

*Western Bay of Plenty
District Council*

**Western Bay of Plenty District Plan:
First Review**

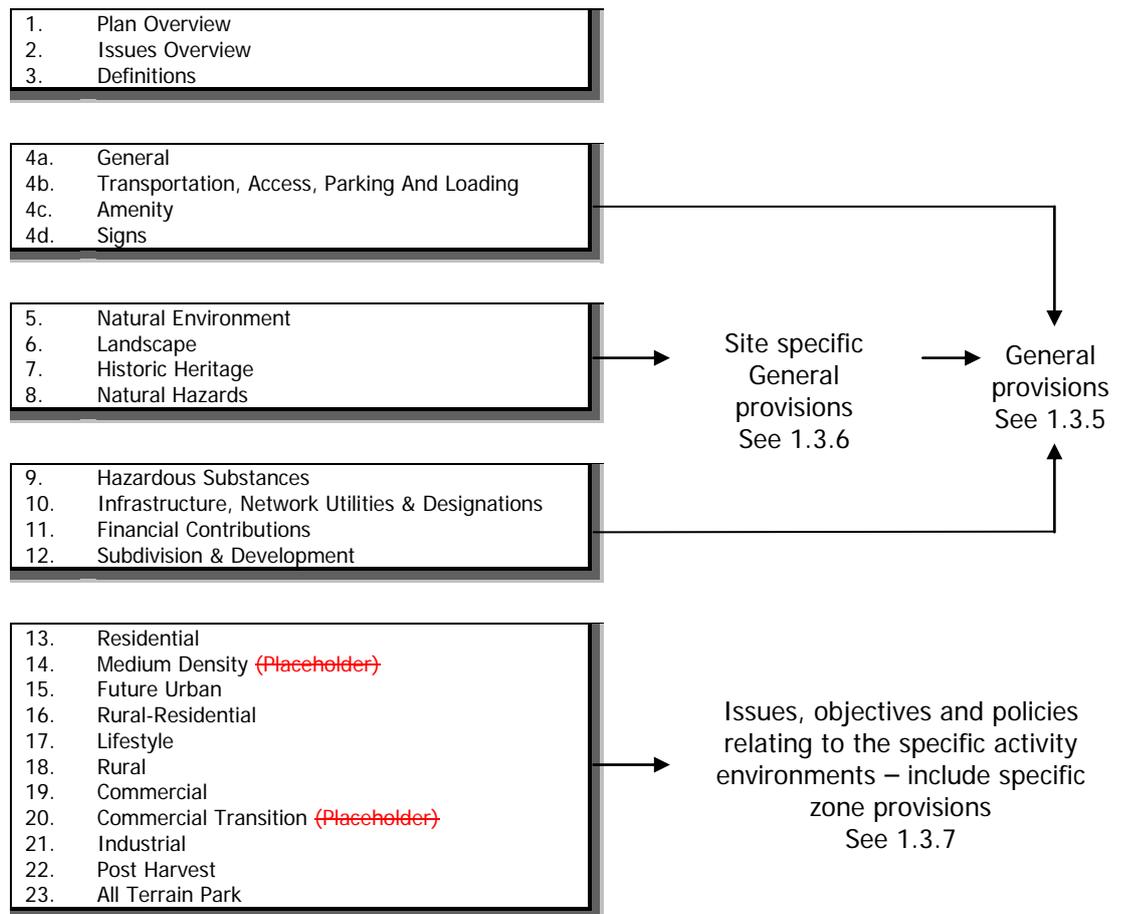
Plan Changes 1-27

**Decision Versions of District Plan
Text and Maps**

11 August 2012

Section 1 – District Plan Overview

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 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.

~~1.3.8 Section 14 Medium Density, and Section 20 Commercial Transition, are placeholders. They are currently being introduced through a Plan Change process and will be included in this document at the time of completion of that process.~~

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.

Section 3 – Definitions

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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* Health and 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*;
- *Accommodation facilities*, including for Park workers;
- *Education facilities*;
- *Infrastructure*, including carparks, toilets, access tracks and *signs*;
- Park works depot;
- Park information/visitors *building*;
- Observation towers;
- *Buildings accessory* to the foregoing.

"Animal Saleyard" means land or *buildings* 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" means a site which has been approved in conjunction with a resource consent application under the *RMA* and has been approved in accordance with any natural hazard the stability requirements contained in Section 8 (Natural Hazards) and any specific technical report to the satisfaction of Council. And matters of control in Rule 16A.5.2 and matters of discretion contained in Rule 16A.6.3 (Lifestyle Section).

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.

"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, or part of a building, 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 ~~4m~~ 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 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)

“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 is covered, or proposed to be covered by ~~may be covered by~~ the footprint of 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, and uncovered decks, uncovered terraces, uncovered steps and swimming pools less than 1m in *height*.

“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.

“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 Maori Land" means *buildings* and outside areas and *structures* used directly in association with *buildings* on *Maori 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.

"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.

"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* 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.

"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 a 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.](#)

“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* 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 *structure* located around equipment that is necessary to operate a telecommunication or radio communication network.

“Existing Urupa” means Maori burial places existing at 2 July 1994 and includes expansion of such places at their existing sites.

“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.

“Farming” means and includes agriculture, including outdoor (extensive) pig farming (means the keeping of pigs in an extensive manner in paddocks where groundcover is maintained and where no fixed *buildings* are required), horticulture, floriculture, beekeeping, aquaculture, the keeping of not more than 25 poultry; and/or the keeping of not more than 12 weaned pigs when these are kept mainly within *buildings* or outdoors without groundcover being maintained.

“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”.

“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 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.

“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 agricultural 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.

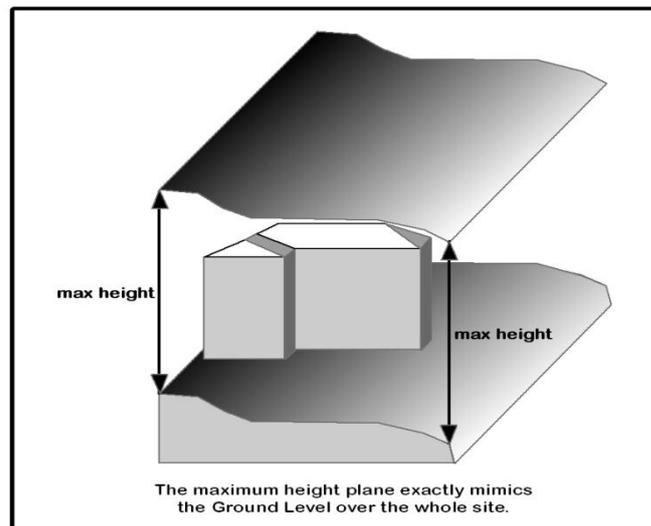
Has one or more of the above properties on contact with air or water.

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

"Height" in relation to *buildings* means the vertical distance between the *ground level* at any point and the highest part of the *building* directly above that point (or whichever part of the *building* directly above that point is being measured) to be measured from the external envelope of the *building*.

Areas of cut or fill which have resulted or will result from work undertaken as part of the construction of a *building* 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.



"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.

Provided that:

"Home Enterprise" does not include *kennels/catteries*, beekeeping or *medical or scientific facilities* in the 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:

For subdivision and *development* in the Commercial Zones, one household equivalent corresponds to a *lot* size of 600m².

For subdivision and *development* in the Industrial Zones, one household equivalent corresponds to a *lot* size of 1800m².

Household Equivalent shall be applied to activities other than *dwelling*s and Commercial and Industrial Zones proportionate to the impact of that activity.

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

Household Equivalent

Infrastructure	Household Equivalent
Water	0.6m ³ per day
Waste Water	0.5m ³ per day
Transportation	10 vehicle movements per day

Note:

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.

Household Equivalent for Accommodation Facilities, Places of Assembly and the like

HHE (averaged over 12 months)		
	Per Staff	Per Guest/customer/participant
Water	0.08	0.08
Wastewater	0.068	0.068
Persons Per Vehicle	1.5	2.7

Note:

These businesses 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:

$$\frac{\text{Actual operating days per year}}{365} \times 100$$

“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*.

“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 infrastructure or network 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 mushroom farming, intensive livestock farming (whether free range or indoors but excludes extensive pig farming) including poultry farms, piggeries, fitch farms, rabbit farms, animal feed lots and other activities which have or require:

- (a) no dependency on the qualities of the soils naturally occurring on the site, or
- (b) *buildings* for the housing and growth of livestock or fungi, and
- (c) excludes greenhouses and other *buildings* used for the growth of vegetative matter.

“Kennels/Catteries” means land and *buildings* used for the boarding and/or breeding 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.

"Leq" means the average continuous noise level.

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

"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 *Maori 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/m^2).

"Lux" (luminous flux) means the International System of Units (SI) unit of measure for illuminance and is equivalent to one lumen per square meter.

"Maori Land" means Maori Land as defined by Te Ture Whenua Maori/Maori 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 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 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 ~~an~~ **any proposed** attached or detached garage or carport ~~with a gross floor area not exceeding 18m²~~ (for the purpose of vehicle storage, general storage and laundry facilities). The garage area shall not be used for living accommodation.

“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.

"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*.

"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.

"Park and Ride Facility" means an area including *buildings* 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 or *buildings* or *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 2002 and amendments.

“Production Forestry” means the management of land for commercial wood production including the extraction of timber therefrom 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.

“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 kanuka, 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.

“Restaurants and other eating places” means any land and/or *building* 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* or part of a *building* 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*, 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, structures 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.

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

"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*.

"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 <i>District</i> . 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 <i>District</i> . 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. Access may be controlled to ensure the safe and efficient function of the roading network.	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 <i>District</i> . 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.
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 Roding 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* used for the purpose of storing equipment associated with a 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*.

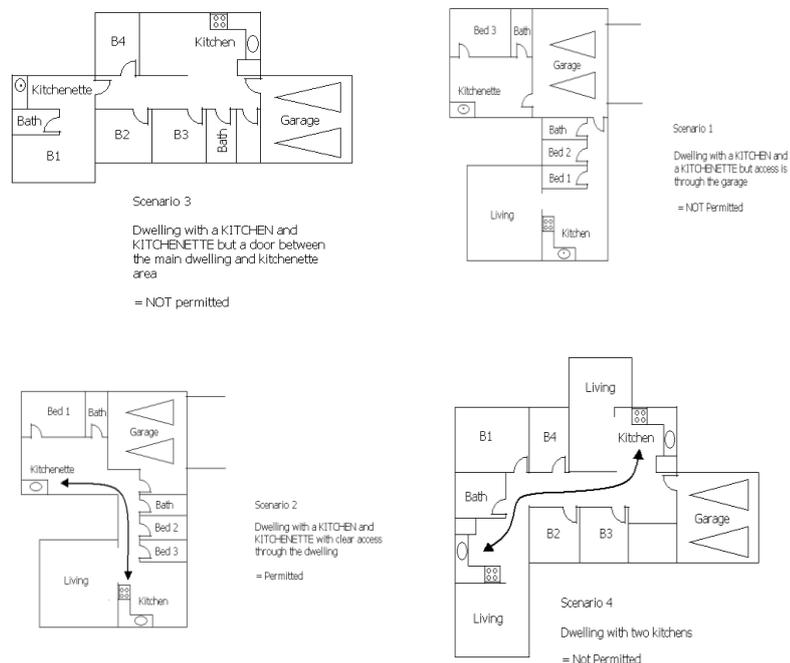
“Seasonal Worker Accommodation” is specific to *post harvest facilities* and means accommodation directly associated with the seasonal labour requirements of the horticultural industry and includes detached buildings (lodges, *dwelling*s, relocatable modular structures, caravans, mobile homes and house 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 kanuka, manuka (*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.

"Sign" 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.

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

"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 the parking of at least one motor vehicle 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 hinau (*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 bdh.

"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 area and not exceeding the maximum *height* permitted activity standards for the zone in which they are located.

“Vehicle and Machinery Sales” means any land and/or *buildings* 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.

“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.

"Warehousing and Storage" means land and/or *buildings* 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.

"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*;

- (iv) Playground equipment unless it meets the definition of a *building*;
- (v) *Signs*.

For the purpose of this definition the yard shall be measured horizontally from the closest point of the *building* 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) and a line parallel thereto, extending across the full width of the *lot*.

Except that:

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

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 4A – General

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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 ~~fall under the jurisdiction of the Regional Council, or 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* 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* and activities incidental to a *building* or *construction* project, including the relocation, removal and demolition of *buildings* and *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	Leq	Lmax
Monday to Saturday and Public Holidays	9am to 10pm	70dBA	75dBA
Sunday	10am to 6pm	70dBA	75dBA
At all other times		40dBA	65dBA

- (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 Hawkers Licences under *Council* Bylaws 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 *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 and Residential Zones temporary buildings 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;
- (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) Carparking
- (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 building for hobby activities

Council's discretion is restricted to the following:

- (a) Visual Amenity
- (b) Temporary Nature of the Building

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 Hawkers 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 the New Zealand 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. The New Zealand 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*;
 - (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, 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 tangata 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* which are to remain on the site and all proposed *buildings* and *structures* (including where applicable, eaves, balconies, courts and verandas);
 - Proposed use of each *building*;
 - 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*, 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* (at a scale of not less than 1:100) showing:
- External appearance of the *building* including doors and windows;
 - Number of floors and their proposed use;
 - *Building* heights and *height* in relation to any boundary;
 - Relative *height* of new *buildings* 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.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 4B –
Transport, Access,
Parking and 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.

The New Zealand Transport Agency (NZTA) 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 car parks 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 onsite on- 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 parking and 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.

~~(b) 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 Rule 4B.4.3 – Access to Rural Roads other than Strategic Roads.~~

- (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) Activities that require new crossings, or increase the use of existing crossings, onto Strategic Roads as per Rule 4B.4.2.~~

- (a) Alternative means of provision of parking and loading as per Rule 4B.4.8, other than as provided for in Rule 4B.3.1 (a) and 4B.3.2 (c).

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 the New Zealand 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

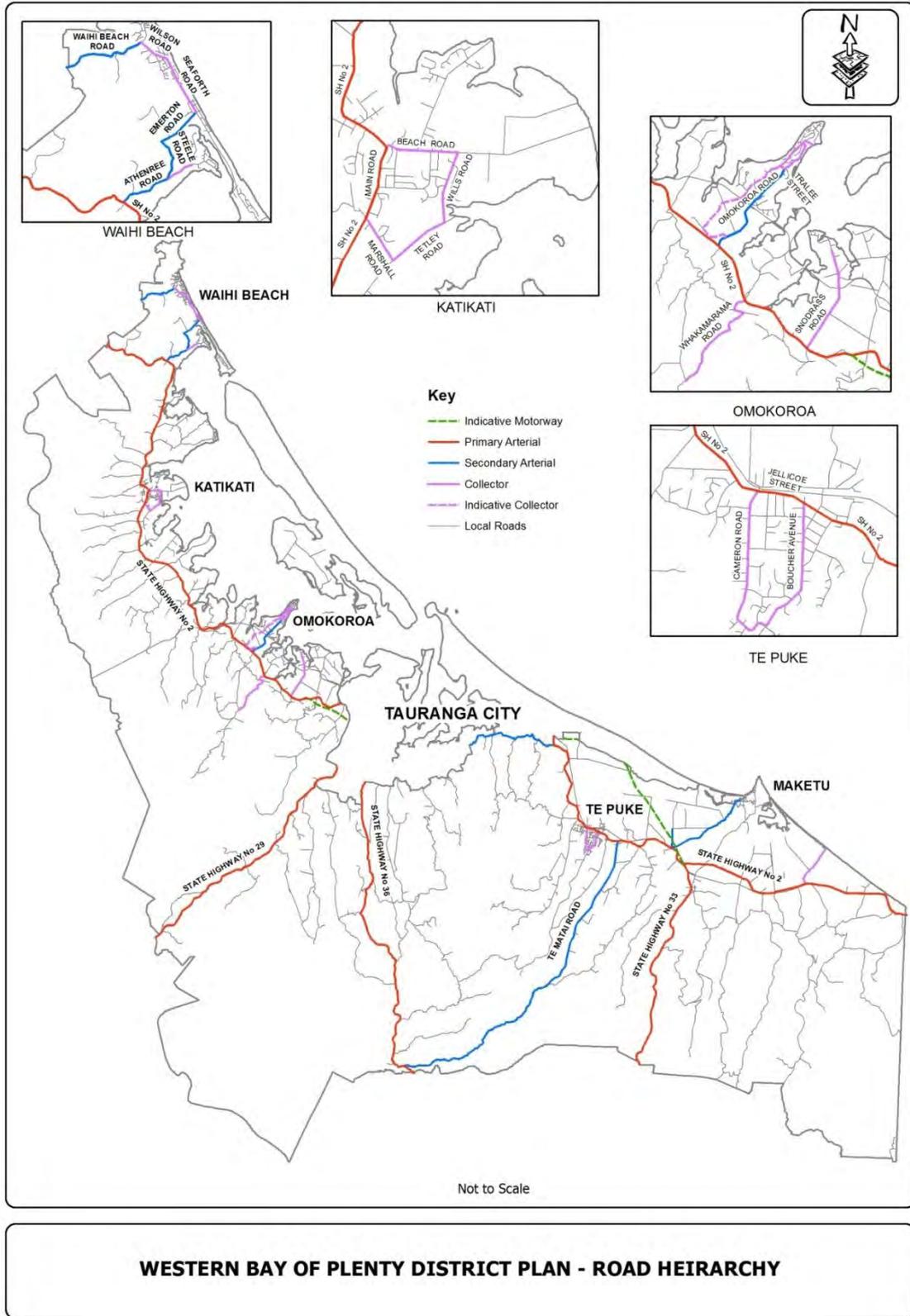
(a) Strategic Roads

- | | | |
|-------|--------------------|--|
| (i) | Motorways | Tauranga Eastern Motorway
Northern Arterial |
| (ii) | Expressways | |
| (iii) | Primary Arterial | State Highway 2
State Highway 29
State Highway 33
State Highway 36 |
| (iv) | Secondary Arterial | Waihi Beach Road
Athenree/Steele/Emerton Roads
Omokoroa 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
Omokoroa Road (Tralee to The Esplanade)
Tralee Street
Hamurana Road
Francis Road (Omokoroa 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 | |

Refer to Roding Hierarchy Map below.



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 the New Zealand 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 the New Zealand Transport Agency pursuant to the Government Roading Powers Act ~~1939~~ 1989.

New Zealand 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 issued for a *building* on any site that does not already have a complying entrance the owner will be required to construct an entrance to *Council's* current minimum standard.
- (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, Rural-Residential, 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, Rural-Residential 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.

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 Zone with direct access off a *District Road* are not required to provide for onsite manoeuvring.

4B.4.7 ~~On-site~~ 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 provide suitable areas for the parking of vehicles and loading as required in the table below. follows:

Within the Waihi Beach and Katikati town centres, as identified on the District Plan Maps, parking and loading provisions for Business Activities, Administrative, Commercial and Professional Offices (as listed in the table below), 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	Car Parking Spaces Required
Residential Activities	
<i>Dwellings</i> (being one household unit).	Two car parking spaces for each <i>dwelling</i> . Note: One may be 'stacked' where it does not interfere with shared access.
<i>Retirement Villages/Rest Homes</i> .	One car parking space for each <i>retirement village dwelling</i> . One car parking space per two <i>retirement village independent apartments</i> . One car parking space per six <i>rest home</i> bedrooms. One extra car parking space per five of the above combined units for visitors. One car parking space per two full time staff.
Accommodation Facilities	
Boarding houses, Hostels, Hotel Accommodation.	One car parking space to every three persons designed to be accommodated plus one car parking space per two staff members.
Motels, Lodges, Camping Grounds, Caravan Parks.	One car parking space for each unit place plus one per two staff members.
Places of Assembly	
Clubrooms, <i>Restaurants</i> , Brasserie, Cafe, Hotels, Taverns exclusive of accommodation.	One car parking space for every five persons the facility is designed to cater for.
Recreational and Community Activities with no <i>buildings</i> .	Two spaces to every five persons the facility is designed to accommodate.
Places of Worship Churches and Mortuary Chapels, Funeral Directors Halls, Theatres, Libraries, Gymnasiums, Marae and other <i>places of assembly</i> .	Participants and spectators are to be catered for both motor vehicle use and bicycles 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.	One car parking space for every staff member plus two spaces for visitors.
Secondary Schools, and Educational Institutions with 50 or more pupils.	One car parking space for every staff member plus two spaces for visitors plus provision for pupil's vehicles assessed by a discretionary use application.
Business Activities	
<i>Retailing</i> shops (including drive-in retail facilities and banks).	One car parking space to every 20m ² of <i>gross floor area</i> .
<i>Home Enterprises</i> in the Residential, Rural, Rural Residential and Future Urban Zones.	One onsite car parking space per 120m ² of site area dedicated to the use of the <i>Home Enterprise</i> .
Administrative, Commercial and Professional <i>Offices</i> not in a residential <i>building</i> .	One car parking space to each 40m ² of <i>gross floor area</i> .
Motor Vehicle and Agricultural Implement sales yards.	One car parking space per 150m ² of display area.
Medical Centres and Veterinary Clinics.	Five car parking spaces per professional person plus one car parking space per two staff.

Activity	Car Parking Spaces Required
Business Activities (continued)	
Service Stations and Premises for Assembly, or Repair of Motor Vehicles.	Two car parking spaces per three staff One car parking space per 40m ² <i>gross floor area</i> of shop. Four car parking spaces per workshop bay. Three queuing spaces for a carwash. One car parking space per air hose or vacuum.
Warehouses, <i>Depots</i> , <i>Building and Construction Wholesalers</i> (with no retail component) and Storage Facilities (indoor and outdoor), Auction Rooms.	One car parking space to each 100m ² of <i>gross floor area</i> so used.
<i>Building and Construction Retailers</i> or Retailers and Wholesalers combined	One car parking space to each 50m ² of <i>gross floor area</i> so used.
<i>Commercial Services</i> , Hire Centres, Dry Cleaning <i>Depots</i> , Repair Services, Tradesman's Workshops.	One car parking space per 40m ² of <i>gross floor area</i> .
Industrial Uses.	One car parking space to each 50m ² of <i>gross floor area</i> .
Packhouses, Coolstores.	One car parking space to each 25m ² of <i>gross floor area</i> . Minimum of 20 car parking spaces.
<i>Post Harvest Facilities</i> 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.
<i>Works and Network Utilities</i> .	One car parking space per permanent employee.
<p>Notes:</p> <p>All parking and loading spaces and manoeuvring areas shall be provided onsite exclusive of land required for service land or road.</p> <p>All car parking spaces shall be suitable for a 90 percentile car</p> <p>Loading Requirements: All permitted uses, exclusive of <i>dwelling</i>s and <i>network utilities</i> 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.</p> <p>Fractional Spaces: Where the assessment of the number of parking spaces results in a fractional space being involved any fraction under one-half shall be disregarded and fractions of one-half or more shall be counted as one space.</p> <p>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.</p>	

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 Waihi Beach and Katikati town centres, the following alternative means of parking and loading:

(a) Joint provisions of parking and 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 parking and loading areas for their common use. The number of parking spaces required shall be the sum of the requirements for each activity;
- (ii) Where it can be shown that the parking or 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 parking or 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 parking or loading area as a joint area where the demand for parking or 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 parking or loading area.

Or

(b) Cash in lieu

- (i) *Council* may accept cash-in-lieu of parking and the monies received shall equate to the cost of the land nearby and formation of a carpark for the spaces not provided onsite. A financial contribution for parking shall only be received where *Council* owns or has designated land in the vicinity of the subject site identified on the Planning Maps for the purposes of public carparking.

The following formula will be used to calculate the cost per parking space:

$$\frac{(50\% \times 25\text{m}^2/\text{parking bay}) \times (\text{land value} / \text{m}^2) + \text{construction costs} / \text{parking bay}}$$

- (ii) Cash received in lieu of parking for development in any one town centre shall be used solely for parking in that town centre. An account shall be kept at *Council's* Offices of the number of spaces funded by developments in the vicinity of the carpark. This information must be referred to prior to *Council* accepting a financial contribution. See also Section 11.

Explanatory Note:

Cash in lieu for parking is the preferred means of parking provision in the Katikati and Waihi Beach town centres for:

- Business Activities including *retailing* shops
- Administrative, Commercial and Professional Offices not in a residential building.

Cash in lieu for parking is only an alternative means of parking provision within the Waihi Beach and Katikati town centres for activities other than the ones mentioned above.

Parking bays are not dedicated at a specific location for a specific activity.

Or

(c) On-street parking

- (i) Where onsite parking is required but *Council* considers that it is not reasonable or practical now or in the future to make that provision onsite, *Council* may approve on-street parking facilities as close to the site as is reasonable and practicable;
- (ii) The *Council* may require a set back of the footpath to accommodate on-street parking and may require the full cost to be borne by the applicant.

Or

(d) Additional land areas

- (i) The *Council* may approve parking provided on suitably zoned land sufficiently close to that site (but not on any road or service lane) to ensure the ready use of such parking areas by visitors and employees of the activity. *Council* shall require legal evidence of the parking site being tied to the activity.

Or

(e) On-site parking within the Katikati and Waihi Beach town centres

- (i) As a Restricted Discretionary Activity, the 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 and Lifestyle 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 *dwelling*s 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 parking and loading provisions within the Waihi Beach and Katikati town centres.
- (a) The location of available *Council* owned or designated public parking and 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 relating to the extent and nature of the particular non-compliance.~~

"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 ~~Relocation of an existing entrance~~ to a complying or less non-complying location;
- ~~(d) Erection of roadside signage;~~
- ~~(e) Establishment of public transport stops;~~
- ~~(f) Establishment of cycle stands;~~

- (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 relating to the extent and nature of the particular non-compliance.~~ 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 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.7.1 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*.
- ~~(e) The impact on pedestrian safety from vehicles crossing the footpath to access on-site carparks.~~
- ~~(f) The impact on a continuous shop front.~~
- ~~(g) With regard to on-site parking in Waihi Beach and Katikati town centres, the availability of adequate land on-site to accommodate safe and convenient parking and vehicle movements.~~

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 Assessments* should reference appropriate best practice technical guides and consultation (where undertaken) with the New Zealand 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) The New Zealand 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 New Zealand Transport Agency

- (a) The New Zealand 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 the New Zealand 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 4C – Amenity

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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 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 Permitted 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.

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 standards, guidelines, or 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, Rural-Residential, Future Urban, Rural and Lifestyle 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 Future Urban Zone (other than the site of the activity);
- (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) 30dBA in bedroom and LAeq(15min) 40dBA 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.

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

(b) Noise limits for activities in Industrial and Commercial Zones

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 Future Urban Zone:

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

(c) Noise sensitivity

- (i) For potentially noise-sensitive activities such as commercial offices, *places of assembly*, *medical*, *veterinary* or *scientific facilities* and *dwelling*s and *accommodation facilities*, 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
	Leq	Leq
Offices not accessory to any industry, storage or warehousing	45dBA	N/A
Residential units (habitable spaces)	45dBA	30dBA

(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 Rangioru 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 ~~may~~ 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, Rural-Residential, or Future Urban Zone:

Time Period	Sound Level Not To Be Exceeded	
	<i>Leq</i>	<i>Lmax</i>
Daytime 7am – 10pm	55dBA	N/A
Night time 10pm – 7am	45dBA	65dBA

Provided that:

- (i) Night time levels may exceed LAeq 45dBA where it is demonstrated that a noise level not exceeding LAeq (15min) 30dBA ('the internal level') can be achieved within all bedroom and LAeq(15min) 40dBA 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 45dBA 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 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) 30dBA in bedrooms and LAeq(15min) 40dBA 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	Leq	Lmax
Monday to Sunday	7am to 10pm	50dBA	N/a
At all other times and Christmas Day, Good Friday and Easter Sunday	7am to 6pm	40dBA	65dBA

- (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:

$$\text{CNR} = Y - 25 + 10 \log (N) + 10 \log (R);$$

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 *dwelling*s 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.1.6, 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 (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.

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 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 the relevant performance standards of the underlying zone. Should the fan not comply with the relevant noise standards the activity shall default to be considered as a Controlled or Restricted Discretionary Activity as detailed in 4C.1.3.7 and 4C.1.3.8.

4C.1.3.7 Frost Protection Fans – Performance Standard for Controlled Activity

Where the following performance standards cannot be met then the activity shall fall to being assessed as a Restricted Discretionary Activity.

- (a) Noise from the operation of frost protection fans shall not exceed 55dBA *Leq* and 65dBA *Lmax* at any point within the *notional boundary* of any *dwelling* in a Rural or Lifestyle Zone (excluding a residential *dwelling* on the same property on upon which the fan is operating) nor at any point within the boundary of any property within a Residential, Rural-Residential or Future Urban Zone.
- (b) The overall *height* for the fan including the fan blade shall not exceed 15m.

- (c) When the 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 2°C, and shall cease operation when the rising temperature reaches 4°C at canopy height.
- (d) When the frost protection fan is operating for maintenance purposes the machine shall only be used from Monday to Friday 8am to 5pm.

Explanatory Note:

Fan Type - The distance required to achieve 55dBA will vary depending on the noise performance of the frost protection fan. Applications for resource consent must be supported with evidence identifying the noise performance of the fan to be used.

4C.1.3.8 Frost Protection Fans – Performance Standard for Restricted Discretionary Activity

Where the written approvals of all affected persons have not been obtained then notice shall be served on those persons.

Explanatory Note:

For the purpose of identifying affected persons where the noise from the operation of the frost protection fan exceeds 55dBA *Leq* at any point within the *notional boundary* of any *dwelling* in a Rural, Lifestyle or Future Urban Zone, (excluding a residential *dwelling* on the same property on upon which the fan is operating) or at any point within the boundary of any Residential or Rural-Residential zone, those occupiers/owners shall be deemed to be affected.

4C.1.4 Matters of Control - Controlled Activities

4C.1.4.1 Frost Protection Fans

- (a) Without limitation, *Council* will assess the proposed model of fan(s), location(s), possible alternatives, and any proposed noise mitigation measures.

4C.1.5 Matters of Discretion

4C.1.5.1 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.1.5.2 Restricted Discretionary Activity - Frost Protection Fans

Council shall restrict its discretion to the following:

- (a) The best practicable option, this should address as a minimum; alternative options for frost protection, effectiveness of those alternative options, affordability, cumulative effects of existing machines in the vicinity, and any effects on established land uses, and proposed mitigation.
- (b) The effect of the increased noise level on those persons who will experience noise levels over 55dBA *Leq* at their *notional boundary* or boundary.

4C.1.6 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, for example odour, vermin, visual intrusion and litter.

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.

4C.2.3 Activity Lists

4C.2.3.1 Permitted Activities

- (a) Disposal on private land (i.e. not to an authorised landfill) of the following solid waste materials:
 - (i) Cleanfill;
 - (ii) Organic waste (e.g. shelter trimmings, home composting) that originates from the site itself.

Explanatory Note:

Disposal of all solid waste on private land (including cleanfill) is subject to the provisions of the Regional Water and Land Plan.

4C.2.3.2 Discretionary Activities

Storage or disposal on private land (i.e. not to an authorised landfill) of solid waste that is not derived from the site on which it is located, whether man-made or natural.

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. Any Permitted 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, Future Urban, Rural-Residential, Lifestyle and Rural Zones, recreation reserves and the public road. Screening shall be as required in Section 4C.5

Explanatory Note:

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 ~~18.5.7(g)~~ 18.5.8(g).

(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 *dwelling*s) 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.

4C.2.5 Matters of Discretion

4C.2.5.1 Discretionary Activity Criteria

The matters that *Council* will take into account include but are not limited to:

- (a) The existing amenity of the surrounding environment.
- (b) Proximity of the site to public roads and services.

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 or Residential.
- (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.
- (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.
- (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 or Industrial and Residential zones	Urban and 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 <i>luminaires</i> 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, 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 Department 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 met by all Controlled Activities that are required to be screened by a specific rule in the District Plan, and shall be used as a guide for all Discretionary and Non-Complying Activities. At Omokoroa 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* 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 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 or is separated by a road from a 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 the State Highway at Te Puke north of the Ohineangaanga Stream bridge to Collins Lane; or 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) Omokoroa Industrial Zone

- (i) A 10m minimum width landscape strip shall be provided along the perimeter of the Industrial Zone or adjacent to Omokoroa, Hamurana and Francis Road as shown in the Omokoroa Stage 2 Structure Plan maps. The landscape strip is to be at least 10. wide and densely planted evergreen plants, with a minimum *height* of 1.2m at the time of planting and 8m at maturity;
- (ii) A 10m planted median within the *road reserve* of the road leading east off the Francis Road roundabout and vested in *Council* shall be provided in Lot 2 DPS 68390. Such planting shall be in evergreen trees with an average *height* of at least 5m and a *height* at maturity of at least 10m and be sufficient to screen industrial *development* within Lots 2 DPS 68390 and Pt Lot 4 DPS 72370 from State Highway 2;
- (iii) 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 State Highway 2/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 State 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 1A of the Te Puke West Industrial Zone (as shown on the Staging Plan contained in Appendix 7), a 10m wide corridor adjacent to State Highway 2 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 State 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 100m². 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 4D – 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 ~~impact on~~ 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 the New Zealand 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 not 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~~

4D.3.1.1 Permitted Activities

~~4D.3.1~~

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 3m² 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 and/or

- (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 1m² 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.

~~(c) *Signs* warning of health and safety hazards which do not exceed 0.6m² 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; and any activity which has been lawfully established.~~

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, Lifestyle and Rural-Residential Zones

4D.3.1.2

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 0.5m².
- ~~(b) *Signs* warning of health and safety hazards which do not exceed 0.6m² in area and are erected by a requiring authority or in association with an activity for which a resource consent has been granted.~~

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 Omokoroa)

4D.3.1.3

4D.3.3.1 Permitted Activities

The following *Low or Medium Intensity Signs*

Except as provided for in Rule ~~4D.3.1.5(a)~~ 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 0.5m² each.

~~(f) *Signs* warning of health and safety hazards which do not exceed 0.6m² in area and are erected by a requiring authority or in association with an activity for which a resource consent has been granted.~~

Explanatory note:

~~For the purposes of Rule 4D.3.1.3, *signs* shall be limited to either low intensity or medium intensity *signs* in accordance with the table below:~~

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.

4D.3.3.2 Discretionary Activities

High Intensity Signs

4D.3.4 Te Puna Industrial Business Park

4D.3.1.5

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 18m².
- (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 6m².

4D.3.4.2 Discretionary Activities

High Intensity Signs

4D.3.5 Omokoroa Commercial and Industrial Zones

4D.3.1.6

4D.3.5.1 Permitted Activities

The following *Low or Medium Intensity Signs*

- (a) *Signs* on industrial or commercial frontages along Omokoroa, 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 1m² 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 principle *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.3.1.4

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)

4D.3.1.7

(a) Signs for community activities and events

Signs advertising community activities or events provided such *signs* are not larger than 3m² 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 3m² 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.3.1.8

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 0.6m² 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.3.2

4D.4.2.1

4D3.2.1

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 ~~under Rule 4D.3.1:~~

- (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

4D.3.2.2

(a) Communities adjoining State Highways (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 (Omokoroa, 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 3m² 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 12m² 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

4D.3.2.3

This rule applies to *signs* located in the vicinity of intersections with State Highways 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 2m². *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 6m² in area located within or adjacent to the *road reserve* between 200m and 500m from the intersection with the State 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.3.2.4 Illuminated Signs in Commercial and Industrial Zones**~~

~~High intensity *signs* in accordance with the table under Rule 4D.3.1.3(f).~~

4D.4.3 Non-Complying Activities

4D.3.3

- ~~(a) Any medium or high intensity *sign* in a Rural, Rural-Residential, Future Urban or Residential Zone.~~

- (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.3.2~~ 4D.4.2)

Except that:

Signs in the vicinity of the State Highway 2/Bell Road intersection relating to the Papamoa shopping centre shall be Discretionary Activities subject to any such *signs* being in accordance with ~~4D.3.2.2(b)~~ 4D.4.2.2(b).

- (b) ~~No~~ *Signs* or other advertising mediums ~~may be~~ 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.4~~

4D.5.1 General ~~4D.4.1~~

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 ~~4D.4.1.1~~

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 ~~4D.4.1.2~~

- (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* 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

4D.4.1.3

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* within the zone in which the property concerned is located.

4D.5.1.4 Subject Matter

4D.4.1.4

The subject matter of any *sign* shall be specific to the lawfully established activity to which it relates.

4D.5.1.5 Design

4D.4.1.5

Signs shall not conflict with the colour combinations or shape of traffic signs.

4D.5.1.6 Illumination of Signs

4D.4.1.6

The following performance standards shall be met by all:

- Medium Intensity *Signs* in the Commercial and Industrial Zone; and
- Medium and High 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

4D.5

- (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 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.6~~

4D.7.1 The New Zealand 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) New Zealand 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 5 – Natural Environment

- (b) Clearance of exotic species subject to no native trees greater than 6m in height being felled for access.
- (c) Planting and management of indigenous vegetation, restoration, perimeter fencing, and any plant or animal pest control measures.
- (d) Activities on reserves as provided for in the Reserves Act 1977 and the Conservation Act 1987.
- (e) Trimming or pruning of any native tree, bush or plant if it becomes a hazard or infringes onto an area used for primary production so long as it will not result in the death, destruction or irreparable damage of the tree, bush or plant.
- (f) *Maintenance* of existing tracks, walkways and fences.
- (g) All activities that would otherwise be permitted by the District Plan shall be permitted where evidence is provided to the satisfaction of Council that demonstrates that an area(s) (or part of an area) identified on the District Planning Maps as an ecological feature does not contain any ecological values and has not contained the ecological values since 1994.

5.4.2 Restricted Discretionary Activities

- (a) Native vegetation removal, destruction or clearance (including logging and burning).
- (b) *Earthworks.*
- (c) Infilling (including dumping), drainage or piping of *wetlands*.
- (d) Planting of exotic species.
- (e) Visitor and outdoor recreational facilities and activities.
- (f) *Educational facilities.*
- (g) *Accommodation facilities* associated with (e) or (f) above.
- (h) *Dwellings* and *accessory buildings* including *minor dwellings* and accessory dwellings.
- (i) *Home enterprises.*
- (j) Subdivision.
- (k) Minerals exploration, mining and *quarrying*.

- (l) Works and *network utilities* as provided for in Section 10.

5.4.3 Prohibited Activities

- (a) *Places of assembly* not covered in 5.4.2.
- (b) *Accommodation facilities* not covered in 5.4.2.
- (c) *Production forestry* not covered in 5.4.2.
- (d) *Rural contractors depots*.
- (e) *Kennels, catteries*.
- (f) *Intensive farming*.
- (g) *Rural selling places*.
- (h) *Animal saleyards*.
- (i) Coolstores/packhouses.
- (j) Dumping of rubbish or garden waste.
- (k) Planting or introduction of pest plant and animal species.

5.5 Information Requirements

Any application must be accompanied by an Assessment of Environmental Effects (AEE). The degree of detail of the AEE should reflect the nature and effect of the proposal on the Identified Significant Ecological Feature. The AEE of proposed activities must take account of the values of the feature and its vulnerability. The AEE shall contain the following information:

- (a) A plan of the property subject of the application indicating the location and dimensions of areas to be affected by the proposed works (must include the extent of any excavation, fill, water flow, water table and vegetation clearance impacts where relevant).
- (b) The location of existing and proposed *buildings* and activities in relation to the ecological feature and how the development proposal will serve to protect and enhance the feature.
- (c) An assessment of the impact of the proposal on natural habitats and ecological values of the locality and how they will be avoided, remedied or mitigated and managed for protection (including *wetland* and riparian impacts). Depending on the effects of the proposal, assessment may be required from a suitably qualified person.

- (d) Details of an appropriate rehabilitation programme or other mitigation measures for the area to be subject to the proposed activities. Again this may need to be from a suitably qualified person depending on the nature of the effect and mitigation required.

Explanatory Note (not a rule)

There is a requirement under Part III of the Forests Act 1949 to consult with the Indigenous Forest Unit of the Ministry for Primary Industries before felling any indigenous forest on private land.

- (e) The location and extent of any archaeological, cultural and historic sites within any allotment subject to the application and how they will be affected by the proposal.
- (f) The likely impact of the proposal on natural landforms in terms of potential for subsidence or erosion (including stream banks).
- (g) The time period over which the work will take place.
- (h) The likely impact of noise generated from *construction* activity, the facilities and/or activities on natural habitats and ecosystems (including noise generated from modes of transport and/or recreation equipment, and including levels, times, and durations).

5.6 Matters of Discretion

5.6.1 Assessment criteria for Restricted Discretionary Activities

In considering an application for a Restricted Discretionary Activity *Council* is restricted to the following assessment criteria. These criteria can be used as a guide for Discretionary and Non Complying Activities.

- (a) The scale and intensity of the activity shall be tailored to ensure the sustainability of natural habitats and ecosystems associated with the site.
- (b) All existing native vegetation shall be retained except where removal is unavoidable for the following reasons:
 - (i) to create a *building* platform;
 - (ii) for access and parking;
 - (iii) for the purposes of the proposed activity.

In this case mitigation should be provided to compensate for the loss of this vegetation where deemed appropriate.

- (c) Any native vegetation removal must not adversely affect the functioning and sustainability of natural habitats and ecosystems.

Section 6 – Landscape

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Matakana Island

Aspects of this Section of the District Plan that relate specifically to Matakana Island remain subject to appeal by reason of the following appeals:

- Bay of Plenty Regional Council (ENV-2010-AKL-000096)
- Blakely Pacific Limited (ENV-2010-AKL-000076)
- TKC Holdings Limited and Matakana Investment Group Limited (ENV-2010-AKL-000072)

As such the provisions in this Section of the District Plan that relate to the above have been annotated to indicate existing appeals. This has been done by providing a line in the right hand margin beside the part of the District Plan that has been appealed. Beside these lines is a number which is the *Council* reference to the respective appeals as follows:

- Bay of Plenty Regional Council - 1
- Blakely Pacific Limited - 3
- TKC Holdings Limited and Matakana Investment Group Limited - 35

Accordingly, in regard to provisions relating specifically to Matakana Island, the 2002 Operative District Plan and the 30 January 2010 Decisions Version of the Proposed District Plan remain applicable. In all other cases the 2012 District Plan as operative applies to Matakana Island.

Landscape

6. Landscape

Explanatory Statement

The Western Bay of Plenty District Council has a number of natural features and landscapes that are appreciated by residents and visitors alike for their outstanding visual character and appeal. These features have been formally identified in a landscape assessment and mainly comprise of dominant landform features such as peaks, ridgelines and sharp transitions between landform types such as between land and water. A number of important *viewshafts* from State Highways and public lookouts have also been identified.

These landscape features and views are sensitive to change and their visual quality can be compromised by the individual or cumulative effects of land use and *development* activities which are not in harmony with the natural appearance of the landscape. Over the next ten year planning period, it is anticipated that there will be additional pressure put on these landscapes from subdivision and *development*. To ensure these landscape features are protected and maintained for current and future generations it is appropriate to implement planning controls to ensure potential impacts of *development* are avoided or mitigated.

~~The rules Activity performance standards~~ in this Section apply to ~~the all~~ Outstanding Landscape Features identified in Appendix 2 and on the Planning Maps. Specific Landscape Management Areas and rules have been adopted for both the Wairoa River Valley and Tauranga Harbour Margin. The new setbacks which define the extent of these management areas are significantly larger than in the previous District Plan, however they provide a more accurate reflection of the particular vulnerability of these landscapes to inappropriate subdivision and *development*. A set of Permitted Activity standards has been provided to allow *development* to still occur as of right in situations where the effects are deemed to be acceptable.

The Outstanding Landscape Features identified in Appendix 2 are in most cases located on private property. The overall intention of the rules in this section is to not unreasonably prevent *development* within landscape features but rather to ensure that *development* is undertaken in a manner which mitigates its visual impact against the surrounding natural environment.

Lot boundaries provide the overall pattern of landscape that in time determines landscape character. Where possible they should be aligned to reinforce the natural pattern of the landscape.

Existing use rights apply. These include farm management and the management of other land currently used for *production forestry*, woodlots, and quarries.

6.1 Significant Issues

1. The *District* has a number of outstanding natural features and landscapes, the visual quality of which can be adversely affected by inappropriate subdivision, use and *development*.
2. Important *viewshafts* from public locations such as State Highways and public lookouts can be compromised by inappropriate land use and *development* activities.

6.2 Objective and Policies

6.2.1 Objective

The unique visual quality and character of the *District's* outstanding natural features, landscapes and *viewshafts* are protected from inappropriate subdivision, use and *development*.

6.2.2 Policies

1. Within areas identified as being outstanding natural features and landscapes, landscape character should be protected and enhanced by managing the adverse effects of inappropriate land use and *development* activities.
2. Identified outstanding *viewshafts* throughout the *District* should be maintained through the avoidance of inappropriate *development*.

6.3 Applicability

The rules within the Landscape Section apply only within identified natural features and landscapes and identified *viewshafts*. Refer to Planning Maps for general location and Appendix 2 (Schedule of Identified Outstanding Landscape Features) for detailed descriptions. For the purpose of interpretation, the description provided in Appendix 2 shall take priority over the maps with regard to location. ~~The Assessment Criteria in 6.6.1 apply to:~~

~~(a) Activities within natural features and landscapes where such activities are visible from State Highways and identified public lookouts.~~

~~(b) Activities within the Landward Edge Protection Yards Maketu Estuary (S19), and Waihi Estuary (S21) and Tauranga Harbour (S8) and Wairoa River (S7) Landscape Management Areas and Matakana Island (S9) where such activities will be visible from the adjoining waterbody.~~

~~(c) Activities within the Open Coastal Landward Edge Protection Yard (S24) where such activities will be visible from both the adjoining waterbody and the beach.~~

~~(d) Activities within identified *viewshafts* where such activities could compromise the quality of the view or cause or contribute to the obstruction of the view.~~

~~**Explanatory Note:**~~

~~The Tauranga Harbour (S8) and Wairoa River (S7) Landscape Management Areas and Matakana Island (S9) are included as natural features and landscapes within Appendix 2 and extend 300m inland from MHWS (S8 and S9) and the river bank (S7) on Rural Zoned land only.~~

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6.4 Activity Lists

6.4.1 Permitted Activities

In addition to those activities listed as Permitted in the respective zone (or in Rule 10.3) but excluding those listed as Restricted Discretionary in 6.4.3 below, the following are Permitted Activities:

6.4.1.1 Within Identified ~~Outstanding Landscape Features~~ **Natural Features and Landscapes**

- (a) *Production forestry* in landscape feature S9 - Matakana Island.
- (b) Native forest logging under the Forest Amendment Act 1993.

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6.4.1.2 Within 50m inland from MHWS in the Tauranga Harbour Landscape Management Area (S8) and within 50m from the river bank in the Wairoa River Landscape Management Area (S7), and within 40m from MHWS in the Matakana Island (S9) landscape feature

- (a) Where ancillary to a permitted activity in the Rural Zone – *earthworks* (cut or fill) not exceeding a maximum cumulative volume of 200m³ per *lot* or resulting in a maximum cumulative vertical face of greater than 1.5m. Provided that any face shall be grassed or mass planted.

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6.4.1.3 Between 50m and 300m inland from MHWS in the Tauranga Harbour Landscape Management Area (S8) and between 50m and 300m from the river bank in the Wairoa River Landscape Management Area (S7) and between 40m and 300m inland from MHWS in the Matakana Island (S9) landscape feature

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- (a) Where ancillary to a permitted activity in the Rural Zone or associated with a *building – earthworks* (cut or fill) not exceeding a maximum cumulative volume of 500m³ per *lot* or resulting in a maximum cumulative vertical face of greater than 1.5m. Provided that any face shall be grassed or mass planted.
- (b) *Buildings* subject to compliance with all of the following Permitted Activity performance standards;
- (i) *Height* 6m (restriction applies only between 50m and 150m inland from *MHWS* and from the river bank);
- Note:**
Rural Zone *height* of 9m applies between 150m and 300m inland from *MHWS* and from the river bank.
- (ii) All external surfaces of *buildings* (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.
- (iii) No mirrored glass shall be used;
- (iv) No native vegetation greater than 3m in *height* shall be removed as a result of any new *building* and/or access way.

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Explanatory Note:

For the purpose of this rule '*buildings*' shall include additions and alterations to existing *buildings* lawfully established prior to 1 January 2010 or granted building consent (and resource consent if required) for which relevant applications were lodged prior to 1 January 2010, which increase the *gross floor area* of that existing *building* by 50% or more.

Except that:

Additions and alterations which do not increase the *gross floor area* of an existing *building* (as described above) by 50% or more shall be exempt from compliance with any rules contained within the Landscape Section of the District Plan.

6.4.1.4 Within Identified Viewshafts

- (a) Removal or trimming of vegetation.
- (b) Native forest logging under the Forest Amendment Act 1993.

6.4.2 Controlled Activities

Those activities listed as Controlled Activities in the respective zone, but excluding those listed as Restricted Discretionary in 6.4.3 following.

6.4.3 Restricted Discretionary Activities

6.4.3.1 Within Identified ~~Outstanding Landscape Features~~ Natural Features and Landscapes (except those addressed by specific activity lists in 6.4.3.2 and 6.4.3.3 following):

- (a) Subdivision (only where additional *lots* are created within ~~an Identified Outstanding Landscape Feature~~ Natural Features and Landscapes and not within the balance area).
- (b) *Buildings*.
- (c) *Earthworks* (cut or fill) resulting in a maximum cumulative vertical face of greater than 1.5m.
- (d) Native vegetation clearance.
- (e) *Production forestry*.
- (f) Works and *network utilities* classified as Discretionary Activities by Rule 10.3.

6.4.3.2 Within 50m inland from MHWS in the Tauranga Harbour Landscape Management Area (S8) and within 50m from the river bank in the Wairoa River Landscape Management Area (S7) and within 40m from MHWS in the Matakana Island (S9) landscape feature

- (a) Subdivision (only where additional *lots* are created within ~~an Identified Outstanding Landscape Feature~~ Natural Features and Landscapes and not within the balance area).
- (b) *Buildings*.
- (c) Where ancillary to a permitted activity in the Rural Zone – *earthworks* (cut or fill) exceeding a maximum cumulative volume of 200m³ per *lot* and/or resulting in a maximum cumulative vertical face of greater than 1.5m.
- (d) Native vegetation clearance.
- (e) *Production forestry*.
- (f) Works and *network utilities* classified as discretionary activities by Rule 10.3.

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6.4.3.3 Between 50m and 300m inland from MHWS in the Tauranga Harbour Landscape Management Area (S8) and between 50m and 300m from the river bank in the Wairoa River Landscape Management Area (S7) and between 40m and 300m inland from MHWS in the Matakana Island (S9) landscape feature

- (a) *Buildings* that do not meet all of the Permitted Activity performance standards provided in 6.4.1.3(b) above.
- (b) All *earthworks* (cut and fill) including those ancillary to permitted activities in the Rural Zone exceeding a maximum cumulative volume of 500m³ per *lot* and/or resulting in an maximum cumulative vertical face of greater than 1.5m.
- (c) Removal of native vegetation over 3m in *height*, as a result of any new *buildings* and/or access way.
- (d) The assessment criteria set out in Rule 6.6.1 are applicable only to the extent that they relate to any actual or potential adverse environment effects directly attributable to the particular matter of non-compliance.

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6.4.3.4 Within Identified Viewshafts

(a) High Restriction Area

Any of the following activities which exceed 1.2m in *height* above *ground level*.

- (i) *Buildings/Structures*
- (ii) *Fences/Walls* (except a post and wire fence)
- (iii) *Signs* (except *Official Signs*)
- (iv) *Artificial Crop Protection*
- (v) Works and Utilities classified under Rule 10.3, excluding those not above *ground level* and street lighting
- (vi) *Earthworks* (fill)
- (vii) *Vegetation* (at maturity)
- (viii) *Production Forestry*
- (ix) *Conservation Forestry*

(b) Medium Restriction Area

Any of the following activities which exceed 5m in *height* above *ground level*.

- (i) *Buildings/Structures*
- (ii) *Signs* (except *Official Signs*)
- (iii) *Artificial Crop Protection*
- (iv) Works and Utilities classified under Rule 10.3, excluding those not above *ground level* and streetlighting

- (v) *Earthworks (fill)*
- (vi) *Vegetation (at maturity)*
- (vii) *Production Forestry*
- (viii) *Conservation Forestry*

(c) Low Restriction Area

- (i) *Production Forestry*
- (ii) *Conservation Forestry*

6.4.4 Discretionary Activities

Any activity not listed as a Permitted, Controlled or Restricted Discretionary Activity.

6.5 Information Requirements for Restricted Discretionary and Discretionary Activities

A landscape and visual assessment is to be provided with the application by a suitably qualified person. This assessment shall establish the landscape context taking into account the proposed activity and the affected landscape elements applicable to the *development* site and the immediate surrounding area.

The landscape assessment shall:

- (a) Identify and describe the landscape characteristics of the site and any features of special significance to the surrounding environment.
- (b) Include a site plan that shall identify *lot* boundaries, contours (reduced levels i.e. levels related to a known datum point), landscape types, native vegetation, and other trees over 6.0m in height, waterways, significant adjacent off-site natural features, the location of *buildings* and *structures* (and RL's for roofs), proposed access, fencelines, and the finished landform and levels in relation to the proposed subdivision or proposed works, to clearly demonstrate the protection of the natural landscape character.
- (c) Recommend conditions necessary to mitigate adverse effects or provide positive effects on the landscape including:
 - (i) Controls on the siting, bulk, location and design of *buildings*, *earthworks* and vegetation removal;
 - (ii) Location and design of roading and associated services;
 - (iii) Planting of vegetation and/or landscaping on public and private lands;
 - (iv) Protection of features of landscape significance or historic heritage;

- (v) Location and design of fencing.

The level of detail provided with any application shall be related to the scale of the activity and the nature of any effects.

For ease of analysis and consistent administration, the landscape elements as they relate to the Tauranga Harbour (S8) and Wairoa River (S7) Landscape Management Areas and Matakana Island (S9) have been broadly defined into four landscape types as follows:

Harbour plains/river flats: This landscape type is found mostly within the bays, along the harbour margin but also along the margins of the Wairoa River. Generally the estuarine margin is densely vegetated or a sandy beach is found. The depth of the harbour and river plains varies eventually meeting a rolling slopes landscape. The slope for this landscape element ranges between 0-4°.

Rolling hills/slopes: This landscape comprises rolling landscape and can vary from gentle rolling to strong rolling hillsides with deep valleys and dominant ridgelines. In some cases the rolling slopes drop to meet the harbour margin directly with some estuarine margin abutting the edge. Slopes range between 4 - 21°.

Scarps/cliffs: This landscape is found mostly along the varying headlands within the Tauranga Harbour and along the edge of the Wairoa River and its plains. Both scarps and cliffs are steep slopes ranging between 21-90°.

Plateau: This landscape type is found along the varying headlands within the Tauranga Harbour and above steep river cliffs. The plateau in many cases supports a variety of land uses, including horticulture, agriculture and residential housing. The plateau landform ranges between of 0-4°slope.

6.6 Matters of Discretion

6.6.1 Assessment criteria for Restricted Discretionary Activities

6.6.1.1 The assessment criteria in 6.6.1.3 and 6.6.1.4 below apply to:

(a) Activities within natural features and landscapes where such activities are visible from State Highways or the public lookouts identified within the descriptions of *viewshafts* 5, 6 and 7.

(b) Activities within Orokawa Bay Unit (S1), the Wairoa River (S7) and Tauranga Harbour (S8) Landscape Management Areas, Matakana Island (S9), Motuhua Island (S14), Rangiwaia Island (S15), Motungaio Island (S16), Maketu Estuary (S19), Okurei Point and Headland (S20), Waihi Estuary (S21) and Pukehina Spit End (S22) where such activities will be visible from the adjoining waterbody.

- (c) Activities within the Open Coastal Landward Edge Protection Yard (S24) where such activities will be visible from both the adjoining waterbody and the beach.
- (d) Activities within identified *viewshafts* where such activities could compromise the quality of the view or cause or contribute to the obstruction of the view.

Explanatory Note

The Tauranga Harbour (S8) and Wairoa River (S7) Landscape Management Areas and Matakana Island (S9) are included as natural features and landscapes within Appendix 2 and extend 300m inland from *MHWS* (S8 and S9) and the river bank (S7) on Rural Zoned land only.

6.6.1.2 In considering an application for a Restricted Discretionary Activity Council is restricted to the following assessment criteria. These criteria can be used as a guide for Discretionary and Non Complying Activities.

6.6.1.3 Within Identified Natural Features and Landscapes

- (a) The extent to which the *development* will maintain, enhance, or avoid adverse effects on, the integrity of the landform and skyline profile. Factors that will be considered include:
 - ~~(i) The location of any *buildings, works, structures* (including sign boards) or vegetation within identified *viewshafts*;~~
 - (i) Reflectivity standards relating to the colour and finish of *buildings* (see British Standard BS 5252);
 - (ii) The *height* of *buildings* taking into account the surrounding landscape;
 - (iii) Whether building form or works positively respond to the natural landform contour;
 - (iv) The extent of landform modification and whether the finished landform appears natural;
 - (v) The ability to mitigate effects through landscape planting using native plant species within a timeframe not exceeding five years;
 - (vi) The Design Response Guidelines identified on Page 28 of the Western Bay of Plenty District Council Landscape Review – Assessment of Landscape Management Requirements for the Tauranga Harbour Margins and Wairoa River Valley by Boffa Miskell (October 2008).
- (b) The extent to which native vegetation removal can be avoided having regard to the nature and scale of the proposed activity.

For subdivision and *buildings* native vegetation should not be removed except where there is no alternative for building location or access. Subdivision should locate house sites and access outside existing stands of native vegetation.

- (c) The extent and location of *earthworks* having regard to the nature and scale of the proposed activity. For subdivision and *buildings*, *earthworks* shall generally not exceed that required for the *building(s)*, vehicle access and turning, and outdoor living court(s).
- (d) The ability to retain a natural appearance following site *earthworks* and vegetation removal. All disturbed ground should be contoured to be sympathetic to the natural landform and revegetated with species appropriate to the context and use of the site.
- (e) The extent of proposed planting on re-contoured slopes steeper than 1 in 4.
- (f) The extent of visual effects of any works and *network utilities*.
- (g) The extent to which Significant Ecological Features within the visual landscape are avoided, maintained or enhanced (See Section 5).
- (h) The extent to which the location and design of access tracks and roads follow the natural contours, minimise any cut at ridgelines, and mitigate any impact by regrassing/planting. Work should take account of weather and planting times.
- (i) The extent to which new *lot* boundaries and fencing follows natural ground contours. Fences should not be located on the top of ridgelines and where practical should be incorporated into the landform feature within the *lot*. Water courses, areas of native bush and *wetlands* should not be dissected by subdivision or *development*.
- (j) The extent to which *production forestry* is in general accordance with any applicable industry code of practice. Particular regard shall be given to the following matters:
 - (i) Avoiding geometric and unnatural shapes and unnatural orderliness;
 - (ii) Attention to the shape and line of the production forest to blend into the landscape;
 - (iii) Avoiding disruption to the skyline;
 - (iv) Avoiding vertical lines that divide a landscape;
 - (v) Oversowing clear-felled areas with grasses or replanting as soon as possible after felling;

- (vi) Avoiding areas of high visual profile, particularly around the Tauranga Harbour margin (excluding Matakana Island) and the Wairoa River valley.

6.6.1.4 Within Identified Viewshafts

- (a) The location of activities shall not compromise the quality of the view or cause or contribute to the obstruction of the view.

6.7 Other Methods

- 6.7.1 Bay of Plenty Regional Water and Land Plan with regard to *earthworks*.
- 6.7.2 Negotiation of joint management plans with affected landowners to maintain/enhance the significant *viewshafts* that are threatened by existing vegetation.
- 6.7.3 *District Council* incentives which may be payable for protection covenants
- 6.7.4 Application fees shall be waived for resource consents for activities within Identified Outstanding Landscape Features that would otherwise be a Permitted Activity.

Section 8 – Natural Hazards

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Natural Hazards

8. Natural Hazards

Explanatory Statement

While acknowledging the *Council's* statutory responsibilities, this section recognises the constraints imposed by the nature of some potential hazards affecting the Western Bay of Plenty District as well as the limitations of the level of existing information.

Areas considered most at risk from coastal erosion and inundation are those already developed for urban purposes and which adjoin the open coastline (e.g. Waihi Beach - Bowentown, Pukehina). The stretches of coastline concerned have been the subject of a detailed study commissioned by *Council*. The study findings are reflected in that land identified on the District Planning Maps as being within the 'Coastal Protection Area'.

The Coastal Protection Area has been divided into two parts, the Primary Risk Area and the Secondary Risk Area. The Primary Risk Area includes all private properties within the Coastal Protection Area that are considered to be subject to an immediate threat from coastal hazards. The Secondary Risk Area includes all land in the remainder of the Coastal Protection Area. All private property within the Secondary Risk Area is likely to be affected by coastal hazards at some future time but within the next 100 years.

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, property or other aspects of the environment. The principal hazards affecting the *District* are coastal erosion and inundation, tsunami, land instability, flooding, earthquake, and volcanic eruption.
2. Areas actually or potentially under threat from such natural hazards as coastal erosion and land instability 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 threat of natural hazards to human life and the natural and physical 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 Primary Risk Area.

8.3 Activity Lists

The following rules apply to those activities which are located within Natural Hazard Features identified on the District Planning Maps.

8.3.1 Permitted Activities

- (a) *Buildings/Structures within an Approved Building Site*
- (b) *Buildings/Structures within Stability Area - Minden C*

8.3.2 **Controlled Activities**

(a) Stability Areas – Minden

Subdivision where all of the proposed *privateways* and building sites are within Stability Area - Minden C

8.3.3 **Restricted Discretionary Activities**

8.3.1

(a) Coastal Protection Area – Secondary Risk

(i) *Buildings/Structures not within an Approved Building Site*

(b) Floodable Areas

(i) *Buildings/Structures not within an Approved Building Site*

(ii) *Earthworks over 5m³*

(iii) *Closed board fences, retaining walls, raised gardens, concrete and block walls*

(c) Stability Areas – Minden (A, B1, B2 & U)

(i) *Buildings/Structures not within an Approved Building Site*

(ii) *Subdivision, except if in accordance with 8.3.2 (a).*

(iii) *Filling, excavation and other *development**

(iv) *Vegetation removal*

(v) *Disposal of stormwater and wastewater*

~~Notwithstanding anything to the contrary in the provisions of the zone in which it is situated, where land is within the areas specified in clauses (a), (b) and (c) following, the activities listed shall be Restricted Discretionary:~~

~~**(a) — The Coastal Protection Area as defined on the Planning Maps**~~

~~————— New *buildings* and external additions to *buildings* within the Secondary Risk Area of the Coastal Protection Area which requires a building consent under the Building Act 2004. The Secondary Risk Area is defined as that area shown on the District Planning Maps.~~

~~— An application for resource consent under this rule shall be considered without the need to obtain the written approval of affected persons, without notification, and without the need to serve notice provided the activity meets all relevant performance standards.~~

~~(b) **Floodable areas as identified on the Planning Maps**~~

~~— *Buildings* or external additions to *buildings*, the erection of any *structures* including closed board fences, retaining walls, raised gardens and concrete block walls, or *earthworks* over 5m³.~~

~~— The Council will restrict the exercise of its discretion to the extent to which the activity affects the capacity and functioning of ponding areas and on-land flow paths.~~

~~(c) **Minden Stability Areas**~~

~~— *Building*, 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 (see Section 8.4.2).~~

~~Except that:~~

~~— Subdivision is provided for as a Controlled Activity in accordance with Rule 17.3.2 (c).~~

~~— *Buildings* and external additions to *buildings* are provided for as Permitted Activities within an *Approved Building Site* in accordance with Rule 17.3.1 (m).~~

~~An application for resource consent under (a), (b) and (c) above shall be considered without the need to obtain the written approval of affected persons, without notification, and without the need to serve notice provided the activity meets all relevant performance standards.~~

8.3.4 Discretionary Activities

8.3.2

(a) Coastal Protection Areas

- (i) *Buildings/Structures* not within an *Approved Building Site*
- (ii) Construction of new public roads
- (iii) *Reticulated Infrastructure*
- (iv) Coastal and river protection works including groynes and sea walls
- (v) Subdivision within the Coastal Protection Area - Open Coastline

(vi) Buildings/Structures within the identified access yard

(b) Stability Areas – Landslip and General

- (i) Buildings/Structures not within an Approved Building Site
- (ii) Subdivision
- (iii) Construction of new roads
- (iv) Reticulated Infrastructure

~~Notwithstanding anything to the contrary in the provisions of the zone in which it is situated, where land is:~~

- ~~• Within the Primary Risk Area of the Coastal Protection Area as defined on the Planning Maps; or~~
- ~~• Within any land instability area identified on the Planning Maps; or~~
- ~~• Adjoining the open coastline, zoned Rural and within 100m of MHWS.~~

~~The following shall be Discretionary Activities:~~

- ~~(a) New buildings and external additions to buildings (except as provided for in 8.3.1, or where new building or external addition is to be located on a platform which has been approved as the result of a subdivision consent that complies with Rule 12.4.1) which requires a building consent under the Building Act 2004.~~
- ~~(b) Subdivision except as specified in Rule 8.3.1(c), 8.3.3(b) and 8.3.4(b).~~
- ~~(c) Construction of new or currently unformed existing public roads.~~
- ~~(d) Reticulated community or communal sewerage and water supply systems, including associated pumping stations, treatment works, and other ancillary equipment or facilities.~~
- ~~(e) Coastal and river protection works including groynes, seawalls, and stopbanks except where the Regional Council consent is obtained. In this case they will be permitted.~~

8.3.5 Non-Complying Activities

8.3.3

~~Notwithstanding anything to the contrary in the provisions of the zone in which it is situated where land is within the Primary Risk Area of the Coastal Protection Area, the following will be a Non-Complying Activity:~~

- (a) Coastal Protection Area – Primary Risk
 - (i) Minor dwellings

- (ii) Additional dwellings
- (iii) Education Facilities for no more than four persons
- (iv) Accommodation Facilities for no more than four persons

(b) Coastal Protection Area – Secondary Risk

- (i) Subdivision (excluding minor boundary adjustments)

Explanatory Note:

For the purpose of this rule, minor boundary adjustments means an adjustment of boundary between two adjoining *lots* and which will not increase the risk or potential risk to existing *buildings* or future *buildings* from coastal erosion or inundation.

~~(a) More than one dwelling (including a minor dwelling), and accommodation and educational facilities as provided for in Rule 13.3.1.~~

~~Notwithstanding anything to the contrary in the provisions of the zone in which it is situated where land is within the Secondary Risk Area of the Coastal Protection Area, the following will be a Non-Complying Activity:~~

~~(b) Subdivision within the Secondary Risk Area (excluding minor boundary adjustments).~~

8.3.6 Prohibited Activities

8.3.4

(a) Coastal Protection Areas

~~(a) (i)~~ Fixed (i.e. non-portable) solid waste management facilities including sanitary landfills and the disposal of *hazardous substances* (public or private) in the Primary and Secondary Risk Areas.

~~(b) (ii)~~ Subdivision (excluding minor boundary adjustments) within the Primary Risk Area of the Coastal Protection Area. See Rule ~~8.3.3(b)~~ 8.3.5 (b) for definition of minor boundary adjustment.

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.
 - (vii) 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 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.

8.5 8.4 Matters of Discretion

8.5.1 Restricted Discretionary Activities

8.5.1.1 Coastal Protection Areas

- (a) Extent to which the *building* is relocatable, taking into account the design, location and access to remove the *building*
- (b) Types of building materials used, avoidance of the use of concrete and block wall foundations, *walls* and flooring
- (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 Floodable Areas

- (a) The effect of the proposed *buildings/structures* on the capacity of ponding areas and overland flow paths
- (b) The design of the *building/structure*
- (c) The appropriate minimum finished floor level of the proposed *building/structure*
- (d) Verifiable new information which demonstrates that the subject site is not in fact under threat from flooding.

8.5.1.3 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

~~8.4.1 Restricted Discretionary and Discretionary Activity Criteria~~

~~Council will have particular regard to:~~

- ~~(a) The proposed avoidance, remedial, or mitigation measures relating to the identified hazard.~~

~~For 8.3.1(a) these measures include:~~

- ~~(i) The provision of an access yard of at least 6.0m as shown on the Planning Maps (this is to enable the creation of alternative legal access should the seaward road be removed);~~
- ~~(ii) The extent to which the entire *building* is relocatable (design, location of *building* on site, practical access for relocation);~~
- ~~(iii) Prevent the use of concrete and block wall foundations, flooring and *walls*.~~

~~For 8.3.2(a) these measures include:~~

- ~~(iv) New *buildings* or significant redevelopment of existing *buildings* should be situated as far back from the sea as is practicable to provide the greatest distance between the hazard and the building. In determining what is practicable the location of adjacent *buildings* will be taken into account; and~~
- ~~(v) Additions or alterations to any *building* should be landward of the existing *building*;~~
- ~~(vi) The extent to which the entire *building* is relocatable (design, location of *building* on site, practical access for relocation);~~
- ~~(vii) Prevent the use of concrete and block wall foundations, flooring and *walls*.~~

~~And~~

- ~~(b) The potential environmental effects of or likely to result from the proposal including those relating to any measures referred to in (a) above.~~
- ~~(c) The effect of proposed *buildings* or other works on the capacity of ponding areas and on floodwater flow paths.~~
- ~~(d) The extent to which the proposal addresses any identified natural hazard in a way that enables the existing natural character of the coastal environment and other natural features having recognised ecological, landscape or other significance to the *District* to be protected.~~
- ~~(e) Verifiable new information which demonstrates that any land within an area identified on the District Planning Maps as potentially subject to natural hazard is not in fact under threat from the hazard concerned.~~

8.5.2 Discretionary/Non Complying Activities

The matters 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 Protection Areas

- (i) The design, location and materials of the Building/Structure.
- (ii) Additions and alterations to existing buildings should be landward of the existing building.
- (iii) New buildings or significant redevelopment of existing buildings should be situated as far back from the toe of the fore dunes as practicable.
- (iv) The extent to which the proposal addresses any identified natural hazard.
- (v) The impact that the proposal will have on the natural character of the coastal environment, recognizing the ecological values of the dune area, and dune restoration.
- (vi) Any verifiable information which confirms that the property is in fact not under any threat from the hazard.

- (vii) Scientific information from a suitably qualified coastal expert which demonstrates that the land within the Secondary Risk Area of the Coastal Protection Area is not under any actual or potential risk from coastal hazard. 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.
- (viii) The degree to which the ability of buildings or structures to be relocated is affected.
- (ix) The degree to which the physical risk to buildings or structures from coastal erosion can be avoided and coastal inundation can be avoided or mitigated.

8.6 8.4.2 Stability Requirements - The Minden Lifestyle Structure Plan Area

The Minden Lifestyle Structure Plan area is divided into ~~four~~ 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 *structures* within the delineated area'.

Area A may be summarised as land subject to or likely to be subject to instability.

Stability Assessment

Building, 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 *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

Building, 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, *building* 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, 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 ~~investigations~~ 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

'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.

~~8.4.3 Activity Performance Standards – Non-Complying Activity Criteria~~

~~Council will have particular regard to:~~

- ~~(a) Scientific information from a suitably qualified coastal expert which demonstrates that the land within the Secondary Risk Area of the Coastal Protection Area is not under any actual or potential risk from coastal hazard. 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.~~

~~(b) The degree to which the ability of *buildings or structures* to be relocated is affected.~~

~~(c) The degree to which the physical risk to *buildings or structures* from coastal erosion can be avoided and coastal inundation can be avoided or mitigated.~~

8.7 ~~8.6~~ 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 9 – Hazardous Substances

- 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

~~9.6.1 Assessment Criteria and Information Requirements for Restricted Discretionary and Discretionary Activities~~

~~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) 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.~~
- ~~(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, ~~and~~ 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) Traffic safety

~~It should be demonstrated that the proposal will generate no significant adverse effects on the safety of the operation of the adjoining road network.~~

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.

Section 12 – Subdivision & Development

- (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 the New Zealand Historic Places Trust.

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* ~~*Council's discretion (including the imposition of conditions) is restricted to any actual or potential adverse environmental effects created by the particular matter of 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.

12.4.17 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.
- ~~(b) In the case of the Katikati Structure Plan area consent for stormwater management shall be gained from the *Regional Council*.~~
- ~~(c) It is anticipated that developers contemplating subdivision or *land use development* will hold pre-application discussions with *Council* to clearly determine the overall extent of the stormwater management areas using aerial photographs and matching the Planning Maps to contour plans.~~

12.4.17.2 Development Restrictions – Intersection Upgrades

- (a) No more than a maximum of 12.64ha of the Industrial Zone area 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 is consistent with the New Zealand Transport Agency's network strategy, and provides a similar level of service as signalisation of the intersection, has been completed; and 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 area, may be developed before a link road is in place from State Highway 2 through the Industrial Zone area to Tetley Road.

Explanatory Notes:

(a) SH2 Intersection Design

The New Zealand Transport Agency (NZTA) 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 the NZTA and consistent with the NZTA'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.

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 3 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 Rd are not permitted.
- (iii) Proposed privateways having access to future Structure Plan roads may have up to 8 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) but 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.
- (d) The maximum length of an interim access road shall not exceed the boundary of the property that it services.

- (e) At time of either subdivision or development, consent notices shall be imposed on relevant titles requiring the private way 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 Binnie Road Residential Structure Plan

12.4.18.1 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 12.4.18(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	Houses shall be located on a formed terrace with the escarpment behind. Any exposed cuts shall be mitigated with screen plantings. <i>Buildings</i> 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, kanuka or other tall species as recommended by a suitably qualified ecologist. <i>Dwellings</i> shall be designed with 600mm eaves and veranda features to cast shadows and reduce glare from glazing.
(iv) Building <i>height</i>	That the <i>building height</i> shall not exceed the lower of (i) a single storey with a <i>height</i> not exceeding 11.5m Motiriki Datum 1953 or (ii) the maximum residential building <i>height</i> .
(v) Building colour	Colours shall be restricted to <i>reflectivity</i> 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. <i>Reflectivity</i> shall be measured in accordance with Australian Standard 1580.

12.4.19 Lemon Road Industrial

12.4.19.1 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 State Highway Manager – Bay of Plenty, New Zealand Transport Agency

12.4.19.2 Subdivision and *development* prior to this infrastructure provision shall be considered a Non-Complying Activity.

12.4.20 Comvita Campus Structure Plan

12.4.20.1 General

- (a) Any subdivision or *development* (including staging) within the Comvita Campus Structure Plan area shall be undertaken in general accordance with the Structure Plan and specifications set out in Appendix 7.
- (b) Maximum *Building Coverage* within the Comvita Campus Structure Plan Area shall be 50%.

12.4.20.2 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.

12.4.20.3 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 the New Zealand Transport Agency (NZTA) 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.

12.4.20.4 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.

12.4.20.5 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.

12.4.20.6 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.

12.4.21 Section 224(c) Certification

12.4.21.1 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.

12.4.21.2 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.

12.4.21.3 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 Maori Reservation set aside under Section 338 and Section 440 of the Maori Land Act 1993 (Te Ture Whenua Maori) 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.

Section 13 – Residential

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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, Omokoroa 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 detracting 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*.
- (b) Activities on reserves as provided for in the Reserves Act 1977.
- (c) *Accommodation or education facilities* for a combined maximum of four persons (excluding staff) ~~(except within identified medium density areas)~~.
- (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 urupa*.

13.3.2 Controlled Activities

- (a) More than one *dwelling* per *lot* subject to performance standard 13.4.1(i).

Residential Settlement	More than one dwelling per lot subject to a <i>net land area</i> of:
Katikati, Te Puke, Waihi Beach including Athenree and Pio's Beach	350m ² per <i>dwelling</i>
Omokoroa Stage 1	400m ² per <i>dwelling</i> with a <i>maximum average</i> of 800m ² .
Omokoroa Stage 2	350m ² per <i>dwelling</i> with a <i>maximum average</i> of 650m ²
Omokoroa Existing Village	600m ² per <i>dwelling</i>
All other areas	800m ² per <i>dwelling</i>

- (b) *Minor dwellings* in addition to 13.3.1(a) subject to performance standard 13.4.1(h).
- (c) One *dwelling* on a title where no *dwelling* currently exists but where a minor *dwelling* exists which was constructed after 9 February 2009.
- (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 dwelling*s 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) In the following areas zoned medium density residential (see Urban Planning Maps):~~

- ~~• Land adjoining Moore Park in Katikati;~~
- ~~• The Waihi Beach medium density area;~~
- ~~• The Omokoroa Stage 2 medium density area;~~
- ~~• Te Puke between MacLoughlin Drive and Whitehead Avenue.~~

(i) Is within the residential zones of Katikati, Omokoroa 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 for stormwater management which is at least 30m x 30m or has a minimum area of 1,000m² with a width and length of at least 20m; has a width of at least 50m
- The Omokoroa 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 1400m² in gross area (this may require an amalgamation of titles) ~~except in Omokoroa Stage 1 where the gross area must be greater than 3000m².~~

(iv) Meets the Activity Performance Standards in Section 14.4.

~~(b) Subdivision in medium density housing areas.~~

(b) Activities within stormwater management reserves in any areas and within private conservation areas in Omokoroa 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*, 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 ~~(e)~~ (b) above *Council* will restrict its discretion to the matters specified in Section 13.6.

(c) Subdivision by *unit plan* in the Zone 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 requirements:

Parking Spaces Required

Two car parking spaces for each *principal unit*.

Note: 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.

~~(e) Subdivision by *unit plan* in medium density housing areas subject to compliance with 13.4.1 (a)-(d) inclusive, 13.4.1(i) and 13.4.3.~~

~~*Council's* discretion shall be restricted to matters under -- 13.5.1(h), 13.6.1, 13.6.2 and 13.6.4.~~

(d) *Retirement Villages/Rest Homes* that do not comply with one or more of the applicable activity performance standards in Rule 13.4.

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 60m² *gross floor area.*
- (f) *Education facilities* for more than four persons (excluding staff).
- (g) Urupa (new sites).
- (h) Works and *network utilities* as provided for in Section 10.
- (i) *Development* that is not in general accordance with the respective *Structure Plan.*
- (j) *Retirement Villages/Rest Homes* that do not comply with the *net land area* requirements for *dwellings* in 13.3.2(a)

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

The maximum *height* shall be 8m and retain a maximum two storey character.

Area	Max-Height
Conventional Residential	8m
Medium density areas by criteria and Waihi Beach medium density areas (excluding Lots 3 and 4 DPS73174)	9m
Medium density by identified area (including Lots 3 and 4 DPS73174)	12m

(b) Daylight

All *buildings* 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.

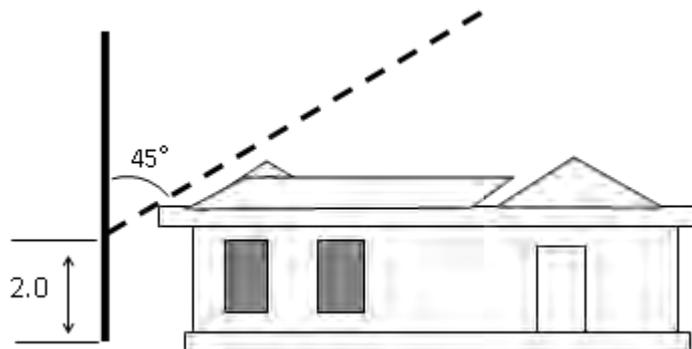


Figure 1: Daylighting Calculation

Provided that:

A *building* 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* 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

~~Medium Density Dwellings~~ ~~3m~~
Garages (all) 5m

- (ii) *Rear and Side Yards* – Minimum 1.5m
(Also see (c)(iv) for lots along Two Mile Creek)

Provided that:

A *building* may be located within a *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* shall have a setback of at least 7.5m from the centre line of Two Mile Creek (Waihi Beach) ~~5m from any bank~~ measured at building consent stage, irrespective of whether or not the centre line of the creek bank is within the subject property.

Explanatory Note:

For subdivision by *unit plan*, this rule 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) Maximum Building Coverage

~~All lots~~ ~~40%.~~

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*.

(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 ~~1.8m in height: 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 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 *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 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 or *wall* exceeds 2.0m

(f) Standards for Accommodation Facilities

- (i) Have a maximum occupancy of four persons at any one time (excluding staff);
- (ii) The total area available for exclusive use for the occupiers be no greater than 60m² *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 25m². 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 involve sales of products other than those produced on the site. This does not apply to the sale of any goods stored, distributed and manufactured off the site that are sold via the internet;
- (iv) Any advertising shall comply with Section 4D.3.2;
- (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* on the site; **and**
- (ii) If an attached or detached garage or carport is to be built, it shall have a gross floor area not exceeding 18m²; and
- (iii) Shall pay 50% of the financial contribution that applies to the subdivision of land.

(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 and Pios Beach).	350m ²
Omokoroa Stage 1	400m ² with a <i>maximum average</i> of 800m ²
Omokoroa Stage 2	350m ² with a <i>maximum average</i> of 650m ²
Omokoroa Existing Village	600m ²
Maketu – greenfield areas connected to a reticulated wastewater supply with a minimum parent <i>lot</i> size of 3000m ²	Minimum 350m ² Average 600m ²
All other residential areas	800m ² subject to compliance 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 350m² a 1750m² *base land* could have a maximum number of five *principal units*.

- (b) In Omokoroa Stage 1 a *lot* of no greater than 2000m² 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) 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.

~~In the event of any conflict or inconsistency between these rules and those set out in 13.4.1 above, the content of these rules shall prevail.~~

~~(a) Lot size~~

~~The following *lot* sizes shall apply in medium density areas:~~

Area	Density
Omokoroa Stage 2 Medium Density	A maximum average of one dwelling unit per 400m² provided that any balance area resulting from such subdivision shall comply with the average net <i>lot</i> size specified in 13.4.2(a).
Katikati, Omokoroa Stage 1, Te Puke, Waihi Beach	A maximum average of one dwelling per 250m² provided that any balance area resulting from such subdivision shall comply with 13.4.2(a).

~~(b) Parent title~~

- (i) ~~The following parent title minimum areas shall apply:~~

Medium density areas in:	Subdivision and development shall only be of parent titles with a minimum area of at least:
Waihi Beach, Katikati and Te Puke	1400m ²
Omokoroa Stage 1 and 2.	3000m ²

~~For the avoidance of doubt parent titles failing to comply with this rule may be subdivided where consent is sought in conjunction with the subdivision of other adjacent lots and the total area of the land to be subdivided meets the minimum sizes specified above.~~

- (ii) ~~The parent lot shall have at least 10% of its lot boundary adjoining road frontage.~~

(c) Dwelling unit requirements

- (i) ~~Dwelling units shall not be less than the following minimum floor areas:~~

~~1 bedroom dwelling units — 40m²~~

~~2 Bedroom dwelling units — 60m²~~

~~3 Bedroom dwelling units — 80m²~~

~~4 or more bedroom dwelling units — 95m²~~

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.~~

(d) Outdoor living area

- (i) ~~Katikati, Waihi Beach, Te Puke, Omokoroa 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 25m² that is able to contain a 4m 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 and 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.~~

~~(e) 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.~~

~~(f) 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 within the same parent title where the distance between the two *dwellings* is 10m or less;~~

~~(ii) All new *developments* are to have a variety of cladding materials but limit the glass surfaces to not more than 60% of the total street façade;~~

~~(iii) All new *development* 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;~~

~~(v) The design in and around the Waihi Beach town centre shall be in accordance with the development guidelines set out in the Town Centre Plan.~~

~~(g) Landscaping~~

- ~~(i) A minimum of 20% of the lineal lot frontage to a depth of 2m 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 35m² of planted area shall be planted and maintained to best horticultural practice.~~

~~(h) Parking requirements~~

~~The required minimum parking for apartments, terrace, semi-detached or other multi-dwelling residential buildings shall be:~~

Activity	Parking Spaces Required
Dwellings (being one household unit) of less than 55m²	1 space for each dwelling
Dwellings (being one household unit) of between 55m² and 85m²	1.5 spaces for each dwelling
Dwellings (being one household unit) of 85m² or greater	2 spaces for each dwelling

Explanatory Note:

~~Where more than one car park is required, one may be stacked provided it does not interfere with shared access.~~

~~(i) Maximum building length~~

- ~~(i) The maximum building length is 25m before a recess with a minimum dimension of 3m x 3m 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.~~

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 *dwelling*s 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 Omokoroa (see 12.4.4.4(c)).

- (h) The application of financial contributions.

- (i) For *Retirement Villages/Rest Home*, Council shall also exercise control over the following in addition to (a) to (h) 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.

- (j) 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 (i) 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.

~~*Council will limit its discretion to the effects of the non-compliance on the purpose of the performance standard and any relevant objectives and policies and/or relevant structure plan and staging plan.*~~

13.6.2 Restricted Discretionary Activities – Non Compliance with Activity Performance Standard –Building Coverage

Council shall restrict its discretion to the following matters:

- (s) 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 Omokoroa Stage 2

Council's discretion is restricted to:

- (s) 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.
- Ⓜ 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 Restricted Discretionary Activities – Medium Density Housing Areas by criteria

Council's discretion is restricted to:

- (s) Consistency/compatibility with 14.4. Activity Performance Standards for Medium Density Residential
~~Amenity values, including design features to promote privacy and neighbourhood coherence such as yards, height, separation of dwellings and orientation of dwellings.~~
- (b) Aural privacy including the noise levels anticipated from the onsite and adjacent land uses and the provision of acoustic treatments.
- ~~Ⓜ Location of rubbish and recycling compounds and other structures on the site.~~
- Ⓜ Access for emergency vehicles.
- (d) Lighting for amenity and crime prevention without being a nuisance to residents.
- Ⓜ Connectivity to footpaths, and public walkways and cycleways.
- ~~(f) Adequate vehicle parking and vehicle and pedestrian safety including the location of carparking and manoeuvring, rubbish and recycling compounds, access for emergency vehicles, location of structures within the site, lighting for amenity and crime prevention without being a nuisance to residents, connections to public walkways/cycle ways.~~
- (f) Open space character including on-site landscaping, retention of mature trees, provision of shared driveways and streetscape/access way design, and location of *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).
Building interest and diversity including detail of doorways and garaging to create visual continuity and cohesion and to reflect a residential character, and avoidance of monolithic walling in favour of design that incorporates smaller scale building elements to promote feelings of interest and diversity.~~
- ~~(j) The degree of amalgamation behind shared front walls and/or under a single roof line.~~
- ~~(k) Building bulk including height and setback of buildings and fences including daylight between the buildings and other sites.~~
- ~~(l) Building design, materials and colours proposed including repetition of and use of materials and detail of roof pitches, windows, revetment, balconies and recesses.~~
- ~~(h) Building orientation for solar efficiency.~~
- ~~(s) Street and public open space surveillance by kitchen or living rooms or front door facing the street and kitchen or living rooms facing public open space; 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.~~
- ~~(p) Integration with neighbouring residential development achieved through consistency of façade treatment, including building proportions, detailing, materials and landscape treatment.~~
- ~~(e) Entryways/garaging: the extent to which garages occupy building frontage facing the road corridor.~~
- ~~Ⓢ Consistency/compatibility with the activity performance standards.~~
- ~~(s) Urban Design through the following elements:

 - ~~(i) Passive surveillance of streets by private dwellings;~~
 - ~~(ii) Connectivity between public places and nearby private dwellings;~~
 - ~~(iii) Careful use of repeating design elements in the exterior façade and roof line as seen from the public street and reserve;~~
 - ~~(iv) Avoidance of vehicles dominating design including, where appropriate, encouraging shared driveways.~~~~

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 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 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.

**Section 14 –
Medium Density
Residential**

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Medium Density Residential 2

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.

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.
- (b) Activities on reserves as provided for in the Reserves Act 1977.
- (c) *Accommodation* or *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.

14.3.2 Controlled Activities

- (a) More than one *dwelling* per *lot* subject to performance standard 14.4.4.
- (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].

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.

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 60m² 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

- 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.

(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
Omokoroa Stage 2 Medium Density	A maximum average of one <i>dwelling</i> unit per 400m ² provided that any balance area resulting from such subdivision shall comply with the average net <i>lot</i> size specified in 13.4.2(a).
Katikati, Omokoroa Stage 1, Te Puke, Waihi Beach	A maximum average of one <i>dwelling</i> per 250m ² provided that any balance area resulting from such subdivision shall comply with 13.4.2(a).

(c) Daylight

All *buildings* 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.

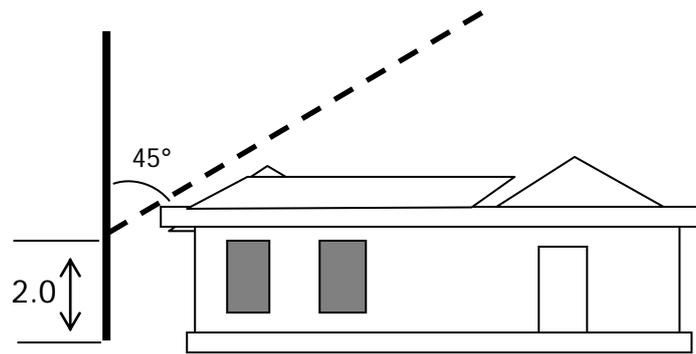


Figure 1: Daylighting Calculation

Provided that:

A *building* 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* 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) Yards

(i) *Front Yards* shall be no less than the following:

Medium Density Dwellings (not including garages) - 3m
Garages (all) - 5m

(ii) *Rear and Side Yards* – Minimum - 1.5m

Provided that:

A *building* may be located within a *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* shall have a setback of at least 7.5m from the centre line 5m from the bank 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* 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*.

(e) Maximum Building Coverage

~~All lots - 40%.~~

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*.

(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 or wall exceeds 2.0m

Except that:

- Where the side fence or wall is within the *front yard* specified in Rule 14.4.1(c) Yards, this *height* shall not exceed 1.2m, unless the portion of the wall or fence that is between 1.2 and ~~1.8m~~ 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 ~~1.8m~~ 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 ~~1.8m~~ 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 ~~1.8m~~ 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 floor area requirements

- (i) Dwelling units shall not be less than the following minimum floor areas:
- 1 bedroom dwelling units – 40m²
 - 2 Bedroom dwelling units – 60m²
 - 3 Bedroom dwelling units – 80m²
 - 4 or more bedroom dwelling units – 95m²

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.

(h) Outdoor living area

- (i) Katikati, Waihi Beach, Te Puke, Omokoroa 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 25m² 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.

(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 ~~within the same parent title~~ where the distance between the respective windows of the two dwellings is 10m or less.

- (ii) Have ~~a variety of~~ **at least two** cladding materials but limit the glass surfaces to not more than 60% of the total street façade
- (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.

(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 35m² of planted area shall be planted and maintained to best horticultural practice

(l) Parking requirements

The required minimum parking for apartments, terrace, semi-detached or other multi-dwelling residential buildings shall be:

Activity	Parking Spaces Required
<i>Dwellings</i> (being one household unit) of less than 55m ²	1 space for each <i>dwelling</i>
<i>Dwellings</i> (being one household unit) of between 55m ² and 85m ²	1.5 spaces for each <i>dwelling</i>
<i>Dwellings</i> (being one household unit) of 85m ² or greater	2 spaces for each <i>dwelling</i>

Explanatory Note:

Where more than one car park is required, 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.

- (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 four persons at any one time (excluding staff);

- (b) The total area available for exclusive use for the occupiers be no greater than 60m² *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.

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 building floor area not exceeding 25m². Carparks shall be excluded from the maximum area calculation of the activity.
- (b) Is carried out by a maximum of three persons.
- (c) Does not involve sales of products other than those produced on the site. This does not apply to the sale of any goods stored, distributed and manufactured off the site that are sold via the internet.
- (d) Any advertising shall comply with Section 4D.3.2.
- (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 *dwelling*s 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 14.5.1(a) 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.

~~Council will limit its discretion to the effects of the non-compliance on the purpose of the performance standard and any relevant objectives and policies and/or relevant structure plan and staging plan.~~

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 structures within the site particularly the set 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 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.

Section 15 – Future Urban

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 four persons at any one time (excluding staff);
- (ii) The total area available for exclusive use for the occupiers is no greater than 60m² *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.5.2~~ 4A.6.2.

(e) Standards for home enterprises

- (i) Shall be conducted in an area that does not exceed 500m² of which a maximum of 120m² shall be available for a building 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 Omokoroa Road;
- (iv) Does not involve sales of products other than those produced on the site. This does not apply to the sale of any goods stored, distributed and manufactured off the site that are sold via the internet.
- (v) Any advertising shall comply with Section ~~4D.3.1.1~~ 4D.3.1.
- (vi) 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) If an attached or detached garage or carport is to be built, it shall have a gross floor area not exceeding 18m²; and
 - (iv) Shall pay 50% of the financial contributions that applies to the subdivision of land.
- (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.

~~*Council will limit its discretion to the effects of the non-compliance on the purpose of the performance standard and any relevant objectives and policies.*~~

15.5.2 Restricted Discretionary Activities – Omokoroa 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 Omokoroa Structure Plan area retaining the integrity of the Omokoroa 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 Omokoroa Road (see 4B.4.2 and 12.4.4.4(c)).

Section 16 – Rural-Residential

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) Urupa (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 ~~15~~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 - maximum 8.0m.

Shelter belts (Tuapiro only) - maximum 5.0m.

(d) Coverage

Within the Omokoroa 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 four persons at any one time (excluding staff);
- (ii) The total area available for exclusive use for the occupiers be no greater than 60m² *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.5.2~~ 4A.6.2.

(f) Standards for home enterprises

- (i) Shall be conducted in an area that does not exceed 500m² of which a maximum of 120m² shall be available for a building 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 involve sales of products other than those produced on the site. This does not apply to the sale of any goods stored, distributed and manufactured off the site that are sold via the internet;
- (iv) Any advertising shall comply with the provisions of Section ~~4D.3.1.2~~ 4D.3.2.

(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) If an attached or detached garage or carport is to be built, it shall have a gross floor area not exceeding 18m²; and
- (iv) Shall pay 50% of the financial contributions that applies to the subdivision of land.

- (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.

~~*Council will limit its discretion to the effects of the non-compliance on the purpose of the performance standard and any relevant objectives and policies.*~~

16.6.2 Restricted Discretionary Activity - Activities within Stormwater Management Reserves

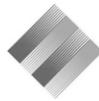
In assessing a Restricted Discretionary Activity, *Council* will limit its discretion to and may set conditions on:

- (a) Avoiding, remedying or mitigating the potential adverse effects of the ecological values of the reserves.
- (b) In the Omokoroa Structure Plan area retaining the integrity of the Omokoroa 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.

Section 17 – Lifestyle

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Lifestyle

17. Lifestyle

Explanatory Statement

This Zone covers specific areas within the *District* that are close to existing urban centres and which have been identified as suitable for the establishment of lifestyle type living. It is intended that this Zone will provide people with an opportunity to live in the rural environment and enjoy the many good features of rural living such as open space, privacy and rural outlook, without the potential for conflict that can occur with primary production activities. Within this Zone there will be provision for small scale *farming*, conservation planting, open space networks and walkways and cycleways (*greenlanes*) to provide a high amenity rural environment.

Development of the Zone will require Transferable Lot entitlements from the range of incentives provided to land owners within the Rural Zone. The Zone is established to assist the restoration and maintenance of the productive rural land resource by removing some of the pressure that exists for rural lifestyle living within these areas. It does this by providing *development* opportunities in locations that are located in high demand areas in return for the transfer of development rights from less sought after areas which remain important for rural production purposes.

The areas which have been zoned Lifestyle are as follows. Subdivision in these areas is restricted until a *structure plan* for the area is in place.

Te Puke

Bounded by the Ottawa Scenic Reserve and a large production forest block, this 374ha area offers opportunities for lifestyle living in close proximity to the town of Te Puke with good views over the plains to the east as the land rises into the hills.

A *structure plan* is provided for a first stage to the south of Te Puke Quarry Road. The first stage area has capacity for over 100 *dwelling*s. *Development* cannot proceed until necessary upgrading of intersections with the State Highway have been completed. There is currently no *structure plan* for the second stage.

The *Structure Plan* provides for the upgrade of local roads where significant *development* traffic will arise to increase the accessibility and safety of the area. There will be significant landscape planting as part of any subdivision to enhance the existing ecological and landscape features of the area and to nestle *buildings* into the backdrop of the ridge. The area will have a series of walkways within and through existing and newly planted vegetation to encourage non-vehicular connectivity.

The area has been chosen to avoid the adverse effects of the existing quarry to the north east and go-cart track to the south west.

Minden

This Zone is to provide opportunities for lifestyle living close to the City of Tauranga with good views over the Harbour and wider Bay of Plenty. This is envisaged as being a lifestyle location with 1730ha that will be developed over a period of up to 40 years.

This area dominated by the Te Rangituanehu plateau ridgeline is of cultural significance to Pirirakau and an *Outstanding Landscape Feature* for the whole community. The name Te Rangituanehu means “the going down of the sun” and this distinctive range of hills forms an important visual backdrop to the lower lying coastal areas and river flats of the Te Puna area.

It is envisaged that the whole area will eventually be connected by a series of managed *greenlanes* wide enough for walking and cycling. In addition the existing and future roading will be upgraded to include berms that provide safe walking for pedestrians and will be of a standard that complements the quiet, rural character of the area.

The *Structure Plan* has also identified a number of features which double as overland flowpaths and ecological features. These features will be protected for their ecological values and will also be considered for the purpose of stormwater management where appropriate.

Geotechnical considerations are such that subdivision or *development* within the area requires geotechnical assessment to ensure that suitable building platforms exist on the site and subdivision and servicing (wastewater and stormwater disposal, in particular) are able to be accommodated on site without adverse off-site effects.

Reticulated water supply is intended for the unreticulated area of the Zone and this *infrastructure* will be provided when the level of *development* generates sufficient funding for its *construction*. In the interim, a level of independent water source and on-site storage will be required.

The area has been set back from the State Highway and Tauranga Northern Link to help manage any *reverse sensitivity*. It is envisaged that there will be upgraded access to the Highway to enable safe commuting to the city.

It is expected that the form of the design of the proposed Tauranga Northern Link, including the proposed location of connections will be determined by the end of the 2011 calendar year. Because the layout of the Minden Structure Plan roads is dependant on connections to State Highway 2 and the proposed Tauranga Northern Link, some *Structure Plan* roads are shown as “indicative only” and their final form and function will be determined in a future Plan change or designation process.

However it is agreed that consideration will be given to vehicle, walking and cycling connectivity between the Minden and the Te Puna peninsula to retain the integrated character of the community.

Katikati

The smallest of the *lifestyle zones*, this one provides opportunities for lifestyle living within easy access to Katikati. The area is already serviced by a sealed road and has the potential to be serviced as the area closer to Katikati identified for future urban growth is developed.

The area has a number of existing lifestyle properties and a relatively high percentage of native bush that could be enhanced through additional planting, providing house sites with views over Katikati and the northern harbour. The proximity to the town of Katikati and access to the Harbour will make this area an attractive location.

There is currently no *structure plan* for the Katikati Lifestyle Zone.

17.1 Significant Issues

1. The locations of the Lifestyle Zones were chosen because of their proximity to urban areas, to reduce the fragmentation of other more productive land in the *District* and to minimise the impact of lifestyle *development* in general on the State Highway network. Each zone has particular needs to be addressed.
2. The unique aspect and outlook afforded by the steep terrain of much of the zones, while desirable for character and amenity, brings difficult geotechnical issues to be considered.
3. *Development* of the zones has the potential to impact on ecological features of local significance such as *wetlands, waterways and riparian margins*.
4. Protection of rural lifestyle character is important if the zones are to remain high quality environments for lifestyle locations.

17.2 Objectives and Policies

17.2.1 Objectives

1. Lifestyle *development* is accommodated in discrete areas, and effects, particularly on the road network, are concentrated in these areas where they can be effectively managed.

2. To promote high quality lifestyle character in a unique environment with alternative living options for people who wish to enjoy a high level of open space amenity while retaining the benefits of living close to established town centres.
3. To provide for a standard of *infrastructure*, recreational and amenity services that will be safe for pedestrians and cyclists and that complements the lifestyle character of the area.
4. To create a network of *greenlanes* in conjunction with lifestyle *development*.
5. To provide a lifestyle living environment which takes into consideration the geotechnical constraints and other effects of increased *development*.
6. Local ecological features are protected.

17.2.2 Policies

1. Subdivision and *development* within the Lifestyle Zones shall be managed to match the capacity and functioning of the *strategic roading network* to accommodate additional vehicle movements likely to be generated.
2. Subdivision, use and *development* shall provide *greenlane* connectivity where relevant, and other high quality amenities or, where onsite provision of these amenities is not appropriate, shall integrate these elements into its own design.
3. Subdivision or *development* shall take into account site constraints including geotechnical and ecological limitations in determining an appropriate design that delivers a quality lifestyle environment.
4. Lifestyle subdivision options are provided through the transferral of subdivision rights from the Rural Zone.
5. For the Minden Lifestyle Structure Plan area, the use of development incentives at subdivision stage to incorporate *greenlanes*.
6. To work in conjunction with the New Zealand Transport Agency to ensure effective management of *development* and the potential effects on the State Highway network. Timed release of *development* entitlements should relate to pressures on roading catchments.

7. Subdivision, use and *development* of lifestyle land which has been identified as at risk to geotechnical hazards shall be undertaken in accordance with geotechnical design to minimise the risk to persons and property.
8. Ensure the layout of roads, *greenlanes* and *infrastructure* are undertaken to best complement rural lifestyle character, merge into the existing rural environment and provide for safety and security.
9. Avoid the establishment of industrial, commercial or other activities which do not have a functional or other legitimate need for a lifestyle location.
10. Subdivision and *development* shall not occur before appropriate roading and other infrastructural capacity to cater for such *development* is established.
11. To maintain the semi-rural nature of the Minden Lifestyle Structure Plan area through ensuring appropriate *dwelling* separation.
12. To ensure the effective use of geotechnical information to dispose of stormwater and wastewater in avoiding effects on the environment due to increased *development*.

17.3 Activity Lists

17.3.1 Permitted Activities

- (a) *Farming.*
- (b) *Conservation forestry.*
- (c) One *dwelling* per *lot*, except for in 17.3.2(c);
- (d) *Buildings* (except *dwellings*) *accessory* to the foregoing under 200m².
- (e) *Accommodation or education facilities* for a combined maximum of four persons (excluding staff).
- (f) *Home enterprises.*
- (g) *Stalls.*
- (h) Works and *network utilities* as provided for in Section 10.
- (i) Activities on reserves as provided for in the Reserves Act 1977.

- (j) *Minerals prospecting.*
- (k) *Existing urupa.*
- (l) *Earthworks ancillary to Permitted Activities.*
- ~~(m) *New buildings and external additions to buildings in the Minden Lifestyle Structure Plan area within an Approved Building Site.*~~

17.3.2 Controlled Activities

- (a) Works and *network utilities* as provided for in Section 10.
- (b) One *minor dwelling* in addition to 17.3.1(c) subject to performance standard 17.4.1(f).
- (c) *Dwellings* on titles where a *minor dwelling* exists which was constructed after 9 February 2009.
- (d) More than one *dwelling* per *lot* in the Katikati Lifestyle Zone subject to performance standards 17.4.1(g) with (per *dwelling*) a minimum *net land area* of 3000m² and minimum average *net land area* of 5000m².
- (e) Subdivision within the Minden Lifestyle Structure Plan area where all of the proposed *privateways* and building sites are within Stability Area - Minden C as provided for by 8.3.2 (a).

In addition to the relevant requirements of Section 8 (Natural Hazards), subdivision provided for under this rule shall also be subject to the activity performance standards in 17.4.2 and the matters of control in 17.5.2.

~~subject to the performance standards in 17.4.2 where the site is made up of land zoned stability area A, B or C and where:~~

- ~~• 80% or more of the land to be subdivided is within Stability Area C.~~

- (f) Subdivision within Stage 1 of the Te Puke Lifestyle Zone at such time as the requirements of 17.4.2 (g) are satisfied.

17.3.3 Restricted Discretionary Activities

- (a) Any Permitted or Controlled Activity that fails to comply with the activity performance standards listed in Rule 17.4.
- ~~(b) Subdivision within the Minden Lifestyle Structure Plan area (Stability Areas A, B1, B2 and U) as provided for by 8.3.3 (c) (ii).~~

In addition to the relevant requirements of Section 8 (Natural Hazards), subdivision provided for under this rule shall also be subject to the activity performance standards in 17.4.2 and the matters of control in 17.5.2.

- ~~(b) New *buildings* and external additions to *buildings* in the Minden Lifestyle Structure Plan area not within an *Approved Building Site*, subject to the requirements in 17.6.3.~~
- ~~(c) Subdivision within the Minden Lifestyle Structure Plan area not provided for in 17.3.2(e) above, subject to the requirements in 17.6.3.~~
- ~~(d) Subdivision within the Minden Lifestyle Structure Plan area on land that is not within a *Stability Area*, subject to the requirements in 17.6.3.~~

17.3.4 Discretionary Activities

- (a) *Accommodation facilities* not complying with 17.4.1(d).
- (b) *Education facilities* for more than four persons (excluding staff).
- (c) *Places of assembly*.
- (d) *Rural selling places*.
- (e) *Minerals exploration, mining and quarrying*.
- (f) Urupa (new sites).
- (g) Works and *network utilities* as provided for in Section 10.
- (h) *Buildings* not complying with 17.3.1(d).
- (i) Onsite protection lot subdivision as provided for in Rule 17.4.2(c).

17.3.5 Non-Complying Activities

- (a) *Minor dwellings* not complying with performance standards specified in 17.4.1(f).
- (b) Coolstores and packhouses.
- (c) Subdivision not in accordance with an approved *structure plan* or where no *structure plan* currently exists.
- (d) Subdivision not meeting performance standards in 17.4.2.

- (e) More than one *dwelling* per *lot* in the Minden Lifestyle Structure Plan area and the Te Puke Lifestyle Zone.

17.4 Activity Performance Standards

17.4.1 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.

(a) Height of buildings

Maximum – 8m.

(b) Daylighting

No part of any *building* 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* 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, education facilities:*

Minimum 10m;

Except that:

- Where the boundary adjoins a Rural Zone it shall be a minimum of 30m.
- Where the boundary adjoins a Strategic Road or a designation for a Strategic Road it shall be a minimum of 100m.

- (ii) *All Other Structures:*

Front yard – Minimum 10m;

Side and rear yards – Minimum 5m;

Provided that:

A *building* may be located within 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) Standards for accommodation facilities

- (i) Have a maximum occupancy of four persons at one time (excluding staff);
- (ii) The total area available for exclusive use for the occupiers be no greater than 60m² *gross floor area*;
- (iii) Must not contain a *kitchen* or otherwise be self contained.

(e) Standards for home enterprises

- (i) Shall be conducted in an area that does not exceed 500m² of which a maximum of 120m² shall be available for a building floor area. Carparks shall be excluded from the maximum area calculation of the activity;
- (ii) Does not have access within 30m of a State Highway;
- (iii) Is carried out by a maximum of three persons;
- (iv) Any *retailing* shall occur within a gross floor area not exceeding 20m²;
- (v) Does not involve sales of products other than those produced on the site. This does not apply to the sale of any goods stored, distributed and manufactured off the site that are sold via the internet;
- (vi) Any advertising shall comply with the relevant provisions of Section ~~4D.3.1.1~~ 4D.3.2;
- (vii) Parking shall be provided in accordance with Rule 4B.4.7;
- (viii) No aspect of the *home enterprise*, including carparking, or sale of goods, shall be undertaken within 10m of the front boundary with the exception of *stalls*;
- (ix) Bulk warehousing, product assembly and outside storage of materials and goods shall not be permitted as a part of a *home enterprise*.

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

- (i) Shall be located within 20m of the principal *dwelling* or *minor dwelling* on the site;
- (ii) Shall share vehicle access with the principal *dwelling* or *minor dwelling* on the site;
- (iii) Shall pay 50% of the financial contributions that applies to the subdivision of land.

(g) Standards for more than one dwelling per lot

The relevant subdivision standards shall apply as if the land was being subdivided with each *dwelling* being treated as if a new *lot* is being created, including the application of financial contributions. Any further subdivision would require the importation of a transferable subdivision entitlement.

(h) Standards for Greenlanes in the Minden Lifestyle Structure Plan area

Greenlanes - Minimum total width 7m.

(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) Cultural and Heritage** - See Section 7.

- (s) **Natural Hazards** - See Section 8.
- (t) **Hazardous Substances** - See Section 9.
- (u) **Financial Contributions** - See Section 11.

17.4.2 Subdivision Activity Performance Standards

(a) General

- (i) Shape factor

Each *lot* which will qualify for the erection of a *dwelling* as a Permitted Activity shall be capable of accommodating a 20m minimum diameter circle exclusive of *yard* requirements, such area to contain a building site complying with 12.4.1 (b) and in accordance with an approved *structure plan*;

- (ii) *Lot Size*

Minimum 3000m², with a minimum average 5000m², or as defined in the *Structure Plan*.

Except that:

Minden Lifestyle Structure Plan area: Minimum 3000m², average 4000m², provided that Greenlane Lot Entitlements may reduce minimum *lot* sizes as described in 17.4.2(e).

- (iii) Development in accordance with the *structure plan*

All subdivision shall be designed to be in general accordance with the approved *Structure Plan* for the identified Lifestyle Zone area and *Council* has full discretion to assess the subdivision application and decide whether a proposal is in general accordance with the *structure plan*.

(b) Transferable subdivision entitlements

- (i) Application

Additional *lots* shall be created from the following entitlements obtained from the Rural Zone on a one to one basis:

- Transferable Amalgamation Lots;
- Transferable Rural Entitlements;

- Transferable Protection Lots.

Explanatory Note:

In the Minden Lifestyle Structure Plan area, additional *lots* can also be created from onsite protection lots under Rule 17.4.2 (c) and Greenlane Lot Entitlements under Rule 17.4.2 (e).

(c) On-site Protection Lots

(i) Application

Additional *lots* may be created in exchange for the protection of a 'feature of value to the community' as defined in Rule 18.4.2 (h) (i) on the following basis.

1. The feature being protected must be within the land being subdivided.
2. The feature being protected shall meet the qualifying standards in Rules 18.4.2 (h) (iii) to (viii).
3. Additional *lots* can be transferred within the Lifestyle Zone.
4. Where the land being subdivided also contains a *greenlane* as identified on the Minden Lifestyle Structure Plan, then the creation of additional *lots* under this rule shall not occur before the creation of new *lots* under Rule 17.4.2 (e).
5. Subdivision under this rule shall also be subject to Rules [8.4.1](#), [8.5.1.3](#), 17.4.2(a), [17.4.2\(d\)](#) and 17.5.2 and ~~17.6.3~~.

(d) Minden Lifestyle Structure Plan Staging Requirements

- (i) Subdivision within the Minden Lifestyle Structure Plan area shall be staged in accordance with the following requirements:

For the purpose of these rules;

- New *lots* shall be defined as those approved by way of subdivision consent for which an application was lodged on or after the date of 25 September 2010.

- Existing *lots* shall be defined as those approved by way of subdivision consent for which an application was lodged before the date of 25 September 2010.

- (ii) The total number of new *lots* allowed is shown in the table below;

Except that:

For every *dwelling* granted as a Non-Complying Activity under Rule 17.3.5(e) (more than one *dwelling* per *lot*) this will reduce the number of new *lots* allowed within the area of its location on a one to one basis.

Area	Number of new lots allowed
1a	94
1b	29
1c	103
2	30

Note:

Allowance for any new *lots* more than that specified in the table above will be subject to a future Plan change and/or designation. The number of new lots allowed for (including the location and the distribution in each area) will be dependent upon an analysis of potential effects on the *strategic roading network*.

This will include consideration of the existing State Highway 2 function, efficiency and safety as well as the construction, timing and linkages of the Tauranga Northern Link. It will also include ensuring that a suitable connection can be provided to the existing and planned *strategic roading network* to cater for the expected number of additional *lots*.

- (iii) In respect to Area 2 in the table above, no more than two new *lots* shall be created from any one existing *lot* and no new *lot* shall be created from any other new *lot*;
- (iv) Subdivision applications for more than two new *lots* in Area 2 can be submitted where an existing *lot* is able to produce more than two new *lots* in accordance with Rules 17.4.2 (a) and (b) subject to the following:
1. The number of new *lots* that can be given effect to shall be no more than two.

2. The third and subsequent new *lots* can be given effect to at the time when the abovementioned Plan change in Rule 17.4.2 (d) (ii) provides for these new *lots*.
 3. To prevent the third and subsequent *lots* from lapsing during this period, Council will provide a 10 year lapse period for these *lots* in accordance with Section 125 of the RMA and will consider applications under Section 125 to further extend this 10 year lapse period if the abovementioned Plan change in Rule 17.4.2 (d) (ii) has not occurred.
 4. Transferable Subdivision Entitlements shall only need to be obtained initially for the first two *lots* that can be given effect to.
 5. Further Transferable Subdivision Entitlements are required to be obtained for the remainder of the new *lots* prior to Council issuing a certificate pursuant to Section 224 of the RMA.
- (v) For the purpose of limiting traffic movements onto the Wairoa/State Highway 2 intersection, Oliver Road shall not be connected to Minden Road.

(e) Minden Lifestyle Structure Plan Greenlane Lot Entitlements

Greenlane Lot Entitlements	
General Requirement:	The subdivision provides public <i>greenlanes</i> in general accordance with the Minden Lifestyle Structure Plan.
Area Per Entitlement:	One entitlement will be provided for each complete 100m of <i>greenlane</i> (regardless of width) vested in Council as part of the subdivision. There shall be no limit to the number of entitlements that can be generated under this rule, other than by the limitation directly above.
Reduced Lot Sizes:	Exception to Rule 17.4.2(a)(ii) as follows; Minimum - 2500m ² Average – n/a Where a subdivision qualifies for one or more Greenlane Lot Entitlements, these <i>lot</i> sizes shall apply to the entirety of that subdivision and any subsequent stages, not only to those <i>lots</i> established using Greenlane Lot Entitlements.

- (i) Where a subdivision in the Minden Lifestyle Structure Plan area qualifies for one or more Greenlane Lot Entitlements under Rule 17.4.2(e) above, the section of greenlane that falls within the subdivision shall be vested in *Council* with no compensation payable.
- (ii) Greenlane Lot Entitlements shall be used for the creation of new *lots* prior to the creation of new *lots* under Rule 17.4.2 (b) (i) through the use of the following:
 - Transferable Amalgamation Lots;
 - Transferable Rural Entitlements;
 - Transferable Protection Lots.

(f) Minden/Ainsworth Structure Plan Road

- (i) The Minden/Ainsworth Structure Plan Road shall not be located any closer than 80m to any property boundary of Lot 12 DPS 34526. *Privateways* and cul-de-sacs may be located within this distance however they are not to adjoin any property boundary of Lot 12 DPS 34526. Failure to meet this rule renders the application Non-Complying and the owner of Lot 12 DPS 34526 shall be notified as an affected party;
- (ii) The intersection of the Minden/Ainsworth Structure Plan Road at Minden Road shall not be located any further north than its indicative position shown on the *Structure Plan*, without the written approval of New Zealand Transport Agency.

(g) Te Puke Lifestyle Structure Plan Area

- (i) The following shall be undertaken prior to the subdivision or *development* of any *lots* in this Zone:
 - (a) An alternative route to take road traffic from Te Puke Quarry Road to the Te Puke Town Centre has been constructed; and
 - (b) The closure of the intersection of Te Puke Quarry Road with State Highway 2 has been legally and physically completed.
- (ii) After the completion of (i) above there shall be a limit of 35 new *lots* (consented subsequent to 30 January 2010) until improvements have been made to the State Highway 2/Manoeka Road intersection to the satisfaction of New Zealand Transport Agency to provide for a maximum of 100 additional *lots*.

- (iii) Subdivision or *development* not in accordance with clauses (i) and (ii) above shall be a *Non-Complying Activity*.
- (iv) At such time as clauses (i) and (ii) above are satisfied subdivision or *development* shall be a Controlled Activity.

17.5 Matters of Control

17.5.1 Controlled Activities – Subdivision within Stage 1 in the Te Puke Lifestyle Structure Plan Area

Council reserves control over the following matters for the Te Puke Structure Plan area, and may impose any necessary conditions on subdivision:

- (a) Protecting and enhancing areas of indigenous vegetation by:
 - (i) Enhancing the broader landscape pattern through a 'retire and restore' approach to the eastern face of the backing escarpment;
 - (ii) Providing a higher level of physical linkage/connectivity between existing areas of native bush, creating more viable corridors for the dispersal of native flora and fauna including invertebrates;
 - (iii) Providing further habitat and year round food sources for native fauna, thereby attracting native birdlife into the estate, providing food sources for sustained populations and supplementing the existing resource provided by Ottawa Scenic Reserve and remnant patches of bush;
 - (iv) Providing separation, shelter and privacy between proposed *dwellings*;
 - (v) Reducing the cumulative impact and visibility of built form by screening, softening and filtering all structures and site modifications as perceived by the broader community. Native vegetation should ultimately provide a backdrop to all house sites and become a more dominant feature on property as well as the skyline;
 - (vi) Enhancing water quality in the permanent and ephemeral streams within and flowing out from the property through the provision of greater vegetation cover along riparian corridors and on steep erosion prone lands, and retirement from grazing activity;

- (vii) Any matters listed in 5.6.1.
- (b) Maintaining and enhancing rural landscape character by:
 - (i) Carefully selecting the position of proposed house sites, and controlling building design;
 - (ii) Focusing house clusters sites into the defined development areas shown on the *Structure Plan*;
 - (iii) Protecting open ridgelines;
 - (iv) Where possible, avoiding the disturbance or destruction of archaeological sites;
 - (v) Avoiding erosion or natural hazards or mitigating these hazards when they cannot be avoided;
 - (vi) Ensuring house sites are sheltered from the prevailing westerly;
 - (vii) Maintaining views for house sites;
 - (viii) Any matters listed in 6.6.1.
- (c) Increasing the ability for the future community to experience the bush on a daily basis by a community walkway system meandering through the bush areas allowing direct contact with the bush and thereby adding recreational value.
- (d) For the Te Puke Lifestyle Zone walkways shall be provided by the developer with no compensation payable.
- (e) Provision of appropriate potable water supply systems, including connection to public water networks where feasible.
- (f) Provision of fire fighting water supplies.
- (g) The application of financial contributions.

17.5.2 Controlled Activities – Subdivision within the Minden Lifestyle Structure Plan Area where all of the Proposed Privateways and Building Sites are within Stability Area – Minden C as Provided for in Rule 17.3.2 (e).

Council reserves control over the following matters for the Minden Lifestyle Structure Plan area, and may impose any necessary conditions on subdivision:

- ~~(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 *privately* 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) Requiring easements for stormwater infrastructure, as appropriate;~~
 - ~~(vii) Avoiding erosion or natural hazards or mitigating these hazards when they cannot be avoided.~~
- (a) Protecting and enhancing scheduled Significant Ecological Features, other prominent areas of indigenous vegetation which contribute to the Zone's wider amenity, existing waterways, providing ecological linkages and improving landscape by requiring planting along riparian corridors, on steep erosion prone land, the retirement of some land from grazing activity and the avoidance of discharge to such areas.
- (b) Providing connectivity throughout the *Structure Plan* area including requiring the provision of *greenlanes* shown on the *Structure Plan*.
- (c) Ensuring that building sites and associated *earthworks* blend in with existing contours, preserve strands of native bush, and do not compromise significant topographical features. Pump houses, fences and masts may be located outside of the building site.
- (d) Building sites should be set back from existing waterbodies and ephemeral flowpaths to the extent that any risks to *buildings* from instability and flooding are avoided and there are no adverse effects on ecological features.

- (e) Compliance with activity performance standards 17.4.2.

17.6 Matters of Discretion

17.6.1 Restricted Discretionary Activities – Non Compliance with Activity Performance Standards

17.6.1.1 ~~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~~

~~Council will limit its discretion to the effects of the non-compliance on the purpose of the performance standard and any relevant objectives and policies.~~

17.6.1.2 Where the minimum width for *greenlanes*, as stipulated in 17.4.1(h), cannot be achieved, the minimum width may be reduced to a minimum of 5m. In assessing a reduced width *Council* shall have regard to the following matters:

- (a) Connectivity throughout the *Structure Plan* area is not compromised for the various user groups.
- (b) The topography allows for the construction of a more cost-efficient *greenlane* in a reduced width and quality, provided that safety and amenity are not compromised.
- (c) Ecological features or other prominent areas of indigenous vegetation, which contribute to the Zone's wider amenity, are protected.
- (d) The risks of erosion and water pollution are not increased.
- (e) A *hedge*, fence or retaining wall that exists closer than 4m from the centre line of the *greenlane* does not exceed a *height* of 1.2m above natural ground level, except where a fence exceeds 1.2m and the portion above 1.2m has a visual permeability of at least 60%.
- (f) Safe sightlines can be achieved.
- (g) Productive land is not significantly affected.
- (h) The *development* of the tracks are consistent with the New Zealand Handbook for tracks and outdoor visitor structures – SNZ HB 8630:2004.

17.6.2 Restricted Discretionary Activities – Failing to meet Rule 17.4.1(c) Minimum Yard Requirements

Council shall have regard to the following matters in addition to relevant matters stated in 17.4:

- (a) Due to size, shape, topographical or geotechnical constraints, it is not practicable to meet the *yard* requirements.
- (b) The location of archaeological sites or other Identified Significant Heritage or Ecological Features makes it not practicable to meet the *yard* requirements.
- (c) The potential for conflict with existing and foreseeable activities in the area, including potential for *reverse sensitivity* effects.
- (d) Separation distances from other *dwellings* and any resultant loss of privacy of adjoining *dwellings*.

~~17.6.3 Restricted Discretionary Activities – Subdivision and Development within the Minden Lifestyle Structure Plan Area as provided for in Rules 17.3.3(b),(c) and (d).~~

~~*Council* shall have regard to the following matters in addition to 17.5.2:~~

- ~~(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.~~~~

17.6.4 Discretionary and Non-Complying Activities – General

The assessment and management of effects shall include the following matters in addition to relevant matters stated in 17.4 as appropriate:

- (a) Potential for conflict with existing and foreseeable activities in the area.

In justifying any location where potential for conflict and other adverse effects arise consideration should be made of possible alternative locations and the need to be in the specific area chosen.

- (b) 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.

- (c) Traffic Generation

- Effects on the local and *strategic roading network*, including traffic safety;
- Access;
- Effect on amenity.

- (d) Scale of the activity including number of people carrying out the activity and hours of operation.

- (e) Proposed *signs*.

- (f) The extent to which the activity has the potential to adversely affect on the visual amenity provided by the rural environment and the ability to avoid or mitigate such impact by screening or other appropriate measures.

- (g) The background sound level of the surrounding environment and whether the best practicable option of reducing noise emissions has been utilised by rural activities which exceed the relevant noise limits in the District Plan rules.

17.7 Other Methods

17.1 Role of the Regional Council

Many land use activities, particularly those with the potential to adversely impact on water and soil resources will require resource consents from the *Regional Council*. In such cases the *Regional Council's* requirements, including those set out in the Regional Water and Land Plan will also need to be complied with.

Section 18 – Rural

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Matakana Island

Aspects of this Section of the District Plan that relate specifically to Matakana Island remain subject to appeal by reason of the following appeals:

- Bay of Plenty Regional Council (ENV-2010-AKL-000096)
- Blakely Pacific Limited (ENV-2010-AKL-000076)
- TKC Holdings Limited and Matakana Investment Group Limited (ENV-2010-AKL-000072)

As such the provisions in this Section of the District Plan that relate to the above have been annotated to indicate existing appeals. This has been done by providing a line in the right hand margin beside the part of the District Plan that has been appealed. Beside these lines is a number which is the *Council* reference to the respective appeals as follows:

- Bay of Plenty Regional Council - 1
- Blakely Pacific Limited - 3
- TKC Holdings Limited and Matakana Investment Group Limited - 35

Accordingly, in regard to provisions relating specifically to Matakana Island, the 2002 Operative District Plan and the 30 January 2010 Decisions Version of the Proposed District Plan remain applicable. In all other cases the 2012 District Plan as operative applies to Matakana Island.

Rural

18. Rural

Explanatory Statement

The Western Bay of Plenty District is predominantly a rural area with a number of small towns spread throughout. Rural production is the primary economic driver and the *District* is reliant on the efficient use of the rural land resource to sustain this production.

The rural area is made up of a number of physically discrete landforms. To the north west lies the Kaimai Range which is characterised by steep elevated ridges and valleys, is mostly bush clad and is in large part a Forest Park. The foothills to these ranges are steeply sloping to rolling hill country dissected by rivers and streams. These foothills have many remnant bush areas and large parts are used for pastoral farming. The lowland around Tauranga Harbour contains both *versatile land* and *productive land* and has a number of other physical attributes which enables this land to be used for horticulture or more intensive farming. To the east of the *District* around Te Puke the land is characterised by large flat elevated plateaus with incised gullies and broken terrain. Land use varies from horticulture on the lower plateaus to pastoral farming. A coastal plain in the east comprised of fertile lowland peat and sandy silt soils extends from the edge of the plateau area to the coast and is largely flat land used for pastoral farming and slightly elevated rolling land with horticulture.

The rural area contains the majority of the *sub-region's* remaining indigenous flora and fauna. These areas of high ecological significance include harbours, wetlands, freshwater streams and rivers, areas of indigenous vegetation and protected areas. Protection and enhancement of these areas is desirable to maintain the *District's* biodiversity.

One of the key attributes of the *District* is that it encircles the City of Tauranga. Both Tauranga City and the *District* have experienced considerable growth since 1990 and this growth is forecast to continue. Over half of the people who have moved to the *District* have chosen to live in the rural area because of the rural lifestyle opportunities that it provides. Many of these people also work within Tauranga City. The opportunities for lifestyle living have been created by the subdivision of rural land under the previous subdivision rules. This has resulted in a wide distribution of lifestyle blocks throughout the *District*. Existing rural communities have often benefited from the increase in population resulting from lifestyle *development* which has added diversity and provided support for rural services and facilities.

In the last two decades the widespread subdivision of rural land for lifestyle and other purposes has resulted in significant fragmentation of the rural land resource.

The magnitude of demand for rural living which has resulted in the high degree of rural land fragmentation through subdivision was not anticipated and the point has now been reached where the cumulative effects of the large amount of intensified rural *development* has now become evident. Many owners of land have also carried out subdivision to secure future *development* rights.

Consequently a considerable number of vacant *lots* now exist which have the potential to be developed. Many of these *lots* are in areas that have deficient *infrastructure* and which are remote from employment areas and if developed will continue to add to the cumulative effects already being experienced.

Much rural land is in multiple Maori ownership. It is consistent with the principles of the Treaty of Waitangi and Part 2 of the *RMA* to recognise and provide for the establishment of Papakaianga and associated supporting facilities on Maori land so as to give a practical expression to the relationship of Maori and their culture and traditions with their ancestral lands, waahi tapu and other taonga.

Interest has been expressed for more intensified *development* of Matakana Island. The Island has a rich cultural history and like much of the Western Bay of Plenty, its landscape and natural environment are sensitive to misuse. For this reason, any consideration of intensive or large-scale *development* must be preceded by a 'Whole of Island Plan' that deals with issues in a holistic manner. *Development* that enhances the rural community of the Island within the context of general rural planning strategies for the *District*, including appropriate provision for Papakaianga housing, may be expected to continue to provide for the Island community's social, cultural and economic well being.

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There has been significant growth in the horticultural sector, especially the kiwifruit industry, over the past 20 years. Large numbers of seasonal workers are needed to satisfy the local demand for labour especially during the picking and packing season. These workers need to be housed and there is increasing pressure for redundant rural *buildings* of a non-residential nature to be converted to provide *seasonal worker accommodation*. Many of these *buildings* are in somewhat isolated rural locations and require lengthy journeys to either the workplace or the social and retail services provided in towns. From a pastoral care perspective it is preferable that *seasonal worker accommodation* is located close to the place of employment and/or the service facilities of the towns. Locating accommodation close to post harvest facilities also reduces the number of traffic movements associated with workers travelling to these workplaces.

Careful management of the various demands on the rural land resource can allow the range of legitimate demands made on it to be accommodated in a balanced manner which minimises inter-activity conflict and which is consistent with *Council's* statutory resource management responsibilities.

18.1 Significant Issues

1. Rural primary production is important to the economic welfare of the *District* and the *District's* rural land resource is important for sustaining this production.

The important contribution of the primary production sector to the economy of the *District* is directly reflected in rural employment as well as in the significant number of supporting service industries. The *District's* reliance on primary production for its economic output means that maintenance of the productive capacity of the rural land resource is critical to the future wellbeing of the *District*.

2. The *District's* rural land resource (including *versatile land*) is finite and productive capacity has been diminishing as a result of fragmentation into smaller *lots* through subdivision. There has been increasing pressure for rural residential subdivision or 'lifestyle' use, particularly in close proximity to urban areas where much of the more *versatile land* and horticultural production is located. The challenge is to ensure that subdivision under the District Plan rules, in particular those stipulating minimum *lot* sizes, results in the productive potential of the most *versatile land* not being compromised.
3. The character and associated amenity of the rural environment are what makes the *District* a sought after place in which to live.

Elements which make up rural character include:

- A predominance of natural features over human made features;
- A high ratio of open space relative to the built environment;
- Significant areas in pasture, crops, horticulture, forestry and indigenous vegetation;
- A working rural production environment;
- Presence of farm animals;
- Noise, odours and other effects associated with the use of rural land for a wide range of primary productive purposes and quarries;
- Low population densities relative to urban areas;

- Existence of some narrow and/or unsealed roads;
- General lack of urban infrastructure.

Over half of the *District's* population lives in rural areas. The rural environment of the *District* is a popular place in which to live because of the lifestyle opportunities it provides and because of its reasonable proximity to urban employment areas. Demand for lifestyle *development* in rural areas will therefore be ongoing. Provision to help meet this demand by allowing some additional rural living opportunities is appropriate in selected areas which have the *infrastructure* capacity and where the *productive land* resource will not be eroded.

4. Rural *farming* practices, including horticulture, can have effects which may influence the well-being of people living in close proximity to and who may be unfamiliar with the operational requirements of primary production which have effects which are to be anticipated and expected in the Rural Zone. These practices include spray drift, the use of agrichemicals, noise from frost fans, shading from shelterbelts, pumping of water for irrigation, bird scarers, general use of farm machinery both on and off farm, the harvesting of crops which may occur at various times including at night, the weekend and public holidays. These practices have the potential to create noise, dust and odour either of a temporary or intermittent nature beyond the boundary or the property concerned. These are legitimate *farming* practises which may nevertheless experience *reverse sensitivity* effects. Because these practices are an accepted and integral part of primary production they should not be unreasonably constrained by other activities.
5. There are a large number of undeveloped rural properties existing throughout the *District*, some of which have the potential to help meet the demand of those seeking new rural *lots* for both primary production and lifestyle living.
6. The cumulative effect of the fragmented pattern of rural subdivision has led to inefficient use of physical resources and a gradual loss of rural character and degradation in rural amenity values.

The historical approach to subdivision within the rural area has been to provide for it throughout the *District* rather than to channel it into particular locations. The effect of this pepper-pot approach to rural subdivision was to spread adverse effects on rural amenity and *infrastructure* widely, such that they have been diluted. However, the cumulative effects of the large amount of rural subdivision that has occurred is now becoming evident.

7. *Quarrying* and other mineral extraction activities are important to the future growth of the *western Bay of Plenty sub-region*.

By their nature, hard rock and mineral deposits are found in fixed locations and consequently *quarrying* and/or mining of these resources is constrained by their location. Because of the potential effects generated by *quarrying* and mining activities such as noise, dust and traffic, *development* in close proximity to them and alongside access routes to these resources has the potential to create *reverse sensitivity* issues.

8. There is the potential for controls on the use and *development* of rural land to conflict with the special relationship of Maori with their ancestral land.

The legal tenure of land that has *Maori land* status under Te Ture Whenua Maori Act 1993 creates unique ownership issues and many barriers to its *development*. In addition, Maori have traditional values in respect of how *Maori land* should be developed which may not be consistent with *development* standards considered appropriate to apply to other rural land.

9. There is both a need and a desire for Maori to be able to choose to live on their ancestral lands and provide for their physical, social, cultural and economic needs.

10. Matakana Island is a sensitive environment that needs to be planned for carefully. While the resource management issues relevant to Matakana Island also apply to other rural land, those of particular importance in the Matakana context include:

- The potential for more intensive or large scale *development* to adversely impact on archaeological, cultural, spiritual, ecological and landscape values; and
- The need and desire of Maori to live on and develop their ancestral land.

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11. The rural land resource can be sought to establish industrial or commercial activities because it is generally less expensive to obtain than land within Industrial and Commercial Zones.

Allowing these activities to establish within rural areas has the potential to detract from the rural character and amenity of the Zone as well as increase conflict with existing activities. It also has the potential to undermine the integrity of the Zones established for these uses in urban areas by reducing demand and resulting in inefficient use of resources.

12. *Seasonal worker accommodation* is an important component of the horticultural sector. For efficiency and social and economic reasons they should be located in association with the employment source.

13. The siting of *network utility* operations in rural areas is often constrained by the fixed location of the particular resource being utilised, thereby creating the potential for *reverse sensitivity* effects to occur in respect of other rural land users.

18.2 Objectives and Policies

18.2.1 Objectives

1. The rural land resource and *versatile land* capability is maintained to enable its use for rural production activities.
2. Primary productive activities should be able to operate in the Rural Zone without unreasonable constraints being imposed on them by other activities.
3. Appropriate provision for activities not directly based on primary production but which have a functional or other legitimate need for a rural location.
4. The efficient use and *development* of the rural land resource for primary production. | 3.3
5. Maintain the rural character and amenity values associated with the low density rural environment.
6. Protection and enhancement of ecological, landscape, cultural, heritage and other features located in the rural environment which are of value to the wider community.
7. The efficient and cost effective provision, management and further *development* of roading, water supplies and other *infrastructure* required to meet the needs of rural activities and communities.
8. The efficient use and *development* of regionally important mineral resources.
9. Fulfilment of the special relationship of Maori with their ancestral land including the particular culturally based housing needs and traditions associated with such land.
10. Preservation of the options for the future use of land identified in the Bay of Plenty Regional Policy Statement as being required for future urban *development*. | 3.4
4.8
3.7
35.9

18.2.2 Policies

1. Subdivision, use and *development* of *versatile land* should occur in a way which retains its potential to be used for a range of productive rural purposes and which maximises the likelihood of it actually being used for such purposes.
2. Fragmentation of *versatile land* for purposes not directly related to maintaining or enhancing the primary productive potential of the rural land resource should be avoided or minimised.
3. Except where specifically tailored to accommodate other activities with a legitimate need for a rural location, new rural *lots* created through subdivision should be of a size and nature suitable for a range of primary productive uses.
4. Subdivision, use and *development* which has the potential to inhibit the efficient use and development of rural land for primary production or to inhibit the efficient use and *development* of existing mineral extraction sites (including vehicle access routes to such resources) should be avoided or minimised.
5. Subdivision, use and *development* of rural land for purposes other than primary production and which have the potential to inhibit the efficient and lawful operation of existing or designated network utility operations should be avoided or minimised.
6. The amalgamation of existing rural *lots* into larger land parcels should be encouraged.
7. Provide for the amalgamation of large rural *lots* for productive purposes through the provision of incentives.
8. Encourage the amalgamation of titles in areas with deficient infrastructure services and remote from employment areas through the provision of incentives.
9. Provision should be made for the limited subdivision of land (including the transfer of title rights to identified areas) in conjunction with the sustainable protection or restoration of ecological, cultural, heritage, landscape or other features of value to the wider community.
10. Activities with a functional or other legitimate need for a rural location should not be established in rural areas unless they are able to be undertaken without constraining the lawful operation of productive rural land uses which are carried out in accordance with accepted management practices.

- | | | |
|-----|---|------|
| 11. | The establishment in rural areas of industrial, commercial or other activities which do not have a functional or other legitimate need for a rural location should be avoided. | 4.8 |
| 12. | Subdivision and <i>development</i> should not occur in rural areas which have inadequate roading or other infrastructural capacity to cater for such <i>development</i> . | |
| 13. | Rural-residential or rural lifestyle <i>development</i> should be channelled onto land with the following attributes: | |
| | - Low versatility for primary production; | 3.5 |
| | - Able to be readily serviced; | 3.9 |
| | - In reasonable proximity to urban centres; | 4.9 |
| | - Able to be developed in a manner sympathetic to the character and amenity values of the surrounding rural area. | 35.4 |
| 14. | Subdivision and <i>development</i> of rural land should not occur in a manner which inhibits the legitimate operation of existing mineral extraction sites or in areas known to contain untapped mineral resources of regional significance. | |
| 15. | The use and <i>development</i> of ancestral <i>Maori land</i> should be provided for in a manner consistent with and in recognition of the special relationship of Maori to such land, including provision for multiple housing and associated support facilities | |
| 16. | In addition to policies relating to the rural land resource, <i>development</i> of land on Matakana Island shall recognise and provide for the following matters: | 4.11 |
| | (a) Cultural, spiritual and archaeological values, including the need and desire of Maori to live on and develop their ancestral land. | 35.6 |
| | (b) Maintenance and enhancement of natural coastal character, natural features, ecology and landscapes, indigenous vegetation and habitats of indigenous fauna, and historic heritage. | |
| | (c) The need to ensure that large-scale or more intensive <i>development</i> proposals do not compromise future options for the comprehensive planning and <i>development</i> of the Island. | 3.6 |

- | | | |
|-----|---|--------------|
| 17. | Subdivision, use and <i>development</i> of rural land identified in the Bay of Plenty Regional Policy Statement as being required for future urban <i>development</i> in a manner which limits the options for the future use of such land for urban purposes should be avoided or minimised. Particular forms of <i>development</i> which should be avoided include: | 35.7 |
| | (a) Fragmentation of rural land through subdivision unrelated to primary productive use. | |
| | (b) The establishment of capital intensive rural or quasi urban land uses. | |
| 18. | The release of land for urban <i>development</i> will be staged in a manner which ensures the continued availability of rural land for productive rural purposes and the retention of rural character until urban <i>development</i> occurs. | 4.10
35.5 |
| 19. | Rural land will not be proposed to be rezoned for urban <i>development</i> until a comprehensive <i>structure plan</i> which provides a framework for such <i>development</i> in a manner consistent with the provisions of the Bay of Plenty Regional Policy Statement has been prepared and forms part of the proposed change to the District Plan. | 35.8 |
| 20. | <i>Seasonal worker accommodation</i> facilities should be located on sites which are in close proximity to the principal sources of employment, including: | |
| | (a) On rural sites accommodating stand alone post harvest facilities. | |
| | (b) In existing townships. | |
| | | 3.3 |

18.3 Activity Lists

18.3.1 Permitted Activities

- (a) *Farming.*
- (b) *Production forestry.*
- (c) *Conservation forestry.*
- (d) One *dwelling* per *lot*, with the exception of Smithstown (map reference D03) where individual titles do not qualify for the erection of *dwellings* and *dwellings* where *minor dwellings* exist see 18.3.2(b).

- (e) *Buildings* (except *dwellings*) accessory to the foregoing subject to 18.4.1 (n) less than 200m² gross floor area.
- (f) *Home enterprises.*
- (g) *Stalls.*
- (h) *Accommodation or education facilities* for a combined maximum of four persons (excluding staff).
- (i) Works and *network utilities* as provided for in Section 10.
- (j) Activities on reserves as provided for in the Reserves Act 1977;
- (k) *Minerals prospecting.*
- (l) *Existing urupa* and new urupa adjoining *existing urupa.*
- (m) Frost protection fans, subject to performance standards specified in 4C.1.3.6.
- (n) Audible bird scaring devices, subject to performance standards in 4C.1.3.5.
- (o) *Artificial crop protection* subject to performance standards specified in 18.4.1(h).
- ~~(p) *Earthworks ancillary to Permitted Activities.*~~
- (p) Community facilities or *buildings* up to a cumulative maximum floor area of 200m² when associated with a Controlled Activity of five *dwellings* on multiple owned *Maori land* accessed from an unsealed road maintained by *Council.*
- (q) Community facilities or *buildings* up to a cumulative maximum floor area of 400m² when associated with a Controlled Activity of 10 *dwellings* on multiple owned *Maori land* accessed from a sealed road maintained by *Council.*
- (r) Private burials as provided for under Clause 47 (1) of the Burial and Cremation Act 1964.
- ~~(s) *Rural Contractors Depots*~~

35.11

18.3.2 Controlled Activities

- (a) One *minor dwelling* in addition to 18.3.1(d) above subject to performance standard 18.4.1(f) Standards for *minor dwellings*, excluding Matakana Island.

3.11
35.12

- (b) One *dwelling* on a title where no *dwelling* currently exists and where a *minor dwelling* exists which was constructed after 9 February 2009.
- (c) Works and *network utilities* as provided for in Section 10.
- (d) Frost protection fans, subject to performance standards specified in 4C.1.3.7.
- (e) Up to a maximum of five *dwellings* on multiple owned *Maori land* accessed from an unsealed road maintained by *Council* subject to there being an average of at least 2000m² of *net land area* per *dwelling* (including those provided for as a Permitted Activity).
- (f) Up to a maximum of 10 *dwellings* on multiple owned *Maori land* accessed from a sealed road maintained by *Council* subject to there being an average of at least 2000m² of *net land area* per *dwelling* (including those provided for as a Permitted Activity).
- (g) On Matakana Island up to a maximum of 10 *dwellings* on multiple owned *Maori land* accessed from a road maintained by *Council* subject to there being an average of at least 2000m² of *net land area* per *dwelling* (including those provided for as a Permitted Activity).
- (h) On Rangiwaea Island up to a maximum of 10 *dwellings* on multiple owned *Maori land* subject to there being an average of at least 2000m² of *net land area* per *dwelling* (including those provided for as a Permitted Activity).
- (i) Community facilities or buildings up to a cumulative maximum floor area of 800m² when associated with a Restricted Discretionary Activity of 11 to 30 *dwellings* on multiple owned *Maori land* accessed from a sealed road maintained by *Council*.
- (j) Subdivision as provided for in Rules 18.4.2(b) General Farming Lots, (d) Transferable Rural Lots, (e) Transferable Amalgamation Lots, (f) Additional Dwelling Lots and (g) Separation Lots.
- (k) Protection Lot subdivision for up to two additional *lots* off a sealed road as specified in Rule 18.4.2(h)(ii)1.

18.3.3 Restricted Discretionary Activities

- (a) Any Permitted or Controlled Activity that fails to comply with the activity performance standards listed in Rule 18.4.
- (b) Subdivision as provided for in 18.4.2(c) Rural Production Lots.

- (c) 11 to 30 *dwellings* on multiple owned *Maori land* accessed from a sealed road maintained by *Council* subject to there being an average of at least 2000m² of *net land area* per *dwelling* (including those provided for as a Permitted Activity). *Council's* discretion is restricted to the matters set out in Rule 18.5.2.

18.3.4 Discretionary Activities

- | | | |
|----------------|---|-----------------------|
| (a) | <i> Intensive Farming Activities.</i> | |
| (b) | <i> Kennels, catteries.</i> | |
| (c) | <i> Accommodation facilities</i> not complying with 18.4.1(d) excluding Matakana Island. | 3.11
4.12
35.13 |
| (d) | <i> Education facilities</i> for more than four persons (excluding staff), excluding Matakana Island. | 3.11
4.14
35.13 |
| (e) | <i> Places of assembly,</i> excluding Matakana Island. | |
| (f) | <i> Rural selling places.</i> | |
| (g) | <i> Rural contractors depots</i> <u>not meeting Rule 18.4.1 (m).</u> | |
| (h) | Coolstores and packhouses less than 200m ² <i> gross floor area.</i> | |
| (i) | <i> Buildings not complying with 18.3.1(e).</i> | |
| <u>(i)</u> | <i> Animal saleyards.</i> | |
| <u>(j)</u> | Mineral exploration, mining and <i> quarrying.</i> | |
| <u>(k)</u> | Urupa (new sites). | |
| <u>(l)</u> | Works and <i> network utilities</i> as provided for in Section 10. | |
| <u>(m)</u> | Subdivision specified in Rule 18.4.2(h) Protection Lot Subdivision, excluding Matakana Island. | 3.11
4.15
35.13 |
| <u>(n)</u> | Development of 31 <i> dwellings</i> or more on multiple owned <i> Maori land</i> accessed from a sealed road maintained by <i> Council</i> subject to there being an average of at least 2000m ² of <i> net land area</i> per <i> dwelling</i> (including those provided for as a Permitted Activity). | |
| <u>(o)</u> | <i> Minor dwellings</i> on Matakana Island. | 3.12 |
| <u>(p)</u> | Expansion of existing coolstores and packhouses (consented as at 1 January 2010) associated with kiwifruit and avocado industry and not within a Post Harvest Zone. | |

- (q) Protection Lot subdivision not complying with 18.4.2(h)(ii);
- (r) Rural Production Lot subdivision not meeting Rule 18.4.2(c)(ii) – (vi).

18.3.5 Non-Complying Activities

- (a) Subdivision not meeting the land area requirement of performance standard 18.4.2(c)(i).
- (b) *Minor dwellings* not complying with performance standards specified in 18.4.1(f).
- (c) Additional *dwellings*.
- (d) New coolstores and packhouses greater than 200m² *gross floor area*.

18.4 Activity Performance Standards

18.4.1 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.

Except where specified otherwise the following performance standards shall be met by all land use activities.

(a) Height of buildings

Maximum – 9.0m.

(b) Daylighting

No part of any *building* 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* 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, education facilities*

Minimum 30m.

Provided that:

A front yard may be reduced to not less than 10m in the following circumstance:

- (a) For any additions or alterations to *Dwellings, Minor Dwellings, Accommodation Facilities or Education Facilities* that were established with a reduced yard (provided that any addition or alteration does not increase the level of non-compliance with the minimum 30m yard and does not increase the existing gross floor area of that building by more than 20%).

Note: For the purpose of this rule "existing gross floor area" shall mean the gross floor area of that building as approved by way of the most recent building consent for which an application was lodged prior to 19 November 2011.

A side or rear yard ~~(other than a front yard)~~ may be reduced to not less than 10m in one or more of the following circumstances;

- (b) For titles in existence prior to 30 January 2010 and which are of an area no greater than one hectare; or for titles that have been created by way of a subdivision consent for which an application has been lodged on or before 30 January 2010 and which are of an area no greater than one hectare; or
- (c) For titles that have obtained subdivision consent prior to 30 January 2010 or for which a subdivision application was lodged on or before 30 January 2010 and which have an approved building site with a reduced yard where this infringement was assessed at the time of subdivision (this applies only to the building site assessed through the subdivision and new locations will require land use consent); or

(d) For any additions or alterations to *dwelling*s, *minor dwelling*s, *accommodation facilities* or *education facilities* that were established with a reduced *yard* (provided that any addition or alteration does not increase the level of non-compliance with the minimum 30m *yard*); or

(e) Where any new *dwelling*, *minor dwelling*, *accommodation facility* or *education facility* (including any additions or alternations to these) can meet all of the following permitted activity performance standards;

- Shall not be located any closer than 60m to any existing *dwelling*, *minor dwelling*, *accommodation facility* or *education facility* ~~on an adjoining title~~ that is located on a title separate to that of the subject site and in different ownership;
- Shall not be located any closer than 35m to any existing 'other *structures*' ~~on an adjoining title~~ that are located on a title separate to that of the subject site and in different ownership.;
- Shall not be within 300m of any *intensive farming activity* ~~on an adjoining title~~ that is located on a title separate to that of the subject site and in different ownership.

Except that:

As provided for in (iii), (iv), (v) and (vi) below.

(ii) All Other *Structures*;

Minimum 5.0m.

Provided that:

A *building* may be located within 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:

As provided for in (iii), (iv), (v) and (vi) below.

- (iii) Where any yard adjoins:
- A Strategic Road or a designation for a Strategic Road, it shall be a minimum of 30m;
 - A railway corridor or designation for railway purposes, it shall be a minimum of 30m.

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) Open Coastal Hazard Protection Yard – for activities within 100m of MHWS adjoining the open coast for the purpose of Coastal Hazard Mitigation purposes, see Section 8.3.2.
- (v) Landward Edge Protection Yard – for controls on activities up to 40m landward of MHWS around the Maketu Estuary and Waihi Estuary, and 100m landward of MHWS adjoining the Open Coast, see Section 6.4.
- (vi) Tauranga Harbour (S8), Wairoa River (S7) Landscape Management Areas and Matakana Island (S9) – for controls on activities up to 300m landward of MHWS, see Section 6.4.

3.13
35.15

(d) Standards for accommodation facilities

- (i) Have a maximum occupancy of four persons at any one time (excluding staff);
- (ii) The total area available for exclusive use for the occupiers be no greater than 60m² *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.5.2](#) [4A.6.2](#).

(e) Standards for home enterprises

- (i) Shall be conducted in an area that does not exceed 500m² of which a maximum of 120m² shall be available for a *building* floor area. Carparks shall be excluded from the maximum area calculation of the activity;
- (ii) Does not have access within 30m of a State Highway;
- (iii) Is carried out by a maximum of three persons;
- (iv) Any *retailing* shall occur within a floor area not exceeding 20m²;
- (v) Does not involve sales of products other than those produced on the site. This does not apply to the sale of any goods stored, distributed and manufactured off the site that are sold via the internet;
- (vi) Any advertising shall comply with the relevant provisions of Section ~~4D.3.1.1~~ 4D.3.1;
- (vii) 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 18.3.2(a) and (b)

- (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) If an attached or detached garage or carport is to be built, it shall have a gross floor area not exceeding 18m²; and
- (iv) Shall pay 50% of the financial contributions that applies to the subdivision of land.

(g) Standards for new Dwellings, addition of habitable space to existing Dwellings, and Accommodation Facilities within 200 metres of a Post Harvest Zone

Any new *dwelling*, addition of a *habitable space* to an existing *dwelling* or *accommodation facility* to be erected within 200m of a Post Harvest Zone boundary shall:

- (i) Be designed and constructed so that the internal noise levels do not exceed LAeq(15 min) 30dB in bedrooms and LAeq(15 min) 40dB in other habitable rooms (the night time noise limits for the Post Harvest Zone);
- (ii) Written certification from an appropriately qualified persons, to *Council's* satisfaction that (i) above has been met, shall be submitted with the building consent application;
- (iii) Where the windows of the *dwelling*, additional *habitable space* to an existing *dwelling*, or *accommodation facility* are required to be closed to achieved 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.

(h) Standards for artificial crop protection

- (i) Shall have green or black cloth when used vertically within 30m of the boundary of the property or within the Tauranga Harbour (S8), Wairoa River (S7) Landscape Management Areas and Matakana Island (S9);
- (ii) Shall be of any colour when used horizontally;
- (iii) Are exempt from *yard* and daylighting requirements.

Provided that:

Within 30m of property boundaries, other than any road boundary, a different colour cloth can be used where the written approval of the owner(s) of the immediately adjoining property is obtained.

Any proposal to situate any artificial crop protection with cloth other than green or black within 30m of a road boundary will require resource consent for a Discretionary Activity.

Explanatory Note:

Research indicates that white cloth can cause glare on adjoining neighbours creating a nuisance and/or hazard. These provisions only restrict the colour of cloth used vertically within 30m of property boundaries, including boundaries adjacent to roads.

(i) Standards for Production Forestry and Conservation Forestry (excluding shelterbelts and protection lots planting)

- (i) No trunk of any tree shall be located nearer than 10m to the boundary of an adjoining property;

Provided that:

Trees may be located closer to the boundary where the written approval of the owner of the immediately adjoining property is obtained.

(j) Standards for the development of housing on multiple owned Maori land

- (i) Control shall be limited to the assessment of financial contributions; and

- (ii) The provision of a papakainga site plan approved by *Council* that addresses:

- The provision of access that minimises access points from *Council* maintained roads;
- The location of houses;
- Internal roading access;
- Location of community facilities;
- Location of outdoor community areas;
- Service provision to existing *Council* owned and other *network utilities*.

(k) Fencing

- (i) Goats (Minimum)
1. Bulldozed line.
 2. 9 wires (kept tight at all times)

- Minimum high tensile 2.5mm diameter galvanised steel.
 - Bottom wire should be placed 80mm above *ground level* and, above that, wires placed at following intervals – 100, 100, 100, 110, 120, 135, 150 and 165mm. The top wire should be approximately 50mm below the top of the post.
3. No internal stays.
4. Posts to be at the following spaces:
- Less than 30° ground slope 5m
 - 30° to less than 45° 4m
 - 45° or more 3m
5. Battens to be at 1m intervals.
- (ii) Deer (Minimum)
- As specified in the Deer Farming Notice (No 5 2008) of the Wild Animal Control Act 1977.

(I) Quarry Effects Management Area

Dwellings, minor dwellings, accommodation facilities and education facilities (including any additions or alterations to these) shall not be located within a *Quarry Effects Management Area*.

(m) Standards for Rural Contractor Depots

- (i) The Rural Contractors Depot operation is carried out by a maximum of five persons, a minimum of one who shall reside on site.
- (ii) Does not involve the sale of goods from the site, other than those that are produced on the site.
- (iii) Does not have access within 30 metres of a State Highway or Strategic Road.
- (iv) The Rural Contractors Depot operation shall not be located within 60 metres of any existing Dwelling, Minor Dwelling, Education Facility or Accommodation Facility that is located on a title separate to that of the subject site and in different ownership to that of the Rural Contractors Depot operator.

- (n)** **Accessory Buildings**
 - (i) Maximum *gross floor area* of 200m² when within a *lot* of two hectares or less.
 - (ii) No maximum *gross floor area* when on *lots* over two hectares.

- (o)** **Transportation, Access, Parking and Loading** - See Section 4B.

- (p)** **Noise and Vibration** - See Section 4C.1.

- (q)** **Storage and Disposal of Solid Waste** - See Section 4C.2.

- (r)** **Lighting and Welding** - See Section 4C.3.

- (s)** **Offensive Odours, Effluent Aerosols and Spray Drift** - See Section 4C.4.

- (t)** **Screening** - See Section 4C.5.

- (u)** **Signs** - See Section 4D.

- (v)** **Natural Environment** - See Section 5.

- (w)** **Landscape** - See Section 6.

- (x)** **Historic Heritage** - See Section 7.

- (y)** **Natural Hazards** - See Section 8.

- (z)** **Hazardous Substances** - See Section 9.

- (aa)** **Financial Contributions** - See Section 11.

18.4.2 Subdivision Activity Performance Standards (see Section 12)

- (a)** **General**
 - (i) Shape factor

Each *lot* which will qualify for the erection of a *dwelling* as a Permitted Activity shall be capable of accommodating a 20m diameter circle exclusive of *yard* requirements, such area to contain a building site complying with 12.4.1 (b);

 - (ii) Conflict with *intensive farming activities*

Each *lot* shall be located no closer than 300m from an existing *intensive farming activity*.

- (iii) Conflict with *quarrying*

All identified house sites shall be located outside of a *Quarry Effects Management Area*.

(b) General farming lots

- (i) Minimum *lot* size (including any balance area or residual *lot*) - 40ha;
- (ii) Limitation.

This rule shall not apply to titles created by way of a boundary adjustment for which a resource consent application was lodged after 7 February 2009 and which would not have qualified for subdivision under this rule prior to the boundary adjustment occurring.

(c) Rural production lots

Existing rural *lots* may be subdivided to create one or more Rural Production Lots subject to the following standards and criteria relating to either productive land or land containing a *productive crop*:

Productive Land:

- (i) Shall contain a minimum of 6ha.
- (ii) Shall be located less than 200m above *MHWS*.
- (iii) Each Rural Production Lot shall be suitable for the successful growing of permanent horticulture crops in the prevailing climatic conditions.
- (iv) Shall have the following characteristics:
- Soil texture; silt loam, sandy loam, loam, loamy sand (in the topsoil 15cm)
 - Potential rooting depth: minimum one metre
 - Drainage Class: well-drained
 - Profile readily available water (0 – 100cm): moderate (greater or equal to 50mm)
 - Topsoil (top 15 cm) bulk density: less than or equal to 0.90 g/cm³
 - Subsoil (below 15 cm) bulk density: less than or equal to 1.00 g/cm³

- Topsoil (top 15cm) organic matter: minimum 5%
- No point exceeding 15 degree slope
- No more than 20% of the *productive land* shall be facing 45 degrees either side of South (south east to south west).

(v) Each application shall be accompanied by a report/s completed by a person/s qualified and experienced in local soils and horticulture production. The report as a minimum shall:

- Certify that the land concerned meets (i) to (iv) above;
- Provide comment on effects of drainage, climatic conditions, previous or current land use, any limitations and any cumulative effects;
- Recommendations for any remedial work.

Productive Crop:

(vi) The above provisions, (ii) to (iv) shall not be required to be met where each Rural Production Lot is a minimum of 6ha and no less than 70% of that area is planted in a *productive crop* which must be certified or other evidence provided.

General:

(vii) One balance *lot* complying with the relevant provisions of Section 12 (Subdivision) but which does not meet the requirements of clauses (i) and (vi) above may be created, provided that:

- the average area of all *lots* within the proposed subdivision shall be at least 6ha, and
- In the case of an application to subdivide land previously subdivided under this rule, the area of the original parent property shall be used for the purposes of calculating average *lot* size and only one non-complying balance *lot* may be created from the land within the original property.

- (viii) Where any new *lot* created under this rule will contain more than one existing *dwelling* (excluding *minor dwellings*), no such *dwelling* may be used as the basis for a subsequent subdivision under the Additional Dwelling Lot rule. A consent notice condition to this effect will be registered on the title of the *lot* concerned;
- (ix) Limitation – this rule shall not apply to titles created by way of a boundary adjustment for which a resource consent application was lodged after 30 January 2010 and which would not have qualified for subdivision under this rule prior to the boundary adjustment occurring.

(d) Transferable rural lot entitlements

Explanatory Note:

The purpose of this provision is to allow existing *lots* that meet age of title and size criteria to obtain a transferable rural lot entitlement for use in the Lifestyle Zone.

- (i) Qualifying existing *lot*

To qualify for a Transferable Rural Lot entitlement the existing *lot* must meet the following criteria:

1. Have a title that existed prior to 1 August 1992 or which has been created by way of a subdivision consent for which an application was lodged prior to that date; and
 2. Is at least 4ha in area;
- or
3. Has been created by way of a subdivision consent for which an application was lodged on or after 1 August 1992 but before 22 November 1997, and
 4. Is at least 8ha in area;

Provided that:

Other *lots* shall qualify under this rule where it can be demonstrated that the title was created following consent to a boundary adjustment and that prior to such adjustment a similar entitlement to subdivision of the previous *lot* (as determined by *Council*) would have complied with the foregoing limitation and all other requirements of this rule.

(ii) Number of entitlements

The maximum number of transferable entitlements able to be obtained from existing *lots* which qualify under this rule shall be as follows:

- *lots* less than 30ha – one entitlement;
- *lots* 30ha or more – two entitlements.

(iii) To be able to exercise the transferable entitlement the qualifying existing *lot* shall have registered against its title a Memorandum of Encumbrance which specifies that the transferable entitlement has been exercised and no further entitlement is obtainable.

(e) Transferable amalgamation lots

Explanatory Note:

The purpose of this provision is to encourage the aggregation of existing rural *lots* into larger land parcels in return for the granting of a transferable amalgamation lot entitlement for use in the Lifestyle Zone or to create a *lot* around an existing additional *dwelling* under the Additional Dwelling Lots Rule. In both cases, a copy of the new title for the amalgamated land will be required to be submitted to *Council* prior to the issue of an *RMA* section 224(c) certificate for the subdivision creating the new *lot*.

(i) To qualify for a Transferable Amalgamation Lot the *lots* being amalgamated must:

1. Exist as at 7 February 2009 or have subdivision consent as at 7 February 2009.
2. Qualify for the erection of a *dwelling* in accordance with the performance standards of the District Plan.
3. The final amalgamated *lot* contains no more than one *dwelling*.
4. A Memorandum of Encumbrance will be required to be registered against the title of the amalgamated *lot* so as to prevent further re-subdivision.

(f) Additional Dwelling Lots

A Transferable Amalgamation Lot entitlement or an entitlement created under 18.4.2(h)(iii)3(b) may be used to create a *lot* around an existing additional *dwelling* subject to compliance with the following standards:

(i) Maximum *lot* size – 1ha, provided that as a Restricted Discretionary Activity the *lot* size may be increased on the basis that existing physical constraints such as the location of the *dwelling* (including vehicle access thereto) on the subject land and the nature of the subject land itself, render it impractical to comply with a maximum *lot* size of 1ha. In any such case, *Council's* discretion shall be restricted to:

- The extent to which for physical reasons it is impractical, unreasonable or otherwise undesirable to limit the size of the *lot* to 1ha;
- The extent to which the amount of versatile land (as described in the Rural Production Lots rule) within the *lot* has been or is able to be minimised.

A restricted discretionary application under this rule need not be publicly notified nor notice of it served on any other persons.

(ii) Qualifying additional *dwellings*

To qualify to be used as the basis for a subdivision under this rule the existing additional *dwelling* must have been lawfully established either by way of a specific resource consent for an additional *dwelling* or by virtue of having existing use rights under Section 10 of the *RMA* (excluding *minor dwellings* in both cases), provided that no existing additional *dwelling* on a *lot* created under the Rural Production Lots rule shall qualify for subdivision under this rule.

(iii) Other matters over which control may be exercised

- Financial contributions, limited to the difference between the current level of such contributions and any contributions previously paid;
- Any relevant matters in Section 12 – Subdivision;
- Any new or increased non-compliance with the rural *yards* rule.

- (iv) New title for amalgamated land

Prior to the issue of an *RMA* Section 224(c) certificate for a subdivision creating an Additional Dwelling Lot under this rule, a copy of the new certificate of title for the land amalgamated pursuant to the Transferable Amalgamation Lots rule shall be submitted to *Council*.

(g) Separation lots

Separation lots may be created by subdividing an existing land title where each proposed lot is and will remain totally separated and inaccessible from other land within the subdivision by:

- (i) A permanent watercourse not less than 10m in width; or
- (ii) A State Highway or an existing legal public road currently maintained by *Council* or formed to the relevant standard specified in Table 2 of Rule 12.4.4.2; or
- (iii) An operational railway; or
- (iv) A severe or substantial natural landform feature such as a cliff, ravine or the like.

(h) Protection lots

In exchange for the protection of ~~an ecological feature of significance~~ an Identified Significant Feature as defined in this Plan or other existing features of value to the community additional *lots* over and above what other rural subdivision rules provide for may be created.

- (i) Application

Additional *lots* from a qualifying existing *lot* or Transferable Protection Lot credits may be created in conjunction with the legal protection in perpetuity of a significant natural or other existing feature of value to the community as follows:

- Rural Zone – maximum of 5 additional *lots*.
The feature to be protected must be within the land being subdivided.
- Transferable credits are subject to clause (vi) of this rule.

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~~The feature to be protected must be within the land being subdivided.~~ In this context a “feature of value to the community” is deemed to be:

1. An *Identified Significant Feature* as specified in the District (see Appendices 1, 2, and 3).
2. Other features subject to clause (iv) of this rule. This may include previously degraded ecological sites that through enhancement or restoration can at the time of application be proven to meet the requirements of clause (iv).

Explanatory Note:

Enhancement means improving the existing qualities and values of an area that are ecological, cultural, and/or related to amenity.

Restoration will have a corresponding meaning. In the context terms of a protection lot, enhancement or restoration means improvement to a level which meets the qualifying criteria for ecological features set out in section 18.4.2(h)(iv)2.

(ii) Qualifying standards for controlled onsite protection lot subdivision

1. To qualify for an onsite protection lot subdivision, the *lot* to be created shall meet the following criteria:
 - (i) Up to two additional *lots* on a sealed road;
 - (ii) Rural Zone - be a maximum of 1ha;
 - (iii) Does not gain access directly to a State Highway.
2. The Transferable Protection Lot Credit may only be transferred into the Lifestyle Zone

(iii) Qualifying feature

1. This rule shall apply to features according to their respective *lot* boundaries as existed at 1 August 1992.

2. Within the subject title, where the feature concerned exceeds the size criteria in (iv) 2. or (vi) below then the entire feature shall be protected under this rule.
3. Where the feature being protected is capable of realising more than one protection lot, credits will be given for additional *lots*. These credits are able to be used in the Lifestyle Zone only.
 - (a) For credits created on or after 30 January 2010, the credits will expire five years from the date of issue of the consent or five years after the date that the Minden Lifestyle Zone Structure Plan becomes operative, whichever is the later
 - (b) For credits created prior to 30 January 2010 the following applies:
 - (i) The credit will expire ten years from the date of the Minden Lifestyle Zone Structure Plan being made operative (16 June 2012).
 - (ii) Thirty percent of the total credits (calculated per donor lot) may be used in conjunction with Rule 18.4.2(f).

(iv) Certification

1. In the case of those *Identified Significant Ecological Features* referred to in Appendix 1 of the District Plan or of other ecological features, certification from an appropriately qualified independent person that the feature in question meets the criteria in ~~two~~ **2** below shall be submitted with the application for subdivision consent.

- (i) In the case of *Viewshafts* referred to in Appendix 2 and Identified Significant Historic Heritage Features referred to in Appendix 3 certification from an appropriately qualified independent person that the feature in question still exists in terms of the description as provided in the respective Appendix shall be submitted with the application for subdivision consent.
- (ii) In the case of features of community benefit, certification from an appropriately qualified independent person that the feature in question meets the criteria in 3. below shall be submitted with the application for subdivision consent.
- (iii) Such certification shall be accompanied by a report prepared by the certifier detailing the attributes of the feature recommended for preservation and include a management plan specifying any protective or enhancement measures deemed necessary.

2. Criteria for ecological features

The feature must be assessed in the context of the relevant ecological district, bioclimatic zone and landform type. Each feature is required to rank highly on three or more of the following criteria:

- (i) Representativeness - the extent to which an area is characteristic or representative of natural diversity;
- (ii) Diversity and pattern - the diversity of species and community types;
- (iii) Shape - larger areas with a compact shape are more likely to be ecologically viable;

- (iv) Ecological viability and sustainability - the likelihood of an area remaining ecologically viable and the management input necessary for long term sustainability;
- (v) Naturalness - degree of modification as compared with likely original unmodified character.
- (vi) Rarity and special features - presence of rare community types, species or other rare features;
- (vii) Fragility and threat - threat processes or agents (actual or potential) that are likely to destroy or substantially modify the feature, and the vulnerability of the feature to damage;
- (viii) Ecological context – the extent to which an area is buffered from modifying influences, or provides a key buffer for other ecological areas, or the connectivity role that site provides for the wider landscape;
- (ix) Long term viability – the extent to which the features of the area will maintain themselves in the long term.

Explanatory Note:

Riparian areas only need to meet criteria (v) and (viii) above to quality.

The following table shows minimum feature size dependant on whether the feature is listed in the District Plan as significant or whether it can be identified as an 'other feature' subject to 18.4.2(h), (i) and (iv).

Features smaller than the minimums below can be considered as Non-Complying Activities:

Habitat Type	Minimum Size for significant ecological features	Minimum size for 'other features'
<i>Tall Forest</i>	3ha	5ha
<i>Regenerating Forest</i>	4ha	8ha
<i>Secondary Shrub Land</i>	5ha	10ha
<i>Riparian margins (above MHWS)</i>	500m in length and 20m wide	
<i>Wetlands (above MHWS)</i>	0.5ha surrounded by a 10m indigenous buffer	

Explanatory Note:

Riparian areas are measured from 20m landward of the stream edge on one side. When a stream is wholly contained within one title this can be measured on each side.

3. Criteria for features of community benefit

(i) The feature must provide for expansion of an existing reserve, or access (not otherwise shown in the Plan) to an existing or proposed reserve or esplanade reserve. The acceptance of such applications is at Council's sole discretion.

(ii) The minimum size and multiple lot entitlement is the same as for the following ecological features:

Access equates to Riparian Margins
Expansion of reserves equates to Wetlands.

(v) Buffering on Wetlands

- (i) *Wetlands* less than 2ha require a minimum of 10m indigenous buffer (larger areas may be required where topography dictates). This buffer must be established prior to being eligible for a protection *lot*;
- (ii) *Wetlands* greater than or equal to 2ha require a buffer area of a suitable width prescribed by the certifying ecologist and must be established prior to obtaining Section 224 consent.

(vi) Number of lots

One *lot* for every separate feature type as set out in clauses (i) and (iv) of this rule. Multiple *lots* will be allowed based on feature type, whether the feature is listed as significant or as an 'other feature', and the feature size. The following tables show the feature sizes required in hectares and the total number of corresponding multiple protection *lots* that can be obtained.

Multiple Lots Features listed as significant in the District Plan:

Feature Type	Feature Size Requirement per lot
<i>Tall Forest</i>	6ha
<i>Regenerating Forest</i>	8ha
<i>Secondary Shrubland</i>	10ha
<i>Riparian Margins</i>	1km
<i>Wetlands</i>	1ha

Multiple Lots for Features not listed as significant in the District Plan:

Feature Type	Feature Size Requirement per lot
<i>Tall Forest</i>	10ha
<i>Regenerating Forest</i>	16ha
<i>Secondary Shrubland</i>	20ha
<i>Riparian Margins</i>	1km
<i>Wetlands</i>	1ha

(vii) Legal protection

Legal protection of the feature shall be achieved by way of a condition imposed on the subdivision consent requiring a Consent Notice, Memorandum of Encumbrance or similar legal instrument to the satisfaction of the *Council* to be registered on the title of the land containing the feature to be protected. All costs associated with compliance with this requirement shall be met by the applicant;

(viii) Exclusions

This rule shall not apply to any land that has been designated in the District Plan (for any purpose), or is classified under the Reserves Act 1997, or is subject to the Conservation Act 1987.

18.5 Matters of Discretion

18.5.1 Restricted Discretionary Activities - General

With respect to a Restricted Discretionary Activity or any Permitted or Controlled Activity which fails to comply with any activity performance standard listed in 18.4, 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. ~~Council's discretion is restricted to the effects of the non-compliance on the purpose of the performance standard and any relevant objectives and policies.~~

18.5.2 Restricted Discretionary Assessment Criteria – Development of 11–30 Houses on Multiple Owned Maori Land

With respect to the *development* of between 11- 30 houses on multiple owned *Maori land* Council's discretion is restricted to the

- (a) Assessment of financial contributions; and
- (b) The provision of a *structure plan* approved by *Council* that addresses:
 - (i) Provision of house sites;
 - (ii) *Structures* other than *dwellings*;
 - (iii) Description of the character, scale and intensity of activities proposed to use any papakainga community facility *building* or *buildings*;
 - (iv) Location of areas to be allocated to any non-residential activity or group of activities;
 - (v) Areas of the site proposed to be devoted to rural productive activities;
 - (vi) Location of any waste water, water supply, roading, stormwater services and associated equipment, reticulation and facilities;
 - (vii) The provision of compliant vehicle and pedestrian accessways from the site to *Council* maintained roads;
 - (viii) Provision of internal vehicle access, parking and walkways, including the surface material and whether this will be loose or sealed, and *construction* standards;

- (ix) Landscaping by either land form shaping, planting or artificial screening;
- (x) The extent and effect of *earthworks*;
- (xi) Areas of any native plantings or bush on the site;
- (xii) Location of any property boundaries (including internal) in instances where the site is proposed to comprise more than one title and boundaries of any licenses to occupy or lease or other forms of establishing areas of exclusive occupation to particular individuals or groups.

18.5.3 Assessment Criteria for Activities Failing to Meet Rule 18.4.1(c) Minimum Yard Requirements

Council shall have regard to the following matters in addition to relevant matters stated in 18.4.

- (a) Due to size, shape, topographical or geotechnical constraints, it is not practicable to meet the *yard* requirements.
- (b) The location of archaeological sites or other Identified Significant Heritage or Ecological Features makes it not practicable to meet the *yard* requirements.
- (c) The potential for conflict with existing and foreseeable activities in the area.
- (d) Compliance with the *yard* requirements will result in a significant constraint on maximising the productive use of the site.
- (e) Compliance with the *yard* requirements will result in an adverse visual effect on the low density rural character of the area by forcing the *dwelling* into a visually prominent position such as a ridgeline.
- (f) Separation distances from other *dwellings* and any resultant loss of privacy of adjoining *dwellings*.
- (g) In regard to the *front yard* whether the road is sealed or unsealed.
- (h) In regard to the *front yard* adjoining Old Coach Road (between the entrance to Cameron's Quarry and State Highway 2) whether any potential for conflict between activities and the use of the road for heavy vehicles can be avoided through the design and *construction* of *buildings* to restrict noise levels within any habitable room to a reasonable level.

18.5.4 Assessment Criteria for Activities Failing to Meet Rule 18.4.1(k) (l) Quarry Effects Management Area

In relation to activities within the *Quarry Effects Management Area*, the location and design of the activity in relation to the effects of the quarry operation and the measures taken to ensure that these effects on the occupants are adequately avoided, remedied and mitigated.

18.5.5 Assessment Criteria for Discretionary Activities failing to meet Rule 18.4.2(a)(ii) Intensive Farming Separation Distance

Council shall have regard to the following matters:

- (a) Assessment of the potential for odour, fly and noise effects.
- (b) The location of *lots* and house sites in relation to the *intensive farming activity*.
- (c) The extent of avoidance and mitigation measures.

18.5.6 Assessment Criteria for Discretionary Activities failing to meet Rule 18.4.1(h) Artificial Crop Protection

Council shall have regard to the following matters:

Assessment of the potential glare on neighbouring properties from the colour of the cloth.

18.5.7 Assessment Criteria for buildings not meeting 18.4.1(n)

- (a) The extent to which the proposed *building* can be screened from neighboring properties.
- (b) The extent to which the activity has the potential to adversely affect the visual amenity provided by the rural environment.
- (c) The intended use of the proposed *building* is appropriate for the Rural Zone.

18.5.8 Discretionary and Non-Complying Activity Criteria – General

The assessment and management of effects shall include the following matters in addition to relevant matters stated in 18.4:

- (a) Relevant objectives and policies of the District Plan.
- (b) The extent of the loss of land with high production potential.;
- (c) Potential for conflict with existing and foreseeable activities in the area.

In justifying any location where potential for conflict and other adverse effects arise, consideration should be made of possible alternative locations and the need to be in the specific area chosen.

- (d) Traffic Generation
 - Impact on roading including traffic safety;
 - Access;
 - Effect on amenity.
- (e) Scale of the activity including number of people carrying out the activity, the hours of operation and how this affects the existing rural character and amenity values.
- (f) Proposed *signs*.
- (g) The extent to which the activity has the potential to adversely affect the visual amenity provided by the rural environment and the ability to avoid or mitigate such impact by screening or other appropriate measures.
- (h) The background sound level of the surrounding environment and whether the best practicable option of reducing noise emissions has been utilised by rural activities which exceed the relevant noise limits in these District Plan rules. In addition how the character of the noise differs from that which is being experienced in the surrounding environment.
- (i) In relation to activities within the *Quarry Effects Management Area*, the location and design of the activity in relation to the effects of the quarry operation and the measures taken to ensure occupants are adequately protected from those effects.

18.5.9 Discretionary Activities Criteria for the Development 31 Houses or More on Multiple owned Maori Land

- (a) All *developments* on multiple owned *Maori land* that result in a cumulative total of 31 houses or more shall be designed in general accordance with a *Council approved structure plan* and *Council* has full discretion to assess the *development* application and decide whether the *development* proposal is in general accordance with the *structure plan*.
- (b) Developments failing to comply with the *structure plan* shall be a Non-Complying Activity.

18.5.10 Assessment Criteria for Rural Production Lots

(a) Restricted Discretionary Activities

Council shall restrict its discretion to the following matters and shall use them as a guide for Discretionary Rural Production *Lot* subdivision:

- (i) The design and layout of the subdivision shall be in a manner which ensures that the minimum 6ha within each Rural Production Lot shall be in a configuration which allows all of the land to be capable of being used for permanent horticultural production in accordance with good industry practice.
It is recognised that a Rural Production Lot may include an identified house site and *accessory buildings*, loading bays, crop plantings, shelterbelts, access ways and headlands;
- (ii) That the subdivision does not compromise the use and viability of the land for horticultural production;
- (iii) For subdivision of an existing horticultural *lot*, *Council* must be satisfied that each Rural Production Lot contains a *productive crop*;
- (iv) Where the subdivision relies on a *productive crop* and the canopy/cropping area is less than 70% of the minimum required productive land area *Council* needs to be satisfied that any remaining land is productive land.
- (v) The amount of *earthworks* required to enable the land to be of a suitable topography for horticultural practises, where the *earthworks* will exceed 3000m² and/or involve cuts and fill exceeding 0.5 metres in height then *Council* must be satisfied that the land will be capable of containing a viable permanent horticultural crop on completion of the *earthworks*.
- (vi) Any effects on natural flow paths, streams, watercourses or vegetation which may occur as a result of the re-contouring.
- (vii) Notification – an application under this rule need not be publically notified nor notice of it served on any persons.

Section 19 – Commercial

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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 Omokoroa 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. 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 State Highway, which currently bisects Te Puke and Katikati, is important, the State Highway should not detract from the efficient operation of the towns it bisects.

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* 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 (such as a reduction in the required number of onsite car parks) 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 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* 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 Omokoroa Stage 2 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 Omokoroa Road thereby preserving that road's primary function as a transport corridor.
 - (e) Landscaped car parking and set back from Omokoroa 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 Omokoroa Structure Plan Area 2.
- (k) Police stations.
- (l) *Commercial sexual services.*
- (m) *Building and construction wholesalers and retailers* with a maximum gross area of 2500m².
- (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 screening, any activity in Rule 19.3.1 which has a common boundary with or is separated by a road from a Residential, Rural or Future Urban zone or a public reserve.
- (e) 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 11.3.3 (c) (ii).

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 Omokoroa Stage 2 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.
- (c) Within stormwater management reserves and private conservation areas in Omokoroa 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, *dwelling*s or *buildings*, 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 Omokoroa, where they are Non-Complying).
- (c) *Vehicle and machinery sales* (except in Omokoroa, where they are Non-Complying).
- (d) Works and *network utilities* as provided for in Section 10.
- (e) *Development* within the Commercial Transition Zone (Waihi Beach).
- (f) *Building and construction wholesalers and retailers* that exceed a gross area of 2,500m².
- (g) ~~*Education facilities for more than four persons (excluding staff) Childcare centres.*~~
- (h) The *development of buildings* 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 Commercial Zones~~
Overall *building 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;

The *development* of any three storey *building* shall have its third storey set back in accordance with Diagram 1 following;

(iii) Omokoroa Commercial Zone Stage 2 Structure Plan Area

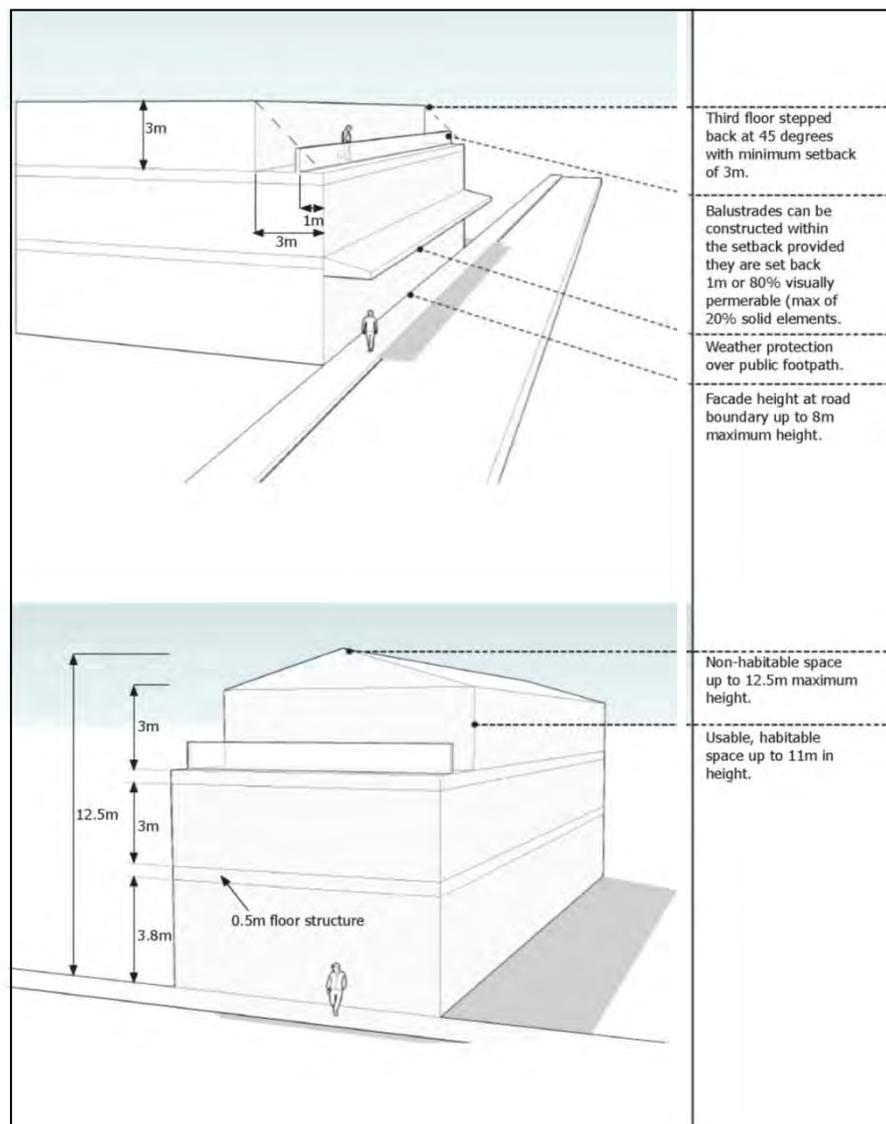
The maximum *building height* in the Omokoroa Stage 2 Structure Plan area shall be 11m and no provision is made for additional non-habitable space above the 11m *height* limit;

(iv) Comvita Campus Structure Plan Area

The maximum *building 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 Omokoroa Stage 2 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* 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* 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 *ground floor* area of the *building*.

Explanatory Note:

This rule does not apply to *Commercial Service* activities.

(d) Yards

3m where a property adjoins a Residential, Rural-Residential, Future Urban, Rural Zone or reserve boundary.

Provided that:

A *building* may be located within 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 *Leq* noise level of 45dBA 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* and 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) Standards for development within the Commercial Transition Zone (Waihi Beach)**~~

~~It is the intention to utilise and enhance the amenity value of Two Mile Creek. The Commercial Transition Zone is created to compliment the adjoining medium density residential area and commercial area.~~

~~The primary land use activity in the Commercial Transition Zone is medium density residential, supplemented by activities identified as Permitted Activities in Rule 19.3.1, provided that:~~

- ~~(i) The commercial activities must face Two Mile Creek;~~

- ~~(ii) — No permanent *structures* are constructed closer than 5m from the northern bank of Two Mile Creek;~~
- ~~(iii) — Edinburgh Street front retains a residential or medium density residential character;~~
- ~~(iv) — The activities are compatible with accommodation and apartments. Examples would be hairdressers, professional offices not dependent on passing trade, *restaurants* and *takeaway food outlets*, but does not include bars, clubs, *places of assembly* or any activity that creates more noise 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 150m², which ever is the most restrictive.~~

- (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) Omokoroa Commercial Zones** (Stage 2).

Development shall be 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 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.

~~19.4.2 Subdivision and Development~~ (See also Section 12)

~~No minimum lot size.~~

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*;

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%.

- (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 - Omokoroa Stage 2 Structure Plan Area

- (a) A commercial area master plan for the Omokoroa Stage 2 Structure Plan area shall be prepared by *Council* prior to *development* of individual titles.

This plan shall define the compliance with the performance standards and criteria listed below and the location of *buildings*, traffic and pedestrian cycle paths and 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 Omokoroa Road thereby preserving that road's primary function as a transport corridor;
 - (v) Landscaped carparking and set back from Omokoroa 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 required car parking is to be provided along the commercial/reserve boundary to facilitate shared use;
 - (iv) Access to Omokoroa Road shall be by way of a roundabout as shown in the *Structure Plan* and from the controlled intersection from the Industrial Zone.

- (c) Any habitable room in new residential activities shall meet an internal *Leq* noise level of 45dBA 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 Omokoroa 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* shall exceed a *height* equal to 2m plus the shortest horizontal distance between that part of the *building* and the commercial/reserve boundary and the boundary with Omokoroa Road.
- (h) Carparking is to provide maximum convenience for the public using commercial or reserve facilities. Any such parking is to be screen planted along Omokoroa 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 Omokoroa Stage 2 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. *Council* will limit its discretion to the effects of the non-compliance on the purpose of the performance standard and any relevant objectives and policies.

(b) *Council* will also ~~consider any~~ restrict its 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 – Omokoroa Stage 2 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 Omokoroa Structure Plan area retaining the integrity of the Omokoroa 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* and plants and their current and future effects on daylight to other sites;
- (v) The overall design and location of *buildings* and their compatibility with safe traffic and pedestrian flows from the Omokoroa 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 Omokoroa Road and the adjoining reserve;
- (vii) The overall design and appearance of *buildings* 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 Omokoroa 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.

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.
- (b) Continuous shop front is retained.
- (c) Underground or semi-underground 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 5m from the southern bank 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 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 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 ~~combined~~ 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 11.3.3(c)(ii)

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 height:**

9m

- (b) **Daylight:**

All site boundaries adjoining Residential Zones:

No part of any building 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 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:
- | | |
|---------------------------------|-------------|
| <u>Medium Density Dwellings</u> | <u>- 3m</u> |
| <u>Garages (all)</u> | <u>- 5m</u> |
- (ii) Rear and Side Yards – Minimum - 1.5m

Provided that:

A building may be located within a 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 develop: 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 150m², 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 or wall exceeds 2.0m

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%.
- 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%.

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 200m², which ever 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.
- Parking associated with commercial activities that are accessed off Talisman Drive shall be accommodated for in a public parking area in close proximity of the commercial activity as per Section 4B.4.8(b) *Cash in lieu*.

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 or wall exceeds 2.0m

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 – Restricted Discretionary Activities – Medium Density Housing.

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 21 – 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 Rangioru, 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 Rangioru Business Park as the preferred location for this additional industrial land. The Rangioru 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 Rangioru with new zones proposed at Waihi Beach, ~~and~~ Omokoroa ~~and~~ Paengaroa. The Comvita Campus Structure Plan area at Paengaroa provides for the expansion of existing Comvita activities and other complementary activities. Apart from Rangioru 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 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) 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* 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.

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 Omokoroa Light Industrial Zone).

- (b) Storage, warehousing, coolstores and packhouses.
- (c) *Retailing* which is accessory and secondary to (a) and (b) above and which has:
 - (i) Rangiuru Business Park – a maximum of 250m² 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 floor area of 100m².
- (d) *Building and construction wholesalers and retailers.*
- (e) *Commercial services.*
- (f) *Takeaway food outlets* with a maximum floor area of 100m² (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 Omokoroa 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).

21.3.2 Additional Permitted Activities (Rangiuru Business Park only)

- (a) In the Community Services Area of the Business Park only:

- (i) *Offices* (not covered by 21.3.1(p));
 - (ii) *Retailing* (not covered by 21.3.1(c)) and involving a maximum floor area of 100m²;
 - (iii) *Places of assembly*.
- (b) 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*.
- (c) 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.
- (d) 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 100m².
- (b) Garden centres and plant nurseries, including ancillary cafés provided that the café does not exceed a maximum floor area of 100m².
- (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 21.3.1 - 21.3.4 which has a *household equivalent* for water and wastewater greater than one as listed in Rule 11.3.3(c)(ii).

21.3.6 Additional Controlled Activities – Rangioru 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 100m² *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 Omokoroa 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*, 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

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.

21.3.10 Discretionary Activities

- (a) With respect to any activity in 21.3.1(c), *retailing* involving a maximum floor area greater than 100m² but not exceeding 25% of the *gross floor area* of the industrial activity.
- (b) *Places of assembly*, excluding those Permitted in 21.3.2 (a) (iii).
- (c) *Accommodation facilities* ancillary to an industrial activity.
- (d) *Education Facilities – Tertiary Education Institutes only*

21.3.11 Additional Discretionary Activities – Rangiuru Business Park

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

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.

21.3.13 Additional Non-Complying Activities – Rangioru 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 Rangioru 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 *structures* - 20m except in the following areas:

- Te Puna Business Park – 9m;
- Te Puke West – 9m for all *buildings* 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* 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

3m where a property adjoins a Residential, Rural-Residential, Future Urban or Rural Zone or reserve.

Provided that:

A *building* may be located within 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.

- 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 Industrial Zone and having a boundary with any road shown on the *Structure Plan* (excluding cul-de-sacs and the L-shaped road in the southern part of the industrial area from Tetley Road) 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);
- Rangiuuru 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 Motorway, Pah Road or the existing State Highway 2/East Coast main trunk Railway (including a boundary which is separated from the above by any reserve);
- Omokoroa Industrial Zones and having a boundary with Omokoroa Road, Hamurana Road and Francis Road.
- [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* 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* (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* adjacent to the Raparapahoe Stream and State 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* failing to comply with these requirements shall require resource consent approval for a Non-Complying Activity.
- (e) **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*.
- (f) **Transportation, Access, Parking and Loading** - See Section 4B.
- All onsite parking, 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.
- (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) **Historic Heritage** - See Section 7.
- (p) **Natural Hazards** - See Section 8.
- (q) **Hazardous Substances** - See Section 9.
- (r) **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 100m² in 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

~~Councils 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. Council will limit it's discretion to the effects of the non-compliance on the purpose of the performance standard and any relevant objectives and policies and/or any relevant structure plan and staging plan.~~

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 Omokoroa Stage 2

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 Omokoroa Structure Plan area retaining the integrity of the Omokoroa 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 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*;
 - 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* 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 Rangiuru Business Park and 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.

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 Rangioru 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 Rangioru 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, <i>service stations</i> , 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.

Activity		Reason for High Risk Classification
6	Waste Management Sites (transfer stations, compost sites, landfills, recycling operations, etc)	Litter, <i>hazardous substances</i> 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 dyeing 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	<i>Hazardous substances</i> 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 <i>hazardous substances</i> 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 <i>hazardous substances</i> used in these industries can be high.
15	Manufacture of fabricated metal products, machinery and equipment.	The risk of spillages associated with <i>hazardous substances</i> used in these industries can be high.
16	Electroplaters, foundries, galvanisers and metal surfacing	The risk of spillages associated with <i>hazardous substances</i> used in these industries can be high.
17	Concrete batching plants and, asphalt manufacturing plants.	The risk of spillages associated with <i>hazardous substances</i> 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 laundrettes 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 <i>hazardous substances</i> 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 23 – All Terrain Park

(i) *Buildings* (except *dwellings* and *buildings* provided for as *All Terrain Park activities*) *accessory* to the foregoing, less than 200m² *gross floor area*.

(j) *Minerals prospecting*.

~~(k) *Earthworks ancillary to Permitted Activities*.~~

23.3.2 Controlled Activities

(a) Works and *network utilities* as provided for in Section 10.

(b) Boundary adjustment subdivision in accordance with Rule 12.3.3.

(c) Subdivision specified in Rule 23.4.2(a) and Rule 18.4.2(b), (d), (e).

23.3.3 Restricted Discretionary Activities

(a) Any Permitted or Controlled Activity that fails to comply with the activity performance standards listed in Rule 23.4.1.

(b) Subdivision specified in Rule 23.4.2(b).

23.3.4 Discretionary Activities

(a) Additional *dwellings*.

(b) *Accommodation facilities*, not undertaken as an *All Terrain Park activity*.

(c) *Education facilities*, not undertaken as an *All Terrain Park activity*.

(d) *Buildings* (except *dwellings*) *accessory* to the foregoing of 200m² *gross floor area* or greater.

(e) Mineral exploration, mining and *quarrying*.

(f) Urupa (new sites).

(g) Works and *network utilities* as provided for in Section 10;

(h) Subdivision in accordance with Rule 18.4.2(f).

23.3.5 Non-Complying Activities

Subdivision not meeting performance standards in 23.4.2.

**Appendix 1 –
Schedule of Identified
Significant Ecological
Features**

Site No	District Plan Map Ref	Name	Habitat
V14/1	H12; H13	Maketu Sandspit 1	Duneland Vegetation
V14/2	H12; H13; U152	Maketu Estuary	Saltmarsh and Wetlands
V14/3	H13	Arawa Wetlands	Willow forest, Freshwater wetland
V14/5	H13; H14	Waewaetutuki and surrounds	Freshwater Wetland vegetation
V14/7	H13; H14	Wharere Road Wetland	Freshwater and saline vegetation
V14/8	I15	Pukehina 2	Treeland and vineland
V14/10	H13; U152	Maketu Sandspit 2	Spinifex sand field
V14/11	H13;H14;U154; U155	Little Waihi Bush	Forest and scrub
V14/12	H13	Okurei Pt	Pohutukawa forest and treeland
V14/14	H14	Little Waihi Estuary	Saltmarsh and sandy cayei
V14/15	H15; U159	Pukehina Beach Road	Sedgeland, sandfield and vineland
V15/2	I15; J15	Otamarakau Bush Remnants	Coastal Forest
V15/5	K13; K14	Pongakawa Stream Bush	Forest
V15/7	K12; K13	Waiari Stream Bush Remnants	Forest
RAP 1	G03	Wainui River	Forest
RAP 7	I05	Whaiti Kuranui	Forest
RAP 8	H09; H10	Otawa – Otanewainuku	Forest
RAP 11	J09	Mangatoi Stream	Forest
RAP 13	I11, J11	Lower Mangorewa Gorge	Forest
RAP 17	G04	Waipapa	Forest
RAP 18	I08	Otawa West	Forest
RAP 19	H08; H09	Pukunui	Forest
RAP 23	I10, J10	Ohineangaanga Stream	Forest
RAP 24	I10; I11; J10	Waiari Stream	Forest
RAP 25	I06	Omanawa East Extension	Forest
RAP 36	F03	Whatakao Stream	Forest
RAP 39	I07	Waiorahi Stream	Forest
RAP 40	I09; I10	Raparapahoe Stream	Forest
RAP 41	103	Henderson Western Tram	Forest
RAP 42	H06, I06	Tautau Stream - Kopurererua Stream	Forest
RAP 44	J11	Kaituna River	Forest
RAP 59	K07, K08	Te Matai	Forest
SBS 1	E04; E05	Pahoia Beach Road	Bird Nesting and Roosting Site
SBS 2	F06	Kuka Road	Bird Nesting and Roosting Site
SBS 3	E05; F05; U58; U59	Kayelene Place	Bird Nesting and Roosting Site
SBS 4	F05; U60	Margaret Place	Bird Nesting and Roosting Site
SBS 5	H12	Ford Road	Bird Nesting and Roosting Site
SBS 6	H14	Pukehina Parade	Bird Nesting and Roosting Site
SBS 7	E06	Opureora Road	Bird Nesting and Roosting Site
SBS 8	E07	Matakana Island	Bird Nesting and Roosting Site

**Appendix 2 –
Schedule of Identified
Outstanding
Landscape Features**

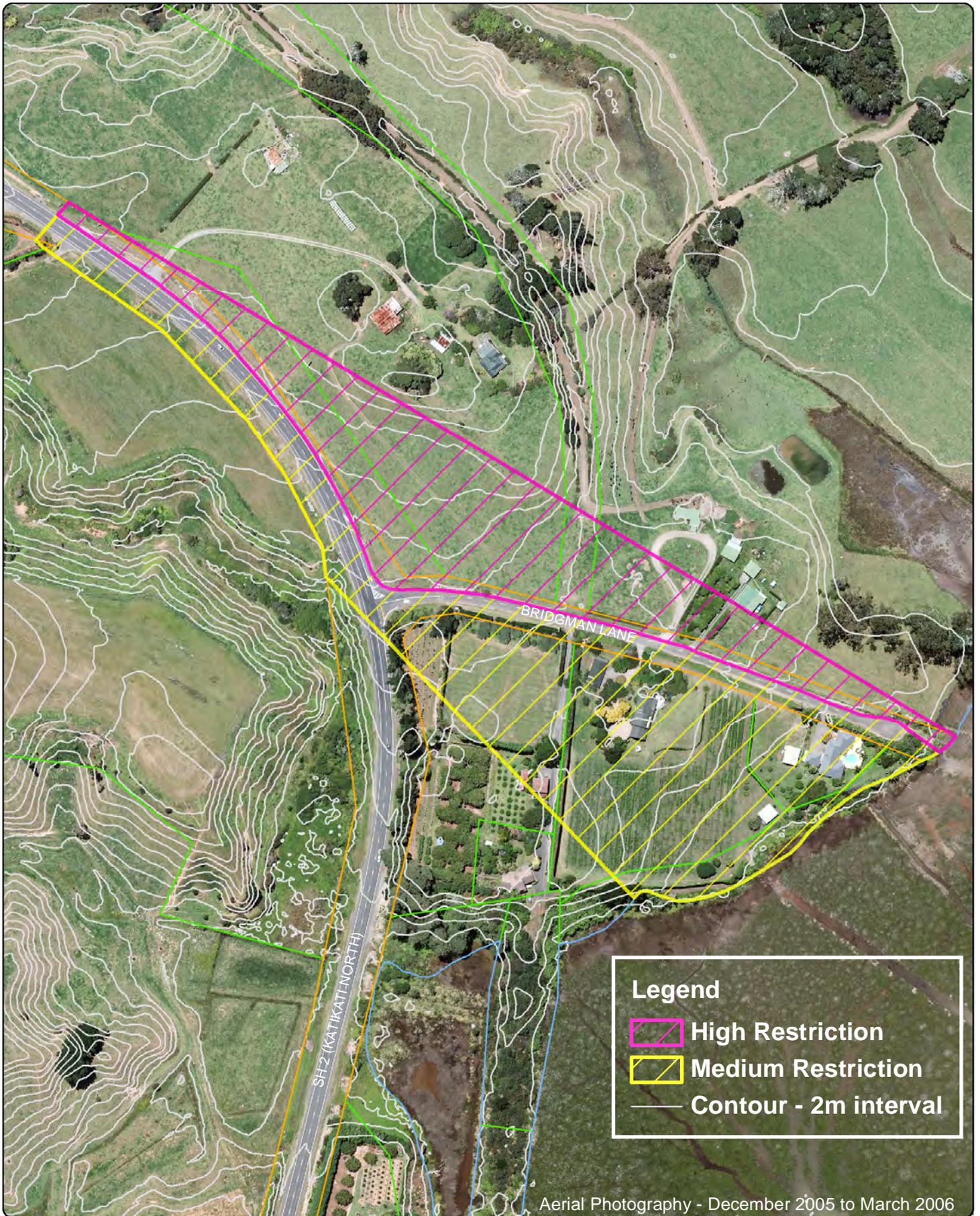
When travelling in towards Tauranga City from Rotorua it is the first glimpse that travelers get of the iconic landmark Mauao and the Tauranga Harbour, providing an unmistakable sense of arrival into the *District*.

Although this view is still largely open, it has already been compromised in places by trees growing on the adjacent property. Further land use activities on the property will need to be strategically located to avoid further disruption to the view.

View Nine: View towards the Waihi Beach township, ocean and Mayor Island from Waihi Beach Road travelling east (Maps A03 and U03).

This view is experienced while driving down Waihi Beach Road towards the township and offers views over the township, ocean and out toward Mayor Island. It begins shortly after the intersection at Fergus Road where the road is elevated above the surrounding landscape and lasts approximately 200m before the road lowers and views become limited. It acts as a memorable entry point into Waihi Beach.

While the view is uninterrupted at present, there is a risk that the planting of vegetation on the road boundary in particular could partially or fully obstruct the view in the future.



Aerial Photography - December 2005 to March 2006

Legend

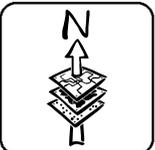
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-  Medium Restriction
-  Contour - 2m interval

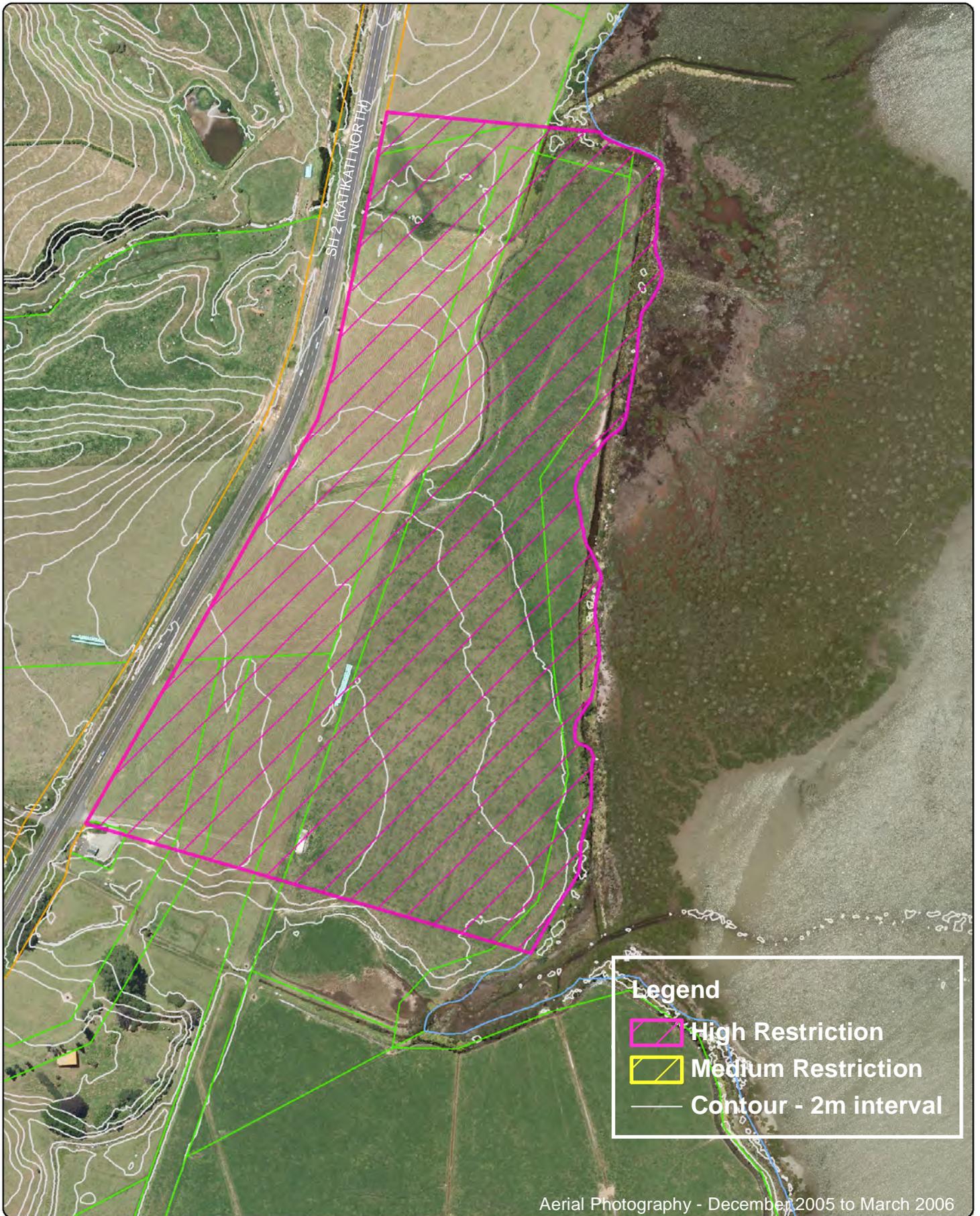
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Email: gis@westernbay.govt.nz Scale A4 - 1:3,000
 Date: 28/03/2012
 Operator: mlb
 Map: E:\Shape\MLB\Map\District Plan - 2012\View Shaft Restriction Areas.mxd




VIEWSHAFT 1
 VIEW TO TAURANGA HARBOUR AND MATAKANA ISLAND ALONG
 STATE HIGHWAY 2 JUST PAST THE ATHENREE TURN-OFF
 (MAP B03)

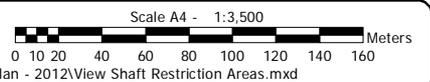




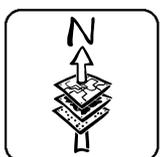
Aerial Photography - December 2005 to March 2006

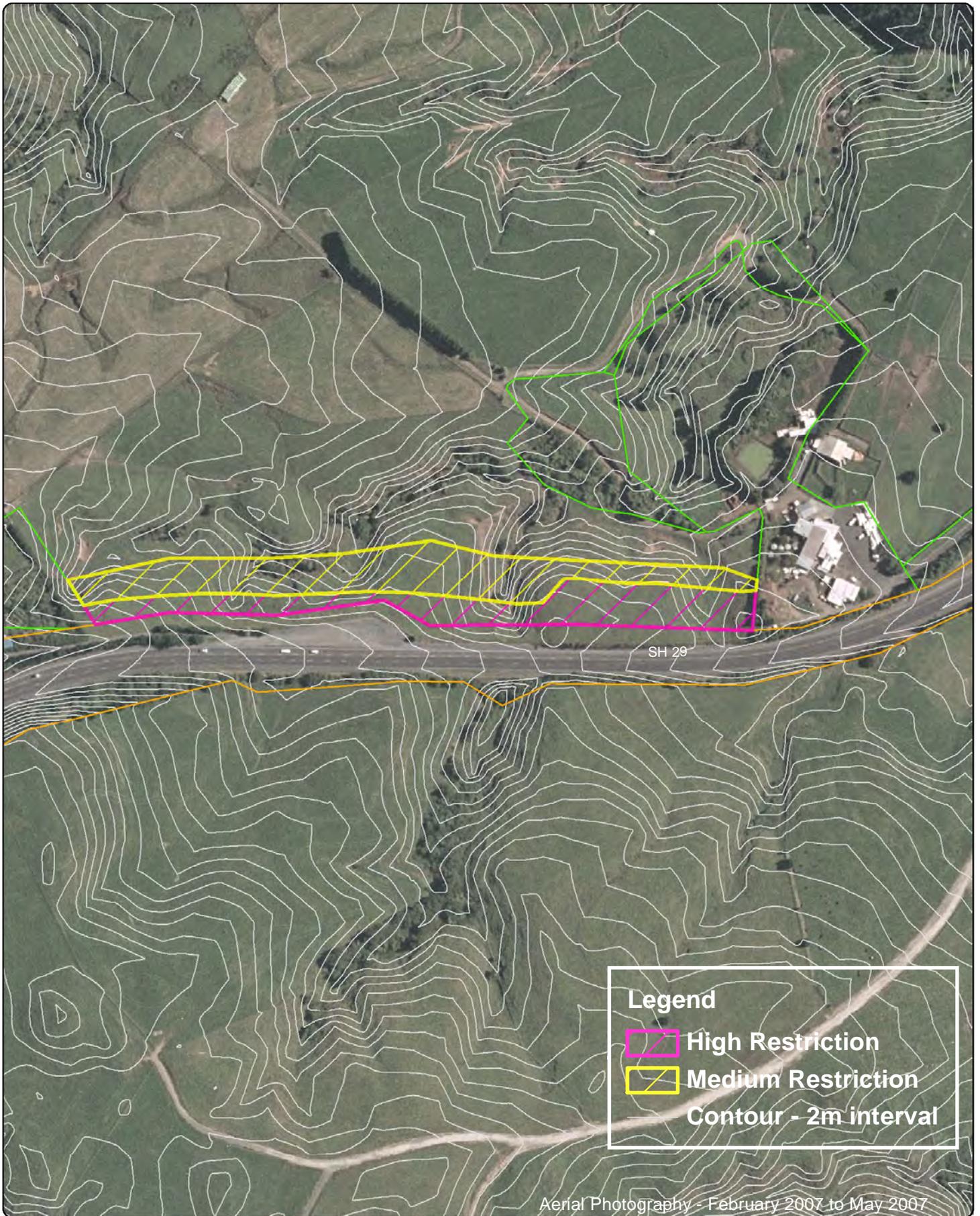
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 Operator: mlb
 Map: E:\Shape\MLB\Map\District Plan - 2012\View Shaft Restriction Areas.mxd



VIEWSHAFT 2
 VIEW TOWARDS TAURANGA HARBOUR FROM STATE HIGHWAY 2
 TRAVELLING NORTH
 (MAPS B03 and C03)





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 Operator: mlb
 Map: E:\Shape\MLB\Map\District Plan - 2012\View Shaft Restriction Areas.mxd



VIEWSHAFT 3
 VIEW TOWARDS TAURANGA AND THE SEA FROM STATE HIGHWAY
 29 AT LAYBY EAST OF THE ENTRY OF THE FORTEX VENISON FARM
 - (MAP 103)





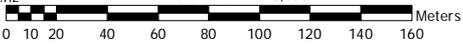
Legend

-  High Restriction
-  Medium Restriction
-  Contour - 2m interval

Aerial Photography - December 2006 to March 2007.

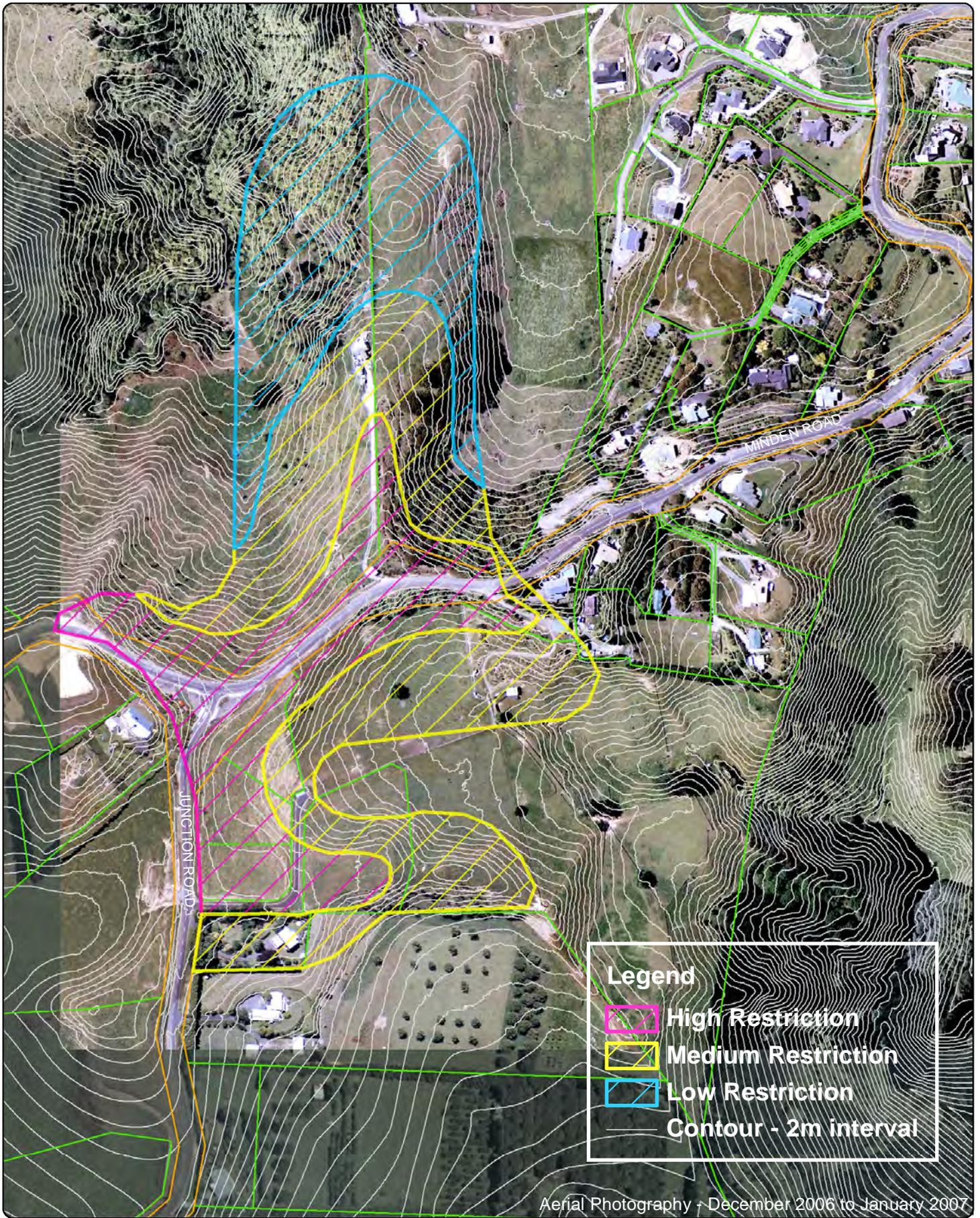
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VIEWSHAFT 4
 ELEVATED VIEW FROM RAIL BRIDGE ON STATE HIGHWAY 2, AT
 COAST NORTH EAST OF OHINEPANEA
 (MAP I16)

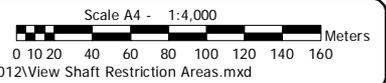




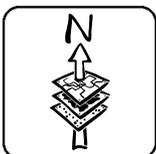
Aerial Photography + December 2006 to January 2007

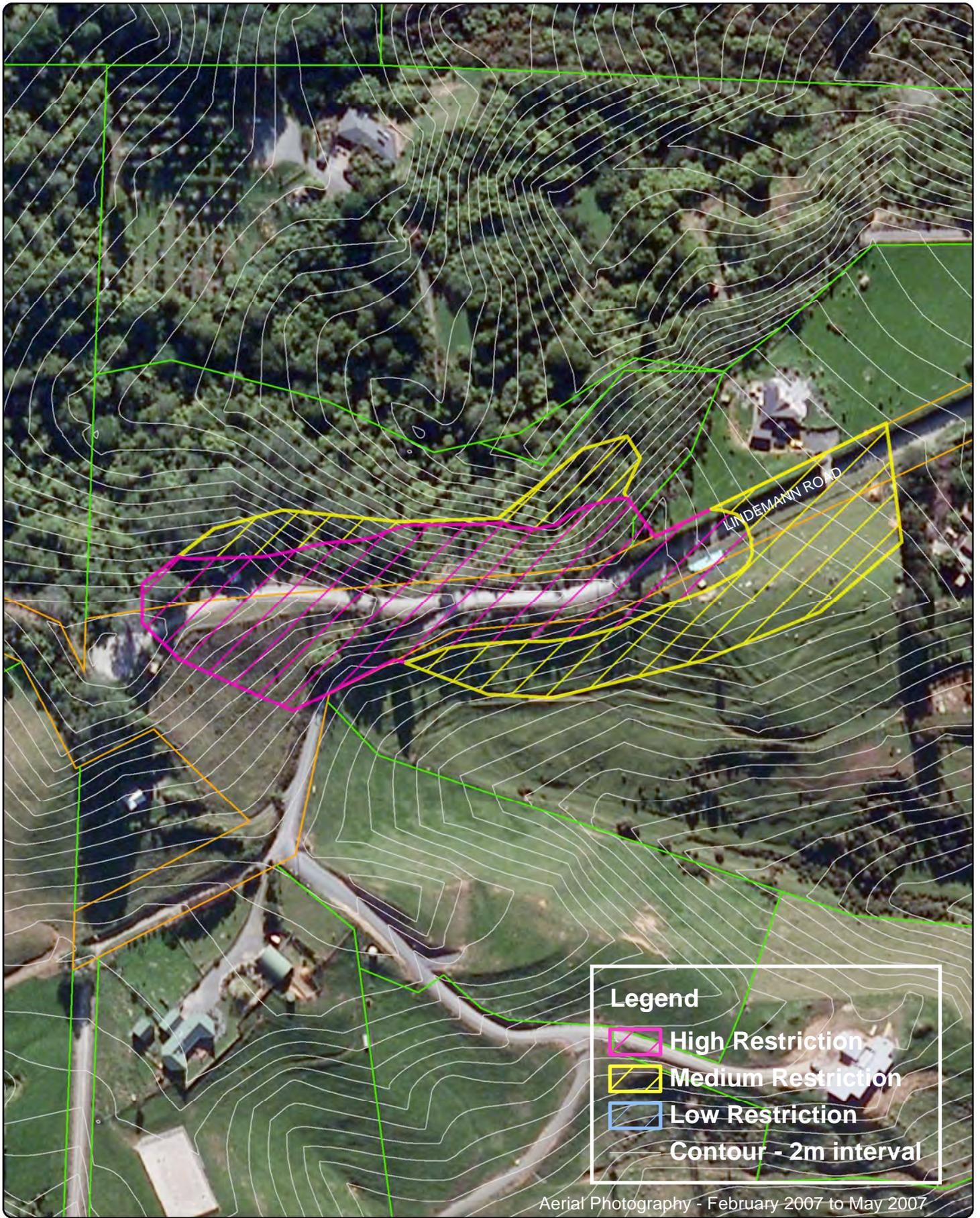
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 Date: 28/03/2012
 Operator: mlb
 Map: E:\Shape\MLB\Map\District Plan - 2012\View Shaft Restriction Areas.mxd



VIEWSHAFT 5
 MINDEN LOOKOUT
 (MAPS GO5 AND U45)

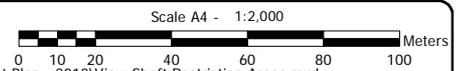




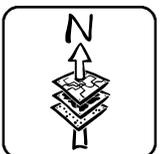
Aerial Photography - February 2007 to May 2007

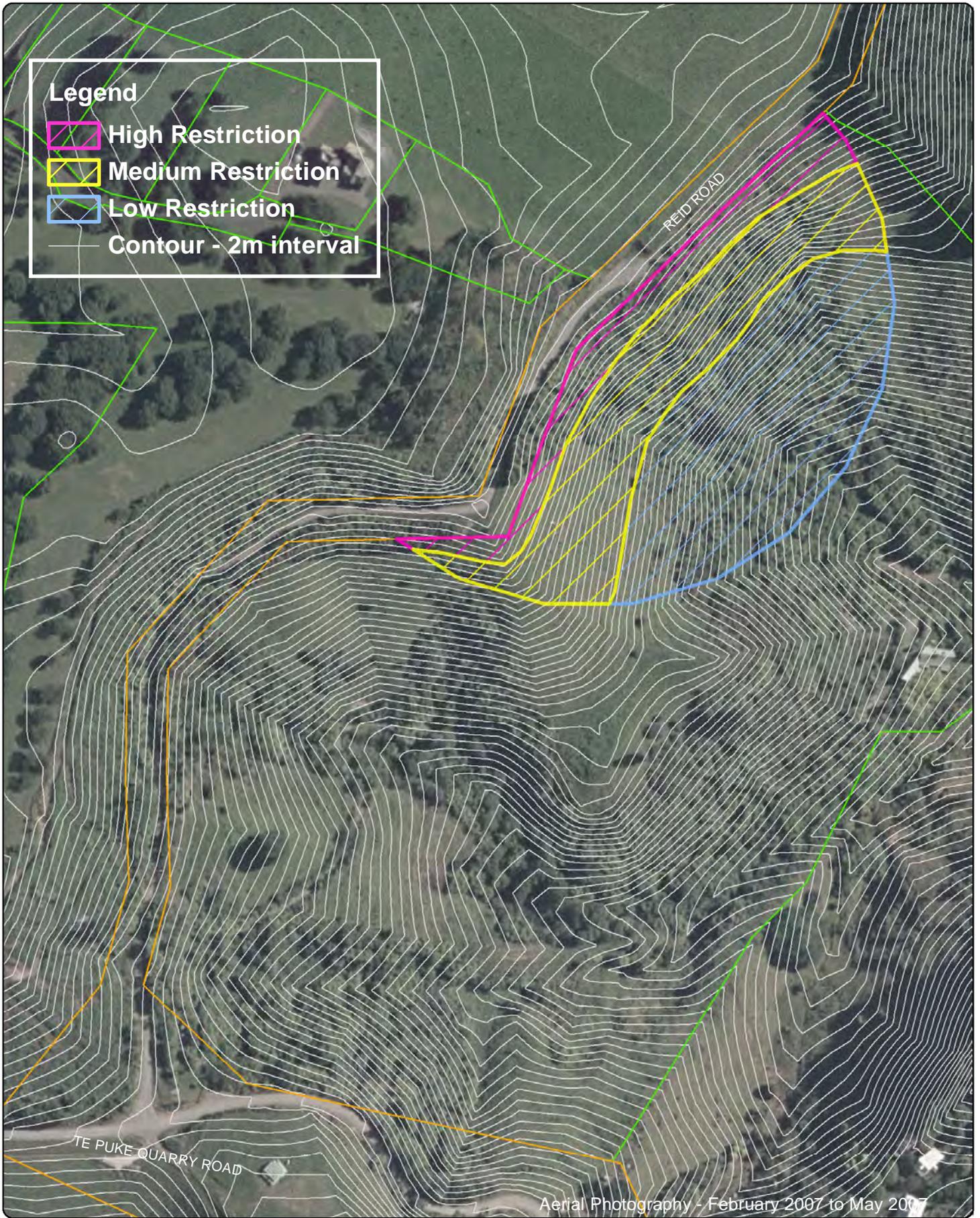
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 Date: 16/05/2012
 Operator: mbl
 Map: E:\Shape\MLB\Map\District Plan - 2012\View Shaft Restriction Areas.mxd



VIEWSHAFT 6
 THE LINDEMANN LOOKOUT
 (MAP D02)



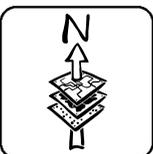


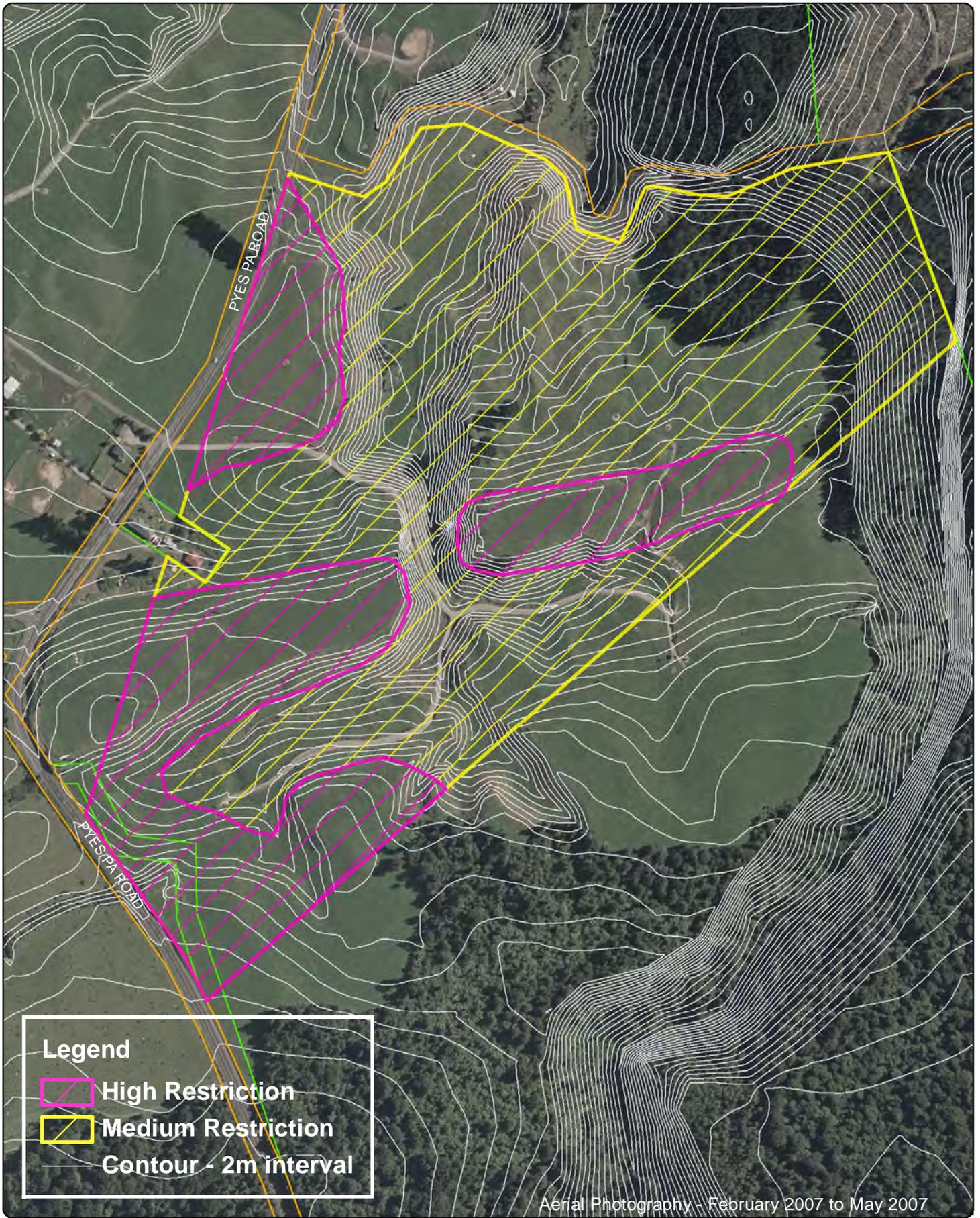
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 Date: 28/03/2012
 Operator: mlb
 Map: E:\Shape\MLB\Map\District Plan - 2012\View Shaft Restriction Areas.mxd



VIEWSHAFT 7
 VIEW EASTWARD OVER TE PUKE, MAKETU AND PLAINS FROM
 UNFORMED END OF REID ROAD OFF TE PUKE QUARRY ROAD
 (MAP H09)





Legend

-  High Restriction
-  Medium Restriction
-  Contour - 2m interval

Aerial Photography - February 2007 to May 2007

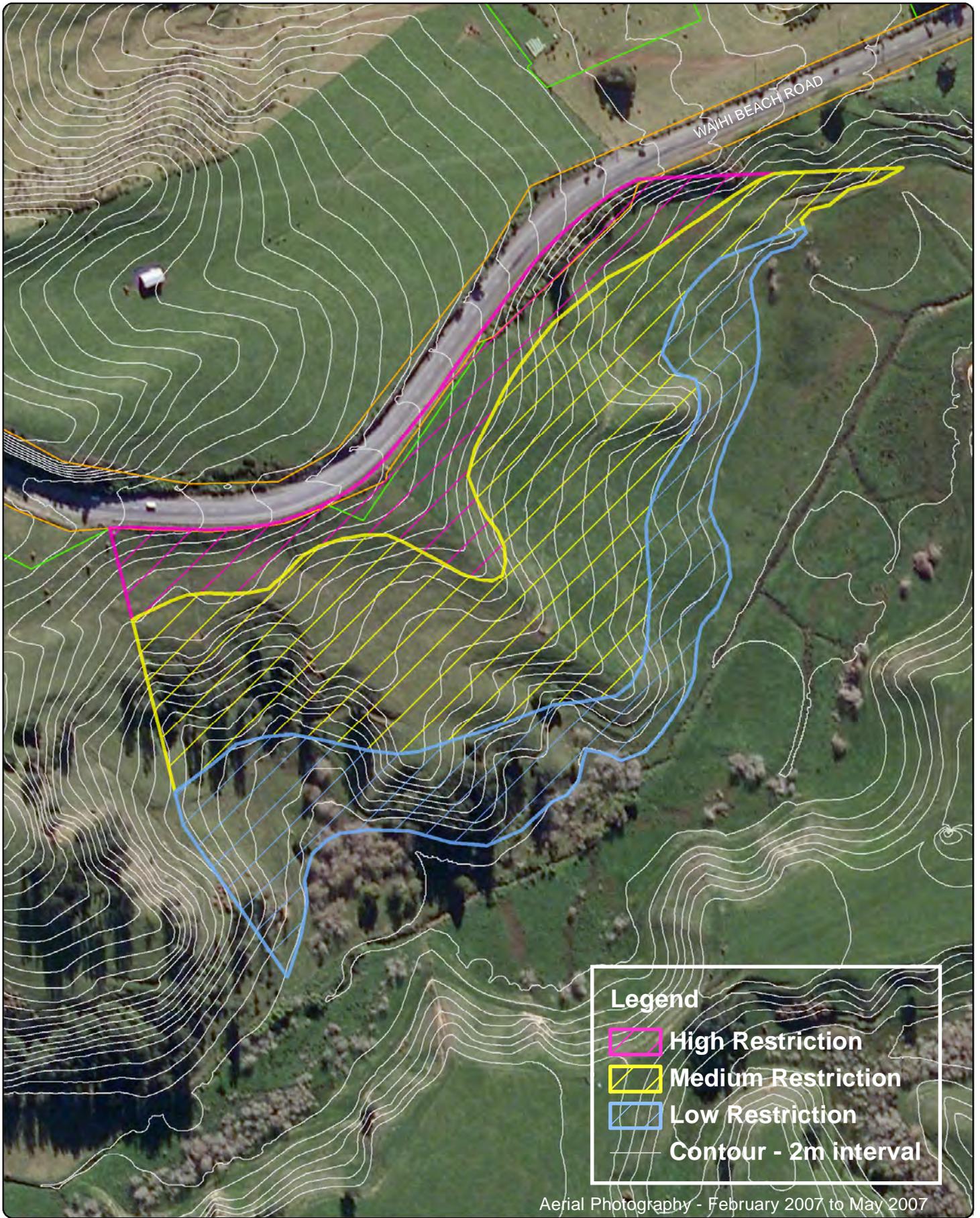
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 Date: 28/03/2012
 Operator: mlb
 Map: E:\Shape\MLB\Map\District Plan - 2012\View Shaft Restriction Areas.mxd




VIEWSHAFT 8
 VIEW TOWARDS TAURANGA HARBOUR, MT MAUNGANUI,
 MATAKANA AND MAYOR ISLANDS FROM STATE HIGHWAY 36
 (PYES PA ROAD) TRAVELLING NORTH - (MAP I07)



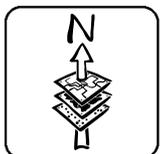


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 Date: 28/03/2012
 Operator: mlb
 Map: E:\Shape\MLB\Map\District Plan - 2012\View Shaft Restriction Areas.mxd



VIEWSHAFT 9
 VIEW TOWARDS THE SEA FROM WAIHI BEACH ROAD
 (MAPS A03 AND U03)



Appendix 7 – Structure Plans

Appendix 7

Structure Plans

1.	Waihi Beach	2
2.	Katikati	4
3.	Katikati Lifestyle Zone	9
4.	Omokoroa Structure Plan	10
5.	Tides Reach Rural-Residential.....	24
6.	Minden Lifestyle Zone	26
7.	Te Puna Business Park	27
8.	Te Puke Structure Plan.....	29
9.	Te Puke Lifestyle Zone	32
10.	Te Puke West Industrial	33
11.	Rangiuru Business Park	37
12.	<u>Comvita Campus.....</u>	<u>45</u>

2.4 Katikati Industrial Zone Structure Plan Financial Contributions Schedule May 2012

Revisions made to costs R-RD3, and R-RD4

Estimated Consultant Design costs removed

Total net developable area	26.52 ha
West of old railway line	10.688 ha
East of old railway line	15.832 ha

Roading: Connectivity

Item	Description	Unit	Pavement Width	Length	Cost
R-RD 3	25m centre Roundabout to connect RRD 2, RRD 4, RRD 5.	m	12	100	\$ 670,000
R-RD 4	Carriage way Dual 8m, ie 16m pavement to 2009 Dev Code standard	m	16	130	\$ 780,000
					\$ 1,450,000

Total Cost of Connectivity Roding	\$ 1,450,000.00
--	------------------------

Total Area	ha	26.52	26.52 ha
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Connectivity Roding per square metre rate	\$ 5.47 per m2
--	-----------------------

Roading East of old Railway formation

R-RD 2	Carriage way 12m, alternative to 2009 Dev Code standard	m	12	560	\$ 2,352,000.00
R-RD 3 - 1	12m carriageway constructed prior to full roundabout	m	12	140	\$ 548,000.00
R-RD 5	Carriage way 12m, alternative to 2009 Dev Code standard	m	12	180	\$ 756,000.00
R-RD 6	Roundabout at 12m centre	m	8	100	\$ 450,000.00
					\$ 4,106,000.00

Total Cost of Eastside Roding	\$ 4,106,000.00
--------------------------------------	------------------------

Total Area	ha	15.832	15.832 ha
------------	----	--------	-----------

Eastside Roding per square metre rate	\$ 25.93 per m2
--	------------------------

Note: The costs of the interim access roads provided for under Rule 12.4.17.5 are included in (i.e. are not additional to) the total costs of the full structure plans road that they will later be upgraded to.

Utilities

Sanitary Sewer

Item	Nominal material	Unit	Quantity	Rate	Cost
NSS1	200 dia UPVC	m	600	\$ 437.00	\$ 262,200.00
NSS2	200 dia UPVC	m	280	\$ 437.00	\$ 122,360.00
Pump stations		No	2	\$ 95,000.00	\$ 190,000.00
Connections		LS	1	\$ 95,000.00	\$ 95,000.00
Sub total					\$ 669,560.00

Water Supply

Item	Nominal material	Unit	Quantity	Rate	Cost
NWS 1	150 dia	m	600	\$ 332.50	\$ 199,500.00
NWS 2	150 dia	m	600	\$ 332.50	\$ 199,500.00
NWS 3	150 dia	m	450	\$ 332.50	\$ 149,625.00
NWS 4	150 dia	m	270	\$ 332.50	\$ 89,775.00
NWS 5	150 dia	m	1420	\$ 332.50	\$ 472,150.00
Connections		LS	1	\$ 95,000.00	\$ 95,000.00
Internal Rider main		m	1050	\$ 85.50	\$ 89,775.00
Sub total					\$ 1,295,325.00

Stormwater Item	Nominal material	Unit	Quantity	Rate	Cost
NSW 1	450 dia	m	600	\$ 475.00	\$ 285,000.00
NSW 2	450 dia	m	280	\$ 475.00	\$ 133,000.00
NSW 3	450 dia	m	180	\$ 475.00	\$ 85,500.00
NSW 4	450 dia	m	120	\$ 475.00	\$ 57,000.00
NSW 5	450 dia	m	220	\$ 475.00	\$ 104,500.00
NSW 6	450 dia	m	300	\$ 475.00	\$ 142,500.00
NSW 7	450 dia	m	700	\$ 475.00	\$ 332,500.00
Connections		LS	1	\$ 95,000.00	\$ 95,000.00
Pond 1	Land	m2	3355	\$ 47.50	\$ 159,362.50
	Construction	m2	3355	\$ 28.50	\$ 95,617.50
Pond Stevens	Land	m2	10786	completed	\$ 537,148.05
	Construction	m2	10786	\$ 28.50	\$ 307,401.00
Pond Bolega	Land	m2	8383	completed	\$ 483,614.60
	Construction	m2	8383	\$ 28.50	\$ 238,915.50
Sub total					\$ 3,057,059.15 \$ 3,057,059.15
Power		LS	1	\$ 380,000.00	\$ 380,000.00 \$ 380,000.00
Telecom		LS	1	\$ 190,000.00	\$ 190,000.00 \$ 190,000.00
Total Cost of Utilities					\$ 5,591,944.15

Total Area ha 26.52 26.52 ha

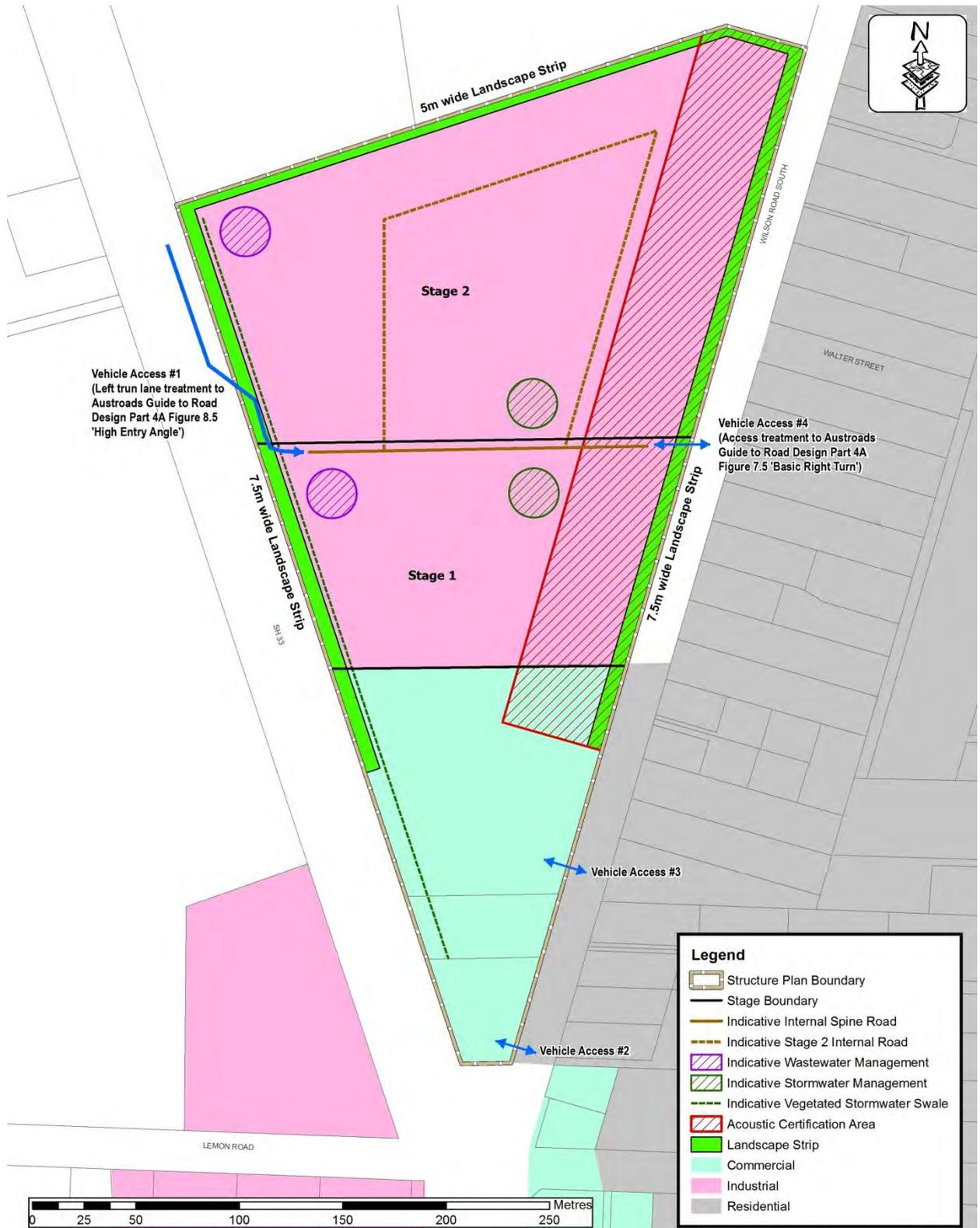
Utilities per square metre rate \$ 21.09 per m2

Summary		Per square metre
West side of old Rail embankment		
Roading Connectivity		\$ 5.47
Utilities		\$ 21.09
Westside Total		
Infrastructure Costs		\$ 26.55
East side of old Rail embankment		
Roading Connectivity		\$ 5.47
East side Roding		\$ 25.93
Utilities		\$ 21.09
East side Total		
Infrastructure costs		\$ 52.49

Important Note: The per square metre Financial Contribution in the revised Financial Contributions Schedule – May 2012 relates only to the costs of the infrastructure required within the structure plan area and is exclusive of catchment wide Financial Contributions that would generally be payable by a development per household equivalent e.g. district roading and water (western supply zone). The catchment wide Financial Contributions will not be payable by any development within the structure plan area until Council reviews the catchment related impacts through the annual plan process for effect in the 2013/2014 financial year.

12. Comvita Campus

12.1 Comvita Campus Structure Plan



12.2 Comvita Campus Landscape Strip Cross Section



Note:

Landscape strip to comprise either existing shelterbelt planting or landscape planting in accordance with "Landscape Strip Cross Section" as indicated. Mature plants are to be used in the landscape strip to reduce the growth period required to achieve optimal amenity screening in accordance with Rule 4C.5.3.2(g).