

# Decision Report

## Plan Change 4 – Natural Hazards

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### Important Note

The Proposed District Plan May 2011 Annotated Version was the current version of the District Plan when Plan Changes 1-27 were notified in November 2011 and this version was therefore used as the base document for preparing the Plan Changes and the Section 32 and Planning Reports.

Since then the District Plan has been made operative (16 June 2012). The Operative District Plan 2012 is now the current version of the District Plan and therefore Plan Changes 1-27 are proposed to change this version only.

For the purpose of understanding how decisions on this Plan Change relate to the Section 32 and Planning Report and to both versions of the District Plan discussed above, this Decision Report is divided into three parts.

Part A contains the decisions made on the topics in the Planning Report and uses the Proposed District Plan May 2011 Annotated Version as the base document.

Part B shows how the full notified Plan Change and subsequent decisions on topics would change the Proposed District Plan May 2011 Annotated Version Base Document.

Part C shows how the full notified Plan Change and subsequent decisions on topics are proposed to change the Operative District Plan 2012.

### Advice to Submitters:

Submitters will be familiar with the rule and map numbers from the Proposed District Plan May 2011 Annotated Version and so should refer to Parts A and B of this report to understand the decisions on their submission points.

However any submitter wishing to make an appeal will need to refer to the rule and map numbers of the Operative District Plan 2012 in Part C and reference these in their appeal.

## Part A: Decisions on Topics in the Planning Report

Any changes to rules are shown as follows; existing District Plan text in black, proposed changes as included in the Section 32 Report in [red](#), and any changes resulting from decisions on the topics in the Planning Reports in [blue](#).

### Topic 1: Definition of Reticulated Infrastructure

#### Decision

That the definition of Reticulated Infrastructure be amended to read as follows:

**“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.](#)

The following submissions are therefore:

### Accepted

Submission	Point Number	Name
35	2	Land Matters New Zealand
FS75	6	Federated Farmers of New Zealand

### Reason for Decision

The reference to "Reticulated Infrastructure" in the Natural Hazards Section is now supported by a definition under Section 3 "Definitions" in the Plan, and gives more clarity.

## Topic 2: New - 8.3.1(a) Permitted Activity

### Decision

That a new statement following 8.3 Activity Lists (heading) be included to read as follows:

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

That an amendment to Rule 8.3.1 as notified be amended as follows:

### **8.3.1 Permitted Activities**

*(a) Building/Structure with within an Approved Building Site*

The following submissions are therefore:

### Accepted

Submission	Point Number	Name
27	2	Waihi Beach Community Board
34	14	Trustpower Limited

### Accepted in Part

Submission	Point Number	Name
FS75	7	Federated Farmers of New Zealand

### Rejected

Submission	Point Number	Name
45	7	Federated Farmers of New Zealand
48	1	Toi Te Ora Public Health
FS79	5	Surveying Services Limited
FS83	1	HortNZ & NZKGI

### Reason for Decision

The proposed wording changes improves clarity in the Natural Hazard rules and makes clearer the intention to consider those activities located within the hazard features as identified on the District Planning Maps.

Submissions from Federated Farmers of New Zealand were rejected as the matters pertaining to the farm building and structures in the floodable areas were considered out of scope and may be considered as part of a future plan change.

The further submissions from Surveying Services Limited, Horticulture New Zealand and New Zealand Kiwifruit Growers Incorporated were not accepted as they supported the submission by Federated Farmers of New Zealand which was deemed to be out of scope.

The submission by Toi Te Ora Public Health requested that habitable buildings be a non-complying activity. This too is out of scope, however as advised, Council has introduced minimum floor level requirements into its assessment criteria.

### Topic 3: 8.3.2 Controlled Activities

#### Decision

That Rule 8.3.2 as notified be amended as follows:

#### **8.3.2** **Controlled Activities**

~~(a) Stability Areas – Minden Area C~~

~~(i) Subdivision where proposed Privateways and Building Sites are within the Minden Area C~~

~~(ii) Building/Structure when entirely within Minden Area C and not within an Approved Building Site~~

That an amendment to Rule 8.3.1 as notified be amended as follows:

#### **8.3.1** **Permitted Activities**

~~(a) Building/Structure with within an Approved Building Site~~

~~(b) Building/Structure within the Minden Area C~~

The following submissions are therefore:

#### Accepted

Submission	Point Number	Name
38	2	Western Bay of Plenty District Council
FS79	25	Surveying Services Limited

#### Reason for Decision

The changes as proposed through the Plan change are accepted and adopted. The changes enable activities within the Minden 'C' zone to occur without restriction on the basis that there is no identified risk associated with building in the Minden 'C' area.

### Topic 4: 8.3.4 Discretionary Activities

#### Decision

That Rule 8.3.4 be retained as notified and that there be clarity on the definition of open coastline. The Committee was advised that there was no definition of "Open Coastline" in the District Plan nor the Regional Coastal Environment Plan.

The following submissions are therefore:

### Accepted

Submission	Point Number	Name
FS75	8	Federated Farmers of New Zealand

### Rejected

Submission	Point Number	Name
27	5	Waihi Beach Community Board
FS79	26	Surveying Services Limited

### Reason for Decision

The Plan Change as proposed seeks to make the current Discretionary Activity provisions in the Plan clearer. In addition, the District Plan Maps and the Map Legend have been upgraded to now identify the Coastal Protection Area - 100m Open Coastline limitation.

The submission by the Waihi Beach Community Board was not accepted on the basis that rules for subdivision across the primary risk, secondary risk areas and the open coastline already exist in the Plan. It was considered that no additional changes were required other than the restructuring of the section as proposed by the broader Plan Change.

The further submission by Surveying Services Limited is deemed to be out of scope as it seeks a refocusing on the potential for building sites not subdivision as raised by the submitter.

## Topic 5: 8.3.5 Non-Complying Activities

### Decision

That Rule 8.3.5 be amended to read as follows:

#### 8.3.5 Non-Complying Activities

~~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)*

The following submission is therefore:

### Accepted

Submission	Point Number	Name
27	3	Waihi Beach Community Board

## Reason for Decision

The word replacement corrects a grammatical error.

## Topic 6: 8.5.1.2 Matters of Discretion – Restricted Discretionary Activities

### Decision

That the following amendments to Rule 8.5.1.2 be made to read as follows:

#### **8.5.1.2 Floodable Area**

- (a) The effect of the proposed building/structure on the capacity of ponding areas and overland flow paths
- (b) The design of the *Building/Structure*
- (c) The ~~required~~ ~~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.

The following submissions are therefore:

### Accepted in Part

Submission	Point Number	Name
34	13	Trustpower Limited
34	15	Trustpower Limited

## Reason for Decision

The more flexible term "appropriate" allows Council to consider and apply the correct minimum floor level factoring in the type of structure.

## Topic 7: 8.5.2 Matters of Discretion – Discretionary / Non Complying Activities

### Decision

That Rule 8.5.2 be amended to read as follows:

#### **8.5.2 Discretionary/Non Complying Activities**

The above matters 8.4.1 – 8.4.4 and the following shall be used as a guide for assessing discretionary and non-complying activities:

The following submission is therefore:

### Accepted

Submission	Point Number	Name
27	4	Waihi Beach Community Board

## Reason for Decision

Council supports this minor editorial change to rectify the omission and ensure that the criteria are not missed in the preparation or assessment of a resource consent application.

## Topic 8: District Planning Maps – 100 metre Open Coastline

### Decision

That the Coastal Protection Area – Open Coastline be identified on the District Planning Maps.

The following submissions are therefore:

### Accepted:

Submission	Point Number	Name
FS81	1	Bay of Plenty Regional Council

### Rejected:

Submission	Point Number	Name
35	1	Land Matters New Zealand

### Reason for Decision

It is recommended that the Plan Change as promoted be adopted. Council needs to ensure that the provisions relating to the Natural Hazard are clearly mapped in order to fully inform our customers. Accordingly, the Coastal Protection Area - 100m Open Coastline limitation shall be included within the District Plan Maps.

## Topic 9: Miscellaneous – Consistent Wording

### Decision

That all Flood Hazard/Floodable Areas be referred to as Flood Hazard in both Section 8 – Natural Hazards and the District Planning Maps.

The following submission is therefore:

### Accepted in Part

Submission	Point Number	Name
24	1	PowerCo Limited

### Reason for Decision

Council supports the need for consistent terminology throughout the Plan in order to avoid confusion when reviewing the provisions of the Plan.

## Topic 10: Miscellaneous - Various

### Decision

That the following submissions are:

### Accepted

Submission	Point Number	Name
34	12	Trustpower Limited
43	1	Bay of Plenty Regional Council
FS81	2	Bay of Plenty Regional Council
FS79	27	Surveying Services Limited

### Rejected:

Submission	Point Number	Name
27	12	Waihi Beach Community Board
43	2	Bay of Plenty Regional Council
FS79	28	Surveying Services Limited

### Reason for Decision

The proposed change to Rule 8.3 of the Plan is already supported (See Topic 4). Council acknowledge the points raised by the Bay of Plenty Regional Council and the Waihi Beach Community Board and advise that these are out of scope and the more comprehensive assessment having regard to the NZ Coastal Policy Statement (2010), the Regional Coastal Environment Plan and the Regional Policy Statement is another stream of work to be progressed in the next required review.

## Topic 11: Out of Scope – Various

### Decision

That the following submissions are:

### Rejected:

Submission	Point Number	Name
27	6	Waihi Beach Community Board
33	1	Magee, Brendon John
35	3	Land Matters New Zealand
35	4	Land Matters New Zealand
45	8	Federated Farmers of New Zealand
45	9	Federated Farmers of New Zealand

### Reason for Decision

Council accepted staff advice that the matters as identified were outside of the scope offered by the Plan Change as notified and presented in the Section 32 report. The specific submission points relating to the rules are matters that may be the subject of a further plan change.

## Part B: Changes to the Proposed District Plan May 2011 Annotated Version Base Document

Any changes to rules are shown as follows; existing District Plan text in black and changes (being the culmination of the notified Plan Change and subsequent decisions) are shown in red.

**That the following amendments be made to Section 3 -Definitions to read as follows:**

**“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 assessment have not been previously made.”

“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.”

That Section 8 and Section 16A are amended as shown on the pages to follow;

That any subsequent re-numbering or wording for the purposes of consistent and accurate referencing be made to the District Plan as appropriate.

That the Coastal Protection Area – Open Coastline be identified on the District Planning Maps.

That the Stability Area – Minden U be identified on Planning Maps.

That the District Planning Map Legend be amended for consistent wording.

## **8. Natural Hazards**

### **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

#### **8.3.43 Restricted Discretionary Activities**

- (a) Coastal Protection Area – Secondary Risk
  - (i) Building/Structure not within an Approved Building Site
- (b) Floodable Area
  - (i) Buildings/Structures not within an Approved Building Site
  - (ii) Earthworks over 5m<sup>3</sup>
  - (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/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) hereunder, 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 5m<sup>3</sup>.~~

~~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 overland 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).~~

~~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.~~

### **8.3.24 Discretionary Activities**

(a) Coastal Protection Areas

- (i) *Building/Structure 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) *Building/Structures within the identified access yard*

(b) Stability Areas – Landslip and General

- (i) Building/Structure 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 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.~~

**8.3.35 Non-Complying Activities**

~~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 that four persons
- (b) Coastal Protection Area – Secondary Risk
  - (i) Subdivision (excluding minor boundary adjustments)

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).~~

#### 8.3.4 Prohibited Activities

##### (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 Matters of Discretion**

### **8.5.1 Restricted Discretionary Activities**

#### **8.5.1.1 Coastal Protection Area**

- (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) *Building/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 Area**

- (a) The effect of the proposed building/structure 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 8.5.1

#### ~~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) above 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) above 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, and~~
- ~~(c) The effect of proposed buildings or other works on the capacity of ponding areas and on floodwater flow paths, and~~
- ~~(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, and~~
- ~~(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 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 Information Requirements – Stability Areas; Minden A, B1, B2, C and U**

### **~~8.4.2~~ Stability Requirements – The Minden Rural 3 Zone**

The Minden ~~Rural 3 Zone~~ Lifestyle Zone 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~~ each stability areas A, B1, B2, C and U (in italics) followed by the stability requirements applying to development in that area.

#### **(a) Stability Area A**

*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.

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**

*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.*

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 ~~8.4.2(a)~~ 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**

*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 on-site disposal of sewage or stormwater concentration, no significant vegetation removal, no significant cutting or filling.*

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**

*Area C is land not considered to be at risk from instability and 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 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 16A - Lifestyle Zone**

### **16A.3 Activity Lists**

#### **16A.3.1 Permitted Activities**

- (a) Farming;
- (b) Conservation forestry;
- (c) One dwelling per lot, except for in 16A.3.2(c);
- (d) Buildings (except dwellings) accessory to the foregoing under 200m<sup>2</sup>;
- (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) Mineral 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.~~

#### **16A.3.2 Controlled Activities**

- (a) Works and network utilities as provided for in Section 10;
- (b) One minor dwelling in addition to 16A.3.1(c) subject to performance standard 16A.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 and Te Puke Lifestyle Zones subject to performance standards 16A.4.1(g) with (per dwelling) a minimum net land area of 3000m<sup>2</sup> and minimum average net land area of 5000m<sup>2</sup>.
- (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 16A.4.2 and the matters of control in 16A.5.2.

~~subject to the performance standards in 16A.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.~~

### **16A.3.3 Restricted Discretionary Activities**

- (a) Any Permitted or Controlled Activity that fails to comply with the activity performance standards listed in Rule 16A.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 16A.4.2 and the matters of control in 16A.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 16A.6.3.~~
- ~~(c) Subdivision within the Minden Lifestyle Structure Plan area not provided for in 16A.3.2(e) above, subject to the requirements in 16A.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 16A.6.3.~~

## **16A.5 Matters of Control**

### **16A.5.2 Controlled Activities – Subdivision within the Minden Lifestyle Structure Plan Area as Provided for in Rule 16A.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 privateways within the subdivision.
  - ~~(iii)~~ Controlling the location and type of wastewater and stormwater treatment and disposal systems.
  - ~~(iv)~~ Detailing requirements for the retention or planting of vegetation including species selection that will help stabilize any cut slope or fill batter.
  - ~~(v)~~ Requiring the collecting and piping of stormwater, or its management by way of soakage or discharge to ground or to natural waterways, including the collection of roof water, as appropriate. The preference is for collection and discharge of stormwater to the base of gulleys at a rate that mimics natural catchment flow rates.
  - ~~(vi)~~ Requiring easements for stormwater infrastructure, as appropriate.
  - ~~(vii)~~ Avoiding erosion or natural hazards or mitigating these hazards when they cannot be avoided.
- ~~(b)~~ (a) Protecting and enhancing scheduled significant ecological features, other prominent areas of indigenous vegetation which contribute to the zones 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.
- ~~(c)~~ (b) Providing connectivity throughout the structure plan area including requiring the provision of Greenlanes shown on the structure plan.
- ~~(d)~~ (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.
- ~~(e)~~ (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.
- ~~(f)~~ (e) Compliance with activity performance standards 16A.4.2.

## **16A.6 Matters of Discretion**

### **~~16A.6.3 Restricted Discretionary Activities Subdivision within the Minden Lifestyle Structure Plan Area as provided for in Rules 16A.3.3 (c) and (d).~~**

~~Council shall have regard to the following matters in addition to 16A.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.~~~~

Infrastructure		Airport approach surface
		Designation
		Formed Roads
		Limited access
		Stop bank
Reserves		Esplanade strip
		Proposed esplanade strip / reserve
		Kaimai - Mamaku Forest Park boundary
		Reserve
		Reserve, Department of Conservation
Significant features		View shaft
		Ecological area
		Landscape feature - 40m and 50m
		Landscape feature
		Heritage area
		Built heritage
		Cultural heritage
		Notable Trees
Structure plan		Structure plan boundary
		Greenlane
		Road
		Stormwater
		Wastewater
		Water supply
		Walk/cycleway
		Reserve area
		Stormwater pond
		Overland flowpaths & ecological features

Land hazards		Coastal protection - Primary Risk	
		Coastal protection - Secondary Risk	
		Coastal Protection - Open Coastline	
		Coastal Protection - Access Yard	
		Flood hazard	
		Stability Area - Minden A	
		Stability Area - Minden B1	
		Stability Area - Minden B2	
		Stability Area - Minden C	
		Stability Area - Minden U	
		Stability Area - General	
		Stability Area - Landslip	
	Zones		All Terrain Park (ATP)
			Commercial
			Commercial Transition
		Horticultural Post Harvest	
		Industrial	
		Residential	
		Medium Density Residential	
		Rural Residential	
		Rural	
		Lifestyle	
Zone overlays		Future Urban	
		Identified Area (1)	
		Firing Range Exclusion Zone	
		TNL 100m Building Line Setback	

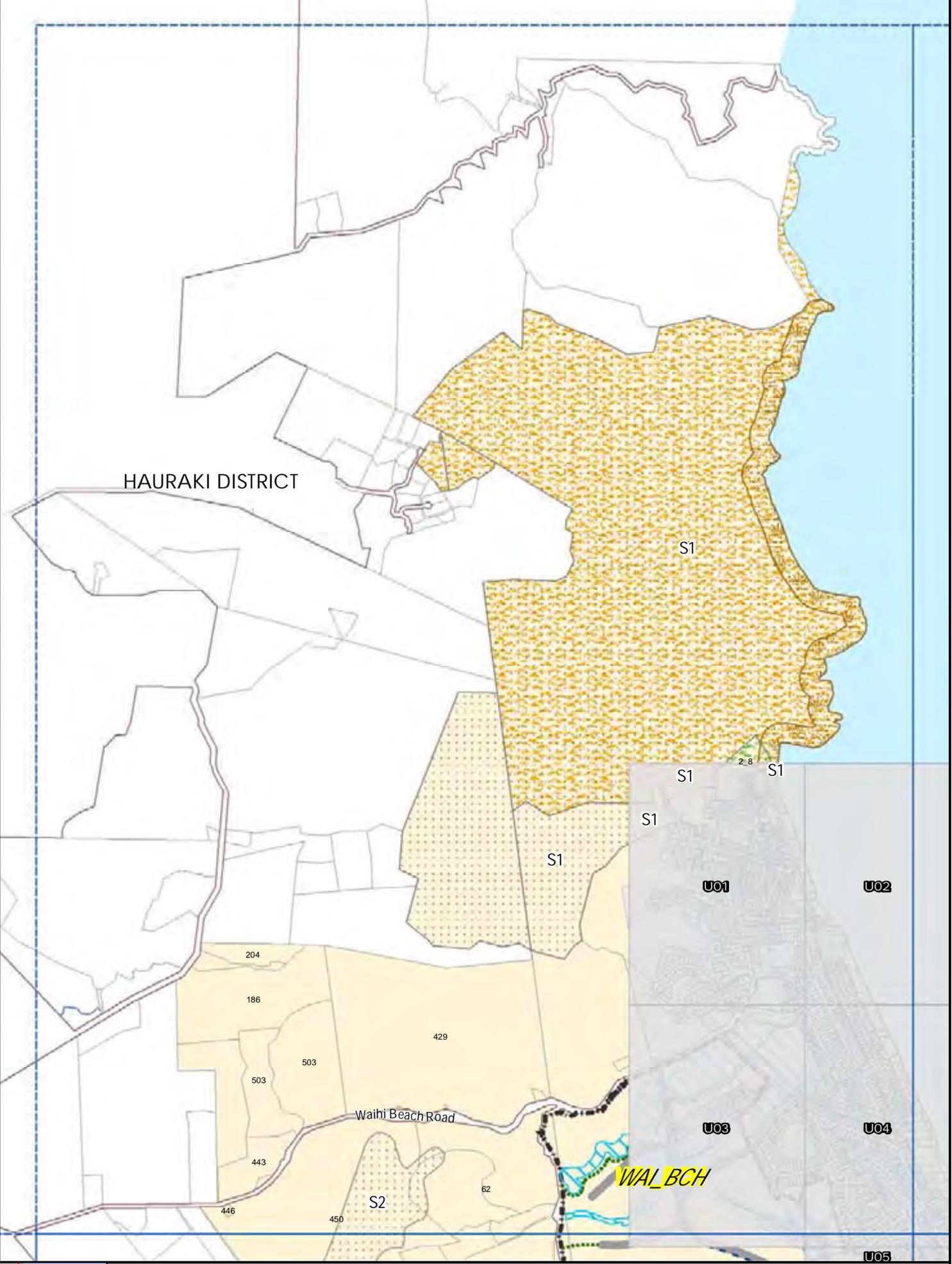
Bay of Plenty Regional Council should be consulted before undertaking any activity in the vicinity of Mean High Water Springs to establish the actual line of Mean High Water Springs.

Formed roads are indicated as white shading on the road land parcels. Unformed roads have the underlying zone indicated.

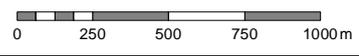
(1) The identified areas include; the community service area at Rangioru, the central hub site within the All Terrain Park and buffer zones in Stage 2 Omokoroa and Binnie Road.

<b>Legend</b>	<b>Proposed</b>	

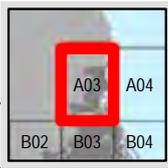
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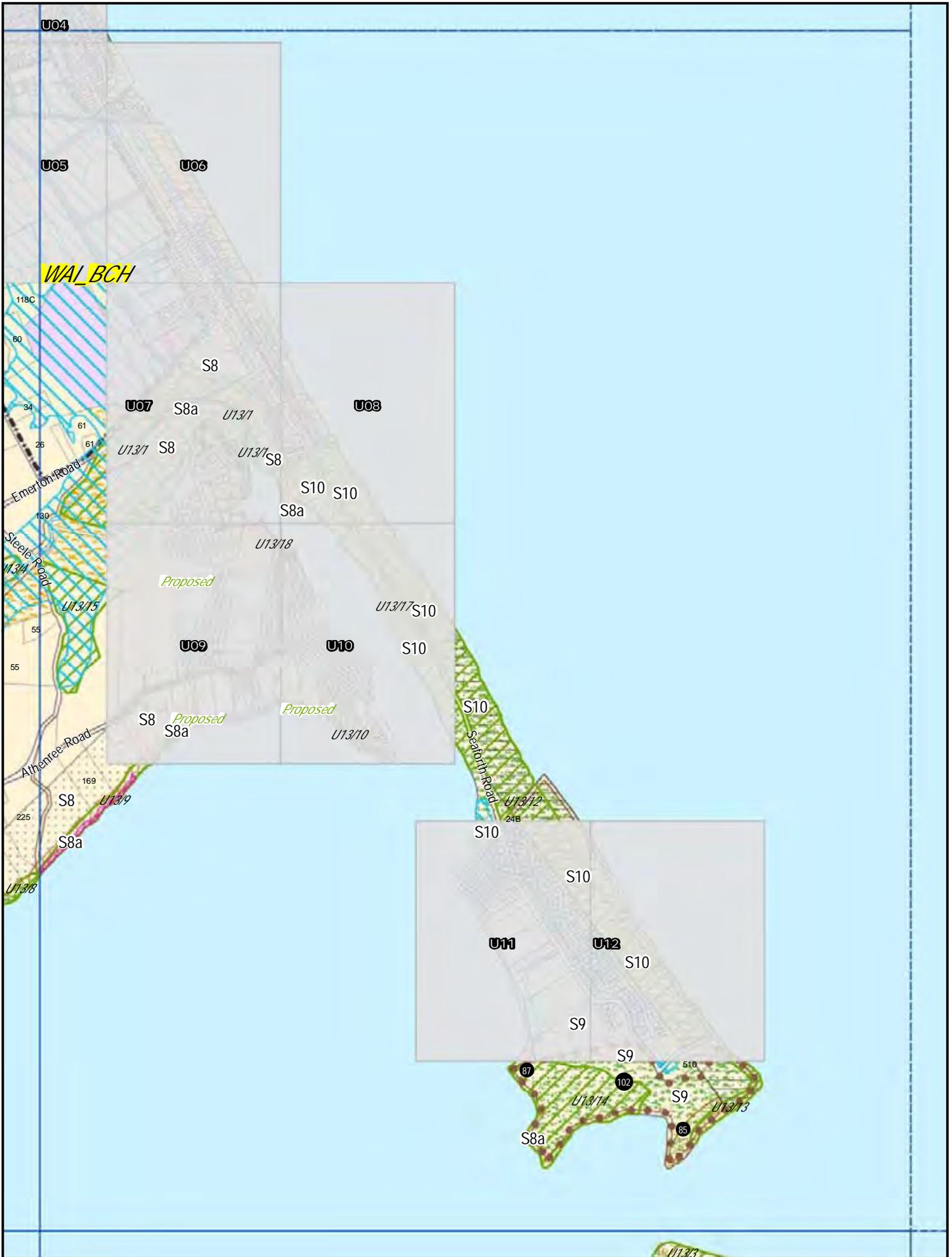
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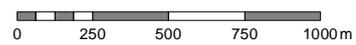
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# B04 Rural Series

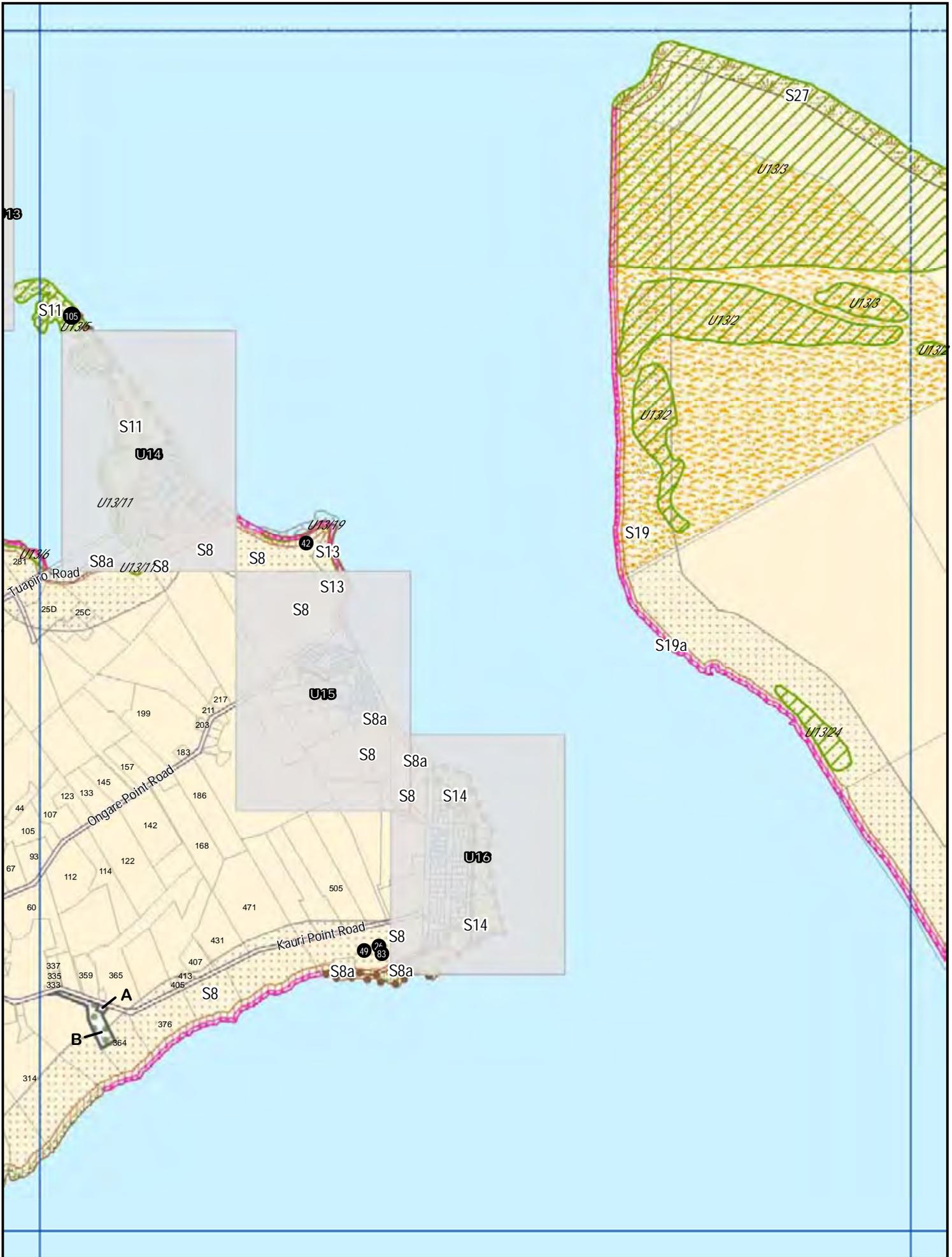


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A03	A04
B03	<b>B04</b>
C03	C05



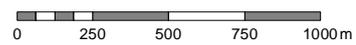
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# C04 Rural Series



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C03	<b>C04</b>
D03	D05

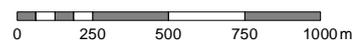


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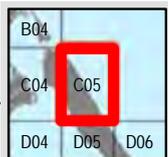
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C05 **Rural Series**

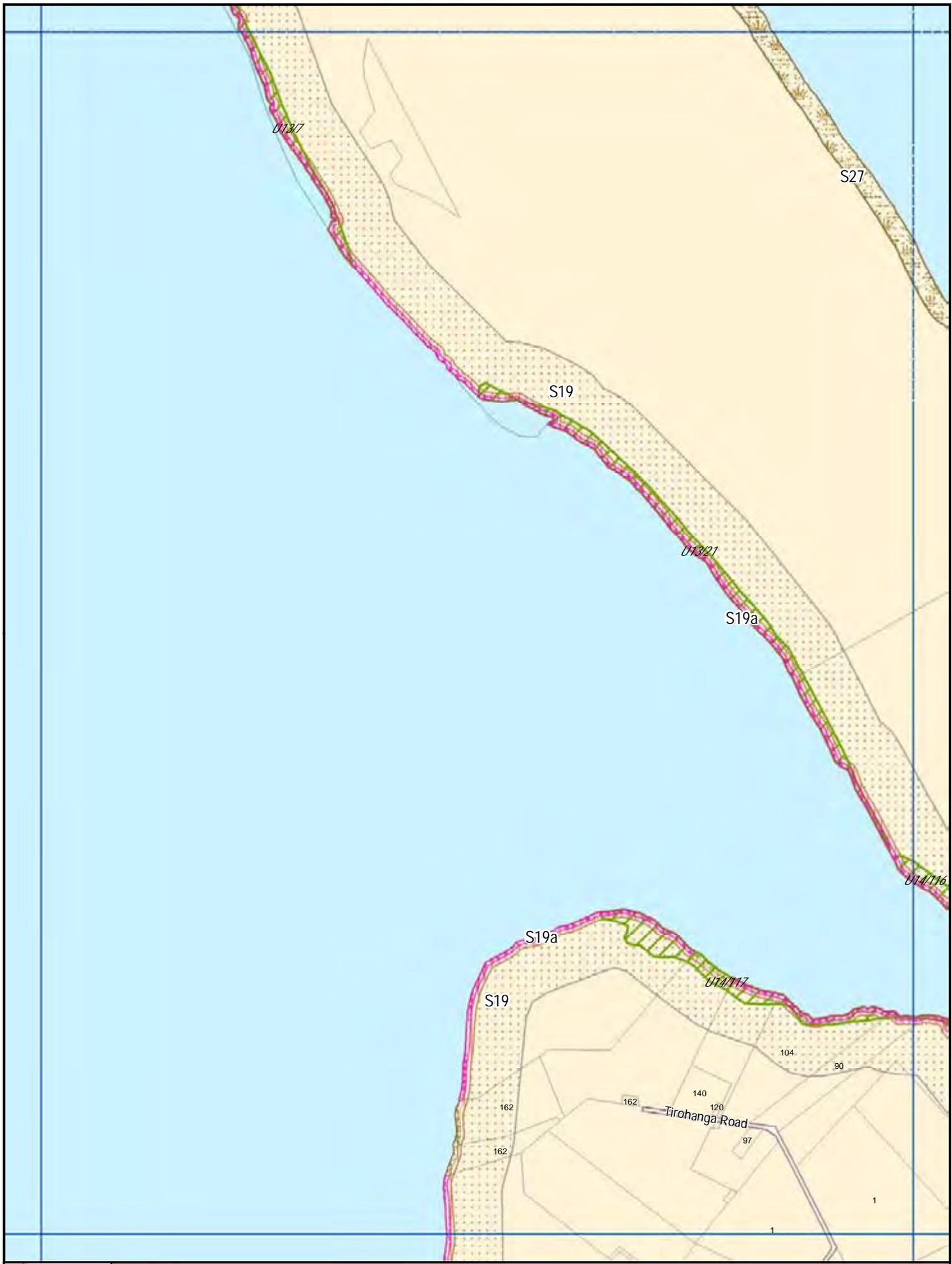


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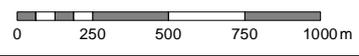


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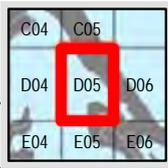
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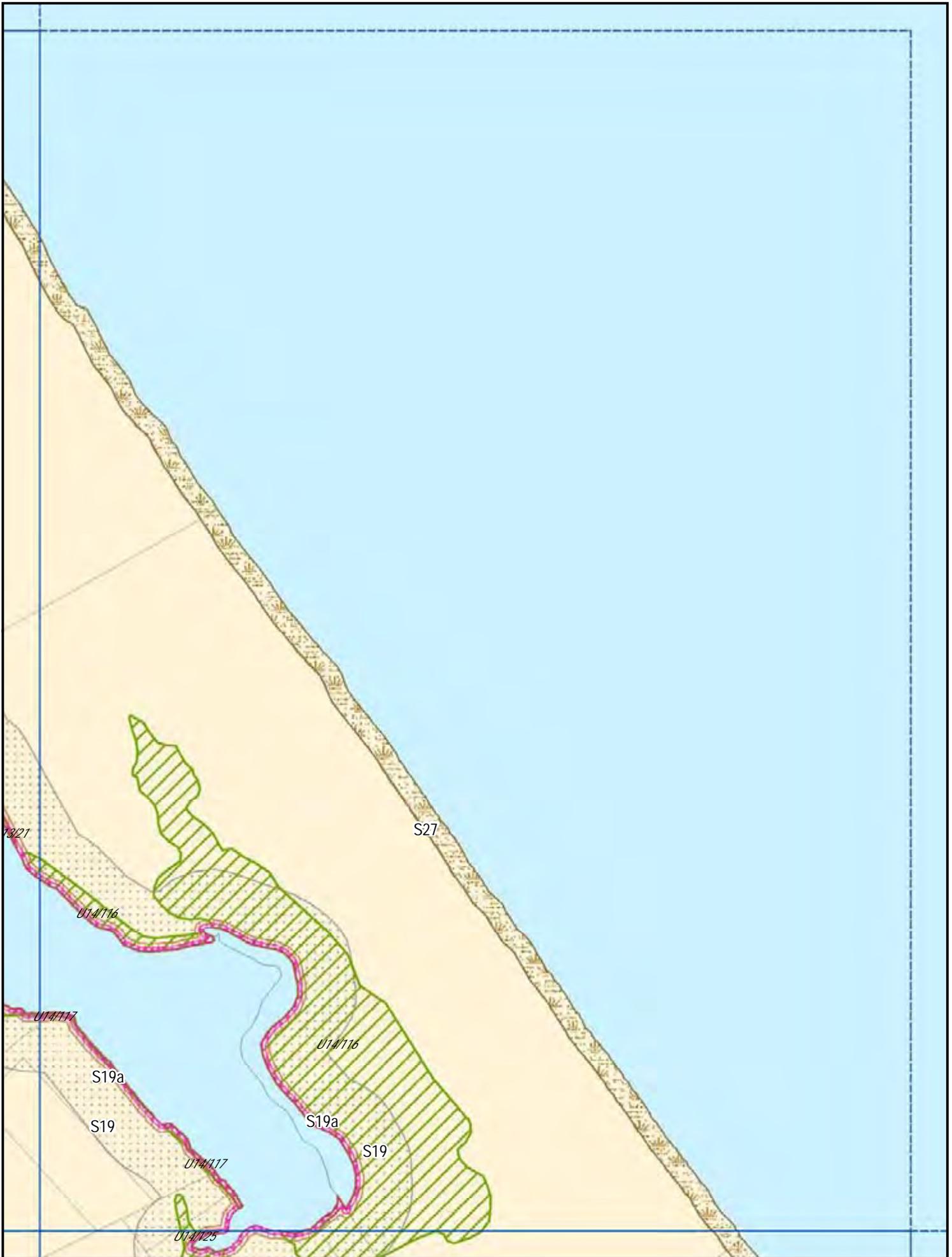
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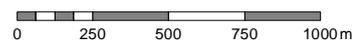
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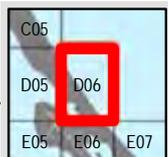
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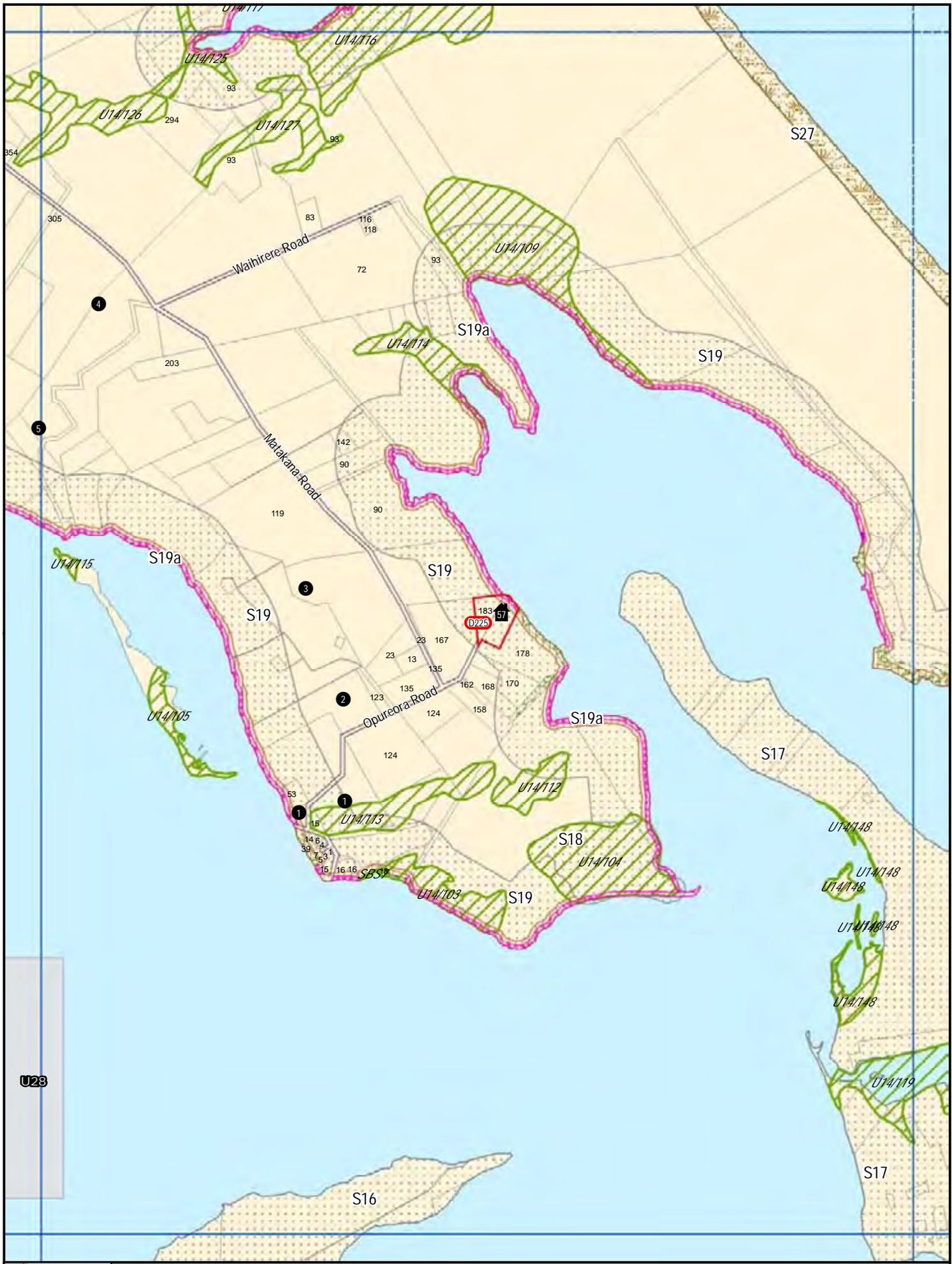
D06 **Rural Series**



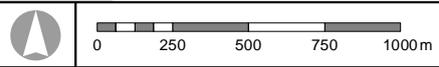
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E06 Rural Series



Scale 1:25000 (A4)

D05	D06	
E05	<b>E06</b>	E07
F05	F06	F07

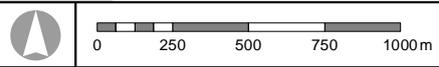


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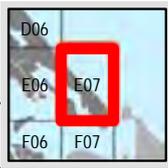
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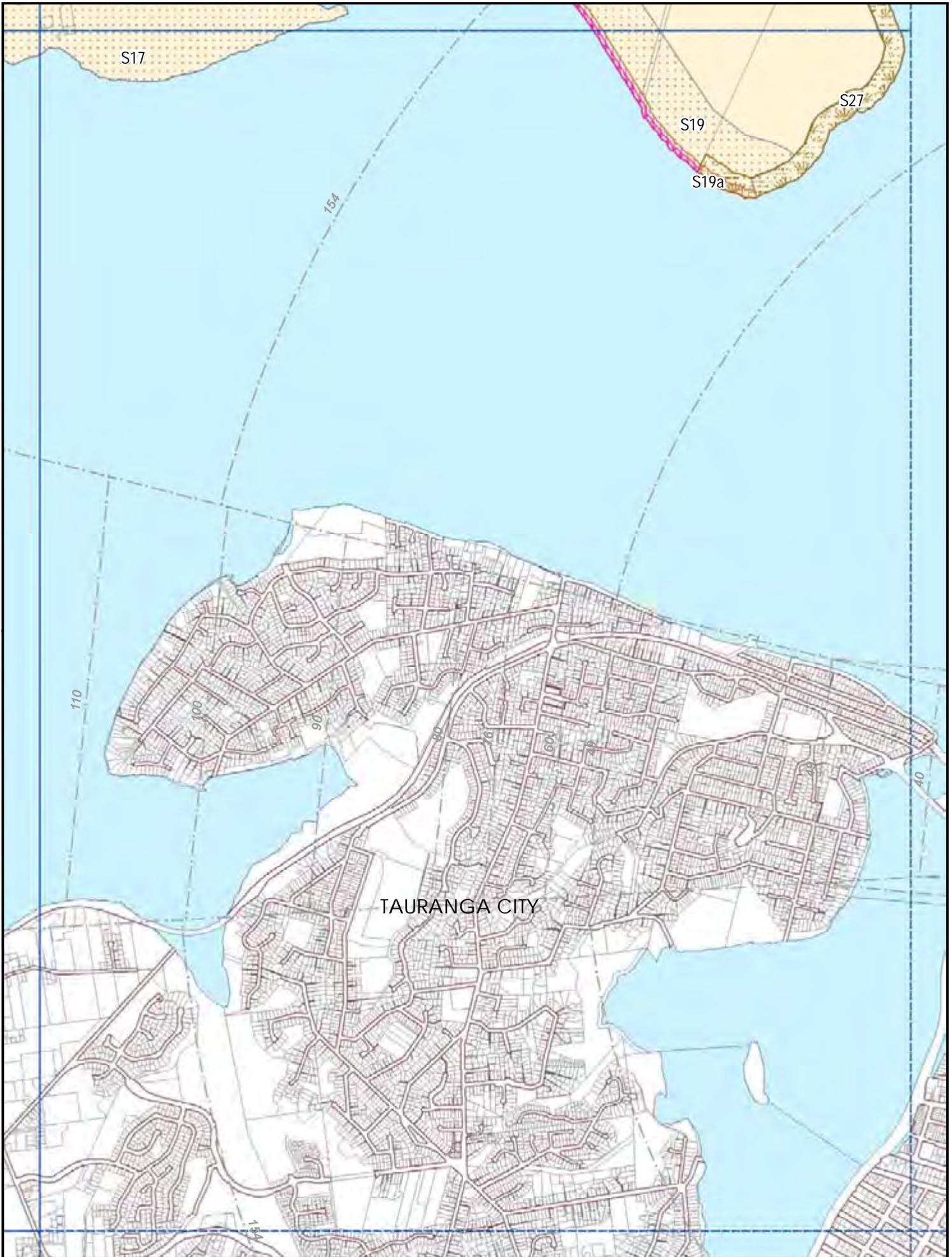
**E07 Rural Series**



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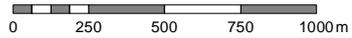
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**F07 Rural Series**

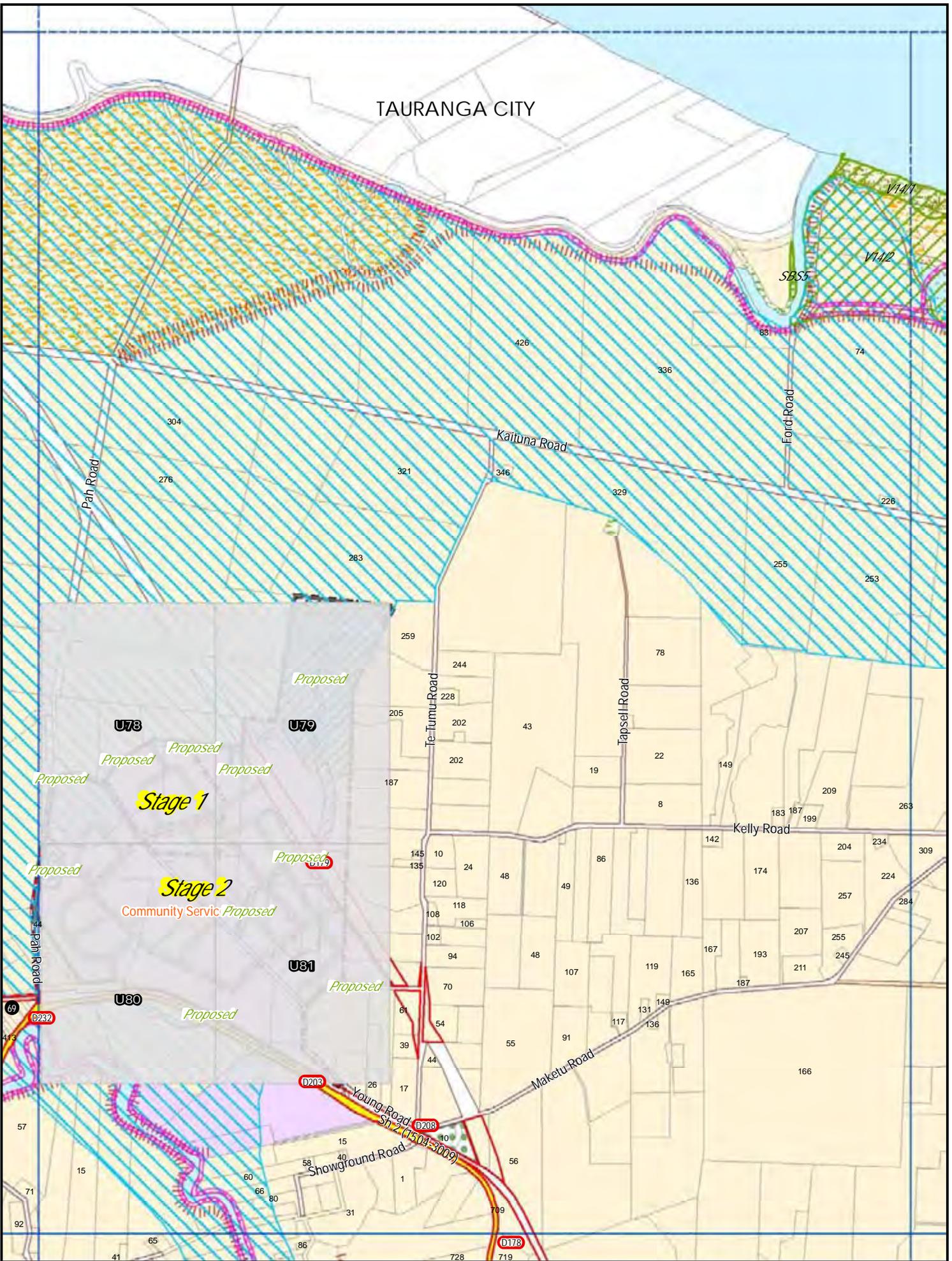


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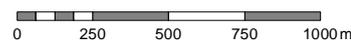
# TAURANGA CITY



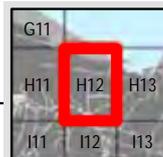
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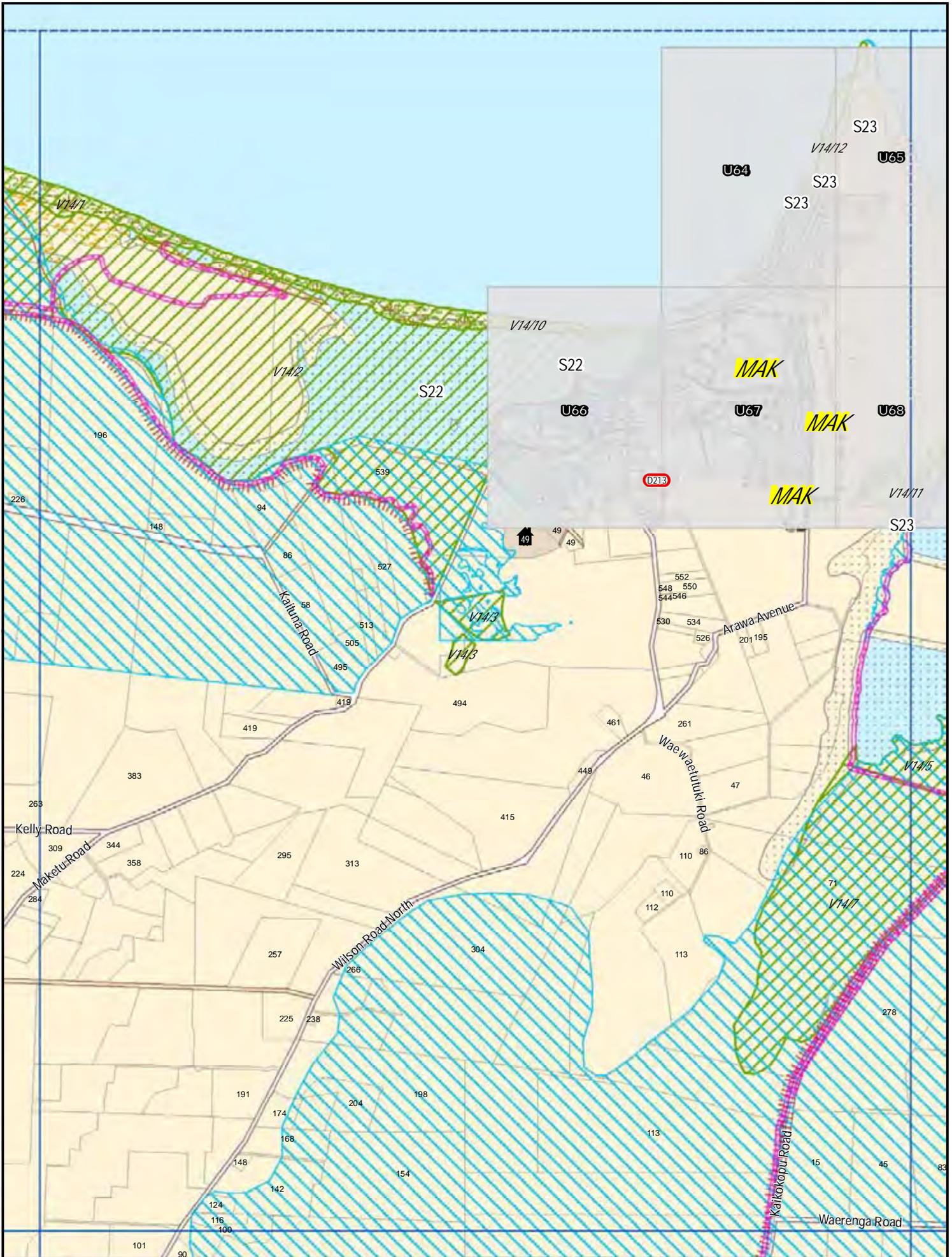
## H12 Rural Series



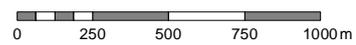
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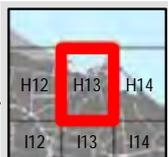
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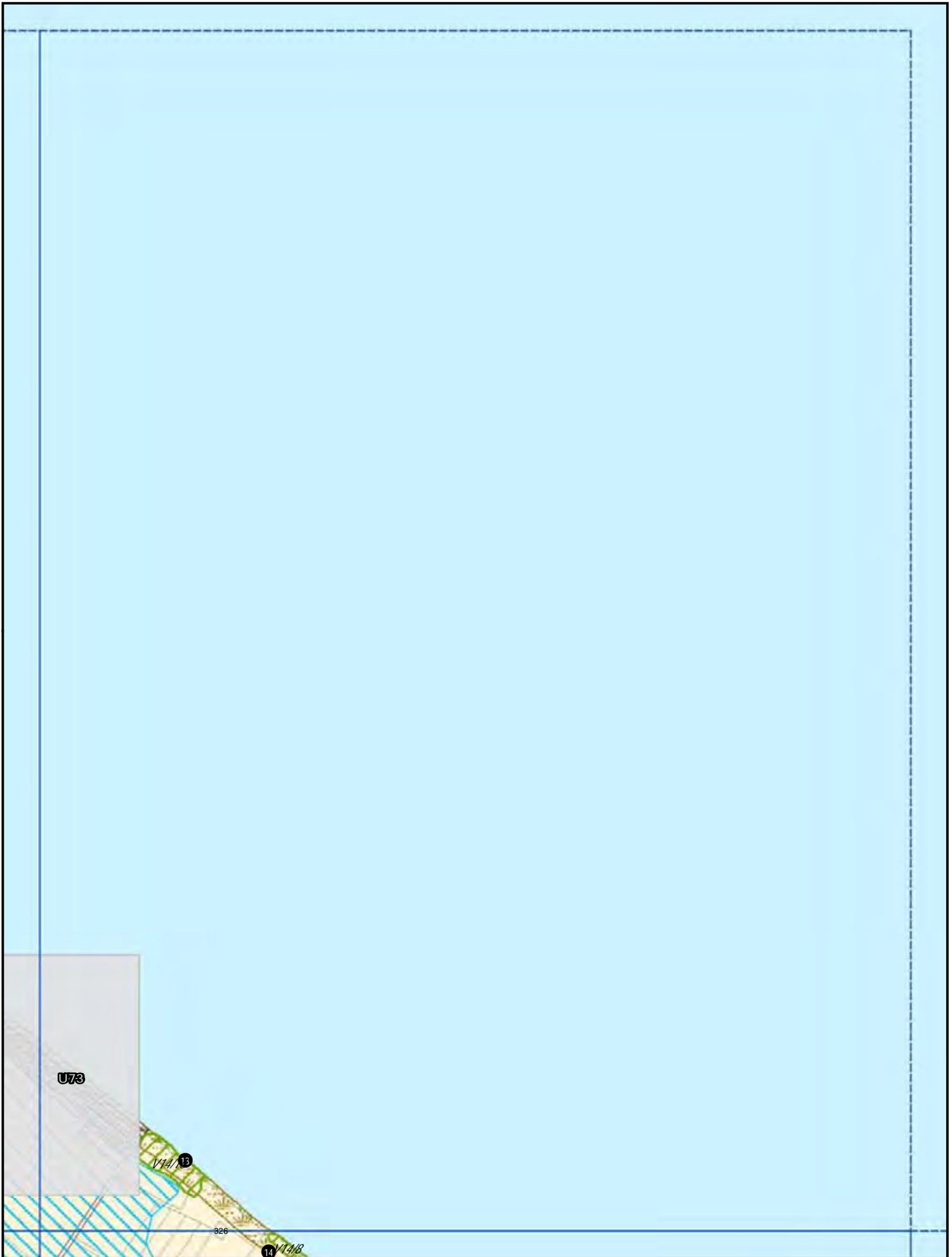
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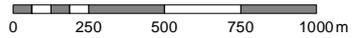
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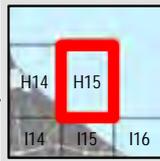
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# H15 Rural Series



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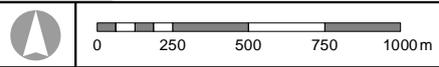


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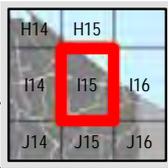
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# I15 Rural Series



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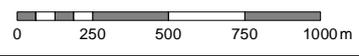


WHAKATANE DISTRICT

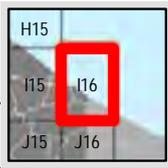


I16

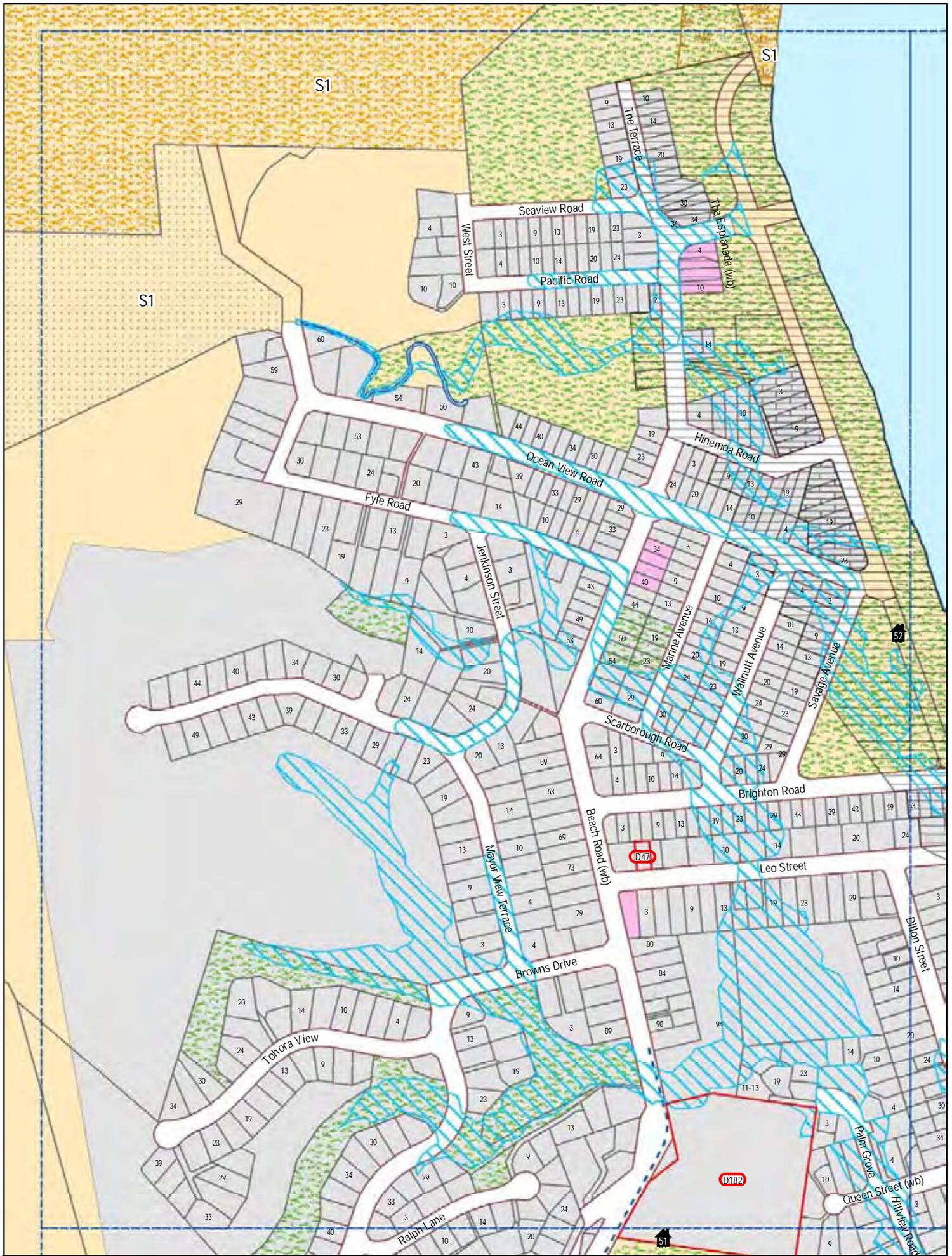
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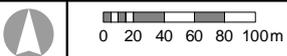


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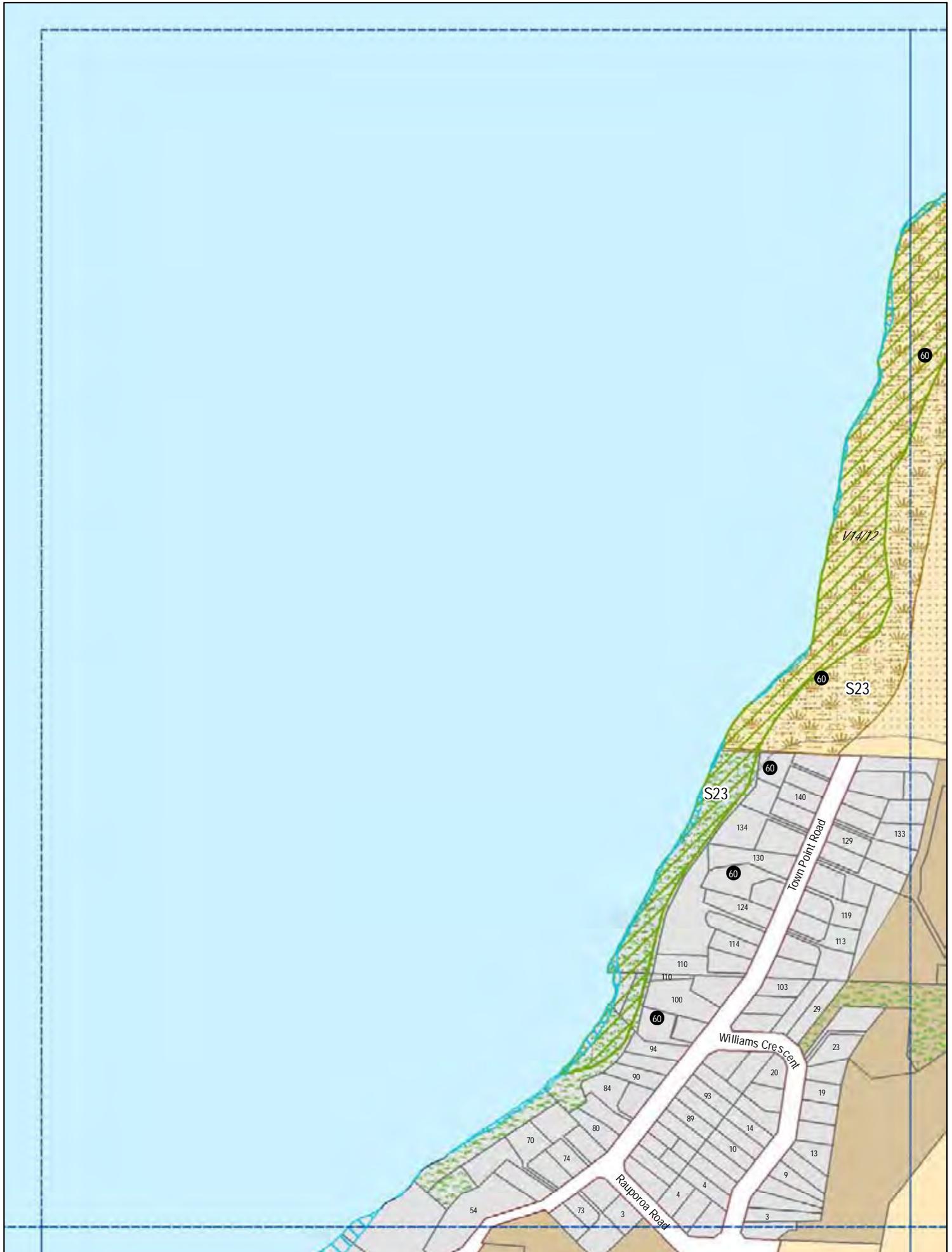
U01

# Waihi Beach



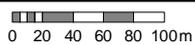
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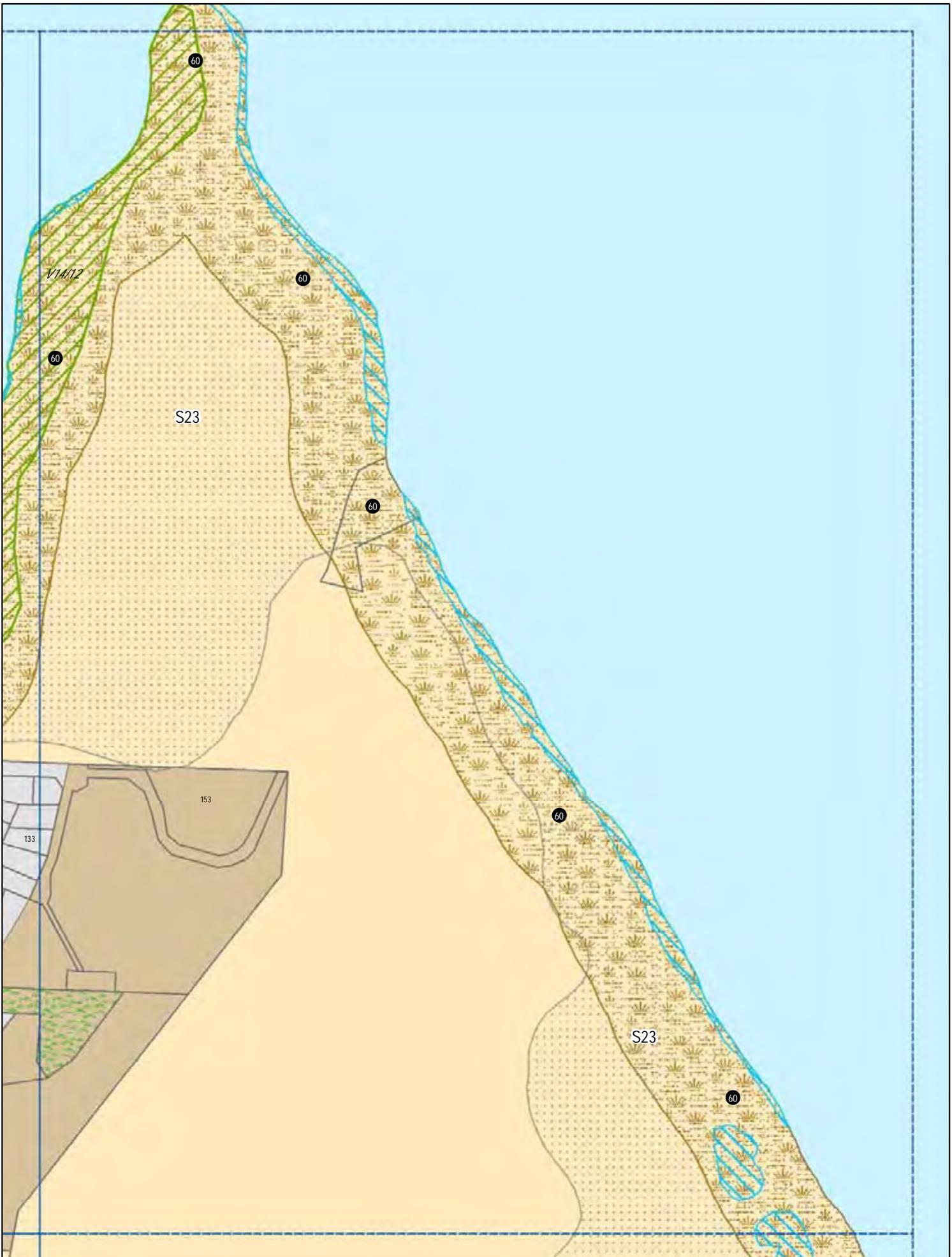
Maketu



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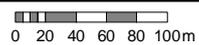
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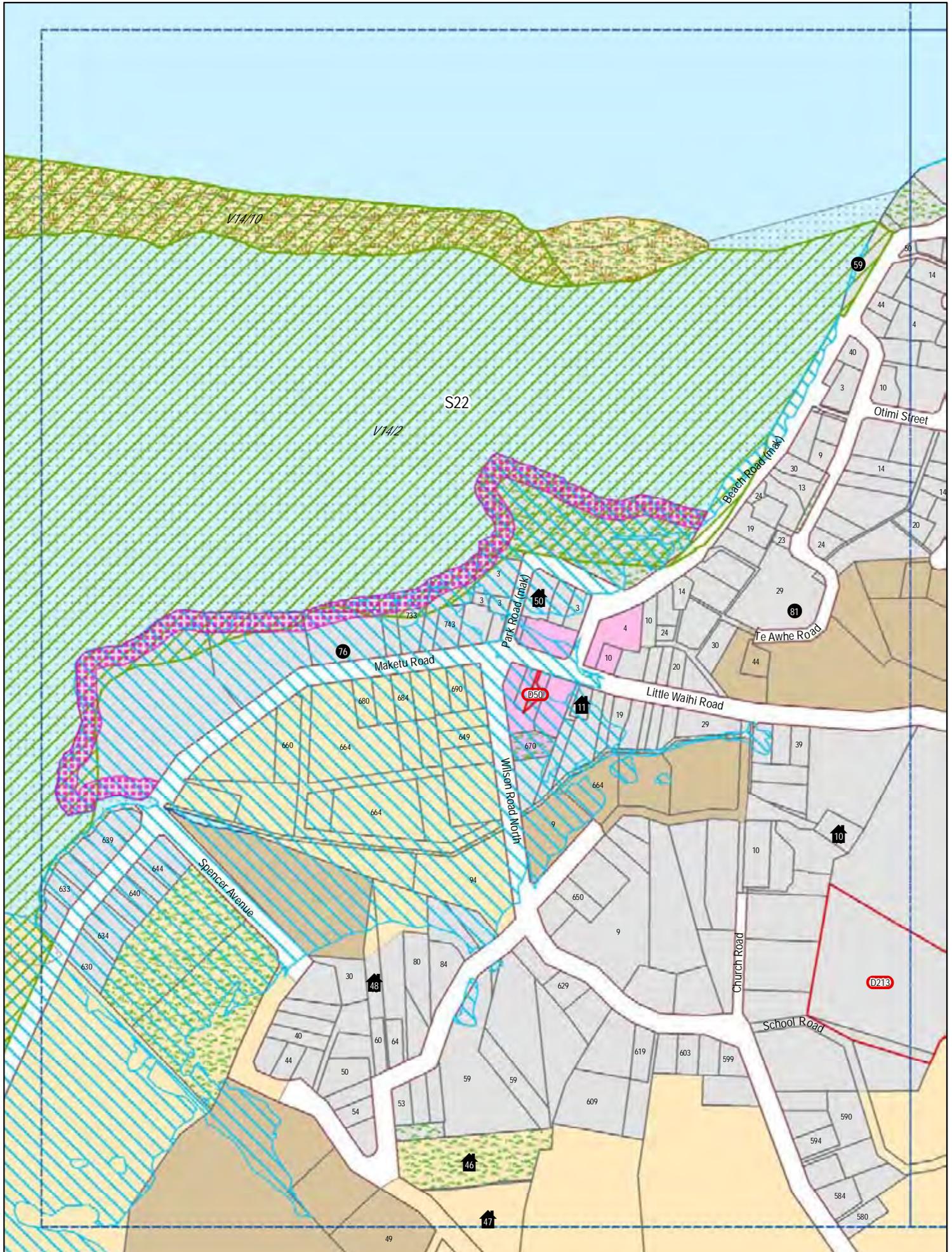
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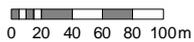
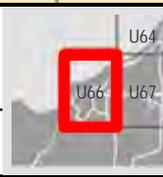


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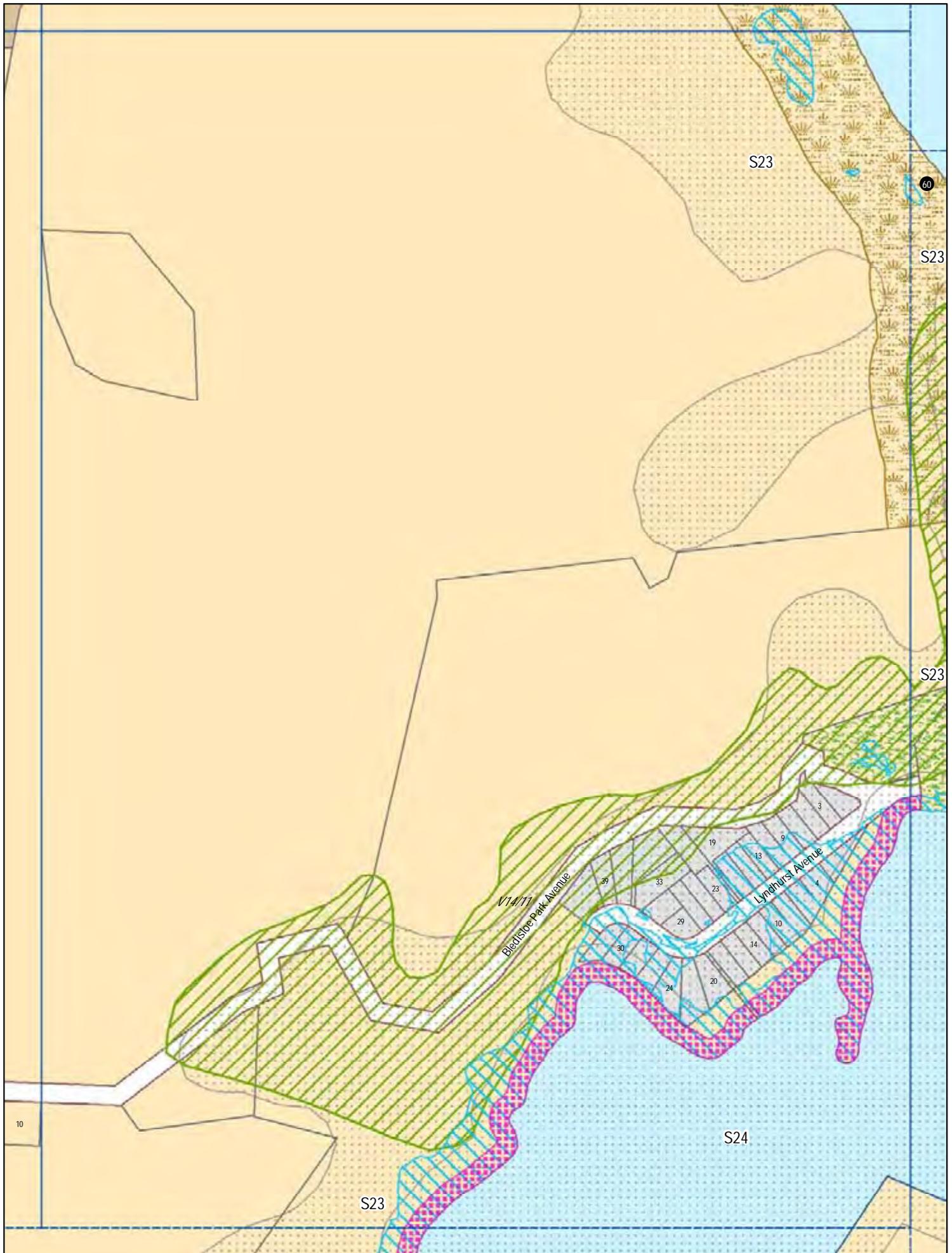
U66

Maketu



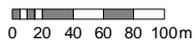
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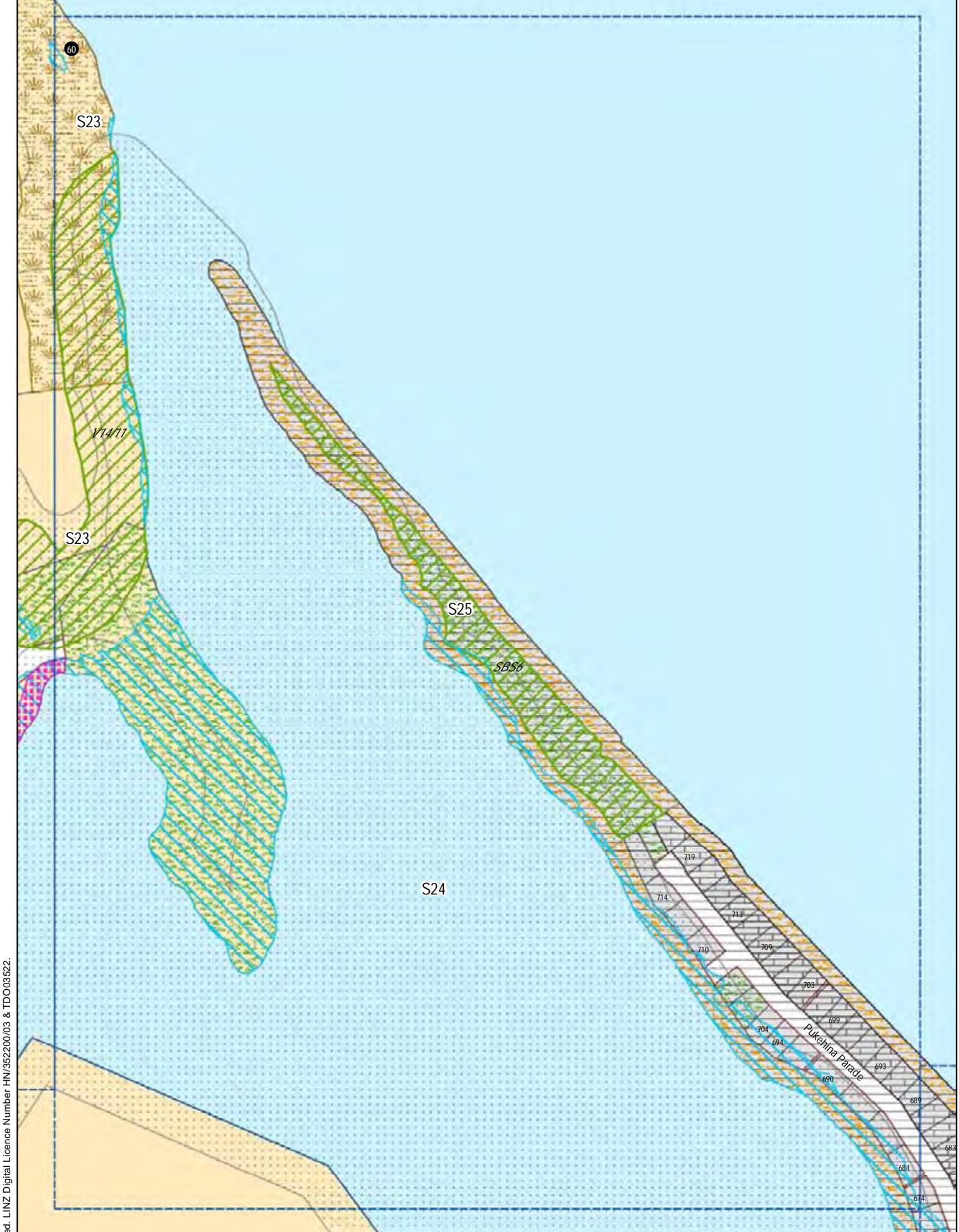
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Maketu



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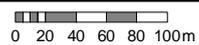
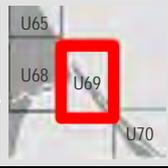


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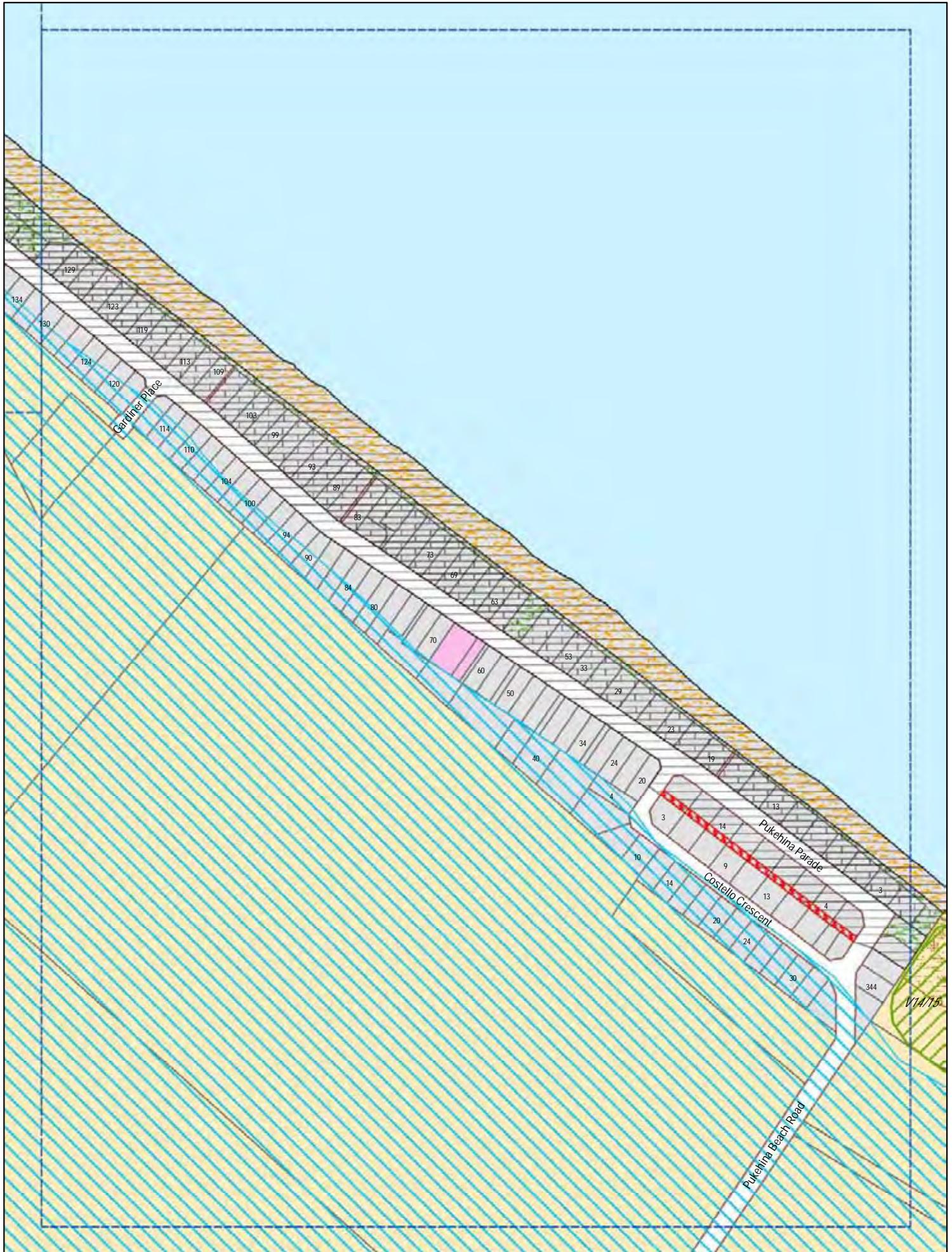
U69

Pukehina



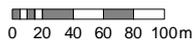
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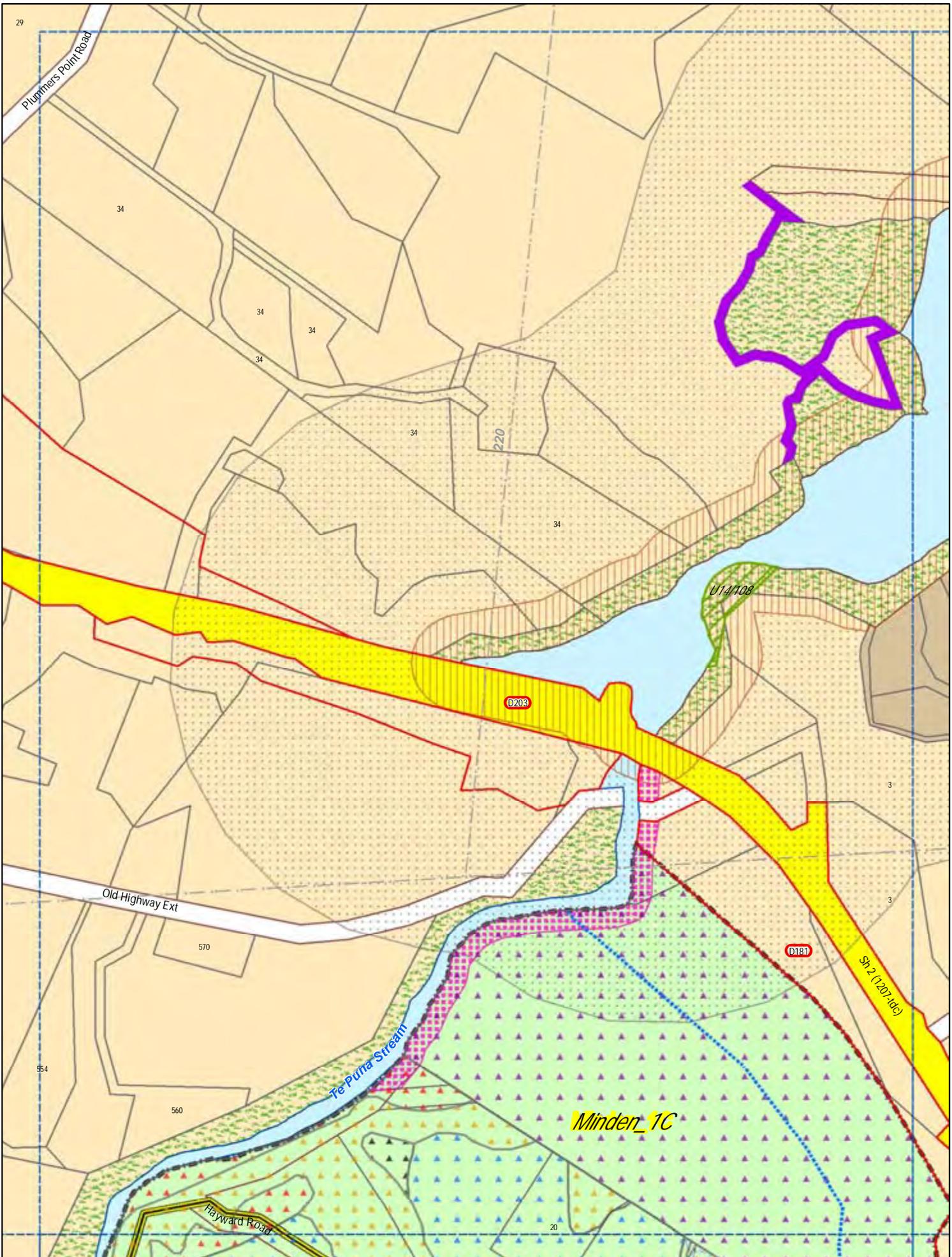
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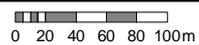
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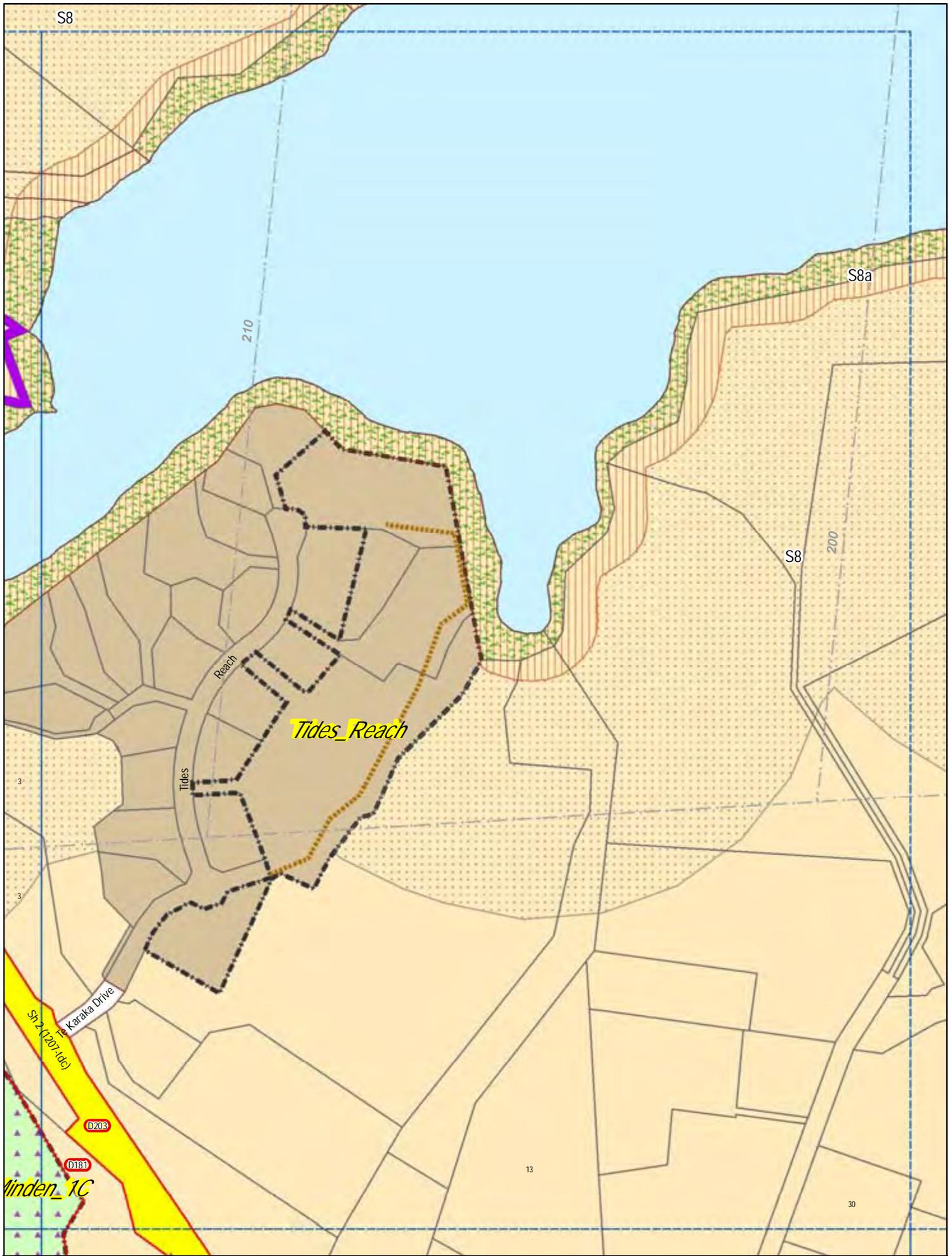
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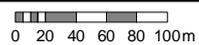


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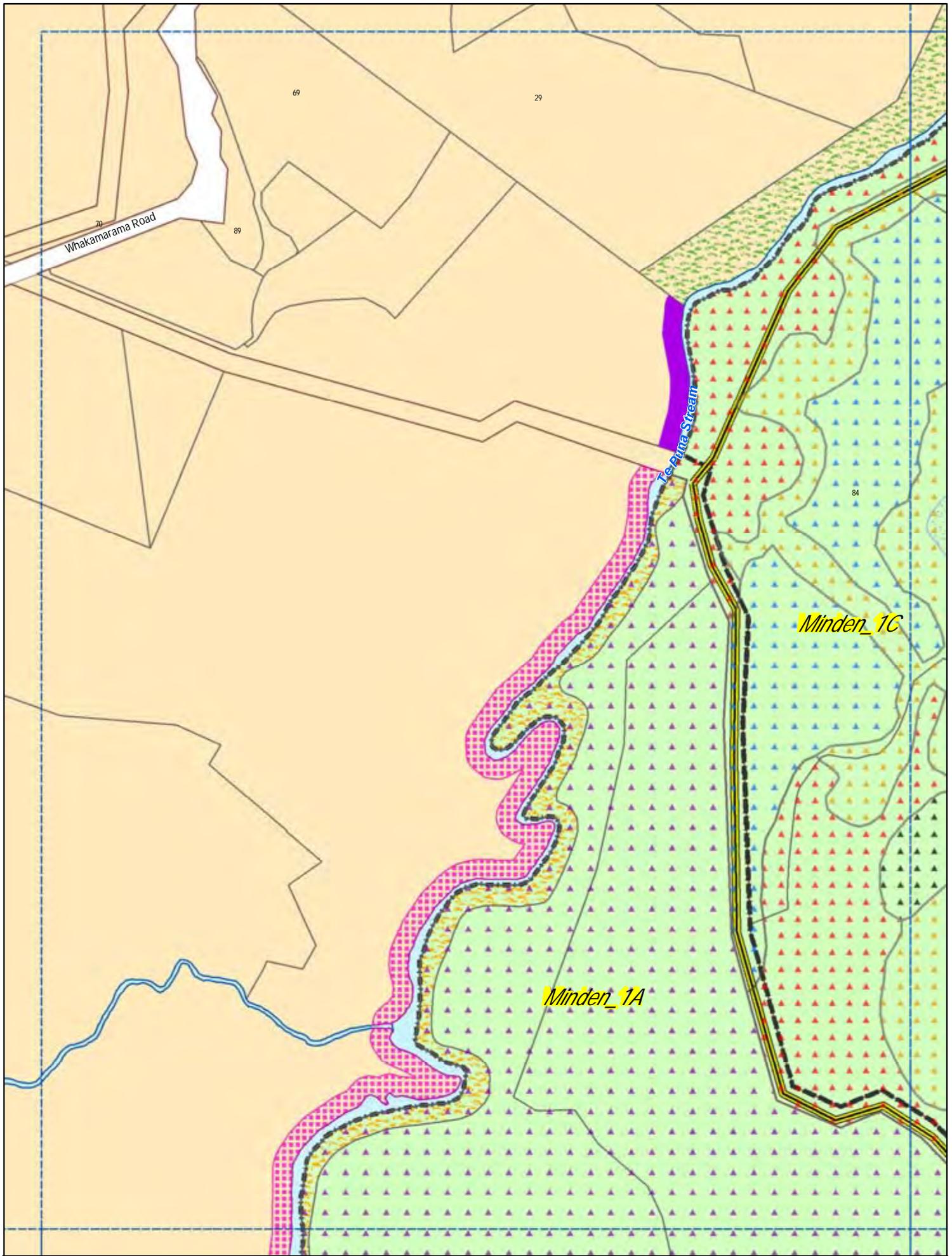
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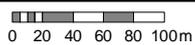


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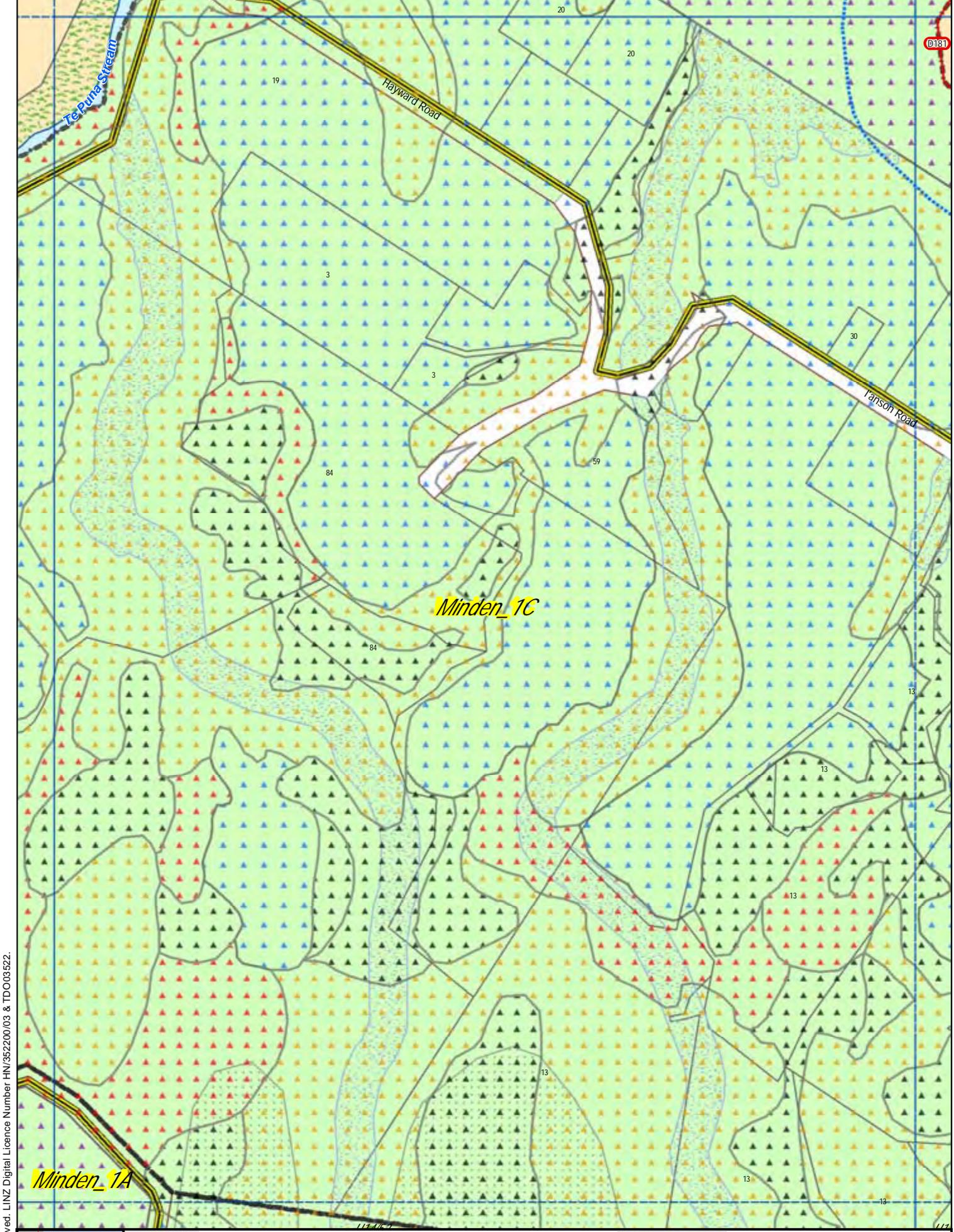
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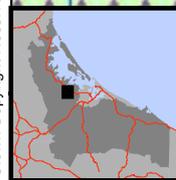


0181

*Minden\_1A*

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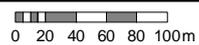
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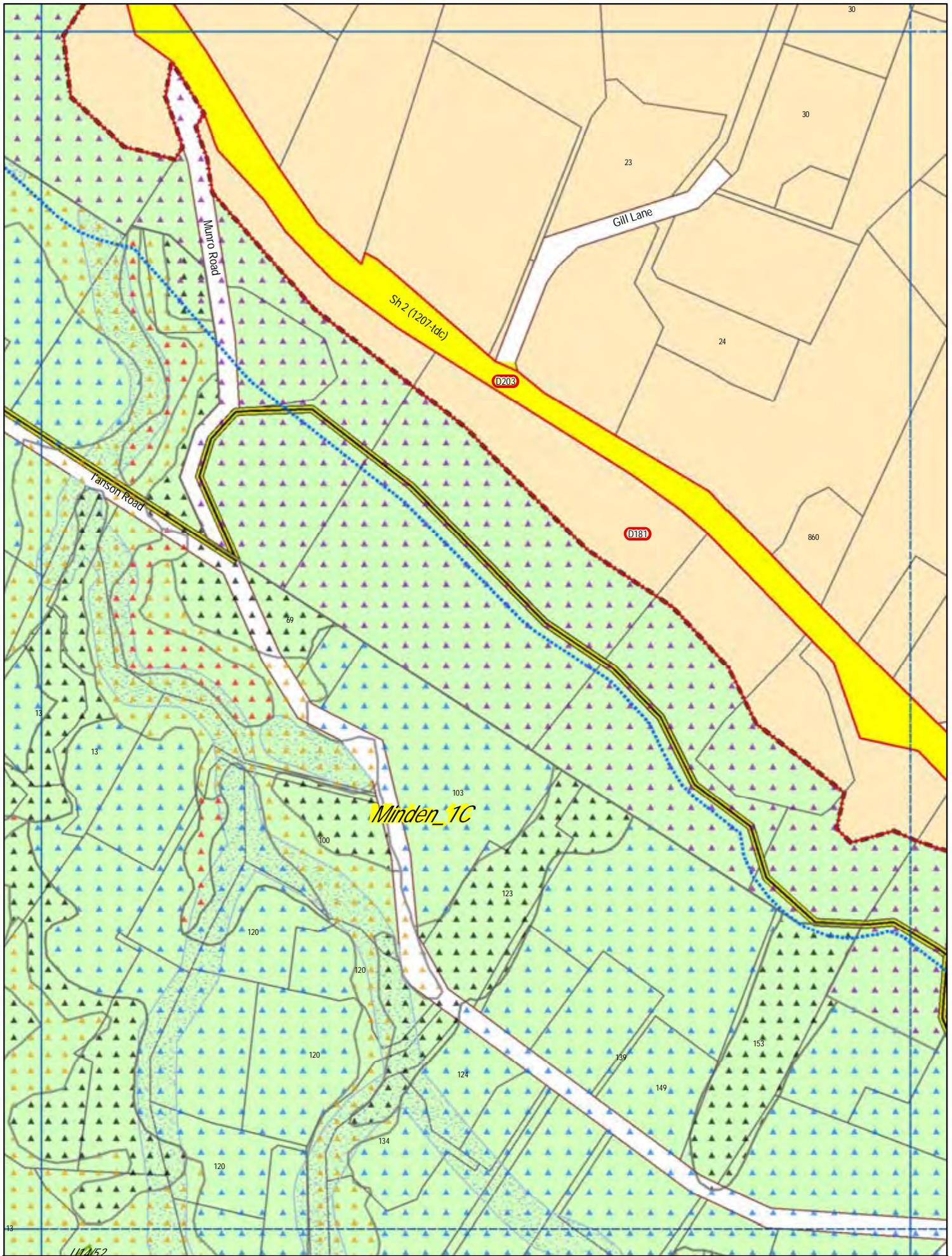
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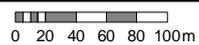
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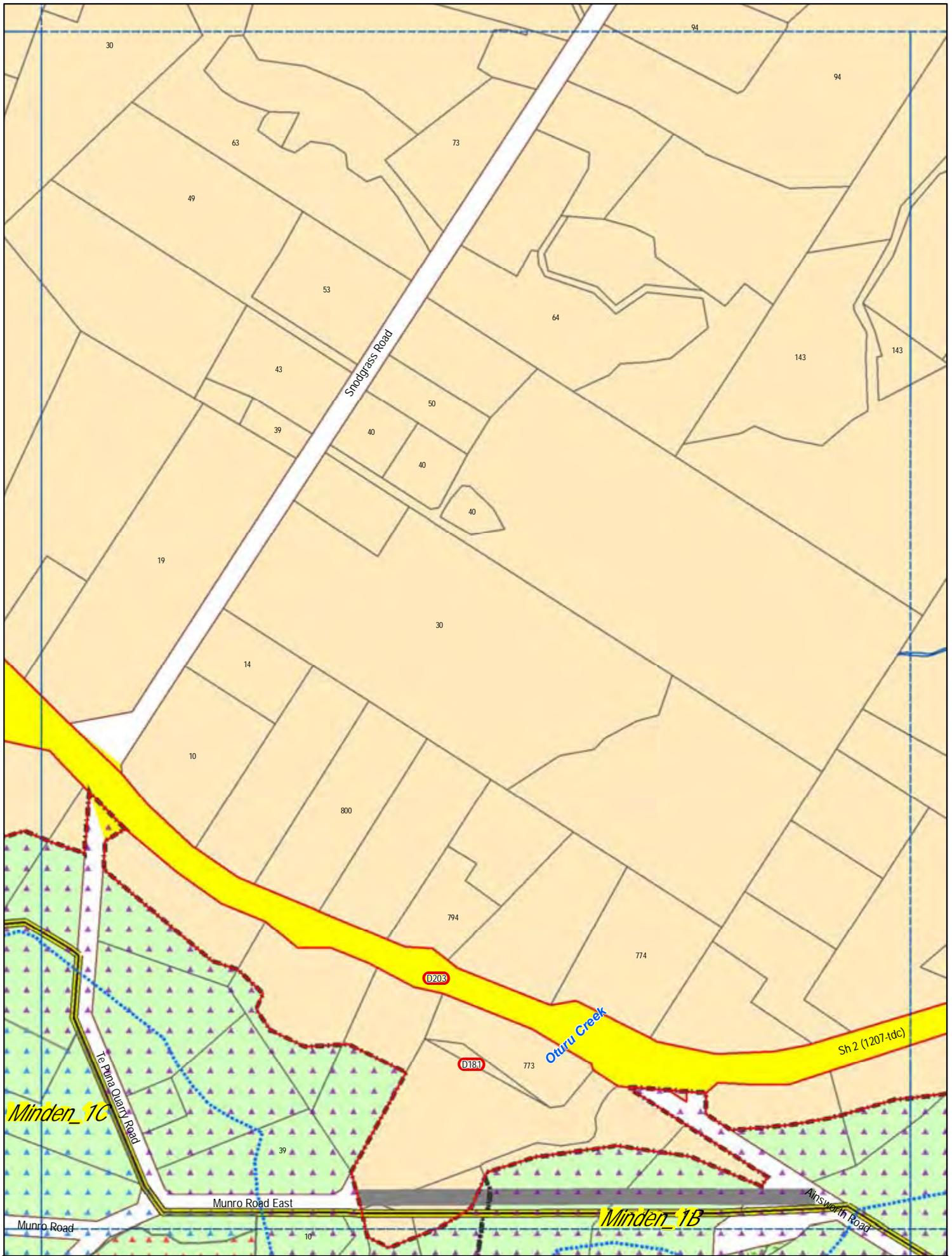
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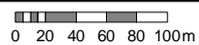
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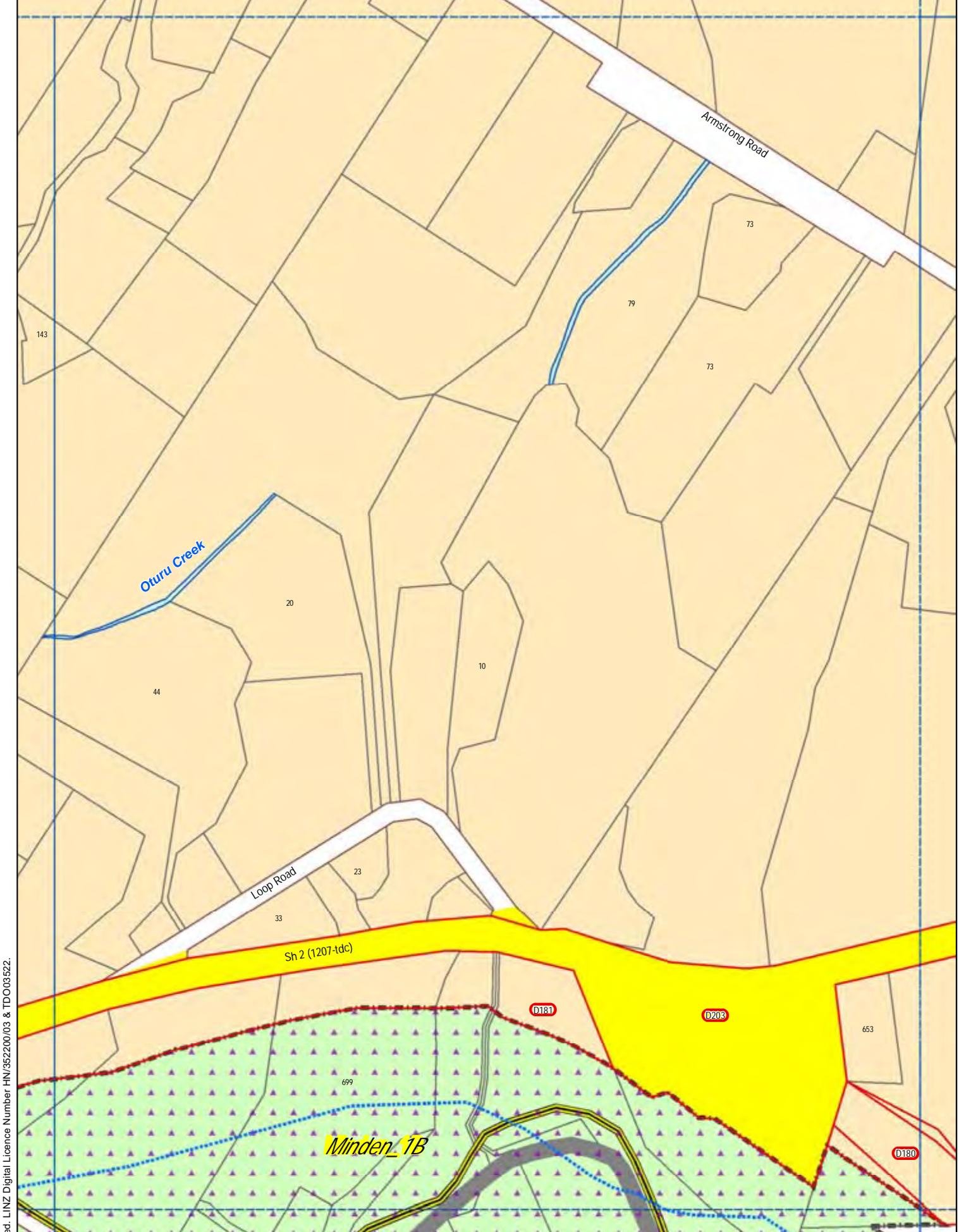
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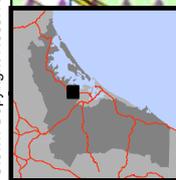


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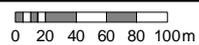


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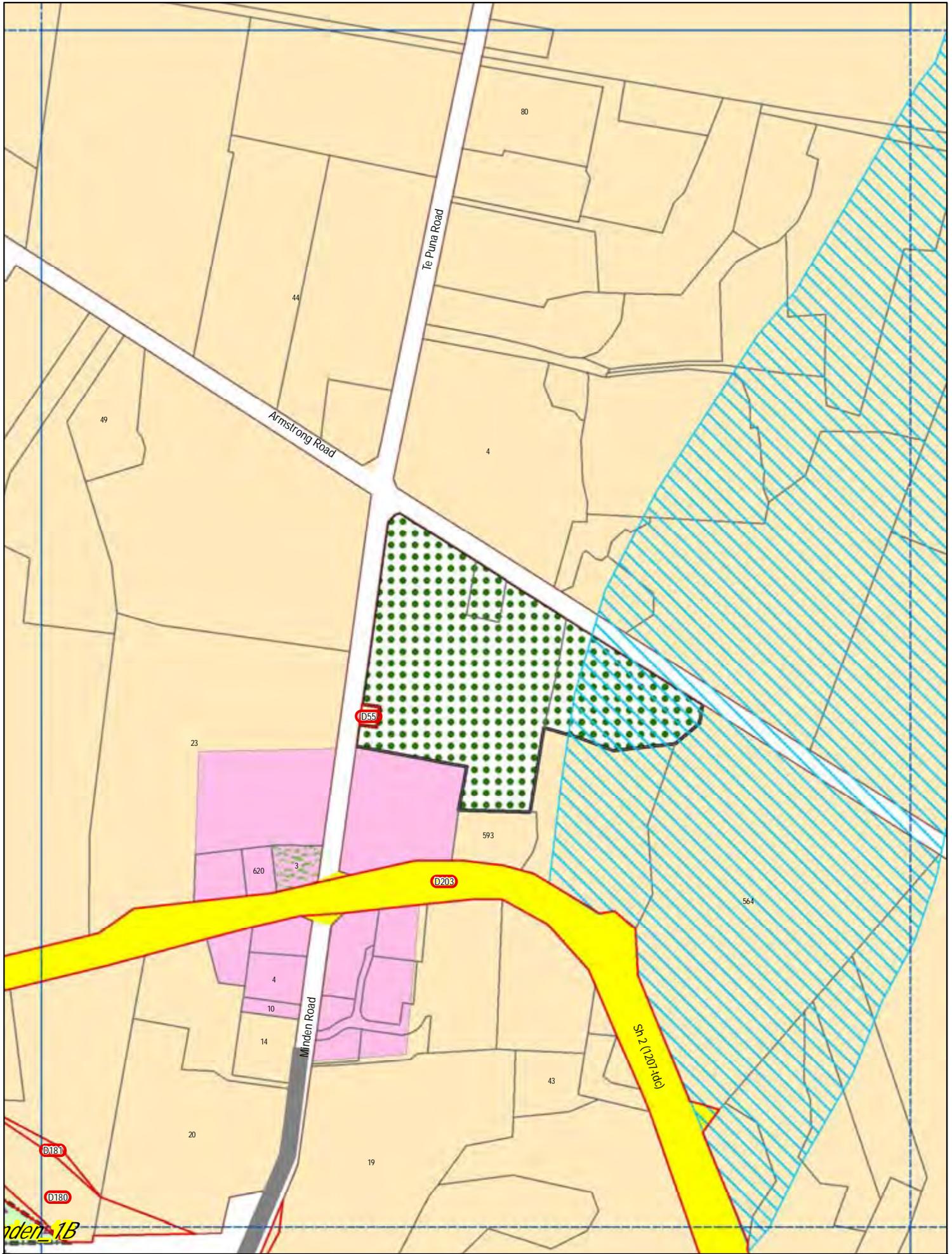
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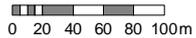


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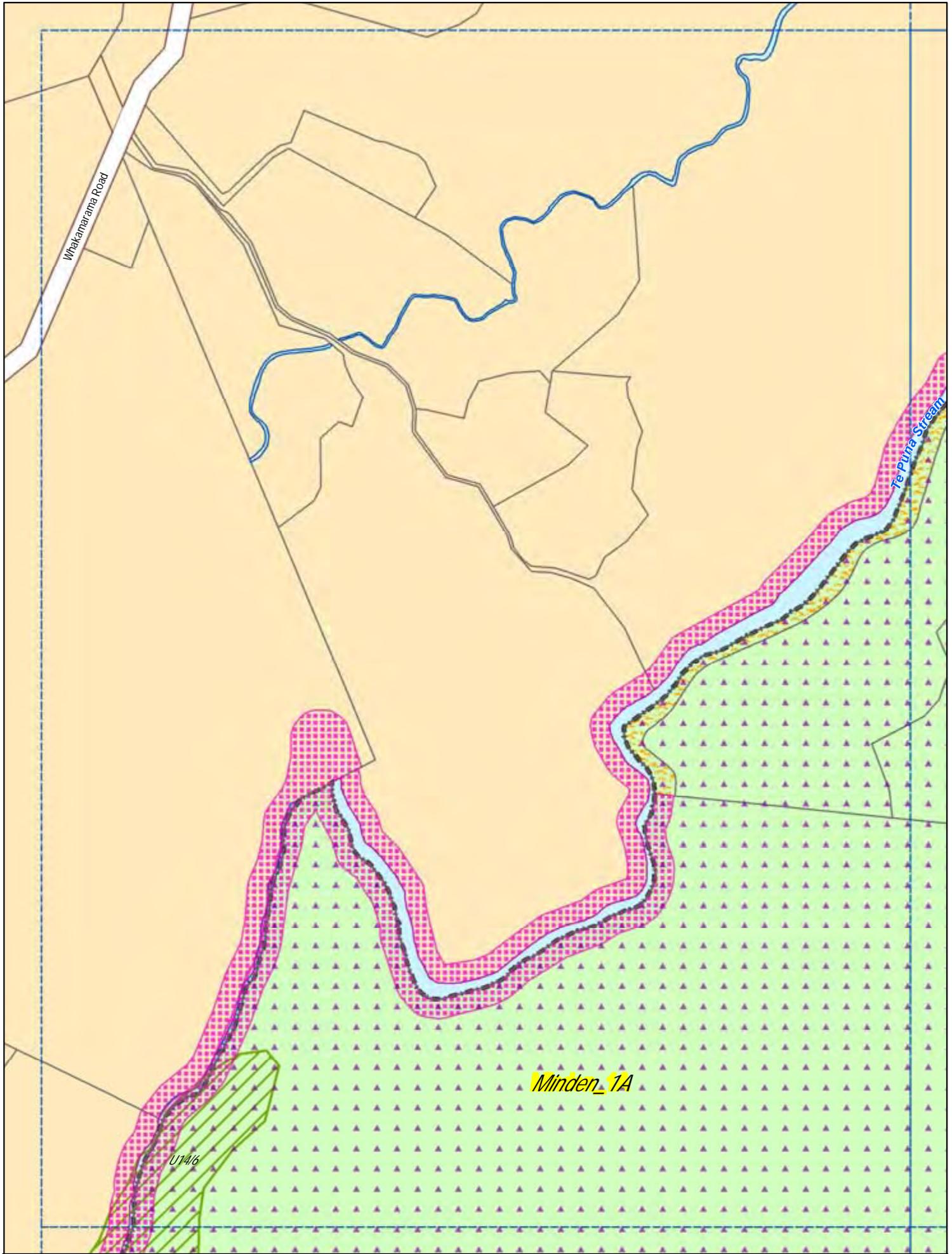
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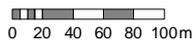


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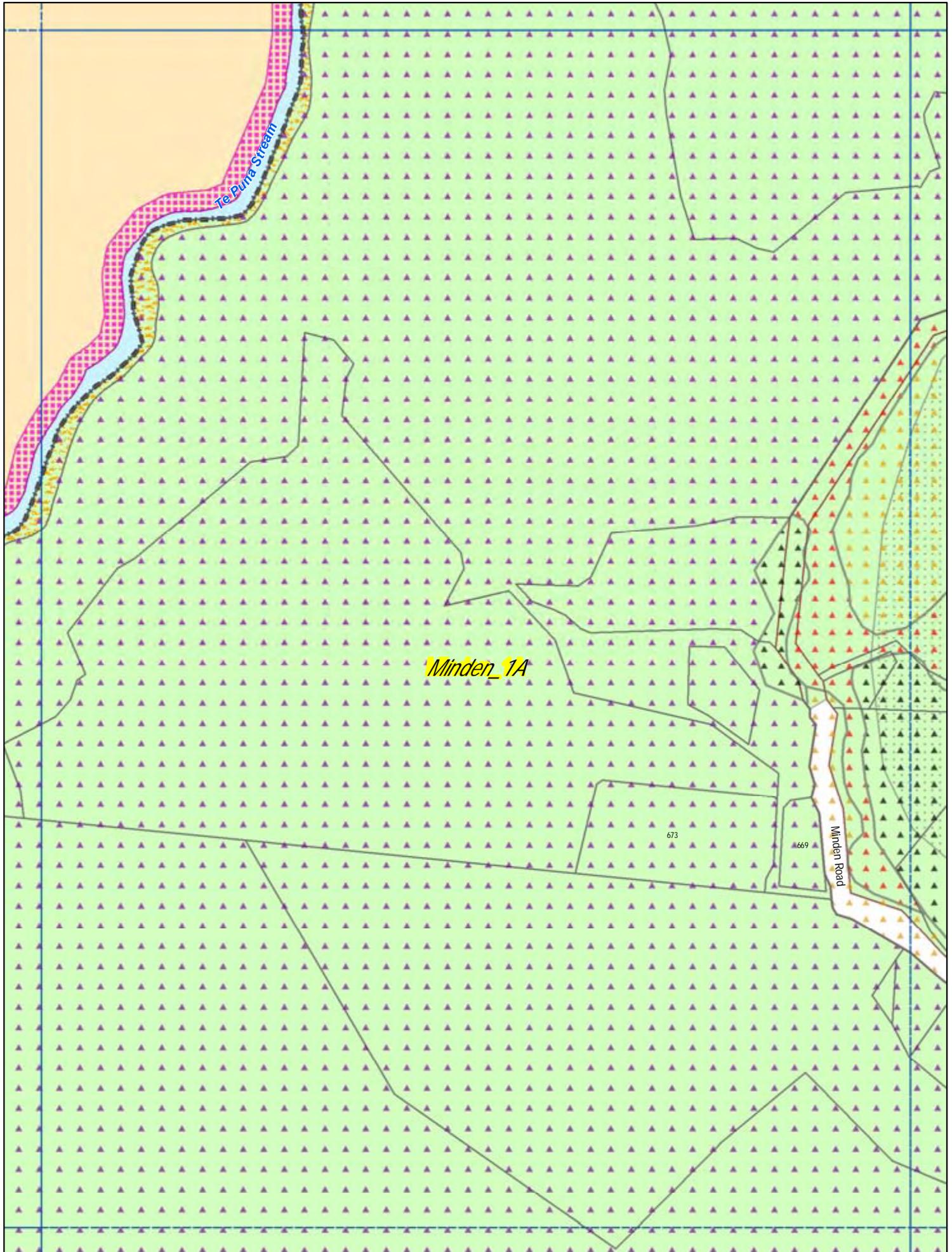
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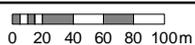
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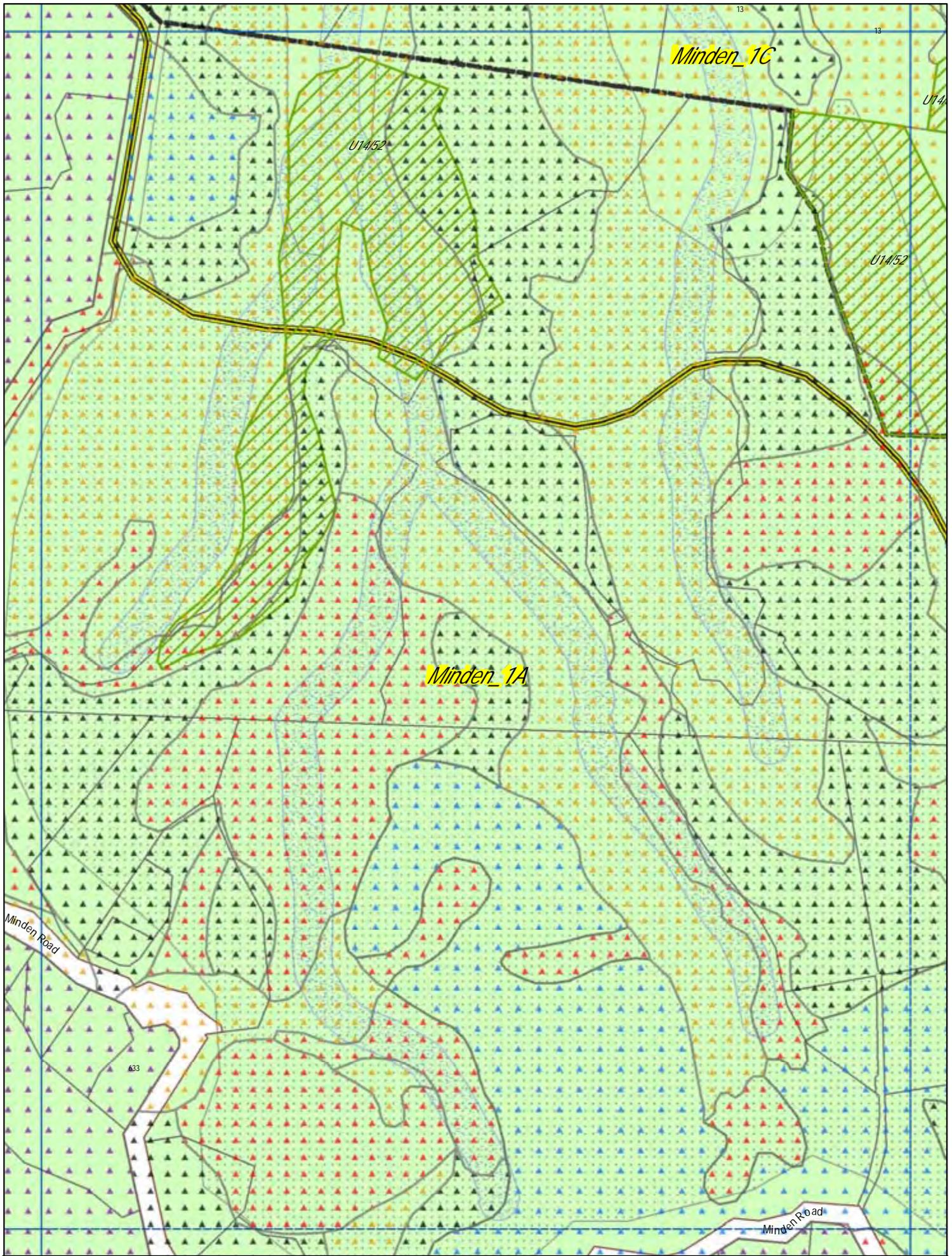
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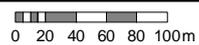
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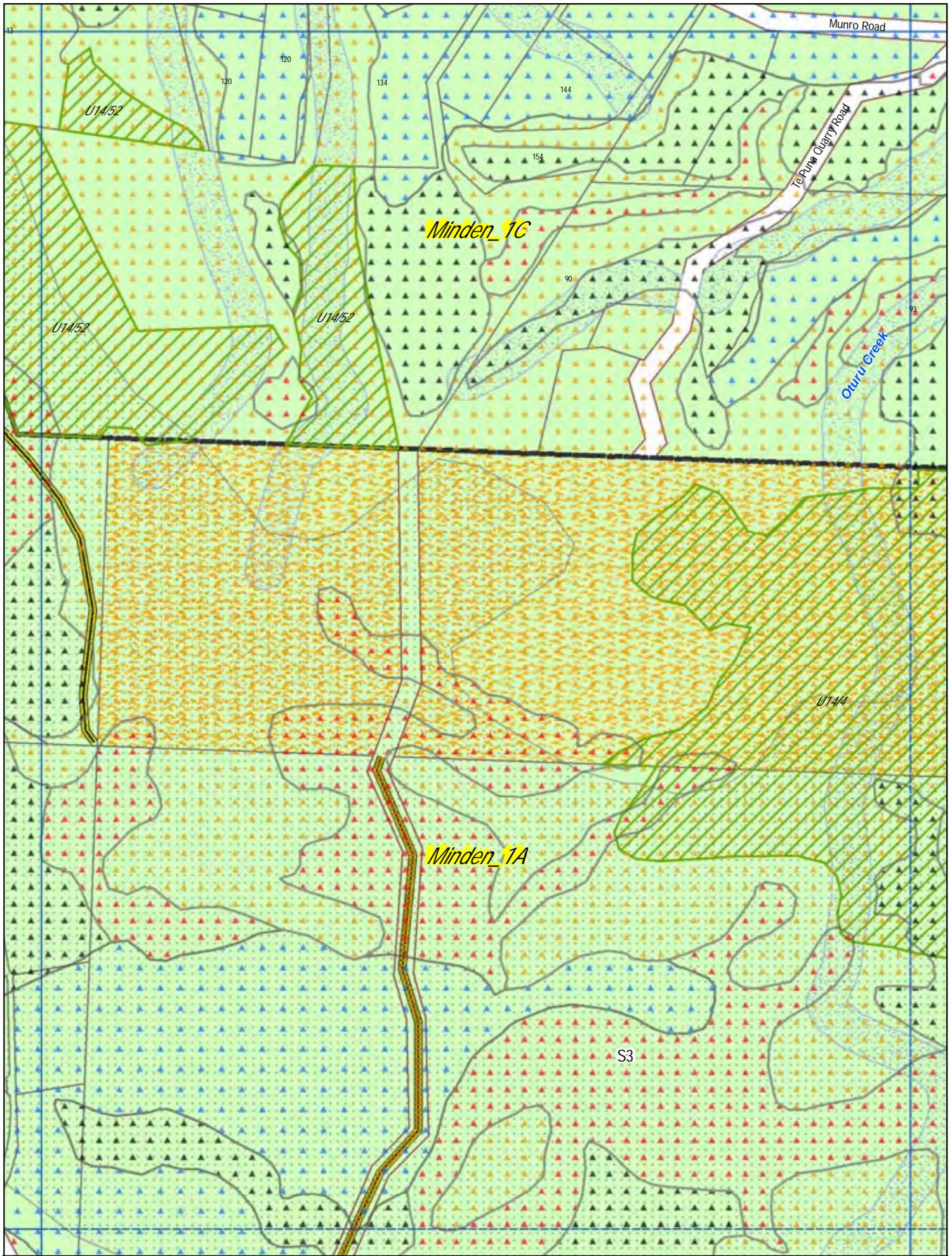
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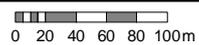
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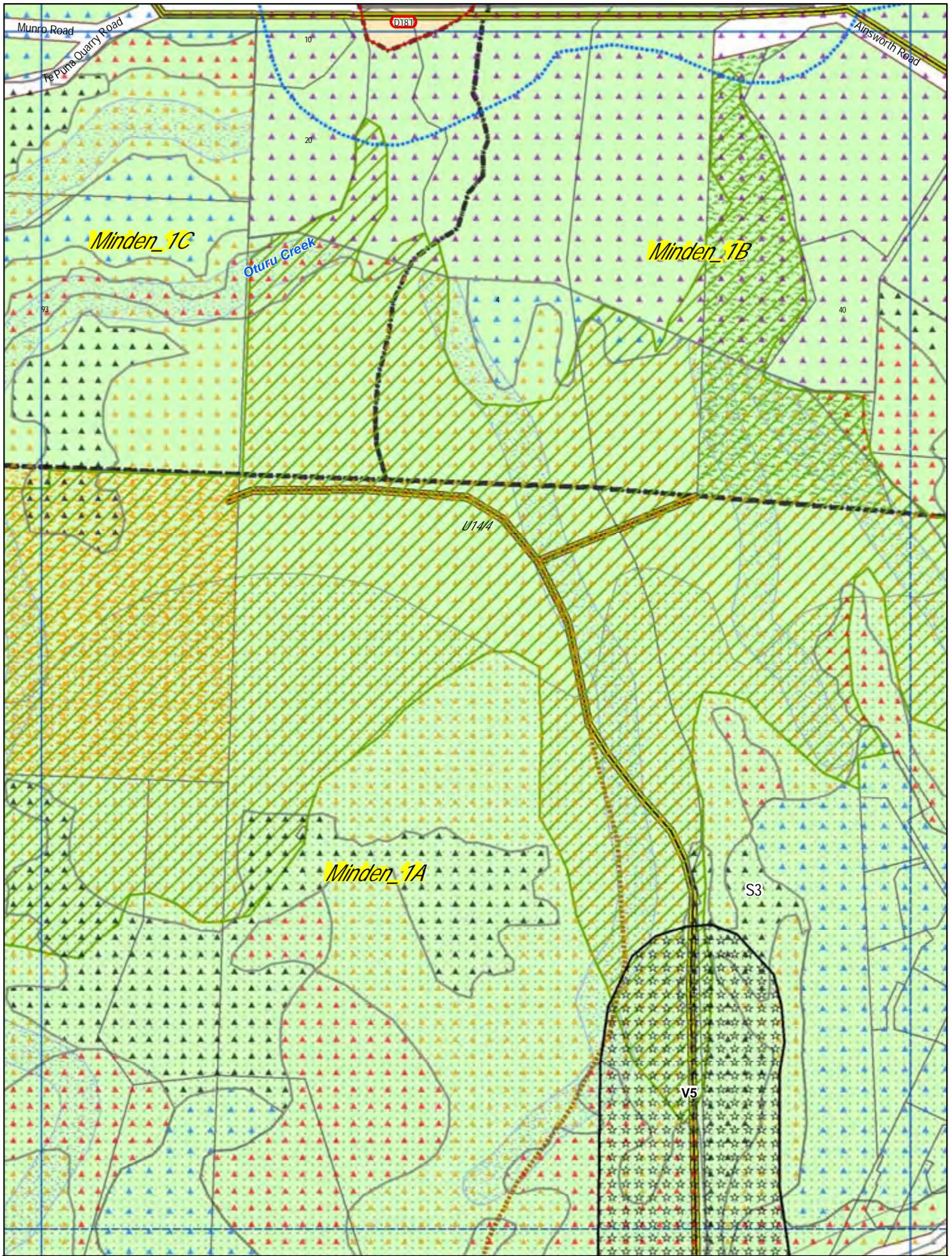
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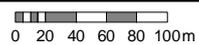
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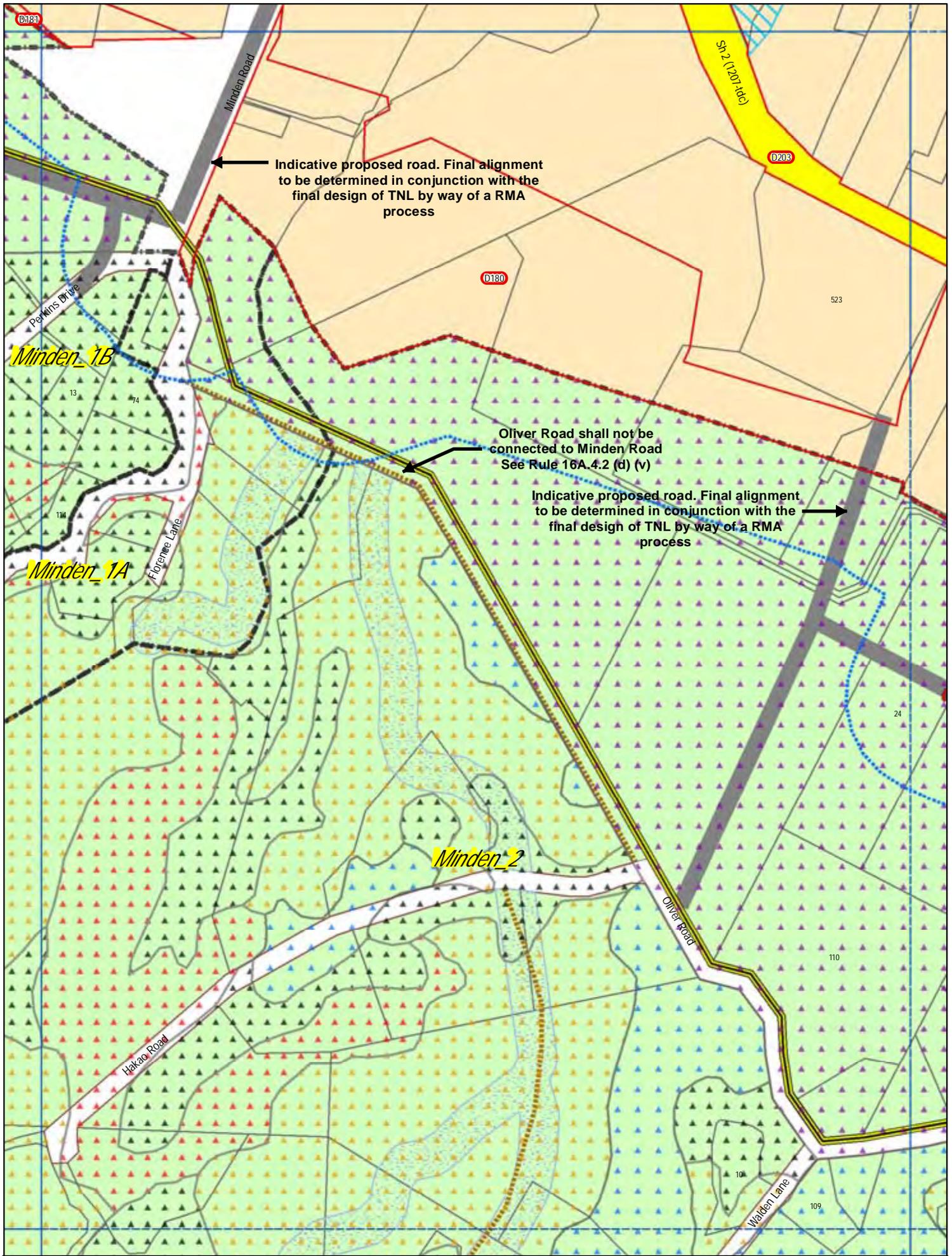
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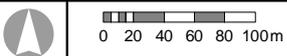


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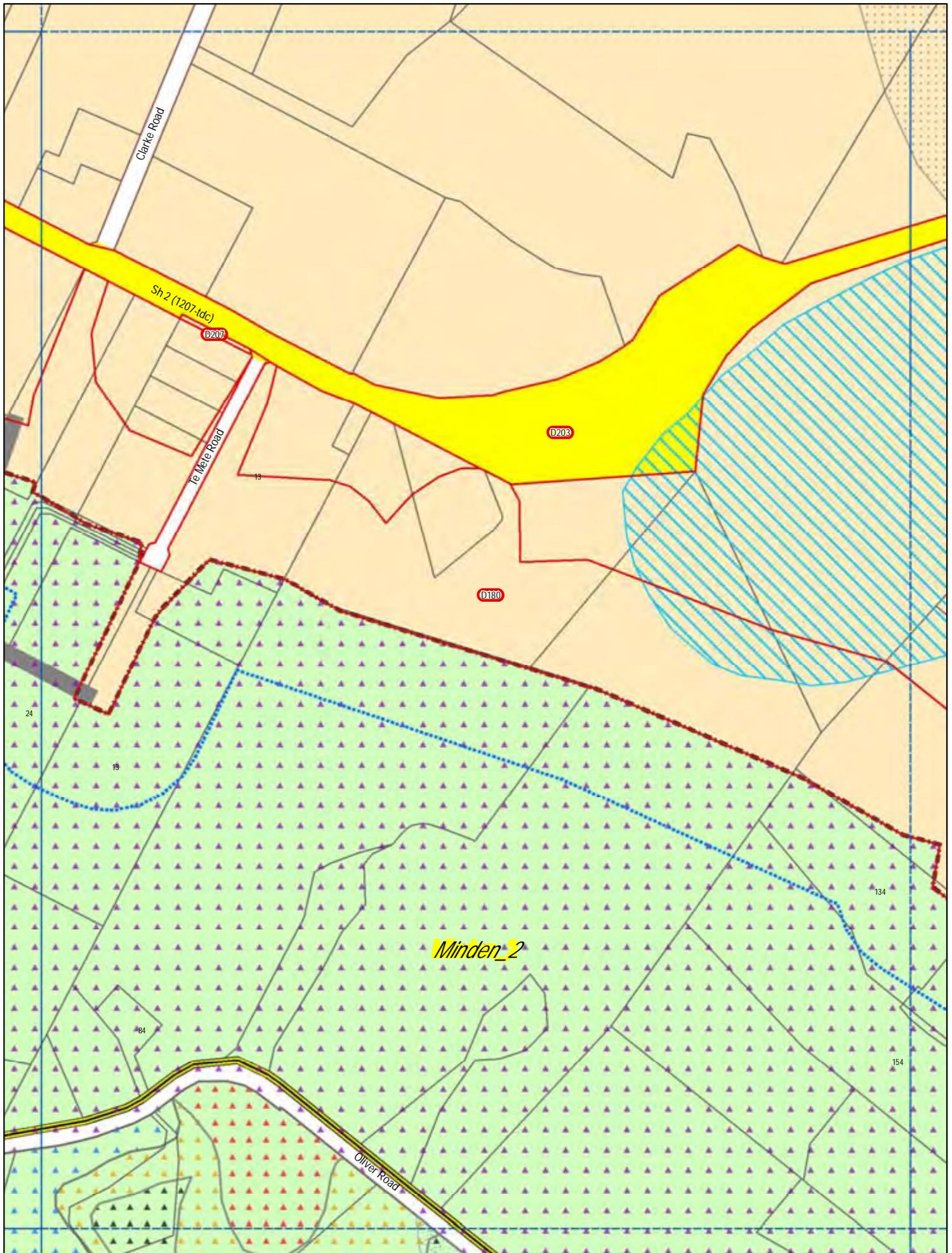
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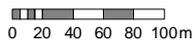
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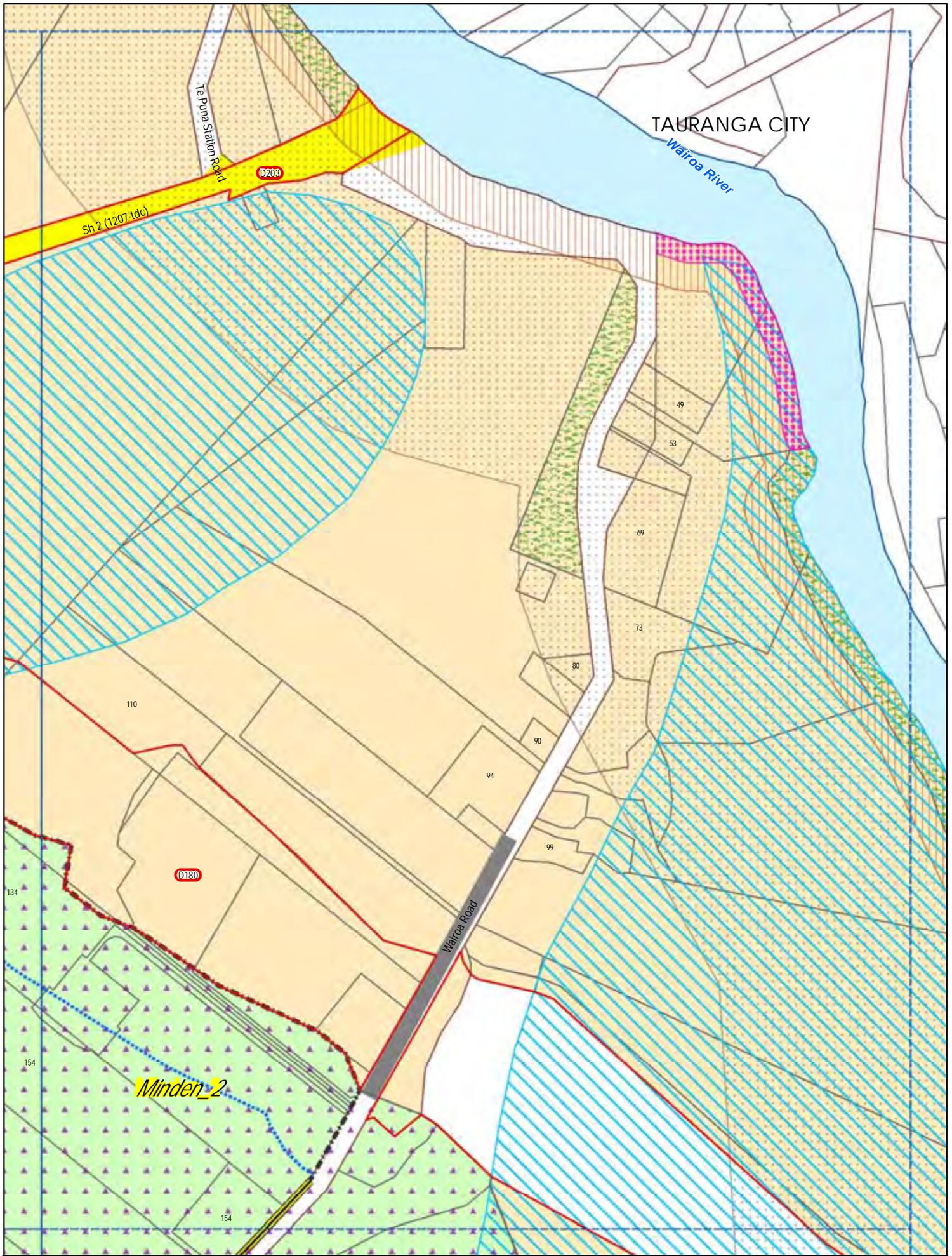
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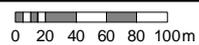


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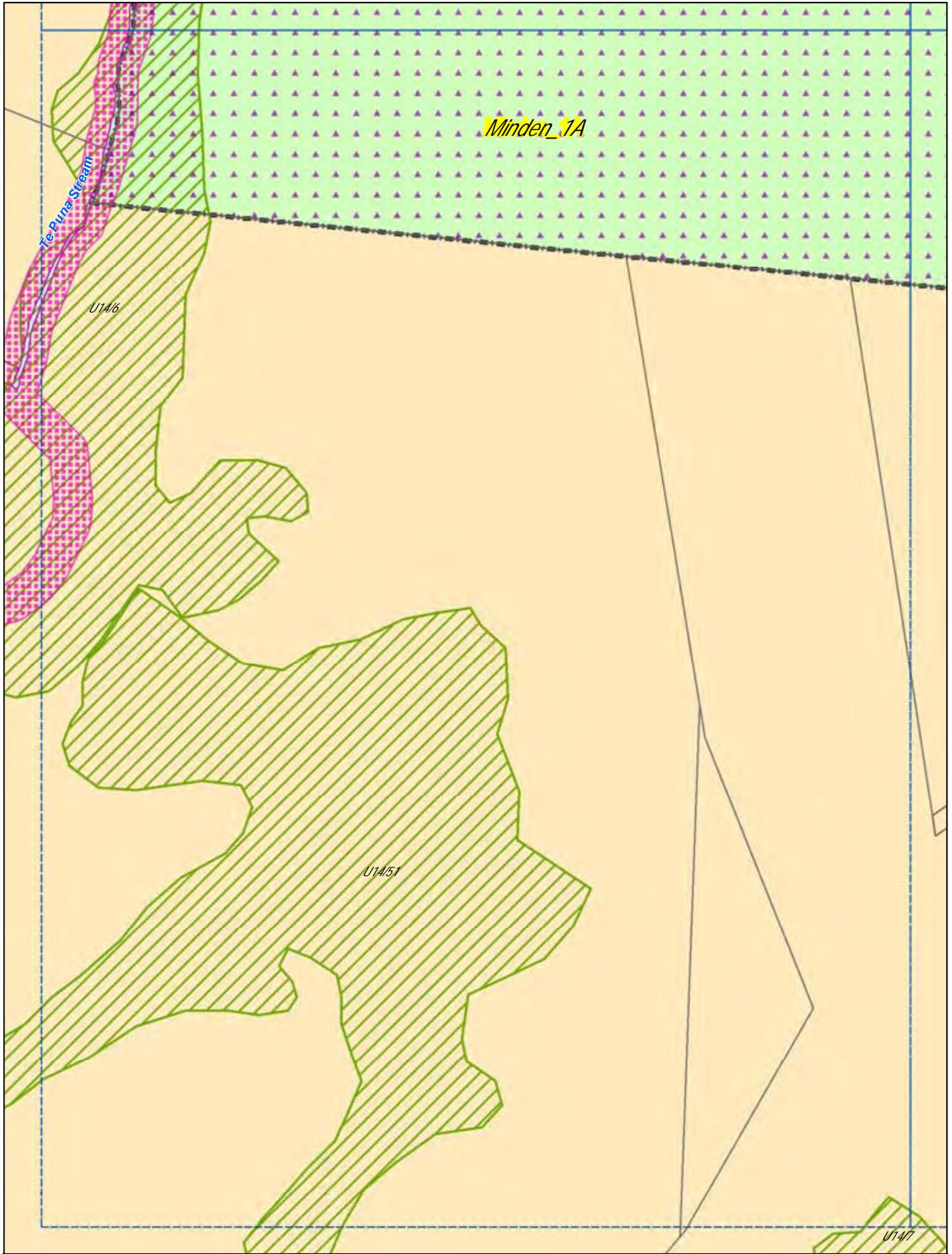
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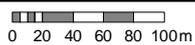


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U101

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Minden\_1A

U14/10

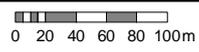
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U14/7

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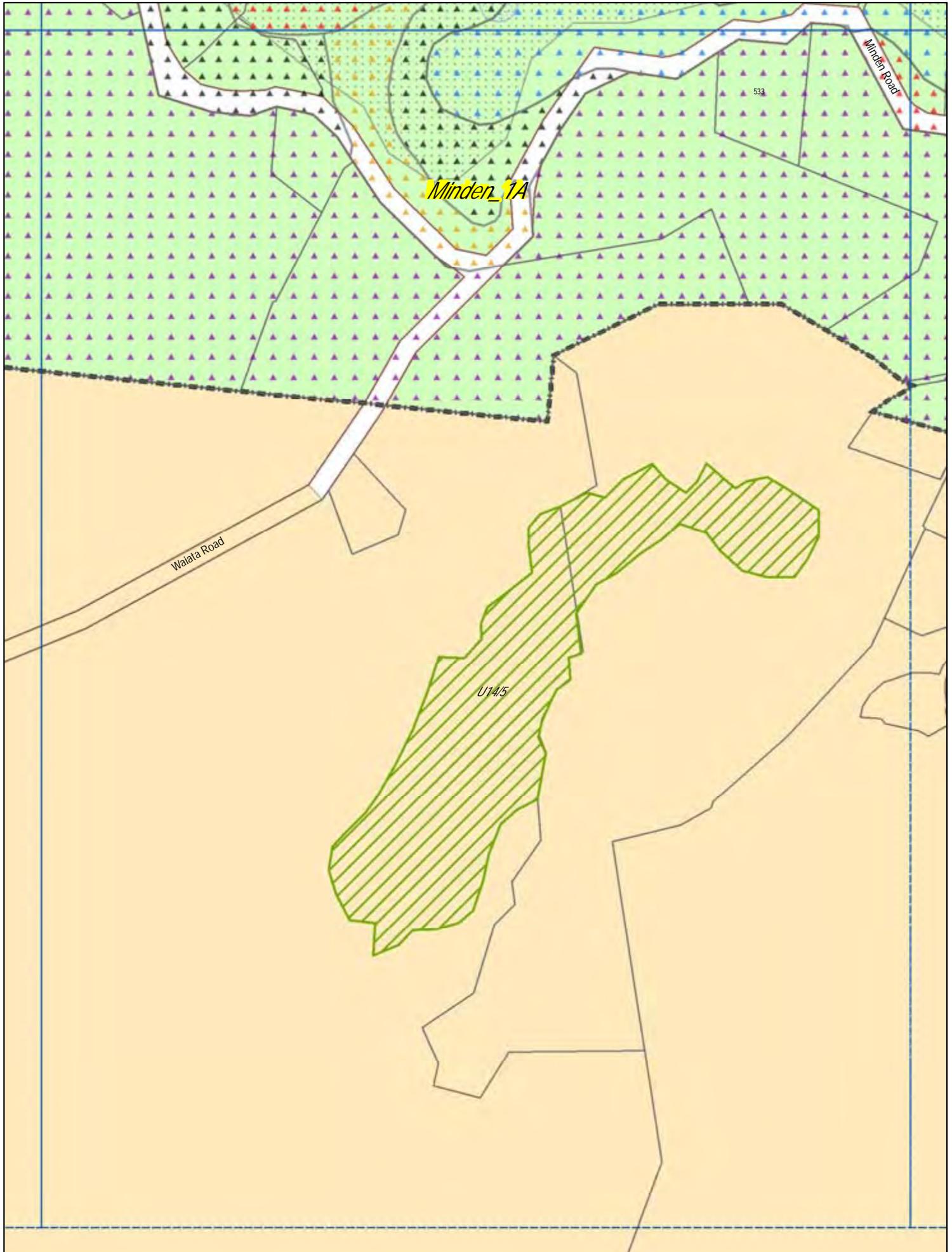
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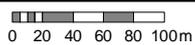
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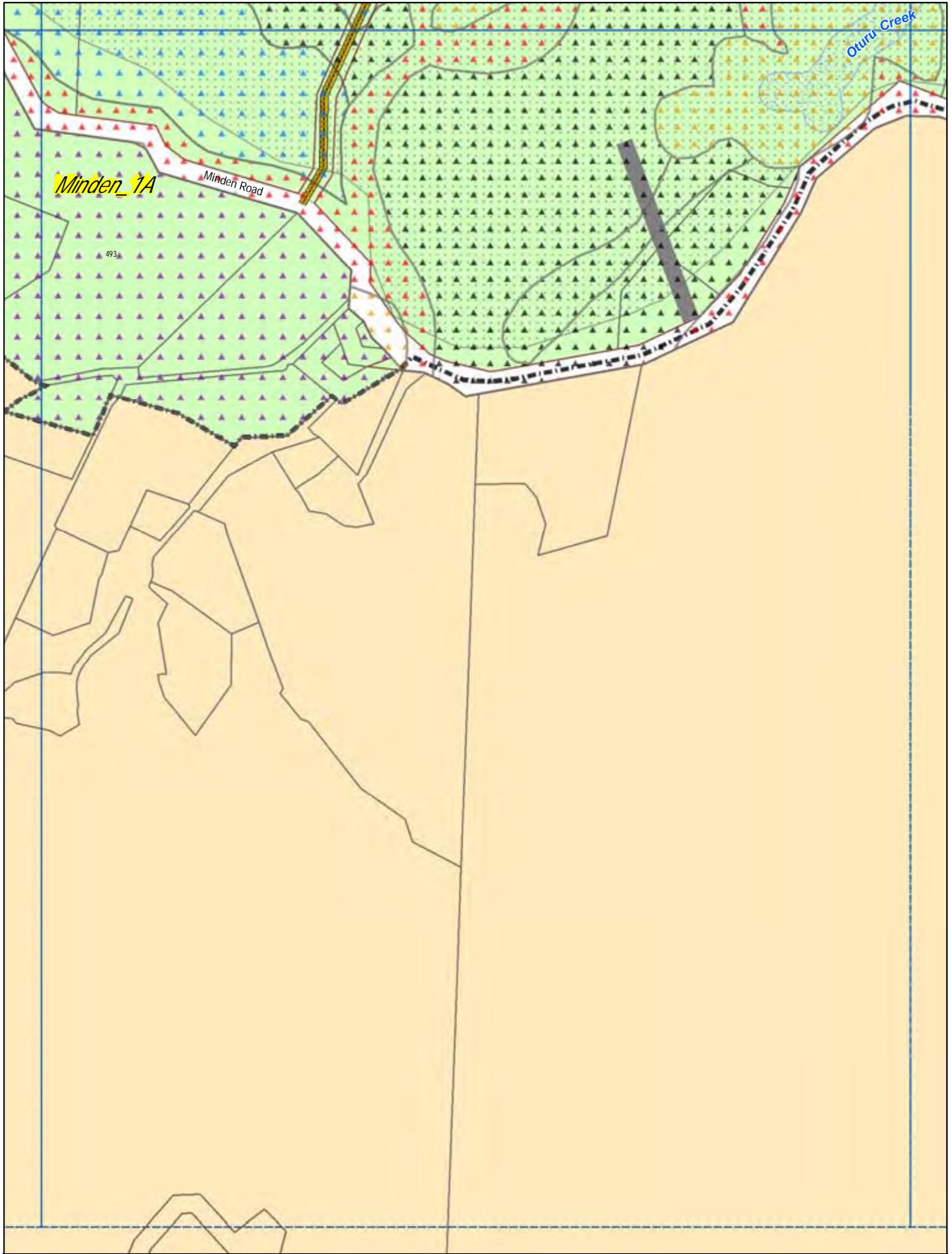
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U102	U103	U104



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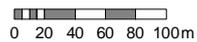


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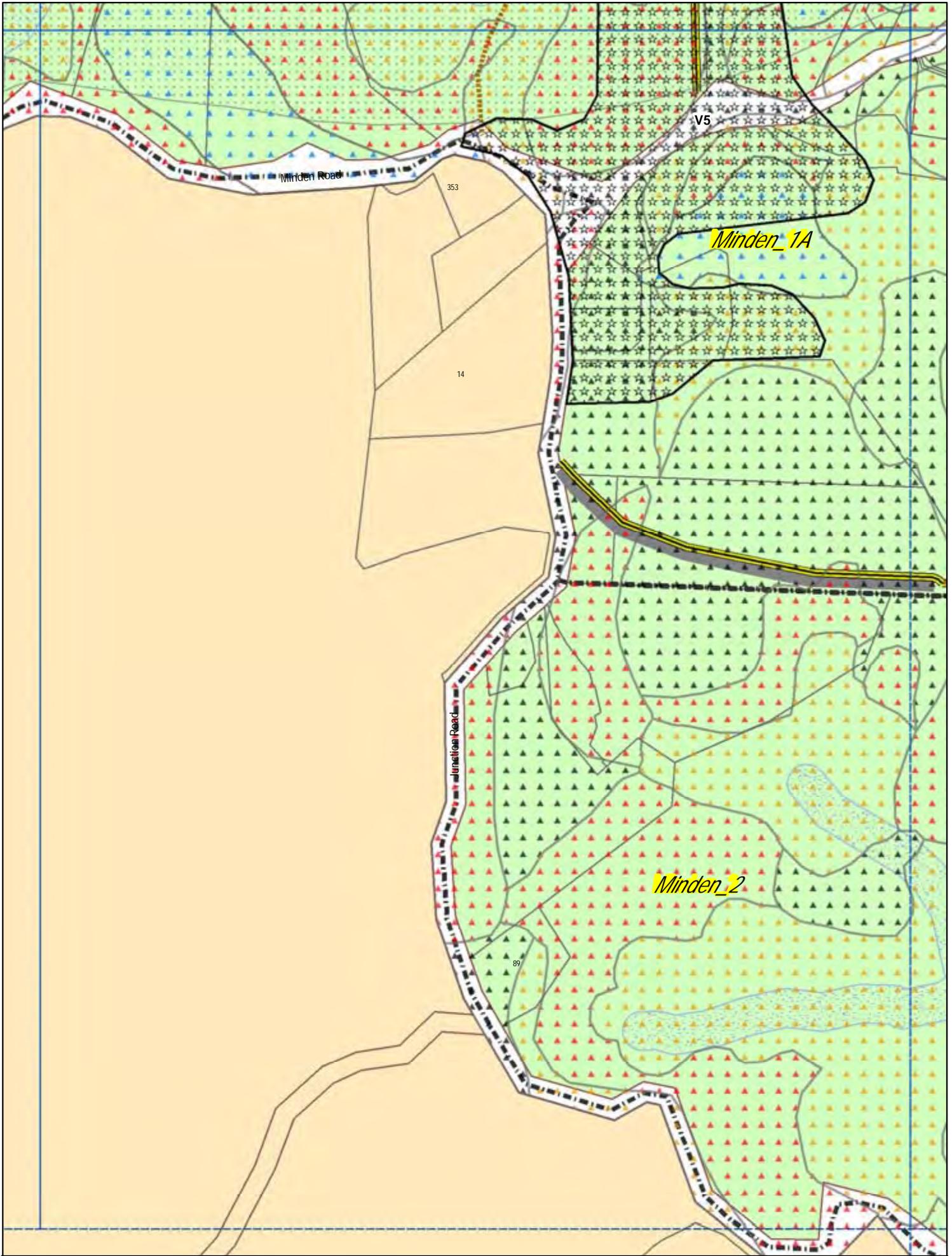
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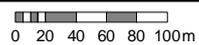
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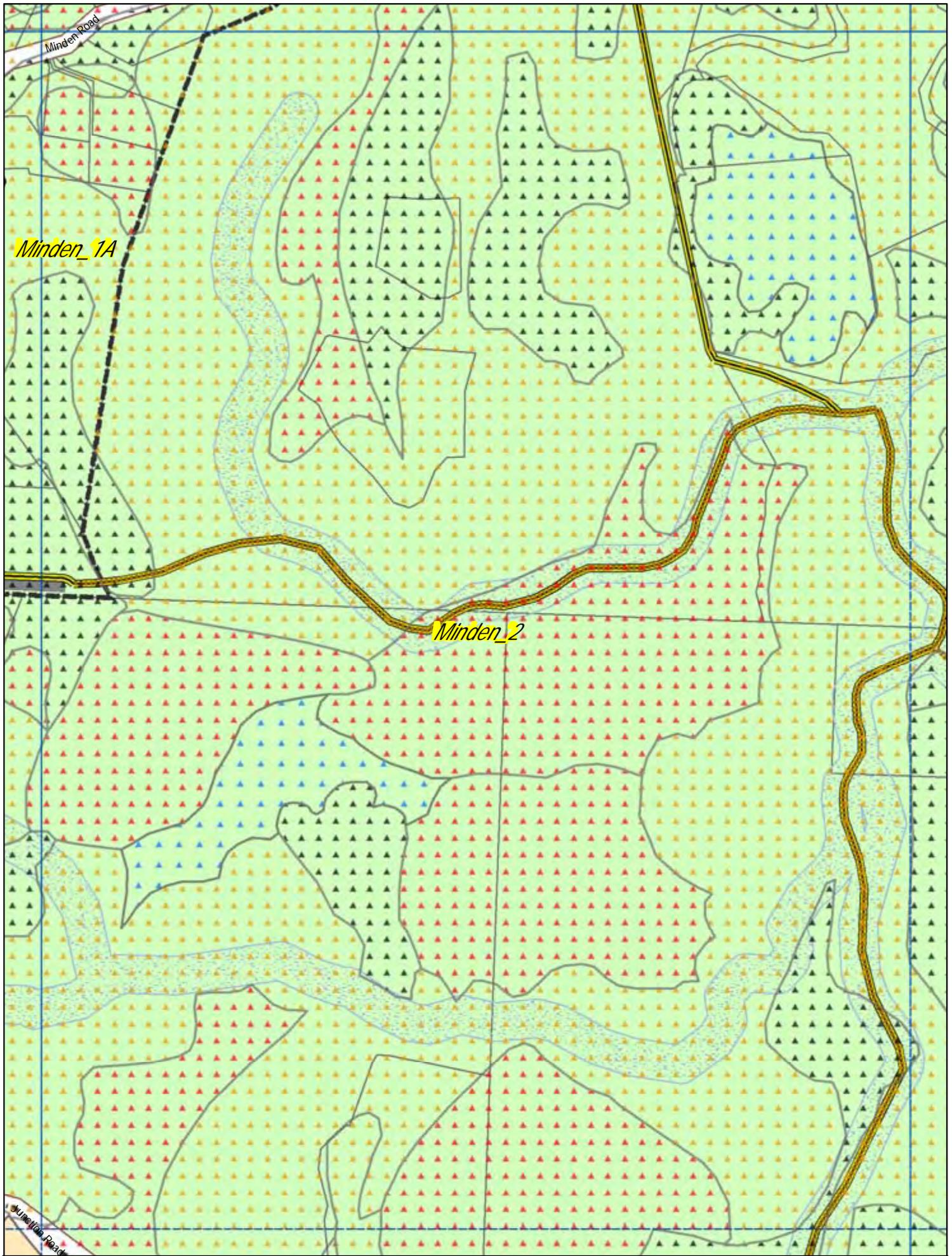
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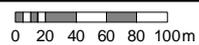
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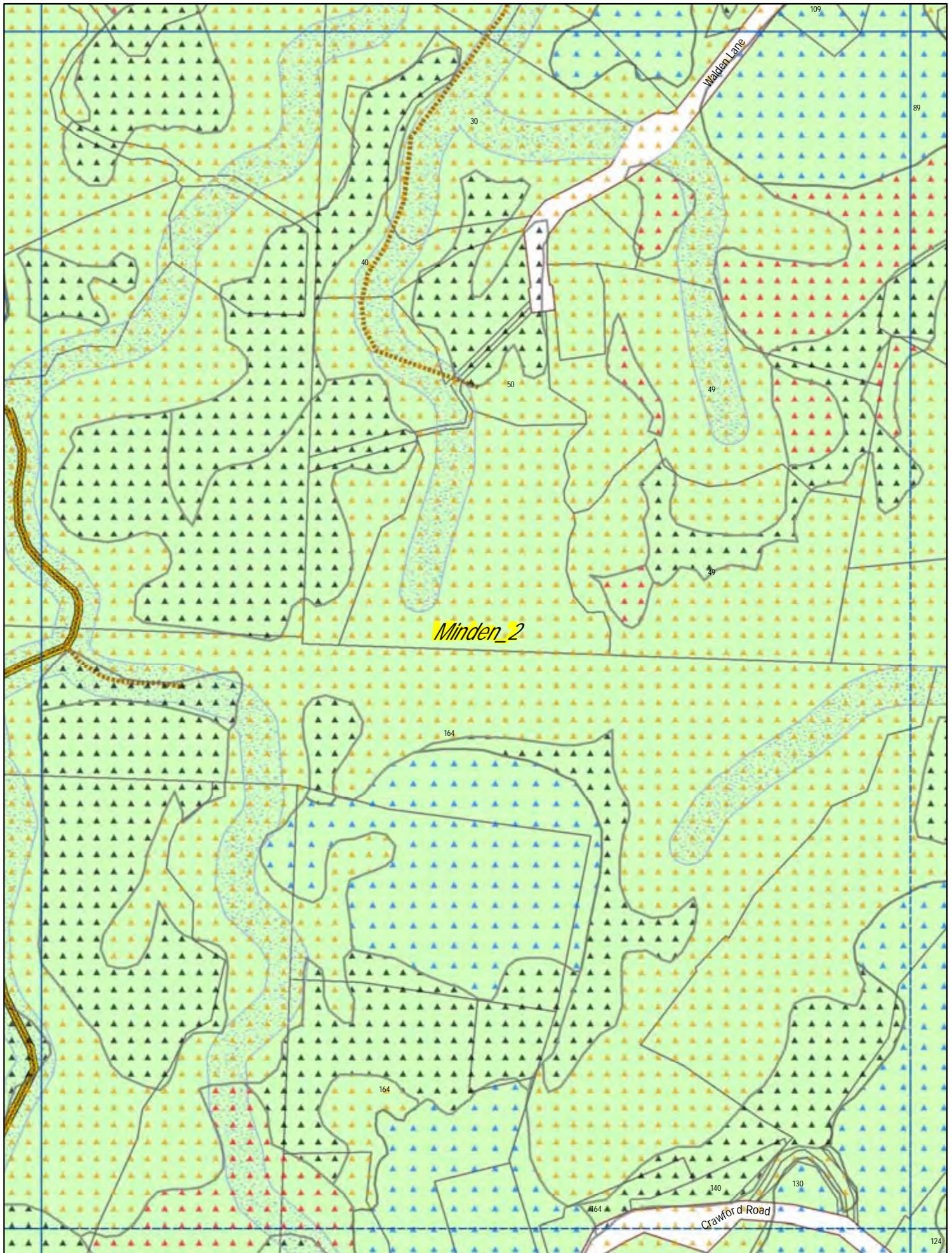
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*Minden\_2*

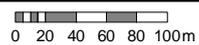
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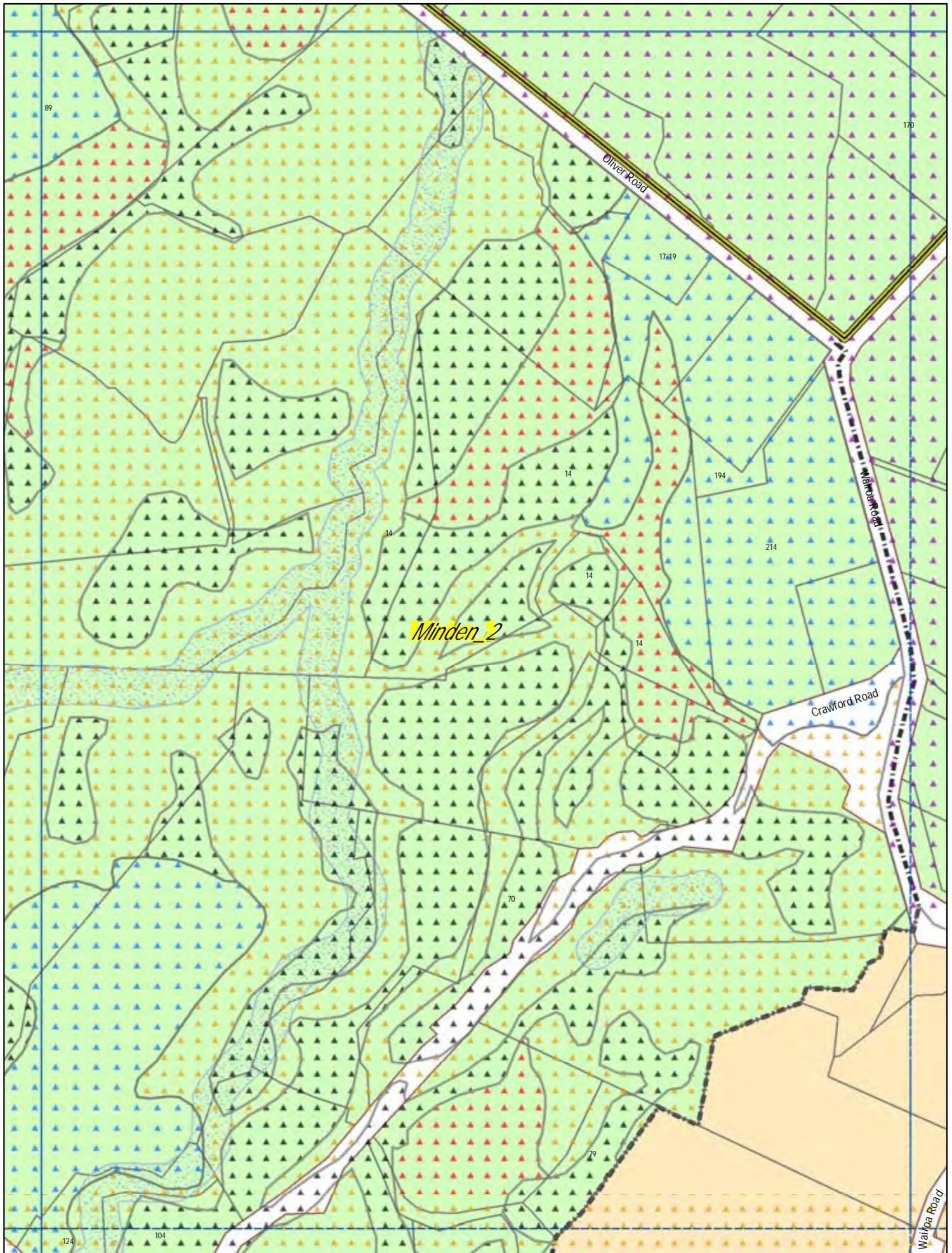
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U110	U111	U112



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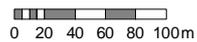
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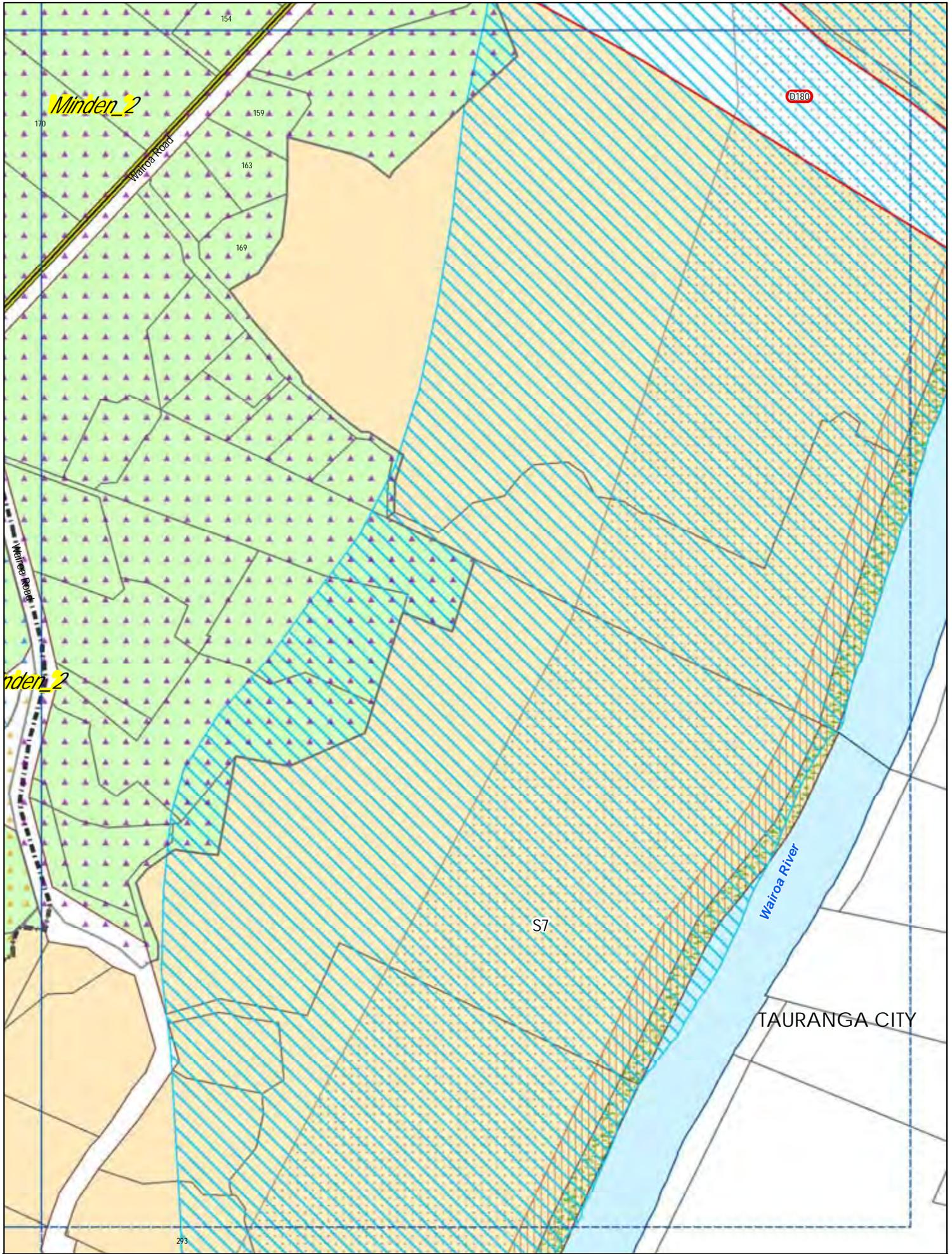
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U107	<b>U108</b>	U109
U111	U112	



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Revision Date: 1 December 2011



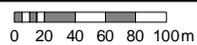
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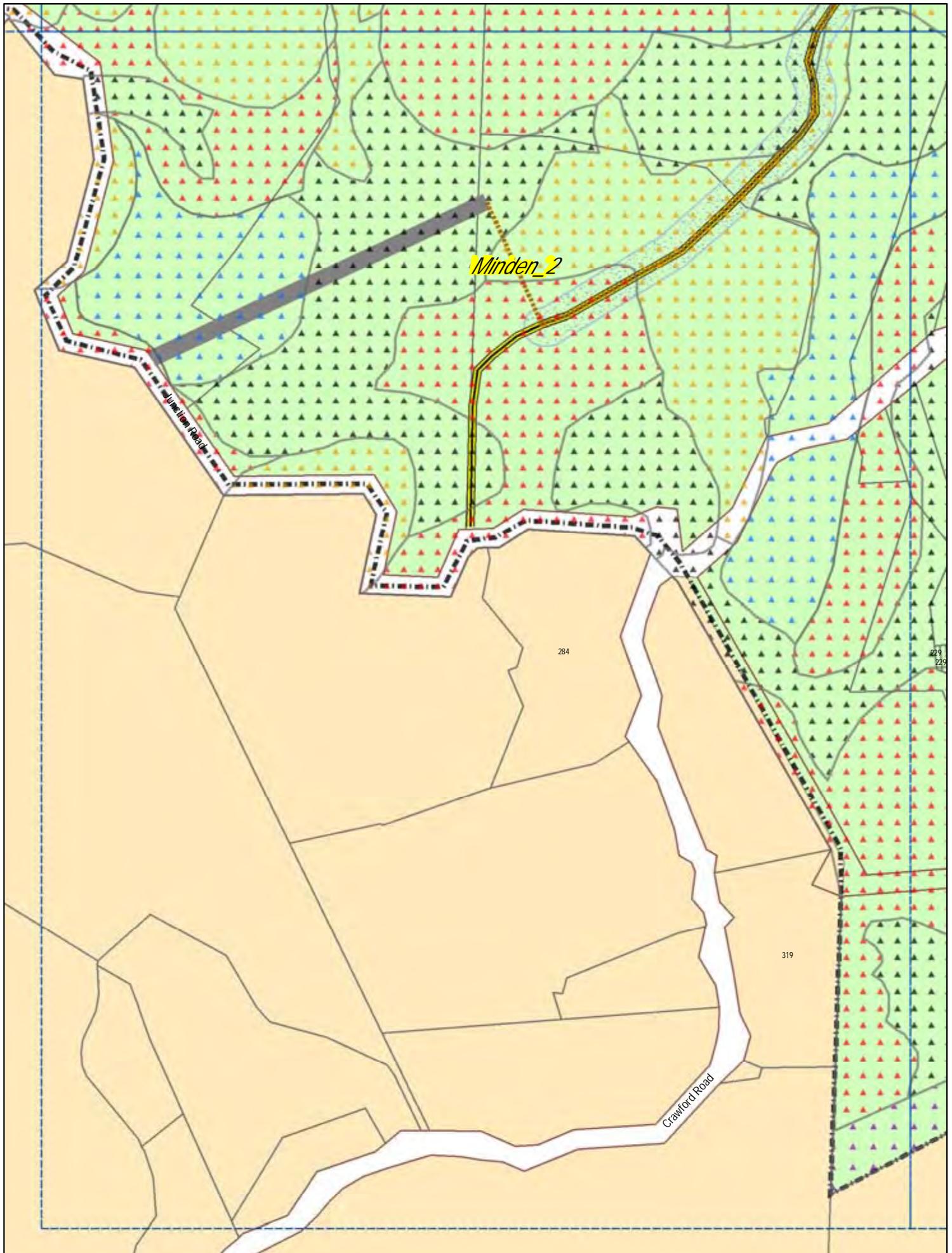
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U112	



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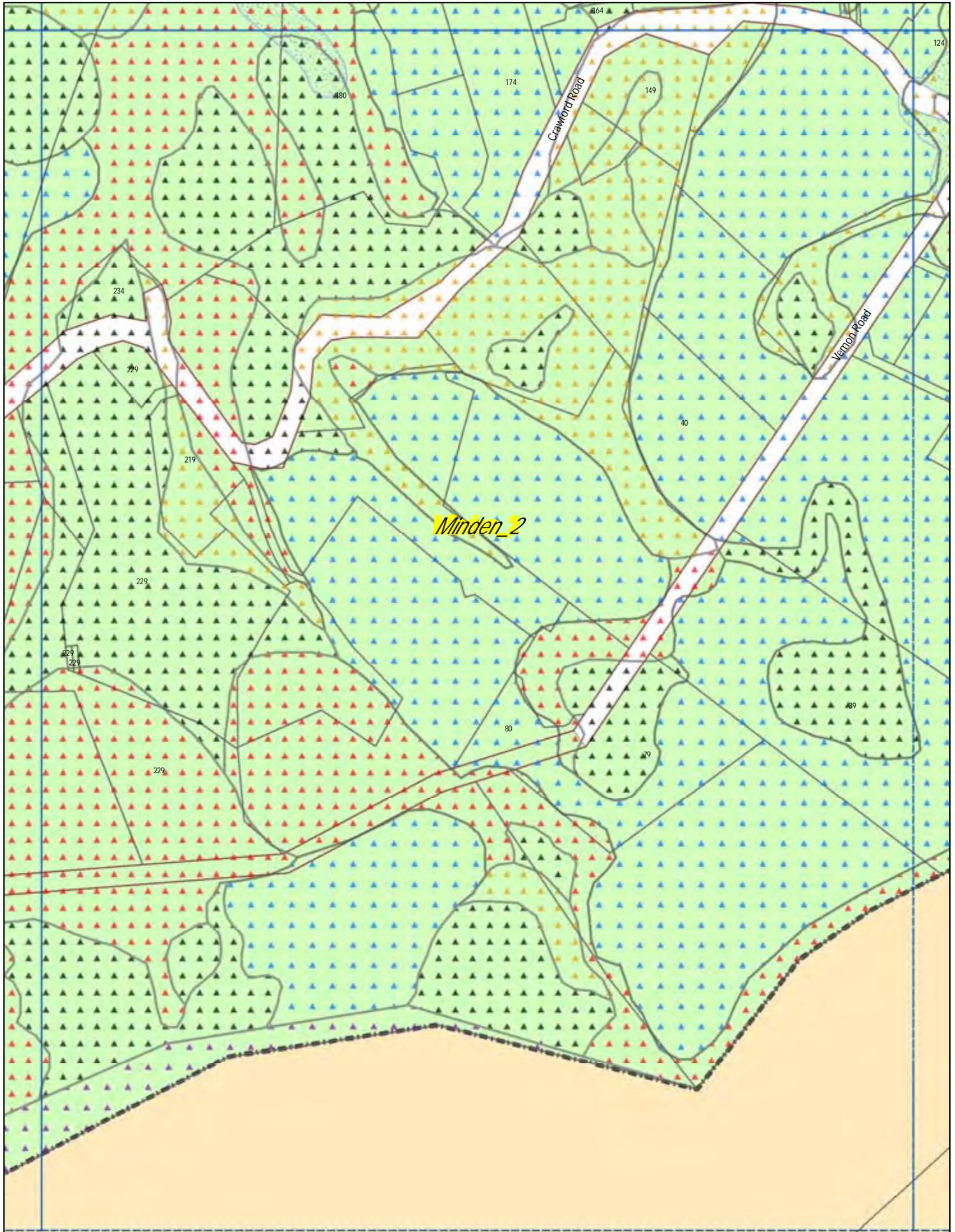
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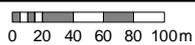
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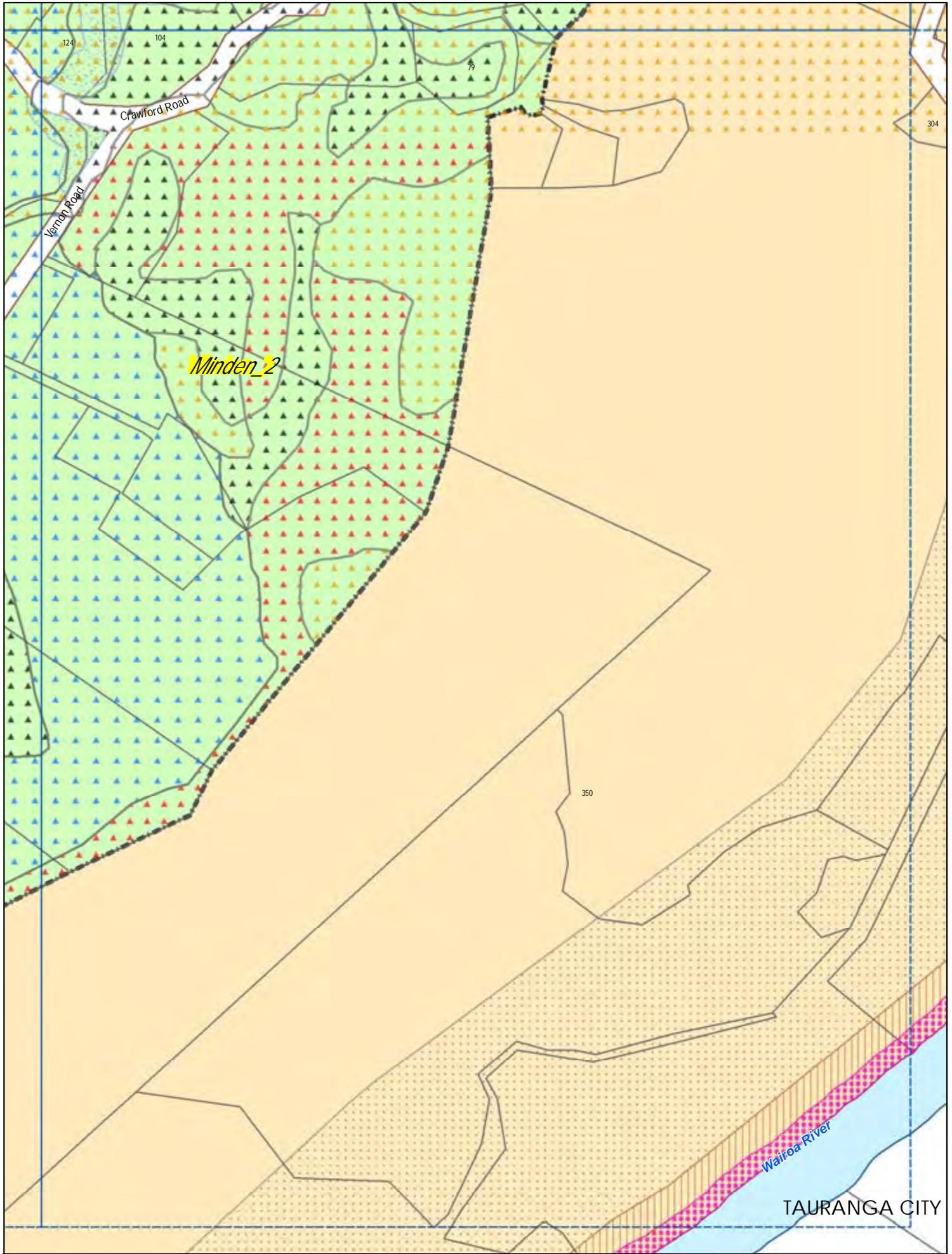
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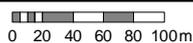
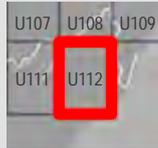


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U112

Minden



Scale 1:5000 (A4)

Revision Date: 1 December 2011

## Part C: Changes to the Operative District Plan 2012

Any changes to rules are shown as follows; existing District Plan text in black and changes (being the culmination of the notified Plan Change and subsequent decisions) are shown in red.

**That the following amendments be made to Section 3 - Definitions to read as follows:**

**“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 assessment have not been previously made.”

**“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.”

**That Section 8 (Natural Hazards) and Section 17 (Lifestyle) are amended as shown on the pages to follow;**

**That any subsequent re-numbering or wording for the purposes of consistent and accurate referencing be made to the District Plan as appropriate.**

**That the Coastal Protection Area – Open Coastline be identified on the District Planning Maps as follows.**

**That the Stability Area – Minden U be identified on Planning Maps as follows.**

**That the District Planning Map Legend be amended for consistent wording as follows.**

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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 5m<sup>3</sup>*

(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 5m<sup>3</sup>.~~

~~— 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.~~

~~(e) **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 in 8.4.1 and 8.5.1 and the following matters shall be used as a guide for assessing Discretionary Activities and Non-Complying Activities:

### **(a) Stability Areas**

- (i) The design, location and materials of the Building/structure
- (ii) The extent to which the proposal addresses any identified natural hazard.
- (iii) Any verifiable information which confirms that the property is in fact not under any threat from the hazard.
- (iv) For subdivision and development in the Minden Stability Areas regard shall be had to information requirements in Rule 8.6.

### **(b) Coastal 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 8.4.2(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.

## 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 200m<sup>2</sup>.
- (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 3000m<sup>2</sup> and minimum average *net land area* of 5000m<sup>2</sup>.

- (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(c) 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.~~

## 17.4 Activity Performance Standards

### 17.4.2 Subdivision Activity Performance Standards

#### (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](#).

## 17.5 Matters of Control

### 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 *privateways* within the subdivision;~~
  - ~~(iii) Controlling the location and type of wastewater and stormwater treatment and disposal systems;~~
  - ~~(iv) Detailing requirements for the retention or planting of vegetation including species selection that will help stabilize any cut slope or fill batter;~~
  - ~~(v) Requiring the collecting and piping of stormwater, or its management by way of soakage or discharge to ground or to natural waterways, including the collection of roof water, as appropriate. The preference is for collection and discharge of stormwater to the base of gulleys at a rate that mimics natural catchment flow rates;~~
  - ~~(vi) 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

### ~~17.6.3 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.~~~~

Infrastructure		Airport Approach Surface	
		Designation	
		Formed Roads	
		Limited Access	
		Stop Bank	
Reserves		Esplanade Strip	
		Proposed Esplanade Strip / Reserve	
		Kaimai - Mamaku Forest Park Boundary	
		Reserve	
		Reserve, Department of Conservation	
Significant Features		Viewshaft	
		Significant Ecological Feature / RAP	
		Outstanding Landscape Feature - 50m (S7a & S8a) - 40m (S9a)	
		Outstanding Landscape Feature	
		Cultural Heritage Feature Boundary	
		Built Heritage Feature	
		Cultural Heritage Feature	
		Notable Trees	
	Structure Plan		Structure Plan Boundary
			Greenlane
		Road	
		Stormwater	
		Wastewater	
		Water Supply	
		Walk/Cycleway	
		Reserve area	
		Stormwater Pond	
		Minden Lifestyle Structure Plan Area Overland	

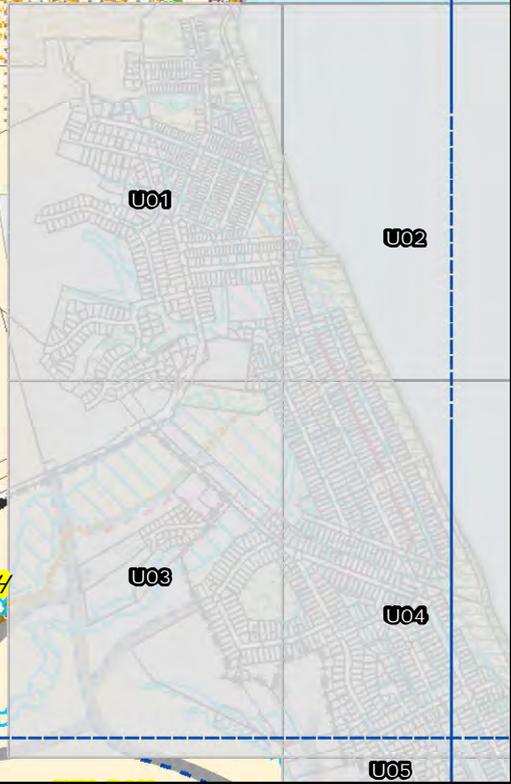
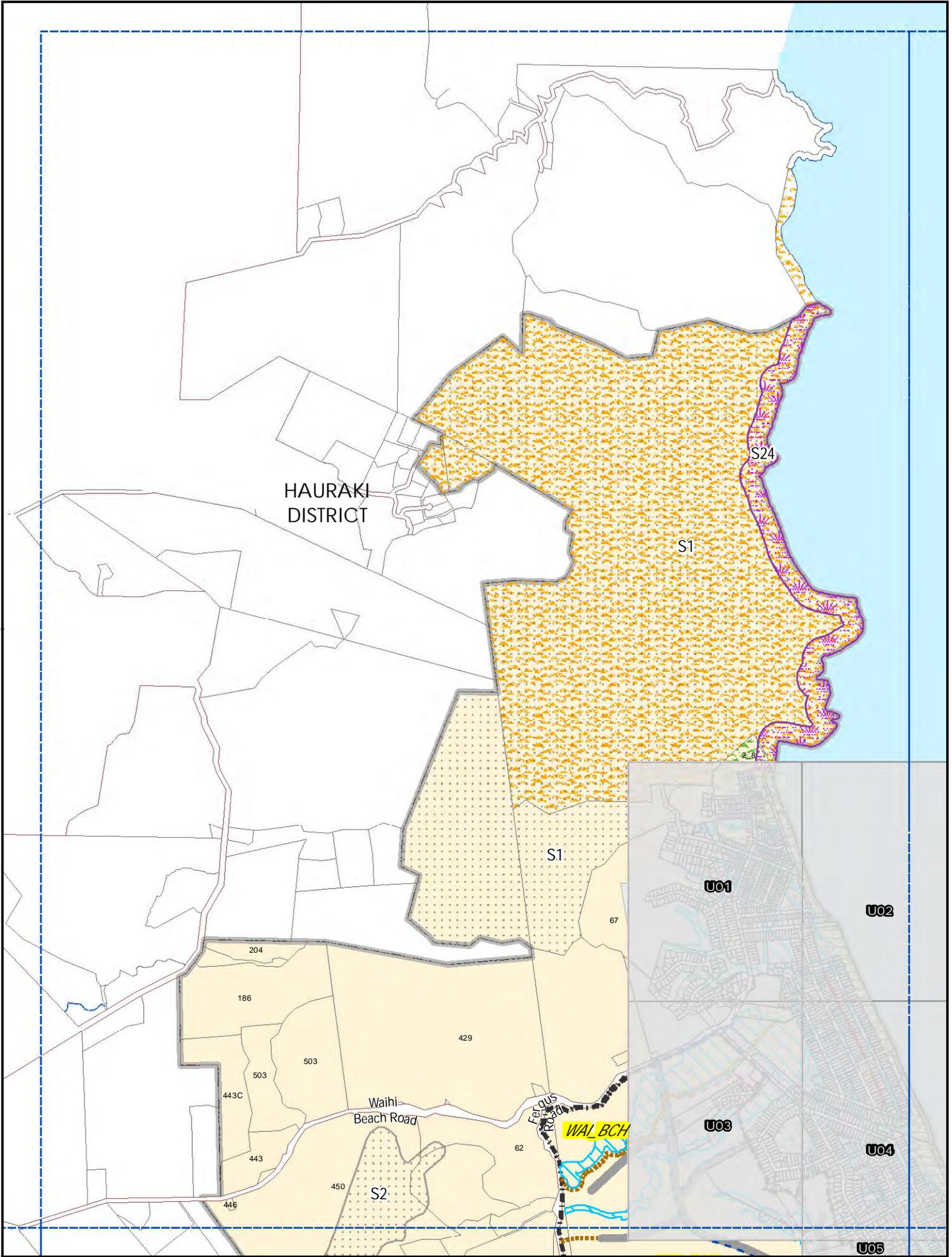
**Flowpaths and Local Ecological Features**

Bay of Plenty Regional Council should be consulted before undertaking any activity in the vicinity of Mean High Water Springs to establish the actual line of Mean High Water Springs. Formed roads are indicated as white shading on the road land parcels. Unformed roads have the underlying zone indicated.

(1) Compliance with NZECP 34:2001 is required in this area for *buildings/structures* and *earthworks*.  
 (2) The identified areas include: the community service area at Rangioru, the central hub site within the All Terrain Park and buffer zones in Stage 2 Omokoroa and Binnie Road.

Land Hazards		Coastal Protection - Primary Risk	
		Coastal Protection - Secondary Risk	
		Coastal Protection - Open Coastline	
		Coastal Protection - Access Yard	
		Flood Hazard	
		Stability Area - Minden A	
		Stability Area - Minden B1	
		Stability Area - Minden B2	
		Stability Area - Minden C	
		Stability Area - Minden U	
		Stability Area - General	
		Stability Area - Landslip	
	Zones		All Terrain Park (ATP)
			Commercial
			Commercial Transition
		Horticultural Post Harvest	
		Industrial	
		Residential	
		Medium Density Residential	
		Rural Residential	
		Rural	
		Lifestyle	
	Future Urban		
Zone Overlays		District Boundary	
		Electricity Transmission Line	
		Electricity Transmission Line Buffer 16m (1)	
		Electricity Transmission Line Buffer 32m (1)	
		Identified Area (2)	
		Firing Range Exclusion Zone	
		Quarry Effects Management Area	
		TNL 100m Building Line Setback	
		Town Centre Boundary	

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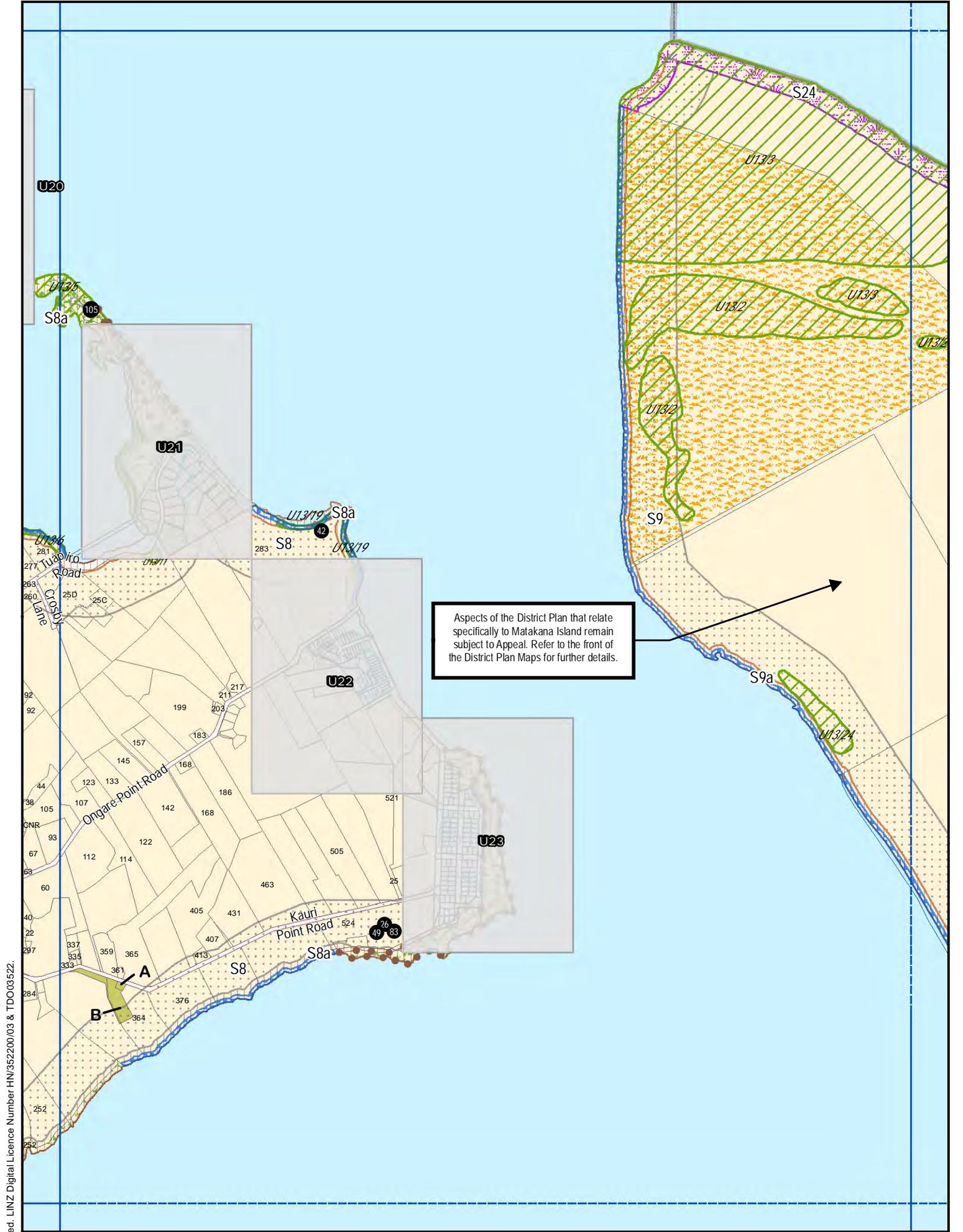
**A03 Rural Series**

Scale 1:25000 (A4)

0 200 400 600 800 1000 1200 1400m

Western Bay of Plenty District Council

Revision Date: 11 August 2012

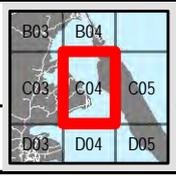


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**C04 Rural Series**



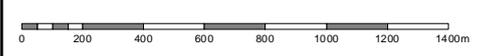
Scale 1:25000 (A4)



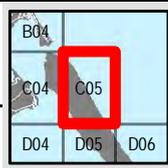
Revision Date: 11 August 2012



**C05 Rural Series**



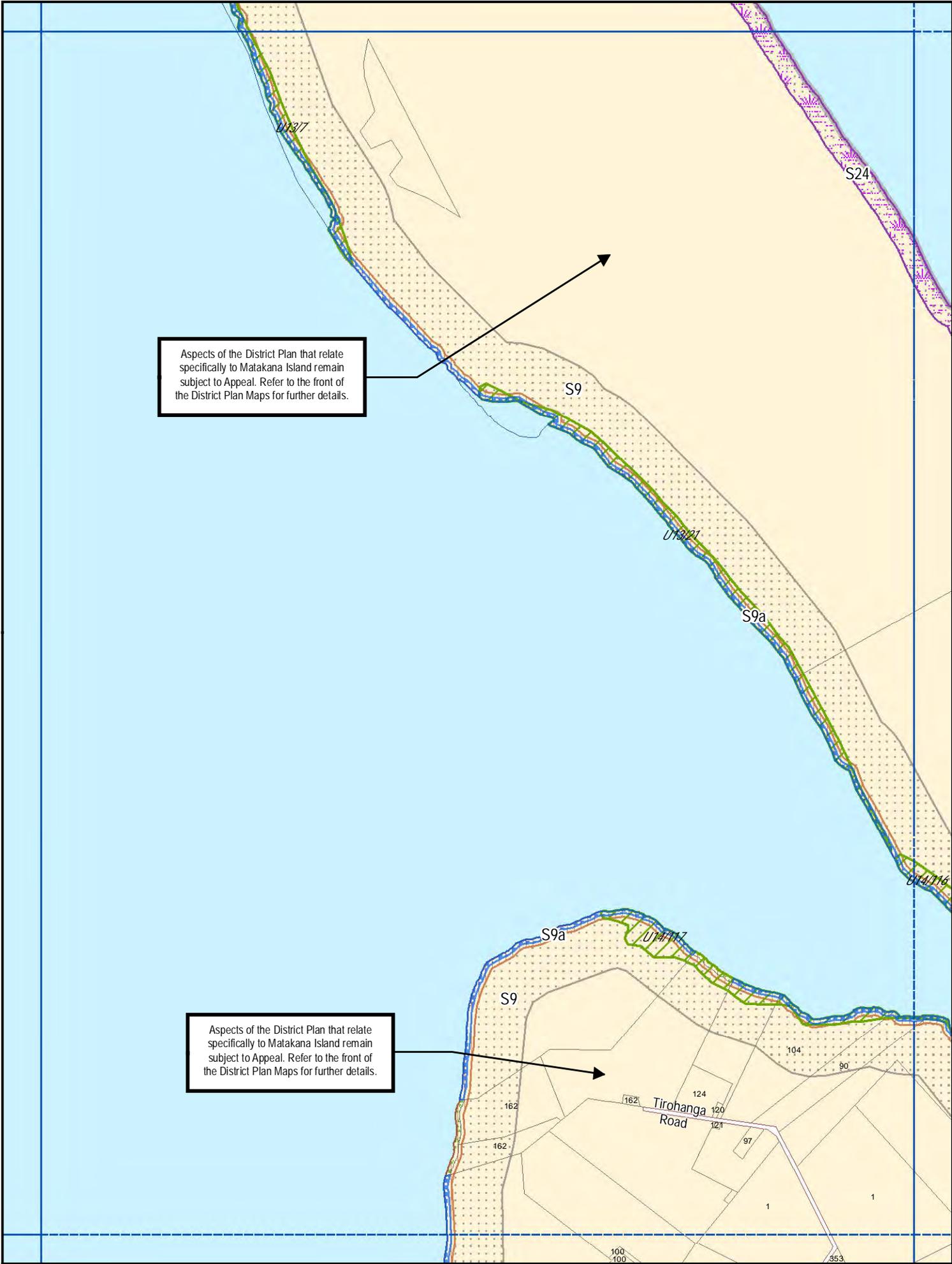
Scale 1:25000 (A4)



Revision Date: 11 August 2012

Aspects of the District Plan that relate specifically to Matakana Island remain subject to Appeal. Refer to the front of the District Plan Maps for further details.

Aspects of the District Plan that relate specifically to Matakana Island remain subject to Appeal. Refer to the front of the District Plan Maps for further details.



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**D05 Rural Series**

Scale 1:25000 (A4)

C04	C05	
D04	<b>D05</b>	D06
E04	E05	E06

**Western Bay of Plenty District Council**

Revision Date: 11 August 2012



Aspects of the District Plan that relate specifically to Matakana Island remain subject to Appeal. Refer to the front of the District Plan Maps for further details.

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	<b>D06 Rural Series</b>			Scale 1:25000 (A4)	

	<b>Western Bay of Plenty District Council</b>	
	Revision Date: 11 August 2012	



Aspects of the District Plan that relate specifically to Matakana Island remain subject to Appeal. Refer to the front of the District Plan Maps for further details.

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## E06 Rural Series

D05	D06
E05	E06
F05	F07

Scale 1:25000 (A4)

Revision Date: 11 August 2012

**Western Bay of Plenty**  
District Council



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**E07 Rural Series**

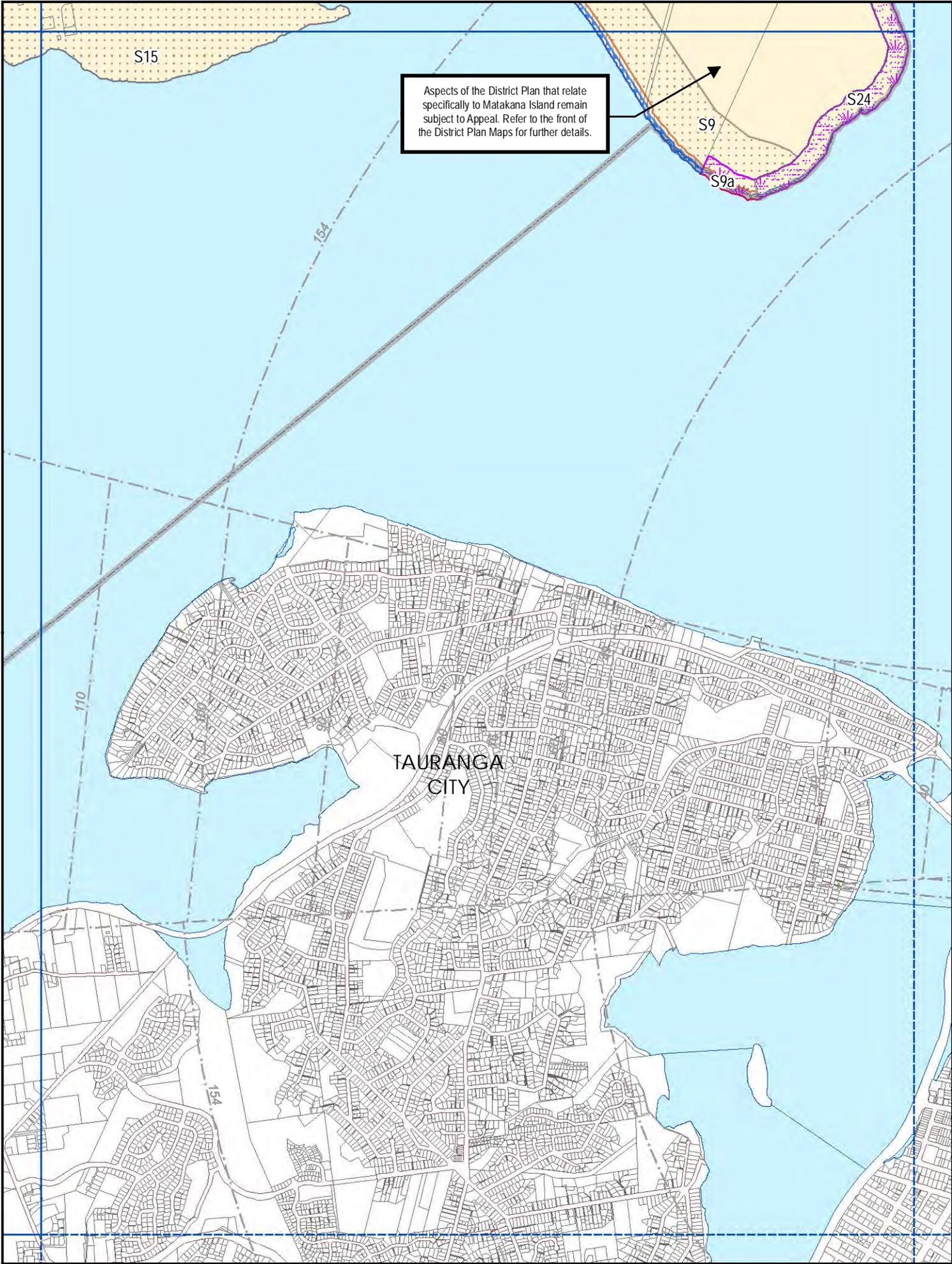
Scale 1:25000 (A4)

0 200 400 600 800 1000 1200 1400m

D06	E07
E06	F07
F06	F07

**Western Bay of Plenty District Council**

Revision Date: 11 August 2012



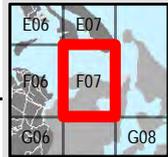
Aspects of the District Plan that relate specifically to Matakana Island remain subject to Appeal. Refer to the front of the District Plan Maps for further details.

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**F07 Rural Series**

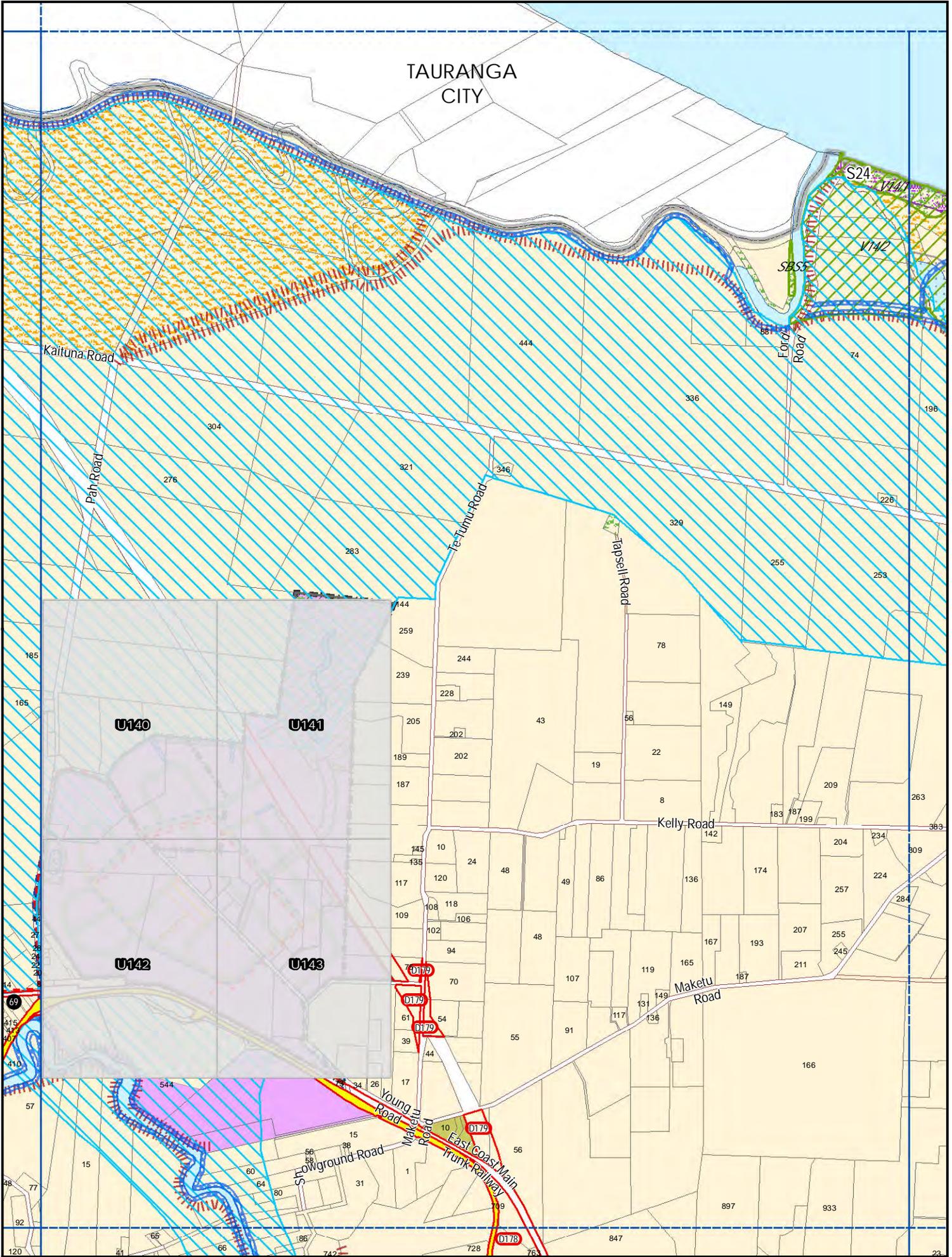


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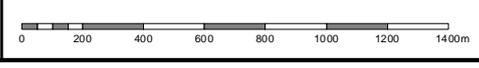
Revision Date: 11 August 2012

TAURANGA CITY

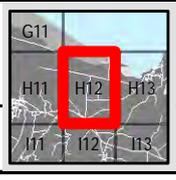


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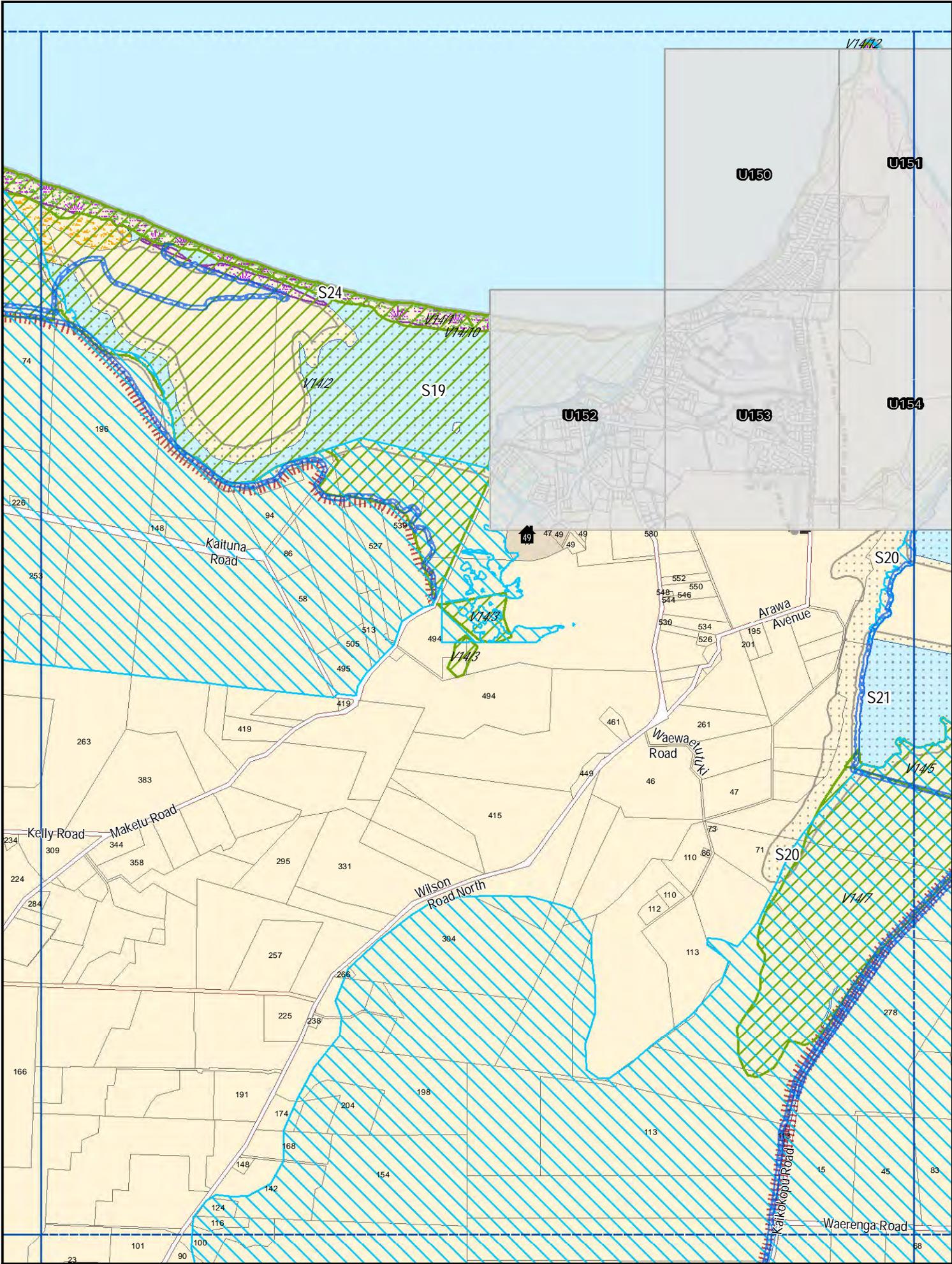
H12 Rural Series



Scale 1:25000 (A4)



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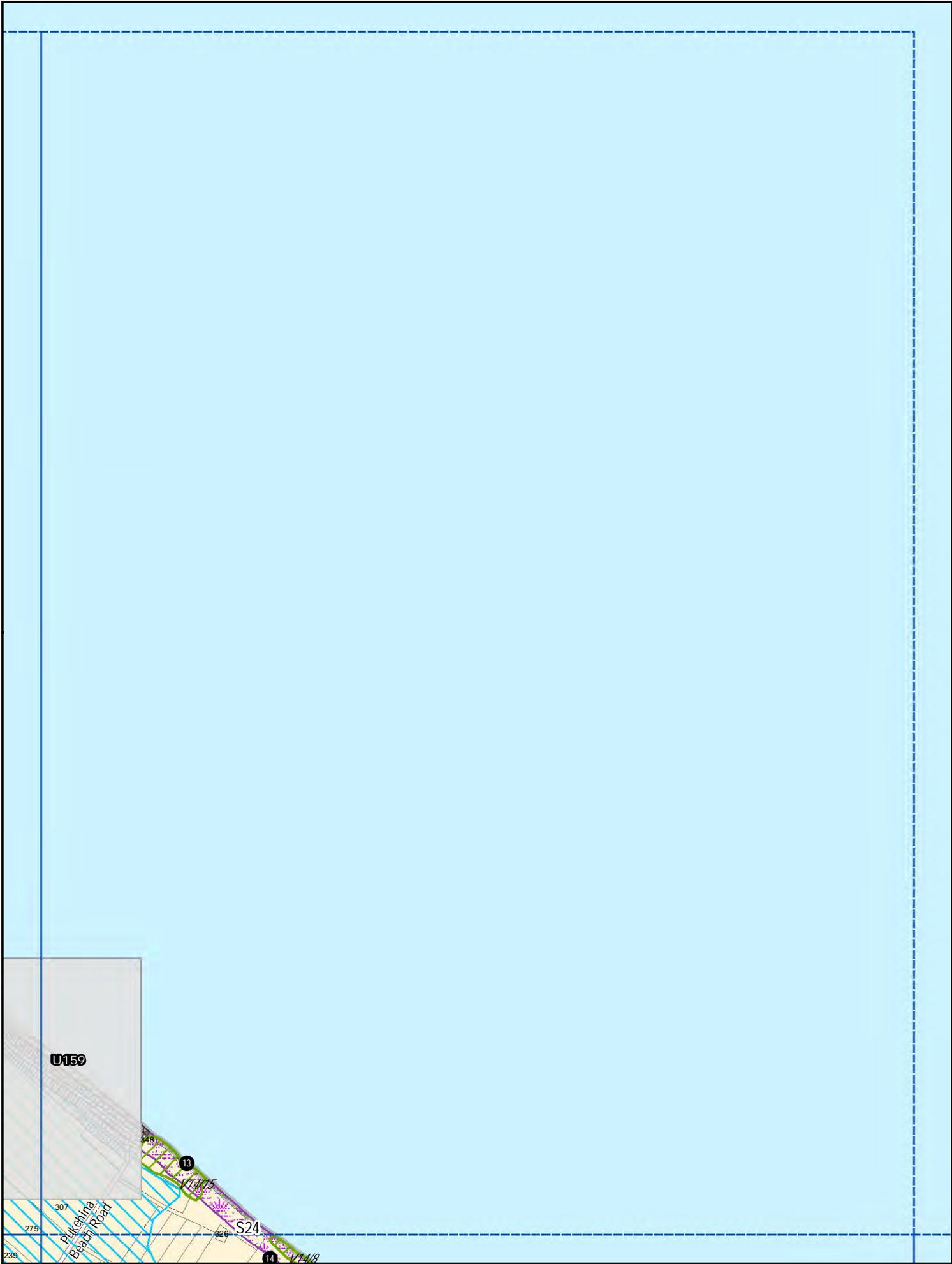
**H13 Rural Series**

Scale 1:25000 (A4)

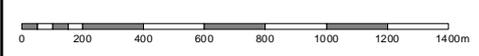
0 200 400 600 800 1000 1200 1400m

Western Bay of Plenty District Council

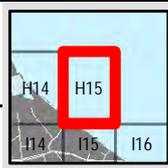
Revision Date: 11 August 2012



# H15 Rural Series



Scale 1:25000 (A4)

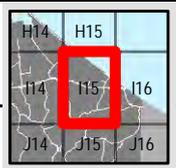


Revision Date: 11 August 2012

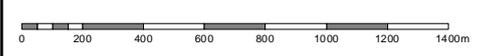


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**115 Rural Series**



**Western Bay of Plenty District Council**



Scale 1:25000 (A4)

Revision Date: 11 August 2012

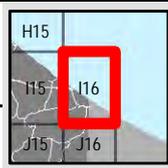


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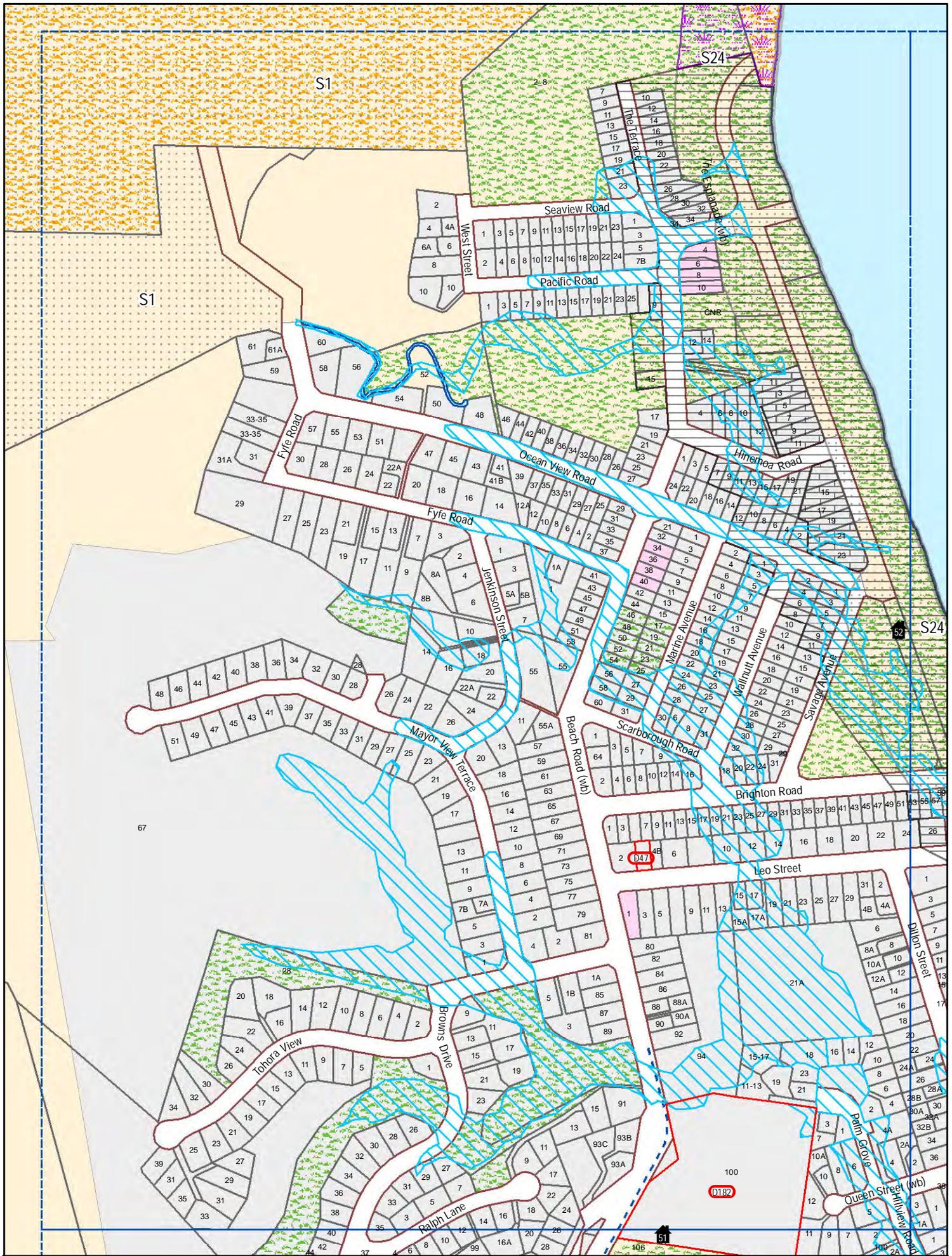
**116 Rural Series**



Scale 1:25000 (A4)



Revision Date: 11 August 2012



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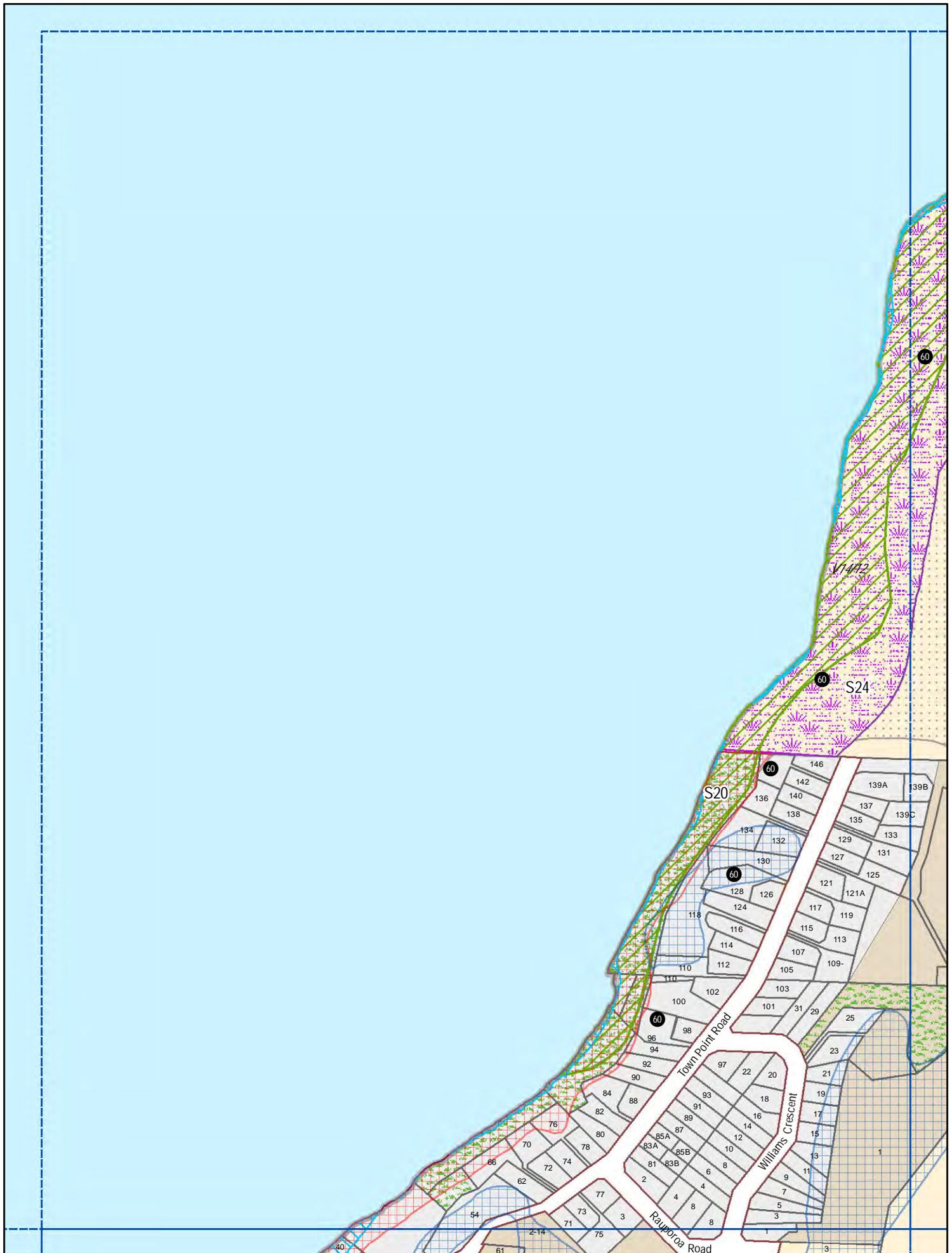
U01

# Waihi Beach



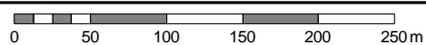
Scale 1:5000 (A4)

Revision Date: 11 August 2012



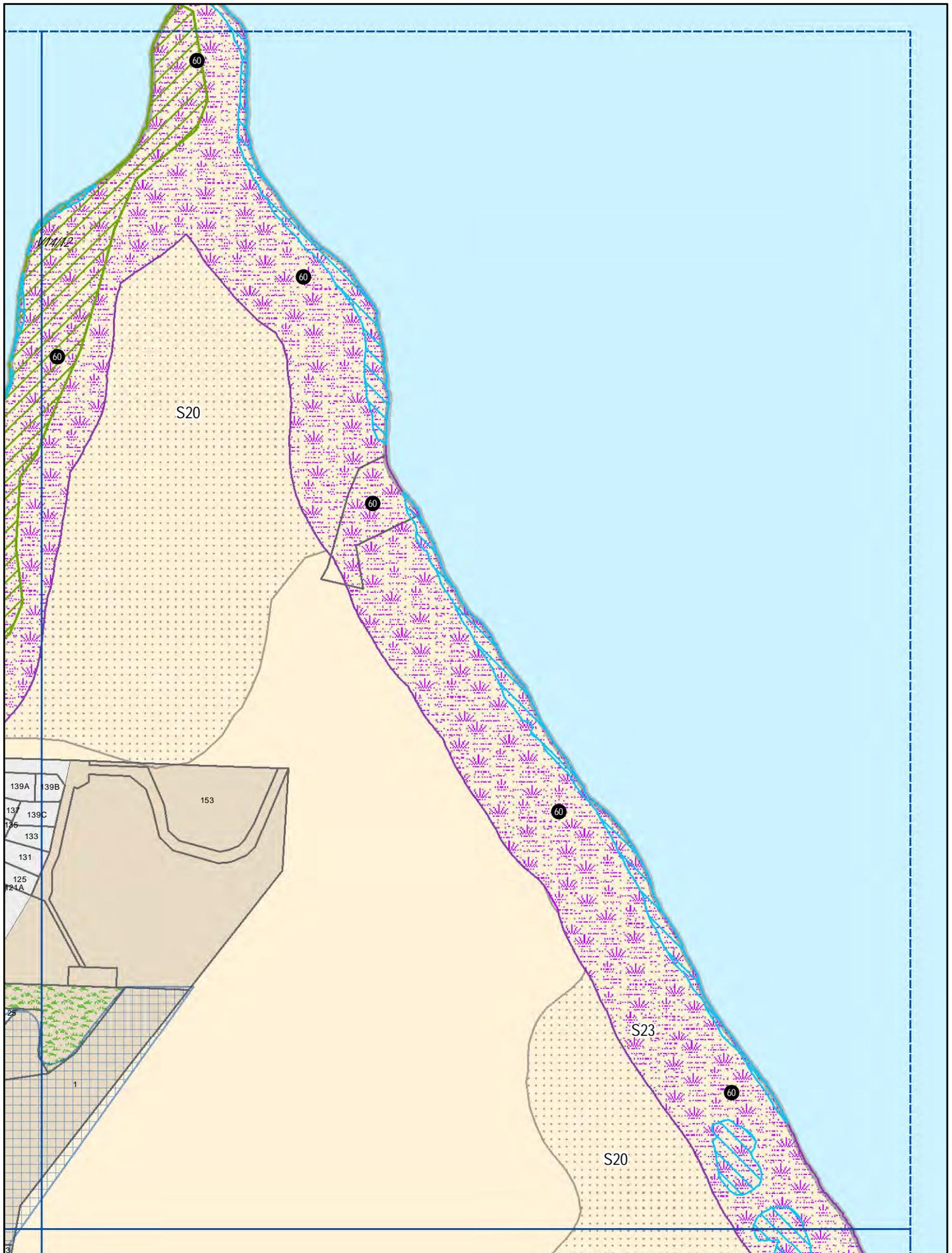
U150

Maketu



Scale 1:5000 (A4)

Revision Date: 11 August 2012



U151

Maketu



Scale 1:5000 (A4)

Revision Date: 11 August 2012



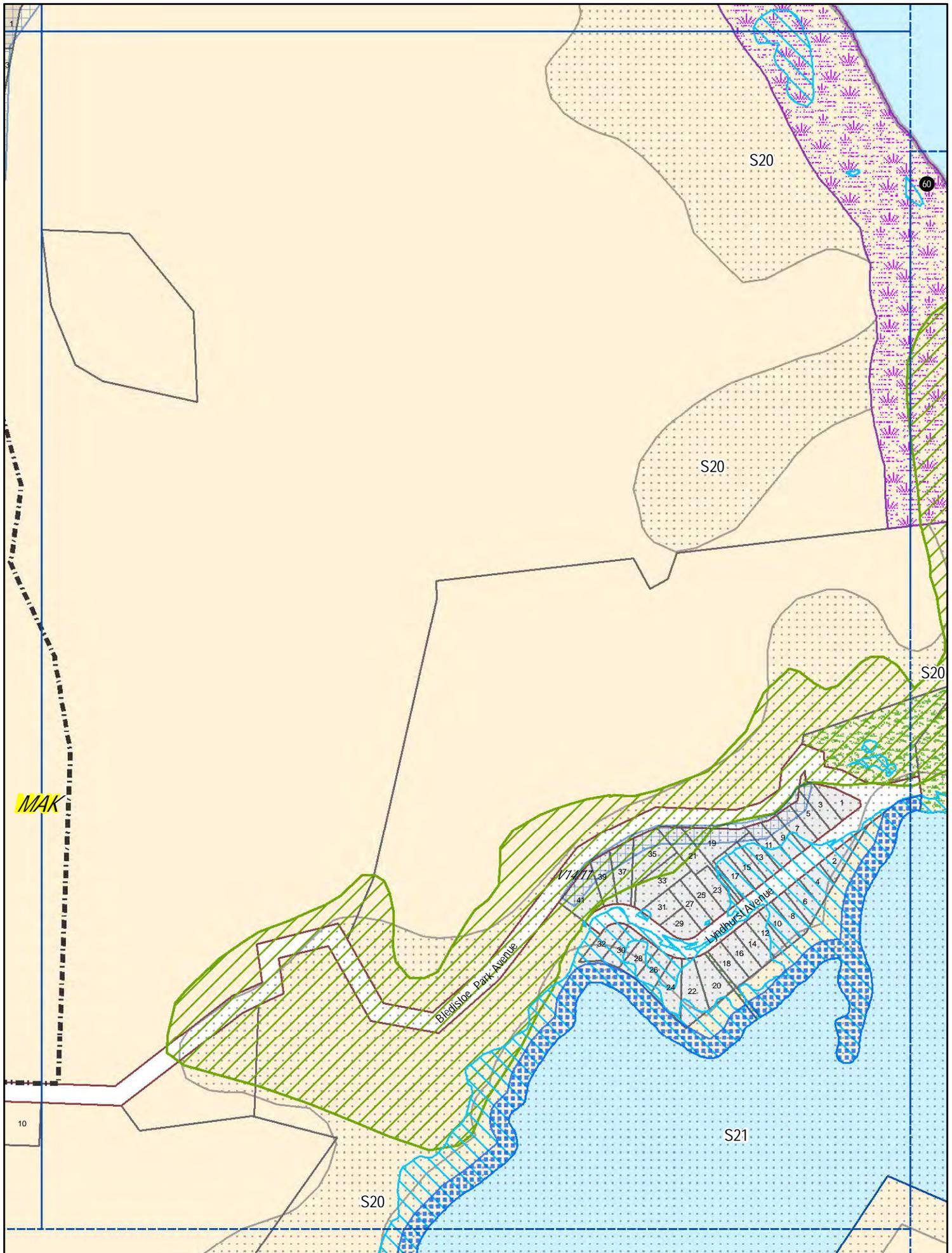
U152

Maketu



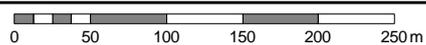
Scale 1:5000 (A4)

Revision Date: 11 August 2012



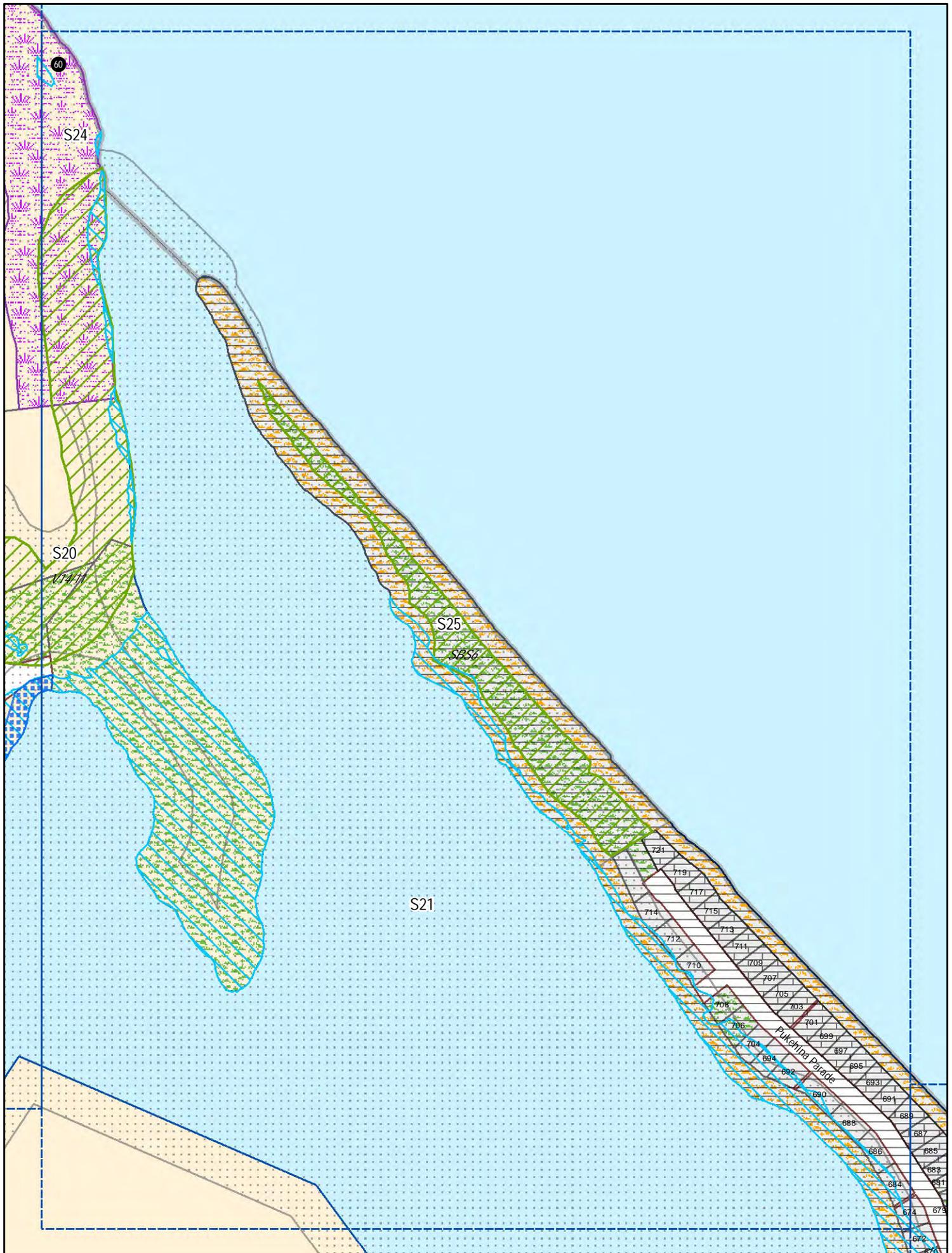
U154

Maketu



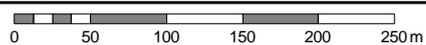
Scale 1:5000 (A4)

Revision Date: 11 August 2012



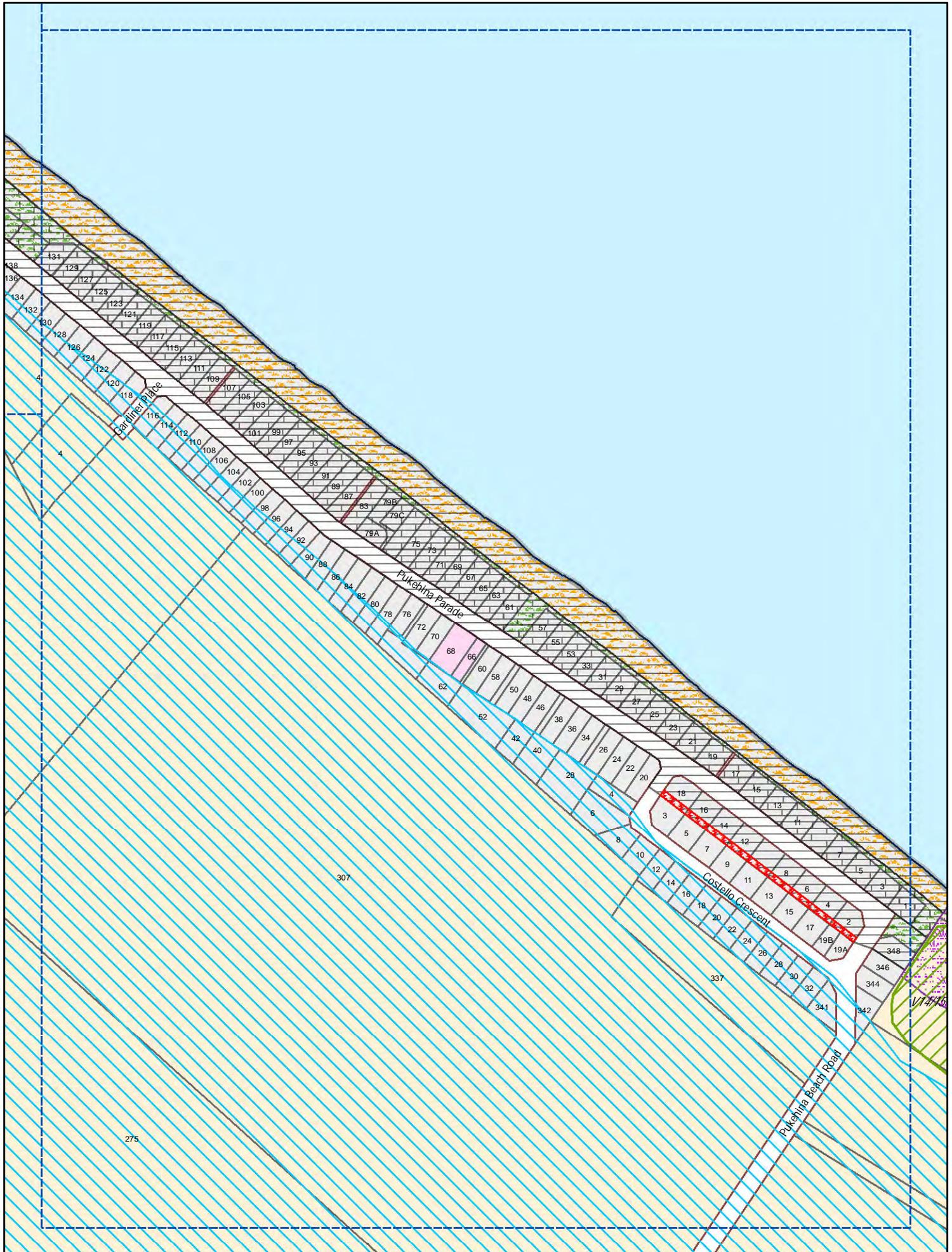
U155

Pukehina



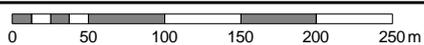
Scale 1:5000 (A4)

Revision Date: 11 August 2012



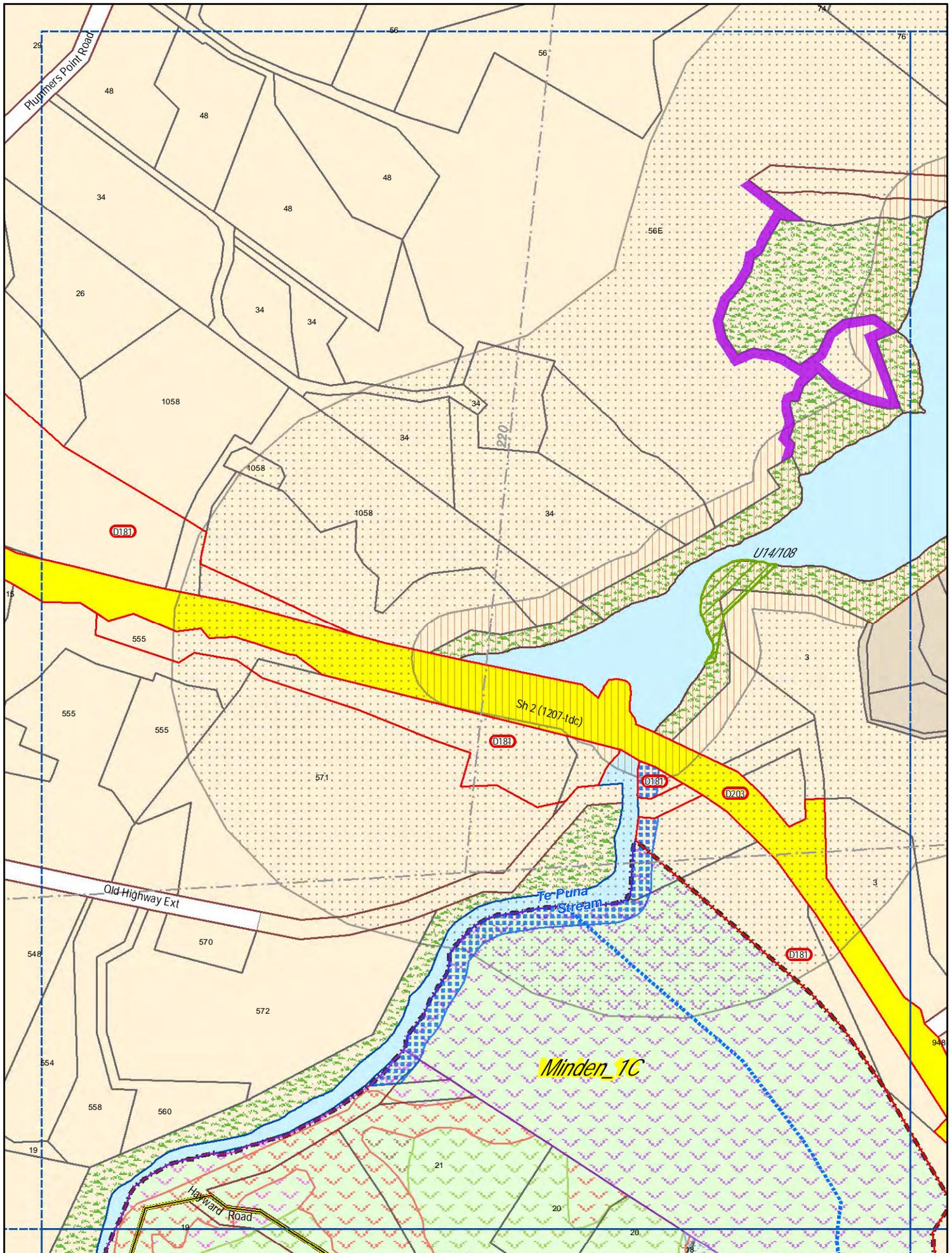
U159

Pukehina



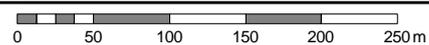
Scale 1:5000 (A4)

Revision Date: 11 August 2012



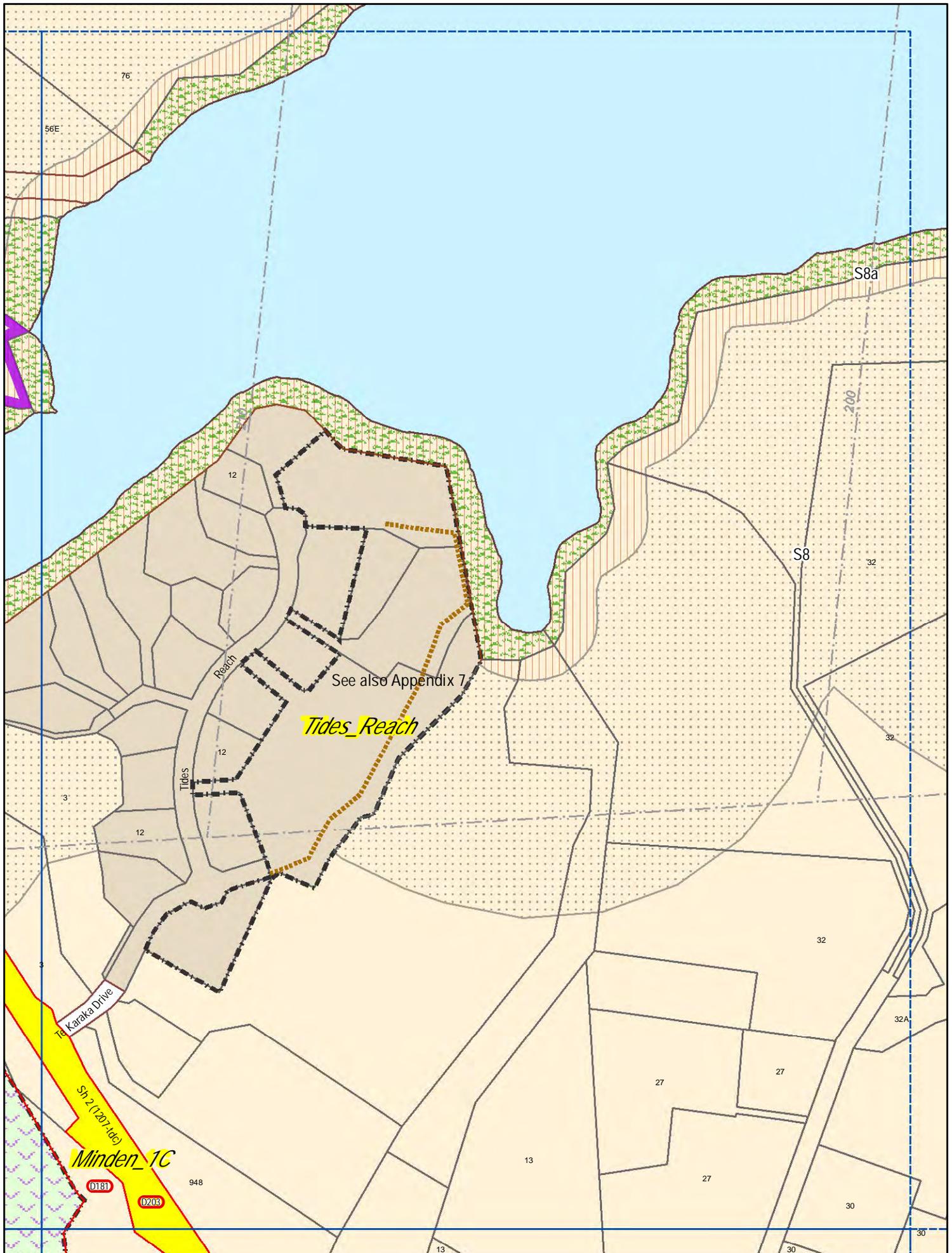
U80

Minden



Scale 1:5000 (A4)

Revision Date: 11 August 2012



U81

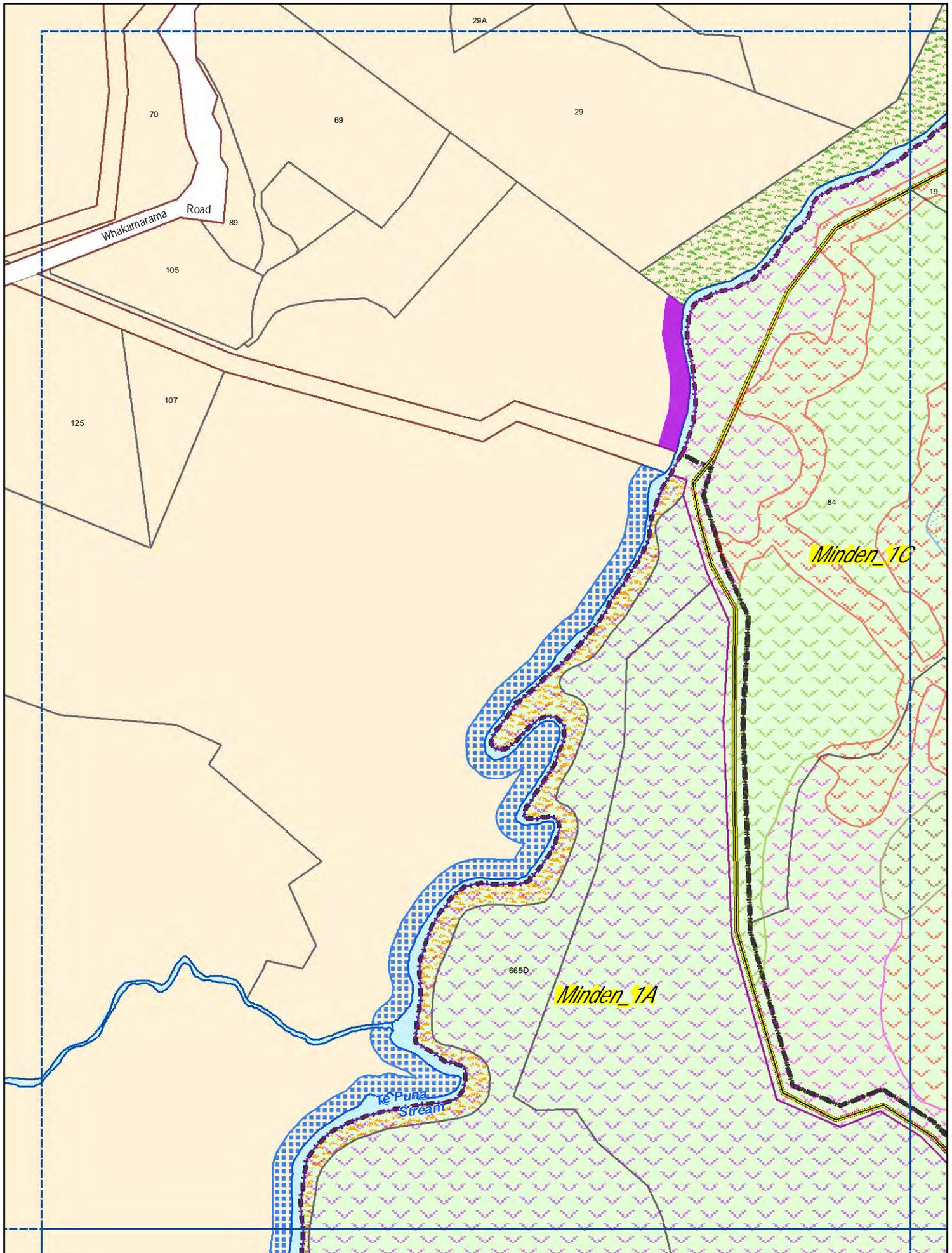
Minden



Revision Date: 11 August 2012

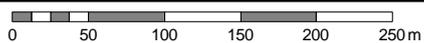


Scale 1:5000 (A4)



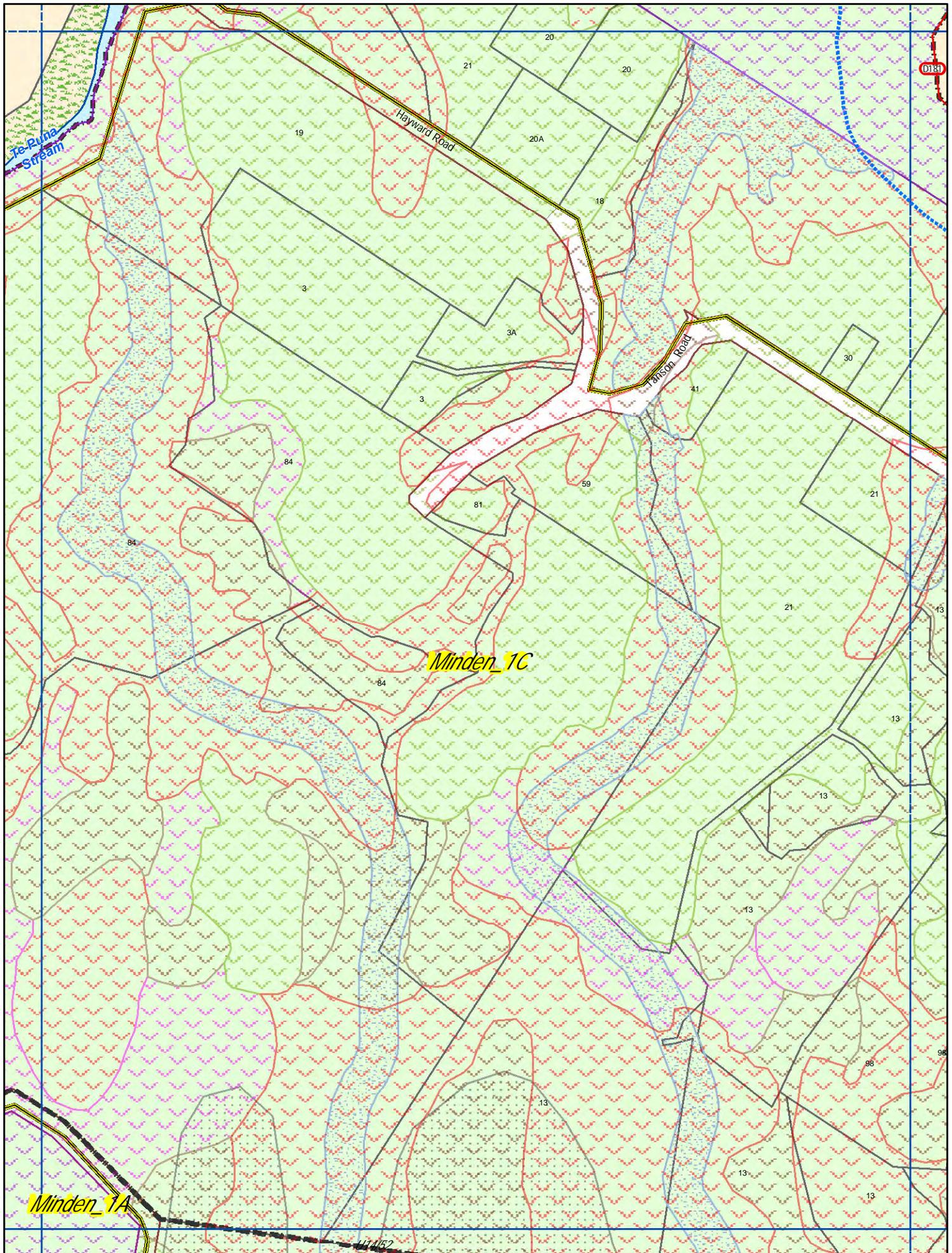
U82

Minden



Scale 1:5000 (A4)

Revision Date: 11 August 2012



0183

*Minden\_1C*

*Minden\_1A*

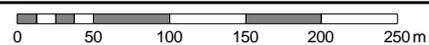
U1152



U83

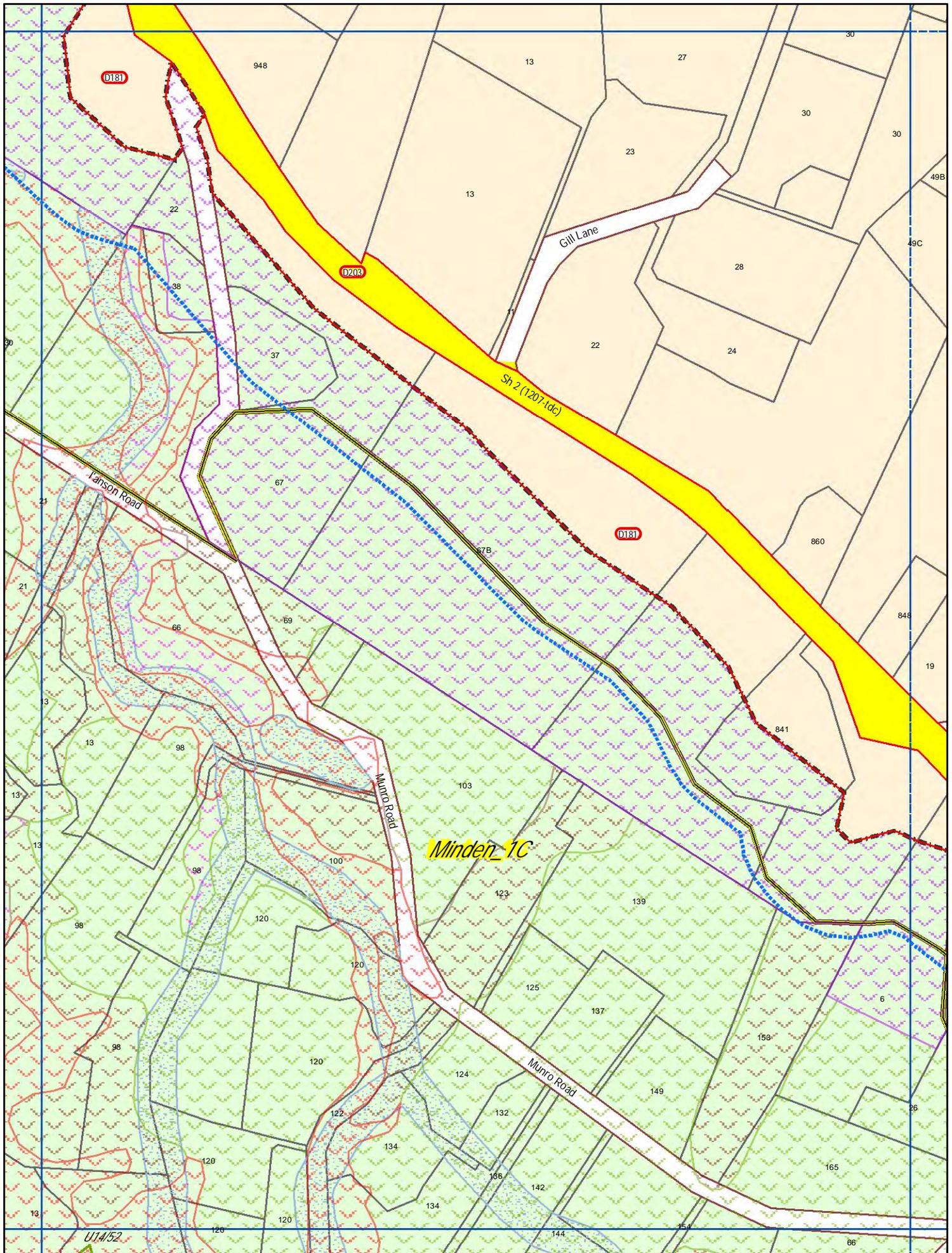
Minden

U80	U81
U82	U83
U89	U91



Scale 1:5000 (A4)

Revision Date: 11 August 2012



*Minden TC*

U84

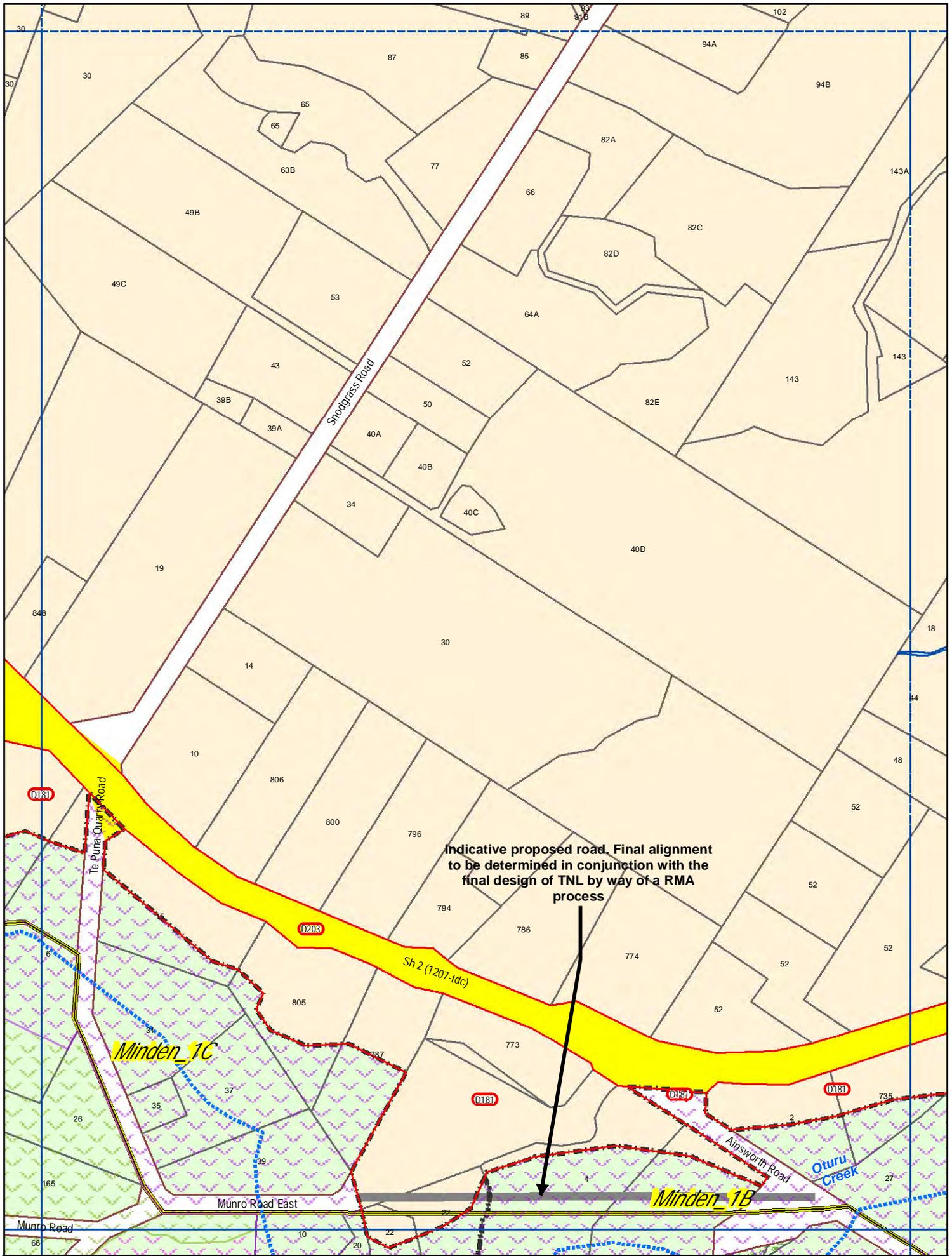
Minden

U80	U81
U83	U84
U90	U92



Scale 1:5000 (A4)

Revision Date: 11 August 2012



Indicative proposed road. Final alignment to be determined in conjunction with the final design of TNL by way of a RMA process

U85

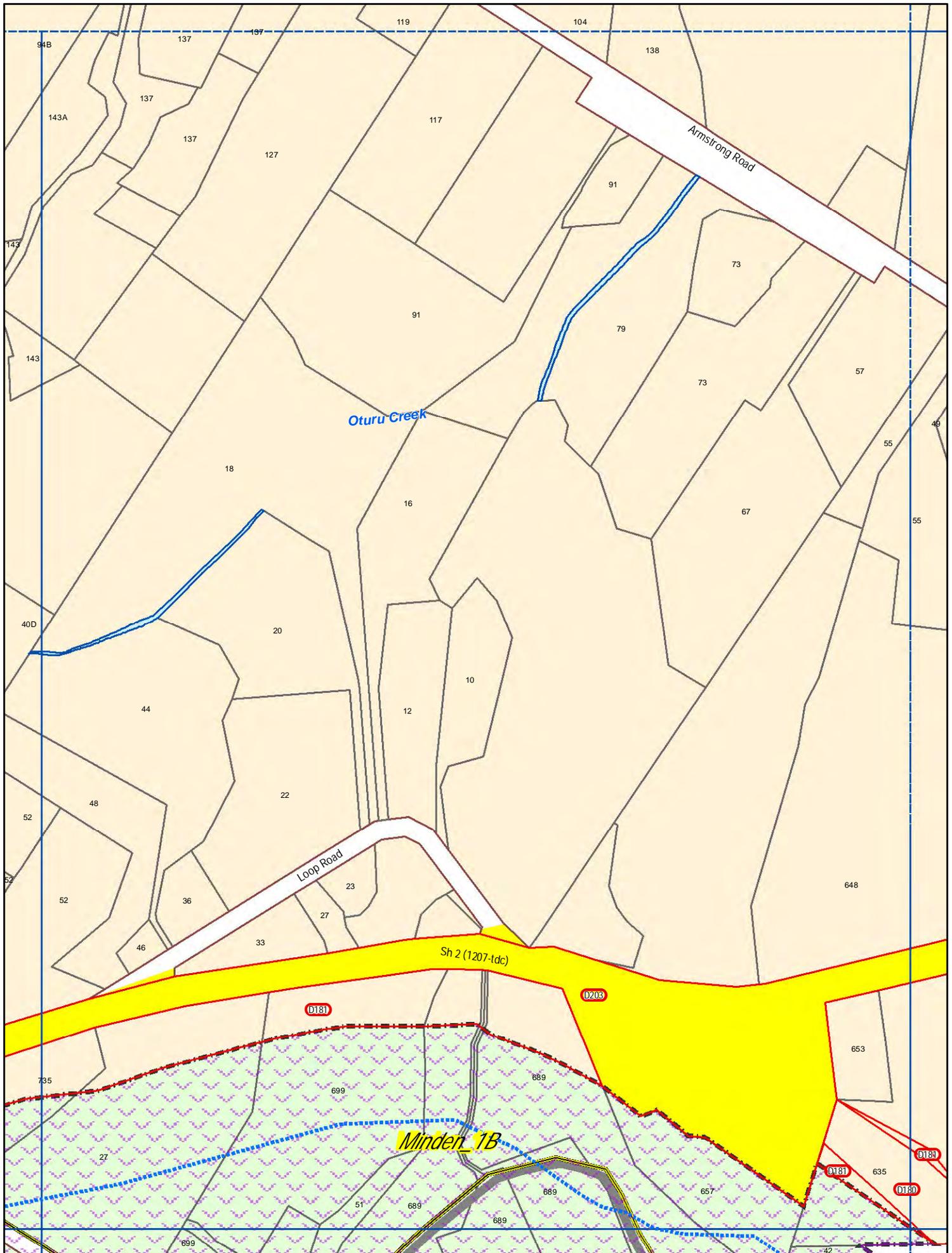
Minden



Scale 1:5000 (A4)

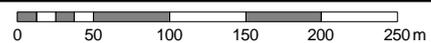


Revision Date: 11 August 2012



U86

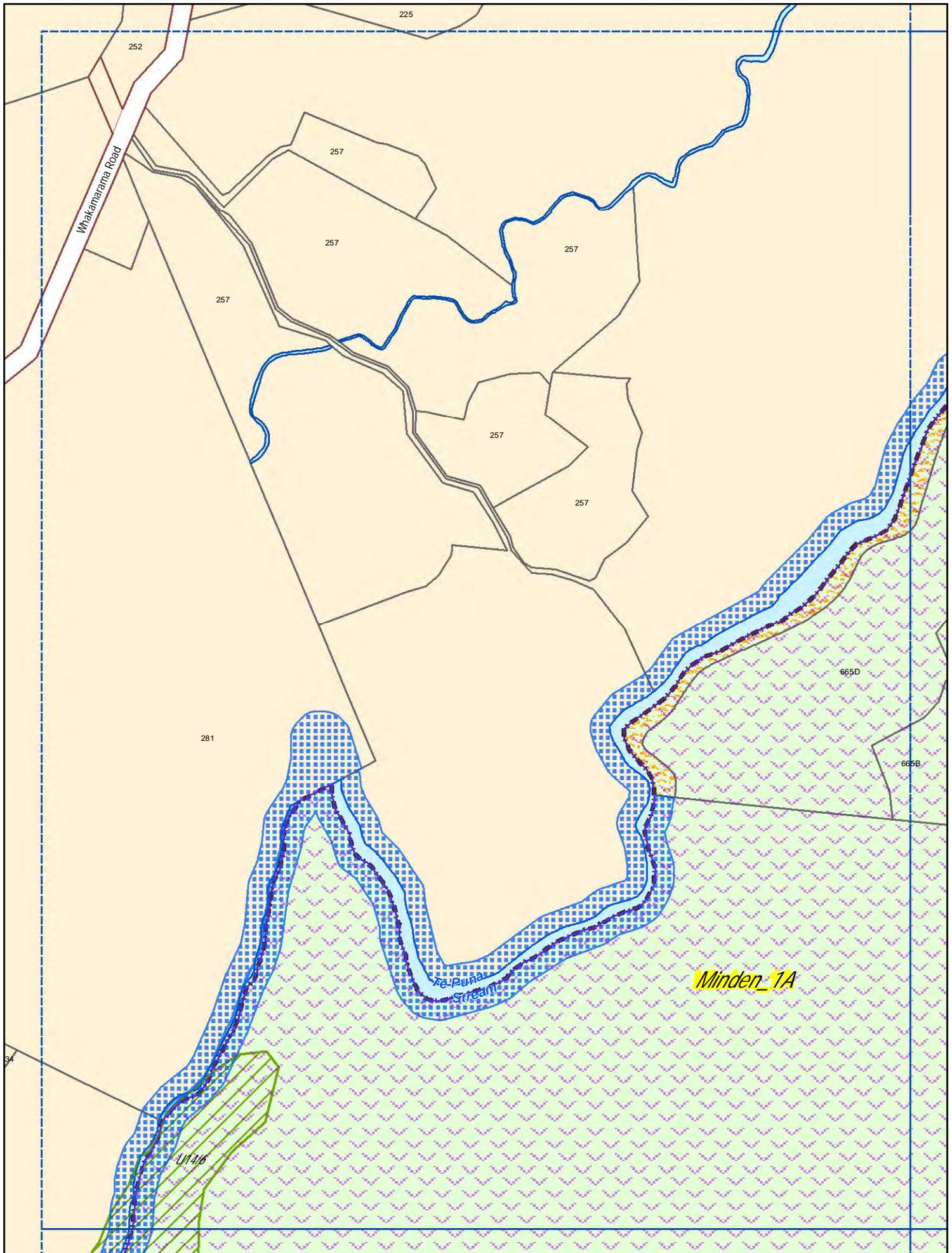
Minden



Scale 1:5000 (A4)

Revision Date: 11 August 2012





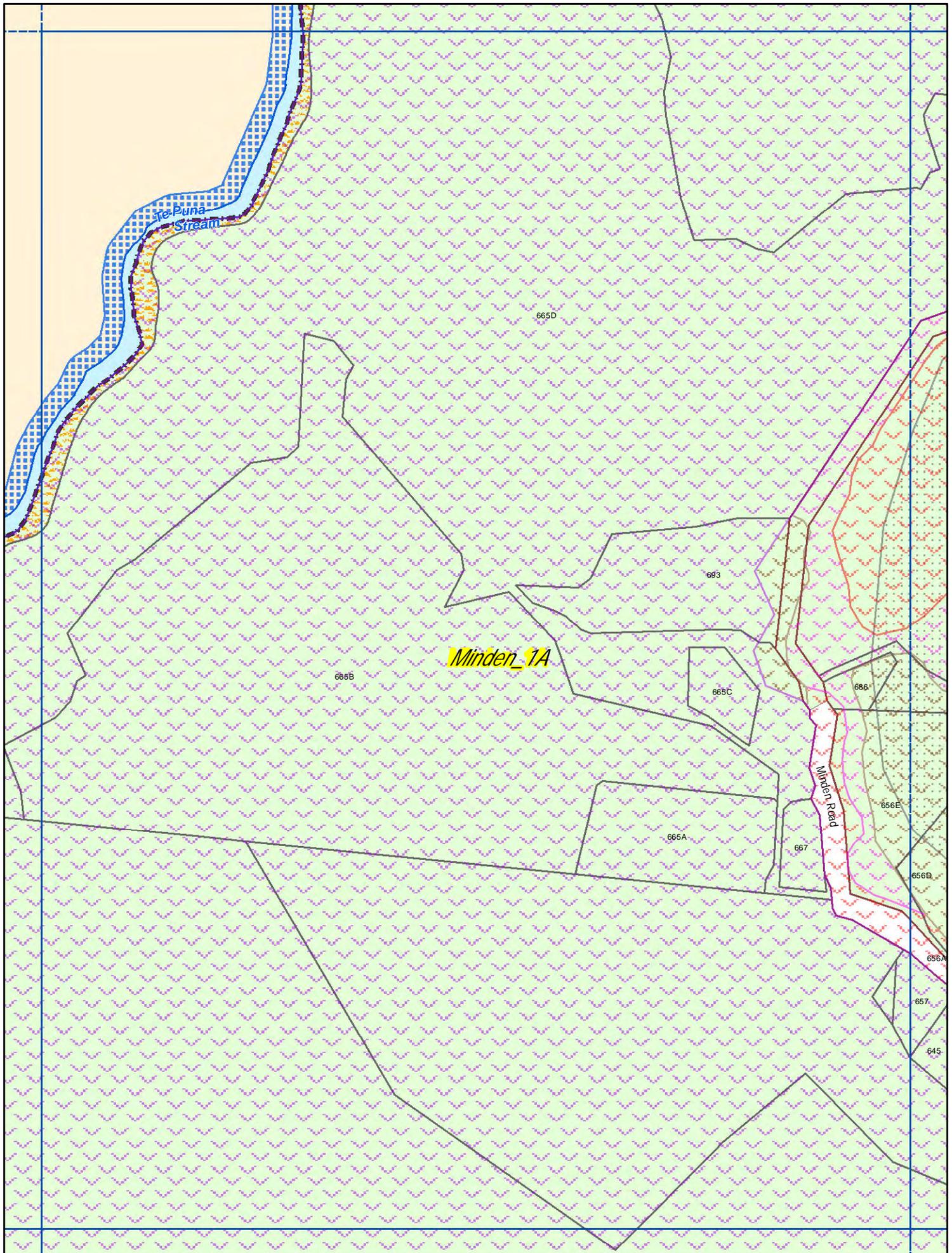
U88

Minden



Scale 1:5000 (A4)

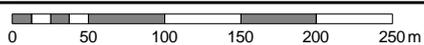
Revision Date: 11 August 2012



U89

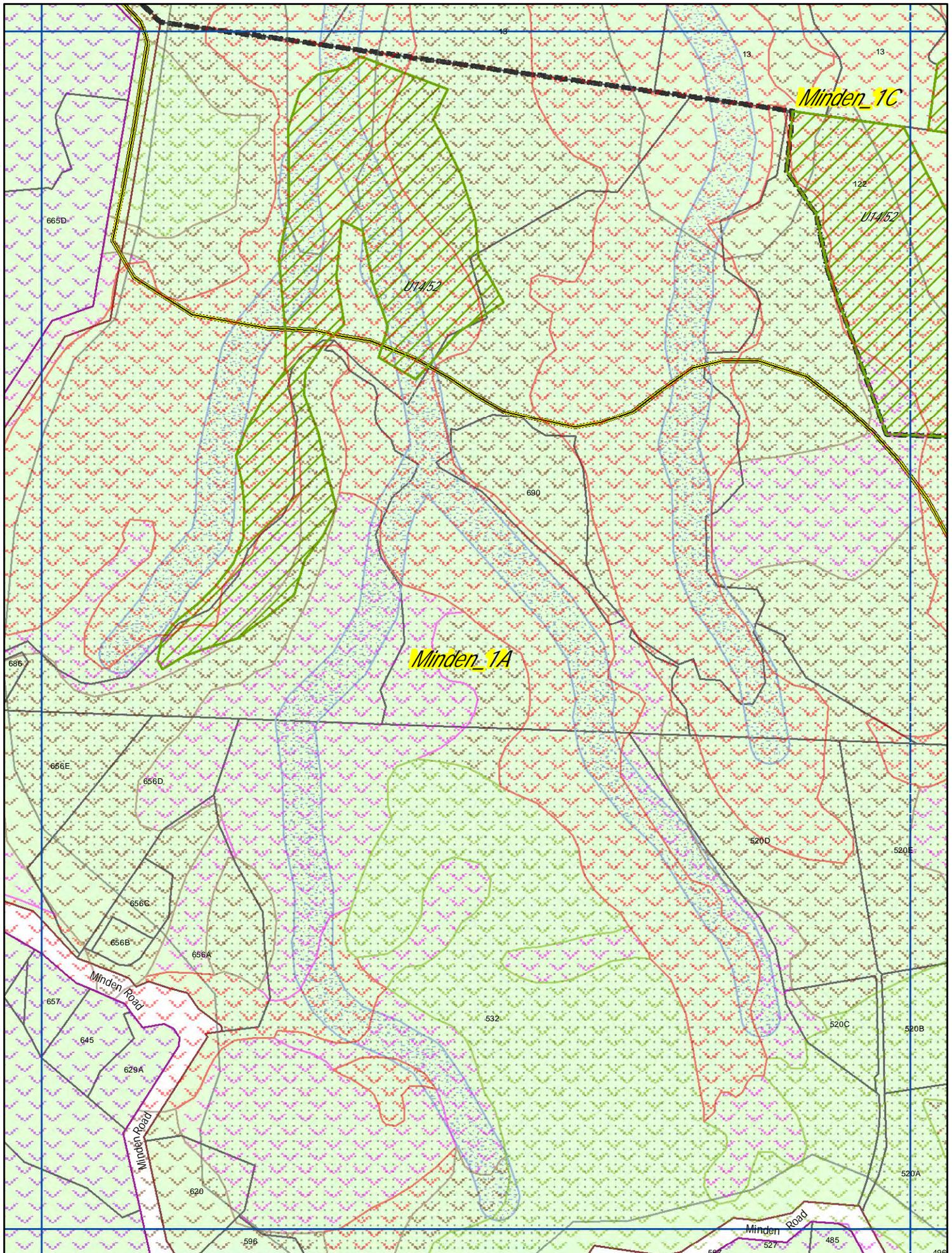
Minden

	U82	U83
U88	U89	U90
U97	U98	U99



Scale 1:5000 (A4)

Revision Date: 11 August 2012



U90

Minden

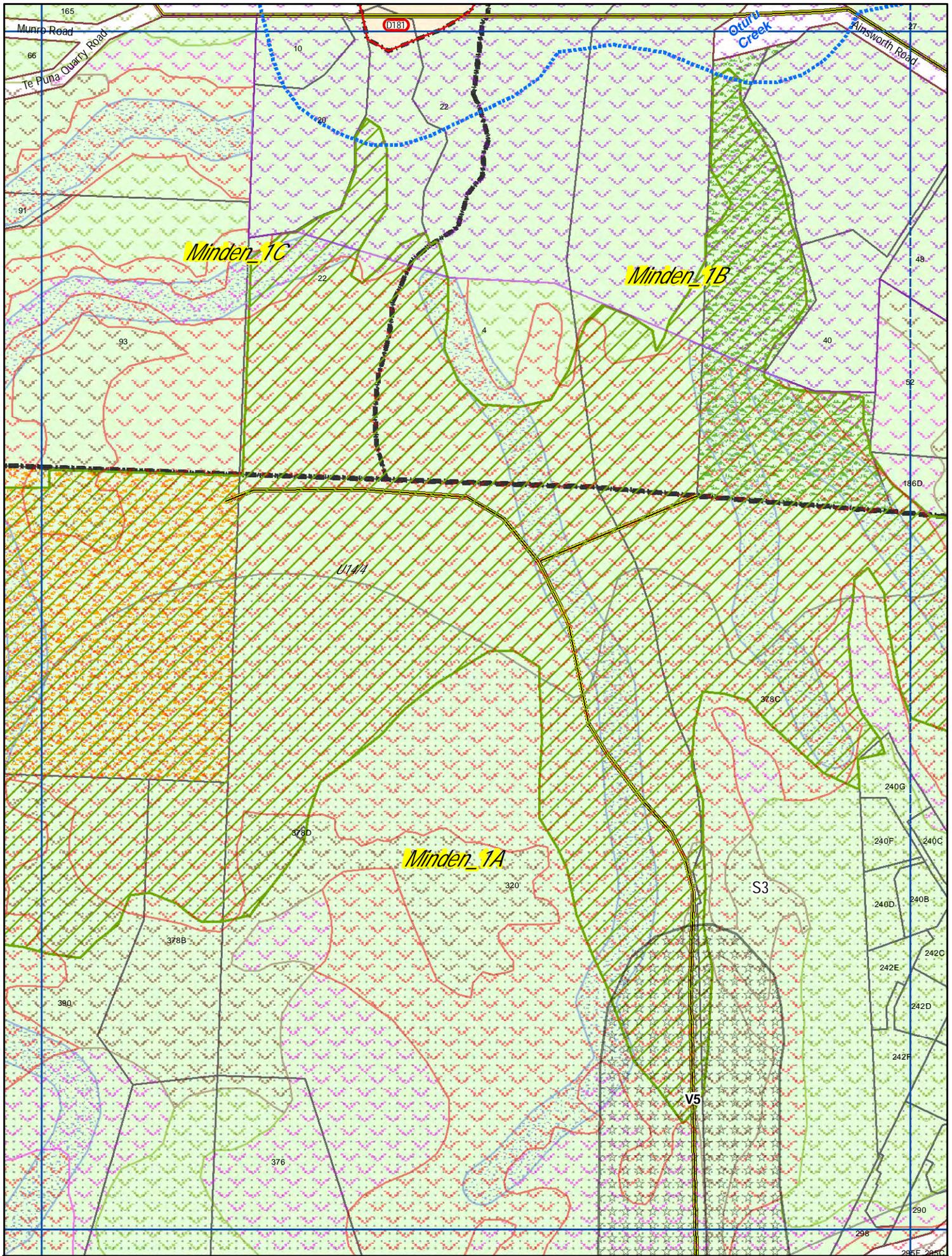
U82	U83	U84
U89	U90	U91
U98	U99	U100



Revision Date: 11 August 2012



Scale 1:5000 (A4)



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U92

Minden

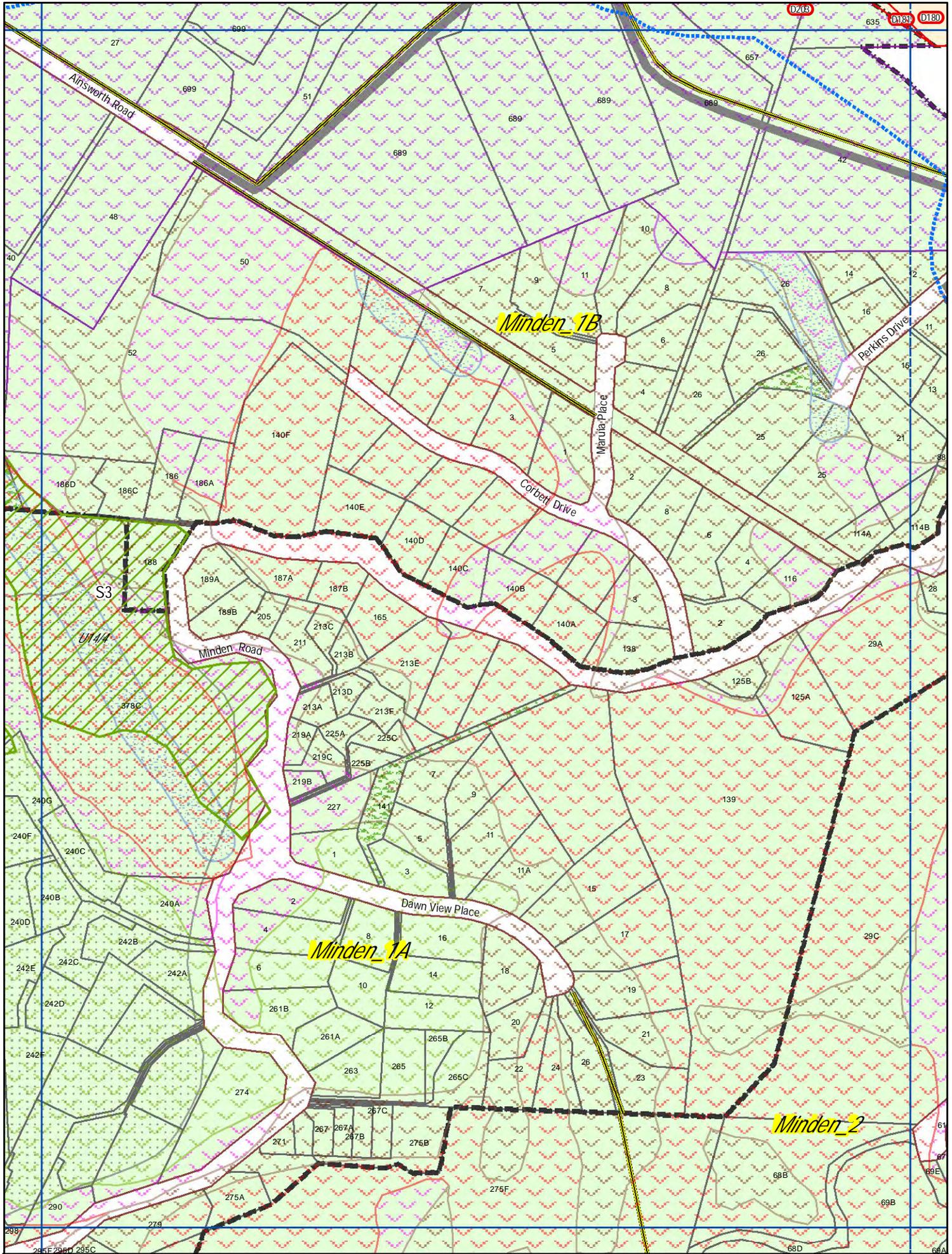


Scale 1:5000 (A4)

U84	U85	U86
U91	U92	U93
U100	U101	U102



Revision Date: 11 August 2012



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U93

Minden

U85	U86	U87
U92	U93	U94
U101	U102	U103



Scale 1:5000 (A4)

Revision Date: 11 August 2012

Indicative proposed road. Final alignment to be determined in conjunction with the final design of TNL by way of a RMA process

Oliver Road shall not be connected to Minden Road  
See Rule 17.4.2 (d) (v)

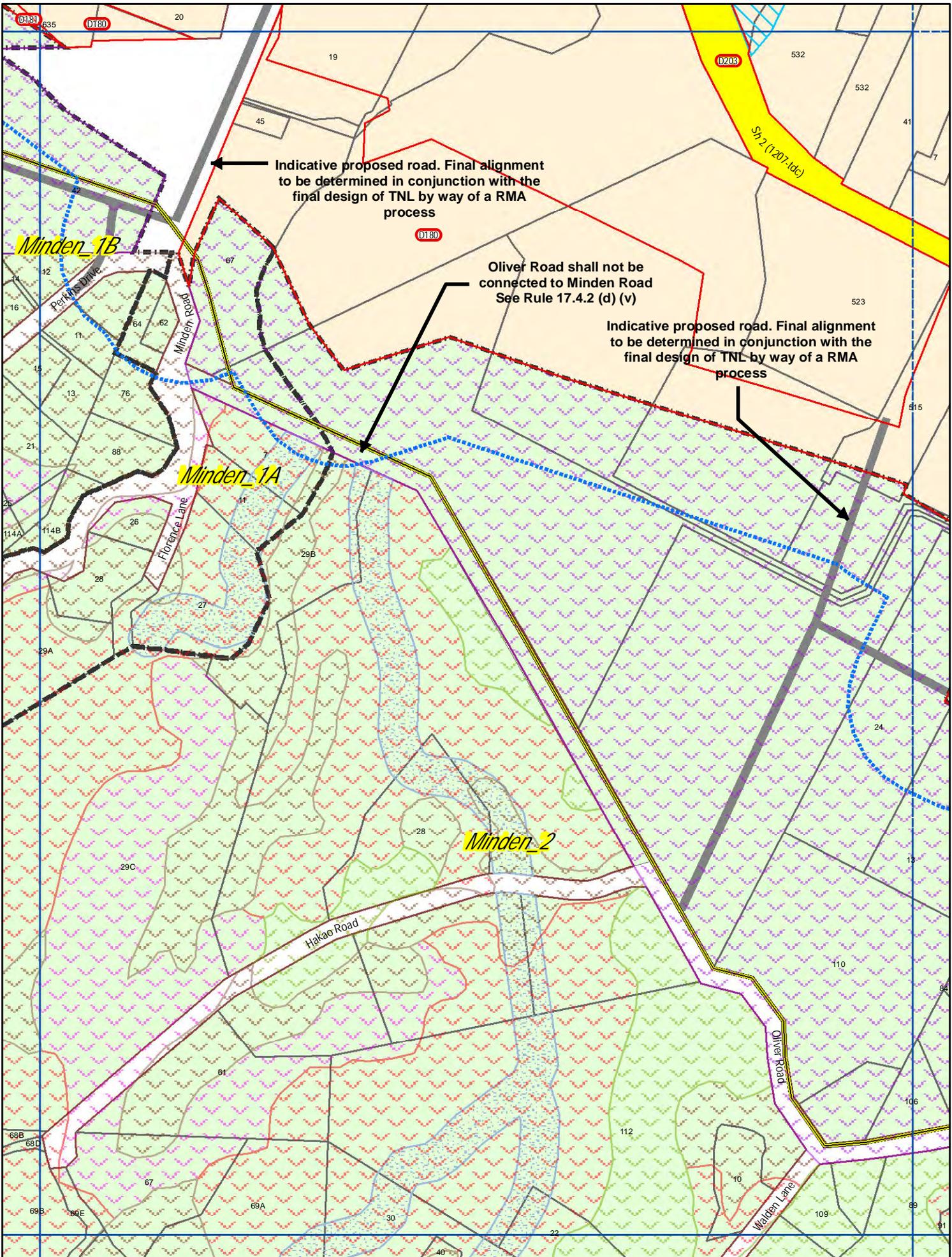
Indicative proposed road. Final alignment to be determined in conjunction with the final design of TNL by way of a RMA process

Minden\_1B

Minden\_1A

Minden\_2

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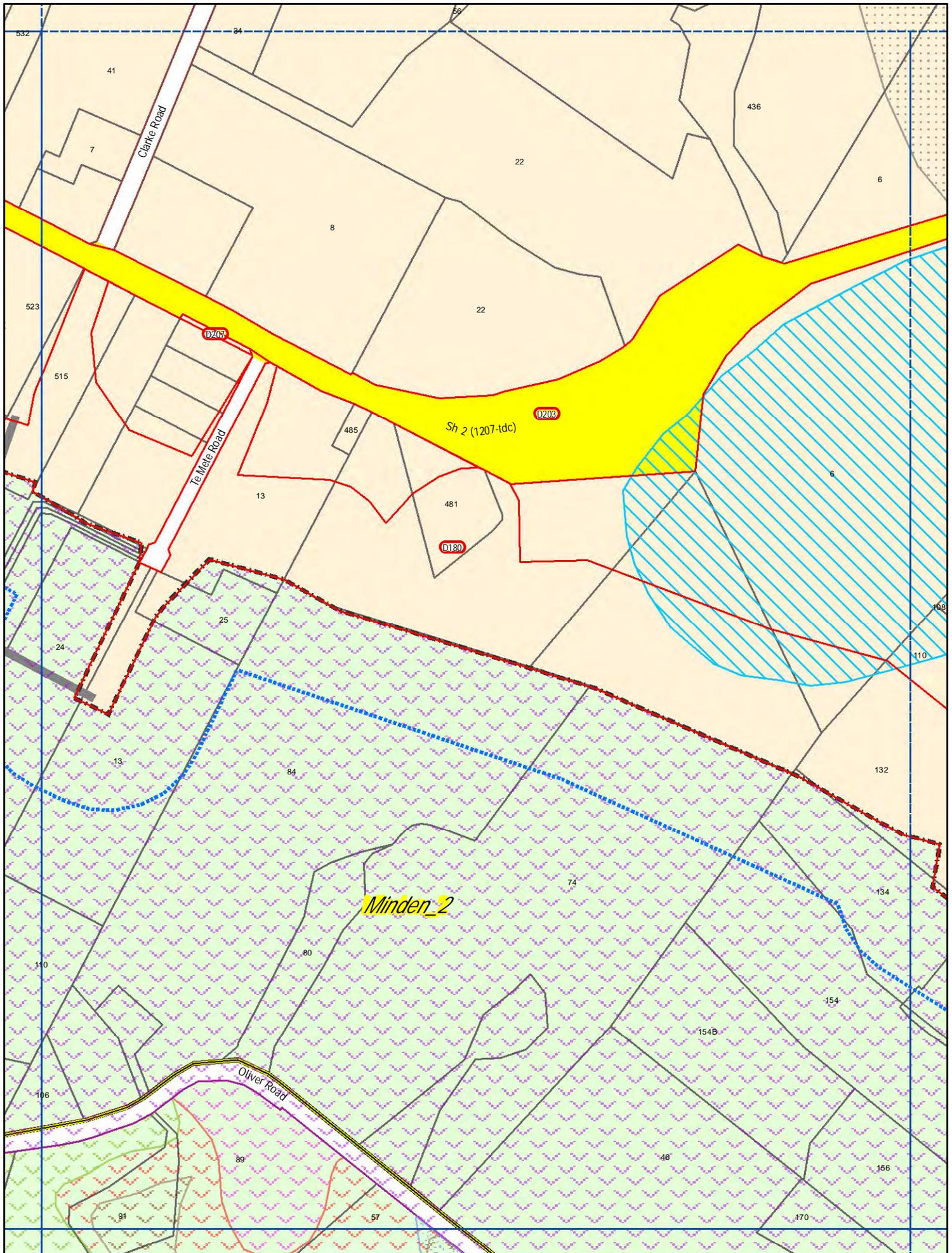
U94

Minden



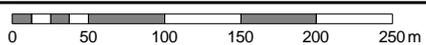
Scale 1:5000 (A4)

Revision Date: 11 August 2012



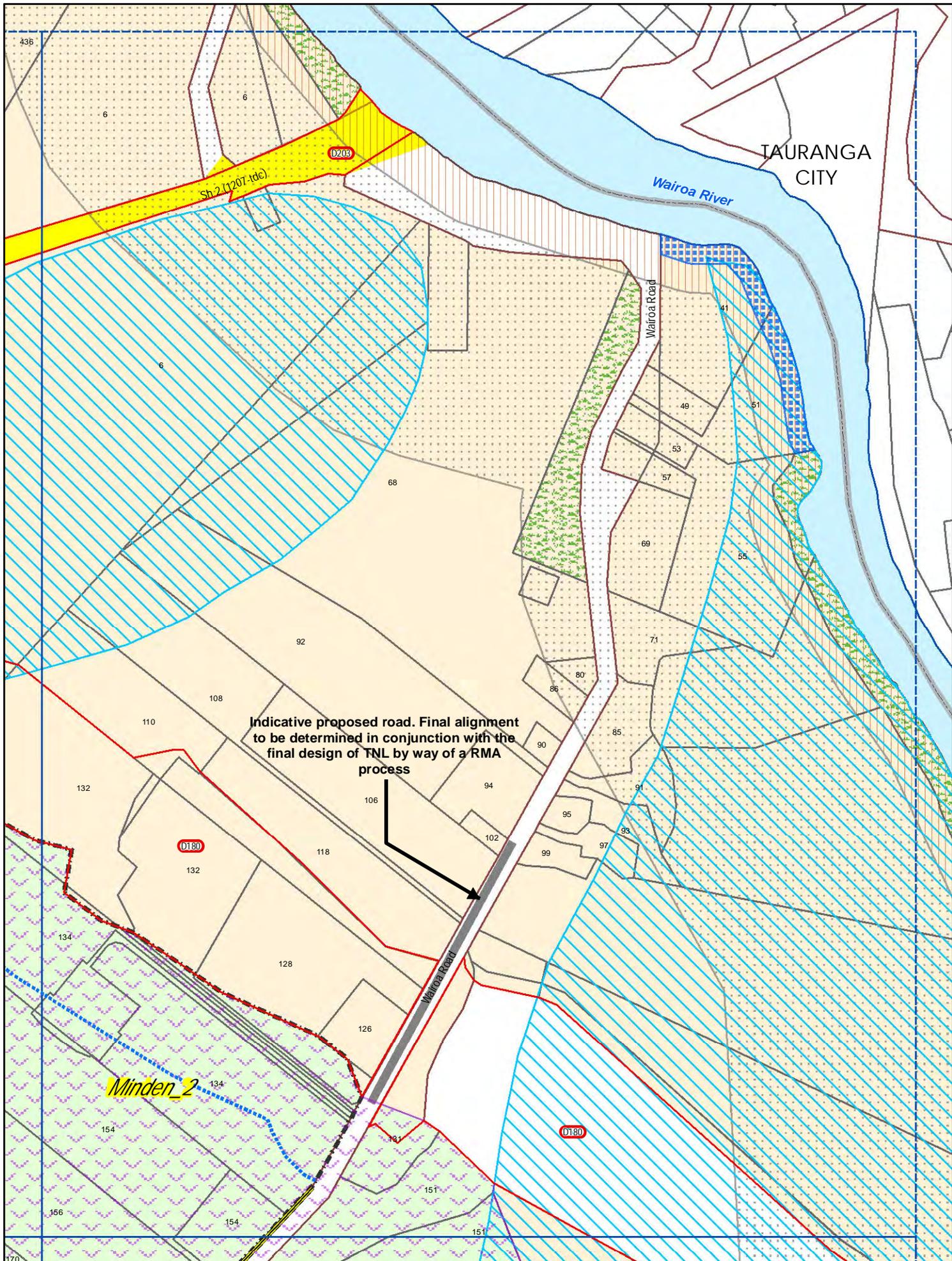
U95

Minden



Scale 1:5000 (A4)

Revision Date: 11 August 2012

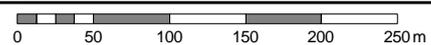


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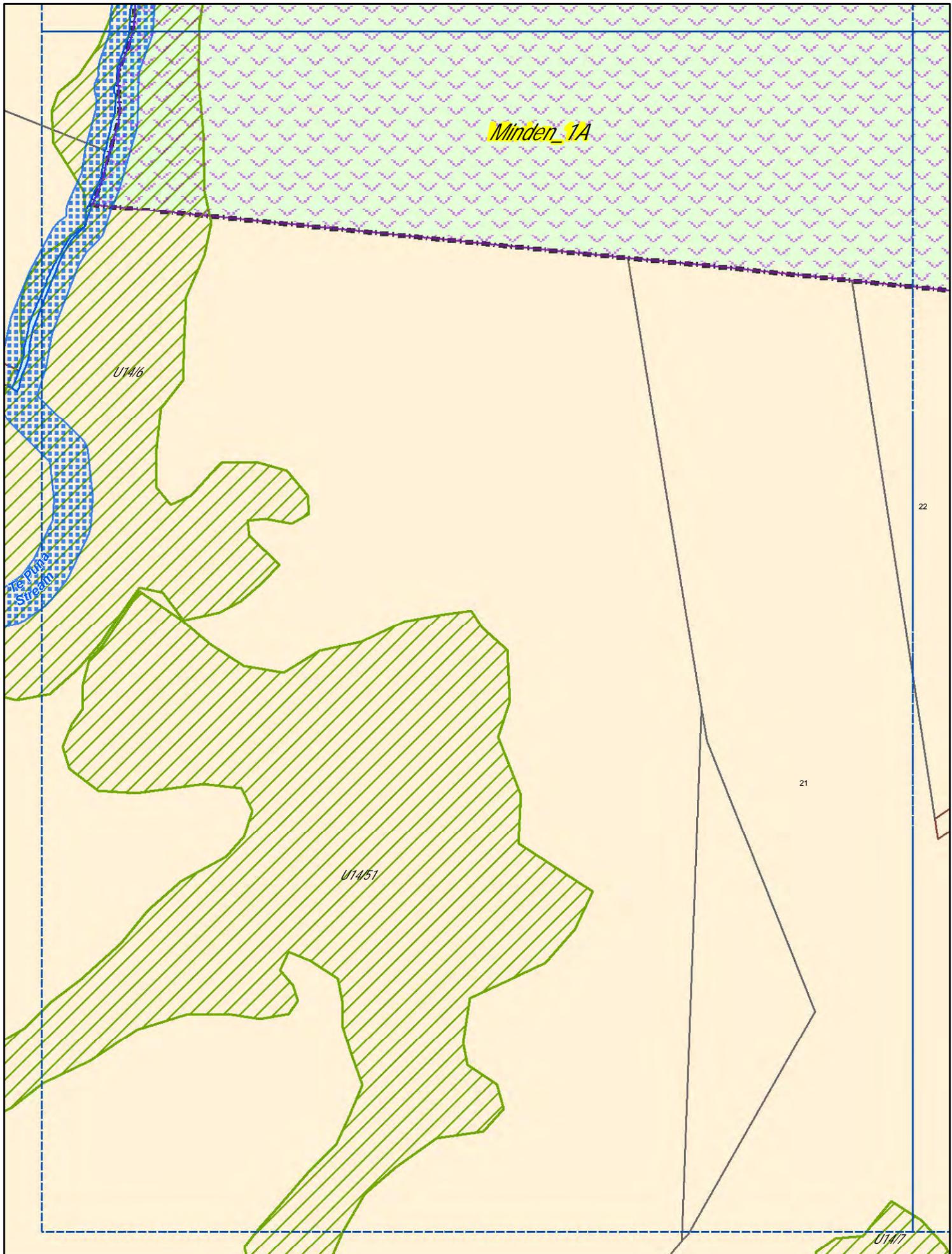
U96

Minden



Scale 1:5000 (A4)

Revision Date: 11 August 2012



U97

Minden



Scale 1:5000 (A4)

Revision Date: 11 August 2012

Minden\_1A

U1A/10

Waiaata Road

21

U1A/7

U98

Minden

U88	U89	U90
U97	U98	U99

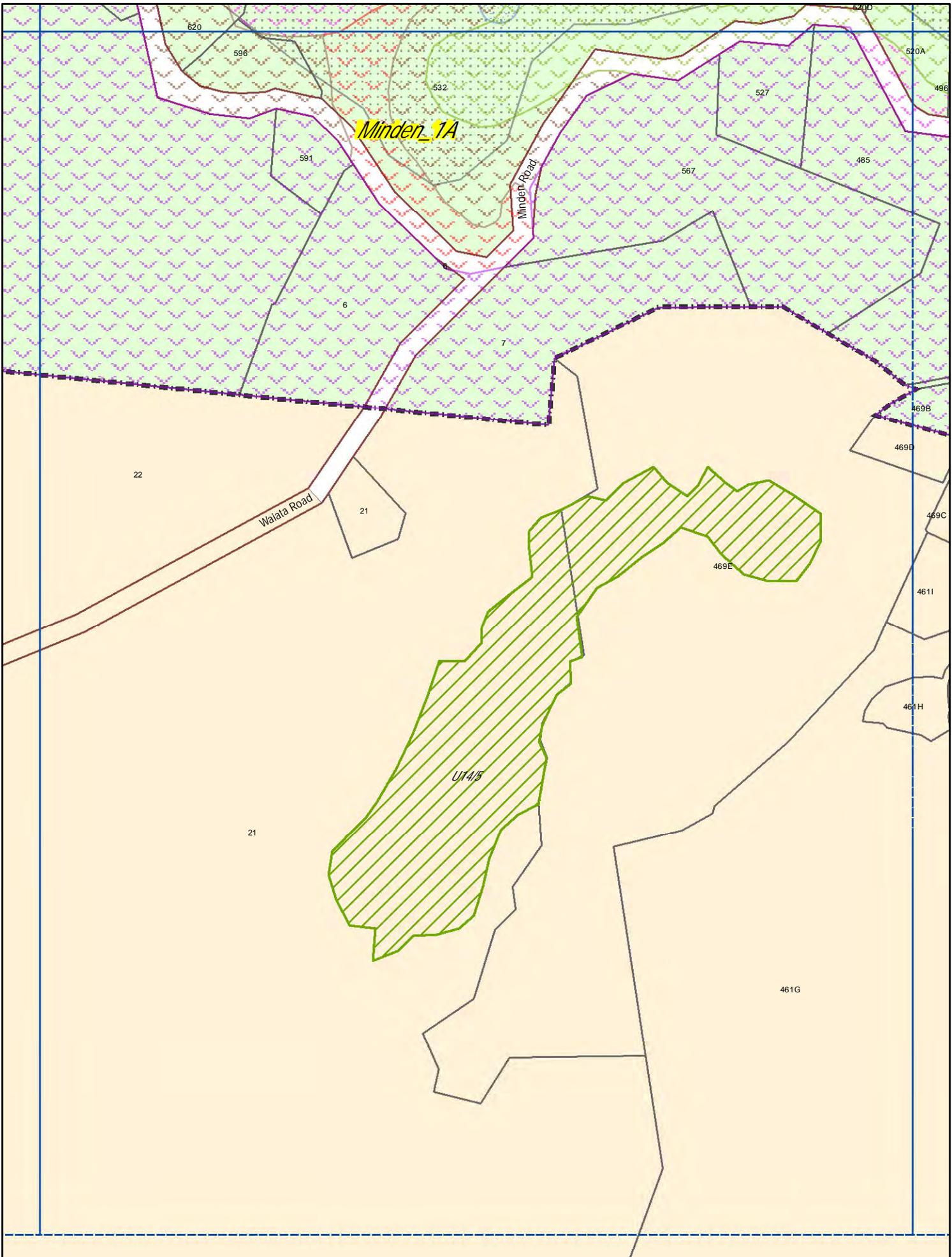


Western Bay of Plenty District Council

Revision Date: 11 August 2012



Scale 1:5000 (A4)



U99

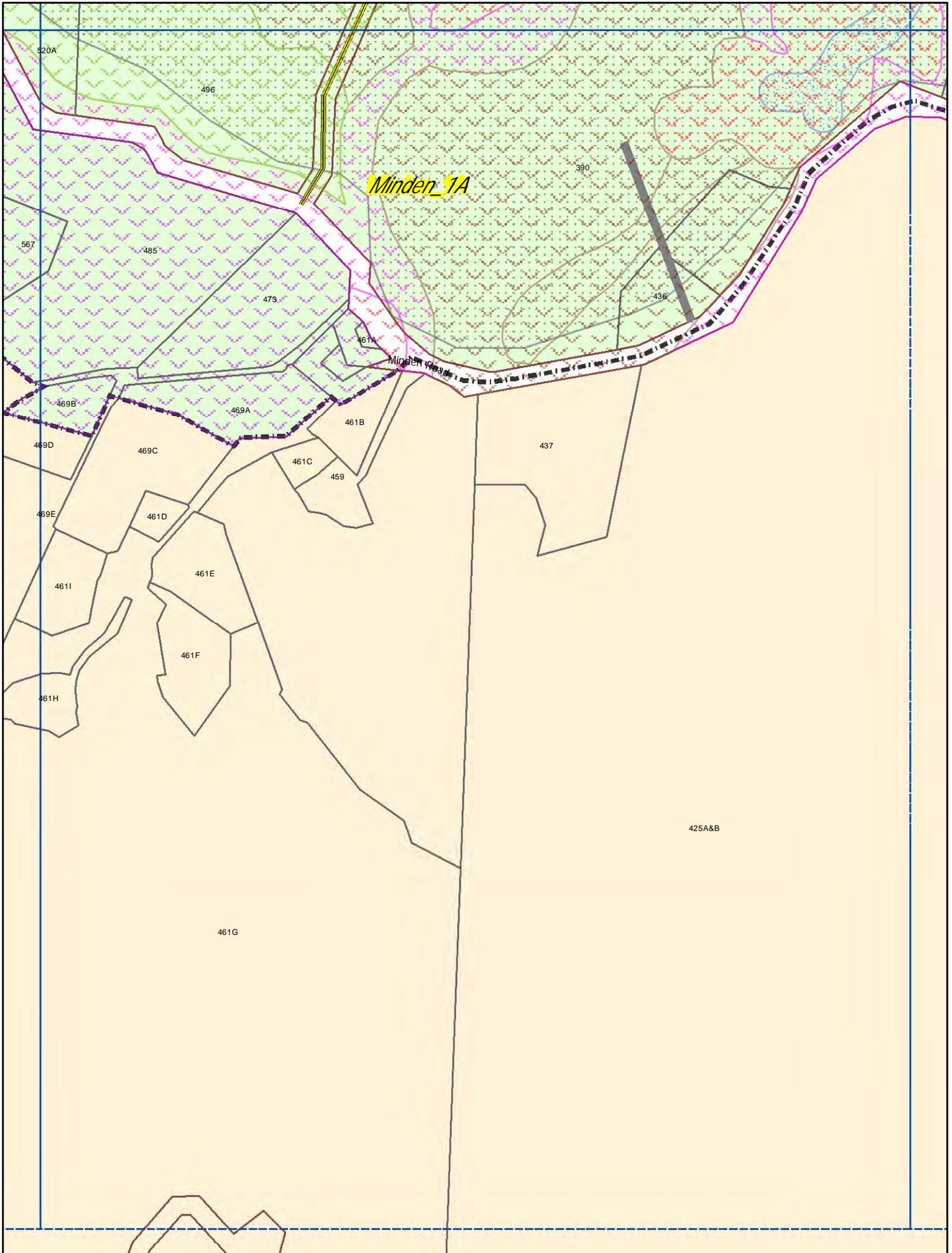
Minden

U89	U90	U91
U98	U99	U100



Scale 1:5000 (A4)

Revision Date: 11 August 2012

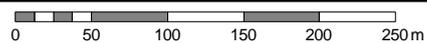
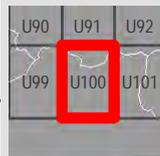


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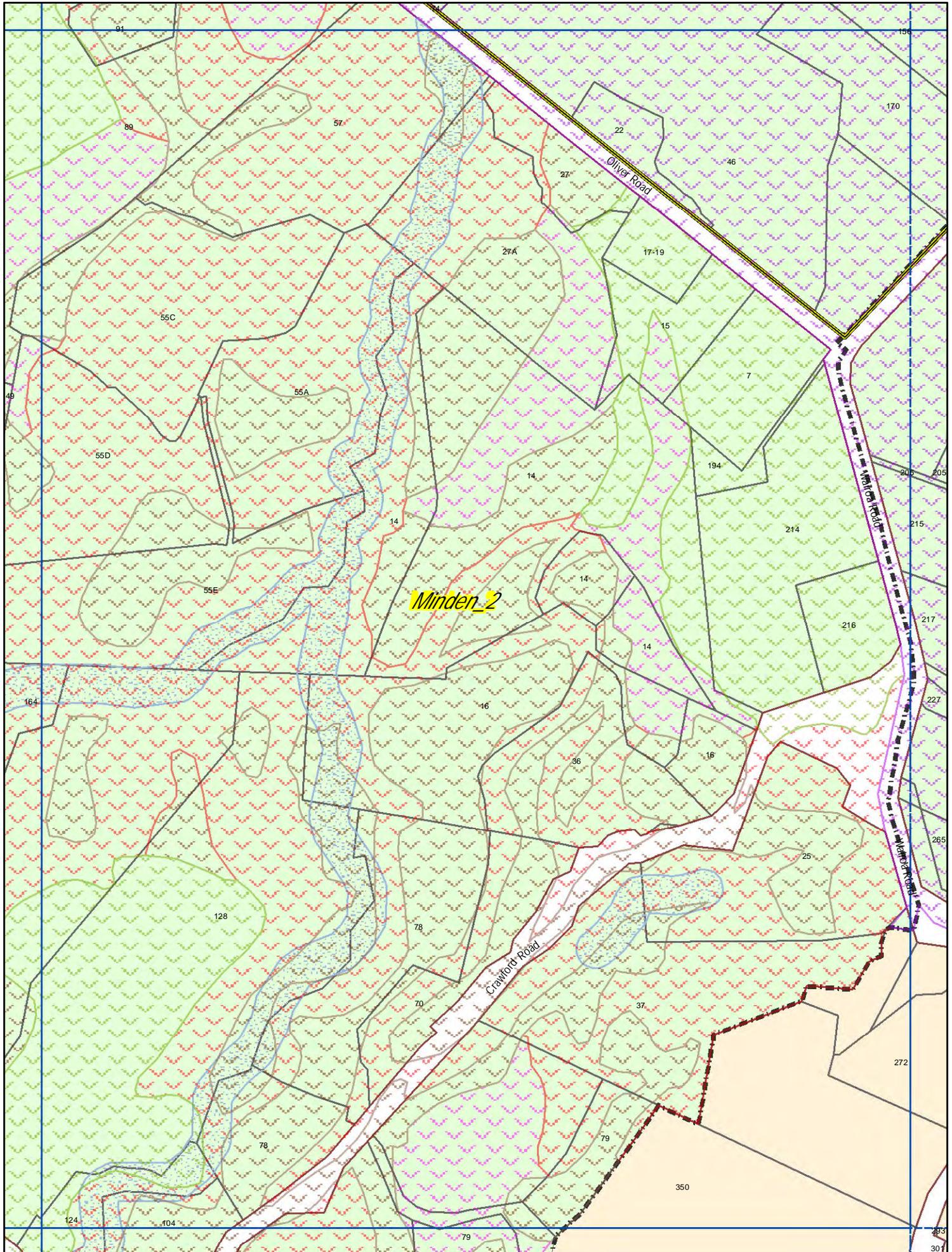
U100

Minden



Scale 1:5000 (A4)

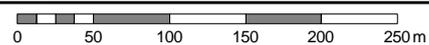
Revision Date: 11 August 2012



U104

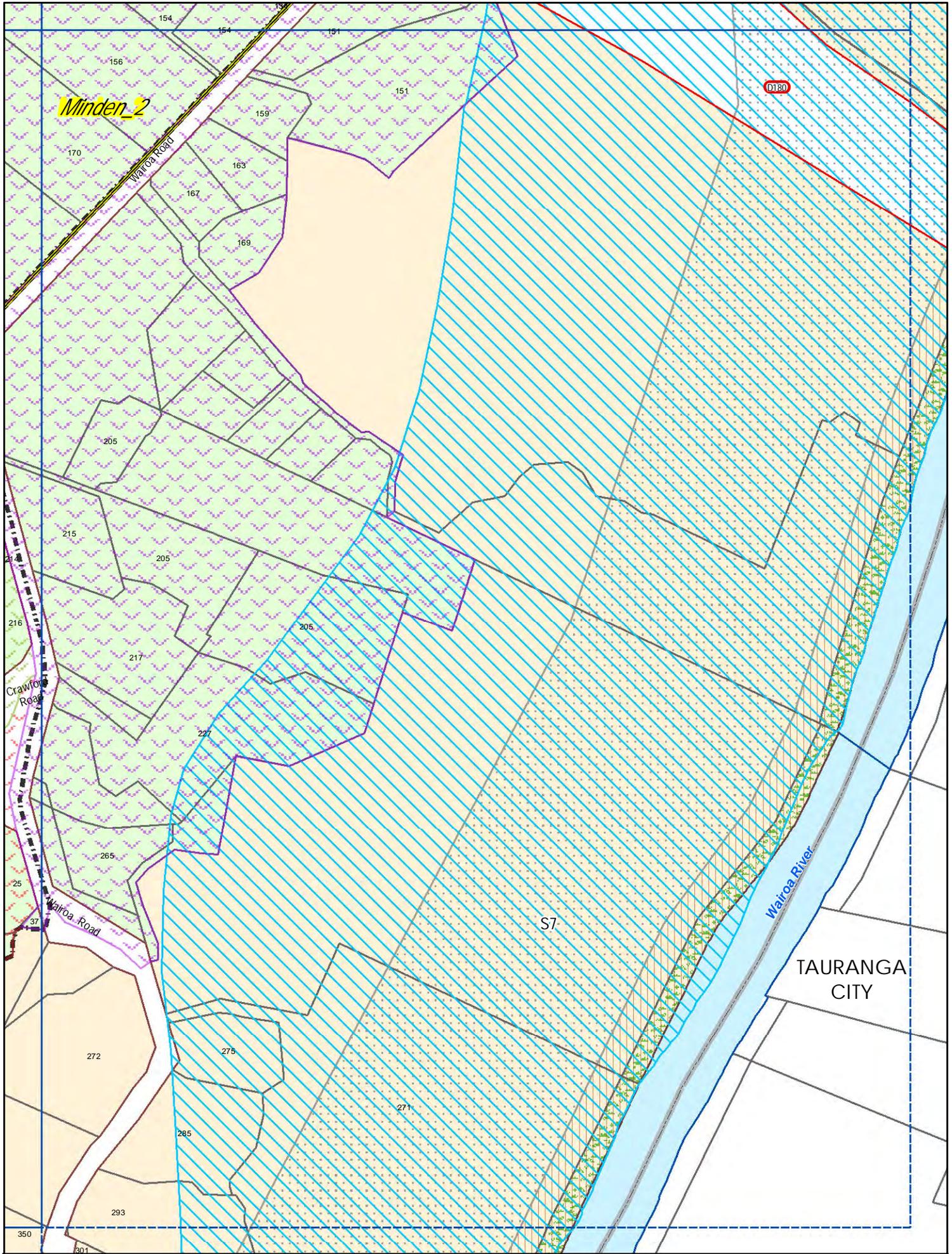
Minden

U94	U95	U96
U103	U104	U105
U107	U108	



Scale 1:5000 (A4)

Revision Date: 11 August 2012



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U105

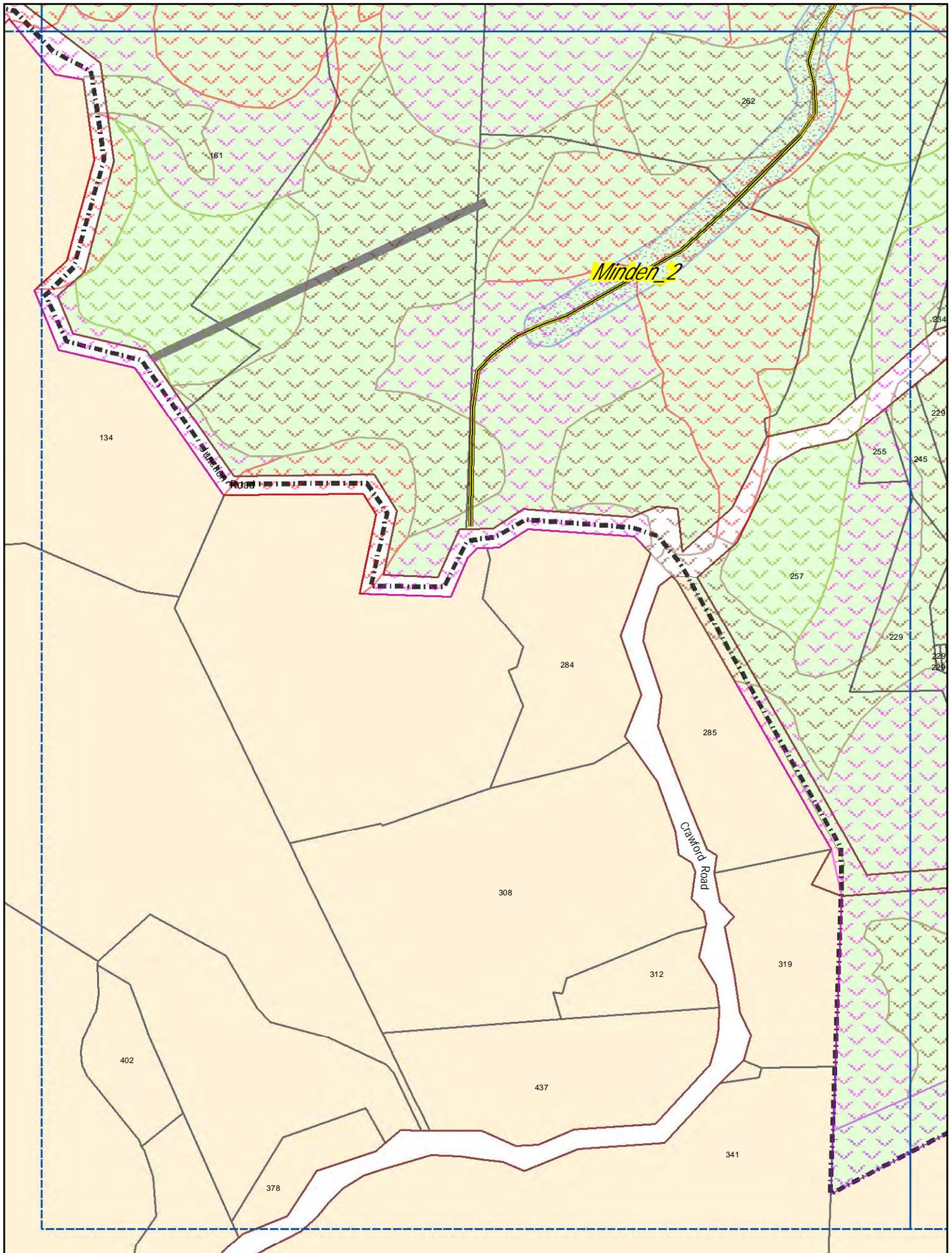
Minden

U95	U96
U104	<b>U105</b>
U108	



Scale 1:5000 (A4)

Revision Date: 11 August 2012



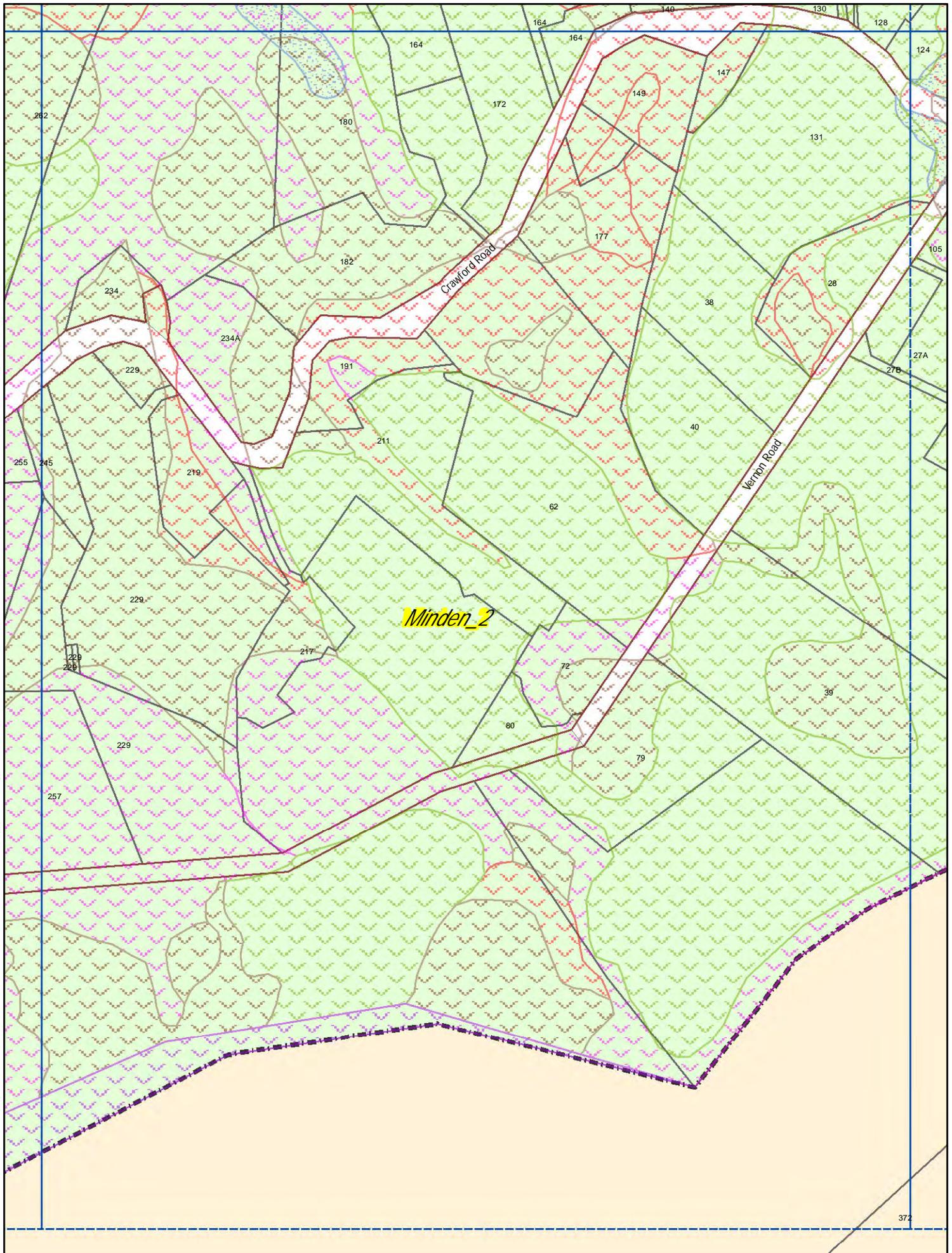
U106

Minden



Scale 1:5000 (A4)

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U107

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Scale 1:5000 (A4)

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