

DECISION REPORT 1

Variation 1: Lifestyle Zones and Minden Structure Plan Area - Whole of Variation

Resolved:

THAT Variation 1: Lifestyle Zones and Minden Structure Plan Area is retained, subject to any amendments made in response to submissions.

The following submissions are therefore:

Accepted in Part

<i>Submission</i>	<i>Point Number</i>	<i>Name</i>
39	1, 2	Ainsworth Farm Trust
16	1	Bax, Ben
17	1, 2	Bax, Denise
3	1	Blair, RWI & JA
26	1, 2	Cooper, Jan & McNamara, Jim
59	1, 2	Davidson, Trevor & Annette
54	1, 2, 3	Ericksen, Mr. & Mrs.
FS 88	4	Hatton GW & M (support 26, 1)
FS 88	5	Hatton GW & M (support 26, 2)
FS 88	1, 2, 3	Hatton GW & M (Support 54,1,2,3)
FS 88	14	Hatton GW & M (Supports 77,1)
79	1	Hurley, Dawn
77	1	Janello, Andreaus
55	1	Legco Limited
25	1	Little, Bruce
51	1, 5	Malcolm, PM and JE
30	1	McCulley, Shirley
FS 90	19	Milne, Aaron Keith (support 26, 1)
FS 90	20	Milne, Aaron Keith (Supports 53,1)
58	1	NZ Transport Agency
43	2	Orton Trust
76	1	Otumoetai Te Puna Pony Club
FS 85	1	Parker David (supports 3,1)
56	5	Phipps, Nathan
65	4	Reyland Basil & Joy
64	4	Reyland, Bruce and Jude
7	2	Richardson, Trevor
53	1	Severinsen, Howard
50	1, 3	SmartGrowth Implementation Committee
9	1	Tauranga City Council
42	1, 2	Todd, Andrew & Susanne
78	1, 2	Van Hoogmoed, Henk

Rejected

<i>Submission</i>	<i>Point Number</i>	<i>Name</i>
63	1	Ellery, Ata
13	4	Hatton GW & M
FS 88	18	Hatton GW & M (supports 46,9)
77	5, 6	Janello, Andreaus
60	2, 3	Noad, Peter and Patricia
FS 85	2	Parker David (supports 46,9)
FS 87	4	Purves DW & S (supports 13,4)
46	8, 9	Purves, D & S
FS 82	5	Seal Trevor & Molly (supports 46,9)
FS 82	3	Seal Trevor & Molly (supports 13,4)

Reasons

Variation 1: Lifestyle Zones and Minden Structure Plan Area is required to progress lifestyle subdivision in the District, and to renew opportunities for the transfer of subdivision entitlements from the Rural Zone.

Both of these processes are essentially on hold for the moment, other than in certain situations where rights currently exist, e.g. onsite rural protection lots and existing rural-residential zones.

Submitters who have opposed the entire Variation, have generally hinged their opposition on a single main concern which they feel should be addressed before further development can go ahead, rather than being in opposition to the concept itself.

Many of these concerns are valid, especially those relating to traffic, walkways and bridleways and land stability issues. Rules are in place and other actions are being undertaken to ensure that these issues will be managed in an appropriate manner.

Issues raised should not therefore prevent this Variation from moving forward given its importance in re-establishing lifestyle and transferable subdivision entitlement opportunities within the District.

DECISION REPORT 2

Variation 1: Lifestyle Zones and Minden Structure Plan Area - Structure Plan – Boundary and Add to Zone

Resolved:

THAT the extended 1670ha Minden Structure Plan boundary is retained.

THAT the land shown as "Wairoa Various Submitters" (Option 5) is also added to the Minden Structure Plan - with the exception of the portion of LOT 7 DP 404323 that is subject to flooding.

The following submissions are therefore:

Accepted

<i>Submission</i>	<i>Point Number</i>	<i>Name</i>
<i>FS 89</i>	<i>22</i>	<i>New Zealand Transport Agency - (Opposes 74.1)</i>
<i>FS 89</i>	<i>19</i>	<i>New Zealand Transport Agency - (Opposes 31.1)</i>
<i>FS 89</i>	<i>17</i>	<i>New Zealand Transport Agency - (Opposes 7.1)</i>

Accepted in Part

<i>Submission</i>	<i>Point Number</i>	<i>Name</i>
<i>32</i>	<i>3</i>	<i>Anderton, SG & DS</i>
<i>18</i>	<i>2</i>	<i>Blyth, H & D</i>
<i>35</i>	<i>3</i>	<i>Brett, MM & DR</i>
<i>28</i>	<i>3</i>	<i>Gray, AD & MG</i>
<i>55</i>	<i>2</i>	<i>Legco Limited</i>
<i>34</i>	<i>3</i>	<i>Maunder, RL & JE</i>
<i>31</i>	<i>1</i>	<i>Moynahan, Kevin</i>
<i>43</i>	<i>1, 3</i>	<i>Orton Trust</i>
<i>33</i>	<i>3</i>	<i>Poole, Duncan</i>
<i>52</i>	<i>1</i>	<i>Stonehill Family Trust</i>

Rejected

<i>Submission</i>	<i>Point Number</i>	<i>Name</i>
<i>74</i>	<i>1</i>	<i>Cooney, M & J & others</i>
<i>38</i>	<i>2</i>	<i>Gravit, Jo</i>
<i>FS 88</i>	<i>10</i>	<i>Hatton, GW and M - Supports 38.2</i>
<i>FS 90</i>	<i>2</i>	<i>Milne, Aaron - Supports 38.2</i>
<i>41</i>	<i>1</i>	<i>Milne, Aaron</i>
<i>37</i>	<i>1</i>	<i>Munro, DB & CM</i>
<i>FS 89</i>	<i>18</i>	<i>New Zealand Transport Agency - (Opposes 18.2)</i>
<i>FS 89</i>	<i>21</i>	<i>New Zealand Transport Agency - (Opposes 55.2)</i>
<i>FS 89</i>	<i>20</i>	<i>New Zealand Transport Agency - (Opposes 43/1)</i>
<i>7</i>	<i>1</i>	<i>Richardson, Trevor</i>

Reasons

Options 1 and 2

The reasons for the extended 1670ha Minden Structure Plan boundary were given in the Minden Structure Plan - Section 32, RMA Evaluation.

These were to regularise boundaries and avoid creating isolated pockets of undevelopable rural land.

The area to the west of Minden Road is contiguous with the original lifestyle zone. It has recently undergone subdivision and has been added to reflect the lifestyle nature of those developments. The Te Puna stream also provides a more logical catchment boundary than Minden Road.

The strip adjoining the Tauranga Northern Link has been added to avoid a long narrow isolated strip of rural zone between the lifestyle zone and the Tauranga Northern Link. The strip was originally intended as a buffer between the Tauranga Northern Link and the proposed zone, but this has now been provided for by way of a building set-back from the Tauranga Northern Link.

The extensions also provide connectivity to esplanades.

Option 3

The concerns raised by the submitter do not provide a reason to delete Area 1B from the Structure Plan.

Option 4

This property is not a logical extension to the Lifestyle Zone, because it will be isolated from the rest of the zone on the opposite side of the proposed Tauranga Northern Link.

Option 5

This area is already largely developed into rural lifestyle and adjoins the proposed Lifestyle Zone. Rezoning to Lifestyle Zone reflects what development has already occurred.

A portion of Lot 7 DP 404323 is not recommended because it has no existing lifestyle character, is subject to flooding and is distinctly separated from the rest of the area by the escarpment.

Option 6

This area is south facing and has no existing lifestyle development therefore does not meet the general rationale for zone inclusion (as has been used to date).

Option 7

This area is south facing and has no existing lifestyle development, other than one lot, therefore does not meet the general rationale for zone inclusion (as has been used to date).

Councillors Webber and Mayo voted against the motion and requested that their votes be recorded.

DECISION REPORT 3A

Variation 1: Lifestyle Zones and Minden Structure Plan Area - Structure Plan - Walkways and Bridleways

Resolved:

THAT all walkways and cycleways are now to be known as greenlanes as a result of decisions in Report 20.

THAT the following Structure Plan walk/cycleways, as shown on Map 1 Minden Lifestyle Zone – Recommended Walkways, be included in the District Plan:

- *Walkway Wx; situated within:*
- *The road reserves of a portion of Wairoa Rd (between Oliver Rd intersection and proposed Tauranga Northern Link),*
- *Oliver Road,*
- *Oliver paper road, up to the intersection with Minden Road.*

- *Walkway Wy:*
- *Situated in the Structure Plan road reserve between Minden Road and Ainsworth Road*
- *Along a portion of Ainsworth Rd.*

- *Walkway Wz:*
- *Situated in the Structure Plan road reserve between Ainsworth Rd and Munro Rd East,*
- *Along Munro Rd East and a portion of Te Puna Quarry Rd.*

- *Walkway Wv:*
- *Situated along Te Puna Quarry Rd. and Munro Rd, within the road reserves.*

- *Walkway Ww; situated within:*
- *The I'Anson Rd and Hayward Rd reserves,*
- *The paper road along Te Puna stream,*
- *Along Minden paper road.*

- *Walkway Ws:*
- *Situated between Minden paper road and Te Puna Quarry Park,*
- *Following the south-western boundary of Ecological Area U14/52*
- *Enters Te Puna Quarry Park along its western boundary.*

- *Walkway W2:*
- *Starting at the end of Dawnview Place,*
- *Runs in a southern direction for 730m to a gully.*

- *Walkway W3;:*
- *Starts in the gully at the end of W2,*

- *Runs in a western direction to Junction Rd.*
- *Walkway W4:*
- *Starts at W2 and W3,*
- *Runs south to Junction Rd.*
- *Walkway W5:*
- *Linking Minden Road with Te Puna Quarry Park and Minden Reserve by following the eastern and northern boundaries of Lot 2 DP 420047*
- *Walkway W6:*
- *Linking Minden Road with Te Puna Quarry Park via an existing paper road.*
- *Walkway W7:*
- *Linking Ainsworth Road with Maruia Place via an existing paper road.*

THAT no provisions be made for Bridleways and all references to bridleways be deleted from the District Plan.

THAT staff, by means of a Plan Variation, work with landowners:

Between Te Puna Quarry Park and Minden Paper Road to obtain an alternative walkway alignment that is more suitable for landowners than Walkway Ws.

In the eastern portion of the Minden Lifestyle zone to provide walkways links:

- *With Wairoa River*
- *Between Walkway W2/W4 and Crawford Road, especially the area between Walden Lane and Crawford Road.*

To amend the structure plan map to show possible future linkages from the lifestyle zone to adjoining areas at the following points:

Minden Road to State Highway 2

Te Puna Quarry Road to Snodgrass Road

Te Puna stream esplanade both upstream and downstream

The following submissions are therefore:

Accepted

<i>Submission</i>	<i>Point Number</i>	<i>Name</i>
<i>71</i>	<i>1, 2</i>	<i>Dawkins, Keith</i>
<i>60</i>	<i>1</i>	<i>Noad, Peter & Patricia</i>
<i>46</i>	<i>10</i>	<i>Purves, D & Submission No</i>
<i>13</i>	<i>1, 2</i>	<i>GW & M Hatton</i>
<i>56</i>	<i>1</i>	<i>Phipps, Nathan</i>

Accepted in Part

<i>Submission</i>	<i>Point Number</i>	<i>Name</i>
<i>32</i>	<i>1, 2</i>	<i>Anderton, SG & DS</i>

18	3, 4	Blyth, H & D
35	1, 2	Brett, MM & DR
28	1, 2	Gray, AD & MG
34	1, 2	Maunder, RL & JE
30	2, 3	McCulley, Shirley
70	1	Parker, David
36	1	Phipps, John & Catherine
19	4	Pirirakau Incorporated Society.
51	3, 4	Malcolm, PM & JE
62	2	Earp, Jacqueline
72	1, 2	Harvey, Mr. & Mrs.
26	3, 4	Cooper, Jan & McNamara, Jim
77	3, 4	Janello, Andreaus
FS 90	21	Milne, Aaron Keith (supports 61,4)
80	1, 2	Hedge, Allan
68	1	Phipps, Bruce & Donaldson, Chrissie
5	1	Vogel, Dietmar & Jocelyn
61	4, 5	Walpole, Bruce
33	1, 2	Poole, Duncan
FS 87	1	Purves, D & S (supports 13)
7	2	Richardson, Trevor
66	6, 7	Soby, Deidre
49	46	Surveying Services Ltd
61	4, 5	Walpole, Bruce
40	9	Western Bay of Plenty District Council
FS 87	2	Purves, D & S (supports 13)
FS 88	38, 39	Hatton GW & M (supports 71, 1 & 2)
FS 88	16, 17	Hatton GW & M (supports 77,4)
FS 88	9	Hatton, GW & M (supports 80.2)
FS 88	6, 7	GW & M Hatton (supports 26, 3 & 4)

Rejected

<i>Submission</i>	<i>Point Number</i>	<i>Name</i>
22	4	Gardiner, Hugh
30	2, 3	McCulley, Shirley
76	1	Otumoetai Te Puna Pony Club

Reasons

The alignment of the Structure Plan walkways were selected by looking at the entire area, taking into consideration for example paper roads, topography, current reserves, routes traditionally used by Maori and Structure Plan roads. The proposed alignment does not necessarily incorporate site specific details and there is flexibility in the Plan to accommodate deviations from the proposed alignment during subdivision stage; as long as the link can be achieved through an area with high amenity.

The topography in the area was not conducive for construction of bridleways. This, plus ongoing maintenance costs, would have added considerably to their expense and made them unaffordable.

The provisions for bridleways were also opposed by a large percentage of submitters.

A number of submitters both opposed and supported the retention of the walkways. The proposed amendments whilst reducing the number of walkways still provides for connectivity and flexibility and will accommodate most concerns from submitters.

Removing the Structure Plan walkways from the Plan will result in a lost opportunity.

The proposed walkways will only have a cost implication when they are constructed.

Research has shown that safety can be maintained when walkways are properly designed and developed in accordance with 'Crime Prevention through Environmental Design' (CPTED) principles.

If the proposed alignments are deleted from this Variation, it is likely that they will be expensive and complicated to develop walkways in the future.

Both the District Plan and Development Code refer to the 'Package of Plans' approach adopted by Council, where developers and landowners are invited to engage with Council staff early in the subdivision and design process to ensure best development outcomes for the developer, community and Council.

The eastern portion of the Minden Lifestyle zone, especially the area close to Crawford Road has a number of relatively big lots that are suitable for subdivision, but no walkway links were provided for in the Structure Plan. It is important that Council investigate options for these linkages plus links to the Wairoa River for inclusion in a future Plan Change.

DECISION REPORT 5A

Variation 1: Lifestyle Zones and Minden Structure Plan Area - Structure Plan - Roads

Resolved:

1. *That the "indicative" Structure Plan roads that are subject to the final design for the Tauranga Northern Link be retained on the Planning Maps, but the alignment of these "indicative" roads be amended to follow property boundaries.*
2. *THAT with regard to the proposed Minden / Ainsworth Roads link north of Perkins Drive:*
 - *The alignment be amended to align, where possible, with existing property boundaries as per the amended structure plan.*
 - *The funding source for the development of the first 300m of the Ainsworth Road end be changed to "Developer funded".*
3. *That the Structure Plan road on Map U107 is removed.*

The following submissions are therefore

Accepted in Part

<i>Submission</i>	<i>Point Number</i>	<i>Name</i>
<i>1</i>	<i>1</i>	<i>Edwards, Sarah</i>
<i>63</i>	<i>2</i>	<i>Ellery, Ata</i>
<i>FS 84</i>	<i>1</i>	<i>Ellery, Ata - (Support 41,2)</i>
<i>13</i>	<i>3</i>	<i>Hatton, GW & M</i>
<i>67</i>	<i>1</i>	<i>Hoff, Trevor & Edward, Vivian</i>
<i>FS 86</i>	<i>1</i>	<i>Hoff, Trevor & Edward, Vivian - (Support 41,2)</i>
<i>FS 86</i>	<i>2</i>	<i>Hoff, Trevor & Edward, Vivian - (Opposes 58.2) indirect of NZTA.</i>
<i>FS 81</i>	<i>1</i>	<i>Magowan, Stephen & Kirstie - (Supports 41/2)</i>
<i>FS 90</i>	<i>1</i>	<i>Milne, Aaron - (Opposes 1/1)</i>
<i>41</i>	<i>2</i>	<i>Milne, Aaron</i>
<i>4</i>	<i>1</i>	<i>Morris, KD & S</i>
<i>58</i>	<i>12</i>	<i>New Zealand Transport Agency</i>
<i>FS 89</i>	<i>16</i>	<i>NZ Transport Agency - (Oppose 67/1)</i>
<i>FS 87</i>	<i>3</i>	<i>Purves DW & S - (Supports 13/3)</i>
<i>FS 82</i>	<i>2</i>	<i>Seal, Trevor & Molly - (Support 67/1)</i>
<i>FS 82</i>	<i>1</i>	<i>Seal, Trevor & Molly - (Supports 41/2)</i>
<i>49</i>	<i>46</i>	<i>Surveying Services Ltd</i>

Rejected

<i>Submission</i>	<i>Point Number</i>	<i>Name</i>
69	1	Zingel, Chris

Reasons

Options, 1, 2 and 3

The "indicative" roading layout should be retained because it shows an intention to establish local roads in these areas even though details may change. Hiding the "indicative" roads altogether and re-introducing them at a later date when details are fixed will be more problematic than the current approach.

Re-aligning these roads to property boundaries in the meantime reduces the impact on property values and provides more certainty for landowners.

Option 4

The "indicative" Minden / Ainsworth Road link north of Perkins Drive divides a number of properties including horticultural blocks. Council concurs with the submitters that re-aligning these roads to follow boundaries will reduce the impact on properties and provide more certainty for landowners.

Option 5

The Structure Plan developer road on Map U107 can be removed. It does not connect with other roads and its purpose is not clear.

Option 6

Initial investigations have shown that the construction of the paper road from Minden Road joining Whakamarama Road is not affordable. The Council will need to give further consideration to options for connecting these two areas in the future.

Option 7

The Oliver Road extension needs to be considered with planning for the Tauranga Northern Link.

DECISION REPORT 6

Variation 1: Lifestyle Zones and Minden Structure Plan Area Structure Plan – Stormwater and Geotechnical

Resolved:

1. *THAT the Map Legend is amended by renaming "stormwater ponds" as "overland flowpaths and ecological features"*
2. *THAT no changes are made to the Structure Plan or Planning Maps and that geotechnical stability overlay is not extended to the areas to the west of Minden Road or the strip adjoining the Tauranga Northern Link nor the additional area added on Wairoa Road as these matters are addressed at subdivision and building consent stages.*

The following submissions are therefore:

Accepted in Part

<i>Submission</i>	<i>Point Number</i>	<i>Name</i>
<i>6</i>	<i>7</i>	<i>Bay of Plenty Regional Council</i>
<i>22</i>	<i>5</i>	<i>Gardiner, Hugh</i>
<i>73</i>	<i>4</i>	<i>Hume, Cushla</i>
<i>20</i>	<i>4</i>	<i>Hume, Nick</i>
<i>19</i>	<i>8</i>	<i>Pirirakau Incorporated Society</i>
<i>49</i>	<i>46</i>	<i>Surveying Services Ltd</i>
<i>21</i>	<i>1</i>	<i>Waikaraka Estuary Managers</i>

Reasons

Options 1 and 2

The term "stormwater ponds", as included on the Map Legend, does not represent what these features really are. They are a combination of ecological features and overland flowpaths suitable for stormwater discharge, subject to a Resource Consent.

Option 3

It is important to continue to show these "overland flowpaths and ecological features" on the Planning Maps.

Option 4

Design features have already been put in place to protect waterways under the proposed Lifestyle Zone rules including riparian planting, erosion control and stormwater detention.

Option 5

Geotechnical requirements have been bolstered to cover the risk left by not giving every area with the Structure Plan a stability rating. Council will require this information as part of subdivision and building consents.

DECISION REPORT 7

Variation 1: Lifestyle Zones and Minden Structure Plan Area Structure Plan – General - Miscellaneous

Resolved:

1. Option 1 - Privateways

THAT specific privateway rules are introduced for the Minden Lifestyle Zone in the District Plan as per Attachment A.

2. Option 2 – Minden Landscape Feature Boundary

THAT there are no changes to the boundary or description of existing outstanding landscape feature "Minden Main Peak and Main Ridge Line" (S3).

3. Option 3 – Heritage Sites

THAT the heritage sites of importance to Pirirakau are assessed against the Heritage Criteria in Change 1 to the Regional Policy Statement before inclusion into Appendix 3 of the District Plan.

4. Option 4 – Affordable Housing

THAT there is no affordable housing area added to the Structure Plan.

5. Option 5 – Reserve Naming

THAT opportunities to establish the name "Te Rangituanehu" in reserves are considered under the review of the Kaimai Reserve Management Plan in 2013.

6. Option 6 – Rules for Horse Users

THAT rules for horse users will not be provided as bridleways have been deleted from the structure plan.

7. Option 6 – Reserve Naming Rights

THAT naming rights are considered under the generic policies of reserve management plans.

The following submissions are therefore:

Accepted

<i>Submission</i>	<i>Point Number</i>	<i>Name</i>
11	2, 3	Hart, G & A
65	3	Reyland, Basil
64	3	Reyland, Bruce
8	1	Wright, Wayne

Accepted in Part

<i>Submission</i>	<i>Point Number</i>	<i>Name</i>
19	3	Pirirakau Incorporated Society
19	7	Pirirakau Incorporated Society
23	1	Sparks Family Trust
69	2	Zingel, Chris

Rejected

<i>Submission</i>	<i>Point Number</i>	<i>Name</i>
19	9	Pirirakau Incorporated Society
40	8	Western Bay of Plenty District Council

Reasons

Option 1 - Privateways

The current restriction of six lots off a privateway (with two additional due to constraints) is not appropriate for the Minden Lifestyle Zone for the following reasons:

- *Topographical constraints make the provision of additional low volume roads in accordance with the development code impractical in many cases.*
- *Multiple lots coming off one single accessway improves safety by minimising access points.*
- *The standard of privateways has been increased.*
- *There are a number of existing privateways that are fully developed under the current code and could accommodate further subdivision under this new provision.*
- *The Minden Lifestyle Zone is planned for more intensive development in an area with significant topographical constraints.*

Option 2 – Boundaries

The purpose of the Landscape Section 32 report was not to re-define the extents of the existing outstanding landscape feature "Minden Peak and Main Ridgeline". Therefore making any boundary changes to this feature would not be justified.

Option 3- Heritage Site

Heritage sites cannot be included in the District Plan until assessment is carried out against the Heritage Criteria in Change 1 to the Regional Policy Statement. When this can be done, depends on the timing and nature of the assessments.

Option 4 – Affordable Housing

Affordable housing is not an issue addressed in this lifestyle zone.

Option 5 – Reserve Naming

The review of the Kaimai Reserve Management Plan is the appropriate process under which to consider this issue. .

Option 6 – Horse User Rules

Rules for horse users will not be provided as bridleways have been deleted from the structure plan.

Option 7 – Reserve Naming Rights

Naming rights for reserves are dealt with under the generic policies of reserve management plans.

Attachment A –Addition to Section 12 – Subdivision and Development

12.4.4.4 (f) Minden Lifestyle Zone - Privateways

(i) Maximum number of lots served - no more than **12 lots** shall be dependant on a privateway for legal vehicle access, provided that Council may allow other lots, up to a maximum of two, with alternative legal vehicle access to a public road but where that access is unable to comply with Council's minimum standards, to also have rights over a privateway subject to the following:

(a) Alternative legal vehicle access must be proved to be either (a) non-complying or (b) impractical to construct due to topography or other constraints or (c) would be within 30m of the privateway entrance boundaries using Councils Development Code standard drawings as a guide.

(b) Any such latter lots shall be excluded from the calculation of maximum number of lots served.

(ii) Where the privateway will only serve a maximum of three lots then rule 12.4.4.4 (iv) will apply.

(iii) Privateways of convenience:

(a) Convenience rights over an existing or proposed privateway, whether those rights increase the number of users above any threshold as in the rules above or not, will only be considered subject to the following:

(b) It must be demonstrated that the proposed right is for occasional access only;

(c) If the area of land being accessed contains a dwelling or a structure supporting a commercial enterprise, then that dwelling or structure must have a separate principal, formed, complying and legal access to a public road.

Explanatory Note: *In this instance "principal" means that this access is the main access used most of the time.*

(d) The occasional access right must be reflected in the wording of the easement document.

(iv) Public Access:

(a) Where proposed privateways will enable direct access to a public reserve, waterway, esplanade or other feature of significance and that access is not practical to construct elsewhere due to topography or other constraints, then Council may require public or Council access rights over all or part of the privateway. Access shall be for pedestrians only.

(b) This rule does not apply to existing privateways.

(c) Compensation shall be payable.

(v) *No privateway shall be created where any proposed lots bound an unformed road such that it negates the need to construct the unformed road to provide access to land beyond the boundaries of an existing road formed and maintained by Council unless it can be proved to Council's satisfaction that the formation of the unformed road would be untenable, uneconomic or of little benefit due to topography or other severe constraints. In such cases reporting would need to include any negative effects of other subdividable land in the vicinity that would otherwise gain access from the formed public road. Consideration shall be given for alternative public access to esplanade or other reserves. Council would also need to consider alternatives such as relocation of the public road reserve to more viable alignments. In the case of unformed road closures, compensation may be payable to Council.*

(vi) *Where the subdivision of an existing lot served by an existing privateway will negate or reduce the subdivision potential of any other existing lot served by the same privateway because of the resultant increase in the number of lots that will be dependent on the privateway for access, then the written approvals of the owners of any such other existing lots to the subdivision applied for shall be submitted with the application to Council. Where the foregoing circumstances apply and any necessary written approvals are not submitted, the application shall undergo limited notification.*

(vii) *Any subdivision or development shall have no more than one privateway/road as access to the subdivision/site. Access points should be combined into one larger standard road/privateway to reduce multiple conflict points and increase road safety. This includes proposed lots that would otherwise have access to a legal formed Council road from an existing or proposed privateway, unless it can be proved that it would be physically impractical to provide access to these properties from the proposed road/privateway.*

(viii) For any staged development the access shall be formed, in accordance with **section 4.7.3** of Council's Development Code, to service the final total number of proposed lots of all stages.

(ix) Construction & Design

(a) Any existing or proposed private way serving or over the land being subdivided shall be formed, metalled and sealed in accordance with the standards specified in section 4.7.3 of Council's Development Code and other sections of Council's Development Code as referred to and to the widths and gradients as specified in table 3 below:

Table 3

Category	No. of lots served	Minimum private way reserve widths (m)	Carriageway width (excl kerb and channel and passing)	Maximum length (including combinations of intersecting)	Maximum gradient (sealed)
Sealed without kerb & channel	4 - 14	8	3.5m	1200m	20%
Sealed with kerb & channel	4 - 14	6	3.5m	1200m	20%

Note: The minimum private way reserve widths in the above table are to be increased as may be necessary to accommodate passing bays, cut/fill batters, curves and other important features.

(b) Where existing or proposed private ways are to serve 4 or more lots, a certified professional (or geotechnical) engineers report will be required detailing testing and investigation, the standard of construction of any existing formation or proposed alignment, its suitability to accommodate new construction or upgrading and recommendations for enabling or upgrading works in terms of alignment, passing, foundation strengths, slope stability, hazards, stormwater control/runoff and the meeting of Council's minimum COP requirements.

(c) The private way shall be upgraded in accordance with the engineers report recommendations (subject to Council approval), Council's code of practice and any other specific Council requirements.

(d) Where along the ROW alignment, proposed lot building platform locations are 'confined' and/or likely access points are known or sight-distances are limited to ≤ 30m, sealed entrances shall be provided to these lots at the time of subdivision (to minimise the impacts of later poor construction that may affect the longevity and overall safety of that section of ROW). The entrances shall as a minimum be constructed in accordance with diagram W437 type C.

(e) In some cases Council may require specific design for all or parts of the private way.

(f) Where culverts discharge onto private property not subject to the consent application, stormwater discharge consents and/or easements shall be obtained from the affected landowners.

(x) Rural Numbering:

(a) Prior to Sec 224 approval, an accurate Council issued RAPID (Rural Address Property Identification) plate must be displayed at the start of the privateway. There shall be sufficient pavement area in the vicinity for grouped letterboxes to be installed and for a 90th percentile vehicle to deliver mail and then execute a maximum of a 3 point turn to exit the privateway.

(xi) Maintenance responsibility – Consent notices:

(a) Consent notices shall be registered on all lots having an interest in the privateway stating that in accordance with the easement arrangements, the property owners maintenance obligation extends to the entire formation of the portion of privateway they have an interest in including: original ground built upon, earthworks, cuts and fills, pavement, sealed surface, culverts, drainage structures, plantings and any other structures or features serving the privateway. The costs shall be shared evenly with any other property owners having an interest in that portion of the privateway. Under no circumstances shall Council take any responsibility for the maintenance and upkeep of the privateway formation.

DECISION REPORT 8

Variation 1: Lifestyle Zones and Minden Structure Plan Area Structure Plan – Lifestyle Section – Explanatory Statement

Resolved:

THAT the Explanatory Statement is retained as notified subject to the following amendments.

- The reference to "Te Rangituanehu" is corrected to read as such.*
- The first sentence of the second paragraph of the Minden Explanatory Statement is deleted and replaced as follows;*

"This area dominated by the Te Rangituanehu plateau ridgeline is of cultural significance to Pirirakau and a significant landscape feature for the whole community".

- The following paragraph (or similar) is added before the paragraph which begins with the words "geotechnical considerations" as follows;*

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

- The following wording below (or similar) is added as the final paragraph of the Minden Explanatory Statement.*

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

The second to last sentence under the heading "Minden" be amended to delete the word "premier".

The following submissions are therefore:

Accepted

<i>Submission</i>	<i>Point Number</i>	<i>Name</i>
<i>38</i>	<i>3, 5</i>	<i>Gravit, Jo</i>
<i>FS 90</i>	<i>1</i>	<i>Milne, Aaron - Supports 38.3</i>
<i>19</i>	<i>1</i>	<i>Pirirakau Incorporated Society</i>
<i>24</i>	<i>1</i>	<i>Te Puna Heartlands</i>

Accepted in Part

<i>Submission</i>	<i>Point Number</i>	<i>Name</i>
<i>38</i>	<i>4</i>	<i>Gravit, Jo</i>
<i>58</i>	<i>2</i>	<i>New Zealand Transport Agency</i>

Rejected

<i>Submission</i>	<i>Point Number</i>	<i>Name</i>
<i>FS 86</i>	<i>2</i>	<i>Hoff, Trevor & Edwards, Vivian - Opposes 58.2</i>
<i>57</i>	<i>1</i>	<i>Powerco Limited</i>

Reasons

The Explanatory Statement was changed where it needed clarification.

The correct reference is "Te Rangituanehu".

The new wording clarifies that is it for Pirirakau, that "Te Rangituanehu" holds cultural significance, rather than the whole community.

An explanation was required on the purpose of these features shown on the Structure Plan. The recommended wording aligns with the description in the Section 32 Report without going into too much detail for an Explanatory Statement.

Vehicle, walking and cycling connectivity between the Minden and Te Puna is important in linking these two communities, and is consistent with Council's Walking and Cycling Strategy.

Adding this wording into the Explanatory Statement shows an intention to work with NZTA on this issue.

With the timing for the substation upgrade and the expected growth rate for the Minden Lifestyle Zone it is unlikely that electricity supply will be an issue.

DECISION REPORT 9

Variation 1: Lifestyle Zones and Minden Structure Plan Area– Lifestyle Section – Significant Issues

Resolved:

THAT the Significant Issues are retained as notified, subject to the amendments below:

- *Significant Issue 3 is amended to read as follows:*

Development of the zones has the potential to impact on ecological features of local significance such as wetlands, waterways and riparian margins.

- *Significant Issue 4 is amended to read as follows:*

Protection of rural lifestyle character is important if the zones are to remain high quality environments for lifestyle locations.

The following submissions are therefore:

Accepted

<i>Submission</i>	<i>Point Number</i>	<i>Name</i>
<i>38</i>	<i>6</i>	<i>Gravit, Jo</i>
<i>FS 90</i>	<i>3</i>	<i>Milne, Aaron - Supports 38.6</i>
<i>49</i>	<i>1, 2, 3, 4</i>	<i>Surveying Services Ltd</i>

Accepted in Part

<i>Submission</i>	<i>Point Number</i>	<i>Name</i>
<i>35</i>	<i>5</i>	<i>Brett, MR and DR</i>
<i>14</i>	<i>1</i>	<i>Department of Conservation (BOP)</i>
<i>58</i>	<i>3</i>	<i>NZ Transport Agency</i>

Rejected

<i>Submission</i>	<i>Point Number</i>	<i>Name</i>
<i>57</i>	<i>2</i>	<i>Powerco Limited</i>

Reasons

Changes have been recommended for the existing Significant Issues where clarification is needed.

Significant Issue 4 was not intended to raise the protection of general landscape as a priority. General landscape features and their values have not been identified through the Structure Plan process and may be difficult to identify at subdivision stage.

This Significant Issue should have referred to "outstanding" landscape but in hindsight is not required either as the Landscape Section is the appropriate place to address their protection.

Removing the word "landscape" has the same effect as what the submitter requested because it removes the issue of general landscape protection.

Significant Issue 3 has been amended to include reference to ecological features as mentioned in the Te Puna Plan and as protected by rules in the Lifestyle Section under 16A.5.2 (b).

The word "significant" has been deleted because the Natural Environment Section already addresses the protection of Significant Ecological Features.

The requested Significant Issue from Powerco is already accounted for in Significant Issue 4 of the Subdivision and Development Section, and subsequent objectives, policies and rules. With the timing for the substation upgrade and the expected growth rate for the Minden Lifestyle Zone it is unlikely that electricity supply will be an issue.

DECISION REPORT 10

Variation 1: Lifestyle Zones and Minden Structure Plan Area Structure Plan – Lifestyle Section – Objectives

Resolved:

THAT the objectives be amended as follows:

- *Objective 3 is amended as follows;*

"To provide for a standard of infrastructure, recreational and amenity services that will be safe for pedestrians and cyclists, and that complements the lifestyle character of the area.

- *Objective 4 is amended as follows:*

"To create a network of green lanes in conjunction with lifestyle development".

- *Objective 5 is moved to 16A.2.2 (Policies) and amended as follows:*

"To ensure the effective use of geotechnical information to dispose of stormwater and wastewater in avoiding effects on the environment due to increased development".

- *Objective 5 is then replaced as follows:*

"To provide a lifestyle living environment which takes into consideration the geotechnical constraints and other effects of increased development".

- *A new Objective (6) is added in respect to ecological features as follows;*

"Local ecological features are protected."

The following submissions are therefore:

Accepted

<i>Submission</i>	<i>Point Number</i>	<i>Name</i>
<i>14</i>	<i>2</i>	<i>Department of Conservation (BOP)</i>
<i>FS 88</i>	<i>20</i>	<i>Hatton. GW & M - Supports 46.1</i>
<i>46</i>	<i>1</i>	<i>Purves, D & S</i>
<i>49</i>	<i>5, 6</i>	<i>Surveying Services Ltd</i>

Accepted in Part

<i>Submission</i>	<i>Point Number</i>	<i>Name</i>
<i>35</i>	<i>6</i>	<i>Brett, MM and DR</i>
<i>29</i>	<i>1</i>	<i>Cobb, Ray and Michelle</i>
<i>14</i>	<i>3</i>	<i>Department of Conservation (BOP)</i>
<i>22</i>	<i>1</i>	<i>Gardiner, Hugh</i>
<i>FS 88</i>	<i>30</i>	<i>Hatton, GW & M - Supports 29.1</i>

30	4	McCulley, Shirley
30	5	McCulley, Shirley
58	4	NZ Transport Agency
49	8	Surveying Services Ltd

Rejected

<i>Submission</i>	<i>Point Number</i>	<i>Name</i>
62	1	Earp, Jacqueline
FS 90	9	Milne, Aaron - Supports 49.9
57	3	Powerco Limited
49	9	Surveying Services Ltd

Reasons

Objective 3

It is accepted that infrastructure needs to match the density of the area and will only be provided once development necessitates it. This does not warrant becoming an Objective.

Objective 4 from the Subdivision and Development Section already covers the issue of infrastructure meeting demand.

The safety of both pedestrians and cyclists is important.

Objective 4

Objective 4 has been consequentially amended following decisions made in Decision Reports 3A and 20 regarding the deletion of equestrian facilities.

The option of adding a reference to ensuring the integrity of ecological features is not directly accepted but is covered by the new Objective 6 relating to local ecological features.

An advice note is not appropriate under an Objective. This was instead considered for inclusion under Matter of Control 16A.5.2 (c) which requires the taking and planning of these networks. It was felt however that this could be misinterpreted by developers so was not recommended.

Developers are instead encouraged to meet with Council at subdivision stage to discuss options for walkway and bridleway alignment under the "Package of Plans" approach to determine better outcomes.

Objective 5

This wording was adopted to replace the notified Objective 5 because it reflects an outcome (as an Objective should). It reflects the intention that the Minden Lifestyle Zone will be planned for taking into consideration geotechnical constraints and other effects of increased development such as increased stormwater runoff.

Existing Objective 5 reads as a policy (action) and supports this outcome so is recommended to be shifted to 16A.2.2 (Policies) to become new Policy 12 rather than be deleted. It was simply in the wrong place.

The words "wastewater" has been added because disposal of wastewater is another issue addressed by the Lifestyle Section rules.

New Objective 6

This new Objective regarding the protection of local ecological features provides a desired outcome to Significant Issue 3 and is supported by Policy 3.

DECISION REPORT 11

Variation 1: Lifestyle Zones and Minden Structure Plan Area Structure Plan – Lifestyle Section – Policies

Resolved:

THAT there is no change to Policy 1.

THAT Policy 2 is amended as follows:

"Subdivision, use and development shall provide greenlane connectivity where relevant, and other high quality amenities or, where onsite provision of these amenities is not appropriate, shall integrate these elements into its own design."

THAT Policy 3 is amended as follows:

"Subdivision or development shall take into account site constraints including geotechnical, ~~landscape~~ and ecological limitations in determining an appropriate design that delivers a quality lifestyle amenity environment."

THAT there is no change to Policy 4.

THAT Policy 5 is amended as follows:

For the Minden, the use of development incentives at subdivision stage to incorporate greenlanes.

THAT there is no change to Policies 6 and 7.

THAT Policy 8 is amended to read as follows:

"Ensure the layout of roads, greenlanes and infrastructure are undertaken to best complement rural lifestyle character, merge into the existing rural environment and provide for safety and security."

THAT Policy 9 is amended as follows:

Avoid the establishment of ~~rural~~, industrial, commercial or other activities which do not have a functional or other legitimate need for a lifestyle location.

THAT there is no change to Policy 10.

THAT Policy 11 is amended to read as follows:

"To maintain the semi-rural nature of the Minden through ensuring appropriate dwelling separation."

The following submissions are therefore:

Accepted

<i>Submission</i>	<i>Point Number</i>	<i>Name</i>
32	4	Anderton, SG & DS
35	4, 7	Brett, MM & DR
14	4, 5	Department of Conservation (BOP)
22	2	Gardiner, Hugh
38	9	Gravit, Jo
28	4	Gray, AD & MG
11	1, 2	Hart, G & A
FS 88	23	Hatton, GW & M - Supports 46.4
FS 88	22	Hatton, GW & M - Supports 46.3
34	4	Maunder, RL & JE
FS 90	7	Milne, Aaron Supports 38.9
58	5, 6, 7	NZ Transport Agency
FS 89	1	NZ Transport Agency Opposes 12.1
FS 89	4	NZ Transport Agency Opposes 30.6
FS 89	5	NZ Transport Agency Opposes 49.14
33	4	Poole, Duncan
57	4	Powerco Limited
46	2, 3, 4	Purves, D & S
6	4	Regional Council
23	2, 3, 4	Sparks Family Trust
49	13, 17, 18, 19	Surveying Services Ltd
8	1, 2	Wright, Wayne

Accepted in Part

<i>Submission</i>	<i>Point Number</i>	<i>Name</i>
29	4	Cobb, Ray & Michelle
29	2, 3	Cobb, Ray & Michelle
FS 88	31	Hatton, GW & M - Supports 29.2
FS 88	32	Hatton, GW & M - Supports 29.3
FS 88	24	Hatton, GW & M - Supports 46.5
FS 88	21	Hatton, GW and M - Supports 46.2
47	2, 3	Jamieson, Graham
30	4, 7	McCulley, Shirley
FS 90	5	Milne, Aaron Supports 47.2
FS 90	8	Milne, Aaron Supports 47.3
FS 89	2	NZ Transport Agency Supports 24. 2
46	5	Purves, D & S
49	12	Surveying Services Ltd
24	2	Te Puna Heartlands

Rejected

<i>Submission</i>	<i>Point Number</i>	<i>Name</i>
39	2	Ainsworth Farm Trust
12	1	Carter, Grant
29	5	Cobb, Ray & Michelle

62	1	<i>Earp, Jacqueline</i>
22	3	<i>Gardiner, Hugh</i>
38	7, 8, 10	<i>Gravit, Jo</i>
30	6	<i>McCulley, Shirley</i>
FS 90	4	<i>Milne, Aaron - Supports 39.2</i>
FS 90	6	<i>Milne, Aaron - Support 9.2</i>
FS 89	3	<i>NZ Transport Agency - Supports 9.2</i>
6	3	<i>Regional Council</i>
49	10, 11, 14, 15, 16, 20, 21	<i>Surveying Services Ltd</i>
9	2	<i>Tauranga City Council</i>

Reasons

Policy 1

Council is currently working with NZTA on solutions for the Te Puna/Minden Road intersection.

There are policies on the impacts of local roading in Section 4B – Transportation. This is not a Lifestyle Zone specific issue.

The wording "For Minden this means 97 (now 256) additional dwellings or allotments" is a rule rather than a policy. Rules which will have the same effect are contained within the Lifestyle Section to ensure that this limit is respected (See Reports 12 and 19A).

Policy 2

The word "greenlane" has been used instead of adding the word "cycleways" because a new definition for "greenlane" includes cycleways (see Report 20).

Lot entitlements for equestrian facilities have been deleted as this over-incentivized the provision of these features and provided for more subdivision potential than was anticipated. No further incentives should be provided for other features such as car parks and dressage areas for this same reason.

The reference to equestrian connectivity has been removed as a result of decisions made in Report 20.

Policy 3

The word "landscape" has been deleted rather than adding the word "outstanding" before it. This is because policies for "outstanding landscapes" are provided under Section 6 – Landscape. The change also removes the policy wording around protecting general landscapes that have not been identified.

The word "amenity" is replaced with the word "lifestyle" as this makes better sense.

Policy 4

The Transferable Subdivision Entitlement provisions have been legally established under the District Plan Review and therefore are being retained.

Policy 5

Submitters are in support of this Policy.

The reference to Minden is retained for now as structure plans have not yet been put in place for other Lifestyle Zones and there is no certainty that the same provisions will apply.

Rules for privateways are being established in response to submissions.

Policy 6

Council and NZTA have agreed to this approach of restricting subdivision and development until upgrades are made to the Strategic Roading Network.

Policy 7

This policy has not been changed because the focus of this policy is on managing geotechnical constraints to minimise risk to people and property. Siltation is an issue that should be addressed by Regional Council provisions.

Policy 8

The word "greenlane" has been used in place of "cycleways" because a new definition for "greenlane" includes cycleways..

The word "infrastructure" is retained as there is no valid reason to remove it.

The wording "merge into the existing rural environment" has been accepted because it aligns with Significant Issue 4 and a new Objective recommended.

The wording "and ensure safety and security" has been added in response to the submission from the Regional Council.

Policy 9

Wording is retained (rather than changing to the affirmative) because it makes it very clear what activities are not anticipated.

There is no guarantee that businesses will fail if located in a Lifestyle Zone.

The word "rural" has been deleted to recognise that rural activities can still occur under the Lifestyle Zone rules and under existing use rights.

Policy 10

Council and NZTA have agreed to this approach of restricting subdivision and development until upgrades are made to the Strategic Roading Network.

Policy 11

Policy 11 focuses on separation distances between dwellings and on maintaining existing rural character, as opposed to Policy 3 which focuses on managing constraints. Both policies should be retained. The re-wording of Policy 11 helps with interpretation.

The number of minor dwellings is likely to be small as the 20m proximity requirement ensures they are used for their intended purpose. They will not therefore have an impact on rural amenity.

New Policy – Cultural Values

A new policy is not required because historic heritage provisions have not been introduced specifically for the Lifestyle Zones nor have any been recommended. The Historic Heritage Section of the District Plan contains all relevant policies and rules to address the protection of cultural values. This Section will be subject to review under an upcoming Plan Change on heritage sites that Council is working on in conjunction with iwi.

DECISION REPORT 12

Variation 1: Lifestyle Zones and Minden Structure Plan Area Structure Plan – Lifestyle Section – Activity Lists

Resolved:

THAT the Activity Lists are retained as notified other than as amended below:

In response to Options 2 and 3

That Controlled Activity 16A.3.2 (d) is amended to read as follows:

"More than one dwelling per lot in the Katikati and Te Puke Lifestyle Zones subject to performance standards 16A.4.1(g) with (per dwelling) a minimum net land area of 3000m² and minimum average net land area of 5000m²

And that a new Non-Complying Activity is subsequently added to 16A.3.5 as follows:

"More than one dwelling per lot in the Minden Lifestyle Structure Plan Area"

In response to Option 4

That Controlled Activity 16A.3.2 (e) is amended to read as follows;

"Subdivision within the Minden Lifestyle Structure Plan area, subject to the performance standards in 16A.4.2 where the site is made up of land zoned stability area A, B or C and where;

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

In response to Option 5

That Permitted Activity 16A.3.2 (m) is redrafted as follows;

"New buildings and external additions to buildings in the Minden Lifestyle Structure Plan area within an Approved Building Site"

That Restricted Discretionary Activity 16A.3.3 (b) is also redrafted to read;

"New buildings and external additions to buildings in the Minden Lifestyle Structure Plan Area not within an Approved Building Site, subject to the requirements in 16A.6.3"

The following submissions are therefore:

Accepted

<i>Submission</i>	<i>Point Number</i>	<i>Name</i>
<i>58</i>	<i>8</i>	<i>NZ Transport Agency</i>
<i>FS 89</i>	<i>7</i>	<i>NZ Transport Agency Opposes 49.24</i>

57	6	Powerco Limited
50	2	SmartGrowth Implementation Committee
49	25, 26	Surveying Services
40	1	Western Bay of Plenty District Council

Accepted in Part

<i>Submission</i>	<i>Point Number</i>	<i>Name</i>
FS 90	12	Milne, Aaron Supports 9.3
FS 89	8	NZ Transport Agency Supports 9.3
49	23	Surveying Services
9	3	Tauranga City Council
24	3	Te Puna Heartlands

Rejected

<i>Submission</i>	<i>Point Number</i>	<i>Name</i>
FS 90	11	Milne, Aaron Supports 2.1
49	22, 24, 44	Surveying Services
2	1	Zingel, Howard

Reasons

Option 1

The activity listings for new buildings, additional dwellings and subdivision are retained in principle (with amendments) because they direct how subdivision and development can occur within the Minden Lifestyle Zone. They also address zone specific constraints.

Options 2 and 3

Non-Complying Activity status has been selected for additional dwellings (more than one dwelling per lot) in the Minden Lifestyle Zone following clarification from NZTA and TCC about the intent of their submissions.

Changing the status of additional dwellings from Controlled (as notified) to Non-Complying allows Council to decline applications if necessary and hence allows their number to be limited. This ensures that the limit of 256 new lots is not exceeded by more dwellings than anticipated.

Rules have also be put in place (See Report 19A) to ensure that any additional dwellings that are granted will reduce the number of new lots allowed in the area of its location (on a one to one basis).

Option 4

The average slope calculation is considered to be onerous and is also too vague at an activity list level.

Option 5

The current drafting of Rules 16A.3.1 (m) and 16A.3.3 (b) is confusing and does not achieve what was intended.

The recommended wording shows that new buildings and external additions within the entire Minden Lifestyle Zone will need to be built on an "Approved Building Site". The current drafting unintentionally restricted this rule to only the Stability Areas, whereas not all areas have such a rating but also need this risk managed.

The wording of both rules has also has been simplified by referring to the definition of "Approved Building Site" (definition shown by italics) which has also been simplified for the ease of administration. This makes the rule easier to understand as one does not have to look back and forward between rules to establish links.

DECISION REPORT 13

Variation 1: Lifestyle Zones and Minden Structure Plan Area Structure Plan – Lifestyle Section – Activity Performance Standards - Yards

Resolved:

THAT there is no change to the Activity Performance Standards for Yards in 16A.4.1 (c).

The following submissions are therefore:

Accepted

<i>Submission</i>	<i>Point Number</i>	<i>Name</i>
<i>FS 89</i>	<i>12</i>	<i>NZ Transport Agency Opposes 29.6</i>

Rejected

<i>Submission</i>	<i>Point Number</i>	<i>Name</i>
<i>39</i>	<i>3</i>	<i>Ainsworth Farm Trust</i>
<i>29</i>	<i>6</i>	<i>Cobb, Ray & Michelle</i>
<i>38</i>	<i>14</i>	<i>Gravit, Jo</i>
<i>80</i>	<i>3</i>	<i>Hedge, Allan</i>
<i>FS 90</i>	<i>13</i>	<i>Milne, Aaron Supports 38.14</i>
<i>FS 90</i>	<i>18</i>	<i>Milne, Aaron (Supports 80/3)</i>
<i>58</i>	<i>9</i>	<i>NZ Transport Agency</i>
<i>52</i>	<i>2</i>	<i>Stonehill Family Trust</i>
<i>49</i>	<i>27, 28</i>	<i>Surveying Services Ltd</i>
<i>27</i>	<i>1, 2</i>	<i>Walpole, Erica</i>

Reasons

Option 1

The Yards have been recommended to remain unchanged for the reasons below.

Option 2

The term "yards" should be retained because it is established and recognised.

Option 3

The yard for dwellings from property boundaries should not be increased from 10m to 30m because it makes it impractical to build and is out of character with the expected lifestyle zone density.

Option 4

Allowing the reduction of yards below 10m (where a 20m separation distance can be achieved) is not appropriate for the Lifestyle Zone.

Option 5

The 100m yard from the Tauranga Northern Link was agreed upon by Council and NZTA as an appropriate setback for the purpose of dealing with any reverse sensitivity effects.

Option 6

Increasing this yard from 100m to 200m will impose further restrictions on landowners and reduce the yield of the Lifestyle Zone further.

There does not appear to be a requirement under this standard or justification given for why a 200m yard should be adopted. This is a fairly rough approach which creates further restrictions without consider other options.

NZS 6806:2010 simply requires that mitigation is provided to keep noise levels at specified levels. This mitigation could include construction of low noise roads, building of noise barriers, and acoustic insulation as stated by NZTA at workshops.

Option 7

The proposed 5m side and rear yards for "all other structures" should be retained because there is no benefit of increasing them to 10m.

Potential effects are controlled under the Amenity Section (4C).

Option 8

Retaining the ability to reduce yards for "all other structures" by written approval allows landowners the ability to use land in the most practical way. Impacts on rural openness are not considered to be significant as to warrant removing this opportunity.

REPORT 14 – DECISION

Variation 1: Lifestyle Zones and Minden Structure Plan Area Structure Plan – Lifestyle Section – Activity Performance Standards – Home Enterprises

Resolved:

THAT the Activity Performance Standards for Home Enterprises in 16A.4.1 (e) are amended as follows:

That Rule 16A.4.1 (e) (viii) provides an exemption for stalls as follows;

"No aspect of the home enterprise, including carparking, or sale of goods, shall be undertaken within 10m of the front boundary with the exception of Stalls."

That a new Rule 16A.4.4 (e) (ix) is added as follows:

"Bulk warehousing, product assembly and outside storage of materials and goods shall not be permitted as a part of a Home Enterprise".

The following submissions are therefore:

Accepted

<i>Submission</i>	<i>Point Number</i>	<i>Name</i>
<i>38</i>	<i>11</i>	<i>Gravit, Jo</i>
<i>66</i>	<i>5</i>	<i>Sobye, Deidre</i>

Reasons

Option 1

The Activity Performance Standards for Home Enterprise are recommended for change as per the specific reasons below.

Option 2

Rule 16A.4.2 (e) (viii) may unintentionally prevent stalls from operating within 10m of the front road boundary, whereas they would still be able to establish as individual activities if not part of a Home Enterprise. The recommended exemption makes this consistent.

Sheds on the other hand are defined under "all other structures" and require a 10m yard from the road boundary. There is no reason to provide an exemption for sheds that are a part of a Home Enterprise.

Option 3

Although the standards for Home Enterprise restrict the scale of commercial type operations to an extent, putting a specific restriction on "bulk warehousing, product assembly and outside storage of material and goods" will provide more certainty that such operations will not be established within the Lifestyle Zone.

The submitter had specifically raised this issue for the Lifestyle Zone only so it has only been addressed in the Lifestyle Section.

DECISION REPORT 15A

Variation 1: Lifestyle Zones and Minden Structure Plan Area – Lifestyle Section Activity Performance Standards – Walkway and Bridleway Widths.

b) Development Code – Design and Development Standards for Walkways and Bridleways

Resolved:

THAT Rule 16A.4.1(h) of the District Plan and Section 4 of the Development Code (including relevant diagrams), be updated to reflect minimum width of:

7m for all walkway/cycleway reserves;

1.5m for the formed path, and

1.5m for a clear zone on both sides of the formed path.

That the following be added to 16A.6.1 Restricted Discretionary Activities – Non Compliance with Activity Performance Standards

Where the minimum width for Greenlanes, as stipulated in 16A.4.1(h) cannot be achieved, the minimum width for walkway/cycleway may be reduced to 5m where:

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

That walkways are renamed as "greenlanes".

That any references to bridleways in the Minden Lifestyle Zone be deleted from the District Plan and Development Code.

The following submissions on Variation 1 of the Plan are therefore:

Accepted

<i>Submission</i>	<i>Point Number</i>	<i>Name</i>
14	6	Department of Conservation (BOP)

Accepted in Part

<i>Submission</i>	<i>Point Number</i>	<i>Name</i>
39	4	Ainsworth Farm Trust
38	15	Gravit, Jo
FS 88	26	Hatton, GW and M - Supports 46.7
73	1	Hume, Cushla
20	1	Hume, Nick
46	7	Purves, D & S
49	29	Surveying Services Ltd
27	3	Walpole, Erica
FS 88	34	Hatton, GW and M -- Supports 46.7
56	2	Phipps, Nathan
61	1	Walpole, Bruce

Rejected

<i>Submission</i>	<i>Point Number</i>	<i>Name</i>
29	11	Cobb, Ray & Michelle

The following submissions on the amendment to the Development Code are therefore:

Accepted

<i>Submission</i>	<i>Point Number</i>	<i>Name</i>
8	1, 2	Department of Conservation (BOP)
23	2	Geejae Construction Limited
21	1, 4	Gravit, Jo
28	2	Soby, Deidre

Accepted in Part

<i>Submission</i>	<i>Point Number</i>	<i>Name</i>
27	2, 3, 4	Ainsworth Farming Trust
3	1, 2, 3, 4	Carter, Grant
4	1, 2	Gardiner, Hugh
23	1, 3, 4	Geejae Construction Limited
21	2, 3, 5	Gravit, Jo
28	4	Soby, Deidre
10	1	Cobb, Ray & Michelle
13	1, 2	Hart, G and A
7	1, 2	Hatton, GW and M
19	1	Purves, D & S
28	1, 3	Soby, Deidre

15	1	Todd, Andrew & Susanne
12	1, 2	Walpole, Erica
5	1, 2	Ward, Christopher

Reasons

- *The topography in the area was not conducive for construction of bridleways. This, plus ongoing maintenance costs, would have added considerably to their expense and made them unaffordable.*
- *The provisions for bridleways were also opposed by a large percentage of submitters.*
- *The minimum width of 7m for walkways has been retained to ensure that amenity value is not lost by a reduced width.*
- *Research has shown that safety can be maintained when walkways are properly designed and developed in accordance with 'Crime Prevention through Environmental Design' (CPTED) principles.*
- *By including certain criteria, Council will be able to consider a reduction in width on a case by case basis, while ensuring that the amenity value and safety aspects of the greenlanes are not compromised.*

DECISION REPORT 16

Variation 1: Lifestyle Zones and Minden Structure Plan Area – Lifestyle Section Activity Performance Standards – Various and New

Resolved:

THAT no changes are made to the Activity Performance Standards for daylighting, Accommodation Facilities, minor dwellings more than one dwelling per lot and landscape.

The following submissions are therefore:

Accepted in part

<i>Submission</i>	<i>Point Number</i>	<i>Name</i>
<i>9</i>	<i>5</i>	<i>Tauranga City Council</i>

Rejected

<i>Submission</i>	<i>Point Number</i>	<i>Name</i>
<i>29</i>	<i>8, 9, 10</i>	<i>Cobb, Ray & Michelle</i>
<i>38</i>	<i>13, 16</i>	<i>Gravit, Jo</i>
<i>30</i>	<i>8</i>	<i>McCulley, Shirley</i>
<i>FS 89</i>	<i>11</i>	<i>NZ Transport Agency - Supports 9.5</i>
<i>66</i>	<i>4</i>	<i>Sobye, Deidre</i>

Reasons

Option 1 - Daylighting

Compliance with yards (10m for dwellings) already indirectly ensures that daylighting requirements are met as well. In addition, lot sizes also help to avoid any possible conflicts of this nature. The likelihood of daylighting encroachments are therefore low, hence are any real threats of rural openness being compromised.

Option 2 - Accommodation Facilities

The standards for accommodation facilities are the same in the Lifestyle Zone as for the Residential, Future Urban, Rural-Residential and Rural Zones. The reasons for limiting occupancy numbers and not allowing kitchens have been established under the District Plan Review. No reasons have been given for why different standards should apply to the Lifestyle Zones.

Any further review of these standards should be subject to a separate Plan Change.

Option 3 - Minor Dwellings

As above, the standards for minor dwellings have also been made consistent across these zones. The only exception being that the 20m distance from the principal dwelling is not required in the Residential Zone.

Again, any further review of these standards should be subject to a separate Plan Change.

Option 4 - More than One Dwelling Per Lot

This request has been discussed and given reason for in Report 12 – Activity Lists (Option 3). The recommendation was to have no set limit and instead make additional dwellings Discretionary Activities subject to assessment of effects on the roading network.

Option 5 – Add new earthworks and reflectivity performance standards

The reflectivity and earthworks controls adopted for the Tauranga Harbour and Wairoa River are part of a unique set of permitted activity standards developed especially for those landscapes only.

Applying the same permitted activities to other Significant Landscapes at this stage is premature and would be best considered as part of a wider landscape review.

DECISION REPORT 17

Variation 1: Lifestyle Zones and Minden Structure Plan Area – Lifestyle Section Subdivision Activity Performance Standards – General

Resolved:

THAT no change is made to the General Subdivision Activity Performance Standards in 16A.4.2 (a) except that 16A.4.2(a)(i) has the word "minimum" added after 20m.

The following submissions are therefore:

Accepted

<i>Submission</i>	<i>Point Number</i>	<i>Name</i>
<i>FS 83</i>	<i>1</i>	<i>Gibbs, Peter Supports 51.2</i>
<i>51</i>	<i>2</i>	<i>Malcolm, PM & JE</i>
<i>FS 90</i>	<i>10</i>	<i>Milne, Aaron - Opposes 10.1</i>
<i>FS 89</i>	<i>6</i>	<i>NZ Transport Agency - Opposes 10.1</i>

Rejected

<i>Submission</i>	<i>Point Number</i>	<i>Name</i>
<i>6</i>	<i>5</i>	<i>Bay of Plenty Regional Council</i>
<i>10</i>	<i>1, 2</i>	<i>Carroll, Paul & Jennifer</i>
<i>49</i>	<i>30, 31</i>	<i>Surveying Services Ltd</i>

Reasons

Option 1

The General Subdivision Activity Performance Standards for shape factor and lot sizes are recommended to remain unchanged for the reasons below.

Option 2

The existing 20m diameter shape factor provides a reasonable minimum area of 314m² for a house site while allowing landowners the freedom to choose shape, size and orientation of dwellings.

The word minimum is added to clarify the intention that it is a minimum and a greater area can be shown to provide flexibility.

The suggested 300m² non-circular option, allowing for pre-shaped house sites, would constrain these options for landowners and in the event of any required variations, require further geotechnical assessment.

Option 3

A 2000m² minimum lot size is substantially smaller than what has been anticipated for the Lifestyle Zone. Existing lifestyle development in the area has been established at the same average and minimum lot sizes as proposed for the Minden Lifestyle Zone.

Option 4

Lot sizes will be subject to review through structure planning for the other Lifestyle Zones.

Option 5

Council staff consider that the Regional Council's suggested rules are already satisfactorily contained within Council's Development Code – Section 4.5 DS5.

DECISION REPORT 18

Variation 1: Lifestyle Zones and Minden Structure Plan Area – Lifestyle Section Subdivision Activity Performance Standards – Transferable Subdivision Entitlements

Resolved:

THAT there is no change to the Subdivision Activity Performance Standards for Transferable Subdivision Entitlements in Rule 16A.4.2 (b) other than in the amendments (and consequential amendments) below;

THAT protection lots are provided for in the Minden Lifestyle Zone by adding a new rule to 16A.3.4 (Discretionary Activity List) as follows;

(x) Protection lot subdivision as provided for in Rule 16A.4.2 (x).

THAT the abovementioned new Rule 16A.4.2 (x) is then added to the Subdivision Activity Performance Standards for Transferable Subdivision Entitlements as follows:

(x) Onsite Protection Lots

(i) Application

Additional lots may be created in exchange for the protection of a "feature of value to the community" as defined in Rule 16.4.2 (h) (i) on the following basis.

- 1. The feature being protected must be within the land being subdivided.*
- 2. The feature being protected shall meet the qualifying standards in Rules 16.4.2 (h) (iii) to (viii).*
- 3. Additional lots can be transferred within the Lifestyle Zone.*
- 4. Where the land being subdivided also contains a Greenlane as identified on the Minden Lifestyle Structure Plan, then the creation of additional lots under this rule shall not occur before the creation of new lots under Rule 16A.4.2 (d).*
- 5. Subdivision under this rule shall also be subject to Rules 16A.4.2, 16A.5.2 and 16A.6.3.*

The following submissions are therefore:

Accepted in Part

<i>Submission</i>	<i>Point Number</i>	<i>Name</i>
<i>11</i>	<i>6</i>	<i>Hart, G & A</i>
<i>FS 89</i>	<i>13</i>	<i>NZ Transport Agency - Opposes 11.6</i>

Rejected

<i>Submission</i>	<i>Point Number</i>	<i>Name</i>
<i>12</i>	<i>2</i>	<i>Carter, Grant</i>
<i>65</i>	<i>1</i>	<i>Reyland, Basil & Joy</i>
<i>64</i>	<i>1</i>	<i>Reyland, Bryce & Jude</i>
<i>49</i>	<i>32</i>	<i>Surveying Services</i>

Reasons

Options 1 and 2

The Transferable Subdivision Entitlement provisions were retained because they have already been established under the District Plan Review process.

They are also part of the rural subdivision strategy to compensate landowners for environmental protection and to compensate those landowners who had lost subdivision rights through the District Plan review.

Option 3

In addition to the above, a dedicated charge is not required because the proposed Financial Contributions have already accounted for the required community infrastructure and amenities.

Option 4

Protection lot subdivisions ensure that Significant Ecological Features are protected as they previously would have been under the Rural Zone.

The recommended wording provides that these protection lots can be transferred within the Lifestyle Zones. This is logical given that protection lots were previously all within the Rural Zone and need to be transferred to the Lifestyle Zone. It still ensures the same number of entitlements will be absorbed by the Lifestyle Zone.

It also ensures that protection lot subdivision cannot occur in place of subdivision occurring as a result of vesting greenlanes etc. However, it does not preclude protection lot subdivision from occurring at the same time or afterwards.

It also ensures that all other subdivision requirements are met by providing a cross-reference.

Option 5

The bonus lot provisions (for greenlanes) should be considered for the Lifestyle Zones in Te Puke and Katikati at the time of preparing the relative structure plans.

DECISION REPORT 19A

Variation 1: Lifestyle Zones and Minden Structure Plan Area – Lifestyle Section Subdivision Activity Performance Standards – Minden Staging Requirements

Resolved:

THAT Options 2 and 4B are accepted and the Minden Staging Requirements in Rule 16A.4.2 (c) are amended as shown in Attachment A.

THAT the Planning Maps are amended by deleting the notified area boundaries and replacing them with the revised area boundaries as shown on the attached map titled "Minden Structure Plan Staging Areas and Assignment Zone Boundaries".

The following submissions are therefore:

Accepted in Part

<i>Submission</i>	<i>Point Number</i>	<i>Name</i>
<i>15</i>	<i>1</i>	<i>Christopher Ward</i>
<i>22</i>	<i>6</i>	<i>Hugh Gardiner</i>
<i>23</i>	<i>5</i>	<i>HDW & SA Sparks Family Trust</i>
<i>FS 89</i>	<i>14</i>	<i>NZ Transport Agency - Supports 23.5</i>
<i>38</i>	<i>17</i>	<i>Gravit, Jo</i>
<i>FS 88</i>	<i>11</i>	<i>Hatton, GW & M - Supports 38.17</i>
<i>40</i>	<i>2</i>	<i>Western Bay of Plenty District Council</i>
<i>49</i>	<i>33</i>	<i>Surveying Services</i>
<i>58</i>	<i>10</i>	<i>NZ Transport Agency</i>

Reasons

Options 1, 2 and 3

Option 1 is recommended because traffic modelling has shown that a total of 256 new lots can be allowed for within Stage 1 before upgrades would be required by the development to the strategic roading network.

This option allows a much larger number of lifestyle opportunities within the zone than first notified under Stage 1 and is consistent with Policy 1.

It also removes the allocation issues from Areas 1B and 1C and largely within Area 1A.

Option 4A

A limit on the uptake of new lots to 1 or 2 per subdivision in Areas 1A, 1B and 1C is no longer necessary because traffic modeling indicates these areas are now suitable for a higher number of new lots.

Option 4B

Changes to the staging requirement rules were needed to address how the 30 new lots within Area 2 would be allocated. The recommended wording ensures the following:

- *The allocated lots are not exhausted by a small group of landowners who have lots capable of realising larger numbers of new lots.*
- *Larger subdivisions can still be planned for; however, there will still be a restriction of two new lots that can be given effect to.*
- *The remaining new lots (over and above the first two) will not lapse after 5 years, which would have been the case without extending the lapsing period under Section 125 of the Act. This provides certainty to landowners.*
- *Transferable Subdivision Entitlements are only required for the first two lots that initially can be given effect to. Requiring these entitlements to be purchased for all subsequent new lots would have prevented subdivision from occurring due to costs.*

Consequential Changes to Planning Maps

- *The revised Stage 1 lot numbers have been distributed in accordance with the revised Structure Plan Area boundaries. Deleting the notified area boundaries from the Planning Maps and replacing them with the revised area boundaries ensures that these lot numbers are distributed as planned.*

New "except that" rule:

- *A new "except that" rule has been added beneath the table in Attachment A. This rule ensures that any additional dwellings (more than one dwelling per lot) granted resource consent will reduce the number of new lots allowed. It recognises that an additional dwelling has the same effect as a new lot e.g. generates the same number of vehicle movements.*

Attachment A

(c) Minden Lifestyle Structure Plan Staging Requirements

- (i) Subdivision within the Minden Lifestyle Structure Plan area shall be staged in accordance with the requirements in Rules 16A.4.2 (c) (ii) – (iv) below.

For the purpose of these rules;

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

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

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

Except that: For every dwelling granted as a Non-Complying Activity under Rule 16A.3.5 (e) (more than one dwelling per lot) this will reduce the number of new lots allowed within the area of its location on a one to one basis.

<u>AREA</u>	<u>NUMBER OF NEW LOTS ALLOWED</u>
<u>1a</u>	<u>47 94</u>
<u>1b</u>	<u>10 29</u>
<u>1c</u>	<u>10 103</u>
<u>2</u>	<u>30</u>

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

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

(iii) In respect to Area 2 in the table above, no more than two new lots shall be created from any one existing lot and no new lot shall be created from any other new lot.

(iv) Subdivision applications for more than two new lots in Area 2 can be submitted where an existing lot is able to produce more than two new lots in accordance with Rules 16A.4.2 (a) and (b) subject to the following:

1. The number of new lots that can be given effect to shall be no more than two.
2. The third and subsequent new lots can be given effect to at the time when the abovementioned Plan Change in Rule 16A.4.2 (c) (ii) provides for these new lots.
3. To prevent the third and subsequent lots from lapsing during this period, Council will provide a 10 year lapse period for these lots in accordance with Section 125 of the RMA and will consider applications under Section 125 to further extend this 10 year lapse period if the abovementioned Plan Change in Rule 16A.4.2 (c) (ii) has not occurred.
4. Transferable Subdivision Entitlements shall only need to be obtained initially for the first two lots that can be given effect to.
5. Further Transferable Subdivision Entitlements are required to be obtained for the remainder of the new lots prior to Council issuing a certificate pursuant to Section 224 of the RMA.

REPORT 20 – DECISION

Variation 1: Lifestyle Zones and Minden Structure Plan Area – Lifestyle Section Subdivision Activity Performance Standards – Walkway and Equestrian Lot Entitlements

Resolved:

THAT Rule 16A.4.2 - "Greenlane Lot Entitlements" is redrafted as shown in Attachment A.

THAT the terms "walkways" (with the addition of cycleways) are merged into a definition for "Greenlane" as follows;

"Greenlane" means any one or more of the following features:

- Walkway*
- Walkway/Cycleway*

The following submissions are therefore:

Accepted

<i>Submission</i>	<i>Point Number</i>	<i>Name</i>
<i>39</i>	<i>5, 6</i>	<i>Ainsworth Farm Trust</i>
<i>66</i>	<i>3</i>	<i>Soby, Deidre Gail</i>
<i>49</i>	<i>36, 38</i>	<i>Surveying Services</i>
<i>40</i>	<i>3, 4</i>	<i>Western Bay of Plenty District Council</i>

Accepted in Part

<i>Submission</i>	<i>Point Number</i>	<i>Name</i>
<i>FS 88</i>	<i>25</i>	<i>Hatton, GW & M - Supports 46.6</i>
<i>FS 88</i>	<i>15</i>	<i>Hatton, GW & M - Supports 77.2</i>
<i>77</i>	<i>2</i>	<i>Janello, Andreaus</i>
<i>46</i>	<i>6</i>	<i>Purves, D & S</i>
<i>49</i>	<i>31, 32, 34</i>	<i>Surveying Services</i>

Rejected

<i>Submission</i>	<i>Point Number</i>	<i>Name</i>
<i>29</i>	<i>12</i>	<i>Cobb Ray & Michelle</i>
<i>11</i>	<i>4</i>	<i>G & A Hart</i>
<i>FS 88</i>	<i>35</i>	<i>Hatton, GW & M - Supports 29.12</i>
<i>61</i>	<i>2</i>	<i>Walpole, Bruce</i>
<i>40</i>	<i>10</i>	<i>Western Bay of Plenty District Council</i>

Reasons

Options 1 and 2

The "Lot Entitlement" provisions in Rule 16A.4.2 (d) are required in order to encourage landowners to provide greenlanes in the Minden Lifestyle Zone. When vesting features, they will receive the benefits of reduced lot sizes for the entire subdivision and they will need to purchase less Transferable Subdivision Entitlements.

Equestrian Lot Entitlements are now removed as a consequence of the decision to delete bridleways and equestrian facilities from the structure plan.

Option 3

Some walkways will also be combined with cycleways.

Option 4

The term "Greenlane" simplifies the name given to the entitlements.

Option 5

This submission point has resulted in a new table being provided which clearly explains how the provisions work.

Option 6

This request has indirectly been given effect to through the reduction of greenlane (walkway/cycleway) widths (see Report 15).

Options 7 and 8

Rule 16A.42 (d) (ii) has been amended in response to Option 8. It now allows for Greenlane Lot Entitlements to be used first and the remaining lots to be created from Transferable Subdivision Entitlements.

This encourages landowners to provide these features.

It also avoids the issue of calculating how many Transferable Subdivision Entitlements are required to be purchased before the other Lot Entitlements can be used. The assumed formula of calculating these at the 4000m² average did not take into account constraints and over-exaggerated how many were required to be purchased.

Option 9

Direct financial compensation is not necessary. Landowners will receive financial benefits from subdividing down to a smaller minimum lot size with no average and from needing to buy less Transferable Subdivision Entitlements. Those with less than 100 metres of Greenlane will be compensated in accordance with Council's standard practice.

Option 10

This definition is no longer needed because of the reconsideration of the Equestrian Lot Entitlement rules.

Attachment A

(d) Minden Lifestyle Structure Plan Greenlane Lot Entitlements

<u>Greenlane Lot Entitlements</u>	
<u>General Requirement:</u>	<u>The subdivision provides public Greenlanes in general accordance with the Minden Lifestyle Structure Plan.</u>
<u>Area Per Entitlement:</u>	<p><u>One entitlement will be provided for each complete 100m of Greenlane (regardless of width) vested in Council as part of the subdivision.</u></p> <p><u>There shall be no limit to the number of entitlements that can be generated under this rule, other than by the limitation directly above.</u></p>
<u>Reduced Lot Sizes:</u>	<p><u>Exception to Rule 16A.4.2 (ii) as follows:</u></p> <p><u>Minimum - 2500m²</u> <u>Average – n/a</u></p> <p><u>Where a subdivision qualifies for one or more Greenlane Lot Entitlements, these lot sizes shall apply to the entirety of that subdivision and any subsequent stages, not only to those lots established using Greenlane Lot Entitlements.</u></p>

- (i) *Where a subdivision in the Minden Lifestyle Structure Plan area qualifies for one or more Greenlane Lot Entitlements under Rule 16A.4.2 (d) above, the section of Greenlane that falls within the subdivision shall be vested in Council with no compensation payable.*

Greenlane Lot Entitlements shall be used for the creation of new lots prior to the creation of new lots under Rule 16A.4.2 (b) (i) through the use of the following;

- *Transferable Amalgamation Lots;*
- *Transferable Rural Entitlements;*
 - *Transferable Protection Lots.*

DECISION REPORT 21

Variation 1: Lifestyle Zones and Minden Structure Plan Area – Lifestyle Section Matters of Control for Subdivision – 16A.5.2 (a) – Instability and Erosion

Resolved:

THAT the Matters of Control in 16A.5.2 (a) are retained as notified with the following amendments.

(v) After the words "soakage or discharge to ground" add the words "or to natural waterways."

The following submissions are therefore:

Accepted

<i>Submission</i>	<i>Point Number</i>	<i>Name</i>
<i>FS 90</i>	<i>14</i>	<i>Milne, Aaron Supports 58.11</i>
<i>58</i>	<i>11</i>	<i>NZ Transport Agency</i>

Rejected

<i>Submission</i>	<i>Point Number</i>	<i>Name</i>
<i>29</i>	<i>13, 14</i>	<i>Cobb, Ray & Michelle</i>
<i>30</i>	<i>9, 10, 11</i>	<i>McCulley, Shirley</i>
<i>36</i>	<i>2</i>	<i>Phipps, John & Catherine</i>
<i>19</i>	<i>5</i>	<i>Pirirakau Incorporated Society</i>

Reasons

Option 1

The Matters of Control in 16A.5.2 (c) are retained but with minor amendments to protect lots and surrounding lots from the threats of erosion and instability. It is a function of Council under the RMA to ensure avoidance and mitigation of natural hazards.

Option 2

Deleting this rule would prevent Council from being able to ensure subdivision proposals address the potential effects of earthworks on the stability of land.

Option 3

Deleting this rule prevents Council from being able to ensure subdivision proposals address the potential effects that building site, road and accessways location/formation may have on the stability of land.

Option 4

The current wording is general and should remain general because there are such a range of options able to be used depending on circumstances, that providing any further detail will not actually provide any extra certainty for landowners; nor would it improve the efficiency of the rule.

Option 5

Council has a responsibility to mitigate the adverse effects of hazards. Certain species are better at stabilizing slopes than others, and so need to be carefully chosen.

Option 6

Council's function under the RMA is to manage earthworks for the purpose of avoiding and mitigating the effects of hazards. In this case of the Minden, this is land instability. Regional Council's are responsible for managing earthworks for the purpose of reducing siltation into waterways.

DECISION REPORT 22

Variation 1: Lifestyle Zones and Minden Structure Plan Area – Lifestyle Section Matters of Control for Subdivision – 16A.5.2 (d) – Landscape Assessment

Resolved:

THAT Rule 16A.5.2 (d) be deleted.

The following submissions are therefore:

Accepted in Part

<i>Submission</i>	<i>Point Number</i>	<i>Name</i>
<i>29</i>	<i>16, 17</i>	<i>Cobb Ray & Michelle</i>
<i>30</i>	<i>12</i>	<i>McCulley, Shirley</i>
<i>19</i>	<i>2</i>	<i>Pirirakau Incorporated Society</i>
<i>66</i>	<i>1</i>	<i>Sobye, Deidre Gail</i>
<i>21</i>	<i>2</i>	<i>Waikaraka Estuary Managers</i>
<i>61</i>	<i>3</i>	<i>Walpole, Bruce</i>

Rejected

<i>Submission</i>	<i>Point Number</i>	<i>Name</i>
<i>38</i>	<i>18</i>	<i>Gravit, Jo</i>
<i>49</i>	<i>39</i>	<i>Surveying Services</i>

Reasons

Options 1-7

The requirement for a landscape assessment should be deleted as it is an unnecessary repetition of existing landscape provisions for the Minden landscape feature (S3).

There is no justification as to why controls over building design are necessary for general rural landscapes.

It should not be Council's responsibility to ensure that all residents maintain house sites with views. This may be covered by way of private covenants at subdivision stage.

Option 8

Difficult to implement due to existing use rights.

Restricts farming which is still a legitimate activity in the Lifestyle Zone.

General reason why a number of submitters are accepted in part.

A number of submitters opposed the landscape assessment and the recommendation is that it be removed. However, accepting these submission points in full does not recognize that Section 6 – Landscape still contains provisions relating to building design and ridgeline protection. These still apply to the existing landscape feature "Minden Min Peak and Ridgeline" (S3) as identified in Appendix 2 to the District Plan.

DECISION REPORT 23

Variation 1: Lifestyle Zones and Minden Structure Plan Area – Lifestyle Section Matters of Control for Subdivision – 16A.5.2 (b) (c) and (e) – Various and New

Resolved: Matthews/Marsh

THAT Rule 16A.5.2 (b) is reworded as follows;

"Protecting and enhancing scheduled significant ecological features, other prominent areas of indigenous vegetation which contribute to the zones wider amenity, existing waterways, providing ecological linkages and improving landscape by requiring planting along riparian corridors, on steep erosion prone land, the retirement of some land for grazing activity and the avoidance of discharge to such areas".

THAT Rule 16A.5.2 (c) is reworded to incorporate the change to greenlanes.

THAT 16A.5.2 (e) be deleted.

As an alternative to Option 5, the following addition (or similar) is made to the Minden Explanatory Statement as follows;

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

The following submissions are therefore:

Accepted

<i>Submission</i>	<i>Point Number</i>	<i>Name</i>
<i>14</i>	<i>7</i>	<i>Department of Conservation (BOP)</i>
<i>FS 90</i>	<i>15</i>	<i>Milne, Aaron - Supports 14.7</i>

Accepted in Part

<i>Submission</i>	<i>Point Number</i>	<i>Name</i>
<i>FS 88</i>	<i>36</i>	<i>Hatton, GW & M - Supports 29.15</i>
<i>FS 88</i>	<i>33</i>	<i>Hatton, GW & M - Supports 29.7</i>
<i>73</i>	<i>2</i>	<i>Hume, Cushla</i>
<i>20</i>	<i>2</i>	<i>Hume, Nic</i>
<i>FS 90</i>	<i>14</i>	<i>Milne, Aaron - Supports 58.11</i>
<i>58</i>	<i>11</i>	<i>NZ Transport Agency</i>
<i>29</i>	<i>15</i>	<i>Ray and Michelle Cobb</i>
<i>29</i>	<i>7</i>	<i>Ray and Michelle Cobb</i>
<i>49</i>	<i>37, 40</i>	<i>Surveying Services</i>
<i>40</i>	<i>6</i>	<i>Western Bay of Plenty District Council</i>

Rejected

<i>Submission</i>	<i>Point Number</i>	<i>Name</i>
<i>19</i>	<i>6</i>	<i>Pirirakau Incorporated Society</i>
<i>57</i>	<i>5</i>	<i>Powerco Limited</i>

Reasons

Option 2

The recommended wording change limits Council's control to the protection of more notable areas of indigenous vegetation that will contribute to the amenity objectives of the zone, as opposed to private gardens. The word "significant" was not used as suggested by the submitter due to possible confusion with scheduled ecological features.

Option 3

Rule 16A.5.2 (c) should be retained as it is the key mechanism for ensuring greenlanes are taken and planned for at the time of subdivision.

Option 4

Potable and firefighting water supply is covered by the Building Act and Section 12 of the District Plan.

Option 5

The Explanatory Statement is a more appropriate place for explaining the timing of water supply reticulation. Other explanations regarding roading, stormwater and wastewater are included here. It's logical to do the same for water supply.

Option 6

Rule 12.4.8 of the Subdivision and Development Section already requires that electricity is supplied to the approval of the network utility operator (Powerco). Adding a similar rule in the Lifestyle Section would be a repeat and is not required.

DECISION REPORT 24

Variation 1: Lifestyle Zones and Minden Structure Plan Area – Lifestyle Section Matters of Discretion (Restricted) - 16A.6.3 - Subdivision within the Minden Structure Plan Area

Resolved:

THAT the Matters of Discretion in 16A.6.3 (a) are retained as notified subject to the following amendments.

THAT Rule 16A.6.3 (a) (i) is amended to read as follows;

- (i) Earthworks required in forming each building site and access roads and/or privateways in the subdivision shall avoid or mitigate adverse effects on the stability of the land within the site and will have no adverse effects on the stability of adjacent land."**

THAT Rule 16A.6.3 (a) (ii) is replaced with the following general wording:

"Each building site will be required to be set back an appropriate distance, as recommended by a geotechnical engineer, from any terraces or steep slopes to the extent that there are no adverse effects on the stability of the land or any adjacent land.

The following submissions are therefore:

Accepted

<i>Submission</i>	<i>Point Number</i>	<i>Name</i>
<i>20</i>	<i>3</i>	<i>Hume, Nic</i>
<i>57</i>	<i>6</i>	<i>Powerco Limited</i>
<i>66</i>	<i>2</i>	<i>Soby, Deidre Gail</i>
<i>49</i>	<i>42, 43</i>	<i>Surveying Services</i>
<i>24</i>	<i>4, 6</i>	<i>Te Puna Heartlands</i>
<i>27</i>	<i>4</i>	<i>Walpole, Erica</i>
<i>40</i>	<i>7</i>	<i>Western Bay of Plenty District Council</i>

Accepted in Part

<i>Submission</i>	<i>Point Number</i>	<i>Name</i>
<i>6</i>	<i>6</i>	<i>Bay of Plenty Regional Council</i>
<i>29</i>	<i>18</i>	<i>Cobb Ray & Michelle</i>
<i>73</i>	<i>3</i>	<i>Hume, Cushla</i>
<i>FS 90</i>	<i>16</i>	<i>Milne, Aaron Keith - Support 6.6</i>
<i>FS 89</i>	<i>15</i>	<i>NZ Transport Agency - Support 6.6</i>
<i>24</i>	<i>5</i>	<i>Te Puna Heartlands</i>

Rejected

<i>Submission</i>	<i>Point Number</i>	<i>Name</i>
<i>38</i>	<i>19</i>	<i>Gravit, Jo</i>
<i>FS 88</i>	<i>12</i>	<i>Hatton, GW & M - Supports 38.19</i>
<i>19</i>	<i>10</i>	<i>Pirirakau Incorporated Society</i>

Reasons

Option 1

Because of the known instability issues, a geotechnical report is needed to confirm that a building site will be safe for building and that any other adverse effects on stability will be avoided.

Option 2

The wording "avoid or mitigate" is more specific and actionable.

"Ecological values" are mainly addressed by other sections of the District Plan, for example the Natural Environment section. The rules included in 16A.6.3 are more specific to the impact on soil stability as a result of earthworks.

The other suggested changes did not add to the rules effectiveness.

Managing earthworks to protect "soil health and water quality" is generally considered a Regional Council function. It is Council's protocol to refer subdivision consents to the Regional Council for comments, even if the earthworks are below 5000m³.

Option 3

Adding the word "design" limits consideration to only the design of earthworks.

Option 4

The Omokoroa Structure Plan had these provisions specifically introduced because of the area's settlement history and based on known sites and expected large number of unrecorded sites.

Requiring a cultural monitor at every subdivision or development creates costs and uncertainty for landowners.

There is already a process in place for the protection of unrecorded and discovered archeological sites administered by the New Zealand Historic Places Trust (NZHTP).

Council practice is to inform by an advice note on resource consent decisions informing applicants of the process which includes notifying NZHTP upon discovery of any archeological feature.

Options 5, 6 and 7

Deleting Rule 16A.6.3 (a) would not default to a requirement for a geotechnical engineer to prescribe a setback. All matters which Council need to reserve discretion over need to be stated at restricted Discretionary Activity level.

Option 8

"Ecological values" are mainly addressed by other sections of the District Plan, for example the Natural Environment section. The rules included in 16A.6.3 are more specific to the impact on soil stability as a result of earthworks.

Managing earthworks to protect "soil health and water quality" is generally considered a Regional Council function. It is Council's protocol to refer subdivision consents to the Regional Council for comments, even if the earthworks are below 5000m³.

Option 9

Council is also of the opinion that the submission point to include the word "safely" operated in Rule 16A.6.3 is not a resource management issue.

DECISION REPORT 25

Variation 1: Lifestyle Zones and Minden Structure Plan Area – Lifestyle Section Matters of Discretion (Restricted) - 16A.6.4 - Discretionary and Non-Complying Activities – General

Resolved:

THAT the Matters of Discretion for Discretionary and Non-Complying Activities in Rule 16A.6.4 are retained as notified subject to the amendment below;

THAT Rule 16A.6.4 (c) (first bullet point) is amended to read as follows;

(c) Traffic Generation

Effects on the local and strategic roading network.

The following submissions are therefore:

Accepted in Part

<i>Submission</i>	<i>Point Number</i>	<i>Name</i>
<i>FS 89</i>	<i>9</i>	<i>NZ Transport Agency - Supports 9.4</i>
<i>9</i>	<i>4</i>	<i>Tauranga City Council</i>

Rejected

<i>Submission</i>	<i>Point Number</i>	<i>Name</i>
<i>49</i>	<i>45</i>	<i>Surveying Services</i>

Reasons

Option 1

The Matters of Discretion should be retained as notified other than in response to Option 2.

Option 2

The new wording clarifies that the concern is for the effects on the local and strategic roading network.

Option 3

Option 3 is not recommended because the Lifestyle Zones are still primarily rural in nature. The amenity of the Lifestyle Zones will depend to a large extent on the retention of existing amenity values of the rural environment.

DECISION REPORT 26

Variation 1: Lifestyle Zones and Minden Structure Plan Area – Natural Hazards Section – Approved Building Site Definition

Resolved:

THAT the revised definition of "Approved Building Site" is adopted as shown below and moved to the Definitions Section.

"Approved Building Site means a site that has been approved in conjunction with a resource consent application under the RMA and has been approved in accordance with the stability requirements contained in Section 8 (Natural Hazards) and matters of control in Rule 16A.5.2 and matters of discretion contained in Rule 16A.6.3 (Lifestyle Section).

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

THAT the following 'assessment criteria' from the definition (as shown in bullet points) are integrated into the Lifestyle Section as a single rule under 16A.5.2 - Matters of Control as shown below;

- *Contain all buildings except for pump houses, fences and masts which may be located outside of the building site;*
- *Blends in with existing contours;*
- *Preserves stands of native bush;*
- *Does not compromise significant topographical features by earthworks.*

"Ensuring that building sites and associated earthworks blend in with existing contours, preserve strands of native bush, and do not compromise significant topographical features. Pump houses, fences and masts may be located outside of the building site".

THAT a new rule is added to the Matters of Control in 16A.5.3 as follows;

"Building sites should be set back from existing waterbodies and ephemeral flowpaths to the extent that any risks to buildings from instability and flooding are avoided and there are no adverse effects on ecological features.

The following submissions are therefore:

Accepted in Part

<i>Submission</i>	<i>Point Number</i>	<i>Name</i>
<i>6</i>	<i>1</i>	<i>Bay of Plenty Regional Council</i>
<i>24</i>	<i>7</i>	<i>Te Puna Heartlands</i>

Reasons

Option 1

Retaining the definition for "Approved Building Site" as notified would create administration difficulties as it is confusing.

The suggested recommendations provide a simpler definition that can be used to clearly define when a building site is "approved".

The 'activity performance standards' and 'assessment criteria' have been removed from the definition and integrated into the Lifestyle Section which is a more appropriate place for them.

Option 2

The 20m setback is not recommended because there is no evidence to suggest why this distance will achieve the purpose given. Ephemeral and other waterways are difficult to determine and therefore there is a need to be able to assess each case on its merits.

Attachment: Definition of "Approved Building Site"

- *Approved Building Site means a site that has been approved in conjunction with a resource consent application under the RMA, and has been approved in accordance with the stability requirements contained in Section 8 (Natural Hazards) and matters of control in Rule 16A.5.2 and matters of discretion contained in Rule 16A.6.3 (Lifestyle Section).*

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

DECISION REPORT 27

Variation 1: Lifestyle Zones and Minden Structure Plan Area – Appendix 7 – Financial Contributions Schedule

Resolved:

That the Financial Contributions Schedule in Appendix 7 (Structure Plans) be amended as per Table A below:

Table A: Updated Financial Contribution Schedule

PROJECT		FUNDING SOURCE (%)				Value \$
		Developer or External Agency	Council Contributions	Financial	Council Rates	
Water Supply	Reticulation and storage – Central Scheme Network		100% as part of Central Water Supply			2,400,000
Transport	Local road connections	15%	85% Rural Roding District Financial Contribution			6,500,000
	Minden/SH2 intersection – part of strategic roading					To be negotiated with NZTA
Greenlanes		10%	90%			1,500,000
Storm Water	Area 1B					To be determined
Storm Water	Full area					To be determined

The following submissions are therefore:

Accepted in Part

<i>Submission</i>	<i>Point Number</i>	<i>Name</i>
65	2	Reyland, Basil & Joy
64	2	Reyland, Bruce & Jude

Rejected

<i>Submission</i>	<i>Point Number</i>	<i>Name</i>
11	5	Hart, G & A
73	5	Hume, Cushla
20	5	Hume, Nic
19	11	Pirirakau Incorporated Society
65	2	Reyland, Basil & Joy
64	2	Reyland, Bruce & Jude

Reasons

Options 1 and 2

The Financial Contributions Schedule outlines the funding required for the planned infrastructure of the Minden Lifestyle Zone. It does not set the amount of Financial Contributions required per additional lot in the Minden Lifestyle Zone therefore making changes to this Schedule will not reduce the amount payable. Section 11 of the District Plan instead needs to be reviewed which cannot be done through this Variation.

Financial Contributions for the Minden Lifestyle Zone are the same as for other rural areas in the District. Financial Contributions also do not vary between rural areas depending upon the projects that are being undertaken at the time. There is no reason to provide an exemption for the Minden Lifestyle Zone as this is not done for other rural areas.

The Financial Contribution Schedule had to be amended to reflect the reduction of development costs as a result of the decision to omit bridleways from the Minden Lifestyle Zone.

The reduction in the capital water reflects a revision of the figures.

Option 3

Financial compensation does not need to be provided to landowners with protection lots or greenlanes vested in Council because they have already been compensated through extra subdivision lot entitlements.

Option 4

Development generally should be paid for by developers rather than ratepayers in line with Council's growth strategy that growth pays for growth.

Option 5

Cultural advisory costs are established in agreement between developers and advisors.

Consequential Amendments to the District Plan

That consequential numbering amendments are made to Section 16A (Lifestyle) as a result of Decisions.

That the first sentence of the Minden Explanatory Statement in Section 16A (Lifestyle) has the words "This zone is" added before the words "to provide opportunities".

That Rule 16A.4.2 (b) (i) has the following note added as follows;

Note: *In the Minden Lifestyle Structure Plan area, additional lots can also be created from onsite protection lots under Rule 16A.4.2 (c) and Greenlane lot entitlements under 16A.4.2 (e).*

That Rule 8.3.1 (c) of the Natural Hazards Section is amended as follows;

Minden Stability Areas

Building, subdivision or other development including excavation, filling, removal of vegetation (excluding noxious plants), disposal of stormwater or domestic wastewater into or over the area delineated (see Section 8.4.2).

Except that:

Subdivision is provided for as a Controlled Activity in accordance with Rule 16A.3.2 (e).

Buildings and external additions to buildings are provided for as Permitted Activities within an Approved Building Site in accordance with Rule 16A.3.1 (m).

Reasons

Numbering amendments are required to Section 16A (Lifestyle) as a consequence of decisions.

The existing first sentence of the Minden Explanatory Statement does not read well.

Rule 16A.4.2 (b) (i) states that additional lots shall be created from transferable subdivision entitlements, which is generally the case, however there are opportunities to create additional lots through onsite protection lots and through providing greenlanes.

Rule 8.3.1 (c) states that all building and subdivision within the Minden Stability Areas is a Restricted Discretionary Activity, however Variation 1 has introduced exceptions to this rule. These exceptions needed to be listed otherwise the more stringent activity status of Restricted Discretionary would still prevail.