of 0.85 of the water usage.

iv. The *household equivalent* for water and wastewater is equal to one (1) except for the following activities where the number of *household equivalents* will be determined by specific assessment:

- *Service stations* with car wash facilities;
- *Accommodation facilities* and recreational facilities including hotels, motels, community centres and Marae;
- Process manufacturing including coolstores and packhouses;
- Garden centres and nurseries;
- Butcheries;
- Drycleaners and laundromats;
- *Education facilities*;
- Hospitals and laboratories;
- Crematoriums and mortuaries;
- Concrete plants and yards;
- Any development in the Rural Zone that requires a water connection to a *lot* that exceeds 20mm;
- Waste handling facilities.

v. *Household equivalents* are assessed on the basis of peak demands rather than average use.

vi. The determination of the number of *household equivalents* for *accommodation facilities* will be based on the capacity of the facility.

c. Stormwater

i. These contributions shall be levied on a subdivision and/or land use consent or through the building consent process for one or two additional *residential units* in the Ōmokoroa and Te Puke Medium Density Residential Zones that is in a catchment served by a *Council* stormwater system or future stormwater *infrastructure* identified in a *structure plan* or the *LTP*.

The proposed change to Rule 11.4.2 (c) (i) has immediate legal effect under Section 86D of the RMA.

This note does not form part of Plan Change 92 and will be removed when Plan Change 92 becomes operative.

ii. Financial contributions may be reduced taking into account pre-development stormwater levels and the extent to which stormwater is managed on-site. The on-site management proposal has to be approved through the resource consent process.

iii. Financial contributions may be increased through the resource consent process by means of a special assessment where the:

- average *lot* size is less than the minimum *lot* size provided in 13.4.2, or
- *net land area* per *dwelling* is less than that included in 13.3.2.a..

iv. Financial contributions will not be charged where the activity is ~~not using~~outside of a stormwater management catchment served by public stormwater *infrastructure*~~, including~~ (including any open watercourses).

d. Recreation and leisure

i. Financial contributions for recreation and leisure apply to all subdivision and land use consents that enable the development of *dwellings*, *minor dwellings* and *accommodation facilities* and all building consents for one or two additional *residential units* in the Ōmokoroa and Te Puke Medium Density Residential Zones.

The proposed change to Rule 11.4.2 (d) (i) has immediate legal effect under Section 86D of the RMA.

This note does not form part of Plan Change 92 and will be removed when Plan Change 92 becomes operative.

ii. Except for the development of *dwellings*, *minor dwellings* and *accommodation facilities*, development in the Commercial and Industrial Zones shall not pay a financial contribution for recreation and leisure as per Rule 11.6.5.

iii. With a land use consent for *accommodation facilities*, the financial contribution will be one *household equivalent* per facility.

iv. Activities in the Post Harvest Zone shall not pay a financial contribution for recreation and leisure.

v. Financial contribution for recreation and leisure shall be a land or monetary contribution or combination thereof. The *Council* shall retain full discretion as to whether to accept money or land as payment of the required financial contribution.

vi. The *Council* shall consider a Māori Reservation set aside under Sections 338 and 440 of the Māori Land Act 1993 (Te Ture Whenua Māori) in lieu of a reserves contribution.

11.4.3 Ecological protection

a. Financial contributions for ecological protection shall be charged on;
- subdivisions in the Rural, Rural Residential, Lifestyle, Future Urban, Residential and Medium Density Residential Zones;
- land use consents for additional *dwellings* or *minor dwellings*
- building consents for one or two additional *residential units* in the Ōmokoroa and Te Puke Medium Density Residential Zones.

The proposed change to Rule 11.4.3 (a) has immediate legal effect under Section 86D of the RMA.

This note does not form part of Plan Change 92 and will be removed when Plan Change 92 becomes operative.

b. Financial contributions for ecological protection and or enhancement shall be a monetary contribution of $501 + GST (2015/16) per *lot* or *dwelling* as determined by the circumstances set out hereunder, such contribution to be adjusted annually in accordance with the Consumer Price Index through *Council's Annual Plan* and Budget:

Except that:
The ecological financial contribution shall be doubled for a subdivision or land use consent within the Park Road East Esplanade in Katikati.

c. *Council* may consider the reduction or waiver of these financial contributions where legally binding environmental protection or enhancement measures have already been or are proposed to be undertaken on the property concerned in conjunction with the principal activity. In such cases the principal activity (subdivision or land use) shall be deemed to be a Restricted Discretionary Activity in respect of the environmental protection or enhancement measures concerned. Such measures shall be the subject of a report and recommendations from an appropriately qualified independent person acceptable to *Council*.

11.5 Calculation of Financial Contributions for ~~dwellings~~Subdivision, Additional Dwellings, Additional Residential Units, Minor Dwellings and ~~minor dwellings~~Retirement Villages

i. The rules included in 11.5 do not apply to *dwellings* in the Commercial and Industrial Zones that are above ground floor. See Rule 11.6 for the calculation for these activities.

ii. The rules included in 11.5 apply to the Rural, Rural Residential, Lifestyle, Future Urban, Residential, Medium Density Residential and Commercial Transition Zones. The specific rules for activities in these zones are set out under 11.5.1 - 11.5.7 below.

ii. ~~The rules included in 11.5 apply to the Rural, Rural Residential, Lifestyle, Future Urban, Residential, Medium Density Residential and Commercial Transition Zones and relate to:~~
- ~~Subdivision;~~
- ~~Land use consents for additional *dwellings* or *minor dwellings*.~~

iii. Financial contributions are based on a *household equivalent*.

iv. ~~One *household equivalent* is equal to one additional *lot* or *dwelling*.~~

11.5.1 Subdivision or additional dwellings outside urban growth areas

i. The rules in this section apply to a subdivision or land use consent for an additional *dwelling* in the following zones:

- Rural
- Future Urban
- Rural-Residential
- Lifestyle
- Residential, except in the urban growth areas of Waihi Beach, Katikati, Ōmokoroa, and Te Puke.

ii. Financial contributions for recreation and leisure, transportation, water supply, wastewater, stormwater and ecological protection will be charged in respect of:

a. Additional lots created by subdivision which will qualify for the erection of a *dwelling*.

b. A land use consent for an additional *dwelling* ~~or *minor dwelling*~~.

iii. Each additional *lot* or *dwelling* shall be charged one *household equivalent*.

11.5.2 Subdivision or additional dwellings inside ~~identified~~ urban growth areas of Katikati and Waihi Beach (including Bowentown, Island View and Athenree)

~~**Explanatory Notes:**~~

a. For the purpose of calculating average *lot* size to determine financial contributions, the following area(s) shall be excluded from the *lot* size calculations; provided that no *dwelling* is constructed in the area:

i. area(s) that are within a natural hazard identified in Section 8 of the District Plan, or

ii. as part of a resource consent, areas identified as unsuitable for the construction of a *dwelling* by a suitably qualified and experienced geotechnical engineer or equivalent.

b. Where a balance *lot* is created for future subdivision or residential development, a financial contribution equal to one *household equivalent* only will be charged at this time. A financial contribution based on an average *net lot area* of 625m² will only be applied to that *lot* once future subdivision or land use consent is applied for.

i. The rules in this section apply to a subdivision or land use consent for an additional *dwelling* in the following zones;
- Residential
- Medium Density Residential
- Commercial Transition

within the following *urban growth areas*;
- Waihi Beach
- Katikati
- ~~Ōmokoroa~~
- ~~Te Puke~~

ii. Each additional *lot* or additional *dwelling* shall be charged a financial contribution for ecological protection equal to one *household equivalent*.

iii. The financial contribution calculations for recreation and leisure, transportation, water supply, wastewater, and stormwater in *urban growth areas* are based on an average *net lot area* ~~*size*~~*or dwelling envelope*. ~~*One*~~ *One household equivalent is equal to a net lot area of 625m^2, and all additional lots and dwellings will pay a financial contribution proportional to this figure.*

iv. A density of 15 *lots* or *dwellings* per hectare equates to an average *net lot area* or *dwelling envelope* of 500m^2. In the Residential Zone, financial contributions for a subdivision or *development* with an average *net lot area* or *dwelling envelope* smaller than 500m^2 shall be determined by a special assessment.

v. The financial contribution for a land use consent for an additional *dwelling* is based on the size of the *dwelling envelope*. As in the case of a subdivision, one *household equivalent* is equal to a *dwelling envelope* of 625m^2. In the Residential Zone, the *dwelling envelope* shall not have a minimum average less than 500m^2.

vi. The minimum financial contributions for an additional *lot* or additional *dwelling* in the Residential, Medium Density and Commercial Transition Zones are 0.5 of a *household equivalent*.

11.5.3 One or two additional *residential units* on a site in the Ōmokoroa and Te Puke Medium Density Residential Zones

a. For clarity, these rules do not apply to:

i. The first *residential unit* on a *site* (these shall be exempt from financial contributions);

ii. One or two additional *residential units* on a *site* where a subdivision consent has been granted subject to a condition of consent imposing financial contributions for that *site* under Rule 11.5.5 (except for any balance *lots* under 11.5.5 (e)).

b. The following rules shall apply where an application for building consent is lodged for one or two additional *residential units* on a *site*:

i. Each additional *residential unit* shall be charged a financial contribution for ecological protection, recreation and leisure, transportation, water supply and wastewater based on the gross floor area of each *residential unit* (excluding garage);

ii. Each additional unit shall be charged a financial contribution for stormwater based on the building footprint of each *residential unit* (including garage);

For this rule, building footprint means the total area of the *buildings* (*residential unit* and garage) at ground floor level together with the area of any section of any of those *buildings* that extends out beyond

the ground floor level limits of those *buildings* and overhangs the ground.

iii. One *household equivalent* for a *residential unit* is equal to a *gross floor area* of 150m² (excluding any garage) or building footprint of 150m² (including any garage) in the case of stormwater;

iv. An additional *residential unit* with a *gross floor area* or building footprint exceeding 150m^2 shall not pay more than one *household equivalent*;

v. Each additional *residential unit* with a *gross floor area* or building footprint less than 150m² shall pay a reduced financial contribution that is proportional to 150m²;

vii. The minimum contribution to be paid for an additional *residential unit* shall be 0.5 of a *household equivalent*;

viii. Financial contributions shall be assessed and imposed through the building consent application process;

ix. The financial contribution required through the building consent application process is payable immediately prior to the issue of that consent.

Proposed Rule 11.5.3 has immediate legal effect under Section 86D of the RMA.

This note does not form part of Plan Change 92 and will be removed when Plan Change 92 becomes operative.

11.5.4 One or two additional lots not for the purpose of the construction and use of residential units from sites of less than 1,400m^2 in the Ōmokoroa and Te Puke Medium Density Residential Zones

a. Each additional *lot* shall be charged a financial contribution for ecological protection, recreation and leisure, transportation, water supply, wastewater and stormwater equal to one *household equivalent*.

11.5.5 All other subdivision and four or more residential units on a site in the Ōmokoroa and Te Puke Medium Density Residential Zones

a. Each additional *lot* or additional *residential unit* shall be charged a financial contribution for ecological protection, recreation and leisure, transportation, water supply, wastewater and stormwater based on the number of *lots* / *residential units* per hectare of *developable area*:

b. The following number of *household equivalents* that shall be paid per hectare (10,000m^2) of *developable area*:

Area	*Household equivalents* per hectare of *developable area*
Ōmokoroa Stage 3A	15
Ōmokoroa Stage 3B Ōmokoroa (Outside of Stage 3)	20 20

Te Puke	20
Ōmokoroa Stage 3C Ōmokoroa Mixed Use Residential Precinct	30 30

c. The number of *household equivalents* to be paid shall be proportional to the number of hectares of *developable area*.

For example, in Ōmokoroa Stage 3B:

- 0.5 hectares x 20 = 10 *household equivalents*
- 1 hectare x 20 = 20 *household equivalents*
- 1.5 hectares x 20 = 30 *household equivalents*

d. If the number of *lots* / *residential units* per hectare of *developable area* is less than or exceeds the number of *household equivalents* required to be paid per hectare of *developable area*, there shall be no change to the number of *household equivalents* required to be paid per hectare of *developable area* as set out in the table in (b) above.

Therefore:

i. Where the number of *lots* / *residential units* per hectare of *developable area* is less than the number of *household equivalents* required to be paid per hectare of *developable area*, each additional *lot* or additional *residential unit* shall pay an increased financial contribution greater than one *household equivalent*;

ii. Where the number of *lots* / *residential units* per hectare of *developable area* exceeds the number of *household equivalents* required to be paid per hectare of *developable area*, each additional *lot* or additional *residential unit* shall pay a reduced financial contribution. The minimum financial contribution to be paid for an additional *lot* or additional *residential unit* shall be 0.5 of a *household equivalent*.

For example, in Ōmokoroa Stage 3B where the number of *household equivalents* required to be paid per hectare of developable area is 20:

- 10 additional lots / units = 2.0 *household equivalents* each
- 20 additional lots / units = 1.0 *household equivalents* each
- 40 additional lots / units = 0.5 *household equivalents* each

e. Where one or more balance lots are proposed for future subdivision or residential *development*, a financial contribution equal to one *household equivalent* will be charged for each balance *lot*. A financial contribution based on the number of *household equivalents* per hectare of *developable area* will only apply to a balance *lot* during a future subdivision or land use consent for additional *residential units*.

For this rule, balance *lot* shall mean any proposed lot which is 1,400m² or greater and which is not demonstrated to be for the purpose of the *construction* and use of *residential units* under Rules 14A.3.2 (a) – (b);

f. The financial contributions shall be determined at subdivision or land use consent stage and shall be paid as per the consent conditions

11.5.3.6 ~~Land use consent for a minor dwelling~~Minor dwellings

Except for the Medium Density Residential Zones in Ōmokoroa and Te Puke (see 11.5.3 and 11.5.5 above):

This proposed change to Rule 11.5.6 has immediate legal effect under Section 86D of the RMA.

This note does not form part of Plan Change 92 and will be removed when Plan Change 92 becomes operative.

i. *Minor dwellings* ~~in all zones~~ shall be charged a financial contribution for recreation and leisure, transportation, water supply, wastewater, stormwater and ecological protection equal to 0.5 of a *household equivalent*.

11.5.4.7 ~~Land use consent for a retirement village~~Retirement villages

Except for Medium Density Residential Zones in Ōmokoroa and Te Puke (see 11.5.3 and 11.5.5 above):

The proposed change to Rule 11.5.7 has immediate legal effect under Section 86D of the RMA.

This note does not form part of Plan Change 92 and will be removed when Plan Change 92 becomes operative.

i. *Retirement village dwellings* and *retirement village independent apartments* shall be charged a financial contribution for recreation and leisure, transportation, water supply, wastewater, stormwater and ecological protection equal to 0.5 of a *household equivalent* for 1 and 2 bedroomed *dwellings*/apartments.

ii. The financial contributions for facilities other than *retirement village dwellings* or *retirement village independent apartments* shall be done by specific assessment.

11.6 Subdivision and land use consent in the Commercial, Commercial Transition and Industrial Zones

This section deals with the calculation of financial contributions for transportation, stormwater, wastewater, water and recreation and leisure in:

- Commercial Zones
- Industrial Zones,
- Activities other than a *dwelling* in the Commercial Transition Zone (see Section 11.5.2 for *dwellings* in the Commercial Transition Zone).

11.6.1 Transportation

i. Financial contributions as calculated by *household equivalent* apply to transportation in the Te Puna Business Park Zone, except for the following activities where the number of *household equivalents* will be determined by an *Integrated Transport Assessment*:

- *Warehousing and storage*
- *Building and construction wholesalers and retailers*
- *Depots*

ii. All other activities in the Commercial, Commercial Transition and Industrial Zones

are exempted, except for the following activities where the number of *household equivalents* will be determined by an *Integrated Transport Assessment*:

- *Warehousing and storage*
- *Building and construction wholesalers and retailers* that exceeds a *gross floor area* of 2,500m².
- *Depots*
- *Service stations*
- Coolstores and packhouses
- *Accommodation facilities*

iii. The comprehensiveness of the *Integrated Transport Assessment* shall reflect the scale and effects of the proposed activity and address the following:

- The existing traffic environment;
- How the activity will impact on that environment;
- Any proposed mitigation measures.

11.6.2 Water Supply

i. Except for activities listed in Rule 11.4.2.b.iv., the financial contribution in the Commercial, Commercial Transition and Industrial Zones shall be based on the size of the water connection.

ii. The relationship between connection size and *household equivalent* are as follows:

Connection size(mm)	Household Equivalent
20	1
25	1.56
40	4
50	6.25
100	25
150	56.25

11.6.3 Wastewater

i. Except for *dwellings* and activities listed in Rule 11.4.b.iv., financial contributions on wastewater for all activities in the Commercial, Commercial Transition and Industrial Zones, are calculated as follows:

One (1) *household equivalent* is equal to:
- A *lot* size or *gross floor area* of 600m² in the Commercial Zone.
- A *lot* size or *gross floor area* of 1,800m² in the Industrial Zone.

ii. Wastewater financial contributions for a *dwelling* in the Commercial and Industrial Zones are calculated as follows:

- 0.5 of a *household equivalent* for a *dwelling* with a *gross floor area* of not more than 60m².
- 0.75 of a *household equivalent* for a *dwelling* with a *gross floor area* of more than 60m² and less than 95m².
- One *household equivalent* for a *dwelling* with a *gross floor area* that exceeds 95m².

iii. The financial contributions for the activities listed in Rule 11.4.b.iv. shall be determined by specific assessment.

Explanatory Note:
These activities may operate seasonally or operate for a variable part of the week or year. For such activities the operational time (OTF) needs to be specifically reported on and assessed.
OTF is the proportion of a full year that any enterprise may operate and is calculated as follows:

$$\frac{\text{Actual operating days per year}}{365} \quad x100$$

11.6.4 Stormwater

i. In the Commercial, Commercial Transition and Industrial Zones, one *household equivalent* is equal to 300m² of developable land (developable land is any land that has potential to be used for building, hard stand and parking or access purposes for that activity).

11.6.5 Recreation and leisure

i. Financial contributions for recreation and leisure only apply to *dwellings* and *accommodation facilities* in the Commercial and Industrial Zones.

ii. The financial contributions for *dwellings* are calculated as follows:

- 0.5 of a *household equivalent* for *dwellings* with a *gross floor area* of not more than 60m².
- 0.75 of a *household equivalent* for *dwellings* with a *gross floor area* of more than 60m² and less than 95m².
- One *household equivalent* for *dwellings* with a *gross floor area* that exceeds 95m².

iii. With a land use consent for *accommodation facilities*, the number of *household equivalents* will be determined by specific assessment

11.7 Financial Contributions and Infrastructure works for Discretionary and Non-complying Land Use Activities

11.7.1 An assessment of capacity, adequacy of pavement, and safety shall be made of the actual impact of the activity on the specific *infrastructure*. The impact shall be remedied or mitigated by one or more of the following:

a. Where existing spare capacity is available to accommodate the proposed activity, a financial contribution shall be payable based on the amount of capacity to be used (see 11.7.2).

b. Where the existing *infrastructure* is inadequate in terms of capacity and safety for the proposed activity, the *infrastructure* shall be upgraded by the applicant at their cost to accommodate the expected demand. This will be imposed as a condition on any resource consent granted.

c. Where the activity will consume all of the currently available spare capacity as well as require an upgrade of the existing *infrastructure*, both a. and b. above shall apply.

Except that:
A contribution shall not be payable under a. where any *upgrading* required under clause b. above results in the existing level of spare capacity being maintained or exceeded.

d. Where a required *infrastructure* upgrade will provide a greater level of capacity than that needed to accommodate the proposed activity, the following shall apply:

i. If the upgrade is included in the *LTP*, the cost of the spare capacity created will be refunded to the consent holder at the time stipulated in the *LTP*;

ii. If the upgrade is not included in the *LTP*, there shall be no refund.

11.7.2 For 11.7.1.a., c., and d. the impact shall be converted into *household equivalents* and applied in accordance with the following:

a. **Recreation and Leisure**

This will be charged in accordance with Rules 11.4.2.d. and 11.5 for *dwellings*, *minor dwellings*, *retirement villages* and *accommodation facilities* excluding *seasonal worker accommodation*.

b. **Transportation**

i. Capacity consumption

Explanatory Notes:

1. This rule shall apply to the specific roads that provide access from the State Highway to the activity.
2. The width of the existing road is to be determined by actual measurement or by reference to *Council's* RAMM (Road Assessment and Maintenance Management) database.
3. The average annual daily traffic volume (AADT) for the existing road is to be determined by actual measurement or by reference to *Council's* RAMM database. For the purposes of converting the AADT into *PCE VM's*, where actual figures are not available it shall be assumed that 10% of the volume comprises heavy commercial vehicles (HCV's). The proposed road activity shall be converted to daily *PCEs*.
4. Road width and *road capacity* (existing and required) is to be determined by reference to the relevant table in rule 12.4.4.2. The capacity of the road is represented by the upper limit traffic volume for a road of the applicable standard (carriageway width and length).
5. The current cost of 1m^2 of rural road pavement' will be set annually through *Council's LTP* and *Annual Plan* processes under the Local Government Act 2002.

Calculation methodology

a. Determine the proposed route from the subject site to the nearest State highway (or *District* boundary).

b. Determine the capacity of the existing road (in terms of daily *PCE VM's*), given its current standard of construction. This is "A".

c. Determine the standard of road (width) required to accommodate both existing and proposed daily *PCE VM's*. This is "B".

   A sliding scale shall be used to assess the theoretical width required.

d. Determine the value of the length of affected road. This is calculated from the depreciated replacement cost for the existing road (and deductions made for any subsidies received) This is "C".

e. Determine the proportion (%age) of the capacity of the road consumed by the proposal's predicted traffic volume.

   This is calculated as (the number of *PCEs* as proposed by the applicant)/(the capacity (*PCE*) of the existing road). This is "D".

f. Applicable financial contribution for *Capacity Consumption* = $(C x D).

ii. Pavement Consumption

The purpose of the following calculation is to determine the effect of additional HCV's generated by the proposed new activity on the life of the existing road pavement. The calculation shall be undertaken by a Chartered Professional Engineer (CPEng) or other suitably qualified person specifically approved by *Council*.

a. Collect all available data for the road on which the proposed out of zone activity will take place. Base data can be found in RAMM and dTIMs (dTIMS is a software package developed by Deighton Associates Ltd, and used by Road Controlling Authorities for the predictive modelling of pavement deterioration).
b. Assess existing pavement design, and determine its residual life. The effective residual life of the existing pavement can be obtained from the dTIMs pavement deterioration model output, or back calculation from existing pavement data. This data will be produced annually.
c. Determine the design axle loads for the existing pavement.
d. Calculate the additional axle loads as a result of the proposed activity. Determine the effect of the additional axle loads on the existing pavement, by determining the year when the existing pavement will reach the end of its design life, i.e. when the life of the pavement is consumed.
e. Determine the reduction in life (number of years) of the existing pavement caused by the additional axle loads.
f. Assess the current cost of renewing the pavement, given both the existing and new traffic loadings.
g. Assess the incremental cost of bringing the pavement renewal works forward. (Complete a net present value calculation, using the cost of finance provided annually in *Council's Annual Plan*).

This is the financial contribution payable for Pavement Consumption.

iii. Strategic Transportation

One *household equivalent* shall be paid for each activity.

c. **Water Supply and Wastewater**

i. Financial contributions for water supply and wastewater shall be charged in accordance with Rule 11.4.2.b.

ii. In the Commercial and Industrial Zones financial contributions shall be charged in accordance with Rules 11.6.2 and 11.6.3.

iii. For all other zones, a specific assessment shall be made.

d. **Stormwater**

The financial contributions for stormwater in all zones shall be determined by specific assessment.

e. **Ecological Protection**

The financial contributions for ecological protection shall be in accordance with Rule 11.4.3.

11.8 Additional financial contributions that apply to specific Structure Plan Areas

a. Rangiuru Business Park

The equitable provision and funding of *infrastructure* and the need for full recovery of *infrastructure* costs (as set out in the financial contributions schedules) is a key driver for the Rangiuru Business Park. For Rangiuru Business Park the *infrastructure* required is anticipated to be built and funded by private developers as opposed to *Council*. Accordingly, full recovery of financial contributions by *Council* to refund the entities which build/fund that work (in order of construction) is appropriate.

Financial contributions will be calculated on the basis of available areas able to be developed as opposed to actual site utilisation or building area, and notwithstanding that different activities place different actual demand on *infrastructure* networks. The *infrastructure* costs contained in Appendix 7 are able to be updated annually through the *Annual Plan* and/or *LTP* as set out below.

As outlined in Chapter 12, *infrastructure* for the Rangiuru Business Park will be constructed generally in accordance with the designs specified in Appendix 7. Where *Council* identifies a more cost effective means of delivering future *infrastructure* for the park, the future *infrastructure* cost for that line item may be used as replacement *infrastructure*. Where the cost of *infrastructure* is lower than the anticipated cost, only the lower amount can be recovered.

Developers wishing to occupy land within these areas must make their decisions on location in full awareness that financial contributions are payable on the basis of site area without refinements for specific proposals.

i. As set out below, financial contributions shall be payable for subdivision and *development* in the Rangiuru Business Park to pay for trunk *infrastructure* as identified in the *Structure Plans* and the associated financial contribution schedule in Appendix 7;

Where any circumstances exist that mean these provisions are inconsistent with the general provisions then this section shall prevail.

ii. With regard to any resource consent which is granted subject to a condition imposing a financial contribution for Rangiuru Business Park, that condition shall provide for the amount of any financial contributions.

iii. Any financial contribution which is not paid in full within two years from the date of commencement of the consent or any subsequent two year period shall be adjusted so that the amount of the financial contribution required by the resource consent shall be the per square metre amounts as set out in the Rangiuru Financial Contributions Schedule in Appendix 7 using the inputs to that schedule as updated annually through the *Annual Plan* and/or the *LTP* process, as detailed below.

iv. The financial contribution shall be in accordance with the Rangiuru financial contribution schedule in Appendix 7 (specified dollar amount per square metre of site area so used), adjusted annually to reflect updated construction cost estimates or completed actual construction costs, and the financing costs (based on the New Zealand Official Cash Rate plus 1.5%).

v. The financing costs are to be charged quarterly in arrear on the last day of March, June, September and December in each year on the actual capital expenditure at the start of the quarter as approved in the Rangiuru financial contribution schedule less the financial contributions received during the quarter.

vi. The costs in the financial contribution schedule in Appendix 7 including the financing costs are indicative only as they are based on [August] 2015 costs and will be updated annually through the *Annual Plan* and/or *LTP* process to reflect up-to-date estimated costs (based on the rate of movement of the Cost of Construction Index) and/or actual costs of the provision of *infrastructure* and the financing costs (based on the New Zealand Official Cash Rate plus 1.5%).

vii. The actual financial contributions payable will reflect the completed actual construction costs and the financing costs (based on the New Zealand Official Cash Rate plus 1.5%) to be determined at the time resource consents commence, as listed in the financial contributions schedule in Appendix 7 and updated through the *Council's Annual Plan* and/or *LTP*.

viii. Actual financial contributions may also be payable based on updated construction cost estimates in order to fairly contribute towards the funding of trunk *infrastructure* as identified in the *Structure Plans* and the associated Rangiuru financial contribution in Appendix 7 (for example, part funding of trunk *infrastructure* identified as part of a

future stage).

ix. If any developed or agency elects not to recover the cost of trunk *infrastructure* which has been identified in the *Structure Plans* and the associated financial contribution schedule in Appendix 7, it may notify the Council accordingly and the relevant line item in the financial contribution schedule will be updated to reflect the lower amount to be recovered through the *Annual Plan* and/or *LTP* process.

x. Discretionary and non-complying activities shall pay financial contributions on a full per square metre basis as set out on Appendix 7.

xi. 'Site area':

- Excludes the areas set aside for trunk *infrastructure* as identified on the *Structure Plan*, such as local purpose reserves (stormwater), local purpose reserves (amenity), pedestrian/cycle access, collector and entrance roads, areas for treatment of water and/or wastewater and the Tauranga Eastern Link interchange.
- Includes the area of all local and private roads and other *infrastructure* not specifically required by the *Structure Plans*.
- The total net developable area is 148ha.

In respect of *development*, 'site area' relates to the total area of the *lot* or the total area of the tenancy area in which the *development* is located.

For the Seeka site being Lots 1 and 2 DPS 3521 the sites are excluded from the developable area.

xii. The financial contribution is payable at the time of subdivision or *development*, whichever happens first. Where a financial contribution has already been paid at the time of subdivision in respect of the total area of the *lot*, there shall be no further contributions payable at the time of *development*. Where a financial contribution has already been paid at the time of *development* in respect of any land, there shall be no further contributions payable for the same land at the time of any subsequent subdivision;

xiii. Financial contributions at the time of subdivision are payable at subdivision completion stage (i.e. Section 224 application). Financial contributions at the time of *development* are payable at building consent stage or at the time land is used for Rangiuru Business Park purposes;

xiv. In respect of the Rangiuru Business Park, where *Council* does not expect to be able to fund much of the trunk *infrastructure* needs for the foreseeable future, financial contributions from developers or agencies shall be collected by *Council* and paid directly to any prior developer or agency (in the order of investment) which has funded trunk *infrastructure* services in accordance with the financial contribution schedule and the *Structure Plans*.

b. Te Puke West Industrial Area

i. In addition to the financial contributions payable pursuant to Rule 11.6, excluding stormwater, financial contributions shall be payable for subdivision and development in the Te Puke West Industrial Area to pay for *infrastructure* as identified in the Te Puke West Schedule of Financial Contributions contained in Appendix 7;

ii. The Te Puke West financial contribution shall be in accordance with the Schedule (specified dollar amount per square metre of site area), adjusted annually to reflect updated construction cost estimates or completed project costs, and the financing costs (based on the 90 day bank rate [BKBM FRA rate] plus 2%);

iii. The financing costs are to be charged quarterly in arrear on the last day of March, June, September and December in each year on the actual capital expenditure at the start of the quarter as approved in the schedule less the financial contributions received during the quarter;

iv. In addition further financing costs based on the 90 day bank rate (BKBN FRA rate) plus 2% resulting from the assumed average delay of three years between the setting of financial contributions and their receipt are to be charged annually on 1 July on:

- The capital expenditure as approved in the Schedule;
- And the financing costs calculated as in ii. and iii. above.

v. Where, in lieu of payment of financial contributions, a developer constructs any of the *infrastructure* referred to in the Te Puke West Industrial Area Financial Contributions Schedule and that constructed *infrastructure* will also serve land within the Te Puke West Industrial Area beyond the land under *development* at the time, *Council* will collect financial contributions from subsequent developers benefiting from such previously established *infrastructure* in accordance with the Te Puke West Industrial Area Financial Contributions schedule contained in Appendix 7. The contributions collected shall then be paid directly to the prior developer concerned.

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Subdivision & Development

12. Subdivision and Development

Explanatory Statement

Subdivision is a process by which existing land titles are divided to create legally distinct parcels of land. It generally results in new land titles that are capable of being developed for their zoned purpose.

Land use development is a process by which a multitude of activities are proposed on an existing title. These activities can be social, residential, commercial or industrial in nature and can also include building and civil construction activities. For ease of use this Section of the District Plan hereafter refers to *land use development* as *development*.

Subdivision creates opportunities and expectations for *development*. To provide for this *development*, *infrastructure* such as wastewater, water supply, stormwater and roads are required to provide for any *development* that may follow. Most of these services are vested in *Council* and need to be provided to a standard which enables them to properly fulfill their function effectively and efficiently.

The design of any subdivision in urban areas should also make provision for the future subdivision of adjoining land in order to ensure that urban *development* occurs in a coordinated and efficient manner. For new growth areas *Council* has prepared *structure plans* which provide a development framework for future *development* and which assist in coordinating subdivision in the identified areas.

The *structure plans* are supported by *Council's* Development Code. This sets out compliance with minimum standards for servicing subdivision and *development* so as to ensure health and safety requirements as well as long term operational and maintenance requirements are met. The standards also seek to provide for a degree of consistency of design within communities for efficiency in the future maintenance of services and to help maintain a coherent urban form.

Rigorous adherence to the Development Code has the potential to result in *development* that may be bland in character and design. *Council* wishes to promote innovation and flexibility in the

design and servicing of subdivision and *development* acknowledging that this can lead to *developments* that are more responsive to the local environment. It may also result in more efficient use of *infrastructure* services. To this end *Council* has incorporated development guidelines within the Development Code which identify best practice approaches and consentable solutions to subdivision and *development* and encourage developers to consider these approaches when designing a *development*. Thus the Development Code is seen as being one means of compliance, and alternatives are encouraged.

In order to ensure that subdivision and *development* meets acceptable standards and to give confidence that *development* can proceed without causing adverse effects, *Council* requires a certain level of information at all stages of the *development* approval process.

This level of information is to be appropriate to the stage of the application in accordance with the package of plans approach. Reliable information is required on how the *development* will proceed, and on the identification of *development* constraints. Where necessary, certification is to be provided by appropriately qualified independent professionals.

12.1 Significant Issues

1. The Western Bay of Plenty *sub-region* has had significant population growth over the previous planning period and such growth is expected to continue. To assist the future planning for this growth *Council* has committed to the preparation and implementation of a SmartGrowth Strategy. The outcome of this strategy has been a substantial financial investment by *Council* in the provision of infrastructural services in urban centres. Future growth needs to be directed into these areas to ensure the efficient use of the services that have been provided and to recoup financial outlay.

2. A critical part of SmartGrowth is looking ahead to long term *infrastructure* needs and the identification of principal transport corridors. Such corridors provide important links to settlement areas as well as ensure unimpeded access to the Port of Tauranga and to other regions. Growth is proposed to be staged in a manner which ensures efficient provision and utilisation of *infrastructure*.

3. The main urban centres in the District have their own unique identity. *Council's* Built Environment Strategy seeks to ensure that these unique identities are maintained and enhanced. Subdivision has the potential to change or adversely affect these values if sufficient regard is not given to the existing form and function of the urban areas. Poorly designed, located and constructed subdivisions and *development* can adversely affect the amenity of an area. It can also affect the sustainable, safe and efficient operation of the *transport network*.

4. To ensure the efficient and coordinated provision of infrastructural services, *development* needs to comply with agreed levels of services and standards. *Council's* Development Code provides acceptable minimum standards that all *development* is required to comply with to ensure services provided by developers are to a standard that will last the test of time.

   The standards also seek to provide for a degree of consistency of design within communities for efficiency in the future maintenance of the services and to help maintain a coherent urban form.

5. Quality design outcomes are an important part in community well-being by ensuring any new *development* is carried out in a way which creates safe, efficient and vibrant communities. These are easy to get around in by foot, bicycle and motor vehicle and are supported by a mix of community facilities, housing and

centres for employment.

6. To encourage innovation and *development* that is designed to respond well to local environmental conditions and result in urban design outcomes that are consistent with the New Zealand Urban Design Protocol, provision needs to be made for developers to depart from Development Code requirements where it can be demonstrated that required standards of performance will still be met and that the desired environmental outcomes will result.

7. There is potential to encourage *development* and subdivision patterns that reflect the importance of the built environment and transport systems in improving the end use of energy and improving community well-being. Site orientation and building design can support the principles of optimum energy efficiency and solar energy gain while facilitating small-scale renewable energy generation and minimising transport requirements.

8. Subdivision of land results in greater intensity of *development* on a site. For there to be confidence that the land is capable of accommodating such *development*, an appropriate level of information prepared by suitably qualified resource management professionals needs to be submitted in conjunction with applications for resource consent and at other subsequent stages of the *development* process.

12.2 Objectives and Policies

12.2.1 Objectives

1. Subdivision and *development* that provides for and reinforces the existing built form and local character of an area.

2. Subdivision and *development* is planned in an integrated manner and provided with the necessary *infrastructure* and services to ensure that the land is able to be used for its intended purpose.

3. *Infrastructure* and services are designed and constructed to minimum standards which will result in improved environmental outcomes without significant additional cost to the community.

4. Sufficient *infrastructure* capacity is provided to ensure the efficient and equitable provision of services to all land in the catchment.

5. Comprehensive assessment of *development* proposals to ensure that the full effect of the proposal is able to be determined.

6. Subdivision and *development* that minimises the effects from stormwater run-off.

7. Subdivision design and *development* that takes into account the principles of optimum energy efficiency and the benefits of renewable energy.

12.2.2 Policies

1. All urban subdivision is to have regard to subdivision guidelines contained in the Development Code, Built Environment Strategy and urban design protocols and guidelines which provide urban design outcomes.

2. The design of subdivision is in accordance with *structure plans*.

3. Require subdivision to be undertaken in accordance with any staging requirements to ensure the effective and efficient servicing of land within the catchment.

4. Require subdivision and *development* to provide *infrastructure* and services to meet the reasonably foreseeable needs of other land in the vicinity of the *development*.

5. Require subdivision and *development* to comply with the minimum standards in the Development Code for the provision of *infrastructure* and services, or to an alternative standard which is as effective and efficient in the long term and results in improved environmental outcomes.

6. Require all subdivision and *development* proposals submitted to *Council* to include a comprehensive assessment prepared in accordance with the information requirements of the Development Code.

7. Subdivision and *development* practices that take existing topography, drainage and soil conditions into consideration with the aim of minimising the effects of stormwater run-off.

8. Require the design and *development* of subdivision to reflect the principles of optimum energy efficiency and solar energy gain (in relation to the size and shape of each proposed *lot*, and the design and orientation of the subdivision as a whole) and generation of renewable energy such as solar water heating.

9. Adverse effects of traffic generation from subdivision and *development* on the *transport network* will be avoided, remedied or mitigated.

12.3 Rules

12.3.1 Applicability

To the extent that they are relevant to the *development* application in question, the following rules shall apply to all subdivision and *development* in addition to the applicable zone standards set out in other sections of the District Plan.

12.3.2 Lots for Network Utilities, Electricity Generating Infrastructure, Reserves and Public Open Space – All Zones

12.3.2.1 As a controlled activity, in any zone, *lots* can be created for the purposes listed in a. – c. below without having to comply with the minimum *lot* sizes and other minimum standards for *lots* which would otherwise apply within the zone where the subdivision is being undertaken.

a. Where land is for a purpose required by a network utility operator or electricity generator.

b. Where land is to be set aside or vested as a reserve.

c. Where land is to become public open space owned by *Council*.

Provided that:
The balance area of any subdivision for the foregoing purposes shall comply with the relevant standards of 12.4;

Except that:
Where there is a strategic long term public benefit in acquiring an area of public land and this is likely to impact on the minimum *lot* size to the extent that the subdivision could not otherwise proceed then the adjacent *lot* size may be proportionately reduced. The determination of public benefit and any decision to reduce a *lot* or multiple *lot* sizes accordingly, shall be at the sole discretion of *Council*. Any *allotment* so reduced shall comply in all other respects with the rules of the District Plan.

12.3.2.2 *Council* may require the provision of fencing adjoining public land including existing or proposed reserves, pedestrian accessways, service lanes and roads in accordance with the *Council's* Development Code and at the developer's expense.

12.3.2.3 Dimensions and widths of local purpose reserves (access) shall be in accordance with *Council's* Development Code.

12.3.3 Boundary Adjustments – All Zones

12.3.3.1 Controlled Activity Boundary Adjustments

As a Controlled Activity the boundaries between any existing land titles served by an existing legal public road currently maintained by *Council* and complying with all relevant provisions of this section of the District Plan may be adjusted subject to all newly formed *lots* also complying with the relevant provisions of this section and the minimum *lot* sizes rules that apply in the respective zones, provided that the minimum *lot* size for the applicable zone shall not apply where:

- One or more of the existing land titles subject of the boundary adjustment is/are already non-complying in respect of the relevant minimum *lot* size; and
- The number of non-complying *lots* will not be increased by the boundary adjustment.

Council shall exercise control over the following;

i. The need to impose financial contributions where the boundary adjustment is deemed either to create an independently usable title which did not previously exist or to significantly increase the usability of an existing title.

12.3.3.2 Restricted Discretionary Activity Boundary Adjustments

a. As a Restricted Discretionary Activity the boundaries between any existing complying land titles served by an existing legal public road currently maintained by *Council* and complying with the relevant provisions of this section of the District Plan may be adjusted in a manner which renders one or more of the newly formed *lots* non-complying in respect of the minimum *lot* size for the applicable zone subject to all newly formed *lots* also complying with the relevant provisions of this section.

Council's discretion is restricted to

i. An assessment of the extent to which the alignment of the existing boundary is illogical or otherwise inconsistent with:

- Existing topographical or other physical characteristics of the land concerned;
- Efficient and practical farm management.

ii. The need to impose financial contributions where the boundary adjustment is deemed either to create an independently usable title which did not previously exist or to significantly increase the usability of an existing title.

b. As a Restricted Discretionary Activity the boundaries between one or more land titles served by an existing legal public road not currently maintained by *Council* may be adjusted subject to the following matters to which *Council's* discretion is restricted:

i. The extent to which the boundary adjustment will result in any increase in traffic on the road concerned;

ii. The need to impose financial contributions where the boundary adjustment is deemed either to create an independently usable title which did not previously exist or to significantly increase the usability of an existing title.

12.3.4 Activity Status

12.3.4.1 In the case of a subdivision or land *development* proposal which would otherwise be a Controlled Activity, any non-compliance with an activity performance standard shall render the application a Restricted Discretionary Activity in respect of the standard concerned, provided that where the non-compliance relates to a specific *structure plan* or to performance standards 12.4.1.g. or 12.4.3.3, the status of the activity shall become that of a Non-Complying Activity unless otherwise stated.

12.3.4.2 Except in the case of boundary adjustments pursuant to Rule 12.3.3, any subdivision of land on which an *Identified Significant Feature* exists (as shown on the District Planning Maps) shall be a Discretionary Activity and shall be assessed in accordance with the relevant provisions of Sections 5, 6 and 7 of the District Plan.

Explanatory Note:
Permission to modify or destroy an archaeological site is required from Heritage New Zealand Pouhere Taonga.

12.3.5 Matters of Discretion

With respect to any Controlled Activity which is rendered Restricted Discretionary by virtue of non-compliance with an activity performance standard, *Council's* discretion is restricted to the actual or potential adverse effects arising from the particular non-compliance, having regard to the extent and nature of the non-compliance.

In the case of a land use consent application made using *Council's* standard forms, where *Council* considers that the scale, complexity, technical aspects or potential effects of the proposal are significant, *Council* may require professional reporting and certification at the applicant's cost, generally in accordance with all or some of the requirements of 12.4.1.

12.3.6 Development Code

12.3.6.1 Explanatory Note

The former *Council* 'Code of Practice for Subdivision and Development' has been replaced by a new standards document entitled 'Development Code'. The Development Code document is in two parts:

a. Development Code – Design.

b. Development Code – Construction.

Where applicable, reference is made throughout this District Plan to the Development Code.

12.3.6.2 Development Code Status

The Development Code is a means of compliance with the activity performance standards set out hereunder. In the event of any conflict between the District Plan and the Development Code, the District Plan shall prevail.

12.3.6.3 Alternative Design

Any proposal involving an alternative means of compliance will require specific *Council* approval. Any such approval (if granted) will be limited to the particular *development* proposal in question. Procedures to be followed in respect of *Council* consideration of alternative means of compliance are set out in the Development Code.

12.3.7 Information Requirements – Subdivision Plan

In conjunction with an application for subdivision consent, six A2 or A3 size prints and one reduced A4 print of the plan of the proposed subdivision shall be submitted. Note that size A2 or A3 are preferred provided the layout can be clearly seen to a reasonable scale. An overall subdivision plan on one drawing shall be supplied and if necessary, larger scale layouts can be shown comprising portions of the overall scheme plan. A1 size is acceptable if necessary for an overall view or for extremely large *developments*/areas. Each subdivision plan is to comply with the following:

a. Legal description(s), scale (accurate to the supplied plan sizes), title references and surveyor's name shall all be shown.

b. Each proposed *lot* boundary shall be clearly delineated, have a number, area, boundary dimensions, and in the case of a rear *lot* the net land area excluding access, as well as the total area.

c. Where existing boundaries are to become redundant as a result of the proposal, they shall be shown on the plan as a faded, dotted or otherwise delineated but recognisable line.

d. The whole of the property subject of the subdivision along with the immediate neighbouring titles shall be shown on the plan. Where the residue is too large to be shown, it shall be depicted on a scaled diagram.

e. Each proposed *lot* shall show a marked buildable area of not less than 300m² – as either a square, a rectangle with the shortest side being 10m or a 20m diameter circle that is free of encumbrances. The whole of this area shall be certified in accordance with Rule 12.4.1. Additionally the route of a practicable accessway from the complying vehicle entrance to the certified building platform shall also be shown.

Except that, within the Ōmokoroa and Te Puke Medium Density Residential Zones:

- For subdivision for the purpose of the *construction* and use of *residential units*, as provided for in Rules 14A.3.2 (a) - (b), each proposed *lot* shall show one or more marked buildable areas that are free of encumbrances and of sufficient size to contain the *residential units* associated with the subdivision. The whole of each of these marked buildable areas shall be certified in accordance with Rule 12.4.1. Additionally the route of a practicable accessway from the complying vehicle entrance to the certified building platform shall also be shown.

- For all other subdivision, each proposed *lot* shall show a marked buildable area that is free of encumbrances and of sufficient size to contain the required "shape factor" in Rules 14A.4.3 (b) - (c). The whole of each of these marked buildable areas shall be certified in accordance with Rule 12.4.1. Additionally the route of a practicable accessway from the complying vehicle entrance to the certified building platform shall also be shown.

f. Any plan of subdivision of land on which *buildings/structures* exist shall be so arranged that the *buildings/structures* will conform with the provisions of this District Plan after subdivision provided that *Council* may grant consent to a subdivision subject to a condition that *buildings/structures* which will not conform be removed or modified so as to comply.

g. Existing *buildings/structures* shall be shown in the correct position with their use and construction materials indicated. Trees, *hedges*, fences and power lines and distances from existing *buildings/structures* to all new boundaries shall be shown.

h. *Privateways* to be created shall be marked on the plan "*Privateway*" with the proposed widths shown. Conditional *privateways* shall be set out in a schedule or memorandum of easements on the face of the plan. Any existing *privateways* affecting the land being subdivided shall also be shown in a similar manner.

i. Marked location of all existing and proposed vehicle entrance formations serving the land being subdivided.

j. A complying vehicle entrance point for each proposed *lot* shall be identified on the plan of subdivision including highlighting those that are 'fixed' in accordance with Rule 4B.4.3. Any existing non-complying entrance located in a Rural, Lifestyle or Future Urban Zone shall be subject to the provisions of Rule 4B.6.2

k. Proposed roads shall be shown including dimensioned road widths and longitudinal gradients. Three suggested names for each proposed new road must be submitted by the subdivider.

l. Approval for the road names is required prior to *RMA* Section 224 approval.

Explanatory Note:
Proposed road names should be applied for as early as possible prior to a Section 224 application otherwise issue of the Section 224 certificate may be delayed.

m. The topography of the land shall be adequately shown including:

i. Contours;

ii. Existing watercourses, creeks and streams;

iii. *Wetlands* and swampy areas;

iv. Existing culverts or bridges (where proposed *privateways* or roads pass over).

n. The location and site reference number of any registered archaeological site existing on the land shall be shown.

o. Proposed esplanade reserves or strips and proposed access strips shall be shown.

p. The location of any *Identified Significant Features* referred to in the District Plan shall be shown.

q. The location of any areas within the subject site in respect of which subdivision is not a permitted activity under the National Environmental Standard (NES) for Assessing and Managing Contaminants in Soil to Protect Human Health.

12.3.8 Information Requirements – Application Report

In addition to the requirements of Section 88 and Section 219 of the RMA, the following matters shall be included or addressed in the report accompanying an application for subdivision consent by a suitably qualified and experienced representative:

a. Description of any natural hazards or other physical constraints affecting the land to be subdivided and how these constraints are to be addressed.

b. Description of any ecological or other features of value to the community (including registered archaeological sites and *Identified Significant Features*) on the land proposed to be subdivided.

Explanatory Note:
The specific location and area of ecological or other *Identified Significant Features* may vary from the more general location identified in the District Plan.

The description provided in the report shall accurately reflect what exists on the site before any clearing or *earthworks* are undertaken.

c. Description of all existing and proposed vehicle entrance formations serving the land being subdivided including:

i. Standard of formation and ability to meet compliance;

ii. Available sight distances and ability to meet compliance.

d. Identification of any *lot* for which there is only one location where a complying standard entrance could be constructed.

e. Description of whether *privateways* can be formed to the *Council's* standard without encroaching on land outside the *privateway* easement boundaries.

f. Description of the current standard of formation of any existing or proposed *privateways* serving the land being subdivided.

g. Description of *development* works proposed to be carried out by the applicant to satisfy *Council's* standard requirements.

h. A concept stage safety audit in accordance with the Transfund manual is required

for any proposed roads that intersect with an existing legal road maintained by *Council*.

i. A preliminary design that gives regard to the concept stage safety audit and that proves compliance for any proposed roads that intersect with an existing legal road maintained by *Council* is required.

j. The subjects of access, roading, water supply, wastewater and stormwater reticulation, treatment and disposal are to be addressed in accordance with Section 12.4 and *Council's* Development Code. A detailed description shall be given of how these are to be provided for as appropriate.

k. Aspects such as source of supply, discharge points, quantities likely, consents required and the location of any waterways, *wetlands* and ponding areas shall be addressed in the report.

l. Where on-site effluent treatment and disposal is involved the following additional matters shall also be addressed:

  i. Ground water level;

  ii. Soil permeability;

  iii. Ground slope;

  iv. Soil stability;

  v. Proximity to waterways and potable water supply wells.

m. Description of the extent to which the servicing (including roading) of subdividable land in the vicinity of the property subject of the subdivision has been taken into account.

n. Services to be supplied by other network utility operators and how these are to be provided for in accordance with the operator's respective requirements.

o. Matters to which the National Environmental Standard (NES) for Assessing and Managing Contaminants in Soil to Protect Human Health applies.

p. The identification of the location of any electricity transmission, sub-transmission and distribution feeder lines on a scheme plan is required. An assessment of the potential effects of the *development* on those lines must be included in the Assessment of Environmental Effects. This section of the report shall be undertaken by a suitably qualified person.

q. For subdivisions using Transferable Subdivision Entitlements

  For all:

  - A copy of the sale and purchase agreement for the Transferable Subdivision Entitlement(s), dated and signed by all parties; or
  - Confirmation from a lawyer of the purchase of the Transferable Subdivision Entitlement(s), details of dates of purchase, and full legal description (and physical address) of donor and recipient properties.

Specifically:

- Protection Lots: The ecological report detailing the feature to be protected, confirmation of the area by a surveyor, and a summary of the *lots* generated from the area protected.
- Rural Lot Entitlements: Evidence that the donor property qualifies to obtain the Rural Lot Entitlement(s); this should include details of the title and past *development* showing a clear right to the entitlement.
- Amalgamation Lots: Details of the subdivision under which the *lot* was approved, and a written statement from the surveyor or agent that the title will be removed from the site, either by boundary adjustment or by variation to a subdivision consent that is live.

12.3.9 Certification of Compliance

Where compliance with District Plan subdivision rules is required to be certified, such certification shall be from an appropriately qualified and experienced professional person. Certification is explicit confirmation from the professional concerned that compliance with the District Plan is or can be achieved. However, *Council* reserves the right to reject any certification considered to have been incorrectly given. Where certification is required it shall be in accordance with the following:

a. The certifier shall be a registered land surveyor, a chartered professional engineer or any other appropriately qualified person experienced in subdivision design and engineering and who is specifically approved by *Council*.

b. The information contained within the report on the subdivision application shall, in relation to the rule with which compliance is required to be certified as a minimum, include:

i. A clear and detailed (as appropriate) description of those onsite matters of relevance to the particular certification;

ii. Specific reference to the relevant District Plan rule and any associated diagram, drawing or other approved specification;

iii. Detail of any works required to achieve compliance;

iv. An explicit statement that (subject to any necessary works being carried out) the relevant rule is or can be complied with;

v. Confirmation of the need to obtain the consent of *Council* or other parties to carry out works on or affecting public or other private land.

c. The certification itself shall explicitly include the words "I certify" and shall specify any works necessary to achieve compliance with the relevant District Plan rule.

12.3.10 Engineering Design, Physical Works and Supervision

12.3.10.1 Information Requirements

a. Where applicable, consent conditions may require the submission of complete construction drawings, specifications, calculations, project cost estimate schedules and quality assurance plans covering all sections of work to be either

vested or otherwise carried out. The engineering documents shall be provided in accordance with the requirements of *Council's* Development Code.

b. Engineering documents are to include:

i. Proposed *earthworks* designs;

_ For the Ōmokoroa and Te Puke Medium Density Residential Zones, the proposal must include a detailed contour plan. This must show the existing *ground level* and proposed new contours to demonstrate compliance with the *earthworks* performance standards in Section 14A. _

ii. Programme of works.

c. Fees, in accordance with *Council's* fees and charges, will be payable by the applicant prior to *Council* officers undertaking any reviews of the engineering design.

d. Peer reviews of the designs may be requested by *Council* officers. These will be undertaken at the expense of the applicant.

e. Works shall not be undertaken without:

i. *Council's* prior approval of the engineering design;

ii. Proof that any necessary consents from other agencies have been obtained;

iii. Proof that all necessary/required insurances are in place.

f. Supervision, monitoring and certification of the works subject to approved designs or as otherwise required by the consent conditions is to be undertaken by the applicant's representatives and shall be at the levels as required by *Council's* Development Code (including for *Council* inspections) and/or specifically by the engineering approval.

12.3.10.2 Insurance

a. In conjunction with an application for engineering document approval to construct vested assets, the applicant shall take out public liability insurance to a minimum limit of indemnity of $2,000,000 (two million dollars) and supply with the application:

i. A Certificate of Currency (signed by the insurance company not a broker).

ii. Proof that the premiums have been paid up to date.

iii. Proof that the professional representatives undertaking the design work have in place professional indemnity insurance.

iv. The insurance cover is to extend from the issue of *Council's* engineering document approval (at which time works can proceed), until the end of *Council* sign off for the maintenance period.

12.4 Activity Performance Standards

12.4.1 Site Suitability

Explanatory Note:
For the purpose of these rules 'conventional residential development' shall mean compliance with NZS 3604:1999. Any non-compliance with this standard shall be clearly stated and will be used to determine if the provisions of 12.4.1.h. and 12.4.1.k. as detailed below are to be applied.

a. Every existing or proposed site within the *development* shall have a building site suitable for any approved activity free from inundation, erosion, subsidence and slippage.

b. Every existing or proposed site intended for independent residential use shall accommodate a building site suitable for conventional residential development, and taking into account the *yard* requirements for the zone, such a site is to be identified on the plan of subdivision and its suitability certified in accordance with Rule 12.3.9.

c. The certification shall detail the level of consideration and investigation and to the extent appropriate shall include appropriate recommendations addressing constraints on *development* that do not involve specific foundation design or other issues (e.g. stormwater runoff) that may effect land stability.

d. Supporting geotechnical reports will be required where specific foundation design may be required or other issues affecting land stability, including for neighbouring properties, have been considered and assessed as requiring geotechnical investigation.

e. Any underground system for stormwater/wastewater disposal or treatment associated with a conventional residential *dwelling* may be located within *yards* subject to certification from a registered surveyor or geotechnical engineer that such is suitable and achieves compliance with the Building Code.

Any appropriate separation distances and measures to avoid effects on neighbouring properties shall be considered.

f. Requests for consent notices requiring geotechnical reports subsequent to Section 224 issue will not be permitted.

g. Each *lot* in a Residential, Medium Density Residential, Commercial or Industrial Zone shall be capable of being connected to reticulated water supply, wastewater management and stormwater management *infrastructure* of adequate capacity, and formed and sealed roading in accordance with *Council's* Development Code.

h. *Council* may require either prior to granting subdivision consent or as a condition of any consent granted that a *soils engineer* submit a report and certify the suitability of a new *lot* for building on (including any restrictions on *development*).
Except that:
For the Ōmokoroa Stage 2 and Stage 3 *Structure Plan* areas a soils suitability report shall be mandatory.
Explanatory Note:
Certification of compliance with this rule shall be included in the information submitted with the application for resource consent.

i. For *earthworks* associated with the *development*, *Council* requires:

i. Engineering designs of the *earthworks* in accordance with *Council's* Development Code;

ii. Identification of existing significant features (e.g. archaeological sites);

iii. Supervision, testing and certification in accordance with *Council's* Development Code;

iv. Any necessary consents from other resource management agencies.

j. Controlled *Earthworks* Ōmokoroa Stage 2 and Stage 3 *Structure Plan* Areas (except as provided for in Section 14A (Ōmokoroa and Te Puke Medium Density Residential).
Earthworks within the Stage 2 and Stage 3 *Structure Plan* ~~area~~areas that exceed the following standard shall be Controlled Activities:

- Maximum area of earth disturbed in any six monthly period - 300m^2.

Council shall exercise its control over the extent to which conditions ensure:

i. Adequate prior notice is given to hapū prior to excavation commencement; and

ii. The monitoring of *earthworks* and land disturbance by hapū is provided for. See Appendix 7 4.9.

Explanatory Note:
This rule shall not apply to land for which prior subdivisional or resource consent has been issued by *Council* where that consent provided for the matters in i. and ii. above.

k. *Council* may use the consent notice provisions of the *RMA* to specify the manner in which any particular *lot* may be developed.

12.4.2 Contaminants in Soil

Matters relating to contaminants in soil are the subject of the "National Environmental Standard (NES) for Assessing and Managing Contaminants in Soil to Protect Human Health." Any resource consent application for land subdivision or *development* shall demonstrate compliance with the applicable provisions of the NES.

12.4.3 Extension of Services

12.4.3.1 Future Servicing

Council will exercise control over the function and design of new services in relation to the needs of the subdivision, the existing levels of service and the likely future servicing needs of other potentially subdividable land in the vicinity.

12.4.3.2 Residential, Medium Density Residential, Commercial and Industrial Zones

All existing utility services available shall be extended into all *developments* in accordance with

all other relevant parts of this District Plan and the Development Code, allowing for the connection of each new site within the *development*, capacity for future land use in the catchment being serviced, and assessing the adequacy of the existing utility services available, including upgrading such services where inadequacy exists.

12.4.3.3 Rural, Lifestyle ~~and,~~ Rural-Residential and Natural Open Space Zones

a. Where one or more of the utility services are within 100m of an existing *Council* service then the service shall be extended, otherwise the *development* shall be able to sustain the lack of the particular service in its own right.

b. Water supply is subject to other criteria. Refer to *Council's* Development Code.

c. For the purpose of interpretation the 100m proximity is to be measured from the nearest boundary point of the land or titles being subdivided.

d. At the discretion of *Council, developments* further than 100m from services may be provided on a cost sharing basis.

e. Any services through a railway designation or corridor must obtain formal consent from the Railways Owner or Operator. The above written consent must be provided to *Council* as part of any relevant resource consent application at the time of lodgement.

12.4.3.4 Easements

Where existing or proposed public services cross private property, the owner shall grant easements in favour of *Council*.

12.4.4 Transportation and Property Access

12.4.4.1 General

a. *Council* will exercise control over:

i. The function and design of new roading in relation to the needs of the subdivision, the existing roading pattern and the likely future roading needs of other potentially subdividable land in the vicinity;

ii. The upgrading of any existing roading necessary to serve the subdivision;

iii. The potential impact of the subdivision on the function of strategic roads as identified within the *roading hierarchy* and proposed mitigation measures.

b. Where a subdivision or *development* includes the vesting of a new road or has access to a *Council* road or State Highway it shall be designed to ensure safe and efficient movement of traffic (including heavy vehicles), while providing for pedestrian and cycleways, public transport, landscaping and tree planting.

12.4.4.2 Proposed Roads

Road reserve and pavement widths shall be as set out below. The measurements are minimums and may need to be widened to accommodate matters such as cycleways and geometry.

Table 1: Urban Roads (Residential, Medium Density Residential, Rural-Residential, Commercial and Industrial Zones)

Classification	Minimum width – m		Max grade - %	Road function
	Road Reserve	Carriageway (includes parking bays)		
Privateway serving up to 2 units	2.7	2.5	20	Private access: max length 35m
Privateway serving 3-6 units	5.0	3.5	12.5	Private access: max length 100m with provision for mid point passing if greater than 70m
Roads serving up to 30 household units (with dispensation) *	12.0	6.0	12.5	Local access, connects with local roads
Roads serving up to 30 household units	15.0	6.0	12.5	Local access, connects with local roads
Roads serving 30 – 100 household units (with dispensation) *	15.0	8.0	12.5	Local access, connects with local roads
Roads serving 30 – 100 household units	17.0	8.0	12.5	Local access, connects with local roads
Roads serving 101 - 200 Household Units (with dispensation) *	17.0	8.0	10	Local access, connects with Through Road
Roads serving 101 - 200 Household Units	20.0	8.0	10	Local access, connects with Through Road
Road serving 201 – 300 Household units	20.0	11.0	8	Local Access. Some Through function.
Roads serving > 300 Household units	Specific	Specific	specific	Local Access to & Through function.
Local road in Industrial or Commercial Zone <1000 pce **	20	11	5	Local and cul-de-sac
Industrial and commercial roads or >1000 pce **	26.0	13.0	5	Access through industrial and commercial areas
Service lane	7.0	6.0	5	Loading of goods – no frontage

Table 2: Rural Roads (Rural and Lifestyle Zones)

Maintenance Group Category	Traffic Volume (PCE) *	Road Reserve (m)	Carriageway width (m) Excl kerb and channel	Maximum Length	Maximum Gradient - %
7, 6	< 100	20	5	< 2km	12.5
7, 6	< 100	20	5.5	> 2km	12.5
5	100 - 200	20	5.5		12.5

4	201 - 500	20	6.5		12.5
3	501 - 1000	20	7.5		12.5
3	1001 - 2500	20	8.5		12.5
3	> 2500	20	Specific Design		
Cycle Lane within carriageway	Additional carriageway width as shown in Clause 4.2.3 of Section DS4 of the Development Code				
Reduced Public Road Reserve width, sealed with kerb and channel	4-10 lots	10	5.5	500m	20
Privateway, sealed or unsealed, without kerb and channel	1-3 lots	6.0	3.0	Lots up to 1ha – 250m; greater than 1ha – 500m	Permanent hard sealed surface – 20% Any other unsealed surface – 16.7%
Privateway, sealed or unsealed, without kerb and channel ***	4-6 lots	12	5.0		
Privateway, sealed, with kerb and channel ***	4-6 lots	8.0	5.0		

* *With dispensation*. Use of widths identified “With Dispensation” in Table 1 shall only be used in Greenfield development, and shall be subject to the demonstration by the Developer of an integrated and comprehensive plan for the *development*. The plan shall show how the *development* fits with quality urban design, as set out in Section 1 of the Development Code.
***PCE = passenger car equivalents*. The multiplying factors and additional guidance are found in section DS4 Transportation of the Development Code.
*** For the Minden Lifestyle Zone, see Table 3 under Rule 12.4.4.4.f.ix.

12.4.4.3 Streetscape Landscaping

Where a subdivision proposes to include a road to be vested in *Council*, any streetscape landscaping to be provided to enhance the amenity of the area shall be designed to ensure continued traffic and pedestrian safety.

12.4.4.4 Property Access

a. Lots to be served by formed legal roads

Land comprising each proposed *lot* shall be served by a new road constructed by the subdivider in accordance with the foregoing Rules 12.4.4.1.a. and b. and 12.4.4.2 or shall at the time subdivision consent is applied for, be served by a roading network comprising legal public roads each of which are formed, metalled or sealed, and currently maintained by *Council*.

Provided that:

i. This rule shall not apply in the case of boundary adjustments pursuant to 12.3.3 or subdivisions not creating additional *lots* to be served by a roading network which fails to meet the foregoing criteria.

ii. Notwithstanding anything to the contrary in this District Plan, where any land being subdivided abuts a section of road which fails to meet the standard set out in clause a. above subdivision of that land shall be a Discretionary Activity in respect of access.

In addition to the objectives and policies of the District Plan and other matters to be considered pursuant to Section 104 of the *RMA*, an application shall be assessed in terms of the extent to which provision for access to any proposed *lot* is considered to have been designed so as to negate the need to upgrade a section of substandard road.

In any such case *Council* may decline consent to the subdivision or may impose consent conditions to avoid the potential for de facto access to any *lot* being from the section of substandard road concerned.

b. Access to Strategic Roads

Refer to 4B.4.2.

c. Access on to Ōmokoroa Road ~~(Future Urban, Industrial and Residential Zones)~~Prole Road, Athenree Road (between State Highway 2 and Koutunui Road), Steele Road, Emerton Road (excluding the first 500m from Seaforth Road) and Waihi Beach Road (between Wilson Road and Fergus Road).

i. The number or potential number of *dwellings* or other activities gaining direct access to these roads shall not be increased. On subdivision or *development, Council* may apply a segregation strip to the certificate of title to ensure that access is gained from elsewhere in the Zone~~,~~. For Prole Road any existing accesses shall be closed and relocated.

ii. The number of new roads intersecting with these roads shall be minimised and the minimum separation distances from other intersections shall be 150m for both same side and alternative side spacing.

iii. Access to/from Lot 2 DP483735 (and all future *lots* derived from this parent title) shall only be via the proposed spine road off Ōmokoroa Road as shown on the *Structure Plan*.

Provided that:
For Ōmokoroa *Structure Plan* Areas ~~Stages 1 and 2,~~ the number and location of new street intersections are shown on the *Structure Plans*.

d. Access to District roads other than b. and c. above

Refer to 4B.4.3 and 4B.4.4.

e. *Privateways*

i. Maximum number of *lots* served - no more than six *lots* shall be dependant on a *privateway* for legal vehicle access, provided that *Council* may allow other *lots*, up to a maximum of two, with alternative legal vehicle access to a public road but where that access is unable to comply with *Council's* minimum standards, to also have rights over a *privateway* subject to the following:

a. Alternative legal vehicle access must be proved to be either (a) non-complying or (b) impractical to construct due to topography or other constraints or (c) would be within 30m of the *privateway* entrance boundaries using *Council's* Development Code standard drawings as a guide.

b. Any such latter *lots* shall be excluded from the calculation of maximum number of *lots* served.

ii. *Privateways* of convenience - convenience rights over an existing or proposed *privateway*, whether those rights increase the number of users above any threshold as in the rules above or not, will only be considered subject to the following:

a. It must be demonstrated that the proposed right is for occasional access only;

b. If the area of land being accessed contains a *dwelling* or a *structure* supporting a commercial enterprise, then that *dwelling* or *structure* must have a separate principal, formed, complying and legal access to a public road.

Explanatory Note:
In this instance 'principal' means that this access is the main access used most of the time.

- The occasional access right must be reflected in the wording of the easement document.

- The wording of the easement document is to be agreed by *Council*.

iii. Public access over *privateways*

a. Where proposed *privateways* will enable direct access to a public reserve, waterway, esplanade or other feature of significance and that access is not practical to construct elsewhere due to topography or other constraints, then *Council* may require public or *Council* access rights over all or part of the *privateway*. Access shall be for pedestrians only.

b. This rule does not apply to existing *privateways*.

c. Compensation shall be payable.

iv. Construction

a. Any existing or proposed *privateway* serving or over the land being subdivided shall be formed, metalled and sealed in accordance with the standards specified in *Council's* Development Code subject to the following exceptions applying in the Rural and Lifestyle Zones.

b. Where written statements are received from all landowners adjoining a *privateway* and all those parties having an interest in the *privateway* confirm that they do not require the *privateway* to be constructed with a sealed surface in which case a standard metalled surface will be acceptable;

or

c. Where written statements are received as described above from adjacent/affected landowners and the *privateway* will serve only one *lot*, or if written statements are received as described above and it is a *privateway* for convenience only, then no *construction* or upgrading will be required;

or

d. Where the subdivision or *development* will not lead to increased usage of the *privateway* in which case no upgrading will be required.

v. In the Rural, Lifestyle, Rural-Residential, Commercial, Industrial, Residential, Medium Density Residential and Future Urban Zones the following width exceptions apply:

a. The reserve and pavement widths required in the Development Code tables can be reduced at the point where the number of *lots* dependant on access defaults to the next (lower) standard in the tables.

b. In the case of this occurring, the easements must be set up in such a way that the *lot dependency is in accordance with the above.*

vi. In the Rural and Lifestyle Zones where land being subdivided fails to meet the *privateway* standards in *Council's* Development Code recognition may be given to the ability of existing *privateways* and accessways to extend their use to a maximum of six *lots* with a minimum 6m *privateway* reserve width subject to an application for a Discretionary Activity which addresses the following criteria:

a. Proof that the *privateway* or accessway existed as at 15 June 2007;

b. Provision of written approvals from affected parties; and

c. A description of the topography of the site and how this affects compliance with 12.4.4.2.

d. The additional two lot allowance as in Rule 12.4.4.4.e.i. above shall not apply.

vii. No *privateway* shall be created where any proposed *lots* bound an unformed road such that it negates the need to construct the

unformed road to provide access to land beyond the boundaries of an existing road formed and maintained by *Council*.

viii. Where the subdivision of an existing *lot* served by an existing *privateway* will negate or reduce the subdivision potential of any other existing *lot* served by the same *privateway* because of the resultant increase in the number of *lots* that will be dependent on the *privateway* for access, then the written approvals of the owners of any such other existing *lots* to the subdivision applied for shall be submitted with the application to *Council*. Where the foregoing circumstances apply and any necessary written approvals are not submitted, the application shall undergo limited notification.

ix. In the Rural and Lifestyle Zones any subdivision or *development* shall have no more than one *privateway*/road as access to the subdivision/site.

Access points should be combined into one larger standard road/*privateway* to reduce multiple conflict points and increase road safety.

This includes proposed *lots* that would otherwise have access to a legal formed *Council* road from an existing or proposed *privateway*, unless it can be proved that it would be physically impractical to provide access to these properties from the proposed road/*privateway*.

x. In the Rural and Lifestyle Zones for any staged *development* the access shall be formed, in accordance with Table 2, to service the final total number of proposed *lots* of all stages.

xi. In the Rural and Lifestyle Zones where an unsealed *privateway* joins any sealed public road, or any unsealed road programmed for sealing within 10 years, the entranceway shall be formed and sealed to a point a minimum of 10m back from the edge of the road carriageway.

f. Minden Lifestyle Zone – Privateways

i. Maximum number of *lots* served - no more than 12 *lots* shall be dependant on a *privateway* for legal vehicle access, provided that *Council* may allow other *lots*, up to a maximum of two, with alternative legal vehicle access to a public road but where that access is unable to comply with *Council's* minimum standards, to also have rights over a *privateway* subject to the following:

a. Alternative legal vehicle access must be proved to be either:

i. non-complying;

ii. impractical to construct due to topography or other constraints; or

iii. would be within 30m of the *privateway* entrance boundaries using *Council's* Development Code standard drawings as a guide. Any such latter *lots* shall be excluded from the calculation of maximum number of *lots* served.

b. Any such latter *lots* shall be excluded from the calculation of maximum number of *lots* served.

ii. Where the *privateway* will only serve a maximum of three *lots* then Rule 12.4.4.4.e.iv. will apply.

iii. *Privateways* of convenience - convenience rights over an existing or proposed *privateway*, whether those rights increase the number of users above any threshold as in the rules above or not, will only be considered subject to the following:

a. It must be demonstrated that the proposed right is for occasional access only;

b. If the area of land being accessed contains a *dwelling* or a *structure* supporting a commercial enterprise, then that *dwelling* or *structure* must have a separate principal, formed, complying and legal access to a public road.

Explanatory Note:
In this instance “principal” means that this access is the main access used most of the time.

- The occasional access right must be reflected in the wording of the easement document.

iv. Public Access:

a. Where proposed *privateways* will enable direct access to a *public reserve*, waterway, esplanade or other feature of significance and that access is not practical to construct elsewhere due to topography or other constraints, then *Council* may require public or *Council* access rights over all or part of the *privateway*. Access shall be for pedestrians only.

b. This rule does not apply to existing *privateways*.

c. Compensation shall be payable.

v. No *privateway* shall be created where any proposed *lots* bound an unformed road such that it negates the need to construct the unformed road to provide access to land beyond the boundaries of an existing road formed and maintained by *Council* unless it can be proved to *Council’s* satisfaction that the formation of the unformed road would be untenable, uneconomic or of little benefit due to topography or other severe constraints. In such cases reporting would need to include any negative effects of other subdividable land in the vicinity that would otherwise gain access from the formed public road. Consideration shall be given for alternative public access to esplanade or other reserves. *Council* would also need to consider alternatives such as relocation of the public *road reserve* to more viable alignments. In the case of unformed road closures, compensation may be payable to *Council*.

vi. Where the subdivision of an existing *lot* served by an existing *privateway* will negate or reduce the subdivision potential of any other existing *lot* served by the same *privateway* because of the resultant increase in the number of *lots* that will be dependent on the

privateway for access, then the written approvals of the owners of any such other existing *lots* to the subdivision applied for shall be submitted with the application to *Council*. Where the foregoing circumstances apply and any necessary written approvals are not submitted, the application shall undergo limited notification.

vii. Any subdivision or *development* shall have no more than one *privateway*/road as access to the subdivision/site. Access points should be combined into one larger standard road/*privateway* to reduce multiple conflict points and increase road safety.

This includes proposed *lots* that would otherwise have access to a legal formed *Council* road from an existing or proposed *privateway*, unless it can be proved that it would be physically impractical to provide access to these properties from the proposed road/*privateway*.

viii. For any staged *development* the access shall be formed, in accordance with section 4.7.3 of *Council's* Development Code, to service the final total number of proposed *lots* of all stages.

ix. Construction & Design

a. Any existing or proposed *privateway* serving or over the land being subdivided shall be formed, metalled and sealed in accordance with the standards specified in section 4.7.3 of *Council's* Development Code and other sections of *Council's* Development Code as referred to and to the widths and gradients as specified in table 3 below:

Table 3

Category	No. of *lots* served	Minimum privateway reserve widths (m)	Carriageway width (excl kerb and channel and passing bays)	Maximum length (including combinations of intersecting privateways)	Maximum gradient (sealed)
Sealed without Kerb & channel	4 - 14	8	3.5m	1200m	20%
Sealed with Kerb & channel	4 - 14	6	3.5m	1200m	20%

Note:
The minimum *privateway* reserve widths in the above table are to be increased as may be necessary to accommodate passing bays, cut/fill batters, curves and other important features.

b. Where existing or proposed *privateways* are to serve 4 or more *lots*, a certified professional (or geotechnical) engineer's report will be required detailing testing and investigation, the standard

of construction of any existing formation or proposed alignment, it's suitability to accommodate new *construction* or upgrading and recommendations for enabling or upgrading works in terms of alignment, passing, foundation strengths, slope stability, hazards, stormwater control/runoff and the meeting of *Council's* minimum Development Code requirements.

c. The *privateway* shall be upgraded in accordance with the engineer's report recommendations (subject to *Council* approval), *Council's* Development Code and any other specific *Council* requirements.

d. Where along the *privateway* alignment, proposed *lot* building platform locations are 'confined' and/or likely access points are known or sight-distances are limited to ≤ 30m, sealed entrances shall be provided to these *lots* at the time of subdivision (to minimise the impacts of later poor *construction* that may affect the longevity and overall safety of that section of *privateway*). The entrances shall as a minimum be constructed in accordance with *Council's* Development Code.

e. In some cases *Council* may require specific design for all or parts of the *privateway*.

f. Where culverts discharge onto private property not subject to the consent application, stormwater discharge consents and/or easements shall be obtained from the affected landowners.

x. Rural Numbering:

a. Prior to Section 224 approval, an accurate *Council* issued RAPID (Rural Address Property Identification) plate must be displayed at the start of the *privateway*. There shall be sufficient pavement area in the vicinity for grouped letterboxes to be installed and for a 90th percentile vehicle to deliver mail and then execute a maximum of a 3 point turn to exit the *privateway*.

xi. Maintenance responsibility – Consent notices:

a. Consent notices shall be registered on all *lots* having an interest in the *privateway* stating that in accordance with the easement arrangements, the property owners maintenance obligation extends to the entire formation of the portion of *privateway* they have an interest in including: original ground built upon, *earthworks*, cuts and fills, pavement, sealed surface, culverts, drainage *structures*, plantings and any other *structures* or features serving the *privateway*.

The costs shall be shared evenly with any other property owners having an interest in that portion of the *privateway*. Under no circumstances shall *Council* take any responsibility for the maintenance and upkeep of the *privateway* formation.

12.4.4.5 Streetlighting

a. Where required, streetlighting shall be provided in a manner to ensure safety of vehicles, cyclists and pedestrians using the roading network and to the appropriate New Zealand standards except in Rural and Lifestyle Zones where streetlighting is

only required at or opposite intersections.

b. The requirements for the provision of streetlighting shall meet with the approval of the relevant network utility operator.

c. Streetlighting is to be designed, approved and installed according to the requirements of *Council's* Development Code.

d. Streetlights are limited to those specified in *Council's* Development Code.

e. Proposed streetlighting that is not in the Development Code schedule or is subject to specific approval may:

- Attract a levy payable by the applicant to *Council* prior to issue of a Section 224 certificate.

f. The streetlight levy will be made up of:

- the full replacement cost of one in every eight streetlights required, and
- the difference in maintenance and operating costs over the lifetime of the streetlights for every streetlight proposed or required.

g. The streetlight levy will be calculated from:

- the replacement cost as advised by the applicant and agreed by *Council;* and
- the review of the proposal in terms of increased (or otherwise) maintenance and operating costs by *Council's* officers and service providers.

12.4.5 Stormwater

12.4.5.1 Stormwater systems shall be provided or extended in accordance with Rule 12.4.3 and reticulation shall be provided for the subdivision in such a manner as to enable each *lot* to be connected to the *Council* system except in Ōmokoroa and Te Puke in the Medium Density Residential, Commercial and Industrial Zones, in which case alternatives may be authorised.

12.4.5.2 The *Regional Council* discharge consents shall be provided as applicable.

12.4.5.3 Each new or existing site shall be individually connected to the reticulated stormwater system in accordance with *Council's* Development Code except in Ōmokoroa and Te Puke in the Medium Density Residential, Commercial and Industrial Zones, in which case alternatives may be authorised.

12.4.5.4 In Rural, Lifestyle and ~~Lifestyle~~Natural Open Space Zones, developers are required to assess the potential downstream effects on neighbouring properties of the future residential *development*, *dwelling*, driveway, *privateway*, hard stand area and re-contouring in terms of existing flowpaths, stormwater collection and discharge. In these zones, where effects are considered more than minor, *Council* may require some level of mitigation including reticulation (private or public), outfall controls, easements, discharge consents and notices restricting *development*.

12.4.5.5 A stormwater reticulation and disposal system shall be provided that is adequate to safeguard people from injury or illness and to protect property from damage caused by surface water.

12.4.5.6 A primary flow path for flood waters shall be provided as a system of stormwater pipes (or other

alternative proven designs, including swales and wetlands, giving regard to operation and *maintenance* approved by *Council*) designed to cope with the runoff from the design flood.

12.4.5.7 A secondary flow path shall be provided as the overland route taken by floodwaters when the primary path is unable to cope either because of blockages or because the hydraulic capacity of the primary path is exceeded by a larger than design flood.

12.4.5.8 The secondary flowpaths shall be designed and sized assuming full blockage of the upstream reticulation system.

12.4.5.9 Where practical, overland stormwater flowpaths shall be combined with pedestrian or cycle access if these are required.

12.4.5.10 Secondary flowpaths that either:

a. Provide connection between two existing or proposed public roads (or combination of the two); or

b. Provide connection between an existing or proposed public road and an existing or proposed esplanade reserve and provide a tangible benefit in terms of pedestrian access shall be vested in *Council* as local purpose reserve (access) with provision made for the flowpath. Where there is no tangible benefit they shall be vested and developed as local purpose reserve (drainage).

12.4.5.11 In the case of a local purpose reserve, the flowpaths may be required to be hardsurfaced, or otherwise developed in accordance with specific consent conditions and *Council's* Development Code including calculation and design of required capacity.

12.4.5.12 The balance of the local purpose reserve (access) shall otherwise be developed in accordance with specific consent conditions or *Council's* Development Code requirements.

12.4.5.13 Where flowpaths provide connection to only one existing or proposed road or other feature and otherwise run through private property (e.g. *privateway*) the flowpath shall be within a defined channel or swale including calculation and design of capacity. The flowpath shall be protected by an easement in favour of *Council* and a consent notice on the title prohibiting ground re-shaping and the erection of any barriers to the flowpath.

12.4.5.14 Where a *dwelling* is to be built in an area that is not possible to be serviced with a stormwater system, a stormwater disposal system shall be provided exclusive of any identified natural hazard area, that will safeguard people from injury or illness and protect property from damage caused by surface water.

12.4.5.15 Discharge to ground soakage may be allowed subject to the criteria as outlined in *Council's* Development Code.

12.4.5.16 No additional stormwater is to be discharged into the rail corridor or designation without the prior approval from the Railway Owner or Operator.

12.4.5.17 In Ōmokoroa and Te Puke in the Medium Density Residential, Commercial and Industrial Zones, the following requirements shall be met.

a. All new subdivisions shall be designed for attenuation of the 50% AEP and 1% AEP flood events to pre-development levels except where it can be demonstrated that there will be no increased adverse downstream flooding effects on the receiving environment.

b. All works shall be in accordance with the Ōmokoroa Peninsula Stormwater Management Plan and Te Puke Stormwater Management Plan and shall incorporate water sensitive urban design practices (such as swales, *wetlands* and pervious pavement) as far as practicable to maintain and/or enhance pre-development hydrology and quality.

c. Inert exterior building materials only shall be used (e.g., no unpainted zinc or copper products that would result in soluble metals becoming entrained in stormwater) unless additional treatment is provided to ensure no off-site adverse effects.

d. The *construction* plans for any instream works identified in the Ōmokoroa Peninsula Stormwater Management Plan or Te Puke Stormwater Management Plan shall be provided to the *Regional Council* prior to *construction* commencing in order to obtain confirmation that they comply with the provisions of the stormwater discharge consent for Ōmokoroa.

e. An erosion and sedimentation control plan for any instream capital works required by the Ōmokoroa Peninsula Stormwater Management Plan or Te Puke Stormwater Management Plan, and stormwater discharge consent, shall be provided to the *Regional Council* prior to *construction* commencing in order to obtain confirmation that it complies with the provisions of the latest Guidelines for Erosion and Sediment Control for Earthworks.

f. The stormwater reserve areas at Ōmokoroa are shown on the Planning Maps and described in more detail in the Ōmokoroa Peninsula Stormwater Management Plan.

12.4.6 Wastewater Drainage

12.4.6.1 Wastewater systems shall be provided or extended in accordance with Rule 12.4.3 and reticulation shall be provided for the subdivision in such a manner as to enable each *lot* to be connected to the *Council* system.

12.4.6.2 Each new or existing site shall be individually connected to the reticulated wastewater system in accordance with *Council's* Development Code.

12.4.6.3 For all *development* within the Ōmokoroa Stage 3 *Structure Plan* area a completely sealed wastewater system is required which shall be designed and constructed to ensure:

a. Consistency with the *structure plan*;

b. Compatibility with the design and *construction* of the existing wastewater network;

c. The upstream catchment is provided for and the downstream receiving network has the capacity and capability to cater for the design scenario;

d. Utilisation of a network of underground pipes and pump stations as its primary method of conveyance;

e. Ventilation to minimise the accumulation of foul gases;

f. Minimal inflow and infiltration into the network;

g. The best outcome in reducing and managing flows (where it can be shown pressure

schemes will provide the best outcome for reducing and managing flows a pressure scheme should be used);

h. All components of the wastewater management system are pre-approved by *Council* and provide for an asset life that is suitable for its intended purpose;

12.4.6~~.3~~.4 Where an extension to the wastewater reticulation system or the provision of a new system inclusive of a disposal facility is not possible in accordance with *Council's* District Plan or Development Code then the treatment and disposal of effluent is to be contained within the property boundaries, subject to the requirements of the *Regional Council* including obtaining a discharge consent where necessary. Connections to *Council* pressurised systems are discretionary.

12.4.6~~.4~~.5 The foregoing clauses will not be regarded as complied with until all necessary consents from other agencies have been obtained.

12.4.6~~.5~~.6 Where a *dwelling* is to be built in an area that is not possible to be serviced with a wastewater system, an effluent disposal area for disposal of all effluent and foul water shall be provided exclusive of any identified natural hazard area.

12.4.6~~.6~~.7 Effluent disposal by way of soak holes or bores are not permitted.

12.4.7 Water Supply

12.4.7.1 Water Supply Systems shall be:

a. Provided or extended in accordance with Rule 12.4.3 and reticulation provided for the subdivision in such a manner as to enable each *lot* to be connected to the *Council* system.

b. Installed such that each new or existing site is individually connected to the reticulated water supply system in accordance with *Council's* Development Code.

12.4.7.2 Within Residential, Medium Density Residential, Industrial and Commercial Zones

a. A compliant, reliable, safe and efficient supply of potable and wholesome water shall be provided in accordance with *Council's* Development Code and the Public Health Act 1956: Health (Drinking Water) Amendment Act 2007.

b. A reticulation system which is compliant for fire-fighting purposes and for estimated domestic, commercial and industrial consumption shall be provided taking into account the peak demands and the latest version of the New Zealand Fire Service Code of Practice.

c. All *lots* shall be able to be serviced by connections from water mains within the adjacent berm and not by connections crossing road carriageways. Individual *lots* and individual *dwellings* whether joined or separate shall be separately serviced.

12.4.7.3 Within Rural and Lifestyle Zones in those areas where:

a. An existing potable and/or firefighting compliant water supply is available or can be extended, then the appropriate portions of the Residential, Industrial and Commercial Zone rules will apply.

b. An existing potable water supply is available or can be extended but may not be

able to provide sufficient pressures or flows then *development* shall be in accordance with the requirements of *Council's* Development Code Section 4 DS7.2.

12.4.8 Network Utilities – Electricity, Telecommunication, Broadband and Gas

12.4.8.1 The requirements for the provision of electricity, telecommunication, broadband and gas shall meet with the approval of the relevant network utility operator.

12.4.8.2 Adequate provision shall be made for the supply and installation of electricity, telecommunication, broadband and gas services in accordance with *Council's* Development Code.
Except that:
The provision of broadband is not mandatory for subdivisions in the Rural, Rural-Residential, Lifestyle, Natural Open Space, Post Harvest, and All Terrain Park Zones.

12.4.9 Structure Plans – General

12.4.9.1 All subdivision and *development* in the identified *structure plan* areas shown on the Planning Maps shall provide for the following in the general locations shown on the *structure plans*:

a. Stormwater management reserves and access thereto.

b. Roading and road widening including any upgrades needed to connect with the *transport network* (including consultation with *infrastructure* providers).

c. New roads shown on the plans shall be designed and constructed to provide for the future roading access and needs of adjoining undeveloped land.

d. *Public reserves*.

e. Walkways and cycleways, *park and ride facilities*, public transport and green/ecological buffer areas.

f. Ecological areas.

g. Stormwater, water and wastewater mains.

h. Where a proposed access reserve is shown in a *Structure Plan*, the location in the plan is indicative of *Council's* intent and the specific location shall be determined by the Authorising Officer for *Council* following a site evaluation. The provision, formation and fencing of the access-way shall be funded in accordance with the requirements of the relevant *structure plan*.

12.4.9.2 Local purpose reserves shall be vested at the time of subdivision.

12.4.9.3 Some *structure plans* have specific stormwater requirements.

12.4.9.4 Non-compliance with the *structure plans* will require a resource consent approval for a Discretionary Activity.

Explanatory Note:

More detailed and specific investigations, calculations and design will be undertaken during a specific subdivision or land use consent. This may demonstrate that a better outcome can be achieved than what is included in the relevant *structure plan*. As a result, the *infrastructure* included in the *structure plan* will be

updated to reflect the actual *infrastructure* after the issuing of s224 certificate or code of compliance certificate.

12.4.10 Structure Plans – Stormwater General

12.4.10.1 The stormwater disposal systems shall be a combination of reticulated pipework, swales or appropriate open channels in the subdivision areas and open channels within the stormwater management reserves and ecological and stormwater reserves identified on the *structure plan*s and Planning Maps.

Stormwater treatment shall generally be provided within the identified stormwater management reserves.

12.4.10.2 Within the stormwater management reserve, where the open channel is indistinct, pipework may be provided to connect to a defined open channel or stormwater treatment device.

12.4.10.3 Stormwater management reserves are areas identified for the retention of existing swales, gullies, watercourses, trees and vegetation that provide a means of collection, disposal and natural treatment of stormwater. Stormwater management reserves are identified having regard to natural landscape features such as tops of banks.

Ecological and stormwater reserves include land for stormwater management but also include land that has an important ecological function and values.

12.4.10.4 All new subdivisions shall be designed for attenuation of the defined return period storm event (AEP) to pre-development levels. This may be achieved by a combination of subdivision design, land use restrictions, drainage design features (e.g. low impact design) and end of pipe solutions. Pre-development levels are defined as those relating to the natural ground level and stormwater flowpaths situation (as distinct from the existing situation) as assessed by *Council's* Authorised Officer.

12.4.10.5 All new subdivisions are to treat stormwater for removal of sediment to a standard of at least 75% gross removal (according to Auckland Council TP10 methods or equivalent). This may be achieved by a combination of drainage design features (e.g. swales) and end-of-pipe solutions (e.g. ponds).

Where an individual subdivision cannot achieve this, or a combined approach is more effective, a financial contribution shall be levied towards provision of a comprehensive facility by *Council*.

12.4.10.6 All *developments* shall be required to demonstrate how they will address on or adjacent to the site:

a. Passage of surface flows from upstream and from the site itself to avoid risk of erosion.

b. Protection of houses from flooding in the defined storm AEP event.

c. Improvement of stormwater quality.

d. Management of runoff peaks to downstream so they are no greater than prior to *development*, or are fully managed through to the receiving environment (e.g. the Tauranga Harbour).

e. All site *developments* (both subdivision *earthworks* and subsequent building excavations and *earthworks*) shall comply with the provisions of the *Regional Council* publication, "Erosion and Sediment Control Guidelines No 2001/3" and subsequent revisions.

f. Mitigate any detrimental effects of flow concentration at outlets.

12.4.10.7 Access for maintenance purposes shall be provided within the Stormwater management reserve in accordance with *Council's* Development Code.

12.4.10.8 Stormwater management reserves shall be vested in *Council*.

12.4.11 Ōmokoroa Structure Plan

12.4.11.1 Stormwater

See Rule 12.4.5.17 which applies in Ōmokoroa in the Medium Density Residential, Commercial and Industrial Zones (including within *structure plan* areas).

a. ~~All new subdivisions shall be designed for attenuation of the two year and 100 year floods to pre-development levels.~~

b. ~~All works shall be in accordance with the Ōmokoroa Peninsula Stormwater Management Plan (June 2002).~~

c. ~~The construction plans for any instream works identified in the Ōmokoroa Peninsula Stormwater Management Plan (June 2002) shall be provided to the *Regional Council* prior to construction commencing in order to obtain confirmation that they comply with the provisions of the stormwater discharge consent for Ōmokoroa.~~

d. ~~An erosion and sedimentation control plan for any instream capital works required by the Ōmokoroa Peninsula Stormwater Management Plan (June 2002) and stormwater discharge consent shall be provided to the *Regional Council* prior to construction commencing in order to obtain confirmation that it complies with the provisions of the latest Guidelines for Erosion and Sediment Control for Earthworks.~~

e. ~~The stormwater reserve areas at Ōmokoroa are shown on the Planning Maps and described in more detail in the Ōmokoroa Peninsula Stormwater Management Plan (June 2002).~~

12.4.11.2 ~~Ōmokoroa~~ Streetscape ~~Design Code~~

a. ~~Within the Ōmokoroa Stage 1 and 2 *Structure Plan* areas, residential~~Residential roadways (local and *collector roads*) shall ~~conform~~provide canopy street trees at a practical location and with ~~the following design code:~~a tree spacing of between 10m and 30m (centres).

i. ~~On-site parking may be provided by way of rear lanes to the back of properties; and~~

ii. ~~Canopy street trees shall be provided at no less than 16m centres.~~

b. ~~*Council* shall require that Ōmokoroa Road/Hamurana Road be planted in Oaks (Quercus) Red, Turkey and English – (apart from Pinoaks) or similar species. For secondary roads,~~Where a ~~mixture of Elms, Ash (not Claret) and Gleditsias is preferred. The final determination on~~resource consent application proposes the ~~species and spacing~~planting of trees ~~on Ōmokoroa and Hamurana Roads chosen~~

~~will provide for~~and/or other landscaping within the ~~minimising of negative impacts on views~~*road reserve*, the application shall include at least the following~~ consultation with affected landowners. The tree spacing will be approximately 40m (centres).~~:

i. The proposed species of street trees and other streetscape plants and their proposed locations.

ii. The size, specifications and planting material to be used for tree pits and other gardens.

c. *Council* shall require that Ōmokoroa Road be planted in Maple - Acer Palmatum 'Osakazuki' with a tree spacing of approximately 40m (centres).

12.4.11.3 Formed Public Access Required

a. Land contained within Lot 2 DPS 312635, Pt Allot 64 PSH Te Puna, Pt Lot 2 58259 shall provide for a formed public road access (landscaped to a higher standard than provided for in the Development Code) to either Lot 1 DPS 58259 or Allot 63 Te Puna Parish So 423 and such access shall be provided in conjunction with the first residential subdivision of Pt Allot 64 Te Puna Parish and Pt Lot 2 DPS 58259 and no *RMA* Section 224 certificate shall be issued unless such has been provided.

In finalising the location and standard of the landscaping of such an access road *Council* will give consideration to the owners of Lot 1 DPS 58259 or Allot 63 Te Puna Parish SO 423.

12.4.11.4 Specific Requirements for ~~Pt Allot 63 SO 423~~Lot 601 DP 560118 and Lot 603 DP 560118 (Harbour Ridge) (directly south of the railway line)

a. A *public reserve* is to be provided within Lot ~~Pt Allot 63 SO 423~~601 DP 560118 and Lot 603 DP 560118 (Harbour Ridge) in a location to be agreed with the *Council*. Attributes for the final location of the reserve area are:

i. Outlook;

ii. Sunny aspect;

iii. Generally level;

iv. Central location to the catchment (reserve area to be approximately 2000m^2 in area).

b. Non-compliance with Rule 12.4.11.4.a. will require a resource consent for a non-complying activity.

12.4.11.5 Compliance with the Ōmokoroa Structure Plan

a. General

All subdivision, use and *development* in the identified *Structure Plan* areas on Planning Maps U57 to U66 (as applicable) shall provide stormwater management reserves and access thereto, roading and road widening, *public reserves*, walkways/cycleways, and green buffer areas, ecological areas and water and sewage areas as applicable in general proximity of the locations shown on the plan (except in relation to Lot ~~Pt Allot 63 SO 423~~601 DP 560118 and Lot 603 DP

560118 (Harbour Ridge) where Rule 12.4.11.4 applies in relation to the location of the *public reserve* area). ~~Non compliance with the *Structure Plans* and/or Rule 12.4.11.4 will require a resource consent approval for a non-complying activity, except that non compliance with the provision for new road access to Ōmokoroa Road in the vicinity of the proposed town centre shall be a Discretionary Activity.~~

b. Roading

i. Roading, except for roads funded via financial contributions, shall be developed as required prior to the issuing of a Section 224 certificate for any subdivision consent and located in accordance with the *Structure Plan*.

ii. All roads, including indicative roads labelled "Future" and *local roads* not identified within the *Structure Plan* shall be designed and constructed where necessary to provide for the future roading access and needs of adjoining undeveloped land.

iii. No subdivision or *development* shall utilise Prole Road for direct vehicular property access.

iv. There shall be no additional access to Ōmokoroa Road except as identified on the *Structure Plan*.

c. Non-compliance

Non compliance with the Ōmokoroa *Structure Plans* will require a resource consent for a non-complying activity, except that non compliance with the provision for new road access to Ōmokoroa Road in the vicinity of the approved town centre shall be a Discretionary Activity.

12.4.11.6 Reimbursement for Provision of Infrastructure

a. *Council* shall reimburse developers for the costs of providing completed *infrastructure* as identified in the Ōmokoroa *Structure Plan* Infrastructure Schedule. For the purpose of this rule "completed" shall mean *infrastructure* that is constructed, approved by *Council* and vested in *Council*.

b. Temporary *infrastructure* that is constructed by the developer to facilitate development will not be considered for reimbursement e.g. temporary power, utility services or vehicle crossings.

c. The level of reimbursement given for all relevant *infrastructure* identified in the Ōmokoroa *Structure Plan* Infrastructure Schedule shall be based on an agreed estimate presented at the time of design.

d. Reimbursement shall be paid in accordance with *Council's* Long Term Plan except that reimbursement can occur earlier if negotiated with *Council*.

e. *Council* reserves the right to complete any of the works itself to facilitate development.

12.4.11.~~6~~.7 Ōmokoroa Light Industrial Zone

Proposed *lot* boundaries shall align with the boundary between the Ōmokoroa Industrial Zone and

Ōmokoroa Light Industrial Zone and not straddle it.

12.4.12 Waihi Beach, Island View and Athenree Structure Plans

12.4.12.1 Stormwater

a. In the Waihi Beach, Island View and Athenree *Structure Plan* areas all new subdivision *development*s shall be designed for attenuation of the five year and 50 year flood flows to pre-development levels.

b. For all subdivision *development* in Athenree, in addition to the above all subdivision *development* will need to be in accordance with the Athenree Stormwater Plan (June 2001).

c. For all subdivision and *development* in Waihi Beach and Island View:

i. Existing overland flow paths should not be altered or changed without investigating and mitigating any effects.

ii. No *buildings/structures* shall be erected within overland flow paths.

iii. All *earthworks* and *development* shall mitigate stormwater effects.

iv. *Buildings/structures* within a flood hazard area shall be designed for flooding events

v. Clear evidence shall be provided showing any subdivision or *development* will not have any downstream effects.

12.4.12.2 Athenree Ecological Protection Requirements

a. To assist in protecting and maintaining the ecological values of Tauranga Harbour adjoining the Athenree foreshore, properties in the *Structure Plan* area and which adjoin the Tauranga Harbour or esplanade reserve are required to have a minimum area of 2000m².

b. An additional width esplanade reserve is to be set aside along the foreshore to the south of Athenree Road. The reserve is to generally follow the top of the escarpment. On the eastern most property (Lots 4 & 8, DP35041) the esplanade reserve is to be 20m from *MHWS*.

c. Provision shall be made by *Council* for a future walkway within the esplanade reserve and its specific location and design shall be supported by an ecological assessment carried out by a suitably qualified and experienced ecologist. Suitable fencing (1.2m in *height*) generally located along the Harbour's edge and planting of the embankment shall be implemented as part of any future subdivision development to assist in reducing the potential for people and domestic pets from venturing onto the Harbour edge.

12.4.13 Rangiuru Business Park Structure Plan

The rules below specify how the Rangiuru Business Park will be developed. To summarise how the required *infrastructure* operates in relation to the stages at the Park, the first developer of Stage 1 is responsible for developing the Rangiuru Interchange on the Tauranga Eastern Link, and also must construct at least 50% of the water and wastewater capacity for Stage 1. Stages

2, 3 or 4 may proceed provided at least 50% of the land in Stage 1 is in use. Subsequent stages must carry through the *infrastructure* options employed in Stage 1 to the standard required in the *structure plan*, and must also connect that *infrastructure* to the existing *infrastructure* at the Park.

12.4.13.1 General

a. Local purpose reserves within the relevant development stage except where required for rail access purposes.

Fencing: Prior to vesting (or otherwise as approved by *Council*), reserves shall be fenced both sides using a post and wire fence (stockproof where adjoining a rural property).

The local purpose reserve (walkway/cycleway) leading to the community service area shall be fenced both sides using a 1.8m high solid board and batten fence.

Noise bunds: Prior to vesting (or otherwise as approved by *Council*), noise bunds shall be constructed at the developers cost in the locations shown on the *Structure Plan* (refer to the "Roading and Land Use" Plan, Appendix 7).

b. Finished contours

All subdivision use and *development* in the Rangiuru Business Park shall result in finished contours that are in general accordance with those shown in the *Structure Plan* in Appendix 7 (refer to "Structure Plan Proposed Contours with Proposed Layout Details" Plan). For clarity the purpose of this plan is to ensure that the stormwater drainage patterns and levels as set out in the *Structure Plan* are provided for as staged development occurs, and are generally in the locations shown on the *Structure Plan*. For Structure Pond 1 (Diagonal), this could be a location (whole or part) on the western side of Pah Road.

12.4.13.2 Stormwater - General

a. The Rangiuru Business Park stormwater system shall be a combination of reticulated pipes, swales or appropriate open channels as identified on the *Structure Plan* (together with any other low impact design engineering solution suitable for contaminant reduction).

b. The stormwater reticulation shall be designed to cater for the following sized storm events:

- Piped reticulation - five year event;
- Open stormwater channels - 50 year event;
- Culverts under Tauranga Eastern Link - 100 year event;
- Stormwater detention ponds - 50 year event.

c. The stormwater detention ponds shall be designed to cater for attenuation of stormwater run-off from the 50 year event to pre-development levels for the whole Business Park, without coverage limitations or individual on-site detention being required (although on-site low impact design measures at the subdivision and building *development* stage are encouraged). A financial contribution is levied in respect of these facilities (see Section 11.8.a).

d. The stormwater management areas shall be kept free of *buildings* or any *structures* that would impede their stormwater function. They shall be designed to treat stormwater from the whole Business Park for removal of sediment to a standard of

75% total suspended sediments (according to Auckland Council TP10 methods or equivalent).

12.4.13.3 Water Supply – General

a. Water supply servicing in the Rangiuru Business Park is possible via three distinct options as follows:

i. Option A - Eastern Water Supply Network, which constitutes;

- New reservoir at Rangiuru Road (5,500m³);
- Gravity supply main from Rangiuru Road reservoir to Business Park (450mm diameter, approximately 7.8km length);
- Rising main from existing Eastern Supply water source to new reservoir at Rangiuru Road (225mm diameter, approximately 9.0km length);
- Temporary pump station, Stage 1;
- Pah Road/Young Road/ State Highway 2 reticulation loop (375mm diameter, approximately 5.3km length);
- Internal Park trunk reticulation.

ii. Option B – On site water bore and treatment plant, which constitutes:

- On site water bores;
- Treatment plant;
- On site reservoirs;
- Associated and ancillary equipment;
- Internal Park trunk reticulation as shown on the *structure plan*.

iii. Option C – Pongakawa bore, which constitutes:

- New pump(s) and controls for bore ESZ10 at Pongakawa;
- Upgrade of the water treatment plant (WTP) at Pongakawa and new pump(s) and controls; and
- New trunk mains (315 mm OD diameter, approximately 9.2 km length) from ESZ10 to the WTP and then from the WTP to proposed Rangiuru Business Park reservoirs.
- On-site reservoirs and associated ancillary equipment.
- Internal Park trunk reticulation as shown on the *structure plan*.

b. The three options are viable options. All options will require resource consent from the *Regional Council*. Selection of the option to serve the Business Park to be determined by the developer of the first land use or subdivision within Stage 1 who must provide sufficient capacity for 50% of the land in Stage 1.

c. Once a preferred option is chosen this is the option to serve the entire Business Park. A combination of options is not permissible unless demonstrated as being more cost effective.

12.4.13.4 Wastewater – General

a. Wastewater supply servicing in the Rangiuru Business Park is possible via two distinct options as follows:

i. Option A – Te Puke Wastewater Treatment Plant and trunk

reticulation, which constitutes:

- Main pump stations and associated emergency generator and emergency storage;
- Sanitary sewer rising main to the Te Puke Wastewater Treatment Plant (350mm diameter, approximately 5.8km length), including associated pipeline crossings under the Kaituna River and Waiari Stream
- Upgrades of the capacity of the Te Puke Sewage Treatment Plan (upgrades triggered by stages of development above 60, 100 and 140ha).
- Sewer reticulation, including pump stations and associated emergency storage, within the relevant development stage area.

ii. Option B - Onsite treatment and disposal

- On site Sequencing Batch Reactor (SBR) treatment plant and wetland disposal area in four distinct modules;
- Wetland treatment and disposal ponds;
- Internal park trunk reticulation as shown on the *structure plan*.

b. Both options are viable options. Option B will require resource consent from the *Regional Council*. Selection of the option to serve the Business Park to be determined by the developer of the first land use or subdivision within Stage 1 who must provide sufficient capacity for 50% of the land in Stage 1.

c. Once a preferred option is chosen this is the option to serve the entire Park. A combination of options is not permissible unless demonstrated as being more cost effective.

12.4.13.5 Roading – General

a. Roading *infrastructure* provision/upgrading required by the *Structure Plan* and Appendix 7 shall be developed as required (unless stated otherwise in this *structure plan*) prior to the issuing of a Section 224 certificate for any subdivision or building consent or any industrial use of the land.

b. Local roads - in addition to the *Structure Plan*, local roads shall be designed and constructed where necessary to provide for the future roading access and needs of adjoining undeveloped land.

c. Principal access to the Park is via a four legged interchange with the Tauranga Eastern Link.

d. Stage 1 of the Rangiuru Business Park will include as lead *infrastructure* the *construction* of the Rangiuru interchange to the Tauranga Eastern Link. The interchange must be built by the first land use or subdivision developer in Stage 1.

12.4.13.6 Interim Development - General

a. The Rangiuru Business Park shall be developed in stages. The first stage of development shall be Stage 1 as shown on the *structure plan* drawings (Appendix 7). Stage 1 area is approximately 45ha gross.

b. *Infrastructure* provision/upgrading required by the *Structure Plan* and Appendix 7 shall be developed for Stage 1 generally to the standard and form as specified in

the *Structure Plans* (unless stated otherwise) prior to the issuing of a Section 224 certificate for any subdivision or building consent or any industrial use of the land. Sub-staging is permissible as long as it is demonstrated that *infrastructure* provision for the whole of the stage is not compromised.

c. The estimated percentage of *infrastructure* works for each stage are also set out in the Rangiuru contributions tables contained in Appendix 7.

12.4.13.7 Interim Development – Roading

a. Te Puke Highway (formerly SH2)/Pah Road intersection upgrade timing:

i. For the first 70ha of *development*, no upgrade to the existing intersection is required unless:

- the intersection is classified as a “High Risk” intersection in terms of Waka Kotahi NZ Transport Agency High Risk Intersection Guide, or
- if the average peak hour delays to side road traffic exceed 45s.

b. Monitoring shall commence at the completion of the Stage One access to Young Road and shall be undertaken annually for safety and biennially for capacity. If either the first and/or second bullet point under a.i. above is met, the upgrade required in b.i. below must be put in place.

i. To enable *development* of greater than 70 ha of the Park, completion of the following infrastructure is required:

- Upgrade of the intersection of Pah Road/Te Puke Highway to a roundabout or, other suitably designed form.

c. The upgrade may be delayed subject to annual monitoring (by *Council*) of the safety and capacity performance to demonstrate the following thresholds have not been met:

i. “High Risk” intersection in terms of the Waka Kotahi NZ Transport Agency High Risk Intersection Guide or if the average peak hour delays to side road traffic exceed 45s.

d. If the threshold trigger for intersection treatment is reached at any of the above stages of *development* the *Council* will, within 18 months, implement appropriate measures designed to improve the performance of the intersection.

Explanatory Note: An alternative exists known as the “Mid-Block” Intersection. This option is not shown on the *structure plan* and therefore requires a resource consent as a discretionary activity (refer to 12.4.9.4). If obtained the reallocation of any contributions collected for existing intersections can be used for the Mid-Block intersection subject to the road controlling authorities’ approval.

12.4.13.8 Subsequent Stages

a. Any subsequent stages of *development* can proceed following Stage 1. All *infrastructure* for the whole of the relevant stage, as set out on the *Structure Plans* and Rangiuru Financial Contributions Schedule, plus any off site *infrastructure*, shall be in place before any industrial land use, the first application for building consent, or issuing of a Section 224 certificate for any subdivision is undertaken.

b. Once 50% of the land in Stage 1 is either: in industrial use; or is subject to building consent; or has Section 224c certificate issued, then *infrastructure* may be developed in Stages 2, 3 or 4 in part as long as it is demonstrated that *infrastructure* provision for the whole of the stage is not compromised.

Explanatory Note: Subsequent stages must provide *infrastructure* generally in accordance with the designs and other specifications in Appendix 7 and using the option determined in accordance with 12.4.13.3 and 12.4.13.4. This *Infrastructure* must be connected to existing *infrastructure* at the Park.

12.4.14 Te Puke Structure Plan

12.4.14.1 Stormwater

See Rule 12.4.5.17 which applies in Te Puke in the Medium Density Residential, Commercial and Industrial Zones (including within *structure plan* areas).

12.4.14.2 Streetscape

a. Residential roadways (local and collector roads) shall provide canopy street trees at a practical location and with a tree spacing of between 10m and 30m (centres).

b. Where a resource consent application proposes the planting of trees and/or other landscaping within the *road reserve*, the application shall include at least the following:

i. The proposed species of street trees and other streetscape plants and their proposed locations.

ii. The size, specifications and planting material to be used for tree pits and other gardens.

12.4.14.3 Compliance with the Te Puke Structure Plan

Subdivision, use and *development* shall provide, where applicable, stormwater management reserves and access thereto, roading and road widening, *public reserves*, walkways/cycleways, green buffer areas, ecological areas and water and sewage areas, in general proximity of the locations shown on the *Structure Plan*.

12.4.14.~~1~~4 Village Heights Structure Plan Area

a. With the exception of Lot 2 DP 309162 (which may have access directly via No 1 Rd), access to all subdivision and *development* of land included in the Village Heights area shall only be from the Cannell Farm Drive extension (shown on the *Structure Plan*), including any of its subsidiary cul-de-sac roads. Non compliance with the *Structure Plan* will require resource consents for a Non-Complying Activity.

b. Subdivision or *development* of Lot 2 DP 309162 shall be limited to a maximum of four *dwellings* having direct access to No 1 Road. Subdivision or *development* failing to comply with this activity performance standard shall require consent as a Non-Complying Activity.

12.4.15 Te Puke West Structure Plan

12.4.15.1 General

a. *Development* within the Te Puke West industrial area shall be undertaken in general accordance with the *Structure Plan* and specifications set out in Appendix 7.

b. Any non-compliance with the foregoing shall render the *development* concerned a Non-Complying Activity.

12.4.15.2 Roading and access

a. The provision of all new or upgraded roading works shall be undertaken in accordance with the Te Puke West Infrastructure Prerequisites Table contained in Appendix *7.*

b. Provision shall be made for legal road access to all *lots* generally in accordance with the Te Puke West *Structure Plan*. There is to be no direct access from vehicle entrances to the Te Puke Highway, Manoeka Road or Te Puke Quarry Road.

c. The exception shall be a Marketstore on that land legally described as Part Te Puke 1A20 block, Part Te Puke 1A21 block and Lot 1 DPS 19980. 'Marketstore' means "the storing, mixing and dispatching of fertiliser products for local distribution and use." Access to and from the Marketstore shall be in accordance with the Environment Court's decision ENV-2006-AKL-000472 dated 13 November 2006.

d. If the Marketstore does not proceed or there are alterations in the consented use, including alterations in use for other industrial uses, the site use will default to fall within the general provisions of the Zone, including site vehicle access to be required via the *Structure Plan* roads, and any Manoeka Road access from the site accordingly be required to be closed after access through Stage 2 becomes available.

e. The only Te Puke West industrial area vehicle access to/from the Te Puke Highway shall be via a single access point as shown on the Te Puke West *Structure Plan*, regardless of whether a site has legal frontage to the Te Puke Highway.

f. All existing direct access and crossing places to the Te Puke Highway shall be permanently stopped, with access to the Te Puke Highway restricted to via Road 1 and the existing local roading network, at the time such land is subdivided or *development* traffic is generated.

g. Any *land use development* or subdivision failing to comply with the above will require resource consent approval for a Non-Complying Activity.

12.4.15.3 Stormwater Management

a. Widening of the Raparapahoe flood channel shall be provided as required as part of each subdivision or *land use development*.

b. Subdivision or *development* of land shall make provision for stormwater detention and treatment infrastructure in general accordance with the Te Puke West *Structure Plan*. Stormwater areas shall be provided as part of the *development* of each stage.

c. See Rule 12.4.5.17 which applies in Te Puke in the Medium Density Residential, Commercial and Industrial Zones (including within *structure plan* areas).

12.4.15.4 Subdivision and Development

a. Subdivision or *land use development* of any sites adjoining the Raparapahoe Stream shall provide a 20m wide esplanade reserve.

b. For sites adjoining Manoeka Road, a 50mm separation strip shall be provided along the road boundary to prohibit vehicle access to Manoeka Road.

c. Subdivision and *development* of the land shall occur sequentially from stages 1-3 as shown on the Staging Plan in Appendix 7.

d. Any subdivision or *land use development* failing to comply with the Rules a-c above (where applicable) shall require resource consent for a Non-Complying Activity.

12.4.15.5 Restricted Discretionary Activities

Unless specified as a Non-Complying Activity, any subdivision or land use activity which does not comply with the Te Puke West Industrial Area provisions shall be considered as a Restricted Discretionary Activity. In the case of Restricted Discretionary Activities *Council* shall limit its discretion to avoiding, remedying or mitigating the potential adverse effects arising from the particular matter of non-compliance/s with the Te Puke West Industrial Area Special Provisions.

12.4.16 Te Puna Business Park

The Te Puna Business Park shall be developed (including staging) in accordance with the Te Puna Business Park *Structure Plan* in Appendix 7.

Stage 3 or 4 shall not commence until Stages 1 and 2 are complete (including screening requirements of the Business Park and any conditions of resource consent granted (except those to which Section 224(c) of the RMA apply).

12.4.16.1 Structure Plan

Any subdivision or *development* of land within the Business Park shall be designed, approved and developed to incorporate and illustrate amenity screen landscaping, acoustics earth bunds/fences and a stormwater collection system generally in accordance with the *Structure Plan* and Appendix 7.

12.4.16.2 Road Upgrading

a. To mitigate the impact on the State Highway:

Prior to commencement of any industrial or business activity on the Te Puna Business Park land, the Te Puna Road/State Highway 2 intersection must be upgraded to a roundabout (or similar traffic management alternatives) and, in addition, the Te Puna Station Road/State Highway 2 intersection must be upgraded by widening for left turn traffic movements onto the State Highway (or similar traffic management alternatives).

Written evidence is to be provided to *Council* that the design and construction of both the roundabout and the State Highway widening, or similar traffic management alternatives, is to the satisfaction of the Regional Director Waka

Kotahi NZ Transport Agency, and the *Council's* Group Manager Infrastructure Services.

b. To mitigate the impact on the Te Puna Road/Te Puna Station Road Intersection:

Prior to commencement of any industrial or business activity on the Te Puna Business Park land, the Te Puna/Te Puna Station Road intersection must be upgraded to include provision for left turn and right turn movements or similar traffic management alternatives. Written evidence is to be provided to *Council* that the design and construction of the intersection upgrade, or similar traffic management alternatives, is to the satisfaction of the *Council's* Group Manager Infrastructure Services.

c. To mitigate the impact on Clarke Road:

Prior to commencement of any industrial or business activity on the Te Puna Business Park land, a minimum of two traffic calming thresholds shall be installed at the northern end of Clarke Road. Written evidence is to be provided to *Council* that the design and *construction* of the road improvements are to the satisfaction of the *Council's* Group Manager Infrastructure Services.

d. To mitigate the impact of access onto Te Puna Station Road:

i. Access to the Business Park for industrial and business activities shall be by no more than three roads, with a minimum separation of 200m as measured along the road centre, as shown on the *Structure Plan*.

ii. Prior to the commencement of any industrial or business activity in the Business Park land, access from the land onto Te Puna Station Road must be formed for traffic safety reasons up to and including compliance with Diagram D "Moderate Use Access Standard" from the Transit Planning Policy Manual at the direction and to the satisfaction of *Council's* Group Manager Infrastructure Services.

e. To mitigate the impact of the traffic generated by the development on the existing road network (mid-block)

i. A financial contribution of $29,545 (based on 2002 figure adjusted annually by the CPI for inflation) per hectare estimated net developable area shall be paid prior to commencement of any industrial or business activity on the Business Park land or at a later date with the approval of *Council's* Group Manager Infrastructure Services.

ii. For the purpose of these rules "net developable area" means any land within the Business Park, less any areas required for stormwater management, roading and landscaping, and "estimated net developable area" means 22ha.

f. To control the impact of the traffic generated by the development on the roading network

i. Subject to clauses f.ii. – v. below, traffic generation from Te Puna Business Park shall not exceed 2,600 vehicles per day until such

time as the proposed Northern Arterial (bypass) route is constructed and operational, without approval from the *Council's* Group Manager Infrastructure Services and the Regional Director Waka Kotahi NZ Transport Agency;

ii. Monitoring shall be undertaken by a suitably qualified traffic engineer, and the results provided to the *Council's* Group Manager Infrastructure Services and the Regional Director Waka Kotahi NZ Transport Agency in the manner specified in clause f.iii. below to confirm:

a. That the relevant traffic generation limits under clause f.i. above or clause f.v (as appropriate) are not being exceeded; and

b. That the capacity of the intersection of the State Highway 2 and Te Puna Station Road remains adequate, particularly in so far as the performance of the right turn bay into Te Puna Station Road and the left hand turn from Te Puna Station Road are concerned.

iii. For the purpose of clause f.ii.b., the adequacy of the intersection performance shall be assessed by reference to the outcome of monitoring in respect of the following matters (at a minimum):

a. The duration of delays for all traffic movements at the intersection which shall be determined having regard to whether:

- The 95th percentile of the measured queue lengths as a result of right turns from State Highway 2 impedes the flow of through traffic on the State Highway i.e. the 95th percentile queue length must not exceed the storage length of the existing right turn bay;

And

- Side road time delays for traffic in Te Puna Station Road during peak periods exceed an average of 50 seconds when measured over a maximum one hour period or increase by more than 50% from the baseline monitoring (whichever is the greater).

b. Crash rates, which shall be determined having regard to whether:

- The crash rates at the intersection (including vehicles queuing or turning) exceed either five in any one year, or an average of three per annum over the previous five years (as at the date of assessment);

And

- The injury crash rates at the intersection increase from the baseline monitoring by any statistically significant amount.

iv. Traffic monitoring results shall be provided to the *Council's* Group Manager Infrastructure Services and the Regional Director Waka Kotahi NZ Transport Agency on the following basis:

- Within three months of the Plan Change becoming operative, monitoring shall be undertaken to establish the baseline for future monitoring of the matters by which the adequacy of the intersection performance are to be assessed (as outlined above),

and the results of that monitoring provided promptly to the *Council's* Group Manager Infrastructure Services and the Regional Director Waka Kotahi NZ Transport Agency.

- A report shall be provided no less than annually in June of each year until the Northern Arterial route is operational and in any event:

- Prior to traffic generation exceeding 1000 vehicles per day; and

- Prior to traffic generation exceeding 2000 vehicles per day.

v. If the traffic monitoring results do not demonstrate the existing or continuing adequacy of performance of the intersection of State Highway 2 and Te Puna Station Road to the reasonable satisfaction of the *Council's* Group Manager Infrastructure Services and the Regional Director Waka Kotahi NZ Transport Agency, then traffic generation shall not commence or increase further without:

- The upgrading or relocation of the intersection, to the satisfaction of the *Council's* Group Manager Infrastructure Services and the Regional Director Waka Kotahi NZ Transport Agency; or

- Completion of the Northern Arterial (whichever comes first); or otherwise

- Written approval of the *Council's* Group Manager Infrastructure Services and the Regional Director Waka Kotahi NZ Transport Agency.

vi. Nothing in this rule shall require the provision of money or works which do not fairly and reasonably relate to effects of activities within the Te Puna Business Park.

12.4.16.3 Landscape planting and stormwater management

a. The area of the planted land around the Business Park boundary, the area of land subject to the Te Puna Station Road roadscape planting, and the stormwater ponds and overland flow path/wetland as shown in the Te Puna Business Park *Structure Plan* shall all be established and vested in *Council* prior to commencement of any industrial or business activity within the Business Park. The plantings and the stormwater ponds and the overland flow path/wetland shall be maintained for a period of three years with maintenance secured by way of an appropriate legal mechanism to *Council's* satisfaction.

b. Secondary planting shall be provided on boundaries between land parcels in accordance with the *Structure Plan*. Landscape plans for the Business Park boundary, Te Puna road roadscape, and stormwater ponds and overland flowpath/wetland shall be prepared by a qualified landscape designer and approved by *Council*. The plan for the overland flowpath/wetland shall be prepared in consultation with Pirirakau.

c. Earth bunds or earth bunds with fences shall be constructed along the north-western, southern and north-eastern peripheral Business Park boundaries of the site as illustrated on the Te Puna Business Park *Structure Plan* prior to any industrial or business activity commencing on the land within the Business Park

d. Except to the extent already provided, additional amenity screen planting shall be provided to the satisfaction of *Council* for each new *building* over 100m² *gross floor area*. To that end, a landscape plan by a qualified landscape designer shall be submitted with the application. The landscape plan shall specifically identify the plant species. The landscape plan shall also include a landscape maintenance programme for three years.

12.4.16.4 Maintenance Programme and Costs

Establishment and maintenance of landscaping, and establishment of the acoustics earth bunds/fences, in accordance with the approved landscape plan, shall be at the developer's cost and shall be a condition of consent.

The approved three year landscaping maintenance programme shall be determined from the date on which a Section 224 Certificate is obtained under the RMA or the planting undertaken, whichever is the latter.

12.4.16.5 Water Supply

a. Prior to commencement of any industrial or business activity on the Business Park land, an adequate water supply shall be provided to meet *Council's* Development Code for Class C fire risk and a peak hour flow of 1.0l/s/ha. Written evidence is to be provided to the *Council* that the design and construction of the water supply upgrade is to the satisfaction of *Council's* Group Manager Infrastructure Services.

b. A financial contribution at the rate of $20,052 (based on 2002 figures and adjusted annually by the CPI for inflation) per hectare net developable area shall be paid to the *Council* when requested on approval of any subdivision, building or resource consent or required as a condition thereof and calculated according to the proportion of net developable area occupied by the activity.

12.4.17 Katikati (South of Marshall Road) Industrial Structure Plan

12.4.17.1 Stormwater

a. All new subdivisions shall be designed for attenuation of the two year and 100 year floods to pre-development levels.

12.4.17.2 Development Restrictions – Intersection Upgrades

a. No more than a maximum of 12.64ha of the Industrial Zone may be developed before both of the following have occurred:

i. Either:

Traffic signals have been installed at the Marshall Road/State Highway 2 intersection; or

An alternative upgrade of the Marshall Road/State Highway 2 intersection or an alternative intersection which provides a similar level of service has been completed; or;

The Carisbrooke Street extension to Middlebrook Drive has been completed; and

ii. Measures have been put in place along Tetley Road and at the Tetley

Road/Rereatukahia Road intersection to reduce the attractiveness of Tetley Road for use by heavy vehicles, as described in Explanatory Note b to this Rule.

b. No more than a maximum of 20ha of the Industrial Zone, may be developed before a link road is in place from State Highway 2 through the Industrial Zone to Tetley Road.

Explanatory Notes:

a. SH2 Intersection Design

Waka Kotahi NZ Transport Agency is the road controlling authority for State Highway 2.

The intersection of the proposed link road with State Highway 2 and any upgrade of the Marshall Road/State Highway 2 or alternative intersection will need to be satisfactory to Waka Kotahi NZ Transport Agency and consistent with Waka Kotahi NZ Transport Agency's network strategy.

b. Tetley Road/SH2 Intersection

The *Council* will adopt the following approach to the management of the Tetley Road/State Highway 2 intersection, being:

Construction of a turning head at the southern end of Tetley Road where it joins Rereatukahia Road and physical works on the section of Tetley Road between Rereatukahia Road and State Highway 2 which would result in a safe operating speed of no more than 50km/h and reduce the attractiveness of that road for use by heavy vehicles (such works to be designed in consultation with Te Rereatukahia Marae Tribal Committee and the wider community). There will be ongoing monitoring of the safety and performance of the Tetley Road/State Highway 2 intersection, including obtaining the impressions of local residents and analysing crash statistics. Such works to be carried out in accordance with Appendix A of the consent memorandum (NZ Transport Agency v WBOPDC ENV-2007-AKL-000483).

12.4.17.3 Limited Access

a. Access to Tetley Road is limited to vehicle crossings (including the upgrading or relocation of existing vehicle crossings) at minimum 50m spacings. Except that existing entrances already at spacings less than 50m will be permitted.

b. Existing or proposed access shall meet the minimum sight distance and formation requirements contained in the District Plan and Council's Development Code, except that where the access is to serve more than three *lots* or activities, the sight distance requirement will default to the next highest in Table A (standard drawing W415 of Council's Development Code).

c. *Privateways*:

i. The rules as set out in ii. to v. below only apply to *privateways* that are not accessed via Tetley or Marshall Roads and shall not apply to "interim access roads" as per rule 12.4.17.5 below.

ii. New *privateways* (including the increased use of existing *privateways*)

located along Tetley Road are not permitted.

iii. Proposed *privateways* having access to future *Structure Plan* roads may have up to eight *lots* plus the two additional *lot* allowance as per Rule 12.4.4.4.e.i.. of the District Plan, except that, apart from the first activity on each *lot*, proposed subsequent activities within each *lot* will be deemed as having the same effect as an additional *lot*.

iv. Proposed *privateways* shall be formed in accordance with section DS4 - 4.14.2 of Council's Development Code and other relevant sections of that Code, except that the minimum reserve width shall be 8.0m.

v. Quality assurance documentation shall be forwarded to *Council's* officers for approval as part of any section 224 application or in the case of land-use consents, prior to commencement of the activity.

12.4.17.4 Structure Plan Road Requirements

a. *Structure Plan* roads are to be designed, constructed, supervised and certified in accordance with *Council's* Development Code at the time that *Council* require, except that, pavement widths are to comply with those shown on the Katikati Industrial Zone Financial Contributions Schedule – May 2012.

b. All *Structure Plan* roads shall have vertical and horizontal alignments that are capable of being later integrated into other future *Structure Plan* roads identified on any *lots* beyond those subject to the development.

12.4.17.5 Interim Access Road Requirements

For the purpose of the rules in a. to e. below, interim access roads shall mean pavements or carriageways which are set up as *privateways*, constructed within the identified *Structure Plan* road reserve (or alternative alignment as otherwise agreed with *Council*) for the purpose of allowing full, interim access into *developments* within the Industrial Zone before the *construction* of that *Structure Plan* road is required by *Council*.

a. *Structure Plan* roads may be constructed as interim access roads subject to *Council's* prior approval.

b. Interim access roads shall;

i. Be temporarily set up as *privateways*.

ii. Be designed, constructed, supervised and certified in accordance with *Council's* Development Code, and in accordance with DS4 Table 1 – Service Lanes, except that the reserve width shall be as per (viii) below, at the time that Council require.

iii. Be built on sub-grade of a strength and quality that is capable of supporting future *Structure Plan* roads including all expected traffic loadings for a 25 year design life.

iv. Have pavement depths which are in accordance with 12.4.17.3.c.iv. above but of a material quality and construction that is compatible with and capable of being later integrated into the full *Structure Plan*

road design without major changes.

v. Be to the dimensions as in 12.4.17.3.c.iv. and have a minimum one coat chip seal and may have berm water table drains for the collection and disposal of stormwater in lieu of kerbing.

vi. Have vertical and horizontal alignments that are capable of being later integrated into the full *Structure Plan* road design and construction and capable of being later integrated into other future *Structure Plan* roads identified on any *lots* beyond those subject to the *development*.

vii. Include a reserve width that matches the *Structure Plan* road reserve width (minimum 20m) including for intersections, roundabouts and splays.

viii. Have no limit to the number of *lots* or activities that can be served by it.

ix. Be subject to maintenance provisions imposed by way of consent notice on the properties having access to them.

c. The extension of services within interim access roads shall meet the following;

i. Stormwater, wastewater, water, power and telecommunications shall be extended into the interim access roads in conjunction with the construction of these.

ii. These services shall be located vertically and horizontally such that the later upgrading of the interim access roads to *Structure Plan* roads renders the services in complying positions, except that *Council* may accept temporary non-compliance in some circumstances (e.g. stormwater to suit the temporary nature of water-tables).

iii. These services shall be sized to serve the overall *Structure Plan* catchments when fully developed.

iv. Stormwater, wastewater and water services shall be protected by easements in favour of *Council.*

The maximum length of an interim access road shall not exceed the boundary of the property that it services.

At time of either subdivision or *development*, consent notices shall be imposed on relevant titles requiring the *privateway* reserve area upon which the interim access road is constructed to be vested in *Council* at such time that *Council* requires.

12.4.17.6 Reimbursement for Provision of Infrastructure

a. *Council* shall reimburse developers for the full costs of providing completed *infrastructure* that is identified in the Katikati Industrial Zone Financial Contributions Schedule - May 2012. For the purpose of this rule “completed” shall mean *infrastructure* that is constructed, approved by *Council*, and vested in *Council*.

b. For interim access roads, *Council* shall reimburse developers for the land within the vested road reserve and the costs of construction for the pavement and underlying sub-grade of the interim access road and utility services that form part of the permanent *infrastructure* that they have not already been reimbursed for.

c. Temporary *infrastructure* that is constructed by the developer to facilitate *development* will not be considered for reimbursement e.g. temporary power, utility services or vehicle crossings.

d. The level of reimbursement given for all relevant *infrastructure* identified in the Katikati Industrial Zone Financial Contributions Schedule - May 2012 shall be based on an agreed engineers estimate presented at the time of design.

e. Reimbursement shall be paid in accordance with *Council's* Annual Plan, and shall not occur until *Council* has collected sufficient funding from financial contributions from within the Industrial Zone, except that, reimbursement can occur earlier if negotiated as a progress payment with *Council.*

f. Council reserves the right to complete any of the works itself to facilitate *development*.

12.4.18 Katikati Structure Plan (residential area) north of Marshall Road and Tetley Road

12.4.18.1 Access of Tetley Road

a. No additional *lot* or *dwelling* shall have direct access off Tetley Road. Access to any new *lot* or *dwelling* shall be via a private or public road with splayed corners (at the intersection with Tetley Road) measuring at least 3m x 3m).

b. *Yards* adjoining Tetley Road shall be treated as Front *Yards*.

12.4.19 Katikati Binnie Road Residential Structure Plan

12.4.19.1 Any subdivision or *development* of land within the Residential Zone at Binnie Road, Katikati is subject to the following:

a. Subdivision or *development* shall be designed, approved and developed in general accordance with the associated *structure plan*, incorporate a buffer area as shown on the *structure plan*, and shall be in accordance with the design controls stated in 12.4.19.e.

b. The construction of a new type C hammerhead turning area on Binnie Road in accordance with drawing W407 of *Council's* Development Code within the Residential Zone as shown on the *structure plan*;

c. The provision of a planting plan detailing the location and layout of planting, species, grades and planting density within the residential *lots*;

d. The provision for a public right of way which shall link Riverside Place through the proposed Residential Zone to Binnie Road and from Binnie Road in a southerly direction connecting to the Uretara Stream Esplanade Reserve for the purpose of general pedestrian access. Any fencing adjoining this public right of way must comply with Rule 13.4.1.e.i.

e. Design controls:

(i) Fencing along buffer area	Any fencing required along the buffer area boundary shall be low visibility post and wire farm style or posts and mesh type
(ii) Building site works and roading	*Buildings* shall be located on a formed terrace with the escarpment behind. Any exposed cuts shall be mitigated with screen plantings. *Buildings* shall have a background of land or vegetation when viewed from the Uretara Stream.
(iii) *Building* bulk and form, design	Roofs shall be low pitched to prevent reflective glare (less than 32 degrees). Facades visible from Uretara Stream exceeding a length of 15m shall have the roofline broken with plantings of either pohutukawa, rewarewa, puriri, kānuka or other tall species as recommended by a suitably qualified ecologist. *Dwellings* shall be designed with 600mm eaves and veranda features to cast shadows and reduce glare from glazing.
(iv) *Building height*	That the *building height* shall not exceed the lower of (i) a single storey with a *height* not exceeding 11.5m Motiriki Datum 1953 or (ii) the maximum residential *building height*.
(v) *Building* colour	Colours shall be restricted to *reflectivity* of <40% for roofs, and <60% for walls. Local natural materials such as timber and local stone are also acceptable. Colours shall be limited to groups A, B & C BS5252. *Reflectivity* shall be measured in accordance with Australian Standard 1580.

12.4.20 Lemon Road Industrial

12.4.20.1 Any subdivision or *development* of land zoned Industrial on the northern side of Lemon Road shall be subject to the following:

a. The construction of a right hand turn bay for vehicles turning into Lemon Road from State Highway 33.

b. The provision of a painted splitter island on Lemon Road.

c. The provision of a pedestrian refuge on State Highway 33 between Lemon Road and Old Coach Road and footpaths to link the site.

d. The undertaking of seal widening on the western side of State Highway 33 to assist right turning vehicles to merge onto State Highway 33 from Old Coach Road.

e. The undertaking of seal widening on the western side of State Highway 33 to assist left hand turning vehicles to merge onto State Highway 33 from Lemon Road.

f. The upgrading of Lemon Road in accordance with Rule 12.4.4 and *Council's* Development Code 2009.

g. The relocation of the service station's existing access.

h. Any vehicular access off Lemon Road shall be a minimum of 80 metres from the edge of the State Highway carriageway at the intersection with Lemon Road as it existed at 30 January 2010.

Provided that:
Alternative mitigation to a. – h. above may be undertaken as approved by the Regional Director Waka Kotahi NZ Transport Agency.

12.4.20.2 Subdivision and *development* prior to this infrastructure provision shall be considered a Non-Complying Activity.

12.4.21 Comvita Campus Structure Plan

12.4.21.1 General

a. Any subdivision or *development* (including staging) within the Comvita Campus *Structure Plan* area shall be undertaken in general accordance with the S*tructure Plan* and specifications set out in Appendix 7.

b. Maximum *Building Coverage* within the Comvita Campus *Structure Plan* Area shall be 50%.

12.4.21.2 Subdivision and *Development*

a. Any subdivision or *development* of land zoned Industrial within the Comvita Campus *Structure Plan* area shall occur sequentially from stage 1 to stage 2 as shown on the staging plan in Appendix 7.

b. The provision of *infrastructure* shall be undertaken in accordance with the Comvita Campus Structure Plan Infrastructure Prerequisites Table in Appendix 7.

c. Any subdivision or *development* of land within the Comvita Campus *Structure Plan* area shall incorporate amenity screen planting in accordance with the requirements of the Comvita Campus Structure Plan in Appendix 7 for the particular area of land to be developed.

12.4.21.3 Roading and Access

a. Provision shall be made for roading and access generally in accordance with the Comvita Campus Structure Plan in Appendix 7.

b. The provision of all new or upgraded roading and access works shall be undertaken in accordance with the Comvita Campus Structure Plan Infrastructure Prerequisites Table in Appendix 7.

c. The only vehicle access from State Highway 33 shall be via a single left turn only access point as shown on the Comvita Campus *Structure Plan*, regardless of whether a site has legal frontage to State Highway 33.

d. The single left turn only access point from State Highway 33 shall be designed and submitted to Waka Kotahi NZ Transport Agency for approval prior to *construction*.

e. The portion of Wilson Road South adjoining the *Structure Plan* area shall be provided with kerb and channel in accordance with *Council's* Development Code.

12.4.21.4 Stormwater Management

a. Any subdivision or *development* of land shall make provision for stormwater

detention and treatment *infrastructure* in general accordance with the Comvita Campus *Structure Plan* in Appendix 7. Stormwater areas shall be provided as part of the *development* of each stage.

12.4.21.5 Wastewater

a. Any subdivision or development of land shall make provision for wastewater detention and treatment *infrastructure* in general accordance with the Comvita Campus *Structure Plan* in Appendix 7. Wastewater areas shall be provided as part of the *development* of each stage.

12.4.21.6 Water Supply

a. Any subdivision or *development* of land shall make provision for water supply *infrastructure* in general accordance with the Comvita Campus Structure Plan Infrastructure Prerequisites Table in Appendix 7. Water supply shall be provided as part of the *development* of each stage.

12.4.22 Section 224(c) Certification

12.4.22.1 Basis and information requirements

a. Particular conditions of resource consent require certification. Certification shall be provided by a registered surveyor, a chartered professional engineer or other appropriately qualified person as required by the conditions of consent or as *Council's* Development Code requires, except that all road pavements are required to be supervised and certified by a chartered professional engineer or an engineer that has been specifically approved to undertake these tasks by *Council's* Authorizing Officer.

b. Certification shall provide explicit confirmation from the certifier that compliance with the conditions of subdivision consent or *Council's* Development Code has been achieved, and shall include the words "I Certify".

c. Certifications shall be based upon:

i. The required and documented quality assurance data in accordance with *Council's* Development Code.

ii. The certifier's own reported levels of supervision and random testing.

d. The format for Section 224 certification as related to the engineering conditions of a consent are as set out in *Council's* Development Code.

e. *Council* reserves the right to reject any certification considered to have been incorrectly given.

i. Rejected certifications may require *Council* to invoke the mis-certification procedures as outlined in *Council's* Development Code.

ii. The standard forms in *Council's* Development Code are to be completed and supplied as part of the Section 224 application.

12.4.22.2 Uncompleted works bonds

Council may allow uncompleted works to be bonded as detailed in Section 4.1 DS 1.17.4 of *Council's* Development Code.

12.4.22.3 Maintenance (defects liability) period

a. From the date of Section 224 issue, all vested assets are subject to a minimum 12 month (or 18 months for landscaping) maintenance period as required in *Council's* Development Code.

b. A maintenance cash bond is held by *Council* for the duration of the maintenance period. The value of the bond is 5% of the supply and installation costs for the vested assets and as agreed with *Council*.

c. Where there are outstanding non-compliances at the end of the maintenance period, the bond monies will not be released until these have been rectified to *Council's* satisfaction and certified as complying by the developer's representative.

12A. Proposed Esplanade Reserves, Esplanade Strips and Access Strips

Explanatory Statement

Preservation of the natural character of and public access to and along, the coastal marine area, lakes and rivers are matters of national importance listed in the *RMA*. To give effect to these principles, *Council* has adopted a Recreation and Leisure Strategy as part of the *LTP* which, along with the ward reserves management plans, documents the future requirement for recreation reserves in the *District.* This is in order to ensure that the needs of future generations can be met.

Reserves serve functions additional to recreation. The *RMA* particularly specifies the need for esplanade reserves and strips to provide access and for riparian protection. For *lots* less than 4ha an esplanade reserve or strip will be required in all cases; if it is not required for access purposes it shall be set aside for conservation purposes. For *lots* of 4ha or greater *Council* will secure esplanade reserves or strips for access purposes as provided for in the District Plan or for conservation purposes if the *riparian area* is covered predominantly in native vegetation. In these circumstances *Council* may engage more cost effective techniques than purchase or compensation e.g. Regional Council Environment Plans and Department of Conservation acquisition/protection (See also Section 5), or riparian protection utilizing Section 18.4.2(h) combined with Access and Esplanade Strips.

The existence of, or an intention to acquire, an esplanade does not mean that public access will be formed over that reserve or strip but it gives a right of legal public access and makes provision for future generations where the opportunity might otherwise be lost. The intention to form public access, and the timeframe for such, shall be determined by the Recreation and Leisure Strategy and the Reserves Management Plan process.

12A.1 Significant Issues

1. The *District* has a rapidly growing population and a visitor industry that is placing increased demands on reserves assets.

2. The integration of available methods to secure appropriate access to and along key waterways.

3. Esplanades have an important conservation role regarding riparian protection and water quality.

12A.2 Objectives and Policies

12A.2.1 Objectives

1. The provision of a network of reserves and facilities which satisfies the sport and leisure needs and aspirations of residents and visitors to the *District* whilst enhancing the natural, historic, educational and amenity values of the *District*.

2. The protection of high quality *riparian areas* for conservation purposes.

3. The integration of methods to secure strategic access along *riparian margins* and protect riparian conservation values.

12A.2.2 Policies

1. Gain reserve lands for sport and leisure, walkways and esplanades in line with the priorities identified in *Council's LTP*, through the criteria as set out in the District Plan, and by any other appropriate means.

2. Provide better access to natural features and recreational opportunities of public interest and provide better access to public land and facilities within reserves that enhance informal and unstructured leisure activities.

3. Require the protection of *riparian areas* covered in native vegetation as esplanade reserves or strips or by other appropriate means where esplanades may not be the preferred option, e.g. *riparian margin* retirement.

4. Ensure that significant ecological values are not adversely affected by the provision of public access to reserves.

12A.3 Rules

12A.3.1 Subdivision (taking of esplanade reserves or strips for access or recreation purposes)

a. Land required for esplanade reserves or strips (regardless of *lot* size) is shown on the Planning Maps and listed in Appendix 4.

b. In addition to a. above, the requirement for an esplanade reserve or esplanade strip may be applied to provide access to swimming holes, picnic sites, waterfalls, cascades, Department of Conservation land, harbours and estuaries, known fishing areas, and where such access provides linkages to existing legal public access such as formed and unformed roads and existing reserves or strips.

c. Provision of public access may be required through the proposed subdivision to allow the public access from a public road to an esplanade reserve or esplanade strip, particularly at strategic access locations. *Council* shall consider the following:

i. The effects of the proposed *development* and the need for public

access to the esplanade, including the closeness of alternative access points to the esplanade;

ii. The value and level of public benefit that is likely to result by providing access to the esplanade;

iii. Compensation shall generally be payable.

d. *Council* may, and generally will, acquire an esplanade reserve on both banks along all those portions of creeks, streams and drains which exceed 3m in width within all Residential Zones.

e. Where a subdivision establishes a *lot* of 4ha or less adjacent to a *riparian margin, Council* may require an esplanade reserve or esplanade strip for access, recreation and conservation purposes to be established.

f. Esplanade reserves and strips may be waived in part or in full in the following circumstances:

i. Where the land is already, or will be protected in perpetuity by way of subdivision consent notice, Queen Elizabeth II National Trust covenant, Reserves Act 1977 covenant or other registerable legal instruments acceptable to *Council* subject to appropriate alternative provision being made for public access along the water body concerned;

ii. Where the subdivision is a boundary adjustment;

iii. Where an existing *structure* is located within the 20m reserve and an appropriate esplanade reserve or esplanade strip or access strip cannot be established;

iv. Where an existing *structure* is located within the 20m reserve and an appropriately smaller esplanade reserve or esplanade strip and/or access strip can be established;

v. Where by reason of security an esplanade reserve would be inappropriate and security cannot be assured by some other means. For example where there is defence lands, sensitive machinery, irrigation works or activities. Where appropriate, alternative access to deviate around the facility and maintain a continuous public access route in the vicinity may be required;

vi. Where by reason of public safety, an esplanade reserve would be inappropriate and public safety cannot be assured by some other means. For example physically dangerous sites, port activities, including reclamations, defence lands, industrial subdivisions for activities including *hazardous substances*. Where appropriate, alternative access to deviate around the facility and maintain a continuous public access route in the vicinity may be required;

vii. Where a public work or an electricity generation facility of regional or national significance is or is to be located on the foreshore or bank of a waterway, and for reasons of public safety and security the reserve and public access is not appropriate. Where appropriate, alternative access to deviate around the facility and maintain a continuous

public access route in the vicinity may be required;

Where appropriate an esplanade for conservation purposes or other registrable legal instrument may be required to protect conservation values;

viii. Where a work or *network utility* is or is to be located on the foreshore or bank of a waterway and for reasons of public safety and security the reserve and public access over the full 20m is not appropriate;

ix. Where there are exceptional circumstances such as undue hardship, impracticality or cultural sensitivity.

g. Esplanade reserves and strips of greater width than 20m may be taken in the following circumstances:

i. Where there is an Identified Significant Ecological or Historic Heritage Feature that extends beyond 20m.

ii. Where *Council* considers the river bank or foreshore is prone to erosion or slippage;

iii. Where topography or ecological values creates the need to form public access at a greater distance from the river bank or foreshore.

h. *Council* may substitute an esplanade strip for an esplanade reserve. Instances where esplanade reserves will be required are where there is a higher level of recreational use. An esplanade strip is more likely to be required where only infrequent access is necessary. Where an esplanade strip substitutes for an esplanade reserve and protection of native bush or vegetation is required then the esplanade strip instrument shall include provisions to this effect.

i. *Council* shall consider a Māori Reservation set aside under Section 338 and Section 440 of the Māori Land Act 1993 (Te Ture Whenua Māori) in lieu of an esplanade reserve or strip.

12A.3.2 Subdivision (protection of riparian areas through the taking of esplanade reserves or strips for conservation purposes)

a. Where *lots* which are less than 4ha are being formed, an esplanade strip or similar instrument shall be created for conservation purposes except where an esplanade has been identified for access in accordance with Rule 12A.3.1 in which case it shall be created in accordance with that rule.

b. Where *lots* which are 4ha or more are being formed and the *riparian area* is covered in predominantly native vegetation, an esplanade strip or similar instrument shall be created for conservation purposes except where an esplanade has been identified for access in accordance with Rule 12A.3.1 in which case it shall be created in accordance with that rule.

c. If an esplanade strip is set aside as part of a riparian protection *lot* subdivision then compensation from *Council* shall not be payable on the esplanade strip.

12A.3.3 Resource consents

As a condition of a resource consent *Council* may require the setting aside of an esplanade reserve or strip or access strip to mitigate the effects of an activity.

12A.4 Other Methods

12A.4.1 The *Regional Council* management plans are suitable for targeting specific areas, particularly where *lot* sizes are 4ha or greater.

12A.4.2 The use of other public land will be considered such as *road reserve* and Department of Conservation land.

This section contains provisions that cease to have legal effect. See the advisory notes below each relevant provision.

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Residential

13. Residential

Explanatory Statement

The Western Bay of Plenty District contains three main residential living environments:

1. The larger residential settlements comprising ~~Te Puke,~~ Katikati~~, Ōmokoroa~~ and Waihi Beach. These areas have been identified for residential growth by SmartGrowth and the Bay of Plenty Regional Policy Statement. This has also been reflected in the various *structure plans* prepared to date. ~~Within these areas residential *development* at specified densities is provided for.~~

2. Areas within the larger residential settlements identified above where provision is made for some intensification. Medium density *development* is provided for in specifically identified areas and elsewhere subject to certain specified criteria being met.

3. Existing residential settlements that lie outside those listed in 1 above. These are mainly smaller settlements often in close proximity to the coast. Growth is limited to areas within existing Residential Zone boundaries so as to avoid potential negative impacts on the Harbour (e.g. in terms of landscape and water quality), on the natural environment and versatile soils, on existing *infrastructure* and to maintain existing character. Expansion of these areas is not provided for.

Structure planning exercises have been undertaken to ensure a well planned and comprehensive approach to transportation links, *infrastructure* and zoning. Through such a structure planning process areas have been identified for medium density *development* to encourage more compact housing forms. This is consistent with SmartGrowth in that a wider range of sustainable housing options is provided so as to cater for a future population that will include significant increases in the elderly as well as in single person and childless households.

The *District's* residential areas are currently characterised by low density, low rise houses and low noise levels. The look and feel of residential areas may be adversely affected by non-residential activities which can lead to parking and congestion problems, odours, and increased noise. Poor house design and siting can also lead to a loss of sunlight, daylight and privacy. Infill *development* is provided for where these adverse effects can be minimised and where *infrastructure* and other amenities are available. Infill eases the pressure to expand Residential Zones onto productive rural

land.

Provision is made for more intensive residential *development* in specially created zones incorporating rules and performance standards to protect amenity values. Objectives, policies and rules regarding general amenity matters are included in Section 4C of the District Plan.

Where urban expansion does occur it must make efficient use of resources, whether they are *infrastructure* or land. *Development* adjoining existing urban areas achieves this, as well as reducing the potential for rural/urban conflict. Appropriate application of financial contributions provides an economic incentive for the efficient use of land for urban purposes.

13.1 Significant Issues

1. Growth within the Western Bay of Plenty District is projected to continue. Unplanned subdivision, use and *development* has the potential to adversely affect the environment and inhibit the efficient and cost-effective provision of infrastructural services.

2. A lower density residential form leads to inefficient use of *infrastructure* and unnecessary urban expansion into rural areas.

3. The expansion of smaller coastal settlements could lead to wastewater disposal issues, loss of productive rural land and erosion of the individual character of each of the settlements.

4. A lack of housing diversity and choice limits the range of available lifestyle options for both current and future generations. Development controls within the District Plan can limit the range and diversity of such lifestyle options.

5. The location and design of *buildings* and other *structures*, as well as the layout of subdivisions and associated *infrastructure*, can adversely affect the health and wellbeing of people and the safe and efficient movement of pedestrians, cyclists and vehicles.

6. A lack in the ability to interact and connect on foot and bicycle with surrounding compatible land uses and internal community facilities can result in a less desirable place to live and a decrease in the health and safety of the community.

7. The amenity values of established residential areas can be adversely affected by more intensive *development*.

8. Community Plans have been prepared for the different urban areas within the *District* that reflect the community aspirations for the area. There is the potential for the environmental outcomes sought in Community Plans to be different from the outcomes expected through the provisions of the District Plan.

9. Non-residential activities such as *home enterprises*, dairies, churches, halls, and sports clubs can result in additional noise, on-street parking and/or traffic congestion. In turn, this can result in a detraction in existing residential character and amenity values.

10. The establishment of non-residential activities that have no functional relationship with Residential Zones has the potential to undermine the viability of zones where such activities are specifically provided for.

11. Growth has the potential to adversely impact upon areas of identified ecological, social, heritage, cultural and landscape significance to the *District*.

12. In areas where there are no reticulated sewerage systems, inadequate provision for wastewater disposal associated with residential *development* can increase the risk of pollution, particularly in areas in close proximity to natural water bodies such as rivers, Tauranga Harbour and the wider coastline.

13.2 Objectives and Policies

13.2.1 Objectives

1. Efficient use of the finite land resource for urban *development*.

2. Cost-effective and efficient provision of roading and other *infrastructure* to service urban areas.

3. Concentration of new urban *development* within urban growth areas identified in the Bay of Plenty Regional Policy Statement.

4. Fulfilment of the housing needs of all sections of the residential community.

5. Preservation and enhancement of the residential character and amenity values within urban areas in a manner consistent with the aspirations of the individual communities within those areas.

6. Preservation and enhancement of the character and amenity values prevailing in existing small coastal settlements.

7. Avoidance of pollution associated with on-site wastewater disposal facilities.

8. To ensure the safe movement of pedestrians, cyclists and motor vehicles by creating an environment that promotes a sense of personal safety and security within the Residential Zone.

9. Develop interconnected road networks that increase the efficiency of all major modes and provides for future public transport, particularly in areas of medium density *development*.

10. To avoid inappropriate activities from establishing and operating within residentially zoned areas.

13.2.2 Policies

1. Residential/urban expansion should be provided for only in areas that have been identified for future urban *development* and which are contiguous with existing residential/urban areas.

2. Provision should be made for a variety of housing types and living environments within existing urban areas and within identified urban growth areas.

3. Higher density residential *development* should occur only in locations that are close to amenities, have adequate open space and can be efficiently serviced.

4. Further residential *development* in and expansion of smaller coastal settlements should be accommodated within existing Residential Zone boundaries.

5. The form of residential *development* should be consistent with recognised urban design

principles, including Crime Prevention through Environmental Design.

6. Provide safe, usable and attractive networks and associated linkages for pedestrians, cyclists and motor vehicles.

7. Urban design should provide for a greater interaction between public and private space.

8. The undertaking of non-residential activities should not generate adverse effects that would be incompatible with the character and amenity values of the area in which they are located.

9. The outcomes sought in relevant community plans that have been developed through consultation with the *District's* communities should be provided for in *development* proposals.

10. On-site wastewater disposal systems should not cause any adverse off site effects.

13.3 Activity Lists

13.3.1 Permitted Activities

Except where specified as a Controlled, Restricted Discretionary or Discretionary Activity, the following are Permitted Activities:

a. One *dwelling* per *lot*.

For Ōmokoroa and Te Puke, Rule 13.3.1 (a) ceases to have legal effect under Section 86BA (2) of the RMA. This is only to the extent that it would be inconsistent with a rule authorising as a permitted activity a residential unit in accordance with the density standards in Rule 14A.4.1 on a site which was zoned residential prior to Plan Change 92 being notified.

This note does not form part of Plan Change 92 and will be removed when Plan Change 92 becomes operative.

b. Activities on reserves as provided for in the Reserves Act 1977.

c. *Education facilities* for a combined maximum of four persons (excluding staff).

d. *Home enterprises* subject to performance standard 13.4.1.g.

e. Public works and *network utilities* as provided for in Section 10.

f. *Buildings accessory* to the foregoing.

g. *Existing urupā*.

h. *Accommodation facilities* for a combined maximum of five persons (excluding staff).

13.3.2 Controlled Activities

a. More than one *dwelling* per *lot* subject to performance standard 13.4.1.i.

For Ōmokoroa and Te Puke, Rule 13.3.2 (a) ceases to have legal effect under Section 86BA (2) of the RMA. This is only to the extent that it would be inconsistent with a rule authorising as a permitted activity a residential unit in accordance with the density standards in Rule 14A.4.1 on a

site which was zoned residential prior to Plan Change 92 being notified.

This note does not form part of Plan Change 92 and will be removed when Plan Change 92 becomes operative.

Residential Settlement	More than one dwelling per lot subject to a *net land area* of:
Katikati~~, Te Puke,~~and Waihi Beach (including Athenree, Bowentown and Pios Beach)	350m^2 per *dwelling*
~~Ōmokoroa Stage 1~~	~~400m^2 per *dwelling* with a *maximum average* of 800m^2.~~
~~Ōmokoroa Stage 2~~	~~350m^2 per *dwelling* with a *maximum average* of 650m^2~~
~~Ōmokoroa Existing Village~~	~~600m^2 per *dwelling*~~
All other areas	800m^2 per *dwelling*

b. *Minor dwellings* in addition to 13.3.1.a. subject to performance standard 13.4.1.h.

For Ōmokoroa and Te Puke, Rule 13.3.2 (b) ceases to have legal effect under Section 86BA (2) of the RMA. This is only to the extent that it would be inconsistent with a rule authorising as a permitted activity a residential unit in accordance with the density standards in Rule 14A.4.1 on a site which was zoned residential prior to Plan Change 92 being notified.

This note does not form part of Plan Change 92 and will be removed when Plan Change 92 becomes operative.

c. One *dwelling* on a title where no *dwelling* currently exists but where a *minor dwelling* exists which was constructed after 9 February 2009.

For Ōmokoroa and Te Puke, Rule 13.3.1 (c) ceases to have legal effect under Section 86BA (2) of the RMA. This is only to the extent that it would be inconsistent with a rule authorising as a permitted activity a residential unit in accordance with the density standards in Rule 14A.4.1 on a site which was zoned residential prior to Plan Change 92 being notified.

This note does not form part of Plan Change 92 and will be removed when Plan Change 92 becomes operative.

d. Works and *network utilities* as provided for in Section 10.

e. Subdivision (excluding subdivision by *unit plan*) in accordance with 13.4.2.

f. *Retirement Villages/Rest Homes* subject to compliance with the *net land area* requirements for *dwelling*s in 13.3.2.a. (for *retirement village dwellings* and *retirements village independent apartments* on a one to one basis; for *rest homes* every six *rest home* bedrooms will be counted as one *dwelling* for the purpose of this rule).

13.3.3 Restricted Discretionary Activities

a. Medium density housing, by means of subdivision or by *unit plan*, in any area where the parent site meets the following criteria:

i. Is within the Residential Zones of Katikati~~, Ōmokoroa Stage 1, Te Puke~~ and Waihi Beach, and

ii. Adjoins at least one of the following:
- A *public reserve* classified for active sports use;
- A local purpose reserve or stormwater management reserve which is at least 30m x 30m or has a minimum area of 1,000m^2 with a width and length of at least 20m~~;~~
- ~~The Ōmokoroa Golf Course~~.

Explanatory Note:
For the purpose of this rule "adjoin" shall include land which is separated from any of the above by a local road, but excluding all other roads.

iii. Is greater than 1400m^2 in gross area (this may require an amalgamation of titles).

iv. Meets the Activity Performance Standards in Section 14.4.

b. ~~Activities within stormwater management reserves in any areas and within private conservation areas in Ōmokoroa Stage 2 *Structure Plan* Area, regardless of whether they are designated, the following:~~

i. ~~The disturbance of soil, natural ground cover and vegetation, or the deposition of refuse, solid or liquid waste, fill or any material;~~

ii. ~~The diversion or modification of any natural watercourses;~~

iii. ~~The *construction* of fences or other barriers, dams, ponds and other stormwater treatment facilities, bridges, sports facilities, *dwellings* or *buildings/structures*, playgrounds, pump stations, sewers, culverts and roadways;~~

iv. ~~Walkways/cycleways.~~

~~Except that:~~
~~Disturbance of soil, natural ground cover and vegetation associated with activities approved in a reserve management plan prepared under the Reserves Act 1977 shall be exempt from this requirement.~~

~~**Explanatory Note:**~~
~~For a. to b. above *Council* will restrict its discretion to the matters specified in 13.6.~~

~~c~~b. Subdivision by *unit plan* in the general residential area subject to compliance with:

i. activity performance standards 13.4.1.a-d. inclusive and 13.4.1.i.;

ii. the minimum net *lot* sizes in 13.4.2.a.;

iii. the following carparking requirement:

Requirement
Where car parking spaces are provided one may be 'stacked' where it does not interfere with shared access.

Council's discretion is restricted to matters under 13.5.1, 13.6.1 and 13.6.2.

~~d~~c. *Retirement Villages/Rest Homes* that do not comply with one or more of the applicable activity performance standards in Rule 13.4.

For Ōmokoroa and Te Puke, Rule 13.3.3 (c) ceases to have legal effect under Section 86BA (2) of the RMA. This is only to the extent that it would be inconsistent with a rule authorising as a permitted activity a residential unit in accordance with the density standards in Rule 14A.4.1 on a site which was zoned residential prior to Plan Change 92 being notified.

This note does not form part of Plan Change 92 and will be removed when Plan Change 92 becomes operative.

13.3.4 Discretionary Activities

a. *Places of assembly*.

b. *Accommodation facilities* not complying with 13.4.1.f.

c. Hospitals.

d. *Medical or scientific facilities*.

e. *Dairies* no greater than 60m^2 *gross floor area*.

f. *Education facilities* for more than four persons (excluding staff).

g. Urupā (new sites).

h. Works and *network utilities* as provided for in Section 10.

i. *Development* that is not in general accordance with the respective S*tructure Plan*.

j. *Retirement Villages/Rest Homes* that do not comply with the *net land area* requirements for *dwellings* in 13.3.2.a.

For Ōmokoroa and Te Puke, Rule 13.3.4 (j) ceases to have legal effect under Section 86BA (2) of the RMA. This is only to the extent that it would be inconsistent with a rule authorising as a permitted activity a residential unit in accordance with the density standards in Rule 14A.4.1 on a site which was zoned residential prior to Plan Change 92 being notified.

This note does not form part of Plan Change 92 and will be removed when Plan Change 92 becomes operative.

13.4 Activity Performance Standards

13.4.1 General

The following performance standards shall be met by all Permitted and Controlled Activities and shall be used as a guide for the assessment of all other activities. Any permitted activity that fails to comply with any of these standards will be a Restricted Discretionary Activity for the particular non-compliance.

a. Height of buildings/structures

The maximum *height* shall be 8m and retain a maximum two storey character.

For Ōmokoroa and Te Puke, Rule 13.4.1 (a) ceases to have legal effect under Section 86BA (2) of the RMA. This is only to the extent that it would be inconsistent with a rule authorising as a permitted activity a residential unit in accordance with the density standards in Rule 14A.4.1 on a site which was zoned residential prior to Plan Change 92 being notified.

This note does not form part of Plan Change 92 and will be removed when Plan Change 92 becomes operative.

b. **Daylight** (except as provided for in clause ba. below).

All *buildings/structures* shall be within a building envelope of 2m *height* above *ground level* at all boundaries and an angle of 45 degrees into the site from that point. Except where the site has a boundary with a road in which case this rule shall not apply in respect of that boundary.

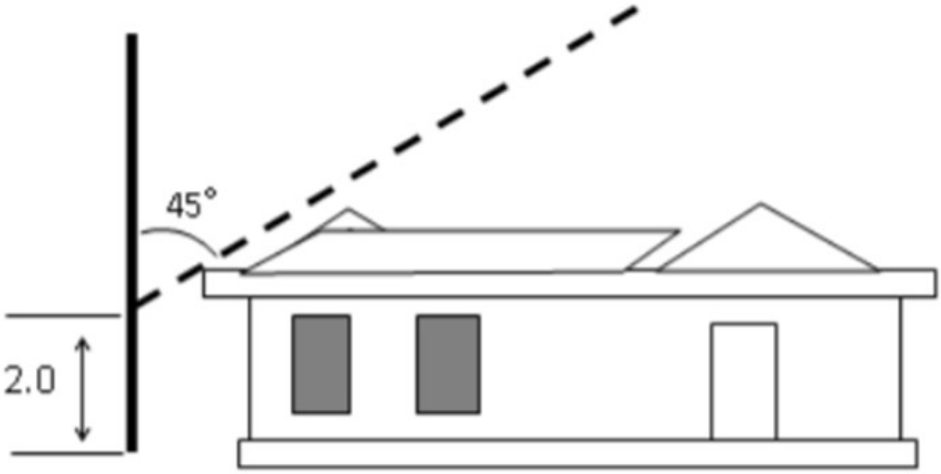

Figure 1: Daylighting Calculation

Provided that:
A *building/structure* may encroach through the above daylighting plane where the written approval of the owner(s) of the immediately adjoining property to the specific encroachment is obtained.

For Ōmokoroa and Te Puke, Rule 13.4.1 (b) ceases to have legal effect under Section 86BA (2) of the RMA. This is only to the extent that it would be inconsistent with a rule authorising as a permitted activity a residential unit in accordance with the density standards in Rule 14A.4.1 on a site which was zoned residential prior to Plan Change 92 being notified.

This note does not form part of Plan Change 92 and will be removed when Plan Change 92 becomes operative.

ba. **Daylighting requirements applying to dwellings at Waihi Beach (Planning Maps U01-U08) which are in floodable areas and subject to rule 8.3.3.c.i.**

i. Existing or replacement *dwellings*

This rule shall apply to:

- The raising of an existing *dwelling* within the same building footprint (*building coverage* and distance from boundaries); and
- The erection of a replacement *dwelling* within the same building

footprint and *building* envelope (*height* in relation to boundaries) as the *dwelling* to be replaced.

In either of the foregoing cases, the *dwelling* may encroach through the daylighting plane referred to in rule 13.4.1.b. to an extent no greater than that required to achieve a floor level of 500mm above the 2% AEP Maximum Probable Development Flood Level for the subject property.
Provided that:

1. The maximum vertical extent of any encroachment through the daylighting plane shall be 1.0m;

2. In respect of an existing or replacement *dwelling* the term “building footprint” shall be limited to that of the *dwelling* itself and shall not include any floor area used for garaging or other accessory purposes.

ii. Additional provision for *dwellings* on narrow width properties

In respect of properties with an average width of less than 13m, and notwithstanding any non-compliance of an existing or replacement *dwelling* with clause (i) above, any *dwelling* (existing, replacement or new) may encroach through the daylighting plane set out in rule 13.4.1.b. by a maximum vertical extent of 1.0m.

ExplanatoryNote:
Pursuant to rule 8.3.3.b., the activity status of the *dwellings* referred to in foregoing clauses i. and ii. is restricted discretionary. Any resource consent application under rule 8.3.3.b. to which rule 13.4.1.ba. also applies shall be processed without notification and without written approvals of other persons being required. In the case of encroachments through the daylighting plane exceeding a vertical extent of 1.0m, the usual provisions of the RMA relating to notification and affected persons shall apply.

Explanatory Note:
For subdivision by *unit plan,* this rule shall only apply to *buildings/structures* on the *base land* in their relationship to the *base land* external site boundaries and shall not apply between the internal boundaries of the *principal units* within the *unit plan*, nor between the *principal units* and their internal boundary with any *common property.*

c. Yards

i. Front *Yards* shall be no less than the following:

Residential *Dwellings* (not including garages) 4m
Other *buildings/structures* including all garages 5m

ii. Rear and Side *Yards* shall be no less than the following:

All *buildings/structures* 1.5m

(Also see (c)(iv) for *lots* along Two Mile Creek)

Provided that:
A *building/structure* may be located within a side or rear *yard* and up to a side or rear boundary where the written approval of the owner(s) of the immediately adjoining property to a specified lesser distance is obtained.

Except that:

iii. Where any *yard* adjoins:

- A Strategic Road or a designation for a Strategic Road it shall be a minimum of 10m;
- A railway corridor or designation for railway purposes, it shall be a minimum of 10m.

Provided that:
On *Secondary Arterial Roads*, and any railway corridor or designation for railway purposes, *lots* created by way of an application for subdivision consent approved prior to 1 January 2010 will be exempt.

iv. All *buildings/structures* shall have a setback of at least 7.5m from the centreline of Two Mile Creek (Waihi Beach) measured at building consent stage, irrespective of whether or not the centreline of the creek is within the subject property.

Explanatory Note:
For subdivision by *unit plan*, this rule shall only apply to *buildings/structures* on the base land in their relationship to the *base land* external site boundaries and shall not apply between the internal boundaries of the *principal units* within the *unit plan*, nor between the *principal units* and their internal boundary with any common property.

For Ōmokoroa and Te Puke, Rule 13.4.1 (c) ceases to have legal effect under Section 86BA (2) of the RMA. This is only to the extent that it would be inconsistent with a rule authorising as a permitted activity a residential unit in accordance with the density standards in Rule 14A.4.1 on a site which was zoned residential prior to Plan Change 92 being notified.

This note does not form part of Plan Change 92 and will be removed when Plan Change 92 becomes operative.

d. Maximum *Building Coverage*

Building Coverage	Activity Status
40% or less	Permitted
40%-50%	Controlled
Greater than 50%	Restricted Discretionary

Explanatory Note:
For subdivision by *unit plan*, this rule shall only apply to the *base land*, and not to each individual *principal unit* within the *unit plan*, nor to any *common property*.

For Ōmokoroa and Te Puke, Rule 13.4.1 (d) ceases to have legal effect under Section 86BA (2) of the RMA. This is only to the extent that it would be inconsistent with a rule authorising as a permitted activity a residential unit in accordance with the density standards in Rule 14A.4.1 on a site which was zoned residential prior to Plan Change 92 being notified.

This note does not form part of Plan Change 92 and will be removed when Plan Change 92 becomes operative.

e. Fences and Walls

i. Side and rear boundary:

Any fence or *wall* within the side and/or rear *yards* or on the side and/or rear boundary shall not exceed a *height* that exceeds the daylight plane as described in 13.4.1.b.;

- Except that where the common boundary is with a *public reserve* or walkway, the fence or *wall* shall not exceed 1.2m *height*, unless the portion of the *wall* or fence that is between 1.2 and 2.0m in *height* has a *visual permeability* of at least 60%

- Where the side fence or *walls* are within the 4m front *yard* specified in Rule 13.4.1.c. Yards, this *height* shall be 1.2m, unless the portion of the *wall* or fence that is between 1.2m and 2.0m in *height* has a *visual permeability* of at least 60%.

ii. Front boundary:

Any fences or *walls* within the 4m front *yard* or on the front boundary shall not exceed 1.2m in *height* unless the portion of the *wall* or fence that is between 1.2m and 2.0m in *height* has a *visual permeability* of at least 60%.

Explanatory Notes:

- Existing use rights allow fences and *walls* existing as at 1 January 2010 to be replaced to the same *height* and scale as a Permitted Activity.

- A building consent is required where a fence exceeds 2.5m.

f. Standards for Accommodation Facilities

i. Have a maximum occupancy of five persons at any one time (excluding staff);

ii. The total area available for exclusive use for the occupiers be no greater than 60m^2 *gross floor area*;

iii. Must not contain a *kitchen facility* or otherwise be self contained;

iv. For Discretionary *accommodation facilities*, information is to be provided in accordance with 4A.6.2.

g. Standards for Home Enterprises

i. Shall be conducted within a *gross floor area* not exceeding 25m^2. Carparks shall be excluded from the maximum area calculation of the activity;

ii. Is carried out by a maximum of three persons;

iii. Any goods sold must be:

i. goods produced on site; and/or

ii. goods that are ordered by the customer by telephone, mail or electronic transaction and redistributed to them by post, courier, or

electronically; and/or

iii. goods ancillary and related to a service provided by the *home enterprise*.

iv. Any advertising shall comply with Section 4D.3.2.1;

v. Parking shall be provided in accordance with Rule 4B.4.7.

Explanatory Note:
The above activity performance standards shall apply cumulatively to all *home enterprises* per *lot*.

h. Standards for Minor Dwellings and Dwellings where a Minor Dwelling was constructed after 9 February 2009 in accordance with 13.3.2.b. and c.

i. Shall share vehicle access with the principal *dwelling* or *minor dwelling* on the site; and

ii. For *minor dwellings* only, if an attached or detached garage or carport is to be built, it shall have a *gross floor area* not exceeding 18m^2.

i. Standards for more than one dwelling per lot

The relevant subdivision standards shall apply as if the land was being subdivided with each *dwelling* site being treated as if a new *lot* is being created, including the application of financial contributions.

j. Transportation, Access, Parking and Loading - See Section 4B.

k. Noise and Vibration - See Section 4C.1.

l. Storage and Disposal of Solid Waste - See Section 4C.2.

m. Lighting and Welding - See Section 4C.3.

n. Offensive Odours, Effluent Aerosols and Spray Drift - See Section 4C.4.

o. Screening - See Section 4C.5.

p. Signs - See Section 4D.

q. Natural Environment - See Section 5.

r. Landscape - See Section 6.

s. Historic Heritage - See Section 7.

t. Natural Hazards - See Section 8.

u. Hazardous Substances - See Section 9.

v. Financial Contributions - See Section 11.

13.4.2 Subdivision and Development (See also Section 12)

a. Minimum net *lot* size:

Conventional Residential Areas	Minimum Lot Size
Katikati~~, Te Puke~~ and Waihi Beach (including Athenree, Bowentown and Pios Beach).	350m^2
Athenree *Structure Plan* area adjoining the Tauranga Harbour or esplanade reserve	2,000m^2
~~Ōmokoroa Stage 1~~	~~400m^2 with a *maximum average* of 800m^2~~
~~Ōmokoroa Stage 2~~	~~350m^2 with a *maximum average* of 650m^2~~
~~Ōmokoroa Existing Village~~	~~600m^2~~
Maketu – greenfield areas connected to a reticulated wastewater supply with a minimum parent *lot* size of 3000m2	Minimum 350m^2 Average 600m^2
All other residential areas	800m^2 subject to compliance with Rule 12.4.6 and 12.4.7.

Except that:
For subdivision by *unit plan*, minimum *lot* size shall not apply to the *principal units* and *common property* within the *unit plan*.
Instead the minimum *lot* sizes indicated in 13.4.2.a. shall be used to determine the maximum number of *principal units* that can be developed within the *base land* within the respective residential areas.
For example:
In the Katikati~~, Te Puke~~ and Waihi Beach Residential Zones where the minimum net *lot* size is 350m^2 a 1750m^2 *base land* could have a maximum number of five *principal units*.

b. ~~In Ōmokoroa Stage 1 a *lot* of no greater than 2000m^2 may be created to accommodate an existing *dwelling* for which a building consent was granted prior to 9 December 2006. Any such *lot* shall be excluded from the calculation of *maximum average* net *lot* size.~~

c. ~~The following specific requirements apply to Pt Allot 63 SO 423, Ōmokoroa, that adjoins the esplanade reserve (directly south of the railway line):~~

i. ~~*Lot* width: All *lots* shall have a minimum width of 30m;~~

ii. ~~*Yards*: All side *yards* shall be a minimum of 5m;~~

iii. ~~*Building height* shall be a maximum of 6m except that a chimney may be at a *height* of 7.5m;~~

iv. ~~*Reflectivity*:~~
~~All external surfaces of *buildings* (excluding glazing) shall comply with the following *reflectivity* standards:~~
~~*Walls* – 35%~~
~~Roofs – 25%~~
~~Note:~~
~~The above shall be in accordance with British Standard BS 5252 Reflectance Value.~~

v. ~~No mirrored glass shall be used;~~

vi. ~~Planting: That a minimum landscape strip of 5m from the esplanade reserve shall be provided that will provide a sustainable long term indigenous vegetation cover;~~

vii. ~~The subdivision plan shall be supported by a landscape and maintenance plan to be approved by *Council*. The landscape strip shall be planted at the time of subdivision.~~

~~d~~b. All subdivision, use and *development* in the identified *structure plan* areas shown on the Planning Maps shall provide stormwater management reserves and access thereto, roading and road widening, walkways/cycleways, green buffer areas and water and sewage mains in the general locations shown on the *Structure Plan* and/or Planning Maps.

13.4.3 Activity Performance Standards for Medium Density Housing by criteria

See Sub-Section 14.4 – Activity Performance Standards – for Medium Density Residential.

13.5 Matters of Control - Controlled Activities

13.5.1 Subdivision and More than One Dwelling per Lot

Council shall exercise control over the following:

a. The location of roads, footpaths, walkways and cycleways and the orientation of *allotments* or *dwellings* to road boundaries to ensure good urban design outcomes.

b. The interface between public and private space to achieve good urban design outcomes.

c. The provision of access for emergency services/refuse collection (need to be able to access and manoeuvre on site).

d. The effect of additional driveways on public safety and amenity along footpaths.

e. The provision of easements or alignment of boundaries to facilitate servicing the subject area.

f. The timing of the *development* in accordance with the sequential *development* of the urban areas as identified on the *structure plan*.

g. ~~The provision of access from Lot 2 DPS 312635, Pt Allot 64 Parish Te Puna, Pt Lot 2 58259 to Lot 1 DPS 58259 and Allot 63 Te Puna Parish in Ōmokoroa (see 12.4.4.4.c.).~~

~~h~~g. The application of financial contributions.

~~i~~h. For *Retirement Villages/Rest Home*, *Council* shall also exercise control over the following in addition to a. to ~~h~~ g above:

i. The landscaping and design of the site to ensure a high level of on-site amenity including such measures as:

- Integrating *buildings*, *structures*, access ways, parking areas and visible *earthworks* with the surrounding environment;
- Allowing space for maturing trees and retaining existing trees where practicable;
- Balancing the built environment with areas of open space.

jj. For *Rest Homes* only, where such *buildings* or part thereof are within 30m of a public road frontage or a neighbouring property, and are of a length greater than 25m along that frontage, and there are no other *buildings* on the subject site that provide a break in the visual form of the *Rest Home* when viewed from the public road or neighbouring property, *Council* shall also exercise control over the following in addition to a. to ~~h~~g. above.

i. How the design of the *building* or other means provides for the variation of the visual appearance of built form by use of such methods as recesses, projections, colour, change of materials and landscaping to mitigate adverse visual effects.

13.5.2 Controlled Activity – Building Coverage

Council may impose conditions in relation to:

a. Retaining permeable surfaces on a site. This includes conditions requiring the retention of permeable surfaces on the site; or

b. Methods that mitigate the additional runoff. These methods may include onsite storage and retention of stormwater.

13.6 Matters of Discretion

13.6.1 Restricted Discretionary Activities – Non Compliance with Activity Performance Standards

Council's discretion is restricted to the actual or potential adverse effects arising from the particular non-compliance, having regard to the extent and nature of the non-compliance.

13.6.2 Restricted Discretionary Activities – Non Compliance with Activity Performance Standard –Building Coverage

Council shall restrict its discretion to the following matters:

a. The ability for the effects of additional stormwater to be mitigated; and;

b. The capacity of the local stormwater reticulation systems to cope with any increase in stormwater discharge.

13.6.3 ~~Restricted Discretionary Activities – Activities within Stormwater Management Reserves and Private Conservation Reserves in Ōmokoroa Stage 2~~

~~*Council's* discretion is restricted to:~~

a. ~~Avoiding, remedying or mitigating the potential adverse effects on the ecological values of the reserves.~~

b. ~~Avoiding, remedying or mitigating the potential for natural hazard events such as flooding. Natural hazards must not be made more severe as the consequence of a proposal.~~

c. ~~Avoiding, remedying or mitigating the adverse effects on public amenity values of the reserves including public walkway/cycleway functions.~~

d. ~~Retaining the integrity of any adopted and approved stormwater management plan and including the efficiency and effectiveness of stormwater infiltration, detention, discharge downstream and discharge to the Tauranga Harbour with particular regard to storm events.~~

13.6~~.4~~.3 Restricted Discretionary Activities - Medium Density Housing Areas by criteria

Council's discretion is restricted to:

a Consistency/compatibility with 14.4 Activity Performance Standards for Medium Density Residential.

b. Aural privacy including the noise levels anticipated from the onsite and adjacent land uses and the provision of acoustic treatments.

c. Access for emergency vehicles.

d. Lighting for amenity and crime prevention without being a nuisance to residents.

e. Connectivity to footpaths, and public walkways and cycleways.

f. Open space character including on-site landscaping, retention of mature trees, provision of shared driveways and streetscape/access way design, and location of *buildings/structures* within the site particularly the set back of garages from the facades of the house.

g. Urban design elements as per 14.4.1.j.

h. *Building* orientation for solar efficiency.

i. Street and public open space surveillance by *kitchen* or living rooms; and all front doors are to be physically sheltered and clearly visible from the adjacent road frontage.

j. Street definition including the extent to which units orient and face the street - to help define the street corridor and create a strong interface between the public and private domains.

Explanatory Note:
A Restricted Discretionary Activity that complies with the activity performance standards above will not be publicly notified, and will not require serving notice on people who may be considered affected.

13.6~~.5~~.4 Restricted Discretionary Activities – Retirement Villages/Rest Homes that do not comply with one or more of the Applicable Activity Performance Standards in 13.4

Council's discretion is restricted to:

a. The particular matter(s) of non-compliance with *Activity Performance Standards* in 13.4.

b. The Matters of Control in Rule 13.5.1.

13.6~~.6~~.5 Discretionary Activities – matters of discretion and assessment criteria

In considering an application for a Discretionary Activity, *Council* shall consider:

a. The extent of non-compliance with the Permitted Activity performance standards and the actual and potential effects on the environment.

b. How well the *development* integrates with the surrounding *development*, landuse and zoning.

c. How the *development* meets the design outcomes of adopted town centre plans and the Built Environment Strategy.

d. Any national standards for urban design.

e. What provision is made for pedestrian and vehicular access.

f. The effect on the amenity values of adjoining residential and reserve land.

This section contains provisions that cease to have legal effect. See the advisory notes below each relevant provision.

Section Contents

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Medium Density Residential

14. Medium Density Residential

Explanatory Statement

The urban communities in the Western Bay of Plenty are diverse and a range of housing options are required. The *development* of medium density residential dwellings will become more and more important as communities age, social dynamics of households change, land becomes more expensive, and sustainable development practices become more important.

The Western Bay of Plenty lacks medium density residential options in general and those that do exist are not well-designed and/or unaffordable.

The main purpose of this Section is to encourage the *development* of quality, and affordable medium density residential housing in appropriate locations.

Applicability

Within this Section the significant issues, objectives and policies are applicable to all medium density residential zones in the *District*. However, all other provisions apply only to medium density residential zones outside of Ōmokoroa and Te Puke. See Section 14A Ōmokoroa and Te Puke Medium Density Residential for specific provisions applicable to these areas.

14.1 Significant Issues

1. Growth within the Western Bay of Plenty District is projected to continue. Unplanned subdivision, use and *development* has the potential to adversely affect the environment and inhibit the efficient and cost-effective provision of infrastructural services.

2. A lower density residential form leads to inefficient use of *infrastructure* and unnecessary urban expansion into rural areas.

3. A lack of housing diversity and choice limits the range of available lifestyle options for both current and future generations. Development controls within the District Plan can limit the range and diversity of such lifestyle options.

4. The location and design of *buildings* and other *structures*, as well as the layout of subdivisions and associated infrastructure, can adversely affect the health and wellbeing of people and the safe and efficient movement of pedestrians, cyclists and vehicles.

5. A lack in the ability to interact and connect on foot and bicycle with surrounding compatible land uses and internal community facilities can result in a less desirable place to live and a decrease in the health and safety of the community.

6. The amenity values of established residential areas can be adversely affected if a medium density residential development is not properly planned or if surrounding areas are not taken into consideration.

7. Community Plans have been prepared for the different urban areas within the District that reflect the community aspirations for the area. These aspirations can come under threat if medium density residential development doesn't complement these aspirations.

8. The establishment of non-residential activities that have no functional relationship with the Medium Density Residential Zones has the potential to undermine the viability of zones where such activities are specifically provided for.

9. Growth has the potential to adversely impact upon areas of identified ecological, social, heritage, cultural and landscape significance to the District.

14.2 Objectives and Policies

14.2.1 Objectives

1. Efficient use of the finite land resource for urban development.

2. Cost-effective and efficient provision of roading and other infrastructure to service urban areas.

3. Concentration of new urban development within urban growth areas identified in the Bay of Plenty Regional Policy Statement.

4. Fulfilment of the housing needs of all sections of the residential community within identified growth areas.

5. Preservation and enhancement of the residential character and amenity values within urban areas in a manner consistent with the aspirations of the individual communities within those areas.

6. To ensure the safe movement of pedestrians, cyclists and motor vehicles by creating an environment that promotes a sense of personal safety and security within the Medium Density Residential Zone.

7. Develop interconnected road networks that increase the efficiency of all major modes and provides for future public transport in areas of medium density development.

8. To avoid inappropriate activities from establishing and operating within the Medium Density Residential Zones.

14.2.2 Policies

1. Medium density residential development should only be developed in identified growth areas and locations that are close to amenities and social infrastructure, have adequate open space and can be efficiently serviced.

2. Provision should be made for a variety of housing types and living environments within identified urban growth areas.

3. The form of medium density residential development should be consistent with recognised urban design principles, including Crime Prevention through Environmental Design.

4. Provide safe, usable and attractive networks and associated linkages for pedestrians, cyclists and motor vehicles.

5. Urban design should provide for a greater interaction between public and private space.

6. The undertaking of non-residential activities should not generate adverse effects that would be incompatible with the character and amenity values of the area in which they are located.

7. Avoid the establishment of *retirement villages* in locations not within a reasonable distance of the nearest shops and community facilities (including public transport).

8. The outcomes sought in relevant community plans that have been developed through consultation with the *District's* communities should be provided for in development proposals.

14.3 Activity Lists

14.3.1 Permitted Activities

Except where specified as a Controlled, Restricted Discretionary or Discretionary Activity, the following are Permitted Activities:

a. One *dwelling* per *lot*, subject to meeting the maximum *lot* size requirements.

For Ōmokoroa, Rule 14.3.1 (a) ceases to have legal effect under Section 86BA (2) of the RMA. This is only to the extent that it would be inconsistent with a rule authorising as a permitted activity a residential unit in accordance with the density standards in Rule 14A.4.1 on a site which was zoned medium density residential prior to Plan Change 92 being notified.

This note does not form part of Plan Change 92 and will be removed when Plan Change 92 becomes operative.

b. Activities on reserves as provided for in the Reserves Act 1977.

c. *Education facilities* for a combined maximum of four persons (excluding staff).

d. *Home enterprises* subject to performance standard 13.4.1.g.

e. Public works and *network utilities* as provided for in Section 10.

f. *Buildings accessory* to the foregoing.

g. *Accommodation facilities* for a combined maximum of five persons (excluding staff).

14.3.2 Controlled Activities

a. More than one *dwelling* per *lot* subject to performance standard 14.4.4.

For Ōmokoroa, Rule 14.3.2 (a) ceases to have legal effect under Section 86BA (2) of the RMA. This is only to the extent that it would be inconsistent with a rule authorising as a permitted activity a residential unit in accordance with the density standards in Rule 14A.4.1 on a site which was zoned medium density residential prior to Plan Change 92 being notified.

This note does not form part of Plan Change 92 and will be removed when Plan Change 92 becomes operative.

b. Works and *network utilities* as provided for in Section 10.

c. Subdivision (excluding subdivision by *unit plan*) in accordance with 14.5.1.

d. *Retirement Villages/Rest Homes* subject to compliance with the *net land area* requirements for *dwellings* in 13.3.2.a. [for *retirement village dwellings* and *retirement village independent apartments* on a one to one basis; for *rest homes* every six *rest home* bedrooms will be counted as one *dwelling* for the purposes of this rule].

For Ōmokoroa, Rule 14.3.2 (d) ceases to have legal effect under Section 86BA (2) of the RMA. This is only to the extent that it would be inconsistent with a rule authorising as a permitted activity a residential unit in accordance with the density standards in Rule 14A.4.1 on a site which was zoned residential prior to Plan Change 92 being notified.

This note does not form part of Plan Change 92 and will be removed when Plan Change 92 becomes operative.

14.3.3 Restricted Discretionary Activities

a. Any Permitted or Controlled Activity that fails to comply with 14.4 - Activity Performance Standards.

b. *Retirement Villages/Rest Homes* that do not comply with one or more of the applicable activity performance standards in 14.4.

For Ōmokoroa, Rule 14.3.3 (b) ceases to have legal effect under Section 86BA (2) of the RMA. This is only to the extent that it would be inconsistent with a rule authorising as a permitted activity a residential unit in accordance with the density standards in Rule 14A.4.1 on a site which was zoned residential prior to Plan Change 92 being notified.

This note does not form part of Plan Change 92 and will be removed when Plan Change 92 becomes operative.

14.3.4 Discretionary Activities

a. *Places of Assembly*.

b. *Accommodation facilities* not complying with 13.4.1.f.

c. Hospitals.

d. *Medical or scientific facilities*.

e. *Dairies* no greater than 60m^2 gross floor area.

f. *Education facilities* for more than four persons (excluding staff).

g. Works and *network utilities* as provided for in Section 10.

h. *Development* that is not in general accordance with the respective *Structure Plan*.

14.4 Activity Performance Standards

14.4.1 General

The following performance standards shall be met by all Permitted and Controlled Activities and shall be used as a guide for the assessment of all other activities. Any permitted activity that fails to comply with any of these standards will be a Restricted Discretionary Activity for the particular non-compliance.

a. Height of buildings/structures

- The maximum *height*, excluding Lots 3 and 4 DPS73174 (Waihi Beach), shall be 9m and retain a maximum two storey character.
- The maximum *height* for Lots 3 and 4 DPS73174 (Waihi Beach), shall be 12m.

For Ōmokoroa, Rule 14.4.1 (a) ceases to have legal effect under Section 86BA (2) of the RMA. This is only to the extent that it would be inconsistent with a rule authorising as a permitted activity a residential unit in accordance with the density standards in Rule 14A.4.1 on a site which was zoned medium density residential prior to Plan Change 92 being notified.

This note does not form part of Plan Change 92 and will be removed when Plan Change 92 becomes operative.

b. *Lot* size: Minimum Parent *lot* size and Internal *lot* size or Density

i. Subdivision and *development* shall only occur where the parent *lot* or title with a minimum area of at least 1,400m².

ii. The following *lot* sizes or densities shall apply to the subdivision or *development*:

Area	Density
~~Ōmokoroa Stage 2 Medium Density~~	~~A *maximum average* of one *dwelling* unit per 400m^2 provided that any balance area resulting from such subdivision shall comply with the average net *lot* size specified in 13.4.2.a.~~
Katikati~~,~~ ~~Ōmokoroa Stage 1, Te Puke,~~and Waihi Beach	A *maximum average* of one *dwelling* per 250m^2 provided that any balance area resulting from such subdivision shall comply with 13.4.2.a.

c. Daylight

All *buildings/structures* shall be within a *building* envelope of 2.0m *height* above *ground level* at all boundaries and an angle of 45 degrees into the site from that point.

Except where the site has a boundary with a road in which case this rule shall not apply in respect of that boundary.

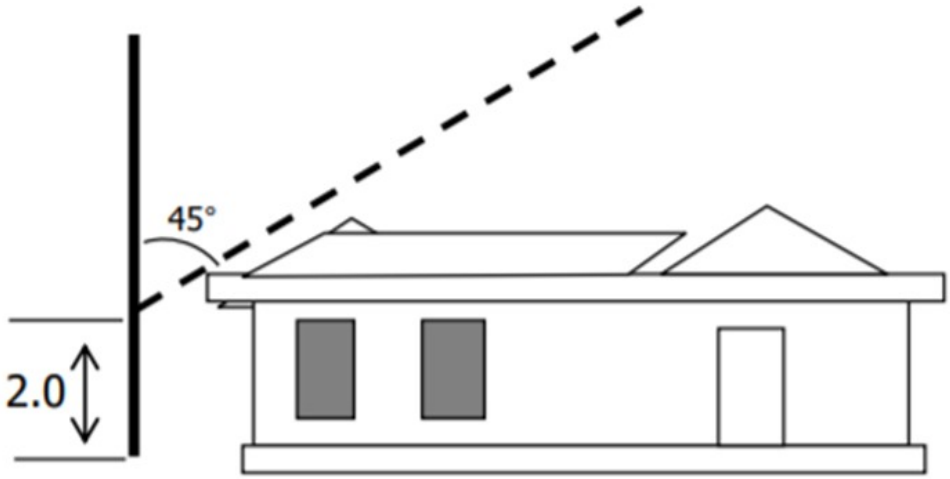

Figure 1: Daylighting Calculation

Provided that:
A *building/structure* may encroach through the above daylighting plane where the written approval of the owner(s) of the immediately adjoining property to the specific encroachment is obtained.

Explanatory Note:
For subdivision by *unit plan,* this rule shall only apply to *buildings/structures* on the *base land* in their relationship to the *base land* external site boundaries and shall not apply between the internal boundaries of the *principal units* within the *unit plan*, nor between the *principal units* and their internal boundary with any *common property.*

For Ōmokoroa, Rule 14.4.1 (c) ceases to have legal effect under Section 86BA (2) of the RMA. This is only to the extent that it would be inconsistent with a rule authorising as a permitted activity a residential unit in accordance with the density standards in Rule 14A.4.1 on a site which was zoned medium density residential prior to Plan Change 92 being notified.

This note does not form part of Plan Change 92 and will be removed when Plan Change 92 becomes operative.

d. Yards

i. Front *Yards* shall be no less than the following:

Medium Density *Dwellings* (not including garages) - 3m
Other *buildings/structures* including all garages - 5m

ii. Rear and Side *Yards* shall be no less than the following:

All *buildings/structures* 1.5m

Provided that:
A *building/structure* may be located within a side or rear *yard* and up to a side or rear boundary where the written approval of the owner(s) of the immediately adjoining property to a specified lesser distance is obtained.

iii. Except that:

Where any *yard* adjoins:

- A Strategic Road or a designation for a Strategic Road it shall be a minimum of 10m;
- A railway corridor or designation for railway purposes, it shall be a minimum of 10m.

Waihi Beach - All *buildings/structures* shall have a setback of at least 7.5m from the centre line of Two Mile Creek, measured at building consent stage, irrespective of whether or not the centre line of the creek is within the subject property.

Explanatory Note:
For subdivision by *unit plan,* this rule shall only apply to *buildings/structures* on the *base land* in their relationship to the *base land* external site boundaries and shall not apply between the internal boundaries of the *principal units* within the *unit plan*, nor between the *principal units* and their internal boundary with any *common property.*

For Ōmokoroa, Rule 14.4.1 (d) ceases to have legal effect under Section 86BA (2) of the RMA. This is only to the extent that it would be inconsistent with a rule authorising as a permitted activity a residential unit in accordance with the density standards in Rule 14A.4.1 on a site which was zoned medium density residential prior to Plan Change 92 being notified.

This note does not form part of Plan Change 92 and will be removed when Plan Change 92 becomes operative.

e. Maximum Building Coverage

Building Coverage	Activity Status
40% or less	Permitted
40% - 50%	Controlled
> 50%	Restricted Discretionary

Explanatory Note:
For subdivision by *unit plan,* this rule shall only apply to the *base land,* and not to each individual *principal unit* within the *unit plan*, nor to any *common property*.

For Ōmokoroa, Rule 14.4.1 (e) ceases to have legal effect under Section 86BA (2) of the RMA. This is only to the extent that it would be inconsistent with a rule authorising as a permitted activity a residential unit in accordance with the density standards in Rule 14A.4.1 on a site which was zoned medium density residential prior to Plan Change 92 being notified.

This note does not form part of Plan Change 92 and will be removed when Plan Change 92 becomes operative.

f. Fences or walls

i. Side boundary and rear boundary:

Any fence or *wall* within the side and/or rear *yards* or on the side and/or rear boundary shall not exceed a *height* that exceeds the daylight plane as described in 14.4.1.c.:

Explanatory Note:
A building consent is required where a fence exceeds 2.5m

Except that:

- Where the side fence or *wall* is within the front *yard* specified in Rule 14.4.1.d. Yards, this *height* shall not exceed 1.2m, unless the portion of the *wall* or fence that is between 1.2 and 2.0m in *height* has a *visual permeability* of at least 60%.
- Where the common boundary is with a *public reserve* or walkway, the fence or *wall* shall not exceed 1.2m *height*, unless the portion of the *wall* or fence that is between 1.2m and 2.0m in *height* has a *visual permeability* of at least 60%.
- Any fence or *wall* closer than 5.5m from the centre line of Two Mile Creek shall not exceed 1.2m in *height*, unless the portion of the *wall* or fence that is between 1.2m and 2.0m in *height* has a *visual permeability* of at least 60%.

ii. Front boundary:

Any fence or *wall* within the front *yard* or on the front boundary shall not exceed 1.2m in *height* unless the portion of the *wall* or fence that is between 1.2m and 2.0m in *height* has a *visual permeability* of at least 60%.

Explanatory Note:
Existing use rights allow fences or *walls* existing as at 1 January 2010 to be replaced to the same *height* / scale as a Permitted Activity.

g. Dwelling unit gross floor area requirements

i. *Dwelling* units shall not be less than the following minimum *gross floor areas*:

- 1 bedroom *dwelling* units – 40m^2
- 2 Bedroom *dwelling* units – 60m^2
- 3 Bedroom *dwelling* units – 80m^2
- 4 or more bedroom *dwelling* units – 95m^2

Explanatory Note:
These figures exclude balconies.

Provided that:
Complexes containing up to ten *dwelling* units shall have no more than five studio and one bedroom units and no more than 30% of units in complexes greater than ten *dwellings* shall comprise studio or one bedroom units.

ii. Multi unit developments shall maintain and enhance amenity by providing a reasonable mix of single and multi-bedroom *dwellings* provided that retirement and care-based facilities may provide a greater number of single bedroom units if they include compensatory provision of common floor or open space elsewhere in the facility.

For Ōmokoroa, Rule 14.4.1 (g) ceases to have legal effect under Section 86BA (2) of the RMA. This is only to the extent that it would be inconsistent with a rule authorising as a permitted activity a residential unit in accordance with the density standards in Rule 14A.4.1 on a site which was zoned medium density residential prior to Plan Change 92 being notified.

This note does not form part of Plan Change 92 and will be removed when Plan Change 92 becomes operative.

h. Outdoor living area

i. Katikati, and Waihi Beach, Te Puke, Ōmokoroa Stage 1 and 2:
Each *dwelling* unit shall be provided with an outdoor living area in the form of a balcony, deck, or grass/garden with a minimum area of 25m^2 that is able to contain a 4.0m diameter circle. Such open space shall:

a. Be directly accessible from the main living room of the *dwelling*.
b. Provide sunlight access to an area of the space with a minimum diameter circle of 3m that receives no less than 1 hour of continuous sunlight when the sun's azimuth is between 337° 30' and 22° 30' (approximately hours of 11am to 2pm) on June 21 (mid-winter solstice). Depending on orientation & topography, an additional outdoor living area may be required to provide minimum sunlight access to residents.

Except that
For *dwelling* units above the ground floor or *dwelling* units with living areas above ground floor a proportion of the required open space may be provided communally at *ground level* to the equivalent required total, provided that the sunlight access quota is met. Communal open space shall be on flat land, easily accessible to residents and have seating, shade and landscape planting.

For Ōmokoroa, Rule 14.4.1 (h) ceases to have legal effect under Section 86BA (2) of the RMA. This is only to the extent that it would be inconsistent with a rule authorising as a permitted activity a residential unit in accordance with the density standards in Rule 14A.4.1 on a site which was zoned medium density residential prior to Plan Change 92 being notified.

This note does not form part of Plan Change 92 and will be removed when Plan Change 92 becomes operative.

i. Rubbish and recycling

An enclosed shed or screened areas shall be provided for the placement of refuse and recycling material. This area will be accessible by a two axled truck.

j. Urban design

i. Windows within habitable rooms in a *dwelling* unit shall not have a direct line of sight to a habitable room window in another *dwelling* unit where the distance between the respective windows of the two *dwelling* units is 10m or less.

ii. The street façade of a *building* should have at least two cladding materials and glass surfaces should not exceed more than 60% of the street façade for that *building*.

iii. All new residential and medium density residential *buildings* should have a pitched roof with overhangs of a minimum of 400mm to make the roof appear light and reduce the impact or bulk of the *building*.

iv. At ground floor level, garage doors facing the street should not occupy more than 65% of the frontage to ensure that the street front is not dominated by garage doors.

For Ōmokoroa, Rule 14.4.1 (j) ceases to have legal effect under Section 86BA (2) of the RMA. This is only to the extent that it would be inconsistent with a rule authorising as a permitted activity a residential unit in accordance with the density standards in

Rule 14A.4.1 on a site which was zoned medium density residential prior to Plan Change 92 being notified.

This note does not form part of Plan Change 92 and will be removed when Plan Change 92 becomes operative.

k. Landscaping

i. A minimum of 20% of the lineal *lot* frontage to a depth of 2.0m shall be planted with a combination of grass, ground covers, shrubs and trees and this shall be maintained on an ongoing basis.

ii. A minimum of one specimen tree (1.2m in height at the time of planting or greater) per $35m^2$ of planted area shall be planted and maintained to best horticultural practice

For Ōmokoroa, Rule 14.4.1 (k) ceases to have legal effect under Section 86BA (2) of the RMA. This is only to the extent that it would be inconsistent with a rule authorising as a permitted activity a residential unit in accordance with the density standards in Rule 14A.4.1 on a site which was zoned medium density residential prior to Plan Change 92 being notified.

This note does not form part of Plan Change 92 and will be removed when Plan Change 92 becomes operative.

l. Parking requirements

Explanatory Note:
Where more than one car park is provided, one may be stacked provided it does not interfere with shared access.

m. Maximum building length

i. The maximum *building* length is 25m before a recess with a minimum dimension of 3.0m x 3.0m is required

The recess shall also have a height of no less than 1.0m lower than the adjacent *building* mass. In addition terraced houses are limited to avoid long repetitive rows of units.

ii. No *building* shall have a length exceeding 50m or contain more than 10 *dwelling* units in a row i.e. terrace housing.

For Ōmokoroa, Rule 14.4.1 (m) ceases to have legal effect under Section 86BA (2) of the RMA. This is only to the extent that it would be inconsistent with a rule authorising as a permitted activity a residential unit in accordance with the density standards in Rule 14A.4.1 on a site which was zoned medium density residential prior to Plan Change 92 being notified.

This note does not form part of Plan Change 92 and will be removed when Plan Change 92 becomes operative.

n. Transportation, Access, Parking and Loading - See Section 4B.

o. Noise and Vibration - See Section 4C.1.

p. Storage and Disposal of Solid Waste - See Section 4C.2.

q. **Lighting and Welding** - See Section 4C.3.

r. **Offensive Odours, Effluent Aerosols and Spray Drift** - See Section 4C.4.

s. **Screening** - See Section 4C.5.

t. **Signs** - See Section 4D.

u. **Natural Environment** - See Section 5.

v. **Landscape** - See Section 6.

w. **Historic Heritage** - See Section 7.

x. **Natural Hazards** - See Section 8.

y. **Hazardous Substances** - See Section 9.

z. **Financial Contributions** - See Section 11.

14.4.2 Standards for Accommodation Facilities

In the event of any conflict or inconsistency between these rules and those set out in 14.4.1 above, the content of these rules shall prevail.

a. Have a maximum occupancy of five persons at any one time (excluding staff);

b. The total area available for exclusive use for the occupiers be no greater than 60m^2 *gross floor area*;

c. Must not contain a *kitchen* or otherwise be *self contained*;

d. For Discretionary *Accommodation Facilities*, information is to be provided in accordance with 4A.6.2.

14.4.3 Standards for Home Enterprises

In the event of any conflict or inconsistency between these rules and those set out in 14.4.1 above, the content of these rules shall prevail.

a. Shall be conducted within a *gross floor area* not exceeding 25m^2. Carparks shall be excluded from the maximum area calculation of the activity.

b. Is carried out by a maximum of three persons.

c. Any goods sold must be:

i. goods produced on site; and/or

ii. goods that are ordered by the customer by telephone, mail or electronic transaction and redistributed to them by post, courier, or electronically; and/or

iii. goods ancillary and related to a service provided by the *home enterprise*.

d. Any advertising shall comply with Section 4D.3.2.1.

e. Parking shall be provided in accordance with Rule 4B.4.7.

Explanatory Note:
The above activity performance standards shall apply cumulatively to all *Home Enterprises* per *lot*.

14.4.4 Standards for more than one dwelling per lot

The relevant subdivision standards shall apply as if the land was being subdivided with each *dwelling* site being treated as if a new *lot* is being created, including the application of financial contributions.

14.5 Matters of Control - Controlled Activities

14.5.1 Subdivision and More than One Dwelling on a Lot

Council shall exercise control over the following:

a. The location of roads, footpaths, walkways and cycleways and the orientation of *allotments* or *dwellings* to road boundaries to ensure good urban design outcomes;

b. The interface between public and private space to achieve good urban design outcomes;

c. The provision of access for emergency services/refuse collection (need to be able to access and manoeuvre on site);

d. The timing of the *development* in accordance with the sequential *development* of the urban areas as identified on the *Structure Plan*;

e. The application of financial contributions.

f. The effect of additional driveways on public safety and amenity along footpaths.

14.5.2 Controlled Activity – Retirement Villages/Rest Homes

For *Retirement Villages/Rest Homes*, *Council* shall also exercise control over the following in addition to 14.5.1.a. to f. above:

a. The landscaping and design of the site to ensure a high level of on-site amenity including such measures as:

- Integrating *buildings*, *structures*, accessways, parking areas and visible *earthworks* with the surrounding environment.
- Allowing space for maturing trees and retaining existing trees where practicable
- Balancing the built environment with areas of open space.

For *Rest Homes* only, *Council* shall also exercise control over the following in addition to 14.5.1a. to f. and 14.5.2.a. above:

b. The maximum *building* length is 25m before a recess with a minimum dimension of 3.0m x 3.0m is required. No *building* shall have a length exceeding 50m.

14.6 Matters of Discretion

14.6.1 Restricted Discretionary Activities – Non Compliance with Activity Performance Standards

Council's discretion is restricted to the actual or potential adverse effects arising from the particular non-compliance, having regard to the extent and nature of the non-compliance.

14.6.2 Restricted Discretionary Activities – Non Compliance with Activity Performance Standard – Building Coverage

Council shall restrict its discretion to the following matters:

a. The ability for the effects of additional stormwater to be mitigated;

b. The capacity of the local stormwater reticulation systems to cope with any increase in stormwater discharge; and

14.6.3 Restricted Discretionary Activities – Non Compliance with minimum Parent Lot or Title size of 1,400m²

Council shall restrict its discretion to the following matters:

a. Aural privacy including the noise levels anticipated from the on-site and adjacent land uses and the provision of acoustic treatments.

b. Open space character including:

- on-site landscaping;
- retention of mature trees;
- provision of shared driveways and streetscape/access way design; and
- location of *buildings/structures* within the site particularly the setback back of garages from the facades of the house.

c. Urban design elements as per 14.4.1.j.

d. *Building* orientation for solar efficiency.

e. Street and public open space surveillance by *kitchen* or living.

f. Street definition including the extent to which units orient and face the street - to help define the street corridor and create a strong interface between the public and private domains.

14.6.4 Restricted Discretionary Activities - Retirement Villages/Rest Homes that do not comply with One or More of the Applicable Activity Performance Standards in 14.4.

Council's discretion is restricted to:

a. The particular matter(s) of non-compliance with the Activity Performance Standards in Rule 14.4.

b. The Matters of Control in Rule 14.5.

14.6.5 Discretionary Activities – Matters Of Discretion And Assessment Criteria

In considering an application for a Discretionary Activity, *Council* shall consider:

a. The extent of non compliance with the Permitted Activity performance standards and the actual and potential effects on the environment.

b. How well the *development* integrates with existing medium density residential development and its orientation to public space, including the street.

c. How the *development* meets the design outcomes of adopted town centre plans and the Built Environment Strategy.

d. Any national standards for urban design.

e. What provision is made for pedestrian and vehicular access.

f. The effect on the amenity values of adjoining residential and reserve land.

g. The extent to which the proposal is consistent with objectives and policies of this District Plan.

14.7 Other Methods

14.7.1 The Built Environment Strategy establishes a non regulatory approach to assist developers to engage in a free design process. This is called the ‘package of plans approach’ which promotes the development community presenting concept plans to *Council* at an early stage and refining these before lodging applications for building and/or resource consent. This is identified in Figure 2 of the Built Environment Strategy.

This section contains provisions that have immediate legal effect. See the advisory notes below each relevant provision.

Section Contents

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Ōmokoroa and Te Puke Medium Density Residential

14A. Ōmokoroa and Te Puke Medium Density Residential

Explanatory Statement

Ōmokoroa and Te Puke are identified in the Bay of Plenty Regional Policy Statement as priority residential growth areas for the wider western Bay of Plenty *sub-region*. Amendments to the *RMA* resulted in *Council* changing the District Plan in regard to Ōmokoroa and Te Puke to give effect to medium density residential standards (MDRS). This Section incorporates specific provisions (including the MDRS) to guide the growth of these urban areas.

The MDRS enable greater housing supply by permitting medium density *developments* of up to three *residential units* on a *site* subject to meeting more flexible density standards for *height*, *height in relation to boundary*, setbacks and *building coverage* than has existed historically. The MDRS also ensure that residents have sufficient *outdoor living space*, views from indoor areas to outdoor spaces and streets as well as appropriate landscaping.

Four or more *residential units* on a *site* can be applied for through resource consent. These larger medium density *developments* must be designed comprehensively to achieve high quality and well-functioning urban environments including consistency with activity performance standards, *structure plans* and good urban design outcomes.

To cater for the varying needs of the community a range of *building* types and housing *developments* need to be provided. This can include different building styles such as single detached *residential units* and attached *residential units* including duplexes, terraced housing and apartments. These can be provided within varying housing *development* types which could include infill *development*, comprehensive residential *developments*, *retirement villages*, papakāinga and pocket neighbourhood typologies with a variety of different tenures.

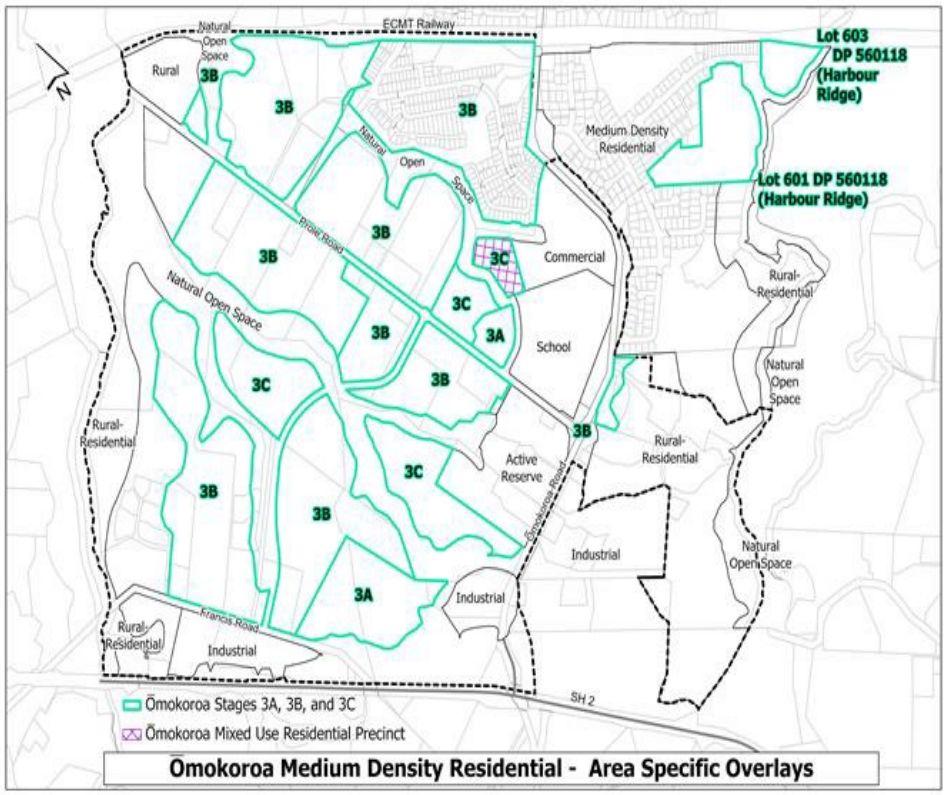
There are a number of area specific overlays that provide direction on specific requirements including residential yield requirements to ensure that the land resource is used effectively and efficiently. This includes providing for higher density (minimum of 30 *residential units* per hectare) in Ōmokoroa Stage 3C and the Ōmokoroa Mixed Use Residential Precinct. These locations have particular attributes such as proximity to high amenity areas, transportation routes and the new planned commercial centre. The Ōmokoroa Mixed Use Residential Precinct provides for medium to high density residential *development* with commercial activities primarily at street level. It anticipates denser *development* with taller *buildings* to deliver a planned character of a vibrant, complementary mixed-use destination adjacent to the town centre which is able to connect to surrounding natural features (gullies and streams) and planned active transport routes.

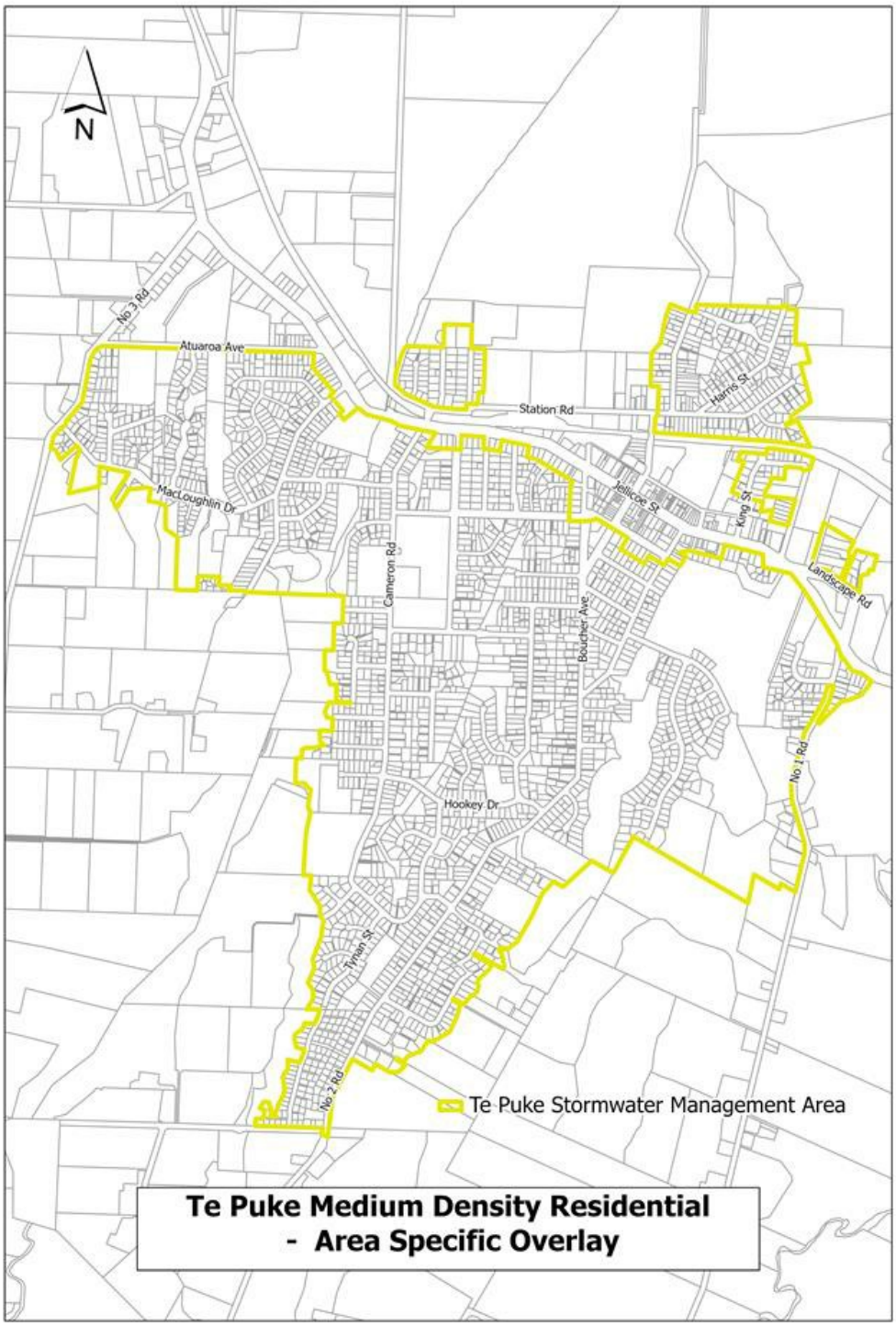
Structure plans exist for 'greenfield' medium density *development* areas in Ōmokoroa (Stage 3) and Te Puke (Macloughlin Drive South and Seddon Street East) to provide further guidance for subdivision and *development* in these areas. These *structure plans* ensure appropriate scale *infrastructure* is provided including roads, walkways, cycleways, three waters *infrastructure* and reserves.

In support of the provisions of this Section, the Medium Density Residential (Section 14) explanatory statement, issues, objectives and policies still remain applicable. In addition, this Section (14A) also contains more specific objectives for Ōmokoroa and Te Puke. Where there are any inconsistencies in objectives and policies, those

specific to Ōmokoroa and Te Puke in this Section (14A) take precedence.

The area specific overlays that provide direction on a number of specific requirements within this Section (14A) are shown on the maps below.





14A.1 Significant Issues

See the Significant Issues in Section 14.1 - Medium Density Residential.

14A.2 Objectives and Policies

14A.2.1 Objectives

1. A well-functioning urban environment that enables all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.

This is a provision which incorporates the objectives in clause 6 of Schedule 3A of the RMA.

This note does not form part of Plan Change 92 and will be removed when Plan Change 92 becomes operative.

2. Provide for a variety of housing types and sizes that respond to housing needs and demand and the neighbourhood's planned urban built character, including three-storey buildings.

This is a provision which incorporates the objectives in clause 6 of Schedule 3A of the RMA.

This note does not form part of Plan Change 92 and will be removed when Plan Change 92 becomes operative.

3. Provide for a variety of housing *developments* including infill *development*, comprehensive residential *developments*, *retirement villages*, papakāinga and pocket neighbourhood typologies with a variety of different tenures.

4. An urban form providing positive private and public amenity outcomes.

5. Increased density of *development* to provide a more compact urban settlement pattern supporting integrated and connected community facilities, *infrastructure* and public transport including higher density *development* within Ōmokoroa Stage 3C and the Ōmokoroa Mixed Use Residential Precinct.

6. Minimisation of the adverse effects of *earthworks* and retaining walls on the existing natural landform and associated cultural and amenity values as well as on the stability of land and the safety of *buildings* and *structures*.

7. Maintenance and enhancement of the stormwater management functions of both the natural and built stormwater network.

8. A well-functioning high quality residential-led mixed use area within the Ōmokoroa Mixed Use Residential Precinct that actively and positively integrates and engages with the surrounding environment and is complementary to the function, viability and vitality of the neighbouring Commercial Zone, comprising daytime and night-time activities compatible with residential uses.

14A.2.2 Policies

1. Enable a variety of housing types with a mix of densities within the zone, including three-storey attached and detached *residential units*, and low-rise apartments.

This is a provision which incorporates the policies in clause 6 of Schedule 3A of the RMA.

This note does not form part of Plan Change 92 and will be removed when Plan Change 92 becomes operative.

2. Apply the MDRS except in circumstances where a qualifying matter is relevant (including matters of significance such as historic heritage and the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga).

This is a provision which incorporates the policies in clause 6 of Schedule 3A of the RMA.

This note does not form part of Plan Change 92 and will be removed when Plan Change 92 becomes operative.

3. Encourage development to achieve attractive and safe streets and public open spaces, including by providing for passive surveillance.

This is a provision which incorporates the policies in clause 6 of Schedule 3A of the RMA.

This note does not form part of Plan Change 92 and will be removed when Plan Change 92 becomes operative.

4. Enable housing to be designed to meet the day-to-day needs of residents.

This is a provision which incorporates the policies in clause 6 of Schedule 3A of the RMA.

This note does not form part of Plan Change 92 and will be removed when Plan Change 92 becomes operative.

5. Provide for *developments* not meeting permitted activity status, while encouraging high-quality developments.

This is a provision which incorporates the policies in clause 6 of Schedule 3A of the RMA.

This note does not form part of Plan Change 92 and will be removed when Plan Change 92 becomes operative.

6. Enable a variety of housing *developments* such as infill *development*, comprehensive residential *development*, *retirement villages*, papakāinga and pocket neighbourhoods in a manner which responds to the specific needs of the community which they are designed for.

7. Require proposals of four or more *residential units* on a *site* to provide integrated assessments which fully assess how the land is to be used effectively and efficiently, how the relevant requirements of the *structure plan* are met including provision of infrastructure and how high quality urban design outcomes are being achieved.

8. Require proposals of four or more *residential units* on a *site* to achieve the minimum number of *residential units* per hectare of *developable area* unless it can be clearly demonstrated that any adverse effects can be adequately mitigated.

9. Ensure that residential *development* achieves good private amenity outcomes by utilising the orientation of the *site/s* for solar access and by providing for on-site privacy, outdoor living spaces, landscaping, outlook space and surveillance to and from public spaces.

10. Ensure that the interface between residential development and public boundaries is positive by avoiding or mitigating the visual dominance of *buildings* other than *residential units*, minimising repetition of building form, limiting the *heights* of solid fences and by providing appropriate landscaping.

11. Provide connections from subdivisions and *developments* to reserves, open spaces and/or commercial centres that have a high level of public amenity and in accordance with any relevant *structure plans*, reserve management plans and recreation and open space activity plans.

12. Limit non-residential activities, *accommodation facilities* and *home enterprises* to being undertaken only where any potential adverse effects on residential amenity values and the functioning of the residential environment are able to be avoided or mitigated.

13. Ensure subdivision and *development* is designed to utilise the existing natural landform to limit the need for *earthworks* and retaining walls.

14. The maximum limit for *impervious surfaces* should not be exceeded unless any additional stormwater runoff can be mitigated on-site and prevented or delayed (as required) from entering *Council's* stormwater network.

15. Retain existing overland flowpaths are to be retained or if modified shall maintain or enhance their existing function and not result in additional stormwater runoff onto neighbouring properties.

16. The permitted *gross floor area* of non-residential uses within the Ōmokoroa Mixed Use Residential Precinct should not be exceeded unless it can be demonstrated through economic impact assessment that the viability and associated vitality of use of the neighbouring Commercial Zone would not be significantly affected.

17. Ensure *developments* in the Ōmokoroa Mixed Use Residential Precinct are designed holistically with respect to surrounding land uses, buildings and contour changes, positively connect with and contribute to the quality of public spaces and provide a density of use of land to deliver the planned character of a vibrant, complementary mixed-use destination adjacent to the town centre.

18. Avoid, remedy or mitigate adverse effects on residential uses from non-residential uses in the Ōmokoroa Mixed Use Residential Precinct.

14A.3 Activity Lists

14A.3.1 Permitted Activities

The following land uses are Permitted Activities subject to meeting all relevant activity performance standards (density standards and other standards).

a. *Construction* or use of *buildings* and *structures* within this list.

Rule 14A.3.1 (a) has immediate legal effect under Section 86BA (1) of the RMA. This is only to the extent that it is used to authorise as a permitted activity a residential unit in accordance with the density standards in Rule 14A.4.1 on a site which was zoned residential or medium density residential prior to Plan Change 92 being notified.

This note does not form part of Plan Change 92 and will be removed when Plan Change 92 becomes operative.

b. Up to three *residential units* on a *site*.

Rule 14A.3.1 (b) has immediate legal effect under Section 86BA (1) of the RMA. This is only to the extent that it is used to authorise as a permitted activity a residential unit in accordance with the density standards in Rule 14A.4.1 on a site which was zoned residential or medium density residential prior to Plan Change 92 being notified.

This note does not form part of Plan Change 92 and will be removed when Plan Change 92 becomes operative.

c. Showhomes.

d. *Accommodation facilities* for a combined maximum of five persons (excluding staff).

e. *Education facilities* for a combined maximum of four persons (excluding staff).

f. *Home enterprises.*

g. In the Ōmokoroa Mixed Use Residential Precinct only, the following activities where they occupy less than 150m^2 in *gross floor area*:

   i. *Offices*

   ii. *Retailing* (ground floor only)

   iii. *Restaurants and other eating places* and taverns (ground floor only)

   iv. *Commercial services* (ground floor only)

   v. *Places of assembly* (excluding places of worship, marae, halls, theatres and taverns)

   vi. *Medical or scientific facilities*.

h. Activities approved in a reserve management plan or reserve concept plan prepared under the Reserves Act 1977 or Local Government Act 2002.

i. Works and *network utilities* as provided for as a permitted activity in Section 10.

j. *Buildings accessory to*, and *structures* accessory to, the foregoing.

k. *Existing urupā*

l. *Earthworks.*

14A.3.2 Controlled Activities

a. Subdivision for the purpose of the *construction* and use of *residential units* which comply with the density standards in Rule 14A.4.1.

b. Subdivision for the purpose of the *construction* and use of *residential units* which do not comply with the density standards in Rule 14A.4.1 where restricted discretionary consent has been granted or is sought concurrently for the *residential units*.

c. For *sites* less than 1,400m^2, subdivison to create one or two additional *lots* which are not for the purpose of the *construction* and use of *residential units* under Rules 14A.3.2 (a) or (b) above.

d. Works and *network utilities* as provided for as a controlled activity in Section 10.

14A.3.3 Restricted Discretionary Activities

a. Permitted and controlled land use activities that do not comply with the density standards or other standards in Rules 14A.4.1 and 14A.4.2.

b. Four or more *residential units* on a *site*.

c. *Comprehensive mixed use development* within the Ōmokoroa Mixed Use Residential Precinct (except for *residential units* which are permitted by complying with the density standards).

d. *Retirement villages* (except for *residential units* which are permitted by complying with the density standards).

e. *Rest homes*.

f. Works and *network utilities* as provided for as a restricted discretionary activity in Section 10.

14A.3.4 Discretionary Activities

a. *Places of assembly*.

b. *Accommodation facilities* not complying with 14A.4.2 (j).

c. *Education facilities* for more than four people (excluding staff).

d. *Medical or scientific facilities*.

e. *Dairies* no greater than 60m^2 *gross floor area*.

f. In the Ōmokoroa Mixed Use Residential Precinct, activities not complying with the permitted *gross floor area* in Rule 14A.3.1(g).

g. Urupā (new sites).

h. Works and *network utilities* as provided for as a discretionary activity in Section 10.

i. Subdivision which is not for the purpose of the construction and use of *residential units* under Rules 14A.3.2 (a) or (b) and which does not qualify as a controlled activity under 14A.3.2 (c).

14A.3.5 Non-Complying Activities

a. Subdivision provided for as a discretionary activity in 14A.3.4 (i) above which fails to comply with the subdivision standards in 14A.4.3 (c).

14A.4 Activity Performance Standards

14A.4.1 Density Standards

Rule 14A.4.1 incorporates the density standards in Part 2 of Schedule 3A of the RMA.

This note does not form part of Plan Change 92 and will be removed when Plan Change 92 becomes operative.

The following performance standards shall be met by all activities.

Any Permitted or Controlled Activity that fails to comply with any of these standards shall be a Restricted Discretionary Activity and *Council's* discretion shall be restricted to any particular non-compliances. Any other activity that fails to comply with any of these standards shall retain the same activity status.

a. **Number of residential units per site**

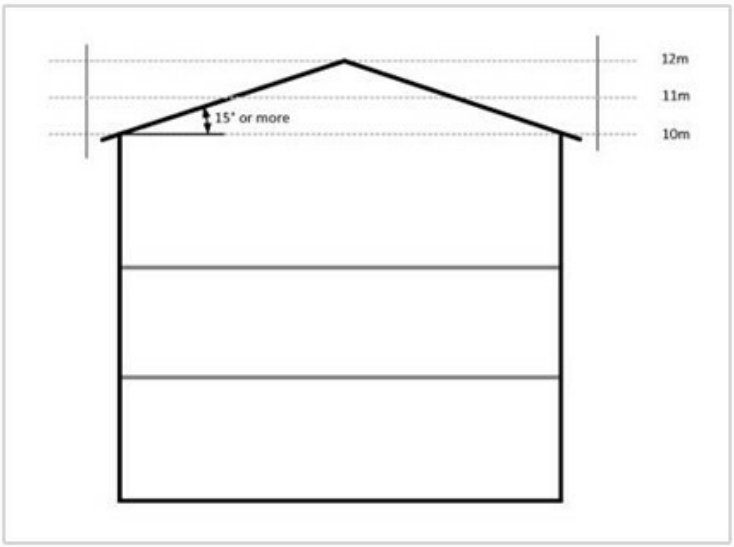
There must be no more than three *residential units* per *site*.

Rule 14A.4.1 (a) has immediate legal effect under Section 86BA (1) of the RMA. This is only to the extent that it is used to authorise as a permitted activity a residential unit in accordance with the density standards in Rule 14A.4.1 on a site which was zoned residential or medium density residential prior to Plan Change 92 being notified.

This note does not form part of Plan Change 92 and will be removed when Plan Change 92 becomes operative.

b. **Building and structure height**

i. *Buildings* and *structures* must not exceed 11 metres in *height*, except that 50% of a *building's* roof in elevation, measured vertically from the junction between *wall* and roof, may exceed this *height* by 1 metre, where the entire roof slopes 15° or more, as shown on the following diagram:



ii. This standard does not apply to:

a. Ōmokoroa Stage 3C where the maximum *height* for *residential units*, *retirement villages* and *rest homes* shall be 20 metres.

b. Ōmokoroa Mixed Use Residential Precinct where the maximum *height* for *buildings* shall be 20 metres.

c. Ōmokoroa Mixed Use Residential Precinct where *buildings* locate all parking and servicing requirements enclosed below *ground level*, in which case the maximum *height* shall be 23 metres.

d. Lot 601 DP 560118 and Lot 603 DP 560118 (Harbour Ridge) for new *sites* created from these which adjoin the esplanade reserve (directly south of the railway line in Ōmokoroa) where *building height* shall be a maximum of 6m except that a chimney may be at a *height* of 7.5m.

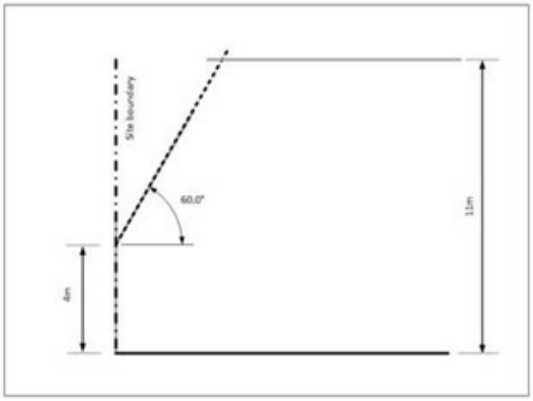
Rule 14A.4.1 (b) has immediate legal effect under Section 86BA (1) of the RMA. This is only to the extent that it is used to authorise as a permitted activity a residential unit in accordance with the density standards in Rule 14A.4.1 on a site which was zoned residential or medium density

residential prior to Plan Change 92 being notified.

This note does not form part of Plan Change 92 and will be removed when Plan Change 92 becomes operative.

c. Height in relation to boundary

i. *Buildings* and *structures* must not project beyond a 60° recession plane measured from a point 4 metres vertically above *ground level* along all boundaries, as shown on the following diagram. Where the boundary forms part of a legal right of way, entrance strip, access *site*, or pedestrian access way, the *height* in relation to boundary applies from the farthest boundary of that legal right of way, entrance strip, access *site*, or pedestrian access way.



ii. This standard does not apply to:

a. a boundary with a road:

b. existing or proposed internal boundaries within a *site*:

c. *site* boundaries where there is an existing common wall between two *buildings* on adjacent sites or where a common wall is proposed:

d. where a subdivision is proposed between *residential units* that share a common wall (in this case it will not apply along the length of the common wall).

e. subdivision (by *unit plan*) to the extent that the recession plane above shall only apply to *buildings* on the *base land* in their relationship to the *base land* external *site* boundaries and shall not apply between the internal boundaries of the *principal units* within the *unit plan*, nor between the *principal units* and their internal boundary with any *common property*.

f. where the written approval of the owner(s) of the immediately adjoining property to the specific encroachment is obtained.

Rule 14A.4.1 (c) has immediate legal effect under Section 86BA (1) of the RMA. This is only to the extent that it is used to authorise as a permitted activity a residential unit in accordance with the density standards in Rule 14A.4.1 on a site which was zoned residential or medium density residential prior to Plan Change 92 being notified.

This note does not form part of Plan Change 92 and will be removed when Plan Change 92 becomes operative.

d. Setbacks

i. *Buildings* and *structures* must be set back from the relevant boundary by the minimum depth listed in the *yards* table below:

Yard	Minimum depth

Front	1.5 metres
Side	1 metre
Rear	1 metre (excluded on corner sites)

ii. This standard does not apply to:

a. *site* boundaries where there is an existing common wall between 2 *buildings* on adjacent *sites* or where a common wall is proposed.

b. *site* boundaries with a railway corridor or designation for railway purposes (for *sites* created by way of an application for subdivision consent approved after 1 January 2010) in which case all *yards* shall be 10m.

c. subdivision (by *unit plan*) to the extent that the *yards* above shall only apply to *buildings* on the *base land* in their relationship to the *base land* external *site* boundaries and shall not apply between the internal boundaries of the *principal units* within the *unit plan*, nor between the *principal units* and their internal boundary with any *common property*.

d. Lot 601 DP 560118 and Lot 603 DP 560118 (Harbour Ridge) for new *sites* created from these which adjoin the esplanade reserve (directly south of the railway line in Ōmokoroa) where all *side yards* shall be a minimum of 5m.

e. where the written approval of the owner(s) of the immediately adjoining property to a specified lesser distance is obtained.

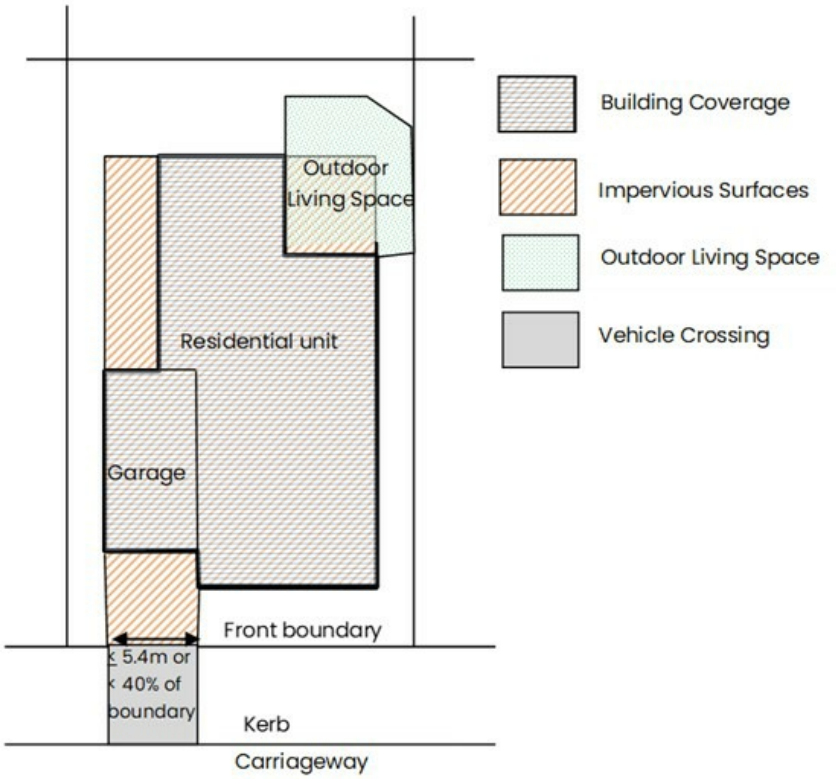
Rule 14A.4.1 (d) has immediate legal effect under Section 86BA (1) of the RMA. This is only to the extent that it is used to authorise as a permitted activity a residential unit in accordance with the density standards in Rule 14A.4.1 on a site which was zoned residential or medium density residential prior to Plan Change 92 being notified.

This note does not form part of Plan Change 92 and will be removed when Plan Change 92 becomes operative.

e. Building coverage

The maximum *building coverage* must not exceed 50% of the *net site area*.

Building coverage is illustrated in the diagram below.



Rule 14A.4.1 (e) has immediate legal effect under Section 86BA (1) of the RMA. This is only to the extent that it is used to authorise as a permitted activity a residential unit in accordance with the density standards in Rule 14A.4.1 on a site which was zoned residential or medium density residential prior to Plan Change 92 being notified.

This note does not form part of Plan Change 92 and will be removed when Plan Change 92 becomes operative.

f. Outdoor living space (per unit)

i. A *residential unit* at ground floor level must have an *outdoor living space* that is at least 20 square metres and that comprises ground floor, balcony, patio, or roof terrace space that:

a. where located at *ground level*, has no dimension less than 3 metres; and

b. where provided in the form of a balcony, patio, or roof terrace, is at least 8 square metres and has a minimum dimension of 1.8 metres; and

c. is accessible from the *residential unit*; and

d. may be —

i. grouped cumulatively by area in 1 communally accessible location; or

ii. located directly adjacent to the unit; and

iii. is free of *buildings*, parking spaces, and servicing and manoeuvring areas.

ii. A *residential unit* located above ground floor level must have an *outdoor living space* in the form of a balcony, patio, or roof terrace that—

a. is at least 8 square metres and has a minimum dimension of 1.8 metres; and

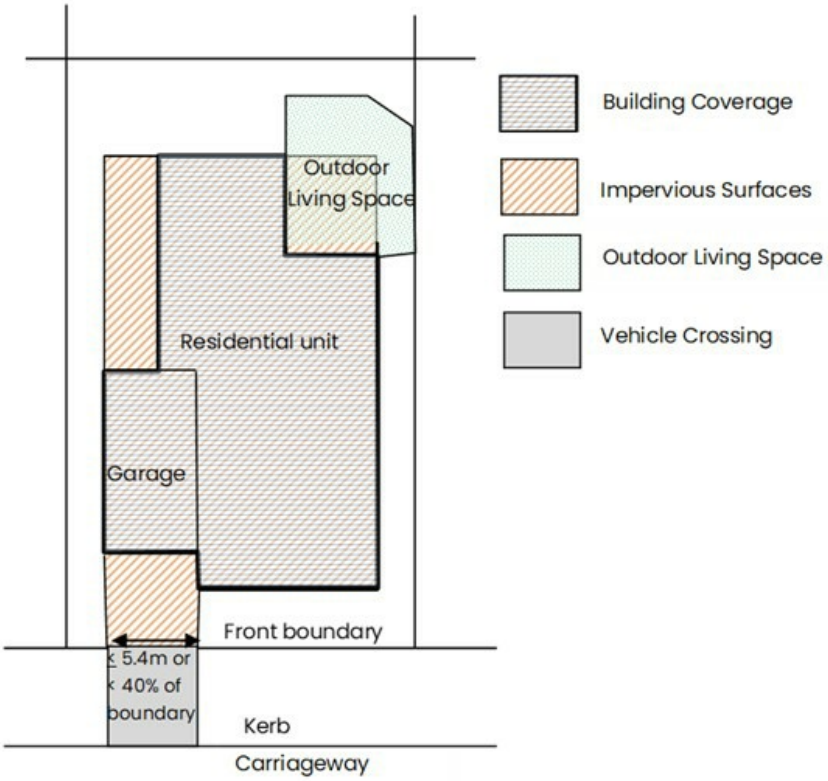
b. is accessible from the *residential unit*; and

c. may be —

i. grouped cumulatively by area in 1 communally accessible location, in which case it may be located at *ground level*; or

ii. located directly adjacent to the unit.

Outdoor living space is illustrated in the diagram below.



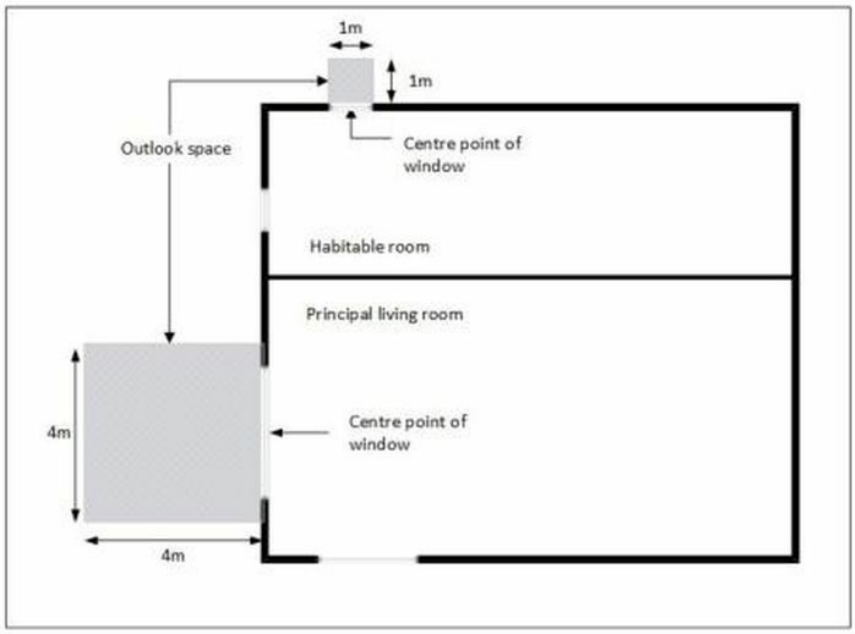
Rule 14A.4.1 (f) has immediate legal effect under Section 86BA (1) of the RMA. This is only to the extent that it is used to authorise as a permitted activity a residential unit in accordance with the density standards in Rule 14A.4.1 on a site which was zoned residential or medium density residential prior to Plan Change 92 being notified.

This note does not form part of Plan Change 92 and will be removed when Plan Change 92 becomes operative.

g. Outlook space (per unit)

i. An outlook space must be provided for each *residential unit* as specified in this clause.

ii. An outlook space must be provided from the habitable room windows as shown in the diagram below:



iii. The minimum dimensions for a required outlook space are as follows:

a. a principal living room must have an outlook space with a minimum dimension of 4 metres in depth and 4 metres in width; and

b. all other habitable rooms must have an outlook space with a minimum dimension of 1 metre in depth and 1 metre in width.

iv. The width of the outlook space is measured from the centre point of the largest window on the *building* face to which it applies.

v. Outlook spaces may be over driveways and footpaths within the *site* or over a public street or other public open space.

vi. Outlook spaces may overlap where they are on the same *wall* plane in the case of a multi-storey *building*.

vii. Outlook spaces may be under or over a balcony.

viii. Outlook spaces required from different rooms within the same *building* may overlap.

ix. Outlook spaces must —

a. be clear and unobstructed by *buildings*; and

b. not extend over an outlook space or *outdoor living space* required by another *residential unit*.

Rule 14A.4.1 (g) has immediate legal effect under Section 86BA (1) of the RMA. This is only to the extent that it is used to authorise as a permitted activity a residential unit in accordance with the density standards in Rule 14A.4.1 on a site which was zoned residential or medium density residential prior to Plan Change 92 being notified.

This note does not form part of Plan Change 92 and will be removed when Plan Change 92 becomes operative.

h. Windows to street

Any *residential unit* facing the street must have a minimum of 20% of street facing façade in glazing. This can be in form of windows or doors.

Rule 14A.4.1 (h) has immediate legal effect under Section 86BA (1) of the RMA. This is only to the extent that it is used to authorise as a permitted activity a residential unit in accordance with the density standards in Rule 14A.4.1 on a site which was zoned residential or medium density residential prior to Plan Change 92 being notified.

This note does not form part of Plan Change 92 and will be removed when Plan Change 92 becomes operative.

i. Landscaped area

i. A *residential unit* at ground floor level must have a landscaped area of a minimum of 20% of a developed *site* with grass or plants, and can include the canopy of trees regardless of the ground treatment below them.

ii. The landscaped area may be located on any part of the development site, and does not need to be associated with each residential unit.

Rule 14A.4.1 (i) has immediate legal effect under Section 86BA (1) of the RMA. This is only to the extent that it is used to authorise as a permitted activity a residential unit in accordance with the density standards in Rule 14A.4.1 on a site which was zoned residential or medium density residential prior to Plan Change 92 being notified.

This note does not form part of Plan Change 92 and will be removed when Plan Change 92 becomes operative.

14A.4.2 Other standards

The following performance standards shall be met by all activities.

Any Permitted or Controlled Activity that fails to comply with any of these standards shall be a Restricted Discretionary Activity and *Council's* discretion shall be restricted to any particular non-compliances. Any other activity that fails to comply with any of these standards shall retain the same activity status (except where otherwise specified in the activity lists).

a. Residential unit yield

Four or more *residential units* on a *site* are subject to the following requirements:

Area	Yield Requirements
Ōmokoroa Stage 3A	Minimum yield of 15 *residential units* per hectare of *developable area*
Ōmokoroa Stage 3B Ōmokoroa (Outside of Stage 3) Te Puke	Minimum yield of 20 *residential units* per hectare of *developable area*
Ōmokoroa Stage 3C Ōmokoroa Mixed Use Residential Precinct	Minimum yield of 30 *residential units* per hectare of *developable area*

Note:

Every 2.5 *rest home* bedrooms will be counted as one *residential unit* for the purpose of this rule.

b. Residential unit typology

i. Six or more *residential units* on a *site*:

A maximum of 50% of the total number of *residential units* on the *site* may be physically detached from any other *residential units.*

c. Minimum storey requirements

Within the Ōmokoroa Mixed Use Residential Precinct, *buildings* shall be a minimum of two storeys (except for *residential units* which are permitted by complying with the density standards).

d. Impervious surfaces

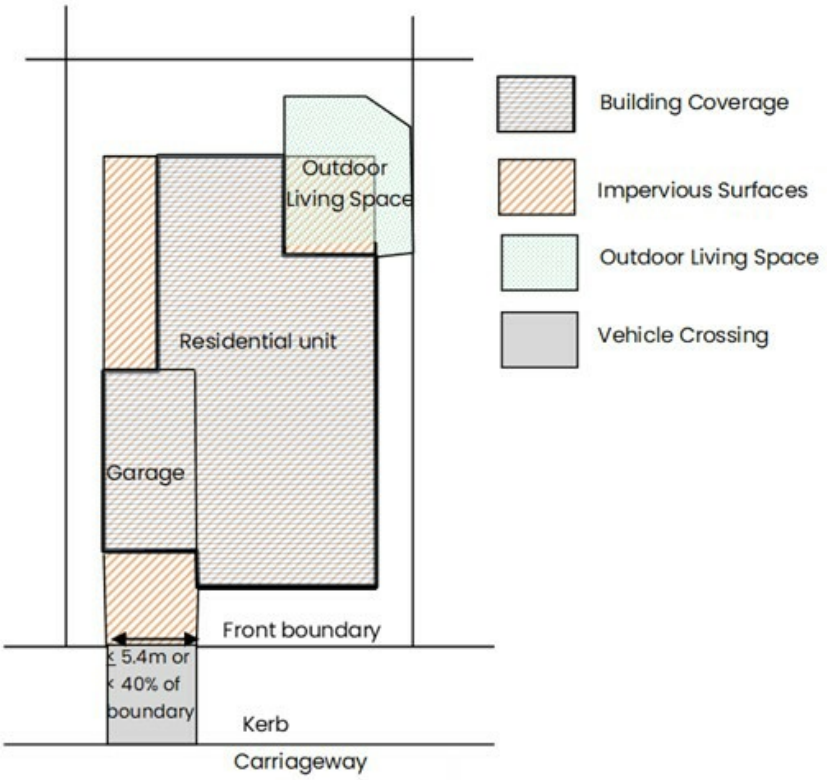
i. *Impervious surfaces* shall not exceed 70% of *net site area.*

Except that:

a. Within the Te Puke Storm Water Management area, *Impervious surfaces* shall not exceed 50% of *net site area.*

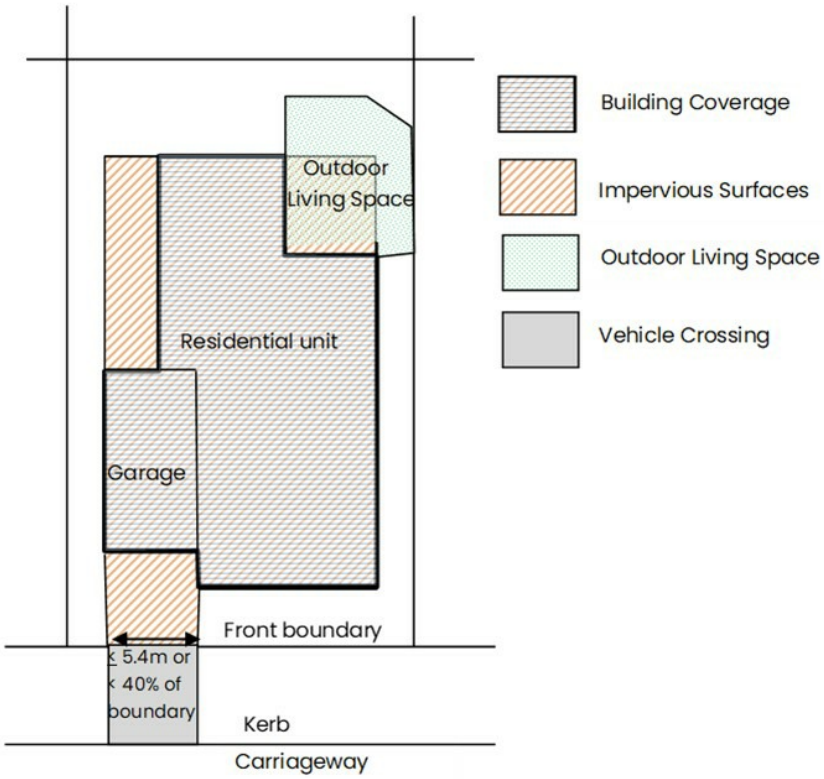
b. For subdivision by *unit plan*, this rule shall only apply to *base land*, and not to each individual *principal unit* within the *unit plan*, nor to any *common property.*

Impervious surfaces are illustrated in the diagram below.



e. Vehicle crossing and access

i. For a *site* with a *front boundary* the vehicle crossing shall not exceed 5.4m in width (as measured along the *front boundary*) or cover more than 40% of the length of the *front boundary* as shown in the diagram below.

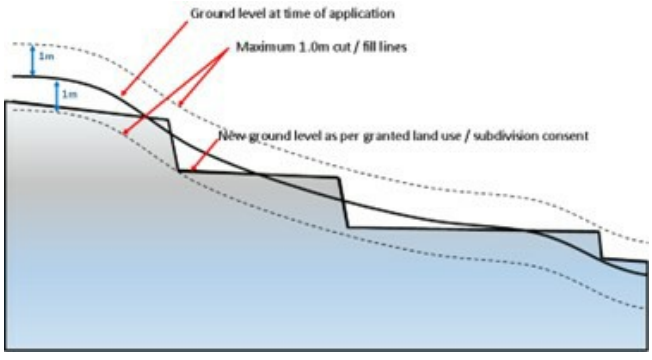


f. **Streetscape**

i. Garages (whether attached to or detached from a *residential unit*) and other *buildings* (except *residential units*) shall not cumulatively occupy more than 50% of the total width of the building frontage facing the *front boundary*.

g. **Earthworks**

i. *Earthworks* (cut and fill) shall only increase the *ground level* by a maximum of 1m vertically and/or decrease the *ground level* by a maximum of 1m vertically as shown on the diagram below.



ii. *Earthworks* shall not exceed a volume of 750m^3 per *site*.

h. **Height of fences, wall and retaining walls**

i. Within a side or rear *yard* (including on a side or rear boundary)

The maximum *height* above the *ground level* of the relevant boundary shall be as follows:

- Fence – 2m
- *Wall* – 2m
- Retaining wall – 1.5m (plus a safety fence if required by the Building Code of no greater than 1m above the highest point of the retaining wall)

Except that:

Where the relevant boundary is with a *public reserve* or walkway, the *height* shall not exceed 1.2m unless the portion that is above 1.2m has a *visual permeability* of at least 60%.

In all cases where a safety fence exceeds a *height* of 2m the portion that is above 2m must have a *visual permeability* of at least 60%.

ii. Within a front *yard* (including on a *front boundary*)

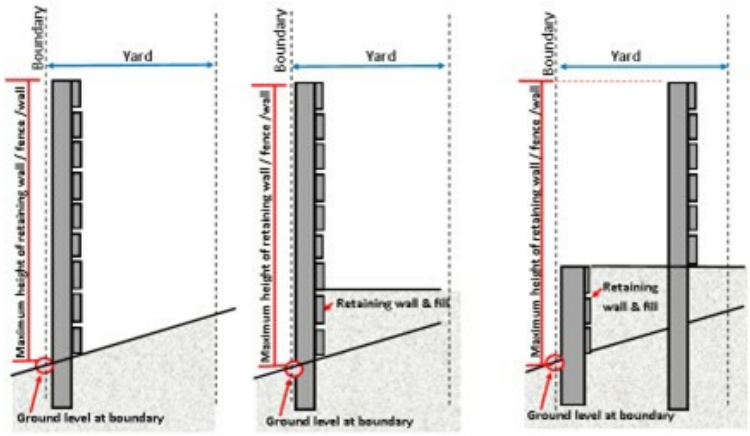
The maximum *height* above the *ground level* of the relevant boundary shall be as follows:

- Fence – 1.2m
- *Wall* – 1.2m
- Retaining wall – 1.2m (plus a safety fence if required by the Building Code of no greater than 1m above the highest point of the retaining wall)

Except that:

The *height* may exceed 1.2m up to a *height* of 2m (or 2.2m in the case of a safety fence on a retaining wall) provided that the portion that is above 1.2m has a *visual permeability* of at least 60%.

The maximum *height* of a fence, *wall* or retaining wall within a *yard* (including on the boundary) is measured above the "ground level at boundary" as illustrated in the examples in the diagram below.



i. Specific Requirements for Lot 601 DP 560118 and Lot 603 DP 560118 (Ōmokoroa)

The following specific requirements apply to Lot 601 DP 560118 and Lot 603 DP 560118 (Harbour Ridge) for new sites created from these which adjoin the esplanade reserve (directly south of the railway line in Ōmokoroa):

i. *Reflectivity*:

All external surfaces of *buildings* (excluding glazing) shall comply with the following *reflectivity* standards:
Walls – 35%
Roofs – 25%

Note: The above shall be in accordance with British Standard BS 5252 Reflectance Value.

ii. No mirrored glass shall be used.

j. Accommodation Facilities

i. Have maximum occupancy of five persons at any one time (excluding staff);

ii. The total area available for exclusive use for the occupiers be no greater than 60m^2 *gross floorarea*;

iii. Must not contain a *kitchen facility* or otherwise be *self contained*;

iv. For Discretionary *accommodation facilities*, information is to be provided in accordance with 4A.6.2.

k. Home Enterprises

i. Shall only be conducted within a *building*.

ii. Shall be conducted within a *gross floor area* not exceeding 25m^2. Carparks shall be excluded from the maximum area calculation of the activity.

iii. Is carried out by a maximum of three persons.

iv. Any goods sold must be:

a. goods produced onsite; and/or

b. goods that are ordered by the customer by telephone, mail or electronic transaction and redistributed to them by post, courier, or electronically; and/or

c. goods ancillary and related to a service provided by the *home enterprise*.

v. Any advertising shall comply with Section 4D.3.2.1.

Note: The above activity performance standards shall apply cumulatively to all *home enterprises* per *site*.

l. Transportation, Access, Parking and Loading – See Section 4B.

m. Noise and Vibration – See Section 4C.1.

n. Storage and Disposal of Solid Waste – See Section 4C.2.

o. Lighting and Welding – See Section 4C.3.

p. Offensive Odours, Effluent Aerosols and Spray Drift – See Section 4C.4.

q. Offensive Odours in the Ōmokoroa Mixed Use Residential Precinct

In addition to Section 4C.4: External air ventilation or extraction outlets, ducting or pipework serving non-residential uses in the Ōmokoroa Mixed Use Residential Precinct shall be located at least two metres from any window, deck or terrace balustrade of any *residential unit*.

For this rule, non-residential uses means *offices*, *retailing* (ground floor only), *restaurants and other eating places* (ground floor only), *commercial services* (ground floor only), *places of assembly* (excluding places of worship, marae, halls and theatres) and *Medical or scientific facilities*.

r. Screening – See Section 4C.5.

s. Signs – See Section 4D.

t. Natural Environment – See Section 5.

u. **Landscape –** See Section 6.

v. **Historic Heritage** – See Section 7.

w. **Natural Hazards** – See Section 8.

x. **Hazardous Substances** – See Section 9.

y. **Financial Contributions** – See Section 11.

14A.4.3 Subdivision Standards

The following performance standards shall be met by subdivision.

a. **Controlled activity subdivision for the purpose of the construction and use of residential units**

An application for a controlled activity subdivision under Rules 14A.3.2 (a)-(b) shall demonstrate that all *lots* are for the purpose of the *construction* and use of a *residential unit* or units and shall be submitted with one or more of the following (as applicable):

i. Information demonstrating that it is practicable to construct on every *lot* within the proposed subdivision, as a permitted activity, a *residential unit* that meets the density standards;

ii. Information demonstrating that the *residential units* have been granted land use consent for not meeting one or more of the density standards;

iii. A concurrent land use consent application for *residential units* which do not meet one or more of the density standards and which have not previously been granted land use consent under (ii).

b. **Controlled activity subdivision for sites of less than 1,400m^2 to create one or two additional lots not for the purpose of the construction and use of residential units**

An application for a controlled activity subdivision under Rule 14A.3.2 (c) is subject to the following requirements:

i. Shape factor:

All *lots* shall be capable of accommodating a rectangle of 10m X 15m exclusive of *yard* requirements.

c. **Discretionary activity subdivision not for the purpose of the construction and use of residential units**

An application for a discretionary activity subdivision under Rule 14A.3.4 (i) is subject to the following requirements:

i. Yield requirements

Area	Yield Requirements
Ōmokoroa Stage 3A	Minimum yield of 15 *lots* per hectare of *developable area*
Ōmokoroa Stage 3B Ōmokoroa (Outside of Stage 3) Te Puke	Minimum yield of 20 *lots* per hectare of *developable area*
Ōmokoroa Stage 3C Ōmokoroa Mixed Use Residential Precinct	Minimum yield of 30 *lots* per hectare of *developable area*

Note:
Where one or more balance *lots* are proposed, these will be excluded from calculations of *developable area* and minimum yield of lots per hectare of *developable area*.
For this rule, balance *lot* shall mean any proposed *lot* which is 1,400m² or greater and which is not demonstrated to be for the purpose of the *construction* and use of *residential units* under Rules 14A.3.2 (a) – (b).

i. Shape factor:
All *lots* shall be capable of accommodating a rectangle of 10m X 15m exclusive of *yard* requirements.

d. Specific Requirements for Lot 601 DP 560118 and Lot 603 DP 560118 (Ōmokoroa)

The following specific requirements apply to Lot 601 DP 560118 and Lot 603 DP 560118 (Harbour Ridge) for new *sites* created from these which adjoin the esplanade reserve (directly south of the railway line in Ōmokoroa):

i. All *sites* shall have a minimum width of 30m;

ii. That a minimum landscape strip of 5m from the esplanade reserve shall be provided that will provide a sustainable long term indigenous vegetation cover.

e. Subdivision and Development – See Section 12.

14A.5 Notification

14A.5.1 Requirements

a. *Council* may require public or limited notification of resource consent applications except as listed in (b) below.

b. *Council* shall not require:

i. Public notification if the application is for the *construction* and use of one, two or three *residential units* that do not comply with one or more of the density standards in Rule 14A.4.1 (except for the standard in 14A.4.1 (a)).

ii. Public or limited notification if the application is for the *construction* and use of four or more *residential units* that comply with the density standards in Rule 14A.4.1 (except for the standard in 14A.4.1 (a)).

iii. Public or limited notification if the application is for a subdivision associated with an application for the *construction* and use of *residential units* described in subclause (i) and (ii) above.

iv. Notification for a controlled activity as specified in Section 4A - General in Rule 4A.4.7.1.

14A.6 Matters of Control

14A.6.1 Subdivision for the purpose of the construction and use of residential units

In considering an application for the subdivision of land for the purpose of the *construction* and use of *residential units* as provided for in Rules 14A.3.2 (a)-(b), *Council* reserves control over the following:

a. Providing required active reserves as identified on the *structure plan* including location, area and aspect requirements.

b. Providing walkways and cycleways identified on the *structure plan*.

c. Providing required roading in accordance with the layout identified on the *structure plan* and demonstrating linkages to adjacent sites as applicable including "future roads".

d. Providing infrastructure as identified on the *structure plan* that is in compliance with the Development Code or an approved alternative design.

e. The location of roads, footpaths, walkways and cycleways and the orientation of *lots* to road boundaries to ensure good urban design outcomes.

f. Design of services which provides for the extension of services to other properties as applicable to provide effective and efficient servicing of the whole urban area.

g. The effects of access to and within the subdivision.

h. The effect of additional driveways on public safety and amenity along footpaths.

i. *Lot* designs that provide areas orientated towards the sun.

j. The application of financial contributions (for new *lots* and/or *residential units*) as per Section 11 – Financial Contributions.

14A.7 Matters of Discretion

14A.7.1 Restricted Discretionary Activities – Four or More Residential Units on a Site, Comprehensive Mixed Use Developments, Retirement Villages and Rest Homes

In considering an application for four or more *residential units* on a *site*, *comprehensive mixed use developments*, *retirement villages* or *rest homes*, *Council* shall consider the following to assess the overall contribution of the *development* to deliver a high quality and well-functioning urban environment.

Objectives and policies

a. Whether the proposal is consistent with the objectives and policies.

Activity performance standards

b. In addition to the above, whether the proposal meets the following activity performance standards:

Density Standards

- *Height*, *height in relation to boundary*, setbacks, building coverage, *outdoor living space* (per unit), outlook space (per unit), windows to street and landscaped area.

Other standards

- *Residential unit* yield, *residential unit* typology, minimum storey requirements, *impervious surfaces*, vehicle crossing and access, streetscape, *earthworks*, *height* of fences, *walls* and retaining *walls* and specific requirements for Lot 601 DP 560118 and Lot 603 DP 560118 (Ōmokoroa).

Relevant Structure Plan

Whether the proposal:

c. Meets any staging requirements (if applicable).

d. Provides required active reserves as identified on the *structure plan* including location, area and aspect requirements.

e. Provides walkways and cycleways identified on the *structure plan*.

f. Provides required roading in accordance with the layout identified on the *structure plan* and

demonstrating linkages to adjacent *sites* as applicable including "future roads".

g. Provides service *infrastructure* as identified on the *structure plan* that is in compliance with the Development Code or approved alternative design.

Urban Design

Whether the proposal achieves a positive residential outcome by demonstrating the following qualities:

Note:*Council's* adopted Residential Design Outcomes illustrates recognised high quality urban design principles and provides direction on how to achieve these through good design. To aid delivery of high quality outcomes the Residential Design Outcomes should be referred to. *Council* may require an independent review of the assessment provided in regard to the matters addressed in (h) to (k) which follow. The extent and detail of this review will be commensurate with the scale and intensity of the proposed *development*.

h. *Development* Layout

i. A design and *development* outcome that utilises the existing natural landform, landscape values and *transportation network* unless the *earthworks* are required as a result of a *comprehensive mixed use development* plan or reflect a *structure plan* outcome.

ii. The design and establishment of a place with its own identity (look and feel).

iii. Good linkages for people of all ages and abilities to the surrounding open space and movement networks.

i. *Site* and *Building* Design

i. A range of housing characteristics including a variety in:

- *residential unit* size (floor area)
- bedroom numbers
- storeys
- typology (stand-alone, duplex, terrace or apartment)
- affordability options.

ii. Providing private land with a strong interface between both roads and *privateways*/*access lots* serving three or more *sites*, through use of integrated fencing, landscaping and *building* design.

iii. Providing open space character including on-site landscaping, retention of mature trees, provision of shared driveways and streetscape/access way design.

iv. *Building* designs that provide privacy and areas orientated towards the sun.

v. Maximising permeable areas by providing multi-level residential *developments*.

vi. Providing for wider community interaction and integration by ensuring public linkages and connected *developments*.

vii. Where proposed *buildings* are attached, how the design of the *buildings* (or other means) provides for a variation in the visual appearance of built form. This includes using methods such as landscaping, recesses, projections and variations in colour and materials to mitigate adverse visual effects.

viii. Locating windows, balconies, outdoor living spaces and communal living areas as to maintain privacy for adjacent properties/*residential units*.

ix. Providing passive surveillance of roads, parks, walkways, other public spaces and *privateways*/*access lots* serving three or more *sites*.

x. Providing adequate service areas for waste management and other utilities so that they

do not cause adverse odour, and are screened from roads and *privateways*/*access lots* serving three or more *sites*.

xi. Providing water sensitive urban design including the retention of permeable areas and the treatment of stormwater.

xii. If the *development* includes a balance area, the ability of the balance area to meet all design outcomes in a complementary manner to the preceding *development* including yield and *infrastructure* requirements and any proposed conditions of consent or other legal mechanism to ensure these outcomes are delivered.

xiii. For comprehensive mixed use *buildings*, a legible residential entrance at ground floor that can be accessible for all users. This entrance should either face or be visible from the street.

xiv. For comprehensive mixed use *buildings*, all services including water, wastewater, stormwater, ventilation, power, and telecommunication ducting/pipework from the roof to ground being incorporated into the architectural design of the *building* so not to be visible when viewed from the public realm, unless specifically required to be located externally and visible for their function.

j. Public Space Integration

i. The location of reserves so that they are centrally located, highly accessible, highly visible, generally level, have a sunny aspect and are of a size sufficient to ensure functionality and the provision of landscaping including trees.

ii. Integration of residential *development* with adjoining reserves that are included in the *structure plan*, including stormwater reserves, walkways and cycleways.

iii. A *development* that provides a safe environment for people of all ages and abilities.

iv. An attractive and safe landscape in public areas that provides for trees and other plants that support the local ecosystem.

k. People Movement

i. An integrated multi-modal people-centric network that provides connectivity within the *development* and with the surrounding area and wider neighbourhood.

ii. An inclusive urban environment which avoids exclusive use areas that provide a barrier for community wider interaction.

iii. A *development* that links with the road, walkway, cycleway and reserves (recreation, local purpose) network.

iv. Providing vehicle crossings and any on-street parking in a manner that safeguards pedestrians, cyclists and other non-vehicular modes of movement. On-street parking in this case means on roads and *privateways*/*access lots* serving three or more *sites*.

v. Designing roads and *privateways*/*access lots* serving three or more *sites* in a manner that re-enforces the liveability of the area by facilitating and encouraging human engagement and minimising dominance of motorised vehicles.

vi. The *development* and surrounding area having enough population density to support public transport and minimise reliance on private motor vehicles.

vii. Providing efficient access for emergency vehicles and service vehicles.

l. Other *Infrastructure*

i. The effective and efficient location of services to enable functionality and *maintenance*, including any required easements.

ii. Design of services which provides for the extension of services to other properties as applicable to provide effective and efficient servicing of the whole urban area.

iii. Paying financial contributions to ensure that the costs of *development* are appropriately allocated and/or providing innovation and alternative design that leads to an increased lifecycle for *infrastructure* and improved environmental outcome.

iv. The management of stormwater collection, discharge and overland flowpaths to enable on-site treatment of stormwater and ensure attenuation is the same or better than pre-development levels.

v. The management of stormwater collection, discharge and overland flowpaths to minimise flooding to properties and to protect people and *buildings* from flooding.

14A.7.2 Restricted Discretionary Activities – Non-Compliance with Building and Structure Height

In considering an application that does not comply with Activity Performance Standard 14A.4.1 (b) *Buildings* and *Structure Height, Council* shall consider the following:

a. The extent and scale of the additional *height.*

b. The visual dominance of the *building/structure*.

c. Whether the *height* of the *building/structure* supports a positive relationship with the road or other public areas.

d. Any specific design features that add architectural value and contribute positively to the area's built form.

e. Any loss of privacy to neighbours.

14A.7.3 Restricted Discretionary Activities – Non-Compliance with Height in Relation to Boundary

In considering an application that does not comply with Activity Performance Standard 14A.4.1 (c) *Height in Relation to Boundary*, *Council* shall consider the following:

a. The extent and scale of the non-compliance.

b. How the non-compliance combines with the overall building bulk to create an increased visual dominance on other properties.

c. Overshadowing (loss of direct or indirect/ambient sunlight) on the adjoining properties and how this may adversely impact on the amenity values of these properties.

d. Any loss of privacy to neighbours.

14A.7.4 Restricted Discretionary Activities – Non-Compliance with Setbacks

In considering an application that does not comply with Activity Performance Standard 14A.4.1 (d) Setbacks, *Council* shall consider the following:

Front *yard*

a. Avoiding the building frontage (facing the *front boundary*) being visually dominated by garage doors, carparks, blank facades or any other *buildings/structures* other than *residential units*.

b. The *residential unit* design enabling a visual connection between the *residential unit* and the road.

c. Avoiding the establishment of a non-complying fence or *wall* to achieve privacy or to reduce potential

traffic noise.

Side and rear *yards*

d. Visual effects of building bulk and dominance from lack of separation of built form.

e. Any loss of privacy to neighbours.

14A.7.5 Restricted Discretionary Activities – Non-Compliance with Building Coverage

In considering an application that does not comply with Activity Performance Standard 14A.5.1 (e) - *Building Coverage*, *Council* shall consider the following:

a. The dominance of built form and how the building bulk is visually reduced by design.

b. Whether the proposal complies with activity performance standards for setbacks, landscaped area and outdoor living space (per unit), and if not, whether compliance with these standards could be used to mitigate adverse effects of the building bulk.

c. Whether the *building coverage* can be reduced by providing an additional storey.

14A.7.6 Restricted Discretionary Activities – Non-Compliance with Outdoor Living Space (Per Unit)

In considering an application that does not comply with Activity Performance Standard 14A.4.1 (f) - *Outdoor Living Space* (Per Unit), *Council* shall consider the following:

a. Demonstration of sunlight to be received within the *outdoor living space* and the time of day when the sunlight is to be received.

b. The shape, size, privacy and practicality of the *outdoor living space*.

c. Accessibility of other outdoor facilities on the *site* or *other sites*.

d. Accessibility of other outdoor facilities in close proximity to the *site* that are available to the public or as part of the *development*.

14A.7.7 Restricted Discretionary Activities – Non-Compliance with Outlook Space (Per Unit)

In considering an application that does not comply with Activity Performance Standard 14.4.1 (g) Outlook Space (Per Unit), *Council* shall consider the following:

a. The quality and privacy of the non-complying outlook space.

b. Where the outlook space does not comply with width, the extent to which additional depth has been provided to increase the size and/or quality of the outlook space.

c. Whether there are any other outlook spaces provided from the same room and the quality and privacy of these outlook spaces.

14A.7.8 Restricted Discretionary Activities – Non-Compliance with Windows to Street

In considering an application that does not comply with Activity Performance Standard 14A.4.1 (h) Windows to Street, *Council* shall consider the following:

a. The *height* and length of any blank *wall* (including garage door) facing the street and the visual amenity effects it may have on people travelling along the street or footpath.

b. The extent to which other architectural features and landscaping are provided to improve visual amenity along the street frontage.

c. The ability to overlook the street from the *residential unit*.

14A.7.9 Restricted Discretionary Activities – Non-Compliance with Landscaped Area

In considering an application that does not comply with Activity Performance Standard 14A.4.1 (i) - Landscaped Area, *Council* shall consider the following:

a. The design (including the variety of plants) of the landscaped area between the *buildings* on the *development site* and its boundary.

b. How any reduced landscaped area is still able to provide for visual open space and vegetation and limit visual domination of the built form and hard surfaces.

c. The presence of other trees on the *site* and how this compensates for a reduced landscaped area.

d. The likelihood and subsequent adverse effects of using the *landscaped area* for on-site parking and manoeuvring.

e. The potential adverse effects on stormwater *infrastructure* and overland flowpaths.

14A.7.10 Restricted Discretionary Activities – Non-Compliance with Residential Unit Yield

In considering an application that does not comply with Activity Performance Standard 14A.4.2 (a) *Residential Unit* Yield, *Council* shall consider the following:

a. Any geotechnical or topographical reasons for why the yield requirements cannot be met.

b. Whether *residential units* which fail to meet the yield requirements can meet all other relevant activity performance standards.

c. The extent to which the proposed yield is in response to meeting the specific living requirements of the community that the housing *development* type is designed for including any need for ancillary non-residential *buildings*.

d. Demonstration that the land being developed will retain the potential to comply with the required yield in the future e.g. if there is a balance area proposed. This can be achieved by providing an indicative future additional *residential unit* layout. A consent notice or other legal mechanism may be applied to ensure future *development* meets the required yield requirements.

e. How the proposal provides for private space taking into account the size, orientation and shape of the space.

f. The distance and accessibility to public facilities (e.g. schools, commercial areas, reserves and public transport routes).

g. Adverse effects on existing *infrastructure*, including stormwater overland flowpaths.

h. *Infrastructure* capacity within the subject catchment in relation to the anticipated stormwater, water, wastewater and transport demands generated by the proposed activity.

i. How the proposal provides *infrastructure* services on-site in accordance with the Development Code or approved alternative.

j. How the proposal utilises water sensitive urban design principles for stormwater management and ensures that attenuation is the same or better than pre-development levels.

k. Whether combined vehicle crossings have been utilised to avoid the need to create separate vehicle crossings.

l. Whether the distance between separate vehicle crossings would adversely affect pedestrian safety or the ability to accommodate street trees.

m. How any shortfall in financial contributions is to be mitigated.

14A.7.11 Restricted Discretionary Activities – Non-Compliance with Residential Unit Typology

In considering an application that does not comply with Activity Performance Standard 14A.4.2 (b) *Residential Unit* Typology, *Council* shall consider the following:

a. The extent of and reasons for the non-compliance.

b. Whether and to what extent a variety of different housing typologies has been proposed such as duplex, terraced housing or apartments.

c. Whether and to what extent a variety of *residential unit* sizes, bedroom numbers and levels / storeys are proposed.

14A.7.12 Restricted Discretionary Activities – Non-Compliance with Minimum Storey Requirements in the Ōmokoroa Mixed Use Residential Precinct

In considering an application that does not comply with Activity Performance Standard 14A.4.2 (c) Minimum Storey Requirements, *Council* shall consider the following:

a. The extent to which the proposal delivers medium to high density and an efficient use of land (including whether the proposal meets the activity performance standard for *residential unit* yield).

b. The extent to which the proposal is consistent with the planned character of the Ōmokoroa Mixed Use Residential Precinct.

c. Whether the scale and density of the proposed uses and *development* deliver vibrancy and optimise the unique location characteristics of the Ōmokoroa Mixed Use Residential Precinct.

d. How well the *development* integrates with the surrounding *development*, land use and planned character of the Ōmokoroa Mixed-Use Precinct.

14A.7.13 Restricted Discretionary Activities – Non-Compliance with Impervious Surfaces

In considering an application that does not comply with Activity Performance Standard 14A.4.2 (d) *Impervious Surfaces*, *Council* shall consider the following:

a. Whether the area not covered in *impervious surfaces* can hold, treat and drain stormwater to the required standard.

b. Whether the amount of *impervious surfaces* can be reduced by providing an additional storey.

c. Any innovations to better store and treat stormwater on-site that requires a reduced permeable area.

d. The potential adverse effects on *Council's* stormwater *infrastructure* and network (including capacity).

e. How additional stormwater runoff from exceeding the maximum limit of *impervious surfaces* is to be mitigated.

f. Whether a *development* proposal as a whole can be demonstrated to comply with the maximum limit of *impervious surfaces* despite any non-compliance from an individual *lot* or *lots*.

g. Compliance with the Ōmokoroa and Te Puke Comprehensive Stormwater Management Plans.

14A.7.14 Restricted Discretionary Activities – Non-Compliance with Vehicle Crossing and Access

In considering an application that does not comply with Activity Performance Standard 14A.4.2 (e) - Vehicle Crossing and Access, *Council* shall consider the following:

a. The safety of people when using the *road reserve* and *privateways*/*access lots* serving three or more *sites*.

b. Whether the positioning of street trees is able maintain or improve sightlines for vehicles exiting onto the *road reserve* or onto *privateways*/*access lots* serving three or more *sites*.

c. The extent to which any extra width for a vehicle crossing was required to provide for alternative housing typologies.

14A.7.15 Restricted Discretionary Activities – Non-Compliance with Streetscape

In considering an application that does not comply with Activity Performance Standard 14A.4.2 (f) - Streetscape, *Council* shall consider the following:

a. Avoiding the *building* frontage (facing the *front boundary*) being visually dominated by garage doors, carparks, blank facades or any other *buildings/structures* other than *residential units*.

14A.7.16 Restricted Discretionary Activities – Non-Compliance with Earthworks

In considering an application that does not comply with Activity Performance Standard 14A.4.2 (g) – Earthworks, *Council* shall consider the following:

a. The alteration to existing *ground levels* and the degree to which the resultant levels are compatible with the surrounding environment and natural landform.

b. The potential adverse effects on land stability.

c. The potential adverse effects on any *building/structure*, *network utility* or tree which is on another *site* or *road reserve*.

d. The ability to repair or replace a retaining wall associated with the *earthworks* over time without adversely affecting any *residential unit* or underground services.

e. Whether *earthworks* and subsequent retaining walls lead to a loss of privacy between the subject *site* and surrounding *sites*.

f. Amenity values associated with the shape and appearance of the existing natural landform as viewed from other *sites* and public places such as roads, footpaths and reserves.

g. Cultural values associated with the existing natural landform.

h. Ensuring that adequate prior notice is given to hapū prior to excavation commencement.

i. For Ōmokoroa, whether the monitoring of *earthworks* and land disturbance is provided for. See Appendix 7.4.9.

j. The necessity of the *earthworks* as demonstrated as part of a comprehensive *development* or to give effect to *structure plan* requirements.

k. The extent to which any resource consent/s previously granted for *earthworks* have already addressed the matters in (g) – (i) above.

l. The ability to manage stormwater runoff and the extent to which the location, speed, volume and direction of overland flowpaths at or within close proximity to a neighbouring boundary is maintained.

14A.7.17 Restricted Discretionary Activities – Non-Compliance with Height of Fences, Walls and Retaining Walls

In considering an application that does not comply with Activity Performance Standard 14A.4.2 (h) – *Height* of Fences, *Walls* and Retaining Walls, *Council* shall consider the following:

a. The amenity value of the interface between the *residential unit* and any road, or between the *residential unit* and any *privateway*/*access lot* serving three or more *sites*, as viewed from the road or *privateway*/*access lot*.

b. How the proposed fence/*wall* provides for surveillance of public areas (including roads) and *privateways*/*access lots* serving three or more *sites*.

c. Ensuring adequate sightlines for vehicles exiting the property and the safety of people when using the *road reserve* and *privateways*/*access lots* serving three or more *sites*.

d. Provision of landscaping to soften the effects of the fence, *wall* or retaining wall, and the ongoing costs to maintain the landscaping and the accessibility of the landscape strip for maintenance.

14A.7.18 Restricted Discretionary Activities - Non-Compliance with Offensive Odour in the Ōmokoroa Mixed Use Residential Precinct

In considering an application that does not comply with 14A.4.2 (q) – Offensive Odours in the Ōmokoroa Mixed Use Residential Precinct, *Council* shall consider the following:

a. The potential adverse effects on residential activities within the Ōmokoroa Mixed Use Residential Precinct.

b. The practicality of using reasonable mitigation measures such as odour reduction and filtration, appropriate fixing of external *infrastructure* to *buildings*, appropriate locating and screening/enclosing of fixed plant to mitigate noise, vibration and odour effects upon occupants of *residential units* within the Ōmokoroa Mixed Use Residential Precinct.

14A.7.19 Discretionary and Non-Complying Activities – General

In considering an application for a Discretionary or Non-Complying Activity, *Council's* assessment shall include but is not limited to the following:

a. Relevant objectives and policies.

b. The extent of non-compliance with the activity performance standards and the actual and potential effects on the environment.

c. The matters of discretion in 14A.7.1 – 14A.7.17.

d. How well the *development* integrates with the surrounding *development*, land use and zoning.

e. Consistency with the Ngā tohutohu hoahoa ā-motu mō te wharenoho mātoru-waenga National medium density design guide.

f. Consistency with *Council's* "Residential Design Outcomes - How to Achieve Quality Residential Developments".

g. What provision is made for pedestrian and vehicular access.

h. The adverse effects on the amenity values of residential and reserve land.

i. In the Ōmokoroa Mixed Use Residential Precinct, the impacts of commercial activities exceeding the permitted *gross floor area* upon the economic viability and vitality of the neighbouring Ōmokoroa Town Centre.

Section Contents

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Future Urban

15. Future Urban

Explanatory Statement

This Zone provides for the longer term *development* of ~~the Ōmokoroa Peninsula~~land for urban purposes. It is important therefore to ensure that any interim *development* does not compromise the future option.

Conflicts between primarily residential used land and rural uses such as horticulture can arise. They are usually a result of the adverse effects of noise, smell, shade from shelterbelts, and spray drift and a lack of tolerance and/or understanding of rural practices.

The potential for urban *development* is recognised and balanced with the productive potential and versatility of parts of the ~~Peninsula~~*District* and the need to maintain the amenity values of the area. By not allowing rural-residential type *development* the ability of the land resource to be used productively is maintained, as is the potential for urban *development*.

~~Ōmokoroa Road is the only major access arterial servicing the Peninsula and it is important that *development* does not compromise its efficient functioning. To this purpose additional accesses are only provided through intersections identified on the *Structure Plan*.~~

Whilst not zoned on the District Planning Maps there are a number of areas within the *District* identified in the Bay of Plenty Regional Policy Statement for future urban growth. Zoning of these areas for immediate urban *development* will not occur until the completion of appropriate comprehensive structure planning exercises that include integrated assessment of any *infrastructure* upgrades. Undertaking such work ahead of actual demand or need for urbanisation is not an efficient use of resources and the resulting *structure plans* may become obsolete before the time of their implementation. Provision is therefore made for these areas to retain the ability for productive rural purposes in the interim prior to urbanisation.

15.1 Significant Issues

1. The amenity of the existing ~~Ōmokoroa settlement~~urban settlements and adjacent ‘rural’ areas would be adversely affected by uncontrolled urban *development*.

2. Potential for conflicts between principally rural uses of land and principally residential uses of land.

3. Loss of *versatile land* to developments which inhibit its productive potential and compromise future use options.

4. Adverse impact on roading affecting traffic safety and efficiency as a result of increased traffic movements caused by new residential *development*.

5. Premature *development* of rural land for principally residential activities may compromise the ability to integrate transport and land use planning and *development* of such land for urban purposes in the longer term.

15.2 Objectives and Policies

15.2.1 Objectives

1. The amenity of the ~~Ōmokoroa Peninsula~~*District* is not compromised by inappropriate *development*.

2. Minimisation of the potential for incompatibilities between activities.

3. Conservation of the potential of the rural land resource with productive potential and versatility to be used for primary productive purposes until such time as it is needed for urban *development*.

4. A safe and efficient *District* roading system that integrates transport and land use planning to provide good connectivity for public transport, cycling and walking and safe and efficient linkages to the wider *transport network*.

5. *Development* of ~~the Ōmokoroa Peninsula~~peri-urban areas which does not compromise the potential for urban *development*.

15.2.2 Policies

1. *Development* ~~of the Ōmokoroa Peninsula should~~ should not have effects which are incompatible with the amenity values of the environment in which they are situated.

2. Limitations on *development* will be imposed to minimise conflicts between activities.

3. *Development* of rural land should not have a significant adverse effect on the land's productive potential until such time as it is needed for urban *development*.

4. Ensure that any *development* does not adversely affect the roading system, including the future provision of integrated travel options such as public transport, walkways and cycleways ~~and particularly the functioning of Ōmokoroa Road as the major access arterial servicing the Peninsula~~.

5. Any *development* proposals should not lead to fragmentation of existing titles to levels which could compromise future urban *development*.

15.3 Activity Lists

15.3.1 Permitted Activities

a. *Farming*.

b. *Conservation forestry*.

c. One *dwelling* per *lot*, except as per 15.3.2.d.

d. *Home enterprises*.

e Activities on reserves as provided for in the Reserves Act 1977.

f. *Education facilities* for a combined maximum of four persons (excluding staff).

g. Works and *network utilities* as provided for in Section 10.

h. *Buildings accessory to* the foregoing.

i. *Existing urupā*.

j. *Accommodation facilities* for a combined maximum of five persons (excluding staff).

15.3.2 Controlled Activities

a. Boundary adjustment in accordance with 12.3.3.

b. Works and *network utilities* as provided for in Section 10.

c. One *minor dwelling* in addition to 15.3.1.c. above subject to performance standard 15.4.1.f.

d. One *dwelling* on a title where no *dwelling* currently exists and where a *minor dwelling* exists which was constructed after 9 February 2009.

15.3.3 ~~Restricted Discretionary Activities~~

a. ~~Within stormwater management reserves and private conservation areas in Ōmokoroa Stage 2, regardless of whether they are designated, the following are Restricted Discretionary Activities:~~

i. ~~The disturbance of soil, natural ground cover and vegetation, or the deposition of refuse, solid or liquid waste, fill or any material;~~

ii. ~~The diversion or modification of any natural watercourses;~~

iii. ~~The *construction* of fences or other barriers, dams, ponds and other stormwater treatment facilities, bridges, sports facilities, *dwellings* or *buildings/structures*, playgrounds, pump stations, sewers, culverts and roadways;~~

iv. ~~Walkways/cycleways.~~

~~Except that:~~
~~Disturbance of soil, natural ground cover and vegetation associated with activities~~

~~approved in a reserve management plan prepared under the Reserves Act 1977 or Local Government Act 2002 shall be exempt from this requirement.~~

15.3~~.4~~.3 Discretionary Activities

a. Subdivision.

b. *Places of assembly.*

c. *Accommodation facilities* not complying with 15.4.1.d.

d. *Education facilities* for more than four persons (excluding staff).

e. *Stalls.*

f. Retail garden centres/nurseries.

g. Urupā (new sites).

h. Works and *network utilities* as provided for in Section 10.

15.4 Activity Performance Standards

15.4.1 General

The following performance standards shall be met by all Permitted and Controlled Activities and shall be used as a guide for all other activities. Any Permitted or Controlled Activity which fails to comply with any of these standards shall be deemed a Restricted Discretionary Activity for the particular non-compliance.

a. Height of buildings/structures

Maximum – 9m.

b. Daylighting

No part of any *building/structure* shall exceed a *height* equal to 2m above *ground level* at all boundaries and an angle of 45° into the site from that point. Except where the site has a boundary with a road in which case this rule shall not apply in respect to that boundary.

Provided that:
A *building/structure* may encroach through the above daylighting plane where the written approval of the owner(s) of the immediately adjoining property to the specific encroachment is obtained.

c. Yards

i. *Dwellings*, *minor dwellings*, *accommodation facilities* and *education facilities* – minimum 5m

ii. All other *buildings/structures* – minimum 5m

Provided that:
All other *buildings/structures* may be located within a side or rear

yard and up to a side or rear boundary where the written approval of the owner of the immediately adjoining property to a specified lesser distance is obtained.

Except that:

iii. Where any *yard* adjoins:

- A Strategic Road or a designation for a Strategic Road, it shall be a minimum of 10m;
- A railway corridor or designation for railway purposes, it shall be a minimum of 10m.

Provided that:
On Secondary Arterial Roads, and a railway corridor or designation for railway purposes, *lots* created by way of an application for subdivision consent approved prior to 1 January 2010 will be exempt.

d. Standards for accommodation facilities

i. Have a maximum occupancy of five persons at any one time (excluding staff);

ii. The total area available for exclusive use for the occupiers is no greater than 60m^2 *gross floor area*;

iii. Must not contain a *kitchen* or otherwise be *self contained*;

iv. For Discretionary *accommodation facilities*, information is to be provided in accordance with 4A.6.2.

e. Standards for home enterprises

i. Shall be conducted in an area that does not exceed 500m^2 of which a maximum of 120m^2 shall be available for *buildings* as calculated by *gross floor area*. Carparks shall be excluded from the maximum area calculation of the activity;

ii. Is carried out by a maximum of three persons;

iii. ~~Does not have access from Ōmokoroa Road;~~

~~iv~~iii. Any goods sold must be:
  i. goods produced on site; and/or
  ii. goods that are ordered by the customer by telephone, mail or electronic transaction and redistributed to them by post, courier, or electronically; and/or
  iii. goods ancillary and related to a service provided by the *home enterprise*.

~~v~~iv. Any advertising shall comply with Section 4D.3.1.1.

~~vi~~v. Parking shall be provided in accordance with Rule 4B.4.7.

Explanatory Note:
The above Activity Performance Standards shall apply cumulatively to all *home enterprises* per *lot*.

f. **Standards for minor dwellings and dwellings where a minor dwelling was constructed after 9 February 2009 in accordance with 15.3.2.c. and d.**

i. Shall be located within 20m of the principal *dwelling* or *minor dwelling* on the site; and

ii. Shall share vehicle access with the principal *dwelling* or *minor dwelling* on the site; and

iii. For *minor dwellings* only, if an attached or detached garage or carport is to be built, it shall have a *gross floor area* not exceeding 18m^2.

g. **Transportation, Access, Parking and Loading** - See Section 4B.

h. **Noise and Vibration** - See Section 4C.1.

i. **Storage and Disposal of Solid Waste** - See Section 4C.2.

j. **Lighting and Welding** - See Section 4C.3.

k. **Offensive Odours, Effluent Aerosols and Spray Drift** - See Section 4C.4.

l. **Screening** - See Section 4C.5.

m. **Signs** - See Section 4D.

n. **Natural Environment** - See Section 5.

o. **Landscape** - See Section 6.

p. **Historic Heritage** - See Section 7.

q. **Natural Hazards** - See Section 8.

r. **Hazardous Substances** - See Section 9.

s. **Financial Contributions** - See Section 11.

15.4.2 Subdivision and Development (See also Section 12)

Minimum average net *lot* size – 4.0ha.

15.5 Matters of Discretion

15.5.1 Restricted Discretionary Activities – Non Compliance with Activity Performance Standards

Council's discretion is restricted to the actual or potential adverse effects arising from the

particular non-compliance, having regard to the extent and nature of the non-compliance.

15.5.2 ~~Restricted Discretionary Activities – Ōmokoroa Stage 2 Structure Plan~~

~~In assessing a Restricted Discretionary Activity, *Council* will limit its discretion to and may set conditions on:~~

a. ~~Avoiding, remedying or mitigating the potential adverse effects on the ecological values of the reserves.~~

b. ~~In the Ōmokoroa Structure Plan area retaining the integrity of the Ōmokoroa Peninsula Stormwater Management Plan (June 2002) including the efficiency and effectiveness of stormwater infiltration, detention, discharge downstream and discharge to the Tauranga Harbour with particular regard to storm events.~~

c. ~~Avoiding, remedying or mitigating the potential for natural hazard events such as flooding i.e. natural hazards must not be made more severe as the consequence of a proposal.~~

d. ~~Avoiding, remedying or mitigating the adverse effects on public amenity values of the reserves including public walkway/cycleway functions.~~

e. ~~Avoiding, remedying or mitigating the potential adverse effects on the functioning of Ōmokoroa Road (see 4B.4.2 and 12.4.4.4.c.).~~

Section Contents

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Rural-Residential

16. Rural-Residential

Explanatory Statement

The Rural-Residential Zone is a historical zone that has been in place for some time and recognises existing development and provides mainly for those people who still desire urban standards of servicing while living in a 'rural' environment. New Rural-Residential Zones are provided as part of the urbanisation of the Ōmokoroa Peninsula. Their purpose is to provide a less intensive interface with the Harbour and to manage areas that have *development* constraints.

The Tara Road Rural Residential Zone provides for rural residential living on the urban fringe of Tauranga and has specific requirements to avoid reverse sensitivity, geotechnical and stormwater effects on the Tauranga Eastern Link and Tara Road. In particular rural residential *development* should not commence until the Tauranga Eastern Link is operational in order to avoid the potential for *reverse sensitivity*. A new zone has also been created at Tides Reach, Te Puna, in recognition of the *development* that has both occurred and is planned at that location.

The rules in this section serve to protect the amenity of the Zone. Although the areas all have different attributes the areas are characterised by being predominantly large lot residential developments usually serviced with water, sealed roads, kerb and channelling and often providing good views.

16.1 Significant Issues

1. Activities related to rural based productivity can contribute to the amenity values of rural-residential areas however they may also create adverse effects.

2. Rural-Residential based activities may adversely affect the efficient operation of agricultural/horticultural activities and strategically important *infrastructure* in or adjacent to rural-residential areas through generating *reverse sensitivity* toward those activities.

3. Potential ground conditions and land instability within some rural-residential areas imposes limitations on *development* within the rural residential areas and on the ability for activities on adjacent land to continue to operate.

16.2 Objectives and Policies

16.2.1 Objectives

1. Protection of the ability of the inhabitants to enjoy the rural-residential amenity of the area and the associated views.

2. Minimisation of the potential for incompatibilities between activities.

16.2.2 Policies

1. The scale, type and location of activities should be such that the effects generated are compatible with the amenity values of the environment they are situated within.

2. An urban standard of servicing will be required within the Zone to mitigate, avoid or remedy adverse impact on the amenity of the area caused by an intensification of traffic and population. Financial contributions will also be required.

3. All *development* activities including building, subdivision, excavation, filling, removal of vegetation and disposal of stormwater or domestic wastewater must be carried out in such a way that there is no likelihood of land instability arising from such activity.

4. To maintain and enhance the significant environmental values of the Tauranga Harbour around the Ōmokoroa Peninsula, the primarily green rural visual flanks to the urbanising Peninsula and to avoid the inappropriate use of the lands identified as having instability and flooding constraints.

5. In the Tara Road *Structure Plan* area subdivision and development should be designed, located and constructed in a way that avoids adverse geotechnical, *reverse sensitivity* and stormwater effects on the Tauranga Eastern Link and Tara Road.

16.3 Activity Lists

16.3.1 Permitted Activities

a. *Farming* except *intensive farming activities.*

b. One *dwelling* per *lot*, except as per 16.3.2.c.

c. *Home enterprises.*

d. *Education facilities* for a combined maximum of four persons (excluding staff).

e. Activities on reserves as provided for in the Reserves Act 1977.

f. Works and *network utilities* as provided for in Section 10.

g. *Buildings accessory* to the foregoing.

h. *Existing urupā.*

i. *Conservation forestry.*

j. *Accommodation facilities* for a combined maximum of five persons (excluding staff).

16.3.2 Controlled Activities

a. Works and *network utilities* as provided for in Section 10.

b. One *minor dwelling* in addition to 16.3.1.b. above subject to performance standard 16.4.1.g.

c. One *dwelling* on a title where no *dwelling* currently exists and where a *minor dwelling* exists which was constructed after 9 February 2009.

d. Subdivision or *development* within the Tides Reach Rural-Residential Structure Plan area in general accordance with the *Structure Plan* and as provided for in Rule 16.4.2.d.

e. Subdivision or *development* in the Tara Road *Structure Plan* Area in accordance with *16.4.2.e.*

16.3.3 Restricted Discretionary Activities

Within stormwater management reserves and private conservation areas regardless of whether they are designated, the following are Restricted Discretionary Activities:

a. The disturbance of soil, natural ground cover and vegetation, or the deposition of refuse, solid or liquor waste, fill or any material.

b. The diversion or modification of any natural watercourses.

c. The *construction* of fences or other barriers, stormwater treatment facilities, bridges, *dwellings* or *buildings/structures*, recreational *structures*, pump stations, sewers, culverts and roadways.

d. Walkways/cycleways.

Except that:
Disturbance of soil, natural ground cover and vegetation associated with activities approved in a reserve management plan prepared under the Reserves Act 1977 or Local Government Act 2002 shall be exempt from this requirement.

16.3.4 Discretionary Activities

a. Subdivision where activity performance standards 16.4.2 are complied with (except within the Tides Reach and Tara Road *Structure Plan* Areas).

b. *Accommodation facilities* not complying with 16.4.1.e.

c. *Education facilities* for more than four persons (excluding staff).

d. *Production forestry*.

e. Urupā (new sites).

f. Works and *network utilities* as provided for in Section 10.

16.3.5 Non-Complying Activities

a. Subdivision or *development* within the Tides Reach Structure Plan area that is not in general accordance with the *Structure Plan*.

b. Subdivision or *development* in the Tara Road *Structure Plan* Area not in accordance with 16.4.2.e.

c. Subdivision or *development* in the Tuapiro Rural-Residential zone.

d. Subdivision or *development* not in accordance with 16.4.2.b., c., and d.

16.4 Activity Performance Standards

16.4.1 General

The following performance standards shall be met by all Permitted and Controlled Activities and shall be used as a guide for the assessment of all other activities. Any Permitted or Controlled Activity that fails to comply with any of these standards shall be deemed a Restricted Discretionary Activity for the particular non compliance.

a. Height

Buildings/structures - maximum 8.0m.
Shelter belts (Tuapiro only) - maximum 5.0m.

b. Daylight

All site boundaries adjoining Residential and Rural Zones:

No part of any *building/structure* shall exceed a *height* equal to 2m *height* above ground level at all boundaries and an angle of 45° into the site from that point.

Except where the site has a boundary with a road in which case this rule shall not apply in respect to that boundary.

Provided that:
A *building/structure* may encroach through the above daylighting plane where the written approval of the owner(s) of the immediately adjoining property to the specific encroachment is obtained.

c. Yards

i. *Dwellings*, *minor dwellings*, *accommodation facilities* and *education facilities* – minimum 5m

ii. All other *buildings/structures* – minimum 5m

Provided that:

All other *buildings/structures* may be located within a side or rear *yard* and up to a side or rear boundary where the written approval of the owner of the immediately adjoining property to a specified lesser distance is obtained.

Except that:

iii. Where any *yard* adjoins:

- A Strategic Road or a designation for a Strategic Road, it shall be a minimum of 10m;
- A railway corridor or designation for railway purposes, it shall be a minimum of 10m.

Provided that:
On Secondary Arterial Roads, and any railway corridor or designation for railway purposes, *lots* created by way of an application for subdivision consent approved prior to 1 January 2010 will be exempt.

d. Coverage

Within ~~the~~ Ōmokoroa ~~Structure Plan area~~, a maximum of 15% of the site area may be covered with impermeable surfaces.

e. Standards for Accommodation Facilities

i. Have a maximum occupancy of five persons at any one time (excluding staff);

ii. The total area available for exclusive use for the occupiers be no greater than 60m^2 *gross floor area*;

iii. Must not contain a *kitchen* or otherwise be self contained;

iv. For Discretionary *accommodation facilities*, information is to be provided in accordance with 4A.6.2.

f. Standards for home enterprises

i. Shall be conducted in an area that does not exceed 500m^2 of which a maximum of 120m^2 shall be available for *buildings* as calculated by *gross floor area*. Carparks shall be excluded from the maximum area calculation of the activity;

ii. Is carried out by a maximum of three persons;

iii. Any goods sold must be:

i. goods produced on site; and/or

ii. goods that are ordered by the customer by telephone, mail or electronic transaction and redistributed to them by post, courier, or electronically; and/or

iii. goods ancillary and related to a service provided by the *home enterprise*.

iv. Any advertising shall comply with the provisions of Section 4D.3.2.1.

g. Standards for minor dwellings and dwellings where a minor dwelling was constructed after 9 February 2009 in accordance with 16.3.2.b. and c.

i. Shall be located within 20m of the principal *dwelling* or *minor dwelling* on the site; and

ii. Shall share vehicle access with the principal *dwelling* or *minor dwelling* on the site; and

iii. For *minor dwellings* only, if an attached or detached garage or carport is to be built, it shall have a *gross floor area* not exceeding 18m^2.

h. Standards for Reflectivity and Colour within the Tides Reach Rural-Residential Structure Plan Area

i. Only the following BS5252 colours or colours with a reflectance value of no more than 50% shall be used –

a. **Walls and building facades**

Group A – A05 to A14
Group B – B19 to B29
Group C – C35 to C40, restricted to hue range 06-16
Group D – D43 to D45, restricted to hue range 06-12
Group E – Shall not be used

b. **Roofs**

Group A – A09 to A14
Group B – B23 to B29
Group C – C39 & C40
Group D – Shall not be used
Group E – Shall not be used

i. Transportation, Access, Parking and Loading - See Section 4B.

j. Noise and Vibration - See Section 4C.1.

k. Storage and Disposal of Solid Waste - See Section 4C.2.

l. Lighting and Welding - See Section 4C.3.

m. Offensive Odours, Effluent Aerosols and Spray Drift - See Section 4C.4.

n. Screening - See Section 4C.5.

o. Signs - See Section 4D.

p. Natural Environment - See Section 5.

q. Landscape - See Section 6.

r. **Historic Heritage** - See Section 7.

s. **Natural Hazards** – See Section 8

t. **Hazardous Substances** - See Section 9.

u. **Financial Contributions** - See Section 11.

16.4.2 Subdivision and Development (See also Section 12)

a. **Tuapiro** (see Ongare Point Planning Map U21) - no further subdivision provided for.

b. **All other areas** ~~(except within the Tides Reach and Tara Road *Structure Plan* Areas):~~

i. Minimum *lot* size: 3000m^2 provided that the average area for *lots* shown on any plan of subdivision shall be not less than 4000m^2; Except within the Tides Reach *Structure Plan* Area and Ōmokoroa Stage 3 *Structure Plan* Area.

ii. Minimum frontage: 4m.
Except within the Tides Reach *Structure Plan* Area.

c. **Ōmokoroa**

i. The land to be subdivided shall be served by a *Council* reticulated sewerage scheme; ~~and~~

ii. The stormwater from the subdivision must be able to be discharged in accordance with the approved Stormwater Management Plan for Ōmokoroa~~.~~; and

iii. Minimum *lot* size of 2000m² within the Ōmokoroa Stage 3 *Structure Plan* Area.

d. **Tides Reach Rural-Residential Structure Plan Area**

For the Tides Reach Rural-Residential Structure Plan area, additional *lots* shall be created in conjunction with any of the following entitlements obtained from the Rural Zone on a one to one basis:

i. Transferable Amalgamation Lots;

ii. Transferable Rural Entitlements;

iii. Transferable Protection Lots;

iv. Onsite Protection Lots, as provided for in 18.4.2.h..

Explanatory Note
For the purpose of clarifying this rule “onsite” refers to the Rural Zoned portion of the *lot* which the Tides Reach Rural-Residential Structure Plan area is part of.

An application for Controlled Activity subdivision under Rule 16.3.2.d. need not be

publicly notified nor notice of it served on any other persons.

e. Tara Road Structure Plan Area

i. Minimum *lot* size: 3,000m^2 provided that the average area for *lots* shown on any plan of subdivision shall be not less than 4,000m^2;

ii. Minimum frontage: 4m;

iii. The land to be subdivided or developed shall only be accessed from Tara Road via the Doncaster Road round-a-bout;

Except that
Lot 1 DP 317519 and Lot 1 DPS 89434 may have access from complying access points on Parton Road.

iv. *Dwellings* shall be designed and constructed so that internal noise levels do not exceed 35dB LAeq24hr in bedrooms and 40dB LAeq24hr in other habitable rooms. Written evidence that this standard will be achieved through the design of the *dwelling* shall be provided to *Council* from a suitably qualified acoustic consultant at the time an application for building consent is lodged with the *Council*. Where a *dwelling* is required to have its windows closed to achieve the required noise standard, the *dwelling* shall be designed and constructed to provide for an alternative means of internal ventilation;

v. Subdivision and *development* shall be designed and constructed so that external noise levels do not exceed 64dB LAeq24hr (see vi. below). The acoustic mitigation adjacent to the Tauranga Eastern Link and/or Tara Road required to achieve this standard shall be addressed at the time of subdivision or *development* (whichever comes first). Written evidence that this standard will be achieved shall be provided to the *Council* from a suitably qualified acoustic consultant as part of the application for subdivision or *development* (whichever comes first). The evidence shall be based on predictions of road traffic noise in accordance with Section 5.3 of NZS 68069:2010, using terrain data at 1m ground contour intervals including the final *earthworks* for the Tauranga Eastern Link;

vi. The design parameters for noise measurement for (iv) and (v) above are as follows:

a. Tara Road
- Design year: 2026
- Flow rate (AADT): Tara Road 26,100 vpd / Parton Road 6,000 vpd
- Speed: 100km/h
- Road surface: Open graded porous asphalt
- Percentage of heavy vehicles: 7%

b. Tauranga Eastern Link
- Design year: 2026
- Flow rate (AADT): 28,000 with the Papamoa East Interchange
- Design speed: 100km/h
- Road surface: Chip seal
- Percentage of heavy vehicles: 16%

vii. At the time of subdivision or *development*, a landscape plan detailing planting species and spacing shall be provided to screen the Rural-Residential Zone from the Tauranga Eastern Link and to provide an amenity buffer with Tara Road. The landscape plan shall detail the planting along the 10 metre Amenity Planting Strip adjoining Tara Road, with the landscape swale, on the acoustic bund adjoining the Tauranga Eastern Link and/or Tara Road (if proposed) and between any acoustic barrier and the Tauranga Eastern Link and/or Tara Road (if proposed);

viii. The acoustic mitigation (e.g. bund; barrier) and landscaping shall be designed so that it does not have any adverse geotechnical effect on the Tauranga Eastern Link and /or Tara Road (including all *infrastructure* within road reserve). Prior to the establishment of any acoustic mitigation or landscaping required by clauses (v) and (vii) of this rule a geotechnical assessment by a suitably qualified geotechnical engineer shall be prepared in consultation with Waka Kotahi NZ Transport Agency or Tauranga City Council (as relevant) and submitted to *Council* to confirm that the acoustic mitigation and landscaping has no adverse geotechnical effects on the Tauranga Eastern Link or Tara Road (including all *infrastructure* within the road reserve);

ix. The acoustic mitigation required by viii. above (e.g. bund; barrier) and the landscape mitigation required by vii. above shall be vested in *Council* at the time of subdivision or prior to building consent for a *dwelling* being issued, whichever occurs first;

x. Any subdivision or *development* shall be in accordance with an approved stormwater management plan for the entire *Structure Plan* area;

xi. Subdivision or *development* shall not be commenced until the Tauranga Eastern Link is operational. Operational means that Tauranga Eastern Link construction is complete and public vehicles are able to use the full length of Tauranga Eastern Link including both lanes in each direction;

xii. Subdivision and *development* associated within the Tauranga Eastern Link shall be exempt from this rule.

Note:
Water supply is to be provided privately, unless prior arrangements have been made with the *Council* to reticulate the whole *Structure Plan* area with a public reticulation system.

16.5 Matters of Control

16.5.1 Controlled Activity – Subdivision or Development within the Tides Reach Rural-Residential Structure Plan Area

Council reserves control over the following matters for the Tides Reach Rural-Residential Structure Plan area, and may impose any necessary conditions on subdivision:

a. Provisions of fire fighting water supplies.

b. The application of financial contributions.

c. Compliance with the *Structure Plan*.

16.5.2 Controlled Activity – Subdivision or Development within the Tara Road Structure Plan Area

Council reserves control over the following matters and may impose any necessary conditions:

a. Noise mitigation.

b. Landscaping.

c. Geotechnical effects.

d. Access to Tara Road.

e. Stormwater management.

f. Compliance with the *Structure Plan*.

g. The application of financial contributions.

16.6 Matters of Discretion

16.6.1 Restricted Discretionary Activities – Non Compliance with Activity Performance Standards

Council's discretion is restricted to the actual or potential adverse effects arising from the particular non-compliance, having regard to the extent and nature of the non-compliance.

16.6.2 Restricted Discretionary Activity - Activities within Stormwater Management Reserves

In assessing a Restricted Discretionary Activity, *Council* will limit its discretion to and may set conditions on:

a. Avoiding, remedying or mitigating the potential adverse effects of the ecological values of the reserves.

b. In ~~the~~ Ōmokoroa ~~Structure Plan area~~ retaining the integrity of the Ōmokoroa Peninsula Stormwater Management Plan ~~(June 2002)~~ including the efficiency and effectiveness of stormwater infiltration, detention, discharge downstream and discharge to the Tauranga Harbour with particular regard to storm events.

c. Avoiding, remedying or mitigating the potential for natural hazard events such as flooding i.e. natural hazards must not be made more severe as the consequence of a proposal.

d. Avoiding, remedying or mitigating the adverse effects on public amenity values of the reserves including public walkway/cycleway functions.

16.6.3 Discretionary Activity - Production Forestry

In considering an application for *production forestry* as a Discretionary Activity, *Council* shall have regard to the following matters:

a. Visual impact including obstruction of views.

b. Potential shading effects.

c. Effect on land stability.

d. Scale of the activity.

16.7 Other Methods

16.7.1 Removal of plant pests can be controlled in accordance with a pest management strategy prepared under the provisions of the Biosecurity Act 1993.

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Commercial

19. Commercial

Explanatory Statement

The commercial centres of towns form the heart of the town and outlying districts. They are a key element in providing a sense of identity and belonging to individuals and the community in general. There is often considerable community investment in the town centre. It is the focal point of social, economic and cultural activities. The sustainable management of these areas is seen as being a key aspect in enabling people and communities to provide for their social, economic and cultural wellbeing.

The Western Bay of Plenty District has established town centres at Te Puke, Katikati and Waihi Beach. A new town centre has been planned at Ōmokoroa to support its existing and future planned population ~~of 12,000 people~~ as well as the surrounding rural catchment. Smaller beach and rural communities exist at Pukehina, Paengaroa, Maketu, Te Puna and Whakamaramara that have small commercial areas to service their immediate catchments.

Council has a Built Environment Strategy to assist in achieving good urban design outcomes in line with the New Zealand Urban Design Protocol and to promote the principles embodied within the Crime Prevention through Environmental Design national standard.

Council has developed Town Centre Plans to deliver these urban design outcomes and meet each community's vision. There is an Approved Ōmokoroa Town Centre Master Plan that was approved through a resource consent process and is subject to the conditions of that consent. The Commercial Zone objectives, policies and rules seek to deliver these outcomes by providing a framework for future *development*. Non regulatory methods are also promoted such as *Council's* 'Package of Plans' approach which seeks to provide *Council* advice and guidance at the conceptual stage to assist *development* projects to achieve positive design outcomes for the community now and in the future. There are a number of other community plans that *Council* will have regard to as part of the resource consent process.

Important issues for the Commercial Zone include the containment of the Commercial Zone and also ensuring that activities within the Zone are managed so not to adversely affect adjacent residential areas. It is also important to ensure that residential activities in the Commercial Zone do not detract from the viable operation of the commercial area. Special provisions are included in the Commercial Zone to avoid *reverse sensitivity* effects.

Although the efficient operation of the Te Puke Highway which currently bisects Te Puke, and State Highway 2 which currently bisects Katikati, is important, these roads should not detract from the efficient operation of the towns they bisect.

19.1 Significant Issues

1. The decline of town centres may have an adverse effect on the community's social, economic and cultural wellbeing.

2. Commercial creep into non-commercial zones and the establishment of out of zone large format retail activities have the potential to detract from the viability and efficient operation of commercial centres.

3. Poorly designed and constructed commercial centres can adversely affect people's enjoyment of the centre and nearby public places and can affect the safety and efficiency of the adjacent road network and amenity, enjoyment and vitality of entire communities.

4. The adverse effects on visual amenity resulting from large and/or badly designed *buildings/structures* and including potential adverse effects from lighting and inappropriate *signage*.

5. Commercial activities attract large numbers of people resulting in a large number of traffic movements, generating adverse effects such as pedestrian/vehicle conflict, noise, dust, fumes, odour, and a large concentration of people which can lead to noise, privacy and behaviour issues affecting the amenity of the area.

6. The adverse effects of commercial activities such as rubbish generation, smell and noise.

7. Non-commercial activities such as *dwellings* have the potential to improve the vibrancy of town centres and improve safety outside normal retail hours provided they are appropriately located and designed.

8. The loss of heritage buildings through the lack of protection or incentives for retention of facades of heritage value.

9. The adverse effects of heavy transport travelling through commercial centres especially pedestrian/vehicle conflict and associated noise/dust/odour problems.

10. There is a need to integrate pedestrian and cycleways both to and within commercial centres to minimise reliance on motorised transport.

19.2 Objectives and Policies

19.2.1 Objectives

1. Consolidated commercial centres that are vibrant commercial environments that encourage social and cultural interaction.

2. Well designed commercial centres which reflect accepted urban design principles.

3. Convenient and safe commercial centres.

4. Commercial *development* of a scale that is appropriate for the location.

5. Public, civic and private space that relate well to each other.

6. Commercial centres that have a high level of amenity.

7. Commercial Zones in which commercial activities can operate effectively and efficiently, without undue restraint from non-commercial uses which may require higher amenity values.

8. Important heritage buildings and landscape features are retained.

9. An efficient network of road, cycle and pedestrian linkages connecting the *District's* commercial centres to surrounding urban areas.

10. The *development* of commercial centres and associated *transportation networks* that enhance social, economic and cultural activity through attention to design detail and the integration of the public, civic and private places nearby and therein.

11. The *development* of town centres that complement adopted documents compiled with the respective communities such as town centre plans and comprehensive development plans.

19.2.2 Policies

1. Provide for the comprehensive *development* of commercial areas, including the redevelopment of multiple commercial sites by:

    a. Encouraging the aggregation of land titles in accordance with the relevant town centre plan.

    b. Providing incentives to off-set the acquisition of land required to achieve relevant town centre plan design outcomes.

2. New *development* or redevelopment of commercial centres is consistent with the design elements of the relevant adopted town centre plans.

3. Limit the establishment of commercial activities in non-commercial zones.

4. Ensure *buildings/structures* in Commercial Zones:

    a. Provide sufficient shelter for pedestrians so as to protect them from the natural elements.

    b. Do not compromise pedestrian access unless the characteristics of the locality of the site or the site itself are such that verandas or other forms of pedestrian shelter are not required.

    c. Support the *development* of areas that encourage social interaction.

5. Encourage alternative routes for heavy transport so as to avoid adverse effects such as danger to pedestrians, dust, noise and odour associated with such movements through commercial centres.

6. Ensure noise levels are such as to maintain a reasonable quality commercial environment.

7. Locate residential activities so they do not conflict with the integrity of the Zone and are designed and located so as to avoid *reverse sensitivity* effects such as noise.

8. Prevent non-commercial activities that conflict with or detract from the integrity of the Commercial Zone.

9. Apply financial contributions and other consent conditions to assist in avoiding or mitigating potential adverse effects of future subdivision and *development*.

10. Identify and protect Significant Heritage and Landscape Features.

11. Apply *height* limits that are appropriate for the location of the Commercial Zone especially in relation to smaller communities such as Maketu, Pukehina and Paengaroa where large commercial *buildings/structures* could detract from the amenity of the area.

12. Promote pedestrian and cycle accessibility by controlling the location and design of accessways.

13. Require retail frontages to be orientated towards streets and other public areas, such as public walkways and parking areas.

14. Ensure that *development* in Commercial Zones is designed and constructed to be consistent with the New Zealand Urban Design Protocol and National Guidelines for Crime Prevention through Environmental Design.

15. Commercial *development* within the Ōmokoroa Stage ~~2~~ 3 *Structure Plan* area shall be comprehensively designed to include:

    a. Mixed use areas.

    b. Visually broken building facades of a human scale.

    c. Muted natural or recessive colours.

    d. A maximum of one connection to Ōmokoroa Road thereby preserving that road's primary function as a transport corridor.

    e. Landscaped car parking (where car parking is provided) and set back from Ōmokoroa Road.

    f. Functional and alternative mixed use (including residential) on upper floors.

    g. An outlook and amenities that relate to the adjoining gully system.

    h. The provision of residential accommodation to promote vibrancy in the commercial area.

19.3 Activity Lists

19.3.1 Permitted Activities

Except where specified as a Controlled, Restricted Discretionary or Discretionary Activity, the following are Permitted Activities:

a. *Retailing*.

b. *Commercial services.*

c. *Offices.*

d. *Places of assembly.*

e. *Takeaway food outlets.*

f. *Medical or scientific facilities.*

g. *Restaurants and other eating places.*

h. Activities on reserves as provided for in the Reserves Act 1977.

i. Works and *network utilities* as provided for in Section 10.

j. *Accommodation facilities*, provided that *retirement villages* are excluded from locating within the Commercial Zone at Ōmokoroa *Structure Plan* Area ~~2~~3.

k. Police stations.

l. *Commercial sexual services.*

m. *Building and construction wholesalers and retailers* with a maximum gross area of 2500m^2.

n. *Educational facilities* for a maximum of four persons (excluding staff).

19.3.2 Controlled Activities

a. Subdivision.

b. *Dwellings* provided they are located above ground floor level.

c. Works and *network utilities* as provided for in Section 10.

d. With respect to financial contributions only:

   i. The erection or undertaking of one or more commercial activities other than the first such activity on a site or significant expansion of an existing activity (significant expansion is an increase of more than 0.5 of a *household equivalent* for services);

   ii. Any activity in 19.3.1 which has a *household equivalent* for water and wastewater greater than one as listed in Rule 11.4.2 b.

19.3.3 Restricted Discretionary Activities

a. Any Permitted or Controlled Activity that fails to comply with the activity performance standards listed in Rule 19.4.

b. Within the Commercial Zone shown on the Ōmokoroa Stage ~~2~~ 3 *Structure Plan* all

activities other than a *dwelling* shall be a Restricted Discretionary Activity subject to the development of a commercial area master plan and activity performance standards listed in 19.5.

Note: If a commercial area master plan has been approved by resource consent, all activities applicable to that consent shall be subject to the conditions of that consent.

c. ~~Within stormwater management reserves and private conservation areas in Ōmokoroa Stage 2, regardless of whether they are designated, the following are Restricted Discretionary Activities:~~

i. ~~The disturbance of soil, natural ground cover and vegetation, or the deposition of refuse, solid or liquid waste, fill or any material;~~

ii. ~~The diversion or modification of any natural watercourses;~~

iii. ~~The construction of fences or other barriers, dams, ponds and other stormwater treatment facilities, bridges, sports facilities, *dwellings* or *buildings/structures*, playgrounds, pump stations, sewers, culverts and roadways;~~

iv. ~~Walkways/cycleways.~~
~~Except that:~~
~~Disturbance of soil, natural ground cover and vegetation associated with activities approved in a stormwater catchment plan, *structure plan*, comprehensive stormwater consent and reserve management plan prepared under the Reserves Act 1977 or Local Government Act 2002 shall be exempt from this requirement.~~

19.3.4 Discretionary Activities

a. *Service stations* and garages.

b. *Depots* (except in Ōmokoroa, where they are Non-Complying).

c. *Vehicle and machinery sales* (except in Ōmokoroa, where they are Non-Complying).

d. Works and *network utilities* as provided for in Section 10.

e. *Building and construction wholesalers and retailers* that exceed a gross area of 2,500m^2.

f. *Education facilities* for more than four persons (excluding staff).

g. *Buildings/structures* in the Waihi Beach Town Centre that exceed the permitted *height* of 9m to a maximum *height* of 10.5m.

19.4 Activity Performance Standards

19.4.1 General

The following performance standards shall be met by all Permitted and Controlled Activities and shall be used as a guide for the assessment of all other activities. Any Permitted Activity that fails to comply with any of these standards will be a Restricted Discretionary Activity for the particular non-compliance.

a. Building height, setback, alignment and design

i. All *buildings* shall be provided with a veranda not less than 2m wide, 3m above street level, 0.3m back from the kerb line and not more than 0.4m thick;

ii. Te Puke and Katikati town centres

Overall *building/structure height* shall not exceed 12.5m and retain a maximum two storey character (not exceeding 8.0m) facing the street;

The *habitable space* of any *building* shall be limited to the first 11m;

Any three storey *building* shall have its third storey set back in accordance with Diagram 1 following;

iii. Ōmokoroa Commercial Zone Stage ~~2~~ 3 *Structure Plan* Area
The maximum *building/structure height* in the Ōmokoroa Stage ~~2~~ 3 *Structure Plan* area shall be ~~11m~~20m, except where *buildings* locate all parking and ~~no provision is made for additional non-*habitable space* above~~servicing requirements enclosed below *ground level*, in which case the ~~11m~~maximum *height* ~~limit;~~shall be 23m.

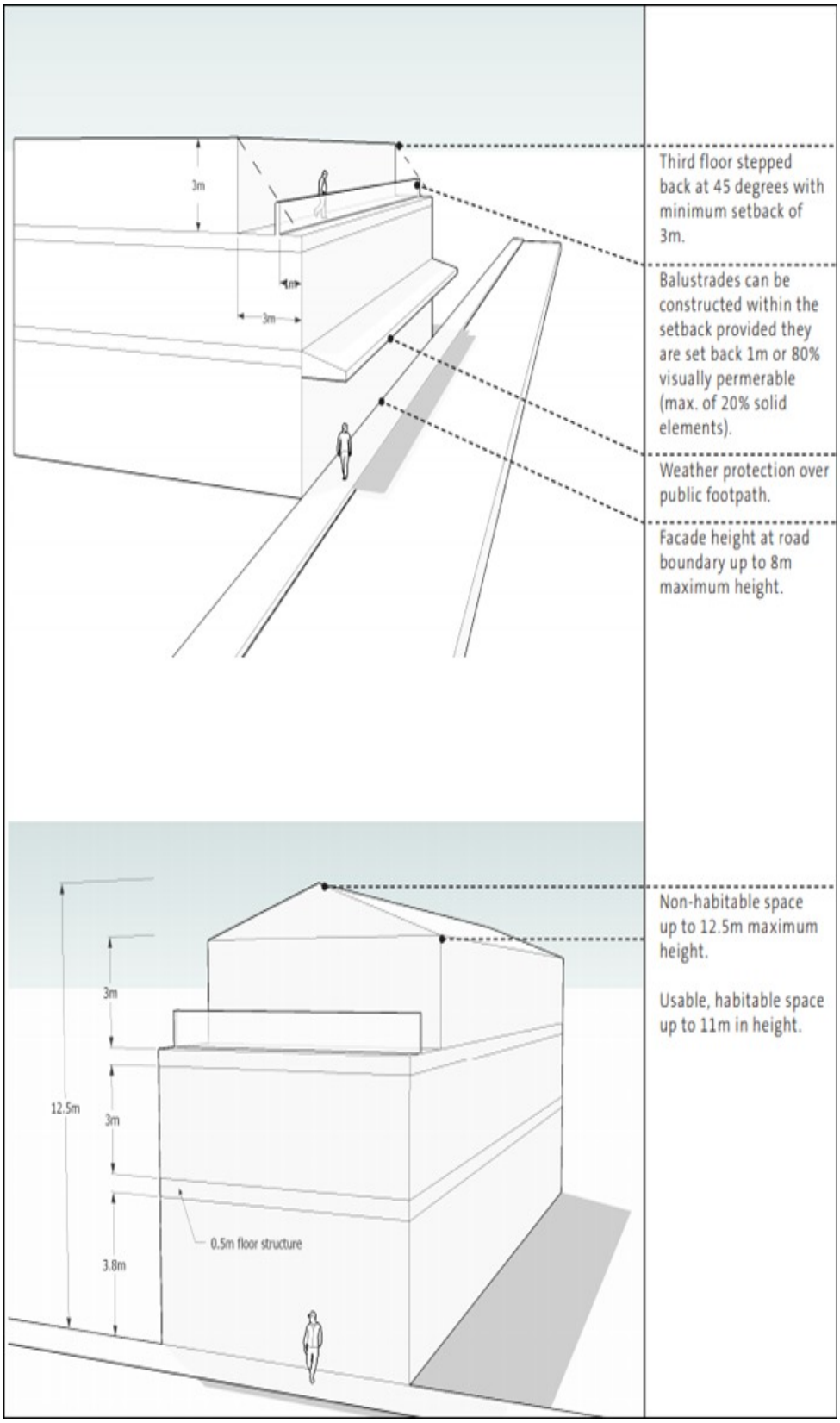
iv. Comvita Campus *Structure Plan* Area

The maximum *building/structure height* in the Comvita Campus *Structure Plan* area shall be 12.0m.

v. All other areas including spot Commercial Zones

The maximum *height* shall be limited to two storeys and 9m and no provision is made for additional non-*habitable space* above the 9m *height* limit;

Diagram 1 – Commercial Zone heights and setback standards



vi. Any balustrade servicing a third floor (not in the Ōmokoroa Stage ~~2~~ 3 *Structure Plan* Area) shall be either set back in accordance with Diagram 1 below or be 80% *visually permeable*.

vii. Continuous retail frontage – *Development* in the Commercial Zone shall

be constructed up to the road boundary except for vehicle access up to 6m wide per site. Each *building* shall have clear windows on the ground floor that must cover at least 50% of the *building's* frontage to a main street and at least 25% for all other streets and public areas, such as walkways and public parking areas.

viii. No car parking, other than underground parking, shall be located within 10m of any street boundary.

b. Daylight

All site boundaries adjoining Residential and Rural Zones:

No part of any *building/structure* shall exceed a *height* equal to 2m *height* above *ground level* at all boundaries and an angle of 45° into the site from that point. Except where the site boundary is with a road in which case this rule shall not apply in respect to that boundary.

Provided that:
A *building/structure* may encroach through the above daylighting plane where the written approval of the owner(s) of the immediately adjoining property to the specific encroachment is obtained.

c. Offices

The floor area utilised for *office* purposes on the ground floor is not to exceed 20% of the total *gross floor area* of the ground floor of the *building*.

Explanatory Note:
This rule does not apply to *Commercial Service* activities.

d. Yards

All *buildings/structures*

Minimum 3m where a property adjoins a Residential, Rural-Residential, Future Urban, Rural Zone or reserve boundary.

Provided that:
A *building/structure* may be located within a side or rear *yard* and up to a side or rear boundary where the adjoining property is a road or where the written approval of the owner of the immediately adjoining property to a specified lesser distance is obtained.

Except that:
Where any *yard* adjoins:

- A Strategic Road or a designation for a Strategic Road (except in the Commercial Zones in Katikati and Te Puke), it shall be a minimum of 10m;
- A railway corridor or designation for railway purposes, it shall be a minimum of 10m.

Provided that:
On Secondary Arterial Roads, and any railway corridor or designation for railway purposes, *lots* created by way of an application for subdivision consent approved prior to 1 January 2010 will be exempt.

e. Dwellings

Commercial Zone rules shall apply, except as specified below:

i. Any habitable room in new residential activities established in the Commercial Zone shall be designed to meet an internal *LAeq* noise level of 45dB at all times;

An acoustic design report from a suitably qualified acoustic engineer will be required to show that the required noise standards will be met;

ii. All *dwellings* shall be located above ground floor.

f. Commercial sexual service

No *commercial sexual service* shall be located within 150m of the main entrance of a *sensitive site*.

g. Transportation, Access, Parking and Loading - See Section 4B.

h. Noise and Vibration - See Section 4C.1.

i. Storage and Disposal of Solid Waste - See Section 4C.2.

j. Lighting and Welding - See Section 4C.3.

k. Offensive Odours, Effluent Aerosols and Spray Drift - See Section 4C.4.

l. Screening - See Section 4C.5.

m. Signs - See Section 4D.

n. Natural Environment - See Section 5.

o. Landscape- See Section 6.

p. Historic Heritage - See Section 7.

q. Natural Hazards - See Section 8.

r. Hazardous Substances – See Section 9.

s. Financial Contributions - See Section 11.

t. Ōmokoroa Commercial Zones (Stage ~~2~~3).

Development shall be in accordance with the adopted *structure plan*.

19.4.2 Katikati: Standards for development in the Katikati Commercial Zone along the State Highway, between the entrance to the Haiku Walkway and Donegal Place.

a. *Yards*

i. Front *Yards* shall be no less than 4m.

ii. 3m where a property adjoins a Residential Zone or reserve boundary.

b. Within this area, there is no requirement for a verandah that protrudes over the footpath.

c. Maximum *building/structure height* shall be limited to two storeys and 9.0m.

d. Provisions for parking and loading shall be on-site as per 4B.4.7.

e. A continuous retail frontage is not required.

f. Each *building* shall have clear windows on the ground floor that cover at least 50% of the *building's* street front.

g. Car parking may be located within the front *yard.*

19.4.3 Activity Performance Standards for Activities in the Waihi Beach Town Centre

In addition to the Activity Performance Standards included in 19.4.1 General, the following apply to the Waihi Beach town centre, situated in Wilson Road between the intersection with Citrus Avenue on the western side and Snell Crescent and Dillon Street on the eastern side.

a. To retain the village feel and character of the Waihi Beach Town Centre along Wilson Road, commercial *buildings* in the town centre should:

i. Have a continuous shop frontage;

ii. Have commercial/retail activities with displays facing the street and/or Two Mile Creek;

iii. Have a variety of cladding materials and limit glass surfaces to not more than 60%;

iv. *Buildings* should not have advertising displays above a level of 4.5m above street level;

v. All new *development* should have some form of pitched roof with large overhangs to make the roof appear light and reduce the impact of bulk of the *building*;

Except that:

These rules do not apply to existing *buildings* having minor alterations or extensions provided the *gross floor area* does not increase in scale by more than 10%.

For the purpose of the exemption above "existing" shall mean the existing *building* as approved by way of the most recent building consent for which an application was lodged prior to 19 December 2015.

b. Access provision

i. Vehicle access to properties zoned Commercial in the Waihi Beach Town Centre that front onto Wilson Road should either:

- Be shared between two adjoining properties; or
- Be obtained from an adjoining service lane; or
- Be from a road other than Wilson Road, excluding the public parking area situated on 24 Wilson Road.

ii. To enable Commercial Zoned land (adjoining Dillon Street) to be developed in compliance with the Access, Parking and Loading requirements of the District Plan Lot 4 DP 37326 and/or Lot 6 DP 37326 shall provide for legal and practical access to Lot 5 DP 37326.

c. All *buildings* and permanent *structures* shall have a setback of at least 7.5m from the centre line of Two Mile Creek measured at building consent stage irrespective of whether or not the centre line of the creek is within the subject property.

19.5 Development of a Commercial Area Master Plan for the Commercial Zone - Ōmokoroa Stage ~~2~~3 Structure Plan Area

a. ~~A~~There is an Approved Ōmokoroa Town Centre Master Plan that was approved through a resource consent process and is subject to the conditions of that consent. In the event of any new commercial area master plan ~~for~~being proposed the ~~Ōmokoroa Stage 2 *Structure Plan* area~~following shall ~~be prepared by *Council* prior to *development* of individual titles.~~apply:

This plan shall define the compliance with the performance standards and criteria listed below and the location of *buildings/structures,* traffic and pedestrian cycle paths and any parking areas and shall specify integration with the Commercial Zone and to the Industrial Zone and *public reserve*.

The comprehensive development plan shall include:

i. Mixed use areas;

ii. Visually broken building facades of a human scale;

iii. Muted natural or recessive colours;

iv. A maximum of one connection to Ōmokoroa Road thereby preserving that road's primary function as a transport corridor;

v. Landscaped carparking (where car parking is provided) and set back from Ōmokoroa Road;

vi. Functional and alternative mixed use (including residential) on upper floors;

vii. An outlook and amenities that relate to the adjoining gully system;

viii. The provision of residential accommodation to promote vibrancy in the commercial area.

b. In addition to the standards in 19.4.1 the following performance standards shall apply:

i. No *building* shall exceed 50m in length across any continuous dimension and the commercial *development* is to provide a minimum 200m² pedestrian court/plaza to act as a point of focus and physical congregation within the centre;

ii. For every square metre of ground floor retail there shall be an equivalent

upper floor area provided for other Permitted or Controlled Activities;

iii. A portion of the car parking (where car parking is provided) is to be provided along the commercial/reserve boundary to facilitate shared use;

iv. Access to Ōmokoroa Road shall be by way of a roundabout as shown in the *Structure Plan* and from ~~the~~additional controlled ~~intersection from the Industrial Zone~~access roads approved by *Council*.

c. Any habitable room in new residential activities shall meet an internal *LAeq* noise level of 45dB at all times. An acoustic design report from a suitably qualified acoustic engineer will be required at the time of building consent application to show that the required noise standards will be met.

d. Covered walkways of at least 3m in width are to be provided along the frontage of all *buildings* and a network of uncovered walkways/cycleways to connect the commercial area to the car parking, ~~light industrial,~~ reserves and residential lands. The uncovered walkways are to be a minimum of 1.5m wide constructed of asphalt, exposed aggregate or similar materials.

e. Amenity planting and fencing at 1.8m high of service yards shall be provided incorporating a minimum width of 4m of vegetative planting achieving 4m in *height*. The Ōmokoroa Road boundary is also to be screen planted, with trees at a minimum *height* of 1.2m at the time of planting, to a minimum depth of 4m achieving a minimum 4m in *height*.

f. Lights within the Zone are to be no higher than 5m and be either standard or bollard design.

g. Daylighting - Measured at the boundary, no part of any *building/structure* shall exceed a *height* equal to 2m plus the shortest horizontal distance between that part of the *building/structure* and the commercial/reserve boundary and the boundary with Ōmokoroa Road.

h. Any car parking is to provide maximum convenience for the public using commercial or reserve facilities. Any such parking is to be screen planted along Ōmokoroa Road and all parking areas for more than ten cars are to include specimen trees to provide shade to 30% of the car parking areas in summer.

i. The maximum coverage shall be 80% of land area.

Explanatory Notes:
Non-compliance with activity performance standard i. above will require a resource consent approval for a Non-Complying Activity.

A Restricted Discretionary Activity that complies with the activity performance standards above will not be publicly notified and will not require serving on people who may be considered affected.

19.6 Matters of Control - Controlled Activities

19.6.1 Financial Contributions

Council will impose conditions with respect to the payment of financial contributions where these are triggered in Section 11 of the District Plan or identified in the Controlled Activity list.

19.6.2 **Subdivision** (refer also to Section 12)

a. No minimum *lot* size.

b. *Council* may impose conditions regarding access to and from the existing and newly created *lots*.

c. Where subdivision occurs in the Commercial Zone at Ōmokoroa Stage ~~2~~3 the Council will reserve its control over and may set conditions relating to design and compliance with the *Structure Plan.* Failure to comply with the *Structure Plan* will result in the activity being classified as a Non-Complying Activity.

19.7 Matters of Discretion

19.7.1 Restricted Discretionary Activities – Non-Compliance with Activity Performance Standards

a. *Council's* discretion is restricted to the actual or potential adverse effects arising from the particular non-compliance, having regard to the extent and nature of the non-compliance.

b. *Council* will also restrict it's discretion to the overall community benefit resulting from a *development* proposal that is aligned with the design outcomes in adopted town centre plans.

19.7.2 Restricted Discretionary Activities – Ōmokoroa Stage ~~2~~3 Structure Plan Area

a. General

In assessing a Restricted Discretionary Activity, *Council* will limit its discretion to and may set conditions on:

i. Avoiding, remedying or mitigating the potential adverse effects on the ecological values of the reserves;

ii. Avoiding, remedying or mitigating the potential for natural hazard events such as flooding i.e. natural hazards must not be made more severe as the consequence of a proposal;

iii. Avoiding, remedying or mitigating the adverse effects on public amenity values of the reserves including public walkway/cycleway functions;

iv. In the Ōmokoroa Stage 3 *Structure Plan* area retaining the integrity of the Ōmokoroa Peninsula Stormwater Management Plan ~~(June 2002)~~ including the efficiency and effectiveness of stormwater infiltration, detention, discharge downstream and discharge to the Tauranga Harbour with particular regard to storm events.

b. Commercial activities

In assessing a Restricted Discretionary Activity, *Council* will restrict its discretion to a consideration of, and may set conditions related to:

i. The extent to which *development* provides for mixed use and provides for ingress and egress of residents without impinging on downstairs commercial operations, and the extent to which upper stories are dimensioned and designed so as to provide functional and attractive

accommodation for residents;

ii. The extent to which the *development* provides a central pedestrian plaza court;

iii. How well the *development* integrates with walkways/cycleways to parking and nearby reserve land, civic centre facilities, civic activities, *park and ride facilities*, school sites and other public amenities;

iv. The *height* and setback of *buildings/structures* and plants and their current and future effects on daylight to other sites;

v. The overall design and location of *buildings/structures* and their compatibility with safe traffic and pedestrian flows from the Ōmokoroa Road roundabout to the access road into the light industrial area in the north;

vi. Visual impacts of the proposal and, in particular, visual amenity when viewed from Ōmokoroa Road and the adjoining reserve;

vii. The overall design and appearance of *buildings/structures* including the extent to which building facades are visually broken up and sympathetic to a human scale. This may include variation in roof profiles and pitches, modulation of walling, and the use of layered roofing, walling, verandas, windows, structural supports and other building elements to give building facades a layered, three dimensional character. This may also include the use of extensive glazing at ground level to create strong visual interaction between the external and internal components of the commercial area and to further avoid walling appearing overly extensive and devoid of visual relief/variety;

viii. The extent to which proposed colours are muted, natural or recessive and are compatible with nearby residential *development* and reserves - particularly so in relation to walling next to service courts and along rear/side *walls* potentially exposed to residential/reserve areas;

ix. The safety and efficiency of traffic flows on Ōmokoroa Road.

x. The extent to which the proposal is consistent with objectives and policies of the District Plan; and with the activity performance standards listed in 19.4.

xi. The extent to which planting and other measures provide for amenity and create safe environments.

xii. For any amendments to the Approved Ōmokoroa Town Centre Master Plan, the extent to which the revised master plan continues to achieve key design outcomes required for the Omokoroa Commercial Town Centre as specified in Rule 19.5. The extent and type of changes proposed to the Approved Ōmokoroa Town Centre Master Plan (see Appendix 7) will be considered while recognising the positive effects of achieving a well-connected and designed urban environment. An urban design report may be necessary to identify and assess the extent of change from the approved town centre plan and comment on whether the changes result in acceptable urban design outcomes taking into account (i) to (xi) above.

19.7.3 Discretionary Activity – Relaxation of Building Height in the Waihi Beach Town

Centre

Building height of commercially zoned properties in the Waihi Beach Town Centre may be relaxed to a maximum *height* of 10.5m, provided that:

a. The *development* covers more than one section or a developer can prove to *Council* that an agreement exists with an adjoining Wilson Road land owner regarding the *development* of a shared access way and onsite parking arrangement (in cases where onsite parking is provided).

b. Continuous shop front is retained.

c. Underground or semi-underground parking is provided (in cases where parking is provided).

d. The ground floor of the proposed *building* has a minimum stud height of 2.9m.

e. The *building* has a setback of at least 7.5m from the centre line of Two Mile Creek to allow for a public walkway along the Creek.

f. The *building* has no overshadowing impact on properties to the south between 11am and 2pm as a result of the increase in *height*.

g. The third floor has a set back of 3m from the street boundary and the proposed walkway along Two Mile Creek.

h. The *building* has a pitched roof (mono or double pitched gable roof).

i. The top 1m (between 9.5m and 10.5m) should not be habitable.

19.7.4 Discretionary and Non-Complying Activities – Matters of Discretion and Assessment Criteria

In considering an application for a Discretionary or Non-Complying Activity *Council* shall consider:

a. The extent of non compliance with the Permitted Activity performance standards and the actual and potential effects on the environment.

b. How well the *development* integrates with existing commercial *development* and its orientation to public space.

c. How the *development* meets the design outcomes of adopted town centre plans, approved town centre master plans and the Built Environment Strategy.

d. Any national standards for urban design.

e. What provision is made for pedestrian and vehicular access.

f. The effect on the amenity values of adjoining residential and reserve land.

19.8 Other Methods

19.8.1 The Built Environment Strategy establishes a non regulatory approach to assist developers to engage in a free design process. This is called the ‘Package of Plans approach’ which promotes the development community presenting concept plans to *Council* at an early stage and refining these

before lodging applications for building and/or resource consent. This is identified in Figure 2 of the Built Environment Strategy.

Section Contents

Commercial Transition

20. Commercial Transition
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Commercial Transition

20. Commercial Transition

Explanatory Statement

The commercial centres of towns form the heart of the town and the sustainable management of these areas is seen as being a key aspect in enabling people and communities to provide for their social, economic and cultural wellbeing.

Council has developed Town Centre Plans to deliver good design and development outcomes and meet each community's vision for their town centre and directly adjoining areas.

Important issues for the Commercial Zone include the containment of the Commercial Zone and also ensuring that activities within the zone are managed so not to adversely affect adjacent residential areas.

The Commercial Transition Zone helps to contain the commercial area and provides a physical transition between the Commercial and Residential Zones by providing:

- a medium density residential character to the street front facing the Residential or Medium Density Residential Zone and;
- a commercial character for the area facing the Commercial Zone.

Katikati and Waihi Beach have Commercial Transition Zones that take local issues into consideration.

The Commercial Transition Zone encourages the establishment of medium density residential, which in turn will increase the vibrancy of the town centres.

20.1 Significant issues

1. Commercial creep into non-commercial zones has the potential to detract from the viability and efficient operation of commercial centres.

2. A sudden interface between commercial and residential areas can have adverse effects on both areas.

20.2 Objectives and policies

20.2.1 Objectives

1. A compact town centre that is surrounded by an area that provides a gradual transition between the Commercial and Residential Zones.

2. A medium density residential character that makes the town centre more sustainable and viable.

3. The *development* of town centres and adjoining areas that complement adopted documents compiled with the respective communities such as town centre plans and comprehensive development plans.

20.2.2 Policies

1. New *development* or redevelopment in the Commercial Transition Zone is consistent with the design elements of the relevant adopted town centre plans.

2. Limit the establishment of commercial activities in non-commercial zones.

3. Apply financial contributions and other consent conditions to assist in avoiding or mitigating potential adverse effects of future subdivision and development.

20.3 Activity lists

20.3.1 Permitted activities

Except where specified as a Controlled, Restricted Discretionary or Discretionary Activity, the following are Permitted Activities:

a. Medium Density Residential.

b. *Offices*.

c. *Commercial services*.

d. *Medical or scientific facilities*.

e. *Restaurants and other eating places*.

f. *Takeaway food outlets*.

g. Activities on reserves as provided for in the Reserves Act 1977.

h. Works and *network utilities* as provided for in Section 10.

i. *Accommodation facilities*.

j. *Educational facilities* for a maximum of four persons (excluding staff).

20.3.2 Controlled activities

a. Subdivision.

b. Works and *network utilities* as provided for in Section 10.

c. With respect to financial contributions only:

i. Any activity in 20.3.1 which has a *household equivalent* for water and wastewater greater than one as listed in Rule 11.4.2 b. iv.

20.3.3 Restricted discretionary activities

a. Any Permitted or Controlled Activity that fails to comply with the activity performance standards listed in Rule 20.4.

20.3.4 Discretionary activities

a *Education facilities* for more than four persons (excluding staff)

b. *Retailing*

20.4 Activity performance standards

20.4.1 General

The following performance standards shall be met by all Permitted and Controlled Activities and shall be used as a guide for the assessment of all other activities. Any permitted activity that fails to comply with any of these standards will be a Restricted Discretionary Activity for the particular non-compliance.

a. Building/structure height:

9m

b. Daylight:

All site boundaries adjoining Residential Zones:

No part of any *building/structure* shall exceed a *height* equal to 2.0m *height* above *ground level* at all boundaries and an angle of 45 degrees into the site from that point. Except where the site boundary is with a road in which case this rule shall not apply in respect to that boundary.

Provided that:

A *building/structure* may encroach through the above daylighting plane where the written approval of the owner(s) of the immediately adjoining property to the specific encroachment is obtained.

c. Yards

i. Front *Yards* shall be no less than the following:

Medium Density *Dwellings* (not including garages) - 3m
Other *buildings/structures* including all garages - 5m

ii. Rear and Side *Yards* shall be no less than the following:

All *buildings/structures* - 1.5m

Provided that:
A *building/structure* may be located within a side or rear *yard* and up to a side or rear boundary where the written approval of the owner(s) of the immediately adjoining property to a specified lesser distance is obtained.

d. Standards for development specific to Waihi Beach Commercial Transition Zone

In addition to the Activity Performance Standards included in 20.4.1 General, the following apply to the Waihi Beach Commercial Transition Zone. In the event of any conflict or inconsistency between these rules and those set out in 20.4.1 above, the content of these rules shall prevail.

i. The following activities shall face Two Mile Creek, if developed offices, *commercial services; restaurants* and other eating places; *takeaway food outlets*; and *educational facilities* for a combined maximum of four persons (excluding staff).

ii. All *buildings* and permanent *structures* shall have a setback of at least 7.5m from the centre line of Two Mile Creek measured at building consent stage irrespective of whether or not the centre line of the creek is within the subject property.

iii. Edinburgh Street front retains a residential or medium density residential character.

iv. The activities are compatible with accommodation and apartments and exclude bars, clubs, places of assembly or any activity that creates more noise than that associated with a Residential Zone (see 4C.1.3.2).

v. The commercial activities do not take up more than 50% of the total Gross Floor Area or 150m^2, which ever is the most restrictive.

vi. Fences and *walls*:

Side boundary and rear boundary:

Any fence or *wall* within the side and/or rear *yards* or on the side and/or rear boundary shall not exceed a *height* that exceeds the daylight plane as described in 13.4.1 b.:

Explanatory Note:
A building consent is required where a fence exceeds 2.5m

Except that:

- Where the side fence or *wall* is within the front *yard* specified in

Rule 20.4.1c. Yards, this *height* shall not exceed 1.2m, unless the portion of the *wall* or fence that is between 1.2 and 2.0m in height has a *visual permeability* of at least 60%.

- Where the common boundary is with a public reserve or walkway, the fence or *wall* shall not exceed 1.2m *height*, unless the portion of the *wall* or fence that is between 1.2m and 2.0m in *height* has a *visual permeability* of at least 60%.

- Any fence or *wall* closer than 5m from the centre line of Two Mile Creek shall not exceed 1.2m in *height*, unless the portion of the *wall* or fence that is between 1.2m and 2.0m in *height* has a *visual permeability* of at least 60%.

Front boundary:

Any fence or *wall* within the front *yard* or on the front boundary shall not exceed 1.2m in *height* unless the portion of the *wall* or fence that is between 1.2m and 2.0m in *height* has a *visual permeability* of at least 60%.

e. Standards for development specific to Katikati Commercial Transition Zone

In addition to the Activity Performance Standards included in 20.4.1 General, the following apply to the Katikati Commercial Transition Zone. In the event of any conflict or inconsistency between these rules and those set out in 20.4.1, the content of these rules shall prevail.

i. Carisbrooke and Jocelyn Street fronts retain a residential or medium density residential character.

ii. Commercial activities do not take up more than 70% of the total *gross floor area* or 200m^2, whichever is the most restrictive.

iii. The following activity performance standards shall apply to the properties that front Talisman Drive:

- Front *Yards* - 0m

- Continuous retail frontage – development along Talisman Drive shall be constructed up to the road boundary. Each *building* shall have clear windows on the ground floor that must cover at least 50% of the *building's* frontage to Talisman Drive and at least 25% for other public areas, such as walkways and public parking areas.

- All *buildings* shall be provided with a verandah not less than 2m wide, 3m above street level, 0.3m back from the kerb line and not more than 0.4m thick.

- No vehicle access is allowed off Talisman Drive.

- No car parking, other than underground parking, shall be located within 10m of Talisman Drive.

Except that:
Where the building platform of any *building* fronting Talisman Drive is more than 1.5m above the carriageway of Talisman Drive, the *building* shall have a 3m Front *Yard* and a continuous retail frontage shall not be required.

iv. Fences and *walls*

Side boundary and rear boundary:

Any fence or *wall* within the side and/or rear *yards* or on the side and/or rear boundary shall not exceed a *height* that exceeds the daylight plane as described in 13.4.1 b.:

Explanatory Note:
A building consent is required where a fence exceeds 2.5m

Except that:

- Where the side fence or *wall* is within the front *yard* specified in Rule 20.4.1 c. Yards, this *height* shall not exceed 1.2m, unless the portion of the *wall* or fence that is between 1.2 and 2.0m in *height* has a *visual permeability* of at least 60%.

- Where the common boundary is with a public reserve or walkway, the fence or *wall* shall not exceed 1.2m *height*, unless the portion of the *wall* or fence that is between 1.2m and 2.0m in *height* has a *visual permeability* of at least 60%.

Front boundary:

Any fence or wall within the front *yard or on the front boundary shall not exceed 1.2m in height unless the portion of the wall or fence that is between 1.2m and 2.0m in height has a visual permeability of at least 60%.*

f. **Transportation, Access, Parking and Loading** - See Section 4B.

g. **Noise and Vibration** - See Section 4C.1

h. **Storage and Disposal of Solid Waste** - See Section 4C.2

i. **Lighting and Welding** - See Section 4C.3

j. **Offensive Odours, Effluent Aerosols and Spray Drift** - See Section 4C.4

k. **Screening** - See Section 4C.5

l. **Signs** - See Section 4D

m. **Natural Environment** - See Section 5.

n. **Landscape** - See Section 6.

o. **Cultural and Heritage** - See Section 7.

p. **Natural Hazards** - See Section 8

q. **Hazardous Substances** – See Section 9.

r, **Financial Contributions** - See Section 11.

20.4.2 Subdivision and Development

See Sub-Section 14.4.4 – (Standards for more than one dwelling per lot) - and Section 12 Subdivision and Development.

20.5 Matters of control - controlled activities

See Sub-Section 14.5.1 – (Subdivision and more than one dwelling on a lot).

20.6 Matters of discretion

20.6.1 Restricted discretionary activities – non-compliance with activity performance standards

See Sub-Section 13.6.~~4~~.3 – (Restricted Discretionary Activities – Medium Density Housing Areas by criteria).

20.6.2 Discretionary and Non-Complying Activities – matters of discretion and assessment criteria

See Sub-Section 19.7.4 – (Discretionary and Non-Complying Activities – Matters of Discretion and Assessment Criteria).

20.7 Other methods

20.7.1 The Built Environment Strategy establishes a non regulatory approach to assist developers to engage in a free design process. This is called the ‘package of plans approach’ which promotes the development community presenting concept plans to Council at an early stage and refining these before lodging applications for building and/or resource consent. This is identified in Figure 2 of the Built Environment Strategy.

Section Contents

Industrial

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Industrial

21. Industrial

Explanatory Statement

Industrial activity enables people and communities to provide for their needs through employment and the provision of goods and services. Such activity therefore plays an important role in providing for the economic well being of the *District*.

SmartGrowth established the longer term requirements for industrial land for the Western Bay of Plenty District and Tauranga City, seeing the two territorial authorities as complimentary. In particular is the establishment of two substantial business parks, Tauriko and Rangiuru, to serve the *sub-region's* needs. The current zoned land is deemed adequate to provide for the projected industrial growth out to 2021, but beyond that there is a shortfall of some 300ha. A recent study identified an expanded Rangiuru Business Park as the preferred location for this additional industrial land. The Rangiuru area and other areas including an extension of the Tauriko Business Estate to the south of Belk Road will be further investigated during the planning period in order to meet the long term needs of the *sub-region*.

Industrial Zones in the *District* are established at Katikati, Te Puna, Te Puke and Rangiuru with new zones proposed at Waihi Beach, Ōmokoroa and Paengaroa. The Comvita Campus *Structure Plan* area at Paengaroa provides for the expansion of existing Comvita activities and other complementary activities. Apart from Rangiuru these zones cater primarily for the Western Bay of Plenty population in the philosophy of 'live, work and play'. These zones total some 600ha and will provide for the projected economic growth for well beyond the ten year planning period. Apart from perhaps small additions to existing zones, there is no need to add further land to the existing stock over and above that which has already been identified above.

The intention of the Industrial Zone is to locate industrial activities together for the avoidance and management of adverse effects such as traffic, noise, dust, *hazardous substances*, visual effects and odour. It also enables *Council* to better manage the provision of *infrastructure* and the interface with adjacent Residential and Rural Zones. It also enables better long term planning of transport corridors (road and rail).

Some greenfield Industrial Zones have detailed *development* staging plans to ensure the land is developed in the most efficient and effective way. Special rules have been developed in these

circumstances to address out of sequence *development*.

An important resource management issue for maintaining the integrity of the Industrial Zone is ensuring that non-industrial activities such as *retailing* and residential activities are restricted to ensure that *reverse sensitivity* effects are avoided.

There is an opportunity for the market to establish clusters in which sensitive industrial activities are grouped together. Such activities include food processing and electronic equipment manufacturing. Clustering is seen as best driven by the market rather than *Council* dictating where such activities should be located

Special performance standards have been established where an Industrial Zone is located close to or surrounds ecological features such as streams. Appropriate buffer zones and reserves have been established where there are multiple benefits such as landscape mitigation and cycleways.

Good urban design outcomes are also important for Industrial Zones especially when they are located in prominent gateway locations to towns such as Te Puke and Katikati. Special provision has been made for the promotion of pedestrian and cycleways to connect through to adjacent urban areas while avoiding State Highway corridors and the Te Puke Highway corridor where practicable. It is also important to promote safe design through consideration and implementation of the recognised principles of Crime Prevention through Environmental Design.

21.1 Significant Issues

1. Industrial activities may generate adverse effects particularly through noise, vibration odour, visual appearance and traffic movement both within an industrial area and beyond.

2. Industrial areas such as those fronting residential areas and those at the main entrances to towns have a high capacity to generate adverse visual effects.

3. Introduction of new industrial and business activities in areas that have high amenity values has the potential to create conflict between existing activities and future industrial activities.

4. The *District's* industrial land resource is a limited resource in the long term. Allowing sensitive uses such as residential activities to establish in industrial areas has the potential to constrain *development* in close proximity because of the higher amenity standards required for living spaces.

5. Allowing commercial and retail activities to establish in industrial areas has the potential to undermine the viability of existing and proposed town centres and retail areas.

6. Unless carefully managed, stormwater runoff from industrial areas has the potential to affect downstream activities and sensitive environments. For example, the Rangiuru Business Park could affect the operation of the Kaituna Drainage Scheme and the ecology of nearby sensitive areas (such as the Kaituna River, Kaituna Wildlife Reserve and the Maketu Estuary).

7. The cost of establishing industrial areas and providing them with the necessary roading, water, wastewater and stormwater *infrastructure* can be high. Unless provision is made for *infrastructure* necessary to support business activities to be funded in advance by developers, and the costs fully recouped in an efficient and equitable manner, such *infrastructure* may not be provided thereby preventing

development from occurring.

8. The establishment of industrial activities out of zone, particularly into the rural areas, has the potential to detract from the viability of the Industrial Zones.

9. Unplanned ad-hoc industrial *development* will undermine the SmartGrowth growth management strategy and lead to inefficient use of land resources and *infrastructure.*

10. The need to plan long term for the industrial land provision to ensure future options are not compromised.

11. Each urban community within the *District* has prepared a community plan that reflects the character of their area. There is the potential for industrial *development* to occur in a manner which is inconsistent with these community plans.

21.2 Objectives and Policies

21.2.1 Objectives

1. The efficient and optimum use and *development* of industrial resources (including land and *buildings/structures*) in a manner which provides for the economic well being of the people living in the *District*.

2. Industrial areas which maintain amenity values from key roads within the zones, from surrounding road networks, and at the interface with other areas.

3. Industrial areas in which industrial activities can operate effectively and efficiently, without undue restraint from non-industrial uses which may require higher amenity values.

4. Viable commercial centres in which commercial activities that do not have a functional need to locate in an industrial area are consolidated.

5. The equitable provision, extension and/or upgrading of *infrastructure* with sufficient capacity to cater for future *development* within the Zone and in accordance with applicable *structure plans* to be funded by all *development* within the *structure plan* area.

6. The protection of sensitive environments downstream of industrial areas from the adverse effects of *infrastructure* required to service such areas.

21.2.2 Policies

1. Provide industrial areas within the *District* close to established urban centres that provide for a wide variety of industrial activities to establish.

2. Industrial activities should establish and operate so as to protect the environment in other zones from noise, odour, visual impact or traffic generation.

3. Require industry locating in close proximity to Residential and Rural Zones and reserves to incorporate buffering, screening and landscaping to minimise the adverse visual impact of the activity.

4. Require the provision of onsite landscaping and screening in industrial areas and to have design controls for *buildings/structures* fronting identified key roads to enhance street appearance.

5. Industries should be located in areas where they can be adequately serviced by existing *infrastructure* or provide new *infrastructure* so as to ensure adverse effects can be mitigated, remedied or avoided including through financial contributions.

6. Limit the establishment of non-industrial activities in industrial areas to those which have a functional or operational need for such a location.

7. Community Service Areas are provided within the Rangiuru Business Park to meet the day-to-day needs of the workers and other users of the Park.

21.3 Activity Lists

21.3.1 Permitted Activities (all areas except for the Comvita Campus Structure Plan Area (see 21.3.4) and where otherwise specified)

a. *Industry* (except within the Ōmokoroa Light Industrial Zone).

b. Storage, warehousing, coolstores and packhouses (excluding warehousing, coolstores and packhouses, and storage and disposal of solid waste in the Ōmokoroa Light Industrial Zone).

c. *Retailing* which is accessory and secondary to a. and b. above and which has:

   i. Rangiuru Business Park – a maximum of 250m^2 indoor/outdoor retail or a maximum of 25% of the *gross floor area* of the primary activity whichever is the lesser;

   ii. All other areas – a maximum *gross floor area* of 100m^2.

d. *Building and construction wholesalers and retailers*.

e. *Commercial services*.

f. *Takeaway food outlets* with a maximum *gross floor area* of 100m^2 (excluding Te Puna Business Park).

g. *Service stations* and garages (excluding the Te Puna Business Park).

h. *Medical or scientific facilities*.

i. Veterinary rooms and pet crematoriums.

j. Activities on reserves as provided for in the Reserves Act 1977.

k. Police stations, fire stations and St Johns Ambulance stations.

l. *Depots* (except transport and rural contractors *depots* within the Ōmokoroa Light Industrial Zone).

m. *Vehicle, machinery and automotive parts sales* (excluding Te Puna Business Park).

n. Works and *network utilities* as provided for in Section 10.

o. *Commercial sexual services*.

p. *Offices* and *buildings accessory* to the foregoing on the same site.

q. Green waste and waste recycling facilities where these occur within buildings (i.e. are enclosed) (except within the Ōmokoroa Light Industrial Zone).

r. *Aquaculture*

21.3.2 Additional Permitted Activities (Rangiuru Business Park only)

a. *Takeaway food outlets* with a maximum *gross floor area* of 350m^2. Such outlets can include dine in facilities where aligned to a permitted use in 21.3.1 g.

b. Handling, storage, processing, consignment and transportation of cargo.

c. Community Service Areas within the Business Park that meet the following criteria:

i. Are located within 250m of either of the two intersections marked for such on the Rangiuru Business Park *Structure Plan*; and

ii. *Development* within each of the two Community Service Areas must form a single contiguous *development* having a minimum *net land area* of 6,000m² and a maximum *net land area* of 20,000m^2;

iii. The combined total *development* area across both of the two Community Service Areas shall not exceed a maximum *net land area* of 2.6ha.

Explanatory Note: Land uses within a Community Service Area may be held in *lots* which are smaller than the 6,000m^2 minimum provided they have contiguous boundaries and together exceed the minimum 6000m^2 *net land area*.

d. In the Community Service Areas

i. *Offices* (not covered by 21.3.1 p.) with a maximum *gross floor area* per activity of 200m^2, and a maximum cumulative gross floor area of 2000m^2.

ii. *Retailing* (not covered by 21.3.1 c.) with a maximum *gross floor area* per activity of 200m^2, and a maximum cumulative *gross floor area* of 2000m^2.

iii. *Places of assembly*.

iv. *Educational Facilities* (limited to childcare/day-care/pre-school facilities).

v. *Takeaway food outlets* with a maximum *gross floor area* of 350m^2.

Such outlets can include dine in facilities.

e. In local purpose reserve amenity areas, Rural Zone Permitted Activities shall apply except for the following:

i. New *dwellings*;

ii. *Accommodation facilities*;

iii. *Education facilities*;

iv. *Intensive farming activities*.

f. Rural Zone Permitted Activities until such time as the Business Park is developed in accordance with the *Structure Plan* and staging rules except for the following:

i. New *dwellings*;

ii. *Accommodation facilities*;

iii. *Education facilities*;

iv. *Intensive farming activities*.

Explanatory Note:
This is a transitional provision to protect the integrity of the Industrial Zone.

g. For Lots 1 and 2 DPS 35211, Post Harvest Zone Permitted Activities in accordance with that Zone until such time as the Business Park is developed in accordance with the *Structure Plan* and staging rules.

21.3.3 Additional Permitted Activities (Te Puna Business Park only)

a. Retail outlets for primary produce with a maximum retail floor area of $100m^2$.

b. Garden centres and plant nurseries, including ancillary cafés provided that the café does not exceed a maximum *gross floor area* of $100m^2$.

c. Farm *vehicle and machinery sales*.

21.3.4 Permitted Activities (Comvita Campus Structure Plan Area only)

a. *Industry*, storage and warehousing relating to food, health and pharmaceuticals that;

i. is produced in the *Structure Plan* Area, or

ii. is associated with activities undertaken within the *Structure Plan* Area.

b. Research and development facilities and *medical or scientific facilities* relating to food, health and pharmaceuticals.

c. Works and *network utilities* as provided for in Section 10.

d. *Educational facilities* complementary to the foregoing.

e. *Offices* and *buildings accessory to the foregoing.*

21.3.5 Controlled Activities

a. Subdivision in accordance with 21.4.2.

b. Works and *network utilities* as provided for in Section 10.

c. With respect to financial contributions the erection or undertaking of one or more industrial activities other than the first such activity on a site or significant expansion of an existing activity (significant expansion is an increase of more than 0.5 of a *household equivalent* for services) and which in all other respects is a Permitted Activity.

d. With respect to financial contributions, any activity in 21.3 which has a *household equivalent* for water and wastewater greater than one as listed in Rule 11.4.2 b. iv.

21.3.6 Additional Controlled Activities – Rangiuru Business Park only

a. With respect to financial contributions the erection or undertaking of any industrial activity, and which in all other respects is a Permitted Activity, on a *lot* for which the title existed at December 2005.

b. For Lots 1 and 2 DPS 35211, Post Harvest Zone Controlled Activities in accordance with that Zone until such time as Business Park is developed in accordance with the *Structure Plan* and staging rules.

21.3.7 Additional Controlled Activities – Te Puna Business Park only

a. Subdivision to create no more than a total of 26 *lots*.

b. Subdivision for the adjustment or relocation of boundaries provided no additional *lots* are created and the subdivision complies with at least one of the following:

i. The adjustment or relocation of boundaries will leave *allotment(s)* with the same or similar areas;

ii. The adjustment or relocation of boundaries will rationalise boundaries which are clearly not in accordance with existing or proposed land use and management.

c. *Construction* of *buildings* greater than 100m^2 *gross floor area* to accommodate any Permitted Activity.

21.3.8 Restricted Discretionary Activities

a. One *dwelling* accessory to Permitted or Controlled Activities on the same site.

b. Any Permitted or Controlled Activity that fails to comply with any activity performance standard listed in Rule 21.4.

c. Activities which are high risk facilities in terms of potential stormwater contaminants (as defined in the schedule contained in Section 21.8).

Explanatory Note:
The schedule in Section 21.8 is an extract from the Proposed Bay of Plenty Regional Water and Land Plan and is adopted as part of this District Plan. This rule is included, to ensure that specific assessment of high risk facilities can be undertaken and mitigation measures can be imposed.

d. Within stormwater management reserves and private conservation areas in Ōmokoroa ~~Stage~~Stages 2 and 3, regardless of whether they are designated, the following are Restricted Discretionary Activities:

i. The disturbance of soil, natural ground cover and vegetation, or the deposition of refuse, solid or liquid waste, fill or any material;

ii. The diversion or modification of any natural watercourses;

iii. The *construction* of fences or other barriers, dams, ponds and other stormwater treatment facilities, bridges, sports facilities, *dwellings* or *buildings/structures*, playgrounds, pumpstations, sewers, culverts and roadways;

iv. Walkways/cycleways.

Except that:
Disturbance of soil, natural ground cover and vegetation associated with activities approved in a reserve management plan prepared under the Reserves Act 1977 or Local Government Act 2002 shall be exempt from this requirement.

21.3.9 Additional Restricted Discretionary Activities – Rangiuru Business Park

a. For Lots 1 and 2 DPS 35211, Post Harvest Zone Restricted Discretionary Activities in accordance with that Zone until such time as the Rangiuru Business Park is developed in accordance with the *Structure Plan* and staging rules.

b. *Offices* that cause the maximum permitted cumulative *gross floor area* in the Community Service Area (21.3.2 d. i.) to be exceeded by no more than 1,000m^2.

c. *Retailing* that causes the maximum cumulative permitted *gross floor area* in the Community Service Area (21.3.2 d.ii.) to be exceeded by no more than 1,000m^2.

21.3.10 Discretionary Activities

a. With respect to any activity in 21.3.1 c., *retailing* involving a maximum *gross floor area* greater than 100m^2 but not exceeding 25% of the *gross floor area* of the industrial activity.

b. *Places of assembly*, excluding those Permitted in 21.3.2 d. iii.

c. *Accommodation facilities* ancillary to an industrial activity.

d. *Education Facilities* – Tertiary Education Facilities only.

21.3.11 Additional Discretionary Activities – Rangiuru Business Park

a. For Lots 1 and 2 DPS 35211, Post Harvest Zone Discretionary Activities in accordance with that Zone until such time as the Rangiuru Business Park is developed in accordance with the *Structure Plan* and staging rules.

b. *Offices* accessory to Permitted Activities 21.3.1 and 21.3.2 b. provided that the *office* is on a *lot* adjoining the Permitted Activity to which the *office* is accessory to.

c. Any individual activity or land use which exceeds the maximum daily demand for water (54m^3/ha/day).

21.3.12 Non-Complying Activities

a. Any *retailing* activity not covered by the foregoing rules including *retailing* which is accessory and secondary to *industry*, storage or warehousing.

b. Any *office* activity not covered by the foregoing rules.

c. *Development* and subdivision that is not in general accordance with the relevant *structure plans* and their stated servicing requirements, including any staged *infrastructure* requirements.

d. Within *structure plan* areas, new *dwellings*, *accommodation facilities*, *education facilities* and *intensive farming activities* until the area has been developed in accordance with the *structure plan* at which time the standard industrial rules will apply. Within local purpose reserve (amenity) these activities remain Non-Complying Activities.

e. Waste management activities (transfer stations, compost sites, landfills, recycling operations, green waste, and waste recycling facilities, etc) within the Ōmokoroa Light Industrial Zone.

21.3.13 Additional Non-Complying Activities – Rangiuru Business Park

For Lots 1 and 2 DPS 35211, Post Harvest Zone Non-Complying Activities in accordance with that Zone until such time as the Rangiuru Business Park is developed in accordance with the *Structure Plan* and staging rules

21.4 Activity Performance Standards

21.4.1 General

The following performance standards shall be met by all Permitted and Controlled Activities (including subdivision where applicable) and shall be used as a guide for all other activities. Any Permitted or Controlled Activity that fails to comply with any of these standards will be a Restricted Discretionary Activity for the particular non-compliance.

a. Height and daylighting

Maximum *height* of all *buildings/structures* - 20m except in the following areas:

- Ōmokoroa Light Industrial Zone - 9m;

- Te Puna Business Park – 9m;

- Te Puke West – 9m for all *buildings/structures* located within the area identified as Stage 2 on the West Te Puke Staging Plan in Appendix 7;

- Comvita Campus *Structure Plan* Area – 15.0m.

The exception shall be the Ravensdown Marketstore on that land legally described as Part Te Puke 1A20 block, Part Te Puke 1A21 block and Lot 1 DPS 19980.

The Ravensdown Marketstore shall have a maximum *height* of 12.5m above the finished floor level of 10.1m (Moturiki datum) as confirmed by a licensed cadastral surveyor in accordance with the Environment Court's decision ENV-2006-AKL-000472 dated 13 November 2006.

For all site boundaries adjoining Residential, Rural-Residential, Future Urban and Rural Zones and existing and proposed reserves:

No part of any *building/structure* shall exceed a *height* equal to 2m above ground level at all boundaries and an angle of 45° into the site from that point. Except where the site boundary is with a road in which case this rule shall not apply in respect to that boundary.

b. Yards

All *buildings/structures*

Minimum 3m where a property adjoins a Residential, Rural-Residential, Future Urban or Rural Zone or reserve.

Provided that:
A *building/structure* may be located within a side or rear *yard* and up to a side or rear boundary where the adjoining property is a road or where the written approval of the owner of the immediately adjoining property to a specified lesser distance is obtained.

Except that:

- Where a property adjoins a Strategic Road or a designation for a Strategic Road, that *yard* shall be 10m.

  Explanatory Note:
  This 10m front *yard* shall not be applicable to service station forecourts and associated forecourt canopies.

- Ōmokoroa Light Industrial Zone specific provisions:
  i. Minimum 5m reduced to 3m (as measured from the internal boundary of the landscape strip) with the provision of a solid fence at least 1.8m high.
  ii. For the boundary with the ROW serving 467 B, C, D and E Ōmokoroa Road, the *yard* shall be 5m (see also 4C.5.3.2 d. iv).
  iii. The *yard* shall not be used for the storage of any material that is more than 3m high.

- Te Puna Industrial Park specific provisions:
  i. 10m where a property adjoins a Rural Zone;

ii. 20m from Te Puna Station Road and 5m from any other road boundary.

c. Visual amenity – Streetscene

Streetscene performance standards apply to the following areas:

- Katikati (South of Marshall Road) Industrial Structure Plan and having a boundary with any road shown on the *Structure Plan* within the industrial area or any road surrounding the industrial area;
- Te Puke West Industrial Zone in respect of any site boundary adjoining a *Structure Plan* road (Road 1 and 2);
- Rangiuru Business Park and being a collector or entrance road as shown on the *Structure Plan* or a site boundary adjacent to the Proposed Tauranga Eastern Link, Pah Road or the Te Puke Highway/East Coast main trunk Railway (including a boundary which is separated from the above by any reserve);
- Ōmokoroa Industrial Zones and having a boundary with Ōmokoroa Road, Hamurana Road and Francis Road.
- The industrial road (spine road) on the right hand side off the first intersection along Ōmokoroa Road from the State Highway (see Appendix 7, 4.8 Ōmokoroa Industrial Road Cross-section).
- Comvita Campus Structure Plan Area in respect of any boundary adjoining either State Highway 33 or Wilson Road South.

The following standards apply:

i. All *buildings/structures* shall be set back a minimum of 5m from the road boundary;

ii. Loading and unloading, or outdoor storage activities shall be set back behind a line perpendicular to the nearest part of any *building* to the boundary with the road. Outdoor storage areas shall be screened from public view and other properties by way of a solid wall of not less than 2m in *height* and/or landscape planting to a minimum depth of 3m and a minimum *height* of not less than 2m. Such screening is to be maintained in good order at all times.

iii. In respect of any exterior *wall* that faces the road and which is greater than 150m² in face area, provision shall be made for at least two of the following design features:

- A step or protrusion in the *wall* of at least 2m in depth and 4m in *height*;
- Doors and windows that cover at least 20% of the wall;
- A variation of surface texture with at least 20mm relief from the *wall* that covers at least 30% of the *wall*;
- Vegetation in the form of vines and other climbing plants attached to the *wall* or free standing plantings that screen at least 50% of the *wall*.

For the purposes of clause iii. above, a *wall* is considered to 'face' a boundary if the outside face of the *wall* is parallel to or at an angle of 45° or less to the boundary.

iv. Front entrances to *buildings* shall face towards the main vehicle entrance on the site;

v. Specimen tree planting shall be provided on sites adjoining the road boundary at the rate of one tree for every 10m (lineal) of road frontage or fraction thereof. The required trees shall be located in the area within 10m of the front boundary of the site with the road;

At least 50% of the setback required by clause i. above shall be landscaped in the form of shrubs and groundcover species.

vi. No more than five vehicle parking spaces may be located within the 5m setback required by clause i. above, except where continuous landscape planting to screen the carparks is located between the road and the carparks, and this landscaping achieves a height of 1m across the front of the carparks;

vii. Fences shall not exceed 1.2m in *height* within 5m of any front boundary.

d. Visual amenity - reflectivity

i. Te Puna Business Park - All external surfaces of *buildings/structures* (excluding glazing) shall comply with the following *reflectivity* standards:

- *Walls* no greater than 35%;
- Roofs no greater than 25%.

Explanatory Note:
The above shall be in accordance with British Standard BS5252 Reflectance Value.

ii. Te Puke West - All *buildings/structures* adjacent to the Raparapahoe Stream and Te Puke Highway shall be developed in accordance with the standards and controls contained in the Te Puke West Urban Design Plan included in Appendix 7.

iii. Any *building/structure* failing to comply with these requirements shall require resource consent approval for a Non-Complying Activity.

e. Amenity - Katikati Waterford Road Industrial Zone

i. A close-boarded wooden fence shall be constructed on the boundary of the Zone with Flat 1 DPS 31079 and Lot 2 DPS 30458.

ii. The fence shall be 2m in *height* with a wooden cap. The fence is to be constructed prior to Lot 2 DP 30458 being used for industrial purposes.

f. **Commercial sexual services** shall not be located within 150m of the main entrance of a *sensitive site*, or share a common boundary with a *sensitive site*.

g. **Transportation, Access, Parking and Loading** - See Section 4B.

All onsite parking, and all access and manoeuvring areas required by the rules in Section 4B Transport, Access, Parking and Loading, shall be sealed to ensure dust is not generated by vehicular movements.

h. **Noise and Vibration** - See Section 4C.1.

i. **Storage and Disposal of Solid Waste** - See Section 4C.2.

j. **Lighting and Welding** - See Section 4C.3.

k. **Offensive Odours, Effluent Aerosols and Spray Drift** - See Section 4C.4.

l. **Screening** – See Section 4C.5.

m. **Signs** – See Section 4D.

n. **Natural Environment** - See Section 5.

o. **Landscape** - See Section 6.

p. **Historic Heritage** - See Section 7.

q. **Natural Hazards** - See Section 8.

r. **Hazardous Substances** - See Section 9.

s. **Financial Contributions** - See Section 11.

21.4.2 Subdivision and Development – (see Section 12)

a. In addition to the subdivision and *development* standards in Section 12 all subdivision or *development* of land within the *structure plan* areas shown on the Planning Maps and in Appendix 7 shall be designed, approved and undertaken to incorporate and illustrate the *infrastructure* and mitigation features identified, including roading and road widening, walkways and cycleways, buffer areas, amenity screen landscaping, acoustics earth bunds/fences and stormwater collection systems as appropriate to the area.

Any activity not in general accordance with the *structure plan* will require resource consent as a Non-Complying Activity.

b. No minimum *lot* size.

21.5 Matters of Control

21.5.1 Controlled Activities – Additional Matters of Control for Te Puna Business Park

With respect to *buildings* greater than 100m^2 in *gross floor area*, matters of control and the

subject matter of consent conditions are limited to:

a. *Building* design.

b. Landscaping (including securing the maintenance thereof), in addition to that required by Permitted Activity standards.

c. Traffic generation and monitoring.

d. The Te Puna Rural Business Park Structure Plan.

21.6 Matters of Discretion

21.6.1 Restricted Discretionary Activities – Non Compliance with Activity Performance Standards

Council's discretion is restricted to the actual or potential adverse effects arising from the particular non-compliance, having regard to the extent and nature of the non-compliance.

21.6.2 Restricted Discretionary Activities –One Dwelling Accessory to Permitted Activities on the Same Site

The operational requirement to have people live onsite for the effective and safe operation of the activity.

21.6.3 Restricted Discretionary Activities – High Risk Facilities

a. *Council's* discretion is limited to the avoidance or mitigation of potential stormwater effects, including onsite measures to prevent or reduce potential contamination.

b. An application need not be publicly notified and notice will only be served on the *Regional Council*.

21.6.4 Restricted Discretionary Activities –Stormwater Management Reserves and Private Conservation areas in Ōmokoroa ~~Stage~~Stages 2 and 3

Council's discretion and any conditions imposed are limited to:

a. Avoiding, remedying or mitigating the potential adverse effects on of the ecological value of the reserves.

b. In the Ōmokoroa *Structure Plan* area retaining the integrity of the Ōmokoroa Peninsula Stormwater Management Plan (June 2002) including the efficiency and effectiveness of stormwater infiltration, detention, discharge downstream and discharge to the Tauranga Harbour with particular regard to storm events.

c. Avoiding, remedying or mitigating the potential for natural hazard events such as flooding i.e. natural hazards must not be made more severe as the consequence of a proposal.

d. Avoiding, remedying or mitigating the adverse effects on public amenity values of the reserves including public walkway/cycleway functions.

21.6.5 Restricted Discretionary Activities – Rangiuru Business Park

a. For any *office* or *retailing* activity in 21.3.9 b. or c., *Council's* discretion is restricted to:

i. The necessity for the additional *gross floor area* to provide for the actual demand for such services to meet day-to-day needs of the workers and other users of the Rangiuru Business Park.

ii. Avoiding adverse office and retail distribution effects on existing or planned commercial centres within Rotorua District, Papamoa East UGA and Te Puke.

21.6.6 Assessment Criteria for Discretionary Activities

The assessment and management of effects should include the following:

a. Consideration of the sustainable and efficient operation of the industrial area, including any *reverse sensitivity* effects.

b. Whether adverse environmental effects will be adequately avoided or mitigated, with particular reference to:

- Amenity values including noise, odour, visual and the like;
- Streetscape within the industrial area with particular regard to front *yard* landscaping and the architectural treatment of *buildings/structures*;
- Views into the industrial area from the surrounding road network;
- The interface with adjacent Residential and Rural Zones and reserves;
- The form, scale and character of the *building* or *structure* and its relationship with *buildings/structures* in the immediate vicinity of the site;
- The nature and scale of activity;
- The type of activities occurring on the site and nearby sites and the potential for conflict, including cumulative effects.

c. The nature of any adverse potential or actual effects on downstream receiving environments as a result of stormwater runoff, with particular regard to the sensitive ecological features and drainage schemes.

d. The equitable provision and funding of *infrastructure* and the need for full recovery of *infrastructure* costs (as set out in the financial contributions schedules). For the Te Puke West Industrial Zone this will be done on the basis of available areas able to be developed as opposed to actual site utilisation or building area, and notwithstanding that different activities place different actual demand on *infrastructure* networks. Developers wishing to occupy land within these areas must make their decisions on location in full awareness that financial contributions are payable on the basis of site area without refinements for specific proposals unless in exceptional circumstances.

e. The extent to which *development* provides *infrastructure* for *development* of the land in accordance with any relevant *structure plan*, staging pre-requisites and can be

adequately serviced.

f. The potential for pedestrian/vehicle conflicts and effects on parking and traffic generation (both within and outside the industrial area).

g. Traffic safety and efficiency, including the capacity of the road networks (local and State Highway) and intersections, and having regard to any travel demand management initiatives.

h. In respect of retail, *place of assembly* and *office* activities, the means by which the viability of other retail areas/town centres within the *Western Bay of Plenty sub-region* is maintained and enhanced.

i. For the Rangiuru Business Park, *offices* as provided for in 21.3.11 b., with a demonstrated need to be located in the Park including a locational requirement to be adjoining an associated Permitted Activity within the Park.

j. For any activity that requires resource consent pursuant to 21.3.11 c. an assessment shall be provided in respect to the impacts on the balance of the relevant stage of *development* (and measures to address these impacts) in regards to water supply and limits on other uses and equitable funding of water supply infrastructure.

21.7 Other Methods

21.7.1 Regional Council

a. *Earthworks* and discharges to land, air and water fall within the jurisdiction of the *Regional Council*. The relevant regional plans specify the rules for these activities, which will require regional resource consent if they are not provided for as Permitted Activities in the respective regional plan.

21.7.2 District Council

a. Preparation of a *structure plan* for the expansion of the Rangiuru Business Park.

b. ‘Package of Plans’ approach as identified in the Built Environment Strategy.

21.7.3 Smartgrowth

a. As part of the ongoing actions required to implement the SmartGrowth Strategy, investigate the longer term expansion of the Rangiuru Business Park and other areas including the Tauriko Business Estate to the south of Belk Road.

21.8 Schedule – High Risk Facilities

	Activity	Reason for High Risk Classification
1	Mechanical workshops, *service stations*, and automotive dismantlers.	These sites use and handle large volumes of oils and other petroleum products. Spillages of these substances are not uncommon, hence the greater risk of stormwater discharges to the environment.
2	Printers	Relatively large quantities of dyes and paints and handled at these sites. The risk of spillages is relatively

		high.
3	Spray painting facilities	Paints can not only be spilt at these sites but can enter stormwater as a consequence of drift from spray painting operations.
4	Meat, fish and shellfish processing industries, food and pet food processing	Wastes from these industries can typically have a high BOD. This can cause significant adverse effects.
5	Dairy products processing	Wastes from these industries can typically have a high BOD. This can cause significant adverse effects.
6	Waste Management Sites (transfer stations, compost sites, landfills, recycling operations, etc)	Litter, *hazardous substances* and high BOD wastes can all enter stormwater systems from these sites.
7	Truck washing facilities	The activity of truck washing can wash hazardous contaminants off trucks as well as sediments and waters from spillages on site.
8	Manufacturing and bulk storage of fertiliser.	Fertilisers can have a high BOD. Typically such facilities are largely uncovered – the risk that fertiliser material will enter stormwater is high.
9	Textile fibre and textile processing industries where dying and washing of fabric occurs	Large quantities of dye and high BOD wastes (from wool scours for instance) are handled on these sites. The risk of spillages that could enter stormwater is high.
10	Tanneries and leather finishing	Large quantities of dye and high BOD wastes are handled on these sites. The risk of spillages that could enter stormwater is high.
11	Footwear manufacture	Large quantities of dye and high BOD wastes are handled on these sites. The risk of spillages that could enter stormwater is high.
12	Manufacture of paper and paper products	*Hazardous substances* such as chlorine based bleaches and dyes are regularly handled on these sites. The risk of spillages etc, entering stormwater can be high.
13	Manufacture or processing of chemicals, and of petroleum, coal, rubber and plastic products.	The risk of spillages associated with *hazardous substances* used in these industries can be high.
14	Manufacture of clay, glass, plaster, masonry, asbestos and related mineral products	The risk of spillages associated with *hazardous substances* used in these industries can be high.
15	Manufacture of fabricated metal products, machinery and equipment.	The risk of spillages associated with *hazardous substances* used in these industries can be high.
16	Electroplaters, foundries, galvanisers and metal surfacing	The risk of spillages associated with *hazardous substances* used in these industries can be high.
17	Concrete batching plants and, asphalt manufacturing plants.	The risk of spillages associated with *hazardous substances* used in these industries can be high.
18	Stock sale yards	High BOD run-off can be associated with these sites.
19	Bakeries	Outside washing of trays, discharges and pans can result in high BOD, fats, greases and detergents entering stormwater systems.
20	Car wash and valet services	High oil, solvent and solid discharges can occur from these activities.
21	Commercial laundries (excluding service launderettes and laundromats)	The risk of spillages associated with detergents, alkalis and salts used in this industry can be high.
22	Furniture/wood manufacturing and refinishing industries	Some of these industries work outside extensively, usually with no stormwater treatment. Contaminants such as sawdust, glues, alkalis stripper solution in the stormwater coming off these sites can include high solids, BOD and high pH.

23	Timber preservation, treatment and storage sites where chemically treated timber is stored.	A range of *hazardous substances* are used on these sites (e.g. Copper Chrome, Arsenic, Boron and copper-quinoline compounds). In addition, timber treatment chemicals have been shown to be able to leach from treated wood in storage.
24	Paint stripping or abrasive blasting operations	May produce wastes containing heavy metals. The risk and effect of spillages is relatively high.

Section Contents

Natural Open Space Zone

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24.1 Significant Issues
24.2 Objectives and Policies
24.3 Activity Lists
24.4 Activity Performance Standards
24.5 Matters of Discretion
24.6 Other Methods

Natural Open Space

24. Natural Open Space

Explanatory Statement

The Natural Open Space Zone applies to land within Ōmokoroa Stage 3 that is unsuitable for urban *development* due to contour and natural hazards. The Zone has stormwater and/or coastal inundation management functions as it contains the generally natural drainage systems (including gullies) directing overland run-off towards Tauranga Harbour. The Zone provides for open space, *maintenance* and restoration of natural character, green corridor links and visual separation between areas that are planned to be fully urbanised. It also contains ecological, cultural, recreational and amenity values.

The Zone is currently largely in private ownership but due to natural constraints has very limited *development* potential. This Section allows for activities that are compatible with the Zone's values and attributes including activities required for reserve purposes and the management of the stormwater network. As appropriate, areas may be obtained by *Council* for stormwater management, walkways and cycleways, other recreational purposes or to provide for the *maintenance* and enhancement of natural and cultural values. Subdivision will generally be required to facilitate this transfer of land from private ownership to *Council*.

24.1 Significant Issues

1. The area is unsuitable for residential subdivision and urban *development* due to constraints associated with topography and natural hazards.

2. The area contains land that has stormwater and/or coastal inundation management functions and inappropriate *development* could compromise its ability to perform this role.

3. *Development* of the area for urban activities would result in a loss in open space, natural character and ecological, cultural, recreational and amenity values.

4. People living in more intensive living environments will require easy access to quality open space and nature areas to provide for their physical and mental wellbeing.

24.2 Objectives and Policies

24.2.1 Objectives

1. Subdivision and land use that is compatible with the underlying topographical and natural hazard constraints.

2. *Maintenance* and enhancement of the stormwater and coastal inundation management functions of the area.

3. *Maintenance* and enhancement of open space, natural character and the ecological, cultural, recreational and amenity values of the Tauranga Harbour coastal margins and inland gully systems within the area.

24.2.2 Policies

1. Avoid subdivision and *development* which is for urban purposes.

2. Provide for subdivision and *development* which is for public stormwater management purposes.

3. Avoid the obstruction, modification or diversion of natural watercourses in a manner which adversely affects their stormwater management functions.

4. Provide for subdivision and *development* which is for the creation and/or management of *public reserves*.

5. Provide for recreational activities and the enjoyment of the natural environment in areas where the landform is suitable and safe for public use.

6. Land use should be restricted to activities that are unlikely to adversely affect the natural character, ecological, cultural, recreational and amenity values of the area.

24.3 Activity Lists

24.3.1 Permitted Activities

a. *Farming*.

b. Planting and management of indigenous vegetation, restoration, and perimeter fencing, and plant or animal pest control measures.

c. Activities approved in a reserve management plan or reserve concept plan prepared under the Reserves Act 1977 or Local Government Act 2002.

d. Works and *network utilities* as provided for as a permitted activity in Section 10. Note: This includes *public trails* (see Rule 10.3 (bc)).

e. *Buildings* accessory to 24.3.1 (c) and (d).

24.3.2 Controlled Activities

a. Works and *network utilities* as provided for as a controlled activity in Section 10.

24.3.3 Restricted Discretionary Activities

a The following activities within a Floodable Area and/or Coastal Inundation Area as identified on the District Plan Maps (except where associated with activities which are permitted under 24.3.1 (b) – (e)):

i. The disturbance of greater than $1m^3$ of soil;

ii. The disturbance of greater than $1m^2$ of vegetation (including natural ground cover);

iii. The deposition of fill or any other material;

iv. The diversion or modification of any natural watercourse.

b. Native vegetation removal, destruction or clearance greater than $2m^2$ except as identified in (a) above or where associated with activities which are permitted under 24.3.1 (b) – (e).

c. *Buildings/structures* except where associated with activities which are permitted under 24.3.1 (b) – (e).

d. Works and *network utilities* as provided as a restricted discretionary activity for in Section 10.

e. Subdivision for the creation and/or management of land for exercising public stormwater management powers, functions or duties.

f. Subdivision for the creation and/or management of *public reserves*.

24.3.4 Discretionary Activities

a. *Conservation Forestry.*

b. Works and *network utilities* as provided for as a discretionary activity in Section 10.

24.3.5 Non-Complying Activities

a. Subdivision or *development* that is not in general accordance with the respective *structure plan*.

24.4 Activity Performance Standards

24.4.1 General

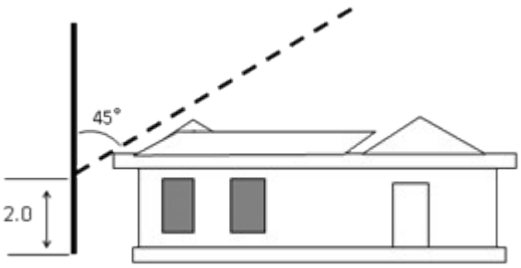
The following performance standards shall be met by all Permitted and Controlled Activities and shall be used as a guide for the assessment of all other activities. Any Permitted or Controlled Activity that fails to comply with any of these standards shall be deemed a Restricted Discretionary Activity for the particular non compliance.

a. Height of buildings/structures

Maximum 8.0m.

b. **Daylight**

Where site boundaries adjoin a Residential or Rural-Residential Zone, no part of any *building/structure* shall exceed a *height* equal to 2m *height* above *ground level* at all boundaries and an angle of 45° into the site from that point.



Except that:

Where the *site* has a boundary with a road this rule shall not apply in respect to that boundary.

A *building/structure* may encroach through the above building envelope where the written approval of the owner(s) of the immediately adjoining property to the specific encroachment is obtained.

c. **Yards**

All *buildings/structures* – minimum 5m.

Except that:
Buildings/structures may be located within a side or rear *yard* and up to a side or rear boundary where the written approval of the owner of the immediately adjoining property to a specified lesser distance is obtained.

d. **Transportation, Access, Parking and Loading** - See Section 4B

e. **Noise and Vibration** - See Section 4C.1

f. **Storage and Disposal of Solid Waste** - See Section 4C.2

g. **Lighting and Welding** - See Section 4C.3

h. **Offensive Odours, Effluent Aerosols and Spray Drift** - See Section 4C.4.

i. **Screening** - See Section 4C.5

j. **Signs** - See Section 4D.

k. **Natural Environment** - See Section 5.

l. **Landscape** - See Section 6.

m. **Historic Heritage** - See Section 7.

n. **Natural Hazards** - See Section 8.

o. **Hazardous Substances** - See Section 9.

p. **Financial Contributions** - See Section 11.

24.4.2 Subdivision

(See also Section 12 - Subdivision and Development and Section 14A Ōmokoroa and Te Puke Medium Residential where a *lot* is also zoned Medium Density Residential).

a. No minimum *lot* size

24.5 Matters of Discretion

24.5.1 Restricted Discretionary Activities – Non Compliance with Activity Performance Standards

Council's discretion is restricted to the actual or potential adverse effects arising from the particular non-compliance, having regard to the extent and nature of the non-compliance.

24.5.2 Restricted Discretionary Activities – All

In assessing a Restricted Discretionary Activity, *Council* shall consider the following:

a. The potential adverse effects on the natural character, ecological, cultural, recreational and amenity values of the area and how these may be avoided, remedied or mitigated.

b. The extent to which a natural watercourse will be obstructed, modified or diverted.

c. Retaining the efficiency and effectiveness of stormwater infiltration, detention, discharge downstream and discharge to the Tauranga Harbour in accordance with the requirements of relevant stormwater management plans and *Regional Council* resource consents.

d. The extent to which the proposal would cause land to be susceptible to erosion or instability including from the disturbance of soil or the removal of ground cover or vegetation.

e. Whether the proposal will affect in a positive or negative way the function and/or public amenity values of reserves including *public trails*.

24.5.3 Restricted Discretionary Activities – Subdivision

In assessing a Restricted Discretionary Activity for a subdivision, *Council* shall consider the following in addition to the matters above:

a. Whether the subdivision will facilitate a positive effect on the stormwater and coastal inundation management functions of the area.

b. Whether the subdivision will facilitate provision of land for the creation and/or management of *public reserves*.

c. Whether the *lot/s* are usable for an intended purpose which is consistent with those described in a. and b. above.

d. The ability for any *lot* to be amalgamated or otherwise incorporated into a residential zoned *lot* to enable a house site to be created in the medium density residential zone.

24.6 Other Methods

The Department of Conservation, *Council* and *Regional Council* can provide advice on management of areas with ecological and/or soil and water conservation values.

4. Ōmokoroa Structure PlanPlans

4.1 Infrastructure Schedule

Project		Funding Source(%)			
		Developer	Council	Council	Other
			Financial Contributions	Rates	
Water Supply			72.6%	27.4%	
Wastewater	Reticulation		73.0%	11.0%	16.0%
Stormwater	Ponds		93.4%	6.6%	
	Reticulation	100.0%			
Transport – refer to detailed schedule following					

4.2 Ōmokoroa Structure Plan Roading Schedule

Project Number	Project	Element	Proposed Year of Construction	Project Cost	Funding Source				District
				$	% Road Specific	% Catchment	% Rural	% Strategic	Rate (%)
F3.1	Francis Road	2 of 4 lanes to service commercial zone	2025	450,000		20	10	45	25
F3.2	Francis Road	4 lanes to service commercial zone	2032	220,000		20	10	45	25
F4	Francis Road	New roundabout	2032	840,000		100			
F5	Francis Road	Roundabout to Shell Station	2032	2,040,000		100			
F6	Francis Road	Shell station to end of Francis road	2040	2,232,000		100			
H-02	Hamurana Road	Cycleway by Developers	2040						
H-03	Hamurana Road	Gully Crossing linkage cycleway	2045	75,000		100			
H-04	Hamurana Road	Cycleway by Developers							
H-06	Hamurana Road	Prole Road to Railway Line: Cycleway	2040	579,040		100			

H-07	Hamurana Road	Railway Bridge: Cycleway	2040	750,000		100			
H-08	Hamurana Road	Ramp to Railway bridge (NE side)	2040	35,000		100			
H-09.1	Hamurana Road	RailwayRamp to Kaylene Place: Land	2003	253,000		100			
H-09.2	Hamurana Road	RailwayRamp to Kaylene Place: Land	2007	122,495		100			
H-09.3	Hamurana Road	RailwayRamp to Kaylene Place: Construction	2040	175,100		100			
H-10	Hamurana Road	Cycleway by Developers							
H-11	Hamurana Road	Gane Place intersection to NE end of Western Ave section	2030	360,000		100			
H12	Hamurana Road	End of Western Avenue section to unnamed road: cycleway land	2007	306,510		100			
H-13	Hamurana Road	Rest of unnamed Road to Anderley Ave: cycleway land	2007	635,980		100			
H-14	Hamurana Road	Anderley Ave section - land	2007	328,909		100			
H-15	Hamurana Road	Anderley Ave to Victoria Keys cycleway	2030			100			
H-16	Hamurana Road	Victoria Keys to End of existing seal SW of Tralee	2008	1,436,404		100			
K-01	Kaylene Place	Ōmokoroa Rd to Hamurana Rd	2025	1,082,710	0	100			
K-03	Kaylene Place	Hamurana Rd to Links View Drive Urbanise	2025	147,979	0	100			
O-01	Ōmokoroa Road	SH2 Intersection	2025	7,500,000	0	4			

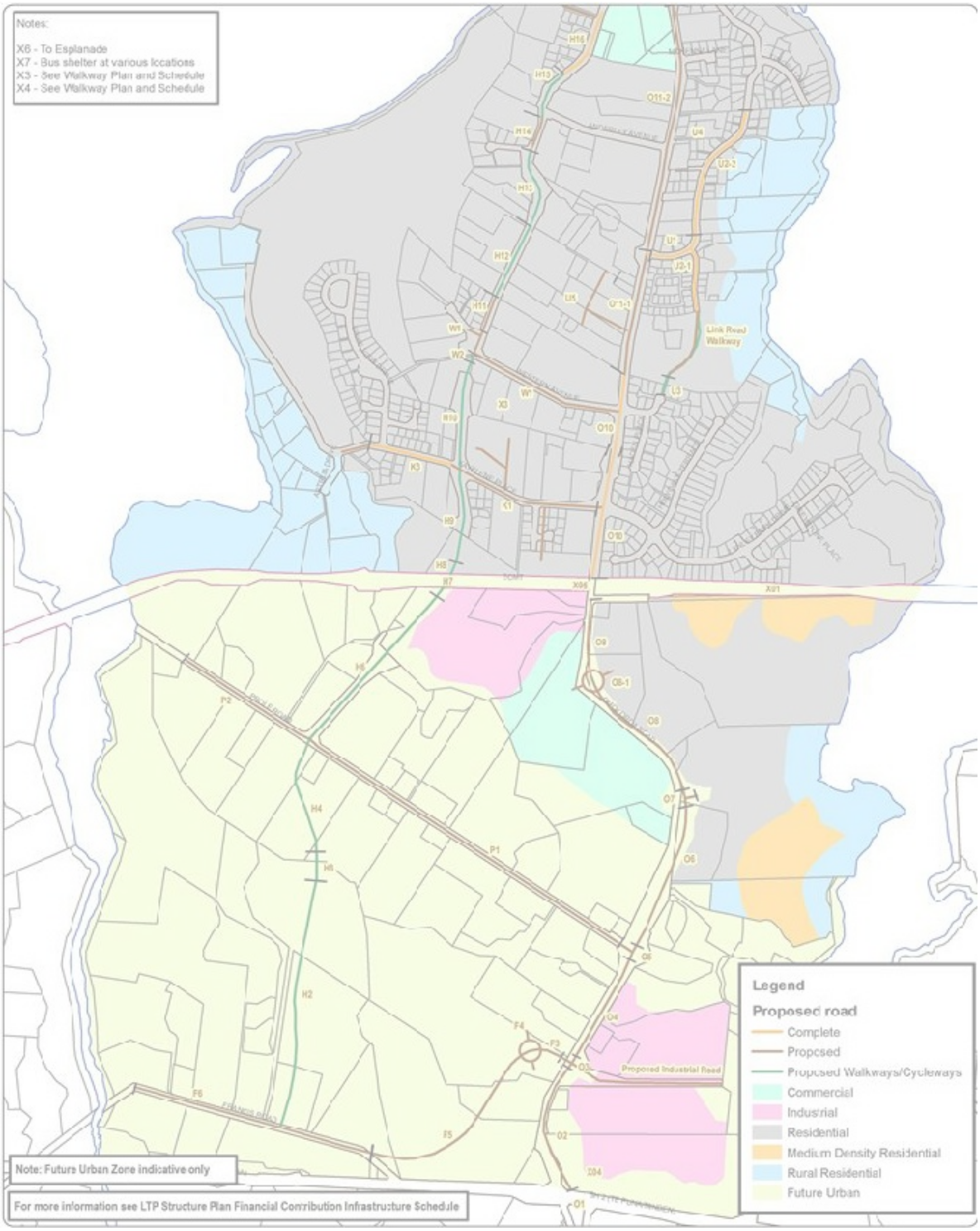
O-02-1	Ōmokoroa Road	SH2 to Francis Road 2 lanes (Waka Kotahi NZ Transport Agency)	2025	1,774,000	0	0	0	0	0
O-02-2	Ōmokoroa Road	SH2 to Francis Road-4 laning	2025	800,000	0	20	10	45	25
O-03-1	Ōmokoroa Road	Francis Road intersection Roundabout Construction	2025	1,165,938	0	20	10	45	25
O-03-2	Ōmokoroa Road	Industrial entrance intersection: interim Right Turn Bay	2017	600,000	0	20	10	45	25
O-04-1	Ōmokoroa Road	Francis Road to Prole Road 4 laning	2027	1,157,500	0	20	20	45	15
O-05-1	Ōmokoroa Road	Prole Road intersection-construct right turn bay, seagull	2032	980,000	0	100			
O-06-1	Ōmokoroa Road	Prole Road to designated Commercial area roundabout-2 lanes	2027	1,516,715	0	20	10	45	25
O-07-1	Ōmokoroa Road	Seagull Right Turn Bay entrance to residential on east side	2018	400,000	0	20	10	45	25
O-07-2	Ōmokoroa Road	Roundabout construction: single lane	2032	620,000	0	20	10	45	25
O-08	Ōmokoroa Road	Commercial area roundabout to Railway line: 2 lanes	2028	2,963,200	0	20	20	45	15
O-08-1	Ōmokoroa Road	Special Housing Area Roundabout	2026	600,000	0	20	20	45	15
O-10	Ōmokoroa Road	Railway Line to Lynley Park boundary	2008	2,163,479	0	20	20	45	15
O-11-1	Ōmokoroa Road	Lynley Park to Margaret Drive	2024	1,413,677	0	20	20	45	15
O-11-2	Ōmokoroa Road	Margaret Drive to Tralee Street	2024	2,590,000	0	20	20	45	15
P-01	Prole Road	Ōmokoroa	2032	3,604,000	0	100			

		Road to Hamurana Cycleway							
P-02	Prole Road	Hamurana Cycleway to end	2032	1,612,000	0	100			
U-01	Midblock Connection	Mid block connection Margaret Place extension to Ōmokoroa Road, plus Link Road walkway	2011	2,200,000	100				
U-02-1	Link Road access	Access to Link Road by selected properties	2011	600,000	100				
U-02-2	Margaret Pl Extension	From Margaret Place to mid block connection (U01)	2011	2,794,010	100				
U-03	Walkway Link	From Link Road to Lynley Park	2009	112,000	0	100			
U-04	Access to Margaret Drive	Access to Margaret Drive by selected properties	2010	290,400	100	0			
U-05	Access to Ōmokoroa Rd	Developer responsibility			0	0			
W-01	Western Ave	Ōmokoroa Road to Hamurana Road and to Gane Place	2028	1,302,000	0	100			
W-02	Western Ave	Hamurana Road land cost only	2006	639,583	0	100			
X-01	Pedestrian Bridge	Lynley Park Railway lane to stage 2 area	2027	400,000	0	100			
X-03-1	Walkways/Cycleways	Stage 1 - walkways and cycleways on schedule A867061	2014-2025	1,976,000	0	100			
X-03-2	Walkways/Cycleways	Stage 2 - walkways and cycleways to be determined	2035	1,000,000	0	100			

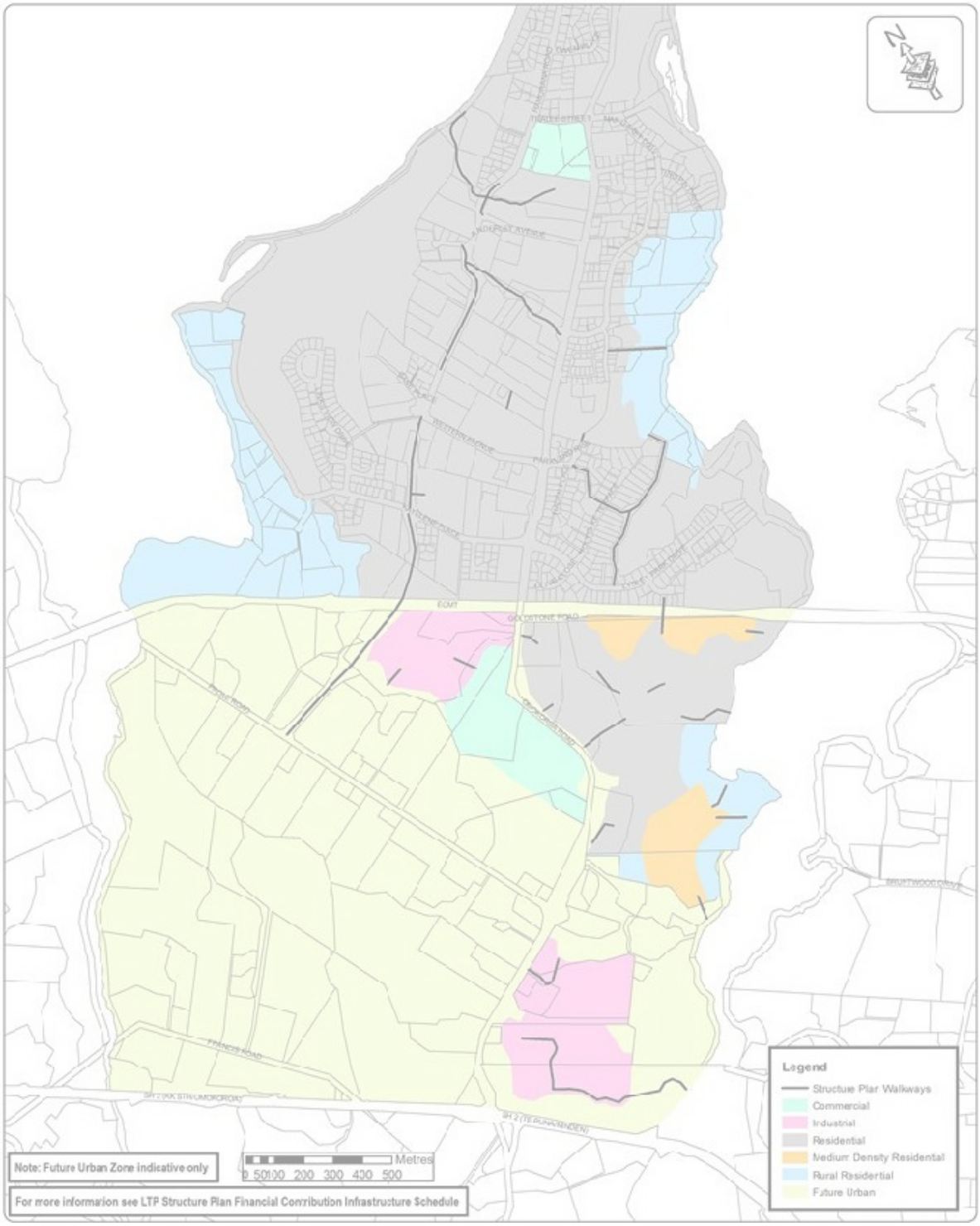
X-04-1	Park & Ride Facility	Ōmokoroa Road-land purchase	2035	1,000,000	0	95			5
X-04-2	Park & Ride Facility	Ōmokoroa Road- construction	2045	2,000,000	0	95			5
X-05	Pedestrian Bridge	Ōmokoroa Road Railbridge	2035	750,000	0	100			
				57,994,629					
Southern Industrial Zone									
Industrial Zone	Proposed Industrial Road	Land Costs	2011	506,400	100				
	Proposed Industrial Road	Construction	2020	1,520,000	100				
				2,026,400					

Note:
Annual updates of costs and timing for contributions are shown in the *LTP* in accordance with Rule 11.4.1.b. The Development Code provides details of timing for payments, reimbursement, and development standards.

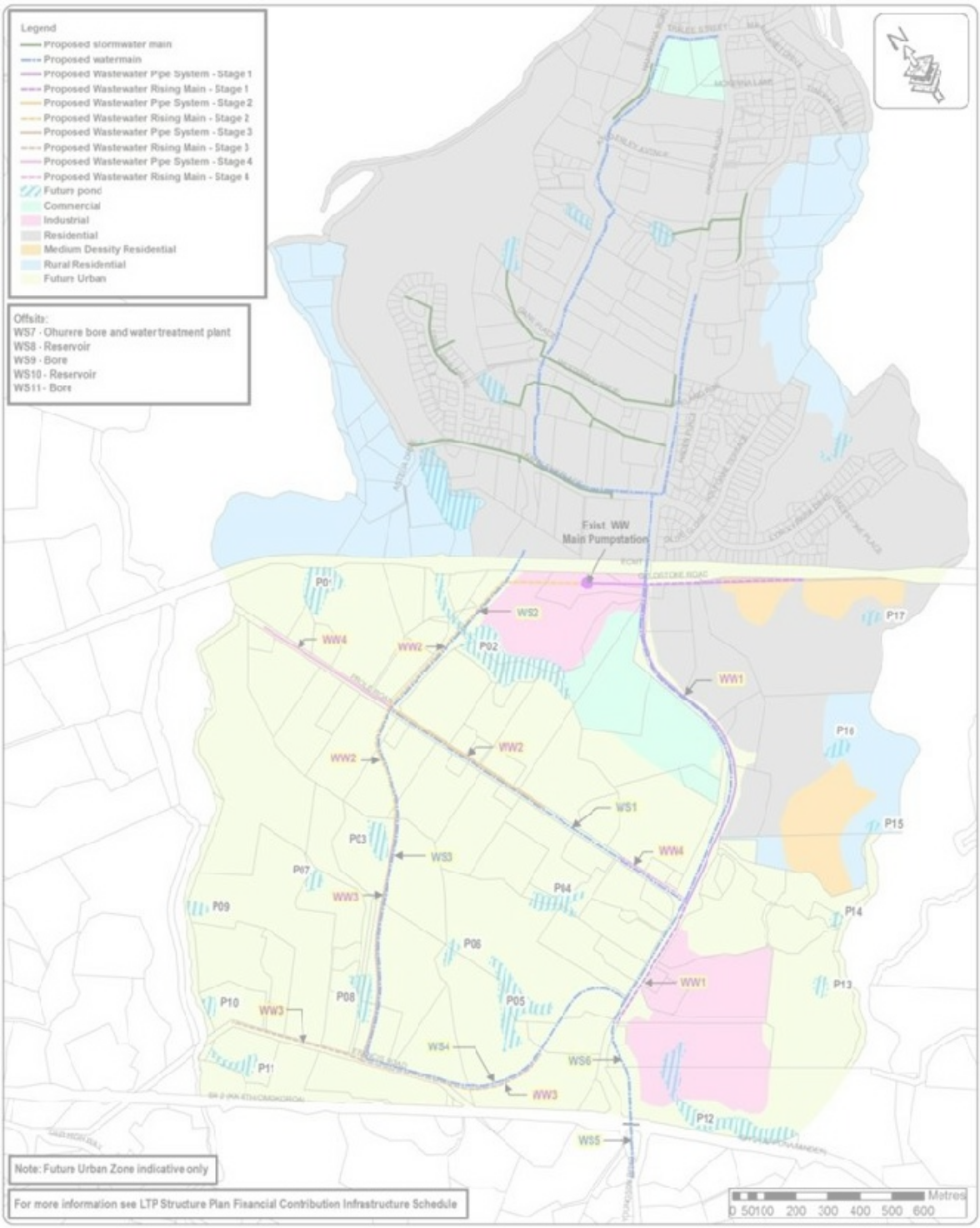
4.3 Ōmokoroa Roading Projects Plan



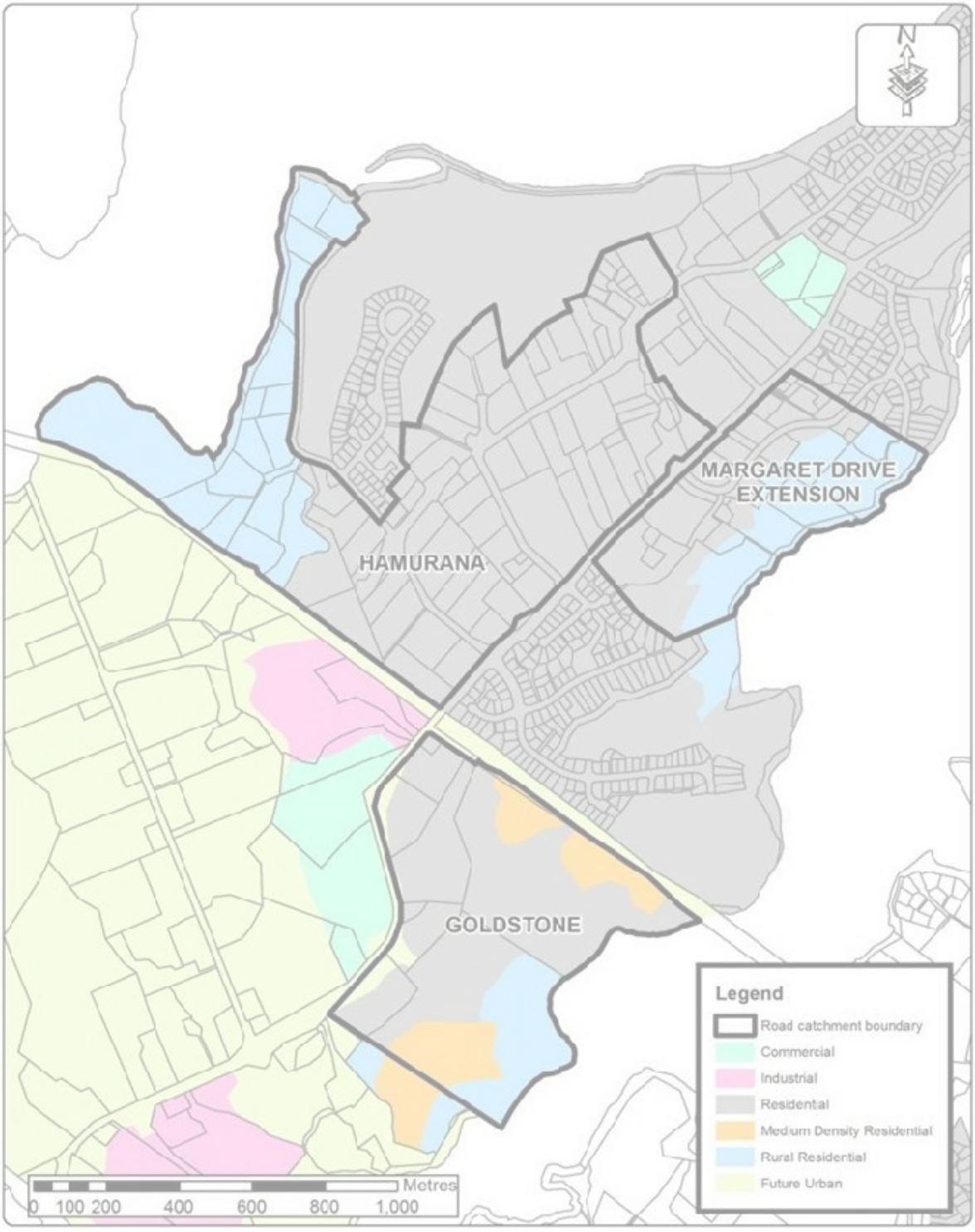
4.4 ~~Ōmokoroa Walkway Plan~~



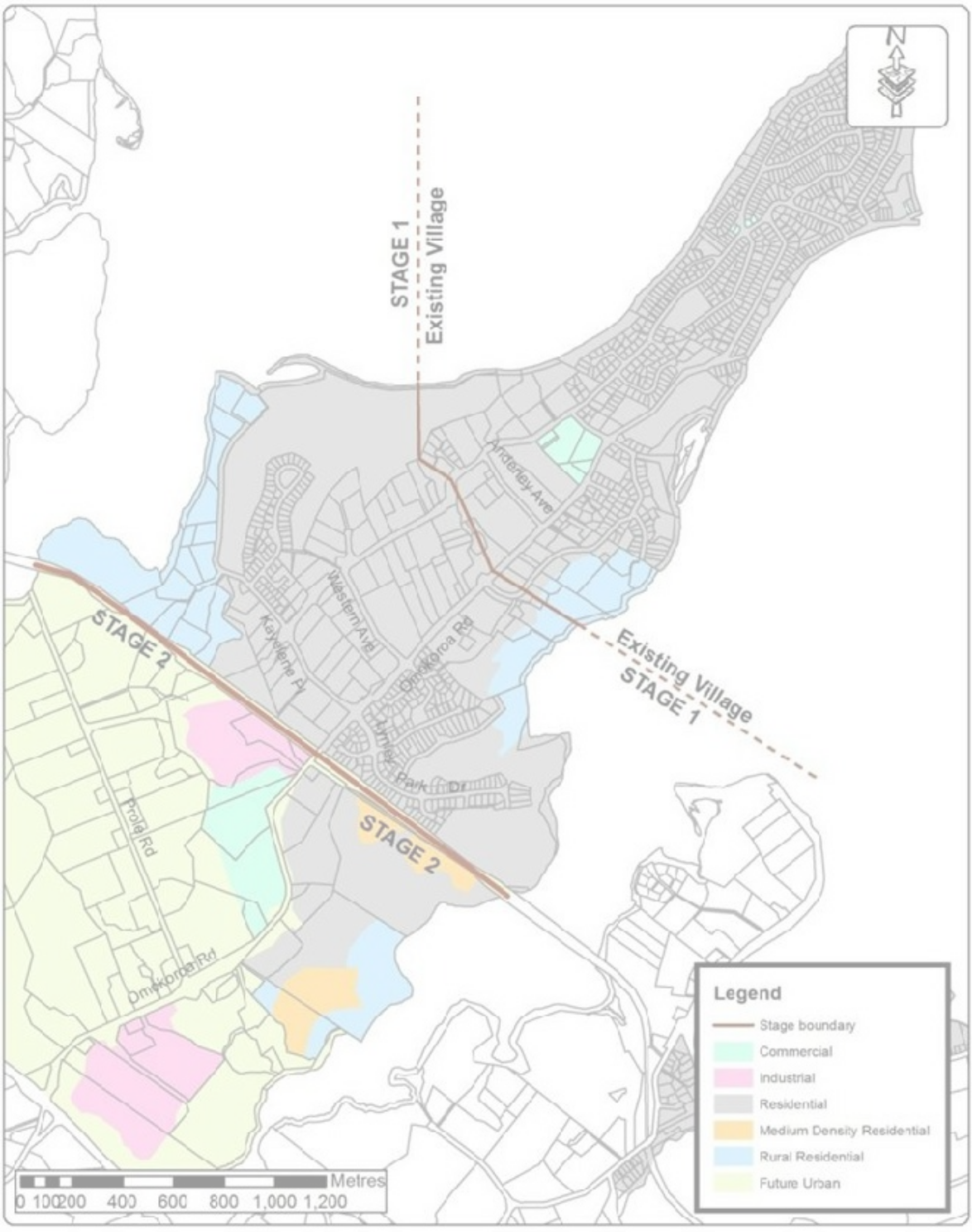
4.5 ~~Ōmokoroa Services~~



4.6 ~~Structure Plan Specific Road Catchment~~



4.7 ~~**Structure Plan Boundaries**~~



4.1 Ōmokoroa Structure Plan - Infrastructure Schedule

Ōmokoroa Structure Plan - Transportation (Stages 1, 2 and 3)										
ŌMOKOROA: CROWN INFRASTRUCTURE PARTNERSHIP (CIP) PROJECTS										
Project ID	**Project Name**	**Year to be constructed**	**Project Costs**	**Funding Source (%)**						
				Road Specific	**Catchment Finco**	**Rural**	**Strategic**	**District Rate**	**NZTA**	**CIP**
O-11-1	Ōmokoroa Road urbanisation: Western Ave - Margaret Dr	2021	$3,288,800		20	3	7	2	68	
O-11-2	Ōmokoroa Road urbanisation: Margaret Dr to Tralee St	2021	$5,052,320		20	3	7	2	33.4	34.6
O-03-2.1	Ōmokoroa Southern Industrial Rd	2021	$3,040,000		54					46
O-03-2	Ōmokoroa/Southern Industrial Rd roundabout	2021	$385,000		20	10	45	25		
W-01	Western Ave urbanisation: Ōmokoroa to Gane Pl	2021	$2,220,000		32					68
H-11	Hamurana Road urbanisation: Gane Pl to end of Western Ave	2021	$880,000		100					
X-05	Ōmokoroa Rd - Rail Pedestrian/Cycleway Bridge	2021	$1,100,000		100					
O-05-1	Ōmokoroa Rd/Prole Rd intersection roundabout	2021	$1,650,000		100					
O-06-1	Ōmokoroa Rd urbanisation: Prole Rd - Neil Group intersection	2021	$2,700,000		20	10	45	25		
O-07-2	Ōmokoroa Road/Neil Group roundabout	2021	$1,650,000		20	10	45	25		
O-08	Ōmokoroa Rd - urbanisation Neil Group intersection - Railway Line	2021	$3,923,517		20	6	13	5		56
P-01	Prole Rd urbanisation + walking/ cycleway underpass at MOE site	2021	$15,422,861		40					60
P-02	Prole Road urbanisation	2021	$8,874,477		100					
TOTAL CIP PROJECTS			**$50,186,975**		**$24,425,548**	**$959,145**	**$3,224,686**	**$1,546,748**	**$3,923,114**	**$16,072,198**

ŌMOKOROA STAGES TWO AND THREE: PEDESTRIAN AND CYCLEWAY PROJECTS										
Project ID	Project Name	Year to be constructed	Project Costs	Funding Source (%)						
				Road Specific	Catchment Finco	Rural	Strategic	District Rate	NZTA	CIP
H-10	Hamurana Rd – Western Ave – Kaylene Pl Pedestrian/Cycleway	2021	$460,000		100					
H-07	Hamurana Rd Cycleway Bridge	2025	$851,200		100					
H-08	Hamurana Rd Cycleway - Southern ramp	2025	$72,000		100					
H-09.3	Hamurana Rd Cycleway - Northern ramp	2025	$396,017		100					
X-01	Pedestrian Bridge	2027	$880,000		100					
H-06	Hamurana Rd Pedestrian/Cycleway	2025	$968,000		100					
Ōmokoroa Stage 2 Walkways/ Cycleways	Walkways/Cycleways included in Stage 2	2021-2031	$1,713,600		100					
TOTAL PEDESTRIAN/CYCLEWAY PROJECTS			$5,340,817		$5,340,817					

REMAINING STAGES 2 AND 3 URBANISATION PROJECTS										
Project ID	**Project Name**	**Year to be constructed**	**Project Costs**	**Funding Source (%)**						
				Road Specific	**Catchment Finco**	**Rural**	**Strategic**	**District Rate**	**NZTA**	**CIP**
X-04-1	Park & Ride Facility at SH2 end	2028	$1,210,000		95			5		
X-04-2	Park & Ride Facility at SH2 end	2028	$2,420,000		95			5		
O-01	Ōmokoroa Rd/SH2 Intersection upgrade	2027	$363,000		100					
O-02-1	Ōmokoroa Rd - SH2 to Francis Rd urbanisation.	2027	$0						100	
O-02-2	Ōmokoroa Rd full urbanisation: 4 lanes - SH2 to Francis Rd	2027	$2,730,112						100	
O-03-1	Ōmokoroa Rd/Francis Rd roundabout	2027	$1,650,000						100	
O-04-1	Ōmokoroa Rd Full Urbanisation – Francis Rd to Prole Rd	2030	$2,200,000		20	20	45	15		
F3.1	Francis Rd - Ōmokoroa Rd: 2 lanes	2027	$694,100						100	
F3.2	Francis Rd - Ōmokoroa Rd: 4 lanes	2027	$682,000						100	
F4	Francis Rd/Commercial Area roundabout	2027	$990,000						100	
F5-1,2,3	Francis Rd Urbanisation - Commercial area roundabout to Prole/Francis link road	2030	$23,020,231						100	
F6	Francis Rd North Urbanisation: Prole/Francis link intersection -end of Francis Rd.	2030	$5,290,120		100					
TOTAL: STAGE TWO AND THREE URBANISATION			**$ 41,249,563**		**$9,541,620**	**$440,000**	**$ 990,000**	**$511,500**	**$29,766,443**	

ŌMOKOROA: NEW STAGE 3 PROJECTS										
Project ID	Project Name	Year to be constructed	Project Costs	Funding Source (%)						
				Road Specific	Catchment Finco	Rural	Strategic	District Rate	NZTA	CIP
FP	FRANCIS TO PROLE ROAD LINK									
FP1 - FP6	Francis Link Road to Prole Road - Southern End (approx. 350m). Includes land purchase and power undergrounding.	2032	$10,080,069		100					
FP7	Francis Link Road Bridge over gully approx. length of 25m. Includes land purchase.	2032	$5,816,397		100					
FP8 - FP10	Francis Link Road to Prole Road (Northern End approx. length of 325m). Includes land purchase.	2024	$3,838,009		100					
HA	OTHER ROADS									
HA-01	Urbanise Heartwood Avenue from Prole Road to Sentinel Drive	2023	$2,000,000		100					
TOTAL: NEW STAGE 3 PROJECTS			$21,734,475		$21,734,475					

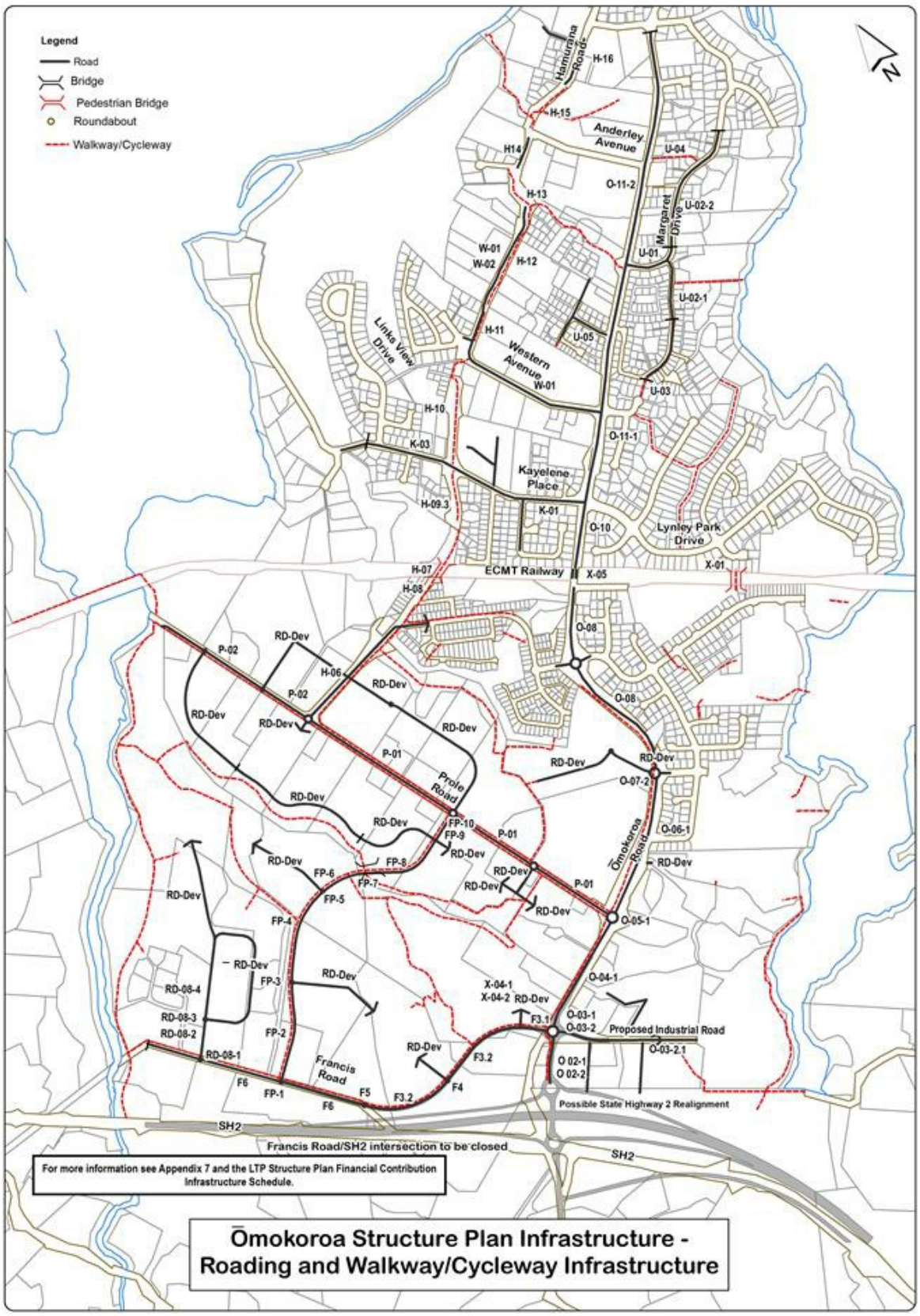
ŌMOKOROA: WATER SUPPLY						
Project ID	**Project Description**	**Year to be Constructed**	**Project Cost**	**Funding Source**		
				Developer	**Rates**	**FINCOs**
WS1	Prole Rd reticulation Stage 2 from Ōmokoroa Road to end of Prole Road, including fire + rider mains.	2022	$ 975150			100%
WS2	New watermain Heartwood Ave - railway to Prole Rd.	2025	$ 356,400			100%
WS3	New watermain on Hamurana Rd (Now Francis link Rd) between Prole + Francis Rd.	2030	$ 562,000			100%
WS4 A	Francis Rd Stage 3A - new watermain on Francis Rd between Ōmokoroa Rd + Francis link Rd.	2028	$ 470,250			100%
WS5	200mm watermain to SH2 from old highway	2027	$ 630,000			100%
WS6a	200 mm main from SH2 to Prole Rd	2026	$ 342,000			100%
WS6b	200 mm main from Prole Rd to Railway	2022	$ 513,000			100%
WS6c	Industrial Rd - 200mm water main + 150mm rider main from Ōmokoroa Rd to end of Industrial Road. + fire hydrants + connections.	2022	$ 320,000			100%
TOTAL: WATER SUPPLY			**$ 4,168,800**			

ŌMOKOROA: WASTEWATER						
Project ID	Project Description	Year to be Constructed	Project Cost	Funding Source		
				Developer	Rates	FINCOs
WW1-A	Rising Main – Heartwood Ave to Pump Station	2022	$ 1,100,000			100%
WW1-B	Rising Main on Ōmokoroa Rd (from SH2 to Neil Group, picks up Southern Industrial Rd)	2022	$ 2,126,170			100%
WW2	Rising Main on Heartwood Ave from Prole Rd to Pump Station and joining onto WW1A	2023	$ 1,337,394			100%
WW3	Gravity and rising main on Heartwood Ave (now included in new Francis/Prole Road Link Rd)	2030	$ 2,048,079			100%
WW4	Rising main and pump station on upper end of Prole Rd	2022	$ 500,000			100%
WW5	Gravity and rising main on Prole Rd (from Ōmokoroa Rd upper end to lower end of Prole Rd)	2022	$ 3,467,840			100%
WW6	Francis Rd Pump Station and rising main	2030	$ 1,180,000			100%
WW8	Main pump station on Heartwood Ave to receive Prole Rd wastewater and eastern wastewater gully gravity main and pump to WW1A	2022	$ 1,500,000			100%
TOTAL: WASTEWATER			**$ 13,259,483**			

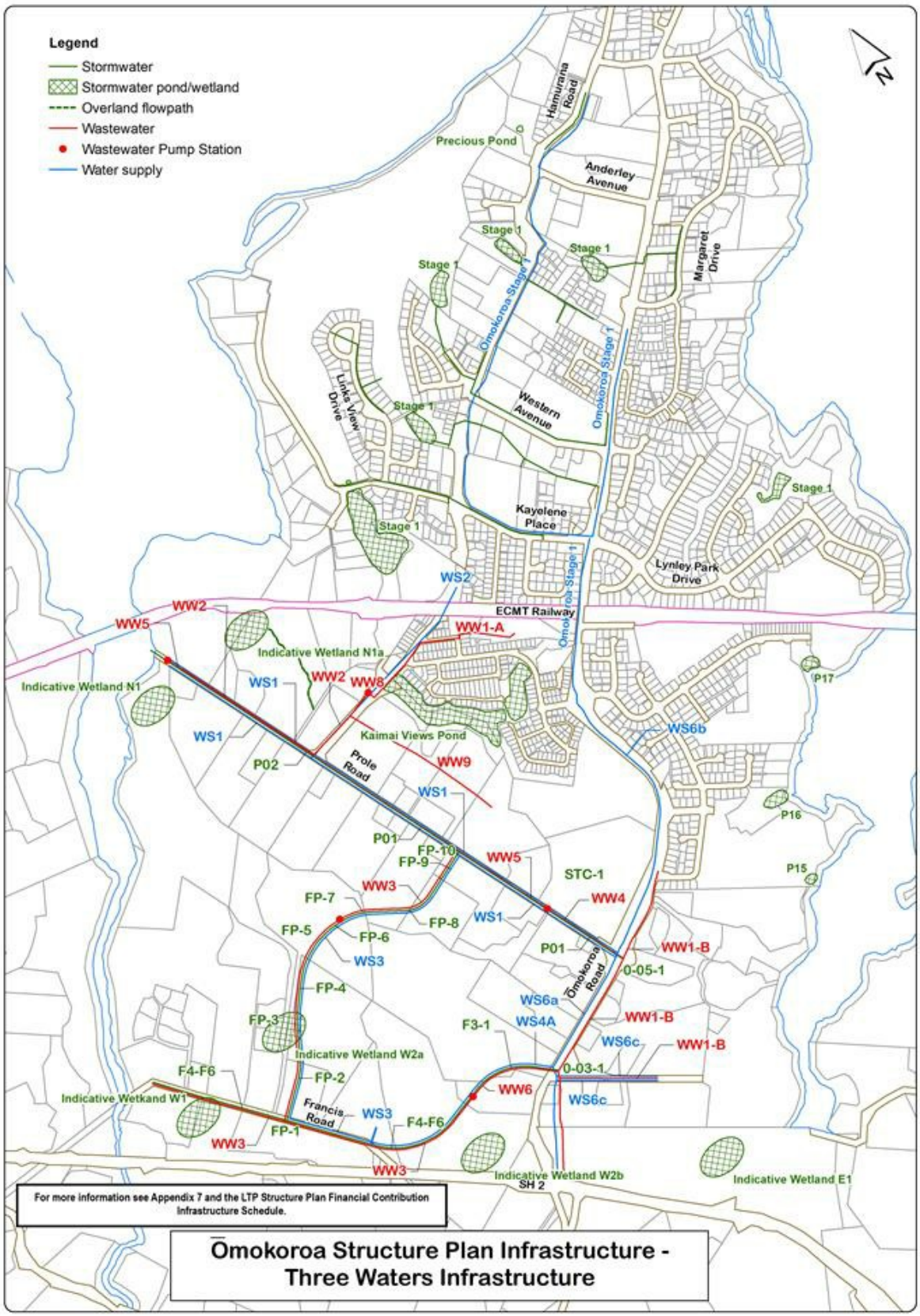
ŌMOKOROA STORMWATER						
Project ID	**Project Description**	**Year to be Constructed**	**Project Cost**	**Funding Source**		
				Developer	**Rates**	**FINCOs**
O-05-1	Ōmokoroa Rd/Prole Rd Roundabout Stormwater	2022	$ 54,652			100%
O-03-1	Ōmokoroa Rd/Francis Rd Roundabout Stormwater	2027	$ 140,366			100%
P01	Prole Rd: Ōmokoroa Rd to Heartwood Ave	2022	$ 1,482,864			100%
P02	Heartwood Ave to River Access Stormwater pipe	2022	$ 1,457,234			100%
FP-1	Francis Rd/Francis Link Roundabout	2032	$ 140,366			100%
FP-2	Francis Link Section 1	2032	$ 550,902			100%
FP-3	Francis Link Roundabout 1	2032	$ 140,366			100%
FP-4	Francis Link Section 2	2032	$ 563,423			100%
FP-5	Francis Link Roundabout 2	2032	$ 140,366			100%
FP-6	Francis Link Section 3	2032	$ 183,634			100%
FP-7	Francis Link Bridge (Included in bridge costs FP-7)	2032	$0			100%
FP-8	Francis Link Section 4	2032	$ 469,519			100%
FP-9	Francis Link/Rd 7 Roundabout	2032	$ 140,366			100%
FP-10	Francis Link Section 5	2032	$ 52,169			100%
F6	Francis Rd North	2030	$ 836,787			100%
F5	Francis Rd South	2030	$ 1,690,268			100%
F4	Francis Rd/Ōmokoroa Link Roundabout	2027	$ 87,649			100%
F3-1	Francis Rd to Ōmokoroa Rd	2027	$ 125,205			100%
FP-N1a	Francis/Prole Rd link to new wetland FP-N1a. This stormwater will traverse Sanderson's retirement village and will be developer funded.	2022		100%		
TOTAL STORMWATER			$8,256,136			

Note: This infrastructure schedule is a summary only. Refer to the Plan Change that proposed the *structure plan* for the original schedule. In accordance with Rule 11.4.1 the schedule is updated annually through the *Annual Plan* and/or *LTP* process to reflect changes in costs and timing.

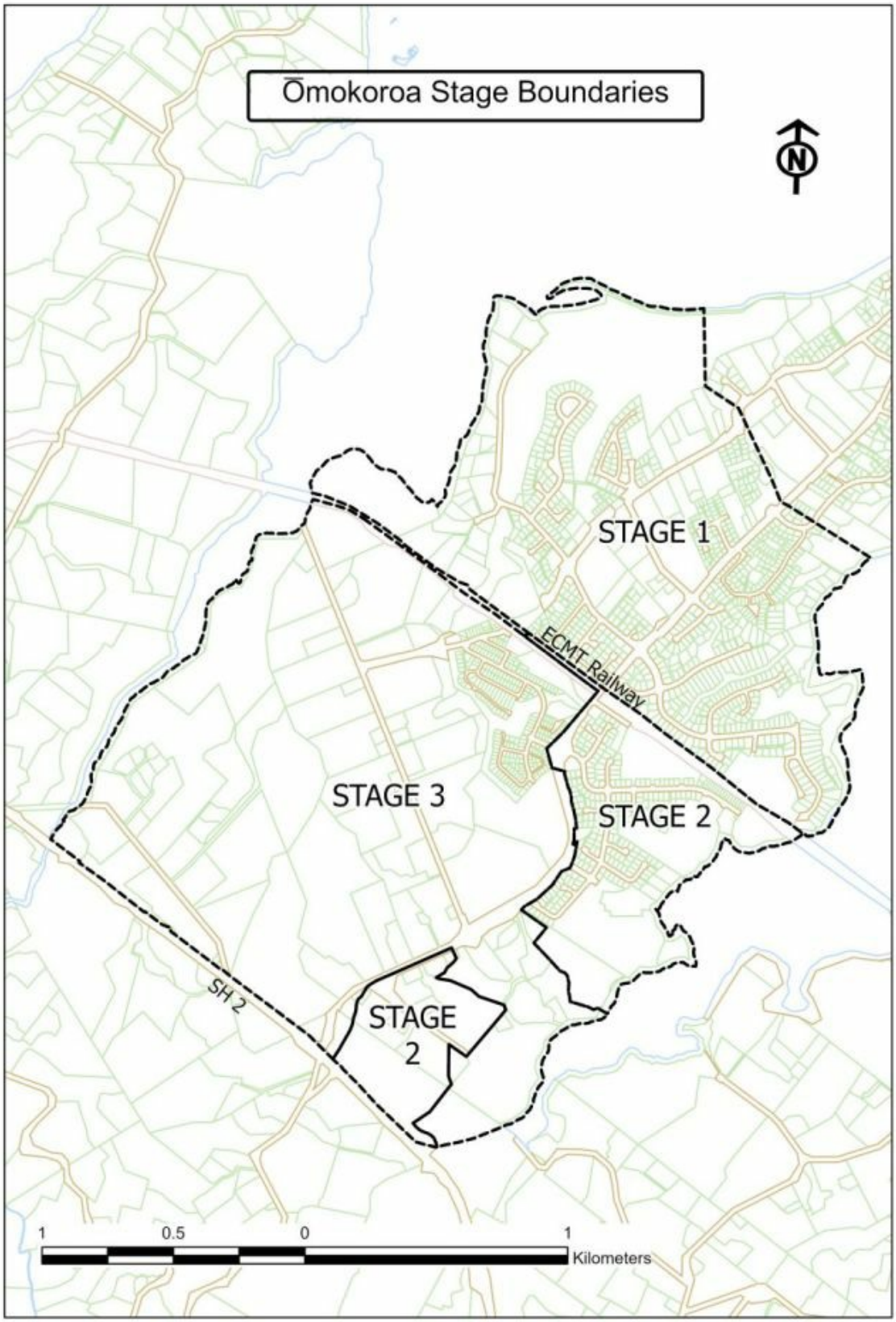
4.2 Ōmokoroa Structure Plan - Roading and Walkway/Cycleway Infrastructure



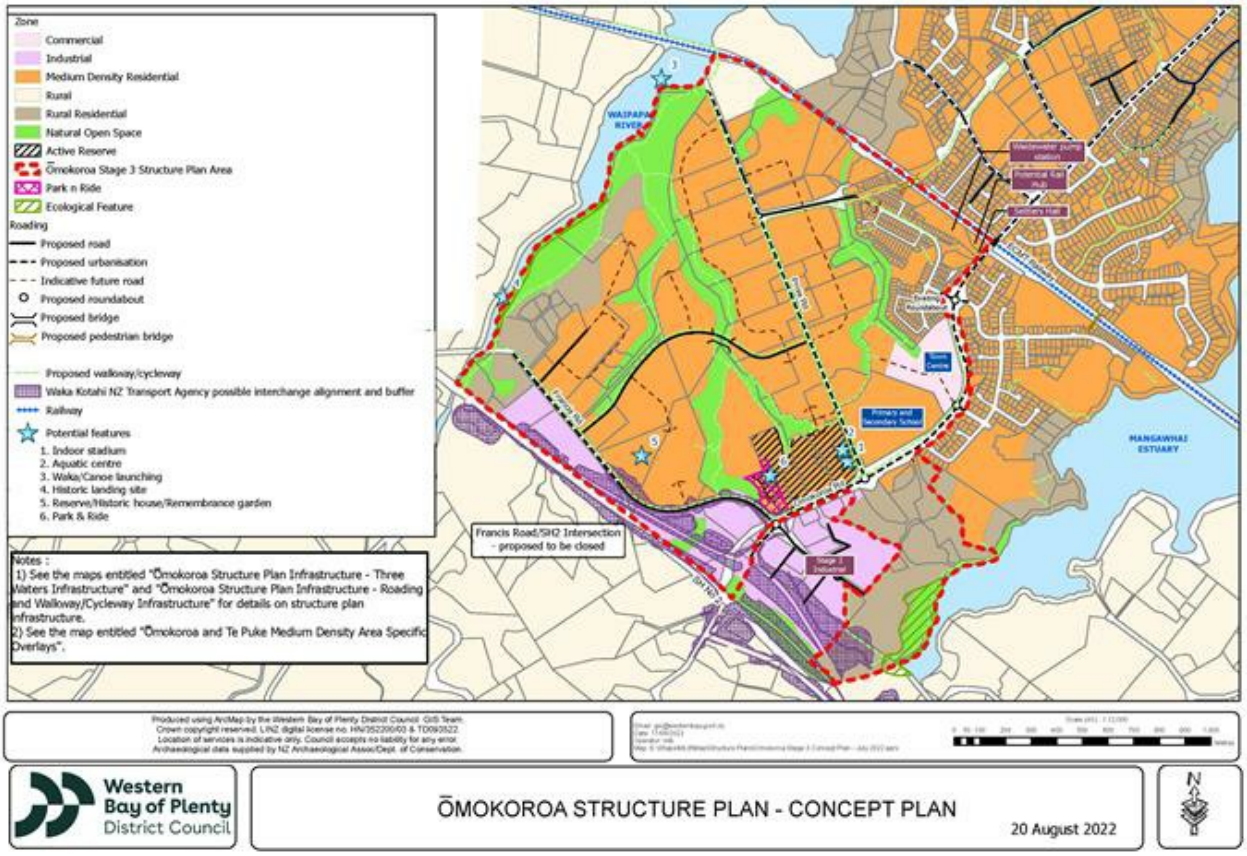
4.3 Ōmokoroa Structure Plan - Three Waters Infrastructure



4.4 Ōmokoroa Stage Boundaries

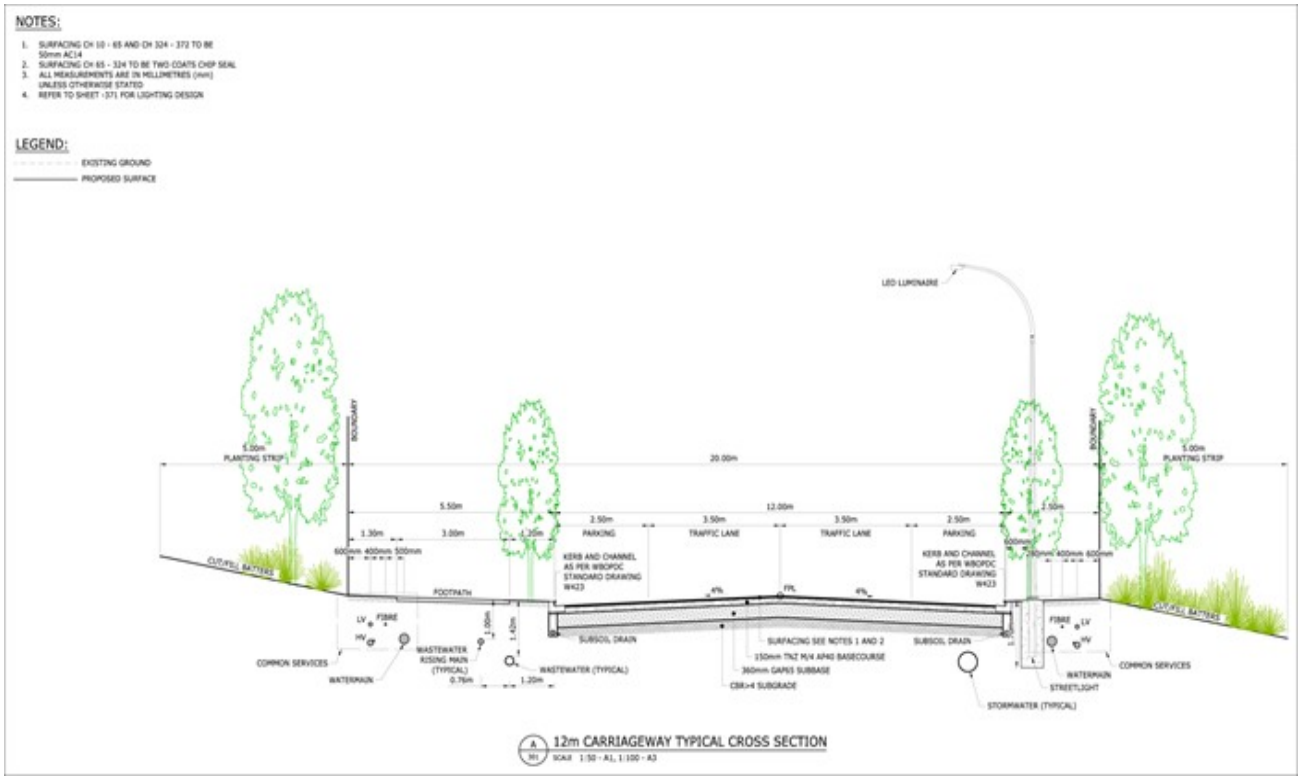


4.5 Ōmokoroa Structure Plan - Concept Plan



4.6 Ōmokoroa Town Centre Concept Master Plan

4.8.7 Ōmokoroa Industrial Road Cross-Section



4.~~9~~.8 Earthworks Procedures

The following information is provided to give land developers information on good *earthworks* practice in the Ōmokoroa Stage 2 and 3 *Structure Plan* ~~area~~areas.

Generally

1. Contractors involved in earthmoving or who disturb earth as part of their *development* need to consult with Pirirakau so all parties are aware of protocols surrounding archaeological sites.

Consultation

2. Specifically, at least four weeks prior to significant *earthworks* on site Pirirakau is to be informed of the upcoming *earthworks*.

Earthworks

3. Prior to the works starting Pirirakau should be invited to carry out a blessing of the site.

4. All *earthworks* are to be monitored by a representative of Pirirakau and to this end an agreement between Pirirakau and the developer should be formed to enable site access for monitoring. It will be the developer's responsibility to ensure all Occupational Safety and Health requirements and other legal obligations are able to be met by the Pirirakau representative.

5. On discovery of any unrecorded sites of archaeological importance work shall cease immediately until an assessment can be made by a hapū representative. Pirirakau will retain an archaeologist for further opinion or recommend when or if one is required.

Archaeological

6. On discovering any archaeological find the following process will be instigated:

Kōiwi (human remains)

- Site work will stop, and the designated Pirirakau representative will be notified and an inspection/assessment carried out.
- Rahui will be imposed on the site and immediate surrounds.
- Pirirakau and contractors will meet and assess implications and constraints.
- Pirirakau to notify relevant authorities.
- Kōiwi site and location to be recorded and inspected by archaeologist.
- Site to be registered as waahi tapu where appropriate and practicable.
- Exhumation to be carried out according to tikanga and kawa.
- *Construction* work may continue in another area until the site has been made safe to continue works.

Stone Artefacts

- Work in the immediate area will stop and the Pirirakau representative will be notified.
- Rahui will be imposed for duration of the assessment.
- Location will be recorded.
- Relevant authorities will be notified.
- Artefacts will be dated and removed from site by Pirirakau.
- Taonga will be vested under mana of Pirirakau.

- Investigation of immediate vicinity will be carried out.
- Work may continue in another area until the site has been made safe to continue works.

Wooden Artefacts

- Work in immediate area will stop and the Pirirakau representative will be notified.
- Rahui will be imposed for duration of assessment.
- Location will be recorded.
- Relevant authorities will be notified.
- If dry, artefact will need to be vacuum-packed and protected from deterioration.
- If wet, artefact will need to be submerged at the site. The artefact cannot be removed until a safe curing process is confirmed.
- Investigation of immediate vicinity will be carried out.
- Work may continue in another area until the site has been made safe to continue works.

Habitation/Midden/Cooking Sites

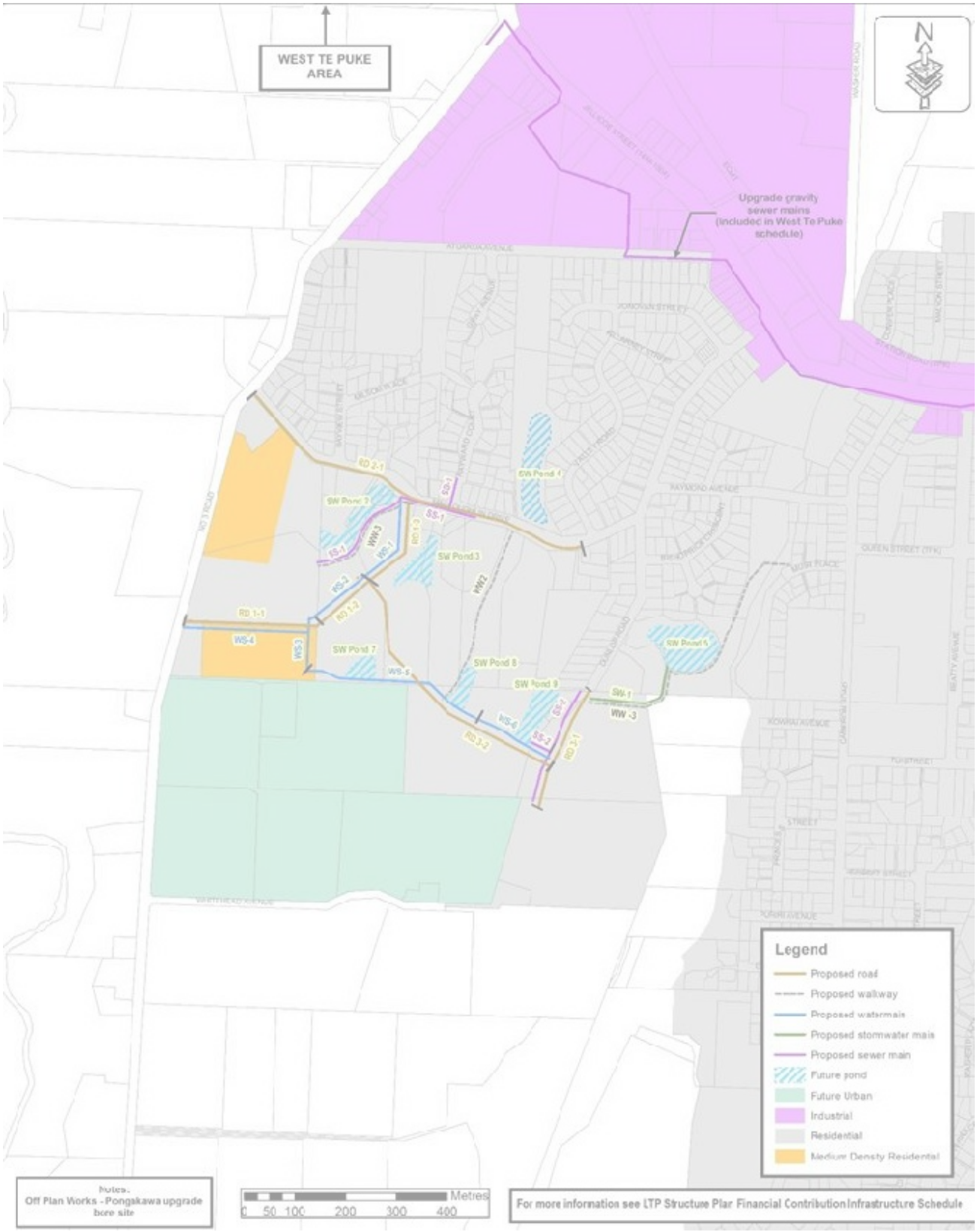
- Work in immediate area to stop and the Pirirakau representative will be notified.
- Rahui will be imposed for duration of the assessment.
- Location will be recorded.
- Relevant authorities will be notified.
- Surface investigation/excavation to determine extent of the site.
- Archaeological investigation will be carried out because of the number of artefact remains which may be found.
- If wet, artefact will need to be submerged at the site. The artefact cannot be removed until a safe curing process is confirmed.
- Any significant find will be stored and recorded.
- Work may continue in another area until the site has been made safe to continue works.

Naming Rights

Pirirakau, as Tāngata Whenua of the area, retains the right to suggest names to *Council* and reasons for such suggestions for any areas or roads resulting from *earthworks* and/or *construction* of roads.

8. Te Puke Structure Plan

8.1 ~~Te Puke Area 3 Structure Plan – Infrastructure~~



8.2 ~~Te Puke Area 4 and 5 Structure Plan - Infrastructure~~

8.3 ~~Infrastructure Schedule~~

Te Puke Utilities						
Project Number	Project	Proposed Construction Year	Project Costs $	Funding Source(%age)		
				Developer	Financial Contributions	Rates
	New Water supply					
Area 3	Eastern Water Supply					
WS1	Along RD1-3	2024	52,500		100%	
WS2	Along RD1-2	2024	52,500		100%	
WS 3	Connector	2019	22,500		100%	
WS 4	Along RD 1-1	2019	75,000		100%	
WS 5	Along Boundary & RD 3-2	2024	108,000		100%	
WS 6	Along RD 3-2 from RD 3-1 to first shelter belt	2030	49,500		100%	
Area 3 Total	Eastern Water Supply		360,000			
Area 4	Eastern Water Supply					
WS 5	Pressure management	2017	50,000		100%	
Area 4 Total	Eastern Water Supply		50,000			
Area 3	New Wastewater					
SS-1	W/W line near RD 1-3	2019	200,250		100%	
SS-2	W/W line along RD 3-1	2020	126,000		100%	
Off site of Area 3	Upgrade to downstream system to prevent surcharging and enable connection	2025	153,000		100%	
Total	New Wastewater		479,250			
Area 3	New Stormwater					
SW 1	Cut off from RD 3	2020	205,000	0%	100%	
SWP 1	Pond 1 By	2019		100%	0%	

	Developer					
SWP 2	Pond 2 extension by developer	2019		100%	0%	
SWP 3	Pond 3 by Developer	2024		100%	0%	
SWP 4	Pond 4 by Finco	2024	850,000	0%	100%	
SWP 5	Pond 5 by Finco	2020	1,000,000	0%	100%	
SWP 6	Pond 6 by Developer	2020		100%	0%	
SWP 7	Pond 7 by Developer	2024		100%	0%	
SWP 8	Pond 8 by Finco	2030	350,000	100%	0%	
SWP 9	Pond 9 by Finco	2030	550,000		100%	
Total	**New Stormwater**		**2,955,000**			

Note:
This schedule is a summary only. Refer to the Plan Change that proposed the *structure plan* for the original Schedule. In accordance with Rule 11.4.1.b the Schedule is updated annually through the *Annual Plan* and/or *LTP* process to reflect changes in costs and timing.

Te Puke Urban Roading					
Project Number	**Project**	**Proposed Construction Year**	**Project Cost**	**Funding Source(%age)**	
			Total ($)	**Developer Funded**	**Catchment Allocation**
RD 1-1	Collector Road	2019	1,017,600	74%	26%
RD 1-2	Collector Road	2024	518,400	74%	26%
RD 1-3	Collector Road C	2024	710,400	74%	26%
RD 3-1	Collector Road C	2020	960,000	74%	26%
RD 3-2	Collector Road C	2030	2,054,400	74%	26%
RU	Urbanisation Macloughlin	2018	1,058,400	74%	26%
5-3	New Collector Road Intersection No 1 Road	2025	340,000	74%	26%
WalkWay1	Walkway along area	2020	248,400	0%	100%
WalkWay2	Walkway along gully	2025	319,740	0%	100%
WalkWay3	Walkway towards school	2022	626,400	0%	100%
	Total		**7,853,740**		

~~Note:~~
~~This schedule is a summary only. Refer to the Plan Change that proposed the *structure plan* for the original Schedule. In accordance with Rule 11.4.1.b the Schedule is updated annually through the *Annual Plan* and/or *LTP* process to reflect changes in costs and timing.~~

8.1 Te Puke Structure Plan - Infrastructure Schedule

Te Puke Utilities						
Te Puke: New Water Supply						
Project Number	**Project Description**	**Year to be Constructed**	**Project Costs $**	**Funding Source (%)**		
				Developer	**Financial Contributions**	**Rates**
Area 3	**Eastern Water Supply**					
WS-1	Along RD1-3	2024	78,100	75%	25%	
WS-2	Along RD1-2	2024	72,600	75%	25%	
WS-3	Connector	2024	30,800	75%	25%	
WS-4	Along RD1-1	2025	104,500	75%	25%	
WS-5	Along Boundary & RD3-2	2025	143,000	75%	25%	
WS-6	Along RD3-2 from RD3-1 to first shelter belt	2030	66,000	75%	25%	
WS-7	Upgrade of existing main to 200mm to service new subdivision off Dunlop Rd	2023	246,015		63%	37%
Area 3 Total: Eastern Water Supply			**741,015**			
Area 4	**Eastern Water Supply**					
WS-A4	Pressure management	2017	50,000		100%	
Area 4 Total: Eastern Water Supply			**50,000**			

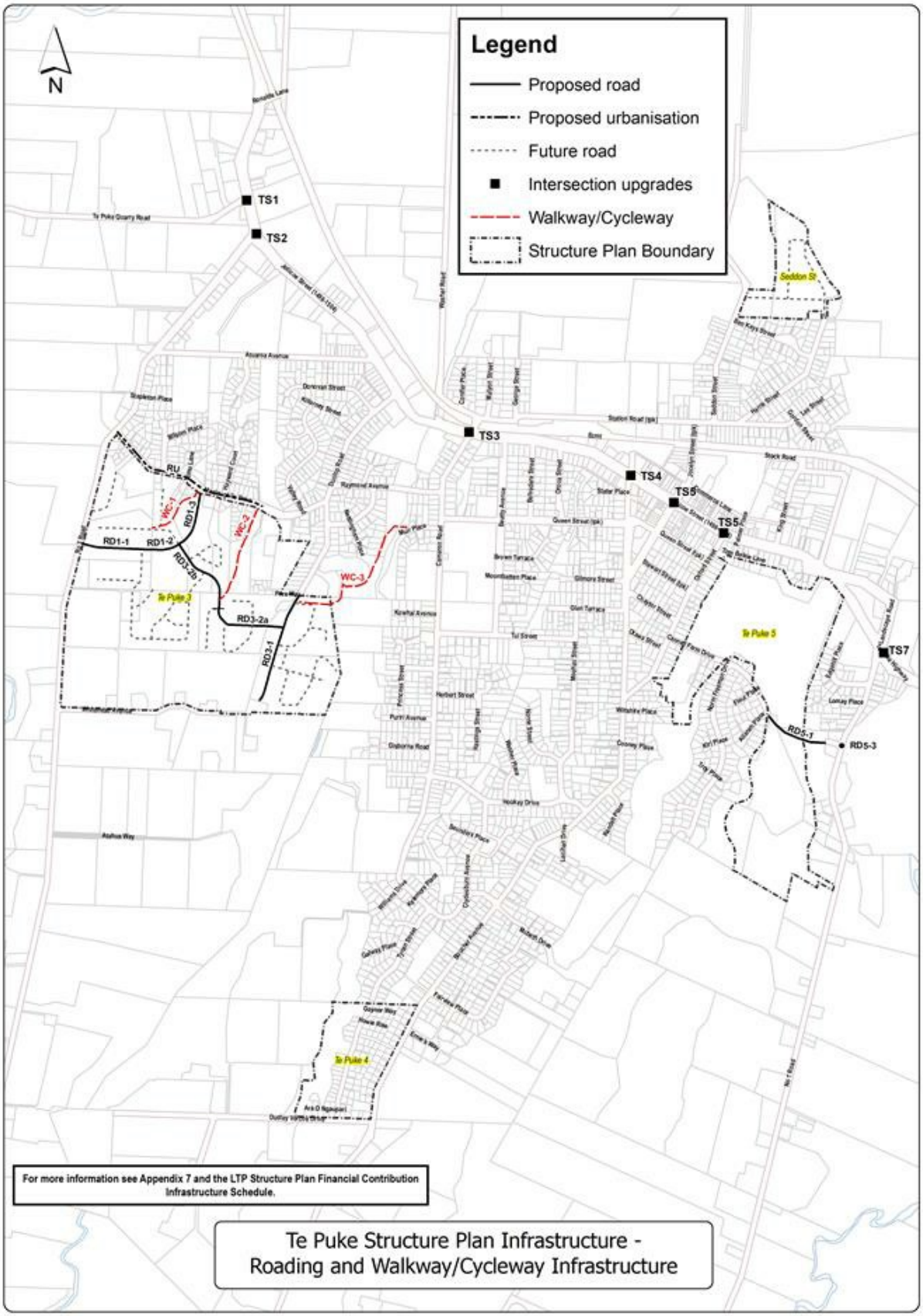
Te Puke: New Wastewater Supply						
Project Number	Project Description	Year to be Constructed	Project Costs $	Funding Source (%)		
				Developer	Financial Contributions	Rates
WW-1A	New reticulation along Macloughlin Dr	2022	81,004		100%	
WW-2	W/W line along Dunlop Rd extension	2022	162,008		100%	
WWSP-1A	Upgrade between Hayward Cr / Atuaroa Ave	2026	326,540		60%	40%
WWSP-1B	Upgrade along Atuaroa Ave	2026	83,100		60%	40%
WWSP-2	Upgrade downstream of Dunlop Rd	2025	377,210		60%	40%
WWSP-3	Upgrade downstream Seddon St	2026	145,200	60%	40%	
WWINT-1	Station Rd – Stock Rd upgrade	2024	170,355		60%	40%
WWINT-2	Upgrade of main WWTP inlet pipeline	2024	700,000		60%	40%
WWINT-3A	Upgrade of main from Slater Pl to Washer Pl	2031	458,700		60%	40%
WWINT-3B	Upgrade of main from Slater Pl to Washer Pl	2034	394,725		60%	40%
WWINT-3C	Upgrade of main from Slater Pl to Washer Pl	2037	155,925		60%	40%
WWINT-4	Jellicoe St to Kowhai Ave	2039	414,480		60%	40%
Total New Wastewater			**3,469,247**			

Te Puke: New Stormwater Area 3						
Project Number	Project Description	Year to be Constructed	Project Costs $	Funding Source (%)		
				Developer	Financial Contributions	Rates
SW-1	Stormwater main from Dunlop Rd	2022	293,150		100%	
SW-2	Stormwater main between Pond 3 & 4s	2025	700,000		100%	
SW-3	Stormwater open drain between Pond 9 & 4	2025	100,000		100%	
SWP-2	Pond 2 by developer	2024		100%		
SWP3	Pond 3 by Developer	2028		100%		
SWP4	Pond 4 by Finco	2030	1,481,400		100%	
SWP5	Pond 5 by Finco	2022	1,331,000		100%	
SWP9	Pond 9 by Finco	2026	732,050		100%	
Total	**New Stormwater**		**4,637,600**			

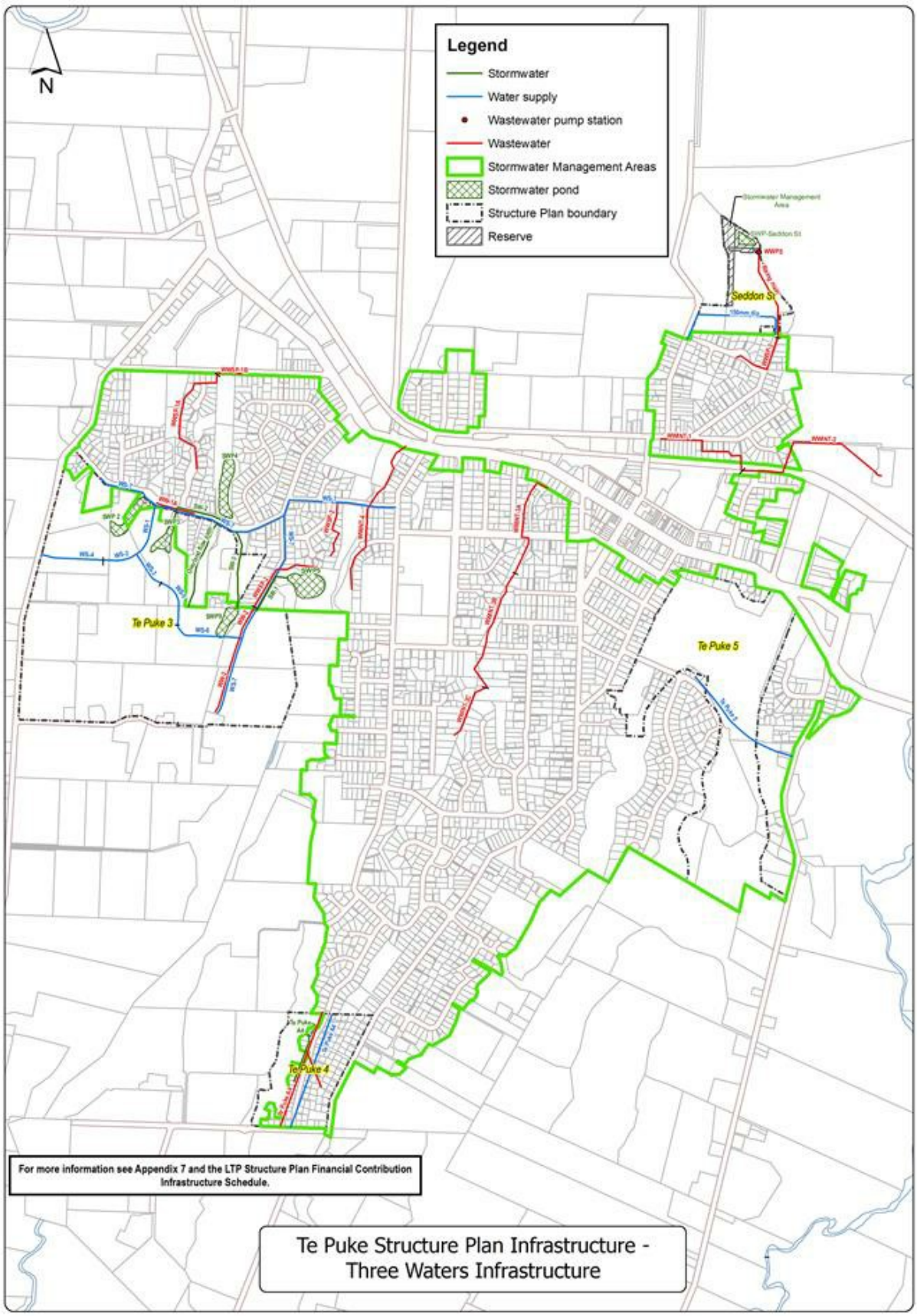
Te Puke Urban Roading						
Project Number	Project Description	Proposed Construction Year	Project Cost Total ($)	Funding Source (%)		
				Developer Funded	Financial Contributions	Rates
RD1-1	Collector Road	2024	1,343,232	74%	26%	
RD1-2	Collector Road	2024	684,288	74%	26%	
RD1-3	Collector Road	2024	937,728	74%	26%	
RD3-1	Collector Road	2023	1,267,200	74%	26%	
RD3-2a	Collector Road	2026	811,008	74%	26%	
RD3-2b	Collector Road	2028	1,900,800	74%	26%	
RU	Urbanisation of Macloughlin Dr	2024	1,397,088	74%	26%	
RD5-1	Linking Cannell Farm Dr to No 1 Rd			100%		
RD5-3	New Collector Road Intersection No 1 Rd	2032	668,800	74%	26%	
WC-1	Walkway along SWP 2	2024	265,954		100%	
WC-2	Walkway along gully	2031	422,057		100%	
WC-3	Walkway towards school	2025	826,848		100%	
TS1	TP Quarry Rd intersection upgrade	2026	1,000,000		8%	92%
TS2	TP No3 Rd intersection upgrade	2026	1,000,000		7%	93%
TS3	TP Cameron Rd intersection upgrade	2026	1,000,000		3%	97%
TS4	TP Boucher Ave intersection upgrade	2026	1,000,000		2%	98%
TS5	TP Jocelyn St intersection upgrade	2026	1,000,000		6%	94%
TS6	TP Oxford St intersection upgrade	2026	1,000,000		2%	98%
TS7	TP No 1 Rd intersection upgrade	2026	1,000,000		1%	99%
Total: Te Puke Urban Roading			**17,525,002**			

Note: This schedule is a summary only. Refer to the Plan Change that proposed the *structure plan* for the original schedule. In accordance with Rule 11.4.1 the schedule is updated annually through the *Annual Plan* and/or *LTP* process to reflect changes in costs and timing.

8.2 Te Puke Structure Plan - Roading and Walkway/Cycleway Infrastructure



8.3 Te Puke Structure Plan - Three Waters Infrastructure


N
Legend
Stormwater
Water supply
Wastewater pump station
Wastewater
Stormwater Management Areas
Stormwater pond
Structure Plan boundary
Reserve
Seddon St
Te Puke 3
Te Puke 4
Te Puke 5
For more information see Appendix 7 and the LTP Structure Plan Financial Contribution Infrastructure Schedule.
Te Puke Structure Plan Infrastructure - Three Waters Infrastructure

Zone

- Commercial
- Industrial
- Medium Density Residential
- Natural Open Space
- Residential
- Rural
- Rural Residential

Boundaries

- Structure Plan Boundary

Structure Plan

- Future Access
- Identified Area
- Reserve Area

Identified Significant Features

- Built Heritage Feature
- Cultural Heritage Feature
- Ecological Feature/Recommended Area for Protection (RAP)

Effect Management Areas

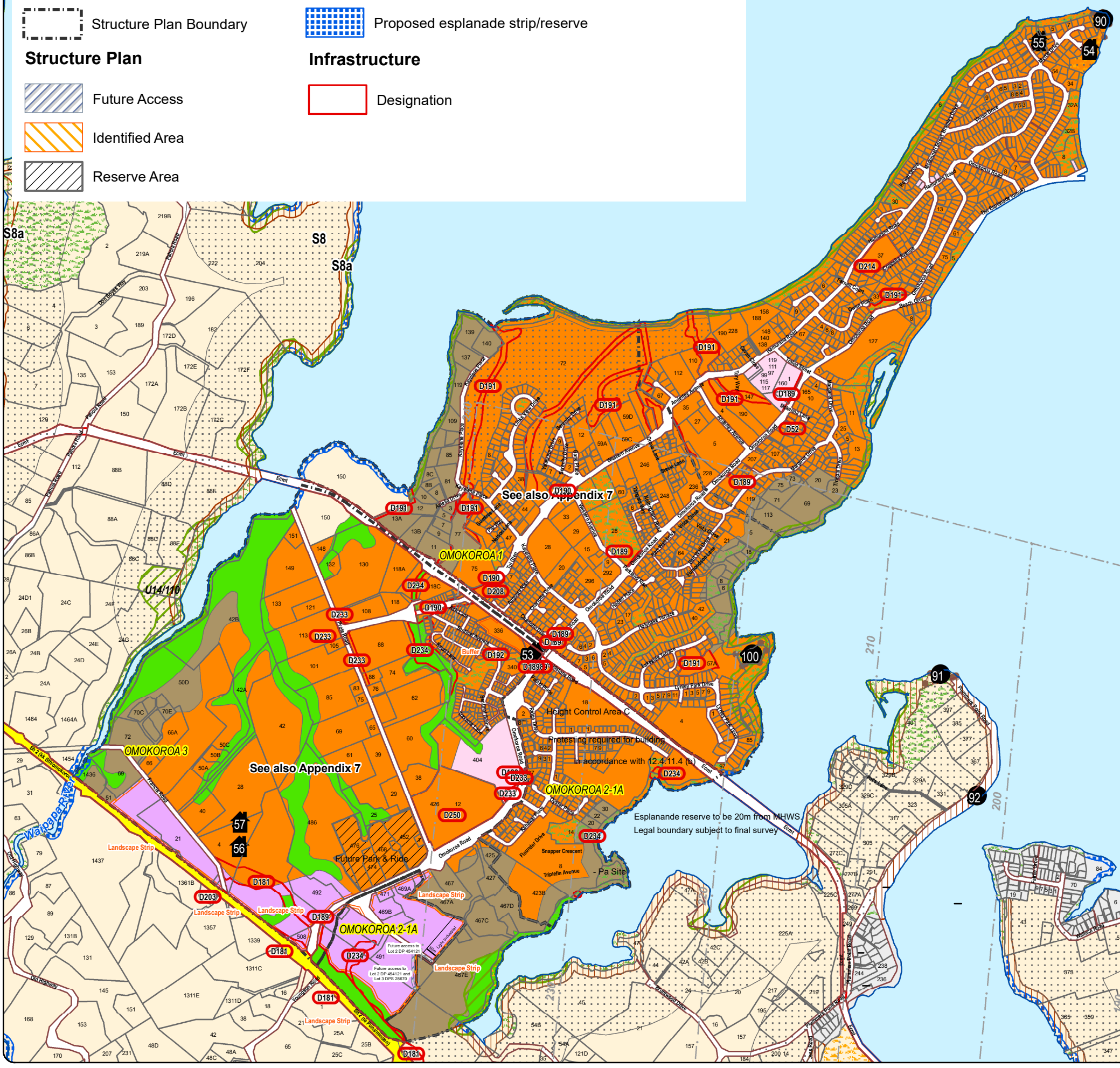
- Airport Approach Surface

Reserves

- Department of Conservation Reserve
- Reserve
- Proposed esplanade strip/reserve

Infrastructure

- Designation


S8a
S8
S8a
OMOKOROA 1
See also Appendix 7
OMOKOROA 3
See also Appendix 7
OMOKOROA 2-1A
OMOKOROA 2-1A
Height Control Area C
Pretesting required for building
in accordance with 12.4.11.4 (b)
Esplanade reserve to be 20m from MHWS
Legal boundary subject to final survey
Future Park & Ride
- Pa Site
Buffer
Landscape Strip
U14/110
D191
D190
D189
D234
D233
D181
D203
D208
D192
D214
D52
D250
53
54
55
56
57
90
91
92
100
Ecmt
Omokoroa Road
Tralee Street
Hamurana Road
Western Avenue
Prole Road
Pahoia Road
Don Rogers Way
Kaylene Place
Tralee Street
Tetley Drive
Serenity Drive
Jane Place
Tui Glen
Kaylene Place
Arataki Drive
Bumble Lane
Drury Way
Nelson Lane
Arthurs Way
Craigmore Drive
Hastie Place
Park Lane
Vista Close
Vista Drive
Tara Shan Way
Nga Hiwi Manu Road
Ohu Mahuki Place
Ohu Whiu Drive
Sandpiper Lane
Kowhai Avenue
Summer Avenue
Kotia Rotary
Ridge Drive
Omokoroa Road
Hastie Place
Tetley Drive
Lakeside Terrace
Lynley Park Drive
Flounder Drive
Snapper Crescent
Triplefin Avenue
Foster Place
Killarney Place
Tetley Drive
Tetley Drive
Tetley Drive

Zone

- Commercial
- Future Urban
- Industrial
- Medium Density Residential
- Residential
- Rural
- Rural Residential

Boundaries

- Structure Plan Boundary

Structure Plan

- Reserve Area

Identified Significant Features

- Notable Trees
- Built Heritage Feature
- Cultural Heritage Feature
- Ecological Feature/Recommended Area for Protection (RAP)

Effect Management Areas

- Electricity Transmission Line
- Electricity Transmission Buffer (16m)

Reserves

- Council Reserves/Esplanade Reserves
- Department of Conservation Reserve
- Proposed esplanade strip/reserve
- Esplanade Strip

Infrastructure

- Designation

Te Puke 3 See also Appendix 7

Te Puke 5 See also Appendix 7

Te Puke 4

Seddon St

U14/24

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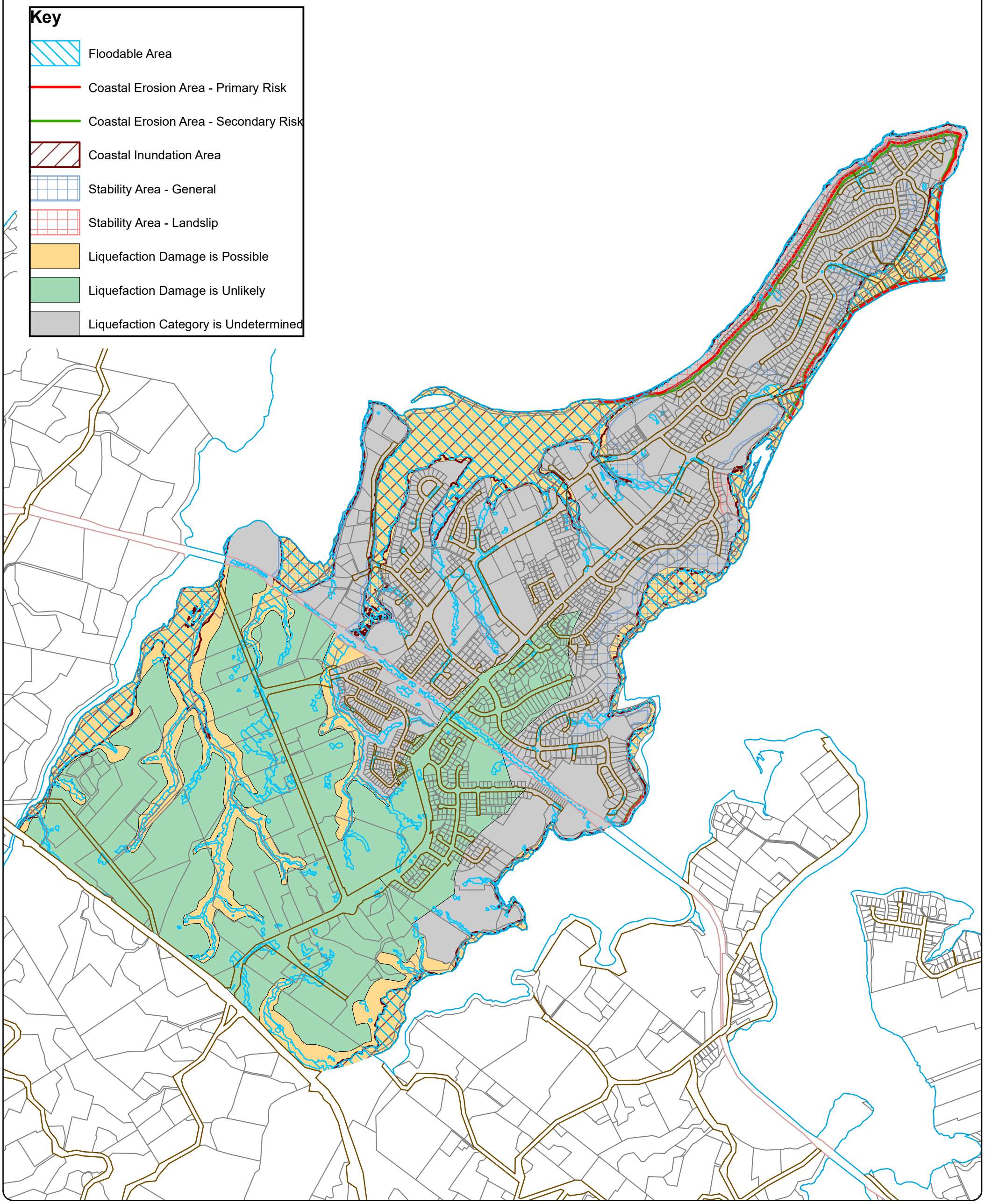
Email: gis@westernbay.govt.nz
Date: 12/08/2022
Operator: mlb
Map: E:\Shape\DistrictPlan\Te Puke Structure Plan and Plan Change\Te Puke - Plan Change 92 - Zoning

Scale A3 - 1:12,500
0 100 200 400 600 800 1,000 Metres

Western Bay of Plenty District Council | For our people

TE PUKE
PLAN CHANGE 92
ZONING MAP

N



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Email: gis@westernbay.govt.nz
Date: 9/08/2022
Operator: mlb
Map: E:\Shape\DistrictPlan\Omokoroa Plan Change October 2021\Omokoroa - Natural Hazards Map - 20

Scale A3 - 1:17,000

0 100 200 400 600 800 1,000 Metres

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ŌMOKOROA
NATURAL HAZARDS MAP

N

Key

- Floodable Area
- Liquefaction Damage is Possible
- Liquefaction Damage is Unlikely
- Liquefaction Category is Undetermined

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Date: 17/08/2022
Operator: mlb
Map: E:\Shape\DistrictPlan\Te Puke Structure Plan and Plan Change\Te Puke - Natural Hazards Map - 20

Scale A3 - 1:17,500

0 100 200 400 600 800 1,000 Meters

Western Bay of Plenty District Council

TE PUKE
NATURAL HAZARDS MAP

N