

**BEFORE THE ENVIRONMENT COURT
AT AUCKLAND**

ENV-2012-AKL-

IN THE MATTER

of the Resource Management Act
1991

A N D

IN THE MATTER

of an Appeal pursuant to Clause 14 of
the First Schedule, Resource
Management Act 1991 in respect to
Proposed Western Bay of Plenty
District Plan

BETWEEN

STEWART FAMILY TRUST of Katikati

Appellant

A N D

**WESTERN BAY OF PLENTY
DISTRICT COUNCIL**, as a Local
Territorial Authority

Respondent

NOTICE OF APPEAL

Instructing Solicitors

Kaimai Law Katikati
PO Box 56
Katikati 3166
Attn: Kit Robbins

Counsel Acting

Kate Barry-Piceno
Barrister
PO Box 8318
TAURANGA
Tel: 07 576 9637

**Notice of Appeal to Environment Court against
Decision on Proposed Tauranga City Plan**

Clause 14(1) of the First Schedule, Resource Management Act 1991

TO: The Registrar
Environment Court
Auckland

1. Name and Address of Appellant:

Stewart Family Trust, c/o Aurecon, PO Box 2292, Tauranga

2. Name of Respondent

Western Bay of Plenty District Council, as Territorial Authority ("WBOPDC")

3. Details of Submission

The Stewart Family Trust made submissions on or about 8 December 2011 on the WBOPDC Plan Review in relation to Proposed Plan Change 9 and Proposed Plan Change 10. A copy of these submissions is **attached** as "Annexure 1".

4. The Stewart Family Trust received notice of the decision on or about 10 August 2012 (**attached** as Annexure "2"). The decision was made by WBOPDC as the Territorial Authority.

5. Description of the subject matter of the decision and the specific parts of the decision that the Appellant is appealing:

a. Plan Change 10 – Rule 16.5.6 – Assessment criteria for buildings not meeting 16.4.1(k)

The decision states that WBOPDC accepts the Stewart Family Trust submission. However, there is no reference in the decision to a 30m setback as sought.

In addition, the Stewart Family Trust's original submission on Plan Change 9 was filed simultaneously with its submission on Proposed Plan Change 10, which sought for clarification that intensive farming activities, which are discretionary not permitted in the Plan, would require a 300m yard setback.

WBOPDC subsequently decided to withdraw Proposed Plan Change 10.

Relief Sought:

The Stewart Family Trust seeks:

- i. The decision to amend the rule to be overturned; or
- ii. clarification within District Plan Rule 16.4.1(k) that it does not apply to intensive farming activities;
- iii. an additional rule that a 300m setback is required for buildings related to intensive farming activities; and
- iv. a 30m setback for all other rural buildings from any boundary.

6. General relief:

- a. Any other further or consequential relief the Court may consider necessary to address the Appellants' concerns as set out above.



Signed by Counsel for
Stewart Family Trust
Kate Barry-Piceno

DATED this 18th day of September 2012

Address for Service of Appellant:

c/o Kate Barry-Piceno
Barrister
PO Box 8318
Tauranga

ADVICE TO RECIPIENTS OF COPY OF NOTICE OF APPEAL

How to become a party to Proceedings

You may be a party to the appeal if you made a submission or a further submission on the matter of this appeal and you lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court **within 15 working days after the period for lodging a notice of appeal ends.**

Your right to be a party to the proceedings in the Court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Resource Management Act 1991.

You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing or service requirements (see form 38).

The copy of notice served on you does not attach a copy of the relevant application or the relevant part of the decision. These documents may be obtained, on request from the appellant.

Advice

If you have any questions about this notice, contact the Environment Court Unit of the Department for courts in Wellington, Auckland, or Christchurch. Documents may be lodged with the Environment Court by lodging them with the Registrar.

Contact details of Environment Court for lodging documents

Documents may be lodged with the Environment Court by lodging them with the Registrar.

The Auckland address of the Environment Court is:

8th Floor, District Court Building
3 Kingston Street,
Auckland

Its postal address is:

PO Box 7147
Wellesley Street,
Auckland

And its telephone and fax numbers are:

Telephone: (09) 916 9091
Facsimile: (09) 916 9090

The Wellington address of the Environment Court is:

The District Court Building,
43-49 Balance Street,

Wellington

Its postal address is:

PO Box 5027,
Lambton Quay,
Wellington

And its telephone and fax numbers are:

Telephone: (04) 918 8300
Facsimile: (04) 918 8303

The Christchurch address of the Environment Court is:

83 Armagh Street (corner Durham Street)
Christchurch

Its postal address is:

PO Box 2069,
Christchurch

And its telephone and fax numbers are:

Telephone: (03) 962 4170
Facsimile: (03) 962 4171

ANNEXURES

1. A copy of the submissions.
2. A copy of the decision.
3. A list of the names and addresses of persons to be served with a copy of this notice.

ANNEXURE 1

Copy of the submissions

"1"

Handwritten mark

Aurecon New Zealand Limited
58 Cross Road
Sulphur Point Tauranga 3110
PO Box 2292
Tauranga 3140
New Zealand

T +64 7 578 5183
F +64 7 578 5143
E tauranga@aurecongroup.com
W aurecongroup.com

aurecon

7

RECEIVED
14 DEC 2011
WESTERN BOP
DISTRICT COUNCIL

13 December 2011

The Chief Executive Officer
Western Bay of Plenty District Council
Private Bag 12803
Tauranga

Attention: Phillip Martelli

Dear Sir

Submission on Proposed Western Bay of Plenty District Plan Changes

We enclose a submission on behalf of the Stewart Family Trust with respect to the above matter.

Should you have any queries please do not hesitate to contact me

Yours faithfully

Aaron Collier
Executive

IN THE MATTER OF: The Resource Management Act 1991

AND

IN THE MATTER OF: The Proposed District Plan – First Review

SUBMISSION BY STEWART FAMILY TRUST

To: Western Bay of Plenty District Council
 Name of submitter: Stewart Family Trust
 Address for Service: c/- Aurecon
 PO Box 2292
 TAURANGA
 Attention: Aaron Collier

The Trust's submission is as follows:

Proposed Plan Change 10 – Aquaculture

The Trust supports Plan Change 10 with regards to the inclusion of Aquaculture under the definition of 'Intensive Farming'

The Trust's submission is:

- a. That the potential effects of Aquaculture are the same as *Intensive Farming* activities and therefore need to be assessed as such under the Proposed District Plan as a discretionary activity.
- b. Visual effects from building scale, noise, traffic, odour, stormwater and earthworks can lead to conflict between Aquaculture and Rural uses including permitted Residential activities. Matters for assessment should be developed in the Plan accordingly
- c. The separation of Aquaculture from Rural Residential, Future Urban, Rural and Lifestyle zones is an appropriate planning outcome. A 300m yard is will avoid potential conflicts. This standard already applies to new lots created in relation to existing intensive farming activities. Where this cannot be met, the status of intensive farming should be non-complying



The Trust seeks:

- a. That Aquaculture is provided for as a discretionary activity and included within the definition of *Intensive Farming*, except that where a 300m yard cannot be achieved the status shall be non-complying. Past research undertaken by Council concluded that 300m is appropriate to avoid reverse sensitivity effects.
- b. That specific assessment criteria are developed to assess the following environmental effects:
 - i. Noise, odour, visual amenity, stormwater, traffic and loss of versatile soils.

Proposed Plan Change 9 – Rural Zone 200m² Buildings

The Trust opposes, in part, Plan Change 9 to remove the 200m² building size restriction from the District Plan.



The Trust's submission is:

- a. That the change as notified would allow landowners to construct buildings of any size without consent, which could have a negative impact on the rural character and amenity, primarily open space. Objective 16.2.1.4 of the Rural zone promotes the "*protection and enhancement of the low density character and amenity values of the rural environment*". Removing the 200m² building restriction across the entire zone is inconsistent with this objective. A stepped approach should be adopted which provides for larger buildings on larger sites.

The Trust seeks:

- 1.a That the Council retains the 200m² building restriction in the Rural zone for lots less than 2ha.
- b That the size of the buildings be graduated relative to the size of the property. Buildings up to 200m² should be permitted in the Rural zone subject to bulk and location requirements. Buildings greater than 200m² on a lot less than 2ha should be provided for as a restricted discretionary activity.
2. Discretion should be restricted to considering the effects in relation to:
 - i. Screening for neighbours
 - ii. Consistency with objectives and policies

This will ensure that buildings are not out of scale on lifestyle rural properties

3. A 30m yard should apply to buildings greater than 200m² on lots greater than 2 ha with the ability to reduce this with consent from the immediately adjoining neighbour. This will ensure that larger scale buildings are provided for on larger lots thus meeting the Rural zones low density character objective, but also providing for buildings to be built closer to neighbours with their written consent.

We wish to be heard in support of our submission.

We would consider a joint hearing with others.



Aaron Collier

8 December 2011

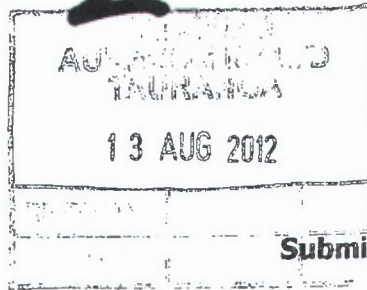
ANNEXURE 2

A copy of the decision



Western Bay of Plenty
District Council

9 August 2012



Head Office Barks Corner, Greerton, Tauranga
Private Bag 12803, Tauranga Mall Centre, Tauranga 3143
P 07 571 8008 (24 hours) • F 07 577 9820
Freephone 0800 WBOPDC - 0800 926 732
www.westernbay.govt.nz

Submission ID: 2011*PC11*7

Stewart Family Trust
C/o Aurecon
P O Box 2292
TAURANGA 3140

Dear Sir/Madam

Notification of Decisions on Proposed Plan Changes 1-27

Pursuant to Clause 11 of the First Schedule of the Resource Management Act 1991 the Western Bay of Plenty District Council gives notice of decisions on Proposed Plan Changes 1-27 to the Operative District Plan 2012 with the exception of Plan Change 10 – Aquaculture which has been withdrawn.

Attached to this letter are the Decision Reports relating to the following Plan Changes that you made a submission or further submission on:

- Plan Change 9 200m² Buildings

A copy of these decisions and other decisions on Plan Changes 1-27, as well as re-drafted versions of those Sections of the Operative District Plan 2012 changed as a consequence to these decisions, can also be viewed on the Council website www.westernbay.govt.nz, at the offices of the Western Bay of Plenty District Council, Barks Corner, Tauranga; Katikati Library and Service Centre, Main Road, Katikati, Omokoroa Library and Service Centre, McDonnell Street, Omokoroa and Te Puke Library and Service Centre, Jellicoe Street, Te Puke during normal office hours. Copies can also be viewed at the Waihi Beach Library and Service Centre which is open Tuesday and Friday from 8.30am to 5.00pm.

If you wish to appeal Council's decision, you have 30 working days to lodge an appeal with the Environment Court. Advice from a solicitor is recommended for any person considering lodging an appeal.

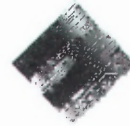
If you have any queries relating to Plan Changes 1-27 please do not hesitate to contact Tony Clow on 07 579 6629 or email tony.clow@westernbay.govt.nz.

Yours faithfully

A handwritten signature in black ink, appearing to read 'P. Martelli'.

Phillip Martelli
Resource Management Manager
Email: phillip.martelli@westernbay.govt.nz

Encl. (Public Notice – Decisions)



Resource Management Act 1991

**Public Notice of Decisions on Proposed Plan
Changes 1-27 to the Western Bay of Plenty
Operative District Plan 2012**

The Western Bay of Plenty District Council has made decisions on submissions to Proposed Plan Changes 1-4 and 6-27.

1. Rural Contractors Depots
2. Restricted Discretionary Activities
3. Parking – Cash in Lieu
4. Natural Hazards
6. Signs
7. Height of Fences and Walls in the Side and/or Rear Boundary
8. Rural Yards
9. Rural Zone 200m² Buildings
10. Aquaculture (withdrawn)
11. Ecological Features
12. Protection Lots for Community Benefit
13. Waihi Beach View Shafts
14. Building Coverage
15. Minor Dwellings
16. Landscape – Clarification of Certain Provisions
17. Front Yard Definition
18. Katikati Marshall Road Industrial Structure Plan
19. Transportation
20. Commercial Transition Zone; Changes to the Katikati Commercial Area.
21. Creation of a Separate Medium Density Residential Zone; and Rezoning of Specific Lots in Katikati to Medium Density Residential
22. Definition of Self Contained
23. Earthworks
24. Education Facilities in Commercial and Industrial Zones
25. Definition of Building & Retaining Wall Treatment
26. Comvita Campus Structure Plan
27. Identified Significant Ecological Features- Inclusion of RAP 41

An Independent Hearing Commissioner has made decisions on submissions to Proposed Plan Change 5.

5. Electricity Transmission Buffer Zones

The decisions, and re-drafted versions of those sections of the Operative District Plan 2012 changed as a consequence to these decisions, can be viewed on the Council website www.westernbay.govt.nz, at the offices of the Western Bay of Plenty District

Council, Barkes Corner, Tauranga; Katikati Library and Service Centre, Main Road, Katikati; Omokoroa Library and Service Centre, McDonnell Street, Omokoroa and Te Puke Library and Service Centre, Jellicoe Street, Te Puke during normal office hours. Copies can also be viewed at the Waihi Beach Library and Service Centre which is open Tuesday and Friday from 8.30am – 5.00pm.

Those persons who lodged submissions and further submissions are being sent copies of the decisions relevant to those submissions and further submissions.

Glenn Snelgrove
Chief Executive Officer

Decision Report

Plan Change 9 – 200m² Buildings

Important Note

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

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

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

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

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

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

Advice to Submitters:

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

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

Part A: Decisions on Topics in the Planning Report

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

Topic 1: Rule 16A.3.1(d) - Lifestyle Section

Decision

That the status quo remains, which is as follows;

- (d) Buildings (except dwellings) accessory to the foregoing less than 200m² gross floor area.

The following submissions are therefore:

Accepted

Submission	Point Number	Name
16	2	Blackford, Jan
17	2	Meads, Kathryn Ann
52	2	Biesiek, Carol Pamela
56	2	Board, Lesley Norma
58	3	Galloway, Jane Elizabeth
59	2	Biesiek, Edward Alexander
60	2	Matthews, Janet Mary
61	2	Owen, Beverley Claudette
62	2	Reid, Colin David James

Rejected

Submission	Point Number	Name
45	22	Federated Farmers of New Zealand
FS75	41	Federated Farmers of New Zealand
FS75	42	Federated Farmers of New Zealand
FS75	43	Federated Farmers of New Zealand
FS75	44	Federated Farmers of New Zealand
FS75	45	Federated Farmers of New Zealand
FS75	46	Federated Farmers of New Zealand
FS75	47	Federated Farmers of New Zealand
FS75	48	Federated Farmers of New Zealand
FS79	14	Surveying Services Limited

Reason for Decision

Accepting that lot sizes in the Lifestyle Zone are generally smaller, a reduced building gross floor area limitation of 200m² is deemed appropriate in order to maintain lifestyle amenity and avoid over-dominance on abutting properties.

Topic 2: Rule 16.3.1(e) – Rural Section

Decision

That Rule 16.3.1(e) is amended to read as follows:

16.3.1(e) Buildings (except dwellings) accessory to the foregoing subject to 16.4.1(k) less than 200m² gross floor area;

That Rule 16.3.4(i) be deleted.

~~16.3.4(i) Buildings not complying with 16.3.1 (e).~~

That a new Activity Performance Standard 16.4.1(k) be included to read as follows:

(k) Accessory Buildings

(i) Maximum gross floor area of 200m² when within a lot of two hectares or less.

(ii) No maximum gross floor area when on lots over two hectares

That new assessment criterion 16.5.6 be included to read as follows:

16.5.6 Assessment Criteria for buildings not meeting 16.4.1(k)

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

That any subsequent numbering changes be made as a result of the above amendments.

The following submissions are therefore:

Accepted

Submission	Point Number	Name
13	2	Aurecon
7	2	Stewart Family Trust

Accepted in Part

Submission	Point Number	Name
35	5	Land Matters New Zealand
45	21	Federated Farmers of New Zealand
46	2	NZ Premium Aquaculture
47	10	Horticulture New Zealand and New Zealand Kiwifruit Growers Incorporated
FS75	49	Federated Farmers of New Zealand
FS75	50	Federated Farmers of New Zealand
FS75	51	Federated Farmers of New Zealand
FS75	52	Federated Farmers of New Zealand
FS75	53	Federated Farmers of New Zealand
FS75	54	Federated Farmers of New Zealand
FS75	55	Federated Farmers of New Zealand
FS75	56	Federated Farmers of New Zealand
FS75	57	Federated Farmers of New Zealand
FS75	58	Federated Farmers of New Zealand
FS75	59	Federated Farmers of New Zealand
FS75	60	Federated Farmers of New Zealand
FS75	61	Federated Farmers of New Zealand
FS75	62	Federated Farmers of New Zealand
FS75	63	Federated Farmers of New Zealand
FS75	64	Federated Farmers of New Zealand
FS79	13	Surveying Services Limited
FS79	24	Surveying Services Limited

Rejected

Submission	Point Number	Name
16	1	Blackford, Jan
17	1	Meads, Kathryn Ann
52	1	Biesiek, Carol Pamela
56	1	Board, Lesley Norma
58	2	Galloway, Jane Elizabeth

59	1	Biesiek, Edward Alexander
60	1	Matthews, Janet Mary
61	1	Owen, Beverley Claudette
62	1	Reid, Colin David James
10	2	Lyon, Barry Trevor
55	1	Haslam, Jillian Rae
9	2	Lyon, Cheryle Dallas

Reason for Decision

A building gross floor area limitation of 200m² is deemed appropriate on lots of 2 hectares or less in order to maintain amenity and avoid over-dominance on abutting smaller properties.

It is not necessary to have controls on building sizes on lots larger than 2 hectares.

Retaining the yard at 5 metres on sites of greater than 2 hectares allows flexibility for the landowner by not placing undue restriction on the utilisation of their land.

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

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

Rural Section: Section 16

That Rule 16.3.1(e) is amended to read as follows:

16.3.1(e) Buildings (except dwellings) accessory to the foregoing subject to 16.4.1(k) less than 200m² gross floor area;

That Rule 16.3.4(i) be deleted, as follows;

(i) ~~Buildings not complying with 16.3.1 (e)~~

That a new Activity Performance Standard 16.4.1(k) be included to read as follows:

(k) Accessory Buildings

(i) Maximum gross floor area of 200m² when within a lot of two hectares or less.

(ii) No maximum gross floor area when on lots over 2 hectares

That new assessment criteria 16.5.6 be included to read as follows:

16.5.6 Assessment Criteria for buildings not meeting 16.4.1(l)

(a) the extent to which the proposed building can be screened from neighboring properties

(b) ~~The extent to which the activity has the potential to adversely affect the visual amenity provided by the rural environment.~~

(c) ~~the intended use of the proposed building is appropriate for the Rural Zone~~

That any subsequent numbering changes be made as a result of the above amendments.

Part C: Changes to the Operative District Plan 2012

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

Rural Section: Section 18

That Rule 18.3.1(e) is amended to read as follows:

18.3.1(e) *Buildings (except dwellings) accessory to the foregoing subject to 18.4.1(n) less than 200m² gross floor area;*

That Rule 18.3.4(i) be deleted, as follows;

(i) ~~Buildings not complying with 18.3.1 (e)~~

That a new Activity Performance Standard 18.4.1(n) be included to read as follows:

(n) Accessory Buildings

(i) Maximum gross floor area of 200m² when within a lot of two hectares or less.

(ii) No maximum gross floor area when on lots over two hectares.

That new assessment criteria 18.5.7 be included to read as follows:

18.5.7 Assessment Criteria for buildings not meeting 18.4.1(n)

(a) the extent to which the proposed building can be screened from neighboring properties

(b) The extent to which the activity has the potential to adversely affect the visual amenity provided by the rural environment.

(c) the intended use of the proposed building is appropriate for the Rural Zone

That any subsequent numbering changes be made as a result of the above amendments.

Decision Report

Plan Change 9 – 200m2 Buildings

Important Note

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

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

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

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

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

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

Advice to Submitters:

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

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

Part A: Decisions on Topics in the Planning Report

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

Topic 1: Rule 16A.3.1(d) - Lifestyle Section

Decision

That the status quo remains, which is as follows;

- (d) Buildings (except dwellings) accessory to the foregoing less than 200m2 gross floor area.

The following submissions are therefore:

Accepted

Submission	Point Number	Name
16	2	Blackford, Jan
17	2	Meads, Kathryn Ann
52	2	Biesiek, Carol Pamela
56	2	Board, Lesley Norma
58	3	Galloway, Jane Elizabeth
59	2	Biesiek, Edward Alexander
60	2	Matthews, Janet Mary
61	2	Owen, Beverley Claudette
62	2	Reid, Colin David James

Rejected

Submission	Point Number	Name
45	22	Federated Farmers of New Zealand
FS75	41	Federated Farmers of New Zealand
FS75	42	Federated Farmers of New Zealand
FS75	43	Federated Farmers of New Zealand
FS75	44	Federated Farmers of New Zealand
FS75	45	Federated Farmers of New Zealand
FS75	46	Federated Farmers of New Zealand
FS75	47	Federated Farmers of New Zealand
FS75	48	Federated Farmers of New Zealand
FS79	14	Surveying Services Limited

Reason for Decision

Accepting that lot sizes in the Lifestyle Zone are generally smaller, a reduced building gross floor area limitation of 200m² is deemed appropriate in order to maintain lifestyle amenity and avoid over-dominance on abutting properties.

Topic 2: Rule 16.3.1(e) – Rural Section

Decision

That Rule 16.3.1(e) is amended to read as follows:

16.3.1(e) Buildings (except dwellings) accessory to the foregoing subject to 16.4.1(k) less than 200m² gross floor area;

That Rule 16.3.4(i) be deleted.

~~16.3.4(i) Buildings not complying with 16.3.1 (e):~~

That a new Activity Performance Standard 16.4.1(k) be included to read as follows:

(k) Accessory Buildings

(i) Maximum gross floor area of 200m² when within a lot of two hectares or less.

(ii) No maximum gross floor area when on lots over two hectares

That new assessment criterion 16.5.6 be included to read as follows:

16.5.6 Assessment Criteria for buildings not meeting 16.4.1(k)

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

That any subsequent numbering changes be made as a result of the above amendments.

The following submissions are therefore:

Accepted in Part

Submission	Point Number	Name
7	2	Stewart Family Trust
13	2	Aurecon
35	5	Land Matters New Zealand
45	21	Federated Farmers of New Zealand
46	2	NZ Premium Aquaculture
47	10	Horticulture New Zealand and New Zealand Kiwifruit Growers Incorporated
FS75	49	Federated Farmers of New Zealand
FS75	50	Federated Farmers of New Zealand
FS75	51	Federated Farmers of New Zealand
FS75	52	Federated Farmers of New Zealand
FS75	53	Federated Farmers of New Zealand
FS75	54	Federated Farmers of New Zealand
FS75	55	Federated Farmers of New Zealand
FS75	56	Federated Farmers of New Zealand
FS75	57	Federated Farmers of New Zealand
FS75	58	Federated Farmers of New Zealand
FS75	59	Federated Farmers of New Zealand
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FS75	63	Federated Farmers of New Zealand
FS75	64	Federated Farmers of New Zealand
FS79	13	Surveying Services Limited
FS79	24	Surveying Services Limited

Rejected

Submission	Point Number	Name
16	1	Blackford, Jan
17	1	Meads, Kathryn Ann
52	1	Biesiek, Carol Pamela
56	1	Board, Lesley Norma
58	2	Galloway, Jane Elizabeth

59	1	Biesiek, Edward Alexander
60	1	Matthews, Janet Mary
61	1	Owen, Beverley Claudette
62	1	Reid, Colin David James
10	2	Lyon, Barry Trevor
55	1	Haslam, Jillian Rae
9	2	Lyon, Cheryle Dallas

Reason for Decision

A building gross floor area limitation of 200m² is deemed appropriate on lots of 2 hectares or less in order to maintain amenity and avoid over-dominance on abutting smaller properties.

It is not necessary to have controls on building sizes on lots larger than 2 hectares.

Retaining the yard at 5 metres on sites of greater than 2 hectares allows flexibility for the landowner by not placing undue restriction on the utilisation of their land.

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

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

Rural Section: Section 16

That Rule 16.3.1(e) is amended to read as follows:

16.3.1(e) Buildings (except dwellings) accessory to the foregoing subject to 16.4.1(k) less than 200m² gross floor area;

That Rule 16.3.4(i) be deleted, as follows;

~~(i) Buildings not complying with 16.3.1 (e)~~

That a new Activity Performance Standard 16.4.1(k) be included to read as follows:

(k) Accessory Buildings

(i) Maximum gross floor area of 200m² when within a lot of two hectares or less.

(ii) No maximum gross floor area when on lots over 2 hectares

That new assessment criteria 16.5.6 be included to read as follows:

16.5.6 Assessment Criteria for buildings not meeting 16.4.1(k)

(a) the extent to which the proposed building can be screened from neighboring properties

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

That any subsequent numbering changes be made as a result of the above amendments.

Part C: Changes to the Operative District Plan 2012

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

Rural Section: Section 18

That Rule 18.3.1(e) is amended to read as follows:

18.3.1(e) *Buildings (except dwellings) accessory to the foregoing subject to 18.4.1(n) less than 200m² gross floor area;*

That Rule 18.3.4(i) be deleted, as follows;

- ~~(i) *Buildings not complying with 18.3.1 (e)*~~

That a new Activity Performance Standard 18.4.1(n) be included to read as follows:

(n) Accessory Buildings

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

That new assessment criteria 18.5.7 be included to read as follows:

18.5.7 Assessment Criteria for buildings not meeting 18.4.1(n)

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

That any subsequent numbering changes be made as a result of the above amendments.

ANNEXURE 3

Names and addresses of persons to be served with a copy of the notice

Respondent:

Western Bay of Plenty District Council
Private Bag 12803
TAURANGA 3143

Submitters:

Aurecon
TAURANGA
Attn: Aaron Collier
E: aaron.collier@aurecongroup.com

Land Matters NZ
c/o Bryce Holmes
E: Bryce@landmattersnz.com

Federated Farmers of New Zealand
c/o Gwyn Morgan
E: gmorgan@fedfarm.org.nz

Horticulture NZ and others
c/o Chris Keenan
E: chris.keenan@hortnz.co.nz

NZ Premium Aquaculture
c/o Wasley Knell Consultants
Attn: Greg Knell
E: greg@wasleyknell.co.nz

Jan and Paul Blackford
265 Walker Road East
RD 2
KATIKATI

Kathryn Meads
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Carol Biesiek
E: Biesieks@xtra.co.nz

Lesley and Owen Board
E: l.board@actrix.co.nz

Jane Galloway
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KATIKATI

Eddie Biesiek
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Janet Matthews
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Beverley Owen
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KATIKATI

Colin and Susan Reid and Regan Frew
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JR Haslam
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Barry and Dallas Lyon
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