

Council Ref Number	Point	District Plan Provision	Decision Sought	Appellants(s)	S274 Parties	Env Reference ENV-2010-AKL	Court
1	1	16.2.1.1 Rural Section Objective 1	Delete reference to “versatile rural land resource” and replace with “versatile soils”.	Bay of Plenty Regional Council		000096	
1	2	3DV Definitions (New) Versatile Soils	Insert a definition of “Versatile Soils”.	Bay of Plenty Regional Council		000096	
1	3	16.2.2.1 Rural Section Policy 1	Delete reference to “versatile rural land resource” and replace with “versatile soils”.	Bay of Plenty Regional Council		000096	
1	4	16.2.2.2 Rural Section Policy 2	Delete reference to “versatile rural land resource” and replace with “versatile soils”.	Bay of Plenty Regional Council		000096	
1	5	6.4.3 Landscape Section Restricted Discretionary	Amend to provide for an appropriate Landscape Management Area which affords appropriate provision for landscape in the Western Bay of Plenty.	Bay of Plenty Regional Council		000096	
1	5	Appendix 2 S7 and S8	Amend to provide for an appropriate Landscape Management Area which affords appropriate provision for landscape in the Western Bay of Plenty.	Bay of Plenty Regional Council		000096	
1	6	6.4.1(c) Landscape Section Permitted Activities	Reinstate original provisions to exclude buildings within 100m of the Wairoa River and Tauranga Harbour as a Permitted Activity.	Bay of Plenty Regional Council		000096	

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1	7	6.4.1 Landscape Section Permitted Activities	Delete 6.4.1 and replace with 6.5 Activity Performance Standards (as notified).	Bay of Plenty Regional Council		000096	
1	7	6.4.1 Landscape Section	Deletion of Rule 6.4.1 and replacement with Rule 6.4.1 and Activity Performance Standards as notified	Bay of Plenty Regional Council		000096	
2	1	Planning Map D03	Zone 23 Rea Road, Birchwood as post harvest zone	Birchwood Packhouse Limited			
3	1	16.0 Rural Section Explanatory Statement (Paragraph 8)	In the third sentence add the words "it is preferable that" after the words "For this reason". In the fourth sentence delete the words "enhances the rural community of the Island within the context of general rural planning strategies for the District" and the words "continue to provide for the Island community's social, cultural and economic wellbeing".	Blakely Pacific Limited		000076	
3	2	16.1.10 Rural Section Significant Issue 10	Delete	Blakely Pacific Limited		000076	
3	3	16.2.1.3 Rural Section Objective 3	Add the words "productive/versatile" following the words "development of the".	Blakely Pacific Limited		000076	

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3	4	16.2.1.9 Rural Section Objective 9	Add the words "and for other land with unique and special characteristics and less versatile soils" to the end of the Objective.	Blakely Pacific Limited		000076	
3	6	16.2.2.16 Rural Section Policy 17(c)	Appeal states Policy 16 (c) but it assumed it is meant Policy 17 (c). Delete.	Blakely Pacific Limited		000076	
3	7	16.2.1.NEW Rural Section New Objective	Add a new Objective as follows – "To enable, where climatic and soil conditions on Matakana Island do no provide for sustainable rural productive opportunities, uses which maintain or enhance regionally significant ecological and heritage values".	Blakely Pacific Limited		000076	
3	8	16.2.2.NEW Rural Section New Policy	Add new Policy as follows – "Changes to forestry land use at Matakana Island and/or subdivision shall be investigated in a comprehensive way and shall: (a) Promote improved use of land that is of poor productive potential (being class 3 to 8 under the New Zealand Land Use capacity index); and (b) Not require connection to existing or proposed, Council operated urban water supply sources, stormwater or wastewater infrastructure, or direct access to urban	Blakely Pacific Limited		000076	

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			<p>arterial roads: and</p> <p>(c) Promote significant ongoing environmental and/or heritage maintenance or enhancement programs; and</p> <p>(d) Include provision for public access to the District's waterways and coastlines</p> <p>(e) Maintain or enhance the landscape values of the Island and, in particular, its vegetative cover</p>				
3	8	16.2.2.NEW Rural Section New Policy	<p>Add new Policy as follows –</p> <p>“A comprehensive structure plan is an appropriate tool for the integrated and holistic development of land to achieve particular purposes, such as the maintenance and enhancement of rural character, ecological or biodiversity values, or a higher intensity development than is typical in the relevant environment”.</p>	Blakely Pacific Limited		000076	
3 3.5	9	16.2.2.14 Rural Section Policy 14	<p>Appeal states Policy 13 but it is assumed it is meant Policy 14.</p> <p>Delete the words “in reasonable proximity to urban centres”.</p>	Blakely Pacific Limited		000076	
3	10	16.0 Rural Section Zone Statement	<p>Delete the second sentence and replace with the following –</p> <p>“The zone recognises that some soils have the potential to support primary production and the</p>	Blakely Pacific Limited		000076	

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			<p>open-space is an important rural amenity".</p> <p>In the next (third) sentence replace the words "Emphasis is on" with "Therefore" and amend the rest of the sentence so it makes sense.</p> <p>Delete the sentence which reads "Activities that do not rely on the productive capacity of the land are discouraged".</p>				
3	11	16.4.2(a) Rural Section Controlled Activities	Delete the words "excluding Matakana Island".	Blakely Pacific Limited		000076	
3	11	16.4.4(c) Rural Section Discretionary Activities	Delete the words "excluding Matakana Island".	Blakely Pacific Limited		000076	
3	11	16.4.4(d) Rural Section Discretionary Activities	Delete the words "excluding Matakana Island".	Blakely Pacific Limited		000076	
3	11	16.4.4(e) Rural Section Discretionary Activities	Delete the words "excluding Matakana Island".	Blakely Pacific Limited		000076	
3	11	16.4.4(n) Rural Section Discretionary Activities	Delete the words "excluding Matakana Island".	Blakely Pacific Limited		000076	

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3	12	16.4.4(p) Rural Section Discretionary Activities	Delete.	Blakely Pacific Limited		000076	
3	13	16.5.1(c)(vi) Rural Section Rural Yards	Amend as follows - "Tauranga Harbour (including Matakana Island) and Wairoa River Landscape Management Areas – for controls on activities up to 300m landward of MHWS and for areas on Matakana Island 200m landward of MHWS, see Section 6.3".	Blakely Pacific Limited		000076	
3	14	6.4.1(a) Landscape Section	Retain 6.4.1(a) in current form "Production forestry in landscape feature S19 – Matakana" as a permitted activity	Blakeley Pacific Limited		000076	
4	1	4B.4.1 Transportation Roading Hierarchy	Include a District wide roading heirarchy map to show all strategic and district roads and the proposed Kaituna Link road.	Carrus Corporation Limited		000090	
4	2	10.0 Network Utilities Explanatory statement and Infrastructure and Network Utilities	Add the words "and the wider Sub-region" on page 10.1 to the explanatory statement and the Infrastructure and Network Utilities paragraph.	Carrus Corporation Limited		000090	
4	3	10.1.3 Network Utilities Significant Issue 3	Amend Issue 3 to read; The Western Bay of Plenty District shares a long boundary with Tauranga City. It is important to acknowledge the importance of the infrastructural and network utility linkages crossing the boundary	Carrus Corporation Limited		000090	

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			between these two districts and to ensure the appropriate <u>integration co-ordination and safeguarding</u> of such assets.				
4	4	10.2.2.1 Network Utilities Policy 1	Amend Policy 10.2.2.1 to read; Infrastructure and network utility development should be sequenced in a way that integrates with the long-term planning, <u>including provision for recognised proposed settlement areas as identified in the Bay of Plenty Regional Policy Statement</u> , and funding mechanisms of local authorities, central government agencies, and network utility providers and operators.	Carrus Corporation Limited		000090	
4	5	Appendix 5 Schedule of Designations	For D179 add map reference F09, G09, H09,H10, I10, U79, U82 and delete from U08	Carrus Corporation Limited		000090	
4	5	Planning Map G09, H09	Show the designation for the Bell Road realignment as part of the TEL designation D179	Carrus Corporation Limited		000090	
4	6	16.0 Rural Explanatory Statement	Amend paragraph to read "Interest has been expressed for more intensified development of Matakana Island. There are concerns about what should happen on the island particularly because of its cultural history, sensitive landscape and ecological values. It is necessary that <u>Before</u> any form of development, <u>this should</u> be preceded by a n <u>integrated</u> "whole of island" plan that deals with	Carrus Corporation Limited		000090	

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			<u>providing for a development that has special characteristics. all the issues in a holistic manner."</u>				
4	7	16.1.10 Rural Significant Issue 10	Delete Significant Issue 10 Matakana Island is a sensitive environment that needs to be planned for carefully. Replace with; <u>Rural land is a sensitive resource and that any development needs to be planned carefully to ensure any development does not compromise the soil versatility.</u>	Carrus Corporation Limited		000090	
4	8	16.2.1.12 Rural Objective 12 NOW OBJECTIVE 12 IS OBJECTIVE 9	Amend Objective 12 to read; To manage rural land identified in the Bay of Plenty Regional Policy Statement as being required for future urban development in a manner which: - Retains its potential to be used for a range of productive rural purposes; - Preserves all options relating to its efficient development for future urban <u>and commercial</u> purposes.	Carrus Corporation Limited		000090	
4	9	16.2.2.9 Rural Policy 9	Amend Policy 9 to read; Rural lifestyle development should be channelled into areas that comprise land of limited productive potential, are able to be readily serviced in respect of roading and other infrastructure and are in reasonable proximity <u>to urban areas.</u>	Carrus Corporation Limited		000090	

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4	10	16.2.2.11 Rural Section Policy 11 NOW POLICY 19	Amend Policy 11 to read; Avoid the <u>Any</u> further fragmentation of large rural land holdings for rural lifestyle living purposes so as to <u>should</u> retain the open space rural character.	Carrus Corporation Limited		000090	
4	11	16.2.2.14 Rural Section Policy 14	Amend Policy 14 to read; Development of Matakana Island is to be in <u>accordance with an approved "whole of island" plan</u> ; <u>recognise and demonstrate that:</u> a) <u>It maintains or enhances or retains key elements of natural character, natural features and landscapes, indigenous vegetation and habitats of indigenous afuna and historic heritage.</u> b) <u>Does not compromise the potential of versatile soils.</u>	Carrus Corporation Limited		000090	
4	12	16.4.4(c) Rural Section Discretionary Activities	Amend Rules 16.4.4 (c) to read; Accommodation facilities for more than four persons, excluding Matakana Island.	Carrus Corporation Limited		000090	
4	13	16.4.4(d) Rural Section Discretionary Activities	Amend Rules 16.4.4 (d) to read; Education facilities for more than four persons (excluding staff), excluding Matakana Island.	Carrus Corporation Limited		000090	
4	14	16.4.4(e) Rural Section Discretionary Activities	Amend Rules 16.4.4 (e) to read; Places of assembly, excluding Matakana Island.	Carrus Corporation Limited		000090	

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4	15	16.4.4(n) Rural Section Discretionary Activities	Amend Rule 16.4.4 (n) to read; Subdivision specified in Rule 16.5.2(h) (Protection Lot Subdivision), excluding Matakana Island.	Carrus Corporation Limited		000090	
5 5.2	1	6.4.1(c) Landscape Section Permitted Activities	Add further Permitted Activity performance standards as follows; <ul style="list-style-type: none"> (i) Buildings be located a minimum of 100m from the river margin (ii) Buildings have a maximum height above existing ground level of 5.5m (iii) Dwellings have a maximum floor area of 500m² (iv) Other buildings have a maximum floor area of 100m² (v) Inclusion of glazed areas in the assessment of reflectivity (vi) A maximum volume for earthworks of 200m³ 	Keith Catran.		000068	
6	1	Planning Map U17	That all of Lot 8 DP 396634 at 10G Church Street, Katikati is zoned Residential.	Charley Farley Limited		000078	
7	1	6.3 Landscape Section Applicability NOTE	Amend the note at the end of Section 6.3 to read; The Tauranga Harbour (including Matakana Island S19) and Wairoa River Landscape Management Areas are included as natural features and landscapes within Appendix 2 and extend 300m inland from	Clarkson, Robert		000094	

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			MWHS and <u>20m inland from</u> the river margin (<u>respectively</u>) on Rural Zoned land only.				
7	2	6.4.1(c) Landscape Section	Amend Rule 6.4.1(c) to read; Buildings in the Tauranga Harbour Landscape Management Area between 40m and 300m above MHWS and buildings in the Wairoa River Landscape Management Area between 20m and 300m from the river subject to compliance with all of the following Permitted Activity performance standards.	Clarkson, Robert		000094	
7	3	6.4.3.2 Landscape Section	Amend Rule 6.4.3.2 to read; Between 40m and 300m above MHWS in the Tauranga Harbour Landscape Management and between 20m and 300m in the Wairoa River Landscape Management Area	Clarkson, Robert		000094	
7	4	Appendix 2 Schedule of Outstanding Landscape Features S7	Amend Appendix 2, S7 – Wairoa Landscape Management Area to read; The area identified as visually significant includes the Wairoa River and margins (300m <u>20m</u> each side on Rural Zoned land) from McLaren Falls Dam to MHWS. This landscape feature is divided into two distinct areas. The area within 20m of the river bank (as shown as S7a on the Planning Maps) is deemed to be the more significant and thus greater restrictions apply.)	Clarkson, Robert		000094	

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7	5	Planning Maps	Amend the planning maps to reflect the WRLMA as requested	Clarkson, Robert		000094	
7	6	Planning Maps G06, H06	Amend the planning maps by rezoning the Tauriko area as future urban	Clarkson, Robert		000094	
7	7	14.0 Future Urban Explanatory Statement	<p>Amend the Explanatory Statement to read;</p> <p>Paragraph 1 This zone provides for the longer term development of the Omokoroa Peninsula <u>and Tauriko</u> for urban purposes. It is important therefore to ensure that any interim development does not compromise the future option.</p> <p>Paragraph 3 The potential for urban development is recognised and balanced with the productive potential and versatility of parts of the Peninsula <u>and Tauriko</u> and the need to maintain the amenity values of the area. By not allowing rural-residential type development the ability of the land resource to be used productively is maintained, as is the potential for urban development.</p>	Clarkson, Robert		000094	
7	8	14.1.1 Future Urban Significant Issue 1	Amend section 14.1.1 to read; The amenity of the existing Omokoroa <u>and Tauriko</u> settlement and adjacent "rural" areas would be adversely affected by uncontrolled	Clarkson, Robert		000094	

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			urban development.				
7	9	14.2.1.1 Future Urban Objective 1	Amend objective 14.2.1.1 to read; The amenity of the Omokoroa Peninsula <u>and Tauriko</u> is not compromised by inappropriate development.	Clarkson, Robert		000094	
7	10	14.2.1.5 Future Urban Objective 5	Amend objective 14.2.1.5 to read; Development of the Omokoroa Peninsula <u>and Tauriko</u> which does not compromise the potential for urban development.	Clarkson, Robert		000094	
7	11	14.2.2.1 Future Urban Policy 1	Amend policy 14.2.2.1 to read; Development of the Omokoroa Peninsula <u>and Tauriko</u> should not have effects which are incompatible with the amenity values of the environment in which they are situated.	Clarkson, Robert		000094	
7	12	14.2.2.4 Future Urban Policy 4	Amend policy 14.2.2.4 to read; Ensure that any development does not adversely effect the roading system, including the future provision of integrated travel options such as public transport, walkways and cycle ways and particularly the functioning of Omokoroa Road as the major access arterial servicing the Peninsula <u>and State Highway 29 as the major access arterial servicing Tauriko.</u>	Clarkson, Robert		000094	
8	1	Planning Map F05	Rezone Area 1 Tides Reach as Rural Residential	Darragh, BG & ED		000093	

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9	1	Planning Map F06, U44	Retain post harvest zoning for DMS land at Te Puna site – Lot 4 DP 376727	DMS Pro growers Limited		000095	
10	1	13.4.1(d) Residential Section Maximum Building Coverage	Delete in its entirety.	Fairway Holdings Ltd and Classic Builders Ltd.		000102	
10	2	13.4.1(e) Residential Section Fences Walls and Hedges	Delete in its entirety	Fairway Holdings Ltd and Classic Builders Ltd.		000102	
11	1	1.2.3 Plan Overview	Delete the last sentence which begins with "Applications for activities".	Federated Farmers of New Zealand Inc.		000084	
11	2	4A.1 General Section	Delete in its entirety.	Federated Farmers of New Zealand Inc.		000084	
11	3	5.1.5 Natural Environment Section Significant Issue 5	Delete the words "rural and" from the brackets and the words "inadequate fencing of farm animal, and stock grazing".	Federated Farmers of New Zealand Inc.		000084	
11	4	5.2.1.1 Natural Environment Section Objective 1	Delete the words "and ecosystems".	Federated Farmers of New Zealand Inc.		000084	

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11	5	5.2.2.8 Natural Environment Policy 8	Amend as follows - "Activities should avoid, remedy or mitigate not adversely affect on any significant native plant and animal habitats and ecosystems ".	Federated Farmers of New Zealand Inc.		000084	
11	6	6.2.1 Landscape Section Objective 1	Delete the words "and viewshafts".	Federated Farmers of New Zealand Inc.		000084	
11	7	6.2.2.2 Landscape Section Policy 2	Delete Policy on Viewshafts.	Federated Farmers of New Zealand Inc.		000084	
11	8	6.3 Landscape Section Applicability	Include a reference that activity standards do not apply to existing land uses.	Federated Farmers of New Zealand Inc.		000084	
11	9	6.3(d) Applicability Landscape Section	Delete (Viewshaft applicability note)	Federated Farmers of New Zealand Inc.		000084	
11	10	Planning Maps Viewshafts	Remove viewshafts which cover rural working landscapes.	Federated Farmers of New Zealand Inc.		000084	
11	12	6.4.3 (d) Landscape Section Restricted Discretionary	Applicant mistaking requests the removal of "Land Drainage" from the list which has already been removed.	Federated Farmers of New Zealand Inc.		000084	

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11	13	12A.3.2 Esplanade Reserves and Strips	Amend to include a list of circumstances whereby these requirements can be waived such as in 12A.3.1 (f).	Federated Farmers of New Zealand Inc.		000084	
11	14	16.1.4 Rural Section Significant Issue 4	Amend as follows - "Rural farming practices, particularly those associated with horticulture can have effects which may influence the well-being of people living in close proximity. These include spray drift from the use of agrichemical sprays, noise from frost fans, and shading from shelterbelts etc. <u>The operational requirements of primary production activities have effects which are to be anticipated and expected in the Rural Zone.</u> Increased population density in rural areas, particularly that resulting from newcomers seeking to enjoy to lifestyle opportunities available in the rural environment and who may be unfamiliar with the operational requirements of primary production has the potential are unable to unreasonably constrain legitimate farming practices which are an accepted and integral part of primary production".	Federated Farmers of New Zealand Inc.		000084	
11	15	16.2.1.NEW Rural Section New Objective	Re-instate Objective 2 from the Notified Plan with amendments to read – "Primary productive activities should be able to operate in the Rural Zone without unreasonable	Federated Farmers of New Zealand Inc.		000084	

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			constraints being imposed on them by other activities".				
11	16	16.4.4(g) Rural Section Discretionary Activities	Delete (rural contractors depots) and address the issue using proper process such as a Plan Change or Variation.	Federated Farmers of New Zealand Inc.		000084	
12	1	8.3.2 Natural Hazards Rule Discretionary activities within land instability areas	Amend rule to read "New buildings and external additions to buildings (except as provided for in 8.3.1 <u>or where the new building or external addition is to be located on a building platform which has been the result of subdivision that has complied with rule 8.3.2(b))</u> which requires a building consent under the Building Act 2004."	Fiducia Limited and Mount View Holdings NZ Limited		000087	
12	2	11.0 Financial Contributions Explanatory Statement	Explanatory statement and related policies are amended to recognise that existing and future ratepayers receive immediate and ongoing benefit from increased infrastructure and therefore, rates should contribute an equitable level towards the cost of that infrastructure. Financial contributions models need to be adjusted to reflect the equitable allocation of infrastructure costs to ratepayers.	Fiducia Limited and Mount View Holdings NZ Limited		000087	
12	3	11.3.4(a) Financial Contributions Recreation and Leisure – Commercial and Industrial	That recreation and leisure financial contributions are charged equitably to activities within the commercial and industrial zones.	Fiducia Limited and Mount View Holdings NZ Limited		000087	

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		Zones					
12	4	11.3.4(b) Transportation Financial Contributions	<p>That the financial contribution formula is adjusted as follows and that the financial contribution models are adjusted accordingly, so that ratepayers (both existing and future) contribute equitably to the cost of transportation infrastructure.</p> <p>The Transportation financial contributions shall be calculated using the following formula:</p> $\frac{(CP-S) - (EP-S) - (FP-S) + I}{L}$ <p>= financial contribution per additional subdivided lot or household equivalent</p> <p>Where: CP= value of development projects for future Transportation related works during the planning period</p> <p>EP= value of development projects for that portion of the Transportation related works required to meet the existing level of service for existing ratepayers and the increased level of ongoing service that existing ratepayers will receive the benefit of</p> <p>FP = value of development projects for that portion of the transportation related works</p>	Fiducia Limited and Mount View Holdings NZ Limited		000087	

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			<p>which will provide an ongoing level of service for future ratepayers</p> <p>S= the subsidies to be received for Transportation works within the planning period</p> <p>L= dwellings and Household Equivalents estimated during the planning period.</p> <p>I = Interest cost based on Capital expenditure on Transportation related works less Revenue from Transportation financial contributions and rates related to the Transportation related works</p>				
12	5	11.3.4(b) Financial Contributions Water supply, Wastewater and Stormwater	That the financial contribution formula is adjusted as follows and that the financial contribution models are adjusted accordingly. Totally reworked formula (See appeal)	Fiducia Limited and Mount View Holdings NZ Limited		000087	
12	6	3DH Definitions "Household equivalents"	That the adopted household equivalent for transportation is based on 8 vehicle movements per day and that the number of household equivalents taken into account in the Omokoroa transportation financial contribution model is updated accordingly as per Appeal item below.	Fiducia Limited and Mount View Holdings NZ Limited		000087	

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12	7	11.3.4(b) Financial Contributions Financial Contributions	That the transportation financial contributions models are adjusted so that all structure plan roads are fairly allocated between developers / road specific fincos (approx 72-77%) and catchment wide fincos	Fiducia Limited and Mount View Holdings NZ Limited		000087	
12	8	11.3.4(b) Financial Contributions Financial Contributions	That the transportation financial contributions models are adjusted so that all Omokoroa Road projects are fairly and consistently allocated: 20% catchment, 15% district rates, 20% rural and 45% strategic.	Fiducia Limited and Mount View Holdings NZ Limited		000087	
12	10	11.0 Financial Contributions	To update the Omokoroa financial contribution model to allow for the following additional household equivalents in the industrial and commercial zones: roading 2800, stormwater 1506, water 240, wastewater 240	Fiducia Limited and Mount View Holdings NZ Limited		000087	
12	11	11 Financial Contributions	To amend the formulae for the calculating recreation and leisure financial contributions so that each catchment pays for the assets it is creating a need for / will receive benefit from. The financial contribution models need to be adjusted accordingly.	Fiducia Limited and Mount View Holdings NZ Limited		000087	
12	12	12.4.4.2 Subdivision Section	For urban privateways serving 3-6 lots return to a minimum 3.5m reserve and 2.5m carriageway, as publicly notified.	Fiducia Limited and Mount View Holdings NZ Limited		000087	

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12	13	12.4.4.4(b) Subdivision Section Omokoroa Streetscape Design Code – Trees on Omokoroa / Hamurana Roads	The rule is amended to read as per the consent order for Plan Change 69 appeal with the addition of; “The final determination on the species and spacing of trees on Omokoroa and Hamurana roads chosen will provide for the minimisation of negative impact on views following consultation with affected landowners. The tree spacing will be approximately 40m (centres).”	Fiducia Limited and Mount View Holdings NZ Limited		000087	
12	14	12.4.9 Subdivision Structure Plan - General	That rule 12.4.9 is deleted in it's entirety, or a) that it is clearly stated in rule 12.4.9 that compensation is payable to subdividers where infrastructure required by a structure plan is over and above that which would otherwise be required to service a subdivision, and b) that rule 12.7.9(d) be removed	Fiducia Limited and Mount View Holdings NZ Limited		000087	
12	15	13.5.1(d) Residential Matters of control sharing of driveways	That 13.5.1 (d) is deleted	Fiducia Limited and Mount View Holdings NZ Limited		000087	
12	17	Appendix 7 Omokoroa Structure Plan (d) Earthworks Procedure	That “site to be registered as Waahi Tapu” is deleted from Appendix 7	Fiducia Limited and Mount View Holdings NZ Limited		000087	

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12	18	Planning Maps U31, U32, U36	Until suitable agreement is reached between Council and affected landowners, as to the location of the Margaret Place to Lynley Park link road and whether it will link into Lynley Park, the structure plan will remain as it is.	Fiducia Limited and Mount View Holdings NZ Limited		000087	
12	19	3DA Definition "Accommodation facilities"	Clarification is given within the Proposed Plan, that where a building meets the definition of a "dwelling", then it shall be treated as a "dwelling", not as "accommodation facility", regardless of who ends up residing in that dwelling, retired or otherwise.	Fiducia Limited and Mount View Holdings NZ Limited		000087	
12	19	13.3.1(c) Residential Section	Clarification is given within the Proposed Plan, that where a building meets the definition of a "dwelling", then it shall be treated as a "dwelling", not as "accommodation facility", regardless of who ends up residing in that dwelling, retired or otherwise.	Fiducia Limited and Mount View Holdings NZ Limited		000087	
12	19	13.3.4(b) Residential Section	Clarification is given within the Proposed Plan, that where a building meets the definition of a "dwelling", then it shall be treated as a "dwelling", not as "accommodation facility", regardless of who ends up residing in that dwelling, retired or otherwise.	Fiducia Limited and Mount View Holdings NZ Limited		000087	
13	1	13.1.NEW Residential Section New Significant Issues	Add a new Significant Issue as follows – "The encouragement of affordable housing schemes is a priority for the Council.	Brian Flegg		000080	

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			Unnecessary costs associated with developing residential land should therefore be avoided. The encouragement of more intensive forms of residential housing and smaller lot sizes is a priority and will facilitate the efficient use and development of residential zones land as well as with housing affordability throughout the District".				
13	2	13.2.2.NEW Residential Section New Policy	Add a new Policy as follows - "Housing affordability is promoted through the supply of suitable land to avoid unnecessary shortage driven inflation".	Brian Flegg		000080	
13	3	13.4.1(d) Residential Section Maximum Building Coverage	Delete in its entirety.	Brian Flegg		000080	
13	4	13.4.1(e) Residential Section Fences, Walls and Hedges	Delete in its entirety.	Brian Flegg		000080	
13	5	13.2.2.NEW Residential Section New Policy	Add a new Policy as follows - "Affordable housing provides security and enhances the wellbeing of the community and will be promoted in instances where housing provides for low income residents and/or is necessary to support the District's Labour Force".	Brian Flegg		000080	

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14	1	14.0 Future Urban Exp Statement (Paragraph 5)	Remove – IN THE APPEAL?	Ford Land Holdings Pty Limited.		000106	
14	1	14.0 Future Urban Exp Statement (Paragraph 1)	Insert the words “as well as part of Papamoa East – Te Tumu” following the words “Omokoroa Peninsula”.	Ford Land Holdings Pty Limited.		000106	
14	2	14.0 Future Urban Exp Statement (New paragraph)	Add new paragraph at the end of the explanatory statement to read - “The Future Urban Zone at Papamoa East – Te Tumu has been included as a ‘Future Urban Zone’ as it forms an integral part of the wider proposed urban expansion at Papamoa East as identified in the Bay of Plenty Regional Policy Statement”	Ford Land Holdings Pty Limited.		000106	
14	3	14.1.NEW Future Urban Significant Issues (New)	Add new Significant Issue (6) as – “Ensuring consistent cross boundary management of physical and natural resources in the Papamoa East – Te Tumu ‘Future Urban’ area”.	Ford Land Holdings Pty Limited.		000106	
14	4	14.2.1.1 Future Urban Objective 1	Insert the words “and Papamoa East – Te Tumu (part)” following the words “Omokoroa Peninsula”.	Ford Land Holdings Pty Limited.		000106	

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14	5	14.2.2.1 Future Urban Policy 1	Insert the words "and Papamoa East – Te Tumu (part)" following the words "Omokoroa Peninsula".	Ford Land Holdings Pty Limited.		000106	
14	6	Planning Map H12	Amend to show the Ford land as Future Urban Zoned land.	Ford Land Holdings Pty Limited.		000106	
15	1	13.4.1(a) Residential Section Height	Revert to wording of notified Proposed Plan so that – Waihi Beach Town Centre = 9m Medium Density by Identified area =12m	The Gerrand Property Trust		000089	
15	2	13.4.1(c)(iv) Residential Section	Either provide exemption for Lots 3 and 4 DPS 73174 or change the requirement for yards for all "secondary arterials" within urban speed environment.	The Gerrand Property Trust		000089	
15	3	13.4.3(c) Residential Section Medium Density	Delete requirement for multi-unit developments to include single bedroom units.	The Gerrand Property Trust		000089	
15	4	13.4.3(d) Residential Section Medium Density	Delete minimum 40m2 and 6m diameter circle requirements and replace with a provision that reads – "each dwelling unit shall be provided with an open outdoor living area in the form of a balcony, deck or patio with a minimum area of 10m2 and a minimum width and depth of 2.5m,	The Gerrand Property Trust		000089	

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			readily accessible from a living area, or similar".				
15	5	13.4.3(f) Residential Section Medium Density	Delete provisions (i) to (iv).	The Gerrand Property Trust		000089	
15	6	13.4.3(i) Residential Section Medium Density	Delete	The Gerrand Property Trust		000089	
15	7	13.6.4 Residential Section Medium Density	Delete subjective discretion and provide acceptable non-subjective discretion details.	The Gerrand Property Trust		000089	
16	3	12.0 Subdivision Section Omokoroa Structure Plan	<p>Add the following rule: <u>For residential lots on Pt Allot 63 SO 423 that adjoin the esplanade reserve the following apply:</u> <u>Lot width: All lots shall have a minimum width of 30m.</u> <u>Yards: All side yards shall be a minimum of 5m</u> <u>Building Height: Building height shall be a maximum of 6m except that a chimney may be at a height of 7.5m.</u> <u>Reflectivity:</u> (a) <u>All external surfaces of buildings (excluding glazing) shall comply with the following reflectivity standards:</u> <u>Walls – 35%</u> <u>Roofs – 25%</u></p>	Goldstone B and J		000112	

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			<p><u>Note the above shall be in accordance with British Standard BS 5252 Reflectance Value.</u></p> <p>(b) <u>No mirrored glass shall be used.</u></p> <p><u>Planting: That a minimum landscape strip of 5m from the esplanade reserve shall be provided that will provide a sustainable long term indigenous vegetation cover. The subdivision plan shall be supported by a landscape and maintenance plan to be approved by Council. The landscape strip shall be planted at the time of subdivision.</u></p>				
16	3	12.0 Subdivision Section Omokoroa Structure Plan	<p>Add standards for the provision of reserves on the Goldstone land to provide for the reserve attributes:</p> <p>Attributes for the final location of the reserve are:</p> <ul style="list-style-type: none"> • Outlook • Sunny aspect • Generally level • Central location to the catchment (approximately 2000m² area) 	Goldstone B and J		000112	
16	3	12.4.4.5(c)(ii) Subdivision Section Formed Public Access Required	<p>That the following underlined wording is added to rule 12.4.4.5(c)(ii):</p> <p><u>"Land contained within Lot 2 DPS 312635, Pt Allot 64 PSH Te Puna, Pt Lot 2 58259 shall provide for a formed public road access (landscaped to a higher standard than</u></p>	Goldstone B and J		000112	

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			<u>provided for in the development code of practice</u>) to either Lot 1 DPS 58259 or Allot 63 Te Puna Parish So 423 and such access shall be provided in conjunction with the first residential subdivision of Pt Allot 64 Te Puna Parish and Pt Lot 2 DPS 58259 and no RMA Section 224 certificate shall be issued unless such has been provided. <u>In finalising the location and standard of the landscaping of such access road Council will give consideration to the owners of Lot 1 DPS 58259 or Allot 63 Te Puna Parish SO 423</u> ".				
16	4	12.4.4.5(c)(ii) Subdivision Section Formed Public Access Required	Add the following rule: "Compliance with Structure Plan <u>All subdivision use and development in the identified structure plan areas in Appendix (ix)(c) (now Planning Maps U35 and U36) shall provide Stormwater management Reserves and access thereto, roading and road widening, public reserves, walkways/cycleways, and green buffer areas, ecological areas and water and sewage areas as applicable in general proximity of the locations shown on the plan. Non compliance with the Structure Plans will require a resource consent approval for a non complying activity, except that non compliance with the provision for new road access to Omokoroa Road in the vicinity of the proposed town centre shall be a discretionary activity</u> ".	Goldstone B and J		000112	

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16	5	Planning Map U35 and U36 Omokoroa Structure Plan	Amend the Planning Map/ Structure Plan to delete the area shown as Rural residential for Pt Allot 63 SO 423 where it adjoins the esplanade reserve and the extension of the residential zoning to the esplanade reserve area.	Goldstone B and J		000112	
16	6	Planning Map U35 and U36 Omokoroa Structure Plan	Delete the reserve notation from the Structure Plan	Goldstone B and J		000112	
17	1	Planning Map C04	That the Post Harvest Zone be removed from 364 Kauri Point Road (Lot 4 DPS 18004) and that it reverts back to the underlying Rural 2 Zoning. Alternatively, changes are sought to the relevant Post Harvest provisions to address the concerns raised in the appeal.	David Hayman		000092	
18	1	Planning Map U18 Binnie Road Structure Plan	Seek that Lot 1 DPS 66114 be deleted from Binnie Road Structure Plan Planning Map U18, that a type C hammerhead' turning area be provided for in accordance with Drawing W407 of Councils Development Code of practice for Subdivision and Development, and that the Structure Plan be amended accordingly.	Holwerda, John and Milenka		000113	
18	2	12.4.15 Subdivision Section Binnie Road Residential Structure Plan	That the following new rule is added to 12.4.15 as follows: <u>"That at the time of subdivision consent the consent holder shall grant an easement in gross over the right of way which</u>	Holwerda, John and Milenka		000113	

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			<u>shall link Riverside Place through the proposed residential zone to Binnie Road for the purposes of pedestrian access".</u>				
18	2	Planning Map U18 Binnie Road Structure Plan	Seek that the walkway shown on the Structure Plan be deleted in its entirety.	Holwerda, John and Milenka		000113	
18	3	12.4.15(a) Subdivision Section Binnie Road Residential Structure Plan	That Rule 12.4.15(a) is amended to refer to designed, approved and developed in general accordance with the associated structure plan and incorporated buffer area as shown on the Structure Plan.	Holwerda, John and Milenka		000113	
18	4	12.4.15(b) Subdivision Section Binnie Road Residential Structure Plan	Seek that Rule 12.4.15(b) is deleted in its entirety.	Holwerda, John and Milenka		000113	
18	5	12.4.15(d) Subdivision Section Binnie Road Residential Structure Plan	It is sought that the row entitled buffer area be amended to read as follows: <u>"any introduced plantings need to complement the ecological values of the wetland".</u>	Holwerda, John and Milenka		000113	
18	6	12.4.15(d) Subdivision Section Binnie Road Residential Structure Plan	It is sought that the row entitled building height is replaced by a building height rule which restricts buildings to a single storey and a height not exceeding 6m.	Holwerda, John and Milenka		000113	
19	1	2 Issues Overview (Paragraph 17)	Delete the last sentence of Paragraph 17 and all of Paragraph 18 and replace with the following –	Horticulture New Zealand and NZ Kiwifruit Growers Inc.		000110	

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		(Paragraph 18)	<p>“Rural production requires a range of attributes to enable the land to be effectively and efficiently managed for rural production purposes. The Western Bay of Plenty District has a range of the attributes that are required for food production to be undertaken. Such factors include soil, water, climate, contour, location and proximity to labour and services. To ensure that rural production can continue in the District provision needs to be made so rural production operations have access and are able to utilise these attributes. Addressing the potential for reverse sensitivity through management of rural-residential subdivision and adequate provision for seasonal worker accommodation are two key issues in the District”.</p>				
19	2	3DE Definitions “Earthworks”	Amend to provide exclusion for earthworks undertaken as part of rural production activities, including cultivation and harvesting of crops, maintenance of farm tracks, root cutting and cleaning of drains.	Horticulture New Zealand and NZ Kiwifruit Growers Inc		000110	
19	3	3DS Definitions “Seasonal Worker Accommodation”	Amend by deleting the words “is specific to post harvest facilities”.	Horticulture New Zealand and NZ Kiwifruit Growers Inc		000110	

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19	4	3DR Definitions "Reverse Sensitivity"	Amend to read as follows – Means "the sensitivity of a new activity to the effects of a lawfully established activity in the vicinity, particularly leading to restraints in the carrying out of those activities".	Horticulture New Zealand and NZ Kiwifruit Growers Inc.		000110	
19	5	4A.1.4 General	Amend to read as follows – "Activities are Permitted unless listed in the Activity Lists as requiring resource consent".	Horticulture New Zealand and NZ Kiwifruit Growers Inc		000110	
19	6	4B.4.7 Transportation	Amend parking requirements for Seasonal Accommodation Facilities so that it reads "one space for every five <u>ten</u> persons".	Horticulture New Zealand and NZ Kiwifruit Growers Inc		000110	
19	7	4B.4.7 Transportation	Amend parking requirements for Coolstores, Packhouses to one car parking space per 50m2 of packhouse area (excluding coolstore area).	Horticulture New Zealand and NZ Kiwifruit Growers Inc		000110	
19	8	4C.1.3.2 (a) Amenity Noise and Vibration	Amend noise limit in the Rural Zone to 55dBA Leq across all days of the week.	Horticulture New Zealand and NZ Kiwifruit Growers Inc		000110	
19	8	4C.1.3.2 (e) Amenity Noise and Vibration	Amend noise limit in the Post Harvest Zone to 65dBA Leq across all days of the week.	Horticulture New Zealand and NZ Kiwifruit Growers Inc		000110	

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19	9	4C.1.5.1 Amenity Noise and Vibration	Delete.	Horticulture New Zealand and NZ Kiwifruit Growers Inc		000110	
19	9	4C.1.3.5 Amenity Noise and Vibration	Delete 4C.1.3.5 and add audible bird scaring devices to the list of exemptions in 4C.1.3.3 (c).	Horticulture New Zealand and NZ Kiwifruit Growers Inc		000110	
19 19.11	10	4C.1.3.7 Amenity Noise and Vibration	Frost fans - Delete the time period 10pm – 8am. Amend the sound level to Leq 60dBA	Horticulture New Zealand and NZ Kiwifruit Growers Inc		000110	
19	11	4C.1.3.8 Amenity Noise and Vibration	Appellant requests that this rule be amended to show Leq 60dBA (however this is the existing requirement).	Horticulture New Zealand and NZ Kiwifruit Growers Inc		000110	
19	12	4C.1.5.2 Amenity Noise and Vibration (Paragraph 3)	Amend to Leq 60dBA to be consistent with changes sought.	Horticulture New Zealand and NZ Kiwifruit Growers Inc		000110	
19	13	4C.2.4.1(c) Amenity Storage / Disposal of Solid Waste	Amend to provide for the disposal of mixed agrichemical as per NZS8409: 2004 Management of Agrichemicals Appendix S 5.1.	Horticulture New Zealand and NZ Kiwifruit Growers Inc		000110	
19	13	4C.2.4.1(a) Amenity Section Storage / Disposal Solid Waste	The performance standards in Rule 4C.2.4.1(a) (with reference to Rule 4C.5) need to be deleted or amended to apply only in certain circumstances, such as where more than 2	Winstone Aggregates		000073	

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			hectares of waste disposal area would be continuously exposed for a period of more than 12 months at any one time.				
19	14	4C.5.3.3(c) Amenity Screening	Amend as follows - "Shelterbelt planting comprising tree species which will attain a minimum height of 10m at maturity shall be provided on the remaining boundaries will be undertaken to mitigate the visual effects of the facility on the site to <u>dwellings on adjacent sites in different ownership</u> ".	Horticulture New Zealand and NZ Kiwifruit Growers Inc		000110	
19	15	16.0 Rural Section Explanatory Statement (Paragraph 2)	In sentence five, delete the word "versatile" and replace with the word "productive".	Horticulture New Zealand and NZ Kiwifruit Growers Inc		000110	
19	16	16.0 Rural Section Explanatory Statement (Paragraph 9)	In the final sentence, add the words "or orchard facilities" following the words "post harvest facilities".	Horticulture New Zealand and NZ Kiwifruit Growers Inc		000110	
19	17	16.1.2 Rural Section Significant Issue 2	Delete and replace with the following - "The District has a range of rural land resources. Much of the land around the urban areas provides attributes suitable for horticultural land uses. The same land is under pressure for use of rural lifestyle living. Lots as	Horticulture New Zealand and NZ Kiwifruit Growers Inc		000110	

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			small as 3-5 hectares will provide an economic return from kiwifruit growing. The issue is to be able to provide for small size horticultural operations and to maintain land for rural production while not encouraging subdivision for rural lifestyle".				
19	18	16.1.4 Rural Section Significant Issue 4	<p>Delete and replace with the following –</p> <p>"Many intensive agriculture/horticulture production activities are located in the rural area of Western Bay of Plenty District, where farm management practices, such as the general use of farm machinery on and off-farm, the application of agrichemicals, pumping water for crop irrigation, use of frost fans and bird scarers, shading from shelterbelts, and harvesting of crops occur at various time including at night, at weekends and on public holidays. These practices have the potential to create noise, dust and odour either of a temporary nature or intermittent nature beyond the boundary of the property concerned.</p> <p>Those moving to the rural area for rural lifestyle opportunities may not be aware of the existence of such activities and seek to constrain the legitimate rural production activities located in the zone, thus creating reverse sensitivity effects".</p>	Horticulture New Zealand and NZ Kiwifruit Growers Inc		000110	

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19	19	16.2.1.NEW Rural Section New Objective	Amend as follows - "Maintenance and enhancement of Maintain the ability of the highly or moderately versatile rural land resource to be used for primary productive purposes activities ".	Horticulture New Zealand and NZ Kiwifruit Growers Inc		000110	
19	20	16.2.1.NEW Rural Section New Objective	Re-instate 16.2.1.2 from the Notified Plan as follows – "Primary productive activities should be able to operate in the Rural Zone without unreasonable constraints being imposed on them by other activities".	Horticulture New Zealand and NZ Kiwifruit Growers Inc		000110	
19	21	16.2.1.4 Rural Section Objective 4	Amend as follows – "Protection and enhancement Maintain the low density character and amenity values associated with the rural environment".	Horticulture New Zealand and NZ Kiwifruit Growers Inc		000110	
19	22	16.2.2.21 Rural Section Policy 21	Appellant refers to Policy 18 but it is assumed they mean Policy 21. The decision sought is to replace Policy 21 with the following - "Encourage seasonal worker accommodation facilities to be co-located with post harvest facilities, orchards facilities or in existing townships".	Horticulture New Zealand and NZ Kiwifruit Growers Inc		000110	

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19	23	16.4.3 Rural Section	<p>Add a new Restricted Discretionary Activity as follows -</p> <p>“Seasonal accommodation facilities for up to 12 people subject to performance standards in 16.5 Standards and 16.7 Matters of Discretion”.</p> <p>Add a new Activity Performance Standards as follows –</p> <p>“Seasonal accommodation facilities in the Rural Zone shall meet the following standards -</p> <p>(a) General Standards: The relevant standards set out in 16.5.1 are complied with</p> <p>(b) Access: No additional formed accesses are to be created to any State Highway</p> <p>(c) Shall not be located closer than 30m from a dwelling on an adjoining property</p> <p>(d) Shall not operate for a single period of more than seven continuous months</p> <p>1. Council shall exercise its discretion in respect of the following matters:</p> <p>2. Methods to avoid, remedy or mitigate the effects on existing activities, including the provision of screening, landscaping and methods for noise control.</p> <p>The extent to which the application complies</p>	Horticulture New Zealand and NZ Kiwifruit Growers Inc		000110	

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			<p>with the Code of Practice for Able Bodied Seasonal Workers, published by Department of Building and Housing 2008.</p> <p>Any application made under this rule will generally not be notified or required the written consent of affected persons.</p> <p>Seasonal worker accommodation facilities shall be exempt from the Recreation and Leisure financial contribution".</p>				
19	25	16.5.1(g) Rural Section	<p>Appellant refers to 16.5.1 (f) but it is assumed they mean 16.5.1 (g). Amend as follows -</p> <p>"Shall have green or black cloth when situated <u>used vertically when used</u> within 30m of the boundary of the property or within the Tauranga Harbour and Wairoa River Landscape Management Areas".</p> <p>Amend the Explanatory Note by adding the words "when used vertically" following the words "can cause glare on adjoining neighbours".</p>	Horticulture New Zealand and NZ Kiwifruit Growers Inc		000110	
19	26	16.5.2 Rural Section	<p>Delete "8ha" and replace with "4ha".</p> <p>Delete third bullet point "160m or less above mean sea level".</p>	Horticulture New Zealand and NZ Kiwifruit Growers Inc		000110	

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19	27	19.5.1(f) Post Harvest	Replace last bullet point as follows – Operate only for the use of seasonal workers associated with the Post Harvest facility”.	Horticulture New Zealand and NZ Kiwifruit Growers Inc		000110	
20	1	Planning Map G10	That the land at Tara Road (Lots 3 and 4 DPS 31359 and Lots 2 and 3 DPS 60939) be zone Rural-Residential as notified, with appropriate provisions and structure plan as proposed.	David and Nicky Hurst		000085	
21	1	Planning Map U24	That Lot 1 DPS 88157 at 6B Wedgewood Street, Katikati is zoned Residential. Or alternatively, changes are sought to the Plan provisions to address the concerns raised in the appeal.	Maniaroa Properties Ltd.		000086	
22	1	Whole of Plan	1. Amend the Plan as requested below to provide for the appropriate use and development of renewable energy resources located within the Western Bay of Plenty district for electricity generation. 2. Amend the Plan so that it adequately addresses the following issues: (a) Allow the use and development of renewable energy resources for electricity generation within the Western Bay of Plenty district. (b) Recognise the role that electricity generation plays at district, regional	Mighty River Power		000107	

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			<p>and national levels for the social and economic wellbeing of people and communities.</p> <p>(c) Recognise and enable the central government policy direction defined in documents.</p> <p>(d) Recognise and enable the relevant national policy mechanisms relating to the issues of energy, electricity supply and renewable energy.</p> <p>(e) Recognise RMA, Part II considerations as well as the appropriate national environmental standards and national policy statements.</p>				
22	2	5 Natural Environment Explanatory Statement	<p>Amend the fourth paragraph on page 5-2 of the Plan (as notified), in the explanatory statement so that the paragraph reads:</p> <p><u>“As well as those ecological features listed in Appendix 1 ‘Schedule of Identified Significant Ecological Features’ of the District Plan, there are other ecological features in the District that are not listed because they have been given a lower ecological ranking. This lower ranking however, does not mean that such features are not environmentally important or worthy of protection by other than regulatory methods from inappropriate subdivision, use</u></p>	Mighty River Power		000107	

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			and development. "				
22	3	5.2.1.2 Natural Environment Section Objective 2	"Protection and enhancement, from inappropriate subdivision, use and development, of other ecosystems <u>identified as significant of importance</u> for both the natural processes they offer and any ecological benefits in terms of connectivity, buffering or the provision of habitat for threatened <u>indigenous</u> species."	Mighty River Power		000107	
22	4	5.2.1.3 Natural Environment Section Objective 3	"Preservation of the natural character of the District's coastal environment, <u>wetlands</u> , rivers, lakes, and their margins <u>through the protection of these from inappropriate subdivision, use and development.</u> "	Mighty River Power		000107	
22	5	5.2.2.1 Natural Environment Section Policy 1	The amendment of Policy 1 in Section 5.2.2 of the Plan to read: "Ecological sites that have been scientifically identified as important should be protected, <u>from inappropriate subdivision, use and development.</u> "	Mighty River Power		000107	
22	6	5.2.2.3 Natural Environment Section Policy 3	Amend Policy 3 in Section 5.2.2 of the Plan to read: "Ecological corridors, networks and connections between significant native habitats and ecosystems should be protected	Mighty River Power		000107	

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		SHOULD BE POLICY 2	and enhanced <u>from inappropriate subdivision, use and development.</u> "				
22	7	5.2.2.8 Natural Environment Section Policy 8	Amend Policy 8 in Section 5.2.2 so that it reads as follows: "Activities should not adversely affect any significant native <u>indigenous</u> plant and animal habitats and ecosystems <u>with any adverse effect should be avoided, remedied or mitigated, as reasonably practicable.</u> "	Mighty River Power		000107	
22	8	5.2.2.9 Natural Environment Section Policy 9	Amend Policy 9 of Section 5.2.2 of the Plan to read: "The adverse effects of inappropriate subdivision, use and development on the natural character of the coastal environment, wetlands, rivers, lakes, and their margins should be avoided. Where avoidance is not possible, such effects should be appropriately remedied or mitigated <u>as reasonably practicable.</u> "	Mighty River Power		000107	
22	9	5.2.2.11 Natural Environment Section Policy 11	Amend Policy 11 of Section 5.2.2 to read: "To protect, maintain and enhance existing wetland and riparian areas <u>from the adverse effects of inappropriate subdivision, use and development</u> and restore damaged wetland and riparian habitats in appropriate	Mighty River Power		000107	

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			locations."				
22	10	10.1.NEW Network Utilities Section New Significant Issue	<p>Insert a new significant issue in Section 10.1 of the Plan that reads as follows:</p> <p><u>"The Western Bay of Plenty District includes natural resources suitable for electricity generation and associated critical infrastructure. These include hydroelectricity, geothermal and wind resources. The use of renewable resources for electricity production to maintain the security of electricity supply and reduce fossil fuel consumption is a matter of national significance. The use of a renewable resource requires that the energy is harnessed and electricity generated in the vicinity in which the resource occurs. This, when combined with any functional, locational, operational and technical constraints which may be involved means that there are very limited opportunities for renewable energy development in the District. The functional and locational constraints posed by the limited opportunities available for the development of renewable energy activities and associated transmission infrastructure is a significant issue for not only the District, but for New Zealand as a whole."</u></p>	Mighty River Power		000107	

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22	11	10.2.1.1 Network Utilities Section Objective 1	Amend Objective 1 in Section 10.2.1 of the Plan to read: "The efficient development, operation, maintenance and upgrading of infrastructure and network utilities so as to efficiently and effectively meet the current and foreseeable needs of <u>not only</u> the District <u>but also the region and the nation as a whole.</u> "	Mighty River Power		000107	
22	12	10.2.1.6 Network Utilities Section Objective 6	Delete Objective 6 of Section 10.2.1 of the Plan in its entirety.	Mighty River Power		000107	
22	13	10.2.1.8 Network Utilities Section Objective 7	Amend Objective 8 in Section 10.2.1 of the Plan so that it reads: "The sustainable utilisation of the District's natural resources for electricity generation and associated critical infrastructure, <u>recognising the benefits of the use and development of renewable energy in particular, whilst ensuring that adverse effects are avoided, remedied or mitigated where reasonably practicable.</u> "	Mighty River Power		000107	
22 22.15	14	10.2.2.6 Network Utilities Section Policy 6	Delete the current Policy 6 in Section 10.2.2 of the Plan. Insert a new Policy 6 into Section 10.2.2 of the Plan that reads as follows: <u>"When developing resource management strategies and assessing applications for resource consent, Council shall recognise the</u>	Mighty River Power		000107	

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			<u>benefits that are derived from infrastructure, including electricity generation and ensure that subdivision and land use development is controlled and managed in such a manner as to avoid, remedy or mitigate potential adverse effects on the safe, efficient and effective operation of existing infrastructure and any resources associated with the future establishment and development infrastructure and network utilities."</u>				
22	16	11.0 Financial Contributions Explanatory Statement	Amend the explanatory statement to Section 11 so that it is recognised that not all of the adverse effects of new development will be able to be addressed through the provision of new infrastructure to the District.	Mighty River Power		000107	
22 22.18	17	11.3.2(c) Financial Contributions Section Application of financial contributions	Amend clause (c) of Rule 11.3.2 to read: "This Section shall not apply to network utilities <u>or any existing electricity generation providers or future renewable energy generation projects</u> in relation to the subdivision or development of a utility <u>or infrastructure site</u> where the site is not <u>permanently staffed</u> and does not require connection to Council's wastewater, stormwater or water supply." Alternatively, insert a new clause in Rule	Mighty River Power		000107	

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			11.3.2 of Section 11 that reads as follows: <u>(d) This Section shall not apply to any existing or future renewable energy generation projects in relation to the subdivision or development of a generation site."</u>				
22	19	16.2.2.11 Rural Section Policy 11	Amend Policy 11 of Section 16 'Rural' of the Plan so that it provides for essential infrastructure and network utilities to locate in the rural area, even if the land is moderately or highly versatile rural land that could be used for primary production purposes.	Mighty River Power		000107	
22 22.21	20	16.2.2.NEW Rural Section New Policy	Insert two new policies into Section 16 'Rural' of the Plan that read as follows (or similar): "New Policy 1: Subdivision, use and development should not occur in a manner that inhibits the operation, upgrading, repair, maintenance and reasonable development of an existing renewable electricity generation scheme". "New Policy 2: Subdivision, use and development should not occur in a manner which unreasonably inhibits the potential for development of new renewable electricity generation schemes."	Mighty River Power		000107	

Council Ref Number	Point	District Plan Provision	Decision Sought	Appellants(s)	S274 Parties	Env Reference ENV-2010-AKL	Court
22	22	16.7.2 Rural Section	Amend Rule 16.7.2 of Section 16 of the Plan to read: "The actual and potential effects on the productive potential of the land, or on network utilities <u>and essential infrastructure</u> , including reverse sensitivity effects."	Mighty River Power		000107	
23 23.2 23.3 23.4 23.5	1	11.0 Financial Contributions Whole Section	That Council embark on consultation so that the financial contributions better meet the purposes of the Resource Management Act 1991. The undertaking of a full cost reassessment and audit of proposed works relevant to residential intensification at Omokoroa. The preparation of a new set of financial contribution rules for Omokoroa based on accurate data and reflecting the requirements of the Resource Management Act 1991. Te development of a rigorous model that is able to be updated and provide accurate data, to allow, inter alia, for better alignment of the timing and payment for works with the timing of their provision. Such further, other, and/or consequential amendments to the proposed plan as may give effect to the appellants request for relief.	Neil Construction Limited		000103	

Council Ref Number	Point	District Plan Provision	Decision Sought	Appellants(s)	S274 Parties	Env Reference ENV-2010-AKL	Court
24	1	All Zones Permitted Activities	The Plan across all zones specifically provide for the activities of removal, relocation and demolition of dwellings as Permitted Activities.	NZ Heavy Haulage Association Inc.		000022	
24	1	3DD Definitions "Dwelling"	Alter definition to include the phrase – "and includes the construction, relocation, removal and demolition of the (building or dwelling".	NZ Heavy Haulage Association Inc.		000022	
24	2	3DB Definitions "Building/Structure"	Alter definition to include the phrase – "and includes the construction, relocation, removal and demolition of the (building or dwelling".	NZ Heavy Haulage Association Inc.		000022	
25	1	Appendix 3 Significant Historic Heritage Features	That the archaeological sites listed in Appendix A (pages 8-11) of the report titled 'Selected Archaeological Sites in the Western Bay of Plenty District' dated September 2009 are included Appendix 3	New Zealand Historic Places Trust.		000083	
26	1	3DP Definitions "Places of Assembly"	Delete the term "facilities for recreational activities" from the definition.	New Zealand Transport Agency		000101	
26	2	3DF Definitions (New) Facilities for Recreational Activities	Define the term "facilities for recreational activities".	New Zealand Transport Agency		000101	

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26 26.4	3	3DS Definitions "Structure Plan"	That the definition be expanded to apply to developments other than urban developments and to reference matters listed in Rule 12.4.9.	New Zealand Transport Agency		000101	
26	5	4B Transportation Exp Statement (Paragraph 7)	Delete Paragraph 7.	New Zealand Transport Agency		000101	
26	6	4D Signs (New)	Amend so as to re-instate or provide performance standards or other rules which are effective in measuring, monitoring and controlling illuminated signs with respect to road safety.	New Zealand Transport Agency		000101	
26	7	12.4.10(b)(v) Subdivision Section	Add a second paragraph as follows - "All infrastructure, reserve provisions/upgrading requirements will be reflected in the conditions of any resource consents granted for land use and subdivisions in the Rangiuru Business Park Zone".	New Zealand Transport Agency		000101	
26	8	12.4.10(c)(v) Subdivision Section	Add a second paragraph as follows - "All infrastructure, reserve provisions/upgrading requirements will be reflected in the conditions of any resource consents granted for land use and subdivisions in the Rangiuru Business Park Zone".	New Zealand Transport Agency		000101	

Council Ref Number	Point	District Plan Provision	Decision Sought	Appellants(s)	S274 Parties	Env Reference ENV-2010-AKL	Court
26	9	12.4.9 Subdivision Section	NZTA seeks the inclusion of appropriate provisions in the Proposed Plan to achieve the integrated management of the effects of the use and development of land, including on the physical resource of the State highway network, for example in Area 3 of the Te Puke Structure Plan, so that development is timed according to when necessary infrastructure is in place".	New Zealand Transport Agency		000101	
26	10	Appendix 7 APP7.24 SHOULD BE APP7.26	Remove the Te Puke (Lifestyle Zone) Stage 1 Structure Plan and all supporting provisions.	New Zealand Transport Agency		000101	
26 26.12 26.13	11	16.8 Rural Section	<ul style="list-style-type: none"> (1) Add cross references to Section 12.3 (subdivision rules). (2) Include provisions to require an assessment of effects on the roading network. (3) Include adequate measures to mitigate these effects by and at the cost of the developer. (4) Make any development (including subdivision and additional dwellings) within the Lifestyle Zone at least a Discretionary or Restricted Discretionary Activity (5) Enable WBOPDC to consider all the matters set out in the assessment criteria, and objectives and policies in Chapter 4B. 	New Zealand Transport Agency		000101	

Council Ref Number	Point	District Plan Provision	Decision Sought	Appellants(s)	S274 Parties	Env Reference ENV-2010-AKL	Court
26	14	16.2.1.2 Rural Section Objective 2	Amend so that it incorporates the wording used in originally notified Objective 3. Notified Objective 3 was worded as: "The rural area is not used for industrial and commercial activities that are more appropriately located in urban areas".	New Zealand Transport Agency		000101	
26	15	16.2.2.13 Rural Section Policy 13	Re-instate Policy 16.2.2.8 as originally publicly notified. Or alternatively, amend Policy 13 to require subdivisions and developments to meet relevant road safety standards.	New Zealand Transport Agency		000101	
26 26.18	17	16.12.3 Rural Section	Amend to ensure that the matters to be considered include the assessment criteria in Rule 4B.6.1.	New Zealand Transport Agency		000101	
26 29.18	18	16.6.6 Rural Section	Amend to ensure that the matters to be considered include the assessment criteria in Rule 4B.6.1.	New Zealand Transport Agency		000101	
26	19	17.3.1(g) Commercial	Delete "fast food outlets" from the Permitted Activity List.	New Zealand Transport Agency		000101	

Council Ref Number	Point	District Plan Provision	Decision Sought	Appellants(s)	S274 Parties	Env Reference ENV-2010-AKL	Court
26	20	18.1.NEW Industrial Section New Significant Issues	Add a new Significant Issue as follows – “It is possible that land uses within the Rangiora Business Park could be incompatible with the lawful operations of the adjacent industrial zone to the south of State Highway 2”.	New Zealand Transport Agency		000101	
26	21	18.1.NEW Industrial Section New Significant Issues	Add a new Significant Issue as follows – “Traffic generation from the Rangiora Business Park has the potential to exceed the existing capacity of road intersections and networks with adverse effects on road safety and efficiency”.	New Zealand Transport Agency		000101	
26	22	18.2.1.NEW Industrial Section New Objective	Add a new Objective as follows – “To provide public transport, non-vehicular modes of transport and alternatives to single-occupant private vehicle usage as a means of transport to and within the Rangiora Business Park Zone”.	New Zealand Transport Agency		000101	
26	23	18.2.2.NEW Industrial Section New Policy	Add a new Policy as follows – “To avoid the establishment of large format retail or large office developments whether they are stand alone or in conjunction with industry, storage and warehousing”.	New Zealand Transport Agency		000101	

Council Ref Number	Point	District Plan Provision	Decision Sought	Appellants(s)	S274 Parties	Env Reference ENV-2010-AKL	Court
26	24	18.2.2.NEW Industrial Section New Policy	Add a new Policy as follows – “Developers and business within the Rangiuru Business Park shall be encouraged to voluntarily introduce travel demand management strategies to minimise single-occupant private vehicles usage to the extent practicable”.	New Zealand Transport Agency		000101	
26	25	Planning Map U75	That the land at the corner of Lemon Road and State Highway 33, Paengaroa (Sec 8 SO 5986) revert back to its formal rural zoning.	New Zealand Transport Agency		000101	
26	26	18.3.2(d) Industrial Section	Delete.	New Zealand Transport Agency		000101	
26	27	19.4.1(b) Post Harvest Section	Amend so that seasonal worker accommodation is not allowed as a Permitted Activity on Lots 1 and 2 DPS 35211.	New Zealand Transport Agency		000101	
26	28	18.3.5(b) Industrial Section	Delete.	New Zealand Transport Agency		000101	
26	29	18.3.9(c) Industrial Section	Add the words “and subdivision” between the words “development” and “that is”.	New Zealand Transport Agency		000101	
26	30	19.0 Post Harvest (Whole Section)	Either: Deletion of all the Post Harvest Zone provisions from the Proposed Plan, or;	New Zealand Transport Agency		000101	

Council Ref Number	Point	District Plan Provision	Decision Sought	Appellants(s)	S274 Parties	Env Reference ENV-2010-AKL	Court
			Amendment of those provisions to appropriately control developments within that Zone and allow the effects of the development within the Zone on the land transport network to be appropriately avoided, remedied or mitigated.				
26	31	20.1.NEW All Terrain Park New Significant Issue	Add a new Significant Issues as follows – “The potential impact of more intensive use and development of the All Terrain Park on the safety, efficiency and sustainability of the transportation network including State Highway 36”.	New Zealand Transport Agency		000101	
26	32	20.5.3 All Terrain Park	Amend to identify the NZTA as an affected party for any activity that may adversely affect the safety, or sustainability of the State Highway network.	New Zealand Transport Agency		000101	
26	32	Appendix 7	Inclusion of full intersection, roading layout and land use structure plans from the Rangiora Business Park consent order.	New Zealand Transport Agency		000101	
26	33	Appendix 7	Inclusion of the Katikati Structure Plan Infrastructural Map (which forms part of the consent order made by the Court on 9 May 2009 made in respect of the Katikati Structure Plan).	New Zealand Transport Agency		000101	

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27 27.5	4	4B.4.1 Transportation Section Roading Hierarchy	Include the following roads in the roading hierarchy – (a) Strategic Roads 3. Primary Arterial Tauriko Bypass (SH29) (b) District Roads 1. Collector Roads Belk Road (SH29 to Tauriko Business Estate)	Omanawa Holdings Ltd.		000079	
27 27.1	6	Planning Maps J05, J06, K04, K05, K06, L05.	Rezone Omanawa Holdings Ltd land at Belk Road, Tauriko to Future Urban. Make changes to the provisions of the Future Urban Section to specifically relate to 'Tauriko Business Estate 2' as detailed in the Appeal.	Omanawa Holdings Ltd.		000079	
28	1	19.0 Post Harvest	In relation to requested change to Map I12 rezoning of Pine Valley Orchards from Rural to Post Harvest. 1. Apply objectives, policies and rules that enable alterations and changes to the site to be a permitted activity if complying with the zones' permitted standards. 2. If an activity does not meet one or more of the performance standards then it should be classified as a restricted discretionary activity.	Pine Valley Orchards Ltd.		000097	

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			3. A rule should be drafted that states when an activity can be processed without notification.				
28	4	Planning Map I12	Amend zoning on Pine Valley Orchards land being lot 2 DPS 84908 from Rural to Post-Harvest Zone.	Pine Valley Orchards Ltd.		000097	
29	1	10.0 Works and network Utilities	Require minor upgrading activities to only comply with the utility zone performance standards.	PowerCo Limited		000074	
29	2	4A.5 General Section Information required with applications	Include in section 4A.5 (information to be required with applications) a requirement for applicants to identify the location of any electricity lines, and to address the impact of their proposal on those lines.	PowerCo Limited		000074	
29	3	10.6 Works and Network Utilities Other Methods	Shift or replicate Section 10.6 Other Methods into a district wide chapter (e.g. 4A) and/or the relevant zone chapters of the plan.	PowerCo Limited		000074	
29	4	10.3 Works and Networks Utility Table	Provide for above ground electricity lines up to and including 110kV, including associated support poles up to and including a total height of 20m, and located outside of the road reserve, as a permitted activity in the Rural and All Terrain Park Zones and as a Restricted Discretionary Activity in all other zones. Make all other new above ground electricity lines	PowerCo Limited		000074	

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			outside of the road reserve as discretionary activities.				
29	5	3DU Definitions "Upgrading"	Delete the definition.	PowerCo Limited		000074	
29	6	10.4(d)	Include in the Proposed Plan a condition for permitted activities and a standard and term for controlled and restricted discretionary activities requiring compliance with the New Zealand Electrical Code of Practice 34:2001 (NZECP34:2001)	Powerco		000074	
29	7	Planning Maps All	Identify all electricity sub transmission lines, as identified in Annexure 1 to PowerCos submission on the Planning Maps.	PowerCo Limited		000074	
29	8	9.3.1 Hazardous Substances	Add "Electrical equipment containing cooling oil up to 1,500 litres" to the stated exceptions in Rule 9.3.1.	PowerCo Limited		000074	
30	1	3DR Definitions "Reverse Sensitivity"	Amend the definition to read – "Reverse Sensitivity" means the potential for the establishment of "sensitive" / incompatible activities in the vicinity of exiting uses to lead to restraints on the carrying out of the existing uses".	Radio New Zealand Ltd.		000075	

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31	1	Planning Map H07	Re-include Waimapu Site as a Post Harvest Zone and amend to include Lot 1 DPS 90853.	Seeka Kiwifruit Industries Limited		000081	
31	2	Planning Map H12	Re-include KKP site as a Post Harvest Zone, with all land shown on the amended map attached with appeal (annexure 3).	Seeka Kiwifruit Industries Limited		000081	
31	3	19.2.1.1 Post Harvest Section Objective 1	Delete the word "strategic".	Seeka Kiwifruit Industries Limited		000081	
31	4	19.4.1 Post Harvest Section Permitted Activities	Add a new Permitted Activity. "Processing/manufacturing of kiwifruit and avocado food products".	Seeka Kiwifruit Industries Limited		000081	
31	5	19.5.1(c) Post Harvest Section Yards	Delete second bullet point. Delete the words "not adjoining a public road or a State Highway" in the following paragraph.	Seeka Kiwifruit Industries Limited		000081	
31	6	19.5.1(e) Post Harvest Section Alterations and expansions of Packhouses	In the second bullet point delete "100m" and replace with "50m".	Seeka Kiwifruit Industries Limited		000081	
31	7	19.5.1(t) Post Harvest Section Financial Contributions	Delete	Seeka Kiwifruit Industries Limited		000081	

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31	8	19.6.2(b) Post Harvest	Add to the end of the sentence the words "in accordance with 19.5.1 (g)".	Seeka Kiwifruit Industries Limited		000081	
31 31	9 10	19.5.1(g)(a) Post Harvest Section	Amend to further include – Heavy vehicles– "0.07 of a standard HHE" Water usage– "0.18 of a standard HHE" Add note – "The Council shall apply the financial contribution provisions of the Proposed Plan as from the date of notification of the Proposed District Plan".	Seeka Kiwifruit Industries Limited		000081	
32	1	4B.3.2(a) Transportation Activity Lists	Activity status for Rule 4B.3.2(a) be restricted discretionary. Changes to the relevant objectives and policies of the Proposed Plan to reflect the relief sought.	Strathboss Kiwifruit Limited and others.		000104	
32	2	4B.3.3 Transportation Section	That rule 4B.3.3 be deleted. Changes to the relevant objectives and policies of the Proposed Plan to reflect the relief sought.	Strathboss Kiwifruit Limited and others.		000104	
32 32.4	3	11.3.2(d) Financial Contributions Reductions and waivers	That appropriate provision be made within Chapter 11 f or the application of reductions and waivers of financial contributions through the resource consents process having particular regard to the extent to which public infrastructure is created as a result of the	Strathboss Kiwifruit Limited, Farmgold Limited, Long View Trustee Limited, Paul Robert Jones, Sue Muir, Steve and Sandra McManaway, John and Julie Lewis, John		000104	

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			development.	Middleton, Mark Williams			
32	4	11.13.2(d) Financial Contributions	That the requirement in Section 11.13.2(d) that any reduction or waiver be implemented through the annual plan or plan change process be deleted Changes to the relevant objectives and policies of the Proposed Plan to reflect the relief sought.	Strathboss Kiwifruit Limited, Farmgold Limited, Long View Trustee Limited, Paul Robert Jones, Sue Muir, Steve and Sandra McManaway, John and Julie Lewis, John Middleton, Mark Williams		000104	
32	5	13.3.2 Residential Section	Amend to provide for unit title subdivision and development as a controlled activity where the relevant performance standards of the residential zone are met.	Strathboss Kiwifruit Limited, Farmgold Limited, Long View Trustee Limited, Paul Robert Jones, Sue Muir, Steve and Sandra McManaway, John and Julie Lewis, John Middleton, Mark Williams		000104	
32	6	13.4.2 Residential Section	Amend to provide for unit title subdivision and development as a controlled activity where the relevant performance standards of the medium density residential zone are met. Changes to the relevant objectives and policies of the Proposed Plan to reflect the relief sought.	Strathboss Kiwifruit Limited, Farmgold Limited, Long View Trustee Limited, Paul Robert Jones, Sue Muir, Steve and Sandra McManaway, John and Julie Lewis, John Middleton, Mark Williams		000104	
32	9	16.5.1 Rural Section Standards for minor dwellings	That Rule 16.5.1(g) be deleted	Strathboss Kiwifruit Limited, and others.		000104	

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32	10	16.5.2(c) Rural Section Rural Production Lots	That subdivision of rural production lots be made a restricted discretionary activity for lots with a minimum of 6ha of horticultural land subject only to soil analysis and land use suitability.	Strathboss Kiwifruit Limited and others.		000104	
32	11	16.4.5(a) Rural Section General Subdivision	Reclassify subdivision not meeting the performance standards in 16.4.5(a) as restricted discretionary or discretionary and not non-complying.	Strathboss Kiwifruit Limited and others.		000104	
32	12	16.5.2 NEW Rural Section New Subdivision Rule	Provide for the subdivision of developed orchard land as a controlled activity.	Strathboss Kiwifruit Limited and others.		000104	
32	13	16.5.2(c)(iv) Rural Section Subdivision	That the balance lot provision in Rule 16.5.2(c)(iv) be amended to 6ha.	Strathboss Kiwifruit Limited and others.		000104	
32	14	16.5.2(c)(vi) Rural Section Rural Production Lots	Rule be deleted	Strathboss Kiwifruit Limited, Farmgold Limited, Long View Trustee Limited, Paul Robert Jones, Sue Muir, Steve and Sandra McManaway, John and Julie Lewis, John Middleton, Mark Williams		000104	
32	14	16.5.2(b)(ii) Rural Section General Farming Lots	Rule be deleted	Strathboss Kiwifruit Limited and others.		000104	

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32	15	16.5.2 NEW Rural Section New Subdivision Rule	That provision be made for subdivision of a maximum 1ha "retirement block" where the landowner has owned the land for 10 years and the subdivided site contains the existing principle dwelling.	Strathboss Kiwifruit Limited and others.		000104	
32	18	16.5.2(d) Rural Section	That Rule 16.5.2(d) be deleted or amended in a manner which enables subdivision of the previously qualifying titles through including a fixed sunset date for those properties to exercise that right or by enabling subdivision subject only to purchasing a transferable development right.	Strathboss Kiwifruit Limited and others.		000104	
32	19	16.5.2(e) Rural Section	Amend Rule 16.5.2(e) to provide that transferable amalgamation lots can be transferred to any Rural Zone throughout the District.	Strathboss Kiwifruit Limited and others.		000104	
32	20	16.9.4(a) Rural Section	Lifestyle Zone subdivision rule be amended so that subdivision in the Lifestyle Zone is not dependent on obtaining a transferable rural lot entitlement or a transferable amalgamation lot entitlement and provide stand alone subdivision provisions for the Lifestyle Zone.	Strathboss Kiwifruit Limited and others.		000104	
32	21	16.10.2(b) Rural Section NOW 16.9.2(b)?	Lifestyle Zone subdivision rule be amended so that subdivision in the Lifestyle Zone is not dependent on obtaining a transferable rural lot entitlement or a transferable amalgamation lot	Strathboss Kiwifruit Limited, Farmgold Limited, Long View Trustee Limited, Paul Robert Jones, Sue Muir, Steve and		000104	

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			entitlement and provide stand alone subdivision provisions for the Lifestyle Zone.	Sandra McManaway, John and Julie Lewis, John Middleton, Mark Williams			
33	1	13.0 Residential Section Explanatory Statement	Add the following to the fifth paragraph of the Explanatory Statement: <u>"...significant increases in the elderly as well as in single person and childless households. Consistent with this is providing specific housing for the ageing community within the Residential Zone"</u> .	Summerset Village (Katikati) Ltd		000088	
33	2	13.1.NEW Residential Section New Significant Issue	Add the following new Significant Issue: <u>'To provide for the specific needs of an aging community there is a need to ensure appropriate provision of housing and related facilities'</u> .	Summerset Village (Katikati) Ltd		000088	
33	3	13.2.1.NEW Residential Section New Objective	Add the following new objective: <u>"To enable the provision of appropriate housing and related facilities for the ageing community"</u> .	Summerset Village (Katikati) Ltd		000088	
33	4	13.2.2.NEW Residential Section New Policy	Add the following new Policy: <u>"Provide for the needs of the aging population by enabling the establishment of appropriate housing and related facilities"</u> .	Summerset Village (Katikati) Ltd		000088	
33	5	13.3.2.NEW Residential Section New Controlled Activity	Add the following new Controlled Activity: <u>"Controlled Activities: Retirement Villages consistent with activity performance standards stated in 13.4 as applicable including 13.4(?) (The reference to financial contributions for</u>	Summerset Village (Katikati) Ltd		000088	

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			<p><u>retirement villages), except as stated below.</u></p> <p><u>Car Parking</u> The proposal should demonstrate provision of <u>adequate car parking applicable for the specific village.</u></p> <p><u>Internal Rooding</u> Specific provision should be made to recognise <u>the low speed environment and the specific needs of the elderly".</u></p>				
33	6	13.3.3NEW Residential Section New Restricted Discretionary Activities	Add the following new Restricted Discretionary Activity: Retirement Villages that do not comply with one or more of the applicable activity performance standards stated in 13.4 or below.	Summerset Village (Katikati) Ltd		000088	
33	7	13.4NEW Residential Section New Activity Performance Standards	<p>Add the following: <u>"Activity Performance Standards for Retirement Villages:</u> <u>The activity performance standards as stated in 13.4 shall apply except as stated below: In the event of any conflict or inconsistency between these rules and those set out in 13.4.1, the content of these rules shall prevail.</u></p> <p><u>Height</u> <u>The maximum height of any other buildings including apartments shall be 12m</u></p>	Summerset Village (Katikati) Ltd		000088	

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			<p><u>Yards</u> <u>Any building that exceeds the standard residential building height by more than one metre shall be located no closer than 20m from any external property boundary.</u></p> <p><u>Landscaping</u></p> <p>(i) <u>A minimum of 20% of the lineal lot frontage to a depth of 2m, or 15% of the site shall be planted, whichever is the greater, with a combination of grass ground covers shrubs and trees and this shall be maintained on an ongoing basis.</u></p> <p>(ii) <u>The landscape areas shall incorporate a landscape strip with a minimum average width of 1.5m and a minimum width of 0.8m along the road frontage except across vehicle and pedestrian access points.</u></p> <p>(iii) <u>A minimum of one specimen tree (1.2m in height at the time of planting or greater) per 35m² of planted area shall be planted and maintained to best horticulture practice.</u></p> <p><u>Site Coverage</u> <u>The maximum percentage of the net area of any site covered by buildings shall be 50% and the percentage coverage by buildings shall be calculated as the net area of the entire complex</u></p>			

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			<p><u>rather than over the net area of the site of any part of the complex.</u></p> <p><u>Car Parking</u> The proposal should demonstrate provision of <u>adequate car parking applicable for the specific village.</u></p> <p><u>Internal Roading</u> Specific provision should be made to recognise <u>the low speed environment and the specific needs of the elderly".</u></p> <p><u>Design Criteria</u> <u>Whether additional hard surfacing for on-site parking and manoeuvring areas is minimised or mitigated by appropriate site landscaping.</u></p> <ul style="list-style-type: none"> • <u>The extent to which the landscaping plan ensures that buildings, access ways, parking areas, visible earthworks and retaining structures are integrated into the surrounding neighbourhood and the degree to which sufficient space is provided for maturing trees and the retention of existing trees.</u> • <u>Whether the proposal has a coordinated and consistent design theme which acknowledges the character of the surrounding area.</u> • <u>The level to which the proposal provides a living environment with a</u> 			

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			<p><u>high level of on site amenity, where buildings are surrounded by, and balanced with, areas of open space.</u></p> <ul style="list-style-type: none"> <u>Whether adequate disposal of stormwater is provided through implementation, retention and enhancement of natural drainage systems.</u> <u>Non-residential activities are limited to those which are directly associates with elderly person housing and care, and of a scale compatible with activities on site".</u> 				
33 33.9	8	11.3.2(d)(i) and (ii) Financial Contributions Section	Make explicit provision for retirement villages acknowledging the lower impact on Council infrastructure compared to conventional residential development of ensure that the Plan provisions clearly allow for case by case assessment though a resource consent process.	Summerset Village (Katikati) Ltd		000088	
33	10	13.1.11 Residential Section Significant Issue 11	Delete Significant Issue 13.1.11 in its entirety.	Summerset Village (Katikati) Ltd		000088	
33	11	13.2.1.9 Residential Section Objective 9	Delete Objective 9 in its entirety.	Summerset Village (Katikati) Ltd		000088	

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33	12	13.2.2.9 Residential Section Policy 9	Delete Policy 9 in its entirety.	Summerset Village (Katikati) Ltd		000088	
34	1	3DL Definitions "Line"	Include the definition of 'line' as per the appellant's submission.	Telecom New Zealand		000117	
34	2	3DN Definitions "Network Operator"	Include the definition of 'Network Operator' as per the appellant's submission.	Telecom New Zealand		000117	
34	3	10.3 (o) Network Utilities Activity Table	Amend Rule 10.3 (o) so that the maximum mast diameter is 1.35m (as opposed to 1.0m) and to provide for masts up to 10m in height in Public Reserves as a Permitted Activity (as opposed to a Discretionary Activity).	Telecom New Zealand Ltd.		000117	
34	4	10.3 (q) Network Utilities Activity Table	Amend Rule 10.3 (q) in Activity table 10.3 to provide for masts over 20m in height in Public Reserves as a Discretionary Activity (as opposed to a Non-Complying Activity).	Telecom New Zealand Ltd.		000117	
34	5	10.3 (r) Network Utilities Activity Table	Amend 10.3 (r) to provide opportunities for permitted activities under the 10.3 (r) and (s) in Public Reserves as sought in the Appellant's submission at Appendix 1.	Telecom New Zealand Ltd.		000117	
34	5	10.3 (NEW) Network Utilities	Insert new provision to provide for activities which do not meet the standards of Rule 10.3	Telecom New Zealand Ltd.		000117	

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		Activity Table	(r) and Rule 10.3 (s) as outlined in the Appellant's submission at Appendix 1.				
34	6	10.3 (s) Network Utilities Activity Table	Amend 10.3 (s) to provide opportunities for permitted activities under the 10.3 (r) and (s) in Public Reserves as sought in the Appellant's submission at Appendix 1.	Telecom New Zealand Ltd.		000117	
34	7	10.4 Network Utilities Activity performance standards	Add the word "not" before the word "applicable" at the end of the first sentence of the first paragraph.	Telecom New Zealand Ltd.		000117	
34	8	10.4.1(e)3(i) Network Utilities	Amend to ensure consistency with the requirements of the National Environmental Standards for Telecommunication Facilities.	Telecom New Zealand Ltd.		000117	
34	9	10.5.2 Network Utilities	Amend matters of discretion under 10.5.2 to ensure that they appropriately reflect non-compliance with performance standard under 10.4.	Telecom New Zealand Ltd.		000117	
34	10	10.3 (t) Network Utilities Activity Table	Amend Rule 10.3 (t) by deleting the word 'ancillary', deleting references to compliance with underlying activity zone performance standards and providing clarification as to whether the rule applies to buildings.	Telecom New Zealand Ltd.		000117	
34	10	10.3 (u) Network Utilities Activity Table	Amend Rule 10.3 (u) by deleting the word 'ancillary', deleting references to compliance with underlying activity zone performance	Telecom New Zealand Ltd.		000117	

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			standards and providing clarification as to whether the rule applies to buildings.				
35 35.6	1	16.0 Rural Whole Section	Retain the current provisions of the operative plan and the “whole of island” solution. That means the Rural Chapter (and related subdivision and development sections) of the Operative District Plan. In the alternative apply the new rural objectives, policies and methods while the whole of island review is taking place subject to the amendments requested in this submission.	TKC Holdings Limited and Matakana Investment Group Limited		000072	
35	2	16.0 Rural Explanatory Statement Paragraph 8	<p>Delete paragraph 8 of the explanatory statement</p> <p>Interest has been expressed for more intensified development of Matakana Island. There are concerns about what should happen on the island particularly because of its cultural history, sensitive landscape and ecological values. It is necessary that any form of development be preceded by an integrated “whole of island” plan that deals with all the issues in a holistic manner.</p> <p>Reword as follows; <u>Matakana Island has a rich cultural history and, like much of the Western Bay of Plenty, it’s landscape, natural environment and large area provide opportunities for alternative land use.</u></p>	TKC Holdings Limited and Matakana Investment Group Limited		000072	

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			<u>Other significant land use and subdivision opportunities should be preceded by a whole-of-island plan that deals with issues in a holistic manner. Development that enhances the rural community of the island within the context of the rural planning strategies for the District may be expected to continue to provide for the island community's social, cultural and economic wellbeing.</u>				
35	3	16.1.10 Rural Section Significant Issue 10	<p>Delete Issue 10 in it's entirety; Matakana Island is a sensitive environment that needs to be planned for carefully.</p> <p>Reword as follows; Rural land is a resource that needs to be planned carefully. In particular, intensive use of this land can affect soil versatility, and opportunities to offset or mitigate other environmental effects are limited.</p> <p>On Matakana Island this is coupled with areas of significant ecological and cultural values which may benefit from certain forms of alternative land use and development.</p>	TKC Holdings Limited and Matakana Investment Group Limited		000072	
35	4	16.2.2.9 Rural Section Policy 9	<p>Delete Policy 9 Rural lifestyle development should be channelled into areas that comprise land of limited productive potential, are able to be</p>	TKC Holdings Limited and Matakana Investment Group Limited		000072	

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			<p>readily serviced in respect of roading and other infrastructure and are in reasonable proximity to urban areas. Rerword as follows; <u>Rural Lifestyle development should be encouraged to be:</u></p> <ul style="list-style-type: none"> a) <u>Channelled into areas that comprise land of limited productive potential</u> b) <u>Readily serviced on respect of roading and other infrastructure</u> c) <u>Able to retain the open space character of the surrounding rural area</u> 				
35	5	16.2.2.11 Rural Section Policy 11	<p>Delete Policy 11 Avoid the further fragmentation of large rural land holdings for rural lifestyle living purposes so as to retain the open space rural character. Rerword as follows; <u>Rural Lifestyle development should be encouraged to be:</u></p> <ul style="list-style-type: none"> a) <u>Channelled into areas that comprise land of limited productive potential</u> b) <u>Readily serviced on respect of roading and other infrastructure</u> <p><u>Able to retain the open space character of the surrounding rural area.</u></p>	TKC Holdings Limited and Matakana Investment Group Limited		000072	
35	7	16.2.2.15 Rural Section Policy 15	<p>Amend Policy 15 to read; <u>In future urban areas</u> fragmentation of land titles through subdivision and the establishment</p>	TKC Holdings Limited and Matakana Investment Group Limited		000072	

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			of capital intensive rural or quasi urban land uses which may constrain or compromise future urban development options shall be avoided.				
35	8	16.2.2.17 Rural Section Policy 17	<p>Delete Policy 17; Land will not be released for urban development until a comprehensive structure plan which provides a framework for such development in a manner consistent with the provisions of the Bay of Plenty Regional Policy Statement has been incorporated into the District Plan.</p> <p>Replace as follows; <u>A comprehensive structure plan is an appropriate planning tool for the integrated and holistic development of land to achieve a certain purpose, for example, the maintenance and enhancement of rural character, ecological or biodiversity values, or a higher intensity of development than is currently provided for in that environment.</u></p>	TKC Holdings Limited and Matakana Investment Group Limited		000072	
35	9	16.2.1.NEW Rural Section New Objective	<p>Insert new objective to read; <u>To enable a change of land use on Matakana Island in order to provide for sustainable rural productive opportunities, use which provides opportunities for enhancement of regionally significant ecological and heritage values; including significant environmental and heritage</u></p>	TKC Holdings Limited and Matakana Investment Group Limited		000072	

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			<u>enhancement.</u>				
35	10	16.2.2.NEW Rural Section New Policy	<p>Insert new policy to read; <u>Significant changes to land use and subdivision on Matakana Island shall be investigated in a comprehensive way and shall;</u></p> <ol style="list-style-type: none"> 1) <u>promote improved use of the land that is Class 3 to 8 under the New Zealand Land Use Capability Index, and</u> 2) <u>not require connection to, existing or proposed, Council operated urban water supply sources, stormwater or wastewater infrastructure, or direct access to urban arterial roads, and</u> 3) <u>promote significant ongoing environmental and / or heritage enhancement programmes, and</u> 4) <u>include provisions for public access to the district's waterways and coastlines, and</u> 5) <u>maintain and enhance the landscape values of the island</u> 	TKC Holdings Limited and Matakana Investment Group Limited		000072	
35 35.6	11	16.4 Rural Section Activity lists New Rule	<p>Insert new rule to read; Plan changes, variations or resource consents for activities shall include the following analysis;</p> <ol style="list-style-type: none"> 1) Ecological, landscape, natural hazards, archaeological, soils, heritage and social assessments of the site and vicinity's environment defining the opportunities and constraints on the nature of the use proposed 	TKC Holdings Limited and Matakana Investment Group Limited		000072	

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			<ul style="list-style-type: none"> 2) Climatic, Soils and Primary Production assessments indicating the sustainability of the current land use and the need to enable alternative uses of the site 3) Proposed water supply sources, wastewater treatment and disposal, stormwater management 4) Local roading layout, air and sea / river connections, cycleway / walkway and public access routes that are to be legally provided in perpetuity 5) A landscape management plan for the Island or any part of the Island 6) An assessment of the potential demographic effect of the development on the island community and on the wider Western Bay of Plenty sub-region 7) An assessment of the capacity resident and holiday population anticipated and the day visitor population anticipated and the effect of this on the proposed environmental and cultural features and the enhancement programmes 8) Consultation undertaken defining the potential social and cultural effects of the development 9) An infrastructure plan defining how the infrastructure, as defined in 3 above, and development, is to be funded and what elements of funding are to be provided by 			

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			<p>the local authorities (if any)</p> <p>10) A Plan Change / Variation shall include script for the District Plan including a structure plan nominating;</p> <p>a) the sustainable on-site servicing plan (ie water supply sources, wastewater treatment and disposal, stormwater management, local roading layout, air and sea/river connections, and in perpetuity cycleway and walkway and public access routes</p> <p>b) key land use areas, the environmental and cultural enhancement areas and the public access arrangements to such sites (if any)</p>				
35	12	16.4.2(a) Rural Section	<p>Delete the words "excluding Matakana Island"</p> <p>Or</p> <p>Amend the Plan so that it has no effect at all on Matakana Island thus leaving the whole Island subject to the Operative District Plan Rural Zone provisions while the Council initiates and progresses a process for the preparation of a "whole of Island" solution and a solution is determined.</p>	TKC Holdings Limited and Matakana Investment Group Limited		000072	
35	13	16.4.4(c) Rural Section	<p>Delete the words "excluding Matakana Island"</p> <p>Or</p> <p>Amend the Plan so that it has no effect at all on Matakana Island thus leaving the whole Island</p>	TKC Holdings Limited and Matakana Investment Group Limited		000072	

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			subject to the Operative District Plan Rural Zone provisions while the Council initiates and progresses a process for the preparation of a "whole of Island" solution and a solution is determined.				
35	13	16.4.4(d) Rural Section	Delete the words "excluding Matakana Island" Or Amend the Plan so that it has no effect at all on Matakana Island thus leaving the whole Island subject to the Operative District Plan Rural Zone provisions while the Council initiates and progresses a process for the preparation of a "whole of Island" solution and a solution is determined.	TKC Holdings Limited and Matakana Investment Group Limited		000072	
35	13	16.4.4(e) Rural Section	Delete the words "excluding Matakana Island" Or Amend the Plan so that it has no effect at all on Matakana Island thus leaving the whole Island subject to the Operative District Plan Rural Zone provisions while the Council initiates and progresses a process for the preparation of a "whole of Island" solution and a solution is determined.	TKC Holdings Limited and Matakana Investment Group Limited		000072	
35	13	16.4.4(n) Rural Section	Delete the words "excluding Matakana Island" Or Amend the Plan so that it has no effect at all on Matakana Island thus leaving the whole Island	TKC Holdings Limited and Matakana Investment Group Limited		000072	

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			subject to the Operative District Plan Rural Zone provisions while the Council initiates and progresses a process for the preparation of a "whole of Island" solution and a solution is determined.				
35	14	16.5.2(b)(i) Rural Section General Farming Lots	Delete the words "excluding Matakana Island" Or Amend the Plan so that it has no effect at all on Matakana Island thus leaving the whole Island subject to the Operative District Plan Rural Zone provisions while the Council initiates and progresses a process for the preparation of a "whole of Island" solution and a solution is determined.	TKC Holdings Limited and Matakana Investment Group Limited		000072	
35	15	6 Landscape	Remove the 300m landscape buffer from Matakana Island. Retain the current 100m buffer for the open coast for S27 Appendix 2	TKC Holdings Limited and Matakana Investment Group Limited		000072	
35	15	16.5.1(c)(vi) Rural Section	Amend 16.5.1(c)(vi) to read as follows; Tauranga Harbour (including Matakana , Rangiwaea and Motuhua Islands) and Wairoa River Landscape Management Areas – for controls on activities up to 300m landward of MHWS, see Section 6.3.	TKC Holdings Limited and Matakana Investment Group Limited		000072	

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35	15	Appendix 2 Schedule of Outstanding Landscape Features S19	Remove the 300m landscape buffer from Matakana Island.	TKC Holdings Limited and Matakana Investment Group Limited		000072	
35	15	Planning Maps	Remove the 300m landscape buffer from Matakana Island.	TKC Holdings Limited and Matakana Investment Group Limited		000072	
35	16	16.5.2(f) Rural Section Protection Lots	Amend Rule 16.5.2(f)(i) to read; Rural 1 Zone – maximum of 20 additional lots	TKC Holdings Limited and Matakana Investment Group Limited		000072	
35	18	Appendix 2 Schedule of Outstanding Landscape Features S27	Retain the current 100m buffer for the open coast for S27 Appendix 2	TKC Holdings Limited and Matakana Investment Group Limited		000072	
35	18	Planning Maps	Retain the current 100m buffer for the open coast for S27 Appendix 2	TKC Holdings Limited and Matakana Investment Group Limited		000072	
36	1	Planning Maps-All	Identify Transpower's electricity transmission lines on the Planning Maps	Transpower New Zealand Limited		000077	
36	1	Planning Maps All	Identify Transpower's electricity transmission lines on Planning Maps.	Transpower New Zealand Limited		000077	
36	2	4A.5 General Section Information with	Include a requirement for applicants to identify the location of any transmission lines, and to address the impact of their proposal on those	Transpower New Zealand Limited		000077	

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		Applications	lines.				
36	2	4A.5 4A General Information required with Applications	Include in section 4A.5 (information to be required with applications) a requirement for applicants to identify the location of any transmission lines, and to address the impact of their proposal on those lines.	Transpower New Zealand Limited		000077	
36	3	10.6 Network Utilities Other Methods	Move 'Other Methods' into a District Wide chapter (e.g. 4A) and/or the relevant zone chapters of the Plan.	Transpower New Zealand Limited		000077	
36	3	10.6 Network Utilities	Shift or replicate Section 10.6 Other Methods into a District Wide chapter (eg 4A) and / or relevant zone chapters.	Transpower New Zealand Limited		000077	
36	4	10.3 Network Utilities New Activity Table	Include a new row to provide for the following activity to have an activity status in all zones that is no more stringent than Discretionary. "New above ground lines for transmission of electricity up to and including 110kV, including associated support poles up to and including a total height of 20m, and located outside the road reserve"	Transpower New Zealand Limited		000077	
36	4	10.3(d) and (c) Network Utilities Activity table	Amend Activity Table 10.3 (d) so that new lines for conveying telecommunications radio communications and / or electricity (for distribution or transmission) that will exceed	Transpower New Zealand Limited		000077	

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			<p>110kV are provided for as a discretionary activity, and new lines up to and including 110kV that exceed a total height of 210m are provided for as a discretionary activity. One way of achieving this would be to amend the table as follows:</p> <p>"New above ground lines for conveying telecommunications, radio communications and/or electricity (for distribution or transmission) that will exceed 110kV, and or <u>where if associated support poles and aerials associated with lines up to and including 110kV will exceed a height of 20m [or ... and or do not comply with 10.3 (c)]</u>"</p>				
36	5	10.3(d) Network Utilities Activity Table	<p>Amend to read as follows –</p> <p>"New above ground lines for conveying telecommunication, radio communications and/or electricity (for distribution or transmission) that will exceed 110kV, and/or <u>where if associated support poles and aerials associated with lines up to and including 110kV will exceed a total height of 20m</u>".</p>	Transpower New Zealand Limited		000077	
36	6	3DU Definitions "Upgrading"	Delete the definition of upgrading.	Transpower New Zealand Limited		000077	

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37	1	10.2.2.NEW Network Utilities New Policy	Insert a new policy in Chapter 10 as proposed by PowerCo Limited: "To avoid, remedy or mitigate reverse sensitivity effects generated by subdivision and land development in close proximity to electrical lines in order to facilitate the safe, secure and efficient use and development of the electricity network and to avoid, remedy or mitigate adverse effects on the safety and amenity values of the community."	Trustpower PowerCo ENV-2010-AKA-000074		000091	
37.2	2	16.2.2.6 Rural Section Policy 6	Delete the new Policy 6 in Chapter 16 and insert a new Policy 6 as proposed by Radio New Zealand Limited and amended by the Appellant in its further submission: "The reverse sensitivity effects of rural residential development and urban development on primary productive activities and on infrastructure and network utility operations located in rural areas shall be avoided, remedied or mitigated".	Trustpower		000091	
37	3	16.4.1 Rural Section Permitted activity	Insert a new permitted activity in the Activity Lists and Rules in section 16.4.1: "Existing lawfully established activities which are either already subject to resource consent or designation, or which were carried out in accordance with a permitted rule, prior to the	Trustpower		000091	

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			Proposed Plan being notified."				
37	4	10.1.8 Network Utilities Significant Issue 8	Amend Chapter 10: Significant Issue 8 to read: "The development, operation, maintenance and upgrading of essential electricity generation and transmission infrastructure may conflict with the protection provisions for identified significant features, and other cultural and amenity values of specific amenity, heritage, ecological or landscape values. <u>In some instances, the limited opportunities available for renewable energy development will necessitate that the benefits of the transmission and use of renewable energy are balanced against protection provisions of the plan</u> ".	Trustpower		000091	
37	5	10.2.2.4 Network Utilities Policy 4	Amend Chapter 10: Policy 4 to read: " <u>When developing resource management strategies and Assessing applications of for resource consent applications Council shall should have regard to the benefits derived from infrastructure and network utilities and</u> the functional, locational, technical and operational requirements of infrastructure and network utilities. Recognition shall be afforded to the requirements of, and constraints on, the efficient and effective development, operation, maintenance and upgrading of infrastructure	Trustpower		000091	

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			and network utilities, <u>and the need to ensure that subdivision, land use and development is controlled and managed in such a manner as to avoid, remedy or mitigate potential adverse effects on the safe, efficient and effective operation of existing infrastructure and any resources associated with the future establishment and development of infrastructure and network utilities.</u> "			
37	6	16.1.NEW Rural Section Significant Issues	Insert a new significant issue in Chapter 16 which reads: "Network utility operations and other infrastructure are appropriately located in rural zones. If these activities are not located in the rural zones the social, economic and cultural wellbeing of the District may be diminished. "	Trustpower		000077
37	7	5.2.1.3 Natural Environment Objective 3	Amend Chapter 5: Objective 3 to read: "Preservation of the natural character of the District's coastal environments (including the coastal marine area), <u>wetlands and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use and development.</u> "	Trustpower		000091

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37	8	5.2.1.11 Natural Environment Policy 11	Delete Chapter 5: Policy 11 from the Proposed Plan.	Trustpower		000091	
37	8	5.2.1.4 Natural Environment Objective 4	Delete Chapter 5: Objective 4 from the Proposed Plan.	Trustpower		000091	
37	9	6.2.2.1 Landscape Policy 1	Amend Chapter 6: Policy 1 to read: "Within areas identified as being outstanding natural features and landscapes, landscape character should be protected and enhanced by managing adverse effects of inappropriate land use and development activities."	Trustpower		000091	
37	10	16.2.1.8 Rural Objective 5	"Protection and enhancement of <u>outstanding natural features and landscapes and significant ecological, landscape, cultural, and heritage features from inappropriate subdivision use and development.</u> and other features located in the rural environment which are of value to the wider community. "	Trustpower		000091	
37	11	16.1.13 Rural Significant Issue 13	Amend the New Significant Issue (now Significant Issue 13) to read: "The siting of network utility operations <u>and infrastructure and associated ancillary activities, particularly renewable electricity generation schemes,</u> in rural areas is often constrained by	Trustpower		000091	

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			the fixed location of the particular resource being utilised, thereby creating the potential for reverse sensitivity effects to occur in respect of other rural land users. <u>Conversely, development and recreational activities within close proximity to renewable electricity generation schemes and associated ancillary activities have the potential to create reverse sensitivity issues.</u> "				
37	12	16.1.NEW Rural Significant Issue	<p>Insert a new Significant Issue in Chapter 16 which reads:</p> <p>"Renewable electricity generation schemes and associated ancillary activities are important to the future growth of the Western Bay of Plenty sub-region. Renewable electricity generation schemes and associated ancillary activities are often located within the rural environment and are restricted by the location of the resource that they utilise. Development and recreational activities within close proximity to renewable electricity generation schemes and associated ancillary activities have the potential to create reverse sensitivity issues."</p>	Trustpower		000077	
37	13	16.2.1.NEW Rural New Objective	New Objective: "promote and facilitate the development of new, and the protection of existing, renewable electricity generation schemes."	Trustpower		000091	

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37	14	16.2.2.NEW Rural Section New Policy	New Policy: "Have regard to the national, regional, and local benefits of renewable Electricity Generation, which are appropriately located in the Rural Zone."	Trustpower		000091	
37	15	16.2.1.NEW Rural New Objective	Insert a new objective in Chapter 16 which reads: "Provision is to be made for the development of new, and the protection of existing renewable electricity generation schemes."	Trustpower		000091	
37	16	5.2.2.8 Natural Environment Policy 8	Amend Chapter 5: Policy 8 to read: "Activities should <u>avoid, remedy or mitigate adverse effects on significant indigenous vegetation and significant habitats of indigenous fauna.</u> not adversely affect any significant native plant and animal habitats and ecosystems."	Trustpower		000091	
37	17	5.2.2.13 Natural Environment Policy 13	Amend Chapter 5: Policy 13 to read: "Any new activities should be managed in a way that avoids, <u>remedies or mitigates</u> damage to undergrowth and the removal of forest floor material which would result in <u>significant indigenous vegetation and significant habitats of indigenous fauna</u> native ecosystem being adversely affected."	Trustpower		000091	

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37	18	5.2.1.1 Natural Environment Objective 1	Amend Chapter 5: Objective 1 to read: "Protection of all <u>areas of significant indigenous vegetation and significant habitats of indigenous fauna native plant and animal habitats and ecosystems</u> within the Western Bay of Plenty District."	Trustpower		00091	
37	19	5.2.1.5 Natural Environment Objective 5	Amend Chapter 5: Objective 5 to read: "Greater public awareness, support and involvement in the protection and restoration of all areas of ecological significance, particularly those in lowland and coastal areas."	Trustpower		000091	
37	20	5.2.2.1 Natural Environment Policy 1	Amend Chapter 5: Policy 1 to read: "Ecological sites that have been scientifically identified as <u>being areas of significant indigenous vegetation and significant habitats of indigenous fauna</u> should be protected."	Trustpower		000091	
37	21	10.3 Network Utilities Activity Table	Amend the Proposed Plan to clarify that the introductory paragraph of section 10.4 is a rule.	Trustpower		000091	
37	22	12A3.1(f)(vi) Esplanade Reserves and Strips	Amend Rule 12A.3.1(f)(vi) to read: "Where a public work or an electricity generation facility of regional or national significance is or is to be located on the	Trustpower		000091	

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			foreshore or bank of a waterway and for reasons of public safety and security the reserve, and public access is not appropriate. Where appropriate, alternative access to deviate around the facility and maintain a continuous public access route in the vicinity shall <u>may</u> be provided. Where appropriate an esplanade for conservation purposes or other registrable legal instrument may be required to protect conservation values."			
37	23	10.3 Network Utilities Activity Table	<p>Amend Chapter 10: Rule 10.3(ad) (now Rule 10.3) to read:</p> <p>"Activities relating to the operation, maintenance (including vegetation trimming / removal as prescribed in the Electricity (Hazards from trees) Regulations 2003, or other superseding legislation), removal, or replacement, <u>upgrading and reasonable development</u> of existing Infrastructure and Network Utilities.</p> <p>Provided that: Within identified Significant Features, these activities shall not result in <u>exceed</u>:</p> <p>(1) The removal of trees and/or shrubs over 3.0m in height; (2) Vegetation</p>	Trustpower		000091

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			<p>disturbance/destruction/removal of greater than 1%, or being no more than 150 m² in area of the identified Significant Feature are contained within the site, in any 12 month period.</p> <p>(3) Greater than 50 m³ of earthworks within an Identified Significant Feature, in any 12 month period.</p> <p>However, if these works do not result in any of (1), (2) or (3) above, then resource consent will be required. Refer to activity status and Information Requirements of Section 5.5 (Natural Environment), Section 6.6 (Landscape) and Section 7 (Heritage) for whichever Identified Significant Feature these works are being undertaken within."</p>				
37	24	10.2.1.5 Network Utilities Objective 5	<p>Amend Chapter 10: Objective 5 (now Objective 6) to read:</p> <p>"The establishment and management of land use activities, or undertaking of subdivision in a way that avoids, remedies or mitigates potential reverse sensitivity effects that may impact on the safe, effective and efficient operation, <u>maintenance, upgrading or development</u> of <u>existing</u> infrastructure and network utilities."</p>	Trustpower		000091	

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38	1	Whole of Plan	Plan does not promote sustainable management of natural and physical resources.	Wairakei pastoral Ltd		000082	
38	2	16.0 Rural Section (Whole of Section)	That the Rural Section be deleted and replaced with the Rural Section of the Operative District Plan.	Wairakei Pastoral Ltd Kiwi Forests Ltd.		000082	
38	3	16.5.2(h) Rural Section Protection Lots	Delete the rule in its entirety.	Wairakei Pastoral Ltd Kiwi Forests Ltd.		000082	
38	4	16.5.2(h)(iii)(3) Rural Section Protection Lots Qualifying Feature	Amend so that there is no expiry date for any TDR credits. In the alternative, any expiry period should run from the date on which the Plan becomes Operative.	Wairakei Pastoral Ltd Kiwi Forests Ltd.		000082	
38	5	16.5.2(h)(v) Rural Section Protection Lots Buffering of Wetlands	Delete in its entirety.	Wairakei Pastoral Ltd Kiwi Forests Ltd.		000082	
38	6	16.5.2(h) Rural Section Protection Lots	Insert a new rule to provide for any non-compliance with the provisions regarding protection lots and credits as a Discretionary Activity.	Wairakei Pastoral Ltd Kiwi Forests Ltd.		000082	
38	7	16.4.2NEW Rural Section New Controlled Activity	Amend so that subdivision is a controlled activity. It is assumed from the appellant that they	Wairakei Pastoral Ltd Kiwi Forests Ltd.		000082	

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			mean protection lot subdivision.				
39	1	2 Issues Overview	<p>Insert new paragraph after the paragraph inserted as requested by Winstone Aggregates as follows –</p> <p>“Significant aggregate resources within the District such as Cameron’s Quarry at Otamarakau will play a key role in providing this aggregate. The District Plan seeks to provide for the efficient utilisation of the District’s significant aggregate resources, and protect these resources and access to them from reverse sensitivity effects arising from the establishment of incompatible land uses, such as residential activity, located in the vicinity of mineral deposits and access routes to these deposits”.</p>	Winstone Aggregates		000073	
39	2	3DB Definitions “Building/Structure”	Expressly exclude earth bunds, stockpiles and haystacks from the definition.	Winstone Aggregates		000073	
39	3	3DM Definitions “Minerals Prospecting”	<p>After the words “mineral deposits and occurrences” replace the words “and involves” with the words “and includes;”</p> <p>Then word as follows –</p> <p>(a) “Geological, geochemical, and geophysical</p>	Winstone Aggregates		000073	

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			surveys; and (b) The taking of samples by hand or hand held methods; and (c) Aerial surveys".				
39	4	3DE Definitions "Equivalent Light Vehicle Movements"	Add to the definition as follows – "As part of any proposal, an applicant may at their discretion submit a case specific assessment of the impact of the proposal on Council's roading network to ensure any financial contribution applied is fair and equitable".	Winstone Aggregates		000073	
39 39.6	5	3DQ Definitions "Quarrying"	Replace the definition of quarrying with the following - "Mineral Extraction and Processing Activities" includes the excavation of overburden, rock, sand and clay; blasting; processing (crushing, screening, washing and blending); the storage, importation, distribution and sale of minerals including aggregate; ancillary earthworks; deposition of overburden; treatment of wastewater; landscaping and rehabilitation works including clean filling; ancillary buildings and structures, ancillary industrial activities; and residential accommodation necessary for security purposes".	Winstone Aggregates		000073	

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39	5	All Zones Activity Lists	Rename 'Quarrying' in the activity lists throughout the Proposed Plan as 'Mineral Extraction and Processing Activities'.	Winstone Aggregates		000073	
39	7	3DN Definitions (New) Noise Sensitive Activity	<p>Include a definition of Noise Sensitive Activity as requested by the New Zealand Railways Corporation as follows –</p> <p>"Noise Sensitive Activities" means buildings or parts of buildings used for, or able to be used for the following purposes:</p> <ul style="list-style-type: none"> (a) Residential activity (b) Visitor accommodation; (c) Residential care activity; (d) Education activity; (e) Hospital activity; (f) Healthcare activity; (g) Day care activity; and (h) Marae activity. 	Winstone Aggregates		000073	
39	8	4B.2.NEW Transportation Section New Objective	<p>Add new Objective as follows -</p> <p>"To recognise the importance of parts of the transport network for freight heavy haulage".</p>	Winstone Aggregates		000073	
39	9	4B.2.2.NEW Transportation Section New Policy	<p>Add new Policy as follows –</p> <p>"By identifying those parts of the road network which function as heavy vehicle haulage routes</p>	Winstone Aggregates		000073	

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			and protect these roads from reserve sensitivity effects that may arise from inappropriate subdivision and development locating along side".				
39	10	4B.4.1 Transportation Section Roading hierarchy Add new Rule	Add to the roading hierarchy as follows – 4B.4.1 (c) Heavy Haulage Routes (a) "Old Coach Road, between the entrance to Cameron's Quarry and State Highway 2".	Winstone Aggregates		000073	
39	11	4B.4.1 Transportation Section Roading hierarchy Add new Rule	Prepare and adopt a District Plan Roading Hierarchy Map which includes the Heavy Haulage Route category (including as applied to Old Coach Road, between the entrance to Cameron's Quarry and State Highway 2).	Winstone Aggregates		000073	
39	12	4B.4.3(b) Transportation Section Access to Rural Roads	Amend to achieve greater certainty as to the nature and extent of the relevant requirements including (but not limited to) referencing specific provisions of the relevant Council standards (and the date of publication).	Winstone Aggregates		000073	
39	12	4B.4.3(e) Transportation Section Access to Rural Roads	Amend to achieve greater certainty as to the nature and extent of the relevant requirements including (but not limited to) referencing specific provisions of the relevant Council standards (and the date of publication).	Winstone Aggregates		000073	

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39	13	4C.1.3.2(c) Amenity Section Noise and Vibration	Amend to state when the rule is triggered or applied (including with reference to Winstone Aggregates' submissions that activities within 500 metres of a Significant Aggregates Extraction Resource Site (SAER) be assessed as discretionary activities having regard to the potential reserve sensitivity impacts on such resources (as addressed in Part K of this appeal).	Winstone Aggregates		000073	
39	13	4C.1.2.1 Amenity Section Noise and Vibration Objective 1	Delete or alternatively amend so as to appropriately set out the objective and policy approach to be applied within the rules relating to noise within (and including) the Rural zone.	Winstone Aggregates		000073	
39	13	4C.1.2.1 Amenity Section Storage / Disposal Solid Waste Objective 1	Delete (such that the effects of solid waste disposal activities are assessed against the objectives and policies relating to the zone in which the activity is taking place) or amended to reflect the purpose of the RMA; namely that adverse effects be avoided, remedied or mitigated (rather than avoided altogether and regardless of implications for social and economic wellbeing).	Winstone Aggregates		000073	
39	13	4C.1.3.2 Amenity Section Noise and Vibration	Specific noise limits should be set with reference to the circumstances of the Rural Zone including the likely range, extent, nature and (daily) duration of activities provided for within the Rural Zone (as set out in Winstone	Winstone Aggregates		000073	

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			<p>Aggregates original submissions, paragraph 12.3).</p> <p>As follows –</p> <p>(1) "Monday to Saturday 6am-10pm L10 (55dBA), LMax (no limit)</p> <p>(2) Sunday 6am-6pm L10 (55dBA), Lmax (no limit)</p> <p>(3) At all other time and on public holidays L10 45dBA, Lmax 75dBA".</p> <p>Or alternatively set appropriate Leq limits to be set in accordance with that sought in the submission (as above).</p>				
39	13	4C.1.2.2.2 Amenity Section Noise and Vibration Policy 2	Delete or alternatively amend so as to appropriately set out the objective and policy approach to be applied within the rules relating to noise within (and including) the Rural Zone.	Winstone Aggregates		000073	
39	13	4C.1.2.2.2 Amenity Section Storage / Disposal Solid Waste Policy 2 Should be 4C.2.2.2.2?	Delete (such that the effects of solid waste disposal activities are assessed against the objectives and policies relating to the zone in which the activity is taking place) or amended to reflect the purpose of the RMA; namely that adverse effects be avoided, remedied or mitigated (rather than avoided altogether and regardless of implications for social and economic wellbeing).	Winstone Aggregates		000073	

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39	14	4D.3.3 Signs Section Non Complying Activities	Delete application of Non-Complying Activity status to signage within the Proposed Plan (particularly within the Rural Zone).	Winstone Aggregates		000073	
39	14	4D.3.4 Signs Section Prohibited Activities	Delete application of Prohibited Activity status to signage within the Proposed Plan (particularly within the Rural Zone).	Winstone Aggregates		000073	
39	15	4D.3.1 Signs Section Permitted Activities	Provide for health and safety signage (and at a sufficient scale) as a permitted activity, where associated with an activity for which resource consent has been granted, or which is itself a permitted activity.	Winstone Aggregates		000073	
39	16	5.2.1.3 Natural Environment Section Objective 3	Amend as follows – “Preservation of the natural character of the District’s coastal environment, rivers, <u>wetlands</u> , lakes and their margins, <u>and the protection of them from inappropriate subdivision, use and development</u> ”.	Winstone Aggregates		000073	
39	17	5.2.1.4 Natural Environment Section Objective 4	Delete.	Winstone Aggregates		000073	
39	18	5.2.2.8 Natural Environment Section Policy 8	Delete.	Winstone Aggregates		000073	

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39	19	5.2.2.9 Natural Environment Section Policy 9	Add the words "remedied or mitigated" at the end of the first sentence. Delete the second sentence.	Winstone Aggregates		000073	
39	21	5.2.2.13 Natural Environment Section Policy 13	Following the word "avoids" add the words "remedies or mitigates".	Winstone Aggregates		000073	
39	22	6.6.1(b) Landscape Section Assessment Criteria	Amend to read "The extent to which native vegetation removal can be avoided, <u>remedied or mitigated</u> . Native vegetation should not be removed except where there is no alternative for building location and access. Subdivision should located house sites and access outside existing stands of native generation".	Winstone Aggregates		000073	
39	23	6.6.1(c) Landscape Section Assessment Criteria	Delete.	Winstone Aggregates		000073	
39	24	9.4 Hazardous Substances Table 1	Increase the permitted threshold quantity for Class 3.1D Substances for the Rural Zone to 20,000 kilograms.	Winstone Aggregates		000073	

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39	25	11.0 Financial Contributions Section	<p>Delete Chapter 11 Financial Contributions in its entirety, or alternatively set specific and appropriate figures in the chapter and provide for applicants to undertake case-by-case assessments where they consider the formulae/figures in the Plan is inappropriate for assessing the development they are proposing.</p> <p>Ensure any changes reflect the need for such assessments that are reasonable and appropriate in terms of the RMA and do not place significant costs onto applicants which are unreasonable.</p>	Winstone Aggregates		000073	
39	27	12.1.NEW Subdivision Section New Significant Issue	<p>Add new Significant Issue as follows -</p> <p>"Subdivision and consequential development has the potential to result in reserve sensitivity effects with established operations the effects of which are incompatible with sensitive development such as residential and rural residential activity. How to safeguard existing quarries and mineral resources and other activities such as horticulture and orcharding from adverse effects consequential to inappropriate subdivision is a key issue facing the Western Bay of Plenty District".</p>	Winstone Aggregates		000073	
39	28	12.2.1.NEW Subdivision Section New Objective	<p>Add new Objective as follows -</p> <p>"To ensure that the subdivision of land in the</p>	Winstone Aggregates		000073	

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			vicinity of operating quarries and identified aggregate resources will not result in conflicts between activities".				
39	29	12.2.2.NEW Subdivision Section New Policy	Add new Policy as follows – "By ensuring that reverse sensitivity effects of subdivision in the vicinity of operating quarries and identified aggregate resources (e.g. Cameron's Quarry) are properly assessed with provision for applications to be declined if necessary to avoid compromising the availability and efficient extraction of the aggregate resources".	Winstone Aggregates		000073	
39	30	12.3.3 Subdivision Section Boundary Adjustments	Add new performance standard to Rule 12.3.3 as follows - "Where the lots of which the common boundary is proposed be relocated are within 500m of an existing quarry or identified aggregate resource, then the activity is a Discretionary Activity unless the prior written consent of the Quarry operator, or land owner which the aggregate resource underlies in the case of non-operational quarries, has been obtained".	Winstone Aggregates		000073	
39	31	12.3.8 Subdivision Section Information requirements –	Add new information requirement as follows - "Where an application for subdivision is lodged	Winstone Aggregates		000073	

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		application reports	within 500m of a SAER as identified on the planning maps, the application must contain information provided by the quarry operator as to the activity's potential effects on quarrying operations, and (where appropriate) the way in which such effects may be avoided, remedied or mitigated. If such information is not included with the application, Western Bay of Plenty District Council will immediately forward a copy of the application to the quarry operator and request the applicant under section 92(2) of the RMA to provide further information on the potential impact of the application on the quarry operation and aggregate resource".				
39	32	Planning Map I13	Identify the Cameron's aggregate resource as a Significant Aggregate Extraction Resource (SAER site) to cover the area referenced in Appendix B to Winstone Aggregates' original submissions.	Winstone Aggregates		000073	
39	32	Planning Map I14	Identify the Cameron's aggregate resource as a Significant Aggregate Extraction Resource (SAER site) to cover the area referenced in Appendix B to Winstone Aggregates' original submissions.	Winstone Aggregates		000073	
39	32	Planning Map J13	Identify the Cameron's aggregate resource as a Significant Aggregate Extraction Resource (SAER site) to cover the area referenced in	Winstone Aggregates		000073	

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			Appendix B to Winstone Aggregates' original submissions.				
39	32	Planning Map J14	Identify the Cameron's aggregate resource as a Significant Aggregate Extraction Resource (SAER site) to cover the area referenced in Appendix B to Winstone Aggregates' original submissions.	Winstone Aggregates		000073	
39	33	16.4.1 Rural Section Permitted Activity	Provide for Mineral Extraction and Processing Activities as a Permitted Activity within the SAER subject to the Performance Standards set out at paragraph 29.3 of Winstone Aggregates' original submissions.	Winstone Aggregates		000073	
39	34	16.2.1 Rural Section Objectives General	Amend to better record and reflect the need to recognise and provide for mineral extraction activities and the access routes to them and protect them from activities which may inhibit the efficient use of the mineral resource. Also reference rural productive activities (rather than primary productive activities) throughout those provisions.	Winstone Aggregates		000073	
39 39.35 39.36	34	16.2.2 Rural Section Policies General	Amend to better record and reflect the need to recognise and provide for mineral extraction activities and the access routes to them and protect them from activities which may inhibit the efficient use of the mineral resource.	Winstone Aggregates		000073	

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			Also reference rural productive activities (rather than primary productive activities) throughout those provisions.				
39	37	16.2.1.4 Rural Section Objective 4	Add the term "where practicable" to Objective 16.2.1.4 in relation to the enhancement of the low density character and amenity values of the rural environment.	Winstone Aggregates		000073	
39	38	16.1.3 Rural Section Significant Issue 3	Amend the description of Rural Character in section 16.1.3 of the Proposed Plan to incorporate reference to mineral extraction and processing activities.	Winstone Aggregates		000073	
39	40	16.4.4 Rural Section Discretionary Activities	Amend to require a discretionary activity resource consent for subdivision or any other activity (and preclude new lots) within 500 metres of a SAER in the absence of written approval from the quarry operator. Alternatively, amend Rules 16.4.4 and 16.5.2 to refer to the Quarry Effects Management Area shown on Appendix A attached to the appeal (and similarly in relation to the relief sought in Part J of the appeal regarding Rules 12.3.3 and 12.3.8).	Winstone Aggregates		000073	

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39	41	16.5.2 Rural Section Subdivision Activity Performance Standards	<p>Amend to require a discretionary activity resource consent for subdivision or any other activity (and preclude new lots) within 500 metres of a SAER in the absence of written approval from the quarry operator.</p> <p>Alternatively, amend Rules 16.4.4 and 16.5.2 to refer to the Quarry Effects Management Area shown on Appendix A attached to the appeal (and similarly in relation to the relief sought in Part J of the appeal regarding Rules 12.3.3 and 12.3.8).</p>	Winstone Aggregates		000073	