

Plan Change 47 - Lots for Network Utilities, Electricity Generating Infrastructure, Reserves & Public Space

Section 12 – Subdivision and Development

Amend Rule 12.3.2.1 to read as follows:

"12.3.2 Lots for Network Utilities, Electricity Generating Infrastructure, Reserves and Public Open Space – All Zones

12.3.2.1 Controlled Activity Subdivision

~~In any zone, the minimum standards for lots shall not apply in the following cases:~~

As a controlled activity, in any zone, lots can be created for the purposes listed in (a) – (c) below without having to comply with the minimum lot sizes and other minimum standards for lots which would otherwise apply within the zone where the subdivision is being undertaken.

- (a) Where land is for a purpose required by a network utility operator or electricity generator.
- (b) Where land is to be set aside or vested as a reserve.
- (c) Where land is to become public open space owned by *Council*."

Plan Change 48 - Future Urban and Rural Residential Yards for Habitable Buildings

Section 15 - Future Urban

Amend Performance Standard 15.4.1(c) so it reads as follows:

"(c) Yards

- (i) ~~All Dwellings, minor dwellings, accommodation facilities, education facilities – 5m minimum;~~
- (ii) ~~All Other "Structures" – 5m minimum;~~

Provided that:

A building may be located within and up to a side or rear boundary where the written approval of the owner of the immediately adjoining a property to a specified lesser distance is obtained."

Add a restricted discretionary activity for dwellings, minor dwellings, accommodation facilities and education facilities not meeting the minimum yard setback of 5m, as follows;

"15.3.3 Restricted Discretionary Activities

- ~~(x) Any dwelling, minor dwelling, accommodation facility or education facility that fails to comply with performance standard 16.4.1(c)(i).~~

Section 16 - Rural-Residential

Amend Performance Standard 16.4.1(c) so it reads as follows:

"(c) Yards

~~Where no bulk and location standards have been established pursuant to a 'building site' approved on a scheme plan of subdivision, the bulk and location requirements shall apply as follows:~~

- (i) ~~All Dwellings, minor dwellings, accommodation facilities, education facilities – 5m minimum;~~
- (ii) ~~All Other "Structures" – 5m minimum;~~

Provided that:

A building may be located within and up to a side or rear boundary where the written approval of the

owner of the immediately adjoining a property to a specified lesser distance is obtained.”

Add a restricted discretionary activity for dwellings, minor dwellings, accommodation facilities and education facilities not meeting the minimum yard setback of 5m, as follows;

“16.3.3 Restricted Discretionary Activities

(X) Any dwelling, minor dwelling, accommodation facility or education facility that fails to comply with performance standard 16.4.1(c)(i).”

Plan Change 49 - Waihi Beach Town Centre - Gross Floor Area Increases

Section 19 – Commercial

Amend Performance Standard 19.4.3(a) to read as follows:

“In addition to the Activity Performance Standards included in 19.4.1 General, the following apply to the Waihi Beach town centre, situated in Wilson Road between the intersection with Citrus Avenue on the western side and Snell Crescent and Dillon Street on the eastern side.

- (a) To retain the village feel and character of the Waihi Beach Town Centre along Wilson Road, commercial buildings in the town centre should:
 - (i) Have a continuous shop frontage;
 - (ii) Have commercial/retail activities with displays facing the street and/or Two Mile Creek;
 - (iii) Have a variety of cladding materials and limit glass surfaces to not more than 60%;
 - (iv) *Buildings* should not have advertising displays above a level of 4.5m above street level;
 - (v) All new *development* should have some form of pitched roof with large overhangs to make the roof appear light and reduce the impact of bulk of the *building*;

Except that:

These rules do not apply to existing *buildings* having minor alterations or extensions provided the *gross floor area* does not increase in scale by more than 10%.

For the purpose of the exemption above “existing” shall mean the existing *building* as approved by way of the most recent building consent for which an application was lodged prior to XXXX (the date of Plan Change 49 becoming operative.”

Plan Change 50 - Definition of Kennels/Catteries

Section 3 – Definitions

Amend the existing definition of “Kennels/Catteries” as follows:

“Kennels/Catteries” means land and *buildings* used for the ~~boarding and/or breeding~~ commercial accommodation and/or care of cats, dogs and other domestic pets.”

Plan Change 51 - Radio and Telecommunication Facilities Attached to a Building/Structure

Section 10 – Infrastructure, Network Utilities and Designations

Make the following changes to clauses (s), (t) and (u) of the table in Section 10.3;

- (s) When attached to a *building/structure* (other than a mast, pole or aerial) ~~falling within the District Plan definition of "building/structure" permitted within an activity zone,~~ that complies with the maximum height for the zone ~~for in~~ which ~~it~~ the building/structure is or will be located, the following are provided for and may exceed the maximum height for the zone:
- (i) ~~Radio and telecommunication a~~ Aerials up to 4m in height;
 - (ii) Dishes not exceeding 1.8m in diameter for Residential/Future Urban/Rural Residential/Lifestyle Zones, and 5m in diameter for all other zones;
 - (iii) Antennas not exceeding 1.2m² in area for Residential/Future Urban and Rural Residential, and not exceeding 2m² in all other zones.
- (t) When attached to a building/structure (other than a mast, pole or aerial) that complies with the maximum height for the zone in which the building/structure is or will be located, a ~~T~~telecommunication or ~~and~~ radio communication facility facilities not covered by sub-clauses (i)-(iii) of clause (s) above, can exceed the maximum height ~~limit for~~ of the zone in which it will be located provided it is contained within the following dimensions:
- (i) Residential Zones – 2m high x 1m wide x 1m long ie 2m³ in volume;
 - (ii) All other zones – 5m high x 1m wide x 1m long ie 5m³ in volume.
- (u) Any ~~T~~telecommunication and or radio communication facility facilities (including aerials, antennas, dish antennas and associated mounts) attached to a buildings/structures in (s) and (t) above and which fails to comply with either (s) or (t) above."

Plan Change 52 - Protection Lot Rule

Section 18 – Rural

Amend the protection lot rule (18.4.2 (h)) as shown on the following pages;

Strikeout/Underline Version

This shows the proposed changes to the protection lot rule as follows;

New rules

~~Deletion of existing rules~~

Existing rules (unchanged) in a new location

~~Existing rules (unchanged) removed from their existing location~~

Clean Version

This shows the protection lot rule as it would appear in the District Plan.

18.3 Activity Lists

18.3.2 Controlled Activities

- (k) ~~Protection lot subdivision for up to two additional lots off a sealed road as specified in Rule 18.4.2(h)(ii)1.~~

On-site protection lot subdivision (excluding Matakana Island) for up to two additional lots in accordance with Rules 18.4.2(h)(i)-(ii) when based on ecological features, viewshafts, cultural features, or land for the provision of esplanade reserves and strips in accordance with Rules 18.4.2(h)(iv)-(vii) and Rule 18.4.2(ix).

18.3.3 Restricted Discretionary Activities

- (d) On-site protection lot subdivision (excluding Matakana Island) for up to two additional lots in accordance with Rules 18.4.2(i)-(ii) when based solely on land for expansion of or access to reserves or in combination with another feature of value to the community in accordance with Rules 18.4.2(h)(iv)-(viii) and Rule 18.4.2(ix).

- (e) On-site protection lot subdivision (excluding Matakana Island) for up to five additional lots in accordance with Rule 18.4.2(h)(i)-(ii) when based on any feature or features of value to the community in accordance with Rules 18.4.2(h)(iv)-(viii) and Rule 18.4.2(ix).

18.3.4 Discretionary Activities

- (m) ~~Subdivision specified in Rule 18.4.2(h) Protection Lot Subdivision, excluding Matakana Island.~~

On-site protection lot subdivision (excluding Matakana Island) for up to five additional lots when not in accordance with Rules 18.4.2(h)(i)-(ii), 18.4.2(iv)-(viii), or 18.4.2(ix).

- ~~(q) Protection Lot subdivision not complying with 18.4.2(h)(ii);~~

18.4.2 Subdivision Activity Performance Standards (see Section 12)

(h) Protection lots

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

(i) Application Purpose

~~Over and above what other rural subdivision rules provide for, additional lots on-site Protection Lots for subdivision in the Rural Zone, or Transferable Protection Lot credits for subdivision within the Lifestyle Zone, may be created from a qualifying existing lot within the Rural Zone in conjunction with the legal protection in perpetuity of a significant natural or other existing feature of value to the community, as follows:~~

~~On-site Protection Lots within the Rural Zone maximum of 5 additional lots. The feature to be protected must be within the land being subdivided.~~

~~One or more Transferable Protection Lot credits to be used in conjunction with the subdivision of land within the Lifestyle Zone, subject to compliance with the requirements for subdivision in that Zone (refer Section 17).~~

~~In both the foregoing clauses, clause (vi) of this rule shall apply where the additional lots or credits are being created in conjunction with the protection of an ecological feature.~~

In the context of this rule a "feature of value to the community" is deemed to be:

- ~~1. An Identified Significant Feature as specified in the District Plan (see Appendices 1, 2, and 3).~~
- ~~2. Other cultural heritage or ecological features subject to clause (iv) of this rule. In the case of ecological features, this may include previously degraded ecological sites that through enhancement or restoration~~

can at the time of application be proven to meet the requirements of clause (iv).

~~In the case of cultural heritage features, these are items of historic heritage (as defined in section 2 of the RMA) which are of cultural significance to Maori, including wahi tapu.~~

3. ~~Land for the expansion of, or access to, reserves.~~

Explanatory Note:

Enhancement means improving the existing qualities and values of an area that are ecological, cultural, and/or related to amenity. Restoration will have a corresponding meaning.

Enhancement or restoration means improvement to a level which meets the qualifying criteria for ecological features set out in section 18.4.2(h)(iv)(1)(b).

1. Identified Significant Ecological Features as listed in Appendix 1 of the District Plan or other ecological features which at the time of application are demonstrated as complying with the respective provisions of this rule applying to such features.

- Tall forest
- Regenerating forest
- Secondary shrub land
- Riparian margins
- Wetlands

2. Identified Outstanding Viewshafts as listed in Appendix 2 of the District Plan.

3. Identified Significant Cultural Heritage Features as listed in Appendix 3 of the District Plan or other cultural heritage features which at the time of application are demonstrated as complying with the respective provisions of this rule applying to such features.

4. Land for the provision of esplanade reserves or esplanade strips as listed in Appendix 4A of the District Plan.

5. Land for the expansion of, or access to, reserves.

Except that;

On-site Protection Lots or Transferable Protection Lot credits shall not be created from any land that has been designated in the District Plan (for any purpose), or is classified under the Reserves Act 1977, or is subject to the Conservation Act 1987.

~~(ii) Qualifying standards for controlled onsite protection lot subdivision~~

~~Up to two additional lots may be created through an on-site Protection Lot subdivision within the Rural Zone, subject to each lot complying with the following:~~

- ~~1. Vehicle access shall be to an existing sealed road, excluding a State Highway;~~
- ~~2. Maximum lot size shall be 1ha.~~

~~(iii) Qualifying features~~

- ~~1. This rule shall apply to features according to their respective lot boundaries as existed at 1 August 1992.~~
- ~~2. Within the subject title, where an ecological feature exceeds the size criteria in (iv)1(b) or (vi) below then the entire feature shall be protected under this rule.~~
- ~~3. Where the feature being protected is capable of realising more than one protection lot, credits will be given for additional lots. These credits are able to be used in the Lifestyle Zone only.~~

~~(ii) Standards for on-site Protection Lot subdivision in the Rural Zone~~

- ~~1. The feature or features to be protected must be within the land being subdivided;~~
- ~~2. Vehicle access shall be to an existing sealed road, excluding a State Highway;~~
- ~~3. Maximum lot size shall be 1ha.~~

(iii) Use of Transferable Protection Lot credits for subdivision in the Lifestyle Zone

1. In addition to or instead of the creation of on-site Protection Lots, one or more Transferable Protection Lot credits may be created for the subdivision of land within the Lifestyle Zone, subject to compliance with the requirements for subdivision in that Zone (refer Section 17).
2. Where multiple credits are created and not all are able to be used for a subdivision of land within the Lifestyle Zone, credits will be given for future subdivisions of land within the Lifestyle Zone.
3. For credits created on or after 30 January 2010, the credits will expire five years from the date of issue of the consent or five years after the date ~~of that~~ the Minden Lifestyle Zone Structure Plan ~~being made~~ became operative (16 June 2012), whichever is the later.
4. For credits created prior to 30 January 2010 the following applies:
 - (a) The credit will expire ten years from the date ~~of that~~ the Minden Lifestyle Zone Structure Plan ~~being made~~ became operative (16 June 2012).
 - (b) Thirty percent of the total credits (calculated per donor lot) may be used in conjunction with Rule 18.4.2(f).

(iv) Standards for the creation of on-site Protection Lots or Transferable Protection Lot credits based on ecological features

~~1. Ecological Features~~

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

report prepared by the certifier detailing the attributes of the feature recommended for preservation and include a management plan specifying any protective or enhancement measures deemed necessary.

~~(b)~~—Criteria for ecological features

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

- a) Representativeness - the extent to which an area is characteristic or representative of natural diversity;
- b) Diversity and pattern - the diversity of species and community types;
- c) Shape - larger areas with a compact shape are more likely to be ecologically viable;
- d) Ecological viability and sustainability - the likelihood of an area remaining ecologically viable and the management input necessary for long term sustainability;
- e) Naturalness - degree of modification as compared with likely original unmodified character.
- f) Rarity and special features - presence of rare community types, species or other rare features;
- g) Fragility and threat - threat processes or agents (actual or potential) that are likely to destroy or substantially modify the feature, and the vulnerability of the feature to damage;
- h) Ecological context – the extent to which an area is buffered from modifying influences, or provides a key buffer for other ecological areas, or the

connectivity role that site provides for the wider landscape;

- i) Long term viability – the extent to which the features of the area will maintain themselves in the long term.

Explanatory Note:

Riparian areas margins only need to meet criteria ~~(v)~~ (e) and ~~(ix)~~ (h) above to qualify.

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

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

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

Explanatory Note:

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

3. Minimum feature sizes for the creation of a single on-site Protection Lot or Transferable Protection Lot credit and minimum average feature sizes for the creation of two to five on-site Protection Lots or any number of Transferable Protection Lot credits dependant on whether the feature is identified in Appendix 1 of the District Plan as significant or whether it can be identified as an 'other ecological feature' are shown in the table below.

Feature Type	Minimum feature sizes for the creation of a single on-site Protection Lot or Transferable Protection Lot credit	Minimum feature sizes for the creation of two to five on-site Protection Lots, or any number of Transferable Protection Lot credits				
		Avg	2	3	4	5
Significant Ecological						
<i>Tall Forest</i>	3ha	6ha	12ha	18ha	24ha	30ha
<i>Regenerating Forest</i>	4ha	8ha	16ha	24ha	32ha	40ha
<i>Secondary Shrub Land</i>	5ha	10ha	20ha	30ha	40ha	50ha
<i>Riparian Margins (above MHWS)</i>	500m in length 20m wide	1km 20m	2km 20m	3km 20m	4km 20m	5km 20m
<i>Wetlands (above MHWS)</i>	0.5ha surrounded by a 10m indigenous buffer	1ha 10m	2ha 10m	3ha 10m	4ha 10m	5ha 10m
Other Ecological						
<i>Tall Forest</i>	5ha	10ha	20ha	30ha	40ha	50ha
<i>Regenerating Forest</i>	8ha	16ha	32ha	48ha	64ha	80ha
<i>Secondary Shrub Land</i>	10ha	20ha	40ha	60ha	80ha	100ha
<i>Riparian Margins (above MHWS)</i>	500m in length 20m wide	1km 20m	2km 20m	3km 20m	4km 20m	5km 20m
<i>Wetlands (above MHWS)</i>	0.5ha surrounded by a 10m indigenous buffer	1ha 10m	2ha 10m	3ha 10m	4ha 10m	5ha 10m
Notes						
<ol style="list-style-type: none"> 1. The creation of further Transferable Protection Lot credits shall be allowed in accordance with the average specified for the particular feature type. 2. The width of <i>riparian margins</i> is measured from 20m landward of the stream edge on one side. When a stream is wholly contained within one title the length of the <i>riparian margin</i> is the combined total length of the <i>riparian margins</i> on each side of the stream. 3. <i>Wetlands</i> less than 2ha require a minimum of 10m indigenous buffer (larger areas may be required where topography dictates). This buffer must be established prior to being eligible for a Protection Lot. <i>Wetlands</i> equal to or greater than 2ha require a buffer area of a suitable width prescribed by the certifying ecologist and must be established prior to obtaining Section 224 consent. 						

4. Within the subject existing lot, where an ecological feature exceeds the above sizes then the entire feature shall be protected.

(v) Standards for the creation of on-site Protection Lots or Transferable Protection Lot credits based on viewshafts

~~2.~~ **Viewshafts**

- ~~1.~~ In the case of *Viewshafts* referred to in Appendix 2 Certification from an appropriately qualified independent person that the feature in question still exists in terms of the description as provided in Appendix 2 shall be submitted with the application for subdivision consent.
- ~~2.~~ The whole of the *viewshaft* falling within the subject existing *lot* shall be protected.
- ~~3.~~ No more than one on-site Protection Lot or Transferable Protection Lot credit per *lot* shall be created under this clause.

(vi) Standards for the creation of on-site Protection Lots or Transferable Protection Lot credits based on cultural heritage features

~~3.~~ **Cultural Heritage Features**

- ~~1.~~ In the case of Identified Significant **Historic Cultural** Heritage Features referred to in Appendix 3 certification from an appropriately qualified independent person that the feature in question still exists in terms of the description as provided in Appendix 3 shall be submitted with the application for subdivision consent.
- ~~2.~~ With respect to cultural heritage features not listed in Appendix 3, the feature in question shall be certified by an appropriately qualified and experienced person as being of such cultural or archaeological significance as to warrant preservation in perpetuity. Such certification shall be accompanied by a report prepared by the certifier detailing the attributes of the feature recommended for preservation and shall include:

- ~~(a)~~ Endorsement from an authorised representative

of the recognised tangata whenua for the area in question;

(b) A management plan specifying any protective or enhancement measures deemed necessary.

3. The whole of the cultural heritage feature falling within the subject existing lot shall be protected.

4. No more than one on-site Protection Lot or Transferable Protection Lot credit per lot shall be created under this clause.

(vii) Standards for the creation of on-site Protection Lots or Transferable Protection Lot credits based on the provision of land for esplanade reserves and esplanade strips as listed in Appendix 4A of the District Plan.

1. Minimum feature sizes for the creation of a single on-site Protection Lot or Transferable Protection Lot credit and minimum average feature sizes for the creation of two to five on-site Protection Lots or any number of Transferable Protection Lot credits are shown in the table below.

Feature Type	Minimum feature sizes for the creation of a single on-site Protection Lot or Transferable Protection Lot credit	Minimum feature sizes for the creation of two to five on-site Protection Lots, or any number of Transferable Protection Lot credits				
		Avg	2	3	4	5
<u>Esplanade Reserves/Strips In Appendix 4A</u>	<u>500m in length 20m wide</u>	<u>1km 20m</u>	<u>2km 20m</u>	<u>3km 20m</u>	<u>4km 20m</u>	<u>5km 20m</u>
Note <u>The creation of further Transferable Protection Lot credits shall be allowed in accordance with the average specified for the particular feature type.</u>						

2. Any esplanade reserve or strip identified in Appendix 4A is able to be combined with any other esplanade reserve or strip identified in Appendix 4A with the express intention of combining their lengths to meet the specified minimum feature size for a single on-site Protection Lot or Transferable Protection Lot credit.

3. Where esplanade reserves or strips have been combined to meet the minimum feature size in accordance with the above, all of the esplanade reserves or strips will be protected and the single on-site Protection Lot or Transferable Protection Lot credit shall only benefit one of the contributing lots.
4. Within the subject existing lot or lots, where an esplanade reserve or strip exceeds the above sizes then the entire feature or features shall be protected.

Advice Note: Esplanade reserves and esplanade strips created through this rule will not receive compensation in accordance with section 237E(2) of the RMA.

(viii) Standards for the creation of on-site Protection Lots or Transferable Protection Lot credits based on land for expansion of, or access to, reserves

~~4. **Land for expansion of, or access to, reserves**~~

~~1. In the case of land for expansion of, or access to, reserves, certification from an appropriately qualified independent person that the feature in question meets the criteria below shall be submitted with the application for subdivision consent.~~

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

3. Minimum feature sizes for the creation of a single on-site Protection Lot or Transferable Protection Lot credit and minimum average feature sizes for the creation of two to five on-site Protection Lots or any number of Transferable Protection Lot credits are shown in the table below. and multiple lot entitlement is the same as for the following ecological features:

~~(a) Access equates to *Riparian Margins*~~

~~(b) Expansion of reserves equates to *Wetlands*~~

Feature Type	Minimum feature sizes for the creation of a single on-site Protection Lot or Transferable Protection Lot credit	Minimum feature sizes for the creation of two to five on-site Protection Lots, or any number of Transferable Protection Lot credits				
		Avg	2	3	4	5
<u>Access to an existing or proposed reserve or esplanade reserve or strip</u>	6m wide 500m long	N/A	N/A	N/A	N/A	N/A
<u>Expansion of an existing reserve</u>	0.5ha	1ha	2ha	3ha	4ha	5ha
Note <u>The creation of further Transferable Protection Lot credits shall be allowed in accordance with the average specified for the particular feature type.</u>						

~~(v) — Buffering on Wetlands~~

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

~~(vi) — Number of lots~~

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

Multiple Lots Features listed as significant in the District Plan:

Feature Type	Feature Size Requirement per lot
<i>Fall Forest</i>	6ha
<i>Regenerating Forest</i>	8ha
<i>Secondary Shrubland</i>	10ha

Riparian Margins	1km
Wetlands	1ha

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

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

(ix) Legal protection

Legal protection in perpetuity of the relevant feature of value to the community shall be achieved by way of a condition imposed on the subdivision consent requiring a Consent Notice, Memorandum of Encumbrance or similar legal instrument such as a QEII covenant, heritage covenant or esplanade strip to be registered on the title of the land concerned, or the vesting of land into crown or territorial authority ownership. The type of instrument and the level of protection provided by it must be to the satisfaction of the *Council* and where relevant is to be registered on the title of the land containing the feature to be protected. All costs associated with compliance with this requirement shall be met by the applicant;

(viii) ~~Exclusions~~

~~This rule shall not apply to any land that has been designated in the District Plan (for any purpose), or is classified under the Reserves Act 1977, or is subject to the Conservation Act 1987.~~

18.5 Matters of Discretion

18.5.1 Restricted Discretionary Activities – non-compliance with activity performance standards

With respect to ~~a Restricted Discretionary Activity~~ or any Permitted or Controlled Activity which fails to comply with any activity performance standard listed in 18.4, *Council's* discretion is restricted to the actual or potential adverse effects arising from the particular non-compliance, having regard to the extent and nature of the non-compliance.

18.5.11 Restricted Discretionary Activities – Protection Lot Subdivision

- (a) With respect to on-site Protection Lot subdivision, Council shall restrict its discretion to the extent to which the number, size and location of the *lots*:
 - (i) Maintains the productive capability of the rural land resource, in particular where *lots* greater than 1ha in area are proposed to be created;
 - (ii) Maintains existing rural character and amenity values;
 - (iii) Avoids the creation of adverse traffic and roading effects.

- (b) With respect to on-site Protection Lot subdivision or the creation of Transferable Protection Lot credits based on expansion of or provision of access to reserves under Rule 18.4.2(h)(viii):
 - (ii) Whether the reserve is in a strategic location and there would be a clear public benefit resulting from the additional land or provision of access;
 - (iii) The extent to which the proposal is consistent with any existing reserve management plan or other related *Council* reserves plan or strategy.

18.3 Activity Lists

18.3.2 Controlled Activities

- (k) On-site protection lot subdivision (excluding Matakana Island) for up to two additional *lots* in accordance with Rules 18.4.2(h)(i)-(ii) when based on ecological features, viewshafts, cultural features, or land for the provision of esplanade reserves and strips in accordance with Rules 18.4.2(h)(iv)-(vii) and Rule 18.4.2(ix).

18.3.3 Restricted Discretionary Activities

- (d) On-site protection lot subdivision (excluding Matakana Island) for up to two additional *lots* in accordance with Rules 18.4.2(i)-(ii) when based solely on land for expansion of or access to reserves or in combination with another feature of value to the community in accordance with Rules 18.4.2(h)(iv)-(viii) and Rule 18.4.2(ix).
- (e) On-site protection lot subdivision (excluding Matakana Island) for up to five additional *lots* in accordance with Rule 18.4.2(h)(i)-(ii) when based on any feature or features of value to the community in accordance with Rules 18.4.2(h)(iv)-(viii) and Rule 18.4.2(ix).

18.3.4 Discretionary Activities

- (m) On-site protection lot subdivision (excluding Matakana Island) for up to five additional *lots* when not in accordance with Rules 18.4.2(h)(i)-(ii), 18.4.2(iv)-(viii), or 18.4.2(ix).

18.4.2 Subdivision Activity Performance Standards (see Section 12)

(h) Protection lots

(i) Purpose

Over and above what other rural subdivision rules provide for, additional on-site Protection Lots for subdivision in the Rural Zone, or Transferable Protection Lot credits for subdivision within the Lifestyle Zone, may be created from a qualifying existing *lot* within the Rural Zone in conjunction with the legal protection in perpetuity of a feature of value to the community.

In the context of this rule a "feature of value to the community" is deemed to be:

1. Identified Significant Ecological Features as listed in Appendix 1 of the District Plan or other ecological features which at the time of application are demonstrated as complying with the respective provisions of this rule applying to such features.
 - *Tall forest*
 - *Regenerating forest*
 - *Secondary shrub land*
 - *Riparian margins*
 - *Wetlands*
2. Identified Outstanding *Viewshafts* as listed in Appendix 2 of the District Plan.
3. Identified Significant Cultural Heritage Features as listed in Appendix 3 of the District Plan or other cultural heritage features which at the time of application are demonstrated as complying with the respective provisions of this rule applying to such features.
4. Land for the provision of esplanade reserves or esplanade strips as listed in Appendix 4A of the District Plan.
5. Land for the expansion of, or access to, reserves.

Except that;

On-site Protection Lots or Transferable Protection Lot credits shall not be created from any land that has

been designated in the District Plan (for any purpose), or is classified under the Reserves Act 1977, or is subject to the Conservation Act 1987.

(ii) Standards for on-site Protection Lot subdivision in the Rural Zone

1. The feature or features to be protected must be within the land being subdivided;
2. Vehicle access shall be to an existing sealed road, excluding a State Highway;
3. Maximum *lot* size shall be 1ha.

(iii) Use of Transferable Protection Lot credits for subdivision in the Lifestyle Zone

1. In addition to or instead of the creation of on-site Protection Lots, one or more Transferable Protection Lot credits may be created for the subdivision of land within the Lifestyle Zone, subject to compliance with the requirements for subdivision in that Zone (refer Section 17).
2. Where multiple credits are created and not all are able to be used for a subdivision of land within the Lifestyle Zone, credits will be given for future subdivisions of land within the Lifestyle Zone.
3. For credits created on or after 30 January 2010, the credits will expire five years from the date of issue of the consent or five years after the date that the Minden Lifestyle Zone Structure Plan became operative (16 June 2012), whichever is the later.
4. For credits created prior to 30 January 2010 the following applies:
 - (a) The credit will expire ten years from the date that the Minden Lifestyle Zone Structure Plan became operative (16 June 2012).
 - (b) Thirty percent of the total credits (calculated per donor lot) may be used in conjunction with Rule 18.4.2(f).

(iv) Standards for the creation of on-site Protection Lots or Transferable Protection Lot credits based on ecological features

1. Certification from an appropriately qualified independent person that the feature in question meets the criteria in 2 below shall be submitted with the application for subdivision consent. Such certification shall be accompanied by a report prepared by the certifier detailing the attributes of the feature recommended for preservation and include a management plan specifying any protective or enhancement measures deemed necessary.
2. The feature must be assessed in the context of the relevant ecological district, bioclimatic zone and landform type. Each feature is required to rank highly on three or more of the following criteria:
 - a) Representativeness - the extent to which an area is characteristic or representative of natural diversity;
 - b) Diversity and pattern - the diversity of species and community types;
 - c) Shape - larger areas with a compact shape are more likely to be ecologically viable;
 - d) Ecological viability and sustainability - the likelihood of an area remaining ecologically viable and the management input necessary for long term sustainability;
 - e) Naturalness - degree of modification as compared with likely original unmodified character.
 - f) Rarity and special features - presence of rare community types, species or other rare features;
 - g) Fragility and threat - threat processes or agents (actual or potential) that are

likely to destroy or substantially modify the feature, and the vulnerability of the feature to damage;

- h) Ecological context – the extent to which an area is buffered from modifying influences, or provides a key buffer for other ecological areas, or the connectivity role that site provides for the wider landscape;
- i) Long term viability – the extent to which the features of the area will maintain themselves in the long term.

Explanatory Note:

Riparian margins only need to meet criteria (e) and (h) above to qualify.

- 3. Minimum feature sizes for the creation of a single on-site Protection Lot or Transferable Protection Lot credit and minimum average feature sizes for the creation of two to five on-site Protection Lots or any number of Transferable Protection Lot credits dependant on whether the feature is identified in Appendix 1 of the District Plan as significant or whether it can be identified as an 'other ecological feature' are shown in the table below.

Feature Type	Minimum feature sizes for the creation of a single on-site Protection Lot or Transferable Protection Lot credit	Minimum feature sizes for the creation of two to five on-site Protection Lots, or any number of Transferable Protection Lot credits				
		Avg	2	3	4	5
Significant Ecological						
<i>Tall Forest</i>	3ha	6ha	12ha	18ha	24ha	30ha
<i>Regenerating Forest</i>	4ha	8ha	16ha	24ha	32ha	40ha
<i>Secondary Shrub Land</i>	5ha	10ha	20ha	30ha	40ha	50ha
<i>Riparian Margins (above MHWS)</i>	500m in length 20m wide	1km 20m	2km 20m	3km 20m	4km 20m	5km 20m
<i>Wetlands (above MHWS)</i>	0.5ha surrounded by a 10m indigenous buffer	1ha 10m	2ha 10m	3ha 10m	4ha 10m	5ha 10m
Other Ecological						
<i>Tall Forest</i>	5ha	10ha	20ha	30ha	40ha	50ha
<i>Regenerating Forest</i>	8ha	16ha	32ha	48ha	64ha	80ha
<i>Secondary Shrub Land</i>	10ha	20ha	40ha	60ha	80ha	100ha
<i>Riparian Margins (above MHWS)</i>	500m in length 20m wide	1km 20m	2km 20m	3km 20m	4km 20m	5km 20m
<i>Wetlands (above MHWS)</i>	0.5ha surrounded by a 10m indigenous buffer	1ha 10m	2ha 10m	3ha 10m	4ha 10m	5ha 10m
Notes						
<ol style="list-style-type: none"> 1. The creation of further Transferable Protection Lot credits shall be allowed in accordance with the average specified for the particular feature type. 2. The width of <i>riparian margins</i> is measured from 20m landward of the stream edge on one side. When a stream is wholly contained within one title the length of the <i>riparian margin</i> is the combined total length of the <i>riparian margins</i> on each side of the stream. 3. <i>Wetlands</i> less than 2ha require a minimum of 10m indigenous buffer (larger areas may be required where topography dictates). This buffer must be established prior to being eligible for a Protection Lot. <i>Wetlands</i> equal to or greater than 2ha require a buffer area of a suitable width prescribed by the certifying ecologist and must be established prior to obtaining Section 224 consent. 						

4. Within the subject existing lot, where an ecological feature exceeds the above sizes then the entire feature shall be protected.

(v) Standards for the creation of on-site Protection Lots or Transferable Protection Lot credits based on *viewshafts*

1. Certification from an appropriately qualified independent person that the feature in question still exists in terms of the description as provided in Appendix 2 shall be submitted with the application for subdivision consent.
2. The whole of the *viewshaft* falling within the subject existing *lot* shall be protected.
3. No more than one on-site Protection Lot or Transferable Protection Lot credit per *lot* shall be created under this clause.

(vi) Standards for the creation of on-site Protection Lots or Transferable Protection Lot credits based on cultural heritage features

1. In the case of Identified Significant Cultural Heritage Features referred to in Appendix 3 certification from an appropriately qualified independent person that the feature in question still exists in terms of the description as provided in Appendix 3 shall be submitted with the application for subdivision consent.
2. With respect to cultural heritage features not listed in Appendix 3, the feature in question shall be certified by an appropriately qualified and experienced person as being of such cultural or archaeological significance as to warrant preservation in perpetuity. Such certification shall be accompanied by a report prepared by the certifier detailing the attributes of the feature recommended for preservation and shall include:
 - (a) Endorsement from an authorised representative of the recognised tangata whenua for the area in question;

(b) A management plan specifying any protective or enhancement measures deemed necessary.

3. The whole of the cultural heritage feature falling within the subject existing *lot* shall be protected.

4. No more than one on-site Protection Lot or Transferable Protection Lot credit per *lot* shall be created under this clause.

(vii) Standards for the creation of on-site Protection Lots or Transferable Protection Lot credits based on the provision of land for esplanade reserves and esplanade strips as listed in Appendix 4A of the District Plan.

1. Minimum feature sizes for the creation of a single on-site Protection Lot or Transferable Protection Lot credit and minimum average feature sizes for the creation of two to five on-site Protection Lots or any number of Transferable Protection Lot credits are shown in the table below.

Feature Type	Minimum feature sizes for the creation of a single on-site Protection Lot or Transferable Protection Lot credit	Minimum feature sizes for the creation of two to five on-site Protection Lots, or any number of Transferable Protection Lot credits				
		Avg	2	3	4	5
Esplanade Reserves/Strips In Appendix 4A	500m in length 20m wide	1km 20m	2km 20m	3km 20m	4km 20m	5km 20m
Note The creation of further Transferable Protection Lot credits shall be allowed in accordance with the average specified for the particular feature type.						

2. Any esplanade reserve or strip identified in Appendix 4A is able to be combined with any other esplanade reserve or strip identified in Appendix 4A with the express intention of combining their lengths to meet the specified minimum feature size for a single on-site Protection Lot or Transferable Protection Lot credit.

3. Where esplanade reserves or strips have been combined to meet the minimum feature size in accordance with the above, all of the esplanade

1. reserves or strips will be protected and the single on-site Protection Lot or Transferable Protection Lot credit shall only benefit one of the contributing lots.
2. Within the subject existing lot or lots, where an esplanade reserve or strip exceeds the above sizes then the entire feature or features shall be protected.

Advice Note: Esplanade reserves and esplanade strips created through this rule will not receive compensation in accordance with section 237E(2) of the RMA.

(viii) Standards for the creation of on-site Protection Lots or Transferable Protection Lot credits based on land for expansion of, or access to, reserves

1. The land must provide for expansion (not otherwise shown in the District Plan) of an existing reserve, or access (not otherwise shown in the District Plan) to an existing or proposed reserve or esplanade reserve or strip.
2. Minimum feature sizes for the creation of a single on-site Protection Lot or Transferable Protection Lot credit and minimum average feature sizes for the creation of two to five on-site Protection Lots or any number of Transferable Protection Lot credits are shown in the table below.

Feature Type	Minimum feature sizes for the creation of a single on-site Protection Lot or Transferable Lot credit	Minimum feature sizes for the creation of two to five on-site Protection Lots, or any number of Transferable Protection Lot credits				
		Avg	2	3	4	5
Access to an existing or proposed reserve or esplanade reserve or strip	6m wide 500m long	N/A	N/A	N/A	N/A	N/A
Expansion of an existing reserve	0.5ha	1ha	2ha	3ha	4ha	5ha
Note The creation of further Transferable Protection Lot credits shall be allowed in accordance with the average specified for the particular feature type.						

(ix) Legal protection

Legal protection in perpetuity of the relevant feature of value to the community shall be achieved by way of a condition imposed on the subdivision consent requiring a Consent Notice, Memorandum of Encumbrance or similar legal instrument such as a QEII covenant, heritage covenant or esplanade strip to be registered on the title of the land concerned, or the vesting of land into crown or territorial authority ownership. The type of instrument and the level of protection provided by it must be to the satisfaction of the *Council* and where relevant is to be registered on the title of the land containing the feature to be protected. All costs associated with compliance with this requirement shall be met by the applicant;

18.5 Matters of Discretion

18.5.1 Restricted Discretionary Activities – non-compliance with activity performance standards

With respect to any Permitted or Controlled Activity which fails to comply with any activity performance standard listed in 18.4, *Council's* discretion is restricted to the actual or potential adverse effects arising from the particular non-compliance, having regard to the extent and nature of the non-compliance.

18.5.11 Restricted Discretionary Activities – Protection Lot Subdivision

- (a) With respect to on-site Protection Lot subdivision, Council shall restrict its discretion to the extent to which the number, size and location of the *lots*:
 - (i) Maintains the productive capability of the rural land resource, in particular where *lots* greater than 1ha in area are proposed to be created;
 - (ii) Maintains existing rural character and amenity values;
 - (iii) Avoids the creation of adverse traffic and roading effects.
- (b) With respect to on-site Protection Lot subdivision or the creation of Transferable Protection Lot credits based on expansion of or provision of access to reserves under Rule 18.4.2(h)(viii):
 - (ii) Whether the reserve is in a strategic location and there would be a clear public benefit resulting from the additional land or provision of access;
 - (iii) The extent to which the proposal is consistent with any existing reserve management plan or other related *Council* reserves plan or strategy.

Plan Change 53 - Protection Lots for Esplanades

Section 18 – Rural

Note to readers: Plan Change 52 (Protection Lot Rule) has changed the layout and hence numbering of the protection lot rules. The recommended changes below refer to the revised rule numbers.

Add to Rule 18.4.2 (h) (i) a new “feature of value to the community” as follows;

4. Land for the provision of esplanade reserves and esplanade strips as listed in Appendix 4A of the District Plan.

Add new standards as Rule 18.4.2(h)(vii) as follows;

- (vii) Standards for the creation of on-site Protection Lots or Transferable Protection Lot credits based on the provision of land for esplanade reserves and esplanade strips as listed in Appendix 4A of the District Plan.
1. Minimum feature sizes for the creation of a single on-site Protection Lot or Transferable Protection Lot credit and minimum average feature sizes for the creation of two to five on-site Protection Lots or any number of Transferable Protection Lot credits are shown in the table below.

<u>Feature Type</u>	<u>Minimum feature sizes for the creation of a single on-site Protection Lot or Transferable Protection Lot credit</u>	<u>Minimum feature sizes for the creation of two to five on-site Protection Lots, or any number of Transferable Protection Lot credits</u>				
		<u>Avg</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>
<u>Esplanade Reserves/Strips In Appendix 4A</u>	<u>500m in length 20m wide</u>	<u>1km 20m</u>	<u>2km 20m</u>	<u>3km 20m</u>	<u>4km 20m</u>	<u>5km 20m</u>
Note <u>The creation of further Transferable Protection Lot credits shall be allowed in accordance with the average specified for the particular feature type.</u>						

2. Any esplanade reserve or strip identified in Appendix 4A is able to be combined with any other esplanade reserve or strip identified in Appendix 4A with the express intention of combining their lengths to meet the specified minimum feature size for a single on-site Protection Lot or Transferable Protection Lot credit.
3. Where esplanade reserves or strips have been combined to meet the minimum feature size in accordance with the above, all of the esplanade reserves or strips will be protected and the single on-site Protection Lot or Transferable Protection Lot credit shall only benefit one of the contributing lots.
4. Within the subject existing lot or lots, where an esplanade reserve or strip exceeds the above sizes then the entire feature or features shall be protected.

Advice Note: Esplanade reserves and esplanade strips created through this rule will not receive compensation in accordance with section 237E(2) of the RMA.

Add "esplanade strip" to Rule 18.4.2 (ix) "Legal Protection" as follows;

"Legal protection of the feature shall be achieved by way of a condition imposed on the subdivision consent requiring a Consent Notice, Memorandum of Encumbrance or similar legal instrument such as a QEII Covenant, Heritage Covenant, Esplanade Strip, or the vesting of land into crown or territorial authority ownership. The type of instrument and the level of protection provided by it must be to the satisfaction of the Council and where relevant is to be registered on the title of the land containing the feature to be protected. All costs associated with compliance with this requirement shall be met by the applicant."

Appendix 4 – Schedule of Proposed Esplanade Reserves and Strips

Add a new Appendix 4A as follows;

Schedule of Proposed Esplanade Reserves and Strips Eligible for Protection Lots

<u>Appendix 4 Reference</u>	<u>ParcelID</u>	<u>Legal Description</u>	<u>Area (m²)</u>	<u>Length (m)</u>
<u>Uretara</u>				
<u>1(4)</u>	<u>1109/631</u>	<u>Lot 2 DPS48753</u>	<u>190,983</u>	<u>791</u>
<u>1(4)</u>	<u>1116/10</u>	<u>Lot 2 DPS80374</u>	<u>64,852</u>	<u>161</u>
<u>1(4)</u>	<u>1116/13</u>	<u>Lot 1 DP338589</u>	<u>63,525</u>	<u>714</u>
<u>1(4)</u>	<u>1116/2410</u>	<u>Lot 6 DPS33673</u>	<u>67,726</u>	<u>533</u>
<u>1(4)</u>	<u>1116/2540</u>	<u>Lot 11 DPS34349</u>	<u>1,886</u>	<u>10</u>
<u>1(4)</u>	<u>1118/1601</u>	<u>Lot 1 DPS29667</u>	<u>63,040</u>	<u>617</u>

<u>1(4)</u>	<u>1118/223</u>	<u>Lot 3 DPS67279</u>	<u>94,691</u>	<u>311</u>
<u>1(4)</u>	<u>1122/1264</u>	<u>Pt Lot 1 DPS16412</u>	<u>56,705</u>	<u>641</u>
Ohourere				
<u>1(11)</u>	<u>1304/148</u>	<u>Pt Lot 4 DP15898</u>	<u>152725</u>	<u>634.24</u>
<u>1(11)</u>	<u>1304/151</u>	<u>Lot 1 DPS1013</u>	<u>2672</u>	<u>203.74</u>
<u>1(11)</u>	<u>1304/4888</u>	<u>Te Irihanga 2A Block</u>	<u>22999</u>	<u>762.89</u>
<u>1(11)</u>	<u>1304/98</u>	<u>Pt Lot 3 DPS58017</u>	<u>74033</u>	<u>485.08</u>
<u>1(11)</u>	<u>1304/99</u>	<u>Pt Lot 1 DPS10175</u>	<u>3339</u>	<u>74.52</u>
<u>1(11)</u>	<u>1325/3671</u>	<u>Lot 3 DPS59030</u>	<u>345073</u>	<u>1278.59</u>
Wairoa				
<u>1(17)</u>	<u>1325/301</u>	<u>Pt Lot 1 DP27916</u>	<u>14744</u>	<u>153.47</u>
<u>1(17)</u>	<u>1325/3642</u>	<u>Lot 1 DPS62108</u>	<u>57608</u>	<u>361.38</u>
<u>1(17)</u>	<u>1325/3669</u>	<u>Lot 4 DPS59030</u>	<u>81920</u>	<u>418.72</u>
<u>1(17)</u>	<u>1325/461</u>	<u>Lot 2 DP27916</u>	<u>10972</u>	<u>157.55</u>
<u>3(Other)</u>	<u>1310/238</u>	<u>Pt Poripori Farm A Block</u>	<u>361300</u>	<u>4343.01</u>
<u>3(4)</u>	<u>3008/115</u>	<u>Pt Allot 144 Te Papa PSH</u>	<u>194445</u>	<u>297.95</u>
<u>3(4)</u>	<u>3008/116</u>	<u>Pt Allot 143 Te Papa PSH</u>	<u>137402</u>	<u>401.09</u>
<u>3(4)</u>	<u>3008/8624</u>	<u>Lot 3 DPS287</u>	<u>7318</u>	<u>215.28</u>
<u>3(4)</u>	<u>3008/9110</u>	<u>Lot 3 DPS374</u>	<u>4411</u>	<u>376.56</u>
<u>3(4)</u>	<u>3008/9114</u>	<u>Lot 2 DPS374</u>	<u>2698</u>	<u>138.32</u>
Waimapu				
<u>1(29)</u>	<u>1349/1058</u>	<u>Lot 4 DP22965</u>	<u>36476</u>	<u>192.19</u>
<u>1(29)</u>	<u>1349/13</u>	<u>Pt Lot 2 DP22964</u>	<u>17996</u>	<u>591.79</u>
<u>1(29)</u>	<u>1349/1774</u>	<u>Lot 1 DPS58351</u>	<u>67043</u>	<u>283.61</u>
<u>1(29)</u>	<u>1349/2060</u>	<u>Lot 2 DPS42381</u>	<u>115899</u>	<u>661.78</u>
<u>1(29)</u>	<u>1349/51</u>	<u>Lot 4 DP350004</u>	<u>45811</u>	<u>207.28</u>
<u>1(29)</u>	<u>1352/13496</u>	<u>Pt Section 25 Ohauti SETT</u>	<u>591626</u>	<u>605.53</u>
<u>1(29)</u>	<u>1352/9586</u>	<u>Lot 3 DPS47615</u>	<u>103937</u>	<u>819.94</u>
<u>1(29)</u>	<u>1481/2931</u>	<u>Lot 1 DP34157</u>	<u>25837</u>	<u>348.03</u>
<u>1(30)</u>	<u>1347/2039</u>	<u>Lot 3 DP15326</u>	<u>20249</u>	<u>254.07</u>
<u>1(30)</u>	<u>1347/2343</u>	<u>Lot 5 DP15326</u>	<u>13360</u>	<u>184.63</u>
<u>1(30)</u>	<u>1472/2591</u>	<u>Lot 3 DPS53905</u>	<u>73491</u>	<u>372.17</u>
Tauranga Harbour				
<u>2(1)</u>	<u>1045/2517</u>	<u>Pt Allot 5 Tahawai PSH</u>	<u>392816</u>	<u>1085.03</u>

Plan Change 54 - Boundary Adjustment – Rural Zone

Section 12 – Subdivision and Development

Add Explanatory Notes to the Boundary Adjustment Rules in 12.3.3.1 and 12.3.3.2 to clarify how it applies to the Rural Zone, as follows;

“12.3.3.1 Controlled Activity Boundary Adjustments

Explanatory Note: The Rural Zone has two minimum lot sizes that are based on the productive capacity of the land. Rule 18.4.2(c) provides standards that are required to be met if the minimum of 6ha is to be used to assess compliance. Any application for a boundary adjustment in the Rural Zone, if it is reliant on determining its compliance with the 6ha hectare minimum lot size, will be required to provide sufficient information to demonstrate its compliance.”

“12.3.3.2 Restricted Discretionary Activity Boundary Adjustments

Explanatory Note: The Rural Zone has two minimum lot sizes that are based on the productive capacity of the land. Rule 18.4.2(c) provides standards that are required to be met if the minimum of 6ha is to be used to assess compliance. Any application for a boundary adjustment in the Rural Zone, if it is reliant on determining its compliance with the 6ha minimum lot size, will be required to provide sufficient information to demonstrate its compliance.”

Plan Change 55 - Cumulative Effects of Multiple Accessory Buildings on Rural Lots 2ha or Less

Section 18 – Rural

Amend Rule 18.4.1(n) as follows;

- “(i) Maximum combined *gross floor area* of 200m² ~~when~~ for all accessory buildings within a *lot* of two hectares or less.”

Plan Change 56 - Frost Protection Fans – Height and Cumulative Noise

Section 4C – Amenity

Amend Rule 4C.1.3.7(a) as follows;

“Noise from the operation of frost protection fans (either stand-alone or in combination with other frost protection fans in close proximity to a receiving site) shall not exceed 55dBA Leq and 65dBA Lmax at any point within the notional boundary of any dwelling in a Rural or Lifestyle Zone....”

Amend the Explanatory Note under Rule 4C.1.3.7 as follows;

“Fan Type – The distance required to achieve 55dBA will vary depending on the noise performance of the frost protection fan and the location of other frost protection fans in the locality. Applications for resource consent must be supported with evidence identifying the noise performance of the fan to be used along with the potential cumulative noise from other fans in the locality.”

Delete Rule 4C.1.3.7 (b) Frost Protection Fans – Performance Standard for Controlled Activity – Height of Frost Fans.

~~“(b) The overall height for the fan including the fan blade shall not exceed 15m.”~~

Amend Rule 4C.1.4.1, Matters of Control - Frost Protection Fans.

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

(a) Council shall exercise control over the following;

- (i) The noise level that is permitted to be emitted from the frost protection fan;
- (ii) The operational requirements of the frost protection fan;
- (iii) The operation of the frost protection fan for maintenance purposes;
- (iv) The hours of operation and times when the fan is permitted to operate.

Section 18 – Rural

Amend Rule 18.4.1(a) Height of Buildings to have an exemption for frost protection fans as follows:

“(a) Height of Buildings
Maximum – 9m excluding frost protection fans which shall be a maximum of 15m inclusive of blades.”

Plan Change 57 - Additional Dwellings Recreation and Leisure Financial Contributions

Section 11 – Financial Contributions

Amend rule 11.3.4.2 (a) to allow recreation and leisure financial contributions to apply to all discretionary and non-complying activities, as follows;

“(a) Recreation and Leisure

This will be charged in accordance with 11.3.3 (a) for *accommodation facilities only* all activities (~~but~~ excluding *seasonal worker accommodation*).”

Plan Change 58 - Cross Lease Flat Plans – Primary Risk Coastal Protection Area

Section 8 – Natural Hazards

Amend 8.3.6(a)(ii) as follows;

“Subdivision (excluding minor boundary adjustments and updates to Cross Lease Flat Plans which incorporate consented building developments) within the Primary Risk Area of the Coastal Protection Area. See Rule 8.3.5(b) for definition of minor boundary adjustment.”

Plan Change 59 - Definition of Soils Engineer

Section 3 – Definitions

Include a definition of Soils Engineer as follows;

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

Plan Change 60 - Definition of Cleanfill

Section 3 – Definitions

Include a definition of "Cleanfill" as follows;

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

Plan Change 61 - Parking Provisions for Dwellings in Town Centres

Section 19 – Commercial

Adopt the Medium Density Zone car park standards to residential dwellings in the Commercial Zone. Add new 19.4.1(e)(iii) as follows;

The required minimum parking for *dwellings* shall be:

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

Explanatory Note:

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

Plan Change 62 – Omokoroa Financial Contributions

Appendix 7 – Structure Plans Planning Maps

Amend 4.2 Omokoroa Structure Plan Roding Schedule and 4.3 Omokoroa Roding Projects Plan (in Appendix 7) and District Plan Map U59 as shown on the pages to follow. This involves the following specific changes;

- Modify the Structure Plan and Financial Contribution Schedule to reduce the number of roads.
- Introduce a single financial contribution across the catchment in order to reduce the financial contributions payable on development.
- Add a new structure plan road from Omokoroa Road to provide access to those properties between Western Avenue Reserve and Omokoroa Country Estate.

Provide for the new financial contributions to be implemented from notification.

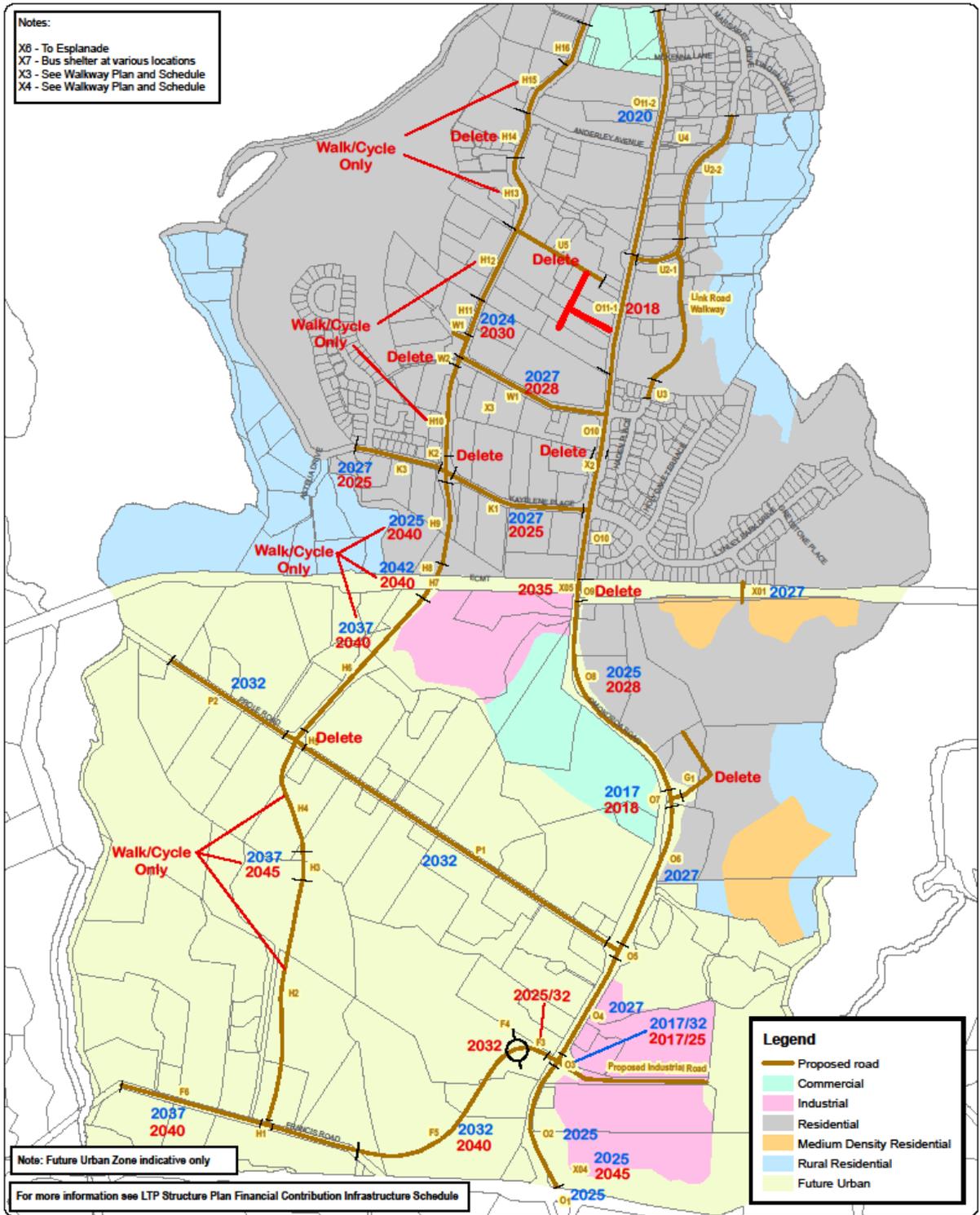
LTP STRUCTURE PLAN FINANCIAL CONTRIBUTION SCHEDULE: OMOKOROA ROADING
OMOKOROA STRUCTURE PLAN AREA: ROADING SCHEDULE

RED FONT = CHANGED FROM ORIGINAL PLAN

Project Number	Project	Element	CURRENT MODEL (2013/2014)					CHANGED TO (Option 3 - no Hamurana Road, vehicle connectivity, walk/cycle only)											
			Year of Construction	Project Cost	Funding Source (%)				Reason For Change		Action	Revised Year of Construction	Cost Adjustment	Revised Project Cost	Funding Source (%)				
					% Road Specific	% Catchment	% Rural	% Strategic	% District Rate						% Road Specific	% Catchment	% Rural	% Strategic	% District Rate
F-01-01	Francis Road	Omokoroa Road to Shell Station	2032	\$6,580,000	100%	0%				F01-1, F01-02 deleted and replaced by F3,4,5	Delete		(\$6,580,000)	\$ -					
F-01-02	Francis Road	Shell Station to Hamurana Road	2032	\$1,216,000	100%	0%				F01-1, F01-02 deleted and replaced by F3,4,5	Delete		(\$1,216,000)	\$ -					
F-02	Francis Road	Hamurana Road to end	2037	\$1,480,000	100%	0%				F01-1, F01-02 deleted and replaced by F3,4,5	Delete		(\$1,480,000)	\$ -					
F-03-1	Francis Road	Only 2 lanes initially. Commercial centre delayed because of Tralee St development.								Only 2 lanes initially. Commercial centre delayed because of Tralee St development.	Add	2025	\$ 450,000	\$ 450,000		20%	10%	45%	25%
F-03-2	Francis Road	4 Laning								4 Laning	Add	2032	\$ 220,000	\$ 220,000		20%	10%	45%	25%
F-04	Francis Road	New Roundabout								Assume 15m centre. Slow speed environment assumed	Add	2032	\$ 840,000	\$ 840,000		100%			
F-05	Francis Road	From Roundabout to Shell Station								Difficult gully to cross	Add	2040	\$ 2,040,000	\$ 2,040,000		100%			
F-06	Francis Road	Shell Station to end of road								Existing narrow road widened and urbanised. Limited earthworks. Land required for turning area.	Add	2040	\$ 2,232,000	\$ 2,232,000		100%			
G-01	Goldstone	New Road from roundabout to future Goldstone residential development	2022	\$ 800,600	81%	19%				Delete. Move to boundary of Goldstone/Neil. Developers to provide.	Delete		(\$ 800,600)	\$ -					
H-01	Hamurana Road	Francis Road intersection	2037	\$1,040,000	72%	28%				Tee intersection only - Developer provided	Delete		(\$1,040,000)	\$ -					
H-02	Hamurana Road	Francis Road to Gully crossing	2034	\$6,075,000	0%	100%				Road to be provided by developer.	Delete		(\$6,075,000)	\$ -					
H-03	Hamurana Road	Gully Crossing	2037	\$1,800,000	0%	100%				Delete road. Retain cycle/walkway.	Change	2045	(\$1,725,000)	\$ 75,000	0%	100%			
H-04	Hamurana Road	Gully crossing to Prole Road	2032	\$1,760,000	79%	21%				Road to be provided by developer.	Delete		(\$1,760,000)	\$ -					
H-05	Hamurana Road	Prole Road intersection	2037	\$ 668,400	67%	33%				Delete. To be built by developers.	Delete		(\$ 668,400)	\$ -					
H-06	Hamurana Road	Prole Road to Railway Line	2037	\$2,525,600	73%	27%				Cycleway component only. Road to be provided by developer.	Change	2040	(\$1,946,560)	\$ 579,040		100%			
H-07	Hamurana Road	Railway Bridge	2042	\$2,210,000	0%	100%				Cycleway Bridge over Railway lane, including approach structure	Change	2040	(\$1,460,000)	\$ 750,000	0%	100%			
H-08	Hamurana Road	Ramp to Railway bridge (NE side)	2032	\$ 550,000	0%	100%				Land component for H7. New 7 m Reserve, 2.5m cycleway ramp to cycle bridge.	Change	2040	(\$ 515,000)	\$ 35,000	0%	100%			
H-09	Hamurana Road	Railway Ramp to Kaylene Place	2025	\$1,576,464	83%	17%				Walk/cycleway only. Developers to provide road if needed.	Change	2040	(\$1,401,364)	\$ 175,100	0%	100%			
					83%	17%					2003	\$ 253,000	0%	100%					
					83%	17%					2007	\$ 122,495	0%	100%					
H-10-1	Hamurana Road	Kaylene Place to Western Ave preload gully	2025	\$ 608,000	0%	100%				Walk/cycleway only. Developers to provide road if needed.	Change	2026	(\$ 608,000)	\$ -	0%	100%			
H-10-2	Hamurana Road	Kaylene Place to Western Ave construction	2027	\$2,678,696	90%	10%				Walk/cycleway only. Developers to provide road if needed.	Change	2028	(\$2,678,696)	\$ -	0%	100%			
H-11	Hamurana Road	Gane Place intersection to NE end of Western Ave section	2042	\$ 360,000	0%	100%				Urbanisation of existing road-some road widening plus footpath.	Change	2030	\$ 360,000	\$ 360,000	0%	100%			
H12	Hamurana Road	End of Western Avenue section to unnamed road	2022	\$1,231,510	82%	18%				Walk/cycleway only. Developers to provide road if needed.	Change	2030	(\$ 925,000)	\$ -	0%	100%			
					82%	18%					2007	\$ 306,510	100%						
H-13-1	Hamurana Road	Gully crossing part unnamed Road to Anderley Ave	2027	\$ 528,000	0%	100%				Walk/cycleway only. Developers to provide road if needed.	Change	2029	(\$ 528,000)	\$ -	0%	100%			
H-13-2	Hamurana Road	Rest of unnamed Road to Anderley Ave	2028	\$1,168,575	0%	100%				Walk/cycleway only. Developers to provide road if needed.	Change	2030	(\$ 532,595)	\$ -	0%	100%			
											2007	\$ 635,980	0%	100%					
H-14	Hamurana Road	Anderley Ave section	2025	\$ 820,000	73%	27%				Urbanisation of existing road-some road widening (8m) plus footpath.	Change	2030	(\$ 820,000)	\$ -	0%	100%			
					73%	27%					2007	\$ 328,909	0%	100%					
H-15-1	Hamurana Road	Anderley Ave to Victoria Keys preload	2025	\$ 280,000	0%	100%				Delete. Walk/cycleway only. Developers to provide road if needed.	Change	2029	(\$ 280,000)	\$ -	0%	100%			
H-15-2	Hamurana Road	Anderley Ave to Victoria Keys construction	2026	\$ 634,821	74%	26%				Walk/cycleway only. Developers to provide road if needed.	Change	2030	(\$ 634,821)	\$ -	0%	100%			
H-16	Hamurana Road	Victoria Keys to end of existing seal SW of Tralee	2008	\$ 858,319	15%	85%				Completed			\$ 1,436,404	0%	100%				
K-01	Kaylene Place	Omokoroa Rd to Hamurana Rd	2027	\$ 902,710	0%	100%				Urbanise. Seal width 8m.	Change	2025	\$ 180,000	\$ 1,082,710	0%	100%			
K-02	Kaylene Place	Hamurana Rd Intersection	2027	\$ 540,000	0%	100%				Delete. Not needed as no Hamurana Extn.	Change	2028	(\$ 540,000)	\$ -	0%	100%			
K-03	Kaylene Place	Hamurana Rd to Links View Drive	2027	\$ 302,100	0%	100%				Urbanise.	Change	2025	\$ 147,979	\$ 147,979	0%	100%			
											2009	\$ 154,121							
O-01	Omokoroa Road	SH2 Intersection	TBC	\$7,500,000	0%	4%				Originally in costings but now to be actioned by NZTA	Change	2025	\$ 7,500,000	\$ 7,500,000	0%	4%			
O-02-1	Omokoroa Road	SH2 to Francis Road 2 lanes (NZTA)	TBC	\$1,774,000	0%	0%				Originally in costings but now to be actioned by NZTA	Change	2025	\$ 1,774,000	\$ 1,774,000	0%	0%			

O-02-2	Omokoroa Road	SH2 to Francis Road-4 laning	2034	\$ 800,000	0%	20%	20%	45%	15%	Originally NZTA cost but now to be actioned by WBOPDC (Check validity of where costs lie)	Change	2025		\$ 800,000	0%	20%	10%	45%	25%
O-03-1	Omokoroa Road	Francis Road intersection	2032	\$1,468,500	0%	100%				Roundabout - after O-03-2	Change	2025		\$ 1,165,938	0%	20%	10%	45%	25%
												2005		\$ 302,562		20%	10%	45%	25%
O-03-2	Omokoroa Road	Industrial entrance intersection: interim	2011	\$ 600,000	0%	100%				Lump sum estimate, no land take as included with other land take for project O-03-01	Change	2017		\$ 600,000	0%	20%	10%	45%	25%
O-04-1	Omokoroa Road	Francis Road to Prole Road 2 laning	2027	\$1,157,500	0%	20%	20%	45%	15%	Urbanise to 2 lane arterial.				\$ 1,157,500	0%	20%	10%	45%	25%
O-04-2	Omokoroa Road	Francis Road to Prole Road 4 laning	2027	\$ 848,000	0%	20%	20%	45%	15%	Leave as 2 lane-assume town centre is moving.	Delete		(\$ 848,000)	\$ -					
O-05-1	Omokoroa Road	Prole Road intersection-construct right turn bay	2025	\$ 980,000	0%	100%				Construct RTB seagull intersection		2032		\$ 980,000	0%	100%			
O-05-2	Omokoroa Road	Prole Road intersection-reconstruct with roundabout	2032	\$ 840,000	0%	100%				Not required	Delete		(\$ 840,000)	\$ -					
O-06-1	Omokoroa Road	Prole Road to Commercial area roundabout-2 laning	2027	\$1,574,200	0%	100%				Urbanise to 2 lane arterial.				\$ 1,516,715	0%	20%	10%	45%	25%
												2008		\$ 120,767		20%	10%	45%	25%
O-06-2	Omokoroa Road	Prole Road to Commercial area roundabout-4 laning	2037	\$1,020,000	0%	20%	20%	45%	15%	Leave as 2 lane-assume town centre is moving	Delete		(\$1,020,000)	\$ -					
O-07-1	Omokoroa Road	Commercial area Intersection design	2017	\$ 300,000	0%	100%				RTB Seagull intersection	Change	2018	\$ 100,000	\$ 400,000	0%	20%	10%	45%	25%
O-07-2	Omokoroa Road	Commercial area Intersection construction	2018	\$1,529,500	0%	100%				Roundabout	Change	2032	(\$ 909,500)	\$ 620,000	0%	20%	10%	45%	25%
O-08	Omokoroa Road	Commercial area roundabout to Railway line	2025	\$2,963,200	0%	20%	20%	45%	15%	Reconstruct to 2 lane arterial.	Change	2028		\$ 2,963,200	0%	20%	10%	45%	25%
												2006		\$ 399,421	0%	20%	10%	45%	25%
O-10	Omokoroa Road	Railway Line to Lynley Park boundary	2008	\$2,025,654	0%	20%	20%	45%	15%					\$ 2,163,479	0%	20%	10%	45%	25%
O-11-1	Omokoroa Road	Lynley Park to Margaret Drive	2018	\$1,998,340	0%	20%	20%	45%	15%	Reconstruct to 2 lane arterial.	Change	2024		\$ 1,413,677	0%	20%	10%	45%	25%
												2012		\$ 246,663	0%	20%	10%	45%	25%
												2008		\$ 80,000	0%	20%	10%	45%	25%
												2007		\$ 21,000	0%	20%	10%	45%	25%
												2006		\$ 237,000	0%	20%	10%	45%	25%
O-11-2	Omokoroa Road	Margaret Drive to Tralee Street	2021	\$2,590,000	0%	20%	20%	45%	15%	Reconstruct to 2 lane arterial.	Change	2024		\$ 2,590,000	0%	20%	10%	45%	25%
P-01	Prole Road	Omokoroa Road to Hamurana Road	2032	\$4,558,000	79%	21%				Urbanise to 11m seal width.	Change		(\$ 954,000)	\$ 3,604,000	0%	100%			
P-02	Prole Road	Hamurana Road to end	2032	\$2,015,000	100%	0%				Urbanise to 8m seal width.	Change		(\$ 403,000)	\$ 1,612,000	0%	100%			
U-01	Midblock Connection	Mid block connection Margaret Place extension to Omokoroa Road, plus Link Road walkway	2011	\$2,200,000	0%	100%								\$ 2,200,000	0%	100%			
U-02-1	Link Road access	Access to Link Road by selected properties		\$ 600,000	100%	0%								\$ 600,000	100%	0%			
U-02-2	Margaret Pl Extension	From Margaret Place to mid block connection (U01)	2011	\$3,700,000	57%	46%								\$ 2,794,010	57%	43%			
U-03	Walkway Link	From Link Road to Lynley Park	2009	\$ 112,000	0%	100%								\$ 112,000	0%	100%			
U-04	Access to Margaret Drive	Access to Margaret Drive by selected properties	2010	\$ 290,400	100%	0%								\$ 290,400	100%	0%			
U-05	New Road	Hamurana Rd towards Omokoroa Rd for 280m	2024	\$1,414,000	100%	0%				Delete. With 60km on Omokoroa Road, can now have an intersection on Omokoroa Road between WA Reserve and Margaret Drive to service this area. Remainder can access from H12. Make provision of access to adjoining properties a rule in the DP. To be provided by developers.	Delete		(\$1,414,000)	\$ -					
W-01	Western Ave	Omokoroa Road to Hamurana Road and to Gane Place	2027	\$1,302,000	73%	27%				Urbanise existing road.	Change	2028		\$ 1,302,000	0%	100%			
W-02	Western Ave	Hamurana Road intersection	2027	\$ 620,000	0%	100%				Delete. Not needed as no Hamurana Extn.	Change	2028	(\$ 620,000)	\$ -	0%	100%			
												2006		\$ 639,583	0%	100%			
X-01	Pedestrian Bridge	Lynley Park Railway lane to stage 2 area	2027	\$ 400,000	0%	100%								\$ 400,000	0%	100%			
X-02	Pedestrian Bridge	Western Ave/Omokoroa Rd intersection	2027	\$ 400,000	0%	100%				Delete. Not needed for 2 lane road.	Delete		(\$ 400,000)	\$ -					
X-03-1	Walkways/Cycleways	Stage 1 - See Walkway schedule for detail	2025	\$2,816,000	0%	100%				Changes made in PC 41.	Change		(\$ 840,000)	\$ 1,976,000	0%	100%			
X-03-2	Walkways/Cycleways	Stage 2 - See Walkway schedule for detail	2037	\$4,400,000	0%	100%				Reduced through the greater use of road network and stormwater gully network.	Change	2035	(\$3,400,000)	\$ 1,000,000	0%	100%			
X-04-1	Park & Ride Facility	Omokoroa Road-land purchase	2018	\$1,000,000	0%	95%			5%		Change	2035		\$ 1,000,000	0%	95%			5%
X-04-2	Park & Ride Facility	Omokoroa Road-construction	2025	\$2,000,000	0%	95%			5%		Change	2035		\$ 2,000,000	0%	95%			5%
X-05	Pedestrian Bridge	Omokoroa Road Railbridge	2032	\$ 750,000	0%	100%					Change	2035		\$ 750,000	0%	100%			
X-06	Parking	Stage 1-Esplanade	2025	\$ 56,250	0%	100%				Completed in 2014	Delete		(\$ 56,250)	\$ -					
X-07	Bus Shelters	Stage 1 - Various locations	2025	\$ 100,000	0%	100%					Delete		(\$ 100,000)	\$ -					
TOTAL				\$ 97,897,339										\$ 59,556,163					

Notes:
 X8 - To Esplanade
 X7 - Bus shelter at various locations
 X3 - See Walkway Plan and Schedule
 X4 - See Walkway Plan and Schedule



Note: Future Urban Zone indicative only

For more information see LTP Structure Plan Financial Contribution Infrastructure Schedule

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Email: gis@westernbay.govt.nz Scale A3 - 1:10,000
 Date: 21/03/2014
 Operator: mlb
 Map: E:\Shape\MLB\Map\Structure Plans\Omokoroa Roading - Option 3.mxd
 0 100 200 400 600 800 Meters



**OMOKOROA
 STRUCTURE PLAN
 ROADING - OPTION 3**

Year - Existing
 Year - Proposed



Plan Change 63 - Garage and Carport Performance Standard for Minor Dwellings in the Lifestyle Zone

Section 17 – Lifestyle

Add to Rule 17.4.1(f) the following performance standard for minor dwellings in the Lifestyle Section:

- “(f) Standards for *minor dwellings* and *dwellings* where a *minor dwelling* was constructed after 9 February 2009
- (i) Shall be located within 20m of the principal *dwelling* or *minor dwelling* on the site;
 - (ii) Shall share vehicle access with the principal *dwelling* or *minor dwelling* on the site;
 - (iii) For *minor dwellings* only, if an attached or detached garage or carport is to be built, it shall have a gross floor area not exceeding 18m²; and
 - (iv) Shall pay 50% of the financial contributions that applies to the subdivision of land.”

Plan Change 64 - Floor Area Provisions

Section/Rule	Proposed Change
Network Utilities 10.3 (g)	<p>Activity Table for Infrastructure and Network Utilities</p> <p>Single transformers and associated switching gear conveying electricity at a voltage up to and including 110kV, not exceeding an an <u>gross floor area</u> area of 6m² and a <i>height</i> of 2m.</p>
Medium Density 14.4.1 (g) (i)	<p>Dwelling unit <u>gross</u> floor area requirements</p> <p>Dwelling units shall not be less than the following minimum <u>gross</u> floor areas:</p> <ul style="list-style-type: none"> - 1 bedroom dwelling units – 40m² - 2 Bedroom dwelling units – 60m² - 3 Bedroom dwelling units – 80m² - 4 or more bedroom dwelling units – 95m²
Medium Density 14.4.3 (a)	<p>Standards for Home Enterprises</p> <p>Shall be conducted within a building floor area <u>gross floor area</u> not exceeding 25m². Carparks shall be excluded from the maximum area calculation of the activity.</p>
Future Urban 15.4.1 (e) (i)	<p>Standards for home enterprises</p> <p>Shall be conducted in an area that does not exceed 500m² of which a maximum of 120m² shall be available for a building floor area <u>buildings as calculated by gross floor area</u>. Carparks shall be excluded from the maximum area calculation of the activity;</p>
Rural Residential 16.4.1 (f) (i)	<p>Standards for home enterprises</p> <p>Shall be conducted in an area that does not exceed 500m² of which a maximum of 120m² shall be available for a building floor area <u>buildings as calculated by gross floor area</u>. Carparks shall be excluded from the maximum area calculation of the activity;</p>
Lifestyle 17.4.1 (e) (i)	<p>Standards for home enterprises</p> <p>(i) Shall be conducted in an area that does not exceed 500m² of which a maximum of 120m² shall be available for a building floor area <u>buildings as calculated by gross floor area</u>. Carparks shall be excluded from the maximum area calculation of the activity;</p>
Rural 18.3.1 (p)	<p>Permitted Activities</p> <p>Community facilities or <i>buildings</i> up to a cumulative maximum <u>gross</u> floor area of 200m² when associated with a Controlled Activity of five <i>dwelling</i>s on multiple owned <i>Maori land</i> accessed from an unsealed road maintained by <i>Council</i>.</p>

Rural 18.3.1 (q)	<p>Permitted Activities</p> <p>Community facilities or <i>buildings</i> up to a cumulative maximum gross floor area of 400m² when associated with a Controlled Activity of 10 <i> dwellings</i> on multiple owned <i>Maori land</i> accessed from a sealed road maintained by <i>Council</i>.</p>
Rural 18.3.2 (i)	<p>Controlled Activities</p> <p>Community facilities or buildings up to a cumulative maximum gross floor area of 800m² when associated with a Restricted Discretionary Activity of 11 to 30 <i> dwellings</i> on multiple owned <i>Maori land</i> accessed from a sealed road maintained by <i>Council</i>.</p>
Rural 18.3.4 (h)	<p>Discretionary Activities</p> <p>Coolstores and packhouses less than of 200m² <i> gross floor area or less</i>.</p> <p>Note: <u>For the purpose of this rule, only the ground floor shall be included in the calculation of <i>Gross Floor Area</i>.</u></p>
Rural 18.3.5 (d)	<p>Non-Complying Activities</p> <p>New coolstores and packhouses greater than 200m² <i> gross floor area</i>.</p> <p>Note: <u>For the purpose of this rule, only the ground floor shall be included in the calculation of <i>Gross Floor Area</i>.</u></p>
Rural 18.4.1 (e) (i)	<p>Standards for home enterprises</p> <p>(i) Shall be conducted in an area that does not exceed 500m² of which a maximum of 120m² shall be available for a building floor area <i> buildings as calculated by gross floor area</i>. Carparks shall be excluded from the maximum area calculation of the activity;</p>
Rural 18.4.1 (n) (i) and (ii)	<p>Accessory Buildings</p> <p>(i) Maximum <i> gross floor area</i> of 200m² when within a <i> lot</i> of two hectares or less.</p> <p>(ii) No maximum <i> gross floor area</i> when on <i> lots</i> over two hectares.</p> <p><u>Provided that:</u> Any <i> accessory buildings</i> greater than 200m² in <i> gross floor area</i> on <i> lots</i> over two hectares shall have a <i> side yard</i> and <i> rear yard</i> of 30m.</p> <p>Note: <u>For the purpose of this rule, only the ground floor shall be included in the calculation of <i>Gross Floor Area</i>.</u></p>

<p>Industrial 21.3.1 (c) (i) and (ii)</p>	<p>Permitted Activities (all areas except for the Comvita Campus Structure Plan Area (see 21.3.4) and where otherwise specified)</p> <p>Retailing which is accessory and secondary to (a) and (b) above and which has:</p> <p>(i) Rangiuru Business Park – a maximum of 250m² indoor/outdoor retail or a maximum of 25% of the <i>gross floor area</i> of the primary activity whichever is the lesser;</p> <p>(ii) All other areas – a maximum gross floor area of 100m².</p>
<p>Industrial 21.3.1 (f)</p>	<p>Permitted Activities (all areas except for the Comvita Campus Structure Plan Area (see 21.3.4) and where otherwise specified)</p> <p><i>Takeaway food outlets</i> with a maximum gross floor area of 100m² (excluding Te Puna Business Park).</p>
<p>Industrial 21.3.2 (a) (ii)</p>	<p>Additional Permitted Activities (Rangiuru Business Park only)</p> <p><i>Retailing</i> (not covered by 21.3.1(c)) and involving a maximum gross floor area of 100m²;</p>
<p>Industrial 21.3.3 (b)</p>	<p>Additional Permitted Activities (Te Puna Business Park only)</p> <p>Garden centres and plant nurseries, including ancillary cafés provided that the café does not exceed a maximum gross floor area of 100m².</p>
<p>Industrial 21.3.10 (a)</p>	<p>Discretionary Activities</p> <p>With respect to any activity in 21.3.1(c), <i>retailing</i> involving a maximum gross floor area greater than 100m² but not exceeding 25% of the <i>gross floor area</i> of the industrial activity.</p>
<p>All Terrain Park 23.3.1 (i)</p>	<p>Permitted Activities</p> <p><i>Buildings</i> (except <i>dwellings</i> and <i>buildings</i> provided for as <i>All Terrain Park activities</i>) <i>accessory</i> to the foregoing, less than of 200m² <i>gross floor area</i> or less.</p> <p>Note: <u>For the purpose of this rule, only the ground floor shall be included in the calculation of <i>Gross Floor Area</i>.</u></p>
<p>All Terrain Park 23.3.4 (d)</p>	<p>Discretionary Activities</p> <p><i>Buildings</i> (except <i>dwellings</i>) <i>accessory</i> to the foregoing of greater than 200m² <i>gross floor area</i> or greater.</p> <p>Note: <u>For the purpose of this rule, only the ground floor shall be included in the calculation of <i>Gross Floor Area</i>.</u></p>

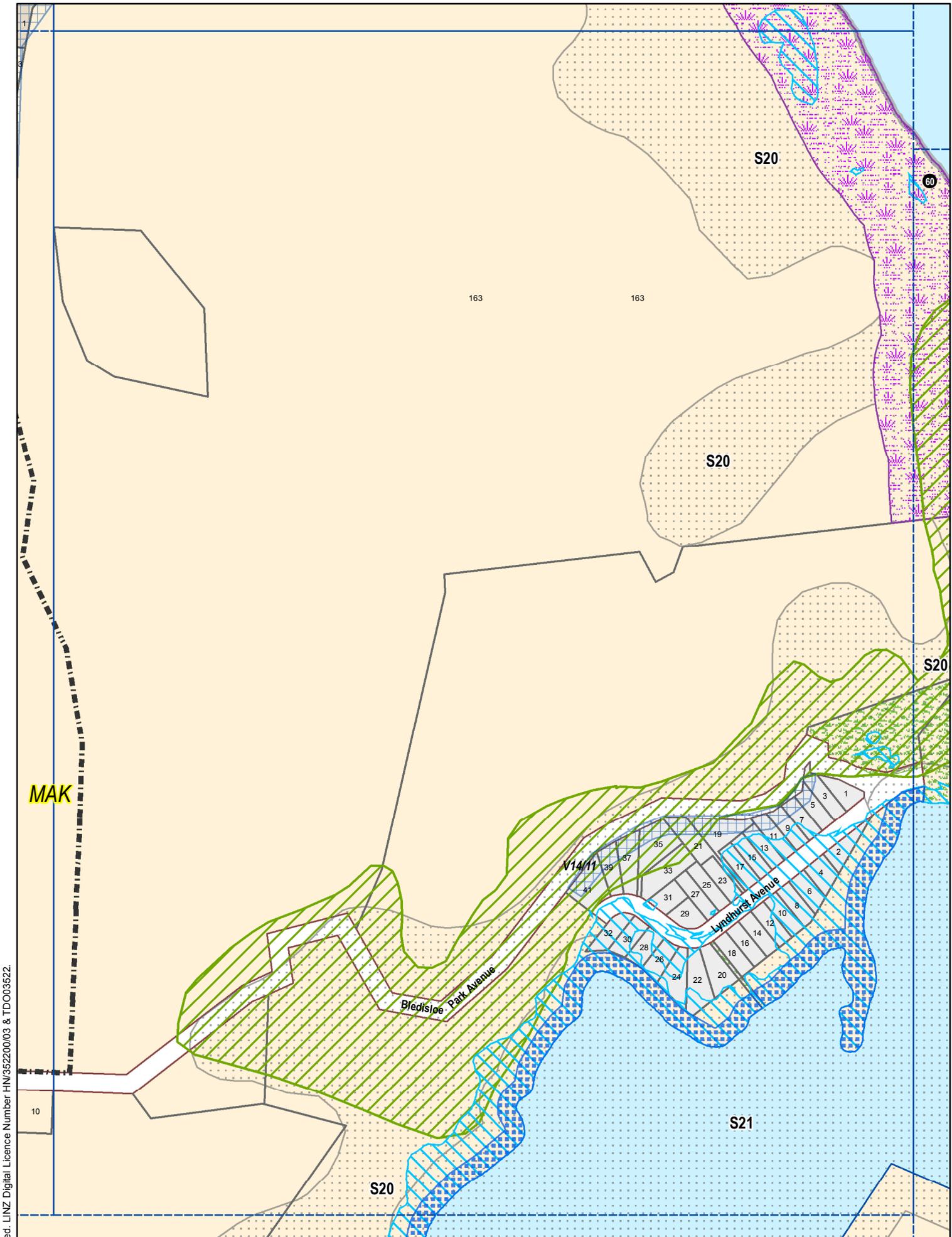
Plan Change 65 - Landscape Features in Residential Zones

Planning Maps

Remove landscape features from “developed” residential zones, specifically as follows.

- Remove S10 (Bowentown Heads) from the land shown as 508 Seaforth Road on Planning Map U12 and from legal description Allot 1B1 Katikati Parish ML 21951.
- Remove S20 (Okurei Point and Headland) and S21 (Waihi Estuary) from the Lyndhurst Avenue Residential Zone at Little Waihi as shown on Planning Map U154.
- Remove S21 (Waihi Estuary) from all affected residential properties on Pukehina Parade. The first being the one adjoining the WBOPDC Recreation Reserve as far as 598 Pukehina Parade.

The proposed changes to Planning Maps U12, U154, U155 and U156 are shown on the pages to follow;



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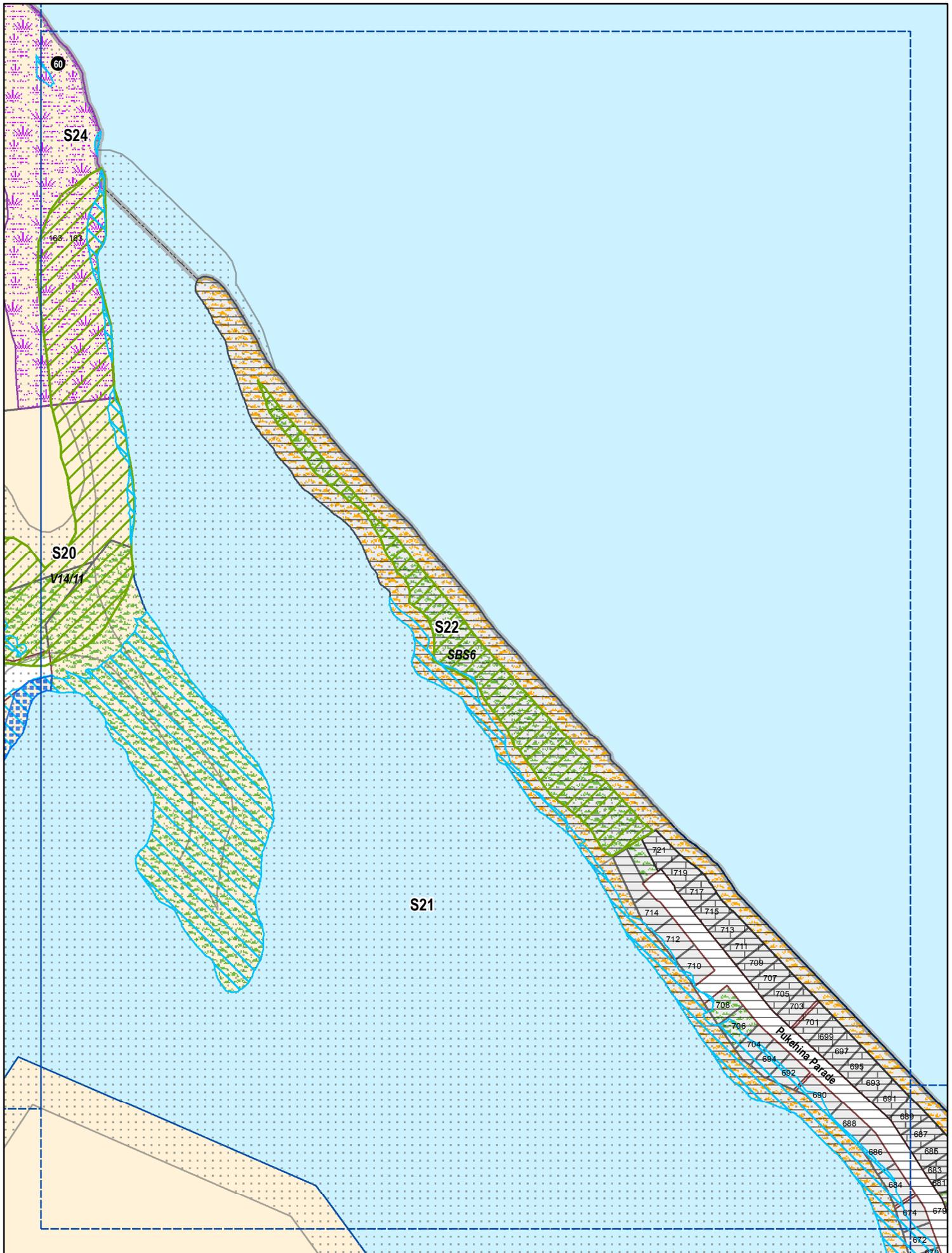
U154

Maketu



Scale 1:5000 (A4)

Revision Date: PC65
November 2014



U155

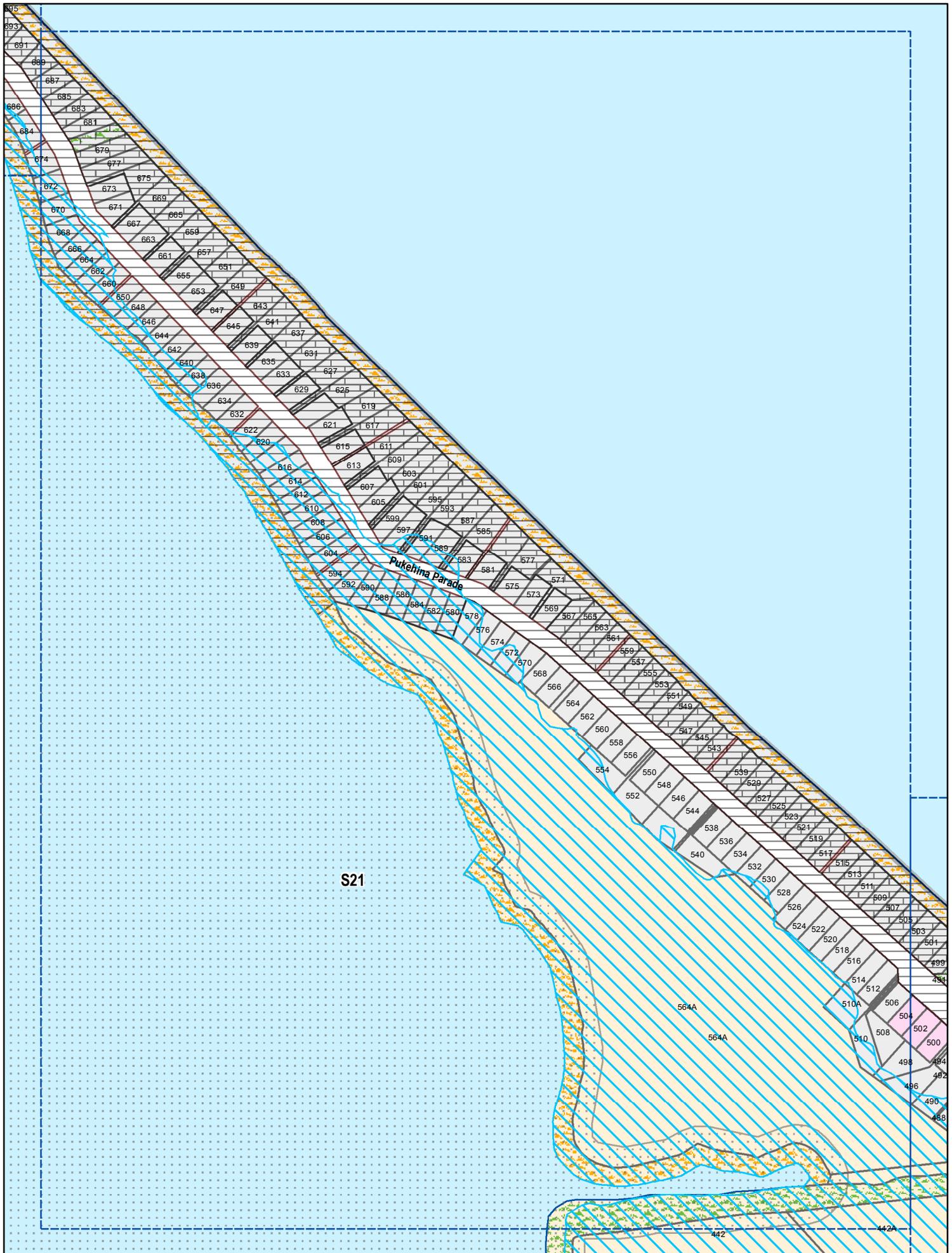
Pukehina



Revision Date: PC65
November 2014



Scale 1:5000 (A4)



U156

Pukehina



Scale 1:5000 (A4)

Revision Date: PC65
November 2014

Plan Change 66 - Historic Heritage – Clarification of Whether Particular Rules Apply to Cultural or Built Features

Section 7 – Heritage

Delete Discretionary Activity 7.3.3 (c) as follows;

~~“(c) Excavation, alteration, or reconstruction of any scheduled historic heritage feature.”~~

Amend Discretionary Activity 7.3.3 (f) as follows;

“(f) Alteration or reconstruction of any cultural heritage feature or excavation, construction, or any other work on or within a 20m radius of the scheduled any cultural heritage feature including the use of heavy machinery and the planting of trees on or adjoining any cultural heritage feature an archaeological site. Land for which historic heritage issues have already been assessed and consent granted shall be exempt from this rule.”

Introduce a new Discretionary Activity as follows;

(x) Alteration, reconstruction or removal of, or excavation, construction or any other work on, any part of a built heritage feature which is not a building or structure but which has been identified as contributing to the significance of that feature.

Note: This includes but is not limited to items such as trees, graves, subsurface remains, bridge embankments and land within domains and reserves.

Amend Non-Complying Activity 7.3.4 as follows;

“The demolition or destruction of any scheduled historic heritage feature.”

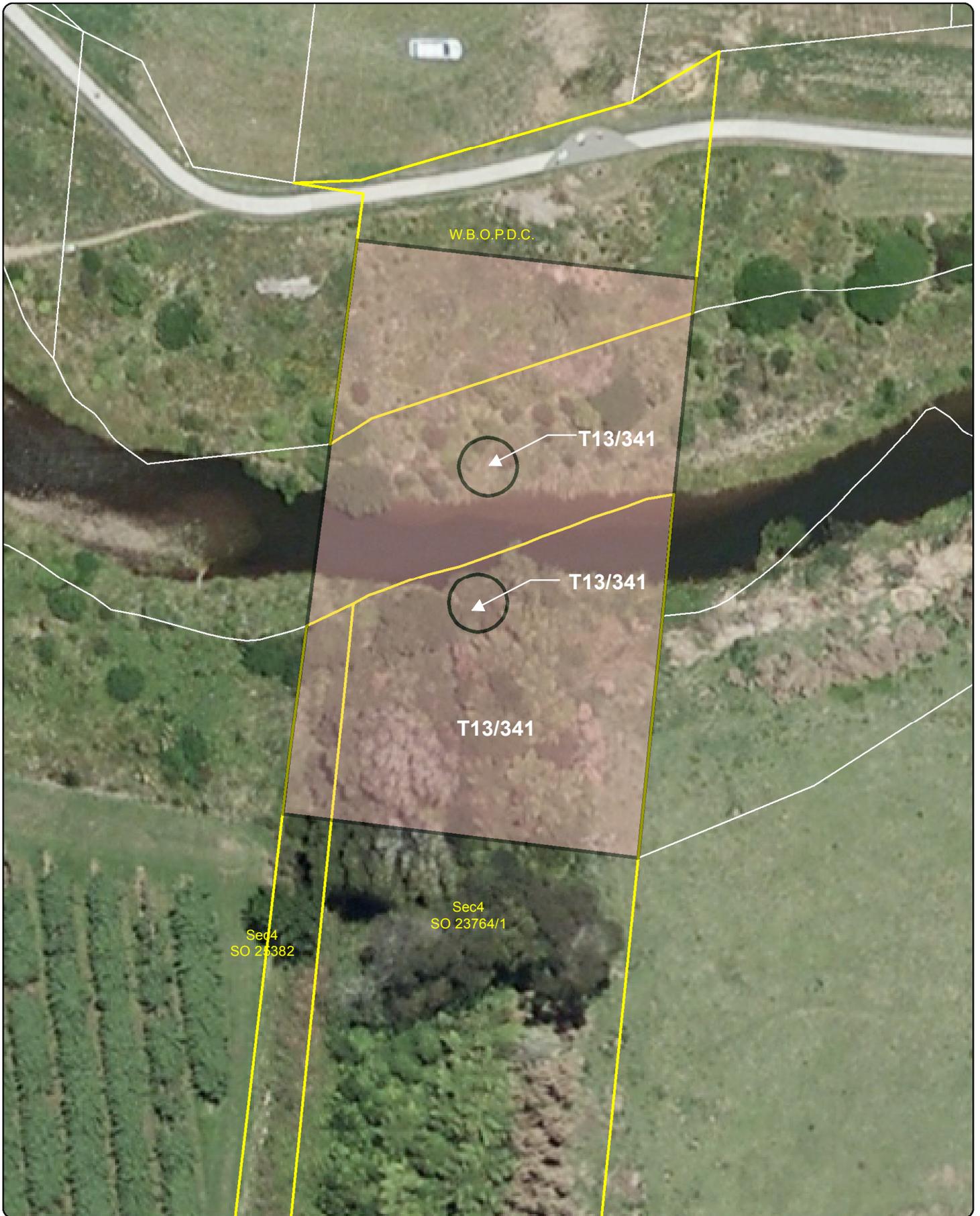
Appendix 3 – Schedule of Identified Significant Historic Heritage Features

Delete Cultural Heritage Feature 109 and merge it with Built Heritage Feature 66 as shown below. The change to the site boundary map is shown on the following page.

109	Bridge Embankment T13/341	Lot 198 DP 369442 Sec 4 SO 23764 Sec 4 SO 25382	Bridge embankment on former ECMT.
66	Bridge <u>and</u> Embankment T13/341	<u>Lot 198 DP 369442 Sec 4 SO 23764 Sec 4 SO 25382</u>	Bridge <u>and</u> embankment on former ECMT.

Planning Maps

The change to Planning Map U44 is shown on the page after next.

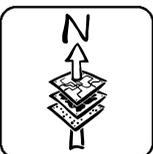


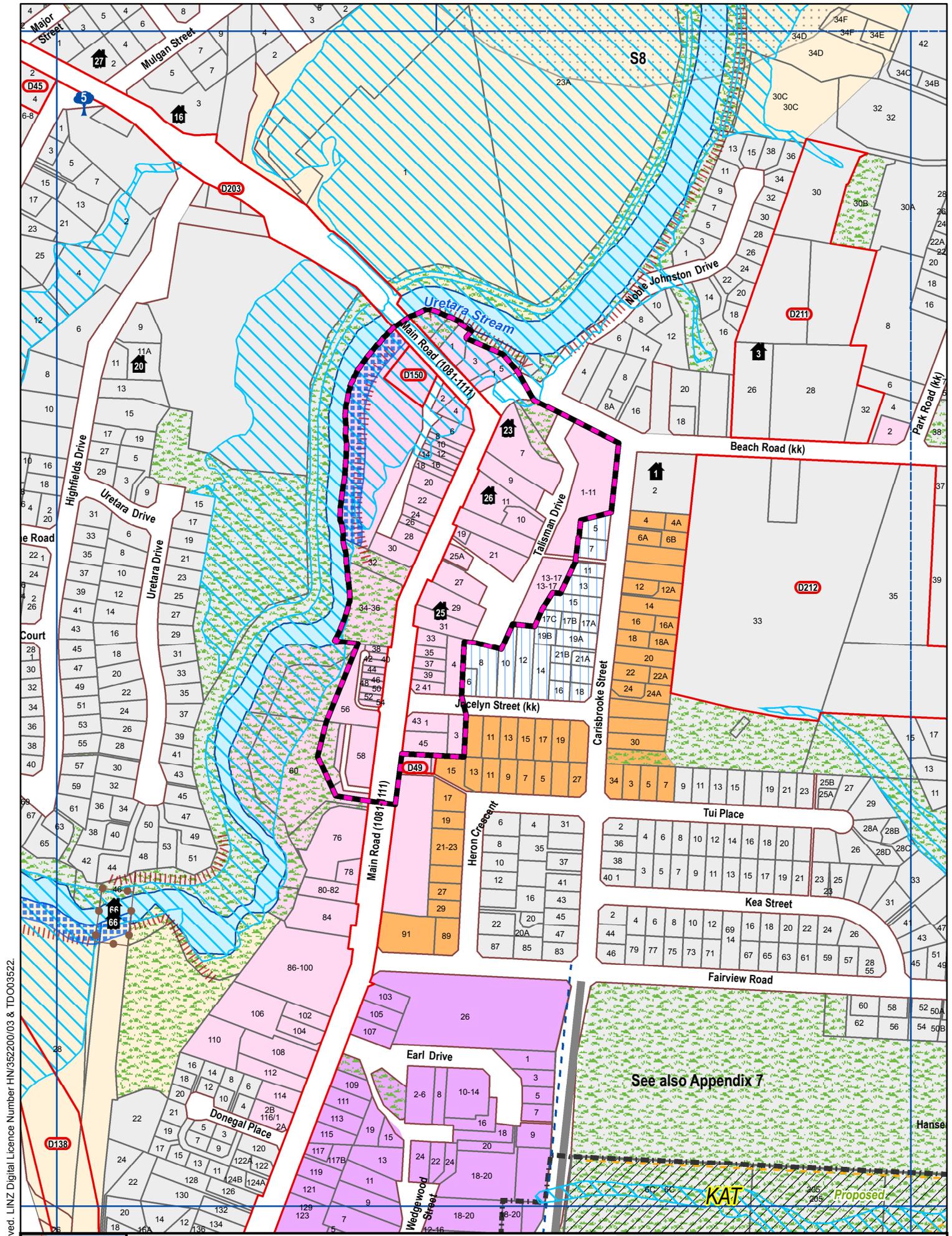
Produced using ArcMap by the Western Bay of Plenty District Council GIS Team.
 Crown copyright reserved. LINZ digital license no. HN/352200/03 & TD093522.
 Location of services is indicative only. Council accepts no liability for any error.
 Archaeological data supplied by NZ Archaeological Assoc/Dept. of Conservation.

Email: gis@westernbay.govt.nz Scale A4 - 1:500
 Date: 28/05/2014
 Operator: mlb
 Map: E:\Shape\DistrictPlan\District Plan - Plan Changes-New Format\Built Heritage



**DISTRICT PLAN
 BUILT HERITAGE FEATURE 66
 BRIDGE AND EMBANKMENT (CATEGORY B)**





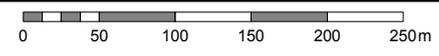
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U44

Katikati



Western Bay of Plenty District Council



Scale 1:5000 (A4)

Revision Date: 6 February 2013

See also Appendix 7

KAT

Proposed

Plan Change 67 - Rural Contractors Depots – Setbacks for Sensitive Activities

Section 18 – Rural

Amend Rule 18.4.1 (c) (i) (e) as follows;

“(c) Yards

- (i) Dwellings, minor dwellings, accommodation facilities, education facilities

Minimum 30m.

Provided that:

A *side* or *rear yard* may be reduced to not less than 10m in one or more of the following circumstances

- (e) Where any new *dwelling, minor dwelling, accommodation facility* or *education facility* (including any additions or alterations to these) can meet all of the following permitted activity performance standards;
- Shall not be located any closer than 60m to any existing *dwelling, minor dwelling, accommodation facility*, ~~or~~ *education facility* or *Rural Contractors Depot* that is located on a title separate to that of the subject site and in different ownership;”

Plan Change 68 - Deletion of Built Heritage Feature 31 (Former Union Bank Building)

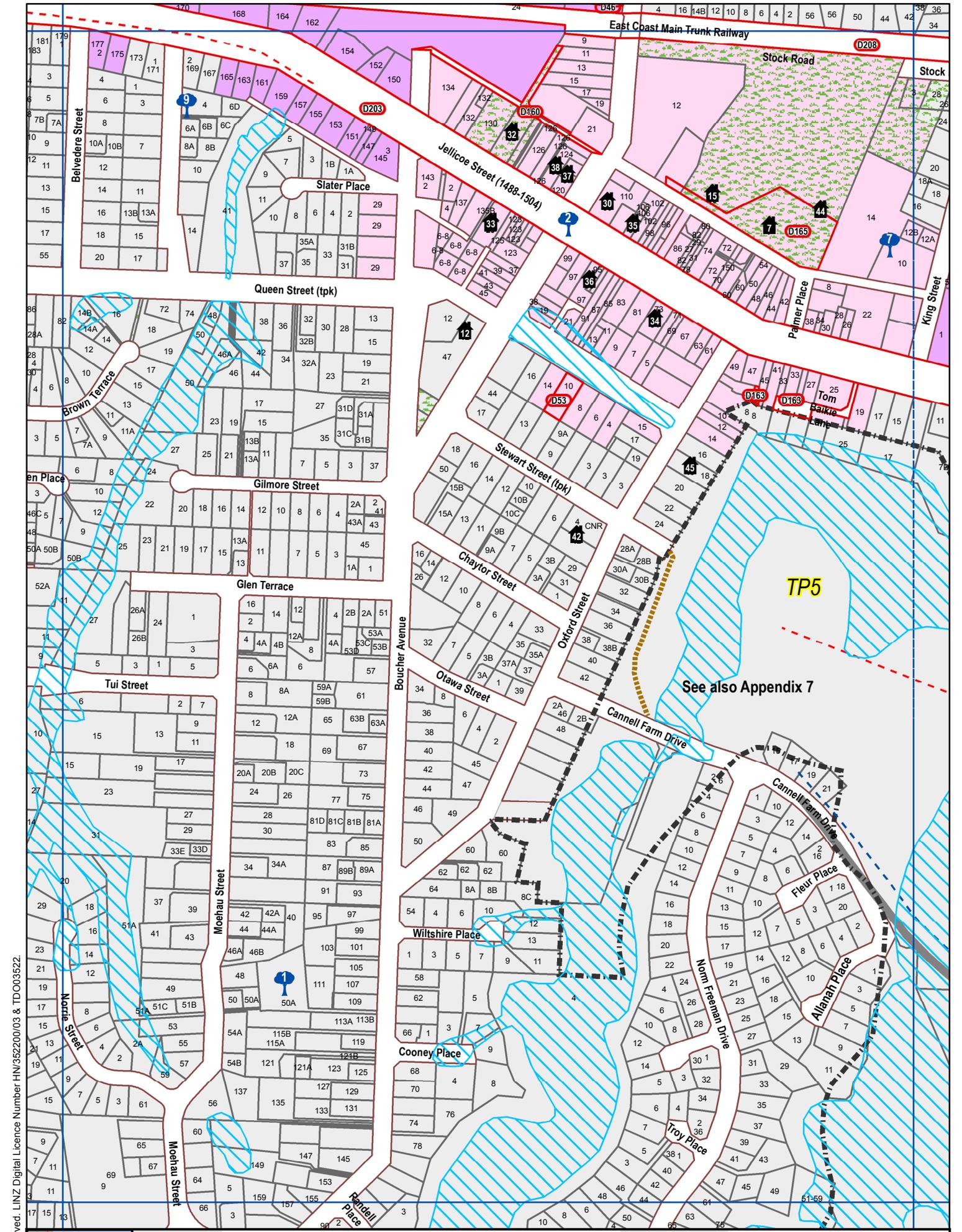
Appendix 3 – Schedule of Identified Significant Historic Heritage Features

Delete Built Heritage Feature 31 (Former Union Bank Building) as follows;

31.	Former Union Bank building (Category A)	Lot 1 DPS 3511 2 Boucher Ave, Te Puke	Rare surviving form of 1910s timber bank building. Associated with Union Bank and Te Puke Historic Streetscape.
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Planning Maps

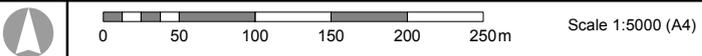
Delete Built Heritage Feature 31 from Planning Map U131 as shown as follows;



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U131

Te Puke



Revision: PC 68
November 2014